POST COMMISSION

March 5, 2025
AGENDA
10:00 AM

Meeting Location: Marina Village Conference Center (Captain's Room) 1936 Quivira Way, San Diego, CA 92109

The Commission on Peace Officer Standards and Training (Commission) operates under the requirements set forth by the Bagley-Keene Open Meeting Act (Bagley-Keene) under Government Code sections 11120 through 11132. Bagley-Keene generally requires that the Commission publicly notice meetings, prepare agendas, allow public participation, and conduct meetings in a location accessible to public members unless specifically authorized by Bagley-Keene to meet in closed session.

Public comment will be limited in time at the discretion of the Commission Chair. The public comment period preceding items on the agenda will allow members of the public to comment on items not on the agenda but that are within the Commission's jurisdiction. The Commission cannot act on or deliberate on items not on the agenda and can discuss the matter only to the extent necessary to determine whether it should be made an agenda item at a future meeting, to respond briefly to statements or questions posed during public comment or to request clarification, or to refer the item to staff. Agenda items may be taken out of order and action (e.g., voting) may be taken on any agenda item. Public comments relating to specific peace officer revocation cases will be allowed at the time each matter is heard. Members of the public who wish to participate during public comment may do so in person by attending the meeting or by submitting written public comment.

Written public comments are intended to allow members of the public, if unable to attend in person, an opportunity to participate to the same degree as if they attended in person; as such, written comments should be limited to no more than three pages in length and longer written comments will not be accepted or distributed to the Commission. To be considered for inclusion in the meeting record, written comments must be received by POST no later than 10 a.m. on the fourth business day before the scheduled meeting. Accepted written public comments will be published on POST's website under the Public Comment section under the corresponding meeting date. Written public comments can be submitted via email to commissionpc@post.ca.gov.

Persons requesting disability-related accommodations or modifications may do so by contacting the Commission assistant at (916) 227-3909 (voice), commissionpc@post.ca.gov (email), or Speech-to-Speech users may dial 7-1-1 for the California Relay Service to request special accommodations.

Please note: This meeting and all public meetings will be recorded.

CALL TO ORDER AND WELCOME

COMMISSION MEMBERS

Alan Barcelona
Ingrid Braun
Rick Braziel - Vice Chair
Jim Cooper
Justin Doering
P. Lamont Ewell
Kelly Gordon
Jacob Johnson
Geoff Long - Chair
Shannan Moon
Tina Nieto
Benjamin Therriault
Stephen Woolery- Ex-Officio
Vacant (Elected City Official)
Vacant (Elected County Official)
Vacant (Sergeant or Below)
Vacant (Public Member)
Vacant (Public Member)

FLAG SALUTE

MOMENT OF SILENCE TO HONOR THE OFFICER WHO LOST THEIR LIFE IN THE LINE OF DUTY SINCE THE LAST MEETING

- Riverside County Sheriff's Office, Jurupa Valley Sheriff's Station **Deputy Sheriff Timothy Corlew** - EOW January 08, 2025
- Former POST Commissioner, **Reverend Jethroe "Jeff" Moore, II -** Died on December 26, 2024

ROLL CALL OF COMMISSION MEMBERS

INTRODUCTION OF POST ADVISORY COMMITTEE CHAIR, POST LEGAL COUNSEL, AND THE EXECUTIVE DIRECTOR

The Commission Chair will introduce the POST Advisory Committee Chair, POST Legal Counsel, and the Executive Director.

OPENING REMARKS

PUBLIC COMMENT

The Commission Chair will advise the audience of the following:

This is the time on the agenda for public comment. This time is set aside for members of the public to comment on either items on the Commission agenda or issues not on the agenda but pertaining to POST Commission business. Public comment on specific peace officer revocation cases to be heard today will be heard at the time of the hearing of each such matter. Members of the public who wish to speak are asked to limit their remarks to no more

than three minutes each. Please be advised the Commission cannot take action on items not on the agenda.

EXECUTIVE DIRECTOR COMMENTS

The Commission Chair will introduce POST Executive Director, Manny Alvarez.

A. APPROVAL OF TRANSCRIPT AND ACTION SUMMARY

Approval of the Transcript and Action Summary from the previous Commission meeting held on November 20, 2024, in West Sacramento, CA.

1. Meeting Transcript - November 20, 2024, West Sacramento, CA

   If the Commission concurs, the appropriate action would be a **MOTION** to approve the meeting transcript from the last Commission meeting.

2. Action Summary - November 20, 2024, West Sacramento, CA

   If the Commission concurs, the appropriate action would be a **MOTION** to approve the meeting Action Summary from the last Commission meeting.

B. CONSENT

1. Report on POST Reimbursable Program - New Agency - Victor Valley Union High School District Police Department

   The Victor Valley Union High School District Police Department has entered into the POST Reimbursable Program for its peace officers effective December 19, 2024.

   This report is presented for information only. No action is required.

2. Report on POST Reimbursable Program - New Agency - Mt. San Antonio College Police Department

   The Mt. San Antonio College Police Department has entered into the POST Reimbursable Program for its peace officers effective January 16, 2025.

   This report is presented for information only. No action is required.

3. Report on Course Certification Statistics

   This report is presented for information only. No action is required.

4. Report on Certification/Decertification Update

   This item is presented for information only. No action is required.

5. Report on the Status of Limited Peace Officer Functions and the PC832 Course Update Workshops

   This report is presented for information only. No action is required.

6. Report on Racial and Identity Profiling Advisory (RIPA) Board 2025 Annual Report

   This is a report on the Racial and Identity Profiling Advisory (RIPA) Board 2025

This is a report on the Racial and Identity Profiling Advisory (RIPA) Board 2025 Annual Report which includes recommendations to POST. POST has provided a response to the recommendations made.

The report is presented for information only. No action is required.

7. Report on Legislative Update

   This is a legislative report with bills of interest from the 2025 legislative session. Some of these bills may affect POST operations and/or affect law enforcement. It is not a complete list of bills that could impact law enforcement.

   This report is presented for information only. No action is required.

C. **FINANCE - CONTRACTS**

Bureau Chief Cheryl Smith, Administrative Services Bureau, will report on the fiscal status of POST. Bureau Chief Smith will also report and request spending authority for Fiscal Year 2025 - 2026 contracts expected to exceed the spending authority of the Executive Director of $250,000.

1. Report on Expenditures Year-to-Date for Fiscal Year 2024-2025

   This report is presented for information only. No action is required.

2. Report on Contract Expenditures Year-to-Date for Fiscal Year 2024-2025

   This report is presented for information only. No action is required.

3. Report on Contracts Requiring Approval by the Commission for Fiscal Year 2025-2026

   This report is presented for information only. No action is required.

4. Report on Request to Renew Contracts for Basic Academy Emergency Vehicle Operation Course (EVOC) Driver Training

   If the Commission concurs, the appropriate action would be a **MOTION** to authorize the Executive Director to enter into contracts for the EVOC program in an amount not to exceed $4,237,500.00.

5. Report on Request to Contract for Learning Portal Support and Maintenance

   If the Commission concurs, the appropriate action would be a **MOTION** to authorize the Executive Director to enter into a contract to continue the SaaS subscription for the POST Learning Portal for up to $2,789,854.06 for the period 07/01/2025-06/30/2027.

6. Report on Request to Contract for Development and Maintenance of Online Courses for the POST Learning Portal

   If the Commission concurs, the appropriate action would be a **MOTION** to approve entering into contracts with qualified vendors for the development and maintenance of online courses not to exceed $500,000.00 to be expended over two years.

7. Report on Request to Renew the Contract for California State University, Long Beach Use of Force / De-Escalation Training

   If the Commission Concurs, the appropriate action would be a **MOTION** to enter into a contract with California State University, Long Beach (CSULB) to continue presenting the Use of Force/De-Escalation Train-the-Trainer course for Fiscal Year 2025/26 in an amount not to exceed $651,528.90.

8. Report on Request to Renew the Contracts for Supervisory Course

   If the Commission concurs, the appropriate action would be a **MOTION** to approve the proposed Supervisory budget in the amount of $1,660,602.88.

9. Report on Request to Renew the Contracts for the POST Management Course (PMC)

   If the Commission concurs, the appropriate action would be a **MOTION** to approve the proposed POST Management Course program budget in the amount of $1,854,328.80.

10. Report on Request to Renew the Contract for Sherman Block Supervisory Leadership Institute (SBSLI)

    If the Commission concurs, the appropriate action would be a **MOTION** to approve the proposed Sherman Block Supervisory Leadership Institute budget in the amount of $2,875,153.95.

11. Report on Request to Renew the Contract for the POST Command College (CC)

    If the Commission concurs, the appropriate action would be a **MOTION** to approve the proposed contract of the Command College Course in an amount not to exceed $484,684.25?

12. Report on Request to Renew the Contract for the Robert Presley Institute for Criminal Investigation (ICI)

    If the Commission Concurs, the appropriate action would be a **MOTION** to approve the proposed Institute for Criminal Investigation (ICI) budget in the amount of $5,586,826.11.

13. Report on Request to Renew the Contract for the Instructor Development Institute (IDI)

    If the commission concurs, the appropriate action would be a **MOTION** to approve the proposed changes as described in the staff report.

14. Report on Request to Renew the Contract for the POST Executive Development Course (EDC)

    If the Commission concurs, the appropriate action would be a **MOTION** to approve the proposed Executive Director Course budget in an amount not to exceed $373,929.80.

15. Report on Request to Renew the Contract for the Museum of Tolerance (MOT)

    If the Commission concurs, the appropriate action would be a **MOTION** to approve

the proposed Simon Wiesenthal Center, for the presentation of, the Museum of Tolerance program budget of $1,556,000.00.

16. Report on Request to Renew the Contract for the Quality Assessment Program (QAP)

    If the commission concurs, the appropriate action would be a **MOTION** to approve the proposed changes as described in the staff report.

17. Report on Request to Contract with Mark43 for Maintenance Agreement

    If the Commission concurs, the appropriate action would be a **MOTION** to authorize the Executive Director to enter into contracts for the Mark43 maintenance agreement in an amount not to exceed $1,400,000.00.

18. Report to Request to Renew the Contract for Local Agency Audits

    If the Commission Concurs, the appropriate action would be a **MOTION** to approve the proposed inter-agency agreement with the State Controller's Office (SCO) during Fiscal Years 25/26 and 26/27 in an amount not to exceed $250,000 per year to audit law enforcement agency and presenter reimbursement claims.

D. BASIC TRAINING BUREAU

1. Report on Amendments to Commission Regulations 1005, 1007, 1008, and 1059 - Instructor's Guide to Learning Activities

   If the Commission concurs, the appropriate action would be a **MOTION** to approve the 2025 Instructor’s Guide to Learning Activities, version 2.0, as described in the staff report.

2. Report on Amendments to Commission Regulations 1005, 1007, 1008, and 1059 - Training and Testing Specifications for Peace Officer Basic Courses - Learning Domain 32 - Lifetime Fitness

   If the Commission concurs, the appropriate action would be a **MOTION** to approve the proposed changes to the Learning Domain (LD) 32 – Lifetime Fitness Training and Testing Specifications as described in the staff report.

E. TRAINING DELIVERY AND COMPLIANCE BUREAU

1. Appeal to the Commission Regarding the Denial of a Private Presenter - Jaquel Pitts

   Review and consider the appeal filed by Jaquel Pitts regarding the denial of his application to become a private presenter in the "Use of Force" and "Strategic Communications" course(s) in compliance with Commission Regulation 1058 and Commission Procedure D-16.

   If the Commission concurs with the Executive Director's decision to deny Mr. Pitts' application as a private presenter, the appropriate action would be a **MOTION** to affirm the Executive Director's decision to deny the application.

F. PEACE OFFICER STANDARDS ACCOUNTIBILITY DIVISION

1. Final Decision / Status of Settlement Discussions - POST2313715 - Jaime Bermudez (POST ID C36-U28)

   If the Commission concurs, the appropriate action would be a **MOTION** to adopt the settlement terms as described in the staff report.

2. Report on Peace Officer Revocations Based on Felony Convictions

   If the Commission concurs, the appropriate action would be a **MOTION** to approve the revocation action specified in this report.

3. Report on Proposed Adoption of Commission Regulation 1216 - Disciplinary Guidelines

   Should the Commission approve the proposed text of Commission Regulation 1216 and the accompanying Disciplinary Guidelines for factors for consideration of penalty related to peace officer certification actions?

   If the Commission concurs, the appropriate action would be a **MOTION** to approve the Disciplinary Guidelines as proposed by the Commission subcommittee.

G. **CERTIFICATION BUREAU**

1. Report on Proposed Amendments to Commission Regulation 1201 - Definitions Related to Peace Officer Certification

   POST staff propose to amend Commission Regulation 1201 to provide additional clarity regarding terms that may be used when describing peace officer classifications for purposes of professional certificate eligibility, a peace officer's certification status, and terms related to possible disciplinary actions.

   If the Commission concurs, the appropriate action would be a **MOTION** to approve the amendments to Commission Regulation 1201 as described in the staff report.

2. Report on Proposed Changes to Commission Regulation 1003 - Employment Status Notifications - Affidavit of Separation (POST2-357)

   POST staff propose to amend Commission Regulation 1003 to reflect modifications to the *Affidavit of Separation* (POST 2-357) to more appropriately align with the information requested upon a peace officer's separation from employment, pursuant to Penal Code section 13510.9(d), update the form's revision date, and specify the means by which POST shall be notified of convictions identified in Government Code section 1029 as disqualifiers for eligibility as a peace officer.

   If the Commission concurs, the appropriate action would be a **MOTION** to approve the changes as described in the staff report.

3. Report on Proposed Amendments to Commission Regulation 1202 - Peace Officer Certificates and Commission Regulation 1003 - Employment Status Notifications

   POST Staff recommend the Commission approve additional revisions to the text of Commission Regulation 1202 to provide further clarity to the general and regulated public regarding eligibility requirements for all levels of peace officer certificates. POST staff also recommend the Commission approve revisions to the *Attestation of*

Peace Officer Eligibility (POST 2-356), incorporated by reference in Commission Regulation 1003, to include a peace officer attestation that the information provided during their background investigation is true and correct to align with the proposed revisions to Commission Regulation 1202.

If the Commission concurs, the appropriate action would be a **MOTION** to approve the amendments as described in the staff report.

H. ADVISORY COMMITTEE REPORTS

The Advisory Chair will report on the results of the Advisory Committee meeting held on Tuesday, March 04, 2025, in San Diego.

If the Commission concurs, the appropriate action would be a **MOTION** to accept the report from the Advisory Committee meeting held on Tuesday, March 04, 2025, in San Diego.

The Advisory Chair will share the Committee selection for each of these awards - 2024 POST Excellence in Training Award: Individual Achievement, Organizational Achievement, Lifetime Achievement and the 2024 POST O.J. "Bud" Hawkins Exceptional Service Award.

If the Commission concurs, the appropriate action would be a **MOTION** to accept the nominees for each award as recommended by the Advisory Committee meeting for the 2024 POST Excellence in Training Award: Individual Achievement, Organizational Achievement, Lifetime Achievement and the 2024 POST O.J. "Bud" Hawkins Exceptional Service Award.

I. CORRESPONDENCE

1. Correspondence Sent or Received by POST

The following correspondence was sent from POST to:

- Chad Bianco, Sheriff, Riverside Sheriff's Department; expressing deep sympathy over the tragic on-duty death of Deputy Timothy Corlew.

The following correspondence was received by POST:

- RIPA 2025 Report, Best Practices
- POST Recommendations - Racial and Identity Advisory Profiling Board, incoming letter

J. OLD BUSINESS

K. NEW BUSINESS

L. CLOSED SESSION

Conference with Legal Counsel – Existing Litigation: Pursuant to Government Code section 11126(e)(1), the Commission hereby provides public notice that the following pending litigation matters may be considered and acted upon, as necessary and appropriate, in closed session. a) Tamara Evans v. POST, Sacramento Superior Court, Case No. 34-2014-00164423; Eastern District of California, Case No. 2:15-cv-01951. Conference with Legal Counsel – Existing/Potential Litigation: Pursuant to Government Code section 11126(e)(1) and (2), the Commission hereby provides public notice that it may meet in closed session to determine whether, based on existing facts and circumstances, any matter presents a significant exposure to litigation [see Government Code section 11126(e)(2)(B)(ii) and, if so, to proceed with closed session consideration and action on that matter, as necessary and appropriate [see Government Code section 11126(e)(2)(B)(i)], or, based on existing facts and circumstances, if it has decided to initiate or is deciding to initiate litigation [see Government Code section 11126(e)(2)(C)], or, if in the opinion of the state body on the advice of its legal counsel, based on existing facts and circumstances, there is litigation, or significant exposure to litigation, against the state body [see Government Code section 11126(e)(2)(B)(i)].

M. FUTURE COMMISSION DATES

Upcoming Commission Meetings will be held:

- June 4 - 5, 2025 - POST HQ - West Sacramento, CA
- September 9 - 10, 2025 - Greater Los Angeles Area
- December 3 - 4, 2025 - POST HQ, West Sacramento, CA

N. CASE REVIEW OF RECOMMENDATIONS MADE BY THE PEACE OFFICER STANDARDS ACCOUNTABILITY ADVISORY BOARD

The Commission will review the recommendations made by the Peace Officer Standards Accountability Advisory Board from the last Board Hearing held on January 16, 2025 in West Sacramento, CA.

1. POST2400920 - Tommy Thompson (POST ID: B81-T83) Last employing agency: Los Angeles Police Department

   The Commission shall review recommendations made by the Peace Officer Standards Accountability Advisory Board (POSAAB) regarding, what action if any, should be taken, suspension or revocation, on the certification of the subject peace officer. The Commission's decision to adopt a recommendation by POSAAB to seek revocation shall require a two-thirds vote of Commissioners present and shall be based on whether the record, in its entirety, supports POSAAB's conclusion that serious misconduct has been established by clear and convincing evidence. In any case in which the Commission reaches a different determination than POSAAB's recommendation, it shall set forth its analysis and reasons for reaching a different determination in writing.

2. POST2302971 - Gabriel Gaxiola (POST ID: B49-S96) Last employing Agency: Los Angeles Police Department

   The Commission shall review recommendations made by the Peace Officer Standards Accountability Advisory Board (POSAAB) regarding, what action if any, should be taken, suspension or revocation, on the certification of the subject peace officer. The Commission's decision to adopt a recommendation by POSAAB to seek revocation shall require a two-thirds vote of Commissioners present and shall be

based on whether the record, in its entirety, supports POSAAB's conclusion that serious misconduct has been established by clear and convincing evidence. In any case in which the Commission reaches a different determination than POSAAB's recommendation, it shall set forth its analysis and reasons for reaching a different determination in writing.

O. **CLOSED SESSION**

At this time the meeting will adjourn into closed session for deliberations on the cases presented today.

P. **ADJOURNMENT**

AGENDA ITEM REPORT

Title: MEETING TRANSCRIPT - NOVEMBER 20, 2024, WEST SACRAMENTO, CA

REPORT PROFILE

MEETING DATE 03/05/2025	**BUREAU SUBMITTING THE REPORT** Executive Office	
RESEARCHED BY	**REVIEWED BY**	
REPORT DATE	**APPROVED BY** Manuel Alvarez	**DATE APPROVED** 02/10/2025
PURPOSE	**FINANCIAL IMPACT** No	

ISSUE, BACKGROUND, ANALYSIS, & RECOMMENDATION

ISSUE:

BACKGROUND:

ANALYSIS:

RECOMMENDATION: If the Commission concurs, the appropriate action would be a **MOTION** to approve the meeting transcript from the last Commission meeting.

ATTACHMENT(S):
2024 11-20 POST Commission_final.pdf

STATE OF CALIFORNIA

COMMISSION ON

PEACE OFFICER STANDARDS AND TRAINING

POST COMMISSION MEETING

WEDNESDAY, NOVEMBER 20, 2024

10:07 A.M.

MEETING HELD AT

THE OFFICES OF

COMMISSION ON POST

860 STILLWATER ROAD, SUITE 100

WEST SACRAMENTO, CALIFORNIA

REPORTER'S TRANSCRIPT OF PROCEEDINGS

Stenographically Reported By:
Kathryn S. Swank
California Certified Shorthand Reporter #13061
Registered Professional Reporter

A P P E A R A N C E S

POST COMMISSIONERS PRESENT

GEOFF LONG
(Commission Chairperson)
Public Member

RICK BRAZIEL
(Vice Chairperson)
Educator
Humboldt State University

ALAN BARCELONA
Special Agent
Department of Justice

INGRID BRAUN
Sheriff
Mono County Sheriff's Office

JUSTIN DOERING
Senior Deputy Sheriff
Ventura County

LAMONT EWELL
Public Member

KELLY GORDON
Chief
Santa Barbara Police Department

SHANNAN MOON
Sheriff
Nevada County Sheriff's Office

TINA NIETO
Sheriff
Monterey County Sheriff's Office

BENJAMIN THERRIAULT
Sergeant
Richmond Police Department

STEPHEN WOOLERY
Ex-Officio
Rob Bonta, Attorney General
Department of Justice

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A P P E A R A N C E S C O N T I N U E D

POST COMMISSION STAFF

MANUEL ALVAREZ, JR.
Executive Director
Executive Office

WILLIAM "TOBY" DARDEN
Chief Counsel
Legal Affairs Bureau

ANNEMARIE DEL MUGNAIO
Assistant Executive Director
Peace Officer Standards
Accountability Division
Executive Office

BRANDY ESSEX
Staff Services Analyst
Executive Office

CHANDLER KNAPP
Staff Services Manager
Executive Office

WILLIAM BALDWIN
QAP Program Manager
Training and Program Services Bureau

ANITA FINNER
Staff Services Manager
Training Bureau

JENNIFER IMLAY-HARDESTY
Staff Services Manager
Training Bureau

ANDREW MENDONSA
Law Enforcement Consultant
Training Program Services

BRAD NEWMYER
Bureau Chief
Training Program Services

POST COMMISSION STAFF
(CONTINUED)

KATELYNN POULOS
Staff Services Manager
Certification Bureau

MEAGAN POULOS
Legislative Liaison and Public Information Officer
Office of Public Affairs

MIKE RADFORD
Bureau Chief
Professional Conduct Los Angeles County Bureau

MELANI SINGLEY
Staff Services Manager
Strategic Communication and Research Bureau

CHERYL SMITH
Bureau Chief
Administrative Services Bureau

MICHELLE WEILER
Bureau Chief
Certification Bureau

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ADVISORY COMMITTEE MEMBERS

JASON SALAZAR
California Police Chiefs Association
(Chairperson)

TAMMIE MURRELL
California Academy Directors' Association

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Wednesday, November 20, 2024, 10:07 a.m.

West Sacramento, California

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CHAIRPERSON LONG: Good morning, everyone. Please take your seats, if you would.

Let's stand for the Pledge of Allegiance. Commissioner Therriault, if you would lead us in the Pledge of Allegiance.

(Pledge of Allegiance recited in unison.)

CHAIRPERSON LONG: Please take your seats.

Ms. Essex, would you please call the roll.

MS. ESSEX: Thank you, Chair Long.

Good morning, Commissioners.

Commissioner Barcelona.

COMMISSIONER BARCELONA: Here.

MS. ESSEX: Commissioner Braun.

COMMISSIONER BRAUN: Here.

MS. ESSEX: Commissioner Braziel.

COMMISSIONER BRAZIEL: Here.

MS. ESSEX: Commissioner Cooper.

(No response.)

MS. ESSEX: Commissioner Doering.

COMMISSIONER DOERING: Here.

MS. ESSEX: Commission Ewell.

COMMISSIONER EWELL: Present.
MS. ESSEX: Commissioner Gordon.
COMMISSIONER GORDON: Here.
MS. ESSEX: Commissioner Johnson.
(No response.)
MS. ESSEX: Commissioner Long.
CHAIRPERSON LONG: Here.
MS. ESSEX: Commissioner Moon.
COMMISSIONER MOON: Here.
MS. ESSEX: Commissioner Nieto.
COMMISSIONER NIETO: Here.
MS. ESSEX: Commissioner Rodriguez.
(No response.)
MS. ESSEX: Commissioner Therriault.
COMMISSIONER THERRIAULT: Here.
MS. ESSEX: Commissioner Woolery.
COMMISSIONER WOOLERY: Here.
CHAIRPERSON LONG: The meeting is now called to order. I would first like to introduce our Advisory Committee Chair, Visalia Police Chief Jason Salazar; POST Chief Counsel William "Toby" Darden; and POST Executive Director Manny Alvarez.
Now is the time for public comment. This is the time set aside for members of the public to comment on items on the Commission agenda or issues under the

Commission's jurisdiction. Public comment on peace officer revocation cases to be heard today will be taken at the time of the hearing for each officer, pursuant to Commission policy, tomorrow. That is tomorrow.

We will manage public comment period in deference to the Commission's workload and the time constraints. Up to 15 minutes is reserved at the beginning of each Commission meeting for public comment on agenda items. Please be advised the Commission cannot act on items not on the agenda.

Members of the public who wish to speak are asked to limit remarks to no more than five minutes each. If there are numerous people who wish to speak on the same topic, I may ask that individuals limit remarks to one minute.

Pursuant to Commission policy, I may conclude the comment period if multiple speakers are voicing repetitive statements and the 15-minute public comment period has expired.

Please remember, the meeting is being transcribed, so please speak slowly and clearly so your comments can be accurately transcribed.

Does anyone wish to address the Commission?

Commissioner Nieto.

COMMISSIONER NIETO: Thank you.

And this is in the interest of public safety because somebody didn't go to a CSS meeting. And so I just wanted to let you know, there is a reward for Ingrid Braun. So I will pass this on from CSSA, Ingrid, because you were out because of issues. And -- because I don't want to take up time for another meeting -- Jim Cooper, who is not here, is on the lam. And so if you guys see him, let me know so we can report the reward.

Thank you.

CHAIRPERSON LONG: Thank you, Commissioner.

(Laughter.)

CHAIRPERSON LONG: And at this time, Executive Director Manny Alvarez would like to address the Commission.

EXECUTIVE DIRECTOR ALVAREZ: Good morning and thank you to all the commissioners for making the trip up to West Sacramento. We greatly appreciate it.

And, Mr. Chair, thank you for allowing me a few minutes to speak. We have one new commissioner who has been appointed by the governor in the last two weeks. He will be here a little bit later today. He had a conflict since he was just appointed, so he couldn't change his schedule. But the new commissioner is Jake Johnson, an officer with CHP, so he should be here later in the afternoon.

And I believe a couple of other commissioners will -- or one other commissioner will come in a little bit late as well, as she was trying to get on a flight.

First of all, we are currently taking nominations for the 2024 POST Excellence in Training Awards. We have fliers for those of you that might be interested in taking some of them with you. But they are for the Individual Achievement Award, the Organizational Achievement Award, and the Lifetime Achievement Award, as well as the O.J. "Bud" Hawkins Exceptional Service Award.

And as you all know, the Advisory Committee will be going over those award nominations in February, and then we will hand out the award in the June meeting.

You can find the postcards with more information on the side tables, actually.

So since the last meeting, in September, I addressed the budget, and I said we would likely have some answers in terms of this year's budget. We still do not. We are still working through the budget -- through the budget -- through the Department of Finance on the budget. There's two aspects of it, as I mentioned before.

There are some permanent personnel cuts that we are still waiting to hear back on our proposals, as well as

a 7.95 percent across-the-board haircut for all state agencies from the operational budget. So we have made our proposals, counter-proposals, and we're waiting to hear back. And I believe all state agencies are probably in the same boat. So hopefully, we will know more as -- as time moves forward, and if we have an update. And I can push it out via email and to make sure to make you all aware. But that is for the current year. We still don't know what the numbers are going to look like for next year's budget. We should know more in March.

Also, we're quickly working on training contracts for next year that are under $250,000. As you all know, we are permitted to sign contracts under $250,000. Generally, the training contracts are well over $250,000 but we do have some vendors, or some presenters, colleges, and law enforcement departments, that have contracts under 250. So we'll be signing those. We will present them to you as a consent item in the future, but we will be moving forward with those as soon as January's proposed budget comes out.

Also, if you noticed coming in, there's plastic on the floors. We're building out the space next door. We anticipated having it done prior to this meeting. We ran into a little bit of a hiccup with a door that the

fire marshal wanted to be -- wanted the door moved. So they are in the process of moving that door and we hope to be in the space next to us in the next few weeks. And then we will start the buildout across the hall. And the impact for you all will be that that hearing room that we're going to build out, permanent hearing room, hopefully will be built out for the June meeting, which will be the next meeting here in Sacramento.

Also, we talked about the disciplinary guidelines for peace officer certification in September, as well as in June. I want to thank Commissioners Gordon and Braziel for helping us with those disciplinary guidelines.

We anticipated having them done for this meeting. They are not done. We are still making revisions to them. So we will hopefully get those -- not hopefully. We should get those back to you in March.

And then additionally, at the September meeting, you all asked us to look at physical abuse in terms of certification. There was some panel discussion by two police chiefs and one sheriff on physical abuse, and some confusion that physical abuse creates in terms of what should be reported and what should not be reported.

We had a significant number of discussions inside of POST in terms of what we can and cannot do. The

Penal Code is very, very broad. It basically says physical abuse, including excessive use of force. And essentially, that's all it says. And if you recall, one of the panelists said, "I just don't know what to send and what not to send."

With our internal discussions and our legal analysis, our concern is that by putting anything in -- or attempting to put anything into regulation saying "this is what physical abuse means," that we are narrowing the scope of the Penal Code. So we do not have anything for you today in terms of physical abuse. We're happy to get some feedback from you all as we progress with the discussions.

But we just thought it would potentially cause a significant problem, so I wanted to start off by saying that.

You will see in the presentations today, there's a number of guidelines that now POST must create. We're creating a bunch as -- as we speak, that should be done between now and December.

But legislation, I believe, calls for two or three new sets of guidelines; new, never-created guidelines. So we'll be working on those starting at the beginning of the year.

And then lastly, since September, if you go on to

our website in terms of certification actions, you will notice that those individuals that we have sent a notice of -- a notice of an action that we are going to take to decertify them, where we have conducted a review or an investigation, and they default; they do not respond; and they are automatically decertified, we are now starting to put on the website a statement of findings as to what we discovered, what we found in terms of evidence to require the decertification of those individuals.

So I believe you are going to hear today that there's approximately 40 of those that we have done since we have started with SB 2 and decertification of peace officers.

I believe 19 of them are already up on the website so we're slowly getting -- excuse me. Slowly catching up with those.

That concludes my prepared comments, Mr. Chair. I will be happy to take any questions or take questions as we move along through the day.

Thank you, once again, for allowing me to speak.

CHAIRPERSON LONG: Thank you, Manny.

Our first item is approval of the transcript and action summary from the September 12th meeting and Executive Director evaluation.

Is there a motion to approve the transcript and action summary?

COMMISSIONER BARCELONA: Barcelona.

CHAIRPERSON LONG: Second?

COMMISSIONER BRAUN: Braun.

CHAIRPERSON LONG: Is there objection to unanimous roll call?

(No response.)

CHAIRPERSON LONG: Seeing none, the motion carries.

Move now to the consent calendar. The first three items, we're not scheduled to have a presentation on unless anyone would like to.

We would otherwise move to Consent Item D, a discussion regarding the transferability of peace officer background investigation files.

Melani Singley, Office of Strategic Communication and Research, will report. This is a report for information only, and no action is required today.

Ms. Singley.

MS. SINGLEY: Good morning, Chair Long, Commissioners.

This item addresses the transferability of peace officer background investigation files between agencies. It is being presented to -- for discussion at the request of Foster City Police Chief Tracy Avelar, who is

also the current president of the California Peace Chiefs Association.

Currently, Commission Regulation 1953, peace officer background investigations, provides limited exceptions to allow a hiring agency to use a peace officer candidate's previous completed background investigation.

Those exceptions include: Most commonly, peace officers returning to the same agency after a break in service; least common -- or less common is the interim chiefs who have undergone a background with a previous agency; and, in very limited circumstances, peace officers transferring between departments that maintain a centralized background investigation function.

There is also a requirement that background investigation information be shared with potential employers but only for investigative leads.

For an -- for individuals returning to a department after a separation and for interim chiefs who have previously undergone a background investigation, an update is required.

A background investigation update requires a new personal history statement that addresses any changes since the initial background investigation. The agency must also address any new information, update PHS, as

well as minimally include checks for local, state, and national criminal records; driving records; credit records; and verification of qualification for appointment, consistent with Government Code section 1029.

The updated background investigation documentation must be maintained with the initial background investigation documents.

In 2019, subsection (f) was added to regulation 1953 to address concerns about the need for agencies to hire interim agency heads within a relatively short period of time. The regulation allows, at the discretion of the hiring authority, the transfer of an initial background file of an interim chief from one agency to another and a background investigation update to be completed in lieu of a complete new background.

With this provision, there are specific criteria that must be met.

The interim chief must have been initially investigated for an interim chief position by a POST-participating agency in accordance with all current requirements. The individual must have served as an interim police chief within the last 24 months and the initial background investigation conducted within the last five years.

The background file must have been determined compliant by POST and the results of the initial background investigation must be available and reviewed by the hiring authority.

Additionally, the prospective hiring agency must also receive and maintain the initial background investigation file from the originating agency, which is to be kept with the updated background investigation file.

Aside from the limited exception for interim chiefs, there are no provisions for a prospective hiring agency to use a background investigation conducted by another agency.

Periodically, POST-participating agencies have inquired about the potential for the transferability of background investigation files between agencies for peace officers who, for example, may have been recently released from an agency for not passing probation due to potentially nondisciplinary reasons.

This essentially addresses the regulations that we have on hand. I am opening this for discussion. I don't believe Chief Avelar is here, but I believe there's a commissioner that may want to speak to this issue.

If there's any questions for me regarding

regulations, please let me know.

CHAIRPERSON LONG: Thank you, Ms. Singley. I believe Executive Director Alvarez would like to comment as well.

EXECUTIVE DIRECTOR ALVAREZ: Thank you, Mr. Chair.

So this topic was brought up to us by Chief Tracy Avelar from Foster City Police Department and president -- the current president of Cal Chiefs. Her question to me -- or her issue was such that, hey, there are individuals that have just gone through a background investigation. They fail out-of-field training in one department, for one reason or another, usually not disciplinary. And we go to -- or another department goes to pick them up and they have to start a whole new background. Why can't they incorporate or take that background if it's available to them and update the background. And I told her, hey, it is just not permissible.

At this stage, it is permissible under certain circumstances for interim police chiefs, but we will pose it to the Commission for a consent item for a discussion to see if this is a route that you all want us to take. And I believe, if I'm not mistaken -- and please correct me if I'm wrong, Commissioner Nieto. But I think she had spoken to you. We invited her to come,

and she said that she was going to try. But she also spoke to Commissioner Nieto about it.

Thank you.

COMMISSIONER NIETO: Yeah. Tracy did call me. We had a conversation regarding it. And we -- we discussed it about how it would be done. And I did want to say that I support it because it does seem like when -- with the hiring that is going on and people that do wash out -- and this is experience, again, coming from -- before I was with a bigger agency or -- my in-between agency was a small agency. And the background process takes a while to work through it. There's different, I guess, methods to doing backgrounds to try to show that there will be success.

But we are paying -- you know, with smaller budgets and some people don't have the budgets, you are paying the background investigator to do the same work.

And sometimes, actually, depending on what region you are in, it is the same background person that has to go out, that these smaller agencies may contract out to.

I do understand that some agencies, larger agencies, have their own background investigators and they can do that. But, again, in summary, especially like in Monterey County, in that region, we use the same people. So I know that I have paid, as a chief of

police, I paid the same background investigator to go out and do the same work that they did for the prior agency, because we, you know, picked up those people who have washed out.

What I -- the one thing that I told Tracy that I was concerned about was to make sure that they are picking up that in-between information if we -- if there's a supplemental, or POST looks at how would you do a supplemental. What's the time frame that you are going to allow that? Because it would be -- wouldn't be wise or sage to say, well, 20 years ago, they did a background and we only, you know, need to do a little bit. To me, that would be a complete background.

And then, finally, what I want to add to the rest of the commissioners, whether you are a sheriff or a chief of police, or you are running your agency, it is really always up to you about what you want or don't want, even with POST guidelines, because you can require more if you are uncomfortable that the people in your area aren't doing the diligent work that should be done to make sure that we do bring on the proper people for their agencies.

And so I told Tracy I would support that depending on what it looked like, once POST takes a look at it. And I would ask the other commissioners, at least, to

take a look at it and have an open mind about it. She does represent 300-and-something chiefs of police. So I know this didn't just come out of the air. It was probably discussed at some of their meetings.

CHAIRPERSON LONG: Questions or comments from commissioners?

(No response.)

CHAIRPERSON LONG: Chief Salazar, there seemed to be a robust conversation amongst the Advisory Committee on this issue -- oh. Commissioner Braun first.

COMMISSIONER BRAUN: Yes. Commission Braun.

I would not use this route if I were hiring a new hiree from another agency. I would certainly love to see the other background to augment our background investigation, but it feels, to me, that it would be a liability for my agency to not do a full and complete background of our own, to make sure that the person we're hiring fits our standards and POST standards.

I would not support this, although I would understand if we went in that direction and it was an option for agencies to use.

As Commissioner Nieto said, certainly it's up to the hiring authority to decide whether or not they would take this route. I personally would not substitute somebody else's background for our own.

CHAIRPERSON LONG: Commissioner Gordon.

COMMISSIONER GORDON: My thoughts are very similar to Commissioner Braun. I'm willing to at least hear what staff has to say and comes back with. For me personally, I would not use another agency's background because I have seen all sorts of different iterations. And I would want -- whether -- regardless of the chief or sheriff who is looking at it, you know, we need to make sure that it is within a certain amount of time, that it meets the new background standards, because we also know that background standards are constantly changing. You know, there's a lot of things that would have to go into it before I would be comfortable in approving it.

I, like Commissioner Braun, am willing to hear what those options are. For me personally, I wouldn't be comfortable in my role as chief to take another background, but I also understand why it is being presented and would be willing to hear it out.

CHAIRPERSON LONG: Commissioner Braziel.

COMMISSIONER BRAZIEL: I have a question for staff when it comes to backgrounds or auditing of backgrounds.

Do we -- do we flag agencies that have substandard backgrounds for improvement and give them feedback? Do we have a list of agencies that are kind of on the list

of marginal backgrounds? How do we handle that?

MS. SINGLEY: I don't know if we have -- I don't know if someone else wants to answer that question. We don't have a list of agencies who don't have substandard backgrounds. I mean, obviously, when we do audits, we give them feedback as far as where the background falls short. And then they have the option, obviously, to make sure those are up to speed. But I don't think we have a list of agencies that we flag that have particular issues with backgrounds, if that's what you are asking.

EXECUTIVE DIRECTOR ALVAREZ: Yeah. They are -- sorry. There is no list during the review of the personnel files or the appointment files, when they review -- when they conduct the routine audits, they provide the feedback, "Hey, you didn't go back ten years or you missed a neighborhood." So they do provide that feedback, although, obviously, the regulation says you have to do a background investigation. They could, in theory, say, "Hey, we think it's thorough enough."

But we do -- do provide it to them. There's a checklist that we complete. And then there's a letter that is submitted back to the agency at the complete -- at the completion of the file.

Obviously just to jump a little bit ahead, I -- I

am not advocating one way or another. I see both sides of it. To me, some of the bigger concerns, really, when backgrounds are being done, just seeing how they are being done, is automation. One, we are trying to move to automation. But I also see that some departments are just relying so much on automation; there's no more knocking on doors, no personal contact, no one-on-one interviews with references and such. It is all being done by email and computers. That troubles me a little bit more that the backgrounds aren't as thorough as they should be, than the departments actually not doing their due diligence. They are doing it, but personally I think sometimes it's better to do it in person.

COMMISSIONER BRAZIEL: I see -- kind of a follow-up to the answer. I see one of the challenges if we do this and I'm not -- again, I'm willing to listen because I understand that particularly it's a challenge from a small agency, but I come from one that did it internally.

One of the challenges is that we then have to get into some kind of regulatory approval that this agency actually does quality backgrounds, so that a chief that's accepting agency X is looking at agency Y's background. There's an assumption the background may have been done correctly. I would -- I would do the

same thing that Commissioner Gordon did. I wouldn't rely on that; it would be supplemental.

But we may have to identify some mechanism to report to chiefs that these agencies are doing substandard backgrounds. I see that as maybe an obligation we may have to assume. I just don't know.

But I think that might be a challenge of weighing in, that some agencies do it really well. Some do not. Because I have seen some backgrounds, heard about backgrounds, that are just -- they are horribly done but they hired them anyway.

So we have to -- I don't know if that becomes one of our challenges or not. And I would love to hear from what the Advisory Committee said. But I think we may be absorbing some work on ourselves at POST, in addition to what we are already doing. And I would be reluctant to want to have to do that with staff that we have -- take on some other tasks that we have to do when it comes to backgrounds.

CHAIRPERSON LONG: Commissioner Gordon.

COMMISSIONER GORDON: Just a follow-up question for staff. When I was reading through this, it talks about that the prospective hiring agency would be the one to maintain the initial background investigation, as well as the updated.

I would also have concerns regarding that, significant concerns, because if -- you know, someone is -- employment ends, we know that there's always the opportunity for employment actions, lawsuits, and other things. And now we have given our original investigation to another agency. I would have significant concerns about, you know, the -- all those releases and all the things that we're providing. I understand they do their own releases, but we also know there have been different changes, different things. And we -- I can tell, we have updated all of our releases.

I don't know that another agency has done the same due diligence and it is not accusatory. It is just, I have a responsibility, and I know my city attorney would not be in favor of releasing that original file to anyone like that.

We -- you know, if someone is going to review a file, we have them come in and review it, but they are not allowed to take anything from it. They are not allowed to make photocopies of it. You know, so I have some concerns on how we -- how that looks.

I think when you are talking interim chief and at that level, that is a completely different conversation than at a -- at a hiring level of a new officer. So I

just put that out there for food for thought.

CHAIRPERSON LONG: Commissioner Nieto.

COMMISSIONER NIETO: Yeah. And I did talk to Tracy about that issue. And she is saying, her group also agrees that it would be up to the agencies whether they release it or not. They wouldn't want something that forces somebody else to have to release the file. They are just asking for the option.

Because I know that there's some agencies that would say no, their counsel would say, no, we're not releasing anything, but thank you very much for asking.

So...

CHAIRPERSON LONG: Chief Salazar, let's get the input from the Advisory Committee.

ADVISORY CHAIRPERSON SALAZAR: Thank you, Mr. Chair.

So the Advisory Committee did have a good discussion on this. Sheriff Honea kind of started with, he said, I think, quote, "Not all backgrounds are created equally."

I will say though, in generally, the Advisory Committee was supportive of the concept of having this as an option. But there were a number of comments and discussion in regards to their -- obviously there would need to be an update, investigation and inquiry, as to

the reason for the release so that the new hiring agency would have good information as to what that release was about and a good evaluation of the existing background.

And then being prudent and specific as to the time frame that would be acceptable. So, you know, what's the time frame from the -- from the original background to this new update? What would be acceptable, you know, for Commission or for staff to propose for that new background to occur?

So generally, in concept, but did share some of the same concerns we just heard from some of the commissioners about, you know, all the backgrounds are equal. But in concept, it is at least an alternative that could work with some very specific parameters that would guide what that process would look like.

CHAIRPERSON LONG: Thank you, Chief.

Any other questions or comments from commissioners?

Ms. Singley or Executive Director Alvarez, are you folks getting what you need from the Commission in terms of...

(No response.)

CHAIRPERSON LONG: Any questions from either of you to the commissioners?

MS. SINGLEY: Not right now, no.

EXECUTIVE DIRECTOR ALVAREZ: So I guess from our

standpoint, it is more, we were hoping to get one way or another, I guess is a good way to put it, some direction from you all. So it looks like we're split down the middle. If you want us to just mull it over, have additional conversations with Cal Chiefs, Cal Sheriffs, the organizations.

What would you like us to do?

COMMISSIONER BRAUN: Commissioner Braun.

I would move that POST move forward with this study. Cal Chiefs did ask for it. And I -- I do believe it merits discussion and having POST look at it and see if it is a feasible option.

And then I would like it to have -- to be -- well, obviously, it is going to be optional whether a hiring agency uses substitutes of background or they use it to augment. But I do feel that we should respect Cal Chiefs and their request and move forward with it.

CHAIRPERSON LONG: Commissioner Therriault, did you have a comment?

COMMISSIONER THERRIAULT: I agree with the comments that we should -- some type of option should be brought forward. I agree with the Executive Director that in someone who has done backgrounds fairly recently, that the art of the face-to-face has definitely fallen off. That is probably something that -- I don't know if

that's something that POST can, you know, reemphasize. But it is something that I would probably do well for the profession.

And then just, in general, it is kind of hard to go one way or the other, because during our previous Commission meeting, I mean, we had a couple of chiefs and the sheriff talking about issues before -- where folks were -- you know, where people would leave an agency and go to another. So it kind of flies in the face of that.

But I think, you know, like the sheriff said, you know, we should have some type of options, and if this is what Cal Chiefs is asking for, it is something that we should work on.

COMMISSIONER DOERING: Commissioner Doering.

I agree with my colleagues also.

I think for -- I know for my agency, I think we would continue to do our own backgrounds, so having it as an option. But I think we should respect the Cal Chiefs, move forward with what this would actually look like on paper, so we could have something to review. But I think moving forward is the appropriate action.

CHAIRPERSON LONG: So it sounds like Commissioner Braun's semi-motion is to keep working on this and try to see whether a feasible proposal might look like.

Would that be in time to discuss again in March?

EXECUTIVE DIRECTOR ALVAREZ: We can definitely try for March. I mean, sometimes it's hard to corral all the groups, all the different individuals and associations. So we will try for March.

But unless you guys really need it by March, to just try for March.

CHAIRPERSON LONG: Ongoing.

EXECUTIVE DIRECTOR ALVAREZ: Okay.

COMMISSIONER NIETO: Commissioner Nieto.

I don't think they are asking for it, like, overnight. They do know that the POST process is a slow process.

But I got to tell you, I'm a visual person, a kinesthetic person. And I need to look at something to say whether I agree with it or disagree with it.

But, again, I do think we should respect the California Chiefs, that they are bringing this forward to us.

CHAIRPERSON LONG: Okay. Unified direction.

Under Consent Calendar E. A discussion on proposed amendments to commission regs to address course complaints and instructor conduct.

Law Enforcement Consultant Andrew Mendonsa, Training Program Services, will report on this item. It

is for information only. No action is required. Once again, there was a robust discussion amongst the Advisory Commission yesterday.

Mr. Mendonsa.

MR. MENDONSA: Good morning, Mr. Chair, members of the Commission.

Staff is seeking input from the Commission on a proposal to adopt new regulations to address instructor conduct and performance in POST-certified courses.

Staff has reviewed Commission Regulation 1057, which addresses decertification or suspension of courses, and POST Policy TDC-4, which governs the course complaint process.

After this review, staff believes there are some areas which could be improved. Specifically, Regulation 1057 is limited only to course certification, and does not specify a code of conduct or performance expectations for instructors.

Regulation 1057 limits suspension or decertification to courses only when there's no longer a demonstrated need, when there's a failure to comply with course certification requirements, or other reasons as determined by the Commission.

TDC-4 is an internal policy, which guides POST staff, but is not binding on presenters or instructors.

TDC-4 contains no requirement that presenters agree to conduct the investigations or abide by any instructor code of conduct.

Neither Regulation 1057 nor TDC-4 address performance-related issues identified through complaints or the QAP program.

And neither Regulation 1057 or TDC-4 address instructor complaints or performance issues when there are multiple presenters involved.

Staff recommends that regulations be adopted which more specifically address instructor code of conduct and performance and the responsibilities of presenters when complaints are received.

Staff is seeking guidance on whether the Commission wishes to move forward with a further evaluation and any issues we should consider.

CHAIRPERSON LONG: Thank you, Mr. Mendonsa.

Questions from commissioners?

(No response.)

CHAIRPERSON LONG: Chief Salazar, maybe you can get it rolling here with some of the discussion held in the Advisory Committee.

ADVISORY CHAIRPERSON SALAZAR: Thank you, Mr. Chair.

We did have discussion on this issue yesterday, and

so there was a general consensus that something was needed, although this poses a number of challenges. We had comments from the Chancellor's Office, Community Colleges Chancellor's Office, and those who were very involved in the training piece, that this could -- this could bring about significant certain bargaining issues, particularly with the colleges and instructors that are teaching with colleges, that would provide hurdles.

But they agree that there needs to be some sort of process that allows to hold individual instructors accountable and to be able to have some leverage with the presenter as well.

Comments that this was a timely issue that needs to be addressed, but then also concerns about how does the complaint process work. Does this come off of a single complaint from a presenter? Or is it a result of multiple complaints?

And, again, it could be problematic with issues for folks that work under the community college or in a college setting due to bargaining issues. And just how it will be enforced and investigated.

So in general, some support. But concerns as to how it actually gets carried out because of challenges related to those bargaining issues.

CHAIRPERSON LONG: Commissioner Braziel.

COMMISSIONER BRAZIEL: Yeah. I agree. We need to do something. So I think you are looking for direction.

MR. MENDONSA: What is that something?

COMMISSIONER BRAZIEL: You are here for direction, right?

MR. MENDONSA: Yes, sir.

COMMISSIONER BRAZIEL: I agree, we need to do something. I also appreciate the challenges that some of the providers are community colleges or universities that have their own set of code of conducts and investigations for courses that they provide. So it may be one of those that we don't reinvent the wheel, but turn to the community colleges and say, you -- they have got to have a set of standards for misconduct within the classroom. And it's probably very narrow -- harassment, discrimination, those types of things -- that we need to adopt anyway within POST regs.

So maybe that's a starting point is to look at what's already out there and see if it covers some of the issues that we have identified, that we're not reinventing the wheel.

Because, again, we got the community colleges plus -- I don't know if we still have universities still providing it. I know Humboldt doesn't anymore. But we may have some that already have codes of conduct within

that realm, that that's business model, so they got to have something that has some kind of code of conduct.

MR. MENDONSA: Yeah. So maybe to help with framing.

One of the threshold issues is what the appropriate unit of measure is. So should we be regulating the presenters? Should we be regulating the instructors directly? And regulating the instructors directly brings with it a whole host of issues that we're certainly not naive to.

So I guess one of the questions for the Commission is, what is the appropriate unit of measure? Do we want to get in the business of regulating instructors directly, where we have a relationship with them? I think that's -- well, I will reserve judgment on that. I will defer to the Commission.

The other, and the way that it was described at our meeting yesterday, was what levers do we pull? So as it stands right now with presenters, I think, by and large, our presenters are really committed to ensuring that the courses are taught well, that we got appropriate conduct in the classrooms. So by and large, this has not been a major issue.

I think some of the gaps that we're seeing, however, specifically around responsibility for

investigation, while that's an internal POST policy that says this is what we do, there's really no obligation for the presenters to follow that.

So I think there's just an opportunity to clean up some of that without going too far, if that makes sense.

CHAIRPERSON LONG: Commissioner Braziel.

COMMISSIONER BRAZIEL: No. I think it's the presenter's responsibility to investigate based on some standard that we've established. And then they have to meet the investigative standard, not us regulating, doing the investigation. But it needs to be turned back to them.

But I do think we need to give them some guardrails of what they look at or don't look it. That would be the -- here's some accepted behaviors that you need to investigate and see if it's out of compliance and report back to us.

Because you hold the presenters accountable. And if you don't do the investigation appropriately, we pull your cert; that will get them to at least investigate, in my opinion, anyway.

MR. MENDONSA: Yeah. Exactly.

I think conceptually, we need to have some nexus between what the behavior is in the classrooms.

But it's -- sure. Yeah. Agreed.

CHAIRPERSON LONG: Commissioner Nieto.

COMMISSIONER NIETO: I agree with Commissioner Braziel about some guardrails. And, again, related to the issue that we talked about at the prior, these are going to become very long meetings if we start regulating everything. So there are already guidelines with the colleges and stuff like that. I know we audit classes.

And maybe just cleaning up the language and -- and maybe this is the way we move in the future but right now, we're still dealing with SB 2 and dealing with that part of the regulation.

CHAIRPERSON LONG: Executive Director Alvarez.

EXECUTIVE DIRECTOR ALVAREZ: So one of our issues is the instructors; you know, they move around. And we have seen this where there's an issue, let's say, at presenter A and we address it at presenter A. But they are teaching at presenter B, presenter C, presenter D, and they haven't taught yet.

And so the challenge is, well, what do we do with those other presenters that are completely unaware of what this individual has done at perhaps presenter A, and do we allow them to teach at presenter B, C, and D? So we're running into that I don't want to say regularly, but we do run into it.

Yeah.

CHAIRPERSON LONG: Commissioner Gordon.

COMMISSIONER GORDON: But to your point, when a instructor goes to another presenter, POST still has to approve the instructors that are teaching the class, so they still have to submit their résumé to the class that they are a new instructor for that presenter.

So wouldn't that, then, be where POST doesn't -- you know, doesn't approve that instructor or lets that presenter know we have had issues with that instructor? Because POST ultimately approves who your instructors are for each of the presentations.

So if you move from one presenter to another, that presenter now has to add your new instructor résumé and add you to that approval. You don't, as a presenter, just get to decide without POST approval.

MR. MENDONSA: Sure. I think that's true in new courses certainly. One of the questions that has come up is how much information can we share with another presenter about an investigation that was done?

So in Executive Director's example, so if presenter A does an investigation, and there's an instructor who currently teaches multiple places, how much information can we share with presenter B, presenter C, presenter D around an employment

investigation that was done by presenter A?

So these are just some of the issues that have brought to light maybe some of the gaps in the regulation, and we're trying to understand what is the best way to approach this.

The other challenge, I think, is also not having a specified -- any kind of code of conduct for the instructors. So, whereas, I think we're comfortable, you know, if you don't meet the minimum regulatory requirements to be approved as an instructor, I think it likely would get a little bit more muddy if we're talking about either a conduct or a performance issue.

So, you know, if we're talking in terms of QAP, if we have an instructor who is sort of underperforming and we have some reservations about whether or not that instructor should either continue to teach with presenter A or perhaps presenter B, I think we are just looking for a little bit more of a framework to think about how to approach and evaluate those issues.

COMMISSIONER BRAUN: Commissioner Braun.

Would it be feasible to create a set of standards that all instructors must abide by? And then if they fail to meet those standards, then you can refer back -- they'd sign an agreement: "I will do those things or I will not do these things." And then it can be referred

back to other presenters that have hired that instructor to say, this person no longer meets the POST standards based on this.

MR. MENDONSA: I certainly think we could, and that is certainly one of the internal discussions we have had. But, again, that becomes a question of whether a unit of measure is the presenter or the unit of measure is the instructor.

So, again, the analogy I have used, like, which lever are we pulling? Are we saying we won't certify your course, or are we saying we won't certify your instructor? And it very quickly kind of falls down the rabbit hole of are we now in a position of certifying instructors?

I mean, by and large -- and I want to be clear; I brought this up yesterday. By and large, I think our presenters do an exceptionally good job of managing their courses and their instructors. I think one of the reasons this likely has not been addressed prior to now is because it -- it just didn't come up often enough.

But again, I think it is probably worth taking a look at.

CHAIRPERSON LONG: Additional questions or comments?

Let me ask, trying to frame it as we did with the

last issue, as Commissioner Braun did with the last issue.

Questions for Mr. Mendonsa or Executive Director Alvarez in terms of what you want to be -- of the Commission, so you have some direction going forward. Have you heard a sufficient amount to...

MR. MENDONSA: Yeah. I think fundamentally for me, the first question is, you know, what are we trying to regulate? Are we trying to regulate the presenter, or are we trying to regulate the instructor? And that will then form the basis for the framework about where we incorporate these different pieces.

COMMISSIONER MOON: Commissioner Moon.

You know, it falls back to the last conversation is, you know, whether you are a small agency or a large agency, you are spending a lot of money on training. And your expectation is that it's an exceptional course and that they are great instructors on all of those courses that we're sending our folks to. So -- and by and large, I absolutely agree with you.

But not having the guardrail up on what happens if you do have a complaint about a specific person, I think there definitely has to be something in place for us.

MR. MENDONSA: Thank you.

CHAIRPERSON LONG: Any further comment?

(No response.)

CHAIRPERSON LONG: All right. Then with that direction, we will move on to Item F.

Before we do so, I will offer a quick editorial comment on the Advisory Committee. I'm sure some of you were listening yesterday, but I have seen several Advisory Committee members here today. It was a very helpful and very focused and substantive day with the Advisory Committee and the type of thing that this Commission has discussed over and over again with the Advisory Committee.

So yesterday, in my estimation, we really seem to bear some fruit. So thank you, Chief, and the Advisory Committee.

F is an update on the Quality Assessment Program. Training Program Services Bureau Chief Brad NewMyer will report on this item for information only. No action is required.

MR. NEWMYER: Thank you and good morning.

Brad NewMyer, Training Program Services Bureau Chief. And with me I have William Baldwin, the QAP program manager. So he's the guy that actually does the work. I'm just talking about it.

So Quality Assessment Program continues to be contracted through the South Bay Regional Training

Consortium. Bill works directly with the project lead at South Bay, Jim Gordon, to oversee the program.

This presentation definitely dovetails with the previous presentation because Mendonsa also works for me. And our quality assessment has led to issues with instructions and -- instructors. And we'll talk about this. And that's probably the nexus of why the previous instruction happens, because what -- the work we're doing through QAP.

So there's four ways that we actually do assessments on any kind of training entity -- a private presenter, public presenter, any training consortium.

We split our money basically between two types of courses: Courses are listed in the course catalog which are open to all people to attend in the state; and the second is for agency only or agency-specific training, that's just kind of behind a veil if it's agency A's facility, agency A's instructors, and then agency personnel. We weren't QAP'ing those at all.

So a couple of years ago, we noticed that gap and we started sending half our QAPs to those courses and half to the ones in the catalog to spread it out, to get behind that veil of agency-only.

Because we were concerned that an agency-only personnel, their own range instructor, their own range,

their own people, they are not going to complain to POST. They might complain to the local agency, their agency, of a bad course, but it probably is not going to get to us. We want to get back there, behind the veil, and see that.

The third way where we are called in is any time there is a new course and a new course has been approved, they have to complete a training needs assessment. If the need is there, they submit all the documents, and that course approval will approve a new course.

Before we give them any money, or put them into a plan with any kind of reimbursement, they are put in plan NA, which is tuition-based only. They charge a tuition to cost and to put them on. And it's a requirement; the Quality Assessment Program will go out and do a full review of the course. If you look at the course documents, you look at the outline, you look at the facilities. And if it is deemed a good facility, a good course, then we would then take a step to possibly put it into a POST-reimbursable course, plan 1 through 7. So that's a key component of QAP.

And additionally, if there is a problem with the course -- we receive a course complaint or an instructor complaint -- we can, as part of investigation, if

requested -- send QAP out to do an assessment of the course.

And the assessment includes a wide ranging of looking at the course. It looks at all the course documents. It looks at the facilities. And looks at the actual presentation. Because we don't know, at course approval, how they are going to teach the course. We don't have a lesson plan and we haven't sat in the room. We haven't sat in the facilities. We don't see how they are putting on the course. So it is crucial to put someone in the room or online if it's an online course. And they evaluate that course from top to bottom and give a POST assessment on it.

At the completion of the assessment, everything is documented. If it's a two-hour course and there's a single instructor, that instructor will get an assessment. If it's an 80-hour course with ten instructors, all ten instructors will be assessed completely for their time in the classroom. And recommendations will be made.

At the completion of a assessment, if it meets or it exceeds standards, they will get a letter that said everything, "Meets and exceeds. Excellent job. Thank you for your work with us."

If there are situations where it needs improvement,

a letter will be sent listing the "needs improvement," whether the facility or the documents need to be corrected or an instructor needs help or should improve on their performance. We will put out a "needs improvement" and we will ask them to send us back a plan of how they are going to address the "needs improvement" issue.

Then we get into the sticky part where we have unsatisfactory performance. If there's an unsatisfactory performance for an agency, we will make specific recommendations.

Currently -- and I will get to that.

So currently, this year, we were able to complete 74 course evaluations. About 148 evaluations of instructors were completed. And a total of 660 recommendations were provided. And we did about 3700 hours-plus of instruction were assessed.

So in those assessments of 148 evaluations, 12 instructors were found as unsatisfactory -- performing unsatisfactorily. Based on the good graces of the presenter, four of those instructors were removed from their footprint, so they are no longer teaching.

The remaining eight, we sent letters out. And typically what we'll do is we'll request that they be removed from the course résumé. So we ask them to

remove their course from the course résumé. And we requested they get further training. It could be an AICC course; it could be an adult learning course; it could be whatever we deem necessary. But we leave it to the instructor to come up with a plan and pick the course that they send them to.

Once the training is complete, they will send us back their plan to correct it, they will send back the course completed by their instructor, and they will let us know they are going to put that instructor back in play.

If we put that instructor back in play, we send QAP back out to do a second assessment to ensure they have corrected. If not, we might ask them to remove them from the footprint.

Right now we have no regulatory ability to remove an instructor, so it is basically upon the presenter. We will put them in modification, which means they can't pull a presentation or put one on until they remove the instructor's résumé and get them further training. But we have no real regulatory ability to do that because there's nothing in this writing saying we can remove a specific instructor or stop that presentation. So it is truly at the good graces of the presenters that they work with us, because they don't want to get on our bad

side. So they work with us totally to try to put the best product forward.

So those eight remaining that we placed on modification, three instructors have completed their training. They have been re-QAP'ed and they are back in play. Five are still pending.

And this year, we actually went forward on one course decertification, and we're currently working on a second, so we're going to decertify two courses based on poor performance for the course in general, so it will be two courses decertifications this year.

So I truly believe this program is crucial to ensure that there's someone in the classroom to see the presentation of the course and see how it's being taught and to ensure the high quality. You know, a POST-approved mark is actually a POST-approved mark, and it is a quality training that we can trust to send our people to across the state.

And if you have any questions for me or Bill Baldwin, feel free to ask us any questions you might have.

CHAIRPERSON LONG: Commissioner Braziel.

COMMISSIONER BRAUN: Go ahead.

COMMISSIONER BRAZIEL: Okay. Was there any pattern -- two thought -- one question, one thought.

Was there any pattern to the 12 on what made them not okay?

MR. NEWMYER: Typically it is -- it's -- well, I can leave that -- do you want to answer that? Go ahead.

MR. BALDWIN: So a lot of times it deals with the facilitation skills, which is how they teach. A lot of them would just do lecture or a PowerPoint, and they would read right off the PowerPoint. That facilitation skill leads to other things like learner verification. You know, how do they know that they learn if they are just talking, right?

So those are the patterns that we see with a lot of negative/needs improvement kind of things.

MR. NEWMYER: And then the second one is definitely unprofessionalism, like cussing nonstop through the whole course presentation for no reason. So things like that. So we will definitely point those out and say, "You need to stop that."

And that's why that second follow-up QAP is so crucial, to fix the facilitation skills and to improve the professionalism, to make sure they are doing it in a way that we would do it.

COMMISSIONER BRAZIEL: That is great.

And I assume there's thought between -- because we have a process that holds the presenters accountable for

the behavior of their instructor's performance --

MR. NEWMYER: Right.

COMMISSIONER BRAZIEL: -- of just adopting what we just talked about into this current process. That you have to investigate and then certify. Or we do a -- you going to do a quality assurance; if we get a certain number of complaints to actually go in and sit in the classroom.

So I'm looking forward to how do we merge what the last conversation was and with what you are already doing. Because I like what you are doing. I really, really like what you are doing. Particularly the agency-specific training, because we don't know what the quality is because it's just inside folks.

I think, as an agency, you would probably want that to affirm that you are giving good quality instruction to your people internally. So thank you for what you are doing.

CHAIRPERSON LONG: Commissioner Braun.

COMMISSIONER BRAUN: I want to make sure I'm clear on this. They know that you are there, right? On the QAP? That the presenter and the instructor have been informed that somebody is sitting in and watching them?

MR. BALDWIN: Yeah. We send out a letter about a month prior letting them know that we are going to be

there. We also give them the form that we're going to be assessing on --

COMMISSIONER BRAUN: About 12 people.

MR. BALDWIN: -- and then we get feedback from them. They respond that we know that they are coming and that kind of thing.

COMMISSIONER BRAUN: I asked this at my very first Commission meeting, and I don't know if this is feasible. But have we've considered sort of a secret shopper, sort of, QAP, where you send someone in and they don't know that they're coming, if you've had complaints.

Because if they know that you are coming, they are going to clean up their behavior and that you still -- and there's still people that didn't clean up their behavior is stunning but not --

COMMISSIONER NIETO: -- surprising.

COMMISSIONER BRAUN: But a secret shopper model, if you have repeated complaints, and just would be an option to truly see how they are instructing when they don't know that you are watching. And I don't know if that's feasible or not, but it would be interesting to see what -- what gets caught when they don't know that you are looking.

MR. NEWMYER: I think that would bear

consideration. As an idea, if we keep getting repeated complaints, but then we go and we look at the course, we're not seeing it. But you would be amazed how many people just know we're sitting in the back of the room and do really unprofessional or just the wrong thing, knowing we're sitting in the room. It's amazing to me.

But we do give them a fair warning. We send them a letter. We answer all the questions they are going to be asked before they go, by saying, these are the documents we're going to review; we want to tour your facilities; we want to talk to your people; and then we're going to assess the course.

And it is still amazing to me how many just blatantly do things that are unprofessional or just kill them by PowerPoint or whatever, knowing we are in there.

And, you know, I think it should be added that another component of QAP that's really important is the master instructor program. Because the huge majority of our instructor assessors are master instructors from that program. They are taught on how a course presentation is supposed to be done; they have learned about adult learning, the ways that adults learn; the best way to teach, with breakout groups and small group discussions and validation of learning. And all those things in the assessment are what our POST master

instructors are trained to teach alike and to assess other people to try to rise them to the same level.

And without a lot of master instructors going out there, we're not going to get a good assessment, because it's our model, it's our way of teaching. And that's a crucial part. So that's another program we run here at IDI that does need help to prop back up.

Through COVID, it kind of collapsed and we're trying to build it back up. So we need to build up IDI and get more master instructors in play.

And one thing we do do is there aren't a lot of master instructors that are 1070-certified. So what we'll do is if it's a firearm class, we will send out someone who is a trained firearms instructor with the QAP assessor, who is a master instructor. Then they will work together and do the assessment.

Because the QAP person, when you get in the classroom and the teaching part, but that 1070, the stuff that goes fast and kills people, like guns and cars and defensive tactics and things like that, we'll send those people out to look at the drills are running and make sure it's being safely done. So we'll get that two-sided.

So that's why sometimes the courses are more expensive to assess. That's why we only got, you know,

37 done for 700,000, is because sometimes you got to send two people out to get that two-sided assessment; it costs twice as much to send two people out for a longer course.

But we're doing the best we can with the money that's allotted. I would love to get more money if we could to send more assessments out. But money is tight.

I know my Executive Director is probably curling his toes right now and not happy with me. But we would -- we would actually love to expand the program and get more assessments out and get more people in the classroom to see how the classes are being put forward.

CHAIRPERSON LONG: Let me -- let me ask on the heels of Commissioner Braun's statement. Is the verification and tracking of deficiency limited, then, to one noticed follow-up visit?

MR. BALDWIN: Yes.

CHAIRPERSON LONG: So that's it.

MR. BALDWIN: Right.

CHAIRPERSON LONG: And again, it's noticed and it is just one time.

MR. NEWMYER: Yes. Unless there's a second complaint, after which has happened. We have gone on one assessment, they did okay. We received a course complaint; we went and did a second one and saw a

problem; and then went back on a third, and the problem has remained.

So there are times when even though we've been out once and they have done okay, that they devolve afterwards and get worse, and that's -- that's what happened on one of our decertifications.

CHAIRPERSON LONG: I would add my voice to Commissioner Braun that maybe a little bit of undercover would be helpful, especially in terms of the follow-up, especially if it's a behavioral issue or the guy is just cussing a lot.

I realize you have some people that, beyond all imagination, continue to do so. But a little covert review, and especially in terms of tracking the deficiency and verifying correction, might be a -- might be valuable.

Commissioner -- or Executive Director Alvarez.

EXECUTIVE DIRECTOR ALVAREZ: Yeah. One, I would like to touch on the last two issues. So we have sent individuals out multiple times, if I remember. It doesn't happen often -- or QAP out multiple times, which is -- Brad has heard me say, it kind of pains me a little bit.

So, for instance, presenter has a QAP; it comes out negative for various things, not necessarily

facilitation, but things that might raise more concerns for us. We go out a second time and it continues. And we go out a third time.

My concern -- my issues, when I talk to Brad, since I'm always concerning -- worried about the money. It's like, hey, here's a private presenter out there trying to make money. We have just spent almost $10,000 going out to review this private presenter who is trying to earn a profit and won't come around.

So that is, you know, something that kind of sticks in my craw a little bit at times. But, anyway, it's part of our business model so we do go out and look. But generally speaking, that doesn't happen.

In terms of the secret shopper issue or discussion, so what we normally do, if there's misconduct is generally it goes back to the presenter to address and investigate and report back to us. But there have been times where we do it on our own, where we go back through the roster, we contact the individuals that were in the classroom to determine whether -- whether the allegations or the complaints are accurate and have taken action against those instructors.

It doesn't happen often, but we do do that from time to time, as opposed to popping into the class. We have had a couple of other instances where we have had

our own staff, not under the contract, monitor the course, or go and sit in on the course, as well as see the location of the course.

Because we had at one point, a few years ago, a presenter that we believe was teaching a class at an unapproved site, and we sent the POST employee to the site that was supposed to be where the course was supposed to be held just to see if it was being held there, or at the other location.

But we haven't, you know, addressed the secret shopper in great detail. I don't think that has been a common thing, but it is something we can look at.

The -- you know, the challenge for us is we also don't want to send a chilling effect, but we definitely want to keep them on their toes. It is shocking that if they know we are coming out a month before, that they don't have their stuff together, so to speak.

But appreciate that issue or that comment.

CHAIRPERSON LONG: Chief Salazar, did the Advisory Committee have any comment on this item?

ADVISORY CHAIRPERSON SALAZAR: Thank you, Mr. Chair.

Yes. There was some discussion that overlapped between the last item as well with regards to instructor certify -- instructor evaluations.

One of the committee members, you know, asked about in the QAP, is course construct also considered when instructing -- or evaluating the instructor? In other words, is it a bad instructor or a bad course? So some questions related to that.

There was one question from Committee Member Cottrell, representing public safety dispatch, who had questions about if a -- if a POST-certified training had gone through the QAP and did not perform well, but that same course is being offered, or funding was being provided to attend that course through another agency -- in this example it was Cal OES -- was there interagency communication -- you know, like, from POST to Cal OES -- that there was a problem with this course and maybe the agency that was looking to send someone to training would have some kind of a heads-up that maybe I shouldn't send someone to this course that's being offered through another agency.

So questions related to those concerns and how someone would know if a course was -- had not performed well in the QAP before an agency sends someone to training. And that was the gist of our conversation on that item.

CHAIRPERSON LONG: Seeing no more questions or comments, thank you, gentlemen.

Let me ask Kathy, how you doing? Can we do one more? You want a break now?

THE COURT REPORTER: Will the next item be a long one?

MS. ESSEX: It will be a long one.

THE COURT REPORTER: Let's take a break.

CHAIRPERSON LONG: Let's take a ten-minute break. Be back at 11:20.

(Break taken in proceedings.)

CHAIRPERSON LONG: Consent Item G, certification/decertification statistical update.

Professional Conduct LA Bureau Chief Mike Radford and Certification Bureau Chief Michelle Weiler will report on this item. It is for substantive information only. No action is required.

Ms. Weiler, Mr. Radford, welcome.

MS. WEILER: Good morning, everyone.

Okay. So these are our most recent peace officer certifications statistics. Just to note, they are of October 31st so that we could have the data published on our agenda. So they're -- if you were to look on our website now, on the public-facing side, there may be a difference in the numbers.

Okay. So as you can see, the setup here is still the same. We currently have 82,301 full-time peace

officers. Our number of basic certificates, 3,547. The appointments that we have approved, 6,496.

I don't recall if we have had new members join us since our June meeting, but the appointments approved, that includes people who have separated from a prior agency and are now being reappointed to a new agency. So it's counting the number of times someone is appointed to an agency, whether they are a brand new peace officer or they are just moving from one agency to another.

That is the same on the affidavit side. It is counting also people who resign in good standing from one agency and are going to another. That is part of the resigned number.

So we have had 6,636 people separate from their agencies for various reasons this year. 304 of those are specifically related to allegations of serious misconduct. 236 individual officers are represented by those 304 allegations of serious misconduct.

And then again, for any new members that we have since June, because I was not at the September meeting, the numbers that are being tallied for the serious misconduct reasons, those numbers won't necessarily add up to the 236, because some officers may have multiple allegations of serious misconduct.

COMMISSIONER WOOLERY: I'm sorry to ask. If I can ask for your indulgences --

MS. WEILER: Yes.

COMMISSIONER WOOLERY: -- I'm not new but this is only my second meeting.

Can you -- what's the difference between the serious misconduct count and then the distinct officers?

MS. WEILER: So there are 236 individual officers who have been separated with allegations of serious misconduct. The 304 is a higher number because some of those officers may have multiple allegations of serious misconduct. So the 304 is the total allegations of conduct tied to separations.

COMMISSIONER WOOLERY: Got it. Thank you.

EXECUTIVE DIRECTOR ALVAREZ: If I may, Mr. Chair.

So when you say multiple allegations of serious misconduct, multiple allegations of the nine.

MS. WEILER: Correct.

EXECUTIVE DIRECTOR ALVAREZ: So it could be dishonesty and abuse of power. Not multiple cases and different incidents. Just multiple allegations, perhaps for one incident.

MS. WEILER: Correct. It could be one incident. It could be multiple incidents. But there are multiple allegations based on those nine existing allegations of

serious misconduct.

So as Executive Director Alvarez mentioned, somebody could be separating and have an existing dishonesty and abuse of power allegation that is currently open, being investigated. Or it may have already been investigated by the agency, but still open with us.

It could be closed with us and they are separating as well.

COMMISSIONER WOOLERY: Got it. Thank you.

A note on the Affidavits of Separation. When I last saw you guys in June, I had mentioned that we would be shifting our process for Notice of Separation, so that we would be reviewing the Affidavits of Separation prior to them going to into EDI and being published.

So I just wanted to round out those -- that data for you in terms of the Affidavits of Separation we have been receiving.

So we began reviewing Notices of Appointment and Affidavits of Separation here at POST, similar to the way we do Notices of Appointment on August 21st. So between January 1st and August 20th, we received 4,310 Affidavits of Separation.

As you recall, we had a discussion on Box 14, which is the open text box, where agencies are supposed to

provide us with a little bit more information about the reason for separation, regardless of whether the separation is somebody resigning or retiring in good standing, moving to a different agency.

So we added that box earlier this year. The number of separations that we have been receiving -- 1,034 of them, roughly 24 percent -- were not filling in Box 14.

So we -- we're having to retroactively go back and ask the agency, "Hey, can you correct your form? Can you please fill this in?" So that we have a reason for separation, a little more information to provide potential future hiring agency -- employing agencies.

About 52 percent who are using the new form left Box 14 blank. Sorry. So that's where we had to go back to them to fill in that box.

The prior number is where we had to go back to them and have them complete the new form so we have the information.

Of those who were filling out Box 14, 19 percent of them resigned to move to a different agency. So it is a fair number of people who are resigning in good standing and moving somewhere else.

And in total, 62 percent of those who were separating from the agencies were resigning, retiring, or leaving the field all together in good standing.

So since August 21st, we have been, again, reviewing them here at POST. Once -- like the process for the appointments, the EDI manager at the agency enters the appointment into EDI. Similarly, they are entering the separation into EDI.

It then sends that over here to Certification Bureau staff, who are then reviewing the data that is entered into EDI, as well as the Affidavit of Separation form.

We are not telling the agencies, "You can't fire this person or this person can't resign or retire." We are simply reviewing to make sure that the data in EDI and the information entered on the form align. If anything is missing, anything doesn't add up, we then kick it back to the agency and ask them to correct one or the other to make sure that information matches.

We have had to do quite a bit of outreach and training with agencies because most times, the person entering information into Mark43 is not the same as the person who is entering the separation information into EDI.

And sometimes we will get notification in Mark43 that somebody has been separated, terminated, resigned in lieu. That is not captured on the Affidavit of Separation or in EDI because that EDI manager isn't

aware. So we are working with agencies to encourage greater communication between the two entities within the agency so that this information is more accurate, and we can do more accurate and better reporting of information.

So I don't know if you have any questions about that process before we move on.

(No response.)

MS. WEILER: Okay. So this is where -- oh, did I hear someone?

(No response.)

MS. WEILER: So this is where we are in terms of data for 2024. We have issued 49 temporary suspensions. Again, this is as of October 31st; there are a few more now. But we have issued 49 Immediate Temporary Suspensions. Again, these are the suspensions that are issued at the destruction -- discretion of the Executive Director when we review allegations of misconduct and find that there's a need for such an action, whether somebody poses a danger to the public safety, whether there is an arrest, indictment, a charge, and then the final is whether an agency has separated somebody for serious misconduct.

The temporary suspensions removed by year probably bears some explanation. When we issue a temporary

suspension, that remains in place until this body takes an action and -- or we rescind it based on new information, such as the officer appealing and providing additional information. "Hey, this happened after the fact. I didn't do this." Or, "This isn't me. This is somebody else." Or perhaps there's a charge and the district attorney doesn't move forward with it, dismisses the charge, and we no longer have those grounds for temporary suspension.

We also would have to remove the temporary suspension in order to replace it with a voluntary surrender, a revocation, or a determination of ineligibility based on disqualifications identified in Government Code section 1029.

So that's why that number looks fairly high. We received 55 voluntary surrenders so far this year. The majority of those are coming from our Central Bureau. And we have issued 68 revocations so far this year.

Some of those are by default, where they have received a Notice of Intent to decertify and they just failed to respond. Some of those are based on actions taken by this body and then subsequent responses or failure to respond by the involved officers.

And then there's 81 individuals so far who have been deemed ineligible this year.

These next set of charts, this one shows all of them, and then I will move to each one individually to make it easier to see.

Now that we have roughly two years' worth of data related to certification actions, we thought it would be interesting to take a look at some of the demographic information.

So here we have the pinkish-purple-fuchsia color represents females. The blue represents males. It is broken down by various demographic data. So I will just scroll through each one.

Here we can see ethnicity, the breakdown.

So this one is raw numbers and this one is percentages.

And age distribution.

The years of service.

And then by gender.

I thought this was interesting information to present to you guys. For us to look at as whole, as an organization, as well as you, as the Commission, perhaps there are things that we need to consider. You know, can we take actions now to help maybe prevent in the future?

If you look at the data -- I can go back.

Oh, we closed the PowerPoint.

If we look at the data, the years of service, there are roughly ten or fewer years of service. The age range tends to be -- looks like, you know, in the mid-20s to the late 30s, early 40s.

So perhaps there's something we can do as preventive measures early on: More outreach to the agencies; more outreach directly to the officers. I think we are getting information out to the agencies as a whole but not necessarily to the officers themselves. You know, we might need to continue those efforts.

Perhaps training. I know we were starting to work this into the academy information about, you know, serious misconduct; how to prevent yourselves from getting into trouble in your career.

So some things that we might need to consider and take a look at as time goes on.

Yep.

COMMISSIONER NIETO: Commissioner Nieto.

I have a quick question. Am I good?

CHAIRPERSON LONG: Commissioner Nieto.

COMMISSIONER NIETO: Sorry.

I know that you show the demographics for females versus males. And looking at it, you go, oh, hire more women. But I don't know proportionally is -- what is the proportions? Because we also know there's much

fewer females in our profession.

MS. WEILER: And that was a question that came up yesterday in Advisory. So the next time I present this to you, perhaps in March, with the full two years of data, I can also provide the information on our total numbers of male-to-female officers, the age ranges, so we can see how they contrast.

COMMISSIONER BRAUN: Commissioner Braun.

Looking at POST website currently, 15 percent of law enforcement in California are female. And just an observation that 7 percent certification actions are female.

So to your point, Commissioner Nieto: Yes, hire more women.

(Laughter.)

CHAIRPERSON LONG: Commissioner Braziel.

COMMISSIONER BRAZIEL: Yeah. One thing that -- because we talked a lot about the prevention piece, right? And to identify patterns or trends.

And this kind of loops back into the background conversation we had earlier. It would be very interesting to find a couple agencies that would like to voluntarily do this, and maybe some already do it. I come from an agency that did.

Wherever there was serious discipline for

misconduct, we would do a postmortem on the background. We would go back and reassess the background to see what did we miss.

Most of the time, we found something that we missed in the background. So it would be really good if we had agencies -- because it shouldn't be the staff -- the staff here doing it. But asking agencies, "Hey, who would like to participate in this?" Going back and reassessing backgrounds, so we can maybe fine-tune what we are looking for based on, we have the data on the end of it; let's look and see if we found something at the front end. And not for POST staff to do. I'm not proposing you do this.

But maybe finding agencies willing to do that, that have the numbers and the severity. And they don't do it for all of them. Maybe just some of the trends that we're seeing. And I think there might be some value in that. Again, making a learning opportunity to find out what are -- what are we finding? Other than gender stuff. But what are we finding in the backgrounds. And maybe we didn't miss something. But I can tell you, in almost every case but one, we missed something in the background.

CHAIRPERSON LONG: Commissioner Gordon.

COMMISSIONER GORDON: I know you are going to love

more data requests, but I do think it would be helpful to look at, as we're talking about hiring, when we're looking at legislation, that is looking at increasing the age.

Because I think it is interesting when you look at these charts, you know, that the early 20s, which everyone is very concerned about, is not where you are seeing a majority of them.

But then how does that relate to actually how many years of service do they have? So is it, you know -- are we hiring them at 23 and then five years in, we're seeing the issues?

So I would like a more of a correlation, because as we're talking about what the future looks like -- I mean, if you are just looking at this, then the argument would be, you know, maybe we should be hiring those 22-year-olds more than those later 20s.

So -- but, I mean, it is hard to actually know that without more correlation in the data, if that makes sense.

MS. WEILER: Yeah. No. We can totally start looking into that and maybe have some of our analysts look at the correspondence between years of service and their age. Maybe it is not necessarily their age but their years of service. You know, do we start to get

disgruntled at a certain time? Do we get too comfortable at a certain time? Not necessarily based on how old we are and how mature we are, but just that complacency factor; is there something that might point to that. I can certainly have some of my analysts look into that.

COMMISSIONER GORDON: Thank you.

CHAIRPERSON LONG: Mr. Alvarez.

EXECUTIVE DIRECTOR ALVAREZ: If I may interject before -- oh, sorry.

COMMISSIONER BARCELONA: That's okay.

Just looking at the graphs and the years of service. I represent thousands of peace officers in the state and I can tell you when I started as a police officer, everyone, when they got hired, we were going to stay for 30 years. Now I hear from the officers. They want to do 20 and out.

And most of them are very unhappy. They go to work unhappy. They don't like the departments that they work for. Not the department. But they don't like the management that they work for. And they feel like everyone is against them. They have got the public that's against them. They have got -- they have got the departments breathing down their neck. They are all afraid to do any self-initiated activity.

They sit and just wait for the call or they wait for, you know, the file to hit their desk to do their investigations. But they don't go out and do anything self-initiated much because they are worried about, you know, complaints and IAs and those sorts of things now because those things have gotten so out of hand.

And so why you see that 20 years and it drops off is because everyone is leaving at around 20 years. They are all planning to go. They are not happy. And that's something that, I think, we should be looking at. Because if you come to work every day and you are not happy there, it is very unhealthy.

Thank you.

CHAIRPERSON LONG: Mr. Executive Director.

EXECUTIVE DIRECTOR ALVAREZ: Michelle, if you would indulge me at least, could you give the commissioners some information on that Affidavit of Separation. You went into detail as to why -- well, how we verify that the information is accurate. Can you talk about the sharing of those Affidavits of Separation so they are aware of the requirements that agencies have when they hire folks?

MS. WEILER: Yes. So another thing that we have started doing with the Affidavit of Separations, is a -- as were you aware, there's a requirement when somebody's

moving from one agency to another, that the new potential employing agency must contact POST to get some of that information as to the reasons for their separation from the prior agencies.

We are now also providing a copy of the Affidavit of Separation if one is available. So if somebody is separated within the last two years, and we have the Affidavit of Separation, we will provide that to the potential employing agency.

That is another reason that we feel it is important that the information that we are receiving is accurate and that it matches up with EDI and that Box 14 is critical that it is completed, because just marking the box that says "failed to complete probation" is not really telling the future agency much. Right? It is just that this person didn't complete probation for whatever reason.

We would hope that agencies now start to fill that in on their own accord to say, you know, "struggles with radio calls" or, you know, when it's busy, they -- they have a hard time transitioning from one radio call to another. Something to give that future employing agency something to work with. Right?

I'm willing to take the risk on this person but I know I need to spend more time, or my training officer

needs to spend more time on this, or maybe we need to do a refreshener on this. Is somebody being separated from their agency due to policy violations? I think that's important for a future agency to know. And what are those policy violations? Does my agency have those same policies, and is that going to be a problem for me?

We want potential agencies to have as much background information as we can provide to them so that they can make those sound decisions. Because, ultimately, the hiring decision is up to you as the hiring authorities. So that's one of the changes too.

COMMISSIONER GORDON: So maybe I missed the first part of that. Is -- I'm sorry. Commissioner Gordon.

Is that on the actual separation that we're submitting, that they actually are also provided a copy of?

MS. WEILER: Yes. So Box 14 --

COMMISSIONER GORDON: So I would just caution, if we're terminating someone on probation, we get into trouble by providing a reason. So if we're providing that document to them, I will tell you, my city attorney would absolutely tell me, "No, you cannot fill in that box."

So there are some legal reasons that an agency will not fill in that box, because the person that you are

terminating has a right to that form and has a right to that information. So there's a lot of times where we terminate someone on probation where, you know, we're not going to give a reason.

And so I just would caution. You know, we want the background investigators to come talk to us because then we can provide that information in the appropriate way, confidentially. But to make that public, that is not always going to happen, and there are legal reasons for that when you are terminating a probationary employee.

So I just want to put that out there. I'm sure Legal could provide some additional context. But I can tell you, I would just be really cautious with making that expectation or trying to get agencies to do that because there are reasons that we would not.

MS. WEILER: So if I may follow up with a question.

So we don't ask for the very specific details. We just ask for a generic statement.

Is that still problematic for you?

COMMISSIONER GORDON: Yes. Because if you are asking us to put a reason such as "can't follow directions" or "needs more time in this," we can't -- we cannot put that on a public document like that. That absolutely cannot put that further explanation on that POST form.

MS. WEILER: Okay. So we'll have to look at different ways to address that, because one of the things we were trying to address was we were having agency heads come to us and say, "Hey, there's not enough information, and when we went to do the background, we didn't have this information, and now we are finding out that this is a problem." Or "We didn't know there was an allegation of misconduct and now you are telling us that this is a problem."

So we are trying to address some of that by having the agencies be more responsive that so we can look into -- I will work with Toby and his team and we can look at different ways to address that.

CHAIRPERSON LONG: Commissioner Braziel.

COMMISSIONER BRAZIEL: Yeah. I share Commissioner Gordon's -- It is very standard in a release from probation. We weren't even calling it a termination. It is a release from probation. "Your services are no longer required. Good luck on all your future endeavors." And that's it.

MS. WEILER: Okay.

COMMISSIONER BRAZIEL: So I think when agencies complain they didn't have enough information on the cause, the solution is, do your background thoroughly. Because that means they didn't go talk to the agency to

find out why. It is on them for not doing the work. They want you to do the work on backgrounds.

So I don't want them to do the work and expose agencies, or there's an expectation that everybody is doing it when most are not. Because their city attorneys are not going to let them do that.

MS. WEILER: Okay.

COMMISSIONER BRAZIEL: And the pushback on the agency is, you need to do your background better and talk to the agency directly, one on one and confidential, to find that information out.

And it is pervasive. Agencies don't go dig deep. They just check the box so that they pass the POST audit and then find out something later and want to blame the agency for not disclosing it, when they just didn't do their due diligence. So that's just my 2 cents.

MS. WEILER: And is this -- as a follow-up, is this a concern specific to probation separations? Or would it be terminations in general across the board?

COMMISSIONER GORDON: Across the board.

MS. WEILER: Okay.

COMMISSIONER GORDON: Besides the probation. But, you know, if you are terminating someone, there can be lots of things that go with that. There can be settlements. There can be all the things. And that,

you know, a lot of times with terminations becomes, you know, other legal actions that come with.

So to put different reasons on that form creates some significant issues. Because clearly, if it is serious misconduct, there is something within the nine that correlates within, you know, Mark43 with an investigation.

So we have to be really conscientious about what we are putting on those. You know, and that's also, I'm sure, probably a "PRA-able" form. So I would be -- I would exercise a lot of caution with what you are asking agencies to provide on that form.

MS. WEILER: Okay. Yeah. So we'll take -- I will work with Toby's team on that and see how we can address that. Either that we find a different way to release the information and not release the form, or we adjust the form to make sure we're still capturing appropriate information but not releasing --

COMMISSIONER GORDON: But also remember, you know, there is, on the form, whether or not we're providing that form to that individual we're releasing. So it is not just about what's being put into the system, but it is also about, you know, we have an obligation to give that form or provide that form to the individual.

So there's two pieces to that, that we really need

to be conscientious of as we're looking at this.

MS. WEILER: And we -- so we have received a handful of responses from officers. And those go in their file as well.

And so when -- for now, which it sounds like we're going to put a pause on this process.

When we did or if we did receive a request, a background inquiry for an individual who had responded to their Affidavit of Separation, that response goes along with it so that, again, we have that complete package.

I would have to check with my team to confirm whether we have actually received any for those specific individuals who have responded. But that would be our process if we have received those.

But I think we're going to be putting a pause on this process.

MR. DARDEN: If I -- if I may. We're happy to look at that.

Certainly, I understand the issues with respect to the termination of an employee on probation. I was an employment lawyer for 30 years. So certainly, we understand that a release on probation is very clear, it is an at-will relationship. So there's no need to establish just cause as you would with a civil service

employee.

So I understand that concern. We're happy to look at it.

The issue, I think, just gets down to the fact that the legislature has commanded, in the statute, that in the case of a separation from employment or appointment, the employing agency shall execute and maintain an Affidavit of Separation describing the reason for separation and shall include whether the separation is part of the resolution or settlement of any criminal, civil, administrative charge, and so forth.

So I think the reason behind the development of the form goes to the specific mandates in SB 2. Having said that, I don't know, I hadn't thought of that issue myself. So I appreciate that you have brought it up and we can certainly discuss it with the team.

CHAIRPERSON LONG: All right. Any further discussion on that point?

(No response.)

CHAIRPERSON LONG: Sounds like a hard pause. You guys want to continue?

MR. RADFORD: All right. Thank you, Mr. Chair, Members of the Commission. Mike Radford, Bureau Chief of the Los Angeles County Professional Conduct.

I will be going over all of our Professional

Conduct Bureau statistics, and this will be up to date as of date November 1st of this year.

So our first slide. We will just talk about all of our reports/allegations that we have received to date. So far, we have received over 30,000 total agency misconduct reports. And we break that down in years for you. 8,000 -- over 8,000 for this year alone. And as you can see, 2023 had much more, with 55 percent of them being the prior or retro reports that was required by statute.

To date, out of these reports or allegations, there are 34,700-plus reported allegations. And as we discussed before, some of these reports could have multiple allegations for one particular report sent to POST. And these allegations do cover 18,319 law enforcement officers throughout the state of California.

1,337 public complaints. POST does receive all public complaints and standardly pushes to the agency for their responsibility for investigation.

So with these reports, we have created 20,702 total cases. These cases break down into what we -- either open cases or closed cases. You can see that nine -- over 9,400, or 79 percent, are what we call open with POST. Over 2,500, or 21 percent, are open with the agency, meaning that they reported to us, but we have --

we're waiting on them to complete their investigation and report to us their finding.

We do have 42 percent of our cases are closed.

So I will add just a little context to these cases. There was a question that was asked yesterday that I, you know, wasn't able to really respond to, so we have brought some more statistics just maybe to help maybe break that down a little more.

We do, first and foremost, break down cases and we put them into a priority. You may hear the terms P1, P2, P3, or P4. This is a priority standard that we place on each one of the reports that comes in.

A P1 is a sustained case from an agency that, upon review, we believe will more than likely result in a full investigation. And we believe there may be an action that could be taken by the division against that particular officer on that misconduct.

A P2 case is a sustained case that we look at and, on first review, see that it is sustained, but we feel that there's more than likely not a chance that there will be any action taken. We see a lot of these as policy violations alone. And that's a P2.

P3s are cases that come in as not sustained, unfounded, exonerated, demonstrably false, from the agency. Those are by far the biggest amount of cases

that we have, and those are labeled as a priority 3.

And the final is the priority 4, which we deem all retro cases that POST has no jurisdictional ability to look at. We rate those at a P4.

So one of the questions yesterday is have we -- which one of these cases have we looked at? And I will throw out that every case or every report or case that comes into POST, we have looked at.

First and foremost, they go through our Intake Bureau, who diligently looks at each one of these cases, reviews, assesses, and gives a first identification: Is this going to be open with an agency? Is this a priority 1, 2? And they make immediate notification on any of the high-profile cases and send them directly to that particular bureau. So every case that does come in is reviewed.

We do have cases that we have assigned immediately and some that are unassigned. So I could break those statistics down if you wanted to know what were assigned and what were -- what are not.

But, more importantly, I just want to follow up that we do look, and we review, each one of these cases, identifying the highest priority to immediately assign and take action on.

So, again, we talked about cases that come into --

into the division that are sustained by the agency. So we broke those down as to what type of action does the division take on sustained cases.

Out of the sustained cases that we have received, we have 48 percent, the division determined, is not serious misconduct. And, again, those could be anything from policy violations or a sustained case that doesn't fit into one of the categories of 13510.8.

Some cases come in sustained. And, again, the preponderance of evidence is the level in which an agency must cover, but, of course, we have to get to clear and convincing. So some cases that come in as sustained, we are -- we -- 34 percent of the time, we are unable to get to a clear and convincing level allowing us to move forward on that particular case.

And a hundred -- or 143, or 18 percent, are deemed not actionable, which more than likely are the P4s or the retro cases that though they are sustained, we do not have the jurisdiction to take any action on that particular case.

So these are the breakdowns of the cases that we receive that are in a -- sustained from the agency.

This is just a further breakdown to show that 73 percent of the misconduct sustained is on duty and 27 percent is off duty.

So we also looked and saw and broke out agencies that have closed or cases sustained. What was the discipline that was imposed by the agency themselves? And this breaks down between counseling, no discipline, or they resigned in lieu of.

Suspension and terminations. 38 of unknowns and then written reprimands. So each one of these cases that are sustained, we are just showing the breakdown of the discipline imposed by the particular agency themselves.

Okay. Agency not sustained or not actionable cases that are reported. Obviously, all complaint, charge, or allegations regardless of their findings must be reported to POST. So this will break those down. 61 percent were deemed nonactionable, again, from the retroactive component.

35 percent. Even though we review them, we still take a look and we have determined that there was, in fact, no serious misconduct.

And some cases we do look at even though they come back as not sustained, there may be -- there may be some misconduct that we do look at and we may find that there is some level but it does not rise to a clear and convincing level. And we only found 4 percent that we do look at.

So disciplinary actions by the division ourselves. So as of November 1st of 2024, we have sent out 34 Notices of Intent to Decertify to officers, law enforcement officers, in the state. Of those 34, we have received 12 appeals.

18 have gone to default, meaning they did not respond in the appropriate time and they have -- they, in turn, went into default revocation.

One default suspension, meaning we sent out a notification with an intent to suspend. They did not respond so it went into a default suspension.

One voluntary surrender. And we still have, as of November 1st, two pending. Still waiting for the response.

So the same statistics, but just -- this breaks down what are the allegations that we are taking action on? The pie chart to the right details the percentage of these notices that we're sending out, with the majority being dishonesty. Acts that violate the law is 32 percent. And all the way down to demonstrating bias being the least amount. So just a breakdown of what were the actual misconducts that we are taking an action on.

The left also shows the action taken and the on-duty/off-duty numbers.

So during the decertification cases that have gone before the POSAAB board, this is a breakdown of cases they have heard.

To date, they have heard ten cases in front of them. Recommendations for settlement, there's been one that they have recommended just to settle and not go forward with the full decertification.

Their recommendations to revoke have been eight.

Recommendations to suspend with one.

And they are now pending, as of November 1st. Four cases. There may be more, but as of these statistics, there was four that we're waiting for the next POSAAB board hearing to come.

And the one time that the board reached a different determination than the division was one time, with one officer having a -- it was a DUI hearing and they had a different finding than what the division had recommended.

The decertifications coming before you, the Commission. You have heard six cases so far. Your determinations to revoke have been three, with two stipulated settlements and one no action.

We also pulled the statistics of the times the Commission reached a different determination than the board's recommendation, and there was three times that

the Commission was -- had deferred in a determination than the board.

Breakdown of the subject officers. The division recommendation, Board and Commission recommendations, as it will follow through.

And then the current case status, or final case status, that are on the far right. Just following along the actions that are currently in progress.

Certification actions based off of felony convictions. So to date, the total certification actions based on felony convictions have been 160. With 112 being the disqualifications or felonies received before January 1st, 2022, and 48 revocations based on felony convictions being after January 1st, 2022.

But, again, a total felony conviction. A status of 160 actions taken on certificates.

And then the final slide is just the total revocations that the division has taken. As you saw, the 1029 revocations are with the 48 in total.

Default revocations. These were the revocations we have sent out to officers, notifying them that we are intending to take action due to misconduct. 18 failed to respond. And then one default revocation from an officer that failed to file a notice of their defense to the ALJ. So that went into default from there.

So that is our update of current statistics for the POSAD division. I would be open for any questions on any of that if you have any.

CHAIRPERSON LONG: Thank you very much, Mr. Radford.

Questions? Commissioner Gordon?

COMMISSIONER GORDON: Just so I'm clear on the terminology.

A couple slides back, it talked about the decisions and outcomes and case status as of 11/1. On two of them, it says initiating probationary monitoring. Does that mean that they are now working with other agencies? Or just that means the stipulation -- the settlement has been completed and now the first part of it is -- I just want to make sure I'm clear on the terminology piece.

MR. RADFORD: You are correct.

There's the stipulation for the officer. If they are currently employed, they will need to enter into the requirements required by the Commission. Or if they are not working, if they do come back to law enforcement, they will be required to, you know, meet the stipulations that have been set for that officer.

EXECUTIVE DIRECTOR ALVAREZ: It's the latter, correct? It's the last thing you said is what we're talking about, right?

MR. RADFORD: That's right.

COMMISSIONER GORDON: I just wanted to make sure.

CHAIRPERSON LONG: Any additional questions for Mr. Radford?

COMMISSIONER THERRIAULT: Commissioner Therriault.

What -- what actions are being taken with agencies, I guess, in general to mitigate some of these cases? The vast majority seem to be not actionable, not serious, or, you know, don't fall into these categories.

Are there conversations being taken place or how is that being mitigated or are people just routing up everything?

MR. RADFORD: Well, they are required -- there is, you know, strict language that requires agencies to report all complaints, charges, or allegations. You do have some agencies that really respond and I won't say they overrespond. They are responding as they see is appropriate and required by legislation.

If anything, we may see some agencies that maybe respond or report lower. And we consistently have discussion and dialogue with agencies, you know, making sure they understand or if they have any questions. But for the most part, we try not to tell or require -- or tell them exactly what they need to do. We do refer them mainly to their own legal teams.

But as far as what we see there, you know, they are really following with the legislation. They are following the law. They are reporting the way they feel is appropriate as required.

COMMISSIONER THERRIAULT: Thank you.

MS. DEL MUGNAIO: Chair Long, may I address the question?

CHAIRPERSON LONG: Please.

MS. DEL MUGNAIO: Commissioner Therriault, there are other things we are doing in response to trying to shore up some of the clear and convincing evidence gaps that we are seeing.

Part of it we talked about at the last Commission hearing, where we discussed developing IA guidelines and then also how we distribute those guidelines and who we talk to about some of the outcomes we're seeing with the agency being able to prove by a preponderance of the evidence. However, POST has a -- you know, a greater threshold. And that's why you are seeing those numbers, as you mentioned, higher in clear and convincing evidence and an ability for us to reach that threshold.

So it is also outreach. It is when talking to various labor groups and the agencies, and we're trying to do more of that so it is not just the IA folks that we're talking to, but the line staff, the labor groups,

the attorneys, hopefully the DAs, about why we struggle sometimes to make the cases at POST that seem to be obvious cases with the employing agencies.

COMMISSIONER THERRIAULT: Would it be helpful if the standard was clear and convincing across the board? Would it make that a lot easier?

MS. DEL MUGNAIO: I don't know if it would make it easier on the agencies. I think, you know, we wouldn't necessarily have the gaps in making our evidentiary threshold. But, yeah, that would be a question for the law enforcement agencies.

I think there's just a difference -- and we will talk about this more under the dishonesty issue that's coming up. But an employment action versus an administrative action, for the purposes of licensing, is going to be unique. So I don't know that you are ever going to get those completely in lockstep or should you.

CHAIRPERSON LONG: Any additional questions for Mr. Radford at this point?

(No response.)

CHAIRPERSON LONG: Thank you, sir. Thank you for the presentation.

We are going to take a little detour and skip over Item H, the dishonesty item. I think it would be -- Commissioner Braziel has expressed particular interest

in it. It would be nice to have a full board with Commissioner Rodriguez and Commissioner Jackson, after lunch, when we take that one up.

So we will jump ahead and go to Item I. A report on AB 89, peace officer education requirements. Legislative Liaison Meagan Poulos will report on the item, prevented for -- presented for information and discussion.

Ms. Poulos.

MS. M. POULOS: Good afternoon now.

So I'm presenting this item to you all today for information and hopefully discussion with the intent to bring ideas forward as we continue to address peace officer education requirements.

As you all are hopefully aware, AB 89 was passed into law in September of 2021. Since then, there has been much confusion and conversation around the language that adds to this statute.

AB 89 gave direction to the California community colleges to develop a report of recommendations on peace officer education requirements for the legislature and for POST to then adopt those recommendations within two years of the submission of the report.

The report was submitted by the community colleges in October of 2023, essentially starting a time clock

for POST to adopt the recommendations made by fall of 2025.

To further clarify, the educational requirement of AB 89 did not change Government Code 1031, but, rather, add to the Penal Code so the existing requirement of only needing a high school diploma or equivalent is still existing law. Unless the Government Code is changed by next fall, this will remain the requirement until it is. But the information is conflicting with the direction that is given in the Penal Code, that POST must adopt the recommendations in the report.

AB 89 outlines specific recommendations that the report include, along with the requirement of both the modern policing degree program and bachelor's degree in the discipline of their choosing, as minimum education requirements for employment as a peace officer.

I would like to emphasize the word "and," as that was not the intent of the legislation. It was meant to be an "or," but, unfortunately, the statute says "and."

The report from the community colleges did not provide clarification to which degree should be obtained, but it did state that the degree should be obtained prior to receiving a basic certificate or within 24 months of initial appointment.

In September of this year, the California community

colleges released a memorandum announcing model curriculum for the modern policing degree. The degree consists of 45 units and ranges in topics including criminal justice, social psychology, public speaking, and statistics, to name a few.

Since the enactment in 2021, there have been multiple attempts to codify the intent and the requirements into a more palpable objective, including the correction of either degree to meet the necessary requirements from an "and" to an "or" and to establish when the degree needs to be obtained by.

Unfortunately, we have not had that success yet, and attempts are going to continue in this next legislative session, which begins next month.

So that leads us to this discussion today. Knowing that there are proposals coming forward in the next legislative session, what does the Commission wish to see in those proposals? What are the burning issues of this educational requirement? How can POST best implement this requirement and what should we be considering? And keep in mind that POST does not implement the degree content but, rather, how do we implement the requirements of our future officers in meeting those education requirements?

And to that, I open it up for discussion.

CHAIRPERSON LONG: Thank you, Ms. Poulos. Are there any questions on AB 89? And the issue is the and/or.

COMMISSIONER BRAUN: Commissioner Braun.

I do know that Cal Chiefs, Cal Sheriffs, and PORAC are working on a legislative fix for this right now. And unless there is some urgency that POST has to take action, I would recommend that we wait. I know legislation moves slowly, if at all, as does all government. But I know that this change needs to happen because the "and" is going to make it very hard for us to hire anybody. Maybe a few people. But the "or" will make life a lot easier. So I would suggest that we wait.

CHAIRPERSON LONG: Commissioner Braziel. Or Braziel -- Barcelona.

COMMISSIONER BARCELONA: Pretty much what she said. It -- we're all having trouble hiring people everywhere now. And, you know, requiring a bachelor's degree, one, is you are not going to get people that are fairly young because they are going to be -- it takes people awhile to get through a bachelor's program, and many of them won't get out at 22. They will get out at 24, 25. And they are losing their years.

So I think that -- I agree with, you know, PORAC,

they are working on a fix. And I think it needs to be done because if it's -- if we're going to require a bachelor's degree to start, then it is going to be even way harder to hire people.

COMMISSIONER THERRIAULT: Commissioner Therriault.

We have had a lot of -- thank you, Chair.

We have had a lot of conversations and I think we'll have a lot more going forward collaboratively with the chiefs and the sheriffs. But I think minimally, there has to be some type of -- because of the recruiting and retention issues, some type of delay maybe until 2030 or 2031, kind of allow maybe 36 months, a few years from the receipt of a basic certificate, to actually complete these requirements. Allow maybe an AA to satisfy the modern policing degree and kind of restricting the number of units that are required.

Other things that have been kicked around or talking about are a professional policing certificate through the community colleges. And then allow the, you know, professional policing certificate to maybe be obtained through the POST academy. Maybe extending the academy. Those are some of the things that are being kicked around. Allowing for prior service, military, because a lot of military service has community college credits, to also be worked into that. But I think there

has to be some type of, like, combination that allows this, you know, professional policing certificate, you know, to be incorporated into POST and the academy. And those are some of the kind of ideas that are kind of swirling around upon that at the moment.

CHAIRPERSON LONG: Thank you.

Commissioner Nieto.

COMMISSIONER NIETO: Yeah. I agree with everything that the commissioner said.

What I would like to see is just some type of tentative dates on things, if we can even guess. And I say that because I have attended two meetings -- a regional meeting, and then another one with our colleges -- and this came up in discussion and there's a lot of confusion still.

I know we're working on some fixes. It was really hard for me to kind of explain. They asked me as a commissioner what are the timelines on this. Try to explain everybody is working on it. And so even if we have just something to give to the colleges. Because these are the people coming out with this stuff, and I can tell you, this came out from the state with the chancellor's office. But your community colleges, your four-year colleges, are very, very confused about this still.

CHAIRPERSON LONG: Chief Salazar, would you like to comment on the Advisory Committee yesterday?

ADVISORY CHAIRPERSON SALAZAR: Yes. Thank you, Mr. Chair.

We did have a pretty robust discussion on this item yesterday. Generally, the group is concerned with some of the same concerns that the Commission has expressed today: Its impact on recruitment. But also know that there needs to be some legislative fixes. Obviously the and/or language. Cal Chiefs, Cal Sheriffs, PORAC are working together to try to come up with some ideas for the legislative fixes in this next legislative year.

As far as, you know, what we discussed in terms of what AB 89 proposes, it would be nice if there were other pathways. Right now, it's just either the MPD or right now it's MPD and BA. But there should be acceptance of other types of degrees -- AA degrees -- that are included in that. Perhaps a professional certificate as well.

We also discussed, you know, restricting the number of credits that are currently required in the MPD. It is very specific as to what is required. And that should probably be fixed as well.

We did hear from CADA yesterday, our representative on the committee, Tammie Murrell, who is here. As we

are talking about, you know, including academy credits or academy time towards credits in the MPD; some challenges with that because, as she indicated, I think it was only seven or ten units, perhaps, were transferable to what could be used in a degree. So there may be a need to look at what is being done in the academies to meet some of that challenge as well.

But a robust discussion about everything we have already heard from the commissioners, and an agreement that really POST, right now, shouldn't do anything with it until the legislative fixes are taken care of. And I know those wheels are in motion. So...

CHAIRPERSON LONG: That direction seems fairly clear.

Maybe Executive Director Alvarez could sum it up for us.

EXECUTIVE DIRECTOR ALVAREZ: Thank you, Mr. Chair.

I don't want to speak for Meagan, but I will in this instance. This is one of her favorite bills to navigate through, as she's smiling.

So, no, we are completely aware, and I think we're all in agreement, inside of POST, with everything you all have said. Really, the purpose for putting it on for consent; we know we're all talking about it; the associations are talking about it. And there's been a

couple of moves in the legislature to fix it. But we just wanted to put it on everybody's radar that, obviously, October 2025, we would be kind of on the box to -- to do something should this not get fixed. We anticipate it is going to get fixed and we anticipated that the Commission would just say, "Hey, let's just take a wait-and-see posture." That is what we would like to do as well. But that's -- that's the reason we put it on is just for additional awareness on the October 2025 deadline.

Should the bill not get fixed, I presume we could put it on for, you know, some decisions in September. I don't know if that would be too late, Meagan. But as long as the decisions are made prior to October 2025, we would be okay. So -- right?

MS. M. POULOS: Yeah.

EXECUTIVE DIRECTOR ALVAREZ: Okay. Thanks.

MS. M. POULOS: Yeah. And we are in those conversations with the associations and everyone else involved as well.

CHAIRPERSON LONG: All right. Any additional questions or comments?

Commissioner Moon.

COMMISSIONER MOON: Commissioner Moon.

Just a quick comment. You know, in light of

looking at legislative intent, I think -- I think there is also an opportunity on the data piece, with Michelle, on looking at misconduct and education on the officers that had revocations so that we can show, again, with that legislative intent, as to why we're getting an increase in the education. Is it -- does the data also -- is it in line with the intent of that legislation?

EXECUTIVE DIRECTOR ALVAREZ: I mean, I guess there's an opportunity. Although we don't -- we don't track education as we have mentioned previously -- and I'm sorry. May I jump ahead?

We don't track education other than in certificates. So if somebody doesn't apply for a certificate, we generally don't know if they have, you know, received their master's degree while they are an officer.

But I would imagine that what we can do is on those actions that we have taken, to see what type of degree -- what education level we have at least on record for those individuals that have been decertified or subject of a suspension or have been engaged in felony or criminal conduct that has made them ineligible or led to the revocation of their certificates. That should be simple for us to do.

I mean, obviously, you got to do them one by one. It just won't be super accurate because they could have gone back. But that's -- that's something we can do.

I mean, it would be interesting to see if, you know, obviously if everyone that has been revoked as a PhD; I think that would go to your argument, Commissioner Moon.

COMMISSIONER MOON: And that could be used by the associations that are looking at that -- you know, the conversation with the legislative intent.

CHAIRPERSON LONG: Commissioner Gordon.

COMMISSIONER GORDON: And can I just clarify? Because I might have missed it.

This is also for anyone who is a current police officer, or is it only for new hires?

MS. M. POULOS: Only for new hires.

COMMISSIONER GORDON: So anyone who's been hired up to that this point, it will be only once that 2025 occurs, technically, unless there's a change that that would be?

MS. M. POULOS: Correct. Well, and even still, the Government Code, even in 2025, if there's no legislative fix, it is going to remain as is.

COMMISSIONER GORDON: I just wanted to clarify.

MS. M. POULOS: Yeah.

CHAIRPERSON LONG: Thank you, Ms. Poulos.

If there are no more further questions, you can stay put and present for us the legislative update.

MS. M. POULOS: Okay. So the 2024 legislative session has obviously concluded. It concluded the end of September.

So today I'm just going to go over the bills that were either signed or vetoed that will or would have affected POST.

I know Manny alluded to a few of the new laws that will be requiring POST to create some new guidelines.

So the first bill is AB 2020. So this bill, among other things, mandates that POST create guidelines for law enforcement interactions with survivors of human trafficking by June 1 of 2026. It also mandates that law enforcement agencies create a policy based on those guidelines by December 1 of 2026.

And that was signed. And I believe we have already started the workshops for that -- for those guidelines.

The next -- the next bill is AB 2541. This will require POST to develop guidelines addressing wandering associated with Alzheimer's disease, autism, dementia, etc. The bill language includes minimum content such as protocols for deploying agency resources, developing community awareness, and coordination and communication

protocols between agencies, amongst others. It does not require a policy to be built on this.

And that was also signed by the governor.

The next bill is AB 2621. This bill requires POST to update our current hate crimes model policy and training to include identifying when a gun violence restraining order is appropriate to prevent a hate crime and the procedure for seeking a gun violence restraining order.

The bill would additionally require instruction on responses to hate crime waves against specified groups, including the LGBTQ and Jewish communities.

The bill further revises hate crime policy requirements.

And that was also signed by the governor.

The next bill is SB 989. This bill requires POST to add procedures and techniques to its domestic violence guidelines in relation to deaths that are related to domestic violence. It also requires POST to update the mandated domestic violence refresher course.

And that was also signed by the governor.

The next two bills were vetoed:

AB 2138. This bill would have established a pilot program for tribal police to have peace officer authority in California. That bill was vetoed.

And then the next bill, SB 1020. This bill would have required each law enforcement agency and academy to prohibit the use of ethnic shooting targets. And that bill was vetoed as well.

So the legislature reconvened on December 2nd to swear in all their newly elected members. But they really won't get started until January and introducing new legislation through February. So I anticipate seeing the return of K-9 legislation as well as the continuance of our educational requirements that, obviously, we just discussed.

And I'm sure I will have a lot to talk about when I see you all in March.

So with that, I'm happy to answer any questions.

CHAIRPERSON LONG: Any questions on the legislative front?

(No response.)

CHAIRPERSON LONG: Seeing none and seeing that lunch is evidently here, we will take a break now and come back at 1:00 o'clock, post lunch. We are temporarily adjourned. Recessed.

(Break taken in proceedings:

12:27 p.m. to 1:12 p.m.)

CHAIRPERSON LONG: We're back on the consent agenda, on Item H. A discussion regarding Commission

Reg 1205 related to dishonesty definitions and whether there are significant gaps in current regs.

Chief Counsel Toby Darden and Assistant Director Annemarie Del Mugnaio will report on this item. It is discussion and recommendation only. Ms. Del Mugnaio.

MR. DARDEN: All right. Good afternoon, Commissioners.

As you recall at the meeting in September, some concerns were raised, now that we are two years into the implementation of SB 2, as to whether or not there were some gaps within our current regulatory definition of "serious misconduct" and whether or not there were categories that we should look at and consider trying to expand.

There were two specific areas that were discussed at that meeting: One, which Executive Director Alvarez spoke about earlier today. That's the physical abuse category. And then another question was also raised about the provision in SB 2 that states that an individual can be decertified based on a law enforcement agency's termination of the individual for serious misconduct.

Because of these, each of them will require some extended discussion, and we want to do this one bite at a time. We're going to talk today just about the

dishonesty piece, and I'm happy to come back on those other topics for you at a later meeting.

As to dishonesty, as I'm sure you remember, concerns were raised that the existing regulatory definition, which largely follows the statute 13510.8 may be too narrow because it limits dishonesty to the context of a criminal investigation or dishonesty in the investigation of police misconduct.

And some examples were raised at the meeting of dishonesty that might not trigger the decertification provisions, such as dishonesty about how an accident occurred or dishonesty in some other work-related reporting or conduct if that was not in the context of a misconduct or criminal investigation, like time sheet fraud or the reason you called in sick, or whether or not you checked the back of the police car or whatever.

So what I did in the report -- and it was my understanding of the mission -- from the Commission -- was to give some thought to this and to come back for a more fulsome discussion today and to give you some ideas as to potential language that we might consider adopting or not, depending on the Commission's desires. And so that's what I did in the staff report.

So in the staff report, as you see, I discussed a little bit about just the concept of dishonesty and how

dishonesty is generally understood. And keep in mind that in the statute, and in the law generally, dishonesty can be a dishonest statement, but it can also be a dishonest act. And there are some specific examples that are provided in SB 2 of both specific statements, dishonesty statements, and dishonest acts.

It also generally is understood in the law to be an intentional misstatement or an intentional omission and not a statement made upon some mistake or misunderstanding.

As is pointed out in the staff report, we have chosen not to define "dishonesty" beyond the examples set forth in SB 2. So I thought it was worth some discussion. I also looked to some other states to see what they did. And so one of the things we can talk about today is whether or not we should further define "dishonesty."

But in the staff report, again, we gave thoughts and a couple of options, one a much broader option and another one, as a little bit more of a limited option.

In terms of just thought -- ideas for us to discuss in terms of whether or not we should define, further define, and expand dishonesty or not.

In both options, I included what I am referring to as a preface. This is not an overarching definition. I

consider it as a preface and really a restatement of our existing provisions of SB 2.

So in that preface -- and we'll put it up on the screen in a moment -- it refers back just to the existing regulatory and statutory definitions, but makes plain that the point of decertification is determine whether or not the conduct in the particular case warrants, on a permanent or a temporary basis, the removal of the person from the profession of law enforcement.

And the reason why we thought it might be important to include the preface -- although I think, again, that it really restates our -- the existing law and existing practice -- is that the more we expand the categories of serious misconduct to bring more conduct within the umbrella of cases that are come -- that are going to come before POST, the more it risks at least the possibility that POST is now going to be looking more and more at cases which might be seen -- up to the Commission of course -- but might be seen as cases which are cases that certainly warrant action by the appointing authority -- in other words, the employer should take action -- and can certainly choose not to employ this person. But they may not necessarily raise to the level where, on a statewide basis, we want to

remove this person from the profession.

And, of course, as we know, in SB 2, the legislature doesn't mandate that for every serious misconduct act that comes before us, that we have to revoke or suspend. And so what we did in that preface was try to make those points, that we're looking at whether or not permanent or temporary removal is warranted, and also that serious misconduct is conduct which both meets those statutory and regulatory criteria, and that also impacts the health, safety, or welfare of the public.

Up to the Commission as to whether or not it chooses to include a preface or not, and up to the Commission as to whether or not it will want to define it or not.

Can you go ahead and put option 1 up?

So just to make clear -- again, this is just a thought. We're not asking for this language to be adopted today. That's why it's on consent.

And so what I tried to do, in this option 1, is to the left, there is the existing definition in the existing regulation.

And then to the right is one of the options.

So the option, as you will see in the first paragraph, it includes what I call this preface. And

then in terms of expanding out, what are the types of dishonest acts? How can we expand it just beyond dishonesty in the context of a criminal investigation or an investigation of misconduct?

And one thing that I saw one state do -- I think it was Virginia -- they used the term "in the practice of law enforcement." And, of course, we're a licensing body now. And this is very common in licensing schemes. You know, the practice of architecture, the practice of law, and so forth.

And so one possibility would be to make dishonesty actionable if it occurs in the practice of law enforcement.

And that would require, however, that we define it.

So as you see, down in 2B, I made an attempt to define it. And, again, just for discussion purposes, actions or statements made by the officer while engaged in the performance of law enforcement duties, including upholding and enforcing the law, protecting the community and its citizens, maintaining order, and so forth.

Still raises some issues. How far are we going to extend dishonesty in that practice of law enforcement? Is that only out in the field or only in responding to a crime? Would it also encompass more, sort of,

administrative tasks or not?

So we can certainly have that discussion.

And then this also -- this option also makes an attempt at a definition of "dishonesty." I don't think it's necessary; we don't necessarily have to define "dishonesty." But sometimes there are questions about, you know, if it's a statement -- if it's an omission, what if it's a reckless disregard. What if you can't necessarily prove, or the circumstances aren't clear, that it's clearly intentional? Do you want to have some effort to define "dishonesty"?

And then the final paragraph there, 3, is just that -- that is already existing in the regulation.

So, again, what this option would do is it would broaden it out from dishonesty just in the narrow areas of a crime or an investigation of misconduct to the dishonesty and the practice of law enforcement.

So that's the first option.

And then let's go down to option 2 real quick.

And I -- and option 2 is an attempt to do something that was a little bit less expansive.

So in that case, in option 2, we're also including the preface -- which, again up to the Commission as to whether we want to include it or not. And then I tried to be a little bit less expansive. So we included the

reporting, investigation, or prosecution of a crime, which is already in our statute.

And then I changed this category, which currently is only -- only has to do with a misconduct investigation, an investigation of misconduct, to broaden it to any criminal or internal matter in which the peace officer, subject, witness, or involved party.

And then the final category was dishonesty relating to the officer's performance of their law enforcement duties. And then we have, obviously, the same examples that we have -- that we have stated there.

The questions for today is should we expand the dishonesty categories? If not? And, if so, should we attempt to define dishonesty? Should we have a preface? I did include some of the efforts of the other states that we -- sorry. Some efforts that we made to look at law in other states and found that each state does it differently. There are some states that simply define it. There are some states that do make an attempt to discuss the type of dishonesty that would be actionable.

So in Montana, for instance, dishonesty that tends to undermine public confidence in the officer or the employer or the employer or the profession is the category in Montana.

And Virginia uses the practice of law enforcement

or in becoming a law enforcement officer.

So, again, these are the concerns that we're looking at. If we broaden it -- if we broaden the category, we're going to be bringing a lot more cases in. If we do that, is it very clear that with respect to the Commission's jurisdiction, that it is going to be making determinations in cases only in which it is appropriate to remove the officer temporarily or permanently from the profession.

And I always like to have Annemarie help me, because I'm the lawyer; I confuse you. She will then bring it back to the real world and help provide real world license and context. So I have now messed it up with the legal stuff.

Annemarie, we would love to hear your thoughts.

MS. DEL MUGNAIO: Again, we know with some of these areas with serious misconduct, not unlike dishonesty, we have kind of struggled with misconduct versus serious misconduct, and the serious misconduct that should result in someone being removed from the profession indefinitely, without an opportunity for reinstatement or a second chance.

So when we're looking at dishonesty, there's a couple things I want to point out. One is the administrative resource burden on the division.

We did a quick scan of the cases that we currently have closed. About 700 of those cases were cases that involve dishonesty but did not meet the current definition of "dishonesty," how it is defined in the Penal Code. 268 of those were sustained by the agency.

So you can imagine, if we expand the definition, we're going to be talking about, perhaps, thousands of cases that are beyond what the definition is today, but would then fall under the jurisdiction of POST. And we would have to be making a determination about credibility. And we are already struggling with -- and this was brought up earlier -- with meeting that evidentiary threshold in some of these cases, clear and convincing evidence.

With cases of dishonesty, it becomes even more problematic at times because oftentimes, you are talking about a discussion that happened between two individuals where you don't have a recorded conversation; you don't have any other video or audio that you are referring to, to isolate the dishonest statements, and, thereby, you are looking at, again, a credibility assessment and it makes it more difficult to establish that evidentiary threshold.

And just from the standpoint of looking at, again, these cases as licensing cases, where the State of

California is coming in, saying, the behavior is such that this individual needs to be removed from the profession, reported to the National Decertification Index, and should not technically work as a peace officer anywhere in the country; versus that this might very well serve the interest of the agency to remove this individual from the agency, terminate them for cause of dishonesty, but perhaps does not involve the realm of the State of California making this permanent revocation statement.

So I just, you know, throw out there that we have 10,000 cases right now that are unassigned, that we can't touch yet, because of the staffing issues that we have and the volume of reports that are being submitted to the division.

It might be premature at this point to be adding additional layers to the nine acts of serious misconduct until we can really get our arms around what we're currently trying to deal with in terms of working through backlog and volume and cases that pose a significant risk to public safety.

So those are the comments I wanted to make with regard to the proposal.

COMMISSIONER WOOLERY: Toby said the same thing.

MS. DEL MUGNAIO: He did? Is that what you heard?

(Laughter.)

MR. DARDEN: I will pay you later.

CHAIRPERSON LONG: Questions or comments?

Commissioner Gordon.

COMMISSIONER GORDON: So in looking at the material that was provided as part of the agenda, in looking at the concerns that were brought -- and I will be very upfront with even my concerns as a chief.

I do think we probably need to do something. I don't think that we need to rewrite the whole definition, because, to your point, you know, when we talk about the number of cases that you are getting, we are required to report them as an agency.

We know they are not going to rise to the level of decertification, but we have to report them. And that means your staff has to go through them all.

But I do like actually what Nevada does. And the language that Nevada uses, I think, is maybe -- and I -- you know, I'm sure there will be lots of complications with trying to do this. But, you know, Nevada said resigned in lieu of termination or been terminated from any civil service employment for substantiated misconduct involving dishonesty; has not been reinstated as a result of judicial action, available appeal, or remedy relating to the resignation or termination,

including, without limitation, any civil service appeal, direct administrative appeal, or collective bargaining remedy. For the purpose of this paragraph, dishonesty includes untruthfulness, deception, misrepresentation, falsification, and dishonesty by admission or omission.

But that kind of talks about what was discussed at the last meeting, where it has risen to the level that the chief or sheriff has terminated this officer or deputy for dishonesty. And I think those are the ones that then rise to the level that, do we want them working for any department?

So I just -- maybe that's where that balance occurs, where it meets the needs of what we're not getting. And then it also meets the needs of, you know, the division with the number of cases that we're looking at, you know, and making sure that we are actually able to address the ones that absolutely have to be addressed.

So that is just my comment in looking through all the material, because there were lots of different, you know, variations on what dishonesty means. We, I think, have the longest definition already of what dishonesty is and amongst all the different ones. But maybe that is the piece that might be missing.

So just a -- my thoughts.

MR. DARDEN: And I may, then, the Nevada definition really gets into the topic that I was hoping to take up at the next meeting. And that is the fact that in our statute, there is a statement that an individual can be decertified if they have been terminated for cause for serious misconduct. And that raises itself a lot of legal issues, which I don't want to bore you with today.

But I see that as being -- that sort of language as being subsumed within the Nevada language. And so when I looked at the Nevada language, I was really looking only at the definition of dishonesty and not that other part, because I was planning on talking to you about that other part later.

But it is helpful to know that this is the kind of thing that you are interested in.

One of the concerns that we have, and we discussed about it very briefly, on this question of a termination because -- sorry, a decertification, because a law enforcement agency has terminated the individual for serious misconduct.

The problems, obviously, that we look at are the -- sort of the fundamental fairness. So a law enforcement employer may terminate an officer and say that it is for misconduct, but if we looked -- and so I guess the fundamental question we would have to face is, are we

simply going to accept the representation of any law enforcement agency that an officer was terminated for, let's say, sexual assault or participation in a gang or physical abuse, and then not do any further work, and only decertify based on that determination?

And I think most folks would say we shouldn't do that. We should look at the underlying facts. And so if we're looking at the underlying facts to determine if the serious misconduct, in fact, occurred, if the evidence supports that there was, in fact, serious misconduct, then that's really the same as what we already do, which is, we look to the facts of the case to see if we believe we can prove serious misconduct occurred.

So it -- you know, I'm not a hundred percent convinced about what -- how much we add to the process by focusing on the decision made by the law enforcement employer, because I think, ultimately, we would have to prove, in any event, that the individual did engage in conduct which violates the -- one of the statutory definitions.

COMMISSIONER GORDON: I'm not disputing that. POST should still do its due diligence. It shouldn't just be taking the word of the chief or the sheriff. So I'm not debating that at all.

I just think, when you look at this, you know, when we're talking about if it is dishonesty that raises to the level of, in a sheriff or chief's mind, for termination, that is, I think, the piece that's missing. But I would never suggest that POST shouldn't still do their due diligence and make sure that the appropriate clear and convincing standards, you know, that still has to be met.

The purpose of POST is to make sure that we are, on our end, doing our jobs and, you know, that standard is what it is for a reason.

So I wouldn't suggest that it didn't include that piece. But when we talk about how do we get those other cases without trying to, you know, make the definition bigger than it is now, where we end up -- you know, if there's one time that an officer lied on a time sheet and was given a letter of reprimand for it, based on the circumstances now, that would come to POST depending on how we change that definition. And that could be an overwhelming number of cases.

MR. DARDEN: Right.

COMMISSIONER GORDON: So that's where I look at it where that carve-out specifically related to dishonesty might be a way to look at this.

MR. DARDEN: And if I may, Chief, having been an

employment litigator for 30 years, one of the concerns, obviously, is that, you know, we see instance after instance where a law enforcement employer terminates an officer. They then -- of course they have their Skelly. They then have some sort of an administrative appeal and the State -- it would be to the SPB or maybe you have a local board of rights or something along those lines -- then they take a writ. That writ then goes to the superior court. Then there can be an appeal from the writ. There can be direct civil litigation as, of course we're all aware, against the agency, all raising the same issues.

And so that's one of the difficulties in terms of tying it to the employment action by the employer is to what extent, then, do we become bound by having to wait until perhaps five, six, seven, eight years down the road, all the civil litigation is -- is handled.

And if, on the other hand, what we do at the outset is we look to see, can we prove -- we believe that serious misconduct occurred, and we take our action based upon that, then we don't have to worry about that aspect of it.

And I'm not saying it's not possible for us to -- to work out some language, to take that into account, but I would be curious as to your thoughts about those

issues, about the lengths of the appeals and so forth. And what do you do if now we've decertified somebody because they went to a board of rights or the State Personnel Board, and so it was upheld, and so we decertify the person but then they go and get a court of appeal to reverse it or a superior court on a writ reverses it; then would we end up, you know, having to reverse the decertification action.

COMMISSIONER GORDON: Well, my opinion would be, you wouldn't have to because POST would be doing their own investigation. I mean, there's -- we -- it could happen on any of the cases where --

MR. DARDEN: Sure.

COMMISSIONER GORDON: -- POST could decide to decertify someone that, as a chief, I didn't decide to terminate.

So POST still has that independent piece, and there is the piece where you have the ability for the Executive Director to do a temporary while that is happening. Because while that is going through, I'm not sure that any agency would -- would or should employ -- you know, another agency should employ that officer while that's all occurring. So I think there's room for it, and I would be curious, you know, what that would look like.

But I do think we already see that now, where, you know, we have had those discussions where, you know, we could decertify someone that still has appeals left within their own agency and their own process. Because I think that's where it comes in, where it has to be that POST has that independent investigatory responsibility to determine based on the facts of the case.

MR. DARDEN: Absolutely.

And, Commissioner, just so you know, my position has always been, when I get asked by POSAD, what is the impact if there's been a decision in arbitration or some sort of a decision on the employment?

And for the most part, POST's action is going to be independent of that. I always want to see that information. I want to see if the individual has testified. I would like to see if there's been a ruling; if it's been based on clear and convincing evidence. It almost never is.

But our view is that what POST does is separate and independent from what happens in that employment determination and in any appeal from the employment determination. Because, ultimately, we're going to look to see, do we believe that this officer engaged in this act of dishonesty, physical abuse, etc.?

COMMISSIONER GORDON: Well, and I would say, I mean, I'm just using the Nevada language as an example.

MR. DARDEN: Yes. Of course.

COMMISSIONER GORDON: But it wouldn't mean that the California language would have to go as far into, you know, any civil service appeal and, you know, any -- the board could decide -- I mean, the Commission could decide what we would want to present would be, you know, maybe is up to the point where they have, you know, gotten their first set of appeal or whatever that looks like, you know, beyond the Skelly, but they have had whatever that administrative or that civil service hearing is.

But I think there's -- you know, in terms of I don't think we have to get all the way through whether there's a writ or all the other because every city has their own municipal code and way to do that.

So that's where I think there's room to work through this.

But to Annemarie's point, adding more cases and -- because anything that we add to the dishonesty would then result in a significant number of new cases. Because those are just allegations and we have to report that allegation.

Even if I know -- you know, we get complaints often

where we see that, you know, we have body cam or we have this or we have that, and we know that that allegation is not going to be sustained. But we still have to report it, which means POST still has to look at it.

So I wouldn't want to overburden and add more. But I also, 100 percent, agree with the chief's concerns from last time. And my concern, as a chief itself, is when we're terminating someone for what we consider that level of dishonesty, we wouldn't necessarily want to see them be employable by another agency and being able to capture that without trying to wordsmith the definition. Because I think no matter what way we add to the definition, the end result is a lot of new cases that come to POST.

CHAIRPERSON LONG: Commissioner Braziel.

COMMISSIONER BRAZIEL: Yeah. I go back to what -- our last meeting we talked about the gap we're trying to fill. And it is what Commissioner Gordon talked about, is those times that doesn't meet dishonesty but they may uncover an investigation.

So I would like to suggest maybe -- I like the Nevada language as well. But you stop at -- you know, you start with resign in lieu of termination or been terminated from employment. Forget civil service because that's -- we have a lot of peace officers in the

state who might be at-will employees, who don't have a civil service protection.

And then just jump down for the purpose of this paragraph, dishonesty includes, and then we can put in, you know, some language in there that defines it.

And then it captures -- then we still have to do our own independent review, so we would have to go back and look at the case and was dishonesty proved or not proved in that termination or resigned in lieu of.

I think it fills that gap without expanding the definition to include everything that might possibly happen.

And, you know, then it is on the agencies, again, what the chiefs talked about last time, is a gap where they see somebody that is dishonest; it doesn't quite meet our needs of what we do, and, yet they get hired by somebody else.

You fire somebody for dishonesty. It triggers the dishonesty review at POST for potential revocation. We still have to do our review.

I would just take out all the civil service, all the appeals, all of that, because we don't care about that. And those could take years. Or they may not appeal it. They may decide not to.

So, anyway, that's just my suggestion to try to

kind of get it back into a very tight definition without it being four pages of subcategories and everything else. No offense to the lawyer in the room. Keep it very simple.

MR. DARDEN: I have been accused before of writing "War and Peace," so it is completely understandable. And then Annemarie brings it back down to plain language, which I appreciate.

I love the discussion. I'm still struggling with are we adding now? Because if ultimately, now, we have to prove both that the person was terminated for a sustained finding of misconduct, but also we have to independently prove the misconduct, then I think we're just adding another category. Because as it is now, we are already proving the misconduct occurred.

So I'm still struggling with what we're adding to it if we're -- and I see a skeptical look by Commissioner Gordon. I would love to hear from you.

Because we currently have to prove -- let's say you terminate an officer for a sexual assault.

And we currently would look at that and say, can we prove by clear and convincing evidence that a sexual assault occurred? And if so, we move it forward.

So this language would say the person had to be resigned or terminated as a result of a sustained

finding of sexual assault.

But it wouldn't just be based on your determination that there was sexual assault. It would be -- the Commission would also have to look at it and determine that we could prove sexual assault.

So it strikes me we're -- maybe I'm missing something. It strikes me, we are adding an additional element of proof, because we're already going to have to prove clear and convincing evidence that a sexual assault occurred. And maybe I'm missing what you are saying.

COMMISSIONER BRAZIEL: I will go first and then we figure out what we're on the same page.

No. I'm not suggesting that. What I'm suggesting is, I think we had examples of where our definition restricted where dishonesty occurred, but there's dishonesty beyond our definition.

MR. DARDEN: Right. Correct.

COMMISSIONER BRAZIEL: So we're merely saying, if it didn't meet this definition here that we finally defined as within investigations, whatever that is, but an agency found dishonesty outside of our definition of dishonesty, that if they terminated him outside of that, what prompts our review for us to look at it -- even though it wasn't related to a crime report; wasn't

related to X, their investigation, but related to other matters and their police duties -- that cause an agency to fire them because of dishonesty, that would trigger us then looking at it even though it didn't quite match our narrow scope of dishonesty.

Did I explain it correctly?

It wouldn't require anything else of you being fired. It just fills that gap where the dishonesty they were terminated for wasn't dishonesty within a very finite definition. But the agency saw it that they had to fire them for dishonesty.

That should trigger a revocation review, as I think -- did that -- I think we're on the same -- we share a brain every now and again, so I'm glad you are putting us close to each other because the smart side is coming now to help in --

COMMISSIONER BARCELONA: Where is this line of beyond? I mean, I'm not clear where these lines are. I don't get -- I don't get it. Everyone is talking about, you know, beyond what we have now. Well, what is it? Because the officers are going to want to know that.

And the problem we have now is -- I mean, just in the state ranks, we're 35 to 40 percent vacancy rates because we can't hire people. And by continuing to add more and more regulations and tightening the grip on the

officers that are working, you are just going to -- you are going to lose more people; more people are going to be investigated; it is going to cost; everyone's budgets are going to skyrocket because they are going to have to investigate every -- every whim. Every person who gets on the internet at 2:00 in the morning with a beer and goes to that little button on POST and files a complaint on anyone is going to have investigated; it's going to have to be funded and come to a conclusion.

And as I have said before, I think we're fine right where we're at.

CHAIRPERSON LONG: Commissioner Doering.

COMMISSIONER DOERING: Yes. So -- Commissioner Doering.

I agree with Commissioner Barcelona also. I echo a part of Commissioner Gordon's points, and I think that's a plausible solution that we could come up to.

But like was already stated, I think our definition of "dishonesty" is already extremely broad and covers serious misconduct and issues of police misconduct. I think that about covers it.

And a big portion of this, too, is staff's recommendation based off workload. Even if we were to make a change, I feel like the timing is just not right. We already have 10,000 open cases that they said haven't

been assigned yet.

I think any change we make, even a termination-type carve-out that we would do, is only adding to our workload for our staff and potentially delaying more serious violations that currently haven't been assigned yet.

So regardless of a solution, I think the timing is off. But I tend to agree with Commissioner Barcelona. I think the language, we already have a robust, lengthy definition. I don't know that we need to carve that out any further.

CHAIRPERSON LONG: Thank you, Commissioner.

Commissioner Nieto.

COMMISSIONER NIETO: Took a while. I think I forgot what I was going to say. No, I didn't.

The fact that we're having this conversation over and over again says we need to do something. I do know, talking with different chiefs and talking with different people, and we have come up with examples of where dishonesty was an issue, but it didn't fall within the guidelines of serious misconduct.

So we either need to do better training of our leaders that these things that tend to fall out of the guidelines, you would see it, they do fall within the guidelines, or we do need to tighten up some of our

wording.

I think saying it is going to add to our workload, is it the right thing to do even if it adds to your workload? That's what I always say. I know that causes you consternation, Toby. I know that that may increase the workload.

But this is the right thing to do. And what is that right thing? So we either have to train people better, the leaders, or we need to tighten up some of this definition.

MR. DARDEN: No consternation here. We're just here to do whatever you guys want us to do.

Yes. And I had a question for you too.

CHAIRPERSON LONG: Commissioner Therriault. Commissioner Therriault, please.

COMMISSIONER THERRIAULT: Commissioner Therriault.

I think I would like to see the legislature make some of these changes instead. I'm kind of hearing two different things. On one end, I'm hearing it's a resource drain on POST; and then the other, I'm kind seeing is like a -- you know, what I would call a bureaucratic mission creep on things to try to take on, where there's already, you know, plenty to do.

And then at the same time from the -- I wish we would have some type of counter from, you know, the

presentations we put on the last Commission. It was great to hear from the chief's perspective and the sheriff's perspective, but it might be good to hear from some alternative labor leader's perspective as well, about how that affects.

I have a lot of concerns about, you know, how SB 2 and how POST goes about a route to due process for officers and sheriffs' deputies.

I think -- and this goes back to previous conversations earlier today about how there's so many of these cases that don't fit the criteria, and I think there needs to be a lot of communication to the agencies and explain, this is what this means. And without that -- and it sounds like that dialogue is happening, which is good, but we need to have more of that.

Because I -- we're like looking -- it's like we're looking for a problem and there's already a -- the definition is pretty good. We haven't had a full two years of the total data, so I think we might need to evaluate that a little bit further before we start getting into making these kind of tinkerings and, you know, continuing to build the airplane in the sky, so to speak.

So that -- I'm -- that's what -- the kind of change I would like to see. I think we need to hold up a

little bit on the reins.

Thank you.

CHAIRPERSON LONG: Thank you, Commissioner.

Let me -- this might be an opportunity to stick in and hear from Chief Salazar and the Advisory Committee have another robust discussion on this one and reached a conclusion, I believe, or a recommendation.

ADVISORY CHAIRPERSON SALAZAR: Thank you, Mr. Chair.

Yes. We did have a good discussion on this item.

And you have all heard my thoughts on this from the last committee meeting. And I still feel that way. But -- and I have shared this with the POST staff. But, you know, we talked about honesty. In the discussions yesterday, "honesty" really should seem like a black-and-white issue, and, at the same time, realize that it is a very complex issue.

And so I think there was agreement from the Advisory Committee that, you know, if we were reporting dishonesty as, you know, as we have heard time card fraud or those types of violations, that that would be an overreach of POST and far beyond what was intended with SB 2 for POST staff to have to deal with.

I think the information we heard from POST staff yesterday too, with regards to the number of open cases,

the number of dishonesty cases that are already reported, is -- is a reality, though, to some degree, that if you are going to expand the definition of "dishonesty," it would have to be done carefully and with good communication and be clear, because we also don't want to overwhelm POST staff with those types of reports that then take away from what they are trying to do to really meet the spirit and mission of SB 2, and that's public safety.

So I think generally, you know, we felt like we didn't come to an agreement as to what the change should be. Perhaps -- but there is a gap somewhere in there from time card-fraud type of issues to what the current definition has.

And then, you know, I gave a number of examples at my last testimony at the last meeting, that there's a gap that fits in there, where there is misconduct related to dishonesty that is serious and should be addressed.

But I also don't know what that definition is. So the Advisory Committee yesterday didn't really have a recommendation as to, this is what we think the definition should be. It was more of a realization that it is a complex issue, as we're hearing, I think, from the commissioners here today. And the reality of what

the impacts of a change could have on POST staff and SB 2 cases moving forward.

CHAIRPERSON LONG: Thank you, Sheriff.

I think Commissioner Gordon. Or was it Commissioner Braziel?

COMMISSIONER BRAZIEL: Yeah. No. And I appreciate this conversation.

And I think it is one of those -- I think we -- we -- kind of like mind, most folks, that if -- it's, you know, the saying, "You lie, you die." In policing, that's the one thing you can't do.

So I just want to read the gap real quick just to distinguish -- and I don't want to add more language to it. I just want to have almost a caveat that I agree with the definition of Nevada. If an agency says terminate, it comes for review. It doesn't mean we revoke; it doesn't mean we suspend. It just means we have to take a different look at it, because there's all these nuances.

Let me just read a part of this where there's this huge gap, right? It says -- and this is our definition.

Dishonesty related to the reporting, investigation, and prosecuting of a crime or to the reporting of investigating of -- stop there -- reporting of a crime.

The example came up last time of a single-car

police accident where the officer lies about what their involvement in this single-car police accident. They flat-out lie. It would never come here. The agency fires them, but it would never come here that the officer lied about their crash, right? We would never see it.

The second part of this says or misconduct by a peace officer or custodial officer.

So if I lie about a dispatcher, in their investigation, it never comes before us, or any other employee within that agency in an IA investigation. We would never see it because it didn't involve the accused. Wasn't a peace officer or a custody officer.

But we would want to know about it if you lied about a dispatcher involved in an Internal Affairs case.

So there's a lot of gaps. I don't want to fill the gaps with language, because then we would end up with records, custodians, or something like that, versus if an employer felt that dishonesty was a termination cause, we should -- it should trigger us to at least look at it.

I don't know if we're going to -- how much our cases are going to get increased.

And I agree with Commissioner Nieto. I understand there might be a influx of cases potentially. But at

the same time, it's the one thing most of us agree on, that you can't do that in policing. And we need to take that really seriously. It is your integrity and it's the integrity of the organization. So I think it's worth a lot more conversation to get that point.

And early on, for those that were here when we debated the definitions ad nauseam for months and months and months, we all agreed I think -- there was consensus that once we put them there, we would be coming back and revisiting them once we operationalize them.

MR. DARDEN: Yes.

COMMISSIONER BRAZIEL: And then we would have to -- we would do a gap analysis. We'd find little gaps as we went through. We found a gap and we can't ignore the gap. We at least have to have that conversation. So anyway, that's just my take on the dishonesty piece.

And I think it's worth a lot more conversation because I do agree that we need to find out from, you know, what's labor's perspective and what does this mean. And that's why we have labor reps on the Commission and we're now filling those positions that were vacant for a long time.

So I think it is good that we're -- as we start to fill the Commission's seats with the appropriate representation do we start have a lot more of these

conversations. Not rush to judgment on language but have -- have the conversations.

MR. DARDEN: Yeah. And if -- if I may.

If we are going to add something that says that an agency would have to send it to us to trigger a review, we also have to know, well, how are we judging the case?

So we have to know what the serious misconduct is if a case comes in the door because a chief terminated an officer for lying about, you know, something which is clearly not within any of the existing categories. Maybe it is for the reason they called in sick or for a timesheet or for something involving a dispatcher.

And so if that triggered the review, and now we have the case in POSAD, we have to understand, well, how do we know if it's serious misconduct or not that warrants decertification.

So we can get it for a review, but we still have to be a substantive legal standard to define. And I thought I was hearing you say the existing categories, plus if there's a termination by an agency for a sustained finding of dishonesty, that that would be separately and independently a ground for decertification in and of itself. I thought that's what I heard you say.

But, again, we're just looking for guidance as to

whether or not -- what do you want us to do? Do you want us to do anything? Nothing? Come back to you? We're going to come back to you on this termination piece anyway. So --

MS. DEL MUGNAIO: I'm going to offer something up.

So right now I think part of the struggle -- and you guys talked about this in September when I went back and listened to the Commission hearing -- is the cases that we can't do anything about, because we have the gap in the evidence, right? And it is the materiality of the information that is sent to POST and whether or not it really does meet the definitions and it is one of the acts of serious misconduct.

This doesn't clear that up. And that is still probably our most noticed hurdle, with what is being submitted from the law enforcement agencies is looking at why they made either a termination decision or the person resigned during the course of the investigation, and what we see as far as evidence.

I think with the expansion of the definition of "dishonesty," you are going to create more ambiguity than you are going to clear up ambiguity.

And I think that -- it sounds very moving in the right direction to say, yes, well, we don't want these individuals to maintain their peace officer status if

they are being dishonest during their executing their duties as a peace officer. That's all true and good and virtuous, I get that.

But the reality is, when you start expanding definition and it is not something more concrete, what you are going to see in terms of what we deal with on the division level is a host of complaint charges, allegations, and cases that result in closures by POST because it is ambiguous. We don't have concrete evidence to say, this person was intentionally dishonest in their conversation with their sergeant. Or during the course of work in terms of reporting what happened immediately following an incident.

I saw a case not too long ago where the individual was dishonest about their relationship with someone in the department because they violated the department's nepotism policy. It wasn't a supervisor versus subordinate situation. And so the report came in as dishonesty. Now, granted that doesn't meet our definitions. The individual was terminated.

So that would fall into this definition eventually. And do we want to start making a stand, as a public agency, not as an employer, that people who violate the nepotism policy and are dishonest about a relationship they have with someone in the department, didn't fill

out the form, whatever the case may be, is something that we deem the individual should not serve as a peace officer for the rest of their career, beyond California even.

So I just caution you, it's not that some of these cases aren't the right thing to do. But in doing the right thing, are we also taking away from the cases that have a direct public safety impact, where we know that our job, as POST, as a neutral oversight agency, not an employer, needs to take some form of immediate action to remove the person from the profession?

So I am concerned about creating a definition where we feel we're doing the right thing but it makes it more ambiguous for us to kind of close the loop on those facts and bring something formative to this Commission, that you guys can make a good decision on.

I just offer that up because it's what we're seeing on the investigation side that might not be as obvious, you know, for you folks.

CHAIRPERSON LONG: Commissioner Barcelona, please.

COMMISSIONER BARCELONA: Well, some of the things that Commissioner Braziel mentioned obviously are issues that need to be looked at, but they can be looked at, at the department level and discipline level from the department. It's not like you are not able to correct

those things at the department level. You know, you can -- people can get two weeks on the beach or whatever.

But to have it come to our level and then to start considering ruining someone's lifelong career because they -- you know, they hit a fire hydrant but then they will say, "well, I looked at the MVT," but actually they fell asleep and lied about it or something to that, I don't think that comes to the Commission's level. We already -- they already have remedies available at the department level.

And I think that, you know, if we start tightening these things up again, I will mention that you are going to just lose more and more people. There will be less people coming to work for you.

CHAIRPERSON LONG: Mr. Executive Director Alvarez.

EXECUTIVE DIRECTOR ALVAREZ: Thank you, Mr. Chair.

So after this came up, I went on to various websites for the other states. I came back to Toby, as Toby can attest to. And I said, oh, my gosh. There are tons of states that have a very broad definition of "dishonesty."

However, I clarified -- you know, I would like to clarify. I would like to explain a little bit on one of those states, without naming the state, that has a very,

very open-ended dishonesty category.

And I know from talking to that director, he or she have told me, the only thing that they decertify for are felony convictions. So, yeah, it's on the books. But are they actually using it? I don't know. It didn't appear so from my conversation with him.

In terms of the other states, I looked at all the Western regional -- region states. And, really, the only one that has a lot of detail into their actions is Oregon. And you have to click through 50,000 webpages to see what actually happens. So I wasn't able to see if there were actual dishonesty cases that did not -- you know, were not the result of a criminal investigation or as a result of a criminal investigation or an IA. So really couldn't get the detail that I was hoping to get.

We have had a lot of discussion, as both Annemarie and Toby have talked about, whether these are employment issues or whether they are issues for the State of California.

We have had some investigations that, honestly, I had no idea they would ever take us in the direction that they are taking us in, that we are actually having to do the investigation on, either because there's a conflict or there's some issue; whether they are, you

know, sexual affairs or, you know, various peccadilloes, so to speak, that we are actually having to go out and investigate these things.

It definitely gives us pause that we are going to be investigating timesheet fraud, lost property, stolen -- you know, what is reported as lost property. As Annemarie stated, this nepotism scenario. It definitely gives us pause.

Obviously the numbers are what they are. I don't think we should be dissuaded by the numbers, because eventually we will catch up and be able to deal with our caseload.

But it -- you know, our discussions have really, really focused on, is it really our role to be involved in those things?

And I think Annemarie and Toby and some of the others, I take the liberty to speak for all of us. I think we are all very concerned that that may not be the direction we're supposed to be going. But that's just me.

I don't want to, you know, try to put my thumb on the scale. I think you guys already have some of that from Toby and Annemarie and some of the others. But it does give us pause.

I mean, we can expand it. I definitely agree with

Commissioner Braziel, having not looked at that definition with the clarity that you have just described with custodial officers and it doesn't apply to dispatchers and others. That -- you know, that's an easy thing to try to fix. But some of the other things, I think, we should definitely be cautious about how we do it.

CHAIRPERSON LONG: Commissioner Braziel.

COMMISSIONER BRAZIEL: One last comment. I agree, this is the last comment. And I think we have to go back and listen to or read the transcripts. Anne Marie put a really good, poignant part towards the end of what she presented, that the effect of lying -- I'm going to put words in her mouth -- but basically impugn the profession. Whatever it is that she said, is -- I think is that trigger, right, that says, did the lying -- okay, you lied on your time card, but is it really serious misconduct if it didn't bring --

MR. DARDEN: Affecting the health and safety -- directly impacted the health, safety, and welfare?

COMMISSIONER BRAZIEL: Yeah. Whatever she said was --

MR. DARDEN: Yeah.

COMMISSIONER BRAZIEL: -- then it wouldn't be serious misconduct. Right? Because you got fired for

this, but that doesn't affect your ability to do your profession. Versus lying in an IA because you knew that the property manager stole weapons and you lied about it, but they are not covered in this section because property managers aren't covered in this section.

I think whatever you said at the end, I think -- because I get it. We don't want to get every little -- somebody -- nepotism? Yeah, it didn't -- does it really impact their ability to do their job? Versus I think we're missing some things that do.

You totaled a patrol car and you lied about what you did totaling your patrol car. That's different than I -- you know, I threw out the whole plastic bumper because I backed up and it ripped off and I didn't report it in a timely manner. Those are two different things, right? So I think it's -- I think there's some language in there that kind of helps bring it home, that lying -- it's got to be serious.

MR. DARDEN: It's for those very reasons -- if I may, Rick -- that that's the reason why we included the preface language, because we were looking at, you know, only those instances where there was a direct impact on the public, health, safety, and welfare and warranted the removal of the person from the profession.

And so that was the balancing act that we were

trying to get into, to say, well, if we're going to broaden the category a bit, we have to make clear the circumstances under which those categories would result in potential decertification.

CHAIRPERSON LONG: So if I may, we no longer -- if Commissioner Braziel is concurring with Ms. Del Mugnaio's last statement, we would no longer have the Commissioner Gordon language. It would be based solely on whether the officer was fired by the agency.

Because that would be contrary to what you just said, Commissioner Braziel, was something respecting what Del Mugnaio said, right?

COMMISSIONER BRAZIEL: I think the trigger would -- I think that instead of nuancing every single opportunity, we could say we'd look at it if it was termination due to dishonesty. But it would only trigger revocation if it met whatever language is at the end. If you look at it and said, it doesn't meet that criteria, we're closing it out. Doesn't meet that criteria; closing it out.

CHAIRPERSON LONG: So it's a codicil, kind of, to what to Commissioner Gordon had suggested then.

COMMISSIONER BRAZIEL: Correct. It would be -- it would be, you were fired for dishonesty. Then it would come here and, granted, I know the workload is going to

increase, but, again, we got to look at it.

And then staff looked at it and said, yeah, but it didn't meet the overarching definition. It -- the peremptory --

MR. DARDEN: Prefaced. Don't say "overarching."

COMMISSIONER BRAZIEL: The prefaced. You are right. The prefaced. It didn't meet that. And, again, we'd have to come back and approve it. It didn't meet that --

MR. DARDEN: Right.

COMMISSIONER BRAZIEL: -- that language, then it never gets -- it never comes here. They can close it out just like we're closing out cases now.

Because we don't need to hear the nepotism. We don't need to do that. Honestly, unless it's true corruption on time card fraud-type stuff, that's a criminal thing. It is probably going to go back on the criminal side.

It is the bigger stuff that it is obvious in here that we're missing some potential big-deal things in dishonesty that we're not capturing in this language.

CHAIRPERSON LONG: Can I frame it is -- would it be fair to frame it, Commissioner Gordon, that we're staying with your -- at least for discussion going ahead, going -- moving forward -- we'd stay with your

proposed language with the codicil that Commissioner Braziel is talking about? Since the Commission is clearly divided on this point, that would we move ahead with a discussion limiting it to the type of language you are suggesting? Or would it also require, Toby, your preface?

MR. DARDEN: My -- my suggestion might be, because I was planning on coming back in March to address that top question of what do we do with that provision in the statute that says an officer can be decertified based upon termination by an -- by an agency for serious misconduct. I was going to come back and present on that.

It sounds like what I was hearing from you is that we're talking about looking at some sort of a solution that could take into account an agency's determination to terminate an officer for a sustained finding of misconduct, but with a -- with it being tied to the question as to it becomes decertifiable once there's a determination that that conduct has a direct impact on health, welfare, and safety.

I think that's what I heard you say. Is that what I heard you say?

COMMISSIONER GORDON: Yeah. I would agree that that caveat would be in addition to, like, the

termination, but that -- that point is that health, safety, or welfare of the public.

Because I don't want to broaden the definition. You know, I don't want to try to -- you know, we're not looking to add more allegations. You know, we're definitely not looking to add a whole plethora, like the time sheet or this or that.

We know that there's a gap. But I don't think the way to solve the gap is to add 15 different additions to the actual definition. We want to look at what is most serious.

So if an officer is being terminated for dishonesty, then POST should be looking at it if it impacts the health, safety, or welfare of the public.

So my suggestion would be is, you know, this is all on the -- on-the-fly discussions, so to speak, would be to give staff and you the opportunity, Toby, to go back and look at this and see if this is even plausible. If it's something that we could, you know, come back and have a discussion in March.

I appreciate, you know, all of our labor folks at the table.

And like -- you know, I said, this is not something where I don't want to -- you know, I agree with adding more to the definition, but we also know that we are --

we have some gaps that we have to figure out how to appropriately address, because this discussion has come back, you know, a few times now.

And we all agreed, we would come back. You know, none of us were fans of, you know, expanding the definition. And I'm still not, but I think there is a way.

But to your point, Annemarie, that we're not giving you something so nebulous as there's no standard. So, you know, this is where you can maybe come back with your novel or not, please.

MR. DARDEN: Absolutely. We can absolutely do that.

So we'll plan on trying to come back in March with these thoughts in mind and see if I could be a little bit more pithy.

Annemarie will help me on that.

CHAIRPERSON LONG: Additional comment or discussion on this point? Is it clear which way we're headed?

COMMISSIONER THERRIAULT: Commissioner Therriault.

It still kind of seems like it's an open-ended subjectivity that -- if that was applied. And I'm sure -- I will preface this comment. I'm sure there's no one here, but there are chiefs and sheriffs who they -- they dirty people up. They add charges to

stuff. It's been my experience as a labor leader across the state. It's happened. I have seen it.

And I have real concerns about -- because SB 2 is a separate thing. It can really alternate and go around the, you know, binding arbitration and go around people's due process, which I think it is "Scattergories" all across the state.

And, you know, it's, again, like someone crashing a car. I mean, when you get your bell rung, you know, you might have a different perspective on what really happened. And then if the agency doesn't like it or the agency head doesn't like it, they're like, you know what? It's dishonesty. And now, you know, "alakazam," you are in SB 2 land. That's a problem.

And when, you know, it's -- our people already know this, and from the ground level, they got to have an agency information. They have to have a civilian police review in some cases. They got to come here.

It is just -- so when you are looking broadly on, you know, why this profession has so many problems, it is like people look at all these things that they might have to jump through. And, granted, for the people who are doing things that are, you know, atrocious, that's what we're here for, and it is a good thing because we don't want them in the profession.

But some of these things are -- it is like we're just going to -- the mission creep is a real problem. I think there's a real issue there potentially if it's not done correct and to thread the needle.

I'm just, you know, from a labor perspective, extremely concerned about that.

Thank you.

CHAIRPERSON LONG: Thank you.

Commissioner Doering.

COMMISSIONER DOERING: I will just add to Commissioner Nieto's point too.

I think training is a big position of this. And I think in talking to counsel, I think even last time at the Commission meeting, we discussed some of the scenarios that were provided to us of not meeting the criteria. And upon further looking at the definition, they actually would.

So I think that bears the question of how much of a gap truly is there, versus education of things that might actually qualify already.

COMMISSIONER NIETO: Commissioner Nieto.

CHAIRPERSON LONG: Please.

COMMISSIONER NIETO: You know, I see labor's concern. But I would hope -- and, again, this is my hope -- that should there be somebody that is dirtying

up an officer, it still comes to the Commission.

If you look at our numbers, the six cases that we have, from the advisory or the -- not the advisory but the ones that look at us before us. We asked some of those questions that were missed.

So I would hope if that's happening out there -- because I do believe that we had these conversations. We've been having these conversations for two and a half years, three years, regarding the gaps, and we would have to come back because we didn't want to expand it at the beginning because we didn't know what it was going to look like, right? We had experience to kind of know what we were dealing with.

That if we ended up with these one-off cases of something like that happening, that you have a Commission of people that would say, no, this doesn't meet that.

Again, there's still a burden on the officer, on the deputy, that has to go through that. I understand that.

But the risk is that there are people that could slip through the cracks that I think we can all agree, you would go, how is that person in law enforcement? Because of the definition that we do have now.

CHAIRPERSON LONG: Further comment?

(No response.)

CHAIRPERSON LONG: Toby, Annemarie, and Mr. Executive Director, do you feel you have sufficient direction at this point for next time?

MR. DARDEN: Yes.

CHAIRPERSON LONG: All right. Good luck with that one.

(Laughter.)

CHAIRPERSON LONG: Move on then to -- I believe we are at the finance report. We'll have a finance update.

While we're waiting for -- I believe, Cheryl Smith is coming forward. While Ms. Smith comes forward, I think without objection, we can adopt the finance update from the June '24 meeting, unless there is objection to adopting that report.

(No response.)

CHAIRPERSON LONG: Seeing none, that report is adopted.

Welcome, Administrative Services Bureau Chief Cheryl Smith. She will report on fiscal year 24/25 expenditures.

MS. SMITH: Correct. Good afternoon, Commissioners and Chair Long.

I'm just going to go over where we currently stand as of October 28th, 2024, and where we are with the

numbers.

This is overall State Penalty Fund and General Fund totals in the whole. And you can see as -- the total is 112 million. We have only "expent" so far, or encumbered, 33 million of it.

Do you want me to ask if anybody has questions between each slide? Or just move along?

(No response.)

MS. SMITH: So for this slide, it's the State Penalty Fund broken down into the different funds we have inside it: Standards, training, peace officer training, and then the POST administration.

Of the 46 million, so far we have only encumbered about 10,800,000. So we are looking really good. We're a third of the way into the fiscal year.

Any questions?

(No response.)

MS. SMITH: And this is the General Fund broken down to the different pools of money: Standards, training, peace officer training, and the POST administration.

So of the 63 million, so far we have only expensed 22 million of it.

This is a breakdown of the contracts that were approved by the Commission. Of those that the

Commission approved, approximately $25 million in contracts. Of that, we have executed 23 million. And so far, as of October 28th, we have only invoiced for about 3.8.

And then this next slide is just a breakdown of all the other contracts that the bureaus have done. So the 679, roughly, amount. So far we have only expensed or invoiced 52,000 of it.

EXECUTIVE DIRECTOR ALVAREZ: If I may, Mr. Chair.

So we are required by Commission policy once a year to bring forward to you all the -- all the contracts that we signed that were under $250,000, where we do not need Commission approval.

And that's what these are, correct, Cheryl?

MS. SMITH: Correct.

EXECUTIVE DIRECTOR ALVAREZ: Under 250, that we did on our own.

Thank you.

MS. SMITH: That is it.

Are there any questions in regards to the budget and where we currently stand?

CHAIRPERSON LONG: Commissioner Gordon.

COMMISSIONER GORDON: I noticed on the last slide, there is a budgeted amount for Museum of Tolerance but nothing --

MS. SMITH: The contract wasn't executed yet?

COMMISSIONER GORDON: Yeah. Just a question on that. Is POST still pursuing that or is POST pursuing other options?

MS. SMITH: It is executed now. So it wasn't executed as of October 28th.

COMMISSIONER GORDON: Perfect. Thank you.

CHAIRPERSON LONG: Any questions?

MS. SMITH: Anything else?

(No response.)

CHAIRPERSON LONG: Thank you for your report.

MS. SMITH: All right. Thank you.

CHAIRPERSON LONG: We move now to the Basic Training Bureau.

While Ms. Jennifer Hardesty, the Basic Training Bureau Staff Services Manager, comes forward to report, I will say that the first item is a report on technical and clarifying amendments that were approved by the Commission in June, to Commission Regulation 1018, Commission Regulation D-1-5, and Public Safety Dispatchers Basic Course Training Specs.

Ms. Hardesty.

MS. IMLAY-HARDESTY: Thank you, Mr. Chair, Commission Members.

At the June 8, 2023, Commission meeting, you guys

approved changes to the training specifications for the Public Safety Dispatcher Basic Course. However, the rulemaking process was not initiated until May of 2024.

So during the process to finalize the documentation, staff identified three items that had been approved by the Commission that needed to be addressed after the fact.

The first item relates to Learning Domain 106, domestic violence, section II(F), Victim's Rights. The training specifications mentioned a Government Code section, 6204(f), the right to confidentiality. A review of that section discovered that that subsection no longer exists.

We did reach out to presenters of the course to try to identify how it was being taught or what was being presented to those attending that dispatch course. And we were told that they either just mentioned the section, they just mention that victims have a right to confidentiality, or they are not covering it.

So to address that, we decided to not include that in the rulemaking package while we continue to research what the appropriate section is.

Once that's identified, we will bring proposed language back to you guys so that we are getting that accurate information out there.

The second item relates to Learning Domain 114, which is the mental health conditions and intellectual development disabilities awareness learning domain, section II(c), other conditions. The training specifications reference the term "excited delirium." Assembly Bill 360 added Chapter 3.5, Excited Delirium to the Health and Safety Code, and prohibits use of the term effective January 1, 2024.

As a result of the delayed initiation of the rulemaking package, it allowed us to remove that term from the course prior to the public comment period.

The third item relates to Commission Procedure D-1-5 which deleted a reference to the reporting requirements for after the course concludes.

So the content presented to Commission completely deleted that reporting requirement rather than just correcting the subsection. So we moved forward with just correcting that subsection and are coming to you for approval to move forward with that.

As the changes were initially approved by the Commission to include all of these referenced items, the Office of Administrative Law asked that we bring it back to you for your approval. That we are, in fact, making these changes that I have covered here. If you guys concur with that, then we'll be submitting, in the next

few days, the proposed changes back to Office of Administrative Law so that we can keep in line with the January 1, 2025, effective date.

And at this time, I'm happy to answer any questions or take any --

COMMISSIONER NIETO: Commission Nieto.

I'm just asking to spell my name right in the policy.

MS. IMLAY-HARDESTY: Yeah. Is it wrong --

COMMISSIONER NIETO: Yeah. It's N-I-E-T-O.

MS. IMLAY-HARDESTY: -- in the training specifications?

COMMISSIONER NIETO: Or just list the commissioners.

CHAIRPERSON LONG: Just testing you.

COMMISSIONER NIETO: I'm going to blame the president for that. So Mr. President.

MS. IMLAY-HARDESTY: We can do that.

CHAIRPERSON LONG: Is there a motion -- if there are no more questions -- to approve the proposed staff changes, which are essentially -- that we are clarifying.

COMMISSIONER THERRIAULT: Commissioner Therriault. Make a motion.

CHAIRPERSON LONG: Is there a second?

COMMISSIONER WOOLERY: Woolery.
CHAIRPERSON LONG: There's a second.
Ms. Essex, wake you up and ask you to take the roll.
MS. ESSEX: Chair Long.
Commissioner Barcelona.
COMMISSIONER BARCELONA: Yes.
MS. ESSEX: Braun.
COMMISSIONER BRAUN: Yes.
MS. ESSEX: Braziel.
COMMISSIONER BRAZIEL: Yes.
MS. ESSEX: Cooper.
(No response.)
MS. ESSEX: Doering.
COMMISSIONER DOERING: Yes.
MS. ESSEX: Ewell.
COMMISSIONER EWELL: Yes.
MS. ESSEX: Gordon.
COMMISSIONER GORDON: Yes.
MS. ESSEX: Johnson.
(No response.)
MS. ESSEX: Long.
CHAIRPERSON LONG: Yes.
MS. ESSEX: Moon.
COMMISSIONER MOON: Yes. With a clarification on

spelling of the name as well. A-N. Thank you.

COMMISSIONER NIETO: My buddy.

CHAIRPERSON LONG: How do you misspell "Moon"?

COMMISSIONER MOON: Shannan.

MS. ESSEX: Nieto.

COMMISSIONER NIETO: Yes.

MS. ESSEX: Rodriguez.

(No response.)

MS. ESSEX: Therriault.

COMMISSIONER THERRIAULT: Yes.

MS. ESSEX: Woolery.

COMMISSIONER WOOLERY: Yes.

CHAIRPERSON LONG: Motion carries.

Our next item is a report on development of the Basic Course curriculum and proposed pilot programs for Learning Domain 32, Lifetime Fitness. Basic Training Bureau Staff Services Manager Anita Finner will report on this item.

MS. FINNER: Thank you, Mr. Chair. Good afternoon, Commissioners.

In June of this year, Basic Training Bureau staff hosted a workshop to review and revise existing Learning Domain 32, Lifetime Fitness training and testing specifications for modular basic courses across the state.

Subject matter experts representing seven basic course presenters participated.

After the review of existing content, subject matter experts proposed adding five hours of additional content to the Module III basic course and adding 16 hours of additional content to the Module II basic course. The five hours added to the Module III basic course is lecture-based content to build the foundation of lifetime fitness and does not require the Commission Regulation 1070 instructor requirement.

The 16 hours added to the Module II basic course will include lecture, two physical fitness assessments, where the student will participate in push-ups, sit-ups, mile and a half run, and body composition measurement; and the proposed added required learning activity, where the student will participate in a POST-approved physical conditioning program.

This course will require the 1070 instructor requirement for Learning Domain 32.

If I can draw your attention to the Attachment A, the training and testing specifications for LD 32, the blue-colored Xs were added to existing lifetime fitness content for the Module III and II courses; the green-colored content are the existing required learning activities and test, reorganized or restructured,

causing the red strike-outs.

Beginning on the bottom of page 7 and the top of page 8 is the proposed required learning activity for the Module II basic course, where the student will participate in a POST-approved physical conditioning program.

The intent of the proposed added content to the Module III and II courses is to install lifetime fitness throughout the law enforcement profession and minimize student injuries and successful completion of the work sample test battery in our Module I basic courses.

At this time, POST staff requests Commission approval to pilot Learning Domain 32, Lifetime Fitness, for the Module III and Module II basic courses, beginning December 2024, with the eight modular presenters listed in the agenda item.

The expectation is all pilot presentations will be completed by spring of 2026, which would allow POST staff to review student and staff feedback and report back to the Commission.

Thank you. I'm happy to take any questions at this time.

CHAIRPERSON LONG: Any questions for Ms. Finner here?

Commissioner Gordon.

COMMISSIONER GORDON: Body composition measurement --

MS. FINNER: Yes, ma'am.

COMMISSIONER GORDON: -- is part of the modules. That is not currently something that's done at either module, is it?

MS. FINNER: Not in the III or II, ma'am, but solely in the Module I course and regular basic course.

COMMISSIONER GORDON: I -- I understand the need for lifetime fitness, but I would have concerns about adding that body composition measurement in a way that's not appropriate to these modules. So I -- I just want to put that out there. I'm not sure -- I want to be respectful of the subject matter experts. But I think that is not necessarily the best course of business in terms of doing that measurement within those modules.

And I mean, I don't know how it is done. But putting that actually in a regulation, I have some concerns about that. So...

COMMISSIONER THERRIAULT: Commissioner Therriault.

I agree. I have some -- I guess I have some questions. Is that -- because I thought -- I read recently there was some changes in BMI and things like that as being used as kind of a best practice of.

Aren't some of those standards kind of being

ditched, or is that still a...

MS. FINNER: It is currently still a requirement in two of our courses. And it was suggested by the subject matter experts during the workshop that it be an added component in Module III. Basically as a foundation, this measurement would be taken in the foundation phase of a physical conditioning program, and then at the peak phase or the conclusion of the physical conditioning program. More of a basis to see where this student stands when they start the conditioning program and basically where they end up at the conclusion.

COMMISSIONER THERRIAULT: Okay. So just a -- it's kind of a start and a finish?

MS. FINNER: Yes, sir.

COMMISSIONER THERRIAULT: Yes, sir.

COMMISSIONER MOON: Not a standard.

COMMISSIONER THERRIAULT: Not a standard.

MS. FINNER: Correct. It's just the conducting of --

COMMISSIONER THERRIAULT: I think that's what the commissioner was getting at, right?

COMMISSIONER GORDON: Yeah. That's my concern.

And I think, to your point, there's been a lot of -- or to your point, there's been a lot of change in that and what relevancy that is to physical fitness.

So I just -- I want to be mindful as to what we are doing and what standard we are actually putting in writing. So like I said, I want to be mindful of the subject matter experts, but as we all know, physical fitness, nutrition is all changing. And that is, you know, one of those items that I think a lot of that is between you and your physician. And we can create a lot of damage by doing that and we do that within these modules. So I will leave it at that.

CHAIRPERSON LONG: I think it's a great catch. I wish I had caught that.

And in the -- and the body weight thing has -- I mean, it has changed. I mean, that whole -- there has been great discussion and consternation over this. It would seem to me at this point, given the concerns raised, that we need to put this one over for some further discussion along these lines unless it's going to cause anyone any great brain damage.

EXECUTIVE DIRECTOR ALVAREZ: Sure. If I could just clarify --

CHAIRPERSON LONG: Please.

EXECUTIVE DIRECTOR ALVAREZ: -- because I missed -- I missed part of the discussion, thinking it through.

So, Anita, just a question for you. Is there a pass and fail? Is it a minimum requirement for -- for

these different standards or is it just that they have to -- they have to do push-ups, they have to do sit-ups, they have to have a BMI check.

MS. FINNER: It would be a required learning activity, so the students participating in the process.

EXECUTIVE DIRECTOR ALVAREZ: So there's nothing for the --

MS. FINNER: It is not a pass or fail.

EXECUTIVE DIRECTOR ALVAREZ: Okay. So, for instance, they don't have to do a hundred push-ups. They just have to --

MS. FINNER: Correct. Participate.

EXECUTIVE DIRECTOR ALVAREZ: -- have a learning activity on push-ups.

MS. FINNER: Correct.

CHAIRPERSON LONG: To Commissioner Gordon's point, does it include, then, a number or -- that you have to attain or --

MS. FINNER: No, sir.

CHAIRPERSON LONG: I'm sorry?

MS. FINNER: No, sir. There's not a number that would have to be obtained.

COMMISSIONER BARCELONA: I have a question.

MS. FINNER: Yes.

COMMISSIONER BARCELONA: On the fence climb, the

6-foot chain link fence and then the 6-foot solid fence. Are those -- are those a failure if you don't -- if you can't get over those fences? Is that a failure for someone?

MS. FINNER: Yes, sir. For the module one course only and the regular basic course, but not for the Module III or Module II Basic Courses.

COMMISSIONER BARCELONA: That -- a lot of the people that aren't 6 foot or over like me, someone -- especially now we have a lot of people who are 5'1", 5'2" that are coming in. And, you know, they can obviously hold their own because they have been trained well and have martial experience, all of those things. But they had a really hard time getting over these walls.

And in all my years, you know, when I was on patrol and stuff, I probably only had to chase somebody over a fence maybe three or four times max. I'm just wondering why that's a failure, you know, to -- why the fence has to be a failure.

You know, a lot of people end up failing because they can't get over those walls because either upper body strength or they are not tall enough.

MS. FINNER: Yes, sir. Thank you for that.

And it is currently only in our Module I course in

our regular basic course. It has been a testing requirement before my time here at POST. So I don't have the history behind it completely.

But it is not going to be required as any kind of assessment during the Module III or II courses.

COMMISSIONER BARCELONA: Okay. Thank you.

COMMISSIONER NIETO: Commissioner Nieto.

And I'm sorry that I missed this too. I'm -- don't put me next to the smart people because then I have to think more.

Getting back to the BMI. Not that I have issues -- the science is actually changing on BMI, so I agree with the comments that have already been made.

But just even in the wording, because it's an assessment. And you have it in with push-ups, sit-ups, and mile runs. And those are -- I know when you go into the academies, they are doing that and they are just saying, like, if you do one push-up, they are not saying, "Okay. Good job. You made, you know, it's one and now we're to two." They are pushing the recruits like, "This is your goal."

And so I would not want to create unrealistic expectations when it comes to the BMI, because we know what the new studies are saying. Depending on your ethnicity and parts of the world, it is different. It

really isn't a standard as they say. It is really talking with your doctor.

If we're going to keep that in there, maybe it becomes another paragraph in itself, because I can see measurements in the other areas. But they are going to use it and say, well, this is -- here's your chart. And I don't want to discourage young people because they can't meet this model of what you should be.

Being someone who hasn't made my BMI, even when I was in the military, in perfect shape, because of my build and my stature, but I was completely healthy and a lot skinnier than I am now. So I'm not saying it because of today's standards, but even back then, it really was a hard, unrealistic goal for me to meet BMI, on a personal note, back when I was in basic training.

MS. FINNER: Thank you, ma'am.

I feel in facilitating the workshop that took place in June, the understanding from the group, the subject matter experts, is you have students coming in, in a Module III level and they are progressing in lecture-based content to get the foundation of physical fitness, get somewhat of a shorter taste of what a physical conditioning program is in that Module II. So when they get to their Module I courses, they are successful in that physical conditioning program.

So I feel the body composition measurement is maybe a basis for that student coming in and what their goal will ultimately become in a Module I course.

CHAIRPERSON LONG: Commissioner Gordon.

COMMISSIONER GORDON: I -- I have a -- if you haven't figured out, heartburn with saying -- by POST saying with their body -- their body composition measurement should be.

And I think it is okay to discuss what that is, you know, in terms of, you know, this is what -- what that is. But to require that measurement and require them, as a student in a POST module to go through that, I disagree with that completely.

So as we have talked about, there is numerous reasons. Listen, I'm a proponent of physical fitness. I'm a proponent of, you know, health and all of those things and it is teaching all those things.

But you can do a lot of damage by measuring someone's body fat index in a module with other folks, where you are, to your point, discouraging them.

You know, we do a lot of different things now. We do workshops. We do a lot of things a lot of departments do to help our folks with their physical fitness.

But putting that as part of a standard, I'm in

disagreement and won't vote for it.

COMMISSIONER BRAUN: To that point, I do think there's value in having that information and having that person learn what is your body composition and what you can do to improve. But perhaps we could do it in a way that -- because it almost feels like a HIPAA violation. If it were to be done -- I don't know what the proposed situation is. But to have it done individually, alone, so that you can have that assessment and say, okay, this is where you are and this is where you are. And you could be great right here or maybe there's something else that you want to do to. Otherwise, it could lead to stigma and teasing and bullying. And those of us who grow up in LAPD still remember Dossey's jar of fat that was shown to us in the academy. And this is a jar of fat and this is what you -- it was terrible. And obviously traumatized because we remember it.

So I believe it does have value. It is certainly something that you'd want to know, but maybe something you'd want to be told in private so that you have an opportunity to hear about it and learn about it and not be humiliated in front of your peers when, obviously, we're humans and we will make fun of each other.

I'm still traumatized by fifth grade by all the girls being weighed in the nurse's office in front of

each other. And I'm not a small person. I'm still traumatized.

MS. FINNER: That jar finally broke.

COMMISSIONER BRAUN: Oh, did it?

MS. FINNER: I remember it as well.

(Laughter.)

MS. FINNER: He dropped it one day and there it went. It was a very large jar. Because I remember it, too, from the police academy.

But on another note, the -- POST doesn't have -- or I should say, POST provides Cooper Institute norm charts in the learning domain student workbook. So POST doesn't -- we don't tell our courses how to obtain that body composition measurement. It could be done by calipers; it could be done on a scale. And this -- it's left to the student to go back to that norm chart to see where they individually fall in that rating, if you will, by the Cooper Institute.

So, again, POST isn't putting the number on what that weight should be. It is, again, going back to the SME workshop that we had back in June, that it was more of a foundation where you start and to be successful in the conclusion of all modular courses.

CHAIRPERSON LONG: Commissioner Doering.

COMMISSIONER DOERING: I echo the concerns of

everyone else. And just based on the feedback as -- and see if the chair -- and make a motion to adopt the curriculum just for the removal of the BMI component.

CHAIRPERSON LONG: That is certainly an option.

The other option is to do some constructive retooling and bring it back again at the next meeting.

Let me ask POST staff if they have a preference there.

MS. FINNER: I would pose a question to you, sir, and commissioners. If that were the case, would we have to look at it for the Module 1 and regular basic courses as well?

I ask because if they're going -- if the students are expected to do that in a Module I course, should they be exposed to it earlier on in the III and II?

CHAIRPERSON LONG: Commissioner Gordon?

COMMISSIONER GORDON: I would say there certainly is room for discussion on what really is appropriate for the Module I.

I think, you know, and talk about healthy lifestyle, having a conversation and understanding what it is, you know, and what the standards are.

But like I said, I -- and I would hope that things have changed since the almost 30 years since I went through the academy. But, you know, we had fat squad

and some other things, and the BMI was used as an inappropriate tool in the academy.

And, you know, it is not the end-all, be-all. There's a lot of different things that what equal physical fitness and what equal the ability to perform as a police officer. So I do think that looking at that would be appropriate, you know, for all of it.

Like I said, I'm not against the educational piece. But I would love to think that every academy and every instructor does it to the utmost level of professionalism. But we also know that that is -- you know, when that is that standard, and to your point, we're not even, as POST, telling them how to do that. We're saying, well, you can use calipers or you can do this or you can do that.

You know, and ultimately, yes, our instructors who do physical fitness have some background, but not all of them actually have the background in how -- you know, how are they tested on how they actually know to do a BMI.

So I just -- I think that we probably should look at, you know, what we do in Module I, but for purposes of II and III, where these are the introductions to what we're doing, I don't think we should be actually physically taking someone's BMI as part of our

instructional part of the class.

Like I said, having a conversation, explaining what BMI is and all of those pieces. But we shouldn't be actually taking their BMI, because I will tell you, you know, what I saw and what I have seen, you know, those are the things that we, as a profession, should be getting away from.

CHAIRPERSON LONG: Thank you, Commissioner.

What I'm hearing -- and correct me if I'm wrong. I think it would be best -- most constructive to put this over for some constructive retooling and bring it back at the next -- at the next meeting.

Commissioner Gordon, does that work for you?

COMMISSIONER GORDON: Yes.

CHAIRPERSON LONG: All right. Any objection to those directions?

(No response.)

CHAIRPERSON LONG: Thank you, Commissioner Doering.

Thank you, Ms. Finner.

MS. FINNER: Thank you, Commissioners.

CHAIRPERSON LONG: Kathy, how are you doing?

THE COURT REPORTER: I could use a break.

CHAIRPERSON LONG: We'll take a ten-minute break. See everybody back here in ten minutes.

(Break taken in proceedings.)

CHAIRPERSON LONG: We're back on the record.

And we are going to go backwards. And I believe we have a solution to our last item, which we had talked about putting over until next March. The basic coarse curriculum on proposed pilot programs for LD 32, Lifetime Fitness.

We don't need to go over the discussion. I think it is fresh in everyone's -- in everyone's mind.

But Ms. Murrell, if you would care to comment.

ADVISORY MEMBER MURRELL: Sure. Good afternoon, Commissioners. My name is Tammie Murrell. I'm the Director of Public Safety Programs at Delta College. I'm a retired deputy chief from Stockton Police Department. And I'm on the Advisory Committee. I was also on the Subject Matter Expert Committee for LD 32, Lifetime Fitness.

So I feel like I can pretty confidently speak to this because I know the feelings of the committee.

What I would propose today is to remove the body measurement, body composition measurement, from Modules III and II, and then come back in March and remove it from Module I and the regular basic course, which would take the body -- so we would continue the education. We would leave the Cooper Index. We would continue to educate on the importance of having a body composition

measurement that is appropriate to you, to each person individually, and we would give them the opportunity to weigh themselves and have their body composition measured if they desired, if they wanted to work on improving.

CHAIRPERSON LONG: Commissioner Gordon, does that address your concerns that you expressed so eloquently?

COMMISSIONER GORDON: Yes, because it removes that requirement to actually do it. It is the educational piece that I was talking about. So I will move that.

CHAIRPERSON LONG: So for now, the motion would be to adopt the staff report minus the references in Modules II and III, correct?

MS. FINNER: Yes, sir. Thank you. Thank you, ma'am.

COMMISSIONER BRAUN: I will second that.

CHAIRPERSON LONG: Second.

Ms. Essex, would you call the roll.

MS. ESSEX: Barcelona.

COMMISSIONER BARCELONA: Yes.

MS. ESSEX: Braun.

COMMISSIONER BRAUN: Yes.

MS. ESSEX: Braziel.

COMMISSIONER BRAZIEL: Yes.

MS. ESSEX: Cooper.

(No response.)
MS. ESSEX: Doering.
COMMISSIONER DOERING: Yes.
MS. ESSEX: Ewell.
COMMISSIONER EWELL: Yes.
MS. ESSEX: Gordon.
COMMISSIONER GORDON: Yes.
MS. ESSEX: Johnson.
(No response.)
MS. ESSEX: Long.
CHAIRPERSON LONG: Yes.
MS. ESSEX: Moon.
COMMISSIONER MOON: Yes.
MS. ESSEX: Nieto.
COMMISSIONER NIETO: Yes.
MS. ESSEX: Rodriguez.
(No response.)
MS. ESSEX: Therriault.
COMMISSIONER THERRIAULT: Yes.
MS. ESSEX: Woolery.
COMMISSIONER WOOLERY: Yes.
MS. ESSEX: And that's 11 yeses. Motion carries.
CHAIRPERSON LONG: Thank you.
We move now to the Certification Bureau. And Item A is proposed technical and clarifying changes to

Commission Reg 1003, the employment status notifications re Affidavit of Separation.

And in addition, there's some -- a minor additional change that we can also include here without agendizing it. We will read it into the record.

Certification Bureau Staff Services Manager Katelynn Poulos and Ms. Weiler will present.

MS. K. POULOS: Good afternoon, Commissioners.

This agenda item is a report on proposed changes to Commission Regulation 1003 and the Affidavit of Separation form POST 2-357.

Changes to current regulation text include updating the revision date for the Affidavit of Separation and amending subsection (c)(1) to more clearly specify how POST is to be notified of convictions identified in Government Code section 1029.

Changes to the form include corrections to grammar and formatting along with clarifying language and instructions to ensure all necessary separation information is provided by the agencies to POST.

Changes to the form include updates to the Information Privacy Act section at the top of the form.

Box 13 covering the reason for separation was updated to state "indicate reasons for separation related to serious misconduct." "Separation" is

replacing "discharge" to maintain consistency with Penal Code language. And "serious" was added to ensure this box is for collecting information related to serious misconduct and not all forms of misconduct.

"Egregious repeated acts" was updated to state "egregious or repeated acts that violate the law" to maintain consistency with Penal Code language.

The heading for Box 14 now states "Reason for Separation (Required)." "Required" replaced "other than serious misconduct" to ensure the field is providing the reason for separation no matter what kind of separation occurred.

Under "Instructions," section 1 changed the term "appointee" to "separating peace officer" in three places to refer to the proper individual, as the form is for separating peace officers specifically.

The rank and classification chart was updated to remove non-peace officer positions since this form does not apply to them.

Section 2 of the instructions for Box 14 were updated to replace the first phrase with "enter additional information regarding" to further show this section is required and not optional.

Also, "i.e." was replaced with "e.g." to show that answers provided are examples and not the only options

to be used.

These proposed changes went through the 45-day public comment period prior to presenting to Commission.

In that noticed text, subsection (c)(1) was changing current regulation to remove "in writing" and replacing it with "via Mark43."

Since noticing the public, it was determined that instead of calling out Mark43 specifically, we should instead change the text to state "via the system of record" to avoid additional regulation changes in the future if we move away from Mark43 as our current system of record.

The proposed text in your packet shows the change to existing regulation text and not what was noticed to the public.

I have contacted the Office of Administrative Law to find out if an additional 15-day notice is needed if the Commission approves the updated text with "system of record" instead of Mark43.

At this time, that concludes my report, and I'm happy to answer any questions.

CHAIRPERSON LONG: Any questions?

(No response.)

CHAIRPERSON LONG: Is there a motion to approve the proposed changes to Reg 1003 as referenced in the staff

report? Plus those that Ms. Poulos has...

COMMISSIONER BARCELONA: Barcelona.

COMMISSIONER WOOLERY: Woolery.

CHAIRPERSON LONG: Woolery.

Because this is going to -- oh, wait. Because Ms. Poulos has been in contact OAL on that, we'll be very careful and we'll call the roll for my good friend Ken Pogue.

Please call the roll.

MS. ESSEX: Barcelona.

COMMISSIONER BARCELONA: Yes.

MS. ESSEX: Braun.

(No response.)

MS. ESSEX: Braziel.

(No response.)

MS. ESSEX: Cooper.

(No response.)

MS. ESSEX: Doering.

COMMISSIONER DOERING: Yes.

MS. ESSEX: Ewell.

COMMISSIONER EWELL: Yes.

MS. ESSEX: Gordon.

COMMISSIONER GORDON: Yes.

MS. ESSEX: Johnson.

(No response.)

MS. ESSEX: Long.
CHAIRPERSON LONG: Yes.
MS. ESSEX: Moon.
COMMISSIONER MOON: Yes.
MS. ESSEX: Nieto.
COMMISSIONER NIETO: Yes.
MS. ESSEX: Rodriguez.
(No response.)
MS. ESSEX: Therriault.
COMMISSIONER THERRIAULT: Yes.
MS. ESSEX: Woolery.
COMMISSIONER WOOLERY: Yes.
MS. ESSEX: Eight. So it passes. Motion carries.
CHAIRPERSON LONG: It carries.
B. Proposed revisions to Commission Reg 1005. Minimum Training Standards. Bureau Chief Weiler will report.
MS. WEILER: Good afternoon.
This was a recent proposal to amend regulation as a result of some auditing and confusion that we have come across in terms of dealing with appointments for jail deputies.
Unfortunately, prior to the implementation of Senate Bill 2, we didn't pay as much attention to the appointments and the qualifications of jail deputies as

we should have.

And in -- in this last six months or so, we've been auditing those appointments to ensure minimum training qualifications and such. And we found that there is a bit of discrepancy in our minimum standards for training, as the terminology that we use is very specific. It was somewhat in conflict with what was required by the Board of State and Community Corrections.

So to remove any of that potential conflict and to stick within our own lanes, so to speak, we are removing reference to the Board of State and Community Corrections as well as the specific requirement that the training be completed within 120 days as stated in Penal Code.

In the event that the Penal Code language itself changes and we -- we wanted to make sure we didn't have to subsequently follow up and change regulation; we didn't want to miss that step.

So instead, we are amending the language to point specifically to the Penal Code section itself, rather than specific language of the Penal Code section.

We are also recognizing that not every agency requires their jail deputies to carry a firearm. And previously, our minimum training requirement was the

completion of PC 832, arrest and firearms course. So we are now amending that to allow for just the arrest course or the arrest and firearms course, either as one course or separately, if the agency requires the use of a firearm by their jail deputy personnel.

It will subsequently require us to follow up with the individual sheriffs departments to find out whether or not that is a requirement for their agency so that we can properly account for that when we review appointments.

And I think this is -- staff believe that this is an appropriate step to minimize the confusion around the minimum requirements for jail deputies.

And I will take questions at this time if there are any.

CHAIRPERSON LONG: Commissioner comments?

(No response.)

CHAIRPERSON LONG: Chief Salazar, did the Advisory Committee have any comment?

ADVISORY CHAIRPERSON SALAZAR: Thank you, Mr. Chair.

Just a comment from Sheriff Honea on behalf of Cal State Sheriffs that they appreciated this change and they were in support of it.

CHAIRPERSON LONG: Is there a motion to approve the

proposed revisions to Reg 1005 as referenced in the staff report?

COMMISSIONER NIETO: Nieto motions.

CHAIRPERSON LONG: Is there a second?

COMMISSIONER DOERING: Commissioner Doering. I will second.

CHAIRPERSON LONG: Is there objection to unanimous consent?

(No response.)

CHAIRPERSON LONG: Seeing none, no objections to unanimous consent. The motion carries.

Number -- Item E [sic], we'll be putting over until the next meeting in deference to some OAL technical concerns. So that is pulled from today's agenda. It will be back with us in March. Technical concerns only.

We move now to D, proposed clarifying amendment to Commission Reg 1202, peace officer certifications.

MS. WEILER: Yes.

CHAIRPERSON LONG: Ms. Weiler will present.

Ms. Weiler.

MS. WEILER: For proposed revisions to Commission Regulation 1202, as this body is familiar, when we began the process of implementing the requirements of Senate Bill 2, we basically took the language specifically related to peace officer certification out of Commission

Regulation 1011 and created a new Regulation 1202 specific to peace officers.

In doing so, we tried our best to clean up all of the language, as appropriate. But as we continue to review and adapt our processes, we found other areas that require additional clarity and cleanup language.

Specifically, there's been some confusion about education and training requirements, what qualifies as education requirements, what qualifies as training requirements, how one can relate to the other.

There is a need for clarifying language -- I'm sorry, cleanup language as well in the notes section for the authority and reference.

In reviewing this package with the Office of Administrative Law, they recommended that we remove specific subsections in the event that the Penal Code sections or Government Codes themselves change and the subsections are renumbered. We don't potentially miss that correction in the authority and reference section. So that is also in here.

So, again, the bulk of these proposed revisions are related to clarity of our current practices.

CHAIRPERSON LONG: Any questions or concerns from any commissioners?

(No response.)

CHAIRPERSON LONG: Chief Salazar, was there comment from the Advisory Committee?

ADVISORY CHAIRPERSON SALAZAR: No comments on this item.

CHAIRPERSON LONG: Is there a motion to approve this report on a proposed amendment to Reg 1202? These are technical and clarifying amendments only. Is there a motion?

COMMISSIONER MOON: Moon.

CHAIRPERSON LONG: Second?

COMMISSIONER THERRIAULT: Commissioner Therriault.

CHAIRPERSON LONG: All right. Is there objection to unanimous consent?

(No response.)

CHAIRPERSON LONG: Seeing no objection to unanimous consent, the motion carries.

Item E is a report on a proposed amendment to Commission Reg 1203, peace officer decertification, which would conform to Commission direction from our last meeting, regarding 1029 disqualifications.

If you recall, this amendment would delegate authority to the Executive Director to approve these disqualifications, just as the Commission delegated that authority to accept default revocations.

Bureau Chief Weiler will report.

MS. WEILER: I think I'm done, sir. I think you did that for me.

So this item, yes, is in response to a prior conversation at the Commission meeting held on September 12th.

In that meeting, it was discussed to delegate authorities to the Commission and the -- Commission staff and the Executive Director to, in essence, move to a default revocation process.

And so because that was stipulated in regulation, unlike the other part of the conversation, related to default revocations for failure to respond, this needed a Commission vote on a proposed amendment to Regulation 1203 to be able to change our process.

There is one error that needed to be corrected after we -- actually, two things that needed to be corrected after this item was agendized. So I will go through those changes now so that they are on the record because they were not agendized.

Basically we had to make revision -- additional revisions to subsection (4) to make sure that the text in subsection (4) was aligned with the changes we made to subsection (3).

So subsection (3) will read, "If a written response is not received or postmarked within 30 calendar days of

the latest date of mailing of the Notice of Intent, or within any extension of time granted for the response, a default revocation shall be issued. The peace officer's certification shall be revoked by the Commission without further proceedings pursuant to Penal Code section 13510.8(a)(1). The person shall be served by regular and certified mail, written notice of the final notice of revocation..."

Subsection (4) will now read, "If a written response is received, the division will review the response and conduct any appropriate additional investigation deemed necessary to determine whether a disqualifying conviction occurred. If, following the review and any additional investigation, the division determines that a disqualifying conviction occurred, it shall revoke the certification without further proceedings, pursuant to Penal Code section 13510.8(a)(1). The Commission shall serve the final order of revocation upon the person and/or their legal representative by regular and certified mail."

I will take any commissioner comments.

CHAIRPERSON LONG: Any questions to what are essentially technical and clarifying amendments?

(No response.)

CHAIRPERSON LONG: Is there a motion to approve the

proposed changes to Commission Reg 1203 as referenced in the staff report in addition to the technical changes read into the record by Ms. Weiler?

COMMISSIONER WOOLERY: Woolery.

CHAIRPERSON LONG: Second?

COMMISSIONER MOON: Moon.

CHAIRPERSON LONG: Ms. Essex, please call the roll.

MS. ESSEX: Barcelona.

COMMISSIONER BARCELONA: Yes.

MS. ESSEX: Braun.

(No response.)

MS. ESSEX: Braziel.

COMMISSIONER BRAZIEL: Yes.

MS. ESSEX: Cooper.

(No response.)

MS. ESSEX: Doering.

COMMISSIONER DOERING: Yes.

MS. ESSEX: Ewell.

COMMISSIONER EWELL: Yes.

MS. ESSEX: Gordon.

COMMISSIONER GORDON: Yes.

MS. ESSEX: Johnson.

(No response.)

MS. ESSEX: Long.

CHAIRPERSON LONG: Yes.

MS. ESSEX: Moon.
COMMISSIONER MOON: Yes.
MS. ESSEX: Nieto.
COMMISSIONER NIETO: Yes.
MS. ESSEX: Rodriguez.
(No response.)
MS. ESSEX: Therriault.
COMMISSIONER THERRIAULT: Yes.
MS. ESSEX: Woolery.
COMMISSIONER WOOLERY: Yes.
MS. ESSEX: Motion carries.
CHAIRPERSON LONG: Thank you.
We move now to the Training Program Service Bureau. And Mr. NewMyer, I believe, will be joining us to present proposed cost increases to maximum course presentation reimbursement.
MR. NEWMYER: Good afternoon, Commission. Thanks for having us.
A working group was convened at POST with multiple bureaus and a substantial-sized professional staff that did the work on this project. Professional staff did an excellent job putting this together. I merely managed the meetings and they did all the work, once again. I'm reporting back on their efforts.
We are in the progress of updating Regulation

Commission 1054. And 1054 contains regulation for reimbursement for presenter costs for presentation.

This work was done solely to change the dollar amount for presentation to try to get the money out as soon as possible without making text changes to the actual regulation, which would involve far more justification of work with the OAL piece of that.

So it was decided, with the EXO's input, to just change the dollar amounts to get the money out to the representatives to offset their costs as soon as possible and that we'd go back later, potentially, to fix any issues there might be in the verbiage of the regulation itself.

Currently, the maximum set amounts for instruction reimbursement is $90 per instruction hour and these amounts are for both salary and benefit load. So it is total reimbursement for their costs. If there's no benefit load, they don't have that obviously. So it is what their actual costs were for these matters.

For general coordination, instead of $140 per presentation, the presentation coordination is at $25 per instructional hour and clerical support is set at $15 per hour. These numbers were set in 1998 and were codified and introduced for our use in 1999.

So we're a bit long in updating this regulation and

updating our reimbursement amounts because the market has definitely changed since then, over 25 years.

When we got the group together, we had to decide what data we would use to determine the amounts for reimbursement.

What the group fell upon was four different things:

It was a presenter survey of current costs.

It was statistics from the United States Bureau of Labor on just a straight inflation calculator.

We used a California Employment Development Department's labor statistic numbers for current salaries in the private sector.

And then California State HR for similar positions as an equivalent.

So we have private, public, we have an inflation calculator, and we have presentation of our members -- a survey of our members that are presenting courses.

And the reimbursement recommended rate increases -- I'm going to go through them individually and justify the ranges that we have considered and how we came up with a specific number for the recommended rate increase.

For instructor compensation first, that's for instructional compensation of instructors and the presenter's footprint. Our presenters had a range of 60

to 150 dollars an hour. EDD had 41 to 80 dollars an hour. And human resources in California had 52 to 65 dollars an hour. And the inflation calculator showed it at 172.

We recommended a maximum reimbursement rate of $155 per hour. It is far below the inflation index. However, the average rate from our presenters was about $65 an hour for a presentation, so it is not that high, but there are high marketplaces where it is much higher: Places like the South Bay, like San Diego, like LA Basin. So anywhere where there's a high cost of living, they are paying the instructors more, obviously.

And then a third piece that we looked at was our current contracts. The maximum amount requested under contract is $110 an hour, which is still well below the 155. So we believe the 155 should cover and allow a little bit of room for growth, if necessary, over the next few years for covering all presentation costs up to the maximum of $155 per hour.

And if there's a time when it might be more than that, the Executive Director has the authority to approve anything above that on a case-by-case basis.

The second we looked at was the coordination piece. The previous group recommended 15 to 25 dollars per hour.

In the definition in the regulation under "General Coordination," it is basically for the on-site coordinator to oversee the course, to ensure people show up, to make sure the students are welcomed, all those things. But it also included supervision of clerical staff. And we think that might have been missed by the last group because it was only rated at $25 an hour maximum when they did this, and the clerical staff was rated as $15 an hour. So we're not sure that they actually saw that that was a supervisor or a managerial position. And obviously $25 an hour won't get you a lot in supervision or management today, in today's market.

The survey recommended -- or has showed about a hundred -- 60 to 150 dollars for coordination. I'm questioning the survey results, because some of the surveys had some pretty big outliers. But if you look at the EDD data and the HR-like positions, they would range anywhere from 37 to 80 dollars, and we recommended $85 per hour as a maximum compensation for that coordination piece if it is justified by their actual expenses.

Our contracts currently are asking for about 55 to 80 dollars per hour for general coordination, which is in line with what our recommendation was.

The clerical staff. Obviously it was previously

$15 an hour. $15 an hour doesn't even cover minimum wage at this point. Minimum wage is $16 per hour in the state of California. So with the survey responses being anywhere from 15 to 60 dollars; EDD is 15 to 39; and CalHR is 33 to 41 dollars an hour; and the inflation calculator showed it at 47.

We recommended that it could be from 16 to 45 dollars per hour for clerical staff, which would cover their current costs and potential benefit load.

The last piece is the presentation coordination. I'm sorry. General coordination. Used to be $55 per eight hours, not to exceed $440. We took just a straight index for inflation and just modified that to $105 per eight hours and up to 844 per presentation. So we just used the model that was there and just updated it by inflation.

So we recommended those maximum rates.

The second piece of this. Once we recommended the rates, we had to determine the financial impact, both to POST budget and to the state at large.

We did that by building a spreadsheet with all of the budget data, which included all the parts of the course budget, all the costs for presentation from instructors to coordinators, to clerical staff. And included indirect costs, which, if you raise all the

salary levels, indirect costs will rise about the same level. So we added all that in, and at the end of the day, we estimated that for POST-reimbursed courses and additional costs to POST for actual cost of presentations, would affect the POST budget for a total of -- approximate total of $2.78 million per year and would -- and an anticipated impact up of to $20.9 million per year for POST-participating agencies and citizens for tuition and costs for nonreimbursed POST training.

So it's 2.78 to the POST budget and 20.9 to the field. And it is anticipated that $2.78 million increase in presenter reimbursement will not require a request for additional funding, as the annual budget of POST will be able to account for the reimbursement increases and overall yearly impact.

If you approve this matter today, we will send it next to the Department of Finance. If the Department of Finance approves, it will go through the OAL process, and you will probably be seeing us back in March or June with the final results of that effort.

If you have any questions, I'm more than happy to try to answer them for you.

CHAIRPERSON LONG: Any questions or concerns?

Commissioner Nieto.

COMMISSIONER NIETO: Commissioner Nieto.

I know it's not going to impact your budget this year, Director Alvarez, but I know across the state, we are anticipating some budget cuts. It depends on where you are at. Will this impact it moving forward? And so that's one of my questions.

And then the second part is, can we tier this over not just one year and maybe get up to what they want to move up to? I want to pay people what they deserve, but 2.78 million still is a lot of money so...

EXECUTIVE DIRECTOR ALVAREZ: So in answer to the first part of question, we don't know, obviously, because we don't have a budget. We anticipate that we should be fine, primarily because, first of all, the budget cuts that we're taking this year are coming from operations, not necessarily from -- as directed by the governor. Not from law enforcement training or law enforcement local assistance.

We have also not been using all of our training money, and we have not been using all of our local assistance money in significant numbers. And obviously, in the -- we're not done with this year. But I think last year we returned about 20 million. The year before that, we returned about 30 million. And the year before that, we returned 30 million. So we do feel like we can

absorb it even if they make some cuts.

The other positive is, once the money is out, then the money is out. Then we just don't reimburse for it. So I think we should be fine.

Yeah. We could do a tiered approach. I don't know if it's a -- personally if it's necessary. I think we're going to be okay for -- for future years to come.

The -- the cost is really, you know, driven by the market. I mean, if some presenter wants to charge an exorbitant amount of money, they have to -- first of all, they have to submit a budget to us, and we have to approve it. If it's an exorbitant amount, we won't approve it.

And second of all, if it costs, you know, an arm and a leg, people aren't going to send their folks to that course if it's not reimbursed by POST.

So even those courses that aren't reimbursed by POST, if there's tuition that's charged, we have to go through with a fine-toothed comb to make sure that they are cost effective to the departments.

So frankly, I think we are going to be okay. But can we give a hundred percent concrete answer? No.

And, you know, as Brad just mentioned, you know, we also recognize this has to go through Department of Finance and we have to explain it all. And on its face,

it is like, wait a minute, we're in a budget crunch, and are you guys spending more money?

You know, the flip side of it is we feel that the State has given us money to deliver training and to provide local assistance, and we aren't able to do that under the current regulations. And that's why we're returning money.

So that doesn't answer it directly but that's the state of affairs.

CHAIRPERSON LONG: I will ask a question, Mr. NewMyer. We discussed this a little bit but I guess if I was at Finance, you know, the simple way to look at this is you are indexing for inflation, which makes total sense, and it's been 25 years or whatever it's been.

But as we have talked about, if I was at Finance, everything looks right in terms of indexing for inflation except for the presentation coordinator, which is almost twice the inflation rate, and clerical support, which, again, is almost twice the inflation rate. So if I'm at Finance or the legislature, the other two, I go, okay, I get it, you just indexed from inflation.

Can you just maybe give us a clearer explanation, if we're the Department of Finance, as why you doubled

down in those two areas over the CPI?

MR. NEWMYER: Sure.

The easiest one to answer would be the general -- the coordination piece. And I briefly spoke about it.

The regulation clearly states that it is a general coordination of onsite coordination of the course, and it includes supervision of the clerical staff. We think that might have been missed by the previous group that put that regulation together, because they only put it previously at $10 an hour above the clerical staff, and we didn't feel that was enough.

In today's market, to get a supervisor and a proposed presenter, if you index $25, it goes up to about $40 an hour, $45 an hour, with salary and benefits; you are not going to find a supervisor that's going to work for you for 25 or 30 dollars an hour if there's any kind of a benefit load.

We feel it is more appropriate to go up to the $85 an hour. It is more than inflation, but because of the previous one we think was probably artificially set low because it didn't account for the supervision piece in that, that the $85 is more appropriate for the general coordination onsite. And we think that might have been an oversight of the previous group.

It was 25 years ago. I couldn't find those

documents from 25 years ago to review them to see if they had any justification for it, because it's so old. But that's what the working group believe was a better number.

And we can just check the numbers after a year or two to see if we were close. Or if it is routinely under that, then we probably picked a right number. And this can be adjusted every couple, three years, if need be, since we have created a process now.

If DOF approves the indicators we used, this should be able to be redone pretty easily if we do more market research and figure out how much we're spending.

On the second piece for the coordination, or for the clerical staff, you know, the minimum wage in the state is $16 an hour. And if there's any kind of benefit load, it is going to push it up to $25 an hour anyways.

In high-dollar markets, like the South Bay or San Diego or Orange County, clerical staff and State HR numbers, just for office technician in the State of California -- and that's a statewide position -- the numbers were -- excuse me just one second -- 33 to 41 dollars an hour with salary and benefits. That's for an office technician in the state, anywhere across the state. So if they are anywhere comparable to that with

EDD saying it went 15 to 39 dollars an hour, the reason we put that up to the $45 an hour would be to cover 25 to 30-dollar hourly for a clerical staff. And then if there's any benefit load, it would cover that if they are paying that, and they could get reimbursed for those costs.

It is more than inflation, but I think those two -- the supervisory piece and the clerical piece -- I think were under-allowed reimbursement in the past, and we're just making up for that, what we believe will cover the current requests -- the current costs in the marketplace.

CHAIRPERSON LONG: Chief Salazar, did the Advisory Committee have any input?

ADVISORY CHAIRPERSON SALAZAR: No comments on this item.

CHAIRPERSON LONG: Yes. Mr. Executive Director, please.

EXECUTIVE DIRECTOR ALVAREZ: Mr. Chair.

So for those new members on the Commission, these rates do -- the way they had been established in 1998 and what we're trying to propose now do not apply to contracts.

So we see that a lot of our training courses that are now being delivered, you know, by departments and

some of the colleges and universities on a contract basis, because it -- because we can pay more than $15 an hour for a clerical staff member. So you are seeing that already in the contracts.

This really applies to courses that are being delivered by POST with a reimbursement and courses that are being delivered by private presenters or a department where POST doesn't have skin in the game.

So for those private presenters in those departments that are charging tuition, they still have to go through the budget process with us, and it doesn't mean that they can automatically go to the maximum for the salary for each individual. There's a range that they can come within and then we can say aye or nay for those rates.

And then that gives an overall -- if you look at the way the budget document is -- stands, you put all that together and then you divide by the number of students and it gives the tuition rate.

So that gets, you know, some water-brushing by POST staff during the certification process, and then they are allowed to charge tuition. We don't see the receipts for the -- for the staff or whatever expenditures they had.

For POST regulation -- or POST training courses,

that are delivered where there's reimbursement by POST for the delivery of the instruction, again. It's the same range, the same wire-brushing, review of the budget, and they are required to, you know, maintain and produce receipts for their actual expenditures.

CHAIRPERSON LONG: Thank you, sir.

Are there any other questions or comments from anyone?

(No response.)

CHAIRPERSON LONG: Is there a motion to approve the recommended changes to Commission Reg 1054, thereby increasing maximum reimbursement for course presentation, as reflected --

COMMISSIONER BARCELONA: Barcelona.

COMMISSIONER MOON: Second. Moon.

CHAIRPERSON LONG: There's a second.

Ms. Essex, please call the roll.

MS. ESSEX: Barcelona.

COMMISSIONER BARCELONA: Yes.

MS. ESSEX: Braun.

COMMISSIONER BRAUN: Yes.

MS. ESSEX: Braziel.

COMMISSIONER BRAZIEL: Yes.

MS. ESSEX: Cooper.

(No response.)

MS. ESSEX: Doering.
COMMISSIONER DOERING: Yes.
MS. ESSEX: Ewell.
COMMISSIONER EWELL: Yes.
MS. ESSEX: Gordon.
COMMISSIONER GORDON: Yes.
MS. ESSEX: Johnson.
(No response.)
MS. ESSEX: Long.
CHAIRPERSON LONG: Yes.
MS. ESSEX: Moon.
COMMISSIONER MOON: Yes.
MS. ESSEX: Nieto.
COMMISSIONER NIETO: Yes.
MS. ESSEX: Rodriguez.
(No response.)
MS. ESSEX: Therriault.
COMMISSIONER THERRIAULT: Yes.
MS. ESSEX: And Woolery.
COMMISSIONER WOOLERY: Yes.
MS. ESSEX: Motion passes.
CHAIRPERSON LONG: Thank you.
Move now to the Peace Officer Standards Accountability Division. This will be a report, our last report if the reg goes through, on peace officer

revocations based on Penal Code 1029, felony convictions. There are 13 officers on today's list.

As we voted earlier today to delegate these automatic disqualifications to the Executive Director, these lists in the future will be referenced on the Commission's consent calendar, but they need not be voted on by the Commission.

Bureau Chief Weiler will report.

MS. WEILER: I'm back. But I think, again, I don't have to do much because Chair Long already explained it.

CHAIRPERSON LONG: Waste that time while you were walking up.

MS. WEILER: So yes. This is hopefully going to be the last time we do this presentation for you as a voting item. That's assuming all goes well with the rulemaking package.

There are 13 names on this list. And as you can see, their dates of conviction will vary. The furthest one back is October of last year. And the most recent one is for June of this year, I believe.

Oh, I'm sorry. There is a February 2022 on here.

Do we have any questions on the names on this list?

CHAIRPERSON LONG: Any questions? It's essentially an administerial procedure.

Is there a motion, however, to approve these 13

decertifications based on felony convictions?

COMMISSIONER THERRIAULT: Commissioner Therriault. Make a motion.

CHAIRPERSON LONG: Is there a second?

COMMISSIONER MOON: Moon.

CHAIRPERSON LONG: Was that a second?

COMMISSIONER MOON: Yeah. Moon.

CHAIRPERSON LONG: Oh, sorry. Ms. Essex, please call the roll.

MS. ESSEX: Barcelona.

COMMISSIONER BARCELONA: Yes.

MS. ESSEX: Braun.

COMMISSIONER BRAUN: Yes.

MS. ESSEX: Braziel.

COMMISSIONER BRAZIEL: Yes.

MS. ESSEX: Cooper.

(No response.)

MS. ESSEX: Doering.

COMMISSIONER DOERING: Yes.

MS. ESSEX: Ewell.

COMMISSIONER EWELL: Yes.

MS. ESSEX: Gordon.

COMMISSIONER GORDON: Yes.

MS. ESSEX: Johnson.

(No response.)

MS. ESSEX: Long.
CHAIRPERSON LONG: Yes.
MS. ESSEX: Moon.
COMMISSIONER MOON: Yes.
MS. ESSEX: Nieto.
COMMISSIONER NIETO: Yes.
MS. ESSEX: Rodriguez.
(No response.)
MS. ESSEX: Therriault.
COMMISSIONER THERRIAULT: Yes.
MS. ESSEX: And Woolery.
COMMISSIONER WOOLERY: Yes.
MS. ESSEX: Motion passes.
CHAIRPERSON LONG: Move now to committee reports. Chief Salazar, Chair of the Advisory Committee, will report on the Advisory meeting held yesterday.
ADVISORY CHAIRPERSON SALAZAR: Thank you, Mr. Chair.
The Advisory Committee met yesterday and welcomed five new members to the Advisory Committee that contributed greatly to, I think, a robust discussion on a number of items that you heard some feedback on from today. So we're happy to introduce those five new committee members.
From reports from the represented associations,

CADA reported that they are working on retooling and -- on pilot programs along with POST LD32 that you heard today, being one of those.

Our dispatch representative talked about NextGen 911 and issues that have arisen there, although they are trying to ramp up in scale.

And then from Cal Sheriffs, PORAC, and Cal Chiefs all discussed the ongoing issues with AB 89 and upcoming work on the legislature to address that issue.

And from PORAC, continuing concerns with regards to recruitment for officers and dispatchers. Upcoming impacts from the AB 89, as well as retirement/workers' comp issues.

But a good meeting. I think a productive meeting. And, again, it's nice to have some members and good discussion.

Thank you, sir.

CHAIRPERSON LONG: Thank you, Mr. Chair.

Any questions or comment of the Advisory Committee?

(No response.)

CHAIRPERSON LONG: Then we move to new business. We have -- we need to select the Commission Vice Chair.

The Penal Code stipulates that the Commission annually select the Vice Chair. There is no limitation on terms. Unless there is an objection to reelecting

current Vice Chair Rick Braziel.

(No response.)

CHAIRPERSON LONG: Is there a motion?

COMMISSIONER MOON: Motion. Moon.

COMMISSIONER EWELL: I will make the motion.

COMMISSIONER MOON: I will second.

CHAIRPERSON LONG: And a second.

Is there objection to unanimous consent?

(No response.)

CHAIRPERSON LONG: Whew, that was close, Rick. Welcome. We will retain your expertise and experience going forward.

Was he even paying attention?

MR. DARDEN: He was actually in the room this time.

CHAIRPERSON LONG: That's right.

We also have a Advisory Committee appointment. Chief Cindy Pontes has been recommended by the CHP to serve on the Advisory Committee. A letter from CHP Commissioner Duryee is in your materials.

Is there a motion to appoint Chief Pontes to the Advisory Committee as a representative for the CHP?

COMMISSIONER GORDON: Gordon.

CHAIRPERSON LONG: Is there a second?

COMMISSIONER WOOLERY: Woolery.

CHAIRPERSON LONG: Is there objection to unanimous

consent?

(No response.)

CHAIRPERSON LONG: Seeing none, congratulations and welcome, Chief Pontes.

Proposed meeting dates: September 9th through 11th in the greater LA area; and November 18th and 20th, 2025, in POST world headquarters.

Yes, Mr. Executive Director.

EXECUTIVE DIRECTOR ALVAREZ: Mr. Chair, thank you.

It's been mentioned that the November dates conflict with the PORAC annual conference, which I know a number of our Advisory members are part of that association as well as our commissioners. So we would like to go back and perhaps propose some new dates. I know that you all need to know well in advance. But if you are all okay with us looking at some other possibilities, I think that would help some of our members.

CHAIRPERSON LONG: I don't believe there's a need to take a vote on either of them right now. So consider it an FYI.

COMMISSIONER GORDON: Just as a note, I would suggest that we steer clear of September 11th. A lot of agencies still do a memorial. And as the head of our agencies, many members of this Commission will not

either be able to be here or be where we need to be for those services.

EXECUTIVE DIRECTOR ALVAREZ: Let me just -- if I may, Brandy, do we have a contract for September?

MS. ESSEX: I will look on it tonight and maybe bring them tomorrow.

COMMISSIONER GORDON: Even if we did the first two. So if we did the 9th and 10th. But just keep it in mind, you know, that 11th does create issues.

EXECUTIVE DIRECTOR ALVAREZ: Thank you. September is always very, very difficult. That's the busiest -- that's the hardest one for us to schedule because there's so many different associations that are holding things, including WLLE, Cal Chiefs, and Cal Sheriffs, I believe. But we'll work on those.

Thank you.

CHAIRPERSON LONG: Future Commission dates. Upcoming Commission hearings will be held March 5/6, 2025, in the greater San Diego area; and June 4th and 5th, 2025, at POST headquarters here.

COMMISSIONER BARCELONA: Los Angeles area. Right? Isn't March Los Angeles?

EXECUTIVE DIRECTOR ALVAREZ: San Diego.

COMMISSIONER BARCELONA: It says San Diego?

CHAIRPERSON LONG: In '25, right?

COMMISSIONER BARCELONA: It says Los Angeles on mine. March 5th/6th?

MS. ESSEX: March will be in San Diego.

COMMISSIONER BARCELONA: I like San Diego better.

(Unreportable cross-talk)

COMMISSIONER BARCELONA: Okay. Let's do San Diego per the chair.

CHAIRPERSON LONG: We are now at closed session. So we will adjourn to closed session.

Would everyone please exit the room? We will reconvene in general session at the conclusion of the closed session.

Do you want us to move? You want us to move or do you want us to stay?

THE COURT REPORTER: Let's stay here.

CHAIRPERSON LONG: We'll stay here. Kathy carries. Kathy trumps.

(Time noted: 3:43 p.m.)

---o0o---

(Closed session held:

3:45 p.m. to 4:22 p.m.)

---o0o---

(Time noted: 4:26 p.m.)

CHAIRPERSON LONG: Back from closed session and reconvene into general session and call to order. The

closed session -- Toby reported to us on litigation. So now we're back in regular session.

Commissioners, is there anything else?

(No response.)

CHAIRPERSON LONG: Anybody have anything?

(No response.)

CHAIRPERSON LONG: Thanks to all the staff who put all this together and graciously put up with us. We will see everyone back here tomorrow at 8:00 a.m. for four certification cases.

EXECUTIVE DIRECTOR ALVAREZ: I just want to -- for the record, you all asked for 8:00 a.m. You did.

MS. ESSEX: You guys asked for 8:00.

EXECUTIVE DIRECTOR ALVAREZ: And we can pull the transcript. But we asked, in September, if you guys want to start and you said, "No, early, because we're all traveling," and you wanted to get out. So it wasn't my ideal.

COMMISSIONER BRAUN: I don't remember saying it, but I will own it.

COMMISSIONER BARCELONA: For those of us who are driving from south of Sacramento, it's a long drive in the morning at rush hour.

MR. DARDEN: I would like to make a motion to --

COMMISSIONER BARCELONA: It takes over an hour to

go --

EXECUTIVE DIRECTOR ALVAREZ: I mean, I guess, in theory, if you wanted to, we could come and turn on the cameras and say to the public, "The meeting will start late," and we can start it at 9:00 or 10:00 if you would like.

I think we're allowed to do that, right? Toby, from a Bagley-Keene perspective, come on and, "Hey, the meeting is delayed"?

CHAIRPERSON LONG: I don't think that's the commissioner vibe.

EXECUTIVE DIRECTOR ALVAREZ: No. And I suspect that the individuals -- there's going to be persons that come in to testify. They are going to be here at 8:00.

MR. DARDEN: They will.

CHAIRPERSON LONG: Is there a motion to adjourn?

COMMISSIONER GORDON: Gordon.

CHAIRPERSON LONG: Is there a second?

COMMISSIONER BRAZIEL: Braziel.

CHAIRPERSON LONG: Without objection, such is the order. See everybody tomorrow.

(Proceedings concluded at 4:28 p.m.)

---o0o---

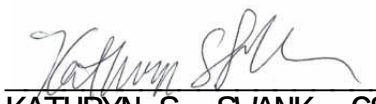
CERTIFICATE OF REPORTER

I, KATHRYN S. SWANK, a Certified Shorthand Reporter of the State of California, do hereby certify:

That I am a disinterested person herein; that the foregoing proceedings was reported in shorthand by me, Kathryn S. Swank, a Certified Shorthand Reporter of the State of California, and thereafter transcribed into typewriting.

I further certify that I am not of counsel or attorney for any of the parties to said proceedings nor in any way interested in the outcome of said proceedings.

IN WITNESS WHEREOF, I have hereunto set my hand this 16th day of December 2024.



KATHRYN S. SWANK, CSR
Certified Shorthand Reporter
License No. 13061

E R R A T A S H E E T

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AGENDA ITEM REPORT

Title: ACTION SUMMARY - NOVEMBER 20, 2024, WEST SACRAMENTO, CA

REPORT PROFILE

MEETING DATE 03/05/2025	**BUREAU SUBMITTING THE REPORT** Executive Office	
RESEARCHED BY	**REVIEWED BY**	
REPORT DATE	**APPROVED BY** Manuel Alvarez, Jr.	**DATE APPROVED** 02/12/2025
PURPOSE	**FINANCIAL IMPACT** No	

ISSUE, BACKGROUND, ANALYSIS, & RECOMMENDATION

ISSUE:

BACKGROUND:

ANALYSIS:

RECOMMENDATION: If the Commission concurs, the appropriate action would be a **MOTION** to approve the meeting Action Summary from the last Commission meeting.

ATTACHMENT(S):
11.20.2024_CommissionFullMeeting_Action_Summary_MARev_Final_JG.pdf

POST

GAVIN NEWSOM
GOVERNOR

ROB BONTA
ATTORNEY GENERAL

POST COMMISSION MEETING

Commission on POST
860 Stillwater Road
West Sacramento, CA 95605

November 20, 2024

ACTION SUMMARY

CALL TO ORDER

Chair Geoff Long called the meeting to order at 10:07 a.m.

FLAG SALUTE

The pledge of allegiance was led by Commissioner Therriault.

ROLL CALL OF COMMISSION MEMBERS

PRESENT	PRESENT	ABSENT
Alan Barcelona	Shannan Moon	Jim Cooper
Ingrid Braun	Tina Nieto	Jacob "Jake" Johnson
Rick Braziel - Vice Chair	Benjamin Therriault	Michelle Rodriguez
Justin Doering	Stephen Woolery	
P. Lamont Ewell		
Kelly Gordon		
Geoff Long - Chair		

A calling of the roll reflected a quorum was present.

INTRODUCTION OF POST ADVISORY COMMITTEE CHAIR, CHIEF COUNSEL, AND THE EXECUTIVE DIRECTOR

Chair Long introduced POST Advisory Committee Chair, Chief Jason Salazar, Visalia Police Department, POST Chief Counsel William "Toby" Darden, along with POST Executive Director Manny Alvarez.

PUBLIC COMMENT PERIOD

Chair Long opened the floor for public comment. No comments were made during the public comment period.

EXECUTIVE DIRECTOR COMMENTS

Chair Long introduced Executive Director Alvarez who addressed the Commission.

INTRODUCTION OF NEW COMMISSIONERS

Executive Director Alvarez introduced new Commissioner, Officer Jacob "Jake" Johnson, California Highway Patrol that will join us later.

I. APPROVAL OF TRANSCRIPT AND ACTION SUMMARY

I. Approval of the Transcript and Action Summary of the following meeting:

a) Meeting Transcript – September 12, 2024
b) Action Summary – September 12, 2024

MOTION- Barcelona, second – Braun and carried unanimously to approve the Meeting Transcripts and Action Summaries of the September 12, 2024, Commission Meetings.

II. CONSENT

Chair Long announced the presentations on Consent Items: II.d. through II.j. He then asked if the Commission would like presentations on Consent Items II.a. through II.c. There were no additional requests.

II. d. Discussion Regarding the Transferability of Peace Officer Background Investigation Files (Regulation 1953)

Chair Long called upon Staff Services Manager II Melani Singley, Strategic Communication and Research Bureau, who provided a report. Executive Director Alvarez then provided additional comments. Advisory Chair, Chief Salazar, shared feedback from the Advisory Committee.

This report was provided for information only. No action was required.

II. e. Discussion on Proposed Amendments to Commission Regulations to Address Course Complaints and Instructor Conduct

Chair Long called upon Law Enforcement Consultant Andrew Mendonsa, Training Program Services Bureau, who provided a report. Executive Director Alvarez then provided additional comments.

This report was provided for information only. No action was required.

II. f. Report on the Quality Assessment Program

Chair Long called upon Bureau Chief Brad NewMyer, Training Program Services Bureau, who provided a report. Executive Director Alvarez then provided additional comments. Advisory Chair, Chief Salazar, shared feedback from the Advisory Committee.

This report was provided for information only. No action was required.

Break: 11:09 a.m.
Reconvened: 11:23 a.m.

II. g. Report on Certification/Decertification Update

Chair Long called upon Bureau Chief Mike Radford, Professional Conduct Los Angeles County Bureau and Bureau Chief Michelle Weiler, Certification Bureau, who provided a report. Executive Director Alvarez, and POST Chief Counsel William "Toby" Darden then provided additional comments. Lastly, Assistant Executive Director Annemarie Del Mugnaio also addressed the Commission.

This report was provided for information only. No action was required.

Agenda out of order

II. i. Report on Peace Officer Education Requirements (AB 89)

Chair Long called upon Legislative Liaison Meagan Poulos, Office of Public Affairs in the Executive Office, who provided a report. Executive Director Alvarez then provided additional comments. Advisory Chair, Chief Salazar, shared feedback from the Advisory Committee.

This report was provided for information only. No action was required.

Lunch Break: 12:27 p.m.

Reconvened: 1:12 p.m.

II. h. Report on Discussion Regarding Gaps in Commission Regulations 1205 and Potential Changes to Dishonesty Provision

Chair Long called upon POST Chief Counsel William "Toby" Darden, Legal Affairs and Assistant Director Annemarie Del Mugnaio, Executive Office, who provided a report.

This report was provided for discussion and recommendations only.

III. Finance Update – June 2024 Transcript

Chair Long called to **ADOPT** the Finance update – June 2024 Transcript. Seeing no objection, the report is **ADOPTED**.

Chair Long called upon Bureau Chief, Cheryl Smith, Administrative Services Bureau, who provided a report on the 2024 – 2025 year-to-date expenditures and contract expenditures.

This report was provided for information only. No action was required.

IV. BASIC TRAINING BUREAU

IV. a. Report on Changes to Commission Regulation 1018, Commission Procedure D-1-5, and Public Safety Dispatchers' Basic Course Training Specifications

Chair Long called upon Staff Services Manager Jennifer Hardesty, Basic Training Bureau, who gave a report on this item.

The Commission discussed this item and made the following motions:

MOTION – Therriault, second – Woolery and carried unanimously by **ROLL CALL VOTE** to approve the report on changes to Commission Regulation 1018, Commission procedures D-1-5, and Public Safety Dispatchers' Basic Course Training and Testing Specifications.

IV.b. Report on the Development of the Basic Course Curriculum and Proposed Pilot Programs for LD32 - Lifetime Fitness

Chair Long called upon Staff Services Manager Anita Finner, Basic Training Bureau, who gave a report on this item.

The Commission discussed this item and made the following request to bring back to the March 2025 Commission meeting after doing some constructive retooling.

Break: 2:40 p.m.
Reconvened: 3:00 p.m.

(Continuation of the previous agenda item)

Advisory Member Tammie Murrell provided additional comments on LD – Lifetime Fitness.

Chair Long called for a **MOTION** to approve the changes described in the staff report, minus the references in Modules II and III.

MOTION – Gordon, Second – Braun, and carried unanimously by **ROLL CALL VOTE** to approve the piloting of Learning Domain 32 – Lifetime Fitness as described in the staff report, minus the references om Basic Training Modules II and III.

V. CERTIFICATION BUREAU

V.a. Report on Proposed Changes to Commission Regulation 1003 - Employment Status Notifications re Affidavit of Separation (POST2-357)

Chair Long called upon Staff Services Manager Katelynn Poulos, Certification Bureau, who read into the record a minor additional change and provided a report.

Chair Long called for a **MOTION** to approve the changes described in the staff report.

MOTION – Barcelona, Second – Woolery, and carried unanimously by **ROLL CALL VOTE** to approve the report on proposed changes to Commission Regulation 1003 – Employment Status Notifications, specifically regarding the Affidavit of Separation (POST2-357). Commissioner Braun was not present for the vote.

V.b. Report on Proposed Revisions to Commission Regulation 1005 - Minimum Standards for Training

Chair Long called upon Bureau Chief Michelle Weiler, Certification Bureau, who provided a report. Advisory Chair, Chief Salazar, shared feedback from the Advisory Committee.

The Commission discussed this item and made the following motions:

MOTION – Nieto, Second – Doering, and carried unanimously to approve the report on proposed revisions to Commission Regulations 1005 – Minimum Standards for Training.

V. d. Report on Proposed Amendment to Commission Regulation 1202 - Peace Officer Certifications

Chair Long called upon Bureau Chief Michelle Weiler, Certification Bureau, who provided a report.

Chair Long called for a **MOTION** to approve the amendments described in the staff report.

MOTION – Moon, Second – Therriault, and carried unanimously to approve the report on proposed amendment to Commission Regulation 1202 – Peace Officer Certifications.

V. e. Report on Proposed changes to Commission Regulation 1203 - Peace Officer Disqualification

Chair Long called upon Bureau Chief Michelle Weiler, Certification Bureau, who provided a report and read into record technical and clarifying amendments.

Chair Long called for a **MOTION** to approve the proposed changes to Commission Regulation 1203 – Peace Officer Disqualification.

MOTION – Woolery, Second – Moon, and passes by **ROLL CALL VOTE** to approve the report on proposed changes to Commission regulation 1203 – peace officer disqualification. Commissioner Braun was not present for the vote.

VI. TRAINING PROGRAM SERVICE BUREAU

VI. a. Report on Proposed Changes to Commission Regulation 1054 - Requirements for Course Budget

Chair Long called upon Bureau Chief Brad NewMyer, Training Program Services Bureau, who provided a report. Executive Director Alvarez then provided additional comments.

Chair Long called for a **MOTION** to approve the report on changes to Commission Regulation 1054 – Requirements for Course Budget.

MOTION – Barcelona, Second – Moon, and carried unanimously by **ROLL CALL VOTE** to approve the proposed changes to Commission Regulation 1054 – Requirements for Course Budget.

VII. PEACE OFFICERS STANDARDS ACCOUNTIBILTY DIVISION

VII. a. Report on Peace Officer Revocations Based on Felony Convictions

Chair Long called upon Bureau Chief Michelle Weiler, Certification Bureau, who provided a report.

Chair Long called for a **MOTION** to approve the report on peace officer revocations based on felony convictions.

MOTION – Therriault, Second – Moon, and carried unanimously by **ROLL CALL VOTE** to approve the revocation actions specified in the report.

VIII. COMMITTEE REPORTS

Chair Long called upon Chief Jason Salzar, Chair of the Advisory Committee, who provided a report on the results of the Advisory Committee meeting held on Tuesday, November 19, 2024.

Chair Salazar shared the items discussed at the Advisory Committee.

IX. NEW BUSINESS

IX.a. Report on Selection of Commission Vice Chair

Chair Long advised that the California Penal Code, Section 13501, stipulates the Commission shall annually select a vice chair from among its members.

Chair Long called for a **MOTION** to elect Rick Braziel for the position of Vice Chair for the Commission.

MOTION – Ewell, Second – Moon, and carried unanimously by **ROLL CALL VOTE** to approve the re-election of Rick Braziel for the position of Commission Vice Chair.

IX.b. New Advisory Committee Member Appointment – Chief Cindy Pontes

- Request to appoint Chief Cindy Pontes to the POST Advisory Committee, as a representative for the California Highway Patrol (CHP).

Chair Long called for a **MOTION** to appoint Chief Cindy Pontes, to the POST Advisory Committee, as a representative for the California Highway Patrol (CHP).

A **MOTION** – Gordon, Second – Woolery and carried unanimously to approve the appointment of Advisory Committee Member, Chief Pontes.

IX.c. Proposed Meeting Dates: September 9 – 11, 2025 Greater Los Angeles Area and November 18 – 20, 2025 POST HQ. West Sacramento

The Commission provided feedback regarding potential dates for future meetings.

X. FUTURE COMMISSION DATES

Chair Long read the future Commission meeting dates.

- March 05 – 06, 2025 – Greater San Diego Area, CA
- June 04 - 05, 2025 – POST HQ, West Sacramento

XI. CLOSED SESSION

Closed Session 3:45 p.m. – 4:22 p.m.

Closed Executive Session

1. Conference with Legal Counsel – Existing Litigation: Pursuant to Government Code section 11126(e)(1), the Commission hereby provides public notice that the following pending litigation matters may be considered and acted upon, as necessary and appropriate, in closed session. a) Tamara Evans v. POST, Sacramento Superior Court, Case No. 34-2014-00164423; Eastern District of California, Case No. 2:15-cv-01951. Conference with Legal Counsel – Existing/Potential Litigation: Pursuant to Government Code section 11126(e)(1) and (2), the Commission hereby provides public notice that it may meet in closed session to determine whether, based on existing facts and circumstances, any matter presents a significant exposure to litigation [see Government Code section 11126(e)(2)(B)(ii) and, if so, to proceed with closed session consideration and action on that matter, as necessary and appropriate [see Government Code section 11126(e)(2)(B)(i)], or, based on existing facts and circumstances, if it has decided to initiate or is deciding to initiate litigation [see Government Code section 11126(e)(2)(C)], or, if in the opinion of the state body on the advice of its legal counsel, based on existing

facts and circumstances, there is litigation, or significant exposure to litigation, against the state body [see Government Code section 11126(e)(2)(B)(i)].

Reconvened to General Session – 4:26 p.m.

Chair Long reconvened the meeting to general session and asked for any comments from the Commissioners.

There were no additional comments.

Chair Long called for a **MOTION** to adjourn the meeting.

MOTION - Gordon, second – Braziel and carried with unanimous consent to adjourn the meeting.

ADJOURNMENT – 4:28 p.m.

Respectfully Submitted,

Brandy Essex
Staff Services Analyst
Executive Office

AGENDA ITEM REPORT

Title: REPORT ON POST REIMBURSABLE PROGRAM - NEW AGENCY - VICTOR VALLEY UNION HIGH SCHOOL DISTRICT POLICE DEPARTMENT

REPORT PROFILE

MEETING DATE 03/05/2025	**BUREAU SUBMITTING THE REPORT** Training Delivery and Compliance Bureau	
RESEARCHED BY Melanie Dunn		**REVIEWED BY** Kristoffer Erik Gerolaga
REPORT DATE 01/14/2025	**APPROVED BY** Manuel Alvarez, Jr.	**DATE APPROVED** 01/24/2025
PURPOSE		**FINANCIAL IMPACT** Yes

ISSUE, BACKGROUND, ANALYSIS, & RECOMMENDATION

ISSUE: The Victor Valley Union High School District Police Department has entered into the POST Reimbursable Program for its peace officers effective December 19, 2024.

BACKGROUND: The Victor Valley Union High School District Police Department has been approved to participate in the POST Reimbursable Program pursuant to Penal Code sections 13510(a) and 13522. The agency's officers are appointed pursuant to Section 830.32(b) of the Penal Code and has agreed to abide by Commission Regulations. A Resolution of the Board of Trustees of the Victor Valley Union High School District was adopted on March 8, 2024 as required by Penal Code section 13522. Two attachments are included; the Letter of Intent and the Resolution.

ANALYSIS: The agency presently employs one (1) peace officer.

RECOMMENDATION: The Victor Valley Union High School District Police Department has entered into the POST Reimbursable Program for its peace officers effective December 19, 2024.

This report is presented for information only. No action is required.

ATTACHMENT(S):
Victor_Valley_Union_HSD_POST_Letter_of_Intent.pdf

Victor_Valley_Union_HSPD Resolution 24-18.pdf

Victor Valley Union High School District
Police Department
Christopher Stowell, Chief of Police

12-12-24

Manuel Alvarez, Jr.
Executive Director
Commission on Peace Officer Standards and Training
860 Stillwater Road, Suite 100
West Sacramento, CA 95605

Dear Mr. Alvarez:

The Board of Trustees of the Victor Valley Union High School District has empowered me to seek participation in the Commission on Peace Officer Standards and Training (POST) Reimbursable Program for our peace officers. Please find enclosed the School Board Resolution #24-18 from the Victor Valley Union High School District declaring our intent to enter the POST Program.

We are ready for a review to finalize our acceptance. Please call at your earliest convenience.

Sincerely,

Christopher Stowell
Chief of Police
Victor Valley Union High School District Police Department

VICTOR VALLEY UNION HIGH SCHOOL DISTRICT
RESOLUTION NO. 24-18

Intent to Establish a District Police Department

WHEREAS, the Board of Trustees of the Victor Valley Union High School District (District) is committed to the safety and wellbeing of its students and staff;

WHEREAS, to help protect the safety of District students and staff, and the security of District property, the Board of Trustees desires to establish a District police department, pursuant to Education Code section 38000(b);

WHEREAS, the Board of Trustees declares that it desires to qualify to receive aid from the State of California under the provisions of Penal Code section 13522;

WHEREAS, the Board of Trustees intends to adhere to the standards for recruitment and training established by the California Commission on Police Officer Standards and Training (POST), and the District will provide the Commission with information needed to ascertain the same;

WHEREAS, in accordance with Education Code section 38000 subdivisions (b) and (c), the District shall establish a school police department under the supervision of a school chief of police and, in accordance with applicable laws, may employ peace officers;

WHEREAS, the Board of Trustees shall, under Education Code section 38000 subdivision (c), set minimum qualifications for the school chief of police including, but not limited to, prior employment as a peace officer or completion of peace officer training course approved by the Commission on Peace Officer Standards and Training (Penal Code 13500 et seq.);

WHEREAS, all persons employed and compensated as peace officers must meet minimum qualifications prescribed under Government Code sections 1029, 1030, and 1031;

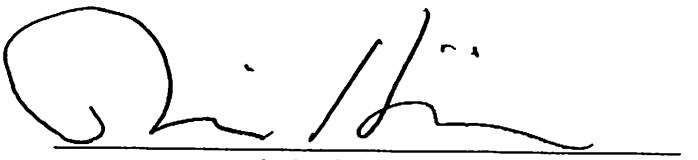
WHEREAS, all persons employed and compensated as members of the District police department, when appointed and sworn, are peace officers for the purposes of carrying out their duties of employment, and must comply with applicable laws, including but not limited to, Penal Code sections 832, 832.3 and POST training and requirements;

WHEREAS, the Board of Trustees is committed to sound financial decisions and has analyzed the fiscal benefits of a District police department;

WHEREAS, the Board of Trustees is dedicated to maintaining access to mental health services, other student and staff support services, and restorative justice practices to resolve conflicts, which contribute to a positive school climate, learning, and postsecondary success; and,

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees of the Victor Valley Union High School District does hereby declare its intent to establish a District police department in accordance with all applicable laws and training requirements.

Adopted this 8th day of March, 2024.



Clerk of the Board

AGENDA ITEM REPORT

Title: REPORT ON POST REIMBURSABLE PROGRAM - NEW AGENCY - MT. SAN ANTONIO COLLEGE POLICE DEPARTMENT

REPORT PROFILE

MEETING DATE 03/05/2025	**BUREAU SUBMITTING THE REPORT** Training Delivery and Compliance Bureau	
RESEARCHED BY Melanie Dunn		**REVIEWED BY** Kristoffer Erik Gerolaga
REPORT DATE 01/15/2025	**APPROVED BY** Manuel Alvarez, Jr.	**DATE APPROVED** 01/24/2025
PURPOSE		**FINANCIAL IMPACT** Yes

ISSUE, BACKGROUND, ANALYSIS, & RECOMMENDATION

ISSUE: The Mt. San Antonio College Police Department has entered into the POST Reimbursable Program for its peace officers effective January 16, 2025.

BACKGROUND: The Mt. San Antonio College Police Department has been approved to participate in the POST Reimbursable Program pursuant to Penal Code sections 13510(a) and 13522. The agency's officers are appointed pursuant to Section 830.32 of the Penal Code and has agreed to abide by Commission Regulations. A Resolution of the Board of Trustees of Mt. San Antonio College was adopted on December 11, 2024 as required by Penal Code section 13522. Two attachments are included; the Letter of Intent and the Resolution.

ANALYSIS: The agency presently employs five (5) peace officers.

RECOMMENDATION: The Mt. San Antonio College Police Department has entered into the POST Reimbursable Program for its peace officers effective January 16, 2025.

This report is presented for information only. No action is required.

ATTACHMENT(S):
Mt_SAC_POST_Letter_of_Intent.pdf
Mt_SAC_Resolution_24-12.pdf

MT. SAC
Mt. San Antonio College

Police & Campus Safety Department
1100 N. Grand Ave., Walnut, CA 91789
www.mtsac.edu | (909) 274-7500

Date: October 24, 2024

Manuel Alvarez, Jr.
Executive Director
Commission on Peace Officer Standards and Training
860 Stillwater Road, Suite 100
West Sacramento, CA 95605

RE: Letter of Intent to Join the POST Program

Dear Mr. Alvarez:

The Board of Trustees of the Mount San Antonio College has empowered me to seek participation in the Commission on Peace Officer Standards and Training (POST) Reimbursable Program for our peace officers.

Please find enclosed Resolution 24-04 from the Mount San Antonio College Board of Trustees declaring our intent to enter the POST Program.

We are ready for a review to finalize our acceptance. Please call at your earliest convenience.

Sincerely,

Kelli Florman
Chief of Police and Campus Safety
Mount San Antonio College

RESOLUTION NO. 24-12

A RESOLUTION OF THE BOARD OF TRUSTEES OF MT. SAN ANTONIO COLLEGE ACCEPTING THE REQUIREMENTS OF THE CALIFORNIA PENAL CODE SECTION 13522, CHAPTER 1 OF TITLE 4, PART 4, RELATING TO THE TRAINING OF LAW ENFORCEMENT OFFICERS

RECITALS

WHEREAS, the governing body of Mt. San Antonio College, the Board of Trustees, declares that it desires to qualify to receive aid from the State of California under the provisions of Section 13522, Chapter 1 of Title 4, Part 4, of the California Penal Code; and

WHEREAS, pursuant to Sections 13510 and 13512 of said Chapter 1, the Mt. San Antonio College Police and Campus Safety Department will adhere to the standards for recruitment and training established by the Commission on Peace Officer Standards and Training; and

WHEREAS, the Commission and its representatives may make such inquiries as deemed necessary to ascertain that the peace officer personnel of the Mt. San Antonio College Police and Campus Safety Department adhere to the standards for recruitment and training established by the California Commission on Peace Officer Standards and Training.

NOW, THEREFORE, BE IT RESOLVED, FOUND, AND DETERMINED BY THE BOARD AS FOLLOWS:

SECTION 1. The Board adopts the foregoing recitals as true and correct.

SECTION 2. This Resolution shall become immediately effective upon adoption by the Board.

PASSED AND ADOPTED by the members of the Governing Board of Mt. San Antonio College on the 11th day of December 2024, by a vote of:

AYES: Baca, Chen, Chen Haggerty, Chow, P. Hidalgo, R. Hidalgo, Santos

NOES: None

ABSTAIN: None

ABSENT: None

I, Martha Garcia, Secretary of the Governing Board of the Mt. San Antonio Community College District, do hereby certify that the foregoing is a full, true, and correct copy of a resolution adopted by the said Board at a regularly called and conducted meeting held on said date.

Martha Garcia, Ed.D.
College President/CEO and
Secretary, Governing Board
Mt. San Antonio Community College District

Attest:

Dr. Robert F. Hidalgo
Clerk of the Board of Trustees
Mt. San Antonio Community College District

AGENDA ITEM REPORT

Title: REPORT ON COURSE CERTIFICATION STATISTICS

REPORT PROFILE

MEETING DATE 03/05/2025	**BUREAU SUBMITTING THE REPORT** Training Delivery and Compliance Bureau	
RESEARCHED BY Jet Alidon-Lam		**REVIEWED BY** Kristoffer Erik Gerolaga
REPORT DATE 01/24/2025	**APPROVED BY** Manuel Alvarez, Jr.	**DATE APPROVED** 01/27/2025
PURPOSE		**FINANCIAL IMPACT** No

ISSUE, BACKGROUND, ANALYSIS, & RECOMMENDATION

ISSUE: This is a status report of courses which have been certified and decertified from 10/01/2024 to 12/31/2024.

BACKGROUND: This report is submitted to the Commission quarterly to report the status of certified and decertified courses and presenters (Attachment A).

ANALYSIS: The following is a summary of the status report for 10/01/2024 to 12/31/2024:
Certified Presenters: 3
Decertified Presenters: 1
Certified Courses: 80
Course Modifications: 857
Decertified Courses: 12
Total Active Courses: 5,923
Total Active Presenters: 1,062

RECOMMENDATION: This report is presented for information only. No action is required.

ATTACHMENT(S):
AttachmentA_Course_Certification_Stat_Report_October01_2024-December31_2024.pdf

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING
TRAINING DELIVERY AND COMPLIANCE SERVICE BUREAU
COURSE CERT STATS REPORT
REPORT FROM 10/01/2024 TO 12/31/2024

NEW PRESENTERS

DANIEL ETTINGER - 8019
JOHN H BAKHIT - 8021
OLIN JONES CONSULTING - 8022

DECERTIFIED PRESENTERS

YUCAIPA BIKE CENTER - 1542

SUMMARY OF TOTALS

	OCTOBER	NOVEMBER	DECEMBER	TOTAL FOR OCT TO DEC	TOTAL YEAR-TO-DATE	TOTAL
PRESENTERS						
CERTIFIED NEW PRESENTERS	0	2	1	3	13	
DECERTIFIED PRESENTERS	0	1	0	1	1	
COURSES						
CERTIFICATION REQUESTS	26	19	28	73	193	
COURSES CERTIFIED	34	19	27	80	188	
COURSE MODIFICATIONS APPROVED	379	215	263	857	2543	
DECERTIFIED COURSES	7	5	0	12	38	
INACTIVE COURSES	0	0	0	0	0	

TOTAL ACTIVE COURSES **5923**

TOTAL ACTIVE PRESENTERS **1062**

AGENDA ITEM REPORT

Title: REPORT ON CERTIFICATION/DECERTIFICATION UPDATE

REPORT PROFILE

MEETING DATE 03/05/2025	**BUREAU SUBMITTING THE REPORT** Executive Office	
RESEARCHED BY Annemarie Del Mugnaio	**REVIEWED BY** Annemarie Del Mugnaio	
REPORT DATE	**APPROVED BY** Manuel Alvarez, Jr.	**DATE APPROVED** 02/18/2025
PURPOSE	**FINANCIAL IMPACT** No	

ISSUE, BACKGROUND, ANALYSIS, & RECOMMENDATION

ISSUE: This is a report on updates regarding the operations of the Peace Officer Standards Accountability Division and to provide operational updates and statistical data on reports and cases of serious misconduct received by POST. Formerly knows as "SB 2 Update."

This report is presented for information only. No action is required.

BACKGROUND: On September 30, 2021, Governor Gavin Newsom signed Senate Bill 2, which outlines peace officer certification requirements in California. The investigations and the process for reviewing serious misconduct cases is now implemented within the Peace Officer Standards Accountability Division.

ANALYSIS: As the final provisions authorized under Senate Bill 2 took effect on January 1, 2023, POST staff reports out on the activities and relevant actions of the Peace Officer Standards Accountability Division and the Peace Officer Standards Accountability Advisory Board since the last Commission meeting.

RECOMMENDATION: This item is presented for information only. No action is required.

ATTACHMENT(S):
1029_Ineligible_List_March25_Commission.pdf

March 2025 Commission Meeting - POSAD Stats.pdf

1029 Ineligible List – March 2025 POST Commission Meeting

Last Name	First Name	Last Employing Agency	District	Date of Conviction or Judgement	Conviction
Beasley	Gariner	Los Angeles PD (last employed 9/24/1993)	Los Angeles County	September 7, 1993	2 counts -PC section 261 (a)(7) Rape by threat to arrest or deport
Dehoog	Matthew	Baldwin Park PD (last employed 1/15/2014)	Los Angeles County	July 24, 2014	Felony Penal Code section 118.1, Filing a False Report
Frank	Sean McCarthy	Glendale PD (last employed 11/16/2004)	Los Angeles County	April 26, 2005	Felony Penal Code section 535, Mock Auction
Galindo	Sammy	Livingstone PD (last employed 10/04/2012)	Central	October 11, 2013	Felony, Insurance Code 1871.4, False or Fraudulent Claim
Guercio	Thomas	Alameda CO SD/Coroner (last employed 10/02/1998)	Central	January 24, 2013	Felony, Penal Code 311.11(a), Possession or Control of Matter Depicting Persons Under 18 Years in Sexual Conduct

Kim	Henry	DOJ (last employed 10/19/2007)	Northern	1November 13, 2007	Felony, Penal Code 472 – Forge Official Seal
Krause	Sarah	Alameda CO SD/Coroner (last employed 01/19/2018)	Central	January 21, 2020	Felony, Penal Code 149 Assault and Battery Under Color of Authority by a Public Officer
Litt	Gerald	San Bernardino County SD (last employed 12/30/1992)	Southern	November 7, 1997	Felony, Penal Code Section 487(a), Grand Theft by Embezzlement; with special allegation of violation of Penal Code section 12022.6(a), destroying property of value of $50,000.00
Mejia	John R.	Palm Springs PD (06/21/2014)	Southern	March 9, 2016	Felony, Penal Code 550(a)(1) Insurance Fraud - Presenting a False Claim Vehicle Code 10501(a) Making

					a False Report of a Stolen Vehicle
Palmer	Daniel	Milpitas PD (last employed 04/12/2016)	Central	September 20, 2018	Felony, Penal Code 311.11(a) Possession of Matter Depicting Minor Engaging in Sexual Conduct
Ridge	Jonathan	Santa Ana PD (last employed 04/26/2021)	Southern	April 16, 2021	Felony, Penal Code 550(b)(3), Insurance Fraud Felony, Insurance Code Section 187(a)(1), Make Fraudulent Statement
Robles	Edmond	San Francisco PD (last employed 12/11/2014)	Central	December 5, 2014	Felony, Title 18, US Code 1343 Wire Fraud Title 18, US Code 241, Conspiracy Against Civil Rights, Title 18, US Code 371, Conspiracy to Commit Theft Concerning

					Federally Funded Program Title 18, US Code 666(a)(1) and (2), Theft Concerning Federally Funded Program
Rojas	Clay	Santa Clara PD (last employed 11/15/2010)	Central	July 27, 2011	Felony, Penal Code 182(a)(1) Conspiracy between Defendant and Others with an Overt Act 18 USC 1349, Conspiracy to commit honest services fraud 18 USC 1343 and 1346, Aiding and abetting honest services fraud using an interstate communications service 18 USC 1030(a)(2)(C) and

					(c)(2)(B)(i) unlawfully obtaining information from a protected computer for financial gain
Zlendick	Mark	El Dorado SO (last employed 8/5/2015	Northern	February 8, 2016	Nevado Revised Statute section 453.3385 - Trafficking of a Controlled Substance

Peace Officer Standards Accountability Division

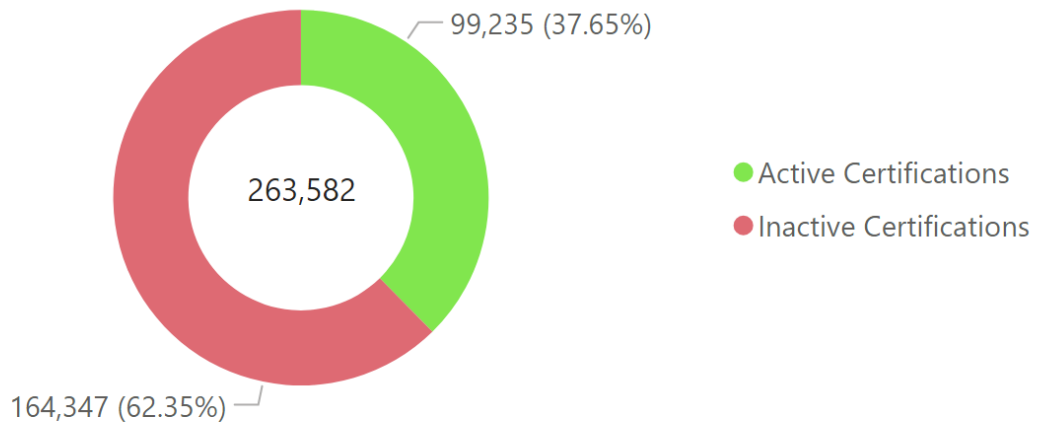
March 5, 2025

Certification Statistics

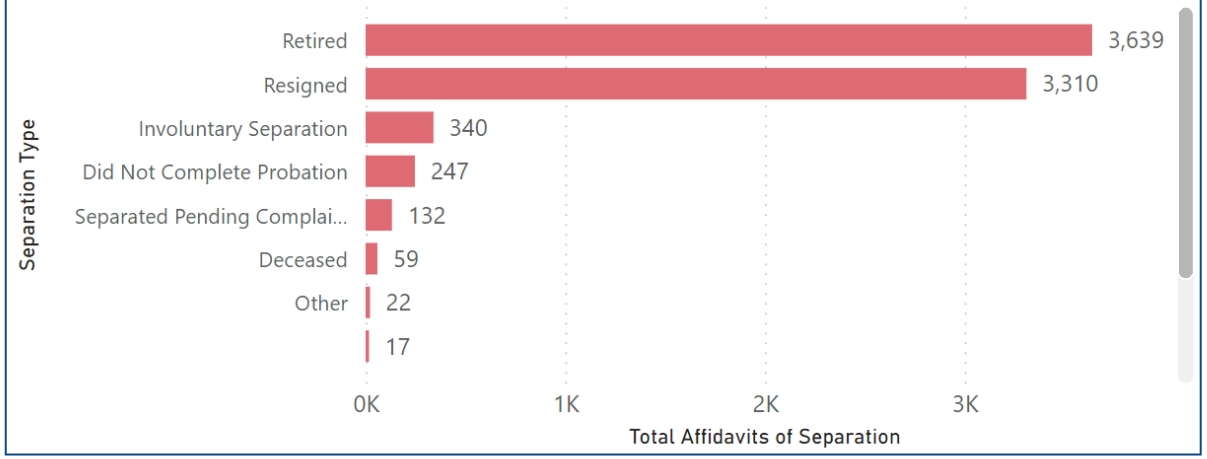
Peace Officer Certification Statistics

Report Year : 2024

Current Active and Inactive Certifications



Affidavits of Separation (AOS)



Current Full-time Peace Officers 82,102

Serious Misconduct Count 353

Total AOS 7,846

Serious Misconduct Reason	Count of Affidavits
Abuse of Power	31
Demonstrating Bias	39
Dishonesty	116
Egregious Repeated Acts	84
Failure to Cooperate with Investigation	17
Failure to Intercede	1
Law Enforcement Gang	0
Physical Abuse	33
Sexual Assault	31

Basic Certificates Issued 4,334

Appointments Approved 7,587

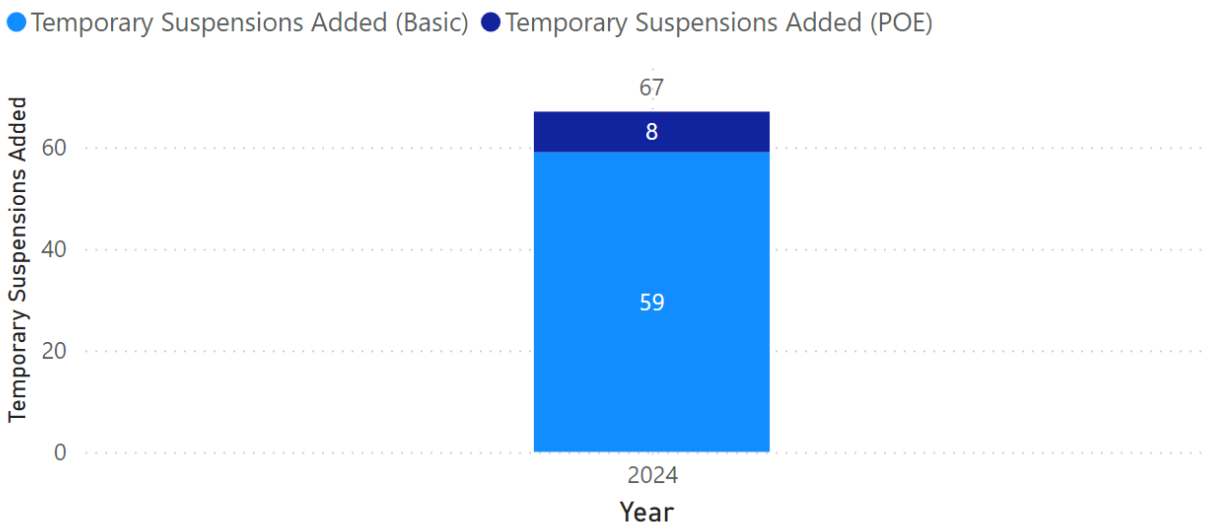
Proof of Eligibilities Issued 5,836

Distinct Officers with Serious Misconduct 276

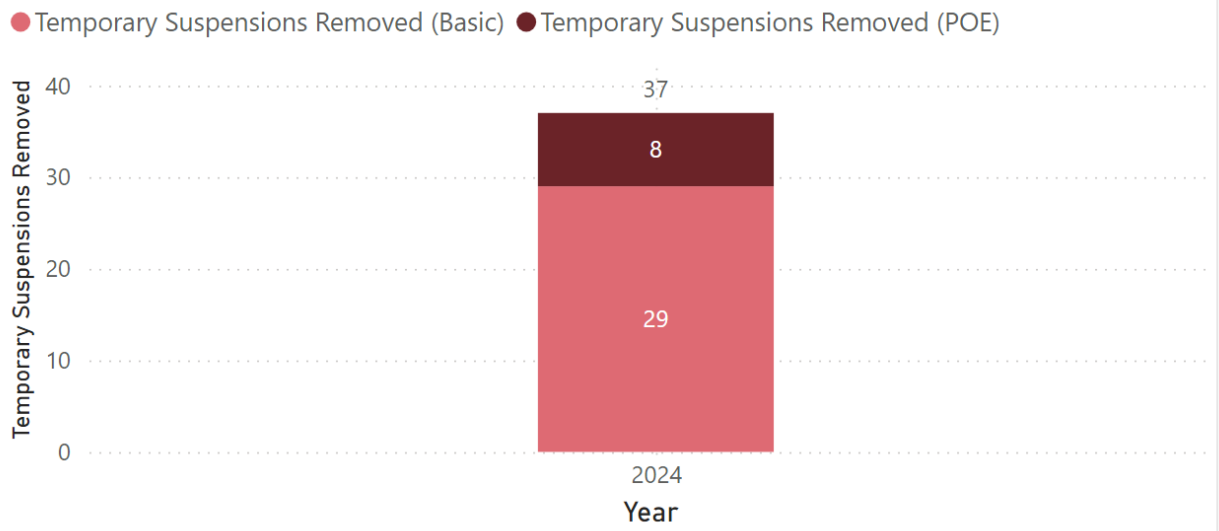
Peace Officer Certification Statistics

Report Year : 2024

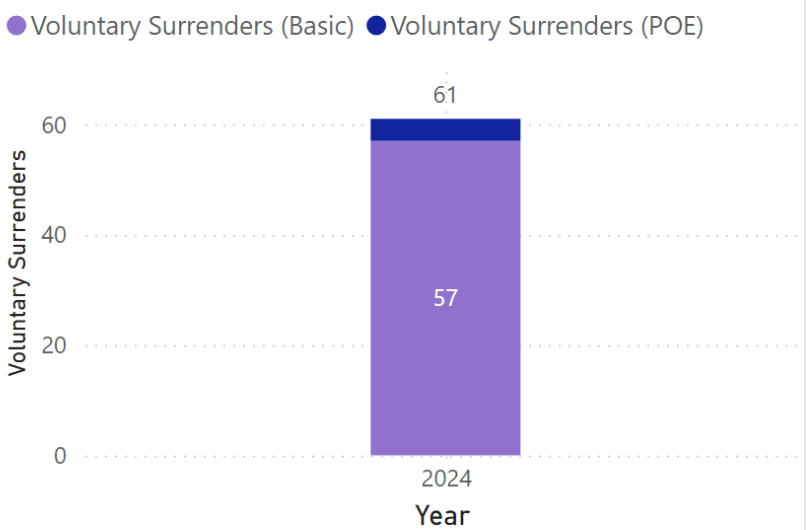
Temporary Suspensions Added by Year



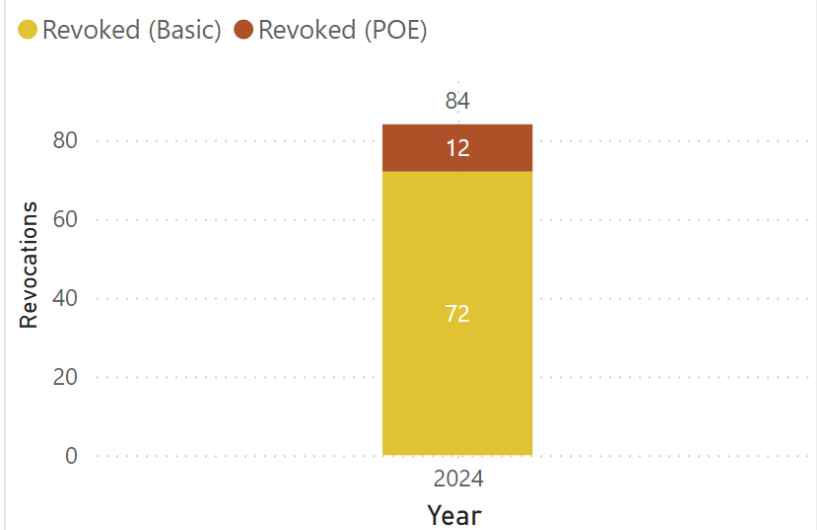
Temporary Suspensions Removed by Year



Voluntary Surrenders by Year



Revocations by Year



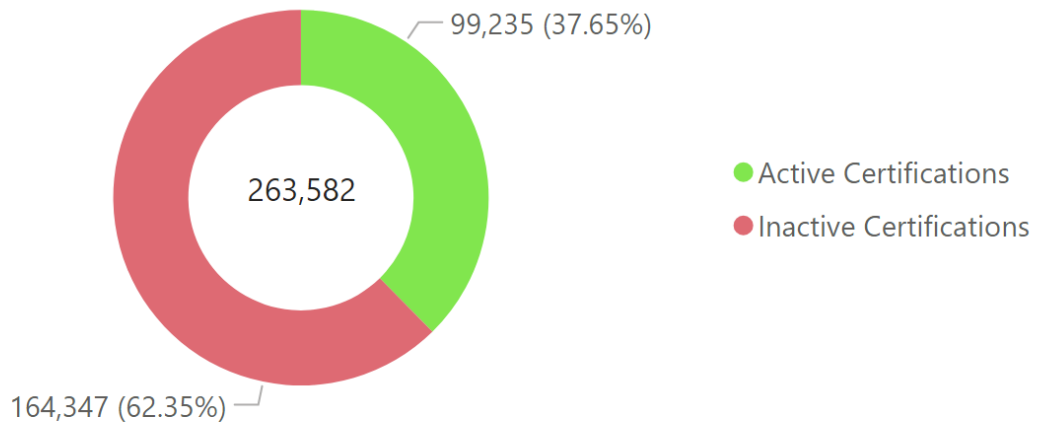
1029 Ineligibilities Added

85

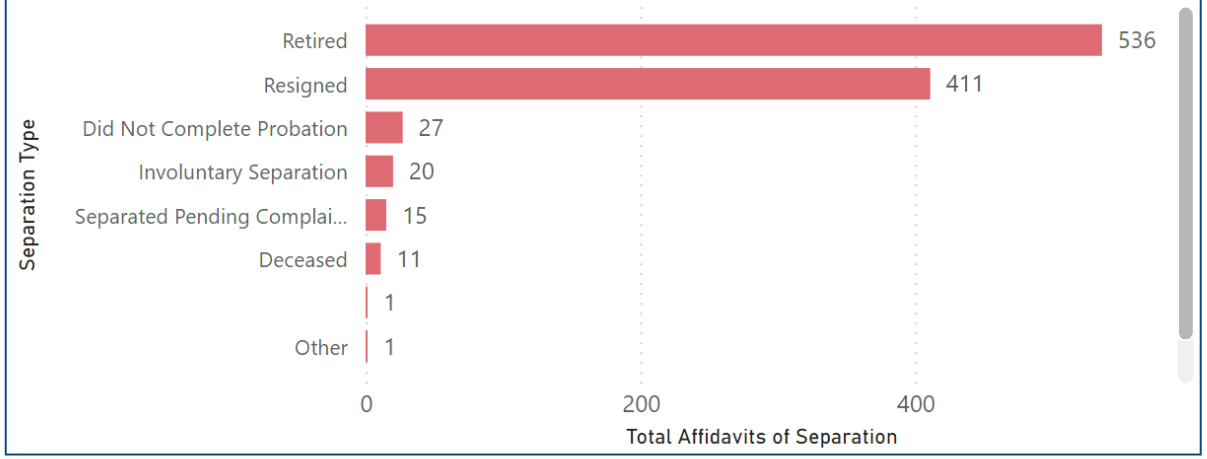
Peace Officer Certification Statistics

Report Year : 2025

Current Active and Inactive Certifications



Affidavits of Separation (AOS)



Current Full-time Peace Officers 82,102

Serious Misconduct Count 49

Total AOS 1,030

Serious Misconduct Reason	Count of Affidavits
Abuse of Power	4
Demonstrating Bias	5
Dishonesty	14
Egregious Repeated Acts	13
Failure to Cooperate with Investigation	0
Failure to Intercede	0
Law Enforcement Gang	0
Physical Abuse	8
Sexual Assault	5

Basic Certificates Issued 372

Appointments Approved 761

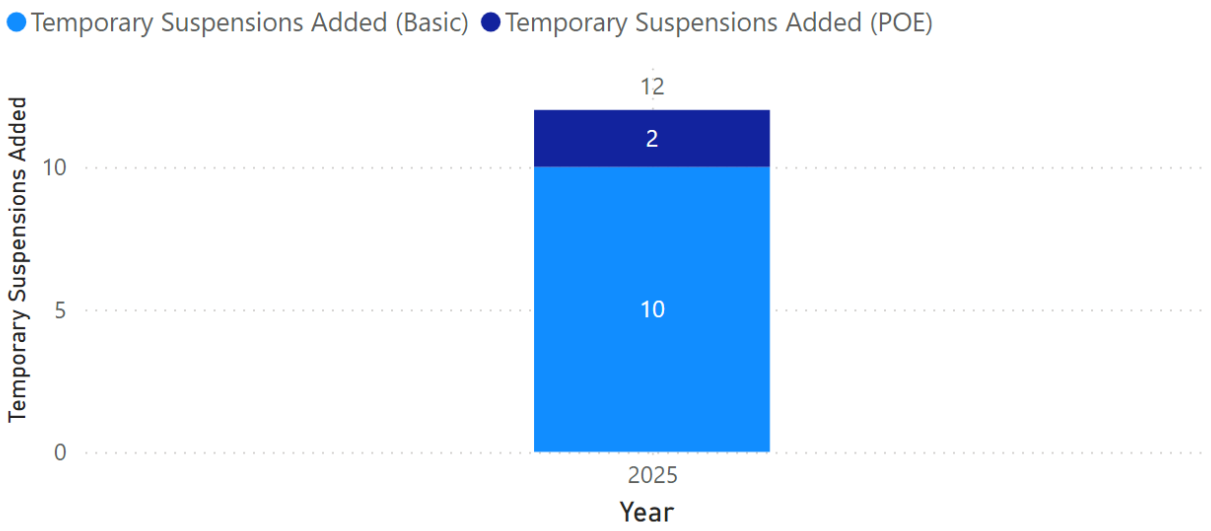
Proof of Eligibilities Issued 543

Distinct Officers with Serious Misconduct 39

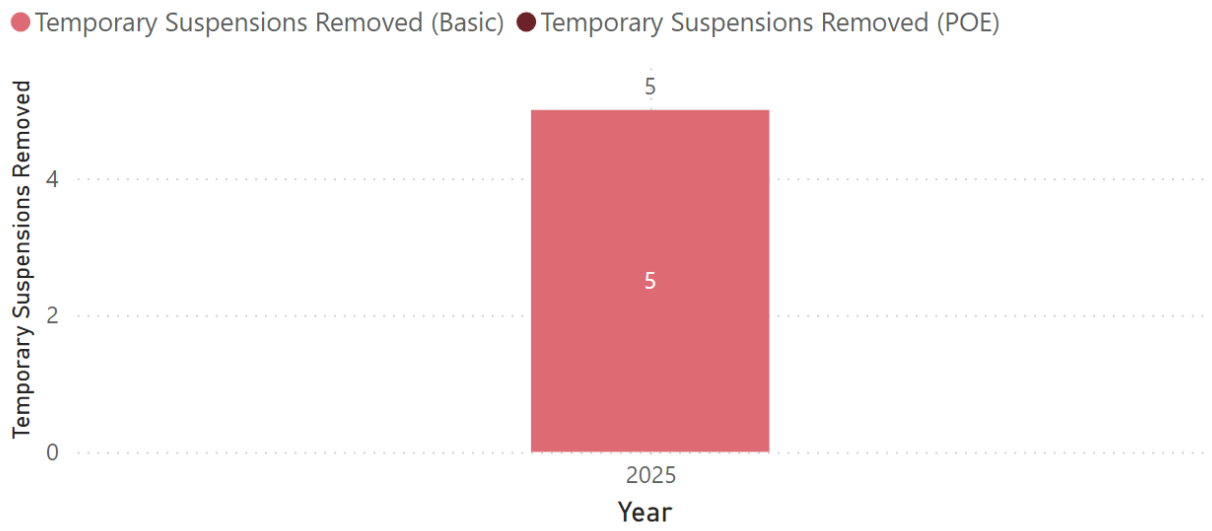
Peace Officer Certification Statistics

Report Year : 2025

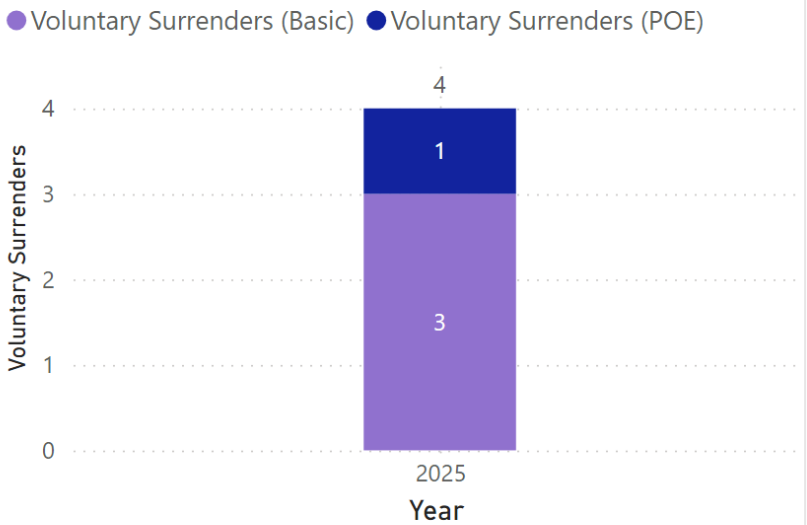
Temporary Suspensions Added by Year



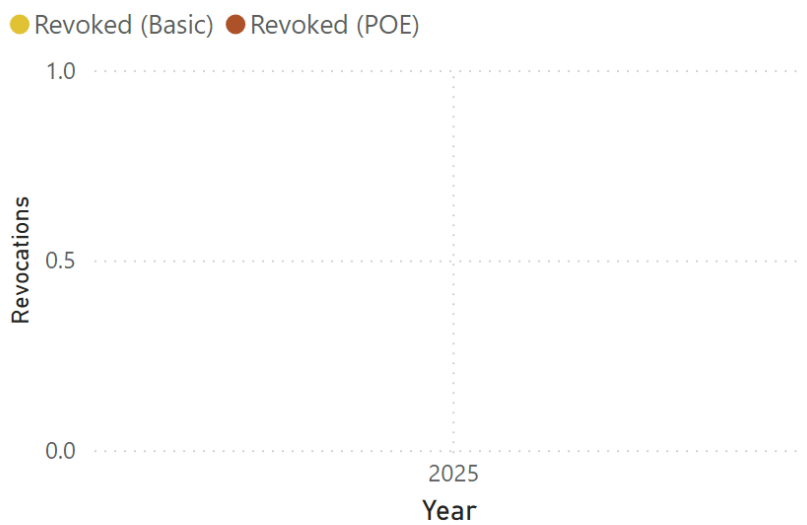
Temporary Suspensions Removed by Year



Voluntary Surrenders by Year



Revocations by Year



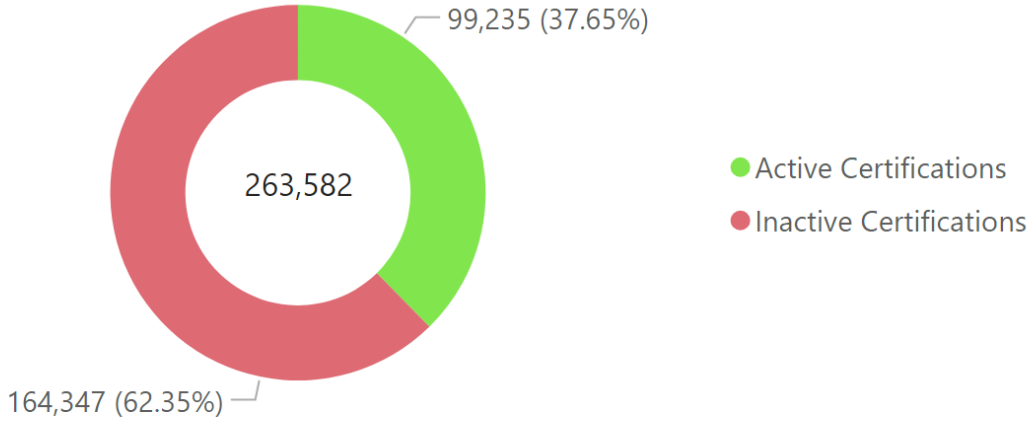
1029 Ineligibilities Added

8

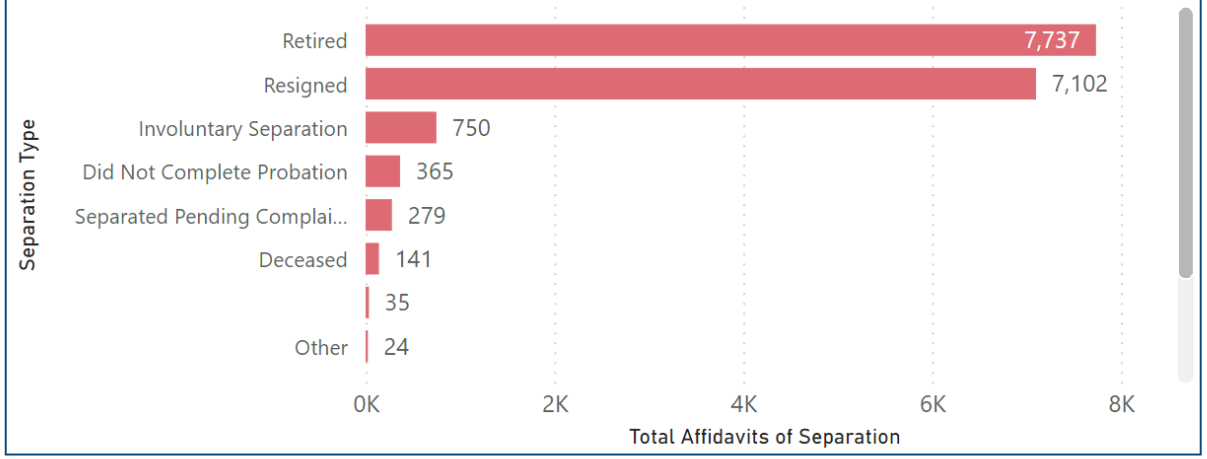
Peace Officer Certification Statistics

Report Year : All

Current Active and Inactive Certifications



Affidavits of Separation (AOS)



Current Full-time Peace Officers 82,102

Serious Misconduct Count 795

Total AOS 16,504

Serious Misconduct Reason	Count of Affidavits
Abuse of Power	64
Demonstrating Bias	58
Dishonesty	249
Egregious Repeated Acts	159
Failure to Cooperate with Investigation	34
Failure to Intercede	3
Law Enforcement Gang	2
Physical Abuse	70
Sexual Assault	60

Basic Certificates Issued 8,229

Appointments Approved 16K

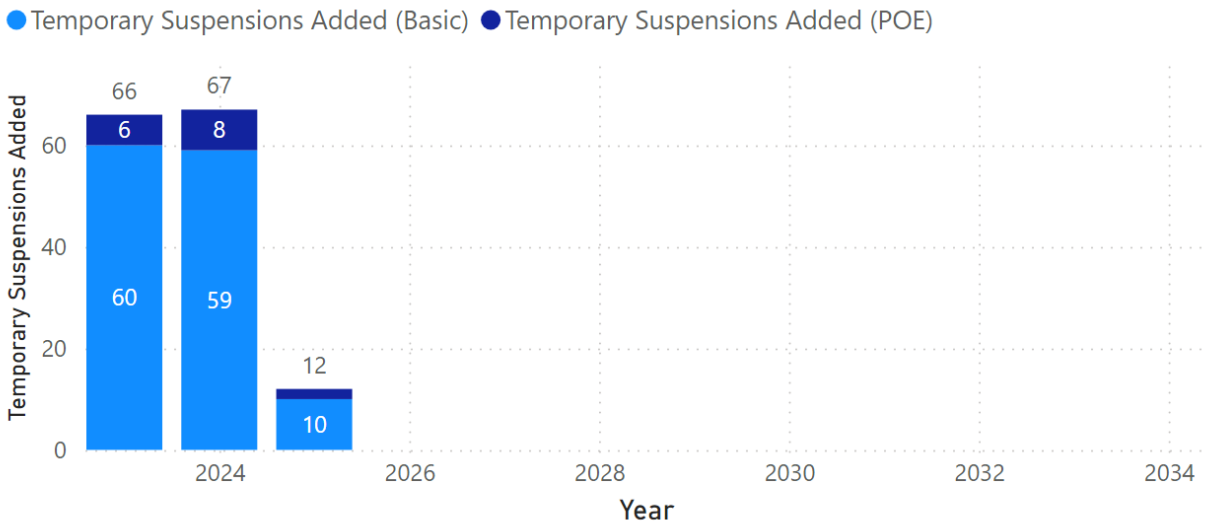
Proof of Eligibilities Issued 26,024

Distinct Officers with Serious Misconduct 626

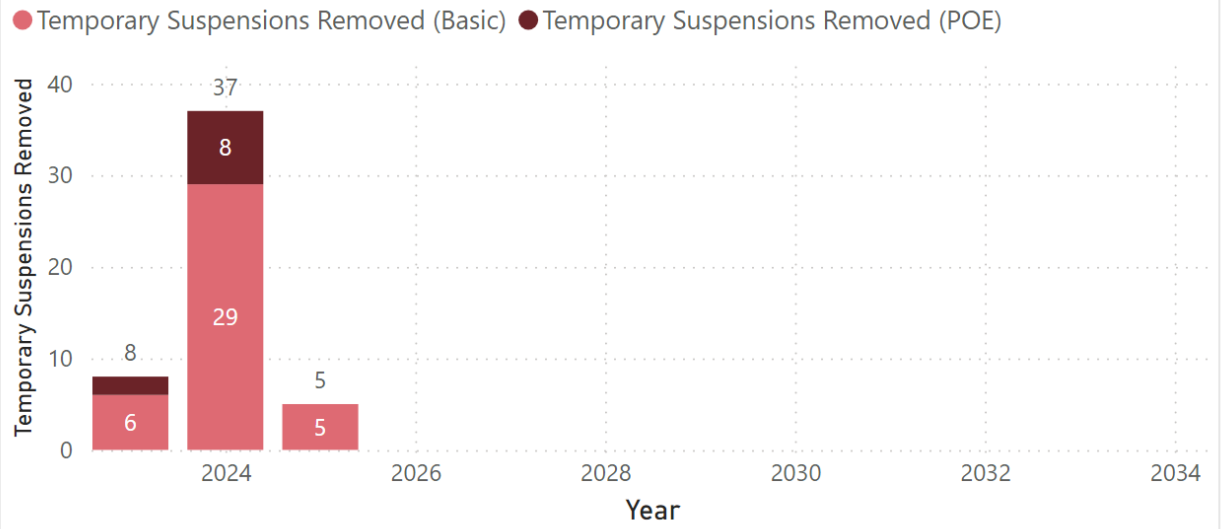
Peace Officer Certification Statistics

Report Year : All

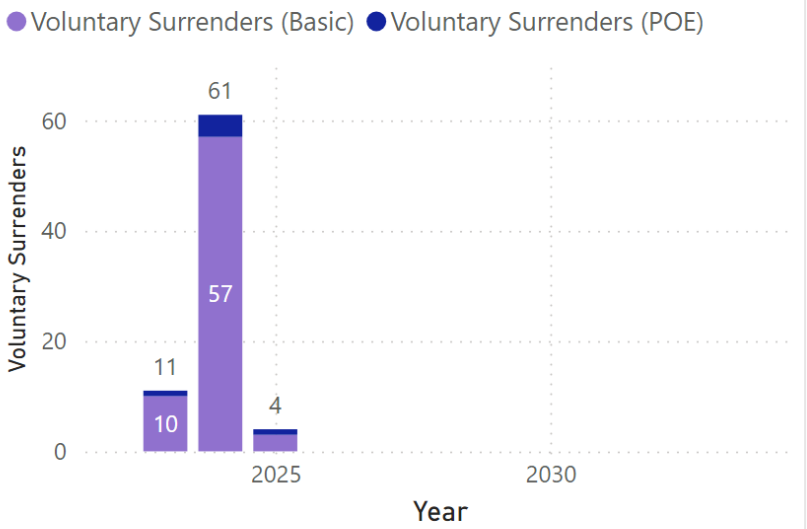
Temporary Suspensions Added by Year



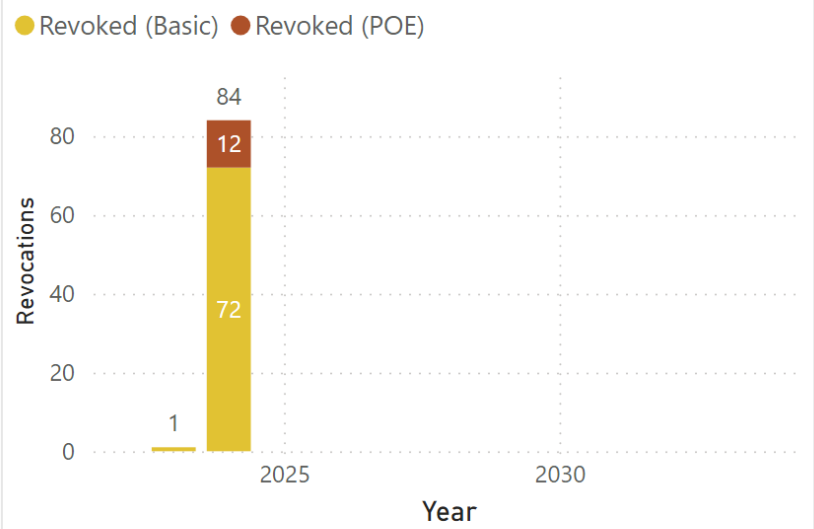
Temporary Suspensions Removed by Year



Voluntary Surrenders by Year



Revocations by Year

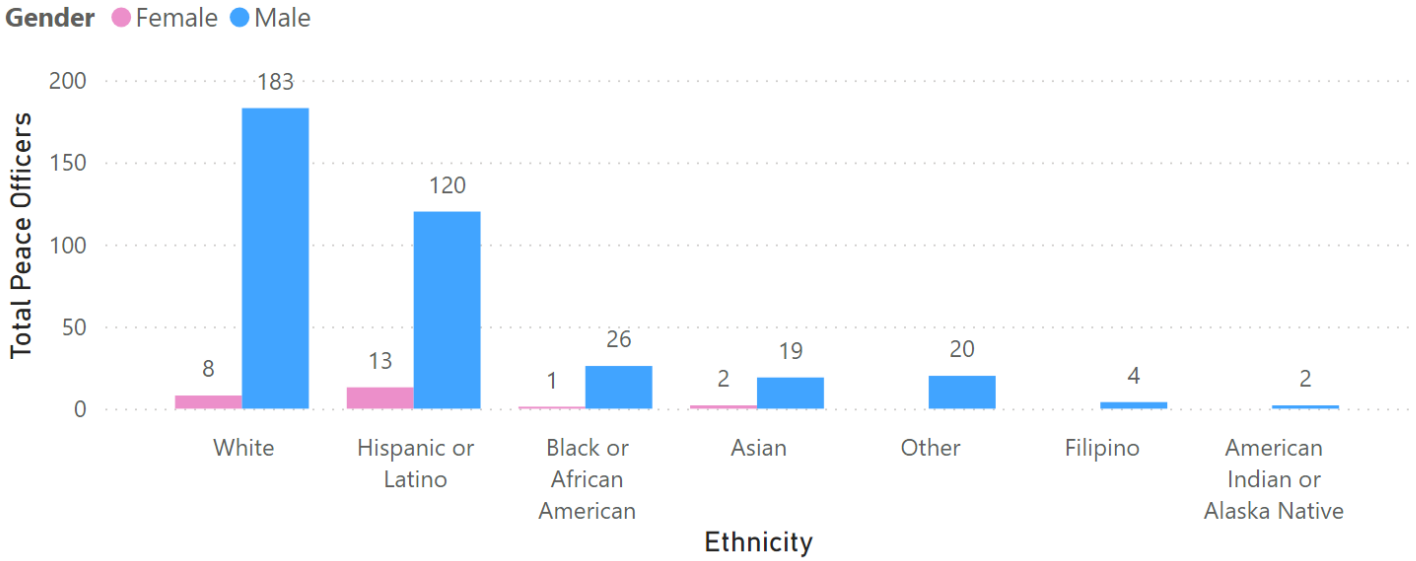


1029 Ineligibilities Added

130

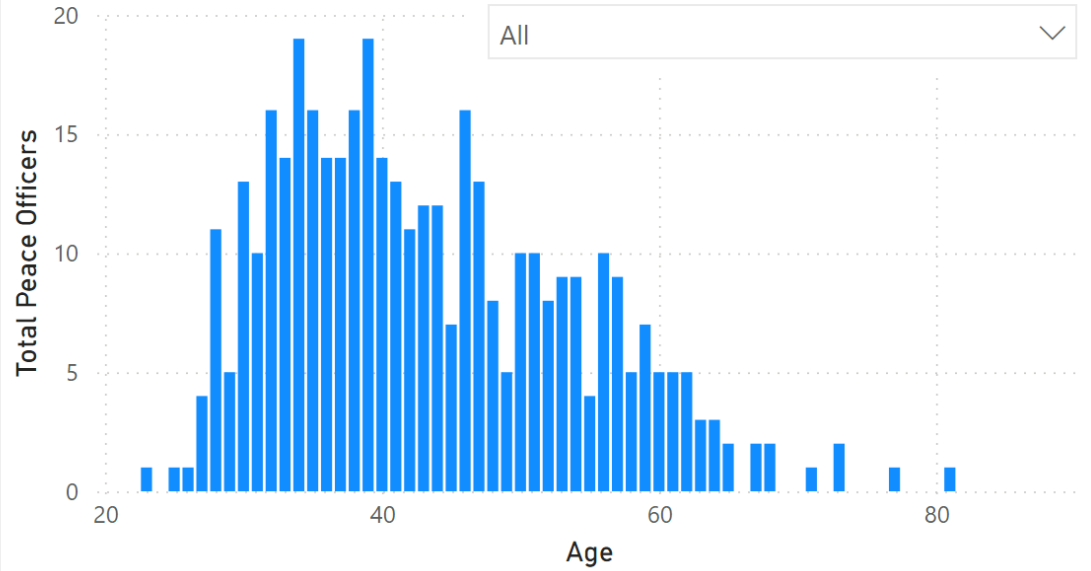
Peace Officer Certification Statistics

Demographics of peace officers that POST have taken actions against

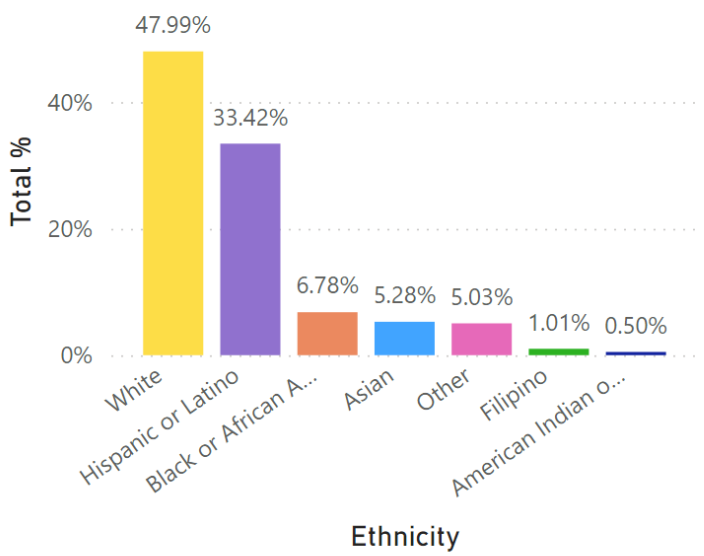


Age Distribution

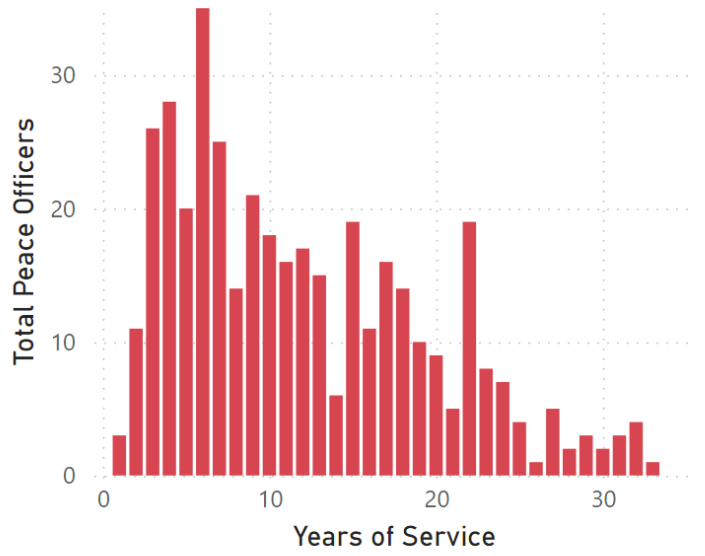
Agency: All



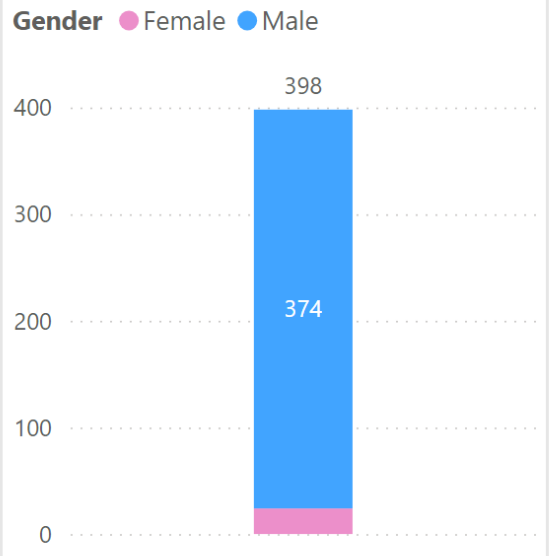
Total % by Ethnicity



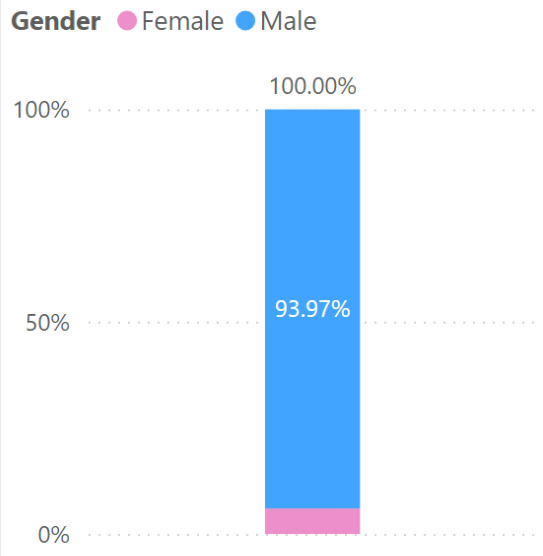
Years of Service Distribution



Female vs Male



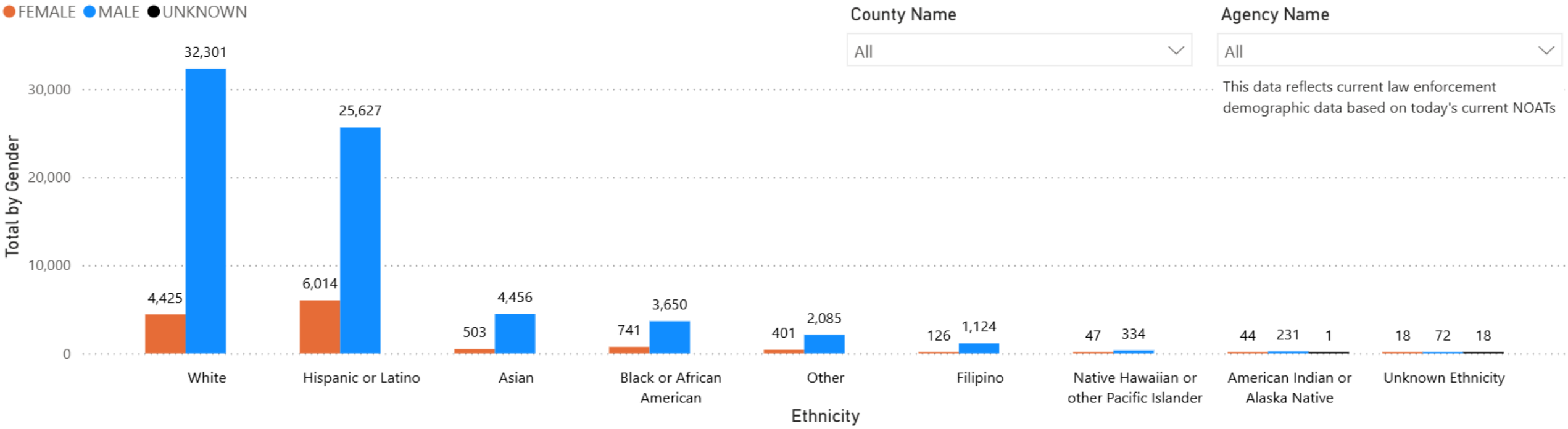
Female vs Male (%)



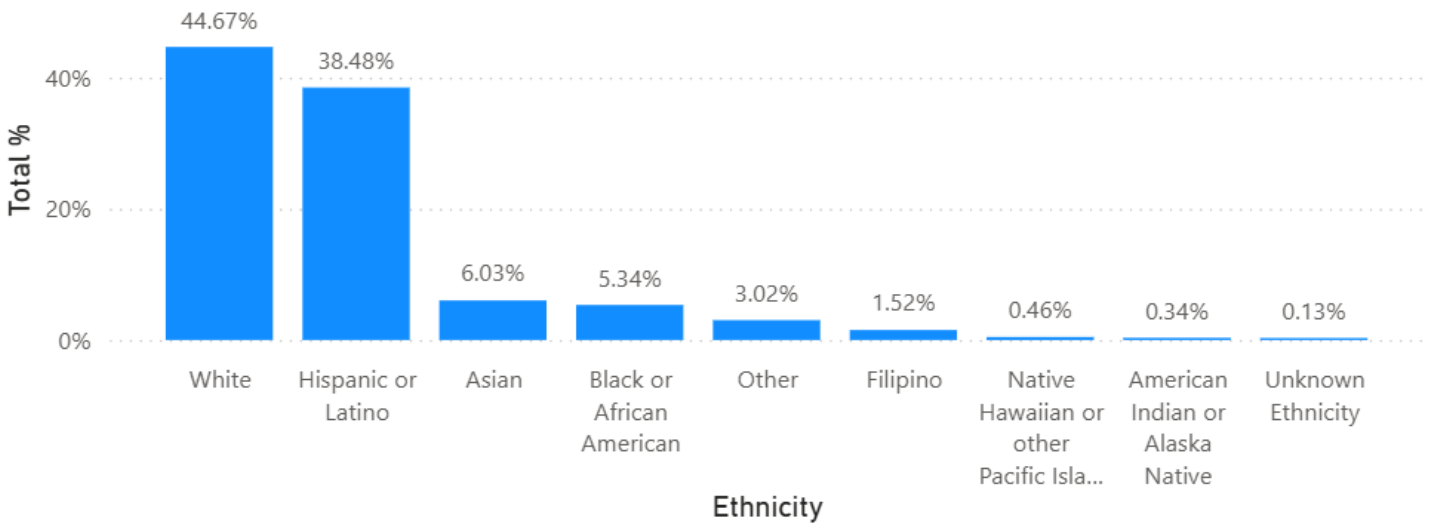
Today's Law Enforcement Demographics

Demographics

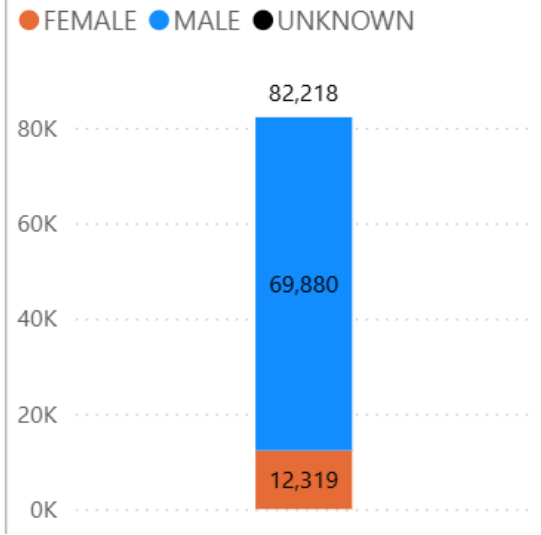
Data Last Refreshed: 2/18/2025



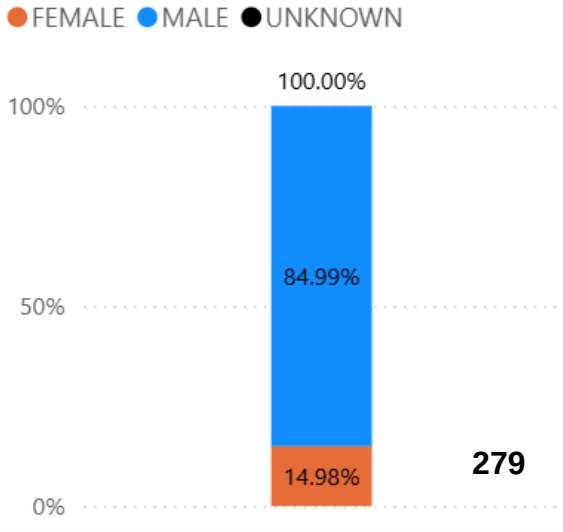
Total % by Ethnicity



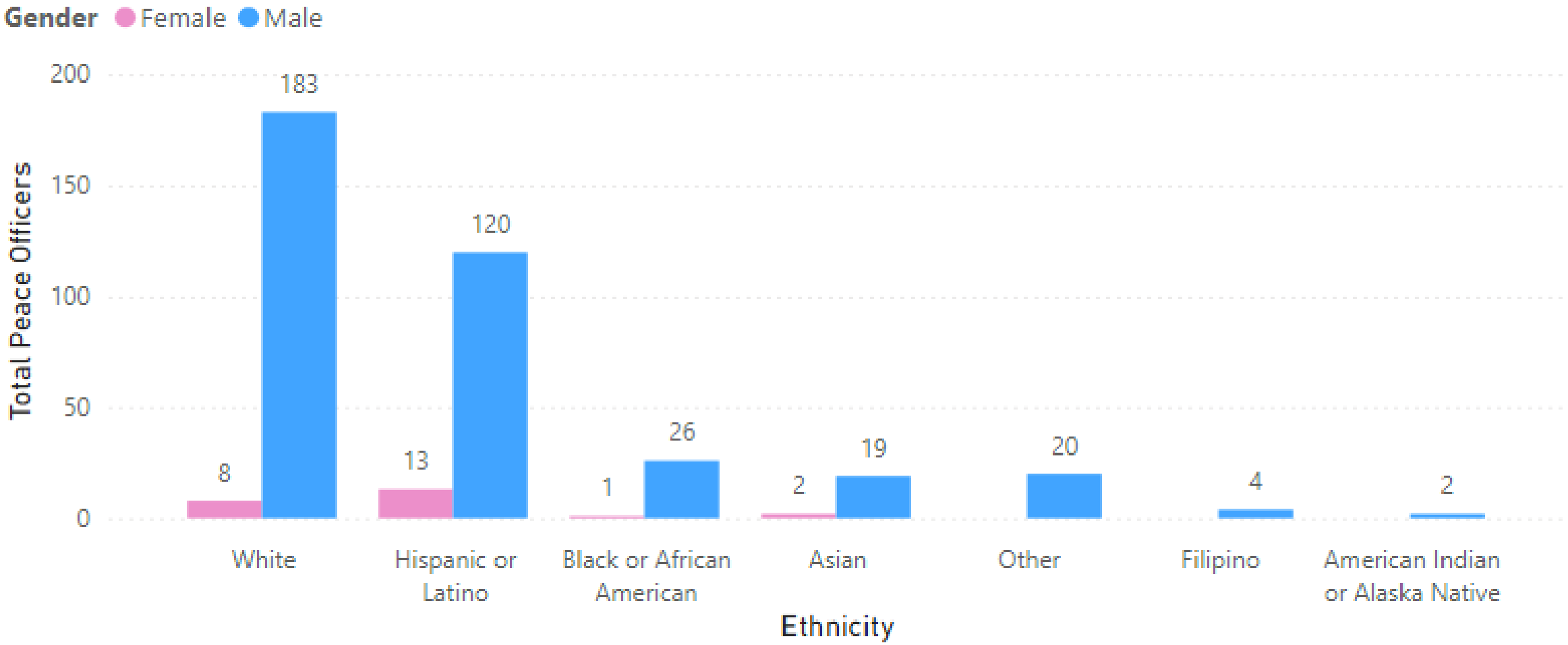
Female vs Male

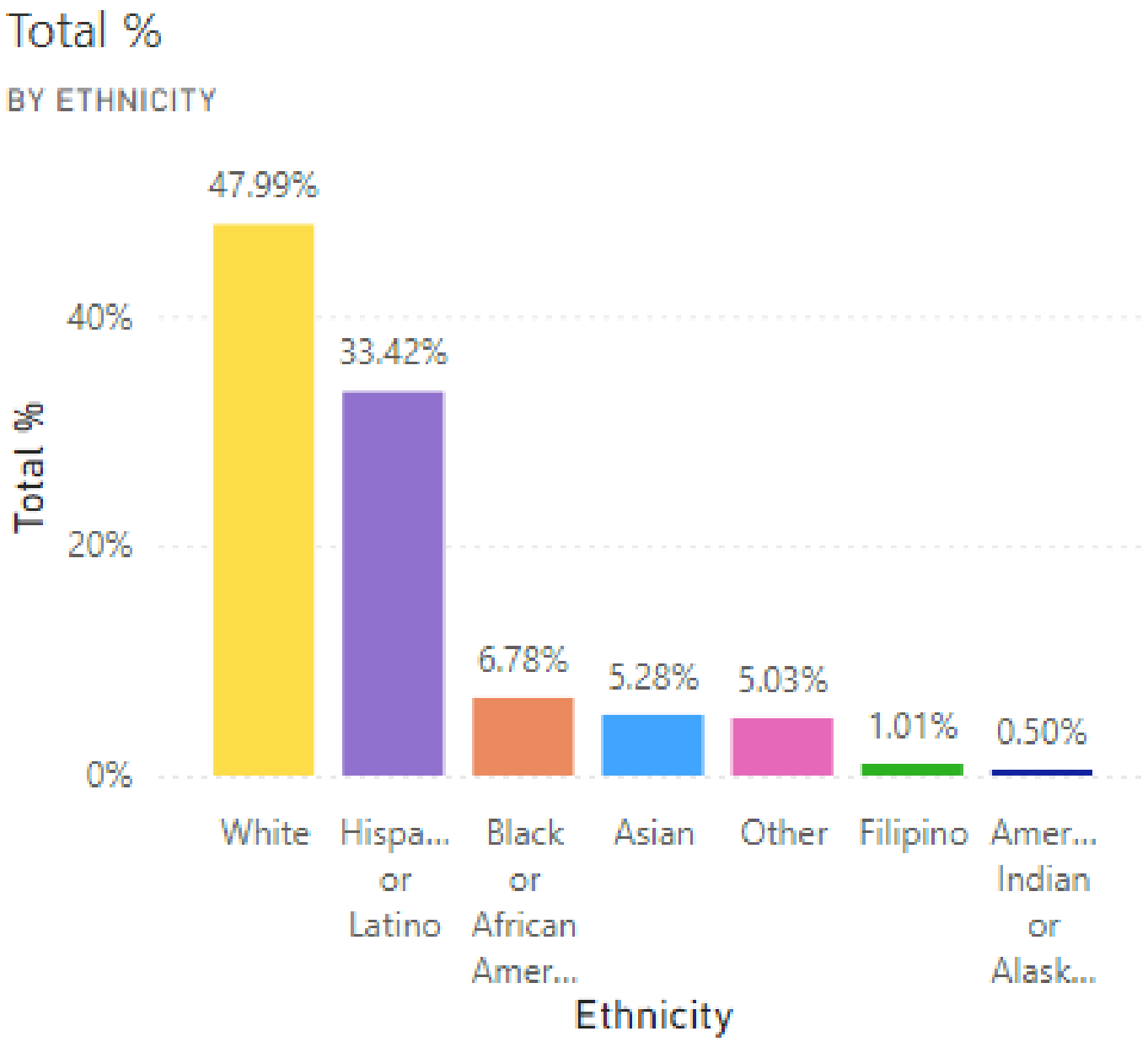


Female vs Male

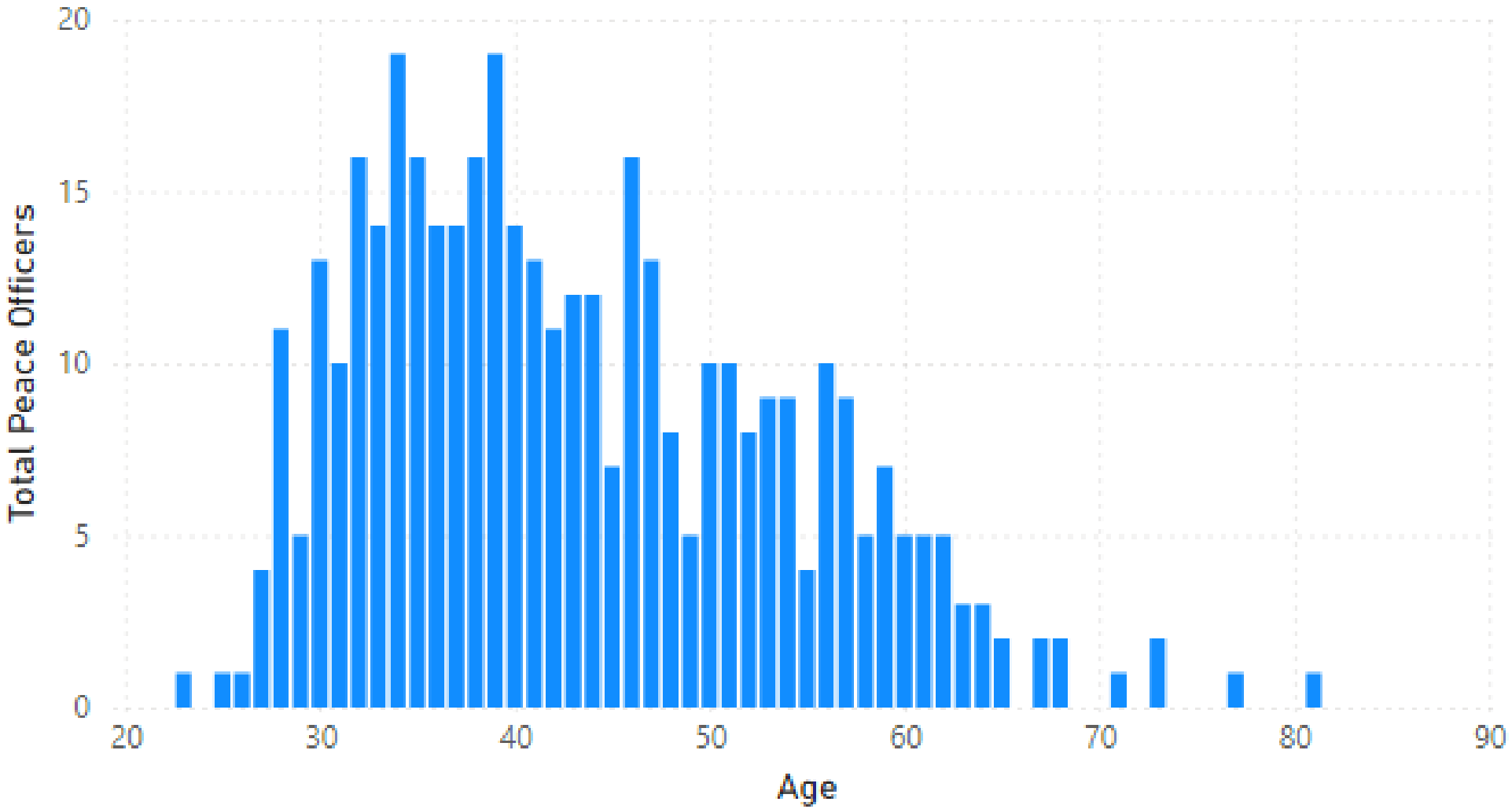


Demographics of peace officers that POST have taken actions against

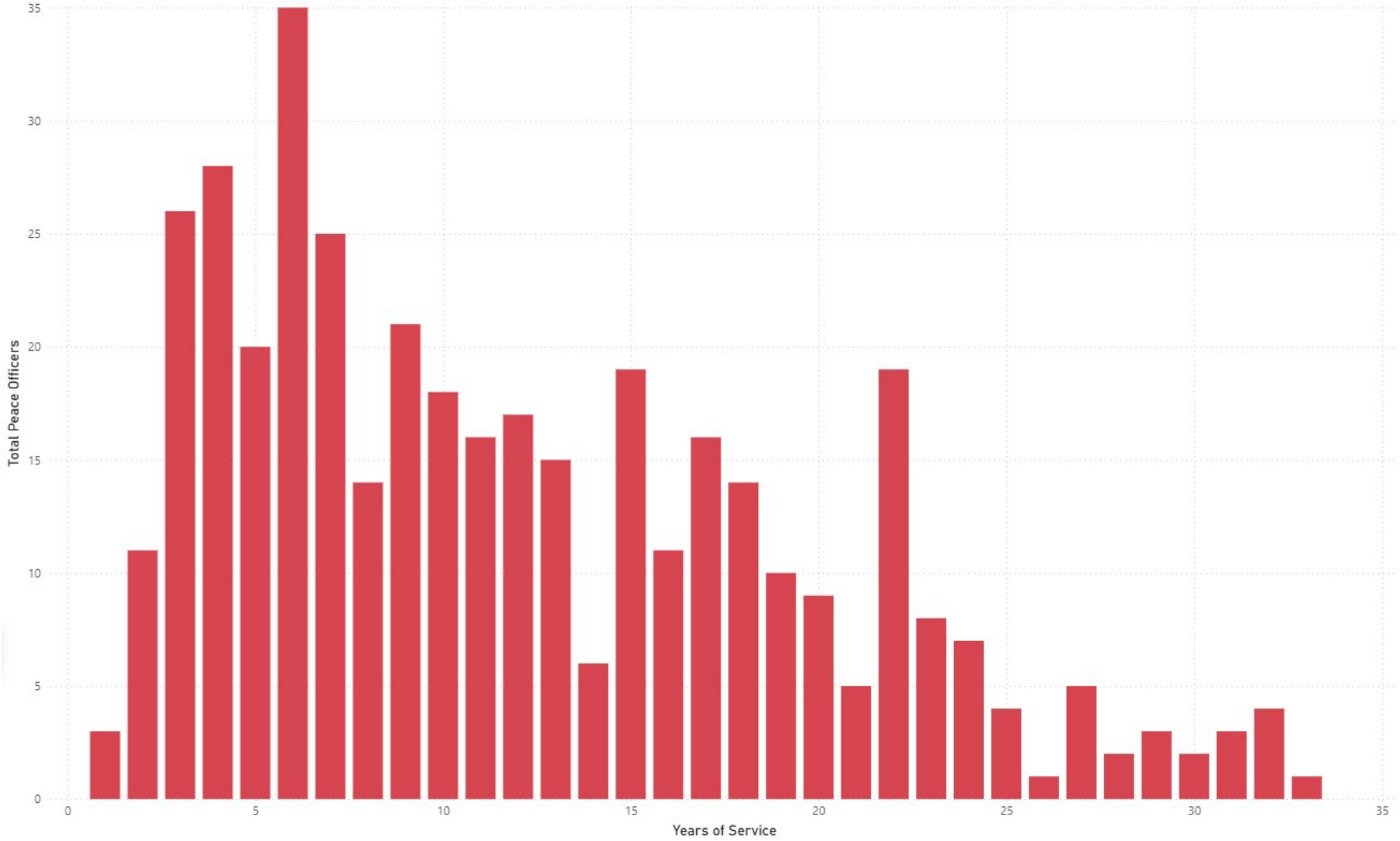


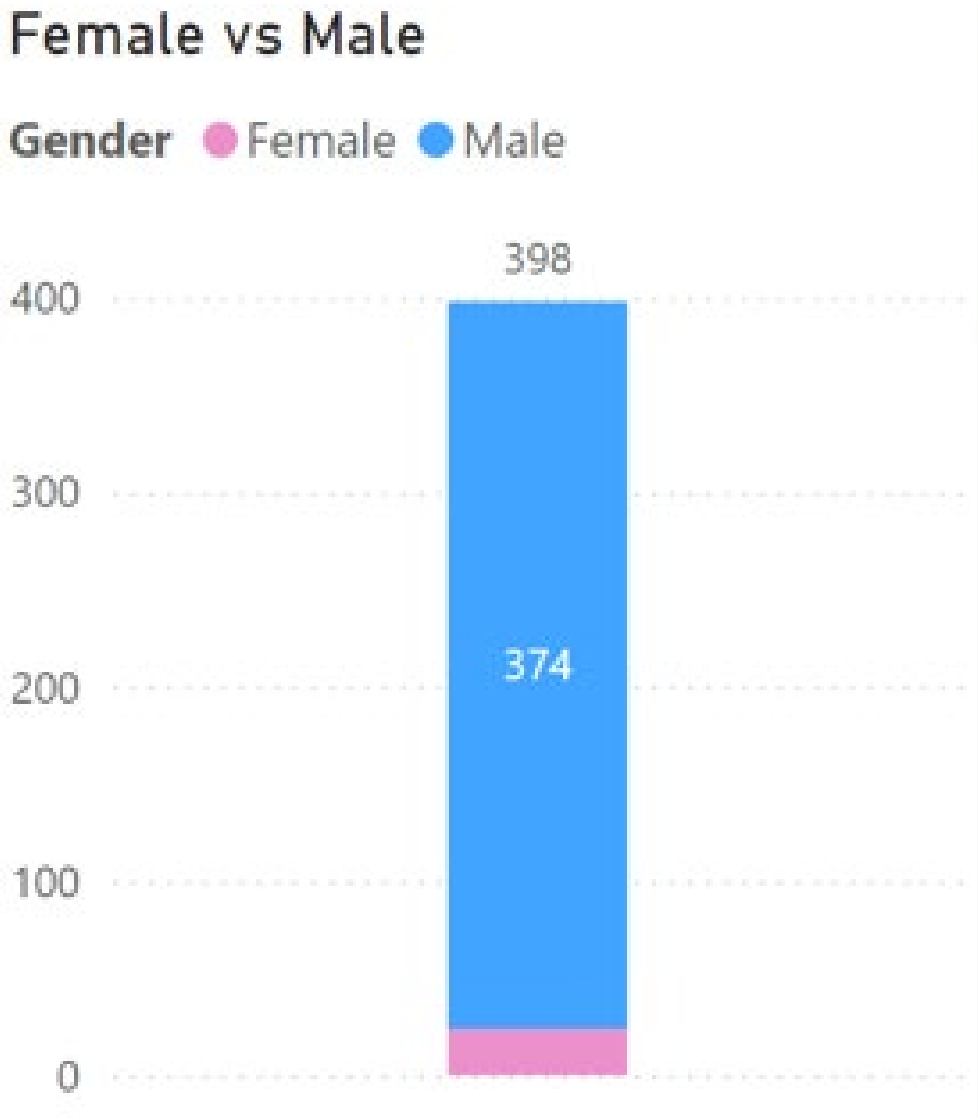

Total %
BY ETHNICITY
47.99%
33.42%
6.78%
5.28%
5.03%
1.01%
0.50%
40%
20%
0%
Total %
White
Hispa... or Latino
Black or African Amer...
Asian
Other
Filipino
Amer... Indian or Alask...
Ethnicity

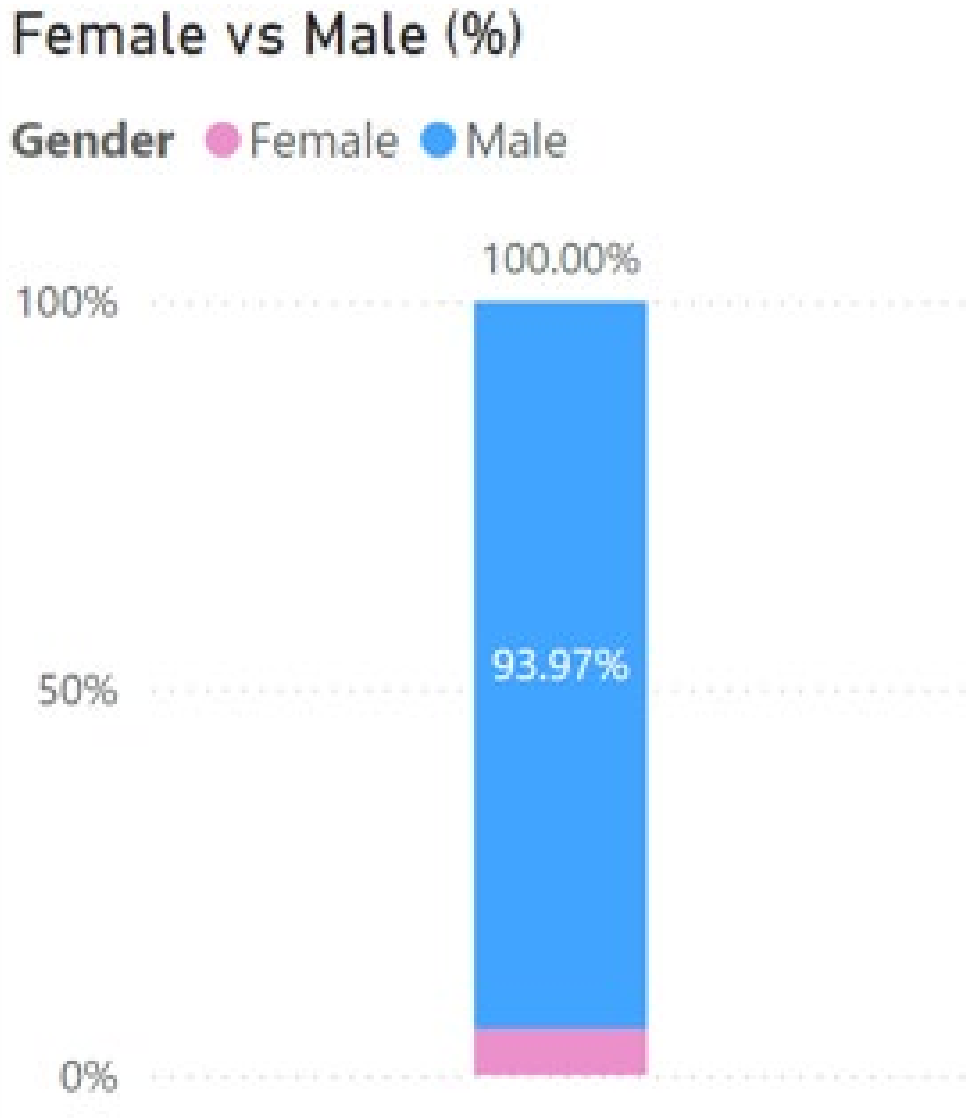
Age Distribution



Years of Service Distribution




Female vs Male
Gender
Female
Male
398
400
300
200
100
0
374


Female vs Male (%)
Gender
Female
Male
100.00%
100%
50%
0%
93.97%

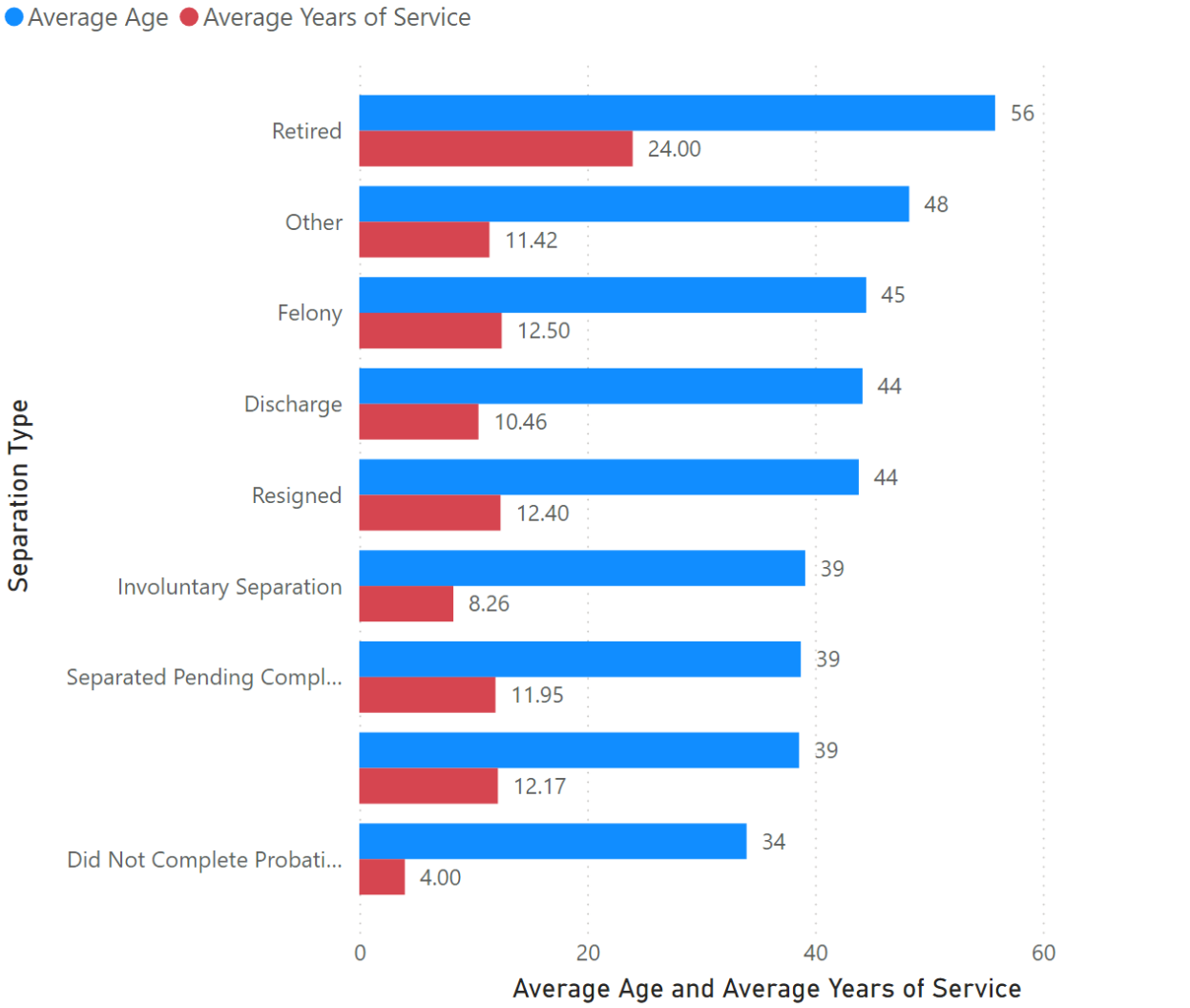
Peace Officer Certification Statistics

Demographics of peace officers that POST have taken actions against

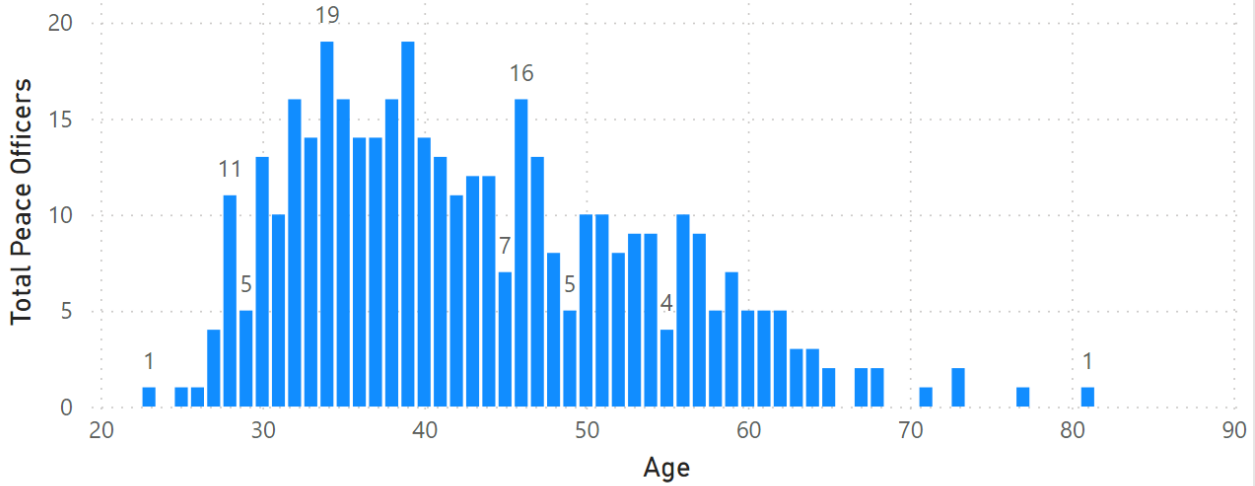
Separation Type: All

Agency: All

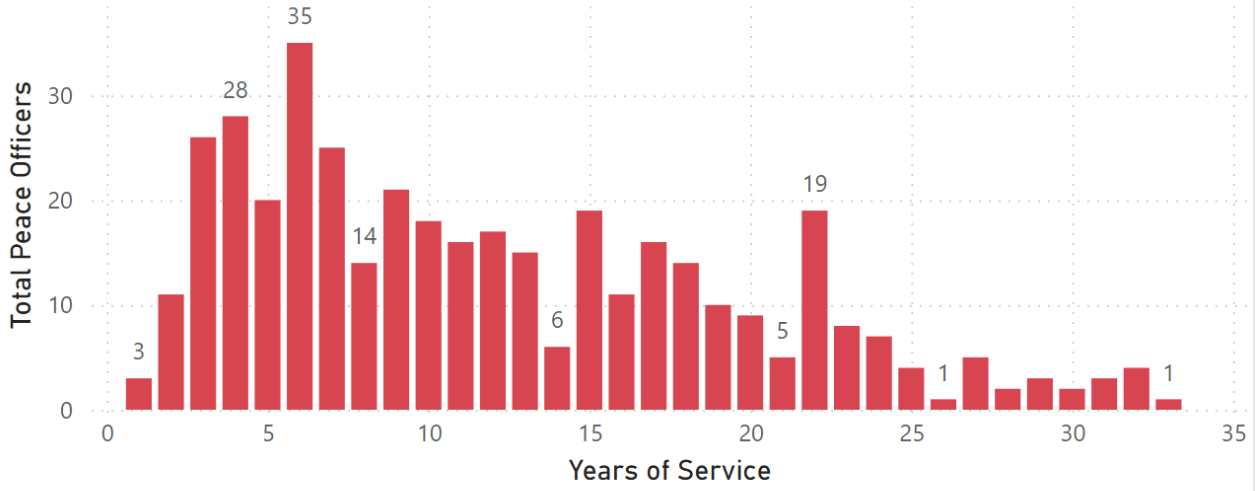
Average Age & Average Years of Service by Separation Type



Total Peace Officers by Age



Total Peace Officers by Years of Service



Peace Officer Standards Accountability Division

March 5, 2025

Disciplinary Action Statistics and Outcomes

Professional Conduct Bureau Statistics

AS OF 02/14/25

Reports/Allegations

- 33,025 – Total Agency Misconduct reports received (Approved)
  - 1,030 - 2025
  - 10,031 – 2024
  - 21,964 – 2023
    - 16,799 (55%) are “Retro” (Prior to 01/01/2023)
- 37,731 Reported Allegations
  - 19,384 unique Law Enforcement Officers
- 1,712 – Public complaint

Professional Conduct Bureau Statistics

AS OF 02/14/25

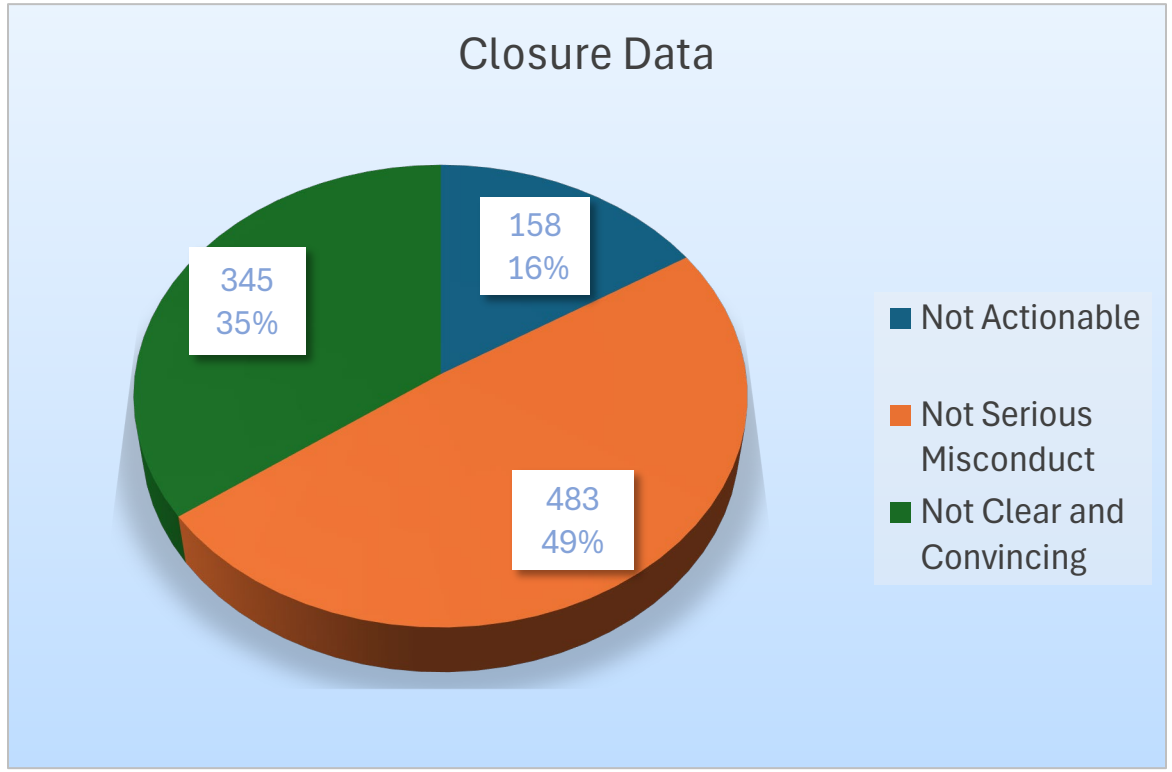
Cases

- 32,467 – Total Cases
  - 21,802 – Open Cases (67% of total cases)
    - 13,312 – Open w/POST (61% of open cases)
    - 8,490 – Open w/Agency (39% of open cases)
  - 10,665 – Closed Cases (33% of total cases)

Cases with Sustained Agency Findings

as of 02/14/25

Cases closed by POSAD as “No Further Action Taken” - **986**



Not Serious Misconduct:

483 (49%)

Not Clear and

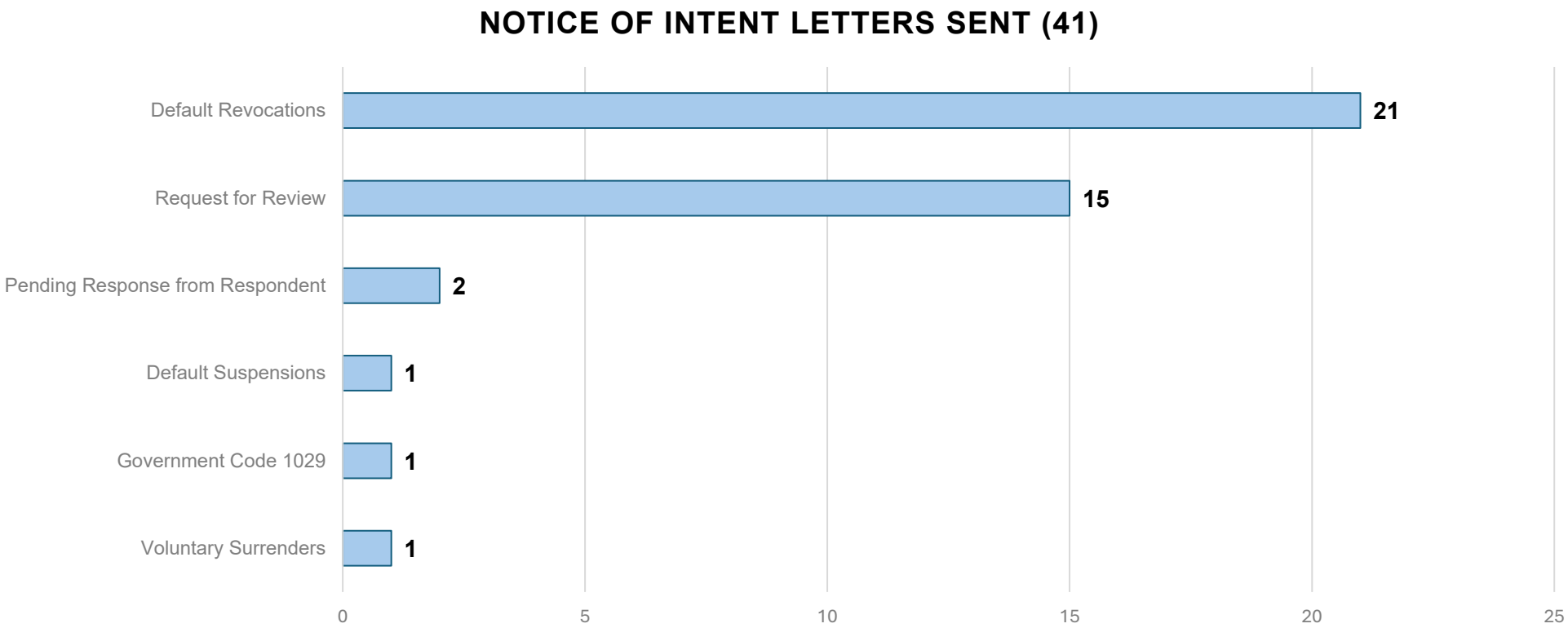
Convincing: **345 (35%)**

Not Actionable:

158 (16%)

Disciplinary Action Statistics

as of 02/14/25



	Voluntary Surrenders	Government Code 1029	Default Suspensions	Pending Response from Respondent	Request for Review	Default Revocations
Count	1	1	1	2	15	21

DISCIPLINARY CASE STATISTICS

as of 02/14/25

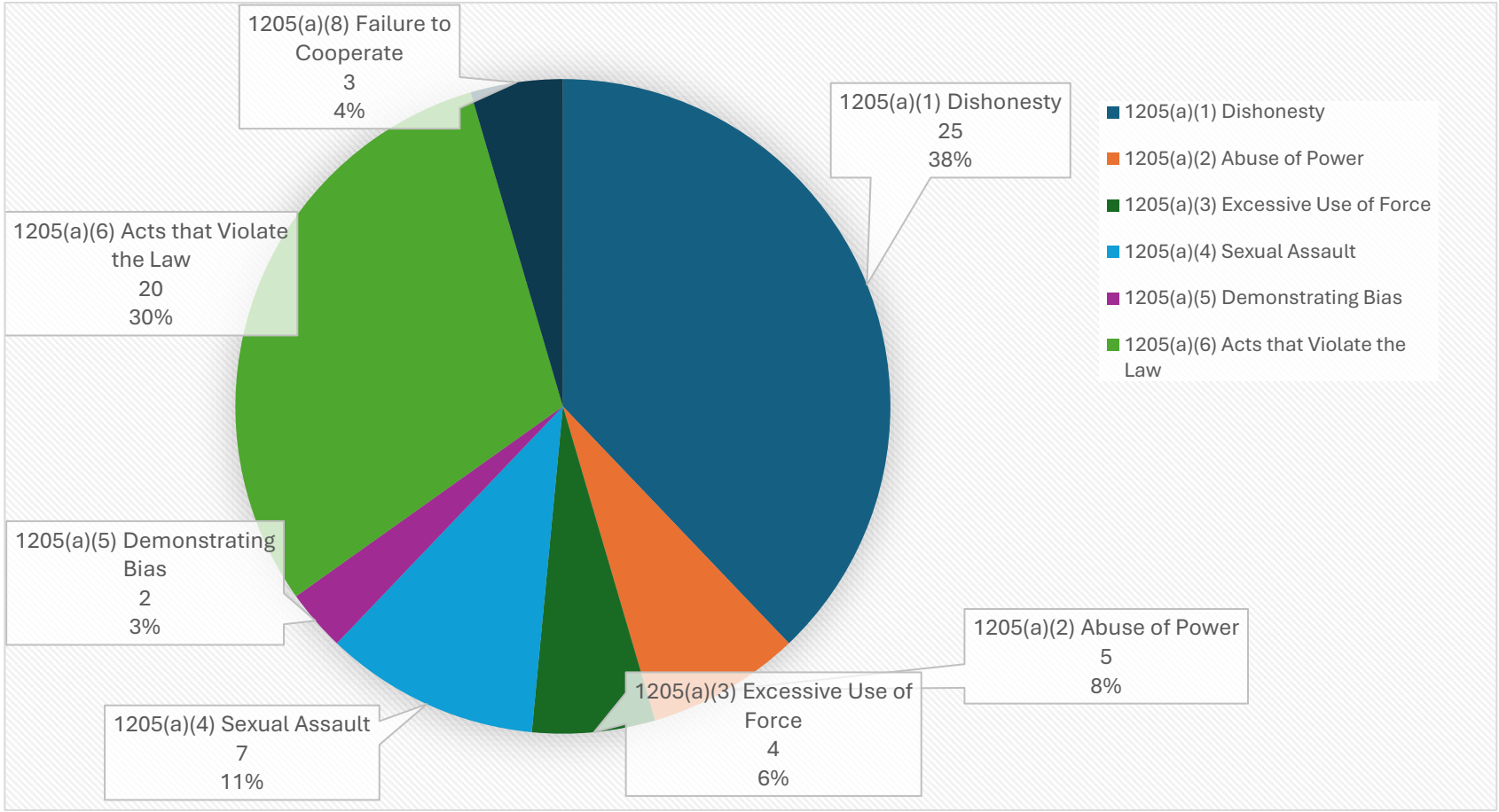
Total Notice of Intent letters sent: 41

Agency Discipline Imposed:

- Termination – 24
- Resigned – 15
- Suspended – 1
- Demotion - 1

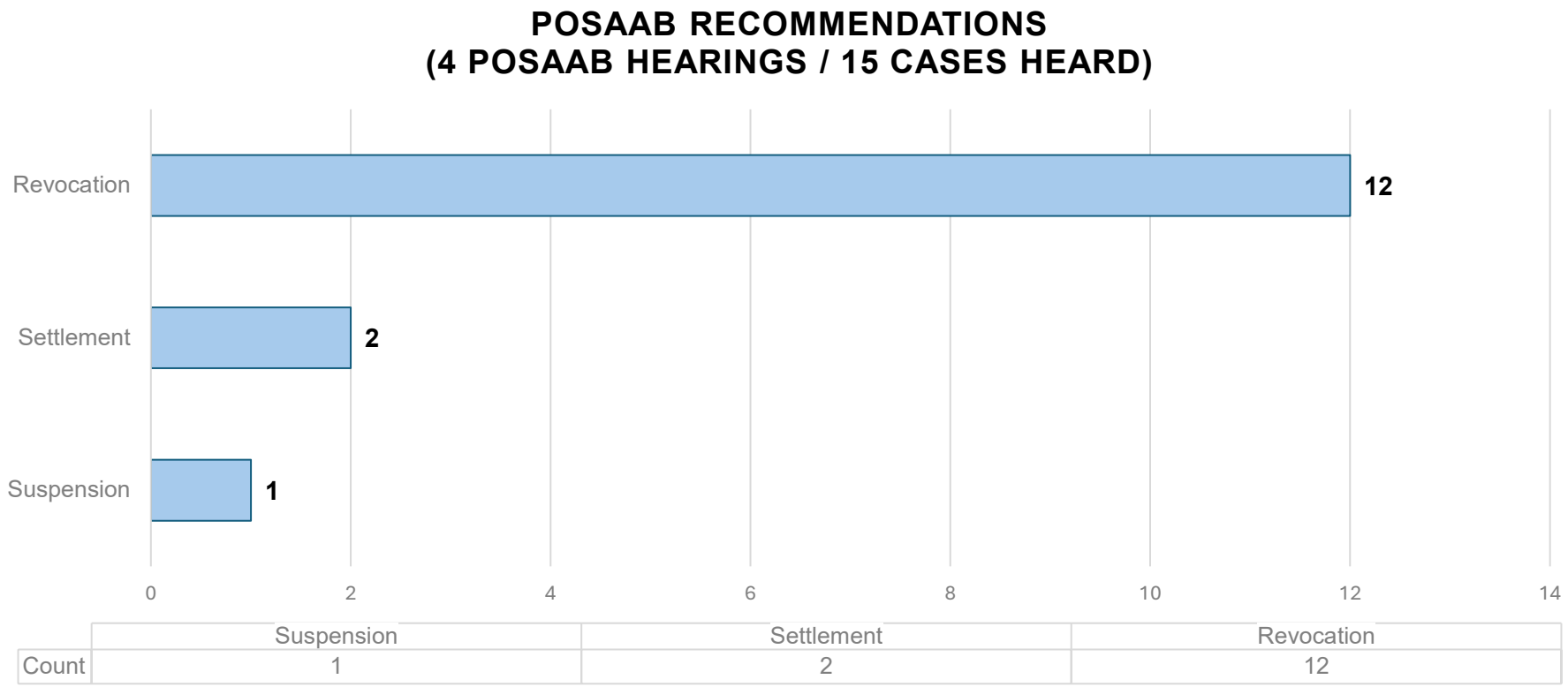
*Misconduct Allegation Occurred:

- On Duty – 44
- Off Duty – 22



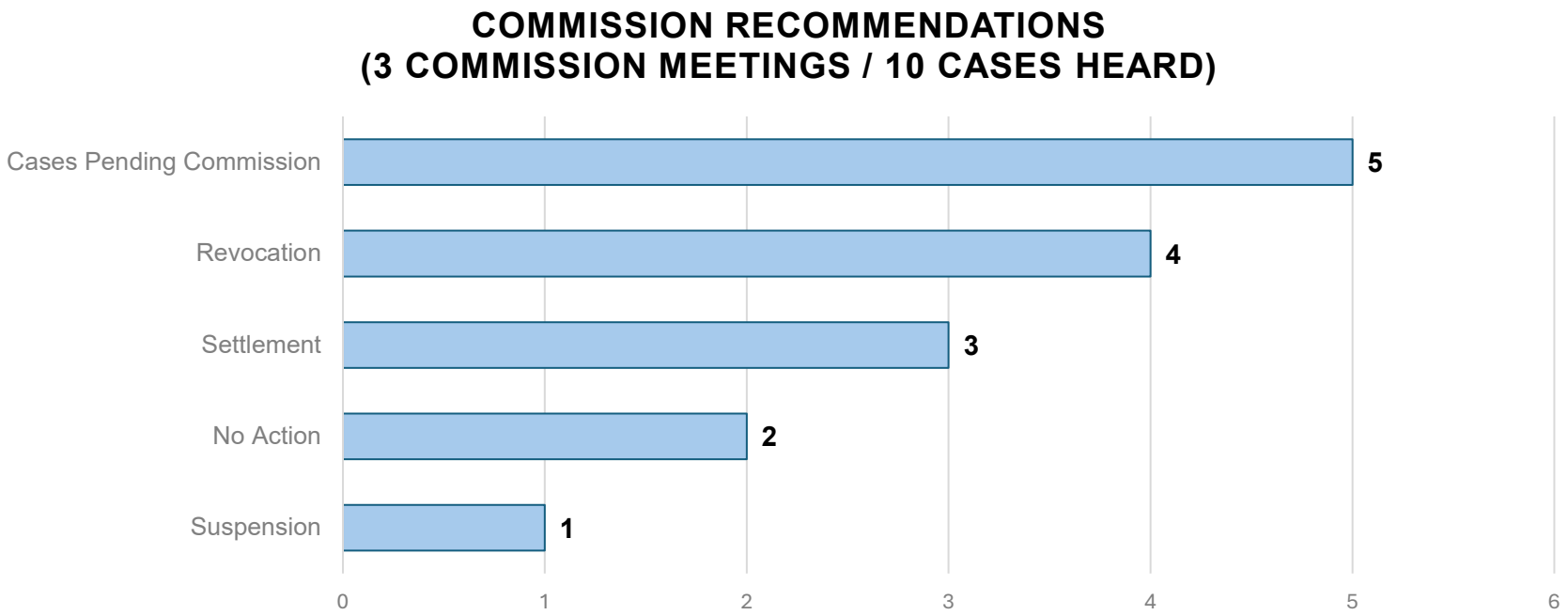
***Some of the cases involve multiple allegations. In these cases, some of the allegations occurred On Duty, while others occurred Off Duty. Hence there being 66 allegations reflected in 41 cases.**

DECERTIFICATION CASES BEFORE THE BOARD as of 02/14/25



DECERTIFICATION CASES BEFORE THE COMMISSION

as of 02/14/25



	Suspension	No Action	Settlement	Revocation	Cases Pending Commission
Count	1	2	3	4	5

DISCIPLINARY DECISIONS AND OUTCOMES

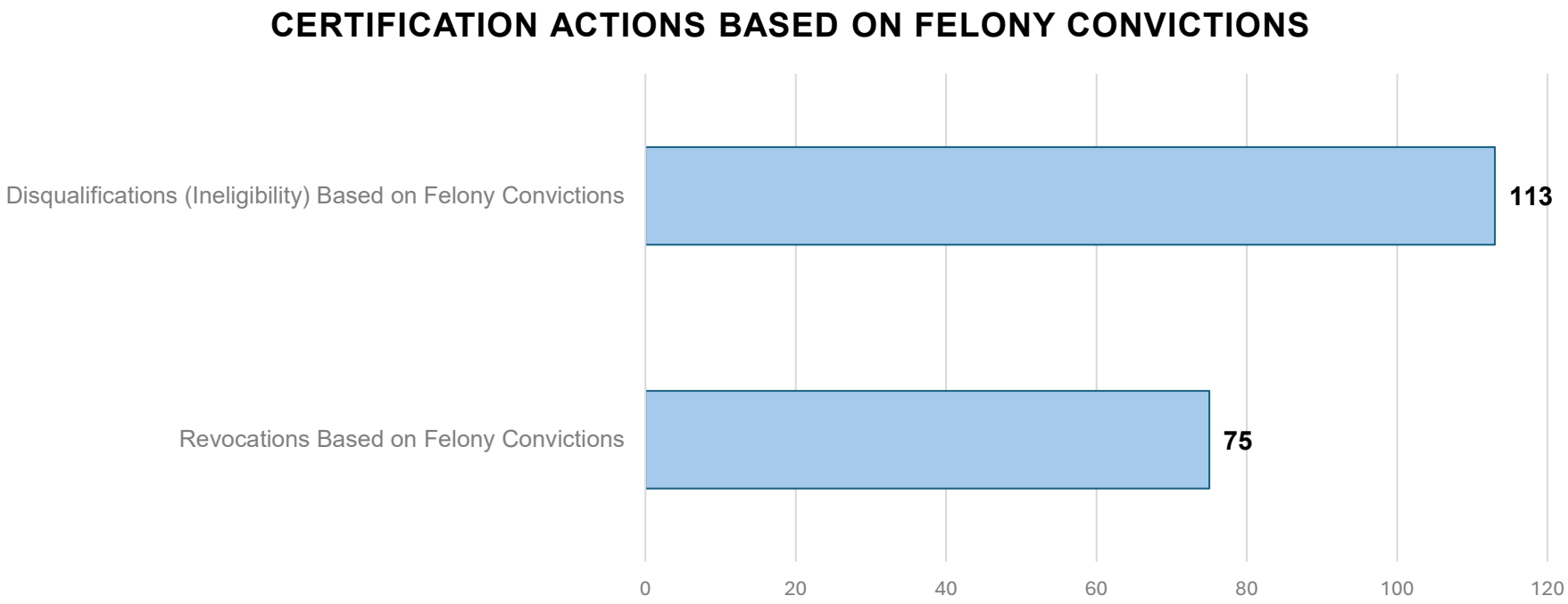
as of 02/14/25

- Times Board has reached a different determination than the Division: 3
- Times Commission has reached different determination than Board's Recommendation: 5

Subject Officer	Division Recommendation	Board Hearing Date and Recommendation	Commission Hearing Date and Determination	Case Status as of 02/14/25
Diaz	Revoke	3/21/2024 - Suspend for Term of 6 months	6/12/2024 - Settlement	Initiating Probationary Monitoring
Fuston	Revoke	3/21/2024 - Revoke	6/12/2024 - No Action	No Action
Hubbard	Revoke	3/21/2024 - Revoke	6/12/2024 - Revoke	Moving Forward to ALJ Hearing
Sarabia-Medina	Revoke	3/21/2024 - Revoke	6/12/2024 - Revoke	Moving Forward to ALJ Hearing
Fillmore	Revoke	12/14/2023 - Revoke	3/7/2024 - Settlement	Initiating Probationary Monitoring
Ramirez	Revoke	12/14/2023 - Revoke	3/7/2024 - Revoke	Default Revocation
Bermudez	Revoke	10/17/2024 - Settlement	11/21/2024 - Settlement	Initiating Probationary Monitoring
Cano	Revoke	10/17/2024 - Revoke	11/21/2024 - Revoke	Moving Forward to ALJ Hearing
Matejcek	Revoke	10/17/2024 - Revoke	11/21/2024 - Suspension (term: 9 months)	Moving Forward to ALJ Hearing
Mutuku	Revoke	10/17/2024 - Revoke	11/21/2024 - No Action	No Action
Gaxiola	Revoke	1/16/2025 - Settlement	Scheduled for 3/5/2025	Commission Meeting Scheduled for 3/5/2025
Robledo	Revoke	1/16/2025 - Revoke	Scheduled for 3/6/2025	Commission Meeting Scheduled for 3/6/2025
Satterfield	Revoke	1/16/2025 - Revoke	Scheduled for 3/6/2025	Commission Meeting Scheduled for 3/6/2025
Thompson	Revoke	1/16/2025 - Revoke	Scheduled for 3/5/2025	Commission Meeting Scheduled for 3/5/2025
Williams	Revoke	1/16/2025 - Revoke	Scheduled for 3/6/2025	Commission Meeting Scheduled for 3/6/2025

CERTIFICATION ACTIONS BASED ON FELONY CONVICTIONS

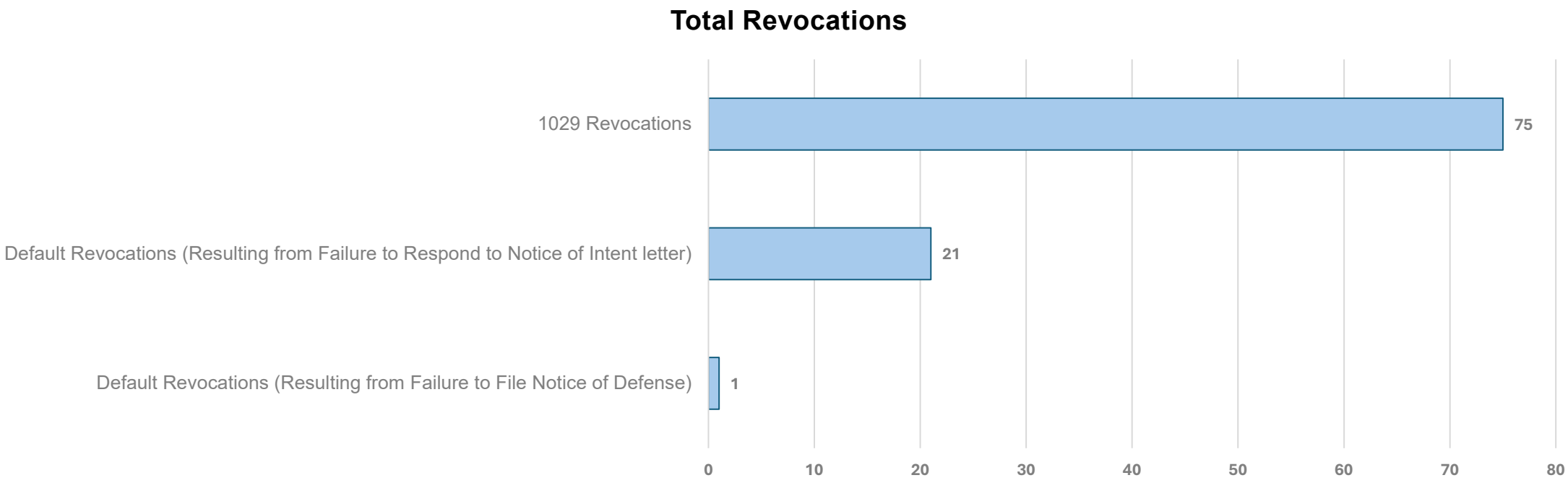
as of 02/14/25



	Revocations Based on Felony Convictions	Disqualifications (Ineligibility) Based on Felony Convictions
Count	75	113

TOTAL REVOCATIONS

as of 02/14/25



	Default Revocations (Resulting from Failure to File Notice of Defense)	Default Revocations (Resulting from Failure to Respond to Notice of Intent letter)	1029 Revocations
Count	1	21	75

AGENDA ITEM REPORT

Title: REPORT ON THE STATUS OF LIMITED PEACE OFFICER FUNCTIONS AND THE PC832 COURSE UPDATE WORKSHOPS

REPORT PROFILE

MEETING DATE 03/05/2025	**BUREAU SUBMITTING THE REPORT** Basic Training Bureau	
RESEARCHED BY Carrie Hollar		**REVIEWED BY**
REPORT DATE 01/21/2025	**APPROVED BY** Manuel Alvarez, Jr.	**DATE APPROVED** 02/05/2025
PURPOSE		**FINANCIAL IMPACT** No

ISSUE, BACKGROUND, ANALYSIS, & RECOMMENDATION

ISSUE:

BACKGROUND: This report is to update the Commission on the progress of the workshops to discuss the status of limited authority peace officer functions and the PC832 Arrest and PC832 Firearms Courses.

ANALYSIS:

RECOMMENDATION: This report is presented for information only. No action is required.

AGENDA ITEM REPORT

Title: REPORT ON RACIAL AND IDENTITY PROFILING ADVISORY (RIPA) BOARD 2025 ANNUAL REPORT

REPORT PROFILE

MEETING DATE 03/05/2025	**BUREAU SUBMITTING THE REPORT** Executive Office	
RESEARCHED BY Meagan Poulos		**REVIEWED BY**
REPORT DATE	**APPROVED BY** Manuel Alvarez, Jr.	**DATE APPROVED** 01/24/2025
PURPOSE		**FINANCIAL IMPACT** No

ISSUE, BACKGROUND, ANALYSIS, & RECOMMENDATION

ISSUE:

This is a report on the Racial and Identity Profiling Advisory (RIPA) Board 2025 Annual Report which includes recommendations to POST. POST has provided a response to the recommendations made.

BACKGROUND:

ANALYSIS:

RECOMMENDATION:

This is a report on the Racial and Identity Profiling Advisory (RIPA) Board 2025 Annual Report which includes recommendations to POST. POST has provided a response to the recommendations made.

The report is presented for information only. No action is required.

ATTACHMENT(S):

ripa-board-report-2025.pdf
RIPA Report 2025-FINAL.pdf

Annual Report
2025

January 1, 2025

Racial and Identity Profiling Advisory Board

Racial and Identity Profiling Advisory (RIPA) Board Acknowledgments

Board Members

ANDREA GUERRERO (*Co-Chair*), Executive Director, Alliance San Diego; *Appointed by the California State Senate President Pro Tempore*

ANGELA SIERRA (*Co-Chair*), Chief Assistant Attorney General, Public Rights Division (Ret.), California Department of Justice; *Designee of the Attorney General of California*

DR. WILLIAM ARMALINE, Director of the Human Rights Institute & Professor of Sociology & Interdisciplinary Social Sciences, San José State University; *Appointed by the California State Senate President Pro Tempore*

SHERIFF CHAD BIANCO, Sheriff, Riverside County Sheriff's Department; *Representing the California State Sheriff's Association*

PASTOR DJ CRINER, Senior Pastor, Saint Rest Baptist Church; *Appointed by the Attorney General of California*

SOULEY DIALLO, Supervising Deputy Public Defender; *Representing the California Public Defenders Association*

JOHN DOBARD, Vice President of Policy and Programs, Catalyst California; *Appointed by the California State Assembly Speaker*

DARREN GREENE, Captain, California Highway Patrol; *Representing the California Highway Patrol*

LAWANDA HAWKINS, Founder, Justice for Murdered Children; *Appointed by the Governor of California*

PASTOR BRIAN ERIC KENNEDY, Senior Pastor, Mt. Zion Baptist Church; *Appointed by the Attorney General of California*

LILY KHADJAVI, Professor of Mathematics, Loyola Marymount University; *Appointed by the Attorney General of California*

MANJUSHA "MANJU" P. KULKARNI, Executive Director, AAPI Equity Alliance & Co-Founder, Stop AAPI Hate; *Appointed by the California State Assembly Speaker*

AMEENA MIRZA QAZI, Co-Executive Director, Peace and Justice Law Center; *Appointed by the Attorney General of California*

RICH RANDOLPH, Chief of Police, Cuesta College Police Department; *Representing the Peace Officers Research Association of California*

CHAUNCEE SMITH, Associate Director of Reimagine Justice & Safety, Catalyst California; *Appointed by the Attorney General of California*

SEAN THUILLIEZ, Chief of Police, Beaumont Police Department; *Representing the California Police Chiefs Association*

CHA VANG, Deputy Director, AAPIs for Civic Empowerment – Education Fund & AAPIs for Civic Empowerment; *Appointed by the Attorney General of California*

RONALDO "RONNIE" VILLEDA, Executive Director, Hoops 4 Justice; *Appointed by the Attorney General of California*

The RIPA Board would like to thank Attorney General Rob Bonta for his continued support of the work of the RIPA Board.

The RIPA Board would like to thank the following staff from the California Department of Justice for their assistance and contributions to this report:

Executive Staff

Venus D. Johnson, Chief Deputy Attorney General
Damon M. Brown, Special Assistant Attorney General
Danielle F. O'Bannon, Chief Assistant Attorney General, Public Rights Division

Management and Supervision

Michael L. Newman, Senior Assistant Attorney General, Civil Rights Enforcement Section
Tiffany Jantz-DesOrmeaux, Ph.D., Director, Research Services Bureau
Christine Chuang, Supervising Deputy Attorney General, Civil Rights Enforcement Section
Joel Marrero, Supervising Deputy Attorney General, Civil Rights Enforcement Section

Content Developers, Writers, and Editors

Civil Rights Enforcement Section (CRES)

Jennifer A. Gibson, Deputy Attorney General, Co-Lead Editor and Project Manager
Kendal Micklethwaite, Deputy Attorney General, Co-Lead Project Manager
Danielle Elliott, Deputy Attorney General
Rebekah Fretz, Deputy Attorney General
Noel Garcia, Legal Analyst
Anthony Jackson, Senior Legal Analyst
Garrett Lindsey, Deputy Attorney General
Yasmin Manners, Deputy Attorney General
Aisha Martin-Walton, Department of Justice Administrator (Ret.)
Anna Rick, Associate Governmental Program Analyst
Alexander Simpson, Deputy Attorney General
Justin Wang, Staff Services Analyst

Office of General Counsel (OGC)

Candice Chavez, Research Data Analyst II, Research Services Bureau
Daniel Harmon, Research Data Supervisor II, Research Services Bureau
Eric van Holm, Research Data Specialist III, Research Services Bureau
Raewadee Kumnertsena, Research Analyst II, Research Services Bureau
Lauren Di Maggio, Research Data Analyst I, Research Services Bureau
Cori Pryor, Research Data Specialist II, Research Services Bureau
Matthew Thompson, Research Data Specialist II, Research Services Bureau

Supporting Contributors

Erin Choi, Assistant Bureau Director, Justice Data and Investigative Services (JDIS) Bureau

Jocelyn Geary, Staff Services Manager I, JDIS Bureau

Joanne Kemmer, Staff Services Manager (Ret.), JDIS Bureau

Roselyn Cantu, Graduate Legal Assistant, CRES

Harry Goldfisher, Law Clerk, CRES

Madeleine Hahn-Smith, Law Clerk, CRES

Doreathea Johnson, Deputy Attorney General (Ret.), CRES

Rebecca Qiu, Law Clerk, CRES

Julian Sanghvi, Law Clerk, CRES

Annabelle Wilmott, Deputy Attorney General, CRES

Administrative and Technical Support

Sofia Bianconi, Associate Governmental Program Analyst, CRES

Erin Luo, Associate Governmental Program Analyst, CRES

Brian Trainer, Digital Communications Manager

Jeffrey (Cameron) Valentyn, Staff Services Analyst, CRES

Cesar Yuriar, Senior Legal Analyst, CRES

Department of Justice Web Team

Additional Acknowledgments

AB 953 POST-certified Training Team

Natalie Craig, Field Representative

Khadeejah Grier, Field Representative

Kimberly Hewitt, Field Representative

Commission on Peace Officer Standards and Training

Manuel Alvarez Jr., Executive Director, Peace Officer Standards and Training

Meagan Poulos, Legislative Liaison & Public Information Officer, Peace Officer Standards and Training

Special Thanks

Rebecca C. Hetey, Ph.D., Professor, Department of Psychology, Stanford University

Aaron Kupchik, Ph.D., Professor, Department of Sociology and Criminal Justice, University of Delaware

Emily Owens, Ph.D., Professor, Department of Criminology, Law and Society and Department of Economics, University of California, Irvine

The RIPA Board appreciates the participation of community members, advocates, members of law enforcement, researchers, and other stakeholders. Public participation is essential to this process, and the RIPA Board thanks all Californians who have attended meetings, submitted letters or emails, written reports, and articles, and otherwise engaged with the work of the Board. We look forward to continuing to receive the invaluable input from the public and welcome everyone to participate.

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Executive Summary

California's Racial and Identity Profiling Advisory Board (Board) is pleased to release the 2025 Annual Report in furtherance of its legislative mandate to eliminate racial and identity profiling and improve diversity and racial sensitivity in law enforcement.

The report analyzes more than 4.7 million stops and 14,444 civilian complaints reported by 539 law enforcement agencies to understand the extent and nature of racial and identity profiling in California. In short, this data demonstrates that racial and identity profiling in California persists.

Building on the Board's prior examination of policing youth, the report conducts a quantitative and qualitative analysis of RIPA data to assess whether youth experience racial and identity disparities in police stops — finding that they do. The report is supplemented by the Statutorily Mandated Tables, which provide agency-level data for the public and stakeholders. Those tables are published along with this report. By providing a more in-depth examination of policing practices and policies with respect to law enforcement interactions with youth through the lens of RIPA data, the Board hopes to persuade policymakers to enact legislation and develop policies that will change harmful policing practices, eliminate racial and identity profiling in policing, and enhance public safety.

As a supplement to the report, the Board has also published a separate summary of the recommendations and best practices included in the report. The RIPA Board has four subcommittees — State and Local Policies, Accountability and Civilian Complaints, Stop Data Analysis, and POST Training and Recruitment. Generally, the subcommittees are tasked with drafting the section of the report that corresponds to the issues examined by their specific subcommittee and developing policy or legislative recommendations for the full Board's consideration. The recommendations found in this year's report — like in prior years — originated with the subcommittees and were considered and adopted by a majority of the Board. The Board encourages all stakeholders — including law enforcement agencies, policymakers, the California Commission on Peace Officer Standards and Training (POST), researchers, advocates, and community members — to use these recommendations and best practices to strengthen law enforcement and community relationships and improve public safety for all Californians.

Stop Data Analysis

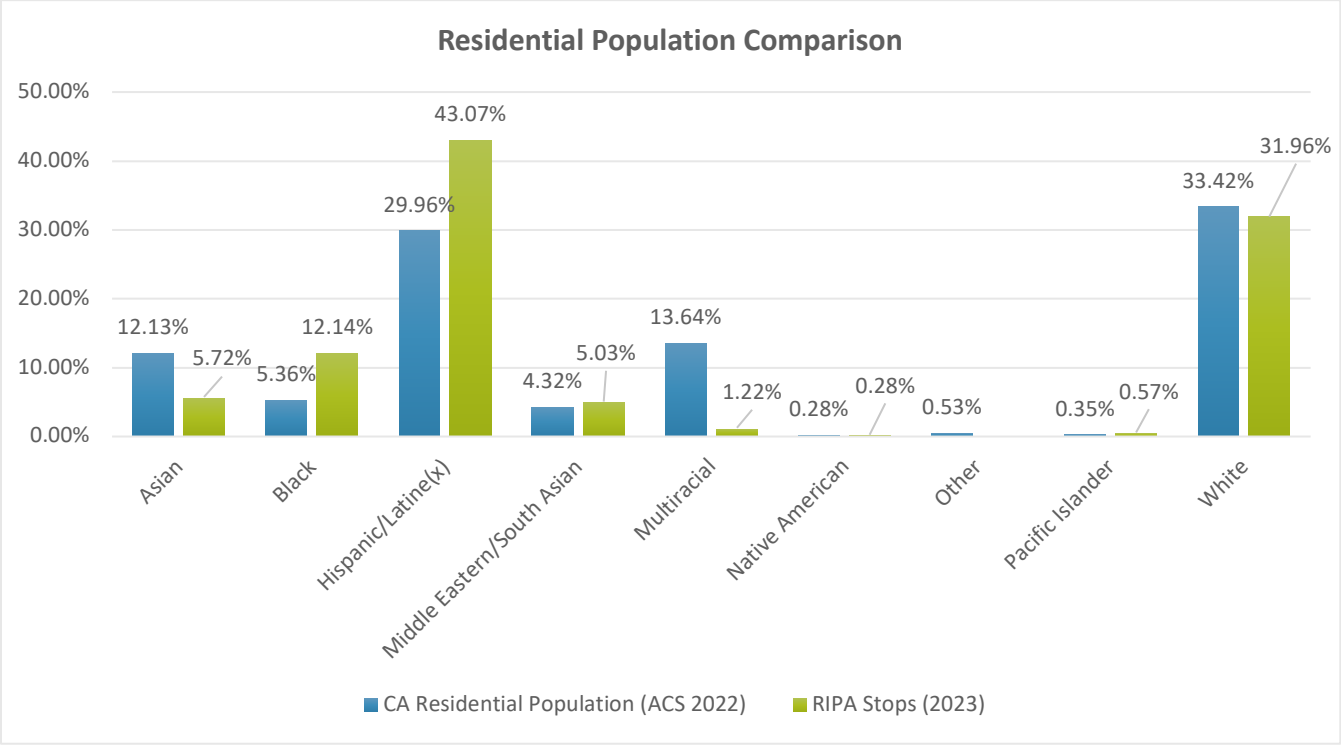
This chapter of the report analyzes the 2023 RIPA data California law enforcement agencies collected and submitted to the California Department of Justice. Between January 1, 2023, and December 31, 2023, California law enforcement agencies conducted a total of 4,721,135 stops. An analysis of those stops shows the following:

- The largest percentage of individuals stopped were perceived to be Hispanic/Latine(x) (43.07%), followed by White (31.96%), then Black (12.14%).
- Individuals perceived to be Black were stopped 126.5 percent more frequently than expected, given their relative proportion of the California population. Individuals perceived to be Hispanic/Latine(x) were stopped 43.8 percent more frequently than expected with the same comparison.

Stop Disparities by Race and Ethnicity

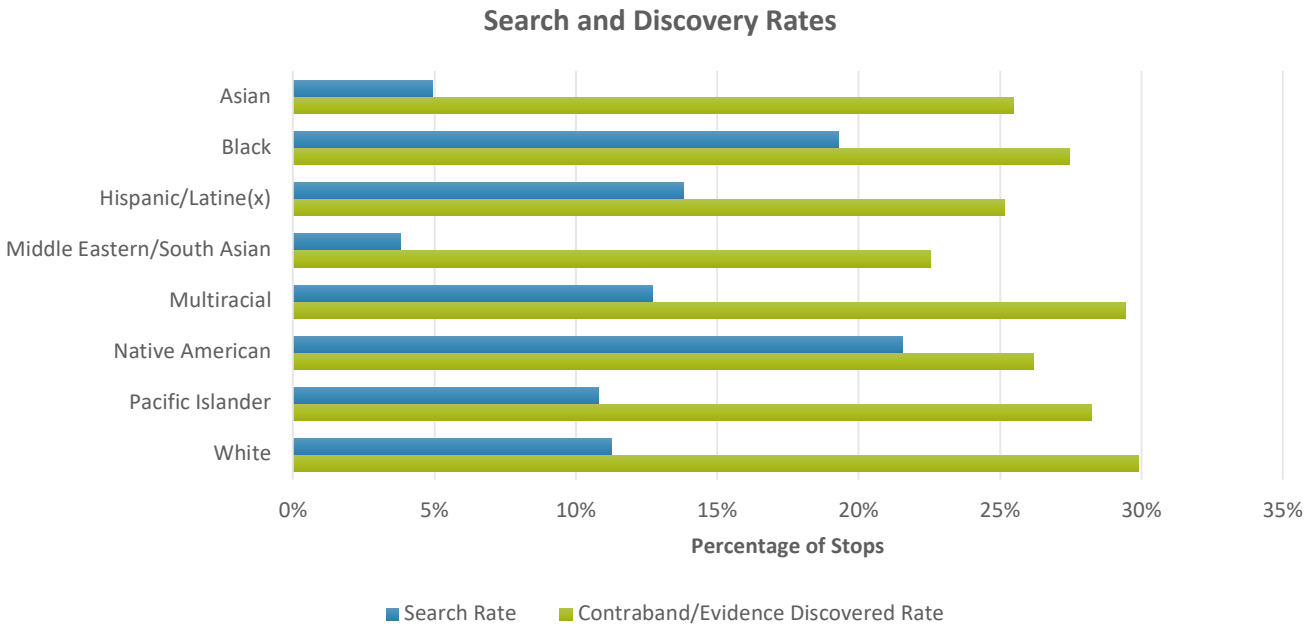
- The data also show that although individuals perceived as Black, Native American, and Hispanic/Latine(x) were stopped and searched at higher rates than individuals perceived to be White, contraband or evidence was discovered at a lower rate during searches of those individuals than during searches of individuals perceived as White.

Search Discovery Rates by Race and Ethnicity



An analysis of stops based on other identity characteristics shows:

- Most individuals stopped were perceived to be cisgender male (70.9%) or cisgender female (28.7%). Less than one percent (0.4%) of stops were reported to involve individuals perceived as transgender or gender nonconforming.
- Most individuals stopped (98.9%) were perceived to have no disability. Of the 1.1 percent of stops involving a person with a perceived disability, individuals were most commonly perceived as having a mental health disability (64.7% of stops involving perceived disabilities).

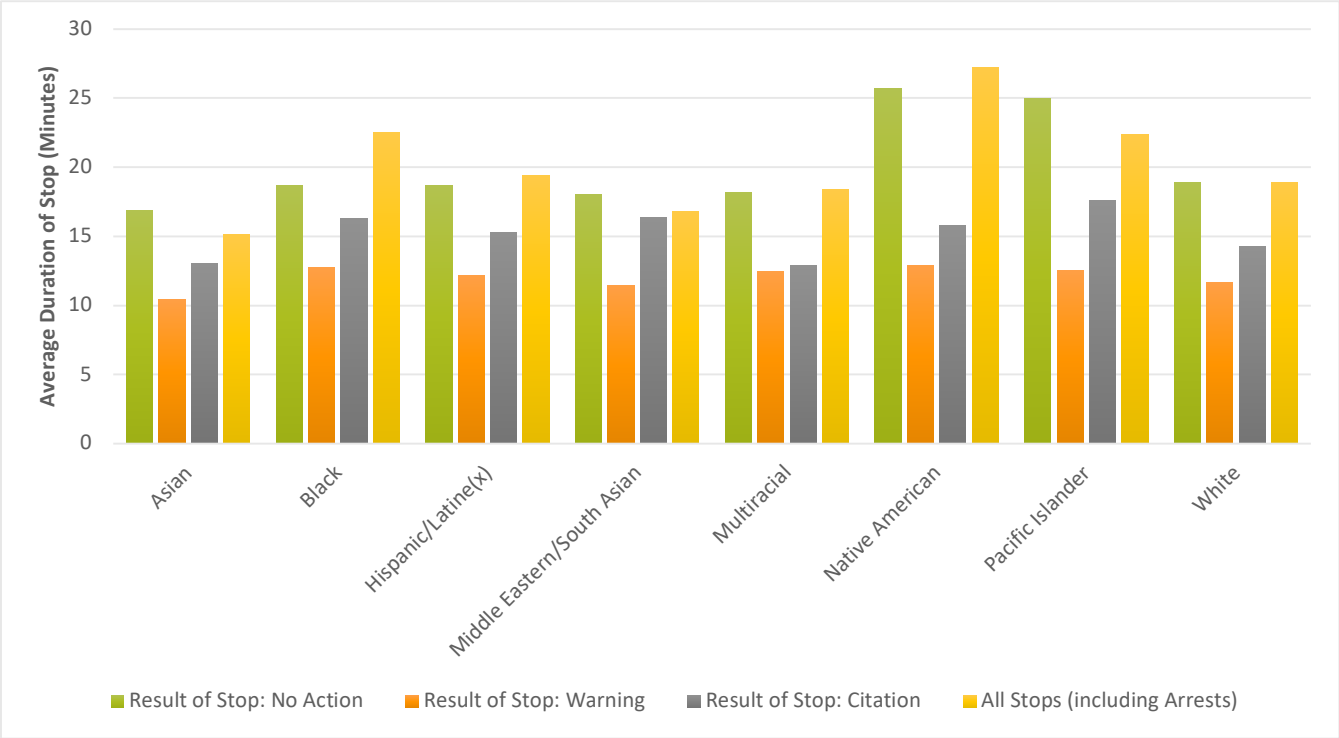


This year's report also analyzes data on the duration of stops and the result of stops. The analysis shows the following:

- There were significant differences in the average length of stops across perceived racial and ethnic groups, even among stops with the same reported outcome. On average, stops resulting in a warning were the shortest across all groups, while stops that resulted in no action being taken were the longest. However, there were significant disparities in the length of stops for which officers reported a result of no action compared to stops that resulted in a warning or citation. For example, stops of individuals perceived to be Native American and Pacific Islander for which officers reported a result of no action were, on average, approximately twice as long as stops for those same groups that resulted in a warning. For those two groups, the average stop that resulted in no action exceeded 20 minutes.

Overall, across all racial groups, stops most often resulted in a citation (44.9%), followed by a warning (33.7%), and then arrest (14.2%). Officers reported no action taken in 6.7 percent of stops. However, stops involving individuals perceived to be Native American and Black had higher rates of arrests (24.6% and 17.3% of stops) and lower rates of citations than other groups (30.4% and 36.0% of stops).

Duration of Stop Comparison by Race and Ethnicity



Youth-Focused Stop Data Analysis

It is well established that the brain undergoes a "rewiring" process that is not complete until an individual reaches approximately 25 years of age. Accordingly, for the purpose of its analysis, the Board defines youth as individuals under 25 to account for the physical, cognitive, and social-emotional development that takes place during their maturation process. The report analyzes trends in the data for the 823,773 stops officers reported in 2023 that involved individuals perceived to be 24 and younger (17.5% of all stops). An analysis of the data from those stops indicates that:

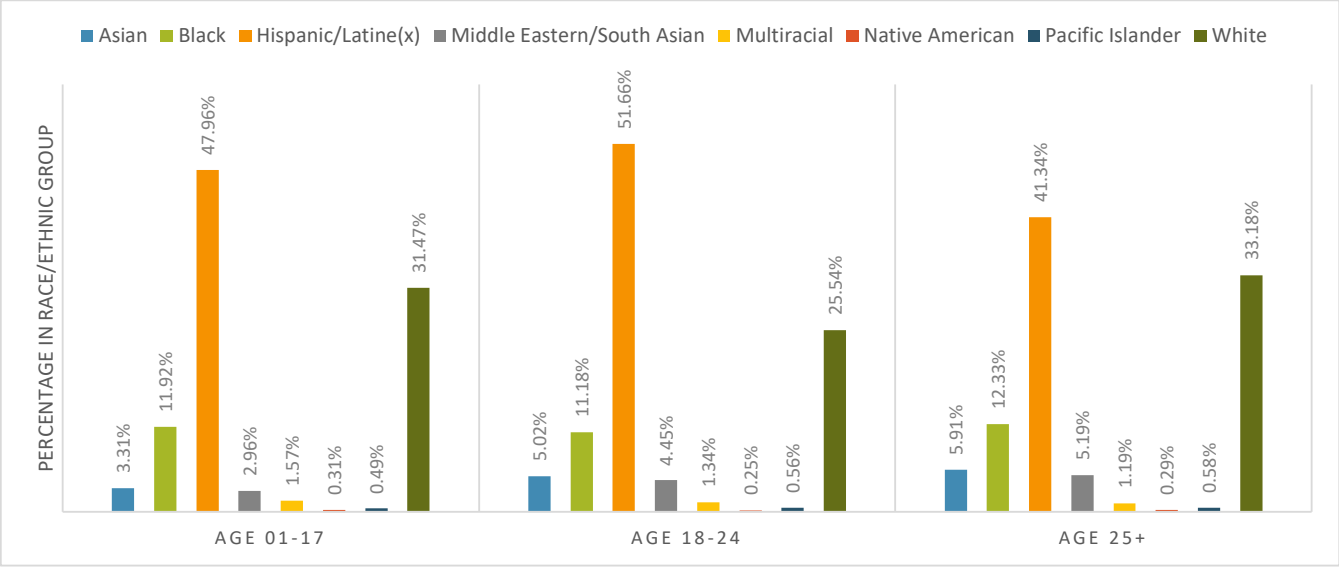
- Officers reported 736,389 stops of youth perceived to be 18–24, 69,969 stops of youth perceived to be 15–17, 10,647 stops for youth perceived to be 12–14, 3,165 stops of youth perceived to be 8–11, and 3,603 stops of youth perceived to be 1–7.

Total Stops by Age (Youth under 25)



- Notable racial disparities were observed in the data for youth stops. While individuals perceived to be 1–17 were generally underrepresented in stop data compared to the residential population, those perceived as 18–24 were substantially overrepresented in stops relative to their residential population — especially those perceived as Black, Hispanic/Latine(x), and Middle Eastern/South Asian.

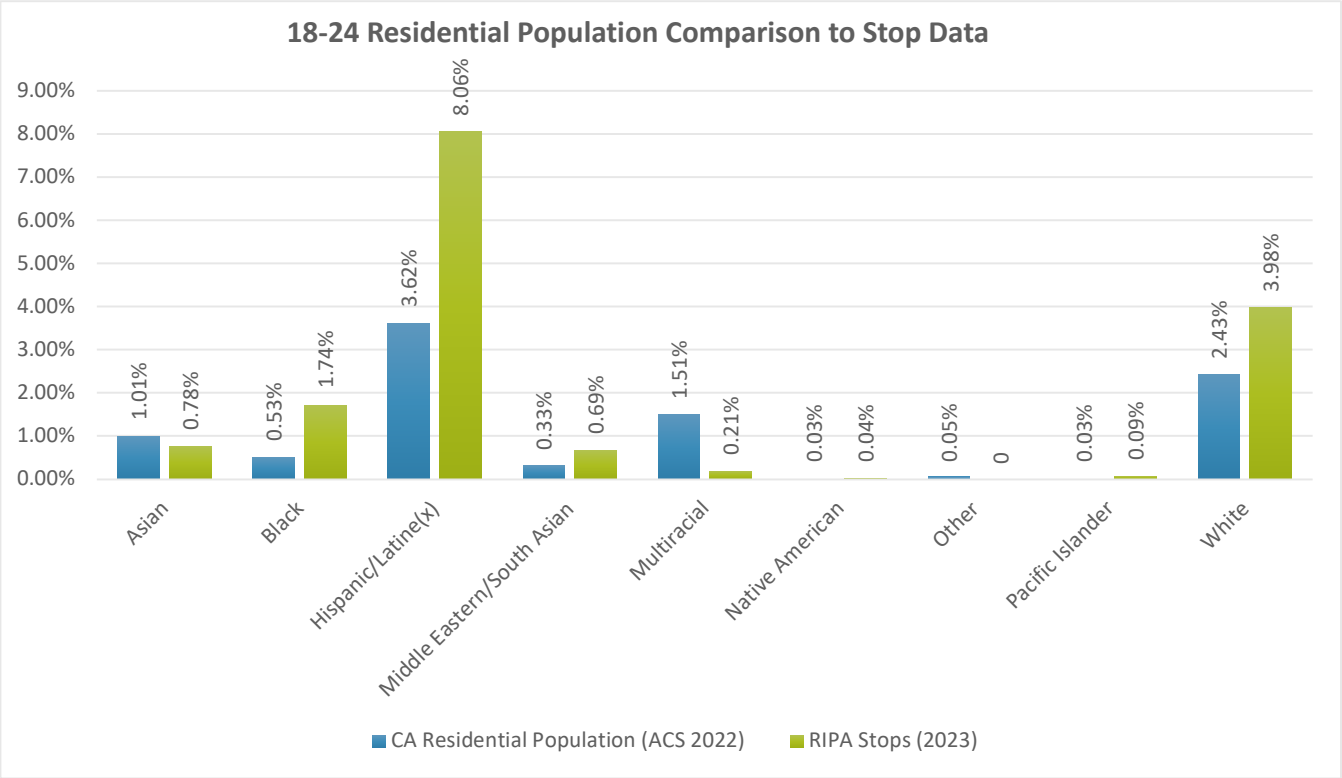
Percentage of Stops by Age and Race/Ethnicity



Residential Population Comparison to Stop Data (Ages 1-17)



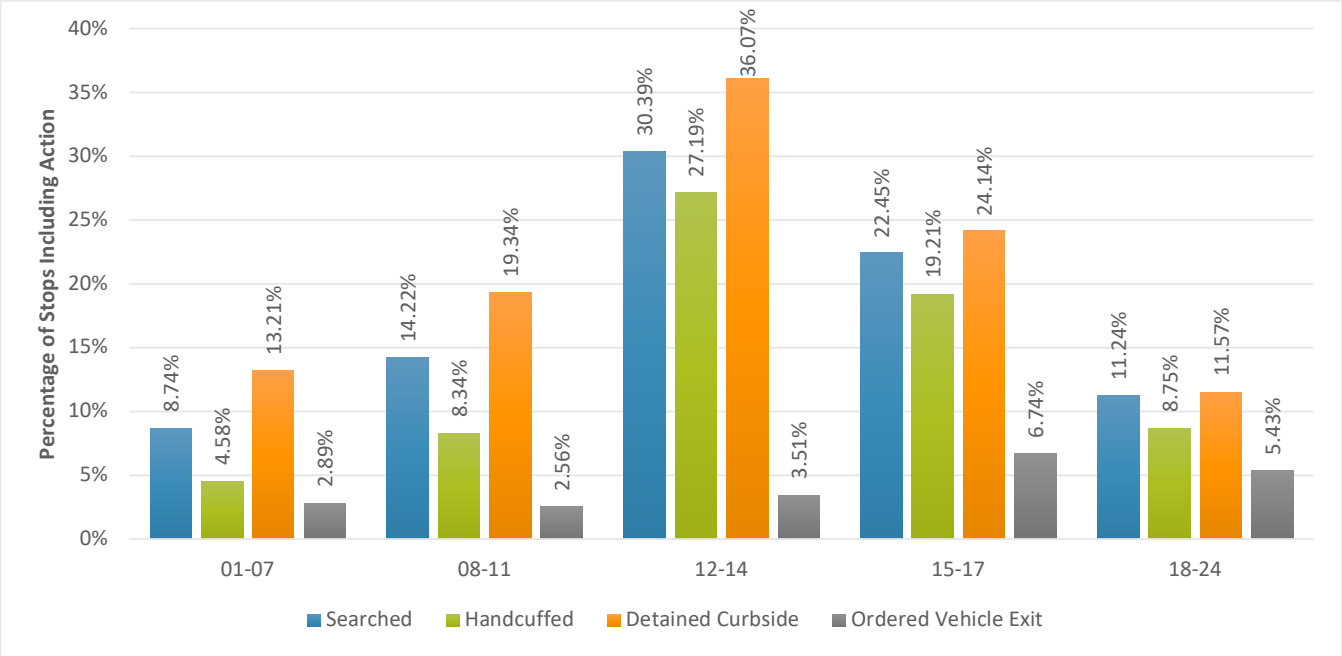
Residential Population Comparison to Stop Data (Ages 18-24)



Actions Taken During Stops

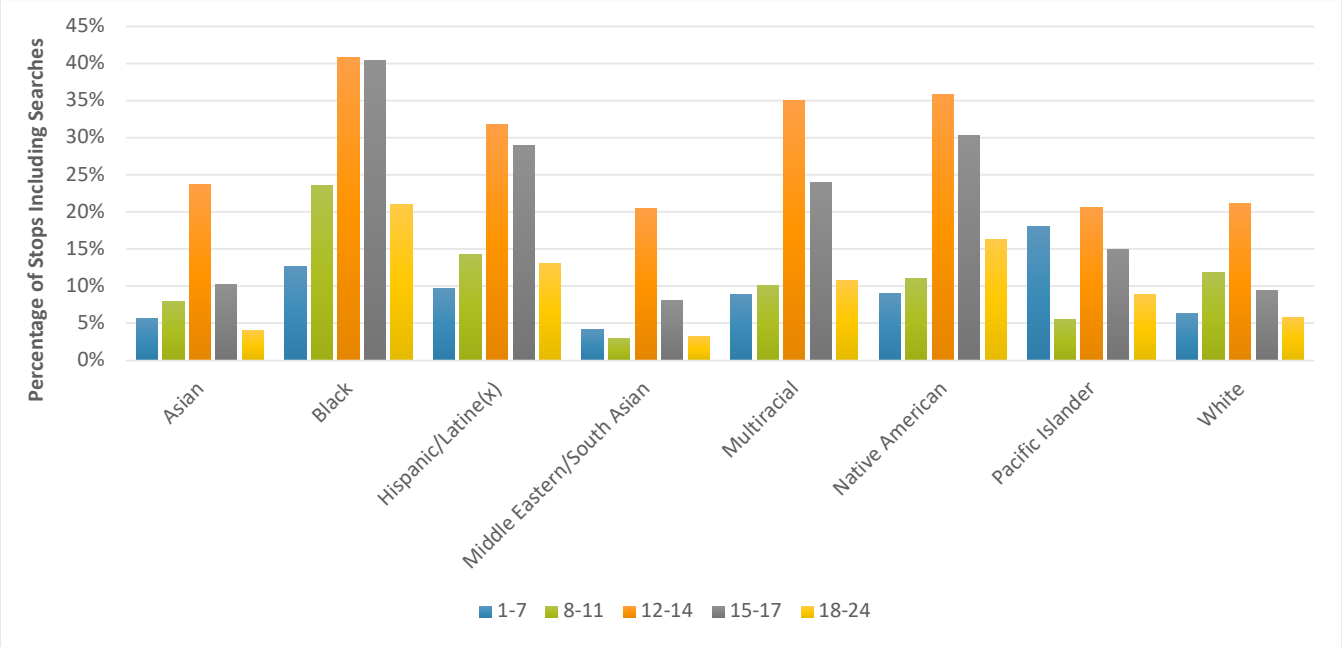
The data show significant differences in the actions taken during a stop among the different age groups. Youth perceived to be 12–14 were more likely to be searched, handcuffed, and detained curbside during a stop than any other age group, while youth perceived to be 15–17 were the most likely to be ordered to exit a vehicle.

Percentage of Stops Including the Indicated Action Separated by Age



An intersectional analysis of the data on the actions taken during stops across race and age also shows disparities in the actions taken during stops. Black, Hispanic/Latine(x), Multiracial, and Native American youth were more likely to be searched than other groups. Officers conducted searches in more than 40 percent of stops of Black youth perceived to be 12–14 and 15–17.

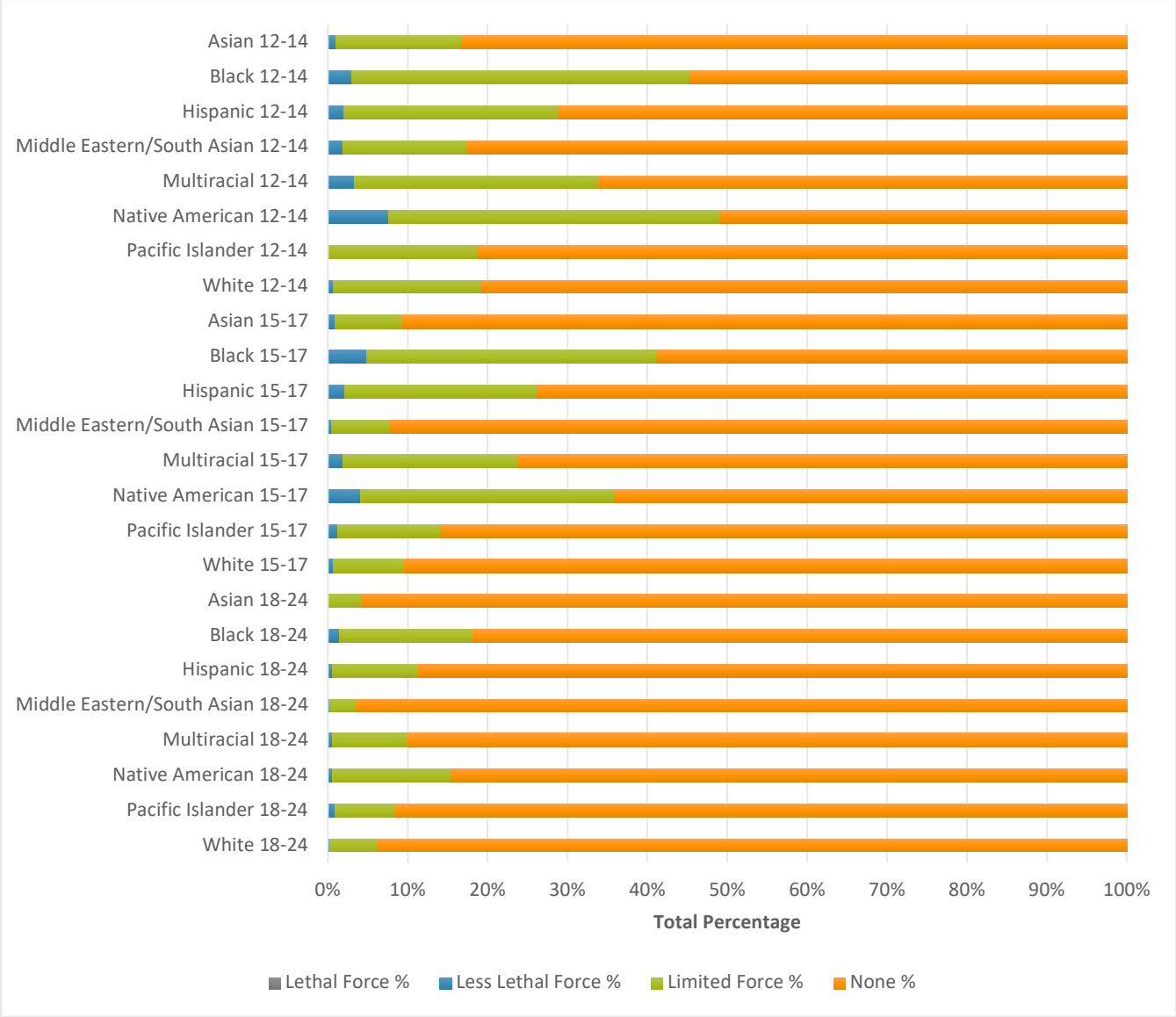
Youth Stops Including Searches by Race and Ethnicity



Use of Force

The RIPA data show that the use of lethal and less lethal force was not uncommon in stops of youth. Force was used at a higher rate in stops of youth 12–14 compared to other youth age categories. Officers also reported using lethal force in the form of discharging their firearm in several stops of youth 12–14. Within the 12–14 age category, overall, officers used force at the highest rate in stops of Native American and Black youth 12–14. Limited force — such as handcuffing, removal from a vehicle with physical contact, and other contact — was used at the highest rate in stops of Black youth 12–14 (42.3%) and Native American youth 12–14 (41.5%). Officers also reported using force at higher rates for Black and Native American youth 15–17 than for other racial groups in the same age category.

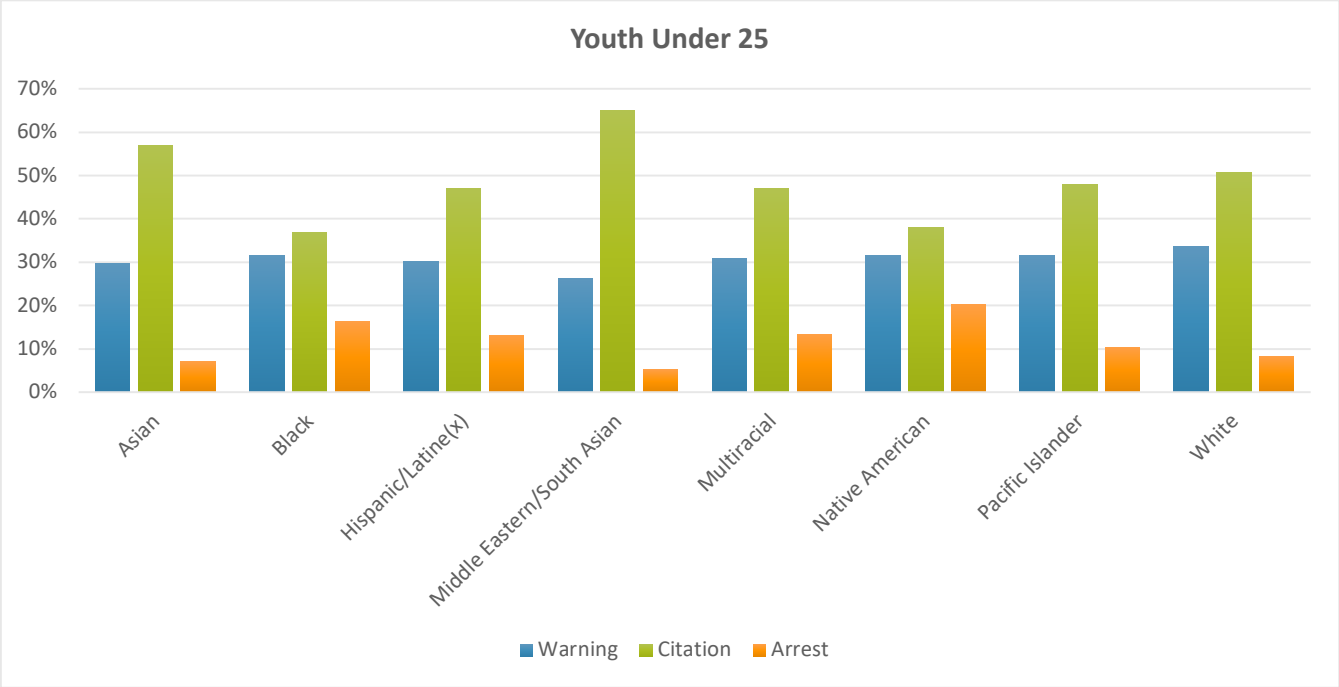
Use of Force (Ages 12-24)



Result of Stop

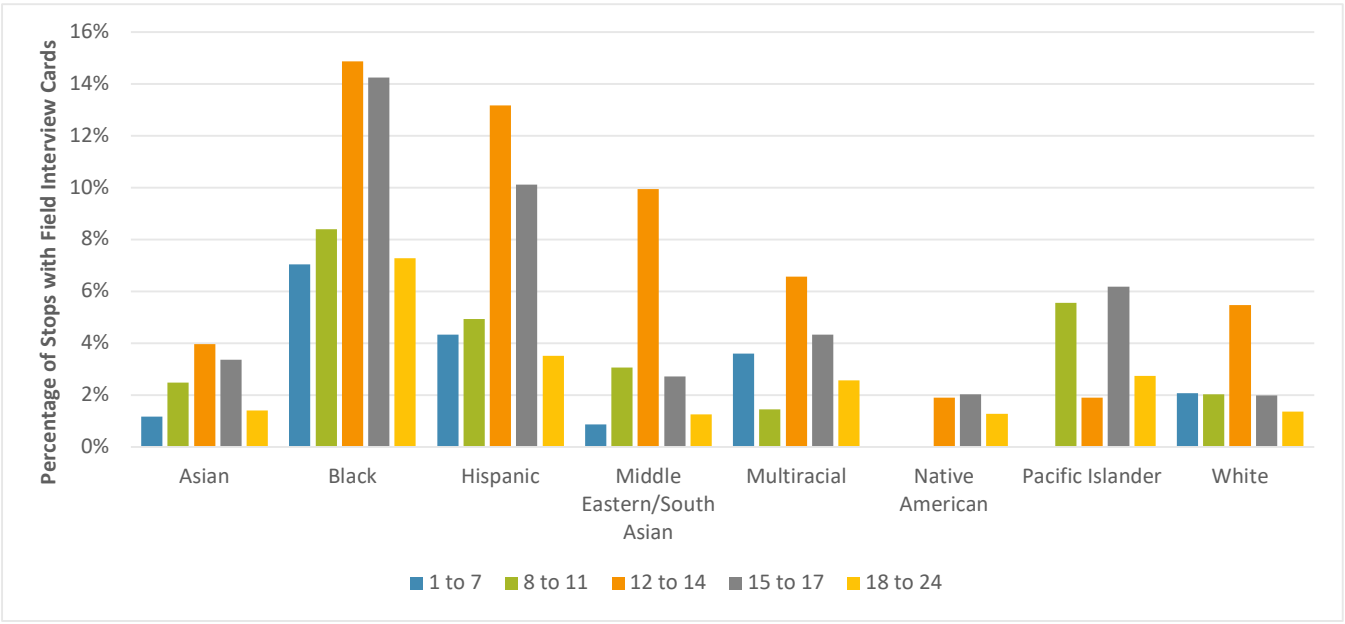
The data also show racial disparities in the results of stops of youth. Overall, across all racial groups, when officers stopped individuals perceived to be under 25, they reported issuing citations and warnings more frequently than making arrests. However, officers arrested youth perceived to be under 25 and Native American and Black at higher rates than youth from other racial groups.

Results of Youth Stops Separated by Race/Ethnicity (Ages 1-24)



The 2024 Report examined field interview cards[1] and racial disparities in their use. The data in the current report show substantial racial disparities persist in the stops that resulted in the completion of a field interview card. For example, across all age groups, officers completed field interview cards most frequently for Black youth. With the exception of youth perceived as Pacific Islander or Native American, the age group for which officers completed field interview cards at the highest rate was youth perceived to be 12-14. Officers completed field interview cards at the highest rates in stops of youth perceived to be Black, Hispanic/Latine(x), and Middle Eastern/South Asian between the ages of 12-14, and Black and Hispanic/Latine(x) youth perceived to be 15-17.

Youth Field Interview Cards by Race and Ethnicity



1 See Racial and Identity Profiling Advisory Board, *Annual Report* (2024), p. 91. Officers can complete a field interview card to record and track contacts made during stops, investigations, and arrests. Field interview cards can be used to enter data into law enforcement databases such as CalGang, a shared gang database that can be accessed by multiple law enforcement agencies. In this year's report, the Board found there are stark racial disparities in law enforcement agencies' designations of people as suspected gang members, associates, or affiliates in CalGang.

Policy-Focused Data Analysis

This chapter of the report builds on the Board's prior recommendations to address the issue of racial and identity profiling of youth by focusing on the role racial and other biases may play in police encounters with youth. The research discussed in the report show that youth of color are exposed to law enforcement encounters more often than White youth; that those encounters are more intrusive and more likely to result in further entanglement in the criminal legal system; and that police encounters, including being personally stopped or witnessing others being stopped, can have a profound impact on the lives of children and youth.

As noted, this year's report defines youth as individuals under 25. The effects of policing on youth have important implications for California, where, as of 2022, more than 12 million Californians were under 25, and nearly nine million (approximately one in five) Californians were under 18. In examining the 823,773 stops of individuals perceived to be 24 and younger reported in 2023, this chapter uses four broad categories: stops based on reasonable suspicion; stops involving calls for service; officer actions taken during stops; and the ultimate results of stops. The analysis of the data shows the following:

- **Reasonable suspicion:** Officers initiated 93,372 stops of individuals perceived to be 24 and younger based on reasonable suspicion. The report notes there are racial disparities within this category of stops. In particular, youth perceived to be Black experienced a higher percentage of stops based on reasonable suspicion compared to other racial or ethnic groups. A review of six specific categories of offenses commonly seen in youth and law enforcement interactions — loitering, pedestrian roadway violations, disturbing the peace, trespassing, vandalism, and underage drinking — shows racial disparities in each of these offense categories.
- **Calls for service:** There were 65,680 stops of individuals perceived to be 24 and younger involving calls for service. The Board found gender and disability disparities within these stops.
- **Actions taken by officers during stops:** The Board found disparities in actions taken by officers during stops of individuals perceived to be 24 and younger, including use of force actions, curbside or patrol car detentions, searches, and photographing the stopped individual.
- **Results of stops:** The Board found racial and ethnic disparities in stops of individuals perceived to be 24 and under, in which officers reported taking no action, and racial and ethnic, disability, and gender disparities in the use of field interview cards.

This chapter also reviews youth-specific policies of California law enforcement agencies, including policies about the use of force on youth, prohibiting deception in youth interviews, and limiting or prohibiting the use of field interview cards for youth. Although many agencies have policies regarding the use of force on youth in custody, these policies vary widely from agency to agency. Few policies provide additional protections or safeguards for youth or differentiate how youth should be treated compared to adults. For example, of the 15 largest agencies in California, only one (the Los Angeles Police Department) regulates the use of handcuffs when arresting youth. The Board is concerned by the lack of law enforcement policies relating to the use of force on youth, given that research and the RIPA data show officer interactions with youth frequently result in the use of force and that the use of force is directed disproportionately against youth of color, youth with disabilities, and gender minority youth.

Board Recommendations

In light of this research and the RIPA data, the Board makes the following recommendations to the Legislature, law enforcement agencies, and municipalities to help eliminate racial and identity profiling and the many harmful effects of law enforcement interactions with youth:

1. The Legislature should convene a panel of experts to recommend standards, policies, and training for officers as it relates to the disparities and research set forth in the 2025 RIPA report with respect to youth, with a focus on use of force, de-escalation, and child development. Members of the panel should include, at a minimum, affected community members, experts in the development of use of force policies and trainings, child development experts, law enforcement experts, and human rights experts.
2. The Legislature should review the efficacy of existing deflection and diversion programs and explore the expansion to universal deflection or diversion for youth accused of a status offense, misdemeanor, or other low-level offense with a rebuttable presumption of eligibility that can be overcome with evidence-based considerations.
3. The Legislature, agencies, and municipalities should explore how limiting officer discretion in stops could reduce racial disparities and make specific findings from their study to act on.
4. Law enforcement agencies reevaluate proactive policing practices that have a disparate impact and collaborate with community-based organizations to find alternatives to increase public safety.

POST Training and Recruitment

California legislators rely on the RIPA Board to review the effectiveness of training courses certified by the California Commission on Peace Officer Standards and Training (POST) in changing officer behavior to eliminate racial and identity profiling by sworn officers. This is an essential step toward eliminating the pernicious practice of racial and identity profiling by law enforcement. To that end, this chapter of the report focuses on the Board's participation in the development of POST's guidelines for racial and identity profiling training courses. The chapter also provides a review of emerging research on the effectiveness of anti-bias training, as well as recommendations to the California Legislature and POST Commission to improve peace officer training and reduce traffic and pedestrian stop disparities.

POST Guidelines

The chapter highlights guidelines on racial and identity profiling that are currently under development by POST. Unlike guidelines POST has developed previously, it appears that the ones currently being developed will only serve as a template curriculum for an optional five-hour advanced officer training course on racial and identity profiling. While the development of this optional training course is commendable, the course does not reflect the Board's recommendation to POST to develop stand-alone guidelines for all POST-certified training courses on racial and identity profiling.

The RIPA Board will continue to work with POST in developing the guidelines, with expected publication in early 2025. The Board will present its review of the final guidelines in the 2026 Report.

Emerging Research

Despite POST-certified trainings on racial and identity profiling offered through POST and local law enforcement agencies, there continue to be disparities in the number and outcome of stops for some racial and identity groups, raising serious questions about whether training and awareness alone are enough to eliminate bias in policing.

Several studies indicate that while focused, short-term training to reduce implicit bias can produce some immediate reductions in implicit bias, trainees tend to return to their baseline levels of implicit bias after a few months. Therefore, to create lasting reductions in stop data disparities, researchers recommend weaving anti-bias interventions into the culture of police departments to shift department culture toward fair and impartial policing. Specifically, researchers recommend:

- Repeated training sessions for sustained behavior changes;
- Supervisor support from the top down to influence cultural shifts within departments toward fair and impartial policing;
- Using body-worn camera footage to train officers and examine their behavior in the field;
- Integrating implicit bias-oriented and diversity trainings within broader organizational initiatives;
- Evaluating bias intervention as part of job performance (e.g., assessing attitudes and behavior in response to incidents of alleged bias); and
- Adopting policies that limit peace officer discretion during stops, encourage intelligence-based stops, and disrupt the influence of implicit biases.

Informed by this body of research, the Board recommends that before implementing, funding, or requiring any additional officer training on implicit bias, the courses be evaluated for effectiveness in producing sustained changes in individual officers' attitudes and behaviors and whether any observed changes translate into reduced disparities in enforcement outcomes.

Board Recommendations

Recommendations to the Legislature

1. Require law enforcement agencies (LEAs) to adopt a policy to prohibit racial and identity profiling that includes accountability and consequences of non-compliance (e.g., SB 2) based on the POST guidelines.
2. Require more frequent, evaluated, and evidence-based training on racial and identity profiling more than once every five years, and at a minimum of every three years.
3. Require law enforcement supervisors and field training officers receive specialized training on eliminating racial and identity profiling within their departments.
4. Explore requiring POST and Museum of Tolerance (MOT) courses on racial and identity profiling to be updated every two years with the latest RIPA findings, current legislation, and community input.
5. Require POST-certified courses on racial and identity profiling to be revised to include ways to prevent behavior that could lead to officer decertification for serious misconduct under SB 2.
6. Amend the law to increase funding and allow for additional stakeholders, beyond the MOT, to present additional options for racial and identity profiling training to law enforcement officers.

7. Require body-worn camera footage, when available, or highly publicized incidents to be used in the racial and identity profiling training, in addition to staged scenarios.
8. Fund an independent study, under the guidance of the RIPA Board and conducted by academic researchers, that assesses the efficacy of POST's racial and identity profiling training on officers' attitudes, prejudices, and enforcement outcomes.
9. Provide funding and require POST to report annually on specific training outcomes and performance measures. POST should consider looking at implicit bias metrics before and after the trainings to evaluate their effectiveness.

Recommendations to POST

1. Evaluate the academic research underpinning trainings during the course certification process.
2. Revise the process for evaluating law enforcement training, in course certification and its quality assessment plans, to include additional course criteria that incorporate training outcomes based on officer actions and behavior in the field.
3. Formally evaluate Learning Domain 3 and Learning Domain 42 in the Regular Basic Course comprehensive module tests.

Accountability

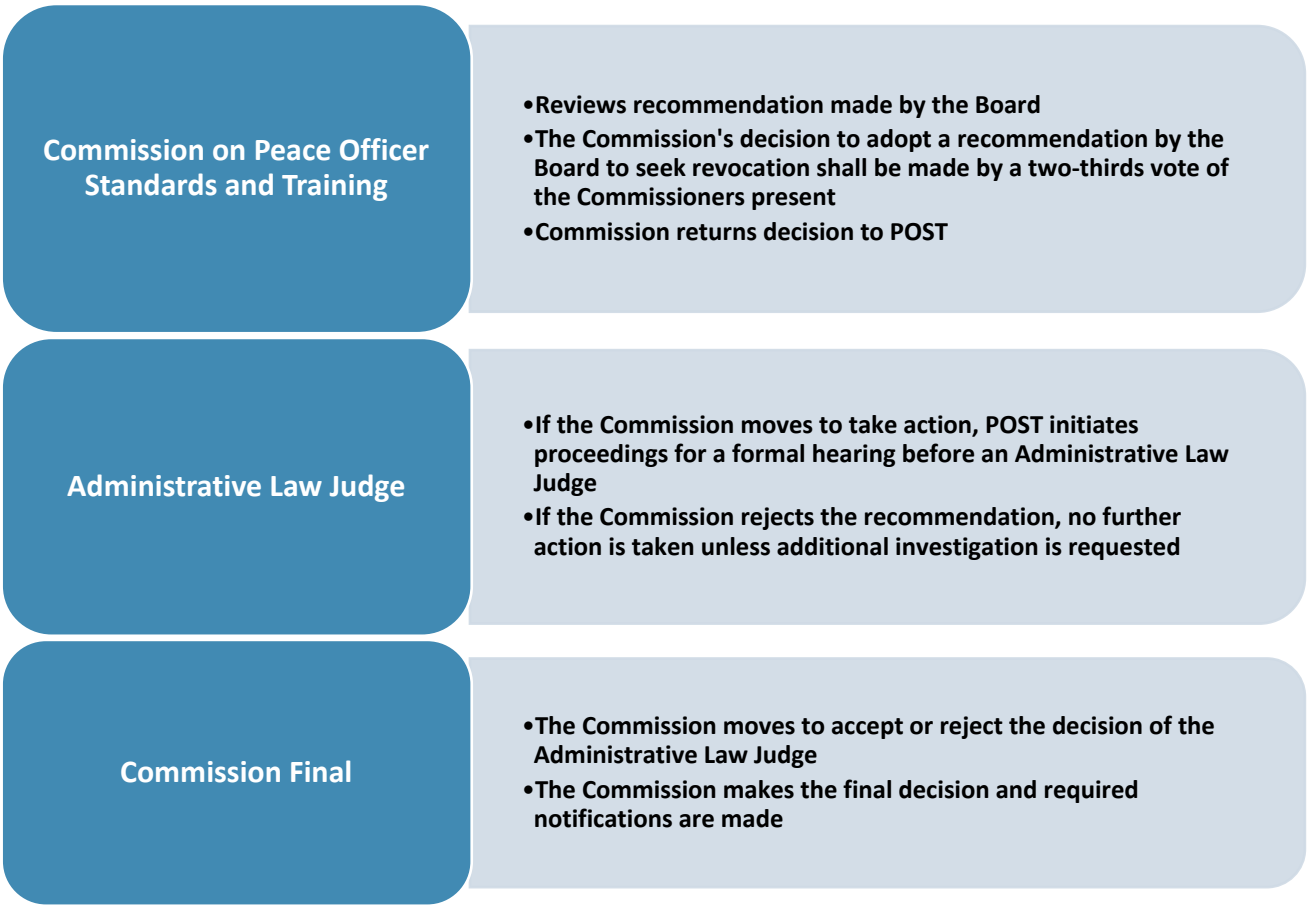
In 2021, the Legislature enacted Senate Bill No. 2, the Kenneth Ross Jr. Police Decertification Act of 2021 (SB 2), which created a statewide system to decertify or suspend peace officers who engage in serious misconduct, including officers who demonstrate bias or engage in racial and identify profiling. SB 2 aligns with the Board's goal of eliminating racial and identity profiling from policing. Therefore, this chapter of the report provides an overview of the SB 2 decertification process, including the key players in the decertification process, the grounds and processes for decertification or suspension of a peace officer, and each step of the decertification process, with the goals of informing the public and providing recommendations to POST and the Legislature to help shape SB 2 into an effective accountability tool to eliminate racial and identity profiling from policing.

SB 2 allows POST to suspend or revoke a peace officer's certification if: (1) the officer becomes ineligible to hold office as a peace officer under Government Code section 1029; or (2) the officer is terminated for cause or has otherwise engaged in "serious misconduct," which is defined by Penal Code section 12510.8, subdivision (b) and the POST regulations. For decertifications initiated based on Government Code section 1029, an officer becomes ineligible to serve as a peace officer if the officer has a conviction that meets the criteria listed in section 1029. POST can obtain conviction data from the California Department of Justice. For decertifications initiated based on an allegation of serious misconduct under Penal Code section 12510.8, subdivision (b), POST obtains information through reports from law enforcement agencies and complaints submitted by members of the public directly to POST. Under SB 2, members of the public have the option of submitting a complaint to POST anonymously.

Once it receives an allegation, POST notifies the officer's employing agency, which will conduct an investigation. Once the agency's investigation is completed, POST will conduct a review of the agency investigation and determine the need for further action, such as a hearing process to determine whether to revoke or suspend the officer's certification. POST has three years to complete its investigation of an allegation. The chart below outlines the SB 2 process for complaints:

Peace Officer Decertification Workflow

Allegations of Serious Misconduct	•Reported to POST by employing agency within 10 days •Citizen complaint made to POST •POST initiated case
Agency Investigation	•Disciplinary investigation completed by agency •Agency forwards completed investigation to POST for decertification investigation
POST Investigation	•POST reviews agency investigation •POST conducts further investigation, if necessary •POST determines if serious misconduct occurred
POST Recommendation	•If serious misconduct did not occur, POST notifies peace officer and closes case with no further action taken •If serious misconduct did occur, POST makes recommendation to decertify peace officer
Decertification Action	•POST notifies peace officer of intent to decertify •Peace officer has 30 days to request review of recommended action before the Peace Officer Accountability Advisory Board
Decertification Action (continued)	•If peace officer <u>does not request</u> a review, the recommendation to decertify by POST stands without further proceedings •If review <u>is requested,</u> POST schedules hearing before the Board
Peace Officer Standards Accountability Advisory Board Review	•Board conducts public hearing on the decertification case •Board reviews POST investigation findings and decertification recommendation •Board makes a written recommendation to the Commission by majority vote on what action should be taken against the peace officer



This chapter also provides data from POST regarding the allegations POST received from January 1, 2023, to October 1, 2024. The data indicate that:

- POST has received 29,472 misconduct reports from law enforcement agencies, as well as 1,247 public complaints submitted directly to POST. Of those agency misconduct reports, 16,672 (56.57%) related to an incident that took place prior to January 1, 2023.
- As of October 1, 2024, 19,882 cases have been assigned to POST investigators. Of those, 7,967 cases have been closed. The other 9,533 misconduct reports (32.34% of the agency misconduct reports received) have not yet been assigned to a POST investigator.
- In 2023, POST closed a total of 5,194 cases. Of those cases, 5,100 were closed with no further action taken. Only 65 cases resulted in decertification.
- During the first nine months of 2024, POST resolved 2,982 cases; 2,811 cases resulted in no further action, and 171 cases resulted in decertification.
- In 2023, 85.29 percent of cases that were closed with no further action involved retroactive cases (i.e., cases involving events between January 1, 2020, and January 1, 2023). POST was required to close these cases if the conduct did not result in death or serious bodily injury per Penal Code section 13510.8, subdivision (g)(1).
- Of the allegations POST received from January 1, 2024, through October 4, 2024, physical abuse/excessive force was the most common type of serious misconduct alleged, followed by demonstrating bias, abuse of power, dishonesty, acts that violate the law, and sexual assault.

SB 2 Complaints Involving Serious Misconduct Allegations, 2023-2024

Basis	Allegations Received	
	Number	Percent
Physical Abuse/Excessive Force	12,654	37.68%
Demonstrating Bias	9,186	27.35%
Abuse of Power	4,528	13.48%
Dishonesty	2,523	7.51%
Acts that Violate the Law	2,225	6.63%
Sexual Assault	1,337	3.98%
Convicted of a Felony	593	1.77%
Other Serious Misconduct	537	1.60%

The most common complaint, charge, or allegation for which POST has initiated a certification action based on serious misconduct was egregious or repeated acts that violate the law, followed by physical abuse/excessive force, sexual assault, dishonesty, demonstrating bias, abuse of power, and failure to cooperate.

SB 2 Grounds for Decertification 2023-2024

Basis	Certification Actions	
	Number	Percent
Acts that Violate the Law	91	59.48%
Physical Abuse/Excessive Force	28	18.30%
Sexual Assault	17	11.11%
Dishonesty	11	7.19%
Demonstrating Bias	8	5.23%
Abuse of Power	6	3.92%
Failure to Cooperate	2	1.31%

As of September 27, 2024, 10 law enforcement agencies have had nine or more officers subject to an SB 2 certification action. Generally, the most common type of serious misconduct involves acts that violate the law.

Law Enforcement Agencies with Nine or More Decertification Actions

Last Employing Agency	SB 2 Officers	Sworn Officers	Most Common Recent Certification Action	Most Common Serious Misconduct
Los Angeles County SD	44	8858	15 Temporary Suspensions, 15 Ineligible Pursuant to GC § 1029	13 Acts that Violate the Law
Los Angeles PD	29	8665	10 Ineligible Pursuant to GC 1029	9 Acts that Violate the Law
California Highway Patrol	19	6884	8 Temporary Suspensions	7 Physical Assault/ Excessive Force

Last Employing Agency	SB 2 Officers	Sworn Officers	Most Common Recent Certification Action	Most Common Serious Misconduct
Riverside County SD	16	2862	2 Temporary Suspensions & 2 Ineligible Pursuant to GC 1029	6 Acts that Violate the Law
San Bernardino County SD	10	1875	3 Ineligible Pursuant to GC 1029	4 Acts that Violate the Law
San Francisco PD	10	1807	5 Temporary Suspensions	5 Acts that Violate the Law
San Jose PD	10	1024	6 Temporary Suspensions	5 Acts that Violate the Law
San Diego PD	9	1818	3 Ineligible, 3 Revoked	1 Dishonesty, 1 Failure to Cooperate, 1 Acts that Violate the Law
Torrance PD	9	188	8 Temporary Suspensions	5 Demonstrating Bias

As of September 27, 2024, POST has issued 78 temporary suspensions related to a pending criminal proceeding, which have been pending for an average of 321 days. Twenty-eight temporary suspensions without a collateral criminal proceeding have been pending for 338 days on average. As of September 27, 2024, only 35 temporary suspensions have reached a permanent disposition.

Board Recommendations

The Board issues the following recommendations to the Legislature and POST, to enhance SB 2's decertification process and effectuate the Legislature's goal of addressing serious misconduct in policing:

1. The Board recommends that the Legislature enact legislation requiring law enforcement agencies throughout California to modify their disciplinary policies defining serious misconduct to align with the categories in Penal Code section 13510.8, subdivision (b).
2. Relatedly, the Board recommends that POST develop guidelines to assist law enforcement agencies in developing procedures to conduct adequate investigations into complaints alleging bias and guidelines that assist law enforcement agencies with aligning their policies with Penal Code Section 13510.8. The guidelines should also apprise law enforcement agencies on how to educate the public about the ways in which a complaint could be filed. In developing the guidelines for investigating complaints about demonstrating bias, POST could consult with the Board.
3. The Board recommends that POST issue guidance apprising officers and law enforcement agencies about the anti-retaliation and workplace protections afforded to an officer who files a complaint against a fellow officer or their agency or who cooperates with an investigation into an allegation of serious conduct. To provide protection for officers who report serious misconduct of fellow officers and to encourage a culture of accountability, the Board recommends that the Legislature amend Penal Code section 13510.8 to include whistleblower protection for peace officers and other individuals within a law enforcement agency who report serious misconduct by fellow peace officers.

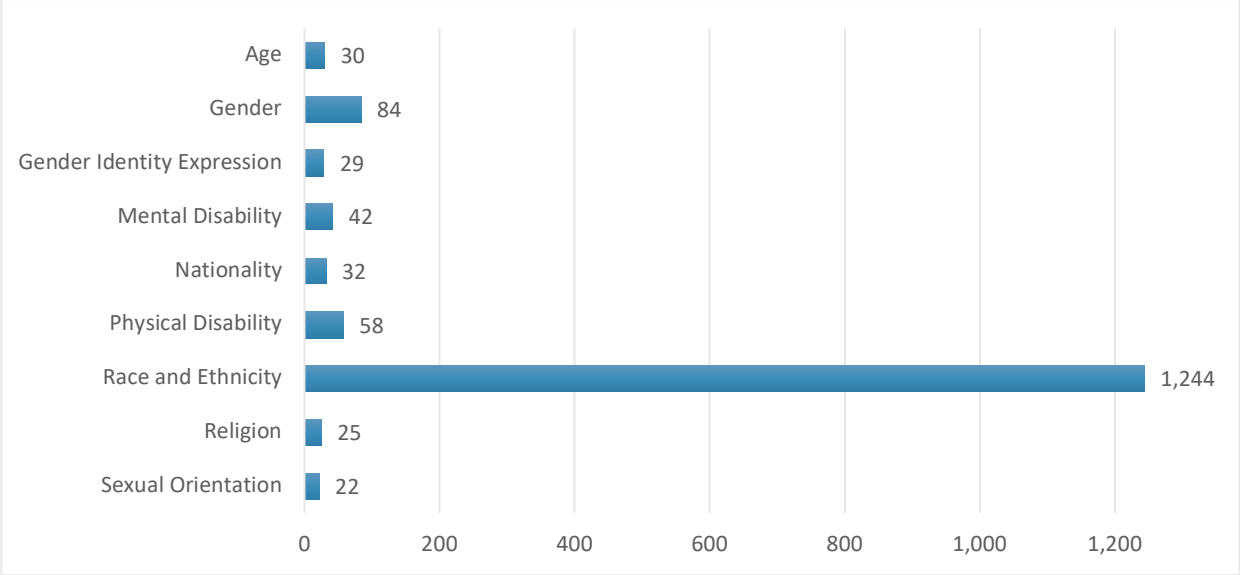
Civilian Complaints

2023 Civilian Complaint Data

This chapter of the report includes the second year of analysis of complaint data reported by all four reporting waves of California law enforcement agencies. A total of 526 agencies — including municipal and district police departments, county sheriff's departments, the California Highway Patrol, and law enforcement agencies of the University of California, California State Universities, California Community Colleges, District Attorney offices, and K-12 school district police departments — submitted complaint data in 2023. The data indicate the following:

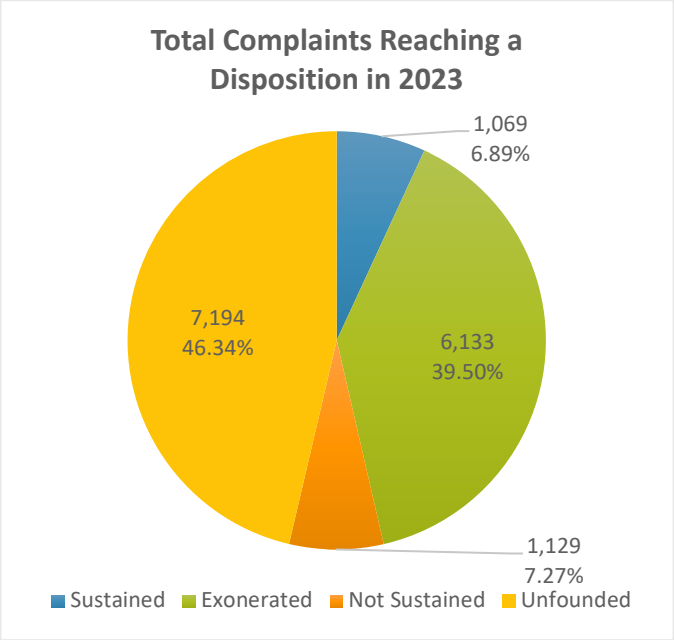
- Approximately three-quarters of reporting agencies (409, or 77.78%) reported receiving at least one civilian complaint, while nearly one-quarter (117, or 22.24%) reported that they did not receive any civilian complaints in 2023.
- In total, agencies reported that they received 14,444 complaints in 2023. Of these, 1,405 complaints (9.73%) alleged racial or identity profiling. The 1,405 profiling complaints were reported by only 147 agencies, representing 28 percent of the 526 RIPA reporting agencies and 35.94 percent of the 409 agencies that reported receiving complaints in 2023. By reporting group, Waves 1 through 3 — representing the largest law enforcement agencies in California — experienced an increase in the number of profiling complaints from 2022 to 2023, while Wave 4 experienced a decrease of 5.82 percent in the number of profiling complaints reported in 2023.
- Within the complaints alleging racial or identity profiling, there were 1,566 separate allegations of racial or identity profiling. The vast majority of these allegations (1,244, or 79.44%) alleged profiling on the basis of race or ethnicity.

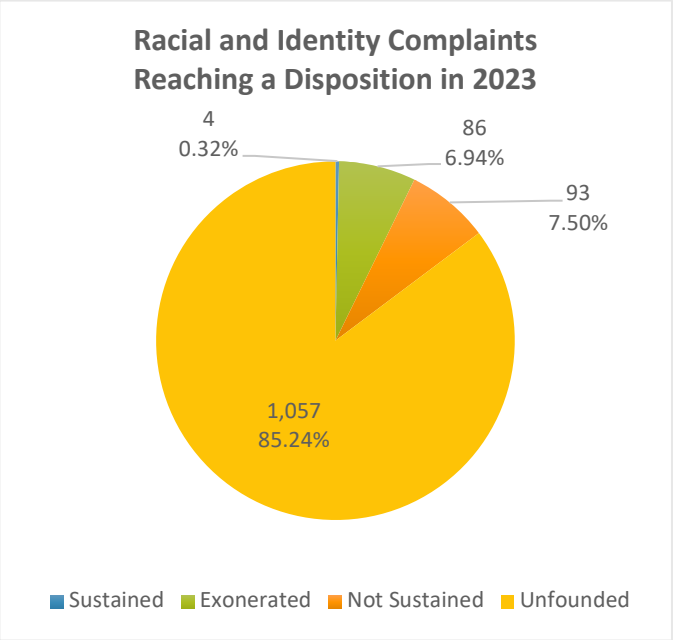
Total Allegations of Racial and Identity Profiling Reported in 2023



- In total, law enforcement agencies reported that 15,525 complaints reached a disposition in 2023, including 1,240 complaints alleging racial or identity profiling. The majority of all complaints, including profiling complaints, were deemed unfounded, exonerated, or not sustained. Only 6.89 percent of all complaints and 0.32 percent of profiling complaints were sustained.

Disposition Distribution of 2023 Complaints





Civilian Complaints Involving Youth

In addition to analyzing the 2023 complaint data, this chapter discusses how civilian complaints can serve as an accountability measure to more effectively monitor police interactions with individuals 24 and younger. The Board, with the goals of monitoring civilian complaints filed by or on behalf of youth, identifying problematic police practices that impact youth, and ensuring that police officers who harm youth are held accountable, makes the following recommendation:

> The Legislature explore amending Penal Code section 13012 to require law enforcement agencies to report the number of civilian complaints reported by or on behalf of complainants, disaggregated by complainants who are 17 and younger and complainants who are 18 to 24 at the time of the underlying incident if age is known or volunteered at the time the complaint is submitted. This reporting requirement would include complaints filed by a third party on behalf of someone 24 or younger.

Follow-up on Prior Board Recommendations

The report also provides updates regarding the Board's prior recommendations to define "civilian complaint," accept anonymous complaints, and address the potential deterrent effect of the advisory statement required by Penal Code section 148.6. This chapter of the report acknowledges the Legislature for introducing Assembly Bill 2923 in 2024, which would have defined "civilian complaint" and amended the language of Penal Code section 148.6. The bill did not pass, however.

Lastly, this chapter of the report continues to build on the Board's prior recommendation that law enforcement agencies begin to incorporate the principles of root cause analysis into their civilian complaint procedures. Specifically, this chapter explores how root cause analysis is applied in the transportation and healthcare industries, as well as other areas of law enforcement, to identify common principles of root cause analysis and illustrate how those principles could be applied to civilian complaint procedures. The Board urges law enforcement agencies to analyze the root causes of civilian complaints and hopes to develop more specific recommendations in future reports to help agencies implement this practice.

Legislative Update

The Board concluded the report with a summary of recently enacted Senate Bill No. 1020 (2023-2024 Reg. Sess.) related to the work of the RIPA Board. Citing the racial disparities in the RIPA data, the Legislature passed legislation to prohibit the use of "ethnic shooting targets," which depict skin colors or facial features from which a person might reasonably discern race or ethnicity, in firearms training required for law enforcement recruits and officers.

This legislation exemplifies RIPA's potential to effectuate change in policing practices and policies. With its focus on policing practices and policies, examined through the lens of youth and police interactions, this year's report presents a wealth of data and data-driven recommendations to encourage more legislative and agency action to create enduring systemic changes in policing in California.

Introduction

"There is no tradeoff between effective law enforcement and protection of the civil rights of all Americans; we can and must have both."[2]

In its eighth report, the Racial and Identity Profiling Advisory Board (RIPA Board) continues its analysis of the Racial and Identity Profiling Act (RIPA) data to gain more insight into the disparities reflected in police encounters, the extent to which profiling is occurring, and the types of evidence-based policy solutions that could eliminate racial and identity profiling generally, especially for youth. In particular, the RIPA Board builds upon its prior examination of the policing of youth through a quantitative and qualitative analysis of the RIPA data to assess whether youth experience racial and identity disparities in police stops. They do.

Generally, the RIPA data show that in 2023, Black individuals were stopped at a rate of 126.46 percent more often than expected, and White individuals were stopped 4.38 percent less frequently than expected based on their proportion of the population. Even though being perceived as Black, Native American, or Hispanic/Latine(x) significantly increased the chances that an individual would be searched, searches of individuals who are Black, Native American, or Hispanic/Latine(x) were less likely to lead to the discovery of contraband than searches of White individuals.

The 2023 data for youth under 25 show similar trends.[3] Youth perceived to be Black were disproportionately stopped by law enforcement. Moreover, youth perceived to be youth of color and those perceived to have disabilities were more likely than others to be stopped in ways indicative of "proactive policing," which generally suggests greater profiling. Of significant concern is the fact that officers reported using force substantially more in stops involving youth perceived to be Black and Hispanic/Latine(x). They also reported using force substantially more in stops of youth perceived to have a disability than youth perceived not to have a disability. Overall, the data indicate that the risk of being stopped or subjected to more intrusive actions — like detention, arrests, or use of force — increased based on a young person's race/ethnicity or perceived disability.

The RIPA data for youth are particularly troubling because stops and their associated actions have harmful repercussions for youth that reverberate beyond the initial stop itself. Studies show that direct contact with law enforcement is associated with poor educational outcomes, including reduced test scores and lower grade point averages.[4] Moreover, intrusive police encounters undermine a youth's sense of safety and stability, contributing to the development of stress, anxiety, post-traumatic stress disorder, and depression.[5] Just as alarming is research showing the criminogenic effect of police contact on youth. "Prior law-abiding behaviors did not protect boys against future police stops, yet being stopped by police was associated with increased engagement in delinquent behavior."[6] The 2023 RIPA data show that youth of color have more frequent encounters with law enforcement, and research shows that those interactions are more likely to lead to these negative outcomes for youth of color than for their White peers.

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2 Ramirez et al., *A Resource Guide on Racial Profiling Data Collection Systems: Promising Practices and Lessons Learned* (2000) U.S. DOJ, p. iii <https://www.ojp.gov/pdffiles1/bja/184768.pdf> [as of Nov. 18, 2024].

3 The 2025 Report defines youth as those under 25. (See Arain et al., *Maturation of the Adolescent Brain* (2013) 9 Neuropsychiatric Disease and Treatment 449, 451-452 <https://pmc.ncbi.nlm.nih.gov/articles/PMC3621648/> [as of Nov. 18, 2024].)

4 Gottlieb and Wilson, *The Effect of Direct and Vicarious Police Contact on the Educational Achievement of Urban Teens* (2019) 103 Children and Youth Services Rev. 190, 196; St. John et al., *Reducing Adverse Police Contact Would Heal Wounds for Children and Their Communities* (Jun. 2022) Child Trends: Trauma and Resilience, p. 2 <https://cms.childtrends.org/wp-content/uploads/2022/05/Policingtraumabrief_ChildTrends_June2022.pdf> [as of Nov. 18, 2024].

5 See Alang et al., *Police Encounters as Stressors: Associations with Depression and Anxiety across Race* (2021) 7 Socius <https://journals.sagepub.com/doi/epub/10.1177/2378023121998128> [as of Nov. 18, 2024].

6 Del Toro et al., *The Criminogenic and Psychological Effects of Police Stops on Adolescent Black and Latino Boys* (March 2019) 116 PNAS 8261, 8267 <https://pubmed.ncbi.nlm.nih.gov/30962370/> [as of Nov. 18, 2024].

The Board remains concerned about the persistence of substantial racial disparities in the rates of stops and the actions taken during stops as they are suggestive of racial and identity profiling, not only at the instance in which an officer decides to stop a person but also throughout the encounter. Racial and identity profiling contributes to disparities beyond those seen in the RIPA data and includes downstream effects like disparities in the criminal justice system as well as in education, health, and economic wellbeing. It is why the Board takes the view that racial and identity profiling undermines public safety.

California law expressly prohibits racial and identity profiling,[7] and the RIPA Board is entrusted with making detailed findings about racial and identity profiling and issuing recommendations aimed at rooting out the practice. In its prior reports, the Board put forth data-driven, evidence-based policy recommendations that hold promise in achieving the goal of eliminating racial and identity profiling. The Board reaffirms these recommendations and calls upon the Legislature, policymakers, and law enforcement agencies across California to consider and adopt them.

In this year's report, the Board builds on prior recommendations to outline a comprehensive approach to not only eliminate profiling but also improve training — both in the academies and in the field — by deemphasizing policing practices that could lead to profiling and imposing effective accountability measures when officers engage in profiling or other misconduct that harms the public. These recommendations are grounded in research that has examined effective policing practices that are consistent with constitutional principles.

Improving public safety through effective policing grounded in California's prohibition against profiling and the California and United States Constitutions requires a deep and unwavering commitment from all stakeholders: the reporting law enforcement agencies in California, the Legislature, policymakers, the Commission on Peace Officers Standards and Training (POST), advocates, and communities. The Board remains committed to working with these indispensable parties to facilitate long-term systemic change and achieve the Legislature's mandate to eliminate racial and identity profiling of all Californians.

7 Pen. Code, § 13519.4, subds. (e)-(f).

Stop Data

III. Description of Overall Stop Data

RIPA requires officers to collect and report information for each stop they make. For purposes of reporting RIPA stop data, a "stop" is any detention of an individual by a peace officer or any interaction with a peace officer during which the officer conducts a search of the person or their property.[8] The data law enforcement agencies collect and report to the California DOJ for each stop includes, but is not limited to, demographic information for the person stopped based on the officer's perception, information that would provide context for the stop, including events precipitating the stop — such as whether the stop was officer initiated or was in response to a call for service — actions taken by officers during the stop, the duration of the stop, and the outcome or result of the stop.[9]

Demographic data are collected to document law enforcement interactions with the public and determine whether certain identity groups experience disparate treatment during stops. As noted, RIPA requires officers to report demographic information based on the officer's perception of the person stopped, which may differ from how that person self-identifies. This distinction is important because racial and identity profiling occurs based on how officers perceive civilians and act based on that perception. Some demographic characteristics collected, like race, ethnicity, or age, may be easier to perceive based on visible factors. Others, like sexual orientation or disability status, may not be as apparent and, therefore, may be perceived less consistently with how a stopped individual identifies. Therefore, when examining the analysis of the stop data in this report, bear in mind that assessments made about race or identity (i.e., Black, Hispanic/Latine(x), Native American, Disability, Gender) are not based on the actual race or identity of the individuals stopped but are based instead on an officer's perception of the race or identity of those individuals. Accordingly, the report will refer to individuals stopped based on the category reported by officers (i.e., "Black individuals") or their perception (i.e., "individuals perceived to be Black").

In 2023, the sixth year of RIPA stop data reporting, all city and county law enforcement agencies, all law enforcement agencies of California public schools and universities, and the California Highway Patrol were required to report stop data. In total, 539 agencies reported 4,721,135 stops.

This chapter presents the analysis of the 2023 stop data in two parts. The first part analyzes the data law enforcement agencies collected and submitted to the DOJ using racial, gender, and identity demographics to determine whether the data reveal overall trends in stops of different groups based on racial, gender, and identity characteristics, including disability, English fluency, and LGBT status. Overall, the analysis of 2023 data presented in this chapter shows disparities not only in the rate of stops for certain demographic groups but also in the actions taken during stops and the outcomes.

The second part of this chapter, given the report's focus on youth and policing, provides an intersectional analysis of the data collected on stops involving youth under the age of 25 using racial, gender, and identity demographics. As discussed in more detail in the Policy-Focused Data Analysis chapter below, scientific research indicates the adolescent brain undergoes a rewiring process that is

8 See former Cal. Code Regs., tit. 11 § 999.224, subd. (a)(14), now Cal. Code Regs., tit. 11 § 999.224, subd. (a)(20) (eff. Jan. 1, 2024). A detention "means a seizure of a person by an officer that results from physical restraint, unequivocal verbal commands, or words or conduct by an officer that would result in a reasonable person believing that they are not free to leave or otherwise disregard the officer." (Cal. Code Regs., tit. 11, § 999.224, subd. (a)(7).)

9 The stop data form also includes narrative fields that require officers to include details about the reason for the stop and the basis for any search conducted. (Cal. Code Regs., tit. 11, § 999.226, subd. (a)(14) (B).) Throughout the reporting period, each law enforcement agency is responsible for ensuring that all data elements, data values, and narrative explanatory fields in the data they submit to DOJ conform to the regulations. (Cal. Code Regs., tit. 11, § 999.229, subd. (b).) Agencies must correct any errors in the data submission process using the DOJ's error resolution process. (*Ibid*.)

not complete until age 25.[10] That research has led researchers to expand the definition of adolescence to include young people up to age 24. Accordingly, this report adopts a definition of youth that includes those who are under 25.

In analyzing the data, the report uses the following age categories: 1–7, 8–11, 12–14, 15–17, and 18–24.[11] As shown below, the analysis of the data for youth reveals disparities for racial and identity demographics that are consistent with the trends seen in the overall data.

IV. Overall Data Analysis

A. Stops

Race and Ethnicity

Overall, officers perceived the highest percentage of individuals stopped as Hispanic/Latine(x) (43.07%, 2,033,482 stops), followed by White (31.96%, 1,508,816 stops), Black (12.14%, 573,293 stops), Asian (5.72%, 270,230 stops), Middle Eastern/South Asian (5.03%, 237,511 stops), Multiracial (1.22%, 57,444 stops), Pacific Islander (0.57%, 27,100 stops), and Native American (0.28%, 13,259 stops). Persons who were perceived as more than one race or ethnicity are categorized in this report as Multiracial.

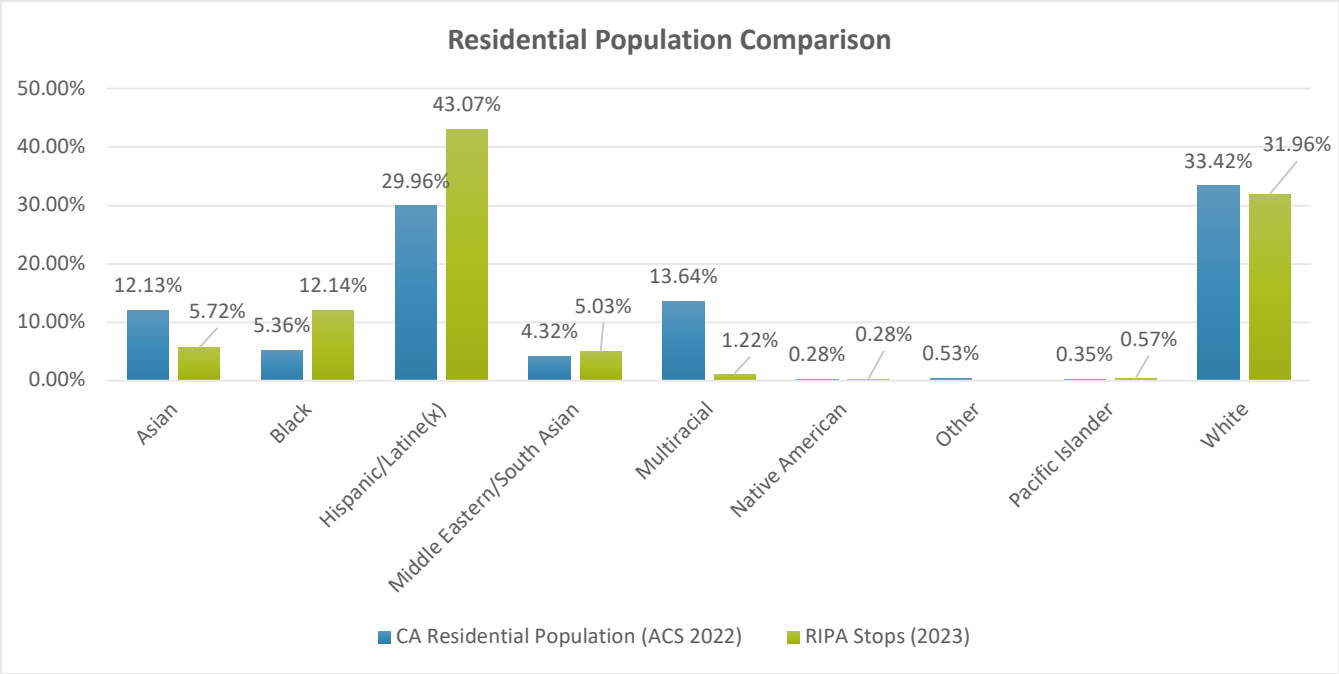
Examining the proportion of individuals stopped by their race/ethnicity identity in relation to the proportion that race/ethnicity identity appears in the California population, showed noticeable disparities.[12] Black individuals were stopped 126.46 percent more often than expected, and Hispanic/Latine(x) individuals were stopped 43.76 percent more often than expected, given the population of the state. Conversely, Asian individuals were stopped 52.82 percent less frequently than expected, and multiracial individuals stopped 91.08 percent less frequently than expected. White individuals were stopped 4.38 percent less frequently than expected.

10 Arain et al., *Maturation of the Adolescent Brain* (2013) 9 Neuropsychiatric Disease and Treatment 449, 451-452 <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3621648/> [as of Nov. 18, 2024].

11 Welf. & Inst. Code, §§ 601, 602; California Department of Justice (July 5, 2019) *SB 439 Compliance* [Information Bulletin] p. 1 <https://oag.ca.gov/sites/all/files/agweb/pdfs/info_bulletins/2019-dle-04.pdf> [as of Nov. 18, 2024].

12 "The Hispanic/Latine(x) category included everyone who self-identified as any one race and Hispanic (HISPAN ≠ 0). Individuals who identified as more than one race and Hispanic/Latine(x) were categorized as Multiracial. This is the same operational definition used to identify Hispanic/Latine(x) individuals in past RIPA reports using the Census Bureau's Hispanic/Latino Origin by Race table B03002." (Appendix D, D.1 (describing the Disparity Test Methodology used to calculate disparities).)

Figure 1. Stop Disparities by Race and Ethnicity



Gender

Most stops, 99.61 percent (4,702,551 stops), involved persons perceived as cisgender. Cisgender means a person whose gender identity and gender expression align with the person's assigned gender identity at birth, whereas transgender means a person whose gender identity and gender expression do not align with the gender assigned at birth. Among transgender people, persons report being able to "pass" as cisgender, broadly meaning they are not perceived by strangers as transgender. A 2015 survey of transgender persons in the United States found that 40 percent of surveyed transgender persons interacted with police or other law enforcement in the past year, and 65 percent of those persons believed that none of the officers thought or knew they were transgender.[13]

The 2023 RIPA data show that cisgender males (71.13%, 3,358,186) comprised the most common gender category stopped, while cisgender females were the second most common (28.48%, 1,344,365). The remaining 0.39 percent (18,581 stops) is comprised of persons perceived as gender nonconforming (0.21%, 9,867), transgender men/boys (0.12%, 5,664), and transgender women/girls (0.06%, 3,050).

Disability Status

Of all stops, 98.94 percent (4,671,095 stops) involved an individual with no perceived disability. Of the remaining 1.06 percent of stops (50,040 stops), the most commonly perceived disability was mental health (64.68% of stops with a perceived disability, 32,364 stops), followed by "other" (11.19%, 5,600), speech impaired (8.58%, 4,291), multiple disabilities (5.41%, 2,707), deaf (4.17%, 2,089), developmental (3.24%, 1,622), blind (2.66%, 1,333), and hyperactivity (0.07%, 34).

13 Gyamerah et al., Experiences and Factors Associated with Transphobic Hate Crimes Among Transgender Women in The San Francisco Bay Area: Comparisons Across Race (2021) 21 BMC Public Health 1, 7-11 <https://pmc.ncbi.nlm.nih.gov/articles/PMC8173924/pdf/12889_2021_Article_11107.pdf> [as of Nov. 18, 2024].

English Fluency

Officers reported that 94.23 percent (4,453,010) of all stops were of individuals officers perceived to have English fluency. The remaining 5.68 percent of stops (268,125) were of individuals officers perceived to have limited or no English fluency.

LGBT

Officers reported 36,181 (0.77%) stops of persons perceived by the officer as lesbian, gay, bisexual, or transgender (LGBT).

B. Calls for Service

Calls for service are calls from the community requesting an officer to stop an individual or respond to a situation, while officer-initiated stops refer to stops initiated at an officer's discretion. As such, disparities between the proportion of stops that are officer-initiated compared to calls for service may indicate areas where officers and community members direct their attention and resources.

Key Terms

Call for service – a stop made in response to a 911 call, radio call, or dispatch.

Officer-initiated – a stop resulting from the officer's observation, not in response to a call for service.

Race and Ethnicity

Overall, officer-initiated stops are more common than calls for service. Individuals perceived as Black had the highest rates of stops based on calls for service (12.49%, 71,586 stops) followed by individuals perceived as Native Americans (14.13%, 1,874 stops). Alternatively, calls for service occur at the lowest rates for Asian individuals (4.42%, 11,935 stops) and Middle Eastern/South Asian individuals (3.44%, 8,179 stops).

Gender

Overall, calls for service were a more common cause for contact with persons perceived as transgender, both transgender men/boys (23.00%, 1,303 stops) or transgender women/girls (29.38%, 896 stops). In contrast, cisgender females had only 7.54 percent (101,335 stops) of encounters initiated by a call for service, with similar figures for cisgender males (8.56%, 287,502 stops) and gender nonconforming (9.22%, 910 stops).

C. Reason for Stop

In 2023, officers could select one of six primary reasons for initiating a stop.[14] This part of the analysis focuses on the two most common reasons for stops: traffic violations and reasonable suspicion that the person stopped has engaged or is engaged in criminal activity.[15] Throughout this chapter, the remaining four reasons available to officers are examined collectively as "other reasons."

14 The reasons for stop include traffic violation, reasonable suspicion, known to be on parole/probation/PRCS/mandatory supervision, knowledge of an outstanding arrest warrant/wanted person, investigation to determine whether the person is a truant, consensual encounter resulting in a search. (See former Cal. Code Regs., tit. 11, § 999.226, subd. (a)(10)(A), now Cal Code Regs., tit. 11, § 999.226, subd. (a)(14)(A) (eff. Jan. 1, 2024) (adding two additional primary reasons for stop).)

15 "[T]he Fourth Amendment permits an officer to initiate a brief investigative ... stop when [the officer] has 'a particularized and objective basis for suspecting the particular person stopped of criminal activity.'" (*People v. Flores* (2024) 15 Cal.5th 1032, 1041.)

Race and Ethnicity

Across all race and ethnicity groups, the most common reason for a stop was a traffic violation. The groups with the highest proportion of stops for traffic violations were Middle Eastern and South Asian individuals (94.50%, 224,453 stops), followed by Asian individuals (92.57%, 250,159 stops). On the other hand, officers reported the lowest proportion of traffic violations for Native American individuals (73.32%, 9,722 stops).

For those stops officers reported initiating based on reasonable suspicion, Black individuals were stopped at the highest rate (19.57%, 112,194 stops), followed by Native American individuals (18.86%, 2,500 stops).

Gender

Gender identity groups also had noticeable differences in reasons for stops. Both transgender men/boys (58.81% traffic, 3,331 stops; 35.06% reasonable suspicion, 1,986 stops) and transgender women/girls (51.21% traffic, 1,562 stops; 41.61% reasonable suspicion, 1,269 stops) had higher rates of stops for reasonable suspicion than individuals who were perceived as cisgender or nonconforming. Perceived cisgender and gender nonconforming individuals had similar rates of stops based on reasonable suspicion: cisgender females, 10.98 percent (147,555) of stops (86.57% due to traffic violations, 1,163,807 stops), cisgender males, 13.77 percent (462,365) of stops (82.62% due to traffic violations, 2,764,663 stops), and gender nonconforming individuals 12.73 percent (1,256) of stops (83.89% due to traffic violations, 8,277 stops).

Disability

For stops involving an individual with a perceived disability, officers reported that 20.95 percent (10,483 stops) of stops were initiated based on traffic violations, whereas 15.41 percent (7,713 stops) were due to other reasons. On the other hand, officers reported 84.37 percent of stops (3,941,159 stops) of an individual without a perceived disability were for traffic violations, while only 3.15 percent of stops (147,347) — almost five times less than the percentage for those with a disability — were for other reasons. This finding should be interpreted with caution as more research is required to fully examine the intersection between disabilities, officer training, and other demographic variables.

English Fluency

Individual officers perceived as being fluent in English were stopped at the same rate as those with limited or no English fluency (83.7%, 3,727,213 stops for English fluent; 83.7%, 224,429 stops for limited/no English fluency) for traffic violations. Officers stopped a slightly smaller percentage of individuals fluent in English (12.97%, 577,731 stops) compared to those with limited or no English fluency (13.69%, 36,701 stops) for reasonable suspicion.

LGBT Identity

Individuals perceived as LGBT were more likely to be stopped based on reasonable suspicion (24.39%, 8,824 stops) than individuals not perceived to be LGBT (12.93%, 605,608 stops). For stops initiated based on a traffic violation, officers stopped individuals perceived as LGBT (70.20%, 25,400 stops) at a lower rate than those perceived to not be LGBT (83.81%, 3,926,242 stops).

D. Actions Taken During Stop

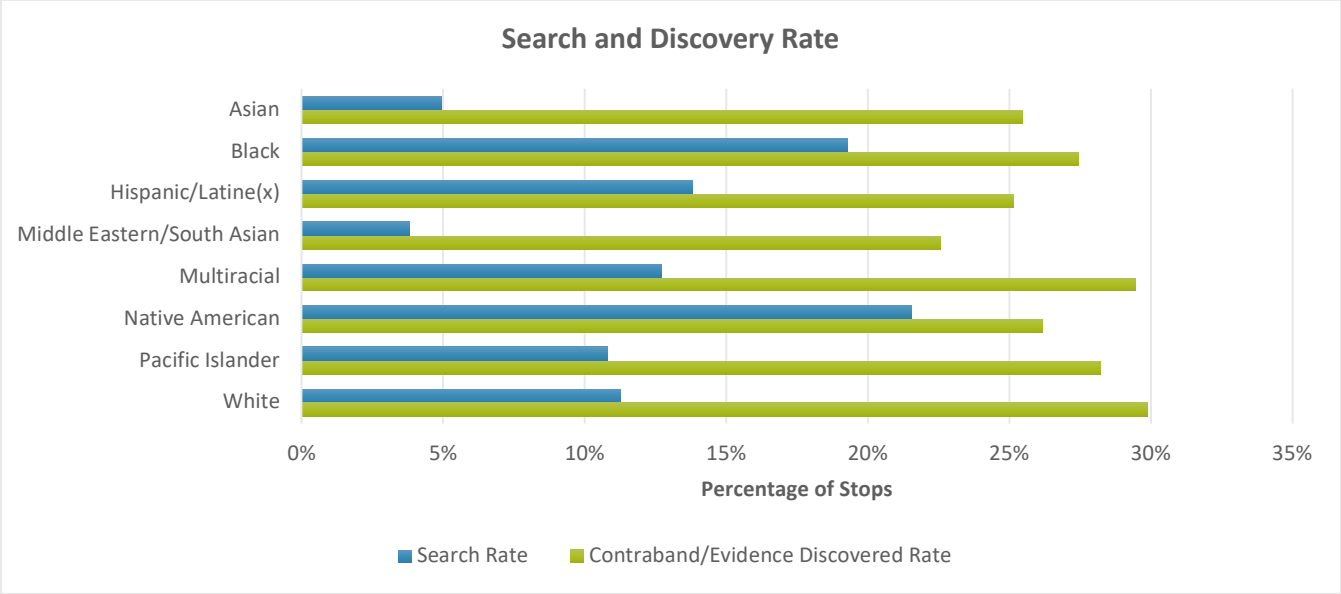
For the action taken during a stop data element, officers can select one or more of the 25 actions identified on the stop data form, including reporting that they took no action during the stop. In this

section, the analysis of the data regarding actions taken during a stop notes the prevalence of reports of no action taken, the frequency of the use of force, searches, handcuffing, detentions (curbside or in a patrol car), and ordered exits from a vehicle.

Overall, for stops in 2023, 12.63 percent (596,442) of people stopped were searched, 10.17 percent (480,363) were handcuffed, 13.04 percent (615,694) were detained curbside or in a patrol car, and 4.20 percent (198,085) were ordered to exit a vehicle. Officers reported searching and handcuffing Native American individuals at the highest rate. They reported detaining Black individuals curbside or in a patrol car or ordering them to exit a vehicle during stops at the highest rate compared to other racial/ethnic groups. Of all stops involving Native American individuals, 21.56 percent (2,858 stops) included a search, and 18.74 percent (2,485 stops) included handcuffing. Of stops involving Black individuals, 18.66 percent (107,000 stops) included detention curbside or in a patrol car, and 6.33 percent (36,306 stops) included an order to exit the vehicle. Conversely, officers reported the lowest rates of all actions in stops involving Middle Eastern/South Asian people (ranging from 1.54% to 4.62%).

The data also show that although individuals perceived as Native American (21.56%, 2,858 stops) and Black (19.28%, 110,530 stops) were searched at higher rates than individuals who are perceived to be White (11.25%, 169,763 stops), officers discovered contraband or evidence at a lower rate during searches of those individuals than they did during searches of individuals perceived as White (29.89%, 50,738 stops).

Figure 2. Search Discovery Rates by Race and Ethnicity

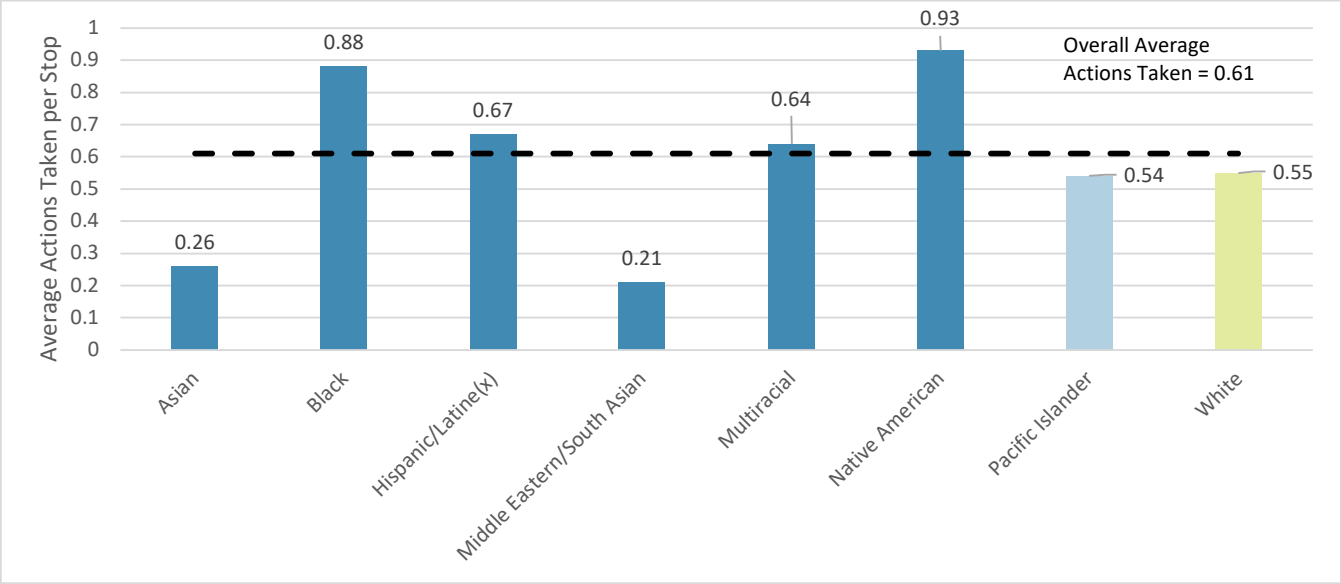


Average Number of Actions Taken During Stop

Taking all stops into account, officers reported an average of 0.61 actions per stop. This number varied significantly by demographic group, however. Officers reported higher than the average number of actions taken during stop for Black (0.88, SD = 1.60, range (actions taken) = 0 - 11), Hispanic/Latine(x) (0.67, SD = 1.45, range = 0 - 13), Multiracial (0.64, SD = 1.46, range = 0 - 12), and Native American (0.93, SD = 1.61, range = 0 - 11) individuals. On average, officers reported a lower number of actions taken during stops of Asian (0.26. SD = 0.94, range = 0 - 11), Middle Eastern/South Asian (0.21, SD = 0.83, range = 0 - 11), Pacific Islander (0.54, SD = 1.32, range = 0 – 11), and White individuals (0.55 actions, SD = 1.32, range = 0 – 13).[16]

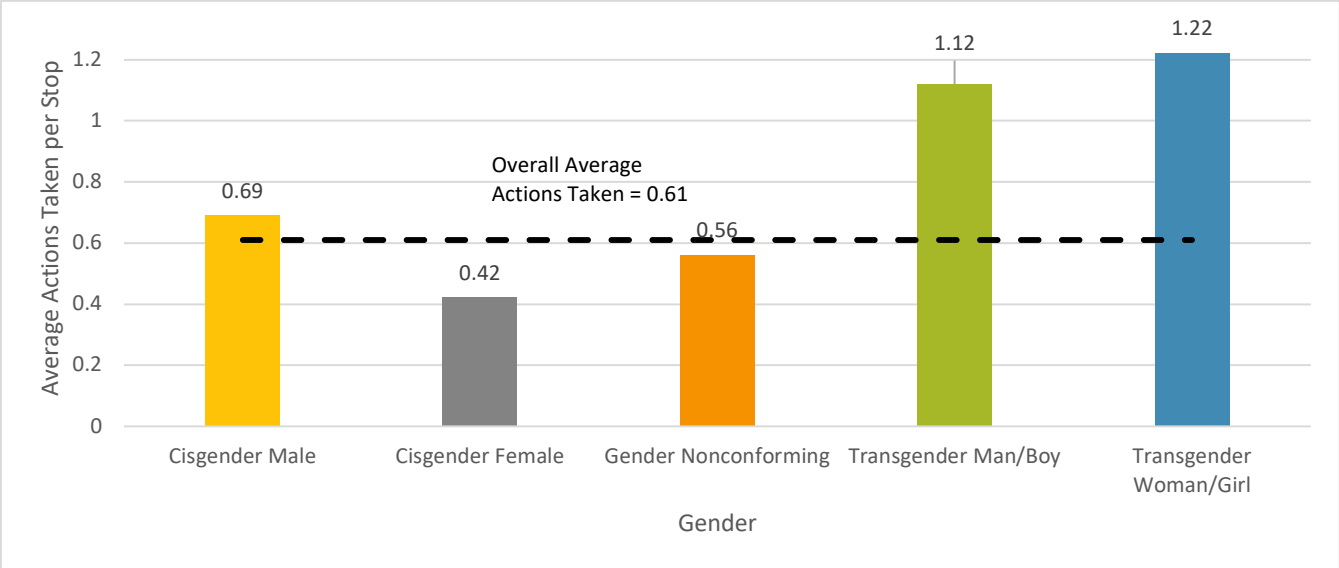
16 When reporting an average value of a set of data, we will additionally report the standard deviation (SD) and range of the underlying set. The standard deviation is a measure of how dispersed the data are in relation to the average. A larger standard deviation indicates the data points are more spread out, while a smaller standard deviation indicates

Figure 3. Average Number of Actions Taken by Race and Ethnicity



Examining the average number of actions taken during a stop for different perceived gender categories shows a higher rate of actions taken for individuals officers perceived as transgender. Only transgender man/boy (1.12, SD = 1.65, range (actions taken) = 0 - 10) and transgender woman/girl (1.22, SD = 1.70, range = 0 - 12) had actions occur at numbers higher than 1 per stop. Cisgender female (0.42, SD = 1.14, range = 0 - 13) had the lowest number of actions per stop among the different gender categories.

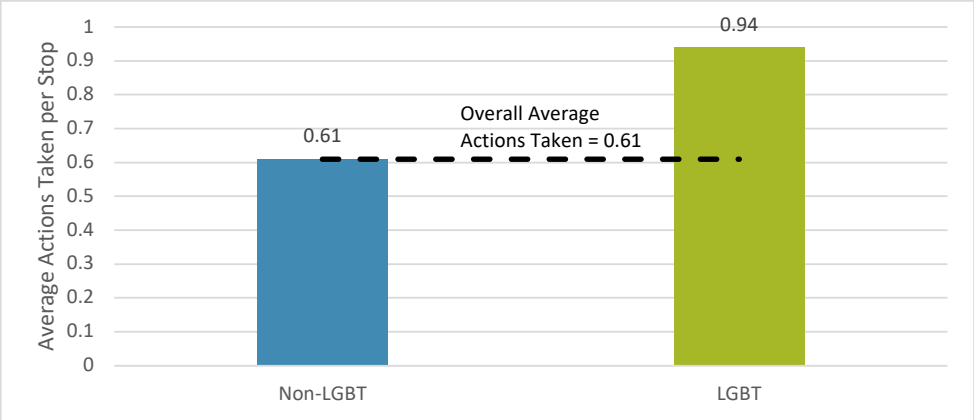
Figure 4. Average Number of Actions Taken by Gender



Officers reported an elevated number of actions in stops involving persons perceived as LGBT individuals (0.94, SD = 1.61, range (actions taken) = 0 - 12), compared to non-LGBT individuals (0.61, SD = 1.39, range = 0 - 13).

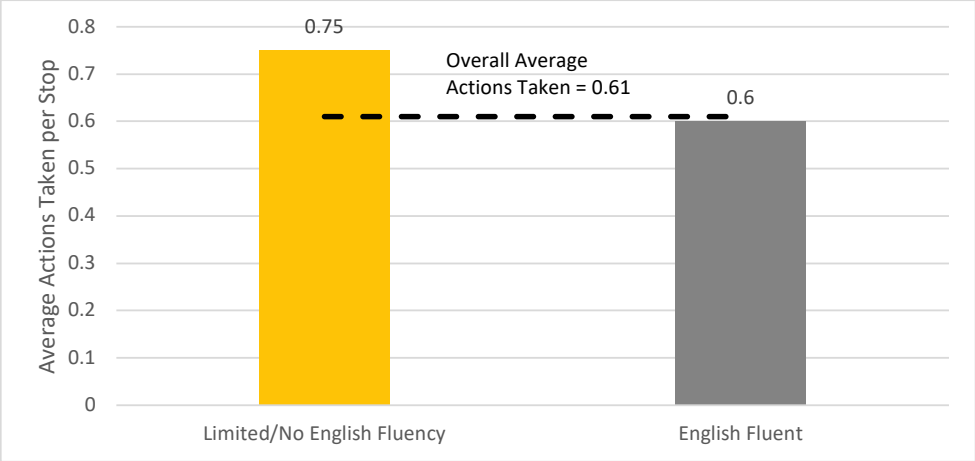
the data points are clustered more closely around the average. The range states the lowest and highest value in the set. It is found by calculating the square root of the squared difference from the average. For example, if there are five stops of length 2 minutes, 4 minutes, 7 minutes, 11 minutes and 16 minutes, the average stop length is 8 minutes. The difference from the average for each stop is -6, -4, -1, 3, and 8, and the square of those differences is 36, 16, 1, 9 and 64. The average of those five numbers is close to 25, which means that the standard deviation would be about 5. If the five stops were all the same length, the standard deviation would be zero.

Figure 5. Average Number of Actions Taken by Perceived LGBT Status



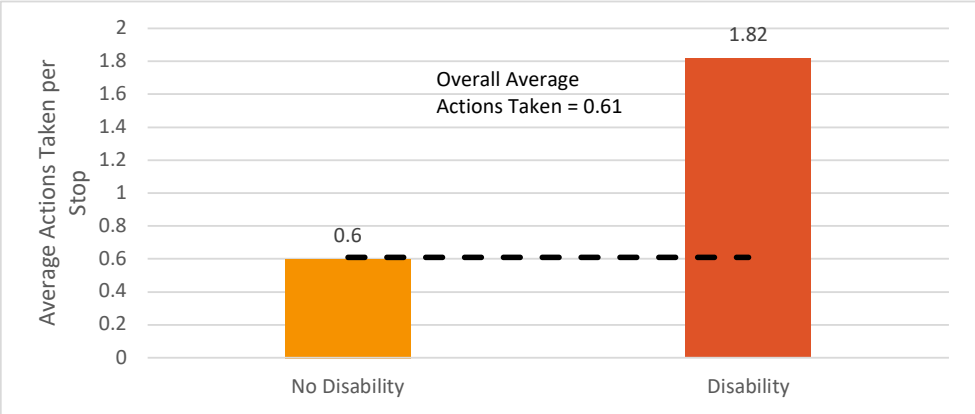
Officers reported more actions taken during a stop, on average, in stops involving people with limited/no English fluency (0.75, SD = 1.38, range (actions taken) = 0 - 12) compared to those who were fluent in English (0.60, SD = 1.51, range = 0 - 13).

Figure 6. Average Number of Actions Taken by English Fluency



Officers reported taking over three times more actions, on average, during a stop of someone with a perceived disability (1.82, SD = 1.72, range (actions taken) = 0 - 12), compared to someone without a perceived disability (0.60, SD = 1.38, range = 0 - 13).

Figure 7. Average Number of Actions Taken by Perceived Disability



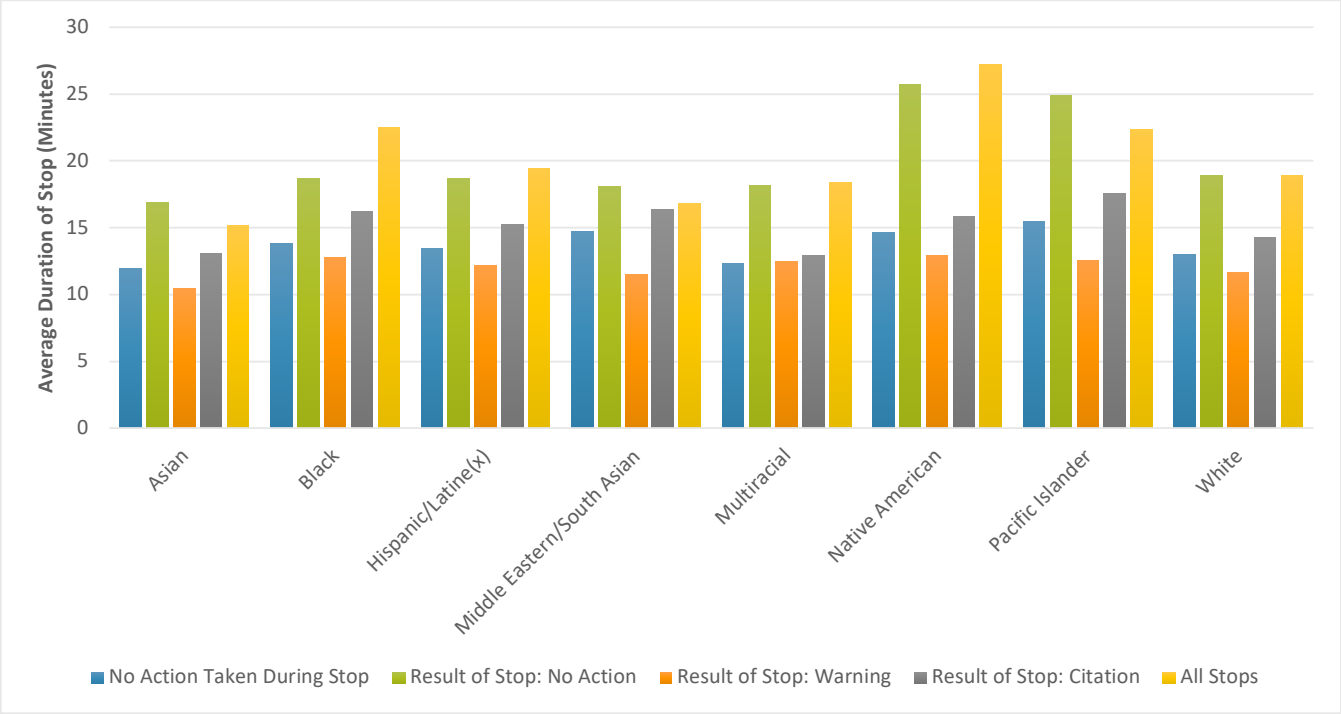
Duration of Stop by Actions Taken

The report examined the duration of stops across race/ethnicity identified for all stops, stops in which no actions occurred, and a subset of common results of a stop. On average, stops in which individuals were given a warning were the shortest across all race and ethnicity categories while stops that resulted in “no action” were the longest.

Native American, Pacific Islander, and Black individuals had the largest disparities in stop duration between stops for which officers reported no action taken and those that involved a citation or warning. Stops of Native American individuals in which they received a warning (4,715 stops, SD = 67, range (minutes) = 1 – 1,440) were 13 minutes on average and stops for which they received a citation (4,030 stops, SD = 44, range = 1 – 1,440) averaged 16 minutes. Those stops of Native American individuals for which officers reported no action taken (1,207 stops, SD = 92, range = 1 – 1,440) averaged about twice as long at 26 minutes, and all stops (13,259 stops, SD = 77, range = 1 – 1,440) averaged around 27 minutes. Stops for which Pacific Islander individuals received a warning (9,146 stops, SD = 66, range = 1 – 1,440) averaged 13 minutes, and stops for which they were cited (12,273 stops, SD = 78, range = 1 – 1,440) averaged 18 minutes. However, stops for which no action was selected as the result of stop (1,865 stops, SD = 103, range = 1 – 1,440) averaged 25 minutes and all stops of Pacific Islander individuals (27,100 stops, SD = 82, range = 1 – 1,440) averaged 22 minutes. Stops for which Black individuals received a warning (206,681 stops, SD = 58, range = 1 – 1,440) averaged 13 minutes, and stops for which they were cited (206,494 stops, SD = 56, range = 1 – 1,440) averaged 16 minutes. Stops of Black individuals for which officers reported no action taken as the result of stop (47,493 stops, SD = 51, range = 1 – 1,440) averaged 19 minutes, and all stops of Black individuals (573,293 stops, SD = 61, range = 1 – 1,440) averaged 23 minutes.

The duration of the stop or the number of minutes a stop with an individual took to complete could offer additional insight into whether bias may have affected policing, especially in cases where the stops result in no actions taken. Note that the duration of a stop could be impacted by several factors, such as the number of actions taken, the type of action(s) taken, the reason for a stop, etc.

Figure 8. Duration of Stop Comparison by Race and Ethnicity



E. Result of Stop

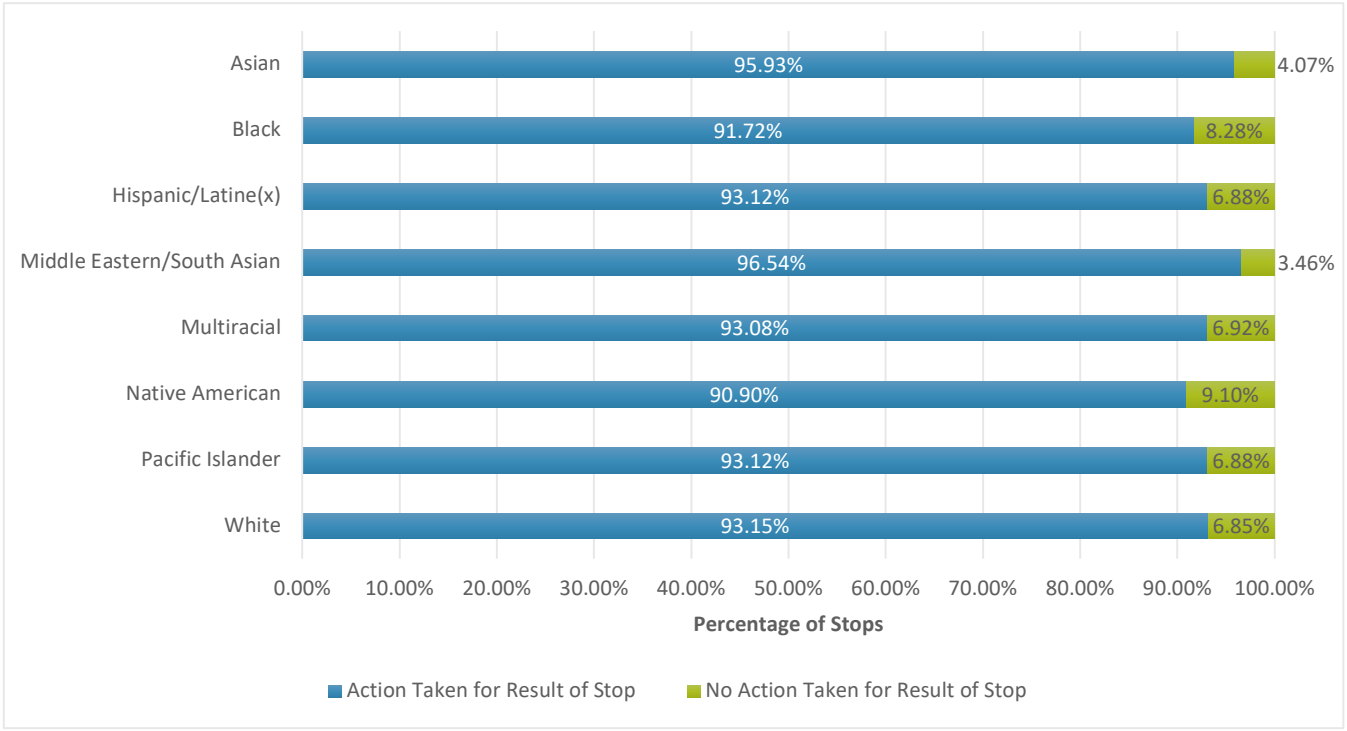
When entering stop data, officers can select up to 11 different options for the result of a stop.[17] Officers may also select multiple results of stop where necessary (e.g., an officer cited an individual for one offense and warned them about another). Stops were most often reported to result in individuals being issued a citation (44.93%, 2,121,406), followed by a warning (33.67%, 1,589,723), and then arrest (14.15%, 668,176). Officers reported no action taken as the result of stop in under 7 percent of stops (6.71%, 317,018). The selection of "no action taken" as the result of stop indicates that the person stopped was not engaged in criminal activity. Each of the remaining results of stops options represented less than 8 percent of the data.

Race or Ethnicity

Citations were the most reported action taken for result of a stop, followed by warnings and then arrest for all racial and ethnic groups except for stops of those perceived as Black and those perceived as Native Americans. For those two racial groups, warnings were an equal or more common result of a stop than citations.

Further, people perceived as Black or Native American were more likely to have no action taken reported as the result of stop. Stops resulting in no action taken account for 8.28 percent (47,493 stops) of stops involving Black individuals and 9.10 percent (1,207 stops) of stops involving Native American individuals, greater than the 6.71 percent (317,018 stops) overall average. Conversely, Asian and Middle Eastern/South Asian individuals were the least likely to have a stop result in no action taken. Stops resulting in no action taken account for 4.07 percent (10,998 stops) of stops involving Asian individuals and 3.46 percent (8,229 stops) of stops involving Middle Eastern/South Asian individuals, lower than the 6.71 percent (317,018 stops) overall average.

Figure 9. Result of Stop Resulting in No Action Compared to Any Action Taken Separated by Race/Ethnicity



17 The result of stop data element refers to the outcome of the stop; officers may select from the following options: no action, warning, citation for infraction, in-field cite and release, custodial arrest pursuant to outstanding warrant, custodial arrest without warrant, field interview card completed, noncriminal transport or caretaking transport, contacted parent/legal guardian or other person responsible for the minor, psychiatric hold, or contacted U.S. Department of Homeland Security. (Cal. Code Regs., tit. 11, § 999.226, subd. (a)(13); see also Cal. Code Regs., tit. 11, § 999.226, subd. (a)(18) (eff. Jan. 1, 2024) (adding an additional option for the result of a stop).)

The data for the other result of stop options also show disparities among racial and ethnic groups. Native American individuals were most likely to have stops resulting in an arrest (24.59%, 3,261 stops), followed by Black individuals (17.34%, 99,399 stops). Both groups were also least likely to have a stop result in a citation, with 30.39 percent of stops of Native American individuals (4,030 stops) and 36.02 percent of stops of Black individuals (206,494 stops) resulting in a citation. Stops of Asian individuals (8.86%, 23,934 stops) and Middle Eastern/South Asian individuals (5.86%, 13,911 stops) resulted in arrests at a rate lower than the overall average rate for arrests. Middle Eastern/South Asian individuals were most likely to have stops that resulted in a citation (60.26%, 143,118 stops), followed by Asian individuals (56.55%, 152,818 stops). The rates for stops that resulted in a warning were similar across all racial and ethnic groups, ranging between 30.71 to 35.65 percent.

Gender

Disaggregating results of stop by gender categories showed differences in stops involving gender nonconforming or transgender individuals compared to cisgender individuals. Officers reported no action as the result of stop for 6 to 7 percent of stops of cisgender individuals (6.08% cisgender female, 81,795 stops; 6.96% cisgender male, 233,453 stops). In comparison, officers reported no action as a result of stop for 9 to 11 percent of stops involving gender nonconforming or transgender individuals (9.15% gender nonconforming, 903 stops; 9.69% transgender man/boy, 549 stops; 10.43% transgender woman/girl, 318 stops).

For stops that resulted in an action being taken, warnings and citations were the most common result of stop option selected for all gender categories, with relative differences for cisgender and nonconforming individuals compared to transgender individuals. Officers reported that stops involving perceived transgender individuals resulted in citations at approximately half the rate as perceived cisgender or gender nonconforming individuals, 43.56 percent (1,462,973 stops for cisgender males) to 48.52 percent (652,289 stops for cisgender females) compared to 20.20 percent (616 stops for transgender women/girls) to 20.67 percent (1,171 stops for transgender men/boys). Officers arrested individuals perceived as transgender at approximately double the rate of those perceived as cisgender or gender nonconforming, 24.44 percent (1,384 for transgender men/boys) to 27.34 percent (834 for transgender women/girls) compared to 12.2 percent (163,412 stops for cisgender women) to 14.93 percent (501,286 stops for cisgender men).

Disability Status

The data show disparities in the result of stops for stops of individuals officers perceived to have a disability compared to individuals perceived to not have a disability. Officers reported arresting individuals with a perceived disability (28.20%, 14,109 stops) at higher rates compared to those without a perceived disability (14.0%, 654,067 stops). Officers reported no action taken as the result of a stop more often for individuals perceived to have a disability (10.67%, 5,338 stops) than for individuals perceived not to have a disability (6.67%, 311,680 stops).

Conversely, officers gave citations at lower rates to individuals with a perceived disability (7.49%, 3,750 stops) compared to individuals with no perceived disability (45.34%, 2,117,656 stops). Overall, individuals perceived to have a disability had higher rates of arrest than citations or warnings.

English Fluency

Officers reported similar rates of no action taken as the result of a stop for individuals perceived as fluent in English (6.76%) compared to individuals with a perceived limited or no English fluency (5.94%). English fluent and individuals perceived to have limited or no English fluency had similar rates of stops resulting in citations, warnings, and arrests.

LGBT Identity

The data show disparities in the result of stop data element for stops involving individuals perceived to be LGBT compared to individuals perceived as non-LGBT. Individuals perceived as LGBT (25.02%, 9,052 stops) were arrested at higher rates compared to those individuals officers did not perceive to be non-LGBT (14.07%, 659,124 stops). Conversely, officers issued citations to individuals perceived to be LGBT at lower rates (31.73%, 11,481 stops) than they issued citations to individuals perceived to be non-LGBT (45.04%, 2,109,925 stops). Officers reported no action taken more often for stops of individuals perceived to be LGBT (9.43%, 3,380 stops) than for stops of individuals officers perceived as non-LGBT (6.69%, 313,638 stops). As noted previously, stops where officers select no action taken as the result of stop indicates that the individuals stopped were not engaged in criminal activity.

Additional analysis is needed to fully examine these data trends and ascertain the extent to which LGBT bias may be impacting policing of individuals perceived to be LGBT in California.

III. Youth-Focused Data Analysis

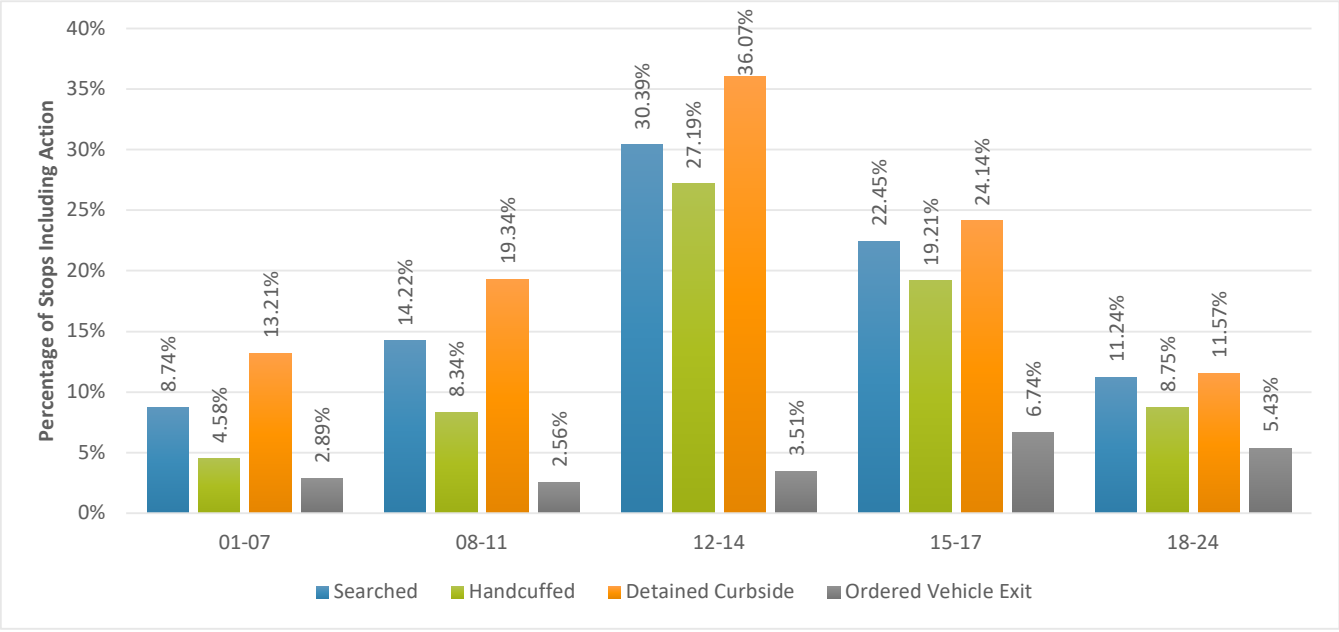
This section of the chapter focuses in greater depth on the RIPA stop data for youth, examining the extent to which the data indicate there are disparities for certain racial and identity groups. As noted previously, for this year's report, youth is defined as individuals under age 25. For some of the analysis presented in this section, the youth categories are further disaggregated into the following age categories: 1–7, 8–11, 12–14, 15–17, and 18–24.

Law enforcement agencies reported 823,773 stops (17.45% of total stops) of individuals perceived to be under 25 in 2023. Of those 823,773 stops, 17,415 involved youth 14 or younger (21.11% of youth stops), and 6,768 (0.82% of youth stops) involved individuals under 12.

A. Actions Taken During a Stop

Compared to the other youth age categories, officers reported the highest percentage of searches (30.39%, 3,236 stops), handcuffing (27.19%, 2,895 stops), and detainment curbside or in a patrol car (36.07%, 3,840 stops) during stops for youth 12–14. Officers reported the highest rate of ordered vehicle exit during stops for youth 15–17 (6.74%, 4,718 stops).

Figure 10. Percentage of Stops Including the Indicated Action Separated by Age



B. Types of Use of Force in Youth Stops[18]

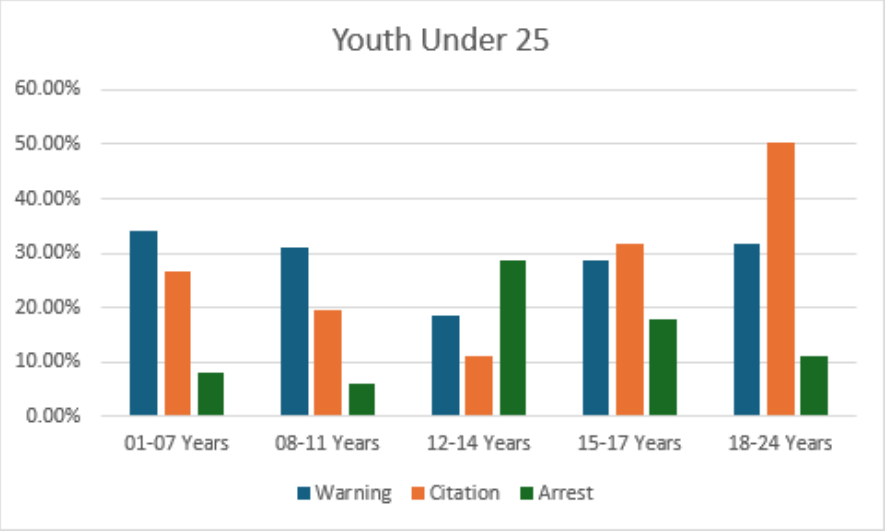
In 2023, officers reported using lethal and less lethal force in stops of youth under 25. Officers discharged their firearms in 49 stops of youth (37 stops for youth 18–24, 9 stops for youth 15–17, and 3 stops for youth 12–14). Officers also pointed their firearms at youth during 5,369 stops. Comparing across youth age groups, officers pointed their firearms most frequently at youth 18–24 (3,918 stops), followed by youth 15–17 (1,240 stops), then 12–14 (195 stops). Eight stops involved officers pointing firearms at youth 7 and younger, and another eight involved youth 8–11. Officers used their batons in 45 stops of youth under 25 (38 for youth 18–24). They reported using a chemical spray in 64 stops of youth, four of which involved youth 8–14. Officers also reported using an electronic control device in 149 stops of youth (2 for youth 12–14, 16 for youth 15–17, and 131 for youth 18–24).

C. Result of Stop

One of the options for a result of stop that researchers consider in assessing whether bias may be occurring is the no action taken result of stop option. The RIPA data show that, in general, as age increased, the likelihood that an officer would select no action as the result of stop decreased. For example, officers reported no action taken as the result of a stop at noticeably higher rates for youth perceived to be 11 and younger compared to other age groups. The rate of no action taken was highest for youth 1–7 at 27.73 percent (999 stops), followed by youth 8–11 at 21.80 percent (690 stops), youth 12–14 at 12.19 percent (1,298 stops), and youth 15–17 at 10.29 percent (7,198 stops). The rate of no action taken decreased to 6.72 percent (49,450 stops) for youth 18–24. Therefore, based on the RIPA data officers reported, as age increased, the likelihood that an officer reported a result of a stop that involved an action being taken also increased.

The RIPA data also show disparities in the selection of arrest, citation, or warning as the result of stop for youth 14 and younger compared to youth ages 15–17 and those 18–24. Officers reported arrest as the most common result of stop for youth 12–14 (28.63%, 3,048 stops), with youth 8–11 at the lowest rates (5.94%, 188 stops). For stops that resulted in a citation, officers cited youth 12–14 at the lowest rate (10.96%, 1,167 stops), while about half the stops for youth 18–24 resulted in a citation (50.40%, 371,138 stops). Officers also issued warnings to youth 12–14 at the lowest rate (18.42%, 1,961 stops).

Figure 11. Result of Stop for Youth Under 25



18 Actions defined as use of force include the use of a baton, canine bites, use of chemical sprays, use of electronic control device, discharging a firearm, pointing a firearm, handcuffing, impact discharge, removal from vehicle with physical contact, and other contact. (Cal. Code Regs. tit. 11, § 999.226, subd. (a)(17); see Pen. Code, § 16780, subd. (a).) Use of force actions are further categorized into lethal force, less lethal force, and limited force. Lethal force includes discharging a firearm. Less lethal force includes baton use, canine bites, use of a chemical spray, use of electronic control device, pointing a firearm, and impact discharge. Limited force includes handcuffing, other contact, and removal from a vehicle with physical contact.

IV. Analysis of the Intersection of Age and Other Identity Categories

RIPA regulations direct officers to make this estimation of age without directly asking a person their age and without the use of a person's identification.[19] Persons generally estimate age by observing a variety of characteristics such as a person's face, hair, voice, or clothing.[20] In estimating age, researchers have found several biases and varying levels of accuracy. For example, some researchers have found that there is an "own-age bias," where persons can estimate age with higher accuracy when estimating members of their own age groups.[21] Researchers have found that people can learn to estimate age more accurately, and liquor store clerks, who must estimate age as a job function, did so more accurately than the general public.[22]

Particularly relevant here, researchers have found that law enforcement officers consistently overestimate the age of Black youth relative to other youth.[23] This bias, discussed more fully in the Policy-Focused Data Analysis chapter, is referred to as adultification bias. If adultification bias is carried through to a stop, its presence could result in a greater likelihood of Black youth being incorrectly identified as older than youth from other racial groups in the RIPA data. Therefore, it may be possible that in the RIPA data, Black youth are systematically incorrectly identified as being older than youth from other racial or ethnic groups that are the same age and, if so, interacted with during a stop in a manner consistent with their age being perceived as older instead of in a manner consistent with their actual age.

The following sections examine the disparities revealed in the data using an intersectional analysis of age and other demographic categories, including race/ethnicity, gender, perceived LGBT status, disability, and English fluency. To highlight more readily the stops of youth and for ease of describing the analyses, going forward, age has been collapsed into three categories: 1–17, 18–24, and 25 and over.

A. Intersectional Analyses of Age and Race/Ethnicity

Across all age categories, Hispanic/Latine(x) individuals had the most stops, followed by individuals perceived to be White and individuals perceived to be Black. However, there are notable differences between the proportion of individuals stopped by their race/ethnicity and the proportion of that race/ethnicity in the California population. The largest disparities appear for Black youth 18–24, Black individuals 25 and over, and Hispanic/Latine(x) youth 18–24. For example, based on the population of the state, Black youth 18–24 were stopped 228.30 percent more often than expected, Black individuals 25 and over were stopped 170.03 percent more often than expected, and Hispanic/Latine(x) youth 18–24 were stopped 122.65 percent more often than expected. All racial/ethnic groups within the 1–17 age category are underrepresented in the RIPA data compared to California's residential population. Figures 12–15 show the relative proportion of stops for different racial groups in each age category.

19 See former Cal. Code Regs., tit. 11, § 999.226, subd. (a)(7), now Cal. Code Regs., tit. 11, § 999.226, subd. (a)(8) (eff. Jan. 1, 2024).

20 See, e.g., Rhodes, *Age Estimation of Faces: A Review* (2009) 23 Appl. Cognit. Psychol. 1, 3-4; Vestlund et al., *Experts on Age Estimation* (2009) 50 Scandinavian J. Psychol. 301, 306.

21 See, e.g., George and Hole, *Factors Influencing the Accuracy of Age Estimates of Unfamiliar Faces* (1995) 24 Perception 1059 (finding that persons were more able to accurately estimate ages based on faces of persons closer to their own age).

22 Vestlund et al., *supra* note 20, at pp. 305-306.

23 Goff et al., *The Essence of Innocence: Consequences of Dehumanizing Black Children* (2014) 106 J. of Personality and Soc. Psychol. 526, 533 <https://www.apa.org/pubs/journals/releases/psp-a0035663.pdf> [as of Nov. 18, 2024].

Figure 12. Percentage of Stops by Age and Race/Ethnicity

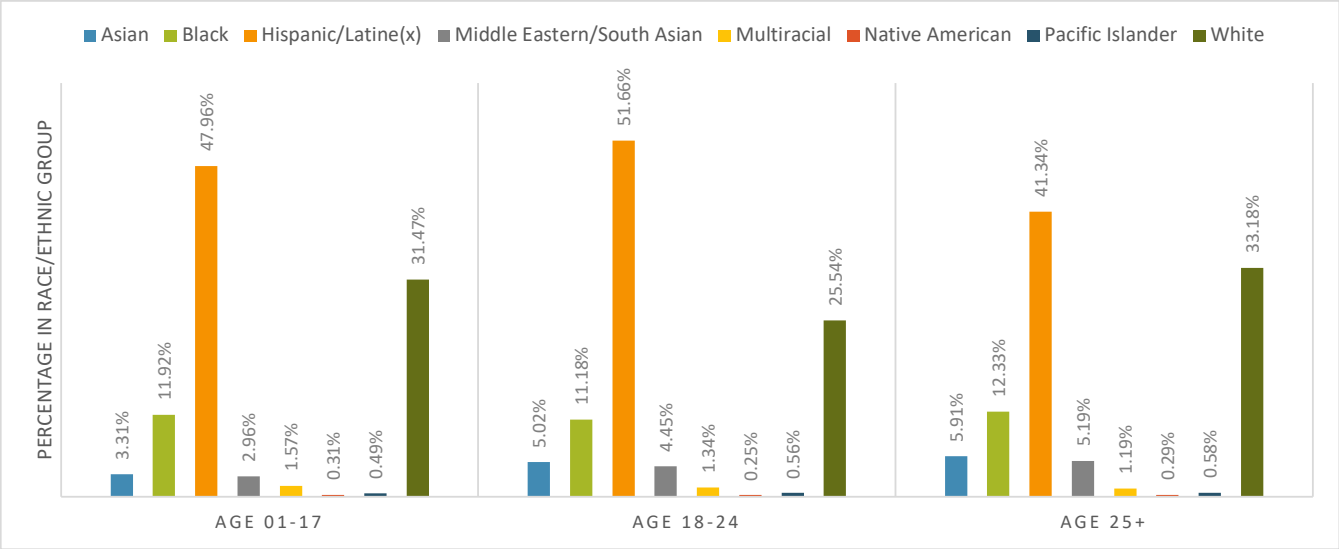


Figure 13. 1-17 Residential Population Comparison to Stop Data

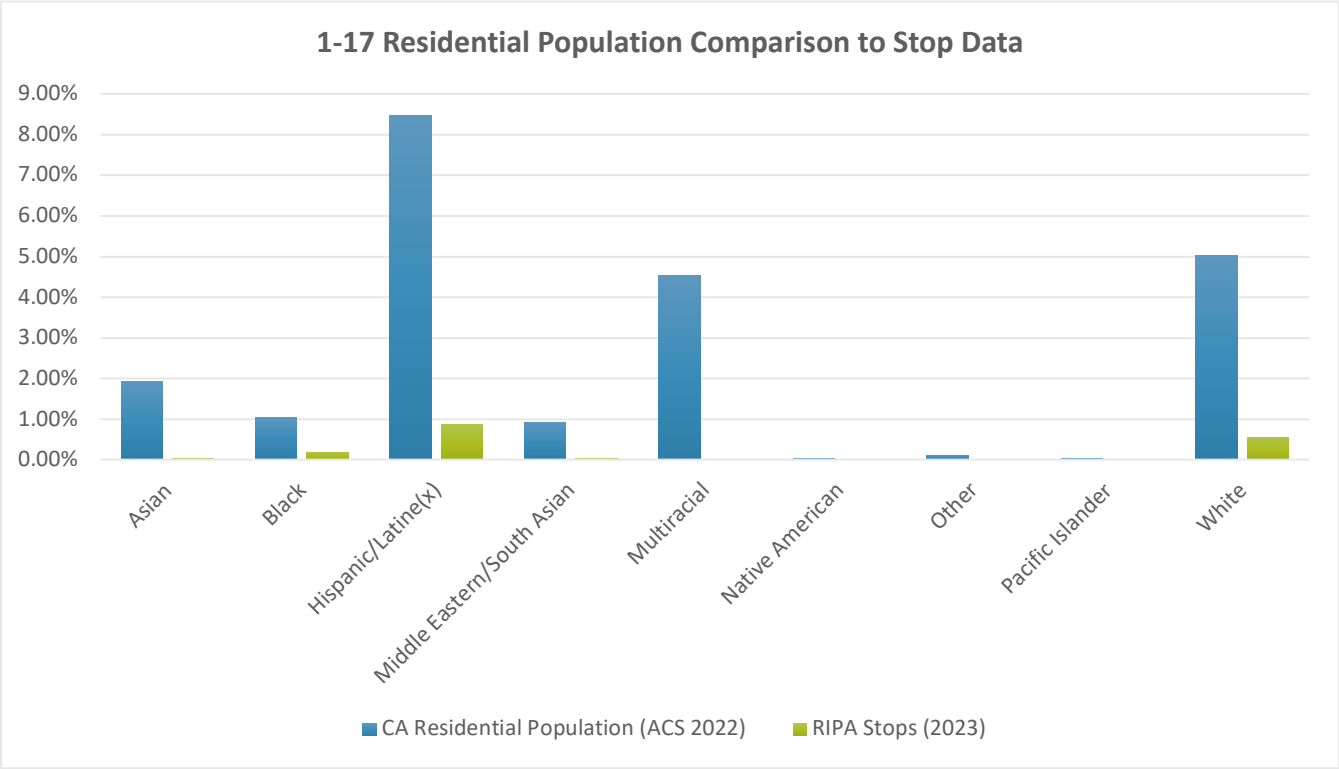


Figure 14. 18-24 Residential Population Comparison to Stop Data

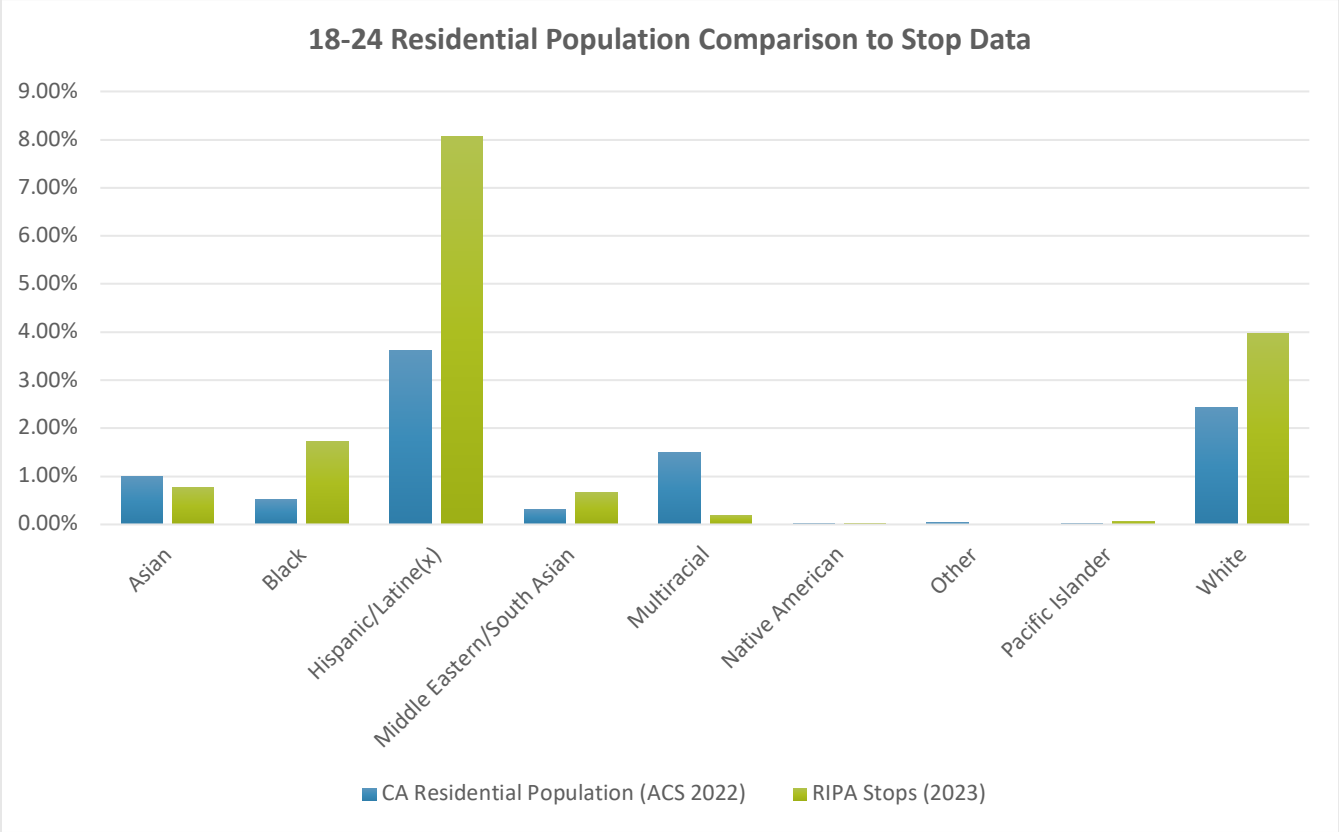
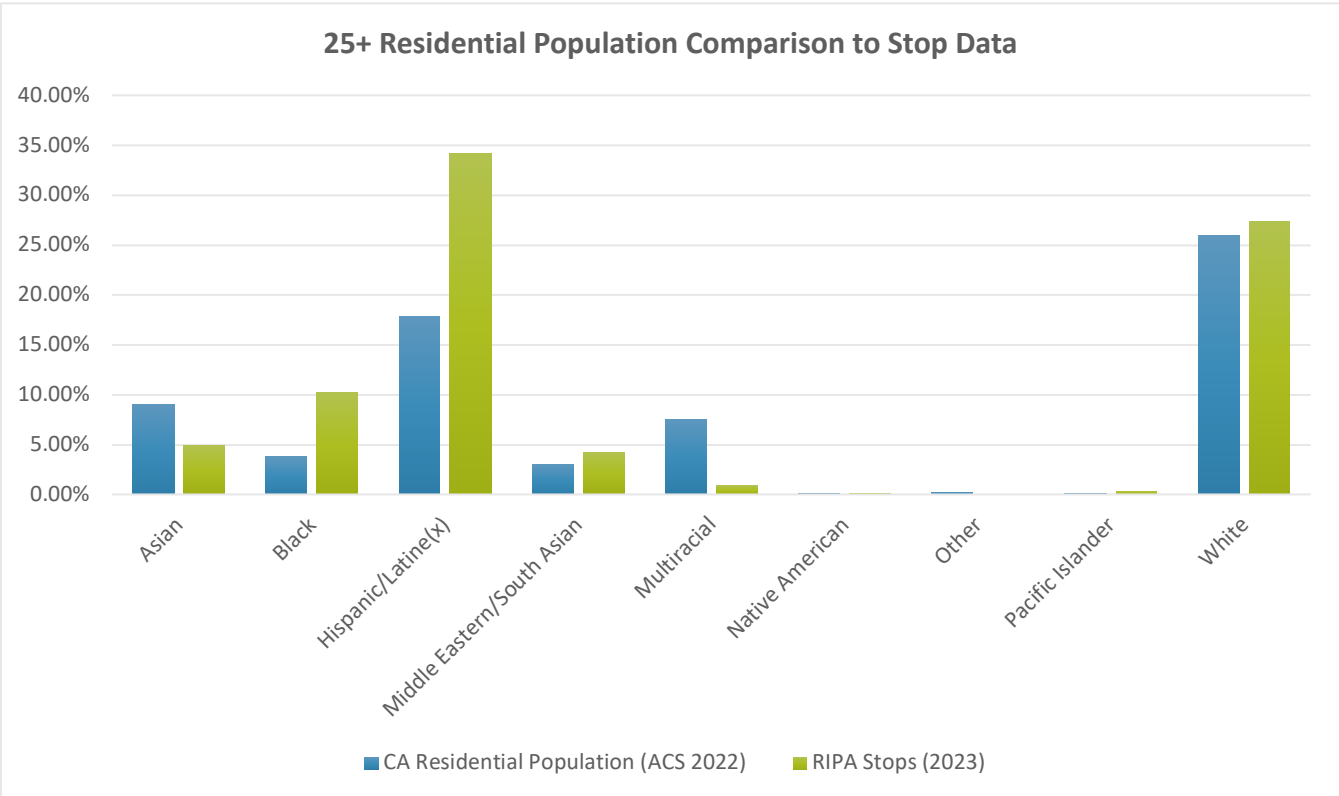


Figure 15. 25+ Residential Population Comparison to Stop Data

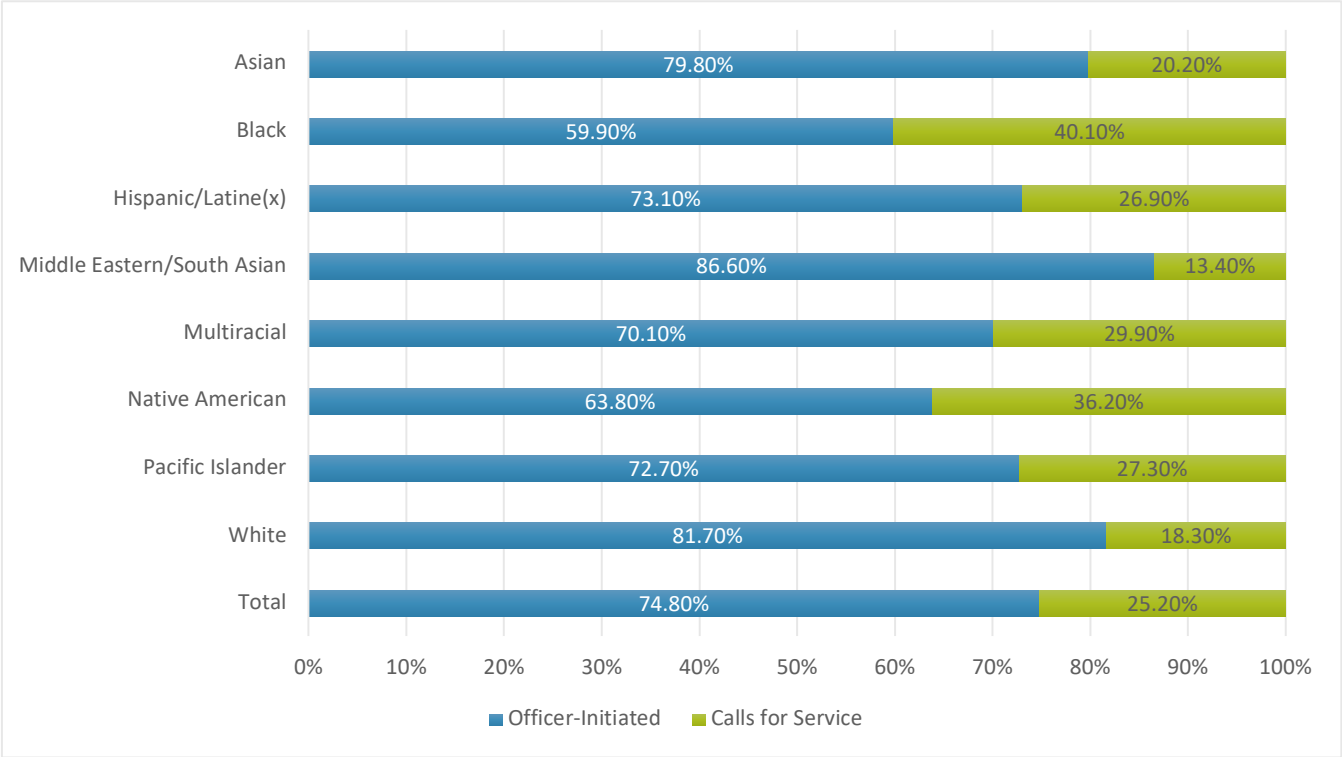


For all racial and ethnic groups, those over age 25 comprised the largest group of people stopped. Stops of persons perceived as Hispanic/Latine(x) skewed younger than other groups, with 18.71 percent (380,426 stops) of that demographic group perceived to be between 18 and 24 and 2.06 percent (41,906 stops) perceived to be 17 and younger. Stops of individuals perceived as White had an older composition, with 85.71 percent (1,923,234) of those stops being stops of individuals perceived as 25 or older.

Call for Service

For youth 1–17, there were differences in the rates of encounters that were officer-initiated compared to calls for service for certain racial groups. Across all stops of persons perceived as 17 and younger, 25.2 percent (22,033) of stops were due to calls for service, and the remaining 74.8 percent (65,351) of encounters were officer-initiated. Of all racial groups, Black youth (40.1%, 4,175 stops) and Native American youth (36.2%, 98 stops) were most likely to be stopped in response to a call for service. Middle Eastern youth (13.4%, 347 stops) and White youth (18.3%, 5,027 stops) were least likely to have stops in response to a call for service.

Figure 16. Proportion of Stops Officer-Initiated and Call for Service of Individuals 17 and Under by Race/ Ethnicity



Reason for Stop

For Black youth 17 and under, the most common reason for an officer to initiate a stop was reasonable suspicion (55.4%, 5,775 stops).[24] In contrast, officers stopped Middle Eastern/South Asian individuals 17 and under for reasonable suspicion at the lowest rate (15%, 387 stops). Officers stopped Black youth for traffic violations at the lowest rate (33.5%, 3,493 stops). The highest rate of traffic violations was reported for Middle Eastern or South Asian youth (82%, 2,120 stops), followed by White youth (71.8%, 19,754 stops).

24 See *supra* note 14, for list of reasons for initiating a stop.

Actions Taken During Stop

RIPA data also show racial and ethnic disparities with respect to actions taken during stops of youth 1–17.[25] Within that age group, officers reported the greatest number of actions taken during stops with Black youth (1.71 actions, 10,418 stops, SD = 1.78, range (actions taken) = 0 - 11), followed by Native American youth (1.46 actions, 271 stops, SD = 1.76, range = 0 - 9), Hispanic/Latine(x) youth (1.29 actions, 41,906 stops, SD = 1.67, range = 0 - 11), Multiracial youth (1.18 actions, 1,376 stops, SD = 1.70, range = 0 - 9), and Pacific Islander youth (0.81 actions, 432 stops, SD = 1.47, range = 0 - 8). Officers reported taking fewer actions in stops involving Asian youth (0.56 actions, 2,895 stops, SD = 1.22, range = 0 - 8), White youth (0.53 actions, 27,500 stops, range = 0 - 10), and Middle Eastern/South Asian youth (0.42 actions, 2,586 stops, SD = 1.07, range = 0 - 10) compared to the overall average number of actions taken for youth 17 and under (1.05 actions, 87,384 stops, SD = 1.57, range = 0 - 11). Compared to the other age categories, across all racial and ethnic groups, officers reported the highest average number of actions taken for Black (0.97 actions) and Hispanic/Latine(x) (0.66) youth 18–24.

Types of Actions Taken

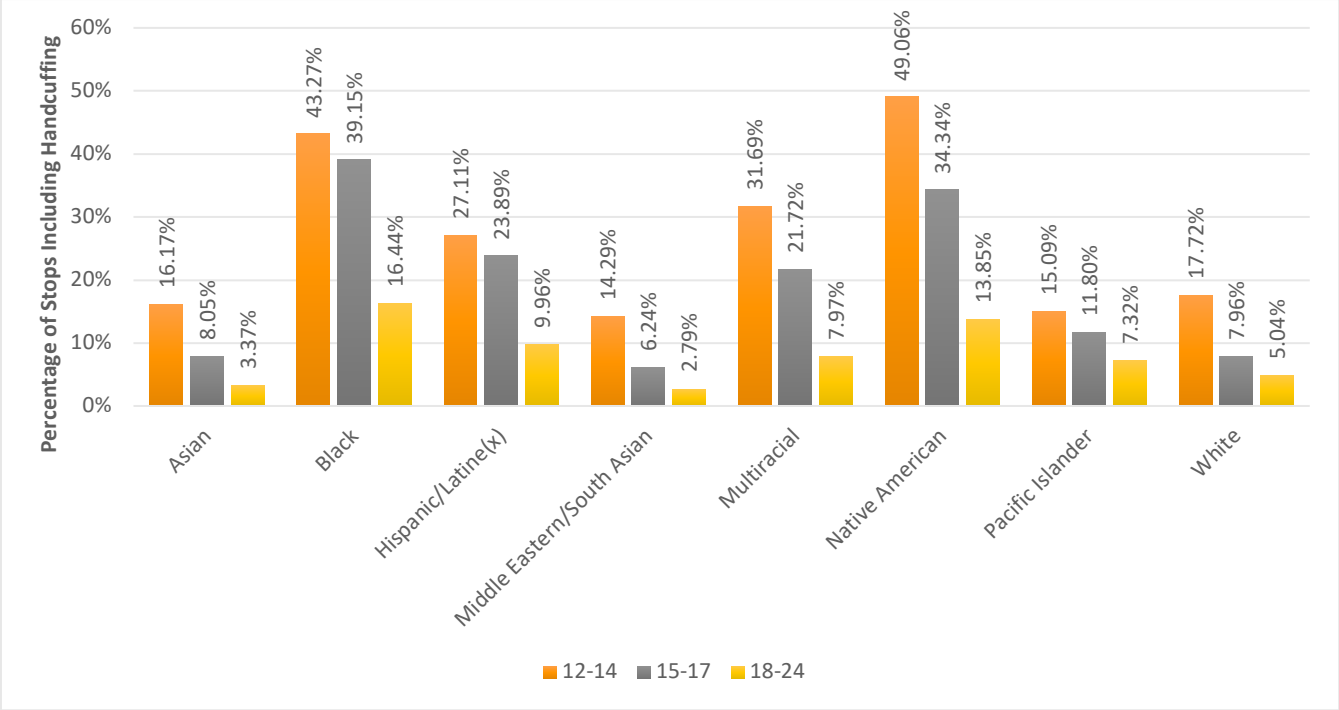
The following sections examine specific types of actions that can occur during a stop for youth and investigate the disparities across racial and ethnic categories.

Handcuffing

Figure 17 shows the percentage of stops that included handcuffing of youth, separated by age category and race/ethnicity. Officers handcuffed Native American youth 12–14 at the highest rate (49.06%, 26 stops), followed closely by Black youth 12–14 (43.27%, 765 stops), Black youth 15–17 (39.15%, 3,041 stops), and Native American youth 15–17 (34.34%, 68 stops). For stops involving youth 18–24, Black youth were handcuffed most often (16.44%, 13,533 stops), followed by Native American youth (13.85%, 259 stops). Officers reported the smallest percentage of stops including handcuffing in each age category for Middle Eastern/South Asian individuals. Within each racial and ethnic group, the pattern is consistent: individuals in the youngest age categories were handcuffed more often during a stop, with decreasing occurrence as the individual's perceived age increases.

25 Actions taken during a stop include: Admission/Written Statement Obtained from Student, Asked for Consent to Search Person, Asked for Consent to Search Property, Baton, Canine Bite, Canine Search, Chemical Spray, Curbside Detention, Electronic Control Device, Field Sobriety Test, Firearm Discharge, Firearm Point, Handcuffed, Impact Projectile Discharge, No Action Taken, Other Physical or Vehicle Contact, Patrol Car Detention, Person Photographed, Property Seized, Removed from Vehicle by Order, Removed from Vehicle by Physical Contact, Search Person Consent Given, Search Property Consent Given, Searched Person, Searched Property, and Vehicle Impounded.

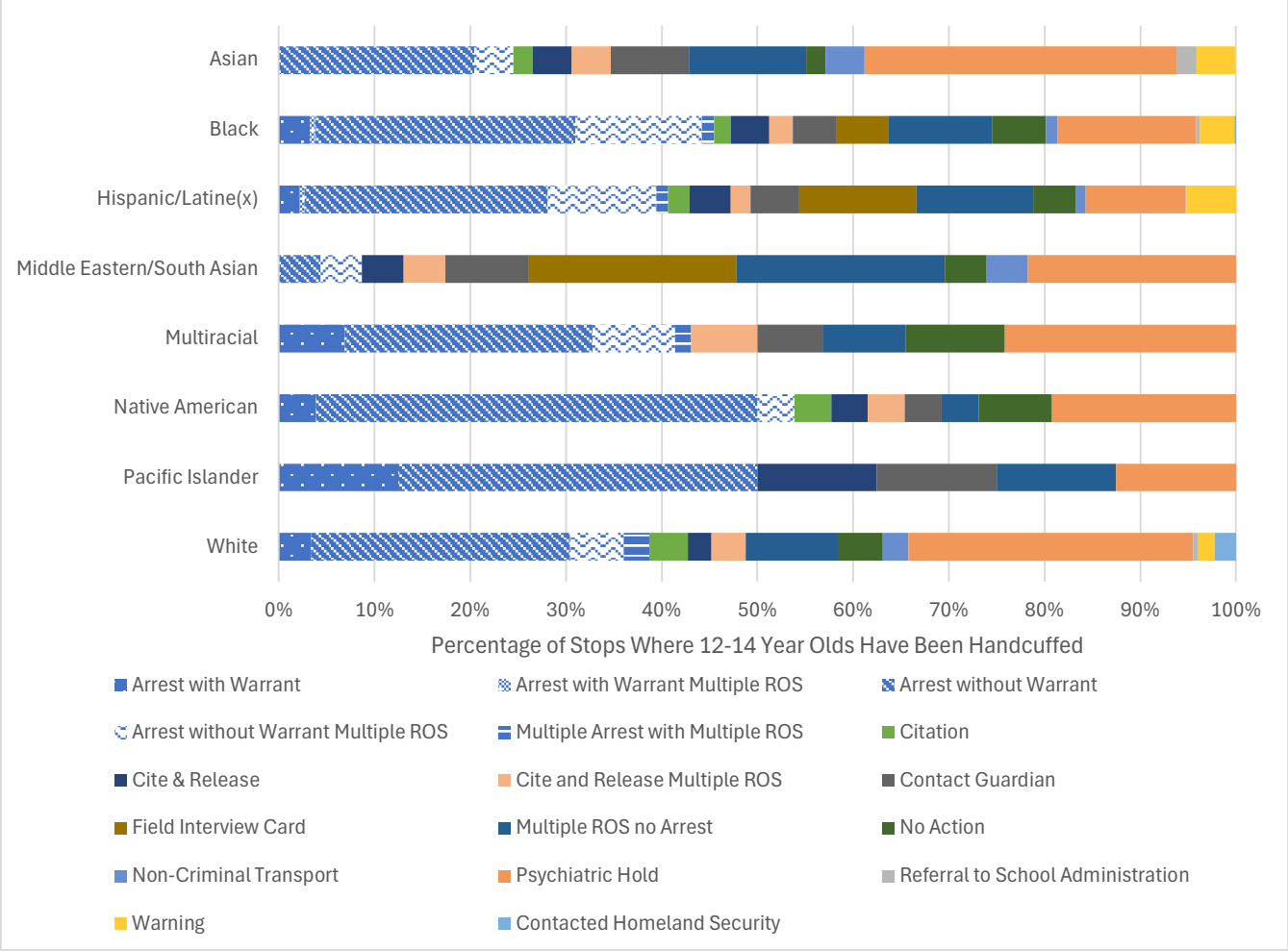
Figure 17. Percentage of Stops Including Youth Handcuffing by Race and Ethnicity



Handcuffing by Result of Stop and Race/Ethnicity

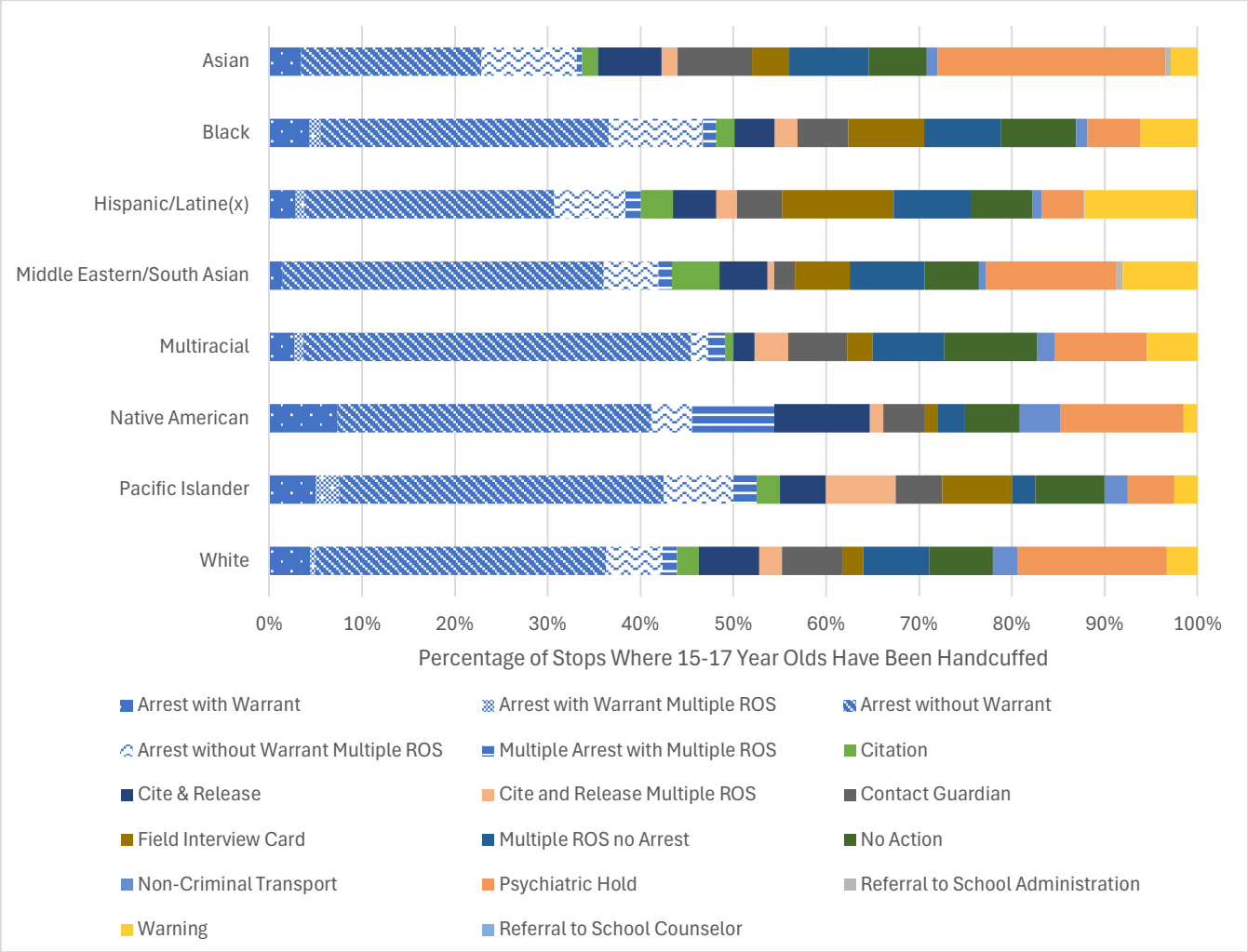
It is important to note that officers may handcuff an individual for a variety of reasons, not just to make an arrest. Analyzing the result of stop data for those who have been handcuffed can provide important context on the nature of the stop. Figures 18–20 in this section present the results of stop for youth ages 12–24 who have been handcuffed, separated by race and ethnicity. Each of the blue bar segments with a pattern (all on the left side of the figure) represent a result of stop that involves an arrest of some kind. The rest of the bar segments represent other result of stop options, including citation, warning, no action, field interview card, contact guardian or school administration, and others.

Figure 18. Result of Stop for Youth 12-14 Who Have Been Handcuffed, by Race and Ethnicity



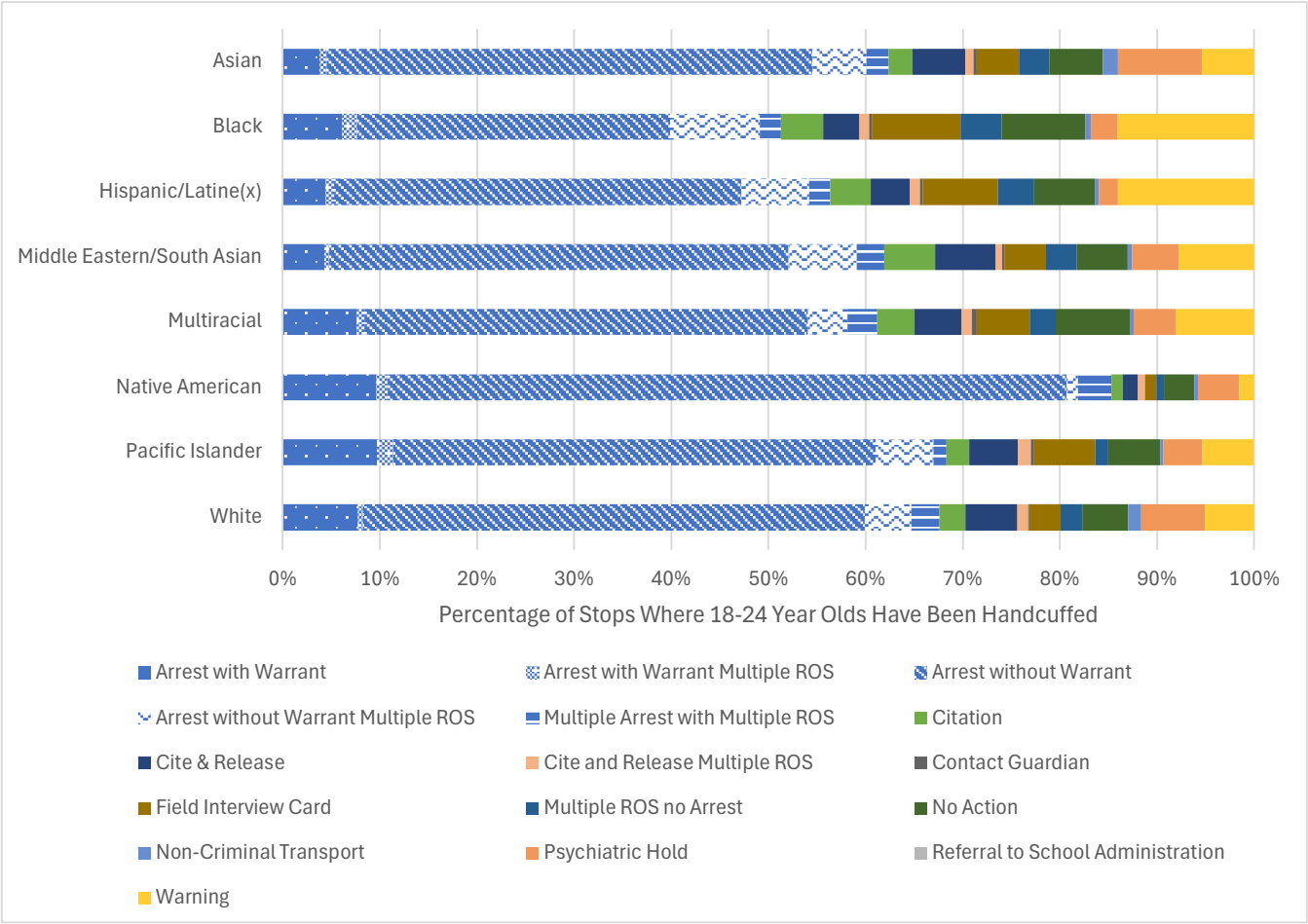
For youth 12–14 who were handcuffed, the most common result of stop for Black (27.19%, 208 stops), Hispanic/Latine(x) (25.41%, 386 stops), Multiracial (25.86%, 15 stops), Native American (46.15%, 12 stops), and Pacific Islander (47.50%, 3 stops) youth was arrest without a warrant. For many of these groups, except for Hispanic/Latine(x) and Pacific Islander, the second most common result of stop was psychiatric hold. For Hispanic/Latine(x) youth, the second most common result of stop was field interview card (12.24%, 186 stops), and for Pacific Islander youth, arrest with a warrant, contact of guardian, multiple results of stop without arrest, and psychiatric hold are all tied at 12.50 percent of stops (1 stop in each category). For Middle Eastern/South Asian youth, the most common result of stop was psychiatric hold (21.74%, 5 stops), multiple results of stop without arrest (21.74%, 5 stops), and completion of a field interview card (21.74%, 5 stops). For White (29.75%, 133 stops) and Asian (32.65%, 16 stops) youth, the most common result of stop was psychiatric hold.

Figure 19. Result of Stop for Youth 15-17 Who Have Been Handcuffed, by Race and Ethnicity



Arrest rates for youth 15–17 who were handcuffed increased when compared to youth 12–14. Notably, the percentage of youth handcuffed where the result of a stop was a psychiatric hold decreased. Officers reported that for every racial/ethnic group except for Asian, the most common result of stop for youth 15–17 who were handcuffed was arrest without a warrant. The most common result of stop for Asian youth 15–17 who were handcuffed was psychiatric hold (24.57%, 43 stops), followed by arrest without a warrant (19.43%, 34 stops). Psychiatric hold was the second most common result of stop for all other racial and ethnic groups except for Hispanic/Latine(x) and Black youth. Officers reported arrest without a warrant, with other results of stop as the second most common result of stop for Black youth (10.10%, 307 stops) and field interview cards for Hispanic/Latine(x) youth (12.03%, 952 stops).

Figure 20. Result of Stop for Youth 18-24 Who Have Been Handcuffed, by Race and Ethnicity

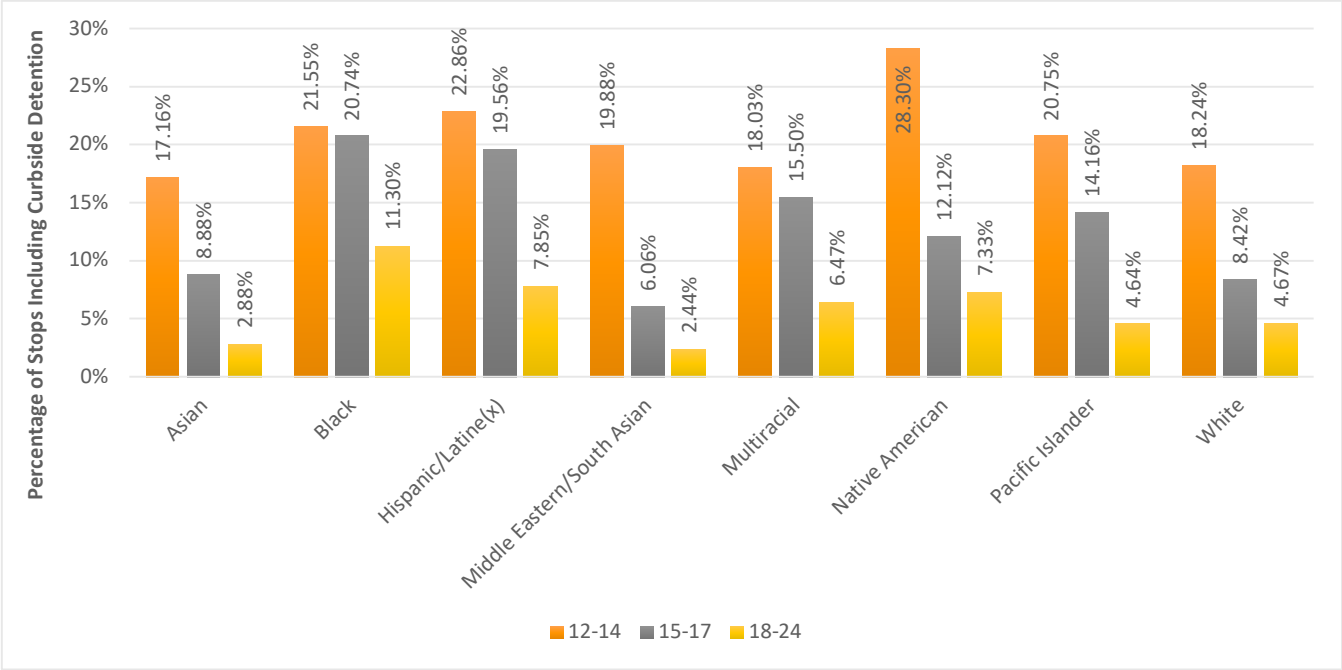


Arrest rates for youth 18–24 who were handcuffed during a stop were higher relative to the younger age categories. Across all racial and ethnic categories for youth handcuffed during a stop, arrest without a warrant was by far the most reported result of a stop, with the arrest without a warrant rate for Native Americans being the highest across all racial and ethnic groups (69.88%, 181 stops). The second most common result of stop for Black (14.08%, 1,906 stops), Hispanic/Latine(x) (14.04%, 5,319 stops), Middle Eastern/South Asian (7.77%, 71 stops), and Multiracial individuals (8.04%, 63 stops) handcuffed during a stop was a warning. For Asian youth 18–24, the second most common result of a stop was a psychiatric hold (8.66%, 108 stops). For Native American (9.65%, 25 stops), Pacific Islander (9.67%, 29 stops), and White (7.74%, 734 stops) youth, the second most common result of stop was arrest with a warrant.

Curbside Detention, Patrol Car, Removed from Vehicle

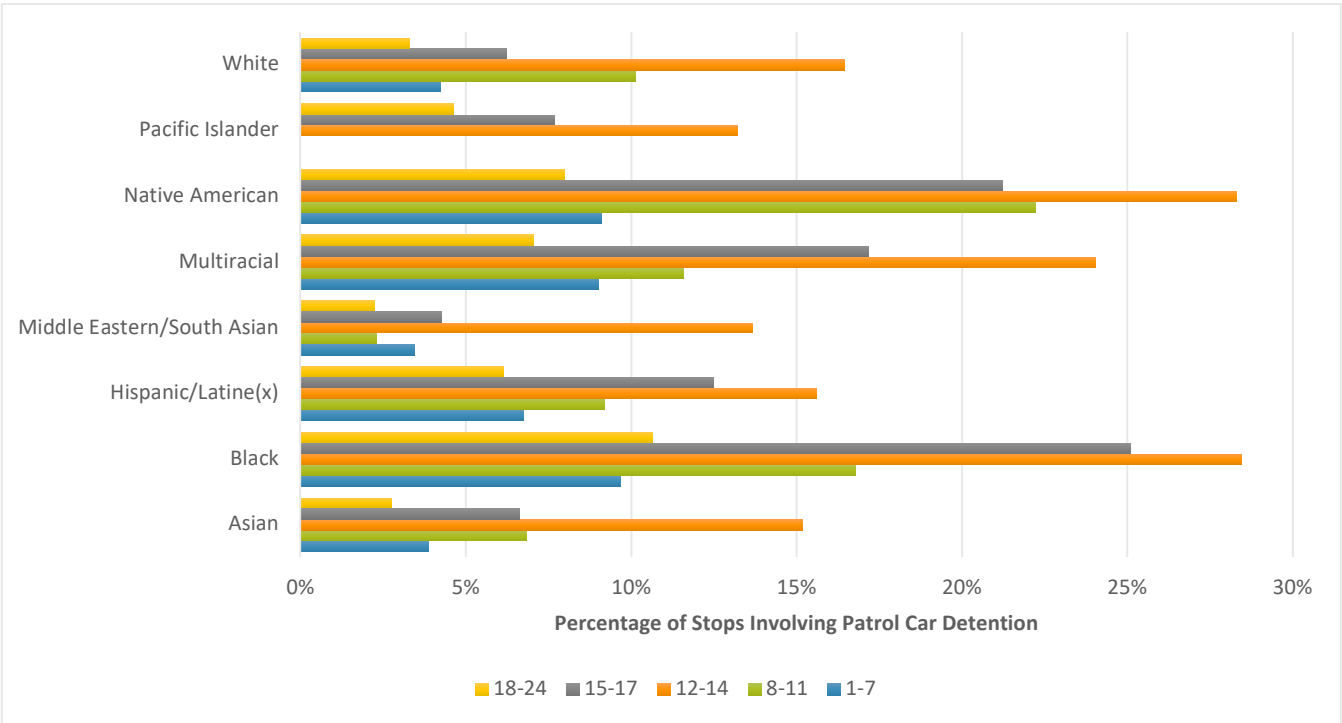
Across all race and ethnicity categories, the curbside detention patterns by age category were consistent: officers reported the highest detention rates of individuals perceived to be younger, specifically the 12–14 age category. These rates decreased as the perceived age of the individual increased. The largest within-race difference was for Native American individuals, with a more than 20-point difference in detention rates between youth 12–14 (15 stops) and those 18–24 (137 stops). Out of all groups, officers detained Native American youth 12–14 the most often (28.30%, 15 stops), followed by Hispanic/Latine(x) youth 12–14 (22.86%, 1,281 stops), and Black youth 12–14 (21.55%, 381 stops). Officers detained Middle Eastern/South Asian youth 18–24 at the lowest rate (2.44%, 801 stops), followed by Asian youth 18–24 (2.88%, 1,064 stops), and Pacific Islander youth 18–24 (4.64%, 190 stops).

Figure 21. Youth Curbside Detention by Race and Ethnicity



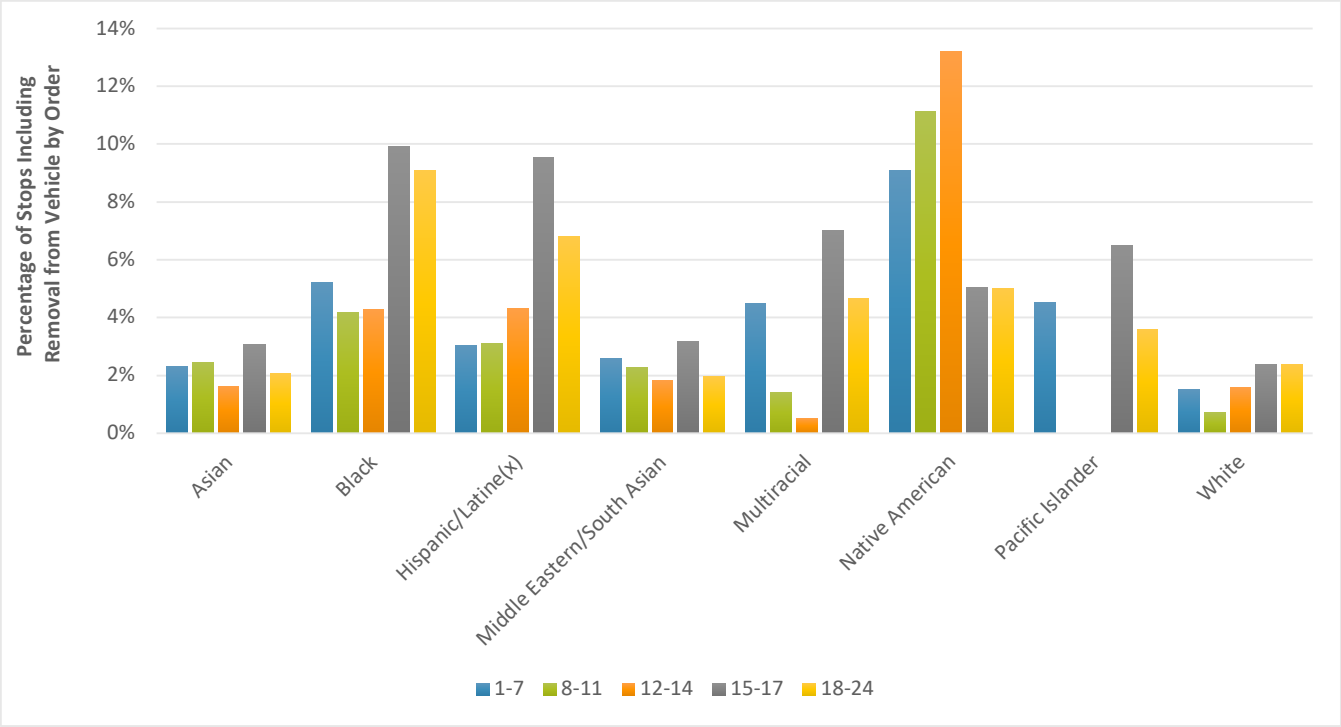
Across all the race and ethnicity categories, officers utilized patrol car detention the most often in stops involving individuals they perceived to be youth aged 12–14. Officers reported the highest rate of patrol car detention for stops involving Black youth 12–14 (28.45%, 503 stops), followed closely by Native American youth 12–14 (28.45%, 15 stops), and Multiracial youth 12–14 (24.04%, 44 stops). Except for stops involving Black or Pacific Islander individuals, officers reported the lowest rates of patrol car detention for stops involving youth 18–24. Officers reported patrol car detention in 2.25 percent (739) of stops involving Middle Eastern/South Asian youth 18–24. They reported no patrol car detention in stops involving Pacific Islander youth 1–7 and 8–11.

Figure 22. Youth Patrol Car Detention by Race and Ethnicity



Removal from a vehicle by order was most common in stops involving Native American youth 12–14 (13.21%, 7 stops), followed by Native American youth 8–11 (11.11%, 1 stop), and Black youth 15–17 (9.91%, 770 stops). These are closely followed by stops for Hispanic/Latine(x) youth 15–17 (9.53%, 3,156 stops) and Native American youth 1–7 (9.09%, 1 stop). Officers reported no stops that included removal from a vehicle by order for Pacific Islander youth 8–11 and 12–14.

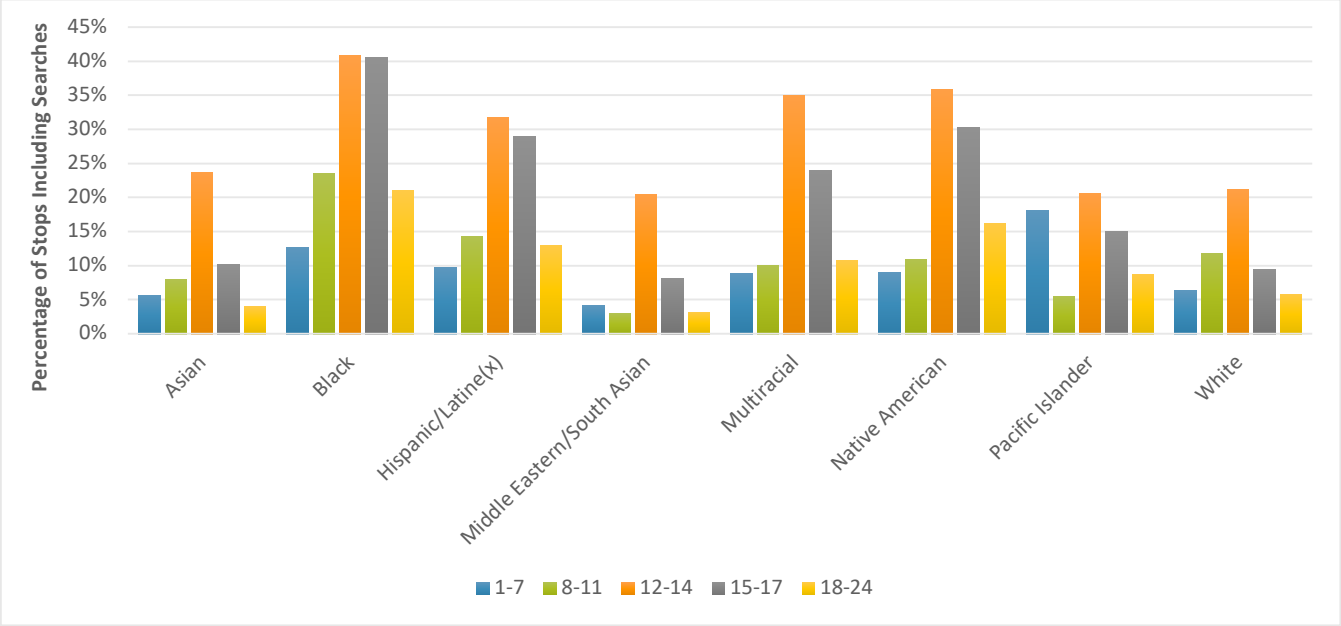
Figure 23. Removal from Vehicle by Order by Race and Ethnicity



Searches

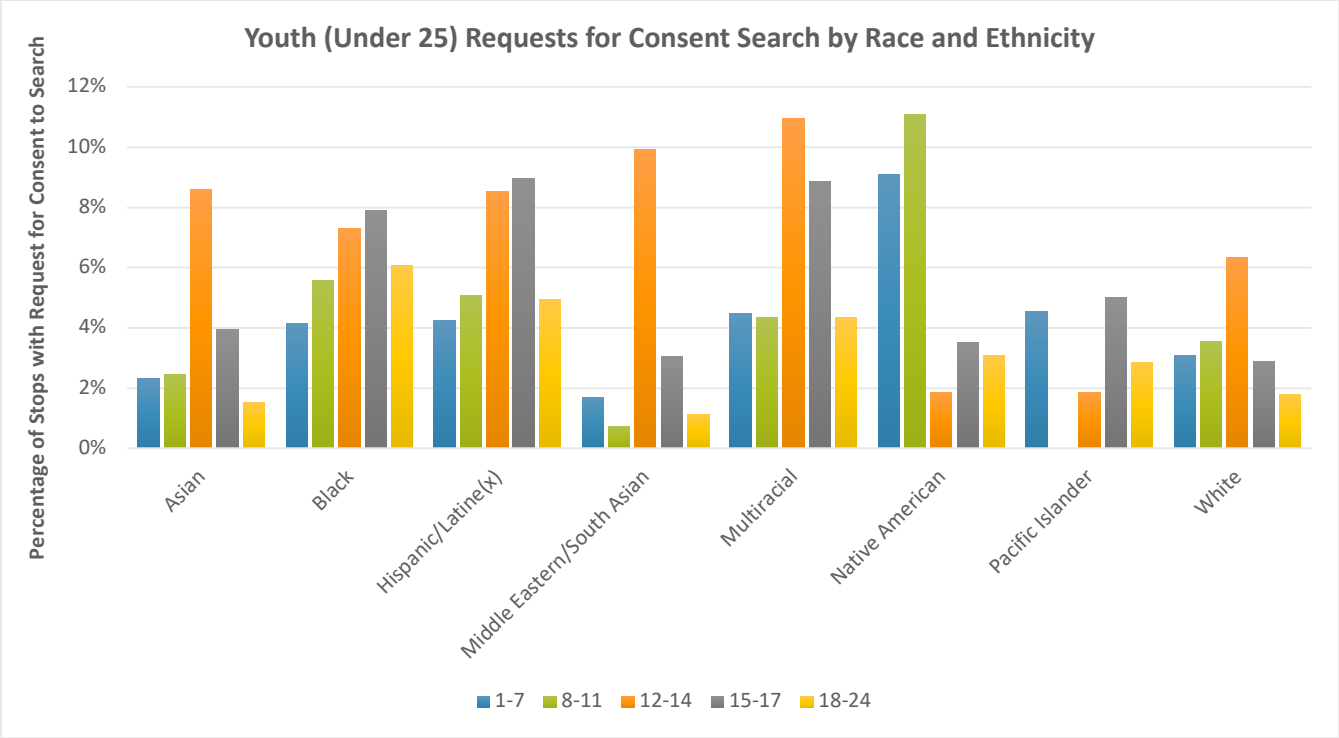
Officers reported the highest rates of search for stops involving Black youth 12–14 (40.78%, 118 stops) and Black youth 15–17 (40.48%, 721 stops), followed by Native American youth 12–14 (35.85%, 19 stops). Across all racial and ethnic groups, stops involving youth 12–14 had the highest rate of searches.

Figure 24. Youth Stops Including Searches by Race and Ethnicity



Officers reported the highest rate of requests for consent to search for Native American youth 8–11 (11.11%, 1 stop), followed by Multiracial youth 12–14 (10.93%, 20 stops), and Middle Eastern/South Asian youth 12–14 (9.94%, 16 stops). The distribution of requests for consent to search by age varied for different racial/ethnic categories. For example, Asian (8.58%, 26 stops), Middle Eastern/South Asian (9.94%, 16 stops), and Multiracial (10.93%, 20 stops) individuals had the highest rate of requests for consent to search for youth 12–14. Black (7.89%, 613 stops), Hispanic/Latine(x) (8.96%, 2,968 stops), and Multiracial (8.88%, 90 stops) youth had the highest rate of requests for consent search for youth ages 15–17. Native American youth 8–11 (11.11%, 1 stop) had the highest rate of requests for consent search among their age group.

Figure 25. Percentage of Youth Asked for Consent to Search by Race and Ethnicity



Officers reported not receiving consent to search during stops involving Black, Hispanic/Latine(x), Multiracial, and White youth aged 8–11. In stops involving all other races/ethnicities where consent was requested, it was received.

Use of Force in Youth Stops by Race and Ethnicity

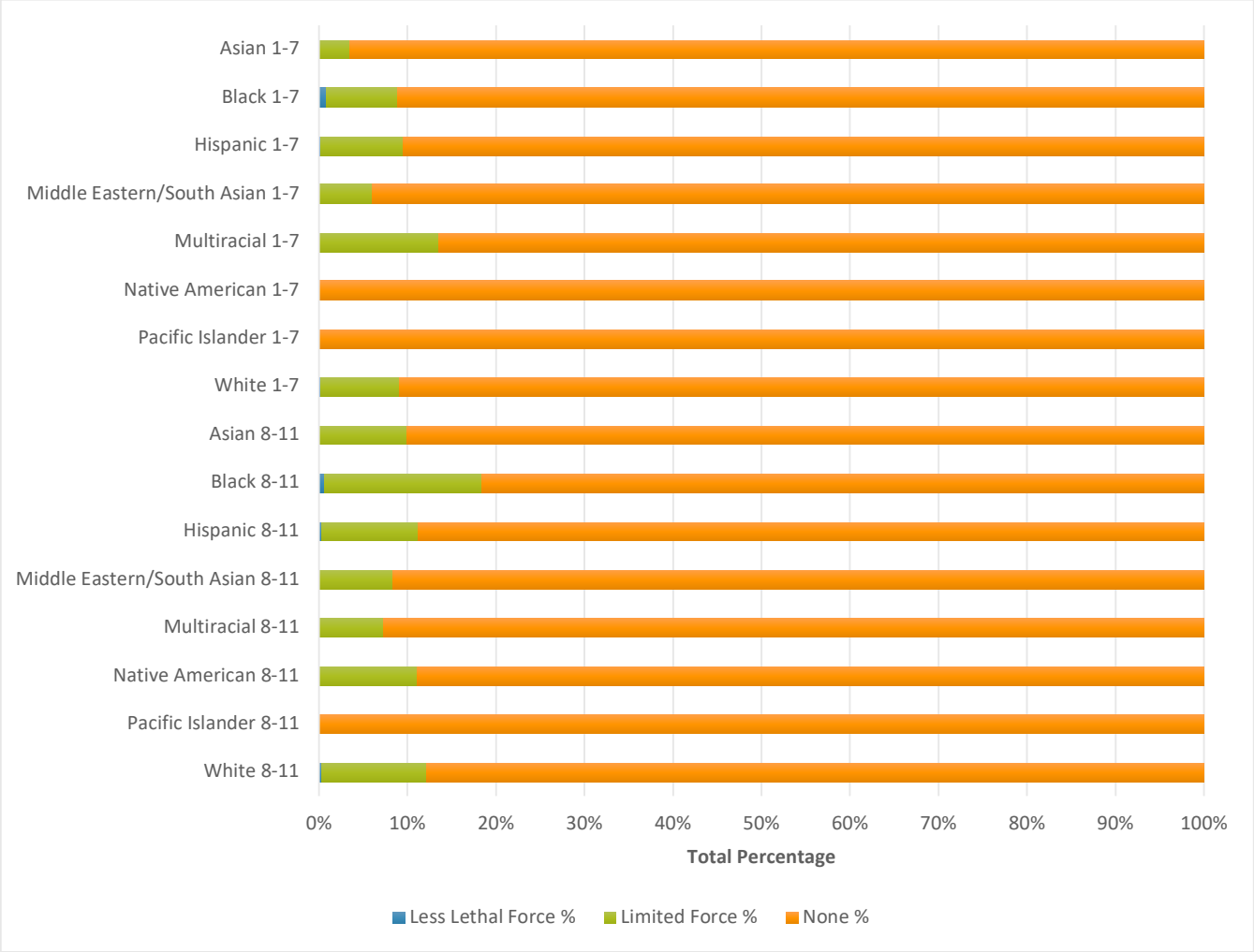
For the two youngest age groups, officers used varying level of force, except lethal force. For example, officers employed some level of force in at least one stop involving youth 1–7 of all race/ethnicity categories except for Native American and Pacific Islander youth. Less lethal force[26] was used in three stops involving Black youth 1–7 (0.78%), three stops involving Hispanic/Latine(x) youth 1–7 (0.17%), and two stops involving White youth 1–7 (0.21%). Officers used limited force most often in stops involving Multiracial youth 1–7 (13.51%), followed by 9.34 percent of stops involving Hispanic/Latine(x) 1–7, and in 8.88 percent of stops involving White youth 1–7.

Among stops involving youth 8–11, officers employed both less lethal and limited force. Less lethal force was only used in stops involving Black, Hispanic/Latine(x), and White youth 8–11, while limited force was used in stops involving all racial/ethnic groups except for Pacific Islander. Officers used less lethal force (0.60%, 3 stops) the most often during stops involving Black youth 8–11. Four (0.28%) stops involving Hispanic/Latine(x) youth 8–11 involved less lethal force, while two (0.24%) stops involving

26 See *supra* note 18 for the definitions of the different types of use of force.

White youth 8–11 included less lethal force. Officers used limited force the most often in stops involving Black youth 8–11 (17.80%, 89 stops), followed by White youth 8–11 (11.89%, 100 stops), and Native American youth 8–11 (11.11%, 1 stop).

Figure 26. Use of Force Youth Aged 1-11



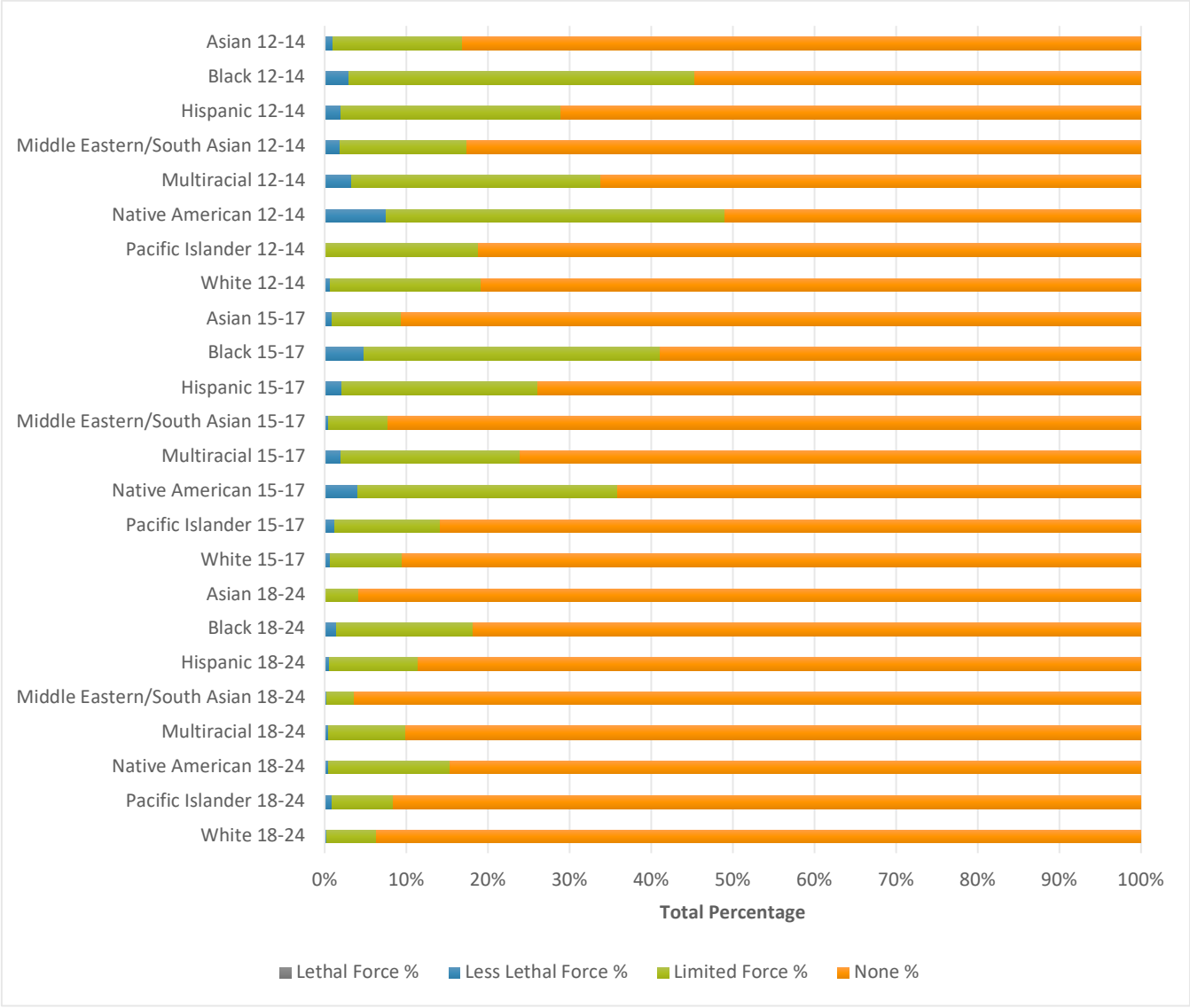
With a few exceptions, officers used force most often during stops of youth 12–14, compared to the other age categories. Within the 12–14 age category, overall, officers used some level of force most often in stops involving Native American youth (49.06%, 26 stops) and Black youth (45.36%, 802 stops). Officers reported using lethal force in the form of discharging their firearm in several stops involving youth 12–14. Specifically, in two stops involving Black youth 12–14 (0.11%) and in one stop involving a Hispanic/Latine(x) youth 12–14 (0.02%), officers used lethal force. Officers used less lethal force the most often in stops involving Native American (7.55%, 4 stops) and Multiracial (3.28%, 6 stops) youth 12–14. Additionally, officers used limited force the most often in stops involving Black youth (42.31%, 748 stops) and Native American youth 12–14 (41.51%, 22 stops). Officers reported the use of no force most often in stops involving Asian (83.71%, 252 stops), Middle Eastern/South Asian (82.61%, 133 stops), Pacific Islander (81.13%, 43 stops) youth 12–14.

For youth 15–17 officers used lethal force in stops with more racial groups, including Black (0.04%, 3 stops), Hispanic/Latine(x) (0.01%, 3 stops), Asian (0.05%, 1 stop), White (0.004%, 1 stop), and Multiracial (0.10%, 1 stop). Officers used less lethal force most often in stops involving Black (4.80%, 373 stops), Native American (4.04%, 8 stops), and Hispanic/Latine(x) (2.10%, 696 stops) youth 15–17. The same pattern holds for limited force. Officers reported using limited force the most often in stops

involving Black (36.32%, 4,570 stops), followed by Native American (31.82%, 127 stops), and Hispanic/Latine(x) (24.05%, 24,465 stops) youth 15–17. When looking at overall rates of force versus no force, officers report using force most often in stops with those same three racial/ethnic groups. Officers report using no force most often in stops involving Middle Eastern/South Asian (92.24%, 2,009 stops), Asian (90.52%, 1,967 stops), and White (90.47%, 20,962 stops) youth 15–17.

In stops involving youth 18–24, the overall use of force rates further decreased. However, officers still used lethal force in stops involving Hispanic/Latine(x) (0.01%, 21 stops), Black (0.01%, 7 stops), Asian (0.01%, 4 stops), White (0.002%, 4 stops), and Pacific Islander (0.02%, 1 stop) youth. Officers used less lethal force at the highest rates in stops involving Black (1.46%, 1,200 stops), Pacific Islander (0.93%, 38 stops), and Hispanic/Latine(x) (0.60%, 2,291 stops) youth 18–24. Officers reported using limited force most often in stops involving Black (16.69%, 13,740 stops), Native American (14.87%, 278 stops), and Hispanic/Latine(x) (10.80%, 41,071 stops) youth 18–24. Mirroring the trends in the 15–17 age category, for youth 18-24, officers reported using no force most often in stops involving Middle Eastern/South Asian (96.39%, 31,608 stops), Asian (95.81%, 35,418 stops), and White (93.69%, 176,219 stops).

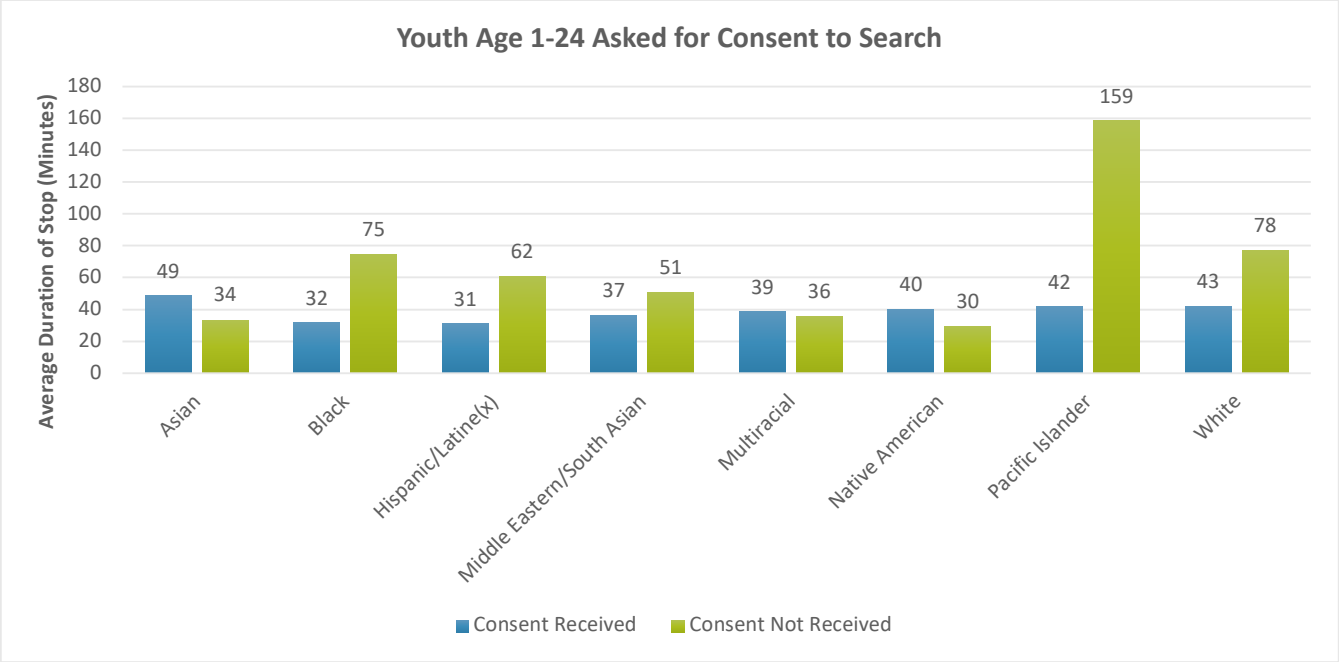
Figure 27. Use of Force Youth Aged 12-14



Duration of Youth Stops for Searches by Race and Ethnicity

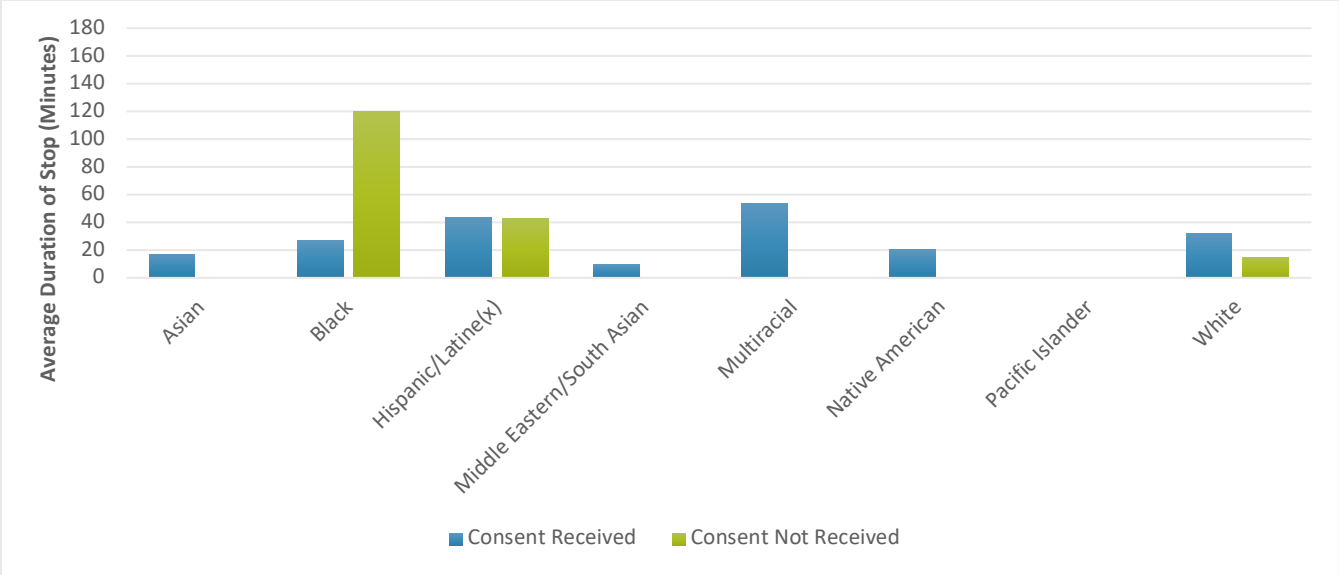
This year, the Stop Data chapter includes an intersectional analysis of duration of stops and other data elements. Overall, for every racial and ethnic group except Asian youth, officers reported longer stop durations when consent for a search was not given compared to when they received consent to search for stops involving youth. For Asian youth, stops in which the officer did not receive consent (41 minutes, 74 stops, SD = 46, range (minutes) = 2 - 216) were shorter than stops in which they obtained consent (49 minutes, 619 stops, SD = 111, range = 1 – 1,440). The largest disparity in duration between stops in which officers obtained consent and stops where consent was not received was for Pacific Islander youth, whose stops without consent averaged 63 minutes longer than stops in which the officers received consent (105 minutes, 23 stops, SD = 155, range = 10 - 476 vs. 42 minutes, 114 stops, SD = 75, range = 2 - 720). The smallest disparity was for Multiracial youth, whose stops without consent were two minutes longer on average than stops where consent was given (41 minutes, 67 stops, SD = 47, range = 1 - 240 vs. 39 minutes, 480 stops, SD = 77, range = 1 – 1,440).

Figure 28. Comparison of Searches in Youth Stops Separated by Race/Ethnicity and Consent Status



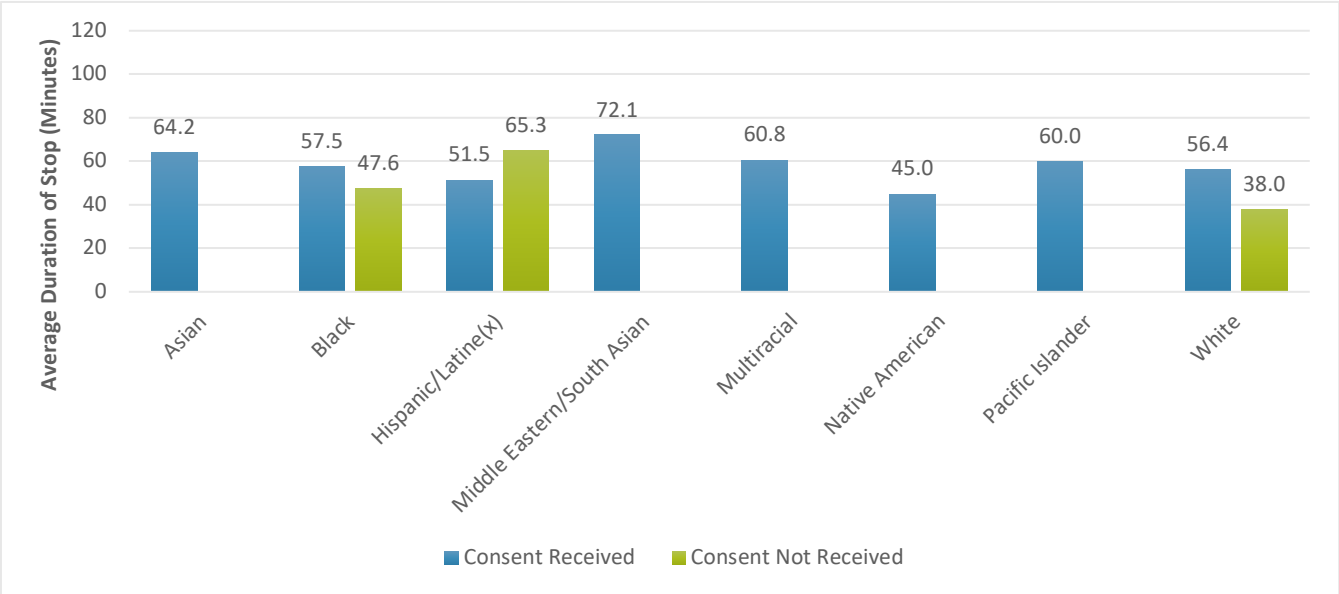
The average stop duration patterns for stops where consent was requested but not received differed by racial/ethnic group. In stops involving Black youth 8–11 (4 out of 28 stops where consent to search was requested), the average duration of the stop was almost five times as long (119 minutes, SD = 129, range (minutes) = 10 - 300 vs. 27 minutes, SD = 22, range = 5 - 77) if the officer did not receive consent. In stops involving Hispanic/Latine(x) youth 8–11, there was an average of a six-minute difference between stops where consent was received (44 minutes, 58 stops, SD = 60, range = 3 - 359) and those stops where it was not (50 minutes, 15 stops, SD = 45, range = 9 - 180). In stops involving White youth 8–11, the average stop duration was longer when consent was received (32 minutes, 26 stops, SD = 38, range = 2 - 134) compared to when it was not received (26 minutes, 4 stops, SD = 7, range = 15 - 30).

Figure 29. Average Duration of Stop in Minutes by Consent to Search and Race and Ethnicity, Youth Aged 8-11.



Among stops of youth 12–14, consent to search was not reported as received in a subset of stops. Specifically, consent to a search was not reported as received in stops involving Multiracial, Native American, and Pacific Islander youth. In stops of Middle Eastern/South Asian youth 12–14, stops were shorter when consent was not received (41 minutes, 2 stops, SD = 28, range (minutes) = 21 - 60) compared to when it was received (72 minutes, 14 stops, SD = 68, range = 20 - 270). The largest difference in stop duration was for Asian youth 12–14, where consent was received. Those stops (24 stops, SD = 60, range = 1 - 240) were, on average, 64 minutes compared to the stops where consent was not received, which were 168 minutes in duration (2 stops, SD = 68, range = 120 - 216). The duration of stop for Black youth (66 minutes, 17 stops, SD = 76, range = 7 - 300 vs. 58 minutes, 112 stops, SD = 66, range = 2 - 384), Hispanic/Latine(x) youth (54 minutes, 64 stops, SD = 51, range = 1 - 200 vs 51 minutes, 414 stops, SD = 54, range = 1 - 368), and White youth 8–11 (58 minutes, 24 stops, SD = 47, range = 1 - 180 vs 56 minutes, 136 stops, SD = 63, range = 1 - 420) was longer where consent was not received compared to those stops where officers obtained consent to search.

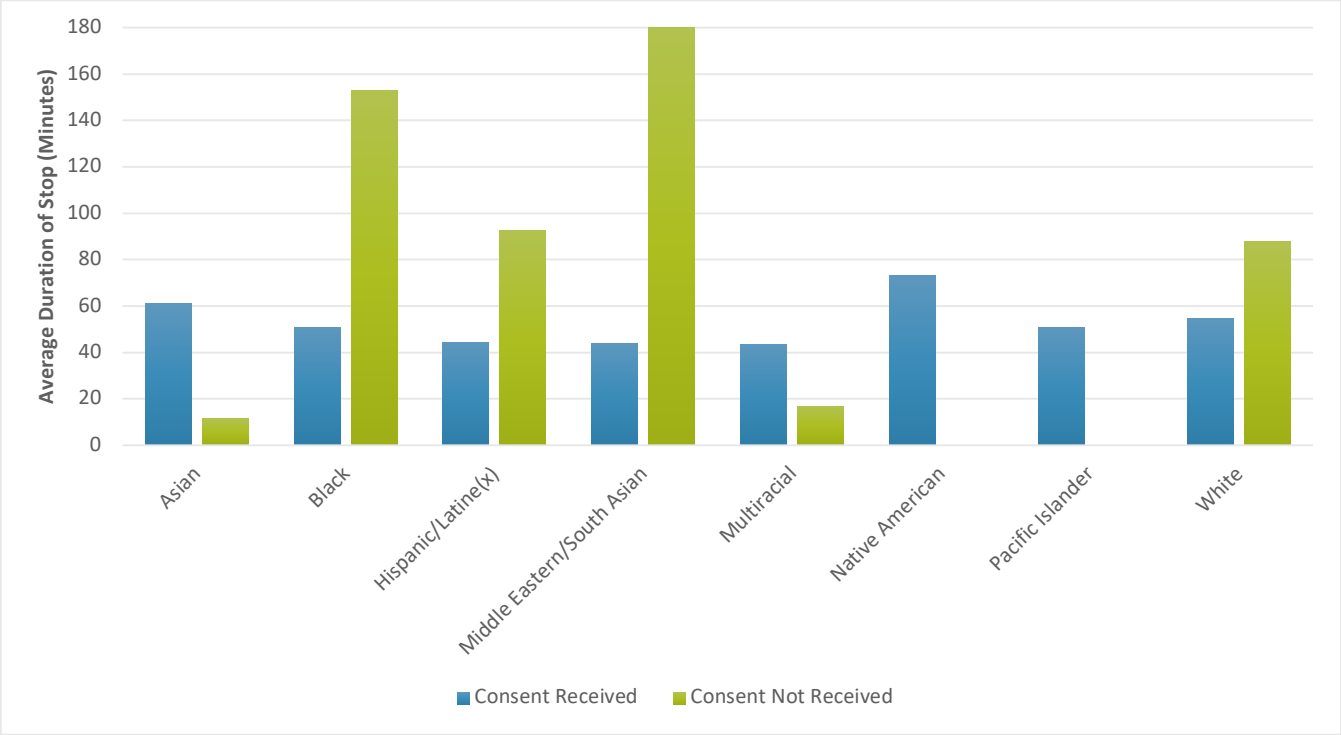
Figure 30. Average Duration of Stop in Minutes by Consent to Search and Race and Ethnicity, Youth Aged 12-14



For youth 15–17, the difference in duration for stops in which consent to search was not received compared to those where it was given was significant for all racial/ethnic groups except Native American and Pacific Islander. For stops involving Black, Hispanic/Latine(x), and Middle Eastern/South Asian youth 15–17, when officers were not given consent to search, the average stop duration was longer. Specifically, average stop duration was over 20 minutes longer for stops involving Black youth (75 minutes, 62 stops, SD = 190, range (minutes) = 2 – 1,440 vs. 51 minutes, 551 stops, SD = 116, range = 3 – 1,440) and Middle Eastern/South Asian youth (66 minutes, 8 stops, SD = 83, range = 2 - 215 vs. 44 minutes, 59 stops, SD = 51, range = 5 - 300). The average duration of stops increased by almost half an hour for Hispanic/Latine(x) youth (73 minutes, 365 stops, SD = 100, range = 1 - 720 vs. 45 minutes, 2,603 stops, SD = 88, range = 1 – 1,440) and increased approximately 10 minutes for White youth (63 minutes, 87 stops, SD = 59, range = 1 - 284 vs. 55 minutes, 588 stops, SD = 81, range = 1 - 1,415) when consent was not given.

For stops involving Asian youth 15–17 (16 minutes, 9 stops, SD = 9, range = 2 - 30 vs. 61 minutes, 77 stops, SD = 164, range = 1 – 1,440) and Multiracial individuals (30 minutes, 13 stops, SD = 15, range = 1 - 60 vs. 44 minutes, 77 stops, SD = 31, range = 5 - 200), officers reported shorter stop durations when consent was not received.

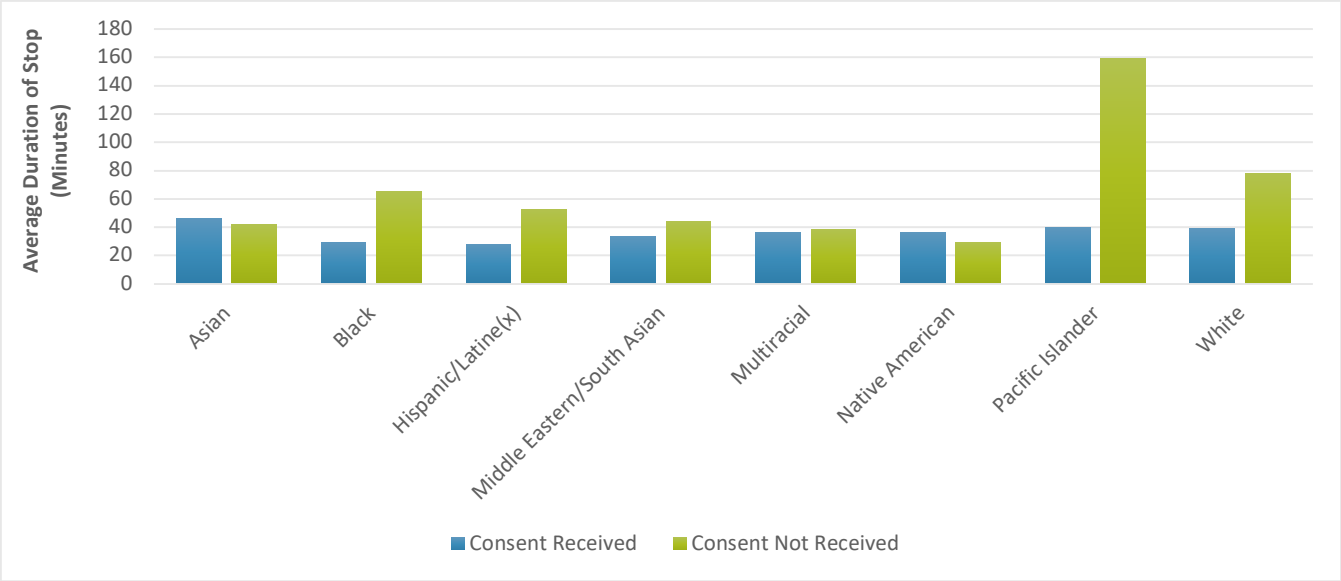
Figure 31. Average Duration of Stop in Minutes by Consent to Search and Race and Ethnicity, Youth Aged 15-17



For searches of youth 18–24, the average stop duration was longer when consent was not received compared to when consent was received during stops of certain racial and ethnic groups. The difference was more than double for Pacific Islander youth (109 minutes, 22 stops, SD = 157, range (minutes) = 10 - 476 with consent not received compared to 40 minutes, 96 stops, SD = 79, range = 2 - 720) and Black youth (66 minutes, 403 stops, SD = 151, range = 1 – 1,440 with consent not received compared to 29 minutes, 4,613 stops, SD = 54, range = 1 – 1,440).

Additional research is needed to ascertain the extent to which bias is a factor in disparities as it relates to actions taken during stops and the duration of those stops.

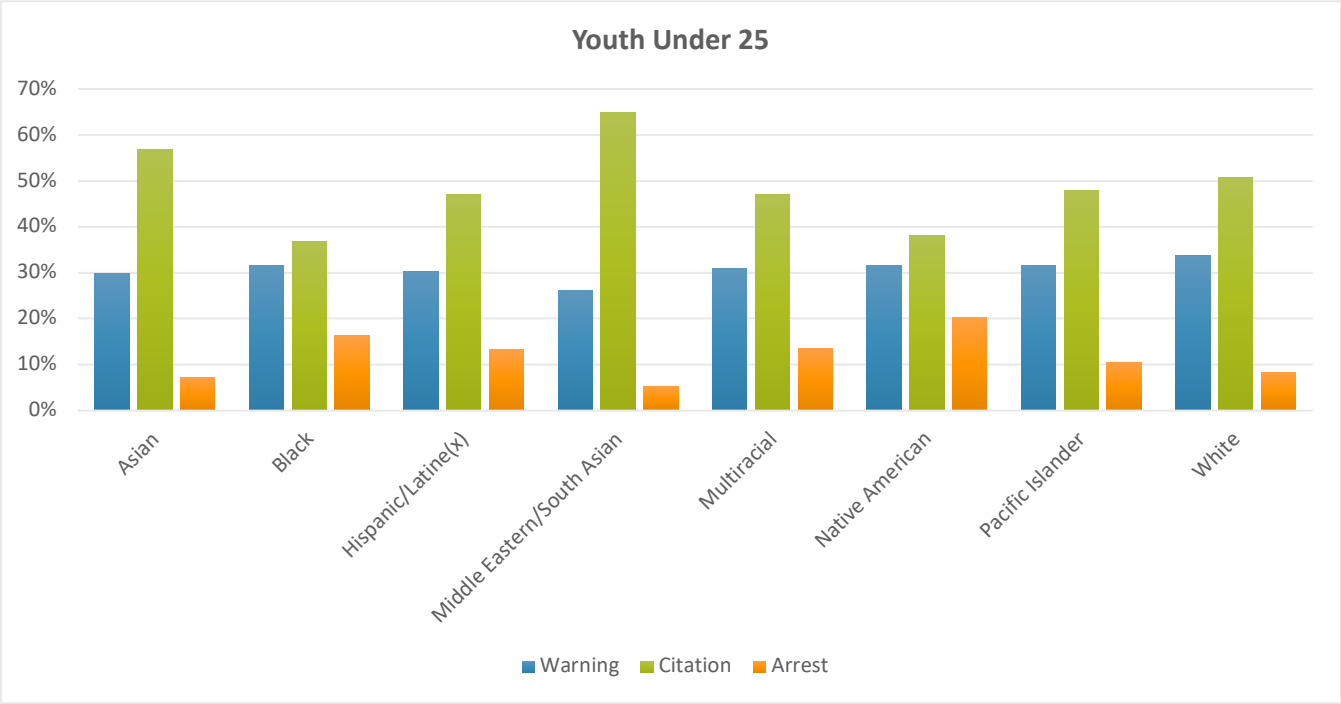
Figure 32. Average Duration of Stop in Minutes by Consent to Search and Race and Ethnicity, Youth Aged 18-24



Result of Stop by Race/Ethnicity and Age

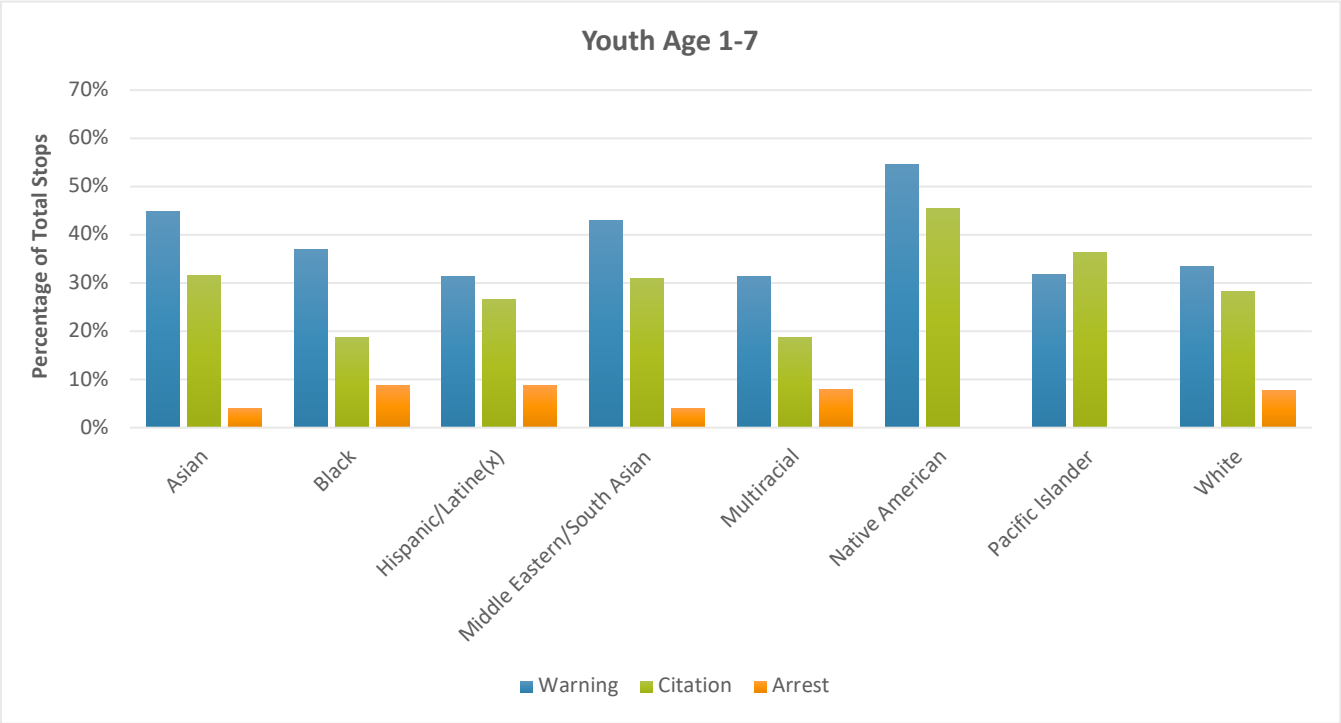
The intersectional analysis in this section examines the distribution of arrests, citations, and warnings as the result of stop based on the race and age of the individuals stopped. Across all racial and ethnic categories for youth under 25, officers gave out citations the most often, followed by warnings and then arrests. Officers reported the highest percentage of stops resulting in a citation for stops involving Middle Eastern/South Asian youth (64.98%, 22,989 stops), followed by Asian youth (56.87%, 22,670 stops), and White youth (50.71%, 109,328 stops). Officers issued warnings most often in stops involving White (33.71%, 72,672 stops), Black (31.67%, 29,371 stops), and Native American youth (31.76%, 680 stops). Officers arrested Native American youth (20.41%, 437 stops), Black youth (16.50%, 15,302 stops), and Multiracial youth (13.52%, 1,516 stops) at the highest rates.

Figure 33. Distribution of Results of Youth Stops Separated by Race/Ethnicity



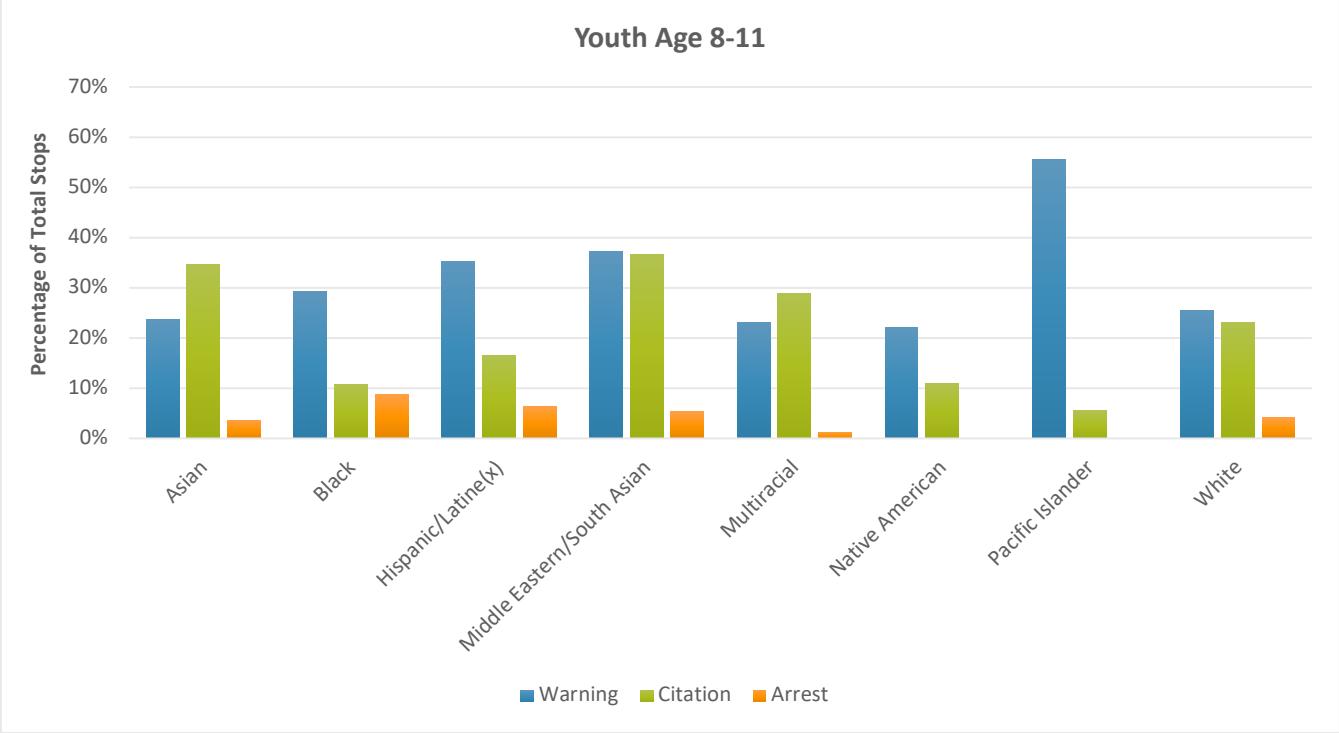
For youth 1–7, across all racial/ethnic groups except one, officers issued warnings more often than citations. The exception was for individuals perceived as Pacific Islander, who received more citations than warnings. Officers reported no arrests in stops involving Native American or Pacific Islander youth 1–7. Officers issued both warnings and citations the most often to Native American youth 1–7, compared to the other racial/ethnic groups. Officers issued warnings to Hispanic/Latine(x) youth 1–7 the least often (31.73%, 544 stops) and reported arrests most often in stops involving Hispanic/Latine(x) youth 1–7 (8.94%, 155 stops). For this age group, officers reported making arrests at similar rates for Black (8.88%, 34 stops), Multiracial (8.11%, 9), and White youth (7.85%, 76).

Figure 34. Percentage of Youth (1–7) Stops Including Warnings, Citations, or Arrests by Race and Ethnicity



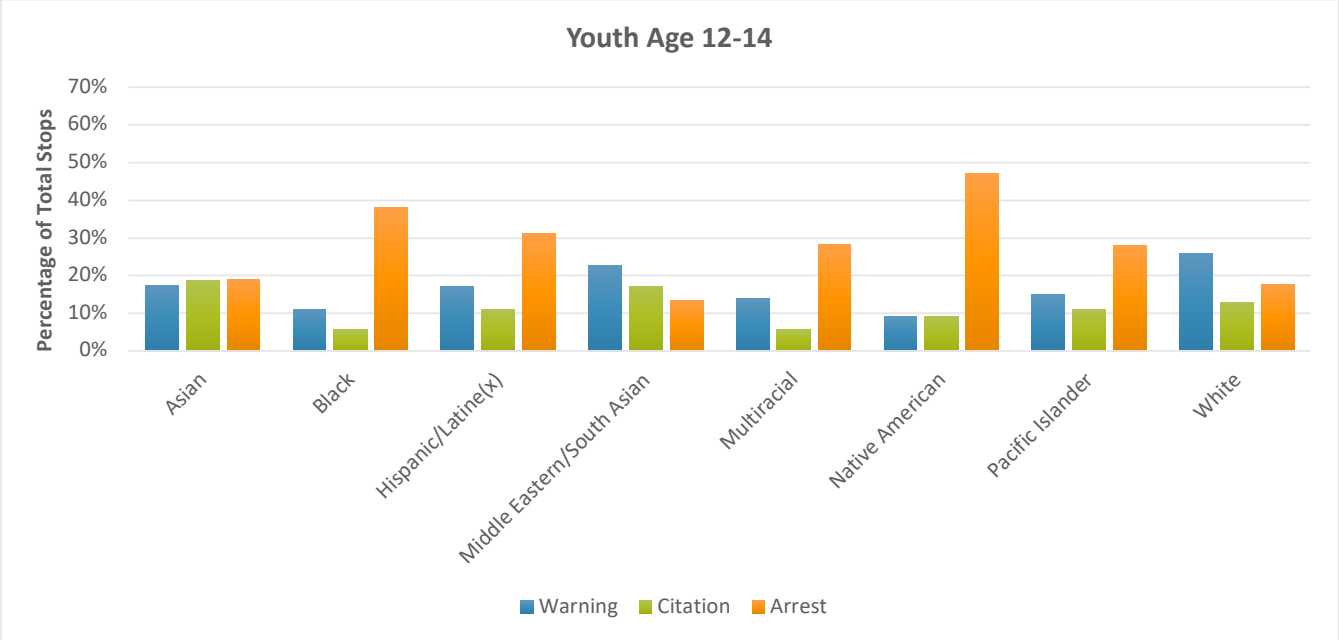
For youth 8–11, officers reported the highest rates of arrests during stops involving Multiracial youth (28.99%, 1 stop), Black youth (8.80%, 44 stops), and Hispanic/Latine(x) youth (6.55%, 94 stops). Officers reported no arrests for Native American or Pacific Islander youth for this age group. Officers issued warnings most often to Pacific Islander (55.56%, 10 stops), Middle Eastern/South Asian (37.40%, 49 stops), and Hispanic/Latine(x) (35.31%, 507 stops) youth 8–11. Officers issued citations at the highest rates in stops involving Middle Eastern/South Asian (36.64%, 48 stops), Asian (34.78%, 56 stops), and Multiracial youth 8–11 (28.99%, 20 stops).

Figure 35. Percentage of Youth (8-11) Stops Including Warnings, Citations, or Arrests by Race and Ethnicity



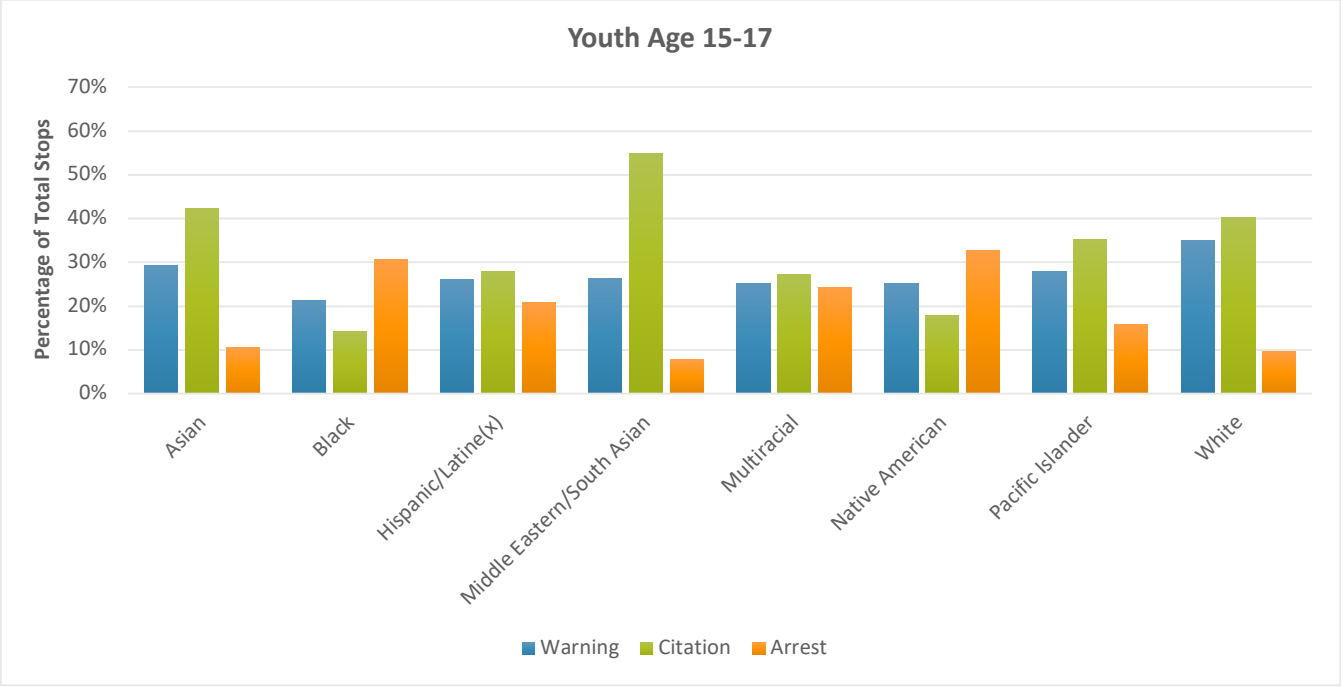
The notable trend in the data was the marked increase in rates of arrest across all racial categories for youth 12–14 compared to the younger age groups. In all except one racial category (Middle Eastern/South Asian), arrest rates were higher than warnings or citations. The arrest rate for Middle Eastern/South Asian youth 12–14 was more than double that of youth 8–11. Officers reported making an arrest in almost half (47.17%, 25 stops) of stops involving Native American youth 12–14, followed by 38.07 percent (673) of stops involving Black youth 12–14, and 31.26 percent (1,752) of stops involving Hispanic/Latine(x) youth.

Figure 36. Percentage of Youth (12-14) Stops Including Warnings, Citations, or Arrests by Race and Ethnicity



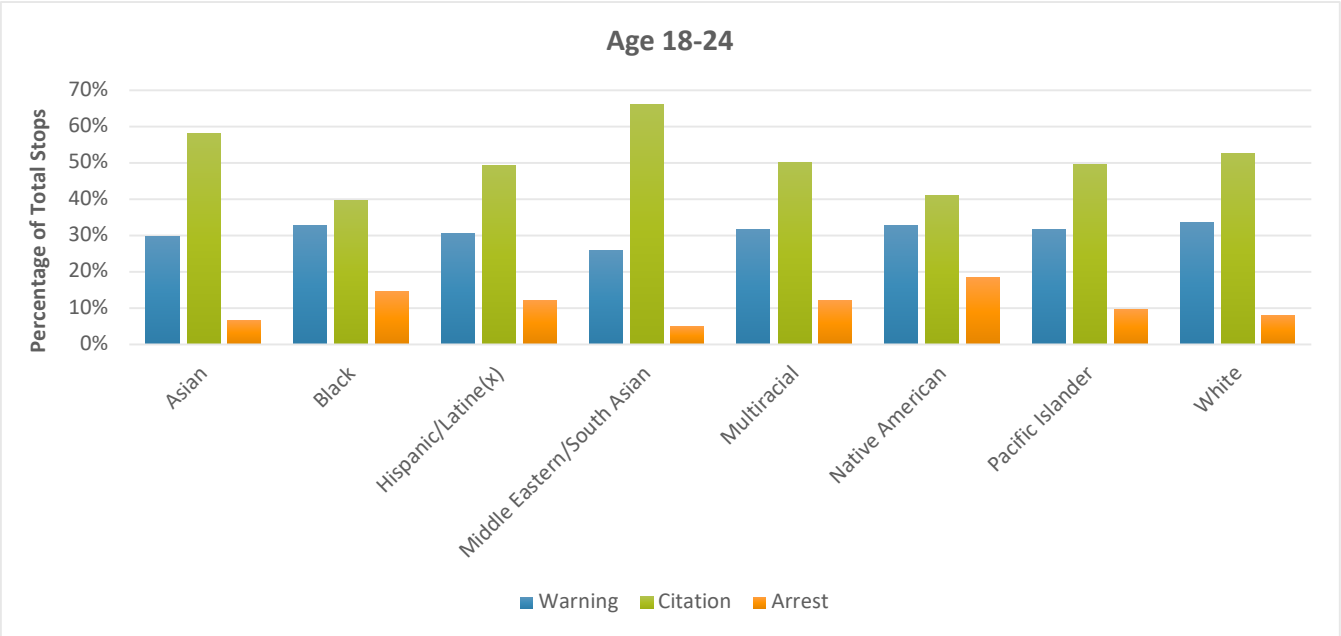
In stops involving youth 15–17, officers reported a higher rate of arrests in stops involving Native American youth (32.83%, 65 stops), Black youth (30.89%, 2,399 stops), and Multiracial youth (24.48%, 248 stops) youth. They issued the most citations to Asian (42.43%, 922 stops), Middle Eastern/South Asian (54. 82%, 1,194 stops), and White (40.32%, 9,342 stops) youth. For this age group, officers issued the most warnings to White (35.03%, 8,117 stops), Asian (29.45%, 640 stops), and Pacific Islander (28.02%, 95 stops) youth.

Figure 37. Percentage of Youth (15-17) Stops Including Warnings, Citations, or Arrests by Race and Ethnicity



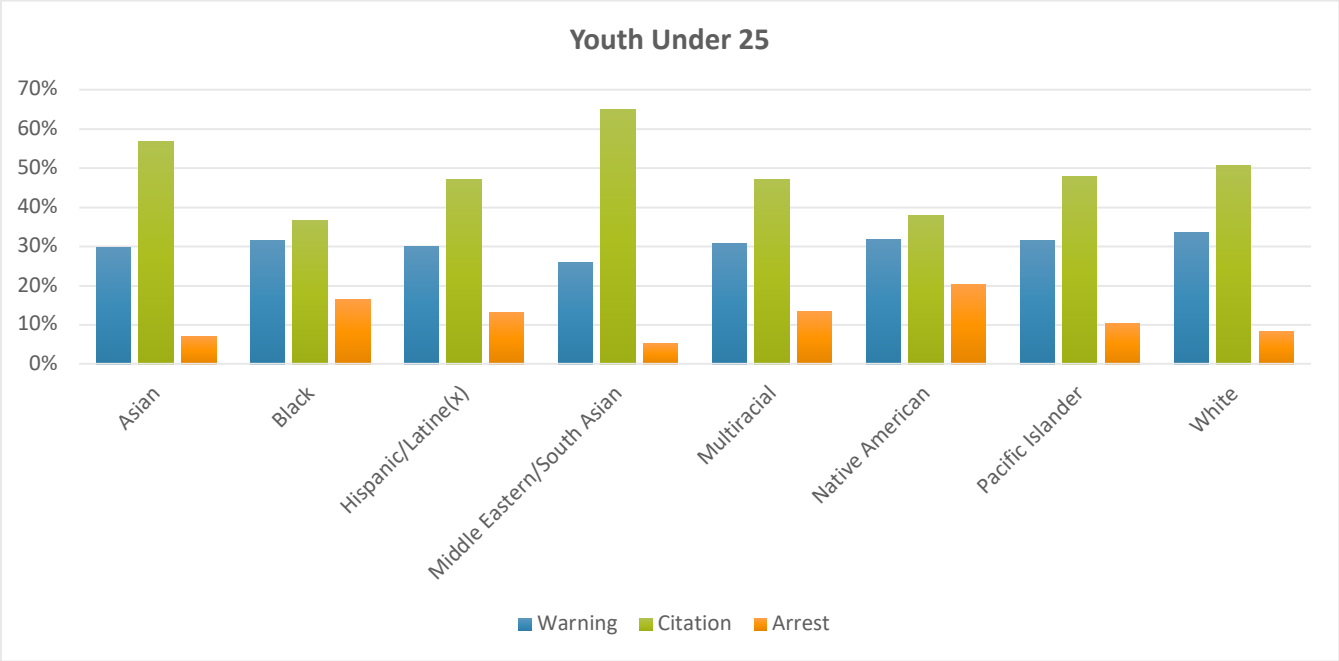
Overall, for youth 18–24, officers reported a similar distribution of citations, warnings, and arrests across all racial groups. However, officers reported arrests most often for stops of Native American (18.56%, 347 stops), Black (14.76%, 12,152 stops), and Hispanic/Latine(x) (12.46%, 47,391 stops) youth.

Figure 38. Percentage of Youth (18-24) Stops Including Warnings, Citations, or Arrests by Race and Ethnicity



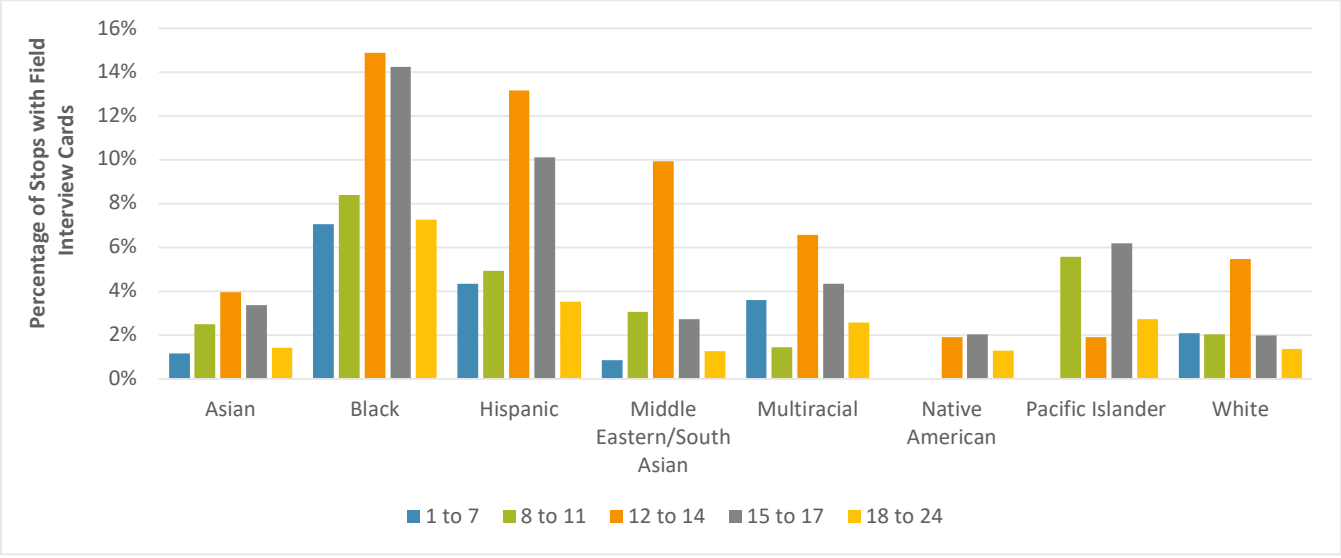
Overall, for youth under 25, across all racial groups, officers reported citations and warnings as the result of a stop more frequently than arrests. Officers arrested Native American and Black youth under 25 at higher rates than youth from other racial groups who were perceived to be under 25.

Figure 39. Results of Youth Stop Separated by Race/Ethnicity, Age 1-24



The data for field interview cards also show disparities among racial and ethnic groups. Black youth had the highest rates for completion of field interview cards in all age categories. In six of the eight racial/ethnic categories, officers completed field interview cards in stops involving youth 12–14 most often. The groups within that age group with the highest rate of field interview card completion were Black, Hispanic/Latine(x), and Middle Eastern/South Asian youth 12–14. The only two racial/ethnic groups that did not fall into this pattern for youth 12–14 were Native Americans and Pacific Islanders. For those two groups, officers completed field interview cards at a higher rate for youth 15–17 than they did for youth 12–14. Officers did not report field interview cards as the result of a stop for stops of Native American and Pacific Islander youth 1–7 and Native American youth 8–11.

Figure 40. Youth Field Interview Cards by Race and Ethnicity



B. Intersectional Analyses of Youth and Gender

Calls for Service and Officer-Initiated Stops

For youth 17 and younger, there were gender disparities in stops initiated based on calls for service. Persons perceived as cisgender had similar rates of stops that were officer-initiated, with 70.91 percent (17,542 stops) for cisgender females and 76.57 percent (47,461 stops) for cisgender males. However, the rates of officer-initiated stops were lower for persons perceived as gender nonconforming (60.80%, 183 stops), transgender men and boys (50.20%, 125 stops), and transgender women and girls (34.78%, 40 stops). Only cisgender males under 18 had a share of officer-initiated stops that was higher than the average for all youth under 18 who were stopped (76.57%, 47,461 stops).

As discussed earlier, the perception and presentation of a person's gender identity has a complicated relationship with law enforcement contact. This relationship not only impacts how an officer perceives a transgender person but also likely affects the circumstances in which an interaction takes place. As noted previously, for example, a 2016 to 2018 study of Bay Area transgender women found that being less likely to "pass" as cisgender was associated with a higher likelihood to experience hate crime violence, but a lower likelihood to voluntarily report that incident to police.

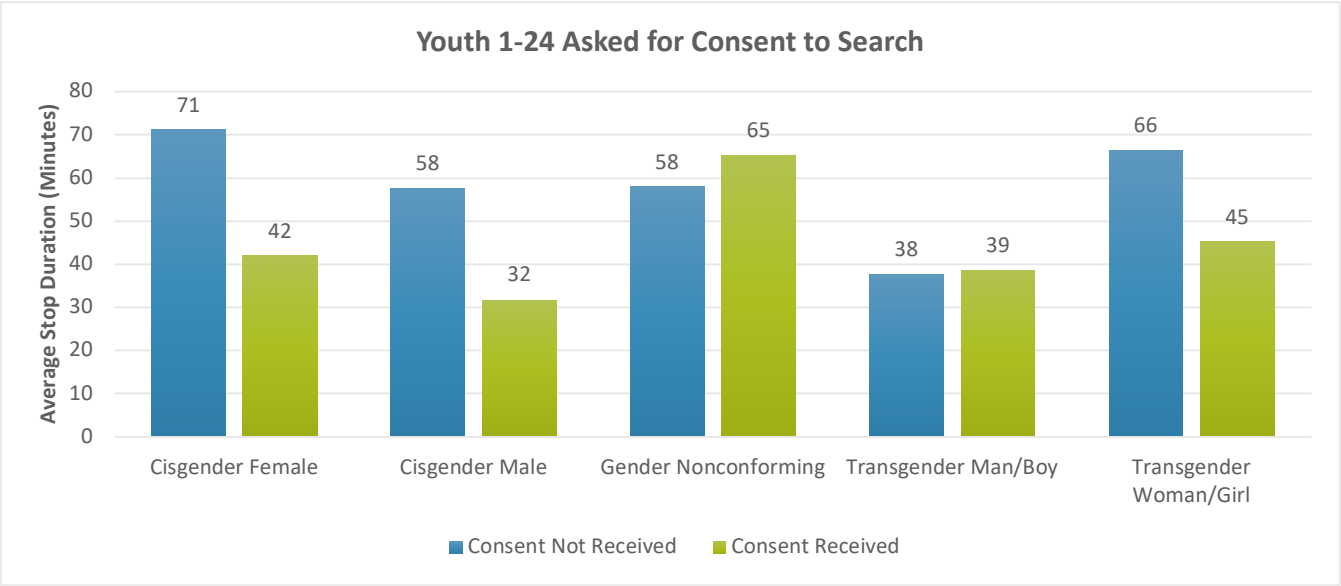
Reason for Stop

Gender differences also appeared in officer-reported reasons for stops involving youths under 18. Officers reported a higher rate of stopping gender nonconforming and transgender youth for reasonable suspicion than cisgender youth. To that point, officers stopped transgender men and boys (60.65%, 151 stops) as well as women and girls (69.57%, 80 stops) because of reasonable suspicion for the majority of stops. Officers reported similar rates across all three reasons for stop categories for cisgender females and males. Deeper research is needed to explore the intersections between age and perceived transgender status.

Searches Conducted During a Youth Stop by Gender and Age

Officers reported longer stop durations when consent was not received versus when it was received for cisgender females, cisgender males, and transgender women/girls. Among stops where consent was received, stops involving gender nonconforming individuals were the longest (65 minutes, 66 stops, SD = 178, range (minutes) = 5 – 1,440) and stops involving cisgender males were the shortest (32 minutes, 26,494 stops, SD = 62, range = 1 – 1,440). Among stops where consent was not received, those involving transgender men/boys were the shortest (38 minutes, 15 stops, SD = 30, range = 12 - 118) and those involving cisgender females were the longest (71 minutes, 619 stops, SD = 142, range = 1 – 1,440). The shortest within-gender disparity occurred with stops of transgender men/boys. Stops involving transgender men/boys were about a minute longer when consent was received (39 minutes, 59 stops, SD = 52, range = 3 - 300) versus not (38 minutes, 15 stops, SD = 30, range = 12 - 118).

Figure 41. Distribution of Searches in Youth Stops Separated by Gender, Age 1-24

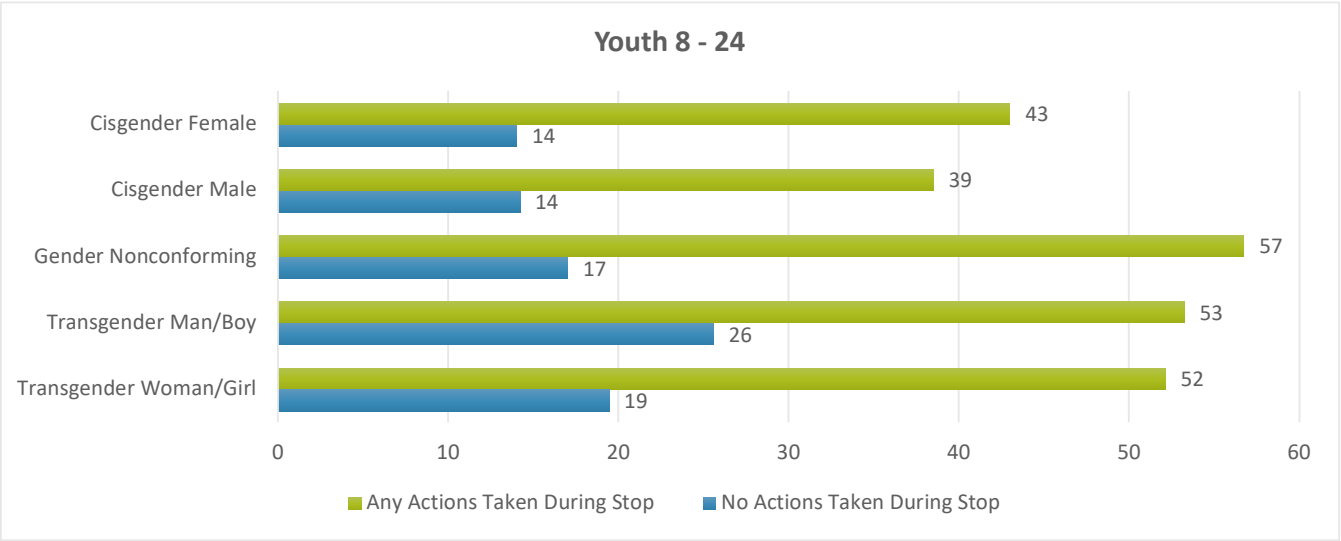


Duration of Youth Stops by Gender and Actions Taken

Generally, stops where any action was taken were longer than those where officers reported no action taken. Among stops where any actions were taken, those involving gender nonconforming (57 minutes, 475 stops, SD = 94, range (minutes) = 1 – 1,440) and transgender youth (transgender men/boys: 53 minutes, 527 stops, SD = 62, range = 1 - 450; transgender women/girls: 52 minutes, 329 stops, SD = 77, range = 1 – 1,141) were the longest. Among stops where no actions were taken, stops involving the same gender groups were the longest (transgender men/boys: 26 minutes, 681 stops, SD = 116, range = 1 – 1,440; transgender women/girls: 19 minutes, 289 stops, SD = 86, range = 1 – 1,440; and gender nonconforming: 17 minutes, 1,630 stops, SD = 63, range = 1 – 1,275).

The smallest within-gender duration disparity was in stops involving transgender men/boys. Stops where officers reported that an action was taken were twice as long as those where no actions were taken. The largest within-gender duration disparity was for stops involving gender-nonconforming youth. Stops where an action was taken were more than three times as long compared to stops where officers reported no action taken.

Figure 42. Distribution of Actions Taken in Youth Stops Separated by Gender, Age 8-24



Use of Force in Youth Stops by Gender and Age

In stops of youth, cisgender males have the highest number of stops involving the use of force across all age groups. Specifically, cisgender males experienced force during 228 (10.04%) stops of youth 1–7, 280 stops (13.17%) of youth 8–11, 2,144 stops (30.53%) of youth 12–14, 11,458 stops (22.66%) of youth 15–17, and 58,324 stops (11.16%) of youth 18–24. Officers reported using force at a higher rate in stops of transgender youth 18–24 — both transgender men/boys and women/girls — than all other gender groups. Transgender men/boys experienced force during 25.00 percent (2) of stops for youth 8–11, 36.00 percent (18) of stops for youth 12–14, 40.21 percent (76) of stops for youth 15–17, and 22.37 percent (215) of stops for youth 18–24. Transgender women/girls experienced force during 50.00 percent (1) of stops for youth 8–11, 50.00 percent (14) of stops for youth 12–14, 34.15 percent (28) of stops for youth 15–17, and 30.56 percent (154) of stops for youth 18–24. By comparison, cisgender females had the lowest rate of use of force for youth 8–24, with 9.96 percent (101) of stops of youth 8–11, 25.69 percent (898) of stops of youth 12–14, 16.90 percent (3,199) of stops for youth 15–17, and 7.45 percent (15,662) of stops for youth 18–24.

The data show that officers reported using lethal and less lethal force in stops of youth of all genders. For example, officers reported using a baton in 45 stops of youth under 25 (38 stops of youths 18–24). Thirty-four of those reported use of a baton involved cisgender males ages 15–24. Two reported use of a baton involved youth perceived as transgender or gender nonconforming. Officers reported using chemical spray most frequently during stops of cisgender males (46 stops), followed by cisgender females (15 stops), gender-nonconforming youth (2 stops), and transgender women/girls (1 stop). Electronic control devices were used most frequently in stops of cisgender males (8 stops), followed by cisgender females (11 stops). For 2023, officers did not report any use of electronic control devices on transgender or gender nonconforming youth. Officers reported pointing their firearms most frequently during stops of cisgender males (4,512 stops), followed by cisgender females (828 stops), gender nonconforming youth (14 stops), transgender men/boys (12 stops), and transgender women/girls (4 stops). They discharged their firearms at cisgender male youth in 42 stops, cisgender female youth in five stops, and gender nonconforming and transgender man/boy youth in one stop each.

C. Intersectional Analyses of Age and Perceived Disability Status

A comparison of reported stops involving youth who are perceived as having a disability (2,411 stops) to youth perceived as not having any disability (84,973 stops) indicate some differences in stops for youth under 18.

Calls for Service by Perceived Disability

Youth perceived as having a disability had higher rates of stops based on a call for service than youth perceived to not have a disability. For youth with perceived disability, 75.1 percent of stops were initiated based on a call for service compared to youth not perceived to have a disability (23.8%). Further, youth perceived to have a disability had a higher rate of stops initiated based on a call for service than the overall category of individuals perceived as having a disability (56.96%).

Reason for Stop by Perceived Disability

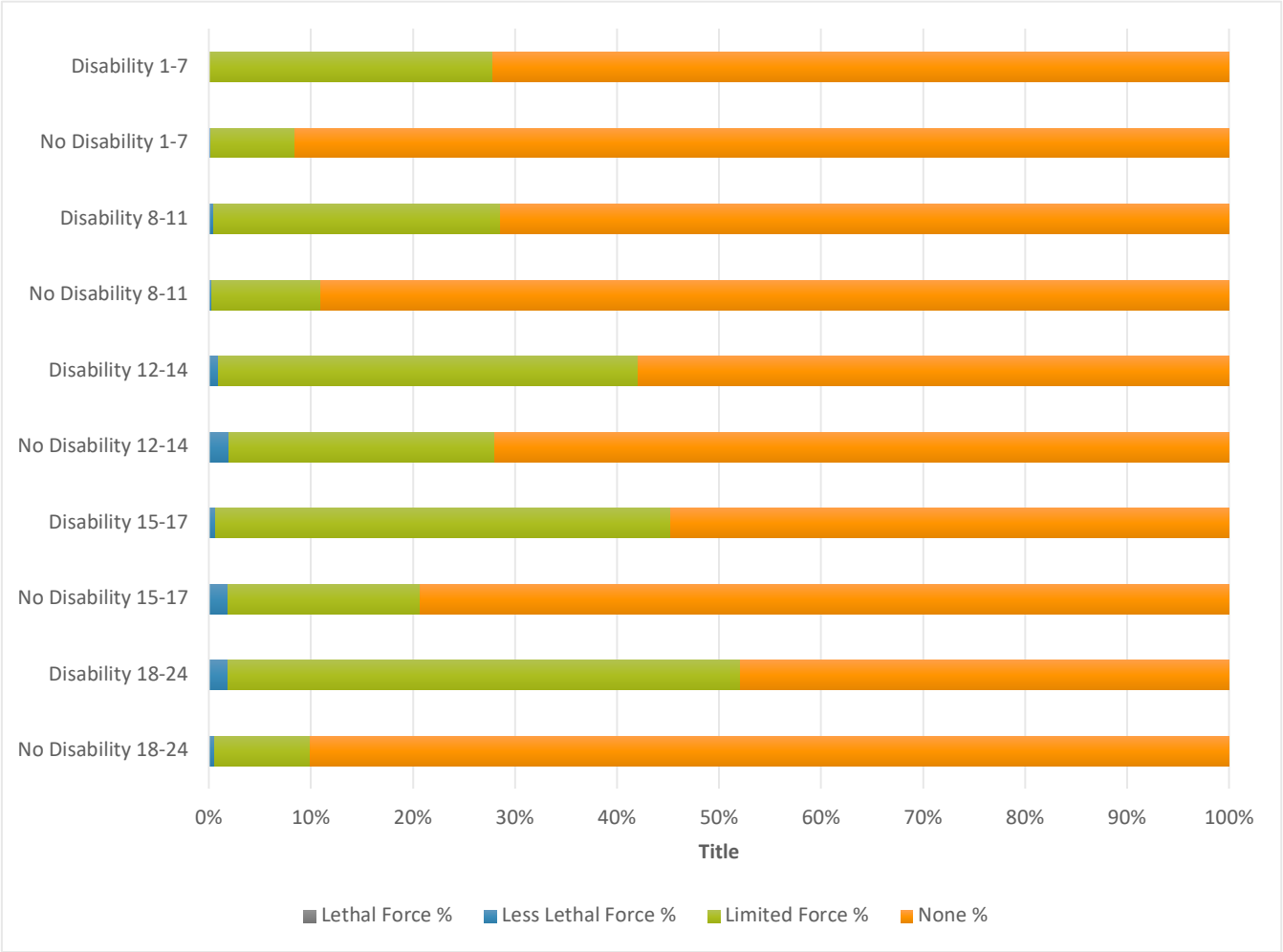
For stops that were officer-initiated, the most common reason for stopping youth under 18 with a perceived disability was reasonable suspicion (68.1%, 1,643 stops), followed by other reasons (27.9%, 671 stops), and then traffic violations (4%, 97 stops). In comparison, the most common reason for stopping individuals not perceived to have a disability was a traffic violation (58.7%, 49,914 stops), followed by reasonable suspicion (33.3%, 28,316 stops), and then other reasons (7.9%, 6,742 stops).

Use of Force in Youth Stops by Perceived Disability

Youth perceived to have a disability experienced force in a higher percentage of stops than youth with no perceived disability across all youth age groups. For ages 12–14, the difference is smallest, with 42.05 percent (307) of stops of youth perceived to have a disability involving the use of force, compared to 28.04 percent (2,781) of stops of youth perceived to have no disabilities. That difference is largest for youth 18–24 where 52.07 percent of stops (2,066 stops) of youth perceived to have a disability involved the use of force compared to 9.89 percent of stops (72,473 stops) of youth perceived not to have a disability.

There were two reported incidents of use of a baton (0.02%) and two reported uses of chemical spray (0.03%) during stops of youth perceived to have a disability. Electronic control devices were used in 17 stops involving youth perceived to have a disability (0.27%). Sixty-seven stops of youth perceived to have a disability involved officers pointing their firearms (1.05%). Officers reported no discharge of firearms at youth perceived to have a disability.

Figure 43. Distribution of Use of Force for Youth and Perceived Disability



D. Intersectional Analyses of Age and Perceived English Fluency

Generally, the comparison of officers' reported stops with youth who are perceived as fluent in English to youth perceived as having limited or no fluency in English show minimal differences for youth under 18.

Calls for Service in Youth Stops by Perceived English Fluency

Youth who were perceived as not fluent in English were stopped due to calls for service and officer-initiated stops at similar rates (74.80% officer-initiated and 25.20% calls for service) to youth perceived as fluent in English (74.43% officer-initiated and 25.57% calls for service).

Reason for Stop in Youth Stops by Perceived English Fluency

The data show small disparities in the reasons for stops based on English fluency. For instance, officers reported 57.1 percent (47,991) of stops for traffic violations involved youth under 18 who were perceived as English fluent, while 60.8 percent (2,020) of stops for traffic violations involved youth under 18 with limited or no English fluency.

Use of Force in Youth Stops by Perceived English Fluency

Overall, youth perceived to have limited or no English fluency experienced the use of force at a higher rate than youth with perceived English fluency. The difference is largest for youth ages 1–7, with 21.40 percent (61) of stops including force for youth with limited or no English fluency, compared to 7.75 percent (257) of stops for youth perceived to have fluency in English. The next highest rate of disparity is for youth 18–24, with 21.38 percent (5,882) of stops involving the use of force for youth with limited or no English fluency compared to 9.68 percent (68,620) of stops for youth perceived to be fluent in English. For youth 12–14, the rate of disparity is the reverse, with officers reporting using force in a lower percentage of stops of youth perceived to have limited or no English fluency (22.65% of 94 stops) than of stops of youth perceived to be fluent in English (29.23% of 2,991 stops).

Officers reported using lethal and less lethal force in stops of youth perceived to have limited or no English fluency. For example, officers discharged firearms in two stops (0.06%) and pointed their firearms in 173 stops (5.21%). Officers also reported one incident of baton use (0.03%), five uses of chemical spray were reported in stops of youth perceived to have limited or no English fluency (0.15%), and nine uses of electronic control devices (0.27%).

E. Intersectional Analyses of Age and Perceived LGBT Status

A comparison of officers' reported stops with youth under 18 who are perceived as LGBT to youth perceived as non-LGBT shows disparities in stops.

Calls for Service in Youth Stops by Perceived LGBT Status

Youth perceived as LGBT were stopped due to calls for service at higher rates compared to non-LGBT youth and adult LGBT individuals. For LGBT youth, 46.9 percent (442) of stops were due to a call for service, compared to non-LGBT youth (25%, 21,591 stops) and adult LGBT individuals (16.3%, 5,749 stops).

Reason for Stop in Youth Stops by Perceived LGBT Status

Officers reported that most stops of LGBT youth that were officer-initiated were based on reasonable suspicion (53.2%, 501 stops), while for non-LGBT youth, most stops were based on traffic violations (57.5%, 49,703 stops).

Use of Force in Youth Stops by Perceived LGBT Status

Overall, officers reported using force at a higher rate in stops involving youth perceived as LGBT than for stops for non-LGBT youth. The difference in rates for the use of force is smallest among youth ages 18–24, where LGBT youth experienced the use of force during 16.35 percent of stops (1,052 stops) compared to 10.07 percent of stops of non-LGBT youth 18–24 (73,487 stops). The difference is greatest for youth 15–17, where officers reported using force in 31.31 percent of stops (222 stops) of youth perceived to be LGBT and reported using force in 21.06 percent of stops (14,586 stops) for youth 15–17 perceived to be non-LGBT.

Officers reported using lethal and less lethal force. Specifically, they reported pointing their firearm in 48 stops of youth the officers perceived to be LGBT and discharged their weapons in three stops of youth perceived to be LGBT (0.65%). Officers also reported using a baton in two stops of youth perceived as LGBT (0.03%), a chemical spray in two stops (0.03%), and an electronic control device in one stop of youth perceived to be LGBT (0.01%).

Additional analysis and research are needed to determine the extent to which bias is a factor in these disparities.

POLICY-FOCUSED DATA ANALYSIS

III. Youth Interaction with Law Enforcement

A. Introduction

> *"All youth deserve multiple chances. Some get them. Others do not. Whether you end up incarcerated or in college should not be based on where you live, the color of your skin or how much money your family makes. Some communities have Youth Development while others have containment and suppression. We are a product of those communities that are over-policed and disinvested in. We are more likely to make police contact, not based on our behavior, but how our public resources are spent."*[27]

This year's report focuses on the role of racial and other biases in youth and law enforcement officer encounters, in large part because of the significant racial disparities that the Board has observed in the stops of youth in previous years. In a global context, the United States is a carceral outlier in the confinement of youth.[28] Looking just at pretrial detention, for example, the United States detains approximately 60 out of 100,000 youth, which is the highest rate of 92 reporting countries in the United Nations,[29] higher than the average of countries in South America (approximately 19 out of 100,000 youth), the Middle East and North Africa (approximately 7 out of 100,000 youth), and Central and Eastern Europe (approximately 6 out of 100,000 youth).[30]

> "The arrest disparity is the entrance to a maze with fewer exits for African American youth than their white peers."
>
> — Rovner, *Racial Disparities in Youth Commitments and Arrests* (April 2016) The Sentencing Project, p. 7.

The Board, in prior reports, examined the role of the "school-to-prison pipeline" in police stops and made recommendations aimed at reducing interactions between students and law enforcement and racial and disability disparities in the course of those interactions, from the initiation to the outcomes.[31] Schools, however, are only one pathway for youth to become involved in the criminal legal system, and indeed, the majority of law enforcement stops of youth occur in other settings.[32] The 2021 RIPA data indicated that youth are at higher risk of law enforcement contact that results in being handcuffed, searched, or detained curbside or in a patrol car than adults.[33] This data informs the Board's examination this year of youth and law enforcement interaction, and an even broader challenge facing youth: what some experts have referred to as the "community-to-prison pipeline," another pathway that funnels youth into the criminal legal system.[34]

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27 Hayward Burns Institute, *Los Angeles County: Youth Justice Reimagined* (Oct. 2020) L.A. County, p. 9 <https://burnsinstitute.org/wp-content/uploads/2020/11/Youth-Justice-Reimagined-2020.pdf> [as of Nov. 18, 2024].

28 Trejos-Castillo et al., *The Square One Project Learned Helplessness, Criminalization, and Victimization in Vulnerable Youth* (Dec. 2020) pp. 5-6 <https://squareonejustice.org/paper/learned-helplessness-criminalization-and-victimization-in-vulnerable-youth-by-elizabeth-trejos-castillo-evangeline-lopoo-and-anamika-dwivedi-december-2020/> [as of Nov. 18, 2024].

29 *Id.* at p. 5; Nowak, *The United Nations Global Study on Children Deprived of Liberty* (2019) p. 262 <https://omnibook.com/view/e0623280-5656-42f8-9edf-5872f8f08562/page/294> [as of Nov. 18, 2024].

30 Nowak, *supra* note 29, at p. 262.

31 See, e.g., Racial and Identity Profiling Advisory Board, *Annual Report* (2024) ("*2024 Report*") pp. 120-122<https://oag.ca.gov/system/files/media/ripa-board-report-2024.pdf> [as of Nov. 18, 2024].

32 Racial and Identity Profiling Advisory Board, *Annual Report* (2023) ("*2023 Report*") pp. 137-138 <https://oag.ca.gov/system/files/media/ripa-board-report-2023.pdf> [as of Nov. 18, 2024].

33 Racial and Identity Profiling Advisory Board, *2024 Report*, *supra* note 31, at p. 9 ("Within all racial and ethnic groups, the highest observed percentage of stops in which officers handcuffed, searched, or detained individuals curbside or in a patrol car was for adolescents (10-14 years old and 15-17 years old).").

34 Redfield and Nance, *Joint Task Force on Reversing the School-to-Prison Pipeline Preliminary Report* (February 2016) American Bar Association, p. 67 <https://scholarship.law.ufl.edu/cgi/viewcontent.cgi?article=1765&context=facultypub> [as of Nov. 18, 2024] ("[W]e should really be talking about a community-to-

The United States remains a carceral outlier even though arrest rates for people under 18, which peaked in 1999, have continued to decline.[35] Nationally, in most years, only about five percent of youth arrests are for offenses categorized as violent crimes.[36] While the overall decline in rates of youth arrests is a positive development, the Board continues to be concerned about the disparities in stops of youth in California.

At the onset of adolescence, racialized youth[37] are exposed to police encounters with greater frequency than White youth.[38] These police encounters are more likely to result in further entanglement in the criminal legal system for racialized youth than White youth. This disparity between White youth and youth of color is a longstanding issue.[39] As scholars have found, "[t]he arrest disparity is the entrance to a maze with fewer exits for African American youth than their white peers."[40] Reforming law enforcement policies that contribute to the profiling of racialized youth has been seen as critical to reducing the troubling racial disparities impacting Black youth across later stages of the criminal legal system.[41]

This section of the report focuses on youth and policing beyond the school context and builds on the Board's prior recommendations to address the issue of racial profiling of youth.

B. Research Shows Youth Are Uniquely Impacted by Law Enforcement Encounters

For this section, the Board broadly defines "youth" as inclusive of "transition age youth," which the federal government defines as persons between 16 and 24 years of age.[42] Within this definition of youth, the Board looks at different age ranges because of significant legal and developmental differences between these groups. Science supports including transition age youth in the Board's definition of youth:

> It is well established that the brain undergoes a "rewiring" process that is not complete until approximately 25 years of age. This discovery has enhanced our basic understanding regarding adolescent brain maturation and it has provided support for behaviors experienced in late adolescence and early adulthood. Several investigators consider the age span 10–24 years as adolescence, which can be further divided into substages specific to physical, cognitive, and social-emotional development.[43]

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prison pipeline or a cradle-to-prison pipeline. It starts even before young people enter the school building."); Holder et al., *Concentrated Incarceration and The Public-Housing-To-Prison Pipeline in New York City Neighborhoods* (Sept. 6, 2022) 119 PNAS No. 36 <https://www.pnas.org/doi/epub/10.1073/pnas.2123201119> [as of Nov. 18, 2024].

35 Cohen et al., *When Does a Juvenile Become an Adult?* (2016) 88 Temple L.Rev. 769, 773; Rovner, *Youth Justice by the Numbers* (Aug. 2024) The Sentencing Project, p. 7 <https://www.sentencingproject.org/app/uploads/2024/08/Youth-Justice-By-The-Numbers.pdf [as of Nov. 18, 2024].

36 Rovner, *Youth Justice by the Numbers*, *supra* note 35, at p. 1.

37 The term racialized youth refers to youth whose racial or ethnic identity is constructed in opposition to the dominant white identity in society. (Kumasi and Hughes-Hassell, *Shifting Lenses on Youth Literacy and Identity* (2017) 45 Knowledge Quest No. 3, 14 <https://journals.sagepub.com/doi/10.1177/0002716219871899> [as of Nov. 18, 2024].)

38 Weaver and Geller, *De-Policing America's Youth: Disrupting Criminal Justice Policy Feedbacks That Distort Power and Derail Prospects* (2019) 685 Am. Acad. of Pol. & Soc. Science 190, p. 201 <https://journals.sagepub.com/doi/10.1177/0002716219871899> [as of Nov. 18, 2024]; Del Toro et al., *The Policing Paradox: Police Stops Predict Youth's School Disengagement Via Elevated Psychological Distress* (2022) 58 Dev. Psychol. 1, 1.

39 For example, data examining rates of arrests from 2003 to 2013 found that Black youth are more than twice as likely to be arrested than White youth; once arrested, Black youth are more likely to have their cases referred to juvenile court; among those cases referred to court, they are less likely to receive diversion; among those cases that are adjudicated, they are less likely to receive probation and more likely to be committed to secure placement in a juvenile facility. (Rovner, *Racial Disparities in Youth Commitments and Arrests* (April 2016) The Sentencing Project, pp. 6-9 <https://www.sentencingproject.org/app/uploads/2022/08/Racial-Disparities-in-Youth-Commitments-and-Arrests.pdf> [as of Nov. 18, 2024].)

40 *Id.* at p. 7.

41 Bratton and Smith, *Growing Up a Suspect: An Examination of Racial Profiling of Black Children and Effective Strategies to Reduce Racial Disparities in Arrests* ("*Growing Up a Suspect*") (2018) 45 N. Ky. L.Rev. 137, 154.

42 Interagency Working Group on Youth Programs, *Transition & Aging Out* (2022) Youth.Gov <https://youth.gov/youth-topics/transition-age-youth> [as of Nov. 18, 2024].

43 Arain et al., *Maturation of the Adolescent Brain* (2013) 9 Neuropsychiatric Disease and Treatment 449, 451-452 <https://pmc.ncbi.nlm.nih.gov/articles/PMC3621648/> [as of Nov. 18, 2024].

The Board considers several factors in identifying the age categories used for the analyses in this section, including the minimum age (12) whereby California juvenile courts can exercise jurisdiction over youth and the age categories the Board has used in prior reports.[44]

Considering these factors, the following perceived age categories were used in the analysis of the RIPA data in this report: 1–7, 8–11, 12–14, 15–17, 18–24, and 25 and older.

Racial Disparities in Law Enforcement Contact with Youth

Nationally, researchers have found police encounters with racialized youth are often qualitatively different from those with White youth. Racialized youth are stopped more frequently, and when stopped, they experience more intrusive police contact than their White counterparts.[45] When "holding socioeconomic context constant race makes a difference in how youth are treated by police and in their perceptions of officers."[46] Researchers suggest that both over-policing of communities of color and law enforcement intervention with residents who look "out of place" in a community contribute to these disparities in policing.[47] Racial disparities in some youth contacts can be explained by structural racism, which contributes to residential segregation, with predominantly Black neighborhoods being particularly heavily policed.[48]

Research "provides evidence that place is an important determinant of police suspicion."[49] For instance, researchers observed that Black drivers in predominantly white suburban areas were "more likely to be the subject of mobile data terminal queries (an indicator for suspicion) and that queries about Black[] [people] increased with distance from the city."[50] Another study on the views of White and Black youth revealed that White youth reported being stopped by the police while "(1) associating with Black males, (2) visiting or traveling through racially mixed or majority-Black neighborhoods, or (3) dressed in hip-hop clothing."[51] Because racialized youth are more likely to live in areas with a heavier law enforcement presence, they experience a greater likelihood of law enforcement contact than White youth who are more likely to live in less-policed neighborhoods.[52] Racial segregation does not fully account for the disparities, however. Some studies show that racial disparities in policing were present in counties with a low concentration of Black youth, higher ratios of Black to White socioeconomic inequality, and higher levels of economic competition (i.e., White-to-Black unemployment ratios).[53]

One phenomenon that may play a role in youth encounters with law enforcement and contribute to racial disparities from the initiation of a stop to its conclusion is the overestimation of the maturity of racialized youth, also known as *adultification*. Adultification bias is the perception of children of color as significantly older — and more likely to be guilty or dangerous — than White children of the same age. This perception bias may cause law enforcement officers to perceive Black youth as more threatening, to exercise their discretion in a more punitive manner, to use more force, and to impose

44 Welf. & Inst. Code, §§ 601, 602; California Department of Justice *SB 439 Compliance Information Bulletin* (July 5, 2019) p. 1 <https://oag.ca.gov/sites/all/files/agweb/pdfs/info_bulletins/2019-dle-04.pdf> [as of Nov. 18, 2024].
45 Geller, *Youth-Police Contact: Burdens and Inequities in an Adverse Childhood Experience, 2014-2017* ("*Youth-Police Contact: Burdens and Inequities*") (2021) 111 Am. J. Public Health 1300, 1304-1306 <https://pubmed.ncbi.nlm.nih.gov/34014760/> [as of Nov. 18, 2024].
46 Brunson and Weitzer, *Police Relations with Black and White Youths in Different Urban Neighborhoods* (2008) 44 Urban Affairs Rev. 858, 879.
47 Carroll and Gonzalez, *Out of Place: Racial Stereotypes and the Ecology of Frisks and Searches Following Traffic Stops* (2014) 51 J. of Research in Crime and Delinquency 559, 563; Glover, *Police Discourse on Racial Profiling* (2007) 23 J. of Contemporary Crim. Justice 239, 239.
48 Geller, *Youth-Police Contact: Burdens and Inequities*, *supra* note 45, at p. 1306.
49 Carroll and Gonzalez, *supra* note 47, at p. 563.
50 *Ibid.*
51 Brunson and Weitzer, *supra* note 46, at p. 879.
52 Geller, *Youth-Police Contact: Burdens and Inequities*, *supra* note 45, at p. 1306.
53 Andersen, *Race, Ethnicity, and Structural Variations in Youth Risk of Arrest: Evidence from a National Longitudinal Sample* (2015) 42 Criminal Justice and Behavior 900, 901-902, 904.

harsher penalties on Black youth.[54] "Even seasoned police officers sampled in [a] study consistently overestimated the age of Black adolescent felony suspects by approximately 4.6 years."[55]

One study associated the adultification bias with an implicit bias that dehumanizes Black people and has "unique effects on the perception of Black male children."[56] Adultification bias causes Black youth to be seen as less entitled to the presumption of innocence and the protections that come with childhood, and to instead be seen as dangerous, which can subject Black youth to more intrusive or forceful police actions.[57] This bias facilitates the use of force against youth of color and perceptions of police violence against them as more justified.[58]

Adultification begins to impact Black boys as early as age ten, and is greatest for Black girls between the ages of 5 and 14.[59] In one study, experienced law enforcement officers consistently overestimated the age of Black and Hispanic/Latine(x) children in criminal legal contexts, whereas White children were perceived as their actual chronological ages, if not younger.[60] The officers overestimated the age of Black youth suspected of felonies by 4.59 years.[61] In contrast, officers *underestimated* the age of White youth suspected of felonies by 0.78 years.[62] This means, for example, that officers may see a 10-year-old Black child as 15 years old — but a White child as just 9 years old.

An analysis of the 2023 RIPA data noted disparities in officer perception of the relative ages of Black youth and White youth when they were stopped *together*.[63] When this occurs, the data suggest that officers perceived the Black youth to be slightly older than the White youth with whom they were stopped (.19 years, or 2.3 months) on average.[64] This racial gap in perceived age is most visible for female youth, among whom Black youth are perceived to be .33 years (4 months) older on average.[65]

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54 Epstein et al., *Girlhood Interrupted: The Erasure of Black Girls' Childhood* (2017) Georgetown Law Center on Poverty and Inequality, p. 4 <https://www.law.georgetown.edu/poverty-inequality-center/wp-content/uploads/sites/14/2017/08/girlhood-interrupted.pdf> [as of Nov. 18, 2024]; Goff et al., *The Essence of Innocence: Consequences of Dehumanizing Black Children* (2014) 106 J. of Personality and Soc. Psychol. 526, 535 <https://www.apa.org/pubs/journals/releases/psp-a0035663.pdf> [as of Nov. 18, 2024].

55 Epstein et al., *supra* note 54, at p. 4 (citing Goff et al., *The Essence of Innocence: Consequences of Dehumanizing Black Children, supra* note 54, at p. 532 ["The magnitude of this overestimation also bears repeating. Because Black felony suspects were seen as 4.53 years older than they actually were, this would mean that boys would be misperceived as legal adults at roughly the age of 13 and a half."]).

56 Goff et al., *The Essence of Innocence: Consequences of Dehumanizing Black Children, supra* note 54, at p. 535 ("The observed associations between dehumanization and violent outcomes for Black children provide further support for our hypothesis that Black children, in contexts of dehumanization, are prematurely treated as adults. Again, the implicit dehumanization of Black children predicted the extent to which police officers overestimate the age of Black suspects, how culpable those Black suspects are perceived to be, and the extent to which officers were more likely to use force on Black suspects than suspects of other races throughout their career, controlling for how much suspects resist arrest or are located in high-crime areas. It is important to highlight that these racial disparities were not predicted by traditional measures of explicit or implicit racial prejudice. Instead, these disparities may be a result of exposure to dehumanizing representations of Blacks [people].").

57 Epstein et al., *supra* note 54, at p. 1; Bratton and Howard Smith, *Growing Up a Suspect*, *supra* note 41, at p. 154; see also Taylor-Thompson, *Treating All Kids as Kids* (May 24, 2021) Brennan Center for Justice <https://www.brennancenter.org/our-work/analysis-opinion/treating-all-kids-kids> [as of Nov. 18, 2024]; Perillo et al., *Examining the Consequences of Dehumanization and Adultification in Justification of Police Use of Force Against Black Girls and Boys* (2023) 47 Am. Psychol. Assn. 36, 38 ("Engaging in … dehumanization does not entail literally seeing individuals as nonhuman or subhuman but rather ascribing them to fewer traits associated with humanity.").

58 Epstein et al., *supra* note 54, at pp. 1, 4; Goff et al., *The Essence of Innocence: Consequences of Dehumanizing Black Children, supra* note 54, at pp. 526, 529, 536, 545.

59 Epstein et al., *supra* note 54, at p. 1; Goff et al., *The Essence of Innocence: Consequences of Dehumanizing Black Children, supra* note 54, at pp. 529, 536; Perillo et al., *supra* note 57.

60 Goff et al., *The Essence of Innocence: Consequences of Dehumanizing Black Children, supra* note 54, at pp. 534-535.

61 *Id.* at p. 535.

62 *Ibid.*

63 See Appendix F, F.1.

64 See *ibid.*

65 See *ibid.*

Because RIPA data records the officer's perception and not an individual's actual age, it is unclear why officers are more likely to perceive Black youth as older than White youth when they are stopped together. These disparities in perceived age suggest adultification bias, but more analysis is needed to more concretely assess officer perception of the relative ages of Black and White youth when they are stopped together.[66]

Impact of Law Enforcement Interactions[67] on Youth

Negative police encounters could have a harmful impact on a child's life, and the earlier this negative experience occurs, the more harmful that impact is likely to become.[68] One study found that "the frequency of police stops predicted more frequent engagement in delinquent behavior 6, 12, and 18, mo[nths] later, whereas delinquent behavior did not predict subsequent reports of police stops."[69] The research clarifies that it is not the absence of cordial language that defines a police encounter as "negative;" rather, it is the set of practices commonly associated with "proactive policing"[70] that are the most negatively consequential on youth.[71] A wealth of research demonstrates that negative law enforcement encounters can undermine children and teens' sense of safety and stability, and contribute to the development of stress, anxiety, post-traumatic stress disorder, and depression.[72]

> "[T]he single most common proactive policing strategy — directing officers to make contact with individual boys and young men in 'high-crime' areas — may impose a terrible cost."
>
> — Del Toro et al., *The Criminogenic and Psychological Effects of Police Stops on Adolescent Black and Latino Boys* (March 2019) 116 PNAS 8261, 8267.

Studies also show that direct contact with law enforcement — and vicarious exposure to proactive policing practices, such as when a child observes their parent or family members stopped because of strict enforcement of low-level crimes or extensive use of police stops — are associated with negative education outcomes, including reduced test scores and lower grade point averages.[73]

66 The methodology used involved looking at those stops where a group of young people were stopped together at the same time. (Appendix F, F.1.) "There is no reason to assume that, when they are part of a group, Black youth are older than their White peers." (*Ibid*.) Additional analyses, in which youths' actual ages can be analyzed to verify these conclusions, would allow for a more conclusive analysis of adultification. (See *ibid*.) Because RIPA data records the officer's perception and not an individual's actual age, however, it would be difficult to conduct a more conclusive analysis using the RIPA data. (See *ibid*.)

67 The Board defines "law enforcement interactions" as those interactions between youth and law enforcement that would constitute a stop for the purposes of the RIPA data. Those interactions are defined by statute and the Code of Regulations as detentions, or interactions that results in searches. (Gov. Code, § 12525.5, subd. (g)(2); Cal. Code Regs., tit. 11, § 999.224, subd. (a)(20).)

68 Del Toro et al., *The Criminogenic and Psychological Effects of Police Stops on Adolescent Black and Latino Boys* (March 2019) 116 PNAS 8261, 8267 <https://pubmed.ncbi.nlm.nih.gov/30962370/> [as of Nov. 18, 2024].

69 *Id.* at p. 8266.

70 "Proactive policing" is a model of policing "in which officers actively engage citizens in high-crime areas to detect imminent criminal activity or disrupt circumstances interpreted as indicia that 'crime is afoot.'" (Geller et al., *Aggressive Policing and the Mental Health of Young Urban Men* (Dec. 2014) 104 Am. J. of Public Health 2321, 2321.) This model of policing encompasses tactics such as stop-and-frisk or *Terry* stops.

71 Del Toro et al., *The Criminogenic and Psychological Effects of Police Stops on Adolescent Black and Latino Boys*, *supra* note 68, at p. 8261; Rios et al., *Mano Suave-Mano Dura: Legitimacy Policing and Latino Stop-and-Frisk* (2020) 85 Am. Sociological. Rev. 58, 67 ("Officers used courtesy and punitive strategies during stops. Although officers often voiced or conveyed a positive intention during the initial contact with gang-associated Latinos, the final outcome of these encounters was often negative.").

72 Geller, *Youth-Police Contact: Burdens and Inequities*, *supra* note 45, at p. 1306; Jackson et al., *Police Stops Among At-Risk Youth: Repercussions for Mental Health* (2019) 65 J. of Adolescent Health 627; Del Toro et al., *The Criminogenic and Psychological Effects of Police Stops on Adolescent Black and Latino Boys*, *supra* note 68, at pp. 8263-8266.

73 Gottlieb and Wilson, *The Effect of Direct and Vicarious Police Contact on the Educational Achievement of Urban Teens* (2019) 103 Children and Youth Services Rev. 190, 196; St. John et al., *Reducing Adverse Police Contact Would Heal Wounds for Children and Their Communities* (Jun. 14, 2022) Child Trends: Trauma and Resilience <https://www.childtrends.org/publications/reducing-adverse-police-contact-would-heal-wounds-for-children-and-their-communities> [as of Nov. 18, 2024].

Researchers conclude that contact with law enforcement — including simply being *stopped* by police — could have long-term consequences on youth, including higher levels of law-violating behavior and fewer educational and employment opportunities.[74] One study of more than 2,000 middle-school students showed that youth who were merely stopped (but not arrested) by police showed lower levels of school commitment, poorer grades, less participation in prosocial activities, less anticipated guilt, and higher levels of delinquency,[75] and that being stopped is associated a 60 percent increase in delinquency.[76]

A study of the mental well-being among youth who witnessed police stops demonstrated notable findings regarding the effects of those stops on their mental health.[77] In that study, researchers looked at a random sample of more than 2,500 youth with no history of being directly stopped by police, and more than 1,400 youth who reported "having witnessed police stops in their neighborhoods and/or schools," but who themselves had never been directly stopped by the police.[78] Researchers assessed: (1) whether witnessed police stops affected youth mental well-being (depression, anxiety, and happiness); (2) whether the level of police officer intrusiveness[79] affected youth mental well-being; (3) whether youth experienced emotional distress (fear, anger, or feeling unsafe) during the witnessed stop, and to what degree the amount of police officer intrusiveness affected such distress; and (4) whether there were any variations by youth sex and/or youth race and ethnicity.[80]

The researchers made three main findings. First, youth who witnessed stops had poorer mental well-being than those who had not witnessed any stops, including greater depression and anxiety and lower levels of happiness.[81] Second, among those youth who had witnessed stops, any type of officer intrusiveness — pat-downs, searches, use of harsh language, racial slurs, threats of physical force or actual use of force, or handcuffing — was consistently associated with diminished mental well-being, explained in part by the emotional distress reported during the witnessed stop.[82] Third, while youth of color (Latine(x), Black, other race) reported less anxiety than their White counterparts after witnessing an intrusive stop, Black and Hispanic/Latine(x) youth reported greater reductions in happiness than White youth.[83] This last finding suggests that — at least in the case of witnessed stops — "there may be critical racial/ethnic differences in mental health responses, even if youth across the board are more likely to experience adverse mental health outcomes."[84]

These disparities impact not only youth who have committed violations but also youth engaged in lawful activity. One study found that non-delinquent Black and Latino boys faced the same risk of law enforcement surveillance as "self-reported" delinquent boys.[85] The research showed that "[p]rior law-abiding behaviors did not protect boys against future police stops, yet being stopped by police was associated with increased engagement in delinquent behavior."[86] Black youth "expressed hopelessness regarding the situation because they felt that officers would never see them as anything other than symbolic assailants, even when they were engaged in entirely lawful activity."[87]

74 Wiley and Esbensen, *The Effect of Police Contact: Does Official Intervention Result in Deviance Amplification?* (2013) 62 Crime & Delinquency 283, 285.
75 Wiley et al., *The Unintended Consequences of Being Stopped or Arrested: An Exploration of the Labeling Mechanisms Through Which Police Contact Leads to Subsequent Delinquency* (2013) 51 Criminol. 927, 931.
76 *Id.* at p. 951.
77 Jackson et al., *Youth Mental Well-Being Following Witnessed Police Stops* (2022) 99 J. of Urban Health 783, 790-791.
78 *Id.* at p. 785.
79 "Police officer intrusiveness" was measured by asking youth who witnessed stops whether the stop involved: (1) a frisk them or pat them down; (2) a search of bags or pockets; (3) the officer's use of harsh language; (4) the officer's use of racial slurs; (5) the officer's threat of physical force; (6) the officer's use of physical force; or (7) the officer's use of handcuffs. (*Id.* at p. 786.)
80 *Id.* at p. 784.
81 *Id.* at pp. 790-791.
82 *Id.* at p. 791.
83 *Ibid.*
84 *Ibid.*
85 Del Toro et al., *The Criminogenic and Psychological Effects of Police Stops on Adolescent Black and Latino Boys*, *supra* note 68, at pp. 8261-8262, 8267.
86 *Id.* at p. 8267.
87 Brunson and Weitzer, *supra* note 46, at p. 879.

These studies shed light on the enduring consequences of typical police interactions with youth. Indeed, the "applied police model, which emphasizes extensive police contact at low levels of suspicious behavior, can lower the educational performance of African American boys, with implications for child development and racial inequality."[88] "[T]he single most common proactive policing strategy[89] — directing officers to make contact with individual boys and young men in 'high-crime' areas — may impose a terrible cost."[90]

C. Youth-Specific RIPA Stop Data Analysis

As discussed above, proactive policing practices, which often emphasize enforcement of quality of life and other low-level violations as a tool for intrusive police activities in areas deemed high-crime areas, can have harmful effects on youth, particularly youth of color. Part of what drives disparities in police encounters and facilitates the resulting negative consequences on youth are implicit biases such as the adultification bias. This year's RIPA data suggests that police departments across California may be engaging in proactive policing practices.

The RIPA regulations define the interactions with members of the public that officers must report.[91] The regulations define a stop as any detention of a person by a peace officer and any interaction in which the officer conducts a search.[92] A detention, as defined by the regulations, is a seizure of a person by an officer that results from physical restraint, unequivocal verbal commands, or words or conduct by an officer that would result in a reasonable person believing they are not free to leave or otherwise disregard the officer.[93] A search, as defined by the regulations, is a search of a person's body or property in the person's possession or under their control, and includes a pat-down search of a person's outer clothing as well as a consensual search.[94] Although the RIPA regulations broadly cover stops, it could be assumed that some law enforcement interactions with youth do not meet this definition of a stop under the RIPA regulations and, consequently, officers are not required to report those interactions under RIPA.

Looking at the 2023 RIPA data, law enforcement officers reported 823,773 stops involving youth 24 and younger (17.5% of all stops).

88 Legewie and Fagan, *Aggressive Policing, and the Educational Performance of Minority Youth* (April 2019) 84 American Sociological Review 220, 239.
89 As noted above, "proactive policing" has also been described as a model "in which officers actively engage citizens in high-crime areas to detect imminent criminal activity or disrupt circumstances interpreted as indicia that 'crime is afoot.'" (Geller et al., *Aggressive Policing and the Mental Health of Young Urban Men*, *supra* note 70, at p. 2321.) It encompasses tactics such as stop-and-frisk or *Terry* stops.
90 Del Toro et al., *The Criminogenic and Psychological Effects of Police Stops on Adolescent Black and Latino Boys*, *supra* note 68, at p. 8267.
91 Cal. Code Regs., tit. 11, § 999.227, subd. (a)(1).
92 *Id.* § 999.224, subd. (a)(20).
93 *Id.* § 999.224, subd. (a)(7).
94 *Id.* § 999.224, subd. (a)(19).

Figure 44. Total Stops by Age (Youth under 25)

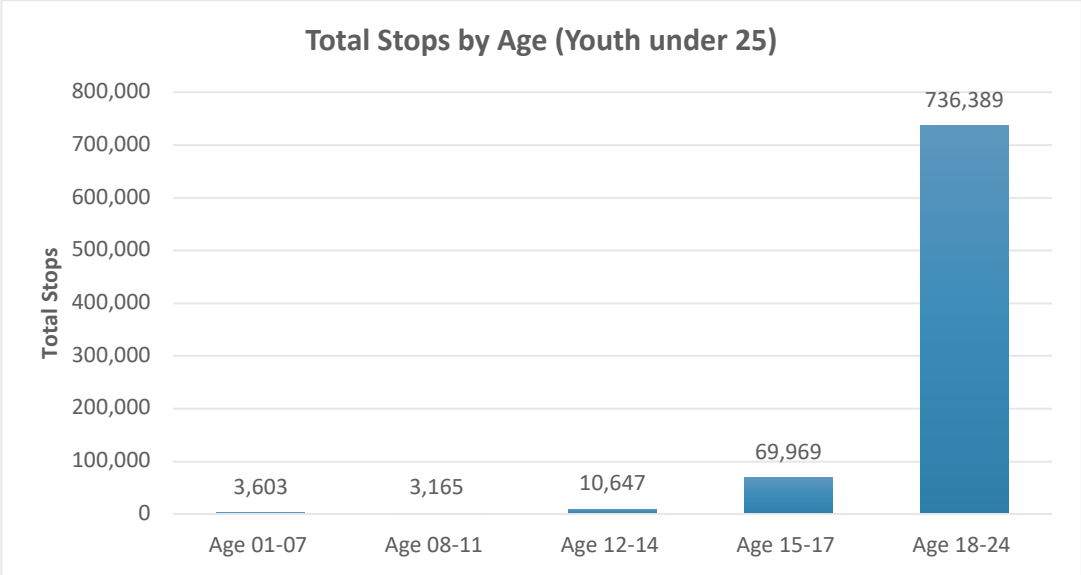
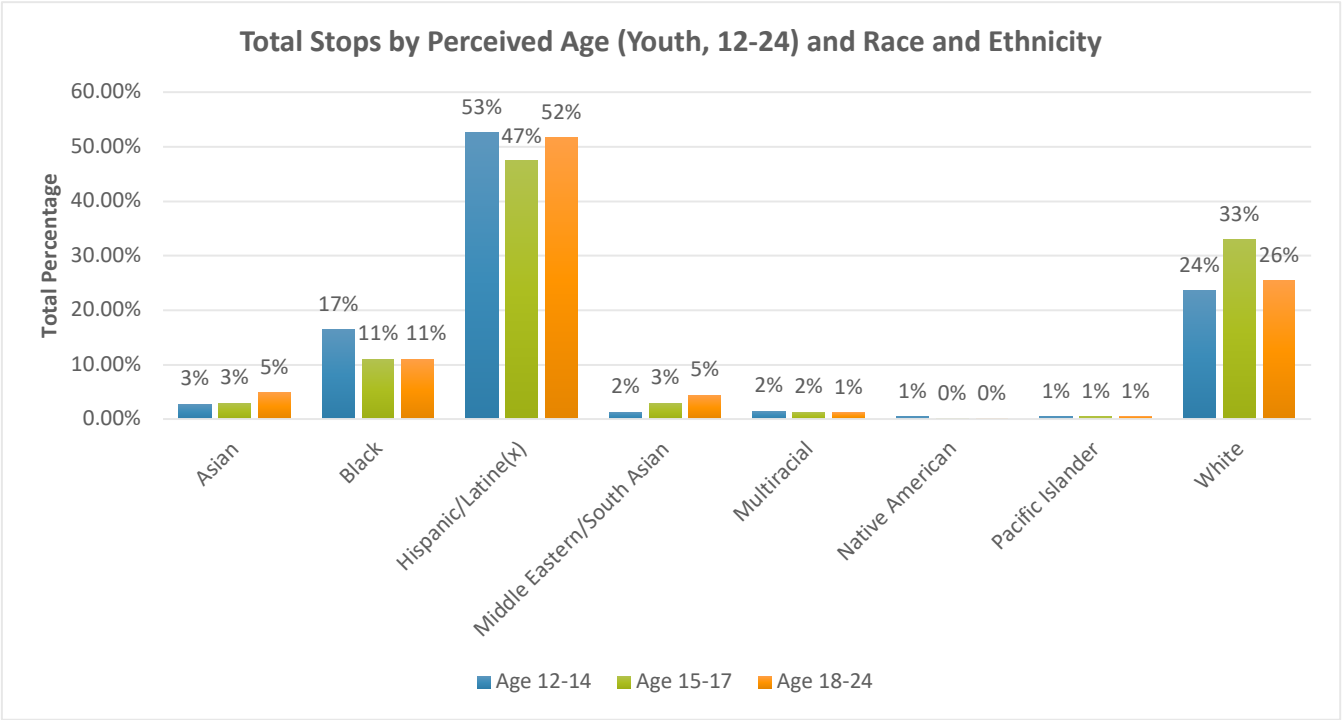


Figure 45. Total Stops by Perceived Age (Youth, 12-24) and Race and Ethnicity



Demographics of Youth Who Are Interacting with Law Enforcement in California

In 2022, the most recent year for which population data was available at the time of the writing of this report, California was home to approximately 39 million people, of whom over 12 million (nearly one in three) Californians were under 25 years of age, and nearly nine million (approximately one in five) Californians were under 18 years of age.[95] The LGBT population in California largely reflects the racial and ethnic diversity of the state, and younger Californians are much more likely than older Californians to identify as LGBT.[96] An estimated 234,000 youth ages 13–17 identify as lesbian, gay, or bisexual, and an estimated 22,200 youth ages 13–17 identify as transgender.[97] Among transition age youth,[98] about 13.6 percent of youth ages 18–24 (about 514,400 youth) identify as lesbian, gay, bisexual, and/or transgender, while Californians older than 24 are less likely to identify as LGBT.[99]

Current national estimates of disability prevalence from different data sources range from 8 percent to over 30 percent of the population.[100] Understanding that these are comparatively conservative estimates, in this report, the Board references data about disability prevalence from the American Community Survey because it provides California-specific estimates for youth and adults.[101] Californians over 18 make up a larger percentage of the total number of those with disabilities (an estimated 8.3% of Californians, or more than two million people) compared to Californians under 18 (an estimated 3.7% of Californians, or approximately 320,000 people).[102]

Reason for Stops

This section discusses the data collected on the reasons officers reported for stopping youth. As shown below, there are large disparities between youth of color and White youth in the stop data. The disparities within this data suggest that bias may affect an officer's decision to stop youth and how racial and identity profiling applies to stops of youth.

a. Reasonable Suspicion — Generally

The 2023 RIPA data show that the percentage of stops based on reasonable suspicion varied across age categories for racial or ethnic groups. However, consistently across all age groups, Black youth had the greatest percentage of stops based on reasonable suspicion compared to other racial or ethnic groups.

95 Statista, *Distribution of Resident Population in California, by Age Group* (2024)<https://www.statista.com/statistics/912915/california-population-share-age-group/> [as of Nov. 18, 2024] (31.2 percent of Californians were under 25 years of age, and 22.8 percent were under 18 years of age.); U.S. Census Bureau, *2017-2021 ACS 5-Year Estimates* (2022) https://www.census.gov/programs-surveys/acs/technical-documentation/table-and-geography-changes/2021/5-year.html [as of Nov. 18, 2024]; U.S. Census Bureau, *Quick Facts: California* (2023) <https://www.census.gov/quickfacts/fact/table/CA/PST045222#PST045222> [as of Nov. 18, 2024].

96 Johnson, *California's LGBT Population* (June 8, 2022) Public Policy Institute of California <https://www.ppic.org/wp-content/uploads/californias-lgbt-population-july-2022.pdf> [as of Nov. 18, 2024].

97 Conron, *LGBT Youth Population in the United States* (2020) UCLA School of Law Williams Institute, p. 1 <https://williamsinstitute.law.ucla.edu/wp-content/uploads/LGBT-Youth-US-Pop-Sep-2020.pdf> [as of Nov. 18, 2024].

98 As previously noted, the federal government defines "transition age youth" as persons between 16 and 24 years of age. (Interagency Working Group on Youth Programs, *Transition & Aging Out*, *supra* note 41.)

99 Flores and Conron, *Adult LGBT Population in the United States* (2023) UCLA School of Law Williams Institute, p. 13 <https://williamsinstitute.law.ucla.edu/wp-content/uploads/LGBT-Adult-US-Pop-Dec-2023.pdf> [as of Nov. 18, 2024]. An estimated 8.1 percent of Californians ages 25-34 identify as LGBT, an estimated 3.7 percent of Californians ages 35-49 identify as LGBT, an estimated 2.5 percent of Californians ages 50-64 identify as LGBT, and an estimated 1.6 percent of Californians who are 65 and older identify as LGBT. (*Ibid.*)

100 National Center on Birth Defects and Developmental Disabilities, *Disability Datasets* (2024) <https://www.cdc.gov/ncbddd/disabilityandhealth/datasets.html> [as of Nov. 18, 2024]. Even when the Census Bureau's American Community Survey and the Center for Disease Control's Behavioral Risk Factor Surveillance System use the same set of six questions. Differences in data collection methods and response rates produce different prevalence estimates.

101 *Ibid*.

102 U.S. Census Bureau, *American Community Survey, ACS 5-Year Estimates Data Profiles, Table DP02*, 2022, <https://data.census.gov/table/ACSDP5Y2022.DP02?q=DP02&t=Disability&g=040XX00US06> [as of Nov. 18, 2024].

Perceived Race and Ethnicity: Among youth perceived to be 12–14, 72.9 percent of the stops of youth perceived to be Black (1,288 stops) and 64.0 percent of stops of youth perceived to be Hispanic/Latine(x) (3,589 stops) were based on reasonable suspicion. Comparatively, 51.4 percent of the stops of youth perceived to be White were based on reasonable suspicion (1,296 stops).

Among youth perceived to be 15–17, 54.0 percent of the stops of youth perceived to be Black (4,194) and 36.7 percent of stops of youth perceived to be Hispanic/Latine(x) (12,152 stops) were based on reasonable suspicion. In comparison, only 18.9 percent of the stops of youth perceived to be White were based on reasonable suspicion (4,368 stops).

Among youth perceived to be 18–24, 17.4 percent of the stops of youth perceived to be Black (14,278 stops), and 12.3 percent of stops of youth perceived to be Native American (229 stops) were based on reasonable suspicion, compared to only 7.8 percent of the stops of youth perceived to be White (14,588 stops).

Perceived Gender: Youth perceived as gender nonconforming or transgender had a larger percentage of stops for reasonable suspicion than youth perceived as cisgender.[103]

Among youth perceived to be 12–24, 24.8 percent of stops of youth perceived to be transgender or gender nonconforming were based on reasonable suspicion (969 stops), compared to 12.2 percent of stops of youth perceived to be cisgender (98,973 stops).

b. Reasonable Suspicion — Analysis of Specific Offenses

In this section, the Board conducts a closer review of seven specific offenses commonly seen in police interactions with youth. In continuation of its work to address pretextual stops, the Board reviews stops related to loitering and pedestrian roadway violations. The Board chose to review stops related to disturbing the peace, trespassing, and vandalism because disparities in these stops could indicate the proactive policing of youth. Finally, the Board reviews stops related to an example of an age-based offense, underage drinking, because this offense is specific to youth. Youth advocates have recommended that law enforcement redirect all instances of status offenses — like underage drinking — to pre-arrest diversion services outside of the formal criminal legal system.[104]

This section includes comparisons of stop data to the estimated population in California to examine whether racial and ethnic groups are overrepresented in stops compared to their proportion of the population. Population estimates analyses assume that the distribution of stops will generally resemble the overall racial and ethnic distribution of residents of California.

(1) Loitering

Despite extensive policing reform, there has been substantial continuity in policing practices to regulate urban order related to conceptions about the ideal use of public space.[105] Loitering charges are particularly vulnerable to overuse and the labeling of otherwise innocuous behavior of standing or waiting on the street as "loitering" shapes and reinforces perceptions of normal behavior as deviant or criminal.[106] In certain communities, "loitering" is viewed as disruptive to the ideal regular ordering

103 As defined in the RIPA Regulations, "'cisgender' means a person whose gender identity and gender expression align with the person's assigned sex at birth." (11 Cal. Code. Regs. § 999.226 (a)(6)(B)(1).)

104 Mendel, *Diversion: A Hidden Key to Combating Racial and Ethnic Disparities in Juvenile Justice* ("*Diversion: A Hidden Key*") (2022) The Sentencing Project, p. 9 <https://www.sentencingproject.org/app/uploads/2022/10/Diversion-A-Hidden-Key-to-Combating-Racial-and-Ethnic-Disparities-in-Juvenile-Justice.pdf> [as of Nov. 18, 2024]; see Mendel, *Protect and Redirect: America's Growing Movement to Divert Youth out of the Justice System* (2024) The Sentencing Project, p. 5 <https://www.sentencingproject.org/app/uploads/2024/03/Protect-and-Redirect-Americas-Growing-Movement-to-Divert-Youth-Out-of-the-Justice-System.pdf> [as of Nov. 18, 2024].

105 Bland, *'Lurking' and 'Loitering': The Genealogy of Languages of Police Suspicion in Britain* (2021) Policing and Society, pp. 664-665.

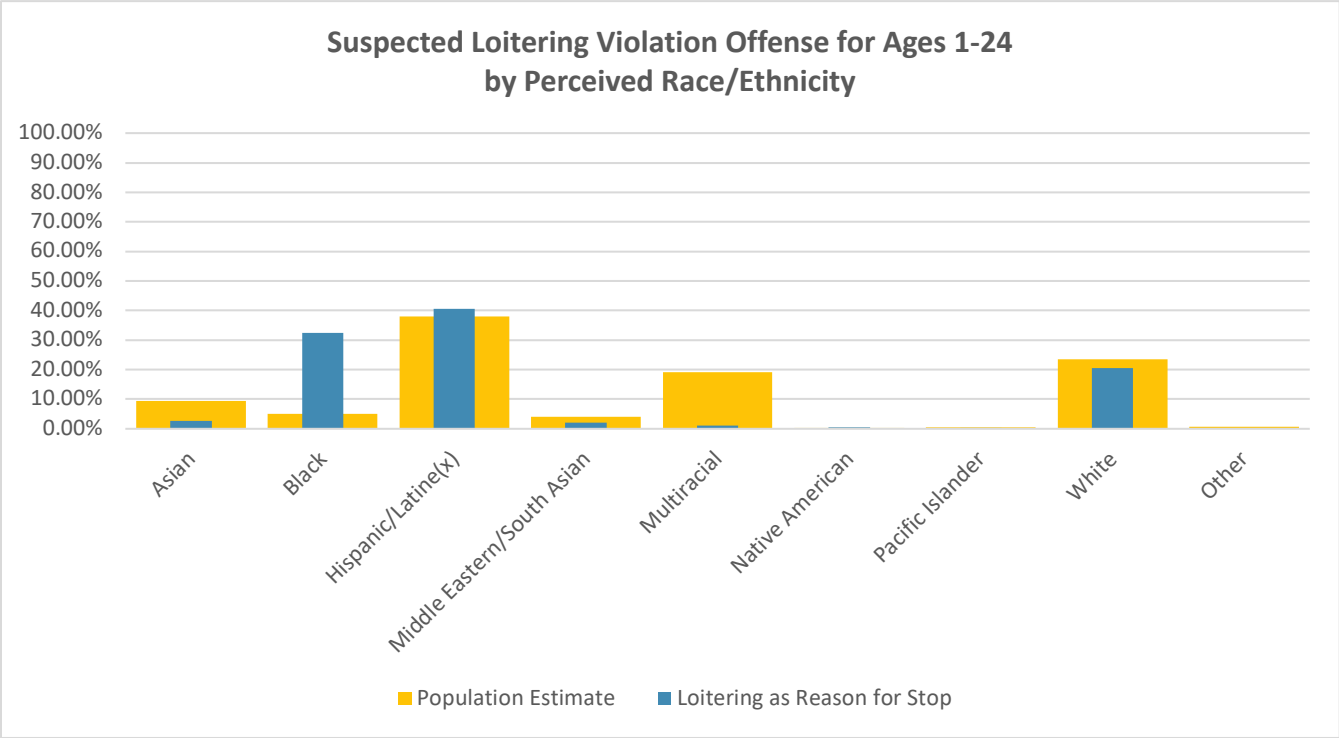
106 Bland, *supra* note 105, at p. 665.

of the urban environment.[107] There were racial differences in the proportions of stops of youth that officers reported for suspected loitering violations.[108]

Of all stops of youth 1–24 for suspected loitering violations, 40.58 percent were of youth perceived as Hispanic/Latine(x) (784 stops), 32.58 percent were of youth perceived as Black (627 stops), and 20.55 percent were of youth perceived as White (343 stops).

While the proportion of stops of White youth perceived to be 1–24 for suspected loitering offenses was lower than the proportion of White youth in California's population, the proportion of stops of Hispanic/Latine(x) and Black youth for suspected loitering offenses significantly surpassed the proportion of those groups in the population.

Figure 46. Suspected Loitering Violations, Youth 1-24, separated by Perceived Race/Ethnicity



(2) Pedestrian Roadway Violations

There were racial differences in the proportions of stops for youth that officers reported for suspected pedestrian roadway violations. Pedestrian roadway stops include offenses such as not crossing at a designated intersection or a pedestrian's failure to obey a traffic sign.[109]

Of all stops of youth 1–24 for suspected pedestrian roadway violations, 42.76 percent were of youth perceived as Hispanic/Latine(x) (1,429 stops), 30.283 percent were of youth perceived as Black (1,012 stops), and 20.74 percent were of youth perceived as White (693 stops).

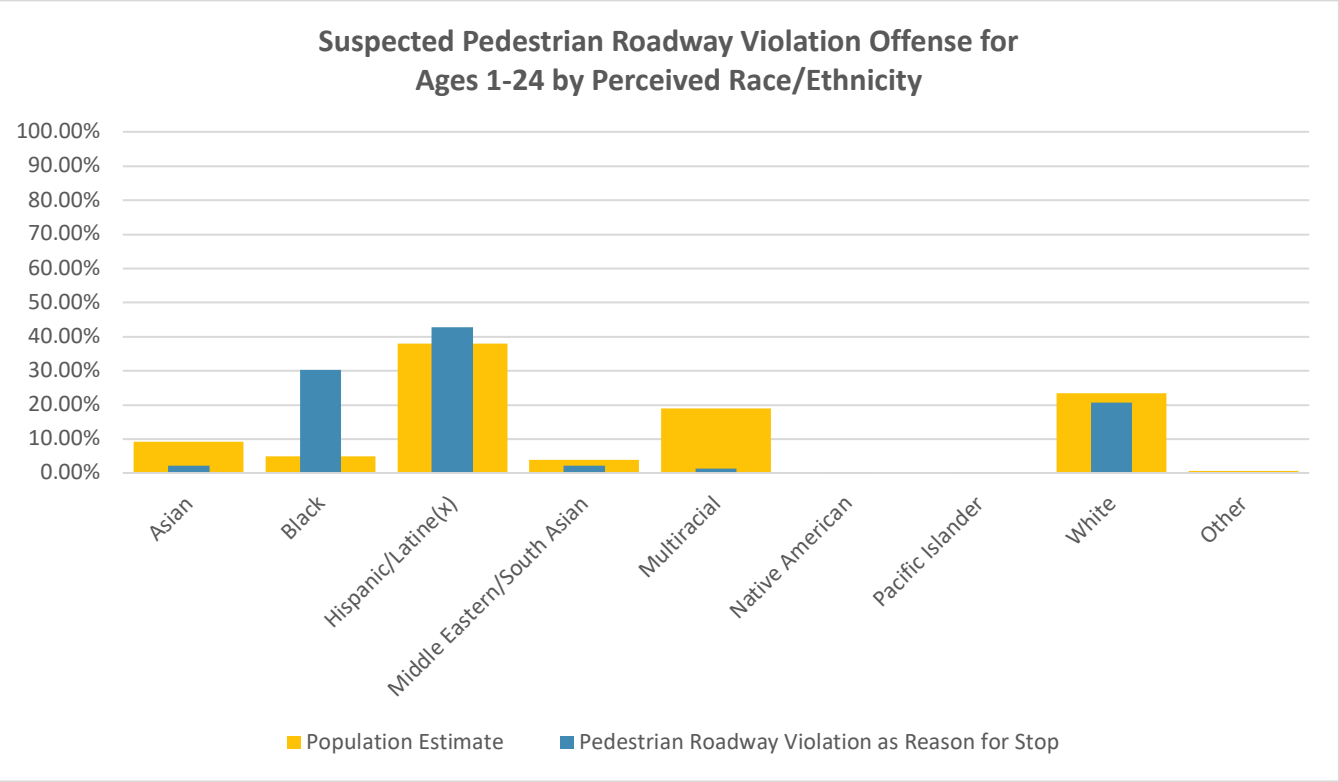
107 *Id*. at p. 668. Following ratification of the Thirteenth Amendment to the U.S. Constitution in 1865, Southern states "quickly passed 'Black Codes' – new laws that explicitly applied only to Black people and subjected them to criminal prosecution for "offenses" such as loitering, breaking curfew, vagrancy, having weapons, and not carrying proof of employment." (Equal Justice Initiative, *Convict Leasing* (2013) <https://eji.org/news/history-racial-injustice-convict-leasing/> [as of Nov. 18, 2024].)

108 Pen. Code, §§ 555.2, 647, subds. (b)(1)-(2), (c), (d), (e), (h), (i), 653.23, subds. (a)(1)-(2), 653b, subd. (a); Pub. Util. Code, § 120451; Health & Saf. Code, § 11532 subd. (a).

109 Veh. Code, §§ 21106, subd. (b), 21451, subds. (c)-(e), 21452, subds. (b)-(c), 21453, subds. (d)-(e), 21456, subd. (b), 21456.1, 21461.5, 21462, subd. (b), 21950, subds. (b), (e), 21953, 21954, 21955, 21956, 21957, 21960, 21961, subd. (b), 21966, 23331.

While the proportion of stops of White youth for suspected pedestrian roadway violations was lower than the proportion of White youth in California's population, the proportion of stops of Hispanic/ Latine(x) and Black youth for suspected pedestrian roadway violations greatly surpassed the proportion of those groups in the population.

Figure 47. Suspected Pedestrian Roadway Offenses Youth 1-24, separated by Perceived Race/Ethnicity



(3) Disturbing the Peace

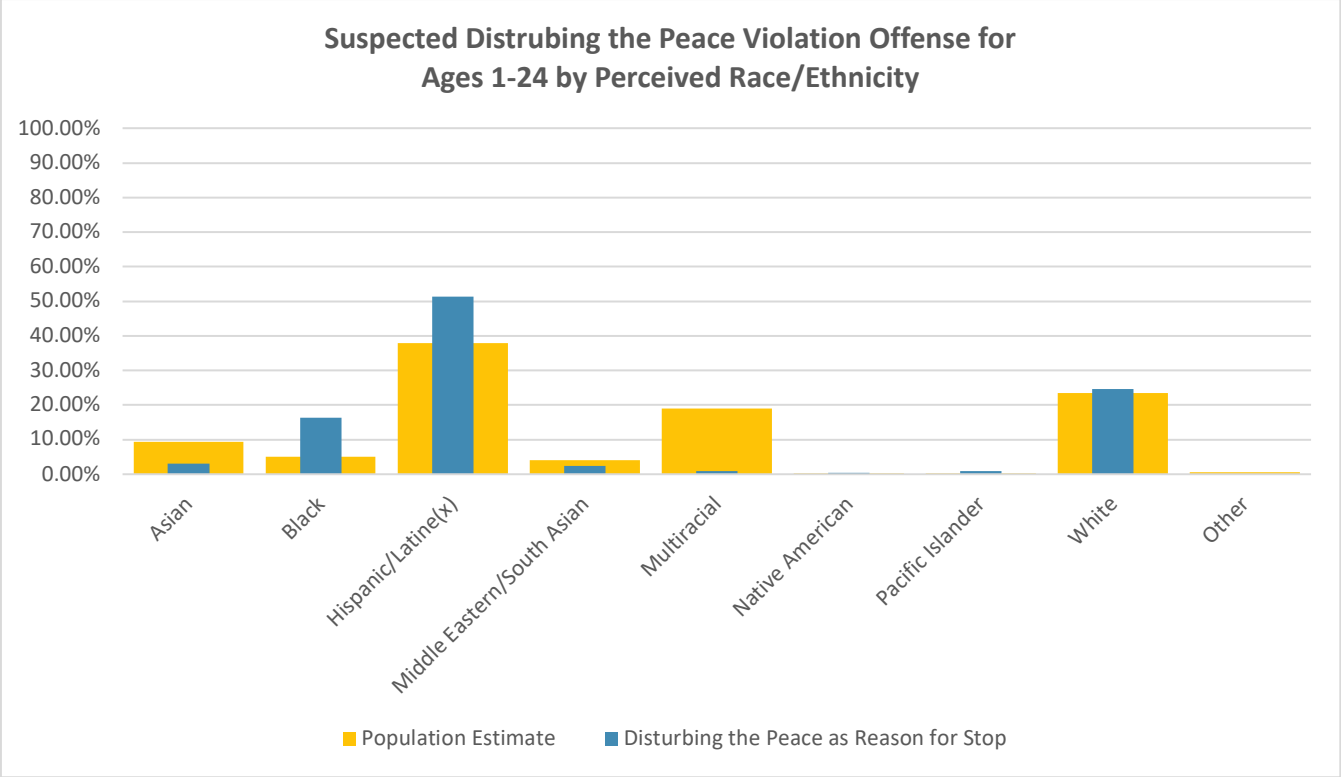
There were racial differences in the proportions of stops for youth officers reported for suspected disturbing the peace violations.[110]

Of all stops of youth 1–24 for suspected disturbing the peace violations, 51.34 percent were of youth perceived as Hispanic/Latine(x) (1,498 stops), 16.38 percent were of youth perceived as Black (478 stops), and 24.57 percent were of youth perceived as White (717 stops).

While the proportion of stops of White youth for suspected disturbing the peace violations was comparable to the proportion of White youth in California's population, the proportion of stops of Hispanic/Latine(x) and Black youth for suspected disturbing the peace violations significantly surpassed the proportion of those groups in the population.

110 Pen. Code, §§ 415 subds. (1)-(3), 415.5 subd. (a).

Figure 48. Suspected Disturbing the Peace Violations, Youth 1-24, separated by Perceived Race/Ethnicity



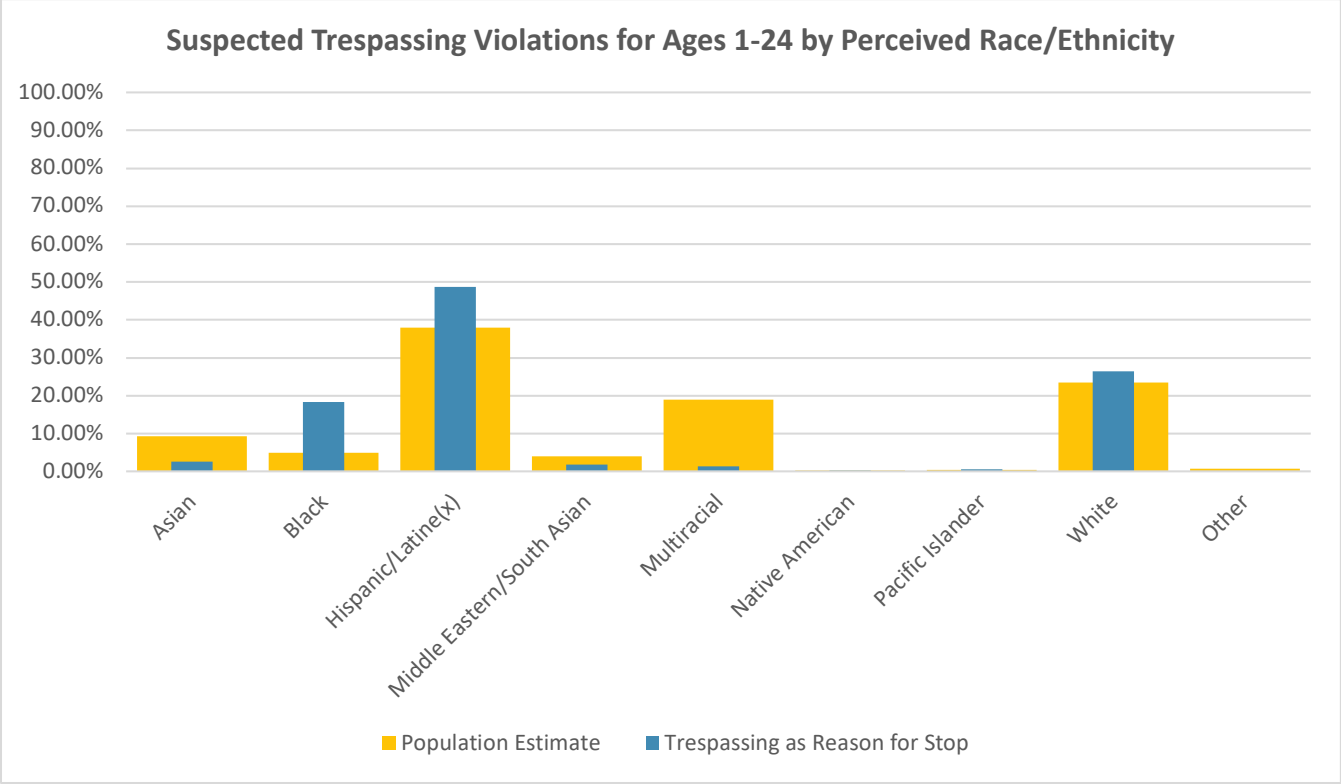
(4) Trespassing

There were racial differences in the proportions of stops for youth officers reported for suspected trespassing violations.[111] Of all stops of youth perceived to be 1–24 for suspected trespassing violations, 48.65 percent were of youth perceived as Hispanic/Latine(x) (2,693 stops), 18.32 percent were of youth perceived as Black (1,014 stops), and 26.43 percent were of youth perceived as White (1,463 stops).

The proportion of stops of Hispanic/Latine(x), Black, and White youth perceived to be 1–24 for suspected trespassing violations was greater than the proportion of those groups in the population. The disproportionality in relation to residential population was greater for Hispanic/Latine(x) and Black youth.

111 Mil. & Vet. Code, § 398; Pen. Code, §§ 369i subds. (a)(1), (b)(1), 555, 558, 587b, 601, subd. (a), 602, 602.1, subd. (a), 602.3, subd. (a), 602.4, subd. (a), 602.5, subds. (a)-(b), 602.6, 602.7, 602.8, subd. (a), 602.13, subd (a), 634; Sts. & Hy. Code, § 27174.2.

Figure 49. Suspected Trespassing Violations Youth 1-24, separated by Perceived Race/Ethnicity



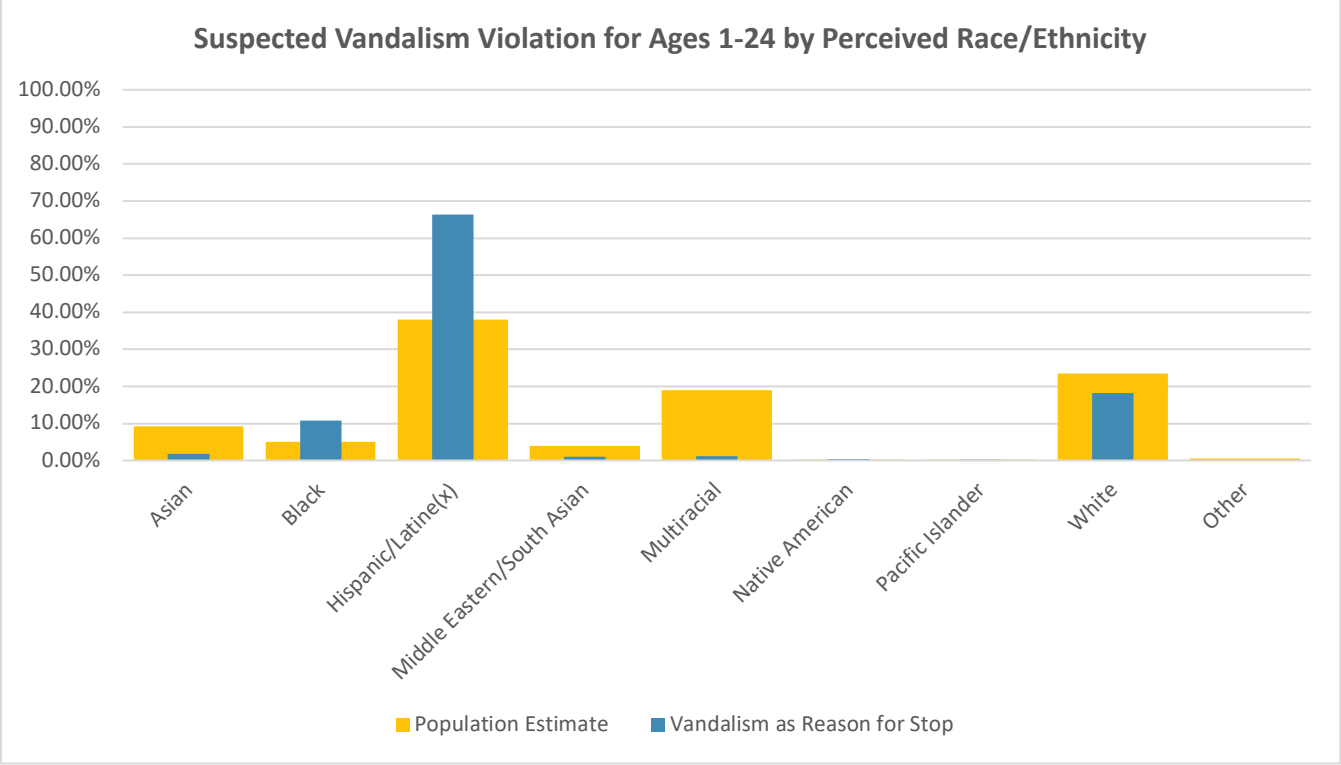
(5) Vandalism

There were racial differences in the proportions of stops for youth officers reported for suspected vandalism violations.[112] Of all stops of youth 1–24 for suspected vandalism violations, 66.38 percent were of youth perceived as Hispanic/Latine(x) (2,444 stops), 10.78 percent were of youth perceived as Black (397 stops), and 18.20 percent were of youth perceived as White (670 stops).

While the proportion of stops of White youth for suspected vandalism violations was slightly lower than the proportion of White youth in California's population, the proportion of stops for Black youth for suspected vandalism violations was greater than the proportion of Black youth in the population and the proportion of stops of Hispanic/Latine(x) youth for suspected vandalism violations greatly surpassed the proportion of Hispanic/Latine(x) youth in the population.

112 Pen. Code, §§ 594, subds. (a)-(b), 594.2 subd. (a), 594.3 subds. (a)-(b), 594.7, 640.7.

Figure 50. Suspected Vandalism Violations Youth 1-24, separated by Perceived Race/Ethnicity



(6) Status Offenses

The term "delinquency offense" refers to an offense a minor commits that is processed in juvenile court that would be prosecuted in criminal court if an adult committed the same offense.[113] "Status offenses" are actions that are illegal only because of a youth's age.[114] Nationally, in 2019, status offenses accounted for about 11 percent of the cases in juvenile courts.[115] Of all cases processed in juvenile courts, law enforcement agencies referred 18 percent of status offense cases, compared with 83 percent of delinquency cases.[116] Among status offense cases, law enforcement agencies were more likely to be the referral source for those related to curfew, underage drinking, and possession of alcohol than other status offense cases.[117]

Girls are charged more often with status offenses than delinquency offenses. While nationally, girls were involved in only 28 percent of the delinquency cases formally processed in 2019, they were involved in 44 percent of status offense cases.[118] Unhoused youth are also particularly vulnerable to status offenses.[119]

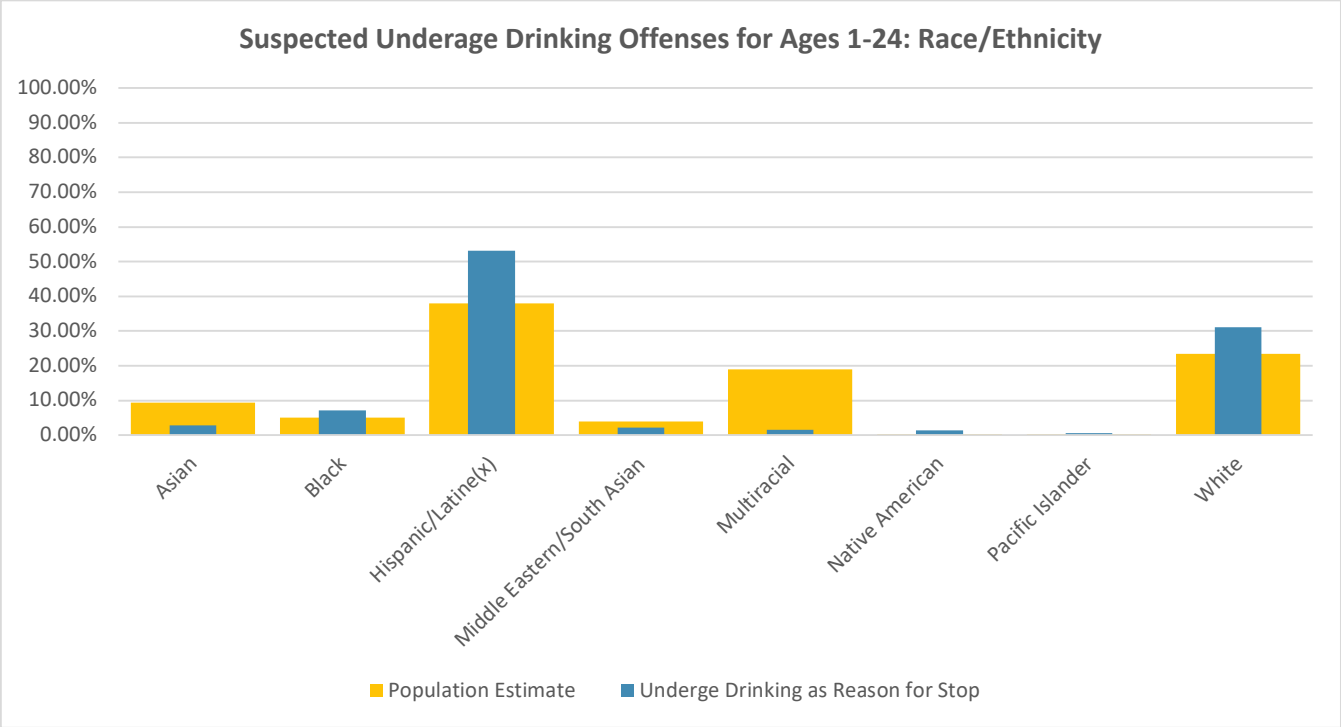
Below, the Board reviews stops related to underage drinking as an example of an age-based offense specific to youth.

113 Puzzanchera et al., *Youth and the Juvenile Justice System: 2022 National Report* (2022) National Center for Juvenile Justice, pp. 92, 139.
114 Youth.Gov, *Youth Involved with the Juvenile Justice System* (2023) <https://youth.gov/youth-topics/juvenile-justice/youth-involved-juvenile-justice-system> [as of Nov. 18, 2024].
115 Puzzanchera et al., *supra* note 113, at p. 168.
116 *Ibid.*
117 *Id.* at pp. 139, 168.
118 *Id.* at p. 169.
119 Toolis and Hammack, *The Lived Experience of Homeless Youth: A Narrative Approach* (2015) 2 Qualitative Psychology 1, 50-68.

(7) Underage Drinking

In California, the use of alcohol is prohibited for youth under 21.[120] There were racial differences in the proportions of stops of youth that officers reported for suspected underage drinking. Of all stops of youth 1–24 for suspected underage drinking, 53.1 percent were of youth perceived as Hispanic/Latine(x) (1,845 stops) and 31.1 percent were of youth perceived as White (1,081 stops). The proportion of stops of Hispanic/Latine(x) and White youth perceived to be 1–24 for suspected underage drinking was greater than the proportion of those groups in the population. The disproportionality in relation to the residential population was greater for Hispanic/Latine(x) youth.

Figure 51. Suspected Underage Drinking Violations, Youth 1-24, separated by Perceived Race/Ethnicity



National research shows that the use of alcohol by high school students has declined since the mid-1990s and reached historic lows in 2019.[121] While there were not large changes in students' perception of the availability of alcohol across this period, students' decreased use of alcohol was tied to the students' perceptions of possible harm from use.[122] This suggests the importance of a public health approach to addressing youth alcohol use.

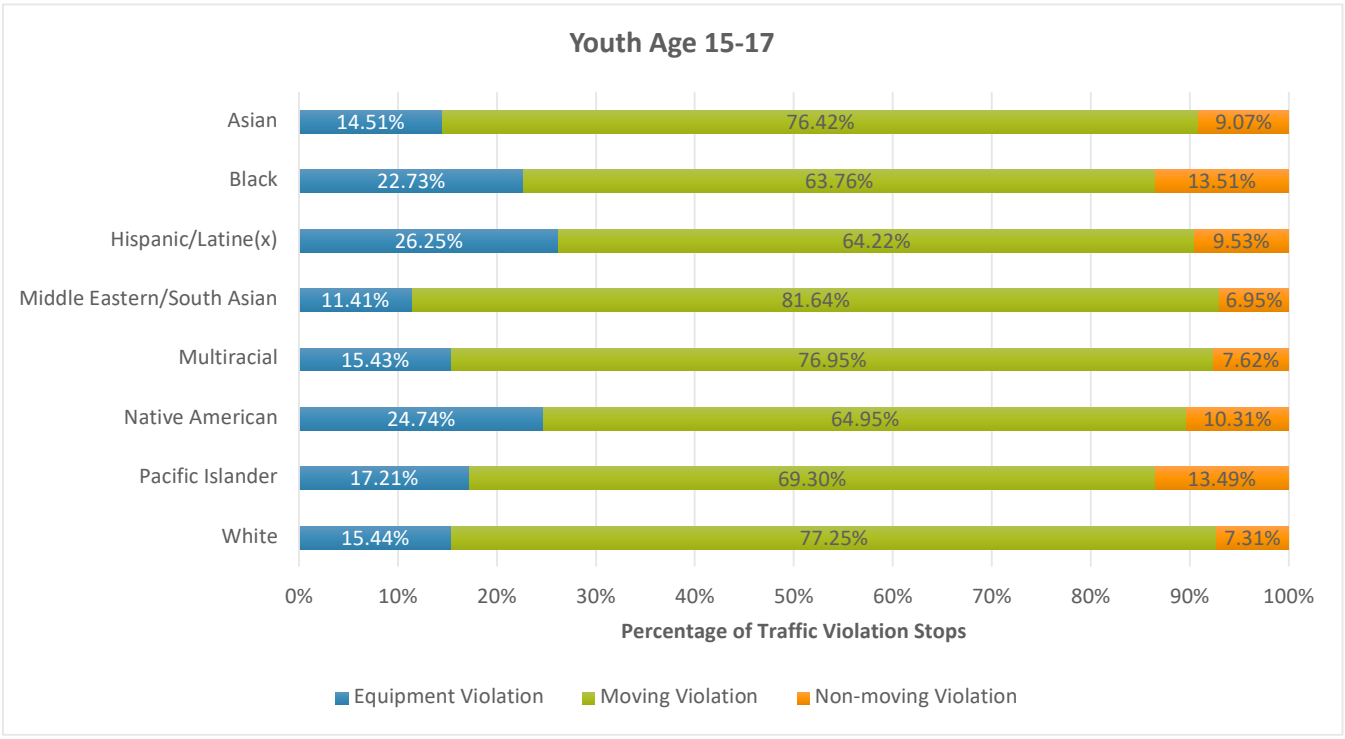
(8) Traffic Violations

There were racial differences in the proportion of traffic stops officers reported for equipment, moving, and non-moving violations in stops of youth. Among traffic stops of youth perceived to be 15–17, Hispanic/Latine(x) youth had 26.3 percent of their traffic stops for equipment violations (4,757 stops) and Black youth had 22.7 percent of their traffic stops for equipment violations (646 stops), while White youth had 15.4 percent of their traffic stops for equipment violations (2,728 stops).

Among traffic stops of youth perceived to be 15–17, for both Black and Pacific Islander youth, 13.5 percent of their stops were for non-moving violations (384 and 29 stops, respectively). In comparison, White youth had 7.3 percent of their stops for non-moving violations (1,292 stops).

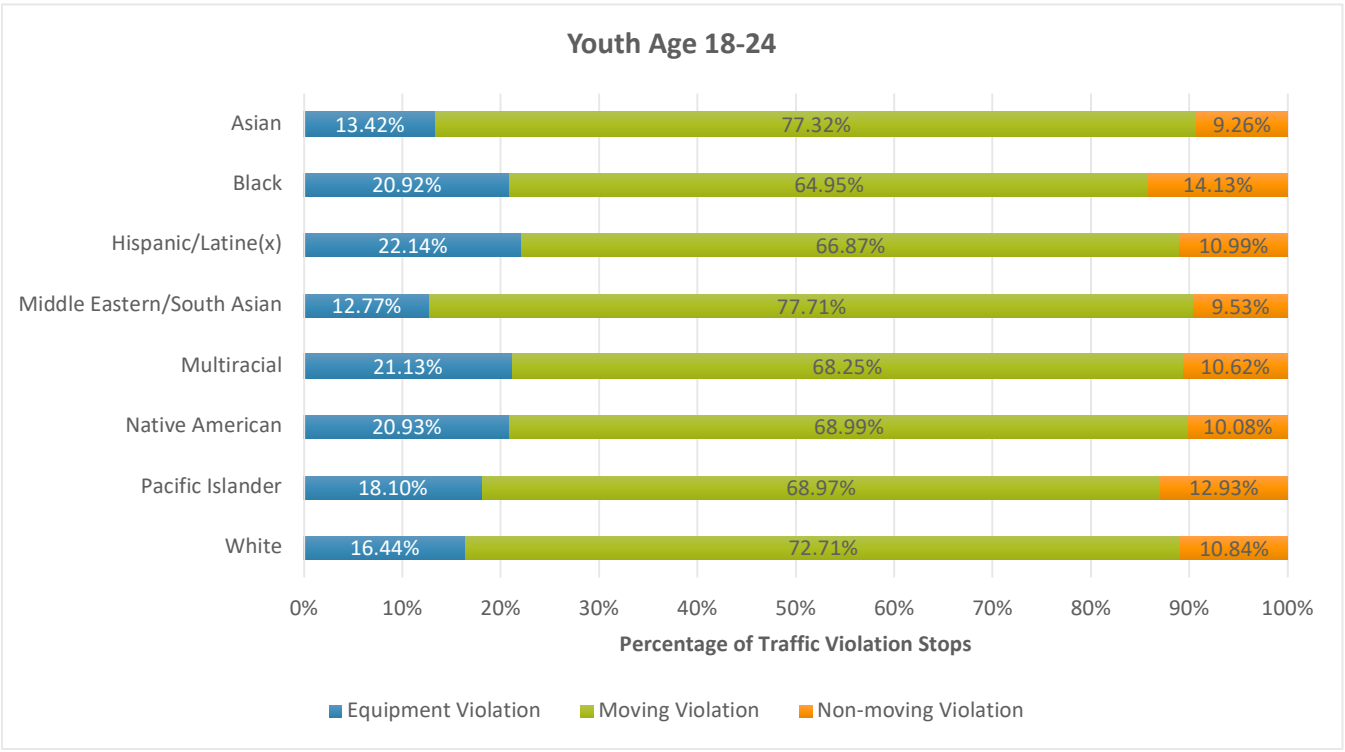
120 Bus. & Prof. Code, §§ 25658, subd. (b)-(c), 25658.5, subd. (a), 25662, subd. (a), 25663, subds. (a)-(b), 25665; Pen. Code, §§ 303, 303a, 647, subd. (f); Veh. Code, §§ 23136, subd. (a), 23140, subd. (a).
121 Puzzanchera et al., *supra* note 113, at pp. 59, 62.
122 *Id.* at p. 63.

Figure 52. Type of Traffic Violation as Reason for Stop by Race and Ethnicity, Youth (15-17)



Among traffic stops of youth perceived to be 18–24, Multiracial youth had 21.1 percent of their stops for equipment violations (1,830 stops), and Native American youth had 20.9 percent of their stops for equipment violations (330 stops), while White youth had 16.4 percent of their stops for equipment violations (28,104 stops). In this age group, Black youth had 14.1 percent of their traffic stops for nonmoving violations (9,278 stops), and Pacific Islander youth had 12.9 percent of their stops for nonmoving violations (472 stops). In comparison, White youth had 10.8 percent of their stops for nonmoving violations (18,5286 stops).

Figure 53. Type of Traffic Violation as Reason for Stop by Race and Ethnicity, Youth (18-24)



Calls for Service

Officers reported that calls for service were related to 51.5 percent of the stops of youth perceived to be 12–14 (5,481 stops), 22.0 percent of the stops of youth perceived to be 15–17 (15,384 stops), and 5.9 percent of the stops of youth perceived to be 18–24 (43,647 stops).

The stop data show racial, gender, and disability disparities in the percentage of stops for which there was a related call for service.

Perceived Race and Ethnicity: Among youth perceived to be 12–14, officers reported that 66.0 percent of the stops of youth perceived to be Pacific Islander (35 stops), and 59.8 percent of stops of youth perceived to be Black (1,057 stops) had a related call for service, compared to 47.9 percent of the stops of youth perceived to be White (1,207 stops).

Among youth perceived to be 15–17, officers reported that 37.0 percent of the stops of youth perceived to be Black (2,872 stops), and 33.8 percent of stops of youth perceived to be Native American (67 stops) had a related call for service, compared to 15.1 percent of the stops of youth perceived to be White (3,503 stops).

Among youth perceived as 18–24, officers reported that 10.2 percent of the stops of youth perceived to be Black (8,427 stops), and 9.4 percent of stops of youth perceived to be Native American (175 stops) had a related call for service, compared to 4.9 percent of the stops of youth perceived to be White (9,136 stops).

Perceived Gender: Among youth perceived to be 12–24, officers reported that 19.0 percent of youth perceived to be transgender or gender nonconforming (742 stops) had a related call for service, compared to 7.8 percent of the stops of youth perceived to be cisgender (63,770 stops).

Perceived Disability: Among youth perceived to be 12–24, officers reported that 66.1 percent of youth perceived to have a disability had a related call for service (4,031 stops), compared to 7.5 percent of stops of youth perceived to not have a disability (60,481 stops).

Actions Taken by Officers During Stops

The section below discusses actions taken by officers during stops, which can inform how bias may impact officers' actions during a stop and the need to address the detrimental effects of those actions on youth.

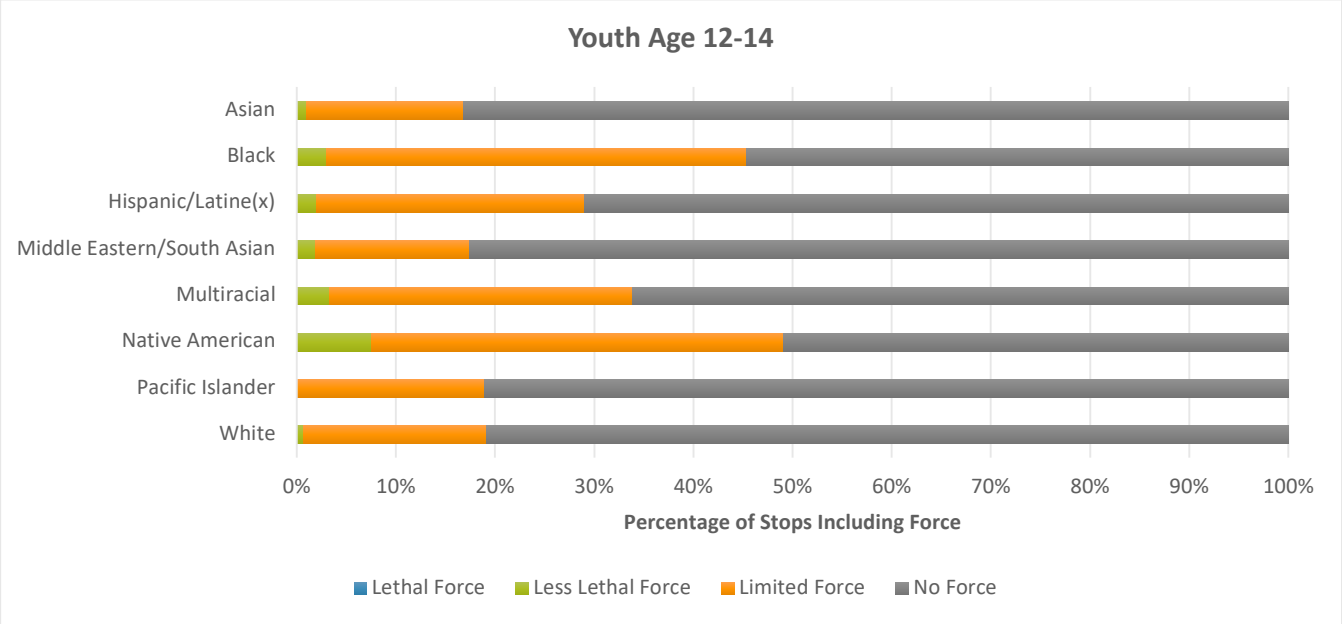
a. Use of Force[123] Actions Generally

The 2023 RIPA data show racial and disability disparities in the use of force on youth. Compared to the other age categories, officers reported the use of force most frequently during stops of people aged 12–14 (29.0% of stops; 3,088 incidents where force was used), followed by people aged 15–17 (21.2% of stops; 14,808 incidents where force was used).

123 The RIPA regulations define use of force: "As used in this section, 'use of force' refers to an officer's actions towards the person stopped, defined as: (1) the use of handcuffs or flex cuffs; (2) the use of physical compliance tactics and techniques, including the use of any part of the officer's body to make contact with the stopped person to restrict movement or control a person's resistance (e.g., physical strikes, hard hand controls, the forcible taking of a person to the ground, and hitting or kicking the person); (3) the use of a peace officer's canine to gain compliance and/or to stop or apprehend a person; (4) the use of a peace officer's canine to bite or hold a person; (5) pointing a firearm; (6) discharging a firearm; (7) unholstering a firearm; (8) pointing or sparking an electronic control device; (9) using an electronic control device in dart-mode; (10) using an electronic control device in drive-stun mode; (11) pointing an impact projectile weapon at person; (12) discharging or using an impact projectile (e.g., blunt impact projectile, rubber bullets or bean bags); (13) drawing a baton or other impact weapon; (14) using a baton or other impact weapon or other object (including a firearm) to strike or prod; (15) using a chemical spray (e.g., pepper spray, mace, or other chemical irritant); (16) removing a person from a vehicle by physical contact; and (17) using a vehicle to apprehend a stopped person. (Cal. Code Regs., tit. 11, § 999.226, subd. (a)(17)(A).)

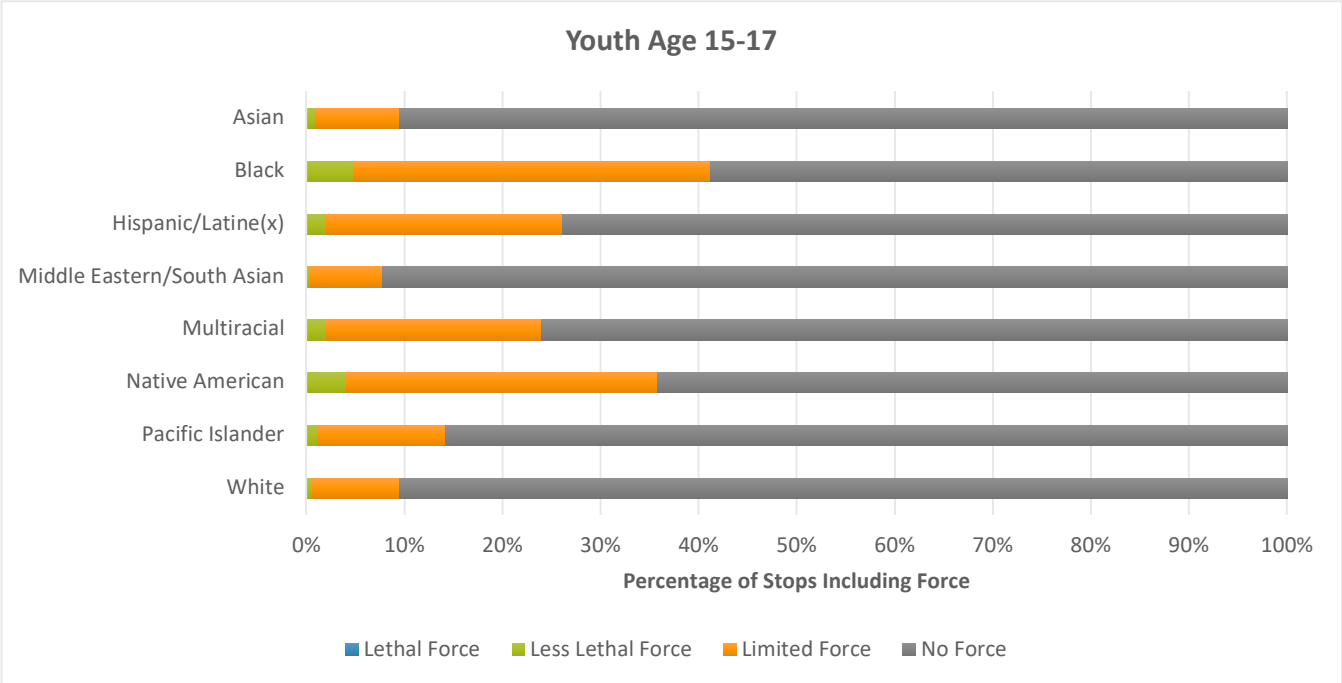
Perceived Race and Ethnicity: Among youth perceived to be 12–14, officers used force on 49.1 percent of the youth they stopped who they perceived to be Native American (26 youth) and 45.4 percent of the youth they stopped who they perceived to be Black (802 youth), including the use of lethal force on two youth. In contrast, officers used force on 19.2 percent of the youth they stopped who they perceived to be White (484 youth).

Figure 54. Youth (12-14), Use of Force by Race and Ethnicity



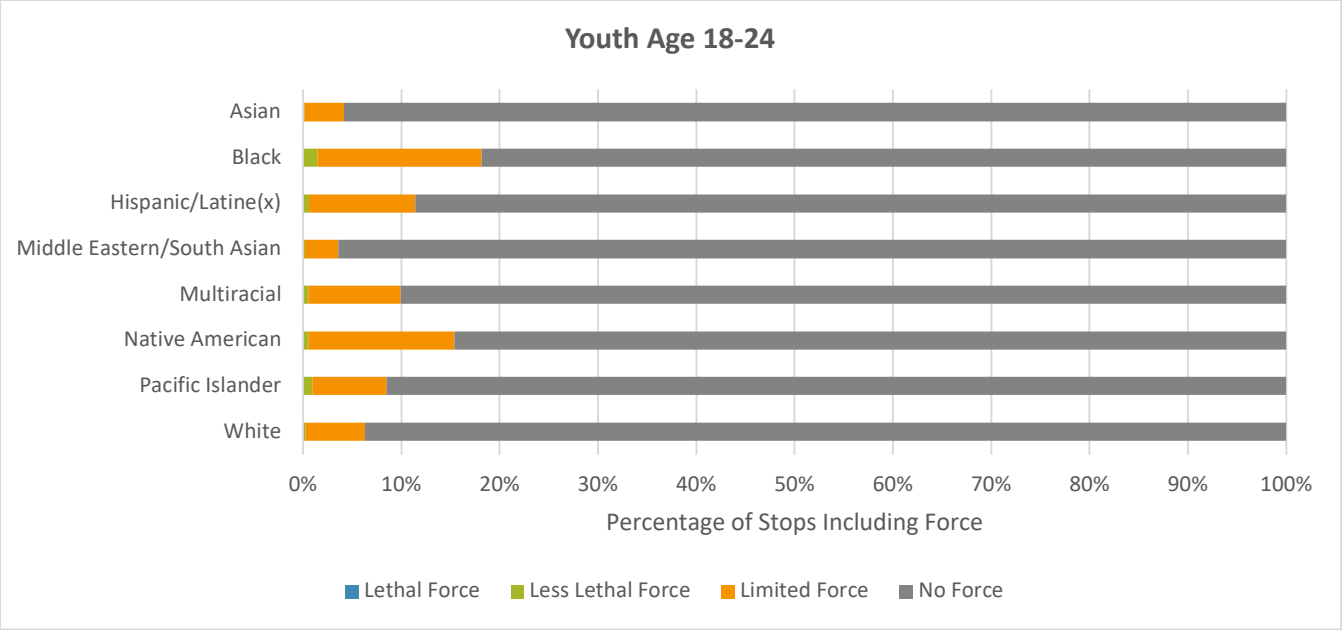
Among youth perceived to be 15–17, officers used force on 41.2 percent of the youth they stopped who they perceived to be Black (3,197 youth) and 35.9 percent of the youth they stopped who they perceived to be Native American (71 youth). In contrast, officers used force on 9.5 percent of the youth they stopped who they perceived to be White (2,207 youth).

Figure 55. Youth (15-17), Use of Force by Race and Ethnicity



Among youth perceived to be 18–24, officers used force on 18.2 percent of the youth they stopped who they perceived to be Black (14,947 youth) and 15.4 percent of the youth they stopped who they perceived to be Native American (288 youth). Officers used force on 6.3 percent of the youth they stopped who they perceived to be White (11,863 youth).

Figure 56. Youth (18-24) Use of Force by Race and Ethnicity



Perceived Disability: There were disparities in the use of force on youth perceived to have a disability. Among youth perceived to be 12–24, officers used force on 48.4 percent of the youth they stopped who they perceived to have a disability (3,086 youth). They used force on 11.0 percent of the youth they stopped who they perceived not to have a disability (90,054 youth).

(1) Use of Force — Handcuffing

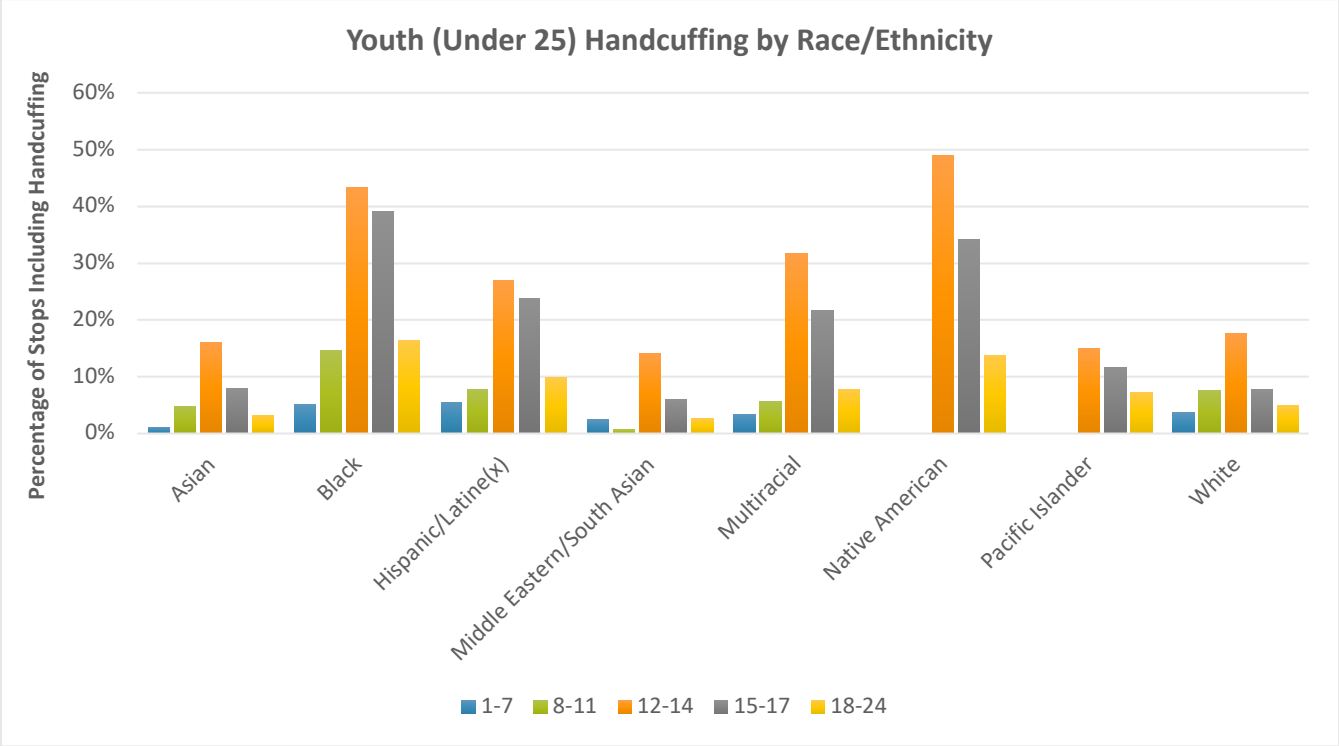
Compared to the other age categories, officers reported the use of handcuffs most frequently during stops of youth 12–14 (27.2% of stops; 2,895 youth handcuffed), followed by youth 15–17 (19.2% of stops; 13,441 youth handcuffed). There were racial, disability, and gender disparities in the handcuffing of youth during stops.

Perceived Race and Ethnicity: Among youth perceived to be 12–14, officers handcuffed 49.1 percent of the youth they stopped who they perceived as Native American (26 youth handcuffed) and 43.3 percent of the youth they stopped who they perceived as Black (765 youth handcuffed). Officers handcuffed 17.7 percent of the youth they stopped who they perceived as White (447 youth handcuffed).

Among youth perceived to be 15–17, officers handcuffed 39.2 percent of the youth they stopped who they perceived to be Black (3,041 youth handcuffed) and 34.3 percent of the youth they stopped who they perceived to be Native American (68 youth handcuffed). Officers handcuffed 8.0 percent of the youth they stopped who they perceived as White (1,845 youth handcuffed).

Among youth perceived to be 18–24, officers handcuffed 16.4 percent of the youth they stopped who they perceived as Black (13,533 youth handcuffed) and 13.9 percent of the youth they stopped who they perceived as Native American (259 youth handcuffed). Officers handcuffed 5.0 percent of the youth they stopped who they perceived as White (9,479 youth handcuffed).

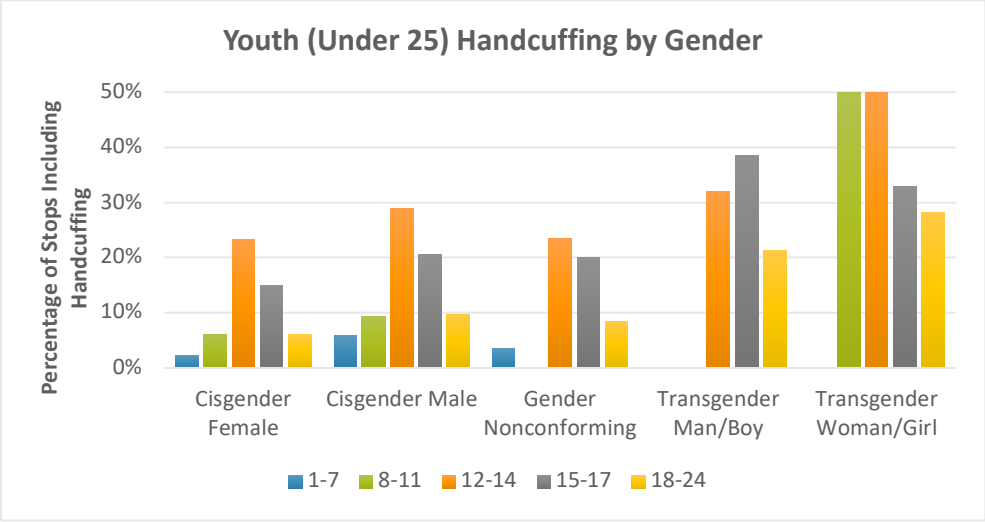
Figure 57. Percentage of Stops Including Youth Handcuffing by Race and Ethnicity



***Perceived Disability*:** Among youth perceived to be 12–24, officers handcuffed 47.8 percent of the youth they stopped who they perceived to have a disability (2,912 youth handcuffed). They handcuffed 9.6 percent of youth they stopped who they perceived to not have a disability (77,822 youth handcuffed).

***Perceived Gender*:** Among youth perceived to be 12–24, officers handcuffed 17.6 percent of the youth they stopped who they perceived to be transgender or gender nonconforming (687 youth handcuffed). They handcuffed 9.8 percent of youth they stopped who they perceived to be cisgender (80,047 youth handcuffed).

Figure 58. Percentage of Stops Including Youth Handcuffing by Gender



(2) Use of Force — Firearm Pointed

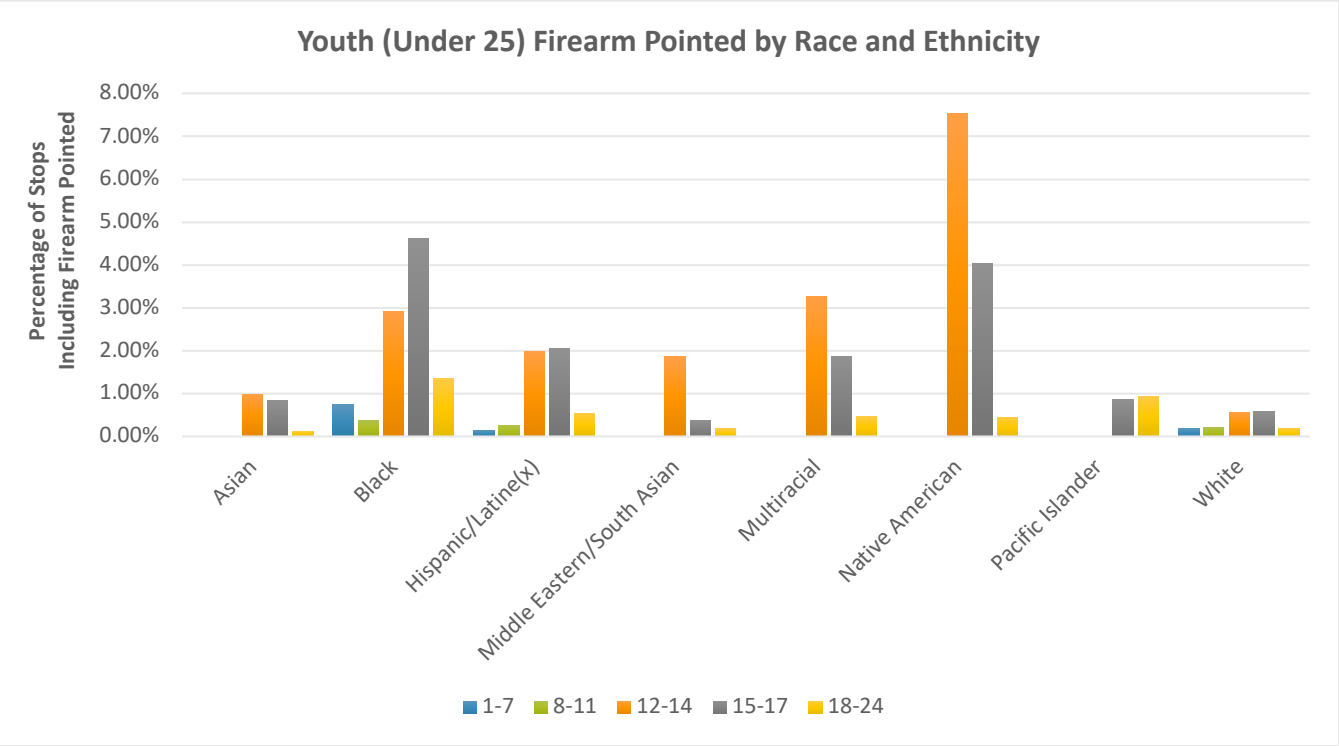
Compared to the other age categories, officers reported pointing a firearm at youth most frequently during stops of youth 12–14 (1.8% of stops; 195 stops where firearms were pointed at youth), followed by youth 15–17 (1.8% of stops; 1,240 stops where firearms were pointed at youth). The data show racial disparities in the stops where officers pointed firearms at youth.

Perceived Race and Ethnicity: Among youth perceived to be 12–14, officers pointed firearms at 7.6 percent of youth they stopped who they perceived as Native American (4 youth), and 2.9 percent of the youth perceived as Black (52 youth). Officers pointed firearms at 0.6 percent of the youth they stopped who they perceived as White (15 youth).

Among youth perceived to be 15–17, officers pointed firearms at 4.0 percent of the youth they stopped who they perceived as Native American (8 youth) and 4.6 percent of the youth they stopped who they perceived as Black (360 youth). Officers pointed firearms at 0.6 percent of the youth they stopped who they perceived as White (140 youth).

Among youth perceived to be 18–24, officers pointed firearms at 1.4 percent of the youth they stopped who they perceived as Black (1,133 youth) and 1.0 percent of the youth they stopped who they perceived as Pacific Islander (39 youth). Officers pointed firearms at 0.2 percent of the youth they stopped who they perceived as White (412 youth).

Figure 59. Percentage of Stops Including Firearm Pointed by Race and Ethnicity



(3) Use of Force — Chemical Spray Use

Among youth perceived to be 18–24, officers used chemical spray in stops of 22 youths perceived as Hispanic/Latine(x), 16 youths perceived as Black, and 5 youths perceived as White.

(4) Use of Force — Electronic Control Device Use

Among youth perceived to be 18–24 officers used an electronic control device in stops of 70 youths perceived as Hispanic/Latine(x), 32 youths perceived as Black, and 23 youths perceived as White.

b. Curbside or Patrol Car Detention

Compared to the other age categories, officers reported the highest percentage of curbside or patrol car detentions during stops of youth 12–14 (36.1% of stops; 3,844 youth detained curbside or in a patrol car), followed by stops of youth 15–17 (24.1% of stops; 16,863 youth detained curbside or in a patrol car).

(1) Curbside Detention

The stop data show racial disparities in the curbside detention of youth.

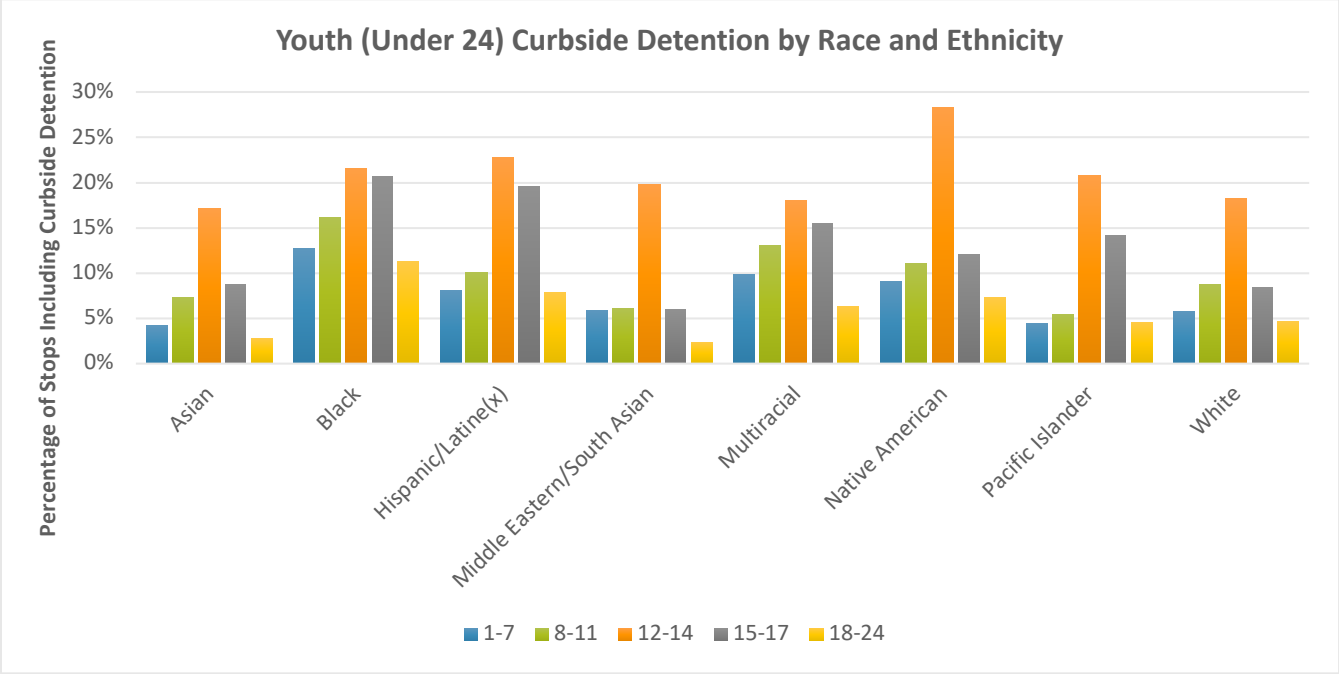
Perceived Race and Ethnicity: Among youth perceived to be 12–14, officers detained curbside 28.3 percent of the youth they stopped who they perceived to be Native American (15 youth) and

22.9 percent of the youth they stopped who they perceived to be Hispanic/Latine(x) (1,281 youth). Officers detained curbside 18.2 percent of the youth they stopped who they perceived as White (460 youth).

Among youth perceived to be 15–17, officers detained curbside 20.7 percent of the youth they stopped who they perceived as Black (1,611 youth) and 19.6 percent of the youth they stopped who they perceived as Hispanic/Latine(x) (6,481 youth). Officers detained curbside 8.4 percent of the youth they stopped who they perceived as White (1,950 youth).

Among youth perceived to be 18–24, officers detained curbside 11.3 percent of the youth they stopped who they perceived as Black (9,298 youth) and 7.9 percent of the youth they stopped who they perceived as Hispanic/Latine(x) (29,862 youth). Officers detained curbside 4.7 percent of the youth they stopped who they perceived as White (8,775 youth)..

Figure 60. Youth Curbside Detention by Race and Ethnicity

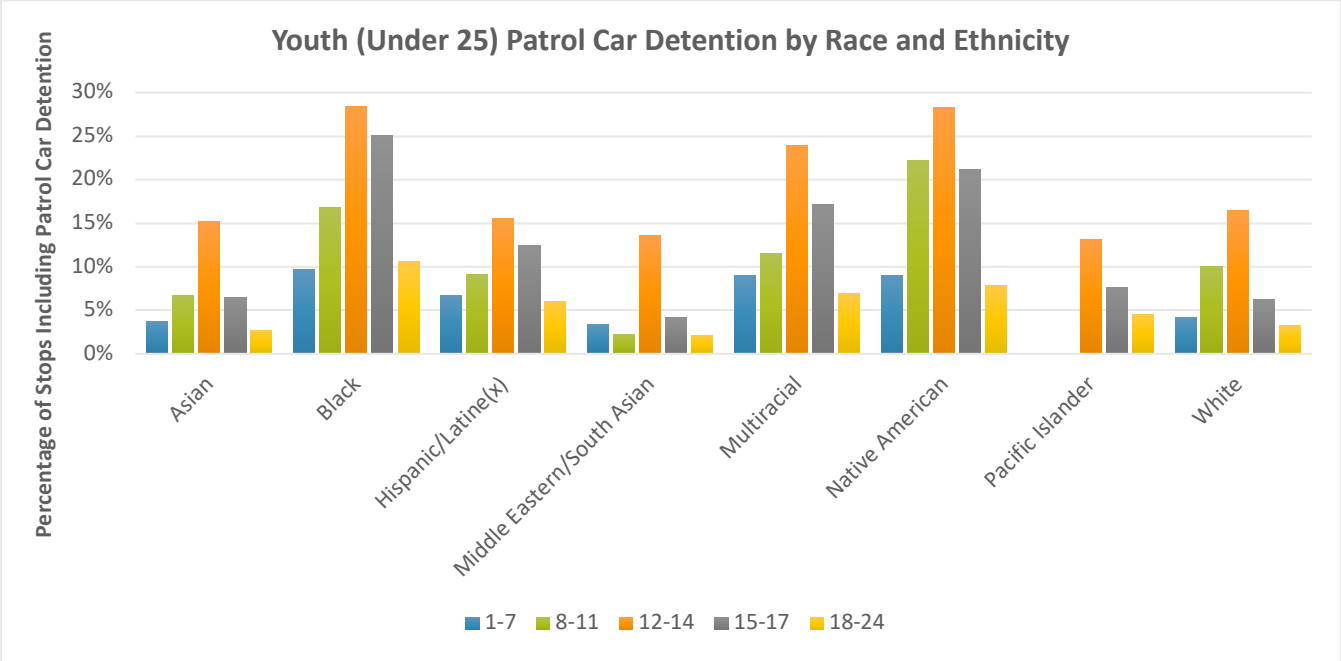


(2) Patrol Car Detention

The stop data show racial/ethnic and disability disparities in the patrol car detention of youth.

Perceived Race and Ethnicity: Among youth perceived to be 12–24, officers detained 12.2 percent of the youth they stopped who they perceived as Black (11,224 youth) and 9.7 percent of the youth they stopped who they perceived as Native American in a patrol car (206 youth). Officers detained 3.8 percent of the youth they stopped who they perceived as White in a patrol car (8,042 youth).

Figure 61. Youth Patrol Car Detention by Race and Ethnicity



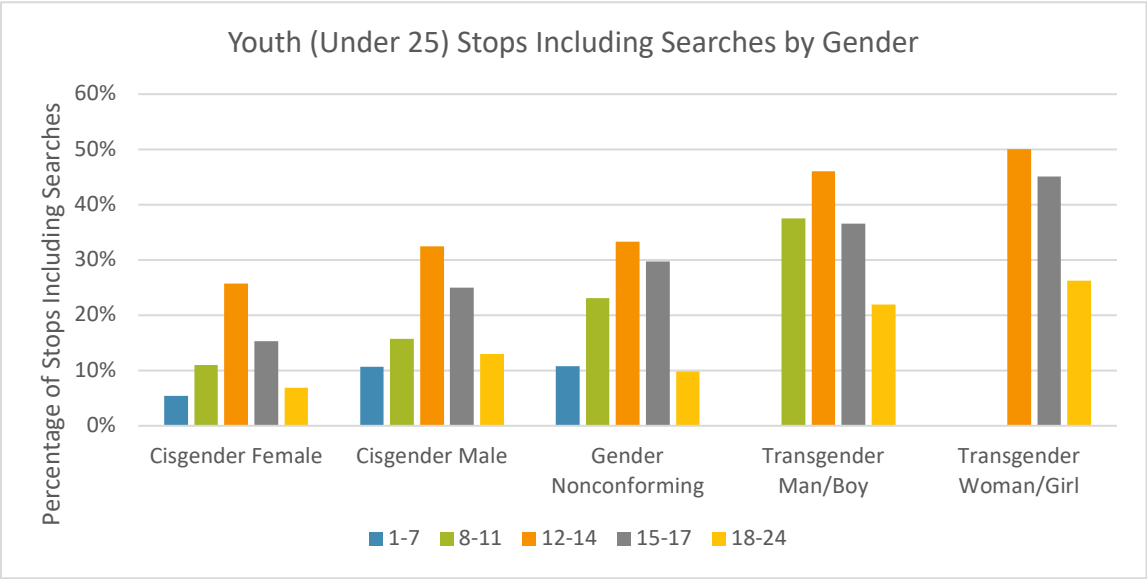
Perceived Disability: Among youth perceived as 12–24, officers detained 29.3 percent of the youth they stopped who they perceived to have a disability in a patrol car (1,784 youth). They detained 6.1 percent of youth they stopped who they perceived not to have a disability in a patrol car (49,249 youth).

c. Searches

The RIPA data reveals that search rates during stops varied among youth by age group. Compared to the other age categories, officers reported the highest percentage of searches during stops of youth 12–14 (30.4% of stops; 3,236 searches), followed by stops of youth 15–17 (22.5% of stops; 15,705 searches). The stop data show racial and ethnic, disability, and gender disparities in searches of youth.

Perceived Race and Ethnicity: Among youth perceived to be 12–24, officers searched 23.1 percent of the youth they stopped who they perceived as Black (21,254 youth) and 18.1 percent of the youth they stopped who they perceived as Native American (383 youth). Officers searched 6.5 percent of the youth they stopped who they perceived as White (13,815 youth).

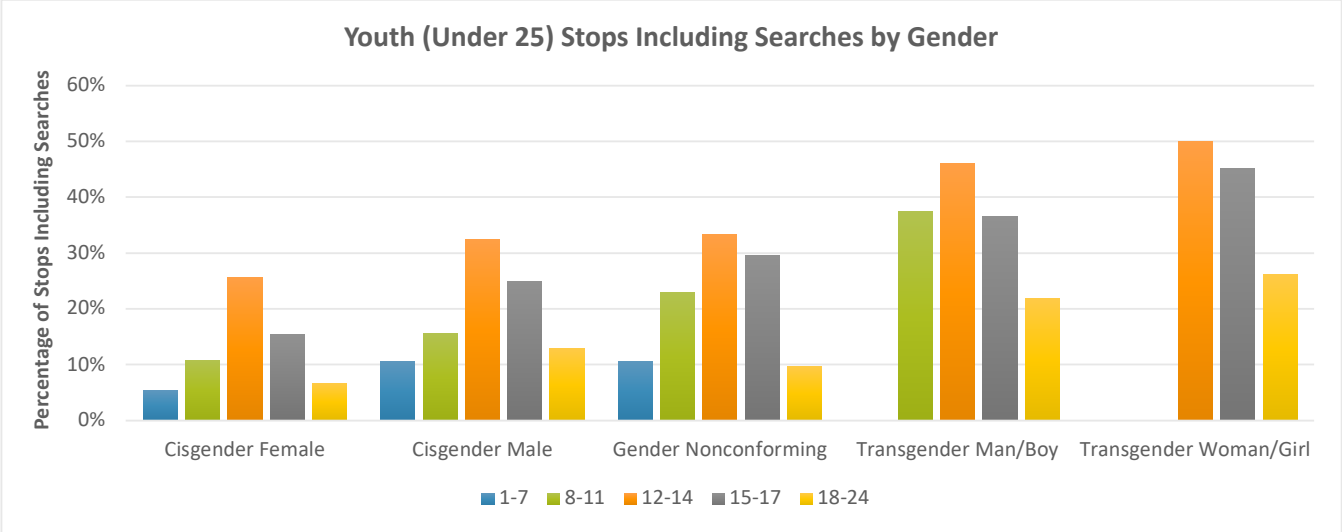
Figure 62. Youth Stops Including Searches by Race and Ethnicity



Perceived Disability: Among youth perceived as 12–24, officers searched 46.8 percent of the youth they stopped who they perceived to have a disability (2,854 youth). They searched 12.2 percent of the youth they stopped who they perceived not to have a disability (98,876 youth).

Perceived Gender: Among youth perceived to be 12–24, officers searched 19.0 percent of the youth they stopped who they perceived as transgender or gender nonconforming (744 youth). They searched 12.4 percent of the youth they stopped who they perceived as cisgender (100,986 youth).

Figure 63. Youth Stops Including Searches by Gender



(1) Consent Only Searches

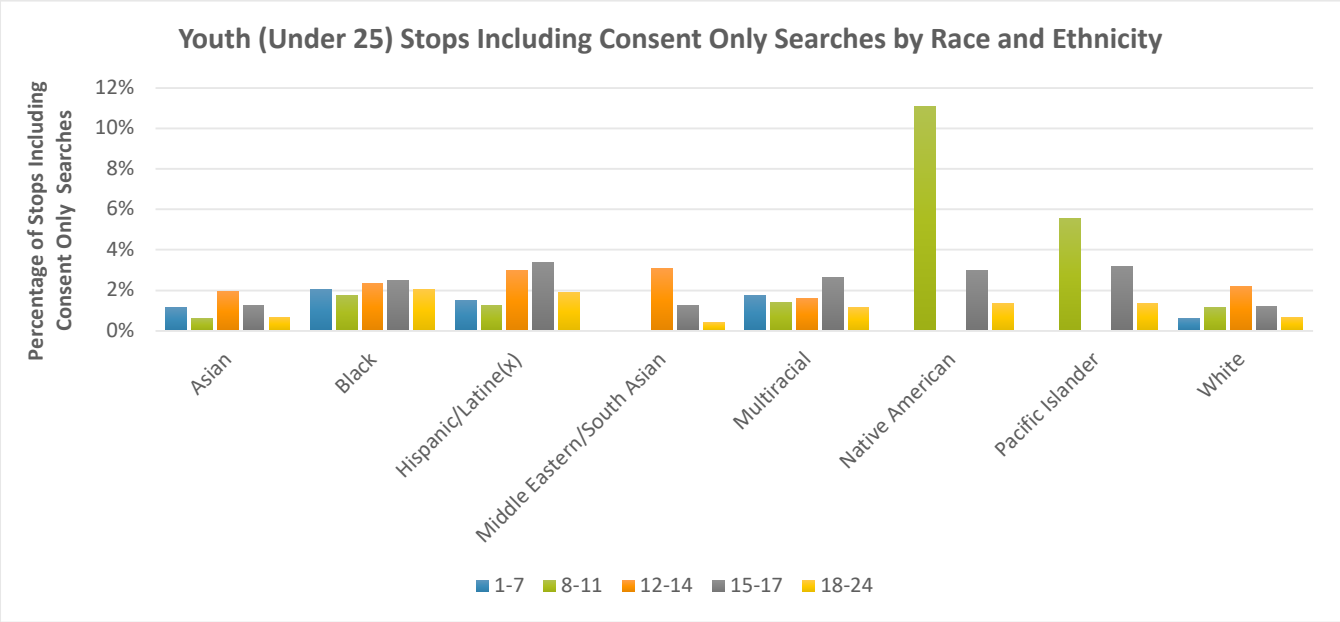
The data show officers searched 283 youth ages 12–14 (2.66% of stops) based on consent. Officers searched 1,715 youth ages 15–17 (2.45% of stops) and 11,120 youth ages 18–24 (1.51% of stops) based solely on consent. The stop data show racial/ethnic, disability, and English fluency disparities in the searches of youth based solely on consent.

Perceived Race and Ethnicity: Among youth perceived to be 12–14, officers searched 3.1 percent of the youth they stopped who they perceived as Middle Eastern/South Asian (5 youth) and 3.0 percent of the youth they stopped who they perceived as Hispanic/Latine(x) (170 youths) based solely on consent. Officers searched 2.3 percent of the youth they stopped who they perceived as White (57 youths) based solely on consent.

Among youth perceived to be 15–17, officers searched 3.4 percent of the youth they stopped who they perceived as Hispanic/Latine(x) (1,133 youths) and 3.2 percent of the youth they stopped who they perceived as Pacific Islander (11 youths) based solely on the consent. Officers searched 1.2 percent of the youth they stopped who they perceived as White (284 youths) based solely on consent.

Among youth perceived to be 18–24, officers searched 2.1 percent of the youth they stopped who they perceived as Black (1,710 youths) and 2.0 percent of the youth they stopped who they perceived as Hispanic/Latine(x) (7,472 youths) based solely on consent. Officers searched 0.7 percent of the youth they stopped who they perceived as White (1,356 youths) based solely on consent.

Figure 64. Percentage of Youth Stops with Consent Only Searches by Perceived Race and Ethnicity



Perceived Disability: Among youth perceived as 12–24, officers searched 4.6 percent of the youth they stopped who they perceived to have a disability (278 youths) based solely on consent. They searched 1.6 percent of the youth they stopped who they perceived not to have a disability (12,862 youths) based solely on consent.

Perceived English Fluency: Among youth perceived to be 12–24, officers searched 2.5 percent of the youth they stopped who they perceived to have limited or no English fluency (755 youths) based solely on consent. They searched 1.6 percent of the youth they stopped who they perceived to be fluent in English (12,385 youths) based solely on consent.

(2) Supervision Searches

Officers searched 717 youth ages 1–17 and 6,186 youth ages 18–24 based solely on supervision. The stop data show racial and ethnic disparities in the searches of youth based solely on supervision.

Among youth perceived to be 1–17, officers conducted supervision searches in 1.2 percent of the stops of youth they perceived as Hispanic/Latine(x) (512 youths searched based on supervision) and 1.1 percent of the stops of youth they perceived as Black (116 youths searched based on supervision).

Officers conducted supervision searches in 0.2 percent of the stops of youth they perceived as White (58 youths searched based on supervision).

Among youth perceived to be 18–24, officers conducted supervision searches in 2.1 percent of the stops of youth they perceived as Black (1,699 youths searched based on supervision) and 1.3 percent of the stops of youth they perceived as Native American (25 youths searched based on supervision). Officers conducted supervision searches in 0.4 percent of the stops of youth they perceived as White (794 youths searched based on supervision).

(3) Canine Searches

The stop data show disparities in the use of canines to search youth across perceived racial and ethnic identities and perceived English fluency.

Perceived Race and Ethnicity: Officers used canines to search four youths they stopped who they perceived as Black and between 12–14 (0.23% of stops). They used canines to search seven youth officers perceived as Hispanic/Latine(x) and between 12–14 (0.12% of stops) and one youth they perceived as White and between 12–14 (0.04% of stops).

Officers used canines to search 32 youths they stopped who they perceived as Black and between 15–17 (0.41% of stops). They used canines to search 55 youth officers perceived as Hispanic/Latine(x) and between 15–17 (0.17% of stops) and nine youths they perceived as White and between ages 15–17 (0.04% of stops).

Officers used canines to search 16 youth they stopped who they perceived as Multiracial and between ages 18–24 (0.16% of stops). They used canines to search three youths they stopped who they perceived as Native American and between ages 18–24 (0.16% of stops) and 63 youth they stopped and perceived as White and between ages 18–24 (0.03% of stops).

Perceived English Fluency: Officers used canines to search 74 youth who they perceived to have limited English fluency and between ages 12–24 (0.24% of stops). They used canines to search 552 youth officers perceived to be fluent in English and between ages 12–24 (0.07% of stops).

d. Photographing of Youth

The RIPA stop data show racial disparities in officers photographing youth during stops. Officers photographed eight youths they stopped who they perceived as Multiracial and between 12–14 (4.4% of stops). They photographed 232 youths who they perceived as Hispanic/Latine(x) and between 12–14 (4.1% of stops), 73 youths they perceived as Black and 12–14 (4.1% of stops), and 65 youths they perceived as White and between ages 12–14 (2.6% of stops).

Officers photographed 18 youths they stopped who they perceived as Pacific Islander and between 15–17 (5.3% of stops). They photographed 10 youths they stopped who they perceived as Native American and 15–17 (5.1% of stops), 306 youths they stopped who they perceived as Black and between ages 15–17 (3.9% of stops), and 249 youths they stopped and perceived as White and between 15–17 (1.1% of stops).

Officers photographed 131 youths they stopped who they perceived as Multiracial and between ages 18–24 (1.3% of stops). They photographed 43 youth they stopped who they perceived as Pacific Islander and between 18–24 (1.1% of stops), 847 youths they stopped who they perceived as Black and between 18–24 (1.0% of stops), and 976 youths they stopped and perceived as White and between 18–24 (0.5% of stops).

Results of Stops

When completing the "result of stop" field, officers must report the outcome of the stop. The stop data regulations define the outcome options officers can select at the conclusion of a stop. The options for reportable outcomes include No Action, Verbal Warning, Written Warning, Citation for Infraction, In-field Cite and Release, Custodial Arrest pursuant to Outstanding Warrant, Custodial Arrest without Warrant, Field Interview Card Completed, Noncriminal Transport or Caretaking Transport, Contacted Parent/Legal Guardian or Other Person Legally Responsible for the Person, Psychiatric Hold, Contacted U.S. Department of Homeland Security, Referral to School Administrator, Referral to School Counselor or Other Support Staff. Officers select multiple results of stop where necessary (e.g., an officer cited an individual for one offense and warned them about another). This information helps to illuminate how bias could impact an officer's decisions during a stop, and how those decisions can impact racialized groups more often when compared to White youth.

a. No Reportable Action Taken Data and Warning Only Results of Stops

The percentage of stops that result in no reportable action taken is higher among younger age groups (12–14, 15–17) and lower among transitional-age youth and adults (perceived to be 18–24 and 25+). Officers reported that 12.2 percent of the stops of youth perceived to be 12–14 resulted in no action (1,298 stops resulting in no action), 10.3 percent of stops of youth perceived as 15–17 resulted in no action (7,198 stops resulting in no action), and 6.7 percent of stops of youth perceived as 18–24 resulted in no action (49,450 stops resulting in no action).

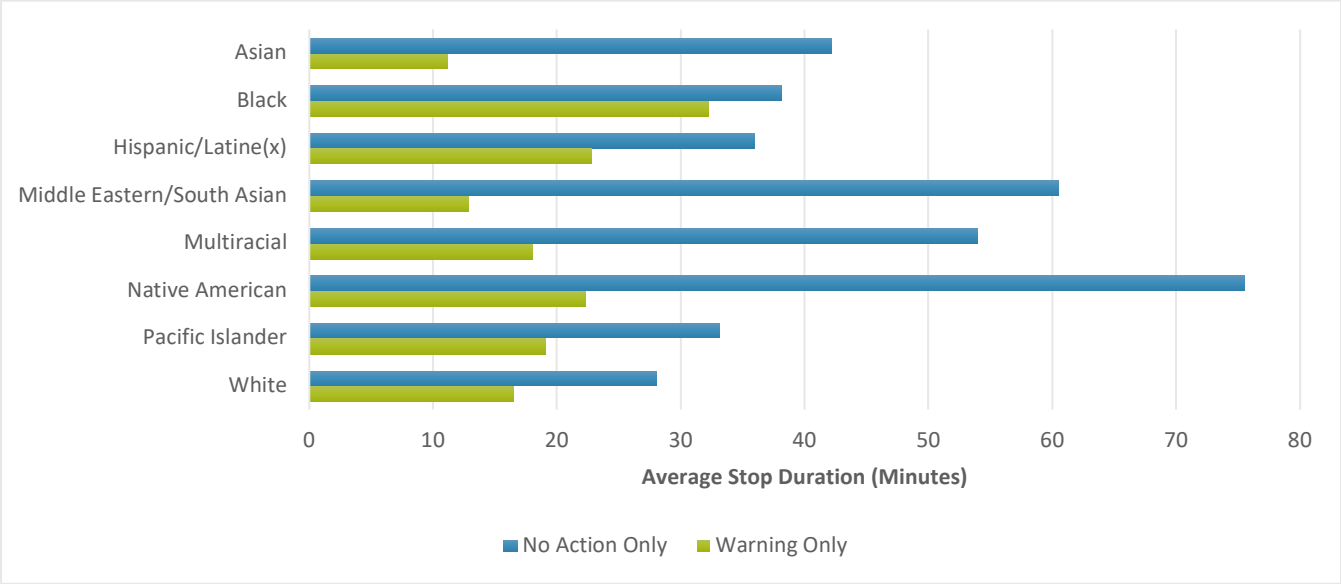
The stop data show racial and ethnic disparities in stops that resulted in the officer not taking any of the reportable actions (for example, Citation for Infraction, Custodial Arrest without Warrant, Noncriminal Transport or Caretaking Transport, Contacted Parent/Legal Guardian or Other Person Legally Responsible for the Person, and other reportable actions listed above).

Among youth perceived to be 12–14, officers reported no action taken as the result of stop for 13.2 percent of the stops of youth who they perceived as Pacific Islander (7 youths) and 12.7 percent of the stops of youth who they perceived as Hispanic/Latine(x) (710 youths). Officers reported no action taken as the result of stop in 11.4 percent of the stops of youth they perceived as White (288 youths).

Among the stops of youth perceived to be 12–14 that resulted in no reportable action taken, on average, the stops of youth officers perceived as Native American lasted one hour and sixteen minutes, the stops of youth officers perceived as Middle Eastern/South Asian lasted 61 minutes, and the stops of youth officers perceived as White lasted 28 minutes.

Among the stops of youth perceived to be 12–14 that resulted in a warning only, on average, the stops of youth officers perceived as Black lasted 32 minutes, the stops of youth officers perceived as Hispanic/Latine(x) lasted 23 minutes, and the stops of youth officers perceived as White lasted 17 minutes.

Figure 65. Average Stop Duration, Stops in which Officers Reported Taking No Action and Stops that Resulted in a Warning Only, Age 12-14

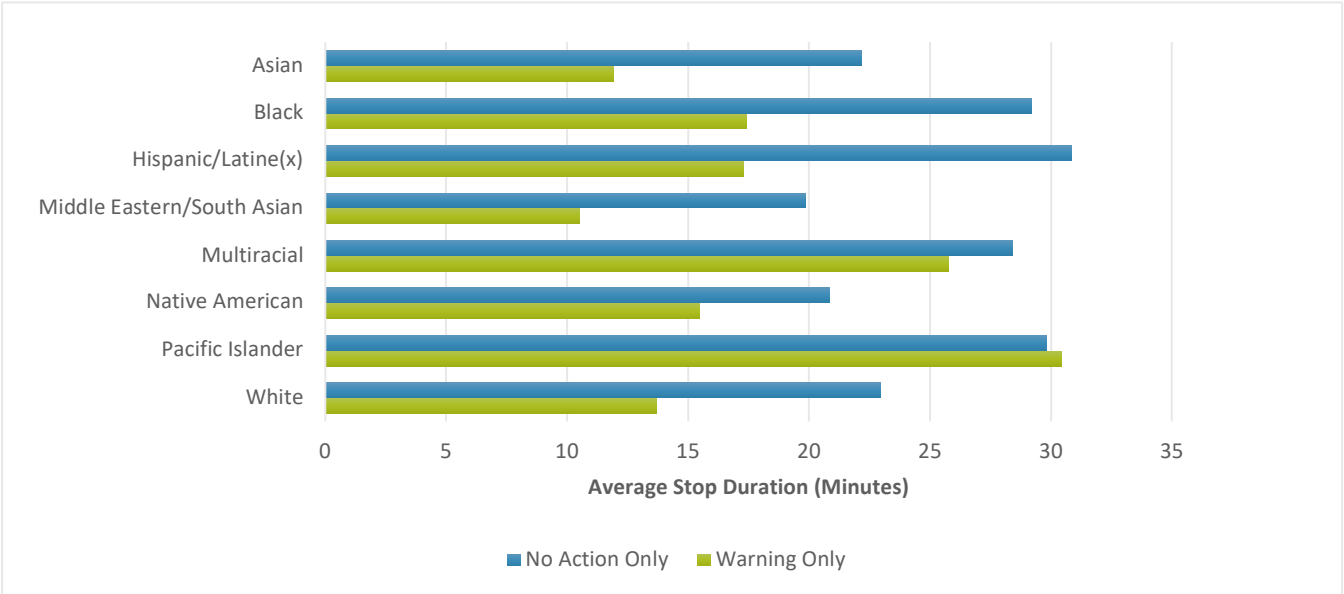


Among youth perceived to be 15–17, officers reported no action taken as the result of stop in 13.0 percent of the stops of youth who they perceived as Black (1,012 youths) and 11.7 percent of the stops of youth who they perceived as Hispanic/Latine(x) (3,891 youth). Officers reported no action taken as the result of stop in 8.0 percent of the stops of youth they perceived as White (1,842 youths).

Among the stops of youth perceived to be 15–17 that resulted in no action taken, on average, the stops of youth officers perceived as Hispanic/Latine(x) lasted 31 minutes, the stops of youth officers perceived as Pacific Islander lasted 30 minutes, and the stops of youth officers perceived as White lasted 23 minutes.

Among the stops of youth perceived to be 15–17 that resulted in a warning only, on average, the stops of youth officers perceived as Pacific Islander lasted 30 minutes, the stops of youth officers perceived as Multiracial lasted 26 minutes, and the stops of youth officers perceived as White lasted 14 minutes.

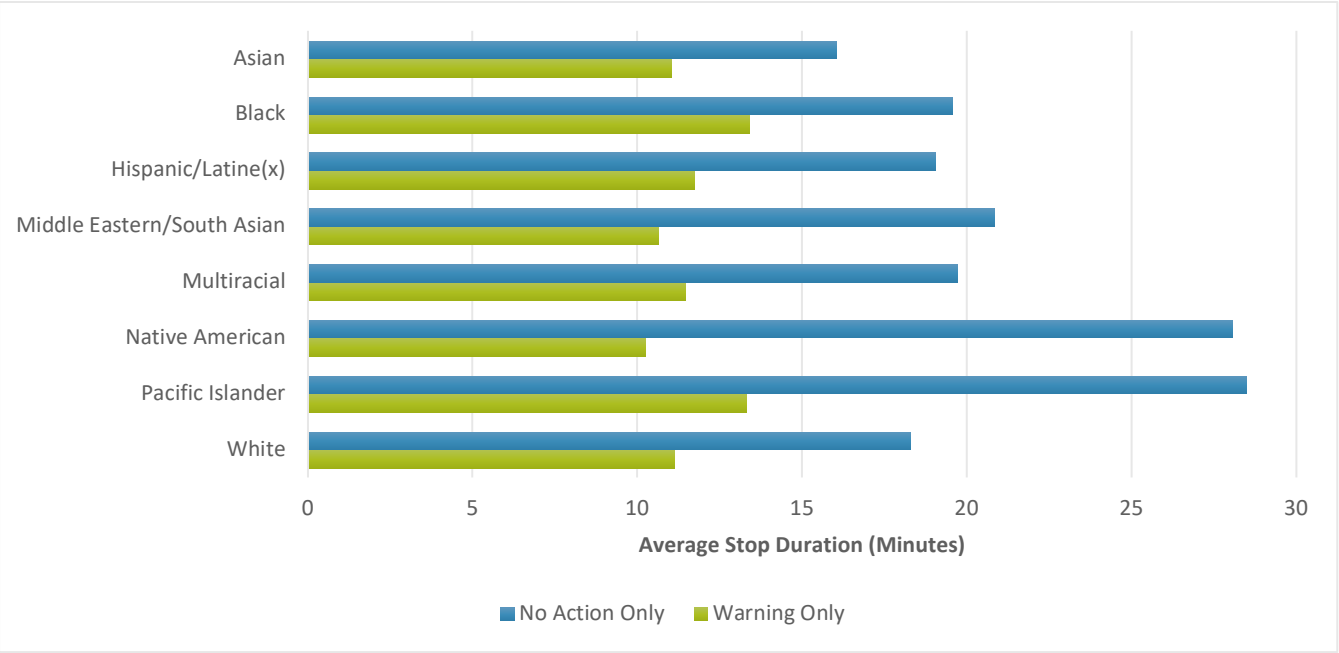
Figure 66. Average Stop Duration, Stops in which Officers Reported Taking No Action and Stops that Resulted in a Warning Only, Age 15-17



Among youth perceived to be 18–24, officers reported taking no action as the result of 9.6 percent of the stops for youth they perceived as Black (7,870 youths) and 7.8 percent of the stops for youth they perceived as Native American (146 youths). Officers reported no action taken as the result of 5.8 percent of the stops for youth they perceived as White (10,861 youths). Among the stops of youth perceived to be 18–24 that resulted in no action taken, on average, the stops of youth officers perceived as Pacific Islander lasted 29 minutes, the stops of youth officers perceived as Native American lasted 28 minutes, and the stops of youth officers perceived as White lasted 18 minutes.

Among the stops of youth perceived to be 18–24 that resulted in a warning only, on average, the stops of youth officers perceived as Black or Pacific Islander lasted 13 minutes and the stops of youth officers perceived as White lasted 11 minutes.

Figure 67. Average Stop Duration, Stops in which Officers Reported Taking No Action and Stops that Resulted in a Warning Only, Age 18-24



As the Board has discussed in prior reports, disparities in stops that result in officers taking no reportable action should be carefully evaluated to determine whether the stop was sufficiently supported by reasonable suspicion. Additionally, the racial and ethnic disparities in the duration of stops that resulted solely in the officer giving the youth a warning are as concerning as these longer detentions have a disproportional impact on racialized youth.

b. Field Interview Cards (Associating with Other Youth)

(1) Gang Profiling

Gang profiling is the practice through which law enforcement agencies document individuals as alleged members, associates, or affiliates of a gang and place their identities in gang databases.[124] Research discussed in this section reveals that gang profiling may be used as a proxy for racial profiling. Officers use field interview cards when interrogating and designating people as alleged gang members.[125] They also use fact-based and uncorroborated information when designating people as gang members or associates in databases.[126]

124 Catalyst California, *New Report from Pillars of the Community and Catalyst California Exposes the San Diego Police Department's Racist Gang Profiling* (Apr. 2024) <https://www.catalystcalifornia.org/campaign-tools/maps-and-data/end-gang-profiling-in-southeast-san-diego-data-and-stories-from-community-members> [as of Nov. 18, 2024].

125 *Ibid.*

126 Pen. Code, § 186.34 (a)(2). In 1987, the Los Angeles County Sheriff's Department developed the first gang database

CalGang is a shared gang database, meaning it is accessed by law enforcement agencies outside of the agency that created the records it includes.[127] Several regulations establish the criteria for designating an organization as a criminal street gang, designating a person as a gang member or associate, the policies and procedures for providing notice to a person whose information is in the database, responding to information requests and removal requests, for sharing information from a shared database, and the retention period for maintaining information about individuals in a shared database.[128]

Youth as young as 13 are entered into the CalGang system.[129] On September 30, 2023, the CalGang database included information about 19,146 people, and, of those, 172 were youth ages 13–17.[130] The *Attorney General's Annual Report on CalGang* does not disaggregate the data for individuals 18–24 that are included in CalGang. Therefore, it is unknown how many of the remaining 18,974 people whose information was included in CalGang on September 30, 2023, were between 18–24.

California law requires law enforcement agencies to provide written notice to individuals prior to designating them as suspected gang members, associates, or affiliates in a shared gang database.[131] The notice must include the basis for the designation.[132] If the person is younger than 18, the law enforcement agency must provide the notice to them and their guardian.[133] These notices must also describe the process for the person who has been designated as a gang member, their guardian, if they are under 18, or their attorney to contest their designation in the gang database.[134]

Additionally, individuals can make a written request to any law enforcement agency in California about whether they have been designated as a suspected gang member, associate, or affiliate in any shared database to which the agency has access and, if so, what law enforcement agency made that designation.[135] A person who has been designated as a suspected gang member, associate, or affiliate can request information from the law enforcement agency that made the designation about the basis for the designation.[136] This information may help a person who has been designated as a gang member, associate, or affiliate to contest that designation.[137] Law enforcement agencies must provide a written response to these requests within 30 days.[138]

If a person submits written documentation to a local law enforcement agency contesting their designation as a gang member, associate, or affiliate, the agency must provide a written response within 30 days either affirming that they have removed the person from the database or stating the agency's reason for denying the request.[139] The Cal DOJ's 2023 Annual Report on CalGang reported that law enforcement agencies added 1,956 people to the CalGang database between October 1, 2022, and September 30, 2023, and at the end of that period, 19,146 individuals were included in CalGang.

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in the U.S. (REALSearch Action Research Center, *Tracked and Trapped: Youth of Color, Gang Databases and Gang Injunctions* (2012) Youth Justice Coalition, p. 1. <https://www.youth4justice.org/wp-content/uploads/2012/12/TrackedandTrapped.pdf> [as of Nov. 18, 2024]; Catalyst California, *supra* note 124.)

127 Pen. Code, § 186.34, subd. (a)(4).

128 Pen. Code, § 186.36, subds. (a), (l) (2)-(7).

129 Racial and Identity Profiling Advisory Board, *2023 Report*, *supra* note 32, at pp. 121, 123.

130 Cal. DOJ, *Attorney General's Annual Report on CalGang* (2023) p. 1 <https://oag.ca.gov/system/files/media/ag-annual-report-calgang-2023.pdf> [as of Nov. 18, 2024]; Cal. DOJ, *Attorney General's Annual Report on CalGang: 2023 Dataset* (2023) <https://www.oag.ca.gov/system/files/media/calgang-ag-dataset-2023.xlsx> [as of Nov. 18, 2024].

131 Pen. Code, § 186.34, subd. (c)(1).

132 *Ibid.*

133 *Ibid*. The law allows for an exemption of the notice requirement when providing the notice would "compromise an active criminal investigation or compromise the health or safety of the minor" who has been designated as a gang member, associate, or affiliate.

134 *Id.* § 186.34, subd. (c)(2).

135 *Id.* § 186.34, subd. (d)(1).

136 *Id.* § 186.34, subd. (d)(1)(B).

137 *Id.* § 186.34, subd. (e).

138 *Id.* § 186.34, subd. (d)(3).

139 *Id.* § 186.34, subd. (e).

Yet law enforcement agencies reported receiving only 15 requests for removal from the database between October 1, 2022, and September 30, 2023,[140] granting only four of the 15 requests for removal.[141]

If the law enforcement agency denies the request contesting a person's designation in CalGang or fails to respond by the deadline, the person requesting removal from the database can ask the court to review the documentation they provided to the agency and the agency's decision and order the agency to remove the person from the database.[142] Law enforcement agencies reported that zero petitions contesting a person's designation in CalGang were adjudicated between October 1, 2022, and September 30, 2023.[143] The data for petitions and removals included in the CalGang Annual Report demonstrate how infrequently a person's information will be removed, based on their petition, once a law enforcement officer adds that information to a gang database.[144]

(2) Demographics of Individuals Entered in CalGang

As noted previously, the RIPA Board does not know how many of the remaining 18,974 people whose information was included in CalGang on September 30, 2023, were between the ages of 18–24 because this information is not publicly available. The following table lists the number of youth ages 13–17 designated in CalGang and the designating law enforcement agencies.

Table 1. Youth 13-17 Included in CalGang Database

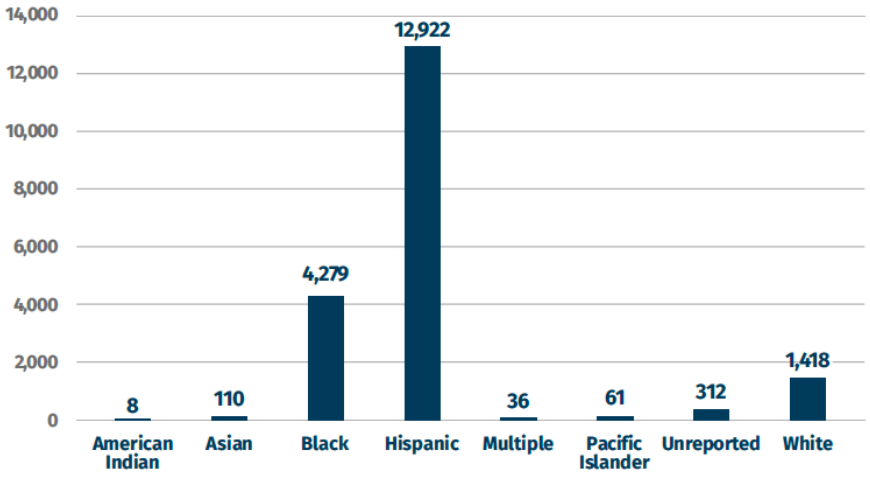
Law Enforcement Agency[145]	Number of Youth 13-17 Designated in CalGang Database
Los Angeles County Sheriff's Department	37
Riverside Police Department	24
San Diego Police Department	20
Riverside County District Attorney's Office	19
Escondido Police Department	17
Santa Ana Police Department	11
Riverside County Sheriff's Department	10
San Bernardino County Sheriff's Department	7
San Luis Obispo County Sheriff's Department	5
Fontana Police Department	4
South Gate Police Department	3
Huntington Park Police Department	2
Inglewood Police Department	2
National City Police Department	2
Riverside County Probation Department	2
Burbank Police Department	1

140 Cal. DOJ, *Attorney General's Annual Report on CalGang*, *supra* note 130, at p. 4.
141 *Ibid.*
142 Pen. Code, §§ 186.34, subd. (e), 186.35, subd. (c). There are deadlines and rules for making this request to the court. (Pen. Code, § 186.35, subd. (b).)
143 Cal. DOJ, *Attorney General's Annual Report on CalGang*, *supra* note 130, at p. 4.
144 *Ibid*.
145 Cal. DOJ, *Attorney General's Annual Report on CalGang: 2023 Dataset, supra* note 130.

Law Enforcement Agency[145]	Number of Youth 13-17 Designated in CalGang Database
Chula Vista Police Department	1
Gardena Police Department	1
Hawthorne Police Department	1
Orange County Sheriff's Department	1
Orange Police Department	1
Placentia Police Department	1

There are also stark racial disparities in the law enforcement agencies' designations of people as suspected gang members, associates, or affiliates in CalGang.

Figure 68. Racial/Ethnic Distribution of People Designated in CalGang



(3) Field Interview Cards

Field interview cards are one of the source documents for the information law enforcement agencies enter into the statewide CalGang database.[146]

In many law enforcement agencies in California, a field interview card is one of the documents officers complete to record and "track[] contacts made during stops and investigations, as well as arrests .... [A field interview card] is generally [but not always] entered into a searchable database."[147] A review of the policies of the Wave 1 and Wave 2 agencies shows that there are no policies prohibiting the use of field interview cards for youth or prohibiting their entry into the CalGang database. Just one agency, the San Diego Police Department, has a policy regarding the use of field interview cards in youth interactions, but this policy is administrative only.[148]

146 Cal. DOJ, *Attorney General's Annual Report on CalGang: 2023 Dataset*, *supra* note 130, at p. 1.

147 Off. of the Inspector General, *Review of Stops Conducted by the Los Angeles Police Department in 2019* ("OIG Review of LAPD Stops") (Oct. 2020) p. 39 <https://www.oig.lacity.org/_files/ugd/b2dd23_d3e88738022547acb55f3ad9dd7a1dcb.pdf> [as of Nov. 18, 2024].

148 *San Diego Police Department Procedure 6.03—Field Interview Report* ("Officers are to forward the gold copy or a photocopy of any Field Interview conducted on individuals found or contacted on school campuses to School Police at MS 726A. Distribute the original and yellow copy as outlined above in this procedure. If the youth/juvenile is involved in high-risk behavior (refer to DP 3.08, Juvenile Procedures, for criteria), a copy of the Field Interview Report needs to be sent to the Juvenile Services Team Sergeant in the command where the juvenile was contacted.").

These databases record information about the interaction, such as who the person is with, if they have any monikers or nicknames, and any alleged criminal affiliations.[149]

Some agencies, like the LAPD, use field interview cards to collect information about a person's social media accounts.[150] In a study of the Gang Suppression Team in a predominantly Hispanic/Latine(x) community in a mid-size California city, researchers observed that officers regularly tracked social media accounts using information they obtained from field interview cards.[151]

> They asked questions like, "What's your Twitter handle?" or "What's your Facebook ID? You don't have anything to hide, do you?" Their justification was typically, "I want to see what you are up to." Civilians appeared obligated to provide officers with their social media information to demonstrate innocence. These social media accounts were later scanned by officers, during down time or criminal investigations … Information from these accounts was regularly collected to use as evidence in potential criminal cases.[152]

The study also found that police officers often assumed individuals who identified as Hispanic/Latine(x) were members of a gang, simply because of their racial and ethnic background.[153] Indeed, researchers found that the agency's policies "conflated 'criminal gang member' with 'Latino,' further stigmatizing an already racially criminalized population."[154] The practice entailed physical surveillance, typically in the form of stop-and-frisk, and social media surveillance of suspected Hispanic/Latine(x) gang members or those associated with them. Through these surveillance practices, officers took photographs with geographic tags and created digital profiles of individuals stopped or surveilled. Officers scanned social media accounts "to track gang-associated Latinos activities, routines, conflicts, and whereabouts."[155]

Officers then uploaded information obtained through surveillance into CalGang. Researchers found that, by entering data points that were strongly associated with Hispanic/Latine(x) as an ethnic or racial group into a computer system database, and by engaging in proactive policing, the officers engendered "feelings of indignity and violation" by those they encountered, who expressed how they felt officers were using these tactics "as a means of tracking them."[156] These tactics subject suspected gang-associated Hispanic/Latine(x) to what the researchers described as "racialized vulnerability to police scrutiny," which equates to racial profiling. Researchers found that individuals subject to such policies harbored "feelings of indignity and violation." And expressed how they felt officers were using these tactics "as a means of tracking them."[157] Conversely, officers described such tactics as "techniques for making suspects behave," reinforcing the notion that these policies were being used to stigmatize and control marginalized communities under the guise of normal police interaction.[158]

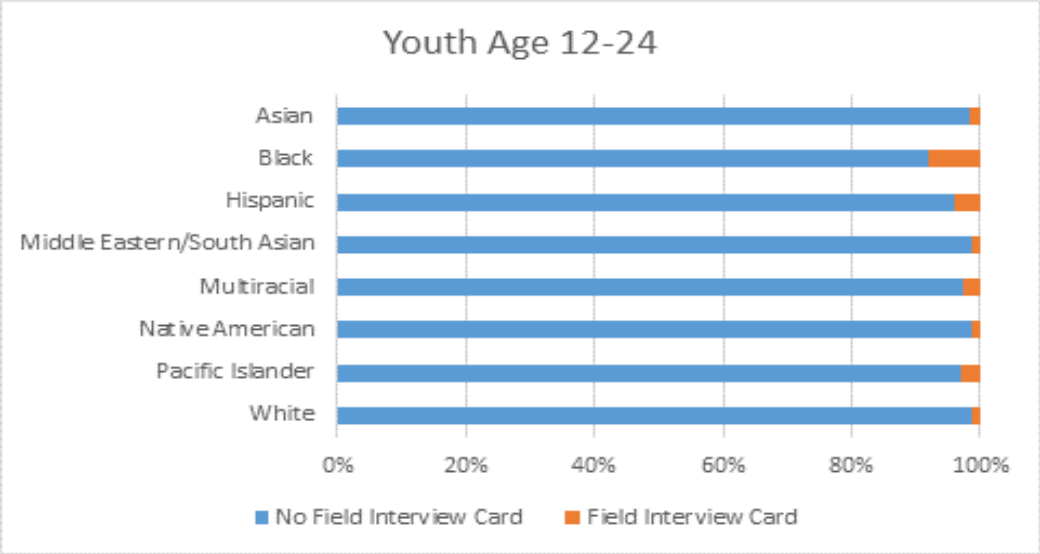
The RIPA stop data also show racial/ethnic, disability, and gender disparities in the use of field interview cards. Officers reported completing 23,296 field interview cards during stops of youth aged 1–24. Officers likely completed additional field interview cards during interactions with youth that did not meet the definition of "stop" as defined in the stop data reporting regulations. Therefore, field interview cards completed during those types of interactions are not captured in the stop data.

Compared to other age categories, officers completed field interview cards at a higher rate during stops of youth perceived to be 12–14 (11.1 percent of stops).

149 *The CalGang Criminal Intelligence System* (Aug. 2016) Cal. State Auditor Report 2021-130, at p. 11 <https://www.auditor.ca.gov/pdfs/reports/2015-130.pdf> [as of Nov. 18, 2024].
150 *LAPD Field Interview (FI) Cards NR21240jl* (Sep. 2021) <https://www.lapdonline.org/newsroom/lapd-field-interview-fi-cards-nr21240jl/> [as of Nov. 18, 2024].
151 Rios et al., *supra* note 71, at pp. 59, 64, 69.
152 *Id.* at p. 69.
153 *Ibid.*
154 *Id.* at p. 68.
155 *Ibid.*
156 *Id.* at 69.
157 *Ibid.*
158 *Ibid.* (noting that such encounters "served to expand racialized punitive social control").

Perceived Race and Ethnicity: Among youth perceived to be 12–24, officers reported completing a field interview card as the result of 8.0 percent of the stops of youth who they perceived as Black (7,358 youths) and 4.2 percent of the stops of youth who they perceived as Hispanic/Latine(x) (17,489 youths). Officers reported completing a field interview card as the result of 1.5 percent of the stops for youth they perceived as White (3,178 youths).

Figure 69. Field Interview Cards by Race, Youth Ages 12-24



Perceived Disability: Among youth perceived to be 12–24, officers reported completing a field interview card as the result of 12.1 percent of the stops of youth who they perceived to have a disability (736 youths) and 3.6 percent of the stops of youth who they perceived to not have a disability (28,857 youths).

II. Law Enforcement Policies Related to Youth

As of 2022, there are over 12 million (nearly one in three) Californians under 25, and nearly nine million (approximately one in five) Californians under 18.[159] Given the size of this population, its unique vulnerabilities, and the data indicating disparities, it is crucial to adopt youth-specific policies that seek to eliminate disparities, are developmentally appropriate, and provide additional protections.

The policies of law enforcement agencies, such as those related to the use of force, can influence or shape the quality and outcomes of an officer's interactions with youth. Researchers recommend that state and local agencies "assemble diverse groups of experts and stakeholders to draft model standards and policies that integrate best practices for working with youth."[160] These policies and standards would convey clear expectations for outcomes of interactions with youth from leadership to rank and file and help "develop oversight mechanisms to ensure compliance."[161]

159 Statista, *supra* note 95 (31.2% of Californians were under 25 years of age and 22.8% were under 18); U.S. Census Bureau, *American Community Survey 2017-2021 5-Year Estimates, supra* note 95; U.S. Census Bureau, *Quick Facts: California, supra* note 94.

160 McKitten and Thurau, *Where's The State? Creating and Implementing State Standards For Law Enforcement Interactions with Youth* (May 2017) Strategies for Youth, p. 3 <https://strategiesforyouth.org/sitefiles/wp-content/uploads/2017/06/SFY_StandardsReport_053117.pdf> [as of Nov. 18, 2024].

161 *Ibid.*

In 2021, the Board surveyed Wave 1 and 2 agencies about various policies, including their policies on civilian complaints, and reported its findings in its 2022 Report. In June, July, and August of 2024, the Board requested updated policies from Wave 1 and Wave 2 agencies relating to youth and policing and civilian complaint processes. Among those questions were:

> *How does your agency define youth?*
>
> *Does your agency have a written policy pertaining to questioning of youth?*
>
> *Does your agency have a written use of force policy specific to youth?*[162]

The table below shows the policies agencies reported they have for youth interactions. It also shows policies in other areas, such as the use of field interview cards with youth and youths' entry into the CalGang database.

Table 2. Law Enforcement Agencies: Youth Policies

LEA POLICIES Youth	Policies Regulating Use of Force Against Youth[163]	Policies Prohibiting Deception in Youth Interviews	Policies Limiting or Prohibiting Field Interview (FI) Cards for Youth	Policies Limiting or Prohibiting Entering Youth into CalGang Database	Policies Mandating Deflection / Pre-Arrest Youth Diversion[164]
Lexipol[165]	✓	?	×	×	×
CHP	✓	✓	×	×	×
Fresno PD	✓	×	×	×	×
LAPD	✓	×	×	×	?
LASD	✓	×	×	×	?
Long Beach PD	×	×	×	×	×
Oakland PD	✓	×	×	×	×
OC Sheriff	✓	×	×	×	×
Riverside SD	✓	×	×	×	×
Sacramento SD	✓	×	×	×	×
Sacramento PD	✓	×	×	×	×
San Jose PD	✓	×	×	×	×

162 A copy of the survey can be found at Appendix H.

163 Agencies with a ✓ in this category have at least some use of force policies related to youth. As shown below, almost all these policies relate to force used against youth *after* they have been placed in custody.

164 Pre-arrest youth deflection or diversion is a topic covered in section III.B. of this section, below.

165 Lexipol is a private company that provides law enforcement agency policy and training manuals and documents that reflect federal and state statutes, case law, regulation, and best practices. Many law enforcement agencies in California purchase Lexipol's policies and implement them as their own policies for their officers. As noted in the Board's 2022 Report, "Most of the policies are 2-3 pages in length and include nearly identical language with few exceptions, likely because the agencies have not made any changes to the template provided by Lexipol." (Racial and Identity Profiling Advisory Board, *Annual Report* (2022) ("*2022 Report*") p. 150 <https://oag.ca.gov/system/files/media/ripa-board-report-2022.pdf> [as of Nov. 18, 2024].) For more information on Lexipol, please visit <https://www.lexipol.com/> [as of Nov. 18, 2024].

LEA POLICIES Youth	Policies Regulating Use of Force Against Youth[163]	Policies Prohibiting Deception in Youth Interviews	Policies Limiting or Prohibiting Field Interview (FI) Cards for Youth	Policies Limiting or Prohibiting Entering Youth into CalGang Database	Policies Mandating Deflection / Pre-Arrest Youth Diversion[164]
San Diego SD	✓	×	×	×	×
SFSD	✓	×	×	×	×
San Bernardino SD	✓	×	×	×	×
Riverside SD	✓	×	×	×	×

× indicates there is not a policy addressing the issue; ✓ indicates there is a policy addressing the issue; **?** indicates more research is required or policy unclear.

A. Special Considerations for Youth: Use of Force

Like all California residents, youth are protected by state and federal laws that govern law enforcement officers, and officers are required to comply with these laws when they interact with youth. In California, a "peace officer who has reasonable cause to believe that the person to be arrested has committed a public offense may use objectively reasonable force to effect the arrest, to prevent escape, or to overcome resistance."[166] California law further requires "officers to utilize de-escalation techniques, crisis intervention tactics, and other alternatives to force when feasible as well," including a requirement that "an officer may only use a level of force that they reasonably believe is proportional to the seriousness of the suspected offense or the reasonably perceived level of actual or threatened resistance," and an officer shall use deadly force "only when necessary in defense of human life."[167] Further, and as noted in last year's report,[168] international treaties that set standards for the use of force against civilians are applicable to law enforcement agencies within the United States.[169] There are also best practices guidelines published by a number of organizations regarding the use of force generally.[170]

166 Pen. Code, § 835a, subd. (b).

167 Gov. Code, § 7286, subd. (b)(1)-(2). Further, the decision by a peace officer to use force "shall be evaluated carefully and thoroughly, in a manner that reflects the gravity of that authority and the serious consequences of the use of force by peace officers, in order to ensure that officers use force consistent with law and agency policies," and is "evaluated from the perspective of a reasonable officer in the same situation, based on the totality of circumstances known to or perceived by the officer at the time, rather than with the benefit of hindsight, and that the totality of the circumstances shall account for occasions when officers may be forced to make quick judgments about using force." (Pen. Code, § 835a, subd. (a)(3)-(4).)

168 Racial and Identity Profiling Advisory Board, *2024 RIPA Report: Recommendations and Best Practices* (2024), p. 162 <https://oag.ca.gov/system/files/media/ripa-best-practices-2024.pdf> [as of Nov. 18, 2024].

169 The international standard for the use of force by law enforcement limits force to that which is legitimate, necessary, and proportionate. This standard is articulated in the *United Nations' Basic Principles on the Use of Force and Firearms by Law Enforcement Officials* and the *United Nations Code of Conduct for Law Enforcement Officials*, which derive from treaties that the United States has entered, including the *International Covenant on Civil and Political Rights*. (U.N., *Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders: Basic Principles on the Use of Force and Firearms by Law Enforcement Officials* (1990) pp. 1-4 <https://www.ohchr.org/sites/default/files/firearms.pdf> [as of Nov. 18, 2024]; U.N. Gen. Assem., *Code of Conduct for Law Enforcement Officials* (1979) art. 3 <https://www.ohchr.org/sites/default/files/codeofconduct.pdf> [as of Nov. 18, 2024]; U.N. Gen. Assem., *International Covenant on Civil and Political Rights* (1966) arts. 6–7 <https://www.ohchr.org/sites/default/files/ccpr.pdf> [as of Nov. 18, 2024].)

170 See, e.g., *Police Executive Research Forum, Guiding Principles On Use of Force* (March 2016) <https://www.policeforum.org/assets/30%20guiding%20principles.pdf> [as of Nov. 18, 2024].

However, there are no California state laws that distinguish between the amount or type of force law enforcement can use against youth compared to adults. The decision to impose limits on the use of force relating to youth is left to the individual agencies and to the individual officers themselves. A review of the use of force policies of the largest 15 law enforcement agencies in California, as well as private company Lexipol, indicates few, if any, *additional* protections, or guidelines relating to the use of force toward youth.

As noted above, the 2023 RIPA data show racial and disability disparities in the use of force on youth. For example, officers handcuffed youth perceived to be Black or Native American and 12–14 at rates more than twice as high (43.3% and 49.1%, respectively) as White youth (17.7%). These disparities were magnified for youth perceived to be 15–17; officers handcuffed youth in this age category and perceived to be Black at a rate of 39.2 percent, perceived to be Native American at a rate of 34.3 percent, and perceived to be White at a rate of 8.0 percent. Officers also handcuffed youth perceived to be 15–17 and to have a disability at more than twice the rate (45.3%) than those youth perceived not to have a disability (20.7%).[171]

Similarly, the 2023 RIPA data show racial disparities in law enforcement interactions, which include officers pointing firearms at youth. For example, officers pointed their firearms at youth perceived to be Black, Hispanic/Latine(x), or Native American and 12–14 at much higher rates (2.9%, 2.0%, and 7.6%, respectively) than White youth (0.6%). These disparities persisted for youth perceived to be 15–17; officers pointed firearms at youth in this age category who were perceived to be Black at a rate of 4.6 percent, Hispanic/Latine(x) at a rate of 2.1 percent, and Native American at a rate of 4.0 percent, compared to rates of youth perceived to be White at (again) 0.6 percent.[172]

Generalized use of force actions show similar trends. The 2023 RIPA data show officers used force against youth perceived to be Black or Native American and 12–14 at rates more than twice as high (45.4% and 49.1%) as White youth (19.2%). Again, these disparities were similar for youth perceived to be 15–17; officers used force in this age category against youth perceived to be Black or Native American more than three times (41.2% and 35.9%, respectively) as often as White youth (9.5%). Officers used force against youth perceived to be 15–17 and to have a disability at more than twice the rate (45.3%) than those youth perceived not to have a disability (20.7%).[173]

In the absence of policies for the use of force that are specific to youth, there is a high likelihood such disparities will persist. Without youth-specific policies, the decision to use force on youth, and the type of force used, is left entirely to officer discretion and, in the absence of effective training on engaging with and de-escalating situations involving youth, the lack of youth-specific force policies could be even more detrimental to youth. As noted earlier, research shows youth of color are likely to suffer from adultification bias, the misperception of youth of color as significantly older (and more likely to be guilty or dangerous) than White youth of the same age. This misperception bias may cause law enforcement officers to perceive Black youth as more threatening, to exercise their discretion in a more punitive manner, and to use more force on Black youth.[174] Policies coupled with training that limit the use of force against youth generally and prioritize de-escalation may mitigate against such outcomes.

Use of Force in the Field vs. After Youth Have Been Placed in Custody

When looking at law enforcement policies relating to the use of force on youth, it is important to distinguish between permitted use of force "in the field" — that is, during a police encounter outside of the confines of a police station — and the permitted use of force after youth have already been placed in custody. Just one agency, the Los Angeles Police Department, has a policy that directs officers' use of force in the field. That policy looks at what officers should do when detaining youth suspected of

171 See Appendix B, Table B28.
172 See Appendix B, Table B32.
173 See Appendix B, Table B28.
174 Epstein et al., *supra* note 54, at p. 1; Goff et al., *Measuring Racial Disparities in Police Use of Force: Methods Matter* (2021) 37 J. of Quantitative Criminol. 1083-1113.

committing a felony, a misdemeanor, or a low-level citable offense. According to the policy, youth who are suspected of *felony* offenses should "normally be handcuffed; however, there may be circumstances that would make the handcuffing of a juvenile arrestee inappropriate."[175] Youth who are suspected of committing *misdemeanor* offenses may be handcuffed at the officer's discretion.[176] Youth suspected of "*citable* offenses or other non-violent offenses" should not be handcuffed unless the officer "can clearly articulate a specific reason why the handcuffing was appropriate."[177]

Other than this policy, there are no law enforcement policies submitted by Wave 1 or Wave 2 agencies that relate to any special considerations or prohibitions regarding the use of force against youth *in the field*. Rather, most law enforcement policies focus on placing limits on the use of force while youths are *in temporary custody at the station*.[178]

Use of Handcuffs on Youth While in Police Custody

Law enforcement policies regarding the use of handcuffs while in police custody vary widely across agencies. While most agencies permit youth to be handcuffed while in temporary custody, the Riverside County Sheriff's Department and the Fresno Police Department limit the use of handcuffs or restraints on youth under 13, unless the youth "is suspected of a dangerous felony or when the [officer] has a reasonable suspicion that the juvenile may resist" or attempt to escape.[179] Further, Riverside notes that youth who are detained pursuant to a child protective custody warrant "should not be handcuffed or physically restrained unnecessarily," but if they "become threatening, violent, or combative," they may be restrained for the safety of the deputy or others.[180] The San Jose Police Department permits children under 12 to be handcuffed if they are suspected of committing murder, or sexual assault, or are a danger to themselves or others.[181]

Some agency policies do permit handcuffing, but state that youth should not be handcuffed to a stationary object (San Diego Police Department,[182] Riverside Sheriff's Department,[183] Fresno Police Department[184]) or handcuffed to an adult (Los Angeles Sheriff's Department,[185] Sacramento Sheriff's Department[186]). Two agencies, the Oakland Police Department and the San Francisco

175 Los Angeles Police Department, *Juvenile Manual 7.30—Handcuffing of Juveniles.*
176 *Ibid*.
177 *Ibid.* (emphasis added).
178 *California Highway Patrol, HPM 100.69(3)—Arrests and Custody of Minors*; *San Francisco Police Department General Order 7.01—Policies and Procedures for Juveniles Detention, Arrest, and Custody* 4, 6 <https://www.sanfranciscopolice.org/sites/default/files/2018-11/DGO7.01%20Juvenile%20Policies%20and%20Procedures.pdf> [as of Nov. 18, 2024]; *Sacramento Sheriff's Department General Order 21/01* <https://www.dropbox.com/scl/fo/q0qinzwfvvxg3dbwgjyra/h/General%20Orders?dl=0&preview=21-01+Prisoner+Security-Handcuffing.pdf&subfolder_nav_tracking=1> [as of Nov. 18, 2024]; *14. Sacramento Police Department General Order GO 580.02—Use of Force* <https://www.cityofsacramento.gov/content/dam/portal/police/Transparency/policy/GO/Section-500/GO-58002-Use-of-Force-122321.pdf> [as of Nov. 18, 2024].
179 *Riverside County Sheriff's Department Standards Manual 306.2.3—Restraint of Juveniles* <https://www.riversidesheriff.org/DocumentCenter/View/6956/Department-Standards-Manual-71522> [as of Nov. 18, 2024*]; Fresno Police Department Manual 306.4—Application of Handcuffs* <https://www.fresno.gov/wp-content/uploads/2024/04/PolicyManual-Redacted-April-2024.pdf> [as of Nov. 18, 2024].
180 *Riverside County Sheriff's Department Standards Manual 323.7—Child Protective Custody Warrants – Use of Force and Restraints* <https://www.riversidesheriff.org/DocumentCenter/View/6956/Department-Standards-Manual-71522> [as of Nov. 18, 2024].
181 *San Jose Police Department Line/Operations Procedures L 3011.5—Handcuffing Juveniles.*
182 *San Diego Police Department Procedure 3.08—Juvenile Procedures.*
183 *Riverside County Sheriff's Department Standards Manual 324—Temporary Custody of Juveniles* <https://www.riversidesheriff.org/DocumentCenter/View/6956/Department-Standards-Manual-71522> [as of Nov. 18, 2024].
184 *Fresno Police Department Policy Manual 324—Temporary Custody of Juveniles* <https://www.fresno.gov/wp-content/uploads/2024/04/PolicyManual-Redacted-April-2024.pdf> [as of Nov. 18, 2024].
185 *Los Angeles Sheriff's Department, Manual of Policies and Procedures 5-02/100.60—Transportation and Handcuffing of Juveniles.*
186 *Sacramento Police Department General Order GO 580.02—Use of Force* <https://www.cityofsacramento.gov/content/dam/portal/police/Transparency/policy/GO/Section-500/GO-58002-Use-of-Force-122321.pdf> [as of Nov. 18, 2024].

Police Department,[187] permit the handcuffing of youth to stationary objects, subject to the watch commander's approval.[188]

a. Hobble restraints[189] and TASERs[190] On Youth While in Police Custody

Law enforcement policies regarding the use of restraints, TASERs, or other devices on youth also vary across agencies, but notably, there are fewer agencies that have specific policies relating to or prohibiting such uses of force. The Orange County Sheriff's Department advises that "[d]ue caution should be considered" when applying the "Hobble restraint procedure," an "Electronic Control Device,"[191] or a "Conducted Energy Device" (i.e., a TASER)[192] on youth in custody, but the agency does not preclude their use, and the agency's policies do not otherwise differentiate between the use of force toward youth and adults.

Similarly, the Riverside County Sheriff's Department and the Fresno Police Department advise that the use of a TASER on youth "should generally be avoided" unless other available options are ineffective or would endanger the deputy or others.[193] As with the Orange County Sheriff's Department, these agencies do not preclude the use of the TASER on youth, and the agencies' policies do not otherwise differentiate between the use of force towards youth compared to adults.

b. Other Agency Policies

Los Angeles Police Department prohibits the use of force on youth to compel them to participate in an in-person identification procedure or lineup.[194] One agency, the Long Beach Police Department, has no policy relating to the use of force against youth either in the field or while in custody.

187 *San Francisco Police Department General Order 7.01—Policies and Procedures for Juveniles Detention, Arrest, and Custody* 4, 6 <https://www.sanfranciscopolice.org/sites/default/files/2018-11/DGO7.01%20Juvenile%20Policies%20and%20Procedures.pdf> [as of Nov. 18, 2024].

188 *Oakland Police Department General Order O-09—Detention of Juvenile Offenders* <https://public.powerdms.com/oakland/tree/documents/489> [as of Nov. 18, 2024].

189 *Orange County Sheriff's Department Policy Manual 306.4—Use of Hobble Restraint* <https://ocsheriff.gov/sites/ocsd/files/2024-04/Department%20Manual%20%28Lexipol%29%202024-04-18.pdf> [as of Nov. 18, 2024]. According to the policy, "The Ripp Hobble is made of one-inch wide polypropylene webbed belting with a tested strength of 700 lbs. The hobble has a one-inch wide side, alligator-jawed, friction-locking clip and steel-snap swivel. The overall length of the hobble shall be a minimum of 42 inches." (*Orange County Sheriff's Department Policy Manual 306.3—Authorized Equipment*.) The policy also refers to the EZ Leg Control Belt, which "is a black nylon belt that is 2 inches wide with a 7 inch loop at the end with a tensile strength of 518 pounds. The control belt is equipped with a 2 inch black buckle, 2 inch D-Ring, and 3 inch Aluminum Carabiner. (*Ibid.*) The overall length of the control belt is 90 inches." (*Ibid.*)

190 A TASER is "a gun that fires electrified darts to stun and immobilize a person." (*Merriam-Webster.com Dictionary*, Merriam-Webster <https://www.merriam-webster.com/dictionary/Taser> [as of Nov. 18, 2024].) According to Axon, the company which holds the TASER trademark, a TASER is an "energy weapon" which "deploy[s] probes from a distance" to send "electrical current to temporarily incapacitate subjects by inducing neuromuscular incapacitation, or NMI." (Axon, *The Truth About TASER* <https://www.axon.com/resources/the-truth-about-taser> [as of Nov. 18, 2024].) Axon notes that this process "can be painful for individuals during that brief electrical cycle, so an exposure to a TASER energy weapon should be treated seriously. After exposure to a TASER energy weapon, it is recommended a subject be monitored for 20 minutes to ensure they are feeling well." (*Ibid*.)

191 *Orange County Sheriff's Department Policy Manual 309.5—Use of the Electronic Control Device* <https://ocsheriff.gov/sites/ocsd/files/2024-04/Department%20Manual%20%28Lexipol%29%202024-04-18.pdf> [as of Nov. 18, 2024].

192 *Orange County Sheriff's Department Policy Manual 312.5—Use of the Conducted Energy Device (CED) – TASER X26* <https://ocsheriff.gov/sites/ocsd/files/2024-04/Department%20Manual%20%28Lexipol%29%202024-04-18.pdf> [as of Nov. 18, 2024].

193 *Riverside County Sheriff's Department Standards Manual 310.5.2—Use of the TASER – Special Deployment Considerations* <https://www.riversidesheriff.org/DocumentCenter/View/6956/Department-Standards-Manual-71522> [as of Nov. 18, 2024]; *Fresno Police Department Policy Manual 309.4 Electronic Control Device (ECD) – Special Deployment Considerations* <https://www.fresno.gov/wp-content/uploads/2024/04/PolicyManual-Redacted-April-2024.pdf> [as of Nov. 18, 2024].

194 *Los Angeles Police Department Juvenile Manual* (2017) 002012.100—Juvenile Refuses to Participate in Line-Up <https://lapdonlinestrgeacc.blob.core.usgovcloudapi.net/lapdonlinemedia/2021/09/05_01_2011_DB_OSO_Juvenile-Manual.pdf> [as of Nov. 18, 2024].

B. Special Considerations for Youth: Questioning by Law Enforcement

Law enforcement interactions with youth — even the initial stop, covered by RIPA data — often involve some form of police questioning, be it requests for information to be included in a field interview card, a consent to search property, or questioning related to a law enforcement investigation. Adolescents are less capable of understanding their constitutional rights than their adult counterparts and are more prone to falsely confessing to a crime they did not commit.[195] Research suggests that "[b]ecause adolescents are more impulsive, are easily influenced by others (especially by figures of authority), are more sensitive to rewards (especially immediate rewards), and are less able to weigh in on the long-term consequences of their actions, they become more receptive to coercion."[196] The context of custodial interrogation is believed to exacerbate these pressures.

Special Considerations for Youth of Color During Police Questioning

Youth generally are more susceptible to police coercion and pressure than adults and are more suggestible than adults to the inherent power imbalance between officer and suspect in a custodial setting.[197] Research shows there are unique vulnerabilities that make youth of color even more subject to coercive tactics during interrogations that could lead to false confessions. One of those additional vulnerabilities is racial bias in the officer's assessment of whether the youth is being deceptive. Another of those vulnerabilities is adultification bias or the likelihood that the officer would perceive the youth as older — and therefore, guiltier — than their White peers.[198]

Research shows that the behavior of youth of color in interrogations may affect officers' assessment of whether they are being deceptive. [199] Cross-cultural differences in nonverbal communication styles could cause youth of color "to appear more deceptive" to police during interrogations, which could cause an officer to increase pressure on the youth to confess.[200] For example, there are significant race-based differences even in nonverbal behaviors in response to questioning, and some behaviors — for example, inappropriate smiling or minimal eye contact — can be deemed "suspicious" by police.[201] However, these subjective "cues" are unreliable in assessing culpability and may in fact be more indicative of cultural background.[202] Immaturity can also cause misperceptions of behaviors as well. For

195 See, e.g., Luna, *Juvenile False Confessions: Juvenile Psychology, Police Interrogation Tactics, And Prosecutorial Discretion* (2018) 18 Nev. L.J. 291, 297 <https://scholars.law.unlv.edu/nlj/vol18/iss1/10/> [as of Nov. 18, 2024]; Meyer and Reppucci, *Police Practices and Perceptions Regarding Juvenile Interrogation and Interrogative Suggestibility* (2007) 25 Behav. Sci. & L. 757, 763; Ceci and Bruck, *Suggestibility of the Child Witness: A Historical Review and Synthesis* (1993) 113 Psychol. Bull. 403-409; Note, *Questioning the Reliability of Children's Testimony: An Examination of the Problematic Elements* (1995) 19 Law & Psychol. Rev. 203-215; Owen-Kostelnick et al., *Testimony and Interrogation of Minors: Assumptions About Maturity and Morality* (2006) 61 Am. Psychologist 286-304; Redlich, *The Susceptibility of Juveniles to False Confessions and False Guilty Pleas* (2010) 62 Rutgers L.Rev. 943, 952; Viljoen et al., *Legal Decisions of Preadolescent and Adolescent Defendants: Predictors of Confessions, Pleas, Communication with Attorneys, and Appeals* (2005) 29 Law & Hum. Behav. 253; Note, *No Match for the Police: An Analysis of Miranda's Problematic Application to Juvenile Defendants* (2011) 38 Hastings Const. L.Q. 1053, 1066-1069.

196 See, e.g., Luna, *supra* note 195, at p. 297; Meyer and Reppucci, *supra* note 195, at p. 763; Ceci and Bruck, *supra* note 195; Note, *Questioning the Reliability of Children's Testimony: An Examination of the Problematic Elements, supra* note 195; Owen-Kostelnick et al., *supra* note 195; Redlich, *supra* note 195, at p. 952; Viljoen et al., *supra* note 195; Note, *No Match for the Police: An Analysis of Miranda's Problematic Application to Juvenile Defendants, supra* note 195, at pp. 1066-1069.

197 Kassin et al., *Police-Induced Confessions: Risk Factors and Recommendations* (Feb. 2010) 34 Law and Human Behavior 1, 8.

198 Epstein et al., *supra* note 54, at pp. 1, 4; Goff et al., *The Essence of Innocence: Consequences of Dehumanizing Black Children, supra* note 54, at pp. 529, 536.

199 Blandón-Gitlin et al., *Race and Ethnicity as a Compound Risk Factor in Police Interrogation of Youth* in The Legacy of Racism for Children: Psychology, Law, and Public Policy (Stevenson, Bottoms, & Burke edits., 2020), p. 175.

200 Najdowski, *Stereotype Threat in Criminal Interrogations: Why Innocent Black Suspects Are at Risk for Confessing Falsely* (2011) 17 Psychology, Public Policy, and Law 562, 563.

201 Blandón-Gitlin et al., *supra* note 199, at p. 175.

202 Johnson, *Race and Police Reliance on Suspicious Non-verbal Cues* (2007) 30 Policing: An International Journal of Police Strategies & Management 277.

example, Black youth who do not make eye contact because of nervousness may be misperceived as being deceptive.[203]

Another vulnerability in the context of interrogations unique to people of color is *stereotype threat*.[204] The term *stereotype threat* describes a person's concern that they may be perceived in light of a negative stereotype that applies to their demographic group.[205] Unfortunately, many widely-known negative stereotypes about people of color exist, and these stereotypes contribute to both the conscious and unconscious biases people of color encounter every day. The mere existence of the stereotype "means that anything one does or any of one's features that conform to it make the stereotype more plausible as a self-characterization in the eyes of others."[206] "[B]ecause of negative stereotypes that depict Black people as criminals, Black (vs. White) individuals are more likely to be suspected ... of committing crimes."[207] Black individuals who are aware of this stereotype could experience increased stress when interrogated by police, which could be perceived inaccurately as indicative of deception or guilt.[208] Youth of color "are aware of negative stereotypes that apply to them, and activating stereotypes can negatively influence their performance" in a number of settings, including, for example, standardized testing.[209] The effects of stereotype threat "may be even more harmful" to youth than adults, because they "deplete cognitive resources and impair self-regulatory strategies, abilities that are already limited among youth."[210] Stereotype threat is not limited to any one racial or ethnic identity and can apply to any individual aware of the negative stereotypes that may apply to them.[211]

Miranda Warnings[212]

When an initial law enforcement encounter progresses to placing an individual in custody and questioning, policies relating to the reading of *Miranda* warnings are implicated. As discussed below, many police agencies have policies directing law enforcement to notify youth of their rights under *Miranda* immediately upon being placed in custody. However, research demonstrates that youth may be particularly vulnerable to police questioning even if notified of their *Miranda* rights. The increased stress resulting from stereotype threat may impair a suspect's ability to comprehend legal

203 Blandón-Gitlin et al., *supra* note 199, at p. 176.
204 Najdowski, *Stereotype Threat in Criminal Interrogations: Why Innocent Black Suspects Are at Risk for Confessing Falsely, supra* note 199, at p. 563; Steele and Aronson, *Stereotype Threat and the Intellectual Test Performance of African Americans* (1995) 69 Journal of Personality and Social Psychology 797.
205 Najdowski et al., *Stereotype Threat and Racial Differences in Citizens' Experiences of Police Encounters* (2015) 39 Law and Human Behavior 463; Steele and Aronson, *supra* note 203.
206 Steele and Aronson, *supra* note 204.
207 Blandón-Gitlin et al., *supra* note 199, at p. 174.
208 *Ibid.*
209 *d.* at p. 175.
210 *Ibid.*
211 Interestingly, stereotype threat can also be experienced by police officers, with similar deleterious effects. (Trinkner et al., *The Force of Fear: Police Stereotype Threat, Self-Legitimacy, and Support for Excessive Force* (2019) 43 Law and Human Behavior 421, 422.) Officers who are concerned about being labeled as racist — i.e., the "racist police officer" stereotype — may, over time, come to resemble or embody the stereotype because of stereotype threat. (*Id*.) In one study, a researcher demonstrated that the more officers were more concerned about being labeled as racist, the higher the proportion of their uses of force occurred against Black residents. (Goff et al., *Protecting Equity: The Consortium for Police Leadership in Equity Report on the San Jose Police Department* (2012) Los Angeles: The Consortium for Police Leadership in Equity, University of California Los Angeles.) This becomes a self-perpetuating cycle. (See, e.g., Sanchez and Rosenbaum, *Racialized Policing: Officers' Voices on Policing Latino and African American Neighborhoods* (2011) J. of Ethnicity in Criminal Justice 152.) "[I]t is easy to imagine how an erosion in public trust could lead to increased unreasonable force, further eroding public trust." (Trinkner et al., *The Force of Fear: Police Stereotype Threat, Self-Legitimacy, and Support for Excessive Force* (2019) 43 Law and Human Behavior 421, 432.)
212 *Miranda v. Arizona* (1966) 384 U.S. 436. The decision in the *Miranda* case requires officers, before questioning a suspect in a custodial interrogation setting, to explain to the suspect their rights — to remain silent, to have an attorney present during questioning at no cost to them, to stop answering any questions at any time, and that any statement may be used as evidence against them.

concepts, such as the scope of their rights under *Miranda*.[213] Studies show that youth, generally, are less protected by the *Miranda* warnings officers give than adults under custodial interrogation. Youth also are more likely to waive their rights and speak to officers, even when it is against their interests to do so for many reasons. For example, youth suspects under 15 "are more likely to believe that they should waive their rights and tell what they have done, partly because they are still young enough to believe that they should never disobey authority."[214] Youth are also more likely to waive their rights if they believe not doing so will create "the potential for immediate negative consequences."[215] For example, they will waive their rights if they believe doing so will allow them to go home.[216] Relatedly, research shows that youth do not consider the long-term consequences of having their statements used against them — and being subject to adjudication as a result — when deciding whether to waive their rights.[217]

In 2017, recognizing that children and adolescents are "much more vulnerable to psychologically coercive interrogations,"[218] the California Legislature passed Senate Bill No. 395, which requires that youth 15 and younger consult with legal counsel before a custodial interrogation. This consultation is mandatory and cannot be waived.[219] In 2020, Senate Bill No. 203 (2019-2020 Reg. Sess.) (SB 203) extended these protections to youth 17 and younger.[220] In 2022, California also passed the Juvenile Custodial Interrogations Reform Bill, which prohibits law enforcement from using physically and psychologically harmful interrogation techniques on youth aged 17 and younger.[221] The bill went into effect on July 1, 2024.[222]

C. Consent Searches

As discussed in the 2022 RIPA Report, agreeing to an officer's request to conduct a search does not necessarily feel voluntary or that there is a choice in the matter, given the inherent power imbalance between law enforcement officers and members of the public.[223] The 2019, 2020, and 2021RIPA data show that individuals perceived to be Black or Multiracial were asked for consent to search at a higher rate than those who are perceived to be White.[224] Further, the 2023 RIPA data show that Black youth perceived to be 15–17 were stopped for an average of 51.0 minutes when they gave consent to search, but 152.8 minutes when they did not.[225] This stands in sharp contrast to White youth perceived to be in the same age range; those who gave consent to search were stopped for an average of 54.9 minutes, but an average of 87.7 minutes when they did not give consent.[226]

213 Blandón-Gitlin et al., *supra* note 199, at p. 174.
214 Kassin et al., *supra* note 197, at p. 8.
215 *Ibid.*
216 *Ibid.*
217 *Ibid.*
218 Sen. Bill No. 395 (2017-2018 Reg. Sess.) <https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180SB395> [as of Nov. 18, 2024].
219 Welf. & Inst. Code, § 625.6; California Department of Justice (March 15, 2023) Mandatory Consultation with Counsel Prior to Custodial Interrogations of Youth Under 18 [Information Bulletin] p. 1 <https://oag.ca.gov/system/files/media/2023-dle-02.pdf> [as of Nov. 18, 2024].
220 Sen. Bill No. 203 (2019-2020 Reg. Sess.) <https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201920200SB203> [as of Nov. 18, 2024]; Welf. & Inst. Code § 625.6.
221 Assem. Bill No. 2644 (2021-2022 Reg. Sess.) <https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220AB2644> [as of Nov. 18, 2024]; Welf. & Inst. Code § 625.7.
222 Assem. Bill No. 2644, *supra* note 220; Welf. & Inst. Code § 625.7.
223 Racial and Identity Profiling Advisory Board, *2022 Report*, *supra* note 165, at pp. 109, 112-114, 116-118.
224 *Id*. at p. 100.
225 Appendix B, Table B37.
226 *Ibid*.

D. Legitimacy Policing

Since the 1970s, policing strategies such as hotspot policing and proactive policing have contributed to the criminalization of marginalized communities.[227] In recent years, community, courtesy, and procedural justice policing have emerged as modern solutions to issues of racism and excessive force among law enforcement.[228] "Legitimacy policing" is a term describing a model which focuses on improving the perception of law enforcement as legitimately or properly carrying out their role in the community.[229] Perceptions of police legitimacy can ensure that individuals are cooperative with law enforcement when they interact with officers and that the public perceives officers as respectful, trustworthy, and even-handed when interacting with the community.[230]

The "legitimacy policing continuum" describes how officers draw upon multiple policing practices during interactions and how the use of these practices improves or diminishes police legitimacy.[231] On one end of the continuum are those law enforcement practices that emphasize respectfulness, courtesy, and fairness.[232] On the other end of the continuum are punitive law enforcement practices, like stop-and-frisk, police harassment, and violence.[233] The legitimacy policing continuum is characterized by officers drawing upon approaches that fall on both ends of this "continuum" during individual interactions.[234]

Research shows that individuals are less likely to believe that they have been subject to racial profiling when they are treated with politeness and respect by law enforcement officers.[235] In contrast, punitive and investigatory law enforcement actions reduce police legitimacy, and can be seen as a form of racial profiling, "even when conducted with courtesy and respect."[236]

Researchers observing the work of a Gang Suppression Team within a law enforcement agency in a small California city found that the officers used components from several policing models in their interactions with the public in marginalized communities.[237] For criminalized individuals, there was no difference in perceptions of legitimacy between policing that was courteous, polite, and respectful and those practices that were punitive: the stopped individuals perceived that the combination of approaches was intended to further criminalize and control them "by closely scrutinizing and regulating their daily routines and behaviors."[238]

The researchers who observed the interactions of Gang Suppression Team officers with suspected gang-associated Hispanic/Latine(x) individuals found that officers flagged individuals as suspicious due to their race and their style.[239] Police assumed gang membership based on the "specificities of individuals' racialized self-presentation."[240] Police interactions that utilized practices from multiple areas of the "legitimacy policing continuum" contributed to feelings of indignation and violation, and individuals stated they were aware that law enforcement officers were "using courtesy approaches in pretext stops as a means of tracking them."[241] Additionally, while the consistent threat of force to resolve

227 Rios et al., *supra* note 71, at p. 58.
228 *Id.* at p. 72.
229 Mazerolle et al., *Procedural Justice and Police Legitimacy: A Systematic Review of the Research Evidence* (2013) 9 J. of Experimental Criminol. 245, 246.
230 *Ibid.*
231 Rios et al., *supra* note 71, at p. 59.
232 *Id.* at pp. 61-63.
233 *Id.* at pp. 61-62.
234 *Id.* at p. 61.
235 Tyler and Wakslak, *Profiling and Police Legitimacy: Procedural Justice, Attributions of Motive, and Acceptance of Police Authority* (2004) 42 Criminol. 253, 277.
236 Rios et al., *supra* note 71, at p. 59.
237 *Id.* at pp. 62, 64.
238 *Id.* at pp. 62-63, 68.
239 *Id.* at pp. 66-67.
240 *Id.* at p. 69.
241 *Id.* at p. 68.

conflict gave officers a feeling of authority, it also prompted resentment in the Hispanic/Latine(x) individuals they policed.[242] The combination of tactics typical of legitimacy policing often shifts the responsibility for harassment and excessive force from the police to the individual being policed.[243] This dynamic enables officers to use the stopped person's rejections of polite overtures to justify punitive treatment.[244] Legitimacy policing produces an environment where trust and relationship building is subordinate to the primary focus on stop-and-frisk, surveillance, and data collection.[245] These practices represent a general shift from a culture of investigating crime to surveilling individuals considered prone to committing crime.[246]

Punitive and investigatory law enforcement actions such as stop-and-frisk, hot spot policing, proactive intervention, and police saturation have historically been used — and continue to be used — to reinforce social inequities and criminaliz[e] marginalized communities.[247] These policing practices are "rooted within long-standing perceptions of urban ordering."[248] In this sense, these practices reinforce the concept of policing as "upholding order, particularly in the urban sphere."[249] Researchers found that the Gang Suppression Team officers "consistently described their surveillance strategies as techniques for making suspects behave.[250] These officers regularly told suspected gang-associated Hispanic/Latine(x) individuals that they were "checking up on how they were doing."[251]

As noted previously, the most common proactive policing strategy[252] — deploying officers to places where crime is likely to be reported, and directing officers to interact with the people most likely to be accused of crimes — "may impose a terrible cost."[253] Research shows that if a law enforcement agency engages in proactive policing and disproportionately assigns officers to particular neighborhoods, this will result in more frequent contact between law enforcement and individuals within those neighborhoods.[254] Such proactive policing practices "extend a historical pattern of racialized criminalization in the use of stops."[255] Further, and as noted above, these practices reduce police legitimacy.

Researchers recommended that law enforcement agencies that are committed to community policing "consider de-emphasizing the stop-and-frisk and other investigatory stops as significant crime prevention strategies, and instead promote and reward a dignity policing model that allows criminalized civilians to feel safe and protected by officers and departmental culture."[256] The available research shows that law enforcement policies and practices that ensure law enforcement is legitimate — through which officers are respectful, trustworthy, and transparent in their actions — "can enhance citizen perceptions and attitudes toward compliance, cooperation, satisfaction, and confidence with police."[257] Policies that emphasize neutral decision making during law enforcement interactions, or demonstrating dignity and respect toward individuals during such interactions, effectively improve perceptions of law enforcement legitimacy.[258]

242 *Id.* at p. 71.
243 *Id.* at p. 72.
244 *Ibid.*
245 *Ibid.*
246 *Id.* at p. 58.
247 *Ibid.*; Bland, *supra* note 104, at p. 667.
248 Bland, *supra* note 104, at p. 667.
249 *Id.* at p. 664.
250 Rios et al., *supra* note 71, at p. 68.
251 *Id.* at p. 69.
252 As noted above, "proactive policing" has also been described as a model "in which officers actively engage citizens in high-crime areas to detect imminent criminal activity or disrupt circumstances interpreted as indicia that 'crime is afoot.'" (Geller et al., *Aggressive Policing and the Mental Health of Young Urban Men*, *supra* note 70, at p. 2321.) It encompasses tactics such as stop-and-frisk or *Terry* stops.
253 Del Toro et al., *The Criminogenic and Psychological Effects of Police Stops on Adolescent Black and Latino Boys, supra* note 68, at pp. 8261-8268.
254 *Id.*
255 Rios et al., *supra* note 71, at p. 58.
256 *Id.* at p. 72.
257 Mazerolle et al., *supra* note 229, at p. 264.
258 *Id.* at pp. 264-265.

III. The Path Forward: Developmentally Appropriate Responses and Board Recommendations

A. Law Enforcement Agencies Should Adopt Policies Restricting or Proscribing the Use of Force on Youth

Law enforcement policies relating to the use of force on youth are especially important, as the research shows officer interactions with youth frequently result in the use of force, and the use of force is directed disproportionately against youth of color. The 2023 data show that of all stops of youth under 25, 11.3 percent involved the use of force.[259] This is consistent with proportions of all stops across all age categories, where 11.5 percent of all stops involved the use of force.[260] However, among all stops of youth under 25 in which force was used, 20.5 percent were of Black youth, and 58.0 percent were Hispanic/Latine(x).[261] Other studies outside of California also show racial disparities in the use of force.[262] Nationally, youth are involved in just 3.5 percent of law enforcement interactions, but account for 30.1 percent of those involving force.[263] The majority (81%) of police use of force against youth are initiated by police.[264]

A review of the 2023 RIPA data show there is clear racial disparity in the use of force during police stops of youth, with Black youth, Native American youth, and Hispanic/Latine(x) youth all facing greater risk of use of force than White youth.[265] Overall, 20.7 percent of youth suspects who are perceived to be Black, 12.8 percent perceived to be Hispanic/Latine(x), and 18.0 percent perceived to be Native American experience use of force in police stops, compared to just 6.9 percent perceived to be White.[266] Further, 18.9 percent of youth who are perceived to be Black, 11.3 percent of youth perceived to be Hispanic/Latine(x), and 16.5 percent of youth perceived to be Native American are handcuffed during stops, compared to just 5.5 percent of youth perceived to be White.[267]

The data further show that for youth perceived to be Black, the risk of any use of force is 3.0 times greater than for youth perceived to be White, while the risk of less lethal force is 6.2 times greater, the risk of the use of limited force is 3.0 times greater, and the risk of the use of handcuffs is 3.4 times greater.[268] For youth perceived to be Hispanic/Latine(x), the risk of any use of force is 1.9 times greater than for youth perceived to be White, while the risk of less lethal force is 2.6 times greater, the risk of use of limited force is 1.9 times greater, and the risk of use of handcuffs is 2.0 times greater.[269] For youth perceived to be Native American, the risk of any use of force is 2.6 times greater than for youth perceived to be White, while the risk of less lethal force is 3.5 times greater, the risk of use of limited force is 2.6 times greater, and the risk of use of handcuffs is 3.0 times greater.[270]

259 See Appendix B, Tables B28-B28b.
260 See *Ibid*.
261 See *Ibid.*
262 A 2021 analysis of data on approximately 3,000 instances of police use of force against children aged 16 and under showed Black children made up more than 50 percent of those against whom force was used, though they are only 15 percent of youth nationwide. (Associated Press, *Tiny Wrists in Cuffs: How Police Use Force Against Children* (Oct. 2021) NPR <https://www.npr.org/2021/20/10/1047618263/tiny-wrists-in-cuffs-how-police-use-force-against-children> [as of Nov. 18, 2024].) The data in this analysis included incidents from 25 police departments in 17 states. (*Ibid.*)
263 McKitten and Thurau, *supra* note 160, at p. 5.
264 *Ibid.*
265 Appendix F, F.5.
266 *Ibid.*
267 *Ibid.*
268 *Ibid.*
269 *Ibid.*
270 *Ibid.*

The use of force on youth can be harmful in several ways, affecting their ability to cope with stressful situations.[271] In the immediate aftermath, police use of force against youth and adolescents can lead to acute distress. It may also lead to "a cascade of psychological sequelae," including the development or worsening of mental illness, and result in traumatization, serious injury, lower attainment in education and employment, or death.[272] Further, data show that the use of force against women has been growing at a higher rate than the use of force against men nationwide; as such, it is important to understand the unique vulnerabilities that Black girls may face in connection to police use of force.[273]

Given the risk of harm to youth from police use of force, researchers and advocates have continuously recommended that law enforcement adopt policies and procedures that use "developmentally appropriate, trauma-informed de-escalation tactics" before exerting force on youth.[274] This includes providing warnings and a sufficient time for youth to respond to officer commands, restricting the use of TASERS and other weapons meant to subdue individuals, restricting the pointing of weapons at youth, and refraining from engaging in "unnecessary, overly aggressive, or otherwise improper actions" that may cause the situation to escalate.[275] Such policies should also include appropriate training for police officers to avoid the unnecessary escalation of police interactions with youth.[276] Law enforcement should employ alternatives to arrest when appropriate, and — if it is necessary to detain youth suspected of an offense — limit the use of physical restraints as much as possible.[277]

B. Restorative Justice and Deflection/Pre-Arrest Diversion

> "The arrest experience is traumatic and can be life-altering."
>
> — Illinois Juvenile Justice Commission, "Preventing Youth Arrests through Deflection."

As discussed at the beginning of this chapter, there are unique considerations relating to law enforcement interactions with youth, and the research demonstrates that such interaction should be qualitatively different from police encounters with adults. Law enforcement policies that are sensitive to those unique considerations — and treat youth differently than adults — are in line with the wealth of research referenced in this report. Robust law enforcement policies regarding youth should address every aspect of police interaction with youth, *starting from the initial police stop* to avoid the negative and harmful effects of police interaction on youth, especially youth of color.

One way to treat youth differently, starting from the initial police stop, is to emphasize *restorative justice* models of conflict resolution when encountering youth suspected of violations. Previously conceived of as radical or experimental, restorative justice models have in recent years become acknowledged as powerful alternatives to criminal sentencing and punishment. Rather than focusing on the ultimate result of conviction as a "punishment" of the accused through retribution, incarceration, or incapacitation, restorative justice focuses on the need for "repairing" the harm to the wronged party the accused caused. Restorative justice models may also focus on repairing the harms the accused has experienced, "[u]nderstanding and responding to the needs of each involved party and the broader community is central to the collective creation of a just outcome."[278] Restorative justice programs have

271 American Psychiatric Association, *Position Statement on Police Interactions with Children and Adolescents in Mental Health Crisis* <https://www.psychiatry.org/getattachment/085c5817-87e3-4fd9-8885-ed1d83ec7266/Position-Police-Interactions-with-Children-Adolescents-in-Crisis.pdf> [as of Nov. 18, 2024].

272 *Ibid.*

273 Tapp and Davis, *Contacts Between Police and the Public, 2020* (2022) U.S. DOJ Special Report, p. 5 <https://bjs.ojp.gov/media/document/cbpp20.pdf> (noting that the rate of use of force reported by women increased from 1.1 percent in 2018 to 1.2 percent in 2020, and that during the same period, the rate of reported use of force by men decreased from 3 percent to 2.7 percent); Perillo et al., *supra* note 57, at p. 37.

274 Strategies for Youth, *Policy 5: Use of Force with Youth*, p. 2 <https://strategiesforyouth.org/Model-Policy5.pdf> [as of Nov. 18, 2024].

275 *Ibid.*

276 Herz, *Improving Police Encounters with Juveniles: Does Training Make a Difference?* (2001) 3 J. Research & Policy 57, 59 (2001).

277 Strategies for Youth, *Policy 5: Use of Force with Youth, supra* note 274.

278 Pointer, *What is 'Restorative Justice' and How Does it Impact Individuals Involved in Crime?* (Aug. 2021) Bureau of

been implemented across the country in both schools and the courts to divert youth offenders out of the criminal legal system.[279]

Diversion — where youth offenders can avoid some of the negative effects of the court system — is one form of a restorative justice program that has been shown to be more effective than the juvenile courts in reducing recidivism, and is more developmentally appropriate.[280] Relatedly, youth who do not get the benefit of diversion accumulate longer court histories, leading to harsher consequences for any subsequent arrest.[281]

Diversion can be offered at many different points during a youth's journey through the criminal legal system. *Deflection*,[282] also known as *pre-arrest diversion*[283] or *pre-booking diversion*,[284] occurs when authorities do not arrest the youth suspected of a violation and do not refer the case to juvenile court.[285] Therefore, no arrest is recorded, and there is no formal involvement in the legal system.[286] After arrest, youth could be offered *pre-filing* diversion (where there is an arrest, but no charges have been filed); *pre-adjudication* diversion (where there is an arrest and charges have been filed), and even *post-adjudication* restorative justice (which can occur as part of a youth's re-entry terms).[287]

Although diversion *can* happen at different points in time, experts have reached a consensus that the *best* time for diversion to happen is immediately at the point of first contact with law enforcement.[288] Indeed, multiple studies have shown that *any* contact with the system — even just an arrest, or an initial court date — makes it more likely that a child will experience negative outcomes later in life, including making it less likely they will finish school, and more likely they will become further ensnared in the system.[289] As the Illinois Juvenile Justice Commission noted, "[t]he arrest experience is traumatic and can be life-altering. It typically involves being taken into custody, handcuffed, transported in a police vehicle to a police facility, fingerprinted and detained (sometimes cuffed to an object) while being 'processed.'"[290]

These findings indicate that deflection or pre-arrest diversion should be the norm, not the exception. As the initial contact between youth and law enforcement is crucial, researchers recommend that law enforcement reassess their approach to youth contact entirely, with an understanding that each contact should end in a pre-arrest diversion where possible. Notably, this year, the California Legislature "reaffirm[ed] its support for utilizing research- and evidence-based, trauma-informed, community-based programs that include alternatives to arrest, incarceration, and formal involvement with the juvenile justice system, and which aim to deflect or divert youth from justice system engagement at the earliest possible point."[291]

Justice Assistance National Training and Technical Assistance Center, <https://bjatta.bja.ojp.gov/media/blog/what-restorative-justice-and-how-does-it-impact-individuals-involved-crime> [as of Nov. 18, 2024].

279 Martinez, *The Promise and Limits of Restorative Justice for Youth* (Aug. 12, 2021) The Imprint, <https://imprintnews.org/justice/juvenile-justice-2/the-promise-and-limits-of-restorative-justice-for-youth/57793> [as of Nov. 18, 2024].

280 *Id.* at p. 1.

281 *Ibid.*

282 See, e.g., Illinois Juvenile Justice Commission, *Preventing Youth Arrests through Deflection* <https://ijjc.illinois.gov/wp-content/uploads/2021/08/IJJC-Deflection-Report-November-2020.pdf> [as of Nov. 18, 2024]

283 Mendel, *Diversion: A Hidden Key*, *supra* note 104, at p. 7.

284 See, e.g., Ellis, *CYS Restorative Justice Diversion* <https://tinyurl.com/5n7kbrr8> [as of Nov. 18, 2024].

285 *Ibid.*; Mendel, *Diversion: A Hidden Key*, *supra* note 104, at p. 7; Illinois Juvenile Justice Commission, *supra* note 282.

286 Mendel, *Diversion: A Hidden Key*, *supra* note 104, at p. 7; Ellis, *CYS Restorative Justice Diversion, supra* note 284.

287 Ellis, *CYS Restorative Justice Diversion, supra* note 284.

288 See, e.g., Illinois Juvenile Justice Commission, *supra* note 282 ("Procedurally-just interactions, which avoid arrests whenever possible and advance racial equity, must be prioritized in every ... community.").

289 Washburn, *LA County Embarks on Sweeping Youth Diversion Plan* (March 8, 2018) California Health Report, <https://www.calhealthreport.org/2018/03/08/la-county-embarks-sweeping-youth-diversion-plan/> [as of Nov. 18, 2024].

290 Illinois Juvenile Justice Commission, *supra* note 282, at p. 5.

291 Sen. Bill No. 1484 (2023-2024 Reg. Sess.) § 1 <https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202320240SB1484> [as of Nov. 18, 2024].

In 2021, there were more than 40 statutes, laws, and provisions throughout California implementing some form of diversion or restorative justice for youth offenders.[292] In Santa Cruz County, the implementation of two publicly-funded youth diversion programs for youth charged with certain offenses contributed to a 27 percent drop in juvenile hall bookings between 2011 and 2020.[293] In 2022, Los Angeles County created and implemented its Department of Youth Development (DYD); a portion of its mission focuses on "community-based youth diversion and restorative practices."[294] An internal review of DYD's programs noted that only 5 percent of youth who enrolled in DYD's diversion program had a petition filed within 12 months, compared to around 20 percent of youth who had not enrolled in the program.[295]

Unfortunately, youth of color are not referred to diversion at the same rate as White youth, depriving them of the short and long-term benefits of diversion and restorative justice programs. In Los Angeles County's DYD program, for example, Black youth were deemed eligible for diversion at lower rates than White youth, and Black youth enrolled in diversion at much lower rates than White youth.[296] However, Black and Hispanic/Latine(x) youth who were enrolled substantially completed their formal diversion at a rate at least equivalent to White youth.[297]

Other research similarly shows youth of color referred to diversion at lower rates than their White counterparts. Nationally, 52 percent of White youth in 2019 were referred to diversion out of juvenile courts, compared to only 40 percent of Black youth, and 44 percent of Hispanic/Latine(x) youth.[298] These disparities appear to be increasing. In 2005, the share of White youth referred to diversion "was 20% higher than the share for Black youth; by 2019, the gap had jumped to 30%."[299] Such disparities have been seen in various states.[300]

Effective restorative justice programs should account for racial disparities in who is referred to these programs, and at the very least, youth of color should be referred to those programs in proportion to the population.

These disparities are particularly troubling because restorative practices have significant benefits for youth of color. In Los Angeles, Black youth who successfully completed diversion had the highest share

292 Martinez, *supra* note 279.
293 *Ibid.*
294 Department of Youth Development, *About Us* <https://dyd.lacounty.gov/about/> [as of Nov. 18, 2024].
295 Department of Youth Development, *DYD's Second Annual Report* (2024) <https://dyd.lacounty.gov/wp-content/uploads/2024/07/DYD-Year-2-in-Review.pdf> [as of Nov. 18, 2024].
296 Department of Youth Development, *LA County Department of Youth Development – Diversion Program Outcome and Equity Assessment & Cost Benefit Analysis* ("*LA County Department of Youth Development – Diversion Program"*) (2024) p. 13 <https://dyd.lacounty.gov/wp-content/uploads/2024/07/DYD_Outcome-Equity-Report_Final-Report.pdf> [as of Nov. 18, 2024]. There are several factors that affect the rates at which youth decide to enroll in diversion programs which are unrelated to a child's interest in participating or motivation to participate. For example, DYD notes that factors such as youth proximity to available diversion programs may explain lower Black youth enrollment, especially if those programs are located "outside a reasonable traveling distance from their residence at a greater rate than other racial and ethnic groups." (*Id*. at p. 31.) Other research demonstrates that the imposition of diversion fees or costs has disproportionate impact, exacerbating disparities. (Schlesinger, *Decriminalizing Racialized Youth Through Juvenile Diversion* (2018) 28 The Future of Children 1, 59-81; Mendel, *Diversion: A Hidden Key*, *supra* note 104, at p. 16.)
297 Department of Youth Development, *LA County Department of Youth Development – Diversion Program Outcome and Equity Assessment & Cost Benefit Analysis*, *supra* note 296, at p. 46.
298 Sickmund et al., *Easy Access to Juvenile Court Statistics: 1985-2019* (2019) <https://www.ojjdp.gov/ojstatbb/ezajcs/> [as of Nov. 18, 2024].
299 Mendel, *Diversion: A Hidden Key*, *supra* note 104, at p. 11.
300 For example, one study of youth accused of drug offenses in Florida noted that Black youth were significantly less likely to be given pre-adjudication diversion when compared to White youth. (Hayes-Smith and Hayes-Smith, *Race, Racial Context, and Withholding Adjudication in Drug Cases: A Multilevel Examination of Juvenile Justice* (2009) 7 J. of Ethnicity in Criminal Justice 3, 163-185, p. 176.) This disparity was not affected by the relative size of the Black population, racial economic inequality, concentrated disadvantage, or the crime rate. (*Id.* at p. 179.) Researchers opined that the prevalence of structural inequality and racial bias in the criminal legal system was a driver for these racial disparities. (*Id.* at p. 169.)

of improvement across development goals compared to White or Hispanic/Latine(x) youth, including social support and caring adult relationships.[301]

Research shows that one major driver of these disparities is the discretion authorities have in choosing who is referred to restorative justice programs.[302] Effective diversion programs mandate diversion for specific violations, or create a presumption for diversion for those violations, removing such discretion and making such programs available regardless of race or identity.[303] Researchers also recommend explicitly targeting racial disparities in diversion participation, prioritizing the reduction in such disparities.[304] Kentucky, for example, amended its court diversion programs significantly in 2014. Among other reforms, the new law mandated that all youth be offered diversion for certain first-time misdemeanor complaints, and limited prosecutors' authority to override diversion decisions for youth meeting the criteria.[305] Those changes resulted in a 4.6 percent decrease in disparities between White and Black youth referred to diversion over a four-year period.[306]

There are no agency-wide policies in any Wave 1 or Wave 2 agencies in California *mandating* diversion, much less pre-arrest diversion, for youth suspected of offenses. Making diversion mandatory — or, at the very least, mandating the offer of diversion to youth absent specific, articulable exceptions — would likely reduce discrepancies between White and non-White youth in participating in these programs. Los Angeles County's DYD program is a step in the right direction, and law enforcement agencies should be encouraged to assess the benefits and feasibility of such programs going forward.

C. Prior Board Recommendations Related to Youth

The Board has, in prior reports, made several recommendations regarding police interactions with youth. These recommendations are consistent with and supported by the research discussed in this section, as they recognize and are sensitive to the unique considerations present in any law enforcement interaction with youth. They are also consistent with the unique considerations present in law enforcement's interaction with youth of color. When it approved these recommendations, the Board concluded that, if implemented, they would mitigate the harmful effects of racial and identity profiling.

The Board wishes to highlight some of the most salient ones below, both as a reminder of those recommendations the Board previously approved in this space, and to demonstrate how those prior recommendations inform, complement, and further this year's recommendations regarding youth.

- The Legislature should encourage municipalities and law enforcement agencies to implement protocols that (1) use licensed health care and mental health workers rather than law enforcement as first responders when emergency services are requested for children and adolescents in mental health crisis; (2) limit use of force against children during mental health calls; (3) train law enforcement personnel who respond to and/or interact with youth in mental health crisis on effective developmentally appropriate communication that emphasizes de-escalation techniques and non-punitive trauma-informed interventions; and (4) allocate resources to historically underfunded and underserved communities to break the cycle of poverty and criminalization of racial minority children and adolescents.[307]

301 Department of Youth Development, *LA County Department of Youth Development – Diversion Program, supra* note 296, at p. 61.
302 Mendel, *Diversion: A Hidden Key*, *supra* note 104, at p. 13; *LA County Department of Youth Development – Diversion Program, supra* note 296, at p. 23; Hashim et al., *Justice for All? Suspension Bans and Restorative Justice Programs in the Los Angeles Unified School District* (February 2018) 93 Peabody J. of Educ. 174-189.
303 Mendel, *Diversion: A Hidden Key*, *supra* note 104, at p. 27.
304 *Ibid.*
305 Harvell et al., *Assessing Juvenile Diversion Reforms in Kentucky* (September 2020) <https://www.urban.org/sites/default/files/publication/102853/assessing-juvenile-diversion-reforms-in-kentucky_0.pdf> [as of Nov. 18, 2024].
306 *Ibid.*
307 Racial and Identity Profiling Advisory Board, *2024 Report*, *supra* note 31, at pp. 120-121.

- The Legislature, municipalities, and law enforcement agencies should prohibit the collection of field interview cards and entries of youth into CalGang, or any agency database designed to track criminal information after youth are questioned or a field interview is conducted without the presence of an attorney.[308]
- If an agency does not adopt the previous recommendation, the agency should recognize and state in their policies that these encounters may not be fully consensual, and officers should be required to inform the individuals subject to the field interview that they do not have to respond to questions and are free to leave.[309]
- Policymakers should consider providing youth with additional protections and safeguards prior to waiving any rights, particularly if any statements they make could lead to their inclusion in a criminal database or could be used against them in criminal proceedings.[310]
- Policymakers should reform use of force policies and practices to take into account the physical and developmental differences between youth and adults.[311]

The Board has also made other recommendations which, while not specific to youth, are also consistent with and supported by the research discussed in this section. These recommendations should, at the very least, be applied to all police interactions with youth:

- The Legislature should encourage law enforcement agencies to adopt policies that prohibit the use of force, except when necessary to prevent injury or harm to the individual or officer, against children and persons with physical and mental disabilities because the use of force "can undermine public trust and should be used as a last resort when all other reasonable means have been exhausted." Relatedly, the Legislature should recommend that police use less confrontational tactics and de-escalation during mental health calls. Finally, the Legislature should encourage municipalities and law enforcement agencies to modify policies, procedures, and practices to avoid discrimination on the basis of disability in responding to calls involving people with mental health and physical disabilities.[312]
- The Legislature, law enforcement agencies, and local policymakers should prohibit or limit supervision inquiries during stops (i.e. asking whether the stopped person is under a form of supervision).[313]
- The Legislature should prohibit law enforcement from asking an individual their probation, parole, or supervision status unless there are articulable facts establishing probable cause that a crime has been committed.[314]
- Officers should be prohibited from detaining or searching a person simply because an officer is aware of the person's supervision status, recommending that the officer should instead, at a minimum, have a reasonable suspicion the person is engaged in criminal activity.[315]

308 Racial and Identity Profiling Advisory Board, *2024 RIPA Report: Recommendations and Best Practices*, *supra* note 168, at p. 3.
309 *Ibid.*
310 Racial and Identity Profiling Advisory Board, *2023 RIPA Report: Recommendations and Best Practices* (2023), p. 3 <https://oag.ca.gov/system/files/media/2023-ripa-report-best-practices.pdf> [as of Nov. 18, 2024].
311 *Ibid.*
312 Racial and Identity Profiling Advisory Board, *2024 Report*, *supra* note 31, at p. 121 <https://oag.ca.gov/system/files/media/ripa-board-report-2024.pdf> [as of Nov. 18, 2024].
313 Racial and Identity Profiling Advisory Board, *2022 RIPA Report: Recommendations and Best Practices* (2022) p. 7 <https://oag.ca.gov/system/files/media/2022-ripa-report-best-practices.pdf> [as of Nov. 18, 2024].
314 Racial and Identity Profiling Advisory Board, *2023 RIPA Report: Recommendations and Best Practices*, *supra* note 310, at p. 2.
315 Racial and Identity Profiling Advisory Board, *2022 RIPA Report: Recommendations and Best Practices*, *supra* note 313, at p. 7.; see also Strategies for Youth, *Policy 2: Investigatory Stops, Non-custodial Interviews, and Search and Seizure of Youth* <https://strategiesforyouth.org/Model-Policy2.pdf> [as of Nov. 18, 2024].

- Policymakers should consider requiring officers to have probable cause prior to conducting a search of youth or take measures to prohibit officers from requesting consent to search youth without an attorney present.[316]

This year's RIPA data, consistent with prior years, demonstrate disparities in how police interact with racialized youth and underscore how important these recommendations continue to be. This year's focus on youth and policing allows the Board to look closely at the realities of youth interaction with police. For example, although the Board has recommended law enforcement should be prohibited from using field interview cards for youth, law enforcement agencies still complete field interview cards on Black and Hispanic/Latine(x) youth far more frequently than on White youth.[317] While the Board recommended that children not be entered into CalGang, 172 entries in CalGang were of youth 13–17.[318] Although the Board has made recommendations that would limit the amount of time a person was stopped or searched, the data show youth 15–17 and perceived to be Native American, Black, and Pacific Islander were stopped for durations longer than White youth.[319]

Unless the Board's recommendations are considered and implemented, there is a high likelihood that the data will continue to show these disparities and a high likelihood that racial and identity profiling will continue to persist.

D. Board Recommendations

The research discussed in this section shows that there are many harmful, unintended effects of law enforcement interaction with youth, and youth of color specifically. Part of these harmful effects are the result of racial and identity profiling, as shown in the RIPA data. To better align existing expectations in state law with best practices for interacting with youth, and to reduce the harmful outcomes of racial and identity profiling, the Board recommends that law enforcement agencies, municipalities, district attorneys, and the Legislature do the following:

1. The Legislature should convene a panel of experts to recommend standards, policies, and training for officers as it relates to the disparities and research set forth in the 2025 RIPA report with respect to youth, with a focus on use of force, de-escalation, and child development.[320] Members of the panel should include, at a minimum, affected community members, experts in the development of use of force policies and trainings, child development experts, law enforcement experts, and human rights experts.

2. The Legislature should review the efficacy of existing deflection and diversion programs and explore the expansion to universal deflection or diversion for youth accused of a status offense, misdemeanor, or other low-level offense with a rebuttable presumption of eligibility that can be overcome with evidence-based considerations.[321]

316 Racial and Identity Profiling Advisory Board, *2023 RIPA Report: Recommendations and Best Practices, supra* note 310, at pp. 3-4 <https://oag.ca.gov/system/files/media/2023-ripa-report-best-practices.pdf> [as of Nov. 18, 2024]. Some scholars have suggested that because of these disparities and the lack of voluntariness in agreeing to a search — as well as the racial disparities that characterize the rate of consent searches — officers should be required to have probable cause before conducting a search of anyone, especially youth. (Annitto, *Consent Searches of Minors* (2014) 38 N.Y.U. Rev. of L. & Social Change 1, 1-2, 7, 18, 36-37, 41, 45, 48-49 <https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2412356> [as of Nov. 18, 2024].)

317 See, e.g., Appendix B, Table B15. Officers completed field interview cards on youth perceived to be between the ages of 12 and 14 and Black in 14.9 percent of stops (263 stops), Hispanic/Latine(x) in 13.17 percent of stops (738 stops), and just 5.47 percent of stops of White youth (138 stops).

318 Cal. DOJ, *Attorney General's Annual Report on CalGang*, *supra* note 130, at p. 1; Cal. DOJ, *Attorney General's Annual Report on CalGang: 2023 Dataset*, *supra* note 130.

319 Appendix B, Table B38. Across all stops, youth between the ages of 15–17 and perceived to be Native American were stopped for an average of 58.0 minutes, or nearly an hour; Black youth were stopped for an average of 48.5 minutes; Pacific Islander youth were stopped for an average of 38.1 minutes; White youth in that age group were stopped for just 23.6 minutes on average. (*Ibid*.)

320 See, e.g., Strategies for Youth, *Policy 5: Use of Force with Youth, supra* note 274.

321 See Harvell et al., *supra* note 305.

3. The Legislature, agencies, and municipalities should explore how limiting officer discretion in stops could reduce racial disparities and make specific findings from their study to act on.[322]

4. Law enforcement agencies reevaluate proactive policing practices that have a disparate impact and should collaborate with community-based organizations to find alternatives to increase public safety.[323]

   These types of partnerships can be profoundly impactful for youth and avoid many of the negative, long-lasting effects of becoming involved in the criminal legal system.[324]

IV. Conclusion and Vision for Future Reports

A wealth of research demonstrates that law enforcement interaction with youth can have profound consequences for those youth later in life and can affect both the youth and the community at large. Policies that recognize the youth-specific impact of law enforcement interactions can target racial disparities, benefiting the state as a whole. The Board will continue to explore the interaction between youth and law enforcement — and any policy developments that affect that interaction — in subsequent reports. The Board hopes that by identifying data trends that show disparities or demonstrate racial profiling, communities, agencies, and municipalities will use the data to develop policies to reduce and prevent disparate treatment.

322 In response to emerging research, several law enforcement agencies in California, including California Highway Patrol (CHP) and Los Angeles Police Department (LAPD), have adopted policies to limit officer discretion in stops. (California Highway Patrol, *General Order: Search and Seizure Policy, 100.91* (Aug. 2019); L.A. County Board of Police Commissioners, *Department Manual Vol. 1: 240.06 Policy Limitation on Use of Pretextual Stops* (Mar. 2022) pp. 1–2 <http://www.lapdpolicecom.lacity.org/030122/BPC_22-042.pdf> [as of Nov. 18, 2024].) In Los Angeles, this policy has led to a small but statistically significant reduction in the disparities of stops between White and Black individuals. (Boehme and Mourtgos, *The Effect of Formal De-policing on Police Traffic Stop Behavior and Crime: Early Evidence from LAPD's Policy to Restrict Discretionary Traffic Stops* (2024) Criminol. & Pub. Policy 517, 528 [noting that share of Black drivers stopped decreased by 3.6% since the introduction of the policy].)

323 Rios et al., *supra* note 71, at p. 72.

324 For example, organizations such as Centinela Youth Services, which has partnered with law enforcement agencies in Los Angeles County for nearly 50 years (Centinela Youth Services, *About Us* < https://www.cys-la.org/about> [as of Nov. 18, 2024]), has provided restorative justice services and diversion to more than 1,200 youth suspected of misdemeanors, felonies, status offenses, or high-needs youth who are truant, suspended or expelled from school. (Centinela Youth Services, *Centinela Youth Services (CYS): Everychild Restorative Justice Centers* <https://file.lacounty.gov/SDSInter/bos/supdocs/121501.pdf> [as of Nov. 18, 2024].) Youth who participate in CYS's diversion programs have much lower recidivism rates (just 11%, compared to 30-60%for youth going through the normal justice process), complete 6 times more community service hours, and are 166 times more likely to pay monetary restitution. (Ellis, *CYS Restorative Justice Diversion*, *supra* note 284.)

POST TRAINING AND RECRUITMENT

I. Introduction

> *"Implicit bias is the residue that an unequal world leaves on an individual's mind and brain, residue that has been created and built into institutional policies and practices and socialized into patterns of behavior over hundreds of years through the workings of culture."*[325]

Law enforcement training is a crucial part of eliminating racial and identity profiling. If done properly, trainings have the power to create a culture of accountability within departments. The RIPA Board plays a vital role in helping develop, analyze, and revise training related to racial and identity profiling by consulting with the Commission on Peace Officer Standards and Training (POST) on the "evidence-based patterns, practices, and protocols that prevent racial and identity profiling" prescribed in the training courses.[326] This year's report focuses on the Board's participation in POST's development of guidelines for, at a minimum, an optional racial and identity profiling course. To meet the Penal Code section's mandate for guidelines, the report includes recommendations to create guidelines that apply to *all* racial and identity profiling courses and assist law enforcement agencies with the development of mandatory policies that inform law enforcement professionals of relevant legal standards, including RIPA's prohibition against racial and identity profiling.

This section of the report also includes POST's response to the 2024 RIPA recommendations, a literature review of emerging research on the effectiveness of anti-bias training, and policy recommendations for the California Legislature and POST to improve peace officer training, reduce disparities, and ultimately end racial and identity profiling in California.

II. POST Response to 2024 Recommendations

Over the past eight years, the RIPA Board has reviewed POST's training and course materials related to racial and identity profiling and made recommendations to align those courses with RIPA's goal of eliminating racial and identity profiling.[327] POST identified the relevant courses and related materials for the Board to review. Much of these courses and materials were developed by the Simon Wiesenthal Museum of Tolerance (MOT)[328] with POST's approval and certification of course content. POST partners with MOT to provide law enforcement officers, recruits, supervisors, and command staff with cultural diversity, hate crime, and racial profiling programming.[329] This group of courses is referred to as the Tools for Tolerance for Law Enforcement and Criminal Justice.[330] POST provides over $1.5 million in funding annually, approved by the Legislature, to MOT to develop the curriculum and deliver the

325 See Hetey et al., *"When the Cruiser Lights Come On:" Using the Science of Bias & Culture to Combat Racial Disparities in Policing* (2024) 153 Daedalus 123, 125 <https://doi.org/10.1162/daed_a_02052> [as of Nov. 18, 2024].

326 Pen. Code, § 13519.4, subds. (h) and (j)(3)(B).

327 Recommendations from the RIPA Board have varied over the years but routinely included calls for increased community engagement by POST and revisions to bolster existing training and reduce disparities in stop data.

328 The Museum of Tolerance (MOT) is a "human rights laboratory and educational center dedicated to challenging visitors to understand the Holocaust in both historic and contemporary contexts and confront all forms of prejudice and discrimination in our world today." Museum of Tolerance, *Our History and Vision* <https://www.museumoftolerance.com/about-us/our-history-and-vision/> [as of Nov. 18, 2024].

329 Com. on Peace Officer Stds. and Training, *Cultural Diversity Program* <https://post.ca.gov/cultural-diversity> [as of Nov. 18, 2024].

330 Museum of Tolerance, *Tools for Tolerance for Law Enforcement and Criminal Justice* <https://www.museumoftolerance.com/for-professionals/programs-workshops/tools-for-tolerance-for-law-enforcement-and-criminal-justice/> [as of Nov. 18, 2024].

training.[331] MOT conducts a "Train-the-Trainer" training for all law enforcement agency instructors who teach the racial and identity profiling courses at their law enforcement agencies or academies.

Despite updated training on racial and identity bias offered through POST, and perhaps also through officers' own law enforcement agencies, disparities in who is stopped and subjected to intrusive actions during traffic and pedestrian stops persist. Across all years of the RIPA data collection (2018-2023), RIPA data show that individuals perceived as Black, Hispanic/Latine(x), as having a disability, or transgender are consistently treated in disparate ways. The training reportedly raises cultural awareness; however, it is not effectively reducing disparities in stops and actions taken by officers.

The RIPA data show racial and identity profiling continues to impact all aspects of a stop, from the decision to initiate the stop to actions taken during the stop, including the result of the stop. For example, the 2023 RIPA data demonstrate officers reported arresting individuals with a perceived disability (28.20%, 14,109 stops) at higher rates compared to those without a perceived disability (14.0%, 654,067 stops).[332] Additionally, Black individuals were stopped 126.46 percent more often than expected, given their relative proportion of the California population.[333] Yet, officers reported taking no action as a result of a stop more frequently for individuals perceived to be Native American or Black than for other demographic groups.[334]

The persistence of these disparities raises serious questions about whether training and awareness alone are enough to eliminate bias in policing. Current research, discussed below, and prior reports have concluded that the most effective way to eliminate racial bias is by changing behavior, namely through a combination of training that is linked to improved behavioral changes and policies that limit officer discretion and address department culture. Anti-bias training can be helpful in setting the stage, but ultimately real and lasting culture change is needed to eliminate the pernicious practice of racial and identity profiling in law enforcement.

RIPA data should inform and strengthen the training that is designed to eliminate racial and identity profiling in California. Pursuing more data-driven training can also lead to enhanced officer and civilian safety in the field. To that end, in the 2024 Report, the Board recommended improvements to training and guidelines. POST delivered its response to the recommendations, in a June 2024 POST Commission meeting.[335] A summary of the Board's recommendations and POST's responses are as follows:

331 In both 2023-2024 and 2024-2025, POST paid the Museum of Tolerance (MOT) $1,566,000. (POST Finance Committee, *Contracts Requiring Approval* (June 2024) <https://legistarweb-production.s3.amazonaws.com/uploads/attachment/pdf/2650332/FY24-25_Contracts_Requiring_Commission_Approval.pdf> [as of Nov. 18, 2024]; POST Finance Committee, *Contracts Requiring Approval* (March 2024) <https://legistarweb-production.s3.amazonaws.com/uploads/attachment/pdf/2454114/FY24-25_Contracts_Requiring_Approval.pdf> [as of Nov. 18, 2024].)

332 See page 33 of this report.

333 See page 24 of this report.

334 A stop that results in no action, such as no citation, warning, or arrest, is an indicator of pretext. Where levels of pretext stops are elevated, there are higher search rates for racial and ethnic groups of color. (See Pierson et al., *A Large-Scale Analysis of Racial Disparities in Police Stops Across the United States* (July 2020) p. 739 <https://doi.org/10.1038/s41562-020-0858-1> [as of Nov. 18, 2024]; see also, U.S. DOJ, *Investigation of the City of Minneapolis and the Minneapolis Police Department* (June 2023) p. 35 <https://www.justice.gov/opa/press-release/file/1587661/download> [as of Nov. 18, 2024].)

335 See Cal. Com. on Peace Officer Stds. and Training, *Report on Racial and Identity Profiling Advisory (RIPA) Board 2024 Annual Report* (June 13, 2024), pp. 256-271 <https://post.ca.gov/Portals/0/post_docs/commissionmeetings/2024/2024-06-13_Commission_Meeting_Agenda.pdf> [as of Nov. 18, 2024].

Table 3. POST Responses to Prior Board Recommendations

RIPA Board Recommendation	POST Response	POST Response
Adopt protocols and publish separate guidelines on racial and identity profiling-related courses, apart from publication in Basic Training curriculum.	In Progress	POST convened two workshops in May and October 2024 with subject matter experts to develop guidelines for one racial and identity profiling course. However, as discussed in this Report, the POST materials used in the workshop may not apply to all trainings or provide policy recommendations to agencies. The scope of the guidelines is still under advisement.
Adopt a process and publish timelines for RIPA Board and community review of trainings (Pen. Code, § 13519.4, subd. (b)).	✗	POST concluded its community/stakeholder input is sufficient, and POST lacks the resources to address further recommendations such as assigning a community engagement coordinator.
Allow time for meaningful feedback throughout curriculum updates and development, including community sourcing of subject matter experts.	✓	POST agreed to provide verbal updates for (curriculum-related) regulatory items to the Board and share non-regulatory items with sufficient time to review.
Measure course effectiveness of all POST Racial and Identity Profiling [certified] courses.	✗	POST stated it lacks legal authority to collect data on individual officer actions and performance following training. Instead, "POST believes measuring the effectiveness of [racial and identity] training should fall to local law enforcement agencies and the communities they serve." POST agreed to request the Museum of Tolerance (MOT) include "a more in-depth review" of RIPA data in the MOT Racial and Identity Train-the-Trainer course.
Include individual officer and supervisor accountability and reporting as a required training topic in all racial and identity profiling courses.[336]	✓	POST will recommend to MOT to "further incorporate the importance of accountability, [] specifically to highlight officer peer behavior and supervisor accountability." POST stated it will ensure this topic is included in all racial and identity courses.

The Board appreciates and welcomes POST's written responses to the Board's recommendations and looks forward to working with POST on these matters. In addition to publishing its reviews in the RIPA reports, the Board relayed the training recommendations for each of the reviewed courses directly to POST via annual letter. Board members also made in-person presentations at regularly scheduled POST Commission meetings in March 2023,[337] June 2023,[338] and June 2024.[339]

336 Racial and Identity Profiling Advisory Board, *Annual Report* (2024) ("*2024 Report*") p. 216 <https://oag.ca.gov/system/files/media/ripa-board-report-2024.pdf> [as of Nov. 18, 2024].
337 Cal. Com. on Peace Officer Stds. and Training, *POST Commission Meeting Transcript* (March 22, 2023) pp. 21-24 <https://post.ca.gov/Portals/0/post_docs/commissionmeetings/2023/2023-03-22_Commission_Meeting_Minutes.pdf> [as of Nov. 18, 2024].
338 Cal. Com. on Peace Officer Stds. and Training, *POST Commission Meeting Transcript* (June 8, 2023) pp. 64-72 <https://post.ca.gov/Portals/0/post_docs/commissionmeetings/2023/2023%2006-08_POST_Commission.pdf> [as of Nov. 18, 2024].
339 Cal. Com. on Peace Officer Stds. and Training, *POST Commission Meeting Transcript* (June 13, 2024) pp. 52-66 <https://post.ca.gov/Portals/0/post_docs/commissionmeetings/2024/2024.06.13._Full_Commission_Meeting.pdf> [as of Nov. 18, 2024].

III. POST'S Development of its Racial and Identity Profiling Guidelines

In August 2023, POST agreed to develop racial and identity profiling guidelines as a standalone document and included Board members in their development. Previously, the Board understood that Penal Code section 13519.4's mandatory guidelines were dispersed throughout POST's training curricula. The Board anticipated that clear, independent profiling guidelines would create uniformity across training and policy with respect to legal standards and effectiveness, whether for recruits, seasoned officers, supervisors, or command staff. The Board recommended that POST use as a model its Use of Force Guidelines, which "are intended to assist with the implementation of the practical requirements of" minimum standards and "support the development of effective training." POST invited RIPA Board members to participate in the guideline development workshops.

In May and October 2024, POST convened subject matter experts for two workshops to develop the guidelines. POST presented the draft guidelines as having two parts: (1) instructor guidelines, and (2) an optional course curriculum. The instructor guidelines provide recommendations for instructor preparation for the course, including "setting the tone," "time management," and "instructor challenges." After the information for instructors, the guidelines would have a course curriculum. POST used the POST-certified MOT Racial and Identity Profiling course curriculum for trainers — *Racial Profiling: Issues and Impact* — as the foundational curriculum for the guidelines. This MOT curriculum was updated in 2022, after 20 years, with the input of several Board members as subject matter experts. However, the RIPA Board was not provided an opportunity to review the final curriculum before its implementation and has numerous recommendations for improvement.[340]

At the second workshop in October, POST informed the subject matter experts and the California Department of Justice (Cal. DOJ) that the racial and identity profiling guidelines would only serve as a template 5-hour optional course for advanced officer training that agencies could adopt. Prior to the October workshop, the Board had understood that the guidelines would apply to *all* POST-certified racial and identity profiling courses, including the mandatory basic training and refresher courses. Board members understood that POST interpreted the term "guidelines" found in Penal Code section 13519.4 and other similar statutes requiring training *and* guidelines (e.g., Penal Code section 13519.10 "Use of force"; Penal Code section 13519.6 "Hate Crimes") as a tool to assist law enforcement agencies with the development of policies. POST explained that the guidelines it is developing are instructor guidelines with a course curriculum for law enforcement agencies to teach an optional course.

While the Board agrees that it is imperative that the guidelines aid law enforcement training, Penal Code section 13519.4 instructs POST to "develop and disseminate" both "guidelines" and "trainings for all peace officers in California."[341] As that subdivision makes clear, the "course of instruction and the guidelines shall stress understanding and respect for racial, identity, and cultural differences, and development of effective, noncombative methods of carrying out law enforcement duties," including the duty to abstain from racial and identity profiling set forth in section 13519.4, subdivision (f). Given section 13519.4's treatment and POST's interpretation of "guidelines" and "training" as two distinct terms, the Board believes the guidelines should serve as more than just an optional training tool. Indeed, anything short of a tool that aids law enforcement agencies with the development of mandatory policies and trainings regarding a peace officer's duty to abstain from racial and identity profiling falls short of the mandate in section 13519.4. The sections below discuss in greater detail the training requirements outlined in section 13519.4, as well as the process for POST's development of racial and identity profiling guidelines. POST anticipates completing the guidelines by early 2025.[342]

340 Racial and Identity Profiling Advisory Board, *Annual Report* (2023) ("*2023 Report*") pp. 195-212 <https://oag.ca.gov/system/files/media/ripa-board-report-2023.pdf> [as of Nov. 18, 2024].

341 Pen. Code, § 13519.4, subd. (a).

342 See Cal. Com. on Peace Officer Stds. and Training, *Report on Racial and Identity Profiling Advisory (RIPA) Board 2024 Annual Report*, *supra* note 335, at p. 262.

A. RIPA Requirements Regarding POST Trainings and Guidelines

RIPA requires POST to develop and disseminate guidelines and mandatory training for all peace officers to address racial and identity profiling.[343] RIPA specifies that POST courses and its guidelines on profiling must "stress understanding and respect for racial, identity, and cultural differences," and the training must "prescribe evidence-based patterns, practices, and protocols that prevent racial or identity profiling."[344] RIPA also mandates the Board to "analyze law enforcement training" proscribed by the statute.[345] In developing the courses, POST must consult with the RIPA Board and community groups and individuals with "an interest and expertise in the field of racial, identity, and cultural awareness and diversity."[346]

Penal Code section 13519.4, subdivision (h), lists the following necessary subjects for curricula instruction:

1. Identification of key indices and perspectives that make up racial, identity, and cultural differences among residents in a local community;
2. Negative impact of intentional and implicit biases, prejudices, and stereotyping on effective law enforcement, including examination of how historical perceptions of discriminatory enforcement practices have harmed police-community relations and contributed to injury, death, disparities in arrest detention and incarceration rights, and wrongful convictions;
3. The history and role of the civil and human rights movement and struggles and their impact on law enforcement;
4. Specific obligations of peace officers in preventing, reporting, and responding to discriminatory or biased practices by fellow peace officers;
5. Perspectives of diverse, local constituency groups and experts on racial, identity, and cultural and police-community relations issues in a local area; and
6. The prohibition against racial or identity profiling in subdivision (f).[347]

The law also requires POST to create refresher courses on racial and identity profiling and cultural awareness for in-service officers.[348] Officers must take these courses, at minimum, of every five years.[349] There are no statutory guidelines for the refresher courses, nor does POST provide them. The POST-certified refresher courses offered by agencies differ significantly in content. For example, the Sacramento Police Department refresher course walks officers through racial profiling hypotheticals to practice applying the law and provides instruction on how the brain forms association, including the Black crime association as an example of implicit bias.[350] In contrast, the S.F. Bay Area Rapid Transit (BART) District Police Department refresher course curriculum is scant.[351] There are no hypotheticals or discussion on implicit bias, nor is there a description of the negative impacts and effects of racial profiling on individual citizens or the community.[352]

343 Pen. Code, § 13519.4, subd. (a).
344 *Id.* § 13519.4, subds. (a) and (h).
345 *Id.* § 13519.4, subd. (j)(3)(B).
346 *Id.* § 13519.4, subds. (b) and (h).
347 *Id.* § 13519.4, subd. (h).
348 *Id*. § 13519.4, subd. (i).
349 *Ibid.*
350 Sacramento Police Department, *Racial Profiling Update, Course Number 23287* <https://opendata.post.ca.gov/Home/search> [as of Nov. 18, 2024].
351 S.F. Bay Area Rapid Transit Dist. Police Dept., *Racial Profiling Update, Course Number 23287*<https://opendata.post.ca.gov/Home/search> [as of Nov. 18, 2024].
352 *Ibid.*

B. POST Current Standards for Racial and Identity Profiling

Before an officer can exercise powers as a peace officer, they must complete the Regular Basic Course academy training.[353] Forty-two POST-certified academies across California present this entry-level training.[354] Mandatory, regular basic course training consists of 664 hours of training, spread across 42 course subjects, called Learning Domains (LD).[355] After basic course training, newly assigned peace officers complete a field training program with the agency that will employ them to transition from a classroom setting to real-world, hands-on experience. During this time, academy graduates serve as peace officers, including acting with the authority granted to them under the law, while under the supervision of a Field Training Officer (FTO).[356] This field training program lasts for a minimum of 10 weeks or 400 hours.[357]

POST regulations and guidelines dictate training content and the framework for the LDs. POST has explained that officer training and guidelines on racial and identity profiling are scattered across various LDs, including LD 42: Cultural Diversity/Discrimination, a 16-hour course, and LD 3: Principled Policing in the Community, a 26-hour course. Neither LD 3 nor LD 42 are formally evaluated in the POST-constructed comprehensive tests at the conclusion of regular basic course training.[358]

The Legislature tasked POST with developing "courses of instruction and [] guidelines" to ensure law enforcement agencies comply with California and federal law and trainings meet the required learning objectives.[359] Effective standards and guidelines provide policy directives, support the development of internal accountability measures, obtain measurable improvements in law enforcement and community relations, and are consistent with adult learning principles.[360] One example is the 2021 Use of Force Standards and Guidelines POST developed, which advises law enforcement agencies on maintaining a policy that includes minimum standards for the application of deadly force, alternatives to the use of force, and requirements for intervention, reporting, and training.[361] Based on this example, the racial and identity profiling standards and guidelines POST develops should provide selection and training standards to ensure agencies comply with California's prohibition against racial and identity profiling and facilitate agency-specific policies and training to address and reduce disparities in profiling.[362]

353 Cal. Code Regs., tit. 11, § 1005, subd. (a)(1).
354 Com. on Peace Officer Stds. and Training, *Regular Basic Course* <https://post.ca.gov/regular-basic-course> [as of Nov. 18, 2024].
355 Com. on Peace Officer Stds. and Training, *Regular Basic Course Training Specifications* <https://post.ca.gov/regular-basic-course-training-specifications> [as of Nov. 18, 2024]; Com. on Peace Officer Stds. and Training, *Regular Basic Course, supra* note 354; Cal. Code Regs., tit. 11, § 1005, subd. (a)(1)(C)(1)(a)(ii); Com. on Peace Officer Stds. and Training, *SB 882 Advisory Council Meeting POST Presentation* (July 25, 2024) <https://oag.ca.gov/system/files/media/sb882-072524-agenda-item-11.pdf> [as of Nov. 18, 2024].
356 Cal. Code Regs., tit. 11, § 1004, subd. (a)(1)(A).
357 Com. on Peace Officer Stds. and Training, *Commission Procedure D-13—Field Training* <https://post.ca.gov/Commission-Procedure-D-13-Field-Training> [as of Nov. 18, 2024]; Cal. Code Regs., tit. 11, § 1004, subd. (a)(1); POST Presentation to SB 882 Advisory Committee (July 25, 2024) <https://oag.ca.gov/system/files/media/sb882-072524-agenda-item-11.pdf> [as of Nov. 18, 2024].
358 Com. on Peace Officer Stds. and Training, *Minimum Content and Hourly Requirements, Regular Basic Course (RBC)* <https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fpost.ca.gov%2FPortals%2F0%2Fpost_docs%2Ftraining%2Ftrainingspecs%2FRBC_MINIMUM_HOURLY_REQUIREMENT.docx&wdOrigin=BROWSELINK> [as of Nov. 18, 2024].
359 Pen. Code, § 13519.10, subd. (a)(1). See, e.g., Com. on Peace Officer Stds. and Training, *POST Use of Force Standards and Guidelines* (2021) p. 8 <https://post.ca.gov/Portals/0/post_docs/publications/Use_Of_Force_Standards_Guidelines.pdf> [as of Nov. 18, 2024].
360 See Racial and Identity Profiling Advisory Board, *2023 Report, supra* note 340, at pp. 201-206, 208-210.
361 See Com. on Peace Officer Stds. and Training, *POST Use of Force Standards and Guidelines, supra* note 359.
362 See Pen. Code, § 13519.4 subd. (h).

Racial and Identity Profiling Guidelines' Goals

The development of guidelines on racial and identity profiling is critical to officer compliance with RIPA. More generally, such guidelines are essential to supporting and safeguarding officers' ability to perform their duties within the context of a constantly shifting legal and cultural landscape.[363] Guidelines inform officers of the relevant state and federal legal standards for practices like hate crimes, use of force, and racial and identity profiling.[364]

One example of relevant legal standards officers must know is that California law provides more protection than federal law by prohibiting "the *consideration of, or reliance on, to any degree*," protected characteristics like race, identity, or gender in any decision made regarding a stop or actions taken during the stop.[365] Therefore, for policy and training guidelines on racial profiling to comply with RIPA, they must reflect California's legal standard prohibiting racial and identity profiling and offer guidance on complying with the law.[366] RIPA also requires that the training acknowledge the harm caused by profiling to individuals, communities, and police-community relations.[367] Providing law enforcement agencies with effective guidelines on these topics can promote officer safety, improve morale, and prevent officer misconduct and behavior that can lead to suspension, decertification, or costly litigation, especially at a time when law enforcement agencies are struggling to recruit and retain good people to serve in these positions.

In 2021, California enacted Senate Bill No. 2, the Kenneth Ross Jr. Police Decertification Act of 2021 (SB 2),[368] which allows for the decertification of officers for serious misconduct, including demonstrating bias against an individual based on their perceived membership in a protected class or group, such as race or identity.[369] Therefore, as of 2021, the consequences to officers who engage in racial and identity profiling not only include personal accountability (including financial and reputational harm), citizen complaints, discipline, or job loss, but now also include decertification under SB 2. The failure to comply with laws that prevent bias and uphold officer accountability undermines police-community relations by breaching community trust and incentivizing bias-based policing at the expense of evidence-based policing. Deteriorating police-community relations not only have consequences for effective policing in the field, but also may impact the reputation of law enforcement within those communities.[370]

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363 See Racial and Identity Profiling Advisory Board, *2024 Report, supra* note 336, at pp. 208-209.

364 See Com. on Peace Officer Stds. and Training, *POST Publications and Guidelines* <https://post.ca.gov/Publication-List> [as of Nov. 18, 2024]; see, e.g., Cal. Com. on Peace Officer Stds. and Training, *POST Use of Force Standards and Guidelines, supra* note 359, at p. 8 <https://post.ca.gov/Portals/0/post_docs/publications/Use_Of_Force_Standards_Guidelines.pdf> [as of Nov. 18, 2024] ("These guidelines include the statewide minimum standards law enforcement executives are now required to incorporate into their agency's use of force policy. The guidelines incorporate best practices and are intended to assist with implementation of the practical requirements of these requisite minimum standards"); Com. on Peace Officer Stds. and Training, *POST Hate Crimes Model Policy* (Mar. 19, 2024) p. vii <https://post.ca.gov/Portals/0/post_docs/publications/Hate_Crimes.pdf> [as of Nov. 18, 2024].

365 California prohibits "*the consideration of, or reliance on, to any degree*, actual or perceived race, color, ethnicity, national origin, age, religion, gender identity or expression, sexual orientation, or mental or physical disability in deciding which persons to subject to a stop or in deciding upon the scope or substance of law enforcement activities following a stop, except that an officer may consider or rely on characteristics listed in a specific suspect description." (Pen. Code, § 13519.4, subd. (e) (emphasis added).) In comparison, under federal law, pretextual stops are permitted so long as an officer can point to an objective reason for the stop, and the officer's subjective motives or hunches (which research and data show may be susceptible to racial bias) do not affect the legality of the stop. (See *Whren v. United States* (1996) 517 U.S. 806, 813.) Even under federal law, however, "a seizure justified only by a police-observed traffic violation, therefore 'become[s] unlawful if it is prolonged beyond the time reasonably required to complete th[e] mission' of issuing a ticket for the violation." (*Rodriguez v. United States* (2015) 575 U.S. 348, 350-51 (citation omitted).)

366 See Pen. Code, § 13519.4.

367 See *id.*, § 13519.4, subd. (h)(2).

368 Senate Bill No. 2 (2021-2022 Reg. Sess.) (SB 2).

369 See Pen. Code, § 13510.8, subd. (b)(5). For a fuller discussion of SB 2 and its implications, see pages 140-158 of this report.

370 See, e.g., Racial and Identity Profiling Advisory Board, *2024 Report, supra* note 336, at p. 205.

Guidelines Development Workshop

POST convened its first workshop on May 14-16, 2024, at the MOT. A group of subject matter experts and academy instructors, including three RIPA Board members, were selected to participate. POST also included representatives from the LGBTQ+ community, community organizations, law enforcement agencies, course instructors, POST, the Cal. DOJ, and families impacted by police violence.

During the workshop, the group discussed guidelines as containing two parts: (1) instructor guidelines, and (2) an optional course curriculum. As POST would later clarify, the guidelines presented could be used by agencies to develop and offer a 5-hour optional course for advanced officer training on racial and identity profiling. Participants at the May workshop reviewed the five-hour MOT *Racial Profiling: Issues and Impact* course outline and discussed its compliance with RIPA.

Table 4. Hourly Distribution for a Model 5-Hour Course[371]

START	END	SUBJECT
0800	0930	Section 1: Why are We Here?
0940	1105	Section 2: Legal Considerations
1115	1220	Section 3: History of Policing
1220	1300	Section 4: Community Considerations

Participants spent the first day of the May workshop touring the MOT exhibits on the Holocaust; unfortunately, they did not receive a tour of the portion of the museum dedicated to training law enforcement. The next two days of the POST guidelines workshop consisted of a critical review of the MOT course outline and materials; however, participants were told they could only offer revisions to the draft instructor guidelines, but not the course curriculum. In June, POST provided workshop participants with an online, shared working document to provide comments on the draft materials discussed in the May workshop. Individual Board members who participated in the workshop and the full RIPA Board provided feedback reflecting many of the concerns about training relayed in prior reports.[372]

The second workshop was hosted at POST Headquarters in Sacramento on October 8-9, 2024. Four RIPA Board members attended, along with the same group of subject matter experts and academy instructors from the first workshop. At the October workshop, POST facilitators told participants for the first time that the guidelines being developed would not set standards for any existing racial and identity profiling policies or courses. As noted above, these materials would only serve to provide instructor guidelines and a template curriculum for optional advanced officer training. The scope of the guidelines, however, is still under advisement.

During the workshop, participants reviewed materials provided by POST, and RIPA Board members voiced their concerns about the lack of references to California law in the legal standards portion of the guidelines and curriculum and the optional requirements for community stakeholder engagement. Specific edits addressing these suggestions, however, were not incorporated during the workshop. By and large, participants offered edits for the non-substantive portions of the materials, such as the curriculum description and various aspects of instructor preparation for the course, including "setting

371 See Museum of Tolerance, *Tools for Tolerance for Law Enforcement and Criminal Justice Professionals* <https://www.museumoftolerance.com/for-professionals/programs-workshops/tools-for-tolerance-for-law-enforcement-and-criminal-justice/> [as of Nov. 18, 2024].

372 See, e.g., Racial and Identity Profiling Advisory Board, *Annual Report* (2022) ("*2022 Report*") pp. 261-270; Racial and Identity Profiling Advisory Board, *2023 Report, supra* note 340, at pp. 196-206; Racial and Identity Profiling Advisory Board, *2024 Report, supra* note 336, at pp. 206-208, 216-219.

the tone," "time management," and "instructor challenges." Despite these concerns, Board members engaged in a productive dialogue with the other subject matter experts about the goals of RIPA and law enforcement policies and training.

The result of the workshops was a draft document that included input from a diverse group of stakeholders and encouraged outreach by law enforcement agencies to the communities they serve. However, the materials POST proposes as guidelines should also serve as a "course of instruction," "stress" the "development of effective, noncombative methods of carrying out law enforcement duties," and include Penal Code section 13519.4, subdivision (f)'s prohibition against racial and identity profiling. Guidelines that effectively and adequately capture the directives in section 13519.4 signal a firm commitment to eradicating racial and identity profiling to law enforcement, as well as promoting public safety and problem-solving methods centered on evidence-based policing. The Board looks forward to continuing working with POST to develop guidelines and trainings consistent with section 13519.4.

RIPA Board Members' Feedback on the Workshop Process and Materials

With the workshops concluded, the Board has three primary concerns that it wishes to continue to work with POST to address in the guidelines: (1) specific tools and strategies for evidence-based policing, instead of tools and strategies that give rise to bias-based policing; (2) tools for local agencies to gain "perspectives of diverse, local constituency groups and experts on particular racial, identity, and cultural and police-community relations issues in a local area;" and (3) the development and dissemination of "guidelines" and "trainings" that clearly lay out a peace officer's duties, including California law's prohibition against racial and identity profiling.

POST is developing guidelines with materials that emphasize "critical thinking skills in the areas of diversity, ethics, and values," but do not provide much information on anti-bias research and tools to mitigate potential bias. The curriculum's instruction on race is outdated, and Board members recommend the underlying research and instruction materials be reviewed by academics working in the field of race and ethnic studies. For example, the topic of race is introduced by discussing the "Origins of Race" and depicts five different skull sizes as a reference for how racial classifications began. However, the accompanying curriculum does not discuss the power dynamics and historic abuse of these racial classifications to engage in population control.

Moreover, because the current draft of the guidelines lacks instruction on specific actionable tools and strategies to reduce bias, officers are left without training that can effectively prevent behavior and errors that could result in misconduct, undermine officer and civilian safety, or expose officers to civil liability and potential decertification under SB 2. Therefore, the Board recommends that POST redirect the focus of this course away from cultural sensitivity and toward a clear articulation of the law's requirements and officer accountability. This recommendation mirrors recommendations in prior Board reports.

Another area of concern with the guidelines is that they do not *require* local community engagement by law enforcement agencies. Instead, the draft guidelines only *encourage* instructors to collaborate with community members such as academics, crime victims, and civil rights groups. To manage the course's length, the guidelines grant flexibility to instructors to adjust the course curriculum to the agency's needs; however, this flexibility can be double-edged, allowing for less conformity to the established curriculum. To ensure stakeholders are consulted, the Board recommends that POST require community engagement practices, per Penal Code section 13519.4, subdivision (h)(5).

Finally, the Board recommends POST create guidelines that go beyond a single training and apply to *all existing and future* racial and identity profiling courses to ensure law enforcement professionals are trained consistently with proper legal instruction and the latest research, law, and RIPA data. At the workshops, POST informed the Board that POST legal staff have yet to review MOT's trainings or, by

extension, the legal standards within those trainings. The Board understands that POST stated that their legal staff is not included in the development of course materials unless a concern is flagged for their review. Given that the trainings and guidelines materials reflect outdated legal standards and must be developed in accordance with section 13519.4, the Board believes it is prudent that POST legal staff review the legal standards in the trainings and guidelines before certification. POST legal staff should also review any materials and guidelines promulgated for compliance with the Legislature's intent in section 13519.4.

Conclusions on Guidelines

Given the concerns above, the RIPA Board will continue to review any updated draft guidelines before the guidelines' anticipated publication in early 2025. The Board encourages POST to incorporate best practices from other training models described herein.

POST-certified trainings and guidelines contrast with alternative law enforcement training models. One such alternative model is the Fair and Impartial Policing (FIP) training program, which focuses exclusively on policing and is grounded in the latest evidence-based research on implicit bias and procedural justice. Like some of the other trainings outlined below in the section on "Emerging Research on Anti-Bias Training," FIP includes specific skills to "neutralize the effect of implicit biases." Researchers working on implicit bias training noted this difference between FIP and MOT Tools for Tolerance: "[W]hereas FIP offers participants a number of actionable strategies for reducing and managing implicit bias (i.e., increasing positive contacts with counter-stereotypical group members, conducting self-checks, reducing ambiguity), it is unclear whether Tools for Tolerance educates participants about such tactics." Put differently, awareness is not enough for officers to act differently. When it comes to police training, certifying the content may not sufficiently meet the task of improving diversity and racial sensitivity in law enforcement or eliminating profiling. In the 2026 Report, the Board will present its review of the final guidelines.

IV. Emerging Research on Anti-Bias Training and Alternatives

An analysis of 492 studies of the efficacy of implicit bias training concluded that, "without active efforts to sustain short-term shifts created in [training], these shifts are likely to be wiped away upon re-exposure to the social environment."[373]

In light of ongoing racial disparities, researchers have raised concerns that the positive effects of implicit bias[374] training on reforming officer behavior are fleeting or null.[375] Implicit bias training's "null effects on behavior come as no surprise to cognitive social psychologists, given that these trainings typically aim, in a single day or less, to mitigate the effects of cognitive biases that are learned over the life-span, operate outside of conscious awareness and occur automatically."[376] Social psychological theory suggests that communication styles, perceptions, and behaviors that arise from these biases

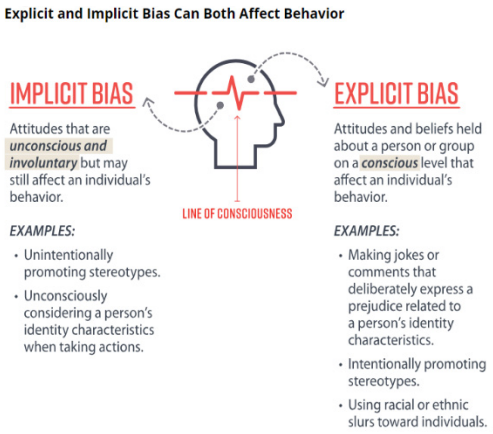
373 Forscher et al., *A Meta-Analysis of Procedures to Change Implicit Measures* (2019) J. of Personality & Soc. Psychol. 1 <https://devinelab.psych.wisc.edu/wp-content/uploads/sites/1383/2020/04/A-Meta-Analysis-of-Procedures-to-Change-Implicit-Measures-1.pdf#:~:text=Forscher%2C%20P.%20S.%2C%20Lai%2C%20C.%20K.%2C%20Axt%2C%20J.,and%20Social%20Psychology.%20Advance%20online%20publication.%20http%3A%2F%2Fdx.doi.org%2F10.1037%2F%20pspa0000160> [as of Nov. 18, 2024]. In the study, the "final sample represented 87,419 participants and included 342 articles, 492 studies, and 571 independent samples." (*Ibid.*)

374 This section of the Report focuses on implicit bias, as opposed to explicit bias, because "implicit measures have been shown to correlate with behavior, specifically, discriminatory behavior." (See Glaser, *Disrupting the Effects of Implicit Bias: The Case of Discretion & Policing* (2024) 153 Daedalus 151, 154 <https://doi.org/10.1162/daed_a_02053> [as of Nov. 18, 2024].)

375 See, e.g., Forscher et al., *A Meta-Analysis of Procedures to Change Implicit Measures, supra* note 373; Glaser, *supra* note 374, at pp. 159-160; Lai and Lisnek, *The Impact of Implicit Bias-Oriented Diversity Training on Police Officers' Beliefs, Motivations, and Actions* (2023) 34 Psychological Science 1, 9 <https://osf.io/preprints/psyarxiv/dxfq6> [as of Nov. 18, 2024].

376 Glaser, *supra* note 374, at pp. 159-160.

are deeply rooted and cannot be undone with a one-day classroom training taken every few years.[377]



Source: California State Auditor

Several studies indicate that while focused, short-term training to reduce implicit bias can produce some immediate reductions in implicit bias, trainees tend to return to their baseline levels of implicit bias after a few months.[378] However, variations in the intensity of the training — total number of hours, distribution across weeks or months, and refresher courses — can enhance the durability of implicit bias training.[379] Standalone trainings are not enough to produce durable change. Overall, research suggests that anti-bias interventions must be woven into the culture of police departments to be successful. Researchers have highlighted that department policies that guide officer behavior and shift department culture toward fair and impartial policing are necessary to support trainings that raise awareness and sustain anti-bias intervention to begin to shift behavior.[380]

Informed by this body of research, the Board recommends that before implementing, funding, or requiring any additional officer training on implicit bias, the courses be evaluated for effectiveness. In particular, the Board advocates for collecting evidence of whether these trainings have long-term effects on individual officers' attitudes and behaviors and whether any observed changes translate into reduced disparities in enforcement outcomes. One of the Board's main priorities is to move the needle when it comes to RIPA data, ensuring that the people of California are the ultimate beneficiaries of the training officers receive. Ideally, community members should be able to see measurable changes in the way officers who participate in those trainings interact with individuals within those communities. Often these trainings can come at great expense, both in terms of time and taxpayer dollars, as such it is vital that the trainings are measured for effectiveness before reforms are implemented.

Given the limited effectiveness of short-term training, training alone cannot be relied on to reduce implicit bias;[381] rather, some researchers have concluded that training must be accompanied by substantive cultural change within police departments, including policies that guide officers' behavior and reduce discretion during stops.[382] "The body of evidence to date indicates that, without meaningful, lasting environmental change, implicit biases are resilient."[383] Environmental changes within law enforcement agencies should address officer and department goals and motivations rather than induce threats or rely on affirmation to maintain positive behaviors.[384] For example, agencies should aim to

377 See, e.g., Lai and Lisnek, *supra* note 375, at p. 12 ("To undo a lifetime of racialized socialization, organizations should invest in more than a day's worth of diversity education").

378 Glaser, *supra note 374, at pp. 157-158;* Forscher et al., *A Meta-Analysis of Procedures to Change Implicit Measures, supra* note 373; Lai et al., *Reducing Implicit Racial Preferences: II. Intervention Effectiveness across Time* (2016) 145 J. of Experimental Psychol. 1001 <https://doi.org/10.1037/xge0000179> [as of Nov. 18, 2024].

379 See, e.g., Dube et al., *A Cognitive View of Policing* (2023) The Pearson Institute 1, 42 <https://thepearsoninstitute.org/research/cognitive-view-policing> [as of Nov. 18, 2024] ("There also remain pragmatic questions about how to deliver such a training most effectively. For instance, what is the ideal intensity of the training both in terms of total hours as well as how those hours are distributed over weeks or months? Or how often are refresher trainings needed to maintain these effects?").

380 Lai and Lisnek, *supra* note 375, at p. 12.

381 Cochran et al., *Impacts of Implicit Bias Awareness Training in the NYPD* (July 2020) International Association of Chiefs of Police (ICAP) and University of Cincinnati Center for Police Research and Policy & John F. Finn Institute for Public Safety, p. 160 <https://www.theiacp.org/sites/default/files/2020-09/NYPD%20Implicit%20Bias%20Report.pdf> [as of Nov. 18, 2024].

382 Glaser, *supra* note 374, at p. 158.

383 *Ibid.*

384 Forscher et al., *A Meta-Analysis of Procedures to Change Implicit Measures, supra* note 373; see also Lai and Lisnek, *supra* note 375, at p. 12.

shift department values to prioritize police-community relations and equitable treatment, rather than relying solely on punishing officers who show disparities in their stops. Additionally, an agency's training approach needs to be continually evaluated using field outcomes to understand which bias mitigation techniques work best for a particular agency and which are most directly linked to measurable reductions in disparities in enforcement practice.[385]

To effectuate change, a person ideally must first recognize their biases and examine how those biases impact their behavior. Yet, many people do not recognize the biases they hold (or how they are affected by them) and must be trained to identify them.[386] Further, researchers have described how biases can be exacerbated when decisions must be made quickly, in ambiguous situations, and when there is subjectivity, all of which describes the conditions under which officers often work.[387] Therefore, if peace officers are trained specifically to identify the subtle cues of implicit bias activating during a rapid response, some officers would be able to disrupt or inhibit a response that is rooted in their automatic bias.[388] For officers who have undergone such training, "having a heightened awareness about the potential for bias-driven errors, and/or having an attenuated race-crime mental association,[389] could make the difference in a consequential split-second decision."[390]

In response to evidence showing that anti-bias training, on its own, is largely ineffective, researchers continue to explore alternative interventions and revisions to existing training, so they are more likely to produce lasting reductions in adverse police outcomes including use of force, officer injury, and racial disparities.[391] In response to these findings, researchers recommend:

1. Repeated training sessions for sustained behavior changes;[392]
2. Supervisor support from the top-down to influence cultural shifts within departments toward fair and impartial policing;[393]
3. Using body-worn camera footage to train officers and examine their behavior in the field;[394]
4. Integrating implicit bias-oriented and diversity trainings within broader organizational initiatives;[395]

385 Little Hoover Com., *Law Enforcement Training: Identifying What Works for Officers and Communities* (Nov. 2021) p. 9 <https://lhc.ca.gov/wp-content/uploads/Reports/265/Report265.pdf> [as of Nov. 18, 2024].
386 See, e.g., Glaser, *supra* note 374, at p. 153 ("This research area of implicit social cognition [demonstrated] that people had mental associations about social categories (such as racial groups) that could be activated automatically, even if the holder of these associations consciously repudiated them").
387 See generally Eberhardt, *Biased: Uncovering the Hidden Prejudice That Shapes What We See, Think, and Do* (2019).
388 Glaser, *supra* note 374, at p. 155.
389 The term "race-crime mental association" refers to the implicit connection made between Blackness and criminalization, for example, because of the sociocultural legacy of race in media portrayals in the United States. (See Smiley and Fakunle, *From "Brute" to "Thug:" The Demonization and Criminalization of Unarmed Black Male Victims in America* (2016) 26 J. of Human Behavior in the Social Environment 350, 362-363 <https://doi.org/10.1080/10911359.2015.1129256> [as of Nov. 18, 2024].
390 Glaser, *supra* note 374, at p. 152.
391 See Forscher et al., *A Meta-Analysis of Procedures to Change Implicit Measures, supra* note 373.
392 Lai and Lisnek, *supra* note 375, at p. 12.
393 *Ibid.*; Cochran et al., *supra* note 381, at p. 110; Rinkoff, *Leadership Approaches in Law Enforcement: A Sergeant's Methods of Achieving Compliance with Racial Profiling Policy from the Front Line* (2021) 6 Journal of Community Safety and Well-Being 38 <https://doi.org/10.35502/jcswb.177> [as of Nov. 18, 2024]; Engel and Worden, *Police Officers' Attitudes, Behavior and Supervisory Influences: An Analysis of Problem Solving* (2003) 41 Criminol. 131.
394 Hetey et al., *supra* note 325, at pp. 136-137; Camp et al., *Leveraging Body-Worn Camera Footage to Assess the Effects of Training on Officer Communication During Stops* (Sept. 2024) 3 PNAS Nexus 1 <https://doi.org/10.1093/pnasnexus/pgae359> [as of Nov. 18, 2024].
395 Lai and Lisnek, *supra* note 375, at p. 12; see also, Cochran et al., *supra* note 381, at pp. pp. 16-17, 70.

5. Evaluating bias intervention as part of job performance[396] (e.g., assessing attitudes and behavior in response to incidents of alleged bias); and

6. Adopting policies that limit peace officer discretion during stops, encourage intelligence-based stops, and disrupt the influence of implicit biases.[397]

Some researchers have concluded that training must be accompanied by substantive cultural change within police departments, such as implementing policies that guide officer behavior, specifically policies that reduce officer discretion during stops.[398] It is not surprising that standalone anti-bias training designed mainly to raise awareness is not enough on its own to eliminate the negative behaviors fueled by bias: large-scale, multipronged problems like racial and identity profiling require multipronged solutions. Therefore, while some researchers continue to seek the proper dosage of implicit-bias training intensity,[399] others have turned to assessing alternatives to anti-bias training that reduce racial disparities in policing, such as changes to policing culture more broadly,[400] cognitive training programs,[401] and policies that limit discretion and guide officers' behavior.[402] The Board is encouraged by this body of research and looks forward to continuing to be informed by emerging findings.

A. Reduce Bias through a Cultural Shift in Policing

A cultural shift is required to end racism in policing and making that shift requires a multipronged approach, including effective accountability systems and training.[403] Bias in policing has been portrayed as an individual psychological issue.[404] But that view ignores the ways larger cultural forces and group dynamics influence individual behavior.[405] In the past decade, prominent institutions such as the United Nations have concluded that what has been viewed as problematic behavior by rogue officers should instead be viewed as behavior that reflects institutional deficiencies:

> "There is strong evidence that the abusive [behavior] of *some* individual police officers is part of a broader and menacing pattern, connected into larger social, historical, cultural and structural contexts, within which policing is undertaken. Law enforcement officers in the United States share and reproduce values, attitudes and stereotypes of US society and institutions."[406]

Recognizing and adopting this broader view, researchers examined the influence of department culture on stop data. In one study, Stanford researchers worked with the Oakland Police Department to help reduce racial disparities in stops by analyzing collected stop data. The researchers utilized a sociocultural lens to identify the various ways in which racism and discrimination operate within the contexts of institutions, laws, practices, history, interpersonal interactions, and individual psychology,

396 Lai and Lisnek, *supra* note 375, at p. 12.
397 Dube et al., *supra* note 379, at p. 3; Hetey et al., *supra* note 325, at pp. 134, 138; Glaser, *supra* note 374, at p. 160.
398 Glaser, *supra* note 374, at p. 158.
399 Forscher et al., *A Meta-Analysis of Procedures to Change Implicit Measures, supra* note 373.; Glaser, *supra* note 374, at pp. 158, 160.
400 Hetey et al., *supra* note 325, at pp.124-125.
401 Dube et al., *supra* note 379, at pp. 40-41.
402 Glaser, *supra* note 374, at p. 161.
403 See Hetey et al., *supra* note 325, at pp. 124-125, 134.
404 U.N. Human Rights Council, *A/HRC/54/CRP.7: International Independent Expert Mechanism to Advance Racial Justice and Equality in the Context of Law Enforcement - Visit to the United States of America* ("*Expert Mechanism to Advance Racial Justice and Equality in the Context of Law Enforcement*") (Sept. 26, 2023) p. 9 <https://www.ohchr.org/en/documents/country-reports/ahrc54crp7-internatonal-independent-expert-mechanism-advance-racial> [as of Nov. 18, 2024].
405 Hetey et al., *supra* note 325, at p. 126.
406 U.N. Human Rights Council, *Expert Mechanism to Advance Racial Justice and Equality in the Context of Law Enforcement*, *supra* note 404, at p. 9 (emphasis added).

and how all those forces taken together can affect officer actions and contribute to bias and disparities in routine enforcement.[407]

The Stanford experts developed a conceptual tool called the "culture cycle" to diagnose how bias is produced and maintained in different settings.[408] The culture cycle mapped four levels — ideas, institutions, interactions, and individuals — to examine the dynamic interplay between racial bias on an individual level and within broader police culture.[409] Alongside systematic analyses of law enforcement data (including stop data and body-worn camera footage), the culture cycle helped researchers "navigate the broader context and [] learn the roles of people within it," to diagnose problems and prescribe solutions for lasting change.[410]

To reduce racial disparities in stops, the researchers applied an institutional-level intervention (as opposed to the more common individual-level intervention) to shift how officers were making the decision to conduct a stop. To change officers' decision-making, the agency required officers to specifically indicate whether each stop they made was intelligence-led and, if so, to provide the specific source of intelligence. Intelligence-led means the officer had specific information, "such as suspect descriptions provided by crime victims or specific patterns of gang activity or illegal drug dealing, as opposed to relying on intuition."[411]

Research shows that "automaticity" plays a key role in decision-making: "conscious deliberation is mentally costly" so humans developed automatic responses that are adaptive to commonly faced problems.[412] While seemingly simple, requiring officers to indicate whether a stop is intelligence-led is, in fact, a theory-driven intervention designed to "mitigate specific situational triggers of bias, and in the process, alter the way officers make the decision to pull someone over."[413] This intervention led to a significant drop in the number of Black drivers officers stopped and reduced disparities in stops.[414] Simply put, requiring officers to check a box made them slow down and consider their reason for making the stop, rather than relying on hunches, which can be shaped by racial stereotypes. Additionally, asking officers to articulate the specific source of intelligence they relied on as the basis of an intelligence-led stop signaled that their actions were being monitored and that they were being held accountable by their department for the types of stops they were making.

The research team also explored the utility of other accountability mechanisms to reduce racial disparities and identify possible profiling, such as empirically reviewing body-worn camera footage to examine how officers treated the drivers they pulled over. The researchers found a relative lack of respect afforded to Black drivers, compared to White drivers, when it came to both word choice and tone of voice.[415]

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407 Parker, *Stanford Big Data Study Finds Racial Disparities in Oakland, California, Police Behavior, Offers Solutions* (2016) Stanford News <https://news.stanford.edu/stories/2016/06/stanford-big-data-study-finds-racial-disparities-oakland-calif-police-behavior-offers-solutions> [as of Nov. 18, 2024]; Hetey et al., *supra* note 325, at p. 124.

408 Hetey et al., *supra* note 325, at p. 125.

409 *Ibid.*

410 *Id.* at p. 126.

411 *Id.* at pp. 130, 134.

412 U. of Chicago Crime Lab, *Preventing Youth Violence: An Evaluation of Youth Guidance's* Becoming a Man *Program* (2018) p. 4 <https://www.americorps.gov/sites/default/files/evidenceexchange/BAM_SIF_Final_Report_Revision_20181005_508_1.pdf> [as of Nov. 18, 2024].

413 Hetey et al., *supra* note 325, at p. 134.

414 *Id.* at pp. 134, 138; see also Dube et al., *supra* note 379, at p. 3; (noting that such training leads to an 11% reduction in overall arrests of Black subjects).

415 Hetey et al., *supra* note 325, at pp. 136-137.

Use Body-worn Camera Footage to Train

The researchers further described how using body-worn camera footage in this way can help stakeholders ensure that interactions are being carried out in a constitutional and procedurally just manner, which is an increasingly important metric of community trust and safety amid escalating relations between police and Black communities in particular.[416] Feeding their results about racial disparities in police-community interactions back into the development of interventions to mitigate those disparities, the researchers then deployed body-worn camera footage specifically as a training tool to provide feedback to officers on their behavior and offer guidance about how to improve their interactions with the public.[417] This training was about how to enact procedural justice in routine police-community interactions, namely traffic stops.

In a subsequent study, Stanford researchers analyzed changes in Oakland Police Department officers' language following their completion of this training.[418] The training module taught five core actions for communicating respect with drivers during a stop: (1) beginning a stop by greeting the driver and introducing themselves; (2) explicitly stating the legal justification for the stop early in the encounter; (3) expressing concern for the driver's safety; (4) reassuring the driver during the interaction; and (5) using formal rather than informal titles when addressing the driver.[419] The researchers used a "footage-as-data approach" and reviewed body-camera recordings of officer-initiated contacts with community members before and after the training to determine whether the training was effective in changing officer language in the field.[420] The researchers found that following the training, officers were more likely to explicitly provide drivers with the reason for the stop and express greater reassurance and concern toward the driver during the encounter.[421] The training increased officers' use of language to enact procedural justice in the field immediately after training and these changes persisted 4-weeks later.[422]

Overall, the Stanford researchers found that mandating intelligence-led stops and using body-worn camera footage to improve training and accountability reduced racial disparities and generally improved the culture of law enforcement in Oakland.

Body-worn camera footage of highly publicized and/or critical incidents can also be used as a training tool. For example, the San Francisco Police Department (SFPD) policies and procedures around the handling of major and critical incidents includes evaluation of critical incidents for the purpose of upholding the agency's commitment to policing without bias:

> By evaluating each major and critical incident, the Department improves future responses through measuring, monitoring, and training to uphold our commitment to policing without bias and addressing any issues in an open and collaborative manner. We will actively collaborate with City agencies and community organizations to jointly address identified challenges as we strive to maintain and build trust and respect as the guardian of Constitutional and human rights.[423]

Further, as part of the agency's stated commitment to "accountability and transparency with our community" SFPD has adopted a policy that requires holding a public town hall meeting within ten

416 *Id.* at p. 137.
417 *Id.* at p. 138.
418 Camp et al., *supra* note 394, at p. 2.
419 *Id.* at p. 3.
420 *Id.* at p. 2.
421 *Id.* at p. 4.
422 *Ibid.*
423 San Francisco Police Dept., *General Order 8.01: Major and Critical Incident Evaluation and Notification* (May 2023) p. 1 <https://www.sanfranciscopolice.org/sites/default/files/2023-05/SFPDDGO_8_01_20230522.pdf> [as of Nov. 18, 2024].

days of an officer-involved shooting.[424] At these town halls, the body-worn camera footage and other relevant video evidence is played, the command staff gives a presentation and provides the community with an update on the investigation into the shooting, and time is allotted for viewers to offer public comment.[425]

Field Supervisors Influence Priorities

A department's organizational context, from the executive's tone to recruitment and hiring practices to community engagement policies like SFPD's following an officer-involved shooting, all contribute to and continuously shape an institution's culture.[426] Field supervisors, who mediate the application of policies and implementation of programs, also critically shape departmental culture.[427] Their influence in helping translate a written policy into concrete, on-the-ground practice can either reinforce and amplify training or contradict and undermine it, particularly through training follow-up.[428] Supervisors are the first line of defense in identifying areas of confusion in various policies and practice, training deficiencies, and problematic behavior of rank and file officers.[429] Ideally, supervisors are also mentors who create an environment in which their officers can continuously learn, improve, and take advantage of teachable moments. A supervisor who does not provide adequate supervision or support, or who looks the other way when problematic behavior occurs, can effectively signal to officers that their actions do not really matter or that problematic behavior is acceptable.

As mentioned previously, Fair and Impartial Policing (FIP) implicit bias training targets different ranks and works specifically to instill certain values in supervisors. More specifically, the training aims to develop supervisors' ability to "communicate effectively, internally and externally, about bias" which allows supervisors to "take advantage of 'teaching moments' as mechanisms for continued dialogue" fostered by the implicit bias training.[430] The FIP training stresses that supervisors play a significant role in internal communications about impartial policing, and how supervisors handle conversations about potentially biased behavior can "enhance their credibility and reputation as leaders" and reinforce messages conveyed in training.[431] Implicit bias training can be helpful in setting the stage, but, ultimately, addressing the organizational and systemic factors that shape police-community interactions on the ground are more likely to effectively reduce bias and disparities in policing.

B. Address Cognitive Demands in Training

Another promising area of research has found that officer training specifically focused on managing the cognitive demands of policing resulted in less use of force, fewer discretionary arrests, fewer officer injuries, and reduced racial disparities.[432] From 2020-2021, a team of experts trained over two thousand officers at the Chicago Police Department using a new training model called Situational Decision-making (Sit-D). The training consisted of four 4-hour sessions with several weeks between sessions and

424 See, e.g., San Francisco Police Dept., *OIS Town Hall Meeting Scheduled 028-24* (Sept. 20, 2024) <https://www.sanfranciscopolice.org/news/ois-town-hall-meeting-scheduled-028-24> [as of Nov. 18, 2024].
425 See, e.g., SFGovTV, "SFPD OIS Virtual Townhall September 23, 2024" (Sep. 23, 2024) <https://www.youtube.com/live/bFN99xHuluk> [as of Nov. 18, 2024].
426 See Cochran et al., *supra* note 381, at p. 110.
427 *Ibid.*
428 *Ibid.*
429 See Rinkoff, *supra* note 393; Engel and Worden, *supra* note 393.
430 Cochran et al., *supra* note 381, at pp. 16-17. Research has shown that the influence of line supervisors, usually sergeants, is "critical for achieving the successful implementation of, and compliance with, new or reformed policy" at the street level. (Rinkoff, *supra* note 393, p. 39.) Sergeants can "leverage occupational culture, in particular aspects of rank and structure, to achieve policy goals," and this is particularly useful for racial profiling policies, which "many rank-and-file officers have suggested [are] 'unpopular.'" (*Id.* at pp. 39-40.) One study focused on supervisory influence on racial profiling policy implementation found that sergeants can adopt the following leadership methods to contribute to the legitimacy of the policy: (1) auditing, (2) being present, (3) training, (4) encouraging, (5) rewarding, and (6) disciplining. (*Id.* at p. 43.)
431 Cochran et al., *supra* note 381, at pp. 114-117.
432 Dube et al., *supra* note 379, at pp. 40-41.

included a mix of classroom instruction and interactive scenario-based exercises.[433] Sit-D trains officers to develop more varied explanations of subject behavior, process information more efficiently, and continuously update threat assessments throughout the duration of the interaction, rather than relying on initial impressions.[434]

Sit-D uses a five-step "Thinking Tactic Model" where officers learn to recognize and regulate their responses to policing situations and consider alternative interpretations of situations to mitigate "thinking traps" that limit their perspective and exacerbate the likelihood of acting on biases.[435] Officers practice these skills in simulation exercises that are each debriefed with trainers and fellow officers.[436] Notably, the training does not explicitly focus on racial bias in policing, but instead generally encourages officers to go beyond initial impressions to more effectively assess a situation.[437] Not explicitly focusing on race can be a useful strategy because it tends to reduce feelings of threat among the participants, allowing them to take in more of the information that is presented because they are not as defensive.

Four months after the training, researchers evaluated the effectiveness of the training. The results demonstrated that Sit-D training significantly reduced adverse police outcomes.[438] Specifically, the training reduced non-lethal force by 23 percent, reduced discretionary arrests (which may "stem from officers' emotional responses, such as frustration with a subject's behavior") by 23 percent, reduced overall arrests of Black subjects (without any corresponding effects on other races) by 11 percent, and reduced officer injuries.[439] This training was effective because it provided concrete avenues to behave differently, namely by giving officers specific tools and strategies to evaluate multiple perspectives and consider more appropriate ways to respond.[440] Importantly, this training effectively mitigated racial disparities while not explicitly focusing on race. By focusing on cognitive biases instead of on implicit racial biases (which can be considered a subset within the broader category of cognitive biases),[441] this research suggests that disrupting the influence of implicit thought processes and attitudes on officers' actions — by making them more intentional and deliberate — could be a more effective way to reduce racial disparities than implicit bias training.[442]

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433 *Id.* at p. 9.

434 *Id.* at pp. 3-5.

435 In Sit-D training, "officers learn about various 'cognitive biases' or 'thinking traps,' which are mental shortcuts that might constrain their perspective on a situation, [including] [1] catastrophizing (assuming the worst possible outcome will occur), [2] minimizing (down-playing potential risks), [3] personalization (assuming others' actions are meant to antagonize oneself), [4] confirmation trap (focusing on information that supports one's assumptions), [5] over-generalization (basing interpretations too heavily on salient past experiences), [6] all-or-none thinking (thinking in absolutes and ignoring nuances), and [7] anchoring (failing to update one's impression as the situation changes)." (*Id.* at pp. 10-11.)

436 *Id.* at p. 11.

437 *Id.* at pp. 3-4.

438 The researchers analyzed Chicago Police Department administrative data aligned with the timing of the training assessments. (*Id.* at p. 5.)

439 *Id.* at pp. 5, 32-33.

440 *Id.* at pp. 28-29.

441 Implicit bias as a scientific concept emerged in the late 1990s from the social psychological study of implicit social cognition, or the unconscious mental processes involved in social judgments and behavior. (See, e.g., Greenwald and Banaji, *Implicit Social Cognition: Attitudes, Self-Esteem, and Stereotypes* (1995) 102 Psychological Review 4, 20; Greenwald et al., *Measuring Individual Differences in Implicit Cognition: The Implicit Association Test* (1998) 74 J. of Personality and Social Psychology 1464.) Several empirical articles highlighted bias production as occurring within the mind and stemming from humans' cognitive machinery and the brain's reliance on categorizing, including automatically sorting people into social categories. (See, e.g., Macrae and Bodenhausen, *Social Cognition: Thinking Categorically about Others* (2000) 51 Annu. Rev. Psychol. 93, 93-95.) Because implicit bias refers to an unconscious, automatic mental process to streamline the processing of information (specifically about people and social categories) it can be considered to fall under the broader category of cognitive biases, which refer to mental shortcuts or heuristics the brain uses to process information quickly, but that can lead to inaccurate perceptions or judgments. (Ellis, *Cognitive Biases in Visualizations* (2018) 1-7, 15; see also Haselton et al., *The Evolution of Cognitive Bias* in The Handbook of Evolutionary Psychology (Buss edit., 2005) pp. 724-746.)

442 Dube et al., *supra* note 379, at p. 8.

C. Limit Officer Discretion

In light of research findings indicating training alone does not produce substantial, lasting effects on officer behavior, expert Jack Glaser[443] evaluated ways to prevent bias from influencing police-civilian encounters, from the decision to conduct a stop to fatal uses of force.[444] Glaser concluded that, "[g]iven that implicit bias trainings for police ... have been shown not to reduce disparate outcomes in stop, search, arrest, and use of nonlethal force, limiting the discretion with which police officers use force needs to be prioritized."[445] Limiting discretion disrupts the effects of implicit bias by eliminating opportunities for bias in the first place. "When discretion is high – for example, when decision-makers can use their own judgment in ambiguous situations – cognitive shortcuts like stereotypes have more opportunity to influence decisions."[446] While training and experience will improve officers' ability to make assessments, constraining discretion can systemically reduce disparities by lessening or eliminating the role of individual judgment from the decision to initiate a stop or conduct a search, for example.[447]

In his research, Glaser reviewed stop data from the U.S. Customs Service (now Customs and Border Patrol), New York Police Department (NYPD), and the eight largest agencies in California. Glaser found that when officers' discretion to search was high, so were racial disparities in search rates. "White people were being subjected to higher thresholds of suspicion than Black people and Latino people in order to get stopped and/or searched. When discretion was relatively low (when search decisions were based on more stringent, prescribed criteria), yield rates were higher overall, and far less disparate."[448] Glaser's analysis shows that reducing discretion effectively reduces racial disparities in policing stops and searches.

> "When discretion is high–for example, when decision-makers can use their own judgment in ambiguous situations–cognitive shortcuts like stereotypes have more opportunity to influence decisions."
>
> – Glaser, *Disrupting the Effects of Implicit Bias: The Case of Discretion & Policing* (2024) 153 Daedalus 151, 160.

Glaser appeared before the POST Commission on September 21, 2023. During Glaser's presentation, POST acknowledged research showing that anti-bias training alone does not seem effective but nonetheless remains a common response to concerns about discrimination.[449] Glaser was asked, "Are we wasting time and effort by pushing something out that perhaps isn't working? And should we wait for, you know, further studies to kind of demonstrate where we should be going with the training?"[450] Glaser advised POST to concentrate its implicit bias training on management, from sergeants all the way up to chief or sheriff, to make the training more effective and a more efficient use of department resources.[451] Glaser stated that training officers "is good for setting the stage and for motivating people to do things differently," but policies and strategies need to be implemented to reinforce the training in the field.[452]

By addressing bias systemically through top-down training and policies, incentives within the department shift and influence the actions of individual officers more than individual training aimed

443 Glaser is a social psychologist, graduate professor at UC Berkeley, and currently an Advisory Member to the Peace Officer Standards Accountability Advisory Board created by SB 2.
444 See Glaser, *supra* note 374, at pp. 158, 164.
445 *Id.* at p. 166.
446 *Id.* at p. 160.
447 See *id.* at pp. 160-161.
448 *Id.* at p. 164.
449 Cal. Com. on Peace Officer Stds. and Training, *POST Commission Meeting Transcript* (Sept. 21, 2023) pp. 61-63 <https://post.ca.gov/Portals/0/post_docs/commissionmeetings/2023/2023-09-21_Commission_Meeting_Minutes.pdf> [as of Nov. 18, 2024].
450 *Id.* at p. 62:17-20.
451 *Id.* at p. 65:7-9.
452 *Id.* at pp. 63-64.

at officers' hearts and minds.[453] Glaser also recommended limiting officer discretion by formalizing decision criteria used during stops to reduce racial bias.[454] These recommendations to POST are consistent with the recommendations the Board makes below to improve training and ultimately eliminate disparate treatment in police-civilian encounters.

V. Best Practices, Policy, Legislative Recommendations

In addition to the recommendations below, the Board highlights a prior recommendation from the 2022 and 2023 Reports[455] for which the research and data analysis in the current report provides additional support and context: *Expand the POST Commission to allow for additional public members, requiring a minimum of 33 percent non-law enforcement members. Include members from the public and non-sworn community, health and mental health professionals who serve vulnerable communities, and experts including individuals and communities impacted by profiling, in adult education and scientific research. Existing law requires only four public members of the 18 required in the Commission.*[456] As the current report demonstrates, the POST Commission plays an important role in policing decisions that impact everyday life, and given the impact police contact can have on an individual, it is crucial that the Commission perform its duties in a manner that includes input from the public on the policy decisions the Commission makes. Incorporating more civilian voices will increase inclusive decision-making and diverse perspectives in the development of policies and training in California's law enforcement agencies.[457]

A. Recommendations to the Legislature

1. Require law enforcement agencies to adopt a policy to prohibit racial and identity profiling that includes accountability and consequences of non-compliance (e.g., SB 2) based on the POST guidelines.

   Some law enforcement agencies in California have adopted formal policies regarding bias-free policing and against racial and identity profiling, but the adoption of formal policies is not required by law.[458] The Board recommends that the Legislature require all state and local law enforcement agencies to adopt policies prohibiting racial and identity profiling. These policies will reinforce local agencies' commitment to bias-free policing and procedures that assure the public that the law enforcement agencies are committed to providing services and enforcing laws equitably.[459]

453 See *id*. at pp. 61-66.
454 *Id.* at p. 65:10-12.
455 Racial and Identity Profiling Advisory Board, *2022 Report, supra* note 372, at pp. 251-252; Racial and Identity Profiling Advisory Board, *2023 Report, supra* note 340, at pp. 208-209; see also, Little Hoover Com., *supra* note 385, at pp. 3, 23. The Little Hoover Commission (LHC), an independent state oversight agency that conducted a study from 2020-2021 examining the effect of law enforcement trainings in California, found that, compared to other regulatory bodies, the POST Commission has far less public representation. For example, nearly 47 percent of the Medical Board of California are public members, whereas only 22 percent of the POST Commission are. (Little Hoover Com., *supra* note 385, at pp. 3, 23.)
456 See Pen. Code, § 13500, et. seq.
457 See Little Hoover Com., *supra* note 385, at pp. 23-24.
458 Compare Pen. Code, § 13519.4 (racial and identity profiling) with Pen. Code, § 422.87 (hate crime policy requirement).
459 Policies can also proscribe supervisory review to ensure the best outcomes and compliance at the front line. (See Rinkoff, *supra* note 393, p. 43 ("In relation to racial profiling policies, the findings demonstrate that when sergeants are present during a police-citizen interaction, front-line officers are more likely to conform to policy decisions. Therefore, to improve levels of compliance, racial profiling policies should clearly outline when the presence of a sergeant is necessary. Mandating the presence of a sergeant may ensure an increase in compliance from front-line officers when compliance is expected to be, or has historically been, low or in other perceived controversial policy environments").)

2. Require more frequent, evaluated and evidence-based training on racial and identity profiling more than once every five years, and at a minimum of every three years.

   Relative to other states, California's mandated training on racial and identity profiling — every five years — is infrequent.[460] Many law enforcement agencies in California require more frequent anti-bias training.[461] In its 2022 review of law enforcement training, the California State Auditor recommended officers undergo racial and identity profiling training every other year.[462] In addition to regular basic course training in the academy, California should require all law enforcement officers to undergo anti-bias training on a more frequent basis. This is necessary to keep up with the latest research on racial and identify profiling, reinforce anti-bias tools and strategies in the field, and continuously reiterate the importance of working to reduce disparities in policing. In addition, the Legislature should consider requiring frequent follow-up or micro trainings to make sustained improvements in officer behavior and disparate outcomes more likely.[463]

3. Require law enforcement supervisors and field training officers to receive specialized training on eliminating racial and identity profiling within their departments.[464]

   By providing supervisors with additional training on eliminating racial and identity profiling in their agencies their "power potential" can be increased, and their control over procedural matters can be leveraged by the organization to more intentionally shape policy implementation and the development of officers' attitudes, outlooks, and views on the role police play in society.[465] First line supervisors should be trained and offered explicit guidance from law enforcement executives on how to best play their role in communicating the agency's mission, values, and policies regarding bias-free policing and how to serve as a proper example and role model for officers through their own actions.[466]

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460 According to the National Conference of State Legislatures (NCSL), 27 states require law enforcement officers to undergo cultural and racial bias trainings with ranging frequency and hours requirements. (Nat. Conf. of State Legs., Law Enforcement Training <https://app.powerbi.com/view?r=eyJrIjoiNzlmOTQyM2QtZWRlOS00MmIxLWEzOTYtYTUzMjNlNzdkMWZhIiwidCI6IjM4MmZiOGIwLTRkYzMtNDEwNy04MGJkLTM1OTViMjQzMmZhZSIsImMiOjZ9> [as of Nov. 18, 2024].) Among those, seven states/jurisdictions require annual training (Arkansas, D.C., Iowa, Kansas, Nebraska, Nevada, North Carolina), four require it every two years (New Mexico, Pennsylvania, Texas, Vermont), and two require it every three years (Missouri, Minnesota). (*Ibid*.)

461 For example, after the Tiburon Police Department engaged in an incident of alleged racial profiling at a local couple's clothing store, the Department "increased the frequency of training on biased-based policing from every five years to every two years ... [and] [i]n December 2020 and in February 2021, all department staff attended half-day trainings focused on implicit bias." (McCrohan, *Tiburon Settles Racial-Profiling Claim for $150,000, Reform*, The Ark (Apr. 18, 2022) <https://www.thearknewspaper.com/live/tiburon-settles-racial-profiling-claim> [as of Nov. 18, 2024].) In another instance, the Solano County Civil Grand Jury found that, although local law enforcement agencies appeared to comply with the state's every-five-year racial bias training requirement, the agencies should "adopt a more frequent schedule of diversity and bias training over and above the current five-year requirement." (Solano County Civil Grand Jury 2020-2021, *Does Bias Infiltrate Solano County Law Enforcement?* <https://solano.courts.ca.gov/system/files/final-210624-law-enforcement-bias.pdf> [as of Nov. 18, 2024].)

462 Cal. State Auditor, *Law Enforcement Departments Have Not Adequately Guarded Against Biased Conduct* (April 26, 2022) <https://information.auditor.ca.gov/reports/2021-105/index.html> [as of Nov. 18, 2024].

463 "Frequently responding to questions about race may have made all participants more sensitive to racial issues, a sensitivity that could have differentially impacted intervention and control participants, perhaps causing the decrease in discrepancies in the latter parts of the study." (Forscher et al., *Breaking the Prejudice Habit: Mechanisms, Timecourse, and Longevity* (Sept. 2017) 72 J. of Experimental Social Psychology 1, 9 <https://pmc.ncbi.nlm.nih.gov/articles/PMC5720145/pdf/nihms876925.pdf> [as of Nov. 18, 2024].)

464 See Lai and Lisnek, *supra* note 375, at p. 12; Cochran et al., *supra* note 381, at pp. 16-17.

465 Van Maanen, *Making Rank: Becoming an American Police Sergeant* (1984) Urban Life 13, pp. 155-176 (cited in Engel, *The Effects of Supervisory Styles on Patrol Officer Behavior* (Sept. 2000) 3 Police Quarterly 263, 265, 286). There is a difference between "telling" one's subordinates about a policy, and "selling" the importance of that policy. (Hersey and Blanchard, Management of Organizational Behavior (1988) (5th ed.) (cited in Engel, *Supervisory Styles of Patrol Sergeants and Lieutenants* (2001) J. of Criminal Justice 29, pp. 341-355).)

466 Engel, *The Effects of Supervisory Styles on Patrol Officer Behavior, supra* note 465, at p. 286.

4. Explore requiring POST and MOT courses on racial and identity profiling to be updated every two years with the latest RIPA findings, current legislation, and community input.[467]

5. Require POST-certified courses on racial and identity profiling to be revised to include ways to prevent behavior that could lead to officer decertification for serious misconduct under SB 2.

6. Amend the law to increase funding and allow for additional stakeholders, beyond the MOT, to present additional options for racial and identity profiling training to law enforcement officers.[468]

   The input and facilitation by additional organizations with direct police-community experience, such as Neighborhood Wellness and the Center on Juvenile and Criminal Justice (CJCJ), can strengthen racial and identity profiling trainings offered in California and further RIPA's goals. Both Neighborhood Wellness and CJCJ presented at the June 2024 Board meeting and discussed their particularized training aimed at addressing racial disparities and law enforcement. Their trainings emphasize empathy and combating dehumanization as intervention strategies, while also providing the community with a seat at the table. The increased transparency of these trainings rooted in the community and the specific tools and strategies offered to mitigate bias further RIPA's goals. Additionally, if the number of organizations providing training is expanded beyond one organization in Los Angeles, the funding would likely be offset by cost savings in travel, lodging, and related per diem by officers outside the Los Angeles area. The Board recommends the Legislature amend RIPA to require training consultation and facilitation by other organizations skilled in providing racial and identity profiling training, like Neighborhood Wellness and CJCJ.

7. Require body-worn camera footage, when available, or highly publicized incidents to be used in the racial and identity profiling training, in addition to staged scenarios.[469]

8. Fund an independent study, under the guidance of the RIPA Board and conducted by academic researchers,[470] that assesses the efficacy of POST's racial and identity profiling training on officers' attitudes, prejudices, and enforcement outcomes.

9. Provide funding and require POST to report annually on specific training outcome and performance measures. POST should consider looking at implicit bias metrics before and after the trainings to evaluate its effectiveness.

The Board continues to believe that measuring outcomes and effectiveness is critical and will continue to work with POST and other stakeholders to achieve that. In the 2024 Report, the Board recommended POST measure course effectiveness, but POST did not support the recommendation and responded that it would take too many resources to do so (see above). Several state agencies — Legislative Analyst Office (LAO),[471] Little Hoover Commission (LHC),[472] and the State Auditor[473] —

467 Board members who attended the POST workshops found the cultural references and some of the information outdated.

468 See Former Pen. Code, § 13519.4, subd (f), (1)-(9), as amended (Stats. 2001, ch. 854, § 63); see also, Racial and Identity Profiling Advisory Board, *2023 Report, supra* note 340, at p. 200.

469 Hetey et al., *supra* note 325, at pp. 136-137. Body-worn camera footage should be used not only to evaluate trainings, but also to create their content, as the Stanford team did with the procedural justice training described earlier. (See Racial and Identity Profiling Advisory Board, *Annual Report* (2021) ("*2021 Report*") p. 154 <https://oag.ca.gov/sites/all/files/agweb/pdfs/ripa/ripa-board-report-2021.pdf> [as of Nov. 18, 2024] (recommendation to "use actual footage of law enforcement encounters in lieu of scripted scenarios" as a more effective teaching tool).)

470 See Little Hoover Com., *supra* note 385, at p. 11.

471 Legis. Analyst's Office, *2019-20 Budget: Analysis of the Governor's Criminal Justice Proposals* (Feb. 2019) p. 44 <https://lao.ca.gov/reports/2019/3940/2019-20-CJ-Analysis-021919.pdf> [as of Nov. 18, 2024].

472 Little Hoover Com., *supra* note 385, at p. 9.

473 See, e.g., Cal. State Auditor, *supra* note 462 ("The Legislature should require local law enforcement departments to report to the RIPA Board the extent to which they have implemented those best practices, and should further require that departments provide the board with copies of any of the policies, procedures, or plans that they attest align with the best practices if the RIPA Board requests they do so. Finally, the Legislature should require the RIPA Board to publish annually through a scorecard, interactive dashboard, or similar means each department's progress.").

have found that it is imperative to evaluate state training and its effect on actual law enforcement job performance. To the extent POST lacks resources, the Board supports LHC's recommendation for academic researchers, funded by the Legislature, to partner with POST to assess the success and relevancy of its existing profiling training.[474]

Evaluation methods could include testing course participants on their knowledge and understanding of the role of implicit bias in policing, assessing officers before and after trainings on their openness and commitment to working to reduce disparate outcomes that may result from implicit biases, using body camera footage and other sources of agency data to systematically analyze officer actions to determine whether officers are in fact more likely to engage in the concrete behaviors that were highlighted and taught in the training for the purpose of reducing specific disparities, and analyzing agency-wide data after a large proportion of officers have completed a training to assess whether it has moved the needle on relevant behavioral outcomes (e.g., a de-escalation training would be expected to reduce the use of force among participating officers, and not the number of traffic tickets they write).[475] For racial profiling courses specifically, evaluating training effectiveness pre- and post-training using body camera footage captures "nuances of officer communication that can matter for community respect and trust, but are inaccessible in administrative records."[476]

In its 2019-2020 Budget review, LAO advised the Legislature to monitor POST's spending for law enforcement training by "adopt[ing] trailer bill language directing POST to report annually on specific outcome and performance measures that are tied to legislative expectations for the additional funding."[477] Specifically, LAO recommended that POST collect and report on the number of officers trained, how trainings are delivered, the cost of training per attendee, as well as the effect of specific trainings on officer job performance.[478]

LAO recently supported the POST Commission's request for reimbursement for RIPA-related expenses. In LAO's 2023-2024 Budget review of the Commission on State Mandates, LAO concurred with the Commission's finding that the requirements of RIPA related to the collection and reporting of stop data by local agencies created a state-reimbursable mandate, and recommended that $50.5 million in reimbursement funds be set aside for local government agencies for costs incurred for RIPA compliance.[479] The Legislature approved LAO's recommendation for these funds later that year.[480]

474 See Little Hoover Com., *supra* note 385, at p. 11.
475 Camp et al., *supra* note 394, at p. 2.
476 *Id.* at p. 4.
477 Legis. Analyst's Office, *supra* note 471, at p. 44.
478 Racial and Identity Profiling Advisory Board, *2023 Report, supra* note 340, at p. 208.
479 Legis. Analyst's Office, *2023-2024 Budget: Racial and Identity Profiling Mandate* (Feb. 2023) <https://lao.ca.gov/Publications/Report/4715> [as of Nov. 18, 2024].
480 *Ibid.* More information can be found at the Commission of State Mandates and the State Controller's Office websites, both of which have an operational role in administering this state mandate. The reimbursement form is available here: <https://csm.ca.gov/request-form.php> [as of Nov. 18, 2024].

B. Recommendations to POST

1. Evaluate the academic research underpinning trainings during the course certification process.[481]

   According to the Little Hoover Commission's review of POST trainings, "the current certification process [] does not include important questions that could help law enforcement officials understand what outcomes the training might produce or how it may impact officer behavior. For example, POST's certification process does not consider:

   - Was the training developed based on or informed by academic research and does it align with research evidence?
   - Will the training teach skills that will prevent and reduce policing harm in marginalized groups?
   - How does this training align – or not – with what officers actually do on-the-job and how will it be useful in their day-to-day work?
   - Is the training current and fresh or does it repeat lessons and examples officers were exposed to in prior years?
   - How will the training improve officer job performance?"[482]

   For POST to determine the "quality and relevancy of the training to the job,"[483] POST should evaluate all courses not based on the total number of hours, but whether "the training is effective in changing officer behavior or can support desired policy outcomes, such as police reform or crime reduction."[484]

2. Revise the process for evaluating law enforcement training, in course certification and its quality assessment plans, to include additional course criteria that incorporate training outcomes based on officer actions and behavior in the field.[485]

3. Formally evaluate Learning Domain (LD) 3 and Learning Domain (LD) 42 in the Regular Basic Course comprehensive module tests.[486]

C. Vision for Future Reports

In future reports, the Board will continue to review research and evidence-based practices to prescribe protocols that inform instruction and are aimed at eliminating racial and identity profiling. In prior reports, the RIPA Board has expressed interest in learning more about the POST certification process for the group of racial and identity courses under its purview. The Board will continue to learn about POST's integration of new legal mandates, such as SB 2, into the AB 953 training. As POST-certified courses are updated, the RIPA Board will continue to schedule the legislatively mandated annual reviews.

The Board will also continue evaluating POST training courses, including the field training course and the updated MOT Racial and Identity Profiling Train-the-Trainer course curriculum. In the guidelines

481 In its 2021 report, LHC recommended POST amend its certification process to include assessment of whether trainings are evidenced-based in order to understand what outcomes the training might produce or how it may impact officer behavior. (Little Hoover Com., *supra* note 385, at p. 7.)
482 *Ibid.*
483 *Ibid.*
484 *Ibid.*
485 *Id.* at pp. 7-9.
486 Cal. Com. on Peace Officer Stds. and Training, *Modular Format – Module II Training Specifications* <https://post.ca.gov/modular-format-module-ii-training-specifications> [as of Nov. 18, 2024]. LD 3 and LD 42 are included in Module II, but they are not tested on.

workshop, subject matter experts from law enforcement identified that field training officers have a tremendous influence on shaping the behaviors of basic academy graduates. Evaluating the field training course and its oversight is critical to understanding the context and regulation of peace officer training in California. The Board looks forward to assisting POST should it decide to develop any additional training on profiling or how to mitigate bias.

In accordance with its response to the 2024 recommendations, the POST Commission will provide the Board with verbal updates on its regulations pertaining to racial and identity profiling. The Board expects to review POST's regulations implementing Assembly Bill No. 443 (AB 443) (2023-2024 Reg. Sess.), which requires, among other things, the Commission to update its definition of "biased conduct" by January 1, 2026. The Board also appreciates and anticipates the POST Commission's written response to the Board's recommendations in this report and invites POST to also present its responses to the recommendations at a 2025 RIPA Board meeting. Finally, after collaborating on developing racial and identity profiling guidelines this year, the Board looks forward to agency implementation of policies and curriculum reflecting the perspectives of both law enforcement representatives and RIPA Board members and to the continuation of its collaboration with POST.

ACCOUNTABILITY

III. Introduction

POST plays a significant role in law enforcement in California. POST has the authority to certify peace officers, develop the minimum standards and training for all officers in the state, and, recently, the authority to decertify officers. The Racial and Identity Profiling Act, which California enacted to eliminate racial and identity profiling, mandates that POST and the Board collaboratively develop training and policies focused on achieving this goal. In enacting Senate Bill No. 2 (2021-2022 Reg. Sess.) (SB 2), the Kenneth Ross, Jr. Police Decertification Act of 2021,[487] the Legislature provided another accountability tool to POST to address serious misconduct by officers, including those officers who demonstrate bias or engage in racial and identity profiling, and remove them from the profession. A statewide system that decertifies or suspends the certification of officers who have engaged in racial and identity profiling, like the one SB 2 establishes, aligns with the Board's goal of eliminating this practice from policing.

In light of the Board's interests in SB 2 and the shared goal of eliminating racial and identity profiling, the Board was invited by POST to provide input regarding the implementation of SB 2 during a stakeholder planning workshop held shortly after SB 2 was enacted.[488]

Consistent with the Board's historical involvement with the implementation of SB 2, this section of the report provides an overview of the decertification process under SB 2 along with data on certification actions POST initiated against peace officers beginning in 2023. In addition to examining SB 2's potential for addressing bias in policing, this section also provides recommendations to the Legislature and POST to help shape SB 2 into an effective accountability tool that furthers the goal of eliminating racial and identity profiling.

IV. SB 2 and Decertification

A. SB 2 Overview

SB 2 establishes a statewide system for the suspension or permanent revocation of a peace officer's certification due to serious misconduct. Before SB 2, POST did not maintain disciplinary records for California officers.[489] It could only cancel a peace officer's certificate awarded in error or obtained through misrepresentation or fraud. Disciplinary records were handled in a piecemeal fashion and remained at the level of the individual law enforcement agency or jurisdiction, making it difficult to track problem officers or prevent them from seeking employment at another agency elsewhere in the state.

With the enactment of SB 2, POST can review and investigate complaints of serious misconduct by officers and suspend or revoke an officer's certification in cases of serious misconduct.[490] Under SB 2, POST is also responsible for developing the regulations and procedures for implementing SB 2 and outlining procedures for the certification and decertification.[491]

POST can initiate investigations if it becomes aware of serious misconduct by a peace officer in several ways, including by referrals from the officer's agency, a complaint filed by a member of the public, or

487 Stats. 2021, c. 409 (S.B.2) eff. Jan. 1, 2022.
488 Racial and Identity Profiling Advisory Board, *Annual Report* (2023) ("*2023 Report*") p. 207 <https://oag.ca.gov/system/files/media/ripa-board-report-2023.pdf> [as of Nov. 18, 2024].
489 Cal. Com. on Peace Officer Stds. and Training, *Peace Officer Certification* <https://post.ca.gov/Certification> [as of Nov. 18, 2024].
490 Pen. Code, § 13510.8, subds. (a), (c). Serious misconduct is also defined and discussed in section C.2. of this report.
491 See Cal. Code Regs., tit. 11, §1201 et seq.

other means, including through media reports[492] or audits of personnel files. If the complaint originates with a member of the public, POST sends the complaint to the agency employing the peace officer for an initial investigation, the results of which POST reviews through its decertification review process.[493] By the end of 2023, POST had received more than 22,000 reports of serious misconduct arising from incidents that occurred between January 1, 2020, and January 1, 2023, from law enforcement agencies and the general public.[494]

In addition to investigating serious misconduct allegations, SB 2 requires POST to revoke the certification of a peace officer who has become ineligible to hold office because of a criminal conviction listed in Government Code section 1029, regardless of whether the conviction arose from on-duty or off-duty conduct.[495]

SB 2 imposes additional responsibilities on law enforcement agencies as well. Agencies can only employ individuals with a current, valid certification.[496] SB 2 requires agencies to report the employment, appointment, or termination or separation from employment or appointment of any peace officer to POST within 10 days.[497] Separation from employment or appointment includes an involuntary termination, resignation, or retirement.[498] They are also required to report serious misconduct by a peace officer to POST within 10 days of receiving the allegation.[499] This requirement allows for the tracking of serious misconduct by officers across the state and creates additional transparency and accountability in law enforcement.

Finally, SB 2 imposes obligations on the California Department of Justice (Cal DOJ), requiring it to provide POST with necessary disqualifying felony and misdemeanor conviction data for all persons known to be current or former peace officers.[500] POST is authorized to use this information for decertification purposes.[501]

B. The Key Players in The Decertification Process

To effectively implement the statewide system to investigate and decertify officers alleged to have engaged in serious misconduct, SB 2 created two new entities. One is the Peace Officer Standards Accountability Division (POSAD), which is the investigative entity within POST that conducts investigations and makes findings on whether grounds to decertify or suspend a peace officer exist.[502] The other is the Peace Officer Standards Accountability Advisory Board (Accountability Board), a separate entity that makes recommendations to POST about whether to decertify or suspend a peace

492 Cal. Com. on Peace Officer Stds. and Training, *Penal Code § 13512 Annual Report* (2023) at p. 4 <https://post.ca.gov/Portals/0/post_docs/publications/2023_POSAD_Report.pdf> [as of Nov. 18, 2024]; Cal. Code Regs., tit. 11, § 1206, subd. (b); Cal. Com. on Peace Officer Stds. and Training, *Public Complaints* <https://post.ca.gov/public-complaints> [as of Nov. 18, 2024].
493 See Cal. Com. on Peace Officer Stds. and Training, *Public Complaints*, *supra* note 492.
494 Cal. Com. on Peace Officer Stds. and Training, *Penal Code § 13512 Annual Report*, *supra* note 492, at p. 4.
495 See Pen. Code, § 13510.8; Cal. Code Regs., tit. 11, § 1212, subd. (a); see also Cal. Com. on Peace Officer Stds. and Training, *Penal Code § 13512 Annual Report*, *supra* note 492, at p. 4.
496 Pen. Code, § 13510.1, subd. (g). The only exception is that an agency may provisionally employ a person for up to 24 months, pending their certification by POST, provided the person has received a proof of eligibility and has not previously been certified or denied certification or had their certification revoked. (*Ibid.*) The certification requirement applies to peace officers described in Penal Code sections 830.1, 830.2 except for those described in subdivision (d) of that section, 830.3, 830.32, or 380.33, or any other peace officer employed by an agency that participates in the POST program. Peace officers identified in these sections must possess either a valid Proof of Eligibility or a Basic Certificate. (*Id.* § 13510.1, subd. (a).)
497 *Id.* § 13510.9, subd. (a)(1).
498 *Ibid.*
499 *Ibid.*
500 Gov. Code, § 1029, subd. (f).
501 *Ibid.*
502 Pen. Code, § 13509.5.

officer based on POSAD's findings.[503] The POST Commission and administrative law judges from the Office of Administrative Hearings also play primary roles in the decertification process.[504]

Peace Officer Standards Accountability Division (POSAD)

POSAD is comprised of six bureaus: a Certification Bureau, an Intake and Disposition Bureau, and four Professional Conduct Bureaus.[505] The Certification Bureau is responsible for certifying officers.[506] The Intake and Disposition Bureau reviews public complaints and agency reports submitted to POST.[507] The Professional Conduct Bureaus conduct the decertification investigations.[508] As part of their process, the Professional Conduct Bureaus review investigations of peace officers conducted by law enforcement agencies, and, when necessary, independently conduct further investigation into serious misconduct that may provide grounds for suspension or revocation of a peace officer's certification.[509]

At the end of its investigation, POSAD makes findings as to whether grounds for action against a peace officer's certification exist.[510] If POSAD finds reasonable grounds for the denial, suspension, or revocation of a peace officer's certification, POSAD notifies the officer of their findings and reports those findings to the Accountability Board and POST.[511] The officer has 30 days to request a review from the Accountability Board.[512]

Peace Officer Standards Accountability Advisory Board

The Accountability Board is an advisory board of nine members appointed by the Governor and California Legislature.[513] Its purpose is to review appeals of POSAD's determination that there are

503 *Id.* at § 13509.6; see also Cal. Com. on Peace Officer Stds. and Training, *Peace Officer Standards Accountability Advisory Board* <https://post.ca.gov/Peace-Officer-Standards-Accountability-Advisory-Board> [as of Nov. 18, 2024].

504 See Cal. Com. on Peace Officer Stds. and Training, *Peace Officer Decertification Workflow* <https://post.ca.gov/portals/0/post_docs/resources/sb2/Peace_Officer_Decertification_Workflow.pdf> [as of Nov. 18, 2024]; see also Office of Administrative Hearings, *About the Office of Administrative Hearings*, <https://www.dgs.ca.gov/en/OAH/About> [as of Nov. 18, 2024].

505 Cal. Com. on Peace Officer Stds. and Training, *Peace Officer Certification Workshop #3: Decertification Investigations and Reporting Obligations* <https://youtu.be/H2hNCB5AI74?si=Tw4UV9Pf_ZNc9c1H&t=170> [as of Nov. 18, 2024].

506 Cal. Com. on Peace Officer Stds. and Training, *Certification Bureau* <https://post.ca.gov/certification-bureau> [as of Nov. 18, 2024].

507 Cal. Com. on Peace Officer Stds. and Training, *Penal Code § 13512 Annual Report*, *supra* note 492, at p. 8.

508 See Cal. Com. on Peace Officer Stds. and Training, *Peace Officer Certification Workshop #3: Decertification Investigations and Reporting Obligations*, *supra* note 505; see also Cal. Com. on Peace Officer Stds. and Training, *Penal Code § 13512 Annual Report*, *supra* note 492, at p. 8.

509 Pen. Code, § 13510.8, subd. (c)(2).

510 See *id.* § 13509.5, subd. (b).

511 *Id.* § 13510.85, subd. (a)(1); *id.* § 13509.5, subd. (b).

512 *Id.* § 13510.85, subd. (a)(2).

513 The Board must include: (1) one member who is a current or former peace officer with substantial experience at a command rank, appointed by the Governor; (2) one member who is a current or former peace office with substantial experience at a management rank in internal investigations; (3) two members who are members of the public, who are not former peace officers, and who have substantial experience working at nonprofit or academic institutions on issues related to police accountability (one of these members must be appointed by the Governor and one by the Speaker of the Assembly); (4) two members who are members of the public, who are not former peace officers, and who have substantial experience working at community-based organizations on issues related to police accountability (one of these members must be appointed by the Governor and one by the Senate Rules Committee); (5) two members who are members of the public, and who are not former peace officers, with strong consideration given to individuals who have been subject to wrongful use of force likely to cause death or serious bodily injury by a peace officer, or who are surviving family members of a person killed by the wrongful use of deadly force by a peace officer, appointed by the Governor; and (6) one member who is an attorney, and who is not a former peace officer, with substantial professional experience involving oversight of peace officers, appointed by the Governor. (Pen. Code, § 13509.6, subd. (d)(1)-(6).) The list and biographies of current Accountability Board members can be found on POST's website at https://post.ca.gov/Peace-Officer-Standards-Accountability-Advisory-Board. Each member of the Accountability Board is appointed for a term of three years and holds office until the appointment of the member's successor or until one year has elapsed since the expiration of the term for which the member was appointed, whichever occurs first. Vacancies are filled by appointment for the unexpired term of a person with the same

reasonable grounds to suspend or revoke an officer's certification and make a recommendation to the POST Commission regarding whether POSAD's determination is supported by clear and convincing evidence.[514] The Accountability Board does not review POSAD determinations that there is no reasonable basis to suspend or revoke an officer's certification.

When a peace officer requests a review of POSAD's finding that reasonable grounds exist for suspension or revocation of the officer's certification, the Accountability Board holds a public hearing to review those findings before recommending that the POST Commission take action against the officer's certification.[515] SB 2 requires the Accountability Board to issue an annual report on the activities of POSAD, the Accountability Board, and POST, relating to the certification program, including the number of applications for certification, the events reported, the number of investigations conducted, and the number of certificates surrendered or revoked.[516] The first report was published in 2024 and is available in POST's Data Warehouse.[517]

The POST Commission

The POST Commission has 18 members, more than half of whom are peace officers, and of which four are members of the public.[518] Fifteen of the Commissioners are appointed by the Governor for three-year terms.[519] Racial, gender, and ethnic diversity must be considered for all appointments.[520] The Speaker of the Assembly and the Senate Pro Tempore also each appoint one Commissioner.[521] These two appointees must demonstrate expertise in one or more of the following areas: (1) implicit and explicit bias, (2) cultural competency, (3) mental health and policing, and (4) work with vulnerable populations. The California Attorney General is an ex-officio member.[522] In prior reports, the Board recommended expanding the number of commissioners to include more public members to "ensure more diverse representation from the public non-sworn community."[523]

Administrative Law Judges

Administrative law judges (ALJs) from the Office of Administrative Hearings (OAH) preside over decertification hearings. The OAH is a non-judicial administrative agency that functions like a court. The OAH hears administrative disputes and is an independent office housed within the Department of General Services.[524] ALJs are appointed by the Director of OAH and are required to have practiced law for at least five years before being appointed.[525] They are neutral fact finders, independent of the agencies appearing before them.[526]

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qualification for appointment as the person being replaced. No person may serve more than two terms consecutively. The Governor must remove from the Accountability Board any peace officer member whose certification as a peace officer has been revoked and may, after hearing, remove any member of the Accountability Board for neglect of duty or other just cause. (Pen. Code, § 13509.6, subd. (e).)

514 *Id.* § 13509.6, subd. (b).
515 *Id.* § 13510.85, subd. (a)(2)-(4).
516 *Id.* § 13512, subd. (b)(1)-(10).
517 Cal. Com. on Peace Officer Stds. and Training, *Penal Code § 13512 Annual Report*, *supra* note 492; Cal. Com. on Peace Officer Stds. and Training, *Decertification: Annual Report* <https://post.ca.gov/Decertification> [as of Nov. 18, 2024].
518 Pen. Code, § 13500, subd. (b).
519 *Id.* § 13500, subds. (a), (e); see Cal. Com. on Peace Officer Stds. and Training, *The POST Commission*, <https://post.ca.gov/POST-Commission> [as of Nov. 18, 2024].
520 *Id.* § 13500, subd. (a).
521 *Id.* § 13500, subd. (c).
522 *Id.* § 13500, subd. (d); Cal. Com. on Peace Officer Stds. and Training, *The POST Commission*, *supra* note 519.
523 Racial and Identity Profiling Advisory Board, *2023 Report*, *supra* note 487, at p. 208.
524 Office of Administrative Hearings, *About the Office of Administrative Hearings*, *supra* note 504.
525 *Ibid.*
526 *Ibid.*

C. Grounds for Decertification

There are two primary grounds for decertification. A peace officer's certification will be revoked if the officer has become ineligible to hold office as a peace officer under Government Code section 1029.[527] A peace officer's certification may also be suspended or permanently revoked if the officer is terminated for cause or has otherwise engaged in serious misconduct, as described and defined in Penal Code section 13510.8, subdivision (b) and the POST regulations.[528]

Government Code Section 1029

The POST Commission must revoke the certification of a peace officer if the officer has become ineligible to hold office.[529] Under Government Code section 1029, a person is ineligible or disqualified from holding office as a peace officer or being employed as a peace officer of the state, county, city, or other political subdivision if, among other things, the person has:

1. Specified criminal convictions or adjudications,[530]
2. Had their certification revoked by POST,
3. Voluntarily surrendered their certification pursuant to California Penal Code section 13510.8, subdivision (f),
4. Met the minimum requirement for issuance of certification but has been denied issuance of certification, or
5. Previously been employed in law enforcement in any state or United States territory or by the federal government, whose name is listed in the National Decertification Index[531] of the International Association of Directors of Law Enforcement Standards and Training, or any other database designated by the federal government.[532]

The Cal DOJ provides POST with disqualifying felony and misdemeanor conviction data for all persons known to be current or former peace officers, which POST uses for decertification purposes.[533] Once this data is received by POST, it is considered a public record.[534] The POST Commission may also learn of disqualifying convictions during serious misconduct investigations and from the media.

Upon a preliminary determination by POSAD that a person is, or has become, disqualified under section 1029 from holding office as a peace officer, the POST Commission serves a notice of intent to

527 Pen. Code, § 13510.8, subd. (a)(1).
528 *Id.* § 13510.8, subd. (a)(2).
529 *Id.* §13510.8, subd. (a)(1).
530 These criminal convictions and adjudications are: (1) any person who has been convicted of a felony; (2) any person who has been convicted of any offense in any other jurisdiction which would have been a felony if committed in California; (3) any person who has been discharged from the military for committing an offense, as adjudicated by a military tribunal, which would have been a felony if committed in California; (4) any person who, after January 1, 2004, has been convicted of a crime based upon a verdict or finding of guilt of a felony by the trier of fact, or upon the entry of a plea of guilty or nolo contendere to a felony; (5) any person who has been charged with a felony and adjudged by a superior court to be mentally incompetent; (6) any person who has been found not guilty by reason of insanity of any felony; (7) any person who has been determined to be a mentally disordered sex offender; (8) any person adjudged addicted or in danger of becoming addicted to narcotics, convicted, and committed to a state institution; and (9) any person who, following exhaustion of all available appeals, has been convicted of, or adjudicated through an administrative, military, or civil judicial process requiring not less than clear and convincing evidence. (Gov. Code, § 1029, subd. (a)(1)-(9).)
531 For more information on the National Decertification Index of the International Association of Directors of Law Enforcement Standards and Training see IADLEST, *NDI Frequently Asked Questions (FAQ)* (Oct. 4, 2023) <https://www.iadlest.org/Portals/0/Files/NDI/NDI%20FAQ%20.pdf?ver=xlNUE3YRiwlf2JimncZFkA%3d%3d> [as of Nov. 18, 2024].
532 Gov. Code, § 1029, subd. (a).
533 *Id.* § 1029, subd. (f).
534 See *id.* § 1029, subd. (f).

revoke the peace officer's certification.[535] The officer has 30 days from the date the notice was mailed to provide a written response detailing the factual or legal basis supporting their contention that a disqualifying conviction did not occur, including all documents substantiating this contention.[536] If a written response is not received within 30 days, POSAD issues an interim order of disqualification and decertification revoking the officer's certification, pending the POST Commission's final order.[537] If POSAD receives a written response, it reviews the response and conducts any appropriate additional investigation necessary to determine whether a disqualifying conviction occurred.[538] If POSAD determines that a disqualifying conviction occurred, it serves the interim order of disqualification and decertification on the officer or their legal representative, and the matter is placed on the consent calendar at the next regularly scheduled meeting of the POST Commission.[539] If the POST Commission agrees with POSAD's actions, it will summarily affirm the interim order of disqualification and decertification.[540]

Serious Misconduct

The other ground for decertification is termination for cause from employment as an officer for serious misconduct or POST has determined that the officer has otherwise engaged in serious misconduct while employed as a peace officer. "Serious misconduct" is defined as:

1. Dishonesty relating to the reporting, investigation, or prosecution of a crime or relating to the reporting of, or investigation of misconduct by, a peace officer or custodial officer[541]
2. Abuse of power[542]
3. Physical abuse[543]
4. Sexual assault[544]
5. Demonstrating bias on the basis of actual or perceived race, national origin, religion, gender identity or expression, housing status, sexual orientation, mental or physical disability, or other protected status in violation of law or department policy or inconsistent with a peace officer's obligation to carry out their duties in a fair and unbiased manner[545]
6. Acts that violate the law and are sufficiently egregious or repeated as to be inconsistent with a peace officer's obligation to uphold the law or respect the rights of members of the public
7. Participation in a law enforcement gang

535 Cal. Code Regs., tit. 11, § 1203, subd. (b).
536 *Id.* § 1203, subd. (b)(2). POSAD may grant reasonable extensions of time to respond upon a showing of good cause.
537 *Id.* § 1203, subd. (b)(3).
538 *Id.* § 1203, subd. (b)(4).
539 *Ibid*.
540 *Ibid*.
541 This includes but not limited to, false statements, intentionally filing false reports, tampering with, falsifying, destroying, or concealing evidence, perjury, and tampering with data. (Cal. Com. on Peace Officer Stds. and Training, *Peace Officer Certification Actions* <https://post.ca.gov/Peace-Officer-Certification-Actions> [as of Nov. 18, 2024].)
542 Including, but not limited to, intimidating witnesses, knowingly obtaining a false confession, and knowingly making a false arrest.
543 Physical abuse includes, but is not limited to, the excessive or unreasonable use of force.
544 As described in subdivision (b) of Penal Code section 832.7, and the provision extends to acts committed amongst members of any law enforcement agency.
545 In December 2023, POST published notice of a proposed amendment to POST Regulation 1205 that would expand the definition of "demonstrating bias" to clarify what POST considers a demonstration of bias. (See Cal. Com. on Peace Officer Stds. and Training, *Notice of Proposed Regulatory Action – Amend Commission Regulation 1205 – Definitions Related to Serious Misconduct*, No. 2-23-70 <https://post.ca.gov/Portals/0/post_docs/bulletin/2023-70.pdf>; Cal. Com. on Peace Officer Stds. and Training, *Text of Proposed Regulatory Action: Amend Commission Regulation 1205* <https://post.ca.gov/Portals/0/post_docs/regulationnotices/2023/2023-70_TPRA_Reg1205.pdf> [as of Nov. 18, 2024].)

8. Failure to cooperate with an investigation into potential police misconduct

9. Failure to intercede when present and observing another officer using force that is clearly beyond that which is necessary, as determined by an objectively reasonable officer under the circumstances, "taking into account the possibility that other officers may have additional information regarding the threat posed by a subject"[546]

The inclusion of "demonstrating bias" in the definition of "serious misconduct" in SB 2 is directly related to RIPA's goal of eliminating racial and identity profiling. As SB 2's implementing regulations explain, an officer is "demonstrating" bias "when the officer either shows or displays, by words, actions or other conduct, prejudice, intolerance, contempt, or hatred towards one or more persons due to that person's membership within a class of persons identified in Penal Code section 13510.8, subdivision (b)(5), when such words, actions, or other conduct would lead a reasonable person to conclude that the officer has not fairly and impartially performed, or will not fairly and impartially perform, their law enforcement duties."[547]

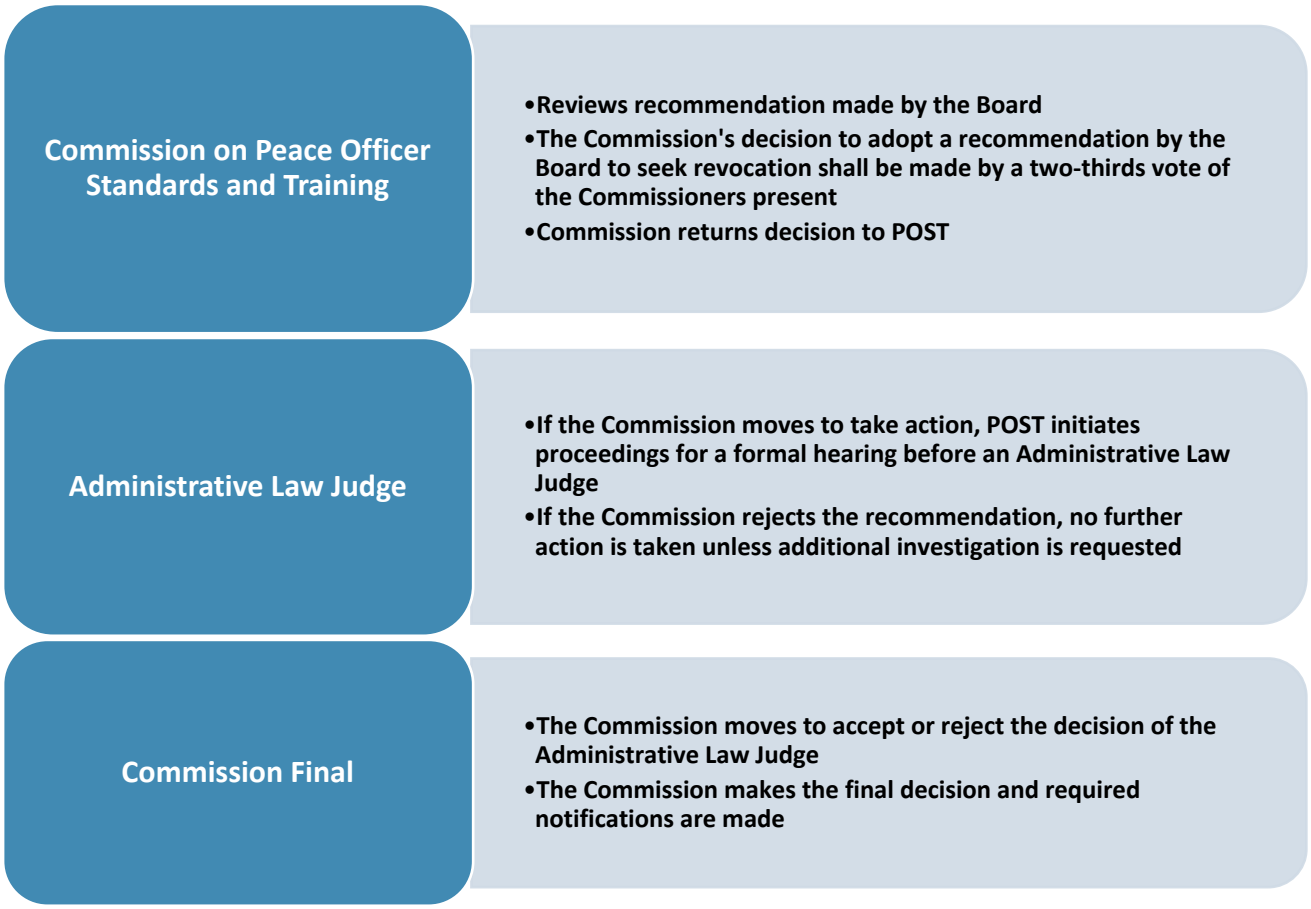
D. The SB 2 Decertification Process

The decertification process is multi-layered with several steps aimed at preserving due process, including investigations by both the employing agency and POSAD, an appeal of those findings before the Accountability Board, and a determination by the POST Commission regarding whether to initiate a decertification action. The chart below, based on the chart from POST's website, outlines the different procedural steps in the decertification process.[548]

546 Pen. Code, § 13510.8, subd. (b)(1)-(9); Cal. Code Regs., tit. 11, § 1205.
547 Cal Code Regs., tit. 11, § 1205, subd. (a)(5)(A).
548 Cal. Com. on Peace Officer Stds. and Training, *Peace Officer Decertification Workflow*, *supra* note 504.

Peace Officer Decertification Workflow

Allegations of Serious Misconduct	•Reported to POST by employing agency within 10 days •Citizen complaint made to POST •POST initiated case
Agency Investigation	•Disciplinary investigation completed by agency •Agency forwards completed investigation to POST for decertification investigation
POST Investigation	•POST reviews agency investigation •POST conducts further investigation, if necessary •POST determines if serious misconduct occurred
POST Recommendation	•If serious misconduct did not occur, POST notifies peace officer and closes case with no further action taken •If serious misconduct did occur, POST makes recommendation to decertify peace officer
Decertification Action	•POST notifies peace officer of intent to decertify •Peace officer has 30 days to request review of recommended action before the Peace Officer Accountability Advisory Board
Decertification Action (continued)	•If peace officer <u>does not request</u> a review, the recommendation to decertify by POST stands without further proceedings •If review <u>is requested,</u> POST schedules hearing before the Board
Peace Officer Standards Accountability Advisory Board Review	•Board conducts public hearing on the decertification case •Board reviews POST investigation findings and decertification recommendation •Board makes a written recommendation to the Commission by majority vote on what action should be taken against the peace officer



Initiation of an Investigation Based on a Report of Serious Misconduct

Serious misconduct by a peace officer is reported to POST in several ways, including mandatory reporting by law enforcement agencies and complaints from the public. As noted previously, POST can also initiate an investigation if it becomes aware of possible serious misconduct by an officer through other means, such as through the media or an audit of a personnel file.

a. Reporting by Law Enforcement Agencies

Each law enforcement agency must internally investigate any allegations of serious misconduct by a peace officer, regardless of the officer's employment status.[549] Under SB 2, POST now provides oversight for those agency investigations. This means agencies must report serious misconduct allegations and findings of internal investigations of serious misconduct to POST within 10 days of receiving the allegation and within 10 days of the final disposition of any investigation to determine whether an officer engaged in conduct that could render the officer subject to suspension or revocation.[550] The duty to report allegations of serious misconduct applies regardless of the investigative outcome and includes cases where the investigation concluded that the allegations were unfounded, not sustained, or resulted in an exoneration.[551]

549 Pen. Code, § 13510.8, subd. (c)(1).
550 *Id.* § 13510.9; Cal. Code Regs., tit. 11, §1207; see also Cal. Com. on Peace Officer Stds. and Training, *Senate Bill No. 2 – Frequently Asked Questions* <https://post.ca.gov/SB-2-FAQs> [as of Nov. 18, 2024].
551 See Cal. Com. on Peace Officer Stds. and Training, *Peace Officer Certification Workshop #3: Decertification Investigations and Reporting Obligations*, *supra* note 505.

The duty to report is retroactive to January 1, 2020.[552] By July 1, 2023, agencies are required to report to POST serious misconduct involving the officers they employ that occurred between January 1, 2020, and January 1, 2023.[553]

In its review, POST's investigative unit, POSAD, is tasked with examining the thoroughness of an agency's investigation, reaching an independent determination on whether there are reasonable grounds to conclude that serious misconduct occurred. Agencies must make their investigation records available to POST, including any physical or documentary evidence, witness statements, analysis, and conclusions.[554]

POST may initiate proceedings to revoke or suspend an officer's certification for conduct that occurred before January 1, 2022, under two circumstances: (1) for serious misconduct defined as dishonesty, sexual assault, or the use of deadly force resulting in death or serious bodily injury and (2) where the employing agency made its final determination regarding an investigation after January 1, 2022.[555]

b. Public Complaints

Members of the public may also submit complaints against peace officers directly to POST.[556] Complaints may be submitted online using POST's Public Complaint Form,[557] by email or mail, by phone, or in person at POST headquarters.[558] Complaints may also be submitted anonymously.[559]

When POST receives a complaint alleging serious misconduct, it refers the complaint to the officer's employing agency for investigation. The agency is required to forward its findings to POST for review.[560] POST is required to review those findings to determine if decertification is warranted.

POST has the authority to investigate only those allegations of serious misconduct that could lead to decertification of a California peace officer. It lacks the authority to conduct criminal or administrative investigations that would lead only to agency discipline short of suspension or revocation of the officer's certification.[561] Complaints from the public that a California peace officer committed a crime, should be reported to the district attorney in the county where the law enforcement agency is located or to the California Department of Justice.[562]

552 Pen. Code, § 13510.9, subd. (b).
553 *Ibid.*
554 *Id.* § 13510.9, subd. (c).
555 *Id.* § 13510.8, subd. (g)(1).
556 POST accepts complaints from members of the public against California peace officers described in Penal Code sections 830.1, 830.2 (except for those described in subdivision (d)), 830.3, 830.32, or 830.33. POST's certification program applies to officers described in these sections. (See Cal. Com. on Peace Officer Stds. and Training, *Public Complaints*, *supra* note 492; see also Pen. Code, § 13510.1, subd. (a).)
557 Cal. Com. on Peace Officer Stds. and Training, *Public Complaint Form* <https://post.ca.gov/public-complaint-form> [as of Nov. 18, 2024].
558 Cal. Code Regs., tit. 11, § 1206.
559 See Cal. Com. on Peace Officer Stds. and Training, *Public Complaint Form*, *supra* note 557.
560 Cal. Com. on Peace Officer Stds. and Training, *Senate Bill No. 2 – Frequently Asked Questions*, *supra* note 550.
561 Cal. Com. on Peace Officer Stds. and Training, *Public Complaints*, *supra* note 492.
562 *Ibid.*

Immediate Temporary Suspensions

Under SB 2, POST's executive director is required to immediately suspend a peace officer's certificate of eligibility if circumstances indicate that the temporary suspension is in the best interest of the health, safety, or welfare of the public and any of the following occurs:

1. A peace officer is arrested or indicted for any crime described in Government Code section 1029; or
2. A peace officer is discharged from any law enforcement agency for grounds set forth in Penal Code section 13510.8, subdivision (a),[563] or
3. A peace officer has separated from employment as a peace officer during a pending investigation into allegations of serious misconduct.[564]

The temporary suspension remains in effect until POST issues its final decision or until the executive director withdraws the order.[565] An individual may not exercise the powers of a peace officer during any period during which their certification is suspended temporarily.[566]

Whenever the executive director imposes a temporary suspension, POST must notify the officer and the agency head in writing and specify the basis for the executive director's determination.[567] The notice must also advise the officer that they have the right to respond in writing within 14 calendar days if the officer believes that the immediate suspension order should be withdrawn.[568] Upon the receipt of a response, the executive director will consider the facts, evidence, and argument in the officer's response and must withdraw the immediate temporary suspension if the executive director determines that continuing the suspension is no longer in the best interest of the health, safety, or welfare of the public or if one of the technical grounds identified in Penal Code section 13510.8, subdivision (d) no longer exists.[569] If the executive director does not issue an order of withdrawal within 15 calendar days of service of the officer's response, the response will be treated as denied.[570]

POSAD Review and Investigation

Once POST receives the results of the law enforcement agency's internal investigation of serious misconduct, POSAD, the investigation unit within POST, must promptly review any grounds for decertification received from the agency.[571] POSAD has the authority to review any agency or any other investigative authority's file and conduct further investigation to determine whether serious misconduct has occurred. POSAD only has the authority to review and investigate allegations for

563 Under Penal Code section 13510.8, subdivision (a), a peace officer's certification may be revoked if the person has become ineligible to hold office as a peace officer pursuant to Government Code section 1029; a peace officer's certification may be suspended or revoked if the officer has been terminated for cause from employment as a peace officer or has otherwise engaged in serious misconduct; and a peace officer's certificate or proof of eligibility may be canceled if POST determines that there was fraud or misrepresentation made by an application during the application process that resulted in a certificate being issued.

564 Pen. Code, § 13510.8, subd. (d); see also Cal. Com. on Peace Officer Stds. and Training, *Information and Options for the Peace Officer: The Immediate Temporary Suspension (ITS) Process* <https://post.ca.gov/portals/0/post_docs/resources/sb2/Immediate_Temporary_Suspension.pdf> [as of Nov. 18, 2024].

565 Pen. Code, § 13510.8, subd. (d).

566 Cal. Com. on Peace Officer Stds. and Training, *Information and Options for the Peace Officer: The Immediate Temporary Suspension (ITS) Process*, *supra* note 564.

567 Cal. Code Regs., tit. 11, § 1208, subd. (a).

568 The officer's response must be served upon POST within 14 calendar days of the date of the mailing of the Order of Immediate Temporary Suspension, either by personal delivery on POST headquarters, or by mail, postmarked no later than 14 calendar days of the date of mailing of the order to the peace officer. (*Id.* § 1208, subd. (a)(1)(A).)

569 *Id.* § 1208, subd. (a)(1)(B). For example, an officer who was charged with a felony and placed in a deferred entry of judgment program would not technically have a conviction for a felony while in the program. (See Pen. Code, § 1000.10.)

570 Cal. Code Regs., tit. 11, § 1208, subd. (a)(1)(B).

571 Pen. Code, § 13510.8, subd. (c)(2).

purposes of decertification and is required to complete the investigation within three years of receiving the completed report of the disciplinary or internal affairs investigation from the employing agency.[572] No time limit applies, however, if a report of the conduct was not made to POST.[573]

When evaluating whether to revoke an officer's certification for the incident under investigation, POSAD must consider the peace officer's entire record, including the prior conduct and service record, and any instances of misconduct, including any incidents occurring beyond the three-year time limitation for investigation.[574] POSAD's investigation is considered complete once it issues a notice to the officer of its intent to deny, suspend, or revoke certification.[575] The three-year time limit for POSAD's investigation is tolled during the appeal of a termination or other disciplinary action through an administrative or judicial proceeding or during any criminal prosecution of a peace officer.[576]

If POSAD finds reasonable grounds for the denial, revocation, or suspension of a peace officer's certification, it must promptly notify the officer in writing, providing the reasons for its conclusion. In the notice, POSAD must also provide a detailed explanation of the decertification procedure, including information about the officer's rights to contest and appeal.[577]

As noted previously, upon receiving notice from POSAD, the officer has 30 days to file a request for review of the determination by the Accountability Board and POST.[578] If a timely request for review is filed, the Accountability Board will schedule the case for a hearing. If no timely request for review is received, the officer's certification will be suspended or revoked without further proceedings.[579]

Instead of appealing the decision, the officer can voluntarily surrender their certification.[580] In that case, the matter will be administratively closed without further legal proceedings, and the person would be permanently ineligible for employment as a peace officer in California. Voluntary permanent surrender of certification has the same effect as revocation, meaning that the certification cannot be reactivated.[581] This, however, would not prohibit officers from seeking employment in other states because California does not have jurisdiction over hiring in other states, but reporting misconduct to the National Decertification Index (NDI) of the International Association of Directors of Law Enforcement Standards and Training will at a minimum place other jurisdictions on notice that an officer's certification has been revoked in California.

572 *Id.* § 13510.8, subd. (c)(2), (5).
573 *Id.* § 13510.8, subd. (c)(5).
574 *Ibid.*
575 *Ibid.*
576 *Ibid.*
577 *Id.* § 13510.85, subd. (a)(1). POST has issued a guide that is intended to serve that purpose. (See Cal. Com. on Peace Officer Stds. and Training, *Guide to Peace Officer Decertification Proceedings and Officer Rights to Contest and Appeal* (Aug. 2023) <https://post.ca.gov/portals/0/post_docs/resources/sb2/Guide_to_Decertification.pdf> [as of Nov. 18, 2024].)
578 Pen. Code, § 13510.85(a)(2); Cal. Code Regs., tit. 11, § 1209. The request for review must be received by POST or postmarked within 30 calendar days of the date of mailing of the notice of intent to suspend or revoke the officer's certification. (Cal. Code Regs. § 1209, subd. (b); Cal. Com. on Peace Officer Stds. and Training, *Guide to Peace Officer Decertification Proceedings and Officer Rights to Contest and Appeal*, *supra* note 577, at p. 6.)
579 Pen. Code, § 13510.85, subd. (a)(2).
580 Cal. Code Regs., tit. 11, § 1209, subd. (c).
581 Cal. Com. on Peace Officer Stds. and Training, *Guide to Peace Officer Decertification Proceedings and Officer Rights to Contest and Appeal*, *supra* note 577, at p. 6

Public Hearings Before the Accountability Board and the POST Commission

If the officer appeals POSAD's determination, POST schedules a public hearing before the Accountability Board. Following the hearing, the Accountability Board must issue a written decision explaining its reasons for decertification or suspension. The Accountability Board may only recommend revocation if the factual basis for revocation is established by clear and convincing evidence.[582] If the Accountability Board determines that the facts and circumstances warrant a sanction other than revocation, it may recommend suspension for a period of time.[583]

Following the hearing before the Accountability Board, the POST Commission schedules a public hearing to review the Accountability Board's recommendation.[584] A decision to adopt the recommendation to seek revocation of the officer's certification requires two-thirds of the POST Commissioners present to agree that clear and convincing evidence supports the Accountability Board's conclusion that the officer engaged in serious misconduct.[585] If the POST Commission rejects the recommendation, the Commission must explain its analysis and reasons for reaching a different conclusion in writing.[586]

The hearings serve as a mechanism by which the Accountability Board and the POST Commission can preliminarily determine whether there are reasonable grounds to conclude that serious misconduct occurred and whether the case should be referred for a full evidentiary hearing.[587] Therefore, although the officer may attend both hearings or choose to have counsel present, neither the officer nor their counsel may present witness testimony, other evidence, or argument.[588] Only POSAD may present the findings of its investigation to the Accountability Board and subsequently to the POST Commission.[589] The officer or their counsel can address the issue of the sufficiency of POSAD's findings only during the public comment period.[590]

If the POST Commission determines that action should be taken against the officer, POST will return the matter to POSAD for further proceedings. POSAD will then file an Accusation or Statement of Issues with the OAH for a formal hearing before an ALJ.[591] If the Commission rejects the Accountability Board's recommendation to suspend or revoke a certification, no further action is taken unless additional investigation is requested.[592]

The Administrative Hearing Before OAH

The administrative hearing on an officer's certification is a public hearing like a civil court trial.[593] The administrative law judge finds whether there is a basis to decertify an officer based on their conduct and the POST Commission may, partly or wholly, adopt or reject the ALJ's decision.

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582 Pen. Code, § 13510.85, subd. (a)(4). The clear and convincing evidence standard "requires a finding of high probability." (*In Re White* (2018) 21 Cal.App.5th 18, 28.)
583 Pen. Code, § 13510.85, subd. (a)(4).
584 *Id.* § 13510.85, subd. (a)(5).
585 *Ibid.*
586 *Ibid.*
587 Cal. Com. on Peace Officer Stds. and Training, *Guide to Peace Officer Decertification Proceedings and Officer Rights to Contest and Appeal*, *supra* note 577, at p. 6.
588 Cal. Code Regs., tit. 11, § 1209, subd. (e)(2)(A).
589 *Id.* § 1209, subd. (e)(1)-(2)
590 *Id.* § 1209, subd. (e)(2)(B).
591 POST, *Guide to Peace Officer Decertification Proceedings and Officer Rights to Contest and Appeal*, *supra* note 577, at p. 8; Pen. Code, § 13510.85, subd. (a)(6). The hearing is held in accordance with the Administrative Procedure Act Chapter 5 (commencing with section 1150) of part 1 of Division 3 of Title 2 of the Government Code and is subject to judicial review.
592 POST, *Peace Officer Decertification Workflow*, *supra* note 504, at p. 2.
593 Any records introduced during the hearings of the Board and the ALJ and the review by POST are public. These public records may, in the discretion of POSAD, be redacted for the reasons set forth in Penal Code section 832.7, subdivision (b)(6) and (7). This subdivision does not preclude the Accountability Board or POST, or both, from reviewing the unredacted versions of these records in closed session and using them as the basis for any action taken. (Pen. Code, § 13510.85, subd. (b).)

POST's Certification of the ALJ's Decision

Within 100 days of receipt of the ALJ's proposed decision, POST may take one of the following actions:

1. Adopt the ALJ's proposed decision in its entirety.
2. Reduce or otherwise mitigate the proposed penalty and adopt the balance of the proposed decision.
3. Make technical or other minor changes in the proposed decision and adopt it as the decision.[594]
4. Reject the proposed decision and refer the case to the same ALJ if reasonably available, otherwise to another ALJ, to take additional evidence.[595]
5. Reject the proposed decision, and decided the case upon the record, including the transcript, or upon an agreed statement of the parties, with or without taking additional evidence. By stipulation of the parties, the agency may decide the case upon the record without including the transcript.[596]

POST's decision is deemed final 30 days after POST serves the decision on the involved peace officer or their legal representative.[597] POST must publish the names of any peace officer whose certification is suspended or revoked and the basis for the suspension or revocation on its website.[598] POST must also notify the NDI of the suspension or revocation.[599]

POST must retain its records of an investigation of any person for 30 years following the date that the investigation is deemed concluded.[600]

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594 Action by the agency is limited to a clarifying change or a change of a similar nature that does not affect the factual or legal basis of the proposed decision.

595 If the case is referred to an ALJ, the ALJ must prepare a revised proposed decision, based upon the additional evidence and the transcript and other papers that are part of the record of the prior hearing. A copy of the revised proposed decision must be provided to each party and their attorney.

596 Gov. Code, § 11517, subd. (c)(2)(A)-(E). If the agency takes this action, all the following apply: (1) a copy of the record must be made available to the parties. The agency may require payment of fees covering direct costs of making the copy; (2) the agency itself may not decide any case without affording the parties the opportunity to present either oral or written argument before the agency itself. If additional oral evidence is introduced before the agency itself, no agency member may vote unless the member heard the additional oral evidence; (3) the authority of the agency itself to decide the case includes the authority to decide some but not all issues in the case; and (4) if the agency elects to take this action, the agency must issue its final decision not later than 100 days after rejection of the proposed decision. If the agency elects to take this action and has ordered a transcript of the proceedings before the ALJ, the agency must issue its final decision not later than 100 days after receipt of the transcript. If the agency finds that further delay is required by special circumstances, it must issue an order delaying the decision for no more than 30 days and specifying the reasons for the delay. The order is subject to judicial review pursuant to Government Code section 11523.

597 A copy of the written decision must be provided to (1) the Accountability Board, (2) POSAD, (3) the involved peace officer or designated representative, and (4) the head of the agency that employs or employed the involved peace officer. (Cal. Code Regs., tit. 11 § 1212, subd. (c)(3).)

598 *Id.* § 1212, subd. (d). The list of officers whose certifications are suspended or revoked and the basis for the suspension or revocation is available on POST's website. Cal. Com. on Peace Officer Stds. and Training, Peace Officer Certification Actions <https://post.ca.gov/Peace-Officer-Certification-Actions> [as of Nov. 18, 2024].

599 Pen. Code, § 13510.85, subd. (c); Cal. Code Regs., tit. 11, § 1212, subd. (e). Records are entered into the NDI by the governing body in each state charged with establishing standards for police officer training and certification. These state agencies are known as POST Agencies. Not all states have established a POST agency. (See IADLEST, *NDI Frequently Asked Questions (FAQ)*, *supra* note 531.) According to the IADLEST website, as of the writing of this report, the NDI contains 55,433 actions reported by 50 certifying agencies. (IADLEST, *About NDI* <https://www.iadlest.org/our-services/ndi/about-ndi> [as of Nov. 18, 2024].)

600 Pen. Code, § 13510.8, subd. (e).

E. POST Certification Actions by the Numbers

Misconduct Reports and Investigations

Between January 1, 2023, and October 1, 2024, POST received 29,472 misconduct reports from law enforcement agencies and 1,247 public complaints submitted directly to POST. Of those agency misconduct reports, 16,672, or 56.57 percent, were related to incidents that occurred before January 1, 2023. So far, through October 1, 2024, 19,882 cases have been assigned to POST investigators, of which 7,967 have been closed. The other 9,533 misconduct reports, 32.34 percent of the agency misconduct reports received, have not yet been assigned to a POST investigator.[601]

To provide further context about dispositions by year, in 2023, POST closed a total of 5,194 cases. Of those cases, 5,100 were closed with no further action taken, while 65 resulted in decertification. In 2023, 85.29 percent of the cases closed with no further action involved retroactive cases, i.e., cases involving events between January 1, 2020, and January 1, 2023. According to POST, these cases were held to a higher standard, and POST was required to close them if the conduct did not result in death or serious bodily injury per Penal Code section 13510.8 subdivision (g)(1).[602] For the first nine months of 2024, POST has resolved 2,982 cases. Of those cases, 2,811 cases resulted in no further action and 171 cases resulted in decertification.

When it receives a report, complaint, or other allegation of serious misconduct, POST classifies the type of serious misconduct alleged. As shown in Table 5 below, of the serious misconduct allegations POST has received between January 1, 2023, and October 1, 2024, physical abuse/excessive force is the most common type of serious misconduct alleged, followed by demonstrating bias, abuse of power, dishonesty, acts that violate the law, and sexual assault.[603]

Table 5. SB 2 Complaints Involving Serious Misconduct Allegations, 2023-2024.

Basis[604]	Allegations Received[605]	
	Number	Percent
Physical Abuse/Excessive Force	12,654	37.68%
Demonstrating Bias	9,186	27.35%
Abuse of Power	4,528	13.48%
Dishonesty	2,523	7.51%
Acts that Violate the Law	2,225	6.63%
Sexual Assault	1,337	3.98%
Convicted of a Felony	593	1.77%
Other Serious Misconduct	537	1.60%

601 See Cal. Com. on Peace Officer Stds. and Training, *Peace Officer Certification Reporting* <https://post.ca.gov/Peace-Officer-Certification-Reporting> [as of Nov. 18, 2024].
602 Information retrieved from *ibid.*, or from direct information request to POST.
603 Cal. Com. on Peace Officer Stds. and Training, *Peace Officer Certification Reporting*, *supra* note 601.
604 A report or complaint of misconduct may include multiple types of misconduct.
605 Number of allegations is as assessed by POST. Any one report, complaint, and/or case may include multiple allegations, and reports, complaints, and/or cases may involve one or more officers. Allegations were received by POST starting January 1, 2023, and this data is current to August 29, 2024. (Cal. Com. on Peace Officer Stds. and Training, *Peace Officer Certification Reporting*, *supra* note 601.)

Common Grounds for Certification Actions Initiated by POST

As of September 27, 2024, POST has initiated certification actions against 367 peace officers. One hundred and forty-nine of those actions were based on Government Code section 1029.[606] According to POST's online listing of certification actions, the most common complaint, charge, or allegation for decertification actions that POST has initiated based on serious misconduct is egregious or repeated acts that violate the law followed by physical abuse or excessive force, sexual assault, dishonesty, demonstrating bias, abuse of power, and failure to cooperate.[607] As of September 27, 2024, there have been no SB 2 misconduct certification actions relating to participation in a law enforcement gang or the failure to intercede when present and observing force that is clearly unnecessary.[608]

Table 6. SB 2 Grounds for Decertification 2023-2024.

Basis[609]	Certification Actions[610]	
	Number	Percent
Acts that Violate the Law	91	59.48%
Physical Abuse/Excessive Force	28	18.30%
Sexual Assault	17	11.11%
Dishonesty	11	7.19%
Demonstrating Bias	8	5.23%
Abuse of Power	6	3.92%
Failure to Cooperate	2	1.31%

SB 2 Top 10 Agencies

As of September 27, 2024, nine law enforcement agencies have had nine or more officers subject to SB 2 certification action,[611] including officers who were last employed by that agency. Generally, the most common type of serious misconduct involves acts that violate the law.[612]

606 Cal. Com. on Peace Officer Stds. and Training, *Peace Officer Certification Actions*, *supra* note 598.
607 *Ibid.*
608 *Ibid.*
609 The basis of allegations and certification actions may include multiple types of misconduct.
610 A certification action is a suspension or revocation of a certificate, or an officer being made ineligible pursuant to Government Code section 1029. A certification action may be the result of one or more allegations. Further, the basis for a decertification action could evolve or change as the matter proceeds through the SB 2 process. For example, an officer may be suspended temporarily after being discharged for demonstrating bias, then subsequently the officer's certification could be revoked following a voluntarily surrender. In that instance, the basis of the final action, revocation, would not be demonstrating bias. Certification actions began on January 1, 2023. This data is current to September 27, 2024.
611 A certification action includes a revocation or suspension of a peace officer's certification, or an officer being found ineligible to hold office as a peace officer under Government Code section 1029.
612 Cal. Com. on Peace Officer Stds. and Training, *Peace Officer Certification Actions*, *supra* note 598.

Table 7. Law Enforcement Agencies with Nine or More Decertification Actions.

Last Employing Agency	SB 2 Officers	Sworn Officers	Most Common Recent Certification Action[613]	Most Common Serious Misconduct
Los Angeles County SD	44	8858	15 Temporary Suspensions, 15 Ineligible Pursuant to GC § 1029	13 Acts that Violate the Law
Los Angeles PD	29	8665	10 Ineligible Pursuant to GC 1029	9 Acts that Violate the Law
California Highway Patrol	19	6884	8 Temporary Suspensions	7 Physical Assault/ Excessive Force
Riverside County SD	16	2862	2 Temporary Suspensions & 2 Ineligible Pursuant to GC 1029	6 Acts that Violate the Law
San Bernardino County SD	10	1875	3 Ineligible Pursuant to GC 1029	4 Acts that Violate the Law
San Francisco PD	10	1807	5 Temporary Suspensions	5 Acts that Violate the Law
San Jose PD	10	1024	6 Temporary Suspensions	5 Acts that Violate the Law
San Diego PD	9	1818	3 Ineligible, 3 Revoked	1 Dishonesty, 1 Failure to Cooperate, 1 Acts that Violate the Law
Torrance PD	9	188	8 Temporary Suspensions	5 Demonstrating Bias

Temporary Suspensions

Currently, temporary suspensions make up about half of all certification actions POST has taken against officers. As of September 27, 2024, there are 91 temporary suspensions related to a pending criminal proceeding. They have been pending for an average of 321 days. Twenty-eight temporary suspensions without a collateral criminal proceeding have been pending for 338 days on average. Those proceedings are typically related to serious misconduct of a discharged or retired officer. As of September 27, 2024, only 35 temporary suspensions reached a permanent disposition. Of those 35, 15 temporary suspensions with related collateral criminal proceedings took an average of 353 days to resolve. The other 20, the ones without collateral criminal proceedings, took an average of 225 days to conclude.[614]

613 Multiple certification actions may occur over the course of one SB 2 process. Because temporary suspensions frequently precede more permanent SB 2 dispositions, only the most recent certification action is reported.

614 Cal. Com. on Peace Officer Stds. and Training, *Peace Officer Certification Actions*, *supra* note 598.

F. Board Observations and Policy Recommendations

SB 2 promises to be a valuable accountability tool to address serious misconduct by peace officers. After reviewing the process, which included obtaining information from POST, the Board makes the following recommendations designed to enhance SB 2's decertification process and effectuate the Legislature's goal of addressing serious misconduct in policing:

1. The Board recommends that the Legislature enact legislation requiring law enforcement agencies throughout California to modify their disciplinary policies defining serious misconduct to align with the categories in Penal Code section 13510.8, subdivision (b).
2. Relatedly, the Board recommends that POST develop guidelines to assist law enforcement agencies in developing procedures to conduct adequate investigations into complaints alleging bias and guidelines that assist law enforcement agencies with aligning their policies with Penal Code section 13510.8. The guidelines should also apprise law enforcement agencies about how to educate the public in ways in which a complaint could be filed. In developing the guidelines for investigating complaints about demonstrating bias, POST could consult with the Board.
3. The Board recommends that POST issue guidance apprising officers and law enforcement agencies about the anti-retaliation and workplace protections afforded to an officer who files a complaint against a fellow officer or their agency or who cooperates with an investigation into an allegation of serious misconduct. To provide protection for officers who report serious misconduct of fellow officers and to encourage a culture of accountability, the Board recommends that the Legislature amend Penal Code section 13510.8 to include whistleblower protection for peace officers and other individuals within a law enforcement agency who report serious misconduct by fellow peace officers.

G. How to File a Complaint with POST

Members of the public can submit complaints regarding officer misconduct with POST directly on the following web-based form:

https://post.ca.gov/public-complaint-form

A copy of the paper form can be located here:

https://post.ca.gov/Portals/0/post_docs/forms/2-354.pdf

If a member of the public have any questions regarding the complaint process POST can be contacted at

ComplaintIntake@post.ca.gov

(916) 227-2822

III. Vision For Future Reports

In future reports, the Board will have access to more comprehensive SB 2 data across multiple years to assess whether SB 2 is operating with respect to bias complaints as the Legislature envisioned: as a mechanism for removing officers who engage in serious misconduct from the profession.

Relatedly, in future reports, the Board will examine efforts that can be made to support the development of a national mandatory database for reporting decertified or ineligible officers. California law mandates POST report certification actions to NDI or other federal databases. Although the NDI is an important tool for tracking the decertification of officers across states, participation in the database is not mandatory for all states. Further, because decertification standards vary widely across states, an action by a peace officer that may result in decertification in California may not result in a decertification in another state and thus not be reported to the national database. In future reports, the Board will consider recommendations to facilitate collaboration between POST and similar organizations in other states to ensure that officers who have been found unfit for the profession because of documented serious misconduct will not be able to continue to work in the profession by crossing state lines.

CIVILIAN COMPLAINTS

III. Civilian Complaint Data

A. Overview of Civilian Complaint Data for RIPA Agencies

Each year the RIPA Report highlights trends and data related to complaints by citizens about law enforcement. This data is significant because it shows, on a micro level, trends within individual agencies by complaint type and, on a macro level, demonstrates differences in policies across agencies that may impact the complaint process. In 2023, 526 of the agencies subject to RIPA's stop data reporting requirements (RIPA agencies) submitted civilian complaint data.[615] These agencies include municipal and district police departments, county sheriff's departments, the California Highway Patrol, and law enforcement agencies of the University of California, California State Universities, California Community Colleges, District Attorney Offices, as well as K-12 school district police departments.[616] The sections that follow examine only complaint data submitted by RIPA reporting agencies.

RIPA agencies reported 14,444 complaints across three categories: non-criminal, misdemeanor, and felony. Most of the complaints alleged non-criminal conduct (13,825, or 95.71%), followed by complaints alleging a misdemeanor offense (480, or 3.32%). Complaints alleging conduct that constitutes a felony were the least common (139, or 0.96%).

Roughly three-quarters of RIPA reporting agencies (409, or 77.78%) reported receiving one or more civilian complaint during 2023, while just under one-fourth of agencies did not receive any civilian complaints (117, or 22.24%). A total of 147 RIPA agencies reported receiving civilian complaints alleging racial or identity profiling (28.00% of all RIPA agencies or 35.94% of agencies receiving any complaints). These 147 agencies reported 1,405 complaints alleging racial or identity profiling.

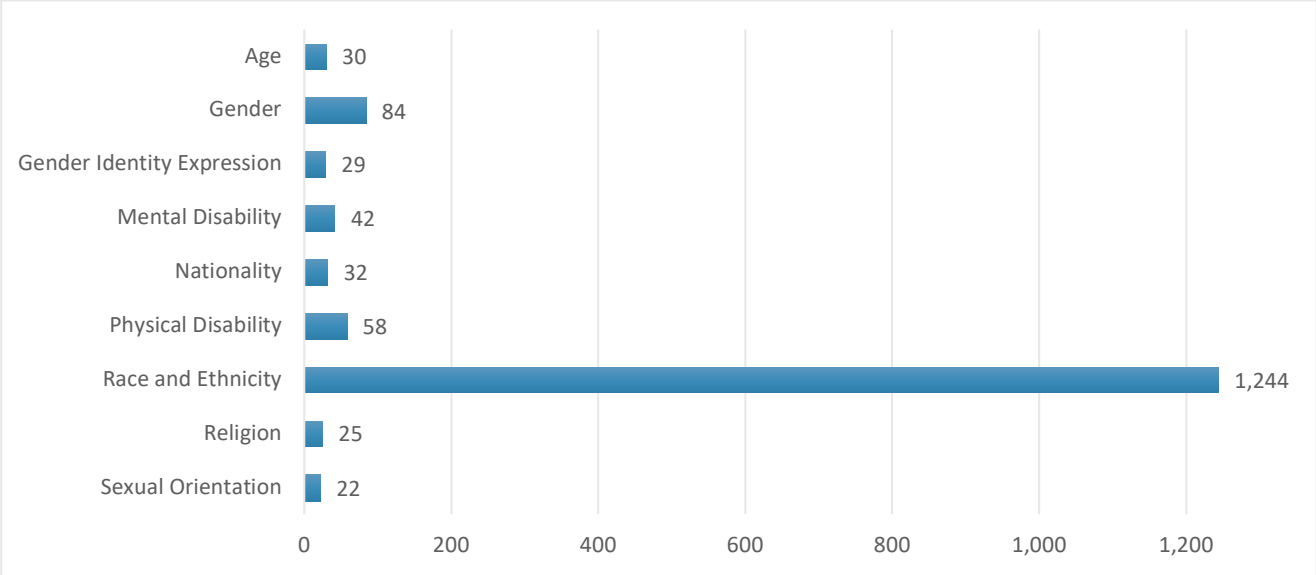
Law enforcement agencies are also required to submit data to the California Department of Justice (Cal DOJ) categorizing profiling complaint allegations into nine categories: age, physical disability, sexual orientation, race/ethnicity, mental disability, gender, religion, gender identity/expression, and nationality. RIPA agencies reported 1,405 complaints containing a total of 1,566 allegations with an element, or elements, of racial or identity profiling, constituting 9.73 percent of the total complaints reported in 2023.[617] Figure 70 displays the number of reported allegations that fell into each of the nine categories.

615 Although 539 agencies reported RIPA stop data in 2023, only 526 reported complaints data during the same year.

616 For more information on the law enforcement agencies that are required to report under RIPA, see Cal. Code Regs., tit. 11, § 999.225.

617 The total number of racial and identity profiling allegations reported to the DOJ (1,566) exceeds the total number of racial and identity profiling complaints (1,405) due to reported allegations of profiling based on multiple identity group characteristics. For example, a civilian may file a complaint alleging they experienced profiling based on both their age and nationality. This example would count as a single complaint with two types of alleged identity profiling.

Figure 70. Total Allegations of Racial and Identity Profiling Reported in 2023



B. Dispositions of Civilian Complaints for RIPA Agencies

In addition to the number of complaints received, RIPA agencies must report the disposition (i.e., outcome) of those complaints to Cal DOJ. Complaint dispositions are categorized as: "Sustained," meaning that the investigation disclosed sufficient evidence to prove the truth of the allegation in the complaint by a preponderance of evidence; "Exonerated," meaning the investigation clearly established that the employee's actions that formed the basis of the complaint were not a violation of law or policy; "Not Sustained," meaning the investigation failed to disclose sufficient evidence to clearly prove or disprove the complaint's allegation; and "Unfounded," meaning the investigation clearly established that the allegation is not true. [618]

RIPA agencies reported 14,444 civilian complaints received in 2023. Agencies reported a total of 15,525 complaints that reached a disposition during the calendar year.[619] Among the 15,525 complaints that reached a disposition in 2023, 1,069 were sustained (6.89%), 6,133 were exonerated (39.50%), 1,129 were not sustained (7.27%), and 7,194 were unfounded (46.34%).

Figure 71 also displays the distribution of disposition types within the 2023 data for (1) all complaints that reached disposition and (2) complaints of racial and identity profiling that reached disposition.[620] A total of 1,240 racial or identity profiling complaints reached disposition in 2023. Of these, four were sustained (0.32%), 86 were exonerated (6.94%), 93 were not sustained (7.50%), and 1,057 were unfounded (85.24%).[621]

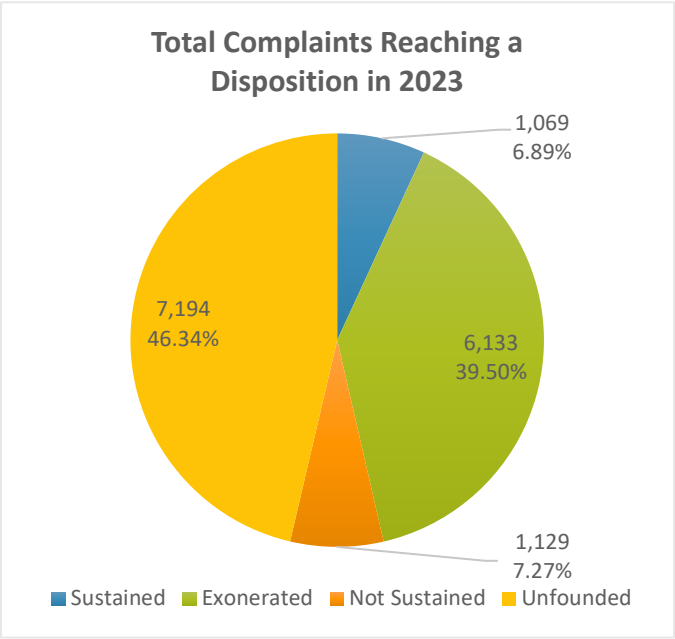
618 Pen. Code, § 13012, subd. (a)(5)(B).

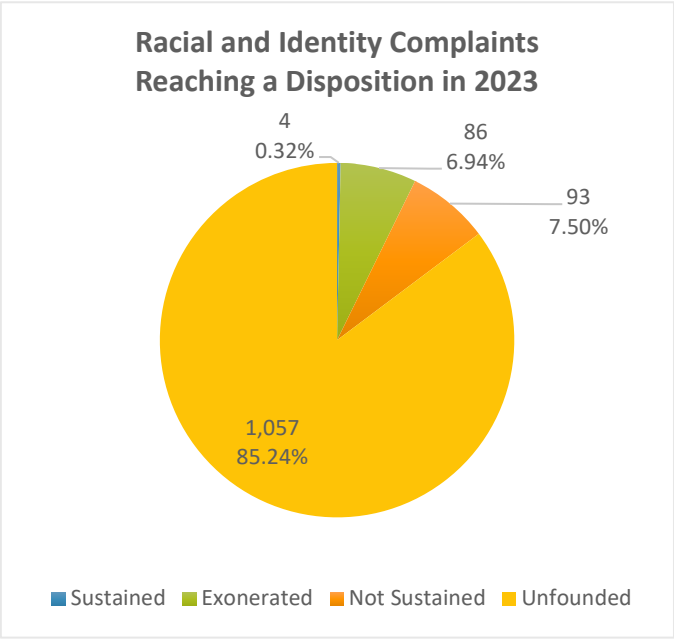
619 It is important to note that not every complaint reached disposition during the same year it was initially reported; therefore, with more complaints reaching disposition in 2023 than were reported in 2023, at least some complaints that appeared in the 2023 disposition categories were first reported in 2022 or earlier.

620 For an agency-level breakdown of how many racial and identity profiling complaints reached each disposition type in 2023, see Appendix A, Table A24.

621 The 2024 RIPA Report analyses were based on racial and identity profiling complaints reported in 2022. For consistency with the accompanying complaint disposition analysis this report's analyses shifted to using racial and identity profiling complaints reaching disposition in 2023 as the denominator.

Figure 71. Disposition Distribution of 2023 Complaints





C. Cross-Year Comparison

A cross-year comparison can aid in monitoring individual agencies from year to year and any policy changes in complaint procedures that may correlate with the changes. For example, radical differences in complaints from year to year should be looked at with caution to any connection to policy changes. Also, because complaint procedures are handled differently in each agency and there is not a uniform definition of civilian complaint, it is important to keep in mind when viewing these trends that high numbers of complaints may demonstrate a robust complaint review process, while others may be more indicative of an agency-wide problem.[622] For these reasons, it is imperative to view this data in relation to policies at individual agencies.

RIPA Complaint Data by Waves

To assist the large and diverse array of individual law enforcement agencies in California in implementing stop data requirements as smoothly as possible, RIPA structured the collection and reporting of stop and complaint data on a rolling basis, using the number of officers each agency employed in setting the timeline for reporting.[623] These groupings were informally termed "waves" due to the rolling nature of the data collection timeline.[624] For this year's report, the Board continues to report the RIPA complaint data using the wave designations.[625] This grouping allows for cross-year

622 See pages 232-234 of this report for a full discussion on the definition of civilian complaints.

623 Gov. Code, § 12525.5, subd. (a)(2).

624 Racial and Identity Profiling Advisory Board, *Annual Report* (2019) ("*2019 Report*") p. 14 <https://oag.ca.gov/sites/all/files/agweb/pdfs/ripa/ripa-board-report-2019.pdf> [as of Nov. 18, 2024]; Racial and Identity Profiling Advisory Board, *Annual Report* (2020) ("*2020 Report*") p. 17 <https://oag.ca.gov/sites/all/files/agweb/pdfs/ripa/ripa-board-report-2020.pdf> [as of Nov. 18, 2024].

625 Agencies employing more than 1,000 peace officers ("Wave 1") were first required to begin collecting data, followed by agencies employing 667 or more, but less than 1,000, peace officers ("Wave 2"), agencies employing 334 or more, but less than 667, peace officers ("Wave 3"), and agencies employing 1 or more, but less than 334, peace officers ("Wave 4"). (Cal. Gov. Code § 12525.5, subd. (a)(2); Racial and Identity Profiling Advisory Board, *2019 Report*, *supra* note 624, at p. 14; Racial and Identity Profiling Advisory Board, *2020 Report*, *supra* note 624, at p. 18; Racial and Identity Profiling Advisory Board, *Annual Report* (2021) ("*2021 Report*") pp. 8, 22. <https://oag.ca.gov/sites/all/files/agweb/pdfs/ripa/ripa-board-report-2021.pdf> [as of Nov. 18, 2024]; Racial and Identity Profiling Advisory Board, *Annual Report* (2022) ("*2022 Report*") p. 27 <https://oag.ca.gov/system/files/media/ripa-board-report-2022.pdf> [as of Nov. 18, 2024]; Racial and Identity Profiling Advisory Board, *Annual Report* (2023) ("*2023 Report*") pp. 32, 173

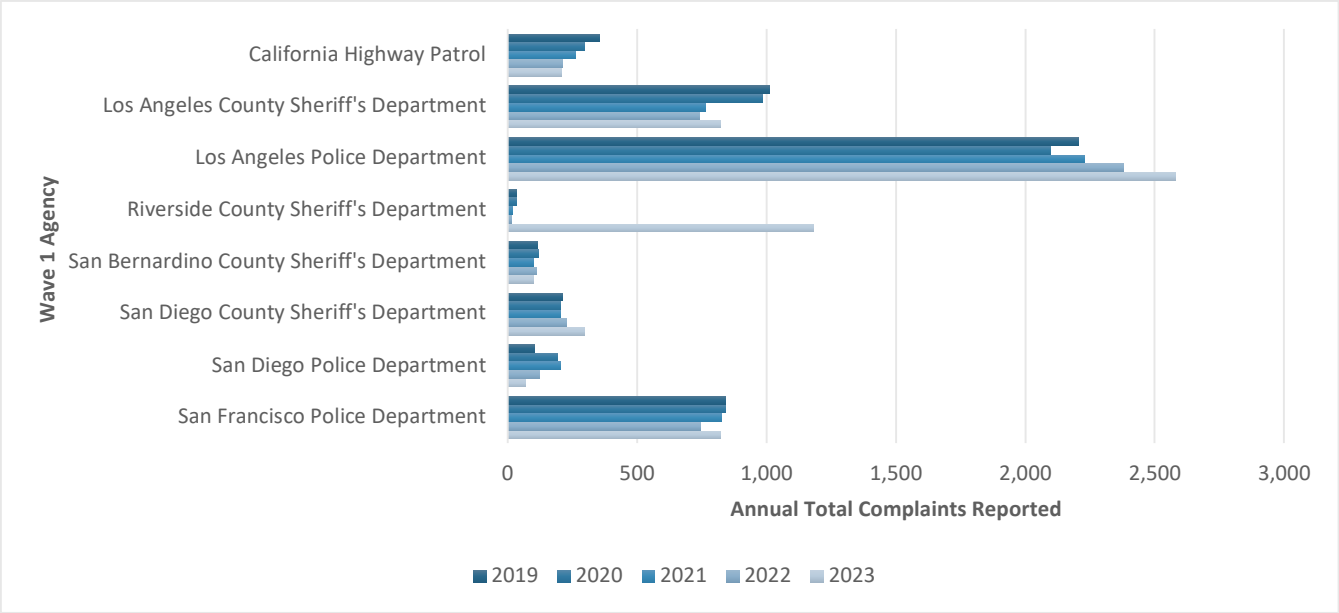
comparisons by agency size giving an opportunity to observe differences in policies and procedures that may have changed overtime. This also provides an opportunity to compare complaint data with agencies of similar sizes. The section below examines the data in these wave designations.

Figures 72 through 77 display the total number of complaints and the total number of complaints alleging racial and identity profiling submitted by all RIPA reporting agencies in Waves 1 through 3, across five years. Given that Wave 4 is over 400 agencies, aggregate cross-year comparisons are provided in the body of this section and the individual agency counts are provided in an appendix table.

Wave 1 Agency Total Complaints Reported (2019-2023)

In 2023, Wave 1 agencies reported 6,076 civilian complaints. This constituted a 33.42 percent increase relative to the total civilian complaints reported in 2022 (4,554), a 32.03 percent increase from 2021 (4,602), a 27.43 percent increase from 2020 (4,768), and 24.71 percent increase from 2019 (4,872). Three out of eight agencies experienced a decrease in the number of civilian complaints reported between 2022 and 2023. The agency that experienced the largest decrease was San Diego Police Department (43.55%, from 124 in 2022 to 70 in 2023).[626] In comparison, Riverside County Sheriff's Department experienced the largest relative increase (6,847.06%, from 17 in 2022 to 1,181 in 2023).

Figure 72. Wave 1 Total Annual Complaints Reported 2019-2023



Wave 1 Racial and Identity Profiling Complaints (2019-2023)

Figure 73 displays the total number of racial and identity profiling complaints reported by Wave 1 agencies from 2019 to 2023. The total number of racial and identity profiling complaints reported was 847 in 2023, which is a 22.05 percent increase from 2022 (694), a 3.55 percent increase from 2021 (818), a 22.40 percent increase from 2020 (692), and a 29.71 percent increase from 2019 (653).

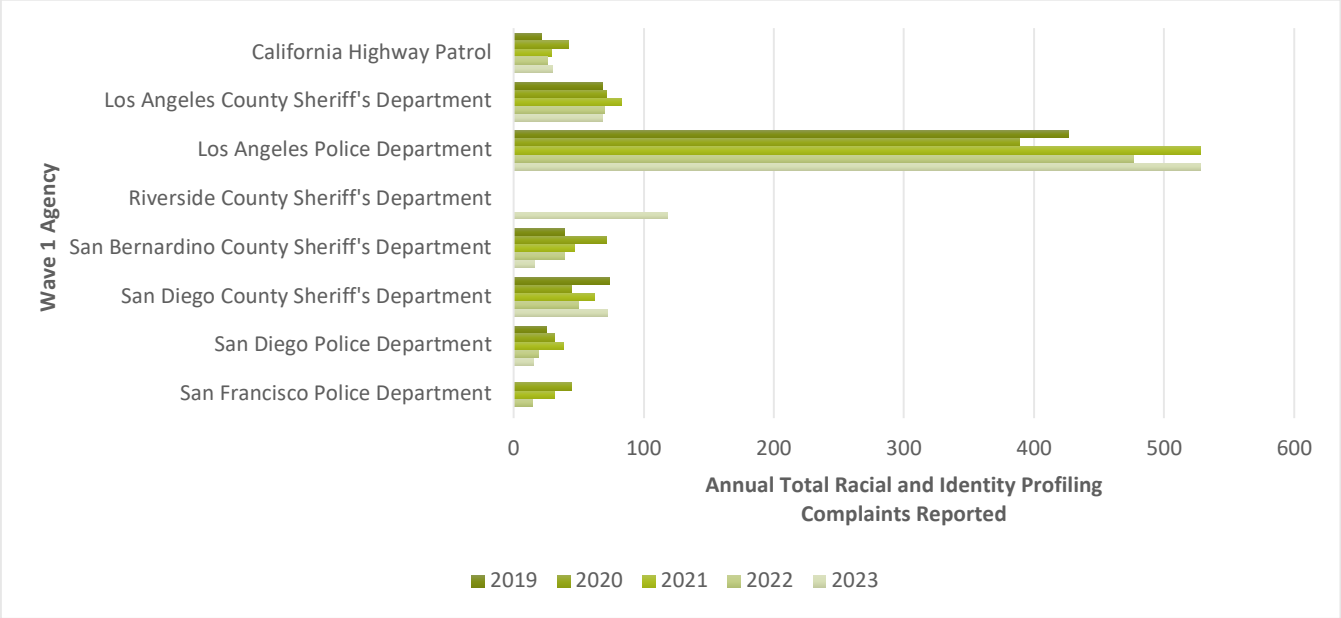
During the 2023 calendar year, half of Wave 1 agencies (4 out of 8) experienced a reduction in the number of racial and identity profiling complaints reported between 2022 and 2023. The San Francisco

<https://oag.ca.gov/system/files/media/ripa-board-report-2023.pdf> [as of Nov. 18, 2024].) Some agencies assigned to Wave 4 began collecting data early. (See Racial and Identity Profiling Advisory Board, *2022 Report, supra,* at pp. 13, 17, 147; Racial and Identity Profiling Advisory Board, *2023 Report, supra,* at p. 32.)

626 In 2020, San Diego Police Department's complaint forms did not include the Penal Code section 148.6 advisory warning. Between 2020, when the Board initially reviewed San Diego Police Department's complaint form, and 2024, the agency added the section 148.6 advisory warning to its complaint form. (See Table 8, *infra*.)

Police Department had the largest relative decrease (100.00%, from 14 in 2022 to 0 complaints in 2023). In contrast, the Riverside County Sheriff's Department went from not reporting any racial and identity profiling complaints since 2018 to reporting 118 in 2023.

Figure 73. Wave 1 Total Racial and Identity Profiling Complaints Reported



Wave 2 Agency Total Complaints Reported (2019-2023)

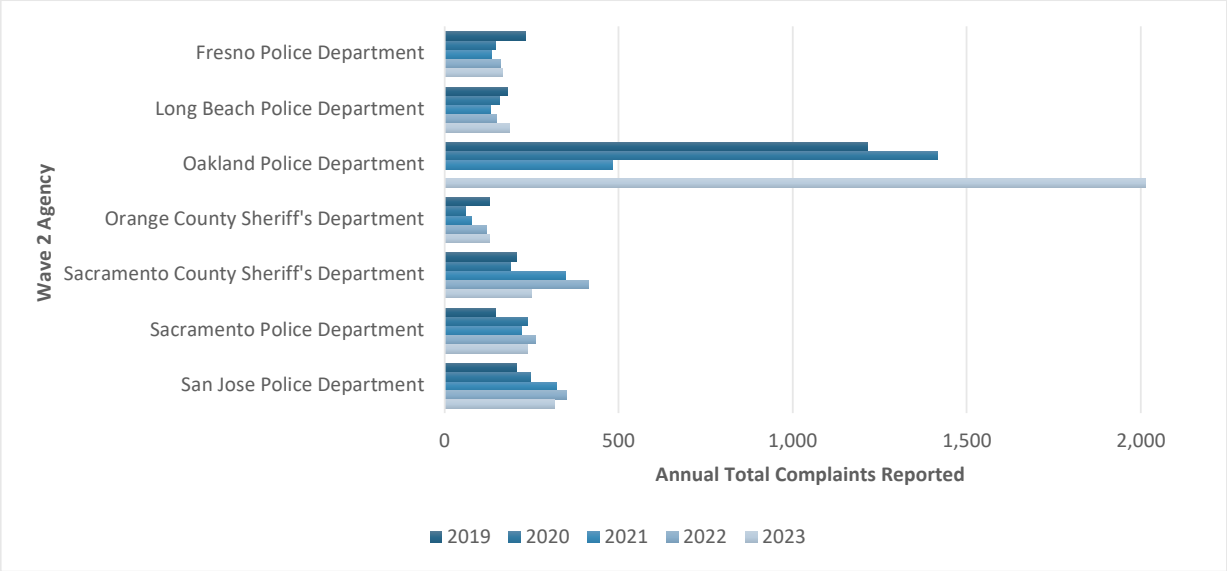
Wave 2 agencies reported 3,298 complaints in 2023, representing a 126.20 percent increase from 2022 (1,458), a 92.30 percent increase from 2021 (1,715), a 34.49 percent increase from 2020 (2,454), and a 42.59 percent increase from 2019 (2,313).

Half of Wave 2 agencies (3 out of 6)[627] experienced an increase in the total number of civilian complaints reported between 2022 and 2023. The agency that experienced the largest relative increase was the Long Beach Police Department (25.50%, from 149 in 2022 to 187 in 2023). Sacramento County Sheriff's Department experienced the largest relative decrease (39.61%, from 414 in 2022 to 250 in 2023).

It is important to note that the Oakland Police Department was unable to report complaint data within the reporting timeframe for 2022 due to a ransomware attack. Since the 2022 complaint totals for Wave 2 agencies do not include Oakland PD, a percent change is not directly comparable. In 2023, Oakland PD reported 2,012 total complaints, accounting for 61.02 percent of complaints for Wave 2 agencies. When excluding Oakland PD data to make 2022 and 2023 more comparable, Wave 2 agencies saw an 11.8 percent decrease from 1,458 complaints in 2022 to 1,286 in 2023.

627 Oakland Police Department was unable to report civilian complaint data for 2022 within the reporting timeframe due to a ransomware attack.

Figure 74. Wave 2 Total Complaints Reported



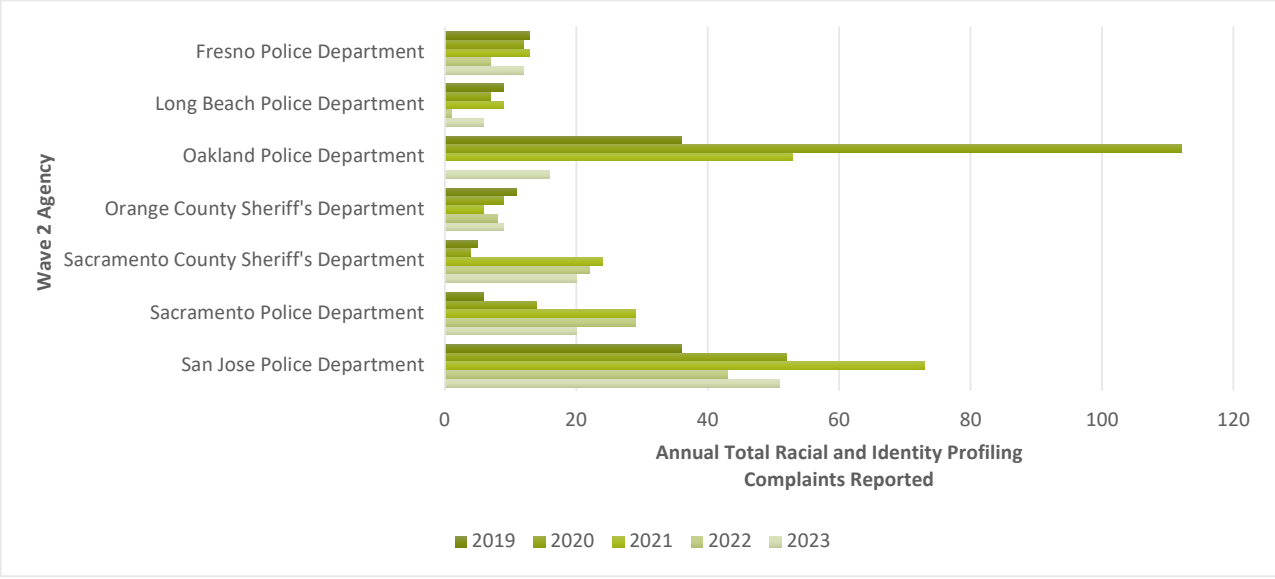
Wave 2 Racial and Identity Profiling Complaints (2019-2023)

Wave 2 agencies reported a 21.82 percent increase in racial and identity profiling complaints from 2022 to 2023 (from 110 in 2022 to 134 in 2023). This also marks a decrease in racial and identity profiling complaints relative to 2021 (down 35.27% from 207) and 2020 (down 36.19% from 210). However, 2023 is an increase from 2019 (up 15.52% from 116).

One third of Wave 2 (2 of 6) agencies reported a decrease in the number of racial and identity profiling complaints between 2022 to 2023. The Sacramento Police Department experienced the largest relative decrease (31.03%, from 29 in 2022 to 20 in 2023). The Long Beach Police Department experienced the largest relative increase (500.00%, from 1 in 2022 to 6 in 2023).

Oakland Police Department reported 16 racial and identity profiling complaints in 2023, or 11.94 percent of Wave 2 complaints. To compare a percent change for Wave 2 agencies with 2022, Wave 2 agencies, excluding Oakland PD, reported 118 racial and identity profiling complaints in 2023, for an increase of 8 complaints or 6.78 percent.

Figure 75. Wave 2 Total Racial and Identity Profiling Complaints Reported

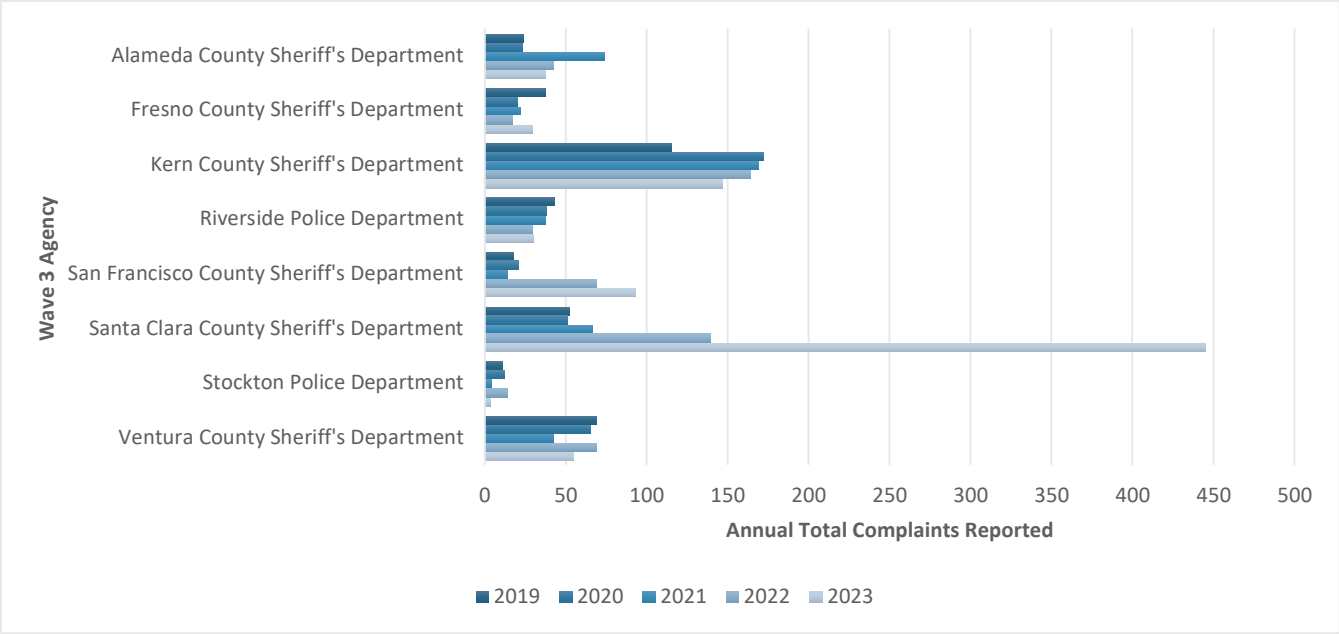


Wave 3 Total Complaints Reported (2019-2023)

Wave 3 agencies reported 839 complaints in 2023. This was a 54.51 percent increase from 2022 (543), a 96.03 percent increase from 2021 (428), a 108.71 percent increase from 2020 (402), and a 127.37 percent increase from 2019 (369).

Of the eight Wave 3 agencies, half (4 of 8) experienced a decrease in the total number of civilian complaints reported between 2022 and 2023 while the remaining four experienced an increase in total civilian complaints. The agency that experienced the largest decrease was the Stockton Police Department (78.57%, from 14 in 2022 to 3 in 2023). The Santa Clara County Sheriff's Department experienced the largest relative increase (220.14%, from 139 in 2022 to 445 in 2023).

Figure 76. Wave 3 Total Complaints Reported

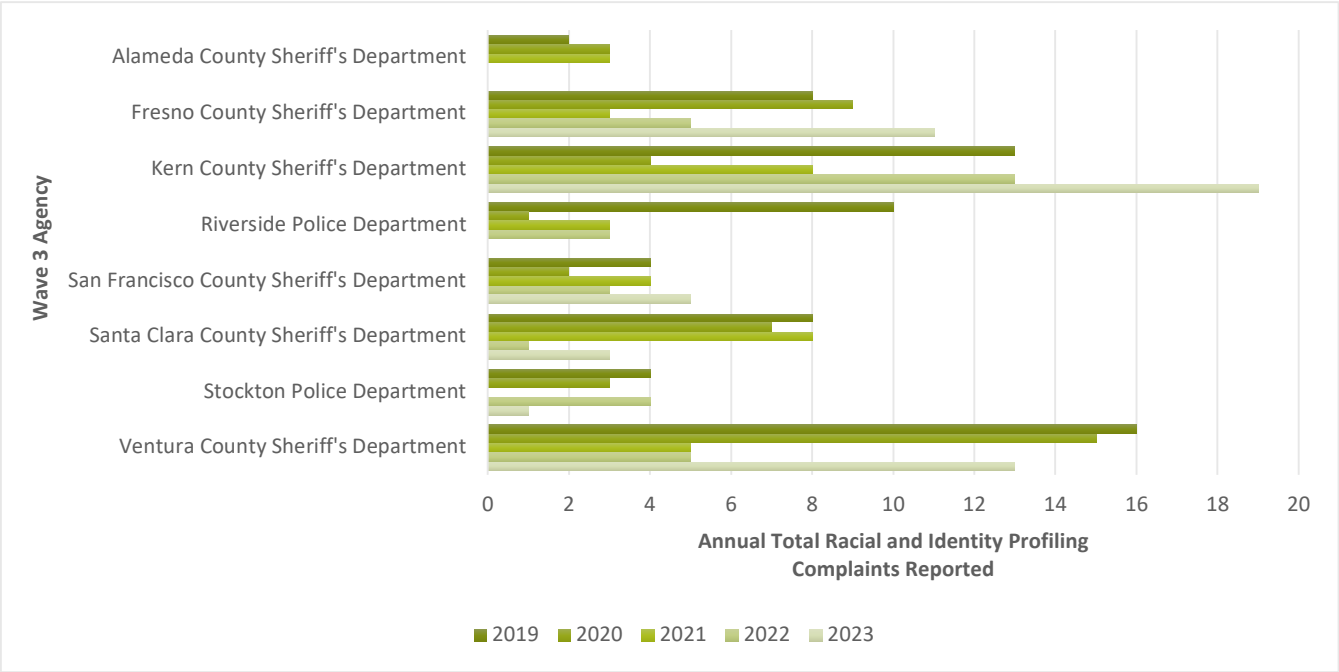


Wave 3 Racial and Identity Profiling Complaints (2019-2023)

Wave 3 agencies reported 52 racial and identity profiling complaints in 2023, a 52.94 percent increase over both 2022 and 2021 (both had 34 total racial and identity profiling complaints), an 18.18 percent increase from 2020 (44), and a 20.00 percent decrease from 2019 (65).

Over half (5 of 8) of Wave 3 agencies experienced an increase in racial and identity profiling complaints between 2022 and 2023, one agency (Alameda County Sheriff's Department) had no change in profiling complaints with zero reported for both 2022 and 2023. The agency with the largest relative increase was Santa Clara County Sheriff's Department (200.00%, from 1 in 2022 to 3 in 2023). Riverside Police Department reported a 100.00 percent decrease in racial and identity profiling complaints (from 3 in 2022 to 0 in 2023).

Figure 77. Wave 3 Total Racial and Identity Profiling Complaints Reported



Wave 4 Total Complaints Reported (2019-2023)

Wave 4 agencies reported 4,231 complaints in 2023. This was a 17.40 percent increase from 2022 (3,604), a 26.45 percent increase from 2021 (3,346), a 31.72 percent increase from 2020 (3,212), and a 17.95 percent increase from 2019 (3,587).[628]

Wave 4 Racial and Identity Profiling Complaints (2019-2023)

Wave 4 agencies reported a 5.82 percent decrease in racial and identity profiling complaints from 2022 to 2023 (from 395 in 2022 to 372 in 2023). This also constitutes a relative increase from the three preceding years: a 1.09 percent increase from 2021 (368), and an 11.71 percent increase from both 2020 and 2019 (333).[629]

The Board will continue to monitor reporting agencies' complaint data and recommend that agencies adopt policies that allow for a more robust and effective complaint process, including adopting a universal definition of civilian complaint. For more information on best practices and policies regarding complaints, please see part III of this chapter, Prior Recommendations and Follow-up on Implementation.

628 The number of Wave 4 agencies exceeds 400. Accordingly, complaint counts for all Wave 4 agencies cannot be displayed within a single graphic in the body of this report. Instead, the cross year total complaint and racial and identity complaint totals for individual agencies are contained within Appendix A, Tables A23, A24.

629 There were five Wave 4 agencies that did not report complaints data in 2022: Arvin Police Department, Irvine Valley College Police Department, Menifee Police Department, Rio Vista Police Department, and Tulelake Police Department. Rio Vista Police Department also did not report complaints data in 2023. The four agencies that did report complaints data in 2023 reported a total of 26 complaints (.61% of all Wave 4 complaints for 2023) and account for 4.15 percent of the increase in complaints from 2022 to 2023. These four agencies also reported one racial and identity profiling complaint in 2023 (.27% of racial and identity profiling complaints).

II. Youth and Civilian Complaints

The Board has long recognized that California youth are vulnerable to harm during police interactions.[630] The 2023 RIPA data show that youth are particularly vulnerable to the use of force during those interactions. For example, as discussed in detail in the Stop Data and Policy-Focused Data Analysis chapters, officers reported using lethal force during stops with youth, discharging their firearms in nine stops involving youth aged 15–17 and in three stops involving youth aged 12–14. Officers also reported pointing their firearms at 5,369 youth during stops.[631] Many of those stops involved youth 15–17 (1,240 stops) and youth 12–14 (195 stops). Less lethal force, like chemical sprays or electronic control devices, was also used in stops involving youth. For example, a chemical spray was used in at least four stops involving youth 8–14.[632] Among age categories, officers reported the highest percentage of handcuffing for youth 12–14 (27.19%, 2,895 stops).[633]

Consistent with the overall trend in the 2023 RIPA data, there are noticeable disparities in the use of force. Across all age groups, youth perceived to have a disability experienced the use of force during stops at a higher rate than youths with no perceived disabilities. Further, the RIPA data indicate there are clear racial disparities in the use of force during police stops of youth, with Black youth, Native American youth, and Hispanic/Latine(x) youth facing greater risk of use of force than White youth. For example, one analysis of the RIPA data found that Black youth who are handcuffed are also twice as likely as White youth to have a firearm pointed at them during a stop.[634] The Board is troubled by this data, especially when considering the developmental differences between youths and adults that make youth more vulnerable during encounters with police.[635]

Researchers have recognized the importance of understanding the power dynamics of the encounters between police and youth in reducing negative and harmful interactions and increasing law enforcement transparency and accountability when harmful interactions occur.[636] The RIPA stop data are one tool for gaining insight into the dynamics of stops involving youth. Another tool for monitoring these interactions to assess the risk of harm to youth more accurately from these interactions is the civilian complaint process. Further, as discussed in the previous chapter, SB 2, which authorizes POST to receive complaints of misconduct by officers directly from the public and decertify officers who have engaged in serious misconduct, provides an additional accountability tool through which communities and researchers can monitor and track problematic encounters to address misconduct that harms youth more effectively.[637] Increased and improved access to the civilian complaint process for police misconduct enhances equitable and accountable policing for all, including youth.

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630 See Racial and Identity Profiling Advisory Board, *Annual Report* (2024) ("*2024 Report*") pp. 107-109 <https://oag.ca.gov/system/files/media/ripa-board-report-2024.pdf> [as of Nov. 18, 2024]; Racial and Identity Profiling Advisory Board, *2023 Report*, *supra* note 625, at p. 107; Racial and Identity Profiling Advisory Board, *2022 Report*, *supra* note 625, at p. 110; see also Trejos-Castillo et al., *The Square One Project Learned Helplessness, Criminalization, and Victimization in Vulnerable Youth* (Dec. 2020) p. 5. <CJLJ8562-Vulnerable-Youth-Square-One-Report-201214-WEBv2.pdf> [as of Nov. 18, 2024].

631 See pages 39-42 of this report.

632 See page 23 of this report.

633 See page 22 of this report.

634 Appendix F. 4.

635 See pages 58-60 and 64-67 of this report.

636 See Geller and Fagan, *Police Contact and the Legal Socialization of Urban Teens* (2019) 5(1) The Russell Sage Foundation J. of the Social Sciences 27 <https://www.rsfjournal.org/content/5/1/26> [as of Nov. 18, 2024] (citing *Fragile Families and Child Wellbeing Study* (2020) Princeton U. [as of Nov. 18, 2024]).

637 For example, a national analysis of data for six large police departments that provided detailed demographic information on use-of-force incidents, found nearly 4,000 youth 17 and under experienced police violence from 2015 through 2020. Almost 800 of the children and teens — roughly a fifth of the total — were Black girls. White girls were involved in about 120 cases, representing only three percent of use-of-force incidents involving minors. (Li and Vansickle, *Police Hurt Thousands of Teens Every Year. A Striking Number Are Black Girls* (Nov. 2, 2021) The Marshall Project <https://www.themarshallproject.org/2021/11/02/police-hurt-thousands-of-teens-every-year-a-striking-number-are-black-girls> [as of Nov. 18, 2024].)

Currently, RIPA does not require the collection of complaint data specifying that a complainant is 24 or younger. Collecting that data would provide specific information about the quality of interactions between youth and law enforcement in a particular community, allowing more precise policymaking to address any concerning trends the data reveal about those interactions.

Policy Recommendation

The Board, therefore, makes the following policy recommendation with the goals of monitoring civilian complaints filed by or on behalf of youth, identifying problematic police practices that impact youth, and ensuring that police officers who harm this vulnerable population are held accountable. Specifically, the Board recommends:

> The Legislature explore amending Penal Code section 13012 to require law enforcement agencies to report the number of civilian complaints reported by or on behalf of complainants disaggregated by complainants who are 17 and younger and complainants who are 18 to 24 at the time of the underlying incident, if age is known or volunteered at the time the complaint is submitted. This reporting requirement would include complaints filed by a third party on behalf of someone 24 or younger.

III. Prior Recommendations and Follow-up on Implementation

A. Adopt Uniform Definition of "Civilian Complaints"

In 2020, the Board identified the need to define "civilian complaint" and, since 2022, has recommended legislative action.[638] Despite the Board's prior recommendation, in California, there is still no standard definition of "civilian complaint."[639] California law does not define the term, nor is there a professional or industry-wide standard on what constitutes a "civilian complaint."[640] As a result, law enforcement agencies decide on an agency-by-agency basis what counts as a "civilian complaint," leading to imbalances and variability in officer accountability across the state.

For example, one agency could decide that a verbal allegation of unprofessional behavior does not rise to the level of a "civilian complaint" and is merely an "informal complaint" or "inquiry" that triggers no accountability process. However, another agency could treat the same allegation as an event that prompts an internal affairs investigation. Further, variances in the definition and treatment of civilian complaints could also trigger discrepancies in agency reporting of RIPA data, leading some to underreport events that other law enforcement agencies reasonably interpret as complaints.

This variation in defining "civilian complaint" results in data collection efforts that are less consistent, producing less reliable data to inform policymaking around the issue of accountability. And, on a more immediate level, where a person's ability to successfully file a complaint depends on their local police agency's definition of "complaint," differences in the definition of "civilian complaint" can also lead to inconsistencies in the public's ability to access the complaint process.

638 Racial and Identity Profiling Advisory Board, *2020 Report*, *supra* note 624, at pp. 67-70; Racial and Identity Profiling Advisory Board, *2022 Report*, *supra* note 625, at p. 229; Racial and Identity Profiling Advisory Board, *2023 Report*, *supra* note 625, at p. 179; Racial and Identity Profiling Advisory Board, *2024 Report*, *supra* note 630, at pp. 195-196.

639 See Pen. Code, § 832.5; see also Racial and Identity Profiling Advisory Board, *2022 Report*, *supra* note 625, at pp. 227-229; Racial and Identity Profiling Advisory Board, *2023 Report*, *supra* note 625, at p. 179; Racial and Identity Profiling Advisory Board, *2024 Report*, *supra* note 630, at pp. 195-196.

640 See Gov. Code, § 12525.5; Cal. Code Regs., tit. 11, § 999.224; Pen. Code, §§ 148.6, 832.5, 832.7, 832.8; Racial and Identity Profiling Advisory Board, *2020 Report*, *supra* note 624, at pp. 65 ("[T]here is no professional consensus within California on a definition [of "complaint"]), 66 (finding that no Wave 1 reporting agency defined the term "civilian complaint" in its complaint policies).

Continued Relevance of Prior Policy Recommendation

This lack of consistency, and arguably the lack of accountability, concerns the Board greatly. As such, since 2022, the Board has recommended that the Legislature amend Penal Code section 832.5 to define "civilian complaint."[641] The Board has offered a specific definition, aimed not only at providing consistency in complaint procedures across California, but also to encourage greater accountability:

> *(1) Complaint means either of the following:*
>
> *(A) any issue brought to a department or agency where the complainant perceives that a department or agency employee engaged in criminal conduct, abusive or discriminatory behavior, inappropriate or discourteous conduct, or violation of any law or rules, policies, and regulations of the department or agency; or*
>
> *(B) disagreement solely with the policies, procedures, or services of the department or agency and not with the performance of any personnel. If during the course of investigating this type of complaint, conduct is discovered that could be the basis of a complaint under subdivision (1) (A), the investigator shall report this conduct to a supervisor, which should be logged, tracked, and investigated separately from the original complaint.*[642]

California has yet to adopt the Board's recommendation or any standard definition of civilian complaint.[643] The research and data analysis in this year's report provides additional support for this recommendation. Accordingly, the Board highlights its past recommendation that the Legislature amend Penal Code section 832.5 to define "civilian complaint" using the definition above.

B. Remove Deterrent Language from Complaint Forms

Basis for the Board's Prior Recommendation

In past reports, the Board has expressed concern that certain language found in civilian complaint forms could deter members of the public from filing complaints.[644] Specifically, the Board cautions that complaint forms that require a complainant to sign a written statement acknowledging that an individual may face criminal liability for filing a false complaint could discourage community members from submitting valid complaints.[645]

The Board is concerned the advisory language in Penal Code section 148.6, warning against filing a false complaint,[646] could have a chilling effect on members of the public seeking to file a complaint, especially since there are no statutory limitations on what types of "false" allegations that could result in prosecution (e.g., whether the inclusion of a single, inaccurate allegation that is not material

641 Racial and Identity Profiling Advisory Board, *2022 Report*, *supra* note 625, at p. 229; Racial and Identity Profiling Advisory Board, *2023 Report*, *supra* note 625, at p. 179; Racial and Identity Profiling Advisory Board, *2024 Report*, *supra* note 630, at pp. 195-196.

642 Racial and Identity Profiling Advisory Board, *2022 Report*, *supra* note 625, at p. 229; Racial and Identity Profiling Advisory Board, *2023 Report*, *supra* note 625, at p. 179; Racial and Identity Profiling Advisory Board, *2024 Report*, *supra* note 630, at pp. 195-196.

643 See Pen. Code, § 832.5.

644 Racial and Identity Profiling Advisory Board, *Annual Report* (2018) ("*2018 Report*") pp. 28-29 <https://oag.ca.gov/sites/all/files/agweb/pdfs/ripa/ripa-board-report-2018.pdf> [as of Nov. 18, 2024]; Racial and Identity Profiling Advisory Board, *2020 Report*, *supra* note 624, at pp. 73-75.

645 Racial and Identity Profiling Advisory Board, *2020 Report*, *supra* note 624, at p. 74; Racial and Identity Profiling Advisory Board, *2021 Report*, *supra* note 625, at p. 134, fn. 294; Racial and Identity Profiling Advisory Board, *2022 Report*, *supra* note 625, at p. 232; Racial and Identity Profiling Advisory Board, *2023 Report*, *supra* note 625, at pp. 182-183.

646 Penal Code section 148.6 provides that a law enforcement agency accepting an allegation of misconduct against a peace officer shall require complainants to read and sign an advisory that states, in part: "IT IS AGAINST THE LAW TO MAKE A COMPLAINT THAT YOU KNOW TO BE FALSE. IF YOU MAKE A COMPLAINT AGAINST AN OFFICER KNOWING THAT IT IS FALSE, YOU CAN BE PROSECUTED ON A MISDEMEANOR CHARGE." (Pen. Code, § 148.6, subd. (a)(2).)

to the claim of misconduct is enough for prosecution). The Board is also concerned that requiring an individual to sign an acknowledgement, in turn requiring a complainant to reveal their identity even if they wish to remain anonymous, could deter members of the public from submitting valid complaints.[647]

Given these concerns, the Board previously recommended that the Legislature delete or amend the advisory language in Penal Code section 148.6 to remove the advisory warning and the requirement that a complaint is signed and in writing.[648] To further reduce the risk that an advisory warning or signature requirement could deter the filing of a valid complaint, the Board has recommended in each report since 2018 that agencies accept anonymous complaints.[649] A complaint process that helps bring more information to an agency about its officers and its policies and practices is in the interest of all stakeholders.

Deterrent Language Still Present in Complaint Forms in 2024

Despite these valid concerns and the Board's prior recommendation, potentially deterrent language remains in many California civilian complaint forms.[650]

As of 2024, a survey of the 15 largest law enforcement agencies in California shows that 5 agencies still include potentially deterrent language, referencing the Penal Code section 148.6 advisory and/or the possibility of legal action for filing a false complaint, on their civilian complaint forms.[651] Four agencies (Riverside County Sheriff, Sacramento County Sheriff, San Bernardino County Sheriff, and San Diego County Sheriff) have continued to include potentially deterrent language on their complaint forms, and one agency (San Diego Police Department) has added this language to their civilian complaint form since the Board's initial review of their complaint form in 2020. Three agencies (Fresno Police Department, Orange County Sheriff's Department, and San Jose Police Department) have removed deterrent language from their civilian complaint forms since the Board initially reviewed their complaint forms in 2021.

647 Racial and Identity Profiling Advisory Board, *2020 Report*, *supra* note 624, at pp. 73-75.

648 *Id.* at pp. 74-75; Racial and Identity Profiling Advisory Board, *2021 Report*, *supra* note 625, at p. 134, fn. 294; Racial and Identity Profiling Advisory Board, *2022 Report*, *supra* note 625, at p. 232; Racial and Identity Profiling Advisory Board, *2023 Report*, *supra* note 625, at pp. 182-183.

649 Racial and Identity Profiling Advisory Board, *2019 Report*, *supra* note 624, at p. 69; Racial and Identity Profiling Advisory Board, *2020 Report*, *supra* note 624, at pp. 71, 74-75; Racial and Identity Profiling Advisory Board, *2021 Report*, *supra* note 625, at pp. 89, 134, fn. 294; Racial and Identity Profiling Advisory Board, *2022 Report*, *supra* note 625, at p. 231; Racial and Identity Profiling Advisory Board, *2023 Report*, *supra* note 625, at p. 180; Racial and Identity Profiling Advisory Board, *2024 Report*, *supra* note 630, at p. 177.

650 In its inaugural 2018 Report, the Board reviewed the civilian complaint forms of 85 agencies and found that many included the Penal Code section 148.6 advisory language. (See Racial and Identity Profiling Advisory Board, 2018 Report, *supra* note 644, at pp. 28-29.) The Board more closely examined the complaint forms of the 15 largest California law enforcement agencies in its 2020 and 2021 Reports and found that a slight majority did not include the advisory in their complaint forms, however the advisory was present in 7 agencies' complaint forms. (See Racial and Identity Profiling Advisory Board, *2020 Report*, *supra* note 624, at pp. 74, 87-90; Racial and Identity Profiling Advisory Board, *2021 Report*, *supra* note 625, at pp. 129-134; Racial and Identity Profiling Advisory Board, *2022 Report*, *supra* note 625, at pp. 211-226.)

651 See Appendix H.

Table 8. Agency's Complaint Form Includes Deterrent Language

Agency	2020/2021[652]	2024
California Highway Patrol	No	No
Fresno Police Department	Yes	No
Los Angeles Police Dept.	No	No
Los Angeles County Sheriff	No	No
Long Beach Police Dept.	No	No
Oakland Police Dept.	No	No
Orange County Sheriff	Yes	No
Riverside County Sheriff	Yes	Yes
Sacramento Police Dept.	No	No
Sacramento County Sheriff	Yes	Yes
San Bernardino County Sheriff	Yes	Yes
San Diego Police Dept.	No	Yes
San Diego County Sheriff	Yes	Yes
San Francisco Police Dept.	No	No
San Jose Police Dept.	Yes	No

Recent Developments Regarding the Enforceability of Penal Code Section 148.6

As discussed in the Board's 2023 Report, the constitutionality of Penal Code section 148.6 is currently under consideration in the matter of *Los Angeles Police Protective League v. City of Los Angeles* (Cal. Case No. S275272), indicating a continuing need for legislative clarification and intervention.[653] The California Supreme Court is currently considering three issues: (1) whether the advisory requirement in Penal Code section 148.6, subdivision (a)(2) constitutes improper viewpoint discrimination in violation of the First Amendment; (2) whether the advisory requirement imposes an impermissible burden on complainants' ability to file allegations of misconduct against peace officers; and (3) whether it was an error to compel the City to comply with a statute that the Ninth Circuit Court of Appeals found unconstitutional.[654] The matter is still pending as of the date of publication of the report.

Continued Relevance of Prior Policy Recommendations

Given the uncertainty regarding the enforceability of Penal Code section 148.6, the Board highlights its prior recommendation that law enforcement agencies accept and investigate all complaints, even when a complainant has not signed the advisory required by section 148.6.[655] This prior recommendation is consistent with SB 2, which allows POST to accept anonymous complaints and does not require complainants to identify themselves when attesting to the truthfulness of their allegations.[656] It is also

652 See Racial and Identity Profiling Advisory Board, 2021 Report, supra note 625, at p. 127.
653 Racial and Identity Profiling Advisory Board, *2023 Report*, *supra* note 625, at pp. 182-183.
654 *L.A. Police Protective League v. City of L.A.* (2022) 514 P.3d 892 (review granted).
655 Racial and Identity Profiling Advisory Board, *2023 Report*, *supra* note 625, at p. 183; Racial and Identity Profiling Advisory Board, *2021 Report*, *supra* note 625, at p. 134, fn. 294; Racial and Identity Profiling Advisory Board, *2020 Report*, *supra* note 624, at p. 74.
656 See Cal. Com. on Peace Officer Stds. and Training, Complaint Form <https://post.ca.gov/public-complaint-form> [as of Nov. 18, 2024] (stating that POST will accept a complaint even if the complainant "wish[es] to remain anonymous," only requiring the complainant to acknowledge that they have read the information on the Police Complaints

consistent with the U.S. Department of Justice's recommendation that, "[u]nless required by law, no threats or warning of prosecution or potential prosecution for filing a false complaint should be made orally or in writing to a complainant or potential complainant."[657]

Lastly, the Board will continue to monitor *Los Angeles Police Protective League v. City of Los Angeles* (Cal. Case No. S275272). If the California Supreme Court upholds Penal Code section 148.6, legislative action may be necessary to minimize the statute's potential deterrent effect.[658]

C. Legislative Response to the Board's Prior Recommendations

On February 15, 2024, the California Legislature introduced Assembly Bill No. 2923 (2023-2024 Reg. Sess.) (AB 2923), which sought, in part, to address the Board's past recommendations by seeking to ensure a "procedurally fair civil complaint process."[659]

In part, AB 2923 proposed amending Penal Code section 832.5 to define "civilian complaint."[660] Additionally, AB 2923 sought to amend Penal Code section 148.6 to add an intent requirement for false complaints, such that a complainant must knowingly and intentionally submit a false statement that is material to the complaint allegations to be prosecuted.[661] The bill's sponsor, Assembly Member Reginald Jones-Sawyer, emphasized that, as currently written, Penal Code section 148.6 is very broad, meaning that prosecution for filing a false complaint could be based on a fact that is not material to the allegation or is simply a mistake of fact.[662] However, "mistakes over minor details of an incident should not bring forth prosecution."[663]

The Board commends the Legislature for introducing legislation related to the Board's concerns regarding the lack of a uniform "civilian complaint" definition and the inclusion of potentially deterrent language on civilian complaint forms. However, as no legislative amendments have been enacted, the Board highlights its past recommendations that the Legislature amend Penal Code sections 832.5 and 148.6 in accordance with the discussion above.

IV. Applying Root Cause Analysis to Civilian Complaints

Last year, the Board urged law enforcement agencies to approach complaints as an opportunity to identify areas for improvement within their agency.[664] To that end, the Board began exploring the underlying principles of root cause analysis and encouraged law enforcement agencies to incorporate those principles into their civilian complaint procedures.[665] Specifically, the Board explored when root cause analysis should be conducted, who should conduct it, and general considerations for how it should be conducted.[666]

Webpage and that the information they alleged is "true and accurate").

657 U.S. DOJ, *Standards and Guidelines for Internal Affairs: Recommendations from a Community of Practice*, Community Oriented Policing Services, p. 17 <https://portal.cops.usdoj.gov/resourcecenter/RIC/Publications/cops-p164-pub.pdf> [as of Nov. 18, 2024].

658 Racial and Identity Profiling Advisory Board, *2020 Report*, *supra* note 624, at p. 74 (recommending that the Legislature amend Penal Code section 148.6 to delete or revise the criminal sanctions provision and eliminate the signature and writing requirements for complaints because these provisions may deter individuals from submitting valid complaints); Racial and Identity Profiling Advisory Board, *2021 Report*, *supra* note 625, at p. 134, fn. 294 (same); Racial and Identity Profiling Advisory Board, *2022 Report*, *supra* note 625, at p. 232 (same); Racial and Identity Profiling Advisory Board, *2023 Report*, *supra* note 625, at pp. 182-183 (same).

659 Cal. Assem., Public Safety Com. Hearing (Apr. 2, 2024) at 5:03:37-5:05:15 <https://www.assembly.ca.gov/media/assembly-public-safety-committee-20240402> [as of Nov. 18, 2024].

660 See AB 2923 https://legiscan.com/CA/text/AB2923/id/2930681 [as of Nov. 18, 2024].

661 *Ibid.*

662 Cal. Assem., Public Safety Com. Hearing, *supra* note 659, at 5:03:37-5:05:15.

663 *Ibid.*

664 Racial and Identity Profiling Advisory Board, *2024 Report*, *supra* note 630, at pp. 200, 203.

665 *Id.* at pp. 199-203.

666 *Id.* at pp. 201-203.

This year, the Board continues its exploration of root cause analysis by analyzing its use in other industries to help inform the development of effective procedures to investigate and identify the root causes of civilian complaints. The Board hopes to continue this discussion in future reports — with input from law enforcement, experts, and members of the public — to develop specific recommendations on when and how to conduct root cause analysis of civilian complaints.

A. Key Principles of Root Cause Analysis

As discussed in the 2024 Report, root cause analysis is a problem-solving technique aimed at identifying the underlying causes of a negative or unwanted event and implementing changes to reduce the likelihood that a similar event will happen again.[667] It is usually a part of — or sometimes used interchangeably with — a "sentinel event review."[668] The concept of root cause analysis derives from the idea that human errors are the product of multiple factors — both organizational and individual — none of which necessarily caused the unwanted outcome on its own.[669] Moreover, root cause analysis derives from the recognition that human errors are inevitable; therefore, it is more productive to address systems that contribute to or allow errors — such as staffing, time pressure, equipment failures, fatigue, and inexperience — than it is to address human factors, such as limitations on perception, cognition, or decision-making.[670]

At its core, root cause analysis is a non-blaming process that allows organizations to learn from unwanted outcomes.[671] This means it should be separate from any administrative or disciplinary investigation process, so that participants will feel comfortable sharing information freely.[672] Root cause analysis is also a proactive approach to addressing errors or unwanted outcomes, meaning a standard procedure and ground rules for root cause analysis should be decided before an unwanted outcome occurs.[673]

While specific procedures for root cause analysis may vary from industry to industry,[674] and even from organization to organization, root cause analysis generally includes the following steps:[675]

667 *Id.* at pp. 199-203; Hollway et al., *Root Cause Analysis: A Tool to Promote Officer Safety and Reduce Officer Involved Shootings Over Time* (2017) 62 Vill. L. Rev. 883, 884, 903.

668 See Fagan and Campbell, *Race and Reasonableness in Police Killings* (2020) 100 Boston U. L. Rev. 951, 1006; Hollway et al., *Root Cause Analysis: A Tool to Promote Officer Safety and Reduce Officer Involved Shootings Over Time*, *supra* note 667, at p. 889; Hollway and Grunwald, *Applying Sentinel Event Reviews to Policing* (2019) Faculty Scholarship at Penn Law. 2100, p. 1 (sentinel event reviews are a "voluntary, multi-stakeholder, non-punitive review of [] an undesired outcome").

669 See Agency for Healthcare Research and Quality, *Root Cause Analysis* (2019) <https://psnet.ahrq.gov/primer/root-cause-analysis> [as of Nov. 18, 2024] ("A central tenant of root cause analysis is to identify underlying problems that increase the likelihood of errors while avoiding the trap of focusing on mistakes by individuals").

670 See Schwartz, *Systems Failures in Policing* (2018) 51 Suffolk U. L.Rev. 535, 537, 541.

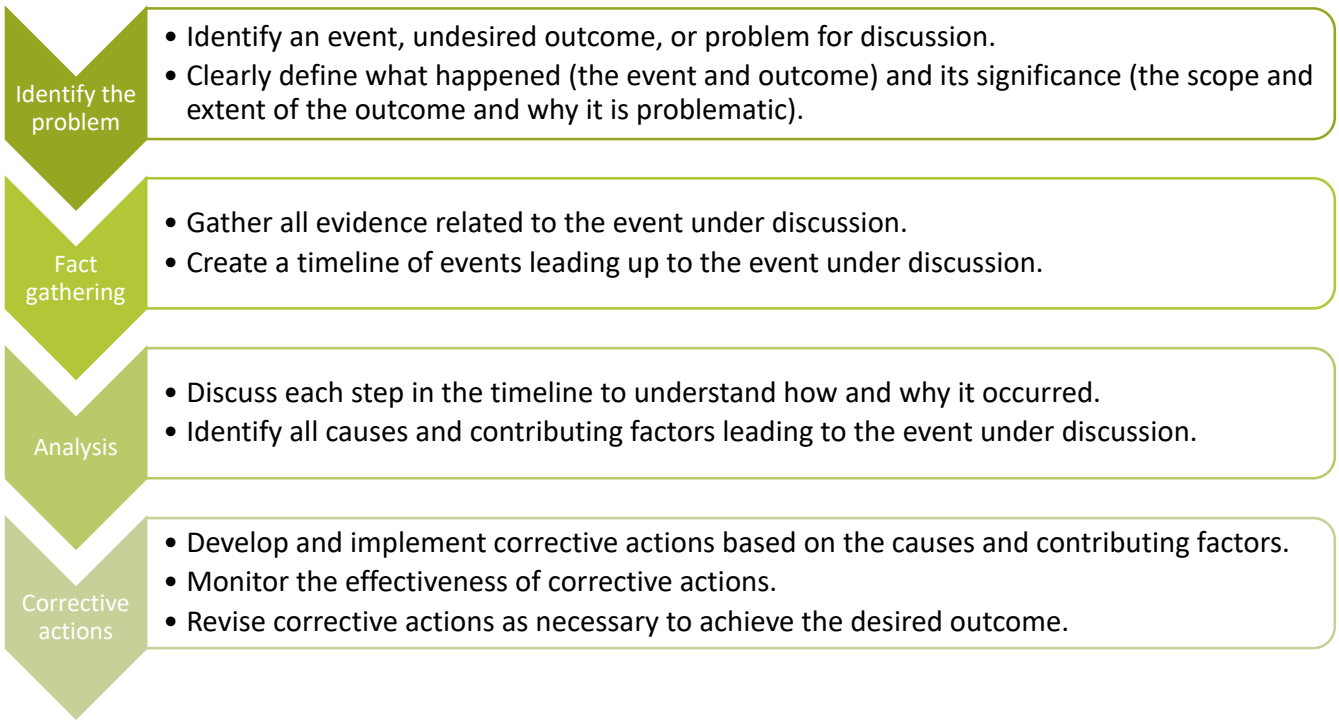
671 See Hollway et al., *Root Cause Analysis: A Tool to Promote Officer Safety and Reduce Officer Involved Shootings Over Time*, *supra* note 667, at pp. 903-904 (stating that root cause analysis "operates without the presumption that someone is 'blameworthy.' … The blame-free analysis is crucial to [root cause analysis] because blaming and punishing people with good intentions for adverse events alienates the very people who may be in the best position to prevent the problem from occurring or have the most relevant knowledge of how to design solutions").

672 See Fagan and Campbell, *supra* note 668, at p. 1006 ("[Root cause analysis] models are not substitutes for accountability mechanisms but rather provide a constructive component with which officers can update and internalize alternatives available for future situations"); Aguirre, *Beyond Bad Apples: Adopting Sentinel Event Reviews in Nevada's Criminal Justice System* (2018) 18 Nev. L.J. 1059, 1067 (sentinel event reviews do not replace liability procedures).

673 See Agency for Healthcare Research and Quality, *supra* note 669 ("RCAs should generally follow a prespecified protocol"). For the Board's prior discussion of ground rules for root cause analysis, please see *2024 Report*, *supra* note 630, at pp. 200-203.

674 Raper et al., *Using Root Cause Analysis to Study Prosecutorial Error: A Collaboration Between the Montgomery County (Pennsylvania) District Attorney's Office and the Quattrone Center for the Fair Administration of Justice* (2017) 62 Vill. L.Rev. Tolle Lege 13, 38 ("[T]he process of performing a [] [root cause analysis] lacks standardization from organization to organization").

675 See Agency for Healthcare Research and Quality, *supra* note 669 ("RCAs should generally follow a prespecified protocol that begins with data collection and reconstruction of the event in question through record review and



First, the problem under consideration must be clearly and specifically defined.[676] The team conducting the root cause analysis must reach an agreement about the specific problem or event under consideration (e.g., the event that happened, the resulting impact, and the scope, extent, and significance of the problem).[677] The process of defining the problem should be based on objective evidence, not subjective perception.[678]

participant interviews. A multidisciplinary team should then analyze the sequence of events leading to the error, with the goals of identifying how the event occurred (through systematic identification and analysis of latent errors)."); Bressler, *The Sentinel Event Policy: A Response by the Joint Commission* (Summer 2000) 33 HOSPLW 519 (noting that a reduction of medical errors depends on identification of errors that occur, analysis of each error to determine the underlying factors, compilation of data about error frequency and the type and root causes of these errors, dissemination of information about these errors and their root causes, and periodic assessment of the effectiveness of efforts taken to reduce the risk of errors); Flanders and Saint, *Getting to the Root of the Matter* (June 1, 2005) AHRQ <https://psnet.ahrq.gov/web-mm/getting-root-matter> [as of Nov. 18, 2024] (analyzing the root causes of a wrong-dose event by implementing a multidisciplinary team, gathering data, analyzing the contributing factors, and developing systems-oriented solutions); National Commission on Forensic Science, *Root Cause Analysis (RCA) in Forensic Science* (Jan. 27, 2017) <https://perma.cc/5YWD-G8YZ> [as of Nov. 18, 2024] (identifying steps to conduct root cause analysis of forensic science errors, including identifying the problem (what went wrong), identifying the root cause and contributing factors (why it went wrong), prioritizing the factors that contributed to the harm, and developing interventions that conform with the prioritization and likelihood of various factors repeating).

676 See *Root Cause Analysis and Problem Solving* (April 2014) IAQG, p. 35 <https://perma.cc/LC7T-YQNB> [as of Nov. 18, 2024].

677 See *ibid.*

678 See *ibid.*

Once the problem is defined, the team should gather and review all available evidence related to the event under consideration and use that information to develop a timeline leading up to the outcome under examination.[679] Each step in the timeline should derive from the preceding event.[680]

Next, the team should discuss each step leading to the event under consideration, with the intent of understanding why each step occurred the way that it did.[681] This inquiry is the core of root cause analysis. The goal is to understand what factors caused the event, and what factors contributed to or allowed the event to unfold as it did.[682] Here, teams should use structured analysis to identify all causes that did or may have generated or contributed to the undesirable event under consideration and select the most critical causes and contributing factors that need to be addressed.[683] It is important to focus on objective causes and minimize the injection of "bad apple" theories of causation into these discussions when possible.[684]

Once the underlying causes and contributing factors have been identified, the team should develop and implement corrective actions to address them, with the goal of preventing the same outcome in the future.[685] Corrective actions that address underlying causes and contributing factors — such as improving staffing levels or organizational resources — are generally thought to be stronger than training.[686] Information learned during the analysis of the event should be widely disseminated throughout the organization.[687] The team should prioritize the factors that contributed to the harm, evaluating their severity and the probability that they will cause harm in the future, then develop interventions and corrective actions based on the likelihood that the various factors will recur.[688]

Finally, once the corrective actions have been implemented, it is important to monitor their efficacy and make revisions if they are not working.[689]

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679 See Browning et al., *Paving the Way: Lessons Learned in Sentinel Event Reviews* (Nov. 2015) National Institute of Justice, p. 9 <https://www.ojp.gov/pdffiles1/nij/249097.pdf> [as of Nov. 18, 2024] (suggesting that agencies conducting sentinel event reviews "[d]evote time to building and reviewing a timeline to fill in gaps in individual knowledge of what happened and when"); Hollway and Grunwald, *Applying Sentinel Event Reviews to Policing, supra* note 668, at pp. 17-18 (noting that the moderator of sentinel event review of the Lex Street Massacre prepared a "detailed timeline of people, places, and actions – beginning with the crime itself and leading up to the discovery of the error," which then helped identify potential participants in the review); American Society for Quality, *What Is Root Cause Analysis (RCA)?* <https://asq.org/quality-resources/root-cause-analysis> [as of Nov. 18, 2024] (describing one approach to root cause analysis — events and causal factor analysis — which involves using methodically gathered evidence to establish a timeline for the activities leading up to an incident, then identifying the causal and contributing factors).

680 See Hollway and Grunwald, *Applying Sentinel Event Reviews to Policing, supra* note 668, at pp. 17-18 (noting that the moderator of sentinel event review of the Lex Street Massacre prepared a "detailed timeline of people, places, and actions – beginning with the crime itself and leading up to the discovery of the error," which then helped identify potential participants in the review); Flanders and Saint, *supra* note 675 (recommending that every provider contact with a patient and every order, test, and response should be charted to develop a timeline that can be used to observe all steps involved in the care of the patient, to better evaluate what contributed to an incorrect medication dosage being administered).

681 See Flanders and Saint, *supra* note 675 (recommending that every provider contact with a patient and every order, test, and response should be gathered to conduct a root cause analysis related to the administration of an incorrect medication dosage); Tobin and Tochen, *The Anatomy of an NTSB Accident Investigation: A Guide for "Parties-to-the-Investigation" & Their Lawyers* (April 2013) NTSB, p. 2 <https://perma.cc/3MSD-7677> [as of Nov. 18 2024] (noting that the NTSB spends several months gathering facts to conduct a root cause analysis).

682 See *Root Cause Analysis and Problem Solving, supra* note 676, at p. 53.

683 See *ibid.*

684 See National Commission on Forensic Science, *supra* note 675.

685 See *Root Cause Analysis and Problem Solving*, *supra* note 676, at p. 65 <https://perma.cc/LC7T-YQNB> [as of Nov. 18, 2024].

686 See Agency for Healthcare Research and Quality, *supra* note 669 (noting that safety experts agree that effective root cause analysis requires focusing on stronger, systems-focused solutions, as opposed to overreliance on weaker solutions, such as educational interventions and enforcing existing policies).

687 See *Root Cause Analysis and Problem Solving, supra* note 676, at p. 73.

688 National Commission on Forensic Science, *supra* note 675.

689 See *Root Cause Analysis and Problem Solving, supra* note 676, at p. 68.

B. Root Cause Analysis in Transportation and Healthcare

Root cause analysis has been successfully applied in complex settings, such as aviation healthcare, by developing a culture of learning to minimize the likelihood of unwanted outcomes. In recent years, law enforcement has begun to draw from lessons learned in these industries to implement root cause analysis after certain events, such as officer shootings and in-custody deaths. The Board provides a summary of root cause analyses in each of these industries to demonstrate how law enforcement can benefit from information learned from these industries in applying root cause analysis to civilian complaints.

Aviation and Transportation

Aviation is widely regarded as the poster child of successful root cause analysis.[690] Commercial aviation has experienced significant improvements to safety over time due, in part, to systematic review of accidents and "close call" incidents.[691]

Two primary agencies drive root cause analysis in aviation: the National Transportation Safety Board (NTSB) and the Aviation Safety Reporting System (ASRS). The NTSB conducts after-action reviews of all aviation accidents in the United States.[692] The NTSB learns of these events through required notifications from transportation providers, as well as from publicly available reports and state and local authorities.[693] The NTSB then "investigates everything from aircraft hardware to weather to pilot decision-making in order to determine what happened,"[694] identify the probable cause(s) of the incident, and then determine what measures would best tend to prevent similar incidents in the future.[695] The investigation begins with a visit to the crash site and may include witness interviews conducted under oath and sometimes public hearings.[696] This process can take months.[697] Once the investigation concludes, the team drafts a report that includes proposed findings of probable cause and safety recommendations.[698] The NTSB then issues recommendations.[699]

Similarly, the ASRS was designed by the Federal Aviation Administration (FAA) to analyze voluntarily submitted incident reports from pilots, air traffic controllers, dispatchers, cabin crew, maintenance crew, and others and identify the hazardous or dangerous conditions ground-level practitioners and experts recognized as posing risks to safety.[700] ASRS reviews de-identified information gathered through voluntary reporting,[701] then issues reports and observations regarding the cause(s) of aviation incidents after the incident is reviewed by aviation safety experts (including experienced pilots, air traffic controllers, and mechanics).[702] However, unlike the NTSB, the ASRS does not issue corrective actions itself; it provides information to other authorities, such as the FAA, who can then take corrective actions.[703]

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690 See Armacost, *Police Shootings: Is Accountability the Enemy of Prevention?* (2019) 90 Ohio St. L.J. 907, 926; Rossmo and Pollock, *Confirmation Bias and Other Systemic Causes of Wrongful Convictions: A Sentinel Events Perspective* (Summer 2019) 11 Ne. U. L. Rev. 790, 795 ("The best-known example of the sentinel event approach is the after-action reviews by the National Transportation Safety Board").

691 Armacost, *supra* note 690, at p. 927; Rossmo and Pollock, *supra* note 690, at p. 794 ("As a result [of NTSB after-action reviews], the aviation industry has experienced significant increase in safety").

692 Armacost, *supra* note 690, at p. 927.

693 Tobin and Tochen, *supra* note 681, at p. 2.

694 Rossmo and Pollock, *supra* note 690, at p. 795.

695 Tobin and Tochen, *supra* note 681, at p. 2.

696 *Ibid.*

697 *Ibid.*

698 *Ibid.*; Armacost, *supra* note 690, at p. 927.

699 See Tobin and Tochen, *supra* note 681, at p. 2.

700 Armacost, *supra* note 690, at pp. 928-929.

701 *Ibid.*

702 See Plantz, *The Patient Safety and Quality Improvement Act: A Total Eclipse* (Spring 2019) 87 UMKC L. Rev. 751, 771-72; Armacost, *supra* note 690, at p. 929.

703 See Plantz, *supra* note 702, at pp. 771-772.

Beyond these national organizations, agencies within the transportation industry have also developed varying root cause analysis procedures.[704] Moreover, the principles of root cause analysis have been applied beyond aviation to the transportation sector generally to address issues such as traffic safety.[705]

Healthcare

Root cause analysis is also routinely used in the medical field[706] to address a broad range of incidents, like operations on the wrong patient,[707] incorrect medication orders and/or dosages,[708] and infant abductions.[709] However, that was not always the case.[710] Traditionally, "efforts to 'correct' [an] error [in the medical field were] narrowly reactive, focusing on shaming, blaming, and training the individual to prevent the error's occurrence from being repeated by the specific person who erred."[711] However, attitudes within the medical field began to shift after the Institute of Medicine released an article titled *To Err is Human* in 1999, estimating that 44,000 to 98,000 patients died from medical errors each year that are often caused by "system-wide weaknesses in policy, organization, equipment, and technology."[712] Following this article, there was a "seismic shift in medicine's approach to error," with the industry beginning to accept the "notion that medical error is frequent; that error is inevitable in high-stress, complex settings; and that by improving systems — including policies, organization, protocols, and technologies — hospitals can make it more difficult for human error to occur."[713] In part, the medical field looked to aviation to develop a forward-looking, systems-oriented review method.[714]

The Joint Commission, an organization that regulates and accredits hospitals in the United States, mandates that hospitals use root cause analysis to analyze sentinel events.[715] After an event results in death or harm to a patient, hospitals must use root cause analysis to identify the reasons it occurred and corrective measures for improvement.[716] Once corrective measures are implemented, hospitals

704 See *Root Cause Analysis and Problem Solving, supra* note 676, at p. 19.

705 See, e.g., Fleet Forum, *Analyzing and Investigating Road Traffic Crashes* <https://knowledge.fleetforum.org/knowledge-base/article/crash-analysis> [as of Nov. 18, 2024] (providing guidance for companies to conduct root cause analysis of traffic crashes); Transportation Alternatives, *The Case for Self-Enforcing Streets* (June 2020) p. 16 <https://static1.squarespace.com/static/63e29e189cbb31405a731aac/t/66154d0bf54a857c2fb871b7/1712672011657/CaseForSelfEnforcingStreets.pdf > [as of Nov. 18, 2024] (arguing that "every fatal or serious crash should be followed by a published engineering assessment of the street conditions that contributed to the crash and changes that could have prevented the crash or limited the severity of the injuries"); Sarode et al., *Traffic Stops Do Not Prevent Traffic Deaths* (Jul. 1, 2021) 91(1) J. Trauma Acute Care Surg. 141 (arguing that "future studies should also consider understanding the root causes of [motor vehicle crashes] to design effective measures"); see also U.S. Dept. of Transportation, *Speed Management: A Manual for Local Rural Road Owners* <https://highways.dot.gov/safety/local-rural/speed-management-manual-local-rural-road-owners/2-identify-speeding-issues> [as of Nov. 18, 2024] (providing guidance similar to the steps of root cause analysis to remedy traffic anomalies on rural roads).

706 Agency for Healthcare Research and Quality, *supra* note 669 (root cause analysis is now "widely deployed as an error analysis tool in health care").

707 Chassin and Becher, *The Wrong Patient* (June 4, 2002) 136 Annals of Internal Medicine 11 <https://www.acpjournals.org/doi/10.7326/0003-4819-136-11-200206040-00012> [as of Nov. 18, 2024]

708 Flanders and Saint, *supra* note 675.

709 Baum Goodwin, *Striving for a Secure Environment: A Closer Look at Hospital Security Issues Following the Infant Abduction at Loyola University Medical Center* (2001) 10 Ann. Health L. 245.

710 Schwartz, *supra* note 670, at p. 542 (noting that medicine has more recently embraced safety initiatives like root cause analysis).

711 Liang and Ren, *Medical Liability Insurance and Damage Caps: Getting Beyond Band Aids to Substantive Systems Treatment to Improve Quality and Safety in Healthcare* (2014) 30 Am. J. L. and Med. 501, 525; see also Schwartz, *supra* note 670, at p. 542 (noting that medicine was traditionally guided by the "perfectibility model" which assumes that providers will not make mistakes if they're properly trained and are motivated by the threat of discipline or lawsuits).

712 Schwartz, *supra* note 670, at p. 542.

713 *Id.* at pp. 542, 544-545.

714 Armacost, *supra* note 690, at pp. 930-931.

715 Agency for Healthcare Research and Quality, *supra* note 669; Aguirre, *supra* note 672, at p. 1067; Kellogg et al., *Our Current Approach to Root Cause Analysis: Is It Contributing to Our Failure to Improve Patient Safety?* (2017) 26 BMJ Quality & Safety 381 <https://qualitysafety.bmj.com/content/qhc/26/5/381.full.pdf> [as of Nov. 18, 2024] (noting that most hospitals use root cause analysis, which has been mandated by the Joint Commission since 1997).

716 Mulholland, *Unanticipated Consequences of Unanticipated Outcomes Disclosures* (Spring 2002) 35 HOSPLW 211.

must monitor whether they are working.[717] Hospitals are encouraged to report sentinel events that result in death or serious injury to the Joint Commission, along with the root cause analysis and corrective actions so that the Joint Commission can identify trends requiring industry-wide recommendations.[718]

The efficacy of root cause analysis depends on the types of corrective actions generated by the root cause analysis procedures.[719] For example, one study found that less than half of the root cause analyses reviewed included recommendations directed at "robust, system-level improvements," meaning that many corrective actions still focus on addressing individual errors rather than system-wide improvements.[720] Thus, the limitation of the root cause analysis in that example can be attributed, not to the root cause analytical approach, but instead to cultural resistance within the organization to adopt necessary changes and to an ethos of learning from past mistakes. In general, truly effective corrective actions remove or provide safeguards against hazards, while the least impactful measures merely warn personnel of the hazard.[721]

C. Root Cause Analysis in Law Enforcement

As in the medical field, the traditional approach to problem events in policing focuses on individual actions and blame through administrative investigations and discipline.[722] Like aviation and the medical field, the theory underlying root cause analysis — that bad outcomes in complex systems are rarely the result of one person's mistake, but rather result from the combination of multiple errors that are exacerbated by underlying weaknesses in the organization — can be successfully applied to policing.[723]

The decision-making processes of police officers are often like those of doctors or pilots. Like pilots and healthcare professionals, officers must make "split-second, life or death decisions under conditions of uncertainty," requiring them to process large amounts of information in little time.[724] "Each decision point can lead to errors out of mere negligence or institutional errors."[725] Thus, it is unrealistic to expect that there will be no errors in police responses.[726] Instead, these errors present an opportunity for law

717 *Ibid.*
718 *Ibid.*
719 Kellogg et al., *supra* note 715 ("Safety scientists believe that the lack of improvement in adverse event rates in healthcare is largely because our methods of approaching change are ineffective").
720 *Ibid.*
721 *Ibid.*
722 See National Institute of Justice, *Mending Justice: Sentinel Event Reviews* (Sept. 2014) p. 1 <https://www.ojp.gov/pdffiles1/nij/247141.pdf> [as of Nov. 18, 2024] ("Most criminal justice agencies have error detecting processes in place," but "[t]oo often, these become a 'gotcha' process that assigns blame, which can drive errors underground, making them harder to detect and correct.").
723 See Schwartz, *supra* note 670, at pp. 545-546 ("There is every reason to believe that police could improve their protocols, policies, and technology in similar ways [to aviation and healthcare]. A variety of systems interventions come to mind that could lessen the frequency with which officers are placed in complex, high-speed, high-stress, high-stakes situations, and improve officers' decision making in such situations when they occur."); Rossmo and Pollock, supra note 690, at p. 795 ("Doyle proposes that the systems or sentinel event approach, which has seen great success in medicine and transportation, can be adopted to understand wrongful convictions or 'near misses' (i.e., narrowly escaped wrongful convictions)"); Fagan and Campbell, *supra* note 668, at pp. 1004-1006 (arguing that there is an increasing need for police to discuss tactics, including through root cause analysis); Browning et al., *supra* note 679, at pp. 2-3 (finding that sentinel event reviews can be successfully applied in the criminal justice system).
724 See Schwartz, *supra* note 670, at p. 545.
725 Aguirre, *supra* note 672, at p. 1064.
726 See Armacost, *supra* note 690, at pp. 910-911 ("In fact, the killing of unarmed civilians by police results from multiple causes, both human and systemic, that set the stage for the traffic moment when the shot was fired. Our current focus on only the immediate cause — and the narrow time frame that defines his actions — ignores this broader set of causal factors. This is not to say that the shooter is not blameworthy. But the single-minded focus on the officer who discharged his weapon leaves the officer's colleague embedded in the same organization that led to his mistakes. It misses the opportunity to address the systemic and organizational features that make it possible (or probable) that individual officers will continue to make mistakes or misbehave."); *Id.* at p. 924 ("While we cannot completely eliminate human error, we can change the circumstances in which fallible human beings work, particularly the circumstances that increase the likelihood of operator error or aggravate the consequences of unsafe acts").

enforcement agencies to "respond, change course, and improve outcomes."[727]

Many academics have considered the applicability of root cause analysis to policing over the past decade. For example, the National Institute of Justice has been exploring the feasibility of using sentinel event reviews in the criminal legal system since 2011.[728] Root cause analyses have also been conducted to understand sentinel events such as wrongful convictions,[729] police shootings,[730] and deaths or self-harm in detention facilities.[731]

Some law enforcement agencies have already implemented root cause analysis to assess sentinel events and identify areas for improvement.[732] The application of root cause analysis to racial disparities in traffic stops, certain types of low-level violations, sometimes associated with pretext stops, and discretionary searches may illustrate the benefits of its use in identifying the causal factors of racial disparities in police encounters. For instance, one study looked at data showing that a "department made nearly 151 consent searches of Black motorists and 46 of Hispanic/Latine(x) motorists with hit-rates of 7.9 and 15.2 percent respectively."[733] A root cause analysis found that the practice of consent searches contributed to these disparities.[734] Following this finding, the department prohibited consent searches which led to an increase in finding contraband and a decrease in racial disparities in stops.[735]

Similarly, in another agency, the researchers identified that the agency's policy of stopping drivers for low-level equipment violations, with the intent of catching drivers who were driving under the

727 Aguirre, *supra* note 672, at p. 1064.

728 Ritter, *Testing a Concept and Beyond: Can the Criminal Justice System Adopt a Nonblaming Practice?* (Dec. 1, 2015) National Institute of Justice <https://nij.ojp.gov/topics/articles/testing-concept-and-beyond-can-criminal-justice-system-adopt-nonblaming-practice> [as of Nov. 18, 2024].

729 See Rossmo and Pollock, *supra* note 690 (analyzing 50 wrongful convictions, using a sentinel events approach informed by root cause analysis, to understand why these failures occurred); Raper et al., *supra* note 674 (conducting root cause analysis of errors leading to a conviction); Brown and Neufeld, *Chimes of Freedom Flashing: For Each Unharmful Gentle Soul Misplaced Inside a Jail* (2021) 76 N.Y.U. Ann. Surv. Am. L. 235, 271 (analyzing wrongful convictions and arguing that "whenever a serious error or misconduct undermines the integrity of the criminal legal process," root cause analysis should be conducted).

730 See National Institute of Justice, *A Glimpse at Ongoing Sentinel Event Review Research Projects* (Dec. 13, 2015) <https://nij.ojp.gov/topics/articles/glimpse-ongoing-sentinel-event-review-research-projects> [as of Nov. 18, 2024] (noting that Michigan State University conducted root cause analysis of nonfatal shootings in Milwaukee, Detroit, and Indianapolis); Schwartz, *supra* note 670, at p. 539 (arguing that, when there is a police killing, departments must discuss "whether the shooting was preventable, and the ways in which technology, schedules, protocols, and policies could be adjusted to prevent another shooting in the future"); Armacost, *supra* note 690, at p. 910 (arguing for a "prevention-first approach" to events such as police shootings, that applies systemic analysis to prevent future shootings); Fagan and Campbell, *supra* note 668, at pp. 1004-1006 (arguing for increased discussion and root cause analysis of police tactics in response to events such as police shootings).

731 See National Institute of Justice, *A Glimpse at Ongoing Sentinel Event Review Research Projects* (Dec. 13, 2015) National Institute of Justice, *supra* note 730 (noting that the Vera Institute worked with the New York Department of Corrections and Department of Public Health and Mental Hygiene to analyze predictors of self-harm and assess whether the self-harm predictor tool resulted in tangible changes to jail policies and practices); Pope and Delany-Brumsey, *Creating a Culture of Safety* (Dec. 2016) Vera Institute <https://www.vera.org/publications/culture-of-safety-sentinel-event-suicide-self-harm-correctional-facilities> [as of Nov. 18, 2024].

732 See Thacher, *The Learning Model of Use-of-Force Reviews* (Aug. 2020) 45 Law & Soc. Inquiry 755, 756 ("The most sophisticated police agencies do more than establish rules and monitor how well officers comply with them. They use incident reviews partly as a tool for learning to document the complex circumstances that police encounter in the field, to scrutinize existing responses to them, and to articulate alternative approaches that might be taken, not just by responding officers but also by others who shape the possibilities available to them").

733 Barone et al., *State of Connecticut: Traffic Stop Data Analysis and Findings, 2018* (May 2020) p. 45 <https://assets.website-files.com/6076e3f57e39855392637f16/608969ac86055d0bd5d5e680_2018-Connecticut-Racial-Profiling-Report.pdf> [as of Nov. 18, 2024].

734 See *ibid.*

735 Ross et al., *Testing for Disparities in Traffic Stops: Best Practices from the Connecticut Model* (2020) 19 Criminol. & Pub. Policy 1289, 1297 <https://onlinelibrary.wiley.com/doi/epdf/10.1111/1745-9133.12528> [as of Nov. 18, 2024] (finding that, by prohibiting consent searches, "[p]olice searches were more successful at finding contraband, i.e., a 63-percentage point increase, and the department ceased to be identified as having a disparity in subsequent annual analyses").

influence, was the primary source of disparities in traffic stops and was ineffective at catching DUI drivers.[736] Following this analysis, the agency required their officers instead to look for objective evidence of driving under the influence which led to a decrease in racial disparities and an increase in identifying drivers under the influence.[737]

In the examples above, once the problem was defined, the teams gathered and reviewed all available evidence related to the disparities and efficacy of those policies. The team then used that information to develop policies that addressed those disparities and emphasized evidence-based approaches to crime fighting, which led to a drop in racial disparities and more effective policing.

A 2024 survey of the 15 largest law enforcement agencies in California indicated that 12 agencies conduct root cause analysis for some events.[738] The Board suggests that law enforcement agencies consider extending root cause analysis to their complaint procedures as well.

Like aviation and healthcare, there is no single, best procedure to follow for successful root cause analysis in policing. For example, the National Institute of Justice argues for a broad understanding of which events should trigger root cause analysis: "Sentinel events can also include episodes that are 'within policy' but disastrous in terms of community relations (such as the arrest of Harvard professor Henry Louis Gates), whether or not everyone agrees that the event should be classified as an 'error.' … In fact, anything that stakeholders can agree should not happen again could be considered a sentinel event."[739]

Similarly, the International Association of Police Chiefs recommends that agencies collect data related to sentinel events and near misses — specifically, "information about suspect and officer demographics as well as the location, time, date, and other relevant contextual factors" — and analyze this data "on a recurring basis to identify any problematic trends."[740] More broadly, one scholar even encourages law enforcement agencies to specifically consider "the ways in which both systemic racism and institutional racism are part of the analysis of root causes of a civilian death."[741]

However, some general challenges have been identified with respect to root cause analysis in policing. These include the need to balance incident liability and risk management, the role of internal disciplinary processes, the role of confidentiality protections,[742] and a general lack of data regarding the "frequency, nature, or causes of policing errors."[743] Considering this, experts in the criminal legal field believe that root cause analysis reviews should have their own features unique to their jurisdiction.[744]

D. Root Cause Analysis and Civilian Complaints

Civilian complaints provide a wealth of information for law enforcement agencies to identify and address areas for improvement. For example, an allegation of discourteous conduct can help an agency understand what types of actions the public perceives as problematic. An investigatory interview of the officer involved in the discourteous conduct allegation might reveal what factors caused the officer to act as they did. For example, the agency might learn that the officer was working overtime during the incident, revealing potential morale and staffing issues within the department. Thus, a single complaint could reveal factors beyond the feelings or circumstances of the individual officer involved

736 See *ibid.*
737 See *id*. at pp. 1297-1298.
738 Appendix H.
739 National Institute of Justice, *Mending Justice: Sentinel Event Reviews*, *supra* note 722, at p. 4.
740 Koper et al., *An Evidence-Assessment of the Recommendations of the President's Task Force on 21st Century Policing – Implementation and Research Priorities* (2016) Center for Evidence-Based Crime Policy, George Mason University, International Association of Chiefs of Police, p. 19.
741 Fagan and Campbell, *supra* note 668, at p. 1006.
742 Doyle, *Sentinel Events Initiative: Looking Back to Look Forward* (Dec. 5, 2013) National Institute of Justice <https://nij.ojp.gov/topics/articles/sentinel-events-initiative-looking-back-look-forward> [as of Nov. 18, 2024].
743 Schwartz, *supra* note 670, at p. 558.
744 Doyle, *supra* note 742.

in the complaint, which may demonstrate the likelihood that similar unwanted outcomes (i.e., negative interactions with the public that result in civilian complaints) will occur in the future.

Therefore, the Board strongly encourages law enforcement agencies to analyze the root cause(s) of civilian complaints. Agencies may choose to analyze individual complaints and/or trends among aggregated complaint data. In other words, an agency could choose to analyze the root cause(s) of each complaint it receives. Alternatively, it could choose to conduct a root cause analysis of a random sample of complaints alleging racial or identity-based profiling. Or the agency could choose to do both. What is important is that agencies use information learned through civilian complaints to identify areas for improvement within their organization and develop corrective actions to reduce the likelihood of unwanted outcomes in the future.

The Board hopes to develop more specific recommendations in future reports based on existing complaint and root cause analysis procedures, best practices, and community input to help law enforcement agencies implement this practice.

V. Vision For Future Reports

The Board remains committed to analyzing civilian complaint data and practices to make the complaint process more meaningful to members of law enforcement and the public. To that end, in the coming years, the Board hopes to look closer at trends in complaint data over time and develop further recommendations to help law enforcement agencies incorporate root cause analysis into the complaint process. The Board encourages law enforcement agencies, experts, and members of the public to provide public comments regarding these topic areas for discussion in future reports.

LEGISLATIVE UPDATES

This section highlights legislation enacted in 2024 that may impact the Board's work towards eliminating racial and identity profiling. Below is an overview of the primary changes resulting from the enacted legislation.

Senate Bill 1020 – Prohibiting Ethnic Shooting Targets in Firearms Training

Senate Bill No. 1020 (2023-2024 Reg. Sess.) prohibits the use of "ethnic shooting targets" in firearms training mandated by the Commission on Peace Officer Standards and Training (POST) and presented to law enforcement recruits and officers. An "ethnic shooting target" is a target depicting skin colors or facial features from which a person might reasonably discern a race or ethnicity of the person depicted. The bill provides exceptions for realistic training simulators and video playback that utilizes live actors.

Studies published by the American Psychological Association demonstrate that participants shoot at an armed target who is Black more quickly than an armed target who is White and are less likely to shoot an unarmed target if they are White than if they are Black. Citing RIPA data showing disparities in police stops for individuals perceived to be Black versus White, as well as an analysis of RIPA data by the Public Policy Institute of California, the Legislature noted there are "significant racial disparities in police-shootings," which prompted the bill. The Legislature noted that the use of ethnic shooting targets "only reinforces the inherent racial bias ... that White individuals are less dangerous" than other individuals from other ethnic groups, and that Senate Bill 1020 would "start the long process of correcting inherent racial bias that certain ethnic groups are more dangerous than others."

CALIFORNIA COMMISSION ON
PEACE OFFICER STANDARDS AND TRAINING

POST REPORT

ON RECOMMENDATIONS MADE BY THE RIPA BOARD

2025

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Response to RIPA Recommendations

INTRODUCTION

In October 2015, Assembly Bill (AB) 953 was signed into law, enacting the Racial and Identity Profiling Act. The law, among other things, established the Racial and Identity Profiling Advisory (RIPA) Board with the intent of eliminating racial and identity profiling, as well as helping to improve diversity and racial and identity sensitivity in law enforcement. The broader portion of the Act requires each state and local agency that employs peace officers to annually report specific data collected during all stops to the Attorney General in order to identify when, and if, racial profiling was or had occurred. The Act also requires the Commission on Peace Officer Standards and Training (POST) to develop and disseminate guidelines and training for all peace officers on the racial and cultural differences among the residents of California. The Act further states that POST shall incorporate the training into the basic training of peace officers, and it mandates that once the basic training is completed, each peace officer must complete a refresher course every five years thereafter.

POST has been required to develop and train peace officers on racial and identity profiling since 2002. There are numerous ways for peace officers to obtain this required training throughout their career. It begins at the basic course (academy) level with Learning Domain (LD) 42 Cultural Diversity/Discrimination. LD 42 has been a longstanding subject taught in the academy and requires a minimum of 16 hours of training. Within those 16 hours, required learning needs include instruction on varying concepts such as recognizing the complexities of cultural diversity; awareness of stereotyping to prevent discrimination; discussion on racial profiling and the law; and the impact of racial profiling and the obligation to prevent, report and respond to such incidents. Continuing through an officer's career, refresher training for in-service peace officers helps ensure quality and standardization. POST contracted with the Museum of Tolerance to create a Train-the-Trainer course and also required, pursuant to Commission Regulation 1070, that any instructor for Racial and Identity Profiling must complete the POST-certified "Train-the-Trainer" course produced and presented by the Museum of Tolerance.

In addition to the required courses, POST has created racial and identity profiling courses which do not meet all of the criteria contained in the required courses, but serve to complement and extend the knowledge base of the required courses. This includes a four-hour self-paced update course on the POST Learning Portal that peace officers and public safety dispatchers can complete at any time.

POST continues to regularly collaborate with the RIPA Board, its various subcommittees, and the Department of Justice Civil Rights Enforcement Section on these trainings. POST also regularly reaches out to the RIPA Board when working on projects that contain the topic of racial and identity profiling and bias, as well as a variety of other topics not enumerated or mandated in AB 953, including de-escalation, public safety dispatcher training, and use of force, along with implicit and explicit bias screening of peace officer candidates.

EXECUTIVE SUMMARY

This report serves as a response to the recommendations made to POST in the 2025 RIPA Board Annual Report.

In the 2023 RIPA Board Annual Report, the RIPA Board made 31 recommendations to POST on the topics of calls for service, bias-by-proxy, law enforcement training and recruitment, LD 42, the Museum of Tolerance Racial Profiling Train-the-Trainer course, and the decertification of peace officers for misconduct (Senate Bill 2; Chapter 409, Statutes of 2021). POST agreed to support six of those recommendations.

The 2024 RIPA Board Annual Report made five recommendations which included publishing guidelines separate of the training curriculum, community/stakeholder input, timelines for the review of the curriculum, measuring course effectiveness and incorporating accountability into racial and identity profiling courses. POST agreed to support or partially support four of the five recommendations. Furthermore, POST believed the remaining recommendations were already being sufficiently covered in the existing training curriculum.

The 2025 RIPA Board Annual Report made three recommendations to POST regarding standards and training, and two additional recommendations pertaining to accountability. The recommendations pertain to the course certification process, the process for evaluating law enforcement training, formal evaluations of LDs 3 and 42 in the Regular Basic Course, developing guidelines and procedures for law enforcement agencies to conduct adequate investigations into complaints alleging bias, as well as guidance about anti-retaliation and workplace protections for officers filing complaints against fellow officers.

POST staff reviewed the recommendations and determined that most of the five recommendations do not require further action, as POST believes they are sufficiently covered or are outside the scope of POST's authorities and responsibilities. Some of the recommendations and content of the 2025 report are items that POST has been actively working on collaboratively with the RIPA Board.

ONE

01

RECOMMENDATION

Evaluate the academic research underpinning trainings during the course certification process.

According to the Little Hoover Commission's review of POST trainings, "the current certification process [ ] does not include important questions that could help law enforcement officials understand what outcomes the training might produce or how it may impact officer behavior. For example, POST's certification process does not consider:

- Was the training developed based on or informed by academic research and does it align with research evidence?
- Will the training teach skills that will prevent and reduce policing harm in marginalized groups?
- How does this training align – or not – with what officers actually do on-the-job and how will it be useful in their day-to-day work?
- Is the training current and fresh or does it repeat lessons and examples officers were exposed to in prior years?
- How will the training improve officer job performance?"

For POST to determine the "quality and relevancy of the training to the job," POST should evaluate all courses not based on the total number of hours, but whether "the training is effective in changing officer behavior or can support desired policy outcomes, such as police reform or crime reduction."

02

RESPONSE

NO ACTION REQUIRED - LACK OF RESOURCES AVAILABLE

03

ANALYSIS

The 2024 RIPA Board Annual Report included a recommendation to POST to "Measure Course Effectiveness of All POST Racial and Identity Profiling Courses." The response to this recommendation was partially supported by POST but also had a lack of resources available to fully accomplish. In the analysis of the 2024 response, POST advised:

"Measuring the effectiveness of any course has proven to be difficult. POST does not collect data and lacks legal authority to collect data on individual peace officer actions and performance unless it is related to serious misconduct.

ONE

03

ANALYSIS

Thus, measuring course effectiveness once a peace officer leaves training, with the vast and diverse population of California citizens, coupled with the lack of data, makes this recommendation extremely challenging. POST also lacks resources to embark on anything that would accomplish this recommendation.[ ]POST believes measuring the effectiveness of this specific training should fall to the local law enforcement agencies and the communities they serve."

POST course certification requirements (excluding the Regular Basic Course) are codified in Commission Regulation §1052. Requirements are extensive and must be met for any course to be certified. Commission Regulation §1052(a)(10) includes "Methods of assessing student learning, if applicable (e.g. learning activities demonstrations, testing, teach backs)" allowing for any course presenter to include a tool for assessment if they so choose.

In addition to the overall POST course certification requirements, presenters requesting to instruct on the topic of Racial and Identity Profiling are required by Commission Regulation §1070 to have completed the Racial Profiling Instructor course. The minimum content requirements for this instructor course can be found in Commission Regulation §1082. POST reviews all certified courses every two years to ensure that regulations are being met.

As stated in the 2024 response to the RIPA Annual Report, POST cannot measure or collect an individual officer's outcomes, nor have the means to collect such data. This data should be captured at the granular level, at the law enforcement agency that employs the peace officer, and these questions should be asked and analyzed by the local law enforcement agencies. POST's responsibility is to ensure the course includes the required curriculum and topics, the instructors are qualified to teach the material, and the instructors deliver the training properly.

On May 13-15, 2024, and October 8-9, 2024, POST held two workshops to begin the process of creating Racial and Identity Profiling guidelines. POST invited subject matter experts, which included three RIPA Board members, as well as two attorneys from the Civil Rights Enforcement Section at the Department of Justice and others. The intent of the soon to be released guidelines will be to ensure racial and identity profiling training is consistent with the law. Furthermore, the guidelines, and the resultant instruction, leads to a reduction in racial profiling, improved peace officer performance, and better peace officer engagement with local communities.

TWO

01

RECOMMENDATION

Revise the process for evaluating law enforcement training, in course certification and its quality assessment plans, to include additional course criteria that incorporate training outcomes based on officer actions and behavior in the field.

02

RESPONSE

NO ACTION REQUIRED – OUTSIDE SCOPE OF WORK

03

ANALYSIS

The POST course certification process and the Quality Assessment Program (QAP) are two distinct processes within POST, each focused on the delivery of training, and neither was designed to address individual student/officer outcomes after leaving the training. The POST training course certification process ensures adherence to compliance standards for instructors, curriculum, budgeting, safety plans, and other administrative and legal aspects of the course. The training course certification process is driven by Commission Regulation §1052. The QAP assesses the quality of training delivered by instructors. More specifically, the QAP evaluates whether the instructor is adhering to POST-approved content, is instructing in a professional manner, and is delivering the content using established adult learning methodologies.

As stated in the analysis for Recommendation 1, POST course certification requirements (excluding the Regular Basic Course) are codified in Commission Regulation §1052. The requirements are extensive, detailed, and must be met for any course to receive POST certification. Aside from addressing student learning objectives during the certification process, the course certification process does not focus on individual student outcomes or behaviors after completion of training.

The QAP focuses entirely on the quality of the delivery of training and includes ensuring that regulatory standards are being met.

THREE

01

RECOMMENDATION

Formally evaluate Learning Domain (LD) 3 and Learning Domain (LD) 42 in the Regular Basic Course comprehensive module tests.

02

RESPONSE

PARTIALLY SUPPORT

03

ANALYSIS

The POST Regular Basic Course is divided into 43 various LDs. The LDs contain required content which must be included in the training, including minimum content training hours, in order to meet the minimum requirements to become a peace officer in California. LD 3 must include a minimum of 26 hours on the topic of Principled Policing in the Community. LD 42 must include a minimum of 16 hours on the topic of Cultural Diversity/Discrimination.

In 2023, the RIPA POST Training Subcommittee completed an extensive review of LD 42 in the Regular Basic Course, including attending a Regular Basic Course during the teaching of LD 42. The 2023 Racial and Identity Profiling Act Report made seven recommendations regarding LD 42, specifically towards the content of the curriculum within this LD. At that time, the POST analysis and response to each of these recommendations found that the topic, and the specific sub-topics, were covered and memorialized directly in the POST Training and Testing Specifications and thus required no further action. POST is researching to identify how comprehensive testing could be included and exploring options to support this recommendation.

Objectives from LD 3 are tested in LDs 15 (Laws of Arrest,) 16 (Search and Seizure,) and 25 (Domestic Violence) through vignettes that increase in complexity throughout the three multi-dimensional in-class learning objective tests. Additionally, LD 3 is required to be instructed in its entirety prior to most scenario tests. LD 3 previously included comprehensive testing, but that was found to be tested in other areas and thus redundant, and therefore was ultimately removed effective July 1, 2018.

POST is of the opinion that the most effective way to evaluate and measure a recruit on the topic of bias is in the Field Training Program, immediately following the Regular Basic Course. This topic of bias is currently measured and tested during the field training phase, which is considered the second phase of basic training.

FOUR

01

RECOMMENDATION

Develop guidelines to assist law enforcement agencies in developing procedures to conduct adequate investigations into complaints alleging bias and guidelines that assist law enforcement agencies with aligning their policies with Penal Code §13510.8. The guidelines should also apprise law enforcement agencies how to educate the public ways in which a complaint could be filed. In developing the guidelines for investigating complaints about demonstrating bias, POST could consult with the [RIPA] Board.

02

RESPONSE

PARTIALLY SUPPORT

03

ANALYSIS

POST agrees in large part with this recommendation and has already identified subject matter experts, including those on the RIPA Board, to participate in a series of workshops with the goal of developing a definition of bias conduct for the purpose of guiding agencies in conducting investigations into allegations of improper conduct stemming from implicit or explicit bias. The definition of bias conduct for the purpose of conducting internal investigations will be created by POST pursuant to Assembly Bill 443. Assembly Bill 443 requires POST to create the definition by January 1, 2026.

The first workshop is scheduled for March 18-20, 2025. However, one important distinction to note, the definition of serious misconduct as provided in Penal Code §13510.8(b), and further defined as "demonstrating bias" in Commission Regulation §1205(a)(5), is separate from defining bias in response to the legislative mandate in Penal Code §13610.6 wherein the Legislature has placed the responsibility with POST to craft a definition of bias conduct to guide agencies in determining whether an officer's actions or motives are as a result of an implicit or explicit bias. Those actions or motives may or may not rise to the level of serious misconduct pursuant to Penal Code §131510.8, but nonetheless may be as a result of some underlying bias.

As of January 1, 2023, POST has received over 1,500 complaints of serious misconduct from members of the public, which include allegations of bias conduct by peace officers. POST will continue to make presentations to members of the public and will work with the identified subject matter experts on best practices to continue to educate the public in filing a complaint.

FIVE

01

RECOMMENDATION

Issue guidance apprising officers and law enforcement agencies about the anti-retaliation and workplace protections afforded to an officer who files a complaint against a fellow officer or their agency or who cooperates with an investigation into an allegation of serious conduct. To provide protection for officers who report serious misconduct of fellow officers and to encourage a culture of accountability, the Board recommends that the Legislature amend Penal Code §13510.8 to include whistleblower protection for peace officers and other individuals within a law enforcement agency who report serious misconduct by fellow peace officers.

02

RESPONSE

NO ACTION REQUIRED – TOPIC COVERED SUFFICIENTLY

03

ANALYSIS

The California Labor Code §1102.5 already provides such protections to, *"any person employed by an employer, private or public, including, but not limited to, individuals employed by the state or any subdivision thereof, any county, city, city and county, including any charter city or county, and any school district, community college district, municipal or public corporation, political subdivision, or the University of California."* Peace officers are already considered a covered "employee" under such provisions. Also, employers have and should enforce anti-retaliation policies which would add additional protection for officers who file complaints against a fellow officer or their respective agency. Moreover, such actions may already be covered by Penal Code §13510.8(b)(2), abuse of power, should the individual who has allegedly retaliated against a reporting officer or other law enforcement personnel be in a position of authority.

POST MISSION STATEMENT

The mission of the California Commission on Peace Officer Standards and Training is to continually enhance the professionalism of California Law Enforcement in serving its communities.

AGENDA ITEM REPORT

Title: REPORT ON LEGISLATIVE UPDATE

REPORT PROFILE

MEETING DATE 03/05/2025	**BUREAU SUBMITTING THE REPORT** Executive Office	
RESEARCHED BY Meagan Poulos	**REVIEWED BY**	
REPORT DATE	**APPROVED BY** Manuel Alvarez, Jr.	**DATE APPROVED** 01/24/2025
PURPOSE	**FINANCIAL IMPACT** No	

ISSUE, BACKGROUND, ANALYSIS, & RECOMMENDATION

ISSUE: This is a legislative report with bills of interest from the 2025 legislative session. Some of these bills may affect POST operations and/or affect law enforcement. It is not a complete list of bills that could impact law enforcement.

This report is presented for information only. No action is required.

BACKGROUND:

ANALYSIS:

RECOMMENDATION: This is a legislative report with bills of interest from the 2025 legislative session. Some of these bills may affect POST operations and/or affect law enforcement. It is not a complete list of bills that could impact law enforcement.

This report is presented for information only. No action is required.

ATTACHMENT(S):
2025 Leg Update Commission Briefing.pdf

POST Legislative Update

As of February 25, 2025

The legislation listed in this document are the legislative bills that POST is monitoring over the 2025 legislative session. These bills could have an impact on POST or be of significant interest to the law enforcement community. It is not a complete list.

For any questions on the legislative process or to receive a status update, please contact: POST Legislative Liaison, Meagan Poulos at (916) 227-2809 or Meagan.poulos@post.ca.gov.

AB 31 (Ramos) Peace officers: tribal police pilot project.
Introduced: 2/3/2025
Summary: Current law defines those persons who are peace officers in the state, grants certain authority to those individuals and their employing entities, and places certain requirements on those individuals and their employing entities. Current law also grants specified limited arrest authority to certain other persons, including federal criminal investigators and park rangers and peace officers from adjoining jurisdictions. Current federal law authorizes tribal governments to employ tribal police for the enforcement of tribal law on tribal lands. Current federal law requires the State of California to exercise criminal jurisdiction on Indian lands. Current state law deems a tribal police officer who has been deputized or appointed by a county sheriff as a reserve or auxiliary deputy to be a peace officer in the State of California. This bill would, from July 1, 2026, until July 1, 2029, establish a pilot program under the Department of Justice and the Commission on Peace Officer Standards and Training granting peace officer authority to certain tribal police officers on Indian lands and elsewhere in the state under specified circumstances. The bill would authorize the department to select 3 tribal entities to participate, would set certain minimum qualifications and certification and training requirements for a tribal officer to act pursuant to this authority, and would place certain requirements on the employing tribe, including a limited waiver of sovereign immunity, and the adoption of a tribal law or resolution authorizing that exercise of authority and providing for public access to certain records

AB 68 (Essayli) School safety: armed school resource officers.
Introduced: 2/3/2025
Summary: Would require a school district or charter school to hire or contract with at least one, armed school resource officer, as defined, authorized to carry a loaded firearm to be present at each school of the school district or charter school during regular school hours and any other time when pupils are present on campus, phased in by certain grade spans, as provided. By imposing an additional requirement on school districts and charter schools, the bill would impose a state-mandated local program.

AB 400 (Pacheco) Law enforcement: police canines
Introduced: 2/18/2025
Summary: Would require, on or before January 1, 2027, every law enforcement agency, as defined, with a canine unit to maintain a policy for the use of canines by the agency that, at a minimum, complies with the most recent standards established by the Commission on Peace Officer Standards and Training (POST). Because the bill would impose additional duties on local law enforcement agencies, the bill would impose a state-mandated local program.

AB 451 (Petrie-Norris) Law enforcement policies: restraining orders
Introduced: 2/18/2025
Summary: Current law requires law enforcement agencies to maintain policies on specified subjects, including, among others, the use of force, gun violence restraining orders, and responding to domestic violence calls. This bill would require each municipal police department and county sheriff's department, the Department of the California Highway Patrol, and the University of California and California State University Police Departments to, on or before January 1, 2027, develop, adopt, and implement written policies and standards to promote safe, consistent, and effective service, implementation, and enforcement of court protection and restraining orders that include firearm access restrictions. The bill would require these policies and standards to include specified elements, including, among others, ensuring compliance with specified laws and instructing officers about the array of civil and criminal protection restraining order options available under California law to law enforcement officers, to victim-survivors, and other petitioners.

AB 572 (Kalra) Criminal procedure: interrogations.
Introduced: 2/24/2025
Summary: Would require a peace officer, as defined, a prosecuting attorney, or an investigator for the prosecution, prior to interviewing an immediate family member of a person who has been killed or seriously injured by a peace officer, to clearly identify themself and if the interview takes place in person, to show identification, and to inform the person of specified information, including the status of their family member, that the person can consult with an attorney or trusted support person, and that the investigation that the officer, attorney, or investigator is conducting may involve the culpability of the family member who was killed or injured. By increasing duties on local law enforcement, this bill would impose a state-mandated local program.

AB 992 (Irwin) Peace officers.
Introduced: 2/21/2025
Summary: Current law requires the Chancellor of the California Community Colleges, in consultation with specified entities, to develop a modern policing degree program and to prepare and submit a report to the Legislature outlining a plan to implement the program. Current law establishes the Commission on Peace Officer Standards and Training within the Department of Justice and requires the commission to approve and adopt the education criteria for peace officers, based on the

recommendations in the report. This bill would repeal the requirement for the commission to approve and adopt the criteria described above.

AB 1013 (Garcia) Peace officer training: behavioral health.
Introduced: 2/21/2025
Summary: Current law requires the Commission on Peace Officer Standards and Training to establish and keep updated a classroom-based continuing training course that includes instructor-led active learning, such as scenario-based training, relating to behavioral health and law enforcement interaction with persons with mental illness, intellectual disability, and substance use disorders. Current law requires the commission to make available the course to each law enforcement officer with a rank of supervisor or below and who is assigned to patrol duties or to supervise officers who are assigned to patrol duties. This bill would authorize the commission to partner with local departments of behavioral health, community-based organizations, or nonprofit organizations to establish and keep updated this classroom-based continuing training course. The bill would require a law enforcement officer with a rank of supervisor or below and who is assigned to patrol duties or to supervise officers who are assigned to patrol duties to complete the course.

AB 1115 (Castillo) Peace officers: mental health liaisons.
Introduced: 02/21/2025
Summary: The California Constitution authorizes local governments to make and enforce all police and sanitary ordinances and regulations within its limits that are not in conflict with general laws. Existing law requires the board of supervisors of a county and the governing body of a city to take measures necessary to preserve and protect the public health in its jurisdiction. This bill would authorize a local government to designate one or more existing employees specializing in counseling or mental health services as a law enforcement mental health liaison to facilitate mental health support for peace officers who serve the local jurisdiction. This bill contains other related provisions.

AB 1388 (Bryan) Law enforcement: settlement agreements: prohibition.
Introduced: 2/24/2025
Summary: Existing law establishes the Commission on Peace Officer Standards and Training, and requires the commission to, among other things, establish a certification program for peace officers, as defined. Existing law requires the commission to establish procedures for accepting complaints from members of the public regarding peace officers or law enforcement agencies that may be investigated. Existing law establishes, within the commission, the Peace Officer Standards Accountability Division and requires the division, among other things, to bring proceedings seeking the suspension or revocation of certification of a peace officer. This bill would prohibit a law enforcement agency from entering into a settlement agreement with a peace officer who has a pending complaint of misconduct with a term that requires the law enforcement agency to keep the misconduct confidential.

AB 1489 (Bryan) Peace Officers
Introduced: 2/21/2025
Summary: Existing law defines persons who are peace officers and the entities authorized to appoint them. Existing law prescribes certain minimum standards for a person to be appointed as a peace officer, including moral character and physical and mental condition, and certain disqualifying factors for a person to be employed as a peace officer, including a felony conviction. This bill would require a law enforcement agency that issues a firearm to a peace officer it employs to have a policy prohibiting that officer from carrying the firearm issued by the agency with a blood alcohol concentration greater than 0.00%, whether the officer is on duty or off duty. By imposing new duties on local law enforcement, the bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws.

SB 277 (Weber Pierson) Criminal procedure: search of persons.
Introduced: 2/14/2025
Summary: Current provisions of the United States and California Constitutions ensure the right of the people to be secure in their persons, houses, papers, and effects against warrantless seizures and searches. Case law establishes exceptions to this right, including allowing a peace officer to conduct a limited search of a person for firearms or weapons if the peace officer reasonably concludes that the person detained may be armed and presently dangerous to the peace officer or others. This bill would, consistent with existing case law, codify the authority of a peace officer to search an individual incident to a lawful stop under specified circumstances, including that the officer has a warrant to search the individual or has probable cause to believe that the individual is about to commit a crime, is committing a crime, or has committed a crime immediately preceding the search. The bill would require an officer to ask for and obtain consent to search the individual in all other circumstances, and would specify that an officer could request consent to search only if the officer is investigating a crime and has reasonable suspicion that the individual to be searched has an item in their possession that is evidence of criminal activity. The bill would require the officer to follow a specified procedure in a specified order, including advising the individual that their consent is voluntary, explaining to the individual the scope of the search, and recording the individual's consent. The bill would prohibit an officer from exceeding the scope of the search explained to the individual and would require the officer to discontinue the search if the individual withdraws their consent.

SB 385 (Seyarto) Peace Officers.
Introduced: 2/18/2025
Summary: Current law requires the Commission on Peace Officer Standards and Training to establish, among others, basic certificates for the purpose of fostering the education and experience necessary to perform general police service duties. Current law requires certificates to be awarded on the basis of a combination of training, education, experience, and other prerequisites, as determined by the commission. Current law requires the Chancellor of the California Community Colleges, in consultation with specified entities, to develop a modern policing degree program and to prepare and submit a report to the Legislature by no later than June 1, 2023, outlining a plan to implement the program.

Current law requires peace officers in this state to meet specified minimum standards, including age and education requirements. This bill would require a peace officer who is hired on or after January 1, 2029, to attain a modern policing degree, as specified, or a bachelor's or other advanced degree from an accredited college or university within 36 months of commencing their employment as a peace officer.

SB 664 (Ochoa Bogh) Vehicles: public safety: Blue Envelope Program.
Introduced: 02/21/2025
Summary: Current law requires the Department of Motor Vehicles to prescribe and provide suitable forms of applications, certificates of ownership, registration cards, driver's licenses, and all other forms that are deemed necessary. This bill would, by January 1, 2027, require the department, in consultation with relevant stakeholders, to develop a Blue Envelope Program. Under the program, the bill would require the blue envelope to contain specified information for requesters with a condition or disability, as specified. The bill would also authorize others, including a parent or legal guardian of a passenger with a disability, to request a blue envelope.

SB 691 (Wahab) Body-worn cameras: policies
Introduced: 2/21/2025
Summary: Current law requires law enforcement agencies, departments, or entities to consider specified best practices regarding the downloading and storage of body-worn camera data, such as specifically stating the length of time that recorded data is to be stored, when establishing policies and procedures for the implementation and operation of a body-worn camera system, as specified. This bill would require, on or before July 1, 2026, each law enforcement agency that has a body-worn camera policy to update that policy to prohibit personnel who wear body-worn cameras from intentionally recording a person undergoing a medical or psychological evaluation, procedure, or treatment. The bill would require the policy update to include a procedure for personnel who wear body-worn cameras to follow if requested by emergency medical services personnel to stop recording a person undergoing a medical or psychological evaluation, procedure, or treatment.

AGENDA ITEM REPORT

Title: REPORT ON EXPENDITURES YEAR-TO-DATE FOR FISCAL YEAR 2024-2025

REPORT PROFILE

MEETING DATE 03/05/2025	**BUREAU SUBMITTING THE REPORT** Administrative Services Bureau	
RESEARCHED BY Cheryl Smith	**REVIEWED BY**	
REPORT DATE 02/14/2025	**APPROVED BY** Manuel Alvarez, Jr.	**DATE APPROVED** 02/14/2025
PURPOSE	**FINANCIAL IMPACT** No	

ISSUE, BACKGROUND, ANALYSIS, & RECOMMENDATION

ISSUE: Total expenditures for **Fiscal Year 2024-2025** are **$48,169,543.**

BACKGROUND:

ANALYSIS: Breakdown of expenditures as of February 11, 2025:

State Penalty Fund = **$17,949,421**
General Fund = **$30,220,121**

Total = **$48,169,543**

RECOMMENDATION: This report is presented for information only. No action is required.

ATTACHMENT(S):
FY24-25 Expenditures.pdf
FY24-25 SPF Expenditures.pdf
FY24-25 GF Expenditures.pdf

PEACE OFFICER STANDARDS AND TRAINING

FY 2024-25 Expenditure Report

POST FUND EXPENDITURES	BUDGET	ENCUMBRANCES/EXPENDITURES	BALANCES
State Penalty Fund: Includes $1,556,000 towards Museum of Tolerance Training	$ 46,842,000	$ 17,949,421	$ 28,892,579
General Fund:	$ 63,438,000	$ 30,220,121	$ 33,217,879
*Reimbursement Authority:	$ 1,959,000	$ -	$ 1,959,000
TOTAL FUNDS (SPF & GF)	$ 112,239,000	$ 48,169,543	$ 64,069,457

For more information about the POST budget, please visit the California Department of Finance website at:
https://ebudget.ca.gov/2024-25/pdf/Enacted/GovernorsBudget/8000/8120.pdf

California Commission on Peace Officer Standards and Training ----------February 11, 2025

PEACE OFFICER STANDARDS AND TRAINING

FY 2024-25 State Penalty Fund Expenditure Report

BUDGET EXPENDITURES	BUDGET	ENCUMBRANCES /EXPENDITURES	BALANCES
STATE PENALTY FUND			
Standards	$ 4,005,000	$ 1,168,760	$ 2,836,240
Training	$ 20,456,000	$ 9,207,303	$ 11,248,697
Peace Officer Training	$ 13,566,000	$ 4,699,036	$ 8,866,964
POST Administration	$ 8,815,000	$ 2,874,322	$ 5,940,678
POST TOTAL OTHER BUDGET AUTHORITY:	$ 46,842,000	$ 17,949,421	$ 28,892,579

For more information about the POST budget, please visit the California Department of Finance website at:

https://ebudget.ca.gov/2024-25/pdf/Enacted/GgovernorsBudget/8000/8120.pdf

California Commission on Peace Officer Standards and Training ----------February 11, 2025

PEACE OFFICER STANDARDS AND TRAINING

FY 2024-25 General Fund Expenditure Report

SPECIAL BUDGET EXPENDITURES	BUDGET	ENCUMBRANCES /EXPENDITURES	BALANCES
GENERAL FUND			
Standards	$ 17,507,000	$ 5,200,704	$ 12,306,296
Training	$ 8,486,000	$ 5,277,444	$ 3,208,556
Peace Officer Training	$ 20,000,000	$ 13,114,687	$ 6,885,313
POST Administration	$ 17,445,000	$ 6,627,286	$ 10,817,714
POST TOTAL OTHER BUDGET AUTHORITY:	$ 63,438,000	$ 30,220,121	$ 33,217,879

For more information about the POST budget, please visit the California Department of Finance website at:

https://ebudget.ca.gov/2024-25/pdf/Enacted/GovernorsBudget/8000/8120.pdf

California Commission on Peace Officer Standards and Training ----------February 11, 2025

AGENDA ITEM REPORT

Title: REPORT ON CONTRACT EXPENDITURES YEAR-TO-DATE FOR FISCAL YEAR 2024-2025

REPORT PROFILE

MEETING DATE 03/05/2025	**BUREAU SUBMITTING THE REPORT** Administrative Services Bureau	
RESEARCHED BY Cheryl Smith		**REVIEWED BY**
REPORT DATE 02/14/2025	**APPROVED BY** Manuel Alvarez, Jr.	**DATE APPROVED** 02/19/2025
PURPOSE		**FINANCIAL IMPACT** No

ISSUE, BACKGROUND, ANALYSIS, & RECOMMENDATION

ISSUE: For **Fiscal Year 2024-2025** the Commission approved contracts in the amount of **$25,914,390.**

BACKGROUND:

ANALYSIS: Breakdown of expenditures as of February 11, 2025, are as follows:

Fiscal Year 2024-2025 approved contracts = **$25,914,390**
Fiscal Year 2024-2025 executed contracts = **$25,001,393**
Fiscal Year 2024-2025 invoiced amount = **$8,395,895**

Balance = $16,605,498

RECOMMENDATION: This report is presented for information only. No action is required.

ATTACHMENT(S):
FY24-25 Contract Expenditures.pdf

PEACE OFFICER STANDARDS AND TRAINING - POST

Fiscal Year 2024-25 Commission-Approved Bureau Contract Expenditures

BUREAU CONTRACTS	Approved Contract Amount	Executed	Invoiced	Balance
Training Program Services (TPS)				
1. Institute of Criminal Investigation (ICI)	5,658,894	5,387,889	1,559,456	3,828,433
2. Command College (CC)	484,684	484,684	190,174	294,510
3. Sherman Block Supervisory Leadership Institute (SLI)	2,875,694	2,875,694	974,363	1,901,331
4. Executive Development Course	374,706	374,706	-	374,706
5. Instructor Development Institute (IDI)	698,444	698,444	88,118	610,326
6. Museum of Tolerance (MOT)	1,556,000	1,556,000	-	1,556,000
7. Management Course	1,856,723	1,856,723	108,910	1,747,812
8. Quality Assessment Program (QAP)	698,358	698,358	257,854	440,504
9. Supervisory Course	1,881,813	1,509,350	429,875	1,079,475
TPS SUBTOTAL:	16,085,316	15,441,848	3,608,750	11,833,098
Basic Training Bureau (BTB)				
10. Basic Course Driving Training (EVOC)	4,237,500	4,192,500	1,417,500	2,775,000
BTB SUBTOTAL:	4,237,500	4,192,500	1,417,500	2,775,000
Training Delivery Compliance (TDC)				
11. SCO Audits	250,000	249,998	21,181	228,817
TDC SUBTOTAL:	250,000	249,998	21,181	228,817
Learning Technology Resources (LTR)				
12. Video Production*	335,590	335,590	320,347	15,243
14. CSU Long Beach Training (Use of Force/Force Option De-escalation T4T)	616,211	616,211	161,022	455,189
15. Learning Portal Maintenance	777,405	775,429	723,346	52,083
LTR SUBTOTAL:	1,729,206	1,727,230	1,204,715	522,515
Management Counseling and Projects Bureau (MCPB)				
16. UC San Diego (Officer Wellness)**	2,053,898	2,053,898	807,830	1,246,068
MCPB SUBTOTAL:	2,053,898	2,053,898	807,830	1,246,068
Peace Officer Standards Accountablity Division (POSAD)				
17. Equipment, Software, and Data Storage for Mark 43	1,558,470	1,335,919	1,335,919	-
POSAD SUBTOTAL:	1,558,470	1,335,919	1,335,919	-
BUREAU CONTRACTS TOTAL:	$ 25,914,390	$ 25,001,393	$ 8,395,895	$ 16,605,498

California Commission on Peace Officer Standards and Training ----------February 11, 2025

AGENDA ITEM REPORT

Title: REPORT ON CONTRACTS REQUIRING APPROVAL BY THE COMMISSION FOR FISCAL YEAR 2025-2026

REPORT PROFILE

MEETING DATE 03/05/2025	**BUREAU SUBMITTING THE REPORT** Administrative Services Bureau	
RESEARCHED BY Cheryl Smith		**REVIEWED BY**
REPORT DATE 02/12/2025	**APPROVED BY** Manuel Alvarez, Jr.	**DATE APPROVED** 02/18/2025
PURPOSE		**FINANCIAL IMPACT** Yes

ISSUE, BACKGROUND, ANALYSIS, & RECOMMENDATION

ISSUE: Contracts requiring Commission approval for FY 25/26.

BACKGROUND: Each year the Commission approves contracts in the amount of $250,000 and over. Details for each program/contract can be found in the Commission agenda.

ANALYSIS: The following is a list of contracts/programs needing Commission approval for FY 25/26.

Institute of Criminal Investigation (ICI) **$5,586,826**

Command College (CC) **$484,685**

Sherman Block Supervisory Leadership Institute (SLI) **$2,875,154**

Executive Development Course (EDC) **$373,930**

Instructor Development Course (IDI) **$663,131**

Museum of Tolerance (MOT) **$1,556,000**

Management Course **$1,854,329**

Quality Assessment Program (QAP) **$698,224**

Supervisory Course **$1,660,603**

Basic Academy Emergency Vehicle Operation Course (EVOC) **$4,237,500**

State Controller's Office (SCO) Audits **$500,000**

Development and Maintenance of Online Courses **$500,000**

Learning Portal Maintenance **$2,789,854**

CSU Long Beach Training - Use of Force/De-escalation **$651,529**

Equipment, Software, and Data Storage for Mark 43 **$1,400,000**

Total **$25,831,765**

RECOMMENDATION: This report is presented for information only. No action is required.

ATTACHMENT(S):
FY25-26 Contracts.pdf

PEACE OFFICER STANDARDS AND TRAINING - POST

Proposed Fiscal Year 2025-26 Contracts Requiring Approval by the Commission

CONTRACTS	Amount Approved FY 24-25	Proposed Amount FY 25-26
Training Program Services (TPS)		
1. Institute of Criminal Investigation (ICI)	$ 5,658,894	$ 5,499,135
2. Command College (CC)	$ 484,684	$ 484,685
3. Sherman Block Supervisory Leadership Institute (SLI)	$ 2,875,694	$ 2,875,154
4. Executive Development Course (EDC)	$ 374,706	$ 373,930
5. Instructor Development Institute (IDI)	$ 698,444	$ 663,131
6. Museum of Tolerance (MOT)	$ 1,556,000	$ 1,556,000
7. Management Course	$ 1,856,723	$ 1,854,329
8. Quality Assessment Program (QAP)	$ 698,358	$ 698,224
9. Supervisory Course	$ 1,881,813	$ 1,660,603
TPS SUBTOTAL:	$ 16,085,316	$ 15,665,191
Basic Training Bureau (BTB)		
10. Basic Academy Emergency Vehicle Operation Course (EVOC)	$ 4,237,500	$ 4,237,500
BTB SUBTOTAL:	$ 4,237,500	$ 4,237,500
Administrative Services Bureau (ASB)		
11. State Controller's Office (SCO) Audits*	$ 250,000	$ 250,000
ASB SUBTOTAL:	$ 250,000	$ 250,000
Learning Technology Resources (LTR)		
12. Development and Maintenance of Online Courses for the POST Learning Portal*		$ 500,000
13. Learning Portal Maintenance**	$ 777,405	$ 2,789,854
14. CSU Long Beach (Force Option/Use of Force De-Escalation Training)	$ 616,211	$ 651,529
LTR SUBTOTAL:	$ 1,393,616	$ 3,941,383
Peace Officer Standards Accountability Division (POSAD)		
15. Equipment, Software, and Data Storage for Mark 43	$ 1,335,919	$ 1,400,000
POSAD SUBTOTAL	$ 1,335,919	$ 1,400,000
BUREAU CONTRACTS TOTAL:	$ 23,302,352	$ 25,494,074

*Multi-year Contract (FY Breakdown: FY 25/26 $250,000 and FY 26/27 $250,000)
**Multi-year Contract (FY Breakdown: FY 25/26 $1,394,927 and FY 26/27 $1,394,927)

AGENDA ITEM REPORT

Title: REPORT ON REQUEST TO RENEW CONTRACTS FOR BASIC ACADEMY EMERGENCY VEHICLE OPERATION COURSE (EVOC) DRIVER TRAINING

REPORT PROFILE

MEETING DATE 03/05/2025	**BUREAU SUBMITTING THE REPORT** Basic Training Bureau	
RESEARCHED BY Jennifer Hardesty	**REVIEWED BY** Carrie Hollar	
REPORT DATE 01/24/2025	**APPROVED BY** Manuel Alvarez, Jr.	**DATE APPROVED** 02/10/2025
PURPOSE	**FINANCIAL IMPACT** Yes	

ISSUE, BACKGROUND, ANALYSIS, & RECOMMENDATION

ISSUE: Should the Commission authorize the Executive Director to enter into contracts with POST-certified presenters of the Basic Academy Emergency Vehicle Operation Course (EVOC) during Fiscal Year 25/26 in the amount not to exceed $4,237,500.00?

BACKGROUND: For many years the Commission has contracted with various presenters to deliver high-cost training in the Basic Academy Emergency Vehicle Operations Course (EVOC) at a per student cost established in the contracts. During Fiscal Year 24/25, this course was contracted with twenty-one (21) presenters throughout the state. For Fiscal Year 25/26, we are decreasing the number of presenters by one (1) for a total of twenty (20) presenters to be contracted with for training.

ANALYSIS: The overall contracted amount proposed for Fiscal Year 24/25 will not exceed **$4,237,500.00.** Contract agreements are proposed for the following basic academy presenters (**Attachment A**):

- Alameda County Sheriff's Office
- Allan Hancock College
- Bakersfield Police Department
- Butte-Glenn Community College District
- College of the Redwoods
- College of the Siskiyous
- Contra Costa County Sheriff's Office
- Fresno County Sheriff's Office

- Oakland Police Department
- Sacramento County Sheriff's Office
- Sacramento Police Department
- San Bernardino County Sheriff's Department
- San Diego County Sheriff's Office
- San Joaquin Delta College
- Santa Clara County Sheriff's Office
- Santa Rosa Junior College
- South Bay Regional Training Center
- Stanislaus County Sheriff's Office
- State Center Regional Training Facility
- Tulare-Kings Law Enforcement Public Safety Training Department

This item supports POST Strategic Plan Goal #4: Enhance law enforcement's ability to serve their communities.

RECOMMENDATION: If the Commission concurs, the appropriate action would be a **MOTION** to authorize the Executive Director to enter into contracts for the EVOC program in an amount not to exceed $4,237,500.00.

ATTACHMENT(S):

Commission_Authority_Request_Contract_Attachment_Form_25-26.pdf

Attachment_A_EVOC_Contracts_FY25-26.pdf

Commission Authority Request
Contract Attachment Form

(Expand Sections as Necessary)

SUMMARY OF PROGRAM/CONTRACT: Basic Academy Driver Training Course

CONTRACTOR(S) NAME: Multiple Basic Course Presenters

PROPOSED START/END DATE: July 1, 2025, through June 30, 2026

REQUESTED MAXIMUM CONTRACT AUTHORITY: $4,237,500.00

REQUIRED DATA IF CONTRACT IS RE-OCCURRING OR AN AMENDMENT:

*If **Re-Occurring:***	Number of previous contracts: Date of initial/first contract:		
*If an **Amendment:***	Number of previous amendments:		
	Current Fiscal Year (YTD)	**Previous Fiscal Year**	**Previous Fiscal Year - 1**
	FY 24/25	FY 23/24	FY 22/23
Date Previously Approved by Commission			
Amount Previously Approved by Commission	$4,237,500.00 (2825 students)	$4,237,500.00 (2825 students)	$4,237,500.00 (2825 students)
Final Contract Amount (not Commission approved amount)	$4,237,500.00 (2825 students)	$4,237,500.00 (2825 students)	$4,237,500.00 (2825 students)
Amounts Invoiced or Expended	$1,417,500.00	$3,463,500.00	$3,444,000.00
Number of Courses Delivered, if applicable			
Number of Students Attended, if applicable	945	2309	2296

ADDITIONAL INFORMATION THE COMMISSION SHOULD KNOW:

Contracts 2025/26			
Driver Training (EVOC)			
Proposed Contract Amount Totals			
FY 25/26			
	Maximum Number of Students Per Contract	**Amount Paid Per Student**	**Maximum Amount FY24/25**
Alameda County Sheriff's Office	245	$1,500.00	**$367,500.00**
Allan Hancock College	320	$1,500.00	**$480,000.00**
Bakersfield Police Department	60	$1,500.00	**$90,000.00**
Butte College	80	$1,500.00	**$120,000.00**
College of the Redwoods	25	$1,500.00	**$37,500.00**
College of the Siskiyous	30	$1500.00	**$45,000.00**
Contra Costa County Sheriff's Office	155	$1,500.00	**$232,500.00**
Fresno County Sheriff's Office	30	$1,500.00	**$45,000.00**
Oakland Police Department	40	$1,500.00	**$60,000.00**
Sacramento County Sheriff's Office	55	$1,500.00	**$82,500.00**
Sacramento Police Department	45	$1,500.00	**$67,500.00**
San Bernardino County Sheriff's Dept	680	$1,500.00	**$1,020,000.00**
San Diego County Sheriff's Office	360	$1,500.00	**$540,000.00**
San Joaquin Delta College	70	$1,500.00	**$105,000.00**
Santa Clara County Sheriff's Office	80	$1,500.00	**$120,000.00**
Santa Rosa Junior College	100	$1,500.00	**$150,000.00**

South Bay Regional Training Ctr	185	$1,500.00	**$277,500.00**
Stanislaus County Sheriff's Dept	85	$1,500.00	**$127,500.00**
State Center Fresno	120	$1,500.00	**$180,000.00**
Tulare Kings College	60	$1,500.00	**$90,000.00**
TOTALS	**2,825**		**$4,237,500.00**

AGENDA ITEM REPORT

Title: REPORT ON REQUEST TO CONTRACT FOR LEARNING PORTAL SUPPORT AND MAINTENANCE

REPORT PROFILE

MEETING DATE 03/05/2025	**BUREAU SUBMITTING THE REPORT** Learning Technology Resources Bureau	
RESEARCHED BY Jun Hwang	**REVIEWED BY**	
REPORT DATE 01/14/2025	**APPROVED BY** Manuel Alvarez, Jr.	**DATE APPROVED** 01/24/2025
PURPOSE	**FINANCIAL IMPACT** Yes	

ISSUE, BACKGROUND, ANALYSIS, & RECOMMENDATION

ISSUE:

POST contracts with a vendor to provide a learning management system (LMS) solution for the Learning Portal. The LMS is a software as a service (SaaS) subscription. It includes hosting of courses and training videos, technical support and training for POST staff, and addressing technical and usability issues. The current contract expires 06/30/2025. This request is to enter into a contract for these services for the period 07/01/2025-06/30/2027.

BACKGROUND:

In 2021, POST began work to modernize the learning management system to ensure stability and increase the distance-learning functionality of the POST Learning Portal. Staff adhered to the State's Product Approval Lifecycle (PAL) process to identify functionality needs and completed a scope of work.

POST staff worked closely with the California Department of Technology (CDT) and the Department of General Services (DGS), to contract for software subscription and implementation services for the Blackboard Learning Management System (LMS) in the amount of $1,662,209.00 for a total of two years ending on 08/31/2024.

The new Portal went live on August 15, 2023.

At the March 2024 Commission Meeting, the Commission approved the Executive Director to enter into a contract to continue the SaaS subscription for the POST Learning Portal for up to $777,405.00 for the period 09/01/2024-06/30/2025.

ANALYSIS:

The POST Learning Portal provides distance learning opportunities for the field. It currently supports 120,520 user accounts and hosts 103 courses. CPT credit earned from Learning Portal courses in the previous CPT cycle (23/24) totals more than 592,714 hours to date. The current maintenance and operations contract for the LMS provides for system uptime, technical support, and some enhancements. It also provides POST staff with the means to make timely changes and updates to course material without having to rely primarily on the vendor to make those updates.

The current maintenance and operations contract expires 06/30/2025. A new contract for the period 07/01/2025-06/30/2027 will allow us to continue these services for the field.

More details are available in the attached Commission Authority Request Contract Form.

RECOMMENDATION:

If the Commission concurs, the appropriate action would be a **MOTION** to authorize the Executive Director to enter into a contract to continue the SaaS subscription for the POST Learning Portal for up to $2,789,854.06 for the period 07/01/2025-06/30/2027.

ATTACHMENT(S):

Commission_Contract_Attachment_LTR_2025.pdf

Commission Authority Request
Contract Attachment Form

(Expand Sections as Necessary)

CONTRACTOR NAME: TBD

PROPOSED START/END DATE: 07/01/2025-06/30/2027

REQUESTED MAXIMUM CONTRACT AUTHORITY: $2,789,854.06

SCOPE OF WORK: Software as a service (SaaS) subscription to include hosting of courses and training videos, technical support and training for POST staff, and addressing technical and usability issues.

DELIVERABLES: Learning Portal access for the field.

REQUIRED DATA IF CONTRACT IS RE-OCCURRING OR AN AMENDMENT:

*If **Re-Occurring:***	Number of previous contracts: 1 Date of initial/first contract: 09/01/2024		
*If an **Amendment:***	Number of previous amendments:		
	Current Fiscal Year	**Previous Fiscal Year**	**Previous Fiscal Year + 1**
	FY 24/25	FY /	FY /
Date Previously Approved by Commission	03/07/2024		
Amount Previously Approved by Commission	$777,405.00		
Final Contract Amount (not Commission approved amount)	$775,428.50		
Amounts Invoiced or Expended	$775,428.50		
Number of Courses Completed, if applicable	71,951		
Number of Students Attended, if applicable	39,645		

ADDITIONAL INFORMATION THE COMMISSION SHOULD KNOW:

(Ex. Why is the contract being amended? Is the contract or amendment supporting a legislative mandate? Is there dedicated or specialized funding such as: PJ, CIT, De-Escalation, Distance Learning, etc.?

POST contracted for $1,662,290.00 for development and implementation of the system which went live 08/15/2023. In March, 2024, the Commission approved $777,405.00 for continued use, maintenance, and support of the system from 09/01/2024 to 06/30/2025.

To ensure continuity of Learning Portal operations, we are requesting $2,789,854.06 for continued use maintenance and support of the system for a two-year period: 07/01/2025 - 06/30/2027.

AGENDA ITEM REPORT

Title:

REPORT ON REQUEST TO CONTRACT FOR DEVELOPMENT AND MAINTENANCE OF ONLINE COURSES FOR THE POST LEARNING PORTAL

REPORT PROFILE

MEETING DATE 03/05/2025	**BUREAU SUBMITTING THE REPORT** Learning Technology Resources Bureau	
RESEARCHED BY Rayanne Rogers		**REVIEWED BY** Rosanne Richeal
REPORT DATE	**APPROVED BY**	**DATE APPROVED**
PURPOSE		**FINANCIAL IMPACT** Yes

ISSUE, BACKGROUND, ANALYSIS, & RECOMMENDATION

ISSUE:

Should the Commission authorize the Executive Director to enter into contracts with qualified vendors for the development and maintenance of online courses not to exceed $500,000.00 to be expended over two years?

BACKGROUND:

Since 2005, POST has produced courses for the Learning Portal on a variety of topics that provide Continuing Professional Training (CPT) hours for law enforcement personnel as well as meet legislatively mandated training requirements. To accomplish this, POST has contracted with qualified vendors to assist in the development of this training.

The POST online courses have proven to be a valuable resource for agencies. They provide an effective means to obtain relevant and contemporary training that is readily available 24/7 at no cost.

ANALYSIS:

In the past, the amounts requested for online Learning Portal courses were based on estimated costs to develop new courses, often including video production requirements separate from POST's video program contract. The estimated amounts for each two-year period ranged from $1.8M to $900K.

Since the last request in 2023 and to continue the bureau's efforts in creating and maintaining online courses, the bureau has improved processes to include:

1. A consistent estimation process based on experience with past projects.
2. Bureau staffing increases which have improved workload distribution and provided opportunity for more in-house projects.
3. Implementation of a formal review and maintenance schedule for online courses to ensure that all Portal training resources are current, and, if not, are identified to be updated or retired from use. Maintenance is a way to update and reuse valuable training resources instead of incurring expense to create entirely new courses.
4. The ability to use the POST video program contract for online course video assets instead of having to contract for video production separately.

The requested amount will be used for creation and maintenance of training courses for the POST Learning Portal. The funds will be encumbered through contracts with qualified vendors over the next two years.

RECOMMENDATION: If the Commission concurs, the appropriate action would be a **MOTION** to approve entering into contracts with qualified vendors for the development and maintenance of online courses not to exceed $500,000.00 to be expended over two years.

ATTACHMENT(S):
Contract_Authority_Request_2025-26.pdf

Commission Authority Request
Contract Attachment Form

(Expand Sections as Necessary)

SUMMARY OF PROGRAM/CONTRACT: To enter into contracts with qualified vendors for the development and maintenance of online courses delivered via the POST Learning Portal not to exceed $500,000.00 to be expended over two years.

CONTRACTOR(S) NAME: TBD

PROPOSED START/END DATE: July 1, 2025 to June 30, 2027

REQUESTED MAXIMUM CONTRACT AUTHORITY: $500,000.00

REQUIRED DATA IF CONTRACT IS RE-OCCURRING OR AN AMENDMENT:

*If **Re-Occurring:***	Number of previous contracts: 10+ Date of initial/first contract: 2005 NOTE – The contract terms are usually multi-year.			
*If an **Amendment:***	Number of previous amendments: N/A			
	Current Fiscal Year (YTD)	**Previous Fiscal Year**	**Previous Fiscal Year + 1**	**Previous Fiscal Year + 2**
	FY 24/25	FY 23/24	FY 22/23	FY 21/22
Date Previously Approved by Commission	March 2023		March 2021	
Amount Previously Approved by Commission	$500,000		$500,000	
Final Contract Amount (not Commission approved amount)	$249,000		$172,700	
Amounts Invoiced or Expended	In progress to expend $249,000		$172,700	
Number of Courses Delivered	NA			
Number of Students Attended	NA			

ADDITIONAL INFORMATION THE COMMISSION SHOULD KNOW:

The requested amount will be used for creation and maintenance of training courses for the POST Learning Portal adding to continued distance learning opportunities for law enforcement personnel.

AGENDA ITEM REPORT

Title: REPORT ON REQUEST TO RENEW THE CONTRACT FOR CALIFORNIA STATE UNIVERSITY, LONG BEACH USE OF FORCE / DE-ESCALATION TRAINING

REPORT PROFILE

MEETING DATE 03/05/2025	**BUREAU SUBMITTING THE REPORT** Learning Technology Resources Bureau	
RESEARCHED BY Michael McHenry	**REVIEWED BY** Rosanne Richeal	
REPORT DATE	**APPROVED BY** Manuel Alvarez, Jr.	**DATE APPROVED** 01/24/2025
PURPOSE	**FINANCIAL IMPACT** Yes	

ISSUE, BACKGROUND, ANALYSIS, & RECOMMENDATION

ISSUE:

Should the Commission authorize the Executive Director to enter into a contract with CSULB to continue presenting the Use of Force / De-Escalation Train-the-Trainer course for Fiscal Year 2025/26 in an amount not to exceed $651,528.90.

BACKGROUND:

POST staff recommends the Commission authorize the Executive Director to enter into a contract with California State University Long Beach (CSULB) to continue presenting the Use of Force De-Escalation Train-the-Trainer course for Fiscal Year 24/25 in an amount not to exceed $651,528.90.

The Commission previously approved contracting with CSULB for $616,211.00, which allowed up to 24 three-day (24 hours) Use of Force De-Escalation Train-the-Trainer courses. This three-day course satisfies the training requirements of California Penal Code section 13519.10 (Senate Bill 230) for Use of Force and De-escalation, and California Penal Code sections 196 and 835a (Assembly Bill392) for Homicide and Force, respectively. It also satisfies the Communications and Use of Force requirements of the POST Perishable Skills Program (PSP) established in Commission Regulation 1005. Lastly, it is compliant with the recently established requirement in Commission Regulation 1070(b) for Use of Force Instructors.

Since this train-the-trainer course began over three years ago, nearly 9,700 officers have been trained by the graduates of this course. Yet, due to constant turnover and reassignment of

agencies' previously trained instructional staff, demand for this training continues to be high, with over 1,870 instructors trained in the past four years and class offerings regularly being at maximum enrollment.

ANALYSIS:

This contract will allow CSULB to continue to present up to 24 three-day (24 hours) Use of Force De-Escalation Train-the-Trainer courses. This three-day course satisfies the training requirements of California Penal Code section 13519.10 (Senate Bill 230) for Use of Force and De-Escalation, and California Penal Code sections 196 and 835a (Assembly Bill 392) for Homicide and Force, respectively. It also satisfies the Communications and Use of Force requirements of the POST Perishable Skills Program (PSP) established in Commission Regulation 1005 and 1070(b).

This course is designed for instructors and provides training on considerations related to use of force including legal standards, objectiveness, de-escalation, duty to intercede, supervisor responsibility, implicit and explicit bias, mental health awareness, and the need to safeguard life, dignity, and liberty of all persons without prejudice to anyone. This course is intended to examine the considerations, reasoning, and analysis that occur concurrent to a use of force incident. Those who complete this training are qualified to present the staff-level Force Options Use of Force / De-escalation course and meet 1070(b) Commission Regulation for Use of Force Instructors.

This proposed contract provides a cost increase of approximately $35,300 over the prior year's budget for comparable deliverables due to small increases in staff and support costs, increases in state-approved maximum reimbursement amounts for per diem / travel costs, and increases in facility costs.

RECOMMENDATION:

If the Commission Concurs, the appropriate action would be a **MOTION** to enter into a contract with California State University, Long Beach (CSULB) to continue presenting the Use of Force/De-Escalation Train-the-Trainer course for Fiscal Year 2025/26 in an amount not to exceed $651,528.90.

ATTACHMENT(S):

CSULB Contract Authority Request 2025-26.pdf

Commission Authority Request
Contract Attachment Form

(Expand Sections as Necessary)

SUMMARY OF PROGRAM/CONTRACT: Contract with California State University Long Beach (CSULB) to continue presenting up to 24 three-day Use of Force/De-Escalation Train-the-Trainer courses. The training satisfies training requirements of SB 230 / Penal Code 13519.10 (Use of Force/De-Escalation), AB 392 / Penal Code 196 and 835a (Homicide and Force), Commission Regulations 1005 (Perishable Skills Program) and 1070 (Use of Force Instructor).

CONTRACTOR(S) NAME: California State University Long Beach (CSULB)

PROPOSED START/END DATE: July 1, 2025/June 30, 2026

REQUESTED MAXIMUM CONTRACT AUTHORITY: $651,528.90

REQUIRED DATA IF CONTRACT IS RE-OCCURRING OR AN AMENDMENT:

*If **Re-Occurring:***	Number of previous contracts: Five Date of initial/first contract June 2, 2021			
*If an **Amendment:***	Number of previous amendments: N/A			
	Current Fiscal Year (YTD)	**Previous Fiscal Year**	**Previous Fiscal Year + 1**	**Previous Fiscal Year + 2**
	FY 24/25	FY 23/24	FY 22/23	FY 21/22
Date Previously Approved by Commission	March 7, 2024	March 22, 2023	March 2, 2022	June 2, 2021
Amount Previously Approved by Commission	616,211	576,191	668,581	667,500
Final Contract Amount (not Commission approved amount)	616,211	576,191	668,581	667,500
Amounts Invoiced or Expended	62,800	397,465	345,967	473,753
Number of Courses Delivered	9	24	22	25
Number of Students Attended	211	470	428	562

ADDITIONAL INFORMATION THE COMMISSION SHOULD KNOW:

The total amount for this proposed contract is increased from the prior year due to the increase in support staff costs, facilities, supplies, and the state's maximum reimbursable travel / per diem amounts for state-related business (e.g., course instructors' travel costs).

AGENDA ITEM REPORT

Title:

REPORT ON REQUEST TO RENEW THE CONTRACTS FOR SUPERVISORY COURSE

REPORT PROFILE

MEETING DATE 03/05/2025	**BUREAU SUBMITTING THE REPORT** Training Program Services Bureau	
RESEARCHED BY Nicholis Petropoulos	**REVIEWED BY** Jim Katapodis	
REPORT DATE 01/10/2024	**APPROVED BY** Manuel Alvarez, Jr.	**DATE APPROVED** 02/14/2024
PURPOSE	**FINANCIAL IMPACT** Yes	

ISSUE, BACKGROUND, ANALYSIS, & RECOMMENDATION

ISSUE:

Should the Commission authorize the Executive Director to enter into contracts with qualifying entities for the presentation of the Supervisory Course in an amount not to exceed $1,660,602.88?

BACKGROUND:

Every POST participating peace officer promoted, appointed, or transferred to a first-level supervisory position shall satisfactorily complete a POST-certified Supervisory Course either 12 months prior to promotion or within 12 months after the initial promotion, appointment, or transfer to such position.

The 80-hour course curriculum includes supervisor's responsibilities at a Use of Force incident as defined in Penal Code section 7286(b)(14). In addition, this course includes the mandatory Electronic Communications Privacy Act (Hi-Tech Crimes), Penal Code section 1546.1, and CalVCB and Rights of Victims and Witness of Crime (Mary's Law), Penal Code section 679.026 (victim reimbursement).

This course includes Leadership, Internal Affairs

Investigations, both sworn and civilian staff's rights, Principled Policing and components, among other topics while weaving cognitive bias recognition, ethics, and principled policing throughout the 80-hours.

For more information on this program, please visit the Supervisory Course website.

ANALYSIS:

Maximum budget expenditures are described in Attachment A - Supervisory - Maximum Expenditures. Contract History is described in Attachment B - Supervisory - Contract History. The Supervisory program budget has decreased due to fewer total presentations.

RECOMMENDATION:

If the Commission concurs, the appropriate action would be a **MOTION** to approve the proposed Supervisory budget in the amount of $1,660,602.88.

ATTACHMENT(S):

Attachment A - Supervisory - Maximum Expenditures V3_2.12.pdf
Attachment B - Supervisory - Contract History V3_2.12.pdf

Year: 2025/2026 Supervisory

Description	Quantity	Total
Alameda County Sheriff's Department	4	$47,254.76
Course		
Supervisory	4	$47,254.76
CSU Long Beach Research Foundation	2	$41,988.00
Course		
Train the Trainer	2	$41,988.00
Golden West College	4	$53,780.12
Course		
Supervisory	4	$53,780.12
Lassen Community College	3	$62,711.28
Course		
Supervisory	3	$62,711.28
Los Angeles County Sheriff's Department	6	$58,800.00
Course		
Supervisory	6	$58,800.00
Los Angeles Police Department	5	$114,879.65
Course		
Supervisory	5	$114,879.65
Orange County Sheriff's Department	7	$53,067.56
Course		
Supervisory	7	$53,067.56

Rio Hondo Community College District	6	$93,862.86
Course		
Supervisory	6	$93,862.86
Riverside County Sheriff's Department	6	$182,316.96
Equipment		$1,245.00
Course		
Supervisory	6	$181,071.96
Sac Regional Public Safety Training Center	7	$168,621.60
Course		
Supervisory	7	$168,621.60
San Bernardino County Sheriff’s Department	4	$91,183.96
Course		
Supervisory	4	$91,183.96
San Diego County Sheriff’s Office	2	$27,368.30
Course		
Supervisory	2	$27,368.30
San Jose Police Department	3	$60,024.30
Course		
Supervisory	3	$60,024.30
Santa Rosa Junior College	4	$93,192.52
Equipment		$655.00
Course		
Supervisory	4	$92,537.52

South Bay Regional Public Safety Training Consortium	9	$448,543.05
Curriculum Development	2	$100,080.00
Equipment		$1,150.00
Course		
Supervisory	7	$347,313.05
State Center Regional Training Facility	4	$63,007.96
Course		
Supervisory	4	$63,007.96
Grand Total	76	**$1,660,602.88**

Contract Attachment Form

SUMMARY OF PROGRAM/CONTRACT:
The 80-hour mandated Supervisory Course (Commission Regulation 1005) must be completed within 12 months of promotion or appointment to a first-level supervisory position. The Supervisory Course is organized under the following topics:

CONTRACTOR(S) NAME:
Alameda County Sheriff's Department
CSU Long Beach Research Foundation
Golden West College
Lassen Community College
Los Angeles County Sheriff's Department (LASD)
Los Angeles Police Department (LAPD)
Orange County Sheriff's Department (OCSD)
Rio Hondo Community College District
Riverside County Sheriff's Department
Sac Regional Public Safety Training Center (SRPSTC)
San Bernardino County Sheriff's Department (SBSD)
San Diego County Sheriff's Office (SDSO)
San Jose Police Department
Santa Rosa Junior College
South Bay Regional Public Safety Training Consortium (SRPSTC)
State Center Regional Training Facility

PROPOSED START/END DATE:
July 1, 2025 – June 30, 2026

REQUESTED MAXIMUM CONTRACT AUTHORITY:
$1,660,602.88

REQUIRED DATA IF CONTRACT IS RE-OCCURRING OR AN AMENDMENT:

*If **Re-Occurring:***	Number of previous contracts: 16 Date of initial/first contract: FY 17/18 (Record retention is only 6 years)		
*If an **Amendment:***	Number of previous amendments: N/A		
	Current Fiscal Year (YTD)	**Previous Fiscal Year**	**Previous Fiscal Year - 1**
	FY 24/25	FY 23/24	FY 22/23
Date Previously Approved by Commission	03/07/2024	03/22/2023	03/02/2022
Amount Previously Approved by Commission	$1,838,786.80	$1,447,682.81	$1,104,068.84
Final Contract Amount (not Commission approved amount)	$1,838,786.80	$1,447,682.81	$1,104,068.84
Amounts Invoiced or Expended	$408,387.00 as of 1/10/2025	$853,132.15 as of 1/10/2025	$574,966.06 as of 1/10/2025
Number of Courses Delivered, if applicable	25 as of 1/10/2025	65 as of 1/10/2025	65 as of 1/10/2025
Number of Students Attended, if applicable	601 as of 1/10/2025	1,589 as of 1/10/2025	1,631 as of 1/10/2025

ADDITIONAL INFORMATION THE COMMISSION SHOULD KNOW:

The Supervisory program budget has decreased by $178,183.92 due to fewer total presentations.

AGENDA ITEM REPORT

Title: REPORT ON REQUEST TO RENEW THE CONTRACTS FOR THE POST MANAGEMENT COURSE (PMC)

REPORT PROFILE

MEETING DATE 03/05/2025	**BUREAU SUBMITTING THE REPORT** Training Program Services Bureau	
RESEARCHED BY John Tomasello	**REVIEWED BY** Kenya Smith	
REPORT DATE	**APPROVED BY** Manuel Alvarez, Jr.	**DATE APPROVED** 02/13/2025
PURPOSE	**FINANCIAL IMPACT** Yes	

ISSUE, BACKGROUND, ANALYSIS, & RECOMMENDATION

ISSUE: Should the Commission authorize the Executive Director to enter into contracts with qualifying entities for the update to curriculum and presentation of the POST Management Course in an amount not to exceed **$1,854,328.80**?

BACKGROUND: The 104-hour mandated Management Course is presented in three instructional phases and is designed to assist supervisors transitioning to middle management. Utilizing adult learning principles, the course covers several specific topics including: Role of the Lieutenant, Leadership, Community Oriented Policing/Problem Oriented Policing, Strategic Planning, Fiscal Management, Personnel Issues, Legal Issues, Critical Incident Management, Values/Ethics, Risk Management, Media, Personnel/Professional Growth, and a Project Presentation. Commission Regulation 1005(c) requires every peace officer (except all jail deputies) promoted, appointed, or transferred to a middle management position after July 1, 2018, shall satisfactorily complete a certified Management Course either 12 months prior to promotion or within 12 months after the initial promotion, appointment, or transfer to such position. An officer who will be appointed within 12 months to a middle management or higher position or an officer who is assigned to a first-level supervisory position may attend a Management Course, if authorized by the department head. Completion of the Supervisory Course is a prerequisite to attending the Management Course. Requirements for the Management Course are set forth in Commission Procedure D-4.

ANALYSIS: The budget details can be viewed in (Attachment A - PMC - Maximum Expenditures). The historic expenditures can be viewed in (Attachment B - PMC - Contract History). There is no increase to the budget for Fiscal Year 2025/2026.

RECOMMENDATION: If the Commission concurs, the appropriate action would be a **MOTION** to approve the proposed POST Management Course program budget in the amount of $1,854,328.80.

ATTACHMENT(S):

Attachment A V2 updated 2.10.25 - PMC - Maximum Expenditures.pdf

Attachment B V2 updated 2.10.25 - PMC - Contract History.pdf

Description	Cost	Presentations	Total
Course	$67,989.90	11	$747,888.90
South Bay Grand Total	**$67,989.90**	**11**	**$747,888.90**
Description	**Cost**	**Presentations**	**Total**
Curriculum Development	$1,592.50	1	$1,592.50
Equipment			$500.00
Course			$0.00
Module A	$16,584.00	9	$149,256.00
Module B	$15,657.00	9	$140,913.00
Module C	$14,879.00	9	$133,911.00
GTA Grand Total	**$48,712.50**	**28**	**$426,172.50**
Description	**Cost**	**Presentations**	**Total**
Equipment			
Course			
Module A	$22,746.78	12	$272,961.36
Module B	$15,802.79	12	$189,633.48
Module C	$18,139.38	12	$217,672.56
CSULB	**$56,688.95**	**36**	**$680,267.40**
POST Management Course Grand Total	**$173,391.35**	**75**	**$1,854,328.80**

Contract Attachment Form

SUMMARY OF PROGRAM/CONTRACT:
The 104-hour mandated Management Course (Commission Regulation 1005) is designed to assist supervisors in transitioning to middle managers and must be completed within 12 months of promoting or being appointed to a middle management position.

CONTRACTOR(S) NAME:
Government Training Agency, California State University, Long Beach, and South Bay Training Consortium

PROPOSED START/END DATE:
July 1, 2025 – June 30, 2026

REQUESTED MAXIMUM CONTRACT AUTHORITY:
$1,854,328.80

REQUIRED DATA IF CONTRACT IS RE-OCCURRING OR AN AMENDMENT:

*If **Re-Occurring:***	Number of previous contracts: 3 per fiscal year Date of initial/first contract: FY 17/18 (Record retention is only 6 years).		
*If an **Amendment:***	Number of previous amendments: NA		
	Current Fiscal Year (YTD)	**Previous Fiscal Year**	**Previous Fiscal Year - 1**
	FY 24/25	FY 23/24	FY 22/23
Date Previously Approved by Commission	03/07/2024	03/22/2023	03/02/2022
Amount Previously Approved by Commission	$1,856,722.61	$1,669,446.69	$1,521,887.74
Final Contract Amount (not Commission approved amount)	$1,856,722.61	$1,632,156.69	$1,569,368.74
Amounts Invoiced or Expended	$93,859.16 as of 1/10/2025	$1,153,285.25 as of 1/10/2025	$1,207,470.92 as of 1/10/2025
Number of Courses Delivered, if applicable	44 as of 1/10/2025	100 as of 1/10/2025	101 as of 1/10/2025
Number of Students Attended, if applicable	908 as of 1/10/2025	2,243 as of 1/10/2025	2,255 as of 1/10/2025

ADDITIONAL INFORMATION THE COMMISSION SHOULD KNOW:

There is no increase to the budget for Fiscal Year 2025/2026.

AGENDA ITEM REPORT

Title:

REPORT ON REQUEST TO RENEW THE CONTRACT FOR SHERMAN BLOCK SUPERVISORY LEADERSHIP INSTITUTE (SBSLI)

REPORT PROFILE

MEETING DATE 03/05/2025	**BUREAU SUBMITTING THE REPORT** Training Program Services Bureau	
RESEARCHED BY Nicholis Petropoulos		**REVIEWED BY** Jim Katapodis
REPORT DATE 01/10/2025	**APPROVED BY** Manuel Alvarez, Jr.	**DATE APPROVED** 02/13/2025
PURPOSE		**FINANCIAL IMPACT** Yes

ISSUE, BACKGROUND, ANALYSIS, & RECOMMENDATION

ISSUE:

Should the Commission authorize the Executive Director to enter into a contract with a qualifying entity for the presentation of the Sherman Block Supervisory Leadership Institute in an amount not to exceed $2,875,153.95?

BACKGROUND:

The Training Program Services (TPS) Bureau fulfills POST's vision through the development and maintenance of training curricula for California Peace Officers. TPS utilizes annual contracts to provide mandated and necessary training in the areas of leadership, criminal investigations, future foresight, supervision, management, instructor development, diversity, and tolerance.

TPS maintains quality and excellence in its training course through quality assessment, instructor development, and curriculum updates to incorporate and address contemporary issues and subject matter improvements.

ANALYSIS:

Maximum budget expenditures are described in Attachment A - SBSLI - Maximum Expenditures. Contract History is described in Attachment B - SBSLI - Contract History. Sherman Block Supervisory Leadership Institute will be decreasing by

$540.15.

RECOMMENDATION: If the Commission concurs, the appropriate action would be a **MOTION** to approve the proposed Sherman Block Supervisory Leadership Institute budget in the amount of $2,875,153.95.

ATTACHMENT(S):

Attachment A - SBSLI - Maximum Expenditures V2_2.11.pdf

Attachment B - SBSLI - Contract History V2_2.11.pdf

Year: 2025/2026 Sherman Block Supervisory Leadership Institute (SBSLI)

Description	Quantity	Total
CSULB		
Curriculum Development		
	2	$45,681.70
Equipment		
		$11,100.00
Course		
SBSLI	9	$1,183,191.75
SBSLI Trainer	10	$1,324,961.50
Facilitator Development Workshop	2	$271,121.90
Facilitator Assessment Workshop	1	$39,097.10
Grand Total:	24	$2,875,153.95

Contract Attachment Form

SUMMARY OF PROGRAM/CONTRACT:
The Sherman Block Supervisory Leadership Institute (SBSLI) is a program designed to stimulate personal growth, leadership, and ethical decision-making in California law enforcement front-line supervisors. Designed and implemented in 1988 through the efforts of California law enforcement professionals and top educators and trainers, the SBSLI is an intense program based on experiential learning techniques. Students are challenged to learn new ways to resolve issues through group and individual work. The curriculum takes students through an analysis of management (planning, organizing, directing, etc.) and leadership (inspiring, challenging, developing, etc.) and how each discipline compliments the other. The course progresses from self-evaluation, to interpersonal evaluation, to organizational relationships.

CONTRACTOR(S) NAME:
California State University Long Beach

PROPOSED START/END DATE:
July 1, 2025 – June 30, 2026

REQUESTED MAXIMUM CONTRACT AUTHORITY:
$2,875,153.95

REQUIRED DATA IF CONTRACT IS RE-OCCURRING OR AN AMENDMENT:

*If **Re-Occurring:***	Number of previous contracts: 6 Date of initial/first contract: FY 17/18 (Record retention is 6 years)		
*If an **Amendment:***	Number of previous amendments: NA		
	Current Fiscal Year (YTD)	**Previous Fiscal Year**	**Previous Fiscal Year - 1**
	FY 24/25	FY 23/24	FY 22/23
Date Previously Approved by Commission	3/07/2024	3/22/2023	3/02/2022
Amount Previously Approved by Commission	$2,875,694.10	$2,675,551.90	$2,633,960.70
Final Contract Amount (not Commission approved amount)	$2,875,694.10	$2,675,551.90	$2,633,960.70
Amounts Invoiced or Expended	$651,072.30 as of 1/10/2025	$2,170,516.43 as of 1/10/2025	$2,069,274.93 as of 1/10/2025

Number of Courses Delivered, if applicable	85 as of 1/10/2025	180 as of 1/10/2025	180 as of 1/10/2025
Number of Students Attended, if applicable	1,673 as of 1/10/2025	3,624 as of 1/10/2025	3,234 as of 01/10/2025

ADDITIONAL INFORMATION THE COMMISSION SHOULD KNOW:

SBSLI budget will be decreasing slightly by $540.15 for FY 25/26.

AGENDA ITEM REPORT

Title: REPORT ON REQUEST TO RENEW THE CONTRACT FOR THE POST COMMAND COLLEGE (CC)

REPORT PROFILE

MEETING DATE 03/05/2025	**BUREAU SUBMITTING THE REPORT** Training Program Services Bureau	
RESEARCHED BY John Tomasello	**REVIEWED BY**	
REPORT DATE	**APPROVED BY** Manuel Alvarez, Jr.	**DATE APPROVED** 02/13/2025
PURPOSE	**FINANCIAL IMPACT** Yes	

ISSUE, BACKGROUND, ANALYSIS, & RECOMMENDATION

ISSUE:

Should the Commission authorize the Executive Director to enter into a contract with a qualifying entity for the presentation of the Command College Course in an amount not to exceed **$484,684.25**?

BACKGROUND:

The Training Program Service (TPS) Bureau is responsible for developing law enforcement curricula for California Peace Officers and meeting California legislative mandates or other critical law enforcement training needs. Using subject matter experts (SME), TPS creates training that meets Legislative Mandates and other critical training needs for the field. TPS also investigates how the application of various forms of technology can assist instructors with presenting the best possible training to the 80,000 peace officers that serve the communities of California.

The Law Enforcement Command College is a 14-month program designed to prepare law enforcement leaders of today for the challenges of the future. The program focuses on the development of strategic foresight needed to influence the future direction of law enforcement organizations, strategies to identify emerging issues and provide proactive responses, trend analysis via the STEEP (sociological, technological, economic, environmental, political) model, methods and benefits of stakeholder engagement and sharing of information to address pending community needs, procedural Justice and

the impact of social systems on a global society.

The primary goal of the Command College is to provide sitting law enforcement leaders with a focus on futures forecasting and innovation. Students are exposed to leaders in the field of forecasting, innovation, economics, media relations, political science, and organizational leadership from across the nation. The program is presented at a master's degree level, based on student- centered adult learning theories, placing accountability and responsibility for success on the student.

ANALYSIS: The proposed budget details can be viewed in (Attachment A - CC - Maximum Expenditures). The historic expenditures can be viewed in (Attachment B - CC - Contract History). There is no increase to the budget for Fiscal Year 2025/2026.

RECOMMENDATION: If the Commission concurs, the appropriate action would be a **MOTION** to approve the proposed contract of the Command College Course in an amount not to exceed $484,684.25?

ATTACHMENT(S):

Attachment A V2 updated 2.11.25 - CC - Maximum Expenditures.pdf

Attachment B V2 updated 2.11.25 - CC - Contract History.pdf

Budget Overview			
Title Description	Cost	Quantity	Total
Curriculum Development			
0	$0.00	0	$0.00
Equipment	$1,000.00	1	$1,000.00
Course			
Command College	$483,684.25	1	$483,684.25
		Grand Total:	**$484,684.25**

Contract Attachment Form

SUMMARY OF PROGRAM/CONTRACT:
The primary goal of the Command College is to provide training for sitting law enforcement leaders, with a focus on futures forecasting and innovation. Students are exposed to leaders in the field of forecasting, innovation, economics, media relations, political science, and organizational leadership from across the nation.

CONTRACTOR(S) NAME:
Government Training Agency

PROPOSED START/END DATE:
July 1, 2025 – June 30, 2026

REQUESTED MAXIMUM CONTRACT AUTHORITY:
$484,684.25

REQUIRED DATA IF CONTRACT IS RE-OCCURRING OR AN AMENDMENT:

*If **Re-Occurring:***	Number of previous contracts: 1 per fiscal year. Date of initial/first contract: FY 17/18 (Record retention is only 6 years).		
*If an **Amendment:***	Number of previous amendments: NA		
	Current Fiscal Year (YTD)	**Previous Fiscal Year**	**Previous Fiscal Year - 1**
	FY 24/25	FY 23/24	FY 22/23
Date Previously Approved by Commission	03/07/2024	03/22/2023	03/02/2022
Amount Previously Approved by Commission	$484,684.25	$484,684.25	$484,684.25
Final Contract Amount (not Commission approved amount)	$484,684.25	$484,684.25	$484,684.25
Amounts Invoiced or Expended	$115,908.29 as of 1/10/2025	$451,845.44 as of 1/10/2025	$426,113.65 as of 1/10/2025
Number of Courses Delivered, if applicable	5 as of 1/10/2025	14 as of 1/10/2025	14 as of 1/10/2025
Number of Students Attended, if applicable	107 as of 1/10/2025	315 as of 1/10/2025	287 as of 1/10/2025

ADDITIONAL INFORMATION THE COMMISSION SHOULD KNOW:

There is no increase to the budget for Fiscal Year 2025/2026.

AGENDA ITEM REPORT

Title: REPORT ON REQUEST TO RENEW THE CONTRACT FOR THE ROBERT PRESLEY INSTITUTE FOR CRIMINAL INVESTIGATION (ICI)

REPORT PROFILE

MEETING DATE 03/05/2025	**BUREAU SUBMITTING THE REPORT** Training Program Services Bureau	
RESEARCHED BY Nicholis Petropoulos	**REVIEWED BY** Andrew Mendonsa	
REPORT DATE 01/10/2025	**APPROVED BY** Manuel Alvarez, Jr.	**DATE APPROVED** 02/15/2025
PURPOSE	**FINANCIAL IMPACT** Yes	

ISSUE, BACKGROUND, ANALYSIS, & RECOMMENDATION

ISSUE: Should the Commission authorize the Executive Director to enter into contracts with qualifying entities for the presentation of the Institute for Criminal Investigation (ICI) in an amount not to exceed $5,586,826.11?

BACKGROUND: The Robert Presley Institute of Criminal Investigation (ICI) was established in accordance with Penal Code section 13519.9 to provide an advanced training program for criminal investigators of California's law enforcement agencies. As such, the ICI Program provides core instruction in matters common to all investigative activities, advanced instruction through foundation specialty courses, and a variety of elective courses pertaining to criminal investigations. The program consists of a two-week core investigations course, an approved foundation specialty course, and a series of investigative elective courses. For more information on this program course, please visit the ICI Website.

ANALYSIS: Maximum budget expenditures are described in Attachment A - ICI - Maximum Expenditures. Contract History is described in Attachment B - ICI - Contract History. The Institute of Criminal Investigations program budget has decreased due to fewer total presentations.

RECOMMENDATION: If the Commission Concurs, the appropriate action would be a **MOTION** to approve the proposed Institute for Criminal Investigation (ICI) budget in the amount of $5,586,826.11.

ATTACHMENT(S):
Attachment A - ICI - Maximum Expenditures V3_2.12.pdf
Attachment B - ICI - Contract History V3_2.12.pdf

Year: 2025/2026 Institute of Criminal Investigation (ICI)

Description	Quantity	Total
California Department of Justice	3	$87,519.51
Course		
ICI Internet Crimes	3	$87,519.51
California State University, Long Beach	3	$184,506.30
Course		
ICI Core	3	$184,506.30
Government Training Agency	46	$1,691,373.10
Equipment		$6,750.00
Course		
ICI Advanced Gangs	1	$20,210.24
ICI Arson Explosives	2	$52,754.50
ICI Burglary, Theft, & Receiving Stolen Property	2	$54,376.50
ICI Child Abuse	3	$63,486.75
ICI Core	8	$429,672.89
ICI Financial Crimes	2	$42,032.50
ICI Fundamentals of Cybercrimes	2	$47,596.50
ICI Gangs Specialty Foundation	2	$40,420.47
ICI Homicide	3	$175,331.41
ICI Identity Theft	1	$21,305.25
ICI Instructor - All Phases	2	$64,424.40
ICI Phase III Evaluations/Mentors	1	$7,080.00
ICI Narcotics	3	$181,274.33
ICI OIS & In-Custody Death Investigations	4	$145,209.00
ICI Real Estate Fraud	1	$17,798.25

ICI Science Based Interviewing	2	$100,276.50
ICI Sexual Assault	5	$173,377.11
ICI Technology for Investigators	2	$47,996.50
Los Angeles County Sheriff's Department	5	$165,189.90
Equipment		$500.00
Course		
ICI Homicide	5	$164,689.90
Los Angeles Police Department	6	$279,085.88
Course		
ICI Core	2	$158,376.50
ICI Sexual Assault	2	$54,949.70
ICI Gang Investigation	2	$65,759.68
Northern California Regional Public Safety Training Authority	20	$756,497.04
Equipment		$3,000.00
ICI Course		
ICI Core	7	$316,651.09
ICI Homicide	4	$189,278.36
ICI OIS	4	$132,884.60
ICI Sexual Assault	3	$73,482.99
ICI Child Abuse	2	$41,200.00
San Francisco Police Department	4	$198,917.91
Curriculum Development	1	$2,190.80
Equipment		$3,400.00

Course		
ICI Core	3	$193,327.11
South Bay Regional Bay Public Safety Training Consortium	33	$1,820,408.82
ICI - SBI Research SME	1	$20,120.00
Equipment		$6,027.72
Course		
ICI Child Abuse	2	$64,959.96
ICI Core	7	$513,009.91
ICI Financial Crimes	2	$65,013.92
ICI Homicide	5	$407,994.65
ICI Human Trafficking	2	$95,932.04
ICI Officer Involved Shooting	4	$196,313.04
ICI Robbery	2	$66,451.44
ICI Sexual Assault	6	$276,555.90
ICI Science Based Interviewing	2	$108,030.24
State Center Community College District	10	$403,327.65
Course		
ICI Core	5	$182,167.10
ICI Gangs	2	$36,950.86
ICI Major Drug/Narcotics	3	$184,209.69
Grand Total:	**130**	**$5,586,826.11**

Contract Attachment Form

SUMMARY OF PROGRAM/CONTRACT:
State Senator Robert Presley is credited with planting the seed in the mid-1980s of what has since grown into a highly respected and recognized training program for California's criminal investigators. Those who commit themselves to earning a Robert Presley Institute of Criminal Investigation (ICI) Certificate of Achievement will realize the program's goal of becoming a highly trained and competent criminal investigator who is able to meet the investigative challenges of the future.

CONTRACTOR(S) NAME:
California Department of Justice
California State University, Long Beach
Government Training Agency
Los Angeles County Sheriff's Department
Los Angeles Police Department
Northern California Regional Public Safety Training Authority
San Francisco Police Department
South Bay Regional Public Safety Training Consortium
State Center Community College District

PROPOSED START/END DATE:
July 1, 2025 – June 30, 2026

REQUESTED MAXIMUM CONTRACT AUTHORITY:
$5,586,826.11

REQUIRED DATA IF CONTRACT IS RE-OCCURRING OR AN AMENDMENT:

*If **Re-Occurring:***	Number of previous contracts: 9 Date of initial/first contract: FY 17/18 (Record retention is only 6 years)		
*If an **Amendment:***	Number of previous amendments: N/A		
	Current Fiscal Year (YTD)	**Previous Fiscal Year**	**Previous Fiscal Year - 1**
	FY 24/25	FY 23/24	FY 22/23
Date Previously Approved by Commission	03/07/2024	03/22/2023	03/02/2022
Amount Previously Approved by Commission	$5,658,893.98	$4,962,706.49	$4,713,704.42

Final Contract Amount (not Commission approved amount)	$5,658,893.98	$4,962,706.49	$4,713,704.42
Amounts Invoiced or Expended	$1,239,842.92 as of 1/10/2025	$4,056,295.88 as of 1/10/2025	$4,377,446.06 as of 1/10/2025
Number of Courses Delivered, if applicable	62 as of 1/10/2025	141 as of 1/10/2025	178 as of 1/10/2025
Number of Students Attended, if applicable	1,404 as of 1/10/2025	3,131 as of 1/10/2025	3,728 as of 1/10/2025

ADDITIONAL INFORMATION THE COMMISSION SHOULD KNOW:

The Institute of Criminal Investigations program budget has decreased by $72,067.87 due to fewer total presentations.

AGENDA ITEM REPORT

Title: REPORT ON REQUEST TO RENEW THE CONTRACT FOR THE INSTRUCTOR DEVELOPMENT INSTITUTE (IDI)

REPORT PROFILE

MEETING DATE 03/05/2025	**BUREAU SUBMITTING THE REPORT** Training Program Services Bureau	
RESEARCHED BY Taylor Tavares	**REVIEWED BY** Bill Baldwin	
REPORT DATE 01/10/2025	**APPROVED BY** Manuel Alvarez, Jr.	**DATE APPROVED** 02/13/2025
PURPOSE	**FINANCIAL IMPACT** Yes	

ISSUE, BACKGROUND, ANALYSIS, & RECOMMENDATION

ISSUE: Should the Commission authorize the Executive Director to enter into contracts with qualifying entities for the presentation of the Instructor Development Institute in an amount not to exceed $663,130.90?

BACKGROUND: The Training Program Services (TPS) Bureau fulfills POST's vision through the development and maintenance of training curricula for California Peace Officers. TPS utilizes annual contracts to provide mandated and necessary training in the areas of leadership, criminal investigations, future foresight, supervision, management, instructor development, diversity, and tolerance.

TPS maintains quality and excellence in its training courses through quality assessment, instructor development, and curriculum updates to incorporate and address contemporary issues and subject matter improvements.

ANALYSIS: Maximum budget expenditures are described in Attachment A – IDI – Maximum Expenditures.

Contract History is described in Attachment B – IDI – Contract History.

Current contract will expire at the end of this Fiscal Year 24/25.

The Contract amount is decreasing. The factors that are

contributing to changes for FY 25/26 are: decreased presentation and curriculum hours.

Details available in Attachment B - Contract History.

RECOMMENDATION: If the commission concurs, the appropriate action would be a **MOTION** to approve the proposed changes as described in the staff report.

ATTACHMENT(S):
Attachment A â€“ IDI â€“ Maximum Expenditures - V2_02.10
Attachment B - IDI - Contract History - V2_02.11

Instructor Development Institute (IDI)
Attachment B

Year 25/26

Description	# of Presentations	Total Expenditure
Government Training Agency	28	$636,184.50
Program Management & Travel	1	$148,128.00
Building & Facilitating Tabletop Training - 9070-23604	1	$3,249.75
Instructor Certification Course - Basic - 9070-21749	3	$58,185.75
Instructor Development - Intermediate Course - 9070-21707	4	$77,264.00
IDI Instructo Dev - Instructional Technology Course - 9070-21727	1	$9,257.75
IDI Advanced Instructor, Phase I, Course - 9070-21719	2	$44,152.50
IDI Advanced Instructor, Phase II, Course - 9070-21721	2	$17,962.50
IDI - Leadership and Mentoring for Instructors Course - 9070-21722	5	$68,027.50
IDI Master Instructor Certification Course, Orientation - 9070-21723	1	$22,831.25
IDI Master Instructor Certification Course, Core- 9070-21726	1	$38,777.25
IDI Master Instructor Cert. - Progress Workshop - 9070-21727 OR 9070-21729	3	$68,226.75
IDI Master Instructor Certification Validation (Facilitation) - 9070-21728	1	$25,644.50
IDI - Master Instructor, Course Validation - 9070-21757	1	$9,827.00
IDI Master Instructor Student Coaching	1	$24,300.00
Equipment		$4,750.00
Curriculum Development		$15,600.00
South Bay Regional Public Safety Training	1	$26,946.40
IDI Intermediate Course	1	$25,759.90
Equipment		$1,186.50
Grand Total	**28**	**$663,130.90**

Commission Authority Request Contract Attachment Form

SUMMARY OF PROGRAM/CONTRACT:

The Instructor Development Institute (IDI) "provides multi-level, multi-track programs to develop professionalism in the delivery of law enforcement instruction."

CONTRACTOR(S) NAME:

Government Training Agency

South Bay Regional Public Safety Training Consortium

PROPOSED START/END DATE:

July 1, 2025 - June 30, 2026

REQUESTED MAXIMUM CONTRACT AUTHORITY:

$663,130.90

REQUIRED DATA IF CONTRACT IS RE-OCCURRING OR AN AMENDMENT:

*If **Re-Occurring:***	Number of previous contracts: 1 per fiscal year Date of initial/first contract: FY 17/18 (Record retention is only 6 years.)		
*If an **Amendment:***	Number of previous amendments: N/A		
	Current Fiscal Year	**Previous Fiscal Year**	**Previous Fiscal Year + 1**
	FY 24/25	FY 23/24	FY 22/23
Date Previously Approved by Commission	03/07/2024	03/22/2023	03/02/2022
Amount Previously Approved by Commission	$698,443.73	$811,279.79	$814,364.50

Final Contract Amount (not Commission approved amount)	$698,443.73	$811,279.79	$814,364.50
Amounts Invoiced or Expended	$53,485.60 (as of 01/10/2025)	$550,254.22 (As of 01/10/2025)	$728,909.27
Number of Courses Delivered	8 (as of 01/10/2025	20	25
Number of Students Attended	105 (as of 01/10/2025)	329	373

ADDITIONAL INFORMATION THE COMMISSION SHOULD KNOW:
(Ex. What has changed from the previous FY?)

The IDI Program amount is decreasing. The factors that are contributing to changes for FY 25/26 are:

Government Training Agency:

- Increase in facility rates and shipping costs.
- Minor increase in the instructor rate, to align with the level of experience and expertise required under this program.
- Adjusted the number of presentations to align with program needs, resulting in the decrease of one course presentation of the IDI Basic Instructor Course and an increase of one course presentation of the IDI Leadership, Mentoring & Coaching course.

South Bay:

- The number of presentations has decreased.

As of October 1, 2024, the state adopted federal standard and non-standard reimbursement lodging rates.

AGENDA ITEM REPORT

Title: REPORT ON REQUEST TO RENEW THE CONTRACT FOR THE POST EXECUTIVE DEVELOPMENT COURSE (EDC)

REPORT PROFILE

MEETING DATE 03/05/2025	**BUREAU SUBMITTING THE REPORT** Training Program Services Bureau	
RESEARCHED BY John Tomasello	**REVIEWED BY**	
REPORT DATE	**APPROVED BY** Manuel Alvarez, Jr.	**DATE APPROVED** 02/13/2025
PURPOSE	**FINANCIAL IMPACT** Yes	

ISSUE, BACKGROUND, ANALYSIS, & RECOMMENDATION

ISSUE:

Should the Commission authorize the Executive Director to enter into a contract with a qualifying entity for the presentation of the Executive Director Course in an amount not to exceed **$373,929.80**?

BACKGROUND:

The Executive Development Course (EDC) is the last in a series of professional development programs offered by POST and is intended to enhance the leadership potential and capabilities of law enforcement executives. The EDC is an 80-hour course conducted in two separate one-week sessions. Completion of EDC is a requirement for a department head to receive their POST Executive Certificate [Commission Regulation 1202(b)(9)]. EDC addresses a broad range of contemporary topics, issues and trends relevant to the law enforcement executive. These include perspectives on the executive leadership role in law enforcement, contemporary issues, principled policing, and community perspectives affecting law enforcement leadership, understanding and navigating local government, budgets, and the City/County Management Police Executive Relationship, the integration of ethics and value-based principles into the core operating philosophy and culture of the organization, principles of strategic and transition management when planning for and implementing change, organizational interventions and critical incident care management, risk management, internal auditing, systems analysis and performance measures, internal/external accountability systems, misconduct prevention and early

detection strategies, crisis communications and media competency, current legal issues regarding organizational liability, internal discipline, forms of discrimination, and personal liability.

ANALYSIS: The budget details can be viewed in (Attachment A - EDC - Maximum Expenditures). The historic expenditures can be viewed in (Attachment B - EDC - Contract History). There is no increase to the budget for Fiscal Year 2025/2026.

RECOMMENDATION: If the Commission concurs, the appropriate action would be a **MOTION** to approve the proposed Executive Director Course budget in an amount not to exceed $373,929.80.

ATTACHMENT(S):

Attachment A V2 updated 2.10.25 - EDC - Maximum Expenditures.pdf

Attachment B V2 updated 2.10.25 - EDC - Contract History.pdf

Description	Cost	Presentations	Total
Equipment			
Course			
Session 1	$37,376.88	5	$186,884.40
Session 2	$37,409.08	5	$187,045.40
CSULB Executive Development Grand Total	**$74,785.96**	**10**	**$ 373,929.80**

Contract Attachment Form

SUMMARY OF PROGRAM/CONTRACT:
EDC is the last in a series of professional development programs offered by POST and is intended to enhance the leadership potential and capabilities of law enforcement executives. The EDC is an 80-hour course conducted in two separate one-week sessions.

CONTRACTOR(S) NAME:
California State University, Long Beach

PROPOSED START/END DATE:
July 1, 2025 – June 30, 2026

REQUESTED MAXIMUM CONTRACT AUTHORITY:
$373,929.80

REQUIRED DATA IF CONTRACT IS RE-OCCURRING OR AN AMENDMENT:

*If **Re-Occurring:***	Number of previous contracts: 1 per fiscal year. Date of initial/first contract: FY 17/18 (Record retention is only 6 years).		
*If an **Amendment:***	Number of previous amendments: NA		
	Current Fiscal Year (YTD)	**Previous Fiscal Year**	**Previous Fiscal Year - 1**
	FY 24/25	FY 23/24	FY 22/23
Date Previously Approved by Commission	03/07/2024	03/22/2023	03/02/2022
Amount Previously Approved by Commission	$374,706.25	$363,263.75	$391,265.00
Final Contract Amount (not Commission approved amount)	$374,706.25	$363,263.75	$391,265.00
Amounts Invoiced or Expended	$0 as of 1/10/2025	$296,867.39 as of 1/10/2025	$270,615.25 as of 1/10/2025
Number of Courses Delivered, if applicable	4 as of 1/10/2025	10 as of 1/10/2025	10 as of 1/10/2025

Number of Students Attended, if applicable	96 as of 1/10/2025	256 as of 1/10/2025	262 as of 1/10/2025

ADDITIONAL INFORMATION THE COMMISSION SHOULD KNOW:

There is no increase to the budget for Fiscal Year 2025/2026.

AGENDA ITEM REPORT

Title: REPORT ON REQUEST TO RENEW THE CONTRACT FOR THE MUSEUM OF TOLERANCE (MOT)

REPORT PROFILE

MEETING DATE 03/05/2025	**BUREAU SUBMITTING THE REPORT** Training Program Services Bureau	
RESEARCHED BY John Tomasello	**REVIEWED BY**	
REPORT DATE 01/10/2025	**APPROVED BY** Manuel Alvarez, Jr.	**DATE APPROVED** 02/12/2025
PURPOSE	**FINANCIAL IMPACT** Yes	

ISSUE, BACKGROUND, ANALYSIS, & RECOMMENDATION

ISSUE: Should the Commission authorize the Executive Director to enter into a contract with the Simon Wiesenthal Center for the presentation of the Museum of Tolerance (MOT) program in an amount not to exceed **$1,556,000.00**?

BACKGROUND: Diversity training remains an important priority and POST continues to partner with the Simon Wiesenthal Museum of Tolerance (MOT) to offer a variety of Tools for Tolerance programs designed for all levels of law enforcement personnel.

Training topics available at MOT are: Tools for Tolerance for Law Enforcement. Tools for Tolerance for Command Staff. Racial Profiling: Issues and Impact. A First Responder's Guide for Persons with Mental and Developmental Disabilities. Hate Crimes Training. Hate Crimes Investigation.

ANALYSIS: The budget details can be viewed in (Attachment A - MOT - Maximum Expenditures). The historic expenditures can be viewed in (Attachment B - MOT - Contract History). This contract is legislatively mandated in the Penal Code 13519.4. There is no increase to the budget for Fiscal Year 2025/2026.

RECOMMENDATION: If the Commission concurs, the appropriate action would be a **MOTION** to approve the proposed Simon Wiesenthal Center, for the presentation of, the Museum of Tolerance program budget of $1,556,000.00.

ATTACHMENT(S):
Attachment A V2 updated 2.10.25 - MOT - Maximum Expenditures.pdf
Attachment B V2 updated 2.10.25 - MOT - Contract History.pdf

Description	Cost	Quantity	Total
Tools I Program: Evolving Role of Law Enforcement	$9,068.66	55	$498,776.30
Command Staff Tools Program	$35,712.85	4	$142,851.40
Facilitator Update Training	$30,316.00	1	$30,316.00
Tools III Programs: Beyond Diversity And/or Hate Crimes	$11,880.61	25	$297,015.25
SLI at the MOT	$16,108.91	20	$322,178.20
Racial Profiling Update Training	$4,818.52	25	$120,463.00
Racial Profiling Train the Trainer	$28,879.97	5	$144,399.85
		Grand Total:	**$1,556,000.00**

Note: Simon Wiesenthal Center Descriptions are subject to change based off the current program coordinator and or instructor training needs.

Contract Attachment Form

SUMMARY OF PROGRAM/CONTRACT:
Diversity training remains an important priority and POST continues to partner with the Simon Wiesenthal Museum of Tolerance to offer a variety of Tools for Tolerance programs designed for all levels of law enforcement personnel. Additionally, entry-level law enforcement trainees receive 16 hours of Cultural Diversity (Learning Domain 42) and 15 hours of People with Disabilities, (Learning Domain 37) training in all POST basic academies.

CONTRACTOR(S) NAME:
Simon Wiesenthal Center

PROPOSED START/END DATE:
July 1, 2025 – June 30, 2026

REQUESTED MAXIMUM CONTRACT AUTHORITY:
$1,556,000.00

REQUIRED DATA IF CONTRACT IS RE-OCCURRING OR AN AMENDMENT:

*If **Re-Occurring:***	Number of previous contracts: 1 per fiscal year. Date of initial/first contract: FY 17/18 (Record retention is only 6 years).		
*If an **Amendment:***	Number of previous amendments: NA		
	Current Fiscal Year (YTD)	**Previous Fiscal Year**	**Previous Fiscal Year - 1**
	FY 24/25	FY 23/24	FY 22/23
Date Previously Approved by Commission	$1,556,000	$1,556,000	$1,556,000
Amount Previously Approved by Commission	$1,556,000	$1,556,000	$1,556,000
Final Contract Amount (not Commission approved amount)	$1,556,000	$1,556,000	$1,556,000
Amounts Invoiced or Expended	$0 as of 1/10/2025	$1,556,000 as of 1/10/2025	$783,216.04 as of 1/10/2025

Number of Courses Delivered, if applicable	47 as of 1/10/2025	125 as of 1/10/2025	120 as of 1/10/2025
Number of Students Attended, if applicable	912 as of 1/10/2025	2,637 as of 1/10/2025	2,411 as of 1/10/2025

ADDITIONAL INFORMATION THE COMMISSION SHOULD KNOW:

- This contract is legislatively mandated in the Penal Code 13519.4.
- There is no increase to the budget for Fiscal Year 2025/2026.

AGENDA ITEM REPORT

Title: REPORT ON REQUEST TO RENEW THE CONTRACT FOR THE QUALITY ASSESSMENT PROGRAM (QAP)

REPORT PROFILE

MEETING DATE 03/05/2025	**BUREAU SUBMITTING THE REPORT** Training Program Services Bureau	
RESEARCHED BY Taylor Tavares	**REVIEWED BY** Bill Baldwin	
REPORT DATE 01/10/2025	**APPROVED BY** Manuel Alvarez, Jr.	**DATE APPROVED** 02/13/2025
PURPOSE	**FINANCIAL IMPACT** Yes	

ISSUE, BACKGROUND, ANALYSIS, & RECOMMENDATION

ISSUE: Should the Commission authorize the Executive Director to enter into a contract with a qualifying entity for the presentation of the POST Quality Assessment Program (QAP) in an amount not to exceed $698,223.63?

BACKGROUND: One of the most compelling challenges for POST is to assess how effective training is for the student, and specifically whether the curriculum enhances student performance, competency, and service. Therefore, it is critical to audit training to ensure it conforms with the content and delivery method previously reviewed and certified by POST.

The QAP measures law enforcement instructor and course quality, evaluates instructor use of adult learning methods and techniques, reviews course documentation, measures learning validation and ensures the quality of POST-certified training courses. In addition, the QAP identifies regulatory compliance deficiencies, as well as non-compliance to agree upon POST-approved budgets for charging tuition.

If an assessment reveals a weakness in the curriculum or the facilitation skills of an instructor, the QAP assessor will make recommendations for a more robust curriculum or enhance classroom environment management and facilitation skills through mentorship. The course coordinator will provide a step-by-step outline of how these weaknesses will be remedied to bring the course up to POST standard.

If an assessment reveals non-compliance with Commission Regulation(s), significant deviation from the POST-certified training outline or non-compliance to the POST-approved budget, etc., those findings and corrective actions will be taken in a written response to POST. Upon receipt of the presenter response, POST determines whether the response is sufficient, whether additional monitoring is necessary, or whether the course should be de-certified or put into modification (pending inactive status).

ANALYSIS:

Maximum budget expenditures are described in Attachment A – QAP – Maximum Expenditures.

Contract History is described in Attachment B – QAP – Contract History.

Current contract will expire at the end of this Fiscal Year 24/25.

The budget has not increased for FY 25/26.

RECOMMENDATION:

If the commission concurs, the appropriate action would be a **MOTION** to approve the proposed changes as described in the staff report.

ATTACHMENT(S):

Attachment A - QAP - Maximum Expenditures - V2_02.11

Attachment B - QAP - Contract History - V2_02.11

Year 25/26

Description	Total Expenditure
South Bay Regional Public Safety Training Consortium	$698,223.63
Quality Assessment Program	$698,223.63
Grand Total	**$698,223.63**

Commission Authority Request Contract Attachment Form

SUMMARY OF PROGRAM/CONTRACT:

Quality Assessment Program (QAP) measures law enforcement instructor and course quality, evaluates instructor use of adult learning methods and techniques, reviews course documentation, and ensures the quality of POST-certified courses (Traditional Learning and Distant Learning) are consistent with POST's Strategic Plan (2021), Organizational Analysis Report (2018), and PC 13503.

CONTRACTOR(S) NAME:

South Bay Regional Public Safety Training Consortium

PROPOSED START/END DATE:

July 1, 2025 - June 30, 2026

REQUESTED MAXIMUM CONTRACT AUTHORITY:

$698,223.63

REQUIRED DATA IF CONTRACT IS RE-OCCURRING OR AN AMENDMENT:

*If **Re-Occurring:***	Number of previous contracts: 1 per fiscal year Date of initial/first contract: FY 17/18 (Record retention is only 6 years.)		
*If an **Amendment:***	Number of previous amendments: N/A		
	Current Fiscal Year	**Previous Fiscal Year**	**Previous Fiscal Year + 1**
	FY 24/25	FY 23/24	FY 22 / 23
Date Previously Approved by Commission	03/07/2024	03/22/2023	03/02/2022

Amount Previously Approved by Commission	$698,357.60	$583,064.00	$583,064.00
Final Contract Amount (<u>not</u> Commission approved amount)	$698,357.60	$583,064.00	$583,064.00
Amounts Invoiced or Expended	$257,854.24 (as of 01/10/2025)	$579.048.41 (As of 1/10/2025)	$581,138.35
Number of Courses Delivered	N/A	N/A	N/A
Number of Students Attended	N/A	N/A	N/A

<u>ADDITIONAL INFORMATION THE COMMISSION SHOULD KNOW:</u>
(Ex. What has changed from the previous FY?)

The budget has not increased for FY 25/26.

AGENDA ITEM REPORT

Title: REPORT ON REQUEST TO CONTRACT WITH MARK43 FOR MAINTENANCE AGREEMENT

REPORT PROFILE

MEETING DATE 03/05/2025	**BUREAU SUBMITTING THE REPORT** Executive Office	
RESEARCHED BY Jason Morlock	**REVIEWED BY** Annemarie Del Mugnaio	
REPORT DATE 02/05/2025	**APPROVED BY** Manuel Alvarez, Jr.	**DATE APPROVED** 02/06/2025
PURPOSE	**FINANCIAL IMPACT** Yes	

ISSUE, BACKGROUND, ANALYSIS, & RECOMMENDATION

ISSUE:

Should the Commission authorize the Executive Director to enter into a contract with Mark43 to provide a maintenance and licensing agreement for Fiscal Year 25/26 in an amount not to exceed $1,400,000.00?

BACKGROUND:

Scope of Work:

- The Contractor shall provide licensing and renewal support services for the Mark43 platform functionality.
- The Commission on POST agrees to pay Contractor an amount not to exceed $1,400,000.00 for the services listed herein during the Agreement term, July 1, 2025 - June 30, 2026.
- Contract may be amended for time, funds, or scope, by mutual consent of the parties.
- The Commission on POST reserves the right to cancel this agreement subject to thirty (30) days written notice to Contractor.

ANALYSIS:

POST was funded $2M through the Senate Bill (SB) 2, (2021), Budget Change Proposal (BCP) to purchase the initial Mark43 software and records management system which houses the serious misconduct cases submitted to the Peace Officer Standards Accountability Division (POSAD). The Commission approved the initial purchase request at its March 2, 2022 meeting. The contract before the Commission is the maintenance and software agreement to support the ongoing use of the Mark43 system by POST and the reporting law enforcement agencies. The amount requested exceeds the

allocated funding in the SB 2 BCP ($900,000.00) for ongoing maintenance and licensing of the case management software.

RECOMMENDATION: If the Commission concurs, the appropriate action would be a **MOTION** to authorize the Executive Director to enter into contracts for the Mark43 maintenance agreement in an amount not to exceed $1,400,000.00.

ATTACHMENT(S):
Mark43 Commission Authority Request Contract Attachment Form.pdf

Commission Authority Request
Contract Attachment Form

SUMMARY OF PROGRAM/CONTRACT:

California Penal Code § 13509.5 created the Peace Officer Standards Accountability Division (POSAD) with the primary responsibility to review investigations conducted by law enforcement agencies and to conduct additional investigations, as necessary, into allegations of serious misconduct by peace officers. To meet this mandate, POST submitted a Budget Change Proposal in 2022-23 that provided POST one-time authority for $2M to purchase a case management system. The ongoing appropriation of $900,000 was allocated for the maintenance of the software and data. POST contracted with Mark43, Inc. to provide POSAD with the Mark43 records management system (RMS) software-as-a-service (SaaS) and purchased the software May 4, 2022.

The contract request before the Commission is a maintenance and software licensing agreement to continue the use of the platform by POST and the law enforcement agencies responsible for reporting cases to POSAD.

CONTRACTOR(S) NAME: Visionary Integration Professionals / Mark43

PROPOSED START/END DATE: July 1, 2025, to June 30, 2026

REQUESTED MAXIMUM CONTRACT AUTHORITY: $1,400,000.00

REQUIRED DATA IF CONTRACT IS RE-OCCURRING OR AN AMENDMENT:

*If **Re-Occurring:***	Number of previous contracts: 3 Date of initial/first contract: 03/02/2022		
*If an **Amendment:***	Number of previous amendments:		
	Current Fiscal Year (YTD)	**Previous Fiscal Year - 2**	**Previous Fiscal Year - 1**
	FY 24/25	FY 23/24	FY 22/23
Date Previously Approved by Commission	03/07/24	03/22/23	05/04/22
Amount Previously Approved by Commission	$1,800,000	$1,800,000	$2,000,000
Final Contract Amount (not Commission approved amount)	$1,335,918.90	$1,558,470.13	$1,858,995.90
Amounts Invoiced or Expended	$1,335,918.90	$1,558,470.13	$1,858,995.90
Number of Courses Delivered, if applicable	N/A	N/A	N/A
Number of Students Attended, if applicable	N/A	N/A	N/A

ADDITIONAL INFORMATION THE COMMISSION SHOULD KNOW:

The amount requested exceeds the allocated funding in the SB 2 BCP ($900,000.00) for ongoing maintenance and licensing of the case management software. The contract term runs from July 2025 to June 2026.

AGENDA ITEM REPORT

Title: REPORT TO REQUEST TO RENEW THE CONTRACT FOR LOCAL AGENCY AUDITS

REPORT PROFILE

MEETING DATE 03/05/2025	**BUREAU SUBMITTING THE REPORT** Administrative Services Bureau	
RESEARCHED BY Dominic Hummel	**REVIEWED BY** Kim Singleton	
REPORT DATE 02/04/2025	**APPROVED BY** Manuel Alvarez, Jr.	**DATE APPROVED** 02/09/2025
PURPOSE	**FINANCIAL IMPACT** Yes	

ISSUE, BACKGROUND, ANALYSIS, & RECOMMENDATION

ISSUE:

Should the Commission authorize the Executive Director to enter into an inter-agency agreement with the State Controller's Office (SCO) during Fiscal Years 25/26 and 26/27 in an amount not to exceed $250,000 per year to audit law enforcement agency and presenter reimbursement claims?

BACKGROUND:

In accordance with Commission Regulation 1015(j) Reimbursements for Training, POST has annually negotiated an inter-agency agreement with the State Controller's Office (SCO) to conduct up to thirteen (13) audits a year of selected local agencies and presenters that receive POST reimbursement funds. Records are to be retained by agencies and presenters for up to three (3) years for auditing purposes.

The purpose of these audits are to verify that state reimbursement funding is properly disseminated to law enforcement agencies and presenters.

ANALYSIS:

POST has historically contracted with the State Controller's Office (SCO) to randomly audit the training reimbursement claims made by local agencies, including presenters. These audits ensure compliance with Penal Code section 13523 and Commission Regulation regarding the proper utilization of POST monies.

The estimated contract cost is reflected in **Attachment A**. The estimate is bifurcated to reflect costs for the actual audits, in addition to costs associated with administrative costs.

Actual costs include review of reimbursements, review of funds paid to presenters by agencies, travel and report writing of audit findings. Administrative tasks include managing auditors, reviewing reports, overseeing contract and invoice billing, and following up on corrective action plans based on audit findings if reimbursement is owed to POST.

This project is supported by POST Strategic Plan Objective B.4: The efficiency of operations and business is increased.

RECOMMENDATION:

If the Commission Concurs, the appropriate action would be a **MOTION** to approve the proposed inter-agency agreement with the State Controller's Office (SCO) during Fiscal Years 25/26 and 26/27 in an amount not to exceed $250,000 per year to audit law enforcement agency and presenter reimbursement claims.

ATTACHMENT(S):

SCO_Commission_Contract_Attachment_Feb_2025.pdf
Attachment_A.pdf

Commission Authority Request
Contract Attachment Form

(Expand Sections as Necessary)

CONTRACTOR NAME: State Controller's Office

PROPOSED START/END DATE: July 1, 2025 to June 30, 2027

REQUESTED MAXIMUM CONTRACT AUTHORITY: $500,000.00

SCOPE OF WORK: In accordance with Commission Regulation 1010(a)(3) Inspection of Records, POST biannually negotiates an inter-agency agreement with the State Controller's Office (SCO) to conduct up to thirteen (13) audits per Fiscal Year of selected local agencies and presenters that receive POST reimbursement funds.

DELIVERABLES: The purpose of these audits is to verify state reimbursement funding is properly disseminated to law enforcement agencies and presenters.

REQUIRED DATA IF CONTRACT IS RE-OCCURRING OR AN AMENDMENT:

*If **Re-Occurring:***	Number of previous contracts: Nineteen (19) Date of initial/first contract: FY 2006/2007		
*If an **Amendment:***	Number of previous amendments: NA		
	Current Fiscal Year	**Previous Fiscal Year**	**Previous Fiscal Year + 1**
	FY 24 / 25	FY 23 / 24	FY 22 / 23
Date Previously Approved by Commission	March 7, 2024	June 2, 2023	February 12, 2022
Amount Previously Approved by Commission	$250,000.00	$250,000.00	$250,000.00
Final Contract Amount (not Commission approved amount)	$250,000.00	$250,000.00	$250,000.00
Amounts Invoiced or Expended	$53,859.64	$241,248.97	$240,511.03
Number of Courses Completed, if applicable	NA	NA	NA
Number of Students Attended, if applicable	NA	NA	NA

ADDITIONAL INFORMATION THE COMMISSION SHOULD KNOW:

The reimbursement data for the agencies being audited for the current fiscal year (FY 24/25) was provided to the State Controller's Office in October 2024. Audits are in the initial stages now.

SCO Audits
POST Program
2025-27 Estimated Yearly Workload for 13 Audits

Cost Per Audit	Estimated Hours Per Audit	Anticipated Hourly Rate	Estimated Costs
Auditor	120	$130.00	$ 15,600
Manager	8	$160.00	$ 1,280
Bureau Chief	2	$178.00	$ 356
Travel			$ 1,000
Total Costs Per Audit			$ 18,236
Number of Audits			13
Total Audit Costs			$ 237,068

Administrative Costs	Estimated Hours	Anticipated Hourly Rate	Estimated Costs
Auditor	24	$130.00	$ 3,120
Manager	16	$160.00	$ 2,560
Bureau Chief	14	$178.00	$ 2,492
Corrective Action Plans	36	$130.00	$ 4,680
Total Administrative Costs			$ 12,852
Total Audit and Administrative Costs			$ 249,920

AGENDA ITEM REPORT

Title:

REPORT ON AMENDMENTS TO COMMISSION REGULATIONS 1005, 1007, 1008, AND 1059 - INSTRUCTOR'S GUIDE TO LEARNING ACTIVITIES

REPORT PROFILE

MEETING DATE 03/05/2025	**BUREAU SUBMITTING THE REPORT** Basic Training Bureau	
RESEARCHED BY Anita M. Finner	**REVIEWED BY** Carrie Hollar	
REPORT DATE 01/16/2025	**APPROVED BY** Manuel Alvarez, Jr.	**DATE APPROVED** 02/05/2025
PURPOSE	**FINANCIAL IMPACT** No	

ISSUE, BACKGROUND, ANALYSIS, & RECOMMENDATION

ISSUE:

Should the Commission approve, subject to the Notice of Proposed Regulatory Action Process, the proposed changes enumerated in this report?

BACKGROUND:

POST staff facilitated a discussion with Academy Directors and Coordinators in 2023 at the Basic Course Consortiums regarding the need to update the 2005 Instructor's Guide to Learning Activities, version 1.0, publication. Those in attendance agreed it was necessary to update the outdated publication.

In 2024, BTB staff hosted two workshops to review and revise the existing 2005 Instructor's Guide to Learning Activities, version 1.0, publication for basic courses. Subject Matter Experts (SMEs) representing ten (10) academies participated.

In addition to the changes to the Instructor's Guide to Learning Activities, staff identified the need to restructure the flow of the affected Training and Testing Specifications to coincide with the order of how the content is delivered in the course. POST

staff identified the need for this due to presenter confusion when testing should be conducted.

ANALYSIS:

During the workshops, the SMEs proposed to repeal the 2005 Instructor's Guide to Learning Activities, version 1.0 (**Attachment A**) due to outdated content, therefore creating the proposed 2025 Instructor's Guide to Learning Activities, version 2.0 (**Attachment B**).

Fifteen (15) existing Training and Testing Specifications (TTS) reference the 2005 Instructor's Guide to Learning Activities, version 1.0, publication **(Attachments C and D)** throughout several required learning activities. The Attachment C TTSs reflect the updated publication title from Instructor's Guide to Learning Activities for Leadership, Ethics, and Community Policing (December 2005) to Instructor's Guide to Learning Activities (October 2025). In addition, the Required Tests specifications within the fifteen (15) TTSs were moved to follow the required learning activities specifications. There were no content changes within the TTSs.

RECOMMENDATION: If the Commission concurs, the appropriate action would be a **MOTION** to approve the 2025 Instructor's Guide to Learning Activities, version 2.0, as described in the staff report.

ATTACHMENT(S):

Attachment_A_Instructor's_Guide_to_Learning_Activities_Version_1.0.pdf
Attachment_C_TTS_Guide_References.pdf
Attachment_D_1005-1007-1008-1059_TPRA_Instructors_Guide.pdf
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Attachment A

Instructor's Guide to Learning Activities

For Leadership, Ethics and Community Policing





Version 1.0,
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Instructor's Guide to Learning Activities
For Leadership, Ethics and Community Policing
Version 1.0

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Instructor's Guide to Learning Activities

Primary Author: Bob Harrison, Special Consultant POST
Primary Editors: Dan Toomey, Senior Consultant POST
Graham Breck, Supervisor, Learning Technology Resource Center POST
Contributors: Instructors and Staff from the:
Napa Valley College Criminal Justice Training Center
Los Angeles Police Department Recruit Academy
San Bernardino County Sheriff's Regional Training Center
San Diego Regional Public Safety Training Institute

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~~FOREWORD~~

~~The California Commission on Peace Officer Standards and Training is pleased to provide this Instructor's Guide to Learning Activities in support of the Leadership, Ethics, and Community Policing Project. The Guide will be a resource for instructors and others charged with the delivery of Peace Officer Basic Courses and will help with the integration of the core concepts into the academy curriculum. It will also emphasize critical thinking and problem-solving skills.~~

~~The Learning Activities noted herein are required in 16 of the Basic Course Learning Domains and their use is strongly encouraged in all other Learning Domains as a means to provide an academy experience that is closely linked to future peace officer duties.~~

~~The Commission sincerely appreciates the efforts and support of the many curriculum consultants, instructors, academy directors, and coordinators who worked with POST staff to develop this Instructor's Guide to Learning Activities. The Commission also extends its appreciation to agency leaders throughout California who provided personnel to participate in the development of this Guide.~~

~~KENNETH J. O'BRIEN~~
~~Executive Director~~

Instructor's Guide to Learning Activities for Leadership, Ethics, and Community Policing in the Basic Course

Goal Statement

POST's mission is to provide the finest quality public safety training and professional development that is responsive to the needs of the agencies and diverse communities we serve.

The goal of the basic academy is to prepare students with the knowledge, skills and abilities necessary to succeed in a field-training program after graduation and ultimately to function as a peace officer in California.

The purpose and objective of these learning activities is to provide opportunities for discussion between instructor and student, opportunities to refine critical thinking skills and to practice field-relevant skills in a safe, yet challenging, learning environment.

Students should be allowed to freely share relevant opinions and values during each discussion. Students are expected to enhance their knowledge of leadership, ethics and community policing and their role in each concept as peace officers, and to adhere to these values during their academy training and throughout their career as a peace officer.

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Introduction

Purpose

This instructor's guide to learning activities describes specific scenarios, activities and other active learning techniques to engage academy students in the student-centered learning environment. The emerging academy classroom emphasizes the retention of material in a setting where learners are responsible for their education for the ultimate purpose of succeeding in field training and beyond. These learning activities emerged during the course of the POST project to integrate Leadership, Ethics and Community Policing (LECP; defined in Appendix) into the Basic Course curriculum. They are also consistent with the move from traditional lecture-based training to the facilitation of Basic Course learning objectives.

The purpose of the basic academy is to prepare students with the knowledge, skills and abilities necessary to succeed in a field-training program and ultimately to function as a peace officer in California. To do so, students must leave the academy experience with an ingrained understanding of core concepts of leadership, ethical decision-making and policing in a manner consistent with the lawful needs, desires and goals of their community. The academy classroom, therefore, must be one where competency is acquired, tested, refined and reinforced. The best way to ensure effective application of skills learned in the academy is to involve students in their own learning. An active, learner-centered training environment is the most effective way to develop the skills, knowledge, beliefs and behaviors that will lead to their success as peace officers.

How to use this Guidebook

The learning activities in this guide were first developed by instructors in classes at the four pilot LECP academies in 2003-04. The activities were evaluated by instructors and their students, and then expanded, rewritten and refined for general use. Each Learning Domain contains learning activities presented in the following manner:

- The Prerequisites – what the student should have read or experienced prior to the learning activity. This primarily lists the student workbooks the student should have completed or have previously received training.
- Introductory information – this information is intended for the instructor, and may be used in lesson plan development, delivery of material or for questions posed to the class during the discussion phase of the learning

activity. Although not strictly stated, the introduction is anchored in the Leadership, Ethics and Community Policing (LECP) project. The goal of the LECP is to ingrain those concepts across the curriculum and into each lesson plan. Your responsibility is to make the concepts come alive during your training.

- Learning Objectives – these objectives are anchored in Bloom's Taxonomy. The first three levels are those that are tested for mastery; the remaining three are the ones that reinforce "learning how to learn" and form the basis from which peace officers use knowledge gained in one setting to resolve conflict in others.
- The Activities – the activities are presented in a narrative format to assist in your understanding of the nature of the activity, how it may be delivered, and how to end the activity with the desired understandings. The format and focus of student work may be varied at the instructor's discretion as long as the selected format emphasizes interactivity and student work rather than presented information in a more traditional teacher-centered classroom.
- Time needed to complete the activity – these are estimates of the time generally required for the completion of the activity. Some activities indicate time for preparation, group work and follow-up questions or debriefing. Instructors may extend the time used, especially if students are wrestling with important concepts or synthesizing learning into another concept or teaching point. Alternate group work formats may also either extend or contract time necessary to complete the activity.
- Comprehensive questions – these are strategic questions that may be used to ensure all learners have acquired core concepts in the activity or concept area. They may be used to wrap up a session, or may be used as a prompter to initiate a class review of learning.
- Resources – these are available resources that may be used either in class, or by students beyond the training environment. The listing of resources in each activity is a starting point; as the subject-matter expert in the LD, you should use your knowledge to identify and use other resources to enhance the training experience.

Facilitating Active Learning

The activities are intended to be folded into your lesson plan, and not be a separate component of training (e.g., don't stop and say "OK, let's do one of the POST learning activities" etc.). They are successful examples of activities your peers have used while working with the student-centered classroom. Starting in late 2005, all levels of instructor development training will enhance their emphasis on

facilitation skills development. The essence of this training modality is to involve the student in the acquisition of their knowledge and in making them responsible for their learning[1]. These activities are an example of interactive training. There are a wide variety of other techniques you will use as you construct your lesson plan. They include (but are not limited to):

- Paired and small group work to extend and deepen understanding
- Problem-solving scenarios and strategies
- Blended learning strategies to use technology in support of training
- Case study method
- Problem-Based Learning (PBL)
- Independent or small group research
- Student teaching of selected topics

There are references to interactive training strategies and techniques throughout this guide. In general, there should be an opportunity for the learner to reflect and discuss the content of training on a regular and recurring basis via group work, written work, class discussion or application simulations. Further, consider how you currently deliver information in your training. Persons can generally recall information in five-to-seven "chunks" (think of a phone number, Social Security Number or other common knowledge chunks- if you added a few more numbers- like a country code- they become much more difficult to retain). This holds true in education, where learners need time to internalize concepts whenever a limited set (five to seven, for example) have been introduced.

Integrating the Learning Activities Into Your Lesson

The learning activities should be a foundation to your active learning efforts. As you gain confidence in their use, it is quite possible you will want to modify, enhance or vary the activity. This may be due to current events, emerging trends, available technology or the expertise of those on your academy staff who can assist in developing instructional material that will produce the desired training effect.

The most appropriate steps to integrate these activities into your preliminary lesson plan are to:

[1] Student self-assessment both prior to and during the learning experience is a valuable means by which they may understand what "good" or "excellent" looks like, and to align the retention of knowledge and skills to tested concepts. Rubric-based assessment is an excellent means by which to complete this goal. See Problem-Based Learning and related concepts.

- Scan the guidebook, not only within your assigned subject area, but in others to gain a sense of the variety of learning styles, breakout and small group work options and scenarios that might work well for your intended purpose.
- Select a preliminary group of activities for possible inclusion in your lesson plan.
- Write a preliminary draft of your lesson plan. Consider the overall learning objectives of the *Training and Testing Specifications* (www.post.ca.gov) for the Learning Domain, time allotted to the training, available audio-visual resources, job aids or other materials you will need to present the training, etc.
- Include an appropriate array of learning activities as a part of the draft lesson plan.
- Script the lesson plan, including time requirements and constraints. The time available may cause an expansion or contraction of time for a specific learning activity (remember, the Basic Course Curriculum has been modified significantly to allow added time for interactive learning, so do not remain fixated on what you "used to teach").
- Develop the final student-centered lesson plan (incorporate learning activities as a part of the delivery)
- Locate and confirm your resources.
- Present the training; facilitate student learning.
- After the training experience, consider student input, and then refine and revise the lesson plan to enhance the active learning components of the training.

Note: Many of the learning activities described in this guidebook may be applied to a variety of Learning Domains. If you are thinking of adding activities to your lesson plan, do not restrict your search to those listed for your particular LD. You may research activities beyond your own as well as other resources to add tools for your use; keep them in mind as you construct your next lesson.

Instructional Methodology

The traditional methodology of instruction in the regular basic academy course has been to focus on a teaching approach that emphasizes the teaching of complex information, memorization of various codes and in activities that instill a basic knowledge of the policing profession. Although that approach has merit in many of the competencies and learning domains encountered in the basic course, it falls short when the new officer or deputy is required to analyze, synthesize or evaluate how they should use the knowledge gained in the often ambiguous environment

into which they will be thrust. Beginning January 2006, POST Regulations will require LECP learning activities in sixteen of the Learning Domains (1, 3, 4, 15, 16, 18, 19, 20, 21, 22, 23, 25, 28, 30, 37, 42) in the Basic Course, and also encourages instructors to use similar strategies throughout the academy experience.

This section will acquaint you with this significant transition in our police academies. It will review the philosophies and concepts driving changes occurring in the academy curriculum, and also orient you with the ways in which the new curriculum should be taught. The following chart displays the move from traditional academy instruction to the basic course emerging in 2006 and beyond.

FROM…	**TO…**
Instructor Centered Training	Student Centered Learning
Instructor responsible for teaching	Student responsible for learning
Just in case training	Just in time training
Memorization of facts, tables, codes and procedures	Identification and retrieval of information at the time it is needed
Fact-based training	Problem-based training
Blank slate trainee	Knowledgeable adult with little or no police training or experience
Teaching knowledge and applied skills	Teaching applied and interpersonal skills and conflict resolution
Graduate recruits for field duties as an officer or deputy	Graduate recruits for success in the Post academy held training
The “dip” approach	Immersion into the topic and its relation to other topics and concepts
Pass tests	Learn Subjects
In-class training	Active, blended learning

It is important to note the manner in which our recruits have been taught still has merit and much of the knowledge and concepts will be valid for years to come. At times, using lecture supported by Power Point, memorization of facts and similar strategies will remain a part of what an academy instructor uses to teach and train others. For a number of reasons, however, relying on those tools as primary methods to engage students in learning is well short of what will be required to ensure the recruit succeeds once she or he moves beyond the confines of the academy setting.

The emerging Basic Course curriculum is grounded in active adult learning consistent with long-standing theory and practice in education. You will maximize your effectiveness as an instructor if you are familiar with this body of knowledge (a discussion of Malcolm Knowles and adult learning appears in the Appendix) and in the use of facilitation techniques to create a learner-centered instructional environment. To ease your use of this guide, you should be familiar with why using learning activities is so important and how their use will help you achieve your goal of transferring your knowledge to those who must apply it in the field.

Conclusion

Think of the *Training and Testing Specifications*, this guidebook and previous lesson plans as a foundation and a starting point for your future teaching activities. Some instructors have felt constrained by what has always been done. Our responsibility as teachers and trainers, however, is to prepare the next generation of peace officers to succeed in a tough, evolving field environment. The academy classroom should, to the greatest extent possible, replicate the demand they will find in the real world. Our job is to deliver training experiences that do just that, and to make the class setting one where they not only remember what you said, but can do the things they are supposed to do.

Learning Domain 1: Leadership, Professionalism, and Ethics

Prerequisites

Prior to these learning activities, the students shall either have been instructed in or had the opportunity to study the student workbooks for:

- LD 1: *Leadership, Professionalism, and Ethics*

Introduction

A learning activity is required as a component of instructional delivery in this Domain. Learning Domain 1 is the initial block of instruction for most basic Academy programs. This domain covers leadership, professionalism and ethics. The Domain addresses the need to make a conscious commitment to maintain public trust and to act in a manner consistent with the highest ideals of the profession at all times.

The students are at the starting point in their careers, and should be made aware they will assume roles of leadership in their organizations and communities from the day they start the academy. The academy is the crucible within which students will first learn and apply principles of leadership, including:

- Learning to follow the leadership efforts of others; to follow the lead of academy instructors and staff and others appointed to lead their initial training experience
- Learning to manage one's own emotions and perspectives to enable others to trust them and form the relationships necessary for effective leadership
- Learning to take responsibility for one's own actions and conduct
- Learning to lead peer students as assigned, and to follow the lead of others appointed for that purpose throughout the academy

Leadership, professionalism, and ethics do not make a "stand-alone" learning domain. Its themes are woven throughout the academy experience, in the student's field training program and in the laws they are sworn to enforce as peace officers. Most questions of ethics and integrity fall into one of two main categories. The first category is characterized by questions that have clear right answers. Stealing, lying, and falsifying reports are wrong. The goal is to help recruits distinguish right from wrong and choose right. The second category is characterized by questions that have two or more right, but conflicting, answers. These are called dilemmas. The goal in these cases is to help recruits identify these dilemmas and make choices based on best practice standards and the highest values of the policing profession.

Learning Outcomes

At the conclusion of this activity, the student will be able to:

- Explain the relationship of leadership, ethics and community policing to the student's role as a peace officer
- Demonstrate an understanding of the Six Pillars of Character and their relevance to policing
- Demonstrate an understanding of the nature of ethical conflicts and a means by which to resolve them
- Explain the role of peace officers in the community and the nature of the relationship between the police and those they serve

Activities

Activity One

This activity entails student work to recall, understand and apply the Code of Ethics by reinforcing segments throughout the academy. It should be repeated until all students can recite and respond to questions linking the Code of Ethics to questions regarding ethical issues of concern to the police. There are a number of possible variations to the mere recitation of the Code of Ethics to reinforce the student's understanding of its tenets; instructors should use their creativity to develop ways to present training to add depth to the understanding, analysis and evaluation of the Code as it would be applied in the field as peace officers.

The academy staff or instructor will assign a member of the class (usually the class sergeant) to read the Code of Ethics to the entire class. The academy staff or instructor will then question students about the meaning and importance of the Code of Ethics. Students will then read and recite the Code of Ethics on each break one to two times per week, and academy staff or instructors will continue to engage them in dialogue regarding the meaning of the Code after the recitations.

Variations on this theme may be:

- Assigning students to research (Internet, media or print sources) appropriate incidents that involve leadership, ethical conduct or community policing, then lead discussions amongst their peers regarding the incident, its relevance to the Code of Ethics and to their profession
- Allowing students to create role play examples of incidents that relate to portions of the Code, then to lead class dialogue to ensure others understand the relationship between the Code and the incident depicted
- Any other means to move beyond recitation and into understanding, application and evaluation of the Code of Ethics to their role as peace officers

Comprehensive Questions

Levels of dialogue and questions asked by staff should progress from clear issues of right and wrong to more complex issues of community confidence, the role of the police and related issues in the leadership, ethics and community policing realms. Examples of questions are as follows:

1. Why must a peace officer maintain high ethical standards in his or her private life?
2. Explain the conflict between the Code of Ethics and the "Code of Silence."
3. Why is it important to serve the needs of the community, and not just to enforce the law?

Activity Two

This activity entails student work outside of the classroom to locate sources for class dialogue. It can be used as a stand-alone exercise, or at the start or end of content blocks to help transition into student-driven activities. Each activity can take from two to ten minutes or longer depending on the quality of student discussion and contributions to the subject at hand.

Assign students (perhaps on a rotating basis) to locate a current event on leadership, ethics or community policing. The current event can be from a newspaper, magazine or Internet sources. Students will take turns reading the articles, then lead class dialogue regarding the relationship between the current event and the police profession.

Comprehensive Questions

Instructors may wish to contribute to the class discussion, especially when occasions arise that afford an opportunity for a "teachable moment" on an issue of importance or relevance to their work in the academy. It is important for students to wrestle and reflect on concepts and issues, so instructors should seek to refrain from providing "the answer" or responses that could minimize the student's learning. Instructors may wish, however, to ask initial questions, or to provide linkage questions, such as:

1. Why did you select this article?
2. What leadership, ethics, or community policing issues are contained in the article?
3. What is the relationship between issues in the article and our work as peace officers?
4. If you were the chief or sheriff of that agency, what type of response would you have to questions from your community on the incident?
5. If you were the officer or deputy's supervisor, what counseling might you provide to help them through the outcomes of the incident?

Activity Three

This activity is related to the student materials developed by the Josephson Institute of Ethics specifically for students in an academy setting. Rather than merely enforcing knowledge of the material, it is important for students to discover its relevance to the leadership, ethics and community policing issues they will face as peace officers.

Students will ffacilitate a role-play or discussion of the following activity (assign a class member to introduce the topic, solicit volunteers for a role play and other related work):

> "You are dispatched to a shoplifting incident at a local convenience store. Upon arrival, you make contact with the store manager. The manager tells you that she observed a male subject steal some candy and walk out of the store. Upon making contact with the suspect, he admits taking the candy and tells you he is an off-duty officer from a neighboring jurisdiction. The off-duty officer says he is "not sure" why he took the candy and asks that the incident not be reported because he will lose his job."

Students should form breakout groups to discuss and answer the following questions:

1. Which one of the six pillars of character is most at issue in the activity?
2. Who are the stakeholders?
3. What are the possible courses of action?
4. How would you document the incident?
5. Select a spokesperson(s) to present and justify your group's answers to the class.
   - Explain a police department's position on this issue.
   - Demonstrate the ability to handle follow-up questions.

Students not selected as spokespersons will be required to:

- Ask questions.
- Offer suggestions, opinions, options and comments whenever necessary to help facilitate a discussion

Comprehensive Questions

There are countless variations to the described incident. In Learning Domain One, students are at the early stages in their understanding of the role of peace officers so it is important to provide clear examples, yet challenge their beliefs and values through an examination of difficult incidents and ethical conflicts that could emerge in their work as peace officers. This type of activity would normally take about 5-10 minutes for small group discussion, followed by 5-15 minutes of class dialogue. As with previous activities, instructors should allow the class to manage the content of the discussion while the instructor assess learning, ensures participation from individuals in the class

and works to move understanding to higher levels through occasional questions or prompts at appropriate intervals.

Application

It is important that content in this Learning Domain is not presented without a context for students to understand how it relates to their work in the academy and throughout their careers. LD1 also sets the stage for student expectations for learning for the rest of the academy. Do not focus on "passing the test" or merely memorizing facts. Give effort instead on true learning, retention of knowledge and tools for applying their learning in the field training program and beyond.

Resources

- POST Manual LTRC 2004-01: *Ethical Decision-Making Tools for California Law Enforcement*
- *The Academy Experience* and related material developed by the Joseph and Edna Josephson Institute of Ethics for California Police Academies in 2006
- *Training and Testing Specifications for Peace Officer Basic Courses* within LD1; Learning Activities for LECP

Learning Domain 2: The Criminal Justice System

Prerequisites

The students shall either have been instructed in or had the opportunity to study the student workbooks for:

- LD 1: *Leadership, Professionalism, and Ethics*
- LD 3: *Policing in the Community* and,
- LD 2: *The Criminal Justice System*

Introduction

Learning Domain 2 introduces the student to the criminal justice system. This block of instruction covers the constitutional rights of all individuals in the United States, regardless of the status of their residency or citizenship, and the role of the criminal justice system in protecting those rights.

The criminal justice system can be frightening and frustrating experience for many in the community who might rarely have to interact with it. The process of prosecution, court delays, subpoena and testimony requirements, the role of the defendant's attorney and the actual and psychological costs to cooperate with the legal system can all be viewed as indignities beyond the criminal incident by victims, witnesses and family members involved in the State's efforts to bring criminal perpetrators to justice. Peace officers are often the first representatives of the justice system with whom victims come into contact, and they have a role and responsibility to help make the criminal justice system more user-friendly to those seeking redress for crimes.

The criminal justice system is a complex network of agencies and persons with formal and informal relationships and partnerships to make it work. Peace officers, district attorneys, judges, probation officers and victim/witness advocates and others have similar, but sometimes conflicting, goals and objectives in their responsibility to the State, to all who are subject to the criminal justice system and to protect the rights of those accused as well as those victimized. Peace officers are in the unique position of being able to resolve issues within the framework of policy and law to ensure the already-overloaded court system is not burdened with frivolous allegations or incidents that may be better resolved at the community level.

Another unique role bestowed to the police is the power to intervene into criminal incidents and take offenders into custody. This power extends to the legal authority to use that force necessary to affect an arrest, including the use of force likely to cause the

death of a person who presents a potentially lethal danger to the officer or others. The peace officer's authority to exercise powers of arrest and use necessary force to do so does *not* come from the rule of an authoritarian dictator. Rather, it comes from the will and consent of the people who put their trust in policing those powers with the utmost of care and restraint.

Learning Outcomes

At the conclusion of these learning activities, the student will be able to:

- Identify and act on presented ethical dilemmas presented in their role as a representative of the criminal justice system
- Demonstrate an understanding of their role as peace officers as representatives of the criminal justice system when presented with a specific facts circumstance
- Defend their actions when choosing a course of action to resolve issues related to the justice system and contact with members of their community

Activities

For all activities, there are several important points for instructors to consider. Most prominent amongst these are to:

- Allow students the opportunity to lead the class work and subsequent discussions. This will help establish and refine their public speaking skills and group management skills
- Allow students to grapple with the concepts and discover their own understanding of the material as much as possible. While it is tempting to provide "the answer" or ready direction, students will learn at a much greater depth if they acquire the information through reflection and retention of relevant concepts
- Instructors should manage the process of learning, helping the discussion leader through sticking points, providing insight and expertise where appropriate and striving to ensure students stay focused on key concepts in the dialogue.

Activity One

Selected student leaders will be assigned to research and prepare training for their peers in selected areas regarding Constitutional law and its impact on the criminal justice system. Student will be given their topic with adequate advance notice to prepare a 10-12 minutes training segment, and be encouraged to use academy resources, the student workbook for this Learning Domain and other appropriate information. They should also be encouraged to make their training segment active and student-centered through the use of question and answer dialogue, role play scenarios, group work or other similar strategies.

Possible areas for student training are:

1. Equal protection under the law
2. Cruel or Unusual Punishment for crimes
3. Due process
4. The right to a speedy trial
5. The right to face one's accuser
6. Any other area that would enhance student understanding and learning necessary to achieve competence in this Learning Domain

Student training may be interspersed in the overall presentation of content, or placed as the lead-in segment for a particular block of training. Having students train their peers allows them to learn specific content, and also allows them to refine public speaking and problem-solving skills through this work. Instructors should facilitate the process of student training, and use class responses and conclusions to identify gaps in student knowledge worthy of continued work.

The time estimate for student-led training is 10-15 minutes plus any Q&A time in class led by the student-trainer or instructor. Students should be given from 20-30 minutes at minimum to prepare their training segment.

Activity Two

The following scenario will be distributed to students in groups with 4-6 members each. The process of this activity is to allow individual work, and then small group work to discuss and resolve assigned questions. The group work will be followed by presentations by groups to the assembled class to demonstrate an understanding of concepts under study. The scenario is:

> "You are a deputy assigned to uniformed patrol in a suburban community. You receive a call of a disturbance at the home of a known sex registrant. When you arrive, you learn from the resident (who acknowledges being a registered sex offender who has been released from probation) that a neighbor has just assaulted him by punching him in the face. Witnesses to the incident tell you the assault occurred after the victim was seen apparently staring at youthful females playing in the neighborhood while standing in the front yard of his residence. You learn the neighbor who assaulted him said he believed the victim was trying to look up the girl's dresses while they were playing on a swing set."

Groups should be assigned one or more questions for study. Each student will be tasked to work for 3-5 minutes individually to write out their answer/s to the query assigned.

At the end of that time, group members will share their answers, comparing and contrasting them with one another. The group will then work to come to a consensus (general agreement) regarding the most appropriate course of action in response to the question/s asked. Questions are:

1. What actions would society expect the police to take to resolve this incident?
2. What actions would you like to take as an individual?
3. Why is it important to take the appropriate action?
4. What ethical issues are present in this incident?
5. How does the victim's registrant status impact your investigation?
6. If the victim tells you to "forget it" do you have further obligations to any party to this incident? If so, what are they, and what actions should you take?

Selected student leaders will facilitate the process of group presentations under the guidance of the instructor. Options for group work are to have each group work with only one question, then to build the corporate expertise in this topic area from the variety of presentations and group findings.

This activity will take about 12 minutes in individual and group work, then 1-3 minutes per group to report findings. Total time for the activity may extend from 25-30 minute to a full academic hour if extended discussion of core concepts is desired.

Activity Three

Assign students to locate a current event on the Criminal Justice System. The current event can be from a newspaper, magazine or the Internet. Students will take turns reading his or her article and explain how it relates to policing, the department involved and the community within which the incident took place. This activity can take place can be expanded to include student discussion of the articles, and articles may be posted for informal review in the classroom, break area or other appropriate locale. Instructors should strive to ensure students begin to understand the linkage between the conduct of the police and how their communities may view them.

Time estimate per reading is 2-3 minutes per student, plus any time taken for class discussion. The activity allows students to practice public speaking skills, to articulate and defend their perspectives regarding the meaning of the article to the policing profession and to better understand that community confidence in the police is built upon a foundation of police actions in the public view.

Homework Assignment (Optional)

Assign the students to write a two-page memorandum on the following:
Imagine that you are a peace officer assigned to a rally for a group that is promoting an idea you find personally offensive. Describe the situation and answer the following questions:

1. Do you have a responsibility to protect an individual's right to free speech without the infringement of others?
2. Which amendment establishes this responsibility?

This activity may be facilitated in concert with the academy's LD18 (Investigative Report Writing) staff as a means of providing a level of relevance to students in this topic area. In this protocol, written work is cooperatively assessed by the lead instructor in this LD as well as LD18 staff.

Comprehensive Questions

At the conclusion of appropriate segments of each learning activity, the facilitator or assigned student leaders will conduct a debriefing with the students. The following ideas should be discussed:

1. What's in it for me?
2. Who are the stakeholders in each ethical dilemma?
3. How does peace officer conduct and attitude affect the community, the department and the officer?

Application

Students should readily see the relevance of their role in the criminal justice system in their future duties. They may hold misimpressions of the justice system based on depictions in the popular media or other similar sources. They may also not have a clear understanding of the Constitutional obligations inherent in their role as peace officers. Training in this content area should serve to enhance their understanding of that role, and also their responsibility to gain and hold the confidence of the community as they perform their duties.

Resources

- The US Constitution, including Amendments
- Internet and media sources for current events
- Agency policies related to the use of force and powers of arrest
- The CA Penal Code and related criminal statutes

Learning Domain 3: Policing in the Community

Prerequisites

The students shall either have been instructed in or had the opportunity to study the student workbooks for:

- LD 1: *Leadership, Professionalism, and Ethics;* and,
- LD 3: *Policing in the Community*

Additionally, each student should have completed learning opportunities (in class or self-paced) on topics related to Community Policing, Problem Oriented Policing (POP) and have a working knowledge of the SARA model prior to engaging in learning activities as noted herein.

Introduction

A learning activity is required as a component of instructional delivery in this Domain. This learning domain identifies the roles and responsibilities of a peace officer in the community and identifies the basic elements of communication and the components of each element. This learning domain also presents the tenets of community crime prevention efforts and identifies the basic steps of a problem solving strategy.

The philosophy and strategies of community partnerships are not new to policing. The need to rethink these ideas; however, and to reaffirm the advantages of the police and their communities working together has intensified due to the complexity of threats to the peace and tranquility of those we serve. In an atmosphere of partnership, the "we together" must replace "us vs. them." The challenge to the police is to find ways "we together" can maximize the deployment of police resources and leverage the interests of individuals to the betterment of the community at large. Even though specialized units can be created to work on problems, it is the responsibility of each member of a policing agency to find ways to engage the community and improve the quality of life for all.

How we understand the problems of a community and how it organizes itself to achieve its goals may differ from area to area. There are numerous ways to create and sustain work on crime and quality-of-life issues. Identifying problems can be a challenge since community members and peace officers may not always identify or prioritize problems in the same way. The end result of community relations should be that community members and peace officers see themselves on the same side, working to identify and

solve problems together. Policing in the context of the community's needs and desires is the most direct form of governance, and the core of our role to create an absence of fear of crime in the minds of those we serve.

Learning Outcomes

At the conclusion of these learning activities, the student will be able to:

- Demonstrate an understanding of how the police can create opportunities to partner with community members to resolve issues of mutual concern
- Identify facts circumstances that warrant problem-solving strategies, and then implement those strategies from amongst available options
- State and defend the need and desire for effective partnerships with their communities to enhance the role of the police

Activities

For all activities, there are several important points for instructors to consider. Most prominent amongst these are to:

- Allow students the opportunity to lead the class work and subsequent discussions. This will help establish and refine their public speaking skills and group management skills
- Allow students to grapple with the concepts and discover their own understanding of the material as much as possible. While it is tempting to provide "the answer" or ready direction, students will learn at a much greater depth if they acquire the information through reflection and retention of relevant concepts
- Instructors should manage the process of learning, helping the discussion leader through sticking points, providing insight and expertise where appropriate and striving to ensure students stay focused on key concepts in the dialogue.

Another consideration is to assign the Recruit Training Officer (RTO) to some or all of the activities as facilitator. Since activities may take more than one class session, the RTO might more easily manage the completion of work by all students.

Activity One

Subsequent to training on basic strategies in crime prevention, target selection, crime prevention and crime patterns, students will be divided into small groups (usually five per group depending on overall class size). Each group will be assigned to prepare a 20-minute presentation on an assigned topic to the identified group. In each presentation, class members will act as the specified audience and ask questions with that frame of reference. Topics are:

a. A neighborhood watch group about burglary prevention
b. A senior center group regarding personal safety awareness
c. A merchant group to discuss robbery prevention
d. A group of college freshmen (male and female) about sexual assault
e. A merchant group about shoplifting/employee theft prevention
f. A group of high school seniors about DUI prevention
g. Any other issue or group relevant to the region or agency

Time estimate: Forty-five minutes for groups to research and prepare their training and presentations. Twenty minutes for each presentation (consider 15 minutes for the presentation with five minutes for audience questions). Total time for the full activity will be three hours up to a half day. Larger academy classes may elect to space presentations across several days to allow for the completion of work by each student.

Activity Two

This activity involves soliciting members of various groups or organizations to come to the academy to speak to and field questions from students. Speakers may be from organizations as diverse as senior advocates, Mothers Against Drunk Driving, Students Against Drunk Driving, the Anti-Defamation League, media representatives or any other school or community-based organizations that represent and serve members of the community.

Traditionally, academy staff or instructors sought out these speakers. It is more beneficial for the student's learning for selected class members make contact with the chosen organizations, and then to facilitate the learning session. The student would be responsible for arranging the time for the engagement, then to introduce the speaker and provide a brief background about the speaker and his or her organization.

The presentation should take no longer than fifty minutes, including time for questions by students (facilitated by the hosting student). The series of eight to ten presentations should be spaced throughout the academy curriculum, and time should be devoted to ensure the presented material is focused on student needs to identify and develop an awareness of community partners and the resources they offer to resolve issues and problems.

Activity Three

Student groups of four to six are assigned to scan the local community environment, assess problems of interest to the police, and then develop a response plan intended to mitigate the problem identified. Students will be encouraged to use available community resources, to interview persons or agencies that might help them resolve the

issue under study and to use print and electronic resources to identify similar problems in other communities and the strategies used to combat them. If desired, students may create a formal presentation for the academy and the local policing agency of jurisdiction.

A final optional step in this activity would be to select a worthy project from amongst those identified for the class to adopt as a course problem for action. In this option, students would engage the police and others to resolve the issue.

Time estimate: The time for this activity can vary widely depending on the depth to which the instructor desires for their understanding and application of the SARA model or other appropriate problem-solving strategies. If field work is desired, the "course problem" can be assigned both to learn skills and the relevance of the use of those skills for the betterment of their communities.

Comprehensive Questions

There are ample possibilities for questions and issues for further study. The concept of community partnerships propelled the Community Policing, Community-Oriented Policing, COPPS and Problem-Oriented Policing (POP) movements starting in the early 1980's to the present day. Traditional, reform-era policing portrayed the police officer as the expert who was called in to solve problems and arrest criminals. Today's view of the police as a core element of a community network is not only a more accurate view of the police role, but integral to the confidence a community may have towards their law enforcers.

Application

As they act in the role of public speakers and problem solvers, students should begin to see how their work with others in the community makes them more effective combating the root causes of crime and disorder. Students will also learn and refine their speaking and writing skills through these activities, both of which are necessary for success in their careers as peace officers.

Resources

- CA Attorney General's COPPS Office – www.usdoj.org
- Federal Department of Justice COPS Office
- Training and Testing Specifications for Basic Courses, LD3; Learning Activities for LECP
- Problem Oriented Policing Guides – www.popcenter.org
- Agency policies regarding partnerships with the community

Learning Domain 4: Victimology/Crisis Intervention

Prerequisites

Students shall either have been instructed in or had the opportunity to study the student workbooks for:

- LD 1: *Leadership, Professionalism, and Ethics*
- LD 3: *Policing in the Community*
- LD 2: *The Criminal Justice System;* and,
- LD 4: *Victimology/Crisis Intervention.*

Introduction

A learning activity is required as a component of instructional delivery in this Domain. This learning domain provides learning opportunities for students regarding the psychological trauma experienced by crime victims and steps that can be used to defuse crisis situations. Students will learn to recognize and acknowledge the impact crime has on victims, witnesses, the community and police personnel. This content block also works to enhance competence in techniques to interview victims in such a manner that the victim has an awareness of information they may use to assist in coping with a crisis.

Calls for service involving persons in crisis may be amongst the most difficult for many officers to handle. They require demonstrable leadership abilities, sensitivity, compassion, dignity and respect.

Peace officers would be well served to apply the Golden Rule to treat others as they would wish to be treated if they were the person in crisis. Understanding how someone else might feel when victimized will help officers respond in an appropriate manner to almost any circumstance. A crisis can also present an opportunity for officers to effectively interact with members of the community to promote a positive image of the police.

Victims are often the best source of information to further a criminal investigation, although their level of trauma may impact the depth and extent of information provided to a peace officer. An interview conducted with a sense of empathy and caring is not only morally appropriate, but it serves to further the interests of the police to identify and apprehend perpetrators of serious crimes. Early and sensitive intervention on the part of policing and community agencies can help victims gain a sense of justice and help start the healing process.

Learning Outcomes

At the conclusion of these learning activities, the student will be able to:

- Demonstrate their ability to express appropriate empathy for the plight of victims in a given facts circumstance
- Evaluate and apply appropriate intervention strategies in situations where they may encounter a person in crisis
- Demonstrate an understanding of the potential adverse or positive impact the first responding officer may have on a victim's ability to recover from a criminal incident

Activities

For all activities, there are several important points for instructors to consider. Most prominent amongst these are to:

- Allow students the opportunity to lead the class work and subsequent discussions. This will help establish and refine their public speaking skills and group management skills
- Allow students to grapple with the concepts and discover their own understanding of the material as much as possible. While it is tempting to provide "the answer" or ready direction, students will learn at a much greater depth if they acquire the information through reflection and retention of relevant concepts
- Instructors should manage the process of learning, helping the discussion leader through sticking points, providing insight and expertise where appropriate and striving to ensure students stay focused on key concepts in the dialogue.

Activity One

Selected students will be assigned to role-play a vehicle burglary call. The scenario is:

> The victim owns an antique watch left to him by his grandmother years prior. The watch was stolen from the victim's locked vehicle via a window-smash car burglary. The responding officer will interview the victim and want "only the facts" of the incident and be disinterested in the intrinsic value of the watch to the victim. The watch has little monetary value and the victim has no insurance to pay for its replacement. The victim will try to encourage the officer to dust the car for prints, a suggestion that is rebuffed by the officer as a waste of taxpayer's time due to the insignificant value of the watch. The officer takes the basic information of the call, and then says she or he has to leave to respond to more important calls for service.

The role players will then lead a class discussion regarding what they have seen. Central themes of the discussion should be:

- How well did the officer handle the situation?
- Did the officer act inappropriately?
- Didn't the officer have an obligation not to waste time when more pressing incidents required his or her attention?
- What impact could the officer's behavior have on:
  - The victim
  - The officer
  - The officer's agency and community

Time estimate: The role play preparation may take up to fifteen minutes, followed by the five-minute role play. Facilitated class discussion may take up to twenty minutes.

Activity Two

Selected students will be assigned to role-play the following scenario:

> Officers respond to a call of a domestic abuse. Upon arrival, they contact the non-English speaking victim (the instructor may wish to advise role players they can call on added resources during their investigation that may or may not be available). The officers will work to conduct the initial investigation to determine if a crime has occurred, and if the incident qualified as a domestic violence incident (the presence of Spanish speaking or other non-English fluent class or staff members can add realism to this scenario; the instructor may wish to contract or extend the incident depending on how well the officers are doing to resolve it).

At an appropriate juncture, the scenario will be stopped, at which time students will be instructed to work individually to identify the strategies and resources they would consider to effectively investigate this incident. After 3-5 minutes of individual work, students will work in pairs to share their answers, followed by class discussion facilitated by the role-players.

Time estimate: Fifteen minutes to prepare the role play students, then 3-5 minutes for the incident portrayal. Five minutes for individual work, then five more minutes for paired work. Class discussion may run from 5-15 minutes depending on the depth to which the instructor wants to reinforce knowledge retention.

Activity Three

The instructor will present the following scenario:

> You are an officer assigned to an urban area. You are asked to call the watch commander, who assigns you to make a death notification. The victim was a teen at a party where it appears gang members fired shots into the crowd from a passing car. The victim was not a gang member, and appeared to have been at the wrong place at the wrong time. Students will be asked to reflect for 3-5 minutes regarding how they might handle the notification, and then work in groups to create a role play to demonstrate their group's consensus regarding the best options for handling such a call.

At the end of the role play, the group should discuss:

- The options they considered in their selection of the demonstrated means of handling the call
- How the conduct of the officer might impact the victim's ability to respond to the traumatic information
- What resources are available to victims and the police in situations similar to this one

As an alternative, groups may be assigned death notifications with differing facts circumstances, or the role player may be assigned to work with another officer (the instructor or staff member) who will display a callous or uncaring attitude. The role play will continue beyond contact with the victim to the conversation between the officers after the call.

Another alternative would be to have the partner officer demonstrate exemplary sensitivity, compassion, dignity and respect during the activity. The students would discuss the positive results that were achieved and contrast them with the potential negative outcomes related to an uncaring, callous approach.

Time estimate: The role play options and class discussion can make this activity fairly brief or extend into a full hour. Class size may predicate a limit on the number of role play opportunities. Instructors may wish to "hot swap" students into and out of roles at intervals within any particular setting to allow the greatest number possible to experience first-hand the emotions and pressures of dealing with persons in crisis (to hot swap, stop the scene, and then select another student at random to take the place of one or more of the actors. The new actor is bound by the previous statements or conduct, but will then continue and add their own work to the role).

Homework Assignment (Optional)

Assign the students to write a two-page memorandum on the following:

Imagine you are the victim of a sexual assault.

1. What type of officer would you want to investigate the crime?
2. Identify and list the characteristics you feel would be most important to help you, as the victim, deal with this crime
3. Describe the demeanor you would expect of the officer to convey during the initial investigation

This activity may be facilitated in concert with the academy's LD18 (Investigative Report Writing) staff as a means of providing a level of relevance to students in this topic area. In this protocol, written work is cooperatively assessed by the lead instructor in this LD as well as LD18 staff.

Comprehensive Questions

Instructions should serve to place students into settings and dialogue that allows the participant to "see and feel" crisis from the view of the victims/citizens with whom peace officers interact. The learning activities and homework are intended to allow these feelings to surface.

Application

Students may enter training with an understanding of the role of the police in crisis incidents, but may underestimate the emotional and psychological impact of such incidents to the officer or deputy. These learning activities emphasized placing students in the role of officers and victims to allow them to experience the feelings and context of such incidents in a safe environment.

Resources

- Department of Community Crisis Intervention Resources
- Chaplain resources in the area
- Public and private counseling services
- Government resources for victims of violent crime
- Training and Testing Specifications for Peace Officer Basic Courses, LD4; Learning Activities for LECP

Learning Domain 5: Introduction to Criminal Law

Prerequisites

Prior to these learning activities, the students shall either have been instructed in or had the opportunity to study the student workbooks for:

- LD 1: *Leadership, Professionalism and Ethics*
- LD 2: *The Criminal Justice System*
- LD 3: *Policing in the Community*
- LD 5: *Introduction to Criminal Law*

Introduction

The laws of the criminal justice system are complicated. It is crucial that academy students start their career with a concrete understanding of the law. In addition, students should have some exposure to potential ethical dilemmas they may experience while enforcing the law.

Historically, community groups such as church, family, neighborhood and schools have worked together to develop acceptable rules of behavior and civility. The law emerged as an expression of the sentiments of society with regard to what was acceptable and what should be sanctioned as unlawful. The status of the law is a result of legislation to address issues of conflict.

Peace officers applying those laws and courts interpreting the intent of laws in specific facts circumstances have an obligation to uphold the letter of the law, but also to consider the unique nature of any facts circumstance to enforce the spirit of the law. Criminal law is used by modern society to deter people who are inclined to disregard others' rights to property and security from victimizing community members. One of the core responsibilities of peace officers is to administer and apply the law in a manner that is fair and equitable to all involved. That may mean individuals may be displeased at an officer's actions, and also that courts may agree or disagree with the officer's actions in their role as arbiters of innocence or guilt.

Peace officers must consider both statute law and applicable case law in their effort to apply the law in a fair and equitable manner. Case law will, at times, impose limitations on peace officer conduct to ensure a free and democratic society. Perceived inequities in the law, or individuals who may take advantage of "loopholes" in the law, can create a temptation for peace officers to become cynical or disenchanted with the justice system. Those with weak value systems or an inappropriate view of the role of the police in

society may use the imperfections in the system as a rationale for deficiencies in their own conduct. This mindset can lead to acts or omissions that are ethically deficient, and which may lead to a loss of career for the individual officer and bring discredit to the officer's agency and the policing profession. Prior planning and the development of ethical decision making skills will help avoid these costly mistakes.

Learning Outcomes

At the conclusion of these activities, the student will be able to:

- Describe examples of ethical dilemmas that may evolve while enforcing the law
- Demonstrate non-discriminatory enforcement of the law
- Identify how effective communication can promote or create community partnerships.
- Describe how community interaction can clarify law enforcement's role and purpose.
- Demonstrate an understanding of how negative outcomes and perceptions can be created from discriminatory behavior by the police.

Activities

For all activities, there are several important points for instructors to consider. Most prominent amongst these are to:

- Allow students the opportunity to lead the class work and subsequent discussions. This will help establish and refine their public speaking skills and group management skills
- Allow students to grapple with the concepts and discover their own understanding of the material as much as possible. While it is tempting to provide "the answer" or ready direction, students will learn at a much greater depth if they acquire the information through reflection and retention of relevant concepts
- Instructors should manage the process of learning, helping the discussion leader through sticking points, providing insight and expertise where appropriate and striving to ensure students stay focused on key concepts in the dialogue.

Activity One

A selected student will lead the initial presentation and subsequent discussion of this activity by class members. The instructor's role is to provide support to the student leading the activity, and to take advantage of "teachable moments" in class to add depth to their understanding of the issues involved in the described scenario.

This activity is one where a scenario is read to the class, after which they are broken into learning groups of 4-6 students per group. Alternately, the scenario can be used for large group discussion of issues if time constraints are present Small groups should be given 5-7 minutes to discuss the listed questions and be prepared to respond to the class. The scenario is:

> "You make a car stop and subsequently arrest the 18-year-old driver for possession of a controlled substance. As you continue your investigation, you discover the driver is the son of a manager in the police agency neighboring your jurisdiction. You know the father from your days at the police academy where he was an instructor (and where you learned the father was respected as a "cop's cop" by his officers). This is the first time the youth has been arrested and he claims he was "holding it for a friend." You are still on probation, although you are doing well and do not anticipate any problems successfully completing it."

Small group or facilitated discussion questions:

- What options do you have, and what is the most ethical course of action?
- What would be the community's logical interpretation of the officer, and his agency, if this subject were released without criminal prosecution?
- What would a possible response be from the media if they learned the subject was released without criminal prosecution? Create and offer several headlines that could appear in local papers over the next few days.
- What role can a first line supervisor play in this situation (either positive or negative)? What if the officer solicits direction from a supervisor who says to release the subject to his father's custody? Role-play a conversation to exemplify the pros and cons of possible responses.
- If you were the father of the subject, what would you want the police to do?

Time Estimate: This activity can take as little as twenty minutes if used in a facilitated class discussion. It may also take up to fifty minutes if the small group/class discussion format is chosen. The small group model can be used for an infinite number of learning activities, and can be modified appropriately to further the retention and application of relevant concepts.

Comprehensive Questions

1. Is there ever a time when a peace officer's decisions should be affected by someone's status in the community, who they may be related to, or with whom they associate? Work to evaluate possible scenarios to justify their perspectives and develop solutions to dilemmas presented.

2. What criteria or standards can be used to ensure police actions are fundamentally fair and impartial? Groups should craft responses and work to create structures to guide conduct in a variety of settings.

Activity Two

Have the class break into small groups. Have each group take one of the topics listed below and create a presentation outline to instruct community members about this topic. Groups will deliver a two-three minute presentation about the content of their outline and discuss why their approach would be effective in a public setting. After each presentation, a class member will facilitate a class discussion to assess each group's planned presentation and its potential for success. For those presentations found to be lacking necessary components, the instructor or student facilitators will guide groups through a refinement process.

The setting of group work is that they are patrol officers or deputies who have been asked by their crime prevention unit to attend a neighborhood watch meeting on their beat to make a 15-minute presentation. Persons in this neighborhood want to know about:

- Why officers can stop and search youth walking along the street
- Private persons arrests for crimes and traffic offenses
- What to do if you suspect your neighbor is selling drugs
- How to stop local teens from creating trouble in neighborhood parks
- What the police can do to stop "cruising" problems on Friday nights
- Understanding concepts of law *(i.e. Intent, Probable Cause, etc.)*

(Note- you may select other topics for this listing of presentations to address local issues)

Time Estimate: Ten to fifteen minutes for groups to plan their presentation. Three minutes per group to present, followed by class-driven facilitated discussion time of 15-20 minutes at the instructor's discretion.

Comprehensive Questions

When making public presentations it is important to be prepared. Consider having the class develop a process that outlines what preparation is necessary to conduct an effective presentation and make a positive impression with the audience. In contrast, prepare or discuss also what a lack of preparation might convey about the officer, their agency and their relationship with members of their community

Activity Three

This activity is a facilitated class discussion led by a selected student on the following topics:

1. Why should peace officers **not rely** on stereotypes, attitudes or beliefs about the tendency of any racial, ethnic, or national origin group to take part in unlawful activity?
2. If peace officers do rely on these beliefs as a foundation for enforcement of the law, how might their reputation and leadership in the community be affected?

The discussion may be a portion of a larger segment of work involving self-directed study by students or small groups to research issues of community confidence in the police during the investigation of criminal incidents, the impact of stereotyping on human interactions and other related topics. This activity also lends itself to role-playing opportunities to present important concepts in the activity questions rather than a class discussion.

Time Estimate: Fifteen minutes for the facilitated discussion. Time may be used in addition to discussion time for specific group work or homework on related topics.

Comprehensive Questions

In contrast and comparison to *facts*, assess the values conflicts of stereotyping any racial, ethnic, or national origin group in a decision to take an enforcement action (i.e. arrest, detention, use of force etc.)

1. Is there ever a time that stereotyping or having a presupposition and/or belief about any racial, ethnic, or nation origin group becomes appropriate or justified by the police?
2. Given the war on terrorism, have the rules changed regarding who the police stop, and what questions they may ask of others?
3. How does appearance relate to the ability of the police to stop or detain a person?

Activity Four

Select an appropriate number of student volunteers to enact a scenario for the class (as an option, assign cohort groups of 4-6 students to develop role plays that can be enacted in succession as a means to compare and contrast similar, but differing, incidents). Role-play an activity where a peace officer tells another officer about an arrest they made the previous night. The officer says:

- He detained his 17-year-old cousin for shoplifting from a small local liquor store.
- All of the stolen property was recovered and returned to the shop owner
- The shop said he wanted "something to happen" to the youth, who has stolen from him in the past.

- He took the youth to a remote location where he "taught him a lesson" then took him home without filing any charges.
- He was happy he had the discretion to do this without adding a burden to the juvenile courts.

The listening officer asks him to explain what "teaching him a lesson" means, and also what the store owner meant when he wanted "something to happen" to the youth (answers to these questions may alter the nature of observations and questions from the class).

At the conclusion of the scenario, the role players will "stay in role" and answer class questions about their actions. A student volunteer will facilitate a fact-gathering session with the class to include questions of:

- Was the officer's conduct proper? If not how should this have been handled?
- Can an officer adhere to the spirit of the law and still behave in an ethical manner?
- What options does the witness officer have regarding their use of this information?
- Is there ever a time when a peace officer should "take the law into their own hands?"

Time Estimate: Five minutes to prepare and deliver the role play, then 10 minutes for fact-gathering by the class. Subsequent facilitated discussion will take from 10-20 minutes.

Resources

- The Law Enforcement Code of Ethics
- Code of Professional Conduct and Responsibility for Peace Officers, LD1
- Internet resources regarding case law, legislation (current and pending) and community activism regarding cases and their impact on society
- Local community resource agencies

Learning Domain 6: Property Crimes

Prerequisites

The students shall either have been instructed in or had the opportunity to study the student workbook for the following domain:

- LD 1: *Leadership, Professionalism and Ethics*
- LD 2: *Criminal Justice System*
- LD 3: *Policing in the Community*
- LD 5: *Introduction to Criminal Law*

Introduction

Property crimes make up an overwhelming majority of all crimes and cost its victims millions of dollars each year. Students need to understand the criminal and investigative aspect of property crimes, and from a community policing perspective, comprehend the importance of conveying preventative tips and techniques regarding how to protect a victim's home or business.

As leaders, peace officers have the responsibility and the opportunity to promote crime prevention instead of reacting to crimes committed. Useful suggestions such as lighting, window security and alarms can help community members improve security and peace of mind at home and at their places of business.

Peace officers can become overwhelmed and frustrated because many property crimes are unsolvable due to a lack of workable leads. Officers must resist the temptation to manufacture or manipulate evidence in order to create probable cause for an arrest. When a building or dwelling is burglarized and property is damaged or removed, victims commonly report feeling invaded and violated; their sense of security and privacy is shattered. In densely populated neighborhoods victims can feel isolated and betrayed. No matter how small the loss, property crime can have a disproportionate effect on people. Recognizing these feelings can help an officer create the right partnership for solving the case and assisting the victim.

Learning Outcomes

At the conclusion of these activities, the student will be able to:

- Explain the ethical dilemmas that could evolve while investigating property crimes
- Relate how property crime victims may feel invaded and violated, and have their sense of security and privacy shattered.

- Apply effective communication techniques with victims and the community can assist in preventing and solving property crimes
- Identify and resolve the ethical dilemmas that may evolve while investigating property crimes
- Develop strategies regarding community partnerships to assist in solving and preventing property crimes

Activities

For all activities, there are several important points for instructors to consider. Most prominent amongst these are to:

- Allow students the opportunity to lead the class work and subsequent discussions. This will help establish and refine their public speaking skills and group management skills
- Allow students to grapple with the concepts and discover their own understanding of the material as much as possible. While it is tempting to provide "the answer" or ready direction, students will learn at a much greater depth if they acquire the information through reflection and retention of relevant concepts
- Instructors should manage the process of learning, helping the discussion leader through sticking points, providing insight and expertise where appropriate and striving to ensure students stay focused on key concepts in the dialogue.

Activity One

An assigned student reads this activity to the class. The intent of this exercise is to have students assess the ethical complexities of this situation. Alternately, the instructor may wish to break the class into learning groups, and then hand copies to each group. The instructor may wish to develop added levels or layers to the problem to help students learn how to re-assess a facts circumstance that is similar, but different from, the original case under study. The scenario is:

> "You are a patrol officer or deputy investigating a ransack burglary where a substantial amount of jewelry was stolen. The victims are a young couple who are struggling with many issues. As you inventory the property loss with the victim, they tell you their insurance company will only reimburse the "fair market value" of the items stolen, and they feel the insurer makes them pay high rates, and then exploits them when they need their family heirlooms replaced. To get more money from the insurance company to replace the stolen items the victim asks you to increase the value of the stolen items by least 50 percent each to allow them to be able to replace the items without added personal cost."

Time Estimate: As a group discussion, the activity will take about 15 minutes. If facilitated as a group exercise, allow 3-5 minutes for group discussion, and then facilitate class dialogue for as long as desired (normally 10-15 minutes more). Stop when core elements present are discussed. One follow-up change to the facts circumstance may be:

> "OK, let's change the situation just a little. Rather than asking you to increase the value of the items stolen, they tell you the values when asked; however, from personal experience, you know they are exaggerating the values significantly."

Comprehensive Questions

- What are the specific ethical issues (and/or crimes) that develop for the officer and the victim?
- Outline for your classmates the specific dialog would you consider having with the victim about the suggestion?
- Is this suggestion something that should be reported? If so, to whom? If not, why?
- What would be the public's reaction if you agreed to victim's suggestion? The insurance company? How would public trust be affected?
- Imagine you are a supervisor, and you learn one of your officers has cooperated with a victim in this manner. What would you do?

Activity Two

There are few things more violating than coming home and discovering your door has been kicked in and your personal belongings ransacked, or the anger and terror you may feel when you see the empty spot where your car was parked. This activity allows the students to experience those emotions as they place themselves in the position of being victims of crime.

This activity is consistent with a "5-3-1" reporting format. This format and those that are similar help students to explore individual thoughts, refine and add depth to understanding, then to refine choices into important points for retention.

Without advance preparation, ask students to individually list five emotions or feelings they might experience if they became a victim of crime. After 3-5 minutes, instruct students to work in pairs to share their lists and discuss their responses. Give each pair five minutes for this discussion, and then have them form into groups of 4-6 persons. Each group will have ten minutes to develop a list of the top five emotions or feelings experienced by victims of crime, three tactics or approaches officers and deputies can

use to address these emotions, and the one most important thing a peace officer can do to express empathy with a victim of crime.

Have each group make a short presentation about their lists, officer responses and the one most important thing they could do to help. The instructor should select a student to facilitate a class discussion that *compares and contrasts* the responses. Acknowledge responses that are consistent with best practice, and guide students through a refinement process for those that need added depth to be useful skills in the work setting.

Time Estimate: Up to five minutes for individual work, up to five minutes for paired work, up to ten minutes for group work. Class presentations and discussion from 10-30 minutes at the instructor's discretion, depending on how much time is desired for refinement as a class. The "most important point" from each group is the essence of what they will retain, so focus energy on what they will "take away" from the activity.

Comprehensive Questions

1. What would be the typical victim's emotional responses to a property crime?
2. Imagine your family were victims of a crime. How would you want the officer or deputy to respond?
3. Ask who have been the victims of a property crime? Have one or two tell their story. Have them discuss their feelings and emotions, plus discuss how the situation was handled by law enforcement in a "brainstorming" exercise (good or bad).

Activity Three

You have been asked by your crime prevention unit to attend a neighborhood watch meeting on your beat and make a 20-minute presentation (this is a common duty for field personnel in your agency). Persons in this neighborhood want to know about:

- Identity Theft
- Burglary
- Vandalism
- Trespass
- Vehicle Theft
- Appropriation of Lost Property
- Current crime trends in their neighborhood

Have the class break into learning groups of 4-6 students. Have each group take ten minutes to work on one of the topics (either self-selected or assigned) above and create a presentation outline that would effectively instruct participants about this topic. It is

important that the outline not be for a lecture-based "expert talk;" rather, that it reflect active adult learning. Encourage groups to develop training that is creative and "out of the box" rather than a traditional "just the facts" presentation a group might expect to hear.

Have each group make a short (2-3 minute) presentation about the content of their outline and justify why it would be effective. After the presentations, the instructor or selected student volunteer will facilitate a class discussion that analyzes each group's level of presentation detail and effectiveness. Acknowledge what presentations are suitable. For those presentations that are not suitable, or need more refining, guide and facilitate the students through a refinement process.

Time Estimate: Ten minutes for group work, then have volunteer groups give the beginning 2-3 minutes of their presentation and explain how the rest of the 20-minute community talk would have been staged. Discussion amongst students should then ensue with regard to effective presentations, involving the audience in their own learning and ways to invigorate groups to work in partnership with the police.

Comprehensive Questions

1. How would you determine what content would be suitable for the presentation?
2. What resources could you use to complement or enhance your presentation?

Activity Four

This activity may either be a class discussion or group activity. As a class discussion, read the scenario to students, and then instruct them to individually answer the listed questions. After 2-3 minutes, instruct them to turn to their neighbors to discuss their answers and thoughts. This paired process should take only 3-5 minutes, after which the instructor (or student volunteer) will facilitate a discussion of the core concepts related to the scenario. The scenario is:

> "Two officers are working together to investigate a burglary at a local video store. One of the officers takes a DVD from a display and places it in his car. He then lists it on the stolen property report. The other officer sees what has happened and confronts the officer who took the DVD. That officer responds by saying he did not think it would be a big deal and replaces the DVD on the rack. The officer who took the item finally admits what he did, but begs you to "let it slide" because he has a young family and cannot afford to lose his job."

Time Estimate: Up to ten minutes for individual and group work, followed by class dialogue of ten to twenty minutes. The instructor may wish to modify the scenario mid-

discussion to reinforce the concept that there are standards of ethics as peace officers that differ from others, and which are important with regard to maintaining public confidence in the integrity of policing.

Instruct students to answer the following questions in the process described above:

1. Outline the course of action the witnessing officer should take and justify the answer.
2. What could happen (pro and con) if an officer reports something like this to his supervisor? What could happen (pro and con) if she or he fails to report it?
3. Imagine you are a supervisor, and one of your officers reported this to you. What would you do?
4. What if the item taken was of insignificant value? Does that change the situation? Why or why not?

Resources

- Code of Professional Conduct and Responsibility for Peace Officers, LD1
- Internet resources, including crime statistics, current events, case law decisions, relevant statute law, insurance industry information regarding the costs of crime, etc.
- Local Community Resource Agencies

Learning Domain 7: Crimes Against Persons

Prerequisites

The students shall either have been instructed in or had the opportunity to study the student workbook for the following domain:

- LD 1: *Leadership, Professionalism, Ethics*
- LD 2: *The Criminal Justice System*
- LD 3: *Policing in the Community*
- LD 4: *Victimology*
- LD 5: *Introduction to Criminal Law*

Introduction

The effective investigation of crimes against persons involves apprehending criminals, assisting crime victims and protecting the community. To be an effective peace officer, students must understand how each of these components interconnects.

A peace officer that responds to a call about crime against a person may have to wear many hats. Emergency care for victims, protection of community members against further harm, apprehension of the perpetrator and preserving the integrity of the scene are all part of the job.

A peace officer responding to a call where a person has been seriously injured at the hands of another person may experience many difficult emotions including revulsion, anger and the desire for revenge. Peace officers and community members may share these sentiments. These emotions cannot be brushed away and it is the peace officer's job to keep a clear head in the performance of their duties. Then they must bring the situation back to normal as quickly as possible and avoid the temptation of dispensing street justice or engaging in retaliation.

A student must be able to explain how these crimes impact community's perception of crime and law enforcement.

Learning Outcomes

At the conclusion of these activities the learner will be able to:

- State in their own words how good communication with the community can assist in preventing and solving crimes against persons

- Identify the relationship amongst apprehension of perpetrators, protecting the community and assisting victims in their efforts to fulfill the obligations of their duties as peace officers

Activities

For all activities, there are several important points for instructors to consider. Most prominent amongst these are to:

- Allow students the opportunity to lead the class work and subsequent discussions. This will help establish and refine their public speaking skills and group management skills
- Allow students to grapple with the concepts and discover their own understanding of the material as much as possible. While it is tempting to provide "the answer" or ready direction, students will learn at a much greater depth if they acquire the information through reflection and retention of relevant concepts
- Instructors should manage the process of learning, helping the discussion leader through sticking points, providing insight and expertise where appropriate and striving to ensure students stay focused on key concepts in the dialogue.

Activity One

Break the class into cooperative learning groups of 4-6 students each. Have each group take one of the topics listed below and create an interactive presentation that would effectively instruct community members about this subject. Have each group make a short (2-3 minute) introduction to their presentation that demonstrates, 1)How they would intend to start the presentation, 2)How they would engage the audience rather than lecture to them, and, 3)Why their approach would be effective. After the presentations, student leaders will facilitate a class discussion to assess each group's level of presentation detail and effectiveness. For those presentations not well-suited to audience learning, or which need more refining, have students work in groups and in class through a process of enhancing their material. The setting of the presentation is:

You have been asked by your crime prevention officer to attend a neighborhood watch meeting on your beat and make a 15-minute presentation. The crime prevention officer says neighbors want to know about:

- Carjacking
- Robbery
- Child Abduction
- Assaults in Local Parks
- Manslaughter
- Justifiable Homicide

Time Estimate: Preparation time should not exceed 10 minutes; presentations will be 2-3 minutes per group, with 10-30 minutes added time for subsequent discussion, refinement work and learning opportunities. The emphasis of student presentations should be to actively involve their audience in the learning process.

Activity Two

This is a learning activity to develop and enhance student understanding of crimes against dependent elders and related family violence crimes. Students will encounter issues in the cycle of family violence throughout their careers. This activity allows them to explore their response to circumstances occurring in a family home, and where an adult is victimized by an adult child. The specific facts of the incident will help them refine their understanding of this crime, and also to judge options and actions within their purview.

Divide the class into two groups, or in paired groups of 4-6 students each in larger class settings:

- Have **group one** outline how they would investigate the circumstances leading to the conditions they find in the following described scenario. The group's work should include options for action and a recommended resolution to the incident
- Have **group two** identify what department and community resources are available to assist them in their investigation of crimes against seniors

Have each group present their findings to the class. Leaders of the student groups should facilitate a discussion based on the presentations and point out the strengths and weaknesses. The instructor will guide the students and seek opportunities to add depth to their work.

The scenario for group and class work is:

> "You are an officer or deputy assigned to a patrol area. You are assigned to respond to a report of suspicious circumstances. When you meet with the reporting party (RP) they tell you their next-door neighbor, Mr. Jones who is 74 years old and has had two strokes in the last two years, has not been seen outside of his house for a week. This is unusual, as he (Jones) likes to sit in his rocker on the porch in the afternoons and read. The RP says that Mr. Jones' 40-year-old son, who the RP says is a known methamphetamine user, checks on Mr. Jones each morning. However, the son has not been seen for about four days. About a week ago, the RP saw the son driving a very expensive car and wearing expensive clothing. The RP tells you this seems unusual because the son as been unemployed for a year.

> The RP is afraid to check on Mr. Jones because the son has made it clear to the neighbors not to interfere with him and his father's business. You decide to check on Mr. Jones, and hear a faint call for help when you knock on the front door (the front door is unlocked and you go inside). You see Mr. Jones sitting in a chair. He is bewildered and has some bruising on his right cheek. Jones can't stand without assistance, and smells of urine and feces. When you check him more closely, you see his pants are soiled from feces. Next to his are several full and empty water bottles, and processed food packages. You immediately call for the paramedics."

Time estimate: Group work will take about 15 minutes, followed by paired group discussions of five minutes each (groups may be paired in larger classes, and initial discussions can take place within these groups- in those instances, assign a student to act as the facilitator of the process and leader of combined discussions).

Comprehensive Questions

1. Identify and outline what you think may be the difficulties interviewing an elderly person in this circumstance.
2. What kind of physical symptoms of abuse might you see during an investigation of possible abuse?
3. Identify and outline some of the reasons that elder abuse occurs.

Activity Three

This scenario is designed for both individual or group/class dialogue to assess a peace officer's responsibility when off-duty, and the use of powers of arrest in situations in which an officer is personally involved. It has been developed because peace officers may encounter criminal behavior or other matters warranting police attention while off-duty. They must understand their obligations to act and limitations on their use of police powers in situations where they are involved as a participant in situations that evolve into possible criminal behavior.

The following scenario may be passed out to individual class members, or given to cooperative learning groups of 4-6 students to read and discuss. The activity can take as short as 15-20 minutes if managed as a large-group activity, or a full class hour for individual, group and class dialogue. The scenario used for this activity is:

> "An off-duty officer is "winding down" after a patrol shift at a local tavern. The officer is in the company of two other off-duty officers. The officer recognizes a girl sitting with a man at the end of the bar. They begin a conversation, which continues for approximately five minutes. At that time, the girl's date begins to

believe the off-duty officer is flirting with her and becomes upset. The girl's date exchanges words with the officer and soon a pushing match becomes a full-fledged fight. The other two officers break up the fight when their partner begins to get the worst of it. At that time the off-duty officer pulls out a badge, says, "I'm a cop," and arrests the man for assault on a peace officer."

Groups may work independently of one another, and then combine to share their responses. Alternately, groups may select representatives to report their findings. A suitable follow-up activity would be to have students act in the role of the sergeant or watch commander responding to this scene after the off-duty officer has placed the subject under arrest. The role play would be the conversations between the sergeant and responding officers and the sergeant and the off-duty officer.

Comprehensive Questions

1. Who has culpability for criminal or civil liability at this point based on what you know? Why?
2. What information would have to be determined to select the most appropriate actions and responses by the officers handling this call?
3. What are the relevant considerations for involving oneself in police actions while off-duty? Is it relevant to your decision whether or not you have consumed alcohol?

Application

As noted in both scenarios, peace officers will encounter incidents similar to those described on occasion during their career. To resolve these situations most effectively, students should give thought to the considerations and obligations they have to act in accordance with law and applicable policy.

Resources

Research resources for seniors and dependent adults in your community. This should include public resources through government entities as well as private organizations that support

- County Social Services

Learning Domain 8: General Criminal Statutes

Prerequisites

The students shall either have been instructed in or had the opportunity to study the student workbook for the following domain:

- LD 1: *Leadership, Professionalism and Ethics*
- LD 2: *The Criminal Justice System*
- LD 4: *Victimology*
- LD 5: *Introduction to Criminal Law*
- LD 8: *General Criminal Statues*

Introduction

The effective investigation of crimes involves apprehending criminals, assisting crime victims and protecting the community. To be an effective peace officer, the student must understand how each of these components interconnects.

In many instances, members of the public who witness crimes will often assume guilt and demand "instant justice" or "street justice." Proper leadership by the peace officer on the scene can prevent the situation from turning onto an act of vigilantism. Occasionally, crimes that fall under the general criminal statutes can have serious effect. Lawful protest can sometimes lead to unlawful demonstrations. Actions that, in one context, are within the scope of the law can become crimes affecting many others in other instances. The general crime statutes are intended to protect community members against crimes that diminish their sense of safety and privacy in the home and in a public place.

Some of the crimes most commonly experienced in communities are:

- peeping, prowling, and lewd conduct
- impeding the public way
- public disorder; and
- disturbing the peace.

While these crimes are sometimes seen as having low priority, ignoring or even tolerating them can contribute to the deterioration of a neighborhood. Peace officers and community members can form partnerships to keep neighborhoods free from all levels of crime.

Learning Outcomes

At the conclusion of these activities the learner will be able to:

- Describe how the community is served by assisting victims of crimes
- Identify opportunities for community partnerships to assist in solving and preventing crimes
- Explain how the dissemination of information can contribute to reducing or preventing crime.

Activities

For all activities, there are several important points for instructors to consider. Most prominent amongst these are to:

- Allow students the opportunity to lead the class work and subsequent discussions. This will help establish and refine their public speaking skills and group management skills
- Allow students to grapple with the concepts and discover their own understanding of the material as much as possible. While it is tempting to provide "the answer" or ready direction, students will learn at a much greater depth if they acquire the information through reflection and retention of relevant concepts
- Instructors should manage the process of learning, helping the discussion leader through sticking points, providing insight and expertise where appropriate and striving to ensure students stay focused on key concepts in the dialogue.

Activity One

This is an activity involving individual, small group and class work. The described scenario may be distributed to students, or a visual (video or similar medium) may be used to establish a foundation for student work. The setting is:

> A low-income neighborhood of apartments is plagued with violent crimes such as carjacking, narcotic sales, murder and assault. Have each student list three issues that could negatively affect the *quality of life* in this violent environment.

Once listed, have the students:

1. Develop two proactive strategies that would serve this community by using the resources found in *economic development* and/or *community revitalization agencies*
2. Have the students list *crime prevention strategies* that local law enforcement could employ.
3. Have the students list *selective enforcement tactics* that could target offenders.

Student leaders will facilitate a class discussion by having students share their ideas. Facilitators will guide others through a refinement process to discern a consensus of the most important tactics and strategies for their use once beyond the academy setting. Consider including "real world" experiences of instructors or subject-matter experts to reinforce concepts.

Time estimate: 10 minute group work, 10-20 minute class discussion

Comprehensive Questions

1. What difficulties or complexities might law enforcement be confronted with when seeking or soliciting help from the community to revitalize this neighborhood.
2. Are there other alternatives to revitalization? What are they and why should they be considered?

Activity Two

For policing to effectively serve the needs of any community, reporting of crime and dissemination of crime information to those who live or work there is paramount. Divide the students into learning groups (4-6 students per group). Have each group develop a strategy for citizens to report crime to local law enforcement without fear of retaliation from their community. Each group will present and discuss their methodology to the class and why it would work. After each presentation, the class will analyze the strengths and challenges of the selected strategy.

Examples:

- Anonymous Tip Line
- "Mail a Tip" efforts
- Developing informants
- Rewards programs
- Providing descriptions of wanted persons
- Sweeps of problem areas
- Placing police officers in neighborhood centers

Comprehensive Questions

1. Are there disadvantages to disseminating crime information to the public?
2. What role can the news media play in the effective dissemination of the crime information?

Time estimate: 10 minute group work, 10-20 minute class discussion

Activity Three

This activity may be distributed to students, or presented as a role-play by students to their peers. The setting is:

> Two officers make contact with an intoxicated subject at his residence. The officers are attempting to follow-up information they received about a shoplifting that occurred earlier that day. The officers are looking for a witness to the crime; however, the intoxicated subject is belligerent with the officers. He refuses to tell officers whether the witness they are looking for resides at that residence, and will provide no information on his own identity to the officers. The officers continue to attempt to persuade the subject to cooperate with them, at which time the suspect begins to curse at the officers, telling them to get off his porch. He proceeds to tell the officers he has an extremely poor opinion of law enforcement and he believes that all cops are "liars" and "too stupid to get real jobs." One of the officers becomes extremely upset and begins arguing with the subject. It eventually leads to the officer taunting the subject and enticing him outside where the officer arrests the subject for 647(f), Drunk in Public.

Time estimate: 5 minute role play; 10 -15 minute class work

Students may be broken into learning groups of 4-6 each, or the activity may be conducted as a classroom discussion. In either setting, possible topics are:

1. How the officer handled the situation
2. Did the officer act inappropriately?
3. What impact could the officer's behavior have on the victim, the officer, law enforcement and the community?

The result of group or class work should be to develop at least three strategies the officers could have employed to resolve this situation differently, two considerations they should keep in mind when in contact with persons who may be under the influence of any substance and one thing they would want to say to the officer involved in this arrest if they were the officer's supervisor.

Time

As noted in each activity. The activities are constructed to allow instructors to expand or restrict time based on overall learning objectives for the content area.

Application

Students should readily see the application of general criminal statutes to their duties as peace officers. During the course of their learning, however, they should be aware of the nature of discretion and prioritization of laws as they relate to the peace and tranquility of the community. Using criminal statutes to accomplish intended outcomes that are consistent with department policies and philosophies in addition to the needs and desires of the community is a goal to which each student should work.

Resources

- Code of Professional Conduct and Responsibility for Peace Officers, LD1
- Internet Resources
- Local Community Resource Agencies

Learning Domain 9: Crimes Against Children

Prerequisites

Prior to these learning activities, the students shall either have been instructed in or had the opportunity to study the student workbooks for:

- LD 1: *Leadership, Professionalism, and Ethics*
- LD 3: *Policing in the Community*
- LD 9: *Crimes Against Children*
- LD 5: *Introduction to Criminal Law*; and,
- LD 15: *Laws of Arrest*

Introduction

Learning Domain 9 provides instruction on reporting requirements for suspected child abuse, as well as identifying and classifying crimes against children. Students will learn about a peace officer's authority to make a warrantless entry into a home whenever they reasonably believe a minor is in immediate danger of being physically abused, neglected or sexually exploited. Students will also become familiar with the role of Child Protective Services and how they work with policing for the interests of children.

In recent years, a number of laws have been enacted to protect children from those who intend to abuse them physically or emotionally. Due to their dependence on others for the necessities of life, children sometimes suffer from neglect through a deprivation of food, clothing and medical care, and at times they lack the emotional care and love they need. Often, suspects and witnesses to child neglect are family members or close friends. In these instances, the investigation of crimes of neglect can be highly emotional for everyone involved, including the officer or deputy charged with resolving the incident at hand.

Peace officers have a variety of tools to help them protect children. Some of these are mandatory reporting laws, emergency protective orders, drug-free school zones and warrantless entry authority to protect minors. While some children seem to grow up quickly and behave like adults, they nonetheless are dependent and vulnerable, especially neglected by their primary caregivers. Some officers may feel sadness, anger or a desire for revenge in the midst of investigating a crime against a child. These feelings cannot merely be brushed away, nor can they be acted upon. Peace officers must maintain their objectivity, and ensure their conduct remains within the scope of the law.

Children who are not necessarily victims, but who witness violence in the home, are at greater risk of being victimized at a later date. There are a variety of community resources and social service agencies that can help to break the cycle of violence in families. Every effort to intervene in high-risk cases is worth making, not only for the present crime, but for the health of families years down line. Partnerships amongst the police, schools, social service agencies and non-profit organizations are often the best way to minimize harm to children and enhance their safety in the future.

Learning Outcomes

At the conclusion of these learning activities, the student will be able to:

- Demonstrate an understanding of the requirements to report suspected child abuse or neglect for the police, schools, medical workers and others
- Identify situations where a peace officer may enter a residence without a warrant to ascertain the status of children inside who may be victims of abuse or neglect
- Demonstrate an understanding of the nature of the partnership of the police with Child Protective Services and other social service organizations in a give facts circumstance of child abuse or neglect

Activities

Activity One

This activity will involve individual student work followed by paired discussion to answer questions posed from a read scenario. The instructor will provide the following scenario to students:

> "A ten year old girl walked in to her school's counselor's office and told the counselor her stepfather has been sexually molesting her for the past five years. The girl said she has two younger sisters at home and she fears her stepfather will "hurt them" also. She said her Mom is gone in the afternoons at work, which is when her stepfather assaults her. She also reports the stepfather told her he would leave and take her Mom with him if she tells anyone about their "private time." She is afraid her mother will leave her, but is also afraid her stepfather will hurt her siblings. The counselor calls the police, and you are the officer or deputy who first responds."

Students will work individually for ten minutes to write out answers to these questions:

- How does this account make you feel?
- What would you like to do?
- What are your first steps to deal with this account?

- What crime elements are present in this situation? Are they sufficient to make an arrest?
- Who else needs to know about this report?

At the end of ten minutes, students will discuss their answers with another student for an added ten minutes. The pairs should come to a consensus (general agreement) regarding the initial officer's responsibilities at this scene. Selected students may then be asked to give their answers to the class as a prompt for further large-group discussion. Central to the student's understanding at the conclusion of this activity is their obligations when investigating a report of child abuse, their requirement to report the account to Child Protective Services, the emotional issues for the officer and others who must investigate this situation and the need to protect other possible victims or witnesses to an account of child abuse.

Time estimate: Ten minutes for individual work, ten minutes for paired work. From five to twenty minutes for class reporting and discussion.

Activity Two

Assign a group of students to role play the following incident:

Two officers are assigned to investigate a report of a possible disturbance at an apartment. Upon arrival, the officers are told by the apartment manager they have heard noises and possible screaming or yelling from one apartment. The officers knock on the door of the apartment, and a youth who appears to be about ten years old answers. He is disheveled, and has a scrape on his face, but says everything is OK, and that there have been no noises to his knowledge coming from his residence. He says he is home alone, but the officers think they hear movement inside a rear room.

The role players will then facilitate a class discussion of what they have just seen. Central issues for discussion are:

- What should the officers do?
- If they take the child's word and leave, do they have any culpability if something serious is later reported at the locale?
- If they take the child from the home to seek medical assistance, what steps do they have to take to get a doctor to see him?
- Can they enter the residence; if so, under what authority?

Time estimate: The selected group of role players should be given adequate time to study the facts circumstance and research what crime/s may be present, the obligations

and considerations for the officers involved and to plan their facilitation of the class discussion. The role play will take about five minutes; discussion time may be as brief as five to ten minutes, or extend if the instructor wants to add depth to the class' understanding of the issues involved.

Activity Three

The instructor will distribute the following scenario:

> "A father picks up his three-year old son from day care and sees the child has a bruise underneath his left eye. The child said the day care provider hit him with a belt. The father confronts the manager of the daycare facility, who denies knowing anything about the bruise. He quickly dials the police, but by the time you arrive on scene as the first responding officer, he says he has changed his mind and doesn't want to do anything about it."

Selected student leaders will facilitate a class dialogue regarding the responsibilities of the officer and the daycare manager. Central questions may be:

- What is the officer's responsibility when confronted with this facts circumstance?
- If you were a sergeant called to the scene by the officer, what directions would you give?
- Do any other agencies need to be notified about this report?
- If you identify all parties involved and document the account, and then allow the father and daycare manager to resolve it informally, do you have any further ethical or legal obligations to take action?

As a second step in this activity, stop the discussion and advise students that a second child is discovered to have been the victim of physical abuse by the same daycare provider a few days later. The mother of this second child learns of the previous incident and writes a letter of complaint to the Chief of Police. Acting in the role of the Chief, ask students to write a letter they believe the Chief should write to the complaining mother in response to her concerns. The letter should be no more than one page in length. Student then may be asked to share their letters, and how they felt when writing them.

Time estimate: The reading of the incident will take 1-2 minutes, followed by class discussion of 8-10 minutes. The reflection and writing will take about five minutes, with added time at the instructor's discretion to read the letters and discuss the responsibility of the police to investigate and report child abuse.

Homework Assignment (Optional)

Students will be assigned to research and report on a current event related to crimes against children. As an alternative, students may be assigned to interview a child abuse investigator or child advocate from a public or private organization. The research should be written into a report no more than two pages long. Contents of the report should include:

- A synopsis of the incident
- Relevant facts and issues
- The impact of the incident on the community
- The student's opinions on the actions of the police, and any resources in the community that might have prevented the incident or mitigated its severity
- If an interview is conducted, it should review the interviewee's job position, most significant challenges, their view of the future of the issue and how the police can help them do their job more effectively

This activity may be facilitated in concert with the academy's LD18 (Investigative Report Writing) staff as a means of providing a level of relevance to students in this topic area. In this protocol, written work is cooperatively assessed by the lead instructor in this LD as well as LD18 staff.

Comprehensive Questions

There are a number of comprehensive questions related to a peace officer's role as leaders in their organizations and their communities, their ethical obligation to the law and the court system and community perceptions resulting from police conduct. Within that framework, there are several considerations:

Leadership:

Making decisions in the field can be extremely difficult, especially if you are the junior officer, or the situation is new to your experience. How much flexibility do you have as a peace officer regarding the letter of the law verses spirit of the law?

Ethical Decisions:

Making the right decision isn't always easy. Making the wrong decision can cause severe consequences for the victim and the officers involved. If you were in doubt as to the correct decision in any of the activities, what would you do?

Community Policing:

How do incidents of child abuse or neglect affect the community that we serve? Do the actions of the police in these instances potentially affect the partnership between members of the community and those charged with protecting them?

Application

Students should readily see the investigation of child abuse and neglect as central to their cuties as peace officers. They should leave training with an understanding of the network of partnerships available as resources to them, and also with an understanding of their reporting requirements of the police and other agencies. The emotions experienced by an officer or deputy during the investigation of physical, sexual or emotional abuse is an issue with which they should grapple to allow them to explore these feelings in a safe environment.

Resources

- Local social service agencies
- CA Welfare and Institutions Code
- CA Penal Code
- Department policies
- Local schools
- Local private child advocacy organizations
- "First Five" California programs

Learning Domain 10: Sex Crimes

Prerequisites

Prior to these learning activities, the students shall either have been instructed in or had the opportunity to study the student workbooks for:

- LD 1: *Leadership, Professionalism, and Ethics*
- LD 3: *Policing in the Community*
- LD 4: *Victimology*
- LD 5: *Introduction to Criminal Law*
- LD 30:*Preliminary Investigation*

Introduction

It is the obligation of the police to respond and investigate reported sexual assaults and related violent crimes. At times, victims may be reluctant to make police reports for fear of retaliation by the perpetrator or because of feelings of shame and embarrassment for being victimized. At the same time, officers or deputies may experience discomfort balancing the competing interests of protecting the victim's dignity while in the process of discerning the exact nature of the incident under investigation.

Although laws in this content area are quite clear, the values judgments, individual perceptions and intimate nature of sex crimes can create challenges for the police as they attempt to prosecute perpetrators while protecting victims and witnesses. The investigation and enforcement of laws in this area are perhaps most likely to evoke an emotional response from peace officers, and the ability to project an appropriate level of empathy for the victim, their family and others who become aware of the crime is a critical skill to successfully resolve police participation in crimes of this nature.

Learning Outcomes

At the conclusion of these activities the learner will be able to:

- Demonstrate how tone of voice, body language and sincerity during a victim interview establishes trust between the officer and victims and witnesses
- State in this own words what expectations the community has regarding police conduct during the investigation of a sex crime
- Identify the fears victims have of sex offenders living in or near their neighborhood
- Demonstrate an understanding of the concept of effective communication during a sex crime interview

Activities

For all activities, there are several important points for instructors to consider. Most prominent amongst these are to:

- Allow students the opportunity to lead the class work and subsequent discussions. This will help establish and refine their public speaking skills and group management skills
- Allow students to grapple with the concepts and discover their own understanding of the material as much as possible. While it is tempting to provide "the answer" or ready direction, students will learn at a much greater depth if they acquire the information through reflection and retention of relevant concepts.
- Instructors should manage the process of learning, helping the discussion leader through sticking points, providing insight and expertise where appropriate and striving to ensure students stay focused on key concepts in the dialogue.

Activity One

Students will take turns conducting an interview with the victim of a sexual assault (the instructor will prepare one or more differing scenarios from which to choose or assign). Students will assume the roles of officers and victims as well as witnesses or other participants to the crime depicted in the scenario. It is important for students to "see" the perspective of the victim during the interview to gain a better understanding of the difficulty of disclosing intimate details of the crime to a representative of government.

The instructor may wish to assign roles prior to class and allow the incident to unfold in "real-time" in an interview setting. The victim should disclose only that information requested by the officer, and officers should practice their interview and inquiry skills.

Once the interviews have concluded, instructors or assigned student facilitators will work with the class to identify options, alternate ways in which questions might be asked, etc. Students may also be broken into groups of four-to-six to independently identify issues, challenges and opportunities they may face in their work as peace officers.

Activity Two

This activity will allow students to learn more about community perspectives regarding registered sex offenders.

Students will be broken into groups of:

- Community members in a neighborhood where a high risk sex offender is soon to be released
- Police management officers, who plan to release specific information about the offender to others according to law
- Family members of the sex offender who are offering living space to the offender, who are concerned they will be unfairly stigmatized, and that their family member will not have a chance to move beyond his past crimes
- Members of the local media, who are interested in reporting the outcomes of this meeting

The setting should be a public meeting hosted by the police department. Family and neighborhood representatives should have time to speak and voice their perspectives, and the media should have time in the latter stages of the meeting to ask questions of all present. Instructors should ensure students remain respectful of one another, and that comments and actions reflect a real-world meeting. Prior to the role-play meeting, students should be afforded time to prepare what they will say, anticipate questions they may be asked, and for the "police managers" ensure they understand applicable law and policies regarding the release of information for these offenders.

Time estimate: The activity should take 20-25 minutes to prepare, and up to an hour to stage. Follow-up dialogue should ensue amongst class members (facilitated by a student leader) to surface what was learned and how it might be applied in the field.

Activity Three

Divide the class into learning groups of 4-6 students. Have each group discuss and prepare to answer the following question:

If an officer responded to your house to handle the call of a relative who was the victim of a sex crime, how would you want the call handled? Achieve consensus regarding the three most important traits an officer should possess in this setting.

Have each group make a short presentation about their answers, posting their findings regarding the traits officers need to succeed in this type of interview. Facilitate a "compare and contrast" discussion of each group's answer with the entire class, reinforcing concepts of professionalism, empathy and trust if not already covered by groups.

Time estimate: This activity should take as little as 20-25 minutes to complete, and may be extended at the instructor's discretion during the presentation and class dialogue time.

Comprehensive Questions

1. What skills are most necessary for peace officers in the investigation of sex crimes?
2. What information does the community need to know about sex offenders?
3. How should an agency go about communicating this information about sex offenders? What are the things should they do and not do (or say)?
4. How can an agency build trust with the community through the release of sex offender information?
5. How can officers balance their need for empathy to victims to their obligation to ensure the validity of the reported crime's account and the gathering of facts necessary to investigate the crime?

Application

As with other violent crimes, peace officers will occasionally, but not routinely, encounter incidents where they will be the first investigator at a sex crime. The officer's experience, personal values and previous exposure to sensitive crimes may affect his or her effectiveness during the process of gathering initial crime information, ensuring the victim has access to needed resources and then conducting a thorough criminal investigation. The community's sensitivity to its own protection may also create issues for police agencies working to balance the rights of registered offenders with that of others in their community who may wish to live without the fear that an offender is unknowingly in their midst. Students should be afforded opportunities to explore their own values and responses to crimes in this area and to assess how they might respond to incidents and public contacts as described in the activities herein.

Resources

- The Code of Ethics and Canons
- The P.O.S.T. LD18 Workbook
- Internet
- Local Community Resource Agencies

Learning Domain 11: Juvenile Law and Procedure

Prerequisites

Prior to these learning activities, the students shall either have been instructed in or had the opportunity to study the student workbooks for:

- LD 1: *Leadership, Professionalism and Ethics*
- LD 3: *Policing in the Community; and,*
- LD 11: *Juvenile Law*

Introduction

Juvenile law is different than laws applied to adults. Juvenile law is intended to protect the juvenile rather than merely seeking to punish them for a crime committed. Even though a crime may be perpetrated in a similar fashion as that of an adult offender, the law considers juveniles to lack the maturity and perspective to consider the long-term implications of their actions.

In your role as a peace officer, you must balance your duty to establish order and apprehend offenders with that of acting in the best interest of the community through efforts to redirect juveniles that may come to your attention. Your ability to form a constructive connection with troubled youth is a function of your leadership in the field, and exemplifies policing that could be consistent with the needs and desires of your community.

There are a number of issues to consider when dealing with juvenile offenders and victims. They may have difficulty understanding and articulating the emotions they are experiencing, either during the incident or while in custody. Their parents may seek either to excuse their behavior or be unduly harsh towards them and you due to embarrassment or anxiety. Minors who have physically developed to the point where you might tend to deal with them as adults due to their appearance, nonetheless, still possess only the maturity and cognitive capacity of juveniles. You should remain aware that inappropriate actions and reactions to your efforts by the juvenile or their parents is a normal part of administering juvenile law.

Learning Outcomes

At the conclusion of these learning activities, the student will be able to:

- Identify and apply the Welfare and Institutions Code and other relevant juvenile law when they encounter a crime or other pre-delinquent incident involving a juvenile suspect or victim.

- Contrast the manner in which to interact with a juvenile as opposed to an adult offender, including the initial contact, subsequent interviews and options for disposition.
- Comprehend, apply and evaluate the effectiveness of actions intended to redirect juveniles away from criminal or pre-delinquent behaviors into those that would be constructive and consistent with the conduct desired by the community served.

Activities

Activity One

In this activity, the instructor will use role playing and small group work to allow students to understand the implications of their actions with regard to the community's welfare, the perceptions of juveniles while in contact with peace officers and the potential to positively or adversely impact the image of policing in the eyes of the community served.

The instructor should ask for a volunteer from the class. Instruct the chosen student they will play the role of a fourteen year old in possession of a six-pack of beer. The "juvenile" will have been drinking, but is not drunk or otherwise incapacitated. The instructor will play the role of a peace officer contacting the juvenile in a public place.

> Scenario: The officer makes contact, establishes the age of the youth, and can also discern the odor of alcohol on the juvenile's breath. The officer confiscates the beer, places it in the trunk of their patrol car, then admonishes the youth on the consequences of drinking and tells the youth to leave. Before the youth leaves, they should ask (or the officer should proffer) about the disposition of the alcohol. The officer should smile and tell the youth it will be disposed of in the proper manner.

At the conclusion of the role play, the instructor should break the class into groups (ideally with six members each; maximum of eight students) to answer the following questions:

- What should the officer do with the alcohol?
- What are the officer's options?
- What do you think the officer actually did with the alcohol?
- How could the officer's actions impact the perception of the juvenile in this instance?
- How could the juvenile's perceptions drawn from this incident impact their subsequent actions in other similar circumstances?

The groups should be given 15 minutes to discuss the questions posed. They should appoint a spokesperson and a member to record the discussion - subsequent class time from 15-30 minutes to present results.

Time estimate: 15-30 minutes, including breakout time and group presentations

Comprehensive Questions

During the group presentations, the instructor should ensure discussion ensues concerning the legal implications of the WIC on this incident, the differences between dealing with juveniles versus adults who have been drinking, and the officer's unique ability to impact youth positively to redirect their actions into constructive and socially acceptable ones. The instructor may wish to query the groups with questions similar to:

- What does the law say about our responsibility to care for teens that have been drinking?
- What would the youth's parents expect from you? What would you expect if this was your child who had been stopped by the police?
- What responsibility does the person or proprietors have who furnished the alcohol to the youth?
- What would the department expect with regard to the proper disposition of confiscated alcohol?

The students should be encouraged to use their knowledge to define the applicable sections of the WIC, articulate their comprehension of community expectations, and evaluate their actions in the context of appropriate conduct by the police.

Application

As the instructor is debriefing the class during their presentations, it is important to relate their work to situations they can reasonably expect to face once they are in the field. The instructor should engage the class by asking "Why are we doing this?" or similar questions to reinforce the real-world context of the issue. The instructor should consider relating this to teen substance abuse issues generally, the impact of teen drinking on drunken driving deaths and other similar issues. The instructor may also wish to reinforce the ethical implications of an officer's conduct on youth who see role-modeling of poor behavior by those charged with enforcing the law.

Activity Two

This can either be a role-play or a scenario read to the class as a prelude to group work. The primary emphasis of the scenario is for the student to encounter a situation where they must assess a situation where children may need to be taken into protective custody. If undertaken as a role-play, assign a small group of students to act as teens

and adolescents and select three others to play two responding officers and their sergeant. The sergeant will not respond unless called by the officers. The remainder of the class will view the scenario.

> Officers respond to a residence on a call of unknown trouble and a possible teen party. When they arrive, they will make contact with two 13-year olds and 2-3 young children. The teens will explain their Mom left on a date yesterday and told them she would return in a couple of days. The teens bought food yesterday with money Mom had left, but were hungry now and weren't sure how to cook food in the pantry. One of the adolescents was possibly sick, and the other wouldn't stop crying. The teens were arguing loudly prior to the officer's arrival, which prompted the neighbor's call to the police. The children have an aunt who lives about two hours away. Mom took the car, but they have the car's license plate and description from an auto repair bill left on the sink. One of the teens also pulls one officer aside and says that his brother/sister teen struck the child who wouldn't stop crying. The neighbor says the noise has to stop, and that she will sign whatever is necessary to solve the problem.

At the conclusion of the role-play, break the class into groups of 6-8 persons to discuss the following issues:

- What options for action did the officers have?
- Was the sergeant called at the appropriate time, and was he/she used in the best possible manner?
- What areas of law apply in this circumstance?
- What responsibilities does the Mom have in this incident, and how should her issues be resolved?

A variant of the scenario in this instance is the teen party without adult supervision (or with adult permission, but that the adult left the party prior to the police being called). The setting may include alcohol or other illicit substances, and be as complex as desired to add minors in need of supervision, minors in pre-delinquent circumstances and adults contributing to the delinquency of minors.

Time estimate: The preparation for the role-play will take 5-10 minutes depending on how complex the instructor desires to portray the scenario. The role play will take about 10 minutes, with 15-20 minutes for group work. Class discussion of group work will take a minimum of 15 minutes.

Comprehensive Questions

The instructor should ensure students have a grasp of 600 WIC and related sections by the end of the discussion and debriefing. Students should learn options with regard to acting in the best interest of the juveniles involved, and also recognize the responsibility of a parent in this circumstance. This is a complex problem, and the role-play participants will take action that will provide opportunities for discussion and critique that cannot be anticipated herein. The nature of the problem leads to an excellent chance for the instructor to facilitate the process of knowledge acquisition and synthesis of difficult information for application in future situations of a similar nature.

Application

Students should learn that incidents involving protective custody often present particularly difficult considerations. In this scenario, a neighbor wishes to prosecute for the disturbance, one of the teens may have committed an assault and the absent parent may be criminally liable for abandoning the children. In the second scenario, the aunt lives at such a distance that her taking custody may not be practical. The instructor should ensure discussion ensues regarding 600 WIC et al, and that students discuss how and when to take children into protective custody.

Resources

The instructor may consider excerpts from the WIC to reinforce knowledge acquisition in both activities. There are also ample written and visual resources available from public and private groups engaged in work to impact youth substance abuse the instructor may wish to incorporate to emphasize to the students the breadth of the issue. Handouts or previous familiarization with the Welfare and Institutions Code will enhance student learning. The scenarios require little outside assistance; however, and can be completed without the need for resources beyond that already in the classroom.

- Welfare & Institutions Code
- Penal Code
- Health & Safety Code

Learning Domain 12: Controlled Substances

Prerequisites

Prior to these learning activities, the students shall either have been instructed in or had the opportunity to study the student workbooks for:

- LD 1: *Leadership, Professionalism, and Ethics*
- LD 3: *Policing in the Community*
- LD 12: *Controlled Substances*

Introduction

Substance abuse is one of the most persistent and prevalent problems in communities across America, cutting across all ethnic, social and economic backgrounds. It may be seen on the streets of some communities more readily, but is present in every city and county in the State of California. A significant portion of criminal activity is either committed while under the influence of a substance or to acquire substances for consumption or sale. Effective policing can serve both to enhance the quality of life in our communities by impacting the possession and use of controlled substances and serve as a primary agency to educate those who might otherwise fall into a lifestyle where substance abuse is common.

Every member of the policing profession has a role in the suppression of substance abuse. Patrol officers and deputies routinely contact youth and others whose impressions about drug abuse may be shaped by supportive and informative conversation by the officer about the consequences of their actions. Patrol personnel also serve as the eyes and ears of narcotics investigators by providing information about trends and problems in their patrol areas. Investigators tasked with the enforcement of controlled substance laws often work in an undercover capacity. As such, they conduct their work through the use of informants, effective interviews of those arrested and by using their professional expertise to ferret out potential problem locations engaged in the sales of drugs to their communities.

There is strong and consistent support for police efforts to stem the flow of illicit drugs, while at the same time many users see themselves as only being engaged in a recreational activity. The dynamics of undercover investigations entails the use of deception and presenting oneself as a participant in the drug lifestyle to gain the confidence of those who furnish drugs to others. This necessity can create complex ethical and integrity issues for those professionals who undertake this specialty work.

There have been a number of highly-publicized incidents over the years where narcotics officers have stolen money or other valuables in the performance of their duties. The lack of supervision, ready access to large sums of money and constant exposure to the criminal element are all issues to which departments and officers themselves must remain vigilant.

Learning Outcomes

At the conclusion of these learning activities, the student will be able to:

- Understand and apply techniques to intervene into the inappropriate conduct of other officers.
- Identify, analyze and apply knowledge to interpret narcotics laws and enforce them appropriately.

Activities

Activity One

This activity is a scenario read to the class, after which the students will break into small groups for discussion and resolution. The nature of this scenario allows the instructor to either a) request the groups assign a spokesperson and come to a group consensus, or b) have the groups discuss the topic in a leaderless format, then present and defend their perspectives individually. If an individual/group exercise, the time in group should be long enough to surface issues without time to come to a resolution. If a group exercise, allow adequate time to allow the group to fully assess the assigned questions.

> Scenario: "You are off duty at a party at a fellow officer's residence. While looking for a restroom, you open a door that apparently leads to the garage through a laundry room. As you turn to leave, you notice a small plant on the floor partially obstructed by the floor water heater. The plant is being warmed by a small plant light. As you lean closer, it appears the plant is a marijuana plant."

The groups should be tasked with discussing the following questions:

- What would you do?
- If you elect to confront the officer, what would you do if he told you his wife has glaucoma and is growing the plant for medical reasons?
- What are the legal issues and ethical implications in your contemplated actions?

Time estimate: As noted in the instructions, you will choose between allowing the groups to fully complete work to come to a consensus, presented by a group

spokesperson. If handled in this manner, the group work will take about 15 minutes, then about 3-5 minutes per group to present. If an individual/group exercise, allow 5-7 minutes in groups, then ask for volunteers to speak regarding their conclusions. The instructor can contract or expand this exercise depending on how long it is necessary to discuss issues or off-duty obligations, medical marijuana laws and personal responsibility in an ethical dilemma.

Comprehensive Questions

While facilitating the class discussion, you may also wish to consider asking some members to take the position that medical marijuana is necessary and humane, while other will be assigned to argue that there are other means to give the active chemicals in marijuana in a clinical form if needed for pain relief or glaucoma treatment.

This scenario is consistent with a problem-based approach to learning, and will require students to wrestle with the ill-defined problem, work with others to identify the added information necessary to resolve the issue, and force them to choose from amongst a variety of possible actions to take action in the incident. It is more important in this, and many others, scenarios that the students wrestle with the topic rather than come to the "right" answer.

Activity Two

This is a role-play that the instructor may vary based on the desired length of the session. The central focus of the scenario is illegal conduct by officers on a narcotics search. The instructor is encouraged to modify the scenario to enhance or reinforce any particular aspect of the situation encountered by the role-play students. To act out the scenario, ask for a volunteer to play the officer, and 2-3 others to play the roles of the suspect and other narcotics investigators.

> Scenario: "You are asked by the narcotics team to assist in the service of a search warrant at a drug house. You arrive on scene and are told the occupants of the house have been very antagonistic in the past, and have filed complaints about police misconduct on previous raids. The team leader tells you they are going to "fix them" once and for all. The warrant is served without incident, and the team leader tells you to watch the suspect (who they took into custody) while they search the rest of the house. After a few minutes, the team leader returns to the suspect and asks the officer if he or she has patted the suspect down (if yes, the officer would have found nothing; if no, the officer would be told to do so). The team leader says they are not satisfied the suspect has nothing and begins to pat the suspect down and reach into the suspect's jacket and shirt pockets. Shortly thereafter, the team leader produces a packet of a white crystalline powder and

says to the suspect, "Hey, with your other two strikes, you won't be selling drugs to kids for at least the next 25 years." You are convinced the suspect did not have the drugs in his possession when you patted him down, and that the team leader most likely planted the packet. Other officers located a quantity of apparent cocaine in other locations in the house, so the suspect will go to jail and face prosecution in any case for the same charges."

The class would be broken into groups, and be told to select a spokesperson to present the group's conclusions. Each group will discuss:

- What the officer should do when presented with this circumstance.
- Whether or not the officer's concerns about drugs planted on the suspect are relevant since he will go to jail anyway for the other drugs found.
- The legal and moral implications of the actions of the team leader.
- The need to ensure the police can remove persons from the community who are furnishing drugs to youth.

Time estimate: Preparation for the scenario will take about 5-7 minutes, and the instructor may wish to prepare the actors (other than the patrol officer) during a break period. The instructor may also wish to play the role of the team leader to enhance the reality of slipping drugs into the pocket of the suspect for the role play. The scenario will take about five minutes, and then group discussion should take 10-12 minutes. Group presentations will each take 3-5 minutes.

Homework Assignment (optional)

There are two areas that warrant added work by students. The instructor may elect one or both of these areas for homework (or may use them as added class learning activities):

1. Narcotics cases, due to the occasional presence of large sums of money and the character (or lack thereof) of drug suspects, creates temptations for either violating the law to develop a winnable case against those engaged in drug sales, or to gain personally by converting the money in their possession for personal use. The instructor may wish to assign a written scenario similar to:

   "You are working as a part of narcotics units, and arrest a subject subsequent to receiving information he is transporting kilo-quantity drugs through your jurisdiction. Your supervisor tells the suspect there will be a search warrant issued for the suspect's residence, at which point the suspect advises he has a bag with $20,000 inside his bedroom dresser along with additional drugs. The officers serve the warrant and find the drugs, but also find there is more than

$100,000 in small bills in the dresser. The officers secure the money and drugs, and place all of it into evidence according to department policy."

Students would be assigned to write a memo to discuss their perceptions on the following topics:

- Do you think the officers might have been tempted by the amount of cash present, and the fact that the suspect did not seem to know there was much more than he thought?
- If so, why? If not, why have there been incidents in every part of the country of officers stealing money in similar circumstances?
- How would you discuss the issue of temptation, and ways to avoid it, with a new officer just assigned to your patrol team?

2. The issue of making decisions that are both ethical and effective is one that applies to these activities as well as much of what the officer or deputy will do throughout their career. They should be assigned to research resources (including the Internet) to write a memo outlining ways to reach a decision when presented with a dilemma that is both ethical (doing the right thing for the right reason) and effective (resolves the dilemma without sacrificing the student's character or condoning the inappropriate actions of others). This homework assignment can become the foundation for class and group work in subsequent training settings.

The results of this homework may be to collect the homework, consolidate the themes or answer areas from students and engage them in a structured discussion on the issue. Students may also be asked to present their findings to the class and focus class discussion around the memos presented.

Comprehensive Questions

Students should have an articulate method by which to assess choices of action in the ethical dimension (how do you come to the right conclusion?). These scenarios may be excellent tools to present steps the students should consider when they encounter a situation with the potential gravity of this one.

Students should recognize that obedience to the law by the police is the legitimate foundation from which they can use force and coercion against others, and is what allows them to deprive others of their liberty by arresting them. The instructor's facilitation should surface issues regarding the long-term goals of the police, and whether illegal or questionable actions are necessary to do "real" policing on the streets.

Application

Students should be aware that ethical conflicts rarely give warning signs before emerging, and that officers and deputies need to consider how they will act and react once one presents itself. Students should also know they must be able to analyze and evaluate the actions of others to avoid being drawn into active or passive agreement with inappropriate actions through the influence of others.

Personal possession of marijuana and the issue of using it for medical purposes are subjects that will remain in flux for the foreseeable future, and activity one will allow students to assess their thoughts and learn agency, moral and legal implications surrounding the issue. Personalizing it into the family of a co-worker adds the dimension of conflict between duty and loyalty, a reinforcement of one of the core issues in ethical decision-making.

Resources

LD3 and LD1 (Leadership, Professionalism & Ethics) are valuable resources for the instructor prior to facilitating these activities. The instructor will have to prepare simulated drug packets for the role-play, and may have to provide the "suspect" with a jacket or other loose clothing to facilitate the transfer of drugs into their clothing during the team leader's search.

Students should be able to identify the ethical dimensions to these activities, and be able to defend their actions and synthesize from the facts of this incident. This would include means to best work through the steps of ethical and effective problem-solving for situations they will encounter once beyond the academy environment.

There are news videos available that present the conflict over medical marijuana that may be appropriate for this activity. The instructor may also wish to present the scenario and questions in written form to expedite the "up front" work and allow more time for discussion.

Learning Domain 13: ABC Law

Prerequisites

Prior to these learning activities, the students shall either have been instructed in or had the opportunity to study the student workbooks for:

- LD 1: *Leadership, Professionalism, and Ethics*
- LD 3: *Policing in the Community*
- LD 13: *ABC Law*
- LD 21: *Patrol Procedures (optional)*

Introduction

Learning Domain 13 is a specialty block of instruction to introduce the peace officer to the common types of licenses and violations of the ABC Act, the risks associated with conducting inspections or investigations at problem licensed premises, the broad authority given to peace officers to enforce provisions of the ABC Act and recommended investigative techniques.

Peace officers and ABC investigators have the right to visit and inspect the premises of any business licensed to sell alcoholic beverages at *any* time the business is exercising the privileges of the license. As leaders, peace officers should utilize problem solving and creative thinking skills to address the many policing problems caused by ABC violations such as drunk driving, spousal abuse, teen delinquency and disorderly activity.

Policing in the community requires the establishment of trust and credibility between law enforcement and the community. Peace officers must model exemplary conduct, both on and off duty, especially when frequenting licensed premises. The enforcement of the ABC Act depends significantly upon the contributions of police officers and deputies, their collaboration with the Department of Alcoholic Beverage Control (ABC) and development of police/community partnerships. Peace officers are important in the education of community members, especially persons under the age of 21 (minors), about the dangers of alcohol abuse and the impact of disruptive premises on the quality of life.

Learning Outcomes

At the conclusion of these activities, the student will be able to:

- Identify the elements of common violations of the ABC Act that may be encountered by patrol officers

- Explain the relationship of leadership, ethics and community policing to the role of a peace officer in enforcing provision of the ABC Act
- Recognize the broad authority given to peace officers to visit and inspect premises licensed to sell alcoholic beverages
- Apply the SARA problem solving model to reduce the harm caused by a simulated disorderly licensed premises
- Explain the role of peace officers to educate stakeholders in the community about addressing specifics aspects of the ABC Law in operating licensed premises.

Activities

For all activities, there are several important points for instructors to consider. Most prominent amongst these are to:

- Allow students the opportunity to lead the class work and subsequent discussions. This will help establish and refine their public speaking skills and group management skills
- Allow students to grapple with the concepts and discover their own understanding of the material as much as possible. While it is tempting to provide "the answer" or ready direction, students will learn at a much greater depth if they acquire the information through reflection and retention of relevant concepts
- Instructors should manage the process of learning, helping the discussion leader through sticking points, providing insight and expertise where appropriate and striving to ensure students stay focused on key concepts in the dialogue.

Activity One

Students will break into three groups and will go through one activity each. The instructor will be the facilitator. At the designated time in each activity, the students and the instructor will meet and discuss each the activity. Each group will present their particular activity to the class.

Alternate 1: A juvenile stopped an adult who was walking into a convenience store and asked him to purchase some beer for him and his friends. The man entered the store, bought the beer and walked outside and gave it to the juvenile. As you drove up, you see the adult hand a bag to a person that you know to be a juvenile.

Alternate 2: A juvenile, standing outside a package liquor store, asked an adult to purchase some beer. The adult entered the store, purchased the beer, left the store and gave the beer to the juvenile. As you drive up to the store you see the adult hand the beer to the juvenile. You detain both parties and determine both to be under the age of 21.

Alternate 3: As you drive in the parking lot of a club, you see an adult come out of the business and give a six-pack of beer to a juvenile.

Time estimate: 15 - 30 minutes

Comprehensive Questions

Have the group use the following questions as discussion points. Monitor and facilitate the discussion.

- What action, if any, do you take?
- Was a crime committed?
  - What crime(s) were committed?
- What is the classification of the crime?
- Should you arrest the under-aged parties?
  - Why/why not?
  - Discuss letter verses spirit of the law and how it might be applied in this instance.
- Should you arrest the adult?
  - Why/why not?
  - Discuss letter verses spirit of the law and how it might be applied in this instance.

Activity Two

A selected student leader will read or distribute the following scenario to the class:

"A juvenile went into a convenience store to buy some beer. The juvenile knew the clerk and wasn't concerned about showing any I.D. The clerk put the beer in a bag, took the money and the juvenile left. You arrive on scene in a marked patrol unit and see the juvenile staggering out of the store. When the juvenile sees you, he/she attempts to put the bag on the ground but stumbles and nearly falls down. He retains control of the bag, and then continues to walk away in a staggered gait. You are an officer working uniform patrol. You see the youth staggering away from the store and make contact. Upon contact you smell the strong odor of an alcoholic beverage on his breath."

The student leader or leader group will facilitate a discussion of the incident with class members. The intent is to surface the thinking of others, to engage in a process of informal problem solving and to practice speaking skills. The discussion may be extended as long as students are engaged and learning, or shortened to emphasize particular points or teach to the gap in knowledge in the room.

Possible questions for group discussion are:

- Have the group use the following questions as discussion points. Monitor and facilitate the discussion.
- Were any crimes committed?
- If so, what were they?
- Can you detain or arrest the juvenile?
  - Why/why not?
- Discuss letter verses spirit of the law and how it might be applied in this instance.
  - Can you arrest the clerk?
  - Why/why not?
- Discuss letter verses spirit of the law and how it might be applied in this instance.
- What if you get coffee in this store regularly during your shift and you know the clerk very well?
- What if you have been accepting free coffee from this clerk?

Time estimate: 15 – 30 minutes

Activity Three

This activity may either be provided to the class or read by a student to introduce the scenario for class discussion:

> "You receive a radio call about a loud party at a house. When you arrive, you discover that one of your best friends is having a birthday party for his 16-year-old son. Many of his son's friends are there. All of the friends appear under the age of 21. The father has purchased a keg of beer for the kids and about 15 juveniles were in possession of beer when you arrive."

Have the group use the following questions as discussion points. Students will lead the discussion as noted in the previous activity while the instructor gauges any possible gaps in knowledge or teachable moments as a result of student comments:

- Was a crime committed?
  - If so, which crime or crimes were committed?
- What crime is committed?

- Can the father be arrested?
- Discuss letter verses spirit of the law and how it might be applied in this instance.
- Can the juveniles be arrested?
- What is your authority to search and seize evidence?
- Can the beer keg be confiscated?

At the conclusion of each activity, the selected student facilitator will conduct a debriefing with the students. The following ideas should be discussed:

1. What ethical dilemmas, if any, do you see in the activity?
2. How does community partnership play a role in the activity?
3. How does your leadership play a role in enforcing the "letter of the law", "spirit of the law" or legal mandates?
4. How does your decision making affect the community?
5. How would you handle social clubs?

Time estimate: 15 – 30 minutes

Activity Four

You are on solo patrol at 0100 hours. You receive a radio call from dispatch to meet a reporting party, a homeowner, who lives near "Joe's Bar and Grill," about a long history of constant assaults inside the business, loud noise, underage drinking, narcotic activity and patrons who have left the bar and destroyed his and his neighbor's property. The homeowner believes that the premises are a serious detriment to the neighborhood. He wants some immediate action to resolve the disruptive activity and bring the business into compliance with existing law. Off-duty peace officers are known to frequent the establishment.

Break the class into cooperative groups of 4-6 to present to a simulated field trainer two or more possible outcomes to respond to the reporting party's call for action as presented in this exercise.

The class should utilize an effective problem solving process such as PBL – Ideas, Known Facts, Learning Issues, Action Plans; SARA – Scanning, Analysis, Response, and Assessment. Students should be prepared to present and defend their findings.

Time Estimate: 20 – 40 minutes

Comprehensive Questions

In each activity, there are questions specific to the scenario under discussion as well as general questions relevant to peace officer actions in field settings. Some of the more prominent may be:

- Who are the stakeholders in this exercise?
- What is your authority to search and seize any evidence?
- Is the problem primarily one of fights, public inebriates assaulting one another, robberies, service to minors?
- Is there an available special program administered by the Department of ABC regarding use of underage decoys to solicit persons to purchase and furnish them with alcoholic beverages?
- What are your initial thoughts on solving this problem?
- What are the issues?
- What facts do you know?
- What do you need to know to solve this problem?
- Where can you find it?
- What resources are available to solve this problem?
- What other information do you need?
- What can you do to solve or reduce this problem?
- What is your peace officer authority to inspect or investigate?
- Describe the rationale for each decision
- Describe the possible consequences of each decision in your action plan

Application

It is important that content in this Learning Domain is not presented without a context for students to understand how it relates to their work in the academy and throughout their careers. LD13 provides an opportunity for students to enhance their problem solving skills and creative ability to address issues of alcohol abuse, underage drinking and the impact of licensed premises on policing and the community's quality of life.

Resources

- Reference POST Manual LTRC 2004-01: *Ethical Decision-Making Tools for California Law Enforcement*
- *ABC Enforcement Manual* – available for the local ABC Office
- *ABC Basics Video Series* – available from the local ABC Office
- *Assaults In and Around Bars* by Michael Scott and *Rave Parties* by Michael Scott. Guides are part of a series of Problem-Oriented Guides for Police, available from the COPS Office or on-line at www.cops.usdoj.gov. or www.popcenter.org.

Learning Domain 15: Laws of Arrest

Prerequisites

Prior to these learning activities, the students shall either have been instructed in or had the opportunity to study the student workbooks for:

- LD 5: *Introduction to Criminal Law*
- LD 20:*Use of Force*
- LD 1: *Leadership, Professionalism, Ethics*

Introduction

A learning activity is required as a component of instructional delivery in this Domain. Although laws of arrest are codified in the various codes promulgated by state and local entities, there may be no greater area within with a peace officer uses his or her discretion than the decision to deprive another person of their liberty through an arrest. Some may view the arrest function as the core duty of policing, although it is also common to view an arrest isolated from the context within which it is made.

The law allows peace officers significant latitude in their election to enforce the law, but gives little guidance with regard to specific ways to serve the laws purpose (the spirit of the law) versus the literal words contained in the codes we are charged with enforcing (the letter of the law). The obligation of instructors in this subject area is to facilitate learning in students that encourages them to understand the purpose underlying an arrest (to prosecute an offender) rather than seeing it as a tool to "rid the community of a problem" or to "get back at" someone who "deserves it."

Traditional teaching methods might focus on learning the corpus of crimes and the scope of actions permissible under law. Emerging methods focus instead on using the knowledge of criminal statutes in the context of discretion, professionalism and using the law in concert with the needs of their community. Knowledge in this content area is also related to that in LD20 (use of force) and students should have opportunities to explore the concept of arresting another in settings where those arrests are performed. Teaching "what" may be as simple as enforced memorization; teaching "when to" requires the student's active involvement in the learning process and chances to "fail forward" in their work to acquire necessary skills.

Learning Outcomes

At the conclusion of these learning activities the student will be able to:

- Demonstrate an understanding of how others may perceive the officer's role in balancing the needs of the community versus the rights of the individual in the exercise of their powers of arrest
- Identify alternatives and options when considering an arrest in a specific facts circumstance, then act on the selected course of action

Activities

Activity One

Assign students to research the Internet or local media to retrieve a recent event involving an arrest by the police. Have students discuss their events in small groups (4-6 students) for several minutes, then determine:

- What the incidents have in common
- What differences are reported in the events
- How the police action was framed and described by the media
- What public reactions were as reported in the media account

Subsequent work would be to report the findings of each group to the class. Selected student facilitators will lead the process of recording responses from the class.

Time estimate: Activity can range from 5-10 minutes; group to 25-30 minutes including any class discussion.

Activity Two

Using one of the events reported in the media (one that has a community response and possibly responses from the arrestee's friends or family), assign students to role-play a meeting between the police department and the arrestee's family and others concerned with the actions of the officers involved. Groups will be:

- Police managers
- Family members
- The media
- Legal advocates

The setting will be a police conference room or meeting room. The police will start the meeting, and those assigned to differing roles will present their perspectives as conditions warrant. The instructor can allow the meeting to progress until all participants have had time to voice their issues and concerns. If the class is larger than

the number of desired student participants, others should view the meeting, and then lead a debriefing of what they saw.

Time estimate: Time will vary from 20 minutes to a full hour of training.

Activity Three

This activity uses video scenarios from POST or other sources to allow students to refine their understanding of arrest options (the POST Line-Up Training series has a number of excellent short clips showing 1-2 minute scenarios for subsequent group discussion). This activity also allows opportunities for selected student leaders to lead small group discussions.

Students will view short scenarios depicting a contact with a person who may be in violation of the law. At the conclusion of the scenario, groups will discuss:

- What they saw
- What laws were being violated
- What options the officer or deputy had
- What the community would expect or want the officer to do

Group discussions should take no more than 5-7 minutes, at which time another scenario will be shown. The process of scenarios and group discussions should be repeated at least 3 times. At the conclusion of the third round, the class will re-form. Student leaders will then work to enhance large group understanding through this process:

The first scenario will be shown for a second time. The facilitator will ask for responses from the class in re: what they saw, what options the officers had and what expectations the community might have regarding the considered actions of the officers involved.

Other students should be assigned to chart the responses for further reflection. Once the first scenario has been viewed and discussed by the class, the second and subsequent scenarios will be shown using the same process.

Time estimate: 20-30 minutes

Comprehensive Questions

1. What are the similarities and differences in perspectives of the police and those they serve? Why is this important to know?
2. What other perspectives might we want to consider when considering options for action or forming opinions about significant events?

3. Can you identify any assumptions in the news articles that could lead the public to a false or skewed understanding of the event described?

Application

Students should see the relevance of arrest actions to their duties, although many may focus on the specific mechanics of making an arrest rather than the larger issue of laws of arrest, discretionary decisions and community perceptions regarding actions by the police. Instruction in this content area should allow students to demonstrate knowledge acquired in cognitive domains (the letter of the law, limits on police action), etc.). More importantly, students should analyze, evaluate and apply their lawful powers in the context of the police role, leadership in the community and proper intent and use of arrest powers to prosecute those responsible for crime.

Resources

- *Line-up Training Programs video series, CPTN (on www.post.ca.gov)*
- Code of Professional Conduct and Responsibility for Peace Officers, LD1
- *Internet and local media sources*
- Training and Testing Specifications for Basic Courses, LD15; Learning Activities for LECP

Learning Domain 16: Search and Seizure

Prerequisites

Prior to these learning activities, the students shall either have been instructed in or had the opportunity to study the student workbooks for:

- LD1: *Leadership, Professionalism & Ethics*
- LD3: *Policing in the Community*
- LD5: *Introduction to Criminal Law*
- LD6: *Property Crimes*
- LD7: *Crimes Against Persons*
- LD8: *General Criminal Statutes*
- LD9: *Crimes Against Children*
- LD10: *Sex Crimes*
- LD11: *Juvenile Law and Procedures*
- LD12: *Controlled Substances*
- LD13: *ABC Law*
- LD 15: *Laws of Arrest*; and,
- LD16: *Search and Seizure*

Introduction

A learning activity is required as a component of instructional delivery in this Domain. This instructional block trains students in the application of Constitutional, Statute and Case Law regarding a peace officer's ability and limitations on the search of another person, their property and the conditions under which such a search may be made. The student will be trained how to lawfully seize evidence of a crime without a search warrant, and also be familiarized with the circumstances that gives rise to the issuance of a search warrant by a competent court of jurisdiction.

Special considerations in this Learning Domain are:

- The impact of the Fourth Amendment of the U.S. Constitution
- The impact of relevant case law
- The impact of illegal or unwarranted searches on subsequent criminal proceedings
- Searches and seizures involving motor vehicles
- Searches and seizures involving intrusion into the body of another person
- The need to balance the pursuit of justice with respect for the rights of individuals under state and federal law.

Learning Outcomes

At the conclusion of these activities, the student will be able to:

- Understand and apply the rule of law concerning unreasonable searches and seizures
- Understand and apply the impact and significance of consent
- Compare and contrast similarities amongst searches of persons, vehicles and private residences.
- Recognize their ability to seize items of evidence in plain view or in the trained observation of a peace officer acting in accordance with a search conducted pursuant to probable cause.

Activities

Rather than focus on one specific scenario for the entire class to review, the complexity of the topic allows the instructor to assign varied scenarios to small groups who will work independent from one another to train their peers on relevant areas of search and seizure law once their group work is done. This type of learning activity is best done when groups have time prior to the class session to research the issue using the Internet and other available sources to provide legal justification for their elected actions. The instructor's focus will move away from providing a situation and advising the best manner in which to resolve it to an activity where the students are given an ill-structured problem that requires the students to acquire critical knowledge, learn how to problem-solve, work within a team framework to arrive at suitable solutions and to be self-directed in their work.

The instructor should give attention to developing added scenarios to the ones listed herein to expand the repertoire of possible problems for groups to resolve. As current events provide added examples, the instructor may wish to bring in news clips, case law summaries or similar material to replicate as closely as possible the real-life environment where search and seizure issues will arise.

This activity may be presented at the outset of the class, or after an appropriate orientation in the subject. It may also be assigned 2-3 or more days in advance of the class session to allow groups to elect how to manage their time to research and resolve their assigned problem.

Scenarios

Each group will receive the scenario in writing. The groups will be instructed to select a spokesperson and recorder, then to engage in independent study to:

- Identify the central search and seizure issues of the scenario
- Identify the limitations on the officer's actual or intended actions
- Develop a structure for resolving search and seizure problems they will encounter in the field

The groups will have at least one added question that is specific to their scenario.

Scenario One:

For several weeks, a peace officer in a uniform patrol assignment has observed some street narcotics activity at a particular locale. The seller always stands over a public sewer drain and completes his sales very quickly. Some customers arrive on foot; others drive past, stop shortly and are sold drugs. On three occasions, the officer has attempted to get into a good position to make an arrest, but recognizes the seller seems to know what's going on, and is skilled at dealing and knows the officer's constraints.

Added question: How far can this officer go to stretch or break the rules to arrest someone who obviously has contempt for the law?

Scenario Two:

Same scenario as the first, with the added information: On the fourth occasion, the officer is in place, and sees the seller has a large wad of cash in one pocket. The seller goes through the motions of what appear to be a sale. The officer stops the suspect, recovers the money, but finds no drugs. He reaches into the suspect's other pocket and removes a bindle of cocaine, telling the suspect he has him at last. The suspect and officer both know the officer had the bindle in his hand when he reached into the suspect's pocket.

Added questions: When is it OK to bend the law in order to get dangerous felons off the streets?
How do the officer's good intentions factor into his actions? What laws, if any, did the officer violate?

Scenario Three:

On evening watch, a deputy pulls over a car because the occupants look suspicious, and because stopping people and identifying them is the best way to suppress criminal activity. The officer feels something is amiss, so he pulls the

subjects out of the car, searches it and finds a loaded handgun concealed under the passenger seat. His report later recounts he saw the gun in plain sight, and searched the rest of the car for added contraband.

Added questions: What are the legal issues in the case? What values are in conflict in the officer? Why would the officer take this action? What might his motives be?

Scenario Four:

You are a newer officer assigned with one of most senior officers in your division. The officer is known for his street smarts, and the way he seems to "find trouble" and make arrests. You admire his reputation, and want to learn ways to have others look at you the way everyone looks at him. You know he will probably go to detectives soon, so this may be one of your last chances to learn from "the master." While on patrol, he suddenly turns on the police car's emergency lights while pulling in behind another car. He says, "Something's not right about this guy. We're going to find out what it is." You pull the car over without incident, and listen to your partner grill the driver. You see the driver is nervous, and you know he's hiding something. Your partner opens the driver's door and tells the guy to exit. He places the subject in the back seat of the patrol car, and then approaches you near the back of the subject's vehicle. "OK, let's search this thing and pop the trunk open to see what he has. If we find anything, we'll close it up and get a warrant."

Added questions: What are the legal issues in this case? What was your partner's probable cause to search the vehicle? Assume you find contraband in the trunk; what do you do?

Scenario Five:

An officer has been working to develop sufficient probable cause to get a search warrant at a house he believes is selling narcotics. After several unsuccessful attempts to develop PC, he asks another officer to "stiff in" a call to the narcotics office tip line advising anonymously of drug activity at the locale. Using this information, the officer responded to the "call" knocked on the door, and then saw a quantity of narcotic in plain view on a coffee table in the living room of the house.

Added questions: What laws, if any, did the officer break? What possible consequences could there be for the officer and his friend? Can the occupants of the house be prosecuted for the drugs even if the officer created his own exigency for being there?

Time Estimate

Each group will take about 5-8 minutes to describe their scenario and provide answers to their questions. The instructor may wish to have each group answer only a portion of the general questions in order to allow adequate time for the specific questions of the group's scenario.

Comprehensive Questions

The questions as noted in each scenario, plus the work of each group to articulate a structure within which to develop solutions, should serve to achieve the intended learning objectives of this learning environment. The instructor should focus on the ethical implications as well as the legal consequences of illegal conduct by officers in search and seizure, and work to help students synthesize the learning of groups into a class understanding of structured problem-solving.

Instructions in this domain are also encouraged to adopt a student-centered methodology to the content in this domain. For example, rather than presenting the definitions of various types of searches and their conditions, consider assigning students topics to research and teach (e.g., consensual search of a pedestrian, searching vehicles, etc.)

Application

The variety of scenarios, especially if drawn from real case law or media reports, will impress upon the students that search and seizure laws are used daily by peace officers, and that knowing and applying proper legal actions when searching persons and property or seizing criminal evidence is a core skill for their profession.

Resources

Noted in the introduction to the scenarios. This may be tailored differently if an in-class activity; however, the problem-solving potential of the incidents studied is maximized if the students are required to take time to search for solutions rather than merely rely on memory of groups in a class setting.

Added Resources

- Training and Testing Specifications for Basic Courses, LD16; Learning Activities for LECP
- *Search Warrants: Where, What, Why*; Melvin Vyborney, Anaheim Police Department; mvyborney@aol.com (no cost tool for writing warrants)
- *Specialized Investigator Basic Course*; LD 63, Computer and Computer Crimes

Note: LD 25 and LD 30 have related content. Instructors may wish to add a learning activity related to writing a search warrant in one or more of these domains.

Learning Domain 17: Presentation of Evidence

Prerequisites

Prior to these learning activities, the students shall either have been instructed in or had the opportunity to study the student workbooks for:

- LD 1: *Leadership, Professionalism, and Ethics*
- LD 3: *Policing in the Community*
- LD 8: *General Criminal Statutes*
- LD 15: *Laws of Arrest*;
- LD 17: *Laws of Evidence*; and,
- LD 39: *Crimes Against the Justice System*.

Introduction

In the emerging police academy, this Learning Domain and LD 30 (Preliminary Investigations) share similar content, including content related to testimony in court. Experienced instructors should ensure those who teach related LD's work cooperatively to maximize the learning of students by avoiding a duplication of taught concepts or by leaving gaps in training.

Peace officers need a basic knowledge of the role that evidence plays in a criminal trial and their own role in prosecuting the case through the lawful collection of evidence. This responsibility includes the professional presentation of evidence and the factual, clear, concise and complete support of that evidence based on a sound police report. Integrity in the collection and documentation of evidence is one of the key elements of the job and should be a recurring theme throughout training.

It is important for students to understand the rules of evidence and chain of custody in the larger context of a constitutional democracy. Peace officers must adhere to law and policies governing the custody of evidence and its introduction in court testimony. The right to present evidence to an impartial judge or jury in a court of law is a fundamental part of the American criminal justice system. It is a constitutionally guaranteed right for criminal defendants. The saying "to have your day in court" means that anyone accused of a crime has the right to present evidence on his or her behalf.

Legal restrictions are placed on government to guard against unwarranted intrusions into the private lives of community members. Some say these limitations unduly constrain the criminal justice system and allow the guilty to go free. Others contend

this is a portion of the price we pay to ensure justice under the law and the freedoms we enjoy as a society. Regardless of personal beliefs in this matter, limits placed on government conduct are the law of the land and peace officers have an obligation to support and uphold them.

Learning Outcomes

At the conclusion of these learning activities, the student will be able to:

- Demonstrate an understanding of the role of a peace officer in the presentation of testimony and evidence in a given facts circumstance
- Choose an appropriate course of action when presented with situations that are ethically problematic and defend the selected action

Activities

Activity One

Students will receive a copy of the following scenario:

> "You and your partner arrest a suspect for a brutal assault. Your partner is a seasoned officer so he takes the lead and does the majority of the interview with a primary witness and the suspect. Your partner is scheduled for vacation during the preliminary hearing. You have been an officer for one year. You were sick and did not attend the Academy Proposition 115 (PC872(b)) training. Your partner tells you to testify for him at the preliminary hearing. He says "It won't matter, just tell them you're qualified if they ask. I can't be there and we have to get this guy."

Students may be assigned to consider the implications of this scenario individually, and then participate in a Socratic discussion of the topic as a class (Question and Answer, seeking possible truths). Alternately, students may work with learning partners to study and come to a consensus (general agreement) regarding the questions posed.

Questions for individual or group consideration and class dialogue should include:

- Does this scenario contain a crime element?
- How does Prop 115 impact the court process and officer testimony?
- Who are the stakeholders in this case?
- What is the impact if this case is thrown out of court?
- What is the impact on the judicial system if this type of action is commonplace?
- Do you see a problem with this activity since it's only a preliminary hearing?
- What is the potential impact on you as a peace officer?

Time estimate: The time for individual or paired activity should be 5-8 minutes, followed by class dialogue for 15-20 minutes up to the full teaching hour.

Activity Two

A selected student group will be assigned the following scenario to role play. Those in the teaching group will then facilitate a class discussion of what they have seen and its implications on policing. The scenario is:

> You and your partner are assigned in a two-officer unit in an urban area. You are assigned by dispatch to assist at the scene of a homicide. Arriving at the locale of the crime, you are met by a detective who tells you to stand by, and then to transport a box of evidence to the police station for him or her. You drive back to the police station and take the box (about the size of a shoebox) to the detective bureau. The detective with whom you talked meets you in his office, and tells you to put the box on their desk. One of you asks if they need help booking the items in the box into the evidence room, and the detective replies "No, just leave it there. I'll put it into my desk over the weekend and book it on Monday."

Questions for class discussion are:

- Are there any issues for the patrol officers to consider as they leave the detective bureau?
- Are the patrol officers responsible for the care and custody of evidence once it has been delivered to the person who wants it?
- How might the conduct of these officers impact subsequent testimony in court?
- What legal issues does this incident create with regard to the admissibility of this evidence?
- What actions might the patrol officers take if they believe the detective's intended manner of evidence preservation is deficient?

Time estimate: This activity should take about 15 minutes to prepare, then five minutes to role-play. Class discussion may range from ten minutes up to 30 minutes depending on the depth of understanding desired regarding the chain of custody, responsibility for evidence and the ethical implications of the detective's conduct.

Activity Three

This activity involves a significant potential breach in lawful conduct. It is an extreme case, but serves to ensure students understand the possible fluidity of threshold incidents and their responsibility as peace officers to uphold the law.

The instructor will distribute or present the following facts circumstance:

> "You are a patrol officer assigned to a large rural patrol area. You have been seeking a robbery suspect in the area, and know the suspect is reported to be armed and dangerous. You see a man matching the description you were given, so radio for assistance, stop and exit your patrol car and challenge the subject. Your beat partner arrives as you are making your initial challenge to the subject, who makes a move you perceive e as reaching to his rear waistband. Your partner shoots the subject, who falls to the ground and is killed by the shot. You approach the subject and handcuff him according to department policy. You conduct a quick pat-down of the prostrate body and find no weapons on his person. Without an instrument of the crime, you begin to fear you may have stopped the wrong person for robbery, even though you think the shooting appears to be valid. When your supervisor arrives, you and he re-check the body and find a handgun in the suspect's rear waistband. You didn't see anyone put a gun there, but think it wasn't there during your initial check."

Assign a student leader or pair of students to facilitate the class discussion of this incident. The following questions are, at minimum, areas for class consideration:

- What are the possible reasons you missed the gun during your initial inspection of the body?
- Without the subject being in possession of a weapon, is the use of lethal force lawful?
- How should you handle this situation?
- Who are the stakeholders in this case?
- What impact might the Code of Silence play in this incident?

Time estimate: The time for this activity will be 2-3 minutes to read the scenario, and then ten to twenty minutes for class discussion.

Homework Assignment (Optional)

Students will be assigned to complete research and report on a current event related to court testimony by a peace officer, especially those where evidence collected at the crime scene was relevant to the testimony. The research should be written into a report no more than two pages long. Contents of the report should include:

- A synopsis of the incident
- Relevant facts and issues
- The impact of the testimony and evidence in the case
- The student's opinions on the completeness of the testimony and evidence, and any other alternatives the officer or agency could have considered in this case

This activity may be facilitated in concert with the academy's LD18 (Investigative Report Writing) staff as a means of providing a level of relevance to students in this topic area. In this protocol, written work is cooperatively assessed by the lead instructor in this LD as well as LD18 staff.

Comprehensive Questions

There are a number of comprehensive questions related to a peace officer's role as leaders in their organizations and their communities, their ethical obligation to the law and the court system and community perceptions resulting from police conduct. Within that framework, there are several considerations:

Leadership:

Falsifying evidence constitutes a crime. Decisions to do so may cause administrative or criminal liability for you and others who engage in such conduct

The conduct of peace officers in the collection of evidence and their subsequent testimony are often key components to a successful prosecution. Adherence to policy and legal limitations is paramount in every case.

Ethical Decisions:

The Code of Silence is a detriment to effective policing. Peace officers must have integrity and be ethically conscious of the decisions made in the field.

Community Policing:

Members of the community may fear police discretion and the powers police have to enforce the law. Assurance of proper conduct by the police and collecting evidence in a lawful manner are important issues when the community considers their confidence in those who protect them.

Application

Students will no doubt be aware of the impact of celebrated cases where the improper collection, preservation and presentation of evidence have resulted in the acquittal of defendants. They will also be aware of the numerous popular television shows presenting fictional crime scene investigations and recounts of actual cases in documentary shows on cable stations. Although these depictions may energize some to enter the profession, they may also create a sense of false knowledge regarding the capacity of police evidentiary analysis and its presentation in the justice system. Training should include both the student's duties and obligations as well as to dispel myths they may hold at the time they entered training.

Resources

- The CA Penal Code
- The CA Evidence Code
- Appropriate agency policies
- Training and Testing Specifications for Basic Courses, LD17; Learning Activities for LECP

Learning Domain 18: Investigative Report Writing

Prerequisites

Prior to these learning activities, the students shall either have been instructed in or had the opportunity to study the student workbooks and noted materials for:

- LD 1: *Leadership, Professionalism, and Ethics*
- LD 3: *Policing in the Community*
- LD 18:*Investigative Report Writing – Chapter One*

Introduction

A learning activity is required as a component of instructional delivery in this Domain. Effective report writing is paramount to what we do as law enforcement officers. We often think of report writing as just reporting facts in order to bring offenders to justice. Although true, report writing is also, but not limited, to:

- A demonstration of a competent and effective investigation
- An expression of integrity, reliability and credibility
- A service to the community

All aspects of the criminal justice system are open to public scrutiny and subject to public record. A police report is often the first and most significant documented account of a possible crime or other incident of interest to the police and the community. The police report is a fundamental instrument of policing; therefore, we place high value on a peace officer's ability to write good investigative reports.

An effective report is one in which the officer, the agency and community will be proud. An effective report will provide the justice system with a clear account of the circumstances of a crime, and also accurately depict the actions of all persons involved. It is not always easy to learn the truth, nor to write in a manner that allows for only one interpretation. The peace officer's moral obligation to be truthful and to objectively investigate and record facts for use by others creates a mandate to do so impartially and with a clarity of voice that ensures the written word is used in a manner that conforms to the standards of the officer's organization and the court system that will adjudicate matters brought to its attention.

Police reports have a variety of end-users in the community. Prosecutors, judges, insurance agencies and attorneys all rely on police reports to be a part of the pathway to a fair and just outcome. A well-written report can be the foundation from which to

provide justice for victims and ensure those responsible for crime receive the full measure of the law. Police reports are critical in prosecutions, to defend against wrongful accusations of wrongdoing by the officer or others, as a permanent record of the work of the police and to hold peace officers accountable for their conduct.

A proficient police report will be accurate and concise, yet informative and complete. The presentation, flow and development of the report's text should be clear and logical and the report's conventions (grammar, spelling, punctuation and tense) should not detract from the reader's understanding of the meaning of what has been written. Learning in this content area touches almost every other Learning Domain in the academy experience, and will be a yardstick against which peace officers will be measured throughout their careers. Instruction in this area, therefore, should give emphasis to the outcomes noted in this introduction.

Learning Outcomes

At the conclusion of these learning activities the learner will be able to:

- Identify the main themes and importance of a factually accurate investigative report
- State in their own words their responsibility for completing a factually accurate investigative report
- Identify and apply leadership, ethical and community policing concepts linked to their responsibility to complete an accurate and complete police report

Activities

For all activities, there are several important points for instructors to consider. Most prominent amongst these are to:

- Allow students the opportunity to lead the class work and subsequent discussions. This will help establish and refine their public speaking skills and group management skills
- Allow students to grapple with the concepts and discover their own understanding of the material as much as possible. While it is tempting to provide "the answer" or ready direction, students will learn at a much greater depth if they acquire the information through reflection and retention of relevant concepts
- Instructors should manage the process of learning, helping the discussion leader through ticking points, providing insight and expertise where appropriate and striving to ensure students stay focused on key concepts in the dialogue.

Considerations for Learning in LD18

As noted, LD18 will find an application in every other content area in the academy. Rather than segregating instruction to discrete blocks of "report writing" or "written skills" instruction, instructors may wish to encourage others to consider linking this work to:

- Other Learning Domains
- Scenario activities and tests
- Administrative and disciplinary writing of students in other areas of the academy
- Any other opportunity to enhance the retention of concepts and their application in the academy and beyond.

In this format, LD18 instructors may wish to construct activities that are linked to other Domains for presentation in concert with that block of academy training. The activities would then be staged at the conclusion of a scenario test or role-play activity, or provide a reflective writing segment to assess learning and retention of taught concepts.

Activity One

This activity should be assigned to small groups (4-6 students) for discussion. Have each group prepare a solution and course of action. After the scenario is discussed each group can present their solution, or simply generate a general class discussion which will be less time consuming and redundant.

> You and your partner are involved in a use of force incident. Your partner writes the primary report and you write a supplemental report. When you turn in your report you happen to read your partner's (primary) report and discover it is inaccurate, embellishes the suspect's actions, and diminishes the amount of force used. Your partner has already left the station and will be off for the next three days. The suspect is in custody for several felonies.

Groups will develop a course of action and be prepared to present it to the class. Student facilitators will lead group comments and class dialogue on this topic.

Comprehensive Questions

1. What are the key issues to be considered in this problem?
2. What do these key issues distinguish and why are they important?
3. How do these key issues direct your course of action?
4. If you fail to act, what are the consequences, if any?

Activity Two

Each Learning Domain has a number of learning activities in this guide. Rather than segregating concepts, having students synthesize what they learned, then transfer it to written form to close the loop with regard to accurately recording events for official purposes.

In this activity, the instructor will select one or more learning activities from any domain. Students will perform role play scenarios consistent with the instructions therein, and then lead the process of investigative report writing. Students will then work in pairs to

- Critique the writing of their learning partner
- Discuss what needs to be in a proficient police report, and
- What objectives or outcomes are sought in the writing of a police report

The time taken for this activity will be that noted for the specific learning activity, plus time for writing and critique of the report in pairs.

Comprehensive Questions

The instructor may wish to consider the use of a written skills rubric at the outset of training in this concept area to allow students to understand what "good" looks like and the objectives and anchors of effective report writing. Study and development of an assessment rubric prior to class would be necessary; there are resources for instructors on the Internet and related sources to explain the nature of rubrics and their use. The advantage of using rubrics is that it:

- Allows students to understand what deficient, competent and exemplary performance "looks like" though the rubric
- Breaks the report components (conventions, content, construction, clarity, etc.) apart to encourage students to learn what they are and how to achieve competence
- Encourages self-assessment and the assessment of writing by others without instructor intervention

Training on rubric development will be available starting in 2006, as will added resources for Investigative Report Writing and related written skills instructors.

Application

As noted in the introduction, written skills are perhaps the most common and pervasive activity of police practitioners. The officer or deputy's image, reputation and professionalism are either enhanced or adversely impacted by their writing. Providing a learning experience that allows students to understand the relevance of written skills to

every other aspect of their job is a necessary component of training in this Learning Domain.

Resources

- The Code of Ethics and Canons
- The P.O.S.T. LD 18 Workbook
- Your agency's Report Writing Manual
- Your agency's General Orders or Policy and Procedure Manual
- Training and Testing Specifications for Peace Officer Basic Courses, LD18; Learning Activities for LECP

Learning Domain 19: Vehicle Operations

Prerequisites

Prior to these learning activities, the students shall either have been instructed in or had the opportunity to study the student workbooks and noted materials for:

- LD 1: *Leadership, Professionalism and Ethics*
- LD 3: *Policing in the Community*
- LD19: *Emergency Vehicle Operations*

Introduction

A learning activity is required as a component of instructional delivery in this Domain. The public expects peace officers to be exemplary drivers, while at the same time officers must use their vehicles for purposes far beyond that of mere transportation from one point to another. Officers must balance the use of their vehicles for emergency operations and the apprehension of traffic violators with the obligation to drive in a safe and defensive manner.

More officers are killed or seriously injured while driving police units than from any other policing activity (including incidents involving the use of deadly force). It is common for peace officers (and all drivers) to overestimate their driving skills, and to fail to adequately understand the capabilities and limitations of their vehicle's operations absent training to the contrary. As role models to others in the community, officers and deputies must always be aware their driving is being judged and critiqued by others in their environment.

Learning Outcomes

At the conclusion of these learning activities, the student will be able to:

- Apply concepts of safety while operating a police vehicle.
- Analyze and interpret the application of traffic laws to the operation of emergency vehicles.
- Demonstrate their comprehension of the requirement to follow department directives and applicable law to their driving behaviors.

Activities

For all activities, there are several important points for instructors to consider. Most prominent amongst these are to:

- Allow students the opportunity to lead the class work and subsequent discussions. This will help establish and refine their public speaking skills and group management skills
- Allow students to grapple with the concepts and discover their own understanding of the material as much as possible. While it is tempting to provide "the answer" or ready direction, students will learn at a much greater depth if they acquire the information through reflection and retention of relevant concepts
- Instructors should manage the process of learning, helping the discussion leader through sticking points, providing insight and expertise where appropriate and striving to ensure students stay focused on key concepts in the dialogue.

Activity One

The instructor will use a described scenario and assigned groups to ensure the students understand and can apply principles of safe driving in an emergency situation. The scenario further allows students to analyze and evaluate their actions when presented with a conflict between them and their partner officer regarding obedience to department directives versus the desire to apprehend a criminal suspect.

Assign students to groups of 4-6 persons per group. Each group will select a recorder and a spokesperson to report the group's findings back to the class. As a class, the groups will be given the following scenario:

> "While on patrol, you and your partner (who is several years senior to you) notice another car with tail lamps not working. A computer check of the license plate reveals the car is a reported stolen vehicle from a neighboring city. Your partner activates your car's emergency lights, then the car's siren when the suspect vehicle fails to yield to the lights. The suspect pulls to the side of the road shortly thereafter. As you both exit your vehicle, the suspect driver backs suddenly, then drives away while accelerating rapidly. You advise dispatch you are in pursuit, and other units begin responding to the area to assist. After several minutes of chasing the suspect at fairly high speeds, your field supervisor asks about traffic conditions, and then orders you to discontinue the pursuit. You acknowledge the order; however, your partner tells you the suspect "isn't getting away" while continuing to pursue the suspect vehicle."

Groups will be instructed to discuss the scenario and its implications, and to answer the following questions once back with the rest of the class:

- As a junior officer or deputy, do you go along with the actions of your senior partner?
- If you go along, how do you justify your decision to your field supervisor at the conclusion of the incident?
- If you do not go along with your partner's actions, how do you intervene or stop his actions?
- What liability do you or your partner incur from his actions and your response (whether or not you elected to intervene)?
- What are the possible consequences of your partner's actions if you do not intervene, and of your actions if you do elect to intervene?

This scenario may be varied based on local issues or incidents and the instructor's creativity in developing a learning activity that will convey the training desired. Instructors may also add to the time devoted to learning activities either informally (ad hoc opportunities that present themselves as "teachable moments" or with other formal scenarios presented via video, role-playing or in written form). A powerful option to consider would be to have students play the roles of; 1) chief of police, 2) sergeant, 3) the junior partner, and 4) a local community group member. In these roles, students would present and respond to the queries and statements of others (including class members).

Time Estimate

The scenario will take about five minutes to complete, including instructions to the groups. The group activity will take 15-20 minutes for them to discuss and prepare their respective presentations. The group's presentations will take about five minutes each, including questions from the instructor or other class members.

Comprehensive Questions

The instructor must ensure students discuss and analyze the legal implications of their driving in an emergency situation, and must guide questions and queries of group answers to reinforce the need to apply knowledge in this domain. Possible follow-up questions may include:

- How should the junior officer initiate their intervention into their partner's overt disregard for department direction and traffic law?
- After the incident is over, how should the junior officer approach a conversation with their partner regarding their actions?

- If the partner ceases their pursuit after intervention by the junior partner, does the junior officer have an obligation to report their actions to the field supervisor?

Other questions by the instructor should serve to ensure the students can effectively analyze and apply the issues in this incident to unrelated situations that also have legal, moral and community implications.

Application

Students should readily see the real-world application of acquiring skills in the area of vehicle operations. At the same time, popular depictions of police driving that is both exciting and unlawful may have created a perception in students of "proper" driving techniques the instructor may need to address to ensure desired learning takes place while dispelling previous learning from informal sources.

Students should discover and reiterate the truth that operating the police vehicle is perhaps the most dangerous thing officers and deputies will do, and that their reputations, their department's image and the lives of themselves and others depend on their ability and willingness to operate their vehicle in a manner consistent with the law and agency policy.

Resources

Instructors may elect to use one or more of a number of video examples of poor police driving, depictions of emergency driving in film and popular media, photos of damaged police vehicles or similar visual media (with supporting stories explaining how damage was incurred) to allow students to see the ramifications of their actions. Video clips used as resources by students are especially useful to prompt free-form discussions about what was seen (show video clip, then just ask, "All right, what did you see?" etc.).

Resources for this activity may include a handout with the scenario and questions if desired, and may also include whiteboard or flipcharts for groups to write answers. Added Resources are:

- Training and Testing Specifications for Peace Officer Basic Courses, LD19; Learning Activities for LECP
- POST LEOKA Report (available at www.lp.post.ca.gov)

Additional Information for Instructors

The law requires every driver, including the peace officer driving an official vehicle, to obey all sections of the Vehicle Code and other relevant driving laws. At the same time, officers are tasked with the expedient response to critical incidents, the

apprehension of traffic violators and the need to use the police vehicle as one of many tools at the officer's disposal as they seek to administer the law in their patrol areas. This can sometimes create a conflict in goals when the officer wishes to respond quickly to a call for service while remaining mindful not to violate speed laws. Popular media sometimes also depicts police driving in a reckless fashion, often portrayed as necessary to bring a criminal to justice who is attempting to flee from custody. Except for specific exemptions articulated in the Vehicle Code related to emergency driving, peace officers must drive within the confines of the same law they are charged with enforcing against others using the streets and highways in their community.

Primary instructors in this domain are required to complete added POST-approved Instructor Development training prior to leading instruction in this training block. Added resources and instructional techniques will be a part of that training. Instructors in this domain should remain mindful that the affective domain (how one perceives their driving, awareness of the appropriateness of one's actions, etc.) are as important as teaching the psychomotor skills (the actual mechanics of driving the vehicle in the approved manner), although student motivation may be much higher in the "how-to" rather than "why-to" components of the lesson plan.

Learning Domain 20: Use of Force

Prerequisites

Prior to these learning activities, the students shall either have been instructed in or had the opportunity to study the student workbooks and noted materials for:

- LD 1: *Leadership, Professionalism and Ethics*
- LD 20: *Use of Force*
- LD 20: *Use of Force DVD in the POST Basic Training DVD Series*
- Have read their agency's policies regarding the use of force or an exemplar policy on the same topic.

Introduction

A learning activity is required as a component of instructional delivery in this Domain. This Learning Domain has significant implication with regard the applied skills of peace officers, the community's perceptions and confidence in their policing agencies and the manner in which the law allows police practitioners to use coercion to enforce the law and maintain public order. It is a content area where it is critical to teaching the "why and when" of the use of force in addition to the acquisition of necessary psychomotor skills for students to successfully demonstrate proficiency in its use.

Learning Outcomes

At the conclusion of this training segment, the student will be able to:

- Understand and apply force options as taught in conformance with best practice and department policies and procedures.
- Analyze and respond to ambiguous situations where force may or may not be an appropriate option, then evaluate the effectiveness of their choice.
- Compare and contrast uses of force in the context of the community's perceptions and beliefs by applying knowledge gained in training.

Activities

Activity One

This activity is a homework assignment that is used as a foundation for class discussion and refining of the issues regarding perceptions of the use of force by the police.

Students will be assigned to locate a news article recounting a recent use of force by the police. The article may be from a local newspaper, a magazine or from an Internet

search. Students will take turns reading their articles to the class (this activity is also suited as a transitional activity at the beginning or end of training blocks or when returning from lunch or similar break period. In those instances, the instructor may elect to have only a small number of students present their findings at one time, allowing for more thorough discussion of each story). Students should seek to identify ethical issues and also assess the community's perception of the propriety of the use of force in the described incident.

The instructor will facilitate the process of student presentations. Other students will be asked to comment, ask questions or render opinions concerning the article and its implications for policing. The student presenting should be critiqued regarding their clarity of presentation, effectiveness of analysis and the public speaking skills used to make the presentation.

Time estimate: Time per student will be about 2-3 minutes. If conducted as a class segment, the time will expand according to the number of students present. The instructor may elect to have students work in groups, presenting their topics to one another. The groups would then report findings and compare/contrast issues with other groups.

Comprehensive Questions

The choice of article is not as important as the student's efforts to analyze its contents and discuss its relevance with others. The instructor should work to facilitate the student's work to dig deeply and assess how they might feel if they were the subject of force, a family member of the person against which force was applied, or a community member witnessing the incident. This is not done to hinder their learning, but to enhance their success when they are asked to perform these duties once in the field as a peace officer.

Application

Student discussions of their current event should be related to how they might have acted in a similar situation, what policy and law might say with regard to the incident, and how their community might react to reading the same article.

Resources

Students will perform research to locate articles independently. The instructor will advise them at the time of giving the assignment of the likely places to locate articles of relevance to their work.

Activity Two

This activity will present a role-play scenario witnessed by the class, and to which they will then have to break into groups to discuss and evaluate the conduct of the officers involved. This activity will allow students to synthesize training on the appropriate use of force, and how to apply the concept of intervening with another officer when they are engaged in inappropriate actions.

The instructor will select a student to be their "partner" officer as they will take action to arrest someone for an outstanding warrant. Other students in the classroom will be community members who happen to be in the area where this arrest will take place. The person playing the arrestee will have to be advised of the nature of their role, and also the actions they will take within the scenario. The instructor will be the primary officer, with the student acting as secondary officer. The instructor will make contact, and subsequently advise the suspect he or she is under arrest. The student will be told to handcuff the subject, which will be met with mild resistance. The instructor will, a) slap the suspect (simulated), b) grab them at the throat, or c) grab their clothing roughly and call the suspect an "asshole." If the student does nothing, the suspect will cease any resistance and allow the student to handcuff them, completing the role-play.

Students will be broken into groups of 6-8 members, and be required to select a recorder and spokesperson. The groups will:

- Identify the appropriate and inappropriate actions taken by the officers.
- Identify the intervention technique/s used by the student, and also identify any options for intervention that would have been appropriate in this circumstance.
- Evaluate the ethical dimensions of this incident.
- Assess and analyze the community's possible reactions to witnessing such conduct on behalf of the police.

Time estimate: The role-play will take about five minutes. It will take 3-5 minutes to break the class into groups with their instructions. Group presentations will take about five minutes each, including appropriate discussion and facilitator's comments. The instructor should consider having each group answer only one question on the list to avoid a duplication of comments.

Comprehensive Questions

Instructor questions of students should be aimed at enhancing their understanding of the application of force options, limits on the use of force as judged by reasonability and necessity and the legal implications of using force inappropriately and witnessing such use by others without taking action. Open-ended questions work best in this, and many other learning situations. Instructors may also consider revising the scenario

incrementally during class discussion to allow students to evaluate at what point/s action is necessary on their behalf. Consider using questions such as:

- What if…(modify scenario).
- OK, now consider this from the perspective of…(the public, a jury deciding this in court, the community, community activists, etc.).
- All right, now you're the Patrol Captain. How do you justify this to…(media, the Chief, the city council, etc.).

The instructor should also consider broaching the topic of fear and its impact on action, both in the need to use force against another and fear brought about due to action anxiety over whether or not to intervene when another officer or deputy has gone too far (or will if not stopped).

Application

Application of force options is a complex learning topic, requiring reinforcement to allow students to gain appropriate physical skills to complete the use of force as intended and also requiring the instructor to ensure students understand the moral dimension in using coercion against another person to carry out the intent of the law. Students should be motivated to learn skills they perceive will enhance their chances of surviving a violent encounter in the streets. It may be more difficult to motivate them to understand the need to be disciplined and restrained in their application of force to situations where it is absolutely necessary.

Resources

The training environment should provide the student adequate time to analyze actions and their consequences. The combination of large and small group activities will allow for individual reflection by students as well as opportunities for the student to articulate and defend their choices. Resources for this activity are minimal, and would include only items already in the classroom. Primary instructors in this domain are required to complete added instructor development training prior to leading this block of instruction, and added resources should be found in the domain-specific training.

Activity Three

This activity allows the student to gain knowledge regarding community perspectives of the use of force, and will also provide a forum for students to practice public speaking skills in an environment of conflict.

The activity is a role-play by students with the instructor facilitating the process of setting the stage and providing a safe environment for students to speak to others. Each student will be given an assigned topic (the topic may be given to them with a one-

minute preparation period before taking their place at the front of the class) and be told they are speaking to a community meeting about a recent use of force in the city. Other students will play the role of community members, and be encouraged to ask appropriate questions as the scenario unfolds.

Depending on class size, it may not be possible to have each student take a turn as the peace officer. In those instances, ensure there is added emphasis on the debriefing portion of each scenario to allow others to learn application techniques from the experiences of others.

In each instance, officers will be required to:

- Demonstrate the ability to speak clearly.
- Respond in an appropriate manner to questions posed, even if asked in a rude or accusatory manner.
- Apply their understanding of the relevant department policies and law.
- Present their position in a manner that would not be seen as hostile or defensive by others.
- Evaluate and synthesize questions asked to form appropriate follow-up answers.

Possible topics to choose may be:

- Following the pursuit and apprehension of auto theft suspects where officers were seen on video striking one or more of the suspects with their batons (why did they do it? Why didn't they just grab the suspect and handcuff him?).
- Following an officer-involved shooting involving five officers who fired more than 40 rounds at the suspect (Why so many rounds fired?).
- In the aftermath of an incident where officers used a Taser and beanbag round to subdue a distraught mental patient who was threatening passers-by (Why couldn't the officers have talked to her longer before using force?).
- After an officer-involved shooting of a knife-wielding subject who was threatening the officer (Why couldn't the officer have just shot the knife out of his hand instead of shooting at his heart?).
- Following a foot pursuit where officers were seen kicking the unarmed suspect while they were taking him into custody (How come the officers treated that guy like a dog?).
- On the heels of an officer-involved shooting where the officer shot a man who was waving a length of iron pipe at him (Why didn't the officer just keep backing up until enough other officers got there?).

- Subsequent to an incident where an officer used a carotid restraint to subdue a local teen who had been drinking and who was resisting being taken into custody for being drunk in public (Isn't there a better way than to choke someone unconscious?).
- A week after an incident where a canine was used to apprehend a burglary suspect inside a local business, and where the canine caused bleeding to the suspect (I thought the cops were supposed to try to prevent someone being injured. Why send in a dog that does just that?).
- After an incident where an officer shot a driver who was driving her car at the officer, apparently intending to strike him (Can't you just step out of the way? It's only a driving infraction, isn't it?).

Note - The instructor may also wish to use the facts circumstances of some of the articles brought to class by students for activity one completed earlier, or use recent events to create a suitable topic.

Time estimate: The community meeting should take 4-5 minutes per speaker, with 2-3 minutes of debriefing per speaker led by the instructor.

Comprehensive Questions

One of the most significant fears of adults is public speaking. At the same time, communicating effectively is a critical skill for peace officers. This activity allows students to experience public speaking in a safe setting, and where their mistakes will allow them to "fail forward" with the facilitated discussion of their strengths and weaknesses subsequent to the speaking.

The topics used will enhance the student's understanding of the consequences of using force, and also allow them to apply speaking skills in a directed environment.

Questions following individual speakers may be similar to:

- Who are the stakeholders in this incident (who is affected)?
- Does the use of force in this instance create any ethical or moral dilemmas for the speaker or department?
- How does the officer's demeanor while answering questions impact the views of the audience?
- What process could you use to determine how to answer this type of questioning?
- What does your department's policy say about…..?

Application

Students may misperceive that they would not be asked to speak to community groups as line employees, and that this type of environment would only be faced by supervisors and managers. They should be made aware that these skills will be applied in a variety of circumstances, and that questions from the community on police affairs are common while answering calls for service, during informal contacts with the public, and in settings ranging from one-on-one contacts to neighborhood meetings on an unrelated topic. Speaking effectively is a necessary skill, and their knowledge of department policy, relevant law and force options are the tools they will use to answer public concerns in a manner that represents the department well.

Resources

Laws concerning the police use of force, including applicable case law; force option policies and practices. The class environment can be used to stage this activity with little or no modification, and with no added resources necessary. Added Resources are:

- Training and Testing Specifications for Peace Officer Basic Courses, LD20; Learning Activities for LECP
- POST LEOKA Report (available at www.lp.post.ca.gov)

Additional Information for Instructors

While the use of force may be taught in a physically interactive environment to allow students to acquire and reinforce methods by which they may defend themselves, subdue combative subjects and protect the innocent, training them to analyze, revise and evaluate their actions in a social framework that will assess their actions in the context of being both lawful and necessary. Although peace officers may see an application of force through trained eyes, the vast majority of our constituents do not have a similar viewpoint. Officers must be mindful of the overarching requirement that all force used to effect arrests or to quell resistance must at all times be judged according to the "reasonable person" standard.

Beyond legal standards that limit a peace officers ability to use force except as necessary to perform their duties is the moral standard that mandates a reverence for life that dictates force as the last option to be considered, and deadly force be considered only to save the life of that officer or another person. The community expects its peace officers to understand the need to be self-disciplined in their use of the authority granted to them to use force. The training of students to understand their role as the representative of the law and their department is perhaps the most important part of force training.

Motivation to complete any task is a function of developing competence in its practice along with the student's perception of the value of doing it. In Use of Force training, the instructor must build competence through the applied skills. Encouraging students to see value in restraint, and to teach them how to use force while at the same time not using it to punish or "get even" with a suspect is inevitably a more difficult task. Learning experiences in this Domain should incorporate context and relevance to real-world application, and be mindful of the student's tendency to exclude analysis and evaluation of the use of force options being trained if they focus too specifically on the acquisition of the physical skills necessary to properly follow steps in an option's application.

The activities presented herein, therefore, focus more on the community's perception, the moral issues surrounding the use of force and the context of its use rather than the mechanics of applying force. Your creativity and expertise as an instructor will be a primary means by which the students will gain an understanding of the need for the use of force in specified circumstances, while also developing a respect for the need for restraint and discretion in its use.

Learning Domain 21: Patrol Procedures

Prerequisites

Prior to these learning activities, the students shall either have been instructed in or had the opportunity to study the student workbooks for:

- LD 3: *Policing in the Community*; and,
- LD 21: *Patrol Procedures*

Introduction

A learning activity is required as a component of instructional delivery in this Domain. This Learning Domain introduces the student to the basic concept of one of the core functions of policing, that of patrolling the community. Students will learn they must be able to develop and sustain effective strategies and tactics on patrol to convey a sense of security to their constituents. This may include being aware of crime and traffic patterns, concerns of residents and business owners, and being able to interpret and apply the goals and objectives of their department in a manner that enhances the quality of life in their cities and counties. Students will also learn the ill-structured nature of field duties while on patrol creates an environment where officer safety will exist in balance with the mandate to protect others.

Learning Outcomes

At the conclusion of this training block and activities, the student will be able to:

- Comprehend and apply strategies to resolve various ethical dilemmas presented to them in a field environment.
- Analyze community concerns and apply knowledge to mitigate problems present in their patrol beat.
- Evaluate and balance the goals and objectives of the department with the desires of the community.

Activities

The activities listed herein may either be staged as role-play scenarios or handed to groups for independent work and discussion. A role-play is more effective to stimulate visual learning that can then be reinforced by written work, verbal discussion and follow-up dialogue to enhance and reinforce important learning points. The instructor's role is to facilitate the process of role-play or other appropriate "stage setting" so students can focus on the content and issues of the problem presented.

The instructor may elect to choose one scenario, have it acted out by selected class members, then engage in group discussion and presentations. Alternately, the instructor may wish to have one group role-play, and then choose another group to role-play the same scenario to allow for a discussion of the different choices made by the actors. For complex scenarios, the instructor may choose to repeat the process of using different groups 3-4 times or more if the role-play responses have significant differences, or to run through the scenario until one role-play group performs in a manner that would be appropriate in a real-life setting.

For each scenario, the instructor may wish to have immediate questions for the class, such as:

- OK, what did we see?
- Where did they do well?
- Where might they have done better?

Once thinking has been prompted by the general class questions, break the class into groups of 4-6 persons. Have each group select a spokesperson and a recorder to document their choices and answers to questions. Give each group time to answer a set of questions, and advise them they will present their answers to the class. The groups should also be prepared to defend their choices and provide a rationale for their selected course of action.

Possible questions are:

- How would the community at large react to what the officers did in this scenario?
- What reaction would you most likely see from the Chief and his or her command staff?
- Who are the stakeholders in this incident (who will be impacted by what was done?)
- Does the incident create any ethical issues? If so, how are those issues best resolved?
- What structure or process do you use in the field to assess and respond to problems in your beat or patrol area?
- What resources do you have as a patrol deputy or officer to help you?
- What demeanor is most effective when dealing with a resident/ business owner who is upset with your department?
- How can you maintain a high level of performance despite influences to the contrary (like an undesirable shift or hours, working for a bad boss, working an area that does not appreciate your work, working while the media bashes policing, etc.)?

Groups should be assigned 3-4 questions for discussion or one question per group as an alternative. They will then present their findings to the class. Effective facilitation of this process may entail having each group presenting only one of their question areas while others critique and add insight. This avoids repeated-answer phenomena and enhances interest in the subsequent discussion.

Scenarios

1. You are aware that a section of roadway on your beat has a high incidence of speeding resulting in a number of complaints by the public. You park in the driveway of a business adjacent to the street to work radar. After writing three citations for speed violations (returning to your parking spot each time), one of the tenants of the business approaches you and complains that your presence is scaring away customers, and that it is unfair of you to be "hiding" to catch innocent citizens.

2. You are told by local residents that the local high school has problems (which you have seen) allowing students to walk off campus during breaks and lunch time. In particular, some residents complain students congregate near the back gate to the school to smoke pot and drink. You have made previous arrests in that area, and are frustrated that the kids seem to be flaunting their knowledge that you have a lot to do, and can only get back there once every few days.

3. You are fairly new to the graveyard shift (eleven p.m. to the morning hours). Your shift has mostly senior officers, so you are excited to be out there amongst the experienced cops to do some "real" police work. After a few nights of making a lot of stops and a couple of quality arrests, two of your peers approach you and say that you need to "cool off" a little. They say that you are making them look bad, and that they are losing sleep between 4:00 am and 6:00 am because you are on the radio too much. They advise you that it is "sleeping time" and that everyone agrees to stay off the radio so others can rest.

4. You are aware of a bar on your beat that has recurring problems on Friday and Saturday nights with patrons hanging around outside the bar on the public sidewalk making noise, drinking, leaving their glasses and bottles in the planters in the area and engaging in other irritating behavior. Businesses in the area are closed in the evening hours, so you have received no complaints of this conduct at the time it was occurring. However, you responded to the bar for a shooting incident last week where a patron was shot in the leg during an argument in the bar that continued outside. You'd like to do something about this problem bar before it becomes worse.

5. You respond to a call of vandalism at a residence you know is the home of a rather well-known gang member. You arrive and see the gangster and his friends hanging around out front yelling at you as you get out of your car. You immediately call for back-up and start considering officer safety issues due to their agitated state. The resident runs to your car and says that a couple of teens drove by a little while ago and began shouting racial epithets at them. He says they had been minding their own business, but shouted profanities back at the teens, who then quickly drove away. A few minutes later, the same car drove by, slowed down, and then one of the teens threw a fist-size rock at the resident's car. The rock struck the rear window of the car, shattering it. Your back-up arrives and tells everyone to "grab a piece" of the wall, whereupon he begins to pat search them. The resident complains that you are ignoring the crime, and only picking on them because of the way they look and dress.

6. Same scenario as the one above; however, it continues: As you are trying to answer the residents rather excited complaint, he shouts and points to a passing car, saying, "There they are. Those are the a_s_oles who did this to my car!" You run to your patrol car, broadcast the vehicle's description and give chase. You stop the car a short distance away without incident and take the three subjects into temporary custody. As the subjects are identified, you can smell the odor of alcohol on their breath. You also realize that one of the teens is the son of the City Manager, who is your Chief's boss. The City Manager's son is eighteen, while one of his passengers is only sixteen years old.

7. You are working uniform patrol when you see a car roll through a residential stop sign near an elementary school at a pretty good speed. There is no cross traffic, and the conditions are clear. You make a traffic stop, and the driver quickly begins to complain that there was no danger, that he lives in the area, that he pays your salary and that his neighborhood has experienced a number of break-ins, and why aren't you out catching real criminals instead of picking on him?

8. Same scenario as above; change the identity of the driver to an off-duty firefighter from a neighboring town. Does the identity of the driver change your actions? Do you cite everyone you stop? If so, why? If not, why not?

Note- there are a variety of possible scenarios from which to choose. The instructor may wish to frame a scenario from their own experience, from recent events or from a video clip shown as a part of the activity.

Time Estimate

As a role play, each scenario will take less than five minutes. Groups should have 12-15 minutes to discuss their questions, then 3-5 minutes to present their findings and defend their decisions.

Comprehensive Questions

The instructor will work to ensure students gain an understanding of the ambiguous and changing nature of patrol work, and the need to effective field policing as a core function of protecting the community. Some scenarios lend to work to develop knowledge and skills in problem-solving, while others present dilemmas with an ethical dimension. In either case, the instructor should use the setting to present SARA or another problem-solving model for beat problem and allow the students to work to create a structure within which they can make decisions that are both ethical and effective in problems of that nature.

Application

Students should readily see the broad spectrum of problems and issues they may confront while in contact with the public in uniform. They should understand the high standards to which they will be held by the department and the people they serve, and where they can find resources to assist them in that work.

Resources

The instructor may wish to use one of a number of available video clips and news stories recounting actions by officers and deputies of both a positive and adverse nature.

The instructor may wish to engage the class in a more complex problem, such as a serial case like the sniper shootings in Virginia, the day school shooting in Los Angeles or similar crimes to allow students to do homework in groups or as individuals to learn about police methodologies when confronted with complex criminal issues. Added resources are:

- Training and Testing Specifications for Peace Officer Basic Courses, LD21; Learning Activities for LECP

Additional Information for Instructors

In municipal agencies, uniform patrol is the "backbone" of the department. In sheriff's agencies, patrol functions are also the core of that agency's field work and contact with the communities they serve. Officers and deputies are the most visible members of government, and the only ones who are available to meet the needs of our citizenry 24 hours a day. The vast majority of all work in policing originates with a response to a call for service, an unusual incident or circumstance seen by an officer or information given to a uniformed officer that is the first step to solving a crime or resolving an issue

of concern. The manner in which an officer or deputy conducts him-or-herself will often shape the perception of the entire department in the eyes of those who the officer contacts. Their demeanor, responsiveness and ability to intervene to stabilize a situation, serves not only to solve crimes, but build confidence in the community that their policing agency is capable of protecting them on a daily basis.

As they come into contact with people from a broad spectrum of society, peace officers may fall prey to the tendency to begin stereotyping everyone from contact with small segments of their community. After repeated calls for teen issues, one might just think that "all kids are bad." After working in an area of joblessness, high turnover in rental property and a prevalence of petty crime, one might dismiss those who live there as all being either criminals or afraid to help the police so they "get what they deserve." Peace officers must remain mindful that it would be as unfair to classify or categorize an individual based on an adverse contact with another as it is for a member of the community to see all cops as corrupt because of a video they have seen in the media depicting police brutality.

In years past, some peace officers have seen their work in patrol as merely answering calls and completing reports along the way. Today's environment demands more from its policing professionals, and officers and deputies are encouraged in almost every circumstance to move away from the routine response mentality into one where they have a stake in the success of their community. This state of mind leads to problem-solving by the police, the formation of partnerships with local businesses, schools and residents to mitigate issues of mutual concern and a way to build confidence in others of the value of the police by working to meet their needs and improve their lives through the efforts of dedicated women and men in the policing profession.

Learning Domain 22: Vehicle Pullovers

Prerequisites

Prior to these learning activities, the students shall either have been instructed in or had the opportunity to study the student workbooks and noted materials for:

- LD 1: *Leadership, Professionalism and Ethics*
- LD 3: *Policing in the Community*
- LD 16: *Search and Seizure*
- LD 21: *Patrol Procedures*
- LD 22: *Vehicle Pullovers*
- LD 36 *Information Systems*
- LD 42: *Cultural Diversity/Discrimination*

Introduction

A learning activity is required as a component of instructional delivery in this Domain. This Learning Domain introduces the student to competencies necessary to perform one of the most prevalent actions engaged in by peace officers in the community, that of stopping vehicles in traffic. Officers and deputies stop moving vehicles and vehicles stopped on public and private streets for a variety of reasons. The reasons may range from a minor traffic violation or vehicle equipment malfunction to a high-risk stop of persons suspected of being involved in a violent felony. In any case, stopping and approaching a vehicle is one of the most ambiguous and potentially risky activities an officer can undertake. "Routine" stops can turn into the discovery of a crime in progress, and a vehicle stopped because it matches the description of a wanted felon may, in fact, contain an innocent person who has the misfortune of being in the wrong place at the wrong time. In any case, police professionals must exercise appropriate officer safety measures while at the same time recognizing the vast majority of persons they stop are generally law-abiding and supportive of the police mission.

Learning Outcomes

At the conclusion of these learning activities, the student will be able to:

- Apply appropriate tactical communications techniques to defuse conflict during traffic stops.
- Identify and apply effective officer safety tactics during the pullover and approach to the subject vehicle, and continue to display effective officer safety tactics until the termination of the contact.
- Distinguish and apply appropriate ethical decision making skills when confronted with a dilemma in the ethical dimension.

Activities

The activity options for the instructor include one homework assignment and nine in-class activities from which the instructor can select (or use as a foundation for scenarios better-suited to their facilitation efforts).

Homework Activity

Students may be assigned to independently research and locate a recent event where a traffic stop by the police resulted in a violent encounter or a significant complaint regarding the conduct of the officers involved. The student may research news articles, those from magazines or any source on the Internet. They should be tasked to print the article, and then write a short memo articulating:

1. How the incident impacts the policing profession
2. How the incident might affect the department involved, and how it would affect their department as a result of the incident being brought into the public domain.
3. What other options the officers or deputies involved might have taken or considered to produce a different outcome (emphasize to the students that you are not asking them to second-guess, but to learn from the conduct of others).
4. What ethical issues or problems are relevant to the incident
5. Optionally, the student will author a letter in the role of that agency's chief or sheriff responding to a letter of complaint about the incident

Each student will take turns to present their incident and their findings. Other students will work with the student to identify any issues the student did not consider, and to add insight or questions to enhance the class understanding of the incident. The presentations may be completed in one setting, or as introductions and endings to content blocks in this subject area. Selected student leaders should facilitate the presentation process. In the alternate of beginning-ending presentations, 2-3 students per session will present their incidents. This provides the instructor an opportunity to have each student speak in public, display their ability to form and defend decisions about their perspectives and to respond to the questions of others.

Class Activities

As noted previously, the instructor may wish to actually conduct simulated vehicle pullovers in a controlled environment, or have student learning groups present scenarios they developed to exemplify assigned concept areas. The pullovers may range from the mundane to the overtly threatening, with an overarching focus by the instructor to ensure all students present (both actors and those watching) can transfer and apply learning to real-life encounters. Options for scenarios are:

Scenario One:

An officer conducts a traffic stop on a suspected drunk driver. The subject vehicle was speeding, and also weaving within its lane of travel. The officer approaches the car and can smell the odor of alcohol on the driver's breath. The traffic stop takes place in the parking lot of a fairly crowded parking lot, and several citizens are standing in the area watching the contact. As the officer receives identification from the driver, he is handed a police identification card reflecting that the driver is an off-duty officer from a neighboring jurisdiction.

Scenario Two:

Same setting as the first scenario, except the driver identifies himself as a vice detective from the neighboring jurisdiction who is on-duty and rolling to a meet with a confidential informant on an important case. The detective tells the officer he has been sitting in a bar with the informant and their prime suspect for the past three hours, and that he was drinking to sustain his cover as a criminal confederate.

Scenario Three:

An officer conducts a traffic stop on a vehicle that the officer has been advised by dispatch is a stolen car when he ran the license plates. The vehicle is occupied by two male Hispanics, who are taken into custody and placed in the rear seat of the patrol car without incident. The subjects are complaining loudly that the officer stopped them only because of their color, and their shouting has drawn a crowd. The officer is in the midst of searching the suspect vehicle when dispatch advises the wrong plate was run in CLETS, and that the vehicle was not, in fact, a stolen car.

Scenario Four:

An officer sees a car stopped in a traffic lane, with one person pushing it from the rear while another is apparently steering it. The officer stops to render aid, and the subjects seemed surprised and a bit taken aback at the officer's presence. The subjects thank the officer for his offer of help, but say they just want to push the car to the side of the road and call a tow truck. (Note- if the officer leaves, allow him or her to do so. If they do not leave, they may or may not see the 8"x12"x3" package wrapped in brown butcher paper on the right rear passenger seat with a torn corner. Closer examination will allow the officer to see the package contains a green leafy substance resembling marijuana).

Scenario Five:

An officer conducts a traffic stop on a vehicle that went through an intersection about a second after the traffic signal phased to red. The officer contacts the female driver, who quickly tells the officer she is late to meet her boyfriend for lunch, and that her boyfriend is one of the officer's peers. The officer recognizes the name of the "boyfriend" given by the driver.

Scenario Six:

The officer receives a radio dispatch of a suspect and vehicle wanted in a burglary in the neighboring city. Shortly thereafter, the officer sees a car that might match the description. The suspect vehicle was described as a tan Chevrolet, and the car under observation by the officer is a gold/brown Oldsmobile. The suspect was described as an African-American male in his 30's, and the officer can see the driver is a male, but little more because of the sun's glare on the car's windshield. Should the car be stopped, or will this diversion prevent the officer from watching for a car that matches the suspect description more closely. If the car is stopped, should it be a high-risk stop, and how should the contact with the driver be made?

Scenario Seven:

An officer stops a vehicle during the daylight morning hours that is driving very slowly. The officer is concerned the driver is lost and may need help. As the officer approaches the vehicle, he sees a lone female driver. He asks for identification, and she relies that she is driving her boyfriend's car, and that she left her ID at his apartment. The officer can see on the rear floorboard of the car a closed purse. The officer is given the vehicle's registration (if asked for), but no other ID from the driver.

Scenario Eight:

An officer is in her patrol car at a red traffic signal. As the light turns green, she senses something is wrong, and stops prior to entering the intersection. Moments later, a vehicle from the cross-traffic enters the signal under the fresh red light and proceeds through the intersection. The officer realizes if she hadn't stopped suddenly, she would have been struck by the other car and have been involved in a serious traffic collision due to the speeds on this roadway. The officer pursues the vehicle and stops it without incident. (Issues are whether or not to cite a vehicle that violated only the officer's right of way; options are to have a belligerent driver who accuses the officer of doing just that)

Scenario Nine:

Same scenario as Scenario Eight; however, the driver is a female in her eighties who is quite pleasant, and who tells the officer how much she appreciates the police for keeping her safe all these years. The driver continues by telling the officer her husband passed away earlier in the year and that without her car she would be isolated and cut off from her friends.

Time Estimate

Each scenario will last from 3-12 minutes depending on its complexity. The instructor should ensure others watching can hear and see relevant aspects of the traffic stop. The instructor may also wish to stop a scenario while still in progress if an important teaching point, officer safety lapse or other "teachable moment" occurs. The debriefing from the scenarios can occur on-the-spot, or can be completed once all students have had opportunities to play at least one scenario, at which time the class would move back to the classroom.

Comprehensive Questions

As noted in this activity's instructor material, there are a number of areas where the student's active learning during role-plays may be used to reinforce critical skills. Some of these areas may be suitable for follow-up homework by students, such as:

- Describing the process an officer or deputy should use to arrive at a decision on how to act in incidents with an ethical dimension- how do they make decisions that are both ethical and effective?
- The five-step or eight-step process of tactical communications in public contacts where conflict emerges.
- The policy or procedure for high-risk traffic stops, including logistical considerations such as the number of officers necessary to conduct the stop, selecting a location for the stop and taking the suspects into custody safely.
- How the community views the traffic enforcement function of the police, and how peace officers might explain to a community group why they write citations.

In class, the focus of the debriefing by student facilitators should be to:

- Discuss and critique the actions of the officer in the pullover and resolution of their incident.
- Form suggestions for alternate courses of action if appropriate.
- Discuss the ethical dilemmas present in some scenarios and how best to resolve them.
- Discuss what, if anything, to tell a driver who objects to your efforts to enforce vehicle laws or to conduct a criminal investigation (what do you say at the

termination of a stop where a subject was mistakenly identified as being involved in criminal activity?).

The debriefing may be completed as a class exercise, or in learning groups of 4-6 students for discussion, and then reporting back to the class.

Application

As with the other psychomotor domains (firearms, defensive tactics, emergency driving), students will often come to the learning environment with a layperson's understanding and motivation to learn skills they see as being "what cops do" in their duties. This motivation is useful to gain the student's attention and ensure they complete work necessary to acquire the requisite skills of vehicle pullovers, but also presents potential obstacles due to the student's possibly mistaken assumptions of what they see on television and in the movies as appropriate actions in these situations.

During the instruction and learning activities, the instructor should give attention to the "unlearning" process of the misperceptions regarding how officers and deputies use their patrol vehicles as well as the core training on desired techniques to safely complete a vehicle pullover in a real-world setting.

Resources

As stated in the introduction and other material in this activity guide, there is ample video footage available in the commercial market to use as a backdrop to training. Current events of related print material also exist in print and electronic formats. The instructor's role is to facilitate the process of the student's learning; the challenge is to get them interested and involved in the learning process. Since all of the students already drive, the instructor's job is to ensure they learn and can apply tactics to use an existing skill (driving) for an entirely different purpose (enforcing the law). Added Resources are:

- Training and Testing Specifications for Peace Officer Basic Courses, LD22; Learning Activities for LECP
- POST LEOKA Report (available at www.lp.post.ca.gov)

Additional Background Information for Instructors

In recent years, the police have been accused of engaging in behavior that includes stopping persons based on their appearance, and not for the myriad of legitimate reasons a person my be stopped and questioned by a peace officer. It is essential that students understand this issue not only from the perspective of the police, but also from

the community and some members who may believe they are singled out for attention by officers because of their age, ethnic background or manner of dress.

One of the primary reasons vehicles are stopped by the police is for violating one or more Vehicle Code laws. Students should understand and be able to apply effective tactical communications to enhance their chances for a successful encounter with a traffic violator, and should also be familiar with the philosophy of traffic enforcement as the primary tool to suppress traffic collisions and increase safety to the motoring public. Because much of police conduct during vehicle pullovers is unsupervised and fluid in nature, officers must have the flexibility to recognize and adapt to emerging facts or observations that are relevant to the situation. They must also be able to recognize incidents or actions that might throw the officer into a dilemma in the ethical dimension and respond in a manner that represents the highest standards of their department and profession.

This learning domain lends itself well to simulated contacts between the police (students) and members of the public in a structured learning environment. This may involve moving the class to a parking lot or other controlled area where vehicle pullovers may be conducted and completed while others view the stop and learn from the actions of participants. There are also hours of in-car police video footage the instructor may wish to use to prompt discussion, analysis of actions and as a basis for small group work. Learning activities may be presented in one of three major areas (all of which the student can expect to encounter once in the field):

- The traffic stop for the purpose of enforcing vehicle code or similar laws
- The vehicle pullover for the investigation of possible criminal activity
- The high-risk stop of suspected or known felons who may present a danger to the officer and others.

No matter what the reason for the pullover, officers must also learn and apply tactics to effectively mitigate concerns that may be present in any vehicle pullover:

- Officer safety, especially in vehicle pullovers the officer initiates for relatively minor reasons that escalates quickly into a situation of danger for the officer or others.
- Perceptions by the motoring public of being stopped because of appearance rather than for their conduct.
- The need for effective communications in any vehicle pullover (and any other contact with the public) to reduce the chances the situation will escalate and to generate goodwill from the public in response to being treated respectfully and humanely by the police.

Learning Domain 23: Crimes in Progress

Prerequisites

Prior to these learning activities, the students shall either have been instructed in or had the opportunity to study the student workbooks and noted materials for:

- LD 1: *Leadership, Professionalism, and Ethics*
- LD 3: *Policing in the Community*
- LD 23: *Crimes in Progress*

Introduction

A learning activity is required as a component of instructional delivery in this Domain. Learning Domain 23 introduces the student to the peace officer's role and responsibilities in their response to crimes in progress. Primary considerations when instructing in this content area are:

- The safety of the peace officer and others during a response to an in-progress incident
- Tactical considerations during the approach to the scene as well as during the investigation of the incident requiring a police response
- The planning and execution of specific tactics for approach, arrival and searching at in-progress scenes
- Special considerations in high-threat incidents such as reports of shots fired, unknown problems, suspicious persons, burglaries, robberies and similar incidents.

Students will learn that planning and patience are critical to achieve safe and successful outcomes in these incidents. Many calls will, in fact, be different once on scene than as reported by a third party. Some will be far less critical than first reported, either due to misperceptions by a victim or witness or due to a perception that a more serious incident would receive more prompt attention by the police. Peace officers should remain mindful of not becoming lax or complacent in their response to calls, no matter how many times they may have been dispatched to similar false calls in the past. Alertness, critical decision-making and sound tactics will keep the officer or deputy alive in threshold incidents and also serve the ultimate goal of protecting life and property.

A related concept area in this domain is the safe response to crimes in progress. The public is normally not aware of the intent of an officer driving expediently towards a

crime in progress, and occasions of community dissatisfaction or officer-involved traffic collisions recur throughout the state. Reckless, rushed or thoughtless conduct by officers endangers the innocent and the officer, and often impedes the police response to the original crime to which they have been summoned.

Subsequent to the completion of their investigation, officers and deputies should be mindful of the natural curiosity of neighbors and others in the vicinity of the crime. Effective relations with the community can be enhanced when officers address the anxiety or concern of those not involved in the incident, especially if they were amongst those who reported the crime initially. Talking with victims, witnesses and others at the conclusion of the police investigation (or on a later date to check the status of those present) exemplifies the commitment of the organization to the welfare of those they serve.

Learning Outcomes

At the conclusion of these learning activities, the student will be able to:

- Demonstrate how they can assess an incident and respond appropriately from amongst the options available to a crime in progress
- Identify the risks associated with responding to a crime in progress, including pre-planning, scene response and management and the appropriate use of officer-safety tactics
- Evaluate and act appropriately when presented with situations with ethical conflicts

Activities

For all activities, there are several important points for instructors to consider. Most prominent amongst these are to:

- Allow students the opportunity to lead the class work and subsequent discussions. This will help establish and refine their public speaking skills and group management skills
- Allow students to grapple with the concepts and discover their own understanding of the material as much as possible. While it is tempting to provide "the answer" or ready direction, students will learn at a much greater depth if they acquire the information through reflection and retention of relevant concepts
- Instructors should manage the process of learning, helping the discussion leader through sticking points, providing insight and expertise where appropriate and striving to ensure students stay focused on key concepts in the dialogue.

Activity One

Break the students into cooperative learning groups, 4-6 students each. Have them discuss the following questions, and then write out their responses on chart paper or a similar medium. Groups will report their thoughts to the class under the facilitation of a selected student leader.

1. Self-confidence and mental preparation can be critical to an officer's survival in a crisis or emergency situation. What factors influence your self-confidence in these times? What steps can a peace officer take to enhance their self-confidence when responding to a report of a serious crime in progress?
2. An officer's ability to overcome risks associated with responding to a crime in progress depends on his/her safety and survival skills. Students will discuss and list three steps they can take to improve their officer safety readiness and two obstacles that could impede an officer's readiness

The student(s) will be required to:

1. Discuss and evaluate the questions and answer each question based on their academy training and personal experience.
2. Select a spokesperson to present the group findings and be prepared to justify the answers to the class.
3. Support their spokesperson if they are asked follow-up questions by other students or instructors.

If desired, the students may be instructed to come to a class consensus regarding the top 3-5 steps to enhance one's self-confidence, 3-5 ways to improve their officer safety readiness and 3-5 obstacles in that effort.

Time estimate: The group work will take about 15 minutes, followed by group reporting and discussion, which should take between 2-3 minutes per group plus any time used for questions by others.

Activity Two

A selected student leader will brief the following activity:

> "You are en route to a call when another officer in your area puts out a call of shots fired. The officer reports that he/she has been hit and that he/she requires medical attention. When you arrive on scene, you see the officer has an apparently minor injury and the suspect is lying on the ground nearby. The suspect is still alive, and is lying handcuffed on the ground nearby. You take the suspect into custody and place him into the back seat of your patrol car. Before you can enter your car, your supervisor quietly pulls you aside and tells you the

suspect is an "a--hole" and they expect you to give the suspect an "attitude adjustment" on the way back to the station."

Students will work individually to answer the following questions, and then work in learning groups of 4-6 each to come to a consensus on the nature of the supervisor's comments and their options for action. The questions are:

1. What do you think the supervisor is trying to tell you?
2. What are your options for action?
3. What do you think society would expect you to do?
4. What are the risks and rewards of each choice?

If the student groups come to the conclusion they should report the discussion to another supervisor or manager, an option for further work would be for one of them to act in the role of the officer while another student acts as the manager to whom this incident has been reported. The instructor should manage this role-play and encourage students to look for the core issues in this incident, as well as to assess management's responsibility to respond when aware of misconduct.

Time estimate: Five minutes for individual work, ten minutes for group work. Two minutes for groups to report their findings. Role play and discussion should take from 15-30 minutes to ensure students understand the ethical issues and agency obligations in this circumstance.

Activity Three

Students will role-play a meeting between a peace officer and persons who have recently been victims of property crimes in a neighborhood. The officer should be prepared to respond to questions concerning police priorities, neighbor complaints about feeling unsafe and related issues. Students playing the role of neighbors should ask questions they think community members might ask in a meeting of this type. In larger classes, students can take turns in multiple scenarios (changing the crime type if desired) or watch the role-play and comment at its conclusion regarding what they saw, and what other options the "officer" may have had in their response to questions.

Time estimate: Role-play may take from 10-15 minutes, plus time for class reflection and commentary.

Homework Assignment (Optional)

Students would be assigned to complete a short article for publication in the community's local newspaper. The topic of the article is why the police drive so fast in residential neighborhoods, and why they don't use their emergency lights and siren all

the time when in response to felony calls for service. The instructor may consider posting the homework for student review informally, or allow students to engage in a learning activity where they share and compare their articles with one another.

If used as a learning activity, there are several options:

- Working with a partner to share
- Working in groups- if in groups, they should come to a consensus regarding why the police drive fast on occasion, and why they may or may not use their emergency equipment when responding to crimes in progress.
- Working as a class under the facilitation of a student leader to come to a consensus about the same issue, and also why the community would be concerned with these actions by the police.

This activity may be facilitated in concert with the academy's LD18 (Investigative Report Writing) staff as a means of providing a level of relevance to students in this topic area. In this protocol, written work is cooperatively assessed by the lead instructor in this LD as well as LD18 staff.

Application

The response to crimes in progress is a function of peace officers where students enter the learning environment may come in with the strongest pre-perceptions of "how the police act" due to the pervasive depictions of the police in media and film. Training should strive to dispel common myths in this area, as well as ensure students understand and can apply appropriate officer safety protocols in their response and arrival at the scene of a crime in progress. Students should be mindful their acts are commonly being viewed by members of the public, and that their conduct will be scrutinized by others who often may have similar misperceptions regarding the propriety of police conduct.

Resources

- Numerous video clips from POST and other sources
- Numerous accounts in the media, both print and electronic
- The Internet
- Agency policies and procedures regarding driving conduct
- Agency policies and procedures regarding the response to crimes in progress
- Training and Testing Specifications for Peace Officer Basis Courses, LD23; Learning Activities for LECP
- POST LEOKA Report (available at www.lp.post.ca.gov)

Learning Domain 24: Handling Disputes/Crowd Control

Prerequisites

Prior to these learning activities, the students shall either have been instructed in or had the opportunity to study the student workbooks and noted materials for:

- LD 1: *Leadership, Professionalism, and Ethics*
- LD 3: *Policing in the Community*
- LD 20: *Use of Force*
- LD 24: *Handling Disputes/Crowd Control*
- LD 33: *Arrest Methods/Defensive Tactics*

Introduction

Learning Domain 24 introduces the student to a peace officer's responsibilities when handling disputes as well as the skills needed for diffusing, mediating and resolving disputes in a safe manner. Specific crimes associated with landlord-tenant disputes, repossessions, and labor disputes are also covered. This learning domain introduces the student to crowd dynamics and techniques for crowd management and control.

All communities have crowds gather at one time or another. People gather in groups for festive celebrations, for marches and parades, for picketing and protesting, to watch an unusual incident, in mourning and for political or seasonal rallies or events. Crowds come with differing personalities, sometimes generated by the emotionalism of a particular event or locale. They can be passive, angry, or joyous and they can, at times, get out of control.

The United States Constitution guarantees the right to lawful assembly. An assembly or gathering can be offensive to a peace officer, but if it is lawful, then it is the officer's obligation to maintain a professional demeanor and an appearance of neutrality. Further, officers must safeguard the participants' First Amendment rights to freedom of speech and peaceful assembly.

Peace officers may exercise a leadership role in the community during times of protest or disputes. In private disputes, they often provide the objective perspective to help others through times of stress. In public gatherings, their presence helps others exercise their rights without trampling on the rights of others. Working with other peace officers and supervisors to resolve disputes or manage crowd issues are essential components to an officer's role in crowd control.

Peace officers are required to make decisions based on facts and not allow personal opinions to affect their decisions. Officers may face peer pressure to handle certain demonstrators different than others. They may also face pressure from family members and friends to not arrest certain protesters because of agreement with the goals of the protest. Officers must take a leadership role and handle each situation the same way regardless of outside opinions or influences.

Learning Outcomes

At the conclusion of these learning activities, the student will be able to:

- State in their own words the possible ethical dilemmas they might face during a demonstration
- Identify the function of the police at assemblies and reasons for staying neutral while engaged in these duties
- Choose the most appropriate courses of conduct when confronted by an antagonist or antagonistic circumstance

Activities

For all activities, there are several important points for instructors to consider. Most prominent amongst these are to:

- Allow students the opportunity to lead the class work and subsequent discussions. This will help establish and refine their public speaking skills and group management skills
- Allow students to grapple with the concepts and discover their own understanding of the material as much as possible. While it is tempting to provide "the answer" or ready direction, students will learn at a much greater depth if they acquire the information through reflection and retention of relevant concepts
- Instructors should manage the process of learning, helping the discussion leader through sticking points, providing insight and expertise where appropriate and striving to ensure students stay focused on key concepts in the dialogue.

Activity One

Have the students discuss the following activity:

> "An officer was involved in a controversial shooting of a member of a community, which resulted in his prosecution and the filing of a lawsuit. As a result, a group of individuals have gathered at the local courthouse to protest the prosecution and related criminal and civil actions. A second group has gathered across the street to counter-demonstrate against the shooting and a pattern of

police abuse, and they are taunting the peace officers deployed at the scene. The security officers for the courthouse demand the first group be removed from the entrance to the courthouse and arrested. Coincidentally, you notice several off-duty officers in that crowd. A dispersal order is announced to the crowd at the courthouse by a supervisor; however, they refuse to leave and handcuff themselves together. The crowd across the street cheers as the dispersal order is given."

Divide the class into groups and facilitate discussions of the activity. Have one recruit from each group provide a response to the class.

1. Why must peace officers stay neutral and not take sides in a demonstration?
2. If you were the sergeant on scene, what next steps would you take?
3. How can personal opinions and feelings interfere in a successful handling of a protest?
4. What happens if a confrontation between you and a demonstrator gets out of hand?
5. What are the ethical issues regarding taunting and law enforcement response?

Groups of 4-6 students may be given one question only, or all or part of the questions as dictated by class size. Groups should report on their consensus findings under the facilitation of a selected student leader or leadership team. Follow-up questions for group or class consideration would be centering on the possible arrest of other policing professionals, balancing the interests of both protesting groups and issues related to unusual incidents.

Activity Two

This activity may be read by students, or assigned as a role-play by a student group to teach others. The scenario is:

"You observe your partner handle a landlord/tenant dispute. Your partner is ignoring the tenant's side of the story and taking sides with the landlord causing the situation to escalate. In order to de-escalate and resolve the situation, you consider taking over the call to resolve it."

At the conclusion of the activities, selected student facilitators should debrief the activity with the students. The following ideas may be discussed:

1. How does this situation affect me?
2. What impact does this have on the community
3. What are the ethical decisions involved in these activities?
4. What would be the most appropriate means to resolve this call?

5. If you were the shift sergeant, how would you mediate a complaint from the first officer that his or her call was going fine, and that the second officer inappropriately took charge?

Homework Assignment

Assign students to write a two-page memorandum regarding the importance of remaining objective at the scene of disputes. Students should assess the issues common to many disputes and an assessment of options and techniques to apply when necessary. This activity may be administered with the cooperation of the LD18 (Investigative Report Writing) instructor as a means of reinforcing the need for effective written skills across the Learning Domains of the academy.

Time Estimate

The time for scenarios read by the class may be as short as twenty minutes. The role-play option can extend the class for a full instructional hour, as can discussion subsequent to either scenario.

Comprehensive Questions

As noted in each activity section.

Application

Students should readily see their roles as peace officers will involve recurring circumstances where they will mediate disputes and keep the peace at special events, protests, celebrations and other public gatherings. They will apply skills of emotional control, self-awareness, situational awareness and an understanding of the rights of the individual in these, and other, incidents of conflict throughout their careers.

Resources

- The Peace Officer's Legal Sourcebook
- Various agency policies and procedures regarding crowd control
- Various policies and procedures regarding unlawful assemblies and orders to disperse

Learning Domain 25: Domestic Violence

Prerequisites

Prior to these learning activities, the students shall either have been instructed in or had the opportunity to study the student workbooks and noted materials for:

- LD 1: *Leadership, Professionalism, and Ethics*
- LD 3: *Policing in the Community*
- LD 5: *Introduction to Criminal Law*
- LD 15: *Laws of Arrest*
- LD 25: *Domestic Violence*.

Introduction

A learning activity is required as a component of instructional delivery in this Domain. Instruction in the response and investigation into incidents of possible Domestic Violence will impart an understanding of this crime as well as Penal Code sanctions specific to it. Students will learn about violent behavior in the home, relevant legal definitions and terminology, a peace officer's obligations and responsibility during a domestic violence response, reporting requirements, services available to victims and the court's function to issue orders in compliance with law. Students will also learn about the dynamics of stalking, often a crime related to domestic violence or other crimes involving persons in relationships.

In a domestic violence incident, the immediate safety of the victim and children is the primary concern of the officer. After safety is ensured, it is the responsibility of the officer to:

- Conduct a thorough investigation and documentation of the incident to assist in a successful prosecution,
- Use effective communication techniques to demonstrate trustworthiness and respect for all individuals involved
- Take steps to mitigate the potential for subsequent incidents of violence
- Provide referrals to victims to strive for a long-term solution

Victims of domestic violence require significant support to allow them to consider their options and long-term well-being, and to allow others in the professional community to assist them through that process. Peace officers are the first link in the chain of the professional community to intervene, stabilize, and then refer the victim and witness children to available services. Officers should ensure they express an appropriate level

of empathy for victims and those involved, and that their actions do not inadvertently convey a sense of disdain or disinterest for the plight of the victim for living with their abuser.

There are many potential partners for working to reduce domestic violence. Some of these are court advocates, prosecutors, clergy and organizations dedicated to the protection of victims of domestic violence. Since abuse is often cyclic, response models that seek to solve problems (rather than merely deal with the incident in isolation as a "crime report" and nothing more) are usually more successful in eliminating subsequent criminal conduct than by any other means. Progressive policing agencies also work to counsel victims and children in abusive homes (to break the cycle of violence) and to prevent domestic violence incidents through partnerships with social service agencies to conduct in-home visitation and intervention in households at the threshold of domestic violence.

Learning Outcomes

At the conclusion of these learning activities, the student will be able to:

- Demonstrate an understanding of the laws related to domestic violence
- Assess options for referral and resolution of domestic violence incidents in conformance with law and applicable policy
- Evaluate the differences amongst victim reactions to domestic violence, including embarrassment, denial of victimization and similar actions, then respond appropriately in a given facts circumstance

Activities

For all activities, there are several important points for instructors to consider. Most prominent amongst these are to:

- Allow students the opportunity to lead the class work and subsequent discussions. This will help establish and refine their public speaking skills and group management skills
- Allow students to grapple with the concepts and discover their own understanding of the material as much as possible. While it is tempting to provide "the answer" or ready direction, students will learn at a much greater depth if they acquire the information through reflection and retention of relevant concepts
- Instructors should manage the process of learning, helping the discussion leader through sticking points, providing insight and expertise where appropriate and striving to ensure students stay focused on key concepts in the dialogue.

Activity One

The following scenario will be distributed to learning groups of four-to-six students each:

> You are a patrol officer, and are assigned to a call of a possible assault at a residence. Upon arrival, you notice it is apparently quiet inside the house, so you knock on the door. A woman answers; she has redness on her right cheek that could have come from being slapped. She is obviously upset, but tells you everything is all right, and that you can not come into the residence. She says her husband is inside, and that they had a disagreement which has been resolved. She asks you to leave so she can go to bed and get some sleep.

Groups should discuss the following questions. They should come to a consensus about their options and obligations:

1. Does this scenario cause them to think there are enough facts necessary to force entry into the house?
2. What should the officer do?
3. What liability might the officer face if they make an incorrect decision?
4. What are the officer's obligations?

At the conclusion of group work, selected student leader will facilitate class work to disclose the outcomes of each group. Follow-up questions may include:

Leadership:

> Making the right decision isn't always easy. Sometimes mandates do not leave much flexibility in your decision making process.

Ethical Decisions:

> How might an officer use the Code of Silence in these activities? What liability does an officer face if he/she uses it? Ethics and integrity can definitely play a role in these activities. Discuss how this would affect you and the decisions you would have to make.

Community Policing:

> How does domestic violence affect the community?

How does your decision make a long lasting affect on the relationships between community and law enforcement?

Time estimate: Ten minutes for group discussion; ten to twenty minutes for class dialogue

Activity Two

Select student volunteers to role-play the following scenario. Select one-to-two other students to act as officers responding to the scenario:

> A neighbor has reported screaming and yelling next door. Officers arrive and are met by a male adult who has a visible laceration on one shin with substantial bleeding. His wife enters the room, and officers see she appears uninjured. They tell the officers (when prompted) a very similar account to the extent that he was chasing her through the house during an argument. She said she was afraid of him, and that she tipped over a stereo speaker to slow him down, which caused his injury. After he injured himself on the speaker, they stopped arguing and comforted each other. They don't want the law enforcement in their home.

Students should work in learning (focus) groups of four-to-six each to discuss:

- What they saw and what it means
- Whether or not a crime had occurred
- If a crime occurred, who should be arrested?
- What you would tell the reporting party if asked
- What steps the officer should use to come to the most appropriate decision and actions

Groups will present their consensus findings to the larger class under the facilitation of a student leader. Issues for follow-up questions may be:

- How do legal mandates make your job easier? How do they make it harder?
- Ethics and integrity can definitely play a role; discuss how it might affect an officer in domestic violence incidents.
- How does domestic violence affect the community?
- How do a peace officer's actions affect the relationship between the community and its police?

Time estimate: Ten minutes to prepare for the role play (may be assigned for preparation during a class break); five minutes for the role play. Ten minutes for group work, followed by class discussion. Discussion time can range from ten minutes to a full hour.

Activity Three

Use one of the listed scenarios as a foundation, or create one where a domestic violence incident has occurred, and officers are required to issue a temporary restraining order in compliance with law. Students will work in groups; one group member will be the

officer while a peer acts as the victim. The officer will complete the form, and then approach the instructor, who will act as the on-duty judge. The officer will present the facts of the incident and seek approval for the restraining order.

The learning activity can be completed one group at a time, or groups can simultaneously complete their application for TRO, and then contact the "judge" one at a time while others witness the conversation.

Class discussion should ensue once all officers have completed their applications for TRO's or witnessed that activity by others. The instructor should discuss his or her impression of student performance and issues related to the application and issuance of restraining orders.

Time estimate: The victim contact should take 3-5 minutes; the application conversation with the judge should take a similar length of time. This activity can be incorporated into the work of other related activities, or staged as a stand-alone or in conjunction with other scenarios.

Activity Four

This activity may be conducted as a class research/teaching exercise. Students may be assigned individually or in groups to research "Stalking" and be prepared to teach a short segment to the class. Directions are:

> The crime of stalking is noted in the media most prominently when a celebrity is harassed by an overzealous fan or other person obsessed with them. In fact, issues of persons stalking others may occur in any community, and to persons for reasons of love, jealousy, financial reasons or due to the mental state of the stalker for reasons not readily apparent to others. Take 15 minutes (individually or as a small group) to prepare a brief training segment of 2-3 minutes to present:
> - The crime and its elements
> - Reasons persons might be stalked
> - How the court process may help persons being stalked
> - What services are available to help those in stalking situations
> - Options for police response to reports of stalking

Students may be selected for their training segment, which can encompass one or more of the theme areas. It may be beneficial for students to take portions of the training, and then to lead questions and answers for the class.

Time estimate: Fifteen minutes for research. Three minutes per question for a total of fifteen minutes. Ten to twenty minutes for class discussion, questions or to capitalize on teachable moments from comments by students.

Homework Assignment

Students should be assigned to stop at a local police agency and ask for a set of forms used by that agency in domestic violence calls. If possible, students should ask to talk with an officer about how the forms are used, and any issues related to their use that are relevant to the student's learning experience. Students should bring the forms to class for subsequent sessions. The forms may be posted, or students may be assigned to report on their findings. This assignment moves the student from the class environment to the real world, allows them to see and read forms in use in their area, and also gives them a chance to discuss the subject with a field practitioner.

If a report is written, this activity may be facilitated in concert with the academy's LD18 (Investigative Report Writing) staff as a means of providing a level of relevance to students in this topic area. In this protocol, written work is cooperatively assessed by the lead instructor in this LD as well as LD18 staff.

Application

Peace officers have the first, and primary, responsibility for intervening into incidents of suspected domestic violence and resolving them in conformance with applicable law and local policy. Students should be aware of the officer safety challenges present in situations where persons in an intimate relationship are involved in a domestic violence incident, and also of the reluctance of some victims to pursue prosecution due to their fear of retribution or loss of that relationship. Peace officers should also be aware of the resources in their local community, forms that have been prepared by their agency and area social service organizations

Resources

- Courts
- Social Service agencies in the area
- Police agencies in the area
- Private organizations dedicated to the resolution of family violence
- The CA Attorney General's Office (www.caag.state.ca.us) where family violence resources have been developed
- Agency policies and procedures related to domestic violence
- Training and Testing Specifications for Peace Officer Basic Courses, LD25; Learning Activities for LECP
- POST LEOKA Report (available at www.lp.post.ca.gov)

- *Search Warrants: Where, What, Why*; Melvin Vyborney, Anaheim Police Department; mvyborney@aol.com (no cost tool for writing warrants)
- *Specialized Investigator Basic Course*; LD 63, Computer and Computer Crimes

Note: LD 16 and LD 30 have related content. Instructors may wish to add a learning activity related to writing a search warrant in one or more of these domains.

Learning Domain 26: Unusual Occurrences

Prerequisites

Prior to these learning activities, the students shall either have been instructed in or had the opportunity to study the student workbooks and noted materials for:

- LD 1: *Leadership, Professionalism, and Ethics*
- LD 3: *Policing in the Community*
- LD 26: *Unusual Occurrences*

Introduction

Learning Domain 26 introduces the student to the roles and responsibilities of peace officers responding to unusual occurrences. Students learn about the need to identify the situation and to respond rapidly, safely and effectively. This learning domain also covers specific incidents and the risks they present, including fires and explosions, aircraft crashes, electrical power outages, hazardous road conditions, traffic device malfunctions, gas leaks, floods, animal control problems and earthquakes.

An unusual occurrence is one that happens infrequently; is large in scale; involves potential property damage, injury or death; requires a multi-dimensional response; and has a devastating impact on the community. Two key leadership components of any unusual occurrence are incident command and teamwork. Active learning opportunities are the best way to learn the ways in which police, fire, emergency services, medical and other government entities cooperate to resolve incidents requiring their combined work.

An unusual occurrence is often chaotic. The primary nature of the police role is to respond to the event, prevent harm and return the community to peace and tranquility. A dilemma can emerge when personal and family concerns conflict with the organizational and community needs.

Learning Outcomes

At the end of these learning activities, the student will be able to:

- Demonstrate an understanding of the conflict between personal needs and professional obligations in unusual occurrences
- Analyze the competing needs of members of the community and apply appropriate policy, legal and Incident Command considerations to resolve those needs

Activities

For all activities, there are several important points for instructors to consider. Most prominent amongst these are to:

- Allow students the opportunity to lead the class work and subsequent discussions. This will help establish and refine their public speaking skills and group management skills
- Allow students to grapple with the concepts and discover their own understanding of the material as much as possible. While it is tempting to provide "the answer" or ready direction, students will learn at a much greater depth if they acquire the information through reflection and retention of relevant concepts
- Instructors should manage the process of learning, helping the discussion leader through sticking points, providing insight and expertise where appropriate and striving to ensure students stay focused on key concepts in the dialogue.

The following activities may be staged individually, or learning groups of student may be assigned to research and present their findings on events separately. Instructors may assign the scenario as a homework task, and may elect to provide training or direct students to Incident Command resources as a part of their preparation. Options for presentation are:

- Assigned roles in an ICS simulation in the given scenario. The instructor may add factors for group work as the scenario unfolds, or have student leaders facilitate discussion and dialogue with the class at the conclusion of any learning activity
- An assigned learning activity or similar training block created and delivered by students to their peers
- Research to locate a scenario consistent with the assigned theme, then a learning activity to assess the actual performance of those involved
- Concept presentations by student groups, including the setting of the problem, options for resolution, resources needed to resolve the incident at hand and specific actions they would take to accomplish their desired outcomes
- Groups could work simultaneously on one of the listed problems, then conduct their training in a serial fashion in the class setting

Scenarios

1. You are a patrol officer or deputy in a suburban community. You live in a neighboring jurisdiction, with a commute of about 15 minutes. In the early afternoon, your region experiences a significant earthquake that is initially estimated at 6.8 on the Richter scale. Your community loses power in a number

of areas, cell sites are jammed, which limits any mobile phone contact. You are married, and your spouse and two children are probably at school or home, but you cannot establish contact with them. You know there are needs locally, but want to take a few minutes to drive home to ensure your residence is stable, and that your family is safe. Once you determine that, you know you can work for hours without being distracted by this overriding concern.

2. You are a day shift supervisor. At about 1430 hours, you are monitoring the police radio when you hear there are multiple reports of a traffic collision between a speeding vehicle and an unknown number of school children walking home. Subsequent reports indicate up to twenty children are injured, with two probable fatalities. The driver is on scene, and witnesses say a number of other children are uninjured, but are significantly traumatized. Your available field staffing is quickly committed to the call, even as other calls for service continue to come in.

3. You are assigned to a congested urban area. Recent events have caused a spike in gasoline prices, and the media has begun to report rumors that all gas sales will be stopped for up to three days due to breakdowns in the refinery and transportation network in the fuel industry. Several local gas stations have started to raise their prices, and lines have quickly formed at most of them. You respond to a radio call from a frantic gas station operator who advises you about persons fighting in line, and of threats against his employees if they stop selling fuel. He is worried because he has not received a shipment today, and will run out of fuel in about two hours. You can see there are more than thirty cars in line, and that many drivers appear agitated.

4. It is the holiday season, and you are working the late night shift. Significant rainfall has been forecast, and the fact that rain has been sparse for months means drainage lines are probably clogged with debris. Shortly after you start your shift, it begins to rain heavily. It is a Friday night, and a good number of your peers are planning to leave on vacation that weekend. Within hours, flooding is reported on many residential streets and in some intersections. Shortly thereafter, reports of flooding in a senior housing complex are reported. The parking lots are not passable, although homes have yet to be broached by the rising water.

5. Two of your local high schools are long-time sports rivals. The week leading up to their annual football game has been tense, with a number of fights and incidents of vandalism having been reported. On the night of the game, parking in the area of the host school is congested. You are one of six officers assigned to

the game, and you see the crowd on both sides of the field is unruly. Late in the fourth quarter, a controversial call by an official turns the ball over to the visiting team. This call means the home team will probably lose the game, which prompts many to start throwing debris onto the field. Pleas from the game announcer have no effect, and voices in the crowd begin to intensify. The officers' present call for help, but before any can arrive; fans begin to spill out onto the field from both sides and start to fight.

6. You are a division commander of a rural police department of about 50 sworn officers. You have a major highway bisecting the community, and a north-south train corridor along one edge of the city. Late one afternoon, you monitor reports of a train derailment near town, with subsequent reports from your fire department of possible leaking fumes from several of the tank cars. Subsequent reports indicate the fumes are toxic and that the wind direction may or may not push the fumes towards one of your neighborhoods.

Homework Assignment (Optional)

Students will be assigned to meet and discuss plans for a natural disaster response with their families. Students should share with their families what their roles and responsibilities as a peace officer will be in case of such an event. If desired, students will complete a home emergency action plan and share their plans with other students as a means of enhancing group understanding of the potential personal and community impact of unusual occurrences.

Time Estimate

The time for these activities can vary tremendously depending on the level of research desired, whether or not ICS training is a part of instruction, how much time would be devoted to role-play opportunities, etc. Instructors are strongly encouraged to minimize lecture or memorization in favor of active learning, especially in areas where students encounter ethical conflicts, competing needs and the inevitable clash of personal versus profession concerns of those involved.

Comprehensive Questions

Students may anticipate learning activities and instruction regarding terrorism and other similar incidents. Instructors may include assignments in that realm, but should stress that man-made events necessitating a large scale response are similar in many ways to natural disasters or accidents requiring a similar level of response. It may be fruitful to compare and contrast the differences between crimes and terrorist acts committed and acts of nature.

Application

As noted in the introduction, the high risk, low frequency events are ones where peace officers must train and prepare for the unthinkable as well as being aware of the resources and agencies available for cooperative response during unusual occurrences.

Resources

- Incident Command resources
- State OES (www.oes.ca.gov)
- FEMA (www.fema.gov)
- Department of Homeland Security (www.dhs.gov)

Learning Domain 27: Missing Persons

Prerequisites

Prior to these learning activities, the students shall either have been instructed in or had the opportunity to study the student workbooks and noted materials for:

- LD 1: *Leadership, Professionalism, and Ethics*
- LD 3: *Policing in the Community*
- LD 4: *Victimology*
- LD 27: *Missing Persons*
- LD 30: *Preliminary Investigations*

Introduction

Locating missing persons can be one of the greatest services law enforcement can provide to the community. It is imperative, therefore, that students understand the importance of this service and recognize how responsive and professional behavior will enhance the impact of their work.

Conducting a thorough investigation requires attention to detail, commitment and effective communication. In the case of missing persons, these skills are the foundation from which a peace officer will also be able to give comfort to the family and loved ones of a missing person at a time when they may feel most vulnerable.

Whereas in previous years, missing persons calls were not normally given prompt attention, history has shown the best way to resolve incidents of this type is to respond quickly, to investigate the report thoroughly and to take every reasonable step to locate the reported missing person as expeditiously as possible. In cases where the report seems lacking, or where the reported missing person is an adult with no facts leading one to think there may be foul play, it is also important not to let a lack of facts or personal impressions slow the speed or depth of the police investigation. In cases where children are missing, or where the capabilities or emotional state of the person, or where the circumstances of the disappearance seem suspicious, the initial information received by the reporting person should lead the peace officer to quickly work from the information provided to establish whether or not a crime occurred, and assess if there is anything the police can do to ensure the safety of the person missing.

The loss of a loved one is a traumatic experience to the family, even if the loss is short-lived. Peace officers play an important role in missing person's cases. They are the first

responders, and often are the key to help locate the person. They are also a significant source of comfort for community members who are suffering during the investigation into the disappearance. As in many situations where peace officers are called upon to help community members in a crisis, sensitivity and a kind word go a long way. It doesn't take much time or effort; it does take caring. Professional policing is both about action and caring.

Learning Outcomes

At the conclusion of these learning activities, the student will be able to:

- Demonstrate an understanding of the professional behaviors and obligations in missing persons cases
- Display skills and behaviors such as commitment, public trust, empathy and professionalism when confronted with a facts circumstance where a person is reported missing
- Evaluate and select a course of action that appropriately uses resources associated with missing person incidents
- Identify the available resources in the community and the department when confronted by a missing person incident

Activities

Activity One

A student leader should have adequate time to prepare, and then to facilitate a classroom discussion regarding the importance for peace officers to recognize and protect the dignity and privacy rights of missing persons, family members and others involved in a reported missing person incident. The facilitator may use interim group work to answer questions, and then explore legal obligations and constraints, and to pose "what if" questions such as "What if the missing person needed medication daily to survive? What resources or methods could be used to communicate this need to the public to assist in locating them?"

The class discussion will take from 10 minutes up to 30 minutes depending on the depth of understanding desired by the instructor.

Activity Two

It is important to ensure students understand the partnerships between policing agencies and organizations in the community that can help prevent or resolve missing person occurrences and to aid to those in need.

This activity may be staged as one where student groups of four-to-six are assigned a particular aspect of missing persons incidents for research and presentation to the class, or as an in-class group activity with subsequent large-class facilitated dialogue.

If conducted as a research activity, groups should be assigned to research one or more of the following:

1. What resources are available in the local community to help advertise the identity of a reported missing person?
2. What resources are available to help search a residential area for the missing person?
3. What considerations should the police have in a case of a reported missing child under the age of ten years old?
4. What resources are available to search for missing persons in rough terrain, including water and sewer systems?
5. What resources are available to give support to the families of persons reporting a missing person?
6. What resources are available to provide sustained support for those searching for a missing person?
7. What is the role and resources of the National Center for Missing and Exploited Children in missing child cases?

In larger classes, groups may be assigned one question each. If conducted as a class exercise, groups may be broken out to conduct brainstorming and come to a consensus regarding the topic. Group work will take from 15 to 45 minutes depending on the activity being used in-class versus independent research. This activity is also suited for teaching/presentations by individual students and for students to facilitate class dialogue.

Activity Three

Divide the class into three groups. Have group one prepare a list of at least 10 services or partnerships within the community that could be utilized as preventative resources (e.g. "Danger Stranger" programs, at risk counseling etc.) for missing persons. Have group two do the same thing for "in-progress" resources (e.g. search dogs, etc.) and group three for post-incident resources (e.g. counseling resources).

Have each group present their list to the class with a brief explanation and justification. At the end of each presentation, allow the other groups an opportunity to add services or partnerships to each list to form a class resource for later use in class and in the field.

In this activity, an emphasis should be placed upon the development of the partnerships between the citizenry and department to resolve law enforcement issues confronting the community. The time to conduct this activity is about ten minutes for group work, then an added 10-15 minutes for presentation and discussion.

Activity Four

This activity should be staged as a real-time scenario. Students will play the roles of a parent reporting a missing teen, officers responding to the report, and of the scene supervisor in charge of the police response. The first scene would be the report of the missing person, with officers receiving information that the teen has not been seen for several hours, was last seen at school, that his or her friends do not know their whereabouts, and that they often walk home from school. The officers will then meet with the sergeant and plan the response they intend to deploy to resolve this report. Instructors may wish to add facts or allow the scene to unfold and expand the circumstances of the incident as role players progress through the call.

In this activity, the instructor may wish to "hot swap" role players, selecting random class members to step into their assigned roles and continue where the last student left off. The immediacy of this swapping of students will add to the intensity and attentiveness of students as the scene unfolds.

The incident may be resolved within 5-10 minutes, or can take an entire class period. As an option, the instructor may elect to stop the scene at any time and ask for class input, or to assign groups to develop a list of what they would do if they were in the officer's or sergeant's shoes.

Homework Assignment (Optional)

Have each student write a one-page paper answering the following question:
If your child or dependent adult were missing, what would be your expectation of law enforcement's responsiveness and service to you?

The written responses from the homework may be used as a foundation for class discussion or posting of completed papers. It may also be used in conjunction with the student's LD18 (Investigative Report Writing) instructor to assess and enhance their written skills in this content area.

Time Estimate

As noted in each exercise.

Comprehensive Questions

Some of the more strategic questions may be:

- How does a peace officer balance an individual's right to privacy against that of his or her family members who may be concerned about their whereabouts?
- What impact does age and ability have on the scope and intensity of the police response to reports of missing persons?
- Why did the police in previous years ask families to wait 24 hours before they could report an adult as a missing person?
- What are the legal obligations of a peace officer when a missing person is reported to them?

Application

Missing persons calls inevitably have unique characteristics, even amongst those where the person reported missing is similar in age or background to calls handled by the same officer in previous instances. Most commonly, persons reported missing are found unharmed and with no indication of foul play. Miscommunication amongst family members, domestic disputes, distractions and parent-teen conflict can all be reasons why persons might be reported missing. In some instances, however, there are indications of criminal activity, or the age or capability of the reported missing person indicates they would not be safe until reunited with family or another care-giver.

In all instances, the police have an obligation to investigate the report thoroughly, and to resolve the call by discerning the true nature of the incident and appropriately reuniting the person with their loved ones. In cases where children, dependent adults or others who may be more vulnerable than others to harm are reported missing, the police have an obligation to use any and all resources available to sustain an effort until the person is located. Officers must also consider what may and may not be a crime scene, and to consider what steps might be necessary to discern concerned party from possible suspect of an unreported crime. The investigation of missing persons requires empathy and responsiveness while also requiring the officer or deputy to be diligent regarding the full extent of their legal obligations.

Resources

- The National Center for Missing and Exploited Children (www.missingkids.com)
- County Social Services
- Public and private counseling organizations

Learning Domain 28: Traffic Enforcement

Prerequisites

Prior to these learning activities, the students shall either have been instructed in or had the opportunity to study the student workbooks for:

- LD 1: *Leadership, Professionalism, and Ethics*
- LD 3: *Policing in the Community (especially Chapter 2 on Communication)*
- LD 22: *Vehicle Pullovers*
- LD 28: *Traffic Enforcement*

Introduction

A learning activity is required as a component of instructional delivery in this Domain. This block of instruction covers laws related to traffic and traffic law enforcement, the storage and impounding of vehicles and procedures governing arrest, citation, and release of persons and property. Students will learn the skills necessary to effectively direct and control traffic and recognize violations of commonly enforced traffic laws. This block also instructs students regarding the enforcement of laws prohibiting driving while under the influence of alcohol or other substances.

The primary goal of traffic enforcement is to enhance the safety of the motoring public and those affected by the use of vehicles and other modes of transportation. Secondarily, traffic enforcement reduces damage to vehicles and property, eases the potential for congestion on roadways, assists the traffic engineering process and educates the public so they may engage in actions that enhance traffic safety.

Although agencies commonly deploy motor units to specialize in traffic enforcement, the patrol officer is most normally the only 24-hour presence for safety on our streets and highways. The presence of marked patrol units has a deterrent effect on potential traffic violators, and efforts to enforce traffic laws in the evening hours serves to prevent what are often the most serious collisions. Traffic enforcement is also one of the most prevalent ways a peace officer detects criminal activity on his or her beat. The vast majority of those committing crimes do so via use of a vehicle, so traffic enforcement not only deters bad drivers, but protects the entire community from acts that could threaten their lives and safety.

Peace officers should be mindful that some may view the nature of their actions in traffic enforcement as using discretion to selectively enforce laws against

those who "deserve it" or who "don't fit in." Issues and accusations of profiling drivers for added enforcement or scrutiny are important to understand for a number of reasons. Officers and deputies should ensure their conduct is not susceptible to misinterpretation, that a person voicing such an accusation may be doing so because that is what they have heard or seen in the media and other sources and that some in the community may initially see any actions by the police as inappropriate until and unless accurate information is provided to them.

Learning Outcomes

At the conclusion of these learning activities, the student will be able to:

- Identify ethical dilemmas associated with stopping citizenry to issue traffic citations
- Describe the impact traffic law enforcement activities have on the community.
- Evaluate and select an appropriate course of action when presented with a facts circumstance involving the operation of a vehicle while under the influence of alcohol or another substance
- Demonstrate an understanding of possible community misperceptions regarding police conduct and profiling individuals due to their appearance, age or other related factors

Activities

Activity One

This activity will stress that with the authority given to them as peace officers there is a responsibility to ensure they do not violate that trust.

Set up two sets of chairs in the classroom in a manner that would represent a patrol car and a subject vehicle to be stopped for a violation. One student will be the driver officer while a second student acts as the passenger officer. The driver is an FTO, and the passenger is a relatively new academy graduate in his or her second phase of field training. A third student will act as the driver of the subject vehicle.

The setting of the scenario is that the FTO simulates driving on routine patrol when he or she tells their trainee they are about to initiate a traffic stop on the car they are following. Once the cars are stopped, the FTO approaches the driver and asks for the driver's license, registration and evidence of insurance. From this point, there are several options:

- The driver becomes agitated and demands the reason the officer stopped him. The FTO refuses to tell the driver anything unless the driver first identifies themselves
- The FTO asks for identifying information and the driver complies, but then asks why they were stopped. The FTO responds that he or she thought the driver looked like an old friend, and that the FTO just stopped them to determine if that was the case
- The driver asks if there is "anything they can do" to not receive a citation. The driver may offer money, other considerations, a date or other means appropriate to the circumstance
- The driver tells the FTO he or she knows the chief of police, and that the officer will "get into trouble" if they write a citation. The FTO's reaction may range from derisive to hostile; the intent of this scenario is to assess when it is appropriate for a partner officer to step in to an emotionally charged setting
- Any other scenario the instructor may wish to insert to reflect an ethical dimension into the setting and create an action quandary for the trainee

If desired, the instructor may use a "hot seat" variant of this activity, which would entail selecting students to take the place of one or more of the role players at appropriate junctures of the scenario. This option would enhance attentiveness by audience members and allow more students to feel the stress of the incident first-hand.

At the conclusion of the scenario, student leaders should facilitate a brief class discussion about the incident and its resolution. Possible questions may be:

1. How did the FTO handle the situation?
2. What was inappropriate about the FTO's actions?
3. What impact could the FTO's behavior have on:
   a. The violator/non-violator
   b. The community
   c. Law enforcement
4. What options did the trainee have regarding their conduct at the scene?
5. At what point should a trainee (or any other officer) step in during a contact with a member of the community
6. Under what circumstances should the trainee report the actions of their FTO to a supervisor?

Activity Two

The instructor will distribute or brief the following activity:

> "An area where officers may exercise broad discretion is in the issuance of traffic citations. Many peace officers seem to have a "personal system" to choose who may or may not receive a citation as a result of their driving actions. Some officers mention the attitude of the driver; some talk about giving a break to someone in need; yet others will say they never cite clergy, pregnant women or members of the military. What factors should be considered when considering a warning versus a citation when in contact with a traffic violator?"

Students should work individually for 2-3 minutes to write out their personal considerations, and then work in pairs to share their thoughts and findings. They should then work in groups of 4-6 to share their findings and chart a listing of the group's considerations. The charts may then be posted for inspection by the entire class or used for subsequent discussion. If missed by groups, instructors should ensure they can articulate an understanding of the "letter of the law" versus the "spirit of the law" in this and many other areas of their work in the field.

Activity Three

Have the students work in learning groups of 4-6 per group. A student leader will present the following question series to the class. Group members will record their responses individually, and then work as a group to come to a consensus regarding their options at the conclusion of the presentation. The presentation series is:

- You are working a patrol assignment with a regular partner officer. Your partner is going through a divorce and you know she or he is having financial problems. You notice his or her car has expired registration tabs. Is it your responsibility to say something?
- Is this a serious issue?

Shortly thereafter, your partner arrives at work with current tabs on the car. You hear a rumor in the locker room that the tabs do not belong to that vehicle. You are curious and you run his car tabs to check. The tabs come back to a car your partner stopped last week.

- What are the legal and ethical issues involved?
- What should you do?
- Do you have to do anything?
- What are the possible negative and positive consequences of your actions and your partner's actions for you, your department and your partner?

Groups should work for ten minutes to share their findings and come to a consensus regarding the options the officer has for action. The class should then re-form, and a student leader should facilitate a discussion to surface the class's findings. Possible questions for discussion are:

1. What are the pros and cons of actions considered?
2. Who are the stakeholders involved in the tardy registration and possible fraud?
3. Does the partner's conduct create ethical dilemmas for the officer?
4. How does the conduct and attitude of the police affect the community, the department and the officer?

Homework Assignment (Optional)

Assign the students a two-page memorandum on the following:

Imagine that family members advise you they were stopped for driving under the influence. They admit to you they were in fact very drunk and could not drive safely. An officer from your agency stopped them, but let them drive away from the scene without being arrested after the family member disclosed their relationship to you. They provide you with the name of the officer, who has worked with you extensively in the past. You are good friends, and your family has even vacationed with them on a couple occasions.

Describe how you feel upon hearing this account. What are your options in this situation? What should you tell your family member? What are the ethical issues involved for you, the officer and your community?

This assignment may be completed with the assistance of the LD18 (Investigative Report Writing) instructor as a means of connecting work in this content block with the written skills necessary to perform these tasks in the real world.

Time Estimate

The activities noted may take as short as 10-15 minutes to complete (the role play scenario may be run in different segments throughout the class session, with 10-15 minutes per segment). Each scenario may also be extended for group work, individual reflection and student teaching opportunities to take a full class hour.

Comprehensive Questions

As noted in each activity under possible question topics.

Application

Traffic safety and the enforcement of traffic laws is one of the most visible and prominent activities of the police profession. It may also be the most common means by which individuals in the community come into personal contact with an officer or deputy. Peace officers should remain mindful of the emotions and impact of their work in this area, and also of the fact that the misuse of vehicles results in more deaths each year than violent crime. The actions of the police to appropriately enforce traffic laws has an impact on protecting lives and property, and also on general perceptions of community safety by seeing the police visibly acting in an official capacity.

Resources

- The CA Vehicle Code
- Peace Officer's Legal Sourcebook (www.copware.com)
- Quick reference guides to enforcement sections of the Vehicle Code and other codes related to traffic safety and vehicle equipment
- Training and Testing Specifications for Peace Officer Basic Courses, LD28; Learning Activities for LECP

Learning Domain 29: Traffic Accident Investigation

Prerequisites

The students shall either have been instructed in or had the opportunity to study the following workbooks:

- LD 1: *Leadership, Professionalism, and Ethics*
- LD 3: *Policing in the Community*
- LD 29:*Traffic Accident Investigation*
- First responder training is recommended

Introduction

In this block of instruction, students learn to differentiate between traffic collisions and non-traffic collisions and to accurately determine the events and factors associated with the event under police examination. Understanding the nature of statements, evidence and related information is critical to the successful investigation of collisions, as is the ability to competently document the circumstances of the incident.

Traffic collision reports are used routinely in civil and criminal proceedings. They are examined and scrutinized by prosecutors, defense attorneys, civil attorneys, traffic engineers, and collision reconstruction experts. It is a peace officer's responsibility to conduct a thorough investigation and to write a complete report.

An officer should never knowingly misrepresent the evidence in an accident. Even though you may know the parties involved in the traffic collision, you cannot cover up fault, hide evidence, or lie on the report. You must investigate any traffic collision that requires investigation. Peace officers are responsible for investigating traffic collisions involving all city/county vehicles, including those operated by fire departments and law enforcement agencies. The integrity of these investigations affects the trust the community has in its peace officers. A peace officer may be called on to investigate a collision in which another officer is involved. The public expects an impartial, unbiased and professional investigation in the case of all traffic collisions, including those involving city/county vehicles.

Traffic collisions can mean a temporary loss of transportation, loss of employment, loss of physical health or loss of life. The economic loss to the community due to traffic collisions exceeds the loss due to property crimes such as burglary, robbery and theft. Traffic collisions also impact our insurance rates. Peace officers investigate collisions

to help community members sort out the liability for loss, provide sanctions to offenders, provide the foundation for traffic safety programs, collect data for traffic enforcement, and provide information to traffic planners and engineers. Traffic is a major responsibility of law enforcement and a major concern of the community.

Learning Outcome

At the conclusion of these learning activities, the student will be able to:

- Identify the proper means to manage collision scenes where there are significant injuries or fatalities
- Demonstrate an understanding of the various uses of collision reports and the need to include information relevant to each of those needs.

Activities

The following learning activities require each student to actively participate and understand the necessity for ethical conduct and leadership skills when dealing with unpleasant situations in law enforcement.

For all activities, there are several important points for instructors to consider. Most prominent amongst these are to:

- Allow students the opportunity to lead the class work and subsequent discussions. This will help establish and refine their public speaking skills and group management skills
- Allow students to grapple with the concepts and discover their own understanding of the material as much as possible. While it is tempting to provide "the answer" or ready direction, students will learn at a much greater depth if they acquire the information through reflection and retention of relevant concepts
- Instructors should manage the process of learning, helping the discussion leader through sticking points, providing insight and expertise where appropriate and striving to ensure students stay focused on key concepts in the dialogue.

Activity One

Selected students will role-play an activity where an officer receives a call concerning a traffic collision that has just occurred. The information received in the call is that medical aid is en route and the collision involves a vehicle versus a pedestrian, who is reported to be a four-year-old child. Witnesses report the child has received major injuries to his leg. The officer assigned to the call has two small children, and is not completely comfortable with the sight of blood (the role player may wish to "think out loud" to convey that understanding to others). The officer is relatively close to the

scene, but chooses to pull over and wait for a few minutes in order to ensure medical aid will arrive on scene first.

At the conclusion of the scenario, students will break into learning groups of 4-6 students, and then take 7-10 minutes to discuss and chart:

1. What are the roles and responsibilities of a peace officer responding to traffic collisions?
2. What options does the officer have regarding the separation of their personal feelings from the professional obligations of this situation?
3. If you were the officer's supervisor, how would you deal with the officer in this incident after you were made aware of what had transpired?
4. How would community members react upon learning this incident had occurred?

At the end of the group discussion time, selected student leaders will facilitate a class discussion of the group work and their findings. Options for this discussion are to have groups present their findings one at a time, to solicit general questions from any class member, or to ask one question per group and have them answer only to that portion of the topic.

Activity Two

Assign students to research the issue of insurance fraud in collisions, and to locate information about the state of the issue, recent events, legal issues involved and to list possible or probable reasons persons might fraudulently report damage to their vehicles.

In class, the discussion of this concept may take place in the form of:

- Role-plays by groups demonstrating incidents peace officers might encounter when investigating a collision (including the reporting of old damage as having occurred in the collision, denying culpability for damage to a car owned, "switching" drivers to avoid prosecution for a person already under sanction for their previous driving conduct, etc.)
- Scenarios read in small groups, with subsequent work to uncover the facts of the incident, the causal factors and options for police response or action
- Video incidents (done in short sequences) to elicit information similar to that for read scenarios
- Staged "collisions" where students take turns conducting investigations. The facts of the collision are not known in advance, and information will only be gained through the application of learned concepts. Instructors can vary scenarios to include criminal conduct, sympathetic drivers, fraud conduct, etc.

Activity Three

Have a select group of students research the issue of staged collisions for teaching with the class. After an appropriate research and preparation time, students will select the specific teaching methodology, advise the instructor and class of their intended outcomes, and then engage the class in a learning activity regarding staged collisions. The activity may be one similar to that listed above, or can be one created by the group. The focus for the teaching group should be to ensure students learn the elements and issues involved in staged collisions, and that the activity will engage the student learners (and not be in the form of lecture, Power Point or other passive medium).

Homework Assignment (Optional)

Instruct the students to write a research memorandum on their department's policy on traffic accidents involving on and off-duty peace officers. The memo may be written in conjunction with the academy's report writing instructor, where both content and written communications skills may be assessed. The homework may also be used as the content component of other activities listed in this guide.

Time Estimate

As noted in each learning activity

Comprehensive Questions

As noted in each learning activity

Application

Some members of municipal police agencies or sheriff's departments may misperceive that traffic collisions are merely the duty of a select few in their organization, or of the Highway Patrol. In fact, more persons are killed each year in driving incidents than from violent crime, and the investigation of these incidents warrants the same attention to detail and thoroughness as is desired for any other criminal incident. Understanding the possible emotional responses to serious collisions is necessary to ensure peace officers can complete their duties in a professional manner. Additionally, understanding the possible criminal issues to collisions (whether they be violations of the Vehicle Code or other fraudulent actions) is a competency all peace officers should possess.

Resources

- CA Vehicle Code
- Peace Officer's Legal Sourcebook
- CA SWITRS (Statewide Integrated Traffic Records Systems) report
- Auto insurance companies, especially written documents and their fraud investigators

Learning Domain 30: Preliminary Investigations

Prerequisites

Prior to training in this Learning Domain, the student shall either have received instruction or had the opportunity to study workbooks in:

- LD3: *Policing in the Community*
- LD4: *Victimology*
- LD10: *Sex Crimes*; and,
- LD30: *Preliminary Investigations*

Introduction

A learning activity is required as a component of instructional delivery in this Domain. One of the core functions of a peace officer is the detection, investigation and resolution of a criminal incident. Regardless of the gravity of the crime, the outcome will almost certainly be impacted (for better or worse) by the quality of the initial investigation completed by the first responding deputy or officer. Information, evidence and other lead developed or documented by the initial field investigator create the foundation for quality follow-up by detectives, evaluation of the case by prosecutors and a presentation of evidence and testimony in court that will withstand challenges due to its completeness. On the other hand, preliminary investigations completed without critical information, lacking the depth and quality necessary for others to work from, or done in a "pro forma" manner because it's "just another burglary/petty theft/routine crime" defeats the ability of the police to fulfill their obligation to protect the public and create a community with a quality of life desired by all.

Learning Outcomes

At the conclusion of these learning activities, the student will be able to:

- Apply appropriate investigative techniques when presented with a criminal incident requiring a police investigation
- Analyze learning from previous similar criminal incidents, synthesize information from known facts and apply investigative techniques when presented with novel circumstances when responding to a criminal incident.
- Evaluate the effectiveness of their actions from the perspective of a community member seeking an investigation and resolution to their crime or similar incident.

Activities

The activities in this Learning Domain consist of two class scenarios and one homework assignment. Each assignment may be altered to capitalize on local issues or current events to maximize the learning and retention of students. Instructors are encouraged to keep their material fresh by continuously assessing trends and events in their region or in the profession that may impact the work of students in class and in the real world after the academy and field training experience.

Activity One

Facilitate a class dialogue based on the following scenario (read scenario to the class; hand out scenario in written form and break the class into learning groups of 4-6 students each if desired):

> "You are a new officer in a single-officer patrol car. You respond as a back-up officer with a senior officer to a call of a burglary at an apartment in a multi-unit housing complex. The victim tells both of you she was on vacation for the past week, and that she returned to find her apartment had been entered. The only item apparently missing was a digital camera, although she tells you the apartment handyman had told her a few weeks ago that some of the apartments had suffered break-ins, and that she should be sure to lock her doors and windows at night. The victim notes that some items in the apartment had been moved, and that the thief had rifled her dresser.
>
> The senior officer tells the victim there's not much the police can do, and that these minor crimes happen all the time. He confirms she has insurance, and says that's what it's for. He assures her there won't be any usable fingerprints on the moved items due to their rough surfaces, and that, with no witnesses, there is no chance the department would be able to solve the crime. He tells her to call if she finds anything else amiss, and that she will receive a postcard in a few days advising the case number so she can file a claim with her insurance company. The victim doesn't seem too happy, so the officer finishes their conversation by explaining how the department has to prioritize crimes and devote time and energy to those with a reasonable chance of being solved."

Once the scenario has been read, assign groups to either defend the senior officer's actions or critique them for mistakes (e.g., if a class of 15-25, break into two-four groups; classes of 30-50, consider breaking into 2-3 groups on each side of the issue, etc.). Each group will select a spokesperson and a scribe to keep notes of the group's

work (and prepare flipchart visuals if desired by the instructor). The groups will be assigned to:

- Defend their perspective.
- Articulate reasons to support the group's assigned perspective, including a justification of any ethical issues present in the scenario.
- Identify the stakeholders in this incident, and the expectations of each stakeholder group with regard to the conduct of the officers.

Each group will have 3-4 minutes to make their presentation, followed by a class critique and facilitated discussion of the scenario.

For those groups supporting, the instructor should consider follow-up questions such as:

- The officer responds to a supervisor who has told him the victim called to complain that more wasn't done. What should he say?
- The apartment manager called to ask what they should tell their residents about the series of break-ins. What do we say?
- Detectives called to see if there was any more info or evidence, since they have a serial burglar they fear might become sexually assaultive if a female victim is at home (based on the thief rifling through underwear drawers in three other cases).

For groups critical of the officer's actions, consider questions such as:

- Why did the officer minimize the significance of the crime?
- Wasn't his explanation of how the police prioritize and work cases the most honest thing he could tell a victim?
- If you, as the back-up officer, don't agree with the actions of a primary investigating officer, what do you do to intervene or report his or her actions?

For all groups, the scenario works well for "what if…" questions (e.g., What if the suspect committed an assault the next night? What liability do the department and the officer have for that crime?). Consider having groups compose a response letter to a complaint from the community member regarding the incident as either homework or for subsequent class discussion.

Activity Two

Similar to the first scenario, except the primary officer elects to call out detectives. You, as a newer officer, ask what facts made him decide to call detectives, and he says "nothing in particular; those jerks always gripe about not getting enough information from us, so I thought they'd enjoy being out here at 3:00 in the morning with us to remind them of how much fun this work is." Group work for this scenario would be

split along the same lines, with the focus now of what is, and is not, the appropriate quality of work desired from officers and deputies charged with the preliminary investigation of crimes. Relevant areas of group study might be:

- How do you, as a field investigator, decide what to do, and what not to do, when presented with a crime?
- Why is it important to conduct a quality field investigation (stakeholders, officer's reputation, agency liability, community confidence, solving crimes, etc.)?
- How should you deal with detectives or others who seem critical of the work of patrol officers?
- What impact does a preliminary investigation with mistakes or facts left out have on the deputy's subsequent court testimony?
- How do you balance the desire to do a quality preliminary investigation with the reality of calls being stacked that also need your response and attention?

Activity Three:

Using a scenario developed by the instructor (or refer to one or more of the learning activities in this and other learning domains), have students work in groups of 4-6 to write a search warrant. The specifics of forms should be used and submission process should conform to local policies and requirements.

The instructor and other staff members may elect to play the role of judge or Deputy District Attorney in an activity where students:

- View or interact in a facts circumstance leading to the need to obtain a search warrant
- Work in groups top prepare the warrant. Note: The instructor may provide pre-leading or instruction prior to the learning activity regarding search warrants
- Meet with the judge or Deputy District Attorney and apply for the warrant

The process should continue until all groups have met with the granting authority and have completed an acceptable search warrant.

Homework assignment (optional exercise):

Students should be assigned to write a report of one page maximum concerning a crime where they, or an acquaintance, were the victim of the crime (it can be a crime of any type, including traffic crimes). The incident must have been investigated by the police or sheriff's agency where the incident occurred. Students should write about the victim's perceptions regarding how the officer or deputy handled the case, and how they felt about being victimized. The reports may be used in class as a foundation for a

discussion about how the victim's perceptions and sense of vulnerability impacts the officer's work to investigate the crime.

Time Estimate

Three to four minutes to read the scenario, 15 minutes for group work, 3-5 minutes for group presentations, then time for critique and facilitated dialogue at the instructor's discretion. Total time for work with the scenarios will take between 45-60 minutes.

The homework exercise may work best if reports are given to small groups to synopsize regarding relevant details. This will allow students to critique content as well as writing style.

Comprehensive Questions

The questions listed in each scenario should provide appropriate starting points for class discussion and issue resolution. The instructor's emphasis should be to move the student's from mere knowledge and application of technique to an analysis of facts, synthesis of information and adaptation of their knowledge to resolve new or evolving incidents. Questions may be similar to:

- What examples can you find to…?
- How would you organize what you know in a way that would help you show…?
- How would you summarize…?
- How is_____related to…?
- How would you improve…?
- What would you recommend for…?
- How would you prioritize…?

Application

Students should readily recognize the applicability of this Learning Domain on their duties as peace officers. Investigating criminal incidents is a function the student will encounter in field, court, correctional and administrative settings. The student's motivation to learn "what to do" should be very high. The instructor wants to ensure the student's motivation to learn how their work affects the work of others and the student's professional reputation may need attention by the instructor to enhance retention in this area.

Resources

Possible handouts by the instructor may include:

- Strategies to intervene into the conduct of other officers that is both ethical and effective

- Strategies or processes to form a sequence of steps to conduct a quality preliminary investigation
- Protocol for summoning added help at a crime scene (evidence collection, detectives, supervisory personnel, etc.)
- Policies or procedures for completing a preliminary investigation that will withstand scrutiny by the prosecutor or defense in court
- Training and Testing Specifications for Peace Officer Basic Courses, LD30; Learning Activities for LECP
- *Search Warrants: Where, What, Why*; Melvin Vyborney, Anaheim Police Department; mvyborney@aol.com (no cost tool for writing warrants)
- *Specialized Investigator Basic Course*; LD 63, Computer and Computer Crimes

Note: LD 16 and LD 25 have related content. Instructors may wish to add a learning activity related to writing a search warrant in one or more of these domains.

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Learning Domain 31: Custody

Prerequisites

Prior to these learning activities, the students shall either have been instructed in or had the opportunity to study the student workbooks and noted materials for:

- LD 1: *Leadership, Professionalism, and Ethics*
- LD 3: *Policing in the Community*, and
- LD 31: *Custody*

Introduction

This Learning Domain presents concepts related to the peace officer's responsibilities in a setting where they are responsible for the safety, well being and level of care required of persons who are arrested and held at a custodial facility.

Although taking someone into custody is one of the most common activities of a peace officer, depriving another of their right to liberty is one of the most serious responsibilities in our profession. It represents the balance point between an individual's right to conduct themselves in the manner they choose versus society's right to order, peace and the ability to live without the rights of another infringing on our own. The police maintain that balance, and use their powers of arrest to restore order, bring offenders to justice and to uphold both the letter of the law and the spirit within which it was written. Abuse of this responsibility is perhaps one of the quickest ways to erode public confidence in policing. At the same time, once a person is arrested, the responsibility of peace officers is to protect the rights and safety of the person they have taken into custody, even if ensuring those rights runs contrary to the sentiments of the larger community.

Peace officers have three basic responsibilities when considering taking a person into custody. The first concerns the discretionary decision that the community will be well served by the action. Next is the lawful basis for the choice to take such action. Finally, once the arrestee is in police custody, our obligation is to ensure their safety until they are released or transferred to another entity in the criminal justice system.

Learning Outcomes

At the conclusion of these activities, the student will be able to:

- Explain and apply the concept of protecting persons in custody from harm by another.
- Identify situations involving an ethical dimension and apply concepts related to the effective and ethical options available to them to resolve an incident or situation.

Activities

There are four scenarios and one homework assignment available for the instructor's use. These may be used as stated, or extended or otherwise modified to address local policies or issues, or current events of concern to peace officers in a custodial environment. Instructors are also encouraged to consider introducing the scenario through the use of role-playing by assigned class members. Using that approach, the instructor would select an appropriate number of students, assign them roles to play, or give them the setting and assign them to create a role play exemplifying the concept under study, and allow the scenario to proceed. This option would also allow modifications of the activity based on the less-predictable outcomes generated by a live group rather than a scenario read to the class.

Activity One

The following scenario should be read in groups of 4-6 students (you may wish to distribute it in written form to facilitate better understanding by students once they break into small groups for subsequent work):

> "An officer assigned to a jail facility has heard rumors about a possible fight brewing between two inmates in their jail block. The officer concludes the best way to handle the situation would be to get more information from inmates prior to anything happening. To do this, the officer pulls a talkative inmate from the jail population and assigns him to do special work mopping the hallways outside of the block. The officer offers the inmate a pack of cigarettes if he develops any information about the fight or other safety issues in the block. Department policy does not allow cigarettes in the facility."

The student learning groups will be directed to select a spokesperson to present their findings back to the larger class. The groups will be assigned to discuss and present their conclusions on the following questions:

- What do you think about this officer's actions? Are they justified?
- Have any crimes been committed by this officer?
- What possible disciplinary actions could this officer face?
- What are the possible consequences, both good and bad, of allowing the inmate to break the rules?
- If you were the officer's supervisor, how would you respond if the officer brought this to your attention?

Students will be have 15 minutes to come to a consensus regarding these questions, after which the class will re-form and have 2-3 minutes to complete their presentation. Groups are expected to present their answers, respond to questions or follow-up queries without becoming defensive, and demonstrate the ability to handle questions from the instructor or other students effectively.

Selected student leaders will facilitate the group presentation, keep groups on time and prompt questions from others.

Activity Two

Groups will read the following scenario in the same fashion as other scenarios. Students will distribute or brief the following activity.

> "After successfully completing the academy, a young recruit is assigned to work at the county jail. Upon arrival, several veteran officers tell the recruit to "tune up" an inmate in order to prove herself to them and to show the inmate population she can handle the problem cases who might think they could push her around because she's new. The recruit elects to pull out a child molester from a cell and punches him in the face and chest area. She then threatens to punish the inmate if he tells anyone about the incident. The veterans congratulate her and welcome her to the shift.

Students will break into groups as in the previous scenario, and be assigned to the same tasks. Questions for this scenario are:

- Why would a new group member consider doing something obviously out of policy to please peers?
- What crime, if any, has the officer committed?
- What might be a sample news headline that could result from this incident?
- What type of perception might the public develop from such a news article?
- What would happen if the recruit refused to comply with the request of the veterans?

- If you were in a similar situation, what could you do to resolve this? Would you notify your supervisor?
- If you were the commander of the jail facility, what direction and training would you give to supervisors to ensure this type of activity did not occur?

Groups will present their findings as previously described, and the instructor's responsibilities are the same.

Activity Three

Assign students at least one day prior to the class session to work individually or in small teams to locate articles from newspapers or magazines describing an incident where a significant incident occurred in a custody setting. Students should be prepared to:

- Present the circumstances of their article
- Describe their conclusions regarding why the incident occurred, and what could have been done by the officers or deputies involved to prevent it.
- Describe the actual or likely public impact on the confidence in the agency involved as a result of the incident.

In class, students will break into groups of 4-6, where they will share their research findings and conclusions. Each group will then select one article from their midst and present it to the class. Groups should be able to complete their work within 10-12 minutes, and each presentation will take 3-4 minutes. The instructor's responsibility will be to select student facilitators, and then to assist students in understanding, synthesizing and evaluating the incidents and how their issues apply to the real-world issues they will encounter beyond the academy setting.

Activity Four

This activity may be used for general class discussion, or in a group break-out format as is done with the other scenarios. Student leaders will read or distribute the following scenario (or have it role-played as previously discussed):

> "You are assigned as a trainee in your department's field training program. Things have been going well, and you have completed a little more than half of the field training program with high marks and good comments from your field trainer (FTO) and shift supervisor. One evening, you and your training officer stop a speeding vehicle. Your FTO handles the stop, and encounters a driver who is antagonistic, hostile and very difficult to control. The male adult driver makes various remarks about the FTO's appearance, degrades the FTO's family background (making fun of his name and uttering derogatory remarks about any kids he might have). A warrant check reveals a misdemeanor warrant for the

driver's arrest. When you tell the FTO, he smiles broadly and makes an offhand remark about there being "justice in the world." As the driver is being handcuffed, he says that he will wait for the FTO in the parking lot after he gets off duty, follow him home and beat him up on the officer's front lawn. The FTO says nothing and places the subject in the back seat of the patrol car. As he is driving to the station, the FTO suddenly brakes, shouting "Look out for that dog!" You see nothing in the roadway ahead, but do clearly hear the suspect's head striking the partition between the front and back seats. The subject groans audibly and begins to complain about his head hurting."

Class or group questions should center on what, if anything, the trainee should do. Other areas of discussion should be what a supervisor or watch commander should do if this arrestee arrives at their police facility in the condition described. Follow-up questions from the instructor may focus on the topic of "street justice" and its reasons. Students should be guided to an understanding of the unacceptability of this conduct, and how to deal with it.

Homework Assignment (Optional**)**

Assign the students to write a research memorandum on the difference between cruel and unusual punishment and inhumane and oppressive treatment. Have the students explain their response, document the corresponding penal code section, and give an example of each type of offense. Students will be selected randomly during the academy session to make an oral presentation in front of their classmates. Optionally, have them write a short "letter to the editor" in the role of the chief or sheriff explaining to the layperson why the police use force, when it is necessary, and what happens when an officer uses excessive force.

The written responses from the homework may be used as a foundation for class discussion or posting of completed papers. It may also be used in conjunction with the student's LD18 (Investigative Report Writing) instructor to assess and enhance their written skills in this content area.

Time Estimate

Time is as noted within each activity. Time can be compressed by using a large-group format for general discussion. In a large group, the instructor may also elect to use 2-3 person "buzz groups" to allow for short periods of student discussion with immediate reporting back to the larger class.

Comprehensive Questions

At the conclusion of the learning activities, the facilitator should actively work with students to enhance their recognition of relevant issues, their application in custody settings and how to assess, analyze and evaluate how they will arrive at appropriate choices when presented with issues in this environment. Possible queries from the facilitators may be:

- What are the responsibilities of peace officers who take someone into custody, receive them into custody from another, or work in a custodial setting in a jail or other secure facility?
- What's in it for you? (This is a question of rational self-interest; why do people take the path of least resistance, why do they go along with the acts of others, etc.)
- Who are the stakeholders in this incident? How will they react to knowledge of it?
- Does this incident create any ethical dilemmas? If so, how do you resolve incidents that have an ethical dimension?
- How does law enforcement conduct in custody settings affect the community, the department and the officer involved?

Application

Students working for county agencies may anticipate they will encounter issues in a custody setting, and have a high level of motivation to learn how to deal with prisoners and the possible fear of maintaining order in a custody environment. Those working (or who intend to work) for a municipal department may not be readily motivated to see applicability of this training block. Scenarios such as #4 may be useful to help students understand that "custody" begins with the initial detention and carries through to the person's release.

Resources

Allowing students to work in small groups, especially when they encounter real-world incidents in Activity Three, will help them strive for solutions to complex problems in a safe environment. Use of the Internet to locate resources in either the public domain, or to identify methods for resolving ethical dilemmas, is a valuable means by which students can develop a deeper understanding of the issues related to conduct in custody situations.

Learning Domain 32: Lifetime Fitness

Prerequisites

The students shall either have been instructed in or had the opportunity to study the workbooks for

- LD 1: *Leadership, Professionalism, and Ethics*
- LD 3: *Policing in the Community*
- LD 32: *Lifetime Fitness*
- Further, it is recommended they should have received instruction in LD 12, *Controlled Substances*, regarding the laws of possession of a controlled substance

Introduction

The goal of the Lifetime Fitness program is to help recruits to develop and maintain healthful, sustainable lifestyle habits. These habits include regular exercise, good nutrition and hydration, weight control, blood pressure and cholesterol control, good sleep and rest habits, abstinence from the use of tobacco, limiting alcohol consumption, stress reduction practices, and the complete avoidance of substance abuse to either manage fatigue or enhance athletic prowess. These habits will have great benefits on the job and at home and can contribute to healthful longevity.

There are six elements to lifetime fitness. They are:

- Personal physical fitness,
- Physiological and psychological risk management,
- Lifestyle,
- Body composition management,
- Continuing fitness education, and
- Positive attitude.

Each of these components is equal in importance to the others. A peace officer aspiring to complete a successful career will develop and sustain a lifetime fitness program. Students will also recognize that "fitness" is more complex than merely working out occasionally or trying to eat well most of the time. Lifetime Fitness training teaches the student to think beyond the current day and do the things veteran officers say they wish they had done at the outset of their careers. Stretching, good nutrition, relaxation, moderate but sustainable exercise, and cardiac care will all increase the likelihood of a well-deserved retirement than can be enjoyed in good health.

Learning Outcomes

At the conclusion of these activities, the student will be able to:

- Identify and apply principles of lifetime fitness in their own habits and practices
- Understand the impact and effect of substance abuse (legal and illicit) on personal health and professional success
- Evaluate and apply effective means by which they can intervene with others to help them redirect unhealthy lifetime fitness actions.

Activities

Break the students up into cooperative learning groups and assign them to role-play an activity in which two officers overhear another officer who is worrying them. The following scenarios are available for use. The instructor may choose to have groups all do one scenario, or split scenarios amongst groups to enhance the variety of learning opportunities.

To successfully complete this activity, the instructor will be required to:

- Ensure students understand their roles and responsibilities in their assigned scenario.
- Time the exercise and ensure that all of the students are in a safe environment.
- Monitor the student responses and give guidance when necessary.
- Select student leaders to facilitate a debriefing exercise.

Scenario One

Two new officers are working out in the department's weight room and overhear another officer on the phone saying; "Listen, ever since I started taking them, I have been lifting so much more weight, there isn't any jerk out there I can't handle. I'm getting 'em from another cop who goes to Mexico, so it's legal."

Scenario Two

A newer officer is invited to lunch by a few of his shift partners for their on-duty meal break. The officers choose a late-night "greasy spoon" restaurant popular with the old-timers. During the meal, the older officers all complain about their various maladies ranging from not getting enough sleep, feeling fatigued on the job, being hung over and other assorted problems. They start having some good-natured fun with the newer officer, telling him he will wind up as fat and tired as they are. The newer officer elects to take the opportunity to respond to their comments- what does he say?

Scenario Three

You are assigned to a patrol shift, and happen to meet with an officer working an adjacent beat. She looks a little tired, but is speaking pretty rapidly. She says her kids are still in grade school, but she's juggling childcare, shifts with her husband and extension classes towards her degree. You ask how she does it all, and she says, "I don't know, but the coffee, Red Bull and No-Doze keep me awake enough to get through the day."

Scenario Four

You are a sergeant of a patrol shift or custody team, and two of your officers come to you with (one of the problems identified above or a similar quandary) a concern regarding a peer. You will listen to their concerns, and then engage in a discussion about their options and your responsibilities as their supervisor. The discussion will lead to a plan of action for each of you.

At the conclusion of each role-play, there should be time to facilitate a class dialogue regarding what they have seen. Core questions are:

Scenario One

- To what is the officer on the phone referring? Is it possible this is an innocent conversation?
- What are the ethical issues involved in this activity?
- What is the responsibility of the officers who overheard the conversation?
- Would there be an impact in the community if the public learned officers were taking steroids?

Scenario Two

- Is gaining some weight working odd shifts and grabbing meals wherever you can a natural part of working in policing?
- If you, as the newer officer, elect to respond, what do you say?
- How would you advise the officers to change their habits to avoid the ills they have recounted to you?

Scenario Three

- What substances is the officer most likely taking?
- Are there any other substances that would present the same symptoms?
- What obligation do you have to intervene into the life of another for their own benefit?

Scenario Four

- What responsibilities do supervisors have to intervene when problems are brought to their attention?
- Why might officers be reluctant to bring their suspicions to their boss?
- What issues may be created for the officers reporting their suspicions when co-workers become aware of their actions?

Homework Assignment (Optional)

Assign the students to research the most common substances used and abused by peace officers (alcohol, tobacco and caffeine) and the adverse physiological impact of long-term use of these substances. Have them also research the impact of long-term job stress on the cardiovascular system, the nervous system and general health, then relate the impact of the use of substances (legal and illicit) on stress.

A follow-up homework assignment would be to assign students to write a paper discussing the impact of poor fitness on officer safety, and to develop at least two scenarios where they can see an officer's poor fitness (physical, physiological or emotional) detracting from their ability to carry out a core function of their job. This may be in the area of officer safety, diligence regarding completing the job, off-duty behavior or other related subjects.

Time Estimate

The group preparation for role-playing should take about five minutes. Group presentations will take about 2-4 minutes each. The instructor may wish to assign student leaders to debrief and facilitate group dialogue regarding the scenario at the conclusion of each one, rather than discussing all role-play scenarios at the end of the group process. The discussion can be scaled to fit a time frame of 15-45 minutes depending on the class size and number of scenarios presented.

Comprehensive Questions

At the conclusion of the activities, facilitators should include questions similar to these to allow students to learn the larger implications of their choices and actions:

- What's in it for me?
- Who are the stakeholders in this incident?
- Does this incident create any ethical dilemmas?
- How does law enforcement conduct and attitude affect the community, the department and the officer?

Application

The basic course setting can sometimes convey a punitive sense regarding physical training (if it is used to "punish" individuals, or if it is seen as extremely arduous by students), which can detract from their motivation to consider a lifetime fitness routine as an outgrowth of the physical training in the academy. Instructor discussion of the impact of health on personal and professional survival will enhance the student's retention of learning. Presenting the ways in which being healthy facilitates good officer safety, driving, defensive tactics applications, clear thinking and stress management will help them understand and synthesize the relationship between appropriate health practices and success in their careers and beyond.

Resources

There are visual aids available from health organizations (public and private), and using video clips to demonstrate adverse outcomes for peace officers that do not practice lifetime fitness may be considered to reinforce discussion and role-playing activities.

Learning Domain 33: Arrest Methods/Defensive Tactics

Prerequisites

Prior to these learning activities, the students shall either have been instructed in or had the opportunity to study the student workbooks for:

- LD 1: *Leadership, Professionalism, and Ethics*
- LD 3: *Policing in the Community*
- LD 20: *Use of Force*; and,
- LD 33: *Arrest Methods/Defensive Tactics*

Introduction

The desired outcomes of the Arrest and Control training program is to ensure students acquire the understanding of the concept of situational awareness with regard to officer safety, to select a level of force intervention appropriate for the situation, to apply prescribed tactics with a high degree of efficiency and to resolve the situation in the safest manner possible with the least force possible.

It is illegal and unethical for peace officers to use their lawful authority and position to "punish" another, or to use force options available to them for any purpose other than using the minimum force necessary to obtain compliance to their orders. When peace officers become lawbreakers by engaging in acts of "street justice" they lose public trust and support, and subject themselves and their department to substantial civil liability. Students who become confident in their application of various forms of force do so because they understand how and why force is used, when it should be applied and how to use force in a manner that is as effective as possible without exceeding legal or ethical principles.

Learning Outcomes

At the conclusion of these learning activities, the student will be able to:

- State in their own words, the concept of situational awareness in an officer safety situation.
- Select and apply a level of force appropriate to the threat presented.
- Identify and distinguish force options in a manner consistent with that trained.
- Distinguish force options that result in an application in the safest manner possible with the least force necessary to overcome resistance.

Activities

Activity One

The instructor will ask for volunteers or select students to role-play the following scenario:

> A recruit and his or her partner respond to a call about a 4-year-old child that has been molested (The instructor or an academy staff member may play the partner officer). The suspect has been apprehended and is being taken outside to the patrol car. The partner officer informs the recruit he/she will "handle this suspect alone." The partner officer draws his or her baton and tells the recruit that child molesters have to pay for their crimes. The suspect places his hands in the air and explains that he was wrong in molesting the child, adding that he will probably get off because he has a great attorney. The partner officer simulates striking the suspect with the baton while the suspect has his hands in the air and is clearly not resisting. Several citizens are observing this behavior. The recruit tries to intervene, but the partner ignores them.

At the conclusion of the role-play, have the other students critique the actions (or lack of action) of the partner officer and the recruit. Selected student/s will facilitate the class discussion, and ensure the following topics are broached:

- What is the difference between acceptable and unacceptable behavior for an officer in this situation?
- What does the term "street justice" mean in this context?
- What is the perception of the community observing this incident?
- What consequences could the recruit face if he/she does not intervene?

Activity Two

Selected students will role-play the following activity:

> Two officers, one on probation, receive a radio call about an individual creating a disturbance in the parking lot of a restaurant. Additional information indicates that the individual is intoxicated and is urinating in the street. The officers arrive and see a man standing in the street who appears to have just finished urinating on the street's surface. The senior officer approaches the individual and tells him to stop his actions and turn around.
>
> The individual complies; however, the individual suddenly grabs the officer and pulls the officer to the ground. The probationary officer draws his or her baton to

subdue the individual; however, the strikes with their baton are ineffective. The probationary officer attempts to kick the individual, however, the kicks are also ineffective. The individual continues to strike and pummel the senior officer. The probationary officer does not recall other self-defense techniques and is unable to subdue the suspect.

Once the scenario has been completed, student facilitators will engage the class in a discussion of its issues. Include the following topics in the discussion:

- What reasons could contribute to the ineffectiveness of the baton strikes and kicks?
- In what ways could others who are watching this incident perceive the officer's actions?
- What other force options would have been appropriate to consider?
- What should the probationary officer do next?
- What impact might this incident have on the confidence of peace officers to protect and serve their community?
- What is the responsibility of an officer to fellow officers regarding effective arrest and control techniques?

NOTE: The instructor must ensure the scenario is staged in a manner that the activity does not cause injury to ANY participant. Consider staging it in a "matt room" with appropriate protective gear.

Homework Assignment (Optional**)**

Have the students write a research paper on what force options would have been appropriate for the scenario in Activity Two. Direct them to include what actions of this, and other, suspects would justify the use of a baton.

Time Estimate

The role-play will take about five minutes to prepare, then 3-5 minutes to stage. The scenario read to the class in Activity Two will take about 2-3 minutes to read. Both class discussions will take from 10-15 minutes depending on the pace at which the students discuss relevant issues. Both activities are suitable for further discussion, group work or homework to ensure the students acquire an understanding of the knowledge necessary to apply force options as trained.

Comprehensive Questions

Comprehensive questions will focus on the manner in which peace officers elect to use force in any setting, and the philosophy of using only that force necessary to overcome resistance.

Application

Student motivation to learn about the use of force should be high due to its relevance to officer safety; however, some may be reluctant to attempt to apply knowledge due to unfamiliarity with the techniques of using the force option, or due to little or no exposure to physical conflict situations.

Resources

Adequate space to conduct a role-play without injuring any party, and to allow others to view the scenario closely but safely.

There are countless video clips, news stories and articles recounting the use of force in a variety of settings. The instructor may elect to use written or visual means to enhance student motivation, strengthen retention by showing examples of effective and ineffective applications of force and to reinforce learning points with examples in the same issue area. Added resources are:

- POST LEOKA Report (available at www.lp.post.ca.gov)

Learning Domain 34: First Aid/CPR

Prerequisites

Prior to these learning activities, the students shall either have been instructed in or had the opportunity to study the student workbooks and noted materials for:

- LD 1: *Leadership, Professionalism, and Ethics*
- LD 3: *Policing in the Community*
- LD 4: *Victimology/Crisis Intervention*; and,
- LD 34: *First Aid/CPR*.

Introduction

Peace officers have a special responsibility to act in good faith and to provide emergency medical services to the best of their abilities within the scope of their training. As first responders they must be able to assess the condition of the injured party, summon the appropriate medical services and provide basic life support until the services are available to provide relief.

During an emergency, the community will depend on the officers' leadership to take control of the situation, maintain order and summon any required assistance.

Peace officers deal with very high-risk people: homeless, intravenous drug users, prostitutes, and hard-core criminals. It is difficult sometimes to put yourself in situations where you could be exposed to life-threatening infection, knowing that the infection can be transmitted to your own family. Rendering aid to someone you believe does not deserve aid can be seriously problematic. Peace officers have a responsibility and a clear moral and ethical obligation to provide equal service to everyone.

A peace officer is an important first link in the emergency medical system chain. Creating partnerships with other community service organizations in advance of a medical emergency will improve service.

Learning Outcomes

At the conclusion of these activities, the learner will be able to:

- State in their own words the responsibilities and potential conflicts facing a first responder in situations where persons may require emergency medical care.
- Apply appropriate techniques to aid in the lifesaving process
- Evaluate and act decisively in situations where their medical aid intervention may mean the difference between life and death for another person

Activities

For all activities, there are several important points for instructors to consider. Most prominent amongst these are to:

- Allow students the opportunity to lead the class work and subsequent discussions. This will help establish and refine their public speaking skills and group management skills
- Allow students to grapple with the concepts and discover their own understanding of the material as much as possible. While it is tempting to provide "the answer" or ready direction, students will learn at a much greater depth if they acquire the information through reflection and retention of relevant concepts
- Instructors should manage the process of learning, helping the discussion leader through sticking points, providing insight and expertise where appropriate and striving to ensure students stay focused on key concepts in the dialogue.

During the presentation/ discussion of first aid concepts, the instructor should give students time to discuss their perceptions and options when facing medical aid situations where internal or external conflicts may arise. One of the best ways to accomplish this structured reflection is allow time at the end of each component of training to discuss what they have learned, first with each other, then with the class. The instructor can accomplish this in the following manner:

> At the end of a "chunk" of work (the end of a major concept or block of work), direct students to turn to a partner and take two minutes to discuss what they have learned. At the end of two minutes, the instructor will call on volunteers to share their understanding of what has been presented. The subsequent listing of answers and discussion of the topic will add depth to their understanding of the issues at hand.

For the learning activities noted herein, the instructor should use a group breakout format. In this format, the instructor will direct students to break into groups (for larger classes, consider using one group of 4-6 per exercise, and use the partnered discussion format while the chosen group is preparing to present their scenario). Direct the group/s to develop a role-play for presentation to the class for one or more of the following three scenarios:

Activity One

The students will create an activity where officers must respond to a medical aid call; once at the call, they learn the person in need possibly has an infectious disease. The role-play must demonstrate:

- The issues present at a call of this nature
- The special considerations in this situation
- The appropriate precautions and actions to effectively administer first aid.

At the end of the role-play, students will lead a class discussion of the issues, considerations, precautions and personal and professional concerns when responding to a first aid call where an infectious disease is present.

Activity Two

A peace officer responds to a residence on a call of an elderly man having breathing problems. Once on scene, the office finds the subject is, in fact, having breathing problems, but is not in cardiac arrest or any apparent serious danger. The odors in the room are unpleasant; in fact, they are quite horrendous. The officer tells the man they will be "right back" then walks to the front porch with the subject's wife, telling her they will wait there signal to the EMS unit when they arrive. The real reason the officer left the bedroom is because of the odors there.

At the conclusion of the role-play, the group will facilitate a group discussion to discuss:

- If nothing happens while the officer waits for the EMT unit, will anyone care about them being out there?
- Are the feelings and actions of the officer understandable? Are they OK?

Activity Three

Officers arrive at a family dispute radio call. Upon their arrival, they find a man in full cardiac arrest that most likely will die. The officers are told that there is a Do Not Resuscitate (DNR) order signed by the victim. Highly emotional family members tell you to forget the order. The officers ignore the statements of the family members and stand by while the subject expires.

At the conclusion of the role-play, group members will facilitate a discussion of this scenario, including the issues of:

- What actions are most appropriate when facing a situation like this?
- What impact will the officer's actions have on the family members and the community?
- What are the ethical decisions involved in the officer's decisions?
- What should have been done?

Activity Four

Rather than providing lecture, content or other instructions prior to student role-playing or other practice opportunities, instructors may wish to provide settings where students will encounter persons in unknown states of medical aid needs. Allowing students to "fail forward" and feel the discomfort of untrained intervention will encourage them to see the relevance of subsequent training and reinforce retention of learned material. Options for scenarios in this framework are limited only to the resourcefulness of the instructor (or to assigned student groups).

The instructor's role during these scenarios is to:

- Time the exercise
- Monitor the student responses and give guidance whenever necessary
- Guide the debriefing exercise as necessary during the time students are facilitating the discussion.

Homework Assignment (Optional**)**

Assign the students to write a memorandum on the importance of maintaining the First Aid and CPR certification and skill level.

Time

1. Five minutes for the group/s to prepare their role-play;
2. Five minutes to present the scenario to the class;
3. Fifteen minutes maximum for discussion and facilitated dialogue

Comprehensive Questions

As students move from classroom experience to practical application, it is crucial to allow them opportunities to practice in settings that simulate the environment they will encounter in the field. Although the obligation and responsibility to protect life is one that is reinforced in several learning domains, peace officers sometimes view first aid as the responsibility of trained medical personnel and not that of an officer or deputy.

Unfamiliarity with the necessities of providing first aid/CPR in the field might add to a recruit's apprehension regarding their duty to provide emergency aid when needed. The

instructor will add significantly to the learner's retention of this material if they work to surface latent resistance or apprehension in students. This may be accomplished by asking questions directly such as "Discuss with your partner the five top reasons why a peace officer might be hesitant to administer first aid in the field" or similar questions. These discussions will add to the learner's understanding and application of the material, and will enhance their ability to evaluate considered courses of action and achieve effective solutions in situations of conflict.

Application

As a part of the facilitated discussions regarding these scenarios, training staff or instructors should ensure students have acquired learning in these areas:

- The importance of maintaining and knowing how to use personal protective equipment.
- Their responsibility to act.
- The concept of immunity from liability as it relates to their lifesaving efforts.

Resources

First aid/CPR resources may include job aids such as visual aids to assist in the application of CPR that officers may carry with them, along with the protective equipment they should expect to be issued to them when they are assigned to duties where first aid may be a function expected of them. Students should be instructed to ensure they are familiar with the proper use of any first aid items they might use, including their unit's first aid kit, masks for administering CPR, portable defibrillation units (AED or other similar units) etc.

Learning Domain 35: Firearms/Chemical Agents

Prerequisites

Prior to these learning activities, the students shall either have been instructed in or had the opportunity to study the student workbooks and noted materials for:

- LD 1: *Leadership, Professionalism and Ethics*
- LD 3: *Policing in the Community*; and
- LD35: *Firearms/Chemical Agents*.

Introduction

Learning Domain 35 introduces the students to firearms and chemical agents. This block of instruction covers firearm safety, basic firearms operation, firearm ammunition, cleaning and maintenance, and principles of shooting accuracy. Also covered under this block of instruction are an overview of chemical agents, the safe and effective use of chemical agents and the properties and effects of OC, CN and CS.

Peace officers are authorized to use deadly force only as a last resort and only under the strictest of limitations and restraints. An officer who is skilled in the use of firearms and the decision-making process that leads to the use of deadly force will have better control of the situation and apply the appropriate level of force. Mere knowledge of firing a weapon accurately is inadequate to prepare recruits for the demands of considering the application of deadly force in a field situation. Appropriate training will also include moral considerations, legal and procedural constraints and means by which to structure one's decision making in such a manner that an officer or deputy can make a reasoned choice to use or refrain from using deadly force in a timely fashion.

Related issues are the care and maintenance of assigned firearms, chemical agents and other similar items and the community's possible perceptions regarding an officer's use of deadly force.

Learning Outcomes

At the conclusion of these learning activities, the learner will be able to:

- Demonstrate an understanding of the legal and moral constraints against using deadly force except in circumstances allowing its use.
- Identify and apply appropriate decision-making strategies in their effort to arrive at an appropriate solution when considering the use of force up to and including force likely to cause death or great bodily injury.

Activities

Activity One

Instruct the students to close their eyes, and then read them a brief scenario where an officer used deadly force (do not mention the age or gender of the suspect). At the conclusion of the reading, instruct them to open their eyes and share how they might feel if they were the officer or deputy in that situation. Allow two minutes for this small-group discussion, and then query the class about their range of responses. After charting several responses, ask the class to describe the suspect they "saw" when the scenario was read to them (most students who are exposed to this exercise imagine a suspect that is an adult male).

When adequate responses are given, instruct them to close their eyes again and imagine the suspect as an older female or a juvenile male. Again, have the students share their situation with their group, and discuss how their responses might have been different. Close the exercise by asking if the gender, age or appearance of a subject in a situation of this nature might cause an officer or deputy to hesitate, reconsider their choice to use force or expose the officer to undue risk by delaying the implementation of their decision.

During this activity, students will be required to:

- Form into break out groups and discuss, record, and report on the questions or dilemmas listed in the aforementioned learning activity.
- Select a spokesperson and justify the answers to the class.
- Present the department's position without becoming defensive or hostile.
- Demonstrate the ability to handle follow-up questions.

Activity Two

Select a student from the class, then instruct them they are an officer assigned to a call of a man with a gun (the instructor or assistant will play the role of the suspect). Advise the officer he or she has just arrived at the scene, where they see a subject fitting the suspect description. As the subject comes closer, the officer sees a gun in their waistband (Note- only inert or replica firearms will be allowed for use in this, or any other class scenario, exercise). The officer will order the subject to stop and follow the officer's commands; however, the subject will say nothing and continue to walk slowly towards the officer. Allow the activity to continue until the officer makes the choice to resolve the situation.

(It is common to see students become confused when first encountering a non-compliant subject in a tactical situation. If the student responds inappropriately, the

instructor will stop the scenario, and may consider selecting another student for the same scenario. It is important for the instructor to allow students to "fail forward" and learn from their errors in this activity).

The instructor will allow as many students as desired to complete the scenario (it would be appropriate to continue until students begin repeatedly displaying conduct that results in an effective outcome), after which class discussion should ensue regarding possible means by which to resolve the incident, potential outcomes for each choice and the impact or fear or confusion in decision-making in a tactical situation.

Activity Three

These activities are small-group discussions. The instructor may assign the same topic to all groups, or may assign different activities to groups in larger class settings. These activities are well suited for group work resulting in opportunities for students to "teach back" concepts to their peers under the instructor's facilitation. In this format, students are given time to research the topic (including Internet research if available), develop their presentation and select a spokesperson. They will be responsible for presenting their material (the instructor may wish to advise they can do so as a role-play, in an activity or through a short presentation). The group will be advised to prepare a five-minute instructional segment. Sample topics are:

Handgun Safety

Students will research issues, policies and legal considerations regarding handgun safety. For many recruits, the academy is the first time they have had a firearm inside their residence, vehicle or on their person. Discuss ways to keep a firearm safe at home and away from their families.

Department policies relating to firearms/chemical agents

Students will research issues and policies relating to handguns or chemical agents. Accidental discharge, possessing a firearm while intoxicated and off-duty encounters should be discussed.

Ethical issues regarding the use of deadly force by peace officers

Students will research the moral considerations of using deadly force, and will also study and instruct the class on the topic of the community's perceptions and possible objections to the use of deadly force.

Suicide by cop

Students will instruct others on the term "suicide by cop" including its meaning, examples of the concept in recent events, and means by which officers might

avoid being used to assist despondent persons away from considering creating a conflict with the police as a solution to their problems.

At the conclusion of student presentations, the instructor will ensure adequate depth to each topic has been presented, and will lead a class discussion on the subject.

Time Estimate

These activities may be expanded or contracted to fit available time, and may be interspersed with other instructional blocks in this Learning Domain. Activity Three is especially well-suited for assignment ahead of time, then allowing students to present their findings at points along the way in the instructional lesson plan.

Comprehensive Questions

As noted in these learning activities and in the student workbooks, there is no action with more impact by a peace officer than the taking of another life. Students should be well-versed and able to immediately recall, understand and apply appropriate decision-making methodologies when confronted with a situation where they must choose to act or refrain from acting with regard to the use of force against another. The activities and all other instructional material should support the student's retention of this knowledge in a clear and unambiguous manner.

Application

Students should readily see the application of this learning. It would be important to emphasize to students that situations such as those presented in this Learning Domain are the "low frequency, high risk" kind that a peace officer encounters infrequently, but where sound choices and appropriate action is demanded from every practitioner of this profession.

Resources

There are countless video, written and personal examples available as resources for an instructor or student as they study the use of force. It is valuable for students to study past incidents for the purpose of helping to shape their decision-making process, and for reinforcing the ethical and moral implications of taking a life. Student-led class or small group discussions should focus on:

- Student expectations
- Student experiences, and
- Student ethical concerns in the ethical and moral dimensions of this content area

Added resources are:

- POST LEOKA Report (available at www.lp.post.ca.gov)

Learning Domain 36: Information Systems

Prerequisites

Prior to these learning activities, the students shall either have been instructed in or had the opportunity to study the student workbooks and noted materials for:

- LD 1: *Leadership, Professionalism, and Ethics*
- LD 3: *Policing in the Community*; and,
- LD 36: *Information Systems*

Introduction

In this block of instruction, students learn about the California Law Enforcement Telecommunications System, the Criminal Justice Information System, the Department of Motor Vehicles Information System, and other law enforcement telecommunications systems. Students learn the roles and responsibilities of peace officers in relation to these systems, how to access information and the consequences of unauthorized access or use of information from these systems.

With so much information available to them, peace officers have an obligation to know the requirements for access to, proper use of, and the legal statutes that regulate the systems. Misuse of information systems is a violation of the law and department policy. Students must develop a clear understanding of the requirements to protect citizen's information and the penalties for failure to do so.

Along with the rapid expansion of information systems and their easy access comes an expanded ethical responsibility. The use of information systems for personal benefit or interest can be a temptation. It is important to talk about the proper use of the systems and strategies to avoid improprieties and indiscretions. All officers must keep in mind that a public office is a public trust. Accordingly, department time and resources must never be used to further personal gain. The misuse of computer equipment and access to confidential information is one of the most common ways that officers have found to violate the public trust and thereby ruin their careers and bring shame to the department.

Learning Outcomes

At the conclusion of these activities, the student will be able to:

- Give an example of the legal restrictions regarding the access and use of data on CLETS and the various other local, state and national electronic information systems.

- Identify incidents where the access and use of these systems is consistent with department policy, the law and tenets of ethical decision-making.

Activities

For all activities, there are several important points for instructors to consider. Most prominent amongst these are to:

- Allow students the opportunity to lead the class work and subsequent discussions. This will help establish and refine their public speaking skills and group management skills
- Allow students to grapple with the concepts and discover their own understanding of the material as much as possible. While it is tempting to provide "the answer" or ready direction, students will learn at a much greater depth if they acquire the information through reflection and retention of relevant concepts
- Instructors should manage the process of learning, helping the discussion leader through sticking points, providing insight and expertise where appropriate and striving to ensure students stay focused on key concepts in the dialogue

Have the students break up into cooperative learning groups (4-6 students per group). Assign the groups one of the following activities to discuss, then to prepare a five-minute learning segment they will present to the class.

1. You are working patrol and another officer types you a message on your unit's computer describing a date he or she recently had with a very attractive person. Considerations are:
    a. What options does the receiving officer have with regard to this message?
    b. What disciplinary actions could each officer face in a situation like this?
    c. Could there be legal repercussions?
    d. What if the message was not of a sexual nature and was just a message to say "hi" and to "chat."

2. While on patrol, your partner tells you his best friend asked him to obtain information about a neighbor that is causing his friend problems. Later in the evening, while you are in the station completing reports, he tells you he is going to take a few minutes to get the information his friend requested. Considerations are:
    a. Discuss how you should handle this situation.
    a. What are the issues involved?
    b. Is there any legal repercussion?

c. What impact will your action have on:
   - The friend requesting this information
   - The officer requesting the information
   - The department and community

3. (Variant of #2) While on patrol, your partner tells you his best friend asked him to obtain information about a neighbor that is causing his friend problems. Later in the evening, while you are in the station completing reports, you overhear your partner talking on the telephone to his friend reading from a CLETS printout, describing a person's personal information, driver's license information and criminal history. Considerations are:

   a. What are the issues involved?
   b. What should you do?
   c. Is there an obligation for you to do anything?
   d. What are the possible negative consequences that can result for you, your department, and your partner?

Homework Assignment (Optional**)**

Have the students generate a list of ways information technology can be misused and alternatives to avoid such situations.

For larger classes, the instructor may consider using a number of smaller groups in the following format:

Have two students discuss the scenario and their thoughts for two minutes, at which time they will find two other two-student teams. The group of six will discuss the scenario and their conclusions regarding the activity questions. The instructor will then recall the groups into the class setting and call on 3-5 groups to divulge their conclusions. The instructor will use this information as a basis for the de-briefing and as a means to reinforce key elements in the lesson plan.

Comprehensive Questions

At the conclusion of the activities, selected student facilitators should debrief the exercise with the students. The following ideas should be discussed:

- What is a person's right to privacy concerning information stored in the CLETS system?
- If you run a set of plates or personal information without cause, but you don't use or share the information, what's the harm?
- What decision-making strategies may be used to resolve situations such as presented in the activities?

Time Estimate

Instructions and group assignment: Fifteen minutes
Group presentations and discussion: Ten minutes each
Class discussion: Ten minutes up to a half-hour

Application

The activities are intended to allow students time to internalize concepts and understand the appropriate use of CLETS and other similar systems. The instructor will want to ensure students leave this block of training with a "bright line" understanding of the prohibition on the access or use of any information in these systems without a compelling need for professional purposes. This understanding should translate to their ability to use department guidelines and legal restrictions to guide behavior once they enter the field.

Students will access local, regional, state and national databases on a recurring basis throughout their careers. In most instances, the access of this information is considered a normal part of their duties as peace officers. Misuse of department equipment to convey personal information or use the information of others is a serious breach of ethical conduct, and carries significant legal sanctions. Students should clearly understand what is expected of them, and also be able to apply appropriate decision-making strategies to resolve conflicts as they arise.

Resources

Students who will have access to CLETS in their duties will receive recurring training on this topic throughout their careers. There are resources provided by CLETS and other entities that may prove useful as job aids should students need reminders of the restrictions on the use of information systems for personal use. Some of them may be:

- The CLETS Manual
- CLETS trainers at each agency, including the terminal control administrator

Learning Domain 37: People With Disabilities

Prerequisites

Prior to these learning activities, the students shall either have been instructed in or had the opportunity to study the student workbooks and noted materials for:

- LD1: *Leadership, Professionalism, and Ethics*
- LD 3: *Policing in the Community*; and,
- LD 37: *People with Disabilities*.

Introduction

A learning activity is required as a component of instructional delivery in this Domain. Learning Domain 37 introduces the student to their responsibilities when dealing with persons with disabilities. This block of instruction covers different types of disabilities, including persons with mental illness, physical disabilities and developmental disabilities. In addition, it explains laws related to protecting the rights of persons with disabilities. Learning the behavior signs and indicators of various special conditions can assist officers to identify effective intervention strategies, and assist their work to control and resolve any situation by using proper communication techniques for persons with disabilities.

During the learning process, it is important for students to learn to distinguish between disabilities and states of mind that have been induced by drugs or alcohol. Officers and deputies can sometimes mistake a medical emergency for one that is drug or alcohol related; sensitivity to special needs can ensure a disability or medical crisis is not confused with substance abuse.

Persons with disabilities are entitled to protection and services equal to the general population even if providing that level of service requires additional time or effort. In addition, displaying an appropriate level of empathy, especially if others are not responsive to the needs or issues that have resulted in the presence of the police, is often the best way to achieve a suitable resolution to the problem at hand. Peace officers should be familiar with provisions of the Americans with Disabilities Act and provisions therein that ensure persons with disabilities are provided equal opportunity and access to services.

Learning Outcomes

At the conclusion of these activities, the student will be able to:

- Understand why a person with disabilities may become frustrated with others who marginalize their presence or fail to provide equal access to them.
- Understand and apply principles to identify the differences between substance-related medical emergencies and a medical crisis involving a person with a disability.
- Understand the moral and issues involved in providing equal opportunity and access to services by a person with disabilities.

Activities

For all activities, there are several important points for instructors to consider. Most prominent amongst these are to:

- Allow students the opportunity to lead the class work and subsequent discussions. This will help establish and refine their public speaking skills and group management skills
- Allow students to grapple with the concepts and discover their own understanding of the material as much as possible. While it is tempting to provide "the answer" or ready direction, students will learn at a much greater depth if they acquire the information through reflection and retention of relevant concepts
- Instructors should manage the process of learning, helping the discussion leader through sticking points, providing insight and expertise where appropriate and striving to ensure students stay focused on key concepts in the dialogue

Activity One

At appropriate intervals during any lecture segment, and at the end of blocks dealing with the ADA or the different types of disabilities they may encounter in the field, conduct student work as follows:

1. Have them pair off, then have the pairs work for five minutes to develop a list of the **five** most important concepts they learned in the block of instruction just finished.
2. At the end of five minutes, have each pair identify a second pair with which to work. The quartet will work another five minutes to share their original paired lists, then to create a second list of the **three** most important considerations for an officer or deputy while dealing with a person with disabilities.
3. To add another layer of depth to the exercise, have each quartet find another four-person team to take five minutes to share their lists, then to

come to a consensus on the **one** most important thing they learned in the instruction just received.

The instructor may elect to allow the group work to come to a close without reporting back to the class, or may have a reporting from each group and the transfer of the "most important point" to chart paper for posting to the class.

This activity describes a "5-3-1" learning strategy to add depth and understanding to presented material. Extensive studies show that students require opportunities to internalize material every eight-to-ten minutes of lecture or presentation, and that another appropriate means of ensuring understanding is to incorporate group or individual activity at the end of every 5-7 concepts presented. Activity one is representative of the application of this strategy.

Activity Two

Secure a DVD/Video of the popular movie "As Good As It Gets" or a similar depiction of a person with disabilities encountering difficulties when dealing with others. Break the students into cooperative learning groups of 4-8 students each. In this movie, the main character (played by Jack Nicholson) enters a restaurant to order a meal and encounters difficulty due to his conduct. Have students imagine they had been summoned to the restaurant by an impatient patron who asked them to "do something about it." Ask groups to take ten minutes to list at least three potential problems associated with any attempt to resolve the scene depicted in this incident, as well as two considerations of which they should be mindful when balancing the rights of the individual against those of others. Ensure groups consider:

- The rights of the person (Jack Nicholson's character) involved
- The rights of others to engage in their elected activities unimpeded
- The rights and responsibilities of a commercial venue in which this occurred
- The content and limitations of taking a person into custody pursuant to Sec. 5150 WIC

At the conclusion of group work, ask spokespersons for each group to provide their responses. Consider having each group report only one answer at a time to ensure the entire class stays involved in the learning process and to avoid problems created with repetitive reporting of the same question by multiple groups. The instructor may wish to have all groups report all answers, or to curtail responses once enough have been given to further discussion and study on the topic.

Note: Renting, purchasing, or otherwise legally obtaining the video and using a specific clip in a training environment fits the "Fair Use" concept (making unauthorized copies, however, is unlawful).

Homework Assignment (Optional**)**

There are a number of possibilities for work outside the classroom to enhance the student's understanding of this issue and resources available for their use. Two options (amongst many) for homework are:

1. Assign students to research and develop a list of resources in their service area for a variety of special needs. This research can be done in groups or individually, and reporting back to the class may be done as a part of instruction, through the development of an information sheet or other similar means.
2. Have students visit one of the resource agencies to learn how the agency operates, and to determine how they may be of use to a peace officer in that community.

As noted in each exercise. The homework may be counted as a part of class time if desired or can be an "overnight" exercise for students.

Comprehensive Questions

Questions for the activities are as noted in each exercise.

Application

The essence for learning in this Learning Domain is for students to develop the requisite knowledge regarding the issues and concerns of persons with disabilities, legal and ethical implications they must consider when asked to intervene and the appropriate level of empathy to convey to others to act in a professional and humane manner when doing so. The activities provided, as well as other active learning techniques, should be aimed at producing outcomes consistent with this learning taxonomy. Instructors may consider using guest speakers from resource agencies to enhance the student's understanding of the issue. Instructors may also wish to explore means by which to give students a personal understanding of living with a disability (e.g., simulating a setting where the student may be temporarily deprived of the use of sight, hearing, touch or mobility and the issues that would create for them).

Students may or may not be aware of how society marginalized some persons with disabilities, or deprived them of opportunities for employment, housing or other desired pursuits prior to a greater understanding of the need to treat all persons as equal before the law. It is important for the instructor to provide a historical context to this learning to ensure students understand how and why they may face resistance from persons with disabilities (and others) when called upon to resolve a conflict. Activities that reinforce

concepts of fairness, equal treatment and empathy are consistent with dilemmas students will face in their communities beyond the academy setting.

Resources

As noted in the homework section, there are a variety of resource agencies in most, if not all, communities. Students should be familiar with those relevant to their future duties to ensure they can maximize the use of these agencies. Added Resources are:

- Training and Testing Specifications for Peace Officer Basic Courses, LD37; Learning Activities for LECP

Learning Domain 38: Gang Awareness

Prerequisites

Prior to these learning activities, the students shall either have been instructed in or had the opportunity to study the student workbooks and noted materials for:

- LD 1: *Leadership, Professionalism, and Ethics*
- LD 3: *Policing in the Community*; and,
- LD 38: *Gang Awareness*

Introduction

Learning Domain 38 introduces student to gangs and promotes gang awareness. During this block of instruction, students learn about gang culture and the characteristics, dynamics and crime trends associated with various criminal street gangs, outlaw motorcycle gangs and prison gangs.

Dealing with gangs requires the police to understand the social pressures and issues that attract youth and others to the gang lifestyle, while at the same time working to suppress criminal gang activity and their adverse influence on the quality of life for others in their neighborhood and community. It is important that officers and deputies devote preventative effort to divert youth away from gangs and towards healthy alternatives for their lives. It is equally important they sustain actions to enhance the confidence the community has in the police as a means of depriving gangs of one of their most effective tools; fear in those upon whom they prey.

Belonging to a "gang" is not, per se, illegal. Nor does the wearing of certain clothing or other manner of dress allow the police to intervene into the lawful activities of any person. It is the criminal activity of gangs that must be addressed with appropriate measures, and peace officers must ensure they do not resort to extra-legal means to accommodate the goal of protecting the community from gang activity. Especially in communities where gangs are present and confidence in the police may be suspect, those in formal and informal leadership positions in the community may be the strongest potential allies for the police as they partner to restore peace to their streets. This partnership, once formed to combat this issue, may be leveraged to work cooperatively through any level of crisis between the police and those they serve.

Learning Outcomes

At the conclusion of these activities, the student will be able to:

- State in their own words the reasons youth join gangs and participate in gang activities
- Apply techniques to intervene with youth to divert them away from joining gangs and engaging in constructive activities
- Appraise and identify potential gang members and conduct interviews to confirm or repudiate the indicators giving rise to suspicion of involvement in gang activity

Activities

For all activities, there are several important points for instructors to consider. Most prominent amongst these are to:

- Allow students the opportunity to lead the class work and subsequent discussions. This will help establish and refine their public speaking skills and group management skills
- Allow students to grapple with the concepts and discover their own understanding of the material as much as possible. While it is tempting to provide "the answer" or ready direction, students will learn at a much greater depth if they acquire the information through reflection and retention of relevant concepts
- Instructors should manage the process of learning, helping the discussion leader through sticking points, providing insight and expertise where appropriate and striving to ensure students stay focused on key concepts in the dialogue.

Activity One

Divide students up into cooperative learning groups (4-6 students per group), and then facilitate a brief discussion of the reasons youth turn to gangs for "help," the effect a dysfunctional home life can have on the youth's decision and how pressures at home and in school can lead them to join a gang. At the conclusion of the initial discussion, instruct groups to take 15 minutes to:

- List at least five reasons why they think kids turn to gangs.
- How a school or service agency might make the difference between a delinquent life and an acceptable life
- How a peace officer can assist in making this difference

Groups will be required to select a spokesperson to provide the group responses. The instructor or selected student facilitator may elect to ask groups for one answer each in a round-robin format to enhance participation and learning that might dissipate with

multiple groups attempting to answer the same question set in a more traditional question-and-answer session. Once adequate responses have been given to facilitate further discussion, the facilitator may elect to move onto the next block of instruction.

Activity Two

This exercise is consistent with a "3-2-1" small group activity that is best used to reinforce student understanding. This, and similar, activities are well suited to enhance understanding at the end of a sub-block of instruction, especially if a lecture or presentation has exceeded ten minutes (learners require opportunities for reflection and to reinforce understanding at this interval).

Have the students select a learning partner. The methodology for selecting a partner is at the instructor's election, and is a chance to move students around the room, have them talk with those they normally have little contact with in the class, or for other similar purposes (e.g., "Make eye contact with someone not at your table/in your row/etc.; that is your learning partner for this next segment" etc.).

Select two students to role-play a contact by a peace officer with a suspected gang member. Brief the role players to enact a scene where an officer makes consensual contact for the purpose of determining gang affiliation after seeing the subject with three persons the officer recognizes from previous contacts as active gang members. Allow the role-play to continue to its conclusion, or intervene with clarifying comments if the role players are not displaying appropriate actions.

At the conclusion of the role-play, ask pairs to take five minutes to discuss what they saw, and to create a list of **three** things they saw or perceived during the role-play.

At the end of five minutes, each pair will join another pair. The quartet will take eight minutes to share their observations, and then develop a list of the **two** most important things an officer or deputy must consider in this type of contact and the **single most important thing** they learned from their group discussion.

The instructor should determine the best way in which to obtain information from the class. Student groups should provide adequate information to sustain discussion on important learning points from the activity. These should include, at minimum:

- Consensual encounters with suspected gang members (and other persons suspected of criminal activity)
- Developing rapport necessary to obtain information that may be of use to suppress future criminal activity

- Officer safety considerations in this type of contact
- The impact of respect (or lack of respect) by the officer during this type of contact

Homework Assignment

Assign students to contact and interview the youth or gang officer in their department (or at the agency sponsoring the academy, etc.) to learn:

- What the gang officer does,
- The issues they face in their roles,
- What community resources exist for officers to use, and,
- Any other considerations for learning by the student.

This may be completed as a team activity, and the instructor may wish to give a reasonable period of time for students to complete this assignment. Once completed, students may report back in writing, or as a group that can first share learning, then consolidate their thoughts for a class presentation (excellent opportunity to allow students to teach a portion of the class regarding their findings. If this option is used, instruct teams to prepare a fifteen-minute presentation on the topic). If there is no youth gang officer in the student's department, ensure they team with a student that has one in theirs.

Time Estimate

The time frame for each activity may vary from 10-15 minutes up to a full hour depending on the length of class dialogue desired.

Comprehensive Questions

Students may have perceptions, or misperceptions, regarding the nature of gangs, reasons why youths become affiliated with gangs, how different types of gangs differ with regard to territorial identification, criminal activity, mobility and conditions to enter and leave the gang. Activities that reinforce learning in these areas are consistent with the learning objectives and outcomes in this Learning Domain.

Application

Students will encounter gang members and the impact of gangs differently depending on their assignments beyond the academy setting. Those in custody assignments may see a variety of gang affiliations; including prison gangs and gangs formed as a result of ethnic identity in addition to the street or outlaw motorcycle gang members those in field assignments might more commonly encounter. Some students will protect communities with little or no resident gangs, but which will encounter gang members in

transit or while visiting that community. It is critical that students understand that their focus should be on the criminal conduct of gang members, and not to rely on appearance alone as a factor of determining whether or not to make contact with any individual. At the same time, it is also important not to fall prey to the "mythology" of gang members and attribute a level of danger beyond that present to persons merely because of an affiliation with a gang.

Resources

There are a number of potential resources for advanced training in the profession depending on a student's area of interest:

- Gang officers or deputies have experience that is relevant to this Learning Domain
- The CA Department of Corrections has experience dealing with a broad spectrum of prison gangs
- Others have expertise reading gang graffiti and distinguishing it from tagging or other forms of malicious mischief
- Training and liaison opportunities exist to enhance expertise regarding outlaw motorcycle gangs and their criminal activities

Learning Domain 39: Crimes Against the Justice System

Prerequisites

Prior to these learning activities, the students shall either have been instructed in or had the opportunity to study the student workbooks and noted materials for:

- LD 1: *Leadership, Professionalism, and Ethics*
- LD 3: *Policing in the Community*
- LD 5: *Introduction to Criminal Law*
- LD 8: *General Criminal Statutes*
- LD 15: *Laws of Arrest*
- LD 16: *Search and Seizure*; and,
- LD 39: *Crimes Against the Justice System*.

Introduction

This Learning Domain introduces students to crimes against the justice system, including instruction to develop students' skills to identify and classify crimes involved in obstructing the judicial process, crimes that prevent the execution of a lawful process, crimes related to unlawful influence and false information and crimes against the public peace. Included in these crimes are actions by persons (including peace officers) who provide false testimony while under oath, which constitutes the crime of perjury.

Crimes against the justice system often involve the conduct of officers and deputies or persons with whom they come into contact. Given the fact that conduct perceived by a peace officer as obstructing their lawful efforts to carry out their duties is can be defended by persons as either protected speech or necessary in the context of the facts of a particular incident, crimes charged in this Domain have the potential to pit the police against the community. Peace officers should remain aware of the need for the support of the community in order to carry out their mission, and that only through the confidence of our citizenry can the goal of protection and service be achieved.

Learning Outcomes

At the conclusion of these learning activities, the student will be able to:

- Classify and give examples of crimes regarding the judicial process, unlawful influence on the justice system, false information in an official process and crimes against public peace.
- Apply these laws in a lawful and appropriate manner.

- Evaluate the impact of enforcing these laws, synthesize learning and apply it to other settings where possible crimes against the justice system may have occurred.

Activities

For all activities, there are several important points for instructors to consider. Most prominent amongst these are to:

- Allow students the opportunity to lead the class work and subsequent discussions. This will help establish and refine their public speaking skills and group management skills
- Allow students to grapple with the concepts and discover their own understanding of the material as much as possible. While it is tempting to provide "the answer" or ready direction, students will learn at a much greater depth if they acquire the information through reflection and retention of relevant concepts
- Instructors should manage the process of learning, helping the discussion leader through sticking points, providing insight and expertise where appropriate and striving to ensure students stay focused on key concepts in the dialogue.

Activity One

This activity is a role-play scenario presented by students under the facilitation of a student or students selected by the instructor. One or two students will play the role of the officers, one will portray the person causing the disturbance, and 2-3 others will play witnesses to the scene.

> The setting is one where a person is to be evicted from their apartment. The manager of the complex has called the police because the resident has become verbally abusive. Officers arrive and are quickly contacted by the resident, who begins swearing at them and stating he or she will go to the newspaper and tell them the officers pushed and swore at him or her, and referred to him or her in derogatory terms. One of the officers becomes angry and begins to argue with the resident. Very shortly thereafter, the officer arrests the person for obstruction or resisting an officer.

At this point, the instructor has several options to complete the scenario. Choices may be:

1. Having the other officer intervene in an appropriate fashion
2. Allowing the situation to end, and then query the "witnesses" to the incident

3. Allow the witnesses to interact with the situation as it unfolds or at the end of the incident as they question the officers regarding the appropriateness of their actions.
4. Turning it over to the class to discuss in re appropriate and inappropriate choices by officers, etc. If given to the class, ensure they address the legal and ethical implications of the conduct of the officers involved, as well as:
   a. Does this activity contain the crime elements necessary to arrest for the crime of obstructing or resisting an officer?
   b. Does the peace officer have potential liability in this activity? What consequences could he/she face?
   c. What is the potential impact on the justice system when an officer abuses his authority to make an arrest for obstructing or resisting an officer?

Time estimate: 10 minutes role play preparation and delivery; 5-25 minutes for class dialogue.

It is important to prepare the role players to complete or end the scenario in a manner consistent with the desired outcomes, although the creativity and resourcefulness of the students acting and facilitating this scenario is a resource from which class learning should come.

Activity Two

This activity entails reading the following scenario to the class. In lieu of this specific scenario, the instructor may elect to use an appropriate video to display the situation, and then continuing the exercise with a dialogue regarding the court process.

> While on patrol, two deputies observe a crime in progress (vandalism, trespass or similar) and chase one subject who attempts to flee on foot. The deputies broadcast their location and direction of the foot pursuit. A third deputy arrives on scene just in time to see the pursuing deputies pull the fleeing subject from a fence, knock him to the ground and strike him several times before taking him into custody. The arresting deputy looks at the third deputy and says, "You didn't see anything; alright?" The third deputy nods, and then goes back into service. The arrested subsequently goes to court and is convicted of obstructing the deputies in their duties. No testimony is introduced regarding the arrestee being struck during the arrest. The arrestee's attorney does file a complaint regarding the beating. In an interview with internal affairs, the third deputy admits they saw the beating as described. All three deputies are found to be guilty of violating law and department policy, and are either terminated or receive lengthy suspensions.

At the conclusion of the scenario, the instructor should advise students to take five minutes to individually:

- Note the stakeholders in this incident.
- Give their position regarding the third deputy receiving the same level of punishment as the two deputies who administered the beating.
- State what should happen to the conviction of the arrestee; should it be dismissed due to the deputies' conduct?

At the end of that time, students should turn to a learning partner to discuss their findings and then develop a list of two options for the arresting deputies and the witness deputy with regard to resolving this incident in a manner that would have created a more suitable outcome. The pair will have five minutes to complete this phase of the assignment.

Each pair will then work with another pair to discuss their findings, then to develop a sentence describing the one Most Important Point (MIP) with regard to this scenario. This work will take an added five minutes.

When this work is done, the instructor may elect to have groups post their sentence on chart paper, or present them with a spokesperson. Depending on time constraints, the instructor or student leader can then facilitate a class dialogue regarding their findings. Issues for discussion may be:

a. Who are the stakeholders in the above case?
b. Discuss how the officers should have handled the situation?
c. What do you know about the "Code of Silence?"
d. What is the potential impact on the overall justice system when an officer abuses his/her authority to make an arrest for resisting an officer?

Time estimate: Five minute individual work; five minute paired work; optional time added as noted

Comprehensive Questions

There are overarching questions concerning the "Code of Silence" and related issues that have a variety of references in literature and professional journals. Students should also develop an understanding of the nature of their responsibility to enforce laws against the justice system prudently, and not to use sections in this Domain as a tool to inappropriately resolve conflict with others in the field. Extending their perception of incidents in this area beyond the immediate persons involved to others who would be impacted by their actions (stakeholders), including the agency, the community, the

student's family and the profession, is also a useful way in which to help them learn and retain understanding of the impact of their actions.

Application

Students will encounter crimes in this Learning Domain throughout their careers, and will need to understand, apply, evaluate and synthesize their role in administering the law.

Resources

The "Comprehensive Questions" section notes resources regarding the Code of Silence. There are video/DVD examples of crimes in this Learning Domain and a body of case law with which to refer for examples in the instruction of this LD. POST "Line-up" training videos are also available in many agencies, and their video clips are often useful to present situations visually.

Learning Domain 40: Weapons Violations

Prerequisites

The students shall either have been instructed in or had the opportunity to study the workbooks for

- LD 1: *Leadership, Professionalism, and Ethics*
- LD 3: *Policing in the Community*; and,
- LD 40: *Weapon Violations*.

Introduction

In this Learning Domain, students learn about laws pertaining to prohibited weapons and crimes involving the possession of firearms. Examples of these crimes are; concealment of firearms, possession of firearms by restricted persons or within restricted locations and drawing, exhibiting, or unlawful use of weapons.

Weapons are defined as any object, article, or device designed to inflict bodily injury or death upon another living being. Types of weapons may range from chemical agents to cutting, piercing, striking, and shooting devices, both mechanical and explosive. Over the years, government has enacted laws regulating the manufacture, sale, possession, and use of weapons. Police and other public agencies are required to interpret and enforce those laws.

Firearms are a class of weapons that require specific knowledge. They have the capacity to inflict severe, multiple wounds from great distances. Laws have been enacted to regulate the place and manner in which firearms may be carried and who may carry them and rules have been set in place regarding the registration process. By knowing these laws and rules, officers and deputies can work to reduce illegal possession of firearms and the devastating effect their use has on the community. Those in public safety must also be mindful that weapons laws apply to those charged with enforcing them, and that off-duty peace officers are not exempt from any provision of the law with regard to weapons possession.

Learning Outcomes

At the conclusion of these activities, students will be able to:

- Recall weapons laws and be able to apply them to a specific facts circumstance
- Demonstrate an understanding of laws pertaining to firearms by choosing an appropriate course of action when confronted with persons in possession of firearms

- Demonstrate an understanding of problem-solving skills using weapons laws as a foundation for their selected actions.

Activities

For all activities, there are several important points for instructors to consider. Most prominent amongst these are to:

- Allow students the opportunity to lead the class work and subsequent discussions. This will help establish and refine their public speaking skills and group management skills
- Allow students to grapple with the concepts and discover their own understanding of the material as much as possible. While it is tempting to provide "the answer" or ready direction, students will learn at a much greater depth if they acquire the information through reflection and retention of relevant concepts
- Instructors should manage the process of learning, helping the discussion leader through sticking points, providing insight and expertise where appropriate and striving to ensure students stay focused on key concepts in the dialogue.

Activity One

This activity requires students to develop their own presentation and demonstrate an understanding of weapons laws by role-playing a particular circumstance where a peace officer must take action pursuant to one or more of the laws in this Learning Domain.

Assign learner groups (4-6 students depending on the class size) to research and prepare a five-minute presentation on a topic from the following list. The presentation must include a role-play or other similar scenario to be used as a basis for the learning points in their presentation. Options are (and may be expanded at the instructor's discretion):

1. Freedoms and limitations on firearms possession granted by the Second Amendment to the US Constitution
2. Why a teen might carry a weapon in an urban setting even if they are not planning a crime
3. The impact on the community if officers or deputies are informally allowed to possess or carry daggers, switchblades or gravity-opened edged weapons on duty.
4. Why automatic weapons should (or should not) be allowed for personal possession in a gun collection.
5. The impact of limiting magazine capacity in semi-automatic weapons.
6. Pros and cons of possessing a firearm or other weapon for personal protection.
7. Laws regarding the transport of weapons in vehicles.

Allowing students to research and present course material is perhaps the best way to enhance their understanding and learning of desired material. Select student leaders would act as facilitators of the presentation process, keeping time, asking questions to clarify important points, and to prompt dialogue by others.

Activity Two

The instructor will distribute or select a student leader to present and facilitate the following scenario:

> "An officer who has worked patrol for many years has a growing collection of illegal and prohibited weapons. The officer's collection is a result of pat-down searches for officer safety. For a number of years the officer has collected the illegal weapons from suspects. In each case, the officer has let the suspect off with a warning, and has confiscated the weapons. Instead of destroying the weapons or placing them into evidence, the officer has taken them home and placed them in his collection. No one has ever complained about the officer's actions, and he has always kept his collection secret. He justifies his collection to himself based on the belief that he has taken the weapons away from the "real dangers" and feels that he is the appropriate person to keep these weapons for safekeeping, because he is a peace officer."

Once the scenario has been read, instruct students to work individually for five minutes to answer the following questions:

a. What do you think about this officer's actions? Do you agree that there is no harm in keeping these weapons?
b. Have any crimes been committed by this officer? If so, what are the codes?
c. What possible disciplinary actions could this officer face?

At the conclusion of the individual work time, students will select a learning partner and share their responses for five minutes. The instructor may then elect to place the students into groups for further refinement, or have the student facilitator engage the class in a dialogue to elicit answers and information from individual student pairs. If the group format is selected, instruct them to create a three-minute presentation on the listed topics, and also to write a short sentence that articulates the single most important point (MIP) they learned during this exercise.

Activity Three

The instructor will distribute or present the following scenario:

> "After successfully completing the probationary period with a policing agency, a young deputy and several other officers go out to a vacant lot in the county to

drink and celebrate. After consuming several beers, the deputy fires several shots into the sky as a means of celebrating the end of probation."

Ask students to take five minutes to answer the following questions:

- What crime, if any, has the deputy committed?
- If witnessed by others, what might be a sample news headline describing this incident?
- What perception might the public develop from such a news article?
- What would have been some constructive ways to reward yourself in this instance?
- If you had been present, what could you do to prevent this action from occurring? Would you notify your supervisor?

As in activity one, the instructor may elect to move students into pairs or small groups to add depth to their understanding, or engage the class in a dialogue to surface relevant points.

Time Estimate

The time necessary for each of these activities can be extended or curtailed by the instructor depending on choices to engage in dialogue versus group work, and by lengthening or shortening discussion time at the end of group presentations.

Comprehensive Questions

The questions as noted in each activity are intended to reinforce learning in this Domain, and also to create the desired objectives and outcomes as noted in that subsection.

Application

Not only will students carry weapons in their professional duties, and be expected to use them in a lawful and appropriate manner, they will encounter persons armed with a wide variety of weapons throughout their career. This Learning Domain is intended to ensure students understand the lawful and unlawful possession or use of weapons, and how the law distinguishes between the two. Their duties will require them to discern the lawful from the unlawful, and to act accordingly.

Resources

Case law examples are plentiful as resources for added learning. Most larger agencies, especially those with custody functions, also have displays of improvised weapons and similar devices officers and deputies may encounter in their duties.

Learning Domain 41: Hazardous Materials Awareness

Prerequisites

Prior to these learning activities, the students shall either have been instructed in or had the opportunity to study the student workbooks and noted materials for:

- LD 1: *Leadership, Professionalism, and Ethics*
- LD 3: *Policing in the Community*
- LD 26: *Unusual Occurrences*; and,
- LD 41: *Hazardous Materials Awareness*

Introduction

This Learning Domain introduces students to hazardous materials and identifies the responsibilities of first responders to a hazardous materials (HazMat) incident. Through this block of instruction, students learn to recognize and identify hazardous materials. Students will learn the need for safety, isolation, and notification when assigned as a first responder at the scene of a hazardous materials incident. In addition, instruction focuses laws pertaining to hazardous materials and health considerations for public safety as well as others who may be exposed to HazMat.

There may be pressure to minimize public knowledge of a health hazard quiet because incidents can cause unwarranted panic, and chronic conditions can cause litigation, a decrease in property values and community image and other potential avenues of liability. First responders must always consider the immediate health hazard to those exposed to HazMat, and also those who could become exposed if appropriate containment measures are not employed. Isolating a scene, then summoning personnel that are equipped to manage and resolve the incident, are primary considerations for officers and deputies who first arrive on the scene of a suspected HazMat incident. Peace officers must also consider the possible criminal implications in HazMat incidents, whether they arise from violation of environmental laws or from an intentional release of HazMat for criminal or political purposes.

Persons in communities may worry about illnesses (such as cancer) that may result from exposure to hazardous materials. Clean air, water, and a clean food supply are not only the concern of the federal government and environmental groups. In every locality, peace officers can enhance safety and ensure their community minimizes the potential for exposure to HazMat by identifying and intervening when acts of illegal disposal, dumping, burning, storing, or use of restricted materials are present.

Learning Outcomes

At the conclusion of these activities, the student will be able to:

- Identify considerations for first responders to HazMat incidents and choose which ones to utilize in a specific facts circumstance in the field.
- Compare the facts of incidents and develop a plan of action with regard to protecting the public and other safety personnel from incidents that may involve the release or presence of HazMat.

Activities

For all activities, there are several important points for instructors to consider. Most prominent amongst these are to:

- Allow students the opportunity to lead the class work and subsequent discussions. This will help establish and refine their public speaking skills and group management skills
- Allow students to grapple with the concepts and discover their own understanding of the material as much as possible. While it is tempting to provide "the answer" or ready direction, students will learn at a much greater depth if they acquire the information through reflection and retention of relevant concepts
- Instructors should manage the process of learning, helping the discussion leader through sticking points, providing insight and expertise where appropriate and striving to ensure students stay focused on key concepts in the dialogue.

Activity One

Select two students to act as role players for the following scenario. Instruct the class to observe the situation and be prepared to comment on what they will see. The scenario to be presented is:

> "Two officers are assigned to respond to a possible burglary in an industrial part of their jurisdiction. When they arrive, they see the front door is slightly ajar, and also see a hazardous materials placard posted on a wall next to the door. The officers cautiously enter the building and determine a crime has occurred, and that the burglary suspects were gone. The officers also see two containers of a liquid compound leaking onto the interior floor of this building. They conduct a brief investigation, and then secure the building before leaving. The officers fail to notify a Hazardous-Material Unit or the Fire Department of the potential dangers of the material. In conversation as they are leaving, one of the officers tells the other he has had contact with the owner of this business on a prior call, and that the person was "less than cooperative." He continues by telling his partner they will not notify HazMat so the owner will "pay" for the past trouble he caused."

Individual and Group Exercise

Instruct students to work individually to note five concerns they have with the manner in which the officers in this scenario resolved the incident. They will have three minutes to complete this listing, and then will work with their neighbor (an assigned learning partner or the person adjacent to them) for an added five minutes to share their concerns, and then develop a list of three important considerations when responding to a scene where possible HazMat is present. When this time expires, instruct pairs to locate a second pair to form a small group. The groups will have ten minutes to share their respective considerations, then to come to a consensus on the one most important point (MIP) they would tell others about how to effectively handle a HazMat incident.

Selected student leaders will instruct groups to post their MIP on chart paper or another suitable format, and then facilitate a dialogue concerning the incident, HazMat incidents in general and the responsibility of first responders in HazMat situations. Possible areas of discussion are:

- What responsibilities do the officers have to the community to report the potential danger in this scenario?
- Should they have notified the owner of the building of the potential hazard? What are the consequences of failing to notify the owner?
- What are Hazardous Material placards; what information do they contain?
- What consequences may officers face if they fail to take action in this situation?
- What about the possible exposure to the responding officers (and subsequent responders) to hazardous fumes from the leaking containers?

At the conclusion of the activities, the training staff or instructors should debrief the exercise with the students if any core concepts have not been broached and resolved. The following ideas should be discussed:

- What's in it for me?
- Who are the stakeholders in this incident?
- Does this incident create any ethical dilemmas?
- Give the students the answers if possible.
- How does law enforcement conduct and attitude affect the community, the department and the officer?

Activity Two

Separate the students into learning groups of 4-6 persons each (no smaller than four; if the class is larger, groups may be as large as eight participants). Groups will be assigned one of several topics in this Learning Domain for which they will prepare a learning experience for the class. Depending on class size the training should be from 5-

15 minutes each. This activity is an opportunity for students to conduct independent research to acquire new concepts and learning points, and to creatively present information after reinforcing the knowledge in their own minds. The student teaching also allows the instructor to monitor the process of learning, adding expertise and insight for group consideration, and pulling out important concepts for class consideration.

Subjects may be taken from the student workbook (core concepts relative to the primary subject matter of the instructional block), or may be situational oriented. Examples of situations that may be assigned are:

- What is the current state of case law with regard to first responder obligations at HazMat scenes?
- Considering the threat of terrorism, what are likely (or possible) HazMat scenes an officer or deputy may encounter as a result of an intentional release of HazMat in a community?
- What agencies are in the officer/deputy's community or region that would be useful resources for them as first responders?
- How do police agencies request mutual aid response through the State Office of Emergency Services (OES)?
- How do police agencies and fire departments best prepare to respond to a large-scale incident involving the release of HazMat into the environment?
- How can officers and deputies learn to quickly read HazMat placards they see on vehicles and buildings on their beats?

Time Estimate

The time for each learning activity may vary depending on class size and time the instructor elects to take for group or individual presentations. Time considerations are noted within each activity.

Comprehensive Questions

Emerging considerations regarding Weapons of Mass Destruction (WMD) have altered the police perspective of hazardous materials incidents due to their capacity as weapons to be dispersed for political reasons. It is important to acknowledge this aspect of the issue, but also to emphasize the more common incidents in which peace officers may encounter these substances in their duties. Group assignments and presentations may be organized to highlight these dangers by focusing on incidents such as industrial releases, traffic or rail collisions or accidents and single-victim hazmat incidents in homes or businesses due to exposure to materials in common use.

Application

Students should leave this training block with an understanding of the nature and variety of potential situations to which they may respond in their duties, and also the obligations and responsibilities as peace officers they have when responding to an actual or suspected HazMat incident.

Resources

There are ample resources for instruction and learning from POST, State OES, regional HazMat teams, various entities in the federal government charged with the response and investigation of these incidents and other public and private organizations engaged in the transport, storage or sale of hazardous materials.

Learning Domain 42: Cultural Diversity/ Discrimination

Prerequisites

Prior to these learning activities, the students shall either have been instructed in or had the opportunity to study the student workbooks and noted materials for:

- LD 1: *Leadership, Professionalism, and Ethics*
- LD 3: *Policing in the Community*
- LD 26: *Unusual Occurrences*; and
- LD 42: *Cultural Diversity/Discrimination*.

Introduction

A learning activity is required as a component of instructional delivery in this Domain. Understanding diversity goes far beyond cultural definitions and includes all of those characteristics that distinguish us from one another. It is not enough to tolerate or merely accept differences; it is important to value the unique and rich contributions that everyone brings to our society, and to competently respond to anyone with whom the officer or deputy will come into contact.

There are at least three reasons why peace officers should understand diversity to develop the skills and competencies necessary to respond professionally in their duties:

- Learning about diversity enriches our lives. It helps to break down myths and misconceptions, helps to ensure equality, and lays the groundwork for mutual respect and dignity.
- Understanding the diverse cultures and perspectives in our communities is "good for business." Peace officers who understand these dynamic are more likely to have successful outcomes in their contacts with others than those who rely on intuition, or who use only their own background and values to resolve conflict.
- Achieving competency in the recognition and application of culturally appropriate actions is good for the policing profession. Agencies that recognize and embrace diversity are more likely form constructive partnerships with persons and groups in their community who might otherwise not engage with the police to enhance the quality of life in their neighborhoods. Those agencies are also more likely to attract and retain persons from a broader cultural background, thus enriching the capacity of the organization and serving the goal of building a department that reflects the breadth and values of the community they serve.

Peace Officers shall act as leaders when dealing with the community. They must demonstrate active listening and excellent decision making skills. It is every officer's responsibility to treat each person with respect and integrity no matter their race, creed or religion. It is not enough to accept differences; we must understand differences are to be valued and celebrated for the rich contributions they provide to our society. Telling belittling ethnic jokes; using offensive slang or slurs that refer to a particular group; degrading people because they are different or disabled; using phrases that make people indistinguishable such as "you people" or "they're all alike" are all ways that thought and speech divides us and inhibits our capacity to see others on equal terms. Some peace officers may believe they have the right to think anything they want as long as they act in a professional and unbiased way. Thought, speech and action are interwoven; however, and it would be unreasonable to expect a bigot to respond reflexively to a person they devalue in a manner that is consistent with the ideals of police service.

Learning Outcomes

At the conclusion of these learning activities, the student will be able to:

- Contrast, compare and distinguish the values, perspectives and differences amongst persons with whom they come into contact, and adapt their behavior in response to interactions with any individual or group.

Activities

Activity One

This activity is group research and presentations on the history and issues of many Californians of differing ancestries and cultural backgrounds (select as desired; modify and enhance as appropriate).

1. African Americans (beyond slavery into the economic forces leading to the slave trade, impact on American society and related issues in contemporary society)
2. Immigrants from Mexico and other Central American countries (historical background, the bracero and other guest worker programs, current issues and the moving border pre- and post-Mexican-American War)
3. Chinese immigrants (especially immigration to America to work on the railroads and during the CA Gold Rush, and then to today)
4. Southeast Asian communities (Vietnamese, Laotian, Thai, Filipino and others)
5. European immigration (esp. 19th century immigration and prejudice amongst various groups)
6. Native Americans (focus on regions or major tribes, historic discrimination and current events with the impact of gaming)
7. Japanese immigrants (esp. WW2 and internment)

8. Persons with disabilities (historic issues, impact of the ADA)
9. Religious groups (Muslim, Jewish, Sikh, Buddhist, Mormon, Christian, etc.)
10. Lifestyle differences

Allow groups time to research what forces induced the movement to America, what advantages and disadvantages particular groups may have experienced, especially those that differed from the majority ethnicity. If study of religious groups, the gay community, Native Americans or persons with disabilities is assigned, groups should specifically assess historic levels of prejudice, current issues and futures trends. This may be a weekend or week-prior assignment for groups, and is best done if they are given time for independent study and research. They should use any available resource to develop a five-ten minute presentation to enrich understanding and the cultural competence of themselves and other students. Emphasize that others should be able to see the issue through the eyes of the ethnic or cultural group as an outcome of the presentation, and that it should not be a "lecture," rather, it should be active and involve the audience in the learning process.

During the presentations, the instructor will keep time or delegate that responsibility to a class member; after each presentation, facilitate group discussion, questions from others and to conduct activities (charting learning points, etc.) to reinforce learning.

Activity Two

Racially Biased Policing

There has been ample discourse in public forums regarding police conduct that is prompted by the officer or deputy's perception of the person's race, ethnicity or similar appearance or conduct. This dialogue has resulted in court action restricting the police from certain actions with regard to "profile" stops for drug trafficking, racial profiling studies in academia and the media, data collection efforts to validate or refute allegations of such conduct, and a variety of anecdotal evidence that allows persons to view the issue from a broad variety of perspectives. The intent of this activity is not to endorse perspectives in support of, or detracting from, the issue of racially biased policing. It is intended to allow students to learn about the topic and to demonstrate their understanding of facts and ideas underlying the issue from a variety of viewpoints.

This activity is presented as either small-group work or a class exercise. It may be supported by an appropriate video clip of one or more incidents that have been in the media regarding "racial profiling" by the police.

Choices for the setting of the problem may be:

1. During evening patrol, officers stop a vehicle driven by a person they recognize as an African-American celebrity (sports, music, etc.). Subsequent to the contact, the contact becomes fodder for local and regional media outlets, and letters to the editor begin appearing that question whether or not the officers stopped the person for no other reason than his appearance.
2. An officer patrols an area known for recurring problems of drug sales. The neighborhood is predominantly Hispanic and African American. One evening, the officer sees what appears to be a college-age white male driving slowly through the neighborhood in a small foreign compact car. The officer suspects the driver is looking to make a drug deal, so he initiates a traffic stop to investigate the reason for his presence in the area.
3. A deputy sees a youthful-looking African-American driving away from a popular nightspot, driving a near-new BMW 7-series car. The deputy is suspicious the youth might have just stolen the car from the parking lot of the nightclub, so she initiates a stop to verify ownership of the car.
4. On a Saturday afternoon, an officer sees a group of Hispanic youths sitting on the hoods and bumpers of 2-3 cars parked in a lot adjacent to a public park. The park has experienced substantial damage from graffiti and the destruction of park benches and planters recently, so the office stops to contact the group to see what they are doing.

One or more to student groups should be assigned to discuss relevant issues. The process of inquiry should be:

Have students individually work for five minutes to identify:

- The legal and civil rights implications of the conduct of the peace officer in this situation.
- The impact on the officer's agency due to publicity regarding the incident or contact.
- What choices the officer or deputy had when faced with these facts circumstances.

At the end of five minutes, form students into groups of 4-6 persons to share their individual findings, and then develop a list of:

- The three most important things to consider when electing to make or refrain from contact with a person not engaged in overt criminal activity
- Two possible objections to the officer's conduct by the person/s contacted.

- The single most important point (MIP) they learned from their discussion and study of the issues.

Subsequent to group work, selected student leaders will facilitate class discussion and reinforce core concepts of lawful action by the police, respect for others, and not engaging in police contact merely based on a person's appearance, presence or for facts unrelated to their actions.

Activity Three

Hate Crimes

This activity is perhaps most effective is used as an introduction to the topic of hate crimes. Rather than beginning the block of instruction with lecture or other teacher-directed information, the instructor may elect to start the class with the described scenario, with follow-up work by students to reinforce learning.

Read the scenario to students, and then instruct them to work individually on the listed questions for three minutes. At the instructor's signal, each student will turn to their neighbor and work in pairs to compare thoughts and findings, and to be prepared to respond to questions once the class reconvenes. The scenario is:

> "Officers are called to a home that had been vandalized. When they arrive, they see the home's windows were broken with rocks and the phrase 'get out' was spray painted on one side of the house. The residents make contact with the responding officers, and the officers see the couple is a white husband in the company of his African-American wife. They say they moved into the neighborhood only a few weeks prior, and that nothing like this had happened before. The officers complete their interview with the couple and examine the evidence of vandalism; however, they do not take photographs of the damage or make contact with anyone else before clearing the call. They later file a misdemeanor vandalism report at the station."

Questions for individual and paired work are:

1. What crime or crimes may have occurred based on the description of damage at the scene?
2. What does this illustrate about proper investigation and documentation of this crime?
3. Did the officers fail to complete necessary steps in this investigation?
4. What personal experiences do class members have that would relate to this issue?
5. How could the officers' handling of the investigation affect this family?

At the conclusion of individual and paired work, the instructor will select students to research laws related to hate crimes, and then lead a class discussion regarding the nature of the crime, how to identify a hate crime as defined in the Penal Code, and how to properly investigate a crime of this nature. The total time for this activity will be two minutes to read the scenario and give directions for the completion of work; three minutes for individual work; three minutes for paired work, then discretionary time from 10-30 minutes to complete student discussion of necessary concepts.

Activity Four

Assign the students to describe their own cultural heritage. How many generations of their family have been born in the United States, and how many were born in California? What experiences have they or their friends and family members encountered where they felt they were treated differently because of their race, gender, appearance or other similar factor? Have the students' document what others would need to know about their cultural heritage to work more effectively with them. Have students share their information with other students in a group setting.

This activity may be used either as individual work in-class, followed by class discussion facilitated by the instructor or a take-home assignment for use in the next block of teaching.

Activity Five

Use the following statements to facilitate a class discussion of cultural diversity and discrimination. As an alternate, the instructor may wish to frame these issues as questions (e.g., "Why is it…" or framing an initial declarative sentence followed by a question (e.g., "A powerful motivator is… Why would a person's race or religious belief be…?") on a card or half-sheet of paper. Select students randomly, or assign groups to briefly discuss an item, and then have their selected spokesperson provide an answer to the class.

In the individual response format, hand a card or half-sheet to the student volunteer, and then give them one minute to consider their response. They will have two minutes to present their thoughts and findings to the class, after which the student will field questions from the class. The instructor will facilitate the Q&A process. In the small group format, consider giving groups differing scenarios, allow them five minutes to discuss and refine their thoughts, then select one or more members of the group to present their findings to the class. The Q&A process and responsibilities are the same as noted for the individual presentation exercise.

Some topics for this activity may be:

1. Why is it the responsibility of peace officers to recognize, learn about, and appreciate the cultural norms and differences in the communities they serve?
2. How does an understanding of ways to competently interact with persons from differing groups serve to ensure the principles of equality are served?
3. How does cultural competence relate to officer safety?
4. How does it benefit an officer or deputy's agency when they interact competently with persons from differing backgrounds, beliefs or cultural norms?
5. A powerful motivator for violence and revenge is personal humiliation. How might a member of the community seek ways to "get even" with a peace officer who has demeaned or disrespected them?
6. Beyond initial training, what are some of the best ways to ensure your skills regarding cultural competence remain current?
7. Why do peace officers sometimes conclude with a presumption of the intent of another based on their appearance?
8. Neighborhoods change as populations shift. How do officers ensure they see what is actually present, and not what they expect to see?
9. How might an investigation into a criminal incident be impacted by the investigating officer's beliefs about culture, gender, or lifestyle of others?
10. Peace officers often say that they deal with the worst of life. How does this perception affect a deputy or officer's conduct when in contact with persons in groups or areas they see as "the worst"?

As an option, rather than dealing with the items listed above on an individual basis, consider having the class create a holistic response incorporating as many of the considerations as are appropriate.

The time requirements for this exercise may vary from 20 minutes up to a 50-minute block of time. This will depend on the depth of learning desired, the reinforcement of knowledge sought by the instructor and the variety of thoughts, ideas and solutions presented within the student presentations.

Time Estimate

Time requirements are noted within each activity.

Comprehensive Questions

Activities in this Learning Domain are rich with opportunities for comprehensive questions concerning cultural diversity, the competencies necessary for peace officers to interact effectively with persons across a broad spectrum of backgrounds and issues

related to the way in which communities view their policing agencies with respect to support of all persons they are charged with protecting and serving.

Application

This Learning Domain contains material that some students might find initially offensive, or which a level of defensiveness might easily emerge due to the criticisms policing faces from persons and groups that may assert the police do not value the diversity of their communities. It is important for instructors to address possible student concerns, and to provide a psychologically safe environment for students to explore their values and perspectives as they learn to apply concepts presented in this Domain.

Resources

There are community groups, local, regional and national organizations and public, private and religious organizations that have shown a willingness to assist peace officers in their work to enhance their understanding and appreciation of those in their communities. There are also ample video and print resources for use to reinforce learning during training and learning activities. Added resources are:

- Training and Testing Specifications for Peace Officer Basic Courses, LD42; Learning Activities for LECP

~~APPENDIX~~

Active Learning Concepts

As an educator once said, "I will only lecture when I determine that it will do more good than harm." This reflects his belief that the traditional means of presenting information in the classroom falls well short of effectively transferring learning to the student.

In our journey to move academy training into a form that will be suitable for the challenges of the emerging century, it is important to understand why we are moving to a learning environment that stresses the student's responsibility for learning rather than the instructor's responsibility for teaching.

The concepts of Active Learning embody a spirit of active participation by the student, learning activities facilitated by the instructor and an experiential forum where you, the instructor, help students form their own understanding of concepts rather than relying on memorization and test competence to validate knowledge gained by students.

Active learning is at least as old as Socrates, and has gained popularity in all levels of education. As previously noted, much of this is due to the acceptance of research conducted by Malcolm Knowles and others into the learning styles and preferences of adults.[2] The student-centered classroom moves instructional emphasis to those actions and methodologies that will do what the instructor really wants to accomplish; transferring knowledge to the student that is retained and used effectively once in the real world. Group work, student presentations, role-playing simulations and experience in settings as close to those they will encounter as officers or deputies is the best way to "imprint" the learning into their repertoire of skills as graduates of the basic academy.

The learning activities you will find in this guide are consistent with the most effective techniques of presenting training in a manner that allows the student to retain and apply it once beyond the academy setting. It is important to note that does not mean abandoning theory and instruction in the presentation of training. Using lecture, theory and facts as a foundation for experiences is an appropriate way to reinforce concepts to be retained and used throughout the student's career. Their exclusive use is not, however, in keeping with best practice.

[2] There are numerous educators and theorists in support of concepts related to Knowles, as well as those who specifically address the need to teach critical thinking skills, emotional intelligence and related adult skills. See David Kolb, Daniel Goleman, Howard Gardner, et al.

Appendix

Cognitive, Affective and Psychomotor Skills

POST defines three levels of mastery (cognitive behavior) that students are expected to exhibit as they progress through the academy. The levels (knowledge, comprehension and application) are derived from work done over the past fifty years to classify levels of learning in education.

You may be familiar with the way professional positions are described in terms of their Knowledge, Skills and Attitudes in human resource documents. The Cognitive domain is the Knowledge set. An increase in knowledge and development of intellectual skill is the goal when teaching in the domain. Physical skills are the Psychomotor Domain. An increase in physical movement and use of motor-skill (physical doing) is the goal. Attitudes are consistent with the Affective domains. The skill with which we deal with things emotionally, a change of attitude or acceptance of other's attitudes is the goal.

In the training of new officers and deputies, the driving, firearms and defensive tactics skills would be the psychomotor domain. Specific applications of professional knowledge would be cognitive, such as identifying elements of a crime, writing out the phonetic alphabet. Topics like ethics, as well as aspects of leadership and policing in the community would be affective domain topics. Examples would be, empathizing with a caller, accepting responsibility for one's behavior, respecting someone with physical disabilities.

As the Cognitive, Affective and Psychomotor domains were clarified, Benjamin Bloom and his colleagues worked to develop a taxonomy (an ordered group or classification of related concepts) of behaviors from the simplest to the more complex.[3] Bloom's Taxonomy is not the only system devised, nor is it absolute. It is, however, easily understood and perhaps the most widely applied educational taxonomy today. You will see a good number of familiar terms in it, and may recognize that test items, lesson plans and educational objectives in the POST basic course and in-service training presentations include Bloom's Taxonomy as a part of their foundation.

Although there are competencies and levels of mastery in the affective and psychomotor domains, the education of students in an academic or basic course setting relies on displayed cognitive behaviors or actions that relate to the course curriculum, educational objectives and the learning activities presented herein.

[3] A revision of Bloom's Taxonomy was published by Lorin Anderson in 1991. The revised taxonomy placed "Creativity" at the sixth level of the taxonomy. POST uses the original version of the taxonomy; however, so this guide will refer to it throughout

Appendix

Bloom's Taxonomy

The Cognitive domain relates to the development of intellectual skills and the knowledge contained in a particular profession or discipline. The six categories listed below range from the simplest to the most complex categories; it is important to note that the first one must be mastered before the next one can be addressed (e.g., to analyze something, you must first comprehend it).

Level of Abstraction	Skills and competencies demonstrated
Knowledge – The recall of data or facts; an ability to recite from memory	• Observation and recall of information or data • Knowledge of dates, events, code numbers, addresses and names • Knowledge of major ideas or concepts in a discipline • Mastery of recall of subject matter • Knows rules, policies or procedures
Comprehension – Understanding the meaning or concepts, problems and instructions	• Understand and grasp the meaning of information • Use information to construct new meaning • Compare, contrast, convert and translate information; e.g., can write in one's own words the meaning of information • Ability to prioritize, rearrange and reallocate the importance or significance of information or knowledge

Application – Being able to use a concept in a new situation; transferring knowledge gained as a student to a real-world situation	• Can use information in known and novel ways • Can illustrate, demonstrate or apply knowledge to solve problems or situations • Can experiment , change, reclassify or modify knowledge to apply to new circumstances
Analysis – Can separate fact from opinion; identify component parts of a concept or problem to solve complex problems	• Can use deductive reasoning to solve complex problems • Can recognize weaknesses or misperceptions in reasoning or intended action • Can see hidden meanings or concepts, recognize patterns in facts or situations or connect disparate ideas to explain phenomena
Synthesis – Can construct a whole from separate or diverse components; can develop new meaning from facts or concepts used in different ways for previous issues.	• Can use known ideas or concepts to create new ones • Can draw conclusions or infer outcomes from known facts • Can generalize from specific concepts or specify from generalized concepts • Can integrate knowledge from several sources to solve a problem • Can compose, combine, design, arrange, reconstruct, reorganize, summarize or communicate new constructs
Evaluation – Can judge the value of ideas or concepts; compare solutions or proposed actions against their likely outcomes.	• Compare and contrast the relative benefits and drawbacks of ideas, concepts or intended actions • Can make choices based on professional judgment from synthesized use of knowledge or previous application and analysis • Can recognize the inherent subjectivity of conclusions, knowledge of others or possible outcomes to actions. • Can defend and justify actions using a rational basis and sound support from known concepts.

Appendix

Definitions

Leadership

- The practice of influencing people,
- using ethical values and goals,
- to produce an intended change.

Ethics

- The accepted principles of conduct,
- governing decisions and actions,
- based on professional values and expectations.

Community Policing

- Both an organizational and a personal philosophy
- that promotes police/community partnerships and proactive problem solving
- to: address the causes of crime, address the fear or perception of crime, and improve the quality of life in the community.

Active Learning

Active Learning is the use of one or more interactive approaches to education and training for the purpose of engaging students in their work to acquire and understand knowledge. The active learning classroom is one that de-emphasizes lecture and other teacher-centered forms of instruction in favor of engaged class environments that are learner centered. Examples of active learning are:

- Adult learning activities
- Experiential learning activities or exercises (note: students don't learn from experience, they learn from using experiences in an educational setting)
- Paired or small group work
- Problem solving exercises
- Blended learning using appropriate technological resources to support training
- Case study exercises
- Problem-based learning exercises
- Individual, group and class work using visual, auditory or kinesthetic stimuli to prompt discussion, discourse and related class work.

The foundation for the transition to active adult learning is found in the adult learning theories of Malcolm Knowles and others in their studies of how adults learn as opposed

to traditional teacher-centered models of child and adolescent education.[4] Instructors should be familiar with the Knowles research as a foundation for effective lesson planning and delivery, as well as other methodologies appropriate for the academy training environment. In short, adult learning theory is founded on the principles that effective training will be:

- **Relevant** – to the experience or intended experience of the adult learner. Whereas children and adolescents will attempt to learn content isolated from its application, adults learn best when they see the relevance of the taught concept to their experience
- **Engaged** – the adult learner retains knowledge and concepts more readily if they are engaged in the process of discovery and exploration rather than being the recipient of information
- **Active** – the learning process should be active, and replicate as closely as possible the environment within which the skill or knowledge will be applied. For instance, rather than memorizing code sections, adults would retain that knowledge and apply it more effectively if they worked to discover the content, then were able to practice its application in a simulation or scenario.
- **Learner-centered** – The traditional intent of the educational classroom was to ensure concepts were taught, and that students were prepared to pass tests and other measures of their progress. Unfortunately, the student's retention of that knowledge was often nominal beyond the confines of the class. The emerging intent of academy training is to produce the most effective outcomes possible; to see students apply classroom skills in a real-world setting. The focus on the learner acquiring knowledge, rather than on the teacher's management of it, is a critical step in effective training

Facilitation in the 21st Century Classroom

Facilitation – the act of making easy or easier; the act of assisting or making easier the progress or improvement of something (Princeton University Dictionary, 2003)

OK, what does it all mean? Do you need to start over as an instructor, relearn everything you thought you knew about teaching and classroom management? Hardly. You were most likely selected to be an instructor for the basic course because you have subject-matter expertise in subject area in which you teach. More importantly, you have the initiative, passion and dedication as a professional to want to help mold the next

[4] Expanding on his earlier work, *Informal Adult Education* (1950), Malcolm Knowles published *The Modern Practice of Adult Education – Andragogy versus Pedagogy* (1970) which propelled the movement to distinguish adult learners and their motivations to learn (andragogy) as opposed to children and adolescent learners (pedagogy). Knowles work generated more than 200 professional articles by others in the next decade, and remains a significant foundation for all subsequent theory for the education and training of adults.

generation of peace officers for your community. There is no better way to enhance the future of policing than to provide a solid foundation of knowledge and experience in the police academy, and to convey the knowledge you possess to the students in your class.

As has been said countless times, the best way to learn anything is to teach it. When you prepare your lesson plan, think about what you would want to learn from an instructor teaching this class. Think back to the best teacher you ever had, or perhaps the best class in your own academy experience. Without doubt, it wasn't a lecture or handout review session where you were memorizing code numbers or policies (not that knowing these things isn't important; they are. Students will learn them where they will retain them best; most often in their field training experience). It was most likely a setting where you saw the importance of what you were learning, and where the instructor was excited, helpful and seen as a mentor, expert or resource to you and your peers. Becoming an effective facilitator pulls that sense of attachment and meaning into class environments to allow the student to learn more, retain more and be able to use what you taught once they are on the streets.

Facilitation is a sub-set of effective instruction in the modern learning environment. Whereas traditional teachers might say "They don't know anything. I'll tell them what they need to know" a quick look at adult learning theories reflects the truth that underinvested learners in any setting (even a police academy) will retain only a small portion of what they are taught unless they see a relevance in what they are tasked to learn and are engaged in the process.

The emphasis of academies has transitioned from being dedicated to ensuring recruits pass tests and graduate to one where their training is focused on applying what is taught, and where the academy is the front half of a larger training experience which also includes the recruit's field training or other advanced training after walking out of the academy with that diploma under their arm. As a member of their instructional staff, your goal and obligation is to create a learning experience that will be memorable, and which will impart to them the skills and knowledge they will need to display competence both in the academy and in the streets once performing their jobs as peace officers.

Background to the POST Leadership, Ethics and Community Policing Project

One of POST's Strategic Plan objectives is to integrate Leadership, Ethics and Community Policing (LECP) into the hierarchy of mandated courses, including the Basic Course. About 5,000 recruits enroll in the Basic Course every year. The Basic Course includes a minimum of 664 mandated hours of training administered through 41 Learning Domains (instructional units that cover related subject matter).

A Steering Committee comprised of academy directors; agency executives, organization representatives, and other recognized experts, met in 2001 and 2002 to establish guidelines, scope, advisory direction and review findings of a Subject Matter Expert (SME) Committee for the integration of LECP across the curriculum. During that time, seminars were also held with SME'S for input, validation, research analysis and literature review.

The POST Commission, at its April 2002 meeting approved an implementation plan, previously endorsed by the Steering Committee. The plan (provided in the Appendix), included 27 recommendations that covered selection criteria for peace officer candidates, instructor training and delivery methods and revisions to Basic Course design. The plan also proposed about 342 modifications to the Basic Course curriculum, suggested assessment criteria, a pilot phase and a two-year implementation phase for statewide adoption.

Upon Commission approval, POST defined a three-pronged approach to the integration process:

1. Form an alignment committee to compare the existing Basic Course with an entry-level patrol officer job analysis and determine if all the current Basic Course content is essential to the job readiness of an entry-level officer who will enter a field-training program.
2. Form an integration committee to determine where to integrate leadership, ethics and community policing (LECP) content in the Basic Course as a seamless common theme. Integrating leadership, ethics and the community policing core elements of problem-solving and police-community partnerships were identified as critical priorities to be reinforced themes throughout the Basic Course. Agencies that were part of the integration committee agreed to have their academies pilot the integrated material.

3. Continue to present the Basic Course as currently constituted until the following tasks are completed:
   - The alignment of the Basic Course curriculum with the findings of the entry-level job task analysis
   - Integration of the leadership, ethics, and community policing (LECP) content has been successfully designed, developed and piloted.
   - The work of the alignment and integration committees is combined to form a revised Basic Course
   - The revised Basic Course is reviewed and approved by the Basic Academy Consortium, POST Commission and the Office of Administrative Law. When this administrative process is complete, the revised Basic Course will replace the current Basic Course.

The alignment committee consisted of selected academy directors and coordinators, academy trainers and educators with substantial policing experience, knowledge of the learning process and the Basic Course curriculum. They used the following information as foundational sources for their work:

- *The 1998 Entry-Level Uniformed Patrol Officer Job Analysis*
- The *Training and Testing Specifications for Peace Officer Basic Courses*
- The *Basic Course Workbook Series* (Student Workbooks)
- Legislative Mandates that directed specific training for the Basic Course
- Critique and evaluations by Field Training Officers
- Experience and expertise of the committee members
- Testing criteria approved by the POST Testing Committee

The above documents and information provided the alignment committee with resource tools to closely compare the existing Basic Course learning objectives with the actual tasks, knowledge, skills, abilities and attitudes needed and performed by entry-level patrol officers and deputies. Through the evaluation process, the committee was able to establish a basis for modification, deletion or compression of curricula.

Four basic course academies were selected to pilot draft LECP curriculum, including the use of structured learning activities in each Learning Domain. These academies were:

- The Los Angeles Police Department Recruit Academy
- The Napa Valley Criminal Justice Training Center
- The San Diego Regional Public Safety Training Institute
- The San Bernardino County Sheriff's Regional Public Safety Training Center

Appendix

Workshops were held with representatives from the pilot academies to address recommendations contained in the integration plan, identify existing best practices and lessons learned and collaborating on modification of training objectives, design of learning activities, curriculum development, instructor delivery and evaluation instruments.

As a result of the workshops, *a Supplemental Guide (*now revised and renamed as the *Instructor's Guide to Learning Activities)* was drafted. The guide contained about 100 learning activities designed to improve students' critical thinking, enhance leadership competencies for the line officer, develop ethical decision-making abilities, reinforce creative problem-solving skills and broaden police-community partnering practices. (In addition, a resource entitled *Ethical Decision-Making Tools for California Law Enforcement* was written and published in January 2004 and made available to academies and policing agencies in California).

More than 6000 student and instructor evaluations were collected from the four academies that piloted the use of the learning activities in 2003 & 2004. The evaluations revealed the general success of using an active adult learning environment and structured learning activities to reinforce knowledge, enhance transference of learning and retention of material. The evaluations also identified that to effectively integrate the structured activities into the Basic Course curriculum, instructors needed to develop enhanced facilitation skills. Such training for instructors began in 2005 and is currently on-going. (The facilitation skills training was endorsed by the POST Instructor Standards Advisory Council (ISAC)).

During pilot testing it was determined that the addition of the learning activities did not measurably increase the overall hours in the Basic Course.

Research on the LECP project also disclosed a need to develop an ethical decision-making model to afford recruits an opportunity to build upon prior planning strategies to make sound judgments, accept personal responsibility and to recognize the severe consequences of poor ethical decisions. (Note: POST is addressing this need in a current contractual arrangement with the Josephson Institute of Ethics).

The work of the members of the Steering, SME, Integration, and Alignment Committees and Pilot academies resulted in action by the Basic Course Consortium to approve significant modifications to the content of the course. Using this approval as a foundation, the POST Commission at it's July meeting, approved the revision (and certain deletions) of about 587 of the more than 1400 learning objectives in the Basic

~~Appendix~~

~~Course that were found to be inconsistent with the essential job tasks for the entry-level peace officer, or more suited for training during the student's field-training experience.~~

~~In addition, the approved revision included mandated learning activities for leadership, ethics and community policing to be contained in 16 of the 41 learning domains as set forth in the *Training and Testing Specifications for Peace Officer Basic Courses*.~~

~~Although the number of learning objectives was reduced, the minimum mandated hours of the Basic Course remained at 664 hours. This was done, in part, to allow academy instructors to use the time for active learning as a means of producing the kind of academy graduate who would possess the knowledge, skills, abilities, attitudes, beliefs and behaviors necessary to succeed in the field as a peace officer.~~

~~Because of this work, the future of police academies is grounded in the tenet that the academy's mission is to graduate students prepared to succeed in the next phase of their training in the field. For practical purposes, consider the academy and field training as a single training experience in two parts. The role of the academy, therefore, is to ensure the preparatory experience is one that simulates the issues, situations, complexities and challenges graduates will face in their duties as peace officers, and that the education they receive is only as valuable as it is applicable by those receiving it.~~

LEADERSHIP, ETHICS AND COMMUNITY POLICING INTEGRATION PROJECT

Implementation Plan

April 2002

Dan Toomey
Management Fellow

IMPLEMENTATION PLAN

Purpose: To integrate the principles, concepts, strategies, competencies and techniques of leadership, ethics and community policing throughout the entire basic course curriculum based upon a three-year plan to pilot course changes. The plan was designed as a guide to be as practical and flexible in detail as resources or objectives change in order to realistically accomplish the intended goals.

Goals: To inculcate the principles, concepts, strategies, competencies and techniques of leadership, ethics and community policing as a common theme throughout the basic course without expanding the current minimum number of training hours.

Objective: To reinforce the principles, concepts, strategies, competencies and techniques in appropriate curriculum content, scenarios, facilitated discussions, and tests of the basic course.

Strategies: Integral components of the plan included, analysis of submitted data, curriculum design and delivery, instructor training and development, assessment criteria, pilot implementation and evaluation.

Assumptions: Incorporated into the plan are the primary assumptions of the project - the minimum number of hours in the basic course will not be expanded, community expectations to improve police accountability have increased, and agencies throughout California are adopting and embracing the philosophy of community policing.

Cornerstones of the plan rely on extensive research, findings of the subject matter expert committee, and recommendations of the steering committee. Elements of the plan include: administration, analysis, pilot selection, curriculum revision, course design and delivery, sequencing, instructor training and development, evaluation, editing and production, resources, and transition period.

The plan also includes provisions for periodic status reports to the Long Range Planning Committee and the POST Commission.

Administration

Under the direction of a project manager assigned to the Basic Training Bureau, an analysis team of internal and external stakeholders will be assembled. The team will be comprised of selected subject matter experts, basic course presenters, and POST personnel (Basic Training, Training Program Services, Information Services, and

Standards and Evaluation) to affirm goals, establish objectives to achieve the goals, determine critical data to be collected, delivery methodologies, assessment (testing) strategies, implementation issues and selection of pilot sites.

Subject matter experts may include professionals with advanced training, law enforcement personnel with recognized topical or operational expertise, or community members with substantial knowledge in a particular field.

The integration project will not only involve Basic Training, Training Program Services, Standards and Evaluation, and, Information Services, it will have ramifications for Training Delivery, Management Counseling, Course Quality Assessment, Administrative Services, Computer Services Bureaus and the Center for Leadership Development within the POST organization. As a result, the Executive Office will oversee internal management issues, roles and responsibilities to facilitate a collaborative team effort.

Analysis

This phase will include an assessment of the entire basic course instructional system, pilot selection and curriculum revision. The research data (Master Integration Document, Alignment Studies, Traits and Competencies Summary, and Summary of Recommendations) will be used as foundational resource material.

The *Training and Testing Specifications for Peace Officer Basic Courses*, POST knowledge tests, scenario tests, exercise tests, instructional activities and the 45 student workbooks (41 used by the Regular Basic Course and 4 used by the Specialized Investigators Basic Course) will be reviewed to address two objectives of the project (1) assess the present basic course instructional system to provide better alignment with essential job tasks of the entry-level officer; and (2) integrate the principles of leadership, ethics and community policing - without increasing the minimum number of instructional hours.

In addition, the review will recommend (1) deletion of instructional material judged to be redundant, outdated, unnecessary or inconsistent with the *Entry-Level Uniformed Patrol Officer Job Analysis;* and (2) the movement of selected curricula from the basic course to the Field Training Program.

Knowledge acquired from the review should allow content of the existing curriculum to be compressed without a negative impact on quality, increase in administrative time for testing and instructional activities, and facilitate the inculcation of the principles,

concepts, strategies, techniques and competencies of leadership, ethics and community policing.

An intended outcome of the analysis should be an enhanced alignment of the basic course and the field training program as integrally linked components of the basic training cycle for entry-level peace officers. Simply, the field training program should be an extension of the basic course.

Pilot Selection Criteria

Three to five basic course presenters (academies) will be selected to pilot the revised course. Pilot programs will provide feedback, assess course effectiveness, evaluate outcomes of graduates, and generate validation data for appropriate revisions prior to statewide implementation. Volunteer pilot sites will be chosen from among the existing 39 POST-approved academies. The following criteria will be considered in selecting pilot agencies:

- Current hiring/enrollment
- Size of academy
- Organizational issues
- Audit/evaluation
- Endorsement of integration project
- Type of academy (intensive/modular)
- Availability of personnel to be assigned to project
- Regional Community Policing Institute (RCPI) affiliate
- Agency Field Training Program
- Advisory committee
- Academy Director (full/part-time)
- Managerial Leadership
- Academy Instructor Cadre
- Service Area
- Academy Facilities

Curriculum Revision

A curriculum revision team comprised of subject matter experts in the disciplines of leadership, ethics and community policing, instructors (accredited with adult learning techniques), and subject matter experts in the 45 learning domains, will recommend revisions to the basic course curriculum to integrate the principles, concepts and strategies of leadership, ethics and community policing.

Use of the Master Integration Document with the 342 recommended modifications would serve as a beneficial resource. The team will address the curriculum of the 45 student workbooks including knowledge tests, scenario tests, instructional activities and exercise tests, to make appropriate revisions including development of material for facilitated discussions.

The revisions will be implemented with the pilot academies. To ensure that the modifications are appropriately integrated, selected subject matter experts will monitor and evaluate pilot courses.

Course Design and Delivery

This phase will include sequencing of learning domains, teaching delivery techniques, instructor training and evaluation instruments to assess outcomes.

Design of the basic course should be congruent with the tenets of community policing, provide tools for ethical decision-making, and deliver instructional material to cultivate autonomous line officer leadership. An interactive training delivery system will be incorporated into the design to ensure a high degree of transference and retention of the training material.

Following the recommendations of the SME and Steering committees and corroborated through extensive research, the widespread use of the principles of adult learning (action learning) must be utilized in the basic course. Adults learn best from experience and working on real-world problems rather than from extensive note taking and memorization.

Training must address not only the mechanics of problem solving but also the application of scanning, analysis, response and assessment (S.A.R.A.) to common community problems that the police confront. Training should not be limited to reactive enforcement techniques, investigation or knowledge of laws and policies; but encompass the nature and known causes of the problem, and proven methods of effective prevention, intervention and reduction.

Similar processes should apply to ethical decision making with repetition and reinforcement. Recruits should be tasked with *real-life* experiences that challenge their critical thinking skills and leadership development. Training design must afford recruits the opportunity to build prior-planning strategies to make sound judgments, avoid mediocrity and accept personal accountability, and to recognize the severe consequences of poor ethical decisions.

In this phase, subject matter experts will review and modify existing scenarios, learning exercises, and instructional activities to incorporate the recommendations of the SME and Steering committees. The preferred delivery technique will be the use of facilitated discussions as student-centered instructional activities to replace lecture, whenever possible.

Sequencing

Sequencing and presentation of the basic course should be designed to ensure that the learning domains have a building block approach and connectivity with one another to continually reinforce leadership, ethics and community policing as a common fabric throughout the instructional system.

For example, Learning Domain #1(*Leadership*, *Professionalism and Ethics*, *as revised)*, and Learning Domain #3 (*Policing in the Community*, *as revised)*, should be sequenced early in the basic course. This will provide a foundation for integration and reinforcement in other learning domains and establish an immediate framework for leadership, ethical decision-making, and problem solving.

The services of an instructional designer should be secured to address the sequencing and design issues.

Instructor Training and Development

Based on committee input and prior POST estimates, there are about 3,000 full and part-time instructors who deliver training for the 39 basic course presenters (academies) in the state. The number is in continuous flux due to changes in academy staffing, which averages about 10 percent per year.

Instructors are vital to facilitate a learning environment in the basic course that requires recruits to synthesize information and multi-task in order to mirror the complex realities of the job. In fact, the teaching methods used and the manner in which the instruction is presented is critical to recruits in order to acquire the necessary information and knowledge to be successful on the job.

Initially, instructors at the pilot sites should receive training to acquire a better understanding of the principles, concepts and strategies of leadership, ethics and community policing and how they can be applied in the pilot curriculum. Training should enhance core competencies in the application of adult learning principles, skills to facilitate problem solving exercises and use of a variety of learning resources and training aids.

Research has shown the application of such techniques based on principles of adult learning to be highly motivating and effective in developing work related skills.

One method of adult learning, known as problem based learning (PBL), will be evaluated during the pilot. PBL is a curriculum development and instructional approach that encourages meaningful student-focused learning. With PBL, job-specific knowledge and skills learned are better retained as they are directly linked to the resolution of actual problems.

A version of PBL, adapted for police training, continues to be used successfully at the Royal Canadian Mounted Police Institute (RCMP) and the Upper Minnesota Community Police Institute. In the last year, the Los Angeles Police Department (LAPD) has introduced PBL in meeting certain in-service training mandates. The selection of PBL as the training delivery technique was credited as being one of the most important decisions made by the design team.

A 'train-the-trainer' course for instructors at the pilot sites, will be developed by subject matter experts and instructional design experts versed in adult learning. An external contractor or graduates from the POST Master Instructor Development Program (MIDP) and the POST-sponsored Robert Presley Institute of Criminal Investigation (ICI) may present delivery of the course.

MIDP and ICI have pioneered the development of instructors that move from transmitted learning – where the teacher transmits and the student receives without much collaboration or interactivity - to a learner-centered environment where the learner is the important player. Instruction is a process about how students learn as much as it is about what they learn.

Once a cadre of trainers has been developed through the pilot, continuous training to accredit basic course instructors statewide should ensue. The use of technology, such as DVD, CD-ROM, and/or internet-based programs (e-training), should be studied as potential cost effective methods to accomplish elements of instructor training and certification.

The Commission previously advanced minimum training standards required for basic academy instructors by approval of the POST Voluntary Basic Course Instructor Certification Program in 2000. The goal of instructor certification is to recognize achievement of education, training and experience by an instructor with a demonstrated level of competence.

Effective July 2002, the instructor certification program will be expanded, as "primary" instructors of certain specialized training courses will be required to complete a specified training standard prior to leading instruction in specific POST-certified courses. The regulations, approved by the Commission, will also establish minimum standards for Academy Directors, Coordinators and Recruit Training Officers.

The Steering Committee recommended that instructor certification should progress to the next level to mandate that all core instructors in the basic course be accredited in facilitation skills and contemporary adult educational methods. This will establish a training vehicle for instructors on how to use a greater variety of teaching delivery methods to link leadership, ethics and community policing to the learning domains within their respective areas of expertise. A full accreditation requirement will send a message that acknowledges the vital role that instructors play in the training of peace officers.

Appropriate revisions to the POST Workbook Instructional System Instructor Guide should be made to include focused adult learning techniques such as PBL, and supplemental teaching delivery information to facilitate integration of leadership, ethics and community policing in the curriculum.

Evaluation

Modifications should be made to basic course testing instruments, development of new knowledge tests for Learning Domains #1 and #3, revisions to the mid-term and final exams, and creation of evaluation instruments to measure the efficacy of integrating components of leadership, ethics and community policing.

Performance measurements for knowledge tests, facilitated discussions, problem based learning exercises, scenario and exercise tests should also be developed. Evaluation should include assessing the impact on the community and graduate performance in the Field Training Program.

The POST Basic Course Certification Review process should be revised to ensure that the concepts and competencies of leadership, ethics and community policing are effectively integrated.

During this phase an audit instrument will be developed for pilot academies. The audit vehicle will help establish a baseline of academy operations for integration and evaluation. The audit scope may include but not be limited to: thoroughness and detail of expanded course outlines and lesson plans, management guide, consistent compliance with POST reporting procedures, quantity and quality of Recruit Training

Officer (RTO) staff, degree of participation in POST's Master Instructor Development Program (MIDP) or other instructor development programs, the use of adult learning techniques, efficient use of academy facilities, regulatory guideline adherence and scenario testing practices.

Some of the evaluative components may include, but are not limited to:

- Community surveys
- Personnel complaints
- Liability payments/civil suit dispositions
- Terminations

- Perception of law enforcement
- Improved training quality
- Agency/law enforcement creditability
- One-on-one surveys

- Criminal filings
- Improved selection process
- Officer interviews

The use of an Intranet/Extranet site should be evaluated for the sharing of information and posting results to the evaluation team. Team members located outside of POST could use an extranet. Such a tool could be directly linked to the data captured in the evaluation to provide "real-time" feedback.

Editing and Production

The recommended changes in the basic course will necessitate editing and production of supplemental guides for use by the pilot academy sites and eventually will impact the *Basic Course Workbook Series*, Basic *Course Instructor Guide*, *Scenario Manual*, *Basic Course Management Guide* and the *Training and Testing Specifications for Peace Officer Basic Courses*.

A process of this size will generate substantial workload commitments for existing POST staff and will require other personnel resources.

Appendix

Resources

Implementation of the plan will require resources to carry out the following responsibilities:

- Subject Matter Experts – recognized experts (law enforcement or community members) with extensive knowledge in leadership, ethics and community policing, experts in the domains linked to those disciplines, FTO, selected instructors accredited in adult learning techniques, academy coordinators and/or directors, computer program designers and instructional designers.
- POST staff from Basic Training Bureau, Standards & Evaluation, Training Program Services and Information Services
- Steering Committee for oversight direction, feedback, and review
- Principle Investigator or Project Researcher for design, assessment instrument development, evaluation and monitoring.
- Facilitators, researchers, recorders, editors and word processors
- Project Manager to recommend SME's, facilitate workshops, collect data, organize, coordinate components and direct activities
- Instructional designer
- Support staff for administration of the project and management of data collection
- Management review
- Graphic Artist for publications layout (student workbooks, instructor guide, basic course management materials, etc., illustrations, and web site design

Transition from Pilot to Statewide Implementation

Upon successful conclusion of the three-year pilot phase, proposed revisions to the *Training and Testing Specifications for Peace Officer Basic Courses* will be refined and submitted for consideration at a public hearing before the Commission and subsequent approval by the Office of Administrative Law (OAL).

~~Appendix~~

~~Concurrent with the process to revise the regulations, modifications, editing and production of the Basic Course Workbook Instructional System, Scenario Manual, Instructor Guide, Basic Course Management Guide, and POSTRAC tests will be completed.~~

~~The effective date for statewide implementation will be approximately two years following successful completion of the pilot phase. In the interim, academies will be encouraged to voluntarily implement the new curriculum.~~

~~With renewed public trust, future basic training developments as outlined in this plan should advance leadership, police-community engagement to prevent predictable crime, problem solving and quality of life issues.~~

LECP Pilot Academy Biographies

Napa Valley Criminal Justice Training Center

The Napa Valley Criminal Justice Training Center is located on the Napa Valley College campus and serves local law enforcement agencies in Napa and Solano counties. Founded in 1983, the center has always been committed to high standards and student success. Over 2,000 students per year attend training provided by the center. The training includes four presentations of the basic police academy. The Napa Valley Criminal Justice Training Center is proud to host the California Department of Fish and Game Academy. This program includes the regular basic course plus an additional 250 hours of Fish and Game specific topics.

A staff of over 100 part time subject matter experts provides instruction. Twelve instructors are POST Master Instructors and another fifty are graduates from the POST Basic Course Instructor Certification Program. All training center programs are guided by an educational philosophy with a strong commitment to infusing community policing, leadership, and ethics throughout the curriculum. The use of various adult learning methodologies, including problem based learning, is strongly encouraged in all classes. This effort is supported by use of audio-visual, computer, and Internet technology. Napa is a previous recipient of the California POST Governor's Award for Excellence in Peace Officer Training.

Los Angeles Police Department Recruit Academy

The Los Angeles Police Department Academy provides 1035 hours of instruction to recruit officers in a 32-week Regular Basic Course program. A police captain serves as the academy director with a resident staff of approximately 200 personnel. A new recruit class begins approximately every four weeks with class sizes averaging from 30 to 50 recruits. The department graduates about 400 to 500 officers annually. Training for recruit officers takes place at two primary locations within the city. The Ahmanson Recruit Training Facility (ARTC), 5651 West Manchester Boulevard near the Los Angeles International Airport, is the location for the first sixteen weeks of the Regular Basic Course. Training at the four-story facility includes recruit orientation activities, academic training and physical fitness/self-defense training. The Edward M. Davis Training Facility ((DTF), 12001 North Blucher Avenue in the North San Fernando Valley houses an emergency vehicle operation track, firing ranges, simulator training rooms, and tactical training 'village'. The original Police Academy in Elysian Park near downtown remains the site of the recruit graduation ceremony.

Appendix

San Bernardino County Sheriff's Regional Training Center

The San Bernardino County Sheriff's Regional Training Center trains deputies and officers from over 100 different law enforcement agencies. The regular basic course is currently delivered in an intensive 23-week format and is offered four times per year. The average class size is forty to fifty students. The program is also open to pre-service (non-affiliated) candidates.

Six full-time, experienced tactical staff members facilitate training at the Academy. The tactical staff is responsible for administering the structured discipline philosophy. The instructional staff for the Basic Academy Program is made up of experts from the Academy's 60 full-time staff members and over 100 subject matter experts from local agencies.

The San Bernardino County Sheriff's Regional Training Center is located on a 650 acre training site, with an 80 acre Emergency Vehicle Operations Course, state of the art firearms complex, and live-fire shooting house and scenario village. The Training Center is a three-time winner of the California POST Governor's Award for Excellence in Peace Officer Training.

San Diego Regional Public Safety Institute

The San Diego Regional Academy serves nearly every law enforcement agency in the County of San Diego. The Regional Academy is a function of the San Diego Regional Public Safety Training Institute, located on the Miramar College campus of the San Diego Community College District. The Institute operates under a Joint Powers Agreement among the San Diego Community College District, the San Diego Police Department and the San Diego Sheriff’s Department. Recruit training staff is drawn from many of the participating agencies. Academies are scheduled every three months. Approximately 55 employees constitute the staff of the Institute. The adjunct faculty of approximately 229 individuals is diverse in terms of background, agency representation and practicing professionals.

LECP Steering Committee Recommendations

1) Leadership, Ethics and Community Policing concepts and competencies should be integrated into the POST Basic Course Student Workbook Instructional System

2) Learning Domain #3, *Community Relations*, should be renamed *Community Policing* and presented as a stand alone topic

3) Sequence the *Community Policing* (LD#3) domain early in the Basic Course to provide a foundation for integration and reinforcement in other Learning Domains

4) Develop testing for Learning Domain #3 *Community Relations (Policing)*

5) Learning Domain #1, *History*, *Professionalism & Ethics*, should be renamed *Leadership*, *Professionalism & Ethics*

6) Sequence *Leadership*, *Professionalism & Ethics* (LD#1) early in the Basic Course to provide a foundation for integration and reinforcement in other Learning Domains

7) Move History from LD#1 to LD#2 *(Criminal Justice System)* and develop testing for Learning Domain #1

8) Develop ethics instruction regarding entry-level officer off-duty conduct

9) Develop ethical behavior intervention strategies in learning exercises for entry-level officers

10) Revise Basic Course curriculum to include ethical situation planning and ethical decision making exercises

11) Reinforce in the Basic Course curriculum the principle that all officers, regardless of position, are expected to be leaders

12) Develop supplemental information to support Leadership, Ethics and Community Policing concepts and competencies into the POST Workbook Instructional System Instructor Guide

13) POST should mandate Adult Learning training for all Basic Course core instructors

14) Use Problem Solving Methods as a student learning process

15) Develop revisions to the POST Basic Course Certification Review process to ensure:
    a) the integration of the concepts and competencies of Leadership, Ethics and Community Policing; and,
    b) instructor performance

16) POST should review selection criteria for peace officer candidates to be consistent with effective job performance in Leadership, Ethics, and Community Policing concepts and competencies

17) Leadership, Ethics and Community Policing concepts and strategies should be reinforced during the Field Training Program with competencies demonstrated by the trainee

18) Integrate Leadership, Ethics and Community Policing training throughout all levels of POST training to minimally include – Basic Course, Basic Dispatchers Course, Field Training Officers Course, Recruit Training Officers Course, Supervisory, Management and Executive Development

19) Assign a curriculum development team to revise existing Basic Course curriculum to integrate principles, concepts and strategies of Leadership, Ethics and Community Policing

20) Assign a design team to analyze the delivery of the Basic Course to foster a learning environment that prepares the student-recruit for the *problem solving* complexities in policing

21) Research and integrate Problem Based Learning as a teaching delivery method for police training

22) Develop qualification standards for instructors to emphasize facilitation skills and contemporary adult educational methods

23) Develop training in the principles, concepts and strategies of Leadership, Ethics and Community Policing for instructors who teach in Learning Domains that are linked to those disciplines

24) ~~Design an evaluation instrument to measure the efficacy of the integrated changes in the Basic Course~~

25) ~~Integrated components of Leadership, Ethics and Community Policing should be performance measured in scenario testing and instructional activities (facilitated discussions)~~

26) ~~Community Policing components of community partnership and problem solving that are integrated in the Basic Course must be reinforced in the Field Training Program~~

27) ~~Assign an evaluation team to review the Basic Course curriculum to move appropriate curriculum to the Field Training Program~~

Glossary

Buzz Groups: Allows discussion among groups of students during a discussion or lecture. Instructor uses buzz groups to break from a lecture or when a particular point needs emphasis. Instructor stops the lecture and asks students to turn to the person near them to discuss the point or come up with their own example. The classroom begins to "buzz" with activity for a few (3 or 4) minutes. Instructor then resumes with the lecture or discussion.

Case Study: Students are provided with a detailed situation including events, involved persons, circumstances, issues, and actions. Students analyze the situation, distinguishing relevant from irrelevant details, and decide what was done properly or improperly. Students must explain, justify, and defend their analyses of the situation.

Community Policing: Both an organizational and a personal philosophy that promotes police/community partnerships and proactive problem solving to:

- address the causes of crime, the fear or perception of crime, and improve the quality of life in the community.

Cooperative Learning Groups: Small groups of students working together.

Demonstration or Scenario: The instructor performs and explains a procedure or process to students. The students are then provided an opportunity to practice and refine the skill to proficiency.

Discussion: An exchange of facts and ideas through questioning. Questions usually precede a short conversation on the topic. Instructors should avoid using close-ended or rhetorical questions as they tend to limit discussion.

E.O.Code: An alphanumeric code that shows where the information is located. For example, E.O. code 9.01.EO1 refers to LD9, Chapter 1, Educational Objective number 1.

Educational Objective: Detailed subsections of the Learning Objective. Each Educational Objective is identified by an E.O. code.

Glossary

Ethics:

- The accepted principles of conduct,
- governing decisions and actions,
- based on professional values and expectations.

Facilitated Learning: Guiding students to discover and apply information in order to create a more meaningful learning experience. The primary principles of facilitated learning are discovery and application.

Focus Groups: Group of students brought together to address a presented subject matter. With Problem Based Learning, focus groups of 4 to 6 people are preferable.

In-class exercise: An individual or group learning experience, quiz, test or other activity performed in class to demonstrate a specific point.

Learning Activity: A facilitated, performance-based component of instruction. They are student-focused, not-graded activities in which students must participate in structured work designed to enhance the acquisition of knowledge, skills or competencies. They typically include facilitated discussions, simulations, video presentations, and field observations. They are integrated into the delivery of instruction as a means of reinforcing taught concepts, introducing relevant topics or to enhance student retention necessary to achieve competence as a peace officer.

Leadership

- The practice of influencing people,
- using ethical values and goals,
- for an intended change.

Learning Need: Part of the Training Specification. A broad statement about what the training is intended to accomplish for the students.

Learning Objective (aka Educational Objective): description of the expected result, expressing specifically what the student should be able to do at the completion of the instruction. Learning objectives use verbs that correspond to the level of understanding (learning) the student is expected to attain.

Glossary

Lecture: Presentation of topics using a variety of teaching aids including PowerPoint, flipcharts, DVD's, internet etc. and short Socratic dialogue between instructor/facilitator and students to generate discussion and/or to emphasize a point.

Level of Learning: A taxonomy developed by Benjamin Bloom. Part of his classification of learning for the cognitive, affective, and psychomotor domains. The six levels of learning are Knowledge, Comprehension, Application, Analysis, Synthesis, and Evaluation. They primarily apply to the cognitive domain. The Basic Course uses the Knowledge, Comprehension, and Application levels.

Level I – Knowledge: Requires recalling or remembering previously learned material in the exact form it was presented. Implies memorizing definitions, procedures, formulas, etc. The key is that the material is recalled in the same format as in the original presentation.

Level II – Comprehension: Requires comprehension of subject; i.e., grasping or understanding the meaning of information. Involves mental translation of material from one form into another or restating information in one's own words, or applying designated rules, or recognizing previously unseen examples. If an objective involves verbatim recognition of material from the workbooks or other class material, then the task of the student is reduced to the "Knowledge" level.

Level III – Application: Application requires the analysis and breakdown of complex situations into simpler components amenable to solution. Requires the application of previously learned material in new and concrete situations; may include application of rules, methods, concepts, principles, laws and theories. Learning outcome requires higher-level thinking than comprehension. Student behavior involves deciding which principles, procedures, concepts or facts are pertinent to a given problem and then implementing them to solve the problem. If learners are told which rules or procedures to use, then the task is reduced to the "comprehension" level.

Panel Discussion: Two or more qualified individuals present information and/or opinions on a topic. Students question the panel members to improve their understanding of the material.

Glossary

PBL Exercise: Students are generally separated into groups of 4 to 6 members. Each group is assigned a problem and utilizes the PBL process of Ideas, Known Facts, Learning Issues, Action Plan, Evaluation of Product and Process.

POSTRAC: A computerized system that delivers POST-constructed tests to academies prior to 1/1/06.

Prong Test: A set of criteria used in a decision making process. For example if A, B, and C are required to form D, a 3-prong test for assessing the formation of D would include is "A" present, is "B" present, and is "C" present?

Pulse Teaching: Instructor uses occasional opportunities during any teaching period to deliver material relevant at that time. A technique to break up the teaching method to appeal to different learning styles.

Role Play: Students dramatize a problem, acting out roles as authentically as possible. Other students observe and discuss the actions and emotions of the role players.

Simulation: Representation of a problem, often with videos or other media. Students imagine themselves as directly involved in the simulation, undergoing the same stress and pressures that would be experienced if the situation were real. The instructor discusses and evaluates the results of the simulation.

Table-Top Exercise: A structured walk-through exercise in which students role play a scenario prepared by the instructor. The scenario is referred to for information during the exercise.

Tests, Exercise: All other tests that measure the acquisition of knowledge and/or skills required to achieve one or more leaning objectives. These are predominantly presenter-developed tests requiring hands-on demonstration of knowledge and/or skill.

Tests, Written: Multiple-choice tests that measure the acquisition of knowledge required to achieve one or more learning objectives in one or more learning domains.

Glossary

Tests, Physical Abilities: A POST-developed test of physical abilities that requires students to run an obstacle course, drag a life-size dummy, scale a six-foot wall, scale a six-foot chain-link fence, and run 500 yards.

Tests, Scenario: Job simulation tests that measure acquisition of complex psychomotor and decision-making skills required to satisfy one or more learning objectives.

TMAS: Testing Management and Assessment System. An Internet-based state-wide testing system that POST uses to deliver tests to presenters after 1/1/06.

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~~*The contributions of the committee were invaluable to the completion of the Leadership, Ethics and Community Policing Project. We are grateful for their passion, commitment and guidance.*~~

ACKNOWLEDGEMENTS

Steering Committee

[2001-2004]

Captain Tenise Allen
Sacramento County Sheriff's Department

Mr. Al Avila, Director Allan Hancock College Law Enforcement Academy

Mr. Dave Barr, Director
Golden West College Criminal Justice Training Center

Sgt. Alex Bernard
Ontario Airport Police

Mr. Joe Brann, Former Director
U. S. Department of Justice
Office of Community Oriented Policing Services

Chief James Bueermann
Redlands Police Department

Mr. Greg Cooper,
Former Deputy Director
U. S. Department of Justice
Office of Community Oriented Policing Services

Captain Doug Dickerson
Brea Police Department

Mr. Manuel Espinoza, Former Director
Department of Alcoholic Beverage Control

Chief Bob Harrison
Vacaville Police Department

Officer Eric Heichlinger
Folsom Police Department

Mr. Jerry Jolly, Director
Department of Alcholic Beverage Control

Commander Dan Koenig
Los Angeles Police Department

Captain Greg Kyritsis
San Bernardino County Sheriff's Department

Assistant Sheriff Jack McDonald
Yolo County Sheriff's Department

Chief Patricia Medina
Rio Dell Police Department

Lt. Bob Olmsted
Los Angeles County Sheriff's Department

Dr. P. J. Ortmeier
Grossmont College Administration of Justice Department

Chief Patrick Parks
Petaluma Police Department

~~ACKNOWLEDGEMENTS~~

~~Sheriff Gary Philp~~
~~Humboldt County Sheriff's Department~~

~~Captain Mary Savage~~
~~Sacramento Police Department~~

~~Chief Michael Sellers~~
~~Seal Beach Police Department~~

~~Chief Deputy Stanley Sniff~~
~~Riverside County Sheriff's Department~~
~~Sgt. Dave Storton~~
~~San Jose Police Department~~

~~Chief Rick TerBorch~~
~~Arroyo Grande Police Department~~

~~Asst. Chief John Welter~~
~~San Diego Police Department~~

ACKNOWLEDGEMENTS

Subject Matter Expert Committee

[2001-2003]

Cpl. Raul Ahumada
Seal Beach Police Department

Lt. Mitch Alm
Riverside County Sheriff's Department

Capt. Pete Amico
Los Angeles Sheriff's Department

Mr. Michael Bach
Golden West College Criminal Justice Training Center

Officer Randall Blayney
Los Angeles Airport Police Department

Dr. Sandy Boyd
College of Marin

Ms. Robin Braafladt
Department of Developmental Services

Cpl. Dana Brownell
San Bernardino County Sheriff's Department

Sgt. Robert Bryant
Monterey County Sheriff's Department

Lt. Jack Carey
Los Angeles Sheriff's Department

Sgt. Mike Cook
Riverside Police Department
Mr. Frank L. Daley
Hayward Police Department

Sgt. Vicki Dellone Fresno
Police Department

Lt. Jim English
San Luis Obispo Police Department

Lt. Louis Fetherolf
Riverside Sheriff's Department

Ms. Denise Garland
California Attorney General's Office

Asst. Chief Adolfo
San Diego Police Department

Officer Scott Horrillo
Rocklin Police Department

Lt. Robb Hurt
San Diego Police Department

Lt. Bob Landry
Sacramento County Sheriff's Department

Capt. Mike Loughran
Napa County Sheriff's Office

Officer David McCrery
Fresno Police Department

ACKNOWLEDGEMENTS

Dean Richard McKee
Sacramento Regional Public Safety Training Center

Chief Jeff Miller
Rohnert Park Department of Public Safety

Lt. Bill Murphy
Los Angeles Police Department

Capt. Linda Oksner
Ventura County Sheriff's Department

Sgt. Lanny Roark
National City Police Department

Lt. Todd Rogers
Los Angeles Sheriff's Department

Lt. Ernie Sanchez
California Highway Patrol

Lt. Regina Scott
Los Angeles Police Department

Capt. Jacqueline Seabrooks
Santa Monica Police Department

Officer John Sellens
El Segundo Police Department

Sgt. Ray Stachnik
San Diego Police Department

Chief John Sterling
Santa Maria Police Department

Senior Investigator Judy Tucker
Fresno County District Attorney's Office

Cdr. Neal Tyler
Los Angeles Sheriff's Department

Lt. Lee Watkins
San Bernardino Sheriff's Department

Lt. Mark Wittenberg
Torrance Police Department

ACKNOWLEDGEMENTS

Pilot Agencies Integration Committee

[2002-2004]

Mr. Todd Dischinger
Napa Valley Criminal Justice Training Center

Asst. Chief Adolfo Gonzales
San Diego Police Department

Dr. Robin Greene
Los Angeles Police Department

Sgt. Jim Katapodis
Los Angeles Police Department

Sgt. Dan Miller
Los Angeles Police Department

Mr. John Migaiolo
San Bernardino County Sheriff's Department

Mr. Greg Miraglia
Napa Valley Criminal Justice Training Center

Sgt. Jeff Rose
San Bernardino County Sheriff's Department

Lt. Regina Scott
Los Angeles Police Department

Lt. Alan Skoglund
San Diego County Sheriff's Department

Lt. Robert Stinson
San Diego Police Department

Sgt. Pamela Swanegan
San Diego County Sheriff's Department

ACKNOWLEDGEMENTS

Alignment Committee

[2002-2004]

Mr. Neal Albee
Sierra College Criminal Justice Training Center

Mr. Dave Barr
Golden West College Criminal Justice Training Center

Mr. Mickey Bennett
Sacramento Regional Public Safety Training Center

Mr. Hugh Foster
Lake Tahoe Community College

Dr. Robin Greene
Los Angeles Police Department

Mr. John Migaiolo
San Bernardino County Sheriff's Department

Mr. Jerry Schoenstein
Santa Rosa Junior College Public Safety Training Center

Mr. Dave Storton
San Jose Police Department

Lt. Paul Tassone Sacramento County Sheriff's Department

Sgt. Rick Yorke
Kern County Sheriff's Department

ACKNOWLEDGEMENTS

Editorial Review Committee

[2005]

Mr. Graham Breck
POST LTRC Supervisor

Sgt. Robert Burnham
Alameda County Sheriff's Department

Ms. Sally Christian
San Bernardino County Sheriff's Department

Mr. Todd Dischinger
Napa Valley College

Mr. Richard Dunn
POST LCRP

Ms. Anne Harrison
Harrison & Associates

Mr. Bob Harrison
POST Special Consultant

Sgt. Nina Jansen
San Bernardino County Sheriff's Department

Deputy Cheryl Maccoun
Sacramento County Sheriff's Department

Mr. John Migaiolo
San Bernardino County Sheriff's Department

Sgt. Dan Miller
Los Angeles Police Department

Lt. John Rufficorn
Riverside County Sheriff's Department

Ms. Mechelle Schultz
POST Standards & Evaluations

Sgt. Pamela Swanegan
San Diego County Sheriff's Department

Sgt. Linda Thompson
Los Angeles Police Department

Mr. Dan Toomey
POST Senior Consultant

TRAINING AND TESTING
SPECIFICATIONS FOR LEARNING DOMAIN #01
LEADERSHIP, PROFESSIONALISM & ETHICS

~~August 1, 2015~~October 1, 2025

RBC	Other Basic Courses					Requal
	832	III	II	I	SIBC	
X	X	X			X	X
X	X	X			X	X
X	X	X			X	X
X	X	X			X	X
X	X	X			X	X
X	X	X			X	X

I. LEARNING NEED

Peace officers are expected to be leaders in the community, in their agencies, and among peers. To be effective, officers must understand the components of leadership, their responsibility to lead, and the impact of their leadership.

LEARNING OBJECTIVES

A. Discuss why leadership is important

B. Define leadership

C. Discuss universal components of leadership

D. Discuss the officer as a leader

E. Discuss the leader as a follower

F. Discuss how leadership impacts the daily work of a peace officer and how officers can recognize the results

RBC	Other Basic Courses					Requal
	832	III	II	I	SIBC	
X	X	X			X	X
X	X	X			X	X
X	X	X			X	X
X	X	X			X	X
X	X	X			X	X
X	X	X			X	X
X	X	X			X	X
X	X	X			X	X
X	X	X			X	X

II. LEARNING NEED

Peace officers are empowered and entrusted by the community with a broad range of power, authority and discretion to maintain safety and order. Professional and ethical standards are the means by which peace officers maintain the public trust. To be effective, a peace officer must make a life-long commitment to these standards.

LEARNING OBJECTIVES

A. Discuss the relationship between public trust and a peace officer's ability to perform their job

B. Discuss the community, agency, and other peace officers' expectations of a peace officer's conduct

C. Explain the benefits of professional and ethical behavior to the community, agency and peace officer

D. Describe the consequences of unprofessional/unethical conduct to the community, agency, and peace officer

E. Discuss the *Law Enforcement Code of Ethics,* and explain the importance of adhering to the *Law Enforcement Code of Ethics*

F. Explain why an officer should respond to a coworker's unprofessional or unethical conduct, including the legal basis for such interventions

G. Discuss situations when it is necessary to intervene on another peace officer's behalf and factors that can inhibit intervention

H. Describe the types and levels of intervention used to prevent another peace officer's inappropriate behavior

I. Give examples of ethical decision making strategies

RBC	Other Basic Courses					Requal
	832	III	II	I	SIBC	
X	X	X			X	X
~~X~~				~~X~~	~~X~~	
~~X~~				~~X~~	~~X~~	
~~X~~				~~X~~	~~X~~	
~~X~~				~~X~~	~~X~~	
~~X~~				~~X~~	~~X~~	
~~X~~				~~X~~	~~X~~	
~~X~~				~~X~~	~~X~~	

J. Explain the value of ethical decision making in leadership

~~III. REQUIRED TESTS~~

~~A. A scenario test that requires the student to demonstrate, by application, proficiency of ethics. At a minimum, the test shall evaluate the following competencies:~~

~~1. Leadership – the practice of influencing people, while using ethical values and goals to produce an intended change.~~

~~2. Problem solving/Decision Making – analyzing situations and implementing plans through one's actions to solve problems. Using verbal or physical skills to determine the appropriate resolution to a situation.~~

~~3. Communications – The use of effective verbal and non-verbal skills to convey intended meaning and establish understanding.~~

~~4. Ethics – Using accepted principles of conduct that govern decisions and actions based on professional values and expectations.~~

~~5. Stress Tolerance and Emotional Regulation – maintaining self-control and making timely, rational decisions in stressful situations.~~

~~Presenters must use the POST-developed Scenario Test and the POST Scenario Competency Evaluation and Grading Test Forms or presenter-developed forms approved by POST, which minimally include the performance dimensions used for this scenario test.~~

III~~V~~. REQUIRED LEARNING ACTIVITIES

RBC	Other Basic Courses					Requal
	832	III	II	I	SIBC	
X		X			X	
X		X			X	
X		X			X	
X		X			X	
X		X			X	
X		X			X	
X		X			X	X
X		X			X	X
X		X			X	X
X		X			X	X
X		X			X	X
X		X			X	X
X		X			X	X
X		X			X	X
X		X			X	X
X		X			X	X
X		X			X	X

A. The student will participate in one or more learning activities from the POST-developed *Instructor's Guide to Learning Activities* ~~*for Leadership, Ethics and Community Policing (December 2005*~~ *October 2025)* or other comparable sources regarding leadership. At a minimum, each activity or combination of activities must address the following topics:

1. Power and authority
2. Compliance and commitment
3. Sphere of influence
4. Officer as a leader
5. Leadership in the community
6. Positive and adverse impacts and challenges for consistently demonstrating leadership

B. The student will participate in one or more learning activities from the POST-developed *Instructor's Guide to Learning Activities* ~~*for Leadership, Ethics and Community Policing (December 2005*~~ *October 2025)* or other comparable sources regarding unprofessional or unlawful conduct by peace officers. At a minimum, each activity or combination of activities must address the following topics:

1. Whether or not the behavior was unlawful, unethical, or inconsistent with the *Law Enforcement Code of Ethics*
2. Identification of those whom the conduct impacts
3. The potential sanctions that could result from the behavior
4. Potential perceptions of the public regarding the behavior
5. Whether or not intervention is appropriate

C. The student will participate in a learning activity consisting of a small group that uses a video, the POST-developed publication *Becoming An Exemplary Peace Officer*, or other media presentation as a resource. During the exercise, the group will complete the following tasks:

1. Identify any ethical issues
2. Discuss the impact of the conduct
3. Determine if intervention is required
4. Defend the chosen intervention strategy

IV. REQUIRED TESTS

RBC	Other Basic Courses					Requal
	832	III	II	I	SIBC	
X				X	X	
X				X	X	
X				X	X	
X				X	X	
X				X	X	
X				X	X	
X				X	X	
8	2	8			8	4

A. A scenario test that requires the student to demonstrate, by application, proficiency of ethics. At a minimum, the test shall evaluate the following competencies:

1. Leadership – the practice of influencing people, while using ethical values and goals to produce an intended change.
2. Problem solving/Decision-Making – analyzing situations and implementing plans through one's actions to solve problems. Using verbal or physical skills to determine the appropriate resolution to a situation.
3. Communications – The use of effective verbal and non-verbal skills to convey intended meaning and establish understanding.
4. Ethics- Using accepted principles of conduct that govern decisions and actions based on professional values and expectations.
5. Stress Tolerance and Emotional Regulation - maintaining self-control and making timely, rational decisions in stressful situations.

Presenters must use the POST-developed Scenario Test and the POST Scenario Competency Evaluation and Grading Test Forms or presenter-developed forms approved by POST, which minimally include the performance dimensions used for this scenario test.

V. HOURLY REQUIREMENTS

Students shall be provided with a minimum number of instructional hours on leadership, professionalism and ethics.

VI. ORIGINATION DATE

January 1, 2001

VII. REVISION DATE

January 1, 2004
August 15, 2004
January 1, 2006
January 19, 2007
July 1, 2007
August 1, 2015
October, 1 2025

TRAINING AND TESTING
SPECIFICATIONS FOR LEARNING DOMAIN #03
PRINCIPLED POLICING IN THE COMMUNITY

October 1, ~~2023~~2025

RBC	Other Basic Courses					Requal
	832	III	II	I	SIBC	
X		X			X	X
X		X			X	X
X		X			X	X
X		X			X	X
X		X			X	X
X		X			X	X
X		X			X	X
X		X			X	X
X		X			X	X
X		X			X	X
X		X			X	X
X		X			X	X
X		X			X	X
X		X			X	X
X		X			X	X

I. LEARNING NEED

Peace officers need to know that their role in the community is to work in partnership with community members to resolve or reduce problems for the benefit of those who live and work there.

LEARNING OBJECTIVES

A. Define community policing

B. Identify the essential components of community policing, including:

1. Problem solving
2. Addressing quality of life issues
3. Partnerships with the community
4. Partnerships with other agencies
5. Internal and external resources

C. Identify community policing goals, including:

1. Reducing/preventing crime
2. Reducing the fear of crime
3. Improving the quality of life
4. Increasing community:
   a. Awareness
   b. Involvement
   c. Ownership
5. Increasing local government involvement in problem solving

RBC	Other Basic Courses					Requal
	832	III	II	I	SIBC	
X		X			X	X
X		X			X	
X		X			X	
X		X			X	
X		X			X	
X	X	X			X	
X	X	X			X	
X	X	X			X	
X	X	X			X	
X	X	X			X	
X	X	X			X	
X	X	X			X	
X		X			X	
X	X	X			X	
X	X	X			X	
X	X	X			X	
X	X	X			X	
X	X	X			X	
X	X	X			X	
X	X	X			X	

D. Discuss community policing philosophy

E. Discuss the history of policing models, including:

1. Traditional
2. Professional
3. Community

F. Identify peace officer responsibilities in the community, including:

1. Maintaining order
2. Enforcing the law
3. Preventing crime
4. Delivering service
5. Educating and learning from the community
6. Working with the community to solve problems

G. Differentiate between proactive and reactive policing

H. Discuss community expectations of peace officers

I. Recognize peace officers' responsibilities to enforce the law, including:

1. Adhering to all levels of the law
2. Fair and impartial enforcement
3. Knowing the patrol beat or area of responsibility

J. Identify the elements of area/beat knowledge, including:

1. Critical Sites
2. Locations requiring special attention, i.e., hot spots
3. Potentially dangerous areas

RBC	Other Basic Courses					Requal
	832	III	II	I	SIBC	
X	X	X			X	X
X			X		X	
X	X	X			X	
X X X			X X X		X X X	
X			X		X	
X			X		X	
X	X	X			X	X
X X X X X X	X X X X X X	X X X X X X			X X X X X X	X X X X X X

K. Discuss current and emerging issues that can impact the delivery of services by peace officers

L. Identify the components that comprise communities

M. Discuss opportunities where peace officers educate and learn from community members

N. Identify resources which provide opportunities to educate and learn from the community, including:

1. Community forums
2. Community advisory groups

O. Recognize a peace officer's role in influencing community attitudes

P. Discuss government expectations of law enforcement and peace officers

II. LEARNING NEED

Peace officers need to understand that community partnerships provide opportunities to effect greater change than could be accomplished by any one group alone.

LEARNING OBJECTIVES

A. Define community partnerships

B. Discuss the key elements for developing trust between community partners, including:

1. Truth
2. Respect
3. Understanding
4. Support
5. Teamwork

RBC	Other Basic Courses					Requal
	832	III	II	I	SIBC	
X	X	X			X	X
X			X		X	X
X			X		X	X
X			X		X	X
X			X		X	X
X			X		X	X
X	X	X			X	X
X	X	X			X	X
X	X	X			X	X
X	X	X			X	X
X	X	X			X	X
X	X	X			X	X
X	X	X			X	X
X	X	X			X	X
X	X	X			X	X
X			X		X	X
X			X		X	

C. Discuss the relationship of ethics to the badge of office

D. Identify the essential partnering skills, including:

1. Leadership
2. Communication
3. Facilitation
4. Community mobilization

E. Discuss leadership skills in community policing

F. Define communication

G. Recognize the components of a message in communications with others, including:

1. Content (words)
2. Voice characteristics
3. Nonverbal signals

H. Recognize the potential effects of negative nonverbal signals

I. Give examples of effective communication techniques for:

1. Active listening
2. Establishing effective lines of communication
3. Overcoming barriers to communication

J. Discuss the communication techniques that can be used for obtaining voluntary compliance

K. Define facilitation

RBC	Other Basic Courses					Requal
	832	III	II	I	SIBC	
X			X		X	
X			X		X	
X			X		X

RBC	Other Basic Courses					Requal
	832	III	II	I	SIBC	
X			X		X	
X			X		X	
X			X		X	
X			X		X	
X			X		X	
X			X		X	
X			X		X	X
X			X		X	X
X			X		X	X
X			X		X	X
X			X		X	
X			X		X	X

R. Discuss the benefits of maintaining a positive relationship with the news media

S. Discuss the components of a community inventory, including:

1. Partners
2. Stakeholders
3. Community collaboration

T. Define homeland security

U. Identify the benefits of integrating community mobilization and homeland security

III. LEARNING NEED

Peace officers need to recognize that effective problem solving is a process that identifies and addresses the underlying conditions of crime and disorder in the community.

LEARNING OBJECTIVES

A. Define the term “problem”

B. Identify the elements of the crime triangle, including:

1. Victim
2. Offender
3. Location

C. Discuss the Broken Windows Theory

D. Define problem solving

RBC	Other Basic Courses					Requal
	832	III	II	I	SIBC	
X			X		X	X
X		X			X	X
X		X			X	
X			X		X	
X			X		X	X
X			X		X	
X			X		X	
X			X		X	
X X X X X			X X X X X		X X X X X	
X			X		X	

E. Distinguish between Problem Oriented Policing (POP) and Community Policing (CP)

F. Define and discuss a problem solving strategy

G. Apply a problem solving strategy

H. Define crime prevention

I. Identify crime prevention strategies

J. Give examples of crime risk factors

K. Identify methods for recognizing crime problems

L. Define Crime Prevention Through Environmental Design (CPTED)

M. Identify the principles of Crime Prevention Through Environmental Design (CPTED)

1. Natural surveillance
2. Access control
3. Territorial reinforcements
4. Image

N. Discuss crime prevention programs within the community

IV. LEARNING NEED

Peace officers should recognize how principled policing contributes to legitimacy and benefits the officer, agency, and community.

RBC	Other Basic Courses					Requal
	832	III	II	I	SIBC	
X			X		X	X
X			X		X	X
X			X		X	X
X			X		X	X
X			X		X	X
X			X		X	X
X			X		X	X
X			X		X	X
X			X		X	X
X			X		X	X
X			X		X	X
X			X		X	X
X			X		X	X
X			X		X	X
X			X		X	X
X			X		X	X
X			X		X	X

LEARNING OBJECTIVES

A. Define principled policing

B. Discuss principled policing, to include:

1. Implicit and explicit bias
2. Procedural justice
3. Legitimacy
4. Historical events

C. Identify the four tenets of procedural justice

1. Voice
2. Neutrality
3. Respect
4. Trustworthiness

D. Discuss the potential benefits of procedural justice for law enforcement and the community, including:

1. Improved safety
2. Reduced stress
3. Fewer complaints
4. Increased cooperation
5. Improved community relations
6. Reduced crime

E. Discuss the application of procedural justice to the law enforcement mission

V. LEARNING NEED

Peace officers should recognize how historical and current events connect the past with the present and how these events can shape the perspectives of individuals, law enforcement and communities.

RBC	Other Basic Courses					Requal
	832	III	II	I	SIBC	
X			X		X	X
X			X		X	X X X
X X X			X X X		X X X	X X X
X X X			X X X		X X X	X X X
X			X		X	X
X			X		X	X

LEARNING OBJECTIVES

A. Discuss the impact of historical and current events and how they affect community perspectives

B. Discuss the concept of a community "bank account" (perspective) and its:

1. Deposits
2. Withdrawals

C. Discuss cynicism and its impact on law enforcement and the community, to include:

1. Community cynicism
2. Peace officer cynicism

VI. LEARNING NEED

Peace officers should recognize the existence of implicit bias and how it can influence decision-making and procedural justice.

LEARNING OBJECTIVES

A. Discuss implicit bias, to include:

1. Definition
2. Sources

B. Distinguish between implicit and explicit bias.

C. Discuss how implicit bias may influence decision making and procedural justice

VII. REQUIRED LEARNING ACTIVITIES

RBC	Other Basic Courses					Requal
	832	III	II	I	SIBC	
X			X		X	X
X		X			X	X
X			X		X	X
X			X		X	X
X			X		X	X
X			X		X	X
X			X		X	X
X			X		X	X
X			X		X	X
X			X		X	X
X			X		X	X
X			X		X	X
X			X		X	X
X			X		X	X

A. The student will participate in one or more learning activities from the POST-developed *Instructor's Guide to Learning Activities* ~~*for Leadership, Ethics and Community Policing* (December 2005~~*October 2025)* or other ~~———~~comparable sources. At a minimum, each activity _____must address how peace officers, agencies, and ~~———————~~communities benefit from community policing.

B. The student will participate in a learning activity that will reinforce an understanding of a problem solving strategy.

C. The student will participate in a role-playing learning activity that simulates a public problem-solving meeting with conflicting positions about a local issue. The activity shall focus on and generate discussion, during and after the activity, based upon the following:

1. Community policing philosophy
2. Community mobilization
3. Partnerships
4. Leadership
5. Facilitation techniques
6. Communication skills

D. The student will participate in learning activity depicting a situation in which the subject is initially noncompliant with verbal instructions to produce identification. The student will demonstrate the communication skills to resolve the conflict including:

1. Making an "ethical appeal" based upon a peace officer's professional presence and providing the subject with an opportunity to voluntarily comply (asking)
2. Identifying the law, policy, or rationale that applies to the situation, answering the subject's implied question "why?", and providing another opportunity for the subject to voluntarily comply (setting context)
3. Explaining the options or courses of action which could be taken by the peace officer and their potential personal consequences to the subject, and providing the subject with yet another opportunity to voluntarily comply (presenting options)
4. Taking the action appropriate to the situation if the subject fails to voluntarily comply (e.g., arrest)

E. Students will participate in a facilitated discussion about the application of the four tenets of procedural justice.

RBC	Other Basic Courses					Requal
	832	III	II	I	SIBC	
X X			X X		X X	X X
X			X		X	X
26	2	6	20		26	12

1. How each tenet impacts the relationship between law enforcement and the community
2. How each tenet influences perceptions of legitimacy

F. Students will participate in a group activity that requires them to research a historical event and present their findings to the class. The research must include the impact on the perspectives of law enforcement and the community. The event should include an historical action such as the Stonewall Riots, Zoot Suit Riots, Internment of Japanese Americans, March from Selma to Montgomery, George Floyd, etc.

VIII. REQUIRE TESTS

None

IX~~VIII~~. HOURLY REQUIREMENTS

Students shall be provided with a minimum number of instructional hours on policing in the community.

~~I~~X. ORIGINATION DATE

January 1, 2001

XI. REVISION DATE

January 1, 2004	January 19, 2007	July 1, 2012	April 1, 2022
August 15, 2004	July 1, 2008	February 15, 2017	October 1, 2023
September 15, 2004	July 1, 2010	July 1, 2018	October 1, 2025
January 1, 2006	July 1, 2011	April 1, 2020	

TRAINING AND TESTING
SPECIFICATIONS FOR LEARNING DOMAIN #04
VICTIMOLOGY/CRISIS INTERVENTION

~~August 1, 2015~~October 1, 2025

RBC	Other Basic Courses					Requal
	832	III	II	I	SIBC	
X				X	X	
X				X	X	
X				X	X	
X				X	X	
X				X	X	
X				X	X	

I. LEARNING NEED

Peace officers must deal effectively and considerately with victims, and protect their rights. Peace officers need to understand the psychological trauma experienced by crime victims. Peace officers need to identify techniques used to defuse crisis situations, which result from people being the victims of a crime.

LEARNING OBJECTIVES

A. Describe the direct and indirect victims of a crime

B. Describe emotional and physical reactions or behaviors that may be exhibited by victims in crisis

C. Describe techniques officers can use to help defuse a crisis situation for a victim of crime

D. Describe potentially negative attitudes that peace officers may exhibit toward victims of crime

II. LEARNING NEED

Peace officers must be able to provide victims with meaningful information that will assist them in coping with a crisis situation, and support their participation in the investigative and legal process.

LEARNING OBJECTIVES

A. Demonstrate knowledge of the five phases of a victim contact and identify appropriate officer actions during each phase

B. Apply the guidelines for interviewing a victim

RBC	Other Basic Courses					Requal
	832	III	II	I	SIBC	
X				X	X	X
X				X	X	X
X				X	X	X
X				X	X	X
X				X	X	X
~~X~~				~~X~~	~~X~~	
~~X~~				~~X~~	~~X~~	
~~X~~				~~X~~	~~X~~	
~~X~~				~~X~~	~~X~~	
~~X~~				~~X~~	~~X~~	
~~X~~				~~X~~	~~X~~	
X				X	X	X

C. Explain the information law enforcement agencies are required by law to provide to victims of criminal acts to include:
1. Government Code Section(s) 13950-13966
2. Victims' Bill of Rights, California Constitution, Article I, Section 28(b), "Marsy's Law"

D. Explain qualifications for compensation under the Victims of Crime Compensation Program

E. Explain the legal and procedural information available to the victim

~~III. REQUIRED TESTS~~

~~A. A scenario test that requires the student to demonstrate proficiency in Victimology and Crisis Intervention. At a minimum, the test shall evaluate the following competencies:~~

~~1. Leadership – The practice of influencing people while using ethical values and goals to produce an intended change.~~
~~2. Local Procedures – The ability to demonstrate knowledge of procedures or policies developed by the presenter or agency to address tactics or required actions in given circumstances.~~
~~3. Legal Authority/Individual Rights – The identification and application of state, federal and constitutional laws governing victim's rights.~~
~~4. Communication – The use of effective verbal and non-verbal skills to convey intended meaning and establish understanding.~~

~~Presenters must use the POST-developed Scenario Test and the POST Scenario Competency Evaluation and Grading Test Forms or presenter-developed forms approved by POST, which minimally include the performance dimensions used for this scenario test.~~

III~~V~~. REQUIRED LEARNING ACTIVITIES

A. The student will participate in one or more learning activities from the current POST-developed *Instructor's Guide to Learning Activities ~~for Leadership, Ethics and Community Policing (December 2005~~October 2025)* or other comparable sources regarding victimology/crisis intervention. At a minimum, each activity or combination of activities shall address the following topics:

RBC	Other Basic Courses					Requal
	832	III	II	I	SIBC	
X				X	X	X
X				X	X	X
X				X	X	X
X				X	X	X
X				X	X	X
X				X	X	
X				X	X	
X				X	X	X
X				X	X	X
X				X	X	X
X				X	X	
X				X	X	
X				X	X	
X				X	X	
X				X	X	

1. Behaviors exhibited by persons in crisis/crime victims
2. Use of effective interview techniques (e.g., empathy, active listening and non-verbal skills) during a peace officer's contact with persons in crisis/crime victims
3. Impact of a peace officer's conduct on victims, witnesses or others who may be at the scene of an incident
4. Listing and function of resources available to victims/persons in crisis

B. The student will participate in a learning activity regarding law enforcement contact with a crime victim. At a minimum, the learning activities must include:

1. Psychological reactions to victimization
2. Identification of any underlying or related problems (e.g., medical, emotional, financial, etc.)
3. Assistance and support services available to the victim
4. Legal and procedural information to provide the victim
5. Qualifications for compensation under the Victims of Crime Compensation Program

IV. REQUIRED TESTS

A. A scenario test that requires the student to demonstrate proficiency in Victimology and Crisis Intervention. At a minimum, the test shall evaluate the following competencies:

1. Leadership - The practice of influencing people while using ethical values and goals to produce an intended change.
2. Local Procedures – The ability to demonstrate knowledge of procedures or policies developed by the presenter or agency to address tactics or required actions in given circumstances.
3. Legal Authority/Individual Rights – The identification and application of state, federal and constitutional laws governing victim's rights.
4. Communication – The use of effective verbal and non-verbal skills to convey intended meaning and establish understanding.

Presenters must use the POST-developed Scenario Test and the POST Scenario Competency Evaluation and Grading Test Forms or presenter-developed forms approved by POST, which minimally include the performance dimensions used for this scenario test.

RBC	Other Basic Courses					Requal
	832	III	II	I	SIBC	
6				6	6	2

V. HOURLY REQUIREMENTS

Students shall be provided with a minimum number of instructional hours on victimology/crisis intervention.

VI. ORIGINATION DATE

January 1, 2001

VII. REVISION DATE

January 1, 2004
July 1, 2008
January 1, 2006
July 1, 2009
July 1, 2010
July 1, 2011
August 1, 2015
October 1, 2025

TRAINING AND TESTING
SPECIFICATIONS FOR LEARNING DOMAIN #15
LAWS OF ARREST

~~February 15, 2017~~October 1, 2025

RBC	Other Basic Courses					Requal
	832	III	II	I	SIBC	
X	X	X			X	
X	X	X			X	
X	X	X			X	
X	X	X			X	
X	X	X			X	
X	X	X			X	
X	X	X			X	X

I. LEARNING NEED

Peace officers must have an understanding of the amendments to the U.S. Constitution and similar sections of the California Constitution that are related to the authority, liability, and responsibility they have in making arrests.

LEARNING OBJECTIVES

A. Recognize a peace officer's responsibility in relation to the protections and rights included in the following amendments to the U.S. Constitution and related California Constitution sections:

1. Fourth Amendment
2. Fifth Amendment
3. Sixth Amendment
4. Fourteenth Amendment

B. Recognize a peace officer's responsibility in relation to the protections included under federal civil rights statutes

II. LEARNING NEED

Peace officers must recognize that a consensual encounter is a face-to-face contact with a person under circumstances, which would cause a reasonable person to believe they are free to leave or otherwise not cooperate.

LEARNING OBJECTIVES

A. Recognize appropriate conduct during a consensual encounter

RBC	Other Basic Courses					Requal
	832	III	II	I	SIBC	
X	X	X			X	X
X	X	X			X	X
X	X	X	X		X	X
X	X	X			X	X
X	X	X	X		X	X
X	X	X			X	X
X	X	X	X		X	X
X	X	X	X		X	X

B. Recognize conduct that may elevate a consensual encounter

C. Recognize the consequences of elevating a consensual encounter

III. LEARNING NEED

Peace officers must recognize that a temporary detention is an assertion of authority that is less than an arrest but more substantial than a consensual encounter.

LEARNING OBJECTIVES

A. Differentiate between a detention and a consensual encounter

B. Recognize reasonable suspicion

C. Recognize appropriate peace officer actions during a detention

D. Recognize the scope and conditions for warrantless searches and seizures during a detention

E. Recognize conditions where the use of force or physical restraint is appropriate during a detention

IV. LEARNING NEED

Peace officers must know and comply with the statutory rules of arrest in order to properly exercise their authority and responsibility while avoiding potential liability when making arrests.

LEARNING OBJECTIVES

A. Recognize when there is probable cause to arrest

RBC	Other Basic Courses					Requal
	832	III	II	I	SIBC	
X	X	X	X		X	X
X	X	X	X		X	X
X	X	X			X	X
X	X	X			X	X
X	X	X			X	X
X	X	X			X	X
X	X	X			X	X
X	X	X			X	X
X	X	X			X	X
X	X	X			X	X

B. Identify elements of a lawful arrest

C. Differentiate between arrest and detention

D. Recognize information that must be given to an arrested person

E. Recognize elements of a warrantless arrest for a misdemeanor

F. Recognize elements of a warrantless arrest for a felony

G. Recognize elements of a warrant arrest

H. Recognize the requirements for entry into a dwelling to make an arrest

I. Recognize the authority for a private person arrest and the peace officer's duty in response to a private person arrest

J. Recognize conditions under which the use of force or physical restraint is appropriate during an arrest

K. Recognize the statutory requirements for the disposition of an arrested person

L. Recognize the exceptions to the powers to arrest

V. LEARNING NEED

When conducting a custodial interrogation, peace officers must follow Miranda procedures to ensure that any answers obtained will be admissible in court.

LEARNING OBJECTIVE

RBC	Other Basic Courses					Requal
	832	III	II	I	SIBC	
X	X	X	X		X	X
X	X	X	X		X	X
X	X	X	X		X	X
X	X	X	X		X	X
X	X	X	X		X	X
X	X	X	X		X	X
X	X	X	X		X	X
X	X	X	X		X	
X			X		X	
X	X	X	X		X	
X			X		X	

A. Identify the purpose of the Miranda warnings

B. Recognize when Miranda warnings must be given

C. Identify the proper administration of Miranda warnings

D. Recognize the impact of invoking:

1. The right to remain silent
2. The right to counsel

E. Recognize the types of Miranda waivers

F. Recognize the exceptions to the Miranda rule

VI. LEARNING NEED

To develop admissible evidence while ensuring the constitutional rights of all individuals, peace officers must correctly follow standardized practices for conducting crime scene interviews and interrogations.

LEARNING OBJECTIVE

A. Differentiate between an interview and interrogation

B. Identify the purpose of an interrogation

C. Differentiate between an admission and confession

D. Identify the conditions in which a confession or admission may be inadmissible in court

RBC	Other Basic Courses					Requal
	832	III	II	I	SIBC	
~~X~~						
~~X~~						
~~X~~						
					~~X~~	
					~~X~~	
					~~X~~	
	~~X~~					
		~~X~~				
			~~X~~			
				~~X~~		
						~~X~~

~~VII. REQUIRED TESTS~~

~~A. The POST-Constructed Comprehensive RBC Test 1.~~

~~B. The POST-Constructed Comprehensive RBC Test 2.~~

~~C. The POST-Constructed Comprehensive RBC Test3.~~

~~D The POST-Constructed Comprehensive SIBC Test 1.~~

~~E. The POST-Constructed Comprehensive SIBC Test 2.~~

~~F. The POST-Constructed Comprehensive SIBC Test 3.~~

~~G. The POST-Constructed Comprehensive PC 832 Test.~~

~~H The POST-Constructed Comprehensive Module III Test.~~

~~I The POST-Constructed Comprehensive Module II Test.~~

~~J. The POST-Constructed Comprehensive Module I Test.~~

~~K. The POST-Constructed Comprehensive Requalification Test.~~

VII~~I~~. REQUIRED LEARNING ACTIVITIES

RBC	Other Basic Courses					Requal
	832	III	II	I	SIBC	
X			X		X	X
X			X		X	X
X			X		X	X
X			X		X	X
X			X		X	X
X			X		X	
X			X		X	
X			X		X	
X			X		X	
X			X		X	
X						
X						
X						
					X	
					X	

A. The student will participate in one or more learning activities from the POST-developed *Instructor's Guide to Learning Activities* ~~*for Leadership, Ethics and Community Policing (December 2005*~~ *October 2025)* or other ~~———~~comparable sources regarding laws of arrest. At a _____minimum, each activity or combination of activities, ~~———~~must address the following topics:

1. Use of analysis in the development of probable cause for consensual encounters, detentions and arrests
2. Role of peace officer discretion in using arrest as a tool of enforcement to resolve problems and focus on quality of life issues
3. Officer accountability and responsibility as it relates to laws of arrest
4. How a peace officer's conduct and attitude affects the officer, officer's agency and the community

B. The student will participate in a learning activity addressing interviews or interrogations. The discussion must minimally address the following issues:

1. Mechanics of the interview process
2. Location and physical environment
3. Interviewer's actions and style
4. Types of questions

VIII. REQUIRED TESTS

A. The POST-Constructed Comprehensive RBC Test 1.

B. The POST-Constructed Comprehensive RBC Test 2.

C. The POST-Constructed Comprehensive RBC Test3.

D. The POST-Constructed Comprehensive SIBC Test 1.

E. The POST-Constructed Comprehensive SIBC Test 2.

RBC	Other Basic Courses					Requal
	832	III	II	I	SIBC	
					X	
	X					
		X				
			X			
				X		
						X
12	5	5	7		12	6

F. The POST-Constructed Comprehensive SIBC Test 3.

G. The POST-Constructed Comprehensive PC 832 Test.

H. The POST-Constructed Comprehensive Module III Test.

I. The POST-Constructed Comprehensive Module II Test.

J. The POST-Constructed Comprehensive Module I Test.

K. The POST-Constructed Comprehensive Requalification Test.

IX. HOURLY REQUIREMENTS

Students shall be provided with a minimum number of instructional hours on laws of arrest.

X. ORIGINATION DATE

January 1, 2001

XI. REVISION DATE

October 1, 2001
January 1, 2002
January 1, 2004
September 15, 2004
January 1, 2006
January 19, 2007
July 1, 2008
February 15, 2017
October 1, 2025

TRAINING AND TESTING
SPECIFICATIONS FOR LEARNING DOMAIN #16
SEARCH & SEIZURE

~~February 15, 2017~~October 1, 2025

RBC	Other Basic Courses					Requal
	832	III	II	I	SIBC	
X	X	X			X	X
X	X	X			X	X
X	X	X			X	X
X	X	X			X	X
X			X		X	X

I. LEARNING NEED

Peace officers must have a clear understanding of their authority, responsibility, and potential for liability in the areas of search and seizure law, as well as the protections provided by constitutional law, statutory law, and case law against unreasonable searches and seizures.

LEARNING OBJECTIVES

A. Recognize constitutional protections guaranteed by the Fourth Amendment

B. Identify the concept of reasonable expectation of privacy

C. Recognize standing and how it applies to an expectation of privacy

D. Recognize probable cause to search and its link between Fourth Amendment protections and search and seizure law

E. Recognize how the exclusionary rule applies to a peace officer's collection of evidence

II. LEARNING NEED

To search for and seize evidence legally, peace officers must know the rules and requirements for obtaining and executing a search warrant.

LEARNING OBJECTIVES

RBC	Other Basic Courses					Requal
	832	III	II	I	SIBC	
X			X		X	X
X			X		X	X
X			X		X	X
X			X		X	X
X			X		X	X
X			X		X	X
X			X		X	X
X	X	X			X	X
X	X	X			X	X
X	X	X			X	X
X	X	X			X	X
X	X	X			X	X

A. Recognize how probable cause serves as a basis for obtaining a search warrant

B. Recognize the necessary conditions for securing an area pending the issuance of a search warrant

C. Identify the time limitations for serving a search warrant

D. Recognize the elements for compliance with the knock and notice requirements when serving a search warrant

E. Recognize the application of the Nexus Rule while conducting an authorized search

III. LEARNING NEED

When certain conditions are met, officers may lawfully search and seize evidence without a search warrant. For evidence to be admissible at trial, officers must have a clear understanding of the legal requirements for warrantless searches.

LEARNING OBJECTIVES

A. Recognize why a plain view seizure does not constitute a search

B. Recognize the legal requirements for seizure of items in plain view

C. Recognize the conditions and circumstances where warrantless searches and seizures are considered reasonable and legal

D. Recognize the scope and necessary conditions for conducting the following types of warrantless searches:

1. Cursory/frisk/pat searches
2. Consent searches
3. Searches pursuant to exigent circumstances

RBC	Other Basic Courses					Requal
	832	III	II	I	SIBC	
X	X	X			X	X
X	X	X			X	X
X	X	X			X	X
X	X	X			X	X
X	X	X			X	X
X	X	X			X	X
X	X	X			X	X
X	X	X			X	X
X	X	X			X	X
X	X	X			X	X
X	X	X			X	X

4. Searches incident to arrest
5. Probation/parole searches

IV. LEARNING NEED

The Fourth Amendment's protection against unreasonable searches and seizures extends to a person's vehicle and property inside the vehicle. However, the courts have created several exceptions to the Fourth Amendment's warrant requirement because of the potential mobility of a motor vehicle.

LEARNING OBJECTIVES

A. Recognize the scope and necessary conditions for conducting the following types of motor vehicle searches:

1. Probable cause searches
2. Seizures of items in plain view
3. Protective searches
4. Consent searches
5. Searches incident to custodial arrest
6. Instrumentality searches

B. Recognize the scope and necessary conditions for conducting a vehicle inventory

V. LEARNING NEED

Peace officers must recognize when a search or the seizure of evidence involves intrusion into a subject's body. Special care must be taken to balance the subject's reasonable expectation of privacy under the Fourth Amendment against the government's need to collect evidence.

LEARNING OBJECTIVES

A. Recognize the legal framework establishing a peace officer's authority to seize physical evidence from a subject's body:

1. With a warrant

RBC	Other Basic Courses					Requal
	832	III	II	I	SIBC	
X	X	X			X	X
X	X	X			X	X
X	X	X			X	X
X	X	X			X	X
X	X	X			X	X
X	X	X			X	X
X			X		X	X
X			X		X	X
X			X		X	X
X			X		X	X
~~X~~						

2. Without a warrant

B. Recognize conditions under which a peace officer may use reasonable force to prevent a subject from swallowing or attempting to swallow evidence

C. Recognize the conditions necessary for legally obtaining blood samples

D. Recognize the conditions for legally obtaining the following evidence:

1. Fingerprints
2. Handwriting samples

VI. LEARNING NEED

Peace officers must be aware of the due process rights that protect against impermissible suggestiveness when conducting any procedure involving a subject's identification.

LEARNING OBJECTIVES

A. Identify the importance of a peace officer's neutral role during an identification procedure

B. Identify officer actions before, during, and after an identification procedure to prevent impermissible law enforcement suggestiveness when conducting a:

1. Field show-up
2. Photographic spread
3. Custodial lineup

~~VII. REQUIRED TESTS~~

~~A. The POST-Constructed Comprehensive RBC Test 1.~~

RBC	Other Basic Courses					Requal
	832	III	II	I	SIBC	
~~X~~						
~~X~~						
					~~X~~	
					~~X~~	
					~~X~~	
	~~X~~					
		~~X~~				
			~~X~~			
				~~X~~		
						~~X~~
X X			X X		X X	

~~B. The POST-Constructed Comprehensive RBC Test 2.~~

~~C. The POST-Constructed Comprehensive RBC Test 3.~~

~~D. The POST-Constructed Comprehensive SIBC Test 1.~~

~~E. The POST-Constructed Comprehensive SIBC Test 2.~~

~~F. The POST-Constructed Comprehensive SIBC Test 3.~~

~~G. The POST-Constructed Comprehensive PC 832 Test.~~

~~H. The POST-Constructed Comprehensive Module III Test.~~

~~I The POST-Constructed Comprehensive Module II Test.~~

~~J. The POST-Constructed Comprehensive Module I Test~~

~~K. The POST-Constructed Comprehensive Requalification Test.~~

VII~~I~~. REQUIRED LEARNING ACTIVITIES

A. The student will participate in one or more learning activities from the POST-developed *Instructor's Guide to Learning Activities* ~~*for Leadership, Ethics and Community Policing*~~*(October 2025)* or other comparable sources regarding search & seizure. At a minimum, each activity or combination of activities must address the following topics:

1. Examples of resources within a community that may help an officer establish probable cause to

RBC	Other Basic Courses					Requal
	832	III	II	I	SIBC	
X			X		X	
X			X		X	
X			X		X	
X						
X						
X						
					X	
					X	
					X	
	X					
		X				
			X			
				X		

obtain a search warrant

2. Fairness, trustworthiness and respect as it relates to duties performed by an officer during searches and seizures
3. Ability to balance officer safety with the protection of individual rights and the preservation of property
4. Legal and agency policy issues

VIII. REQUIRED TESTS

A. The POST-Constructed Comprehensive RBC Test 1.

B. The POST-Constructed Comprehensive RBC Test 2.

C. The POST-Constructed Comprehensive RBC Test 3.

D. The POST-Constructed Comprehensive SIBC Test 1.

E. The POST-Constructed Comprehensive SIBC Test 2.

F. The POST-Constructed Comprehensive SIBC Test 3.

G. The POST-Constructed Comprehensive PC 832 Test.

H. The POST-Constructed Comprehensive Module III Test.

I The POST-Constructed Comprehensive Module II Test.

J. The POST-Constructed Comprehensive Module I Test

RBC	Other Basic Courses					Requal
	832	III	II	I	SIBC	
						X
12	3	4	8		12	8

K. The POST-Constructed Comprehensive Requalification Test.

IX. HOURLY REQUIREMENTS

Students shall be provided with a minimum number of instructional hours on search and seizure.

X. ORIGINATION DATE

January 1, 2001

XI. REVISION DATE

October 1, 2001
January 1, 2002
January 1, 2004
September 15, 2004
January 1, 2006
January 19, 2007
July 1, 2008
July 1, 2009
February 15, 2017
October 1, 2025

TRAINING AND TESTING
SPECIFICATIONS FOR LEARNING DOMAIN #18
INVESTIGATIVE REPORT WRITING

~~February 1, 2017~~October 1, 2025

RBC	Other Basic Courses					Requal
	832	III	II	I	SIBC	
X	X	X	X	X	X	
X	X	X	X	X	X	
X	X	X	X	X	X	
X X X X			X X X X	X X X X	X X X X	

I. LEARNING NEED

A peace officer's ability to clearly document the facts and activities of an investigation not only reflects on the officer's own professionalism, but also on the ability of the justice system to prosecute the criminal case.

LEARNING OBJECTIVES

A. Explain the legal basis for requiring investigative reports

II. LEARNING NEED

Peace officers must recognize that the information gathered during their initial investigation in the field will become the foundation for their investigative reports.

LEARNING OBJECTIVES

A. Discuss the importance of taking notes in preparation for writing reports

B. Apply appropriate actions for taking notes during a field interview

C. Distinguish between:

1. Opinion
2. Fact
3. Conclusion

RBC	Other Basic Courses					Requal
	832	III	II	I	SIBC	
X	X	X	X		X	
X	X	X	X		X	
X	X	X	X		X	
X	X	X	X		X	
X	X	X	X		X	
X	X	X	X		X	
X	X	X	X		X	
X	X	X	X		X	
X		X	X		X	
X		X	X		X	
X		X	X		X	
X		X	X		X	
X		X	X		X	

III. LEARNING NEED

Peace officers must recognize in order for an investigative report to be of use in the judicial process, the report must be well organized, and include facts needed to establish that a crime has been committed and all actions taken by officers were appropriate.

LEARNING OBJECTIVES

A. Summarize the primary questions that must be answered by an investigative report

B. Identify the fundamental content elements in investigative reports, including:

1. Initial information
2. Identification of the crime
3. Identification of involved parties
4. Victim/witness statements
5. Crime scene specifics
6. Property information
7. Officer actions

IV. LEARNING NEED

Peace officers must recognize that an effective report must exhibit the writer's command of the language and be relatively free of errors in sentence structure, grammar, and other writing mechanics.

LEARNING OBJECTIVES

A. Apply guidelines for recommended grammar used in investigative reports, including use of:

1. Proper nouns
2. First person pronouns
3. Third person pronouns
4. Past tense
5. Active voice

RBC	Other Basic Courses					Requal
	832	III	II	I	SIBC	
X		X	X		X	
X		X	X		X	
X		X	X		X	
X		X	X		X	
X		X	X		X	
X		X	X		X	
X		X	X		X	
X		X	X		X	
X		X	X		X	
~~X~~				~~X~~	~~X~~	
~~X~~				~~X~~	~~X~~	
~~X~~				~~X~~	~~X~~	
~~X~~				~~X~~	~~X~~	
~~X~~				~~X~~	~~X~~	
~~X~~				~~X~~	~~X~~	
~~X~~				~~X~~	~~X~~	
~~X~~				~~X~~	~~X~~	
~~X~~				~~X~~	~~X~~	

B. Organize information within a paragraph for clarity and proper emphasis

C. Select language that will clearly convey information to the reader of the investigative report

D. Distinguish between commonly used words that sound alike but have different meanings

E. Proofread for content and mechanical errors, including:

1. Spelling
2. Punctuation
3. Grammar
4. Word choice
5. Syntax

~~V. REQUIRED TESTS~~

~~A. A report writing test that requires the student to prepare an investigative report including the arrest of one or more suspects as described below:~~

~~Given a depiction of a criminal situation, which requires investigation and the arrest of one or more suspects based upon a presenter-developed video re-enactment, simulation, or scenario, the student will write an acceptable report in class.~~

~~To be of sufficient complexity, the investigation must reflect an investigative report including the arrest of one or more suspects which minimally incorporates:~~

~~1. Elements of a crime~~
~~2. Reasonable suspicion or probable cause to stop~~
~~3. Justification for a pat down search~~
~~4. Probable cause to search/seize~~
~~5. Discovery, recovery, and disposition of evidence~~
~~6. Probable cause to arrest~~
~~7. Miranda admonishment and response of the suspect, if appropriate~~

RBC	Other Basic Courses					Requal
	832	III	II	I	SIBC	
X				X	X	
X				X	X	
X				X	X	
X				X	X	
X				X	X	
X				X	X	
X				X	X	
X				X	X	
X				X	X	
X				X	X	
X				X	X	
X				X	X	
X				X	X	

8. Statements of victim(s) and/or witness(es)
9. Pertinent crime scene details

To be considered acceptable, the report must meet the following criteria:

1. The writing must be reasonably fluent, well developed, and well organized to clearly communicate to the reader
2. All essential information, including any facts needed to establish the corpus of the crime, must be included in the report
3. The report must be free of mechanical errors (i.e., grammar, punctuation, spelling and word choice) that significantly diminishes its evidentiary value or usefulness
4. The time required to complete the report must be reasonable and consistent with the expectations of a typical field training program

The student will demonstrate competency in the following performance dimensions:

1. Knowledge of Report Forms
2. Elements of Crime(s)
3. Narrative Organization
4. Narrative Content
5. Writing Mechanics

Presenters must use the POST-developed Investigative Report-Writing Competency Test Form or a presenter-developed form, which minimally includes the performance dimensions used for this exercise test.

The POST-developed Investigative Report Writing Competency Test Form provides two available grading processes

1. Pass/Fail using the LD 18 Investigate Report Writing Competency Test Scoring Matrix
2. Point deduction using the LD 18 Investigative Report Writing quantitative/numerical deduction scoring system based on overall award of 100 points per written exercise with the minimum pass point set by the presenter

The presenter will determine which grading method will be used, and what the pass point is for the

RBC	Other Basic Courses					Requal
	832	III	II	I	SIBC	
X				X	X	
X				X	X	
X				X	X	
X				X	X	
X				X	X	
X				X	X	
X				X	X	
X				X	X	
X				X	X	
X				X	X	
X				X	X	

~~test report.~~

VI~~.~~ REQUIRED LEARNING ACTIVITIES

A. Students will participate in a learning activity that requires the writing of five practice reports based on either POST-developed video re-enactments of crimes, investigations or law enforcement-related incidents, or based upon equivalent simulations, scenarios or videotape depictions developed by the presenter.

The events selected should require reports reflecting a progressive level of difficulty (e.g., from a simple incident or crime to more complex events involving the articulation of probable cause to stop, probable cause to arrest, statements of witnesses, etc.)

Each learning activity must incorporate:

1. Generation of appropriate field notes narrative

2. Formal feedback to the student regarding the quality of student writing. The purpose of requiring feedback is to provide ongoing evaluation and documentation of student strengths and weaknesses so that the student is able to progressively improve.

Assessment of the practice reports should address:

a. The adequacy of the decisions made by the student regarding the incident/crime. This includes:

(1) The determination of the existence or nonexistence of a crime
(2) If a crime has been committed, the proper identification of that crime
(3) The taking of proper safety measures
(4) The preservation of evidence
(5) The capturing of all essential information

b. The ability of the report/narrative to communicate with the reader and employ proper format and conventions. This includes:

RBC	Other Basic Courses					Requal
	832	III	II	I	SIBC	
X				X	X	
X				X	X	
X				X	X	
X				X	X	
X				X	X	
X				X	X	
X			X		X	
X			X		X	
X			X		X	
X			X		X	
X			X		X	
X				X	X	
X				X	X	
X				X	X	
X				X	X	
X				X	X	
X				X	X	

(1) The organization and development of the report
(2) The inclusion of relevant information
(3) The anticipation of possible defenses that might be asserted by the suspect
(4) The use of the active voice
(5) The use of the first person
(6) The proper use of grammar, punctuation, spelling, and word choice

B. The student will participate in one or more learning activities from the POST-developed *Instructor's Guide to Learning Activities* (October 2025) ~~*for Leadership, Ethics and Community Policing*~~ or other comparable sources regarding investigative report writing. At a minimum, each activity, or combination of activities must address the following topics:

1. Written communication as an expression of integrity, reliability, fairness and credibility
2. Effective reports as a demonstration of an officer's character, decision making, and courage
3. Potential stakeholders that may be positively or adversely affected by a well-written report (e.g. victims, suspects, courts, witnesses)
4. Consequences of an ineffective/inaccurate report to the officer, officer's agency, policing profession and the community

VI. REQUIRED TESTS

A. A report writing test that requires the student to prepare an investigative report including the arrest of one or more suspects as described below:

Given a depiction of a criminal situation, which requires investigation and the arrest of one or more suspects based upon a presenter-developed video re-enactment, simulation, or scenario, the student will write an acceptable report in class.

To be of sufficient complexity, the investigation must reflect an investigative report including the arrest of one or more suspects which minimally incorporates:

1. Elements of a crime
2. Reasonable suspicion or probable cause to stop
3. Justification for a pat down search

RBC	Other Basic Courses					Requal
	832	III	II	I	SIBC	
X				X	X	
X				X	X	
X				X	X	
X				X	X	
X				X	X	
X				X	X	
X				X	X	
X				X	X	
X				X	X	
X				X	X	
X				X	X	
X				X	X	
X				X	X	
X				X	X	
X				X	X	
X				X	X	
X				X	X	
X				X	X	
X				X	X	

4. Probable cause to search/seize
5. Discovery, recovery, and disposition of evidence
6. Probable cause to arrest
7. Miranda admonishment and response of the suspect, if appropriate
8. Statements of victim(s) and/or witness(es)
9. Pertinent crime scene details

To be considered acceptable, the report must meet the following criteria:

1. The writing must be reasonably fluent, well developed, and well organized to clearly communicate to the reader
2. All essential information, including any facts needed to establish the corpus of the crime, must be included in the report
3. The report must be free of mechanical errors (i.e., grammar, punctuation, spelling and word choice) that significantly diminishes its evidentiary value or usefulness
4. The time required to complete the report must be reasonable and consistent with the expectations of a typical field training program

The student will demonstrate competency in the following performance dimensions:

1. Knowledge of Report Forms
2. Elements of Crime(s)
3. Narrative Organization
4. Narrative Content
5. Writing Mechanics

Presenters must use the POST-developed Investigative Report-Writing Competency Test Form or a presenter-developed form, which minimally includes the performance dimensions used for this exercise test.

The POST-developed Investigative Report Writing Competency Test Form provides two available grading processes

1. Pass/Fail using the LD 18 Investigate Report Writing Competency Test Scoring Matrix
2. Point deduction using the LD 18 Investigative Report Writing quantitative/numerical

RBC	Other Basic Courses					Requal
	832	III	II	I	SIBC	
48	2	8	20	20	52	

deduction scoring system based on overall award of 100 points per written exercise with the minimum pass point set by the presenter

The presenter will determine which grading method will be used, and what the pass point is for the test report.

VII. HOURLY REQUIREMENTS

Students shall be provided with a minimum number of instructional hours on investigative report writing.

VIII. ORIGINATION DATE

January 1, 2001

IX. REVISION DATE

January 1, 2004
January 1, 2006
January 19, 2007
July 1, 2008
July 1, 2012 October 1, 2025
August 1, 2013
February 1, 2014
February 1, 2017

TRAINING AND TESTING
SPECIFICATIONS FOR LEARNING DOMAIN #19
VEHICLE OPERATIONS

~~April 1, 2022~~October 1, 2025

RBC	Other Basic Courses					Requal
	832	III	II	I	SIBC	
X		X		X	X	
X		X		X	X	
X		X		X	X	
X		X		X	X	
X		X		X	X	
X		X		X	X	
X		X		X	X	
X		X		X	X	
X		X		X	X	

I. LEARNING NEED

Peace officers need to know the importance of defensive driving principles and techniques in order to develop safe driving habits.

LEARNING OBJECTIVES

A. Determine a safe distance when following another vehicle

B. Identify the effect of speed on a driver's peripheral vision

C. Discuss how perception and reaction time affects a vehicle's total stopping distance

D. Demonstrate appropriate actions to prevent intersection collisions

E. Recognize potential hazards of freeway driving and appropriate actions to prevent collisions

F. Demonstrate appropriate actions to prevent collisions when operating a vehicle in reverse

G. Demonstrate the importance and proper use of safety belts in a law enforcement vehicle

H. Identify psychological and physiological factors that may have an effect on a peace officer's driving

I. Identify hazards of various road conditions

RBC	Other Basic Courses					Requal
	832	III	II	I	SIBC	
X		X		X	X	
X		X		X	X	
X		X		X		
X		X		X		X
X		X		X		X
X		X		X		X
X		X		X		
X		X		X		
X		X		X		
X		X		X		
X		X		X		

J. Discuss the components of a vehicle inspection

K. Demonstrate proper techniques for recognizing and coping with distractions while operating a law enforcement vehicle

II. LEARNING NEED

Peace officers must recognize that emergency response (Code 3) driving demands a thorough understanding of the associated liability and safety issues.

LEARNING OBJECTIVES

A. Identify the objectives of emergency response driving

B. Recognize the statute(s) governing peace officers when operating law enforcement vehicles in the line of duty

1. Rules of the road
2. Liability

C. Explain the importance of agency-specific policies and guidelines regarding emergency response driving

D. Identify the statutory responsibilities of non-law enforcement vehicle drivers when driving in the presence of emergency vehicles operated under emergency response conditions

E. Demonstrate the use of emergency warning devices available on law enforcement vehicles

F. Identify factors that can limit the effectiveness of a vehicle's emergency warning devices

G. Demonstrate the use of communication equipment

RBC	Other Basic Courses					Requal
	832	III	II	I	SIBC	
X		X		X		
X		X		X		
X		X		X		X
X		X		X		X
X		X		X	X	
X				X	X	
X		X		X	X	

H. Identify the effects of siren syndrome

I. Recognize guidelines for entering an intersection when driving under emergency response conditions

III. LEARNING NEED

All peace officers who operate law enforcement emergency vehicles must recognize that even though the purpose of pursuit driving is the apprehension of a suspect who is using a vehicle to flee, the vehicle pursuit is never more important than the safety of peace officers and the public.

LEARNING OBJECTIVES

A. Discuss the requirements of Penal Code Section 13519.8

B. Discuss the requirements of Vehicle Code Section 17004.7

IV. LEARNING NEED

Peace officers must be proficient in the operation of the vehicle and know the dynamic forces at work. Proper steering control, throttle control, speed judgment, and brake use enhances driving expertise.

LEARNING OBJECTIVES

A. Distinguish between longitudinal and lateral weight transfer

B. Demonstrate the ability to mitigate the effects of spring loading

C. Demonstrate proper techniques for two-handed shuffle steering

RBC	Other Basic Courses					Requal
	832	III	II	I	SIBC	
X		X		X	X	
X		X		X	X	
X		X		X	X	
X		X		X	X	
X		X		X	X	
X		X		X	X	
X		X		X	X	
X		X		X	X	
X		X		X	X	
X		X		X	X	
~~X~~		~~X~~		~~X~~	~~X~~	
~~X~~				~~X~~	~~X~~	
~~X~~				~~X~~	~~X~~	

D. Demonstrate proper throttle control

E. Demonstrate proper roadway position and the three essential reference points of a turning maneuver

F. Explain the primary effects speed has on a vehicle in a turning maneuver

G. Demonstrate proper braking methods

H. Distinguish between and describe the causes of the following types of vehicle skids:

1. Understeer skid
2. Oversteer skid
3. Locked-wheel skid
4. Acceleration skid
5. Centrifugal skid

I. Identify the causes and contributing factors of vehicle hydroplaning

~~V. REQUIRED TESTS~~

~~**VEHICLE OPERATIONS SAFETY**~~

~~All vehicle operations exercise testing must be conducted under written academy/presenter safety procedures and or protocols established in accordance with the POST safety guidelines. Students are required to comply with every aspect of presenter safety procedures and or protocols during vehicle operations training and testing.~~

~~A. An **exercise test** that requires the student drive a law enforcement vehicle not equipped with Electronic Stability Control (ESC) and demonstrate the ability to control the vehicle during understeer and oversteer conditions or drive a law enforcement vehicle equipped with ESC and demonstrate the ability to control the vehicle during understeer conditions.~~

~~The student will demonstrate competency in the following performance dimensions:~~

RBC	Other Basic Courses					Requal
	832	III	II	I	SIBC	
~~X~~				~~X~~	~~X~~	
~~X~~				~~X~~	~~X~~	
~~X~~				~~X~~	~~X~~	
~~X~~				~~X~~	~~X~~	
~~X~~				~~X~~	~~X~~	
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~~X~~				~~X~~		

~~1. Safety~~
~~2. Situational Awareness~~
~~3. Braking Technique(s)~~
~~4. Steering Technique(s)~~
~~5. Throttle Control~~
~~6. Control of Weight Transfer~~
~~7. Skid Control~~
~~8. Rate of Performance~~
~~9. Fluency of Performance~~
~~10. Level of Response~~

~~Presenters must use the POST-developed Vehicle Operations Competency Exercise Test Form or a presenter-developed form approved by POST, which minimally includes the performance dimensions used for this exercise test.~~

~~B. An **exercise test** that requires the student to drive a law enforcement vehicle and demonstrate the ability to safely drive and control the vehicle while operating under emergency response (Code 3) conditions to include interacting with an interference vehicle driven by a qualified Driver Training Instructor (as defined in Regulation 1070).~~

~~The student will demonstrate competency in the following performance dimensions:~~

~~1. Safety~~
~~2. Situational Awareness~~
~~3. Braking Technique(s)~~
~~4. Steering Technique(s)~~
~~5. Throttle Control~~
~~6. Roadway Positioning~~
~~7. Operating Associated Equipment~~
~~8. Rate of Performance~~
~~9. Fluency of Performance~~
~~10. Level of Performance~~

~~Presenters must use the POST-developed Vehicle Operations Competency Exercise Test Form or a~~

RBC	Other Basic Courses					Requal
	832	III	II	I	SIBC	
~~X~~				~~X~~		
~~X~~				~~X~~		
~~X~~				~~X~~		
~~X~~				~~X~~		
~~X~~				~~X~~		
~~X~~				~~X~~		
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~~X~~				~~X~~		
~~X~~				~~X~~		
~~X~~				~~X~~		

~~presenter-developed form approved by POST, which minimally includes the performance dimensions used for this exercise test.~~

~~C. An **exercise test** that requires the student to drive a law enforcement vehicle and demonstrate the ability to safely drive and control the vehicle while operating under vehicle pursuit situations to include interacting with an interference vehicle driven by a qualified Driver Training Instructor (as defined in Regulation 1070).~~

~~The student will demonstrate competency in the following performance dimensions:~~

~~1. Safety~~
~~2. Situational Awareness~~
~~3. Braking Technique(s)~~
~~4. Steering Technique(s)~~
~~5. Throttle Control~~
~~6. Roadway Positioning~~
~~7. Operating Associated Equipment~~
~~8. Rate of Performance~~
~~9. Level of Performance~~
~~10. Fluency of Performance~~

~~Presenters must use the POST-developed Vehicle Operations Competency Exercise Test Form or a presenter-developed form approved by POST, which minimally includes the performance dimensions used for this exercise test.~~

~~D. An **exercise test** that requires the student to drive a law enforcement vehicle and successfully demonstrate in four out of five attempts the collision avoidance exercise as described in the Emergency Vehicle Operations Course Instructor Manual. The test will include a light indicator for lane selection and a minimum of 35 mph entry speed in dry surface conditions and a minimum of 30 mph entry speed in wet surface conditions. If the light indicator malfunctions, an alternate visual indicator shall be utilized.~~

~~The student will demonstrate competency in the following performance dimensions:~~

~~1. Safety~~

RBC	Other Basic Courses					Requal	
	832	III	II	I	SIBC		
X				X			2. Situational Awareness
X				X			3. Braking Technique(s)
X				X			4. Steering Technique(s)
X				X			5. Throttle Control
X				X			Presenters must use the POST-developed Vehicle Operations Competency Exercise Test Form or a presenter-developed form approved by POST, which minimally includes the performance dimensions used for this exercise test.
X		X		X	X	X	E. An **exercise test** that requires the student to drive a law enforcement vehicle and demonstrate a series of slow speed precision driving maneuvers. The slow speed precision driving maneuvers must include at least **three (3) tested maneuvers** contained in the Emergency Vehicle Operations Course Instructor Manual. The instructor manual slow speed maneuvers are listed as follows:
							Turn around — Angled driveway
							Off set lane — "Y" driveway
							Steering Course (forward and reverse) — Vehicle Control
							"T" Driveway — Parallel parking
							Bootleg Turn
X		X		X	X	X	The student will demonstrate competency in the following performance dimensions:
X		X		X	X	X	1. Safety
X		X		X	X	X	2. Situational Awareness
X		X		X	X	X	3. Braking Techniques(s)
X		X		X	X	X	4. Steering Technique(s)
X		X		X	X	X	5. Throttle Control
X		X		X	X	X	6. Speed Judgment
X		X		X	X	X	7. Vehicle Placement
X		X		X	X	X	8. Backing
X		X		X	X	X	9. Tactical Seatbelt Removal (TSR)
X		X		X	X	X	10. Rate of Performance
X		X		X	X	X	11. Fluency of Performance
X		X		X	X	X	Presenters must use the POST-developed Vehicle Operations Competency Exercise Test Form or a

RBC	Other Basic Courses					Requal
	832	III	II	I	SIBC	
~~X~~				~~X~~		
~~X~~				~~X~~		
~~X~~				~~X~~		
~~X~~				~~X~~		
~~X~~				~~X~~		
~~X~~				~~X~~		
~~X~~				~~X~~		
~~X~~				~~X~~		
~~X~~				~~X~~		
~~X~~				~~X~~		
X				X		
X				X		

~~presenter-developed form approved by POST, which minimally includes the performance dimensions used for this exercise test.~~

~~F. An **exercise test** that requires a student to drive a law enforcement vehicle during which the student must reach a speed of at least 65 mph prior to entering a turn of sufficient radius to require a minimum 30 mph deceleration. This exercise test may be tested concurrently with emergency response or pursuit tests.~~

~~The student will demonstrate competency in the following performance dimensions:~~

~~1. Safety~~
~~2. Situational Awareness~~
~~3. Braking Techniques(s)~~
~~4. Steering Technique(s)~~
~~5. Throttle Control~~
~~6. Speed Judgment~~
~~7. Roadway Positioning~~
~~8. Fluency of Performance~~
~~9. Level of Response~~

~~Presenters must use the POST-developed Vehicle Operations Competency Exercise Test Form or a presenter-developed form approved by POST, which minimally includes the performance dimensions used for this exercise test.~~

V~~I~~. REQUIRED LEARNING ACTIVITIES

A. The student will participate in a learning activity that requires the student to brake suddenly and engage the Anti-lock Braking System (ABS)

B. The student will participate in a learning activity that requires the student to drive a law enforcement vehicle during the hours of darkness (as defined in Vehicle Code Section 280) utilizing headlights. The activity must include emergency response and/or pursuit.

RBC	Other Basic Courses					Requal
	832	III	II	I	SIBC	
X				X		
X				X		
X				X		
X				X		
X				X		
X				X		
X				X		
X				X		
X				X	X	
X				X	X	
X				X		
X				X	X	
X				X	X	
X				X	X	
X		X		X	X	

C. The student will participate in a learning activity that requires the student to drive a law enforcement vehicle, during which the student will demonstrate the ability to accurately steer and control the vehicle under high performance cornering conditions, including but not limited to:

1. Safety
2. Situational Awareness
3. Braking Technique(s)
4. Steering Technique(s)
5. Throttle Control
6. Speed Judgment
7. Roadway Positioning
8. Control of Weight Transfer

D. The student will participate in one or more learning activities from the POST-developed *Instructor's Guide to Learning Activities ~~for Leadership, Ethics and Community Policing (December 2005~~October 2025)* or other comparable sources regarding vehicle operations. At a minimum, each activity, or combination of activities must address the following topics:

1. Use of critical thinking and decision making to balance the apprehension of violators against the obligation to drive safely, tactically and responsibly
2. Effects of personal attitudes on emergency or pursuit driving and the interests of public safety
3. Community expectations that officers should be exemplary drivers
4. Accountability as it relates to officer actions during vehicle operation
5. Universal concepts of *Penal Code Section 13519.8* and *Vehicle Code Section 17004.7*

VI. REQUIRED TESTS

VEHICLE OPERATIONS SAFETY

All vehicle operations exercise testing must be conducted under written academy/presenter safety procedures and or protocols established in accordance with the POST safety guidelines. Students are required to comply with every aspect of presenter safety procedures and or protocols during vehicle operations training and testing.

RBC	Other Basic Courses					Requal
	832	III	II	I	SIBC	
X				X	X	
X				X	X	
X				X	X	
X				X	X	
X				X	X	
X				X	X	
X				X	X	
X				X	X	
X				X	X	
X				X	X	
X				X	X	
X				X	X	

A. An **exercise test** that requires the student drive a law enforcement vehicle not equipped with Electronic Stability Control (ESC) and demonstrate the ability to control the vehicle during understeer and oversteer conditions or drive a law enforcement vehicle equipped with ESC and demonstrate the ability to control the vehicle during understeer conditions.

The student will demonstrate competency in the following performance dimensions:

1. Safety
2. Situational Awareness
3. Braking Technique(s)
4. Steering Technique(s)
5. Throttle Control
6. Control of Weight Transfer
7. Skid Control
8. Rate of Performance
9. Fluency of Performance
10. Level of Response

Presenters must use the POST-developed Vehicle Operations Competency Exercise Test Form or a presenter-developed form approved by POST, which minimally includes the performance dimensions used for this exercise test.

RBC	Other Basic Courses					Requal
	832	III	II	I	SIBC	
X				X		
X				X		
X				X		
X				X		
X				X		
X				X		
X				X		
X				X		
X				X		
X				X		
X				X		
X				X		

B. An **exercise test** that requires the student to drive a law enforcement vehicle and demonstrate the ability to safely drive and control the vehicle while operating under emergency response (Code 3) conditions to include interacting with an interference vehicle driven by a qualified Driver Training Instructor (as defined in Regulation 1070).

The student will demonstrate competency in the following performance dimensions:

1. Safety
2. Situational Awareness
3. Braking Technique(s)
4. Steering Technique(s)
5. Throttle Control
6. Roadway Positioning
7. Operating Associated Equipment
8. Rate of Performance
9. Fluency of Performance
10. Level of Performance

Presenters must use the POST-developed Vehicle Operations Competency Exercise Test Form or a presenter-developed form approved by POST, which minimally includes the performance dimensions used for this exercise test.

RBC	Other Basic Courses					Requal
	832	III	II	I	SIBC	
X				X		
X				X		
X				X		
X				X		
X				X		
X				X		
X				X		
X				X		
X				X		
X				X		
X				X		

C. An **exercise test** that requires the student to drive a law enforcement vehicle and demonstrate the ability to safely drive and control the vehicle while operating under vehicle pursuit situations to include interacting with an interference vehicle driven by a qualified Driver Training Instructor (as defined in Regulation 1070).

The student will demonstrate competency in the following performance dimensions:

1. Safety
2. Situational Awareness
3. Braking Technique(s)
4. Steering Technique(s)
5. Throttle Control
6. Roadway Positioning
7. Operating Associated Equipment
8. Rate of Performance
9. Level of Performance
10. Fluency of Performance

Presenters must use the POST-developed Vehicle Operations Competency Exercise Test Form or a presenter-developed form approved by POST, which minimally includes the performance dimensions used for this exercise test.

RBC	Other Basic Courses					Requal
	832	III	II	I	SIBC	
X				X		
X				X		
X				X		
X				X		
X				X		
X				X		
X				X		

D. An **exercise test** that requires the student to drive a law enforcement vehicle and successfully demonstrate in four out of five attempts the collision avoidance exercise as described in the Emergency Vehicle Operations Course Instructor Manual. The test will include a light indicator for lane selection and a minimum of 35 mph entry speed in dry surface conditions and a minimum of 30 mph entry speed in wet surface conditions. If the light indicator malfunctions, an alternate visual indicator shall be utilized.

The student will demonstrate competency in the following performance dimensions:

1. Safety
2. Situational Awareness
3. Braking Technique(s)
4. Steering Technique(s)
5. Throttle Control

Presenters must use the POST-developed Vehicle Operations Competency Exercise Test Form or a presenter-developed form approved by POST, which minimally includes the performance dimensions used for this exercise test.

RBC	Other Basic Courses					Requal	
	832	III	II	I	SIBC		
X		X		X	X	X	E. An **exercise test** that requires the student to drive a law enforcement vehicle and demonstrate a series of slow speed precision driving maneuvers. The slow speed precision driving maneuvers must include at least **three (3) tested maneuvers** contained in the Emergency Vehicle Operations Course Instructor Manual. The instructor manual slow speed maneuvers are listed as follows: Turn around — Angled driveway Off set lane — "Y" driveway Steering Course (forward and reverse) — Vehicle Control "T" Driveway — Parallel parking Bootleg Turn
X		X		X	X	X	The student will demonstrate competency in the following performance dimensions:
X		X		X	X	X	1. Safety
X		X		X	X	X	2. Situational Awareness
X		X		X	X	X	3. Braking Techniques(s)
X		X		X	X	X	4. Steering Technique(s)
X		X		X	X	X	5. Throttle Control
X		X		X	X	X	6. Speed Judgment
X		X		X	X	X	7. Vehicle Placement
X		X		X	X	X	8. Backing
X		X		X	X	X	9. Tactical Seatbelt Removal (TSR)
X		X		X	X	X	10. Rate of Performance
X		X		X	X	X	11. Fluency of Performance
X		X		X	X	X	Presenters must use the POST-developed Vehicle Operations Competency Exercise Test Form or a presenter-developed form approved by POST, which minimally includes the performance dimensions used for this exercise test.

RBC	Other Basic Courses					Requal
	832	III	II	I	SIBC	
X				X		
X				X		
X				X		
X				X		
X				X		
X				X		
X				X		
X				X		
X				X		
X				X		
X				X		
40		8		40	12	6

F. An **exercise test** that requires a student to drive a law enforcement vehicle during which the student must reach a speed of at least 65 mph prior to entering a turn of sufficient radius to require a minimum 30 mph deceleration. This exercise test may be tested concurrently with emergency response or pursuit tests.

The student will demonstrate competency in the following performance dimensions:

1. Safety
2. Situational Awareness
3. Braking Techniques(s)
4. Steering Technique(s)
5. Throttle Control
6. Speed Judgment
7. Roadway Positioning
8. Fluency of Performance
9. Level of Response

Presenters must use the POST-developed Vehicle Operations Competency Exercise Test Form or a presenter-developed form approved by POST, which minimally includes the performance dimensions used for this exercise test.

VII. HOURLY REQUIREMENTS

Students shall be provided with a minimum number of instructional hours on vehicle operations. This instruction is designed to satisfy the requirements for law enforcement high-speed vehicle pursuit training as required in Penal Code Section 13519.8.

VIII. ORIGINATION DATE

January 1, 2001

IX. REVISION DATE

January 1, 2002	January 1, 2006	January 1, 2012	October 1, 2020
January 1, 2004	July 1, 2008	August 1, 2013	April 1, 2022
September 15, 2004	July 1, 2009	February 1, 2016	October 1, 2025

RBC	Other Basic Courses					Requal
	832	III	II	I	SIBC	

July 1, 2005 July 1, 2011 February 1, 2017

TRAINING AND TESTING
SPECIFICATIONS FOR LEARNING DOMAIN #20
USE OF FORCE/DEESCALATION

~~**April 1, 2022**~~October 1, 2025

RBC	Other Basic Courses					Requal
	832	III	II	I	SIBC	
X	X	X			X	X
X	X	X			X	X
X	X	X			X	X
X	X	X			X	X
X	X	X			X	X
X	X	X			X	X

I. LEARNING NEED

Peace officers must recognize that they have the authority to use objectively reasonable force to effect an arrest, to prevent escape, or to overcome resistance as authorized by the California Penal Code. For their safety, and for the safety and well-being of fellow officers, it is critical that peace officers know the laws governing the use of force.

LEARNING OBJECTIVES

A. Discuss objectively reasonable force as stated by law

B. Discuss the components of the Fourth Amendment standard for determining objective reasonableness as determined by the U.S. Supreme Court

C. Explain the legal framework establishing a peace officer's authority during a legal arrest, including:

1. A subject's requirement to submit to arrest without resistance
2. Peace officer's authority to use objectively reasonable force during a detention or arrest

D. Identify the circumstances set forth in the California Penal Code when a peace officer has the authority to use force

E. Discuss the level of authority agency policies have regarding the use of force by a peace officer

II. LEARNING NEED

Peace officers must understand how the principles of deescalation can enhance contacts with the public and may result in improved decision-making, reduction in situational intensity, and opportunities for outcomes with greater voluntary compliance.

RBC	Other Basic Courses					Requal
	832	III	II	I	SIBC	
X		X			X	X
X		X			X	X
X		X			X	X
X		X			X	X
X		X			X	X
X		X			X	X
X		X			X	X
X		X			X	X
X		X			X	X
X		X			X	X
X		X			X	X
X		X			X	X
X		X			X	X
X		X			X	X
X		X			X	X

LEARNING OBJECTIVES

A. Define deescalation

1. Deescalation is the process of using strategies and techniques intended to decrease the intensity of the situation
2. Recognize common misconceptions and benefits of deescalation
3. Understand the history of deescalation

B. Recognize the four core concepts of deescalation, to include:

1. Self-control
2. Effective communication
3. Scene assessment and management
4. Force options

C. Understand the components of a Critical Decision-making Model including:

1. Collect information
2. Assess situation, threats, and risks
3. Law and policy
4. Plan
5. Act, review, and reassess

D. Recognize how tactical methods that use time, distance, cover, and concealment assist in deescalation

E. Recognize how strategic communication may enhance deescalation

III. LEARNING NEED

Peace officers must recognize that they have a range of force options available to them. However, in all cases the use of force must be objectively reasonable compared to the threat, resistance, and other circumstances known to the officer at the time the force was used.

RBC	Other Basic Courses					Requal
	832	III	II	I	SIBC	
X	X	X	X		X	X
X	X	X	X		X	X
X	X	X	X		X	X
X		X	X		X	X
X		X	X		X	X
X	X	X	X	X	X	X
X	X	X	X	X	X	X
X	X	X	X	X	X	X
X	X	X	X	X	X	X

LEARNING OBJECTIVES

A. Define the term “force option”

B. Identify that the objective of using force is to overcome resistance to gain control of an individual and the situation

C. Recognize force options and the amount of force peace officers may use based on the subject’s resistance

D. Explain the importance of training and ongoing practice when responding to potentially dangerous situations that may require the use of force

E. Discuss the importance of effective communication when using force

IV. LEARNING NEED

Peace officers must fully comprehend their authority, responsibility, and liability regarding the use of deadly force as authorized by law.

LEARNING OBJECTIVES

A. Identify the legal standard for the use of deadly force

B. Identify the factors required to establish sufficiency of fear for the use of deadly force

C. Recognize facts an officer should consider when determining whether or not to use deadly force

D. Discuss the role of agency policies regarding the use of deadly force

RBC	Other Basic Courses					Requal
	832	III	II	I	SIBC	
X	X	X	X	X	X	X
X	X	X	X		X	X
X	X	X	X		X	X
X	X	X	X		X	X
X	X	X	X		X	X
X	X	X	X		X	X
X		X	X		X	X
X	X	X	X		X	X
X	X	X	X		X	X
X	X	X	X		X	X
X	X	X	X		X	X
X	X	X	X		X	X

E. Recognize the law regarding justifiable homicide by a peace officer and the circumstances under which the homicide is considered justifiable

V. LEARNING NEED

When a force option has been employed, peace officers' reports must include the critical information to ensure that the chronology, specifics of the events, and the people involved are properly documented.

LEARNING OBJECTIVES

A. Describe why complete documentation of the use of force is critical to the peace officer and the peace officer's agency, to include:

1. Justification for using force
2. Relevant factors and detail
3. Deescalation strategies and techniques utilized

B. Supervisor responsibilities

1. Use of force review and analysis

C. State required reporting

VI. LEARNING NEED

Peace officers must be ready to, and capable of, safely taking control of a dangerous situation.

LEARNING OBJECTIVES

A. Discuss factors that can affect a peace officer's response when threatened with danger, to include:
1. Fear
   a. Reasonable
   b. Unreasonable
2. Anger

RBC	Other Basic Courses					Requal
	832	III	II	I	SIBC	
X	X	X	X		X	X
X	X	X	X		X	X
X	X	X	X		X	X
X		X	X		X	X
X		X	X		X	X
X	X	X	X		X	X
X	X	X	X		X	X
X		X	X		X	X
~~X~~						

3. Indecision and hesitation

B. Give examples of acceptable techniques for managing anger

C. Describe the benefits of ongoing physical and mental training for peace officers involving the use of force

VII. LEARNING NEED

Peace officers must recognize the consequences of using unreasonable force, and their legal and ethical responsibilities to intercede if the force being used by another peace officer is inappropriate or unlawful.

LEARNING OBJECTIVES

A. Explain the legal and administrative consequences associated with the use of unreasonable force

B. Explain an agency's potential liability associated with the use of unreasonable force

C. Explain the consequences of an officer's failure to intercede when unreasonable force is used by another peace officer

D. Discuss immediate and delayed intervention techniques

E. Discuss factors that may inhibit a peace officer from intervening in a situation where a fellow officer may be applying unreasonable force

~~VIII. REQUIRED TESTS~~

~~A. The POST-Constructed Comprehensive RBC Test 1.~~

RBC	Other Basic Courses					Requal
	832	III	II	I	SIBC	
~~X~~						
~~X~~						
					~~X~~	
					~~X~~	
					~~X~~	
	~~X~~					
		~~X~~				
			~~X~~			
				~~X~~		
						~~X~~
~~X~~				~~X~~	~~X~~	
~~X~~				~~X~~	~~X~~	
~~X~~				~~X~~	~~X~~	

~~B. The POST-Constructed Comprehensive RBC Test 2.~~

~~C. The POST-Constructed Comprehensive RBC Test 3.~~

~~D. The POST-Constructed Comprehensive SIBC Test 1.~~

~~E. The POST-Constructed Comprehensive SIBC 2.~~

~~F. The POST-Constructed Comprehensive SIBC Test 3.~~

~~G. The POST-Constructed Comprehensive PC832 Test.~~

~~H. The POST-Constructed Comprehensive Module III Test.~~

I. ~~The POST-Constructed Comprehensive Module II Test.~~

~~J. The POST-Constructed Comprehensive Module I Test.~~

~~K. The POST-Constructed Comprehensive Requalification Test.~~

~~L. A scenario test that requires the student to demonstrate proficiency in the use of force. The test must result in the student making a deadly force option decision.~~

~~The student is required to demonstrate proficiency in the following competencies:~~

~~1. Use of Force – The ability to distinguish and apply objectively reasonable force options in given circumstances.~~

RBC	Other Basic Courses					Requal
	832	III	II	I	SIBC	
X				X	X	
X				X	X	
X				X	X	
X				X	X	
X				X	X	
X				X	X	
X				X	X	
X				X	X	
X				X	X	
X				X	X	
X				X	X	
X				X	X	
X				X	X	
X				X	X	

2. Problem Solving/Decision Making – Analyzing situations and implementing plans to solve problems in a timely manner. Using verbal or physical skills to determine the appropriate resolution to a situation.
3. Legal Authority/Individual Rights – The identification of laws and constitutional rights governing consensual encounters, detentions, and arrests.
4. Officer Safety – The demonstration of situational and tactical awareness and appropriate response.
5. Communication – The use of effective verbal and non-verbal skills to convey intended meaning and establish understanding.
6. Ethics – Using accepted principles of conduct that govern decisions and actions based on professional values and expectations.
7. Stress Tolerance and Emotional Regulation – maintaining self-control and making timely, rational decisions in stressful situations.

Presenters must use the POST-developed Scenario Test and the POST Scenario Competency Evaluation and Grading Test Forms or presenter-developed forms approved by POST, which minimally include the performance dimensions used for this scenario test.

M. A scenario test that requires the student to demonstrate proficiency in the use of effective communication, command presence, and appropriate physical control when using a presenter approved non-deadly force option or options (e.g., deescalation, baton, control hold, chemical agent(s), taser, etc.) .

The test must simulate the physical and mental stress that would be imposed by an actual encounter where the student would be required to use a non-deadly force option or options to control a suspect and, if necessary, effect an arrest.

The student is required to demonstrate proficiency in the following competencies:

1. Use of Force – The ability to distinguish and apply objectively reasonable force options in given circumstances.
2. Problem Solving/Decision Making – Analyzing situations and implementing plans to solve problems in a timely manner. Using verbal or physical skills to determine the appropriate resolution to a situation.
3. Legal Authority/Individual Rights – The identification of laws and constitutional rights governing consensual encounters, detentions, and arrests.
4. Officer Safety – The demonstration of situational and tactical awareness and appropriate response.

RBC	Other Basic Courses					Requal
	832	III	II	I	SIBC	
~~X~~				~~X~~	~~X~~	
~~X~~				~~X~~	~~X~~	
~~X~~				~~X~~	~~X~~	
~~X~~				~~X~~	~~X~~	
X		X	X		X	X
X		X	X		X	X
X		X	X		X	X
X		X	X		X	X
X		X	X		X	X
X						

~~5. Communication - The use of effective verbal and non-verbal skills to convey intended meaning and establish understanding.~~

~~6. Ethics - Using accepted principles of conduct that govern decisions and actions based on professional values and expectations.~~

~~7. Stress Tolerance and Emotional Regulation - maintaining self-control and making timely, rational decisions in stressful situations.~~

~~Presenters must use the POST-developed Scenario Test and the POST Scenario Competency Evaluation and Grading Test Forms or presenter-developed forms approved by POST, which minimally include the performance dimensions used for this scenario test.~~

VIII~~I X~~. REQUIRED LEARNING ACTIVITIES

A. The student will participate in one or more learning activities from the POST-developed *Instructor's Guide to Learning Activities ~~for Leadership, Ethics and Community Policing~~ (~~December 2005~~October 2025)* or ~~_____~~other comparable sources regarding use of force. At a _____minimum, each activity, or combination of ~~_____~~activities must address the following topics:

1. Exercise of leadership in the application of objectively reasonable force
2. Impact of ethical decision-making on the selection of appropriate force options
3. Evaluation of the effectiveness of force option choices
4. Consequences for the use of unreasonable force on the officer, community perception and public trust

B. The student will participate in a learning activity that will include a use of force scenario that will include simulations of low-frequency, high-risk situations and calls for service, shoot-or-don't shoot situations, and real time force option decision making.

IX. REQUIRED TESTS

A. The POST-Constructed Comprehensive RBC Test 1.

RBC	Other Basic Courses					Requal
	832	III	II	I	SIBC	
X						
X						
					X	
					X	
					X	
	X					
		X				
			X			
				X		
						X
X				X	X	
X				X	X	
X				X	X	

B. The POST-Constructed Comprehensive RBC Test 2.

C. The POST-Constructed Comprehensive RBC Test 3.

D. The POST-Constructed Comprehensive SIBC Test 1.

E. The POST-Constructed Comprehensive SIBC 2.

F. The POST-Constructed Comprehensive SIBC Test 3.

G. The POST-Constructed Comprehensive PC832 Test.

H. The POST-Constructed Comprehensive Module III Test.

I. The POST-Constructed Comprehensive Module II Test.

J. The POST-Constructed Comprehensive Module I Test.

K. The POST-Constructed Comprehensive Requalification Test.

L. A scenario test that requires the student to demonstrate proficiency in the use of force. The test must result in the student making a deadly force option decision.

The student is required to demonstrate proficiency in the following competencies:

1. Use of Force – The ability to distinguish and apply objectively reasonable force options in given circumstances.

RBC	Other Basic Courses					Requal
	832	III	II	I	SIBC	
X				X	X	
X				X	X	
X				X	X	
X				X	X	
X				X	X	
X				X	X	
X				X	X	
X				X	X	
X				X	X	
X				X	X	
X				X	X	
X				X	X	
X				X	X	

2. Problem Solving/Decision-Making – Analyzing situations and implementing plans to solve problems in a timely manner. Using verbal or physical skills to determine the appropriate resolution to a situation.
3. Legal Authority/Individual Rights – The identification of laws and constitutional rights governing consensual encounters, detentions, and arrests.
4. Officer Safety – The demonstration of situational and tactical awareness and appropriate response.
5. Communication – The use of effective verbal and non-verbal skills to convey intended meaning and establish understanding.
6. Ethics - Using accepted principles of conduct that govern decisions and actions based on professional values and expectations.
7. Stress Tolerance and Emotional Regulation - maintaining self-control and making timely, rational decisions in stressful situations.

Presenters must use the POST-developed Scenario Test and the POST Scenario Competency Evaluation and Grading Test Forms or presenter-developed forms approved by POST, which minimally include the performance dimensions used for this scenario test.

M. A scenario test that requires the student to demonstrate proficiency in the use of effective communication, command presence, and appropriate physical control when using a presenter approved non-deadly force option or options (e.g., deescalation, baton, control hold, chemical agent(s), taser, etc.) .

The test must simulate the physical and mental stress that would be imposed by an actual encounter where the student would be required to use a non-deadly force option or options to control a suspect and, if necessary, effect an arrest.

The student is required to demonstrate proficiency in the following competencies:

1. Use of Force – The ability to distinguish and apply objectively reasonable force options in given circumstances.
2. Problem Solving/Decision-Making – Analyzing situations and implementing plans to solve problems in a timely manner. Using verbal or physical skills to determine the appropriate resolution to a situation.
3. Legal Authority/Individual Rights – The identification of laws and constitutional rights governing consensual encounters, detentions, and arrests.
4. Officer Safety – The demonstration of situational and tactical awareness and appropriate response.

RBC	Other Basic Courses					Requal
	832	III	II	I	SIBC	
X				X	X	
X				X	X	
X				X	X	
X				X	X	
16	3	9	6	4	16	16

5. Communication– The use of effective verbal and non-verbal skills to convey intended meaning and establish understanding.
6. Ethics - Using accepted principles of conduct that govern decisions and actions based on professional values and expectations.
7. Stress Tolerance and Emotional Regulation - maintaining self-control and making timely, rational decisions in stressful situations.

Presenters must use the POST-developed Scenario Test and the POST Scenario Competency Evaluation and Grading Test Forms or presenter-developed forms approved by POST, which minimally include the performance dimensions used for this scenario test.

X. HOURLY REQUIREMENTS

Students shall be provided with a minimum number of instructional hours on the use of force.

XI. ORIGINATION DATE

January 1, 2001

XII. REVISION DATE

January 1, 2002
January 1, 2004
September 15, 2004
July 1, 2005
January 1, 2006
January 19, 2007
July 1, 2008
July 1, 2009
July 1, 2010
July 1, 2012
August 1, 2015
February 1, 2017
February 15, 2017
April 1, 2020
October 1, 2020
April 1, 2022
October 1, 2025

TRAINING AND TESTING
SPECIFICATIONS FOR LEARNING DOMAIN #22
VEHICLE PULLOVERS

~~January 25, 2024~~October 1, 2025

RBC	Other Basic Courses					Requal
	832	III	II	I	SIBC	
X			X	X		
X			X	X		
X			X	X		
X			X	X		
X			X	X		
X			X	X		X
X			X	X		X
X			X	X		X
X			X	X		X

I. LEARNING NEED

Peace officers must recognize the inherent risks involved when conducting a vehicle pullover in order to take the appropriate precautions necessary to ensure their own safety as well as the safety of others.

LEARNING OBJECTIVES

A. Describe the three basic categories of vehicle pullovers, to include:

1. Traffic enforcement pullover
2. Investigative pullover
3. High-risk pullover

B. Describe the inherent risks to officer safety that are associated with conducting a vehicle pullover

C. Demonstrate appropriate actions officers can take to maintain their own safety and the safety of others while conducting a vehicle pullover

II. LEARNING NEED

Peace officers must understand the techniques for conducting tactically sound vehicle pullovers

LEARNING OBJECTIVES

A. Demonstrate safety techniques when initiating a vehicle pullover, including:

1. Selecting an appropriate location
   a. Safety factors (e.g., out of the flow of traffic)
   b. Visibility to passing traffic

RBC	Other Basic Courses					Requal
	832	III	II	I	SIBC	
X			X	X		X
X			X	X		X
X			X	X		X
X			X	X		X
X			X	X		X
X			X	X		X
X			X	X		X
X			X	X		X
X			X	X		X
X			X	X		X
X			X	X		X
X			X	X		X
X			X	X		X
X			X	X		X
X			X	X		X
X			X	X		X
X			X	X		X
X			X	X		X
X			X	X		X

c. Avoidance of potentially hostile environments
d. Lighting/illumination
e. Possible escape routes
f. Availability of cover and concealment

2. Communicating with dispatch
3. Getting the attention of the driver of the target vehicle
   a. Lights (e.g., emergency lights, headlights, spotlights)
   b. Hand gestures
   c. Horn/audible devices
   d. Siren
   e. Maintaining appropriate distance from target vehicle prior to initiating the pullover

B. Demonstrate appropriate actions for the safe and tactical placement of the patrol unit

C. Apply appropriate procedures for exiting the patrol unit

D. Demonstrate appropriate safety precautions patrol officers should take when approaching a target vehicle on foot

E. Distinguish between the advantages and disadvantages of a driver side approach, a passenger side approach and a non-approach to a target vehicle

F. Demonstrate appropriate positioning for patrol officers when making face to face contact with the driver of a target vehicle

G. Demonstrate the process for conducting a vehicle stop driver contact, to include:

1. Greeting
2. Identifying self and department
3. Explaining the reason for the stop
4. Requesting driver's license, registration, proof of insurance
5. Making a decision to warn, cite or arrest
6. Closing, appropriate to decision

RBC	Other Basic Courses					Requal
	832	III	II	I	SIBC	
X			X	X		X
X				X		X
X			X	X		X
X			X	X		X
X			X	X		X
X				X		X
X				X		X
X				X		X
X				X		X
X				X		X

H. Demonstrate appropriate procedures and communication techniques for directing the driver and occupants out of a target vehicle

I. Apply appropriate procedures for checking the validity and authenticity of a driver's license or other form of personal identification

III. LEARNING NEED

Peace officers must recognize situations involving high levels of risk in order to apply appropriate tactical actions during a vehicle pullover.

LEARNING OBJECTIVES

A. Demonstrate officer safety precautions that should be taken during any high-risk vehicle pullover

B. Discuss appropriate actions for cover officers who are called to assist the primary officer during a high-risk vehicle pullover

C. Demonstrate tactics for conducting a safe and effective high-risk vehicle pullover

D. Discuss officer safety considerations when searching the target vehicle, including:

1. Use of available cover officer(s)
2. Types of objects sought and likely locations
3. Potential hazards (e.g., needles, edged weapons, etc.)
4. A systematic search process
   a. Interior
   b. Exterior

IV. LEARNING NEED

Peace officers must make appropriate safety and tactical adjustments when conducting pullovers involving vehicles other than passenger cars and pickup trucks.

RBC	Other Basic Courses					Requal
	832	III	II	I	SIBC	
X			X	X		
X			X	X		
X			X	X		
X			X	X		
~~X~~				~~X~~		
~~X~~				~~X~~		
~~X~~				~~X~~		
~~X~~				~~X~~		
~~X~~				~~X~~		
~~X~~				~~X~~		
~~X~~				~~X~~		
X			X	X		

LEARNING OBJECTIVES

A. Explain appropriate safety and tactical considerations when conducting vehicle pullovers involving:

1. Vans, campers, and motor homes
2. Motorcycles
3. Buses and semi-trucks

~~V. REQUIRED TESTS~~

~~A. A scenario test that requires the student to demonstrate, by application, proficiency of a simulated vehicle pullover during the hours of darkness (as defined in Vehicle Code Section 280). At a minimum, the test shall evaluate the following competencies:~~

~~1. Police Vehicle Operation – The ability to operate a patrol vehicle in a safe and efficient manner and to position the vehicle appropriate to the situation.~~
~~2. Problem Solving/Decision-Making - Analyzing situations and implementing plans to solve problems in a timely manner. Using verbal or physical skills to determine the appropriate resolution to a situation.~~
~~3. Legal Authority/Individual Rights – The identification of laws and constitutional rights governing to consensual encounters, detentions, and arrests.~~
~~4. Officer Safety – The demonstration of situational and tactical awareness and appropriate response.~~
~~5. Communication - The use of effective verbal and non-verbal skills to convey intended meaning and establish understanding.~~

~~Presenters must use the POST-developed Scenario Test and the POST Scenario Competency Evaluation and Grading Test Forms or presenter-developed forms approved by POST, which minimally include the performance dimensions used for this scenario test.~~

V~~I~~. REQUIRED LEARNING ACTIVITIES

A. The student will participate in a learning activity depicting a situation in which the subject is initially noncompliant with verbal instructions to sign the citation. The student will demonstrate the communication

RBC	Other Basic Courses					Requal
	832	III	II	I	SIBC	
X			X	X		
X			X	X		
X			X	X		
X			X	X		
X			X	X		X
X			X	X		X
X			X	X		X
X			X	X		X
X			X	X		X
X			X	X		X
X				X		
X				X		
X				X		
X				X		
X				X		
X				X		
X				X		
X				X		
X			X	X		

skills to resolve the conflict including:

1. Making an "ethical appeal" based upon a peace officer's professional presence and providing the subject with an opportunity to voluntarily comply (asking)
2. Identifying the law, policy, or rationale that applies to the situation, answering the subject's implied question "why?", and providing another opportunity for the subject to voluntarily comply (setting context)
3. Explaining the options or courses of action which could be taken by the peace officer and their potential personal consequences to the subject, and providing the subject with yet another opportunity to voluntarily comply (presenting options)
4. Taking the action appropriate to the situation if the subject fails to voluntarily comply (e.g., arrest)

B. The student will participate in a learning activity involving a vehicle stop. The student will demonstrate the following:

1. Greeting
2. Identifying self and department
3. Explaining the reason for the stop
4. Requesting driver's license, registration, and proof of insurance
5. Making decision to warn, cite, or arrest
6. Closing appropriate to decision

C. The student will participate in a learning activity, with one or more students acting as a team that simulates a high risk vehicle stop. The high risk stop will minimally include:

1. Identify violation/suspect
2. Request and coordinate responding units
3. Select appropriate location for the stop
4. Advise dispatch of stop information
5. Activate emergency equipment
6. Patrol vehicle position
7. Communication (dispatch/suspects/other officers)
8. Safe and effective tactics to secure suspect(s) and vehicle

D. The student will participate in one or more learning activities from the POST-developed *Instructor's Guide*

RBC	Other Basic Courses					Requal
	832	III	II	I	SIBC	
X X X X			X X X X	X X X X		
X X X X X X X				X X X X X X X		
14			6	14		4

~~to Learning Activities for Leadership, Ethics and Community Policing~~ (~~December 2005~~October 2025) or other ~~comparable~~ sources regarding vehicle pullovers. At a minimum, each activity, or a combination of activities ~~must~~ address the following topics:

1. Exercise of effective problem solving, communication and officer safety during vehicle stops
2. Use of an appropriate ethical decision-making process to demonstrate "equal protection of the law"
3. How the community may view vehicle pullover tactics as a function of the policing mission
4. How peace officers may educate community members on the purpose of vehicle pullovers

VI. REQUIRED TESTS

A. A scenario test that requires the student to demonstrate, by application, proficiency of a simulated vehicle pullover during the hours of darkness (as defined in Vehicle Code Section 280). At a minimum, the test shall evaluate the following competencies:

1. Police Vehicle Operation - The ability to operate a patrol vehicle in a safe and efficient manner and to position the vehicle appropriate to the situation.
2. Problem Solving/Decision-Making - Analyzing situations and implementing plans to solve problems in a timely manner. Using verbal or physical skills to determine the appropriate resolution to a situation.
3. Legal Authority/Individual Rights - The identification of laws and constitutional rights governing to consensual encounters, detentions, and arrests.
4. Officer Safety - The demonstration of situational and tactical awareness and appropriate response.
5. Communication - The use of effective verbal and non-verbal skills to convey intended meaning and establish understanding.

Presenters must use the POST-developed Scenario Test and the POST Scenario Competency Evaluation and Grading Test Forms or presenter-developed forms approved by POST, which minimally include the performance dimensions used for this scenario test.

VII. HOURLY REQUIREMENTS

Students shall be provided with a minimum number of instructional hours on vehicle pullovers.

RBC	Other Basic Courses					Requal
	832	III	II	I	SIBC	

VIII. ORIGINATION DATE

January 1, 2001

IX. REVISION DATES

January 1, 2004	July 1, 2009	August 1, 2015
August 15, 2004	July 1, 2010	April 1, 2022
January 1, 2006	July 1, 2011	January 25, 2024
January 19, 2007	July 1, 2012	October 1, 2025

TRAINING AND TESTING
SPECIFICATIONS FOR LEARNING DOMAIN #23
CRIMES IN PROGRESS

~~February 1, 2017~~October 1, 2025

RBC	Other Basic Courses					Requal
	832	III	II	I	SIBC	
X			X	X	X	X
X			X	X	X	X
X X X X X X X			X X X X X X X	X X X X X X X	X X X X X X X	X X X X X X X
X X			X X	X X	X X	X X

I. LEARNING NEED

Peace officers must recognize that their first responsibility when responding to a crime in progress is to protect their own safety and that of others.

LEARNING OBJECTIVES

A. Explain the importance of wearing soft personal body armor while on patrol

B. Distinguish between officer safety and officer survival, including:

1. Current patterns related to deaths and assaults on peace officers
2. The concept of "will to survive"
3. Officer actions after being wounded
4. Officer as hostage
5. Officer actions in counter-ambush incidents when on foot
6. Officer actions in counter-ambush incidents when in a patrol vehicle

II. LEARNING NEED

To respond effectively and safely to a crime in progress, peace officers need to use appropriate strategies and tactics.

LEARNING OBJECTIVES

A. Discuss the elements of a tactical approach to a crime in progress including:

1. Nature of the crime

RBC	Other Basic Courses					Requal
	832	III	II	I	SIBC	
X			X	X	X	X
X			X	X	X	X
X			X	X	X	X
X			X	X	X	X
X			X	X	X	X
X			X	X	X	X
X			X	X	X	X
X			X	X	X	X
X			X	X	X	X
X			X	X	X	X
X			X	X	X	X
X			X	X	X	X
X			X	X	X	X
X			X	X	X	X
X			X	X	X	X
X			X	X	X	X

2. Use and nonuse of warning lights and siren
3. Appropriate communication to agency
4. Uses cover and concealment upon arrival

B. Explain the primary purposes for establishing crime scene perimeters

C. Demonstrate appropriate actions when conducting a search for suspects, including:

1. Preparing to enter the area to be searched
2. Initiating owner contact, if applicable
3. Communicating (e.g., announcement to potential suspects, contact with other units)
4. Using lighting
5. Using canines/special units
6. Using cover officers
7. Making a tactically sound entry
8. Conducting a systematic search
9. Confronting a suspect during the search
10. Using proper arrest techniques

III. LEARNING NEED

Some types of crimes in progress require officers to plan and execute specific arrival, approach, communication, and search tactics. Planning and patience are critical to achieving safe and successful outcomes.

LEARNING OBJECTIVES

A. Demonstrate effective officer actions for the safe and tactical response to crimes in progress involving:

1. Shots fired
2. Burglaries
3. Robberies

RBC	Other Basic Courses					Requal
	832	III	II	I	SIBC	
X			X	X	X	X
X			X	X	X	X
X			X	X	X	X
X			X	X	X	X
X			X	X	X	X
X			X	X	X	X
X			X	X	X	X
X			X	X	X	X
~~X~~				~~X~~		
~~X~~				~~X~~		
~~X~~				~~X~~		
~~X~~				~~X~~		
~~X~~				~~X~~		
~~X~~				~~X~~		

IV. LEARNING NEED

To ensure the highest chance of survival and the safest possible outcome for all involved individuals, officers must recognize the dangers associated with high-risk situations and employ effective tactics.

LEARNING OBJECTIVES

A. Demonstrate effective officer actions for the safe and tactical response involving:

1. Barricaded suspects/hostages
2. Violent suspects
3. Rapid deployment to a deadly encounter (Active Shooter)
4. Officer ambush/sniper attacks
5. Officer-down calls
6. Suspicious Persons

B. Discuss factors an officer should consider before becoming involved in any law enforcement action while off-duty

~~V. REQUIRED TESTS~~

~~A. A scenario test that requires the student to demonstrate proficiency in reacting to a simulated ambush. At a minimum, the test shall evaluate the following competencies:~~

~~1. Use of Force - The ability to distinguish and apply reasonable force options in given circumstances.~~
~~2. Problem Solving/Decision Making - Analyzing situations and implementing plans to solve problems in a timely manner. Using verbal or physical skills to determine the appropriate resolution to a situation.~~
~~3. Officer Safety - The demonstration of situational and tactical awareness and appropriate response.~~
~~4. Communication - The use of effective verbal and non-verbal skills to convey intended meaning and establish understanding.~~
~~5. Stress Tolerance and Emotional Regulation - Maintaining self-control and making timely,~~

RBC	Other Basic Courses					Requal
	832	III	II	I	SIBC	
X				X		
X				X		
X				X		
X				X		
X				X		
X				X		
X				X		
X				X		
X				X		
X				X		
X				X		
X				X		
X				X		

~~rational decisions in stressful situations.~~

~~Presenters must use the POST-developed Scenario Test and the POST Scenario Competency Evaluation and Grading Test Forms or presenter-developed forms approved by POST, which minimally include the performance dimensions used for this scenario test.~~

~~B. A scenario test that requires the student to demonstrate proficiency in responding to and investigating a simulated incident involving one or more suspects concealed in a building. At minimum, the test shall evaluate the following competencies:~~

~~1. Use of Force - The ability to distinguish and apply reasonable force options in given circumstances.~~

~~2. Problem Solving/Decision-Making - Analyzing situations and implementing plans to solve problems in a timely manner. Using verbal or physical skills to determine the appropriate resolution to a situation.~~

~~3. Communication - The use of effective verbal and non-verbal skills to convey intended meaning and establish understanding.~~

~~4. Officer Safety - The demonstration of situational and tactical awareness and appropriate response.~~

~~5. Stress Tolerance and Emotional Regulation - Maintaining self-control and making timely, rational decisions in stressful situations.~~

~~Presenters must use the POST-developed Scenario Test and the POST Scenario Competency Evaluation and Grading Test Forms or presenter-developed forms approved by POST, which minimally include the performance dimensions used for this scenario test.~~

~~C. A scenario test that requires the student to demonstrate proficiency in responding to and investigating simulated crime in progress.. At a minimum, the test shall evaluate the following competencies:~~

~~1. Use of Force - The ability to distinguish and apply reasonable force options in given circumstances.~~

~~2. Leadership - The practice of influencing people, while using ethical values and goals to produce an intended change.~~

~~3. Problem Solving/Decision-Making - Analyzing situations and implementing plans to solve problems in a timely manner. Using verbal or physical skills to determine the appropriate~~

RBC	Other Basic Courses					Requal
	832	III	II	I	SIBC	
X				X		
X				X		
X				X		
X				X		
X				X		
X				X		
X				X		
X				X		
X				X		
X				X		
X				X		
X				X		

~~resolution to a situation.~~

~~4. Legal Authority/Individual Rights - The identification of laws and constitutional rights governing consensual encounters, detentions, and arrests.~~

~~5. Officer Safety - The demonstration of situational and tactical awareness and appropriate response.~~

~~6. Communication - The use of effective verbal and non-verbal skills to convey intended meaning and establish understanding.~~

~~7. Stress Tolerance and Emotional Regulation - Maintaining self-control and making timely, rational decisions in stressful situations.~~

~~Presenters must use the POST-developed Scenario Test and the POST Scenario Competency Evaluation and Grading Test Forms or presenter-developed forms approved by POST, which minimally include the performance dimensions used for this scenario test.~~

~~D. A scenario test that requires the student to demonstrate proficiency in responding to and investigating simulated suspicious person(s). At a minimum, the test shall evaluate the following competencies:~~

~~1. Use of Force - The ability to distinguish and apply reasonable force options in given circumstances.~~

~~2. Problem Solving/Decision-Making - Analyzing situations and implementing plans to solve problems in a timely manner. Using verbal or physical skills to determine the appropriate resolution to a situation.~~

~~3. Legal Authority/Individual Rights - The identification of laws and constitutional rights governing to consensual encounters, detentions, and arrests.~~

~~4. Officer Safety - The demonstration of situational and tactical awareness and appropriate response.~~

~~5. Communication - The use of effective verbal and non-verbal skills to convey intended meaning and establish understanding.~~

~~6. Stress Tolerance and Emotional Regulation - Maintaining self-control and making timely, rational decisions in stressful situations.~~

~~Presenters must use the POST-developed Scenario Test and the POST Scenario Competency Evaluation and Grading Test Forms or presenter-developed forms approved by POST, which minimally include the performance dimensions used for this scenario test.~~

RBC	Other Basic Courses					Requal
	832	III	II	I	SIBC	
X			X		X	
X			X		X	
X			X		X	
X			X		X	
X			X		X	
X			X		X	
X			X		X	
X			X		X	
X			X		X	
X			X		X	
X			X		X	
X			X		X	
X			X		X	
X			X		X	

V~~I~~. REQUIRED LEARNING ACTIVITIES

A. The student will participate in an learning activity that reinforces an understanding of law enforcement response to a variety of high-risk-situations, including:

1. Person with a gun
2. Shots-fired call
3. Officer down
4. Suspicious circumstances
5. Suicidal person

B. The student will participate in a learning activity that presents a series of drawings, sketches, photographs or other visual depictions of locations where a crime is allegedly in progress. The student will indicate, either verbally or in writing:

1. A suggested approach to the location
2. An effective placement of perimeter units
3. An acceptable scene search pattern

C. The student will participate in one or more learning activities from the POST-developed *Instructor's Guide to Learning Activities ~~for Leadership, Ethics and Community Policing~~ (~~December 2005~~October 2025)* or ~~_____~~other comparable sources regarding crimes in _____ progress. At a minimum, each activity, or a ~~_____~~combination of activities must address the following _____topics:

1. Characteristics of power and authority and their influence on how an officer responds to and investigates crimes in progress
2. Effective decision making to enhance tactical readiness
3. How modeling positive behavior reflects on the officer and the officer's agency when the behavior is witnessed by members of the community

VI. REQUIRED TESTS

RBC	Other Basic Courses					Requal
	832	III	II	I	SIBC	
X				X		
X				X		
X				X		
X				X		
X				X		
X				X		
X				X		
X				X		
X				X		
X				X		
X				X		
X				X		
X				X		

A. A scenario test that requires the student to demonstrate proficiency in reacting to a simulated ambush. At a minimum, the test shall evaluate the following competencies:

1. Use of Force - The ability to distinguish and apply reasonable force options in given circumstances.
2. Problem Solving/Decision-Making - Analyzing situations and implementing plans to solve problems in a timely manner. Using verbal or physical skills to determine the appropriate resolution to a situation.
3. Officer Safety - The demonstration of situational and tactical awareness and appropriate response.
4. Communication - The use of effective verbal and non-verbal skills to convey intended meaning and establish understanding.
5. Stress Tolerance and Emotional Regulation - Maintaining self-control and making timely, rational decisions in stressful situations.

Presenters must use the POST-developed Scenario Test and the POST Scenario Competency Evaluation and Grading Test Forms or presenter-developed forms approved by POST, which minimally include the performance dimensions used for this scenario test.

B. A scenario test that requires the student to demonstrate proficiency in responding to and investigating a simulated incident involving one or more suspects concealed in a building. At minimum, the test shall evaluate the following competencies:

1. Use of Force - The ability to distinguish and apply reasonable force options in given circumstances.
2. Problem Solving/Decision-Making - Analyzing situations and implementing plans to solve problems in a timely manner. Using verbal or physical skills to determine the appropriate resolution to a situation.
3. Communication - The use of effective verbal and non-verbal skills to convey intended meaning and establish understanding.
4. Officer Safety - The demonstration of situational and tactical awareness and appropriate response.
5. Stress Tolerance and Emotional Regulation - Maintaining self-control and making timely, rational decisions in stressful situations.

RBC	Other Basic Courses					Requal
	832	III	II	I	SIBC	
X				X		
X				X		
X				X		
X				X		
X				X		
X				X		
X				X		
X				X		
X				X		
X				X		
X				X		
X				X		
X				X		
X				X		

Presenters must use the POST-developed Scenario Test and the POST Scenario Competency Evaluation and Grading Test Forms or presenter-developed forms approved by POST, which minimally include the performance dimensions used for this scenario test.

C. A scenario test that requires the student to demonstrate proficiency in responding to and investigating simulated crime in progress.. At a minimum, the test shall evaluate the following competencies:

1. Use of Force - The ability to distinguish and apply reasonable force options in given circumstances.
2. Leadership - The practice of influencing people, while using ethical values and goals to produce an intended change.
3. Problem Solving/Decision-Making - Analyzing situations and implementing plans to solve problems in a timely manner. Using verbal or physical skills to determine the appropriate resolution to a situation.
4. Legal Authority/Individual Rights - The identification of laws and constitutional rights governing consensual encounters, detentions, and arrests.
5. Officer Safety - The demonstration of situational and tactical awareness and appropriate response.
6. Communication - The use of effective verbal and non-verbal skills to convey intended meaning and establish understanding.
7. Stress Tolerance and Emotional Regulation - Maintaining self-control and making timely, rational decisions in stressful situations.

Presenters must use the POST-developed Scenario Test and the POST Scenario Competency Evaluation and Grading Test Forms or presenter-developed forms approved by POST, which minimally include the performance dimensions used for this scenario test.

D. A scenario test that requires the student to demonstrate proficiency in responding to and investigating simulated suspicious person(s) At a minimum, the test shall evaluate the following competencies:

1. Use of Force - The ability to distinguish and apply reasonable force options in given circumstances.
2. Problem Solving/Decision-Making - Analyzing situations and implementing plans to solve problems in a timely manner. Using verbal or physical skills to determine the appropriate resolution to a situation.

RBC	Other Basic Courses					Requal
	832	III	II	I	SIBC	
X				X		
X				X		
X				X		
X				X		
X				X		
20			10	18	20	4

3. Legal Authority/Individual Rights - The identification of laws and constitutional rights governing to consensual encounters, detentions, and arrests.
4. Officer Safety - The demonstration of situational and tactical awareness and appropriate response.
5. Communication - The use of effective verbal and non-verbal skills to convey intended meaning and establish understanding.
6. Stress Tolerance and Emotional Regulation - Maintaining self-control and making timely, rational decisions in stressful situations.

Presenters must use the POST-developed Scenario Test and the POST Scenario Competency Evaluation and Grading Test Forms or presenter-developed forms approved by POST, which minimally include the performance dimensions used for this scenario test.

VII. HOURLY REQUIREMENTS

Students shall be provided with a minimum number of instructional hours on crimes in progress.

VIII. ORIGINATION DATE

January 1, 2001

IX. REVISION DATE

July 1, 2002
January 1, 2004
July 1, 2005
January 1, 2006
January 19, 2007
July 1, 2008
July 1, 2010
August 1, 2015
February 1, 2017
October 1, 2025

TRAINING AND TESTING
SPECIFICATIONS FOR LEARNING DOMAIN #25
DOMESTIC VIOLENCE

October 1, ~~2020~~2025

RBC	Other Basic Courses					Requal
	832	III	II	I	SIBC	
X				X	X	X
X				X	X	X
X X X X X X X				X X X X X X X	X X X X X X X	X X X X X X X
X				X	X	X

I. LEARNING NEED

To effectively carry out their responsibilities, peace officers need a basic knowledge of legal definitions, terminology and applicable Penal Code Sections as well as an understanding of how to classify the crimes that may lead to arrests.

LEARNING OBJECTIVES

A. Recall the definition of domestic violence (Penal Code Section 13700)

B. Recognize the crime elements required to arrest a suspect for the following crimes as applied to domestic violence incidents:

1. Willful infliction of corporal injury
2. Battery
3. Stalking
4. Malicious destruction of telephone, telegraph, cable television, or electrical lines
5. Preventing or dissuading a witness or a victim from testifying
6. Criminal threats
7. Spousal rape

C. Recognize the crime classification for each crime that may result from a domestic violence incident as a misdemeanor or felony

II. LEARNING NEED

Domestic violence causes tremendous harm to victims and society as a whole. Each member in an abusive or violent household suffers physically and/or emotionally, and often violence is spread from one generation to the next. Current law affords peace officers greater opportunity to assist victims, and provides protection and

RBC	Other Basic Courses					Requal
	832	III	II	I	SIBC	
X				X	X	X
X				X	X	X
X				X	X	X
X				X	X	X
X				X	X	X
X				X	X	X
X				X	X	X

education to help stop the cycle of violence.

LEARNING OBJECTIVES

A. Identify common characteristics of a victim and a batterer

B. Identify a peace officer's role in reducing domestic violence

III. LEARNING NEED

When peace officers respond to a domestic violence call, it is essential that they proceed cautiously to ensure the protection of all people involved.

LEARNING OBJECTIVES

A. Recognize the initial process for responding to a domestic violence call to include:
   1. Making contact with members of the LGBTQ community

B. Recognize under what circumstances an arrest should be made

C. Identify physical evidence to be collected

D. Recognize procedures for seizing firearms or other deadly weapons

E. Discuss resources available for victim protection

IV. LEARNING NEED

When there is a court order involving domestic violence, it must be verified and enforced following specific procedures.

RBC	Other Basic Courses					Requal
	832	III	II	I	SIBC	
X				X	X	X
X				X	X	X
X				X	X	X
X				X	X	X
X				X	X	X
X				X	X	X
X				X	X	X
X				X	X	X
~~X~~						

LEARNING OBJECTIVES

A. Identify the differences between the types of court orders to include:

1. Criminal protective/stay-away orders
2. Emergency Protective Orders
3. Restraining orders

B. Identify the validity of a restraining order

C. Identify the purpose for obtaining an Emergency Protective Order

D. Demonstrate how to enforce a court order

V. LEARNING NEED

A comprehensive investigation includes the collection of evidence and the documentation of events, resulting in a detailed report of the domestic violence incident and investigative action.

LEARNING OBJECTIVES

A. Identify what information needs to be documented in a report

B. Identify how the peace officer can provide support for the victim

~~VI. REQUIRED TESTS~~

~~A. The POST-Constructed Comprehensive RBC Test 3.~~

RBC	Other Basic Courses					Requal
	832	III	II	I	SIBC	
					~~X~~	
				~~X~~		
						~~X~~
~~X~~				~~X~~		
~~X~~				~~X~~		
~~X~~				~~X~~		
~~X~~				~~X~~		
~~X~~				~~X~~		
~~X~~				~~X~~		
~~X~~				~~X~~		
~~X~~				~~X~~		
~~X~~				~~X~~		

~~B. The POST-Constructed Comprehensive SIBC Test 3.~~

~~C. The POST-Constructed Comprehensive Module I Test.~~

~~D. The POST-Constructed Comprehensive Requalification Test.~~

~~E. A scenario test that requires the student to demonstrate proficiency in responding to investigating a simulated domestic violence incident. At a minimum, the test shall evaluate the following competencies:~~

~~1. Conflict Resolution - The ability to mediate disagreements by resolving a conflict using appropriate communication skills.~~
~~2. Use of Force - The ability to distinguish and apply reasonable force options in given circumstances.~~
~~3. Leadership - The practice of influencing people, while using ethical values and goals to produce an intended change.~~
~~4. Problem Solving/Decision-Making - Analyzing situations and implementing plans to solve problems in a timely manner. Using verbal or physical skills to determine the appropriate resolution to a situation.~~
~~5. Legal Authority/Individual Rights - The identification of laws and constitutional rights governing consensual encounters, detentions, and arrests.~~
~~6. Officer Safety - The demonstration of situational and tactical awareness and appropriate response.~~
~~7. Communication - The use of effective verbal and non-verbal skills to convey intended meaning and establish understanding.~~
~~8. Stress Tolerance and Emotional Regulation - Maintaining self-control and making timely, rational decisions in stressful situations.~~

~~Presenters must use the POST-developed Scenario Test and the POST Scenario Competency Evaluation and Grading Test Forms or presenter-developed forms approved by POST, which minimally include the performance dimensions used for this scenario test.~~

VII~~.~~ REQUIRED LEARNING ACTIVITIES

RBC	Other Basic Courses					Requal
	832	III	II	I	SIBC	
X				X		
X				X		
X				X		
X				X		
X				X		
X				X		
X				X		
X				X		
X				X		
X				X		
X				X		
X				X		
X				X		
X				X		
X				X		
X				X		
X				X		

A. The student will participate in a Learning Activity relating to proper response to a domestic violence incident to include:

1. Felony arrests
2. Misdemeanor arrests
3. Use of citizen arrests
4. Verification and enforcement of temporary restraining orders when the suspect is present and when the suspect has fled
5. Verification and enforcement of stay-away orders
6. Cite and release policies
7. Emergency assistance to victims to include medical care, transportation to a shelter, and law enforcement standbys for the removal of personal property
8. Assistance to victims in pursuing criminal options to include giving the report number and directing the victim to the proper investigative unit
9. Providing information card with local resources to victims at the scene

B. The student will participate in a Learning Activity requiring them to demonstrate the knowledge and ability to obtain an Emergency Protective Order (EPO).

1. Who is eligible for an EPO
2. Legal authority
3. Procedures for obtaining an EPO
4. Completion of the appropriate documentation
5. Scope and duration of the EPO
6. Service of the EPO
7. Data entry of the EPO into the Domestic Violence Restraining Order System (DVROS)
8. Distribution of forms

RBC	Other Basic Courses					Requal
	832	III	II	I	SIBC	
X				X		
X				X		
X				X		
X				X		
X				X		
X				X		
X						
					X	
				X		
						X
X				X		
X				X		
X				X		

C. The student will participate in one or more Learning Activities from the POST-developed *Instructor's Guide to Learning Activities* ~~*for Leadership, Ethics and Community Policing (December 2005*~~ *October 2025)* or other comparable sources regarding domestic violence. At a minimum, each activity, or combination of activities must address the following topics:

1. Application of SARA or other problem solving model (e.g. PBL) to identify crime elements, analyze known facts, develop and implement an appropriate response, and assess the effectiveness of the response
2. Knowledge of available community resources or referrals for victims and others involved in a domestic violence incident
3. How collaboration with the community builds trust and confidence in policing efforts
4. Discretion, flexibility and conflict resolution skills
5. Influence of an officer's demeanor on persons present at the scene

VII. REQUIRED TESTS

A. The POST-Constructed Comprehensive RBC Test 3.

B. The POST-Constructed Comprehensive SIBC Test 3.

C. The POST-Constructed Comprehensive Module I Test.

D. The POST-Constructed Comprehensive Requalification Test.

E. A scenario test that requires the student to demonstrate proficiency in responding to investigating a simulated domestic violence incident. At a minimum, the test shall evaluate the following competencies:

1. Conflict Resolution - The ability to mediate disagreements by resolving a conflict using appropriate communication skills.
2. Use of Force - The ability to distinguish and apply reasonable force options in given circumstances.
3. Leadership - The practice of influencing people, while using ethical values and goals to produce

RBC	Other Basic Courses					Requal
	832	III	II	I	SIBC	
X				X		
X				X		
X				X		
X				X		
X				X		
X				X		
10				10	10	4

an intended change.

4. Problem Solving/Decision-Making - Analyzing situations and implementing plans to solve problems in a timely manner. Using verbal or physical skills to determine the appropriate resolution to a situation.

5. Legal Authority/Individual Rights - The identification of laws and constitutional rights governing consensual encounters, detentions, and arrests.

6. Officer Safety - The demonstration of situational and tactical awareness and appropriate response.

7. Communication - The use of effective verbal and non-verbal skills to convey intended meaning and establish understanding.

8. Stress Tolerance and Emotional Regulation - Maintaining self-control and making timely, rational decisions in stressful situations.

Presenters must use the POST-developed Scenario Test and the POST Scenario Competency Evaluation and Grading Test Forms or presenter-developed forms approved by POST, which minimally include the performance dimensions used for this scenario test.

VIII. HOURLY REQUIREMENTS

Students shall be provided with a minimum number of instructional hours on domestic violence.

IX. ORIGINATION DATE

January 1, 2001

X. REVISION DATE

January 1, 2002
January 1, 2004
September 15, 2004
January 1, 2006
January 19, 2007
July 1, 2008
July 1, 2009
July 1, 2010
August 1, 2013
February 1, 2014
August 1, 2015
February 15, 2017
October 1, 2020
October 1, 2025

TRAINING AND TESTING
SPECIFICATIONS FOR LEARNING DOMAIN #28
TRAFFIC ENFORCEMENT

~~January 25, 2024~~October 1, 2025

RBC	Other Basic Courses					Requal
	832	III	II	I	SIBC	
X				X		X
X				X		X
X				X		X
X				X		X
X				X		X
X				X		X
X		X		X		X

I. LEARNING NEED

Peace officers must know the principles of traffic law set forth in the California Vehicle Code to carry out their responsibilities in traffic enforcement.

LEARNING OBJECTIVES

A. Explain the relevance of traffic enforcement to:

1. Public safety and quality of life within a community
2. Legally establish probable cause for accomplishing general law enforcement objectives

B. Explain the organization of information within the Vehicle Code

II. LEARNING NEED

Peace officers need to recognize their authority under the law to manage traffic effectively.

LEARNING OBJECTIVES

A. Discuss the elements and Vehicle Code section(s) governing arrest

B. Differentiate between mandatory and optional appearances before a magistrate

C. Recognize the elements and common names for violations involving failure to obey the lawful orders of a peace officer or designated employee

RBC	Other Basic Courses					Requal
	832	III	II	I	SIBC	
X		X		X		
X				X		
X				X		
X				X		
X				X		
X				X		
X				X		
X				X		
X				X		
X				X		
X				X		
X				X		
X				X		
X				X		

D. Demonstrate effective use of hand signals, flashlights and other warning devices to control traffic

III. LEARNING NEED

Peace officers must know the elements of the laws governing motor vehicles, bicycles and pedestrians.

LEARNING OBJECTIVES

A. Recognize the elements and common names for traffic control signal and device violations involving:

1. Red signal lights
2. Stop signs
3. Other traffic control signals and devices

B. Recognize the elements and common names for right-of-way violations involving:

1. Failure to yield the right-of-way
2. Failure to yield to an emergency vehicle

C. Recognize the elements and common names for rights and provisions involving bicyclists

D. Recognize the elements and common names for violations involving pedestrians

E. Recognize the elements and common names for violations involving turning and signaling

F. Recognize the elements and common names for speed violations involving:

1. Basic speed laws
2. Maximum speed

RBC	Other Basic Courses					Requal
	832	III	II	I	SIBC	
X				X		
X				X		
X				X		
X				X		
X				X		
X				X		
X				X		
X				X		
X				X		
X				X		
X				X		
X		X		X		X

G. Recognize the elements and common names for driving and passing violations involving:

1. Following too closely
2. Unsafe lane change
3. Passing on the right/left
4. Passing a stopped school bus

H. Recognize the elements and common names for public offense violations involving:

1. Reckless driving
2. Speed contests
3. Hand-held wireless telephone
4. Electronic wireless communications device

I. Recognize the elements and common names for hit and run violations

J. Recognize the elements and common names for basic motor vehicle licensing requirements

K. Recognize the elements and common names for violations when driving with a suspended or revoked license

L. Recognize the elements and common names for basic motor vehicle registration requirements

M. Recognize the elements and common names for basic vehicle equipment requirements for motor vehicles driven upon highways

IV. LEARNING NEED

Peace officers must know the legal authorities to impound and store vehicles as authorized in the Vehicle Code.

A. Recognize a peace officer's legal authority to remove vehicles

V. LEARNING NEED

RBC	Other Basic Courses					Requal
	832	III	II	I	SIBC	
X				X		X
X				X		X
X				X		X
X				X		X
X				X		X
X				X		X
X				X		X
X X X X				X X X X		X X X X
X				X		X

Peace officers must know the laws to detect and apprehend drivers whose behavior indicates that they may be driving under the influence of any alcoholic beverage and/or any drug.

LEARNING OBJECTIVES

A. Recognize the elements and common names for violations involving the possession of alcoholic beverages in a motor vehicle

B. Explain the meaning of the phrase “under the influence”

C. Recognize the elements and common names for violations involving Driving Under the Influence (DUI)

D. Recognize driving that might indicate a driver of a vehicle may be under the influence of any alcoholic beverage and/or any drug

E. Recognize the indications of driving under the influence of any alcoholic beverage and/or drug a peace officer may observe upon making contact with a driver

F. Discuss medical conditions that may cause a person to appear under the influence

G. Recognize appropriate peace officer actions if a subject refuses to cooperate in performing a Field Sobriety Test (FST)

H. Demonstrate FSTs that may be used to determine impairment, to include:

1. Horizontal Gaze Nystagmus (HGN)
2. One-Leg Stand (OLS)
3. Walk & Turn (WAT)

I. Discuss the primary elements included in the statutory admonition read to drivers who refuse to submit to chemical testing

~~VI. REQUIRED TESTS~~

RBC	Other Basic Courses					Requal
	832	III	II	I	SIBC	
~~X~~						
				~~X~~		
						~~X~~
X				X		
X X X				X X X		
X X				X X		
X		X		X		
X X		X X		X X		
X				X		

~~A. The POST-Constructed Comprehensive RBC Test 3.~~

~~B. The POST-Constructed Comprehensive Module I Test.~~

~~C. The POST-Constructed Comprehensive Requalification Test.~~

VII~~I~~. REQUIRED LEARNING ACTIVITIES

A. The student will participate in a learning activity that will reinforce the student's understanding of definitions, laws and procedures related to DUI arrests, including:

1. Legal definitions and terminology
2. Vehicle Code sections and related statutes
3. Detention and arrest procedures, the development of probable cause, reasonable suspicion, and field tests
4. Evidence recognition, collection and preservation procedures
5. Report writing requirements

B. The student will participate in a learning activity that will reinforce the student's understanding of techniques to effectively direct and control traffic using hand signals, flashlights and warning devices, including:

1. The procedures related to the use of hand signals and flashlights to safely control the stopping, starting or turning of vehicular and pedestrian traffic
2. Other traffic control devices, vehicles or other available equipment to safely control traffic movement

C. The student will participate in one or more learning activities from the POST-developed *Instructor's Guide to Learning Activities* ~~*for Leadership, Ethics and Community Policing* (*December 2005*~~*October 2025)* or other comparable sources regarding traffic enforcement. At a minimum each activity, or a combination of activities, must address the following topics:

RBC	Other Basic Courses					Requal
	832	III	II	I	SIBC	
X				X		
X				X		
X				X		
X				X		X
X				X		X
X				X		X
X				X		X
X				X		
X				X		
X				X		
X				X		
X				X		
X				X		
X				X		
X				X		
X				X		
X				X		

1. Application of a problem solving strategy to assess the underlying conditions and develop resolutions to community traffic safety issues
2. Professional demeanor, fairness and effective communication during a traffic enforcement contact
3. Initiative, discretion and decision making when issuing citations and considering spirit versus letter of the law

D. Given one or more video re-enactments depicting alcohol or drug impairment, or an equivalent number of simulations, scenarios, or role play exercises provided by the presenter, the student will participate in a learning activity that addresses:

1. The ability to recognize valid indicators of impairment that establish probable cause for arrest
2. The ability to describe and document the observed behaviors of the person impaired by alcohol or drugs
3. The ability to present or critique testimony in court related to observation and documentation of impairment

E. The student will participate in a learning activity that requires the student to conduct a FST that shall minimally test the student's ability to:

1. Articulate a proper location for the test and why that location is appropriate
2. Articulate the objective observations of signs or symptoms of intoxication or drug use
3. Explain and demonstrate a series of FSTs that may include a minimum of three of the following tests:
   a. Proper techniques of balance
   b. Divided attention
   c. Memory
   d. Coordination
   e. Horizontal Gaze Nystagmus test(s)
4. Document verbally or in writing the general observations and test observations that would support the reasonable belief that a person is under the influence of alcohol or drugs

RBC	Other Basic Courses					Requal
	832	III	II	I	SIBC	
X				X		
X X X				X X X		
X						
				X		
						X
16		2		16		2

F. The student will participate in a learning activity that requires the student to utilize the California Vehicle Code to identify traffic violations from presenter provided depictions of traffic violations. The student will, at a minimum, identify:

1. The specific violation by common name and Vehicle Code section(s)
2. The crime classification
3. Options for resolution

VII. REQUIRED TESTS

A. The POST-Constructed Comprehensive RBC Test 3.

B. The POST-Constructed Comprehensive Module I Test.

C. The POST-Constructed Comprehensive Requalification Test.

VIII. HOURLY REQUIREMENTS

Students shall be provided with a minimum number of instructional hours on traffic enforcement.

IX. ORIGINATION DATE

January 1, 2001

X. REVISION DATE

October 1, 2001
January 1, 2004
January 1, 2006
January 19, 2007
July 1, 2007
January 1, 2008
July 1, 2008
July 1, 2009
July 1, 2010
July 1, 2011
July 1, 2012
August 1, 2014
February 15, 2017
January 25, 2024
October 1, 2025

TRAINING AND TESTING
SPECIFICATIONS FOR LEARNING DOMAIN #30
CRIME SCENES, EVIDENCE AND FORENSICS

~~**April 1, 2022**~~October 1, 2025

RBC	Other Basic Courses					Requal
	832	III	II	I	SIBC	
X	X	X			X	
X			X	X	X	
X			X		X	
X			X		X	
X			X		X	
X			X		X	
X			X		X	
X			X	X	X	
X			X		X	
X			X		X	
X			X	X	X	

I. LEARNING NEED

Peace officers must have a general understanding of the total range of basic criminal investigation procedures in order to make the appropriate decisions regarding the identification and preservation of physical evidence at the scene of a crime.

LEARNING OBJECTIVES

A. Identify the goal of a criminal investigation

B. Perform the steps of a preliminary criminal investigation, including:

1. Proceed safely to the scene
2. Determine need for emergency medical services and aid any injured persons
3. Verify that a crime, if any, has occurred
4. Identify and arrest the suspect(s), if appropriate
5. As soon as possible, provide dispatch with any suspect information including physical descriptions, direction of flight, mode of travel, and other pertinent information
6. Contain and protect the crime scene and cause the proper collection of physical evidence
7. Locate and interview victim(s) and/or witness(es) and identify other sources of information
8. Collect all available information necessary to write a clear and accurate report (who, what, when, where, why and how)

C. Demonstrate actions peace officers may employ to preserve possible physical evidence at a crime scene

RBC	Other Basic Courses					Requal
	832	III	II	I	SIBC	
X	X	X			X	
X	X	X			X	
X	X	X			X	
X			X		X	
X				X	X	
X			X		X	
X			X		X	
X	X	X	X		X	
X	X	X	X		X	
X			X		X	
X			X		X	

D. Identify the primary purpose of the:

1. Initial survey of a crime scene
2. Crime scene search

E. Identify criteria for allowing crime scene photographs to be admitted as evidence by the court

F. Identify elements to be included on a crime scene diagram

II. LEARNING NEED

Peace officers must be aware of, and comply with, the general guidelines for the collection, packaging, and processing of physical evidence found at a crime scene to ensure that each piece of evidence is admissible in a court of law.

LEARNING OBJECTIVES

A. Demonstrate appropriate precautions that should be taken prior to collection and removal of physical evidence from a crime scene

B. Identify the purpose of collecting control/known samples

C. Identify the primary reason for establishing a chain of custody record

D. Prepare the information that should be noted on a chain of custody record

E. Identify the three forms of fingerprint impressions that may be found at a crime scene

F. Apply the basic steps for developing latent fingerprints

RBC	Other Basic Courses					Requal
	832	III	II	I	SIBC	
X			X		X	
~~X~~				~~X~~	~~X~~	
~~X~~				~~X~~	~~X~~	
~~X~~				~~X~~	~~X~~	
~~X~~				~~X~~	~~X~~	
~~X~~				~~X~~	~~X~~	
X				X	X	
X				X	X	
X				X	X	
X				X	X	

G. Identify general guidelines for collecting and processing physical evidence that may be located at a crime scene

~~III. REQUIRED TESTS~~

~~A. A scenario test that requires the student to demonstrate proficiency in conducting a preliminary investigation of a felonious assault. At a minimum, the test shall evaluate the following competencies:~~

~~1. Problem Solving/Decision Making – analyzing situations and implementing plans through one's actions to solve problems. Using verbal or physical skills to determine the appropriate resolution to a situation.~~

~~2. Legal Authority/Individual Rights – The identification of laws and constitutional rights governing consensual encounters, detentions, and arrests.~~

~~3. Officer Safety – The demonstration of situational and tactical awareness and appropriate response.~~

~~4. Communication – The use of effective verbal and non-verbal skills to convey intended meaning and establish understanding.~~

~~Presenters must use the POST-developed Scenario Test and the POST Scenario Competency Evaluation and Grading Test Forms or presenter-developed forms approved by POST, which minimally include the performance dimensions used for this scenario test.~~

III~~V~~. REQUIRED LEARNING ACTIVITIES

A. A learning activity that requires the student to systematically search a simulated crime scene and generate crime scene notes and a crime scene sketch. The learning activity shall minimally test the student's ability to:

1. Use a systematic method to search the scene and recover all items of physical evidence
2. Generate crime scene notes that document observations, scene conditions and investigative actions
3. Generate a crime scene sketch that includes measurements, reference points, identification of evidence, a legend and the direction of north
4. Locate latent and plastic prints placed on objects of varying texture and color

RBC	Other Basic Courses					Requal
	832	III	II	I	SIBC	
X				X	X	
X				X	X	
X				X	X	
X				X	X	
X				X	X	
X				X	X	
X				X	X	
X				X	X	
X				X	X	
X				X	X	
X				X	X	

5. Complete the necessary forms generally utilized by law enforcement to insure the chain of custody

B. The student will participate in one or more learning activities from the POST-developed *Instructor's Guide to Learning Activities ~~for Leadership, Ethics and Community Policing~~ (~~December 2005~~October 2025)* or other comparable sources regarding crimes scenes, evidence and forensics. At a minimum, each activity, or combination of activities must address the following topics:

1. Application of SARA or other problem solving model in the conduct of a thorough preliminary investigation
2. How a peace officer may collaborate with the community to solve a crime and identify underlying conditions that contribute to the crime problem
3. Modeling ethical leadership by a peace officer in the performance of an investigation
4. Impact of an effective investigation on a peace officer's trustworthiness and credibility during courtroom testimony

IV. REQUIRED TESTS

A. A scenario test that requires the student to demonstrate proficiency in conducting a preliminary investigation of a felonious assault. At a minimum, the test shall evaluate the following competencies:

1. Problem Solving/Decision-Making - analyzing situations and implementing plans through one's actions to solve problems. Using verbal or physical skills to determine the appropriate resolution to a situation.
2. Legal Authority/Individual Rights - The identification of laws and constitutional rights governing consensual encounters, detentions, and arrests.
3. Officer Safety - The demonstration of situational and tactical awareness and appropriate response.
4. Communication - The use of effective verbal and non-verbal skills to convey intended meaning and establish understanding.

Presenters must use the POST-developed Scenario Test and the POST Scenario Competency Evaluation and Grading Test Forms or presenter-developed forms approved by POST, which minimally include the

RBC	Other Basic Courses					Requal
	832	III	II	I	SIBC	
12	2	2	4	6	12	

performance dimensions used for this scenario test.

V. HOURLY REQUIREMENTS

Students shall be provided with a minimum number of instructional hours on crimes scenes, evidence and forensics.

VI. ORIGINATION DATE

January 1, 2001

VII. REVISION DATE

October 1, 2001
January 1, 2004
September 15, 2004
January 16, 2006
April 1, 2006
January 1, 2007
July 1, 2007
January 1, 2008
July 1, 2008
July 1, 2009
July 1, 2010
August 1, 2015
April 1, 2022
October 1, 2025

TRAINING AND TESTING
SPECIFICATIONS FOR LEARNING DOMAIN #37
PEOPLE WITH DISABILITIES

~~**April 1, 2022**~~October 1, 2025

RBC	Other Basic Courses					Requal
	832	III	II	I	SIBC	
X				X	X	X
X				X	X	X
X				X	X	X
X				X	X	X
X				X	X	X
X				X	X	X
X				X	X	X
X				X	X	X

I. LEARNING NEED

Peace officers must understand the laws affecting, and the peace officers responsibility to protect, the rights of people with disabilities.

LEARNING OBJECTIVES

A. State the intent of the Americans with Disabilities Act of 1990

B. Recognize the role of peace officers when interacting with a person with a disability

1. Applying culturally responsive community policing principles
2. Reducing stigma
3. Increasing and maintaining peace officer and public safety

II. LEARNING NEED

In order to make appropriate decisions regarding intervention strategies, peace officers must be able to recognize, based on behavioral cues and other indicators, people with intellectual/developmental disabilities.

A. State the intent of the Lanterman Developmental Disabilities Service Act (*Welfare and Institutions Code Sections 4500 et.seq.)*

B. Define the term developmental disability

C. Recognize general behavioral indicators associated with all developmental disabilities

RBC	Other Basic Courses					Requal
	832	III	II	I	SIBC	
X				X	X	X
X				X	X	X
X				X	X	X
X				X	X	X
X				X	X	X
X				X	X	X
X				X	X	X
X				X	X	X
X				X	X	X
X				X	X	X
X				X	X	
X				X	X	
X				X	X	

D. Recognize behavioral indicators specifically associated with the following developmental disabilities:

1. Intellectual Disability (including Down Syndrome)
2. Cerebral Palsy
3. Autism Spectrum Disorder
4. Epilepsy

E. Recognize appropriate peace officer response(s) during field contacts with people with the following developmental disabilities:

1. Intellectual Disability (including Down Syndrome)
2. Cerebral Palsy
3. Autism Spectrum Disorder
4. Epilepsy

F. Recognize the causes and nature of intellectual/developmental disabilities

G. Discuss the referral process and state/local resources available to people with intellectual/developmental disabilities

III. LEARNING NEED

In order to make appropriate decisions and serve those with physical disabilities, peace officers must be able to recognize indicators of people with physical disabilities.

LEARNING OBJECTIVES

A. Recognize behavioral indicators specifically associated with the following neurological disorders, including:

1. Acquired
2. Traumatic

RBC	Other Basic Courses					Requal
	832	III	II	I	SIBC	
X				X	X	X
X				X	X	X
X				X	X	X
X				X	X	X
X				X	X	X
X				X	X	
X				X	X	
X				X	X	
X				X	X	
X				X	X	X
X				X	X	X
X				X	X	X
X				X	X	X
X				X	X	X
X				X	X	

B. Recognize appropriate peace officer response(s) and methods of communication during field contacts with people who are:

1. Affected by traumatic disorders
   a. neurological
   b. traumatic brain injuries
2. Affected by dementia and stroke

C. List the types of mobility assistance equipment and devices

D. Recognize behavioral or other indicators that may lead an officer to identify a person as being:

1. Blind or visually impaired
2. Deaf or hard of hearing

E. Recognize appropriate peace officer response(s) and methods of communication during field contacts with people who are:

1. Blind or visually impaired
2. Deaf or hard of hearing

F. Discuss additional laws that protect the rights of people with physical disabilities, including:

1. Rehabilitation Act of 1973, Section 504
2. Right of way (Vehicle Code Section 21963)
3. White Cane Law (Civil Code Section 54.4)
4. Service Animals (Penal Code Section 365.5 et. seq.)

G. Discuss the referral process and state/local resources available to people with physical disabilities

IV. LEARNING NEED

In order to make appropriate decisions regarding intervention strategies, peace officers must be able to recognize, based on behavioral cues and other indicators, people with mental illness.

RBC	Other Basic Courses					Requal
	832	III	II	I	SIBC	
X				X	X	X
X				X	X	X
X				X	X	X
X				X	X	X
X				X	X	X
X				X	X	X
X				X	X	X
X				X	X	X
X				X	X	X
X				X	X	X

LEARNING OBJECTIVES

A. Define the term mental illness

B. List the categories of mental illness:

1. Thought disorders, including schizophrenia
2. Mood disorders, including depression and bipolar
3. Anxiety related disorders
4. Post-Traumatic Stress Disorder (PTSD)
5. Co-occurring/dual diagnosis disorders

C. Recognize the causes and nature of mental illness

D. Recognize behavioral indicators that may be generally associated with people affected by mental illness

E. Recognize appropriate peace officer response(s) and methods of communication when responding to a call that involves a person with a mental illness

F. Discuss the referral process and state/local resources available to people with mental illness

G. Identify appropriate resolution options

V. LEARNING NEED

Peace officers must become familiar with the application of *Welfare and Institutions Code Section 5150* in order to determine if an individual is a danger to others, or to himself or herself, or gravely disabled and to determine an appropriate response and resolution option.

LEARNING OBJECTIVES

RBC	Other Basic Courses					Requal
	832	III	II	I	SIBC	
X				X	X	X
X				X	X	X
X				X	X	X
X				X	X	X
X				X	X	X
~~X~~						
					~~X~~	
				~~X~~		
						~~X~~
~~X~~				~~X~~		
~~X~~				~~X~~		
~~X~~				~~X~~		
~~X~~				~~X~~		

A. Explain the intent of the Lanterman-Petris-Short Act (*Welfare and Institutions Code Section 5150)*

B. Recognize the authority of peace officers to take a person into custody pursuant to *Welfare and Institutions Code Section 5150*

C. Recognize behavioral indicators peace officers may use to help determine if a person affected by mental illness is a danger to others, or to himself or herself, or gravely disabled

D. Recognize the rights of individuals who have been taken into custody, pursuant to *Welfare and Institutions Code Section 5150*

E. Recognize the documentation requirements pursuant to *Welfare and Institution Code Section 5150.2*

~~V. REQUIRED TESTS~~

~~A. The POST-Constructed Comprehensive RBC Test 3.~~

~~B. The POST-Constructed Comprehensive SIBC Test 3.~~

~~C. The POST-Constructed Comprehensive Module I Test.~~

~~D. The POST-Constructed Comprehensive Requalification Test.~~

~~E. A scenario test that requires the student to demonstrate proficiency in contacting people with simulated disabilities. At a minimum, the test shall evaluate the following competencies:~~

~~1. Use of Force – The ability to distinguish and apply reasonable force options in given circumstances.~~
~~2. Problem Solving/Decision-Making – Analyzing situations and implementing plans to solve problems in a timely manner. Using verbal or physical skills to determine the appropriate resolution to a situation.~~
~~3. Legal authority/Individual Rights – The identification of laws and constitutional rights governing consensual encounters, detentions, and arrests.~~

RBC	Other Basic Courses					Requal
	832	III	II	I	SIBC	
~~X~~				~~X~~		
~~X~~				~~X~~		
~~X~~				~~X~~		
~~X~~				~~X~~		
X				X		
X				X		
X				X		
X				X		X
X				X		X
X				X		X
X				X		X
X				X		X
X				X		X

~~4. Officer Safety - Tactical and situational awareness and response to surroundings.~~
~~5. Communication - The use of effective verbal and non-verbal skills to convey intended meaning and establish understanding.~~
~~6. Stress Tolerance and Emotional Regulation - Maintaining self-control and making timely, rational decisions in stressful situations.~~

~~Presenters must use the POST-developed Scenario Test and the POST Scenario Competency Evaluation and Grading Test Forms or presenter-developed forms approved by POST, which minimally include the performance dimensions used for this scenario test.~~

VI. REQUIRED LEARNING ACTIVITIES

A. The student will participate in a learning activity that requires self-assessment to determine their own level of experience with, and awareness of, people with disabilities.

1. The learning activity should provide the student with an opportunity to determine their current level of experience interacting with people with disabilities
2. The learning activity should serve as a starting point for an instructor-facilitated discussion which addresses fears, myths, stigma, discrimination, bias, cultural factors, media impact and stereotypes concerning contact with people with disabilities

B. The student will participate in a facilitated debrief following a series of simulated incidents regarding effective law enforcement intervention techniques with people exhibiting behavior which may be indicative of a physical and developmental disability.

The debrief shall minimally address the following topics as they pertain to the contact:

1. The types of behaviors exhibited by the person contacted
2. Possible causes of the behaviors
3. Tactical safety measures employed by the responding officer(s), if applicable
4. Appropriateness of the resolution, referral, or follow-up strategy, if applicable
5. Use of effective verbal/non-verbal communication skills
6. Overall effectiveness of the contact

RBC	Other Basic Courses					Requal
	832	III	II	I	SIBC	
X				X	X	X
X				X	X	X
X				X	X	X
X				X	X	X
X				X	X	X
X				X	X	X
X				X	X	X
X				X	X	X
X				X	X	X
X				X	X	X
X				X	X	X
X						
					X	

C. The student will participate in one or more learning activities from the POST-developed *Instructor's Guide to ~~Learning Activities for Leadership, Ethics and Community Policing (December 2005~~ Learning Activities October 2025)* or other comparable ~~sources~~ regarding people with disabilities. At a minimum, each activity, or combination of activities ~~must~~ address the following topics:

1. Responsibility of a peace officer to exercise ethical leadership during contacts with people with disabilities
2. Use of effective communication skills (e.g. empathy, respect and honesty) and problem solving to enhance an officer's efforts to appropriately resolve issues of equal treatment and access to services
3. Impact of an officer's attitude and actions toward people with disabilities on the community, agency and the officer

D. The student will participate in an instructor-led discussion evaluating POST-provided video re-enactments depicting law enforcement contacts with people with mental illness, or an equivalent simulation, scenario or video representation provided by the presenter.

Among the topics which must be addressed are:

1. Any positive or negative behaviors demonstrated by contacting officer(s)
2. Perception of the person with disabilities being contacted
3. Presence or absence of stigma
4. Use of effective verbal/non-verbal communications skills
5. Use of problem solving skills to enhance an officer's efforts to appropriately resolve issues
6. Tactical safety measures employed by the responding officer(s), if applicable
7. Legality of the contact and subsequent actions of the contacting officer(s)
8. Consideration of cultural group history, customs, religious conventions, core values, or other perceptions material to the contact

VII. REQUIRED TESTS

A. The POST-Constructed Comprehensive RBC Test 3.

B. The POST-Constructed Comprehensive SIBC Test 3.

RBC	Other Basic Courses					Requal
	832	III	II	I	SIBC	
				X		
						X
X				X		
X				X		
X				X		
X				X		
X				X		
X				X		
X				X		
X				X		
15				15	6	8

C. The POST-Constructed Comprehensive Module I Test.

D. The POST-Constructed Comprehensive Requalification Test.

E. A scenario test that requires the student to demonstrate proficiency in contacting people with simulated disabilities. At a minimum, the test shall evaluate the following competencies:

1. Use of Force - The ability to distinguish and apply reasonable force options in given circumstances.
2. Problem Solving/Decision-Making - Analyzing situations and implementing plans to solve problems in a timely manner. Using verbal or physical skills to determine the appropriate resolution to a situation.
3. Legal authority/Individual Rights - The identification of laws and constitutional rights governing consensual encounters, detentions, and arrests.
4. Officer Safety - Tactical and situational awareness and response to surroundings.
5. Communication - The use of effective verbal and non-verbal skills to convey intended meaning and establish understanding.
6. Stress Tolerance and Emotional Regulation - Maintaining self-control and making timely, rational decisions in stressful situations.

Presenters must use the POST-developed Scenario Test and the POST Scenario Competency Evaluation and Grading Test Forms or presenter-developed forms approved by POST, which minimally include the performance dimensions used for this scenario test.

VIII. HOURLY REQUIREMENTS

Students shall be provided with a minimum number of instructional hours on persons with disabilities.

~~VIII~~IX. ORIGINATION DATE

January 1, 2001

~~I~~X. REVISION DATE

January 1, 2002 January 1, 2006 August 1, 2016

RBC	Other Basic Courses					Requal
	832	III	II	I	SIBC	

January 1, 2004
August 15, 2004
September 15, 2004

July 1, 2008
January 1, 2013
August 1, 2015

February 15, 2017
April 1, 2022
October 1, 2025

TRAINING AND TESTING
SPECIFICATIONS FOR LEARNING DOMAIN #42
CULTURAL DIVERSITY/DISCRIMINATION

~~April 1, 2022~~October 1, 2025

RBC	Other Basic Courses					Requal
	832	III	II	I	SIBC	
X			X		X	
X			X		X	
X			X		X	
X	X	X	X		X	
X			X		X	
X	X	X			X	X
X	X	X			X	X

I. LEARNING NEED

Peace officers need to recognize and respect the complexities of cultural diversity to develop skills necessary for identifying and responding to California's changing communities.

LEARNING OBJECTIVES

A. Define the terms:

1. Culture
2. Cultural diversity

B. Describe personal, professional, and organizational benefits of valuing diversity within the community and law enforcement organizations

C. Explain the historical and current cultural composition of California

II. LEARNING NEED

Peace officers need to become aware of stereotyping that could lead to prejudicial viewpoints and unlawful acts of discrimination.

LEARNING OBJECTIVES

A. Define the term stereotype

B. Discuss the dangers of relying on stereotypes to form judgments or to determine actions

RBC	Other Basic Courses					Requal
	832	III	II	I	SIBC	
X	X	X			X	X
X	X	X			X	X
X			X		X	X
X			X		X	X
X			X

RBC	Other Basic Courses					Requal
	832	III	II	I	SIBC	
X			X		X	X
X			X		X	X
X			X		X	X
X			X		X	X
X			X		X	X
X			X		X	X
X			X		X	X
X			X		X	X
X			X		X	X
X			X		X	X

III. LEARNING NEED

Peace officers must recognize that one of the most reliable strategies for successful contacts with individuals from differing cultural, racial, or ethnic backgrounds is to treat all individuals and groups with dignity and respect.

LEARNING OBJECTIVES

A Explain strategies for effective communication within a diverse community, including:

1. Verbal communication
2. Active listening
3. Nonverbal communication

B. Describe positive officer behaviors during contacts with members of a cross-cultural community

C. Discuss articles of faith that can be interpreted as a weapon, including:

1. Identification of the article
2. Proper handling of and respect for the article

IV. LEARNING NEED

Peace Officers need to recognize and respect the complexities of sexual orientation and gender identity and develop the necessary skills to understand, effectively communicate, and respond to the needs of the community and the law enforcement workplace.

LEARNING OBJECTIVES

A. Discuss the difference between sexual orientation and gender identity.

1. Sexual orientation: a person's physical, emotional and romantic attraction to people of the same and/or other gender
2. Gender identity: a person sense of being male, female, or something other or in-between

RBC	Other Basic Courses					Requal
	832	III	II	I	SIBC	
X			X		X	X
X			X		X	X
X			X		X	X
X			X		X	X
X			X		X	X
X			X		X	X
X			X		X	X
X			X		X	X
X			X		X	X
X			X		X	X
X			X		X	X
X			X		X	X
X			X		X	X
X			X		X	X
X			X		X	X
X			X		X	X
X			X		X	X
X			X		X	X
X			X		X	X
X			X		X	X
X			X		X	X

B. Discuss how sexual orientation and gender identity intersect with:

1. Each other
2. Race
3. Culture
4. Religion

C. Define the terminology used to identify and describe the difference between sexual orientation and gender identity, including but not limited to:

1. Sexual orientation (straight, gay, lesbian, bisexual)
2. Gender identity (transgender, cisgender, non-binary)
3. Gender expression (the way a person expresses themselves)
4. Queer (an umbrella term for those who do not wish to categorize their sexuality)
5. Questioning (to be unsure of or re-examining one's sexual orientation and/or gender identity)

D. Discuss the ways to create an inclusive workplace within law enforcement for sexual orientation and gender identity minorities, including:

1. Demonstrating respect for diversity
2. Recognizing personal bias and its potential negative effect on workplace conduct
3. Honoring the right to privacy and confidentiality
4. Not making assumptions
5. Understanding reason why employees may not report incidents of harassment/discrimination

E. Identify important moments in history related to sexual orientation and gender identity minorities and law enforcement including:

1. Protests (i.e. The Stonewall Riots (1969))
2. Changes in law (i.e. U.S. Supreme Court decision on Same Sex Marriage (Obergefell v. Hodges)
3. Defining moments (i.e. Transgender Day of Remembrance founded (1999))

V. LEARNING NEED

Peace officers need to have a lawful basis for recognizing criminal acts as hate crimes and understand the impact of such crimes on victims and communities.

RBC	Other Basic Courses					Requal
	832	III	II	I	SIBC	
X			X		X	X
X			X		X	X
X			X		X	X
X			X		X	X
X			X		X	X
X			X		X	X
X			X		X	X
X			X		X	X
X			X		X	X
X			X		X	X
X			X		X	X

LEARNING OBJECTIVES

A. State the legal definition of a hate crime based on the Penal Code

B. Classify the crime and the elements required to arrest for:

1. Desecrating religious symbols
2. Interfering with religious freedom
3. Terrorizing another
4. Interfering with an individual's civil rights

C. Explain the legal rights and remedies available to victims of hate crimes based on federal law and Civil Code

D. Describe the impact of hate crimes on victims, the victims' families, and the community

E. Discuss the indicators of hate crimes

F. Explain considerations when investigating and documenting incidents involving possible hate crimes

VI. LEARNING NEED

Peace officers need to have an understanding of what constitutes sexual harassment, how to respond to sexual harassment in the workplace, and the legal remedies available through the sexual harassment complaint process.

LEARNING OBJECTIVES

A. State the legal definition of sexual harassment

B. Discuss the federal and state laws dealing with sexual harassment to include:

1. Title VII

RBC	Other Basic Courses					Requal
	832	III	II	I	SIBC	
X			X		X	X
X			X		X	X
X			X		X	X

RBC	Other Basic Courses					Requal
	832	III	II	I	SIBC	
X			X		X	
X			X		X	
X			X		X	
X			X		X	
X			X		X	
X			X		X	
X			X		X	
X			X		X	
X			X		X	
X			X		X	
X			X		X	
X			X		X	
X			X		X	
X			X		X	
X			X		X	
X			X		X	
X			X		X	
X			X		X	

A. Given a diagnostic instrument, questionnaire, personal inventory or equivalent method, students will participate in a learning activity that requires self-assessment to determine their own level of cultural sensitivity and experience in interrelating with cultural groups.

1. The learning activity should provide the student with an opportunity to determine their current level of experience in dealing with cultural groups
2. The learning activity should also serve as a starting point for an instructor-facilitated classroom discussion and/or small group discussions which address perceptions, experiences, fears, and stereotypes concerning contact with cultural groups
3. Discussion may include, but is not limited to cultural stereotypes, ethno phobia, xenophobia, sexual orientation and gender identity bias, and media impact on cultural perceptions

B. Given a minimum of three POST-developed video re-enactments depicting law enforcement contacts with cultural groups, or an equivalent number of simulations, scenarios or video representations provided by the presenter, the student will participate in an instructor-led discussion evaluating the appropriateness and professional quality of the contact.

Among the issues which must be addressed are:

1. Any positive or negative behaviors demonstrated by contacting officers
2. The apparent perception of the cultural group regarding the contact
3. Presence or absence of cultural stereotyping
4. The level of cultural understanding demonstrated by the officers
5. The legality of the contact and subsequent actions of the contacting officers
6. The professional, personal, and organizational impact of the contact, either positive or negative
7. Cultural group history, customs, religious conventions, core values, or other perceptions material to the contact

Presentation of the video re-enactments, simulations, or scenarios may be done collectively or may be interspersed throughout the instructional block at the discretion of the instructor.

C. Given a minimum of four POST-developed video re-enactments depicting possible sexual harassment, or an equivalent number of simulations, scenarios, or video representations provided by the presenter, the student will participate in a facilitated discussion which addresses the following:

RBC	Other Basic Courses					Requal
	832	III	II	I	SIBC	
X			X		X	
X			X		X	
X			X		X	
X			X		X	
X			X		X	
X			X		X	
X			X		X	
X			X		X	
X			X		X	
X			X		X	X
X			X		X	X
X			X		X	X
X			X		X	X
X			X		X	X
X			X		X	X
X			X		X	X
X			X		X	X
X			X		X	X
X			X		X	X
X			X		X	X

1. Any behaviors which are illegal, as defined by federal or state sexual harassment laws
2. Professional, personal, and organizational impacts of the incident
3. Legal and administrative consequences of the behaviors observed
4. Whether or not state sexual harassment reporting guidelines apply to the situation

D. Given a minimum of two POST-developed video re-enactments or written descriptions of possible hate crimes, or an equivalent material provided by the presenter, the student will participate in a facilitated discussion which addresses the following:

1. Whether or not the incident constituted a hate crime under the law
2. Impact of the incident on victims, their families and the community
3. Effectiveness of the law enforcement response
4. Legal rights of, and remedies available to the victim(s)

E. The student will participate in a series of learning activities from the POST-developed *Instructor's Guide to ~~_____~~ Learning Activities ~~for Leadership, Ethics and Community Policing~~ (~~December 2005~~October 2025)* or other comparable ~~_____~~ sources. At a minimum, each activity or _____ combination of activities must address the following topics:

1. The impact racial profiling may have had on them as individuals or their community
2. Concerns the students may have as to how racial profiling will affect them in the field
3. Clarification of the myths and realities of racial profiling
4. The concept of individualized suspicion as it pertains to probable cause
5. How the history of the community can affect the way they view law enforcement today
6. Law enforcement's obligation to various cultures within the community
7. What law enforcement must do to increase trust with the community
8. Law enforcement's obligation to respond to and report incidents of discriminatory or biased practices by fellow officers
9. The importance of applying leadership during contacts with persons from diverse cultures as it pertains to profiling, ethics and community policing

F. Given three POST-develop video re-enactments depicting possible racial profiling, students will participate in a facilitated discussion and/or small group discussion which addresses the following:

1. Application of the 4th and 14th Amendments and current case law

RBC	Other Basic Courses					Requal
	832	III	II	I	SIBC	
X X			X X		X X	X X
16	1	1	15		16	6

2. Consensual contacts as it pertains to racial profiling
3. Importance of articulable characteristics or behaviors to develop probable cause.

VIII. REQUIRED TESTS

None

IX. HOURLY REQUIREMENTS

Students shall be provided with a minimum number of instructional hours on cultural diversity/sexual harassment/hate crimes.

X. ORIGINATION DATE

January 1, 2001

XI. REVISION DATE

January 1, 2004
January 1, 2006
January 19, 2007
July 1, 2008
July 1, 2010
July 1, 2011
July 1, 2012
October 1, 2020
April 1, 2022
October 1, 2025

1005. Minimum Standards for Training. (Refer to Commission Regulation 1007 and Commission Procedure H for Reserve Peace Officer Training Standards).

(a) Minimum Entry-Level Training Standards (Required)

…..

The document, *Instructor's Guide to Learning Activities* ~~*for Leadership, Ethics and Community Policing December*~~*October* ~~*2005*~~*2025* adopted effective January 1, 2006, and amended effective October 1, 2025, is herein incorporated by reference.

…..

NOTE: Authority cited: Sections 832.1, 832.3, 832.6, 13503, 13506, 13510, 13510.3, 13510.5, 13515.26 and 13519.8, Penal Code. Reference: Sections 830.33, 832, 832.1, 832.3, 832.6, 835a, 13503, 13506, 13510, 13510.3, 13510.5, 13511, 13513, 13514, 13515.29, 13515.295, 13516, 13517, 13519.8, 13519.10, 13520 and 13523, Penal Code.

1007. Reserve Officer Minimum Training Standards.

(a) All persons appointed as a reserve peace officer who do not already possess a Basic Certificate issued by the Commission are required to obtain a Proof of Eligibility (POE).

…..

The document, *Instructor's Guide to Learning Activities* ~~*for Leadership, Ethics and Community Policing December*~~*October* ~~*2005*~~*2025* adopted effective January 1, 2006, and amended effective October 1, 2025, is herein incorporated by reference.

…..

NOTE: Authority cited: Sections 832.3, 832.6, 13503, 13506, 13510, 13510.1 and 13515.26, Penal Code. Reference: Sections 832.2, 832.3, 832.6, 835a, 13503, 13506, 13510, 13510.1, 13510.5, 13512 and 13519.10, Penal Code; Section 48412, Education Code; and Section 1031(d), Government Code.

1008. Basic Course Requalification Requirements.

(a) Purpose of Requalification.

…..

The document, *Instructor's Guide to Learning Activities* ~~*for Leadership, Ethics and Community Policing December*~~ *October* ~~*2005*~~*2025* adopted effective January 1, 2006, and amended effective October 1, 2025, is herein incorporated by reference.

…..

NOTE: Authority cited: Sections 832.3, 13503, 13506, 13510 and 13515.26, Penal Code. Reference: Sections 832.3, 835a, 13503, 13505, 13506, 13510, 13510.5, 13511 and 13519.10, Penal Code.

1059. Requirements for Basic Course Certification.

(a) Instructor-Led Basic Course Training

…..

The document, *Instructor's Guide to Learning Activities October 2025* adopted effective January 1, 2006, and amended October 1, 2025, is herein incorporated by reference.

…..

NOTE: Authority cited: Sections 13503 and 13506, Penal Code. Reference: Section 13503(e), Penal Code.

California Commission on Peace Officer Standards and Training

INSTRUCTOR'S GUIDE TO LEARNING ACTIVITIES



Version 2.0

1008

Instructor's Guide to Learning Activities

Version 2.0

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PEACE OFFICER STANDARDS AND TRAINING

FOREWORD

The California Commission on Peace Officer Standards and Training (POST) is pleased to provide this *Instructor's Guide to Learning Activities*. The guide will be a resource for instructors and others charged with the delivery of basic courses and will help with the integration of the core concepts into the curriculum. It will also emphasize critical thinking and problem-solving skills.

The learning activities noted herein are required in fifteen basic course Learning Domains as a means to provide an experience that is closely linked to future peace officer duties.

The Commission sincerely appreciates the efforts and support of the many curriculum consultants, instructors, academy directors, and coordinators who worked with POST staff to develop this *Instructor's Guide to Learning Activities*. The Commission also extends its appreciation to agency leaders throughout California who provided personnel to participate in the development of this guide.

Manuel Alvarez Jr.
Executive Director

COMMISSION
PEACE OFFICER STANDARDS AND TRAINING

GOAL STATEMENT

POST's mission is to provide the finest quality public safety training and professional development that is responsive to the needs of the agencies and diverse communities we serve.

The primary goal of basic training is to prepare students mentally, morally, emotionally, and physically to enter and successfully complete the Field Training Officer program.

The purpose and objective of these learning activities is to provide opportunities for discussion between instructor and student, opportunities to refine critical thinking skills, and to practice field-relevant skills in a safe, yet challenging, learning environment.

Students shall be allowed to freely share relevant opinions and values during each discussion. Students are expected to enhance their knowledge of leadership, ethics, and community policing and their role in each concept as peace officers, and to adhere to these values during their academy training and careers as peace officers.

COMMISSION
PEACE OFFICER STANDARDS AND TRAINING

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Introduction

Purpose:

This *Instructor's Guide to Learning Activities* describes specific activities, and other active learning techniques to engage academy students in the student-centered learning environment. The emerging academy classroom emphasizes the retention of material in a setting where learners are responsible for their education for the ultimate purpose of succeeding in field training and beyond. They are also consistent with the move from traditional lecture-based training to the facilitation of basic course learning objectives.

The purpose of the basic academy is to prepare students with the knowledge, skills, and abilities necessary to succeed in a field-training program and ultimately to function as a peace officer in California. To do so, students must leave the academy experience with an ingrained understanding of core concepts of leadership, ethical decision making, and policing in a manner consistent with the lawful needs, desires, and goals of their community. The academy classroom, therefore, must be one where competency is acquired, tested, refined, and reinforced. The best way to ensure effective application of skills learned in the academy is to involve students in their own learning. An active, learner-centered training environment is the most effective way to develop the skills, knowledge, beliefs, and behaviors that will lead to their success as peace officers.

How to Use This Guide:

Each Learning Domain (LD) contains learning activities presented in the following manner:

- **Prerequisites** – What the student shall have read or experienced prior to the learning activity. This primarily lists the student workbooks the student shall have completed or have previously received training.
- **Introduction** – This information is intended for the instructor, and may be used in lesson plan development, delivery of material, or for questions posed to the class during the discussion phase of the learning activity.
- **Learning Outcomes** – These objectives are anchored in Bloom's Taxonomy. The first three levels are those that are tested for

mastery; the remaining three are the ones that reinforce “learning how to learn” and form the basis from which peace officers use knowledge gained in one setting to resolve conflict in others.

- **Activities** – The activities are presented in a narrative format to assist in your understanding of the nature of the activity, how it may be delivered, and how to end the activity with the desired understanding. The format and focus of student work may be varied at the instructor’s discretion as long as the selected format emphasizes interactivity and student work rather than presented information in a more traditional teacher-centered classroom. For all activities, there are several important points for instructors to consider, including:

    - Allowing students the opportunity to lead the class work and subsequent discussions. This will help establish and refine their public speaking skills and group management skills.
    - Allowing students to grapple with the concepts and discover their own understanding of the material as much as possible. While it is tempting to provide “the answer” or ready direction, students will learn at a much greater depth if they acquire the information through reflection and retention of relevant concepts.
    - Instructors managing the process of learning, helping the discussion leader through sticking points, providing insight and expertise where appropriate, and striving to ensure students stay focused on key concepts in the dialogue.

- **Comprehensive Questions** – These are strategic questions that may be used to ensure all learners have acquired core concepts in the activity or concept area. They may be used to wrap up a session or may be used as a prompter to initiate a class review of learning.
- **Optional Assignment** – An assignment that may not be applicable for group or classroom discussion due to possibly involving outside research and/or work. These assignments may be ideal for students who miss the initial instruction block and cannot participate in the initial class activities. Some of these assignments may be completed in the classroom.

- **Resources** – These are available resources that may be used either in class or by students beyond the training environment. The listing of resources in each activity is a starting point; as the subject matter expert in the LD, you shall use your knowledge to identify and use other resources to enhance the training experience. Some universal resources include but are not limited to:

    - Legal Source book
    - Internet resources
    - Training and Testing Specifications for Peace Officer Basic Courses
    - Student LD workbook
    - District Attorney Legal updates
    - Recent case law
    - Legal statutes
    - POST Learning Portal
    - Department policy, procedures, and resources

Integrating the Learning Activities:

The learning activities shall be a foundation for your active learning efforts. As you gain confidence in their use, it is quite possible you will want to modify, enhance, or vary the activity. This may be due to current events, emerging trends, available technology, or the expertise of those on your academy staff who can assist in developing instructional material that will produce the desired training effect.

The most appropriate steps to integrate these activities are:

- Student self-assessment both prior to and during the learning experience is a valuable means by which they may understand what “good” or “excellent” looks like and align the retention of knowledge and skills to tested concepts. Rubric-based assessment is an excellent means by which to complete this goal.
- Review this guide, not only within your assigned subject area, but in others to gain a sense of the variety of learning styles, breakout, and small group work options, and activities that might work well for your intended purpose.

- Select a preliminary group of activities for possible inclusion in your lesson plan.
- Write a preliminary draft of your lesson plan. Consider the overall learning objectives of the Training and Testing Specifications, the POST Website, for the LD, time allotted to the training, available audio-visual resources, job aids, or other materials you will need to present the training.
- Include an appropriate array of learning activities as a part of the draft lesson plan.
- Script the lesson plan, including time requirements and constraints. The time available may cause an expansion or contraction of time for a specific learning activity.
- Develop the final student-centered lesson plan (incorporate learning activities as a part of the delivery).
- Locate and confirm your resources.
- Present the training; facilitate student learning.
- After the training experience, consider student input, and then refine and revise the lesson plan to enhance the active learning components of the training.

Conclusion:

Think of the Training and Testing Specifications for Peace Officer Basic Courses, this guide, and previous lesson plans as a foundation and a starting point for your future teaching activities. Some instructors have felt constrained by what has always been done. Our responsibility as teachers and trainers, however, is to prepare the next generation of peace officers to succeed in a tough, evolving field environment. The academy classroom shall, to the greatest extent possible, replicate the demand they will find in the real world.

Learning Domain 1: Leadership, Professionalism & Ethics

Prerequisites:

The students shall either have been instructed in or had the opportunity to study the student workbook for the following LDs:

- LD 1: *Leadership, Professionalism & Ethics*

Introduction:

A learning activity is required as a component of instructional delivery in this LD. LD 1 is the initial block of instruction for most basic academy programs. This LD covers leadership, professionalism, and ethics. The LD addresses the need to make a conscious commitment to maintain public trust and to act in a manner consistent with the highest ideals of the profession at all times.

The students are at the starting point in their careers and shall be made aware they will assume roles of leadership in their organizations and communities from the day they start the academy. The academy is the crucible within which students will first learn and apply principles of leadership, including:

- Learning to follow the leadership efforts of others; to follow the lead of academy instructors and staff and others appointed to lead their initial training experience
- Learning to manage one's own emotions and perspectives to enable others to trust them and form the relationships necessary for effective leadership
- Learning to take responsibility for one's own actions and conduct
- Learning to lead peer students as assigned, and to follow the lead of others appointed for that purpose throughout the academy

Leadership, professionalism, and ethics do not make a "stand-alone" LD. Its themes are woven throughout the academy experience, in the student's field training program, and in the laws, they are sworn to enforce as peace officers. Most questions of ethics and integrity fall into one of two main categories. The first category is characterized by questions that have clear, right answers. Stealing, lying, and falsifying reports are wrong. The goal is to help students distinguish right from wrong and choose right. The second category is characterized by questions that have two or more right, but conflicting, answers. These are called dilemmas. The goal in these cases is

to help students identify these dilemmas and make choices based on best practice standards and the highest values of the policing profession.

Learning Outcomes:

At the conclusion of this activity, the student will be able to:

- Explain the relationship of leadership, ethics, and community policing to the student's role as a peace officer
- Demonstrate an understanding of the Six Pillars of Character and their relevance to policing
- Demonstrate an understanding of the nature of ethical conflicts and a means by which to resolve them
- Explain the role of peace officers in the community and the nature of the relationship between the police and those they serve

Activities:

It is important that content in this LD is not presented without a context for students to understand how it relates to their work in the academy and throughout their careers. LD 1 also sets the stage for student expectations for learning for the rest of the academy. Do not focus on "passing the test" or merely memorizing facts. Instead, they should put effort into true learning, retention of knowledge, and tools for applying their learning in the field training program and beyond.

Activity One

This activity entails student work to recall, understand, and apply the Code of Ethics by reinforcing segments throughout the academy. It shall be repeated until all students can recite and respond to questions linking the Code of Ethics to questions regarding ethical issues of concern to the police. There are a number of possible variations to the mere recitation of the Code of Ethics to reinforce the student's understanding of its tenets; instructors shall use their creativity to develop ways to present training to add depth to the understanding, analysis, and evaluation of the Code as it would be applied in the field as peace officers.

The academy staff or instructor will assign a member of the class to read the Code of Ethics to the entire class. The academy staff or instructor will

then question students about the meaning and importance of the Code of Ethics.

Students will then read and recite the Code of Ethics on each break one to two times per week, and academy staff or instructors will continue to engage them in dialogue regarding the meaning of the code after the recitations.

Variations of this activity may include:

- Assigning students to research (internet, media, or print sources) appropriate incidents that involve leadership, ethical conduct, or community policing, then lead discussions amongst their peers regarding the incident, its relevance to the Code of Ethics, and to their profession
- Allowing students to create role play examples of incidents that relate to portions of the code, then lead class dialogue to ensure others understand the relationship between the code and the incident depicted
- Any other means to move beyond recitation and into understanding, application, and evaluation of the Code of Ethics to their role as peace officers

Activity Two

This learning activity is designed to help students understand appropriate leadership behaviors, ethical conduct, and community policing through practical application.

The course facilitator will select a current event(s) where exemplary leadership, ethical conduct, or community policing was demonstrated. The event(s) can be an event(s) that occurred within the course facilitator's region or abroad. It is important to note the exemplary leadership, or ethical behavior does not have to be linked to a law enforcement event. The facilitator will then divide the students into different groups and assign one event per group. Students will be given time to lead the class dialogue and explain the relationship between the event(s) assigned and the law enforcement profession.

Variations of this activity may include:

- The facilitator can select an event(s) within their region or abroad, that undermined public trust between the public and law

enforcement as a result of poor leadership, unethical conduct, or lack of investment in the community policing philosophy. Students will be divided into groups and given time to lead the class in a discussion explaining the relationship between the event(s) assigned and the law enforcement profession.

- This activity entails student work outside of the classroom to locate sources for class dialogue. It can be used as a stand-alone exercise, or at the start or end of content blocks to help transition into student-driven activities. Each activity can take longer depending on the quality of student discussion and contributions to the subject at hand.
- Assign students (perhaps on a rotating basis) to locate a current event on leadership, ethics, or community policing. The current event can be from a newspaper, magazine, or internet sources. Students will take turns reading the articles, and then lead class dialogue regarding the relationship between the current event and the police profession.

The instructor will facilitate the following discussion:

- What leadership behaviors, ethical conduct, or community policing issues are contained in your assigned event?
- What is the relationship between your assigned event and our work as peace officers?
- If you were the chief or sheriff of that agency, what type of response would you have to questions from your community, based on your assigned event?
- If you were the peace officer's supervisor, what counseling might you provide to help them through the outcomes of your assigned event?

Activity Three

Rather than merely enforcing knowledge of the material, it is important for students to discover its relevance to the leadership, ethics, and community policing issues they will face as peace officers. Students need to make the correlation between the activity they are faced with and the Law Enforcement Code of Ethics.

Students will facilitate a role play or discussion of the following activity (assign a class member to introduce the topic, solicit volunteers for a role play, and other related work):

"You are working in the central part of town when you stop a driver for running a red light. You contact him and learn he is an off-duty peace officer from your agency. He shows obvious signs of intoxication and there are multiple open containers of alcohol in the vehicle. You believe he is unable to continue driving. The off-duty peace officer asks for a ride home as he lives three blocks away."

Students will form breakout groups to discuss and answer the following questions:

- Which parts of the Code of Ethics come into play regarding this activity?
- What are the possible courses of action?
- How would you document the incident?
- What would the public perception be if the public found out the peace officer gave the off-duty peace officer a ride home?
- Select a spokesperson(s) to present and justify your group's answers to the class
- Explain a police department's position on this issue
- Demonstrate the ability to handle follow-up questions

Students not selected as spokespersons will be required to:

- Ask questions
- Offer suggestions, opinions, options, and comments whenever necessary to help facilitate a discussion

Activity Four

This activity is related to the student materials developed by the Josephson Institute of Ethics specifically for students in an academy setting. Rather than merely enforcing knowledge of the material, it is important for students to discover its relevance to the leadership, ethics, and community policing issues they will face as peace officers.

Students will facilitate a role play or discussion of the following activity (assign a class member to introduce the topic, solicit volunteers for a role play and other related work):

"You are dispatched to a shoplifting incident at a local convenience store. Upon arrival, you make contact with the store manager. The manager tells you that she observed a male subject steal some candy and walk out of the store. Upon making contact with the suspect, he admits taking the candy and tells you he is an off-duty peace officer from a neighboring jurisdiction. The off-duty peace officer says he is "not sure" why he took the candy and asks that the incident not be reported because he will lose his job."

Students will form breakout groups to discuss and answer the following questions:

- Which one of the six pillars of character is most at issue in the activity?
- Who are the stakeholders?
- What are the possible courses of action?
- How would you document the incident?
- Select a spokesperson(s) to present and justify your group's answers to the class
- Explain the police department's position on this issue
- Demonstrate the ability to handle follow-up questions

Students not selected as spokespersons will be required to:

- Ask questions
- Offer suggestions, opinions, options, and comments whenever necessary to help facilitate a discussion

Learning Domain 2: Criminal Justice System

Prerequisites:

The students shall either have been instructed in or had the opportunity to study the student workbook for the following LDs:

- LD 1: *Leadership, Professionalism & Ethics*
- LD 2: *Criminal Justice System*
- LD 3: *Principled Policing in the Community*

Introduction:

LD 2 introduces the student to the criminal justice system. This block of instruction covers the constitutional rights of all individuals in the United States, regardless of the status of their residency or citizenship, and the role of the criminal justice system in protecting those rights.

The criminal justice system can be a frightening and frustrating experience for many in the community who might interact with it. The process of prosecution, court delays, subpoena and testimony requirements, the role of the defendant's attorney, and the actual and psychological costs to cooperate with the legal system may all be viewed as indignities beyond the criminal incident by victims, witnesses, and family members involved in the state's efforts to bring criminal perpetrators to justice. Peace officers are often the first representatives of the justice system with whom victims come into contact, and they have a role and responsibility to help make the criminal justice system more user-friendly to those seeking redress for crimes.

The criminal justice system is a complex network of agencies and persons with formal and informal relationships and partnerships to make it work. Peace officers, district attorneys, judges, probation officers, victim/witness advocates, and others have similar but sometimes conflicting, goals and objectives. Peace officers are in the unique position of being able to resolve issues within the framework of policy and law to ensure the already-overloaded court system is not burdened with frivolous allegations or incidents that may be better resolved at the community level.

Another unique role bestowed to peace officers is the power to intervene in criminal incidents and take offenders into custody. This power extends to the legal authority to use that force necessary to affect an arrest, including

the use of force likely to cause the death of a person who presents a potentially lethal danger to the peace officer or others. The peace officer's authority to exercise powers of arrest and use necessary force to do so does not come from the rule of an authoritarian dictator. Rather, it comes from the will and consent of the people who put their trust in policing those powers with the utmost care and restraint.

Students will readily see the relevance of their role in the criminal justice system in their future duties. They may hold misimpressions of the justice system based on depictions in the popular media or other similar sources. They may also not have a clear understanding of the Constitutional obligations inherent in their role as peace officers.

Training in this content area shall serve to enhance their understanding of that role, and their responsibility to gain and hold the confidence of the community as they perform their duties.

Learning Outcomes:

At the conclusion of these learning activities, the student will be able to:

- Identify and act on presented ethical dilemmas presented in their role as a representative of the criminal justice system
- Demonstrate an understanding of their role as peace officers as representatives of the criminal justice system when presented with specific facts of circumstance
- Defend their actions when choosing a course of action to resolve issues related to the justice system and contact with members of their community

Activities:

Activity One

Selected student leaders will be assigned to research and prepare training for their peers in selected areas regarding Constitutional law and its impact on the criminal justice system. Students will be given their topic with adequate advanced notice to prepare a brief training segment. They will be encouraged to use academy resources, the student workbook for this LD, and other appropriate information. They shall also be encouraged to make their training segment active and student-centered through the use of

question-and-answer dialogue, role play activities, group work, or other similar strategies.

Possible areas for student training are:

- Equal protection under the law
- Cruel or unusual punishment for crimes
- Due process
- The right to a speedy trial
- The right to face one's accuser
- Any other area that would enhance student understanding and learning necessary to achieve competence in this LD

Student training may be interspersed in the overall presentation of content or placed as the lead-in segment for a particular block of training. Having students train their peers allows them to learn specific content and allows them to refine public speaking and problem-solving skills through this work. Instructors shall facilitate the process of student training and use class responses and conclusions to identify gaps in student knowledge worthy of continued work.

Activity Two

The following activity will be distributed to students in small groups. The process of this activity is to allow individual work, and then small group work to discuss and resolve assigned questions. The group work will be followed by presentations by groups to the assembled class to demonstrate an understanding of the concepts under study. The activity is:

> "You are a peace officer assigned to uniformed patrol in a suburban community. You receive a call of a disturbance at the home of a known sex registrant. When you arrive, you learn from the resident (who acknowledges being a registered sex offender who has been released from probation) that a neighbor has just assaulted him by punching him in the face. Witnesses to the incident tell you the assault occurred after the victim was seen apparently staring at juveniles playing in the neighborhood while standing in the front yard of his residence. You learn the neighbor who assaulted him said he believed the victim was looking at them "inappropriately"."

Groups shall be assigned one or more questions for study. Group members will share their answers, comparing and contrasting them with one another.

The group will then work to come to a consensus (general agreement) regarding the most appropriate course of action in response to the question(s) asked. Questions are:

- What actions would society expect the police to take to resolve this incident?
- What actions would you like to take as an individual?
- Why is it important to take the appropriate action?
- What ethical issues are present in this incident?
- How does the victim's registrant status impact your investigation?
- If the victim tells you to "forget it" do you have further obligations to any party to this incident? If so, what are they, and what actions should you take?

Selected student leaders will facilitate the process of group presentations under the guidance of the instructor. Options for group work are to have each group work with only one question, and then to build the corporate expertise in this topic area from the variety of presentations and group findings.

Activity Three

Assign students to locate a current event in the Criminal Justice System. Students will take turns reading their article and explain how it relates to policing, the department involved, and the community within which the incident took place. This activity can be expanded to include student discussion of the articles, and articles may be posted for informal review in the classroom, break area, or another appropriate locale. Instructors shall strive to ensure students begin to understand the linkage between the conduct of the police and how their communities may view them.

The activity allows students to practice public speaking skills, to articulate and defend their perspectives regarding the meaning of the article to the policing profession, and to better understand that community confidence in the police is built upon a foundation of police actions in the public view.

Optional Assignment:

Assign the students to write a two-page memorandum on the following:

> Imagine that you are a peace officer assigned to a rally for a group that is promoting an idea you find personally offensive. (i.e.,

reproductive rights, race relations, firearms, politics, etc.) Describe the situation and answer the following questions:

- What is the First Amendment right to free speech?
- What are your responsibilities to ensure the public has the right to free speech?
- How do your personal feelings play into your responsibilities as a peace officer regarding free speech?
- Do you have a responsibility to protect an individual's right to free speech without the infringement of others?

This activity may be facilitated in concert with the academy's LD 18 staff as a means of providing a level of relevance to students in this topic area. In this protocol, written work is cooperatively assessed by the lead instructor in this LD as well as LD 18 staff.

- The US Constitution, including Amendments
- Internet and media sources for current events
- Agency policies related to the use of force and powers of arrest
- The CA Penal Code and related criminal statutes

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Learning Domain 3: Principled Policing in the Community

Prerequisites:

The students shall either have been instructed in or had the opportunity to study the student workbook for the following LDs:

- LD 1: *Leadership, Professionalism & Ethics*
- LD 3: *Principled Policing in the Community*

Additionally, each student shall have completed learning opportunities (in class or self-paced) on topics related to Community Policing, Problem Oriented Policing (POP) and have a working knowledge of the Scanning, Analysis, Response, and Assessment (SARA) model prior to engaging in learning activities as noted herein.

Introduction:

A learning activity is required as a component of instructional delivery in this LD. This LD identifies the roles and responsibilities of a peace officer in the community and identifies the basic elements of communication and the components of each element. This LD also presents the tenets of community crime prevention efforts and identifies the basic steps of a problem-solving strategy.

The philosophy and strategies of community partnerships are not new to policing. The need to rethink these ideas; however, and to reaffirm the advantages of the police and their communities working together has intensified due to the complexity of threats to the peace and tranquility of those we serve. In an atmosphere of partnership, the “we together” must replace “us vs. them.” The challenge to the police is to find ways “we together” can maximize the deployment of police resources and leverage the interests of individuals for the betterment of the community at large. Even though specialized units can be created to work on problems, it is the responsibility of each member of a policing agency to find ways to engage the community and improve the quality of life for all.

How we understand the problems of a community and how it organizes itself to achieve its goals may differ from area to area. There are numerous ways to create and sustain work on crime and quality-of-life issues. Identifying problems can be a challenge since community members and peace officers may not always identify or prioritize problems in the same

way. The end result of community relations shall be that community members and peace officers see themselves on the same side, working to identify and solve problems together. Policing in the context of the community's needs and desires is the most direct form of governance, and the core of our role is to create an absence of fear of crime in the minds of those we serve.

There are ample possibilities for questions and issues for further study. The concept of community partnerships propelled the Community Policing, Community-Oriented Policing, COPPS, and Problem-Oriented Policing (POP) movements starting in the early 1980s to the present day. Traditional, reform-era policing portrayed the police officer as the expert who was called in to solve problems and arrest criminals. Today's view of the police as a core element of a community network is not only a more accurate view of the police role but integral to the confidence a community may have towards their law enforcers.

Learning Outcomes:

At the conclusion of these learning activities, the student will be able to:

- Demonstrate an understanding of how the police can create opportunities to partner with community members to resolve issues of mutual concern
- Identify facts of circumstances that warrant problem-solving strategies, and then implement those strategies from amongst available options
- State and defend the need and desire for effective partnerships with their communities to enhance the role of the police

Activities:

As they act in the role of public speakers and problem solvers, students will begin to see how their work with others in the community makes them more effective in combating the root causes of crime and disorder. Students will also learn and refine their speaking and writing skills through these activities, both of which are necessary for success in their careers as peace officers.

Activity One

Subsequent to training on basic strategies in target selection, crime prevention, and crime patterns, students will be divided into small groups. Each group will be assigned to prepare a presentation on an assigned topic to the identified group. In each presentation, class members will act as the specified audience and ask questions with that frame of reference. Topics are:

- A neighborhood watch group about burglary prevention
- A senior center group regarding personal safety awareness
- A merchant group to discuss crime prevention (robbery, shoplifting, employee theft, vandalism, etc.)
- A group of college freshmen about sexual assault
- A group of high school students about DUI prevention
- A neighborhood group or merchant group about unhoused encampments
- A group of K-12 school administrators about active shooter prevention and response preparation
- A group of high school or college students about counterfeit and illicit drugs
- Any other issue or group relevant to the region or agency

It is the instructor's discretion to allow groups to research and prepare their training and presentations during class time or outside of training.

Activity Two

This activity involves soliciting members of various groups or organizations to come to the academy to speak to and field questions from students. Speakers may be from organizations as diverse as senior advocates, Mothers Against Drunk Driving (MADD), the Anti-Defamation League, media representatives, or any other school or community-based organizations that represent and serve members of the community.

Traditionally, academy staff or instructors sought out these speakers. It is more beneficial for the student's learning for selected class members to contact the chosen organizations, and then to facilitate the learning session. The student would be responsible for arranging the time for the engagement, then introducing the speaker and providing a brief background about the speaker and their organization.

The presentation shall include time for questions by students (facilitated by the hosting student). Time shall be devoted to ensuring the presented material is focused on student needs to identify and develop an awareness of community partners and the resources they offer to resolve issues and problems.

Activity Three

Student groups are assigned to scan the local community environment, assess problems of interest to the police, and then develop a response plan intended to mitigate the problem identified. Students will be encouraged to use available community resources, interview persons or agencies that might help them resolve the issue under study, and use print and electronic resources to identify similar problems in other communities and the strategies used to combat them.

The time for this activity can vary widely depending on the depth to which the instructor desires for their understanding and application of the SARA model or other appropriate problem-solving strategies. The instructor may choose to assign each group a different component of a problem-solving strategy to address.

Resources:

- Federal Department of Justice COPS Office: www.cops.usdoj.gov/
- Problem Oriented Policing Guides: www.popcenter.asu.edu/

Learning Domain 4: Victimology/Crisis Intervention

Prerequisites:

The students shall either have been instructed in or had the opportunity to study the student workbook for the following LDs:

- LD 1: *Leadership, Professionalism & Ethics*
- LD 2: *Criminal Justice System*
- LD 3: *Principled Policing in the Community*
- LD 4: *Victimology/Crisis Intervention*

Introduction:

A learning activity is required as a component of instructional delivery in this LD. This LD provides learning opportunities for students regarding the psychological trauma experienced by crime victims and steps that can be used to defuse crisis situations. Students will learn to recognize and acknowledge the impact crime has on victims, witnesses, the community, and police personnel. This content block also works to enhance competence in techniques to interview victims in such a manner that the victim has an awareness of information they may use to assist in coping with a crisis.

Calls for service involving persons in crisis may be amongst the most difficult for many peace officers to handle. They require demonstrable leadership abilities, sensitivity, compassion, dignity, and respect.

Peace officers would be well served to apply the Golden Rule to treat others as they would wish to be treated if they were the person in crisis. Understanding how someone else might feel when victimized will help peace officers respond in an appropriate manner to almost any circumstance. A crisis can also present an opportunity for peace officers to effectively interact with members of the community to promote a positive image of the police.

Victims are often the best source of information to further a criminal investigation, although their level of trauma may impact the depth and extent of information provided to a peace officer. An interview conducted with a sense of empathy and caring is not only morally appropriate, but it also serves to further the interests of the police to identify and apprehend perpetrators of serious crimes. Early and sensitive intervention on the part

of policing and community agencies can help victims gain a sense of justice and help start the healing process.

Students may enter training with an understanding of the role of the police in crisis incidents but may underestimate the emotional and psychological impact of such incidents to the peace officer. These learning activities emphasized placing students in the role of peace officers and victims to allow them to experience the feelings and context of such incidents in a safe environment.

Instructions shall serve to place students into settings and dialogue that allow the participant to "see and feel" crisis from the view of the victims/citizens with whom peace officers interact. The learning activities and assignments are intended to allow these feelings to surface.

Learning Outcomes:

At the conclusion of these learning activities, the student will be able to:

- Demonstrate their ability to express empathy for the plight of victims in a given circumstance
- Evaluate and apply appropriate intervention strategies in situations where they may encounter a person in crisis
- Demonstrate an understanding of the potential adverse or positive impact the first responding peace officer may have on a victim's ability to recover from a criminal incident

Activities:

Activity One

Selected students will be assigned to role play a vehicle burglary call. The activity is:

> "The victim had the window of their car smashed and several items stolen, including a cell phone. During an unrelated vehicle stop, the peace officer recovered the stolen phone. The peace officer is tasked with returning the cell phone to the victim. Upon returning the phone, the victim is initially very appreciative, however, they quickly discover the cell phone has been "wiped clean." This is upsetting to the victim who becomes very

> emotional because a saved voicemail was deleted. The voicemail was the last words spoken to them by their late father. The victim would like the subject arrested for destroying the voicemail. The peace officer explains there was no criminal action taken against the subject because the subject had no knowledge the phone was stolen in the first place. The peace officer says they have to leave to respond to more important calls for service."

The role players will then lead a class discussion regarding what they have seen. Central themes of the discussion may be:

- How well did the peace officer handle the situation?
- Did the peace officer act inappropriately?
- Didn't the peace officer have an obligation not to waste time when more pressing incidents required his or her attention?
- What impact could the peace officer's behavior have on:
  - The victim?
  - The peace officer?
  - The peace officer's agency and community?

Activity Two

Selected students will be assigned to role play the following activity:

> "Peace officers respond to a call of domestic violence. Upon arrival, they contact the non-English speaking victim (the instructor may wish to advise role players they can call on added resources during their investigation that may or may not be available). The peace officers will work to conduct the initial investigation to determine if a crime has occurred, and if the incident qualified as a domestic violence incident (the presence of Spanish-speaking or other non-English fluent class or staff members can add realism to this activity; the instructor may wish to contract or extend the incident depending on how well the peace officers are doing to resolve it)."

At an appropriate juncture, the activity will be stopped at which time students will be instructed to work individually to identify the strategies and resources they would consider to effectively investigate this incident. After individual work, students will work in pairs to share their answers, followed by a class discussion facilitated by the role players.

Activity Three

The instructor will present the following activity:

> "You are a peace officer assigned to an urban area. You are asked to call the watch commander, who assigns you to make a death notification. The victim was a teen at a party where it appears gang members fired shots into the crowd from a passing car. The victim was not a gang member and appeared to have been at the wrong place at the wrong time. Students will be asked to reflect on how they might handle the notification, and then work in groups to create a role play to demonstrate their group's consensus regarding the best options for handling such a call."

At the end of the role play, the group will discuss:

- The options they considered in their selection of the demonstrated means of handling the call
- How the conduct of the peace officer might impact the victim's ability to respond to the traumatic information
- What resources are available to victims and the police in situations similar to this one

As an alternative, groups may be assigned death notifications with differing facts and circumstances, or the role player may be assigned to work with another peace officer (i.e., instructor or staff member) who will display a callous or uncaring attitude. The role play will continue beyond contact with the victim to the conversation between the peace officers after the call.

Another alternative would be to have the partner officer demonstrate exemplary sensitivity, compassion, dignity, and respect during the activity. The students would discuss the positive results that were achieved and contrast them with the potential negative outcomes related to an uncaring, callous approach.

Class size may predicate a limit on the number of role play opportunities. Instructors may wish to "hot swap" students into and out of roles at intervals within any particular setting to allow the greatest number possible to experience first-hand the emotions and pressures of dealing with persons in crisis (to hot swap, stop the scene, and then select another student at random to take the place of one or more of the actors. The new actor is bound by the previous statements or conduct but will then continue and add their own work to the role).

Optional Assignment:

Assign the students to write a two-page memorandum on one of the following:

- Imagine you are the victim of a sexual assault
- Imagine you are the victim of a domestic violence incident
- Imagine you are the victim of a violent robbery, with injury
- Imagine you are the victim of another crime that allows you to "see and feel" the crisis from the point of view of the victims with whom peace officers interact

Answer the following questions:

- What type of peace officer would you want to investigate the crime?
- Identify and list the characteristics you feel would be most important to help you, as the victim, deal with this crime.
- Describe the demeanor you would expect of the peace officer to convey during the initial investigation.

This activity may be facilitated in concert with the academy's LD 18 staff as a means of providing a level of relevance to students in this topic area. In this protocol, written work is cooperatively assessed by the lead instructor in this LD as well as LD 18 staff.

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Learning Domain 5: Introduction to Criminal Law

Prerequisites:

The students shall either have been instructed in or had the opportunity to study the student workbook for the following LDs:

- LD 1: *Leadership, Professionalism & Ethics*
- LD 2: *Criminal Justice System*
- LD 3: *Principled Policing in the Community*
- LD 5: *Introduction to Criminal Law*

Introduction:

The laws of the criminal justice system are complicated. It is crucial that academy students start their careers with a concrete understanding of the law. In addition, students shall have some exposure to potential ethical dilemmas they may experience while enforcing the law.

Historically, community groups such as churches, families, neighborhoods, and schools have worked together to develop acceptable rules of behavior and civility. The law emerged as an expression of the sentiments of society with regard to what was acceptable and what would be sanctioned as unlawful. The status of the law is a result of legislation to address issues of conflict.

Peace officers applying those laws and courts interpreting the intent of laws in specific facts of circumstances have an obligation to uphold the letter of the law but also shall consider the unique nature of any facts of circumstances to enforce the spirit of the law.

Criminal law is used by modern society to deter people who are inclined to disregard others' rights to property and security from victimizing community members. One of the core responsibilities of peace officers is to administer and apply the law in a manner that is fair and equitable to all involved. That may mean individuals may be displeased at a peace officer's actions, and that courts may agree or disagree with the peace officer's actions in their role as arbiters of innocence or guilt.

Peace officers must consider both statute law and applicable case law in their effort to apply the law in a fair and equitable manner. Case law will, at times, impose limitations on peace officer conduct to ensure a free and

democratic society. Perceived inequities in the law, or individuals who may take advantage of “loopholes” in the law, can create a temptation for peace officers to become cynical or disenchanted with the justice system. Those with weak value systems or an inappropriate view of the role of the police in society may use the imperfections in the system as a rationale for deficiencies in their own conduct. This mindset can lead to acts or omissions that are ethically deficient, and which may lead to a loss of career for the individual peace officer and bring discredit to the peace officer’s agency and the policing profession. Prior planning and the development of ethical decision-making skills will help avoid these costly mistakes.

Learning Outcomes:

At the conclusion of these activities, the student will be able to:

- Describe how community interaction can clarify law enforcement’s role and purpose
- Identify the difference between criminal and civil law
- Define their role in civil matters

Activities:

Activity One

Students will be given an activity involving a landlord and a tenant dispute. They will need to interview both parties and determine if the matter is criminal or civil. If the matter is civil in nature, the students will need to determine the role of law enforcement.

The instructor will facilitate a discussion given the following questions:

- How do you handle the landlord who insists that the police make an arrest on a civil matter?
- What are some ways to document a civil issue?

Activity Two

Have the class break into small groups. Have each group take one of the topics listed below and create a presentation outline to instruct community

members about this topic. Groups will deliver a presentation about the content of their outline and discuss why their approach would be effective in a public setting. After each presentation, a class member will facilitate a class discussion to assess each group's planned presentation and its potential for success. For those presentations found to be lacking necessary components, the instructor or student facilitators will guide groups through a refinement process.

The setting of group work is that they are patrol officers who have been asked by their crime prevention unit to attend a neighborhood watch meeting on their beat to make a presentation. Persons in this neighborhood want to know about:

- Why peace officers can stop and search youth walking along the street
- Private persons arrest for crimes and traffic offenses
- What to do if you suspect your neighbor is selling drugs
- How to stop local teens from creating trouble in neighborhood parks
- What the police can do to stop "cruising" problems on Friday nights
- Understanding concepts of law (i.e., intent, probable cause, etc.)
- You may select other topics for this listing of presentations to address local issues

Resources:

- Internet resources regarding case law, legislation (current and pending), and community activism regarding cases and their impact on society
- Local community resource agencies

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Learning Domain 6: Property Crimes

Prerequisites:

The students shall either have been instructed in or had the opportunity to study the student workbook for the following LDs:

- LD 1: *Leadership, Professionalism & Ethics*
- LD 2: *Criminal Justice System*
- LD 3: *Principled Policing in the Community*
- LD 5: *Introduction to Criminal Law*
- LD 6: *Property Crimes*

Introduction:

Property crimes make up an overwhelming majority of all crimes and cost its victims billions of dollars each year. Students need to understand the criminal and investigative aspects of property crimes, and from a community policing perspective, comprehend the importance of conveying preventative tips and techniques regarding how to protect a victim's home or business.

As leaders, peace officers have the responsibility and the opportunity to promote crime prevention instead of reacting to crimes committed. Useful suggestions such as lighting, window security, and alarms can help community members improve security and peace of mind at home and at their places of business.

Peace officers can become overwhelmed and frustrated because many property crimes are difficult to solve due to a lack of workable leads.

When a building or dwelling is burglarized and property is damaged or removed, victims commonly report feeling invaded and violated; their sense of security and privacy is shattered. In densely populated neighborhoods victims can feel isolated and betrayed. No matter how small the loss, property crime can have a disproportionate effect on people. Recognizing these feelings can help a peace officer create partnerships for solving the case and assisting the victim.

Learning Outcomes:

At the conclusion of these activities, the student will be able to:

- Explain the ethical dilemmas that could evolve while investigating property crimes
- Relate how property crime victims may feel invaded and violated and have their sense of security and privacy shattered
- Apply effective communication techniques with victims and the community to assist in preventing and solving property crimes
- Identify and resolve the ethical dilemmas that may evolve while investigating property crimes
- Develop strategies regarding community partnerships to assist in solving and preventing property crimes

Activities:

Activity One

An assigned student reads this activity to the class. The intent of this exercise is to have students assess the ethical complexities of this situation. Alternatively, the instructor may wish to break the class into learning groups, and then hand copies to each group. The instructor may wish to develop added levels or layers to the problem to help students learn how to reassess facts of circumstances that are similar, but different from, the original case under study. The activity is:

> "You are a peace officer investigating a ransack burglary where a substantial amount of jewelry was stolen. The victims are a young couple who are struggling with many issues. As you inventory the property loss with the victim, they tell you their insurance company will only reimburse the "fair market value" of the items stolen, and they feel the insurer makes them pay high rates and will exploit them when they need their family heirlooms replaced. To get more money from the insurance company to replace the stolen items the victim asks you to increase the value of the stolen items by at least 50 percent each to allow them to be able to replace the items without added personal cost."

Stop when the core elements present are discussed. One follow-up change to the facts circumstance may be:

> "OK, let's change the situation just a little. Rather than asking you to increase the value of the items stolen, they tell you the values when asked; however, from personal experience, you know they are exaggerating the values significantly."

Comprehensive Questions:

- What are the specific ethical issues (and/or crimes) that develop for the peace officer and the victim?
- Outline for your classmates the specific dialog you would consider having with the victim about the suggestion.
- Is this suggestion something that should be reported? If so, to whom? If not, why?
- What would the public's reaction be if you agreed to the victim's suggestion? The insurance company? How would the public's trust be affected?
- Imagine you are a supervisor, and you learn one of your peace officers has cooperated with a victim in this manner. What would you do?

Activity Two

There are few things more violating than coming home and discovering your door has been kicked in and your personal belongings ransacked, or the anger and terror you may feel when you see the empty spot where your car was parked. This activity allows the students to experience those emotions as they place themselves in the position of being victims of crime.

This activity is consistent with a "5-3-1" reporting format (explained below). This format, and those that are similar, helps students explore individual thoughts, refine and add depth to understanding, and then refine choices into important points for retention.

Without advanced preparation, ask students to individually list five emotions or feelings they might experience if they became a victim of crime. Instruct students to work in pairs to share their lists and discuss their responses. Divide the students into groups.

Each group will have time to develop a list of the top five emotions or feelings experienced by victims of crime, three tactics or approaches peace officers can use to address these emotions, and the one most important thing a peace officer can do to express empathy with a victim of crime.

Have each group make a short presentation about their lists, peace officer responses, and the one most important thing they could do to help. The instructor shall select a student to facilitate a class discussion that compares and contrasts the responses. Acknowledge responses that are consistent with best practice, and guide students through a refinement process for those that need added depth to be useful skills in the work setting.

Comprehensive Questions:

- What would be the typical victim's emotional responses to a property crime?
- Imagine your family were victims of a crime. How would you want the peace officer to respond?
- Ask who has been the victim of a property crime. Have one or two tell their story. Have them discuss their feelings and emotions, plus discuss how the situation was handled by law enforcement in a "brainstorming" exercise (good or bad).

Activity Three

You have been asked by your crime prevention unit to attend a neighborhood watch meeting on your beat and make a 20-minute presentation (this is a common duty for field personnel in your agency). Persons in this neighborhood want to know about:

- Identity theft
- Burglary
- Vandalism
- Trespass
- Vehicle theft
- Appropriation of lost property
- Current crime trends in their neighborhood

Have the class break into learning groups. Give each group time to work on one of the topics (either self-selected or assigned) above and create a presentation outline that would effectively instruct participants about this topic. It is important that the outline not be for a lecture-based "expert talk;" rather, that it reflects active adult learning. Encourage groups to develop training that is creative and "out of the box" rather than a traditional "just the facts" presentation a group might expect to hear.

Have each group make a short brief presentation about the content of their outline (i.e., criminal elements, crime trends, how to protect themselves) and justify why it would be effective. After the presentations, the instructor or selected student volunteer will facilitate a class discussion that analyzes each group's level of presentation detail and effectiveness. Acknowledge what presentations are suitable. For those presentations that are not suitable, or need more refining, guide and facilitate the students through a refinement process.

Comprehensive Questions:

- How would you determine what content would be suitable for the presentation?
- What resources could you use to complement or enhance your presentation?

Activity Four

This activity may either be a class discussion or a group activity. As a class discussion, read the activity to students, and then instruct them to individually answer the listed questions. After some time, instruct them to turn to their neighbors to discuss their answers and thoughts. This paired process shall be brief, after which the instructor (or student volunteer) will facilitate a discussion of the core concepts related to the activity. The activity is:

> "Two peace officers are working together to investigate a burglary at a local video liquor store. One of the peace officers takes a lottery ticket from a display and places it in his pocket. He then lists it on the stolen property report. The other peace officer sees what has happened and confronts the peace officer who took the lottery ticket. That peace officer responds by saying he did not think it would be a big deal and replaces the lottery ticket on the counter. The peace officer who took the item finally admits what

he did but begs you to “let it slide” because he has a young family and cannot afford to lose his job.”

Comprehensive Questions:

- Outline the course of action the witnessing peace officer should take and justify the answer.
- What could happen (pro and con) if a peace officer reports something like this to their supervisor? What could happen (pro and con) if they failed to report it?
- Imagine you are a supervisor, and one of your peace officers reported this to you. What would you do?
- What if the item taken was of insignificant value? Does that change the situation? Why or why not?

Learning Domain 7: Crimes Against Persons/Death Investigation

Prerequisites:

The students shall either have been instructed in or had the opportunity to study the student workbook for the following LDs:

- LD 1: *Leadership, Professionalism & Ethics*
- LD 2: *Criminal Justice System*
- LD 3: *Principled Policing in the Community*
- LD 4: *Victimology/Crisis Intervention*
- LD 5: *Introduction to Criminal Law*
- LD 7: *Crimes Against Persons/Death Investigation*

Introduction:

The effective investigation of crimes against persons involves apprehending criminals, assisting crime victims, and protecting the community. To be an effective peace officer, students must understand how each of these components interconnects.

A peace officer who responds to a call about a crime against a person may have to wear many hats. Emergency care for victims, protection of community members against further harm, apprehension of the perpetrator, and preserving the integrity of the scene are all part of the job.

A peace officer responding to a call where a person has been seriously injured at the hands of another person may experience many difficult emotions including revulsion, anger, and the desire for revenge. Peace officers and community members may share these sentiments. These emotions cannot be brushed away and it is the peace officer's job to keep a clear head in the performance of their duties. Then they must bring the situation back to normal as quickly as possible and avoid the temptation of dispensing street justice or engaging in retaliation. To resolve these situations most effectively, students shall give thought to the considerations and obligations they have to act in accordance with law and applicable policy.

A student must be able to explain how these crimes impact the community's perception of crime and law enforcement.

Learning Outcomes:

At the conclusion of these activities the student will be able to:

- State in their own words how effective communication with the community can assist in preventing and solving crimes against persons
- Identify the relationship between apprehension of perpetrators, protecting the community, and assisting victims in their efforts to fulfill the obligations of their duties as peace officers

Activities:

Activity One

Break the class into cooperative learning groups. Have each group take one of the topics listed below and create an interactive presentation that would effectively instruct community members about this subject. Have each group make a short introduction to their presentation that demonstrates:

- How they would intend to start the presentation
- How they would engage the audience rather than lecture to them
- Why their approach would be effective

After the presentations, student leaders will facilitate a class discussion to assess each group's level of presentation detail and effectiveness. For those presentations not well-suited to audience learning, or which need more refining, have students work in groups and in class through a process of enhancing their material.

The setting of the presentation is:

> You have been asked by your crime prevention officer to attend a neighborhood watch meeting on your beat and make a presentation. The crime prevention officer says neighbors want to know about:
>
> - Carjacking
> - Robbery
> - Child abduction

- Violent physical assaults in local parks
- Manslaughter
- Justifiable homicide

The emphasis of student presentations is to actively involve their audience in the learning process.

Activity Two

This is a learning activity to develop and enhance student understanding of crimes against elders, dependent adults, and related family violence crimes. Students will encounter issues in the cycle of family violence throughout their careers. This activity allows them to explore their response to circumstances occurring in a family home, and where an adult is victimized by an adult child. The specific facts of the incident will help them refine their understanding of this crime, and also judge options and actions within their purview.

Divide the class into two groups, or in small groups in larger class settings:

- Have group one outline how they would investigate the circumstances leading to the conditions they find in the following described example. The group's work shall include options for action and a recommended resolution to the incident.
- Have group two identify what department and community resources are available to assist them in their investigation of crimes against seniors and dependent adults.

Have each group present their findings to the class. Leaders of the student groups shall facilitate a discussion based on the presentations and point out their strengths and weaknesses. The instructor will guide the students and seek opportunities to add depth to their work.

The example for group and class work is:

> "You are a peace officer assigned to a patrol area. You are assigned to respond to a report of suspicious circumstances. When you meet with the reporting party (RP) they tell you their next-door neighbor, Mr. Jones, is 74 years old and has had two strokes in the last two years. He has not been seen outside of his house for a week. This is unusual, as he (Jones) likes to sit in his rocking chair on the porch in the afternoons and read. The RP says that Mr. Jones' 40-year-old son, who the RP says is a known

methamphetamine user, checks on Mr. Jones each morning. However, the son has not been seen for about four days. About a week ago, the RP saw the son driving a very expensive car and wearing expensive clothing. The RP tells you this seems unusual because the son has been unemployed for a year.

The RP is afraid to check on Mr. Jones because the son has made it clear to the neighbors not to interfere with him and his father's business. You check on Mr. Jones and hear a faint call for help when you knock on the front door (the front door is unlocked, and you go inside). You see Mr. Jones sitting in a chair. He is bewildered and has some bruising on his right cheek. Jones is weak, can't stand without assistance, and smells of urine and feces. When you check him more closely, you see his pants are soiled from feces. Next to him are several full and empty water bottles, and processed food packages. You immediately call for the paramedics."

Comprehensive Questions:

- Identify and outline what you think may be the difficulties interviewing an elderly person in this circumstance.
- What kind of physical symptoms of abuse might you see during an investigation of this type of crime?
- What types of abuse may exist in this activity and what type of evidence would you need to identify?
- Identify and outline some of the reasons that elder abuse occurs.
- What resources or other agencies may be utilized in the activity?

A variation of this activity may include:

Create an activity where the victim is the caregiver, not the elder or dependent adult. An activity with an elderly family member with dementia is living with an adult child and is physically combative to the caregiver.

Comprehensive Questions:

- Identify if a crime has occurred based on the circumstances.
- What are the stressors and fatigue to caregivers with elderly or dependent adults?
- What additional resources are available for caregivers?

Activity Three

This activity is designed for both individual or group/class dialogue to assess a peace officer's responsibility when off-duty, and the use of powers of arrest in situations in which a peace officer is personally involved. It has been developed because peace officers may encounter criminal behavior or other matters warranting police attention while off-duty. They must understand their obligations to act and limitations on their use of police powers in situations where they are involved as a participant in situations that evolve into possible criminal behavior.

The following example may be distributed to individual class members or given to cooperative learning groups to read and discuss. The activity can take as short as needed if managed as a large-group activity, or a full class hour for individual, group, and class dialogue. The activity example is:

> "An off-duty peace officer is "winding down" after a patrol shift at a local tavern. The peace officer is in the company of two other off-duty peace officers. The peace officer recognizes a girl sitting with a man at the end of the bar. They begin a conversation, which continues for approximately five minutes. At that time, the girl's date begins to believe the off-duty peace officer is flirting with her and becomes upset. The girl's date exchanges words with the peace officer and soon a pushing match becomes a full-fledged fight. The other two peace officers break up the fight. At that time the off-duty peace officer pulls out a badge, says, "I'm a cop," and arrests the man for assault on a peace officer."

Groups may work independently of one another, and then combine to share their responses. Alternately, groups may select representatives to report their findings.

Comprehensive Questions:

- Who has culpability for criminal or civil liability at this point based on what you know? Why?
- What information would have to be determined to select the most appropriate actions and responses by the peace officers handling this call?
- What are the relevant considerations for involving oneself in police actions while off-duty? Is it relevant to your decision whether or not you have consumed alcohol?

- What issues may arise with the peace officer's agency in relation to the incident? (i.e., internal affairs, public relations, etc.)

Resources:

- Research resources for seniors and dependent adults in your community
- County Social Services
- Non-profit organizations for specific disabilities: Center of Excellence on Elder Abuse and Neglect www.centeronelderabuse.org
- 368+ Mobile App: Elder and Dependent Adult Abuse Guide for CA Law Enforcement (through Center of Excellence on Elder Abuse and Neglect)

Learning Domain 8: General Criminal Statutes

Prerequisites:

The students shall either have been instructed in or had the opportunity to study the student workbook for the following LDs:

- LD 1: *Leadership, Professionalism & Ethics*
- LD 2: *Criminal Justice System*
- LD 4: *Victimology/Crisis Intervention*
- LD 5: *Introduction to Criminal Law*
- LD 8: *General Criminal Statues*

Introduction:

Effective investigation of crimes involves apprehending criminals, assisting crime victims, and protecting the community. To be an effective peace officer, the student must understand how each of these components interconnects.

In many instances, members of the public who witness crimes will often assume guilt and demand “instant justice” or “street justice.” Proper leadership by the peace officer on the scene can prevent the situation from turning into an act of vigilantism.

Occasionally, crimes that fall under the general criminal statutes can have a serious effect. Lawful protests can sometimes lead to unlawful demonstrations. Actions that, in one context, are within the scope of the law can become crimes affecting many others in other instances. The general crime statutes are intended to protect community members against crimes that diminish their sense of safety and privacy in the home and in a public place.

Some of the crimes most experienced in communities are:

- Peeping, prowling, and lewd conduct
- Impeding the public way
- Public disorder
- Disturbing the peace

While these crimes are sometimes seen as having low priority, ignoring or even tolerating them can contribute to the deterioration of a neighborhood.

Peace officers and community members can form partnerships to keep neighborhoods free from all levels of crime.

Students will readily see the application of general criminal statutes to their duties as peace officers. During the course of their learning, however, they shall be aware of the nature of discretion and prioritization of laws as they relate to the peace and tranquility of the community. Using criminal statutes to accomplish intended outcomes that are consistent with department policies and philosophies, in addition to the needs and desires of the community, is a goal to which each student shall work towards.

Learning Outcomes:

At the conclusion of these activities, the student will be able to:

- Describe how the community is served by assisting victims of crimes
- Identify opportunities for community partnerships to assist in solving and preventing crimes
- Explain how the dissemination of information can contribute to reducing or preventing crime

Activities:

Activity One

This is an activity involving individuals, small groups, and class work. The described activity may be distributed to students, or a visual (video or similar medium) may be used to establish a foundation for student work. The setting is:

> A low-income neighborhood of apartments is plagued with violent crimes such as carjacking, narcotic sales, murder, and assault. Have each student list three issues that could negatively affect the quality of life in this violent environment.

Once listed, have the students:

- Develop two proactive strategies that would serve this community by using the resources found in economic development and/or community revitalization agencies
- List crime prevention strategies that local law enforcement could employ
- List selective enforcement tactics that could target offenders

Student leaders will facilitate a class discussion by having students share their ideas. Facilitators will guide others through a refinement process to discern a consensus of the most important tactics and strategies for their use once beyond the academy setting. Consider including "real world" experiences of instructors or subject-matter experts to reinforce concepts.

Comprehensive Questions:

- What difficulties or complexities might law enforcement be confronted with when seeking or soliciting help from the community to revitalize this neighborhood?
- Are there other alternatives to revitalization? What are they and why should they be considered?

Activity Two

For policing to effectively serve the needs of any community, reporting of crime and dissemination of crime information to those who live or work there is paramount.

Divide the students into learning groups. Have each group develop a strategy for the public to report crime to local law enforcement without fear of retaliation from their community. Each group will present and discuss their methodology to the class and why it would work. After each presentation, the class will analyze the strengths and challenges of the selected strategy.

Examples:

- Anonymous tip line
- "Mail a Tip" efforts
- Developing informants

- Rewards programs
- Providing descriptions of wanted persons
- Sweeps of problem areas
- Placing peace officers in neighborhood centers
- Social media

Comprehensive Questions:

- Are there disadvantages to disseminating crime information to the public?
- What role can the news media play in the effective dissemination of crime information?

Activity Three

This activity may be distributed to students or presented as a role play by students to their peers. The setting is:

> Two peace officers are conducting a canvass for video evidence on a burglary that occurred in the neighborhood earlier in the day. During the canvass, the peace officers contact an individual at an unrelated residence, who has cameras facing the street. Upon making contact with the individual, the peace officers immediately recognize the subject is intoxicated. The subject is belligerent with the peace officers, refusing to tell them if the cameras are operational, provide contact information, or participate in the peace officers' investigation. The peace officers continue to attempt to persuade the subject to cooperate with them, at which time the suspect begins to curse at the peace officers, telling them to get off the porch. The subject proceeds to tell the peace officers they have an extremely poor opinion of law enforcement, and they believe that all cops are "liars" and "too stupid to get real jobs." One of the peace officers becomes extremely upset and begins arguing with the subject. It eventually leads to the peace officer taunting the subject and enticing him outside where the peace officer arrests the subject for 647(f), Drunk in Public.

Comprehensive Questions:

- How did the peace officer handle the situation?
- Did the peace officer act inappropriately?
- What impact could the peace officer's behavior have on the victim, the peace officer, law enforcement, and the community?

The result of group or class work shall be to develop at least three strategies the peace officers could have employed to resolve this situation differently, two considerations they shall keep in mind when in contact with persons who may be under the influence of any substance, and one thing they would want to say to the peace officer involved in this arrest if they were the peace officer's supervisor.

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Learning Domain 9: Crimes Against Children

Prerequisites:

The students shall either have been instructed in or had the opportunity to study the student workbook for the following LDs:

- LD 1: *Leadership, Professionalism & Ethics*
- LD 3: *Principled Policing in the Community*
- LD 5: *Introduction to Criminal Law*
- LD 9: *Crimes Against Children*
- LD 15: *Laws of Arrest*

Introduction:

LD 9 provides instruction on reporting requirements for suspected child abuse, as well as identifying and classifying crimes against children. Students will learn about a peace officer's authority to make a warrantless entry into a home whenever they reasonably believe a minor is in immediate danger of being physically abused, neglected, or sexually exploited. Students will also become familiar with the role of Child Protective Services and how they work with policing for the interests of children.

In recent years, a number of laws have been enacted to protect children from those who intend to abuse them physically or emotionally. Due to their dependence on others for the necessities of life, children sometimes suffer from neglect through deprivation of food, clothing, and medical care, and at times they lack the emotional care and love they need. Often, suspects and witnesses to child neglect are family members or close friends. In these instances, the investigation of crimes of neglect can be highly emotional for everyone involved, including the peace officer charged with resolving the incident at hand.

Peace officers have a variety of tools to help them protect children. Some of these are mandatory reporting laws, emergency protective orders, drug-free school zones, and warrantless entry authority to protect minors. While some children seem to grow up quickly and behave like adults, they nonetheless are dependent and vulnerable, especially neglected by their primary caregivers. Some peace officers may feel sadness, anger, or a desire for revenge in the midst of investigating a crime against a child. These feelings cannot merely be brushed away, nor can they be acted

upon. Peace officers must maintain their objectivity, and ensure their conduct remains within the scope of the law.

Children who are not necessarily victims, but who witness violence in the home, are at greater risk of being victimized at a later date. There are a variety of community resources and social service agencies that can help break the cycle of violence in families. Every effort to intervene in high-risk cases is worth making, not only for the present crime but also for the health of the family years down the line. Partnerships among the police, schools, social service agencies, and non-profit organizations are often the best way to minimize harm to children and enhance their safety in the future.

Students will readily see the investigation of child abuse and neglect as central to their duties as peace officers. They shall leave training with an understanding of the network of partnerships available as resources to them and their reporting requirements from the peace officers and other agencies. The emotions experienced by a peace officer during the investigation of physical, sexual, or emotional abuse is an issue with which they shall grapple to allow them to explore these feelings in a safe environment.

Learning Outcomes:

At the conclusion of these learning activities, the student will be able to:

- Demonstrate an understanding of the requirements to report suspected child abuse or neglect to the police, schools, medical workers, and others
- Identify situations where a peace officer may enter a residence without a warrant to ascertain the status of children inside who may be victims of abuse or neglect
- Demonstrate an understanding of the nature of the partnership of the police with Child Protective Services and other social service organizations in a given circumstance of child abuse or neglect

Activities:

Activity One

This activity will involve individual student work followed by a paired discussion to answer questions posed by a real activity. The instructor will provide the following activity to students:

> "A 10-year-old girl walked into her school counselor's office and told the counselor her stepfather has been sexually molesting her for the past five years. The girl said she has two younger sisters at home, and she fears her stepfather will "hurt them" also. She said her mom is gone in the afternoons at work, which is when her stepfather assaults her. She also reports the stepfather told her he would leave and take her mom with him if she told anyone about their "private time." She is afraid her mother will leave her but is also afraid her stepfather will hurt her siblings. The counselor calls the police, and you are the peace officer who first responds."

Students will work individually to write out answers to these questions:

- How does this account make you feel?
- What would you like to do?
- What are your first steps to deal with this account?
- What crime elements are present in this situation? Are they sufficient to make an arrest?
- Who else needs to know about this report?

At the end of the activity, students will discuss their answers with another student. The pairs shall come to a consensus (general agreement) regarding the initial peace officer's responsibilities at this scene. Selected students may then be asked to give their answers to the class as a prompt for further large-group discussion. Central to the student's understanding at the conclusion of this activity is their obligations when investigating a report of child abuse, their requirement to report the account to Child Protective Services, the emotional issues for the peace officer and others who must investigate this situation, and the need to protect other possible victims or witnesses to an account of child abuse.

Activity Two

Assign a group of students to role play the following incident:

> Two peace officers are assigned to investigate a report of a possible disturbance at an apartment. Upon arrival, the peace officers are told by the apartment manager they have heard noises and possibly screaming or yelling from one apartment. The peace officers knock on the door of the apartment, and a youth who appears to be about 10-years-old answers. He is disheveled, and has a scrape on his face, but says everything is OK, and that

there have been no noises to his knowledge coming from his residence. He says he is home alone, but the peace officers think they hear movement inside a rear room.

The role players will then facilitate a class discussion of what they have just seen. Central issues for discussion are:

- What should the peace officers do?
- If they take the child's word and leave, do they have any culpability if something serious is later reported at the locale?
- If they take the child from the home to seek medical assistance, what steps do they have to take to get a doctor to see him?
- Can they enter the residence; if so, under what authority?

The selected group of role players shall be given adequate time to study the facts of circumstances and research what crime(s) may be present, the obligations and considerations for the peace officers involved, and plan their facilitation of the class discussion.

Activity Three

The instructor will distribute the following activity:

"A father picks up his three-year-old son from daycare and sees the child has a bruise underneath his left eye. The child said the daycare provider hit him with a belt. The father confronts the manager of the daycare facility, who denies knowing anything about the bruise. The father quickly dials the police, but by the time you arrive on the scene as the first responding peace officer, the father says he has changed his mind and doesn't want to do anything about it."

Selected student leaders will facilitate a class dialogue regarding the responsibilities of the peace officer and the daycare manager. Central questions may be:

- What is the peace officer's responsibility when confronted with these facts of circumstances?
- Do any other agencies need to be notified about this report?
- If you identify all parties involved and document the account, and then allow the father and daycare manager to resolve it informally, do you have any further ethical or legal obligations to take action?

- What would your obligations be if a second report of abuse was revealed a few days later?

Optional Assignment:

Students will be assigned to research and report on a current event related to crimes against children. As an alternative, students may be assigned to interview a child abuse investigator or child advocate from a public or private organization. The research shall be written into a report. Contents of the report shall include:

- A synopsis of the incident
- Relevant facts and issues
- The impact of the incident on the community
- The student's opinions on the actions of the police, and any resources in the community that might have prevented the incident or mitigated its severity
- If an interview is conducted, it should review the interviewee's job position, most significant challenges, their view of the future of the issue, and how the police can help them do their job more effectively

This activity may be facilitated in concert with the academy's LD 18 staff as a means of providing a level of relevance to students in this topic area. In this protocol, written work is cooperatively assessed by the lead instructor in this LD as well as LD 18 staff.

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Learning Domain 10: Sex Crimes

Prerequisites:

The students shall either have been instructed in or had the opportunity to study the student workbook for the following LDs:

- LD 1: *Leadership, Professionalism & Ethics*
- LD 3: *Principled Policing in the Community*
- LD 4: *Victimology/Crisis Intervention*
- LD 5: *Introduction to Criminal Law*
- LD 10: *Sex Crimes*
- LD 30: *Crime Scenes, Evidence, and Forensics*

Introduction:

It is the obligation of the police to respond and investigate reported sexual assaults and related violent crimes. At times, victims may be reluctant to make police reports for fear of retaliation by the perpetrator or because of feelings of shame and embarrassment for being victimized. At the same time, peace officers may experience discomfort balancing the competing interests of protecting the victim's dignity while in the process of discerning the exact nature of the incident under investigation.

Although laws in this content area are quite clear, the values judgments, individual perceptions, and intimate nature of sex crimes can create challenges for the police as they attempt to prosecute perpetrators while protecting victims and witnesses. The investigation and enforcement of laws in this area are perhaps most likely to evoke an emotional response from peace officers, and the ability to project an appropriate level of empathy for the victim, their family, and others who become aware of the crime is a critical skill to successfully resolve police participation in crimes of this nature.

As with other violent crimes, peace officers will occasionally, but not routinely, encounter incidents where they will be the first investigator at a sex crime. The peace officer's experience, personal values, and previous exposure to sensitive crimes may affect their effectiveness during the process of gathering initial crime information, ensuring the victim has access to needed resources, and then conducting a thorough criminal investigation. The community's sensitivity to its own protection may also create issues for police agencies working to balance the rights of registered

offenders with those of others in their community who may wish to live without the fear that an offender is unknowingly in their midst. Students shall be afforded opportunities to explore their own values and responses to crimes in this area and assess how they might respond to incidents and public contacts as described in the activities herein.

Learning Outcomes:

At the conclusion of these activities the learner will be able to:

- Demonstrate how tone of voice, body language, and sincerity during a victim interview establishes trust between the peace officer, and victims and witnesses
- Discuss what expectations the community has regarding police conduct during the investigation of a sex crime
- Identify the fears victims have of sex offenders living in or near their neighborhood
- Demonstrate an understanding of the concept of effective communication during a sex crime interview

Comprehensive Questions:

Facilitate the following questions for the below activities:

- What skills are most necessary for peace officers in the investigation of sex crimes?
- What information does the community need to know about sex offenders?
- How shall an agency go about communicating this information about sex offenders? What are the things they shall do and not do (or say)?
- How can an agency build trust with the community through the release of sex offender information?
- How can peace officers balance their need for empathy for victims with their obligation to ensure the validity of the reported crime's account and the gathering of facts necessary to investigate the crime?

Activities:

Activity One

Students will take turns conducting an interview with the victim of a sexual assault (the instructor will prepare one or more differing activities from which to choose or assign). Students will assume the roles of peace officers and victims as well as witnesses or other participants in the crime depicted in the activity. It is important for students to "see" the perspective of the victim during the interview to gain a better understanding of the difficulty of disclosing intimate details of the crime to a representative of the government.

The instructor may wish to assign roles prior to class and allow the incident to unfold in "real time" in an interview setting. The victim shall only disclose information requested by the peace officer, and peace officers shall practice their interview and inquiry skills.

Once the interviews have concluded, instructors or assigned student facilitators will work with the class to identify options, alternate ways in which questions might be asked, etc. Students may also be broken into groups to independently identify issues, challenges, and opportunities they may face in their work as peace officers.

Activity Two

This activity will allow students to learn more about community perspectives regarding registered sex offenders.

Students will be broken into groups of:

- Community members in a neighborhood where a high-risk sex offender is soon to be released
- Police management officers, who plan to release specific information about the offender to others according to the law
- Family members of the sex offender who are offering living space to the offender, who are concerned they will be unfairly stigmatized, and that their family member will not have a chance to move beyond his past crimes
- Members of the local media, who are interested in reporting the outcomes of this meeting

The setting shall be a public meeting hosted by the police department. Family and neighborhood representatives shall have time to speak and voice their perspectives, and the media shall have time in the latter stages of the meeting to ask questions of all present. Instructors shall ensure students remain respectful of one another, and that comments and actions reflect a real-world meeting. Prior to the role play meeting, students shall be afforded time to prepare what they will say, anticipate questions they may be asked, and for the "police managers," ensure they understand applicable laws and policies regarding the release of information for these offenders.

Follow-up dialogue shall ensue amongst class members (facilitated by a student leader) to surface what was learned and how it might be applied in the field.

Activity Three

Divide the class into learning groups. Have each group discuss and prepare to answer the following question:

- If a peace officer responded to your house to handle the call of a relative who was the victim of a sex crime, how would you want the call handled? Achieve a consensus regarding the three most important traits a peace officer shall possess in this setting.

Have each group make a short presentation about their answers, posting their findings regarding the traits peace officers need to succeed in this type of interview. Facilitate a "compare and contrast" discussion of each group's answer with the entire class, reinforcing concepts of professionalism, empathy, and trust if not already covered by groups.

Learning Domain 11: Juvenile Law and Procedure

Prerequisites:

The students shall either have been instructed in or had the opportunity to study the student workbook for the following LDs:

- LD 1: *Leadership, Professionalism & Ethics*
- LD 3: *Principled Policing in the Community*
- LD 11: *Juvenile Law and Procedure*

Introduction:

Juvenile law is different than laws applied to adults. Juvenile law is intended to protect the juvenile rather than merely seek to punish them for a crime committed. Even though a crime may be perpetrated in a similar fashion as that of an adult offender, the law considers juveniles to lack the maturity and perspective to consider the long-term implications of their actions.

In your role as a peace officer, you must balance your duty to establish order and apprehend offenders with that of acting in the best interest of the community through efforts to redirect juveniles that may come to your attention. Your ability to form a constructive connection with troubled youth is a function of your leadership in the field and exemplifies policing that could be consistent with the needs and desires of your community.

There are a number of issues to consider when dealing with juvenile offenders and victims. They may have difficulty understanding and articulating the emotions they are experiencing, either during the incident or while in custody. Their parents may seek either to excuse their behavior or be unduly harsh towards them and you due to embarrassment or anxiety. Minors who have physically developed to the point where you might tend to deal with them as adults due to their appearance, nonetheless, still possess only the maturity and cognitive capacity of juveniles. You shall remain aware that inappropriate actions and reactions to your efforts by the juvenile or their parents are a normal part of administering juvenile law.

Learning Outcomes:

At the conclusion of these learning activities, the student will be able to:

- Identify and apply the Welfare and Institutions Code and other relevant juvenile law when they encounter a crime or other pre-delinquent incident involving a juvenile suspect or victim
- Contrast the manner in which to interact with a juvenile as opposed to an adult offender, including the initial contact, subsequent interviews, and options for disposition
- Comprehend, apply, and evaluate the effectiveness of actions intended to redirect juveniles away from criminal or pre-delinquent behaviors into those that would be constructive and consistent with the conduct desired by the community served

Activities:

Activity One

In this activity, the instructor will use role playing and small group work to allow students to understand the implications of their actions with regard to the community's welfare, the perceptions of juveniles while in contact with peace officers, and the potential to positively or adversely impact the image of policing in the eyes of the community served.

The instructor shall ask for a volunteer from the class. Instruct the chosen student that they will play the role of a 14-year-old in possession of a six-pack of beer. The "juvenile" will have been drinking but is not drunk or otherwise incapacitated. The instructor will play the role of a peace officer contacting the juvenile in a public place.

> "The peace officer makes contact, establishes the age of the youth, and can also discern the odor of alcohol on the juvenile's breath. The peace officer confiscates the beer, places it in the trunk of their patrol car, then admonishes the youth on the consequences of drinking and tells the youth to leave. Before the youth leaves, they shall ask (or the peace officer shall offer) about the disposition of alcohol. The peace officer should smile and tell the youth it will be disposed of in the proper manner."

At the conclusion of the role play, the instructor will break the class into groups to answer the following questions:

- What should the peace officer do with the alcohol?
- What are the peace officer's options?
- What do you think the peace officer actually did with the alcohol?
- How could the peace officer's actions impact the perception of the juvenile in this instance?
- How could the juvenile's perceptions, drawn from this incident, impact their subsequent actions in other similar circumstances?

The groups will be given time to discuss the questions posed. They will appoint a spokesperson and a member to record the discussion.

During the group presentations, the instructor shall ensure discussion ensues concerning the legal implications of the Welfare and Institutions Code (WIC) on this incident, the differences between dealing with juveniles versus adults who have been drinking, and the peace officer's unique ability to impact youth positively to redirect their actions into constructive and socially acceptable ones. The instructor may wish to query the groups with questions similar to:

- What does the law say about our responsibility to care for teens who have been drinking?
- What would the youth's parents expect from you? What would you expect if this was your child who had been stopped by the police?
- What responsibility does the person, or proprietors, have who furnished the alcohol to the youth?
- What would the department expect with regard to the proper disposition of confiscated alcohol?

The students shall be encouraged to use their knowledge to define the applicable sections of the WIC, articulate their comprehension of community expectations, and evaluate their actions in the context of appropriate conduct by the police.

As the instructor is debriefing the class during their presentations, it is important to relate their work to situations they can reasonably expect to face once they are in the field. The instructor shall engage the class by asking "Why are we doing this?" or similar questions to reinforce the real-world context of the issue. The instructor shall consider relating this to teen substance abuse issues generally, the impact of teen drinking on drunken driving deaths and other similar issues. The instructor may also wish to

reinforce the ethical implications of a peace officer's conduct on youth who see role modeling of poor behavior by those charged with enforcing the law.

Activity Two

This can either be a role play or an example read to the class as a prelude to group work. The primary emphasis of the role play is for the student to encounter a situation where they must assess a situation where children may need to be taken into protective custody. If undertaken as a role play, assign a small group of students to act as teens and adolescents and select three others to play two responding peace officers and their sergeant. The sergeant will not respond unless called by the peace officers. The remainder of the class will view the role play.

> "Peace officers respond to a residence on a call of unknown trouble and a possible teen party. When they arrive, they will make contact with two 13-year-olds and two to three young children. The teens explained their mom left on a date yesterday and told them she would return in a couple of days. The teens bought food yesterday with money their mom had left but were hungry now and weren't sure how to cook the food in the pantry. One of the adolescents was possibly sick, and the other wouldn't stop crying. The teens were arguing loudly prior to the peace officer's arrival, which prompted the neighbor's call to the police. The children have an aunt who lives about two hours away. Their mom took the car, but they have the car license plate and description from an auto repair bill left by the sink. One of the teens also pulls one peace officer aside and says that his brother/sister teen sibling struck the child who wouldn't stop crying. The neighbor says the noise has to stop, and that she will sign whatever is necessary to solve the problem."

Comprehensive Questions:

- What options for action did the peace officers have?
- At what point should a sergeant/supervisor be called? What role would they play?
- What areas of law apply in this circumstance?
- What responsibilities does the mom have in this incident, and how should her issues be resolved?

Variations of this activity may include:

The teen party without adult supervision (or with adult permission, but the adult left the party prior to the police being called). The setting may include alcohol or other illicit substances and be as complex as desired to add minors in need of supervision, minors in pre-delinquent circumstances, and adults contributing to the delinquency of minors.

The instructor shall ensure students have a grasp of 600 WIC and related sections by the end of the discussion and debriefing. Students shall learn options with regard to acting in the best interest of the juveniles involved and also recognize the responsibility of a parent in this circumstance. This is a complex problem, and the role play participants will take action that will provide opportunities for discussion and critique that cannot be anticipated herein. The nature of the problem leads to an excellent chance for the instructor to facilitate the process of knowledge acquisition and synthesis of difficult information for application in future situations of a similar nature.

Students shall learn that incidents involving protective custody often present particularly difficult considerations. In this activity, a neighbor wishes to prosecute for the disturbance, one of the teens may have committed an assault, and the absent parent may be criminally liable for abandoning the children. In the second activity, the aunt lives at such a distance that her taking custody may not be practical. The instructor shall ensure discussion ensues regarding 600 WIC et al, and that students discuss how and when to take children into protective custody.

The instructor may consider excerpts from the Welfare and Institutions Code to reinforce knowledge acquisition in both activities. There are also ample written and visual resources available from public and private groups engaged in work to impact youth substance abuse that the instructor may wish to incorporate to emphasize to the students the breadth of the issue. Handouts or previous familiarization with the Welfare and Institutions Code will enhance student learning.

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Learning Domain 12: Controlled Substances

Prerequisites:

The students shall either have been instructed in or had the opportunity to study the student workbook for the following LDs:

- LD 1: *Leadership, Professionalism & Ethics*
- LD 3: *Principled Policing in the Community*
- LD 12: *Controlled Substances*

Introduction:

Substance abuse is one of the most persistent and prevalent problems in communities across America, cutting across all ethnic, social, and economic backgrounds. It may be seen on the streets of some communities more readily but is present in every city and county in the state of California. A significant portion of criminal activity is either committed while under the influence of a substance or to acquire substances for consumption or sale. Effective policing can serve both to enhance the quality of life in our communities by impacting the possession and use of controlled substances and serve as a primary agency to educate those who might otherwise fall into a lifestyle where substance abuse is common.

Every member of the policing profession has a role in the suppression of substance abuse. Patrol officers routinely contact youth and others whose impressions about drug abuse may be shaped by supportive and informative conversations by the peace officer about the consequences of their actions. Patrol personnel also serve as the eyes and ears of narcotics investigators by providing information about trends and problems in their patrol areas. Investigators tasked with the enforcement of controlled substance laws often work in an undercover capacity. As such, they conduct their work through the use of informants, effective interviews of those arrested, and by using their professional expertise to ferret out potential problem locations engaged in the sales of drugs to their communities.

There is strong and consistent support for police efforts to stem the flow of illicit drugs, while at the same time, many users see themselves as only being engaged in a recreational activity. The dynamics of undercover investigations entails the use of deception and presenting oneself as a

participant in the drug lifestyle to gain the confidence of those who furnish drugs to others. This necessity can create complex ethical and integrity issues for those professionals who undertake this specialty work.

There have been a number of highly publicized incidents over the years where narcotics officers have stolen money or other valuables in the performance of their duties. The lack of supervision, ready access to large sums of money, and constant exposure to the criminal element are all issues to which departments and peace officers themselves must remain vigilant.

Students shall be aware that ethical conflicts rarely give warning signs before emerging, and that peace officers need to consider how they will act and react once one presents itself. Students shall also know they must be able to analyze and evaluate the actions of others to avoid being drawn into active or passive agreement with inappropriate actions through the influence of others.

Learning Outcomes:

At the conclusion of these learning activities, the student will be able to:

- Understand and apply techniques to intervene in the inappropriate conduct of other peace officers
- Identify, analyze, and apply knowledge to interpret narcotics laws and enforce them appropriately

Activities:

Activity One

This activity is an example read to the class, after which the students will break into small groups for discussion and resolution. The nature of this activity allows the instructor to either a) request the groups assign a spokesperson and come to a group consensus, or b) have the groups discuss the topic in a leaderless format, and then present and defend their perspectives individually. If it is an individual/group exercise (option a), the time in the group shall be long enough to surface issues without time to come to a resolution. If it is a group exercise (option b), allow adequate time to allow the group to fully assess the assigned questions.

> "You are off-duty at a party at a fellow peace officer's residence. While looking for the restroom, you open a door to a room and see three or four individuals snorting a substance up their noses. Your fellow officer is observing the behavior but did not partake to your knowledge. As you look closer, you believe the substance to be cocaine."

The groups will be tasked with discussing the following questions:

- What would you do?
  - If you elect to confront the peace officer, what would you do if he told you he didn't partake, they were just having fun. His wife has glaucoma and is growing the plant for medical reasons.
- What are the legal issues and ethical implications of your contemplated actions?

As noted in the instructions, you will choose between allowing the groups to fully complete work to come to a consensus, presented by a group spokesperson The instructor can contract or expand this exercise depending on how long it is necessary to discuss issues or off-duty obligations and personal responsibility in an ethical dilemma.

While facilitating the class discussion, you may also wish to consider asking some members to take the position that medical marijuana is necessary and humane, while others will be assigned to argue that there are other means to give the active chemicals in marijuana in a clinical form if needed for pain relief or glaucoma treatment.

This activity is consistent with a problem-based approach to learning and will require students to wrestle with the ill-defined problem, work with others to identify the added information necessary to resolve the issue and force them to choose from amongst a variety of possible actions to take action in the incident. It is more important in this activity, and many others, that the students wrestle with the topic rather than come to the "right" answer.

Activity Two

This is a role play that the instructor may vary based on the desired length of the session. The central focus of the activity is illegal conduct by peace officers on a narcotics search. The instructor is encouraged to modify the activity to enhance or reinforce any particular aspect of the situation encountered by the role play students. To act out the activity, ask for a

volunteer to play the peace officer, and two to three others to play the roles of the suspect and other narcotics investigators.

> "You are asked by the narcotics team to assist in the service of a search warrant at a drug house. You arrive on scene and are told the occupants of the house have been very antagonistic in the past and have filed complaints about police misconduct on previous raids. The team leader tells you they are going to "fix them" once and for all. The warrant is served without incident, and the team leader tells you to watch the suspect (who they took into custody) while they search the rest of the house. After a few minutes, the team leader returns to the suspect and asks the peace officer if he or she has patted the suspect down (if yes, the peace officer would have found nothing; if not, the peace officer would be told to do so). The team leader says they are not satisfied the suspect has nothing and begins to pat the suspect down and reach into the suspect's jacket and shirt pockets. Shortly thereafter, the team leader produces a packet of a white crystalline powder and says to the suspect, "Hey, with your criminal history, you won't be selling drugs to kids for at least the next 25 years." You are convinced the suspect did not have the drugs in his possession when you patted him down, and that the team leader most likely planted the packet. Other peace officers located a quantity of apparent cocaine in other locations in the house, so the suspect will go to jail and face prosecution in any case for the same charges."

The class will be broken into groups and told to select a spokesperson to present the group's conclusions. Each group will discuss:

- What the peace officer should do when presented with this circumstance?
- Whether or not the peace officer's concerns about drugs planted on the suspect are relevant since he will go to jail anyway for the other drugs found
- The legal and moral implications of the actions of the team leader
- The need to ensure the police can remove persons from the community who are furnishing drugs to youth

Optional Assignment:

There are two areas that warrant added work by students. The instructor may elect one or both (or may use them as added class learning activities:

Narcotics cases, due to the occasional presence of large sums of money and the character (or lack thereof) of drug suspects, create temptations for either violating the law to develop a winnable case against those engaged in drug sales or to gain personally by converting the money in their possession for personal use. The instructor may wish to assign a written activity similar to:

> "You are working as a part of a narcotics unit and arrest a subject subsequent to receiving information they are transporting kilo-quantity drugs through your jurisdiction. Your supervisor tells the suspect there will be a search warrant issued for the suspect's residence, at which point the suspect advises they have a bag with $20,000 inside their bedroom dresser along with additional drugs. The peace officers serve the warrant and find the drugs, but also find there is more than $100,000 in small bills in the dresser. The peace officers secure the money and drugs, and place all of it into evidence according to department policy."

Students will be assigned to write a memo to discuss their perceptions on the following topics:

- Do you think the peace officers might have been tempted by the amount of cash present, and the fact that the suspect did not seem to know there was much more than they thought?
  - If so, why? If not, why have there been incidents in every part of the country of peace officers stealing money in similar circumstances?
- How would you discuss the issue of temptation and ways to avoid it, with a new peace officer just assigned to your patrol team?

The issue of making decisions that are both ethical and effective is one that applies to these activities as well as much of what the peace officer will do throughout their career. They shall be assigned to research resources (including the internet) to write a memo outlining ways to reach a decision when presented with a dilemma that is both ethical (doing the right thing for the right reason) and effective (resolves the dilemma without sacrificing the student's character or condoning the inappropriate actions of others). This assignment can become the foundation for class and group work in subsequent training settings.

The results of this assignment may be to collect, consolidate the themes, or answer areas from students and engage them in a structured discussion on

the issue. Students may also be asked to present their findings to the class and focus class discussion on the memos presented.

Students shall have an articulate method by which to assess choices of action in the ethical dimension (how do you come to the right conclusion?). These activities may be excellent tools to present steps the students shall consider when they encounter a situation with the potential gravity of this one.

Students shall recognize that obedience to the law by the police is the legitimate foundation from which they can use force and coercion against others and is what allows them to deprive others of their liberty by arresting them. The instructor's facilitation shall surface issues regarding the long-term goals of the police, and whether illegal or questionable actions are necessary to do "real" policing on the streets.

Learning Domain 13: ABC Law

Prerequisites:

The students shall either have been instructed in or had the opportunity to study the student workbook for the following LDs:

- LD 1: *Leadership, Professionalism & Ethics*
- LD 3: *Principled Policing in the Community*
- LD 13: *ABC Law*
- LD 21: *Patrol Techniques*

Introduction:

LD 13 is a specialty block of instruction to introduce students to the common types of licenses and violations of the Alcohol Beverage Control (ABC) Act, the risks associated with conducting inspections or investigations at problem licensed premises, the broad authority given to peace officers to enforce provisions of the ABC Act and recommended investigative techniques.

Peace officers and ABC investigators have the right to visit and inspect the premises of any business licensed to sell alcoholic beverages at any time the business is exercising the privileges of the license. As leaders, peace officers shall utilize problem-solving and creative thinking skills to address the many policing problems caused by ABC violations such as drunk driving, spousal abuse, teen delinquency, and disorderly activity.

Policing in the community requires the establishment of trust and credibility between law enforcement and the community. Peace officers must model exemplary conduct, both on- and off-duty, especially when frequenting licensed premises. The enforcement of the ABC Act depends significantly upon the contributions of peace officers, their collaboration with the Department of Alcoholic Beverage Control (ABC), and the development of police/community partnerships. Peace officers are important in the education of community members, especially persons under the age of 21, about the dangers of alcohol abuse and the impact of disruptive premises on the quality of life.

It is important that content in this LD is not presented without a context for students to understand how it relates to their work in the academy and throughout their careers. LD 13 provides an opportunity for students to

enhance their problem-solving skills and creative ability to address issues of alcohol abuse, underage drinking, and the impact of licensed premises on policing and the community's quality of life.

Learning Outcomes:

At the conclusion of these activities, the student will be able to:

- Identify the elements of common violations of the ABC Act that may be encountered by patrol officers
- Explain the relationship of leadership, ethics, and community policing to the role of a peace officer in enforcing a provision of the ABC Act
- Recognize the broad authority given to peace officers to visit and inspect premises licensed to sell alcoholic beverages
- Apply the SARA problem-solving model to reduce the harm caused by a disorderly licensed premises
- Explain the role of peace officers in educating stakeholders in the community about addressing specific aspects of the ABC Law in operating licensed premises

Activities:

Activity One

Students will break into groups and will go through one activity each. The instructor will be the facilitator. At the designated time for each activity, the students and the instructor will meet and discuss each activity. Each group will present their particular activity to the class.

> Variation One: A juvenile stopped an adult who was walking into a convenience store and asked him to purchase some beer for him and his friends. The man entered the store, bought the beer, and walked outside, and gave it to the juvenile. As you drive up, you see the adult hand a bag to a person that you know to be a juvenile.
>
> Variation Two: A juvenile, standing outside a liquor store, asked a person to purchase some beer. They entered the store, purchased the beer, left the store, and gave the beer to the juvenile. As you drive up to the store you see the person handing

the beer to the juvenile. You detain both parties and determine both to be under the age of 21.

Variation Three: As you drive into the parking lot of a bar, you see an adult come out of the bar and give a beer to a juvenile.

Have the group use the following questions as discussion points. Monitor and facilitate the discussion.

- What action, if any, do you take?
- Was a crime committed?
- What crime(s) were committed?
- What is the classification of the crime?
- Should you arrest the under-aged parties?
  - Why/why not?
- Discuss the letter versus the spirit of the law and how it might be applied in this instance.
- Should you arrest the adult?
  - Why/why not?

Activity Two

This activity may either be provided to the class or read by a student to introduce the activity for class discussion:

"You receive a radio call about a loud party at a house. When you arrive, you discover that one of your best friends is having a birthday party for their 16-year-old. Many of the 16-year-old's friends are there. All of the friends appear under the age of 21. The father has purchased a keg of beer for the party and about 15 juveniles were in possession of beer when you arrive."

Have the group use the following questions as discussion points. Students will lead the discussion as noted in the previous activity while the instructor gauges any possible gaps in knowledge or teachable moments as a result of student comments:

- Was a crime committed?
  - If so, which crime or crimes were committed?
- What crime is committed?
- Can the father be arrested?

- Discuss the letter versus the spirit of the law and how it might be applied in this instance.
- Can the juveniles be arrested?
- What is your authority to search and seize evidence?
- Can the beer keg be confiscated?

At the conclusion of each activity, the selected student facilitator will conduct a debriefing with the students. The following ideas shall be discussed:

- What ethical dilemmas, if any, do you see in the activity?
- How does community partnership play a role in the activity?
- How does your leadership play a role in enforcing the "letter of the law," "spirit of the law," or legal mandates?
- How does your decision-making affect the community?
- How would you handle social clubs?

Activity Three

You are on solo patrol at 0100 hours. You receive a radio call from dispatch to meet a reporting party, a homeowner, who lives near "Joe's Bar and Grill," about a long history of constant assaults inside the business, loud noise, underage drinking, narcotic activity, and patrons who have left the bar and destroyed the homeowner's and the neighbor's property. The homeowner believes that the premises are a serious detriment to the neighborhood. The homeowner wants some immediate action to resolve the disruptive activity and bring the business into compliance with existing law. Off-duty peace officers are known to frequent the establishment.

Break the class into cooperative groups to present to a simulated field trainer two or more possible outcomes to respond to the reporting party's call for action as presented in this exercise.

The class shall utilize an effective problem-solving learning (PBL) process such as Known Facts, Learning Issues, Action Plans; Scanning, Analysis, Response, and Assessment (SARA). Students shall be prepared to present and defend their findings.

There are questions specific to the activity under discussion as well as general questions relevant to peace officer actions in field settings. Some of the more prominent may be:

- Who are the stakeholders in this exercise?
- What is your authority to search and seize any evidence?
- Is the problem primarily one of fights, public inebriates assaulting one another, robberies, and service to minors?
- Is there an available special program administered by the Department of ABC regarding the use of underage decoys to solicit people to purchase and furnish them with alcoholic beverages?
- What are your initial thoughts on solving this problem?
- What are the issues?
- What facts do you know?
- What do you need to know to solve this problem?
- Where can you find it?
- What resources are available to solve this problem?
- What other information do you need?
- What can you do to solve or reduce this problem?
- What is your peace officer authority to inspect or investigate?
- Describe the rationale for each decision.
- Describe the possible consequences of each decision in your action plan.

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Learning Domain 14: Officer Wellness

Prerequisites:

The students shall either have been instructed in or had the opportunity to study the student workbook for the following LDs:

- LD 1: *Leadership, Professionalism & Ethics*
- LD 3: *Principled Policing in the Community*
- LD 14: *Officer Wellness*
- LD 21: *Patrol Techniques*
- LD 23: *Crimes in Progress*
- LD 26: *Critical Incidents*
- LD 32: *Lifetime Fitness*

Introduction:

Officer wellness has been a topic that has been overlooked for decades in the law enforcement community. The demand placed on officers from their organizations, the communities they serve, and their personal lives can be overwhelming. Public perception and the media have often caused officers to feel unappreciated and unwanted. This LD is designed to help officers navigate the many challenges they face in their personal and professional lives so they can thrive emotionally and physically. As a result, they will perform better in the workplace, have a more satisfying career, and provide a higher level of service to the communities they serve.

Officer wellness was not meant to be a “stand-alone” LD. The concept of officer wellness shall be discussed throughout the academy experience. Wellness discussions shall take place in use of force training, principled policing discussions, and leadership, professionalism, and ethics classes. Students will need to have a strong understanding of the following concepts:

- Emotional intelligence and regulation
- Mental health management
- Substance abuse pitfalls
- Financial wellness
- Resiliency building
- Learning outcomes

Students must understand why officer wellness is a critical component of their professional and personal lives. They will be required to consistently monitor their mental, physical, and spiritual health and develop strategies to deal with the stressors they will face.

Learning Outcomes:

At the conclusion of these activities, the student will be able to:

- Describe how critical incident stress can affect officers who were not directly involved in the incident
- Identify ways critical incident stress can be manifested
- Identify coping mechanisms officers can use to deal with stress
- Identify local resources to assist officers in dealing with stress
- Define the five core emotions officers often act out of
- Describe how officers can regulate their emotions
- Identify ways negative emotional behavior can affect the officer's life, the organization, and the community

Comprehensive Questions:

Facilitate the following discussion for the below activities:

Consider leading a class discussion that focuses on the way stress affects the officer's personal and professional lives. Also, discuss who else around the officer can be affected such as family members, partners, the organization, and the community. Explore ways to regulate emotions, protecting the officer from acting out of emotions.

Activities:

Activity One

For this first activity, three students will be involved in a role play activity where an officer is required to use deadly force. During the incident, one officer uses deadly force, but a second officer does not. The activity shall be designed to leave one guessing why the second officer did not use force. At the conclusion of the activity, the class will be divided into groups and will need to address the following issues:

- In what ways can critical incidents and bureaucratic stress affect the officer who did not use deadly force?
- What are the symptoms of critical incident stress that may be seen after the event?
- Identify coping strategies to deal with critical incident stress
- Identify internal and external resources to assist officers in dealing with critical incident stress

Activity Two

Students watch a video where it appears multiple officers use excessive force on a suspect (i.e., Tyrie Nichols/Devin Carter cases). The students will be divided into small groups and will be assigned to answer the following questions:

- Which emotion(s) were the officers acting out of?
- How could the officers have regulated their emotions?
- Identify proper intervention techniques that should have been used.
- Is it possible that one officer's actions could impact or hijack the emotions of a fellow officer causing the officer to act in negative ways?

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Learning Domain 15: Laws of Arrest

Prerequisites:

The students shall either have been instructed in or had the opportunity to study the student workbook for the following LDs:

- LD 1: *Leadership, Professionalism & Ethics*
- LD 5: *Introduction to Criminal Law*
- LD 15: *Laws of Arrest*
- LD 20: *Use of Force/Deescalation*

Introduction:

A learning activity is required as a component of instructional delivery in this LD. Although laws of arrest are codified in the various codes enacted by state and local entities, there may be no greater area within which a peace officer uses their discretion than the decision to deprive another person of their liberty through an arrest. Some may view the arrest function as the core duty of policing, although it is also common to view an arrest as isolated from the context within which it is made.

The law allows peace officers significant discretion to enforce the law but gives little guidance with regard to specific ways to serve the law purpose (the spirit of the law) versus the literal words contained in the codes (the letter of the law). The obligation of instructors in this subject area is to facilitate learning in students that encourages them to understand the purpose underlying an arrest (to prosecute an offender) rather than seeing it as a tool to "rid the community of a problem" or to "get back at" someone who "deserves it."

Traditional teaching methods might focus on learning the elements of crimes and the scope of actions permissible under the law. Emerging methods focus instead on using the knowledge of criminal statutes in the context of discretion, professionalism, and using the law in concert with the needs of their community. Knowledge in this content area is also related to that in LD 20 and students shall have opportunities to explore the concept of arresting another in settings where those arrests are performed. Teaching "what" may be as simple as enforced memorization; teaching "when to" requires the student's active involvement in the learning process and chances to "fail forward" in their work to acquire necessary skills.

Learning Outcomes:

At the conclusion of these learning activities, the student will be able to:

- Demonstrate an understanding of how others may perceive the peace officer's role in balancing the needs of the community versus the rights of the individual in the exercise of their powers of arrest
- Identify alternatives and options when considering an arrest in specific facts of circumstances, then act on the selected course of action

Activities:

Activity One

Assign students to research the internet or local media to retrieve a recent event involving an arrest by the police. Have students discuss their events in small groups for several minutes, then determine:

- What do the incidents have in common?
- What differences are reported in the events?
- How the police action was framed and described by the media?
- What public reactions were as reported in the media account?
- How did the decision made in this article affect the community? How did it affect the individual(s) (i.e., arrested person, victim, etc.)?
- What are some alternatives to the decision that was made?

Subsequent work would be to report the findings of each group to the class. Selected student facilitators will lead the process of recording responses from the class.

Activity Two

Using one of the events reported in the media (one that has a community response and possibly responses from the arrestee's friends or family), assign students/groups to role play a meeting between the police department and the arrestee's family and others concerned with the actions of the peace officers involved. Groups will be:

- Police managers
- Family members
- The media
- Legal advocates
- Community stakeholders

The setting will be a police conference room or meeting room. The police will start the meeting, and those assigned to differing roles will present their perspectives as conditions warrant. The instructor can allow the meeting to progress until all participants have had time to voice their issues and concerns. If the class is larger than the number of desired student participants, others shall view the meeting, and then lead a debriefing of what they saw.

Activity Three

This activity uses instructor-selected videos or instructor-developed activities to allow students to refine their understanding of arrest options. This activity provides an opportunity for selected student leaders to lead small group discussions.

Students will view short examples depicting contact with a person who may be in violation of the law. At the conclusion, groups will discuss:

- What they saw
- What laws (if any) were being violated
- What options the peace officer had
- What the community would expect or want the peace officer to do
- What the department would expect or want the officer to do

A facilitated group discussion will take place after each video or activity is shown.

Comprehensive Questions:

- What are the similarities and differences in perspectives of the police and those they serve? Why is this important to know?
- What other perspectives might we want to consider when considering options for action or forming opinions about significant events?

- Can you identify any assumptions in the news articles that could lead the public to a false or skewed understanding of the event described?

Students shall see the relevance of arrest actions to their duties, although many may focus on the specific mechanics of making an arrest rather than the larger issue of laws of arrest, discretionary decisions, and community perceptions regarding actions by the police. Instruction in this content area shall allow students to demonstrate knowledge acquired in cognitive domains (i.e., the letter of the law, limits on police action, etc.). More importantly, students shall analyze, evaluate, and apply their lawful powers in the context of the police role, leadership in the community, and proper intent and use of arrest powers to prosecute those responsible for the crime.

Learning Domain 16: Search and Seizure

Prerequisites:

The students shall either have been instructed in or had the opportunity to study the student workbook for the following LDs:

- LD 1: *Leadership, Professionalism & Ethics*
- LD 3: *Principled Policing in the Community*
- LD 5: *Introduction to Criminal Law*
- LD 6: *Property Crimes*
- LD 7: *Crimes Against Persons/Death Investigation*
- LD 8: *General Criminal Statutes*
- LD 9: *Crimes Against Children*
- LD 10: *Sex Crimes*
- LD 11: *Juvenile Law and Procedure*
- LD 12: *Controlled Substances*
- LD 13: *ABC Law*
- LD 15: *Laws of Arrest*
- LD 16: *Search and Seizure*

Introduction:

A learning activity is required as a component of instructional delivery in this LD. This instructional block trains students in the application of constitutional, statute, and case law regarding a peace officer's ability and limitations on the search of another person, their property, and the conditions under which such a search may be made. The student will be trained in how to lawfully seize evidence of a crime without a search warrant and be familiarized with the circumstances that give rise to the issuance of a search warrant by a competent court of jurisdiction.

Special considerations in this LD are:

- The impact of the Fourth Amendment of the U.S. Constitution
- The impact of relevant case law
- The impact of illegal or unwarranted searches on subsequent criminal proceedings
- Searches and seizures involving motor vehicles
- Searches and seizures involving intrusion into the body of another person

- The need to balance the pursuit of justice with respect for the rights of individuals under state and federal law

The variety of activities, especially if drawn from real case law or media reports, will impress upon the students that search and seizure laws are used daily by peace officers, and that knowing and applying proper legal actions when searching persons and property or seizing criminal evidence is a core skill for their profession.

Learning Outcomes:

At the conclusion of these activities, the student will be able to:

- Understand and apply the rules of law concerning unreasonable searches and seizures
- Understand and apply the impact and significance of consent
- Compare and contrast similarities amongst searches of persons, vehicles, and private residences
- Recognize their ability to seize items of evidence in plain view or in the trained observation of a peace officer acting in accordance with a search conducted pursuant to probable cause

Activities:

Rather than focus on one specific activity for the entire class to review, the complexity of the topic allows the instructor to assign various activities to small groups who will work independently from one another to train their peers on relevant areas of search and seizure law once their group work is done. This type of learning activity is best done when groups have time prior to the class session to research the issue using the internet and other available sources to provide legal justification for their elected actions. The instructor's focus will move away from providing a situation and advising the best manner in which to resolve it to an activity where the students are given an ill-structured problem that requires the students to acquire critical knowledge, learn how to problem solve, work within a team framework to arrive at suitable solutions, and be self-directed in their work.

The instructor shall give attention to developing added activities to the ones listed herein to expand the repertoire of possible problems for groups to resolve. As current events provide added examples, the instructor may wish to bring in news clips, case law summaries, or similar material to

replicate as closely as possible the real-life environment where search and seizure issues will arise.

This activity may be presented at the outset of the class, or after an appropriate orientation in the subject. It may also be assigned two to three or more days in advance of the class session to allow groups to elect how to manage their time to research and resolve their assigned problem.

Each group will receive the activity in writing. The groups will be instructed to select a spokesperson and recorder, and then engage in independent study to:

- Identify the central search and seizure issues of the activity
- Identify the limitations on the peace officer's actual or intended actions
- Develop a structure for resolving search and seizure problems they will encounter in the field

The groups will have at least one added question that is specific to their activity.

Activity One (Person Search)

An individual on a bicycle ride through a stop sign without stopping. The peace officer conducts an enforcement stop for the vehicle code violation. Upon contact with the bicyclist, the subject officer observes a pocketknife clipped to the subject's right front pants pocket. During a pat search for weapons, the peace officer discovers a firearm tucked in the subject's back waistband. The peace officer arrests the subject for possession of a concealed firearm.

Comprehensive Questions:

- Was the pat search justified? Why?
- Was the arrest justified? Why?

Activity Two (Vehicle Search)

A peace officer is dispatched to a reported "brandishing of a firearm." A witness states they observed the subject in the event open the trunk of a vehicle, put the firearm inside, close the trunk, enter the vehicle, and drive

away. A peace officer observed that vehicle a short distance from the scene and conducted an enforcement stop for suspicion of participating in the brandishing event. Upon contact with the driver, the peace officer has them exit the vehicle, conducts a pat search for weapons, and detains them in the back of the patrol vehicle. The peace officer did not discover a weapon during the pat search. The peace officer opens the trunk of the vehicle and discovers a loaded firearm. The peace officer arrests the subject for brandishing a weapon and possession of a loaded firearm.

Comprehensive Questions:

- Would an in-field show-up contribute to the probable cause for arrest in this activity? How?
- Was the pat search justified? Why?
- Was the search of the trunk justified? Why?
- Was the arrest justified? Why?

Activity Three (Residential Search)

Two peace officers responded to a reported family disturbance. The reporting party, a neighbor, said they heard multiple voices, screaming, and banging. They know a couple lives in the house with their two children. Upon arrival at the residence, the peace officers hear loud voices, screaming, and banging. At the front door, they are confronted by a subject. The peace officers ask to come in and the subject says, “No.” The peace officers detain the subject and enter the main room of the residence. On the coffee table in the main room is a small plastic baggie containing a clear, white crystalline substance. The peace officers search the first bedroom in the hallway and discover the two children, unharmed. The peace officers search the second bedroom in the hallway and discover another adult subject with a bloody nose.

Comprehensive Questions:

- Were the peace officers justified in entering the house without consent? Why?
- Were the peace officers justified in seizing the crystalline substance? Why?
- Were the peace officers justified in searching the first bedroom? Why?

- Were the peace officers justified in searching the second bedroom? Why?
- What do the peace officers need to search the rest of the house for additional crystalline substances?

Activity Four

You are a newer peace officer assigned with one of the most senior peace officers in your division. The peace officer is known for their street smarts and the way they seem to "find trouble" and make arrests. You admire their reputation and want to learn from them. You know they will probably go to detectives soon, so this may be one of your last chances to learn from "the master." While on patrol, they suddenly turn on the police car's emergency lights while pulling in behind another car. They say, "Something's not right about this guy. We're going to find out what it is." You pull the car over without incident and listen to your partner grill the driver. You see the driver is nervous, and you think he's hiding something. Your partner opens the driver's door and tells the guy to exit. They place the subject in the back seat of the patrol car and then approach you near the back of the subject's vehicle. "OK, let's search this thing, pop the trunk open to see what he has. If we find anything, we'll close it up and get a warrant."

Comprehensive Questions:

- What are the legal issues in this case?
- What was your partner's probable cause to search the vehicle?
- Assume you find contraband in the trunk, what do you do?
- What (if anything) should the junior officer do?

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Learning Domain 17: Presentation of Evidence

Prerequisites:

The students shall either have been instructed in or had the opportunity to study the student workbook for the following LDs:

- LD 1: *Leadership, Professionalism & Ethics*
- LD 3: *Principled Policing in the Community*
- LD 8: *General Criminal Statutes*
- LD 15: *Laws of Arrest*
- LD 17: *Presentation of Evidence*
- LD 39: *Crimes Against the Justice System*

Introduction:

In the police academy, this LD and LD 30 share similar content, including content related to testimony in court. Experienced instructors shall ensure those who teach related LDs work cooperatively to maximize the learning of students by avoiding duplication of taught concepts or leaving gaps in training.

Peace officers need a basic knowledge of the role that evidence plays in a criminal trial and their own role in prosecuting the case through the lawful collection of evidence.

This responsibility includes the professional presentation of evidence, and the factual, clear, concise, and complete support of that evidence based on a sound police report. Integrity in the collection and documentation of evidence is one of the key elements of the job and shall be a recurring theme throughout training.

It is important for students to understand the rules of evidence and chain of custody in the larger context of a constitutional democracy. Peace officers must adhere to laws and policies governing the custody of evidence and its introduction in court testimony. The right to present evidence to an impartial judge or jury in a court of law is a fundamental part of the American criminal justice system. It is a constitutionally guaranteed right for criminal defendants. The saying “to have your day in court” means that anyone accused of a crime has the right to present evidence on their behalf.

Legal restrictions are placed on the government to guard against unwarranted intrusions into the private lives of community members. Some say these limitations unduly constrain the criminal justice system and allow the guilty to go free. Others contend this is a portion of the price we pay to ensure justice under the law and the freedoms we enjoy as a society. Regardless of personal beliefs in this matter, limits placed on government conduct are the law of the land, and peace officers have an obligation to support and uphold them.

Students will likely be aware of the impact of high-profile cases where the improper collection, preservation, and presentation of evidence have resulted in the acquittal of defendants. They will also be aware of the numerous popular television shows presenting fictional crime scene investigations and recounts of actual cases in documentary or true crime shows. Although these depictions may energize some to enter the profession, they may also create a sense of false knowledge regarding the capacity of police evidentiary analysis and its presentation in the justice system.

Training shall include both the student's duties and obligations as well as dispel myths they may hold at the time they entered training.

Learning Outcomes:

At the conclusion of these learning activities, the student will be able to:

- Demonstrate an understanding of the role of a peace officer in the presentation of testimony and evidence in a case
- Choose an appropriate course of action when presented with situations that are ethically problematic and defend the selected action

Activities:

Activity One

A selected student group will be assigned the following role play. Those in the teaching group will then facilitate a class discussion of what they have seen and its implications on policing. The role play is:

> You and your partner are assigned to a two-peace officer unit in an urban area. You are assigned by dispatch to assist at the scene of a homicide. Arriving at the locale of the crime, you are met by a detective who tells you to stand by and then to transport a box of evidence to the police station for them. You drive back to the police station and take the box (about the size of a shoebox) to the detective bureau. The detective, with whom you talked, meets you in his office and tells you to put the box on their desk. One of you asks if they need help booking the items in the box into the evidence room, and the detective replies “No, just leave it there. I’ll put it into my desk over the weekend and book it on Monday.”

Comprehensive Questions:

- Are there any issues for the peace officers to consider as they leave the detective bureau?
- Are the peace officers responsible for the care and custody of evidence once it has been delivered to the person who wants it?
- How might the conduct of these peace officers impact subsequent testimony in court?
- What legal issues does this incident create with regard to the admissibility of this evidence?
- What actions might the peace officers take if they believe the detective’s intended manner of evidence preservation is deficient?

This activity may range in duration depending on the depth of desired understanding regarding the chain of custody, responsibility for evidence, and the ethical implications of the detective’s conduct.

Activity Two

This activity involves a significant potential breach in lawful conduct. It is an extreme case but serves to ensure students understand the possible fluidity of threshold incidents and their responsibility as peace officers to uphold the law.

The instructor will distribute or present the following example:

> "You are a patrol officer assigned to a large rural patrol area. You have been seeking a robbery suspect in the area, and know the suspect is reported to be armed and dangerous. You see a man matching the description you were given, so you radio for assistance, stop and exit your patrol car, and contact the subject. Your beat partner arrives as you are making your initial contact with the subject. The subject makes a move you perceive as reaching to his rear waistband. Your partner shoots the subject, who falls to the ground and is killed by the shot. You approach the subject and handcuff him according to department policy. You conduct a quick pat-down of the prostrate subject's body and find no weapons on his person. Without an instrument of the crime, you begin to fear you may have stopped the wrong person for robbery, even though you think the shooting appears to be valid. When your supervisor arrives, you and he re-check the body and find a handgun in the suspect's rear waistband. You didn't see anyone put a gun there but are fairly certain it wasn't there during your initial check."

Comprehensive Questions:

- What are the possible reasons you may have missed the gun during your initial inspection of the body?
- Without the subject being in possession of a weapon, is the use of lethal force lawful?
- How should you handle this situation?
- Who are the stakeholders in this case?
- What impact might the Code of Silence play in this incident?
- What potential ethical issues may exist in this situation and what are the impacts?

Optional Assignment:

Students will be assigned to complete research and report on a current event related to court testimony by a peace officer, especially those where evidence collected at the crime scene was relevant to the testimony. The research shall be written into a report no more than two pages long. Contents of the report shall include:

- A synopsis of the incident
- Relevant facts and issues
- The impact of the testimony and evidence in the case
- The student's opinions on the completeness of the testimony and evidence, and any other alternatives the peace officer or agency could have considered in this case.

Sources for the event may include true crime shows or podcasts.

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Learning Domain 18: Investigative Report Writing

Prerequisites:

The students shall either have been instructed in or had the opportunity to study the student workbook for the following LDs:

- LD 1: *Leadership, Professionalism & Ethics*
- LD 3: *Principled Policing in the Community*
- LD 18: *Investigative Report Writing*

Introduction:

A learning activity is required as a component of instructional delivery in this LD. Effective report writing is paramount to what we do as peace officers. We often think of report writing as just reporting facts in order to bring offenders to justice. Although true, report writing is also, but not limited, to:

- A demonstration of a competent and effective investigation
- An expression of integrity, reliability, and credibility
- A service to the community

All aspects of the criminal justice system are open to public scrutiny and subject to public record. A police report is often the first and most significant documented account of a possible crime or other incident of interest to the police and the community. The police report is a fundamental instrument of policing; therefore, we place high value on a peace officer's ability to write good investigative reports.

An effective report is one of which the peace officers, the agency, and the community will be proud. An effective report will provide the justice system with a clear account of the circumstances of a crime, and accurately depict the actions of all persons involved. It is not always easy to learn the truth, nor to write in a manner that allows for only one interpretation. The peace officer's moral obligation to be truthful and to objectively investigate and record facts for use by others creates a mandate to do so impartially and with a clarity of voice that ensures the written word is used in a manner that conforms to the standards of the peace officer's organization and the court system that will adjudicate matters brought to its attention.

Police reports have a variety of end-users in the community. Prosecutors, judges, insurance agencies, and attorneys all rely on police reports to be a part of the pathway to a fair and just outcome. A well-written report can be the foundation from which to provide justice for victims and ensure those responsible for crime receive the full measure of the law. Police reports are critical in prosecutions, to defend against wrongful accusations of wrongdoing by the peace officer or others, as a permanent record of the work of the police, and to hold peace officers accountable for their conduct.

A proficient police report will be accurate and concise, yet informative and complete. The presentation, flow, and development of the report's text shall be clear and logical, and the report's conventions (grammar, spelling, punctuation, and tense) shall not detract from the reader's understanding of the meaning of what has been written. Learning in this content area touches almost every other LD in the academy experience and will be a yardstick against which peace officers will be measured throughout their careers. Instruction in this area, therefore, shall emphasize the outcomes noted in this introduction.

Written skills are perhaps the most common and pervasive activity of police practitioners. The peace officer's image, reputation, and professionalism are either enhanced or adversely impacted by their writing.

Learning Outcomes:

At the conclusion of these learning activities the learner will be able to:

- Identify the main themes and importance of a factually accurate investigative report
- State in their own words their responsibility for completing a factually accurate investigative report
- Identify and apply leadership, ethical, and community policing concepts linked to their responsibility to complete an accurate and complete police report

Activities:

Activity One

Each LD has a number of learning activities in this guide. Rather than segregating concepts, having students synthesize what they learned, and

then transfer it to written form to close the loop with regard to accurately recording events for official purposes.

In this activity, the instructor will select one or more learning activities from any LD. Students will perform role play activities consistent with the instructions therein, and then lead the process of investigative report writing. Students will then work in pairs to:

- Critique the writing of their learning partner
- Discuss what needs to be in a proficient police report
- What objectives or outcomes are sought in the writing of a police report

The time taken for this activity will be noted for the specific learning activity, plus time for writing and critique of the report in pairs.

Comprehensive Questions:

The instructor may wish to consider the use of a written skills rubric at the outset of training in this concept area to allow students to understand what "good" looks like and the objectives and anchors of effective report writing. Study and development of an assessment rubric prior to class would be necessary; there are resources for instructors on the internet and related sources to explain the nature of rubrics and their use. The advantage of using rubrics is that it:

- Allows students to understand what deficient, competent, and exemplary performance "looks like" through the rubric
- Breaks the report components (conventions, content, construction, clarity, etc.) apart to encourage students to learn what they are and how to achieve competence
- Encourages self-assessment and the assessment of writing by others without instructor intervention

Training on rubric development has been available since 2006, as well as added resources for Investigative Report Writing and related written skills instructors.

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Learning Domain 19: Vehicle Operations

Prerequisites:

The students shall either have been instructed in or had the opportunity to study the student workbook for the following LDs:

- LD 1: *Leadership, Professionalism & Ethics*
- LD 3: *Principled Policing in the Community*
- LD19: *Vehicle Operations*

Introduction:

A learning activity is required as a component of instructional delivery in this LD. The public expects peace officers to be exemplary drivers, while at the same time, peace officers must use their vehicles for purposes far beyond that of mere transportation from one point to another. Peace officers must balance the use of their vehicles for emergency operations and the apprehension of traffic violators with the obligation to drive in a safe and defensive manner.

More peace officers are killed or seriously injured while driving police units than from any other policing activity (including incidents involving the use of deadly force). It is common for peace officers (and all drivers) to overestimate their driving skills and fail to adequately understand the capabilities and limitations of their vehicle's operations absent training to the contrary. As role models to others in the community, peace officers must always be aware their driving is being judged and critiqued by others in their environment.

Students shall discover and reiterate the truth that operating the police vehicle is perhaps the most dangerous thing peace officers will do and their reputations, their department's image, and their lives and the lives of others depend on their ability and willingness to operate their vehicle in a manner consistent with the law and agency policy.

The law requires every driver, including the peace officer driving an official vehicle, to obey all sections of the Vehicle Code and other relevant driving laws. At the same time, peace officers are tasked with the expedient response to critical incidents, the apprehension of traffic violators, and the need to use the police vehicle as one of many tools at the peace officer's disposal as they seek to administer the law in their patrol areas.

This can sometimes create a conflict in goals when the peace officer wishes to respond quickly to a call for service while remaining mindful not to violate speed laws. Popular media sometimes depicts police driving in a reckless fashion, often portrayed as necessary to bring a criminal to justice who is attempting to flee from custody. Except for specific exemptions articulated in the Vehicle Code related to emergency driving, peace officers must drive within the confines of the same law they are charged with enforcing against others using the streets and highways in their community.

Learning Outcomes:

At the conclusion of these learning activities, the student will be able to:

- Apply concepts of safety while operating a police vehicle
- Analyze and interpret the application of traffic laws to the operation of emergency vehicles
- Demonstrate their comprehension of the requirement to follow department directives and applicable law to their driving behaviors

Activities:

Activity One

The instructor will use a described activity and assigned groups to ensure the students understand and can apply the principles of safe driving in an emergency situation. The activity further allows students to analyze and evaluate their actions when presented with a conflict between them and their partner regarding obedience to department directives versus the desire to apprehend a criminal suspect.

Assign students to groups, each group will select a recorder and a spokesperson to report the group's findings back to the class. As a class, the groups will be given the following activity:

> "While on patrol, you and your partner (who is several years senior to you) notice another car with tail lamps not working. A computer check of the license plate reveals the car is a reported stolen vehicle from a neighboring city. Your partner activates your car's emergency lights, and then the car's siren when the suspect vehicle fails to yield to the lights. The suspect pulls to the side of the road shortly thereafter. As you both exit your vehicle, the

suspect driver reverses suddenly and then drives away while accelerating rapidly. You advise dispatch you are in pursuit, and other units begin responding to the area to assist. After several minutes of chasing the suspect at fairly high speeds, your field supervisor asks about traffic conditions and then orders you to discontinue the pursuit. You acknowledge the order; however, your partner tells you the suspect "isn't getting away" while continuing to pursue the suspect vehicle."

Comprehensive Questions:

- As a junior peace officer, do you go along with the actions of your senior partner? Why or why not?
- If you go along, how do you justify your decision to your field supervisor at the conclusion of the incident?
- If you do not go along with your partner's actions, how do you intervene or stop their actions?
- What liability do you or your partner incur from their actions and your response (whether or not you elected to intervene)?
- What are the possible consequences of your partner's actions if you do not intervene, and of your actions if you do elect to intervene?

This activity may be varied based on local issues or incidents and the instructor's creativity in developing a learning activity that will convey the training desired.

Instructors may also add to the time devoted to learning activities either informally (ad hoc opportunities that present themselves as "teachable moments" or with other formal activities presented via video, role playing or in written form). A powerful option to consider would be to have students play the roles of; 1) chief of police, 2) sergeant, 3) the junior partner, and 4) a local community group member. In these roles, students would present and respond to the queries and statements of others (including class members).

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Learning Domain 20: Use of Force/Deescalation

Prerequisites:

The students shall either have been instructed in or had the opportunity to study the student workbook for the following LDs:

- LD 1: *Leadership, Professionalism & Ethics*
- LD 20: *Use of Force/Deescalation*

Introduction:

A learning activity is required as a component of instructional delivery in this LD. This LD has significant implications with regard to the applied skills of peace officers, the community's perceptions and confidence in their policing agencies, and the manner in which the law allows police practitioners to use coercion to enforce the law and maintain public order. It is a content area where it is critical to teach the "why and when" of the use of force in addition to the acquisition of necessary psychomotor skills for students to successfully demonstrate proficiency in its use.

Application of force options is a complex learning topic, requiring reinforcement to allow students to gain appropriate physical skills to complete the use of force as intended and requiring the instructor to ensure students understand the moral dimension of using coercion against another person to carry out the intent of the law. Students shall be motivated to learn skills they perceive will enhance their chances of surviving a violent encounter in the streets. It may be more difficult to motivate them to understand the need to be disciplined and restrained in their application of force to situations where it is absolutely necessary.

Students may misperceive that they would not be asked to speak to community groups as line employees and that this type of environment would only be faced by supervisors and managers. They shall be made aware that these skills will be applied in a variety of circumstances, and that questions from the community on police affairs are common while answering calls for service, during informal contacts with the public, and in settings ranging from one-on-one contacts to neighborhood meetings on an unrelated topic. Speaking effectively is a necessary skill, and their knowledge of department policy, relevant law, and force options are the tools they will use to answer public concerns in a manner that represents the department well.

While the use of force may be taught in a physically interactive environment to allow students to acquire and reinforce methods by which they may defend themselves, subdue combative subjects, and protect the innocent, training them to analyze, revise, and evaluate their actions in a social framework that will assess their actions in the context of being both lawful and necessary. Although peace officers may see an application of force through trained eyes, the vast majority of our constituents do not have a similar viewpoint. Peace officers must be mindful of the overarching requirement that all force used to effect arrests or to quell resistance must at all times be judged according to the "reasonable person" standard, and according to any new or updated legislation.

Beyond legal standards that limit a peace officer's ability to use force except as necessary to perform their duties is the moral standard that mandates a reverence for life that dictates force as the last option to be considered, and deadly force be considered only to save the life of that peace officer or another person. The community expects its peace officers to understand the need to be self-disciplined in their use of the authority granted to them to use force. The training of students to understand their role as the representative of the law and their department is perhaps the most important part of the use of force training.

Motivation to complete any task is a function of developing competence in its practice along with the student's perception of the value of doing it. In the use of force training, the instructor must build competence through applied skills. Encouraging students to see value in restraint and teaching them how to use force while at the same time not using it to punish or "get even" with a suspect is inevitably a more difficult task.

Learning experiences in this LD shall incorporate context and relevance to real-world application and be mindful of the student's tendency to exclude analysis and evaluation of the use of force options being trained if they focus too specifically on the acquisition of the physical skills necessary to properly follow steps in an option's application.

The activities presented herein, therefore, focus more on the community's perception, the moral issues surrounding the use of force, and the context of its use rather than the mechanics of applying force. Your creativity and expertise as an instructor will be the primary means by which the students will gain an understanding of the need for the use of force in specified circumstances, while also developing a respect for the need for restraint and discretion in its use.

Learning Outcomes:

At the conclusion of this training segment, the student will be able to:

- Understand and apply force options and deescalation strategies and techniques as taught in conformance with the law and department policies and procedures
- Analyze and respond to ambiguous situations where force may or may not be an appropriate option, then evaluate the effectiveness of their choice
- Compare and contrast uses of force in the context of the community's perceptions and beliefs by applying knowledge gained in training

Activities:

It is also recommended the students review their agency policy regarding the use of force or an exemplar policy on the same topic.

Activity One

This activity is an assignment that is used as a foundation for class discussion and refining of the issues regarding perceptions of the use of force by the police.

Students will be assigned to locate a recent incident involving the use of force by peace officers. The article may be from a local newspaper, a magazine, or any source on the internet. Students will take turns reading their articles to the class (this activity is also suited as a transitional activity at the beginning or end of training blocks or when returning from lunch or a similar break period. In those instances, the instructor may elect to have only a small number of students present their findings at one time, allowing for a more thorough discussion of each story). Students shall seek to identify ethical issues and assess the community's perception of the propriety of the use of force in the described incident.

The instructor will facilitate the process of student presentations. Other students will be asked to comment, ask questions, or render opinions concerning the article and its implications for policing. The student presenting shall be critiqued regarding their clarity of presentation, the effectiveness of analysis, and the public speaking skills used to make the

presentation. If conducted as a class segment, the time will expand according to the number of students present.

The choice of an article is not as important as the student's efforts to analyze its contents and discuss its relevance with others. The instructor shall work to facilitate the student's work to dig deeply and assess how they might feel if they were the subject of force, a family member of the person against which force was applied, or a community member witnessing the incident. This is not done to hinder their learning, but to enhance their success when they are asked to perform these duties once in the field as a peace officer.

Activity Two

This will be a role play activity witnessed by the class, and they will then have to break into groups to discuss and evaluate the conduct of the peace officers involved. This activity will allow students to synthesize training on the appropriate use of force, and how to apply the concept of intervening with another peace officer when they are engaged in inappropriate actions.

The instructor will select a student to be their "partner" officer as they will take action to arrest someone for an outstanding warrant. Other students in the classroom will be community members who happen to be in the area where this arrest will take place. The person playing the arrestee will have to be advised of the nature of their role, and also the actions they will take within the activity. The instructor will be the primary officer, with the student acting as the secondary officer. The instructor will make contact, and subsequently advise the suspect if they are under arrest. The officer will attempt to handcuff the subject, which will be met with active resistance. The instructor will simulate either slapping the subject, grabbing the subject by the throat, or grabbing the subject's clothing roughly and calling the subject a derogatory term. If the student does nothing, the suspect will cease any resistance and allow the student to handcuff them, completing the role play.

Students will be broken into groups and be required to select a recorder and spokesperson. The groups will:

- Identify the appropriate and inappropriate actions taken by the peace officers
- Identify the intervention techniques used by the student, and also identify any options for intervention that would have been appropriate in this circumstance
- Evaluate the ethical dimensions of this incident

- Assess and analyze the community's possible reactions to witnessing such conduct on behalf of the police
- Consider this incident from the perspective of… (the public, a jury deciding this in court, the community, community activists, etc.)
- Consider this incident from the perspective of a supervisor. How do you justify this to… (the media, the Chief, the city council, etc.)

The instructor may also consider broaching the topic of fear and its impact on action, both in the need to use force against another and fear brought about due to action, or anxiety, over whether or not to intervene when another peace officer has gone too far (if not stopped).

Activity Three

This activity allows the student to gain knowledge regarding community perspectives of the use of force and will also provide a forum for students to practice public speaking skills in an environment of conflict.

The activity is a role play by students with the instructor facilitating the process of setting the stage and providing a safe environment for students to speak to others. Each student will be given an assigned topic (the topic may be given to them with a one-minute preparation period before taking their place at the front of the class) and be told they are speaking to a community meeting about recent use of force incidents in the city. Other students will play the role of community members and be encouraged to ask appropriate questions as the activity unfolds.

Depending on class size, it may not be possible to have each student take a turn as the peace officer. In those instances, ensure there is added emphasis on the debriefing portion of each activity to allow others to learn application techniques from the experiences of others.

In each instance, peace officers will be required to:

- Demonstrate the ability to speak clearly
- Respond in an appropriate manner to questions posed, even if asked in a rude or accusatory manner
- Apply their understanding of the relevant department policies and law
- Present their position in a manner that would not be seen as hostile or defensive by others
- Evaluate and synthesize questions asked to form appropriate follow-up answers

Possible topics to choose may be:

- Following the pursuit and apprehension of auto theft suspects where peace officers were seen on video striking one or more of the suspects with their batons (Why did they do it? Why didn't they just grab the suspect and handcuff him?)
- Following a peace officer-involved shooting involving five peace officers who fired more than 40 rounds at the suspect (Why so many rounds fired?)
- In the aftermath of an incident where peace officers used a taser and beanbag round (less lethal shotgun) to subdue a distraught mental patient who was threatening passers-by (Why couldn't the peace officers have talked to the subject longer before using force?)
- After a peace officer-involved shooting of a knife-wielding subject who was threatening the peace officer (Why couldn't the peace officer have just shot the knife out of their hand instead of shooting at their heart?)
- Following a foot pursuit where peace officers were seen kicking the unarmed suspect while they were taking them into custody (How come the peace officers treated that person like a dog?)
- On the heels of a peace officer-involved shooting where the peace officer shot a man who was waving a length of iron pipe at him (Why didn't the peace officer just keep backing up until enough other peace officers got there?)
- After an incident where a peace officer shot a driver who was driving their car at the peace officer, apparently intending to strike the peace officer (Can't you just step out of the way? It's only a driving infraction, isn't it?)

The instructor may also wish to use the facts of circumstances of some of the articles brought to class by students for activity one completed earlier or use recent events to create a suitable topic. The instructor will gauge discussion and guide questioning as needed. The instructor shall also gauge the body language and demeanor of the student during questioning and provide feedback.

Learning Domain 21: Patrol Techniques

Prerequisites:

The students shall either have been instructed in or had the opportunity to study the student workbook for the following LDs:

- LD 3: *Principled Policing in the Community*
- LD 21: *Patrol Techniques*

Introduction:

A learning activity is required as a component of instructional delivery in this LD. This LD introduces the student to the basic concept of one of the core functions of policing, that of patrolling the community. Students will learn they must be able to develop and sustain effective strategies and tactics on patrol to convey a sense of security to their constituents. This may include being aware of crime and traffic patterns, concerns of residents and business owners, and being able to interpret and apply the goals and objectives of their department in a manner that enhances the quality of life in their cities and counties. Students will also learn the ill-structured nature of field duties while on patrol creating an environment where peace officer safety will exist in balance with the mandate to protect others.

Students will readily see the broad spectrum of problems and issues they may confront while in contact with the public in uniform. They will understand the high standards to which they will be held by the department and the people they serve, and where they can find resources to assist them in that work.

Learning Outcomes:

At the conclusion of this training block and activities, the student will be able to:

- Comprehend and apply strategies to resolve various ethical dilemmas presented to them in a field environment
- Analyze community concerns and apply knowledge to mitigate problems present in their patrol beat

- Evaluate and balance the goals and objectives of the department with the desires of the community

Comprehensive Questions:

Facilitate the following questions for the below activities:

- How would the community at large react to what the peace officers did in this activity?
- What reaction would you most likely see from the chief and their command staff?
- Who are the stakeholders in this incident (who will be impacted by what was done?)
- Does the incident create any ethical issues? If so, how are those issues best resolved?
- What structure or process do you use in the field to assess and respond to problems in your beat or patrol area?
- What resources do you have as a peace officer to help you?
- What demeanor is most effective when dealing with a resident/ business owner who is upset with your department?
- How can you maintain a high level of performance despite influences on the contrary (like an undesirable shift or hours, working for a bad boss, working in an area that does not appreciate your work, working while the media bashes policing, etc.)?

Activities:

The activities listed herein may either be staged as role play activities or distributed to groups for independent work and discussion. Role play is more effective in stimulating visual learning that can then be reinforced by written work, verbal discussion, and follow-up dialogue to enhance and reinforce important learning points. The instructor's role is to facilitate the process of role play or other appropriate "stage setting" so students can focus on the content and issues of the problem presented.

The instructor may elect to choose one activity, have it acted out by selected class members, and then engage in group discussion and presentations. Alternately, the instructor may wish to have one group role play, and then choose another group to role play the same activity to allow for a discussion of the different choices made by the actors. For complex activities, the instructor may choose to repeat the process of using different

groups or more if the role play responses have significant differences or to run through the activity until one role play group performs in a manner that would be appropriate in a real-life setting.

For each activity, discuss the following:

- What did we see?
- What did they do well?
- What challenges did the peace officers face?

Break the class into groups. Have each group select a spokesperson and a recorder to document their choices and answers to questions. Give each group time to answer a set of questions and advise them they will present their answers to the class. The groups shall also be prepared to defend their choices and provide a rationale for their selected course of action.

Groups shall be assigned three to four questions for discussion or one question per group as an alternative. They will then present their findings to the class. Effective facilitation of this process may entail having each group present only one of their question areas while others critique and add insight. This avoids repeated-answer phenomena and enhances interest in the subsequent discussion.

Variation One

You are aware that a section of roadway on your beat has a high incidence of speeding resulting in a number of complaints by the public. You park in the driveway of a business adjacent to the street to work radar. After writing three citations for speed violations (returning to your parking spot each time), one of the tenants of the business approaches you and complains that your presence is scaring away customers and that it is unfair of you to be “hiding” to catch innocent citizens.

Variation Two

You are told by local residents that the local high school has problems (which you have seen) allowing students to walk off campus during breaks and lunchtime. In particular, some residents complain students congregate near the back gate to the school to smoke pot and drink. You have made previous arrests in that area and are frustrated that the kids seem to be flaunting their knowledge that you have a lot to do and can only get back there once every few days.

Variation Three

You are fairly new to the graveyard shift (eleven p.m. to the morning hours). Your shift has mostly senior peace officers, so you are excited to be out there amongst the experienced cops to do some “real” police work. After a few nights of making a lot of stops and a couple of quality arrests, two of your peers approach you and say that you need to “cool off” a little. They say that you are making them look bad and that they are losing sleep between 4:00 am and 6:00 am because you are on the radio too much. They advise you that it is “sleeping time” and that everyone agrees to stay off the radio so others can rest.

Variation Four

You are aware of a bar on your beat that has recurring problems on Friday and Saturday nights with patrons hanging around outside the bar on the public sidewalk making noise, drinking, leaving their glasses and bottles in the planters in the area, and engaging in other irritating behavior. Businesses in the area are closed in the evening hours, so you have received no complaints of this conduct at the time it was occurring. However, you responded to the bar for a shooting incident last week where a patron was shot in the leg during an argument in the bar that continued outside. You’d like to do something about this problem bar before it becomes worse.

Variation Five

You respond to a call of vandalism at a residence you know is the home of a rather well-known gang member. You arrive and see the gangster and his friends hanging around out front yelling at you as you get out of your car. You immediately call for backup and start considering officer safety issues due to their agitated state. The resident runs to your car and says that a couple of teens drove by a little while ago and began shouting racial epithets at them. The residents say they had been minding their own business, but shouted profanities back at the teens, who then quickly drove away. A few minutes later, the same car drove by, slowed down, and then one of the teens threw a fist-size rock at the resident’s car. The rock struck the rear window of the car, shattering it. Your backup arrives and tells everyone to “grab a piece” of the wall, whereupon he begins to pat search them. The resident complains that you are ignoring the crime, and only picking on them because of the way they look and dress.

Variation Six

Same activity as the one above; however, it continues: As you are trying to answer the resident's rather excited complaint, they shout and point to a passing car, saying, “There they are. Those are the jerks who did this to my car!” You run to your patrol car, broadcast the vehicle’s description, and give chase. You stop the car a short distance away without incident and take the three subjects into temporary custody. As the subjects are identified, you can smell the odor of alcohol on their breath. You also realize that one of the teens is the son of the City Manager, who is your Chief’s boss. The City Manager’s son is eighteen, while one of his passengers is only 16 years old.

Variation Seven

You are working uniform patrol when you see a car roll through a residential stop sign near an elementary school at approximately five to ten miles per hour. There is no cross traffic, and the conditions are clear. You make a traffic stop, and the driver quickly begins to complain that there was no danger, that he lives in the area, that he pays your salary, and that his neighborhood has experienced a number of break-ins, and why aren’t you out catching real criminals instead of picking on him?

Variation Eight

Same activity as above; change the identity of the driver to an off-duty firefighter from a neighboring town. Does the identity of the driver change your actions? Do you cite everyone you stop? If so, why? If not, why not?

The instructor will work to ensure students gain an understanding of the ambiguous and changing nature of patrol work, and the need for effective field policing as a core function of protecting the community. Some activities lead to work to develop knowledge and skills in problem-solving, while others present dilemmas with an ethical dimension. In either case, the instructor shall use the setting to present SARA or another problem-solving model for beat problem and allow the students to work to create a structure within which they can make decisions that are both ethical and effective in problems of that nature.

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Learning Domain 22: Vehicle Pullovers

Prerequisites:

The students shall either have been instructed in or had the opportunity to study the student workbook for the following LDs:

- LD 1: *Leadership, Professionalism & Ethics*
- LD 3: *Principled Policing in the Community*
- LD 16: *Search and Seizure*
- LD 21: *Patrol Techniques*
- LD 22: *Vehicle Operations*
- LD 36: *Information Systems*
- LD 42: *Cultural Diversity/Discrimination*

Introduction:

A learning activity is required as a component of instructional delivery in this LD. This LD introduces the student to the competencies necessary to perform one of the most prevalent actions engaged in by peace officers in the community, that of stopping vehicles in traffic. Peace officers stop moving vehicles on public and private streets for a variety of reasons. The reasons may range from a minor traffic violation or vehicle equipment malfunction to a high-risk stop of persons suspected of being involved in a violent felony. In any case, stopping and approaching a vehicle is one of the most ambiguous and potentially risky activities a peace officer can undertake. “Routine” stops can turn into the discovery of a crime in progress, and a vehicle stopped because it matches the description of a wanted felon may, in fact, contain an innocent person who has the misfortune of being in the wrong place at the wrong time. In any case, police professionals must exercise appropriate peace officer safety measures while at the same time recognizing the vast majority of persons they stop are generally law-abiding and supportive of the police mission.

Learning Outcomes:

At the conclusion of these learning activities, the student will be able to:

- Apply appropriate tactical communications techniques to defuse conflict during traffic stops

- Identify and apply effective officer safety tactics during the pullover and approach to the subject vehicle and continue to display effective officer safety tactics until the termination of the contact
- Distinguish and apply appropriate ethical decision-making skills when confronted with a dilemma in the ethical dimension

Activities:

The activity options for the instructor include one assignment and nine in-class activities from which the instructor can select (or use as a foundation for activities better suited to their facilitation efforts).

Activity One

Students may be assigned to independently research and locate a recent event where a traffic stop by the police resulted in a violent encounter or a significant complaint regarding the conduct of the peace officers involved. The student may research news articles, those from magazines, or any source on the internet. They shall be tasked to print the article, and then write a short memo articulating:

- How the incident impacts the policing profession
- How the incident might affect the department involved, and how it would affect their department as a result of the incident being brought into the public domain
- What other options the peace officers involved might have taken or considered to produce a different outcome (emphasize to the students that you are not asking them to second-guess, but to learn from the conduct of others)
- What ethical issues or problems are relevant to the incident

Optionally, the student will author a letter in the role of that agency's chief or sheriff responding to a letter of complaint about the incident.

Each student will take turns to present their incident and their findings. Other students will work with the student to identify any issues the student did not consider and add insight or questions to enhance the class's understanding of the incident. The presentations may be completed in one setting or as introductions and endings to content blocks in this subject area. Selected student leaders shall facilitate the presentation process. In the alternative of beginning-ending presentations, two to three students per session will present their incidents. This provides the instructor an

opportunity to have each student speak in public, display their ability to form and defend decisions about their perspectives and respond to the questions of others.

Activity Two

As noted previously, the instructor may wish to conduct simulated vehicle pullovers in a controlled environment or have student learning groups present activities they developed to exemplify assigned concept areas. The pullovers may range from the mundane to the overtly threatening, with an overarching focus by the instructor to ensure all students present (both actors and those watching) can transfer and apply learning to real-life encounters. Options for activity variations are:

Variation One

A peace officer conducts a traffic stop on a suspected drunk driver. The subject vehicle was speeding and weaving within its lane of travel. The peace officer approaches the car and can smell the odor of alcohol on the driver's breath. The traffic stop takes place in a fairly crowded parking lot, and several citizens are standing in the area watching the contact. As the peace officer receives identification from the driver, he is handed a police identification card reflecting that the driver is an off-duty peace officer from a neighboring jurisdiction.

Variation Two

Same setting as the first activity, except the driver identifies himself as a vice detective from the neighboring jurisdiction who is on duty and meeting a confidential informant on an important case. The detective tells the peace officer he has been sitting in a bar with the informant and their prime suspect for the past three hours, and that he was drinking to sustain his cover as a criminal confederate.

Variation Three

A peace officer conducts a traffic stop on a vehicle that the peace officer has been advised by dispatch is a stolen car when he ran the license plates. The vehicle is occupied by two male Hispanics, who are taken into custody and placed in the rear seat of the patrol car without incident. The subjects are complaining loudly that the peace officer stopped them only

because of their color, and their shouting has drawn a crowd. The peace officer is in the midst of searching the suspect vehicle when dispatch advises the wrong plate was run in CLETS, and that the vehicle was not, in fact, a stolen car.

Variation Four

A peace officer sees a car stopped in a traffic lane, with one person pushing it from the rear while another is apparently steering it. The peace officer stops to render aid, and the subjects seem surprised and a bit taken back at the peace officer's presence. The subjects thank the peace officer for his offer of help but say they just want to push the car to the side of the road and call a tow truck. If the peace officer leaves, allow them to do so. If they do not leave, they may or may not see a firearm on the right rear passenger seat. Closer examination will allow the peace officer to see the firearm.

Variation Five

A peace officer conducts a traffic stop on a vehicle that went through an intersection about a second after the traffic signal phased to red. The peace officer contacts the female driver, who quickly tells the peace officer she is late to meet her boyfriend for lunch, and that her boyfriend is one of the peace officer's peers. The peace officer recognizes the name of the "boyfriend" given by the driver.

Variation Six

The peace officer receives a radio dispatch of a suspect and vehicle wanted in a burglary in the neighboring city. Shortly thereafter, the peace officer sees a car that might match the description. The suspect vehicle was described as a tan Chevrolet, and the car under observation by the peace officer is a gold/brown Oldsmobile. The suspect was described as an African American male in his 30s, and the peace officer can see the driver is a male, but little more because of the sun's glare on the car's windshield. Should the car be stopped, or will this diversion prevent the peace officer from watching for a car that matches the suspect's description more closely? If the car is stopped, should it be a high-risk stop, and how should the contact with the driver be made?

Variation Seven

A peace officer stops a vehicle during the daylight morning hours that is driving very slowly. The peace officer is concerned the driver is lost and may need help. As the peace officer approaches the vehicle, he sees a lone female driver. The peace officer asks for identification, and she says that she is driving her boyfriend's car and that she left her ID at his apartment. The peace officer can see a closed purse on the rear floorboard of the car. The peace officer is given the vehicle's registration (if asked for), but no other ID from the driver.

Variation Eight

A peace officer is in their patrol car at a red traffic signal. As the light turns green, they sense something is wrong and stop prior to entering the intersection. Moments later, a vehicle from the cross-traffic enters the signal under the fresh red light and proceeds through the intersection. The peace officer realizes if they hadn't stopped suddenly, they would have been struck by the other car and have been involved in a serious traffic collision due to the speeds on this roadway. The peace officer pursues the vehicle and stops it without incident. (The issues are whether or not to cite a vehicle that violated only the peace officer's right of way; the options are to have a belligerent driver who accuses the peace officer of doing just that.)

Variation Nine

Same activity as Variation Eight; however, the driver is a female in her 80s who is quite pleasant, and who tells the peace officer how much she appreciates the police for keeping her safe all these years. The driver continues by telling the peace officer her husband passed away earlier in the year and that without her car she would be isolated and cut off from her friends.

Comprehensive Questions:

As noted in this activity's instructor material, there are a number of areas where the student's active learning during role plays may be used to reinforce critical skills. Some of these areas may be suitable for follow-up assignments by students, such as:

- Describing the process a peace officer shall use to arrive at a decision on how to act in incidents with an ethical dimension and how they make decisions that are both ethical and effective
- The five-step or eight-step process of tactical communications in public contacts where conflict emerges
- The policy or procedure for high-risk traffic stops, including logistical considerations such as the number of peace officers necessary to conduct the stop, selecting a location for the stop, and taking the suspects into custody safely
- How the community views the traffic enforcement function of the police, and how peace officers might explain to a community group why they write citations

In class, the focus of the debriefing by student facilitators is to:

- Discuss and critique the actions of the peace officer in the pullover and resolution of their incident
- Form suggestions for alternate courses of action if appropriate
- Discuss the ethical dilemmas present in some activities and how best to resolve them
- Discuss what, if anything, to tell a driver who objects to your efforts to enforce vehicle laws or conduct a criminal investigation (What do you say at the termination of a stop where a subject was mistakenly identified as being involved in criminal activity?)

The debriefing may be completed as a class exercise, or in learning groups for discussion, and then reported back to the class.

As with the other psychomotor skills (firearms, defensive tactics, emergency driving), students will often come to the learning environment with a layperson's understanding and motivation to learn skills they see as being "what cops do" in their duties. This motivation is useful to gain the student's attention and ensure they complete the work necessary to acquire the requisite skills of vehicle pullovers but also presents potential obstacles due to the student's possibly mistaken assumptions of what they see on television and in the movies as appropriate actions in these situations.

During the instruction and learning activities, the instructor shall give attention to the "unlearning" process of the misperceptions regarding how peace officers use their patrol vehicles as well as the core training on desired techniques to safely complete a vehicle pullover in a real-world setting.

Learning Domain 23: Crimes in Progress

Prerequisites:

The students shall either have been instructed in or had the opportunity to study the student workbook for the following LDs:

- LD 1: *Leadership, Professionalism & Ethics*
- LD 3: *Principled Policing in the Community*
- LD 23: *Crimes in Progress*

Introduction:

A learning activity is required as a component of instructional delivery in this LD. LD 23 introduces the student to the peace officer's role and responsibilities in their response to crimes in progress. Primary considerations when instructing in this content area are:

- The safety of the peace officer and others during a response to a crime in progress
- Tactical considerations during the approach to the scene as well as during the investigation of the incident requiring a police response
- The planning and execution of specific tactics for approach, arrival, and searching at crime in progress
- Special considerations in high-threat incidents such as reports of shots fired, unknown problems, suspicious persons, burglaries, robberies, and similar incidents

Students will learn that planning and patience are critical to achieving safe and successful outcomes in these incidents. Many calls will, in fact, be different once on the scene than as reported by a third party. Some will be far less critical than first reported, either due to misperceptions by a victim or witness or due to a perception that a more serious incident would receive more prompt attention from the police. Peace officers shall remain mindful of not becoming lax or complacent in their response to calls, no matter how many times they may have been dispatched to similar false calls in the past.

Alertness, critical decision-making, and sound tactics will keep the peace officer alive in threshold incidents and serve as the ultimate goal of protecting life and property.

A related concept area in this LD is the safe response to crimes in progress. The public is normally not aware of the intent of a peace officer driving expediently towards a crime in progress, and occasions of community dissatisfaction or peace officer-involved traffic collisions recur throughout the state. Reckless, rushed, or thoughtless conduct by peace officers endangers the innocent and the peace officer and often impedes the police response to the original crime to which they have been summoned.

Subsequent to the completion of their investigation, peace officers shall be mindful of the natural curiosity of neighbors and others in the vicinity of the crime. Effective relations with the community can be enhanced when peace officers address the anxiety or concern of those not involved in the incident, especially if they were amongst those who reported the crime initially. Talking with victims, witnesses, and others at the conclusion of the police investigation (or on a later date to check the status of those present) exemplifies the commitment of the organization to the welfare of those they serve.

Learning Outcomes:

At the conclusion of these learning activities, the student will be able to:

- Demonstrate how they can assess an incident and respond appropriately from amongst the options available to a crime in progress
- Identify the risks associated with responding to a crime in progress, including pre-incident planning, scene response and management, and the appropriate use of officer safety tactics
- Evaluate and act appropriately when presented with situations with ethical conflicts

Activities:

Activity One

Break the students into cooperative learning groups. Have them discuss the following questions, and then write out their responses on the board. The groups will report their thoughts to the class under the facilitation of a selected student leader.

Self-confidence and mental preparation can be critical to a peace officer's survival in a crisis or emergency situation. What factors influence your self-confidence in these times? What steps can a peace officer take to enhance their self-confidence when responding to a report of a serious crime in progress?

A peace officer's ability to overcome risks associated with responding to a crime in progress depends on their safety and survival skills. Students will discuss and list three steps they can take to improve their officer safety readiness and two obstacles that could impede a peace officer's readiness

The student(s) will be required to:

- Discuss and evaluate the questions and answer each question based on their academy training and personal experience
- Select a spokesperson to present the group findings and be prepared to justify the answers to the class
- Support their spokesperson if they are asked follow-up questions by other students or instructors

If desired, the students may be instructed to come to a class consensus regarding the top three to five steps to enhance one's self-confidence, three to five ways to improve their officer safety readiness, and three to five obstacles in that effort.

Activity Two

A selected student leader will brief the following activity:

> "You are enroute to a call when another peace officer in your area puts out a call of shots fired. The peace officer reports that they have been hit and that they require medical attention. When you arrive on the scene, you see the peace officer has an apparently minor injury, and the suspect is lying on the ground nearby. The suspect is still alive and is lying handcuffed on the ground nearby. You take the suspect and place them in the back seat of your patrol car. Before you can enter your car, your supervisor quietly pulls you aside and tells you they expect you to give the suspect an "attitude adjustment" on the way back to the station."

Students will work individually to answer the following questions, and then work in learning groups to come to a consensus on the nature of the supervisor's comments and their options for action. The questions are:

- What do you think the supervisor is trying to tell you?
- What are your options for action?
- What do you think society would expect you to do?
- What are the risks and rewards of each choice?

If the student groups come to the conclusion that they shall report the discussion to another supervisor or manager, an option for further work would be for one of them to act in the role of the peace officer while another student acts as the manager to whom this incident has been reported. The instructor shall manage this role play and encourage students to look for the core issues in this incident, as well as to assess management's responsibility to respond when aware of misconduct.

Activity Three

Students will role play a meeting between a peace officer and persons who have recently been victims of property crimes in a neighborhood. The peace officer shall be prepared to respond to questions concerning police priorities, neighbor complaints about feeling unsafe, and other related issues. Students playing the role of neighbors shall ask questions they think community members might ask in a meeting of this type. In larger classes, students can take turns in multiple activities (changing the crime type if desired) or watch the role play and comment at its conclusion regarding what they saw, and what other options the "peace officer" may have had in their response to questions.

Optional Assignment:

Students would be assigned to complete a short article for publication in the community's local newspaper. The topic of the article is why the police drive so fast in residential neighborhoods, and why they don't use their emergency lights and siren all the time when in response to felony calls for service. The instructor may consider posting the assignment for students to review informally or allow students to engage in a learning activity where they share and compare their articles with one another.

If used as a learning activity, there are several options:

- Working with a partner to share
- If in groups, they shall come to a consensus regarding why the police drive fast on occasion, and why they may or may not use their emergency equipment when responding to crimes in progress

- Working as a class under the facilitation of a student leader to come to a consensus about the same issue, and also why the community would be concerned with these actions by the police

This activity may be facilitated in concert with the academy's LD 18 staff as a means of providing a level of relevance to students in this topic area. In this protocol, written work is cooperatively assessed by the lead instructor in this LD as well as LD 18 staff.

The response to crimes in progress is a function of peace officers where students entering the learning environment may come in with the strongest pre-perceptions of "how the police act" due to the pervasive depictions of the police in media and film. Training shall strive to dispel common myths in this area, as well as ensure students understand and can apply appropriate officer safety protocols in their response and arrival at the scene of a crime in progress. Students shall be mindful that their acts are commonly being viewed by members of the public, and that their conduct will be scrutinized by others who often may have similar misperceptions regarding the propriety of police conduct.

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Learning Domain 24: Handling Disputes/Crowd Control

Prerequisites:

The students shall either have been instructed in or had the opportunity to study the student workbook for the following LDs:

- LD 1: *Leadership, Professionalism & Ethics*
- LD 3: *Principled Policing in the Community*
- LD 20: *Use of Force/Deescalation*
- LD 24: *Handling Disputes/Crowd Control*
- LD 33: *Arrest and Control*

Introduction:

LD 24 introduces the student to a peace officer's responsibilities when handling disputes as well as the skills needed for diffusing, mediating, and resolving disputes in a safe manner. Specific crimes associated with landlord-tenant disputes, repossessions, and labor disputes are also covered. This LD introduces the student to crowd dynamics and techniques for crowd management and control.

All communities have crowds gathering at one time or another. People gather in groups for festive celebrations, for marches and parades, for picketing and protesting, to watch an unusual incident, in mourning, and for political or seasonal rallies or events. Crowds come with differing personalities, sometimes generated by the emotionalism of a particular event or locale. They can be passive, angry, or joyous and they can, at times, get out of control.

The United States Constitution guarantees the right to lawful assembly. Peace officers are obliged to maintain a professional demeanor and an appearance of neutrality. Peace officers must safeguard the participants' First Amendment rights to freedom of speech and peaceful assembly.

Peace officers may exercise a leadership role in the community during times of protest or disputes. In private disputes, they often provide an objective perspective to help others through times of stress. In public gatherings, their presence helps others exercise their rights without trampling on the rights of others. Working with other peace officers and supervisors to resolve disputes or manage crowd issues are essential components of a peace officer's role in crowd control.

Peace officers are required to make decisions based on facts and not allow personal opinions to affect their decisions. Peace officers may face pressure to handle certain demonstrators differently than others. They may also face pressure to not arrest certain protesters because of agreement with the goals of the protest. Peace officers must take a leadership role and handle each situation the same way regardless of outside opinions or influences.

Learning Outcomes:

At the conclusion of these learning activities, the student will be able to:

- State in their own words the possible ethical dilemmas they might face during a demonstration
- Identify the function of the police at assemblies and reasons for staying neutral while engaged in these duties
- Choose the most appropriate courses of conduct when confronted by an antagonist or antagonistic circumstance

Activities:

Activity One

Have the students discuss the following activity:

> "A peace officer was involved in a controversial shooting of a member of a community, which resulted in their prosecution and the filing of a lawsuit. As a result, a group of individuals have gathered at the local courthouse to protest the prosecution and related criminal and civil actions. A second group has gathered across the street to counter-demonstrate against the shooting and a pattern of police abuse, and they are taunting the peace officers deployed at the scene. The security officers for the courthouse demanded the first group be removed from the entrance to the courthouse and arrested. Coincidentally, you notice several off-duty peace officers in that crowd. A dispersal order is announced to the crowd at the courthouse by a supervisor; however, they refuse to leave and handcuff themselves together. The crowd across the street cheers as the dispersal order is given."

Divide the class into groups and facilitate discussions of the activity. Have one student from each group provide a response to the class.

- Why must peace officers stay neutral and not take sides in a demonstration?
- If you were the sergeant on the scene, what next steps would you take?
- How can personal opinions and feelings interfere in the successful handling of a protest?
- What happens if a confrontation between you and a demonstrator gets out of hand?
- What are the ethical issues regarding taunting and law enforcement response?

Groups may be given one question only, or all or part of the questions as dictated by class size. Groups shall report on their consensus findings under the facilitation of a selected student leader or leadership team. Follow-up questions for group or class consideration would be centering on the possible arrest of other policing professionals, balancing the interests of both protesting groups and issues related to unusual incidents.

Activity Two

This activity may be read by students or assigned as a role play by a student group to teach others. The activity is:

> "You observe your partner handle a landlord/tenant dispute. Your partner is ignoring the tenant's side of the story and taking sides with the landlord causing the situation to escalate. In order to deescalate and resolve the situation, you consider taking over the call to resolve it."

At the conclusion of the activities, selected student facilitators shall debrief the activity with the students. The following ideas may be discussed:

- How does this situation affect me?
- What impact does this have on the community?
- What are the ethical decisions involved in these activities?
- What would be the most appropriate means to resolve this call?

Optional Assignment:

Assign students to write a two-page memorandum regarding the importance of remaining objective at the scene of disputes. Students shall assess the issues common to many disputes and an assessment of options and techniques to apply when necessary. This activity may be administered with the cooperation of the LD 18 instructor as a means of reinforcing the need for effective written skills across the LD of the academy.

Learning Domain 25: Domestic Violence

Prerequisites:

The students shall either have been instructed in or had the opportunity to study the student workbook for the following LDs:

- LD 1: *Leadership, Professionalism & Ethics*
- LD 3: *Principled Policing in the Community*
- LD 5: *Introduction to Criminal Law*
- LD 15: *Laws of Arrest*
- LD 25: *Domestic Violence*

Introduction:

A learning activity is required as a component of instructional delivery in this LD. Instruction in the response and investigation into incidents of possible domestic violence will impart an understanding of this crime as well as Penal Code sections specific to it. Students will learn about violent behavior in the home, relevant legal definitions and terminology, a peace officer's obligations, and responsibilities during a domestic violence response, reporting requirements, services available to victims, and the court's function to issue orders in compliance with the law. Students will also learn about the dynamics of stalking, often a crime related to domestic violence or other crimes involving people in relationships.

In a domestic violence incident, the immediate safety of the victim and children is the primary concern of the peace officer. After safety is ensured, it is the responsibility of the peace officer to:

- Conduct a thorough investigation and documentation of the incident to assist in a successful prosecution
- Use effective communication techniques to demonstrate neutrality transparency, trustworthiness, and respect for all individuals involved
- Take steps to mitigate the potential for subsequent incidents of violence
- Provide referrals to victims to strive for a long-term solution

Victims of domestic violence require significant support to allow them to consider their options and long-term well-being and to allow others in the

professional community to assist them through that process. Peace officers are the first link in the chain of the professional community to intervene, stabilize, and then refer the victim and witness children to available services. Peace officers shall ensure they express an appropriate level of empathy for victims and those involved, and that their actions do not inadvertently convey a sense of disdain or disinterest for the plight of the victim for living with their abuser.

There are many potential partners working to reduce domestic violence. Some of these are court advocates, prosecutors, clergy, and organizations dedicated to the protection of victims of domestic violence. Since abuse is often cyclic, response models that seek to solve problems (rather than merely deal with the incident in isolation as a crime report and nothing more) are usually more successful in eliminating subsequent criminal conduct than by any other means. Progressive policing agencies also work to counsel victims and children in abusive homes (to break the cycle of violence and to prevent domestic violence incidents through partnerships with social service agencies who conduct in-home visitation and intervention in households at the threshold of domestic violence.

Peace officers have the responsibility to intervene in incidents of suspected domestic violence and resolving them in conformance with applicable law and local policy. Students shall be aware of the officer safety challenges present in situations where persons in an intimate relationship are involved in a domestic violence incident, and also of the reluctance of some victims to pursue prosecution due to their fear of retribution or loss of that relationship. Peace officers shall also be aware of the resources in their local community, and forms that have been prepared by their agency and area social service organizations.

Learning Outcomes:

At the conclusion of these learning activities, the student will be able to:

- Demonstrate an understanding of the laws related to domestic violence
- Assess options for referral and resolution of domestic violence incidents in conformance with law and applicable policy
- Evaluate the differences amongst victim reactions to domestic violence, including embarrassment, denial of victimization, and similar actions, then respond appropriately in given facts

Activities:

Activity One

The following activity will be distributed to learning groups:

> "You are a patrol officer and are assigned to a call of a possible assault at a residence. Upon arrival, you notice it is apparently quiet inside the house, so you knock on the door. An individual answers, and it appears they have an injury on their right cheek from being slapped. They are obviously upset but tell you everything is all right, and that you cannot come into the residence. They say their spouse is inside, and that they had a disagreement which has been resolved. They ask you to leave so they can go to bed and get some sleep."

Groups will discuss the following questions and come to a consensus about their options and obligations:

- Does this activity cause them to think there are enough facts necessary to force entry into the house?
- What should the peace officer do?
- What liability might the peace officer face if they make an incorrect decision?
- What are the peace officer's obligations?

Activity Two

Select student volunteers to role play the following activity. Select other students to act as peace officers responding to the activity:

> "A neighbor has reported screaming and yelling next door. Peace officers arrive and are met by a male adult who has a visible laceration on one shin with substantial bleeding. Their spouse enters the room, and peace officers see the spouse appears uninjured. He tells the peace officers (when prompted) that he was chasing his spouse through the house during an argument. He said he was afraid of them, and that he tipped over a stereo speaker to slow them down, which caused the injury. After he was injured by the speaker, they both stopped arguing and comforted each other. They don't want law enforcement in their home."

Students will work in learning groups to discuss:

- What they saw and what it means
- Whether or not a crime had occurred
- If a crime occurred, who should be arrested?
- What you would tell the reporting party if asked
- What steps the peace officer should use to come to the most appropriate decision and actions

Groups will present their consensus findings to the larger class under the facilitation of a student leader. Issues for follow-up questions may be:

- How do legal mandates make your job easier? How do they make it harder?
- Ethics and integrity can play a role; discuss how it might affect a peace officer in domestic violence incidents
- How does domestic violence affect the community?
- How does a peace officer's actions affect the relationship between the community and its police?

Activity Three

Use one of the listed activities as a foundation or create one where a domestic violence incident has occurred and peace officers are required to issue an emergency protective order (EPO) in compliance with the law. Students will work in groups; one group member will be the peace officer while a peer acts as the victim. The peace officer will complete the form, and then approach the instructor, who will act as the on-duty judge. The peace officer will present the facts of the incident and seek approval for the EPO.

The learning activity can be completed one group at a time, or groups can simultaneously complete their application for EPO, and then contact the "judge" one at a time while others witness the conversation.

Class discussion shall ensue once all peace officers have completed their applications for EPOs or witnessed that activity by others. The instructor shall discuss their impression of student performance and issues related to the application and issuance of EPOs.

This activity can be incorporated into the work of other related activities or staged as a stand-alone or in conjunction with other activities.

Activity Four

This activity may be conducted as a class research/teaching exercise. Students may be assigned individually or in groups to research "Stalking" and be prepared to teach a short segment to the class. Directions are:

> The crime of stalking is noted in the media most prominently when a celebrity is harassed by an overzealous fan or other person obsessed with them. In fact, issues of persons stalking others may occur in any community, and to persons for reasons of love, jealousy, financial reasons, or due to the mental state of the stalker for reasons not readily apparent to others. Take time (individually or as a small group) to prepare a brief training segment:
>
> - The crime and its elements
> - Reasons persons might be stalked
> - How the court process may help persons being stalked
> - What services are available to help those in stalking situations
> - Options for police response to reports of stalking

Students may be selected for their training segment, which can encompass one or more of the theme areas. It may be beneficial for students to take portions of the training, and then to lead questions and answers for the class.

Optional Assignment:

Students may obtain a set of forms used by a law enforcement agency in domestic violence incidents. If possible, students shall ask to talk with a peace officer about how the forms are used, and any issues related to their use that are relevant to the student's learning experience. Students shall bring the forms to class for subsequent sessions. The forms may be posted, or students may be assigned to report on their findings. This assignment moves the student from the class environment to the real world, allows them to see and read forms in use in their area, and gives them a chance to discuss the subject with a field practitioner.

If a report is written, this activity may be facilitated in concert with the academy's LD 18 staff as a means of providing a level of relevance to students in this topic area. In this protocol, written work is cooperatively assessed by the lead instructor in this LD as well as LD 18 staff.

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Learning Domain 26: Critical Incidents

Prerequisites:

The students shall either have been instructed in or had the opportunity to study the student workbook for the following LDs:

- LD 1: *Leadership, Professionalism & Ethics*
- LD 3: *Principled Policing in the Community*
- LD 26: *Critical Incidents*

Introduction:

LD 26 introduces the student to the roles and responsibilities of peace officers responding to unusual occurrences. Students learn about the need to identify the situation and respond rapidly, safely, and effectively. This LD also covers specific incidents and the risks they present, including fires and explosions, aircraft crashes, electrical power outages, hazardous road conditions, traffic device malfunctions, gas leaks, floods, animal control problems, and earthquakes.

An unusual occurrence happens infrequently; is large in scale; involves potential property damage, injury, or death; requires a multi-dimensional response; and has a devastating impact on the community. Two key leadership components of any unusual occurrence are incident command and teamwork. Active learning opportunities are the best way to learn how police, fire, emergency services, medical, and other government entities cooperate to resolve incidents requiring their combined work.

An unusual occurrence is often chaotic. The primary nature of the police's role is to respond to the event, prevent harm, and return the community to peace and tranquility. A dilemma can emerge when personal and family concerns conflict with organizational and community needs.

Learning Outcomes:

At the end of these learning activities, the student will be able to:

- Demonstrate an understanding of the conflict between personal needs and professional obligations in unusual occurrences

- Analyze the competing needs of members of the community and apply appropriate policy, legal, and Incident Command considerations to resolve those needs

Activities:

The following activities may be staged individually, or learning groups of students may be assigned to research and present their findings on events separately. You may elect to provide training or direct students to Incident Command resources as a part of their preparation. Options for presentation are:

- Assigned roles in an Incident Command System (ICS) simulation in the given activity. The instructor may add factors for group work as the activity unfolds, or have student leaders facilitate discussion and dialogue with the class at the conclusion of any learning activity
- An assigned learning activity or similar training block created and delivered by students to their peers
- Research to locate an activity consistent with the assigned theme, then a learning activity to assess the actual performance of those involved
- Concept presentations by student groups, including the setting of the problem, options for resolution, resources needed to resolve the incident at hand and specific actions they would take to accomplish their desired outcomes

Groups could work simultaneously on one of the listed problems, then conduct their training in a serial fashion in the class setting.

Activity One

This activity is designed to identify law enforcement first responder roles and responsibilities associated with responding to a critical incident.

The facilitator will present the following activity:

> "You are a peace officer in a suburban community. In the early afternoon, your region experiences a significant earthquake that is initially estimated at 6.8 on the Richter scale. Your community loses power in a number of areas, cell sites are jammed, which limits any mobile phone contact. There are multiple people injured

asking for your help and multiple buildings that appear to be unstable."

The facilitator can assign student groups or facilitate dialogue regarding a peace officer's responsibility to:

- Identify law enforcement first responder roles and responsibilities associated with responding to a critical incident
- Identify the features of the Incident Command System (ICS)
- Identify the components of the State of California Standardized Emergency Management System (SEMS)
- Identify the components of the National Incident Management System (NIMS)

Activity Two

It is the holiday season, and you are working the night shift. Significant rainfall has been forecast, and the fact that rain has been sparse for months means drainage lines are probably clogged with debris. Shortly after you start your shift, it begins to rain heavily. It is a Friday night, and a good number of your peers are planning to leave on vacation that weekend. Within hours, flooding is reported on many residential streets and in some intersections. Shortly thereafter, reports of flooding in a senior housing complex are reported. The parking lots are not passable, although homes have yet to be broached by the rising water.

The facilitator can assign student groups or facilitate dialogue regarding a peace officer's responsibility to:

- Identify law enforcement first responder roles and responsibilities associated with responding to a critical incident
- Identify the features of the Incident Command System (ICS)
- Identify the components of the State of California Standardized Emergency Management System (SEMS)
- Identify the components of the National Incident Management System (NIMS)

Activity Three

This activity is designed to identify the responsibilities of the first responding peace officer on the scene of a critical incident.

The facilitator will present the following activity:

> "You are a peace officer on patrol when a person flags you down and makes you aware of a large fire burning a short distance away, in a canyon area adjacent to a large residential community. It is October and high winds have been forecasted for the entire week. While responding to the area of the fire, you see a large plume of smoke rising from the canyon area described by the reporting party.
>
> When you arrive on the scene of the residential community, you can see a large fire line, which is approximately two miles away. The wind is blowing in your direction at approximately 40 mph. You can see two homes on one end of the fire line are fully engulfed."

The facilitator can assign student groups or facilitate dialogue regarding a peace officer's responsibility to:

- Locate the hazard
- Isolate the threat or hazard (set a perimeter)
- Evacuating or sheltering persons in immediate danger
- Assuming or activating the incident command system

The facilitator can further work with the student groups or facilitate dialogue regarding a peace officer's responsibility to communicate to dispatch the following:

- Location of the incident
- Type of premises or vehicle involved (if applicable)
- Size and perimeter of the area involved
- Weather conditions
- Name of hazardous materials, if known (or applicable)
- Information about placards, ID numbers, warning signs, etc. (if applicable)
- Safe entry and exit routes to and from the scene
- EMS, if appropriate
- Location of command post

Optional Assignment:

Students will be assigned to meet and discuss plans for a natural disaster response with their families. Students shall share with their families what their roles and responsibilities as a peace officer will be in case of such an event. If desired, students will complete a home emergency action plan and share their plans with other students as a means of enhancing group understanding of the potential personal and community impact of unusual occurrences.

Resources:

- Incident Command resources
- Cal OES: www.caloes.ca.gov
- FEMA: www.fema.gov
- Department of Homeland Security: www.dhs.gov

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Learning Domain 27: Missing Persons

Prerequisites:

The students shall either have been instructed in or had the opportunity to study the student workbook for the following LDs:

- LD 1: *Leadership, Professionalism & Ethics*
- LD 3: *Principled Policing in the Community*
- LD 4: *Victimology/Crisis Intervention*
- LD 27: *Missing Persons*
- LD 30: *Crime Scenes, Evidence, and Forensics*

Introduction:

Locating missing persons can be one of the greatest services law enforcement can provide to the community. It is imperative students understand the importance of this service and recognize how responsive and professional behavior will enhance the impact of their work.

Conducting a thorough investigation requires attention to detail, commitment, and effective communication. In the case of missing persons, these skills are the foundation from which a peace officer will also be able to give comfort to the family and loved ones of a missing person at a time when they may feel most vulnerable.

Whereas in previous years, missing persons calls were not normally given prompt attention, history has shown the best way to resolve incidents of this type is to respond quickly, investigate the report thoroughly, and take every reasonable step to locate the reported missing person as expeditiously as possible. In cases where the report seems lacking, or where the reported missing person is an adult with no facts indicating there may be foul play, it is also important not to let a lack of facts or personal impressions slow the speed or depth of the police investigation. In cases involving children, someone at risk, or where the circumstances of the disappearance seem suspicious, the initial information shall lead the peace officer to establish whether or not a crime occurred and what resources are needed for the investigation.

A missing loved one is a traumatic experience for the family, even if the disappearance is short-lived. Peace officers play an important role in missing persons cases. They are the first responders and often are the key

to helping locate the person. They are also a significant source of comfort for community members who are suffering during the investigation into the disappearance. As in many situations where peace officers are called upon to help community members in a crisis, sensitivity and compassion are important. Professional policing is about both action and compassion.

Missing persons calls inevitably have unique characteristics, even amongst those where the person reported missing is similar in age or background to calls handled by the same peace officer in previous instances. Persons reported missing are often found unharmed and no crime has occurred. Miscommunication amongst family members, domestic disputes, distractions, and parent-teen conflict can all be reasons why someone might be reported missing. In some instances, however, there are indications of criminal activity or the age or capability of the reported missing person indicates they would not be safe until reunited with family or a caregiver.

In all instances, the police have an obligation to investigate the report thoroughly and to resolve the call by discerning the true nature of the incident and appropriately reuniting the person with their loved ones. In cases where children, dependent adults, or others more vulnerable to harm are reported missing, the police have an obligation to use any and all resources available to attempt to locate the missing person. Officers must also consider what may and may not be a crime scene, and to consider what steps might be necessary to discern a concerned party from a possible suspect of an unreported crime. The investigation of missing persons requires empathy and responsiveness while also requiring the peace officer to be diligent regarding the full extent of their legal obligations.

Learning Outcomes:

At the conclusion of these learning activities, the student will be able to:

- Demonstrate an understanding of the professional behaviors and obligations in missing persons cases
- Display skills and behaviors such as commitment, public trust, compassion, and professionalism when investigating a person reported missing
- Evaluate and select a course of action that appropriately uses resources associated with the missing person investigation
- Identify the available resources in the community and the department when conducting a missing person investigation

Activities:

Activity One

A student leader shall have adequate time to prepare and facilitate a classroom discussion regarding the importance for peace officers to recognize and protect the dignity and privacy rights of missing persons, family members, and others involved in a reported missing person investigation. The facilitator may use group work to answer questions, and then explore legal obligations and constraints. This may include posing "what if" questions, such as "What if the missing person needed medication daily to survive? What resources or methods could be used to communicate this need to the public to assist in locating them?"

The class discussion will vary depending on the depth of understanding desired by the instructor.

Activity Two

It is important to ensure students understand the partnerships between policing agencies and organizations in the community that can help resolve missing person occurrences and aid those in need.

This activity may be staged as one where student groups are assigned a particular aspect of missing persons investigations for research and presentation to the class or as an in-class group activity with a subsequent large-class facilitated dialogue.

If conducted as a research activity, groups shall be assigned to research one or more of the following:

- What resources are available in the local community to help advertise the identity of a reported missing person?
- What resources are available to help search a residential area for the missing person?
- What considerations should the police have in a case of a reported missing child under the age of 10 years old?
- What resources are available to search for missing persons in rough terrain, including water and sewer systems?
- What resources are available to give support to the families of a missing person?

- What resources are available to provide sustained support for those searching for a missing person?
- What is the role and resources of the National Center for Missing and Exploited Children (NCMEC) in missing child cases?

In larger classes, groups may be assigned one question each. If conducted as a class exercise, groups may be broken out to conduct brainstorming and come to a consensus regarding the topic. This activity is also suited for teaching/presentations by individual students and for students to facilitate class dialogue.

Activity Three

Divide the class into three groups. Have group one prepare a list of services or partnerships within the community that could be utilized as preventative resources (i.e., “Stranger Danger” programs, NCMEC’s KidSmartz and NetSmartz, child ID kits, at-risk counseling, etc.) for missing persons. Have group two do the same thing for “in-progress” resources (i.e., search and rescue dogs, tracking dogs, highway alert signs, media, etc.) and group three for post-incident resources (i.e., counseling resources, incident debriefing, follow-up investigation, etc.).

Have each group present their list to the class with a brief explanation and justification. At the end of each presentation, allow the other groups an opportunity to add services or partnerships to each list to form a class resource for later use in class and in the field.

In this activity, an emphasis shall be placed on the development of partnerships between the community and the department to resolve law enforcement issues impacting the community.

Activity Four

This activity shall be staged as a role play example. Students will play the roles of a parent reporting a missing teen, peace officers responding to the report, and any other role players needed. The first scene would be the report of the missing person, with peace officers receiving information that the teen has not been seen for several hours, was last seen at school, their friends do not know their whereabouts, and they often walk home from school. The peace officers will plan the response they intend to deploy to resolve this report and how they will conduct their investigation.

Instructors may wish to add facts or allow the scene to unfold and expand the circumstances of the incident as role players progress through the call.

In this activity, the instructor will play the role of the supervisor and will facilitate the activity as the students progress through their investigation. The instructor shall stop the scene at different stages and ask for class input on what to do next in the investigation.

Optional Assignment:

Have each student write a one-page paper answering one of the following questions:

- If your child or dependent adult were missing, what would be your expectation of law enforcement's responsiveness and service to you?
- This may include addressing if the expectation would be different if the missing loved one was not a child or dependent adult.

Comprehensive Questions:

- How does a peace officer balance an individual’s right to privacy against that of their family members who may be concerned about their whereabouts?
- What impact does age and ability have on the scope and intensity of the police’s response to reports of missing persons?
- Why did the police in previous years ask families to wait 24 hours before they could report an adult as a missing person?
- What are the legal requirements of a peace officer when a missing person is reported to them?

Resources:

- The National Center for Missing and Exploited Children: www.missingkids.com
- County Social Services
- County and volunteer search and resume teams
- Public and private counseling organizations

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Learning Domain 28: Traffic Enforcement

Prerequisites:

The students shall either have been instructed in or had the opportunity to study the student workbook for the following LDs:

- LD 1: *Leadership, Professionalism & Ethics*
- LD 3: *Principled Policing in the Community*
- LD 22: *Vehicle Pullovers*
- LD 28: *Traffic Enforcement*

Introduction:

A learning activity is required as a component of instructional delivery in this LD. This block of instruction covers laws related to traffic and traffic law enforcement, the storage and impounding of vehicles, and procedures governing the arrest, citation, and release of persons and property. Students will learn the skills necessary to effectively direct and control traffic and recognize violations of commonly enforced traffic laws. This block also instructs students regarding the enforcement of laws prohibiting driving while under the influence of alcohol or other substances.

The primary goal of traffic enforcement is to enhance the safety of the motoring public and those affected by the use of vehicles and other modes of transportation.

Secondarily, traffic enforcement reduces damage to vehicles and property, eases the potential for congestion on roadways, assists the traffic engineering process, and educates the public so they may engage in actions that enhance traffic safety. The actions of the police to appropriately enforce traffic laws have an impact on protecting lives and property, and also general perceptions of community safety by seeing the police visibly acting in an official capacity.

Although agencies commonly deploy motor units to specialize in traffic enforcement, the patrol officer is most normally the only 24-hour presence for safety on our streets and highways. The presence of marked patrol units has a deterrent effect on potential traffic violators, and efforts to enforce traffic laws in the evening hours serve to prevent what are often the most serious collisions.

Traffic enforcement is also one of the most prevalent ways a peace officer detects criminal activity on their beat. The vast majority of those committing crimes do so via the use of a vehicle, so traffic enforcement not only deters bad drivers but protects the entire community from acts that could threaten their lives and safety.

Peace officers shall be mindful that some may view the nature of their actions in traffic enforcement as using discretion to selectively enforce laws against those who “deserve it” or who “don’t fit in.” Issues and accusations of profiling drivers for added enforcement or scrutiny are important to understand for a number of reasons. Peace officers shall ensure their conduct is not susceptible to misinterpretation, that a person voicing such an accusation may be doing so because that is what they have heard or seen in the media and other sources, and that some in the community may initially see any actions by the police as inappropriate until and unless accurate information is provided to them.

Learning Outcomes:

At the conclusion of these learning activities, the student will be able to:

- Identify ethical dilemmas associated with stopping members of the public to issue traffic citations
- Describe the impact traffic law enforcement activities have on the community.
- Evaluate and select an appropriate course of action when presented with facts of circumstances involving the operation of a vehicle while under the influence of alcohol or another substance
- Demonstrate an understanding of possible community misperceptions regarding police conduct and profiling individuals due to their appearance, age, or other related factors

Activities:

Activity One

This activity will stress that with the authority given to them as peace officers, there is a responsibility to ensure they do not violate that trust.

Set up two sets of chairs in the classroom in a manner that would represent a patrol car and a subject vehicle to be stopped for a violation. One student will be the driver officer while a second student acts as the passenger officer. The driver is an FTO, and the passenger is a relatively new academy graduate in their second phase of field training. A third student will act as the driver of the subject vehicle.

The setting of the activity is that the FTO simulates driving on routine patrol when they tell their trainee they are about to initiate a traffic stop on the car they are following. Once the cars are stopped, the FTO approaches the driver and asks for the driver's license, registration, and evidence of insurance. From this point, there are several options:

- The driver becomes agitated and demands the reason the peace officer stopped him. The FTO refuses to tell the driver anything unless the driver first identifies themselves.
- The FTO asks for identifying information and the driver complies, but then asks why they were stopped. The FTO responds that they thought the driver looked like an old friend, and the FTO just stopped them to determine if that was the case.
- The driver asks if there is "anything they can do" to not receive a citation. The driver may offer money, other considerations, a date or other means appropriate to the circumstance.
- The driver tells the FTO they know the chief of police, and that the peace officer will "get into trouble" if they write a citation. The FTO's reaction may range from derisive to hostile; this scenario intends to assess when it is appropriate for a partner officer to step into an emotionally charged setting.
- Any other activity the instructor may wish to insert to reflect an ethical dimension into the setting and create an action quandary for the trainee.

If desired, the instructor may use a "hot seat" variant of this activity, which would entail selecting students to take the place of one or more of the role players at appropriate junctures of the scenario. This option would enhance the attentiveness of audience members and allow more students to feel the stress of the incident first-hand.

At the conclusion of the activity, student leaders will facilitate a brief class discussion about the incident and its resolution. Possible questions may be:

- How did the FTO handle the situation?
- What was inappropriate about the FTO's actions?

- What impact could the FTO's behavior have on:
  - The violator/non-violator
  - The community
  - Law enforcement
- What options did the trainee have regarding their conduct at the scene?
- At what point should a trainee (or any other peace officer) step in during contact with a member of the community
- Under what circumstances should the trainee report the actions of their FTO to a supervisor?

Activity Two

The instructor will distribute or brief the following activity:

> "An area where peace officers may exercise broad discretion is in the issuance of traffic citations. Many peace officers seem to have a "personal system" to choose who may or may not receive a citation as a result of their driving actions. Some peace officers mention the attitude of the driver; some talk about giving a break to someone in need; yet others will say they never cite clergy, pregnant women, or members of the military. What factors shall be considered when considering a warning versus a citation when in contact with a traffic violator?"

Students shall work individually to write out their personal considerations, and then work in pairs to share their thoughts and findings. They shall then work in groups to share their findings and chart a listing of the group's considerations. The charts may then be posted for inspection by the entire class or used for subsequent discussion. If missed by groups, instructors shall ensure they can articulate an understanding of the "letter of the law" versus the "spirit of the law" in this and many other areas of their work in the field.

Activity Three

This activity is designed to assist officers in identifying the elements of the laws governing motor vehicles. This activity may be done in individual groups or as a class.

The facilitator will show students videos of drivers committing one or multiple vehicle code violations. The facilitator will then prompt students to properly identify the elements leading to specific vehicle code violations observed per the California Vehicle Code. The vehicle code violations may include the following:

- Red signal light
- Stop sign
- Other traffic control signals and devices
- Failure to yield to right-of-way
- Failure to yield to an emergency vehicle
- Basic speed laws
- Maximum speed
- Following too closely
- Unsafe lane change
- Passing on the right/left
- Passing a stopped school bus
- Reckless driving
- Speed contests
- Hand-held wireless telephone
- Electronic wireless communications device

The facilitator can add to the evolution of this activity by adding elements that violate proper licensing requirements as defined in the California Vehicle Code such as:

- Suspended or revoked license
- Vehicle registration
- Vehicle licensing requirements

Variations of this learning activity may include:

The facilitator will divide the class into student groups. The facilitator will then assign the students to view videos of one or multiple vehicle code violations from the above list. Students will then present to the class why each of their assigned videos depicted a violation of the elements of the California Vehicle Code.

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Learning Domain 29: Traffic Collision Investigations

Prerequisites:

The students shall either have been instructed in or had the opportunity to study the student workbook for the following LDs:

- LD 1: *Leadership, Professionalism & Ethics*
- LD 3: *Principled Policing in the Community*
- LD 29: *Traffic Collision Investigations*

Introduction:

In this block of instruction, students learn to differentiate between traffic collisions and non-traffic collisions and to accurately determine the events and factors associated with the incident. Understanding the nature of statements, evidence, and related information is critical to the successful investigation of collisions, as is the ability to competently document the circumstances of the incident.

Traffic collision reports are used routinely in civil and criminal proceedings. They are examined and scrutinized by prosecutors, defense attorneys, civil attorneys, traffic engineers, and collision reconstruction experts. It is a peace officer's responsibility to conduct a thorough investigation and to write a complete report.

A peace officer shall never knowingly misrepresent the evidence in an accident. Even though you may know the parties involved in the traffic collision, you cannot cover up fault, hide evidence, or lie on the report. You must investigate any traffic collision that requires investigation. Peace officers are responsible for investigating traffic collisions involving all city/county vehicles, including those operated by fire departments and law enforcement agencies. The integrity of these investigations affects the trust the community has in its peace officers. A peace officer may be called on to investigate a collision in which another peace officer is involved. The public expects an impartial, unbiased, and professional investigation in the case of all traffic collisions, including those involving city/county vehicles.

Traffic collisions can mean a temporary loss of transportation, loss of employment, loss of physical health, or loss of life. The economic loss to the community due to traffic collisions exceeds the loss due to property crimes such as burglary, robbery, and theft.

Traffic collisions also impact our insurance rates. Peace officers investigate collisions to help community members sort out the liability for loss, provide sanctions to offenders, provide the foundation for traffic safety programs, collect data for traffic enforcement, and provide information to traffic planners and engineers. Traffic is a major responsibility of law enforcement and a major concern of the community.

Learning Outcome:

At the conclusion of these learning activities, the student will be able to:

- Identify the proper means to manage collision scenes where there are significant injuries or fatalities
- Demonstrate an understanding of the various uses of collision reports and the need to include information relevant to each of those needs

Activities:

Activity One

Selected students will role play an activity where a peace officer receives a call concerning a traffic collision that has just occurred. The information received in the call is that medical aid is enroute, and the collision involves a vehicle versus a pedestrian, who is reported to be a four year old child. Witnesses report the child has received major injuries to his leg. The peace officer assigned to the call has two small children and is not completely comfortable with the sight of blood (the role player may wish to “think out loud” to convey that understanding to others). The peace officer is relatively close to the scene but chooses to pull over and wait for a few minutes in order to ensure medical aid will arrive on the scene first.

At the conclusion of the activity, students will break into learning groups to discuss and chart:

- What are the roles and responsibilities of a peace officer responding to traffic collisions?
- What options does the peace officer have regarding the separation of their personal feelings from the professional obligations of this situation?

- If you were the peace officer's supervisor, how would you deal with the peace officer in this incident after you were made aware of what had transpired?
- How would community members react upon learning this incident had occurred?

At the end of the group discussion time, selected student leaders will facilitate a class discussion of the group work and their findings. Options for this discussion are to have groups present their findings one at a time, to solicit general questions from any class member, or ask one question per group and have them answer only to that portion of the topic.

Activity Two

Assign students to research the issue of insurance fraud in collisions locate information about the state of the issue, recent events, and legal issues involved, and list possible or probable reasons persons might fraudulently report damage to their vehicles.

In class, the discussion of this concept may take place in the form of:

- Role plays by groups demonstrating incidents peace officers might encounter when investigating a collision (including the reporting of old damage as having occurred in the collision, denying culpability for damage to a car owned, "switching" drivers to avoid prosecution for a person already under sanction for their previous driving conduct, etc.)
- Activities read in small groups, with subsequent work to uncover the facts of the incident, the causal factors, and options for police response or action
- Video incidents (done in short sequences) to elicit information similar to that for reading activities
- Staged "collisions" where students take turns conducting investigations. The facts of the collision are not known in advance, and information will only be gained through the application of learned concepts. Instructors can vary activities to include criminal conduct, sympathetic drivers, fraud conduct, etc.

Activity Three

Have a select group of students research the issue of staged collisions for teaching with the class. After appropriate research and preparation time,

students will select the specific teaching methodology, advise the instructor and class of their intended outcomes, and then engage the class in a learning activity regarding staged collisions. The activity may be one similar to that listed above or can be one created by the group. The focus for the teaching group shall be to ensure students learn the elements and issues involved in staged collisions, and that the activity will engage the student learners (and not be in the form of lecture, PowerPoint, or another passive medium).

Optional Assignment:

Instruct the students to write a research memorandum on their department's policy on traffic accidents involving on- and off-duty peace officers. The memo may be written in conjunction with the academy's report writing instructor, where both content and written communication skills may be assessed. The assignment may also be used as the content component of other activities listed in this guide.

Learning Domain 30: Crime Scenes, Evidence, and Forensics

Prerequisites:

The students shall either have been instructed in or had the opportunity to study the student workbook for the following LDs:

- LD 3: *Principled Policing in the Community*
- LD 4: *Victimology/Crisis Intervention*
- LD 10: *Sex Crimes*
- LD 30: *Crime Scenes, Evidence, and Forensics*

Introduction:

A learning activity is required as a component of instructional delivery in this LD. One of the core functions of a peace officer is the detection, investigation, and resolution of a criminal incident. Regardless of the gravity of the crime, the outcome will almost certainly be impacted (for better or worse) by the quality of the initial investigation completed by the first responding peace officer. Information, evidence, and other leads developed or documented by the initial field investigator create the foundation for quality follow-up by detectives, evaluation of the case by prosecutors, and a presentation of evidence and testimony in court that will withstand challenges due to its completeness. On the other hand, preliminary investigations completed without critical information, lacking the depth and quality necessary for others to work from, or done in a “pro forma” manner because it’s “just another burglary/petty theft/routine crime,” defeats the ability of the police to fulfill their obligation to protect the public and create a community with a quality of life desired by all.

Students will readily recognize the applicability of this LD to their duties as peace officers. Investigating criminal incidents is a function the student will encounter in field, court, correctional, and administrative settings. The student’s motivation to learn “what to do” shall be very high. The instructor wants to ensure the student’s motivation to learn how their work affects the work of others and the student’s professional reputation may need attention by the instructor to enhance retention in this area.

Learning Outcomes:

At the conclusion of these learning activities, the student will be able to:

- Apply appropriate investigative techniques when presented with a criminal incident requiring a police investigation
- Analyze learning from previous similar criminal incidents, synthesize information from known facts, and apply investigative techniques when responding to a criminal incident
- Evaluate the effectiveness of their actions from the perspective of a community member seeking an investigation and resolution to their crime or similar incident

Activities

Each assignment may be altered to capitalize on local issues or current events to maximize the learning and retention of students. Instructors are encouraged to keep their material fresh by continuously assessing trends and events in their region or in the profession that may impact the work of students in class and in the real world after the academy and field training experience.

Activity One

Facilitate a class discussion based on the following activity (read to the class, distribute the example in written form, and break the class into learning groups):

> "You are a new peace officer in a single-officer patrol car. You respond as a backup officer with a senior peace officer to a call of a burglary at an apartment in a multi-unit housing complex. The victim tells both of you she was on vacation for the past week, and she returned to find her apartment had been entered. The only item apparently missing was a flat-screen TV from her guest room. She tells you the apartment handyman told her a few weeks ago some of the apartments had suffered break-ins and warned her to lock her doors and windows at night. The victim notes that some items in the apartment had been moved, and the thief had rifled her dresser. The senior peace officer tells the victim there is not much the police can do, and these minor crimes happen all the time. The senior peace officer confirms she has insurance and says that is what it is for. The senior peace officer

assures the victim there will not be any usable fingerprints on the moved items due to their rough surfaces, and that, with no witnesses, there is no chance the department would be able to solve the crime. The senior peace officer tells her to call if she finds anything else amiss and provides her with the case number so she can file a claim with her insurance company. The victim does not seem too happy, so the senior peace officer finishes their conversation by explaining how the case will not be assigned to a detective due to lack of evidence or investigative leads but the information about the series of break-ins will be shared with the rest of patrol."

Each group will select a spokesperson and a scribe to keep notes of the group's work. The groups will be assigned to:

- Discuss the pros and cons of the senior peace officer's actions
- Identify factors that would influence how the peace officer's approach impacts the victim's response (i.e., what would positively or negatively influence the interaction)
- Identify the stakeholders in this incident and the expectations of each stakeholder group with regard to the conduct of the peace officers

Each group will present, followed by a class critique, and a facilitated discussion of the example.

The instructor can facilitate follow-up questions such as:

- The peace officer responds to a supervisor who has told them the victim called to complain that more wasn't done. What should they say?
- The apartment manager called to ask what they should tell their residents about the series of break-ins. What do we say?
- Detectives called to see if there was any more info or evidence, since they have a serial burglar, they fear it might become sexually assaultive if a female victim is at home (based on the thief rifling through underwear drawers in three other cases)

For all groups, the activity works well for "what if…" questions (i.e., What if the suspect committed an assault the next night? What liability does the department, and the peace officer have for that crime?).

Comprehensive Questions:

The questions listed in each example shall provide an appropriate starting points for class discussion and issue resolution. The instructor's emphasis shall be to move the students from mere knowledge and application of technique to an analysis of facts, synthesis of information, and adaptation of their knowledge to resolve new or evolving incidents. Questions may be similar to:

- What examples can you find to…?
- How would you organize what you know in a way that would help you show…?
- How would you summarize…?
- How is related to…?
- How would you improve…?
- What would you recommend for…?
- How would you prioritize…?

Activity Two

Considering the previous activity or the investigations of crimes in general conduct a facilitated discussion on the following questions:

- How do you, as the responding peace officer, decide what to do, and what not to do, when presented with a crime?
- Why is it important to conduct a quality field investigation (stakeholders, peace officer's reputation, agency liability, community confidence, solving crimes, successful apprehension and prosecution of a suspect, etc.)?
- What impact does a preliminary investigation with mistakes or facts left out have on the peace officer's subsequent court testimony?
- How do you balance the desire to do a quality preliminary investigation with the reality of calls being stacked that also need your response and attention?

Activity Three

Students will participate in processing a crime scene, to include:

- Setting crime scene perimeters and identifying appropriate scene management (crime scene log, barrier tape, etc.)
- Search patterns and identifying evidence, to include marking and cataloging items
- Documentation of scene and evidence (photos, sketches, etc.)
- Evidence collection, to include packaging and proper chain of custody
- Documentation (or discussion of what is needed in a report)

The instructor can determine if multiple scenes will be used and the extent to which students will complete each step or identify steps through a facilitated discussion.

Optional Assignment:

Students shall write a report of one page maximum concerning a crime where they, or an acquaintance, were the victim of the crime (it can be a crime of any type, including traffic crimes). The incident must have been investigated by the police or sheriff's agency where the incident occurred. Students shall write about the victim's perceptions regarding how the peace officer handled the case, and how they felt about being victimized. The reports may be used in class as a foundation for a discussion about how the victim's perceptions and sense of vulnerability impact the peace officer's work to investigate the crime.

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Learning Domain 31: Custody

Prerequisites:

The students shall either have been instructed in or had the opportunity to study the student workbook for the following LDs:

- LD 1: *Leadership, Professionalism & Ethics*
- LD 3: *Principled Policing in the Community*
- LD 31: *Custody*

Introduction:

This LD presents concepts related to the peace officer's responsibilities in a setting where they are responsible for the safety, well-being, and level of care required of persons who are arrested and held at a custodial facility.

Although taking someone into custody is one of the most common actions of a peace officer, depriving another of their right to liberty is one of the most serious responsibilities in our profession. It represents the balance point between an individual's right to conduct themselves in the manner they choose versus society's right to order, peace, and the ability to live without the rights of another infringing on our own. The police maintain that balance and use their powers of arrest to restore order, bring offenders to justice, and uphold both the letter of the law and the spirit within which it was written. Abuse of this responsibility is perhaps one of the quickest ways to erode public confidence in policing. At the same time, once a person is arrested, the responsibility of peace officers is to protect the rights and safety of the person they have taken into custody, even if ensuring those rights runs contrary to the sentiments of the larger community.

Peace officers have three basic responsibilities when considering taking a person into custody. The first concerns the discretionary decision that the community will be well served by the action. Next is the lawful basis for the choice to take such action. Finally, once the arrestee is in police custody, our obligation is to ensure their safety until they are released or transferred to another entity in the criminal justice system.

Students working for county agencies may anticipate they will encounter issues in a custody setting and have a high level of motivation to learn how to deal with prisoners and the possible fear of maintaining order in a

custody environment. Those working (or who intend to work) for a municipal department may not be readily motivated to see the applicability of this training block. Activities such as #4 may be useful to help students understand that "custody" begins with the initial detention and carries through to the person's release.

Learning Outcomes:

At the conclusion of these activities, the student will be able to:

- Explain and apply the concept of protecting persons in custody from harm by another
- Identify situations involving an ethical decision and apply concepts related to the effective and ethical options available to them to resolve an incident or situation

Activities:

The activities provided may be used as stated, extended, or otherwise modified to address local policies, issues, or current events of concern to peace officers in a custodial environment. Instructors are encouraged to consider introducing the activity through the use of role playing with class members. Using that approach, the instructor would select an appropriate number of students, assign them roles to play, or give them the setting and assign them to create a role play exemplifying the concept under study, and allow the activity to proceed. This option would also allow modifications of the activity based on the less-predictable outcomes generated by a live group rather than an activity read to the class.

Comprehensive Questions:

At the conclusion of the activities, the facilitator will actively work with students to enhance their recognition of relevant issues, their application in custody settings, and how to assess, analyze, and evaluate how they will arrive at appropriate choices when presented with issues in this environment. Possible queries from the facilitators may be:

- What are the responsibilities of peace officers who take someone into custody, receive them into custody from another, or work in a custodial setting in a jail or other secure facility?

- What's in it for you? (This is a question of rational self-interest; why do people take the path of least resistance, why do they go along with the acts of others, etc.)
- Who are the stakeholders in this incident? How will they react to knowledge of it?
- Does this incident create any ethical dilemmas? If so, how do you resolve incidents that have an ethical dimension?
- How does law enforcement conduct in custody settings affect the community, the department, and the peace officer involved?

Activity One

The following example shall be read in groups (you may wish to distribute it in written form to facilitate better understanding by students once they break into small groups for subsequent work):

> "A peace officer assigned to a jail facility has heard rumors about a possible fight brewing between two inmates in their jail block. The peace officer concludes the best way to handle the situation would be to get more information from inmates prior to anything happening. To do this, the peace officer pulls a talkative inmate from the jail population and assigns them to do special work mopping the hallways outside of the block. The peace officer offers the inmate a pack of cigarettes if they develop any information about the fight or other safety issues in the block. Department policy does not allow cigarettes in the facility."

The student learning groups will be directed to select a spokesperson to present their findings back to the larger class. The groups will be assigned to discuss and present their conclusions on the following questions:

- What do you think about this peace officer's actions? Are they justified?
- Have any crimes been committed by this peace officer?
- What possible disciplinary actions could this peace officer face?
- What are the possible consequences, both good and bad, of allowing the inmate to break the rules?
- If you were the peace officer's coworker, how would you respond if the officer brought this to your attention?

Students will be given time to come to a consensus regarding these questions, after which the class will re-form and complete their

presentation. Groups are expected to present their answers, respond to questions or follow-up queries without becoming defensive, and demonstrate the ability to handle questions from the instructor or other students effectively.

Selected student leaders will facilitate the group presentation, keep groups on time, and prompt questions from others.

Activity Two

Groups will read the following example in the same fashion as other examples. Students will distribute or brief the following activity.

> "After successfully completing the academy, a new peace officer is assigned to work at the county jail. Upon arrival, several veteran peace officers tell the new female peace officer to "tune-up" an inmate in order to prove herself to them and show the inmate population she can handle the problem cases who might think they could push her around because she's new. The new peace officer elects to pull out a child molester from a cell and punches them in the face and chest area. The peace officer then threatens to punish the inmate if they tell anyone about the incident. The veterans congratulate her and welcome her to the shift."

Students will break into groups as in the previous activity and be assigned to the same tasks. Questions for this activity are:

- Why would a new peace officer consider doing something obviously out of policy to please peers?
- What crime, if any, has the peace officer committed?
- What might be a sample news headline that could result from this incident?
- What type of perception might the public develop from such a news article?
- What would happen if the new peace officer refused to comply with the request of the veterans?
- If you were in a similar situation, what could you do to resolve this? Would you notify your supervisor?

Groups will present their findings as previously described, and the instructor's responsibilities will be the same.

Activity Three

Assign students at least one day prior to the class session to work individually or in small teams to locate articles from newspapers or magazines describing an event where a significant incident occurred in a custody setting. Students shall be prepared to:

- Present the circumstances of their article
- Describe their conclusions regarding why the incident occurred, and what could have been done by the peace officers involved to prevent it
- Describe the actual or likely public impact on the confidence in the agency involved as a result of the incident

In class, students will break into groups, where they will share their research findings and conclusions. Each group will then select one article from their midst and present it to the class. The instructor's responsibility will be to select student facilitators and assist students in understanding, synthesizing, and evaluating the incidents and how their issues apply to the real-world issues they will encounter beyond the academy setting.

Activity Four

This activity may be used for general class discussion, or in a group break-out format as is done with the other activities. Student leaders will read or distribute the following activity (or have it role played):

> "You are assigned as a trainee in your department's field training program. Things have been going well, and you have completed a little more than half of the field training program with high marks and good comments from your field trainer (FTO) and shift supervisor. One evening, you and your training officer stop a speeding vehicle. Your FTO handles the stop and encounters a driver who is antagonistic, hostile, and very difficult to control. The male adult driver makes various remarks about the FTO's appearance, degrades the FTO's family background (making fun of his name and uttering derogatory remarks about any kids he might have). A warrant check reveals a misdemeanor warrant for the driver's arrest. When you tell the FTO, he smiles broadly and makes an offhand remark about there being "justice in the world." As the driver is being handcuffed, he says that he will wait for the FTO in the parking lot after he gets off duty, follow him home and beat him up on the peace officer's front lawn. The FTO says nothing

and places the subject in the back seat of the patrol car. As he is driving to the station, the FTO suddenly brakes, shouting "Look out for that dog!" You see nothing in the roadway ahead but do clearly hear the suspect's head striking the partition between the front and back seats. The subject groans audibly and begins to complain about his head hurting."

Class or group questions shall center on what, if anything, the trainee shall do. Other areas of discussion shall be what an intake officer shall do if this arrestee arrives at their police facility in the condition described. Follow-up questions from the instructor may focus on the topic of "street justice" and its reasons. Students shall be guided to an understanding of the unacceptability of this conduct, and how to deal with it.

Optional Assignment:

Assign the students to write a research memorandum on the difference between cruel and unusual punishment and inhumane and oppressive treatment. Have the students explain their response, document the corresponding penal code section, and give an example of each type of offense. Students will be selected randomly during the academy session to make an oral presentation in front of their classmates. Optionally, have them write a short "letter to the editor" explaining to the layperson why the police use force when it is necessary, and what happens when a peace officer uses excessive force.

The written responses from the assignment may be used as a foundation for class discussion or posting of completed papers. It may also be used in conjunction with the student's LD 18 (Investigative Report Writing) instructor to assess and enhance their written skills in this content area.

Learning Domain 32: Lifetime Fitness

Prerequisites:

The students shall either have been instructed in or had the opportunity to study the student workbook for the following LDs:

- LD 1: *Leadership, Professionalism & Ethics*
- LD 3: *Principled Policing in the Community*
- LD 32: *Lifetime Fitness*

Introduction:

The goal of the Lifetime Fitness program is to help students develop and maintain healthful, sustainable lifestyle habits. These habits include regular exercise, good nutrition and hydration, weight control, blood pressure and cholesterol control, good sleep and rest habits, abstinence from the use of tobacco, limiting alcohol consumption, stress reduction practices, and avoidance of substance abuse to either manage fatigue or enhance athletic prowess. These habits will have great benefits on the job and at home and can contribute to healthful longevity.

There are six elements to lifetime fitness. They are:

- Personal physical fitness
- Physiological and psychological risk management
- Lifestyle
- Body composition management
- Continuing fitness education
- Positive attitude

Each of these components is equal in importance to the others. A peace officer aspiring to complete a successful career will develop and sustain a lifetime fitness program.

Students will also recognize that “fitness” is more complex than merely working out occasionally or trying to eat well most of the time. Lifetime Fitness training teaches the student to think beyond the current day and do the things veteran peace officers say they wish they had done at the outset of their careers. Stretching, good nutrition, relaxation, moderate but

sustainable exercise, and cardiac care will all increase the likelihood of a well-deserved retirement that can be enjoyed in good health.

Learning Outcomes:

At the conclusion of these activities, the student will be able to:

- Identify and apply principles of lifetime fitness in their own habits and practices
- Evaluate and apply effective means by which they can intervene with others to help them redirect unhealthy lifetime fitness actions

Activities:

To successfully complete the following activities, the instructor will be required to:

- Ensure students understand their roles and responsibilities during their role play in their assigned activity
- Monitor student responses and give guidance when necessary
- Select student leaders to facilitate a debriefing exercise

Comprehensive Questions:

Facilitate the following questions for the below activities:

- If you, as the newer peace officer, elect to respond, what do you say?
- How would you advise the peace officers to change their habits to avoid their concerns?
- Which of the six elements of Lifetime Fitness apply to each activity and why?

Activity One

A newer peace officer is invited to lunch by a few of his shift partners for their on-duty meal break. The peace officers choose a late-night “greasy spoon” restaurant popular with the old-timers. During the meal, the older peace officers all complain about their various maladies ranging from not

getting enough sleep, feeling fatigued on the job, being hungover, and other assorted problems. They start having some good-natured fun with the newer peace officer, telling him he will wind up as fat and tired as they are. The newer peace officer elects to take the opportunity to respond to their comments. What does he say?

Activity Two

You are assigned to a patrol shift and happen to meet with a peace officer working in an adjacent beat. She looks a little tired but is speaking pretty rapidly. She says her kids are still in grade school, but she's juggling childcare, shifts with her husband, and extension classes towards her degree. You ask how she does it all, and she says, "I don't know, but the coffee, energy drinks, and caffeine pills keep me awake enough to get through the day."

Optional Assignment:

Assign the students to research the most common substances used and abused by peace officers (i.e., alcohol, tobacco, caffeine, etc.) and the adverse physiological impact of long-term use of these substances. Have them also research the impact of long-term job stress on the cardiovascular system, the nervous system, and general health, then relate the impact of the use of substances on stress.

A follow-up assignment would be to assign students to write a paper discussing the impact of poor fitness on peace officer safety, and to develop at least two activities where they can see a peace officer's poor fitness (physical, physiological, or emotional) detracting from their ability to carry out a core function of their job. This may be in the area of officer safety, diligence regarding completing the job, off-duty behavior, or other related subjects.

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Learning Domain 33: Arrest and Control

Prerequisites:

The students shall either have been instructed in or had the opportunity to study the student workbook for the following LDs:

- LD 1: *Leadership, Professionalism & Ethics*
- LD 3: *Principled Policing in the Community*
- LD 20: *Use of Force/Deescalation*
- LD 33: *Arrest and Control*

Introduction:

The desired outcomes of the Arrest and Control training program are to ensure students acquire the understanding of the concept of situational awareness with regard to officer safety, select a level of force intervention appropriate for the situation, apply prescribed tactics with a high degree of efficiency, and resolve the situation in the safest manner possible using objectively reasonable force and deescalation.

It is illegal and unethical for peace officers to use their lawful authority and position to “punish” another or use force options available to them for any purpose other than using objectively reasonable force necessary to obtain compliance to their orders. When peace officers become lawbreakers by engaging in acts of “street justice” they lose public trust and support and subject themselves and their department to substantial civil liability. Students who become confident in their application of various forms of force do so because they understand how and why force is used, when it shall be applied, and how to use force in a manner that is as effective as possible without exceeding legal or ethical principles.

Student motivation to learn about the use of force shall be high due to its relevance to officer safety; however, some may be reluctant to attempt to apply knowledge due to unfamiliarity with the techniques of using the force option, or due to little or no exposure to physical conflict situations.

There are countless video clips, news stories, and articles recounting the use of force in a variety of settings. The instructor may elect to use written or visual means to enhance student motivation, strengthen retention by showing examples of effective and ineffective applications of force, and reinforce learning points with examples in the same issue area.

Learning Outcomes:

At the conclusion of these learning activities, the student will be able to:

- State in their own words the concept of situational awareness in an officer safety situation
- Select and apply a level of force appropriate to the threat presented
- Identify and distinguish force options in a manner consistent with that trained
- Distinguish objectively reasonable force options and deescalation strategies and techniques that result in the safest manner to overcome resistance

Activities:

Activity One

The instructor will ask for volunteers or select students to role play the following activity:

> "A student and their partner respond to a call about a 4-year-old child who has been molested (The instructor or an academy staff member may play the partner officer). The suspect has been apprehended and is being taken outside to the patrol car. The partner officer informs the student they will "handle this suspect alone." The partner officer draws their baton and tells the student that child molesters have to pay for their crimes. The suspect places his hands in the air and explains that he was wrong in molesting the child, adding that he will probably get off because he has a great attorney. The partner officer simulates striking the suspect with the baton while the suspect has his hands in the air and is clearly not resisting. Several citizens are observing this behavior. The student tries to intervene, but the partner ignores them."

At the conclusion of the role play, have the other students critique the actions (or lack of action) of the partner officer and the student. Selected student(s) will facilitate the class discussion, and ensure the following topics are broached:

- What is the difference between acceptable and unacceptable behavior for a peace officer in this situation?
- What does the term “street justice” mean in this context?
- What is the perception of the community observing this incident?
- What consequences could the student face if they do not intervene?

Activity Two

Selected students will role play the following activity:

> “Two peace officers, one on probation, receive a radio call about an individual creating a disturbance in the parking lot of a restaurant. Additional information indicates that the individual is intoxicated and is urinating in the street. The peace officers arrive and see a man standing in the street who appears to have just finished urinating on the street’s surface. The senior peace officer approaches the individual and tells him to stop his actions and turn around.
>
> The individual complies; however, the individual suddenly grabs the peace officer and pulls the peace officer to the ground. The probationary officer draws their baton to subdue the individual; however, the strikes with their baton are ineffective. The probationary officer attempts to kick the individual, however, the kicks are also ineffective. The individual continues to strike and pummel the senior peace officer.
>
> The probationary officer does not recall other self-defense techniques and is unable to subdue the suspect.”

Once the activity has been completed, student facilitators will engage the class in a discussion of its issues. Include the following topics in the discussion:

- What reasons could contribute to the ineffectiveness of the baton strikes and kicks?
- In what ways could others who are watching this incident perceive the peace officer’s actions?
- What other force options would have been appropriate to consider?

- What should the probationary officer do next?
- What impact might this incident have on the confidence of peace officers to protect and serve their community?
- What is the responsibility of a peace officer to fellow peace officers regarding effective arrest and control techniques?

The instructor must ensure the activity is staged in a manner that the activity does not cause injury to any participant. Consider staging it in a "matt room" with appropriate protective gear.

Optional Assignment:

Have the students write a research paper on what force options would have been appropriate for the activity in Activity Two. Direct them to include what actions of this, and other, suspects would justify the use of a baton.

Learning Domain 34: First Aid, CPR, and AED

Prerequisites:

The students shall either have been instructed in or had the opportunity to study the student workbook for the following LDs:

- LD 1: *Leadership, Professionalism & Ethics*
- LD 3: *Principled Policing in the Community*
- LD 4: *Victimology/Crisis Intervention*
- LD 34: *First Aid, CPR, and AED*

Introduction:

Peace officers have a special responsibility to act in good faith and provide emergency medical services to the best of their abilities within the scope of their training. As first responders, they must be able to assess the condition of the injured party, summon the appropriate medical services, and provide basic life support until the services are available to provide relief.

During an emergency, the community will depend on the officers' leadership to take control of the situation, maintain order, and summon any required assistance.

Peace officers deal with very high-risk people: unhoused, intravenous drug users, people engaged in prostitution-related activities, and violent criminals. It is difficult sometimes to put yourself in situations where you could be exposed to a life-threatening infection, knowing that the infection can be transmitted to your own family. Rendering aid to someone you believe does not deserve aid can be seriously problematic. Peace officers have a responsibility and a clear moral and ethical obligation to provide equal service to everyone.

A peace officer is an important first link in the emergency medical system chain. Creating partnerships with other community service organizations in advance of a medical emergency will improve service.

Learning Outcomes:

At the conclusion of these activities, the student will be able to:

- State in their own words the responsibilities and potential conflicts facing a first responder in situations where persons may require emergency medical care
- Apply appropriate techniques to aid in the lifesaving process
- Evaluate and act decisively in situations where their medical aid intervention may mean the difference between life and death for another person

Activities:

During the presentation/discussion of first aid concepts, the instructor shall give students time to discuss their perceptions and options when facing medical aid situations where internal or external conflicts may arise. One of the best ways to accomplish this structured reflection is to allow time at the end of each component of training to discuss what they have learned, first with each other, then with the class. The instructor can accomplish this in the following manner:

> At the end of a block of instruction, direct students to create a teach-back on the topic to relate what they learned on the material. This will strengthen the student's public speaking skills and allow the instructor to assess retention and understanding of the course material.

For the learning activities noted herein, the instructor shall use a group breakout format. In this format, the instructor will direct students to break into groups. Direct the groups to develop a role play for presentation to the class for one or more of the following three activities:

Activity One

The students will create an activity where peace officers must respond to a medical aid call; once on scene, they learn the person in need possibly has an infectious disease. The role play must demonstrate:

- The issues present at a call of this nature
- The special considerations in this situation

- The appropriate precautions and actions to effectively administer first aid

At the end of the role play, students will lead a class discussion of the issues, considerations, precautions, and personal and professional concerns when responding to a first aid call where an infectious disease is present.

Activity Two

A peace officer responds to a residence on a call of an elderly man having breathing problems. Once on scene, the peace officer finds the subject is, in fact, having breathing problems, but is not in cardiac arrest or any apparent serious danger.

The odors in the room are unpleasant; in fact, they are quite horrendous. The peace officer tells the man they will be “right back” then walks to the front porch with the subject’s wife, telling her they will wait there to signal to the EMS unit when they arrive. The real reason the officer left the bedroom is because of the odors there.

At the conclusion of the role play, the group will facilitate a group discussion to discuss:

- If nothing happens while the peace officer waits for EMS, will anyone care about them being out there?
- Are the feelings and actions of the officer understandable? Are they OK?
- Should the peace officer respond differently and what is recommended?

Activity Three

Peace officers arrive at a family dispute radio call. Upon their arrival, they find a man in full cardiac arrest that most likely will die. The peace officers are told there is a Do Not Resuscitate (DNR) order signed by the victim. Highly emotional family members tell you to forget the order. The peace officers ignore the statements of the family members and stand by while the subject dies.

At the conclusion of this activity students will facilitate a discussion of:

- What actions are most appropriate when facing a situation like this?
- What impact will the peace officers' actions have on the family members and the community?
- What are the ethical decisions involved in the peace officers' decisions?
- What should have been done?

Activity Four

Rather than providing instruction prior to student role playing, instructors may wish to provide settings where students will encounter persons in unknown states of medical aid needs. Allowing students to "fail forward" and feel the discomfort of untrained intervention will encourage them to see the relevance of subsequent training and reinforce retention of learned material.

Options for activities in this framework are limited only to the resourcefulness of the instructor (or to assigned student groups).

The instructor's role during these activities is to:

- Evaluate student efficiency while assessing the subject
- Monitor student responses and give guidance whenever necessary
- Guide the debriefing exercise as necessary during the time students are facilitating the discussion

Optional Assignment:

Evaluate an incident to address the importance of primary assessments and how it may impact different calls for service. The instructor may assign pre-defined activities or allow students to create the activity. The instructor will determine if the assignment will be completed in groups or individually and will facilitate the class discussions on the topics. The assignment could be divided into work done outside of class and discussions during class time.

Divide students into groups or assign them individually to create examples identifying proper primary assessments and responses to incidents within the following categories:

- Basic life support
- Traumatic injuries
- Medical emergencies
- Childbirth

Students may present the material as a teach-back, role play, or class discussion.

Resources:

First aid/CPR resources may include job aids such as visual aids to assist in the application of CPR that officers may carry with them, along with the protective equipment they shall expect to be issued to them when they are assigned to duties where first aid may be a function expected of them. Students shall be instructed to ensure they are familiar with the proper use of any first aid items they might use, including their unit's first aid kit, masks for administering CPR, portable defibrillation units (AED or other similar units), etc.

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Learning Domain 35: Firearms/Chemical Agents

Prerequisites:

The students shall either have been instructed in or had the opportunity to study the student workbook for the following LDs:

- LD 1: *Leadership, Professionalism & Ethics*
- LD 3: *Principled Policing in the Community*
- LD 20: *Use of Force/Deescalation*
- LD 35: *Firearms/Chemical Agents*

Introduction:

LD 35 introduces the students to firearms and chemical agents. This block of instruction covers firearm safety, basic firearms operation, firearm ammunition, cleaning and maintenance, and principles of shooting accuracy. Also covered under this block of instruction is an overview of chemical agents, the safe and effective use of chemical agents, and the properties and effects of OC, CN, and CS.

Peace officers are authorized to use deadly force only as a last resort and only under the strictest of limitations and restraints. A peace officer who is skilled in the use of firearms and the decision-making process that leads to the use of deadly force will have better control of the situation and apply the appropriate level of force. Mere knowledge of firing a weapon accurately is inadequate to prepare students for the demands of considering the application of deadly force in a field situation. Appropriate training will also include moral considerations, legal and procedural constraints, and means by which to structure one's decision-making in such a manner that a peace officer can make a reasoned choice to use or refrain from using deadly force in a timely fashion.

Related issues are the care and maintenance of firearms, chemical agents and other similar items, and the community's possible perceptions regarding a peace officer's use of deadly force.

Learning Outcomes:

At the conclusion of these learning activities, the student will be able to:

- Demonstrate an understanding of the legal and moral constraints involving the use of deadly force
- Identify and apply appropriate decision-making strategies in their effort to arrive at an appropriate solution when considering the use of force up to and including force likely to cause death or great bodily injury

Activities:

Activity One

Instruct the students to close their eyes, and then read them a brief activity where a peace officer used deadly force (do not mention the age or gender of the suspect). At the conclusion of the reading, instruct them to open their eyes and share how they might feel if they were the peace officer in that situation. Allow for a small-group discussion, and then query the class about their range of responses. After charting several responses, ask the class to describe the suspect they "saw" when the activity was read to them (most students who are exposed to this exercise imagine a suspect that is an adult male).

When adequate responses are given, instruct them to close their eyes again and imagine the suspect as an older female or a juvenile male. Again, have the students share their situation with their group, and discuss how their responses might have been different.

Close the exercise by asking if the gender, age, or appearance of a subject in a situation of this nature might cause a peace officer to hesitate, reconsider their choice to use force, or expose the peace officer to undue risk by delaying the implementation of their decision.

During this activity, students will be required to:

- Form into break-out groups and discuss, record, and report on the questions or dilemmas listed in the aforementioned learning activity
- Select a spokesperson and justify the answers to the class

- Present the department's position without becoming defensive or hostile
- Demonstrate the ability to handle follow-up questions

Activity Two

Select a student from the class, then instruct them they are a peace officer assigned to a call of a man with a gun (the instructor or assistant will play the role of the suspect). Advise the peace officer they have just arrived at the scene, where they see a subject fitting the suspect description. As the subject comes closer, the peace officer sees a gun in their waistband (only inert or replica firearms will be allowed for use in this, or any other class activity, or exercise). The peace officer will order the subject to stop and follow the peace officer's commands; however, the subject will say nothing and continue to walk slowly towards the peace officer. Allow the activity to continue until the peace officer makes the choice to resolve the situation.

It is common to see students become confused when first encountering a non-compliant subject in a tactical situation. If the student responds inappropriately, the instructor will stop the activity and may consider selecting another student for the same activity. It is important for the instructor to allow students to "fail forward" and learn from their errors in this activity.

The instructor will allow as many students as desired to complete the activity (it would be appropriate to continue until students begin repeatedly displaying conduct that results in an effective outcome), after which class discussion shall ensue regarding possible means by which to resolve the incident, potential outcomes for each choice, and the impact, fear or confusion in decision making in a tactical situation.

Activity Three

These activities are small-group discussions. The instructor may assign the same topic to all groups or may assign different activities to groups in larger class settings. These activities are well suited for group work resulting in opportunities for students to "teach back" concepts to their peers under the instructor's facilitation. In this format, students are given time to research the topic (including internet research if available), develop their presentation, and select a spokesperson. They will be responsible for presenting their material (the instructor may wish to advise they can do so as a role play, in an activity, or through a short presentation). The group will

be advised to prepare a five-minute instructional segment. Sample topics are:

- *Handgun safety*
  - Students will research issues, policies, and legal considerations regarding handgun safety. For many students, the academy is the first time they have had a firearm inside their residence, vehicle, or on their person. Discuss ways to keep a firearm safe at home and away from their families.

- *Department policies relating to firearms/chemical agents*
  - Students will research issues and policies relating to handguns or chemical agents. Accidental discharge, possessing a firearm while intoxicated, and off-duty encounters shall be discussed.

- *Ethical issues regarding the use of deadly force by peace officers*
  - Students will research the moral considerations of using deadly force and will also study and instruct the class on the topic of the community's perceptions and possible objections to the use of deadly force.

- *Combat-related stress*
  - Students will review a video of an officer-involved shooting and identify the effects of stress apparent in the officer's actions. The students will instruct the class on how the effects of stress can affect an officer's performance in a critical incident.

- *Suicide by cop*
  - Students will instruct others on the term "suicide by cop" including its meaning, examples of the concept in recent events, and means by which peace officers might avoid being used to assist despondent persons away from considering creating a conflict with the police as a solution to their problems.

At the conclusion of student presentations, the instructor will ensure adequate depth of each topic has been presented and will lead a class discussion on the subject.

Learning Domain 36: Information Systems

Prerequisites:

The students shall either have been instructed in or had the opportunity to study the student workbook for the following LDs:

- LD 1: *Leadership, Professionalism & Ethics*
- LD 3: *Principled Policing in the Community*
- LD 36: *Information Systems*

Introduction:

In this block of instruction, students learn about the California Law Enforcement Telecommunications System (CLETS), the Criminal Justice Information System, the Department of Motor Vehicles Information System, and other law enforcement telecommunications systems. Students learn the roles and responsibilities of peace officers in relation to these systems, how to access information, and the consequences of unauthorized access or use of information from these systems.

With so much information available to them, peace officers have an obligation to know the requirements for access to, proper use of, and the legal statutes that regulate the systems. Misuse of information systems is a violation of the law and department policy. Students must develop a clear understanding of the requirements to protect citizen's information and the penalties for failure to do so.

Along with the rapid expansion of information systems, and their easy access, comes an expanded ethical responsibility. The use of information systems for personal benefit or interest can be a temptation. It is important to talk about the proper use of the systems and strategies to avoid improprieties and indiscretions. All peace officers must keep in mind that a public office is a public trust. Accordingly, department time and resources must never be used to further personal gain. The misuse of computer equipment and access to confidential information is one of the most common ways that peace officers have been found to violate the public's trust thereby ruining their careers and bringing shame to the department.

Learning Outcomes:

At the conclusion of these activities, the student will be able to:

- Give an example of the legal restrictions regarding the access and use of data on CLETS and the various other local, state, and national electronic information systems
- Identify incidents where the access and use of these systems are consistent with department policy, the law, and tenets of ethical decision-making

Activities

Have the students break up into learning groups. Assign the groups one of the following activities to discuss, then prepare a short learning segment they will present to the class.

The activities are intended to allow students time to internalize concepts and understand the appropriate use of CLETS and other similar systems. The instructor will want to ensure students leave this block of training with a "bright line" understanding of the prohibition on the access or use of any information in these systems without a compelling need for professional purposes. This understanding shall translate to their ability to use department guidelines and legal restrictions to guide behavior once they enter the field.

Students will access local, regional, state, and national databases on a recurring basis throughout their careers. In most instances, access to this information is considered a normal part of their duties as peace officers. Misuse of department equipment to convey personal information or use the information of others is a serious breach of ethical conduct and carries significant legal sanctions. Students shall clearly understand what is expected of them and be able to apply appropriate decision-making strategies to resolve conflicts as they arise

Comprehensive Questions:

Facilitate the following questions for the below activities:

- What is a person's right to privacy concerning information stored in the CLETS system?

- If you run a set of plates or personal information without cause, but you don't use or share the information, what's the harm?
- What decision-making strategies may be used to resolve situations such as those presented in the activities?

Activity One

You are working patrol, and another peace officer types you a message on your unit's computer describing a date they recently had with a very attractive person. Considerations are:

- What options does the receiving peace officer have with regard to this message?
- What disciplinary actions could each peace officer face in a situation like this?
- Could there be legal repercussions?
- What if the message was not of a sexual nature and was just a message to say "hi" and to "chat"?

Activity Two

While on patrol, your partner tells you his best friend asked him to obtain information about a neighbor that is causing his friend problems. Later in the evening, while you are in the station completing reports, he tells you he is going to take a few minutes to get the information his friend requested. Considerations are:

- Discuss how you should handle this situation.
- What are the issues involved?
- Are there any legal repercussions?
- What impact will your action have on:
  - The friend requesting this information
  - The peace officer requesting the information
  - The department and community

Activity Three

While on patrol, your partner tells you his best friend asked him to obtain information about a neighbor that is causing his friend problems. Later in the evening, while you are in the station

completing reports, you overhear your partner talking on the telephone to his friend reading from a CLETS printout, describing a person's personal information, driver's license information, and criminal history. Considerations are:

- What are the issues involved?
- What should you do?
- Is there an obligation for you to do anything?
- What are the possible negative consequences that can result for you, your department, and your partner?

Optional Assignment:

Have the students generate a list of ways information technology can be misused and alternatives to avoid such situations.

For larger classes, the instructor may consider using several smaller groups in the following format:

Have students discuss the activity and their thoughts, at which time they will find other student teams. The group will discuss the activity and their conclusions regarding the activity questions. The instructor will then recall the groups into the class setting and call on groups to divulge their conclusions. The instructor will use this information as a basis for the debriefing and as a means to reinforce key elements in the lesson plan.

Learning Domain 37: People With Disabilities

Prerequisites:

The students shall either have been instructed in or had the opportunity to study the student workbook for the following LDs:

- LD 1: *Leadership, Professionalism & Ethics*
- LD 3: *Principled Policing in the Community*
- LD 37: *People with Disabilities*

Introduction:

A learning activity is required as a component of instructional delivery in this LD. LD 37 introduces students to their responsibilities when dealing with people with disabilities. This block of instruction covers different types of disabilities, including people with mental illness, physical disabilities, and developmental disabilities. In addition, it explains laws related to protecting the rights of people with disabilities. Learning the behavior signs and indicators of various special conditions can assist peace officers in identifying effective intervention strategies and assist their work to control and resolve any situation by using proper communication techniques for people with disabilities.

During the learning process, it is important for students to learn to distinguish between disabilities and states of mind that have been induced by drugs or alcohol. Peace officers can sometimes mistake a medical emergency for one that is drug or alcohol related; sensitivity to special needs can ensure a disability or medical crisis is not confused with substance abuse.

People with disabilities are entitled to protection and services equal to the general population, even if providing that level of service requires additional time or effort. In addition, displaying an appropriate level of empathy, especially if others are not responsive to the needs or issues that have resulted in the presence of the police, is often the best way to achieve a suitable resolution to the problem at hand. Peace officers shall be familiar with provisions of the Americans with Disabilities Act (ADA) and provisions therein that ensure people with disabilities are provided equal opportunity and access to services.

The essence of learning in this LD is for students to develop the requisite knowledge regarding the issues and concerns of people with disabilities, the legal and ethical implications they must consider when asked to intervene, and the appropriate level of empathy to convey to others to act in a professional and humane manner when doing so. The activities provided, as well as other active learning techniques, shall be aimed at producing outcomes consistent with this learning taxonomy. Instructors may consider using guest speakers from resource agencies to enhance the student's understanding of the issue. Instructors may also wish to explore means by which to give students a personal understanding of living with a disability (i.e., simulating a setting where the student may be temporarily deprived of the use of sight, hearing, touch, or mobility and the issues that would create for them).

Students may or may not be aware of how society marginalized some people with disabilities or deprived them of opportunities for employment, housing, or other desired pursuits prior to a greater understanding of the need to treat all persons as equal before the law. It is important for the instructor to provide a historical context to this learning to ensure students understand how and why they may face resistance from people with disabilities (and others) when called upon to resolve a conflict. Activities that reinforce concepts of fairness, equal treatment, and empathy are consistent with dilemmas students will face in their communities beyond the academy setting.

Learning Outcomes:

At the conclusion of these activities, the student will be able to:

- Understand why a person with a disability may become frustrated with others who marginalize their presence or fail to provide equal access to them
- Understand and apply principles to identify the differences between substance-related medical emergencies and a medical crisis involving a person with a disability
- Understand the morals and issues involved in providing equal opportunity and access to services by a person with a disability

Activities:

Activity One

At appropriate intervals during any lecture segment, and at the end of blocks dealing with the ADA or the different types of disabilities they may encounter in the field, conduct student work as follows:

- Have them pair off, then have the pairs work together to develop a list of the five most important concepts they learned in the block of instruction just finished
- At the end, have each pair identify a second pair with which to work. The quartet will work with one another to share their original paired lists, and then create a second list of the three most important considerations for a peace officer while dealing with a person with disabilities

To add another layer of depth to the exercise, have each quartet find another four-person team to share their lists with, then come to a consensus on the one most important thing they learned in the instruction just received.

The instructor may elect to allow the group work to come to a close without reporting back to the class or may have a report from each group and the transfer of the “most important point” to chart paper for posting to the class.

This activity describes a “5-3-1” learning strategy to add depth and understanding to the presented material. Extensive studies show that students require opportunities to internalize material from a lecture or presentation and that another appropriate means of ensuring understanding is to incorporate group or individual activity at the end of every five to seven concepts presented. Activity one is representative of the application of this strategy.

Activity Two

Secure a DVD/video of a movie, TV show, or a similar depiction of a person with disabilities encountering difficulties when dealing with others. Show a clip of the selected media to showcase the challenge. Break the students into cooperative learning groups. Next, have students imagine they have been dispatched to a call for service involving the selected media scene. Ask groups to list at least three potential problems associated with any

attempt to resolve the scene depicted, as well as two considerations of which they shall be mindful when balancing the rights of the individual against those of others. Ensure the groups consider:

- The rights of the person with a disability involved
- The rights of others involved, including the rights of a business or residents in the same home
- Differences in approaches if the incident occurs at a private residence/property compared to a commercial venue or public place
- The content and limitations of taking a person into custody pursuant to Sec. 5150 WIC

At the conclusion of group work, ask spokespersons for each group to provide their responses. Consider having each group report only one answer at a time to ensure the entire class stays involved in the learning process and to avoid problems created with repetitive reporting of the same question by multiple groups. The instructor may wish to have all groups report all answers or to curtail responses once enough have been given to further the discussion and study on the topic.

Recommended Media:

- *The Voices* (starring Ryan Reynolds)
- *The Other Sister* (starring Juliette Lewis and Giovanni Ribisi)
- *Split* (starring James McAvoy)
- *As Good As It Gets* (starring Jack Nicholson)
- *Joker* (starring Joaquin Phoenix)

Optional Assignment:

There are several possibilities for work outside the classroom to enhance the student's understanding of this issue and the resources available for their use. Two options (amongst many) for additional assignments are:

- Assign students to research and develop a list of resources in their service area for a variety of special needs. This research can be done in groups or individually. Reporting back to the class may be done as a part of instruction through the development of an information sheet or other similar means.

- Have students visit one of the resource agencies to learn how the agency operates, and to determine how they may be of use to a peace officer in that community.

The assignment may be counted as a part of class time if desired or can be an exercise for students outside of training time.

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Learning Domain 38: Gang Awareness

Prerequisites:

The students shall either have been instructed in or had the opportunity to study the student workbook for the following LDs:

- LD 1: *Leadership, Professionalism & Ethics*
- LD 3: *Principled Policing in the Community*
- LD 38: *Gang Awareness*

Introduction:

LD 38 introduces students to gangs and promotes gang awareness. During this block of instruction, students learn about gang culture and the characteristics, dynamics, and crime trends associated with various criminal street gangs, outlaw motorcycle gangs, and prison gangs.

Dealing with gangs requires the police to understand the social pressures and issues that attract youth and others to the gang lifestyle, while at the same time working to suppress criminal gang activity and their adverse influence on the quality of life for others in their neighborhood and community. It is important that peace officers devote preventative efforts to divert youth away from gangs and towards healthy alternatives for their lives. It is equally important they sustain actions to enhance the confidence the community has in the police as a means of depriving gangs of one of their most effective tools; fear in those upon whom they prey.

Belonging to a “gang” is not, per se, illegal. Nor does the wearing of certain clothing or other manner of dress allow the police to intervene in the lawful activities of any person. It is the criminal activity of gangs that must be addressed with appropriate measures, and peace officers must ensure they do not resort to extra-legal means to accommodate the goal of protecting the community from gang activity. Especially in communities where gangs are present and confidence in the police may be suspect, those in formal and informal leadership positions in the community may be the strongest potential allies for the police as they partner to restore peace to their streets.

This partnership, once formed to combat this issue, may be leveraged to work cooperatively through any level of crisis between the police and those they serve.

Students may have misconceptions regarding the nature of gangs, including reasons why youths become affiliated with gangs, territorial identification, criminal activity, mobility, and conditions to enter and leave the gang.

Students will encounter gang members and the impact of gangs differently depending on their assignments beyond the academy setting. Those in custody assignments may see a variety of gang affiliations; including prison gangs and gangs formed as a result of ethnic identity in addition to the street or outlaw motorcycle gang members those in field assignments might more commonly encounter.

Learning Outcomes:

At the conclusion of these activities, the student will be able to:

- State in their own words the reasons youth join gangs and participate in gang activities
- Apply techniques to intervene with youth to divert them away from joining gangs and engaging in constructive activities
- Appraise and identify potential gang members and conduct interviews to confirm or repudiate the indicators giving rise to suspicion of involvement in gang activity
- Develop a deeper understanding of gang involvement and culture
- Facilitate a discussion to reach more than a surface-level understanding of these key topics

Activities:

Activity One

Divide students up into groups, and then facilitate a brief discussion of the reasons youth turn to gangs for “help,” the effect a dysfunctional home life can have on the youth’s decision, and how pressures at home and in school can lead them to join a gang. At the conclusion of the initial discussion, instruct groups to:

- List at least five reasons why they think kids turn to gangs
- How a school or service agency might make the difference between a delinquent life and an acceptable life

- How a peace officer can assist in making this difference

Groups will be required to select a spokesperson to provide the group responses. The instructor or selected student facilitator may elect to ask groups for one answer each in a round-robin format to enhance participation and learning that might dissipate with multiple groups attempting to answer the same question set in a more traditional question-and-answer session. Once adequate responses have been given to facilitate further discussion, the facilitator may elect to move on to the next block of instruction.

Activity Two

This exercise is consistent with a "3-2-1" small group activity that is best used to reinforce student understanding. This, and similar, activities are well suited to enhance understanding at the end of a sub-block of instruction, especially if a lecture or presentation has exceeded ten minutes (learners require opportunities for reflection and to reinforce understanding at this interval).

Have the students select a learning partner. The methodology for selecting a partner is at the instructor's election and is a chance to move students around the room, have them talk with those they normally have little contact within the class, or for other similar purposes (i.e., "Make eye contact with someone not at your table/in your row/etc.; that is your learning partner for this next segment", etc.).

Select two students to role play a contact by a peace officer with a suspected gang member. Brief the role players to enact a scene where a peace officer makes consensual contact for the purpose of determining gang affiliation after seeing the subject with three persons the peace officer recognizes from previous contacts as active gang members. Allow the role play to continue to its conclusion or intervene with clarifying comments if the role players are not displaying appropriate actions.

At the conclusion of the role play, ask groups to discuss what they saw, and to create a list of three things they saw or perceived during the role play. Each group will then join another group. The group will share their observations, and then develop a list of the two most important things a peace officer must consider in this type of contact and the single most important thing they learned from their group discussion.

During facilitated instruction, student groups shall provide adequate information to sustain discussion on important learning points from the activity. These shall include, at minimum:

- Consensual encounters with suspected gang members (and other persons suspected of criminal activity)
- Developing rapport necessary to obtain information that may be of use to suppress future criminal activity
- Officer safety considerations in this type of contact
- The impact of respect (or lack of respect) by the peace officer during this type of contact

Optional Assignment:

Assign students to contact and interview the youth or a gang officer in their department (or at the agency sponsoring the academy, etc.) to learn:

- What the gang officer does
- The issues they face in their roles
- What community resources exist for peace officers to use
- Any other considerations for learning by the student

This may be completed as a team activity, and the instructor may wish to give a reasonable period of time for students to complete this assignment. Once completed, students may report back in writing, or as a group that can first share learning, then consolidate their thoughts for a class presentation (excellent opportunity to allow students to teach a portion of the class regarding their findings. If this option is used, instruct teams to prepare a fifteen-minute presentation on the topic). If there is no youth gang officer in the student's department, ensure they team with a student who has one in theirs.

Learning Domain 39: Crimes Against the Justice System

Prerequisites:

The students shall either have been instructed in or had the opportunity to study the student workbook for the following LDs:

- LD 1: *Leadership, Professionalism & Ethics*
- LD 3: *Principled Policing in the Community*
- LD 5: *Introduction to Criminal Law*
- LD 8: *General Criminal Statutes*
- LD 15: *Laws of Arrest*
- LD 16: *Search and Seizure*
- LD 20: *Use of Force/Deescalation*
- LD 39: *Crimes Against the Justice System*

Introduction:

This LD introduces students to crimes against the justice system, including instruction to develop students' skills to identify and classify crimes involved in obstructing the judicial process, crimes that prevent the execution of a lawful process, crimes related to unlawful influence and false information, and crimes against the public peace. Included in these crimes are actions by persons (including peace officers) who provide false testimony while under oath, which constitutes the crime of perjury.

Crimes against the justice system often involve the conduct of peace officers or persons with whom they come into contact. Given the fact that conduct perceived by a peace officer as obstructing their lawful efforts to carry out their duties can be defended by persons as either protected speech or necessary in the context of the facts of a particular incident. Crimes charged in this LD have the potential to pit the police against the community. Peace officers shall remain aware of the need for the support of the community in order to carry out their mission, and only through the confidence of our citizenry can the goal of protection and service be achieved.

There are overarching questions concerning the "Code of Silence" and related issues that have a variety of references in literature and professional journals. Students shall also develop an understanding of the nature of their responsibility to enforce laws against the justice system

prudently, and not to use sections in this LD as a tool to inappropriately resolve conflict with others in the field. Extending their perception of incidents in this area beyond the immediate persons involved to others who would be impacted by their actions (stakeholders), including the agency, the community, the student's family, and the profession, is also a useful way in which to help them learn and retain an understanding of the impact of their actions.

Learning Outcomes:

At the conclusion of these learning activities, the student will be able to:

- Classify and give examples of crimes regarding the judicial process, unlawful influence on the justice system, false information in an official process, and crimes against public peace officers
- Apply these laws in a lawful and appropriate manner
- Evaluate the impact of enforcing these laws, synthesize learning, and apply it to other settings where possible crimes against the justice system may have occurred

Activities:

Activity One

This activity is a role play presented by students under the facilitation of a student(s) selected by the instructor. One or two students will play the role of the peace officers, one will portray the person causing the disturbance, and two to three others will play witnesses to the scene.

> "The setting is one where a person is to be evicted from their apartment. The manager of the complex has called the police because the resident has become verbally abusive. Peace officers arrive and are quickly contacted by the resident, who begins swearing at them and stating they will go to the newspaper and tell them the peace officers pushed and swore at them, and referred to them in derogatory terms. One of the peace officers becomes angry and begins to argue with the resident. Very shortly thereafter, the peace officer arrests the person."

At this point, the instructor has several options to complete the activity. Choices may be:

- Turning it over to the class to discuss appropriate actions by the peace officers. Address the legal and ethical implications of the conduct of the peace officers involved, as well as:
    - Does this activity contain the crime elements necessary to arrest and if so, what crime and why?
    - Does the peace officer have potential liability in this activity? What consequences could they face?
    - What is the potential impact on the justice system when a peace officer abuses their authority to make an arrest for obstructing or resisting a peace officer?

It is important to prepare the role players to complete or end the activity in a manner consistent with the desired outcomes, although the creativity and resourcefulness of the students acting and facilitating this activity is a resource from which class learning should come.

Activity Two

Divide students into groups to create examples identifying specific crimes, ensuring the crime elements are met within the constructed examples:

- Intimidating witnesses or victims
- Threats of retaliation
- Resisting, delaying, or obstructing a public officer, peace officer, or emergency medical technician
- Obstructing or resisting an executive officer by use of threats or force
- Threatening a public officer
- Providing false identity to a peace officer
- Unlawful assembly
- Refusal to disburse

These examples may be presented in various ways, including role playing, class discussion, or group presentations. In reviewing the examples, discuss key factors or differences between specific crimes:

- Intimidating witnesses or victims and threats of retaliation
- Resisting, delaying, or obstructing a public officer, peace officer, or emergency medical technician, Obstructing or resisting an executive officer by use of threats of force, and threatening a public officer
- Unlawful assembly and refusal to disburse


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Learning Domain 40: Weapons Violations

Prerequisites:

The students shall either have been instructed in or had the opportunity to study the student workbook for the following LDs:

- LD 1: *Leadership, Professionalism & Ethics*
- LD 3: *Principled Policing in the Community*
- LD 40: *Weapon Violations*

Introduction:

In this LD, students learn about laws pertaining to prohibited weapons and crimes involving the possession of firearms. Examples of these crimes are concealment of firearms, possession of firearms by restricted persons or within restricted locations, and drawing, exhibiting, or unlawful use of weapons.

Weapons are defined as any object, article, or device designed to inflict bodily injury or death upon another living being. Types of weapons may range from chemical agents to cutting, piercing, striking, and shooting devices, both mechanical and explosive. Over the years, the government has enacted laws regulating the manufacture, sale, possession, and use of weapons. Police and other public agencies are required to interpret and enforce those laws.

Firearms are a class of weapons that require specific knowledge. They have the capacity to inflict severe, multiple wounds from great distances. Laws have been enacted to regulate the place and manner in which firearms may be carried and who may carry them, and rules have been set in place regarding the registration process. By knowing these laws and rules, peace officers can work to reduce the illegal possession of firearms and the devastating effect their use has on the community. Those in public safety must also be mindful that weapons laws apply to those charged with enforcing them, and that off-duty peace officers are not exempt from any provision of the law regarding weapons possession.

Learning Outcomes:

At the conclusion of these activities, students will be able to:

- Recall weapons laws and be able to apply them to a specific fact of circumstance
- Demonstrate an understanding of laws pertaining to firearms by choosing an appropriate course of action when confronted with persons in possession of firearms
- Demonstrate an understanding of problem-solving skills using weapons laws as a foundation for their selected actions

Activities:

Activity One

This activity requires students to develop their own presentation and demonstrate an understanding of weapons laws by role playing a particular circumstance where a peace officer must take action pursuant to one or more of the laws in this LD.

Assign learner groups to research and prepare a brief presentation on a topic from the following list. The presentation may include a role play or other similar activity to be used as a basis for the learning points in their presentation. Options are (and may be expanded at the instructor's discretion):

- Freedoms and limitations on firearms possession granted by the Second Amendment to the US Constitution
- Why a person might carry a weapon in an urban setting and the legalities
- Automatic weapons for personal possession
- Magazine capacity in semi-automatic weapons
- Possessing a firearm or other weapon for personal protection (i.e., concealed carry weapon, private property, home/business protection, etc.)
- Laws regarding the transport of weapons in vehicles

Allowing students to research and present course material is perhaps the best way to enhance their understanding and learning of desired material. Select student leaders should act as facilitators of the presentation

process, keeping time, asking questions to clarify important points, and prompting dialogue by others.

Activity Two

A peace officer is on routine patrol. The officer conducts a vehicle stop for a vehicle failing to stop at a stop sign. Upon contact with the driver, the driver immediately tells the officer they are carrying a concealed firearm, and they have a permit. The driver presents the officer with their driver's license and their concealed carry permit.

The driver's license is clear and valid. There are no warrants, parole, or probation for the driver. The concealed carry permit is valid and is issued in the peace officer's county.

The peace officer has the driver exit the vehicle. The peace officer removes the firearm from the holster on the driver's hip. Upon inspection, there is an obliterated serial number on the firearm. The firearm is loaded.

Comprehensive Questions:

- What are the next steps for the officer?
- What crime(s), if any, were committed?
- Was the officer acting lawfully in inspecting the firearm?
- Under what circumstances, if any, would the weapon be returned to the driver?

Activity Three

The instructor will select one or more of the following activities to discuss as a class:

> "You are a peace officer in your county/city. You receive a call of a disturbance between two males at a local business. While responding to the call, you learn that one of the subjects brandished a firearm. When you arrive on the scene, you make the scene safe and determine the individual who brandished the firearm is the business owner. The business owner informs you he did display a firearm, but only after the other subject made a threat to him and other customers. The other subject states he was upset about poor service by the business owner and the

business owner refused to sell items to him and told him to leave so he threatened to “kick his ass.””

- What crime, if any, has been committed?
- What actions would you take in this situation and why?
- How could your decision impact the business owner and the customer?

“After successfully completing probation with a policing agency, a young peace officer and several other peace officers go out to drink and celebrate. After consuming several drinks, the off-duty officer shows off his department-issued firearm to others in the bar. A bar patron sees the weapon and calls the police. You are the responding officer to the call.”

- What crime, if any, has the off-duty peace officer committed?
- How does this peace officer’s actions impact public perception and trust in law enforcement?
- What actions should you take as the responding officer?

Learning Domain 42: Cultural Diversity/Discrimination

Prerequisites:

The students shall either have been instructed in or had the opportunity to study the student workbook for the following LDs:

- LD 1: *Leadership, Professionalism & Ethics*
- LD 3: *Principled Policing in the Community*
- LD 26: *Critical Incidents*
- LD 42: *Cultural Diversity/Discrimination*

Introduction:

A learning activity is required as a component of instructional delivery in this LD. Understanding diversity goes far beyond cultural definitions and includes all of those characteristics that distinguish us from one another. It is not enough to tolerate or merely accept differences; it is important to value the unique and rich contributions that everyone brings to our society and competently respond to anyone with whom the peace officer will come into contact.

There are at least three reasons why peace officers shall understand diversity to develop the skills and competencies necessary to respond professionally in their duties:

- Learning about diversity enriches our lives. It helps to break down myths and misconceptions, helps to ensure equality, and lays the groundwork for mutual respect and dignity.
- Understanding the diverse cultures and perspectives in our communities is “good for business.” Peace officers who understand these dynamics are more likely to have successful outcomes in their contacts with others than those who rely on intuition, or who use only their own background and values to resolve conflict.
- Achieving competency in the recognition and application of culturally appropriate actions is good for the policing profession. Agencies that recognize and embrace diversity are more likely to form constructive partnerships with persons and groups in their community who might otherwise not engage with the police to enhance the quality of life in their neighborhoods. Those agencies are also more likely to attract and retain persons from a broader

cultural background, thus enriching the capacity of the organization and serving the goal of building a department that reflects the breadth and values of the community they serve.

Peace officers shall act as leaders when dealing with the community. They must demonstrate active listening and excellent decision-making skills. It is every peace officer's responsibility to treat each person with respect and integrity no matter their race, creed, or religion. It is not enough to accept differences; we must understand differences are to be valued and celebrated for the rich contributions they provide to our society.

Telling belittling ethnic jokes; using offensive slang or slurs that refer to a particular group; degrading people because they are different or disabled; using phrases that make people indistinguishable such as "you people" or "they're all alike" are all ways that thought, and speech divides us and inhibits our capacity to see others on equal terms.

Some peace officers may believe they have the right to think anything they want as long as they act in a professional and unbiased way. Thought, speech, and action are interwoven; however, it would be unreasonable to expect a bigot to respond reflexively to a person they devalue in a manner that is consistent with the ideals of police service.

Learning Outcomes:

At the conclusion of these learning activities, the student will be able to:

- Contrast, compare, and distinguish the values, perspectives, and differences among persons with whom they come into contact, and adapt their behavior in response to interactions with any individual or group

Activities:

Activity One

This activity is group research and presentations on the history and issues of many Californians of differing ancestries and cultural backgrounds (select as desired; modify and enhance as appropriate).

- African Americans (beyond slavery into the economic forces leading to the slave trade, impact on American society, and related issues in contemporary society)
- Immigrants from Mexico and other Central American countries (historical background, the Bracero and other guest worker programs, current issues, and the moving border pre- and post-Mexican American War)
- Chinese immigrants (especially immigration to America to work on the railroads during the California Gold Rush, and then to today)
- Southeast Asian communities (Vietnamese, Laotian, Thai, Filipino, and others)
- European immigration (especially 19th century immigration and prejudice amongst various groups)
- Native Americans (focus on regions or major tribes, historic discrimination, and current events with the impact of gaming)
- Japanese immigrants (especially World War II and internment)
- Persons with disabilities (historic issues, impact of the ADA)
- Religious groups (Muslim, Jewish, Sikh, Buddhist, Mormon, Christian, etc.)
- Lifestyle differences

Allow groups time to research what forces induced the movement to America, and what advantages and disadvantages particular groups may have experienced, especially those that differed from the majority ethnicity. If the study of religious groups, the gay community, Native Americans, or persons with disabilities is assigned, groups shall specifically assess historic levels of prejudice, current issues, and future trends. This may be a weekend or week prior assignment for groups and is best done if they are given time for independent study and research. They shall use any available resource to develop a presentation to enrich understanding and the cultural competence of themselves and other students. Emphasize that others shall be able to see the issue through the eyes of the ethnic or cultural group as an outcome of the presentation and that it shall not be a “lecture,” rather, it shall be active and involve the audience in the learning process.

During the presentations, the instructor will keep time or delegate that responsibility to a class member. After each presentation, facilitate group discussion, allow questions from others, and conduct activities (charting learning points, etc.) to reinforce learning.

Activity Two

Racially Biased Policing

There has been ample discourse in public forums regarding police conduct that is prompted by the peace officer's perception of the person's race, ethnicity, or similar appearance or conduct. This dialogue has resulted in court action restricting the police from certain actions with regard to "profile" stops for drug trafficking, racial profiling studies in academia and the media, data collection efforts to validate or refute allegations of such conduct, and a variety of anecdotal evidence that allows persons to view the issue from a broad variety of perspectives. The intent of this activity is not to endorse perspectives in support of, or detract from, the issue of racially biased policing. It is intended to allow students to learn about the topic and to demonstrate their understanding of facts and ideas underlying the issue from a variety of viewpoints.

This activity is presented as either small group work or a class exercise. It may be supported by an appropriate video clip of one or more incidents that have been in the media regarding "racial profiling" by the police.

Choices for the setting of the problem may be:

- During evening patrol, peace officers stop a vehicle driven by a person they recognize as an African American celebrity (sports, music, etc.). Subsequent to the contact, the contact becomes fodder for local and regional media outlets, and letters to the editor begin appearing that question whether or not the peace officers stopped the person for no other reason than his appearance.
- A peace officer patrols an area known for recurring problems of drug sales. The neighborhood is predominantly Hispanic and African American. One evening, the peace officer sees what appears to be a college-aged white male driving slowly through the neighborhood in a small foreign compact car. The peace officer suspects the driver is looking to make a drug deal, so he initiates a traffic stop to investigate the reason for his presence in the area.
- A peace officer sees a youthful-looking African American driving away from a popular nightspot, driving a near-new BMW 7-series car. The peace officer is suspicious the youth might have just stolen the car from the parking lot of the nightclub, so they initiate a stop to verify ownership of the car.

- On a Saturday afternoon, a peace officer sees a group of Hispanic youths sitting on the hoods and bumpers of two to three cars parked in a lot adjacent to a public park. The park has experienced substantial damage from graffiti and the destruction of park benches and planters recently, so the peace officer stops to contact the group to see what they are doing.

One or more groups may be assigned to discuss relevant issues. The process of inquiry shall be:

- Have students work individually to identify:
    - The legal and civil rights implications of the conduct of the peace officer in this situation
    - The impact on the peace officer's agency due to publicity regarding the incident or contact
    - What choices does the peace officer have when faced with these facts of circumstances

At the end, form students into groups to share their individual findings, and then develop a list of:

- The three most important things to consider when electing to make or refrain from contact with a person not engaged in overt criminal activity
- Two possible objections to the peace officer's conduct by the person(s) contacted
- The single most important point they learned from their discussion and study of the issues

After group work, selected student leaders will facilitate a class discussion and reinforce core concepts of lawful action by the police, respect for others, and not engaging in police contact merely based on a person's appearance, presence, or for facts unrelated to their actions.

Activity Three

Hate Crimes

This activity is perhaps most effective and is used as an introduction to the topic of hate crimes. Rather than beginning the block of instruction with lectures or other teacher-directed information, the instructor may elect to

start the class with the described scenario, with follow-up work by students to reinforce learning.

Read the activity to the students, and then instruct them to work individually on the listed questions. At the instructor's signal, each student will turn to their neighbor and work in pairs to compare thoughts and findings and be prepared to respond to questions once the class reconvenes. The activity is:

> "Peace officers are called to a home that had been vandalized. When they arrive, they see the home's windows were broken with rocks and the phrase 'get out' was spray painted on one side of the house. The residents make contact with the responding peace officers, and the peace officers see the couple is a white husband in the company of his African American wife. They say they moved into the neighborhood only a few weeks prior, and that nothing like this had happened before. The peace officers complete their interview with the couple and examine the evidence of vandalism; however, they do not take photographs of the damage or make contact with anyone else before clearing the call. They later file a misdemeanor vandalism report at the station."

Questions for individual or paired work are:

- What crime, or crimes, may have occurred based on the description of damage at the scene?
- What does this illustrate about proper investigation and documentation of this crime?
- Did the peace officers fail to complete the necessary steps in this investigation?
- What personal experiences do class members have that would relate to this issue?
- How could the peace officers' handling of the investigation affect this family?

At the conclusion of individual or paired work, the instructor will select students to research laws related to hate crimes, and then lead a class discussion regarding the nature of the crime, how to identify a hate crime as defined in the Penal Code, and how to properly investigate a crime of this nature. The total time for this activity will be to read the activity and give directions for the completion of work, individual work, paired work, and then discretionary time to complete student discussion of necessary concepts.

Activity Four

Assign the students to describe their own cultural heritage. How many generations of their family have been born in the United States, and how many were born in California? What experiences have they or their friends and family members encountered where they felt they were treated differently because of their race, gender, appearance, or other similar factors? Have the students document what others would need to know about their cultural heritage to work more effectively with them. Have students share their information with other students in a group setting.

This activity may be used either as individual work in class, followed by a class discussion facilitated by the instructor, or a take-home assignment for use in the next block of teaching.

Activity Five

This activity is meant to practically demonstrate how bias (explicit or implicit), impacts our decisions as peace officers.

The facilitator will inform students they have survived a catastrophic event and must now survive on an uninhabited island for an unknown period of time. The students can select five other individuals to take with them on the uninhabited island in order to help them survive. The instructor will provide limited information on a group of individuals to select from (examples: doctor, addict, librarian, priest, a person with a disability, politician, attorney, pregnant mother with a three year old child, Navy SEAL, scientist).

The facilitator will divide the students into groups and allow ten to fifteen minutes for the students to decide who they will select. Student groups will then conduct a group presentation on who they selected to help them survive on the island and why.

After each group presents, provide context on the choices made by each student group such as:

- Doctor has a doctorate in Education (EdD)
- Addict is addicted to caffeine
- Librarian is a volunteer firefighter
- Priest is a reserve US Army officer
- Person with a disability has high-test anxiety
- Attorney

- Pregnant mother with child
- Navy SEAL is a paraplegic
- Scientist is an audiologist

The facilitator leads the discussion about how our lived experiences knowingly or unknowingly contribute to how we perceive individuals, form judgments, and make decisions about people when we have limited information. The facilitator can ask follow-up questions such as:

- Having context to your selections, would you change your selection?
    - Why?
- How does knowing more about an individual help prevent generalizations, pre-judgments, and discriminant behavior?

COMMISSION
PEACE OFFICER STANDARDS AND TRAINING

AGENDA ITEM REPORT

Title:

REPORT ON AMENDMENTS TO COMMISSION REGULATIONS 1005, 1007, 1008, AND 1059 - TRAINING AND TESTING SPECIFICATIONS FOR PEACE OFFICER BASIC COURSES - LEARNING DOMAIN 32 - LIFETIME FITNESS

REPORT PROFILE

MEETING DATE 03/05/2025	**BUREAU SUBMITTING THE REPORT** Basic Training Bureau	
RESEARCHED BY Anita M. Finner	**REVIEWED BY** Carrie Hollar	
REPORT DATE 01/16/2025	**APPROVED BY** Manuel Alvarez, Jr.	**DATE APPROVED** 01/27/2025
PURPOSE	**FINANCIAL IMPACT** No	

ISSUE, BACKGROUND, ANALYSIS, & RECOMMENDATION

ISSUE:

Should the Commission approve, subject to the Notice of Proposed Regulatory Action Process, the proposed changes enumerated in this report?

BACKGROUND:

During the November 20, 2024, Commission meeting, the Commission directed POST staff to remove the body composition measurement from the existing Learning Domain 32 - Lifetime Fitness Training and Testing Specifications listed in the Required Learning Activities section VI. G. 5.

ANALYSIS:

POST staff is presenting the removal of the body composition measurement **(Attachments A and B)** at the request of the Commission.

RECOMMENDATION:

If the Commission concurs, the appropriate action would be a **MOTION** to approve the proposed changes to the Learning Domain (LD) 32 – Lifetime Fitness Training and Testing Specifications as described in the staff report.

ATTACHMENT(S):
Attachment_A_LD_32_Lifetime_Fitness_TTS.pdf
Attachment_B_1005-1007-1008-1059_TPRA_TTS_LD32.pdf

TRAINING AND TESTING
SPECIFICATIONS FOR LEARNING DOMAIN #32
LIFETIME FITNESS

October 1, ~~2020~~2025

RBC	Other Basic Courses					Requal
	832	III	II	I	SIB C	
X				X	X	
X				X	X	
X				X	X	
X				X	X	
X				X	X	
X				X	X	
X				X	X	
X				X	X	
X				X	X	
X				X	X	
X				X	X	
X				X	X	
X				X	X	
X				X	X	
X				X	X	
X				X	X	
X				X	X	
X				X	X	

I. LEARNING NEED

Officers need to know how to apply methods for evaluating and managing their physical fitness for a healthy lifestyle in order to safely and effectively perform peace officer duties.

LEARNING OBJECTIVES

A. Discuss the components of a personal physical fitness program to include:

1. Cardiovascular
   a. Aerobic
   b. Anaerobic
2. Muscular
   a. Strength
   b. Power
   c. Endurance
3. Flexibility/Stability/Mobility
4. Core
5. Acceleration and agility
6. Body composition vs performance
7. Recovery

B. Discuss techniques for evaluating personal fitness in the areas of:

1. Cardiovascular
   a. Aerobic
   b. Anaerobic
2. Muscular
   a. Strength

RBC	Other Basic Courses					Requal
	832	III	II	I	SIB C	
X				X	X	
X				X	X	
X				X	X	
X				X	X	
X				X	X	
X				X	X	
X				X	X	
X				X	X	
X				X	X	
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X				X	X	
X				X	X	
X				X	X	
X				X	X	
X				X	X	
X				X	X	

b. Power
c. Endurance

3. Flexibility/Stability/Mobility
4. Core
5. Acceleration and agility
6. Body composition vs performance
7. Recovery

C. Describe appropriate measures for improving an officer's performance within each of the seven components of a personal fitness program

D. Discuss principles of physical conditioning, including:

1. Specificity
2. Frequency
3. Intensity
4. Volume
5. Active recovery
6. Periodization/program design
   a. Foundational phase
   b. Conditioning phase
   c. Peak performance phase
7. Progression

E. Describe minimum physical conditioning program requirements and components of a training session to include:

1. Warmup
2. Training phase
3. Recovery

F. Explain the two types of training injuries and appropriate treatment for each

1. Acute injuries
2. Chronic injuries

RBC	Other Basic Courses					Requal
	832	III	II	I	SIB C	
X				X	X	
X				X	X	
X				X	X	
X				X	X	
X				X	X	

II. LEARNING NEED

Peace officers must recognize that proper nutrition is critical to maintaining body composition, physical conditioning, and reducing their risk of illness or injury.

LEARNING OBJECTIVES

A. Describe how to accomplish fitness goals using nutritional planning

B. Discuss the role of supplementation and accomplishing fitness goals

III. LEARNING NEED

Peace officers need to understand common health problems so they may use appropriate risk management techniques to ensure their health and physical fitness.

LEARNING OBJECTIVES

A. Discuss illnesses and injuries commonly associated with law enforcement officers

B. Discuss strategies for the prevention of illnesses and injuries commonly associated with law enforcement officers

IV. LEARNING NEED

Peace officers must recognize the causes of stress and how to manage it effectively in order to protect their personal health and ensure their ability to perform their duties.

LEARNING OBJECTIVES

A. Explain the signs and symptoms of elevated stress levels

RBC	Other Basic Courses					Requal
	832	III	II	I	SIB C	
X				X	X	
X				X	X	
X				X	X	
X				X	X	
X				X	X	
X				X	X	
X				X	X	
X				X		
X				X		
X				X		
X				X		
X				X		
X				X		
X				X		
X				X		
X				X		
X				X		

B. Recognize that substance abuse is an inappropriate strategy for coping with physical and psychological stress

C. Describe the short and long term effects of abusing:

1. Alcohol
2. Tobacco
3. Caffeine
4. Supplements/performance enhancing drugs
5. Prescription, nonprescription, and illegal drugs

D. Explain the techniques for stress management

V. REQUIRED TESTS

A. The POST-developed Work Sample Test Battery (WSTB) or an equivalent physical abilities test approved by POST

1. Run a 99 yard obstacle course consisting of several sharp turns, a number of curb-height obstacles, and a 34 inch high obstacle that must be vaulted
2. Lift or drag 165 pound lifelike dummy 32 feet
3. Run 5 yards to a 6 foot chain link fence, climb over fence, continue running another 25 yards
4. Run 5 yards to a 6 foot solid fence, climb over continue running another 25 yards
5. Run 500 yards

VI. REQUIRED LEARNING ACTIVITIES

A. The student will participate in a POST-approved physical conditioning program to include the following:

1. The program must consist of a minimum of 36 sessions
2. The 36 required sessions must be conducted within a period of 10 to 14 consecutive weeks with a minimum of two sessions per week
3. Each session must be a minimum of 60 minutes in length
4. Each session must consist of a warm-up, a training period, and recovery

RBC	Other Basic Courses					Requal
	832	III	II	I	SIB C	
X				X		
X				X		
X				X		
X				X		
X				X		
X				X		
X				X		
X				X		
X				X		
X				X		
X				X		
X				X		
X				X		
X				X	X	
X				X	X	
X				X	X	
X				X	X	
X				X	X	
X				X	X	

5. Each student must participate in a minimum of 30 of the required 36 sessions
6. Individual accommodations must meet the functional equivalency of all components of the training session

B. The student will participate in a physical conditioning program designed to achieve proficiency in the following seven components:

1. Cardiovascular
   a. Aerobic
   b. Anaerobic
2. Muscular
   a. Strength
   b. Power
   c. Endurance
3. Flexibility/stability/mobility
4. Core
5. Acceleration and agility
6. Body composition vs performance
7. Recovery

C. The student will participate in a facilitated discussion, workbook assignment, computer-assisted training session, or equivalent learning activity, regarding health problems common to law enforcement officers and related risk reduction management techniques. At a minimum, the activity must address the following topics:

1. Illnesses and injuries commonly associated with law enforcement officers
2. The short-term and long-term effects of using/abusing alcohol, tobacco and supplements/performance enhancing drugs
3. The essential elements of lifetime fitness

D. The student will participate in a facilitated discussion, workbook assignment, computer-assisted training session or equivalent learning activity, regarding proper nutrition. At a minimum, the activity must address the following topics:

1. The relationship between the proportion of calories consumed from each food group and body

RBC	Other Basic Courses					Requal
	832	III	II	I	SIB C	
X				X	X	
X				X	X	
X				X		
X				X		
X				X		
X				X		
X				X		
X				X		
X				X		
X				X		
X				X		
X				X		
X				X		
X				X		
X				X		
X				X		
X				X		

composition

2. The nutritional characteristics of different foods (e.g., grains, legumes, meat, fish, dairy products) and the use of food selection in body composition management
3. The relationship between exercise and body composition management

E. The student will participate in a facilitated discussion, workbook assignment, computer-assisted training session or equivalent learning activity, regarding techniques used to evaluate physical fitness. At a minimum, the activity must address techniques for evaluating the following types of physical fitness components:

1. Cardiovascular
   a. Aerobic
   b. Anaerobic
2. Muscular
   a. Strength
   b. Power
   c. Endurance
3. Flexibility/stability/mobility
4. Core
5. Acceleration and agility
6. Body composition vs performance
7. Recovery

F. The student will participate in a facilitated discussion, workbook assignment, computer-assisted training session or equivalent learning activity, regarding the principles of physical conditioning. At a minimum, the activity must address the following principles and techniques for developing a personal physical fitness program:

1. The relationship between the different components of physical fitness (i.e., cardiovascular, muscular, flexibility/stability/mobility, core, acceleration and agility, body composition vs performance, and recovery) and the physical conditioning activities that develop them
2. The basic principles of a physical conditioning program (e.g., specificity, frequency, intensity, volume, activity recovery, periodization/program design, and progression) and an exercise session (e.g., warmup, training phase, recovery)

RBC	Other Basic Courses					Requal
	832	III	II	I	SIB C	
X X X				X X X		
X X X X X ~~X~~				X X X X X ~~X~~		
X				X		
44				44	4	

3. Calculating the aerobic heart rate training zone
4. The components of a comprehensive fitness program for the tactical athlete
5. Evaluation and treatment of training injuries

G. The student will participate in a learning activity which requires them to take part in a physical fitness assessment during the foundational phase and the peak performance phase which shall minimally include:

1. Performance of the WSTB
2. Push-ups
3. Bent knee sit-ups
4. 1.5 mile run
5. ~~Body composition measurement~~

H. The student will participate in a learning activity which requires them to train in techniques to tactically climb over the solid 6 foot wall wearing assigned/appropriate duty gear (e.g., duty belt with safety equipment, ballistic vest, utility uniform, duty footwear, etc.). The learning activity will provide the student with multiple opportunities to complete the solid fence climb in a tactically safe manner

VII. HOURLY REQUIREMENTS

Students shall be provided with a minimum number of instructional hours on lifetime fitness.

VIII. ORIGINATION DATE

January 1, 2001

IX. REVISION DATE

January 1, 2004
January 1, 2006
January 19, 2007
July 1, 2009
January 1, 2012
August 1, 2013
October 1, 2020
October 1, 2025

TEXT OF PROPOSED REGULATION ACTION
Amend Commission Regulations 1005, 1007, 1008 and 1059 - *Training and Testing Specifications for Peace Officer Basic Courses* – Learning Domain 32

1005. Minimum Standards for Training. (Refer to Commission Regulation 1007 and Commission Procedure H for Reserve Peace Officer Training Standards).

(a) Minimum Entry-Level Training Standards (Required)

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The document, *Training and Testing Specifications for Peace Officer Basic Courses*, adopted effective January 1, 2001, and amended effective October 1, 2001, January 1, 2002, July 1, 2002, January 1, 2003, January 1, 2004, August 15, 2004, September 15, 2004, July 1, 2005, January 1, 2006, January 19, 2007, July 1, 2007, August 8, 2007, January 1, 2008, July 1, 2008, January 1, 2009, July 1, 2009, January 1, 2010, July 1, 2010, July 1, 2011, January 1, 2012, July 1, 2012, January 1, 2013, August 1, 2013, February 1, 2014, August 1, 2014, August 1, 2015, February 1, 2016, August 1, 2016, February 1, 2017, February 15, 2017, August 1, 2017, July 1, 2018, April 1, 2020, July 1, 2020, October 1, 2020, December 1, 2021, April 1, 2022, October 1, 2023, January 25, 2024, April 1, 2024, ~~and~~ April 1, 2025, and October 1, 2025, is herein incorporated by reference.

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NOTE: Authority cited: Sections 832.1, 832.3, 832.6, 13503, 13506, 13510, 13510.3, 13510.5, 13515.26 and 13519.8, Penal Code. Reference: Sections 830.33, 832, 832.1, 832.3, 832.6, 835a, 13503, 13506, 13510, 13510.3, 13510.5, 13511, 13513, 13514, 13515.29, 13515.295, 13516, 13517, 13519.8, 13519.10, 13520 and 13523, Penal Code.

1007. Reserve Officer Minimum Training Standards.

(a) All persons appointed as a reserve peace officer who do not already possess a Basic Certificate issued by the Commission are required to obtain a Proof of Eligibility (POE).

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The document, *Training and Testing Specifications for Peace Officer Basic Courses*, adopted effective January 1, 2001, and amended effective October 1, 2001, January 1, 2002, July 1, 2002, January 1, 2003, January 1, 2004, August 15, 2004, September 15, 2004, July 1, 2005, January 1, 2006, January 19, 2007, July 1, 2007, August 8, 2007, January 1, 2008, July 1, 2008, January 1, 2009, July 1, 2010, July 1, 2011, January 1, 2012, July 1, 2012, January 1, 2013, August 1, 2013, February 1, 2014, August 1, 2014, August 1, 2015, February 1, 2016, August 1, 2016, February 1, 2017, February 15, 2017, August 1, 2017, July 1, 2018, April 1, 2020, July 1, 2020, October 1, 2020, December 1, 2021, April 1, 2022, October 1, 2023, January 25, 2024, April 1, 2024, ~~and~~ April 1, 2025, and October 1, 2025, is herein incorporated by reference.

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NOTE: Authority cited: Sections 832.3, 832.6, 13503, 13506, 13510, 13510.1 and 13515.26, Penal Code. Reference: Sections 832.2, 832.3, 832.6, 835a, 13503, 13506, 13510, 13510.1, 13510.5, 13512 and 13519.10, Penal Code; Section 48412, Education Code; and Section 1031(d), Government Code.

1008. Basic Course Requalification Requirements.

(a) Purpose of Requalification.

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The document, *Training and Testing Specifications for Peace Officer Basic Courses*, adopted effective January 1, 2001 and amended effective October 1, 2001, January 1, 2002, April 26, 2002, September 15, 2004, July 1, 2005, January 1, 2006, July 1, 2007, August 8, 2007, January 1, 2008, July 1, 2008, January 1, 2009, July 1, 2009, January 1, 2010, July 1, 2010, July 1, 2011, January 1, 2012, July 1, 2012, January 1, 2013, August 1, 2013, February 1, 2014, August 1, 2014, August 1, 2015, February 1, 2016, August 1, 2016, February 1, 2017, February 15, 2017, August 1, 2017, July 1, 2018, April 1, 2020, July 1, 2020, October 1, 2020, December 1, 2021, April 1, 2022, October 1, 2023, January 25, 2024, April 1, 2024, ~~and~~ April 1, 2025, and October 1, 2025, is herein incorporated by reference.

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NOTE: Authority cited: Sections 832.3, 13503, 13506, 13510 and 13515.26, Penal Code. Reference: Sections 832.3, 835a, 13503, 13505, 13506, 13510, 13510.5, 13511 and 13519.10, Penal Code.

1059. Requirements for Basic Course Requalification Requirements.

(a) Instructor-Led Basic Course Training

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The document, *Training and Testing Specifications for Peace Officer Basic Courses*, adopted effective January 1, 2001, and amended effective October 1, 2001, January 1, 2002, July 1, 2002, January 1, 2003, January 1, 2004, August 15, 2004, September 15, 2004, July 1, 2005, January 1, 2006, January 19, 2007, July 1, 2007, August 8, 2007, January 1, 2008, July 1, 2008, January 1, 2009, July 1, 2009, January 1, 2010, July 1, 2010, July 1, 2011, January 1, 2012, July 1, 2012, January 1, 2013, August 1, 2013, February 1, 2014, August 1, 2014, August 1, 2015, February 1, 2016, August 1, 2016, February 1, 2017, February 15, 2017, August 1, 2017, July 1, 2018, April 1, 2020, July 1, 2020, October 2020, April 1, 2022, October 1, 2023, January 25, 2024, April 1, 2024, ~~and~~ April 1, 2025 and October 1, 2025, is herein incorporated by reference.

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NOTE: Authority cited: Sections 13503 and 13506, Penal Code. Reference: Section 13503(e), Penal Code.

AGENDA ITEM REPORT

Title: APPEAL TO THE COMMISSION REGARDING THE DENIAL OF A PRIVATE PRESENTER - JAQUEL PITTS

REPORT PROFILE

MEETING DATE 03/05/2025	**BUREAU SUBMITTING THE REPORT** Training Delivery and Compliance Bureau	
RESEARCHED BY Jonathan Gackowski	**REVIEWED BY**	
REPORT DATE 01/24/2025	**APPROVED BY** Manuel Alvarez, Jr.	**DATE APPROVED** 01/28/2024
PURPOSE	**FINANCIAL IMPACT** No	

ISSUE, BACKGROUND, ANALYSIS, & RECOMMENDATION

ISSUE:

Should the Commission affirm, reverse or modify the Executive Director's decision to deny Jaquel Pitts' application as a Commission on Peace Officer Standards and Training (POST) private presenter, as per Commission Regulation 1058 (Appeals Process) and Commission Procedure D-16?

BACKGROUND:

On November 18, 2024, Jaquel Pitts submitted an application to become a private presenter for the "Use of Force" and "Strategic Communications" course(s). In his application to be a POST presenter, Mr. Pitts described that his course "*provides the candidate with proper Take-Down Techniques, Subject Control Tactics, as well as Ground Defence Techniques. This presentation contains both handcuffing information, as well as the expandable baton components including critical guidelines."*

On December 18, 2024, Law Enforcement Consultant (LEC) Dan Schmitt denied the application submitted by Mr. Pitts based on there not being an "unmet training need" in either of those courses (POST Regulation 1052(a)(1)). After receiving the denial from LEC Schmitt, Mr. Pitts emailed numerous POST employees stating, in part, that he was "*hereby requesting that you review my application, this email and all its attachments, including the link which contains my credentials and advise whether or not it was a rational decision*."

On January 22, 2025, a denial letter, signed by Assistant Executive Director (AED) Jim Grottkau, was sent to Mr. Pitts via email and certified mail. In the letter, Mr. Pitts was told that there was not an ongoing, unmet training need, and that Commission Regulation 1070 required an instructor in the "Use of Force" course to complete a POST-certified "Use of Force Instructor" course, which Mr. Pitts had not attended. Additionally, the letter stated that the course description provided by Mr. Pitts in his application did not align with what the "Use of Force" course was intended to address, which is to teach the laws, policies, and decision-making related to the use of force by peace officers. The letter included an advisement to Mr. Pitts of his ability to appeal the Assistant Executive Director's decision, the Commission Regulations related to becoming a POST presenter, and the course certification procedures.

On January 22, 2025, Mr. Pitts emailed numerous POST employees requesting to appeal the decision of AED Grottkau. Executive Director Manuel Alvarez reviewed the appeal and drafted a letter to Mr. Pitts, affirming the denial by AED Grottkau. The letter reiterated the POST regulations regarding the reasons for the denial and further guidance regarding Mr. Pitts' ability to appeal his decision to the Commission.

On January 23, 2025, Mr. Pitts emailed numerous POST employees requesting an appeal of the denial to the POST Commission. Attached to the email were multiple screenshots, photographs and a letter requesting an appeal of the denial to the Commission. Those attachments are attached to this agenda item for the Commission's review.

ANALYSIS:

POST staff have submitted this agenda item for review and a final decision by the POST Commission.

Commission Procedure D-16: Appeals of Denial of Certification/Suspension/Decertification of Training Courses and Commission Regulation 1058: Appeals Process address the steps that must be taken to file an appeal to the Commission, as well as the appeals process.

A copy of Commission Procedure D-16 is included with this agenda item (Attachment 10). Procedure D-16 identifies the steps to be taken during the appeals process hearing before the Commission.

RECOMMENDATION:

Review and consider the appeal filed by Jaquel Pitts regarding the denial of his application to become a private presenter in

the "Use of Force" and "Strategic Communications" course(s) in compliance with Commission Regulation 1058 and Commission Procedure D-16.

If the Commission concurs with the Executive Director's decision to deny Mr. Pitts' application as a private presenter, the appropriate action would be a **MOTION** to affirm the Executive Director's decision to deny the application.

ATTACHMENT(S):

1-_Jacquel_Pitts_Private_Presenter_Application_Redacted.pdf
2_-_LEC_Schmitt_denial_to_Jacquel_Pitts_application_Redacted_.pdf
3_-_Jacquel_Pitts_Email_to_POST_staff_on_December_18__2024_Redacted.pdf
4_-Jacquel_Pitts_Denial_Letter_Signed_Jan2025_-AED_Grottkau_Redacted2.pdf
5_-_Jacquel_Pitts_Appeal_to_AED_Gottkau_s_denial_Redacted.pdf
6 - Jaquel Pitts Letter Appealing AED Grottkau's denial letter.pdf
7_-_Executive_Director_Alavarez_denial_letter_to_Jacquel_Pitts_Redacted.pdf
8_-_Jacquel_Pitts_Appeal_Email_to_the_Commission_Redacted.pdf
9 - Jaquel Pitts Letter to the Commission attached to his appeal email
10 - Commission Procedure D-16 Appeals of Denial of Certification-Suspension-Decertification of Training Courses.pdf
Jaquel Pitts Yuba College Degree
Jaquel Pitts Northwestern Christian University Degree
Jaquel Pitts Yuba City College AA Degree
Jaquel Pitts USA Baseball Basic First Aid Certificate
Jaquel Pitts Santa Ana College AA Degree
Expert Ratings Global Certifications Self-Defense Certificate.png
Florida SW Christian University Church Active Shooter Instructor Certificate
Jaquel Pitts Liberty University Executive Certificate in Public Administration
NSC Certificate of Completion Proprietary Private Security Officer
Jaquel Pitts Fullerton College AA Degree
Alison Ethics in Law Enforcement Certificate
Photo of Jaquel Pitts
Police2Peace Advisory Board Certificate of Completion Peace Officer: Realizing the True Purpose of Policing for Community Members
Safety Compliance Management Certificate of Completion OSHA's First Responder Awareness Training Course
OEIS Certificate of Completion 8-Hour BSIS Guard Card Course
ASIS International Certificate of Completion Essentials of Executive Protection Course
Institute for Campus Security School Security Course Certificate
Jaquel Pitts Mayville State University Degree
Expert Ratings Global Certifications Paralegal Certification

GC_Tactical_Use_Of_Force_Certification_Card_Redacted.pdf
El_Camino_Community_College_District_Letter_Redacted.pdf
Fullerton_College_Letter_Redacted.pdf
Instagram_Post_American_Military_University_Degree_Redacted.pdf
Bureau_Of_Security_Investigative_Services_Proprietary_Private_Security_Officer_Registratio
State_Of_California_Department_Fish_Wildlife_Annual_Hunting_License_Redacted.pdf
Jacquel_Pitts_College_Siskyous_AA_Degree_Redacted_.pdf
Instagram_Post_Pic_Jaquel_Pitts_Redacted_.pdf
GC Tactical Certificate of Completion Use of Force Certification_Redacted.pdf
NFHS Learning Center Certificate of Completion Afterschool Security_Redacted.pdf
NFHS Learning Center Certificate of Completion Heat Illness Prevention_Redacted.pdf
Safety Unlimited 8 Hour (F3) NCCP EMR National Component Refresher_Redacted.pdf
NFHS Learning Center Certificate of Completion Sudden Cardiac Arrest_Redacted.pdf
Special Tactics Squad-Level Infantry Rural Combat Certificate_Redacted.pdf

From: [redacted]
Sent: Thursday, November 28, 2024 5:50 PM

Subject: Request to Become POST-Approved Presenter Form

Request to Become POST-Approved Presenter Form

Presenter Name	Dr. Jaquel Pitts, Ph.D
Presenter Contact Name	Dr. Jaquel Pitts, Ph.D
Address	[redacted]
Email	[redacted]
Phone Number	
1. Have you spoken to a POST representative regarding this request to become a POST-Approved Presenter? If so, who?	No
2. Do you have an operational presence in California?	Yes
3. What is the address of your Business Headquarters?	[redacted]
4. What is the purpose for becoming a POST presenter?	Provide presentations
What Course topic(s) are you requesting to get POST approved?	Use of force, strategic communication
4(a). If there are multiple topics, which topic is the top priority to get POST approved?	Use of force

4(b). Describe, in general, the need for training in the chosen topic area.	This presentation provides the candidate with proper Take-Down Techniques, Subject Control Tactics, as well as Ground Defence Techniques. This presentation contains both handcuffing information, as well as the expandable baton components including critical guidelines
6. What area or region of California are you wanting to present this course?	California
7. How many other presenters in CA provide this course or topic?	0
8. If there are existing presenters in the same area/region with the same topic, describe how the proposed training fulfills an unmet training need.	N/a
9. As the presenter, are you currently presenting/hosting this course in California?	Yes
9(a). Location	Southern California
10. Describe the expertise and staff qualifications in the specified course topic area.	Use of force certification, special tactics certification, guard card, private security officer license, AA, BA, MA, and PhD degree in my possession
11. Are the proposed instructors currently teaching this topic?	No
11(a). Do the proposed instructors have any upcoming dates of instruction for this topic? If so provide location.	No
12. Who is the intended audience for your course?	Peace Officers Command Staff / Supervisors Administrators Civilians / Professional Staff
13. How do you plan to deliver this training?	In-Person Webinar Self-Paced Blended Learning Civilians / Professional Staff
14. Describe how this course incorporates Adult Learning Concepts.	This presentation provides the candidate with proper Take-Down Techniques, Subject Control Tactics, as well as Ground Defence Techniques. This presentation contains both handcuffing information, as well as the expandable baton components including critical guidelines
15. I have reviewed POST Regulation 1052-1056, and	JP

[redacted]

understand the requirements as it relates to course certification.	
16. I understand if approved as a POST Presenter, I will agree to participate in the Quality Assessment Program and this course will be evaluated within one year of certification.	JP
17. I have reviewed and understand the Reimbursement Plan eligibility. I understand this course will be approved as a Plan N/A until a successful Quality Assessment has been completed by POST.	JP
18. I understand even with a successful completion of a Quality Assessment, this course may not be eligible for a reimbursement plan.	JP
19. I understand if the course(s) does not meet the standards set forth by POST, through the QAP process, the course will no longer be eligible for POST-certification and/or reimbursement.	JP

Outlook

From: Schmitt, Daniel@POST <[redacted]>
Sent: Wednesday, December 18, 2024 7:15 PM
To: Jaquel Pitts [redacted]
Cc: Alidon-Lam, Jet@POST <[redacted]>; Chalk, Thomas@POST <[redacted]>
Subject: Re: Proposed POST Courses

Yes I am aware of your request Dr Pitts,

POST did receive your application to become a private presenter and based on the proposed courses you wish to create, Use of Force and Strategic Communication, these courses are in a great abundance in region 10 and in CA.

There are 146 active lecture style **Use of Force** courses in CA and approximately 32 courses in Region 10 with unlimited access from a private presenter through their Web Based tecnologies platform.

There are 80 **Strategic Communications** courses that are presented as an in class course lecture course and there is unlimited access to the POST Learning Portal for the same course.

The OPENDATA link below will provide you with the courses available to every law enforcement officer in CA and which agency is the presenter.

https://opendata.post.ca.gov/

Based on the abundance of courses in Region 10 and in CA for the types of courses you wish to present, I will not be approving any further courses under this subject matter.

Thank you for your interest in becoming a private presenter, but your application to become a private presenter will be denied.

Dan Schmitt

Senior Consultant – Region 10 | Training Delivery and Compliance Bureau
[redacted] | mobile
[redacted]
CA Commission on Peace Officer Standards and Training (POST)
860 Stillwater Road, Suite 100, West Sacramento, CA 95605

Connect with POST

Work at POST
POST is hiring. Check out our career opportunities.

CONFIDENTIAL NOTICE: This communication and its contents may contain confidential and/or legally privileged information. It is solely for the use of the intended recipient(s). Unauthorized interception, review, use or disclosure is prohibited and may violate applicable laws, including the Electronic Communication Privacy Act. If you are not the intended recipient, please contact the sender and destroy all copies of the communication.

From: Jaquel Pitts [redacted]
Sent: Wednesday, December 18, 2024 5:22 PM
To: Schmitt, Daniel@POST <[redacted]>
Cc: Alidon-Lam, Jet@POST <[redacted]>
Subject: Re: Proposed POST Courses

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Greetings,

I just wanted to clarify and I hope that you are aware that I submitted an application to become a

POST Approved Presenter to LECTURE on

Use of Force and Strategic communication

I am currently a professor at Florida Southwest Christian University

I was a professor at the University of Los Angeles college of divinity from 2020-2023

Best regards,
Dr. Jaquel Pitts, Ph.D.

On Wednesday, December 18, 2024 at 04:23:03 PM PST, Schmitt, Daniel@POST <[redacted]> wrote:

Good afternoon,

I read that you submited a request to provide training in Use of Force and Strategic Communication.

As these are mandated Perishible Skills Training courses either provided by each agency and/or available on the POST Learning Portal and based on your description of the courses on your application, I will not be approving any additional courses as the region and CA have an abundance of these types of courses.

Thank you

Dan Schmitt
Senior Consultant – Region 10 | Training Delivery and Compliance Bureau
[redacted] | mobile
[redacted]
CA Commission on Peace Officer Standards and Training (POST)
860 Stillwater Road, Suite 100, West Sacramento, CA 95605

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Outlook

From: Jaquel Pitts [redacted]
Sent: Wednesday, December 18, 2024 8:10 PM
Subject: Clarification Request

You don't often get email from [redacted] Learn why this is important

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Dan Schmitt denied my application to be a private POST Approved Presenter to LECTURE on Use of Force and Strategic communication

I am hereby requesting that you review my application, this email and all it's attachments, including the link which contains my credentials and advise whether or not it was a rational decision.

Please confirm receipt of this email

Greetings,

My name is Dr Jaquel Pitts, Ph.D. . Please review all attachments.

Greetings,

Please click on this link. This link is the link to my credentials

[redacted]

Please review all the attachments

Respectfully,
Dr. Jaquel Pitts, Ph.D.

COMMISSION ON
PEACE OFFICER STANDARDS AND TRAINING

STATE OF CALIFORNIA
POST

GAVIN NEWSOM
GOVERNOR

ROB BONTA
ATTORNEY GENERAL

January 21, 2025

Jacquel Pitts
[redacted]

Dear Mr. Pitts,

After reviewing your application to be a new presenter with the Commission on Peace Officer Standards and Training (POST) and the initial response from Law Enforcement Consultant (LEC) Schmitt, I concur with his assessment that there is no ongoing unmet training need for your proposed Use of Force and Strategic Communications courses at this time.

Additionally, in reviewing your application, you state that your presentation for the Use of Force course *"provides the candidate with proper Take-Down Techniques, Subject Control Tactics, as well as Ground Defense Techniques. This presentation contains both handcuffing information, as well as the expandable baton components including critical guidelines."* This is not what the Use of Force course is intended for at POST. The Use of Force course(s) instruct on the laws, policies, and decision-making related to the use of force as a California peace officer.

As of January 1, 2025, in order to instruct the Use of Force course, Commission Regulation 1070 requires a new instructor of that course to complete the Use of Force Instructor Course before instructing the Use of Force courses.

Your application states that there are currently "0" presenters instructing the Use of Force course. This is not accurate information, as there are over 200 Use of Force courses currently certified by POST throughout the state.

If you disagree with this assessment, you may appeal this decision to the Executive Director of POST and ultimately to the POST Commission. The appeals process is outlined in POST Regulation 1058, which states:

a) Any action to deny certification, or to suspend or decertify a course may be appealed to the Executive Director. The appeal and all relevant documentation the appellant believes supports the appeal, must be submitted in writing and received by the Executive Director within 45 calendar days of the Assistant Executive Director's notification of denial of certification, suspension, or decertification.

Within 45 calendar days of receiving the appeal, the Executive Director shall respond to the appellant in writing with a decision affirming, reversing or modifying

the decision of the Assistant Executive Director, and provide the reasons for the decision.

(b) The Executive Director's decision may be appealed to the Commission. The appeal and all relevant documentation the appellant believes support the appeal, must be submitted in writing and received by POST within 45 calendar days of the date of the Executive Director's decision.

Appeals received at least 45 calendar days prior to the next scheduled Commission meeting will be heard at that meeting. Appeals received with less than 45 days remaining prior to the next scheduled Commission meeting will be heard at a subsequent meeting. The Commission shall notify the appellant of the date, time, and location of the hearing within 10 calendar days of the receipt of the appeal by the Commission.

At an appeal hearing, the burden of proof is on the appellant to demonstrate to the Commission that error was committed by POST staff in its decision (refer to Commission Procedure D-16 for Commission Appeals Process).

The Executive Director shall notify the appellant in writing of the Commission's decision within 15 calendar days following the conclusion of the hearing.

It is my recommendation that if you desire to become a course presenter and/or instructor in POST-certified courses, you review Commission Regulations sections 1052 through1056, which can be found at: https://post.ca.gov/Commission-Regulations These regulations outline what potential presenters must adhere to for the course to be certified and to maintain certification through the Commission on POST.

Sincerely,

James F. Grottkau
Assistant Executive Director
Standards and Development Division
Commission on Peace Officer Standards and Training

Outlook

APPEAL

From Jaquel Pitts [redacted]
Date Wed 1/22/2025 10:11 AM

37 attachments (10 MB)

Jacquel_Pitts_Denial_Letter.pdf; APPEAL POST.pdf; received_969045788367189.jpeg; IMG_20241115_200224_313.jpg; IMG_20241021_163601_885.jpg; FB_IMG_1731138369919.jpg; FB_IMG_1731138391022.jpg; aa degree wellness.png; 1661359750812.jpeg; 1601701672687.jpeg; DOCTORATE DEGREE.jpg; 1613775816578.jpeg; 1709695975426.jpeg; Screenshot_20241109-155529.png; Screenshot_20241109-155655.png; Screenshot_20241109-155629.png; Screenshot_20241012-113522.png; Screenshot_20241018-104028.png; Screenshot_20241109-155711.png; Screenshot_20241109-155641.png; Screenshot_20241109-133246.png; Screenshot_20241128-170333.png; Screenshot_20241109-155543.png; Screenshot_20241109-155736.png; Screenshot_20241018-104122.png; Screenshot_20241017-115714.png; Screenshot_20241109-155616.png; Screenshot_20241029-162341.png; Screenshot_20241116-233707.png; Screenshot_20241116-233138.png; Screenshot_20241128-170352.png; PASSPORT REMIX (2) (4).jpg; Screenshot_20241204-182441.png; Screenshot_20241204-232026.png; Screenshot_20241209-224604.png; Screenshot_20241209-224403.png; PASSPORT REMIX (2).jpg;

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Greetings,

My name is Dr Jaquel Pitts, Ph.D. I am hereby submitting an APPEAL regarding POST's recent decision to deny application to become a private POST presenter.

Please confirm receipt of my appeal.

The attachment is classified as APPEAL POST

I am a professor at Florida southwest Christian University

I am a teacher at St. John Christian High School

Please review all the attachments

Respectfully,

[redacted]

Dr. Jaquel J. Pitts, Ph.D.

Greetings,

This hereby serves as an APPEAL for the assistant executive director to deny my application to become a private POST presenter to lecture on “Use of Force” and “Strategic Communication” I am hereby requesting that the executive director re-reviews my original application and my supplemental credentials attached to this email.

Respectfully,
Dr. Jaquel J. Pitts, Ph.D.

Professor - Florida southwest Christian University

Teacher- St. John Christian High School



COMMISSION ON
PEACE OFFICER STANDARDS AND TRAINING

POST

GAVIN NEWSOM
GOVERNOR

ROB BONTA
ATTORNEY GENERAL

January 22, 2024

Mr. Jacquel Pitts
[redacted]

Subject: Appeal Pursuant to POST Regulation 1058

Dear Mr. Pitts,

The purpose of this letter is to respond to your email to me and other staff members at the California Commission on Peace Officer Standards and Training (POST) dated January 22, 2025. In this email, you stated, among other things, the following:

> *"My name is Dr Jaquel Pitts, Ph.D. I am hereby submitting an APPEAL regarding POST's recent decision to deny application to become a private POST presenter*."

By way of background, over the last twelve months you have made requests on a wide variety of topics to POST via email. You have sent several of those emails to a mass number of employees throughout POST. Most recently, over the last several months, you have requested authority to serve as a POST-certified use of force presenter to host and manage your own course, as well as serve as the instructor. POST staff previously denied that specific request. As a result of the denial, on December 18, 2024, you sent the following email to a significant number of POST employees:

> *"Dan Schmitt denied my application to be a private POST Approved Presenter to LECTURE on Use of Force and Strategic communication (sic)*
>
> *I am hereby requesting that you review my application, this email and all it's (sic) attachments, including the link which contains my credentials and advise whether or not it was a rational decision.*
>
> *Please confirm receipt of this email"*

On January 21, 2025, POST Assistant Executive Director James F. Grottkau sent you a letter affirming the denial, and he specified the reasons for the denial. In Mr. Grottkau's letter, he addressed, among other things, the statement made by you that there are "0" presenters instructing a POST use of force training course, and he noted that there are currently over 200 POST-certified use of force training courses offered throughout the state. Mr. Grottkau stated, as others have represented to you, that there is no unmet training need for you to present such a course.

Most importantly, Mr. Grottkau noted that all instructors who desire to provide use of force training must successfully complete, pursuant to POST Regulation 1070, a POST-certified use of force instructor course. POST records indicate you have not completed that mandated training.

On January 22, 2025, as noted at the beginning of this letter, you sent me and other POST staff members an email stating you were appealing Mr. Grottkau's decision pursuant to POST Regulation 1058. As a result, I have reviewed your request, your previous correspondence on this topic, as well as our internal records, and hereby deny your request. The denial is based on the same factors enumerated in Mr. Grottkau's letter, of which I have summarized above.

POST Regulation 1058 dictates you may appeal my decision directly to the POST Commission. POST Regulation reads as follows:

> *"(a) Any action to deny certification, or to suspend or decertify a course may be appealed to the Executive Director. The appeal and all relevant documentation the appellant believes supports the appeal, must be submitted in writing and received by the Executive Director within 45 calendar days of the Assistant Executive Director's notification of denial of certification, suspension, or decertification.*
>
> *Within 45 calendar days of receiving the appeal, the Executive Director shall respond to the appellant in writing with a decision affirming, reversing or modifying the decision of the Assistant Executive Director, and provide the reasons for the decision.*
>
> ***(b) The Executive Director's decision may be appealed to the Commission. The appeal and all relevant documentation the appellant believes support the appeal, must be submitted in writing and received by POST within 45 calendar days of the date of the Executive Director's decision.***
>
> ***Appeals received at least 45 calendar days prior to the next scheduled Commission meeting will be heard at that meeting. Appeals received with less than 45 days remaining prior to the next scheduled Commission meeting will be heard at a subsequent meeting. The Commission shall notify the appellant of the date, time, and location of the hearing within 10 calendar days of the receipt of the appeal by the Commission.***
>
> ***At an appeal hearing, the burden of proof is on the appellant to demonstrate to the Commission that error was committed by POST staff in its decision (refer to Commission Procedure D-16 for Commission Appeals Process).***

The Executive Director shall notify the appellant in writing of the Commission's decision within 15 calendar days following the conclusion of the hearing."

Should you desire to follow this procedure and appeal directly to the POST Commission, the following are the prescheduled meeting dates of the POST Commission, however, please note the dates are subject to change:

March 05 – 06, 2025 – Location – San Deigo
June 04 – 05, 2025 – Location – POST Headquarters, Wes Sacramento
September 09 – 10, 2025 – Location – TBD, Southern California
December 03 - 04, 2025 – Location – POST Headquarters, West Sacramento

Respectfully,

Manuel Alvarez, Jr.
Executive Director

MA/ma

Outlook

APPEAL TO POST COMMISSION

From Jaquel Pitts [redacted]
Date Thu 1/23/2025 10:21 AM
To [redacted]

37 attachments (11 MB)

APPEAL COMMISSION .pdf; OutgoingLtr_Mr_JPitts_01222025.pdf; received_969045788367189.jpeg; IMG_20241115_200224_313.jpg; IMG_20241021_163601_885.jpg; FB_IMG_1731138369919.jpg; FB_IMG_1731138391022.jpg; aa degree wellness.png; 1661359750812.jpeg; 1601701672687.jpeg; DOCTORATE DEGREE.jpg; 1613775816578.jpeg; 1709695975426.jpeg; Screenshot_20241109-155529.png; Screenshot_20241109-155655.png; Screenshot_20241109-155629.png; Screenshot_20241012-113522.png; Screenshot_20241018-104028.png; Screenshot_20241109-155711.png; Screenshot_20241109-155641.png; Screenshot_20241109-133246.png; Screenshot_20241128-170333.png; Screenshot_20241109-155543.png; Screenshot_20241109-155736.png; Screenshot_20241018-104122.png; Screenshot_20241017-115714.png; Screenshot_20241109-155616.png; Screenshot_20241029-162341.png; Screenshot_20241116-233707.png; Screenshot_20241116-233138.png; Screenshot_20241128-170352.png; PASSPORT REMIX (2) (4).jpg; Screenshot_20241204-182441.png; Screenshot_20241204-232026.png; Screenshot_20241209-224604.png; Screenshot_20241209-224403.png; PASSPORT REMIX (2).jpg;

CAUTION: This email originated from outside of POST. Please do not click links or open attachments unless you recognize the sender. Report SPAM to the Helpdesk.

Greetings,

My name is Dr Jaquel Pitts, Ph.D. I am hereby submitting an APPEAL regarding the POST's executive director recent decision to deny application to become a private POST presenter. Please present this appeal to the POST commission.

Please confirm receipt of my appeal.

The attachment is classified as APPEAL POST

I am a professor at Florida southwest Christian University

I am a teacher at St. John Christian High School

Please review all the attachments

Respectfully,
Dr. Jaquel J. Pitts, Ph.D.

1/23/2025

Greetings,

This hereby serves as an APPEAL of Manny Alvarez Jrs decision to deny my application to become a private POST presenter to lecture on “Use of Force” and “Strategic Communication” I am hereby requesting that the POST COMMISSION re-reviews my original application and my supplemental credentials attached to this email.

In the denial letter the executive director elaborates on the history of my communication with the California POST dating back to last year. This is irrelevant to the denial of my POST presenter application.

Anytime I contact POST, it's for a legitimate reason and the majority of my communication to POST is my complaints. I must remind you that adverse action taken in response to complaints is classified as retaliation.

I do not agree with the executive director's decision to deny my POST application. The primary reason why the executive director asserts that a denial is warranted is because there are already a substantial amount of post presenters in my area who lecture on “use of force”

That has nothing to do with me. Nor is that a rational reason to deny a post private presenter application. I should not be held accountable or suffer disparate action because there are a substantial number of pre-existing instructors. This has nothing to do with the qualification and merit of me as a potential private post presenter.

Just to be clear I am applying to lecture as a private presenter on “use of force” and “strategic communication”

I have “Use of Force” certification with a emphasis on handcuffing and baton from GCT tactical

I have an associates degree in Law from Fullerton college

I have an associates degree in psychology from yuba college

I have an associates degree in kinesiology from El Camino college

I have an associates degree in communication from Santa Ana college

I have a certificate in “ethics in law enforcement”

I have a bachelor's degree in University studies from Mayville state University

I have a masters degree in history from American military University

I have a doctoral level executive certificate in public administration from liberty University

I have a doctor of philosophy degree in counseling from Northwestern Christian University

I also have several additional credentials that pertain to security, military training, and law enforcement education which I am requesting that be meticulously reviewed by the POST commission which will reveal that I am more than qualified to be a POST private presenter.

The education and credentials that I already possess is equivalent to and far more advanced than the required POST certifications for a “use of force” POST presenter

I want to be clear I am requesting to be a POST Private Presenter.

Respectfully,
Dr. Jaquel J. Pitts, Ph.D.

Professor - Florida southwest Christian University

Teacher- St. John Christian High School



Commission Procedure D-16: Appeals of Denial of Certification/Suspension/Decertification of Training Courses

16-1. Appeals Process

At an appeal hearing, the burden of proof is on the appellant to demonstrate to the Commission that error was committed by POST staff in its decision. Accordingly, the appellant will present its appeal first, followed by a presentation by POST staff. The appellant or the appellant's representative is permitted to reserve time to use in rebuttal, and staff is permitted to reserve time as well if it so desires. The Commission will have a certified court reporter present to transcribe all proceedings in connection with the hearing.

Each side's presentation should be no more than 30 minutes in length. Additional time may be requested and granted at the sole discretion of the Chair of the Commission, if the Chair believes the request to be appropriate and warranted under the circumstances.

The formal rules of evidence do not apply at the hearing. The parties' submissions will primarily be in the form of written documents, which may include witness statements. Any witness statements or other submissions may be, but are not required to be, under oath. While the documents and evidence should be exchanged by the parties in advance of the hearing, the Commission will not refuse to consider any evidence offered at the hearing and the appellant may produce evidence at that time. However, it is helpful to the Commissioners to have the opportunity to consider documentary evidence in advance, considering the time restrictions inherent in public meetings. All such materials, including any binders of materials the appellant wishes to present to the Commissioner's for consideration, should be delivered to the Commission's office at least 20 business days prior to the hearing.

There is no need to formally stipulate to the introduction of any documents at the hearing and no need to formally move items into evidence; any items offered, including the pre-hearing submissions, will be considered and given the weight believed by the Commission to be appropriate based upon the particular evidence. The Commission may grant a continuance if requested if either POST staff or the appellant introduces evidence that has not previously been provided to the other party.

The formal presentation before the Commission during the appeal is normally more in the nature of a presentation or summary of the parties' evidence, an argument as to the application of that evidence to the applicable standard, and a request for a particular decision by the Commission.

Following the parties' presentations, and upon submission of the matter to the Commission for deliberation, the Commission will deliberate in closed session and determine whether the Executive Director's decision will be affirmed, reversed, or modified. When the Commission has completed its deliberations, its written decision shall be issued to the Executive Director within 15 business days.

Yuba College

Be it known that the Board of Trustees of the Yuba Community College District, upon recommendation of the Faculty, has conferred the degree

Associate in Arts

upon

Jaquel Jerai Pitts

with a major of Psychology

with all Rights, Benefits, and Privileges appertaining thereto in token of the satisfactory completion of a two-year curriculum.

Granted this 20th day of July 2017, at Marysville, California.

For Yuba Community College District

Board Chair and President

Chancellor

For Yuba College

President

Vice President



Northwestern Christian University

Florida, United States

Hereby confers upon

Jaquel Jerai Pitts

The degree of:

Doctor of Philosophy

Summa Cum Laude

Together with all rights, privileges and honors appertaining thereto in consideration of exemplary completion of the course prescribed in:

Counseling

In testimony whereof, the seal of the University and the signatures, as authorized, are hereunto affixed in the year of our Lord two thousand twenty one

Yolanda Rivera, Ph.D.
Director: NCE; U.S.A.

Samuel Gallicos, Ph.D., Th.D.
President: CASI, NTE, NCE; U.S.A.

Yuba College

Be it known that the Board of Trustees of the Yuba Community College District, upon recommendation of the Faculty, has conferred the degree

Associate in Arts

upon

Jaquel Jerai Pitts

with a major of Psychology

with all Rights, Benefits, and Privileges appertaining thereto in token of the satisfactory completion of a two-year curriculum.

Granted this 20th day of July 2017, at Marysville, California.

For Yuba Community College District

Board Chair and President

Chancellor

For Yuba College

President

Vice President

CERTIFICATE OF COMPLETION

USA BASEBALL

This Certifies that

Jaquel Pitts

Has completed

Basic First Aid



August 5, 2022

Powered by New Start Mobile, LLC's Mobile Coach


10:44 PM
74%
santa ana college
0/0
Santa Ana College
Upon the recommendation of the Faculty and by authority of
the State of California confers upon
Jaquel Jerai Pitts
Associate in Arts
the degree of
Liberal Arts: Arts/Humanities/Communication
with all the Rights, Privileges and Honors appertaining thereto.
Given this month of June, two thousand twenty-three.
President
Chancellor
SANTA ANA COLLEGE
President, Board of Trustees



ExpertRating®

Global Certifications

This is to certify that

Jaquel Pitts

has successfully completed the

Self-Defense Certification

and has fulfilled all requirements of the skills assessment criteria laid down by ExpertRating for the above certification.

ExpertRating is one of the world's largest and most widely recognized skills assessment providers. The ExpertRating certified professional credentials are a definitive measure of the candidate's proficiency in the tested skill areas.

This certificate is awarded on

September 24, 2024

ExpertRating Certified PROFESSIONAL

Issuing Officer

Sam Fleming
Testing Services Manager

Harry Samuels
Testing Services Coordinator

Florida Sw Christian University

Of Florida

Of The State System Of Higher Education

hereby confers upon

Jaquel Jerai Pitts

the certification of

Church Active Shooter Instructor

with all the right, honors and privileges thereunto pertaining
Given at the University in the year of our Lord 2024

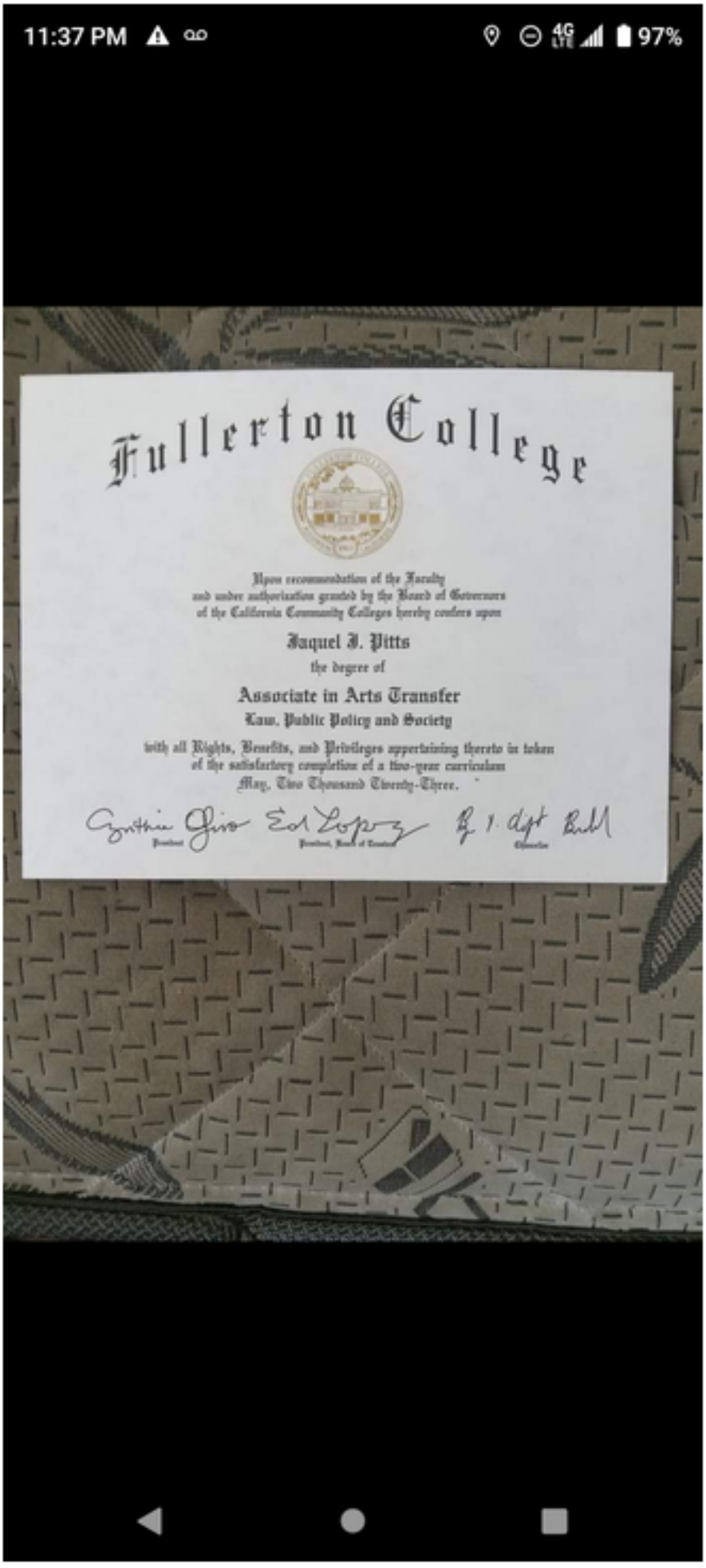
F. Kavari
President Of The University



N. Josan
Chairman Of The Board


11:31 PM
99%
Liberty University
The Board of Trustees, upon the recommendation of the faculty,
hereby confers upon
Jaquel Jerai Pitts
Executive Certificate in
Public Administration
with all the rights, honors, and privileges thereunto appertaining.
In witness wherrof, the seal of the University and the signatures
of the officers are hereunto affixed.
Given at Lynchburg, Virginia, on this
of September, 2024.


3:56 PM
79%
Save as PDF
Copies: 1
Paper size: Letter
NSC
Certificate of Completion
JAQUEL PITTS
Proprietary Private Security Officer
Jul 31, 2024
1/1


11:37 PM
97%
Fullerton College
Upon recommendation of the Faculty
and under authorization granted by the Board of Governors
of the California Community Colleges hereby confers upon
Jaquel J. Pitts
the degree of
Associate in Arts Transfer
Law, Public Policy and Society
with all Rights, Benefits, and Privileges appertaining thereto in token
of the satisfactory completion of a two-year curriculum
May, Two Thousand Twenty-Three.


3:55 PM
79%
Alison
EMPOWER YOURSELF
CERTIFICATE
JAQUEL PITTS
has received this award for successfully completing the course:
Ethics in Law Enforcement
CPD CERTIFIED
7th August, 2024
Date of Award
Director of Certification
AI Assistant

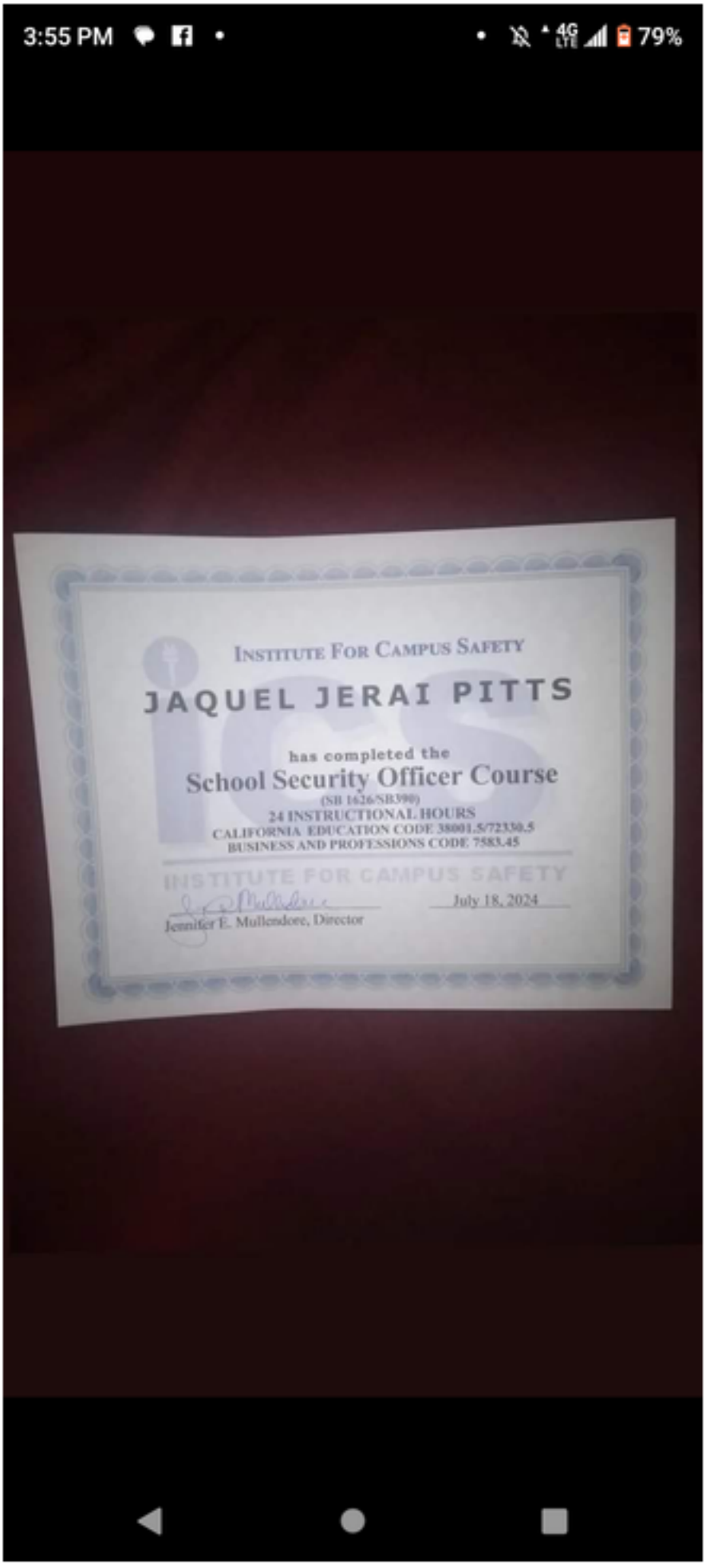



3:56 PM
78%
Certificate of Completion
PEACE OFFICER
This certifies that:
Jaquel Pitts
Has completed:
Peace Officer: Realizing the True Purpose of Policing for Community Members
on 07/17/2024
Jerald Monahan
Police2Peace Policing Advisory Board
AI Assistant


10:40 AM
89%
Safety Compliance Management
is proud to award this
Certificate of Completion
to
Jaquel Pitts
for successfully completing 4.00 hours of training & testing in
OSHA's First Responder Awareness Training Course #1007
Presented on 09/20/2024
SCM
Safety Compliance Management, Inc.
AI Assistant


11:35 AM
66%
OEIS
OEIS
CERTIFICATE OF COMPLETION
OEIS PROTECTION TRAINING
1247 7th St, Suite 301 Santa Monica, California 90401
www.oeis.us
BSIS LICENSE: AFG2937
THIS CERTIFICATE IS PRESENTED TO:
Jaquel Pitts
POWER TO ARREST: (4-HOURS) COURSE
WEAPONS OF MASS DESTRUCTION/TERRORISM AWARENESS : (4 HOURS) COURSE
8-Hour BSIS Guard Card Course
OEIS Protection Training hereby certifies that the above referenced individual completed the specified course that complies with the California Bureau of Security and Investigative Services guidelines of security guard training and in conjunction with Business and Professions Code Sections 7583.6 and 7583.7 and Title 16, Division 7, article 9, Section 643 of the California Code of Regulations. Name Of Instructor: Paul Fields
Date: 2023-09-28
CERTIFICATION NO
cert_c6g@mdxb
Download
Jaquel Pitts
SEP 28, 2023
Like
Comment
Send
Share


3:56 PM
78%
ASIS
CERTIFICATE
OF COMPLETION
TO
Jaquel Pitts
FOR
Essentials of Executive Protection Course
8 Continuing Professional Education (CPE) Units
Cy A. Oatridge, CPP
ASIS President
July 23, 2024
Date of Completion


3:55 PM
79%
INSTITUTE FOR CAMPUS SAFETY
JAQUEL JERAI PITTS
has completed the
School Security Officer Course
(SB 1626/SB390)
24 INSTRUCTIONAL HOURS
CALIFORNIA EDUCATION CODE 38001.5/72330.5
BUSINESS AND PROFESSIONS CODE 7583.45
INSTITUTE FOR CAMPUS SAFETY
July 18, 2024
Jennifer E. Mullendore, Director



Mayville State University

Mayville, North Dakota

By authority of the State Board of Higher Education of the State of North Dakota and upon recommendation of the Faculty and President

Jaquel Jerai Pitts

is deemed worthy of and admitted to the degree of

Bachelor of University Studies

together with all the rights, privileges, and responsibilities pertaining thereto.

Given at Mayville, North Dakota, this 11th day of May, 2018.

President, State Board of Higher Education

Chancellor, North Dakota University System

President

Registrar



ExpertRating®

Global Certifications

This is to certify that

Jaquel Pitts

has successfully completed the

Paralegal Certification (Expert Level)

and has fulfilled all requirements of the skills assessment criteria
laid down by ExpertRating for the above certification.

ExpertRating is one of the world's largest and most widely recognized skills assessment providers.
The ExpertRating certified professional credentials are a definitive measure of
the candidate's proficiency in the tested skill areas.

This certificate is awarded on

June 30, 2023

ExpertRating Certified PROFESSIONAL

Issuing Officer

Sam Fleming
Testing Services Manager

Harry Saunds
Testing Services Coordinator

USE OF FORCE CERTIFICATION

Jaquel Pitts

Has successfully completed the GCTactical Use of Force Training Program.

GCT TACTICAL

ID Number: [redacted]

Certification Level: Handcuffing and Baton

Instructor: S.Trickett

Issue Date: 2024/03/30

Expiry Date: 2025/03/30

EL CAMINO COMMUNITY COLLEGE DISTRICT
16007 Crenshaw Boulevard Torrance, California 90506
Telephone (310) 532-3414

August 31, 2021

TO WHOM IT MAY CONCERN:

This letter will serve to verify that our records show that Jaquel Pitts, student identification number [redacted], was awarded an Associate in Arts degree in the field of General Studies – Kinesiology and Wellness on June 9, 2017 from El Camino College.

Sincerely,

Steve Waterhouse
Supervisor Admissions and Records
El Camino College
swaterhouse@elcamino.edu

4:23 PM Uber • 4G LTE 42%

Fullerton College
Admissions and Records Office
321 East Chapman Avenue • Fullerton, CA 92832-2095
E-mail: admissions@fullcoll.edu

June 29, 2023

To Whom It May Concern:

The following is degree information on the student below.

Re: **JAQUEL J. PITTS** Date of birth [redacted]

This letter is to certify that the above-named student and has successfully completed the requirements and been granted the following degrees:

Associate in Arts Degree in Interdisciplinary Studies: Social Behavior & Self Development dated December 11, 2021

Associate in Arts Transfer Degree in Law, Public Policy, and Society dated May 20, 2023

Associate in Arts Degree in Interdisciplinary Studies: Science & Mathematics dated May 20, 2023

If you have any questions, please contact Leslie Livelo at the Fullerton College Admissions and Records Office (714) 732-5734

Sincerely,

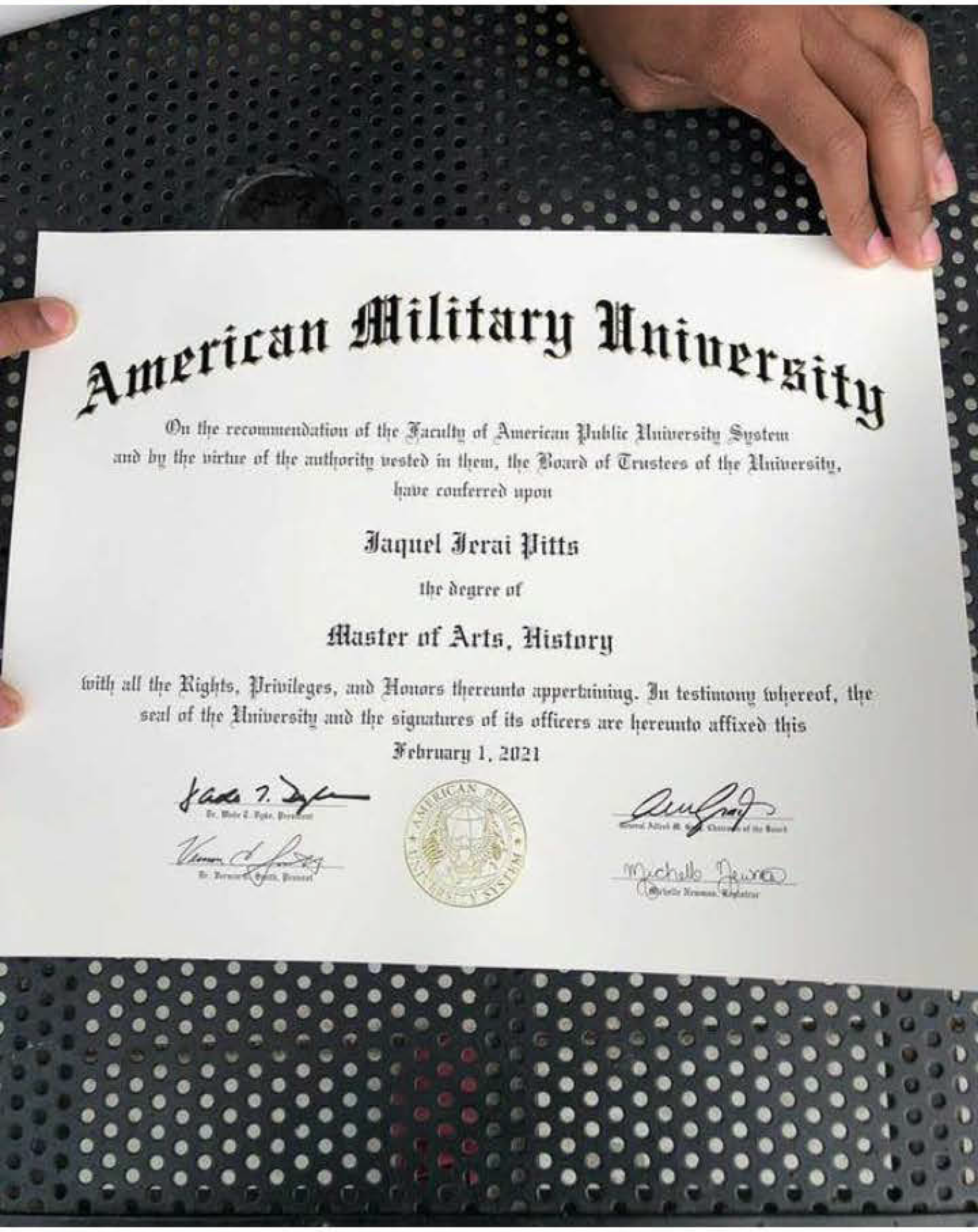
Albert Abutin, Ed.D.
Dean of Enrollment Services

AA:lrl

11:57 AM 4G LTE 51%

Posts

[redacted]



29 20

[redacted] and others

[redacted] My Masters Degree In History From American Military University.

View all comments

[redacted] Congrats!!! Major accomplishment!!!!!

1300

3:57 PM • • 4G LTE 78%

Remove your new Pocket Registration from the receipt portion and carry it with you at all times.

(Please cut along the dotted lines)

Bureau of Security and Investigative Services
P.O. Box 989002
West Sacramento, CA 95798-9002
(800) 952-5210
Email: bsis@dca.ca.gov

CONSUMER AFFAIRS

PROPRIETARY PRIVATE SECURITY OFFICER

Registration No. [redacted] Expiration 03/31/2026

JAQUEL JERAI PITTS

[redacted]

Receipt No
29943

1.
2.
3.
4.
5.

Regis
PSO1
JAQU

1301

3:57 PM 78%

24 H

STATE OF CALIFORNIA
DEPARTMENT OF FISH AND WILDLIFE
ANNUAL HUNTING LICENSE
Valid 07/01/2024 to 06/30/2025

[redacted]

GO ID: [redacted]
STATE ID: E211**** CA
JAQUEL JERALPITTS
[redacted]

SEX: M HAIR: Black EYES: Bro[redacted]
HT: 6-00 WT: 190 DOB: [redacted]

Resident: I have resided in California continu[redacted] months

Evidence of Hunter Education
California Hunter Education (Certified) KW30383406

Doc No: D-0041560664-2
Trans: 000000031432530
280891164

Outlet No: 305002-001
6/10/2024 1:15:31 AM

Item	Fee*
Hunt License - Res	$61.82

Total: $61.82

*Includes any applicable application fees, agent handling fees and license buyer surcharge

NONLEAD AMMUNITION IS REQUIRED FOR ALL HUNTING IN CALIFORNIA. DUE TO CHANGES IN THE PENAL CODE REGARDING THE PURCHASE OR TRANSFER OF AMMUNITION, CDFW RECOMMENDS PURCHASING AMMUNITION WELL IN ADVANCE OF HUNTING.

I certify under penalty of perjury under the laws of the State of California that all information on this document is true and correct and that I meet the requirements for these licenses. I understand it is unlawful to make any false statement in this application or to use or possess a license obtained by fraud or deceit (Fish and Game Code §§1052(b) and 1054)

X
Signature

NOT VALID UNLESS SIGNED
THIS LICENSE MUST BE IN IMMEDIATE POSSESSION WHILE HUNTING

----- End of Document D-0041560664-2 -----

10:46 PM 4G LTE 73%

[redacted]

Search Home My Network Jobs Messaging Notifications Me For Business Reactivate Premium 50% Off

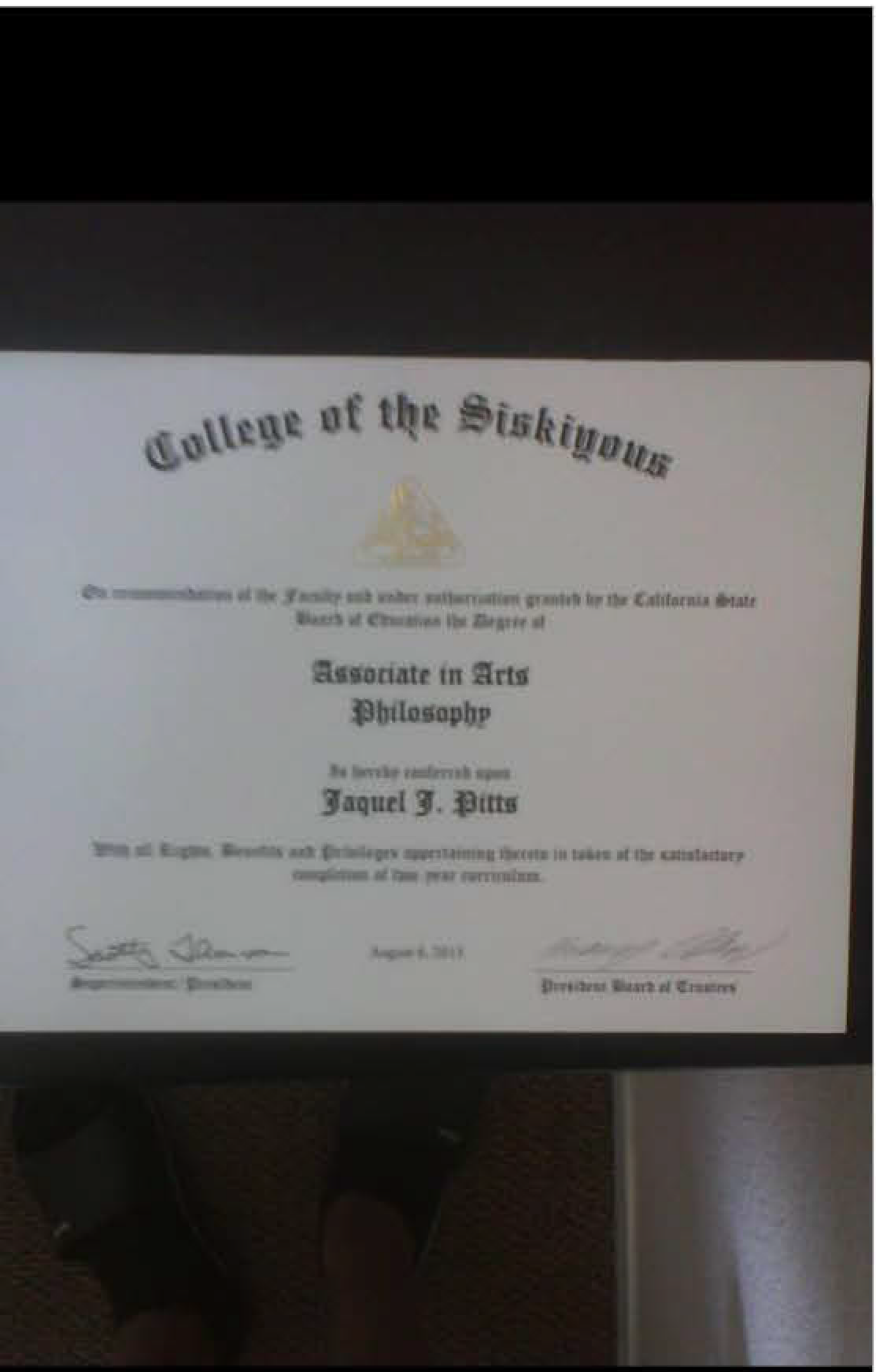
[redacted]

Messaging

Page inboxes

NU Gradua

Media



My Associates Degree In

My associates degree in phil

[redacted]

1303


SECURITY

Certificate of Completion

GC Tactical

USE OF FORCE CERTIFICATION

Jaquel Pitts

This certificate is awarded in recognition of the knowledge, ability and techniques that have been demonstrated in the GCT Use of Force training [illegible] sanctioned by GCTactical.

Level: Handcuffing & Baton
Certificate Number: [redacted]

2024/03/30 | 2025/03/30

Date Issued / Expiry

S.Trickett

Sharon Trickett
President and CEO

CERTIFICATE VERIFICATION

gctactical.com

11:20 PM • 4G LTE 75%

NFHS LEARNING CENTER
NFHSLearn.com

CERTIFICATE OF COMPLETION

Afterschool Security

JAQUEL PITTS

08/06/2023
Date Issued

California
State of Completion

[redacted]
Completion Code

Dr. Karissa L. Niehoff
NFHS Chief Executive Officer

ACCREDITED cognia NCA CASI | NWAC | BACS CASI

This certificate documents course completion, not mastery of content. This course is approved for 1 (one) Clock Hour(s) by the NFHS.

5:03 PM 4G LTE 6%

NFHS LEARNING CENTER
NFHSLearn.com

CERTIFICATE OF COMPLETION

Heat Illness Prevention

JAQUEL PITTS

08/06/2023
Date Issued

California
State of Completion

[redacted]
Completion Code

Dr. Karissa L. Niehoff
NFHS Chief Executive Officer

ACCREDITED cognia NCA CASI | NWAC | BACS CASI

This certificate documents course completion, not mastery of content. This course is approved for 1 (one) Clock Hour(s) by the NFHS.

10:41 AM • 4G LTE 89%

Continuing Education Certificate

Safety Unlimited, Inc.
2139 Tapo Street, Suite 228, Simi Valley, CA 93063
Certifies That

Jaquel J Pitts

Has Successfully Completed

8 Hour (F3) NCCP EMR National Component Refresher

This course has been approved for 8 hours of EMS Continuing Education by approved California EMS Provider 56-0013, and was:

[X] Instructor Based [ ] Non-Instructor Based

This CE activity is accredited for 8 Basic CEH by Safety Unlimited, Inc. (Provider SUNI0321), an organization accredited by Commission on Accreditation for Prehospital Continuing Education.

Safety Unlimited, Inc., Provider #5660170-2, is accredited by the International Association for Continuing Education and Training (IACET) and is accredited to issue the IACET CEU. As an IACET Accredited Provider, Safety Unlimited, Inc. offers CEUs for its programs that qualify under the ANSI/IACET Standard. Safety Unlimited, Inc. is authorized by IACET to offer 0.8 CEUs for this program.

23-SUNI-F3-0083		1/7/2024		Mark E. Ronins, M.S., Paramedic
Activity Number	License Number	Completion Date	National EMS ID	Program Coordinator / EMS Director
[redacted]	NR	[redacted]	Alfred Yu, MD	
NREMT Number	State of Licensure	SUI Certificate Number	Medical Director	

CAPCE represents that this program has met standards for accreditation and does not endorse the opinions or content presented. For more information, or to register a concern go to: https://www.capce.org/CertificateTrouble/Index

This document must be maintained for no less than four (4) years.

Scan this code or visit safetyunlimited.com/v to verify certificate.

Comment Highlight Draw Text Fill & Sign More tools

5:03 PM 4G LTE 6%

NFHS LEARNING CENTER
NFHSLearn.com

SIMON'S Heart

CERTIFICATE OF COMPLETION

Sudden Cardiac Arrest

JAQUEL PITTS

08/06/2023
Date Issued

California
State of Completion

[redacted]
Completion Code

Dr. Karissa L Niehoff
NFHS Chief Executive Officer

ACCREDITED cognia NCA CASI | NWAC | BACS CASI

This certificate documents course completion, not mastery of content. This course is approved for 1 (one) Clock Hour(s) by the NFHS.

3:56 PM 78%



Issued: 2024-07-20

Certificate ID: [redacted]

THIS CERTIFICATE IS AWARDED TO

Jaquel Pitts

Has pursued studies and completed all the requirements for the online course in

Squad-Level Infantry Rural Combat

SPECIAL TACTICS™

AI Assistant

AGENDA ITEM REPORT

Title: FINAL DECISION / STATUS OF SETTLEMENT DISCUSSIONS - POST2313715 - JAIME BERMUDEZ (POST ID C36-U28)

REPORT PROFILE

MEETING DATE 03/05/2025	**BUREAU SUBMITTING THE REPORT** Legal Affairs Bureau	
RESEARCHED BY Bryant Henley	**REVIEWED BY** Toby Darden	
REPORT DATE 03/05/2025	**APPROVED BY** Manuel Alvarez, Jr.	**DATE APPROVED** 02/18/2025
PURPOSE	**FINANCIAL IMPACT** No	

ISSUE, BACKGROUND, ANALYSIS, & RECOMMENDATION

ISSUE: The matter is before the Commission for review and action regarding the subject peace officer's certification status.

BACKGROUND: The Respondent began his employment with the Daly City Police Department on December 26, 2012. At the time of the incident before the Commission, he was assigned as a fulltime police officer. The Respondent was terminated on July 11, 2023, while holding the rank of police officer. The Respondent was hired as a police officer for the Broadmoor Police Department on December 12, 2024, where he is currently employed. This position is a peace officer position as defined under California Penal Code section 830.1(a) and is required to be certified pursuant to California Penal Code section 13510.1(a).

On November 21, 2024, the Commission reviewed the record and recommendation made by the Peace Officer Standards Accountability Advisory Board (POSAAB) wherein the POSAAB had recommended revocation of Respondent's peace officer certification, with revocation stayed subject to a stipulated settlement agreement to be approved by the Commission. The Commission adopted the POSAAB recommendation at the November 21, 2024 meeting.

ANALYSIS: On November 21, 2024, the Commission heard the case and passed a motion directing counsel to draft specified settlement terms and negotiate said terms with the Respondent based on the goals identified by the Commission.

Staff was able to reach agreement on the proposed settlement in this matter, and as such, the matter is again before the Commission for a motion to adopt the settlement agreement and impose the terms and conditions on Mr. Bermudez's peace officer certification status, as set forth in the signed stipulated settlement agreement.

RECOMMENDATION: If the Commission concurs, the appropriate action would be a **MOTION** to adopt the settlement terms as described in the staff report.

ATTACHMENT(S):
Bermudez Signed Stipulated Settlement.pdf

ROB BONTA
Attorney General of California
CARL W. SONNE
Senior Assistant Attorney General
DAVID E. BRICE
Supervising Deputy Attorney General
State Bar No. 269443
1300 I Street, Suite 125
P.O. Box 944255
Sacramento, CA 94244-2550
Telephone: (916) 210-7870
Facsimile: (916) 327-8643
E-mail: David.Brice@doj.ca.gov
Attorneys for Complainant

BEFORE THE
COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING
STATE OF CALIFORNIA

In the Matter of the Accusation Against: **JAIME BERMUDEZ** **Basic Certificate No. 178096** **Intermediate Certificate No. 126361** **Advanced Certificate No. 118972** Respondent.	Case No. 2313715 **STIPULATED SETTLEMENT AND DISCIPLINARY ORDER**

IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-entitled proceedings that the following matters are true:

PARTIES

1. Manuel Alvarez, Jr. (Complainant) is the Executive Director of the California Commission on Peace Officer Standards and Training (Commission). He brought this action solely in his official capacity and is represented in this matter by Rob Bonta, Attorney General of the State of California, by David E. Brice, Supervising Deputy Attorney General.

2. Jaime Bermudez (Respondent) is representing himself in this proceeding and has chosen not to exercise his right to be represented by counsel.

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3. On or about July 9, 2014, the Commission issued Basic Certificate No. 178096 to Respondent.

4. On or about January 22, 2015, the Commission issued Intermediate Certificate No. 126361 to Respondent.

5. On or about December 27, 2018, the Commission issued Advanced Certificate No. 118972 to Respondent.

JURISDICTION

6. Accusation No. 2313715 was filed before the Commission, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on January 21, 2025. Respondent timely filed his Notice of Defense contesting the Accusation.

7. A copy of Accusation No. 2313715 is attached as exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

8. Respondent has carefully read, and understands the charges and allegations in Accusation No. 2313715. Respondent has also carefully read, and understands the effects of this Stipulated Settlement and Disciplinary Order.

9. Respondent is fully aware of his legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to be represented by counsel at his own expense; the right to confront and cross-examine the witnesses against him; the right to present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

10. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

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CULPABILITY

11. Respondent admits the truth of each and every charge and allegation in Accusation No. 2313715.

12. Respondent agrees that his Basic Certificate, Intermediate Certificate, and Advanced Certificate are subject to discipline and he agrees to be bound by the Commission's probationary terms as set forth in the Disciplinary Order below.

CONTINGENCY

13. This stipulation shall be subject to approval by the Commission. Respondent understands and agrees that counsel for Complainant and the staff of the Commission may communicate directly with the Commission regarding this stipulation and settlement, without notice to or participation by Respondent. By signing the stipulation, Respondent understands and agrees that he may not withdraw his agreement or seek to rescind the stipulation prior to the time the Commission considers and acts upon it. If the Commission fails to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Commission shall not be disqualified from further action by having considered this matter.

14. The parties understand and agree that Portable Document Format (PDF) and facsimile copies of this Stipulated Settlement and Disciplinary Order, including PDF and facsimile signatures thereto, shall have the same force and effect as the originals.

15. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an integrated writing representing the complete, final, and exclusive embodiment of their agreement. It supersedes any and all prior or contemporaneous agreements, understandings, discussions, negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary Order may not be altered, amended, modified, supplemented, or otherwise changed except by a writing executed by an authorized representative of each of the parties.

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16. In consideration of the foregoing admissions and stipulations, the parties agree that the Commission may, without further notice or formal proceeding, issue and enter the following Disciplinary Order:

DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Basic Certificate No. 178096, Intermediate Certificate No. 126361, and Advanced Certificate No. 118972 issued to Respondent Jaime Bermudez are revoked. However, the revocations are stayed and Respondent is placed on probation for five (5) years on the following conditions.

IT IS FURTHER ORDERED that any new certification(s) issued while Respondent remains on probation shall also be placed on probation subject to the same terms and conditions applicable to Respondent's existing certification.

Severability Clause. Each condition of probation contained herein is a separate and distinct condition. If any condition of this Order, or any application thereof, is declared unenforceable in whole, in part, or to any extent, the remainder of this Order, and all other applications thereof, shall not be affected. Each condition of this Order shall separately be valid and enforceable to the fullest extent permitted by law.

1. **Obey All Laws.** Respondent shall obey all federal, state and local laws. A full and detailed account of any and all alleged violations of law and any arrests shall be reported by Respondent to the Commission in writing within seventy-two (72) hours of occurrence. To permit monitoring of compliance with this condition, notwithstanding any provision of law, Respondent agrees that the Commission can receive notification of an arrest and/or conviction from any federal, state, and/or local agency.

2. **Criminal Court Orders:** If Respondent is under criminal court orders, including probation or parole, and the order is violated, this shall be deemed a violation of these probation conditions, and may result in the filing of an accusation and/or petition to revoke probation.

3. **Serious Misconduct:** Respondent shall not engage in any acts of serious misconduct, as defined under Penal Code section 13510.8, subdivision (b), including but not limited to, any acts that involve substance abuse related incidents. Any acts of serious

misconduct shall be deemed a violation of these probation conditions, and may result in the filing of an accusation and/or petition to revoke probation.

4. **Comply with Probation.** Respondent shall fully comply with the conditions of probation and cooperate with representatives of the Commission in its monitoring and investigation of the Respondent's compliance with probation.

Respondent will at all times comply with California Code of Regulations, title 11, section 1215, and maintain a physical address of record with the Commission for three (3) years after separation of service from peace officer employment in California. In addition, Respondent will ensure that the Commission has his current home address and preferred method of contact (i.e., phone number, email address) during the period of probation. This information will be maintained confidentially in accordance with the Information Practices Act, Civil Code section 1798 et seq. and California Penal Code section 832.7.

Upon successful completion of probation, Respondent's certification shall be fully restored.

5. **Proof of Completion.** Respondent shall provide the Commission with proof of completion and/or participation in all alcohol abuse treatment and counseling programs taken to date, as well as the results of any alcohol testing he has taken to date.

6. **Notice to Employers.** Respondent shall provide any current, future or potential law enforcement employer with the terms and conditions of this stipulation. Respondent understands and agrees that this stipulation, once adopted, will be a public document and will be subject to public release. Respondent further understands and agrees that the Commission shall have the right to provide any and all records showing compliance or lack of compliance with the terms of this stipulation to any current, past, future or potential law enforcement employer of Respondent, upon the employer's request.

7. **Violation of Probation.** If Respondent violates the conditions of his probation, the Commission, after giving Respondent notice and an opportunity to be heard, may set aside the stay order and impose the stayed discipline (revocation) of Respondent's certification.

Following any violation of these probation terms, the Commission may, in its discretion, notify Respondent in writing that the Commission intends to lift the stay and revoke

Respondent's certification after 35 days from the date of mailing of the notification letter. If Respondent disputes the Commission's determination that a violation of probation has occurred, Respondent shall have 35 calendar days from the date of mailing of the notification letter to file with the Commission a dispute to the action being taken on Respondent's certification, in which the Respondent shall fully explain the factual and legal basis of his dispute to the asserted probation violation, and supply at that time any evidence supporting the dispute as to the probation violation. The Commission shall consider Respondent's argument and evidence before taking action on the Respondent's certification. If Respondent fails to respond, this action shall be placed, in accordance with the Bagley-Keene Act, on the consent calendar at the next regularly scheduled meeting of the Commission. Upon approval of the consent calendar by the Commission, the revocation order shall become final, and the file will be closed.

If during the period of probation, an accusation or petition to revoke probation has been filed against Respondent's certification or the Attorney General's Office has been requested to prepare an accusation or petition to revoke probation against Respondent's certification, the probationary period shall automatically be extended and shall not expire until the accusation or petition has been acted upon by the Commission.

8. **Certification Surrender.** During Respondent's term of probation, if he ceases practicing due to retirement, health reasons or is otherwise unable to satisfy the conditions of probation, Respondent may surrender his certification to the Commission under Penal Code section 13510.8, subdivision (f). Upon formal acceptance of the surrendered certification, Respondent will no longer be subject to the conditions of probation.

Surrender of Respondent's certification shall be considered a disciplinary action and shall become a part of Respondent's certification history with the Commission.

9. **Abstain from Alcohol and Cannabis and Submit to Tests and Samples.** Respondent shall abstain from the use of alcohol and cannabis and, at his expense, shall participate in a random, biological fluid testing program which the Commission approves. The length of time and frequency will be up to 15 times per year on a random basis. Respondent is responsible for keeping the Commission informed of Respondent's current telephone number at

all times and in the event Respondent's telephone number changes, Respondent shall update the Commission within 48 hours. Respondent shall also ensure that messages may be left at the telephone number when he is not available and ensure that reports are submitted directly by the testing agency to the Commission, as directed. Any confirmed positive finding shall be reported immediately to the Commission by the program, Respondent shall be considered in violation of probation, and the Commission may, in its discretion, order additional testing or screening, over and above the time and frequency listed above.

If Respondent has a confirmed positive finding for alcohol or cannabis and the Commission files a petition to revoke probation or an accusation, the Commission may suspend Respondent's Certification pending the final decision on the petition to revoke probation or the accusation. This period of suspension will not apply to the reduction of this probationary time period.

10. **Tolling of Probation.** Periods of residency outside of California shall not apply toward a reduction of the period of probation. Respondent's probation is tolled if and when he resides outside of California and the period of probation shall be automatically extended for the same period he resides outside of California. Any period of tolling will not apply to the reduction of the probationary term and will relieve respondent of the responsibility to comply with the probationary terms and conditions with the exception of this condition and the following terms and conditions of probation: Obey All Laws; Criminal Court Orders; Comply With Probation; Violation of Probation; and Certification Surrender.

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ACCEPTANCE

I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the stipulation and the effect it will have on my Basic Certificate, Intermediate Certificate, and Advanced Certificate. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the California Commission on Peace Officer Standards and Training.

DATED: 02/01/2025

JAIME BERMUDEZ
Respondent

ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the California Commission on Peace Officer Standards and Training.

DATED: February 10, 2025

Respectfully submitted,

ROB BONTA
Attorney General of California
CARL W. SONNE
Senior Assistant Attorney General

DAVID E. BRICE
Supervising Deputy Attorney General
Attorneys for Complainant

SA2024305698
38701254.docx

Exhibit A

Accusation No. 2313715

ROB BONTA
Attorney General of California
CARL W. SONNE
Senior Assistant Attorney General
DAVID E. BRICE
Supervising Deputy Attorney General
State Bar No. 269443
1300 I Street, Suite 125
P.O. Box 944255
Sacramento, CA 94244-2550
Telephone: (916) 210-7870
Facsimile: (916) 327-8643
E-mail: David.Brice@doj.ca.gov
Attorneys for Complainant

BEFORE THE
COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING
STATE OF CALIFORNIA

In the Matter of the Accusation Against: **JAIME BERMUDEZ** **Basic Certificate No. 178096** **Intermediate Certificate No. 126361** **Advanced Certificate No. 118972** Respondent.	Case No. 23-13715 **ACCUSATION**

PARTIES

1. Manuel Alvarez, Jr. (Complainant) brings this Accusation solely in his official capacity as the Executive Director of the California Commission on Peace Officer Standards and Training (Commission).

2. On or about July 9, 2014, the Commission issued Basic Certificate Number 178096 to Jaime Bermudez (Respondent). On or about January 22, 2015, the Commission issued Intermediate Certificate Number 126361 to Respondent. On or about December 27, 2018, the Commission issued Advanced Certificate Number 118972 to Respondent (collectively "Certification"). The Certification was in full force and effect at all relevant times to the charges brought herein.

JURISDICTION

3. This Accusation is brought before the Commission under the authority of the following laws. All section references are to the Penal Code (Code) unless otherwise indicated.

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

5. Code section 830.1 states, in pertinent part: "... a police officer, employed in that capacity and appointed by the chief of police ... of a city ... is a peace officer."

6. Code section 13510.1 states, in pertinent part:

> (a) The commission shall establish a certification program for peace officers described in Section 830.1, 830.2 with the exception of those described in subdivision (d) of that section, 830.3, 830.32, or 830.33, or any other peace officer employed by an agency that participates in the Peace Officer Standards and Training (POST) program. A certificate or proof of eligibility issued pursuant to this section shall be considered the property of the commission.
>
> (b) Basic, intermediate, advanced, supervisory, management, and executive certificates shall be established for the purpose of fostering professionalization, education, and experience necessary to adequately accomplish the general police service duties performed by peace officer members of city police departments, county sheriffs' departments, districts, university and state university and college departments, or by the California Highway Patrol.
>
> . . .
>
> (e) The commission shall assign each person who applies for or receives certification a unique identifier that shall be used to track certification status from application for certification through that person's career as a peace officer.
>
> (f) Notwithstanding any other provision of law, the commission shall have the authority to suspend, revoke, or cancel any certification pursuant to this chapter. This authority extends to any certificate or proof of eligibility issued by the commission including, without limitation, any certificate or proof of eligibility that is invalid, inactive, expired, or canceled.
>
> . . .
>
> (i) As used in this chapter, "certification" means any and all valid and unexpired certificates issued pursuant to subdivision (b), including basic, intermediate, advanced, supervisory, management, and executive certificates or any proof of eligibility issued by the commission pursuant to this section.

7. Code section 13510.85, subdivisions (a) and (b), state:

(a)(1) When, upon the completion of a serious misconduct investigation conducted pursuant to subdivision (c) of Section 13510.8, the division finds reasonable grounds for the denial, revocation, or suspension of a peace officer's certification, it shall take the appropriate steps to promptly notify the peace officer involved, in writing, of its determination and reasons therefore, and shall provide the peace officer with a detailed explanation of the decertification procedure and the peace officer's rights to contest and appeal.

(2) Upon notification, the peace officer may, within 30 days, file a request for a review of the determination by the board and commission. If the peace officer does not file a request for review within 30 days, the peace officer's certification shall be suspended or revoked, consistent with the division's determination, without further proceedings. If the peace officer files a timely review, the board shall schedule the case for hearing.

(3) The board shall meet as required to conduct public hearings, but no fewer than four times per year.

(4) At each public hearing, the board shall review the findings of investigations presented by the division pursuant to paragraph (1) and shall make a recommendation on what action should be taken on the certification of the peace officer involved. The board shall only recommend revocation if the factual basis for revocation is established by clear and convincing evidence. If the board determines that the facts and circumstances revealed by the investigation warrant a sanction other than revocation, it may recommend that a peace officer's certification be suspended for a period of time. The board shall issue a written decision explaining its reasons for decertification or suspension.

(5) The commission shall review all recommendations made by the board. The commission's decision to adopt a recommendation by the board to seek revocation shall require a two-thirds vote of commissioners present and shall be based on whether the record, in its entirety, supports the board's conclusion that serious misconduct has been established by clear and convincing evidence. In any case in which the commission reaches a different determination than the board's recommendation, it shall set forth its analysis and reasons for reaching a different determination in writing.

(6) The commission shall return any determination requiring action to be taken against an individual's certification to the division, which shall initiate proceedings for a formal hearing before an administrative law judge in accordance with the Administrative Procedure Act (Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code), which shall be subject to judicial review as set forth in that act.

(b) Notwithstanding Section 832.7, the hearings of the board and the review by the commission under this section, administrative adjudications held pursuant to paragraph (6) of subdivision (a), and any records introduced during those proceedings, shall be public. These public records may, in the discretion of the division, be redacted for the reasons set forth in paragraphs (6) and (7) of subdivision (b) of Section 832.7. This subdivision does not preclude the board or the commission, or both, from reviewing the unredacted versions of these records in closed session and using them as the basis for any action taken.

8. On August 13, 2024, pursuant to its authority under Code section 13510.8, subdivision (c), the Peace Officer Standards Accountability Division (Division) found reasonable grounds for a disciplinary action against Respondent's Certification. Respondent was properly notified and timely requested a review of the determination under Code section 13510.85, subdivision (a)(2). On October 17, 2024, pursuant to its authority under Code section 13510.85, subdivision (a)(4), the Peace Officer Standards Accountability Advisory Board (Board) determined that clear and convincing evidence existed for a disciplinary action against Respondent. On November 21, 2024, pursuant to its authority under Code section 13510.85, subdivision (a)(5), the Commission determined that Respondent's certification should be revoked with revocation stayed subject to a stipulated settlement between the Respondent and Division on terms and conditions. Pursuant to Government Code section 11415.60, subdivision (b), this Accusation is filed because, in a proceeding to discipline an occupational license, a settlement may not be made before the issuance of the agency pleading. Complainant explicitly reserves all rights to amend this accusation under Government Code section 11507, should a settlement not be reached or adopted by the Commission.

STATUTORY PROVISIONS

9. Code section 13510.8 states, in pertinent part:

> (a) (1) A certified peace officer shall have their certification revoked if the person is or has become ineligible to hold office as a peace officer pursuant to Section 1029 of the Government Code.
>
> (2) A peace officer may have their certification suspended or revoked if the person has been terminated for cause from employment as a peace officer for, or has, while employed as a peace officer, otherwise engaged in, any serious misconduct as described in subdivision (b).
>
> (3) The commission may cancel the certificate or proof of eligibility of a peace officer if the commission determines that there was fraud or misrepresentation made by an applicant at any time during the application process that resulted in the issuance of the certification.
>
> (b) By January 1, 2023, the commission shall adopt by regulation a definition of "serious misconduct" that shall serve as the criteria to be considered for ineligibility for, or revocation of, certification. This definition shall include all of the following:

. . .

(6) Acts that violate the law and are sufficiently egregious or repeated as to be inconsistent with a peace officer's obligation to uphold the law or respect the rights of members of the public, as determined by the commission.

. . . .

REGULATORY PROVISIONS

10. California Code of Regulations, title 11, section 1205, states, in pertinent part:

(a) Serious Misconduct is:

. . .

(6) Acts that violate the law and are sufficiently egregious or repeated as to be inconsistent with a peace officer's obligation to uphold the law or respect the rights of members of the public, as determined by the Commission.

. . .

11. California Code of Regulations, title 11, section 1212 states:

(a) The Commission shall have the authority to suspend, revoke, or cancel any certification issued pursuant to Chapter 1 of Title 4 of Part 4 of the Penal Code.

(b) At the hearing, conducted by the Commission, to review a recommendation made by the Peace Officer Standards Accountability Advisory Board (the "board"):

(1) The Commission's decision to adopt a recommendation by the board to seek revocation shall require a two-thirds vote of Commissioners present.

(2) The decision shall be based on whether the record, in its entirety, supports the board's conclusion that serious misconduct has been established by clear and convincing evidence.

(3) The Commission may conduct deliberations in closed session.

(4) In any case which the Commission reaches a different determination than the board's recommendation, it shall set forth its analysis and reasons for reaching a different determination in writing. A copy of the written decision shall be provided to:

(A) The board,

(B) The Peace Officer Standards Accountability Division (the "division"), and

(C) The involved peace officer or designated representative.

(c) The Commission shall return any determination requiring action to be taken against an individual's certification to the division, which shall initiate proceedings for a formal hearing before an administrative law judge in accordance with the Administrative

Procedure Act.

(1) After the hearing, the Commission will receive the proposed decision from the administrative law judge.

(2) The proposed decision shall be reviewed by the Commission in accordance with Government Code Section 11517(c)(2).

(3) The Commission's decision shall be considered final 30 days after the date of service of the decision upon the involved peace officer or their legal representative. A copy of the written decision shall be provided to:

(A) The board,

(B) The division,

(C) The involved peace officer or designated representative, and

(D) The head of the agency that employs or employed the involved peace officer.

(d) The commission shall publish the names of any peace officer whose certification is suspended or revoked and the basis for the suspension or revocation on the POST website.

(e) The commission shall notify the National Decertification Index of the International Association of Directors of Law Enforcement Standards and Training of any peace officer whose certification is suspended or revoked and the basis for the suspension or revocation.

12. California Code of Regulations, title 11, section 1213 states:

(a) In considering whether to take action against a peace officer's certification, and in considering whether a revocation or suspension is appropriate in light of the facts of the particular case, the Commission shall consider any of the following factors:

(1) The nature and severity of the act or omission.

(2) The circumstances surrounding the conduct and the extent to which the act or omission caused any actual or potential harm to or impact upon the victim, the public, other peace officers, the employing agency, or the law enforcement profession.

(3) Whether the involved peace officer is currently employed as a peace officer.

(4) Whether the alleged conduct was committed under the color of authority or while the peace officer was acting in the capacity of a peace officer.

(5) The peace officer's prior conduct, discipline and service record, and any prior instances of misconduct.

(6) The proximity or remoteness in time since the conduct occurred.

(7) Any mitigating or aggravating factors and/or evidence of rehabilitation.

(8) The degree of accountability and cooperation with the investigation evidenced by the peace officer.

(9) The extent to which discipline, or forbearance from discipline, would impact the best interests of the public, the public service, the employing agency, and/or the law enforcement profession.

(10) The motives of the peace officer that resulted in the conduct.

(11) Consistency of the penalty with those imposed upon other peace officers for the same or similar offense.

(12) The clarity with which the peace officer was on notice of any rules that were violated in committing the offense.

(13) The extent to which the act or omission was done intentionally, willfully, or maliciously.

(14) The likelihood of recurrence.

(15) Any other aggravating or mitigating factors relevant to the Commission's determination.

(b) A suspension shall not exceed three years.

(c) A peace officer whose certification has been suspended may not be assigned duties which include the exercise of peace officer powers.

FACTUAL ALLEGATIONS

13. Beginning on or about December 26, 2012, Respondent was employed as a full-time police officer with the Daly City Police Department. Respondent was terminated from the department on or about July 11, 2023.

14. On or about September 3, 2015, in the criminal proceeding entitled *People of the State of California vs. Jaime Francisco Bermudez* (Santa Clara County Super. Ct., Case No. C1517080), Respondent was convicted by the court on his plea of nolo contendere to violating Vehicle Code section 23152, subdivision (b) (driving with a blood alcohol content (BAC) of 0.08% or more) with an enhancement under Vehicle Code section 23578 (BAC over 0.15%), a misdemeanor. Respondent admitted to a BAC of 0.19%. Respondent was sentenced to probation for three years with terms and conditions including: 120 hours of volunteer work in lieu of jail and pay fines, fees, and restitution. The circumstances were that on or about June 19, 2015, Respondent crashed his vehicle into a fire hydrant in Campbell, California. An officer with the Campbell Police Department interviewed Respondent and detected an odor of alcohol on his breath. Respondent told the officer he had been drinking earlier in the evening and that he had

been driving with a passenger. Based on the officer's observations, Respondent's statements, and because Respondent had been involved in a collision, Respondent was arrested for driving under the influence (DUI).

15. On or about December 5, 2023, in the criminal proceeding entitled *People of the State of California vs. Jaime Francisco Bermudez* (Contra Costa County Super. Ct., Case No. 01-23-01334), Respondent was convicted by the court on his plea of no contest to violating Vehicle Code sections 23152, subdivision (b) (driving with BAC of 0.08% or higher) and 23540 (prior DUI conviction within 10 years) with an enhancement under Vehicle Code section 23538, subdivision (b)(2) (BAC of 0.20% or more), a misdemeanor. Respondent was sentenced to 20 days in jail, deemed satisfied, and placed on probation for four years with terms and conditions including: abstain from alcohol, comply with post conviction drinking driver's program, and pay fines, fees, and restitution. The circumstances were that on or about August 27, 2022, an officer with the Walnut Creek Police Department observed a black Chevy truck driving erratically in Walnut Creek, California. The officer initiated a traffic enforcement stop and contacted the driver, identified as Respondent. The officer observed that Respondent's speech was slow and his body movements were lethargic. Respondent provided his driver's license and his Daly City Police Department identification card. The officer asked Respondent if he was a police officer and Respondent said he was. The officer asked Respondent if he had a firearm and he said it was locked in the back of the truck. Another officer arrived to perform a DUI investigation and observed Respondent stagger as he exited the vehicle. Respondent told the officer he was driving a county car and that he had not had anything to drink. The officer smelled the strong odor of alcoholic beverages coming from Respondent's breath and person and saw that Respondent had red watery eyes and a slack facial expression. Respondent was unable to satisfactorily complete field sobriety tests and refused to provide a breath sample. A search warrant was obtained for a blood draw. Respondent's blood alcohol concentration was measured at 0.269%. Respondent's blood sample was also positive for carboxy-tetrahydrocannabinol (THC), a cannabinoid, at a level of 5.9 ng/ml.

///

CAUSE FOR DISCIPLINE

(Serious Misconduct – Acts that Violate the Law)

16. Respondent has subjected his Certification to disciplinary action on the grounds of serious misconduct under Code section 13510.8, subdivision (b)(6), and section 1205, subsection (a)(6), of title 11 of the California Code of Regulations, because he committed acts that violate the law and were sufficiently egregious or repeated as to be inconsistent with a peace officer's obligation to uphold the law or respect the rights of members of the public, as alleged above in paragraphs 13-15 and as follows:

17. Vehicle Code section 23152, subdivision (b) makes it unlawful for a person who has 0.08 percent or more, by weight, of alcohol in his or her blood to drive a vehicle. Respondent's conduct repeatedly violated this section of the Vehicle Code, violated the trust placed in him as a police officer, and was inconsistent with the obligation of a peace officer to uphold the law and respect the rights of members of the public.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Commission issue a decision revoking the Basic, Intermediate, and Advanced Certificates issued to Respondent Jaime Bermudez, or taking other appropriate disciplinary action according to evidence.

DATED: 01/16/2025

MANUEL ALVAREZ, JR.
Executive Director
Commission on Peace Officer Standards and Training
State of California
Complainant

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BEFORE THE
COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING
STATE OF CALIFORNIA

In the Matter of the Accusation Against**:** **JAIME BERMUDEZ** **Basic Certificate No. 178096** **Intermediate Certificate No. 126361** **Advanced Certificate No. 118972** Respondent.	Case No. 2313715

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Commission on Peace Officer Standards and Training as its Decision in this matter.

This Decision shall become effective on _____.

It is so ORDERED _____.

_____
FOR THE COMMISSION ON PEACE OFFICER
STANDARDS AND TRAINING
STATE OF CALIFORNIA

AGENDA ITEM REPORT

Title: REPORT ON PEACE OFFICER REVOCATIONS BASED ON FELONY CONVICTIONS

REPORT PROFILE

MEETING DATE 03/05/2025	**BUREAU SUBMITTING THE REPORT** Intake and Disposition Bureau	
RESEARCHED BY Sarah Wallace	**REVIEWED BY** Annemarie Del Mugnaio	
REPORT DATE	**APPROVED BY** Manuel Alvarez, Jr.	**DATE APPROVED** 02/06/2025
PURPOSE	**FINANCIAL IMPACT** No	

ISSUE, BACKGROUND, ANALYSIS, & RECOMMENDATION

ISSUE: This is a report on Government Code section 1029 convictions occurring after January 1, 2022 that will be processed by the Peace Officer Standards Accountability Division (POSAD) for revocation pursuant to Penal Code section 13510.8(a)(1).

BACKGROUND: Government Code section 1029 outlines factors that disqualify an individual from holding office as, or being employed as, a peace officer in the state of California. Penal Code section 13510.8(a)(1) further stipulates that individuals disqualified pursuant to Government Code section 1029 shall have their certifications revoked.

ANALYSIS: Pursuant to Penal Code section 13510.8(a)(1), POSAD has identified the individuals listed in this report as disqualified from holding office as, or being employed as peace officer in the State of California and subject to revocation resulting from the factors identified in Government Code 1029.

RECOMMENDATION: If the Commission concurs, the appropriate action would be a **MOTION** to approve the revocation action specified in this report.

ATTACHMENT(S):
1029_Revocation_List_March25_ Commission.pdf

1029 Revocation List – March 2025 POST Commission Meeting

Last Name	First Name	Last Employing Agency	District	Date of Conviction or Judgement	Conviction
Babaians	Edmond	Los Angeles PD (last employed 9/07/2023)	Los Angeles County	October 24, 2024	Penal Code section 484g, Grand Theft – Egregious or repeated acts that violate the law
Baca	John Abel	Inglewood PD (last employed 2/5/2024)	Los Angeles County	October 12, 2023	Felony, 21 U.S.C Section 841(a)(1)(C), Distribution of Cocaine
Brown	Robert	Rialto PD (last employed 01/19/2016)	Southern	November 14, 2023	Felony, Penal Code 127, Subornation of Perjury
Castillo	Alejandro	Los Angeles PD (last employed 1/10/2024)	Los Angeles County	March 20, 2023	PC118.1, Filing a false report; 118(a) Perjury by Declaration
Essex	Sean Jerome	Los Angeles County SD (last employed 11/05/2022)	Los Angeles County	June 7, 2024	Felony, Penal Code section 3 counts / 288.5(a)Continuous sexual abuse of a child under 14
Gertz	Andrew	Butte Co. SO (last employed 09/18/2023)	Northern	June 6, 2024	Felony Penal Code 23153(a) - DUI causing Injury Felony Penal Code 23153(b) - .08 BAC causing injury

James	Deandre	Los Angeles PD (last employed 11/06/2021)	Los Angeles County	November 16, 2023	Felony, vehicle code section 23153(a) DUI with injury within 10 years of 2 other DUI offenses
Mercado	Emerson	Ventura PD (last employed 06/03/2024)	Southern	July 9, 2024	Felony, Penal Code 550(B)(1), Crimes Against Insured Property and Insurers
Montz	Richard	Placer Co. SO (last employed 07/05/2023)	Northern	May 20, 2024	Felony Penal Code 261(a)(4) - Rape of an Unconscious Person Felony Penal Code 289(a)(1) - Sexual Penetration by force, Fear/Threats Felony Penal Code 289(d)(1) - Sexual Penetration of an Unconscious Person Felony Penal Code 289(e) - Sexual Penetration of an Intoxicated Person
Navia	Miguel Richard	Huntington Park PD (last employed 6/7/2022)	Los Angeles County	July 18, 2024	Penal Code section 273.5(a), Injuring a Spouse, Cohabitant, Fiancé, Boyfriend, Girlfriend or Child's Parent; a felony violation of Penal Code section 422(a), Criminal Threats; and a misdemeanor violation of

					Penal Code section 417(a)(2)(B), Exhibiting a Firearm.
Pierce	Joe	CHP (last employed 02/04/2022	Northern	May 13, 2024	3 Counts of Felony Penal Code 69 – Resisting Executive Officer
Thieme	Konrad Wolfgang	Los Angeles SD	Los Angeles County	August 16, 2024	2 charges of Penal Code Section 149, Assault by a Public Officer - Physical Abuse/Excessive or Unreasonable Use of Force, Dishonesty
Williams	Mark Christopher	San Francisco PD (last employed 03/17/2017)	Central	March 3, 2023	Felony, Penal Code 32625(a), Illegal Possession or Transportation of a Machine Gun
Williams III	Samuel	Humboldt Co. SO (last employed 05/13/2024	Northern	March 21, 2024	Felony, Penal Code 422, Criminal Threats

AGENDA ITEM REPORT

Title: REPORT ON PROPOSED ADOPTION OF COMMISSION REGULATION 1216 - DISCIPLINARY GUIDELINES

REPORT PROFILE

MEETING DATE 03/05/2025	**BUREAU SUBMITTING THE REPORT** Peace Officer Standards Accountability Division	
RESEARCHED BY Michelle Weiler and Sarah Wallace	**REVIEWED BY**	
REPORT DATE	**APPROVED BY** Manuel Alvarez, Jr.	**DATE APPROVED** 02/14/2025
PURPOSE	**FINANCIAL IMPACT** No	

ISSUE, BACKGROUND, ANALYSIS, & RECOMMENDATION

ISSUE:

Currently, POST does not have disciplinary guidelines to assist the Peace Officer Standards Accountability Advisory Board, the Commission, and the Administrative Law Judges (ALJs) when considering the appropriate imposition of discipline for a peace officer who has committed one of the nine acts of serious misconduct and is subject to suspension or revocation. It is important for POST to consider establishing disciplinary guidelines to help guide these bodies, and ensure a fair and consistent approach to imposing discipline on a peace officer's certification for acts of serious misconduct that are similar in degree and nature.

BACKGROUND:

Senate Bill (SB) 2 (Stats 2021) sets forth due process through the Administrative Procedures Act (APA) which includes an opportunity for a peace officer subject to decertification to be afforded an evidentiary hearing before an ALJ. Currently, POST does not have disciplinary guidelines to assist the ALJ when considering the appropriate imposition of discipline.

The Office of Administrative Hearings (OAHs) is responsible for the administrative proceedings wherein a state oversight agency is seeking to revoke or otherwise restrict a person's license to serve in a regulated profession. ALJs oversee the administrative hearings and are responsible for issuing a proposed decision to the respective state agency. The proposed decision typically includes a recommended sanction or penalty, e.g., suspension, probation, revocation, and these recommendations are formulated using the oversight agency's

disciplinary guidelines. Disciplinary guidelines are developed to establish consistency in an agency's imposition of discipline for similar acts of misconduct.

ANALYSIS:

In recent discussions with the OAH, the Division Chief Administrative Law Judge (ALJ) confirmed that ALJs will issue proposed recommended penalties with their decisions and therefore, rely heavily on agency disciplinary guidelines.

At the March 07, 2024, Commission meeting, POST executive leadership announced they were actively working on proposed disciplinary guidelines to bring before the Commission at the June 13, 2024 Commission meeting. The proposed guidelines attached aim to provide the ALJs, attorneys, certified peace officers, the public, the Board, and the Commission and others involved, with uniform guidance in the imposition of discipline for particular violations. By establishing the disciplinary guidelines, the ALJ will have a clearer understanding of the Commission's decisions when formulating their proposed decisions. Further, the disciplinary guidelines take into consideration the mitigating and aggravating factors outlined in Commission Regulation 1213 otherwise known as the "1213 Factors."

A subcommittee made up of members of the Commission worked with POST staff to tailor and finalize the proposed Disciplinary Guidelines now before the full Commission for review.

RECOMMENDATION:

Should the Commission approve the proposed text of Commission Regulation 1216 and the accompanying Disciplinary Guidelines for factors for consideration of penalty related to peace officer certification actions?

If the Commission concurs, the appropriate action would be a **MOTION** to approve the Disciplinary Guidelines as proposed by the Commission subcommittee.

ATTACHMENT(S):

POST_DISCIPLINARY_GUIDELINES_0325_Commission_Agenda.pdf
TPRA_Reg1216.pdf

POST DISCIPLINARY GUIDELINES

FACTORS FOR CONSIDERATION OF PENALTY RELATED TO PEACE OFFICER CERTIFICATION ACTIONS

PREFACE

The Commission on Peace Officer Standards and Training (Commission) establishes minimum standards for the physical, mental, and moral fitness of peace officers, adopts rules establishing minimum training standards for peace officers, and, as a part of its certification program, licenses peace officers and investigates and reviews allegations of serious misconduct in order to determine whether the peace officer's certification should be suspended or revoked.

Senate Bill 2 (Stats. 2021, c. 409, § 12, eff. Jan. 1, 2022) (SB 2) requires POST to review and investigate reports of "serious misconduct" by peace officers, as defined in Penal Code section 13510.8, which includes, but is not limited to, dishonesty, abuse of power, physical abuse (including, but not limited to, the excessive or unreasonable use of force), sexual assault, demonstration of bias, egregious or repeated acts that violate the law, participation in a law enforcement gang, failure to cooperate with an investigation into potential police misconduct, and failure to intercede. POST may suspend or revoke the certification of officers who are found to have engaged in serious misconduct. POST has also promulgated regulations (11 Cal Code Regs, § 1205) which further define serious misconduct.

California employs more than 85,000 peace officers, most of whom are subject to SB 2. One of the many goals of SB 2 was to address an issue involving officers who are accused of misconduct at one agency and react by moving to another agency in an attempt to avoid the imposition of discipline. Prior to SB 2, agencies would often discontinue an investigation if an officer resigned, as there was no longer an employment consequence that can be imposed upon an officer who no longer works for the agency. SB 2 now requires that agencies complete investigations even if the officer resigns, and SB 2's disclosure provisions, found in Penal Code section 13510.9, serve to ensure that such peace officer disciplinary records are shared amongst law enforcement agencies conducting background investigations for potential hires. Penal Code §13510.85(c) also requires POST to report its decertification actions to a national database, the National Decertification Index of the International Association of Directors of Law Enforcement Standards and Training, which is accessed by law enforcement entities across the country.

SB 2 required the creation of a new division, the Peace Officers Standards and Accountability Division (Division), within POST. The Division is responsible for the intake and investigation of serious misconduct allegations. Prior to the issuance of an Accusation to revoke or suspend a peace officer's certification, Penal Code section 13509.5(b) mandates that the Division review investigations of allegations that may provide grounds for suspension or revocation of a peace officer's certification based on serious misconduct, conduct additional investigations as necessary, and to present findings and recommendations to the Peace Officer Standards Accountability Advisory

Board (Board). During the Division's investigation, a thorough analysis of the allegations is conducted to determine whether there is clear and convincing evidence that an act (or acts) of serious misconduct occurred. This includes but is not limited to a review of the evidence; the agency's findings; the peace officer's service record, including patterns of prior related conduct; mitigating or aggravating circumstances; and interviews with the subject peace officer and witnesses. Once the analysis of facts is complete, the case moves through two levels of internal panel review – the first is with a panel of bureau chiefs, including those not assigned to the Division and the second is with executive management, including the Executive Director. POST legal counsel guide Division staff throughout the entirety of the process to ensure the findings are sound and hold up to established legal standards.

Pursuant to Penal Code section 13510.85, the Board reviews the findings of investigations presented by the Division and makes a recommendation on what action should be taken against the certification of the subject peace officer. The Board is presented with a detailed investigative summary of the Division's findings along with relevant exhibits which serve as the Division's evidence in support of its findings of serious misconduct. Upon review of the Division's findings and accompanying evidence, the Board may recommend revocation of certification if clear and convincing evidence of serious misconduct is contained in the findings or, may it instead, recommend that a peace officer's certification be suspended for a period up to three years (Cal. Penal Code § 13510.85(a)(4)). This hearing is limited to a review of the Division's findings and recommendations; no witness testimony or presentation of additional evidence or argument is permitted. During the public comment period, the peace officer or the peace officer's representative may address the issue of the sufficiency of the division's findings before the Board (Title 11, Cal. Code Regs. § 1209(e)(2)(B)).

The Commission reviews all recommendations made by the Board. The Commission's decision to adopt a recommendation by the Board to seek revocation requires a two-thirds vote of Commissioners present and is based on whether the record, in its entirety, supports the Board's conclusion that serious misconduct occurred, as established by clear and convincing evidence. (Cal. Penal Code § 13510.85(a)(5)). The Commission returns any determination requiring action to be taken against an individual's certification to the Division to initiate proceedings for a formal hearing before an Administrative Law Judge (ALJ) in accordance with the Administrative Procedure Act Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, which is subject to judicial review as set forth in that Act (Cal. Penal Code § 13510.85(a)(6)).

POST DISCIPLINARY GUIDELINES

INTRODUCTION

Peace officers are vested with extraordinary powers by virtue of their position, which include the ability to detain and arrest, conduct searches and seizures, and to use force in the course of their duties, up to and including the use of deadly force. Penal Code section 13509.6(c) provides that the "protection of the public and all constitutional and statutory rights shall be the highest priority for the board as it upholds the standards for peace officers in California."

An act of serious misconduct committed by a peace officer is inconsistent with the powers with which they were entrusted by virtue of their position and may pose a grave risk to the public if the individual is permitted to continue to exercise such powers. However, the Commission recognizes that each case is unique and that variations from the proposed guidelines may be appropriate based upon mitigating and aggravating circumstances. For this reason, the Commission has established minimum and maximum penalties to assist in determining the appropriate level of discipline.

The Commission has adopted these Disciplinary Guidelines to provide uniform guidance for particular violations to Administrative Law Judges, attorneys, certified peace officers, the public, the Board, the Commission, and others involved in the Commission's disciplinary processes. These guidelines are incorporated by reference in regulation so that the processes used by the Board and Commission are readily available and transparent.

The Board and Commission carefully consider the totality of the circumstances of each case with the safety and protection of the public being paramount. Therefore, the Commission requests that the Administrative Law Judge clearly delineate the factual basis for reaching the decision. If an Administrative Law Judge finds that serious misconduct occurred but deviates from these Guidelines, the Commission requests that the Administrative Law Judge explain in full the circumstances and reasons for that decision so it may evaluate the appropriateness of the decision.

Suspension of certification may be appropriate if the Respondent has demonstrated that it is in the best interest of the public if their certification is suspended for a specified period in order to correct deficiencies in skills or education, or to attend to personal rehabilitation. The Respondent must also demonstrate the protection of the public will not be compromised by permitting them to return to work as a peace officer once these deficiencies have been addressed. The Commission has determined that the minimum penalty in serious misconduct cases should always include a recommendation for revocation or suspension, with the possibility for the revocation or suspension to be stayed if terms and conditions of probation are imposed. Probationary conditions shall minimally include standard terms and conditions imposed for all cases, and optional terms and conditions used for specific violations that may be warranted by the unique facts of the case.

FACTORS TO BE CONSIDERED IN DETERMINING SUSPENSION OR REVOCATION

The Board and Commission have adopted a list of factors to be considered in determining whether suspension or revocation is appropriate. (Title 11, Cal. Code Regs, § 1213). These Disciplinary Guidelines are to be used *in connection with* the factors identified in Commission Regulation 1213 in order to understand the Board and Commission's positions regarding the weight to be given to the various factors that are relevant to any particular case. The Commission will not consider suspension, and will only consider revocation, in instances where the subject officer's misconduct would preclude the successful prosecution of any current or future arrest, such as is often the case in the dishonesty category.

Furthermore, the Commission will not consider suspension, and will only consider revocation, in instances where the subject officer's conduct is so serious or repeated that rehabilitation would not serve the public interest. For example, these Guidelines provide that a peace officer committing an on-duty, non-consensual, sexual assault would, in the Board and Commission's view, warrant revocation. This is because, without regard to the other enumerated factors, the Board and Commission believe that the nature and severity of the offense (factor one), the harm to the victim, the public, and the profession (factor two), and the fact that the offense was committed on duty (factor three) would outweigh any other factors.

SPECIFIC CONSIDERATIONS BY PENAL CODE SECTION

A peace officer may have their certification suspended or revoked if the individual has been terminated for cause from employment as a peace officer for, or has, while employed as a peace officer, otherwise engaged in, any serious misconduct as described in Penal Code § 13510.8(b). (Cal. PC § 13510.8(a)(2)). The Commission has, by regulation, promulgated a definition of serious misconduct which governs these determinations. (Title 11, Cal. Code Regs. § 1205). Where the Commission has added to the definition of serious misconduct, as described in Penal Code § 13510.8(b), these guidelines include the expanded definition of the specified category of serious misconduct as defined in Commission Regulation 1205.

SPECIFIC OFFENSES

DISHONESTY:

Penal Code Section 13510.8(b)(1): Dishonesty relating to the reporting, investigation, or prosecution of a crime, or relating to the reporting of, or investigation of misconduct by, a peace officer or custodial officer, including, but not limited to, false statements, intentionally filing false reports, tampering with, falsifying, destroying, or concealing evidence, perjury, and tampering with data recorded by a body-worn camera or other recording device for purposes of concealing misconduct.

POST Regulation 1205(a)(1): Dishonesty relating to the reporting, investigation, or prosecution of a crime, or relating to the reporting of, or investigation of misconduct by, a peace officer or custodial officer, including, but not limited to, false statements, intentionally filing false reports, tampering with, falsifying, destroying, or concealing evidence, perjury, and tampering with data recorded by a body-worn camera or other recording device for purposes of concealing misconduct. For purposes of this subsection, in considering whether a suspension or revocation of certification is proper, the Commission will consider the extent to which the dishonesty related to a material or significant fact in the context of the statement or omission alleged to be dishonest and will also consider whether the dishonesty appears to have been done willfully or intentionally, with the intent to deceive.

Maximum Penalty: Revocation

Minimum Penalty: Revocation Stayed
Suspension up to Three Years
Three Years of Probation
Standard Terms and Conditions
Optional Terms and Conditions, as deemed appropriate

Considerations: Dishonesty is a serious offense in law enforcement. A peace officer's credibility is a key element in criminal cases, which rely upon their veracity in establishing the lawfulness of the actions taken by the peace officer and the guilt of the criminal defendant. A peace officer known to lie may be placed on a *Brady* list[1], a fact

[1] A "*Brady* list" refers to a system, index, list, or other record containing the names of peace officers whose personnel files are likely to contain evidence of dishonesty or bias. This list is maintained by a prosecutorial agency or office in accordance with the holding in *Brady v. Maryland* (1963) 373 U.S. 83. (Cal. Gov. Code §3305.5). The *Brady* obligation requires the prosecution to disclose material exculpatory evidence, including potential impeachment evidence, to the defense. This duty extends beyond the prosecutor's office to include evidence known to others acting on the government's behalf, such as police officers. (*Serrano v. Superior Court* (2017) 16 Cal.App.5th 759). The prosecution must share any information it has regarding whether the personnel records contain *Brady* material and let the defense decide whether to file a motion seeking discovery of potentially exculpatory information. (*People v. Superior Court* (Johnson) (2015) 61 Cal.4th 696). An officer's dishonesty can severely undermine their credibility as a witness; honesty, integrity, and credibility are paramount attributes for police officers. (See Crawford v. City of Los Angeles (2009) 175 Cal.App.4th 249, 257, 95 Cal.Rptr.3d 550 [“Termination

that is disclosed to criminal defendants and may jeopardize the prosecution of a case. For this reason, dishonesty as defined in Commission Regulation 1205(a)(1), normally warrants revocation of an officer's certification. Commission Regulation 1205(a)(1) recognizes that if the dishonesty related to a material or significant fact in the context of the statement or omission alleged to be dishonest, or was willfully or intentionally, with the intent to deceive, revocation is the appropriate penalty.

Some instances of dishonesty may warrant consideration of a lesser penalty under rare circumstances, even if it meets the statutory definition. For instance, lesser discipline may be considered if the statement was not made willfully or with the intent to deceive, was not part of a pattern of incomplete or less than honest statements, can be attributed to a demonstrable inability to properly recall events, was so insignificant or immaterial such that lesser care may have been used in ensuring the accuracy of the statement and sufficient mitigating circumstances exist, or where the officer voluntarily clarifies or corrects an earlier statement under circumstances indicating that the earlier statement was a foible of memory and not an intentional attempt to deceive.

based upon a false statement by a peace officer is indisputably within the City's power."]; Ackerman v. State Personnel Bd. (1983) 145 Cal.App.3d 395, 400, 193 Cal.Rptr. 190 ["the credibility and honesty of an officer are the essence of the function"]; Kolender v. San Diego County Civil Service Com. (2005) 132 Cal.App.4th 716, 721, 34 Cal.Rptr.3d 1 [" 'A [police officer's] job is a position of trust and the public has a right to the highest standard of behavior from those they invest with the power and authority of a law enforcement officer.'"].)

ABUSE OF POWER

Penal Code Section 13510.8(b)(2): Abuse of power, including, but not limited to, intimidating witnesses, knowingly obtaining a false confession, and knowingly making a false arrest.

Commission Regulation 1205(a)(2): For purposes of this subsection, in considering whether a suspension or revocation of certification is proper, the Commission will consider the extent to which the abuse of power was a knowing abuse of the power and authority of a public office.

Maximum Penalty: Revocation
Minimum Penalty: Revocation Stayed
Suspension up to Three Years
Three Years of Probation
Standard Terms and Conditions
Optional Terms and Conditions

Considerations: Abuse of power may take many forms, and an evaluation of the totality of the circumstances is essential in determining the appropriate penalty. If an abuse of power is more appropriately characterized, for instance, as excessive force or sexual assault, those serious misconduct categories should be cited instead of abuse of power. On the other hand, there may be instances where a peace officer's conduct does not meet the definition of a serious misconduct category like excessive force or sexual assault, and yet the conduct demonstrates a clear abuse of a given peace officer's supervisory powers or status as a peace officer.

Aggravating factors when considering revocation may include, among other things, when a peace officer isolates or intimidates witnesses in order to interfere with the administration of justice or to satisfy a personal interest that is inconsistent with the duties and responsibilities of a peace officer, knowingly fails to report crimes or inaccurately reports crimes to avoid further investigation or referrals to the District Attorney's Office, knowingly misrepresents or misreports victim's or witness's statements in reports, discourages truthful testimony or encourages false testimony, knowingly obtains a false confession, or knowingly makes a false arrest. Similarly, any intentional misuse of the power and authority given to a peace officer to subvert an investigation, for personal gain, or to cause harm to another, would normally warrant revocation. Any misuse of power and authority for such purposes indicates that the public would be at risk should the peace officer continue to have such power and authority.

Suspension may be warranted where the officer reasonably believed they were acting in good faith, that the conduct was permitted by law or departmental policy, or did not, in light of all of the circumstances, intentionally attempt to take an unjust advantage over persons, property, or situations, by the improper exercise of power and authority granted to them by virtue of their position.

PHYSICAL ABUSE

Penal Code Section 13510.8(b)(3): Physical abuse, including, but not limited to, the excessive or unreasonable use of force as described in Penal Code section 835a.

Maximum Penalty: Revocation
Minimum Penalty: Revocation Stayed
Suspension up to Three Years
Three Years of Probation
Standard Terms and Conditions
Optional Terms and Conditions

Considerations: Revocation is appropriate when excessive or unreasonable force results in death or serious bodily injury. Revocation is also appropriate when the officer has engaged in multiple acts of excessive or unreasonable force, even if death or serious bodily injury has not resulted from those uses of force.

Because agency policies vary to some degree regarding what may be considered unreasonable or excessive use of force, each case will be fact specific and depend in large part on the necessity for the type and degree of force used by the peace officer. Consideration shall be based upon the totality of the circumstances known by the peace officer at the time of the incident.

For guidance, the California Penal Code outlines the legal framework detailing when a peace officer may use reasonable force to effect an arrest or overcome resistance. (See Penal Code section 835a).

Acts that may result in physical assault allegations often include inappropriate uses of take down techniques and restraint holds, deployment of batons, tasers, and officer involved shootings. The harm done to the victim or the potential harm that could have resulted from the peace officer's conduct is always a consideration.

An analysis of facts surrounding the use of force will be important in determining whether suspension is appropriate. For example, will similar behavior in the future likely be preventable with training, or was the act so severe or aggravated that additional training is unlikely to prevent reoccurrence.

Another consideration includes whether or not there is any documented pattern of unreasonable or excessive force used by the peace officer. The peace officer's past conduct is also relevant in proving whether the peace officer knew or should have known the conduct at issue was excessive. Absent an established pattern, and depending on the nature of the force used, a single incident may potentially be resolved by means of suspension and additional training.

SEXUAL ASSAULT

Penal Code Section 13510.8(b)(4): Sexual assault as described in subdivision (b) of Penal Code Section 832.7.

Cal. Penal Code § 832.7 (b)(1)(B)(ii)-(iii):

(ii) As used in this subparagraph, "sexual assault" means the commission or attempted initiation of a sexual act with a member of the public by means of force, threat, coercion, extortion, offer of leniency or other official favor, or under the color of authority. For purposes of this definition, the propositioning for or commission of any sexual act while on duty is considered a sexual assault.

(iii) As used in this subparagraph, "member of the public" means any person not employed by the officer's employing agency and includes any participant in a cadet, explorer, or other youth program affiliated with the agency.

Commission Regulation 1205(a)(4): Sexual assault as described in subdivision (b) of Penal Code Section 832.7, and shall extend to acts committed amongst members of any law enforcement agency.

Maximum Penalty: Revocation
Minimum Penalty: Revocation Stayed
Suspension up to Three Years
Three Years of Probation
Standard Terms and Conditions
Optional Terms and Conditions

Considerations: Non-consensual conduct which constitutes sexual assault as defined above warrants revocation, regardless of whether it occurs on or off-duty. Examples of non-consensual acts as described in section 832.7(b) include "commission or attempted initiation of a sexual act with a member of the public by means of force, threat, coercion, extortion, offer of leniency or other official favor or under the color of authority."

Since the law considers the propositioning for, or commission of, any sexual act on-duty a sexual assault, any instance involving any sexual act while on-duty, even if consensual, would constitute serious misconduct. Suspension may be warranted if the act occurred on-duty but involved entirely consensual conduct, was limited in nature, and did not jeopardize public safety (for instance by an inability to respond to calls for service).

To the extent the consensual sexual act in question was committed solely amongst members of the law enforcement agency, the appropriate penalty may depend upon the respective job titles and supervisory responsibilities of the subject peace officer and the other consenting employee. Suspension may be warranted if the subject peace officer

and the other employee were in a similar job classification, whereas a more substantial penalty is justified if the peace officer supervised the other employee.

Similarly, when viewing the circumstances in their entirety, the negative impact that the sexual act has on the law enforcement agency, or the protection of the public are important considerations. A consensual sexual act that has little to no adverse effect on the interests of justice may warrant suspension when compared to a consensual sexual act that directly prejudices an investigation. This would include, but not be limited to, inappropriate relationships with witnesses, victims, informants, or suspects.

DEMONSTRATING BIAS

Penal Code Section 13510.8(b) (5): Demonstrating bias on the basis of actual or perceived race, national origin, religion, gender identity or expression, housing status, sexual orientation, mental or physical disability, or other protected status in violation of law or department policy or inconsistent with a peace officer's obligation to carry out their duties in a fair and unbiased manner. This paragraph does not limit an employee's rights under the First Amendment to the United States Constitution.

Commission Regulation 1205(a)(5):

Demonstrating bias on the basis of actual or perceived race, national origin, religion, gender identity or expression, housing status, sexual orientation, mental or physical disability, or other protected status in violation of law or department policy or inconsistent with a peace officer's obligation to carry out their duties in a fair and unbiased manner. This paragraph does not limit an employee's rights under the First Amendment to the United States Constitution.

(A) An officer is "demonstrating" bias for purposes of this Regulation when the officer either shows or displays, by words, actions or other conduct, prejudice, intolerance, contempt, or hatred towards one or more persons due to that person's membership within a class of persons identified in Penal Code section 13510.8(b)(5), when such words, actions or other conduct would lead a reasonable person to conclude that the officer has not fairly and impartially performed, or will not fairly and impartially perform, his or her law enforcement duties.

(B) An officer engaging in racial profiling in violation of Penal Code section 13519.4 is demonstrating bias because profiling casts suspicion on a class of people without individualized suspicion as to the person being stopped.

Maximum Penalty: Revocation
Minimum Penalty: Revocation Stayed
Suspension up to Three Years
Three Years of Probation
Standard Terms and Conditions
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Considerations: Peace officers are granted extraordinary powers to deprive persons of the property, liberty, and even their life, and a peace officer that targets individuals for unfair treatment based upon membership in a protected class should not be entrusted with such powers. Serious misconduct is shown if the officer's words, action or conduct either: 1) is inconsistent with the officer's obligation to carry out the officer's duties in a fair and unbiased manner, 2) violates applicable law, or 3) violates department policy.

A peace officer shows or displays, by their words, actions or other conduct, prejudice, intolerance, contempt or hatred towards one or more persons due to that person's membership within a class of persons identified in Penal Code section 13510.8(b)(5),

when such words, actions or other conduct would lead a reasonable person to conclude that the officer has not, or will not, fairly and impartially perform his or her law enforcement duties. Under these circumstances, revocation is the appropriate penalty.

A peace officer engaging in racial profiling in violation of Penal Code section 13519.4 is demonstrating bias because profiling casts suspicion on a class of people without individualized suspicion as to the person being stopped. It is important to note that the officer's demonstration of bias that is a violation of law or department policy must also be inconsistent with a peace officer's obligation to carry out their duties in a fair and unbiased manner. The degree to which this is true may be a factor in considering a lesser penalty.

The peace officer's role and level of participation in the act of demonstrating bias may also warrant suspension. Whether the incident was isolated or demonstrated a pattern of biased behavior may help to determine whether a lesser penalty is appropriate.

POST DISCIPLINARY GUIDELINES

ACTS THAT VIOLATE THE LAW

Penal Code Section 13510.8(b) (6): Acts that violate the law and are sufficiently egregious or repeated as to be inconsistent with a peace officer's obligation to uphold the law or respect the rights of members of the public, as determined by the Commission.

Maximum Penalty: Revocation
Minimum Penalty: Revocation Stayed
Suspension up to Three Years
Three Years of Probation
Standard Terms and Conditions
Optional Terms and Conditions

Considerations: The law provides that discipline is appropriate where an act is *either* sufficiently egregious *or* repeated so as to be inconsistent with a peace officer's obligation to uphold the law or respect the rights of members of the public. Therefore, a single act may be sufficient to impose discipline, notwithstanding the Legislature's use of the term "acts," either because it is itself sufficiently severe, or where, upon consideration of other relevant factors (such as a prior pattern of behavior or a history of engaging in improper acts) the act is considered egregious based upon a consideration of the individual's pattern or history of behavior.

In accordance with Government Code section 1029, a peace officer's certification shall be revoked in cases involving disqualification, generally resulting from convictions for felonies and certain misdemeanors. However, separate from the question of a GC § 1029 disqualification, an act may be grounds for revocation as serious misconduct even if it does not meet the section 1029 threshold. As to those acts, the Legislature did not make every violation of the law grounds for discipline, and instead qualified that those acts that are considered serious misconduct must be either inconsistent with a peace officer's obligation to uphold the law or inconsistent with the peace officer's obligation to respect the rights of members of the public.

Generally, revocation is appropriate when a peace officer's violation of the law results in a serious risk of harm to the public, whether the officer is on or off duty. The nature of the violation, whether the conduct would meet the elements of a felony or misdemeanor should also be considered in determining whether a lesser penalty is warranted.

Another factor to consider is whether the act has been repeated, and whether the repeated nature demonstrates a likelihood of recurrence. The length of time between repeated acts is also a factor. Acts that occur within a shorter amount of time may warrant a stronger penalty, such as revocation, while acts that are remote or further apart may warrant a lesser penalty.

In cases where alcohol or substance use has resulted in, or contributed to, a violation of law, even in some instances of repeated or egregious violations of law, a term of

suspension and/or probation with optional terms and conditions related to abstaining from alcohol and substance use and participating in regular testing may be appropriate based on the rehabilitative efforts of the subject officer and the lapse of time since the alcohol or substance use and violation(s) of law.

Crimes committed while on-duty (such as an assault under color of authority or other act where the officer uses or is aided by his or her position in the commission of a crime) are presumptively revocation cases.

LAW ENFORCEMENT GANG

Penal Code Section 13510.8(b) (7): Participation in a law enforcement gang. For the purpose of this paragraph, a "law enforcement gang" means a group of peace officers within a law enforcement agency who may identify themselves by a name and may be associated with an identifying symbol, including, but not limited to, matching tattoos, and who engage in a pattern of on-duty behavior that intentionally violates the law or fundamental principles of professional policing, including, but not limited to, excluding, harassing, or discriminating against any individual based on a protected category under federal or state antidiscrimination laws, engaging in or promoting conduct that violates the rights of other employees or members of the public, violating agency policy, the persistent practice of unlawful detention or use of excessive force in circumstances where it is known to be unjustified, falsifying police reports, fabricating or destroying evidence, targeting persons for enforcement based solely on protected characteristics of those persons, theft, unauthorized use of alcohol or drugs on duty, unlawful or unauthorized protection of other members from disciplinary actions, and retaliation against other officers who threaten or interfere with the activities of the group.

Maximum Penalty: Revocation
Minimum Penalty: Revocation Stayed
Suspension up to Three Years
Three Years of Probation
Standard Terms and Conditions
Optional Terms and Conditions

Considerations: In cases where the subject peace officer's activities have resulted in wrongful convictions, harm to an individual(s), or have created a culture within the law enforcement agency that prevents other officers from reporting misconduct or interceding when witnessing misconduct for fear of being retaliated against, are factors to consider for revocation.

Revocation may be warranted when the peace officer's participation in a law enforcement gang has resulted in a violation of the law, such as a provable felony or misdemeanor, injury to a person(s), or damage to property. The peace officer's level of participation, such as whether they had an active or passive role in the illegal act should also be considered in determining whether suspension is warranted. For example, suspension may be appropriate if the evidence demonstrates that the subject officer was coerced into participation in the law enforcement gang through intimidation, retaliation, or threats to the safety of the subject peace officer or their family. Similarly, suspension may be appropriate if the evidence demonstrates that the subject officer became a member of the gang because of the pressures of organizational culture, but did not actively participate in a pattern of on-duty behavior that intentionally violates the law or fundamental principles of professional policing.

FAILURE TO COOPERATE

Penal Code Section 13510.8(b)(8): Failure to cooperate with an investigation into potential police misconduct, including an investigation conducted pursuant to Chapter 1 of Title 4 of Part 4 of the Penal Code. For purposes of this paragraph, the lawful exercise of rights granted under the United States Constitution, the California Constitution, or any other law shall not be considered a failure to cooperate.

Maximum Penalty: Revocation
Minimum Penalty: Revocation Stayed
Suspension up to Three Years
Three Years of Probation
Standard Terms and Conditions
Optional Terms and Conditions

Considerations: The central objective of any investigation is to expose the truth. As the Law Enforcement Code of Ethics recognizes, peace officers must remain "[h]onest in thought and deed…." A failure to cooperate with an investigation is antithetical to the very core of a peace officer's responsibilities. A peace officer who fails to cooperate with an investigation has made a conscious decision to obstruct the objectives of law enforcement. For this reason, a peace officer's failure to cooperate with an investigation into potential police misconduct normally warrants revocation.

As is true for all citizens, peace officers may exercise their individual rights under the United States Constitution, the California Constitution, or any other law. California law expressly recognizes that the *lawful* exercise of those rights does not constitute serious misconduct. The key word here is "lawful."

One concern a peace officer may reasonably have when deciding whether to cooperate with an investigation into peace officer conduct is whether any statements they make will incriminate themselves, thereby implicating the peace officer's right to assert their officer privileges under both the Fifth Amendment to the U.S. Constitution and article I, section 15, clause 6 of the California Constitution. The California Supreme Court addressed this concern in a case entitled *Lybarger v. City of Los Angeles.* This case resulted in a common admonition known as the *Lybarger* admonition, which is frequently provided to peace officers who believe their cooperation in an investigation into misconduct could be self-incriminating. The *Lybarger* admonition notifies the peace officer subject to questioning that their statements cannot be used against them criminally.

Once this admonition is given, a peace officer's decision to remain silent and refuse to cooperate with an investigation is not a lawful exercise of a constitutional right. As the California Supreme Court emphasized in *Lybarger*, a peace officer has "…neither a constitutional nor a statutory right to remain *free of administrative sanction*…." (Emphasis in original.) Indeed, the Public Safety Officers Procedural Bill of Rights Act

specifically provides that the failure to answer questions directly related to an investigation may result in punitive action. (Cal. Gov. Code §§ 3304(a)).

Accordingly, once a peace officer receives the *Lybarger* admonition, their refusal to cooperate for fear of self-incrimination is unjustified as a matter of law and therefore cannot be considered as a circumstance justifying a lesser penalty.

A failure to cooperate may arise when a peace officer refuses to comply with a lawful order to turn over agency or personal equipment that may, or does, contain incriminating evidence in a criminal, civil, or administrative investigation. Alternatively, a failure to cooperate may arise when a peace officer destroys agency or personal equipment or data that they knew or should have known contained evidence that was relevant to a pending investigation. Failure to cooperate may further arise where a peace officer alters or destroys evidence before turning it over to misdirect an investigation, cover up wrongdoing, or to implicate another peace officer. In such cases, the extent to which the peace officer's failure to cooperate prevents an investigation from moving forward and determining what occurred should be considered in determining whether revocation or suspension is appropriate.

FAILURE TO INTERCEDE

Penal Code Section 13510.8(b)(9): Failure to intercede when present and observing another officer using force that is clearly beyond that which is necessary, as determined by an objectively reasonable officer under the circumstances, taking into account the possibility that other officers may have additional information regarding the threat posed by a subject.

Maximum Penalty: Revocation
Minimum Penalty: Revocation Stayed
Suspension up to Three Years
Three Years of Probation
Standard Terms and Conditions
Optional Terms and Conditions

Considerations: The preservation of life is one of the most elementary duties of a peace officer. Life's value exists in equal measure for both the innocent as well as those suspected of criminal activity. Every peace officer, by virtue of the badge, stands in a unique position to prevent unnecessary harm to others. This is especially true when confronted with a fellow peace officer engaged in excessive use of force. If a peace officer observes another peace officer using force clearly beyond that which is necessary under the circumstances, the presence of that peace officer on the scene accentuates their responsibility to intercede and protect lives.

When determining the appropriate penalty for a peace officer who fails to intercede, consideration of the totality of the circumstances is especially important. As the use of force becomes increasingly unreasonable from an objective peace officer's point of view, the penalty for failure to intercede increases accordingly. Where the use of force is objectively unreasonable, but to a low degree, the failure to intercede may warrant a lesser penalty.

The totality of the circumstances can be important in other ways as well. For example, other peace officers may have additional information about a subject that is unknown to the peace officer who is later subject to decertification proceedings. Under these circumstances, what the subject peace officer knows or reasonably should know about a subject may tend to work in favor of a greater or lesser penalty. The opposite is equally true. When a peace officer is unfamiliar with a suspect, it is crucial to consider what an objectively reasonable peace officer would do under the totality of the circumstances known to that peace officer considering their unfamiliarity with the suspect.

POST DISCIPLINARY GUIDELINES

PROBATION TERMS AND CONDITIONS

The Commission's primary responsibility is protection of the public. The Commission believes that in disciplinary matters where probation has been imposed, terms and conditions should be established to provide for public protection and while allowing the probationer to demonstrate rehabilitation. The following terms and conditions of probation provide for public protection while establishing a mechanism for monitoring the progress of a probationer's rehabilitation.

POST DISCIPLINARY GUIDELINES

LISTING OF PROBATION CONDITIONS – STANDARD AND OPTIONAL

Standard Terms and Conditions for All Decisions and Orders

1. Certification Revoked. Respondent's certification is revoked.

2. Certification Revoked, Revocation Stayed. It is hereby ordered that (insert certificate type and number) is issued to Respondent (name of responded) is/are revoked. However, the revocation(s) is/are stayed and Respondent is placed on probation for ____ years on the following conditions:

3. Certification Suspension. Respondent's certification shall be suspended for _____ days/months/years.

4. Severability Clause. Each condition of probation contained herein is a separate and distinct condition. If any condition of this Order, or any application thereof, is declared unenforceable in whole, in part, or to any extent, the remainder of this Order, and all other applications thereof, shall not be affected. Each condition of this Order shall separately be valid and enforceable to the fullest extent permitted by law.

5. Obey All Laws. Respondent shall obey all federal, state, and local laws. A full detailed account of any and all alleged violations of law and any arrests shall be reported by Respondent to the Commission in writing withing seventy-two (72) hours of occurrence. To permit monitoring of compliance with this condition, notwithstanding any provision of law, Respondent agrees that the Commission can receive notification of an arrest and/or conviction from any federal, state, and/or local agency.

6. Submit Quarterly Reports. The respondent shall submit quarterly to the Commission or its designee, under penalty of perjury, on forms provided by the Commission, stating whether there has been compliance with all terms and conditions of probation. Omission or falsification in any manner of any information on these reports shall constitute a violation of probation and shall result in summary revocation of Respondent's restricted certification. If the final written quarterly report is not made as directed, the period of probation shall be extended until the final report is received by the Commission. Any period(s) of delinquency in submitting a report as directed may be added to the total period of probation.

   Quarterly reporting periods and due dates are as follows:

   Quarter I (January 1 to March 31) – report due April 7
   Quarter II (April 1 to June 30) – report due July 7
   Quarter III (July 1 to September 30) – report due October 7
   Quarter IV (October 1 to December 31) – report due January 7

7. Serious Misconduct. Respondent shall not engage in any acts of serious misconduct as defined under Penal Code section 13510.8, subdivision (b), including but not limited to, any acts that involve substance abuse related incidents. Any acts of serious misconduct shall be deemed a violation of these probation conditions and may result in the filing of an accusation and/or petition to revoke probation.

8. Interview with the Commission. Within 30 days of the effective date of the Decision, Respondent shall appear in person or via video conference if approved by the Commission for an interview with its designated probation monitors to review the terms and conditions of probation. Thereafter, the respondent shall, upon reasonable request, report or appear in person as directed. The interview with the Commission shall not be tolled.

9. Personal Appearances. Upon reasonable notice by the Commission, the respondent shall report to and make personal appearances at times and locations as the Commission may reasonably direct.

10. Cooperation with Commission Staff. Respondent shall cooperate with the Commission's staff as needed to ensure Respondent is complying with the terms of probation. The respondent shall communicate directly with the Commission, or its designee, and written communications will only be sent to the Respondent.

11. Changes of Employment or Address. The respondent shall notify the Commission in writing of any and all changes of peace officer employment and residence address within fourteen (14) calendar days of such change.

    Respondent will at all times comply with the California Code of Regulations, title 11, section 1215, and maintain a physical address of record with the Commission for three (3) years after separation of service from peace officer employment in California. In addition, Respondent will ensure that the Commission has their current home address and preferred method of contact (i.e., phone number, email address) during the period of probation. This information will be maintained confidentially in accordance with the Information Practices Act, Civil Code section 12798 et seq. and California Penal Code section 832.7.

12. Notice to Employers. Respondent shall provide any current, future or potential law enforcement employer with the terms and conditions of this stipulation. Respondent understands and agrees that this stipulation, once adopted, will be a public document and will be subject to public release. Respondent further understands and agrees that the Commission shall have the right to provide any and all records showing compliance or lack of compliance with the terms of this stipulation to any current, past, future or potential law enforcement employer of Respondent, upon the employer's request.

13. Comply with Probation. Respondent shall fully comply with the conditions of probation and cooperate with representatives of the Commission in its monitoring and investigation of the Respondent's compliance with probation.

14. Continuance of Probationary Term and Completion of Probation. If Respondent violates the terms of this probation in any respect, the Commission, after giving Respondent notice and the opportunity to be heard, may set aside the stay order, and impose the revocation or suspension of Respondent's certification.

    If Respondent disputes the Commission's determination that a violation of probation has occurred, Respondent shall have 35 calendar days from the date of mailing of the notification letter to file with the Commission a dispute to the action being taken on Respondent's certification, in which the Respondent shall fully explain the factual and legal basis of their dispute to the asserted probation violation, and supply at that time any evidence supporting the dispute as to the probation violation. The Commission shall consider Respondent's argument and evidence before taking action on the Respondent's certification. If Respondent fails to respond, this action shall become final, and the file will be closed.

    If during the period of probation, an accusation or petition to revoke probation has been filed against Respondent's certification or the Attorney General's Office has been requested to prepare an accusation or petition to revoke probation against Respondent's certification, the probationary period shall automatically be extended and shall not expire until the accusation or petition has been acted upon by the Commission.

    Upon successful completion of probation, Respondent's certification shall be fully restored.

15. Certification Surrender. During Respondent's term of probation, Respondent may surrender their certification to the Commission under Penal Code section 13510.8, subdivision (f). Upon formal acceptance of the surrendered certification, Respondent will no longer be subject to the conditions of probation.

    Surrender of Respondent's certification shall be considered a disciplinary action and shall become part of Respondent's certification history with the Commission.

Optional Terms and Conditions of Probation. In addition to the standard terms and conditions of probation, optional terms and conditions of probation are assigned based on the nature of the serious misconduct violations and the fact pattern specific to individual cases.

16. California POST Supplemental Training Requirement. Within _____ days of the effective date of this Decision or _____, Respondent shall take and successfully complete POST-certified training in one or more of the following areas:
    _____
    _____
    _____
    _____

    The respondent is responsible for all costs associated with completing required POST-certified courses. (Examples of areas to require training in include use of force, report writing, ethics, bias, diversity, LGBTQI, gender awareness, sexual harassment, workplace harassment, anger management, decision-making, de-escalation, duty to intercede, emotional intelligence/survival, problem solving, and stress management.)

17. Criminal Probation Reports. Respondent shall provide the Commission with a copy of the standard terms and conditions of Respondent's criminal probation, as well as copies of all criminal probation reports and the name of their probation officer. If the Respondent is under criminal court orders, including probation or parole, and the order is violated, this shall be deemed a violation of these probation conditions and may result in the filing of an accusation and/or petition to revoke probation.

18. Counseling/Psychotherapy. Within thirty (30) days of the effective date of this Decision, Respondent shall submit to the Commission, for its prior approval, the name and qualifications of one or more psychotherapists who are licensed psychiatrists, licensed clinical social worker, MFT, psychologist of Respondent's choice as approved by the Commission. Upon approval, Respondent shall undergo a mental health evaluation by the approved licensed practitioner. continue treatment until the Commission deems that no further psychotherapy is necessary. The respondent shall have the approved treating practitioner submit their evaluation to the Commission. If applicable, the respondent shall undergo treatment as prescribed until the approved practitioner deems the respondent is able to independently and safely return to the profession. The respondent shall cause the approved practitioner to provide quarterly status reports to the Commission. The quarterly status reports shall report whether the respondent is attending and participating in treatment. All costs shall be borne by the Respondent.

19. Alcohol or Drug Counseling. Within thirty (30) days of the effective date of this Decision, Respondent shall enter, attend, and participate in an alcohol/drug rehabilitation program for _____. Respondent shall submit written proof from the selected program confirming attendance and participation in the

program to the Commission in Respondent's quarterly written reports. All costs for attending said program shall be borne by the Respondent.

20. Domestic Violence Counseling. Within thirty (30) days of the effective date of this Decision, Respondent shall enter, attend, and participate in domestic violence counseling for _____. Respondent shall submit written proof from the selected program confirming attendance and participation in the program to the Commission in Respondent's quarterly written reports. All costs for attending said program shall be borne by the Respondent.

Commented [MW1]: Does the Commission want to remove or retain domestic violence counseling as an optional condition, if the allegation of serious misconduct is related?

21. Proof of Completion. Respondent shall provide the Commission with proof of completion and/or participation in all _____ abuse treatment and counseling programs taken to date, as well as the results of any _____ testing they have taken to date.

22. Submit to Alcohol or Drug Testing. Respondent shall participate in a random, biological fluid testing program which the Commission approves. The length of time and frequency will be up to ___ times per year on a random basis. Respondent is responsible for keeping the Commission informed of Respondent's current telephone number at all times and in the event Respondent's telephone number changes, Respondent shall update the Commission with 48 hours.

    Respondent shall also ensure that messages may be left at the telephone number when they are not available and ensure that reports are submitted directly by the testing agency to the Commission, as directed. Any confirmed positive finding shall be reported immediately to the Commission by the program, Respondent shall be considered in violation of probation, and the Commission may, in its discretion, order additional testing or screening, over and above the time and frequency listed above.

    If Respondent has a confirmed positive finding for _____ and the Commission files a petition to revoke probation or an accusation, the Commission may suspend Respondent's Certification pending the final decision on the petition to revoke probation or the accusation. His period of suspension will not apply to the reduction of this probationary time period.

23. Abstain from Controlled Substances. Respondent shall abstain from the personal use or possession of controlled substances, as defined in the California Uniform Controlled Substances Act (Health and Safety Code section 11000 et seq.), and dangerous drugs as defined in Business and Professions Code section 4022, except for medication lawfully prescribed to Respondent by a licensed practitioner for a bona fide illness. Upon request of the Commission or its designee, Respondent shall provide documentation from the licensed practitioner that the prescription for the drug was legitimately issued and is a necessary part of the Respondent's treatment.

24. Abstain from Alcohol Use. Respondent shall abstain from the use of products or beverages containing alcohol.

25. Tolling. This term shall not apply until Respondent secures appointment to a new peace officer position. Regardless of the effective date of this agreement, this term shall be tolled until Respondent is appointed to a peace officer position, if not currently employed, after which this term shall be operative for _____ years, during which time Respondent will remain on probation.

    Periods of residency outside of California shall not apply toward a reduction of the period of probation. Respondent's probation is tolled if and when they reside outside of California and the period of probation shall be automatically extended for the same period they reside outside of California. Any period of tolling will not apply to the reduction of the probationary term and will relieve Respondent of the responsibility to comply with the probationary terms and conditions with the exception of this condition and the following terms and conditions of probation: Obey All Laws, Criminal Court Orders, Comply with Probation, Violation of Probation, and Certification Surrender.

ADOPT
TEXT OF PROPOSED REGULATORY ACTION
Commission Regulation 1216

§ 1216. POST Disciplinary Guidelines for Factors for Consideration of Penalty Related to Peace Officer Certification Actions.

(a) In reaching a decision pursuant to section 11517 of the Government Code, the Commission shall consider the disciplinary guidelines entitled *POST Disciplinary Guidelines for Factors for Consideration of Penalty Related to Peace Officer Certification Actions* (March 2025), which are hereby incorporated by reference. Deviation from these guidelines and orders, including the standard terms of probation, is appropriate where the Commission, in its sole discretion, determines that the facts of the particular case warrant such deviation - for example: the presence of mitigating or aggravating factors; the age of the case; evidentiary problems.

Note: Authority cited: Sections 13503, 13506, 13509, 13510, Penal Code. Reference: Sections 11400, 11517, Government Code; Section 13510, Penal Code.

AGENDA ITEM REPORT

Title: REPORT ON PROPOSED AMENDMENTS TO COMMISSION REGULATION 1201 - DEFINITIONS RELATED TO PEACE OFFICER CERTIFICATION

REPORT PROFILE

MEETING DATE 03/05/2025	**BUREAU SUBMITTING THE REPORT** Certification Bureau	
RESEARCHED BY Katelynn Poulos	**REVIEWED BY** Lindsay Lewellyn	
REPORT DATE	**APPROVED BY** Manuel Alvarez, Jr.	**DATE APPROVED** 02/14/2024
PURPOSE	**FINANCIAL IMPACT** No	

ISSUE, BACKGROUND, ANALYSIS, & RECOMMENDATION

ISSUE:

Should the Commission approve the amendments to Commission Regulation 1201 to provide additional clarity regarding terms that may be used when describing peace officer classifications for purposes of professional certificate eligibility, a peace officer's certification status, and terms related to possible disciplinary actions, as recommended in the staff report?

BACKGROUND:

On September 30, 2021, Governor Newsom signed Senate Bill (SB) 2. SB 2 made significant changes to existing Government and Penal Codes, respectively. These changes provide for additional peace officer hiring eligibility requirements and also grants POST the authority to certify all peace officers in California, and subsequently take action against those certifications, should POST determine serious misconduct occurred. As part of the implementation of SB 2, the Commission adopted Commission Regulation 1201 - Definitions Related to Peace Officer Certification to provide definitions specific to peace officer certification.

On June 13, 2024, the Commission approved changes to the definitions found in Commission Regulation 1201. During the rulemaking process, it was determined that more clarity, greater explanation of necessity, and additional references were needed to support the proposed definitions. POST also identified additional definitions needed to provide clarity with regard to terms that will be used by the Peace Officer Standards Accountability Advisory Board, the Commission, and

Administrative Law Judges in relation to potential disciplinary actions taken against a peace officer's certification. The original regulatory package was withdrawn in order to incorporate these specific revisions and present them to the general and regulated public at the same time as propose new Commission Regulation 1216, the Disciplinary Guidelines, incorporated by reference.

ANALYSIS:

After further review of the current definitions and terms commonly used by other licensing authorities, POST staff determined it was necessary to amend Commission Regulation 1201 Definitions Related to Peace Officer Certification to add definitions to provide clarity related to the terms that will be used relative to disciplinary actions against a peace officer's certification. There is also the proposed addition of the definition for "Corporal" as there is frequent confusion as to how this rank is used by law enforcement agencies and whether it qualifies for the Supervisory Certificate.

The terms proposed to be added to Commission Regulation 1201 are: "Accusation," "Canceled Appointment or Cancelation of Appointment," "Canceled Certificate," "Conditional Certification," "Corporal," "Default Revocation," "Denied Appointment or Denial of Notice of Appointment," "Denied Certificate Application," "Revoked," and "Stipulated Settlement."

The terms proposed to be updated in Commission Regulation 1201 are: "First-level Supervisory Position," "Middle Management Position," and "Quasi-supervisory Position."

RECOMMENDATION:

POST staff propose to amend Commission Regulation 1201 to provide additional clarity regarding terms that may be used when describing peace officer classifications for purposes of professional certificate eligibility, a peace officer's certification status, and terms related to possible disciplinary actions.

If the Commission concurs, the appropriate action would be a **MOTION** to approve the amendments to Commission Regulation 1201 as described in the staff report.

ATTACHMENT(S):

Reg1201_TPRA_0225.pdf

Article 4. Peace Officer Certification.
§ 1201. Definitions Related to Peace Officer Certification.

(1) "Acceptable College Education" is:

(a) Courses or degrees provided by a community college, college, or university which have been accepted by a community college, college or university accredited by a recognized national or regional accrediting body.
(b) Courses or degrees provided by a community college, college, or university accredited by a recognized national or regional accrediting body.

(2) "Accusation" shall have the same meaning as is set forth in Government Code section 11503.

(~~2~~3) "Active" means a peace officer's certification is not currently suspended, revoked, or voluntarily surrendered, and the peace officer:

(a) Possesses a Proof of Eligibility or Basic Certificate and is currently employed by a law enforcement agency, or
(b) Possesses a Basic Certificate and has not been separated from employment by a law enforcement agency for more than three years.

(~~3~~4) "Administrative Law Judge" refers to a judge and trier of fact who presides over administrative hearings.

(~~4~~5) "Affidavit of Separation" refers to POST form 2-357, incorporated by reference in Commission Regulation 1003(a)(1)(B), used to provide written notification to POST a peace officer has been separated from service, in accordance with Penal Code Section 13510.9.

(~~5~~6) "Business Days" refers to days that state agencies are open for business and do not include weekends and/or holidays.

(7) "Canceled Appointment" or "Cancelation of Appointment" refers to a peace officer's canceled appointment to their employing agency's POST roster in the POST Electronic Data Interchange (EDI) pursuant to Commission Regulations 1202 or 1204.

(8) "Canceled Certificate" is any certificate, including a Proof of Eligibility, Basic Certificate, and any earned professional certificate, that was canceled for one or more of the reasons identified in Commission Regulation 1202(e)(1).

(~~6~~9) "Certificate Programs" are programs in which the Commission applies specific criteria for awards of certificates as a means of recognizing achievements in education, training, and experience and for the purpose of raising the level of

competence of law enforcement officers. Requirements for professional certificates for peace officers are set forth in Commission Regulation 1202.

(~~7~~10) "Certification" is a valid and unexpired Basic Certificate or Proof of Eligibility issued by the commission pursuant to Commission Regulation 1202 and Penal Code Section 13510.1.

(~~8~~11) "Commission" when used with an upper case "C," refers to one or more members for the Commission on Peace Officer Standards and Training.

(~~9~~12) "commission" when used with a lower case "c," refers to staff of the Commission on Peace Officer Standards and Training.

(13) "Conditional Certification" means the certificate holder may perform the duties and functions of a peace officer, provided the individual has met and/or continues to satisfy the terms and conditions placed on the certificate holder as a result of a settlement agreement or order adopted by the Commission.

(~~10~~14)"Convicted" or "Conviction of a Crime" means any entry of a plea of guilty or nolo contendere to, or upon being found guilty of a trier of fact of, a felony offense including an offense that may be charged as a misdemeanor or felony and that was charged as a felony at the time of conviction.

(15) "Corporal" is a quasi-supervisory classification as defined in Commission Regulation 1001 and are not eligible for the Supervisory Certificate.

(~~11~~16)"Days" means calendar days unless otherwise indicated.

(17) "Default Revocation" means a peace officer's certification has been revoked pursuant to Penal Code sections 13510.85(a)(2).

(18) "Denied Appointment" or "Denial of Notice of Appointment" means a peace officer's appointment to an employing agency's POST roster has been denied for reasons specified in Commission Regulation 1202(a)(3).

(19) "Denied Certificate Application" means a peace officer's application for a Proof of Eligibility, Basic Certificate, or professional certificate is denied for failure to meet the eligibility requirements specified in Commission Regulation 1202.

(~~12~~20)"Executive Position" is a position above the middle management position, up to and including department head, for which commensurate pay is authorized, and is responsible principally for command assignments and the supervision of subordinate middle management and supervisory positions. The executive position is most commonly the rank of captain or higher.

(~~13~~21)"First-level Supervisor~~y Position~~" for the purpose of Commission Regulation 1202, is the supervisory peace officer position between the operational level and the "middle management position" responsible for the direct supervision of subordinates. The first-level supervisory position does not encompass positions with limited or intermittent supervisory responsibilities, i.e., quasi-supervisory positions such as the rank of a corporal. The first level~~ supervisory position is most commonly the rank of sergeant~~ of supervision is dependent on each individual agency's rank structure and must encompass the supervision of peace officers.

NOTE: "First Line Supervisors" are only recognized by POST if they are appointed to classifications specified in EDI.

(~~14~~22)"Immediate Temporary Suspension" is the immediate suspension of a peace officer's certification pursuant to Penal Code section 13510.8(d). When a peace officer is arrested or indicted for any crime described in Government Code section 1029, is discharged from any law enforcement agency for grounds set forth in Penal Code section 13510.8(a), or has separated from employment as a peace officer during a pending investigation into allegations of serious misconduct, Penal Code section 13510.8(d) requires the executive director of POST to issue an immediate temporary suspension when it is determined to be in the best interest of the health, safety, or welfare of the public. The suspension is deemed "temporary" in that it remains in effect until a final decision on the imposition of discipline is reached by the Commission or the executive director withdraws the immediate temporary suspension.

(~~15~~23)"Inactive" means a peace officer's certification is not currently suspended, revoked, or voluntarily surrendered, and the peace officer:

(a) Does not possess a Basic Certificate and is not currently employed by a law enforcement agency, or
(b) Possesses a Basic Certificate and has been separated from employment by a law enforcement agency for more than three years.

(~~16~~24)"Ineligible" indicates an individual has been disqualified from eligibility to be a peace officer pursuant to Government Code section 1029.

(~~17~~25)"Middle Manager~~ment Position~~" for the purpose of Regulation 1202, is the management peace officer position between the first-level supervisory position and the department head position responsible for management and/or command duties. The middle management position is ~~most commonly the rank of lieutenant or higher.~~ dependent on each individual agency's rank structure and must encompass the supervision of first level supervisors as defined above.

NOTE: "Middle managers" are only recognized by POST if they are appointed to classifications specified in EDI.

(~~18~~26)"Peace Officer" as it relates specifically to Article 4 – Peace Officer Certification, refers to any current or former peace officer.

(~~19~~27)"Peace Officer Standards Accountability Advisory Board," hereafter referred to as "board," refers to the nine-member board established to review findings of serious misconduct after an investigation made by the division and make recommendations to the Commission pursuant to Penal Code section 13509.6.

(~~20~~28)"Peace Officer Standards Accountability Division," hereafter referred to as "division," is the division within POST responsible for the certification of California peace officers pursuant to Penal Code section 13509.5.

(~~21~~29)"Quasi-supervisory Position" is the peace officer position above the operational level which is assigned limited responsibility for the supervision of subordinates or intermittently is assigned the responsibility of first-level supervision. The quasi-supervisory position is a rank below sergeant.

(30) "Revoked" means a peace officer's certification has been revoked pursuant to Government Code sections 13510.8(a)(1) or (a)(2).

(31) "Stipulated Settlement" is when a peace officer who is under investigation by the commission reaches an agreement with the commission to stipulate to certain terms and conditions in order to avoid the uncertainties of further litigation concerning the officer's certification. The Commission must vote to approve all stipulated agreements.

(~~22~~32)"Voluntary Surrender" refers to the process by which a person who holds a certificate issued by the commission, knowingly and willingly, returns the certificate to the commission forfeiting all rights and privileges associated with that certificate.

Note: Authority cited: Sections 13506 and 13510.3, Penal Code. Reference: Section 1029, Government Code; Sections 830.1, 13503, 13507, 13509.5, 13510, 13510.1, 13510.3, 13510.5, 13510.8 and 13523, Penal Code.

AGENDA ITEM REPORT

Title: REPORT ON PROPOSED CHANGES TO COMMISSION REGULATION 1003 - EMPLOYMENT STATUS NOTIFICATIONS - AFFIDAVIT OF SEPARATION (POST2-357)

REPORT PROFILE

MEETING DATE 03/05/2025	**BUREAU SUBMITTING THE REPORT** Certification Bureau	
RESEARCHED BY Katelynn Poulos	**REVIEWED BY** Lindsay Lewellyn	
REPORT DATE	**APPROVED BY** Manuel Alvarez, Jr.	**DATE APPROVED** 02/09/2025
PURPOSE	**FINANCIAL IMPACT** No	

ISSUE, BACKGROUND, ANALYSIS, & RECOMMENDATION

ISSUE: Should the Commission approve the amendments to Commission Regulation 1003 to specify the mechanism by which agencies shall notify POST of convictions identified in Government Code section 1029 and amendments to the *Affidavit of Separation* (POST 2-357) to provide clarity regarding information required upon a peace officer's separation?

BACKGROUND: On November 20, 2024, the Commission approved changes to Commission Regulation 1003 and the *Affidavit of Separation* (POST 2-357). During the meeting, there was discussion regarding Box 14 and the information being required to be included. Staff are proposing additional revisions to the *Affidavit of Separation* (POST 2-357) to address those concerns, amending Box 12 to clarify the need to identify only the types of resolutions or settlements identified in Penal Code section 13510.9(d), keep the language in the Information Privacy Act section previously removed and changing the reference from Regulation 1003 to Penal Code section 13510.9, as well as clarifying instructions for completing the form.

ANALYSIS: After continued review of the implementation of SB 2 (2021), it was determined that some of the terminology used on the *Affidavit of Separation* (POST 2-357) needed to be corrected for clarity and continuity for the field. The additional proposed revisions to the form are:

- ***Affidavit of Separation*** **(POST 2-357)**
  - Update the form revision date to 03/2025.
  - Keep the language in the Information Privacy Act section but change the reference from "POST regulation section 1003" to "Penal Code section 13510.9" instead.
  - Amend Box 12 and the associated instructions to clarify the need to identify only the types of resolutions or settlements identified in Penal Code section 13510.9(d) and add "(if applicable)" to indicate the box only needs to be completed if it applies to the separation.
  - Amend Box 13 to add "(if applicable)" to indicate the box only needs to be completed if it applies to the separation.
  - Amend Instructions for Box 6 to reflect that a P.O. Box can be used as an address of record for peace officers.
  - Amend Instructions for Box 14 to remove the example "the officer was separated due to lack of fitness for duty" and add two other examples "the officer resigned to work for another agency" and "the officer engaged in serious misconduct" to provide a broader scope of examples for completing this box.

RECOMMENDATION: POST staff propose to amend Commission Regulation 1003 to reflect modifications to the *Affidavit of Separation* (POST 2-357) to more appropriately align with the information requested upon a peace officer's separation from employment, pursuant to Penal Code section 13510.9(d), update the form's revision date, and specify the means by which POST shall be notified of convictions identified in Government Code section 1029 as disqualifiers for eligibility as a peace officer.

If the Commission concurs, the appropriate action would be a **MOTION** to approve the changes as described in the staff report.

ATTACHMENT(S):
2024-34_TPRA_Reg1003_v3_15-day.pdf
2-357 Affidavit of Separation_03.2025.pdf

TEXT OF PROPOSED REGULATORY ACTION
Amend Commission Regulation 1003 – Employment Status Notifications

§ 1003. Employment Status Notifications.

(a) Employment Status Notification Requirements

(1) Peace Officers, Reserve Peace Officers, Public Safety Dispatchers, and Records Supervisors

Effective January 1, 2023, the employing agency shall notify POST of a new appointment or termination within ten days, via the POST Electronic Data Interchange (EDI) system when personnel actions listed below occur.

(A)1.-3. Remain Unchanged

(B) An *Affidavit of Separation, POST 2-357 (~~0108~~03/~~2023~~2024~~2024~~2025)*, herein incorporated by reference, shall be submitted to POST, via EDI, within ten days of a peace officer's separation from employment. It shall be signed by the agency head or their designee under penalty of perjury, maintained by the employing agency, and a copy submitted to POST for the following actions:

(B)1.-4.a.-b. and (C)1.a.-c. Remain Unchanged

(c) Disqualification Notification Requirements

(1) Investigating Agency

Whenever a peace officer or former peace officer is convicted of a crime, or for any reason specified in Government Code Section 1029 that disqualifies the individual from being employed as a peace officer, POST shall be notified ~~in writing~~via ~~Mark43~~the system of record within ten days of the final disposition.

(2)(A)-(G) Remain Unchanged

NOTE: Authority cited: Sections 13506, 13510.1, and 13510.9, Penal Code. Reference: Sections 13510.1, 13510.3, 13510.9, and 13512, Penal Code.

State of California – Department of Justice
AFFIDAVIT OF SEPARATION
POST 2-357 (~~0108~~03/~~20232024~~2025)
Page 1 of 3

Commission on
Peace Officer Standards and Training (POST)
860 Stillwater Road, Suite 100
West Sacramento, CA 95605-1630 • 916 227-3909

INFORMATION PRIVACY ACT: Pursuant to the Federal Privacy Act (Public Law 93-579) and the Information Practices Act (IPA) of 1977 (Civil Code Sections 1798, et seq.), notice is hereby given for the request of personal information. POST is requesting this information pursuant to Penal Code section 13510.9. ~~POST regulation section 1003.~~ Submission of all requested information is mandatory. Failure to provide any part of the requested information may delay processing of this application or result in an incomplete record. The requested information will be used to process the termination of a peace officer from a POST Agency Roster. No disclosure of personal information will be made unless permissible under Article 6, Section 1798.24 of the IPA of 1977. Each individual for whom personal information is collected has the right to inspect that information in any record maintained by POST. Inquiries may be directed to the POST Information Practices Act Coordinator at the address and telephone number listed above or may be emailed to CPRA@post.ca.gov. ~~Contact the POST Administrative Services Bureau for instructions on requesting records.~~

SECTION 1: IDENTIFICATION

1. POST ID NUMBER (OR SSN)	2. NAME (Last, First, Middle)	3. BIRTHDATE (MM/DD/YYYY)

4. GENDER	5. ALSO KNOWN AS (Last, First, Middle)	FOR POST USE ONLY
☐ Male ☐ Female ☐ Non-binary		

6. ADDRESS

7. RACE/ETHNICITY (Check box that best describes race/ethnicity — *See INSTRUCTIONS for Definitions*)

☐ American Indian or Alaska Native ☐ Asian ☐ Black or African American ☐ Filipino ☐ Hispanic or Latino
☐ Native Hawaiian or Pacific Islander ☐ White ☐ Other

8. RANK / CLASSIFICATION (Select and enter the POST Code from the list — *See INSTRUCTIONS for Rank/Class*)	9. AGENCY NAME

SECTION 2: TERMINATION / SEPARATION

10. DATE OF FINAL SEPARATION (MM/DD/YYYY)

11. TYPE OF SEPARATION

☐ Retired ☐ Resigned ☐ Deceased ☐ Involuntary Separation
☐ Did not complete probation ☐ Separated Pending Complaint, Administrative Charge, or Investigation for serious misconduct

12. RESOLUTION OR SETTLEMENT (if applicable)

~~Was t~~The reason for separation was part of a resolution or settlement for one of the following:~~? ☐ Yes ☐ No~~

~~If yes, please check the appropriate box:~~
☐ Criminal Charge or Investigation
☐ Civil Charge or Investigation
☐ Administrative Charge or Investigation

13. REASON FOR SEPARATION DUE TO SERIOUS MISCONDUCT PER PC 13510.8(b) (if applicable)

Indicate Reason(s) For ~~Discharge~~ Separation Related to Serious Misconduct (Choose all that apply)
☐ Dishonesty ☐ Abuse of Power ☐ Physical Abuse ☐ Sexual Assault
☐ Demonstrating Bias ☐ Egregious or Repeated Acts That Violate the Law
☐ Law Enforcement Gang ☐ Failure to Cooperate with Misconduct Investigation
☐ Failure to Intercede

14. REASON FOR SEPARATION (REQUIRED)~~OTHER THAN SERIOUS MISCONDUCT~~:

SECTION 3: NOTICE TO SEPARATING OFFICER

15. NOTICE TO OFFICER

The peace officer has been advised of their right to respond in writing to this Affidavit of Separation to the commission if the facts and reasons as they understand them are different than those provided by the agency.

Was the peace officer provided a copy of this completed form? ☐ Yes ☐ No

If yes, what manner was the form provided to the peace officer? ☐ In Person ☐ Mail ☐ Certified Mail
☐ Other (Specify)_____

Name of the person providing notice: _____ Date _____

Peace officer's acknowledgement of personal service: _____ Date _____

SECTION 3: NOTICE TO SEPARATING OFFICER *(continued)*

If service was by mail, certified mail, or other courier service, affix the receipt (proof of mailing) below:

SECTION 4: AGENCY HEAD OR THEIR DESIGNEE

16. ATTESTATION OF REPORTING OFFICIAL

I certify (or declare) under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this affidavit (declaration) was executed on the date listed below.

Print Full Name: Title: Contact Number: ( )

Signature: ▶ Date:

INSTRUCTIONS – *Back to Form*

- Complete Section 1—Identification, Section 2—Termination/Separation, Section 3—Notice to Separating Officer and Section 4—Agency Head or Their Designee. (NOTE: References to Penal Code sections are noted as "PC".)
- Please type or legibly print (in ink) all required information. Use the TAB key (or Shift-tab) to navigate between boxes.
- Upload a printout of this Notice to the Electronic Data Interchange (EDI) within 10 days of separation.

SECTION 1: IDENTIFICATION

Use these instructions to assist you in completing this section of the form.

Box 1. The separating peace officer's POST ID number or Social Security Number shall be listed.

Box 6. This shall be the ~~physical~~ address of record for the peace officer separating from employment. ~~A P.O. Box will not be accepted.~~

Box 7. Use these definitions to assist you in selecting the category that best describes the ~~appointee's~~ separating peace officer's race/ethnicity.

American Indian or Alaska Native
A person having origins in any of the original peoples of North and South America (including Central America), and who maintains tribal affiliation or community attachment.

Asian
A person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent, including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, Thailand, and Vietnam.

Black or African American
A person having origins in any of the black racial groups of Africa.

Filipino
A person having origins in any of the original peoples of the Philippine Islands.

Hispanic or Latino
A person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin, regardless of race.

Native Hawaiian or Other Pacific Islander
A person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands.

White
A person having origins in any of the original peoples of Europe, Middle East, or North Africa.

Box 8. Use this list to select the POST code for the ~~appointee's~~ separating peace officer's rank/classification. This code will appear on the ~~appointee's~~ separating peace officer's Peace Officer Profile (P101) in the Rank column under the Employment section.

INSTRUCTIONS *(continued)* – *Back to Form*

Rank/Classification	POST Code
Acting Chief	ACTC
Administrator	ADM
Agent	AGNT
Assistant Chief	ACHF
Assistant Commissioner	ACOM
Assistant Marshal	AMAR
Assistant Sheriff	ASH
Bureau Chief	BURC
Captain	CAPT
Chief	CHF
Chief Deputy	CDEP
Chief Investigator	CHFI
Commander	CMDR
Commissioner	COM
Coroner	COR
Corporal	CPL
Deputy (I, II, III)	DPTY
Deputy Chief	DCHF
Deputy Commissioner	DCOM
Deputy Coroner	DCOR
Deputy Coroner Supervisor	DCRS
Deputy Coroner Manager	DCRM
Deputy Marshal (I, II, III)	DMA
Detective (I, II, III)	DET
Director	DIR

Rank/Classification	POST Code
~~Dispatcher (I, II, III)~~	~~DIS~~
~~Dispatcher Manager~~	~~DISM~~
~~Dispatcher Supervisor~~	~~DISS~~
District Attorney	DA
Division Chief	DVC
Inspector	INS
Investigator (I, II, III)	INV
Investigator Manager	INVM
Investigator Supervisor	INVS
Investigator, Welfare Fraud	WINV
Investigator ~~—~~Manager, ~~—~~Welfare Fraud	WINM
Investigator Supervisor, Welfare Fraud	WINS
Jail Assistant Sheriff	JASH
Jail Commander	JCMR
Jail Captain	JCAP
Jail Deputy	JDEP
Jail Lieutenant	JLT
Jail Senior Deputy	JSDP
Jail Sergeant	JSGT
Lieutenant	LT
Manager	MGR
Marshal	MAR
Police Officer (I, II, III)	PO

Rank/Classification	POST Code
Ranger	RANG
Ranger Manager	RNGM
Ranger Supervisor	RNGS
~~Records Supervisor~~	~~RECS~~
~~Records Supervisor/Dispatcher~~	~~RS/D~~
~~*(Full-time Records Supervisor AND full-time Dispatcher)*~~	
Reserve Level I *(Peace officer authority for duration of assignment only)*	RI
Reserve Level I (24 hours) *(Peace officer authority 24 hours a day)*	RI24
Reserve Level II	RII
Reserve Level III	RIII
Sergeant	SGT
Sergeant-at-Arms	SGTA
Sergeant-at-Arms Chief	SGTC
Sheriff	SH
Sheriff/Coroner	SHC
Special Agent	SA
Supervisor	SUP
Supreme Court Bailiff	SCB
~~Trainee~~	~~TRN~~
Undersheriff	US
Warden	WARD

SECTION 2: TERMINATION / SEPARATION

Use these instructions to assist you in identifying the reasons for separation in this section of the form

Box 11. The type of separation shall be marked, regardless of whether the separation was in good standing or pending a complaint, charge, or investigation for serious misconduct.

Box 12. If applicable, indicate whether the separation was part of a resolution or settlement ~~as well as the type of resolution or settlement~~ related to a criminal charge or investigation, civil charge or investigation, or administrative charge or investigation pursuant to PC § 13510.9(d).

Box 13. If the reason for separation is related to serious misconduct, indicate all applicable categories of serious misconduct.

Box 14. ~~If the reason for separation is not related to serious misconduct as defined in Commission Regulation 1205, e~~Enter additional information regarding the reason for separation here (~~i.e.:~~e.g., The officer resigned to relocate, ~~the officer was separated due to lack of fitness for duty~~ the officer retired after 25 years of service, the officer resigned to work for another agency, the officer engaged in serious misconduct).

SECTION 3: NOTICE TO SEPARATING OFFICER

Use these instructions to assist you in ~~identifying the reasons for separation in~~completing this section of the form.

Box 15. The separating peace officer shall be provided with a copy of this form and advised of their right to respond to POST if the facts and reasons for separation as they understand them are different than the reasons indicated by the agency. Indicate the way the separating peace officer was provided with a copy of this form and advised of their right to respond. Include the name of the person providing the notice (or responsible for mailing) and the date the notice was given (or sent). If the separating peace officer was provided a copy in person, they shall sign the acknowledgement of personal service and the date of service.

If service was by mail, certified mail, or other courier service, the receipt (proof of mailing) shall be affixed in the space provided.

Should the separating peace officer choose to respond, the response shall be submitted to the Certification Bureau of POST. Electronic copies shall be submitted via email to *Certificates@post.ca.gov*. Hard copies shall be submitted to the address listed at the top of this form.

SECTION 4: AGENCY HEAD OR THEIR DESIGNEE

Use these instructions to assist you in ~~identifying the reasons for separation in~~completing this section of the form

Box 16. This form shall be signed by the agency head or authorized designee under penalty of perjury. A certified digital signature i accepted in lieu of a wet signature.

AGENDA ITEM REPORT

Title: REPORT ON PROPOSED AMENDMENTS TO COMMISSION REGULATION 1202 - PEACE OFFICER CERTIFICATES AND COMMISSION REGULATION 1003 - EMPLOYMENT STATUS NOTIFICATIONS

REPORT PROFILE

MEETING DATE 03/05/2025	**BUREAU SUBMITTING THE REPORT** Certification Bureau	
RESEARCHED BY Michelle Weiler	**REVIEWED BY**	
REPORT DATE	**APPROVED BY** Manuel Alvarez, Jr.	**DATE APPROVED** 02/14/2025
PURPOSE	**FINANCIAL IMPACT** No	

ISSUE, BACKGROUND, ANALYSIS, & RECOMMENDATION

ISSUE:

Should the Commission approve revisions to the previously approved amendments to Commission Regulation 1202 to provide additional clarity regarding peace officer certification and professional certificates requirements and revisions to the *Attestation of Peace Officer Eligibility (POST 2-356)* , which is incorporated by reference in Commission Regulation 1003, to include a peace officer attestation specifying that the information provided during their background investigation is true and correct to align with the proposed revisions to Commission Regulation 1202?

BACKGROUND:

POST staff continuously review regulations related to SB 2 (2021) and the implementation of peace officer certification processes. At the June 13, 2024, Commission Meeting, POST staff presented the Commission with proposed revisions to Commission Regulation 1202. During the rulemaking process, it was discovered that additional revisions to text need to be made to provide further clarity to the general and regulated public and the item was brought before the Commission once again during the November 20, 2024 Commission Meeting. Since that time, other issues have arisen that need to be addressed in Commission Regulations 1202 and 1003. Staff have opted to withdraw the former rulemaking item from the Office of Administrative Law (OAL) and start again with a new rulemaking that includes the previously approved revisions and the newest proposed revisions.

ANALYSIS:

Since the November 20, 2024 Commission meeting, other issues have arisen that need to be addressed in Commission Regulation 1202 related to a peace officer's eligibility for a Proof of Eligibility (POE) and the potential cancellation of the POE based on the discovery of fraud or misrepresentation.

Proposed Revisions to Commission Regulation 1202:

- renumbering and addressing language redundancy and consistency.

- separating and clarifying the requirements for the issuance of a Proof of Eligibility and a Basic Certificate.

- clarify additional reasons a Notice of Appointment in EDI will be denied or returned to the agency.

- adding language throughout to specify that Jail Deputies under Penal Code 830.1(c) are ineligible to obtain POST Basic or Professional Certificates as they do not meet the minimum training requirements.

- specify in subsection (b)(2)(D) that when a POST Basic Certificate is required to continue to exercise peace officer powers pursuant to Penal Code Section 832.4, employment with a POST participating agency is not required at the time of application.

- amend subsection (c)(3)(A)1.-3. to specify the appropriate basic training required for each category of professional certificates.

- add subsection (c)(3)(B)(3) to specify completing the requalification course does not automatically activate a certification status; qualifying employment must also be obtained.

- clarify how experience, training, and education points are evaluated for the purposes of professional certificate eligibility.

- identify which classifications of federal law enforcement experience may be counted towards professional certificate eligibility.

- clarify minimum law enforcement experience required for eligibility for the POST Supervisory and Management Certificates.

- specify that it is the responsibility of both the applicant and/or employing agency to initiate and submit an application for a

POST Professional Certificate or a Reserve Peace Officer Certificate via EDI.

- add subsection (c) to advise the regulated public that the status of a peace officer's certification will be indicated on their POST Profiles and may be subject to release upon inquiry or reporting of said status.

- amend subsection (d)(1)(6) to specify that canceled certificates must be returned only if it was issued before the discontinuance of paper certificates on July 1, 2021.

- amend the "NOTE:" section at the end of the text where Authority and Reference are cited - the text was cleaned up to remove subsection references as subsections are more frequently changed causing the citations to need to be updated more frequently. By removing the subsection references, it leaves only the section and those references would not be subject to change as often.

Proposed revisions to the Attestation of Peace Officer Eligibility, (POST 2-356)

- Addition of a Peace Officer Attestation that all information provided during the background process is true and correct.

RECOMMENDATION:

POST Staff recommend the Commission approve additional revisions to the text of Commission Regulation 1202 to provide further clarity to the general and regulated public regarding eligibility requirements for all levels of peace officer certificates. POST staff also recommend the Commission approve revisions to the *Attestation of Peace Officer Eligibility (POST 2-356)*, incorporated by reference in Commission Regulation 1003, to include a peace officer attestation that the information provided during their background investigation is true and correct to align with the proposed revisions to Commission Regulation 1202.

If the Commission concurs, the appropriate action would be a **MOTION** to approve the amendments as described in the staff report.

ATTACHMENT(S):

Reg_1003_TPRA_February_2025_Attestation.pdf
2-356_Attestation_of_Peace_Officer_Eligibility_0125.pdf
Reg1202_TPRA_February_2025_Revisions.pdf

TEXT OF PROPOSED REGULATORY ACTION
Commission Regulation 1003

§ 1003. Employment Status Notifications.

(a) Employment Status Notification Requirements

(1) Peace Officers, Reserve Peace Officers, Public Safety Dispatchers, and Records Supervisors

Effective January 1, 2023, the employing agency shall notify POST of a new appointment or termination within ten days, via the POST Electronic Data Interchange (EDI) system when personnel actions listed below occur.

(A) A notice of appointment shall be submitted for the following actions:

1. New appointment,

a. An individual shall not be appointed to a specified peace officer classification until such time as they meet the minimum training requirements for the specified peace officer classification as identified in Commission Regulation 1005.

b. For any individual appointed as a peace officer, a completed *Attestation of Peace Officer Eligibility, POST 2-356* (05~~3~~/2025~~2~~), shall be uploaded to POST via EDI.

c. **EXCEPT AS PROVIDED BELOW**, an individual appointed to an agency while completing the minimum training required for their specified classification shall be appointed as a trainee (TRN).

1) Any individual identified in Commission Regulation 1005(a)(3) who is serving in a position which permits appointment to a peace officer classification prior to completion of the minimum training requirements shall not require appointment as a trainee.

2) An individual currently appointed to a peace officer classification that requires training other than the Regular Basic Course (RBC) or the Specialized Investigator Basic Course (SIBC) may maintain their current peace officer classification while attending the RBC or SIBC.

2. Name changes as a result of a marriage, a divorce, or a legal name change, or

3. Rank/status changes involving promotions or demotions**.**

**(a)(B)-(c) Remain unchanged

TEXT OF PROPOSED REGULATORY ACTION
Commission Regulation 1003

Note: Authority cited: Sections 13506, 13510.1, and 13510.9, Penal Code. Reference: Sections 13510.1, 13510.9, 13512, and 13510.3, Penal Code.

Commission on
Peace Officer Standards and Training (POST)
860 Stillwater Road, Suite 100
West Sacramento, CA 95605-1630 • 916 227-3909

INFORMATION PRIVACY ACT: Pursuant to the Federal Privacy Act (Public Law 93-579) and the Information Practices Act (IPA) of 1977 (Civil Code Sections 1798, et seq.), notice is hereby given for the request of personal information. POST is requesting this information pursuant to POST regulation section 1003. Submission of all requested information is mandatory. Failure to provide any part of the requested information may delay processing of this application or result in an incomplete record. The requested information will be used to process the addition of a peace officer to a POST Agency Roster. No disclosure of personal information will be made unless permissible under Article 6, Section 1798.24 of the IPA of 1977. Each individual for whom personal information is collected has the right to inspect that information in any record maintained by POST. Inquiries may be directed to the POST Information Practices Act Coordinator at the address listed above or may be emailed to *CPRA@post.ca.gov.*

SECTION 1: IDENTIFICATION

1. POST ID *(If known)*	5. RACE/ETHNICITY
2. NAME *(Last, First, Middle)*	6. APPOINTMENT DATE
3. BIRTHDATE	7. RANK
4. GENDER ☐ Male ☐ Female ☐ Non-binary	8. AGENCY

SECTION 2: PEACE OFFICER ATTESTATION

9. For all peace officer appointees, this attestation shall be signed under penalty of perjury:

I certify (or declare) under penalty of perjury under the laws of the State of California that the information provided during the background process, as described in Government Code §1029, 1031, 1031.4, and Commission Regulations §1950-1955 is true and correct.

PRINT NAME OF PEACE OFFICER APPOINTEE	CONTACT NUMBER
SIGNATURE OF PEACE OFFICER APPOINTEE	DATE

SECTION 32: AGENCY ATTESTATION

~~9.~~10. For all applicants *(Initials required by employing agency hiring authority)*:

_____ The individual being appointed has been evaluated in accordance with and met all minimum peace officer background and hiring requirements as described in Government Code §1029, 1031, 1031.4, and Commission Regulations §1950-1955.

~~10.~~11. For applicants with previous employment as a peace officer *(Initials required by employing agency hiring authority)*:

_____ I attest the appointing agency has requested and reviewed records of any investigations of misconduct involving the applicant and maintained in the officer's designated file as described in Penal Code §832.12.

_____ Beginning January 1, 2023, I attest the agency has contacted POST to inquire as to the facts and reasons a peace officer became separated from any previous employing agency as described in Penal Code §13510.9(d)(3).

I hereby attest the individual being appointed is eligible to be employed and hold office as a peace officer in California.

SECTION 43: HIRING AUTHORITY SIGNATURE OR AUTHORIZED DESIGNEE

PRINT NAME OF HIRING AUTHORITY	CONTACT NUMBER
SIGNATURE OF HIRING AUTHORITY	EMAIL
TITLE	DATE

DETAILED INSTRUCTIONS

Entry Details ***SECTION 1: IDENTIFICATION***	**Box 1:** Enter the Registered POST Identification Number if it is known. **Box 2:** Legal Name **Box 3:** Date of Birth **Box 4:** Gender: 1. Select male if the applicant identifies as male. Select female if the applicant identifies as female. Select non-binary if the applicant identifies as non-binary. **Box 5:** Race/Ethnicity: ***American Indian or Alaska Native*** A person having origins in any of the original peoples of North and South America (including Central America), and who maintains tribal affiliation or community attachment. ***Asian*** A person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent, including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, Thailand, and Vietnam. ***Black or African American*** A person having origins in any of the black racial groups of Africa. ***Filipino*** A person having origins in any of the original peoples of the Philippine Islands. ***Hispanic or Latino*** A person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin, regardless of race. ***Native Hawaiian or Other Pacific Islander*** A person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands. ***White*** A person having origins in any of the original peoples of Europe, Middle East, or North Africa. ***Other*** **Box 6:** Date appointed to the hiring agency. **Box 7:** Rank: Must be listed as a peace officer as one of the following ranks: • Acting Chief • Agent • Assistant Chief • Assistant Marshal • Assistant Sheriff • Captain • Chief • Chief Deputy • Chief Investigator • Commander • Coroner • Corporal • Court Deputy • Deputy • Deputy Chief • Deputy Commissioner • Deputy Coroner • Deputy Coroner Manager • Deputy Marshal • Detective • Director • Division Chief • Inspector • Investigator • Investigator Manager • Investigator Supervisor • Investigator, Welfare Fraud • Investigator Manager, Welfare Fraud • Investigator Supervisor, Welfare Fraud • Jail Deputy • Lieutenant • Manager • Marshall • Police Officer • Ranger • Ranger Manager • Ranger Supervisor • Reserve Level I • Reserve Level II • Reserve Level III • Sergeant- at- Arms • Sergeant-at-arms Chief • Sergeant • Sheriff/Coroner • Special Agent • Supervisor • Undersheriff • Warden **Box 8:** Agency name
SECTION 2: PEACE OFFICER ATTESTATION	9. Attestation and signature required for all peace officer appointees. This section is to be signed under penalty of perjury.

DETAILED INSTRUCTIONS

SECTION 32: AGENCY ATTESTATION	~~9.~~10. Initials required for all applicants. ~~10.~~11. Initial only if the applicant has been previously employed as a peace officer.
SECTION 43: HIRING AUTHORITY SIGNATURE OR AUTHORIZED DESIGNEE	Only the hiring authority or an authorized designee can attest and sign.
AUTHORIZED DESIGNEE	
How To Submit	This document must be uploaded with the notice of appointment for newly appointed peace officers or any peace officer that is a lateral or has had a break in service via the POST Electronic Data Interchange (EDI). Download this document, initial, sign where required, and upload the document to the notification of appointment. If any missing information is identified, it will be returned to the agency for correction.
Approval Process	After a notice of appointment is completed, POST will verify that all information is completed before the peace officer is added to the agency roster. If any missing information is identified, it will be returned to the agency via EDI. The peace officer will not be added to the agency roster until the form is completed and reviewed by POST.
POST Contacts	For assistance with the attestation form call or email: **Phone:** (916) 227-3765 **Email:** *Certificates@post.ca.gov*

§ 1202. Peace Officer Certificates.

(a) Proof of Eligibility (POE) ~~and Basic Certificates~~

Proofs of Eligibility are only valid for the appointing agency.

(1) Proof of Eligibility is required for:

(A) Specified Peace Officers

Any specified peace officer described in Penal Code Section 830.1, 830.2, with the exception of those described in (d) of that Section, 830.3, 830.32, or 830.33, or any other peace officer employed by an agency that participates in the Peace Officer Standards and Training (POST) program.

1. Any peace officer described in (A) above who does not possess a Basic Certificate and who is not yet or will not be eligible for a Basic Certificate, regardless of participation in the POST program, are required to obtain a POE.

2. All levels of reserve peace officers who are appointed to a POST participating agency and who do not already possess a Basic Certificate are required to obtain a POE.

3. Any peace officer, including reserves with POST participating agencies, who is a lateral to a new agency and does not already possess a Basic Certificate, will be required to obtain a new POE.

4. Any peace officer, including reserves with POST participating agencies, may hold more than one POE at a time if they are simultaneously appointed to multiple agencies.

(2) Proof of Eligibility Award Requirements

A Proof of Eligibility shall be issued by POST to those who:

(A) Satisfy the minimum training requirements (as set forth in Regulation 1005 and other applicable law) for the peace officer classification (e.g., Penal Code section 830.1) to which the peace officer has been appointed.

(B)

(C) Have a POST approved appointment as a peace officer submitted by the individual designated by the agency's department head or other authorized hiring authority via the Electronic Data Interchange (EDI).

(3) ~~Denial of~~ Denied or Returned Notice of Appointment

(A) Applications ~~may~~ will be ~~temporarily~~ denied for the following reason~~s~~:

~~1. Incomplete information and/or unsigned Attestation of Peace Officer Eligibility, as specified in Commission Regulation 1003(a)(1)(A)1.a.,~~

~~2. Incomplete background information, or~~

~~3~~1. Not a qualifying ~~employment~~ peace officer classification as identified in Penal Code §13510.1 (e.g. a correctional officer who does not meet the Jail Deputy requirements in Penal Code section 830.1(c));~~.~~

2. POST has found reasonable grounds for denial of peace officer certification as set forth in Peanl Code section 13510.85(a)(1);

3. POST has determined that the individual is disqualified from holding office as a peace officer pursuant to Government Code section 1029 and Penal Code section 13510.8(a)(1);

4. POST has determined that the individual engaged in fraud in connection with their application process with the employing agency or otherwise, which could reasonably have resulted in an improper determination by the agency that the individual met all minimum peace officer background and hiring requirements.

(B) Applications will be returned for the following reasons:

1. Incomplete information and/or unsigned *Attestation of Peace Officer Eligibility, POST 2-356 (03/2025)*, as specified in Commission Regulation 1003(a)(1)(A)1.b.

a. The peace office attestation shall be signed by the appointee under penalty of perjury.

b. The completed form shall be signed by the agency's hiring authority or authorized designee.

2. Incorrect information entered on Notice of Appointment that is not consistent with POST Profile.

(~~B~~C) Disqualifying events, outlined in Government Code Section 1029, discovered during an audit will result in the cancellation of an appointment and POE pursuant to Commission Regulation 1203.

(~~C~~D) If a POE or appointment is denied or returned, the commission shall provide notice to the applying agency of the grounds for which the certificate was denied or returned and shall include:

1. A statement that the ~~certificate~~ POE or appointment was denied or returned.

2. A statement of facts upon which the ~~certificate~~ POE or appointment was denied or returned.

3. A statement of eligibility to reapply for a POE or appointment, if applicable.

4. A statement of a right to appeal the denial on the grounds of mistake of fact, mistake of law, or equivalence to the minimum requirements.

5. A statement of the right to appeal the denial on any other ground as set forth in these regulations.

(4) The POE shall expire upon issuance of a Basic Certificate or upon separation from the employing agency, if a peace officer does not possess a Basic Certificate.

~~(5)~~(b) POST Basic Certificate

(1) The Basic Certificate is required for:

(A) Specified Peace Officers

1. Pursuant to Penal Code Section 832.4(b), every peace officer listed in Penal Code Section 830.1(a) [except a sheriff, an elected marshal, or a custodial deputy appointed pursuant to Penal Code 830.1(c)] shall obtain the POST Basic Certificate in order to continue to exercise peace officer powers. Penal Code Section 832.4 requires possession upon completion of probation, but in no case later than 24 months after appointment. However, if the agency's probation period is 24 months, an additional three months is authorized.

2. Pursuant to Penal Code section 13510.1, peace officers described in Sections 830.2 with the exception of those described in subdivision (d) of that section, 830.3, 830.32, or 830.33, or any other peace officer employed by an agency that participates in the POST program shall obtain a POST Basic Certificate upon eligibility.

3. Every other peace officer required by statute to obtain the Basic Certificate.

(B) Police Chiefs/Persons in Charge

Pursuant to Penal Code Section 832.4(c), as a condition of continued employment, each police chief, or any other person in charge of a local law enforcement agency, who is appointed on or after January 1, 1999, shall possess the POST Basic Certificate within two years of appointment. Those who do not already possess a valid POST Basic Certificate, shall be issued a POE until such time as they earn a valid Basic Certificate.

(C) Peace Officers Employed by a Participating Agency

Every peace officer appointed by an agency participating in the POST program shall possess the appropriate Basic Certificate within the time limits described in subsection 1202(~~a~~b)(~~5~~1)(A) unless an exception in subsection 1202(~~a~~b)(~~5~~1)(D) pertains to the officer.

(D) Exception to the Basic Certificate Requirement

There are three exceptions to the Basic Certificate requirements specified in subsection 1202(~~a~~b)(~~5~~1)(A)-(C):

1. Peace officers appointed prior to the employing agency's entry date into the POST program and who are not required to possess a POST Basic Certificate pursuant to the requirements of Penal Code Section 832.4, and

2. Custodial peace officers appointed pursuant to Penal Code Section 830.1(c), and

3. Peace officers first appointed prior to January 1, 1974, and who have not changed agencies since that date and who are not included in exceptions subsection 1202(~~a~~b)(~~5~~1)(D)1. or 2.

~~(6)~~(2) Basic Certificate Award Requirements

Applicants for the award of a Basic Certificate shall:

(A) Satisfy the minimum training requirements (as set forth in Commission Regulation 1005 and other applicable law) for the specified peace officer classification (e.g., Penal Code section 830.1) to which the peace officer has been appointed.

NOTE: Jail deputies, as recognized by Penal Code section 830.1(c), are not eligible for a Basic Certificate.

(B) Possess an ~~valid~~ active POE.

(C) Complete the current employing agency's probationary period of not less than 12 months.

(D) Be currently employed as a full-time peace officer appointed to an eligible POST participating agency.

EXCEPTION: When a POST Basic Certificate is required to continue to exercise peace officer powers pursuant to Penal Code Section 832.4, employment with a POST participating agency is not required at the time of application.

~~(7)~~ (3) Denial of Basic Certificate

(A) Incomplete applications may be temporarily denied for the following reasons:

1. Probationary period not satisfied.

2. Not an eligible full-time peace officer.

3. Applicant missing required training.

(B) Persons appointed as a peace officer after January 1, 2022, who are not in possession of an ~~valid~~ active POE at the time of application for a Basic Certificate shall be denied.

(C) Applications for Basic Certificate shall be denied due to ineligibility for the following reasons:

1. If the applicant is or has become ineligible to hold office as a peace officer pursuant to Government Code Section 1029.

2. If the applicant has been terminated for cause from employment as a peace officer for, or has, while employed as a peace officer, otherwise engaged in, any serious misconduct as defined in Commission Regulation 1205.

(D) If a Basic Certificate is denied, the commission shall provide notice to the applying agency of the grounds for which the certificate was denied and shall include:

1. A statement that the certificate was denied.

2. A statement of facts upon which the certificate was denied.

3. A statement of eligibility to reapply for a Basic Certificate.

4. A statement of a right to appeal the denial on the grounds of mistake of fact, mistake of law, or equivalence to the minimum requirements.

~~(b)~~ (c) Professional Certificates -- Peace Officers

(1) Certificate Award Requirements

(A) When applying for any level of a professional certificate, an applicant shall have satisfied the basic course training requirement, as specified in Commission Regulation 1005, for the applicant's current appointment:

1. Regular Basic Course (RBC),

2. Specialized Investigator's Basic Course (SIBC),

3. Penal Code Section 832 Course and the Coroner's Death Investigation Course, or

4. Minimum training standards for reserve officers as specified in Commission Regulation 1007.

(B) Applicants for professional certificates must be appointed as a full-time peace officer to an eligible POST participating agency and possess a valid Basic Certificate.

1. Applicants for a Reserve Peace Officer certificate do not need to be appointed as a full-time peace officer.

2. When a POST Basic Certificate is required to continue to exercise peace officer powers pursuant to Penal Code Section 832.4, employment with a POST participating agency is not required at the time of application.

(C) Applicants must meet certificate specific eligibility criteria listed below in subsections 1202(~~b~~c)(5)-(10).

(D) Applications for Professional Certificates shall be denied due to ineligibility for the following reasons:

1. If the applicant is or has become ineligible to hold office as a peace officer pursuant to Government Code Section 1029.

2. If the commission determines the applicant, while employed as a peace officer, engaged in serious misconduct, as defined in Commission Regulation 1205.

(E) Exception to the Award of Professional Certificates

Experience as a Jail Deputy under 830.1(c) is not considered for the award of Professional Certificates.

(2) POST professional certificates are awarded to peace officers who achieve increasingly higher levels of education, training, and experience in their pursuit of professional excellence.

(A) The Commission-awarded certificate is a “professional certificate” pursuant to Penal Code section 13510.1 and is distinct from a “certificate of completion” which is awarded by a training presenter when an individual successfully completes a course.

(B) Attainment of Intermediate, Advanced, Supervisory, Management, and Executive certificates are voluntary.

(3) Certificate Categories and Levels

Professional certificates for full-time peace officers are awarded by category and level.

(A) Categories

There are three categories of certificates based on the basic training standard completed by the individual:

1. General Certificates – Completion of the Regular Basic Course is required.

2. Specialized Certificates – Completion of the Specialized Investigators' Basic Course is required.

3. Coroner's Certificates – Completion of the PC 832 Arrest Course AND the Coroners' Death Investigation Course are minimally required. If the agency authorizes the use of firearms, the PC 832 Firearms Course is also required.

(B) Requalification Requirement

1. Applicants for general or specialized category certificates must possess basic training that has not expired as specified in Commission Regulation 1008(b), Basic Course Requalification Requirement.

2. Applicants for coroner's category certificates must possess Penal Code Section 832 Arrest and Firearms training that has not expired, as specified in Commission Regulation 1080 and, Penal Code Section 832 Arrest and Firearms Course Requalification.

3. Peace Officer Certification Status remains "Inactive" if the Basic Course Requalification Requirement is met but the individual has not yet obtained eligible law enforcement employment from a POST participating agency.

(C) Levels

There are five certificate levels in each category (above):

1. Intermediate Certificate

2. Advanced Certificate

3. Supervisory Certificate

4. Management Certificate

5. Executive Certificate

(D) Reserve Peace Officer Certificates

Requirements for the Reserve Peace Officer Certificate are specified in

subsection (~~b~~c)(10).

(4) Certificate Terminology and Policy

(A) College Degree or College Unit Criteria

Accreditation shall be by a national or regional accrediting body that is recognized by the Secretary of the United States Department of Education. For the award of a certificate, all degrees or units:

1. Shall be issued by and recorded on the transcript of an accredited community college, college, or university; or

2. When issued by a non-accredited community college, college, or university, the degree or units shall have been accepted and recorded on the transcript of an accredited community college, college, or university.

(B) Education Units

1. One college semester unit equals one education unit, or

2. One college quarter unit equals two-thirds of an education unit.

(C) Training Points

1. Twenty hours of law enforcement training are equal to one training point. Only completed courses with verifiable hours are accepted. Training point credit shall not be given for partial completion of a course or when the course was failed.

2. When the training is not POST-certified, the commission shall have discretion to determine acceptable law enforcement training, pursuant to the following criteria:

   a. When requesting training points for courses that are not POST-certified, applicants must provide documentation to support completion of training such as a copy of the course roster or a copy of the course completion certificate.

   b. Training must be verified with a course roster or a certificate of course completion that includes the date of completion and number of hours completed. A training memo submitted by the current or former employing agency is not acceptable.

   c. Military courses must identify the topics related to law enforcement such as: searching and handcuffing, arrest procedures, basic patrol, calls for service, report writing, transporting and securing prisoners, building searches, area searches, property and evidence control, traffic collision investigation, crime scene processing, etc. Military training

shall be evaluated by POST for relevance to law enforcement as specified above.

d. Out of state police training

1) For the FBI National Academy, full credit shall be given for hours in training, or units, if a transcript is submitted.

2) For out of state police academy basic courses, full credit shall be given for topic hours that meet the minimum topic requirements for the POST Regular Basic Course (RBC) if a transcript of the course is furnished. If a POST-certified basic course is completed, in addition to an out of state police academy, full hourly credit for training points for the POST-certified basic course may be granted as applicable consistent with ~~1011(a)(3)(D)~~ 1202(c)(4)(D).

e. No training points are awarded for on-the-job training programs such as the Field Training Program.

f. No training points are awarded for firearms qualification.

g. No training points are awarded for training that is less than two hours in duration.

(D) Education Unit Conversions

When education units exceed the number needed to qualify for a certificate, the excess education units may be converted to training points to meet training point requirements. Excess training points cannot be converted to education units.

1. One education unit shall equal one training point.

2. POST will make the conversion when it is to the advantage of the applicant.

3. The RBC and other POST-certified law enforcement training can only be used to satisfy either the training points or the education units requirement. It cannot be used to satisfy both.

(E) Law Enforcement Experience

Law enforcement experience described below is accepted if recorded on the POST profile.

1. POST may accept the experience described in subsections 1202(~~b~~c)(4)(E)2.-~~4~~7. when the law enforcement experience:

a. Is documented on the employing agency's letterhead, signed by the

agency head,

b. Includes an attestation that the applicable requirements stated in experience categories subsection 1202(~~b~~c)(4)(E)2.-~~47~~ have been met, and

c. Includes the type of appointment, time base, dates of service, and types of duties performed.

2. Full-time peace officer experience with a California POST participating agency.

3. Pursuant to Penal Code Section 830.75, persons designated as a Level I Reserve Officer by a POST participating agency but regularly employed by an institution of higher education are not considered to be full-time peace officers regardless of their status as a full-time or part-time employee.

4. Full-time peace officer experience with a California non-POST participating law enforcement agency, and during the time of the appointment, the law required completion of the RBC or SIBC for the position held.

5. Full-time peace officer experience with an out-of-state law enforcement department that participates in its state's "POST type" program, and the "POST-type" program awarded the individual a Basic Certificate or license. The maximum credit allowed for this experience category is five years. "POST-type" means any department/agency that is a member of the International Association of Directors of Law Enforcement Standards and Training. ~~The maximum credit allowed for this experience category is five years.~~

6. Full-time experience with a federal law enforcement agency if the individual satisfactorily completed a basic law enforcement academy presented by the Federal Law Enforcement Training Center or the Federal Bureau of Investigation academy. The maximum credit allowed for this experience category is five years.

7. Other Accepted Law Enforcement Experience

   Federal law enforcement service (can include FLETC, FBI, DEA or Secret Service Academy)

   a. Secret Service Special Agent (Executive Protective Service – United States Secret Service)

   b. Homeland Security Investigations Special Agent

   c. Homeland Security – Federal Protective Service Officer

d. Internal Revenue Service Criminal Investigation Special Agent

e. Bureau of Alcohol, Tobacco, Firearms and Explosives Special Agent

f. Federal Bureau of Investigation Special Agent

g. Drug Enforcement Administration Special Agent

h. United States Postal Inspection Service Inspector

(F) Peace officers who qualify may be awarded a certificate in more than one category and at the same level.

(G) Application Requirements

1. Application Requirements - An applicant or applicant's employing agency shall submit the following information for a completed Certificate Application via the Electronic Data Interchange (EDI):

   a. Log into the POST PASS Account.

   b. Enter POST ID or Social Security Number.

   c. When applying, select the appropriate Certificate to start the application process.

   d. Select the Submit button.

2. An applicant or an applicant's employing agency shall submit a completed Certificate Application, via EDI, along with supporting documents as follows:

   a. Documentation that supports the required education ~~and experience~~include ~~(i.e.,~~ official transcripts~~,~~ and diplomas~~, certificates of course completion, and proof of law enforcement experience)~~. Unofficial transcripts, grade reports, grade cards, and Continuing Education Units (CEUs), college certificates, and degree verification letters, will not be accepted.

      1) The educational institution listed must have been accredited by the department of education of the state in which the community college, college, or university is located, or

      2) By a national or regional accrediting body recognized by the Secretary of the United States Department of Education while the individual was in attendance.

   b. When the units of credit are transferred from one educational institution

to another, supporting documentation from all educational institutions is required. Military credit is ~~only~~ accepted only if recorded on an official transcript from an accredited college or accredited university.

1) Military credits listed as transfer credits are accepted if they are presented on an official transcript from an accredited college.

2) Sailor and Marine Corps American Council on Education Registry Transcripts (SMART) are not accepted, because they serve as a guide for academic institutions but are not accredited bodies and cannot award credit.

3) Continuing Education Units (CEU) are awarded for academic study related to maintaining a professional license and do not represent academic credit, therefore that is not considered acceptable education.

c. Supporting documents are not required if the education and/or experience information needed to support the current certificate request is already reflected on the applicant's POST profile. Any education or experience that is not reflected on the POST profile must be supported as described in subsection 1202(~~b~~c)(4)(G)~~1. and/or~~ 2.

(5) Applicants for Intermediate Certificate Award shall:

(A) Satisfy the requirements specified in subsection 1202(~~b~~c)(1),

(B) Possess a Basic Certificate, and

(C) Satisfy one of the following eligibility combinations:

Degree or Education Units		***Law Enforcement Experience***		***Training Points***
Bachelor's degree	*and*	2 years	*plus*	0
Associate Degree	*and*	4 years	*plus*	0
45 Education Units	*and*	4 years	*plus*	45
30 Education Units	*and*	6 years	*plus*	30
15 Education Units	*and*	8 years	*plus*	15
*Excess education units may be applied towards training points on a unit for point basis per subsection 1202(~~b~~c)(4)(D).				

(6) Applicants for Advanced Certificate Award shall:

(A) Satisfy the requirements specified in subsection 1202(~~b~~c)(1),

(B) Possess the Intermediate Certificate, and

(C) Satisfy one of the following eligibility combinations:

Degree or Education Units *		*Law Enforcement Experience*		*Training Points*
Master's degree	*and*	4 years	*plus*	0
Bachelor's degree	*and*	6 years	*plus*	0
Associate Degree	*and*	9 years	*plus*	0
45 Education Units	*and*	9 years	*plus*	45
30 Education Units	*and*	12 years	*plus*	30
* Excess education units may be applied towards training points on a unit for point basis per subsection 1202(~~b~~c)(4)(D).				

(7) Applicants for Supervisory Certificate Award shall:

(A) Satisfy the requirements specified in subsection 1202(~~b~~c)(1),

(B) Possess or be eligible to possess an Intermediate Certificate,

(C) Complete a minimum of 60 semester units from an accredited college or university or possess an accredited degree (i.e., AA, BA, MA, etc.),

(D) Successfully complete the POST Supervisory Course, and

(E) Possess a minimum of two years of law enforcement experience as a permanent first level supervisor, as defined in Commission Regulation 1201, or higher. Except for appointments to the rank of Acting Chief, intermittent or acting appointments do not count toward eligibility for the Supervisory certificate.

NOTE: Corporals are considered by POST to be quasi-supervisory positions and are not eligible for the Supervisory Certificate.

(8) Applicants for Management Certificate Award shall:

(A) Satisfy the requirements specified in subsection 1202(~~b~~c)(1),

(B) Possess or be eligible to possess an Advanced Certificate,

(C) Complete a minimum of 60 semester units from an accredited college or university or possess an accredited degree (i.e., AA, BA, MA, etc.),

(D) Successfully complete the POST Management Course, and

(E) Possess a minimum of two years of law enforcement experience as a permanent middle manager or higher. Except for appointments to the rank of Acting Chief, intermittent or acting appointments do not count toward eligibility for the Management certificate.

1. To be awarded both the Supervisory and Management Certificates, possess two years of law enforcement experience as a permanent first level supervisor or higher, plus two years of law enforcement experience

as a permanent middle manager or higher.

(9) Applicants for Executive Certificate Award shall:

(A) Satisfy the requirements specified in subsection 1202(~~b~~c)(1),

(B) Possess or be eligible to possess an Advanced Certificate,

(C) Complete a minimum of 60 semester units from an accredited college or university or possess an accredited degree (i.e., AA, BA, MA, etc.),

(D) Successfully complete the POST Executive Development Course, and

(E) Possess a minimum of two years of law enforcement experience as a permanent agency head with the current employing agency.

1. To be awarded three certificates, Supervisory, Management, and Executive, or any combination of two, possess a minimum of two years of experience at the levels stated in subsections 1202(~~b~~c)(7)(E), 1202(~~b~~c)(8)(E), and 1202(~~b~~c)(9)(E) respectively, as appropriate for the award.

(10) Reserve Peace Officer Certificate Requirements

(A) Requirements

Applicants for the award of a Reserve Peace Officer Certificate shall:

1. Be currently employed as a (designated or non-designated) Level I Reserve Officer with an agency participating in the POST program,

2. Have been selected in accordance with the minimum selection standards specified in Commission regulations for reserve officers,

3. Have completed a POST-certified RBC in any delivery format,

4. Have satisfactorily completed a minimum of 200 hours of general law enforcement experience,

5. If appointed on or after January 1, 1999, but prior to June 30, 1999, shall have completed 200 hours of field training. If appointed on or after July 1, 1999, shall have completed 400 hours of field training, and

6. If appointed to a POST participating agency on or after January 1, 2022, must possess a valid POE.

(B) Application Requirements

1. An applicant (~~and/~~or an applicant's employing agency) shall submit a

completed Certificate Application--Reserve Peace Officer via EDI. Either the applicant or the applicant's employing agency may initiate the application in EDI but both parties must approve the application before submission to POST.

~~1.~~ a. Application Requirements--An applicant ~~and/~~or an applicant's employing agency shall submit the following information for a completed Certificate Application via the Electronic Data Interchange (EDI):

~~a.~~ 1) Log into the POST PASS Account.

~~b.~~ 2) Enter POST ID or Social Security Number.

~~c.~~ 3) When applying, select the appropriate Certificate to start the application process.

~~d.~~ 4) Upload appropriate documents referred to in 1202(~~b~~c)(4)(G)2.

~~e.~~ 5) Select the Submit button.

(d) Certificate Status

The status of the certificate shall be indicated on the individual's POST Profile and may be reported as such upon any inquiry, or reporting of, the status of the individual's certification.

~~(c)~~(e) Certificate Cancellation

(1) Cancellation Reasons

POST shall cancel any certificate(s), including the Proof of Eligibility and Basic Certificate, for the following reasons:

(A) The certificate was obtained through misrepresentation, fraud, or

(B) The certificate was issued as a result of an administrative error on the part of POST or the employing agency.

(2) Notification Requirement

Department personnel who possess information that a certificate was obtained through misrepresentation, fraud, or administrative error shall notify POST immediately.

(3) Investigation of Circumstances

The Executive Director may initiate an investigation of the circumstances under which the certificate was issued. The Executive Director has the authority to approve or deny certificate cancellation.

(4) Cancellation Appeal

An individual whose certificate has been cancelled may appeal the cancellation to the Commission.

At the Commission's discretion, a hearing shall be held either before the Commission or before a qualified hearing officer. The hearing officer shall prepare a proposed decision in such form that it may be adopted as the decision in the case. All hearings shall be conducted in conformance with the Administrative Procedures Act (Government Code section 11400 et seq.). At the conclusion of the appeal hearing, the Commission shall render a decision to uphold or overturn the decision to cancel the certificate.

(5) Cancellation Recorded

When the decision to cancel is upheld through the appeal process, the POST Profile record shall indicate the appropriate reason for the cancellation.

(6) Return of Certificate

Upon notification of cancellation, the individual to whom a cancelled certificate was issued shall return the certificate to POST, if the certificate was issued prior to July 1, 2021.

NOTE: Authority cited: Section 1029, Government Code; and Sections 13503, 13506, 13510~~(c)~~, 13510.1, ~~13510.1(e)~~, 13510.2 and 13510.7, Penal Code. Reference: Section 1031, Government Code; and Sections 832.4, 13503, 13506, 13510~~(c)~~, 13510.1, 13510.3 and 13510.7~~(a)-(b)~~, Penal Code.

AGENDA ITEM REPORT

Title: CORRESPONDENCE SENT OR RECEIVED BY POST

REPORT PROFILE

MEETING DATE 03/05/2025	**BUREAU SUBMITTING THE REPORT** Executive Office	
RESEARCHED BY	**REVIEWED BY**	
REPORT DATE	**APPROVED BY** Manuel Alvarez, Jr.	**DATE APPROVED** 02/18/2025
PURPOSE	**FINANCIAL IMPACT** No	

ISSUE, BACKGROUND, ANALYSIS, & RECOMMENDATION

ISSUE:

BACKGROUND:

ANALYSIS:

RECOMMENDATION:

The following correspondence was sent from POST to:

- Chad Bianco, Sheriff, Riverside Sheriff's Department; expressing deep sympathy over the tragic on-duty death of Deputy Timothy Corlew.

The following correspondence was received by POST:

- RIPA 2025 Report, Best Practices
- POST Recommendations - Racial and Identity Advisory Profiling Board, incoming letter

ATTACHMENT(S):

Riverside_SD_Deputy Timothy Corlew.pdf
RIPA 2025 Report - Best Practices.pdf
Transmittal Letter to POST from Board_FINAL.pdf

COMMISSION ON
PEACE OFFICER STANDARDS AND TRAINING

POST

GAVIN NEWSOM
GOVERNOR

ROB BONTA
ATTORNEY GENERAL

January 08, 2025

Chad Bianco, Sheriff
Riverside Sheriff's Department
4095 Lemon Street
Riverside, CA 92501

Dear Sheriff Bianco:

On behalf of the California Commission on Peace Officer Standards and Training (POST), and POST staff, please accept our deepest sympathy and condolences upon the tragic on-duty death of Deputy Timothy Corlew.

In these troubling times of law enforcement scrutiny, the health and well-being of our officers is crucial. All who have ever worn the badge feel your loss. Our communities share your pain. Ultimately, society feels the tremor of the tragic death of one who commits their life to holding the thin line between peace and chaos, for standing for something good.

I never met Deputy Corlew. However, I know he stood the line between right and wrong, darkness and light. He faced challenges and danger. He gave order to chaos and hope to despair. He was quick to defend and frequently chose action over caution.

He railed against injustice. I know he stood in loyalty and faced conflict shoulder-to-shoulder with his brothers and sisters and proudly committed to being a small part of a greater cause.

His absence will forever be a void in the lives that he touched. We commit ourselves to the eternal memory and honor of his life.

It is with great sadness in our hearts that we offer our support to you and your department at this tragic time.

Sincerely,

Manuel Alvarez, Jr.

MANUEL ALVAREZ, JR.
Executive Director

MA:be

Annual Report 2025

Recommendations and Best Practices

January 1, 2025

Racial and Identity Profiling Advisory Board

1403

RECOMMENDATIONS AND BEST PRACTICES
2025 RIPA REPORT

The 2025 Annual RIPA Report provides the RIPA Board's recommendations and best practices for law enforcement agencies, the Legislature, local policymakers, the Commission on Peace Officer Standards and Training (POST), community members, researchers, and advocates to promote evidence-based and data-driven policy reforms to eliminate racial and identity profiling and improve law enforcement and community relations. The Report provides context and research that inform the recommendations and best practices described below. This year, the Board builds on prior recommendations with a specific focus on the impact of policing on youth. These recommendations are not exhaustive but provide a foundation upon which stakeholders can build and develop emerging best practices geared toward safe and equitable policing.

YOUTH CONTACTS WITH LAW ENFORCEMENT

The Board makes several recommendations to law enforcement agencies, municipalities, and the Legislature regarding youth contacts with law enforcement and the criminal justice system to mitigate the disproportionate and detrimental impacts of law enforcement interactions with youth, and especially youth of color.

The Legislature should:

- Convene a panel of experts to recommend standards, policies, and training for officers as it relates to the disparities and research set forth in the 2025 RIPA report with respect to youth, with a focus on use of force, de-escalation, and child development. Members of the panel should include, at a minimum, affected community members, experts in the development of use of force policies and trainings, child development experts, law enforcement experts, and human rights experts.
- Review the efficacy of existing deflection and diversion programs and explore the expansion to universal deflection or diversion for youth accused of a status offense, misdemeanor, or other low-level offense with a rebuttable presumption of eligibility that can be overcome with evidence-based considerations.

Law enforcement agencies, municipalities, and the Legislature should:

- Explore how limiting officer discretion in stops could reduce racial disparities and make specific findings from their study to act on.

Law enforcement agencies should:

- Reevaluate proactive policing practices that have a disparate impact and should collaborate with community-based organizations to find alternatives to increase public safety.

POST LAW ENFORCEMENT TRAINING AND RECRUITMENT

Law enforcement training is a vital part of eliminating racial and identity profiling and plays a pivotal role in shaping how law enforcement interacts with the community it serves. The Board makes recommendations to improve training outcomes and reduce disparities.

The Board makes several recommendations to the Legislature regarding law enforcement training and POST:

- Require LEAs to adopt a policy to prohibit racial and identity profiling that includes accountability and consequences of non-compliance (e.g. Senate Bill 2 (SB 2)) based on the POST guidelines.
- Require more frequent, evaluated and evidence-based training on racial and identity profiling more than once every five years, and at a minimum of every three years.
- Require law enforcement supervisors and field training officers receive specialized training on eliminating racial and identity profiling within their departments.
- Explore requiring POST and Museum of Tolerance (MOT) courses on racial and identity profiling to be updated every two years with the latest RIPA findings, current legislation, and community input.
- Require POST-certified courses on racial and identity profiling to be revised to include ways to prevent behavior that could lead to officer decertification for serious misconduct under SB 2.
- Amend the law to increase funding and allow for additional stakeholders, beyond the MOT, to present additional options for the racial and identity profiling training to law enforcement officers.
- Require body-worn camera footage, when available, or highly publicized incidents to be used in the racial and identity profiling training in addition to, staged scenarios.
- Fund an independent study, under the guidance of the RIPA Board and conducted by academic researchers, that assesses the efficacy of POST's racial and identity profiling training on officers' attitudes, prejudices, and enforcement outcomes.
- Provide funding and require POST to report annually on specific training outcome and performance measures. POST should consider looking at implicit bias metrics before and after the trainings to evaluate its effectiveness.

The Board also makes the following recommendations directly to POST:

- Evaluate the academic research underpinning trainings during its course certification process.
- Revise the process for evaluating law enforcement training, in course certification and its quality assessment plans, to include additional course criteria that incorporate training outcomes based on officer actions and behavior in the field.
- Formally evaluate Learning Domain 3 and Learning Domain 42 in the Regular Basic Course comprehensive module tests.

ACCOUNTABILITY

SB 2 promises to be a valuable accountability tool to address serious misconduct by peace officers. After reviewing the process, which included information from POST, the Board makes the following recommendations designed to enhance SB 2's decertification process and effectuate the Legislature's goal of addressing serious misconduct in policing:

The Legislature should:

- Enact legislation requiring law enforcement agencies throughout California to modify their disciplinary policies defining serious misconduct to align with the categories in Penal Code section 13510.8, subdivision (b).

POST should:

- Develop guidelines to assist law enforcement agencies in developing procedures to conduct adequate investigations into complaints alleging bias and guidelines that assist law enforcement agencies with aligning their policies with Penal Code section 13510.8. The guidelines should also apprise law enforcement agencies how to educate the public ways in which a complaint could be filed. In developing the guidelines for investigating complaints about demonstrating bias, POST could consult with the Board.

- Issue guidance apprising officers and law enforcement agencies about the anti-retaliation and workplace protections afforded to an officer who files a complaint against a fellow officer or their agency or who cooperates with an investigation into an allegation of serious conduct. To provide protection for officers who report serious misconduct of fellow officers and to encourage a culture of accountability, the Board recommends that the Legislature amend Penal Code section 13510.8 to include whistleblower protection for peace officers and other individuals within a law enforcement agency who report serious misconduct by fellow peace officers.

CIVILIAN COMPLAINTS POLICIES

Civilian complaints are an important accountability tool to track and address problematic law enforcement policies and practices and can provide valuable information to evaluate police encounters with vulnerable populations, such as youth. Given that existing regulations do not require law enforcement agencies to collect or report the age of complainants, the Board makes the following recommendation to the Legislature:

The Legislature should:

- Explore amending Penal Code section 13012 to require law enforcement agencies to report the number of civilian complaints reported by or on behalf of complainants disaggregated by complainants who are 17 and younger and complainants who are 18 to 24 at the time of the underlying incident, if age is known or volunteered at the time the complaint is submitted. This reporting requirement would include complaints filed by a third party on behalf of someone 24 or younger.

State of California Racial and Identity Profiling Advisory Board

RIPA BOARD c/o
1515 CLAY STREET, 20TH FLOOR
P.O. BOX 70550
OAKLAND, CA 94612-0550

Public: (510) 879-3311
Facsimile: (510) 622-2270

January 22, 2025

Via Electronic Mail

Commission on Peace Officer Standards and Training
c/o Manuel Alvarez, Jr.
Executive Director
860 Stillwater Road, Suite 100
West Sacramento, CA 95605

Re: POST Recommendations – Racial and Identity Advisory Profiling Board

Dear POST Commissioners:

We are the co-chairs of the State's Racial and Identity Profiling Advisory Board (RIPA Board) and write to update you on the release of the RIPA Board's 2025 report. Under the Racial and Identity Profiling Act of 2015 (RIPA), the Legislature established the RIPA Board as a nineteen-member state advisory board composed of civil rights advocates, clergy, academics, and law enforcement. The RIPA Board's statutory mandate is to review and analyze officer data, and civilian complaint data from law enforcement agencies, as well as policies and practices that cause or contribute to racial and identity profiling and make recommendations aimed at eliminating racial and identity profiling in California.

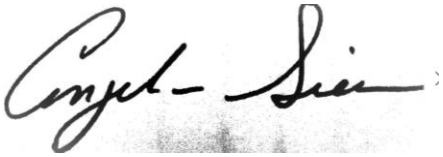
Among other things, the 2025 report analyzes 4.7 million stops conducted in 2023 by law enforcement officers from 539 law enforcement agencies and includes a special focus on youth-officer encounters. The Board provides an overview of the report in the executive summary and outlines the evidence-based best practices and recommendations in the recommendations and best practices section.

This year the Board highlights several of its salient recommendations for the POST Commission. For ease of reference, we have attached as a separate document the recommendations and best practices section to this letter and have highlighted the recommendations the Board directed to POST. These recommendations and best practices include concrete, research-based measures the POST Commission and policy makers can take to improve training and implement reforms to help achieve the Legislature's goal of eliminating racial and identity profiling and improve diversity and racial and identity sensitivity in law enforcement.

Please do not hesitate to contact us if you would like to discuss these important matters further.

Sincerely,





Andrea Guerrero, Esq.
Executive Director
Alliance San Diego
www.alliancesd.org
RIPA Board Co-Chair

Angela Sierra
Deputy Attorney General
Civil Rights Enforcement Section
California Department of Justice
RIPA Board Co-Chair

AGENDA ITEM REPORT

Title: POST2400920 - TOMMY THOMPSON (POST ID: B81-T83)
LAST EMPLOYING AGENCY: LOS ANGELES POLICE DEPARTMENT

REPORT PROFILE

MEETING DATE 03/05/2025	**BUREAU SUBMITTING THE REPORT** Professional Conduct Los Angeles Bureau	
RESEARCHED BY Brad Ehrman	**REVIEWED BY** Mike Radford	
REPORT DATE	**APPROVED BY** Manuel Alvarez, Jr.	**DATE APPROVED** 02/18/2025
PURPOSE	**FINANCIAL IMPACT** No	

ISSUE, BACKGROUND, ANALYSIS, & RECOMMENDATION

ISSUE:

The matter is before the Commission for review and action regarding the subject peace officer's certification status. The Commission shall return any determination requiring action to be taken against an individual's certification to the Division, which shall initiate proceedings for a formal hearing before an administrative law judge in accordance with the Administrative Procedure Act (Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code), which shall be subject to judicial review as set forth in that Act.

BACKGROUND:

Respondent began his employment with the Los Angeles Police Department on June 10, 1996, as a full-time Police Officer. The Respondent was promoted to the rank of Detective on June 25, 2006. The Respondent promoted to the rank of Detective II (Supervisor) on November 3, 2013. At the time of the incident, he was assigned as Detective II. The Respondent was demoted from the rank of Detective II to Detective I on July 30, 2023, as a result of this incident. The Respondent retired on August 31, 2024, and is not currently employed as a peace officer in the State of California.

This position is a peace officer position as defined under California Penal Code §830.1(a) and is required to be certified pursuant to California Penal Code §13510.1(a).

The circumstances surrounding the incident occurred when

Respondent was arrested on March 14, 2023, for driving under the influence (DUI) and Hit and Run by the California Highway Patrol. Three days later, on March 17, 2023, Respondent was involved in a single vehicle accident and was arrested for DUI by the Los Angeles County Sheriff's Department. On February 22, 2024, Respondent pled no contest to a misdemeanor violation of Vehicle Code Section 23103.5(a) Wet Reckless for the March 17, 2023, arrest and a misdemeanor violation of Vehicle Code Section 23152(a), driving under the influence of alcohol, for the March 14, 2023, arrest and admitted to a prior conviction for driving under the influence (the March 17, 2023 arrest) in Los Angeles County Superior Court.

ANALYSIS:

The Division found that the clear and convincing evidence substantiated that the Respondent's conduct amounted to acts that violate the law and that are sufficiently egregious or repeated as described in Commission Regulation 1205(a)(6) in that Respondent was arrested on March 13, 2023, for DUI and Hit and Run, and again on March 17, 2023, for DUI.

On January 16, 2025, following the presentation by the Division and public comments delivered by the subject officer, the Peace Officer Standards Accountability Advisory Board (Board) found that a factual basis for revocation of the subject officer's certification had been established by clear and convincing evidence and, in light of the Division's investigation in this case, recommended the revocation of the subject officer's certification. The Board incorporated the Division's Investigatory Summary and Findings and adopted the Division's Summary and Findings as the Board's stated reasons for its recommendation as required under Penal Code section 13510.85(a)(4).

RECOMMENDATION:

The Commission shall review recommendations made by the Peace Officer Standards Accountability Advisory Board (POSAAB) regarding, what action if any, should be taken, suspension or revocation, on the certification of the subject peace officer. The Commission's decision to adopt a recommendation by POSAAB to seek revocation shall require a two-thirds vote of Commissioners present and shall be based on whether the record, in its entirety, supports POSAAB's conclusion that serious misconduct has been established by clear and convincing evidence. In any case in which the Commission reaches a different determination than POSAAB's recommendation, it shall set forth its analysis and reasons for reaching a different determination in writing.

ATTACHMENT(S):

BR01POST2400920_ThompsonTommy_ISF.pdf
BR02POST2400920_Thompson Tommy_ExecReviewDivisonRec.pdf
BR03POST2400920_ThompsonTommy_Attachment A IA Investigation.pdf
BR04POST2400920_ThompsonTommy_Attachment B CHP traffic report.pdf
BR05POST2400920_Thompson Tommy_Attachment C LASD traffic report.pdf
BR06POST2400920_Thompson Tommy_Attachment D - LAPD letter of Transmittal.pdf
BR07POST2400920_Thompson Tommy_Attachment E - LAPD Supplemental invest 23-000735.pdf
BR08POST2400920_ThompsonTommy_Attachment F LAPD Agreement Regarding Proposed Discipline.pdf
BR09POST2400920_Thompson Tommy_Attachment G Criminal Case Summary Case 3SC01776.pdf
POST2400920_Thompson_Tommy_January_2025_POSAAB_Agenda_Record.pdf
POST2400920_Thompson_Tommy_Board_Recommendation_Signed.pdf
POST2400920_Thompson_Tommy_01.17.2025_POSAAB_Transcript.pdf

INVESTIGATIVE SUMMARY AND FINDINGS

PEACE OFFICER NAME: Tommy R Thompson

POST ID NUMBER: B81-T83

EMPLOYING AGENCY: Los Angeles Police Department

POST CASE NUMBER: POST2400920

WRITTEN BY: LEC Brad Ehrman

DATE: 11/1/2024

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I. Executive Summary

Tommy Thompson, hereafter referred to as "Respondent," was involved in serious misconduct, specifically, acts that violate the law and are sufficiently egregious or repeated as to be inconsistent with a peace officer's obligation to uphold the law or respect the rights of members of the public.

On March 14, 2023, Respondent was involved in a single vehicle, on-duty accident related to driving under the influence (DUI) of alcohol. This accident occurred while the Respondent was driving a department-owned, unmarked detective vehicle and resulted in significant damage to the department owned vehicle and tree. The California Highway Patrol (CHP) responded to the accident and found the Respondent to be under the influence of alcohol and or drugs. The Respondent was arrested by the CHP for DUI and Hit and Run.

On March 17, 2023, Respondent was involved in a second single vehicle, on-duty accident related to driving under the influence or alcohol and drugs. This accident occurred while the Respondent was driving his personal vehicle. The Los Angeles Sheriff's Department responded to the single vehicle accident and found the Respondent displaying objective symptoms of intoxication. The Respondent was arrested for driving under the influence of alcohol and drugs. This was the Respondent's second DUI (in four days) while employed as a Detective for the Los Angeles Police Department.

II. Background Information

a. Identity of Respondent

At the time of the events at issue, Respondent was employed as a Detective with the Los Angeles Police Department. This position is a peace officer pursuant to Penal Code section 830.1(a).

b. Respondent's Service Record, Relevant Training, and Prior Complaints and Discipline

Respondent began his employment with the Los Angeles on June 10, 1996, as a full-time Police Officer. The Respondent was promoted to the rank of Detective on June 25, 2006. The Respondent promoted to the rank of Detective II (Supervisor) on November 3, 2013. The Respondent was demoted from the rank of Detective II to Detective I on July 30, 2023.

Throughout the Respondent's career as a Los Angeles Police Officer/Detective, he has had the following sustained personnel complaints:

03-4780: 10/13/2003	Neglect of Duty	Action could be Different
03-4154: 06/02/2003	Preventable Traffic Collision	Counseling
03-4428: 11/15/2002	Unauthorized Tactics	Official Reprimand
02-2272: 5/15/2002	Unbecoming Conduct	Other Judicial Review
00-1306: 3/02/2000	Neglect of Duty	Suspension (4 days)
00-0201: 1/06/2000	Improper Remark	Not Resolved
99-3133: 7/26/1999	Discourtesy	Not Resolved
98-4154: 9/23/1998	Discourtesy	Not Resolved
98-1566: 3/13/1998	Alcohol Related	Suspension (3 days)

There were no commendations listed in the record provided by the employing agency.

c. Prior Employment History

Respondent does not have any additional law enforcement appointments in California.

d. Peace Officer Certification

Respondent is assigned POST ID B81-T83. He received the following peace officer certificates from the Peace Officer Standards and Training (POST):

- Basic #91044 (01/05/1998)
- Intermediate #75530 (09/23/2002)
- Advanced #82084(08/05/2009)
- Supervisory #85061 (02/17/2016)

e. The Present Allegations of Serious Misconduct

1. Filing of Complaint with Agency

There was no complaint filed with the employing agency, as the allegation of serious misconduct stemmed from two arrests for driving while intoxicated.

2. Agency Determinations on Complaint, Discipline, and Any Appeals

The Los Angeles Police Department placed Respondent on Injured on Duty status in July 2023, and recommended the Respondent be directed to a Board of Rights for with a recommendation for termination. On August 26, 2023, the Respondent was served with documents to downgrade him from the paygrade of Detective II to Detective I and subsequently administratively transferred from Operations-Central Bureau to Hollenbeck Area.

As of February 13, 2024, Respondent was relieved from duty, pending a directed Board of Rights hearing for a period of thirty (30) calendar days. On February 21, 2024, former Los Angeles Police Chief reinstated the Respondent. On February 27, 2024, the City of Los Angeles, the Los Angeles Police Department, and the Respondent entered into a settlement agreement, the Agreement Regarding Proposed Discipline ("Settlement

Agreement"), to resolve Respondent's pending case for a disciplinary penalty of 22 suspension days.

As set forth in the Settlement Agreement, the following four (4) counts were sustained against Respondent:

Count One. On or about March 14, 2023, while on-duty, [Respondent was] involved in a hit and run traffic collision while operating a department vehicle.

Count Two. On or about March 14, 2023, while on-duty, [Respondent] operated a department vehicle, while under the influence of alcohol and prescription medication, resulting in [Respondent's] arrest.

Count Three. On or about March 17, 2023, while off-duty, [Respondent] operated [his] privately owned vehicle, while under the influence of alcoholic beverages in [Respondent's] arrest.

Count Four. On or about March 17, 2023, while off-duty, [Respondent] provided an inaccurate statement to an outside agency when [Respondent] stated that [he] did not consume any alcoholic beverages prior to operating [his] personally owned vehicle.

3. Date of Receipt By POST

An allegation pursuant to California Regulation 1205(a)(6) (Acts that Violate the Law) was reported by the Los Angeles Police Department on February 1, 2024, via the Mark43 report management system.

III. Investigative Methodology

This report summarizes the findings related to allegations of serious misconduct. This investigation was conducted in accordance with the regulations and policies of POST. The investigation included a review of the Los Angeles Police Department administrative investigation, which included interviews of the Respondent by LAPD. I also reviewed the CHP arrest report from Respondent's DUI accident and arrest on March 14, 2023, and

the Los Angeles County Sheriff's Department's DUI accident and arrest report on March 17, 2023. Additionally, I reviewed the Los Angeles Superior Court records for Respondent's two DUI convictions.

Information obtained was analyzed using the clear and convincing evidence standard. For purposes of this report, clear and convincing evidence means "evidence of a charge is clear and convincing so long as there is a 'high probability' that the charge is true. The evidence need not establish a fact beyond a reasonable doubt."

This report is necessarily summary in nature and does not include every fact or issue that might be found in the underlying investigation and attachments. It does, however, contain reference to that evidence that I believe establishes the requisite facts, and proves the serious misconduct charged, by clear and convincing evidence.

IV. Factual Summary

First driving under the influence event – March 14, 2023:

On March 14, 2023, at around 0936 hours, the Respondent was driving an unmarked Los Angeles police vehicle, a black Dodge Charger in the Stevenson Ranch area, County of Los Angeles. Respondent was traveling Southbound on The Old Road and made a left turn, at approximately 25 mph onto Pico Canyon Road. The weather conditions at the time of the accident were listed as active rain/roadway conditions wet. The Respondent made a left turn onto Pico Canyon Road and lost traction driving over a raised curb and crashing into a tree. The Respondent then left the scene and drove to a nearby ARCO gas station, arriving at approximately 0938 hours, where he spent approximately 40 minutes "fidgeting" with the Dodge Charger and, according to witnesses interviewed by the arresting CHP officers, appeared to be trying to fix the major crash damage to the front of the vehicle. The Respondent then left the ARCO gas station and drove to a

second gas station, a Mobil gas station at approximately 1022 hours, where he parked in a parking space for a moment before backing into a passing vehicle. Respondent then spent approximately 30 minutes attempting to again fix the damage to his vehicle and called his supervisor at 1040 hours to report the accident. Respondent then left the Mobil gas station and drove westbound on Pico Cayon Road to merge right onto The Old Road, where he became disabled on The Old Road, south of Market Drive North.

A Los Angeles County Sheriff Department (LASD) Deputy observed Respondent's Dodge Charger stalled in the number one lane at the intersection of The Old Road northbound and Market Center Drive and pulled his patrol vehicle behind Respondent's vehicle to contact him inside the Dodge Charger. The Respondent was in the driver seat of the Dodge Charger when the Deputy made contact with him. The Respondent told him he was trying to pull over, but his vehicle stalled out. The Deputy told the Respondent to stay in his vehicle until CHP arrived on scene. The Deputy relayed to the CHP officers that the Respondent seemed slow and confused.

CHP
received notification of Respondent's disable vehicle at 1055 hours and officers arrived on scene to conduct a traffic accident investigation. While interviewing the Respondent regarding the accident, CHP officers observed Respondent displaying objective signs of intoxication, including red and watery eyes, the odor of an alcoholic beverage emitting from his breath and person, slurred speech, the inability to provide the requested documents, swaying in a circular motion, and periodically nodding off while talking to the officers. The CHP officer asked Respondent if he consumed any alcohol, which he denied. He was then asked if he ingested any drugs, which he denied, but related he ingested his regular dosage of Ambien. When CHP officers attempted to have Respondent answer questions or perform tests to assess his level of impairment, he informed them he would not answer any questions or conduct any tests.

Based on the vehicle accident and the CHP Officer's observations, he formed the opinion that Respondent drove his vehicle while under the combined influence of alcohol and drugs and that this had caused his vehicle accident. The CHP Officer therefore placed Respondent under arrest for being in violation of CA Vehicle Code Section (CVC) 23152(g) (Misdemeanor- driving under the influence of a combination of alcohol and drugs) at 1203 hours. The Respondent was then transported to the CHP Newhall area Office where he submitted to a chemical breath test (at 1308 hours) with results of .03% and .03% Blood Alcohol Content. The Respondent agreed to submit to a chemical blood test and was transported to Henry Mayo Hospital where blood was drawn at 1435 to perform a chemical blood test. Respondent was medically cleared and released on his signed promise to appear in court.

The Respondent was determined to be the driver of the black Dodge Charger based on his own statement, the fact that he was the only occupant, and his possession of the keys to the Dodge Charger. The Respondent is also an employee of the registered owner of the vehicle (City of Los Angeles/Los Angeles Police Department).

On February 22, 2024, Respondent pled no contest to a misdemeanor violation of Vehicle Code Section 23152(a), driving under the influence alcohol, and admitted to a prior conviction for driving under the influence, in Los Angeles County Superior Court. Respondent was placed on 60 months of summary probation. The court also ordered Respondent to not drive with any measurable amount of alcohol or drugs in his blood or refuse to take or complete any blood alcohol or drug chemical test, any field sobriety test, or any preliminary alcohol screening test when requested by a peace officer, serve 4 days in the county jail, pay the assessed fines and fees, and enroll in and complete the 18-month Driving Under the Influence program.

Second driving under the influence event – March 17, 2023:

On March 17, 2023, at around 1300 hours, the Respondent was driving his personal vehicle, a black 2008 Toyota Tundra in the Santa Clarita area, County of Los Angeles. Respondent was at the intersection of Dickason Road and Newhall Ranch Road when his vehicle ran out of gas. The Respondent attempted to push his vehicle to a nearby gas station. Consequently, he lost full control of his vehicle, and the vehicle collided with a pole.

A Los Angeles County Sheriff's Department (LASD) Deputy responded to the intersection of Dickason Drive and Newhall Ranch Road regarding the traffic collision call for service. The first LASD responding officer was a Sergeant and observed a black Toyota Tundra stopped in the roadway. The LASD Sergeant was notified by several "Southern California Edison" workers who were at the scene that the driver involved in the accident, later identified as Respondent, was possibly under the influence. The LASD Sergeant contacted Respondent who was outside of the black Toyota Tundra and detected the strong odor of an alcoholic beverage emitting from his person. The LASD Sergeant detained Respondent, and he was placed in the back of his patrol vehicle.

The investigating LASD Deputy was informed of the Sergeant's observation and that Respondent was a Los Angeles Police Department Detective. The Deputy contacted Respondent in the back seat of the Sergeant patrol vehicle. While speaking to Respondent, the Deputy smelled the strong odor of an alcoholic beverage emitting from his breath and person and observed Respondent had bloodshot/watery eyes and appeared disheveled. When the Deputy had Respondent exit the patrol vehicle, he further noted the Respondent was unsteady when he walked, appeared off-balance, and rested his hand on the patrol vehicle to remain upright. The Deputy asked Respondent how the collision had occurred, Respondent stated his vehicle had lost power, become disabled

and had rolled uncontrollably to the location of the collision as he attempted to regain control of the vehicle. While talking to the Respondent, the Deputy continued to smell the strong odor of an alcoholic beverage emitting from the Respondent's person. The Deputy asked Respondent how much he had to drinking and Respondent stated he had not been drinking. The Deputy asked Respondent if he took any prescription medications and Respondent said he took a prescription medication, but the medication would not impair him. While the Deputy was talking to Respondent, the Sergeant located Respondent's firearm, which was under the backseat of the vehicle in a case. An open, and nearly empty, container of alcohol was also located in Respondent's vehicle[1].

Respondent was given a series of modified Standardized Field Sobriety Tests which he performed poorly in. Specifically, the Respondent swayed from side to side while standing on both feet and one foot, showed immediate onset of nystagmus (rapid, repetitive, uncontrolled movements) when tasked with tracking a moving object without moving his head, failed the Lack of Convergence Test by his right eye not converging, and repeatedly missed his nose when asked to close his eye and put his finger to his nose. Based on Respondent's poor performance in the modified Standardized Field Sobriety Tests and his observations, the Deputy formed the opinion that Respondent was operating his vehicle while under the influence of an alcoholic beverage (violation of CVC 23152(a)). Respondent was transported to the LASD Santa Clarita Station Jail where he provided a breath sample on the "DataMaster" Machine at approximately 1414 hours. The DataMaster machine indicated that Respondent had a Blood Alcohol Content of 0.08% and 0.09% on the two tests.

On February 22, 2024, Respondent pled no contest to a misdemeanor violation of Vehicle Code Section 23103.5(a) Wet Reckless for the March 17, 2023 arrest. The court placed

[1] LASD traffic report pg 1.

Respondent on 12 Months of summary probation and ordered Respondent to not drive with any measurable amount of alcohol or drugs in his blood or refuse to take or complete any blood alcohol or drug chemical test, any field sobriety test, or any preliminary alcohol screening test when requested by a peace officer. Further, the court ordered Respondent to pay the assessed fines and fees and enroll in and complete the 18-month Driving Under the Influence program, which could be completed concurrently with his conviction for the March 13, 2023 arrest.

LAPD Internal Affairs Investigation

On August 4, 2023, Respondent was interviewed by LAPD Internal Affairs and made the following statements. Below is taken from the Respondent's summarized statement in his LAPD Internal Affairs report.

Respondent was assigned to Operations Central Bureau Homicide Division on March 14, 2023. Respondent woke up at approximately 0500 hours that morning and arrived at work at approximately 0600 hours. Respondent told LAPD internal affairs investigators that he did not consume any alcoholic beverages prior to his shift and believed he was able to safely operate a vehicle. Respondent also told LAPD internal affairs investigators that he recalled eating dinner between 1900 and 2000 hours on March 13, 2023, and started drinking on the evening of March 13, 2023, at approximately 2100 hours. Respondent also told investigators he took between five and ten milligrams of Ambien before going to sleep. During the middle of the night between 0000 hours and 0400 hours, Respondent told investigators he began taking shots of vodka to calm his mind and sleep. Respondent assumed he may have woken up in the middle of the night and consumed alcohol based on his blood alcohol level in the arrest report. Respondent denied consuming any alcoholic beverage after waking up for work on March 14, 2023.

Later, after Respondent started his shift, he signed out the Department's Dodge Charger with the intention of booking property at Property Division. While enroute to Property Division, Respondent bypassed dropping the property off when he realized he left his cellular phone at home. The Respondent drove home to get his phone. Respondent retrieved his phone from home. While back enroute to book property, Respondent became involved in a traffic crash. Respondent told investigators he was eating a banana when it fell. As Respondent attempted to retrieve the banana, he collided with an unknown object on the freeway. Respondent recalled he was involved in a traffic crash, but he had no independent recollection of specific details related to the traffic crash. Respondent recalled going to one gas station. He did not recall going inside an additional gas station to purchase a red bull. Respondent claimed he received treatment for a concussion sustained due to the serious traffic crash he was involved in.[2] He contributed the concussion to his lack of recollection and the gaps in his memory.

Respondent recalled that on March 17, 2023, he was involved in a traffic crash in Santa Clarita, California, while driving his privately owned black, Toyota Tundra. On March 16, 2023, Respondent consumed vodka throughout the evening and into the early morning. He did not recall if he took any Ambien. On March 17, 2023, Respondent woke up between 0700 and 0800 hours and immediately consumed one, 12-ounce celebratory Irish Coffee (alcoholic drink containing two shots of Jamison whiskey combined with coffee) for Saint Patrick's Day. Respondent then went back to sleep for several hours. Respondent woke up at approximately 1100 hours. He was hungry and felt he needed to put some food on his stomach.

Respondent did not feel impaired after he woke up the second time. Respondent's vehicle was low on gasoline. Respondent planned to grab food from Carl's Jr. Restaurant after

[2] The CHP report does not contain any indication that Respondent reported a head injury.

he put gas in his vehicle. While enroute to the gas station, Respondent took a large sip of mouthwash because his mouth felt dry. As Respondent waited for the light to change, his vehicle ran out of gas. Respondent was at the intersection of Dickason Road and Newhall Ranch Road, in the City of Santa Clarita. He was a short distance from the gas station, so he decided to push his vehicle to the gas station nearby. Respondent exited his vehicle and began to manually push his vehicle while simultaneously guiding the steering wheel. He gained enough momentum to drive the vehicle to the gas station. Respondent was wearing loose fitting sweatpants that fell around his knees. Respondent's sweatpants prohibited Respondent from moving quickly to enter the vehicle and steer the vehicle from the driver's seat. Consequently, Respondent lost full control of the vehicle and was dragged as he held on with his right hand. Respondent tried to press the emergency brake on his vehicle, but he was unsuccessful and unable to regain control of the vehicle.

Respondent has a medical condition that prohibits him from performing the Standard Field Sobriety Test as explained and demonstrated. Respondent did not believe he was impaired at the time he operated his vehicle.

Respondent believed he experienced burnout after a long career and started drinking a lot. In June of 2022, Respondent struck his head on the top of a police shop (patrol vehicle). Respondent stated he was in the Intensive Care Unit for three to four days with a brain bleed. Respondent believed the injury damaged him. Respondent was left with excruciating headaches after the injury. Respondent accepted full responsibility for his behavior and two alcohol related arrests within four days. Respondent realized after his arrest he had a severe problem with alcohol. Respondent accepted he was an alcoholic and obtained treatment at a licensed facility (Betty Ford Clinic) and has been attending AA meetings. Respondent has not consumed alcohol since the arrest. Respondent was

remorseful and made it clear that he would accept punishment including but not limited to an alcohol contract prohibiting him from drinking.

Respondent also admitted in the LAPD internal affairs interview that during the March 17, 2023, arrest he told the LASD officers that he had not been drinking even though he knew he had consumed alcohol earlier that morning.

On February 22, 2024, Respondent signed a settlement agreement with the Los Angeles Police Department that would impose a 22-day suspension as a result of these two arrests and, while he is employed with the Los Angeles Police Department, for a period of 3 years require him to: 1) abstain from the use of all alcoholic beverages; 2) not enter any establishment whose primary business is selling alcoholic beverages while off-duty; 3) not purchase any alcoholic beverages while off-duty; 4) submit to substance testing up to (3) three times a month as directed by a supervisor; and 5) and submit to unscheduled, unannounced, directed testing for controlled substances up to (5) five times a month as directed by a department supervisor.

On August 31, 2024, the Respondent retired from the Los Angeles Police Department.

V. Analysis and Findings

a. Does the alleged conduct violate California Regulation 1205(a)(6) –Acts that violate the law.

Under California Regulation 1205(a)(6), serious misconduct includes, “Acts that violate the law and are sufficiently egregious or repeated as to be inconsistent with a peace officer’s obligation to uphold the law or respect the rights of members of the public, as determined by the Commission.”

During his March 17, 2023 arrest, Respondent was found with an open, and nearly empty, container of alcohol in his vehicle[i], and had difficulty standing straight when talking to the responding LASD deputies. Respondent also had difficulty completing the modified Standard Field Sobriety Tests and the responding LASD deputies noticed a pronounced odor of alcohol on Respondent's person and breath. Despite this, Respondent repeatedly denied having had any alcohol to drink that day. The results of Respondent's chemical tests, however, revealed his blood alcohol content was .08 percent and .09 percent.

Respondent's actions have put numerous lives in jeopardy on at least two occasions and resulted in the destruction of City-owned property. As a peace officer, Respondent was uniquely qualified to know the likely consequences of driving under the influence of alcohol or substances, even legal substances, both to the public and to his own person. From the statements Respondent gave in his internal affairs investigation, it appears that his problem with alcohol had progressed to the point where he was unable to determine when he was impaired and should not be driving a vehicle. Although Respondent has commendably taken it upon himself to seek treatment for his substance abuse issues, under Government Code section 1031(f), at a minimum, peace officers are expected to be "free from any physical, mental, emotional, or mental condition…that might adversely affect the powers of a peace officer." Respondent's recent arrests for driving under the influence within such a short time period show that his addiction interferes with his ability to responsibly wield the powers of a peace officer. For the above-stated reasons, I find Respondent's repeat offenses particularly egregious and inconsistent with his obligation to uphold the law and respect the rights of members of the public.

b. Does the alleged conduct violate California Regulation 1205(a)(1) – Dishonesty.

Under California Regulation 1205(a)(1), serious misconduct includes "[d]ishonesty relating to the reporting, investigation, or prosecution of a crime, or relating to the reporting

of, or investigation of misconduct by, a peace officer or custodial officer, including, but not limited to, false statements, intentionally filing false reports, tampering with, falsifying, destroying, or concealing evidence, perjury, and tampering with data recorded by a body-worn camera or other recording device for purposes of concealing misconduct."

As discussed above, Respondent and the City agreed under Count 4 of the Settlement Agreement, that Respondent "while off-duty, provided an inaccurate statement to an outside agency when [Respondent] stated that [he] did not consume any alcoholic beverages prior to operating [his] personally – owned vehicle." Such an inaccurate statement, which occurred during the LASD's criminal investigation involving Respondent's driving under the influence arrest on March 17, 2023, could come within the definition of dishonesty as defined under California Regulation 1205(a)(1) as false statements given during the investigation of a crime.

In determining whether suspension or revocation of certification is proper for dishonesty, under California Regulation 1205(a)(1), "the Commission will consider the extent to which the dishonesty related to a material or significant fact in the context of the statement or omission alleged to be dishonest and will also consider whether the dishonesty appears to have been done willfully or intentionally, with the intent to deceive."

Although Respondent was dishonest to LASD investigators during the criminal investigators, his dishonesty did not impede the criminal investigation as he otherwise cooperated with the investigation and participated in a modified Field Sobriety Test and chemical testing, which provided LASD with sufficient evidence to arrest and prosecute Respondent for a violation of Vehicle Code sections 23152(a) and (b). In addition, Respondent admitted during his Internal Affairs interview that he had consumed alcohol between 0700 and 0800 hours, before going back to sleep and waking up at approximately 1100 hours, and then being involved in a one car accident/DUI arrest at

approximately 1300 hours. Further, Respondent admitted during his Internal Affairs investigation that he was not forthcoming with the LASD investigating officers when he claimed he had not consumed alcohol when he knew that he had. Respondent thereafter accepted full responsibility for his behavior and two alcohol related arrests by seeking treatment in a licensed facility. Given the above, although Respondent was dishonest with LASD investigators during the criminal investigation, the Division does not feel that this dishonesty warrants suspension or revocation of Respondent's certification.

VI. Supporting Evidence and Documentation

- Attachment A – LAPD Internal Affairs Complaint Investigation CF No. 23-000735.
- Attachment B – CHP Traffic/Arrest Report, Case# LC33064
- Attachment C –LASD Traffic/DUI/Arrest Report, Case# 923-03738-0648-242
- Attachment D – LAPD Letter of Transmittal, CF No. 23-000735
- Attachment E – LAPD Supplemental Investigation, CF No. 23-000735 Dated 12/11/2023.
- Attachment F - LAPD Agreement Regarding Proposed Discipline/, CF No. 23-000735, Dated 2/22/2024.
- Attachment G – Los Angeles County Superior Court, criminal Case Summary, Case# NEW3SC01776, Date of Offense 3/14/2023.
- Attachment H – Los Angeles County Superior Court, Criminal Case Summary, Case# NEW3SC00911, Date of Offense 3/17/2023.

VII. Findings

Reasonable grounds exist to submit this case to the Peace Officer Standards Accountability Advisory Board and the POST Commission for consideration of revocation pursuant to Penal Code 13510.8.

Commission on Peace Officer Standards and Training
860 Stillwater Road, Suite 100, West Sacramento, CA 95605-1603
(916) 227-3909 • *www.post.ca.gov*

PEACE OFFICER STANDARDS ACCOUNTABILITY CERTIFICATION REVIEW PANEL RECOMMENDATION

DATE: October 29, 2024

CASE #: POST2400920

PEACE OFFICER: Tommy Thompson

POST ID#: B81-T83

AGENCY: Los Angeles Police Department

POST CONSULTANT / BC: LEC Brad Ehrman / BC Mike Radford

SYNOPSIS (INCLUDE ALLEGATION):

This case was sent to POST from Los Angeles Police Department for the allegation that Respondent was involved in Acts that violate the law. On March 14, 2023, Det Thompson was involved in a on-duty single vehicle accident in an unmarked police vehicle. A traffic accident investigation was conducted and Det. Thompson was found to be driving under the influence and was arrested for DUI and hit and run.

On March 17 2023, while on-duty (asssigned home) Respondent was involved in a single car accident in his personal vehicle. A traffic accident was conducted and Respondent was found to be driving under the influence and he was arrested for DUI.

On Feburary 22 2023, Respondent plead no contest to one count of CVC 23152(a) (Misdemeanor-Driving under the influence of Alcohol) for his first DUI arrest. He then plead No Contest to one count of CVC 23103.5(a)(Misdemeanor-Wet Reckless) for his second DUI arrest.

EXECUTIVE SUMMARY:

Tommy Thompson, hereafter referred to as “Respondent,” was involved in serious misconduct, specifically, acts that violate the law and are sufficiently egregious or repeated as to be inconsistent with a peace officer’s obligation to uphold the law or respect the rights of members of the public.

On March 14, 2023, Respondent was involved in a single vehicle, on-duty accident related to driving under the influence (DUI) of alcohol. This accident occurred while the Respondent was driving a department-owned, unmarked detective vehicle and resulted in significant damage to the department owned vehicle and tree. The California Highway Patrol (CHP) responded to the

accident and found the Respondent to be under the influence of alcohol and or drugs. The Respondent was arrested by the CHP for DUI and Hit and Run.

On March 17, 2023, Respondent was involved in a second single vehicle, on-duty accident related to driving under the influence or alcohol and drugs. This accident occurred while the Respondent was driving his personal vehicle. The Los Angeles Sheriff's Department responded to the single vehicle accident and found the Respondent displaying objective symptoms of intoxication. The Respondent was arrested for driving under the influence of alcohol and drugs. This was the Respondent's second DUI (in four days) while employed as a Detective for the Los Angeles Police Department.

On 2/22/2024, Respondents pled No Contest in Los Angeles Superior court to CVC 23152(a) (Misdemeanor-Driving under the influence of Alcohol) for the 3/14/2023 arrest and pled Nolo Contendere to CVC 23103.5(a) (Misdemean-or-Wet Reckless) for the 2/17/2023 arrest.

The Peace Officer Standards Accountability Division, Certification Executive Review Panel has reviewed the above referenced case involving alleged serious misconduct and has determined the following:

☐ There are reasonable grounds for revocation of a peace officer's certification.

☐ There are reasonable grounds for suspension of a peace officer's certification. The recommended term(s) for suspension are:

☐ There is insufficient evidence to support a recommendation of revocation or suspension of certification.

Chief Legal Counsel	Signature	Date
Assistant Executive Director	Signature	Date
Executive Director	Signature	Date

cc: Bureau Chief Mark Radford

cc: Jason Morlock for Division Report

cc: Chandler Knapp for Board/Commission Report

cc: _____

INVESTIGATIVE RESPONSIBILITY: The Investigating Officer (I/O) for this case was Sergeant II Akeyla Foster, Serial No. 40152, Internal Affairs Division (IAD), Complaint Investigation Section-Central. She can be contacted at (213) 996-2906. Any request for supplemental investigation must be approved by the Commanding Officer at IAD, via an Intradepartmental Correspondence, Form 15.02.00.

STATUTE DATE: On March 14, 2023, Detective II Tommy Thompson, Serial No. 35791, Operations-Central Bureau (OCB) Homicide, was arrested for 20002 (a)(1) California Vehicle Code (CVC), Hit and Run and 23152 (g) CVC, Operating a Motor Vehicle While Under the Influence, by the California Highway Patrol (CHP).

On March 17, 2023, Detective II Tommy Thompson, Serial No. 35791, Operations-Central Bureau Homicide, was arrested for 20002 (a)(1) CVC, Hit and Run and 23152 (g) CVC, Operating a Motor Vehicle While Under the Influence, by the Los Angeles County Sheriff's Department (LASD).

> **Note:** Both criminal cases were given separate Complaint File numbers that were consolidated and investigated under the Master Complaint File No. 23-000735.

The LASD submitted their criminal investigation to the Los Angeles County District Attorney's Office (LACDA) for filing consideration. At the time this complaint investigation was submitted, the criminal investigation was still under review by the Los Angeles County District Attorney's Office. The CHP will submit their case to the LACDA upon receipt of the toxicology report.

The criminal case disposition was unknown at the time the administrative investigation was completed. Thus, the statute date remained **March 14, 2024.**

SUMMARY: On March 14, 2023, at approximately 1203 hours, CHP Officer Hall, Serial No. 21214, Newhall Area Office, responded to a traffic collision investigation at Pico Canyon Road and The Old Road in Stevenson Ranch, California. Upon arrival, Hall located Thompson who was involved in the traffic collision. The at-scene investigation revealed Thompson was involved in an initial collision with a curb and a fixed object, then fled to a nearby gas station in the damaged City vehicle. Thompson purchased an energy drink beverage and consumed it. As Thompson left the gas station, he became involved in a second collision with another vehicle. While conducting his traffic collision investigation, Hall observed Thompson displayed objective symptoms of alcohol and drug impairment. Hall asked Thompson if he had consumed any alcoholic beverages, to which Thompson denied. Hall then asked Thompson if he had ingested any drugs and Thompson advised Hall that he had taken his regular dosage of Ambien.

> **Note:** Ambien is a class of drug known as Sedative-Hypnotics. It is used to treat insomnia and is intended for short term use.

Hall initiated a Standardized Field Sobriety Test (SFST). Hall attempted to conduct a preliminary balance test on Thompson to determine if he was impaired. Thompson refused being administered a balance test. Based on his observation and training and experience, Hall arrested Thompson for 23152 (g) CVC. Hall transported Thompson to his station and

administered a chemical breath test and his Blood Alcohol Content (BAC) returned .03% and .03%. Based on Hall's investigation, Hall arrested Thompson for 23152 (g) CVC and 20002 (a) (1) CVC.

> **Note:** This incident resulted in an IAD Call-Out response. Lieutenant II Paul Chambers, Serial No. 33097, IAD, Sergeant Maricela Vargas, Serial No. 34999, IAD, and the I/O responded to the location for an administrative complaint investigation. The I/O generated CF No. 23-000735

Thompson was cited and released to Lieutenant II Ryan Rabbett, Serial No. 33690, OCB Homicide (Addendum 1).

ALLEGATION 1. The Department alleges that on March 14, 2023, Detective Thompson, while off-duty, was involved in a hit and run traffic collision while operating a Department vehicle.

ALLEGATION 2. The Department alleges that on March 14, 2023, Detective Thompson, while off-duty, operated a Department vehicle while under the influence of alcoholic beverages resulting in his arrest.

ALLEGATION 3. The Department alleges that on March 14, 2023, Detective Thompson, while on-duty, failed to notify a supervisor prior to leaving city limits in a Department vehicle.

Hall[1] responded to a call for service on March 14, 2023. The call was near Pico Canyon Road and The Old in Stevenson Ranch, in Santa Clarita, California. Hall noticed a vehicle was involved in a traffic crash and observed Thompson sitting in the vehicle. Hall met with and spoke to Thompson. During the crash investigation, Hall noticed multiple indicators of alcohol and drug impairment in Thompson, such as red and watery eyes, the smell of alcohol, slurred speech, and difficulty providing necessary documents. Despite Thompson's denial of alcohol or drug consumption, Thompson admitted he took Ambien, a prescription medication. Thompson refused a SFST and refused to answer questions, leading Hall to form the opinion that Thompson was under the influence of both alcohol and drugs, while driving. Hall concluded, Thompson's combined influence of drugs and alcohol had caused the crash and Thompson was unable to safely to operate a vehicle. Consequently, Hall arrested Thompson for misdemeanor driving under the combined influence of alcohol and drugs. Hall facilitated chemical tests, including a breath test and later a blood test at Henry Mayo Hospital.

> **Note:** The breath test revealed a .03% BAC and the blood test results were pending at the submittal of the complaint investigation.

Hall followed the necessary procedures and ensured Thompson was medically cleared prior to his arrest. Thompson was released on a signed promise to appear in court.

> **Note:** See addenda for additional details related to the arrest.

[1] Hall's statements were extracted from the report he authored.

Thompson[2] was assigned to OCB Homicide Division on March 14, 2023. Thompson woke up at approximately 0500 hours that morning. He did not consume any alcoholic beverages prior to his shift. He believed he was able to safely operate a vehicle. Thompson arrived at work at approximately 0600 hours. Later, after Thompson started his shift, he signed out the Department's Dodge Charger with the intentions of booking property at Property Division. While enroute to Property Division, Thompson bypassed dropping the property off when he realized he left his cellular phone at home. Thompson drove home to get his phone. Thompson did not notify a supervisor when he left the city of Los Angeles. Thompson did not make a notification because he lives a few miles away from Mission Patrol Division (Addendum 2).

Thompson retrieved his phone from home. While back enroute to book property, Thompson became involved in a traffic crash Thompson was eating a banana when it fell. As Thompson attempted to retrieve the banana, he collided with an unknown object on the freeway. Thompson did not notify a supervisor immediately because he felt unsafe on the freeway where the crash occurred. Thompson acknowledged the Department policy was to notify a supervisor after he was involved in an on-duty traffic crash in a Department vehicle. Thompson recalled he was involved in a traffic crash, but he had no independent recollection of specific details related to the traffic crash. Thompson recalled going to one gas station. He did not recall going inside an additional gas station to purchase a red bull. Thompson received treatment for a concussion sustained due to the serious traffic crash he was involved in. He contributed the concussion to his lack of recollection and the gaps in his memory.

Thompson worked homicide for over 20 years and the assignment made it difficult for him to sleep without his mind racing. During the middle of the night between 0000 hours and 0400 hours, Thompson began taking shots of vodka to calm his mind and sleep. Thompson did not recall consuming alcohol in the early morning of Marth 14, 2023. Thompson assumed he may have woken up in the middle of the night and consumed alcohol based on his blood alcohol level in the arrest report. Thompson recalled eating dinner between 1900 and 2000 hours on March 13, 2023. He did not recall what he ate. Thompson started drinking on the evening of March 13, 2023 at approximately 2100 hours. Thompson also took between five and ten milligrams of Ambien the night before.

Thompson denied consuming any alcoholic beverage after waking up for work on March 14, 2023. Thompson denied drinking alcohol with anyone. Thompson stated he was fully cooperative with the arresting agency during his arrest on March 14, 2023.

[2] Thompson was interviewed by the I/O and, Detective III David Mejia, Serial 32682, IAD, on August 4, 2023. The interview was uploaded into the Complaint Management System (CMS).

SUMMARY CONTINUED:

On March 17, 2023, at approximately 1300 hours, LASD Deputy Waterman, Serial No. 647475, Santa Clarita Sheriff's Station, responded to a traffic crash investigation at Newhall Ranch Road and Dickson Drive in the city of Santa Clarita, California. The comments of the call indicated a single vehicle versus a pole collision at the location.

Upon arrival, Waterman was met by one of his supervisor's, LASD Sergeant James Peterson, Serial No. 447537, Santa Clarita Sheriff's Station. Peterson advised Waterman that unknown Southern California Edison (SCE) workers witnessed a black 2008 Toyota Tundra, Pick-up Truck, with California License Plate No. 8T36167, collide into a nearby pole. The SCE workers advised Peterson that the driver, later identified as Thompson, was possibly under the influence. Peterson contacted Thompson and detected the strong odor of alcoholic beverages emitting from Thompson. Peterson detained Thompson for the investigation.

Waterman met with Thompson and asked Thompson if he had consumed any alcoholic beverages. Thompson denied he consumed alcoholic beverages but admitted to taking prescription medication. Waterman conducted an SFST on Thompson and Thompson was unable to complete the test. Waterman transported Thompson to LASD Santa Clarita Valley Station to obtain a breath sample. Watermen used the "Datamaster" machine to obtain breath samples from Thompson. The "Datamaster" machine indicated that Thompson's BAC was 0.08% on both samples. Waterman subsequently arrested Thompson for 23152 (a) CVC (Addendum 2) (Video Clip 1), (Video Clip 2), Video Clip 3), (Video Clip 4). (Video Clip 5), (Video Clip 6), (Video Clip 7).

> **Note:** Lieutenant II Yvette Garay, Serial No. 30583, Commercial Crimes Division, and Sergeant II Antonio Garcia, Serial No. 36937, IAD responded to the LASD Santa Clarita Valley Station for the administrative complaint investigation.[3] Garcia generated CF No. 23-000768 for the second arrest.

ALLEGATION 4. The Department alleges that on March 17, 2023, Detective Thompson, while off-duty, operated his privately-owned vehicle while under the influence of alcoholic beverages resulting in his arrest.

ALLEGATION 5. The Department alleges that on March 17, 2023, Detective Thompson, while off-duty, provided a false statement to an outside law enforcement agency when Thompson stated that he did not consume any alcoholic beverages prior to operating his personally-owned vehicle.

Waterman[4] responded to a traffic crash on, March 17, 2023. The crash involved a single vehicle and a pole near the intersection of Dickson Drive and Newhall Ranch Road in Santa Clarita, California. Waterman's supervisor, Peterson, arrived at the scene before Waterman. Peterson contacted Thompson and suspected Thompson was under the influence of alcohol. Peterson detained Thompson until Waterman arrived. Thompson identified himself as an LAPD

[3] Lieutenant Garay was assigned to IAD at the time of this incident.
[4] Waterman's statements were extracted from the report he authored

detective and claimed his vehicle lost power, causing the accident. Waterman completed an investigation that included a SFST. The investigation indicated impairment. A breath test showed a BAC of 0.08% to 0.09%. Thompson was arrested and booked on charges of driving under the influence (23152(a) and 23152(b) CVC).

After medical clearance, Thompson was booked into Santa Clarita Station jail, Thompson's firearm was secured, LAPD was notified and took possession of the firearm. Thompson's vehicle was towed and stored as per the appropriate code and policy of LASD.

> **Note:** Thompson's had secured his Glock firearm in a locked container, inside the rear passenger area of his truck.

Thompson recalled that on March 17, 2023 he was involved in a traffic crash in the Santa Clarita, California, while driving his privately owned black, Toyota Tundra, California License Plate No. O1 License Plate. On March 16, 2023, Thompson consumed vodka throughout the evening and into the early morning. He did not recall if he took any Ambien. On March 17, 2023, Thompson woke up between 0700 and 0800 hours and immediately consumed one, 12-ounce celebratory Irish Coffee (alcoholic drink containing two shots of Jamison whiskey combined with coffee) for Saint Patrick's Day. Thompson then went back to sleep for several hours. Thompson woke up at approximately 1100 hours. He was hungry and felt he needed to put some food on his stomach.

Thompson did not feel impaired after he woke up the second time. Thompson's vehicle was low on gasoline. Thompson planned to grab food from Carl's Jr. Restaurant after he put gas in his vehicle. While enroute to the gas station, Thompson took a large sip of mouth wash because his mouth felt dry. As Thompson waited for the light to change, his vehicle ran out of gas. Thompson was at the intersection of Dickason Road and Newhall Ranch Road, in the City of Santa Clarita. He was a short distance from the gas station, so he decided to push his vehicle to the gas station nearby. Thompson exited his vehicle and began to manually push his vehicle while simultaneously guiding the steering wheel. He gained enough momentum to drive the vehicle to the gas station. Thompson was wearing loose fitting sweat pants that fell around his knees. Thompson's sweat pants prohibited Thompson from moving quickly to enter the vehicle and steer the vehicle from the driver's seat. Consequently, Thompson loss full control of the vehicle and was dragged as he held on with his right hand. Thompson tried to press the emergency brake on his vehicle, but he was unsuccessful and unable to regain control of the vehicle.

> **Note:** Thompson's vehicle was towed by the CHP official police garage at the time of the arrest, and the I/O was unable to verify if the vehicle had gas in the tank.

Thompson has a medical condition that prohibits him from performing the Standard Field Sobriety Test as explained and demonstrated. Thompson did not believe he was impaired at the time he operated his vehicle.

In hindsight, Thompson believed he experienced burnout after a long career. In June of 2022, Thompson struck his head on the top of a police shop. Thompson believed the injury damaged him. Thompson was left with excruciating headaches after the injury. Thompson accepted full

responsibility for his behavior and two alcohol related arrest within four days. Thompson realized after his arrest he had a severe problem with alcohol. Thompson accepted he was an alcoholic and obtained treatment at a licensed facility. Thompson has not consumed alcohol since the arrest. Thompson was remorseful and made it clear that he would accept punishment including but not limited to an alcohol contract prohibiting him from drinking.

INVESTIGATOR'S NOTES:

1. Full length reports are available in the attached addenda. Statements were paraphrased with pertinent information as determined by the I/O.

ADDENDA:

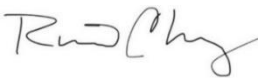
1. California Highway Patrol Driving Under the Influence Arrest Report.
2. Daily Sign-In Sheets for Operations-Central Bureau, Homicide Division.
3. Los Angeles Sheriff's Department Driving Under the Influence Arrest Report.
4. Video Clip No. 1.
5. Video Clip No. 2
6. Video Clip No. 3
7. Video Clip No. 4
8. Video Clip No. 5
9. Video Clip No. 6
10. Video Clip No. 7

INVESTIGATED BY:



AKEYLA FOSTER, Sergeant
Complaint Investigation Section, Central
Internal Affairs Division

9/25/2023
Date



RUTHANN CHAVEZ, Lieutenant
Officer in Charge,
Complaint Investigation Section-Central
Internal Affairs Division

10/18/2023
Date

STATE OF CALIFORNIA
DEPARTMENT OF CALIFORNIA HIGHWAY PATROL

DRIVING UNDER THE INFLUENCE ARREST – INVESTIGATION REPORT

CHP 202 (Rev. 10-21) OPI 066

☒ Misdemeanor ☐ Domestic Violence (Refer to HPM 100.69) ☐ Felony

LAST NAME, FIRST NAME, AND MIDDLE INITIAL: Thompson, Tommy Randell

COURT	FILE NUMBER	EVIDENCE/PROPERTY
Santa Clarita	187-540-23	☒ YES ☐ NO

AREA	BEAT	CRASH REPORT NUMBER
540	012	9540-2023-00612

E- 540E20230114

DATE/TIME OF ARREST/REPORT	DATE/TIME OF INCIDENT ☐ SAME	LOCATION OF ARREST/INCIDENT	WMVARS/MVARS
03/14/2023 1203	03/14/2023 0935	Pico Cyn. Rd EO The Old Rd.	WMVARS ☒ YES ☐ NO

CAD NUMBER ☐ NONE	CITATION NUMBER	OFFENSE(S) CHARGED OR INVESTIGATED	JUS 8715 REQUIRED
230314LA00187	LC33064	23152(g) VC / 20002(a)(1) VC	☒ YES ☐ NO NUMBER:

SUBJECT NO 1 OF 1

NAME (last, first, middle)	RESIDENCE ADDRESS
Thompson, Tommy Randell	O1 Address

AKA	HOME PHONE	MAILING ADDRESS
N/A	N/A	☒ SAME

RACE	ETHNICITY	SEX	BIRTHDATE	DISPATCH NOTIFIED
O1 PII				☒ YES ☐ NO TIME: 1542

DRIVER LICENSE NUMBER	STATE	DDL STATUS	HAIR	EYES	HEIGHT	WEIGHT	PLACE OF BIRTH (city, state, country)
O1 CDL		O1 CDL					O1 PII

EMPLOYER	BUSINESS PHONE	BUSINESS ADDRESS	MISC. (SSN, INS #, ETC.)
LAPD	(951) 237-2299		N/A ID: A14275

BOOKING, CII, FBI, ETC., NUMBER(S)	WHERE BOOKED/CONFINED	DATE/TIME	FINGERPRINTED
	Cited and Released	03/14/2023 1530	☐ YES ☒ NO

NOTIFICATION (Who, How, When), EXPLAIN IN NARRATIVE — NOTIFIED BY

☐ JUVENILE ☐ FOREIGN NATIONAL ☐ IMMUNITY CLAIM

VEHICLE

LICENSE	STATE	REG. YEAR	VIN/EN NUMBER	VEHICLE WAS	STORAGE AUTHORITY
1478293	CA	1999	2C3CDXAG8FH848044	☐ PARKED ☒ RELEASED ☐ STORED ☐ RECOVERED ☐ IMPOUNDED	

VEH YEAR	MAKE	MODEL	COLOR	BODY TYPE	LOCATION OF VEHICLE/RELEASED TO/ADDRESS/TELEPHONE NUMBER
2015	Dodge	Charger	Blk	4 Door	Det. D. Gersna (951) 237-2299

NAME OF REGISTERED OWNER	☐ SAME AS SUBJECT	ADDRESS	☐ SAME AS SUBJECT
LA City		260 S. Main St., L.A, CA 90012	

NAME OF LEGAL OWNER	☒ SAME AS R/O	ADDRESS	LOCATION OF KEYS
			In vehicle

WITNESS/PASSENGER/VICTIM

BIRTHDATE	SEX	NAME	ADDRESS/AGENCY	PHONE
	M	☒ WITNESS ☐ PASSENGER ☐ VICTIM Deputy K. Duxbury #476466	LASD Santa Clarita	RES: BUS: (661) 260-4000
	M	☒ WITNESS ☐ PASSENGER ☐ VICTIM Mandep Thino	25357 Chiquilla Ln, Stevenson Rnch, CA 91831	RES: BUS: (661) 259-9859
	M	☒ WITNESS ☐ PASSENGER ☐ VICTIM Micheal Hicks	27504 Holiday Ci. Unit B, Stevenson Rnch, CA 91381	RES: (661) 260-4000 BUS:
	M	☒ WITNESS ☐ PASSENGER ☐ VICTIM Mohammad Hossain	25357 Chiquilla Ln, Newhall, CA 91831	RES: BUS: (661) 259-9859

ADMONITION OF RIGHTS

1. YOU HAVE THE RIGHT TO REMAIN SILENT.
2. ANYTHING YOU SAY CAN AND WILL BE USED AGAINST YOU IN A COURT OF LAW.
3. YOU HAVE THE RIGHT TO TALK WITH AN ATTORNEY AND TO HAVE AN ATTORNEY PRESENT BEFORE AND DURING QUESTIONING.
4. IF YOU CANNOT AFFORD AN ATTORNEY, ONE WILL BE APPOINTED FREE OF CHARGE TO REPRESENT YOU BEFORE AND DURING QUESTIONING, IF YOU DESIRE.

THE ABOVE STATEMENT WAS READ TO THE ARRESTEE BY:

☐ NOT ADVISED ☒ ARRESTING OFFICER ☐ OR: ID: TIME: 1247

DO YOU UNDERSTAND EACH OF THESE RIGHTS I HAVE EXPLAINED TO YOU?	HAVING THESE RIGHTS IN MIND, DO YOU WISH TO TALK TO US NOW?	WAIVER STATEMENT
☒ YES ☐ NO	☐ YES ☒ NO	

MISDEMEANOR INCARCERATION (To be completed upon physical arrest for any misdemeanor, pursuant to Section 853.6 of the Penal Code.)
As determined by the arresting officer, the person arrested:

1. ☐ was so intoxicated as to be a danger to themself or others.
2. ☐ required medical examination or medical care or was otherwise unable to care for their own safety.
3. ☐ was arrested under one or more of the circumstances listed in Sections 40302 and 40303 of the California Vehicle Code (Note 5 and 8 if also applicable).
4. ☐ had one or more outstanding arrest warrants issued.
5. ☐ could not provide satisfactory evidence of personal identification.
6. ☐ if released immediately, would jeopardize the prosecution of the offense or offenses for which arrested or the prosecution of any other offenses.
7. ☐ would be reasonably likely to continue the offense or offenses, or the safety of persons or property would be imminently endangered if immediately released.
8. ☐ demanded to be taken before a magistrate or refused to sign the citation.
9. ☐ would not appear at the time and place specified in the notice.
10. ☐ Other:

ARRESTING/INVESTIGATING OFFICER (Print name/rank)	ID NUMBER	REVIEWED BY (Print name/rank)	ID NUMBER	DATE
D.Hall	21214	T. GARRETT / SGT	16042	3/30/23

Thompson, Tommy Randell | **LC33064**

INVESTIGATION INTERVIEW

* Asked prior to FSTs

DO YOU KNOW OF ANYTHING MECHANICALLY WRONG WITH YOUR VEHICLE ? DESCRIBE. ☐ YES ☐ NO			ARE YOU SICK OR INJURED? DESCRIBE. ☐ YES ☐ NO	
ARE YOU DIABETIC OR EPILEPTIC? ☐ YES ☐ NO	DO YOU TAKE INSULIN? *(Pills/Injection)* ☐ YES ☐ NO		DO YOU HAVE ANY PHYSICAL IMPAIRMENTS? DESCRIBE. *(Feet, Legs, Ankles, or Hips)* ☐ YES ☐ NO	
WHEN DID YOU LAST SLEEP?	HOW LONG?	WHEN DID YOU LAST EAT?	DESCRIBE	
WERE YOU DRIVING THE VEHICLE? ☐ YES ☐ NO ☐ N/A	IF NO, WHO?		WHERE DID YOU START DRIVING?	WHERE WERE YOU GOING?
WHERE WERE YOU STOPPED?	WHAT HAVE YOU BEEN DRINKING? "absolutely nothing"	HOW MUCH?	TIME STARTED?	TIME STOPPED?
LOCATION WHERE YOU WERE DRINKING? NAME/ADDRESS		DO YOU FEEL THE EFFECTS OF THE DRINKS? DESCRIBE. ☐ YES ☐ NO		
DID YOU BUMP YOUR HEAD? ☐ YES ☐ NO ☐ N/A	HAVE YOU BEEN DRINKING SINCE THE ACCIDENT? ☐ YES ☐ NO ☐ N/A	IF YES, WHAT?		HOW MUCH?
ARE YOU UNDER CARE OF A DOCTOR OR DENTIST? ☐ YES ☐ NO	IF YES, NAME/ADDRESS			RECENT SURGERY PERFORMED? ☐ YES ☐ NO *(Explain in Narrative)*
HAVE YOU TAKEN ANY MEDICINE OR DRUGS? ☒ YES ☐ NO	IF YES, WHAT? Ambien	HOW MUCH? "regular dose"	TIME OF LAST DOSAGE?	

DO YOU FEEL THE EFFECTS OF THE MEDICINE/DRUGS? DESCRIBE. ☐ YES ☒ NO

OBJECTIVE SIGNS/APPEARANCE/FIELD SOBRIETY TEST LOCATION

BREATH ODOR OF ALCOHOLIC BEVERAGE PRESENT:	GLASSES/LENSES	EYES (appearance)	DEMEANOR	SPEECH
Mild ☒ YES ☐ NO	☐ YES ☒ NO	Red and watery	Sluggish	Slurred

CLOTHING WORN: CONDITION AND DESCRIPTION

Blk shoes, dark blue pants, and a black jacket all in moderate condition.

DESCRIBE TEST LOCATION, SURFACE, WEATHER, AND LIGHTING

Asphalt concrete parking structure with cold, cloudy, and rainy weather during daytime hours.

PRELIMINARY ALCOHOL SCREEN INFORMATION

P.A.S. Admonition: I am requesting that you take a preliminary alcohol screening test to further assist me in determining whether you are under the influence of alcohol. You may refuse to take this test; however, this is not an implied consent test and, if arrested, you will be required to give a sample of your blood, breath, or urine for the purpose of determining the actual alcoholic and drug content of your blood.

THE SUBJECT WAS ADVISED OF THE ABOVE STATEMENT BY:

☒ NOT ADVISED ☐ ARRESTING OFFICER ☐ OR ID: TIME:

PAS SERIAL NUMBER	TEMPERATURE	ZEROED	RESULTS NO. 1	TIME 1	RESULTS NO. 2	TIME 2	RESULTS NO. 3 *(if needed)*	TIME 3
		☐ YES ☐ NO	☐ Refused					

LOCATION OF TEST	BREATH SAMPLE	OFFICER ADMINISTERING PAS TEST	ID NUMBER	AREA
☐ At scene	☐ Automatic ☐ Manual	☐ ARRESTING OFFICER ☐ OR		

CHEMICAL TEST INFORMATION

☒ Implied Consent Admonishment, Section 23612 CVC ☐ Refused Test(s) (Complete DS 367)

DRUG ADMONISHMENT ☐ N/A ☒ Yes ☐ Refused (Complete DS 367)

ATTACHMENTS ☐ CHP 202 DRE ☐ OTHER

TYPE OF TEST	TIME		ID OF SAMPLE(S)	RESULTS, IF AVAILABLE		DISPOSITION OF SAMPLE(S)
1 ☒ Breath	1308	1311	300138	.03	.03	Attached to report
2 ☒ Blood	1435		540E20230114	Pending		Booked into CHP Newhall Area Office
3 ☐ Urine						

TEST GIVEN	LOCATION WHERE TEST WAS CONDUCTED	NAME AND TITLE OF PERSON GIVING TEST OR TAKING SAMPLE
1	CHP Newhall Area Office	☒ ARRESTING OFFICER ☐ OR
2	Henry Mayo Hospital	☐ ARRESTING OFFICER ☒ OR RN H. Gent
3		☐ ARRESTING OFFICER ☐ OR

CHEMICAL TEST ADVISEMENT

A. The breath testing equipment does NOT retain any breath sample for later analysis by you or anyone else.
B. If you want a sample retained, you may provide a blood or urine sample that will be retained at no cost to you. If you do so, the blood or urine sample may be tested for alcoholic or drug content by either party in a criminal prosecution.
C. Do you wish to provide an additional sample? ☐ YES ☐ NO ☒ N/A

WATSON ADVISEMENT

You are hereby advised that being under the influence of alcohol or drugs, or both, impairs your ability to safely operate a motor vehicle. Therefore, it is extremely dangerous to human life to drive while under the influence of alcohol or drugs, or both. If you continue to drive while under the influence of alcohol or drugs, or both, and, as a result of that driving, someone is killed, you can be charged with murder.

DO YOU UNDERSTAND ☒ YES ☐ NO _____ READ VERBATIM: ☐ YES ☒ NO ☐ DID NOT ADVISE (Explain in narrative)

☒ ARRESTING OFFICER ☐ OR _____ ID: _____ ☐ N/A

DATE OF INCIDENT	TIME	NCIC NUMBER	OFFICER I.D.	NUMBER
03-20-2023	1228	9540	21214	F055-540-23

Refer to crash report # 9540-2023-00612.

SUMMARY

While interviewing Thompson regarding this crash, I observed the objective symptoms of a combination of alcohol and drug impairment, including red and watery eyes, the odor of an alcoholic beverage emitting on his breath and person, the slurred speech, the inability to provide the requested documents, the swaying in a circular motion and the periodically nodding off. After completing the investigation for this crash, I asked Thompson if he consumed any alcohol, which he denied. I asked Thompson if he ingested any drugs, which he denied, but related he ingested his regular dosage of Ambien. I had Thompson stand in a specified manner with his feet and toes together and his arms at his sides. He related, in essence; he was not going to answer any questions nor conduct any test. Based on this crash and my above-mentioned observations, I formed the opinion Thompson drove the Dodge while under the combined influence of alcohol and drugs, had caused this crash, and further operation would be unsafe. I placed Thompson under arrest at approximately 1203 hours for being in violation of CVC 23152(g) – Misdemeanor driving under the influence of a combination of alcohol and drugs. Thompson was advised of CVC 23612 (Implied Consent) and he initially agreed to submit to a chemical blood test but later changed to a chemical breath test. I transported Thompson to the CHP Newhall Area Office where he was read the back of the DS 367 (verbatim). He submitted to a chemical breath test with results of .03% and .03% BAC respectively. I advised Thompson of the drug admonishment (verbatim) and he agreed to the chemical blood test. Thompson was transported to Henry Mayo hospital where he submitted to a chemical blood test. I observed Thompson extend his right arm, which was cleansed with Betadine, and I observed RN H. Gent withdraw one vial of whole human blood, at approximately 1435 hours. Thompson was medically cleared and released on his signed promise to appear in court (LC33064), with the approval of Officer In Charge M. Griffith, ID 13893, to R. Rabbett, Thompson's supervisor, (B7687605) at approximately 1530 hours.

DATE OF INCIDENT	TIME	NCIC NUMBER	OFFICER I.D.	NUMBER
03-20-2023	1228	9540	21214	F055-540-23

EVIDENCE

#1 – One vial of whole human blood to test for BAC, full toxicology, benzodiazepines, and opioids.

#2 – Two black plastic pieces belonging to the Dodge found at the scene by me.

#3 – DVD with Thompson at local gas station (Mobil)

#4 – 56 digital images of crash scene and vehicle

#5 – DVD with Thompson at local gas station (AMPM)

All items were booked into CHP Newhall Area Office (540E20230114).

OTHER FACTUAL INFORMATION

The event involved a CHP patrol vehicle equipped with a wireless Mobile Video Audio Recording System (WMVARS) that was activated and may or may not have captured all relevant information from the event.

After the arrest of Thompson and prior to driving to Henry Mayo hospital, I drove to what I initially believed was the crash scene for this incident, located at the SE corner of Constitution Avenue and The Old Road. There was what appeared to be fresh crash damage to a pole. The damage was consistent with the damage to the Dodge, including the black scuff marks. Thompson spontaneously related repeatedly while on scene, this was not the crash site. This is not the location, and it is near the Denny's and the gas stations. I advised Thompson I would observe the location to where he believed this crash occurred. Upon further review while utilizing Google Maps, the damage sustained to the pole was prior to this crash.

While still en route, I stopped by the onramp to I-5 southbound from Lyons Avenue. At this location, there was damage to the meter pole and debris location on the dirt island of the onramp. I exited the p/v to survey the scene and noted there were black automobile plastic parts within the dirt island. However, the black plastic parts belonged to a Kia and not a Dodge. Thompson again spontaneously related while at this location, this was not the crash site. It was further down the onramp. At that moment, at approximately 1242 hours, I Mirandized Thompson, and he did not want to speak further.

After Thompson was cited and released from the local hospital, I responded to the location to ascertain the whereabouts of this crash. I located debris in front of the restaurant establishment IHOP located at 24737 Pico Canyon Road, Stevenson Ranch, CA 91381. While at the location, the debris found did not match the damage consistent with the Dodge.

After leaving where I initially thought this crash occurred, Constitution Avenue at The Old Road, I drove southbound on The Old Road, made a left at Pico Canyon Road, and observed damage to a tree on the way to the location at I-5 southbound from Lyons Avenue. This was the last location needed to be checked. Upon arrival at this location, Pico Canyon Road, east of The Old Road, I observed fresh damage to the first tree from the intersection. Upon further inspection, I observed debris associated with a crash, including black plastic pieces and small debris on the trunk of the tree. There were also two wood pieces (debris) located under the shrugs, which was consistent with this crash.

At approximately 1715 hours, Officer R. Perez, ID 23145, contacted the employee at the Mobile gas station. While watching the surveillance video, I observed Thompson arrive at the local gas station (Mobile) at approximately 1022 hours. Thompson parked in the stall near the entrance of the gas station and stood by for approximately two minutes before another vehicle pulled directly behind the Dodge. For an unknown reason, Thompson reversed the Dodge and backed into the gray Sports Utility Vehicle (SUV). After the crash, Thompson was seen pulling forward, exited the Dodge and contacted the driver of the SUV. After a short while, the driver of the SUV left the gas station. Please see attached supplemental from Officer Perez.

On March 23, 2023, at approximately 1537 hours, I contacted the manager at the local gas station (AMPM) located at 24800 Pico Canyon Road, Stevenson Ranch, CA 91381, as he provided me a digital copy of the Dodge entering the parking lot at approximately 0938 hours. He did not contact Thompson but did observe him fidgeting with the Dodge for approximately 40 minutes before leaving.

DATE OF INCIDENT	TIME	NCIC NUMBER	OFFICER I.D.	NUMBER
03-20-2023	1228	9540	21214	F055-540-23

On March 28, 2023, at approximately 1105 hours, I contacted L.A County Roads via cellular phone and spoke with clerk V. Herrera, ID 530031, and she related, in essence; she will forward the information to both the tree (agriculture) and the roadway department to asses a monetary value to damage caused by this crash.

All notes taken regarding this investigation were compiled into this document and discarded upon the completion of this report.

ARREST:

Based on the following, I formed the opinion Tommy Randell Thompson drove the Dodge while under the influence of a combination of alcohol and drugs, a violation of CVC 23152(g):

- Thompson exhibited the objective signs of impairment
- Thompson admitting to driving and being involved in this crash
- Deputy observations of Thompson in the driver seat
- My opinion based on my training and experience

I arrested Thompson for being in violation of CVC 23152(g) – Misdemeanor driving under the influence of a combination of alcohol and drugs, and further operation of the vehicle would be unsafe. Thompson was advised of CVC 23612 (Implied Consent) and he initially agreed to submit to a chemical blood test but later changed to a chemical breath test. I transported Thompson to the CHP Newhall Area Office where he was read the back of the DS 367 (verbatim), and submitted to a chemical breath test with results of .03% and .03% BAC respectively. I advised Thompson of the drug admonishment (verbatim) and he agreed to the chemical blood test. Thompson was transported to Henry Mayo hospital where he submitted to a chemical blood test. I observed Thomson extend his right arm, which was cleansed with Betadine, and I observed RN H. Gent withdraw one vial of whole human blood, at approximately 1435 hours.

DATE OF INCIDENT	TIME	NCIC NUMBER	OFFICER I.D.	NUMBER
03-20-2023	1228	9540	21214	F055-540-23

Thompson was medically cleared and released on his signed promise to appear in court (LC33064), with the approval of Officer In Charge M. Griffith, ID 13893, to R. Rabbett, Thompson's supervisor, (B7687605) at approximately 1530 hours.

ANALYSIS AND OPINIONS

23152(g) VC – Thompson drove a motor vehicle and did so while under the combined influence of an alcoholic beverage and any drugs.

20002(a)(1) VC – Thompson, while driving a motor vehicle was involved in an accident resulting in damage to any property, including vehicle, other than his own. Thompson knew that an accident had occurred, or that he was involved in the accident, and either knew that the accident resulted in damage to another's property or knew that it was of such a nature that it probably resulted in damage to another's property and failed to stop immediately.

RECOMMENDATIONS

I recommend a copy of this report be forwarded to the Los Angeles County District Attorney's Office for review with the following charges:

23152(g) VC – Misdemeanor driving under the combined influence of alcohol and drugs
20002(a)(1) VC – Misdemeanor Hit and Run

DATE OF INCIDENT	TIME	NCIC NUMBER	OFFICER I.D.	NUMBER
03/15/2021	1020	9540	023145	M0187-540-23

SUPPLEMENTAL:

On March 14, 2023, at approximately 1055 hours, I was on duty in full California Highway Patrol uniform and in a fully marked black and white patrol vehicle. I was the driver over the vehicle and my partner, Officer D. Hall #21214, was sitting in the passenger seat. Refer to Officer Hall's report for additional information.

On March 14, 2023, at approximately 1715 hours Officer Hall and I conducted follow up at the Mobil gas station at 25357 Chiquella lane in Newhall CA, 91831. I contacted Mandep Thino (W-1) who related in essence the following. W-1 came to work and as he was checking the gas pumps, his manager called him over and started to talk to him about a man, who was at the #1 gas pump of the station, who appeared confused. The vehicle (Suspect Vehicle, S/V) was described as a black car that looked like a CHP charger and like a government vehicle because of the plates on the car. W-1 described the man as a tall white male, 6'0" in height, wearing a black jacket, and about 40-50 years old. The suspect was trying to fix the front of his vehicle that had major crash damage. W-1 described the damage as unfixable and observed the suspect keep trying to fix the damage on the car for approximately an hour and a half before finally leaving the gas station.

The next day on March 15, 2023, at approximately 0723 hours, I contacted Michael Hicks (W-2) via telephone. W-2 related in essence he was travelling southbound on The Old Road near Market Center Drive when he observed a "black beefed-up charger" (S/V) travelling northbound on The Old Road with major front end crash damage. W-2 related the smoke coming from the vehicle and noise from the bumper dragging on the road was what got his attention to begin with. He related that was not normal, looked as if he was fleeing a crash scene, and turned into the Walmart lot to follow the vehicle and try to get a picture of the plate. W-2 saw the vehicle come to a stop in the left lane, at the intersection of The Old Road and Market Center Drive and remain disabled in the lane. At this point W-2 called 911 and had to leave the scene to run errands.

PREPARED BY	I.D. NUMBER	DATE	REVIEWER'S NAME	DATE
PEREZ	23145	03/15/2023	T. Garrett	3/30/23

SUPPLEMENTAL CONTINUED

On March 15, 2023, at approximately 0900 hours, I returned to the Mobil gas station on Chiquella lane where I spoke to Mohammad Hossain (W-3). Hossain related in essence he was working when he observed a black charger (S/V) coming into the gas station making loud noise dragging a bumper and major crash damage to the front. He didn't think of it much and continued working, when he checked again, the driver of the black charger was talking to another party at the #1 pump. He thought to himself they must have crashed. W-3 described the suspect as a tall white male approximately 200 pounds, about 50 years old. He observed the suspect go back and forth trying to fix the damage on the front of his vehicle. He related the suspects body language appeared as if he was intoxicated, he informed me he's been working at the gas station, where they sell alcohol, for over 33 years so he knows from experience when a person is showing signs of intoxication. He related the suspect was stumbling while walking back and forth trying to fix his car, and related that a normal person would not be fixing their car getting soaking wet for approximately 30 minutes in the rain unless something else was going on.

On March 15, 2023, at approximately 1235 hours, I contacted Deputy Sheriff Kevin Duxbury (W-4) #476466, from the Santa Clarita Sheriff Station. W-4 related in essence he was travelling southbound on The Old Road when he observed a black Dodge Charger (Suspect Vehicle) with major crash damage stalled in the #1 lane at the intersection of The Old Road northbound and Market Center Drive. W-4 turned around at Pico Canyon and pulled behind the suspect vehicle and contacted dispatch to contact CHP about the incident. He contacted the driver and the driver related to him that he was trying to pull over but his car was unable to start. Upon talking with the driver, W-4 noticed the driver seemed slow and confused. He told the driver to wait in the car and that is when we showed up and W-4 handed the incident over to us.

STATE OF CALIFORNIA
DEPARTMENT OF CALIFORNIA HIGHWAY PATROL

TRAFFIC CRASH REPORT

CHP 555 Page 1 (Rev. 2-22) OPI 060

SPECIAL CONDITIONS	NUMBER INJURED	HIT & RUN FELONY	CITY	JUDICIAL DISTRICT	LOCAL REPORT NUMBER
ON-DUTY EMERGENCY VEHICLE	0	☐	UNINCORPORATED	LOS ANGELES SUPERIOR COURT SANTA CLARITA COURTHOUSE	9540-2023-00612
	NUMBER KILLED	HIT & RUN MISDEMEANOR	COUNTY	REPORTING DISTRICT / BEAT	DAY OF WEEK / TOW AWAY
	0	☒	LOS ANGELES	012	S M T W T F S ☒ YES ☐ NO

LOCATION

CRASH OCCURRED ON	CRASH DATE (MO. DAY YEAR)	CRASH TIME (2400)	NOTIFICATION DATE (MO. DAY YEAR)	NOTIF. TIME (2400)	NCIC #	OFFICER ID
PICO CANYON ROAD (24800 BLOCK)	03/14/2023	0936	03/14/2023	1055	9540	021214

☐ AT INTERSECTION WITH
☒ OR: 64 FEET EAST of THE OLD ROAD

STATE HWY REL: ☐ YES ☒ NO
DIGITAL MEDIA: ☒ YES ☐ NO 540E20230114

GPS COORDINATES FOR LOCATION (LOC.) AND AREA(S) OF IMPACT (AOI) ☐ SAME AS LOCATION ☒ REFER TO NARRATIVE

LOC. LAT.	LOC. LONG.	AOI 1 LAT.	AOI 1 LONG.	AOI 2 LAT.	AOI 2 LONG.
34.380840	-118.570571				

AOI 3 LAT.	AOI 3 LONG.	AOI 4 LAT.	AOI 4 LONG.	AOI 5 LAT.	AOI 5 LONG.	ADDTL. AOI(s) ☐

PARTY 1

DRIVER'S LICENSE NUMBER	STATE	CLASS	AIR BAG	SAFETY EQUIP.
O1 CDL			M	G

DRIVER ☒ — NAME (FIRST, MIDDLE, LAST): ON-DUTY EMERGENCY VEHICLE / TOMMY RANDELL THOMPSON

PEDESTRIAN ☐

STREET ADDRESS: O1 Address

PARKED VEHICLE ☐

CITY/STATE/ZIP: O1 Address

BICYCLIST ☐

SEX	HAIR	EYES	HEIGHT	WEIGHT	BIRTHDATE (Mo. Day Year)	RACE
O1 PII						

OTHER ☐

HOME PHONE	BUSINESS PHONE
O1 PII	NONE

OPERATOR ☐

INSURANCE CARRIER	POLICY NUMBER
SELF INSURED	CITY OF LOS ANGELES

DIR OF TRAVEL	ON STREET OR HIGHWAY	LANE	THRU LANES	TOTAL LANES	SPEED LIMIT
S	THE OLD ROAD	LT-2	2	4	45

VEH. YEAR	MAKE/MODEL/COLOR	LICENSE NUMBER	STATE
2015	DODG CHARGER BLK	1478293	CA

OWNER'S NAME: LOS ANGELES CITY ☐ SAME AS DRIVER

OWNER'S ADDRESS: 260 S. MAIN ST. LOS ANGELES CA 90012 ☐ SAME AS DRIVER

DISPOSITION OF VEHICLE ON ORDERS OF: ☐ OFFICER ☒ DRIVER ☐ OTHER

LAPD TOW

PRIOR MECHANICAL DEFECTS: ☒ NONE APPARENT ☐ REFER TO NARRATIVE

VEHICLE IDENTIFICATION NUMBER: 2C3CDXAG8FH848044

VEHICLE TYPE: 48

DESCRIBE VEHICLE DAMAGE: ☐ UNK. ☐ NONE ☐ MINOR ☒ MOD. ☐ MAJOR ☐ ROLL-OVER

TOW AWAY

CA _____ DOT _____
CAL-T _____ TCP/PSC _____ MC/MX _____

PARTY 2

DRIVER'S LICENSE NUMBER	STATE	CLASS	AIR BAG	SAFETY EQUIP.

DRIVER ☐ — NAME (FIRST, MIDDLE, LAST)

PEDESTRIAN ☐ — STREET ADDRESS

PARKED VEHICLE ☐ — CITY/STATE/ZIP

BICYCLIST ☐

SEX	HAIR	EYES	HEIGHT	WEIGHT	BIRTHDATE (Mo. Day Year)	RACE

OTHER ☐ — HOME PHONE / BUSINESS PHONE

OPERATOR ☐ — INSURANCE CARRIER / POLICY NUMBER

DIR OF TRAVEL	ON STREET OR HIGHWAY	LANE	THRU LANES	TOTAL LANES	SPEED LIMIT

VEH. YEAR	MAKE/MODEL/COLOR	LICENSE NUMBER	STATE

OWNER'S NAME ☐ SAME AS DRIVER

OWNER'S ADDRESS ☐ SAME AS DRIVER

DISPOSITION OF VEHICLE ON ORDERS OF: ☐ OFFICER ☐ DRIVER ☐ OTHER

PRIOR MECHANICAL DEFECTS: ☐ NONE APPARENT ☐ REFER TO NARRATIVE

VEHICLE IDENTIFICATION NUMBER:

VEHICLE TYPE / DESCRIBE VEHICLE DAMAGE: ☐ UNK. ☐ NONE ☐ MINOR ☐ MOD. ☐ MAJOR ☐ ROLL-OVER

CA _____ DOT _____
CAL-T _____ TCP/PSC _____ MC/MX _____

PARTY 3

DRIVER'S LICENSE NUMBER	STATE	CLASS	AIR BAG	SAFETY EQUIP.

DRIVER ☐ — NAME (FIRST, MIDDLE, LAST)

PEDESTRIAN ☐ — STREET ADDRESS

PARKED VEHICLE ☐ — CITY/STATE/ZIP

BICYCLIST ☐

SEX	HAIR	EYES	HEIGHT	WEIGHT	BIRTHDATE (Mo. Day Year)	RACE

OTHER ☐ — HOME PHONE / BUSINESS PHONE

OPERATOR ☐ — INSURANCE CARRIER / POLICY NUMBER

DIR OF TRAVEL	ON STREET OR HIGHWAY	LANE	THRU LANES	TOTAL LANES	SPEED LIMIT

VEH. YEAR	MAKE/MODEL/COLOR	LICENSE NUMBER	STATE

OWNER'S NAME ☐ SAME AS DRIVER

OWNER'S ADDRESS ☐ SAME AS DRIVER

DISPOSITION OF VEHICLE ON ORDERS OF: ☐ OFFICER ☐ DRIVER ☐ OTHER

PRIOR MECHANICAL DEFECTS: ☐ NONE APPARENT ☐ REFER TO NARRATIVE

VEHICLE IDENTIFICATION NUMBER:

VEHICLE TYPE / DESCRIBE VEHICLE DAMAGE: ☐ UNK. ☐ NONE ☐ MINOR ☐ MOD. ☐ MAJOR ☐ ROLL-OVER

CA _____ DOT _____
CAL-T _____ TCP/PSC _____ MC/MX _____

PREPARER'S NAME	DISPATCH NOTIFIED	REVIEWER'S NAME	DATE REVIEWED
DIONTE HALL, 021214	☒ YES ☐ NO ☐ N/A	D M AKINS, 018759	03/30/2023

STATE OF CALIFORNIA
DEPARTMENT OF CALIFORNIA HIGHWAY PATROL

TRAFFIC CRASH CODING

CHP 555 Page 2 (Rev. 2-22) OPI 060

CRASH DATE (MO. DAY YEAR)	CRASH TIME (2400)	NCIC #	OFFICER ID	NUMBER
03/14/2023	0936	9540	021214	9540-2023-00612

PROPERTY DAMAGE

OWNER'S NAME: L.A COUNTY ROADS

OWNER'S ADDRESS: 5530 W. 83RD ST. LOS ANGELES CA 90045

PERSON NOTIFIED: L.A COUNTY ROADS — [X] SAME AS OWNER

TELEPHONE NUMBER: (626) 458-4357

METHOD OF NOTIFICATION (MARK ALL THAT APPLY): [ ] IN PERSON [ ] PHONE [X] DISPATCH [ ] CHP 422

LOG / INCIDENT NUMBER: 230314LA00885

DESCRIPTION OF DAMAGE: DAMAGE TO TREE ON THE S/E CORNER OF PICO CYN RD.

SEATING POSITION

1 2 3
4 5 6
7 8 9
10

1 TO 9 – STANDARD SEATING POSITION
10 - REAR OCC. TRK., VAN, STATION WAGON, ETC.*
11 - POSITION UNKNOWN*
0 - OTHER*

SAFETY EQUIPMENT

OCCUPANTS
A - NONE IN VEHICLE
B - UNKNOWN
C - LAP BELT USED
D - LAP BELT NOT USED
E - SHOULDER HARNESS USED
F - SHOULDER HARNESS NOT USED
G - LAP/SHOULDER HARNESS USED
H - LAP/SHOULDER HARNESS NOT USED
J - PASSIVE RESTRAINT USED
K - PASSIVE RESTRAINT NOT USED
P - NOT REQUIRED

CHILD RESTRAINT
Q - IN VEHICLE USED
R - IN VEHICLE NOT USED
S - IN VEHICLE USE UNKNOWN
T - IN VEHICLE IMPROPER USE
U - NONE IN VEHICLE

M/C BICYCLE- HELMET
DRIVER: V - NO, W - YES
PASSENGER: X - NO, Y - YES

AIR BAG

B - UNKNOWN
L - AIR BAG DEPLOYED
M - AIR BAG NOT DEPLOYED
N - OTHER
P - NOT REQUIRED

EJECTED FROM VEHICLE

0 - NOT EJECTED
1 - FULLY EJECTED
2 - PARTIALLY EJECTED
3 - UNKNOWN

INATTENTION CODES

A - CELLPHONE HANDHELD
B - CELLPHONE HANDSFREE
C - ELECTRONIC EQUIPMENT
D - RADIO / CD
E - SMOKING
F - EATING
G - CHILDREN
H - ANIMALS
I - PERSONAL HYGIENE
J - READING
K - OTHER

ITEMS MARKED BELOW FOLLOWED BY AN ASTERISK (*) SHOULD BE EXPLAINED IN THE NARRATIVE.

PRIMARY CRASH FACTOR LIST NUMBER (#) OF PARTY AT FAULT: 1

A - CVC SECTION VIOLATED: VC 23152(a) — CITED [X] YES [ ] NO
B - OTHER IMPROPER DRIVING*:
C - OTHER THAN DRIVER*
D - UNKNOWN*

WEATHER (MARK 1 TO 2 ITEMS)

[ ] A CLEAR
[X] B CLOUDY
[X] C RAINING
[ ] D SNOWING
[ ] E FOG / VISIBILITY FT.
[ ] F OTHER*:
[ ] G WIND

LIGHTING

[X] A DAYLIGHT
[ ] B DUSK - DAWN
[ ] C DARK - STREET LIGHTS
[ ] D DARK - NO STREET LIGHTS
[ ] E DARK - STREET LIGHTS NOT FUNCTIONING*

ROADWAY SURFACE

[ ] A DRY
[X] B WET
[ ] C SNOWY - ICY
[ ] D SLIPPERY (MUDDY, OILY, ETC.)

ROADWAY CONDITION(S) (MARK 1 TO 2 ITEMS)

[ ] A HOLES, DEEP RUT*
[ ] B LOOSE MATERIAL ON ROADWAY*
[ ] C OBSTRUCTION ON ROADWAY*
[ ] D CONSTRUCTION - REPAIR ZONE
[ ] E REDUCED ROADWAY WIDTH
[ ] F FLOODED*
[ ] G OTHER*:
[X] H NO UNUSUAL CONDITIONS

TRAFFIC CONTROL DEVICES

[X] A CONTROLS FUNCTIONING
[ ] B CONTROLS NOT FUNCTIONING*
[ ] C CONTROLS OBSCURED
[X] D NO CONTROLS PRESENT / FACTOR*

TYPE OF CRASH

[ ] A HEAD - ON
[ ] B SIDE SWIPE
[ ] C REAR END
[ ] D BROADSIDE
[X] E HIT OBJECT
[ ] F OVERTURNED
[ ] G VEHICLE / PEDESTRIAN
[ ] H OTHER*:

MOTOR VEHICLE INVOLVED WITH (MARK 1 TO 2 ITEMS)

[ ] A NONCOLLISION
[ ] B PEDESTRIAN
[ ] C OTHER MOTOR VEHICLE
[ ] D MOTOR VEHICLE ON OTHER ROADWAY
[ ] E PARKED MOTOR VEHICLE
[ ] F TRAIN
[ ] G BICYCLE
[ ] H ANIMAL:
[X] I FIXED OBJECT: CURB
[ ] J OTHER OBJECT:
[X] K ADDITIONAL OBJECT(S) STRUCK

PEDESTRIAN'S ACTIONS

[X] A NO PEDESTRIANS INVOLVED
[ ] B CROSSING IN CROSSWALK AT INTERSECTION
[ ] C CROSSING IN CROSSWALK - NOT AT INTERSECTION
[ ] D CROSSING - NOT IN CROSSWALK
[ ] E IN ROAD - INCLUDES SHOULDER
[ ] F NOT IN ROAD
[ ] G APPROACHING / LEAVING SCHOOL BUS

VEHICLE AUTOMATION LEVEL

1	2	3	
X			A SAE LEVEL - 0
			B SAE LEVEL - 1
			C SAE LEVEL - 2
			D SAE LEVEL - 3
			E SAE LEVEL - 4
			F SAE LEVEL - 5
			G UNKNOWN*

VEHICLE AUTOMATION ENGAGED

1	2	3	
X			A NO AUTOMATION
			B DRIVER ASSISTANCE
			C PARTIAL AUTOMATION
			D CONDITIONAL AUTOMATION
			E HIGH AUTOMATION
			F FULL AUTOMATION
			G UNKNOWN*

OTHER ASSOCIATED FACTOR(S) (MARK 1 TO 2 ITEMS)

1	2	3	
X			A CVC SECTION VIOLATION: VC 22350 — CITED [ ] YES [X] NO
			B CVC SECTION VIOLATION: — CITED [ ] YES [ ] NO
			C CVC SECTION VIOLATION: — CITED [ ] YES [ ] NO
			D [redacted]
			E VISION OBSCUREMENT:
			F INATTENTION*:
			G STOP & GO TRAFFIC
			H ENTERING / LEAVING RAMP
			I PREVIOUS CRASH
			J UNFAMILIAR WITH ROAD
			K DEFECTIVE VEH. EQUIP.: CITED [ ] YES [ ] NO
			L UNINVOLVED VEHICLE
			M OTHER*:
			N NONE APPARENT
			O RUNAWAY VEHICLE

MOVEMENT PRECEDING CRASH

[ ] A STOPPED
[ ] B PROCEEDING STRAIGHT
[ ] C RAN OFF ROAD
[ ] D MAKING RIGHT TURN
[X] E MAKING LEFT TURN
[ ] F MAKING U TURN
[ ] G BACKING
[ ] H SLOWING / STOPPING
[ ] I PASSING OTHER VEHICLE
[ ] J CHANGING LANES
[ ] K PARKING MANEUVER
[ ] L ENTERING TRAFFIC
[ ] M OTHER UNSAFE TURNING
[ ] N XING INTO OPPOSING LANE
[ ] O PARKED
[ ] P MERGING
[ ] Q TRAVELING WRONG WAY
[ ] R OTHER *:
[ ] S LANE SPLITTING

SOBRIETY - DRUG - PHYSICAL (MARK ALL THAT APPLY)

1	2	3	
			A HAD NOT BEEN DRINKING
X			B HBD - UNDER INFLUENCE
			C HBD - NOT UNDER INFLUENCE*
			D HBD - IMPAIRMENT UNKNOWN*
X			E UNDER DRUG INFLUENCE* :
			DRE EXAM. CONDUCTED
			STIMULANT
			HALLUCINOGEN
			DISSOCIATIVE ANESTHETICS
			NARCOTIC ANALGESIC
			INHALANT
			CANNABIS
X			DEPRESSANT
			F IMPAIRMENT - PHYSICAL*
			G IMPAIRMENT NOT KNOWN
			H NOT APPLICABLE
			I SLEEPY / FATIGUED*

SPECIAL INFORMATION

1	2	3	
			A HAZARDOUS MATERIAL
			B CELL PHONE HANDHELD IN USE
			C CELL PHONE HANDSFREE IN USE
X			D CELL PHONE NOT IN USE
			E CELL PHONE USE UNKNOWN
			F SCHOOL BUS RELATED

BIKEWAY FACILITY

1	2	3	
			A SHARED ROADWAY
			B CLASS I - BIKE PATH*
			C CLASS II - BIKE LANE*
			D CLASS III - BIKE ROUTE*
			E CLASS IV - SEPARATED BIKEWAY*

SKETCH

REFER TO SKETCH PAGE(S)

INDICATE NORTH

MISCELLANEOUS

[ ] REFER TO NARRATIVE FOR ADDITIONAL INFORMATION

STATE OF CALIFORNIA
DEPARTMENT OF CALIFORNIA HIGHWAY PATROL

INJURED / WITNESS / PASSENGERS

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CRASH DATE (MO. DAY YEAR)	CRASH TIME (2400)	NCIC #	OFFICER ID	NUMBER
03/14/2023	0936	9540	021214	9540-2023-00612

WITNESS ONLY	PASSENGER ONLY	AGE	SEX	EXTENT OF INJURY ("X" ONE)				INJURED WAS ("X" ONE)						PARTY NUMBER	SEAT POS.	AIR BAG	SAFETY EQUIP.	EJECTED
				FATAL INJURY	SUSPECTED SERIOUS INJURY	SUSPECTED MINOR INJURY	POSSIBLE INJURY	DRIVER	PASS.	PED.	BICYCLIST	OTHER	OPER.					
X # 1			M															

NAME / D. O. B. / ADDRESS
DEPUTY DUXBURY #476466 26201 GOLDEN VALLEY ROAD SANTA CLARITA CA 91350

TELEPHONE
(661) 260-4000

(INJURED ONLY) TRANSPORTED BY:

EMS RUN NUMBER:

TAKEN TO:

DESCRIBE INJURIES

VICTIM OF VIOLENT CRIME NOTIFIED

#																		

NAME / D. O. B. / ADDRESS

TELEPHONE

(INJURED ONLY) TRANSPORTED BY:

EMS RUN NUMBER:

TAKEN TO:

DESCRIBE INJURIES

VICTIM OF VIOLENT CRIME NOTIFIED

#																		

NAME / D. O. B. / ADDRESS

TELEPHONE

(INJURED ONLY) TRANSPORTED BY:

EMS RUN NUMBER:

TAKEN TO:

DESCRIBE INJURIES

VICTIM OF VIOLENT CRIME NOTIFIED

#																		

NAME / D. O. B. / ADDRESS

TELEPHONE

(INJURED ONLY) TRANSPORTED BY:

EMS RUN NUMBER:

TAKEN TO:

DESCRIBE INJURIES

VICTIM OF VIOLENT CRIME NOTIFIED

#																		

NAME / D. O. B. / ADDRESS

TELEPHONE

(INJURED ONLY) TRANSPORTED BY:

EMS RUN NUMBER:

TAKEN TO:

DESCRIBE INJURIES

VICTIM OF VIOLENT CRIME NOTIFIED

PREPARER'S NAME	ID NUMBER	MO. DAY YEAR	REVIEWER'S NAME	MO. DAY YEAR
DIONTE HALL	021214	03/14/2023	D M AKINS, 018759	03/30/2023

STATE OF CALIFORNIA
DEPARTMENT OF CALIFORNIA HIGHWAY PATROL

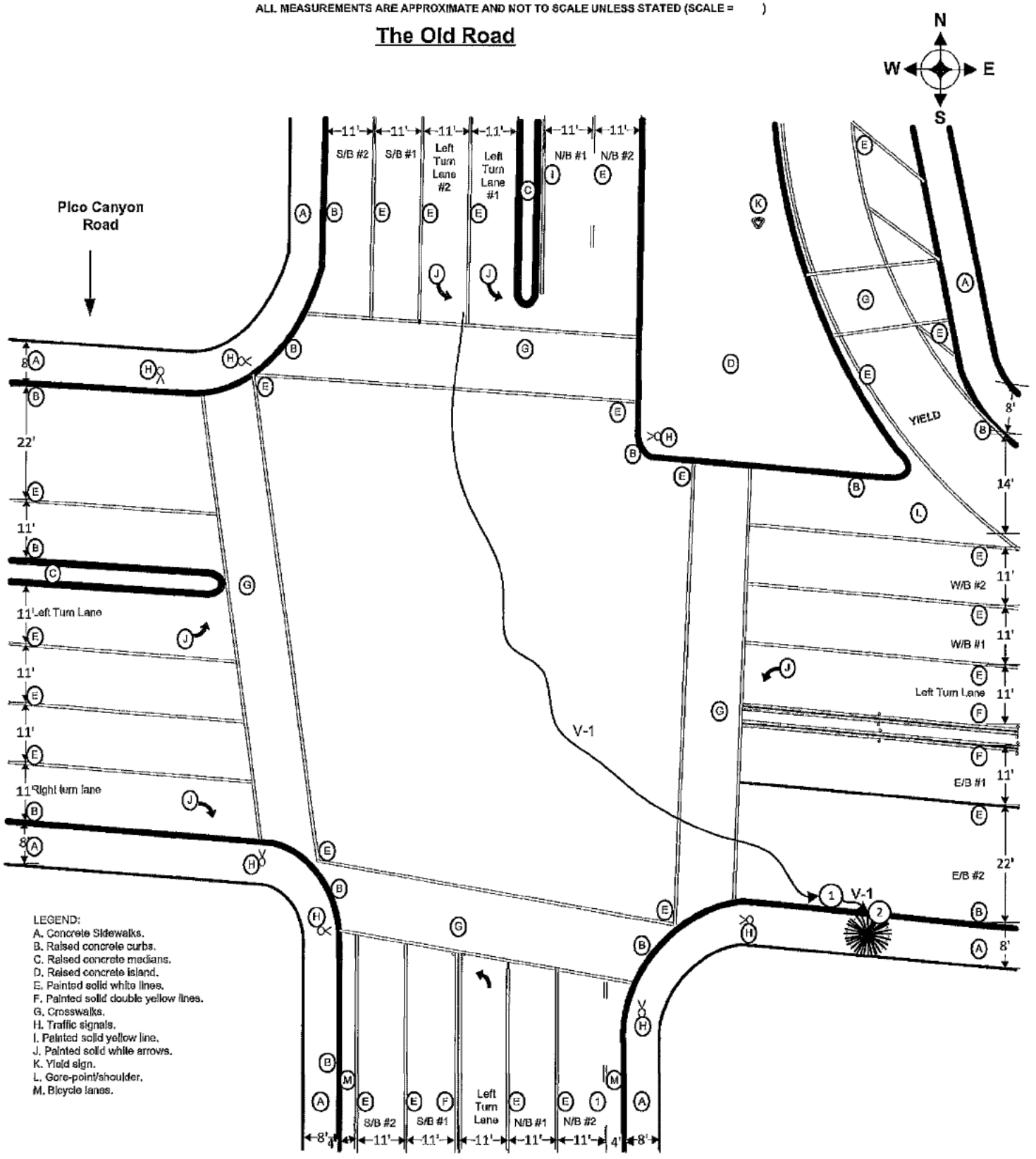
SKETCH DIAGRAM

CHP 555 Page 4 (Rev. 3-20) OPI 060

DATE OF CRASH (MO. DAY YEAR)	TIME (2400)	NCIC #	OFFICER ID	NUMBER
03/14/2023	0936	9540	021214	9540-2023-00612

ALL MEASUREMENTS ARE APPROXIMATE AND NOT TO SCALE UNLESS STATED (SCALE =)

The Old Road



PREPARED BY	ID NUMBER	MO. DAY YEAR	REVIEWER'S NAME	MO. DAY YEAR
DIONTE HALL	021214	03/14/2023	D M AKINS, 018759	03/30/2023

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STATE OF CALIFORNIA
DEPARTMENT OF CALIFORNIA HIGHWAY PATROL

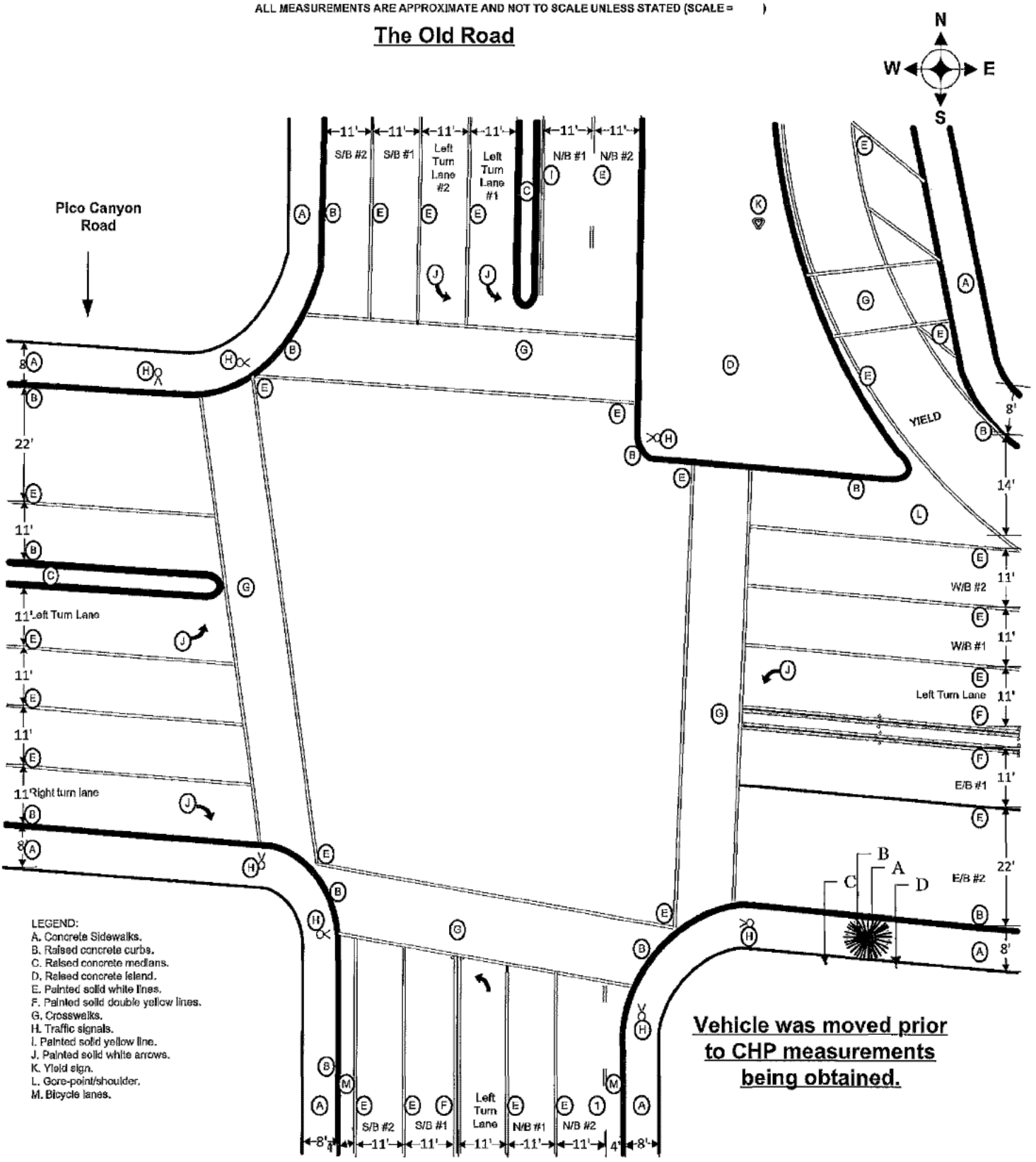
FACTUAL DIAGRAM

CHP 555 Page 4 (Rev. 3-20) OPI 060

DATE OF CRASH (MO. DAY YEAR)	TIME (2400)	NCIC #	OFFICER ID	NUMBER
03/14/2023	0936	9540	021214	9540-2023-00612

ALL MEASUREMENTS ARE APPROXIMATE AND NOT TO SCALE UNLESS STATED (SCALE =)

The Old Road



Vehicle was moved prior to CHP measurements being obtained.

PREPARED BY	ID NUMBER	MO. DAY YEAR	REVIEWER'S NAME	MO. DAY YEAR
DIONTE HALL	021214	03/14/2023	D M AKINS, 018759	03/30/2023

FACTUAL LEGEND

All measurements were taken from the east roadway edge of The Old Road and the south roadway edge of Pico Canyon Road. Measurements were obtained utilizing visual estimation.

PHYISCAL EVIDENCE

A – Black plastic piece

B - Black plastic piece

C – Wood debris

D – Wood debris

PHSYICAL EVIDENCE LOCATION

A – was located 65' east of the east roadway edge prolongation of The Old Road and 6' south of the south roadway edge of Pico Canyon Road.

B - was located 64' east of the east roadway edge prolongation of The Old Road and 4' south of the south roadway edge of Pico Canyon Road.

C - was located 60' east of the east roadway edge prolongation of The Old Road and 14' south of the south roadway edge of Pico Canyon Road.

D - was located 70' east of the east roadway edge prolongation of The Old Road and 14' south of the south roadway edge of Pico Canyon Road.

All times, speeds, and measurements throughout this report are approximate. Measurements were obtained using visual estimation and GPS unless otherwise stated. All opinions and conclusions were based on evidence and/or statements.

FACTS

SCENE DESCRIPTION

This crash occurred east of the intersection of The Old Road and Pico Canyon Road, in the unincorporated area of Los Angeles County. The Old Road intersects Pico Canyon Road at an oblique angle. The roadway is maintained by Los Angeles County Roads. The speed limit at this location is 40 MPH. The Old Road at this location is north/south and consists of an asphalt paved roadway. There are two northbound lanes, a bike lane and left turn lane. There are two southbound lanes, a bike lane and two left turn lanes. The intersection is controlled by a Tri-Phase traffic control signal and was green at time of the crash. The east roadway edge is bordered by a concrete sidewalk. The west roadway edge is bordered by a concrete sidewalk. Pico Canyon Road at this location is east/west and consist of an asphalt paved roadway. There are two westbound lanes and a left turn lane and right turn lane. There are two eastbound lanes, a left turn lane and a right turn lane. The intersection is controlled by a Tri-Phase traffic control signal and was red at the time of this collision. East of this intersection, there are two lanes delineated by broken white lines. The east/west lanes are separated by two solid yellow lines. The north roadway edge is bordered by a concrete sidewalk. The south roadway edge is bordered by a concrete sidewalk (aligned with multiple trees). The weather was cold, cloudy, and actively raining during daytime hours. There were no visual obstructions noted or claimed. Refer to Factual Diagram for further details.

PARTIES

Party 1 (P-1, Thompson) was located in the driver seat of Vehicle 1 (V-1, Dodge), stalled in the #1 lane northbound on The Old Road at Market Drive North. He was located by a deputy from the Los Angeles County's Sheriff's Department, Santa Clarita Station, prior to my arrival. P-1 is a peace officer, defined in the Penal Code commencing with section 830 PC. Party-1 was in business attire and is employed by the Los Angeles Police Department (LAPD). Party-1 was identified by his valid California driver license as Tommy Randell Thompson. Party-1 was determined to be the driver of Vehicle-1 based on his own statements, he was the only occupant, and possessed the keys to Vehicle-1, he is also an employee of the registered owner of Vehicle-1. Party-1 verbally identified himself as a Peace Officer.

Vehicle 1 (V-1, Dodge) was located stalled in the northbound #1 lane on The Old Road at Market Drive North facing a northly direction on its wheels with its code 3 windshield mounted lights activated. The safety restraint system showed no signs of defect, and no mechanical defects were noted or claimed. Vehicle-1 was an "On-duty emergency vehicle" as defined in section 165 of the California Vehicle Code. It was driven by an on-duty peace officer, at the direction of his department. Vehicle-1 was an unmarked all-black LAPD patrol vehicle with windshield mounted lights, which were not active at the time of this crash. Vehicle-1 sustained the following moderate damage: a dented hood, a displaced front bumper, and a crumbled front grille.

PHYSICAL EVIDENCE

There were two small black plastic pieces found at the crash scene, located in the tree bed, on the sidewalk. They are parts belonging to Vehicle-1's front bumper and/or grille.

There were approximately 56 digital photos taken of Party 1 (Party-1, Thompson), Vehicle 1 (Vehicle-1, Dodge), the crash scene, and arrest location by Officer M. Griffith, ID 13893 and I. There is a video of Vehicle-1 taken after the crash, at approximately 0938 hours. It shows Party-1 parking at the ARCO gas station located at 24800 Pico Canyon Road, Stevenson Ranch, CA 91381. At approximately 1022 hours, there is a second video of Party-1 as he drove to and parked at the Mobil gas station located at 25357 Chiquella Lane, Stevenson Ranch, CA 91381. This video shows Vehicle-1 backing into a parked vehicle in the gas station. You can observe Party-1 exit Vehicle-1 and converse with the driver of the parked vehicle before leaving the scene.
All items were booked into evidence at the CHP Newhall Area Office (540E20230114)

HIT AND RUN

After the crash, Party 1 (Party-1, Thompson), drove to two gas stations near Denny's, bought a "red bull" and then called his supervisor, Detective III D. Gersna, ID 32941, via cellular phone at approximately 1040 hours. Detective Gersna advised him to contact CHP for a report. Party-1 starts work at 0600 hours and works downtown Los Angeles for LAPD Homicide Division. He had forgotten his cellular phone and had to go back home. He claimed he is not familiar with the area but has lived here in the Santa Clarita Valley for approximately one year. He left the scene of the crash due to the fact he believed Vehicle-1 would be a roadway traffic hazard.

OTHER FACTUAL INFORMATION

Vehicle 1 (Vehicle-1, Dodge) code 3 lights and hazard lights were activated upon my arrival, and I moved Vehicle-1 to expediate the flow of traffic.

STATEMENTS

Party 1 (Party-1, Thompson) related, in essence: He was driving vehicle 1 (Vehicle-1, Dodge) on The Old Road and made a left turn, at approximately 25 mph and crashed into a pole. It was actively raining at the time of the crash. After the impact, he drove to a gas station near Denny's, bought a "red bull" and then called his supervisor, Detective III D. Gersna, ID 32941, via cellular phone at approximately 1040 hours. Detective Gersna advised him to contact CHP for a report. He starts work at 0600 hours and works in downtown Los Angeles for LAPD Homicide Division. He had forgotten his cellular phone and had to go back home. He is not familiar with the area but has lived here in the Santa Clarita Valley for approximately one year. He left the scene of the crash due to the fact he believed Vehicle-1 would be a roadway traffic hazard.

Witness 1 (Witness-1, Duxbury) related, in essence: He was driving southbound on The Old Road when he observed a black Dodge Charger with major crash damage, stalled in the #1 lane, at the intersection of The Old Road at Market Center Drive. He turned around at Pico Canyon Road stopped directly behind Vehicle 1 (Vehicle-1, Dodge), and contacted his dispatch to advise CHP of this incident. Upon his contact with Party 1 (Party-1, Thompson), in the driver seat, he related, Party-1 had tried to pull over, but Vehicle-1 was unable to start. He also noticed Party-1 was slow to respond and was confused. He advised Party-1 to wait in Vehicle-1 until CHP arrival.

OPINIONS AND CONCLUSIONS

AREA(S) OF IMPACT

AOI 1 (Vehicle-1 vs curb) was located approximately 64' east of the east roadway edge prolongation of The Old Road and at the south roadway edge of Pico Canyon Road.

AOI 2 (Vehicle-1 vs tree) was located 66' east of the east roadway edge prolongation of The Old Road and 3' south of the south roadway edge of Pico Canyon Road.

The AOI's in this investigation were determined by vehicle damage and statements.

INTOXICATION NARRATIVE

While contacting Party 1 (Party-1, Thompson) I observed the objective symptoms of alcohol and drug impairment including red and watery eyes, the mild odor of an alcoholic beverage emitting from his breath and person, unsteady balance, slurred speech, and the difficulty providing the requested documents and information. For example, he later had difficulty recalling his physical home address and phone number. Party-1 related, in essence; he did not recently consume any alcoholic beverage but did ingest his regular dosage of Ambien the previous night. He did not feel the effects of impairment prior to this crash. After investigating this crash, I requested Party-1 to stand in a specified manner, while I conduct a DUI investigation with his feet and toes together and his arms at his side. Party-1 stated, "I'm not doing any field sobriety test." Based on my above-mentioned observation and Party-1's statements, I arrested Party-1 for being in violation of CVC 23152(g) – Misdemeanor driving under the influence of a combination of alcohol and drugs. Party-1 was advised of 23612 (Implied Consent) and initially agreed to a chemical blood test. While en route to the local hospital, Party-1 advised he would rather submit to a chemical breath test. Party-1 was transported to the CHP Newhall Area Office where he was read the back of the DS367 (verbatim) and he agreed to a chemical breath test. While at the breath machine, I observed Party-1 "on the nod" several times and swayed in a circular manner as he responded slowly to my verbal stimulus on several occasions. After the breath test, Party-1 was advised of the drug admonishment on the back of the DS367 (verbatim) and agreed to submit to a chemical blood test. Party-1 was transported to the Henry Mayo Hospital where he voluntarily submitted to a chemical blood test, where I observed Party-1 extend his right arm, and RN H. Gent withdrew one vial of whole human blood, at approximately 1435 hours. Party-1 denied any further testing and was released on his signed promise to appear in court (LC33064) at approximately 1530 with the approval of Office in Charge M. Griffith, ID 13893.

SUMMARY/CAUSE

Party 1 (Party-1, Thompson) was driving Vehicle 1 (Vehicle-1, Dodge) and making a left turn from The Old Road, in the #2 left turn lane, at approximately 25 mph, and onto Pico Canyon Road. Due to his impairment (CVC 23152(a) and his unsafe speed (CVC 22350) for the weather conditions (active rain) and roadway conditions (wet), Party-1 caused this crash. Party-1 lost control of Vehicle-1 by accelerating from a complete stop, making a left turn and losing traction. Vehicle-1 continued in a southeasterly direction directly into the raised curb (AOI 1). The impact caused Vehicle-1 to continue in a southeasterly direction over the curb and the front of Vehicle-1 crashed into the tree (AOI 2). Following the crash, Party-1 fled the scene of the crash, and drove to a local gas station (AMPM) at approximately 0938 hours. He left the gas station and drove to another local gas station (Mobil) at approximately 1022. He left the gas station and drove westbound on Pico Canyon Road before merging right onto The Old Road. Vehicle-1 became disabled on The Old Road south of Market Drive North. There he awaited CHP arrival.

RECOMMENDATIONS

I recommend a copy of this report be forwarded to the Los Angeles District Attorney's Office for review with the following recommendations:

- 23152(a) VC – Misdemeanor driving under the influence alcohol
- 20002(a)(1) VC – Misdemeanor hit and run

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RECORDS & INFORMATION BUREAU'S USE ONLY

COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT

COMPLAINT REPORT

TRAFFIC

DATE 03-17-23 PAGE 1 OF 6

ACTION: Active [X] Inactive [ ] | Traffic Collision: Yes [X] No [ ] | No. of Adults Arrested: 1 | No. of Juv. Detentions: 0 | URN (File No.): 923-03738-0648-242

Classification: DRIVING UNDER THE INFLUENCE OF AN ALCOHOLIC BEVERAGE 23152(a) CVC/M/242

Classification: DRIVING UNDER THE INFLUENCE OF ALCOHOL BAC OVER .08% 23152(b) CVC/M/243

Classification:

Classification:

Classification:

Date, Time, Day of Occurrence: 03-17-2023, 1300 HOURS, FRIDAY | D.M.V. Record Requested: Yes [ ] No [X] | By: — | D.M.V. Record Submitted: Yes [ ] No [X]

Location of Occurrence: NEWHALL RANCH ROAD / DICKASON DRIVE | City: SANTA CLARITA | Type of Location: CITY STREET

CODE: V - VICTIM, W - WITNESS, I - INFORMANT, R - REPORTING PARTY

Code	No.	Last Name	First	Middle	Sex	Race	D.O.B.	Check Day Phone Below
I	1 of 1	DEPUTY ROBERT WATERMAN #647475						

Residence Address: LOS ANGELES COUNTY SHERIFF'S DEPARTMENT | City | Zip | RES. PHONE (AREA CODE)

Business Address: 26201 GOLDEN VALLEY ROAD | City: SANTA CLARITA | Zip: 91350 | BUS. PHONE (AREA CODE): 661-260-4500 ✓

CODE: S - SUSPECT, SJ - SUBJECT, M - PATIENT, S/V - SUSPECT/VICTIM, SJ/V - SUBJECT/VICTIM

Code	No.	Last Name	First	Middle	Driver's License (State & No.)
S	1 of 1	THOMPSON	TOMMY	RANDELL	O1 CDL

Residence Address: O1 Address | City | Zip | Res. Phone (Area Code): O1 Ph#

Business Address: 100 W 1ST ST | City: LOS ANGELES | Zip: 90012 | Bus. Phone (Area Code): 213-486-1000

Sex | Race | Hair | Eyes | Height | Weight | D.O.B. | Age | Birthplace: O1 PII | SSN, INS#, etc.: O1 PII

Observable Physical Oddities: NONE OBSERVED | AKA / Nickname: NONE | Where Detained: SANTA CLARITA STATION

Clothing Worn: BLUE JACKET, GRAY SWEATPANTS, BLACK LOAFERS | Booking No.: 6570214

Charge(s): 23152(a) CVC 23152(b) CVC | Citation No.: AD136291

TIME of Interview: 1331

* * * INITIAL OBSERVATIONS & PRE-S.F.S.T. INVESTIGATIVE QUESTIONS * * *

BREATH	SPEECH	EYES	ATTITUDE	COORDINATION	CLOTHING
[X] Strong	[ ] Incoherent	[X] Bloodshot	[ ] Belligerent	[ ] Staggering	[X] Disarranged
[ ] Moderate	[X] Slurred	[X] Watery/ Glassy	[ ] Combative	[ ] Swaying	[ ] Soiled
[ ] Weak	[ ] Mumbled	[ ] Droopy/ Sleepy	[ ] Argumentative	[X] Poor Dexterity	[ ] Orderly
[X] Alcoholic Bev.	[X] Slow/ Thick	[ ] Dilated	[X] Excited/ Calm	[X] Unsteady	[ ]
[ ] Marijuana	[ ] Loud/ Soft	[ ] Constricted	[ ] Uncooperative	[ ] Fair	OTHER
[ ] None	[ ] Rapid/ Talkative	[ ] Normal	[X] Cooperative	[ ] No Impairment	[ ]
[ ]	[ ]	[ ]	[ ]	[ ]	[ ]

CORRECTIVE LENSES: [ ] Glasses [ ] Contacts [X] None

PUPIL SIZE: [X] Equal [ ] Unequal Size: 3.0

BLINDNESS: [X] None [ ] Left Eye [ ] Right Eye

EYE TRACKING: [X] Equal [ ] Unequal

Are you sick or injured? [ ] Yes [X] No Explain: (FOREHEAD INJURY)

Do you have any physical defects or injury? [X] Yes [ ] No Explain: BAD HIPS - BONE DIMINISHMENT

Are you diabetic or epileptic? [ ] Yes [X] No

Do you take insulin? [ ] Yes [X] No

Are you under the care of a Doctor / Dentist? [X] Yes [ ] No Name: PRIMARY CARE

Are you taking medication? Type: DID NOT SPECIFY [X] Yes [ ] No Amount: When:

Recent surgery performed? [ ] Yes [X] No

Do you wear dentures? [ ] Yes [X] No

Were you driving? [X] Yes [ ] No

Were you involved in a collision? [X] Yes [ ] No

Did you bump your head? [ ] Yes [X] No

Have you been drinking since the collision? [ ] Yes [X] No [ ] N/A

Where did you start driving? BRIDGEPORT

Where are you going? 7-11

Where are you now? VALENCIA BLVD

When did you last eat? HALF HOUR AGO

What did you eat? BANANA

When did you last sleep? 2200-0900 L.N

How long? 5 HR

Are you tired? [ ] Yes [X] No

What have you been drinking / brand? —

How much /size? —

Time started? —

Time stopped? —

Where were you drinking? —

Do you feel the effects of the drinks? [ ] Yes [ ] No Explain: —

Have you taken any drugs / type? —

How much? —

Time last used? —

How often do you use? —

Do you feel the effects of the drugs? [ ] Yes [ ] No Explain: —

Do you have any vehicle defects? [X] Yes [ ] No Explain: VEHICLE DISABLED

Open container? [X] Yes [ ] No Type: PLASTIC VODKA BOTTLE (ALMOST EMPTY)

What time is it now? / Actual: 1320 / 1341

Veh was:	Year	Make	Model	Body Type	Color	By Deputy	Employee No.
[ ] Parked [ ] Released [X] Stored [ ] Impounded	2008	TOYT	TUNDRA	PK	BLK	WATERMAN, ROBERT	647475

License (No. & State): O1 CDL | V.I.N. / Frame No.: O1 Vehicle Info | Deputy: — | Employee No.: —

Registered Owner: THOMPSON TOMMY R | Station: SCT | Unit / Car No.: 6471 | Shift: PM

Identifying Characteristics: NONE OBSERVED | Approved: ELIZONDO | Employee No.: 515551 | Time: 3/19/23

C.H.P. 180 Submitted: [X] Yes [ ] No | Garage Name or Released to: FREEWAY TOWING | Assignment: SCT TRAFFIC

Suspect / Subject Release Approved By | Time | Arrest Review Submitted: [ ] Yes [ ] No | Special Request Distribution

P. Dobrzanski
Date: 3-19-23

76S558B-SH-R-221-REV. 7 / 06

TRAFFIC

CONFIDENTIAL

Date	Time Rec'd	OBS	DET	CALL	URN (file No.)
03-17-2023	1300	☐	TAG 125	☑	923-03738-0648-242

EVIDENCE: Yes ☐ No ☑ Marked, tagged, sealed & placed in Station evidence locker ☐ Blood ☐ Urine ☐ Inside ☐ Outside ☐ Narco ☐ Refrig. ☐ Currency ☐ Other ☐ Safe By – Ledger Page No. –

TIME 1344

* * * STANDARDIZED FIELD SOBRIETY TESTS * * *

	Right Eye	Left Eye
Horizontal Gaze Nystagmus*		
Lack of Smooth Pursuit	Y	Y
Maximum Deviation	Y	Y
Angle of Onset	Y	Y

Vertical Gaze Nystagmus present ? ☐ Yes ☑ No

Lack of Convergence — Right Eye / Left Eye

Test given by (Name & Employee No.): WATERMAN, R #647475

Test witnessed / translated by: –

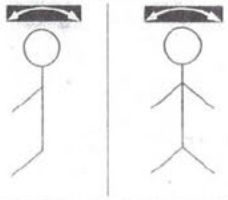
Type of surface: CONCRETE

Type of lighting: DAYLIGHT

Type of footwear: LOAFERS

Type of weather: CLEAR / SLIGHT WIND

ROMBERG BALANCE TEST



31 INTERNAL CLOCK Estimated as 30 Seconds

What did you count too? 30

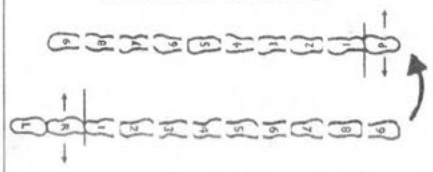
How did to count?

☐ 1-1000, 2-1000 ☑ 1,2,3,etc ☐ Estimated ☐ Guessed

66 30J

Heart Rate: 132 B.P.M Normal (60-90)

WALK AND TURN TEST*



1st Nine 2nd Nine

Stops Walking

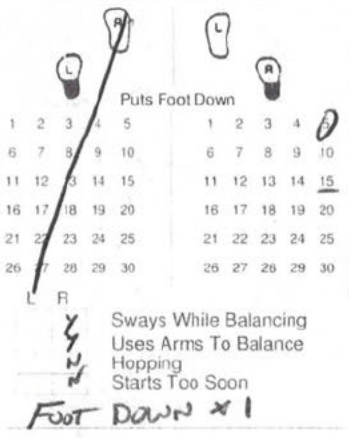
Raises Arms

Actual Steps Taken

☐ Cannot Keep Balance ☐ Starts too Soon

Describe Turn: SKIPPED

ONE LEG STAND TEST*



Y Sways While Balancing

Y Uses Arms To Balance

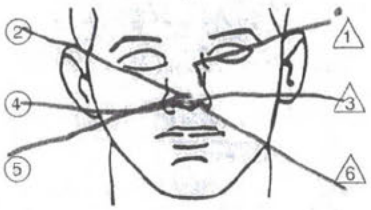
N Hopping

N Starts Too Soon

FOOT DOWN x 1

FINGER TO NOSE TEST

Right Index Left Index (draw line to spots touched)



N Starts Too Soon

N Opens Eyes

Y Does Not Return Hand To Side

N Uses Wrong Hand

N Eye Lid Tremors

MISSED TIP OF NOSE x3

USED PADX6

REMINDED x3

Preliminary Breath Test Advisement

☑ The subject has been under continuing observation of at least 15 minutes during which time the subject has not ingested any food or liquid, smoked, vomited, regurgitated, or burped.

☑ I am requesting that you take a preliminary alcohol screening test to further assist me in determining whether you are under the influence of alcohol. You may refuse to take this test; however, this is not an implied consent test and if you are arrested, you will be required to give a sample of your blood, breath, or urine for the purpose of determining the actual alcoholic and/or drug content of your blood (23612 (i) CVC).

☐ You are under the age of 21 years. If you fail to give or complete a preliminary breath test as requested, your driving privilege will be suspended for a period of one year (23136 CVC) .

The above statement was read to the subject by: ☒ N/A ☐ Arresting Deputy ☐ Or _____ Emp #: _____

				1ST ATTEMPT	2ND ATTEMPT	3RD ATTEMPT		
Temp.	Start Time	Test Record #	PAS Zeroed ☐ Yes ☐ No	☐ Sample Obtained ☐ 'No Blow' Weak Sample	☐ Sample Obtained ☐ 'No Blow' Weak Sample	☐ Sample Obtained ☐ 'No Blow' Weak Sample	Sample Type ☐ Auto ☐ Manual	Results #1:
Temp.	Start Time	Test Record #	PAS Zeroed ☐ Yes ☐ No	☐ Sample Obtained ☐ 'No Blow' Weak Sample	☐ Sample Obtained ☐ 'No Blow' Weak Sample	☐ Sample Obtained ☐ 'No Blow' Weak Sample	Sample Type ☐ Auto ☐ Manual	Results #2:
Temp.	Start Time	Test Record #	PAS Zeroed ☐ Yes ☐ No	☐ Sample Obtained ☐ 'No Blow' Weak Sample	☐ Sample Obtained ☐ 'No Blow' Weak Sample	☐ Sample Obtained ☐ 'No Blow' Weak Sample	Sample Type ☐ Auto ☐ Manual	Results #3:

REFUSED

PAS Model:	PAS Serial #	PAS Manufactured by :	Deputy administering test : ☐ Arresting Deputy ☐ Or:	PAS Operating Properly? ☐ Yes ☐ No
–	–	–	–	

Time of Arrest:	Location of Arrest:	Arresting Deputy :
1320	NEWHALL RANCH RD / DICKSON DR	WATERMAN, R #647475

Implied Consent Law (23612 CVC)

You must submit to a blood test, urine, breath test, or urine & breath test per California Vehicle Code 23612. Failure to submit to, or the failure to complete, the required chemical testing will result in a fine, mandatory imprisonment if convicted of a 23152 or 23153, and the suspension of your privilege to operate a motor vehicle for one year. You do not have the right to an attorney present before starting, deciding, or refusal to a test. A refusal may be used against you in a court of law.

Breath Test Advisement (23614 CVC)

If you choose the breath test, the breath-testing equipment does not retain any sample of the breath and that no breath sample will be available after the test which could be analyzed later by any other persons or yourself. Because no breath sample is retained, and you have the opportunity to provide a blood sample that will be retained at no cost to you so that there will be something retained that may be subsequently analyzed for the alcoholic content of your blood. If you choose blood or urine, your sample may be tested by either party in any criminal prosecution.

The subject stated he/she understands, and wish to submit to a: ☐ Blood Test ☐ Urine Test (drugs only) ☐ Breath Test ☐ Refuses testing (Complete DS 367)

BASED ON THE ABOVE INFORMATION, I ARRESTED/DETAINED THOMPSON, TOMMY ON THE INDICATED CHARGE(S). HE/SHE WAS REQUESTED TO SUBMIT TO A CHEMICAL TEST OF HIS/HER BLOOD, BREATH, OR URINE, AND WAS ADVISED OF THE REQUIREMENTS OF 13353 C.V.C.

TEST: ☐ Blood ☑ Breath ☐ Urine ☐ Refusal ☐ DS 367 Completed	Location of Test	Name / Title of person giving test or taking sample	Intoximeter No.
	SANTA CLARITA STATION	WATERMAN, R #647475 / DEPUTY SHERIFF	300168

Results (if available)	Time (s)	Disposition of Sample	Sterilizing solution used
.08 / .09	1416/1419	RESULTS ATTACHED	☑ N/A

THE ABOVE LISTED PERSON WAS TRANSPORTED TO AND BOOKED AT SANTA CLARITA STATION ON THE INDICATE CHARGES WITH THE APPROVAL OF WATCH COMMANDER LT. MOLINA ☐ ADMIN-PER-SE FORM SUBMITTE

* National Highway Traffic Safety Administration Approved

This report is a summary of events that occurred.

On 03-17-2023, I responded to the intersection of Dickason Drive and Newhall Ranch Road in the City of Santa Clarita regarding a traffic collision call for service. The call stated there was a single vehicle vs pole collision at the location.

Prior to my arrival to the location, I heard Sergeant James Peterson #447537 (Unit 64) notify the main dispatch that he was on scene and detaining the driver. Sergeant Peterson then advised me via radio he had the driver detained and indicated the driver was possibly under the influence of an alcoholic beverage.

I arrived to the scene and observed Sergeant Peterson's patrol vehicle stopped behind a black Toyota Tundra which was stopped blocking the designated right turn lane for eastbound traffic just west of the intersection facing west.

I contacted Sergeant Peterson who told me the following:

Sergeant Peterson stated he arrived to the scene of the collision and observed the black Toyota Tundra stopped in the roadway. Sergeant Peterson stated he was notified by several "Southern California Edison" workers, who he stated were at the scene, that the driver was possibly under the influence. Sergeant Peterson stated he contacted the driver of the vehicle outside of the vehicle and detected the strong odor of an alcoholic beverage emitting from the driver's person. Sergeant Peterson stated he then detained the driver in the backseat of his patrol vehicle. Sergeant Peterson then informed me the driver had told him he was a Detective for the Los Angeles Police Department and had informed him his identification was in his wallet in the vehicle. Sergeant Peterson provided me with the driver's wallet.

I then contacted the driver (Suspect) in the back seat of Sergeant Peterson's patrol vehicle. The suspect stated he was a Detective for the Los Angeles Police Department. I handed the suspect his wallet and asked him to provide his department identification card. The suspect removed the identification card and provided it to me. I asked the suspect if he was armed. The suspect stated he did not have any firearms on his person, however, informed me there was a firearm underneath the backseat of the vehicle. While speaking to the suspect, I smelled the strong odor of an alcoholic beverage emitting from his breath and person. I also observed the suspect had bloodshot/watery eyes and appeared disheveled.

I called field Sergeant Cabrera #448045 to notify him of the incident and to inform him I would be conducting a driver under the influence investigation. Sergeant Cabrera later responded to the scene.

I again contacted the suspect in the back seat of Sergeant Peterson's patrol vehicle and requested him to exit the vehicle. The suspect began to exit the vehicle and stated he had bad knees. The suspect stated he would be unable to perform field sobriety tests and stated I could take him to jail and have him provide a breath sample. The suspect then exited the back seat of the patrol vehicle and I escorted him to my patrol vehicle and asked him how the collision had occurred. I observed the suspect appeared unsteady as he walked. The suspect stated his vehicle had lost power, become disabled, and had rolled uncontrollably to the location of the collision as he attempted to regain control of the vehicle. As I spoke to the suspect, I continued to smell the strong odor of an alcoholic beverage emitting from his person. I also observed he appeared off balance and was resting his hand on the side of my patrol vehicle. I asked the suspect how much he had to drink. The suspect stated he had not been drinking. I asked the suspect if he would participate in a field sobriety test. The suspect stated he would not participate in a field

sobriety test. I asked the suspect if he took any prescription medications. The suspect stated he took prescription medications and added none of his medications would impair him. Based on my observations of the suspect and the objective signs of impairment the suspect displayed, I formed the opinion the suspect had been operating a motor vehicle while under the influence of an alcoholic beverage (violation of 23152(a) CVC) and placed him under arrest. I then handcuffed the suspect and seated him in the back seat of my patrol vehicle.

Sergeant Peterson located the firearm the suspect informed me of underneath the back seat of the vehicle. Sergeant Peterson removed the firearm, which was in a case, from the vehicle and provided it to me. I took possession of the firearm and observed it was a Glock pistol with a serial O1 Personal Firearm. The firearm was registered to the suspect. I secured the firearm in my patrol vehicle.

I then advised the suspect of his Miranda Rights using my department issued SH-AD-477 card. The suspect stated he understood each right as I read them to him. I confirmed with the suspect he would not submit to a field sobriety test and that he would provide a breath sample. I also informed the suspect his vehicle would have to be towed, due to the fact it was disabled blocking traffic. The suspect then stated he would submit to a field sobriety test. The suspect stated concern over the testing due to a previous medical history of bad hips. I informed the suspect I would modify testing for him and the suspect agreed.

I began asking the suspect the Pre-S.F.S.T. Investigative Questions. See page one for the suspect's answers during the questionnaire. During the questionnaire, the suspect told he had been the driver of his registered vehicle. The suspect declined consuming any alcoholic beverages on today's date. The suspect also informed me he took prescription medications, however, did not specify which medications he was prescribed and added he had not taken any medications on today's date. As I spoke to the suspect, I continued to smell a strong odor of an alcoholic beverage emitting from his breath and person.

After asking the suspect the questions, I removed him from the back seat of my patrol vehicle, removed the handcuffs and advised him I was going to demonstrate and administer a series of Standardized Field Sobriety Tests. I then instructed the suspect to perform the test as instructed after he indicated he understood the instructions.

I began administering and demonstrating the Horizontal Gaze Nystagmus Test. I instructed the suspect to stand with his feet together (heels and toes touching) and follow the tip of my pencil with his eyes without moving his head. As I began the test, I was able to see the immediate onset of nystagmus. I also observed nystagmus at maximum deviation and nystagmus prior to 45 degrees. During the Lack of Convergence Test, the suspect's right eye did not converge.

During the Modified Romberg Test, I observed the suspect swaying slightly from side to side. The suspect estimated 31 seconds to be 30 seconds.

The suspect stated he was concerned with the Walk and Turn Test due to his bad hips. I asked the suspect if he would be willing to try the test. The suspect stated he would not be able to perform the test and I skipped the test for safety.

During the One Leg Stand Test the suspect was swaying from side to side. The suspect put his foot down once and held his right arm out away from his body.

During the Finger to Nose Test I observed the suspect use the pad of his finger instead of the tip of his finger on every attempt and missed the tip of his nose on four attempts. I also had to remind the suspect to return his hand to his side three times.

I then took the suspect's pulse via his left radial artery. I counted 66 beats in 30 seconds (132 beats per minute).

See page two for further regarding my observations and notes during the S.F.S.T.'s.

As per title 17, article 5, section 1219.3, I had the suspect under my continuous observation for at least fifteen minutes. During this time, the suspect had not ingested any alcoholic beverages or other fluids, vomited, eaten or smoked. I administered the preliminary breath test advisement and requested the suspect take a breath test utilizing a PAS device. The suspect refused to provide a breath sample on the PAS device.

Based on the above, coupled with my observations, I formed the opinion the suspect was operating a motor vehicle while under the influence of an alcoholic beverage (violation of 23152(a) CVC). I handcuffed him and escorted him to the back seat of my patrol vehicle.

The suspect was advised that he must submit to a blood test or breath test per 23612 CVC and a refusal per 13353 CVC would result in a suspension of the suspect's driving privilege to operate a motor vehicle for one year. The suspect stated he would submit to a breath test.

I then transported the suspect to the Santa Clarita Station Jail where he provided a breath sample on the "DataMaster" machine. The machine indicated the suspect had a BAC of 0.08% and 0.09% on two tests respectively. I attached the Breath Alcohol Analysis Report printed after the test to this report.

During the investigation, I formed the opinion the suspect had been operating a motor vehicle while under the influence of an alcoholic beverage with a BAC over .08% (violation of 23152(b) CVC). I additionally charged him for the violation.

After the breath test, I placed the suspect in a holding cell and began the booking procedure. The suspect notified me he had scraped his knees during the collision. The suspect pulled his pant legs up and I observed scrapes to both knees consistent with road rash. I then transported the suspect to Henry Mayo Newhall Hospital for medical clearance for booking. The suspect declined medical treatment for his legs and was cleared for booking by medical staff.

I then transported the suspect back to Santa Clarita Station jail where I booked him into custody for the above indicated charges.

After the arrest, I notified Watch Commander Lieutenant Molina, Luis #488343 of the incident. Lieutenant Molina notified the Los Angeles Police Department of the incident. Lieutenant Ryan Rabbett from the Los Angeles Police Department Central Bureau Homicide responded to the Santa Clarita Sheriff Station and took possession of the suspect's firearm.

A citation under #AD136291 was left with the jailer pending the suspect's release.

The vehicle the suspect was stored per 22651(H)(1) CVC. For further information regarding the disposition of the suspect's vehicle, refer to the CHP-180 form under the above indicated file number by Deputy Thomas Earley #625432.

For further information regarding the traffic collision. Refer to the CHP-555 collision report under the above indicated file number.

During my investigation, I was wearing my department issued body camera and the camera was activated. I uploaded the footage to evidence.com.

I reviewed my body worn camera footage prior to writing this report.

923-03738-0648-24



923-03738-0647-242

Los Angeles County Sheriff's Department

BREATH ALCOHOL ANALYSIS REPORT

Subject Name: TOMMY R THOMPSON
License #: O1 CDL
State:

Date of Birth: O1 PII
Sex: O1 PII

PRECAUTIONARY CHECKLIST

- ✓ The subject must be continuously observed for at least fifteen minutes prior to the collection of the breath sample, during which time the subject must not ingest alcoholic beverages or other fluids, regurgitate, vomit, eat or smoke.
- ✓ Begin test.
- ✓ Enter subject information.
- ✓ Enter operator information.
- ✓ Insert new mouthpiece into the breath tube.
- ✓ Request breath samples from the subject when the instrument displays "Please Blow."
- ✓ Remove mouthpiece.
- ✓ The report shall be retained by arresting agency.
- ✓ Print report. Report shall be signed for identification.

BREATH ALCOHOL ANALYSIS

DataMaster DMT #: 300168
Location: Santa Clarita STN

Date: 03/17/2023
Time: 14:14:27

Tests	Results (g/210L)	Time
Blank Test	0.00 %	14:16:01
Internal Standard	VERIFIED	14:16:07
Subject Breath Sample (1)	0.08 %	14:16:32
Blank Test	0.00 %	14:17:33
Standard Check	VERIFIED	14:17:46
Blank Test	0.00 %	14:18:58
Subject Breath Sample (1)	0.09 %	14:19:25
Blank Test	0.00 %	14:20:25

RESULTS

The two samples had a breath alcohol concentration of 0.08% and 0.09%, respectively.

OPERATOR COMMENTS

X

ROBERT P WATERMAN, 647475
LASD

LOS ANGELES COUNTY SHERIFF'S DEPARTMENT
CRIME ANALYSIS SUPPLEMENTAL FORM -- SUSPECT / SUBJECT INFORMATION

URN 923-03738-0648-242

BY DEP GATERMAN, ROBERT EMPLOYEE # 647475

SUSPECT / SUBJECT # 1 NAME THOMPSON, TOMMY

SUSPECT / SUBJECT # ____ NAME ____

CLOTHING DESCRIPTION	
ITEM TYPE	DESCRIPTION
JACKET	BLUE JACKET
PANTS	GRAY SWEAT PANTS
SHOES	BLACK LOAFERS

ITEM TYPES
CAP / HAT
COAT / JACKET
DRESS / SKIRT
GLASSES
GLOVES
JEWELRY
PANTS
SHIRT / BLOUSE
SHOES
SHORTS
OTHER

CLOTHING DESCRIPTION	
ITEM TYPE	DESCRIPTION

L R UNK	BODY PART	SCARS / MARKS / TATTOOS / ODDITIES

SUSPECTED GANG MEMBER NAME OF GANG

L R UNK	BODY PART	SCARS / MARKS / TATTOOS / ODDITIES

SUSPECTED GANG MEMBER NAME OF GANG

HAIR LENGTH
- COLLAR
- LONG
- ✓ SHORT
- SHOULDER

HAIR TYPE
- BALD
- RECEDING
- ✓ THICK
- THINNING
- WIG

HAIR STYLE
- AFRO / NATURAL
- BRAIDED / DREDLOCKS
- BUSHY
- BUTCH
- COMBED BACK
- CURLERS
- CURLY
- FLAT TOP
- GREASY
- JHERI CURL
- MILITARY
- NETS
- PONY TAIL
- PROCESSED
- PUNK
- SHAVED
- ✓ STRAIGHT
- WAVY

COMPLEXION
- ACNE / POCKED
- ALBINO
- DARK
- FRECKLED
- ✓ LIGHT / FAIR
- MEDIUM
- PALE
- RUDDY
- SALLOW
- TANNED
- WEATHERED
- WRINKLED

FACIAL HAIR
- BEARD
- CLEAN SHAVEN
- FUZZ
- GOATEE
- LOWER LIP
- MOUSTACHE
- SIDE BURNS
- ✓ UNSHAVEN

TEETH
- BROKEN / CHIPPED
- BRACES
- BUCK
- ✓ CROOKED
- DECAYED
- FALSE
- GAP / SPACE
- GOLD CAP
- JEWELED
- MISSING
- NONE
- SILVER CAP
- STAINED

SPEECH
- ACCENT
- DISGUISE
- LISPS
- MUMBLES
- RAPID
- RASPY
- SLOW
- ✓ SLURRED
- STUTTER

HANDED
- LEFT
- ✓ RIGHT
- BOTH

WEAPON

FIREARM
Style:
- MULTIPLE
- BB / PELLET
- HANDGUN
- RIFLE
- SAWED-OFF
- SHOTGUN
- SIMULATED
- ZIP GUN

Action:
- DERRINGER
- FULLY AUTO
- PUMP
- REVOLVER
- SEMI AUTO
- SINGLE SHOT

Barrel Type:
- SINGLE BARREL
- DOUBLE BARREL
- THREE BARREL
- 4 OR MORE BARREL

Color / Finish:
- BLUE STEEL
- CHROME / NICKEL
- DULL BLACK
- RUSTED
- STAINLESS STEEL

Grip / Stock:
- ALTERED
- BONE / PEARL / IVORY
- COLLAPSES / FOLDS
- METAL / PLASTIC
- NO GRIP
- RUBBER / VINYL
- TAPED
- THUMB HOLE
- WOOD

- GAUGE
- CALIBER

KNIFE
Style:
- MULTIPLE
- BUCK
- BUTCHER / KITCHEN
- DIRK / DAGGER / STILETTO
- HUNTING / BOWIE
- SIMULATED
- SWITCHBLADE
- TOY

Blade:
- FIXED
- FOLDING

CHEMICAL
- CAUSTIC
- INFECTIOUS
- MACE
- PEPPER SPRAY
- SIMULATED
- TEAR GAS
- TOXIC

BLUNT INSTRUMENT
- BASEBALL BAT
- BILLY CLUB
- BRASS KNUCKLES
- BRICK / ROCK / BOTTLE
- CLUB / BLUDGEON
- HAMMER / TOOL
- NUNCHAKUS
- TIRE IRON

CUT / STAB
- BAYONET / SWORD
- BOTTLE / GLASS
- ICE PICK
- MACHETE
- RAZOR
- SCREWDRIVER
- THROWING STARS

EXPLOSIVE / INCENDIARY
- FIREWORKS
- MOLOTOV COCKTAIL

OTHER WEAPON
- BODILY FORCE
- LIGATURE
- SLING SHOT
- SYRINGE
- TASER / STUN GUN

RELATIONSHIP OF VICTIM TO SUSPECT:

V#	V#	
V#	V#	ACQUAINTANCE
V#	V#	BABYSITTEE (PERSONS WATCHED / BABY)
V#	V#	BOYFRIEND / GIRLFRIEND
V#	V#	CHILD
V#	V#	CHILD OF BOYFRIEND OR GIRLFRIEND
V#	V#	COMMON - LAW SPOUSE
V#	V#	EMPLOYEE
V#	V#	EMPLOYER
V#	V#	EX - SPOUSE
V#	V#	FRIEND
V#	V#	GRANDCHILD
V#	V#	GRANDPARENT
V#	V#	HOMOSEXUAL RELATIONSHIP
V#	V#	IN - LAW
V#	V#	NEIGHBOR
V#	V#	OTHER FAMILY MEMBER
V#	V#	OTHERWISE KNOWN
V#	V#	PARENT
V#	V#	RELATIONSHIP UNKNOWN
V#	V#	SIBLING (BROTHER OR SISTER)
V#	V#	SPOUSE
V#	V#	STEPCHILD
V#	V#	STEPPARENT
V#	V#	STEPSIBLING (STEPBROTHER OR STEPSISTER)
V#	V#	VICTIM WAS OFFENDER

LOS ANGELES COUNTY SHERIFF'S DEPARTMENT
CRIME ANALYSIS SUPPLEMENTAL FORM -- M. O. FACTORS

URN 923-03738-0648-242

AREA
- AIRPORT
- BEACH / OCEAN
- COMMERCIAL
- CONSTRUCTION SITE
- DESERT
- DRIVEWAY
- FREEWAY / HIGHWAY
- GOLF COURSE
- HARBOR
- INDUSTRIAL / WHOLESALE
- MOUNTAINS / FOOTHILLS
- PARK
- RESIDENTIAL
- RIVER
- RURAL / ISOLATED
- SCHOOL GROUNDS
- SHOPPING CENTER
- SIDEWALK
- STREET / ALLEY
- TRAIN RIGHT-OF-WAY / TRACKS
- VACANT LOT / OPEN FIELD
- WATER / LAKE

STRUCTURE: RESIDENTIAL
- APARTMENT
- CONDOMINIUM / TOWNHOUSE
- CONVALESCENT HOSPITAL
- DUPLEX
- MOBILE HOME
- SINGLE FAMILY
- VACANT
- VESSEL / BOAT

STRUCTURE: NON - RESIDENTIAL
- BANK / FINANCE
- BAR
- BUSINESS OFFICE
- CARGO CONTAINER
- CATERING TRUCK
- ENTERTAINMENT / RECREATION
- FAST FOOD
- GAS STATION
- HOSPITAL
- HOTEL / MOTEL
- INDUSTRIAL / MANUFACTURING / WAREHOUSE
- JAIL / PRISON
- JEWELRY / COIN / PAWN
- LIQUOR
- MARKET
- MINI MART
- NURSING FACILITY
- PARKING LOT / STRUCTURE
- PASSENGER STATION / PLATFORM (PAX)
- PHARMACY / MEDICAL / DENTAL
- PUBLIC BUILDING
- RELIGIOUS BUILDING
- RESTAURANT
- RETAIL GOODS
- RETAIL SERVICE / REPAIR
- SCHOOL
- STORAGE / RENTAL
- TRAIN - FREIGHT
- TRAIN - PASSENGER - LIGHT RAIL
- TRAIN - PASSENGER - HEAVY RAIL
- VACANT
- VEHICLE - COMMERCIAL
- VESSEL / BOAT
- VIDEO / MUSIC

TARGET: RESIDENTIAL
- ATTIC
- BEDROOM
- DINING ROOM
- GARAGE / PARKING AREA
- HALLWAY
- KITCHEN
- LAUNDRY ROOM
- LIVING / FAMILY ROOM
- MAIL BOX
- PATIO / PORCH
- SAFE / BOX
- STORAGE / SHED
- STABLES / TACK ROOM
- VEHICLE

TARGET: NON - RESIDENTIAL
- AUTOMATED TELLER
- CASH REGISTER / DRAWER
- CLASSROOM / SUPPLIES
- COIN OP MACHINE
- DISPLAY ITEMS
- OFFICE
- SAFE / BOX
- SNACK BAR
- STORAGE LOCKER
- VEHICLE
- VESSEL
- BICYCLIST
- CUSTOMER
- ELDERLY / SENIOR CITIZEN
- DISABLED PERSON
- OWNER / EMPLOYEE
- PEDESTRIAN
- HOMELESS
- VICTIM IN VEHICLE

POINT OF ENTRY / EXIT

IN	EX	
☐	☐	FRONT
☐	☐	REAR
☐	☐	SIDE
☐	☐	GROUND LEVEL
☐	☐	UPPER LEVEL
☐	☐	ADJACENT BUILDING
☐	☐	BASEMENT
☐	☐	DOOR / SCREEN
☐	☐	DUCT / VENT
☐	☐	FENCE / GATE
☐	☐	FIREPLACE
☐	☐	FLOOR
☐	☐	GARAGE
☐	☐	GLASS DOOR
☐	☐	HOUSE BEING FUMIGATED
☐	☐	LOUVRE
☐	☐	MAIL SLOT
☐	☐	PET DOOR
☐	☐	ROOF / SKYLIGHT
☐	☐	SLIDING GLASS DOOR
☐	☐	WALL
☐	☐	WINDOW / SCREEN

VEHICLE ENTRY / EXIT

IN	EX	
☐	☐	CAMPER / SHELL / MOTORHOME
☐	☐	CONVERTIBLE
☐	☐	DOOR
☐	☐	DRIVER SIDE
☐	☐	HOOD
☐	☐	PASSENGER SIDE
☐	☐	SUNROOF
☐	☐	TRUCK BED
☐	☐	TRUNK
☐	☐	WINDOW
☐	☐	WINDWING

METHOD OF ENTRY
- ATTEMPT ONLY
- BODILY FORCE
- CUT
- HID IN BUILDING
- KICKED
- KNOB TWIST
- LET IN / RUSE
- LOCK BOX
- LOCK CUT / BROKEN
- LOCK PUNCHED
- LOCK SLIP / KEY / PICK
- NO FORCE
- OPEN FOR BUSINESS
- OPEN / UNLOCKED
- PHONE
- PRIED
- REMOVED
- SMASHED
- TUNNELED
- UNBOLTED GATE

METHOD OF ENTRY: TOOLS USED
- BODILY FORCE
- BOLT CUTTER
- BRICK / ROCK
- CHANNEL LOCK / PLIERS
- CUTTING INSTRUMENT
- ELECTRONIC DEVICE
- GLASS CUTTER
- KEY
- PRY TOOL
- SAW / BURN / DRILL
- SLIDE HAMMER
- SLIP DEVICE
- VEHICLE

SECURITY SYSTEM
- NONE
- AUDIBLE ALARM
- CAMERA
- CRIME WATCH
- DOG
- FENCE / BARS
- GUARD SERVICE
- OPERATION ID
- OUTSIDE LIGHTING
- SECURITY SIGN / STICKER
- SILENT ALARM
- SPECIAL LOCKS / DEADBOLT
- WINDOW BARS

SUSPECT ACTIONS
- ATE / DRANK ON PREMISES
- CASED LOCATION
- COSTUME / DISGUISE WORN
- DEFECATED / URINATED
- DEMAND NOTE USED
- DEMANDED DRUGS / MONEY / ETC.
- DISABLED PHONE
- DISABLED POWER
- DISABLED SECURITY SYSTEM
- DISABLED VEHICLE
- EXCESSIVE FORCE
- FIRED WEAPON
- FONDLED SELF
- GRAFFITI
- HID IN BUILDING
- IGNITION PUNCHED
- JUMPED THE COUNTER
- KNEW LOCATION OF HIDDEN CASH
- MASK WORN
- MASTERBATED / EJACULATED
- PHOTOGRAPHED / VIDEOTAPED
- PILLOWCASE TAKEN / USED
- POLICE SCANNER USED
- RANSACKED
- RECORDED / LOGGED EVENTS
- RIPPED / CUT CLOTHING
- SELECTIVE PROPERTY TAKEN
- SMOKED
- TAKEOVER
- TOOK CONCEALABLES
- USED MULTIPLE WEAPONS
- VEHICLE USED TO REMOVE PROPERTY
- VANDALIZED
- VICTIM'S NAME USED
- VICTIM'S TOOLS USED
- WASHED CLOTHING / BEDDING
- WIPED SCENE AFTER CRIME

SUSPECT WAS / HAD:
- ☑ ALCOHOL ON BREATH
- ANGRY
- APOLOGETIC
- BAD BREATH
- BODY ODOR / UNUSUAL ODOR
- GANG - RELATED
- HOMELESS
- INTIMIDATED / COERCED
- NEVER SPOKE / QUIET
- POLITE / KIND
- PROFANITY
- QUOTES, UNUSUAL
- RAGE
- TRUST VIOLATION
- UNDER INFLUENCE

SUSPECT PRETENDED TO BE:
- BUSINESS PERSON
- CONVERSATION / BEFRIENDED
- CUSTOMER
- DELIVERY PERSON
- FAMILY MEMBER
- FIND MONEY
- HANDICAPPED
- HOMELESS
- LEND ASSISTANCE
- NEED ASSISTANCE OR EMERGENCY
- NEED TOILET / PHONE / WATER
- OFFERED GOODS / SERVICES
- POLICE / SECURITY
- POSITION OF TRUST
- REPAIR PERSON
- SALES PERSON
- SEEK EMPLOYMENT
- SOLICIT DONATIONS
- UTILITY EMPLOYEE

VICTIM WAS:
- ASKED TO POSE / MODEL
- BLINDFOLDED
- BOUND / GAGGED
- BURNED
- CUT / STABBED
- DISTRACTED
- DRUGGED / SEDATED
- EXPLOITED
- FACE COVERED
- FOLLOWED
- FONDLED
- FORCED TO DISROBE
- FORCED TO FONDLE SUSPECT
- FORCED TO LIE ON FLOOR
- FORCED TO MASTURBATE
- FORCED TO MOVE
- FORCED TO ORALLY COPULATE SUSPECT
- GANG RELATED
- HANDCUFFED
- HOMELESS
- INJURED / HIT
- LOCKED IN
- MADE TO COUNT
- PINCHED
- PISTOL WHIPPED
- SHOT
- SLAPPED
- THREATENED
- TORTURED / MUTILATED

BIAS - MOTIVATED INCIDENT:

RACIAL
- ANTI - WHITE
- ANTI - BLACK
- ANTI - AMERICAN INDIAN / ALASKAN NATIVE
- ANTI - ASIAN / PACIFIC ISLANDER
- ANTI - MULTIRACIAL GROUP

RELIGIOUS
- ANTI - JEWISH
- ANTI - CATHOLIC
- ANTI - PROTESTANT
- ANTI - ISLAMIC (MUSLIM)
- ANTI - OTHER RELIGION
- ANTI - MULTIRELIGIOUS GROUP
- ANTI - ATHEISM / AGNOSTICISM

ETHNICITY / NATIONAL ORIGIN
- ANTI - HISPANIC
- ANTI - OTHER ETHNICITY / NATIONAL ORIGIN

SEXUAL
- ANTI - MALE HOMOSEXUAL (GAY)
- ANTI - FEMALE HOMOSEXUAL (LESBIAN)
- ANTI - HOMOSEXUAL (GAYS & LESBIANS)
- ANTI - HETEROSEXUAL
- ANTI - BISEXUAL

GENDER
- ANTI - MALE
- ANTI - FEMALE
- ANTI - TRANSGENDER

DISABILITY
- ANTI - MENTAL DISABILITY
- ANTI - PHYSICAL DISABILITY

AGE 21 AND OLDER OFFICER'S STATEMENT

California Vehicle Code (CVC) §§13353, 13353.1, 13353.2 & 13389

A Public Service Agency

LAW ENFORCEMENT AGENCY CASE NUMBER: 923-03738-0647-242

DETENTION/ARREST DATE: 03-17-2023

FOR DMV USE ONLY

DRIVER NAME (LAST, FIRST, M.I.): THOMPSON, TOMMY R

O1 CDL

O1 Address

O1 PII

DATE OF BIRTH | SEX | HAIR | EYES | HEIGHT | WEIGHT

Arrest Type For statistical purposes only. Check all that apply.
- [x] Alcohol Use
- [ ] Cannabis Use
- [ ] Other Drug Use

LICENSE: [ ] Suspended/Revoked [x] Surrendered (*Attached*) [ ] Not in Possession [ ] Unlicensed

VIOLATION: [x] 0.08% or more BAC Chemical Test Results [ ] 0.01% or more BAC (*DUI Probation*) [ ] 0.04% or more BAC (*Commercial Vehicle*)
[ ] Chemical Test Refusal (*Complete Reverse*) [ ] PAS or other Chemical Test Refusal (*DUI Probation*) (*Complete Reverse*)

VEHICLE: License Number or VIN: O1 Veh Info
[ ] **Commercial Vehicle:** Vehicle requires a commercial driver license (CVC §15210). [ ] **Hazardous Materials:** Transporting materials requiring placards/markings (CVC §27903).

NARRATIVE: Describe in detail the facts, observations, and circumstances that led to the stop or contact with the driver in ***Narrative*** section on **Page 2** of this form.

Contact: On date: 03/17/23 at 1311 [ ] AM [x] PM in City/County SANTA CLARITA / LOS ANGELES CA, the above driver was contacted.

DRIVING: [ ] Driving observed by this officer **or** [ ] Driving observed by another observer (complete ***Observation/Arrest*** section on **Page 2**)
Admission of Driving: [x] Driver admitted to driving the vehicle **Collision:** [x] Driver involved in a collision

TIME: (If driving not observed by an officer.) What time did you stop driving **or** how long after driving/collision did you wait for law enforcement to arrive? **Driver Response:** 5 [ ] AM [ ] PM [ ] HR [x] MIN

ARREST OR DETENTION STATEMENT: I had reasonable cause to believe the driver was driving a motor vehicle with alcohol and/or drugs present in the blood or while under the influence. The driver was lawfully arrested, or lawfully detained while on DUI probation, by this officer, or by the person shown in the ***Observation/Arrest*** section on Page 2, on date 03/17/23 at 1320 [ ] AM [x] PM for violation of CVC §§23152, 23153, or 23154.

OBJECTIVE SYMPTOMS OF INTOXICATION: [x] Bloodshot/watery eyes [x] Odor of alcoholic beverage [x] Unsteady gait [x] Slurred speech [ ] PAS results (*complete below*)
[ ] Other: _____ Observed by, [x] This officer [ ] Another observer: _____

PRELIMINARY ALCOHOL SCREENING TEST (PAS)

DUI Probation: Required. Non-DUI Probation: Optional. Always complete section if PAS results available.

Driver submitted to and completed a PAS test with the results of: REFUSED

Test 1 _____ % BAC on ___/___/___ at _____ [ ] AM [ ] PM Test 2 _____ % BAC on ___/___/___ at _____ [ ] AM [ ] PM

OFFICER CERTIFICATION: I certify under penalty of perjury under the laws of the State of California that: **(1)** I obtained the above PAS test results in the regular course of my duties, **(2)** I used PAS Model (*Name/Number*) _____, Serial# _____, Manufactured by _____, **(3)** I administered this PAS test properly in accordance with the manufacturer's guidelines and instructions, **(4)** I have received training on the proper operation of this device and administration of the PAS test and am competent and qualified to operate the device, and **(5)** the device was functioning properly at the time of the test.

Date / / Signature X Badge/ID Number Agcy./Div

CHEMICAL TEST

Breath Test Results: Attach copy of the results, if available.

Test 1 .08 % BAC on 03/17/23 at 1416 [ ] AM [x] PM Test 2 .09 % BAC on 03/17/23 at 1419 [ ] AM [x] PM Test 3 _____ (WHEN APPLICABLE) % BAC on ___/___/___ at _____ [ ] AM [ ] PM

BREATH TEST MACHINE OPERATOR CERTIFICATION: I certify under penalty of perjury under the laws of the State of California, that the above breath test sample results were obtained in the regular course of my duties. I further certify that I am qualified to operate this equipment and that the test was administered pursuant to the requirements of Title 17 of the *California Code of Regulations*.

Date 03/17/23 Signature X Badge/ID Number 647475 Agcy./Div LASD/SCT

BLOOD TEST RESULTS: Blood test on date: / / at [ ] AM [ ] PM

URINE TEST RESULTS: First void on date: / / at [ ] AM [ ] PM Test on date: / / at [ ] AM [ ] PM

I certify under penalty of perjury, under the laws of the State of California, that the information contained on all pages of this Officer's Statement is true and correct.

EXECUTED ON: Date 03/17/23 in City SANTA CLARITA County LOS ANGELES

OFFICER'S PRINTED NAME	BADGE/ID NUMBER	TELEPHONE NUMBER
WATERMAN, ROBERT P.	647475	(661) 260-4000
AGENCY	**AREA**	**COURT CODE (IF UNKNOWN, COURT NAME)**
LOS ANGELES COUNTY SHERIFF'S DEPARTMENT	SCT	NEWHALL

I [x] **did** [ ] **did not** personally serve a copy of the Order of Suspension/Revocation to the driver.

Date 03/17/23 Signature of **Arresting** Officer X

ORDER SERVED BY ANOTHER OFFICER: If order was served on driver by **another Officer** have that officer complete this section.
I personally served a copy of the order to the driver on the date shown below:

Date / / Serving Officer's *Printed* Name Badge/ID Number Signature Of Serving Officer X

continued on reverse

DMV
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AGE 21 AND OLDER OFFICER'S STATEMENT

CVC §§13353, 13353.1, 13353.2 & 13389

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LAW ENFORCEMENT AGENCY CASE NUMBER	DETENTION/ARREST DATE	FOR DMV USE ONLY
923-03738-0413-242	03-17-2023	

DRIVER NAME (LAST, FIRST, M.I.): THOMPSON, TOMMY R

DRIVER LICENSE NUMBER: O1 CDL | COMMERCIAL? | STATE

MAILING ADDRESS: O1 Address | STATE | ZIP CODE

DATE OF BIRTH: O1 PII | SEX | HAIR | EYES | HEIGHT | WEIGHT

Arrest Type
For statistical purposes only. Check all that apply.
- [x] Alcohol Use
- [ ] Cannabis Use
- [ ] Other Drug Use

LICENSE: [ ] Suspended/Revoked [x] Surrendered (*Attached*) [ ] Not in Possession [ ] Unlicensed

VIOLATION: [x] 0.08% or more BAC Chemical Test Results [ ] 0.01% or more BAC (*DUI Probation*) [ ] 0.04% or more BAC (*Commercial Vehicle*)
[ ] Chemical Test Refusal (*Complete Reverse*) [ ] PAS or other Chemical Test Refusal (*DUI Probation*) (*Complete Reverse*)

OBSERVATION/ARREST: If driving or collision was observed by someone other than the arresting officer, **or** if arrest was completed by another officer or person, input that person's information.

[ ] Driving or Collision observed by: [x] Arrest made by:	Observation or Arrest made by [x] Officer [ ] Citizen	[ ] Driving or Collision observed by: [ ] Arrest made by:	Observation or Arrest made by [ ] Officer [ ] Citizen
NAME (PLEASE PRINT): DEPUTY ROBERT P. WATERMAN		NAME (PLEASE PRINT):	
ADDRESS: 2620 GOLDEN VALLEY RD SANTA CLARITA CA 91350		ADDRESS:	
TELEPHONE NUMBER: (661)260-4000	BADGE/ID NUMBER: 647475 / AGENCY/DIVISION: LASD/SCT	TELEPHONE NUMBER: ( )	BADGE/ID NUMBER / AGENCY/DIVISION

NARRATIVE

Describe in detail the facts, observations, and circumstances that led to the stop or contact. Print or write directly on this page.
A portion of another report may be **cut and pasted** below but should be dated and contain an original signature.
Attach arrest, collision, and/or supplemental report(s) if available.
If arrest was made per CVC **§40300.5** state the facts and circumstances that support the arrest.
DUI Probation Violations: Indicate below how you determined the driver was on DUI probation.

THE SUSIECT WAS INVOLVED IN A SINGLE VEHICLE TRAFFIC COLLISION AFTER HIS VEHICLE WAS DISABLED. THE SUSPECT ADMITTED TO BEING THE DRIVER OF THE VEHICLE AT THE TIME OF THE COLLISION. UPON CONTACTING THE SUSPECT, I OBSERVED HE HAD BLOODSHOT/WATERY EYES, AND AN UNSTEADY GAIT. I ALSO DETECTED THE STRONG ODOR OF AN ALCOHOLIC BEVERAGE EMITTING FROM HIS BREATH AND PERSON. THE SUSPECT AGREED TO PARTICIPATE IN A SERIES OF STANDARDIZED FIELD SOBRIETY TESTS AND THE TESTS WERE ADMINISTERED. AT THE CONCLUSION OF THE TESTING I FORMED THE OPINION THE SUSPECT HAD BEEN OPERATING A MOTOR VEHICLE WHILE UNDER THE INFLUENCE OF AN ALCOHOLIC BEVERAGE. HE WAS ARRESTED FOR THE VIOLATION.

[redacted]

AGE 21 AND OLDER ADMINISTRATIVE PER SE SUSPENSION/REVOCATION ORDER AND TEMPORARY DRIVER LICENSE

DMV A Public Service Agency

DS 367
Page 3

Driver must be given a copy of this order. DMV telephone number (916) 657-0214.

LAW ENFORCEMENT AGENCY CASE NUMBER	DETENTION/ARREST DATE	FOR DMV USE ONLY
923 03738-0447 242	03-17-2023	

DRIVER NAME (LAST, FIRST, M.I.): THOMPSON, TOMMY R

[redacted] O1 CDL

MAILING ADDRESS

[redacted] O1 Address

DATE OF BIRTH | SEX | HAIR | EYES | HEIGHT | WEIGHT

[redacted] O1 PII

Arrest Type
For statistical purposes only. Check all that apply.
- [x] Alcohol Use
- [ ] Cannabis Use
- [ ] Other Drug Use

LICENSE: [ ] Suspended/Revoked [x] Surrendered (*Attached*) [ ] Not in Possession [ ] Unlicensed

VIOLATION: [x] 0.08% or more BAC Chemical Test Results [ ] 0.01% or more BAC (*DUI Probation*) [ ] 0.04% or more BAC (*Commercial Vehicle*)
[ ] Chemical Test Refusal (*Complete Reverse*) [ ] PAS or other Chemical Test Refusal (*DUI Probation*) (*Complete Reverse*)

You are hereby notified that your privilege to operate a motor vehicle will be suspended or revoked effective 30 days from the issue date of this order as shown below, and until you pay a $125 reissue fee and file proof of financial responsibility as shown on the reverse.
For additional information call (916) 657-0214.

TEMPORARY DRIVER LICENSE

This document must be carried with you and shall serve as your temporary California driver license. It is subject to the same class(es) and all restrictions as your permanent driver license. **This temporary driver license does not provide you with any driving privileges if you do not have a California driver license or your license is expired, suspended, revoked, canceled, or denied.** It expires at midnight 30 days from the issue date of this order shown below.

This action is taken under authority of *California Vehicle Code* (CVC) §§13353, 13353.1, 13353.2 and 13389 because you were arrested or detained for driving under the influence of alcohol and/or drugs and:

BAC 0.01% PAS, Breath, Blood or Urine Test DUI Probation	You completed a PAS, breath, blood, or urine test and the officer believes the results will show 0.01% BAC or more. If the laboratory results show your BAC was less than 0.01%, this suspension will be set aside. Your driver license will be reissued to you if you do not have another suspension or revocation in effect.
BAC 0.08% Breath, Blood, **or Urine Test**	You completed a breath test with 0.08% BAC or more, or you completed a blood or urine test and the officer believes the results will show 0.08% BAC or more. If the laboratory results show that your BAC is less than 0.08%, this suspension or revocation will be set aside. Your driver license will be reissued to you if you do not have another suspension or revocation in effect.
BAC 0.04 % Breath, Blood or Urine Test while driving a Commercial Vehicle	You completed a breath test with 0.04% BAC or more, or you completed a blood or urine test and the officer believes the results will show 0.04% BAC or more. If the laboratory results show that your BAC is less than 0.04%, this suspension or revocation will be set aside. Your driver license will be reissued to you if you do not have another suspension or revocation in effect.
Chemical Test Refusal	You refused to submit to, or failed to complete, a chemical test of the alcohol and/or drug content of your blood.

COMMERCIAL DISQUALIFICATION

A commercial disqualification action will be taken due to any of the following: if you refused a chemical test, if you had a 0.04% BAC or more while operating a commercial motor vehicle as defined in CVC §15210 or while transporting hazardous materials, or held a commercial driver license and were driving any vehicle when you had a 0.08% BAC or more.

HEARING INFORMATION

YOU HAVE 10 DAYS FROM RECEIPT OF THIS NOTICE TO REQUEST A HEARING TO SHOW THAT THE SUSPENSION OR REVOCATION IS NOT JUSTIFIED. ***The suspension or revocation will not be stayed (delayed) unless you request a hearing within 10 DAYS from the issue date of this order and DMV cannot provide a hearing before the effective date of the suspension or revocation and make a determination.*** Hearings are conducted only to determine questions of fact as described on the reverse. Your need for a license cannot be considered at a hearing. **If you want a hearing or have questions regarding this matter, contact the DMV at (916) 657-0214.** A telephone hearing will be conducted unless you request an in-person hearing. Before the hearing you may see or obtain copies of the department's evidence. ***You must request copies of the department's evidence at least 10 DAYS prior to the date set for commencement of the hearing in order to receive them prior to the hearing date.*** If you want the information released to someone else, give them signed permission. ***You have the right to have a sign or language interpreter present at your hearing. If you require the service of an interpreter, immediately notify DMV of the need for such service.*** ***During the hearing*** you may present oral testimony and/or other evidence. Testimony is taken under oath or affirmation, and the hearing is recorded. You may be represented by legal counsel, or you may represent yourself. The arresting officer(s) may be subpoenaed in this matter, if it is determined that his or her testimony is needed. If you wish to question the arresting officer(s), you have the right to have subpoenas issued on your behalf. You may subpoena any other witness(es) you feel may help your case, and you have the right to cross-examine any opposing witness(es). Blank subpoenas may be obtained on the internet at the following address ***http://www.dmv.ca.gov/portal/dmv/detail/forms/formsds*** or provided to you by the hearing officer upon request prior to the hearing. You are responsible for service of your subpoena(s) and any witness fee required by law. ***After the hearing,*** the hearing officer shall make findings and render a decision.

OFFICER'S PRINTED NAME	BADGE/ID NUMBER	TELEPHONE NUMBER
WATERMAN, ROBERT P	649475	(661) 260-4000
AGENCY	**AREA**	**COURT CODE (IF UNKNOWN, COURT NAME)**
LOS ANGELES COUNTY SHERIFF'S DEPARTMENT	SCT	NEWHALL

I [x] did [ ] did not personally serve a copy of the Order of Suspension/Revocation to the driver.

Date 03/17/23 Signature of Arresting Officer X

ORDER SERVED BY ANOTHER OFFICER: If order was served on driver by another Officer have that officer complete this section.
I personally served a copy of the order to the driver on the date shown below:

Date	Serving Officer's *Printed* Name	Badge/ID Number	Signature Of Serving Officer
/ /			X

HEARING ISSUES

Chemical test results of 0.01% or more BAC while on DUI probation; 0.04% or more BAC in a commercial motor vehicle; or 0.08% or more BAC.

- Did the peace officer have reasonable cause to believe you were driving a motor vehicle in violation of CVC §§23152, 23153, or 23154?
- Were you lawfully detained while on DUI probation or lawfully arrested?
- Were you driving a motor vehicle when you had: **0.01% BAC** or more by weight of alcohol while on DUI probation; **0.04% BAC** or more by weight of alcohol while driving a commercial vehicle; or **0.08% BAC** or more by weight of alcohol?

Refusal to submit to or failure to complete a chemical test.

- Did the peace officer have reasonable cause to believe you were driving a motor vehicle in violation of CVC §§23152, 23153, or 23154?
- Were you lawfully detained while on DUI probation, or lawfully arrested?
- Were you told that your driving privilege would be suspended, or revoked for one, two, or three years if you refused to submit to, or failed to complete a chemical test?
- Did you refuse or fail to complete a chemical test, or PAS test (DUI Probation), after being requested to do so by a peace officer?

APPEAL RIGHTS

Following the hearing decision, you may request a department review in writing within 15 days from the date on the bottom of the notice telling you the results of your hearing. The fee for the department review is $120. You may also appeal a DMV decision by filing a writ of mandamus at the superior court in your county of residence within 30 days from the date on the bottom of the notice telling you the results of your hearing.

PENALTIES

Chemical test results of 0.01% or more BAC while on DUI probation; 0.04% or more BAC in a commercial motor vehicle; or 0.08% or more BAC. (CVC §§13353.2 and 13353.3)

- **First Offense** of driving with a BAC of 0.08% or more **or** 0.04% or more BAC in a commercial motor vehicle will result in a **4-month suspension**, or a **1-year suspension** if 0.01% or more BAC while on DUI probation.
- **Second or Subsequent Offense**, within 10 years of a separate violation of driving under the influence, including such a charge reduced to reckless driving, or vehicular manslaughter, or violation of CVC §23140, which resulted in a conviction, or separate administrative determination that you were driving with a BAC of 0.01% or more while on DUI probation, or a BAC of 0.08% or more **or** a BAC of 0.04% or more in a commercial motor vehicle at any age, or you refused a test, will result in a 1-year suspension.

Refusal to submit to or failure to complete a chemical test or a preliminary alcohol screening. (CVC §§13353 and 13353.1)

- **First Offense** will result in a **1-year suspension, or a 2-year revocation if on DUI probation.**
- **Second Offense**, within 10 years of a separate violation of driving under the influence, including such a charge reduced to reckless driving, or vehicular manslaughter, or a violation of CVC §23140, which resulted in a conviction, or separate administrative determination that you were driving with a BAC of 0.01% or more while on DUI probation, or a BAC of 0.08% or more **or** a BAC of 0.04% or more in a commercial vehicle at any age, or you refused a test, will result in a **2-year revocation, or a 3-year revocation while on DUI probation**.
- **Three or More Offenses** within 10 years of any combination of the above violations, convictions or separate administrative determinations will result in a **3-year revocation**.

ADDITIONAL INFORMATION

An administrative review will automatically be conducted. You will be notified in writing only if the suspension or revocation is set aside. Before the suspension or revocation can be ended and a driver license issued or returned to you, a $125 reissue fee must be paid to DMV (CVC §14905), and you must file proof of financial responsibility by a California Insurance Proof Certificate (SR 22/1P), $35,000 cash deposit, or surety bond, or self insurer certificate (CVC §16430). You must maintain proof of financial responsibility for three years. If you drive while your driving privilege is suspended or revoked, you may be arrested and, if convicted, jailed and/or fined and your vehicle can be impounded or sold.

THE ADMINISTRATIVE PER SE SUSPENSION/REVOCATION ACTION IS INDEPENDENT OF ANY COURT SANCTIONS.

continued on next page

FORWARD THIS DOCUMENT TO THE DMV WITHIN 5 BUSINESS DAYS OF THE ARREST.

Forward pages 1, 2 and 3 to your local Driver Safety Office.
The Driver Safety addresses and telephone numbers are listed below.
White—***DMV*** Yellow—***Law Enforcement*** Pink—***Driver***

DEPARTMENT OF MOTOR VEHICLES — DRIVER SAFETY OFFICES

LOCATION	TELEPHONE	FAX	ADDRESS
Bakersfield	(661) 833-2103	(661) 833-2102	5800 District Blvd., Ste. 100-B, 93313
City of Commerce	(323) 724-4000	(323) 724-9262	5801 E. Slauson Ave., 2nd Flr., Ste. 250, 90040
City of Orange	(714) 703-2511	(714) 703-2526	790 The City Dr., Ste. 420, 92868
Covina	(626) 974-7137	(626) 974-7118	1365 N. Grand Ave., Ste. 101, 91724
El Segundo	(310) 615-3500	(310) 615-3581/3582	390 N. Pacific Coast Hwy., Ste. 2075, 90245
Fresno	(559) 445-6399	(559) 445-6379	2510 S. East Avenue, Ste. 310, 93706
Oakland	(510) 563-8900	(510) 563-8950/8951	7677 Oakport St., Ste. 220, 94621
Oxnard	(805) 988-3050	(805) 988-1420	2051 N. Solar Dr., Ste. 125, 93036
Redding	(530) 224-4755	(530) 224-4737	2650 Churn Crk. Rd., Ste. 200, 96002
Sacramento	(916) 227-2970	(916) 227-0174/2901	4700 Broadway, 2nd Flr., 95820
San Bernardino	(909) 383-7413	(909) 383-7439	1845 Business Center Dr., Ste. 212, 92408
San Diego	(619) 220-5300	(619) 220-5418	1455 Frazee Rd., Ste. 400, 92108
San Francisco	(415) 557-1170	(415) 557-7375	1377 Fell Street, 2nd Flr., 94117
San Jose	(408) 229-7100	(408) 229-7128/7129	90 Great Oaks Blvd., Ste. 104, 95119
Santa Rosa	(707) 576-2710	(707) 543-7154	2570 Corby Ave., 95407
Stockton	(209) 948-7715	(209) 463-4858	710 N. American St., 95202
Van Nuys	(818) 376-4217	(818) 376-4215/4216	6150 Van Nuys Blvd., Ste. 205, 91401

continued on next page

CHEMICAL TEST ADMONITION

(CVC §§23154, 23612)

I admonished the driver on date: ____/____/____ at _____ ☐ AM ☐ PM

1. You are required by state law to submit to and complete a chemical test to determine the alcohol and/or drug content of your blood.
2. Because I believe you are under the influence of alcohol or a combination of alcohol and drugs, you have a choice of taking a breath or blood test. If you are on DUI Probation you are required to submit to a Preliminary Alcohol Screening Test.
3. Availability of Tests. (*Read only when applicable.*)
   - ☐ **When Applicable:** Since the breath and blood tests are unavailable; you are incapable of completing a breath or blood test; or you are afflicted with hemophilia or are using an anticoagulant medication, you are deemed to have given your consent to chemical testing of your urine.
   - ☐ **When Applicable:** Since you need medical treatment, your choice is limited to the (*check all available*) ☐ blood, ☐ breath, and/or ☐ urine test(s), the only test(s) available at _____.
4. If you refuse to submit to, or fail to complete a chemical test, your driving privilege **will** be administratively suspended for **one year** or administratively revoked for **two or three years** by the Department of Motor Vehicles. A second offense within ten years of a separate violation of driving under the influence, including such a charge reduced to reckless driving, or vehicular manslaughter, or a violation of CVC §23140, which resulted in a conviction, or separate administrative determination that you were driving with a BAC of 0.01% or more while under age 21; or a separate administrative determination that you were driving with a BAC of 0.01% or more while on DUI probation, or a BAC of 0.04% or more while operating a commercial motor vehicle, or a BAC of 0.08% or more at any age, or you refused a test, will result in a two-year administrative revocation. Three or more offenses within ten years of any combination of the above violations, convictions or separate administrative determinations will result in a three-year administrative revocation.
5. Refusal or failure to complete a chemical test may be used against you in court.
6. Refusal or failure to complete breath or urine testing will result in a fine and mandatory imprisonment if you are convicted of a violation of CVC §§23152 or 23153.
7. You do not have the right to talk to an attorney or have an attorney present before stating whether you will submit to a test, before deciding which test to take, or during the test.
8. If you cannot, or state you cannot, complete the test you choose, you must submit to and complete a remaining test.

DRIVER RESPONSE: Include statements or actions by the driver that indicate a refusal or failure of each test.

☐ **Will you take a Preliminary Alcohol Screening Test?** (*DUI Probation*) _____

☐ **Will you take a Breath Test?** _____

☐ **Will you take a Blood Test?** _____

TEST UNAVAILABLE: One or more tests were unavailable. ☐ PAS test unavailable ☐ Breath test unavailable ☐ Blood test unavailable

Explain: _____

LANGUAGE: If not given in English, admonition was given in ☐ Spanish ☐ Other language (*specify*): _____

Admonition Read by a Different Officer: If the above Chemical Test Admonition was read to arrestee by another officer, indicate that officer's information:

OFFICER NAME	BADGE/ID NUMBER	AGENCY /DIVISION	TELEPHONE NUMBER
			( )

DRUG ADMONITION

1. Because I believe you are under the influence of drugs or a combination of drugs and alcohol, you are required by state law to submit to a blood, breath, or urine test. A urine test is available only if you are afflicted with hemophilia or are using an anticoagulant medication.
   - ☐ **When Applicable:** Because you have already submitted to or refused or failed to complete a breath test **or** a breath test is unavailable, your choice is limited to a blood test or a urine test, when applicable.
2. If you refuse to submit to, or fail to complete a chemical test, your driving privilege **will** be administratively suspended for **one year** or administratively revoked for **two or three years**, by the Department of Motor Vehicles. A second offense within ten years of a separate violation of driving under the influence, including such a charge reduced to reckless driving, or vehicular manslaughter, or a violation of CVC §23140, which resulted in a conviction, or separate administrative determination that you were driving with a BAC of 0.01% or more while under age 21, or a separate administrative determination that you were driving with a BAC of 0.01% or more while on DUI probation, or a BAC of 0.04% or more while operating a commercial motor vehicle, or a BAC of 0.08% or more at any age, or you refused a test, will result in a two-year administrative revocation. Three or more offenses within ten years of any combination of the above violations, convictions or separate administrative determinations will result in a three-year administrative revocation.
3. Refusal or failure to complete a chemical test may be used against you in court.
4. Refusal or failure to complete breath or urine testing will result in a fine and mandatory imprisonment if you are convicted of a violation of CVC §§23152 or 23153.
5. You do not have the right to talk to an attorney or have an attorney present before stating whether you will submit to a test, before deciding which test to take, or during the test.

DRIVER RESPONSE: Include statements or actions by the driver that indicate a refusal or failure of each test.

☐ **Will you take a Blood Test?** _____

☐ **Will you take a Urine Test?** _____

TEST UNAVAILABLE: One or more tests were unavailable. ☐ Blood test unavailable ☐ Urine test unavailable

Explain: _____

LANGUAGE: If not given in English, admonition was given in ☐ Spanish ☐ Other language (*specify*): _____

Admonition Read by a Different Officer: If the above Drug Admonition was read to arrestee by another officer, indicate that officer's information:

OFFICER NAME	BADGE/ID NUMBER	AGENCY/DIVISION	TELEPHONE NUMBER
			( )

continued on next page

LETTER OF TRANSMITTAL
CF NO. 23-000735
COMMANDING OFFICER'S ADJUDICATION

ADJUDICATION

Department Complaint

Complaint Investigation, CF No. 23-000735, resulted in 5 allegations of misconduct against one Department employee:

Detective I Tommy Thompson — Hollenbeck Area
Serial No. 33086[1]

The allegations are listed below with a recommendation for classification and supporting rationale.

ALLEGATION 1. The Department alleges that on March 14, 2023, Detective Thompson, while on-duty, was involved in a hit and run traffic collision while operating a Department vehicle.

ALLEGATION 2. The Department alleges that on March 14, 2023, Detective Thompson, while on-duty, operated a Department vehicle while under the influence of alcoholic beverages resulting in his arrest.

ALLEGATION 3. The Department alleges that on March 14, 2023, Detective Thompson, while on-duty, failed to notify a supervisor prior to leaving city limits in a Department vehicle.

CLASSIFICATION

It is recommended that Allegations 1-3 be classified as **SUSTAINED.**

RATIONALE

The investigation revealed that on March 14, 2023 at approximately 1203 hours, Detective Thompson, while on-duty, was driving a city owned vehicle when he was involved in a traffic collision in the City of Santa Clarita (Stevenson Ranch). Pursuant to the collision, Thompson drove off the freeway to a gas station parking lot. While in the lot, Thompson was involved in a secondary/separate traffic collision.

[1] At the time this Complaint Investigation was initiated, Detective Thompson was a Detective II assigned to Operations-Central Bureau, Central Bureau Homicide.

The California Highway Patrol (CHP) responded and began an investigation into the collisions. During their interview with Thompson, the investigating officer recognized signs and symptoms that Thompson was under the influence of alcohol and/or drugs. Additionally, the investigation revealed Thompson had essentially fled the scene of the first collision. As a result, Thompson was arrested for 23152 (g) CVC, DUI (drugs and alcohol) and 20002(a)(1) CVC, (Misdemeanor) Hit and Run.

The CHP investigation revealed that Thompson drove away from the location of his traffic collision to a secondary location, failing to stop and provide his information.

Thompson admitted to consuming alcohol and taking prescription medication Ambien the evening prior to being arrested. Additionally, Thompson submitted to a breath test upon his arrest, which revealed a .03% Blood Alcohol Content (BAC).

Thompson admitted he left the city limits to retrieve his cellular phone from his residence. Thompson explained the lack of notification or seeking approval for being outside city limits was because only lived a few miles outside city.

Based upon a review of the related reports completed by the CHP and Thompson's statements, there is evidence to support the allegations did in fact occur, as stated. It is therefore recommended that Allegations 1-3 be classified as **SUSTAINED.**

ALLEGATION 4. The Department alleges that on March 17, 2023, Detective Thompson, while on-duty, operated his privately-owned vehicle while under the influence of alcoholic beverages resulting in his arrest.

ALLEGATION 5. The Department alleges that on March 17, 2023, Detective Thompson, while on-duty, provided a false statement to an outside agency when Thompson stated he did not consume any alcoholic beverages prior to operating his personally-owned vehicle.

CLASSIFICATION

It is recommended that Allegations 4 and 5 be classified as **SUSTAINED.**

RATIONALE

On March 17, 2023, Thompson was involved in a traffic collision when he lost control of his privately-owned vehicle. Fortunately, there were no injuries as a result of the accident. This collision occurred while Thompson was assigned home due to his arrest for Driving Under the Influence (DUI) arrest just three days earlier. In this incident, the responding Los Angeles Sheriff's Department (LASD) Deputies conducted their investigation and observed Thompson to display objective symptoms of being under the influence of alcohol. This suspicion was confirmed upon Thompson's subsequent BAC results of 0.08 and 0.09 during the booking process.

In review of the Body Worn Camera (BWC) footage of the responding LASD Deputies and supervisor, Thompson's behavior, actions and conduct is questionable of being impaired. Based upon the traffic collision and DUI investigation, which was documented by Deputies, proved beyond any doubt Thompson was operating his personal vehicle while under the influence of alcohol.

Regarding Allegation No. 5, Thompson is depicted on BWC telling LASD Deputies that he had nothing to drink, when asked. Based upon their observations of Thompson, the Deputies formed the opinion Thompson had been drinking. Additionally, in his subsequent interview with Internal Affairs, Thompson admitted he had in fact consumed alcohol earlier in the day before driving his personal vehicle in celebration of Saint Patrick's Day.

Based upon the evidence presented in this case, inclusive of the LASD Deputies traffic and DUI investigation, the BAC test results and the BWC video footage related to Thompson's detention and arrest, it is recommended that Allegations 4-5 be classified as **SUSTAINED**.

ADMINISTRAIVE INSIGHT (Thompson, Tommy, Serial No. 33086)

DIGITAL IN-CAR VIDEO / BODY WORN VIDEO / AUDIO RECORDINGS

The digital recordings associated with this investigation, inclusive of the interviews of the accused employee and witnesses(s), were reviewed. Body Worn Video from the Los Angeles County Sheriff's Department and any other captured recordings related to this investigation were also reviewed.

EMPLOYEE DEVELOPMENT PLAN

Upon his first arrest for DUI, Thompson was directed to and met with both Behavioral Science Section (BSS) and the Department's Addiction Prevention Unit (APU). During his interview with Internal Affairs, Thompson took responsibility for his actions and demonstrated remorse for his arrests. Furthermore, Thompson admitted to having a substance abuse dependency and volunteered himself to be enrolled in a treatment center for his alcohol use.

Based on the totality of the investigation, Thompson is being directed to a Board of Rights with a recommendation for removal, therefore, there will be no further recommendation(s) for a development plan.

PENALTY

The Department's allegations against Detective Thompson are serious in nature. The investigation has proven Thompson was arrested twice for DUI, both incidents occurred while Thompson was on-duty. In both cases, Thompson was involved in traffic collisions, the cause for these collisions were (presumably) based on his impairment. Fortunately, there were no reported injuries in either instance. In his first arrest, Thompson was also charged with Misdemeanor Hit and Run by the CHP. Additionally, the investigation proved Thompson provided a false statement(s) during the investigation of his second DUI arrest when he told investigators he had nothing to drink.

Thompson's conduct and actions are cause for significant concern. Thompson's behavior is not commensurate of a tenured homicide Detective. His decision making, actions and conduct not only tarnishes Thompson's reputation as a Los Angeles Police Officer, but also reflects poorly on the Los Angeles Police Department.

It is recommended that Detective Thompson be directed to a Board of Rights with the proposed penalty of removal.

TRAINING ISSUES

This was an off-duty incident, so no training issues were noted.

WORKPLACE ISSUES

None

WORK/COMPLAINT HISTORY ANALYSIS

Detective Thompson's complaint history was reviewed via TEAMS II for any complaint patterns.

03-4780	Date: 10/13/2003	NOD	Actions Could be Different
03-4154	Date: 06/02/2003	PTC	Counseling
03-4428	Date: 11/15/2002	Unauthorized Tactics	Official Reprimand
02-2272	Date: 05/15/2002	Unbecoming Conduct	Other Judicial Review
00-1306	Date: 03/02/2000	NOD	Suspension (4 days)
00-0201	Date: 01/06/2000	Improper Remark	Not Resolved
99-3133	Date: 07/26/1999	Discourtesy	Not Resolved
98-4154	Date: 09/23/1998	Discourtesy	Not Resolved
98-1566	Date: 03/13/1998	Alcohol Related	Suspension (3 days)

DEMOTION/DOWNGRADE CONSIDERATIONS

On August 26, 2023, Thompson met with Lieutenant II Ryan Rabbett, Officer-in-Charge, Central Bureau Homicide, at which time was served with documents to downgrade him from the paygrade of Detective II to Detective I. Thompson was subsequently administratively transferred from Operations-Central Bureau to Hollenbeck Area.

RELIEF FROM DUTY CONSIDERATIONS

Thompson has been placed on Injured on Duty (IOD) status since July 2023. Relief from Duty will be considered once Thompson has been served with this investigation.

ACTIONS TAKEN

None

RECOMMENDATIONS

It is recommended that Thompson be directed to a Board of Rights.

RESPONSE TO COMPLAINANT

N/A. This was a Department generated complaint.

This letter of transmittal was written by:

RYAN RABBETT, Lieutenant
Officer-in-Charge, Central Bureau Homicide
Operations-Central Bureau

APPROVED BY:

MICHAEL A. OREB, Deputy Chief
Commanding Officer
Operations-Central Bureau

INTRADEPARTMENTAL CORRESPONDENCE

December 11, 2023
13.5

TO: Commanding Officer, Operations Central-Bureau

FROM: Commanding Officer, Internal Affairs Division

SUBJECT: SUPPLEMENTAL INVESTIGATION, CF NO. 23-000735

BACKGROUND

On March 14, 2023, Detective II Tommy Thompson, Serial No. 33086, Operations-Central Bureau (OCB) Homicide, was arrested by the California Highway Patrol for 20002 (a)(1) California Vehicle Code (CVC), Hit and Run and 23152 (g) CVC, Operating a Motor Vehicle While Under the Influence. Thompson was on-duty at the time of his arrest.

On March 17, 2023, Thompson, was arrested by the Los Angeles County Sheriff's Department for 20002 (a)(1) CVC, Hit and Run and 23152 (g) CVC, Operating a Motor Vehicle While Under the Influence. Thompson was on-duty at the time of his arrest.

SUMMARY

During the Adjudication process, Lieutenant II Ryan Rabbett, Serial No. 33690, Officer-In-Charge, OCB Homicide, identified concerns within the investigation and requested that Internal Affairs Division complete a Supplemental Investigation to address said concerns. The Investigating Officer for this supplemental investigation was, Sergeant II Akeyla Foster, Serial No. 40152, Internal Affairs Division, Complaint Investigation Section-Central. As a reminder, the statute date for this investigation remains, **March 14, 2024.**

CONCERN 1:

Inaccurate Serial No. for accused: The accused employee, Detective II Tommy Thompson has the incorrect Serial No. listed on the first page of the investigation (Line No. 7). The Serial No. reads "35791". Thompson's Serial No. is actually "33086".

RESPONSE:

The serial number was corrected as indicated in the concern: Thompson's Serial No. is, 33086.

CONCERN 2:

Inaccurate duty status on allegations: Thompson's duty status on Allegations Nos. 1, 2, 4 and 5 is listed as off-duty. Thompson's duty status on both March 14 and 17, 2023 was, "on-duty". On March 14, 2023, Thompson was on-duty when he was involved in the hit and run traffic collision and his driving under the influence arrest. Additionally, on March 17, 2023, Thompson's was on-duty, and had just completed his directed referral (telephonic) appointment with one of the Department's Behavioral Science Service Psychologist. Thompson was assigned home in the Deployment Planning System. Thompson was listed as "Special Detail" at the direction of Deputy Chief Michael Oreb, Serial No. 25109 Commanding Officer, OCB.

RESPONSE:

All allegations were reframed to reflect Thompson's accurate duty status as listed in the badge note, "On-Duty." The allegations were reframed as listed below:

ALLEGATION 1. The Department alleges that on March 14, 2023, Detective Thompson, while on-duty, was involved in a hit and run traffic collision while operating a Department vehicle.

ALLEGATION 2. The Department alleges that on May 14, 2023, Detective Thompson, while on-duty, operated a Department vehicle while under the influence of alcoholic beverages resulting in his arrest.

ALLEGATION 4. The Department alleges that on March 17, 2023, Detective Thompson, while on-duty, operated his privately-owned vehicle while under the influence resulting in a traffic collision and his arrest.

ALLEGATION 5. The Department alleges that on March 17, 2023, Detective Thompson, while on-duty, provided a false statement to an outside law enforcement agency when Thompson stated that he did not consume any alcoholic beverages prior to operating his personally-owned vehicle.

KIRK KELLEY, Captain
Acting Commanding Officer
Internal Affairs Division

AGREEMENT REGARDING PROPOSED DISCIPLINE

This document represents an agreement between the City of Los Angeles, the Los Angeles Police Department and the Chief of Police Michel R. Moore (hereinafter collectively referred to as "the City") and Detective I Tommy Thompson, Serial No. 33086, a member of the Los Angeles Police Department (hereinafter referred to as "Thompson")

WHEREAS the City has conducted an investigation regarding alleged misconduct involving Thompson, which has resulted in personnel complaint, CF No. 23-000735 being brought against Thompson, and,

WHEREAS the parties desire to reach a settlement in the above-referenced disciplinary proceedings in lieu of further administrative or judicial adjudication of the charge, and,

WHEREAS the parties agree that this AGREEMENT REGARDING PROPOSED DISCIPLINE (AGREEMENT) is not an admission by either party to any unlawful or wrongful acts by themselves, their agents or representatives;

NOW THEREFORE, the City and Thompson, in consideration of the mutual covenants within, agree as follows:

1. The City shall amend personnel complaint, CF No. 23-000735 as follows:

Count One. On or about March 14, 2023, while on-duty, were involved in a hit and run traffic collision while operating a Department vehicle.

Count Two. On or about March 14, 2023, while on-duty, operated a Department vehicle, while under the influence of alcohol and prescription medication, resulting in your arrest.

Count Three. On or about March 17, 2023, while off-duty, operated your privately-owned vehicle, while under the influence of alcoholic beverages in your arrest.

Count Four. On or about March 17, 2023, while off-duty, provided an inaccurate statement to an outside agency when you stated that you did not consume any alcoholic beverages prior to operating your personally-owned vehicle.

The City will find said charge, Counts 1-4 to have been **SUSTAINED** against Thompson and will re-classify Counts 1-4 from **Sustained /Directed BOR** to a **disciplinary penalty of 22 Suspension Days** (working days), The penalty of 22 (working days) suspension will be served upon execution of this **AGREEMENT**.

I have read this page & agree with its terms & conditions: Initials: T.T. ***Date:*** 2/21/24

BY STEWART POWELL, WITH PERMISSION. SP

2. By acceptance of the above charge and sustained and the penalty imposed, Thompson agrees that there is factual basis for said discipline. Thompson acknowledges that the charges sustained, and the discipline imposed will be reflected in his personnel record and TEAMS report.

3. Thompson by signing this AGREEMENT, acknowledges that he has been apprised of his due process rights and the procedures available to contest such action, and, that he hereby explicitly waives all rights and remedies available either under the Los Angeles City Charter or state law in order to effectuate this AGREEMENT.

4. Thompson understands and agrees that effective February 13, 2024, he was Relieved From Duty (RFD) pending a directed BOR hearing for a period of thirty (30) calendar days thereafter, he did not suffer any loss of compensation.

5. Thompson will not initiate or pursue any further legal remedy of whatever kind against the City or its employees, any claims against the City and its employees, any appeals or other administrative proceedings, nor seek any other remedies available under the Los Angeles City Charter, state or federal law arising from the facts and circumstances which gave rise to the investigation, the personnel complaint, and its resolution as reflected in this AGREEMENT. Notwithstanding any language to the contrary herein, the parties expressly agree that Thompson shall retain all legal rights and remedies to which he is entitled as a matter of law in any Workers Compensation action or to receive such Workers Compensation benefits as are allowed by law resulting from the incident which gave rise to the investigation.

6. Thompson agrees to, and does, fully release, acquit, and forever discharge the City, and all present and former officers, employees and agents of the City from any liability for any and all claims arising out of or in connection with the facts and circumstances which gave rise to this investigation, the personnel complaint, and the proposed disciplinary action.

7. Thompson agrees and acknowledges that any or all of the documents described in this AGREEMENT (including this AGREEMENT) shall be entered into his "general" personnel file (as defined in Penal Code §832.5) or any other file used for personnel purposes, and that said documents can be construed as comments adverse to his interests. Therefore, Thompson understands and acknowledges that these documents will be part of his personnel record as comments adverse to his interests.

In addition, he understands that he holds certain due process rights under the Los Angeles City Charter, state and federal law and that both the Los Angeles City Charter and

I have read this page & agree with its terms & conditions: Initials: TT ***Date:*** 2/22/2024

state law provide specific due process procedures to be accorded an employee when such disciplinary actions are taken.

Thompson agrees to participate in the following terms and conditions (paragraphs 8, 9, 10, 11) as part of this Settlement Agreement and Rehabilitation Program:

For the period of (3) YEARS, while employed with the Los Angeles Police Department and after signing this AGREEMENT, Thompson agrees to:

8. Abstain from the use of all alcoholic beverages while employed by the Los Angeles Police Department.

9. While off-duty, do not enter any establishment whose primary business is selling alcoholic beverages.

10. While off-duty, do not purchase any alcoholic beverages.

11. Submit to a substance testing up to three times a month, on the request of a supervisor. The testing can include breath, blood or urine, as directed by a supervisor. If a breath test is given and the results indicate the presence of alcohol, Thompson agrees to immediately provide a blood or urine sample, as directed by a supervisor, to confirm results. Thompson further agrees to participate in these tests on both an on and off duty basis and will cooperate fully with Department Supervisor in the administration of any on or off duty test. Thompson's cooperation would include providing a breath sample to a supervisor who may respond to his residence. If that breath sample indicates the presence of alcohol, Thompson will be placed on-duty and accompany the supervisor to conduct further alcohol testing. Thompson's off-duty participation in the breath test process is part of his acceptance of this contract and will not be subject to compensation by the Department.

12. **Submit to unscheduled, unannounced, directed testing for controlled substances up to (5) five times a month, by a Department supervisor.** The testing may include blood or urine, and/or hair samples as directed by a supervisor. Thompson further agrees to participate in these tests on and off duty and will cooperate fully with Department supervisor in the administration of any on or off duty test. **However, nothing in the AGREEMENT shall be interpreted to interfere with Thompson's necessity to use prescribed medication as directed by his physician;** and complying with usage of prescribed medication at the prescribed levels and dosages indicated by his physician. Furthermore, Thompson shall refrain from operating a vehicle or heavy machinery when taking prescribed

medication with side effects that may cause drowsiness, and/or the ability to carefully operate a motor vehicle or machinery when using the prescribed medication as indicated.

13. Thompson understands and agrees that the consideration provided for this AGREEMENT is intended to release and discharge any and all claims or damages under the Age Discrimination in Employment Act of 1967, as amended, 29 U. S. C. Section 621, et seq. Thompson represents that before signing this AGREEMENT, he has consulted with an attorney of his own choosing regarding the release of any such claims that he may have as a result of the alleged acts or omissions of the City and Thompson has been advised that he has twenty-one (21) days to consider this AGREEMENT and that he has seven (7) days after the date on which he signs this AGREEMENT within which to revoke it. Thompson knowingly and intentionally waives the twenty-one (21) day period for consideration of this AGREEMENT and the seven (7) day revocation period.

14. In consideration for the City doing the actions set forth herein and for the City's acting in compliance with the promises and representations set forth in this AGREEMENT, Thompson hereby releases and forever discharges the City, its past, present and future officers, directors, attorneys, agents, servants, representatives, and employees, and its past, present and future boards, commissions, departments, subsidiaries, affiliates, partners, predecessors, successors-in-interest and assigns, and all other persons, firms, or corporations, of and from any and all past, present or future claims, demands, obligations, actions, causes of action, rights, damages, costs, expenses, and compensation of any nature whatsoever, whether for compensatory, punitive or any other form of damages, which he now has, or which may hereafter accrue or otherwise be acquired, on account of, or in any way growing out of or related to, any matters, acts or omissions arising out of, or related to, the claims which are the subject of this investigation, the personnel complaint, and its resolution as reflected in this AGREEMENT, including, but not limited to, any and all known or unknown claims for bodily and personal injuries to Thompson, and the consequences thereof, which have resulted or may result from the alleged acts or omissions of the City. This release and discharge shall be a fully binding and complete settlement between the parties to this AGREEMENT and all parties represented by or claiming through such parties.

Thompson further understands and agrees that the actions taken, are intended to release and discharge any and all claims or damages which Thompson does not know or suspect to exist at the time of his execution of this AGREEMENT and Thompson hereby waives any rights under Section 1542 of the Civil Code of the State of California which reads as follows:

I have read this page & agree with its terms & conditions: Initials: TT ***Date:*** 2/22/2024

"A GENERAL RELEASE DOES NOT EXTEND TO CLAIMS WHICH THE CREDITOR DOES NOT KNOW OR SUSPECT TO EXIST IN HIS FAVOR AT THE TIME OF EXECUTING THE RELEASE, WHICH IF KNOWN BY HIM MUST HAVE MATERIALLY AFFECTED HIS SETTLEMENT WITH THE DEBTOR."

15. This AGREEMENT contains the entire AGREEMENT between Thompson and the City with regard to the matters set forth in it and shall be binding upon and inure to the benefit, jointly and severally, of Thompson and the City and the executors, administrators, personal representatives, heirs, successors and assigns of each. Any prior agreements, promises, negotiations or representations, whether written or oral, relating to the subject matter of this AGREEMENT which are not expressly set forth in this AGREEMENT are of no force or effect. Any amendment or modification of this AGREEMENT must be in writing and signed by both parties.

16. In entering into this AGREEMENT, each of the parties' represent that he has had the opportunity to seek the advice of his counsel of choice regarding the terms of this AGREEMENT, that those terms are fully understood and voluntarily accepted by each of the parties.

17. The parties agree that this AGREEMENT shall not be used as evidence in any future proceedings except in the event either party claims a breach of the AGREEMENT or desires to enforce the provisions of the AGREEMENT in litigation and/or administrative proceedings. In addition, the parties agree that this AGREEMENT shall not have precedential value in any other proceedings or for any other sworn employee employed by the City.

18. The parties also agree that this AGREEMENT may be executed in one or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same AGREEMENT.

19. Should any provision of this AGREEMENT be declared or be determined by any court to be illegal or invalid, the validity of the remaining parts, terms, or provisions shall not be affected thereby and shall remain with full force and effect, and said illegal or invalid part, term, or provision shall be deemed not to be part of the AGREEMENT.

20. This AGREEMENT shall be effective on the date of execution by Thompson and the
Chief of Police and if those signatures are on different dates, the effective date of this

AGREEMENT shall be the latest of those dates.

21. Jurisdiction over any disputes arising from the AGREEMENT shall be in the Superior Court of the County of Los Angeles.

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I have read this page & agree with its terms & conditions: Initials: TT *Date:* 2/22/24

This AGREEMENT consists of seven pages.

I, THE UNDERSIGNED EMPLOYEE OF THE LOS ANGELES POLICE DEPARTMENT HAVE CAREFULLY READ AND CONSIDERED EACH PROVISION IN THIS AGREEMENT. IN ADDITION, I ACKNOWLEDGE THAT THE DEPARTMENT HAS ENCOURAGED ME TO CONSULT WITH LEGAL COUNSEL OF MY CHOICE AND I HAVE DONE SO. I HAVE ALSO CAREFULLY CONSIDERED BOTH THE ADVANTAGES AND DISADVANTAGES THE AGREEMENT WOULD GIVE ME. IN RECOGNITION OF THOSE ADVANTAGES, I HEREBY KNOWINGLY AND VOLUNTARILY WAIVE MY RIGHT TO AN ADMINISTRATIVE APPEAL OR JUDICIAL REVIEW OF THE DEPARTMENT'S ADJUDICATION OF OR PENALTY FOR THE ALLEGED MISCONDUCT UNDERLYING THIS AGREEMENT.

Dated: 2/22/2024

TOMMY THOMPSON, DETECTIVE I
Los Angeles Police Department

Dated: 2.21-24

MICHEL R. MOORE, Chief of Police
Los Angeles Police Department

APPROVED AS TO FORM AND CONTENT:

Dated:

Stewart Powell, Attorney
Attorney for Thompson

Dated: 2/22/24

Representative for the City of Los Angeles

I have read this page & agree with its terms & conditions: Initials: TT ***Date:*** 2/22/2024

HOBK

LOS ANGELES POLICE DEPARTMENT
OFFICE OF THE CHIEF

BF No. 32171
CF No. 23-000735

IN THE MATTER OF
Tommy Thompson, # 33086

AMENDED
COMPLAINT AND RELIEF FROM DUTY
PROPOSED REMOVAL, SUSPENSION, OR DEMOTION

I, MICHEL R. MOORE, Chief of Police, complain against you, a member of the Los Angeles Police Department, and I hereby

☐ Direct you to a Board of Rights with the proposed penalty of removal from your employment with the Department. I also temporarily relieve you from duty as a Detective I, Code no. 2223-1 effective _____. This proposed removal and temporary relief from duty are made pending a hearing before and decision by a Board of Rights on the charge(s) set forth below. You shall not suffer a loss of compensation for thirty calendar days after the date on which you were served with the charge(s), except as provided for in subsection (q) of Charter Section 1070.

☐ Direct you to a Board of Rights with a proposed penalty of up to removal from your employment with the Department. I do not relieve you of duty pending the Board of Rights hearing. This directed action is made pending a hearing and decision by a Board of Rights for the charge(s) set forth below.

☒ Suspend you from your position as a Detective I, Code no. 2223-1 for a period of 22 working days with total loss of pay.

☐ Demote you from your position as a Detective I, Code no. 2223-1, to the position of _____, Code no. _____, effective _____.

This complaint and relief from duty, proposed removal, suspension, demotion, or suspension and demotion is made to promote the efficiency of the Los Angeles Police Department for the charge(s) set forth below:

Count 1 On or about March 14, 2023, you, while on-duty, were involved in a hit and run traffic collision while operating a Department vehicle.

Count 2 On or about March 14, 2023, you, while on-duty, operated a Department vehicle, while under the influence of alcohol and prescription medication, resulting in your arrest.

Count 3 On or about March 17, 2023, you, while off-duty, operated your privately-owned vehicle, while under the influence of alcoholic beverages resulting in your arrest.

Count 4 On or about March 17, 2023, you, while off-duty, provided an inaccurate statement to an outside agency when you stated that you did not consume any alcoholic beverages prior to operating your personally-owned vehicle.

I certify, under penalty of perjury, that the foregoing, to the best of my information, is true and correct.

Executed at Los Angeles, CA Date 2.21.24

Chief of Police

THE CHARTER OF THE CITY OF LOS ANGELES PROVIDES FOR A HEARING ON THESE CHARGES AND/OR APPEAL FROM THIS ACTION. SEE THE ATTACHED FORM 1.61.2 FOR SUCH PROVISIONS.

HOBK

LOS ANGELES POLICE DEPARTMENT
OFFICE OF THE CHIEF

BF No. 32171
CF No. 23-000735

CERTIFICATE OF SERVICE

I hereby certify that I served a copy of the above statement upon Tommy Thompson, # 33086, at 1404 hours, on FEB 22 20 24

☑ By handing the Officer a copy thereof personally at 201. N. FIGUEROA ST LOS ANGELES 90012.

☐ By forwarding a copy thereof by mail addressed to the Officer at his/her last known address at _____ in accordance with the policy established for service by mail of a Complaint and Relief From Duty, Proposed Removal, Suspension, or Demotion, Form 1.61.0.

☐ By leaving a copy at _____, the last known address.

NOTE: Attach a copy of the Form 1.61.2 to the original Complaint and Relief From Duty, Proposed Removal, Suspension, or Demotion, Form 1.61.0; to the accused Officer's copy of Form 1.61; and to any copy of those forms forwarded to Personnel Division.

Member of the Los Angeles Police Department

DET II K 3584 MERRIN

BF No. 32171

REINSTATEMENT OF EMPLOYEE

In the matter of:

Tommy Thompson, Serial Number 33086, Hollenbeck Division, who was temporarily relieved from duty effective 2/13/24 pending a hearing before a Board of Rights.

I hereby request reinstatement in this matter pending the outcome of the Board of Rights hearing currently set for —.

Tommy Thompson — **Accused Officer** | 2/22/24 — **Date** | [signature] — **Witness** 35814

On 2.21.24 the following decision was made:

✓ The employee is reinstated effective 2.21.24

___ The employee is to remain on Relief From Duty status.

[signature]

MICHEL R. MOORE
Chief of Police

The following were notified of the above decision:

(Rank, Name - Employee's Division)	(Date/Time)	(Notified By)
CAPT I CELINA ROBLES HQBC	2/22/24 1015AM	MERRILL
STEWART POWELL	2/21/24 1411	MERRILL
(Defense Representative)		
(Other)	(Date/Time)	(Notified By)

original - IAD
copy to - Employee
Division of assignment
Defense Representative

DEPUTY MERRILL — **(Distributed By)** | 2/22/24 1410 — **(Date/Time)**

Aug 2018

FILED
Superior Court of California
County of Los Angeles

OCT 24 2023

David W. Slayton, Executive Officer/Clerk of Court
By: A. Miller, Deputy

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

THE PEOPLE OF THE STATE OF CALIFORNIA, Plaintiff, v. **TOMMY RANDELL THOMPSON** **(DOB: O1 DOB)** Defendant(s).	**CASE NO. 3SC01776** ***MISDEMEANOR COMPLAINT***

130

The undersigned is informed and believes that:

COUNT 1

On or about March 14, 2023, in the County of Los Angeles, the crime of DRIVING UNDER THE COMBINED INFLUENCE OF ALCOHOL AND A DRUG, in violation of VEHICLE CODE SECTION 23152(g), a Misdemeanor, was committed by TOMMY RANDELL THOMPSON, who did drive a vehicle while under the combined influence of an alcoholic beverage and drug.

* * * * *

COUNT 2

On or about March 14, 2023, in the County of Los Angeles, the crime of HIT AND RUN DRIVING RESULTING IN PROPERTY DAMAGE, in violation of VEHICLE CODE SECTION 20002(a), a Misdemeanor, was committed by TOMMY RANDELL THOMPSON, who was driving a vehicle involved in an accident resulting in property damage and failed to immediately stop and either (1) locate and notify the owner or person in charge of the damaged property of his name and address and of the owner of the vehicle and present his driver's license and vehicle registration to the other driver, property owner or person in charge of that property; or (2) leave in a conspicuous place on the vehicle or property damaged a written notice giving his name and address and of the owner of the vehicle, along with a statement of the circumstances, and then notify law enforcement.

* * * * *

NOTICE: Conviction of this offense will require the defendant to provide DNA samples and print impressions pursuant to Penal Code sections 296 and 296.1 if the defendant has suffered a prior felony conviction. Willful refusal to provide the samples and impressions is a crime.

NOTICE: The People of the State of California intend to present evidence and seek jury findings regarding all applicable circumstances in aggravation, pursuant to Penal Code section 1170(b) and *Cunningham v. California* (2007) 549 U.S. 270.

NOTICE: A Suspected Child Abuse Report (SCAR) may have been generated within the meaning of Penal Code §§ 11166 and 11168 involving the charges alleged in this complaint. Dissemination of a SCAR is limited by Penal Code §§ 11167 and 11167.5 and a court order is required for full disclosure of the contents of a SCAR.

Further, attached hereto and incorporated herein are official reports and documents of a law enforcement agency which the undersigned believes establish probable cause for the arrest of defendant(s) TOMMY RANDELL THOMPSON for the above-listed crimes.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT AND THAT THIS COMPLAINT CONSISTS OF 2 COUNT(S).

Executed at VALENCIA, County of Los Angeles, on October 23, 2023.

#20527

G. BRUEMMER
DECLARANT AND COMPLAINANT

GEORGE GASCÓN, DISTRICT ATTORNEY BY: MARK HAN LEE, DEPUTY

AGENCY: CHP - NEWHALL STATION I/O: G. BRUEMMER ID NO.: 20527 PHONE : (661) 600-1620

DR NO.: F18754023 OPERATOR: BB

DEFENDANT	CII NO.	CITATION NO.	BOOKING NO.	BAIL RECOM'D	CUSTODY R'TN DATE
THOMPSON, TOMMY RANDELL	O1 PII	LC33064			11/13/2023

Pursuant to Penal Code Section 1054.5(b), the People are hereby informally requesting that defense counsel provide discovery to the People as required by Penal Code Section 1054.3.



I certify that this is a true and correct copy of the original on file in or issued from this office, consisting of 2 pages.

DAVID W. SLAYTON, Executive Officer/Clerk of the Superior Court of California, County of Los Angeles.

Date: 6/10/24 By: _____, Deputy

A. Sanchez

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Criminal Division

Santa Clarita Dept. - 2

NEW3SC01776-01 **November 13, 2023**

The People of the State of California vs. THOMPSON, TOMMY RANDELL **8:30 AM**

Honorable Gary Micon, Judge
K. Olivarez, Judicial Assistant

Proceedings Electronically Recorded, Court Reporter

NATURE OF PROCEEDINGS: Arraignment

The following parties are present for the aforementioned proceeding:

Shea J. Sanna, Deputy District Attorney
Kendric Vann Rollins, Private Counsel

The Defendant's presence is waived pursuant to Penal Code section 977(a).

The matter is called for Arraignment.

The Defendant is arraigned.

Advisement of statutory and constitutional rights is waived.

Reading of the accusatory pleading is waived.

The Defendant pleads not guilty to Count 001, VC23152(g).
The Defendant pleads not guilty to Count 002, VC20002(a).

The Defendant denies any and all allegations.

The court orders as a condition of own recognizance defendant is ordered to attend at least 2 12-step meetings per week, not more then 1 per day.

On Defendant's motion, Pretrial Conference Day 0 of 45 is set for **Friday, January 19, 2024,** at **8:30 AM** in **Santa Clarita Dept. - 2.**
The Defendant waives time.

Defendant Released on Own Recognizance.



I certify that this is a true and correct copy of the original on file in or issued from this office, consisting of 1 pages.

DAVID W. SLAYTON, Executive Officer/Clerk of the Superior Court of California, County of Los Angeles.

Date: 10/10/24 By: _____, Deputy

A. Sanchez

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Criminal Division

Santa Clarita Dept. - 2

NEW3SC01776-01 **January 19, 2024**

The People of the State of California vs. THOMPSON, TOMMY RANDELL **8:30 AM**

Honorable Daviann L. Mitchell, Judge
L. Kunz, Judicial Assistant

Proceedings Electronically Recorded, Court Reporter

VC23152(g), VC20002(a)

NATURE OF PROCEEDINGS: Pretrial Conference

The following parties are present for the aforementioned proceeding:

Shea J. Sanna, Deputy District Attorney
Kendric Vann Rollins, Private Counsel

The Defendant's presence is waived pursuant to Penal Code section 977(a).

The matter is called for Pretrial Conference.

Defendant also appears on case 3SC00911-01.

Proof of alcohol program filed for O.R. condition filed.

On Defendant's motion, Pretrial Hearing day 34 of 45 is set for **Thursday, February 22, 2024,** at **8:30 AM** in **Santa Clarita Dept. - 2.**

The Defendant is ordered to return on the above date.

Defendant Remains on Own Recognizance.



I certify that this is a true and correct copy of the original on file in or issued from this office, consisting of 1 pages.

DAVID W. SLAYTON, Executive Officer/Clerk of the Superior Court of California, County of Los Angeles.

Date: 10/10/24 By: _____, Deputy

A Sanchez

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Criminal Division

Santa Clarita Dept. - 2

NEW3SC01776-01 **February 22, 2024**

The People of the State of California vs. THOMPSON, TOMMY RANDELL **8:30 AM**

Honorable Daviann L. Mitchell, Judge
J. Grodell, Judicial Assistant

VC23152(g), VC20002(a)

NATURE OF PROCEEDINGS: Pretrial Hearing

The following parties are present for the aforementioned proceeding:

TOMMY RANDELL THOMPSON, Defendant
Shea J. Sanna, Deputy District Attorney
Kendric Vann Rollins, Private Counsel

The matter is called for Pretrial Hearing.

The Court and Counsel confer.

Affidavit of Prejudice pursuant to Code of Civil Procedure section 170.6 has been filed against Judge, Daviann L. Mitchell, by Defendant, TOMMY RANDELL THOMPSON.

The Court finds it is in proper format, and timely filed. By order of the Supervising Judge/Site Judge, the case is ordered reassigned and transferred forthwith to Judge, Michelle E. DeCasas.

On Court's motion, Pretrial Hearing is set for **Thursday, February 22, 2024,** at **8:30 AM** in **Santa Clarita Dept. - 3.**, forthwith.

The matter is assigned to Judge Michelle E. DeCasas, in Department 003, for all purposes, including trial.

Minute order entered by P. Flemming.



I certify that this is a true and correct copy of the original on file in or issued from this office, consisting of 1 pages.

DAVID W. SLAYTON, Executive Officer/Clerk of the Superior Court of California, County of Los Angeles.

Date: 10/10/24 By: _____, Deputy

A. Sanchez

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Criminal Division

Santa Clarita Dept. - 3

NEW3SC01776-01 **February 22, 2024**

The People of the State of California vs. THOMPSON, TOMMY RANDELL **8:30 AM**

Honorable Michelle E. DeCasas, Judge
P. Flemming, Judicial Assistant

Proceedings Electronically Recorded, Court Reporter

VC23152(g), VC20002(a)

NATURE OF PROCEEDINGS: Pretrial Hearing

The following parties are present for the aforementioned proceeding:

TOMMY RANDELL THOMPSON, Defendant
Nikki Respicio, Deputy District Attorney
Kendric Vann Rollins, Private Counsel

The matter is called for Pretrial Hearing.

The matter is called with case number 3SC00911-01.

On People's Motion, Complaint is amended by interlineation to add Count 003, a violation of VC23152(a), a Misdemeanor.

The Defendant is arraigned.

Advisement of statutory and constitutional rights is waived.

Reading of the accusatory pleading is waived.

The Defendant waives advisement of military rights pursuant to Penal Code section 858.

Defendant states true name as charged.

The Defendant is advised of, understands, and personally waives the following rights, the right against self incrimination, the right to confront and cross examine witnesses, the right to produce evidence and present a defense, and the right to a Trial by Court or Jury.

The Defendant is advised of the nature of charges, elements of the offenses, and possible defenses to such charges. The Defendant is advised of the possible consequences of a plea of guilty or nolo contendere, including maximum penalty and administrative sanctions and the possible legal effects and maximum penalties incident to subsequent convictions for the same or similar offenses.

NEW3SC01776-01 **February 22, 2024**

The People of the State of California vs. THOMPSON, TOMMY RANDELL **8:30 AM**

The Defendant is advised that if not a United States citizen, a conviction of the offense charged will have the consequences of deportation, exclusion from admission or reentry to the United States, and denial of naturalization and amnesty. Defendant declines additional time to re-consider plea or to further discuss immigration consequences of plea.

The Defendant is advised of the effects of probation.

Counsel for the Defendant joins in the waiver and concurs in the plea.
The Court finds that each waiver is knowingly, understandingly, voluntarily, and explicitly made.
The Court finds there is a factual basis for the Defendant's plea.
The Court accepts the plea.

Written Advisement of Rights and Waivers is filed.

As to Count 003: VC23152(a), Misdemeanor, the Defendant enters a plea of Nolo Contendere with the approval of the Court. The Court finds the Defendant guilty.

Disposition as to Count 001, VC23152(g), Misdemeanor: Dismissed 1385 PC
Disposition as to Count 002, VC20002(a), Misdemeanor: Dismissed 1385 PC

Disposition as to Count 003, VC23152(a), Misdemeanor: Conviction After Plea

The Defendant admits 1 prior.

The Defendant waives time for sentencing.

The Defendant waives arraignment for judgment and states there is no legal cause why sentence should not be pronounced. The Court orders the following judgment:

SUPERVISION:

As to Count 003 VC23152(a), Misdemeanor: Imposition of Sentence Suspended
Defendant is placed on **Summary Probation** for a period of **60 Months** upon the following terms and conditions:

CONDITIONS OF SUPERVISION:

FIN01: Make restitution to the victim per Penal Code section 1202.4(f) in an amount to be determined at a hearing. Liability is admitted but amount disputed.

DUI22: Do not drive any vehicle with any measurable amount of alcohol or drugs in your blood or refuse to take and complete any blood alcohol/drug chemical test, any field sobriety test or any preliminary alcohol screening test when requested by any peace officer.
DUI15: Do not drive a motor vehicle without a valid driver's license in your possession or without liability insurance in at least the minimum amounts required by law.
FIN04: A probation revocation restitution fine in the same amount as the restitution fine is imposed, pursuant to Penal Code section 1202.44, payment is stayed until probation is revoked and sentence imposed.
PROB12: Obey all laws and orders of the Court.
PROB26: Defendant acknowledges that they understand and accept each term and condition of probation

Any mandatory and non-punitive fees or assessments ordered in this case are not conditions of supervision.

Unless otherwise specified, this order constitutes a single grant of supervision for multiple counts, and all terms and conditions imposed apply to all counts.

CONFINEMENT/FINE:

As to Count 003 VC23152(a), Misdemeanor:
The Defendant is ordered to serve 4 Days in Los Angeles County Jail. (Mandatory)
The Defendant is to pay a fine of $390.00 plus penalty assessments or in default thereof serve 3 additional days in County jail or perform 3 days of Community Labor or perform 26 hours of approved Community Service with credit of 2 days actual or $250.00 toward fine for jail time already served.
The Defendant may serve 3 Days in County Jail in lieu of the fine at the rate of $125.00 per day.

Defendant elects to pay the fine.

The Defendant is given total credit of 2 Days as follows:
2 Days Actual Custody Credit

Defendant to surrender at I.R.C. on March 22, 2024, by 12:00 p.m., Noon.

Commitment order issued.

PROGRAM(S):

- Enroll within 21 days from today or release from custody and successfully complete an approved 18 month(s) **licensed Driving Under the Influence program**

The 18-month Alcohol Program is to run concurrent with case number 3SC00911-01.

DRIVER'S LICENSE CONDITION(S):

NEW3SC01776-01 **February 22, 2024**

The People of the State of California vs. THOMPSON, TOMMY RANDELL **8:30 AM**

At the time of the offense the Defendant was under the influence of alcohol, with a blood alcohol level of .03%.

The Defendant is advised and understands that being under the influence of alcohol or drugs, or both, impairs the ability to safely operate a motor vehicle, and is extremely dangerous to human life to drive while under the influence of alcohol or drugs, or both. Defendant is further advised that if as a result of driving under the influence of alcohol or drugs, or both, and someone is killed, the Defendant can be charged with murder.

Ability to pay hearing is waived by Defense Counsel.

Proof of Surrender (set as a non-appearance) is set for **Monday, March 25, 2024,** at **8:30 AM** in **Santa Clarita Dept. - 3.**

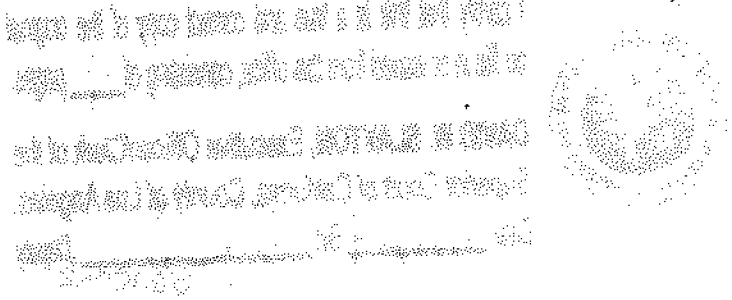
Restitution Hearing Setting and Proof of Enrollment in the Alcohol Program is set for **Friday, April 5, 2024,** at **8:30 AM** in **Santa Clarita Dept. - 3.**

The Defendant is ordered to return on the above date.

Case total fines and/or fees in the amount of $878.00 are due on or before Monday, February 24, 2025.

Defendant On Probation.

Commitment order issued for Surrender to I.R.C. on March 22, 2024, by 12:00 p.m.





I certify that this is a true and correct copy of the original on file in or issued from this office, consisting of 4 pages.

DAVID W. SLAYTON, Executive Officer/Clerk of the Superior Court of California, County of Los Angeles.

Date: 6/10/24 By: A. Sanchez Deputy

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Criminal Division

Santa Clarita Dept. - 3

NEW3SC01776-01 **March 25, 2024**

The People of the State of California **8:30 AM**

vs.

THOMPSON, TOMMY RANDELL

Honorable Michelle E. DeCasas, Judge
P. Flemming, Judicial Assistant

Proceedings Electronically Recorded,
Court Reporter

VC23152(g), VC20002(a), VC23152(a)

NATURE OF PROCEEDINGS: Proof of Completion of Surrender.

The following parties are present for the aforementioned proceeding:

Nikki Respicio, Deputy District Attorney

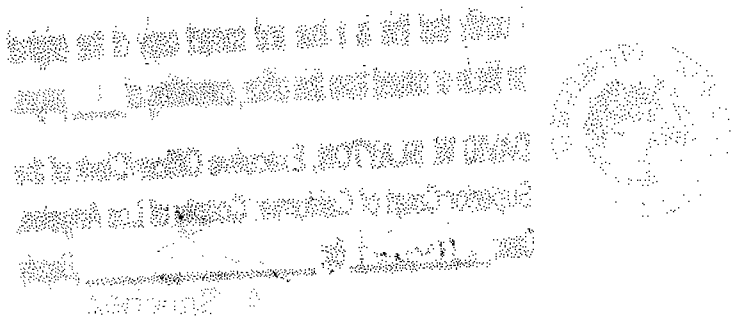
The Defendant is not present (non-appearance matter).

The matter is called for Proof of Completion.

Proof of Surrender is received. Booking number 6777500.

The next hearing date previously set for Restitution Hearing on April 5, 2024, remains on calendar in this department.

Defendant On Probation.





I certify that this is a true and correct copy of the original on file in or issued from this office, consisting of 1 pages.

DAVID W. SLAYTON, Executive Officer/Clerk of the Superior Court of California, County of Los Angeles.

Date: 6/10/24 By: _____ Deputy

A. Sanchez

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Criminal Division

Santa Clarita Dept. - 3

NEW3SC01776-01 **April 5, 2024**

The People of the State of California **8:30 AM**

vs.

THOMPSON, TOMMY RANDELL

Honorable Michelle E. DeCasas, Judge
S. Torres, Judicial Assistant

Proceedings Electronically Recorded,
Court Reporter

VC23152(g), VC20002(a), VC23152(a)

NATURE OF PROCEEDINGS: Restitution Hearing

The following parties are present for the aforementioned proceeding:

TOMMY RANDELL THOMPSON, Defendant
Nikki Respicio, Deputy District Attorney
Kendric Vann Rollins, Private Counsel

The matter is called for Restitution Hearing.

On People's motion the restitution hearing set for today is taken off calendar without prejudice..

Proof of progress of 18 month alcohol program is received and filed this date.

Proof of payment in full of outstanding court fines/fees is received this date.

On Court's motion, Clerk's Office - Proof of Completion - 18 Month Alcohol Program is set for **Friday, August 29, 2025,** at **8:30 AM** in **Santa Clarita Clerk's Office.**

The Defendant is ordered to return on the above date.

Defendant On Probation.



I certify that this is a true and correct copy of the original on file in or issued from this office, consisting of 1 pages.

DAVID W. SLAYTON, Executive Officer/Clerk of the Superior Court of California, County of Los Angeles.

Date: 6/10/24 By: _____, Deputy

A. Sanchez

SUPERIOR COURT OF CALIFORNIA	Reserved for Clerk's File Stamp FILED Superior Court of California County of Los Angeles FEB 22 2024 David W. Slayton, Executive Officer/Clerk of Court By: P. Flemming, Deputy
COUNTY: COUNTY OF LOS ANGELES	
PLAINTIFF: PEOPLE OF THE STATE OF CALIFORNIA	
DEFENDANT: Tony Thompson	
DUI WITHOUT INJURIES ADVISEMENT OF RIGHTS, WAIVER, AND PLEA FORM (Vehicle Code, §§ 23152, 23103(a)/23103.5, 23140, 23154, 14601 et seq., 12500(a))	CASE NUMBER: 3SC01776 DEPARTMENT: 3

INSTRUCTIONS

Fill out this form if you wish to plead guilty or no contest to the charges against you and admit the truth of the special allegations. Initial the box for each applicable item only if you understand it, and **sign and date the form on page 7**. If you have any questions about your case, the possible sentence, or the information on this form, ask your attorney or the judge.

NATURE OF THE CHARGES AND SPECIAL ALLEGATIONS (Initial all items with which you are charged.)

I understand that I am charged with a violation of Vehicle Code section(s):

		INITIALS↓
1.	**23152(a)** – Driving under the influence of alcohol	1. TT
2.	**23152(b)** – Driving when my blood-alcohol concentration (BAC) was .08 percent or more	2.
3.	**23152(d)** – Driving a commercial vehicle when my BAC was .04 percent or more	3.
4.	**23152(e)** – Driving a vehicle for hire with a passenger when my BAC was 0.4 percent or more (operative Jul. 1, 2018)	4.
5.	**23152(f)** – Driving under the influence of drugs	5.
6.	**23152(g)** – Driving under the influence of both alcohol and drugs	6. TT
7.	**23103(a), 23103.5** – Reckless driving involving alcohol or drugs, or both	7.
8.	**23140** – Driving when my BAC was 0.05 percent or more when I was under 21 years old	8.
9.	**23154** – Operating a vehicle while on probation for a DUI when my BAC was 0.01 percent or more.	9.
10.	**Check if applicable** – ☐ **14601(a)** or ☐ **14601.1** or ☐ **14601.2** or ☐ **14601.5** Driving in knowing violation of a driver's license restriction, suspension, or revocation	10.
11.	**Check if applicable** – ☐ **14601.3** (habitual traffic offender) – Accumulating a driving record history in knowing violation of a driver's license suspension or revocation	11.
12.	**Check if applicable** – ☐ **12500(a)** – Driving without a valid driver's license	12.

I understand that the following special allegations have been alleged **(check if applicable):**

13. ☐ Driving a vehicle when my BAC was at _____ percent or above.
☐ Willfully refusing to submit to or complete a peace officer's request for a breath or urine test.
☐ Driving under the influence of alcohol or drugs, or both, in willful or wanton disregard for the safety of persons or property on a freeway at _____ miles per hour, which is 30 or more miles per hour over the maximum, prima facie, or posted speed limit.
☐ Driving under the influence of alcohol or drugs, or both, in willful or wanton disregard for the safety of persons or property on a street or highway at _____ miles per hour, which is 20 or more miles per hour over the maximum, prima facie, or posted speed limit.
☐ Driving under the influence of alcohol or drugs, or both, while a minor under 14 years of age was a passenger in the vehicle.

13. [X]

14. **If applicable** – I understand that I am also charged with the following **other offense(s):**

20002(a) VC

TYPE OF OFFENSE(S) AND SECTION NUMBER(S)

14. TT

15. **If applicable** – I understand that I am also charged with the following **other conviction(s):**

_____
LIST OFFENSE(S), CASE NUMBER(S), AND DATE(S)

16. **If applicable** – I am also charged with violating the **probation order(s)** in the following case(s):

_____
CASE NUMBER(S) AND DATE(S)

17. I understand the charge(s) and allegation(s) against me, and the possible pleas and defenses.....

CONSTITUTIONAL RIGHTS AND PRIVILEGES

18. **RIGHT TO AN ATTORNEY** – I understand that I have the right to be represented by an attorney throughout the proceedings. I understand that the court will appoint a free attorney for me if I cannot afford to hire one, but at the end of the case, I may be asked to pay all or part of the cost of that attorney, if I can afford to. I understand that there are dangers and disadvantages to giving up my right to an attorney, and that it is almost always unwise to represent myself .....
19. **RIGHT TO A JURY TRIAL** – I understand that I have the right to a speedy, public jury trial. At the trial, I would be presumed innocent, and I could not be convicted unless 12 impartial jurors were convinced of my guilt beyond a reasonable doubt .....
20. **RIGHT TO CONFRONT WITNESSES** – I understand that I have the right to confront and cross-examine (see, hear, and question) all witnesses testifying against me .....
21. **RIGHT AGAINST SELF-INCRIMINATION** – I understand that I have the right to remain silent and a right not to incriminate myself, and the right to testify on my own behalf during any proceeding. I understand that by pleading guilty or no contest, or admitting other conviction(s) or probation violation(s), I am incriminating myself.....
22. **RIGHT TO PRODUCE EVIDENCE** – I understand that I have the right to present evidence and to have the court issue subpoenas at no cost to me to compel attendance of witnesses in court and the production of evidence favorable to me. I have the right to testify in court if I waive my privilege against self-incrimination .....

RIGHTS ON CHARGES OF OTHER CONVICTION(S), ENHANCEMENT ALLEGATION(S), AND PROBATION VIOLATION(S)

23. **If applicable** – I understand that I have the right to an attorney, the right to a jury trial, the right to confront witnesses, the right against self-incrimination, and the right to produce evidence and witnesses for **all** charges against me, including other alleged conviction(s), enhancement allegation(s), or probation violation(s). However, for a charge of violating probation, I do not have the right to a jury trial, but I do have the right to a hearing before a judge .....

WAIVER OF RIGHTS

Understanding all of the above, for all of the charges and allegations against me, including any other alleged conviction(s) or probation violation(s):

24. I give up my right to an attorney, and I choose to represent myself. (Does not apply if you have an attorney.) .....
25. I give up my right to a jury trial.....
26. I give up my right to confront and cross-examine witnesses .....
27. I give up my right to remain silent and to not incriminate myself .....
28. I give up my right to produce evidence and witnesses on my own behalf.....

CONSEQUENCES OF PLEA OF GUILTY OR NO CONTEST PLEA

29. I understand that if I am not a citizen, a plea of guilty or no contest (*nolo contendere*) could result in my deportation, exclusion from admission to this country, or denial of naturalization .....

30. I understand that a plea of no contest will have the same effect in this case as a plea of guilty, but it cannot be used against me in a civil lawsuit unless the offense is punishable as a felony ..... 30. II

31. I understand that any plea entered in this case may be grounds for revoking probation or parole which has previously been granted to me in any other case ..... 31. II

32. I understand that the Department of Motor Vehicles (DMV) will consider any of my other convictions for driving under the influence of alcohol or drugs or their combined influence (DUI) or reckless driving, **even those that are not charged in this proceeding**, and may impose a more severe license suspension or revocation as a result ..... 32. II

33. I understand that in addition to the fine, **the court will add a surcharge, assessments, and penalties, and may add fees, which will significantly increase the amount I must pay.** I may also be ordered to make victim restitution, if any, and to pay a restitution fine no less than $150 and up to $1000 (or no less than $300 and up to $10,000 if the offense is a felony), unless the court finds compelling and extraordinary reasons not to do so ..... 33. II

34. I understand that being under the influence of alcohol or drugs, or both, impairs my ability to safely operate a motor vehicle, and it is extremely dangerous to human life to drive while under the influence of alcohol or drugs, or both. If I continue to drive while under the influence of alcohol or drugs, or both, and as a result of my driving, someone is killed, I can be charged with murder ..... 34. II

I understand that if I am the **registered owner** of the vehicle used in the offense:

35. The court may impound my vehicle at my expense for up to 90 days, unless it is in the interests of justice not to do so. The court may also declare my vehicle to be a nuisance and order it sold following a hearing if I have 2 or more other convictions for DUI, vehicular manslaughter (Pen. Code, §§ 191.5 or 192.5, subd. (a)), or any combination thereof, in the past 7 years ..... 35.

36. The court or DMV may also require me to install and maintain a functioning, certified ignition interlock device for up to three years. Installation of this device, which prevents the vehicle from starting if I have alcohol in my body, does not authorize me to drive without a valid driver's license.. 36.

37. If I am convicted of a second or subsequent violation of driving with a suspended or revoked license (Veh. Code, § 14601 et seq.) or driving without a license (Veh. Code, § 12500, subd. (a)), my vehicle may be subject to forfeiture as a nuisance ..... 37.

SENTENCES FOR DRIVING UNDER THE INFLUENCE OF ALCOHOL AND/OR DRUGS (SECTION 23152)
(cont. on next page)

Offense	Minimum and Maximum Sentences when Probation is Granted (3 to 5 years Probation Term)	Minimum and Maximum Sentences without Probation
First offense within 10 years See Nos. **38-52**	The court may order a jail term of 48 hours to 6 months. It will impose a fine of $390 to $1,000 and order me to complete a 3-month or longer alcohol/drug treatment program. If my BAC was .20% or more, or if I refused a breath or urine test upon my arrest, I must complete a 9-month or longer treatment program. The DMV will also impose a 6-month driver's license suspension, or a 10-month license suspension if the 9-month program is required.	96 hours to 6 months in jail, and a $390 to $1,000 fine. The DMV will also impose a 6-month driver's license suspension.
Second offense within 10 years See Nos. **38-52**	A jail term of either: (a) 10 days to 1 year, or (b) 96-hours to 1 year; a $390 to $1,000 fine, and completion of at least an 18-month (or at least a 30-month) alcohol/drug treatment program. The DMV will also impose a 2-year driver's license suspension.	90 days to 1 year in jail, and a $390 to $1,000 fine. The DMV will also impose a 2-year driver's license suspension.
Third offense within 10 years See Nos. **38-52**	120 days to 1 year in jail, a $390 to $1,000 fine, and completion of an 18-month (or 30-month) alcohol/drug program if I have not completed one before. The DMV will impose a 3-year driver's license revocation. The court may impose a 10-year driver's license revocation.	120 days to 1 year in jail, and a $390 to $1,000 fine. The DMV will impose a 3-year driver's license revocation. The court may impose a 10-year driver's license revocation.
Fourth or subsequent offense within 10 years (may be a felony) See Nos. **38-52**	180 days to 1 year in jail, a $390 to $1,000 fine, and completion of an 18-month alcohol/drug program if I have not completed one before. The DMV will impose a 4-year driver's license revocation. The court may impose a 10-year driver's license revocation.	16 months, or 2 or 3 years imprisonment, (or 180 days to 1 year in county jail); and a $390 to $1,000 fine. The DMV will impose a 4-year driver's license revocation. The court may impose a 10-year driver's license revocation.

SENTENCES FOR DRIVING UNDER THE INFLUENCE OF ALCOHOL AND/OR DRUGS (SECTION 23152) (cont. from previous page)

Offense	Minimum and Maximum Sentences when Probation is Granted (3 to 5 years Probation Term)	Minimum and Maximum Sentences without Probation
Offense with felony prior within 10 years of a felony violation of Veh. Code, §§ 23152 or 23153, or Pen. Code, § 192, subd. (c)(1); or of a felony violation of Pen. Code, § 191.5, sub. (b); or any violation of Pen. Code, §§ 191.5, subd. (a) or 192.5, subd. (a) See Nos. **38-52**	The court may order a jail term of up to 1 year (or, with a waiver (see No. 51), the court may order a jail term of up to 3 years) (see Pen. Code, §§ 19.2, 1203.1, subds. (a), (a)(2)), up to a $1,000 fine, and completion of an 18-month (or 30-month) alcohol/drug program. The DMV will impose a 4-year driver's license revocation. If the conviction is also a third or subsequent DUI (§§ 23152, 23153) within 10 years, the court may impose a 10-year driver's license revocation.	16 months, or 2 or 3 years imprisonment in state prison (or not more than 1 year in county jail); and a $390 to $1,000 fine. The DMV will impose a 4-year driver's license revocation. If the conviction is also a third or subsequent DUI (§§ 23152, 23153) within 10 years, the court may impose a 10-year driver's license revocation.

SENTENCES FOR RECKLESS DRIVING (SECTIONS 23103(a) AND 23103.5)

Nature of Offense	Minimum and Maximum Sentences		Other Consequences
Reckless driving reduced from driving under the influence	If probation is granted:	A maximum of 90 days in jail, or $1,000 fine, or both, plus attendance at a treatment program.	If alcohol or drugs are involved, this conviction will act as a separate DUI conviction if I commit a subsequent DUI offense within 10 years.
	If probation is not granted:	5 days to 90 days in jail, or $145 to $1,000 fine, or both.	

SENTENCES FOR DRIVING IN VIOLATION OF A LICENSE SUSPENSION, REVOCATION, OR RESTRICTION

Vehicle Code Section	First Offense	Second or Subsequent Offense I have one or more prior convictions in the past 5 years of either sections 14601(a), 14601.1, 14601.2, or 14601.5.
14601(a)	5 days to 6 months in jail, and a fine of $300 to $1,000.	10 days to 1 year in jail, and a fine of $500 to $2,000. 10 days in jail required if probation is imposed.
14601.1	Up to 6 months in jail, or a fine of $300 to $1,000, or both.	5 days to 1 year in jail, and a fine of $500 to $2,000.
14601.2	10 days to 6 months in jail, and a fine of $300 to $1,000. 10 days in jail required if probation is imposed. If I have been designated as a habitual traffic offender within 3 years of this conviction, in addition to the penalties above, I will be sentenced to serve 180 days in jail and to pay a $2,000 fine.	30 days to 1 year in jail, and a fine of $500 to $2,000. 30 days in jail required if probation is imposed.
14601.5	Up to 6 months in jail, or a fine of $300 to $1,000, or both.	10 days to 1 year in jail, and a fine of $500 to $2,000. Note - section 14601.3 also constitutes a prior conviction for this offense.

Vehicle Code Section	First Offense	Second or Subsequent Offense Prior conviction(s) in past 7 years of section 14601.3.
14601.3	30 days in jail, and a fine of $1,000.	180 days in jail, and a fine of $2,000.

SENTENCE FOR DRIVING WITHOUT A VALID DRIVER'S LICENSE (SECTION 12500(a))

Nature of Offense	Maximum Sentence
Driving without a valid driver's license.	A maximum of 6 months in jail, or $1,000 fine, or both.

ENHANCED SENTENCES – EXCESSIVE SPEED (SECTION 23582)

	Sentence Enhancement – Whether or Not Probation is Granted
If I recklessly drove 30 or more miles per hour above the speed limit on a freeway, or 20 or more miles per hour above the speed limit on any other street or highway during the commission of a violation of section 23152 or 23153.	My sentence will be increased by 60 days in jail. If this is my first section 23582 conviction, the court will order me to complete an alcohol/drug program, even if probation is not granted.

ENHANCED SENTENCES – WILLFUL REFUSAL (SECTION 23577)		
Offense	**Sentence Enhancement**	**Driver's License Suspension or Revocation**
First offense within 10 years See Nos. **38-52**	If I am granted probation, the court will order me to serve a mandatory jail term of 48 hours to 6 months.	The DMV will impose a 1-year driver's license suspension.
Second offense within 10 years See Nos. **38-52**	My sentence will be increased by 96 hours in jail.	The DMV will impose a 2-year driver's license revocation if: (1) I have a prior conviction in the past 10 years of Vehicle Code sections 23103 (under 23103.5), 23140, 23152, 23153, or Penal Code sections 191.5, 192.5, subdivision (a); or (2) the DMV previously suspended or revoked my driver's license in the past 10 years pursuant to Vehicle Code sections 13353 or 13553.2 for an offense that occurred on a separate occasion.
Third offense within 10 years See Nos. **38-52**	My sentence will be increased by 10 days in jail.	The DMV will impose a 3-year driver's license revocation if: (1) I have any combination of two or more prior convictions in the past 10 years of Vehicle Code sections 23103 (under 23103.5), 23140, 23152, 23153, or Penal Code sections 191.5, 192.5, subdivision (a); (2) the DMV previously suspended or revoked my driver's license two or more times pursuant to Vehicle Code sections 13353 or 13353.2 for an offense that occurred on a separate occasion; or (3) any combination of two or more of the above prior convictions or driver's license suspensions or revocations.
Fourth or subsequent offense within 10 years See Nos. **38-52**	My sentence will be increased by 18 days in jail.	

ENHANCED SENTENCES – PASSENGER UNDER 14 YEARS OF AGE (SECTION 23572)	
Offense	**Sentence Enhancement – Whether or Not Probation is Granted**
First offense within 10 years See Nos. **38-52**	My sentence will be increased by 48 continuous hours in jail.
Second offense within 10 years See Nos. **38-52**	My sentence will be increased by 10 days in jail.
Third offense within 10 years See Nos. **38-52**	My sentence will be increased by 30 days in jail.
Fourth or subsequent offense within 10 years (misdemeanor only) See Nos. **38-52**	My sentence will be increased by 90 days in jail.

38. I have read and understand the applicable charts on pages 3 through 5 which list the minimum and maximum penalties for the offense(s) with which I am charged. (See No. 39 for the offenses not listed in the charts.)

38. TT

39. If applicable - I understand that the possible consequences for the offense(s) charged, which are not listed on the penalty charts on pages 3 through 5, include the following:

- 23103(a) V.C. | 1 year | $ 500 | $ 1,000 | 1 year
  SECTION NUMBER | JAIL – MIN. | MAX. | JAIL – MIN. | MAX.

  OTHER CONSEQUENCES: _____

- _____ | _____ | _____ | _____ | _____
  SECTION NUMBER | JAIL – MIN. | MAX. | JAIL – MIN. | MAX.

  OTHER CONSEQUENCES: _____

- _____ | _____ | _____ | _____ | _____
  SECTION NUMBER | JAIL – MIN. | MAX. | JAIL – MIN. | MAX.

  OTHER CONSEQUENCES: _____

- _____ | _____ | _____ | _____ | _____
  SECTION NUMBER | JAIL – MIN. | MAX. | JAIL – MIN. | MAX.

  OTHER CONSEQUENCES: _____

39. TT

ADDITIONAL PENALTIES

40. I understand that the DMV will suspend my driver's license under an administrative procedure which is separate from this criminal action. I understand that the DMV's action, if any, will be in addition to the court's sentence and that I must obey it ..... 40.

41. I understand that the DMV will notify me that I am required to install a functioning, certified ignition interlock device in all vehicles that I own or operate, and it will issue a restricted license if I comply. I understand I must keep the DMV advised of my current mailing address to receive this notice..... 41.

42. I understand that the DMV will not restore my driving privilege following a driver's license suspension or revocation unless I provide the DMV with proof of insurance for 3 years ..... 42.

43. I understand that proof of my successful completion of an alcohol/drug program must be received at DMV headquarters in order for me to have my driving privilege reinstated, **even if I am not ordered to attend such a program by the court.** If I have not already surrendered my license, I also understand that I must surrender my license to the court..... 43.

44. I understand that the DMV will prohibit me from operating a **commercial** vehicle for one year if I am convicted of a **first** DUI offense or willful refusal to submit to or complete a breath or urine test to determine my BAC which occurred in **any** vehicle. The DMV will prohibit me from operating a commercial vehicle ever again if I am convicted of a **second or subsequent** DUI offense or willful refusal to submit to or complete a breath or urine test in any vehicle ..... 44.

45. I understand that the DMV will revoke my driver's license for a period of 4 years if I have a prior felony conviction in the past 10 years of: Vehicle Code sections 23152 or 23153; Penal Code sections 191.5, subdivision (b) or 192, subdivision (c)(1); or any conviction within 10 years of Penal Code sections 191.5, subdivision (a) or 192.5, subdivision (a) ..... 45.

46. I understand that if I was **under the age of 21** at the time of my arrest, my driver's license will also be suspended for 1 year, and I must surrender my license to the court..... 46.

47. I understand that if my BAC was .15 percent or more, or if I refused to submit to a breath or urine test, the court will consider this in determining whether to enhance the penalties, grant probation, or impose additional terms of probation..... 47.

48. I understand that if I am placed on probation, it is unlawful to drive with a BAC of .01 percent or greater and that the DMV will suspend my license for up to 1 year if I do so. If I violate my probation by driving with a BAC of over 0.04 percent, the court will only grant me a new term of probation if I serve not less than 48 hours in county jail for each of these violations ..... 48.

49. I understand that if I am convicted of a **third or subsequent** DUI violation, I will be designated as a habitual traffic offender for 3 years after my conviction, and I may receive an enhanced sentence if I drive in violation of my license revocation. If probation is granted, I may also request to participate in a 30-month treatment program. If the court grants my request, I will be sentenced to the county jail for at least 30 days but not more than 1 year as a condition of probation..... 49.

50. **If applicable** – I understand that if I am convicted of a violation of Vehicle Code section 14601.2, or if the charge was for a violation of that section but I am pleading to Vehicle Code section 14601(a), 14601.1, or 14601.5, the court will order me to install a functioning, certified ignition interlock device on any vehicle that I own or operate for up to three years. Installation of this device does not authorize me to drive without a valid driver's license ..... 50.

51. **If applicable** – I understand that I have a statutory right to not be sentenced to more than one year in county jail as a condition of probation. I give up this statutory right and agree to be sentenced to more than one year in county jail for a period up to and including the maximum time fixed by law .... 51.

52. **If applicable** – I understand that if I have previously been convicted of a violation of Vehicle Code section 23152 or 23153 that occurred more than 10 years ago, or if I have previously been convicted of a violation of Penal Code section 647, subdivision (f) (public intoxication), I will be ordered to attend and complete an alcohol and drug problem assessment program. If the program assessment recommends additional treatment, the court may order me to enroll, participate in, and complete an 18-month or a 30-month treatment program, even if I am convicted of a first offense .... 52.

PLEA(S)

53. I hereby freely and voluntarily plead No contest to:
GUILTY OR NO CONTEST

(1) 23152(A) 23103 (A) V.C. (Lwt)
LIST CHARGE(S)

53.

SPECIAL ALLEGATION ADMISSIONS

If applicable – I admit the truth of the following special allegations:

54. ☐ I drove a vehicle when my BAC was at _____ percent or above.
☐ I willfully refused a peace officer's request to submit to, or willfully failed to complete, a breath or urine test.
☐ When I drove a vehicle under the influence of alcohol or drugs, or both, I drove in willful or wanton disregard for the safety of persons or property on a freeway at _____ miles per hour, which is 30 or more miles per hour over the maximum, prima facie, or posted speed limit.
☐ When I drove a vehicle under the influence of alcohol or drugs, or both, I drove in willful or wanton disregard for the safety of persons or property on a street or highway at _____ miles per hour, which is 20 or more miles per hour over the maximum, prima facie, or posted speed limit.
☐ When I drove a vehicle under the influence of alcohol or drugs, or both, a minor under 14 years of age was a passenger in the vehicle.

54.

55. **If applicable** – I freely and voluntarily admit the other conviction(s) that I listed on this form, and I understand that this admission will increase the penalties which are imposed on me.....

55.

56. **If applicable** – I freely and voluntarily admit the probation violation(s) that I listed on this form and give up my right to a hearing before a judge regarding the probation violation(s).....

56.

57. I understand that I have the right to a delay of from 6 hours to 5 days prior to being sentenced for a misdemeanor, and the right to a delay of up to 20 days for a felony. I give up this right and agree to be sentenced at this time.....

57.

58. **If applicable** – I understand that I have the right to enter my plea before, and to be sentenced by, a judge. I give up this right and agree to enter my plea before, and to be sentenced by:

_____
TEMPORARY JUDGE'S NAME

58.

DEFENDANT'S SIGNATURE: _____ **DATE:** 2/22/2024

ATTORNEY'S STATEMENT

I am the attorney of record for the defendant. I have reviewed the form and any addenda with my client. I have explained each of the defendant's rights to the defendant and answered all of the defendant's questions with regard to this plea. I have also discussed the facts of the defendant's case with the defendant, and explained the consequences of this plea, the elements of the offense(s), and the possible defenses. I stipulate to a factual basis for the plea(s) and admissions(s) based on the police reports, and have explained to the defendant that he or she may enter a plea if he or she feels to do so is in his or her best interests. I concur in this plea and in the defendant's decision to waive his ~~or her~~ constitutional rights.

_____ 2/22/24
DEFENDANT'S ATTORNEY'S SIGNATURE DATE

INTERPRETER'S STATEMENT (if applicable)

I, having been sworn or having a written oath on file, certify that I truly translated this form to the defendant in the language indicated below. The defendant stated that (s)he understood the contents of the form, and then (s)he initialed and signed the form.

Language: ☐Spanish ☐Other (specify): _____

COURT INTERPRETER'S SIGNATURE	TYPE OR PRINT NAME	DATE

COURT'S FINDINGS AND ORDER

The court, having reviewed this form and any addenda, and having questioned the defendant concerning the defendant's constitutional rights and the defendant's admission of other conviction(s), enhancement allegation(s), and probation violation(s), if any, finds that the defendant has expressly, knowingly, understandingly and intelligently waived his or her constitutional rights. The court finds that the defendant's plea(s) and admission(s) are freely and voluntarily made with an understanding of the nature and consequences thereof, and that there is a factual basis for the plea(s). The court accepts the defendant's plea(s), the defendant's admission of the other conviction(s), enhancement allegation(s), and probation violation(s), if any, and orders this form filed and incorporated in the docket by reference as though fully set forth therein.

☒JUDGE OF THE SUPERIOR COURT ☐TEMPORARY JUDGE OF THE SUPERIOR COURT	2/22/24 DATE

I certify that this is a true and correct copy of the original on file in or issued from this office, consisting of 8 pages.

DAVID W. SLAYTON, Executive Officer/Clerk of the Superior Court of California, County of Los Angeles.

Date: 6/10/24 By: _____, Deputy

A. Sanchez

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

MISDEMEANOR SENTENCING MEMORANDUM - VEHICLE

Defendant: THOMPSON, TOMMY RANDELL			Case No: 3SC01776
Date: 2/22/24	Dept.: 3	Prosecutor: SANNA	Defense: ROLLINS
Judge: DECASAS	Clerk: FLEMMING	Reporter: ER	Interpreter/Language:

As to Count 3, a violation of Vehicle Code § 23152(a) [ ] 23103 per 23103.5 [ ] 14601.__ [ ] 12500(a) [ ] _____ with __ admitted priors.

Arraignment For Judgment

Arraignment for judgment and time for sentencing waived. There is no legal cause why judgment should not now be pronounced.

Sentence

1. [ ] **Probation is denied.** Defendant is to serve _____ days/hours in the Los Angeles County Jail, forthwith, [ ] consecutive [ ] concurrent with _____. Defendant to receive total credit of _____ days/hours (credit _____ days/hours actual plus _____ days GT/WT).
2. [ ] Pay a fine of $_____ plus all applicable penalty assessments and enhancements.
3. [ ] Pay all fines and assessments as set forth in Paragraph 20 below.
4. [ ] **Execution of the foregoing sentence is suspended, on the following terms and conditions.**

Conditional Sentence (PC §1203b)/Order of Probation (PC §1203a)

Imposition of sentence is suspended (ISS) [ ] With supervision by county probation officer (formal probation)
For a period of 60 months upon the following terms and conditions:

1. **Serve 96 days/hours in the Los Angeles County jail,** [ ] consecutive [ ] concurrent with _____. Defendant to receive credit of _____ days/hours actual plus _____ days/hours GT/WT. [ ] Time may be served in any penal institution.
   [ ] Time may be served on consecutive weekends of two days each, beginning _____. **(772)**
   [ ] Time may be served in any city jail having actual confinement, at defendant's expense. **(021)**
   [ ] Defendant may not participate in Sheriff's home detention/EHM per PC 1203.016(e). **(771)** [ ] Work furlough / early release not allowed.
   [ ] Last _____ days of jail time to be served in: [ ] Antelope Valley Rehabilitation Center [ ] _____ Program. **(002)** Defendant to be released only to an authorized representative of that program and is to comply with all program terms and conditions. **(013)** If defendant leaves or is discharged from the program prior to completion, defendant is to report to court on the next court day. **(013)**
   [ ] Defendant ordered to install a SCRAM Alcohol Detection Device for _____ days.
2. **Pay a fine of $ 390 plus penalty assessments or** in default thereof serve 3 additional days in County jail, consecutive or perform 3 days of Community Labor/_____ or perform 24 days/hours of approved Community Service with credit for 2 days actual or $250 toward fine for jail time already served. [ ] Fine may be paid in monthly installments of $_____. **(124)** [ ] Defendant to report to Financial Evaluator to work out a payment plan.
   [ ] Defendant elects jail in lieu of fine, forthwith, consecutive to all other time; credit _____ days actual plus _____ days GT/WT.
3. [ ] Perform _____ days of work for Community Labor/_____ or perform _____ days/hours of approved Community Service, with credit for _____ days actual. Sign up for all work or Community Service only at a court-approved volunteer center or in the clerk's office. Failure to complete court-ordered work or Community Service without excuse may result in jail. **This work or Community Service is in addition to that done in lieu of fine.**
4. **Make restitution to victim** _____ per PC §1202.4(f). **(048)** in an amount to be determined at a hearing. **(067)** [ ] *Harvey* waiver taken.
   [ ] in the stipulated sum of $_____ **(048)** [ ] per any final civil judgment against you. **(100)** Liability is admitted but amount is disputed.
5. **Enroll within 21 days (or within 21 days from your release from custody) and successfully complete an approved:** Defendant's BAC: .03 %. [ ] **Refusal**
   [ ] 12 hour (SB 1176) [ ] 3 mo. (AB541)(**327**) [ ] 6 mo. (AB 762) [ ] 9 mo. (AB1353) 18 mo. (SB38)(**328**) [ ] 30 mo. alcohol education program.
   The DMV will not restore your driving privilege until you successfully complete a licensed alcohol education program. [ ] Obtain program details from Clerk or Health Officer.
6. [ ] Attend ____ Alcoholics Anonymous/Narcotics Anonymous meetings at the rate of ____ times per week, IN ADDITION to those required as part of the alcohol education program. **(246)** Concurrent
7. **Do not drive any vehicle with any measurable amount of alcohol or drugs in your blood,** or refuse to take and complete any blood alcohol/drug chemical test, any field sobriety test or any preliminary alcohol screening test when requested by any peace officer. **(711)**
8. Do not drive a motor vehicle without a valid driver's license in your possession, or without liability insurance in at least the minimum amounts required by law. **(374)**
9. [ ] Abstain from the use of all alcoholic beverages and stay out of all places where they are a chief item of sale. **(300)** **Watson advisement given. (710)**
10. [ ] Enroll in and complete the [ ] Hospital and Morgue ("HAM") Program. **(471)** [ ] MADD Victim Impact Program **(472)** [ ] _____
11. [ ] The court finds that defendant presents a traffic safety or public safety risk and, per VC §13352.4(d), disallows issuance by DMV of a restricted license. **(249)**
12. [ ] **Your driver's license is hereby ordered [ ] suspended [ ] revoked** for a period of ____ months ____ years. [ ] **"M" service given in open court. (283)** You may not drive a motor vehicle unless and until your driving privilege is restored. [ ] Defendant under age 21 at time of offense.
13. [ ] You are hereby declared to be a Habitual Traffic Offender for a period of _____ years. **(263)**
14. [ ] Comply with the "Supplemental Terms of Probation – Ignition Interlock Device" regarding installation of an ignition interlock. **(248)** [ ] as ordered by the DMV
15. [ ] Do not own, use possess, buy or sell any controlled substances, or associated paraphernalia, except with valid prescription, and stay away from places where users, buyers or sellers congregate. Do not associate with persons known by you to be controlled substance users or sellers, except in an authorized drug counseling program. **(926)**
16. [ ] Submit your person and property to search and seizure at any time of the day or night, by any Probation Officer or other peace officer, with or without a warrant, probable cause or reasonable suspicion. **(576)**
17. [ ] The vehicle with license plate _____ is, after notice and hearing, ordered impounded for _____ days per Vehicle Code § 23594(a). **(703)**
18. [ ] The vehicle with license plate _____ is, after notice and hearing, ordered confiscated and sold per Vehicle Code § 23596(a).
19. [ ] If you are deported from or otherwise leave the United States, notify the Court [and Probation] in writing of your address and telephone number outside the United States within 72 hours of deportation or departure. Continue to pay all of your financial obligations to the Court [and to Probation] while outside the United States. **(474)**
20. **Pay all of the following (check all that apply):** DPP WAIVED

A restitution fine of $ 150, per PC §1202.4(b) through (e). (098)	[ ] **An administrative screening fee of $25 per PC 1463.07/GC §29550(f) (released OR.)**
A court security fee of $40.00 per PC §1465.8(a)(1). (per count) (SA:CA)	[ ] **A citation processing fee of $10.00 per PC §1463.07 and GC §29550(f)** (If cited and released in field or at jail facility.)
A criminal conviction/facilities assessment of $30.00 per Govt Code §70373(a). (SA:CC)	[ ] An alcohol abuse education and prevention penalty assessment of $_____ ($50 max.) per VC §23645
A probation revocation restitution fine in the same amount as the restitution fine, per PC §1202.44, payment is stayed until probation is revoked and sentence imposed.	[ ] An alcohol and drug problem program assessment of $_____ ($100.00 max.) per VC §23649.
[ ] **A criminal fine surcharge of $_____ per Penal Code §1465.7 (20% of base fine). (SA:AB)**	[ ] A drug program fee of $150.00 (per drug count except §11357(b)) per H&S §11372.7(a).
[ ] **A criminal justice administration fee of $_____, payable to the local arresting agency, per Govt Code §§ 29550(c), 29550.1 or 29550.2 (agency's actual cost).**	[ ] A crime lab fee of $50.00 plus penalty assessment per H&S Code §11372.5. **(184)**
[ ] **Cost of probation services per PC 1203.1b,** [ ] as determined by the Probation Officer, subject to a hearing if requested [ ] in the amount of $_____ per month.	[ ]

21. [ ] _____
22. **Obey all laws** and orders of the Court **(541)** [ ] and rules and regulations of the Probation Department. **(542)**
    Defendant acknowledges that he/she understands and accepts the terms and conditions of probation. (810)
    [ ] Defendant ordered to pay attorney fees [ ] in the amount of $_____ [ ] in the amount determined by the Financial Evaluator.
    Counts/allegations CDM **are dismissed/stricken** on the People's motion pursuant to Penal Code Section 1385 as to this defendant.

Compliance Dates: Defendant is ordered to appear in person on each of the following compliance dates. (683)

Surrender for jail: [ ] *Cruz* waiver taken:	3/22/24 @ IRC by 12pm	Restitution Hearing in Dept. 3 at 8:30 a.m.	4/5/24 @ 8:30
Pay fine/fees in full by: [ ] installments allowed	2/24/25 @ 0	POE/Proof of Completion of Alcohol Program:	4/5/24 @ 8:30
Complete jail/work/c-s by:	DOS NA 3/25/24	Other:	

I understand, accept and will comply with the foregoing conditional sentence and compliance dates and will return to Court as ordered.

Defendant's Signature: [illegible] Attorney for Defendant: [illegible]

Defendant's Address: _____

Defendant's Telephone: _____

Judge/Commissioner of the Superior Court

DISTRIBUTION: Pink – Court Copy; White – Defendant Copy

I certify that this is a true and correct copy of the original on file in or issued from this office, consisting of 1 pages.

DAVID W. SLAYTON, Executive Officer/Clerk of the Superior Court of California, County of Los Angeles.

Date: 6/10/24 By: _____, Deputy

A. Sanchez

PEACE OFFICER STANDARDS ACCOUNTABILITY ADVISORY BOARD MEETING

January 16, 2025
AGENDA
9:00 AM

Meeting Location: 860 Stillwater Road, West Sacramento, CA 95605

The Peace Officer Standards Accountability Advisory Board (Board) operates under the requirements set forth by the Bagley-Keene Open Meeting Act (Bagley-Keene) under Government Code sections 11120 through 11132. Bagley-Keene generally requires that the Board publicly notice meetings, prepare agendas, allow public participation, and conduct meetings in a location accessible to public members unless specifically authorized by Bagley-Keene to meet in closed session.

Public comment will be limited in time at the discretion of the Board Chair. The public comment period preceding items on the agenda will allow members of the public to comment on items not on the agenda but that are within the Board's jurisdiction. The Board cannot act on or deliberate on items not on the agenda and can discuss the matter only to the extent necessary to determine whether it should be made an agenda item at a future meeting, to respond briefly to statements or questions posed during public comment or to request clarification, or to refer the item to staff. Agenda items may be taken out of order and action (e.g., voting) may be taken on any agenda item. Public comment relating to each item on the agenda will be allowed at the time each matter is heard. Members of the public who wish to participate during public comment may do so in person by attending the meeting, or, as stated hereafter, by telephonic means or by submitting written public comment.

Written public comment is intended to allow members of the public, if unable to attend in person, an opportunity to participate to the same degree as if they attended in person; as such, written comments should be limited to no more than three pages in length and longer written comment will not be accepted or distributed to Board members. To be considered for inclusion in the meeting record, written comments by no later than 10 a.m. on the fourth business day before the scheduled meeting. Accepted written public comments will be published on POST's website under the Public Comment section under the corresponding meeting date. Written public comments can be submitted via email to posadpc@post.ca.gov. Telephonic public comment can be made by dialing +1 669 444 9171 US or +1 669 900 6833 US and entering the Webinar ID: 817 3463 0494 and Passcode: 749503

Persons requesting disability-related accommodations or modifications may do so by contacting the Board assistant at (916) 227-3909 (voice), posadpc@post.ca.gov (email), or Speech-to-Speech users may dial 7-1-1 for the California Relay Service to request special accommodations. Please note: This meeting and all public meetings will be recorded.

No weapons are allowed on the premises during public meetings. Upon entering POST's facility, you are subject to a weapons screening and will be denied entry if you possess any

weapon. POST's Executive Director retains the discretion to grant exceptions for duly-authorized individuals, such as on or off-duty law enforcement officers who are not the subject of a POST administrative investigation, suspension, or decertification action.

I. CALL TO ORDER

II. ROLL CALL OF POSAAB MEMBERS

Elizabeth T. Buchen - Senate Rules Appointee - Public Member
Dr. Nicole Clavo Psy.D - Governor Appointee - Public Member
Regina Hatcher-Crawford - Governor Appointee - Public Member
Robert Doyle - Governor Appointee - Former Command Rank Peace Officer
Joyce E. Dudley - Chair - Governor Appointee - Attorney
Professor Jack Glaser - Governor Appointee - Public Member
Cephus Johnson - Governor Appointee - Public Member
Captain Charles Lara - Governor Appointee - Management Rank Peace Officer
Margaret Pena - Speaker of Assembly Appointee - Public Member

III. PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA

The Board Chair will advise the audience of the following:

This time is set aside for members of the public who wish to comment on items not on the agenda but within the board's jurisdiction. Public comment on matters on the agenda will be heard at the time each item is called. Public comment on specific peace officer revocation cases to be heard today will be heard at the time of the hearing of each such matter. Members of the public who wish to speak during the public comment period may be asked to limit their remarks in time at the discretion of the Board Chair.

IV. APPROVAL OF MEETING TRANSCRIPTS

Approval of meeting transcripts from the previous Peace Officer Standards Accountability Advisory Board Meeting held on October 17, 2024.

a. Approval of Meeting Transcript from the October 17, 2024 Meeting

If the Board concurs, the appropriate action would be a **MOTION** to approve the meeting transcripts from the last Board meeting.

V. ASSISTANT EXECUTIVE DIRECTOR COMMENTS

a. Report on Case Status Update from the November 21, 2024 Commission Meeting

This report is presented for information only. No action is required.

VI. NEW BUSINESS

a. Report on Data for Serious Misconduct Reporting, Investigations, and Disciplinary Action Outcomes

This item is presented for informational purposes only. No action is required.

VII. NEW CASES - REVIEW, DISCUSSION AND RECOMMENDATIONS TO COMMISSION

a. POST2400920 - Tommy Thompson (POST ID: B81-T83) Last employing agency: Los Angeles Police Department

The Peace Officer Standards Accountability Advisory Board (POSAAB) shall review the findings of investigation presented by the Peace Officer Standards Accountability Division (POSAD) and make a recommendation regarding what action should be taken, suspension or revocation, on the certification of the subject peace officer.

b. POST2302971 - Gabriel Gaxiola (POST ID: B49-S96) Last employing Agency: Los Angeles Police Department

The Peace Officer Standards Accountability Advisory Board (POSAAB) shall review the findings of investigation presented by the Peace Officer Standards Accountability Division (POSAD) and make a recommendation regarding what action should be taken, suspension or revocation, on the certification of the subject peace officer.

c. POST2305109 - Joshua Satterfield (POST ID: C46-V20) Last employing agency: Torrance Police Department

The Peace Officer Standards Accountability Advisory Board (POSAAB) shall review the findings of investigation presented by the Peace Officer Standards Accountability Division (POSAD) and shall make a recommendation regarding what action should be taken, suspension or revocation, on the certification of the subject peace officer.

d. POST2305781 - Blake Williams (POST ID: C57-X01) Last employing agency: Torrance Police Department

The Peace Officer Standards Accountability Advisory Board (POSAAB) shall review the findings of investigation presented by the Peace Officer Standards Accountability Division (POSAD) and shall make a recommendation regarding what action should be taken, suspension or revocation, on the certification of the subject peace officer.

e. POST2309558 - Braulio Robledo (POST ID: A83-R39) Last employing Agency: Los Angeles County Sheriff's Department

The Peace Officer Standards Accountability Advisory Board (POSAAB) shall review the findings of investigation presented by the Peace Officer Standards Accountability Division (POSAD) and make a recommendation regarding what action should be taken, suspension or revocation, on the certification of the subject peace officer.

VIII. CLOSED SESSION

At this time the meeting will adjourn into closed session for for deliberations on the cases presented today.

IX. FUTURE BOARD MEETING DATES

Upcoming Board meetings will be held:

- April 16-17, 2025 - POST, West Sacramento
- July 16-17, 2025 - POST, West Sacramento
- October 8-9, 2025 - POST, West Sacramento

X. ADJOURNMENT

AGENDA ITEM REPORT

Title: POST2400920 - TOMMY THOMPSON (POST ID: B81-T83)
LAST EMPLOYING AGENCY: LOS ANGELES POLICE DEPARTMENT

REPORT PROFILE

MEETING DATE	**BUREAU SUBMITTING THE REPORT**
01/16/2025	Professional Conduct Los Angeles Bureau

RESEARCHED BY	**REVIEWED BY**
Brad Ehrman	Mike Radford

REPORT DATE	**APPROVED BY**	**DATE APPROVED**

PURPOSE	**FINANCIAL IMPACT**
	No

ISSUE, BACKGROUND, ANALYSIS, & RECOMMENDATION

ISSUE:

The matter is before the Peace Officer Standards Accountability Advisory Board (POSAAB) for review and recommendation regarding the subject peace officer's certification status.

BACKGROUND:

Respondent began his employment with the Los Angeles Police Department on June 10, 1996, as a full-time Police Officer. The Respondent was promoted to the rank of Detective on June 25, 2006. The Respondent promoted to the rank of Detective II (Supervisor) on November 3, 2013. At the time of the incident before the POSAAB, he was assigned as Detective II. The Respondent was demoted from the rank of Detective II to Detective I on July 30, 2023, as a result of this incident. The Respondent retired on August 31, 2024, and is not currently employed as a peace officer in the State of California.

This position is a peace officer position as defined under California Penal Code §830.1(a) and is required to be certified pursuant to California Penal Code §13510.1(a).

The circumstances surrounding the incident occurred when Respondent was arrested on March 14, 2023, for driving under the influence (DUI) and Hit and Run by the California Highway Patrol. Three days later, on March 17, 2023, Respondent was involved in a single vehicle accident and was arrested for DUI by the Los Angeles County Sheriff's Department.

ANALYSIS:

The Division found that the clear and convincing evidence

substantiated that the Respondent's conduct amounted to acts that violate the law and that are sufficiently egregious or repeated as described in Commission Regulation 1205(a)(6) in that Respondent was arrested on March 13, 2023, for DUI and Hit and Run, and again on March 17, 2023, for DUI.

On February 22, 2024, Respondent pled no contest to a misdemeanor violation of Vehicle Code Section 23103.5(a) Wet Reckless for the March 17, 2023, arrest and a misdemeanor violation of Vehicle Code Section 23152(a), driving under the influence of alcohol, for the March 14, 2023, arrest and admitted to a prior conviction for driving under the influence (the March 17, 2023 arrest) in Los Angeles County Superior Court.

RECOMMENDATION: The Peace Officer Standards Accountability Advisory Board (POSAAB) shall review the findings of investigation presented by the Peace Officer Standards Accountability Division (POSAD) and make a recommendation regarding what action should be taken, suspension or revocation, on the certification of the subject peace officer.

ATTACHMENT(S):

BR01POST2400920_ThompsonTommy_ISF.pdf
BR02POST2400920_Thompson Tommy_ExecReviewDivisonRec.pdf
BR03POST2400920_ThompsonTommy_Attachment A IA Investigation.pdf
BR04POST2400920_ThompsonTommy_Attachment B CHP traffic report.pdf
BR05POST2400920_Thompson Tommy_Attachment C LASD traffic report.pdf
BR06POST2400920_Thompson Tommy_Attachment D - LAPD letter of Transmittal.pdf
BR07POST2400920_Thompson Tommy_Attachment E - LAPD Supplemental invest 23-000735.pdf
BR08POST2400920_ThompsonTommy_Attachment F LAPD Agreement Regarding Proposed Discipline.pdf
BR09POST2400920_Thompson Tommy_Attachment G Criminal Case Summary Case 3SC01776.pdf

STATE OF CALIFORNIA
COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING
PEACE OFFICER STANDARDS ACCOUNTABILITY ADVISORY BOARD

In Re: CERTIFICATION OF Tommy Thompson, **Respondent.**	**BOARD RECOMMENDATION RE: PEACE OFFICER CERTIFICATION** Penal Code section 13510.85(a)(4)

Penal Code section 13510.85 provides that when, upon the completion of an investigation conducted pursuant to subdivision (a) of section 13510.85, the Peace Officer Standards Accountability Division (the Division) finds reasonable grounds for revocation or suspension of a peace officer's certification, it shall notify the peace officer of the Division's determination and reasons for that determination. If the peace officer files a timely review, the Peace Officer Standards Accountability Advisory Board (Board) shall schedule the case for hearing.

Respondent was served with the Division's Investigative Summary and Findings and accompanying Notice of Intent to Revoke, notifying Respondent that the Division had found reasonable grounds for revocation of Respondent's POST certification, on November 6, 2024. Respondent requested a review of the Division's determination and reasons for revocation of Respondent's POST certification on November 12, 2024, and the Board scheduled the case for a hearing which was held on January 16, 2025. At the time of Respondent's request for review of the Division's determination, Respondent had been issued the following POST certification(s):

- ☒ Basic
- ☒ Intermediate
- ☒ Advanced
- ☒ Supervisory
- ☐ Management
- ☐ Executive

FACTUAL BASIS

Having considered the Division's presentation at the hearing, the Division's Investigative Summary and Findings and the public comments, the Board concludes that:

X A factual basis for revocation has been established by clear and convincing evidence.

__ A factual basis for suspension has been established by clear and convincing evidence.

__ A factual basis for suspension or revocation has not been established by clear and convincing evidence.

RECOMMENDATION

In light of the facts and circumstances revealed by the Division's investigation in this case, the Board hereby recommends that the following action(s) be taken against Respondent's certification:

X Revocation of Certification.

__ Suspension of Certification for the following period of time, not to exceed 3 years, per 11 CCR section 1213(b): _____.

__ No further action.

REASONS FOR DECISION

X In accordance with Penal Code section 13510.85(a)(4) and title 11, California Code of Regulations section 1213, the Board hereby incorporates by reference the Division's Investigative Summary and Findings and hereby adopts the Division's Summary and Findings as the Board's stated reasons for its recommendation in the above captioned matter.

__ (Where applicable) In accordance with Penal Code section 13510.85(a)(4), the Board's reasons for its recommendation are as follows:

_____

_____

_____

_____

_____

_____

_____

Dated: 1/16/25

Chairperson or Designee
Commission on Peace Officer Standards Accountability
Advisory Board

STATE OF CALIFORNIA

COMMISSION ON

PEACE OFFICER STANDARDS AND TRAINING

PEACE OFFICER STANDARDS ACCOUNTABILITY ADVISORY BOARD

(POSAAB) MEETING

THURSDAY, JANUARY 16, 2025

9:01 A.M.

MEETING HELD

AT THE OFFICES OF

COMMISSION ON POST

860 STILLWATER ROAD, SUITE 100

WEST SACRAMENTO, CALIFORNIA

REPORTER'S TRANSCRIPT OF PROCEEDINGS

Stenographically Reported By:
Kathryn S. Swank
California Certified Shorthand Reporter #13061
Registered Professional Reporter

A P P E A R A N C E S

POSAAB MEMBERS PRESENT

JOYCE E. DUDLEY
(Board Chairperson)
Governor Appointee
Attorney

NICOLE CLAVO, Psy.D.
Governor Appointee
Public Member

REGINA HATCHER-CRAWFORD
Governor Appointee
Public Member

ROBERT DOYLE
Governor Appointee
Former Command Rank Peace Officer

JACK GLASER
Governor Appointee
Public Member

CEPHUS JOHNSON
Governor Appointee
Public Member

CHARLES LARA
Governor Appointee
Management Rank Peace Officer

MARGARET PENA
Speaker of Assembly Appointee
Public Member

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A P P E A R A N C E S C O N T I N U E D

POST COMMISSION STAFF

ROBERT BRINGOLF
Law Enforcement Consultant
Professional Conduct Los Angeles County Bureau

ANNEMARIE DEL MUGNAIO
Assistant Executive Director
Peace Officer Standards
Accountability Division
Executive Office

BRAD EHRMAN
Law Enforcement Consultant
Professional Conduct Los Angeles County Bureau

CHRISTINE FORD
Bureau Chief
Professional Conduct Southern Bureau

BRYANT HENLEY
Attorney IV
Legal Affairs Bureau

CHANDLER KNAPP
Staff Services Manager
Executive Office

LORALYNNE KONG
Law Enforcement Consultant
Professional Conduct Los Angeles County Bureau

SARAH WALLACE
Bureau Chief
Intake & Disposition Bureau

CARRIE WOOLLEY
Attorney IV
Legal Affairs Bureau

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A P P E A R A N C E S C O N T I N U E D

PEACE OFFICER STANDARDS ACCOUNTABILITY
ADVISORY BOARD LEGAL COUNSEL

CHRISTOPHER BEATTY
Deputy Attorney General
Department of Justice
Office of the Attorney General

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ALSO PRESENT

ELIZABETH GIBBONS
Counsel for
Braulio Robledo
POST ID A83-R39
(Via videoconference)

COREY GLAVE
Counsel for
Blake Williams
POST ID C57-X01
(Via videoconference)

BEATRICE JOHNSON
Public Comment

BRAULIO ROBLEDO
POST ID A83-R39
(Via videoconference)

DANNY SANCHEZ
Public Comment
(Via videoconference)

TOMMY THOMPSON
POST ID B81-T83
(Via videoconference)

LESLIE WILCOX
Counsel for
Gabriel Gaxiola
POST ID B9-S96

A P P E A R A N C E S C O N T I N U E D

TOM YU
Counsel for
Joshua Satterfield
POST ID C46-V20
(Via videoconference)

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Thursday, January 16, 2025, 9:01 a.m.

West Sacramento, California

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CHAIRPERSON DUDLEY: Thank you all for being on time.

Good morning, everyone. Today is Thursday, January 16th. And the time is 9:00 a.m. Thank you all for attending the Peace Officer Standards Accountability Advisory Board hearing.

Please note that this hearing is being live-streamed, recorded, and transcribed. Further, please note that the microphones are auto on/off. When you begin speaking, they will go live. With this in mind, you will need to watch your cross-talk.

We will now start with our roll call for our board meetings.

Mr. Knapp, please take roll call.

MR. KNAPP: Good morning, Members of the Board. Welcome. Good to see you today.

Board Member Buchen.

(No response.)

MR. KNAPP: Board Member Clavo.

MEMBER CLAVO: Present.

MR. KNAPP: Board Member Crawford.

MEMBER HATCHER-CRAWFORD: Present.

MR. KNAPP: Board Member Doyle.
MEMBER DOYLE: Here.
MR. KNAPP: Chair Dudley.
CHAIRPERSON DUDLEY: Here.
MR. KNAPP: Board Member Glaser.
MEMBER GLASER: Present.
MR. KNAPP: Board Member Johnson.
MEMBER JOHNSON: Present.
MR. KNAPP: Board Member Lara.
MEMBER LARA: Present.
MR. KNAPP: And Board Member Pena.
MEMBER PENA: Present.
MR. KNAPP: Thank you.
CHAIRPERSON DUDLEY: It looks like we are just missing one person, and a quorum has been established.
I would now like to introduce Board Counsel Christopher Beatty and Board Assistant Executive Director Annemarie Del Mugnaio. Right?
This time is set aside for members of the public who wish to comment on items not on the agenda but with -- excuse me -- but those within the Board's jurisdiction.
Public comment on matters on the agenda will be heard after each item is presented.
Public comment on specific peace officer revocation

Santa Barbara. And we have been living what -- in a very soft way with what Los Angeles has been going through. It is an unbelievable, unbelievable disaster.

For those of you that have come up from Los Angeles, I'm sure your hearts are very heavy in terms of what is happening to your communities. For those calling in, again, please know that you have our empathy, our concern, our love from POST and from everybody here today.

So we're going to proceed, but understanding that this is a very difficult time for all of you.

The other thing is later on, we're going to have some cases with alleged statements of bias in texts. Some of those are very difficult for people to hear, very difficult for people to consider. And I just want to, again, acknowledge that it is difficult to read those texts, to see the words, and to make decisions on them.

So, again, our empathy for those people that are feeling those sense of violation if, in fact, anyone is going through that.

Tough cases require a tough board, and we have got you here today for that.

So at this time, I will call upon Law Enforcement Consultant Brad Ehrman, Professional Conduct Los Angeles

County Bureau; and Carrie Woolley, Attorney IV, Legal Affairs Bureau, to provide a report on Case POST2400920, Tommy Thompson, who at the time of the events at issue in this case, were employed with the Los Angeles Police Department.

Thank you.

Please go ahead whenever you are ready.

MR. EHRMAN: Good morning, Chair and Members of the Board.

My name is Brad Ehrman. I'm a -- I'm one of the law enforcement consultants assigned to the Professional Conduct Bureau Los Angeles County in the Peace Officer Standards and Accountability Division. With me today is Carrie Woolley, an attorney with our Legal Affairs Bureau.

I am here today to present Case POST2400920, involving Tommy Thompson, formerly with the Los Angeles Police Department.

It is the Division's determination that clear and convincing evidence exists to demonstrate that Mr. Thompson committed an act of serious misconduct, as set forth in Penal Code section 13510.8(b)(6) on March 14th, 2023, and March 17th, 2023.

Specifically, the Division has determined that Mr. Thompson committed the following acts of serious

misconduct:

Acts that violate the law and that -- and that are sufficiently egregious or repeated as to be inconsistent with a peace officer's obligation to uphold the law when he drove under the influence of alcohol and drugs on two separate occasions during work hours.

In this presentation, I will present a brief outline of the Division's findings of investigations in this matter.

Mr. Thompson began his career with the Los Angeles Police Department on June 10th, 1996. On June 25th, 2006, Mr. Thompson was promoted to the position of Detective I. On November 3rd, 2013, Mr. Thompson was promoted to the position of Detective II. On July 30th, 2023, Mr. Thompson was demoted to the position of Detective I.

Mr. Thompson holds the following POST certificates: He has a basic, intermediate, advanced, and supervisory.

Mr. Thompson has a prior alcohol-related discipline from March 13th, 1998, for which he received a three-day suspension.

Mr. Thompson's other disciplinary matters are not relevant in these proceedings.

As set forth in the ISF, Mr. Thompson was arrested for a DUI twice in a four-day period while on duty.

The first incident occurred on March 14th, 2023, at approximately 9:30 a.m. According to the California Highway Patrol report, Mr. Thompson, who was driving an unmarked LAPD vehicle, was involved in a single-vehicle accident after he attempted to make a U-turn and lost traction. He drove over a raised curb and struck a tree located on the side of the roadway.

Mr. Thompson left the scene of the accident and drove to a nearby ARCO gas station where he spent approximately 40 minutes attempting to fix the damage to the front of his vehicle.

Mr. Thompson then left the ARCO gas station and drove to a Mobil gas station where he continued -- where he contacted the supervisor about the accident and that he was involved in -- sorry.

And then he was involved in a second minor vehicle accident when he backed into another vehicle at the gas station.

Mr. Thompson then spent approximately 30 minutes trying to fix the damage to his vehicle.

Mr. Thompson left the Mobil gas station, and his vehicle became disabled in the roadway. A LA sheriff deputy discovered him stalled in the roadway and called the CHP to respond.

The CHP -- the CHP officer conducting the

investigation conducted -- conducted the investigation and determined that Mr. Thompson was under the influence of alcohol or drugs, prescription Ambien, and arrested Mr. Thompson.

At approximately 1308 hours, Mr. Thompson submitted to a chemical breath test, which showed he had a blood alcohol content of .03 percent. The CHP also took a blood sample from Mr. Thompson to test him for the admitted prescription drugs.

Since Mr. Thompson's sample showed a drug -- drugs in his system, the Los Angeles County District Attorney's Office charged him with a violation of Vehicle Code section 23152(g), driving under the combination and influence of any alcohol and drug.

On February 22nd, 2024, Mr. Thompson pled no contest to one misdemeanor count of Vehicle Code section 23152(a), driving under the influence of alcohol.

The conviction included the sentence of 14 days' time served, fines, and he was ordered to complete an 18-month driver -- driving under the influence program.

The second incident occurred on March 17th, 2023, while assigned to home duty because of the March 14th DUI arrest. Mr. Thompson was driving his personal vehicle and lost control when the vehicle ran out of gas. The vehicle then hit a pole.

Los Angeles sheriffs responded and conducted an investigation, which found that Mr. Thompson was operating his vehicle while under the influence of alcohol. Mr. Thompson provided a breath sample, which showed that he had a BAC of .08 and .09.

On February 22nd, 2024, Mr. Thompson pled no contest to one misdemeanor count of wet reckless driving.

Mr. Thompson was assessed fines, fees, and ordered to complete an 18-month driving-under-the-influence program, which he could complete concurrent with his first DUI conviction.

The Los Angeles Police Department conducted an Internal Affairs investigation on both DUI arrests. The Internal Affairs investigation resulted in five sustained policy violations with a recommendation that Mr. Thompson be directed to a Board of Rights hearing, with the proposed penalty of termination.

During Mr. Thompson's Internal Affairs interview, Mr. Thompson stated that after his -- after his two DUI arrests, he checked himself into the Betty Ford clinic for treatment and was attending anonymous -- Alcohol [sic] Anonymous meetings.

On February 22nd, 2024, Mr. Thompson signed a settlement agreement with the Los Angeles County Police

Department that imposed a 22-day suspension as a result of the two DUI arrests; and while employed with the Los Angeles Police Department for a period of three years, required him to:

One, abstain from the use of alcohol -- alcoholic beverages;

Two, not enter any establishment whose primary business is selling alcoholic beverages while on off-duty;

Not purchase any alcoholic beverages while off-duty;

Four, submit to a substance test up to three times a month as directed by a supervisor;

And, five, submit to unscheduled, unannounced directed testing for controlled substances up to five times a month as directed by a department supervisor.

The facts I have just recited support the Division's findings that Mr. Thompson was involved in serious misconduct, specifically acts that violate the law.

For the purpose of this -- for the purpose of the Division's analysis, clear and convincing evidence means evidence of -- of a charge is clear and convincing so long as there is a high probability that the charge is true. The evidence need not establish a fact beyond a

reasonable doubt.

The Division recommends that Mr. Thompson's POST certificate be revoked. The Division recommends this based on the following:

Between March 14th and March 17th, 2023, Mr. Thompson engaged in conduct that would lead to two separate arrests and convictions for DUI. Impaired driving is illegal because of inherent dangers to the drivers themselves and to others.

Under Penal Code section 13510.8(b)(6), and POST Regulations 1205(a)(6), acts that violate the law constitute serious misconduct when they are sufficiently egregious or repeated as to be inconsistent with a peace officer's obligations to uphold the law or respect the rights of the members of the public.

Impaired driving and repeated acts of impaired driving are acts that violate the law and are both sufficiently egregious and sufficiently repeated as to be inconsistent with Mr. Thompson's obligation to uphold the law, respect the rights of the members of the public.

As a homicide detective charged with investigating our most serious crimes, Mr. Thompson's actions and driving impaired on two occasions established that he committed serious misconduct.

With that, I'm happy to answer any questions that the Board has.

CHAIRPERSON DUDLEY: I have a few. Thank you so much.

I may have misheard this.

In '98, was there a first DUI?

MR. EHRMAN: It was a alcohol-related. It didn't say DUI.

CHAIRPERSON DUDLEY: What was it?

MR. EHRMAN: We don't know.

CHAIRPERSON DUDLEY: Okay.

MR. EHRMAN: I think it's based on the time --

CHAIRPERSON DUDLEY: I'm sorry, what?

MR. EHRMAN: It was over 20 years ago.

CHAIRPERSON DUDLEY: Okay. In the future, if it's ever possible to get more information about if we're looking at a second DUI but, in fact, it is somehow related a prior alcohol offense, it's helpful for the Board to know more about that.

And I really appreciate the timeline there. That is very helpful.

I'm trying -- now could you -- Chandler, are you controlling that? Whoever is controlling that, can we start at the beginning there? I can't see it from here.

Okay. Great.

Now, this is for the second DUI; is that right?
MR. EHRMAN: No.
MS. WOOLLEY: This is for the first DUI.
CHAIRPERSON DUDLEY: The first DUI. Or -- right.
So this is the one where he hit the tree --
MS. WOOLLEY: Yes.
CHAIRPERSON DUDLEY: -- correct?
MS. WOOLLEY: Yes.
CHAIRPERSON DUDLEY: Okay. So -- okay. Respondent arrives at -- keep it there. Don't move it. Take it back to the beginning.
Who is controlling that? I can't -- oh, okay. You guys are.
So is that the time that he arrived at work, 6:00 a.m.?
MS. WOOLLEY: Yes, Chair Dudley. That's the time he arrived at work that morning. He arrives at work at 6:00 a.m. He takes an LAPD car out sometime that morning, and then he is coming back from retrieving his cell phone in Santa Clarita. Hits a tree at around 9:35.
CHAIRPERSON DUDLEY: Okay. Now, I want to go slower.
MS. WOOLLEY: Sorry.
CHAIRPERSON DUDLEY: That's okay.

We don't have any information that he had been drinking prior to coming to work at 6:00 a.m.?

MS. WOOLLEY: Well, his blood alcohol is .03 when they take it at 1:00 p.m.

CHAIRPERSON DUDLEY: Right.

MS. WOOLLEY: And he does have drugs in his system.

CHAIRPERSON DUDLEY: Right.

MS. WOOLLEY: Generally, if you have a blood alcohol at .03 at 1:00 p.m., you have probably consumed alcohol at some point earlier in the day.

It is unknown when he consumed it. His statements at the IA were that he had consumed alcohol earlier in the morning. I believe it was somewhere in the neighborhood of 4:00 a.m.

CHAIRPERSON DUDLEY: Name of what?

MS. WOOLLEY: Neighborhood of 4:00 a.m.

CHAIRPERSON DUDLEY: 4:00 a.m.

MS. WOOLLEY: Yes.

CHAIRPERSON DUDLEY: And that would be inconsistent with the blood alcohol level at 1:00 of .03, correct?

MS. WOOLLEY: Well, if he had stopped drinking at about 4:00 a.m., his blood alcohol could have gone down to .03 because it would have continued to lower.

There's a formula that LAPD could have applied to determine what his blood alcohol would have been at

9:35.

CHAIRPERSON DUDLEY: Okay.

MS. WOOLLEY: They just did not do so.

CHAIRPERSON DUDLEY: Was there any information when he arrived at work at 6:00 a.m. that he was -- that anyone made any comments about him being under the influence of alcohol?

MS. WOOLLEY: There was no indication in the IA investigation that that was done.

CHAIRPERSON DUDLEY: Okay. So the next thing we have is he allegedly had left his cell phone at home.

MS. WOOLLEY: Yes.

CHAIRPERSON DUDLEY: And we're going to assume there's alcohol in his home because he said he consumed some before 4:00 a.m. So what we know is that after he received his cell phone, this hit-and-run occurred?

MS. WOOLLEY: There's our information, yes.

CHAIRPERSON DUDLEY: Okay. So the alleged hit-and-run.

And then what is the distance between -- okay, let me just start with that alleged hit-and-run there at 9:38.

Oh, no -- that's when he arrived at the ARCO station. We don't know what time the hit-and-run happened.

MR. EHRMAN: The bottom square.

MS. WOOLLEY: Right. It's about 9:35. It's probably three minutes or so before.

CHAIRPERSON DUDLEY: Okay.

MS. WOOLLEY: The ARCO station is right around the area of where that tree was.

CHAIRPERSON DUDLEY: Okay. So let me say that again, then.

From the -- the distance between the tree that was hit and the ARCO station was about a three-minute drive?

MS. WOOLLEY: About, yes.

CHAIRPERSON DUDLEY: Okay. So then he gets -- now, would -- if he had left the car where the tree was, would that have created a -- an issue in terms of safety for other drivers?

MS. WOOLLEY: That would require speculation on the part of the Division at this point.

CHAIRPERSON DUDLEY: Okay.

MS. WOOLLEY: It wasn't something that LAPD had looked at in their investigation.

CHAIRPERSON DUDLEY: Okay.

MS. WOOLLEY: It wasn't something that the Division looked at in our investigation.

CHAIRPERSON DUDLEY: Okay.

MS. WOOLLEY: It was something, though, that was

sustained that it was a hit-and-run. He was --

CHAIRPERSON DUDLEY: Last part again?

MS. WOOLLEY: It was sustained as a hit-and-run as part of the sustained findings.

CHAIRPERSON DUDLEY: Okay. We will get back to --

MS. WOOLLEY: He was charged with that, yes.

CHAIRPERSON DUDLEY: I'm just trying to take it piece by piece.

Then during that 40-minute encounter, there is some information about him spending some time dealing with the car.

And then he drives from the ARCO station to the Mobil station. And that's about 40 minutes apart?

MS. WOOLLEY: He spends approximately 40 minutes at that ARCO station, and then goes to the Mobil station, which is also nearby.

CHAIRPERSON DUDLEY: Okay. Then at the Mobil station, tell me about the minor incident with another car.

MS. WOOLLEY: He pulls into a parking spot at the Mobil station. He is there for about a minute or two. This is all in surveillance camera footage.

CHAIRPERSON DUDLEY: Right.

MS. WOOLLEY: He then pulls out of that parking space and backs into a Kia that has pulled in behind

him, causing some minor damage. He does get out of the car. The CHP investigation says that it appears that he has -- exchanges some information with that driver, but neither LAPD nor CHP did any further investigation to determine if they exchanged, like, insurance information or something.

CHAIRPERSON DUDLEY: Okay. Then he hits another vehicle 10:24.

MS. WOOLLEY: Yes.

CHAIRPERSON DUDLEY: Let's stop it again.

So after he's hit the tree, gone to the ARCO station, gone to the Mobil station, and hit the second vehicle, that is when he calls his supervisor?

MS. WOOLLEY: Yes.

CHAIRPERSON DUDLEY: And that's from the Mobil station?

MS. WOOLLEY: Yes.

CHAIRPERSON DUDLEY: Okay. Then after that, he -- his car becomes disabled, and it's on the side of the road, on the roadway?

MS. WOOLLEY: It's in the number one lane of a roadway. And LASD deputy sees him, is going the opposite direction, makes a U-turn, comes up behind him, determines his car is disabled, blocking traffic, calls CHP.

CHAIRPERSON DUDLEY: Okay. What information, if any, do you have about the nature of the conversation he had with his supervisor about whether he should proceed, stay there, come into the station, if they discussed the damage to the car at that point.

Any ideas?

MS. WOOLLEY: We do not have any information in regards to that conversation.

CHAIRPERSON DUDLEY: Okay.

MR. EHRMAN: I think the only thing that was said was to contact CHP for the report.

MS. WOOLLEY: Oh, I'm sorry. Thank you, Mr. Ehrman.

CHAIRPERSON DUDLEY: Say it again.

MR. EHRMAN: It said -- the only thing in the IA report it said for him -- the supervisor requested him call CHP to come investigate -- to do a traffic report.

CHAIRPERSON DUDLEY: Okay. But he doesn't, as far as we know, call CHP. CHP sees the car in the roadway?

MS. WOOLLEY: They are notified by LASD.

CHAIRPERSON DUDLEY: Okay. So I'm assuming then the supervisor or somebody notified CHP?

MS. WOOLLEY: No. LASD notified CHP.

MR. EHRMAN: There was nothing stated that anyone from LAPD --

CHAIRPERSON DUDLEY: All right. And then the CHP arrives. I may have been confused about this .

At some point, was the respondent asked about the tree incident?

MS. WOOLLEY: He was asked where he -- what he hit and where the accident occurred.

The CHP -- or it appears from the CHP investigation that he was asked that. But it is not very clear in the CHP investigation at what point that question happened.

What is in the investigation is that the CHP officer, who was conducting the investigation, made some assumptions that he thought the accident may have occurred in a couple of locations.

And so he took the respondent to two different locations that involved a pole that had been hit.

Mr. Thompson was able to categorically tell the CHP officer, no, that was not what I hit. That's not where the accident occurred.

They then took Mr. Thompson to a hospital to get him medically cleared and then cited and released him.

CHAIRPERSON DUDLEY: Okay. Go back to that.

MS. WOOLLEY: Sure.

CHAIRPERSON DUDLEY: I want to understand this a little bit more.

The respondent has some discussion with the

investigating CHP officer. And as a result of that discussion, they go to two -- three places.

MS. WOOLLEY: Two different places at this point.

CHAIRPERSON DUDLEY: Two different. And then is it the second or the third place that ends up being the tree?

MS. WOOLLEY: It ends up being a fourth place. So they go two places with Mr. Thompson. Mr. Thompson is able to exclude both places. They then take Mr. Thompson to a hospital to get him medically cleared since he's been in an accident, and he is under the influence. It also appears they take the blood sample at that time.

CHAIRPERSON DUDLEY: So we have no idea what led the CHP officer to take Mr. Thompson to place one or place two?

MS. WOOLLEY: The CHP officer states in his report that he believes, based on damages he had seen from the poles, that he suspects those may have been where the accidents were.

So they are basing it off of the damage to the car and where he is seeing damage to objects that look like they could have caused damage to the vehicle.

CHAIRPERSON DUDLEY: Just so I can understand this better, there's some discussion prior to going to place

one and place two that it was a pole versus a tree?

MS. WOOLLEY: It's not clear --

CHAIRPERSON DUDLEY: If you don't know, that's fine.

MS. WOOLLEY: Right. It's not clear how the CHP drew that conclusion.

CHAIRPERSON DUDLEY: Okay.

MS. WOOLLEY: But that's what they did.

MR. EHRMAN: I believe there was damage at those locations.

MS. WOOLLEY: Right.

MR. EHRMAN: So he naturally thought, okay, there's damage, we're going to go to that location. Previous.

Then after that he goes back, and he is able to determine that those other locations were prior accidents and not this vehicle.

And then he locates the other location of the actual accident.

CHAIRPERSON DUDLEY: Okay. So why this is interesting to me is if we're looking at dishonesty as one of the issues here, I don't know -- the Board doesn't know whether it was as a result of dishonesty that they ended up at those two prior locations and even the third location, and then it wasn't until the fourth.

So that's where there's some confusion. I'm not

even sure we can answer that question at this point.

MR. EHRMAN: That wasn't in the CHP report what they specifically asked him --

CHAIRPERSON DUDLEY: Right.

MR. EHRMAN: -- or what he answered.

CHAIRPERSON DUDLEY: Okay.

MR. EHRMAN: Besides the -- that's not it. He -- when he gave the -- when they rolled up, and he gave the answer to that, "This is not the location; it's further down," those are the only statements that they wrote in the report.

CHAIRPERSON DUDLEY: Okay. So then am I also to understand that both the second -- excuse me, the -- we'll call it -- no, we don't know about the prior alcohol-related offense.

So the first DUI and the second DUI both had to do with the hit-and-run issues, right?

MS. WOOLLEY: No. The second DUI, he stayed at the scene. His vehicle, which was his personal vehicle, ran out of gas. And he was pushing it to get to a gas station. And it got away from him. It hit a pole in front of some Southern Cal Edison employees.

CHAIRPERSON DUDLEY: And he stayed there?

MS. WOOLLEY: And he stayed at the scene.

CHAIRPERSON DUDLEY: Okay. So as to the first DUI,

the arrest was made, including the DUI and the hit-and-run. And the District Attorney's Office did not proceed on the hit-and-run?

MS. WOOLLEY: No. They did charge him with a hit-and-run, but the plea deal was just DUI -- a straight DUI under subdivision (a).

CHAIRPERSON DUDLEY: Okay. Those are my questions. By the way, again, thank you for this timeline.

MS. WOOLLEY: Of course.

CHAIRPERSON DUDLEY: Other questions from the Board?

MEMBER LARA: Yes.

CHAIRPERSON DUDLEY: Yes.

MEMBER LARA: So these are for Brad.

So is it clear -- I believe it's clear --

CHAIRPERSON DUDLEY: Would you move the mic a little closer?

MEMBER LARA: Okay. It appears clear to me, but I want to ask you as the investigator: Did the -- did Mr. Thompson have the ability after the first collision to immediately notify his supervisor?

MR. EHRMAN: It is not clear exactly what his condition was.

We're assuming that based on his alcohol content that he wasn't making rash decisions on that. And he

didn't make it -- I don't know if -- we would -- we couldn't figure out if he was trying to see if he could fix the car enough where he -- you know, he could get away.

But it was, obviously, that the car was not in that condition. So he could have --

CHAIRPERSON DUDLEY: Was your question whether he had a phone?

MEMBER LARA: Yes.

CHAIRPERSON DUDLEY: Yes. That's what I thought.

MR. EHRMAN: Oh, sorry.

CHAIRPERSON DUDLEY: He's not talking about his mental state. He's merely saying, did he have a phone in order to do it?

MR. EHRMAN: Yes. Because he called later on.

MEMBER LARA: And because the point of my question is, is one of, you are in a hole, and you have the ability to stop digging, then you should probably do so.

If he had the means immediately at his disposal, rather than attempting to repair his vehicle, and move -- and then ultimately cause yet another collision at another scene and impair people further, I wanted to see if there was some way at that point he could stop digging.

And he -- your answer is, yes, he had the means.

MR. EHRMAN: He had a phone.
MEMBER LARA: Thank you.
CHAIRPERSON DUDLEY: Thank you.
Other questions?
Yes.
MEMBER DOYLE: I just wanted clarification.
I saw somewhere -- and I think it was in the court notes -- that on the 17th, was a wet reckless. The 14th was DUI, no contest. And an admission of a previous DUI, so that had to have been in the 1990 --
MS. WOOLLEY: No. That's not how they did it.
What they did was, is they had him admit to -- I'm going to get this wrong -- the -- they had him admit to the March 17th incident first.
MEMBER DOYLE: Right.
MS. WOOLLEY: It was part of the plea deal.
So what they did was, they had him admit to the March 17th deal first, and then the March 14th deal second. And because the admission for the March 17th deal came in first, it became a prior conviction that he had had to admit for the March 14th one.
So they did --
MEMBER DOYLE: But that was a wet reckless; that was not a DUI.

MS. WOOLLEY: But that can be a prior conviction for a DUI. A wet reckless can be, yes.

MEMBER DOYLE: Okay.

CHAIRPERSON DUDLEY: Can we go back to the timeline again?

What I'm looking for here is, we can extrapolate what his blood alcohol level was at the time of the first -- let's go to -- move over to the left a little more if you would, please. I want to see. Yeah. Thank you. And then if you can close in -- do a close-up. Thank you.

So at approximately 9:38, he arrived at the ARCO station. We said it was three minutes away.

So 9:35 a.m. would have been about the time that he hit the tree. And the blood alcohol of .03, was that based on blood or breath?

MS. WOOLLEY: That was a breathalyzer test.

CHAIRPERSON DUDLEY: I'm sorry?

MS. WOOLLEY: That was a breathalyzer test.

CHAIRPERSON DUDLEY: Okay. And the breathalyzer -- how much time went by between 9:35 and the blood -- and the PAS device?

MS. WOOLLEY: It's three and a half hours.

CHAIRPERSON DUDLEY: Okay. So regardless of when he started the drinking, can you give the Board a sense

of what his blood alcohol level was at the time, 9:35 -- assuming he had nothing alcoholic to drink between the 9:35 and the PAS device?

MS. WOOLLEY: There is a formula that the DMV has as part of the driver's manual. However, the application of that formula really does require special training, which none of us have. That would be something if this went to hearing, we would hire an expert -- employ an expert to present at trial as part of the evidence, to say, you know, whether or not Mr. Thompson was over the legal limit at the time he had his accident.

So at this time, we would not be in the position to opine what his blood alcohol would have been at.

CHAIRPERSON DUDLEY: Okay. Fair enough.

And then the blood sample, what was that result?

MS. WOOLLEY: We do not have the blood sample. But we do know, because the DA, the Los Angeles District Attorney's Office, charged him with the (g) count of 23152, that he would have had some form of a drug in his system as well, because in order for the DA to be able to charge him with that, he had to have had alcohol plus a drug in his system.

CHAIRPERSON DUDLEY: Okay. So allegedly he took the Ambien --

MS. WOOLLEY: Yes.
CHAIRPERSON DUDLEY: -- the night before and had a prescription for that.
Do we know if the blood test would show the percentage of the drug Ambien?
MS. WOOLLEY: It probably did, but we do not have that information.
CHAIRPERSON DUDLEY: Okay.
Thank you.
MS. WOOLLEY: You're welcome.
CHAIRPERSON DUDLEY: Other questions from other hearing officers?
MEMBER HATCHER-CRAWFORD: Hi, Counsel.
For clarification, the wet and reckless law is not really familiar to many. I have a little bit of knowledge of it.
Could you give us a little bit of summary about the wet and reckless law and why it was applied?
And to my second question of the wet and reckless law, from my understanding in that, in the first arrest, which was March 14th, if I'm correct, March 14th; and then he had a second incident, March 17th. But the wet and reckless was applied to the March 17th --
MS. WOOLLEY: Yes.
MEMBER HATCHER-CRAWFORD: -- and not the

March 14th?

MS. WOOLLEY: Yes.

MEMBER HATCHER-CRAWFORD: That was my confusion.

MS. WOOLLEY: It's --

MEMBER HATCHER-CRAWFORD: Go ahead.

MS. WOOLLEY: It will make more sense when I explain what wet and reckless means.

MEMBER HATCHER-CRAWFORD: Okay. Thank you.

MS. WOOLLEY: So wet and reckless is something that is available to prosecutors as a plea -- as a plea deal, essentially.

So a prosecutor has some discretion to offer a wet and reckless to those defendants who are close to the legal limit.

So on the March 17th incident, Mr. Thompson was at a .08, .09. So he was close to the legal limit.

As far as we know, he only had alcohol in his system.

So the prosecutor had the discretion to offer what is known as a wet reckless, which means you had alcohol in your system, and you were driving, and you engaged in conduct that ended up being reckless on the streets. Because, by definition, if you are driving with any alcohol in your system you are, in fact, reckless under the law. So that's what wet and reckless means.

And it ends up being a driving under the influence of alcohol conviction on your record for purposes of, like, prior convictions for DUI and that sort of thing. So that's where that comes in.

And Chair Dudley can correct me if I'm wrong about any of this, since she's got such a history of being -- well, a lot of experience, obviously, of being a district attorney.

For the March 14th incident, however, that probably was not available to the district attorney, or just wasn't something the district attorney would have been interested in offering because of that drug that was in Mr. Thompson's system.

And under that one, the (g) count, if you have any alcohol in your system and you have a drug, it is a -- it's a DUI just full stop under (g).

So if you have got something that's a controlled substance, such as Ambien. Xanax would be another one that's common. People will get some alcohol in their system and have something like a Xanax. It's a DUI. It is a full-on DUI misdemeanor under (g).

And frequently, it's not uncommon for a district attorney to not offer wet reckless in that situation because you are so impaired at that point for driving.

MEMBER HATCHER-CRAWFORD: And so in a wet reckless,

because of the accidents -- this is where I was kind of confused on -- is both of them involved accidents, 14th and the --

MS. WOOLLEY: They did.

MEMBER HATCHER-CRAWFORD: They both involved that.

And the district attorney has a discretion to apply.

Now, here's the next question. On a wet and reckless -- because to me, it sounded like it was a DUI, and because I'm not familiar with either/or.

But what is the purpose of even offering the wet and reckless? I mean, what is -- is the penalty different or less --

MS. WOOLLEY: Yes.

MEMBER HATCHER-CRAWFORD: -- or same?

MS. WOOLLEY: The fines and fees for a wet reckless are significantly less. There's less jail time. I believe, but I would have to check, there may, in fact, not be a mandatory jail sentence for a wet reckless.

The DUI program's usually less for a wet reckless for the first offender. Since he had two in a row, that's how he got the 18-month program. And he also had a drug in his system, which is probably also why the 18-month was imposed.

So there are significantly less penalties imposed

for somebody with a wet reckless.

So that's one of the reasons why it gets offered in those kinds of cases and why defendants will take that. Even though there's a consequence of it being a prior conviction if you get a second.

MEMBER HATCHER-CRAWFORD: So the wet reckless is not really held -- held as high as regard compared to the DUI. But he was offered it. That's...

MS. WOOLLEY: For criminal penalties, yes. But on your driver's record, it is going to have a similar effect, is my understanding. Yes.

MEMBER HATCHER-CRAWFORD: Thank you.

MS. WOOLLEY: You are welcome.

CHAIRPERSON DUDLEY: Any other questions or comments?

Yes, Dr. Glaser.

MEMBER GLASER: Thank you. One question. There was some contradiction or inconsistencies among the various documents that we reviewed about when he was on duty and when he was off duty.

And I just wanted to get clarification. I think he was on duty on the 14th and off duty on the 17th?

MS. WOOLLEY: He --

MEMBER GLASER: No?

MS. WOOLLEY: There was some contradiction in the

records.

So LAPD initially said in their IA documents he was off duty on the 17th. That is incorrect. He was actually on duty on the 17th as well, but he was on what they call "home duty."

So a lot of agencies will call it, like, administrative leave. He was sent home. But he was supposed to be on duty. He was just at home. So he wasn't coming into the office. He wouldn't be like what they would consider active.

There's a follow-up memorandum in his IA investigation that said he had to report in. I think he had a meeting with another department. He had just finished at that point right before he left to go get food, and then ended up in the accident. So he was on duty.

MEMBER GLASER: And then on the 17th --

CHAIRPERSON DUDLEY: Let me respond to that a little further.

So even though he was at home, the concept of being on duty relates to the fact that they could call him in and, therefore, could call him in. And being at that blood alcohol level is part of this whole scenario.

MS. WOOLLEY: Correct. Yes.

MEMBER GLASER: And on the 17th, there was also an

indication that he had a nearly empty open container in his vehicle. And I was just wanting to know if we could get some clarification on how nearly empty. But also an open container that is empty is problematic anyway.

MS. WOOLLEY: Right.

The police report from Los Angeles Sheriff's Department said there was an open vodka container that was nearly empty, yes.

CHAIRPERSON DUDLEY: Thank you.

Any other questions?

Yes.

MEMBER JOHNSON: Yes. Johnson.

I had heard you mention something about dishonesty. And you didn't go into the detail of that.

Then Board Member Charles talked about, at some point, when do you stop digging a hole for yourself?

CHAIRPERSON DUDLEY: I'm sorry. Could you move the mic closer?

MEMBER JOHNSON: Yes.

CHAIRPERSON DUDLEY: Thank you.

MEMBER JOHNSON: Board Member Charles spoke about, at some point, when do you stop digging a hole for yourself?

So we do know that he lied to the officer in the first incident that he wasn't drinking. Three days

later, he got pulled over, and he lied to that officer that he wasn't drinking.

I mean, it is obvious that the facts show that he was under the influence.

At some point, it is troubling that an officer consistently can try to fabricate a situation that he's in. Now, he has signed a document that I believe is supposed to save his job. And so we're here gathered today to discuss on whether to decertify him even though he has signed is this document.

Is there a conflict with that?

MS. WOOLLEY: The civil settlement that he filed with LAPD is separate from these proceedings. POST has independent jurisdiction as to Mr. Thompson's certification. So there's no conflict.

POST can proceed separate from any actions that LAPD chose to take.

MEMBER JOHNSON: So he can still be decertified?

MS. WOOLLEY: Yes.

MEMBER JOHNSON: Even though he made an agreement with LAPD that if I do this, this, this, and that, can I keep my job?

MS. WOOLLEY: Absolutely, yes.

MEMBER JOHNSON: So now I guess I'm jumping ahead. How would an administrative judge look at that?

MS. WOOLLEY: The administrative judge would give it the weight that they felt was appropriate. So they could take it and decide it had no weight. They could take it and decide that it should be given great weight.

One of the things that they would be looking at is the terms that Mr. Thompson had agreed to. So the terms that he had agreed -- the agency had proven -- it would just depend upon the administrative law judge.

But, again, these proceedings are entirely independent, so POST's position would be that it really does not have much weight, since the agency acts independently from POST.

MEMBER JOHNSON: And I guess the last follow-up question.

I think it's been a history that POST normally would grant the right for that officer to continue on his job if he signs off on an agreement.

So even though we may feel he should be decertified because of the history that has been established, that most officers that sign an agreement to stay on the job, if they follow this, this, this, and this, normally is granted that at the POST level.

So I'm trying to see if we can break that cycle.

But, anyhow, yes, I'm listening to figure this out.

MS. WOOLLEY: The Board will make its

recommendation, and it will go to the Commission, who will be able to either adopt the recommendation or do what the Commission wants to do.

This particular case is a bit different than the other DUI cases we have taken.

As you have -- as everybody has pointed out, these particular DUIs did happen on duty. There was some concealing conduct. I don't -- we don't know how the Commission is going to respond to this particular case.

But the Board does make its own recommendation.

MR. BEATTY: Board Member Johnson, I think it's productive just to remind ourselves of sort of the grounding trajectory that we're supposed to be taking as a Board.

And it's, you know, 13510.85, right, which is to say, basically does the investigation, summary of findings, and the recommendation by the Division, does that justify decertification under the Board's perspectives?

And so, you know, not getting outside the four squares of what we have in the investigation, and based on the presentation, I think we should really be guided by those perspectives.

CHAIRPERSON DUDLEY: And I -- I would like to call upon our Assistant Executive Director for some comments.

MS. DEL MUGNAIO: Thank you, Board Member Johnson, for the questions. I would like to speak to all of them if I can.

In terms of the settlement agreement that the respondent signed, he subsequently retired from Los Angeles Police Department on August 31st, 2024. He's not currently working.

Second, apart from that, you asked about ALJ weighing the employment agreement versus the certification status, that would be the interest of the state.

In my experience with administrative law judges, what they are looking at is: Does this individual pose a threat to the public health, safety, and welfare through his inability to make choices that pose an immediate threat?

In this situation, the employment status and the agreement, what the judge would be looking at is any rehabilitative efforts on the part of the individual to prevent this from happening again.

And the respondent would have to demonstrate that he no longer poses this threat. And it would be difficult for us to assess whether or not he can make those claims at this point.

The employment status is not what's considered,

if you will, from the administrative law judge. It's whether or not this individual still poses a threat because the behaviors and judgments and decisions made that has brought this case before us today.

In terms of making a decision on a stipulated settlement, I think you have talked about in previous DUI cases, it's not POST that is making the decision. The Commission itself can make the decision to enter into a stipulated settlement.

Again, those are not perfunctory. They do not happen in every case, and they have to examine the very specific circumstances of each and every case to determine whether the public would be well served by entering into an agreement with the individual who has overcome whatever those issues with and has proven, for a period of time, that they can, in fact, engage in the professional conduct of a peace officer safely, effectively, and without issue of controlled substances in their system.

So it is not an automatic. It is not perfunctory. And the Commission would have to weigh those very same things in this case and make the determination that they do not believe that the public would be at risk by allowing this individual to return to the profession.

CHAIRPERSON DUDLEY: Thank you.

MS. DEL MUGNAIO: You are welcome.

CHAIRPERSON DUDLEY: We're going to need a break. But I want to say are there any other questions for -- yes, please.

MEMBER PENA: How long of a delay was there between the time he encountered, I guess it was, CHP that came on the scene and when he was actually tested?

It was a -- it was a lengthy period of time, correct?

MS. WOOLLEY: CHP got on the scene at around 11:05, and he doesn't take the alcohol screening test until 1:00 o'clock, a little after 1:00 o'clock.

So, yes, it takes them some time.

MEMBER PENA: Is that -- is that typical?

MS. WOOLLEY: I wouldn't be able to answer that question. I think each investigation is unique. It probably depends upon the facts and circumstances.

CHAIRPERSON DUDLEY: Anything else? Any other questions?

Yes.

MEMBER JOHNSON: So -- Johnson.

He has retired in August. What -- I don't want to say what bearings would it have with the settle- -- with the agreement that he's made. To me, it becomes a moot

point, I mean, because he's no longer employed by the LA Police Department.

So I guess I'm saying that being that there was an egregious act and a violation of law, it should be pretty simple. It is like him not appealing the issue. So there should not be no reason, I believe, for him to be so much concerned of whether he's certified or decertified. He's no longer a police agent -- a police officer in the state of California, anyway.

So this should be an easy fix by simply decertifying him for the egregious act that the Division, as well as the agency, saw that he had acted in.

MS. WOOLLEY: Mr. Thompson is available by phone. I believe he would be able to answer that question best.

CHAIRPERSON DUDLEY: Anything else for now? Otherwise, we will take a ten-minute break and then come back and ask if Mr. Thompson or his attorney has any comments for us.

Okay. So the time is now 10:21. If you could come back at 10:30.

(Break taken in proceedings.)

CHAIRPERSON DUDLEY: At this time, does the subject officer and/or their counsel wish to make public comment? If so, you will each be given four minutes to

speak, and the time limits will be strictly enforced. So please ensure that you are -- complete your comments within the allotted time. There will be a clock on the screen that will start counting down from three minutes.

Because the discussion this morning was so lengthy, I'm going to extend it, at my discretion, to four minutes to ensure that each of you get to say what you want to say.

So while commenting, keep in mind that the Board will only consider the facts as presented by the Division today and will not consider any additional facts or defense at this time.

The sole question before the Board today is the following: If the facts offered by the Division today are, in fact, proven at a later hearing, do these facts demonstrate a high probability that serious misconduct, as defined by Penal Code section 13510.8, and Commission Regulation 1205 occurred?

So is there anyone from the public who would like to address the Board at this time? When it is your turn, you may state your name and the organization you wish.

And we will limit it to three or four minutes, depending who you are, in terms of this case. And I said, it's generally three minutes, but leaving

additional time for the respondent and his counsel. The time limits will be strictly enforced. So please ensure you complete your comments within the allotted time.

So is there anyone here on this case?

Remote or in person?

MR. THOMPSON: Ma'am, I'm the officer involved in this incident.

Can you hear me?

CHAIRPERSON DUDLEY: Is this Mr. Thompson?

MR. THOMPSON: Yes, ma'am.

CHAIRPERSON DUDLEY: Yes. We can hear you. Please go on.

MR. THOMPSON: I'm sorry. If I could, I would just like to summarize a couple things.

CHAIRPERSON DUDLEY: Sure.

MR. THOMPSON: First and foremost, I want to -- I want to thank the Board for giving me the opportunity to speak and kind of maybe hopefully clear some things up if needed.

I understand why the Board needs to convene on this matter and what's led for us to be here today.

And just a brief summary:

I'm a 28-year veteran with LAPD. I was hired in 1996. I have worked in South LA for all but one year of that.

I have been one of the highest, if not the highest, producer in all areas of works. I received hundreds of commendations for productivity. I patrolled areas troubled by gun -- gang violence. And I've made hundreds of observational felony arrests, including many gun arrests, of armed gang members.

I received a Master 10851 Award from the CHP, all of which were occupied stolen vehicles, several of them being used for the purpose of drive-by shootings.

I always wanted to be a detective and started -- started in it working the due diligence unit, which finds suspects of 187, of homicides that have warrants.

I then linked into being investigator and within a few years received a Detective of the Year from my division and also Detective of the Bureau -- for essentially the bureau in Los Angeles.

I received several mayor -- several citations from the mayor for my clearance of homicides. And I have been involved in arresting and convicting hundreds of murder -- homicide suspects.

I promoted to supervisor and received -- as you know, I'm -- I have supervisor POST certificate.

I was on call for several years working homicides, and it took its toll. It all came to a head March 14th and 17th where these incidents occurred.

I did -- I did understand that -- that the development of alcoholism, and I checked myself into Betty Ford. And I'm still in -- I go to AA meetings, and I'm still in the DUI program with the state.

I have a sponsor. I have a very good support system. My partner, who I live with, she's a superior court judge with the state of California. I've been with her for 13 years. My mother, who has been sober for over 40 years. I have two children, Isabella and Shae (phonetic). Bella finished her college and is pursuing her law degree. My second -- my younger child is in her third year of college.

I'm very proud of the badge that I wore, and I'm sad that I tarnished it.

I did -- I did retire from the department. I did so after I did my suspension days because I wanted to retire honorably. And, you know, during this process and working so long, over 20 years as a homicide investigator took its toll, which led into -- to the events that happened in these two days.

I developed a sleep disorder that -- because of it -- because of the hours I worked. I worked several days straight, and that's why I was prescribed Ambien.

I did -- again, I did and do acknowledge that I am an alcoholic. I have quit drinking since, and continue

with my -- with my efforts to remain sober and, again, I have a very good support system that assures that I am.

In conclusion, if the Board needs any clarification on any of the matters or -- I would be happy to speak on that.

CHAIRPERSON DUDLEY: Okay. Let me just, on behalf of the Board, thank you for your years of public service. Thank you for calling us. Clearly, you do have a distinguished career. And to extend our understanding and appreciation of the actions you have taken to deal with your alcoholism.

So aside from that, I will see if the Board has any other comments or questions.

MEMBER CLAVO: Board Member Clavo.

Are you attending AA? Do you have a sponsor? What are you doing to --

MR. THOMPSON: Yes, I do go to several AA meetings a week and I do have a sponsor.

MEMBER CLAVO: How long have you been sober?

MR. THOMPSON: Since this incident.

MEMBER CLAVO: Thank you.

CHAIRPERSON DUDLEY: Anything else?

(No response.)

CHAIRPERSON DUDLEY: Okay. Mr. Thompson, are you being represented by counsel, or are you here by

yourself today on the phone?

MR. THOMPSON: I'm here by myself, ma'am.

CHAIRPERSON DUDLEY: Okay. I think there are no other questions.

Is there anyone from the public who would like to address this matter? Anybody on the phone? Anybody here with us?

(No response.)

CHAIRPERSON DUDLEY: Okay. Seeing none and hearing none, Mr. Thompson, thank you for calling in, and we wish you the best.

MR. THOMPSON: Thank you, ma'am.

CHAIRPERSON DUDLEY: Okay. So at this time, the Board's -- we can adjourn into closed session and discuss this case. Ready? Where are we going today?

MR. KNAPP: The executive conference room.

CHAIRPERSON DUDLEY: Okay. Mr. Chandler is going to show us where to go. Thank you. Okay. We'll be back.

This meeting will adjourn into closed session for deliberation on this case. The board members will now exit the room and be back for regular session shortly.

(Time noted: 10:43 a.m.)

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(Closed session was held:
10:48 a.m. to 11:20 a.m.)

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(Time noted: 11:25 a.m.)

CHAIRPERSON DUDLEY: We will now reconvene to regular session to take a vote on the Board's recommendation in the matter of Case POST Number 2400920, Tommy Thompson, who, at the time of the events at issue in this case, was employed with the Los Angeles Police Department.

What comments does the Board have on this matter?

Please. Dr. Glaser.

MEMBER GLASER: Oh, I'm ready to make a motion unless there are people who want to make comments prior to that.

CHAIRPERSON DUDLEY: I'm sorry. I couldn't hear you.

MEMBER GLASER: I'm ready to make a motion unless there are people who want to make comments prior to that.

CHAIRPERSON DUDLEY: Does anybody want to make any comments before a motion is called?

(No response.)

CHAIRPERSON DUDLEY: Okay. Go ahead. Is there a motion -- excuse me. Is there a motion to make a

recommendation to the Commission on this matter?

MEMBER GLASER: Yes.

CHAIRPERSON DUDLEY: Okay. What is that motion?

MEMBER GLASER: I move that we recommend to the Commission that Mr. Thompson's certification be revoked, and that that revocation be stayed contingent on a settlement agreement between Mr. Thompson and POST that would suspend his -- or that would put him in a period of probation of ten years, during which he would have to submit to the standard agreement that we have seen unfold in the past.

And I defer to counsel to provide any further detail on that, but I have no pride of memory on that matter.

And that should he violate the terms of that settlement during that period, that there would be automatic revocation.

CHAIRPERSON DUDLEY: Okay. Thank you. Is there a second?

MEMBER PENA: I second.

CHAIRPERSON DUDLEY: Okay. The second was?

MEMBER PENA: Margaret Pena.

CHAIRPERSON DUDLEY: Ms. Pena. Okay.

Now, Mr. Knapp, if you would call for a roll call vote on that.

MR. KNAPP: Yes, Madam Chair. Thank you.
Clavo.
MEMBER CLAVO: Nay.
Clavo, nay.
MR. KNAPP: Crawford.
MEMBER HATCHER-CRAWFORD: Aye.
MR. KNAPP: Crawford, aye.
Doyle.
MEMBER DOYLE: No.
MR. KNAPP: Doyle, nay.
Dudley.
CHAIRPERSON DUDLEY: No.
MR. KNAPP: Dudley, nay.
Glaser.
MEMBER GLASER: Aye.
MR. KNAPP: Glaser, aye.
Johnson.
MEMBER JOHNSON: Nay.
MR. KNAPP: Johnson, nay.
Lara.
MEMBER LARA: Nay.
MR. KNAPP: Lara, nay.
And Pena.
MEMBER PENA: Aye.
MR. KNAPP: Motion fails.

CHAIRPERSON DUDLEY: I'm sorry? Motion failed?
MR. KNAPP: Motion failed.
CHAIRPERSON DUDLEY: Okay. And the numbers, for the record?
MR. KNAPP: We had two yes -- I'm sorry. Three yeses and six -- or five noes.
CHAIRPERSON DUDLEY: Okay. That motion failed.
Is there another motion?
MEMBER DOYLE: Doyle. Motion to decertify.
CHAIRPERSON DUDLEY: Doyle made a motion to decertify.
Is there a second?
MEMBER LARA: I second.
CHAIRPERSON DUDLEY: Okay. Lara seconded.
Would you please call roll call now.
MR. KNAPP: Yes.
Clavo.
MEMBER CLAVO: Aye.
Clavo, aye.
MR. KNAPP: Crawford.
MEMBER HATCHER-CRAWFORD: No.
MR. KNAPP: Crawford, Nay.
Doyle.
MEMBER DOYLE: Yes.
MR. KNAPP: Doyle, aye.

Dudley.

CHAIRPERSON DUDLEY: Yes.

MR. KNAPP: Dudley, aye.

Glaser.

MEMBER GLASER: Aye.

MR. KNAPP: Glaser, aye.

Johnson.

MEMBER JOHNSON: Aye.

MR. KNAPP: Johnson, aye.

Lara.

MEMBER LARA: Aye.

MR. KNAPP: Lara, Aye.

Pena.

MEMBER PENA: Aye.

MR. KNAPP: Pena, aye.

The motion carries.

CHAIRPERSON DUDLEY: Okay. That motion -- so there was not a unanimous motion. There were, in fact, three negatives, but there were five positives. So that motion does, in fact, pass.

Okay. No?

MEMBER HATCHER-CRAWFORD: Everyone else agreed.

MEMBER GLASER: There was only one no.

CHAIRPERSON DUDLEY: Oh, I'm sorry. So on the second vote?

MR. KNAPP: Madam Chair, for the record, that motion carried with seven yeses and two noes.

CHAIRPERSON DUDLEY: Okay. Seven and two. All right. Thank you very much. Thanks for clarifying that.

MEMBER DOYLE: There's only eight of us here. How could it be 7-2?

CHAIRPERSON DUDLEY: I couldn't hear you.

MEMBER DOYLE: Sorry.

MR. KNAPP: It's one of those mornings. Seven ayes. One nay vote.

MEMBER HATCHER-CRAWFORD: For the record, I wanted to say -- (inaudible) -- I'm sorry.

CHAIRPERSON DUDLEY: I can't hear you.

MEMBER HATCHER-CRAWFORD: For the record, I meant to say "abstain," but I said "no."

MEMBER PENA: She meant to say "abstain."

CHAIRPERSON DUDLEY: Okay. You know, this has gotten a little too confusing for the record, so we're going to do that one again. Okay.

I want to make sure everybody votes what they want to vote.

MR. KNAPP: I think that's a good idea.

CHAIRPERSON DUDLEY: So there was a motion to decertify. And that was made by Doyle and that was

seconded by Lara.

So let me ask you again, would you please take that vote.

MR. KNAPP: Yes, Madam Chair.

CHAIRPERSON DUDLEY: No, not your fault.

MR. KNAPP: Clavo.

MEMBER CLAVO: Yes.

MR. KNAPP: Clavo, aye.

Crawford.

MEMBER HATCHER-CRAWFORD: Abstain.

MR. KNAPP: Crawford, abstain.

Doyle.

MEMBER DOYLE: Yes.

MR. KNAPP: Doyle, aye.

Dudley.

CHAIRPERSON DUDLEY: Yes.

MR. KNAPP: Dudley, aye.

Glaser.

MEMBER GLASER: Aye.

MR. KNAPP: Glaser, aye.

Johnson.

MEMBER JOHNSON: Yes.

MR. KNAPP: Johnson, aye.

Lara.

MEMBER LARA: Aye.

MR. KNAPP: Lara, aye.
Pena.
MEMBER PENA: Aye.
MR. KNAPP: Pena, aye.
CHAIRPERSON DUDLEY: Now, would you give us the final record on that, please.
MR. KNAPP: We have seven ayes and one abstention.
CHAIRPERSON DUDLEY: There were no noes?
MR. KNAPP: No noes.
CHAIRPERSON DUDLEY: Okay.
Okay. Moving on to the next case, and, again, we will break at noon.
At this time, I will call upon Law Enforcement Consultant Robert Bringolf, Professional Conduct Los Angeles Bureau; and Carrie Woolley, Attorney, Legal Affairs Bureau, to provide a report on Case POST2302971, Gabriel Gaxiola, who, at the time of the events at issue in this case, was employed by the Los Angeles Police Department.
Please.
MR. BRINGOLF: Good morning, everybody. My name is Robert Bringolf. I'm one of the law enforcement consultants assigned to the Professional Conduct Bureau for Los Angeles County.
With me today is Carrie Woolley, an attorney with

CERTIFICATE OF REPORTER

I, KATHRYN S. SWANK, a Certified Shorthand Reporter of the State of California, do hereby certify:

That I am a disinterested person herein; that the foregoing proceedings were reported, to the best of my ability, in shorthand by me, Kathryn S. Swank, a Certified Shorthand Reporter of the State of California, and thereafter transcribed into typewriting.

I further certify that I am not of counsel or attorney for any of the parties to said proceedings nor in any way interested in the outcome of said proceedings.

IN WITNESS WHEREOF, I have hereunto set my hand this 5th day of February 2025.

KATHRYN S. SWANK, CSR
Certified Shorthand Reporter
License No. 13061

AGENDA ITEM REPORT

Title: POST2302971 - GABRIEL GAXIOLA (POST ID: B49-S96)
LAST EMPLOYING AGENCY: LOS ANGELES POLICE DEPARTMENT

REPORT PROFILE

MEETING DATE 03/05/2025	**BUREAU SUBMITTING THE REPORT** Professional Conduct Los Angeles Bureau	
RESEARCHED BY Robert Bringolf	**REVIEWED BY** Mike Radford	
REPORT DATE	**APPROVED BY** Manuel Alvarez, Jr.	**DATE APPROVED** 02/18/2025
PURPOSE	**FINANCIAL IMPACT** No	

ISSUE, BACKGROUND, ANALYSIS, & RECOMMENDATION

ISSUE:

The matter is before the Commission for review and action regarding the subject peace officer's certification status. The Commission shall return any determination requiring action to be taken against an individual's certification to the division, which shall initiate proceedings for a formal hearing before an administrative law judge in accordance with the Administrative Procedure Act (Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code), which shall be subject to judicial review as set forth in that Act.

BACKGROUND:

Respondent began his employment with the Los Angeles Police Department (LAPD) on October 26, 1998, as a full-time Police Officer. The Respondent was promoted to the rank of Sergeant on July 7, 2019. At the time of the incident before the POSAAB, he was assigned as a Sergeant. The Respondent is currently employed with the LAPD as a peace officer in the State of California.

This position is a peace officer position as defined under California Penal Code §830.1(a) and is required to be certified pursuant to California Penal Code §13510.1(a).

The circumstances surrounding the incident occurred when Respondent was arrested off-duty for driving under the influence of alcohol on May 13, 2022. As an aggravating consideration, Respondent had been previously arrested for

driving under the influence of alcohol on July 10, 2016, a case for which he received a misdemeanor conviction for 23152(b)VC and three years' informal probation.

Respondent received a misdemeanor conviction for a violation of section 23152(b)VC for the DUI on July 10, 2016.

On January 26, 2024, Respondent signed a Rehabilitation Agreement with the LAPD regarding the discipline for this second DUI, in which he agreed that he committed misconduct and would complete certain specified terms in rehabilitation. LAPD agreed to hold any discipline in abeyance pending Respondent's successful completion of these terms.

On February 9, 2024, Respondent pled no contest to (and was convicted of) one misdemeanor count of driving under the influence of alcohol with a blood-alcohol content of over 0.08% - a violation of California Vehicle Code Section 23152(b). During that same proceeding, Respondent admitted to a prior conviction for driving under the influence in Los Angeles County Superior Court Case 16HM08811. The Court placed the Respondent on 60 months of probation and ordered him to install an Ignition Interlock Device on his vehicle as a condition of probation, serve 4 days in the "City Jail," complete an 18-month Driving Under the Influence program and attend 52 AA/NA meetings, and pay the assessed fines and fees.

ANALYSIS:

The Division found that clear and convincing evidence substantiated that Respondent's conduct amounted to acts that violate the law that are sufficiently egregious or repeated as described in Commission Regulation 1205(a)(6) in that Respondent was arrested for violating the law on two occasions during his employment as a peace officer, more specifically, both arrests have occurred while Respondent held the rank of Sergeant.

On January 16, 2025, following the presentation by the Division and public comments delivered by the subject officer's counsel, the Peace Officer Standards Accountability Advisory Board (Board) found that a factual basis for revocation of the subject officer's certification had been established by clear and convincing evidence. However, the Board recommended that the revocation of the subject officer's certification be stayed for a period of ten (10) years, subject to a stipulated settlement between the subject officer and the Division and as approved by the Commission. The Board incorporated the Division's Investigatory Summary and Findings and adopted the Division's Summary and Findings as the Board's stated

reasons for its recommendation as required under Penal Code section 13510.85(a)(4).

RECOMMENDATION:

The Commission shall review recommendations made by the Peace Officer Standards Accountability Advisory Board (POSAAB) regarding, what action if any, should be taken, suspension or revocation, on the certification of the subject peace officer. The Commission's decision to adopt a recommendation by POSAAB to seek revocation shall require a two-thirds vote of Commissioners present and shall be based on whether the record, in its entirety, supports POSAAB's conclusion that serious misconduct has been established by clear and convincing evidence. In any case in which the Commission reaches a different determination than POSAAB's recommendation, it shall set forth its analysis and reasons for reaching a different determination in writing.

ATTACHMENT(S):

BR1_POST232971_Gaxiola_ISF.pdf
BR2_POST232971_Gaxiola_A_AdmiistrativeInsight.pdf
BR3_POST232971_Gaxiola_B_EDI Profile.pdf
BR4_POST232971_Gaxiola_C_Accident Report.pdf
BR5_POST232971_Gaxiola_D_Sobriety Test Report .pdf
BR6_POST232971_Gaxiola_E_Warrant Affidavit .pdf
BR7_POST232971_Gaxiola_F_LA Cnty Court Records.pdf
BR8_POST232971_Gaxiola_G_Rehab Agreement.pdf
BR9_POST232971_Gaxiola_H_Arrest Report.pdf
BR10_POST232971_Gaxiola_I_LAPD IA Report .pdf
BR11_232971_Gaxiola_Attachement J_LAB Reports .pdf
BR12_232971_Gaxiola_Attachment K_ OC Court Records_Redacted.pdf
POST2302971_Gaxiola_Gabriel_January_2025_POSAAB_Agenda_Record.pdf
POST2302971_Gaxiola_Gabriel_Board_Recommendation_Signed.pdf
POST2302971_Gaxiola_Gabriel_01.17.2025_POSAAB_Transcript.pdf



INVESTIGATIVE SUMMARY AND FINDINGS

****AMENDED 09/27/2024****

PEACE OFFICER NAME: Gabriel Mercado Gaxiola

POST ID NUMBER: B49-S96

EMPLOYING AGENCY: Los Angeles Police Department

POST CASE NUMBER: 2302971

WRITTEN BY: LEC Robert Bringolf

DATE: 8/19/2024

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I. Executive Summary

This case was submitted by the Los Angeles Police Department (LAPD) which alleged the subject officer, Sergeant Gabriel Mercado Gaxiola, hereinafter "Respondent", was arrested off-duty for driving under the influence of alcohol on May 13, 2022. As an aggravating consideration, Respondent has been previously arrested for driving under the influence of alcohol on July 10, 2016, a case for which he received a misdemeanor conviction for 23152(b)VC and three years' informal probation.

II. Background Information

a. Identity of Respondent

At the time of the events at issue, Respondent was employed as a sergeant with the Los Angeles Police Department. This position is a peace officer as defined under Penal Code section 830.1(a).

b. Respondent's Service Record, Relevant Training, and Prior Complaints and Discipline

Respondent's LAPD disciplinary record[1] shows the following previous discipline at the Los Angeles Police Department:

- CF No. 01-4443 – Unbecoming Conduct – Admonishment
- CF No. 03-1751 – Failure to Appear – Admonishment
- CF No. 04-1816 – Unbecoming Conduct – Official Reprimand
- CF No. 04-1441 – Discourtesy – Not Resolved
- CF No. 09-3836 – Discourtesy – Not Resolved
- CF No. 13-3352 – Discourtesy – Not Resolved
- CF No. 16-1876 – DUI Arrest in LAPD Vehicle – 22-day suspension

[1] "Attachment A" – 2022 Letter of Transmittal - Page 3

Respondent has been listed as the subject officer in one other serious misconduct allegations:

- POST-2200163 – Demonstrating Bias – Unfounded at Agency Level

c. Prior Employment History

Respondent was hired by the Los Angeles Police Department on 10/26/1998. Respondent promoted to Sergeant on 07/07/2019. There are no other promotions or demotions listed in Respondent's EDI Profile Report[2].

d. Peace Officer Certification

Respondent is assigned POST ID B49-S96. He received the following peace officer certificates from Peace Officer Standards and Training (POST):

- Basic #99416 (04/28/2000)
- Intermediate #70050 (11/15/2000)
- Advanced #100133 (02/28/2005)

e. The Present Allegations of Serious Misconduct

1. *Penal Code Section 13510.8(b)(6) and Commission Regulation 1205(a)(6) – Acts that Violate the Law*

Acts that violate the law and are sufficiently egregious or repeated as to be inconsistent with a peace officer's obligation to uphold the law or respect the rights of members of the public, as determined by the Commission.

III. Investigative Methodology

This report summarizes the findings related to allegations of serious misconduct. This investigation was conducted in accordance with the regulations and policies of POST. The investigation included the review of LAPD's administrative investigation, which contained interviews of witness officers and the subject officer.

[2] "Attachment B" - Respondent's EDI Profile – downloaded from POST on 08/19/2024.

Information obtained was analyzed by clear and convincing evidence standard. For purposes of this report, clear and convincing evidence means "evidence of a charge is clear and convincing so long as there is a 'high probability' that the charge is true. The evidence need not establish a fact beyond a reasonable doubt."

This report is necessarily summary in nature and does not include every fact or issue that might be found in the underlying investigation and attachments. It does, however, contain reference to that evidence that the Division finds establishes the requisite facts, and proves the serious misconduct charged, by clear and convincing evidence.

IV. Factual Summary

Second driving under the influence event – May 13, 2022:

On May 13, 2022, Respondent was off duty and driving his personal vehicle on State Route 110 in the area of the North Avenue 52 overpass. Respondent's vehicle collided with a stopped vehicle, which, in-turn, collided with another vehicle that had been stopped in the number 3 lane of traffic.[3] Respondent immediately contacted emergency services, which resulted in the California Highway Patrol (CHP) responding to the scene. The CHP officer observed Respondent had red, watery eyes, an odor of alcoholic beverages emitting from his breath and person, had an unsteady gait while walking around the traffic scene, and had slurred and delayed speech. Also, when one of the officers asked for his insurance card, Respondent handed him his debit card.

A CHP officer conducted a standardized Field Sobriety Test and determined Respondent had been driving while under the influence of alcohol. Respondent was arrested for Driving Under the Influence in violation of section 23152(a)VC[4].

[3] "Attachment C" - 2022 CHP Collision Report Page 1
[4] "Attachment D" - 2022 CHP Arrest Report Pages 4 through 11

Respondent refused to submit to a chemical test, at which time a search warrant was sought for a sample of Respondent's blood. The warrant was granted and executed on May 14, 2022 at 0122 hours (approximately five hours after the accident occurred).[5] Respondent was arrested for violation of section 23152(b)VC.

On May 17, 2022, a laboratory report showed that analysis of the blood sample from Respondent resulted in an average of 0.155% Blood Alcohol Concentration (BAC).[6] The legal limit is 0.08% BAC. An LAPD Subject Matter Expert later calculated that an average male of Respondent's build would have had an approximate BAC of .23% five hours prior to the collection of a .155% sample.[7]

As an aggravating factor, Respondent was found to be carrying a handgun in his waistband at the time of his arrest, while he was driving while intoxicated.[8]

On February 9, 2024, Respondent pled no contest to (and was convicted of) one misdemeanor count of driving under the influence of alcohol with a blood-alcohol content of over 0.08% - a violation of California Vehicle Code Section 23152(b).[9] During that same proceeding, Respondent admitted to a prior conviction for driving under the influence in Los Angeles County Superior Court Case 16HM08811, from January 25, 2017.

[5] "Attachment E" - 2022 Search Warrant for Respondent's blood.
[6] "Attachment J" - Lab report DR# 22-99-13551
[7] "Attachment I" - 2022 IA Report #CF 22-001392, Pg. 2.
[8] "Attachment D" - 2022 CHP Arrest Report - Page 7, Line 29.
[9] "Attachment F" - Court Records from LA County Superior Court (Municipal Division) – Case # LAM2MN02194-01

On February 9, 2024, Respondent was placed on summary probation for a period of 60 months. The conditions of that probation are that Respondent not operate a motor vehicle with any measurable amount of alcohol in his blood, do not drive a motor vehicle without a valid driver's license in his possession or without liability insurance in the minimum amounts required by law, comply if ordered by Department of Motor Vehicles to install an Ignition Interlock Device as a condition of probation, make restitution to the victim per Penal Code Section 1202.4(f) in an amount determined at the hearing, pay a probation revocation restitution fine pursuant to Penal Code Section 1202.44, which may be enforced in the manner provided for the enforcement of money judgment, in the amount of $150.00, obey all laws and orders of the court. Respondent was also ordered to serve four (4) days in "City Jail" as a condition of his probation and to pay a fine of $500.00 plus penalty assessments, and enroll within 21 days from the date of his court hearing or his release from custody, and successfully complete an approved, licensed, 18-month Driving Under the Influence program, as well as enroll in and complete a MADD Victim Impact Program, and attend 52 Alcoholics/Narcotics Anonymous meetings (at a rate of two per week).

In addition to his court proceedings, on January 26, 2024, Respondent signed a Rehabilitation Agreement with the Los Angeles Police Department in relation to this second DUI case. In that agreement, Respondent admitted he engaged in misconduct that warranted discipline and agreed he understood the Board of Rights was agreeing to hold his discipline in abeyance until he completed the terms of his Rehabilitation agreement.[10]

[10] "Attachment G" - Rehabilitation Agreement from LAPD BOR.

First DUI Event

(Considered pursuant to California Code of Regulations, Title 11, Section 1213).

On July 10, 2016, around 0207 hours, Respondent was off duty in the city of Laguna Beach, CA driving his assigned police vehicle. Respondent had been assigned to the SWAT team at the time of this event and had taken his city vehicle to a wedding in Huntington Beach, CA. At the wedding, Respondent had consumed mixed drinks but did not know how many. After leaving the wedding in his city vehicle, Respondent was stopped for a traffic violation by an on-duty Laguna Beach Police Officer.

During the traffic stop Respondent displayed objective signs of alcohol intoxication and was given a horizontal gaze nystagmus test and was arrested for violation of section 23152(a)VC, driving under the influence – a misdemeanor. After his arrest Respondent refused to submit to a preliminary alcohol screening test but did submit to a blood test. Respondent was found to have a blood alcohol content (BAC) of 0.202%

To further aggravate this situation, Respondent's city-owned vehicle had to be towed to Laguna Beach Police Department and secured in their sally port as the vehicle contained department-issued equipment and weapons. While the vehicle was being secured officers located an open bottle of beer in the front passenger compartment.[11]

Respondent ultimately received a 22-day suspension without pay[12] for the 2016 DUI arrest. In 2017, Respondent received a misdemeanor conviction for violation of section 23152(b)VC – the charge of 23152(a)VC was dismissed[13]. Respondent received three

[11] "Attachment H" - Laguna Beach Police Department Arrest Report – Case# 16-02672
[12] "Attachment A" - 2022 Letter of Transmittal - Page 3
[13] Orange County Court Documents, Case # 16HM08811

years of informal probation, a $140.00 fine, a mandated six-month first offenders' program, and victim impact counseling.

V. Analysis and Findings

a. Establishing Jurisdiction

The Commission on POST may initiate proceedings to revoke or suspend a peace officer's certification for conduct which occurred before January 1, 2022, if the employing agency makes a final determination regarding its investigation of the misconduct after January 1, 2022.[14] Respondent signed a Board of Rights Rehabilitation Agreement on 01/26/2024.

b. Does the alleged conduct violate Penal Code 13510.8(b)(6) and California Regulation 1205(a)(6) – Acts that Violate the Law?

Respondent has been arrested for violating the law on two occasions during his employment as a peace officer, more specifically, both arrests have occurred while Respondent has held the rank of Sergeant. While a repeated violation of the law alone may not always rise to the level of serious misconduct, it is the nature of these arrests and the aggravating factors that lead the Division to find clear and convincing evidence exists to prove Respondent has been involved in serious misconduct as described in Penal Code 13510.8(b)(6) and California Regulation 1205(a)(6).

The public has a right to expect high moral and ethical standards from the police. Respondent's wanton disregard for public safety on more than one occasion merits decertification. Further, the public has the right to be policed by individuals who are held to a higher standard. Respondent's actions and arrests do not meet this standard.

Respondent's blood alcohol concentration at each arrest was remarkably high. Expert opinion indicated that at the time of Respondent's recent accident, his blood alcohol content was likely around 0.23% - over three times the legal limit. Evidence from

[14] California Penal Code 13510.8(g)(1)(B) – Not attached.

Respondent's previous arrest for driving under the influence of alcohol showed his blood alcohol at the time of the sample was .202/.200%

For his part in these arrests and incidents, Respondent put numerous lives in jeopardy on at least two occasions - once in a city vehicle filled with his SWAT gear and weapons, and once in his personal vehicle while armed off-duty. The latter of the two resulted in a vehicle accident which caused damage to Respondent's vehicle and two additional vehicles. For these reasons I find the repeat offenses particularly egregious.

VI. Supporting Evidence and Documentation

Attachment "A" – 2022 Letter of Transmittal - Page 3

Attachment "B" – Respondent's EDI Profile – downloaded from POST on 08/19/2024

Attachment "C" – 2022 CHP Collision Report Page 1

Attachment "D" – 2022 CHP Arrest Report Pages 4 through 11

Attachment "E" – 2022 Search Warrant (and return) for Respondent's blood

Attachment "F" – Court Records from LA County Superior Court (Municipal Division) – Case # LAM2MN02194-01

Attachment "G – Rehabilitation Agreement from LAPD BOR.

Attachment "H" – Laguna Beach Police Department Arrest Report – Case# 16-02672

Attachment "I" – LAPD 2022 IA report # CF 22-001397, Page 2

Attachment "J" – LAPD Forensic Lab report DR# 22-99-13551

Attachment "K" – Court Records from Orange County Superior Court – Case #16HM08811

VII. Findings

Reasonable grounds exist to submit this case to the Peace Officer Standards Accountability Advisory Board and the POST Commission for consideration of revocation of Respondent's POST certification.

ADMINISTRATIVE INSIGHT FOR SERGEANT GAXIOLA

Employee Development Plan

Captain Alex Baez, Serial No. 26623, Newton Area, Commanding Officer, conducted an employee interview with Gaxiola. Gaxiola was reminded of the Department's expectations of it's personnel pertaining alcohol consumption. His development plan will consist of his continuance of attending both AA (Alcoholics Anonymous) and Behavior Science Service (BSS) to help in his recovery.

Penalty

After a complete review of the investigation and Gaxiola's work and complaint history it is recommended that he be ordered to a **BOARD OF RIGHTS (BOR)**. Gaxiola has a previous incident of Driving Under the Influence where he received a 22-Days Suspension. In accordance with the Department's Penalty Guide, a BOR is appropriate in this matter.

Work History Analysis

Sergeant I Joseph Scida, Serial No. 36457, Newton Area Complaint Unit, reviewed the Gaxiola's TEAMS II report. Gaxiola has been with the Department since October 26, 1998 and has been assigned to Newton Area since August 30, 2020. He currently has four sustained complaints.

CF No. 16-001876. Date of Incident: July 10, 2016. Alcohol Related-Driving While Impaired. **Sustained/22-Days Suspension.**

CF No. 04-1816. Date of Incident: April 19, 2004. Department alleges that Gaxiola inappropriately transported a citizen and submitted an in accurate Daily Field Activity Report (DFAR). **Sustained/Official Reprimand.**

CF No. 03-1751. Date of Incident: May 12, 2003. Failure to Appear. **Sustained/Admonishment.**

CF No. 01-4443. Date of Incident: September 9, 2001. CP alleged Gaxiola damaged their door when he knocked on it **Sustained/Admonishment** and failed to provide a business card upon request. **Not Resolved.**

CF No. 13-003352. Date of Incident: December 6, 2013. Unbecoming Conduct and Discourtesy. CP alleged that Gaxiola stated, "Like I give a shit" and dropped CP's phone, causing damage. **Not Resolved.**

CF No. 09-003863. Date of Incident: September 20, 2009. CP alleged Gaxiola stated, "Turn the fucking music down and step out of the fucking car" and "You're an ass hole foreman." **Not Resolved.**

POST PROFILE NAME:

GAXIOLA, GABRIEL MERCADO

CALIFORNIA COMMISSION ON **POST**

Certification Status: Active

AKA: N/A

DATE: 08/19/2024

PERSONAL IDENTIFICATION

POST I.D.	Agency	Birth Date	Gender	Race/Ethnicity
B49-S96	LOS ANGELES PD	[redacted]	[redacted]	[redacted]

CERTIFICATES AWARDED

Cert No.	Type	Awarded	Education	T	T+	Comments
99416	B	04/28/2000		53.00		
70050	I	11/15/2000	BA			[redacted]
100133	A	02/28/2005	BA			[redacted]

Total Number of Certificates: 3

EMPLOYMENT

Hired From	To	R*	Rank	Rank Date	Agency	Agency Name	F/P	P/U	Seas
10/26/1998	07/07/2019	7	PO	10/26/1998	19420	LOS ANGELES PD	F	P	
10/26/1998			SGT	07/07/2019	19420	LOS ANGELES PD	F	P	

***Reason for Separation: 7 = Promotion/Demotion**

POST CERTIFIED TRAINING

Comp Date	Cat	CCN	Hrs	Rmb	Cmp	Agency	School	*	Course Name
09/23/1995	K	1850-20680-95-026	8		Y	19420	LAPD		NETWORK COMMUNICATIONS UPDATE
12/12/1995	A	1850-00110-94-001	737	X	Y	19420	LAPD		BASIC COURSE-EXTENDED
04/27/1997	K	1850-29900-96-574	4		Y	19420	LAPD		S&K-BLOODBORNE PATHOGENS
09/14/1997	K	1850-20990-97-011	40	X	Y	19420	LAPD		ARREST & CONTROL TECH - BASIC
09/14/1997	K	1850-20990-97-014	40	X	Y	19420	LAPD		ARREST & CONTROL TECH - BASIC
12/21/1998	K	4890-23272-98-168	8		Y	19420	M TOLERNCE		CULT. DIV.-TOOLS FOR TOLERANCE
05/14/1999	A	1850-00100-98-005	1064	R	Y	19420	LAPD		BASIC COURSE-INTENSIVE
06/07/1999	K	1850-20680-98-229	6		Y	19420	LAPD		NETWORK COMMUNICATIONS UPDATE
09/08/1999	K	1850-23761-99-023	8		Y	19420	LAPD		MOBILE FIELD FORCE TRAINING
05/17/2000	K	1850-29900-99-570	8		Y	19420	LAPD		S&K-OFCER RAPID DEPLOYMENT
05/18/2000	K	1850-29900-99-663	8		Y	19420	LAPD		S&K-DNC FIELD EXERCISES II
10/23/2000	K	1850-29900-00-209	8		Y	19420	LAPD		S&K-#181
12/15/2000	K	1850-23820-00-004	40		Y	19420	LAPD		BICYCLE PATROL
02/14/2001	K	1850-29900-00-317	8		Y	19420	LAPD		S&K-FIELD OFFICER UPDATE
03/09/2001	K	1850-21460-00-004	40	X	Y	19420	LAPD		FIREARMS/HANDGUN INSTR. (HITS)
05/21/2001	K	1850-32095-00-021	8		Y	19420	LAPD		FIREARMS/TACTICAL HANDGUN
10/01/2001	K	1850-22405-01-019	8		Y	19420	LAPD		OFCR. SAFETY/FIELD TACTICS UPD
11/06/2001	K	1850-21025-01-034	16		Y	19420	LAPD		ARREST/CONTROL TECHN UPD
02/14/2002	K	1850-22405-01-109	8		Y	19420	LAPD		OFCR. SAFETY/FIELD TACTICS UPD
03/07/2002	K	1850-32075-01-043	40		Y	19420	LAPD		FIREARMS/TACTICAL RIFLE
03/14/2002	K	1850-31801-01-001	40		Y	19420	LAPD		FIREARMS/LONG RIFLE INSTRUCTOR
04/24/2002	K	1850-22680-01-003	8		Y	19420	LAPD		RISK MANAGEMENT-PROACT
05/22/2002	K	1850-32075-01-053	8		Y	19420	LAPD		FIREARMS/TACTICAL RIFLE
08/08/2002	K	1850-22405-02-004	32		Y	19420	LAPD		OFCR. SAFETY/FIELD TACTICS UPD
08/14/2002	K	1850-32075-02-006	8		Y	19420	LAPD		FIREARMS/TACTICAL RIFLE
10/17/2002	K	1850-29900-02-063	8		Y	19420	LAPD		S&K-MANAGING WRK ENVIRO #248
11/12/2002	K	1850-32075-02-017	8		Y	19420	LAPD		FIREARMS/TACTICAL RIFLE
11/13/2002	K	1850-22405-02-022	8		Y	19420	LAPD		OFCR. SAFETY/FIELD TACTICS UPD
01/21/2003	K	1850-29900-02-218	4		Y	19420	LAPD		S&K-MENTAL ILLNESS FIRST RESP
02/26/2003	K	1850-32075-02-036	8		Y	19420	LAPD		FIREARMS/TACTICAL RIFLE
05/01/2003	K	1850-29900-02-450	8		Y	19420	LAPD		S&K-WEAPONS OF MASS DEST
08/12/2003	K	1850-32075-03-004	8		Y	19420	LAPD		FIREARMS/TACTICAL RIFLE
09/16/2003	K	4890-23284-03-050	6		Y	19420	M TOLERNCE		RACIAL PROFILING-MOT

POST CERTIFIED TRAINING *continued*

Comp Date	Cat	CCN	Hrs	Rmb	Cmp	Agency	School	*	Course Name
10/06/2003	K	1850-29900-03-042	8		Y	19420	LAPD		S&K-FIELD OFCR UPDATE MOD #247
10/16/2003	K	1850-31810-03-095	16		Y	19420	LAPD		FIREARMS/SEMI-AUTO PISTOL
11/11/2003	K	1850-32075-03-016	8		Y	19420	LAPD		FIREARMS/TACTICAL RIFLE
03/10/2004	K	1850-32075-03-026	8		Y	19420	LAPD		FIREARMS/TACTICAL RIFLE
03/16/2004	K	1850-21025-03-061	16		Y	19420	LAPD		ARREST/CONTROL TECHN UPD
05/25/2004	K	1850-32075-03-048	8		Y	19420	LAPD		FIREARMS/TACTICAL RIFLE
08/03/2004	K	1850-32075-04-002	8		Y	19420	LAPD		FIREARMS/TACTICAL RIFLE
08/31/2004	K	1850-23161-04-008	8		Y	19420	LAPD		GANGS/CAL GANG COMPUTER SYSTEM
02/10/2005	K	1850-32075-04-021	8		Y	19420	LAPD		FIREARMS/TACTICAL RIFLE
02/23/2005	K	1850-23761-04-007	4		Y	19420	LAPD		MOBILE FIELD FORCE TRAINING
02/23/2005	K	1850-24180-04-006	5		Y	19420	LAPD		RAPID DEPLOY.1ST RESPONDER
06/16/2005	K	1850-23161-04-024	16		Y	19420	LAPD		GANGS/CAL GANG COMPUTER SYSTEM
10/07/2005	K	1850-20875-05-001	40	R	Y	19420	LAPD		ARREST/CONTROL TECH INSTR #1
10/14/2005	K	1850-20885-05-001	40	R	Y	19420	LAPD		ARREST/CONTROL TECH INSTR #2
11/14/2005	K	1850-31767-05-038	16	X	Y	19420	LAPD		WMD/L.E. FIELD RESPONSE
02/15/2006	K	1850-32095-05-003	4		Y	19420	LAPD	*	FIREARMS/TACTICAL HANDGUN
02/15/2006	K	1850-29900-05-101	4	R	Y	19420	LAPD		S&K-#116 FIREARMS COMBAT TRG
02/21/2006	K	1850-29900-05-080	4	R	Y	19420	LAPD		S&K-#208 NARCOTICS DYN ENTRY
05/10/2006	K	1850-32075-05-025	8		Y	19420	LAPD		FIREARMS/TACTICAL RIFLE
07/14/2006	K	8470-28000-06-001	25	X	Y	19420	CGIA		TRAINING CONFERENCE
10/25/2006	K	1850-32693-06-035	4	X	Y	19420	LAPD		NARCOTICS/TACTICAL ENTRY UPD
04/20/2007	K	1850-31725-06-006	40		Y	19420	LAPD		FIELD TRAINING OFFICER
05/17/2007	K	1850-32075-06-048	8		Y	19420	LAPD	*	FIREARMS/TACTICAL RIFLE
06/25/2007	K	1850-20662-06-025	4	X	Y	19420	LAPD		CRIMINAL RECORDS SYSTEM
06/28/2007	K	1850-29502-06-317	4	X	Y	19420	LAPD	*	DRIVING(PSP)
06/28/2007	K	1850-21124-06-120	4	R	Y	19420	LAPD	*	FOOT PURSUITS
08/15/2007	K	1850-32075-07-012	8	R	Y	19420	LAPD	*	FIREARMS/TACTICAL RIFLE
09/04/2007	K	1850-21752-07-006	10	R	Y	19420	LAPD	*	CROWD MANAGEMENT/CONTROL-PATROL
10/26/2007	K	1850-29000-07-013	2	X	Y	19420	LAPD	*	COMMUNICATION: KEEPING YOUR EDGE
10/26/2007	K	1850-21065-07-045	4		Y	19420	LAPD	*	FORCE OPTION-SIMULATOR
12/11/2008	K	1850-31713-08-008	8	X	Y	19420	LAPD		FIELD TRAINING OFFCR UPD-MOD 2
01/18/2009	K	1850-31789-08-096	8	X	Y	19420	LAPD		WMD UPDATE
03/04/2009	K	1850-21647-08-069	8		Y	19420	LAPD	*	FIREARMS/TACTICAL-ADVANCED
04/25/2009	K	1850-23002-08-001	120	X	Y	19420	LAPD	*	SPECIAL OPERATIONS
06/03/2009	K	1850-21647-08-081	8		Y	19420	LAPD	*	FIREARMS/TACTICAL-ADVANCED
09/02/2009	K	1850-23090-09-011	2	X	Y	19420	LAPD		ELECTRONIC WEAPONS
10/28/2009	K	1850-21752-09-003	10		Y	19420	LAPD	*	CROWD MANAGEMENT/CONTROL-PATROL
12/30/2009	K	1850-21647-09-075	8		Y	19420	LAPD	*	FIREARMS/TACTICAL-ADVANCED
02/17/2010	K	1850-21647-09-063	4		Y	19420	LAPD	*	FIREARMS/TACTICAL-ADVANCED
02/20/2010	K	1850-21647-09-064	4		Y	19420	LAPD	*	FIREARMS/TACTICAL-ADVANCED
02/24/2010	K	1850-31789-09-099	8	X	Y	19420	LAPD		WMD UPDATE
03/01/2010	K	1850-32078-09-001	10	X	Y	19420	LAPD	*	FIREARMS/TACTICAL RIFLE UPDATE
03/10/2010	K	1850-21647-09-077	4		Y	19420	LAPD	*	FIREARMS/TACTICAL-ADVANCED
03/29/2010	K	1850-31714-09-027	8	X	Y	19420	LAPD		FIELD TRAINING OFFCR UPD-MOD 3
04/26/2010	K	1850-32078-09-019	8	X	Y	19420	LAPD	*	FIREARMS/TACTICAL RIFLE UPDATE
04/29/2010	K	1850-21752-09-002	10		Y	19420	LAPD	*	CROWD MANAGEMENT/CONTROL-PATROL

POST CERTIFIED TRAINING *continued*

Comp Date	Cat	CCN	Hrs	Rmb	Cmp	Agency	School	*	Course Name
04/29/2010	K	1850-29000-09-013	2	X	Y	19420	LAPD	*	COMMUNICATION: KEEPING YOUR EDGE
06/22/2010	K	1850-20147-09-049	10		Y	19420	LAPD		MACTAC BASIC
06/23/2010	K	1850-29502-09-165	4	X	Y	19420	LAPD	*	DRIVING(PSP)
06/23/2010	K	1850-21124-09-092	4		Y	19420	LAPD	*	FOOT PURSUITS
09/13/2010	K	1850-32095-10-008	4		Y	19420	LAPD	*	FIREARMS/TACTICAL HANDGUN
09/13/2010	K	1850-29000-10-013	2	X	Y	19420	LAPD	*	COMMUNICATION: KEEPING YOUR EDGE
11/11/2010	K	1850-31712-10-011	8		Y	19420	LAPD		FIELD TRAINING OFFCR UPD-MOD 1
09/08/2011	K	1850-31713-11-004	8	X	Y	19420	LAPD		FIELD TRAINING OFFCR UPD-MOD 2
01/10/2012	K	1850-32078-11-022	8	X	Y	19420	LAPD	*	FIREARMS/TACTICAL RIFLE UPDATE
10/01/2012	K	1850-32095-12-096	4		Y	19420	LAPD	*	FIREARMS/TACTICAL HANDGUN
10/17/2012	K	1850-21752-12-015	10		Y	19420	LAPD	*	CROWD MANAGEMENT/CONTROL-PATROL
11/19/2012	K	1850-31789-12-061	8	X	Y	19420	LAPD		WMD UPDATE
02/22/2013	K	1850-21705-12-014	40	X	Y	19420	LAPD		ACADEMY INSTRUCTOR CERTIFICATION COURSE (AICC)
03/06/2013	K	1850-32078-12-078	4	X	Y	19420	LAPD	*	FIREARMS/TACTICAL RIFLE UPDATE
05/16/2013	K	1850-31715-12-003	24	X	Y	19420	LAPD		FIELD TRAINING OFFICER UPDATE
06/25/2013	K	1850-31809-12-007	30		Y	19420	LAPD	*	FIREARMS SEMI-AUTO PISTOL 1911
10/16/2013	K	1850-21647-13-037	4	R	Y	19420	LAPD	*	FIREARMS/TACTICAL-ADVANCED
11/13/2013	K	1850-21647-13-047	4	R	Y	19420	LAPD	*	FIREARMS/TACTICAL-ADVANCED
12/05/2013	K	1850-21752-13-004	10	R	Y	19420	LAPD	*	CROWD MANAGEMENT/CONTROL-PATROL
12/12/2013	K	1850-21647-13-058	4	R	Y	19420	LAPD	*	FIREARMS/TACTICAL-ADVANCED
12/18/2013	K	1850-31789-13-115	8	X	Y	19420	LAPD		WMD UPDATE
01/08/2014	K	1850-32095-13-052	4	R	Y	19420	LAPD	*	FIREARMS/TACTICAL HANDGUN
01/08/2014	K	1850-32085-13-002	4		Y	19420	LAPD	*	FIREARMS/TACTICAL SHOTGUN
01/22/2014	K	1850-20147-13-021	10		Y	19420	LAPD		MACTAC BASIC
02/11/2014	K	1850-20167-13-005	6	X	Y	19420	LAPD		MAC TAC UPDATE
03/18/2014	K	1850-32078-13-131	4	X	Y	19420	LAPD	*	FIREARMS/TACTICAL RIFLE UPDATE
04/02/2014	K	1850-21647-13-101	4	X	Y	19420	LAPD	*	FIREARMS/TACTICAL-ADVANCED
04/30/2014	K	1850-21647-13-114	4	X	Y	19420	LAPD	*	FIREARMS/TACTICAL-ADVANCED
05/28/2014	K	1850-21647-13-131	8	X	Y	19420	LAPD	*	FIREARMS/TACTICAL-ADVANCED
06/12/2014	K	1850-21775-13-003	16	X	Y	19420	LAPD		FIRST AID FOR FIRST RESPONDERS-INTERMEDIATE
06/25/2014	K	1850-29000-13-258	2	X	Y	19420	LAPD		HUMAN TRAFFICKING: IDENTIFY & RESPOND
06/25/2014	K	1850-21647-13-117	8	X	Y	19420	LAPD	*	FIREARMS/TACTICAL-ADVANCED
07/30/2014	K	1850-21647-14-012	4	X	Y	19420	LAPD	*	FIREARMS/TACTICAL-ADVANCED
08/27/2014	K	1850-21647-14-027	4	X	Y	19420	LAPD	*	FIREARMS/TACTICAL-ADVANCED
10/15/2014	K	1850-21647-14-059	4	X	Y	19420	LAPD	*	FIREARMS/TACTICAL-ADVANCED
11/12/2014	K	1850-21647-14-065	4	X	Y	19420	LAPD	*	FIREARMS/TACTICAL-ADVANCED
12/22/2014	K	1850-21647-14-069	4	X	Y	19420	LAPD	*	FIREARMS/TACTICAL-ADVANCED
03/13/2015	K	1850-20773-14-001	40	R	Y	19420	LAPD	*	CRISIS NEGOTIATION
04/21/2015	K	1850-21647-14-119	4	R	Y	19420	LAPD	*	FIREARMS/TACTICAL-ADVANCED
05/19/2015	K	1850-21647-14-093	4		Y	19420	LAPD	*	FIREARMS/TACTICAL-ADVANCED
06/04/2015	K	1850-23000-14-001	80	R	Y	19420	LAPD	*	SPECIAL WEAPONS & TACTICS
08/05/2015	K	1850-21647-15-011	4	R	Y	19420	LAPD	*	FIREARMS/TACTICAL-ADVANCED
08/19/2015	K	9180-25554-15-050	2	X	Y	19420	POST	*	COMMUNICATION: KEEPING YOUR EDGE (WEB)

POST PROFILE NAME:

GAXIOLA, GABRIEL MERCADO

CALIFORNIA COMMISSION ON **POST**

Certification Status: Active

AKA: N/A

DATE: 08/19/2024

POST CERTIFIED TRAINING *continued*

Comp Date	Cat	CCN	Hrs	Rmb	Cmp	Agency	School	*	Course Name
09/08/2015	K	1850-21647-15-004	4	R	Y	19420	LAPD	*	FIREARMS/TACTICAL-ADVANCED
10/07/2015	K	1850-21647-15-032	4	R	Y	19420	LAPD	*	FIREARMS/TACTICAL-ADVANCED
12/01/2015	K	1850-21647-15-053	4	R	Y	19420	LAPD	*	FIREARMS/TACTICAL-ADVANCED
05/16/2016	K	1850-29503-15-108	4	X	Y	19420	LAPD	*	ARSTCTL(PSP)
11/14/2016	K	1850-29502-16-086	4	X	Y	19420	LAPD	*	DRIVING(PSP)
03/07/2017	K	1850-21185-16-103	9	X	Y	19420	LAPD	*	USE OF FORCE UPDATE
08/18/2017	D	1850-00400-17-002	80		Y	19420	LAPD		SUPERVISORY COURSE
09/12/2017	K	1850-29303-17-041	4	X	Y	19420	LAPD		BELOW 100
09/12/2017	K	1850-20268-17-040	4	X	Y	19420	LAPD		IMPLICIT BIAS AND COMMUNITY POLICING
02/28/2018	K	1850-21647-17-091	4	X	Y	19420	LAPD	*	FIREARMS/TACTICAL-ADVANCED
03/27/2018	K	1850-29502-17-093	4	X	Y	19420	LAPD	*	DRIVING(PSP)
09/11/2018	K	1850-29503-18-044	4	X	Y	19420	LAPD	*	ARSTCTL(PSP)
09/12/2018	K	1850-21647-18-024	4	X	Y	19420	LAPD	*	FIREARMS/TACTICAL-ADVANCED
10/02/2018	K	1850-30985-18-002	8	X	Y	19420	LAPD		LESS LETHAL WEAPON INSTR.
10/10/2018	K	1850-21647-18-044	4	X	Y	19420	LAPD	*	FIREARMS/TACTICAL-ADVANCED
11/07/2018	K	1850-21647-18-054	4	X	Y	19420	LAPD	*	FIREARMS/TACTICAL-ADVANCED
12/03/2018	K	9180-25586-18-156	8	X	Y	19420	POST		FIRST AID/CPR/AED (WEB)
12/05/2018	K	1850-21647-18-069	4	X	Y	19420	LAPD	*	FIREARMS/TACTICAL-ADVANCED
01/02/2019	K	1850-21647-18-075	4	X	Y	19420	LAPD	*	FIREARMS/TACTICAL-ADVANCED
01/24/2019	K	1850-21647-18-068	4	X	Y	19420	LAPD	*	FIREARMS/TACTICAL-ADVANCED
02/25/2019	K	1850-21647-18-090	4	X	Y	19420	LAPD	*	FIREARMS/TACTICAL-ADVANCED
03/27/2019	K	1850-21647-18-099	4	X	Y	19420	LAPD	*	FIREARMS/TACTICAL-ADVANCED
04/24/2019	K	1850-21647-18-113	4	X	Y	19420	LAPD	*	FIREARMS/TACTICAL-ADVANCED
05/22/2019	K	1850-21647-18-121	4	X	Y	19420	LAPD	*	FIREARMS/TACTICAL-ADVANCED
02/04/2020	K	1850-21025-19-019	10		Y	19420	LAPD	*	ARREST/CONTROL TECHN UPD
08/24/2020	K	1850-20799-20-030	8		Y	19420	LAPD	*	DE-ESCALATION & TACTICAL COMMUNICATION
05/26/2021	K	1850-23216-20-005	8	X	Y	19420	LAPD		GANG INTERVENTION, INTRO
10/01/2021	K	1850-23090-21-240	4	X	Y	19420	LAPD		ELECTRONIC WEAPONS
10/26/2021	K	1850-21647-21-043	4	X	Y	19420	LAPD	*	FIREARMS/TACTICAL-ADVANCED
03/16/2022	K	1850-20182-21-002	9	X	Y	19420	LAPD	*	DE-ESCALATION & TACTICAL DECISION MAKING
03/31/2024	K	1850-21772-23-060	8	X	Y	19420	LAPD		TACTICAL EMERG. FIRST AID/TRAUMA CARE
03/31/2024	K	1850-34490-23-015	8	X	Y	19420	LAPD		LEADERSHIP DEVELOPMENT PROGRAM
03/31/2024	K	1850-33886-23-029	6	X	Y	19420	LAPD	*	USE OF FORCE AND DE-ESCALATION
04/30/2024	K	1850-29502-23-245	4		Y	19420	LAPD	*	DRIVING(PSP)

***Meets Perishable Skills**

FOOTNOTES

NO FOOTNOTE ON FILE.

PLEASE REFER TO THE ENCLOSED EXPLANATION SHEET FOR ADDITIONAL INFORMATION.

COMMISSION ON POST – PROFILE REPORT

The Profile Report contains confidential information.

EXPLANATION SHEET

PERSONAL IDENTIFICATION: Subject's personal information as indicated in POST database (EDI system)	
POST ID:	Unique identification number assigned to subject by POST.
Agency:	Indicates the agency (or one of the agencies) where subject is currently employed. An "*" indicates that the subject is employed in more than one position within the same agency.
Birth Date/Gender:	Self-explanatory.
Race/Ethnicity:	**A** = Asian **B** = African American (Black) **N** = Native American **S** = Spanish/Hispanic **W** = White **O** = Other

CERTIFICATES AWARDED	
Cert:	Certificate serial number.
Type:	**B** = Basic **I** = Intermediate **A** = Advanced **S** = Supervisory **M** = Management **E** = Executive **R** = Reserve **D** = Public Safety Dispatcher **SX**= Specialized X (example: SA = Specialized Advanced)
Awarded:	Date certificate was issued.
Education:	Educational points or degree used for earning a certificate.
T:	Training points used for awarding the certificate.
T+:	Additional training points.
Comments:	Comments regarding training or institute(s) where subject received education.
Total Number of Certificates:	Number of certificates awarded to subject as indicated in POST database.

EMPLOYMENT: Subject's employment history as indicated in POST database	
Hired From:	Date subject was hired or sworn into the agency.
To:	Date subject left agency (if applicable).
R*:	Reason for separation as indicated by number in the Report description.
Rank / Rank Date:	Indicates rank as translated by POST database and date subject made rank.
Agency / Agency Name:	Agency code number and name where subject is currently working or previously worked.
F/P:	Time base: **F** = Full time **P** = Part time
P/U:	Wage status: **P** = Paid **U** = Unpaid
Seas:	Provisional or seasonal employment.

POST TRAINING: Courses attended or completed as indicated in POST database	
Comp Date:	Date course ended.
Cat:	General course category (for POST use only).
CCN:	Course Control Number.
Hrs:	Hours completed in course.
Rmb:	Reimbursement indicator: **R** = Reimbursed *(before FY 83/84 reimbursable agency not necessarily reimbursed)* **J** = Job specific * = Job specific, SALARY NOT PAID **Blank** = None or no data available
Cmp:	Completion indicator: **Blank or Y** = Course completed **N** = Course not completed **?** = Prior to 1979
Agency:	Agency where subject was employed at time of course enrollment.
School:	Training institute offering the course.
Course Name:	Course name as shown in POST database.

NON-CERTIFIED COURSES
This section will only appear if applicable.

FOOTNOTES
This section reserved for additional information.

STATE OF CALIFORNIA
DEPARTMENT OF CALIFORNIA HIGHWAY PATROL

TRAFFIC CRASH REPORT

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SPECIAL CONDITIONS	NUMBER INJURED	HIT & RUN FELONY	CITY	JUDICIAL DISTRICT	LOCAL REPORT NUMBER
	1	☐	LOS ANGELES	LOS ANGELES SUPERIOR COURT CLARA SHORTRIDGE FOLTZ CRIMINAL JUSTICE CENTER	9590-2022-02624
	NUMBER KILLED	HIT & RUN MISDEMEANOR	COUNTY	REPORTING DISTRICT / BEAT	DAY OF WEEK / TOW AWAY
	0	☐	LOS ANGELES	012	FRIDAY / ☐ YES ☒ NO

LOCATION

CRASH OCCURRED ON	MO. DAY YEAR	TIME (2400)	NCIC #	OFFICER ID
STATE ROUTE 110 NORTHBOUND (ARROYO SECO PARKWAY)	05/13/2022	2028	9590	022088

MILEPOST INFORMATION | GPS COORDINATES: LATITUDE 34.037158 LONGITUDE -118.275193 | PHOTOGRAPHS BY: ☒ NONE

☐ AT INTERSECTION WITH
☒ OR: 90 FEET NORTH of AVENUE 52 O/C

STATE HWY REL: ☒ YES ☐ NO

PARTY 1

DRIVER'S LICENSE NUMBER	STATE	CLASS	AIR BAG	SAFETY EQUIP.
[redacted] (EXP)	CA	U	M	G

DRIVER ☒ — NAME (FIRST, MIDDLE, LAST): [redacted]

PEDESTRIAN ☐ — STREET ADDRESS: [redacted]

PARKED VEHICLE ☐ — CITY/STATE/ZIP: LOS ANGELES CA [redacted]

BICYCLIST ☐ — SEX: [redacted] HAIR: [redacted] EYES: [redacted] HEIGHT: [redacted] WEIGHT: [redacted] BIRTHDATE Mo. Day Year: [redacted] RACE: [redacted]

OTHER ☐ — HOME PHONE: [redacted] BUSINESS PHONE: NONE

OPERATOR ☐ — INSURANCE CARRIER: NONE POLICY NUMBER: NONE

DIR OF TRAVEL	ON STREET OR HIGHWAY	LANE	THRU LANES	TOTAL LANES	SPEED LIMIT
N	SR-110	3	3	3	55

VEH. YEAR	MAKE/MODEL/COLOR	LICENSE NUMBER	STATE
2001	GMC YUKON BLK	[redacted]	CA

OWNER'S NAME: [redacted] ☐ SAME AS DRIVER

OWNER'S ADDRESS: [redacted] ☐ SAME AS DRIVER LOS ANGELES CA [redacted]

DISPOSITION OF VEHICLE ON ORDERS OF: ☐ OFFICER ☒ DRIVER ☐ OTHER
AAA-(UNKNOWN PROVIDER)

PRIOR MECHANICAL DEFECTS: ☒ NONE APPARENT ☐ REFER TO NARRATIVE

VEHICLE IDENTIFICATION NUMBER: [redacted]

VEHICLE TYPE	DESCRIBE VEHICLE DAMAGE	SHADE IN DAMAGED AREA
07	☐ UNK. ☐ NONE ☒ MINOR ☐ MOD. ☐ MAJOR ☐ ROLL-OVER	TOP VIEW

CA ____ DOT ____
CAL-T ____ TCP/PSC ____ MC/MX ____

PARTY 2

DRIVER'S LICENSE NUMBER	STATE	CLASS	AIR BAG	SAFETY EQUIP.
[redacted]	CA	C	L	G

DRIVER ☒ — NAME (FIRST, MIDDLE, LAST): [redacted]

PEDESTRIAN ☐ — STREET ADDRESS: [redacted]

PARKED VEHICLE ☐ — CITY/STATE/ZIP: LOS ANGELES CA [redacted]

BICYCLIST ☐ — SEX: [redacted] HAIR: [redacted] EYES: [redacted] HEIGHT: [redacted] WEIGHT: [redacted] BIRTHDATE Mo. Day Year: [redacted] RACE: [redacted]

OTHER ☐ — HOME PHONE: [redacted] BUSINESS PHONE: NONE

OPERATOR ☐ — INSURANCE CARRIER: ALLSTATE POLICY NUMBER: [redacted]

DIR OF TRAVEL	ON STREET OR HIGHWAY	LANE	THRU LANES	TOTAL LANES	SPEED LIMIT
N	SR-110	3	3	3	55

VEH. YEAR	MAKE/MODEL/COLOR	LICENSE NUMBER	STATE
2005	HOND CIVIC SIL	[redacted]	CA

OWNER'S NAME: [redacted] ☐ SAME AS DRIVER

OWNER'S ADDRESS: ☒ SAME AS DRIVER

DISPOSITION OF VEHICLE ON ORDERS OF: ☐ OFFICER ☒ DRIVER ☐ OTHER
PEPE'S TOWING SERVICE - (323)268-1609

PRIOR MECHANICAL DEFECTS: ☒ NONE APPARENT ☐ REFER TO NARRATIVE

VEHICLE IDENTIFICATION NUMBER:

VEHICLE TYPE	DESCRIBE VEHICLE DAMAGE	SHADE IN DAMAGED AREA
01	☐ UNK. ☐ NONE ☐ MINOR ☒ MOD. ☐ MAJOR ☐ ROLL-OVER	TOP VIEW

CA ____ DOT ____
CAL-T ____ TCP/PSC ____ MC/MX ____

PARTY 3

DRIVER'S LICENSE NUMBER	STATE	CLASS	AIR BAG	SAFETY EQUIP.
[redacted]	CA	C	L	G

DRIVER ☒ — NAME (FIRST, MIDDLE, LAST): GABRIEL GAXIOLA

PEDESTRIAN ☐ — STREET ADDRESS: [redacted]

PARKED VEHICLE ☐ — CITY/STATE/ZIP: LOS ANGELES CA [redacted]

BICYCLIST ☐ — SEX: [redacted] HAIR: [redacted] EYES: [redacted] HEIGHT: [redacted] WEIGHT: [redacted] BIRTHDATE Mo. Day Year: [redacted] RACE: [redacted]

OTHER ☐ — HOME PHONE: [redacted] BUSINESS PHONE: NONE

OPERATOR ☐ — INSURANCE CARRIER: UNKNOWN POLICY NUMBER: UNKNOWN

DIR OF TRAVEL	ON STREET OR HIGHWAY	LANE	THRU LANES	TOTAL LANES	SPEED LIMIT
N	SR-110	3	3	3	55

VEH. YEAR	MAKE/MODEL/COLOR	LICENSE NUMBER	STATE
2022	TESL S BLK	[redacted]	CA

OWNER'S NAME: ☒ SAME AS DRIVER

OWNER'S ADDRESS: [redacted] ☐ SAME AS DRIVER

DISPOSITION OF VEHICLE ON ORDERS OF: ☒ OFFICER ☐ DRIVER ☐ OTHER
METRO TOW: (323)342-0602

PRIOR MECHANICAL DEFECTS: ☒ NONE APPARENT ☐ REFER TO NARRATIVE

VEHICLE IDENTIFICATION NUMBER: [redacted]

VEHICLE TYPE	DESCRIBE VEHICLE DAMAGE	SHADE IN DAMAGED AREA
01	☐ UNK. ☐ NONE ☐ MINOR ☐ MOD. ☒ MAJOR ☐ ROLL-OVER	TOP VIEW

CA ____ DOT ____
CAL-T ____ TCP/PSC ____ MC/MX ____

PREPARER'S NAME	DISPATCH NOTIFIED	REVIEWER'S NAME	DATE REVIEWED
ERIC HERNANDEZ, 022088	☒ YES ☐ NO ☐ N/A	ERIK HERNANDEZ, 021583	05/28/2022

STATE OF CALIFORNIA
DEPARTMENT OF CALIFORNIA HIGHWAY PATROL

TRAFFIC CRASH CODING

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DATE OF CRASH (MO. DAY YEAR)	TIME (2400)	NCIC #	OFFICER ID	NUMBER
05/13/2022	2028	9590	022088	9590-2022-02624

PROPERTY DAMAGE | OWNER'S NAME | OWNER'S ADDRESS

PERSON NOTIFIED ☐ SAME AS OWNER | TELEPHONE NUMBER | METHOD OF NOTIFICATION (MARK ALL THAT APPLY) ☐ IN PERSON ☐ PHONE ☐ DISPATCH ☐ CHP 422 | LOG / INCIDENT NUMBER

DESCRIPTION OF DAMAGE

SEATING POSITION

A
1 2 3
4 5 6
7 8 9
10

1 TO 9 - STANDARD SEATING POSITION
10 - REAR OCC. TRK, VAN, STATION WAGON, ETC.*
11 - POSITION UNKNOWN*
0 - OTHER*

SAFETY EQUIPMENT

OCCUPANTS
A - NONE IN VEHICLE
B - UNKNOWN
C - LAP BELT USED
D - LAP BELT NOT USED
E - SHOULDER HARNESS USED
F - SHOULDER HARNESS NOT USED
G - LAP / SHOULDER HARNESS USED
H - LAP / SHOULDER HARNESS NOT USED
J - PASSIVE RESTRAINT USED
K - PASSIVE RESTRAINT NOT USED
P - NOT REQUIRED

CHILD RESTRAINT
Q - IN VEHICLE USED
R - IN VEHICLE NOT USED
S - IN VEHICLE USE UNKNOWN
T - IN VEHICLE IMPROPER USE
U - NONE IN VEHICLE

MC / BICYCLE - HELMET
DRIVER: V - NO, W - YES
PASSENGER: X - NO, Y - YES

AIR BAG

B - UNKNOWN
L - AIR BAG DEPLOYED
M - AIR BAG NOT DEPLOYED
N - OTHER
P - NOT REQUIRED

EJECTED FROM VEHICLE

0 - NOT EJECTED
1 - FULLY EJECTED
2 - PARTIALLY EJECTED
3 - UNKNOWN

INATTENTION CODES

A - CELL PHONE HANDHELD
B - CELL PHONE HANDSFREE
C - ELECTRONIC EQUIPMENT
D - RADIO / CD
E - SMOKING
F - EATING
G - CHILDREN
H - ANIMALS
I - PERSONAL HYGIENE
J - READING
K - OTHER

ITEMS MARKED BELOW FOLLOWED BY AN ASTERISK (*) SHOULD BE EXPLAINED IN THE NARRATIVE.

PRIMARY CRASH FACTOR LIST NUMBER (#) OF PARTY AT FAULT

3

A CVC SECTION VIOLATED: VC 23152(a) CITED: ☒ YES ☐ NO

B OTHER IMPROPER DRIVING*:

C OTHER THAN DRIVER*

D UNKNOWN*

WEATHER (MARK 1 TO 2 ITEMS)

X A CLEAR
B CLOUDY
C RAINING
D SNOWING
E FOG / VISIBILITY FT.
F OTHER*:
G WIND

LIGHTING

A DAYLIGHT
B DUSK - DAWN
C DARK - STREET LIGHTS
X D DARK - NO STREET LIGHTS
E DARK - STREET LIGHTS NOT FUNCTIONING*

ROADWAY SURFACE

X A DRY
B WET
C SNOWY - ICY
D SLIPPERY (MUDDY, OILY, ETC.)

ROADWAY CONDITION(S) (MARK 1 TO 2 ITEMS)

A HOLES, DEEP RUT*
B LOOSE MATERIAL ON ROADWAY*
C OBSTRUCTION ON ROADWAY*
D CONSTRUCTION - REPAIR ZONE
E REDUCED ROADWAY WIDTH
F FLOODED*
G OTHER*:
X H NO UNUSUAL CONDITIONS

TRAFFIC CONTROL DEVICES

A CONTROLS FUNCTIONING
B CONTROLS NOT FUNCTIONING*
C CONTROLS OBSCURED
X D NO CONTROLS PRESENT / FACTOR*

TYPE OF CRASH

A HEAD - ON
B SIDE SWIPE
X C REAR END
D BROADSIDE
E HIT OBJECT
F OVERTURNED
G VEHICLE / PEDESTRIAN
H OTHER*:

MOTOR VEHICLE INVOLVED WITH (MARK 1 TO 2 ITEMS)

A NONCOLLISION
B PEDESTRIAN
X C OTHER MOTOR VEHICLE
D MOTOR VEHICLE ON OTHER ROADWAY
E PARKED MOTOR VEHICLE
F TRAIN
G BICYCLE
H ANIMAL:
I FIXED OBJECT:
J OTHER OBJECT:
K ADDITIONAL OBJECT(S) STRUCK

PEDESTRIAN'S ACTIONS

X A NO PEDESTRIANS INVOLVED
B CROSSING IN CROSSWALK - AT INTERSECTION
C CROSSING IN CROSSWALK - NOT AT INTERSECTION
D CROSSING - NOT IN CROSSWALK
E IN ROAD - INCLUDES SHOULDER
F NOT IN ROAD
G APPROACHING / LEAVING SCHOOL BUS

1	2	3	VEHICLE AUTOMATION LEVEL
X	X		A SAE LEVEL - 0
			B SAE LEVEL - 1
		X	C SAE LEVEL - 2
			D SAE LEVEL - 3
			E SAE LEVEL - 4
			F SAE LEVEL - 5
			G UNKNOWN*

1	2	3	VEHICLE AUTOMATION ENGAGED
X	X		A NO AUTOMATION
			B DRIVER ASSISTANCE
			C PARTIAL AUTOMATION
			D CONDITIONAL AUTOMATION
			E HIGH AUTOMATION
			F FULL AUTOMATION
		X	G UNKNOWN*

OTHER ASSOCIATED FACTOR(S) (MARK 1 TO 2 ITEMS)

1	2	3	
			A CVC SECTION VIOLATION: CITED ☐ YES ☐ NO
			B CVC SECTION VIOLATION CITED ☐ YES ☐ NO
		X	C CVC SECTION VIOLATION: VC 22350 CITED ☐ YES ☒ NO
			D
			E VISION OBSCUREMENT:
			F INATTENTION*:
			G STOP & GO TRAFFIC
			H ENTERING / LEAVING RAMP
			I PREVIOUS CRASH
			J UNFAMILIAR WITH ROAD
			K DEFECTIVE VEH. EQUIP.: CITED ☐ YES ☐ NO
			L UNINVOLVED VEHICLE
			M OTHER*:
X	X		N NONE APPARENT
			O RUNAWAY VEHICLE

1	2	3	MOVEMENT PRECEDING CRASH
X	X		A STOPPED
		X	B PROCEEDING STRAIGHT
			C RAN OFF ROAD
			D MAKING RIGHT TURN
			E MAKING LEFT TURN
			F MAKING U TURN
			G BACKING
			H SLOWING / STOPPING
			I PASSING OTHER VEHICLE
			J CHANGING LANES
			K PARKING MANEUVER
			L ENTERING TRAFFIC
			M OTHER UNSAFE TURNING
			N XING INTO OPPOSING LANE
			O PARKED
			P MERGING
			Q TRAVELING WRONG WAY
			R OTHER*:
			S LANE SPLITTING

1	2	3	SOBRIETY - DRUG - PHYSICAL (MARK ALL THAT APPLY)
X	X		A HAD NOT BEEN DRINKING
		X	B HBD - UNDER THE INFLUENCE
			C HBD - NOT UNDER INFLUENCE*
			D HBD - IMPAIRMENT UNKNOWN*
			E UNDER DRUG INFLUENCE*
			DRE EXAM. CONDUCTED
			STIMULANT
			HALLUCINOGEN
			DISSOCIATIVE ANESTHETICS
			NARCOTIC ANALGESIC
			INHALANT
			CANNABIS
			DEPRESSANT
			F IMPAIRMENT - PHYSICAL*
			G IMPAIRMENT NOT KNOWN
			H NOT APPLICABLE
			I SLEEPY / FATIGUED*

SKETCH

REFER TO SKETCH PAGE(S)

MISCELLANEOUS

1	2	3	SPECIAL INFORMATION
			A HAZARDOUS MATERIAL
			B CELL PHONE HANDHELD IN USE
			C CELL PHONE HANDSFREE IN USE
X	X	X	D CELL PHONE NOT IN USE
			E CELL PHONE USE UNKNOWN
			F SCHOOL BUS RELATED

1	2	3	BIKEWAY FACILITY
			A SHARED ROADWAY
			B CLASS I - BIKE PATH*
			C CLASS II - BIKE LANE*
			D CLASS III - BIKE ROUTE*
			E CLASS IV - SEPARATED BIKEWAY*

STATE OF CALIFORNIA
DEPARTMENT OF CALIFORNIA HIGHWAY PATROL

INJURED / WITNESS / PASSENGERS

CHP 555 Page 3 (Rev. 3-20) OPI 060

DATE OF CRASH (MO. DAY YEAR)	TIME (2400)	NCIC #	OFFICER ID	NUMBER
05/13/2022	2028	9590	022088	9590-2022-02624

WITNESS ONLY	PASSENGER ONLY	AGE	SEX	EXTENT OF INJURY ("X" ONE)				INJURED WAS ("X" ONE)						PARTY NUMBER	SEAT POS.	AIR BAG	SAFETY EQUIP.	EJECTED
				FATAL INJURY	SUSPECTED SERIOUS INJURY	SUSPECTED MINOR INJURY	POSSIBLE INJURY	DRIVER	PASS.	PED.	BICYCLIST	OTHER	OPER.					
#		42	F				X		X					3	3	L	G	0

NAME / D.O.B. / ADDRESS: [redacted]
TELEPHONE: [redacted]

(INJURED ONLY) TRANSPORTED BY: DECLINED AT THE SCENE
EMS RUN NUMBER:
TAKEN TO: NOT TRANSPORTED

DESCRIBE INJURIES

COMPLAINT OF PAIN TO RIGHT ARM AND RIGHT KNEE

VICTIM OF VIOLENT CRIME NOTIFIED

#		52	F											1	3	M	G	0
#																		
#																		
#																		
#																		

NAME / D.O.B. / ADDRESS: [redacted]
TELEPHONE: [redacted]

(INJURED ONLY) TRANSPORTED BY:
EMS RUN NUMBER:
TAKEN TO:

DESCRIBE INJURIES

VICTIM OF VIOLENT CRIME NOTIFIED

NAME / D.O.B. / ADDRESS
TELEPHONE

(INJURED ONLY) TRANSPORTED BY:
EMS RUN NUMBER:
TAKEN TO:

DESCRIBE INJURIES

VICTIM OF VIOLENT CRIME NOTIFIED

NAME / D.O.B. / ADDRESS
TELEPHONE

(INJURED ONLY) TRANSPORTED BY:
EMS RUN NUMBER:
TAKEN TO:

DESCRIBE INJURIES

VICTIM OF VIOLENT CRIME NOTIFIED

NAME / D.O.B. / ADDRESS
TELEPHONE

(INJURED ONLY) TRANSPORTED BY:
EMS RUN NUMBER:
TAKEN TO:

DESCRIBE INJURIES

VICTIM OF VIOLENT CRIME NOTIFIED

NAME / D.O.B. / ADDRESS
TELEPHONE

(INJURED ONLY) TRANSPORTED BY:
EMS RUN NUMBER:
TAKEN TO:

DESCRIBE INJURIES

VICTIM OF VIOLENT CRIME NOTIFIED

PREPARER'S NAME	ID NUMBER	MO. DAY YEAR	REVIEWER'S NAME	MO. DAY YEAR
ERIC HERNANDEZ	022088	05/13/2022	ERIK HERNANDEZ, 021583	05/28/2022

STATE OF CALIFORNIA
DEPARTMENT OF CALIFORNIA HIGHWAY PATROL
SKETCH DIAGRAM
CHP 555 Page 4 (Rev. 3-20) OPI 060

DATE OF CRASH (MO. DAY YEAR)	TIME (2400)	NCIC #	OFFICER ID	NUMBER
05/13/2022	2028	9590	022088	9590-2022-02624

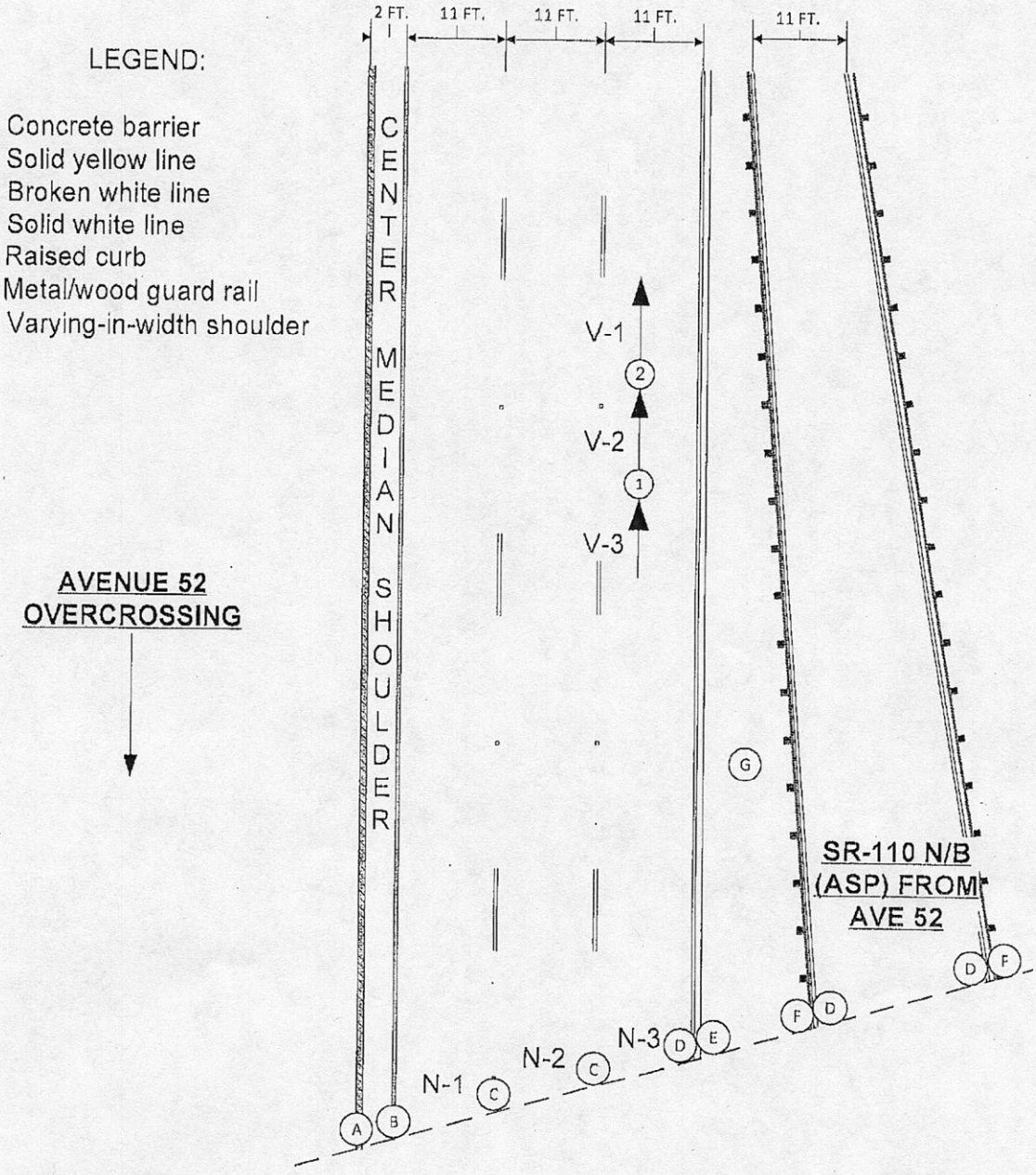
ALL MEASUREMENTS ARE APPROXIMATE AND NOT TO SCALE UNLESS STATED (SCALE =)

STATE ROUTE 110 NORTHBOUND (ARROYO SECO PARKWAY)

N

LEGEND:

A) Concrete barrier
B) Solid yellow line
C) Broken white line
D) Solid white line
E) Raised curb
F) Metal/wood guard rail
G) Varying-in-width shoulder



PREPARED BY	ID NUMBER	MO. DAY YEAR	REVIEWER'S NAME	MO. DAY YEAR
ERIC HERNANDEZ	022088	05/13/2022	ERIK HERNANDEZ, 021583	05/28/2022

An Internationally Accredited Agency

STATE OF CALIFORNIA
DEPARTMENT OF CALIFORNIA HIGHWAY PATROL

FACTUAL DIAGRAM

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DATE OF CRASH (MO. DAY YEAR)	TIME (2400)	NCIC #	OFFICER ID	NUMBER
05/13/2022	2028	9590	022088	9590-2022-02624

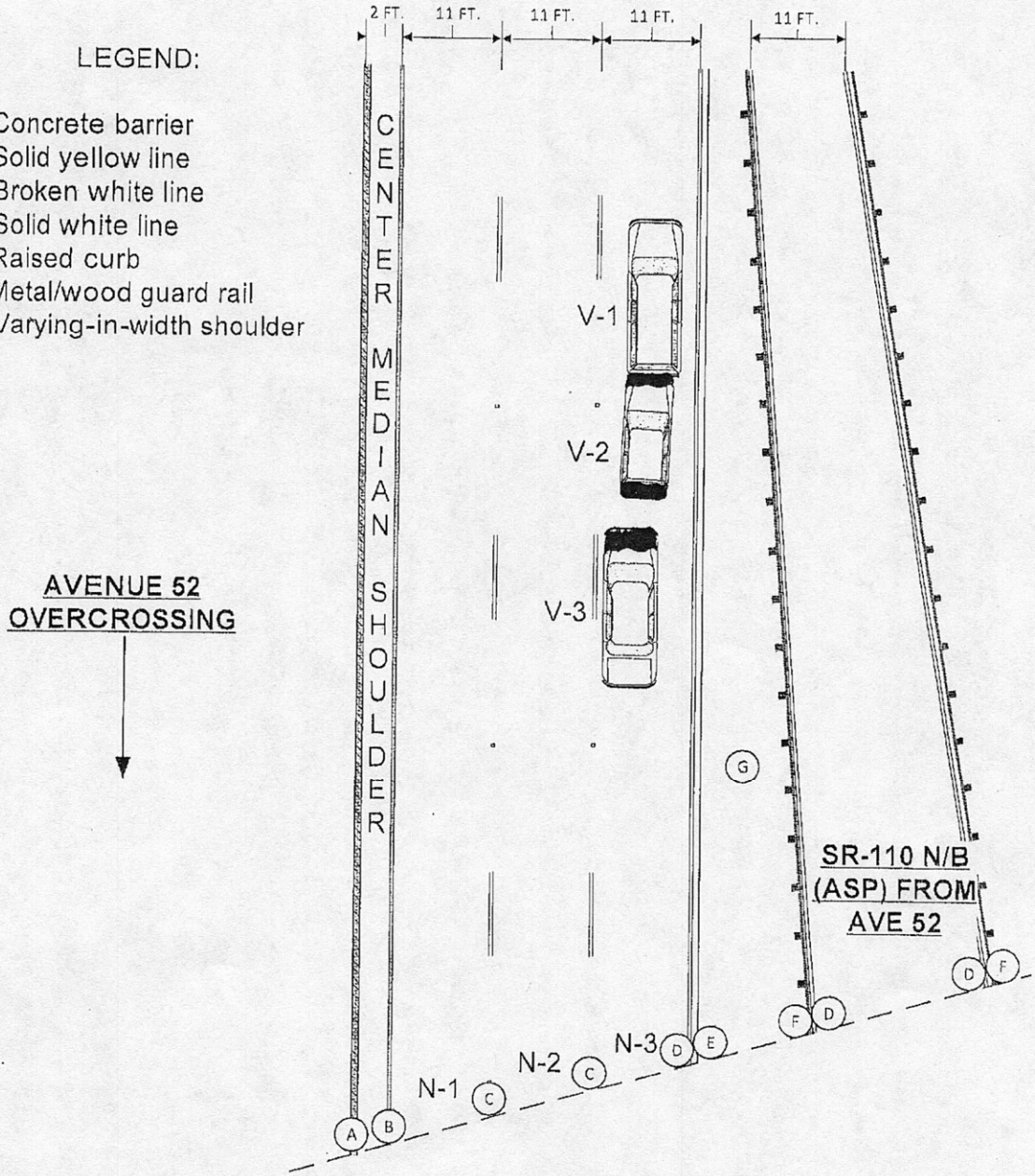
ALL MEASUREMENTS ARE APPROXIMATE AND NOT TO SCALE UNLESS STATED (SCALE =)

STATE ROUTE 110 NORTHBOUND (ARROYO SECO PARKWAY)

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PREPARED BY	ID NUMBER	MO. DAY YEAR	REVIEWER'S NAME	MO. DAY YEAR
ERIC HERNANDEZ	022088	05/13/2022	ERIK HERNANDEZ, 021583	05/28/2022

FACTUAL DIAGRAM LEGEND:

VEHICLE POINTS OF REST:

L/F tire of V-1 located approximately 150 feet north of the north road edge of Avenue 52 overcrossing and 10 feet west of the east roadway edge of SR-110 northbound (Arroyo Seco Parkway) (ASP).

L/R tire of V-1 located approximately 141 feet north of the north road edge of Avenue 52 overcrossing and 10 feet west of the east roadway edge of SR-110 northbound (Arroyo Seco Parkway) (ASP).

L/F tire of V-2 located approximately 138 feet north of the north road edge of Avenue 52 overcrossing and 9 feet west of the east roadway edge of SR-110 northbound (Arroyo Seco Parkway) (ASP).

L/R tire of V-2 located approximately 130 feet north of the north road edge of Avenue 52 overcrossing and 9 feet west of the east roadway edge of SR-110 northbound (Arroyo Seco Parkway) (ASP).

L/F tire of V-3 located approximately 125 feet north of the north road edge of Avenue 52 overcrossing and 11 feet west of the east roadway edge of SR-110 northbound (Arroyo Seco Parkway) (ASP).

L/R tire of V-3 located approximately 116 feet north of the north road edge of Avenue 52 overcrossing and 11 feet west of the east roadway edge of SR-110 northbound (Arroyo Seco Parkway) (ASP).

DATE OF INCIDENT	TIME	NCIC NUMBER	OFFICER I.D.	NUMBER
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FACTS

NOTIFICATIONS:

On May 13, 2022, at approximately 2035 hours, CHP Dispatch advised me of a traffic collision resulting in property damage on State Route 110 northbound (Arroyo Seco Parkway) at Avenue 52. I responded from the Central Los Angeles CHP Office and arrived on scene at approximately 2045 hours. Upon further investigation, I determined this to be a traffic collision resulting in complaint of pain injuries.

All times, speeds, and measurements in this investigation are approximate. All measurements were obtained by visual estimation.

SCENE DESCRIPTION:

This collision occurred on SR-110 northbound (n/b) (Arroyo Seco Parkway) (ASP) north of Avenue 52 overcrossing. At this location, SR-110 n/b (ASP) is a northerly-aligned, relatively straight, inclining in grade, fully-controlled-access freeway that is in the city and county of Los Angeles. At this location, SR-110 n/b (ASP) is comprised of three-11-foot-wide traffic lanes that are delineated by broken white lines. The traffic lanes are bordered to the west by a solid yellow line, a two-foot-wide center median shoulder and a concrete wall. The lanes are bordered to the east by a solid white line, a six-inch raised curb, a varying-in-width raised concrete shoulder and the entrance of SR-110 northbound (ASP) from Avenue 52. This collision occurred during the hours of nighttime under cool and calm conditions. For visual description refer to Factual Diagram.

DATE OF INCIDENT	TIME	NCIC NUMBER	OFFICER I.D.	NUMBER
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PARTIES:

Party #1 (P-1) [redacted] was contacted on scene standing outside of Vehicle #1 (V-1) (GMC). P-1 was identified by a photograph provided by P-1 of his California driver license. P-1 was determined to be the driver of V-1 by his statement of being the driver of V-1, P-1's passenger [redacted] placing him in the driver seat at the time of the collision and P-1 is the registered owner of V-1.

Vehicle #1 (V-1) (GMC) was located on scene facing a northerly direction on all wheels. V-1 sustained minor damage including but not limited to, a dented, scuffed and dislodged rear bumper.

Party #2 (P-2) [redacted] was contacted standing outside of Vehicle #2 (V-2) (Honda) on the right shoulder. P-2 was identified by his California driver license. P-2 was determined to be the driver of V-2 by his statement of driving V-2, and he was the sole occupant to V-2.

Vehicle #2 (V-2) (Honda) was located on scene facing a northerly direction, on all wheels. V-2 sustained moderate damage consisting of but not limited to, a dislodged front bumper, dislodged/crumpled hood, a dislodged/crushed rear bumper, dislodged rear taillights, dislodged trunk, deployed airbags and a dislodged muffler.

Party #3 (P-3) (Gaxiola) was contacted standing outside of Vehicle #3 (V-3) (Tesla). P-3 was identified by his California driver license. P-3 was determined to be the driver of V-3 by his statement of driving V-3 at the time of the collision, P-3 is the registered owner of V-3, P-3 was in possession of the keys to V-3. P-2 observing P-3 exiting from the driver side of V-3 after the collision and P-3's passenger ([redacted] placing P-3 as the driver of V-3.

Vehicle #3 (V-3) (Tesla) was located on scene, facing a northerly direction, on all wheels. V-3 sustained major damage consisting of but not limited to, a dislodged/crushed hood, a dislodged front bumper, crushed headlight assembly, crushed front right bumper and deployed airbags.

DATE OF INCIDENT	TIME	NCIC NUMBER	OFFICER I.D.	NUMBER
05/13/2022	2028	9590	022088	9590-2022-02624

STATEMENTS:

STATEMENTS ARE NOT VERBATIM AND ARE WRITTEN IN SUMMARY FORM. THE STATEMENTS WERE READ BACK TO THE INVOLVED PARTY FOR VERIFICATION.

Party #1 (P-1) [redacted] related the following regarding the collision: P-1 was disabled in Vehicle #1 (V-1) (GMC) in the #3 lane of SR-110 n/b (ASP) north of avenue 52 overcrossing, in light traffic. P-1 was disabled for approximately ten minutes with his hazard lights activated. P-1 was looking in his rearview mirror and observed Vehicle #2 (V-2) (Honda) had come to a complete stop behind V-1. P-1 related V-2 was stopped for approximately 2-3 seconds when he observed Vehicle #3 (V-3) (Tesla) collide into V-2. P-1 felt V-2 get pushed into and collide with V-1. After the collision, P-1 exited V-1, checked on all parties involved and waited for assistance. P-1 related he waited approximately 15 minutes for CHP arrival and did not observe who was driving V-3.

Party #2 (P-2) [redacted] related the following regarding the collision: P-2 was driving Vehicle #2 (V-2) (Honda) in the #3 lane of SR-110 n/b (ASP) north of Avenue 52 overcrossing, at approximately 55 mph in moderate traffic. P-2 observed V-1 was at a complete stop and came to a complete stop behind V-1. P-2 was attempting to change lanes into the #2 lane while stopped behind V-1 for approximately 2-3 seconds. As P-2 was stopped, he suddenly felt an impact to the rear of V-2, causing V-2 to be propelled into the rear of V-1. After the collision, P-2 checked on everyone involved and waited for assistance. P-2 related he waited approximately 5-10 minutes for CHP arrival. P-2 related after the collision, he observed Party #3 (P-3) (Gaxiola) exit V-3 from the driver side door.

Party #3 (P-3) (Gaxiola) related the following regarding the collision: P-3 was driving Vehicle #3 (V-3) (Tesla) in the #3 lane of SR-110 n/b (ASP) north of Avenue 52 overcrossing, at approximately 50-55 mph, in light traffic. P-3 was driving in his lane when he observed the #3 lane had come to a complete stop. P-3 slammed on the brakes to V-3 and skidded into the rear of V-2. After the collision, P-3 exited V-3, called 911 and waited for CHP assistance. P-3 related he waited for approximately 20 minutes prior for CHP arrival.

OPINIONS AND CONCLUSIONS:

SUMMARY:

This collision occurred on SR-110 northbound (Arroyo Seco Parkway) north of Avenue 52 overcrossing. Party #1 (P-1) [redacted] was disabled and at a complete stop in Vehicle #1 (V-1) (GMC) in the #3 lane, ahead of Vehicle #2 (V-2) (Honda). Party #2 (P-2) [redacted] was at a complete stop in Vehicle #2 (V-2) (Honda) ahead of Vehicle #3 (V-3) (Tesla) and to the rear of V-1. Party #3 (P-3) (Gaxiola) was driving Vehicle #3 (V-3) (Tesla) in the #3 lane at approximately 50-55 mph, to the rear of V-2. Due to P-3's level of intoxication, coupled with his unsafe speed for traffic conditions, P-3 was unable to stop V-3 in time prior to colliding into the rear of V-2, causing V-2 to be propelled into the rear of V-1. After the collision, all parties waited on scene for CHP assistance.

AREAS OF IMPACT (A.O.I's):

A.O.I. #1 (V-3 vs. V-2) was located approximately 90 feet north of the north road edge of Avenue 52 overcrossing and 6 feet west of the east roadway edge of SR-110 northbound (Arroyo Seco Parkway).

A.O.I. #2 (V-2 vs. V-1) was located approximately 100 feet north of the north road edge of Avenue 52 overcrossing and 6 feet west of the east roadway edge of SR-110 northbound (Arroyo Seco Parkway).

The Areas of Impact were determined by statements obtained and vehicle damage observed.

DATE OF INCIDENT	TIME	NCIC NUMBER	OFFICER I.D.	NUMBER
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INTOXICATION NARRATIVE:

Upon arrival to the collision scene, Party #3 (P-3) (Gaxiola) was standing outside of Vehicle #3 (V-3) (Tesla). I contacted P-3 and he related he was involved in the collision. P-3 was determined to be the driver of V-3 by:

- His statement and admission to driving V-3 at the time of the collision.
- P-3 is the registered owner of V-3.
- P-3's passenger placing him as the driver of V-3.
- P-2 observed P-3 exiting the driver side door of V-3 after the collision.
- P-3 was in possession of the keys to V-3.

Upon contacting P-3, I immediately noticed P-3's speech appeared slurred/delayed, his eyes appeared red/watery, he displayed an unsteady gait while walking around the scene and I smelled an odor of an alcoholic beverage emitting from his breath and person. I gathered a statement regarding the traffic collision. After completing the traffic collision, I conducted a driving under the influence (DUI) investigation. I asked P-3 a series of Pre-Field Sobriety Test (Pre-FST) questions. When I asked P-3 how much he had to drink, he related he had two glasses of wine in the downtown Los Angeles area. I administered a series of explained and demonstrated field sobriety tests (FST's) to which P-3 did not perform as explained and demonstrated.

Based on P-3's objective signs and symptoms of intoxication, his poor performance of the FST's, his admittance to consuming alcohol prior to driving and my training and experience, I formed the opinion P-3 had been driving V-3 while under the influence of alcohol and was unable to safely operate a motor vehicle. I arrested P-3 for 23153 (a) VC, at approximately 2135 hours.

DATE OF INCIDENT	TIME	NCIC NUMBER	OFFICER I.D.	NUMBER
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CAUSE:

Party #3 (P-3) (Gaxiola) caused this collision by driving Vehicle #3 (V-3) (Tesla) in violation of 23152 (a) VC, (DUI) with an associated factor of 22350 VC, (Unsafe speed) which states:

No person shall drive a vehicle upon a highway at a speed greater than is reasonable or prudent having due regard for weather, visibility, the traffic on, and the surface and width of, the highway, and in no event at a speed which endangers the safety of persons or property.

Due to P-3's level of intoxication, coupled with his unsafe speed for traffic conditions, P-3 was unable to stop V-3 in time prior to colliding into the rear of V-2, causing V-2 to be propelled into the rear of V-1. The cause was determined by statements obtained and vehicle damage observed.

RECOMMENDATIONS:

I recommend that a copy of this report be submitted to the Los Angeles District Attorney's Office and Gabriel Gaxiola be charged the following violations:

- 23153 (a) VC-Driving while under the influence of alcohol (DUI) causing injuries
- 23153 (b) VC- DUI with a BAC of .08% or greater (Pending blood)

Upon successful conviction, I recommend the following enhancement penalties:

- 23578 V.C.- BAC greater than .15% (pending blood)
- 23540 (a) VC-2nd DUI within 10 years
- 23560 VC-DUI resulting in injuries within 10 years of prior DUI
- 23577 (a) (2) VC-Refusal to submit to a chemical test

STANDARDIZED FIELD SOBRIETY TESTS (SFST'S):

All SFST's were explained and demonstrated in English. The subject acknowledged he understood each test before he performed them. All times were accounted for by using my wristwatch. All SFST's were conducted on State Route 110 northbound (Arroyo Seco Parkway) north of Avenue 52 over crossing. This location is a relatively flat, slightly inclined roadway. The area was lit with ambient lighting and my flashlight. For this investigation, I utilized the three scientifically validated SFST's validated through the National Highway Traffic Safety Administration (NHTSA) along with a Non-Validated FST.

HORIZONTAL GAZE NYSTAGMUS (HGN):

Prior to starting the test, I advised the subject to stand with his feet together and hands along his sides. The subject appeared to have trouble standing as directed. I asked him if he had allergies or was fatigued due to his eyes being red/watery. He related he did not have allergies and was not fatigued. I asked the subject to follow the stimulus with his eyes only and leave his head in a forward fixed position. I asked the subject if he wore contacts or lenses. He related no. While administering the test, I advised the subject multiple times to keep his head straight. The subject displayed lack of smooth pursuit in both eyes and distinct and sustained nystagmus at maximum deviation in both eyes. While attempting to complete the test, the subject was advised to keep following the stimulus with his eyes. The subject stated, "We're still doing this?" The subject began to blink multiple times which did not allow me to administer the test properly. I advised the subject that we would terminate the testing. The subject displayed equal tracking and pupil size. I observed a minimum of 4 of the 6 scientifically validated clues which indicated a 88% accuracy that the subject had a BAC of .08% or greater.

WALK AND TURN (WAT):

During the instructional portion, the subject was unable to maintain his fixed position prior to conducting the test. The subject was re-advised on how to stand prior to conducting the test. The subject began the test prior to being advised to. During the subject's first series of steps, he missed heel-to-toe contact on step 3, stepped off the line and to his left and used his arms for balance. On step 5, the subject briefly lost his balance and stepped to his left with his right foot. The subject missed heel-to-toe contact on step 7, 8, 9. On the subject's ninth step, he continued walking and counted in the following manner, five, four, six, eight, nine, ten. On the subject's recount of steps, five, four, six and eight, he missed heel-to-toe contact on each step. On the turning portion, the subject did not leave his front foot on the line and turned around by lifting both feet and turning to his left. On the second series of steps, the subject missed heel-to-toe contact on step 2. During step 2, the subject briefly raised his arms away from his sides in a "T" manner to and placed them back down. On steps 3 and 4, the subject missed heel-to-toe contact. On step 6, the subject lost his balance, stepped off the line and to his right with his left foot and stated, "Sorry."

STANDARDIZED FIELD SOBRIETY TESTS (SFST'S) (CONTINUED):

The subject continued and counted step 8, missing step number 7. On his count of step 8, he missed heel-to-toe contact. The subject took another step forward without counting his step and missed heel-to-toe contact. The subject missed heel-to-toe contact on his count of 9 and 10. The subject continued walking and took two additional steps forward without counting out loud. After completing the test, I asked the subject if he felt comfortable with the outcome of the test and he shrugged his shoulders. I asked the subject if he would like to move on to the next test or redo the same test, and he related he wanted to move on to the next one. I observed a minimum of 6 of the 8 scientifically validated clues which indicated a 79% accuracy that the subject had a BAC of .08% or greater.

BASED ON ORIGINAL RESEARCH, COMBINING FOUR OR MORE CLUES OF HGN ALONG WITH TWO OR MORE CLUES OF WAT, SUBJECTS CAN BE CLASSIFIED AS ABOVE .10% BAC, 80% OF THE TIME.

ONE LEG STAND (OLS):

While placing the subject into position for the test, I advised him multiple times to have his feet touching and his hands along his sides. While advising the subject of the instructions for the test, he advised me he did not understand the instructions. I re-advised the subject of the instructions prior to beginning the test. The subject nodded his head when asked if he understood the instructions. I asked the subject if he had any question and he related no. The subject advised that he would raise his left foot for the test. On the subject's count of 1000-2 and 1000-5, he dropped his raised foot onto the roadway. The subject counted 1000-8, twice. The subject continued and counted 10 and 11. On 11, he placed his raised foot onto the roadway. I advised the subject to keep going and he stated, "More?" The subject continued and counted 11, dropped his raised foot onto the roadway and then counted 1000-11. The test was terminated at 30 seconds. I asked the subject if he felt comfortable with the outcome of the test and he related he just wanted to do more. I asked the subject if he wanted to move on to the next test and he related he just wanted to do more. I observed a minimum of 2 of the 4 scientifically validated clues which indicated a 83% accuracy that the subject had a BAC of .08% or greater.

MODIFIED ROMBERG BALANCE TEST:

At 55 seconds on my watch, the subject lifted his head up and stated, "30 seconds." I asked the subject how much time it was and he related 30 seconds had elapsed.

PRELIMINARY ALCOHOL SCREENING (PAS) TEST:

The subject was admonished regarding the PAS test at approximately 2134 hours. The subject related he did a "good FST" and declined to take the test.

ARREST – INVESTIGATION REPORT NARRATIVE (CONTINUED)

TRAFFIC COLLISION SUMMARY:

The subject was involved in a three vehicle traffic collision and was determined to be the driver of the involved vehicle (2022 Tesla Model S assigned a California license plate of [redacted]. The subject was identified by his valid California driver license as Gabriel Gaxiola [redacted]. The subject was determined to be the driver of the Tesla Model S at the time of the collision by the following: his statement and his admission to driving and being involved in a collision, he is the registered owner to his Tesla Model S, his passenger placing him as the driver of the Tesla, the other involved party observed the subject exiting the driver side door after the collision, and the subject being in possession of the keys to his Tesla. A DUI investigation was conducted, and it was determined that the subject was driving under the influence of alcohol. Refer to Central Los Angeles CHP traffic collision report number 9590-2022-02624.

FIRST OBSERVATIONS:

When I arrived on scene at approximately 2045 hours, I observed three vehicles located within the #3 lane of State Route 110 northbound (Arroyo Seco Parkway) north of Avenue 52 over crossing, with all parties involved standing outside of their respective vehicles.

OBSERVATIONS UPON CONTACT:

After my arrival, I contacted the subject, identified as Gabriel Gaxiola at approximately 2045 hours on scene. He related that there was a three vehicle traffic collision and that everyone appeared okay. I notified dispatch of my location and requested additional units to the scene to assist with scene management. I managed to make the scene safe by utilizing flares and my patrol vehicle, and began to investigate the traffic collision by checking on all parties involved and gathered information regarding the collision. While gathering information from the other involved parties, I did not observe any objective signs and symptoms of intoxication on scene.

As I spoke with Gaxiola regarding the traffic collision, I observed objective signs and symptoms of intoxication including red and watery eyes, an odor of an alcoholic beverage emitting from his breath and person, his unsteady gait while walking around the traffic collision scene and his slurred and delayed speech. While investigating the traffic collision, Officer K. Biedermann, ID 21040 arrived to assist. Officer Biedermann asked Gaxiola to produce a copy of his insurance. Gaxiola initially handed Officer Biedermann a debit/credit card.

OBSERVATIONS UPON CONTACT (CONTINUED):

Officer Biedermann advised Gaxiola that was not the insurance and requested to see proof of insurance. Gaxiola opened his cellular device and showed Officer Biedermann photographs that he took of the information of the other parties involved. Officer Biedermann again requested a copy of the Tesla's insurance. Gaxiola opened his cellular device and showed Officer Biedermann his phone. Officer Biedermann advised Gaxiola that there was no information on the phone and he had only opened his camera application.

Once finished with the traffic collision investigation, I conducted a DMV records check of Gaxiola's driver license. The DMV returned revealed Gaxiola's driver license was valid with one prior DUI conviction on 01/25/17. I returned to Gaxiola and advised Gaxiola that I smelled the odor of an alcoholic beverage emitting from his breath and person and that I wanted to ask him questions pertaining to the alcohol. He immediately stated, "I'm good." I asked Gaxiola what time did he begin drinking and he related approximately two hours prior. I asked Gaxiola if he felt good enough to drive home and he stated, "I'm absolutely good." I asked Gaxiola if he felt like he would hurt anyone and he related no. I asked Gaxiola if he had children to which he replied, "Yes." I asked Gaxiola if he felt comfortable enough to drive his kids home in his condition and he stated, "Yes." I asked him if he was sure and he stated, "Yes." I began to ask Gaxiola a series of Pre-Field Sobriety Test (Pre-FST's) questions. I explained and demonstrated a series of Field Sobriety Tests, to which Gaxiola did not perform as explained and demonstrated.

Based upon Gaxiola's involvement in this collision, his objective signs and symptoms of intoxication, his admission to drinking alcoholic beverages prior to driving his Tesla, his performance on the Field Sobriety Tests, my training and experience, and the totality of the circumstances, I determined Gaxiola had been driving his Tesla while under the influence of alcohol and was unable to safely operate a motor vehicle.

ARREST AND BOOKING:

At approximately 2135 hours, I arrested Gabriel Gaxiola for 23153 (a) VC. I handcuffed the subject utilizing departmentally approved handcuffing techniques. I searched the subject incident to arrest and asked him if he had any weapons on him. The subject related he had a firearm in his waistband. I removed the firearm from his persons and transferred possession of it to Officer Biedermann. After completing a full-standing search, I placed the subject into the right front passenger seat of the p/v. The subject's vehicle was towed from the scene by Metro Tow under the authority of 22651(h) Vehicle Code. Prior to leaving the scene, I attempted to speak with the subject's passenger, identified as [redacted] to advise her of the situation. [redacted] stated, "You guys are all cops, he does so much for LAPD. He's gang unit. You would think, like...he didn't even, we only had..." I advised [redacted] I would not be speaking further about the incident and needed to transport her to a safer location. Once done on scene, I drove the subject to the Central Los Angeles CHP Office.

ARREST – INVESTIGATION REPORT NARRATIVE (CONTINUED)

ARREST AND BOOKING (CONTINUED):

Officer Anderson transported [redacted] to the Central Los Angeles CHP Office where she was released to a responsible party. Once at the office, I told the subject he was required to submit to a chemical test to determine his blood alcohol level/concentration. I offered him his choice of blood or breath and the subject refused to submit to either test. I asked Sergeant S. Nielsen, ID 19271 to assist me with advising the subject of the Department of Motor Vehicles (DMV) 367. At approximately 2300 hours, I advised the subject of the Department of Motor Vehicles (DMV) 367. The subject was asked if he would submit to either a breath or blood test and he stated, "No." I advised the subject that we would obtain a warrant to obtain a vial of blood from him. The subject became belligerent and began to yell at Sergeant Nielsen and myself about the arrest. The subject requested I activate my Personal Worn Body Camera (PWBC) and record within the office. With the subject's permission, I activated my PWBC and placed it on the table in front of the subject. While activated, the subject made various complaints. The subject asked multiple times what the probable cause to arrest him was. The subject stated, "You know what? You do an FST, prior to the FST, you have to have probable cause to arrest. What is your probable cause to arrest? I'm going to ask it one more time, so the video will have it. What is your probable cause to arrest me, Officer Hernandez?" Sergeant Nielsen asked the subject if he would like him to answer his question and the subject agreed. Sergeant Nielsen related he suspected it had to do with objective symptoms of intoxication, which he was able to observe. The subject stated, "I'm standing right in front of you. I have no symptoms of, of subjective, uhh, intoxication. The video is right in front of me. I have no symptoms." Sergeant Nielsen advised the subject of some objective signs and symptoms of intoxication. The subject stated, "I don't have slurred speech, I don't have watery eyes, and I don't have symptoms of, uh, intoxication. I don't, do not have any symptoms of intoxication. That is your opinion." The subject continued and asked why I believed he was intoxicated. He stated, "Give me your probable cause. Why did you believe I was intoxicated. Give me your probable cause, right now. You're not giving it to me. Speak, you're right in front of me, you're in front of your paperwork. I'm sorry Sergeant. I'm asking Sergeant Hernandez, in front of his video, to give me his probable cause, why he believed I was intoxicated, cause that's why he's taking my video." Sergeant Nielsen advised the subject that I would not be answering his questions and he would have time to ask them at a later date. Sergeant Nielsen advised the subject that he, the subject, has 25 years of experience, so he should know how it works. The subject stated, "It would actually be appropriate to fucking answer my questions." Sergeant Nielsen advised the subject he already answered his question and the subject related, "No, Hernandez, he's arresting me, you're not arresting me. Sir, you're not arresting me. Hernandez is arresting me. So he should, you need to, you know, stay your lane. Hernandez will address me. Sergeant, whoever you are, stay your lane. Let him address me and let him advise me of why he's arresting me." Sergeant Nielsen advised the subject that based on his training and experience that he could observe signs/symptoms of intoxication.

ARREST AND BOOKING (CONTINUED):

The subject stated, "So you're arresting me from your probable cause? Just from looking at me right now? This video is on right now. And this video is, if this video is like, if anyone is looking at this video, oh, okay, he is under the influence. That's what you're doing. You're addressing this video and you're saying anyone that looks at this video is saying I'm under the influence. That's what your training and experience is like...So you're telling me I'm under the influence just by looking at me, for your training and experience. And you have 15 years on, I have 25 years on, I've seen way more DUI's than you have." Sergeant Nielsen advised the subject that he was being arrested for felony DUI due to his passenger being injured. The subject stated, "Hernandez, was she transported? Hernandez? Was the person in my passenger seat transported, for injuries? So she was not transported for injuries? So she was not injured? So there is not felony injury? So what the Sergeant is saying is false." The subject continued and stated, "She was not transported by a DUI, for a DUI, felony injury, to a hospital, and she was just transported here, for transport reasons. Why is there an allegation of felony DUI hit-and-run?" The subject stood up, and grabbed my PWBC that was placed on the table and turned it toward my direction. I immediately stood up and faced the PWBC back towards his direction and advised the subject that I had been more than cooperative and compliant with him and he needed to calm down and not stand up. The subject stated, "Why is there allegations of a DUI TC hit-and-run, with injuries?" I advised the subject I do not have to answer at that moment. The subject stated, "Yeah you do! Actually, you do. Yes sir, you do. Boss, you do have to answer it. You have to answer why your alleging a hit-and-run DUI TC?" Sergeant Nielsen advised the subject that his passenger had complained of injuries. The subject asked if his passenger was transported and Sergeant Nielsen advised the subject that his passenger could have complaints of pain and not be transported from the scene. The subject asked Sergeant Nielsen if he could assist and find out where his passenger was at. The subject stated, "I'm being alleged of actual big allegations. I would appreciate, if you would facilitate as a Sergeant, to figure out what's going on here." Sergeant Nielsen advised him that he already advised him of what was going on and the subject replied, " No you didn't. You said she was, she alleged injury. Well, find out where she's at. Did she get transported? Well then find out. Talk to her. Where is she? Get her number. Find out. Did you get injured from the injury? Or were you already injured? What's going on here?" The subject continued and asked, "Hernandez, did you fail to request an RA on scene, when someone told you they were injured? Hernandez! You're standing right in front of me! You failed to request an RA right in front of me while someone said they were injured? Are you kidding me?" Sergeant Nielsen attempted to calm the subject and advised him that his behavior was not benefiting him. Sergeant Nielsen asked the subject, "Do you think you behaving like this on a video benefits you in any way?" The subject replied, "Yeah, absolutely. You know what? When my command looks at it, I'm going to tell, no, no, no, they are not. They are going to say, look, a guy that's demanding his rights, look I'm not being disrespectful to you." The subject began to ask why I did not conduct FST's on the other involved parties on scene if he saw signs of intoxication on them.

ARREST AND BOOKING (CONTINUED):

At approximately 2245 hours, I obtained a search warrant signed by Judge Steven D. Blades to obtain a sample of blood from the subject. At approximately 2318 hours, I advised the subject of his Miranda Rights. The subject declined by stating, "No." The subject continued to ask questions and asked if I had failed to request an RA for a person that stated they were injured. Th subject stated, "Officer Hernandez, so did you fail to do an FST on all parties? Party one, party two and party three? You failed to do an FST on party one that obviously was intoxicated, bloodshot eyes, unsteady gait, was unbalanced from my observations from when I arrived on scene prior to you. Prior to you, I arrived on scene, probably 20 minutes prior to you and completely investigated the situation. I obtained information from party 1. I obtained the information from party 2, and I completely observed from my investigation from 25 years of law enforcement that they were intoxicated and I informed you that they possibly might have been intoxicated."

At an unknown time, Gaxiola's Lieutenant from Los Angeles Police Department (LAPD) Newton Division arrived at the Central Los Angeles CHP Office. Sergeant Sanchez, ID 20291 arrived to assist with watching the subject. While Sergeant Sanchez was in the room with the subject, the subject asked what the purpose of the PWBC was. Sergeant Sanchez related that he was not going to answer his questions and the subject related that he did not want the PWBC on him while he was sitting in the office. The subject asked me if I had asked him on scene if he was on DUI probation. He related that he was not on probation and did not know where I retrieved that information. He related that information might have led me to conduct a DUI investigation on the subject. The subject related that he wanted me to put in the report that I misidentified the fact that he was on DUI probation, that I failed to conduct a DUI investigation on Party 1 and Party 2 which he identified as being under the influence from his history. Later in the evening, Captain Humprey from LAPD Newton Division arrived on scene.

At approximately 0122 hours, I observed Phlebotomist, [redacted] CPT 1, draw one blood vial from the subject's right arm after having cleaned the area with Hydrogen Peroxide. [redacted] CPT 1, handed me the blood vial where I retained possession of it and shook the vial vigorously. With the approval of Sergeant S. Nielsen, ID 19271, Gaxiola was issued a CHP 215 (Notice to Appear) and released to Captain Humprey. I relinquished possession of the blood packet to Officer R. Cazares, ID 22673 who booked the blood at LAPD 77th Street Jail.

EVIDENCE:

This incident may or may not have been captured on Wireless Mobile Video Audio Recording (WMVARS) system. This incident was also captured on a Personal Worn Body Camera (PWBC) disc #12 and #13. Due to an internal error with the PWBC, the times and date indicated on disc #13 recordings do not reflect the actual times and date with this incident.

ARREST – INVESTIGATION REPORT NARRATIVE (CONTINUED)

ANALYSIS AND OPINIONS:

Based on my investigations, the following charges can be established against Gabriel Gaxiola:

-23153(a) Vehicle Code-*It is unlawful for a person, while under the influence of any alcoholic beverage, to drive a vehicle and concurrently do any act forbidden by law, or neglect any duty imposed by law in driving the vehicle, which act or neglect proximately causes bodily injury to any person other than the driver.*

This was established by my observation of Gaxiola's objective signs and symptoms of intoxication, his performance on the FST's, his admittance to consuming alcohol prior to driving and my training and experience. Gaxiola was involved in traffic collision which resulted in his passenger, [redacted] becoming injured as a result of the collision.

23153 (b) Vehicle Code-*It is unlawful for a person, while having 0.08 percent or more, by weight, of alcohol in his or her blood to drive a vehicle and concurrently do any act forbidden by law, or neglect any duty imposed by law in driving the vehicle, which act or neglect proximately causes bodily injury to any person other than the driver.*

This will be established by Gaxiola's blood test revealing his blood alcohol content (BAC) at the time was above .08%. (pending blood results).

RECOMMENDATIONS:

I recommend a copy of this report be forwarded to the Los Angeles District Attorney's Office for review and Gabriel Gaxiola be charged with the following:

-23153(a) V.C- Driving under the influence of alcohol (DUI)

-23153 (b) V.C.-DUI with a BAC of .08% or greater (Pending blood).

Upon successful conviction, I recommend the following enhancement charges:

-23578 VC-DUI with BAC over .15% (pending blood).

-23540 (a) VC-2nd DUI within 10 years

-23560 VC-DUI resulting in injuries within 10 years of prior DUI

-23577 (a)(2) VC- Refusal to submit to a chemical test

SUPERIOR COURT OF CALIFORNIA
County of Los Angeles

Warrant No.

SEARCH WARRANT RETURN

Officer E. HERNANDEZ, ID 22088, being sworn, says that he / she conducted a search pursuant to the below described search warrant:

Issuing Magistrate: STEVEN D. BLADES
Magistrate's Court: Los Angeles
Date of Issuance: 05/13/2022
Date of Service: 05/13/2022

and searched the following location(s), vehicle(s), and person(s) and seized the items

☐ described in the attached and incorporated inventory.
☒ described below:

I further swear that this is a true and detailed account of all the property taken by me pursuant to the search warrant, and that pursuant to Penal Code Sections 1528 and 1536 this property will be retained in my custody, subject to the order of this court or of any other court in which the offense in respect to which the seized property is triable.

(Signature of Affiant)

Sworn to and subscribed before me this 2 day of AUGUST 2022.

Anne Hwang
(Signature of Magistrate)

Judge of the Los Angeles Superior Court.

List all items seized, including those not specifically listed on the warrant.

Location #1: One vial of human blood was taken from GABRIEL GAXIOLA

at 0122 hours on the date of service.

The blood draw was obtained at the Central Los Angeles CHP Office located at 777 W. Washington Blvd., LA, CA.

The blood vial was booked into evidence at the LAPD 77th Street Jail and will be tested. Blood test results are pending.

STATE OF CALIFORNIA – COUNTY OF LOS ANGELES

AFFIDAVIT IN SUPPORT OF SEARCH WARRANT

SW No. _____

1) I, OFR. HERNANDEZ # 22088 am a peace officer, employed by CALIFORNIA HIGHWAY PATROL.

2) I have been employed as a peace officer for approximately 4 year(s) 2 month(s) and received training in investigating impaired driving (alcohol and/or drug(s)) and investigating traffic collisions.

3) On 5/13/2022, at approximately 2030 hours, in the County of Los Angeles, I (or ☐ _____):
☐ conducted an enforcement stop; ☑ responded to a traffic collision involving: ☐ fatality, ☐ injuries, ☑ property damage only; ☐ conducted other investigation; _____.
☐ I (or ☐ _____) saw Suspect (identified below) ☐ driving, ☐ stopped, ☐ inside vehicle. ☐ While driving, the Suspect was: ☐ speeding, ☐ weaving, ☐ driving slowly, ☐ failed to stop at red light/stop sign, ☐ made unsafe lane change, ☐ failed to signal, ☐ other: _____.

4) Upon investigating, I (or ☐ _____) contacted Suspect: ☑ standing next to the vehicle, ☐ while in the vehicle's driver's seat, ☐ while being medically treated at the scene by fire personnel, ☐ at another location approximately 15 ☐ minutes/☐ hours after the collision ☐ other: _____.

5) Suspect is believed to have been the driver because: ☑ witness statements, ☑ Suspect's statement, ☑ Suspect is the vehicle's registered owner, ☑ Suspect is in possession of the vehicle's keys, ☐ seatbelt mark across Suspect's chest/injuries present, ☐ other: _____.

6) Upon contacting the Suspect, the following objective symptoms of driving under the influence were observed:

☐ fumbling with vehicle controls	☐ fumbling with documents	☑ slurred speech
☐ rapid speech	☑ reddened eyes	☑ watery eyes
☐ dilated pupils	☐ constricted pupils	☑ unsteady gait

☑ odor of ☑ alcoholic beverage ☐ marijuana/cannabis emitting from Suspect's breath and/or person
☑ admitted to ☑ drinking ☐ using marijuana/cannabis ☐ taking other drug(s) _____
☑ was unable to perform Field Sobriety Tests as explained and demonstrated
☑ refused to perform Field Sobriety Tests
☐ BAC measured _____% on: ☐ Preliminary Alcohol Screening (PAS) test or ☐ breathalyzer ☐ refused PAS test
☐ other subjective findings: _____.

7) ☑ After being read verbatim the Chemical Test Admonition per CVC 23612-Implied Consent, Suspect: ☑ refused to submit to breath or blood test or ☐ was unable to consent due to medical condition.

8) Based upon my training and experience, it is my opinion Suspect was operating a motor vehicle while under the influence of alcohol and/or drug(s). It is my opinion that unless a blood sample is obtained promptly, dissipation of blood alcohol and/or drug(s) content may result in destruction of evidence.

9) Suspect to be searched is described as: Susp's Name: GABRIEL GAXIOLA;
☑ male ☐ female ☐ non-binary; DOB or Approx. Age: [redacted]; Driver's License or ID #: [redacted] ☐ CA or ☐ State CII # _____; Approx. Height: [redacted]; Approx. Weight: [redacted]; Hair Color: [redacted]; Eye Color: [redacted], ☑ now being detained at: CENTAL CHP; ☐ now being treated at _____ under Patient or Medical Record Number _____; other information: _____.

10) Night Service requested: ☑ Yes ☐ No (Night Service is between 10 P.M. and 7 A.M.)

I declare under penalty of perjury that the foregoing is true and correct.

Dated: 05/13/2022 in Los Angeles County, California. Signed: _____

THE PEOPLE OF THE STATE OF CALIFORNIA TO ANY SHERIFF, POLICE OFFICER, OR PEACE OFFICER IN THE COUNTY OF LOS ANGELES: Proof having been made before me this day by the incorporated affidavit above, that there is probable cause to believe that a sample of the blood of the person described in section 9) above, will furnish evidence of the violation of Vehicle Code: 23153, 23152 or 23140. You are therefore commanded to search Suspect's person by extracting, in a medically approved manner, a blood sample to be submitted by you for laboratory analysis and to be retained by you, subject to order of the court.

Dated 5-13-22 at 2245 hrs ☐ A.M. ☐ P.M. Night Service Approved: ☒ Yes ☐ No

Steven D. Blades
Judge of the Superior Court, County of Los Angeles

Steven D. Blades
Printed Name of Magistrate

(12/23/20)

SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

NO. 2MN02194 PAGE NO. 1
THE PEOPLE OF THE STATE OF CALIFORNIA VS. CURRENT DATE 05/02/24
DEFENDANT 01: GABRIEL GAXIOLA
LAW ENFORCEMENT AGENCY EFFECTING ARREST: CHP - CENTRAL L.A. STATION

BAIL: APPEARANCE DATE	AMOUNT OF BAIL	DATE POSTED	RECEIPT OR BOND NO.	SURETY COMPANY	REGISTER NUMBER

CASE FILED ON 08/24/22.
COMPLAINT FILED, DECLARED OR SWORN TO CHARGING DEFENDANT WITH HAVING COMMITTED, ON OR ABOUT 05/13/22 IN THE COUNTY OF LOS ANGELES, THE FOLLOWING OFFENSE(S) OF:
COUNT 01: 23152(A) VC MISD
COUNT 02: 23152(B) VC MISD
COUNT 03: 16028(C) VC INF
DL
ALLEGED PRIOR CONVICTION ON COUNT 01 FOR 23152(B) VC ON 01/25/17 IN ORANGE COUNTY HARBOR JUDICIAL DISTRICT UNDER CASE NUMBER 16HM0881.
ALLEGED PRIOR CONVICTION ON COUNT 02 FOR 23152(B) VC ON 01/25/17 IN ORANGE COUNTY HARBOR JUDICIAL DISTRICT UNDER CASE NUMBER 16HM0881.
NEXT SCHEDULED EVENT:
09/07/22 830 AM ARRAIGNMENT DIST METROPOLITAN COURTHOUSE DEPT 066

ON 09/07/22 AT 830 AM IN METROPOLITAN COURTHOUSE DEPT 066

CASE CALLED FOR ARRAIGNMENT
PARTIES: E. CARLOS DOMINGUEZ (JUDGE) NELSON CONTRERAS (CLERK)
ELECTRONIC RECORDING (REP) BRADFORD HARRISON (CA)
DEFENDANT IS NOT PRESENT IN COURT, BUT REPRESENTED BY BILL H. SEKI PRIVATE COUNSEL
DEFENDANT APPEARING BY COUNSEL PURSUANT TO PENAL CODE SECTION 977 ET SEQ, BY BILL H. SEKI PRIVATE COUNSEL
COURT ORDERS AND FINDINGS:
-THE COURT ORDERS THE DEFENDANT TO APPEAR ON THE NEXT COURT DATE.
MATTER IS CONTINUED TO THE DATE, TIME AND PLACE INDICATED BELOW FOR ARRAIGNMENT AND PLEA.
.
AS A CONDITION OF OWN RECOGNIZANCE, DEFENDANT IS ORDERED NOT

TO DRIVE WITHOUT A VALID CALIFORNIA DRIVER'S LICENSE AND NOT TO DRIVE WITH ANY MEASURABLE AMOUNT OF ALCOHOL IN SYSTEM.
.
DEFENDANT HAS COMPLETED A 90-DAY TREATMENT PROGRAM.
.
DEFENDANT WILL CONTINUE ATTENDING A.A. MEETINGS.
WAIVES STATUTORY TIME.
NEXT SCHEDULED EVENT:
10/25/22 830 AM ARRAIGNMENT AND PLEA DIST METROPOLITAN COURTHOUSE DEPT 066

CUSTODY STATUS: RELEASED ON OWN RECOGNIZANCE

ON 10/25/22 AT 830 AM IN METROPOLITAN COURTHOUSE DEPT 066

CASE CALLED FOR ARRAIGNMENT AND PLEA
PARTIES: MICHAEL D. ABZUG (JUDGE) NELSON CONTRERAS (CLERK)
ELECTRONIC RECORDING (REP) BRADFORD HARRISON (CA)
DEFENDANT IS NOT PRESENT IN COURT, BUT REPRESENTED BY BILL H. SEKI PRIVATE

COUNSEL
DEFENDANT APPEARING BY COUNSEL PURSUANT TO PENAL CODE SECTION 977 ET SEQ, BY
BILL H. SEKI PRIVATE COUNSEL
MATTER IS CONTINUED TO THE DATE AND TIME INDICATED
BELOW FOR ARRAIGNMENT AND PLEA.
.
AS A CONDITION OF OWN RECOGNIZANCE RELEASE, DEFENDANT IS ORDERED
NOT TO DRIVE WITHOUT A VALID CALIFORNIA DRIVER'S LICENSE AND NOT
TO DRIVE WITH ANY MEASURABLE AMOUNT OF ALCOHOL IN SYSTEM.
COURT ORDERS AND FINDINGS:
-THE COURT ORDERS THE DEFENDANT TO APPEAR ON THE NEXT COURT DATE.
WAIVES STATUTORY TIME.
NEXT SCHEDULED EVENT:
11/29/22 830 AM ARRAIGNMENT AND PLEA DIST METROPOLITAN COURTHOUSE DEPT
066

ON 11/29/22 AT 830 AM IN METROPOLITAN COURTHOUSE DEPT 066

CASE CALLED FOR ARRAIGNMENT AND PLEA
PARTIES: JERRY B. MARSHAK (JUDGE) ALAIN GALINDO (CLERK)
ELECTRONIC RECORDING (REP) BRADFORD HARRISON (CA)
DEFENDANT IS NOT PRESENT IN COURT, BUT REPRESENTED BY BILL H. SEKI PRIVATE
COUNSEL
DEFENDANT PLEADS NOT GUILTY TO COUNT 01, 23152(A) VC.
DEFENDANT PLEADS NOT GUILTY TO COUNT 02, 23152(B) VC.
DEFENDANT PLEADS NOT GUILTY TO COUNT 03, 16028(C) VC.
COURT ORDERS AND FINDINGS:
-THE COURT ORDERS THE DEFENDANT TO APPEAR ON THE NEXT COURT DATE.
-DO NOT DRIVE A MOTOR VEHICLE WITHOUT A VALID DRIVER'S LICENSE IN
YOUR POSSESSION OR WITHOUT LIABILITY INSURANCE IN AT LEAST THE
MINIMUM AMOUNTS REQUIRED BY LAW.
-DO NOT DRIVE ANY VEHICLE WITH ANY MEASURABLE AMOUNT OF ALCOHOL
OR DRUGS IN YOUR BLOOD OR REFUSE TO TAKE AND COMPLETE ANY BLOOD
ALCOHOL OR DRUG CHEMICAL TEST, ANY FIELD SOBRIETY TEST, AND ANY
PRELIMINARY ALCOHOL SCREENING TEST, WHEN REQUESTED BY ANY PEACE
OFFICER.
DEFENDANT DENIES PRIOR CONVICTION ON COUNT 01 FOR CASE 16HM0881.

DEFENDANT DENIES PRIOR CONVICTION ON COUNT 02 FOR CASE 16HM0881.
MATTER IS CONTINUED FOR PRE-TRIAL IN DEPARTMENT 74 AT 8:30 A.M.
ON JANUARY 23,2023.
.
TCIS ENTRY MADE BY D.GONZALEZ.
WAIVES STATUTORY TIME.
NEXT SCHEDULED EVENT:
01/23/23 830 AM PRETRIAL HEARING DIST METROPOLITAN COURTHOUSE DEPT 074
DAY 00 OF 45

CUSTODY STATUS: RELEASED ON OWN RECOGNIZANCE

ON 01/23/23 AT 830 AM IN METROPOLITAN COURTHOUSE DEPT 074

CASE CALLED FOR PRETRIAL HEARING
PARTIES: MARTHA MATTHEWS (JUDGE) RONALD SEGALINI (CLERK)
ELECTRONIC RECORDING (REP) JOSEF A. CASTIEL (CA)
DEFENDANT IS NOT PRESENT IN COURT, BUT REPRESENTED BY BILL H. SEKI PRIVATE

COUNSEL
DEFENDANT APPEARING BY COUNSEL PURSUANT TO PENAL CODE SECTION 977 ET SEQ, BY
BILL H. SEKI PRIVATE COUNSEL
ON DEFENSE MOTION PRETRIAL HEARING IS CONTINUED TO 2/9/23, AT
8:30AM, IN DEPARTMENT 74, AS DAY 0 OF 30, WITH LAST DAY 3/13/23.
COURT ORDERS AND FINDINGS:
-THE COURT ORDERS THE DEFENDANT TO APPEAR ON THE NEXT COURT DATE.
WAIVES STATUTORY TIME.
NEXT SCHEDULED EVENT:
02/09/23 830 AM PRETRIAL HEARING DIST METROPOLITAN COURTHOUSE DEPT 074
DAY 00 OF 30

CUSTODY STATUS: DEFENDANT REMAINS ON OWN RECOGNIZANCE

ON 02/09/23 AT 830 AM IN METROPOLITAN COURTHOUSE DEPT 074

CASE CALLED FOR PRETRIAL HEARING

PARTIES: MARTHA MATTHEWS (JUDGE) JUAN CARLOS OLIVARES (CLERK)
ELECTRONIC RECORDING (REP) JONATHAN ANDI TANG (CA)
DEFENDANT IS PRESENT IN COURT, AND REPRESENTED BY BILL H. SEKI PRIVATE COUNSEL
PRETRIAL HEARING IS TRAILED TO FEBRUARY 22, 2023, AT 8:30 A.M.
IN DEPARTMENT 74, AS DAY 13 OF 30.
.
LAST DAY REMAINS: 03-13-2023.
.
ENTRY BY: J.OLIVARES.
.
COURT ORDERS AND FINDINGS:
-THE COURT ORDERS THE DEFENDANT TO APPEAR ON THE NEXT COURT DATE.
NEXT SCHEDULED EVENT:
02/22/23 830 AM PRETRIAL HEARING DIST METROPOLITAN COURTHOUSE DEPT 074
DAY 13 OF 30

CUSTODY STATUS: DEFENDANT REMAINS ON OWN RECOGNIZANCE

ON 02/22/23 AT 830 AM IN METROPOLITAN COURTHOUSE DEPT 074

CASE CALLED FOR PRETRIAL HEARING
PARTIES: MARTHA MATTHEWS (JUDGE) JUAN CARLOS OLIVARES (CLERK)
ELECTRONIC RECORDING (REP) JONATHAN ANDI TANG (CA)
DEFENDANT IS PRESENT IN COURT, AND REPRESENTED BY BILL H. SEKI PRIVATE COUNSEL
'(1)NOTICE OF MOTION AND MOTION TO CONTINUE TRIAL DATE PURSUANT
TO PENAL CODE SECTION 1050; (2) MEMORANDUM OF POINTS AND
AUTHORITIES; AND (3) DECLARATION OF BILL H. SEKI IN SUPPORT
THEREOF' IS SUBMITTED AND FILED THIS DATE.
.
DEFENSE 1050 MOTION IS GRANTED.
.
PRETRIAL HEARING IS CONTINUED TO MARCH 30, 2023, AT 8:30 A.M.
IN DEPARTMENT 74, AS DAY 0 OF 30.
.
NEW LAST DAY: 05-01-2023.

.
ENTRY BY: J.OLIVARES.
.
COURT ORDERS AND FINDINGS:
-THE COURT ORDERS THE DEFENDANT TO APPEAR ON THE NEXT COURT DATE.
WAIVES STATUTORY TIME.
NEXT SCHEDULED EVENT:
03/30/23 830 AM PRETRIAL HEARING DIST METROPOLITAN COURTHOUSE DEPT 074
DAY 00 OF 30

CUSTODY STATUS: DEFENDANT REMAINS ON OWN RECOGNIZANCE

ON 03/30/23 AT 830 AM IN METROPOLITAN COURTHOUSE DEPT 074

CASE CALLED FOR PRETRIAL HEARING
PARTIES: MARTHA MATTHEWS (JUDGE) JUAN CARLOS OLIVARES (CLERK)
ELECTRONIC RECORDING (REP) JONATHAN ANDI TANG (CA)

DEFENDANT IS PRESENT IN COURT, AND REPRESENTED BY BILL H. SEKI PRIVATE COUNSEL
PRETRIAL HEARING IS CONTINUED TO APRIL 26, 2023, AT 8:30 A.M.
IN DEPARTMENT 74, AS DAY 0 OF 30.
.
NEW LAST DAY: 05-26-2023.
.
ENTRY BY: J.OLIVARES.
.
COURT ORDERS AND FINDINGS:
-THE COURT ORDERS THE DEFENDANT TO APPEAR ON THE NEXT COURT DATE.
WAIVES STATUTORY TIME.
NEXT SCHEDULED EVENT:
04/26/23 830 AM PRETRIAL HEARING DIST METROPOLITAN COURTHOUSE DEPT 074
DAY 00 OF 30

CUSTODY STATUS: DEFENDANT REMAINS ON OWN RECOGNIZANCE

ON 04/26/23 AT 830 AM IN METROPOLITAN COURTHOUSE DEPT 074

CASE CALLED FOR PRETRIAL HEARING

PARTIES: FREDERICK ROTENBERG (JUDGE) JUAN CARLOS OLIVARES (CLERK)
ELECTRONIC RECORDING (REP) JONATHAN ANDI TANG (CA)
DEFENDANT IS PRESENT IN COURT, AND REPRESENTED BY BILL H. SEKI PRIVATE COUNSEL
PRETRIAL HEARING IS CONTINUED TO MAY 25, 2023, AT 8:30 A.M.
IN DEPARTMENT 74, AS DAY 0 OF 30. DEFENDANT WAIVES TIME.
.
ENTRY BY: J.OLIVARES.
.
COURT ORDERS AND FINDINGS:
-THE COURT ORDERS THE DEFENDANT TO APPEAR ON THE NEXT COURT DATE.
WAIVES STATUTORY TIME.
NEXT SCHEDULED EVENT:
05/25/23 830 AM PRETRIAL HEARING DIST METROPOLITAN COURTHOUSE DEPT 074
DAY 00 OF 30

CUSTODY STATUS: DEFENDANT REMAINS ON OWN RECOGNIZANCE

ON 05/25/23 AT 830 AM IN METROPOLITAN COURTHOUSE DEPT 074

CASE CALLED FOR PRETRIAL HEARING
PARTIES: FREDERICK ROTENBERG (JUDGE) ERIK BUSTOS (CLERK)
ELECTRONIC RECORDING (REP) JONATHAN ANDI TANG (CA)
DEFENDANT IS NOT PRESENT IN COURT, BUT REPRESENTED BY BILL H. SEKI PRIVATE COUNSEL
DEFENDANT APPEARING BY COUNSEL PURSUANT TO PENAL CODE SECTION 977 ET SEQ, BY BILL H. SEKI PRIVATE COUNSEL
MATTER IS CONTINUED FOR PRETRIAL HEARING TO JULY 13, 2023, AT 8:30 A.M., IN DEPARTMENT 074 AS DAY 0 OF 30.
.
NO FURTHER CONTINUANCES.
COURT ORDERS AND FINDINGS:
-THE COURT ORDERS THE DEFENDANT TO APPEAR ON THE NEXT COURT DATE.
WAIVES STATUTORY TIME.

NEXT SCHEDULED EVENT:
07/13/23 830 AM PRETRIAL HEARING DIST METROPOLITAN COURTHOUSE DEPT 074
DAY 00 OF 30

CUSTODY STATUS: DEFENDANT REMAINS ON OWN RECOGNIZANCE

ON 07/13/23 AT 830 AM IN METROPOLITAN COURTHOUSE DEPT 074

CASE CALLED FOR PRETRIAL HEARING
PARTIES: JERRY B. MARSHAK (JUDGE) JUAN CARLOS OLIVARES (CLERK)
ELECTRONIC RECORDING (REP) MATTHEW P C BENHAM (CA)
DEFENDANT IS PRESENT IN COURT, AND REPRESENTED BY DAVID DIAMOND PRIVATE COUNSEL
APPEARING BY WEBEX(AUDIO).
PRIVATE COUNSEL BILL H. SEKI IS RELIVED AS DEFENSE COUNSEL.
.
PRIVATE COUNSEL DAVID DIAMOND IS APPOINTED AS DEFENSE COUNSEL.
.
'NOTICE OF MOTION AND MOTION TO SUPPRESS EVIDENCE; POINTS AND AUTHORITIES IN SUPPORT OF MOTION TO SUPPRESS EVIDENCE PURSUANT TO PENAL CODE 1538.5 AND NOTICE OF MOTION TO TRAVERSE WARRANT

(FRANKS V DELAWARE)' IS SUBMITTED AND FILED THIS DATE.
.
CASE IS TRANSFERRED TO DEPARTMENT 71 FOR 1538.5/FRANKS MOTION.
.
PRETRIAL HEARING AND 1538.5 MOTION IS CONTINUED TO AUGUST 03, 2023, AT 8:30 A.M., IN DEPARTMENT 71, AS DAY 0 OF 11.
.
DEFENDANT IS ORDERED TO APPEAR ON THE NEXT COURT DATE OR APPEAR 977(A) BY COUNSEL.
.
OR IS CONTINUED ON THE SAME TERMS AND CONDITIONS.
.
LAST DAY: 08-14-2023.
.

ENTRY BY: J.OLIVARES.
.
COURT ORDERS AND FINDINGS:
-THE COURT ORDERS THE DEFENDANT TO APPEAR ON THE NEXT COURT DATE.
WAIVES STATUTORY TIME.
NEXT SCHEDULED EVENT:
08/03/23 830 AM PRETRIAL AND MOTION DIST METROPOLITAN COURTHOUSE DEPT 071
DAY 00 OF 11

CUSTODY STATUS: DEFENDANT REMAINS ON OWN RECOGNIZANCE

ON 07/20/23 AT 830 AM :

BENCH BRIEF FILED

ON 08/03/23 AT 830 AM IN METROPOLITAN COURTHOUSE DEPT 071

NUNC PRO TUNC ORDER PREPARED. IT APPEARING TO THE COURT THAT THE MINUTE ORDER IN THE ABOVE ENTITLED ACTION DOES NOT PROPERLY REFLECT THE COURT'S ORDER. SAID MINUTE ORDER IS AMENDED NUNC PRO TUNC AS OF THAT DATE. ALL OTHER ORDERS ARE TO REMAIN IN FULL FORCE AND EFFECT. DETAILS LISTED AT END OF THIS MINUTE ORDER.
CASE CALLED FOR PRETRIAL AND MOTION
PARTIES: MARAL INJEJIKIAN (JUDGE) KIMBERLEY CROSBY (CLERK)
YVETTE BONILLA (REP) KAELEE EPSTEIN (CA)
DEFENDANT IS PRESENT IN COURT, AND REPRESENTED BY DAVID DIAMOND PRIVATE COUNSEL
PEOPLE OPPOSE THE MOTION BEING HEARD TODAY
.
MATTER TRANSFERRED FORTHWITH TO DEPARTMENT 74.
NEXT SCHEDULED EVENT:
08/03/23 900 AM PRETRIAL AND MOTION DIST METROPOLITAN COURTHOUSE DEPT 074

ON 08/03/23 AT 900 AM IN METROPOLITAN COURTHOUSE DEPT 074

CASE CALLED FOR PRETRIAL AND MOTION
PARTIES: JERRY B. MARSHAK (JUDGE) ALAIN GALINDO (CLERK)
ELECTRONIC RECORDING (REP) MATTHEW P C BENHAM (CA)
DEFENDANT IS PRESENT IN COURT, AND REPRESENTED BY DAVID DIAMOND PRIVATE COUNSEL
THE MATTER IS CALLED FOR HEARING ON MOTION PURSUANT TO PENAL CODE SECTION 1538.5.
.
WITNESS ERIC HERNANDEZ IS PLACED UNDER OATH AND TESTIFIES ON BEHALF OF THE PEOPLE.
.
THE MOTION IS HEARD, ARGUED, AND PLACED UNDER SUBMISSION.
.
THE MATTER IS CONTINUED FOR PRETRIAL AND MOTION HEARING TO AUGUST 09, 2023 AT 8:30 A.M., IN DEPARTMENT 74.
WAIVES STATUTORY TIME.

NEXT SCHEDULED EVENT:
08/09/23 830 AM PRETRIAL AND MOTION DIST METROPOLITAN COURTHOUSE DEPT 074
DAY 00 OF 15

CUSTODY STATUS: DEFENDANT REMAINS ON OWN RECOGNIZANCE

ON 08/09/23 AT 830 AM IN METROPOLITAN COURTHOUSE DEPT 074

CASE CALLED FOR PRETRIAL AND MOTION
PARTIES: JERRY B. MARSHAK (JUDGE) ALAIN GALINDO (CLERK)
ELECTRONIC RECORDING (REP) MATTHEW P C BENHAM (CA)
DEFENDANT IS PRESENT IN COURT, AND REPRESENTED BY DAVID DIAMOND PRIVATE COUNSEL APPEARING BY WEBEX
JOSEF CASTIEL (CA)
ORDER DENYING DEFENSE MOTION TO SUPPRESS EVIDENCE PURSUANT TO PENAL CODE SECTION 1538.5 AND MOTION TO TRAVERSE SEARCH WARRANT

IS FILED.
.
LAST DAY FOR TRIAL IS AUGUST 24, 2023.
.
ALL PARTIES HAVE ANNOUNCED READY.
.
TRIAL TIME ESTIMATE IS 07 DAYS.
.
THERE IS NO OUTSTANDING DISCOVERY.
.
THE PARTIES ARE ORDERED TO APPEAR IN DEPARTMENT 71 FOR TRIAL SETTING ON AUGUST 14, 2023 AT 8:30 A.M., AS DAY 05 OF 15.
NEXT SCHEDULED EVENT:
08/14/23 830 AM JURY TRIAL DIST METROPOLITAN COURTHOUSE DEPT 071
DAY 05 OF 15

CUSTODY STATUS: DEFENDANT REMAINS ON OWN RECOGNIZANCE

ON 08/09/23 AT 1000 AM :

NOTICE OF APPEAL CR-132 IS RECEIVED
MATTER PREV SET/REMAIN ON CLDR

ON 08/10/23 AT 830 AM :

MOTION FOR CONTINUANCE FILED

ON 08/10/23 AT 130 PM :

NOTICE OF MOTION AND MOTION TO STAY PROCEEDINGS PENDING APPEAL FILED.
.

ON 08/11/23 AT 400 PM IN METROPOLITAN COURTHOUSE DEPT CLK

CASE CALLED FOR NTC OF APPEAL FILED-DEFNDNT
PARTIES: NONE (JUDGE) NONE (CLERK)
NONE (REP) KAELEE EPSTEIN ()
DEFENDANT IS NOT PRESENT IN COURT, AND NOT REPRESENTED BY COUNSEL
NOTICE OF APPEAL RECEIVED AND FILED. L.C.
NEXT SCHEDULED EVENT:
MATTER PREV SET/REMAIN ON CLDR

ON 08/14/23 AT 830 AM IN METROPOLITAN COURTHOUSE DEPT 071

CASE CALLED FOR JURY TRIAL
PARTIES: JANA M. SENG (JUDGE) KIMBERLEY CROSBY (CLERK)
YVETTE BONILLA (REP) KAELEE EPSTEIN (CA)
DEFENDANT IS NOT PRESENT IN COURT, BUT REPRESENTED BY DAVID DIAMOND PRIVATE COUNSEL
DEFENDANT APPEARING BY COUNSEL PURSUANT TO PENAL CODE SECTION 977 ET SEQ, BY

DAVID DIAMOND PRIVATE COUNSEL
NOTICE OF MOTION AND MOTION TO STAY PROCEEDINGS PENDING APPEAL FILED.
.
DEFENSE 1050 MOTION HEARD, ARGUED AND GRANTED OVER THE PEOPLE'S OBJECTION AS INDICATED IN THE OFFICIAL COURT TRANSCRIPTS.
.
LAST DAY FOR TRAIL 10-11-23.
.
DEFENSE MOTION TO STAY PROCEEDINGS ID DENIED ISSUE WAS HEARD AND LITIGATED IN DEPT. 74 PREVIOUSLY.
.
COURT ORDERS AND FINDINGS:
-THE COURT ORDERS THE DEFENDANT TO APPEAR ON THE NEXT COURT DATE.
WAIVES STATUTORY TIME.
NEXT SCHEDULED EVENT:
09/26/23 830 AM PRETRIAL HEARING DIST METROPOLITAN COURTHOUSE DEPT 074
DAY 00 OF 15

ON 09/12/23 AT 200 PM :

NOTICE OF MOTION TO MOTION TO QUASH SUBPEONA FILED.

ON 09/19/23 AT 230 PM :

CALIFORNIA HIGHWAY PATROL'S OPPOSITION TO MOTION FOR PRETRIAL DISCOVERY IS FILED THIS DATE.
.
ENTRY BY: C. GONZALEZ.

ON 09/26/23 AT 830 AM IN METROPOLITAN COURTHOUSE DEPT 074

CASE CALLED FOR PRETRIAL HEARING
PARTIES: DAVID BERGER (JUDGE) ALAIN GALINDO (CLERK)
ELECTRONIC RECORDING (REP) MATTHEW P C BENHAM (CA)
DEFENDANT IS PRESENT IN COURT, AND REPRESENTED BY DAVID DIAMOND PRIVATE COUNSEL

JENNIFER M. YANG, OFFICE OF THE ATTORNEY GENERAL, APPEARS ON BEHALF OF CALIFORNIA HIGHWAY PATROL CUSTODIAN OF RECORDS

.

NAREK SHAMORADIAN, OFFICE OF THE ATTORNEY GENERAL, APPEARS ON BEHALF OF CALIFORNIA HIGHWAY PATROL CUSTODIAN OF RECORDS

ON COURTS OWN MOTION, THE MATTER IS CONTINUED FOR PRETRIAL HEARING TO OCTOBER 12, 2023 AT 8:30 A.M., IN DEPARTMENT 74.

.

LAST DAY: OCTOBER 27, 2023

.

ALL PARTIES ARE ORDERED TO APPEAR ON THE NEXT COURT DATE.

.

PREVIOUSLY ORDERED OWN RECOGNIZANCE CONDITIONS REMAIN IN EFFECT.
WAIVES STATUTORY TIME.
NEXT SCHEDULED EVENT:
10/12/23 830 AM PRETRIAL HEARING DIST METROPOLITAN COURTHOUSE DEPT 074
DAY 00 OF 15

CUSTODY STATUS: DEFENDANT REMAINS ON OWN RECOGNIZANCE

ON 09/27/23 AT 400 PM IN METROPOLITAN COURTHOUSE DEPT CLK

CASE CALLED FOR NTC-REPORTER PREP TRNSCRIPT
PARTIES: NONE (JUDGE) NONE (CLERK)
NONE (REP) MATTHEW P C BENHAM ()
DEFENDANT IS NOT PRESENT IN COURT, AND NOT REPRESENTED BY COUNSEL
FOR THE RECORD UPLOADED TO SHAREPOINT. L.C.
NEXT SCHEDULED EVENT:
MATTER PREV SET/REMAIN ON CLDR

ON 10/11/23 AT 830 AM :

CALIFORNIA HIGHWAY PATROL'S NOTICE OF MOTION AND MOTION TO QUASH DEFENSE SUBPOENA DUCES TECUM ID FILED THIS DATE.

.

.

MATTER PREV SET/REMAIN ON CLDR

ON 10/12/23 AT 830 AM IN METROPOLITAN COURTHOUSE DEPT 074

CASE CALLED FOR PRETRIAL HEARING
PARTIES: JERRY B. MARSHAK (JUDGE) ALAIN GALINDO (CLERK)
ELECTRONIC RECORDING (REP) MATTHEW P C BENHAM (CA)
DEFENDANT IS PRESENT IN COURT, AND REPRESENTED BY DAVID DIAMOND PRIVATE COUNSEL
APPEARING BY PAUL GELLER
JENNIFER M. YANG OFFICE OF THE ATTORNEY GENERAL APPEARS ON BEHALF OF CALIFORNIA HIGHWAY PATROL CUSTODIAN OF RECORDS

.

NAREK SHAMORADIAN OFFICE OF THE ATTORNEY GENERAL APPEARS ON BEHALF OF CALIFORNIA HIGHWAY PATROL CUSTODIAN OF RECORDS

.

DEFENDANT'S MOTION FOR PRETRIAL PITCHESS DISCOVERY IS GRANTED.

.

PEOPLE'S MOTION TO QUASH SUBPOENA DUCES TECUM IS GRANTED.
.
CALIFORNIA HIGHWAY PATROL'S MOTION TO QUASH DEFENSE SUBPOENA
DUCES TECUM IS GRANTED.
.
IN-CAMERA REVIEW OF CALIFORNIA HIGHWAY PATROL DOCUMENTS IS HELD.
.
THE MATTER IS SET FOR PRETRIAL HEARING ON OCTOBER 24, 2023
AT 8:30 A.M., IN DEPARTMENT 74.
.
LAST DAY: NOVEMBER 08, 2023
.
PREVIOUSLY ORDERED OWN RECOGNIZANCE CONDITIONS REMAIN IN EFFECT.
COURT ORDERS AND FINDINGS:
-THE COURT ORDERS THE DEFENDANT TO APPEAR ON THE NEXT COURT DATE.
WAIVES STATUTORY TIME.
NEXT SCHEDULED EVENT:
10/24/23 830 AM PRETRIAL HEARING DIST METROPOLITAN COURTHOUSE DEPT 074

DAY 00 OF 15

CUSTODY STATUS: DEFENDANT REMAINS ON OWN RECOGNIZANCE

ON 10/24/23 AT 830 AM IN METROPOLITAN COURTHOUSE DEPT 074

CASE CALLED FOR PRETRIAL HEARING
PARTIES: JERRY B. MARSHAK (JUDGE) MELISSA GARRIDO (CLERK)
ELECTRONIC RECORDING (REP) MATTHEW P C BENHAM (CA)
DEFENDANT IS NOT PRESENT IN COURT, BUT REPRESENTED BY DAVID DIAMOND PRIVATE
COUNSEL APPEARING BY WEBEX
DEFENDANT APPEARING BY COUNSEL PURSUANT TO PENAL CODE SECTION 977 ET SEQ, BY
DAVID DIAMOND PRIVATE COUNSEL APPEARING BY WEBEX
DEFENSE COUNSEL'S ORAL REQUEST TO CONTINUE THIS MATTER IS HEARD
AND GRANTED.
.
PRETRIAL HEARING IS CONTINUED TO NOVEMBER 28, 2023 AT 8:30 A.M.,
IN DEPARTMENT 74 AS DAY 0 OF 15.
.
LAST DAY: 12/13/2023.

COURT ORDERS AND FINDINGS:
-THE COURT ORDERS THE DEFENDANT TO APPEAR ON THE NEXT COURT DATE.
WAIVES STATUTORY TIME.
NEXT SCHEDULED EVENT:
11/28/23 830 AM PRETRIAL HEARING DIST METROPOLITAN COURTHOUSE DEPT 074
DAY 00 OF 15

CUSTODY STATUS: DEFENDANT REMAINS ON OWN RECOGNIZANCE.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Criminal Division

Metropolitan Dept. - 74

LAM2MN02194-01

November 28, 2023

The People of the State of California
vs.
GAXIOLA, GABRIEL

8:30 AM

Honorable Jerry B. Marshak, Judge
A. Galindo, Judicial Assistant

Proceedings Electronically Recorded,
Court Reporter

NATURE OF PROCEEDINGS: Pretrial Hearing

The following parties are present for the aforementioned proceeding:

David Douglas Diamond, Private Counsel via WEBEX
Matthew Peter Benham, Deputy City Attorney via WEBEX
Jennifer Mei Yang, California State Deputy Attorney General

The Defendant's presence is waived pursuant to Penal Code section 977(a).

The matter is called for Pretrial Hearing.

Code of Civil Procedures 170.3 Statement of Disqualification is stricken pursuant to Courts order dated November 27, 2023.

Pretrial and Motion day 00 of 30 is continued to **Tuesday, December 19, 2023**, at **8:30 AM**, **Metropolitan Dept. - 74**.
The Defendant waives time.

Last Day: 01/18/2024

Defendant Remains on Own Recognizance.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Criminal Division

Metropolitan Dept. - 74

LAM2MN02194-01 | **December 19, 2023**

The People of the State of California | **8:30 AM**

vs.

GAXIOLA, GABRIEL

Honorable Jerry B. Marshak, Judge
A. Galindo, Judicial Assistant

Proceedings Electronically Recorded,
Court Reporter

VC23152(a), VC23152(b), VC16028(C)

NATURE OF PROCEEDINGS: Pretrial Hearing

The following parties are present for the aforementioned proceeding:

David Douglas Diamond, Private Counsel via WEBEX
Matthew Peter Benham, Deputy City Attorney
Narek Shahmoradian, California State Deputy Attorney General

The Defendant's presence is waived pursuant to Penal Code section 977(a).

The matter is called for Pretrial Hearing.

Motion to quash testimony of DCA Tang is heard, argued, and granted.

California Highway Patrol's Motion To Quash Defense Subpoena Duces Tecum is heard, argued, and granted.

Order Requiring Discovery pursuant to Penal Code Section 1054.5 is conducted and completed.

Pretrial Hearing day 00 of 15 is continued to **Monday, January 8, 2024**, at **8:30 AM**, **Metropolitan Dept. - 74.**
The Defendant waives time.

Last Day: 01/23/2024

Defendant Remains on Own Recognizance.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Criminal Division

Metropolitan Dept. - 74

LAM2MN02194-01 | **January 8, 2024**

The People of the State of California | **8:30 AM**

vs.

GAXIOLA, GABRIEL

Honorable Jerry B. Marshak, Judge
A. Salgado, Judicial Assistant

Proceedings Electronically Recorded,
Court Reporter

VC23152(a), VC23152(b), VC16028(C)

NATURE OF PROCEEDINGS: Pretrial Hearing

The following parties are present for the aforementioned proceeding:

GABRIEL GAXIOLA, Defendant
David Douglas Diamond, Private Counsel via Webex
Matthew Peter Benham, Deputy City Attorney

The matter is called for Pretrial Hearing.

On Defendant's motion, Pretrial Hearing as Day 00 of 15 and Defense's Motion to Compel Discovery is continued to **Tuesday, January 30, 2024**, at **8:30 AM**, **Metropolitan Dept. - 74**.
The Defendant waives time for trial.
The Defendant is ordered to return on the above date.

Defendant Remains on Own Recognizance.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Criminal Division

Metropolitan Dept. - 74

LAM2MN02194-01

January 30, 2024

8:30 AM

The People of the State of California
vs.
GAXIOLA, GABRIEL

Honorable Jerry B. Marshak, Judge
A. Galindo, Judicial Assistant

Proceedings Electronically Recorded,
Court Reporter

VC23152(a), VC23152(b), VC16028(C)

NATURE OF PROCEEDINGS: Pretrial Hearing

The following parties are present for the aforementioned proceeding:

GABRIEL GAXIOLA, Defendant
David Douglas Diamond, Private Counsel
Matthew Peter Benham, Deputy City Attorney

The matter is called for Pretrial Hearing.

Defense written Motion To Compel is heard, argued, and denied.

Pretrial Hearing day 00 of 20 is continued to **Friday, February 9, 2024**, at **8:30 AM, Metropolitan Dept. - 74.**
The Defendant waives time.
The Defendant is ordered to return on the above date.
Last Day: 02/29/2024

Previously ordered own recognizance conditions remain in effect.

Defendant Remains on Own Recognizance.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Criminal Division

Metropolitan Dept. - 74

LAM2MN02194-01 | **February 9, 2024**

The People of the State of California | **8:30 AM**

vs.

GAXIOLA, GABRIEL

Honorable Jerry B. Marshak, Judge
A. Galindo, Judicial Assistant

Proceedings Electronically Recorded,
Court Reporter

VC23152(a), VC23152(b), VC16028(C)

NATURE OF PROCEEDINGS: Pretrial Hearing

The following parties are present for the aforementioned proceeding:

GABRIEL GAXIOLA, Defendant
David Douglas Diamond, Private Counsel
Matthew Peter Benham, Deputy City Attorney

The matter is called for Pretrial Hearing.

Written Advisement of Rights and Waivers is filed.

The Defendant is advised of, understands, and personally waives the following rights, the right against self incrimination, the right to confront and cross examine witnesses, the right to produce evidence and present a defense, the right to a Preliminary Hearing, and the right to a Trial by Court or Jury.

The Defendant is advised of the nature of charges, elements of the offenses, and possible defenses to such charges. The Defendant is advised of the possible consequences of a plea of guilty or nolo contendere, including maximum penalty and administrative sanctions and the possible legal effects and maximum penalties incident to subsequent convictions for the same or similar offenses.

The Defendant is advised that if not a United States citizen, a conviction of the offense charged will have the consequences of deportation, exclusion from admission or reentry to the United States, and denial of naturalization and amnesty.

The Defendant is advised of the effects of probation.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Criminal Division

Metropolitan Dept. - 74

LAM2MN02194-01 **February 9, 2024**

The People of the State of California **8:30 AM**

vs.

GAXIOLA, GABRIEL

Counsel for the Defendant joins in the waivers pursuant to People vs. West.
The Court finds that each waiver is knowingly, understandingly, voluntarily, and explicitly made.
The Court finds there is a factual basis for the Defendant's plea.
The Court accepts the plea.

Counsel for the Defendant joins in the waivers pursuant to People vs. Alford.

The Defendant admits a prior conviction in case number 16HM08811 on January 25, 2017 in Orange County.

As to Count 002: VC23152(b), Misdemeanor, the Defendant enters a plea of Nolo Contendere with the approval of the Court. The Court finds the Defendant guilty.

Disposition as to Count 002, VC23152(b), Misdemeanor: Conviction After Plea

The Defendant waives time for sentencing.

The Defendant waives arraignment for judgment and states there is no legal cause why sentence should not be pronounced. The Court orders the following judgment:

SUPERVISION:

As to Count 002 VC23152(b), Misdemeanor: Imposition of Sentence Suspended
Defendant is placed on **Summary Probation** for a period of **60 Months** upon the following terms and conditions:

CONDITIONS OF SUPERVISION:

DUI08: Not operate a motor vehicle with any measurable amount of alcohol in blood system.
DUI15: Do not drive a motor vehicle without a valid driver's license in your possession or without liability insurance in at least the minimum amounts required by law.
DUI16: Defendant advised to comply if ordered by Department of Motor Vehicles to install an Ignition Interlock Device as a condition of probation.
FIN01: Make restitution to the victim per Penal Code section 1202.4(f) in an amount to be determined at a hearing.
FIN13: Pay probation revocation restitution fine pursuant to Penal Code section 1202.44, which may be enforced in the manner provided for the enforcement of money judgment, in the amount of $150.00
PROB12: Obey all laws and orders of the Court.

LAM2MN02194-01 **February 9, 2024**

The People of the State of California **8:30 AM**
vs.
GAXIOLA, GABRIEL

PROB24: The Defendant is handed a copy of the conditions of probation in open court.
PROB26: Defendant acknowledges that they understand and accept each term and condition of probation.

Any mandatory and non-punitive fees or assessments ordered in this case are not conditions of supervision.

Unless otherwise specified, this order constitutes a single grant of supervision for multiple counts, and all terms and conditions imposed apply to all counts.

CONFINEMENT/FINE:

As to Count 002 VC23152(b), Misdemeanor:
The Defendant is ordered to serve 4 Days in City Jail as a condition of probation.
The Defendant is to pay a fine of $500.00 plus penalty assessments.

The Defendant is ordered to surrender to City Jail to serve 4 days in custody.

The Defendant enters a waiver in re People vs. Cruz.

PROGRAM(S):

- Enroll within 21 days from today or release from custody and successfully complete an approved **licensed 18 month Driving Under the Influence program**
- Enroll in and complete **MADD Victim Impact program**
- Attend 52 **Alcoholics/Narcotics Anonymous meetings** (at a rate of 2 times per week)

The Defendant submits and files proof of enrollment in the SB-38 Alcohol Education program.

DRIVER'S LICENSE CONDITION(S):

At the time of the offense the Defendant was under the influence of alcohol, with a blood alcohol level of .15%.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Criminal Division

Metropolitan Dept. - 74

LAM2MN02194-01 **February 9, 2024**

The People of the State of California **8:30 AM**

vs.

GAXIOLA, GABRIEL

The Defendant is advised and understands that being under the influence of alcohol or drugs, or both, impairs the ability to safely operate a motor vehicle, and is extremely dangerous to human life to drive while under the influence of alcohol or drugs, or both. Defendant is further advised that if as a result of driving under the influence of alcohol or drugs, or both, and someone is killed, the Defendant can be charged with murder.

Pay a restitution fine in the amount of $150.00 pursuant to Penal Code section 1202.4(b).

Case total fines and/or fees in the amount of $2,454.00 are due on or before Friday, August 9, 2024.

Progress Report is set for **Friday, April 12, 2024,** at **8:30 AM** in **Metropolitan Dept. - 74.**

The Defendant is ordered to return on the above date.

The matter is further set for Restitution Hearing Setting on the next court date.

The matter is set for Non-Appearance Proof of Jail Time on March 01, 2024.

Non-Appearance Hearing is set for **Friday, March 1, 2024,** at **8:30 AM** in **Metropolitan Dept. - 74.**

Disposition as to Count 001, VC23152(a), Misdemeanor: Dismissed Due to Plea Negotiation

Disposition as to Count 003, VC16028(C), Infraction: Dismissed Due to Plea Negotiation

Refusal allegation is stricken by request of the People.

Defendant On Probation.

Commitment issued.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Criminal Division

Metropolitan Dept. - 74

LAM2MN02194-01 | **March 1, 2024**

The People of the State of California | **8:30 AM**

vs.

GAXIOLA, GABRIEL

Honorable Jerry B. Marshak, Judge
A. Galindo, Judicial Assistant

Proceedings Electronically Recorded,
Court Reporter

VC23152(a), VC23152(b), VC16028(C)

NATURE OF PROCEEDINGS: Non-Appearance Hearing

The following parties are present for the aforementioned proceeding:

No Appearances

The matter is called for Non-Appearance Hearing.

The matter is calendared in error.

The matter previously set for April 12, 2024 at 8:30 AM in Department 74, remains on calendar.

Defendant On Probation.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Criminal Division

Metropolitan Dept. - 74

LAM2MN02194-01

April 12, 2024

8:30 AM

The People of the State of California
vs.
GAXIOLA, GABRIEL

Honorable Jerry B. Marshak, Judge
R. Segalini, Judicial Assistant

Proceedings Electronically Recorded,
Court Reporter

VC23152(a), VC23152(b), VC16028(C)

NATURE OF PROCEEDINGS: Progress Report

The following parties are present for the aforementioned proceeding:

David Douglas Diamond, Private Counsel

The Defendant's presence is waived pursuant to Penal Code section 977(a).
Nishi Dayal standing in for defense counsel.

The matter is called for Progress Report.

Defense counsel appears via webex. Proof of madd program and 4 days serve in custody is submitted.

On Court's motion, Progress Report is continued to **Wednesday, October 9, 2024**, at **8:30 AM**, **Metropolitan Dept. - 74**.

The Defendant is ordered to return on the above date.

Defendant On Probation.

COURT

SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

THE PEOPLE OF THE STATE OF CALIFORNIA,

VA 09/07/2022 Bkg no.

Plaintiff,

vs.

GABRIEL GAXIOLA [redacted] M
DBA/AKA:

VC23152(a)/77/40

VC23152(b)/77/40,VC16028(c)

Defendant(s).

MISDEMEANOR COMPLAINT

CCMS Case No.: 2MN02194
Court Case No.:

FILED
SHERRI R. CARTER
Executive Officer/Clerk

By_____
Deputy Clerk

FILED
Superior Court of California
County of Los Angeles
AUG 2 - 2022
Sherri R. Carter, Executive Officer/Clerk of Court
By _____ Deputy
Dawn Long

Issued by
MICHAEL N. FEUER
City Attorney

TALEEN TERTZAKIAN
Supervising Attorney

By: JOYCE YAMAMOTO
Deputy City Attorney
(AL)

Comes now the undersigned and states that he/she/they is/are informed and believe(s), and upon such information and belief declare(s):

COUNT I

That on or about 05/13/2022 at and in the City of Los Angeles, in the County of Los Angeles, State of California, a misdemeanor, to wit, violation of Subdivision (a) of Section 23152 of the California Vehicle Code was committed by the above-named defendant(s) (whose true name(s) to affiant is(are) unknown), who at the time and place last aforesaid, did unlawfully drive a vehicle while under the influence of an alcoholic beverage.

It is further alleged that at the time of arrest for the above offense, the defendant willfully refused a peace officer's request to submit to, and to complete, a chemical test and tests, of his and her blood, and breath, and urine to determine the alcoholic content and the drug content of his and her blood, as required by Subdivision (a) of Section 23612 of the California Vehicle Code and is thus subject to the additional punishment provided for in Vehicle Code Section 23577.

ALLEGATIONS OF PRIOR CONVICTIONS

It is further alleged, pursuant to Vehicle Code section 23540, that within 10 years of the above offense, the above-named defendant(s), (whose true name(s) to affiant is(are) unknown) committed a separate violation of the Vehicle Code that resulted in a conviction having occurred on and about the following date(s):

Code Section	Violation Date	Conviction Date	Docket No.	Court No.
VC23152B	07/10/2016	01/25/2017	16HM08811	30460

MCI 23152(a)/23577/23540/29

COUNT II

For a further, separate and second cause of action being a different offense, belonging to the same class of crimes and offenses set forth in Count I hereof, affiant further alleges that on or about 05/13/2022 at and in the City of Los Angeles, in the County of Los Angeles, State of California, a misdemeanor, to wit, violation of Subdivision (b) of Section 23152 of the California Vehicle Code was committed by the above-named defendant(s) (whose true name(s) to affiant is(are) unknown), who at the time and place last aforesaid, did unlawfully drive a vehicle while having 0.08 percent and more, by weight of alcohol in his and her blood.

It is further alleged that at the time of arrest for the above offense, the defendant willfully refused a peace officer's request to submit to, and to complete, a chemical test and tests, of his and her blood, and breath, and urine to determine the alcoholic content and the drug content of his and her blood, as required by Subdivision (a) of Section 23612 of the California Vehicle Code and is thus subject to the additional punishment provided for in Vehicle Code Section 23577.

ALLEGATIONS OF PRIOR CONVICTIONS

It is further alleged, pursuant to Vehicle Code section 23540, that within 10 years of the above offense, the above-named defendant(s), (whose true name(s) to affiant is(are) unknown) committed a separate violation of the Vehicle Code that resulted in a conviction having occurred on and about the following date(s):

Code Section	Violation Date	Conviction Date	Docket No.	Court No.
VC23152B	07/10/2016	01/25/2017	16HM08811	30460

MCI 23152(b)/23577/23540/29

COUNT III

For a further, separate and third cause of action being a different offense, belonging to the same class of crimes and offenses set forth in Count I hereof, affiant further alleges that on or about 05/13/2022 at and in the City of Los Angeles, in the County of Los Angeles, State of California, a infraction, to wit, violation of Subdivision (c) of Section 16028 of the California Vehicle Code was committed by the above-named defendant(s) (whose true name(s) to affiant is (are) unknown), who at the time and place last aforesaid, did willfully and unlawfully fail to furnish written evidence of financial responsibility upon the request of a peace officer, and regularly employed and salaried employee of a city and county who had been trained as a traffic collision investigator who was summoned to the scene of an accident described in Section 16000 of the California Vehicle Code.

It is further alleged that the defendant was the driver of a motor vehicle that was involved in the accident.

TCIS 16028(c)/29

All of which is contrary to the law and against the peace and dignity of the People of the State of California.

I declare under penalty of perjury, based on information and belief, under the laws of the State of California that the foregoing is true and correct.

Declarant and Complainant

8/9/22

Date

[Signature of Reviewing Deputy City Attorney]

Joyce Yamamoto

[Print Name of Reviewing Deputy City Attorney]

INFORMAL DISCOVERY NOTICE

TO THE ABOVE-NAMED DEFENDANT(S) AND/OR ATTORNEY(S) FOR DEFENDANT(S):

Plaintiff, the People of the State of California, hereby requests discovery/disclosure from the defendant(s) and his or her attorney(s) in this case pursuant to Penal Code Sections 1054.3 and 1054.5.

YOU ARE HEREBY NOTIFIED that if complete disclosure is not made within 15 days of this request, plaintiff will seek -- on or before the next court date, or as soon as practicable thereafter -- a court order enforcing the provisions of Penal Code Section 1054.3, subdivision (a). This is an ongoing request for any of the listed items which become known to the defendant(s) and his or her attorney(s) after the date of compliance.

The written statements and reports attached hereto constitute discoverable materials designated in Penal Code Section 1054.1. Any additional material discoverable pursuant to Penal Code Section 1054.1 that becomes known to plaintiff will be provided to the defense.

If, prior to or during trial, as a result of this request plaintiff obtains additional evidence or material subject to disclosure under a previous defense request or court order pursuant to Penal Code Section 1054.1, plaintiff will disclose the existence of that evidence or material within a reasonable time.

DISCOVERY MATERIALS SHOULD BE DELIVERED TO A DEPUTY CITY ATTORNEY IN MASTER CALENDAR COURT ON THE FIRST TRIAL DATE.

In the matter of	)	
GABRIEL GAXIOLA	)	
SERGEANT	)	BF NO. 31586
Serial No. 35056	)	CF NO. 22-001392

REHABILITATION AGREEMENT

I, GABRIEL GAXIOLA, Serial No. 35056 hereby admit that I have engaged in misconduct that warrants the imposition of discipline. I understand that after reviewing my personnel complaint, the Board in this Board of Rights is willing to hold my penalty in abeyance while I participate in a rehabilitation program. I also understand that at the successful conclusion of such program, the Board will then determine an appropriate penalty.

I further understand that should I fail to comply with any of the conditions of this Rehabilitation Agreement (this "Agreement"), the Board will immediately impose discipline that could include my termination. I have been apprised of my right to an immediate penalty recommendation and of the reasons for holding the penalty recommendation in abeyance. Additionally, I agree to accept the penalty as determined by the Board upon my successful completion of the terms of this Agreement.

I hereby agree that I will:

1. Involve myself in an alcoholic rehabilitation program advised by the Alcohol and Substance Prevention Unit, resume therapy through Behavioral Sciences Services Section ("BSSS") no later than one week following my signing of this Agreement. Such Program shall in no way limit but expand, the conditions set forth in this Agreement.

2. Enroll in and attend an Alcoholics Anonymous 12-Step Program, attending 90 sessions in 90 days.

3. Upon completion of the program identified in item 2 above, while off-duty attend for the duration of the one year from the date of this Agreement, AA meetings three times each week for the first six months and at least two times each week for the next six months.

4. Involve myself in a post-traumatic stress rehabilitation program as directed by BSSS. Enrollment shall be no later than one week following signing of this Agreement. Such program shall in no way limit, but may expand, the conditions set forth in this Agreement.

5. Maintain records of attendance and provide proof of attendance at the above programs and meetings as well as certification of completion thereof, upon

completion, to my designated supervisor and commanding officer on a quarterly basis no later than two weeks prior to a scheduled appearance before the board of rights. Such records shall be promptly provided to the Board by the Department Advocate.

6. Identify and maintain regular contact with an Alcoholics Anonymous sponsor for one year from the date of this Agreement.

7. Provide proof of contact with an Alcoholics Anonymous sponsor to my designated supervisor and commanding officer on a quarterly basis no later than two weeks prior to a scheduled appearance before the board of rights. Such proof of contact shall be promptly provided to the Board by the Department Advocate.

8. Abstain from use of any and all alcoholic beverages, regardless the percentage alcohol content, for the period of one year from the date of this Agreement.

9. While off-duty not frequent any establishment, whose primary business is selling alcoholic beverages.

10. Submit to a breath substance test a minimum of twice a month, at random. Officer acknowledges and agrees that such testing, as directed by a supervisor, may take place either at work or at home.

11. Submit to a special rating report on my duty performance prior to the scheduled quarterly follow-up telephonic meetings of this Board, set for 9 a.m. April 18, 2024 (1st Qtr), July 25, 2024 (2nd Qtr), and October 24, 2024 (3rd Qtr).

12. The final meeting in-person on January 24, 2025, at 9:00 am. The rating report will provide information on the following:

    a. Timeliness in reporting to work;
    b. Sick days;
    c. Appearance; and
    d. Attitude toward public, peers and supervisors

    A copy of each rating report will be provided to the Employee Assistance Unit and to the Board via the Internal Affairs Group.

13. Participate in any *additional counseling or rehabilitation group* as directed by BSSS or other psychological service from which I have sought counseling. I understand I have to pay a fee for any counseling provided by an outside service.

14. By signing the attached waiver, authorize the release of the results of the counseling program or programs to my commanding officer.

15. Agree to obtain special days off, sick days, or IOD days only through my immediate supervisor or commanding officer.

    A copy of each rating report will be provided to Employee Assistance Unit and to the Board via the Internal Affairs Group.

16. At the Discretion of the Addiction Prevention Unit, participate in roll call training or other training programs concerning alcoholism, prost-traumatic stress disorder and /or anger management.

17. Agree to my command officer submitting a report to the Board of Rights at least once each quarter for one year from the date of this Agreement, via Internal Affairs Group, on my duty performance and adherence to this Agreement. The first such report shall be provided two days before each quarterly review meetings as referenced in paragraph 11, above.

18. At the conclusion of this Agreement, I agree that the Department shall have the right to seek an additional period of monitoring not to exceed two years. I agree to cooperate with whatever extension is proposed, if any.

I understand that the Board of Rights has requested the Chief of Police to direct my commanding officer to monitor my compliance to the conditions of this Agreement and to notify the Department Advocate, Internal Affairs Group, should I fail to comply with any of the above conditions. I further understand that the Advocate will cause the Board of Rights and the Chief of Police to be notified of such failure to comply with any of the above conditions.

Finally, understand that my failure to comply with the conditions of this Rehabilitation Agreement may be deemed by the Board of Rights to be insubordination and will lead to termination from the Department.

SGT 35056 — 1/26/24
Rank GABRIEL GAXIOLA, Serial No. 35056 — Date

Approved as to form: — 1/26/2024
BILL SEKI, Attorney for ACCUSED — Date

ANGELA OH, Board Chair — 1/26/24 Date

JENNIFER LEVINE, Associate Board Member — Date: 1/26/24

PATRICIA STRONG FARGAS, Associate Board Member — Date: 1/26/24

Department Advocate
Lieutenant Javier Sanchez — Date: 1/29/24

Department Associate Advocate
Sergeant Peter Pak — Date: 01-26-2024

WAIVER
CF NO. 22-001392

I, ACCUSED, GABRIEL GAXIOLA, Serial No. 35056, hereby authorize the release of information about the results of my participation in counseling to my commanding officer and the commanding officer of any division to which I may be loaned, pursuant to my participation in a rehabilitation program. I further authorize my designated supervisor, commanding officer, and Behavioral Science Services or other psychological service to retain a copy of my rehabilitation agreement for the purpose of monitoring my compliance with the stated conditions. I hereby waive my right of privacy and confidentiality as to the rehabilitation agreement and the investigation from which it arose for the purpose of assisting me in completing this agreement.

35056 1/26/24

GABRIOLA GAXIOLA , Serial No. 35056 Date

PAC 32478 1/26/24

Witness

16-001876

Los Angeles Police Department

Detective II K. Merrill #35814
The Bradbury Building
Suite 225
Office 213-473-4256
Fax 213-473-6700

TO:

FAX

Date: 7/20/16

Page 1 of 1

From: Detective II Merrill Internal Affairs Group.

To: Laguna Beach Records

FROM

Fax #: 949-497-0772

Phone#: (949) 497-0701

Re: **I am requesting a copy of DUI arrest report #16-02672**
Thank you.
*****
I can be reached at 213-473-4256 and fax is 213-473-6700

Incident/Investigation Report

Agency: LBPD Case Number: 16-02672 Date: 07/20/2016 21:41:58

Incident Information

Date/Time Reported	Date/Time Found	Date/Time Found	Officer
07/10/2016 02:07	07/10/2016 02:07	07/10/2016 02:07	(31348) MCGUIRE, THOMAS

Incident Location	
COAST HWY / VISTA DEL SOL, LAGUNA BEACH, CA 92651	

Charges

	Charge Type	Description	Statute	UCR	
1	State	MISD - DUI ALCOHOL	23152 (A) VC	90D	☐ Att ☑ Com

Alcohol, Drugs or Computers Used	Location Type	Premises Entered	Forced Entry	Weapons
☑ Alcohol ☐ Drugs ☐ Computers	HIGHWAY/ROAD/ALLEY		☐ Yes ☑ No	1. 2. 3.

Entry	Exit	Criminal Activity

Bias Motivation	Bias Target	Bias Circumstances	Hate Group

Victims

Seq #	Type	Injuries	Residency Status	Ethnicity
1	SOCIETY/ PUBLIC	None		

Name(Last, First, M)	Race	Sex	DOB	Age
STATE OF CALIFORNIA				

Address	Home Phone

Employer Name/Address	Business Phone

Victim of Crimes	
1	

Incident/Investigation Report

Agency: LBPD **Case Number:** 16-02672 **Date:** 07/20/2016 21:41:58

Type	Name(Last, First, M)
INDIVIDUAL	GAXIOLA, GABRIEL

AKA	Race	Sex	DOB	Age	Height	Weight
	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]	[redacted]

Address	Home Phone
[redacted]	

Employer Name/Address	Business Phone
LAPD LOS ANGELES, CA	

Scars, Marks, Tatoos or other distinguishing features

Physical Characteristics

Suspect Details

Description	Serial Number	Make/Model
EMPTY 12OZ MICHELOB ULTRA BEER BOTTLE		ANHEUSER-BUSCH /

Owner	License / State	Color
GAXIOLA, GABRIEL		BROWN

Status	Status Officer	Quantity	Units of Measure	Value
EVIDENCE	(31348) MCGUIRE, THOMAS	1.00		$1.00

Gun Type	Caliber	Finish	Grip	Gun Stock

Condition	Gun Test	Test Type	Sight Test	Sight Type
	☐ Yes ☑ No		☐ Yes ☑ No	

Property Notes

Incident/Investigation Report

Agency: LBPD **Case Number:** 16-02672 **Date:** 07/20/2016 21:41:58

Vehicle

Year	Color	Style	Make	Model
2016	BLACK	SUV	FORD	EXPLORER

VIN	License Plate Type	License / State	License Year	Owner
[redacted]9745	REGULAR	[redacted] / CA	0	CITY OF LOS ANGELES

Status	Status Date	Value
		$0.00

Vehicle Notes

Assisting Officer(s)

[redacted]

Incident/Investigation Report

Agency: LBPD Case Number: 16-02672 Date: 07/20/2016 21:41:58

[redacted]

On July 10, 2016, at approximately 0207 hours, I was working uniformed patrol in marked patrol unit 858, which is equipped with an emergency siren and an overhead light bar with a steady, forward facing red light. I was driving southbound in the number two lane of Coast Hwy., approaching West St., when I began monitoring the driving of the vehicle in front of me, a black Ford SUV with no license plates.

As the Ford passed through the intersection of Coast Hwy. and West St., the vehicle suddenly changed from the number two lane to the number one lane, in front of another vehicle, without signaling, a violation of CVC 22107-unsafe lane change. The Ford then quickly accelerated and changed back into the number two lane, in front of another vehicle. I continued following the Ford, and as it passed the intersection of 7th Ave. and Coast Hwy., I paced the vehicle at 70 mph in a 40 mph zone, a violation of CVC 22350-basic speed law, and CVC 22349-maximm speed.

I activated my overhead emergency lights and siren as the Ford approached the Coast Hwy./Vista Del Sol intersection. As the vehicle neared the Coast Hwy. and Via Mentone intersection, the driver signaled, slowed to approximately 30 mph. The vehicle briefly pulled to the shoulder, then reentered the number two lane and continued driving southbound before ultimately yielding at the intersection of Coast Hwy. and Crown Valley Pkwy.

Once the vehicle yielded, I believed the Ford was an unmarked police unit. Upon contacting the driver and sole occupant of the vehicle, he identified himself via his California driver license as Gabriel Gaxiola. Gaxiola informed me he was a Police Officer with the Los Angeles Police Department, and was currently assigned to the SWAT team.

While speaking with Gaxiola, I noticed his eyes were bloodshot and watery, his speech was slow and slurred, and I smelled an odor of an alcoholic beverage emanating from the vehicle.

Sergeant Cota and Officer Drake arrived on scene to assist me.

I instructed Gaxiola to exit his vehicle and he met with me at the entrance to the Monarch Bay gated community.

I administered a Horizontal Gaze Nystagmus (HGN) test on Gaxiola, during which, I observed a lack of smooth pursuit. During the test, it appeared as though Gaxiola was not following the stimulus.

Officer Drake also administered an (HGN) test. Officer Drake informed me that during his test, he observed a lack of smooth pursuit, HGN was distinct and sustained at maximum deviation, and the onset of HGN was prior to 45 degrees.

I asked Gaxiola the preliminary investigative questions from the DUI arrest, and recorded his answers on the face page of the form.

Next, I explained and demonstrated a series of NHTSA validated Standardized Field Sobriety Tests (SFSTs) to Gaxiola. Prior to attempting each test, Gaxiola confirmed he understood my instructions. My observations of Gaxiola's performance on the SFSTs is recorded on the above referenced DUI arrest form.

I offered Gaxiola the opportunity to submit to a Preliminary Alcohol Screening (PAS) test, but he declined to take the test.

Incident/Investigation Report

Agency: LBPD **Case Number:** 16-02672 **Date:** 07/20/2016 21:41:58

Based upon the objective symptoms of alcohol intoxication observed, his performance on the SFSTs, and his impaired driving, I placed Gaxiola under arrest for CVC 23152(a)-DUI, and handcuffed him without incident.

Per CVC 23612, I informed Gaxiola of his option to submit to a chemical test of his breath or blood, and he elected to submit a blood sample.

I placed Gaxiola in the rear seat of my patrol car and transported him to the Laguna Beach Jail, where he was booked and later released on his own recognizance. Gaxiola was later released to LAPD Lieutenant L. McMillion.

During the booking process, a representative from CFP, Laurel Rodin, CPT-1, responded to the Laguna Beach Jail to withdraw the blood sample. At 0325 hours, Rodin withdrew a sample of Gaxiola's blood from Gaxiola's right arm and subsequently placed it into vial number 650518. Rodin retained the vial as evidence.

Since the vehicle Gaxiola was driving contained his department issued weapons, it was driven to the Laguna Beach Police Department and secured in the sally port.

Officer Drake later informed me he located an open Michelob Ultra beer bottle in the front of the passenger compartment of the Ford. Officer Drake later booked the beer bottle as evidence.

This contact was digitally recorded via the MVS in units 858 and 853.

ARREST REPORT

Fingerprinted: [X] Yes [ ] No | R84 Completed: [ ] Yes [ ] No

IDENTIFICATION

1 ORI #	2 AGENCY NAME	3a ARREST #	3b CASE #	4 SFX
[redacted]	LAGUNA BEACH POLICE DEPARTMENT	2016001178	16-02672	

5 LAST, FIRST, MIDDLE NAME: Gaxiola, Gabriel

6 ALIAS AKA:

7 [redacted]	8 HGT.	9 WGT.	10 EYE	11 HAIR	12 SKIN	13 SCARS	MARKS	TATTOOS	AMPUTATIONS
	[redacted]	[redacted]	[redacted]	[redacted]			[X]		

14 PLACE OF BIRTH (CITY, COUNTY, STATE): [redacted]

15 SSN: [redacted]

16 DATE OF BIRTH: [redacted]

17 AGE: [redacted]

18 MISCELLANEOUS ID #:

19 SID #:

20 FBI #:

21 FINGERPRINT CLASS — KEY MAJOR PRIMARY SCDV SUB-SECONDARY FINAL

HENRY CLASS

NCIC CLASS

22 DL #: [redacted]

23 ST: CA

24 IDENTIFICATION COMMENTS:

25 [ ] RESIDENT [X] NON-RESIDENT

27 HOME ADDRESS (STREET, CITY, STATE, ZIP): [redacted]

28 RESIDENCE PHONE:

29 OCCUPATION (BE SPECIFIC): Police Officer

30 EMPLOYER (NAME OF COMPANY/SCHOOL): Lapd

31 BUSINESS ADDRESS (STREET, CITY, STATE, ZIP): Los Angeles, Ca

32 BUSINESS PHONE:

ARREST

33 LOCATION OF ARREST (STREET, CITY, STATE, ZIP): Vista Del Sol / Coast Hwy Laguna Beach, Ca

34 SECTOR #:

35 ARRESTED FOR YOUR JURISDICTION? [X] YES [ ] NO — [X] IN STATE [ ] OUT STATE AGENCY

36 CONDITION OF ARRESTEE: [ ] DRUNK [ ] SOBER [ ] DRINKING [ ] DRUGS

37 RESIST ARREST? [ ] YES [ ] NO

38 INJURIES? [ ] NONE [ ] OFFICER [ ] ARRESTEE

39 ARMED? [ ] Y [X] N

40 DESCRIPTION OF WEAPON:

41 DATE OF ARREST: 07/10/2016...

42 TIME OF ARREST: 02:38 [ ] 1. AM [X] MIL. [ ] 2. PM

43 DAY OF ARREST: [ ] SU [X] M [ ] T [ ] W [ ] T [ ] F [ ] S

44 TYPE ARREST OFFICER...

45 ARRESTED BEFORE? [ ] YES [ ] NO [X] UNKNOWN

46 CHARGE-1 [ ] FEL [X] MISD: Misd - Dui Alcohol	47 UCR CODE: 90D	50 STATE CODE/LOCAL ORD.: 23152 (A) VC	51 WARRANT #:	DISPOSITION:	52 DATE ISSUED:
48 CHARGE-2 [ ] FEL [ ] MISD	49 UCR CODE:	53 STATE CODE/LOCAL ORD.:	54 WARRANT #:	DISPOSITION:	55 DATE ISSUED:
56 CHARGE-3 [ ] FEL [ ] MISD	57 UCR CODE:	60 STATE CODE/LOCAL ORD.:	61 WARRANT #:	DISPOSITION:	62 DATE ISSUED:
58 CHARGE-4 [ ] FEL [ ] MISD	59 UCR CODE:	63 STATE CODE/LOCAL ORD.:	64 WARRANT #:	DISPOSITION:	65 DATE ISSUED:

65 ARRESTED WITH (1) ACCOMPLICE (FULL NAME):

66 ARREST DISPOSITION: Misdemeanor

67 ARRESTED WITH (2) ACCOMPLICE (FULL NAME):

VEHICLE

70 VYR	71 VMA	72 VMO	73 VBT	74 VCO TOP / BOTTOM	75 TAG #	76 LIS	77 LIY

78 VIN:

79 IMPOUNDED? [ ] YES [ ] NO

80 STORAGE LOCATION/IMPOUND #:

VEHICLE RELATED TO:

VEHICLE RELATION:

81 OTHER EVIDENCE SEIZED/PROPERTY SEIZED:

[ ] CONTINUED IN NARRATIVE

JUVENILE

82 JUVENILE DISPOSITION: [ ] HANDLED AND RELEASED [ ] REF. TO WELFARE AGENCY [ ] REF. TO ADULT COURT [ ] REF. TO JUVENILE COURT [ ] REF. TO OTHER POLICE AGENCY

83 RELEASED TO:

84 PARENT OR GUARDIAN (LAST, FIRST, MIDDLE NAME):

85 ADDRESS (STREET, CITY, STATE, ZIP):

86 PHONE:

87 PARENTS EMPLOYER:

88 OCCUPATION:

89 ADDRESS (STREET, CITY, STATE, ZIP):

90 PHONE:

RELEASE

91 DATE AND TIME OF RELEASE: [ ] 1 AM [ ] 2 PM [ ] MIL.

92 RELEASING OFFICER NAME:

93 AGENCY/DIVISION:

94 ID #:

96 RELEASED TO:

98 AGENCY/DIVISION:

97 AGENCY ADDRESS:

98 PERSONAL PROPERTY RELEASED TO ARRESTEE [ ] YES [ ] NO [ ] PARTIAL

99 PROPERTY NOT RELEASED/HELD AT:

100 PROPERTY #:

101 REMARKS (NOTE ANY INJURIES AT TIME OF RELEASE):

LOCAL USE:

102 SIGNATURE OF RECEIVING OFFICER:

103 SIGNATURE OF RELEASING OFFICER:

STATE USE:

MULTIPLE CASES CLOSED	104 CASE #	105 SFX	106 CASE #	107 SFX	108 CASE #	109 SFX	110 ADDITIONAL CASES CLOSED NARRATIVE [ ] Y [ ] N

111 ARRESTING OFFICER (LAST, FIRST, M.I.)	112 ID #	113 ARRESTING OFFICER (LAST, FIRST, M.I.)	114 ID #	115 SUPERVISOR	116 WATCH CMDR. ID #
Mcguire, Thomas	31348			Ramos ID # 26834	

Los Angeles Police Department

Complaint Adjudication Form

12/27/2016 <== Date on the IAG, ARS-Communication Slip, or on the chain of command investigation (Manual Section 3/824).	CF No. 16-001876

EMPLOYEE: ☐ Multiple Employees

LAST NAME, FIRST M.I.	SERIAL NO.	RANK AT TIME OF INCIDENT	AREA/DIV. AT TIME OF INCIDENT	DUTY STATUS	ARRESTED
GAXIOLA, Gabriel ☐ UNKNOWN	35056	P-3	Metropolitan	☐ ON ☑ OFF	☑ YES ☐ NO

ASSIGNMENT TYPE AT TIME OF INCIDENT: ☐ PATROL ☐ AREA DETECTIVE ☐ ADMIN/COVETED ☑ SPECIALIZED DIV ☐ UNIFORM GED

COMPLAINANT (LAST NAME, FIRST, M.I.) ☑ DEPARTMENT

ADJUDICATION SUMMARY: Enter allegation number(s) under the respective dispositions. Check Military endorsement for the disposition recommended.

	SUSTAINED	NOT RESOLVED	UNFOUNDED	EXONERATED	INSUFFICIENT EVIDENCE TO ADJUDICATE	OTHER JUDICIAL REVIEW	PENALTY: No Penalty	Admon	OR	Susp Days	Demotion	Discharge or Term on Probation	BOR
Division Commanding Officer	1, 2, 3						☐	☐	☑		☐	☐	☐
Area Commanding Officer							☐	☐	☐		☐	☐	☐
Group Commanding Officer							☐	☐	☐		☐	☐	☐
Bureau Commanding Officer							☐	☐	☐		☐	☐	☐
Chief of Police							☐	☐	☐		☐	☐	☐

PENALTY RATIONALE: (Explain, if recommendation deviates from Penalty Guide.) ☐ PTC (See attached Form 1.13 for findings and penalty recommendation.)

☐ Continued on back

DIVISION COMMANDING OFFICER'S SIGNATURE	SERIAL NO.	DATE	EMPLOYEE'S SIGNATURE (ADMONISHMENT ONLY)	SERIAL NO.	DATE
Captain Greg D. McManus #33931		1/20/17			
GROUP/AREA COMMANDING OFFICER'S SIGNATURE	SERIAL NO.	DATE	☐ Concur ☐ Military Endorsement (See back page.)		
Captain Greg D. McManus #33931		1/20/17			
BUREAU COMMANDING OFFICER'S SIGNATURE	SERIAL NO.	DATE	☐ Concur ☑ Military Endorsement (See back page.)		
Beaver E. [illegible]	25958	3/31/17			

FINAL DEPARTMENT ACTION — Internal Affairs Group Use Only

NO REPLY — SEE 15.2 PD, 6/1/17 — NO 3.29 7/25/17

☐ CSC OVERULE ☐ BOR - GUILTY (Counts:) ☐ BOR - NOT GUILTY (Counts:)

NAMED EMPLOYEE (LAST NAME, FIRST, MI)	☐ UNKNOWN	CF No.
Gaxiola, Gabriel		16-001876

EMPLOYEE INTERVIEW

EMPLOYEE INVESTIGATION REVIEW

Other than Sustained, Admonishments, or Official Reprimand

This complaint investigation has been completed. A review of the investigation has resulted in the proposed findings listed on the front of this form. You have the opportunity to review the completed investigation, including the letter of transmittal, and to make a written response. Any such response must be in writing and submitted to the commanding officer listed on the front of this form with 30 calendar days of this service. Thirty days from that date will be:

NOTICE OF PROPOSED DISCIPLINARY ACTION

Notice of Proposed Disciplinary Action

This complaint investigation has been completed. A review of the investigation has resulted in the proposed findings listed on the front of this form. You are hereby notified that I am proposing to the Chief of Police that you receive the penalty specified on the front of this form for the allegations sustained in the findings, which are attached to this form **You have an opportunity to respond orally or in writing by:** June 20, 2017

Your response will be reviewed by the Chief of Police for evaluation prior to adjudication of this matter.

The employee shall initial the boxes that apply:

- GG I have received a copy of the investigation materials.
- ☐ I have waived my right to receive a copy of the investigative material.
- GG I was informed of my right to respresentation prior to discussing this matter.
- ☐ I intend to submit a response.
- GG I do not intend to submit a response.
- ☐ I have received documentation regarding my fitness and suitability to perform the duties of my position (civilian employee).

I have discussed this matter with the employee.	Your signature acknowledges receipt of materials, but does not indicate concurence with my recommendations.
DIVISION COMMANDING OFFICER'S SIGNATURE SERIAL NO. DATE 26086 6/14/17	EMPLOYEE'S SIGNATURE SERIAL NO. DATE 3856 6/14/17

C/O'S RESPONSE TO EMPLOYEE:

Date response received:

- ☐ No employee response was submitted by the date specified.
- ☐ After reviewing the employee's response, I found no new information to cause me to change my recommended findings and/or penalty.
- ☐ A review of the employee's response has caused me to take the following actions: (See below).

RECEIVED
JUN 22 2017 RJ
ADVOCATE SECTION
INTERNAL AFFAIRS GROUP

☐ See continuation page.

MILITARY ENDORSEMENT RATIONALE:

☐ See continuation page.

NAMED EMPLOYEE (LAST NAME, FIRST, MI)	☐ UNKNOWN	CF No.
GAXIOLA, Gabriel		16-001876

EMPLOYEE INTERVIEW

EMPLOYEE INVESTIGATION REVIEW

Other than Sustained, Admonishments, or Official Reprimand

This complaint investigation has been completed. A review of the investigation has resulted in the proposed findings listed on the front of this form. You have the opportunity to review the completed investigation, including the letter of transmittal, and to make a written response. Any such response must be in writing and submitted to the commanding officer listed on the front of this form with 30 calendar days of this service. Thirty days from that date will be:

NOTICE OF PROPOSED DISCIPLINARY ACTION

Notice of Proposed Disciplinary Action

This complaint investigation has been completed. A review of the investigation has resulted in the proposed findings listed on the front of this form. You are hereby notified that I am proposing to the Chief of Police that you receive the penalty specified on the front of this form for the allegations sustained in the findings, which are attached to this form **You have an opportunity to respond orally or in writing by:** 4/17/2017

Your response will be reviewed by the Chief of Police for evaluation prior to adjudication of this matter.

The employee shall initial the boxes that apply:

CG I have received a copy of the investigation materials.	CG I intend to submit a response.
☐ I have waived my right to receive a copy of the investigative material.	☐ I do not intend to submit a response.
CG I was informed of my right to respresentation prior to discussing this matter.	☐ I have received documentation regarding my fitness and suitability to perform the duties of my position (civilian employee).

I have discussed this matter with the employee.

Your signature acknowledges receipt of materials, but does not indicate concurence with my recommendations.

DIVISION COMMANDING OFFICER'S SIGNATURE	SERIAL NO.	DATE	EMPLOYEE'S SIGNATURE	SERIAL NO.	DATE
	26086	3/16/17		35086	3-16-17

C/O'S RESPONSE TO EMPLOYEE:

Date response received:

☐ No employee response was submitted by the date specified.

☐ After reviewing the employee's response, I found no new information to cause me to change my recommended findings and/or penalty.

☐ A review of the employee's response has caused me to take the following actions: (See below).

☐ See continuation page.

MILITARY ENDORSEMENT RATIONALE:

☐ See continuation page.

RE: Skelly

NAMED EMPLOYEE (LAST NAME, FIRST, MI)	☐ UNKNOWN	CF No.
GAXIOLA, Gabriel		16-001876

EMPLOYEE INTERVIEW

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Other than Sustained, Admonishments, or Official Reprimand

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FEBRUARY 23RD, 2017

NOTICE OF PROPOSED DISCIPLINARY ACTION

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- ☐ I have waived my right to receive a copy of the investigative material.
- ☑ I was informed of my right to respresentation prior to discussing this matter.
- ☑ I intend to submit a response.
- ☐ I do not intend to submit a response.
- ☐ I have received documentation regarding my fitness and suitability to perform the duties of my position (civilian employee).

I have discussed this matter with the employee.

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DIVISION COMMANDING OFFICER'S SIGNATURE	SERIAL NO.	DATE	EMPLOYEE'S SIGNATURE	SERIAL NO.	DATE
	31055	1/23/17		35056	1-23-17

C/O'S RESPONSE TO EMPLOYEE:

Date response received:

- ☐ No employee response was submitted by the date specified.
- ☐ After reviewing the employee's response, I found no new information to cause me to change my recommended findings and/or penalty.
- ☐ A review of the employee's response has caused me to take the following actions: (See below).

☐ See continuation page.

MILITARY ENDORSEMENT RATIONALE:

☐ See continuation page.

INVESTIGATIVE RESPONSIBILITY

The Investigating Officer (I/O) for this case was Sergeant I Zackery Wechsler, Serial No. 39792, Internal Affairs Division (IAD), Workplace Investigation Section (WIS). The I/O can be telephonically contacted, at (213) 996-2764. Any requests for supplemental investigation must be approved by the Commanding Officer (C/O), IAD, via an Intradepartmental Correspondence, Form 15.02.00.

STATUTE

On May 13, 2022, Captain I Clifford Humphris, Serial No. 31226, C/O Newton Patrol Division (NEWT) was notified that Sergeant I Gabriel Gaxiola, Serial No. 35056, NEWT, had been arrested by the California Highway Patrol (CHP). As such, the statute date was established as **May 13, 2023**.

INTERVIEWS[1]

1. On October 31, 2022, the I/O interviewed Gaxiola.

BACKGROUND

On May 13, 2022, at approximately 2000 hours, Gaxiola, while off-duty, consumed alcoholic beverages at a restaurant in downtown Los Angeles. Shortly after, while driving home, he became involved in a traffic collision on State Route 110.

SUMMARY

On May 13, 2022, at approximately 2030 hours, Gaxiola drove his privately-owned vehicle northbound on State Route 110 in the area of the north Avenue 52 overpass. Gaxiola's vehicle collided with two vehicles that were stopped in the number three lane of traffic. Gaxiola then contacted emergency services. CHP Officer Eric Hernandez, Identification No. 22088, responded to the collision and determined that based on his training and experience that Gaxiola had been driving while under the influence of alcohol and was unable to safely operate a motor vehicle. Gaxiola was placed under arrest.

ALLEGATION 1. The Department alleged that on May 13, 2022, Sergeant Gaxiola, while off-duty, operated his private vehicle while under the influence of an alcoholic beverage resulting in his arrest.

Officer Hernandez[2] was employed by the CHP for approximately four years and was assigned to Central Los Angeles (CLA). On May 13, 2022, at approximately 2035 hours,

[1] All interviews were recorded and subsequently uploaded into the Complaint Management System (CMS).
[2] Hernandez' statements were paraphrased from the reports he completed. The I/O determined interviewing him was unnecessary for the completion of this investigation because it would have little probative value and to avoid any effect on the pending criminal charges.

he was on-duty and dispatched to a traffic collision on State Route 110 north of the Avenue 52 overcrossing. Hernandez arrived on scene at approximately 2045 hours and observed three vehicles which appeared to have been involved in a collision along with several people standing in the area. Hernandez observed major damage to the front of Gaxiola's private vehicle, moderate damage to the front and rear of the vehicle he collided with, and minor damage to the rear of the frontmost vehicle. His investigation revealed that the front vehicle was disabled in the lane of traffic with the middle vehicle stopped directly behind it prior to Gaxiola's vehicle colliding with the rear of the middle vehicle causing its front end to impact the rear of the front-most vehicle. (Addendum 1) (Addendum 2)

During Hernandez' investigation he spoke with Gaxiola and observed Gaxiola displayed signs and symptoms of intoxication including red and watery eyes, an odor of an alcoholic beverage emitting from his breath and person, unsteady gait while walking around the traffic collision scene, and delayed slurred speech. Hernandez did not observe any signs or symptoms of intoxication on any of the other involved parties in the collision. Gaxiola's passenger [redacted] advised Hernandez that Gaxiola was an employee of the Los Angeles Police Department. [redacted] also complained of pain to her knee from the traffic collision at the time. [redacted] was asked if she wished a Rescue Ambulance to be called to the scene and declined.

> **Note:** [redacted] later stated that she was not injured in the collision. (See Addendum 1M). The I/O made multiple attempts to contact her for interview and did not receive any response.

Gaxiola told Hernandez that he had consumed alcohol prior to driving and becoming involved in the traffic collision. Hernandez conducted Standardized Field Sobriety Tests on Gaxiola at the scene. Hernandez determined that based on his training and experience that Gaxiola had been driving while under the influence of alcohol and was unable to safely operate a motor vehicle.

Gaxiola was placed under arrest by Hernandez who also recovered a handgun in a holster from Gaxiola's waistband. Gaxiola later refused to submit to chemical testing leading to Hernandez completing and executing a search warrant to obtain a blood sample. (Addendum 3)

On May 14, 2022, at 0122 hours, approximately five hours after the collision, a blood sample was taken from Gaxiola. On May 17, 2022, Hernandez received a Laboratory Report indicating that analysis of the blood sample from Gaxiola resulted in an average of 0.155 Blood Alcohol Concentration (BAC). (Addendum 4)

> **Note:** The I/O contacted Department Subject Matter Expert Sergeant I+II Greg Fuqua, Serial No. 30581, Traffic Group, Officer In Charge Drug Recognition Expert (DRE) Unit, who calculated that an average male would have had an approximate BAC of .23 five hours prior to a .155 sample being collected. This

was based on scientific research and his experience in conducting over 200 wet labs. Fuqua had been a DRE and a DRE Instructor for over 20 years.

Sergeant Gaxiola was assigned Newton Division Gang Enforcement Detail. On May 13, 2022, at approximately 2000 hours, he was off-duty and went out to DAMA Restaurant at 612 East 11th Street, Los Angeles, with [redacted], who is not a Department employee. At the restaurant, he ate appetizers and oysters. Gaxiola drank two margaritas and two shots of whiskey over the course of approximately one hour. He did not recall what kind of whiskey he consumed. A little after 2100 hours, he left the location and drove his vehicle with [redacted] in the front passenger seat intending to go to his residence. At the time he believed he was in a condition where he could drive but had later realized in retrospect the that he was too intoxicated to drive. Gaxiola believes that drinking may have influenced his perception of how intoxicated he was at the time.

Note: Gaxiola' s recollection of the time he left the restaurant is inconsistent with the time of the traffic collision as determined by Hernandez' investigation which revealed that the collision occurred at approximately 2035 hours.

Approximately five minutes after leaving the restaurant, Gaxiola became involved in a traffic collision. Gaxiola was driving, at approximately 55-60 miles per hour, northbound on State Route 110 and transitioned into the number three lane intending to exit. The State Route 110 has a blind curve near the north Ave 52 overpass. Two disabled vehicles with their lights off suddenly appeared around the curve in front of Gaxiola' s vehicle creating a situation where he was unable to stop in time and collided with the rear of one of the vehicles. Gaxiola observed that the two disabled vehicles appeared unoccupied and individuals were standing on the shoulder alongside the vehicles. Gaxiola believes that the two vehicles may have been involved in a collision prior to him colliding with them. Gaxiola observed significant damage to the front of his vehicle. Gaxiola was not injured in the collision. After the collision, Gaxiola asked his passenger, [redacted], if she was injured and she said she was not. Gaxiola then checked with all of the individuals on scene and verified no other people were injured before he called 911 for emergency services to respond.

Upon the arrival of CHP officers, Gaxiola was given a Field Sobriety Test. He was later placed under arrest by CHP. Gaxiola recalled refusing to submit to a breath test, but he did not recall being asked to submit to a blood test or refusing to submit to it. Gaxiola recalled having a blood sample taken from him. Gaxiola had no reason to believe that the blood sample analysis would be inaccurate.

Note: Body Worn Video shows Hernandez ask, "Will you take a breath test?" Gaxiola replied, "No." Hernandez then asks, "Will you take a blood test?" Gaxiola also replied, "No."

Gaxiola weighed approximately 200 lbs. Prior to the incident, Gaxiola drank on days off, approximately two or three times a month, to the point of intoxication. Whiskey was his drink of choice. He considered himself to have a moderate tolerance for alcohol.

Gaxiola believed that in retrospect his assumptions of how he interacted with alcohol prior to the incident were incorrect. Gaxiola believed that he has a drinking problem and shortly after the incident he checked into a 90-day recovery program for alcohol addiction. He discovered that he had been in denial about his addiction and has been regularly attending Alcoholics Anonymous meetings since the incident. Gaxiola has also been meeting with Behavioral Services Section and a Department Peer Support Member from the Alcohol Abuse Unit since the incident. (Addendum 5) (Addendum 6)

Gaxiola apologized for his actions and provided a letter to the Department he wished to be included with this investigation. (Addendum 7)

INVESTIGATOR'S NOTES

1. On May 14, 2022, at approximately 0256 hours, the I/O ordered Gaxiola to submit to an Administrative Chemical Test at CHP CLA Station. Police Office III Jason Cho, Serial No. 33452, Central Traffic Division, conducted two Pass Kit Breath Tests resulting in the results of 0.112 BAC and 0.111 BAC, approximately six and a half hours after the collision.

2. The Los Angeles City Attorney's Office filed the following charges on Gaxiola under case number 2MN02194:
   - One count of California Vehicle Code (CVC) Section 23152 (A), Driving Under the Influence (DUI) of Alcohol,
   - One count of CVC Section 23152 (B), Driving with a Blood Alcohol Level of .08 or higher,
   - One count of CVC 16028 (C), Failure to Provide Evidence of Financial Responsibility at Scene of Traffic Collision

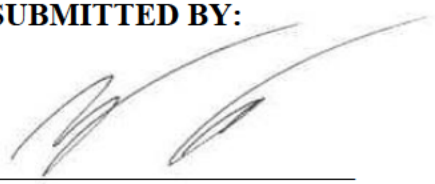
   As of the completion of this investigation the criminal case is in Discovery.

3. I/O reviewed the recordings of the incident from Hernandez' police vehicle's Wireless Mobile Video Audio Recording System and his Body Worn Video. They were consistent with what was described in the CHP reports and Hernandez' statements. CHP provided the Department with a disclaimer which indicated that the video recordings should be protected as confidential and not released without a court order. Due to this disclaimer and the pending criminal case, the recordings have not been included in this investigation. The recordings will be stored in the investigation package.

ADDENDA

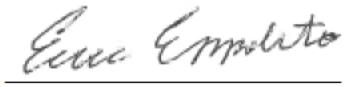
1A-M.	Copy of CHP Arrest Report, Case No. 202200766590
2A-M.	Copy of CHP Collision Report, Case No. 9535-2018-01835
3A-B.	Copy of Search Warrant and Search Warrant Return
4A-B.	Copy of Laboratory Report, Division of Record No. 2299-13551
5.	90-Day Recovery Program Completion Letter
6A-E.	Log for Alcoholics Anonymous and Behavior Science Service
7.	Letter from Gaxiola

SUBMITTED BY:



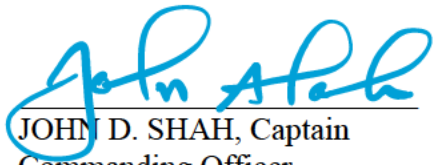
ZACKERY WECHSLER, Sergeant — October 31, 2022
Workplace Investigation Section — DATE
Internal Affairs Division

APPROVED BY:



ERIC EPPOLITO, Lieutenant — October 31, 2022
Officer in Charge — DATE
Complaint Investigation Section, WIS-II
Internal Affairs Division

APPROVED BY:



JOHN D. SHAH, Captain — November 3, 2022
Commanding Officer — DATE
Internal Affairs Division

Los Angeles Police Department
Forensic Science Division
1800 Paseo Rancho Castilla, Los Angeles CA 90032

Laboratory Report

SID-22-006372 / Req. # 0001
Report finalized: May 17, 2022

DR #:	22-99-13551	**Name Associated:**	GABRIEL GAXIOLA
Requested By:	Not Requested #00000	**Offense:**	DUI
Contact:	N/A	**Service:**	Toxicology - Alcohol Analysis

I, the undersigned analyst, as a Criminalist employed by the Los Angeles Police Department, am prepared to testify to the information provided in this report. The following results relate only to the items tested.

Evidence Item(s):

- Item 1 (LIMS #1-1): BLOOD

Dates of Laboratory Activity: 5/16/2022 — 5/17/2022

Specimen Description
Specimen Collection Tube: BD Vacutainer® Grey Top 10 mL Tube with Sodium Fluoride and Potassium Oxalate
Tube Lot Number: 1040916
Tube Expiration Date: 2/28/2023
Approximate Specimen Volume: 9 mL

Conclusion(s)

Item 1 (LIMS #1-1):	Concentration	% Blood Alcohol	Analysis Date	Performed By
	Headspace GC-FID Result 1	0.156	5/16/2022	E. Haw
	Headspace GC-FID Result 2	0.155	5/16/2022	E. Haw
	Average % Blood Alcohol	0.155		

I, the analyst, certify under penalty of perjury, under the laws of the State of California, that this analysis was performed during the regular course of my duties as a Forensic Alcohol Analyst, pursuant to Title 17 of the California Code of Regulations.

I further certify, the equipment used to perform the analysis was in proper working order at the time the analysis was performed, and the recording of the results was done at the time of analysis. The transfer of data for reporting purposes was entered into the Laboratory Information Management System (LIMS) following laboratory policies and procedures. The date under each electronic signature is the date of draft, technical, and administrative reviews.

For Average % Blood Alcohol concentrations between 0.141g% and 0.183g%, the expanded measurement uncertainty is ±0.004g% at an approximate 99% confidence level. (k=2.576)

Analyst: E. Haw #N6295 323-415-8185 5-17-22

Admin Review: M. Kramer-Sarrett #N3464 5-17-22

Tech Review: M. Kramer-Sarrett #N3464 5-17-22

SUPERIOR COURT OF CALIFORNIA
COUNTY OF ORANGE, HARBOR JUSTICE CENTER
NEWPORT BEACH FACILITY

ELECTRONICALLY FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF ORANGE
08/05/2016
12:55 PM
ALAN CARLSON, Clerk of the Court
16HM08811

THE PEOPLE OF THE STATE OF CALIFORNIA, Plaintiff, vs. GABRIEL GAXIOLA [redacted] [redacted] AKA GABRIEL GAXIOLA MERCADO GABRIEL MERCADO GAXIOLA Defendant(s)	COMPLAINT No. LBPD 16-02672 BAC .20 BL

The Orange County District Attorney charges that in Orange County, California, the law was violated as follows:

COUNT 1: On or about July 10, 2016, in violation of Section 23152(a) of the Vehicle Code (DRIVING UNDER THE INFLUENCE OF ALCOHOL), a MISDEMEANOR, GABRIEL GAXIOLA did unlawfully drive a vehicle while under the influence of an alcoholic beverage.

COUNT 2: On or about July 10, 2016, in violation of Section 23152(b) of the Vehicle Code (DRIVING WITH BLOOD ALCOHOL .08% OR MORE), a MISDEMEANOR, GABRIEL GAXIOLA did unlawfully drive a vehicle while defendant's blood alcohol concentration was 0.08 percent (%) or more by weight of alcohol in defendant's blood.

OTHER ALLEGATION(S)

As to Count(s) 1 and 2, it is further alleged pursuant to Section 23538(b)(2) of the Vehicle Code (BLOOD ALCOHOL .20 PERCENT) that defendant GABRIEL GAXIOLA had a blood alcohol concentration of .20 percent or more, by weight.

/

MISDEMEANOR COMPLAINT E-FILED (DA CASE# 16H07517) 08-23-2016
OC DNA NOT ON FILE: GABRIEL GAXIOLA

I declare under penalty of perjury, on information and belief, that the foregoing is true and correct.

Dated 08-05-2016 at Orange County, California.
DM/LV 16H07517

TONY RACKAUCKAS, DISTRICT ATTORNEY

by: /s/ DANIELLE MOSH
DANIELLE MOSH, Deputy District Attorney

RESTITUTION CLAIMED

[X] None
[ ] $_____
[ ] To be determined

NOTICES:

The People request that defendant and counsel disclose, within 15 days, all of the materials and information described in Penal Code section 1054.3, and continue to provide any later-acquired materials and information subject to disclosure, and without further request or order.

Pursuant to Welfare & Institutions Code §827 and California Rule of Court 5.552, notice is hereby given that the People will seek a court order to disseminate the juvenile case file of the defendant/minor, if any exists, to all parties in this action, through their respective attorneys of record, in the prosecution of this case.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE
VEHICLE CODE MISDEMEANOR GUILTY PLEA FORM

Court Use Only

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF ORANGE
HARBOR JUSTICE CENTER

JAN 25 2017

DAVID H. YAMASAKI, Clerk of the Court

BY: D. VALLE, DEPUTY

CASE NO. WHM 0884 PEOPLE vs. Gabriel Gaxiola

1. My true full name is Gabriel Gaxiola [redacted]

2. I understand that I am pleading ☒ *GUILTY* / ☐ *NOLO CONTENDERE* and admitting the following offenses, prior convictions and special punishment allegations, with the maximum punishment indicated below:

CT	CHARGE	PRIORS (Date)	ALLEGATIONS	MAX SENTENCE JAIL/FINES
1	23152(a) VC	dismiss	23538(b)(2)	~~6 M~~
2	23152(b) VC		1 strike	6 Mo / $1000

3. I understand I am also charged with a violation of probation in Case No. _____ 3. ☒

RIGHTS AND WAIVERS

4. I understand I have the following constitutional rights, which I am waiving and giving up by entering my plea, and, if applicable, by my admission of a probation violation: 4 GG

4a. I have the right to be represented by an attorney at all stages of the proceedings until the case is completed. If I cannot afford an attorney, one will be appointed to represent me. (For defendants without an attorney: I am aware that there are dangers and disadvantages of representing myself and there may be a value in obtaining advice from an attorney in this matter but I knowingly and voluntarily waive and give up my right to an attorney and choose to represent myself.) 4a GG

4b. I have the right to a speedy and public trial by a jury or a judge, and if charged with a probation violation, the right to a hearing before a judge. I waive and give up this right. 4b GG

4c. I have the right to confront the witnesses against me and to cross examine them. I waive and give up this right. 4c GG

4d. I have the right to testify on my own behalf but I cannot be compelled to be a witness against myself and may remain silent if I choose. I waive and give up this right. 4d GG

4e. I have the right to present evidence and have the Court issue subpoenas to bring into Court all witnesses and evidence favorable to me, at no cost to me. I waive and give up this right. 4e GG

4f. Under the Fourth and Fourteenth Amendments to the United States Constitution, I have a right to be free from unreasonable searches and seizures. If I am granted probation, I waive and give up this right. I agree to submit my person and property, including any residence, premises, container, or vehicle under my control, to search and seizure at any time of the day or night by any law enforcement or probation officer, with or without a warrant, and with or without reasonable cause or reasonable suspicion. 4f. ☒

5. I understand I have the right to appeal an adverse ruling on a Penal Code section1538.5 suppression motion. I waive and give up this right. 5 GG

6. I understand that I have the right to have a delay in pronouncement of my sentence of not less than six hours and not more than five days after my plea. I waive and give up this right and agree to be sentenced at this time. 6 GG

7. ***Arbuckle waiver:*** I understand I have the right to be sentenced by the judge who accepts this plea. I waive and give up this right. 7 GG

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE
VEHICLE CODE MISDEMEANOR GUILTY PLEA FORM

CASE NO. 16HM08811 PEOPLE vs. Garibay

8. I understand that I have the right to be present for the entry of the plea of guilty or nolo contendere, and I hereby waive and give up that right. 8. GG

9. I understand I have the right to reject probation, and I hereby waive and give up that right and accept probation on the terms and conditions ☐ as imposed by the court, or ☒ as contained in the attached Sentence Recommendation form. 9. GG

9a. If the judge does not wish to follow the Prosecutor's sentence recommendation, I may withdraw my plea. 9a. GG

9b. If I violate any of the terms of probation, I may be returned to court and sentenced up to the maximum punishment as indicated in 2 above. 9b GG

10. I have been advised that being under the influence of alcohol or drugs, or both, impairs your ability to safely operate a motor vehicle. Therefore, it is extremely dangerous to human life to drive while under the influence of alcohol or drugs, or both. If I continue to drive while under the influence of alcohol or drugs, or both, and as a result of that driving someone is killed, I can be charged with murder. 10 GG

CONSEQUENCES

11. I understand some of the possible consequences of my plea and admissions are as follows:

11a. I have read the attached punishment chart and understand the minimum and maximum penalties and consequences listed therein. 11a GG

11b. There will be state penalty assessments added to any fines imposed by the court. 11b GG

11c. I will be ordered to pay a minimum of $~~100~~ 150 and a maximum of $1,000 to the State Restitution Fund unless the court makes a finding of "compelling and extraordinary reasons" for waiving this fine. 11c GG

11d. I will be ordered to pay a minimum of $~~100~~ 150 and a maximum of $1,000 probation revocation restitution fine pursuant to PC 1202.44. The restitution fine will be stayed but will be payable upon revocation of probation. 11d GG

11e. If I am not a citizen of the United States the conviction for the offense(s) charged may or, with certain offenses, will have the consequence of deportation, exclusion from admission to the United States, or denial of naturalization pursuant to the laws of the United States. 11e GG

11f. If I am charged and convicted of a similar offense in the future, my plea today may be used to increase my punishment for the new offense. 11f. GG

11g. If I am presently on probation or parole for any previous conviction, my plea today may cause me to be in violation of that probation or parole and result in additional penalties and/or punishment. 11g GG

11h. If I am convicted of driving under the influence and I was UNDER 21 at time of arrest, my driver's license will be suspended for one year. If I do not have a license, the Department of Motor Vehicles will delay issuing a license for one year after I become eligible to drive. 11h. ~~GG~~

11i. If I am convicted of driving under the influence and it involved a REFUSAL/OR BAC (Blood Alcohol Content) OVER .20; I will be required to attend a first offender program of at least nine months duration. 11i. GG

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE
VEHICLE CODE MISDEMEANOR GUILTY PLEA FORM

CASE NO. 16HM0884 PEOPLE vs. Gaxiola

11j. **IGNITION INTERLOCK:** If I am convicted of a first or subsequent offense for driving under the influence, the court may order the installation of an ignition interlock device (IID) on any vehicle owned or operated by me for up to a three year period. If I am convicted of driving on a suspended license under Vehicle Code section(s) 14601.2, 14601.4 or 14601.5, with a prior conviction for same offenses or for violation of Vehicle Code section(s) 23103.5, 23152, or 23153, the Department of Motor Vehicles will require the installation of an ignition interlock device (IID) as a condition of a restricted license separate from any action by this court. 11j. GG

11k. The DMV may restrict or suspend my driver's license separate from any action by this court. 11k. GG

11l. If the court determines that it would be unsafe for me to operate a motor vehicle during a suspension period, the court may prohibit the issuance of a restricted driver license. 11l. GG

11m. For a conviction of Vehicle Code sections 23152 or 23153: the DMV will require completion of an alcohol/drug program in order to have my driving privilege reinstated, even if the court did not order such a program. 11m GG

11n. My driving privilege may not be restored until I provide the DMV satisfactory proof of successful completion of a licensed DUI program of the appropriate length required by law. 11n. GG

12. I understand that if I am the registered owner of the vehicle used in the offense and the offense is:

12a. Vehicle Code sections 23152 or 23153 (first conviction), the court may order my vehicle impounded up to 30 days at my expense. Upon a second conviction for violation of Vehicle Code sections 23152 or 23153, the court is **required** (absent unusual circumstances) to order my vehicle impounded for at least one day, but not more than 30 days; the court may also declare the vehicle a nuisance and order it sold after a hearing. 12a GG

12b. Vehicle Code sections of 23152 or 23153 (third conviction or more), the court may order my vehicle impounded up to 90 days at my expense. The court may declare the vehicle to be a nuisance and order it sold after a hearing. 12b GG

12c. Driving on a suspended license (Vehicle Code section 14601) or without a license (Vehicle Code section 12500), my vehicle will be subject to impoundment by the police and court for 6 months and up to one year, and may be subject to forfeiture as a nuisance. 12c GG

13. I understand I have the right to enter my plea before, and be sentenced by a judge. I waive and give up this right and agree to enter my plea before, and be sentenced by, a commissioner or temporary judge:

as assigned (enter name of Commissioner or Temporary Judge). 13. GG

PLEA

14. I offer my plea and admit the listed priors and allegations freely and voluntarily. No one has made any threats, used any force against me or my family or loved ones, and no one has made any promises to me other than as on the Sentence Recommendation form. M. GG

15. I make my plea with a full understanding of all the matters set forth in the charging document and in this form. I have read, understood, and personally initialed each item herein, and I understand that the signing and filing of this form is conclusive evidence that I have pleaded ☒ ***GUILTY*** / ☐ ***NOLO CONTENDERE*** to the charges set forth. 15. GG

16. Discussion with my attorney (*Leave this box blank if you are not represented by an attorney*). Before entering this plea, I have had a full opportunity to discuss with my attorney the facts of the case, the elements of the charged offenses and prior convictions (if any), any defenses that I may have, my constitutional and statutory rights and waiver of those rights, the consequences of this plea, and anything else I think is important to my case. 16. GG

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE
VEHICLE CODE MISDEMEANOR GUILTY PLEA FORM

CASE NO. 16HM08814 PEOPLE vs. Garcia

17. I offer the following as a factual basis for my plea: On 7/10/16, in Orange County, I willfully and unlawfully drove a motor vehicle under the influence of alcohol, with a blood-alcohol content above .08%, to wit .20%.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

DATED: 1-25-17 SIGNED: X _____ (Defendant)

DEFENDANT'S ATTORNEY: I am the attorney of record for the defendant. I have explained each of the above rights to the defendant and answered all of the defendant's questions with regard to the plea. I have discussed the facts of the defendant's case with the defendant and explained the consequences of this plea, the elements of the offense(s), the possible defenses, and the sentence to be imposed. I concur in this plea and in the defendant's decision to waive his/her constitutional rights.

DATED: 1-25-17 SIGNED: _____ (Attorney of Record)

INTERPRETER'S STATEMENT: Having been sworn or having a written oath on file, I certify that I translated this form to the defendant in the _____ language. The defendant stated that (s)he understood the contents of this form and then (s)he initialed and signed the form.

DATED: _____ SIGNED: _____ (Court Interpreter)

FOR THE PEOPLE:

DATED: 1/25/17 SIGNED: _____

Right Thumb Print

_____ (Bailiff's Signature and Badge #)

SENTENCE RECOMMENDATION FORM – VEHICLE CODE

CASE NO. _____ PEOPLE vs. _____

SENTENCING CONSEQUENCES FOR SELECTED VEHICLE CODE VIOLATIONS

VEHICLE CODE VIOLATION	MINIMUM SENTENCE	MAXIMUM SENTENCE
23152(a) or (b)* 23152(e) 23152(f)	If probation granted, either option A) or B) may be imposed in addition to penalty C): A) 48 hours in jail, a fine of $390 and attendance at an alcohol/drug program B) a fine of $390 and attendance at an alcohol/drug program C) 6 month suspension of license Without probation: 96 hours in jail, a fine of $390, and 6 month license suspension. *Jail time not to interfere with work schedule. *Commercial driver's license shall be suspended for 12 months if the offense occurred in a vehicle requiring a class A or B driver's license.	6 months jail and $1000 fine
23152(a), (b), (e), or (f) * - within 10 years of one prior conviction for 23152, 23153 or 23103 per VC 23103.5	If probation granted, either option A) or B) may be imposed: A) 10 days in jail, a fine of $390 and 2 year suspension of license B) 96 hours in jail, a fine of $390 and attendance at an 18 month alcohol/drug program and 2 year suspension of driver's license Without probation: 90 days in jail and a fine of $390 and 2 year suspension of license. * Commercial driver's license shall be revoked for life if the offense occurred in a vehicle requiring a class A or B driver's license.	1 year jail and $1,000 fine
23152(a), (b), (e) or (f) - within 10 years of two prior convictions for 23152, 23153 or 23103 per VC 23103.5	If probation granted either option A) or B) may be imposed: A) 120 days in jail, a fine of $390, habitual traffic offender designation for 3 years and an 18 month alcohol/drug program, if not previously completed, 3 year revocation of license and habitual traffic offender designation for 3 years. B) 120 days in jail, a fine of $390, habitual traffic offender designation for 3 years and an 18 month alcohol/drug program, if not previously completed and 3 year revocation of license. 30 months in driving under the influence program upon special request and good cause shown. 30 days in jail in lieu of the 120 days. Without probation: 120 days in jail, a fine of $390, 3 year revocation of driver's license and habitual traffic offender designation for 3 years.	1 year jail and $1,000 fine; habitual traffic offender designation for 3 years
23152(a), (b), (e) or (f) - within 10 years of three prior convictions for 23152, 23153 or 23103 per VC 23103.5	If probation granted: 180 days in jail, a fine of $390, habitual traffic offender designation for 3 years and may require an 18 month alcohol/drug program, if not previously completed and 4 year revocation of license. Without probation: 180 days in jail, a fine of $390 and habitual traffic offender designation for 3 years and 4 year revocation of license.	1 year jail and $1,000 fine; habitual traffic offender designation for 3 years
23153(a), (b), (e) or (f)	If probation granted: 6 days jail, a fine of $390 and attendance at an alcohol/drug program and 1year suspension of license. *If Blood Alcohol Content (BAC) is less than.20% - 3 months with 30 hours of education, counseling and interview program required. *If Blood Alcohol Content (BAC) is more than .20% or if defendant refused to submit to test, 9 months with 60 hours of education, counseling and interview program required. Without probation: 90 days in jail and a fine of $390 and 1 year suspension of license.	1 year jail and $1,000 fine
23153(a), (b), (e) or (f) - within 10 years of one prior conviction for 23152, 23153 or 23103 per VC 23103.5	If probation granted, either option A) or B) may be imposed: A) 120 days in jail and a fine of $390 and 3 year revocation of license B) 30 days in jail, a fine of $390 and18 or 30 month attendance at a driving-under –the –influence program and 3 year revocation of license. Without probation: 120 days in jail, a fine of $390 and 3 year revocation of license.	1 year jail and $5,000 fine Option B) $1000 max fine
23103 pursuant to V.C. 23103.5 * *This conviction will serve as a prior DUI conviction if I commit one or more DUI offenses within 10 years.	If probation granted: 9 month participation in an alcohol and drug treatment program If probation not granted: 5 days in jail and/or a fine of $145	90 days jail and/or $1,000 fine

Defendant's Signature

SENTENCE RECOMMENDATION FORM – VEHICLE CODE

CASE NO. _____ PEOPLE vs. _____

DRIVING WHILE UNDER THE INFLUENCE ENHANCEMENTS	INCREASE IN PUNISHMENT
Willful refusal to submit to or to complete a blood-alcohol chemical test. [V.C. 23577]	First offense of V.C. 23152 - 48 hours in jail added to any other sentence Second offense of V.C. 23152 - 96 hours in jail added to any other sentence Third offense of V.C. 23152 - 10 days in jail added to any other sentence Fourth or subsequent offense - 18 days in jail added to any other sentence First offense of V.C. 23153 - 48 hours in jail added to any other sentence Second offense of V.C. 23153 - 96 hours in jail added to any other sentence
Driving a vehicle 30 or more miles per hour over the speed limit on a freeway in a reckless manner OR driving a vehicle 20 or more miles per hour over the speed limit on any street or highway in a reckless manner. [V.C. 23582]	On 1st offense defendant must attend an education and counseling program. 60 days in jail in addition to any other sentence
One or more passengers in the vehicle was/were a minor under the age of 14 years. [V.C. 23572]	First offense of V. C. 23152 – 48 continuous hours in jail added to any other sentence – no stay of sentence allowed. Second offense of V.C. 23152 – 10 days in jail added to any other sentence – no stay of sentence allowed Third offense of V.C. 23152 – 30 days in jail added to any other sentence – no stay of sentence allowed Fourth or subsequent offense – 90 days in jail added to any other sentence – no stay of sentence allowed.
Multiple victims injured or killed [V.C. §23153]	1 year state prison addition on any felony conviction.
Blood Alcohol Content [V.C §23578]	3 months of 30 hours program activities, educational counseling, interview sessions, in addition to enhanced penalties and conditions of probation that may be taken into consideration.

VEHICLE CODE VIOLATION	FIRST OFFENSE	SECOND OR SUBSEQUENT OFFENSE
14601.3(a)	30 days jail and $1000 fine	If within 7 yrs. of prior conviction of 14601.3(a) 180 days jail and a fine of $2,000

VEHICLE CODE VIOLATION	MINIMUM SENTENCE	MAXIMUM SENTENCE
14601(a)	5 days jail and $300 fine	6 months jail and $1,000 fine
14601(a) - within 5 yrs. of a prior conviction for 14601, 14601.1, 14601.2 or 14601.5	10 days jail and $500 fine 10 days jail required if probation granted	1 year jail and $2,000 fine
14601.1(a)	$300 fine	6 months jail and/or $1,000 fine
14601.1(a) within 5 yrs. of a prior conviction for 14601, 14601.1, 14601.2 or 14601.5	5 days jail and $500 fine	1 year jail and $2,000 fine
14601.2(a) or (b)	10 days jail, $300 fine 10 days jail required if probation granted DMV will require ignition interlock device	6 months jail and $1,000 fine
14601.2(a) or (b) within 5 yrs. of a prior conviction for 14601, 14601.1, 14601.2 or 14601.5	30 days jail, $500 fine and ignition interlock device 30 days jail required if probation granted DMV will require ignition interlock device *If I was designated as a habitual traffic offender within three years of this conviction, I will serve an additional 180 days jail and pay a fine of $2,000.	1 year jail and $2,000 fine
14601.2(a) or (b) within 7 yrs., but over 5 yrs., from a prior conviction for 14601, 14601.1, 14601.2 or 14601.5	10 days jail and $300 fine 10 days jail required if probation granted DMV will require ignition interlock device	6 months jail and $1,000 fine
14601.4(a)	Shall be imprisoned in county jail and shall not be released upon work release, community service, or other release program before the minimum period of time prescribed in 14601.2 is served. If probation is granted, shall serve at least the minimum time of imprisonment specified under 14601.2 as a term of probation. DMV will require ignition interlock device.	
14601.5(a) or (b)	$300 fine or 6 months jail With prior conviction for certain offense(s), DMV will require IID	6 months jail and $1,000 fine
14601.5(a) or (b) within 5 yrs.of a prior conviction for 14601, 14601.1, 14601.2 or 14601.5	10 days jail and $500 fine With prior conviction for certain offense(s), DMV will require IID	1 year jail and $ 2,000 fine
20002(a)	None required under the statute	6 months jail and/ or $1000 fine
12500(a)	None required under the statute	6 months jail and $1,000 fine

_____
Defendant's Signature

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE
MISDEMEANOR SENTENCE RECOMMENDATION

Court Use Only

(optional)

CASE NUMBER 16HM08911 PEOPLE VS Gaxiola, Gabriel

☒ Count(s) _____ dismissed on motion ~~of the~~ people. court

☐ Count(s) _____ sentence suspended.

☒ Count(s) 1 ~~stayed pursuant to PC 654.~~

TERMS

☒ Imposition ☐ Execution of sentence is suspended. 3 years

☐ Formal ☒ Informal PROBATION as to Count(s) 2.

☒ Violate no laws ☒ Obey all orders and rules of Court, Probation Department & Jail.

☐ Submit to search and seizure.

☐ Consume no alcoholic beverages and do not be present in any establishment where alcohol is primary item of sale.

☐ Do not drive with a measurable amount of alcohol in blood system.

☒ Submit to a chemical test of blood on demand of any peace officer or probation officer.

☐ Use no unauthorized drugs, narcotics or controlled substances and submit to chemical testing on demand of probation officer or police officer.

☐ Cooperate with Probation Department in any plan for counseling or treatment.

☐ Seek training, schooling, employment and maintain residence as approved by the Probation Department.

☐ Do not associate with anyone disapproved of by your probation officer.

☐ Do not knowingly own, use or possess any type of dangerous or deadly weapon ☐ Term of 10 years.

☐ Court orders weapon destroyed.

☒ Do not drive without a valid driver's license in your possession.

☒ Do not drive without valid insurance.

☒ Use TRUE NAME and Date of Birth at all times.

☒ Carry valid government issued identification card at all times.

☐ Provide the Court with your current address, telephone number, employer's name, address and telephone number. Immediately notify the Court of any changes.

☒ Disclose probation terms upon request of Probation or Law Enforcement Officer.

FINES AND FEES

Credit for jail time served

☒ Pay a fine of $390 + Penalty Assessment on count 2.

☐ Pay a fine of $_____ + Penalty Assessment on count _____.

☒ Commit on fine(s) on count(s) 2 for 2 days.

☐ Pay $_____ Court Costs on count(s) _____.

☒ Pay $50 Alcohol Abuse Education Fee. (VC 23645)

☒ Pay $50 Alcohol Testing Penalty (PC 1463.14)

☒ Pay $100 Alcohol Assessment Fee. (VC 23649)

☐ Pay $50 Lab fee + Penalty Assessment (PC 1463.14/HS 11372.5)

☐ Pay $150 Drug Program Fee + Penalty Assessment (HS 11372.7)

☐ Pay $_____ Domestic Violence Discretionary Fee for all Orange County Domestic Violence Shelters. (PC 1203.097)

☐ Pay $_____ Domestic Violence Prevention Fund. (PC 1203.097(a)(5))

THE FOLLOWING FEES ARE NOT CONDITIONS OF PROBATION:

☒ Pay $150 State Restitution Fine (minimum of $100.00) on count(s) 2. (PC 1202.4(b)(1))

☒ Pay $150 Probation Revocation Restitution Fine (minimum of $100.00). Restitution fine stayed. Effective upon revocation of probation. (PC 1202.44)

☒ Pay the following fees:

- Criminal Conviction Assessment Fee(s) $30/misdemeanor; $35/infraction (per convicted count). (GC 70373(a)(1))
- $40.00 Court Operations Fee (per convicted count) (PC 1465.8)
- Additional fees as required by law

☐ $10 Local Crime Prevention Fund (PC 1202.5)

☒ Pay Booking Fees as ordered by the Court.

☐ Pay costs of formal probation as directed by Probation Officer.

☐ Fines/Fees to be paid forthwith.

☒ Fines/Fees to be paid through Court Collections ☒ forthwith

☐ by _____.

☐ Fines/Fees to be paid through Probation.

Additional program fees may be applicable and paid through the program.

JAIL

☐ Serve _____ days Orange County Jail on Count _____.

☐ Serve _____ days Orange County Jail on Count _____.

☐ Jail to be served through the City of _____.

☒ Credit for 2 actual + ~~2~~ = total 4.

☒ Work release denied ☒ Electronic Confinement denied

☒ County Work Program denied

☐ JAIL STAYED to _____ at _____am/pm. Report to ☐ Theo Lacy ☐ Orange County Jail-Intake Release Center.

☐ May be released to an authorized representative of the _____ program to serve remainder of jail sentence.

☐ Serve _____ weekends at _____ Jail (no good time or work time to be applied to original sentence).

☐ Sentence(s) to run consecutive / concurrent to each other /any other sentence / Case No:_____.

☐ Jail stayed to_____ pending successful completion of

☐ DUI Court (except any statutory minimum term which may be served on SEC during the term of DUI Court as imposed by the Court.)

☐ Probation ☐ Community Service ☐ Cal Trans

☐ Cal Trans/Physical Labor by _____.

☐ Receive day for day credit. If program not completed, full jail sentence to be imposed with no credit for time served.

☐ To be served in State Prison concurrently.

☐ Book and release and show proof by _____.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE
MISDEMEANOR SENTENCE RECOMMENDATION

CASE NUMBER 16HM0884 PEOPLE VS Gaxiola

COMMUNITY SERVICE / OTHER PROGRAMS

☐ Complete _____ ☐ hours ☐ days of ☐ Comm. Service
☐ Cal Trans ☐ Cal Trans/Physical Labor
☐ In lieu of fines ☐ In lieu of jail
☐ Complete Graffiti Removal as to count(s) _____.
☐ Proof of completion due to the Clerk's Office by_____.

ALCOHOL & DRUG/PROGRAMS/DRIVERS LICENSE

Complete 1st Offender Program:
☐ 3 month program ☒ 6 month ☐ 9 month OK L.A. CO. class
☐ Complete Multiple Offender – 18 month
☐ 12 hour program

☒ Attend Victim Impact Counseling. Proof of completion due to the Clerk's Office by May 10, 17
☐ Attend and complete _____ ☐ self help and/or Alcoholics Anonymous meetings ☐ self help and/or Narcotics Anonymous meetings ☐ per day ☐ per week ☐ per month. Proof due by _____.
☐ Court designates defendant a Habitual Offender. (VC 13350(b))
☐ Driving privilege suspended for 1 year pursuant to:
☐ VC 13202 (Vehicle conviction related to controlled substances)
☐ VC 13202.5 (Alcohol / Drugs under the age of 21)
☐ VC 13202.6 (Vandalism)
☐ Driving privilege suspended for _____ year(s) pursuant to VC 13352(a)(3) (2nd DUI conviction w/in 10 years)
☐ Driving privilege revoked for _____years pursuant to VC 13352(a)(5)
☐ Complete Youthful Alcohol & Drug Deterrence Program and show proof to the Clerk's Office by _____.
☐ Enroll and complete PC 1210 program. Proof of enrollment due by _____. Refer to PC 1210 Addendum
☐ Register with local law enforcement within 5 days from today or within 5 days upon release from custody pursuant to:
☐ HS 11590 (narcotics offense)
☐ PC 186.30 (gang related offense)
☐ PC 457.1 (arson offense) – Lifetime registration
☐ PC 290 (sex offense) – Lifetime registration
☐ Submit to AIDS testing. Proof due to Department _____ by _____.
☐ Attend and complete AIDS Prevention Education. Proof of completion due to the Clerk's Office by_____.

DOMESTIC VIOLENCE

☐ Complete Batterers' Treatment Program. (52 weeks active participation required)
☐ Alcohol/Drug Component
☐ Total abstinence from alcohol and drugs
☐ Test alcohol and drugs (blood or urine only)
☐ Parenting component
☐ One year Child Abuser's Program.
☐ Health Care Agency Perinatal Program.

DOMESTIC VIOLENCE, continued

☐ Other program(s) _____ ☐ weeks ☐ months ☐ years active participation required.
☐ Proof of enrollment due to the Court by_____.
☐ Comply with Court protective order.
☐ Defendant owns/possesses firearm(s). Relinquishment hearing set on _____.
☐ Surrender all firearms within 24 hours as required by law and file proof of surrender form within 48 hours with the Court.

RESTITUTION

☐ Make Restitution in the amount of $ _____ or as determined through ☐ Victim Witness ☐ Probation, with interest at the rate of 10% ☐ from the date of sentencing ☐ from the date of loss.
☐ Pay $ _____ to Victim Witness Emergency Fund by _____. (PC 1203.1(j))
☐ Pay cost of counseling to the victim and/or children in the amount of $_____.
☐ Submit a new financial disclosure form if money is still owing on a restitution order or fine 120 days before the scheduled release from probation. File the form with the court at least 90 days before the scheduled release from probation.
☐ Complete and return Statement of Assets form by _____.

ADDITIONAL TERMS & CONDITIONS

☐ Have no contact with _____.
☐ Stay _____ ☐ miles ☐ yards away from _____.
☐ Obey all rules of Court ordered program. Do not leave the program without Court approval.
☐ Probation to ☐ terminate ☐ be modified to informal status upon_____.

ADDENDUMS

☐ PC 1210 with Disclosure ☐ Gang ☐ Graffiti ☐ DUI Court
☒ DNA terms
☐ _____

DEFERRED ENTRY OF JUDGMENT (PC1000)

☐ All checked terms and conditions will be imposed, if terminated from the PC1000 Program.

REPORT ☒ forthwith ☐ by stay date to:

☒ Collections	☐ Clerk's Office	☐ Probation
☐ OneOC	☒ Alcohol Liaison	☒ DNA
☐ District Attorney	☐ Victim Witness	

OTHER _____

NOTICE TO DEFENDANT: After successful completion of probation, or if not placed on probation, any time after the lapse of one year from the date of pronouncement of judgment, you may petition the court to dismiss the charges under Penal Code Section 1203.4. This notice does not apply to any protective orders.

I have read, I understand, and I accept these terms and conditions of probation.

Date: 1-25-17 Defendant's Signature: _____ D.A. / C.A. Signature: _____

Defense Counsel Signature: _____

SUPERIOR COURT OF THE STATE OF CALIFORNIA,
COUNTY OF ORANGE

MINUTES

Case : 16HM08811 M A
Name : Gaxiola, Gabriel

Date of Action	Seq Nbr	Code	Text
07/26/16	1	FIFCI	Own Release Recognizance filed.
08/05/16	1	FLDOC	**Original Complaint filed on 08/05/2016 by Orange County District Attorney.**
	2	FLNAM	Name filed: Gaxiola, Gabriel
	3	FLCNT	MISDEMEANOR charge of 23152(a) VC filed as count 1. Date of violation: 07/10/2016.
	4	FLCNT	MISDEMEANOR charge of 23152(b) VC filed as count 2. Date of violation: 07/10/2016.
	5	FLALG	23538(b)(2) VC added as other allegation as to count 1.
	6	FLALG	23538(b)(2) VC added as other allegation as to count 2.
	7	CLADD	**At the request of People, case calendared on 08/23/2016 at 08:30 AM in H8 for ARGN .**
	8	FI959	Accusatory pleading filed by the prosecutor pursuant to Penal Code section 959.1.
08/10/16	1	TXBKF	**Request for Booking Fees Received from Laguna Beach Police Department in the amount of $195.00, date of arrest 07/10/2016.**
08/23/16	1	HHELD	**Hearing held on 08/23/2016 at 08:30:00 AM in Department H8 for Arraignment .**
	2	OFJUD	Judicial Officer: Richard Pacheco, Commissioner
	3	OFJA	Clerk: J. Ramos
	4	OFBAL	Bailiff: L. Abbott
	5	OFREP	Court Reporter: None
	6	APDDA	People represented by Anthony Schlehner, Deputy District Attorney, present.
	7	AP856	Appearance made by Felipe Plascencia, Retained Attorney, by telephone, pursuant to Rule 856.
	8	APDNC	Defendant not present in court.
	9	WVDFP	Defendant's presence is waived .
	10	ADWRA	Defendant waives reading and advisements of legal and constitutional rights.
	11	PLNGA	**To the Original Complaint defendant pleads NOT GUILTY to all counts.**
	12	CLSET	**Pre Trial set on 09/14/2016 at 08:30 AM in Department H1.**

MINUTES

Case : 16HM08811 M A
Name : Gaxiola, Gabriel

Date of Action	Seq Nbr	Code	Text
08/23/16	13	CLSET	**Jury Trial set on 09/20/2016 at 08:30 AM in Department H1.**
	14	FIDOC	Informal Arraignment by Attorney filed.
	15	CPGTO	Copy of Informal Arraignment by Attorney form mailed to attorney of record.
	16	COACL	Attorney advised of requirement to send confirmation letter within 3 days.
	17	DSROR	Court orders defendant released on own recognizance.
	18	NTPRT	Prosecuting Attorney Notice printed.
	19	OFMCD	Minutes entered by D. Valle on 08/23/2016.
09/14/16	1	HHELD	**Hearing held on 09/14/2016 at 08:30:00 AM in Department H1 for Pre Trial .**
	2	OFJUD	Judicial Officer: Julian W Bailey, Judge
	3	OFJA	Clerk: L. Sanchez
	4	OFBAL	Bailiff: C. H. Joyce
	5	OFREP	Court Reporter: None
	6	APDDA	People represented by Nathaniel Wayne Barrett, Deputy District Attorney, present.
	7	APNDC	Defendant not present in Court represented by Felipe Plascencia, Retained Attorney.
	8	FICON	Request for Continuance - Misdemeanor filed.
	9	WV977	Defendant's appearance is waived pursuant to Penal Code 977(a).
	10	CLVAC	**Jury Trial vacated for 09/20/2016 at 08:30 AM in H1.**
	11	CLCON	**Pre Trial continued to 10/27/2016 at 08:30 AM in Department H1 at request of Defense.**
	12	WVTGN	Defendant enters general time waiver.
	13	DSOCN	Defendant's release on own recognizance continued.
10/27/16	1	HHELD	**Hearing held on 10/27/2016 at 08:30:00 AM in Department H1 for Pre Trial .**
	2	OFJUD	Judicial Officer: Carlton P. Biggs, Judge
	3	OFJA	Clerk: K. Rodriguez
	4	OFBAL	Bailiff: C. H. Joyce
	5	OFREP	Court Reporter: None

MINUTES

Case : 16HM08811 M A
Name : Gaxiola, Gabriel

Date of Action	Seq Nbr	Code	Text
10/27/16	6	APDDA	People represented by Anthony Schlehner, Deputy District Attorney, present.
	7	APNDC	Defendant not present in Court represented by Felipe Plascencia, Retained Attorney.
	8	WV977	Defendant's appearance is waived pursuant to Penal Code 977(a).
	9	FICON	Request for Continuance - Misdemeanor filed.
	10	CLCON	**Pre Trial continued to 12/14/2016 at 08:30 AM in Department H1 at request of Defense.**
	11	WVTGN	Defendant enters general time waiver.
	12	DSOCN	Defendant's release on own recognizance continued.
12/14/16	1	HHELD	**Hearing held on 12/14/2016 at 08:30:00 AM in Department H1 for Pre Trial .**
	2	OFJUD	Judicial Officer: Julian W Bailey, Judge
	3	OFJA	Clerk: L. Sanchez
	4	OFBAL	Bailiff: T. Hartman
	5	OFREP	Court Reporter: None
	6	APDDA	People represented by David McMurrin, Deputy District Attorney, present.
	7	APNDC	Defendant not present in Court represented by Felipe Plascencia, Retained Attorney.
	8	FICON	Request for Continuance - Misdemeanor filed.
	9	WV977	Defendant's appearance is waived pursuant to Penal Code 977(a).
	10	CLCON	**Pre Trial continued to 01/25/2017 at 08:30 AM in Department H1 at request of Defense.**
	11	CLSET	**Jury Trial set on 04/11/2017 at 08:30 AM in Department H1.**
	12	WVTDT	Defendant waives time to 04/11/2017.
	13	TEXT	Day 0 of 10
	14	DFOTN	Defense Counsel to notify defendant appear on 04-11-17.
	15	DSOCN	Defendant's release on own recognizance continued.
01/25/17	1	HHELD	**Hearing held on 01/25/2017 at 08:30:00 AM in Department H1 for Pre Trial .**
	2	OFJUD	Judicial Officer: Julian W Bailey, Judge

MINUTES

Case : 16HM08811 M A
Name : Gaxiola, Gabriel

Date of Action	Seq Nbr	Code	Text
01/25/17	3	OFJA	Clerk: L. Sanchez
	4	OFBAL	Bailiff: J. Pritchard
	5	OFREP	Court Reporter: None
	6	APDDA	People represented by Gordon Valiant Dunn, Deputy District Attorney, present.
	7	APDWRA	Defendant present in Court with counsel Plascencia, Felipe , Retained Attorney.
	8	ADAWV	Defendant advised of and waives the following:
	9	ADCAP	- The right to court appointed counsel if financially unable to retain counsel.
	10	ADRTT	- The right not to testify, be called as a witness, or admit guilt.
	11	ADRTF	- The right to testify in own defense.
	12	ADJCT	- The right to a trial by Court or Jury.
	13	ADCXW	- The right to confront and cross-examine witnesses.
	14	WVRSI	- The right against self-incrimination.
	15	WVRSP	Defendant waives the right to subpoena and present evidence.
	16	ADMAX	Defendant advised of maximum possible sentence.
	17	ADCSQ	Defendant advised of consequences of violating probation.
	18	ADCZS2	The defendant understands that, if he/she is not a citizen of the United States the conviction for the offense(s) charged may or, with certain offenses, will have the consequence of deportation, exclusion from admission to the United States, or denial of naturalization pursuant to the laws of the United States.
	19	ADCRWG	The defendant has been advised of constitutional rights, waivers and consequences in writing pursuant to the guilty plea form. The defendant makes the plea with a full understanding of all the matters set forth in the charging document and in the guilty plea form, that defendant has read, understood and personally initialed each item herein. Defendant understands that the signing and filing of the guilty plea form is conclusive evidence that defendant has pleaded GUILTY to the charges set forth.

MINUTES

Case : 16HM08811 M A
Name : Gaxiola, Gabriel

Date of Action	Seq Nbr	Code	Text
01/25/17	20	PLPAFV	The defendant offers his/her plea, and admits the listed priors and allegations freely and voluntarily. No one has made any threats, used any force against the defendant or his/her family or loved ones, and no one has made any promises to him/her other than as on the Sentence Recommendation form.
	21	PLWTH	**Defendant's motion to WITHDRAW NOT GUILTY PLEA to count(s) 1, 2 granted.**
	22	PLTXT	Upon Court's own motion:.
	23	CDCDM	Count(s) 1 DISMISSED - Other reason.
	24	PLGCT	**To the Original Complaint defendant pleads GUILTY as to count(s) 2.**
	25	PLTXT	Other Allegations of Vehicle Code 23538(b)(2) as to Count 1 and 2 are Stricken by the People. .
	26	PLFBA	Court finds factual basis and accepts plea.
	27	PLFWR	Court finds defendant intelligently and voluntarily waives legal and constitutional rights to jury trial, confront and examine witnesses, and to remain silent.
	28	DFSIS	Defendant states that the initials and signature on the Waiver of Rights form are his.
	29	FIWWR	Defendant's written waiver of legal and constitutional rights for guilty plea received and ordered filed.
	30	WVTIM	Defendant waives statutory time for Sentencing.
	31	PLRIS	Defendant requests immediate sentencing.
	32	ADDUI	Pursuant to Vehicle Code Section 23593(a), defendant was advised that being under the influence of alcohol or drugs, or both, impairs the ability to safely operate a motor vehicle. Therefore, it is extremely dangerous to human life to drive while under the influence of alcohol or drugs, or both. If you continue to drive while under the influence of alcohol or drugs, or both, and, as a result of that driving, someone is killed, you can be charged with murder.
	33	PRISS	No legal cause why judgment should not be pronounced and defendant having Pled Guilty to count(s) 2, Imposition of sentence is suspended and defendant is placed on 3 Year(s) INFORMAL PROBATION on the following terms and conditions:

MINUTES

Case : 16HM08811 M A
Name : Gaxiola, Gabriel

Date of Action	Seq Nbr	Code	Text
01/25/17	34	PRVNL	Violate no law.
	35	PROBY	Obey all orders, rules, and regulations, and directives of the Court, Jail, and Probation.
	36	PRSCT	Submit to a chemical test of your blood on demand of any peace officer, probation officer, or mandatory supervision officer.
	37	PRVDL	Do not drive without a valid driver's license in your possession.
	38	PRINS	Do not drive without proof of valid auto liability insurance or financial responsibility as required by law.
	39	PRTNO	Use true name and date of birth only at all times.
	40	PRCVP	Carry valid government issued identification at all times.
	41	PRDTC	Disclose terms and conditions of probation when asked by any law enforcement or probation officer.
	42	PRFIN	Pay FINE of $390.00 plus penalty assessments as to count(s) 2.
	43	FSCJF	**$250.00 credited for time served on $390.00 fine as to count(s) 2.**
	44	PRSRF	Pay mandatory state restitution fine of $150.00 pursuant to Penal Code 1202.4 or Penal Code 1202.4(b).
	45	PRFAA	Pay $50.00 Alcohol Abuse Education FEE pursuant to Vehicle Code section 23645.
	46	PRFBP	Pay $50.00 DUI Lab/Blood Alcohol Penalty pursuant to Penal Code 1463.14(b).
	47	PRFEE	Pay $100.00 Alcohol & Drug Assessment Program fee pursuant to Vehicle Code 23649.
	48	PRRFS	Pay $150.00 Probation Revocation Restitution Fine pursuant to Penal Code 1202.44. Restitution fine stayed, to become effective only upon revocation of probation.
	49	SESEC	Pay $40.00 Court Operations Fee per convicted count pursuant to Penal Code 1465.8.
	50	SECCA	Pay Criminal Conviction Assessment Fee per convicted count of $30.00 per misdemeanor/felony and $35.00 per infraction pursuant to Government Code 70373(a)(1).
	51	PROTC	Defendant ordered to report to the Harbor - Newport Beach Facility Collections Department forthwith. Defendant ordered to cooperate with and pay as directed by the Collections Department.

MINUTES

Case : 16HM08811 M A
Name : Gaxiola, Gabriel

Date of Action	Seq Nbr	Code	Text
01/25/17	52	FIDOC	Request for Booking Fees filed.
	53	COBKG	Court grants booking fees paid to Laguna Beach Police Department $195.00.
	54	PRAP1	Attend and complete 6 month Level 2 First Offender Alcohol Program as to count(s) 2.
	55	DFOAP	Defendant may attend an equivalent out of county alcohol program.
	56	PRMAD	Attend and complete Victim Impact Counseling as to count(s) 2.
	57	STPRF	Victim Impact Counseling stayed to 05/10/2017 for proof of completion.
	58	STMLD	Proof of Victim Impact Counseling to be mailed or submitted to Harbor Justice Center - Newport Beach Facility, 4601 Jamboree Road, Newport Beach, CA 92660 or placed in the "Drop Box" at any Superior Court of California, County of Orange, Justice Center. Proof must be received no later than 05/10/2017.
	59	PRDNAC	As a condition of my plea and for the purpose of crime prevention and detection, I voluntarily consent and agree to provide a state DNA sample and prints for the State DNA Database pursuant to Penal Code 296.1 and a local DNA Database sample, prints and photograph for the local Orange County District Attorney DNA Database with the understanding that my DNA samples will be forensically analyzed and will be permanently retained, along with my DNA profile(s), prints and photograph, all of which will be subject to continual searches, anytime in the future, against other DNA profiles, prints and photographs in any local, state, national or international law enforcement database. I also voluntarily agree to provide sample(s) immediately or, if in custody, within 72 hours of my release.
	60	FIPSA	Addendum to Defendant's Terms and Conditions of Probation "DNA Terms" filed.
	61	DFRPT2	Defendant ordered to report to Alcohol Liaison and Room 102A to provide DNA sample forthwith.
	62	PRATC	Defendant accepts terms and conditions of probation.
	63	DSTUP	Defendant's release status updated to reflect: Released.
	94	OFMCD	Minutes entered by D. Valle on 01/25/2017.

MINUTES

Case : 16HM08811 M A
Name : Gaxiola, Gabriel

Date of Action	Seq Nbr	Code	Text
01/25/17	95	REMRC	Remittance from receipt # 15301056 received in the amount of $999.00.
	96	DMABS	DD1-CGQ sent to DMV. Return Code: 800
	97	FXDACT	Collections Referral activity deleted from case.
	98	DOJABS	DOJ Initial Abstract sent.
02/09/17	1	FIENR	Proof of Enrollment filed as to 6 months First Offender Alcohol Program imposed on 01/25/2017.
05/02/17	1	FICOM	Proof of Completion filed as to Victim Impact Counseling imposed on 01/25/2017.
07/19/17	1	FICOM	Proof of Completion filed as to 6 months First Offender Alcohol Program imposed on 01/25/2017.
01/24/20	1	PBCMP	Case evaluated for expired probation(s). Probation updated for applicable grant(s) of probation.
	2	CSCLS	**Case closed.**
09/08/22	1	FIPPV2	Notice of possible probation violation from Los Angeles, case number 2MN02194, filed.
	2	CONAT	No action taken.
09/09/22	1	CSCLS	**Case closed.**
12/22/22	1	TXRNF	Copy request received, not filed.
	2	CPGTO	Certified Copy of Prior packet mailed to T. Tertzakian Metropolitan Operations Office of the City Attorney Hydee Felstein Soto Los Angeles, CA .
12/23/22	1	CSCLS	**Case closed.**
10/05/23	1	TXRNF	Request for Records Search and/Or Copies received, not filed.
	2	CPGTO	Copy of Prior packet mailed to State of California, Department of Justice.Commission on Peace Officer Standards and Training.
10/06/23	1	CSCLS	**Case closed.**

PEACE OFFICER STANDARDS ACCOUNTABILITY ADVISORY BOARD MEETING

January 16, 2025
AGENDA
9:00 AM

Meeting Location: 860 Stillwater Road, West Sacramento, CA 95605

The Peace Officer Standards Accountability Advisory Board (Board) operates under the requirements set forth by the Bagley-Keene Open Meeting Act (Bagley-Keene) under Government Code sections 11120 through 11132. Bagley-Keene generally requires that the Board publicly notice meetings, prepare agendas, allow public participation, and conduct meetings in a location accessible to public members unless specifically authorized by Bagley-Keene to meet in closed session.

Public comment will be limited in time at the discretion of the Board Chair. The public comment period preceding items on the agenda will allow members of the public to comment on items not on the agenda but that are within the Board's jurisdiction. The Board cannot act on or deliberate on items not on the agenda and can discuss the matter only to the extent necessary to determine whether it should be made an agenda item at a future meeting, to respond briefly to statements or questions posed during public comment or to request clarification, or to refer the item to staff. Agenda items may be taken out of order and action (e.g., voting) may be taken on any agenda item. Public comment relating to each item on the agenda will be allowed at the time each matter is heard. Members of the public who wish to participate during public comment may do so in person by attending the meeting, or, as stated hereafter, by telephonic means or by submitting written public comment.

Written public comment is intended to allow members of the public, if unable to attend in person, an opportunity to participate to the same degree as if they attended in person; as such, written comments should be limited to no more than three pages in length and longer written comment will not be accepted or distributed to Board members. To be considered for inclusion in the meeting record, written comments by no later than 10 a.m. on the fourth business day before the scheduled meeting. Accepted written public comments will be published on POST's website under the Public Comment section under the corresponding meeting date. Written public comments can be submitted via email to posadpc@post.ca.gov. Telephonic public comment can be made by dialing +1 669 444 9171 US or +1 669 900 6833 US and entering the Webinar ID: 817 3463 0494 and Passcode: 749503

Persons requesting disability-related accommodations or modifications may do so by contacting the Board assistant at (916) 227-3909 (voice), posadpc@post.ca.gov (email), or Speech-to-Speech users may dial 7-1-1 for the California Relay Service to request special accommodations. Please note: This meeting and all public meetings will be recorded.

No weapons are allowed on the premises during public meetings. Upon entering POST's facility, you are subject to a weapons screening and will be denied entry if you possess any

weapon. POST's Executive Director retains the discretion to grant exceptions for duly-authorized individuals, such as on or off-duty law enforcement officers who are not the subject of a POST administrative investigation, suspension, or decertification action.

I. CALL TO ORDER

II. ROLL CALL OF POSAAB MEMBERS

Elizabeth T. Buchen - Senate Rules Appointee - Public Member
Dr. Nicole Clavo Psy.D - Governor Appointee - Public Member
Regina Hatcher-Crawford - Governor Appointee - Public Member
Robert Doyle - Governor Appointee - Former Command Rank Peace Officer
Joyce E. Dudley - Chair - Governor Appointee - Attorney
Professor Jack Glaser - Governor Appointee - Public Member
Cephus Johnson - Governor Appointee - Public Member
Captain Charles Lara - Governor Appointee - Management Rank Peace Officer
Margaret Pena - Speaker of Assembly Appointee - Public Member

III. PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA

The Board Chair will advise the audience of the following:

This time is set aside for members of the public who wish to comment on items not on the agenda but within the board's jurisdiction. Public comment on matters on the agenda will be heard at the time each item is called. Public comment on specific peace officer revocation cases to be heard today will be heard at the time of the hearing of each such matter. Members of the public who wish to speak during the public comment period may be asked to limit their remarks in time at the discretion of the Board Chair.

IV. APPROVAL OF MEETING TRANSCRIPTS

Approval of meeting transcripts from the previous Peace Officer Standards Accountability Advisory Board Meeting held on October 17, 2024.

a. Approval of Meeting Transcript from the October 17, 2024 Meeting

If the Board concurs, the appropriate action would be a **MOTION** to approve the meeting transcripts from the last Board meeting.

V. ASSISTANT EXECUTIVE DIRECTOR COMMENTS

a. Report on Case Status Update from the November 21, 2024 Commission Meeting

This report is presented for information only. No action is required.

VI. NEW BUSINESS

a. Report on Data for Serious Misconduct Reporting, Investigations, and Disciplinary Action Outcomes

This item is presented for informational purposes only. No action is required.

VII. NEW CASES - REVIEW, DISCUSSION AND RECOMMENDATIONS TO COMMISSION

a. POST2400920 - Tommy Thompson (POST ID: B81-T83) Last employing agency: Los Angeles Police Department

The Peace Officer Standards Accountability Advisory Board (POSAAB) shall review the findings of investigation presented by the Peace Officer Standards Accountability Division (POSAD) and make a recommendation regarding what action should be taken, suspension or revocation, on the certification of the subject peace officer.

b. POST2302971 - Gabriel Gaxiola (POST ID: B49-S96) Last employing Agency: Los Angeles Police Department

The Peace Officer Standards Accountability Advisory Board (POSAAB) shall review the findings of investigation presented by the Peace Officer Standards Accountability Division (POSAD) and make a recommendation regarding what action should be taken, suspension or revocation, on the certification of the subject peace officer.

c. POST2305109 - Joshua Satterfield (POST ID: C46-V20) Last employing agency: Torrance Police Department

The Peace Officer Standards Accountability Advisory Board (POSAAB) shall review the findings of investigation presented by the Peace Officer Standards Accountability Division (POSAD) and shall make a recommendation regarding what action should be taken, suspension or revocation, on the certification of the subject peace officer.

d. POST2305781 - Blake Williams (POST ID: C57-X01) Last employing agency: Torrance Police Department

The Peace Officer Standards Accountability Advisory Board (POSAAB) shall review the findings of investigation presented by the Peace Officer Standards Accountability Division (POSAD) and shall make a recommendation regarding what action should be taken, suspension or revocation, on the certification of the subject peace officer.

e. POST2309558 - Braulio Robledo (POST ID: A83-R39) Last employing Agency: Los Angeles County Sheriff's Department

The Peace Officer Standards Accountability Advisory Board (POSAAB) shall review the findings of investigation presented by the Peace Officer Standards Accountability Division (POSAD) and make a recommendation regarding what action should be taken, suspension or revocation, on the certification of the subject peace officer.

VIII. CLOSED SESSION

At this time the meeting will adjourn into closed session for for deliberations on the cases presented today.

IX. FUTURE BOARD MEETING DATES

Upcoming Board meetings will be held:

- April 16-17, 2025 - POST, West Sacramento
- July 16-17, 2025 - POST, West Sacramento
- October 8-9, 2025 - POST, West Sacramento

X. ADJOURNMENT

AGENDA ITEM REPORT

Title: POST2302971 - GABRIEL GAXIOLA (POST ID: B49-S96)
LAST EMPLOYING AGENCY: LOS ANGELES POLICE DEPARTMENT

REPORT PROFILE

MEETING DATE	**BUREAU SUBMITTING THE REPORT**
01/16/2025	Professional Conduct Los Angeles Bureau

RESEARCHED BY	**REVIEWED BY**
Robert Bringolf	Mike Radford

REPORT DATE	**APPROVED BY**	**DATE APPROVED**

PURPOSE	**FINANCIAL IMPACT**
	No

ISSUE, BACKGROUND, ANALYSIS, & RECOMMENDATION

ISSUE:

The matter is before the Peace Officer Standards Accountability Advisory Board (POSAAB) for review and recommendation regarding the subject peace officer's certification status.

BACKGROUND:

Respondent began his employment with the Los Angeles Police Department (LAPD) on October 26, 1998, as a full-time Police Officer. The Respondent was promoted to the rank of Sergeant on July 7, 2019. At the time of the incident before the POSAAB, he was assigned as a sergeant. The Respondent is currently employed with the LAPD as a peace officer in the State of California.

This position is a peace officer position as defined under California Penal Code §830.1(a) and is required to be certified pursuant to California Penal Code §13510.1(a).

The circumstances surrounding the incident occurred when Respondent was arrested off-duty for driving under the influence of alcohol on May 13, 2022. As an aggravating consideration, Respondent had been previously arrested for driving under the influence of alcohol on July 10, 2016, a case for which he received a misdemeanor conviction for 23152(b)VC and three years' informal probation.

ANALYSIS:

The Division found that clear and convincing evidence substantiated that Respondent's conduct amounted to acts that violate the law that are sufficiently egregious or repeated as described in Commission Regulation 1205(a)(6) in that

Respondent was arrested for violating the law on two occasions during his employment as a peace officer, more specifically, both arrests have occurred while Respondent held the rank of Sergeant.

Respondent received a misdemeanor conviction for a violation of section 23152(b)VC for the DUI on July 10, 2016.

On January 26, 2024, Respondent signed a Rehabilitation Agreement with the LAPD regarding the discipline for this second DUI, in which he agreed that he committed misconduct and would complete certain specified terms in rehabilitation. LAPD agreed to hold any discipline in abeyance pending Respondent's successful completion of these terms.

On February 9, 2024, Respondent pled no contest to (and was convicted of) one misdemeanor count of driving under the influence of alcohol with a blood-alcohol content of over 0.08% - a violation of California Vehicle Code Section 23152(b). During that same proceeding, Respondent admitted to a prior conviction for driving under the influence in Los Angeles County Superior Court Case 16HM08811. The Court placed the Respondent on 60 months of probation and ordered him to install an Ignition Interlock Device on his vehicle as a condition of probation, serve 4 days in the "City Jail," complete an 18-month Driving Under the Influence program and attend 52 AA/NA meetings, and pay the assessed fines and fees.

RECOMMENDATION:

The Peace Officer Standards Accountability Advisory Board (POSAAB) shall review the findings of investigation presented by the Peace Officer Standards Accountability Division (POSAD) and make a recommendation regarding what action should be taken, suspension or revocation, on the certification of the subject peace officer.

ATTACHMENT(S):

BR1_POST232971_Gaxiola_ISF.pdf
BR2_POST232971_Gaxiola_A_AdmiistrativeInsight.pdf
BR3_POST232971_Gaxiola_B_EDI Profile.pdf
BR4_POST232971_Gaxiola_C_Accident Report.pdf
BR5_POST232971_Gaxiola_D_Sobriety Test Report .pdf
BR6_POST232971_Gaxiola_E_Warrant Affidavit .pdf
BR7_POST232971_Gaxiola_F_LA Cnty Court Records.pdf
BR8_POST232971_Gaxiola_G_Rehab Agreement.pdf
BR9_POST232971_Gaxiola_H_Arrest Report.pdf

BR10_POST232971_Gaxiola_I_LAPD IA Report .pdf
BR11_232971_Gaxiola_Attachement J_LAB Reports .pdf
BR12_232971_Gaxiola_Attachment K_ OC Court Records_Redacted.pdf

STATE OF CALIFORNIA
COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING
PEACE OFFICER STANDARDS ACCOUNTABILITY ADVISORY BOARD

In Re: CERTIFICATION OF Gabriel Gaxiola, **Respondent.**	**BOARD RECOMMENDATION RE: PEACE OFFICER CERTIFICATION** Penal Code section 13510.85(a)(4)

Penal Code section 13510.85 provides that when, upon the completion of an investigation conducted pursuant to subdivision (a) of section 13510.85, the Peace Officer Standards Accountability Division (the Division) finds reasonable grounds for revocation or suspension of a peace officer's certification, it shall notify the peace officer of the Division's determination and reasons for that determination. If the peace officer files a timely review, the Peace Officer Standards Accountability Advisory Board (Board) shall schedule the case for hearing.

Respondent was served with the Division's Investigative Summary and Findings and accompanying Notice of Intent to Revoke, notifying Respondent that the Division had found reasonable grounds for revocation of Respondent's POST certification, on September 27, 2024. Respondent requested a review of the Division's determination and reasons for revocation of Respondent's POST certification on October 24, 2024, and the Board scheduled the case for a hearing which was held on January 16, 2025. At the time of Respondent's request for review of the Division's determination, Respondent had been issued the following POST certification(s):

- ☒ Basic
- ☒ Intermediate
- ☒ Advanced
- ☐ Supervisory
- ☐ Management
- ☐ Executive

FACTUAL BASIS

Having considered the Division's presentation at the hearing, the Division's Investigative Summary and Findings and the public comments, the Board concludes that:

X A factual basis for revocation has been established by clear and convincing evidence.

__ A factual basis for suspension has been established by clear and convincing evidence.

__ A factual basis for suspension or revocation has not been established by clear and convincing evidence.

RECOMMENDATION

In light of the facts and circumstances revealed by the Division's investigation in this case, the Board hereby recommends that the following action(s) be taken against Respondent's certification:

__ Revocation of Certification.

X Revocation of Certification, stayed subject to a stipulated settlement by the Respondent and the Division on designated terms and conditions to be approved to by the Commission on Peace Officer Standards and Training. (10 ~~years~~ years probation term)

__ Suspension of Certification for the following period of time, not to exceed 3 years, per 11 CCR section 1213(b): _____.

__ No further action.

REASONS FOR DECISION

X In accordance with Penal Code section 13510.85(a)(4) and title 11, California Code of Regulations section 1213, the Board hereby incorporates by reference the Division's Investigative Summary and Findings and hereby adopts the Division's Summary and Findings as the Board's stated reasons for its recommendation in the above captioned matter.

___ (Where applicable) In accordance with Penal Code section 13510.85(a)(4), the Board's reasons for its recommendation are as follows:

_____

_____

_____

_____

Dated: 1/16/25

Chairperson or Designee
Peace Officer Standards Accountability
Advisory Board

STATE OF CALIFORNIA

COMMISSION ON

PEACE OFFICER STANDARDS AND TRAINING

PEACE OFFICER STANDARDS ACCOUNTABILITY ADVISORY BOARD

(POSAAB) MEETING

THURSDAY, JANUARY 16, 2025

9:01 A.M.

MEETING HELD

AT THE OFFICES OF

COMMISSION ON POST

860 STILLWATER ROAD, SUITE 100

WEST SACRAMENTO, CALIFORNIA

REPORTER'S TRANSCRIPT OF PROCEEDINGS

Stenographically Reported By:
Kathryn S. Swank
California Certified Shorthand Reporter #13061
Registered Professional Reporter

A P P E A R A N C E S

POSAAB MEMBERS PRESENT

JOYCE E. DUDLEY
(Board Chairperson)
Governor Appointee
Attorney

NICOLE CLAVO, Psy.D.
Governor Appointee
Public Member

REGINA HATCHER-CRAWFORD
Governor Appointee
Public Member

ROBERT DOYLE
Governor Appointee
Former Command Rank Peace Officer

JACK GLASER
Governor Appointee
Public Member

CEPHUS JOHNSON
Governor Appointee
Public Member

CHARLES LARA
Governor Appointee
Management Rank Peace Officer

MARGARET PENA
Speaker of Assembly Appointee
Public Member

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A P P E A R A N C E S C O N T I N U E D

POST COMMISSION STAFF

ROBERT BRINGOLF
Law Enforcement Consultant
Professional Conduct Los Angeles County Bureau

ANNEMARIE DEL MUGNAIO
Assistant Executive Director
Peace Officer Standards
Accountability Division
Executive Office

BRAD EHRMAN
Law Enforcement Consultant
Professional Conduct Los Angeles County Bureau

CHRISTINE FORD
Bureau Chief
Professional Conduct Southern Bureau

BRYANT HENLEY
Attorney IV
Legal Affairs Bureau

CHANDLER KNAPP
Staff Services Manager
Executive Office

LORALYNNE KONG
Law Enforcement Consultant
Professional Conduct Los Angeles County Bureau

SARAH WALLACE
Bureau Chief
Intake & Disposition Bureau

CARRIE WOOLLEY
Attorney IV
Legal Affairs Bureau

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A P P E A R A N C E S C O N T I N U E D

PEACE OFFICER STANDARDS ACCOUNTABILITY
ADVISORY BOARD LEGAL COUNSEL

CHRISTOPHER BEATTY
Deputy Attorney General
Department of Justice
Office of the Attorney General

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ALSO PRESENT

ELIZABETH GIBBONS
Counsel for
Braulio Robledo
POST ID A83-R39
(Via videoconference)

COREY GLAVE
Counsel for
Blake Williams
POST ID C57-X01
(Via videoconference)

BEATRICE JOHNSON
Public Comment

BRAULIO ROBLEDO
POST ID A83-R39
(Via videoconference)

DANNY SANCHEZ
Public Comment
(Via videoconference)

TOMMY THOMPSON
POST ID B81-T83
(Via videoconference)

LESLIE WILCOX
Counsel for
Gabriel Gaxiola
POST ID B9-S96

A P P E A R A N C E S C O N T I N U E D

TOM YU
Counsel for
Joshua Satterfield
POST ID C46-V20
(Via videoconference)

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Thursday, January 16, 2025, 9:01 a.m.

West Sacramento, California

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CHAIRPERSON DUDLEY: Thank you all for being on time.

Good morning, everyone. Today is Thursday, January 16th. And the time is 9:00 a.m. Thank you all for attending the Peace Officer Standards Accountability Advisory Board hearing.

Please note that this hearing is being live-streamed, recorded, and transcribed. Further, please note that the microphones are auto on/off. When you begin speaking, they will go live. With this in mind, you will need to watch your cross-talk.

We will now start with our roll call for our board meetings.

Mr. Knapp, please take roll call.

MR. KNAPP: Good morning, Members of the Board. Welcome. Good to see you today.

Board Member Buchen.

(No response.)

MR. KNAPP: Board Member Clavo.

MEMBER CLAVO: Present.

MR. KNAPP: Board Member Crawford.

MEMBER HATCHER-CRAWFORD: Present.

MR. KNAPP: Board Member Doyle.
MEMBER DOYLE: Here.
MR. KNAPP: Chair Dudley.
CHAIRPERSON DUDLEY: Here.
MR. KNAPP: Board Member Glaser.
MEMBER GLASER: Present.
MR. KNAPP: Board Member Johnson.
MEMBER JOHNSON: Present.
MR. KNAPP: Board Member Lara.
MEMBER LARA: Present.
MR. KNAPP: And Board Member Pena.
MEMBER PENA: Present.
MR. KNAPP: Thank you.
CHAIRPERSON DUDLEY: It looks like we are just missing one person, and a quorum has been established.
I would now like to introduce Board Counsel Christopher Beatty and Board Assistant Executive Director Annemarie Del Mugnaio. Right?
This time is set aside for members of the public who wish to comment on items not on the agenda but with -- excuse me -- but those within the Board's jurisdiction.
Public comment on matters on the agenda will be heard after each item is presented.
Public comment on specific peace officer revocation

MR. KNAPP: Lara, aye.
Pena.
MEMBER PENA: Aye.
MR. KNAPP: Pena, aye.
CHAIRPERSON DUDLEY: Now, would you give us the final record on that, please.
MR. KNAPP: We have seven ayes and one abstention.
CHAIRPERSON DUDLEY: There were no noes?
MR. KNAPP: No noes.
CHAIRPERSON DUDLEY: Okay.
Okay. Moving on to the next case, and, again, we will break at noon.
At this time, I will call upon Law Enforcement Consultant Robert Bringolf, Professional Conduct Los Angeles Bureau; and Carrie Woolley, Attorney, Legal Affairs Bureau, to provide a report on Case POST2302971, Gabriel Gaxiola, who, at the time of the events at issue in this case, was employed by the Los Angeles Police Department.
Please.
MR. BRINGOLF: Good morning, everybody. My name is Robert Bringolf. I'm one of the law enforcement consultants assigned to the Professional Conduct Bureau for Los Angeles County.
With me today is Carrie Woolley, an attorney with

our Legal Affairs Bureau.

I'm here to present Case 232971 [sic], involving LAPD Sergeant Gabriel Gaxiola.

It's the Division's determination that clear and convincing evidence exists to demonstrate that Sergeant Gaxiola committed an act of serious misconduct, as set forth in Penal Code section 13510.8, being arrested -- by being arrested while off duty for driving under the influence of alcohol on May 13th, 2022.

Specifically, the Division has determined that Sergeant Gaxiola committed the following acts of serious misconduct:

And that would be acts that violate the law and are sufficiently egregious or repeated as to be inconsistent with the peace officer's obligation to uphold the law or respect the rights of a member of the public, as determined by the Commission.

And that's Penal Code section 13510.8(b), as in boy, sub (6).

So this morning, I'm going to present a brief outline of the Division's findings of my investigation in this matter.

Sergeant Gaxiola was hired by LAPD on October 26th, 1998. He was promoted to Sergeant July 7th, 2019.

On May 13th, 2022, Sergeant Gaxiola was arrested

for his second DUI while employed as a peace officer for the Los Angeles Police Department. He was off duty and driving his personal vehicle on State Route 110 in the area of North Avenue 52 overpass.

His vehicle collided with a stopped vehicle, which, in turn, collided with another vehicle that had been stopped in the Number 3 lane of traffic.

Just so everybody is on the same page, the lanes are numbered from the inside of the roadway to the outside: 1, 2, and 3.

Gaxiola immediately contacted emergency services, which resulted in the California Highway Patrol responding to the scene.

The CHP officer observed Sergeant Gaxiola had red watery eyes; an odor of alcoholic beverages emitting from his breath and person; he had an unsteady gait, and that was observed while he was walking around the accident scene. He had slurred and delayed speech. And when one of the officers asked for his insurance card, he handed him his debit card instead.

A CHP officer conducted a standard field sobriety test and determined Mr. Gaxiola had been driving while under the influence of alcohol. He was arrested for driving under the influence in violation of 23152(a) VC; that's the Vehicle Code.

Sergeant Gaxiola refused to submit to a chemical test, at which time a search warrant was sought for a sample of his blood.

The warrant was granted and executed on May 14th, 2022, at 0122 hours. That's approximately five hours after the accident occurred.

And he was also arrested for section 23152(b) of the Vehicle Code.

On May 17th of that same year, 2022, the lab report came back and showed that the analysis of the blood sample for Mr. Gaxiola resulted in an average of 0.155 percent blood alcohol concentration; or BAC, as you might hear me say. The legal limit is 0.08 BAC.

An LAPD subject matter expert later calculated that an average male of Gaxiola's build would have had an approximate BAC of .23 five hours prior to the collection of that .155 sample.

As an aggravating factor, Sergeant Gaxiola was found to be carrying his handgun in his waistband at the time of his arrest while he was driving intoxicated.

In relation to that case, on February 9th, 2024, Sergeant Gaxiola pled no contest to and was convicted of one misdemeanor count of driving under the influence of alcohol, with a BAC of over 0.08 percent. That's a violation of California Vehicle Code section 23152(b).

During that same proceeding, Sergeant Gaxiola admitted to a prior conviction for driving under the influence in Los Angeles County Superior Court. That's related to a 2016 case, or arrest, case 16HM08811. And that is from January of 2017.

On February 9th, 2024, Mr. Gaxiola was placed on summary probation for a period of 60 months. The conditions of that probation are that he not operate a motor vehicle with any measurable amount of alcohol in his blood;

He's not to drive a motor vehicle without a valid driver's license in his possession, or without liability insurance in the minimum requirements by law;

He is to comply, if ordered, by Department of Motor Vehicles, to install an ignition interlock device as a condition of probation;

He's ordered to make restitution to the victim per Penal Code section 1202.4(f) in an amount determined at the hearing;

He is to pay a probation revocation restitution fine pursuant to Penal Code section 1202.44, which might be enforced in the manner provided for the enforcement of money judgment in the amount of $150;

He is to obey all laws and orders of the court;

He was also ordered to serve four days in city jail

as a condition of his probation;

And to pay a fine of $500 plus penalty assessments;

And enroll within 21 days from the date of his court hearing or his release from custody; and successfully complete an approved, licensed 18-month driving under the influence program;

As well as enroll in and complete a MADD, M-A-D-D, Victim Impact Program;

And attend 52 Alcoholics or Narcotics Anonymous meetings at a rate of two per week.

In addition to those court proceedings, on January 26, 2024, Gaxiola signed a rehabilitation agreement with the LAPD in relation to the second DUI case.

In that agreement, he admitted he engaged in misconduct that warranted discipline, and he agreed he understood the Board of Rights was agreeing to hold his discipline in abeyance until he completed the terms of his rehabilitation agreement.

The Division has also examined and considered his first DUI arrest as a peace officer, and that case was considered pursuant to California Code of Regulations, Title 11, section 1213.

Brief summary of that:

On July 10th, 2016, around zero-two hours, Sergeant

Gaxiola, then Officer Gaxiola, was off duty in the city of Laguna Beach, California. He was driving his assigned police vehicle. He had been assigned to the SWAT team at the time of this event. And he had taken his city vehicle to a wedding in Huntington Beach, California.

At the wedding, he had consumed mixed drinks, but didn't know how many.

After leaving the wedding in his City vehicle, he was stopped for a traffic violation by an on-duty Laguna Beach police officer.

During that traffic stop, he displayed objective signs of alcohol intoxication and was given a horizontal gaze nystagmus test and was arrested for violation of section 23152(a), VC, which is driving under the influence. And it's a misdemeanor.

After his arrest, he refused to submit to a preliminary alcohol screening test, but did submit to a blood test. He was found to have a blood alcohol content, or BAC, of 0.202 percent.

To further aggravate that situation, his City-owned vehicle had to be towed to Laguna Beach Police Department and secured in their sally port as the vehicle contained department-issued equipment and weapons.

And while that victim [sic] was being secured, officers located an open bottle of beer in the front passenger compartment.

He ultimately received a 22-day suspension without pay for that 2016 DUI arrest.

And in 2017, he received a misdemeanor conviction for violation of section 23152(b). The charge of 23152(a) was dismissed. And he received three years of informal probation; $140 fine; a mandated six-month first offender's program; and some victim impact counseling.

So the facts, as I have just recited, support the Division's finding that Mr. Gaxiola was involved in a -- in serious misconduct, specifically acts that violate the law and are sufficiently egregious or repeated as to be inconsistent with a peace officer's obligation to uphold the law.

For purpose of our findings at the Division, clear and convincing evidence means evidence of a charge is clear and convincing so long as there is a high probability that the charge is true. The evidence need not establish a fact beyond a reasonable doubt.

The Division recommends that Sergeant Gaxiola's POST certifications be revoked. And the Division's recommendation is based on the following:

He had been arrested for violating the law on two occasions during his employment as a police officer. More specifically, both arrests have occurred while Sergeant Gaxiola has held the rank of sergeant. While a repeated violation of the law alone may not always rise to the level of serious misconduct, it's the nature of these arrests and the aggregating factors that led the Division to find clear and convincing evidence exist to prove he had been involved in serious misconduct; specifically that described in 13510.8(b)(6) and California Regulation 1205(a)(6).

The public has a right to expect high moral and ethical standards from the police. And Sergeant Gaxiola's wanton disregard for public safety on more than one occasion merits decertification.

Further, the public has the right to be policed by individuals who are held to a higher standard. Sergeant Gaxiola's actions and arrests do not meet this standard.

Sergeant Gaxiola's blood alcohol concentration at each arrest was remarkably high. Expert opinion indicated that at the time of Gaxiola's recent accident, his blood alcohol content was likely around .23 percent, which is approximately three times the legal limit.

Evidence from Gaxiola's previous arrests for driving under the influence of alcohol showed his blood

alcohol at the time of the sample was .202 and then .200.

For his part in these arrests and incidents, Gaxiola put number -- numerous lives in jeopardy on at least two occasions: Once in a City vehicle filled with his SWAT gear and weapons; and once in his personal vehicle while armed off duty.

The latter of the two resulted in a vehicle accident which caused damage to Gaxiola's vehicle and two additional vehicles.

For these reasons, the Division finds the repeat offenses particularly egregious.

With that, I'm happy to try and answer any questions that you as the Board may have.

CHAIRPERSON DUDLEY: Can you give me a couple of answers, please.

When was the first DUI?

MR. BRINGOLF: The question was when was the first DUI?

CHAIRPERSON DUDLEY: Yeah. Because you said something about 2016, and then you said '17. Was '17 the plea, or when did the event occur?

MR. BRINGOLF: Yes, ma'am. Good question.

'17 was the plea. '16 was the arrest. July 10th, 2016, at 2:07 in the morning was the -- was the stop.

CHAIRPERSON DUDLEY: Okay. A couple more questions about that.

MR. BRINGOLF: Okay.

CHAIRPERSON DUDLEY: Do you have any information as to why he took a City vehicle to the wedding?

MR. BRINGOLF: I don't have any information, and it would just be supposition on my part.

I can tell you that as a SWAT team member he is likely on call. Though why he would drink on call is beyond me. So...

CHAIRPERSON DUDLEY: The other question is, thank you for your description of -- on the 5/17/22, that the assessment is at the time of the driving, he was at a .23.

Can you tell me about the time discrepancy and what the time would have been at the driving of the 2016 event where he got a .2?

MR. BRINGOLF: He was -- that was an on-view arrest. And I don't know how long it took for him to get a blood test.

CHAIRPERSON DUDLEY: Okay. So there was some time between the time that he was driving and the time that he got a blood test, but we don't know how much time?

MR. BRINGOLF: Yeah. And I don't know that it is necessarily remarkable outside of other DUI arrests.

On the second DUI, it was remarkable in the sense they had to seek a search warrant, and then that protracted the amount of time.

CHAIRPERSON DUDLEY: Right.

MR. BRINGOLF: But in the first arrest, there was no indication that there was a protracted amount time that would have been abnormal for a DUI arrest.

CHAIRPERSON DUDLEY: Okay. But generally, blood tests are not done in the field.

MR. BRINGOLF: Blood tests, generally, are not done in the field.

CHAIRPERSON DUDLEY: Did you say this was a blood test --

MR. BRINGOLF: A blood alcohol test -- it is sort of a misnomer.

CHAIRPERSON DUDLEY: Okay.

MR. BRINGOLF: It is testing one's blood alcohol concentration.

CHAIRPERSON DUDLEY: Right. Right.

MR. BRINGOLF: It can be done by drawing blood --

CHAIRPERSON DUDLEY: Right.

MR. BRINGOLF: -- or by taking a breath sample.

CHAIRPERSON DUDLEY: And what happened in 2016?

MR. BRINGOLF: It's -- I don't know.

CHAIRPERSON DUDLEY: Okay. So we don't know

whether it was a bled -- excuse me -- breath, blood, or urine test. We just know that there was a -- when it was tested, it ended up being a .2.

MR. BRINGOLF: I believe it is in the record, and I can look at it.

Did you have that answer, Carrie?

MS. WOOLLEY: It's a blood test in 2016.

MR. BRINGOLF: Okay. There you go.

CHAIRPERSON DUDLEY: I thought it was a blood test.

MS. WOOLLEY: Yes.

CHAIRPERSON DUDLEY: And so generally, again, blood tests are not done in the field.

MR. BRINGOLF: Blood tests are --

CHAIRPERSON DUDLEY: So some time goes by.

MR. BRINGOLF: -- typically not done in the field, yeah. I don't want to say never, but --

CHAIRPERSON DUDLEY: Okay. No. Definitely, there's some jurisdictions where ambulances were allowed. But in general. Okay.

All right. Those are my specific questions.

Members of the Board? Questions?

Yes.

MEMBER LARA: So this is for the investigator.

The second collision, when he was a supervisor, he collided with another citizen's vehicle. I want to make

sure I'm clear about that.

MR. BRINGOLF: That's right.

My understanding of the accident. I believe there's a diagram in the -- in the attachments that you received. The accident diagram.

My understanding is he's coming around a corner on an offramp. And there were two vehicles that were disabled on the side of that offramp or "exitway" from the highway. And he collided with the rear of the vehicle in the back of that two-vehicle --

CHAIRPERSON DUDLEY: Which then collided with the one in front of him?

MR. BRINGOLF: Yes, ma'am.

CHAIRPERSON DUDLEY: Okay. Okay.

MR. BRINGOLF: And then that moved it forward and collided with the rear of the vehicle in front.

Does that help, Captain?

MEMBER LARA: Very much so. Thank you.

MR. BRINGOLF: Okay.

CHAIRPERSON DUDLEY: Yes. Dr. Glaser.

MEMBER GLASER: Hi. Thank you. A couple of questions.

One is: On his record of disciplinary action within the department, there are three cases of discourtesy, and they are all -- there's an indication

on all of them that they were not resolved.

And I'm wondering if we can get some clarification on what that means.

MR. BRINGOLF: We may be able to, but not from me. And that wasn't included in the record, specifically.

So those cases were -- when we asked for previous work history and any discipline history, sometimes these things are pretty old, and they may not have those.

In this case, I don't remember specifically, but I didn't find that it was necessarily probative to the DUI, so I didn't look into it anymore.

So, yeah, that -- the discourtesy didn't necessarily lend me to think the DUI was --

MEMBER GLASER: We don't have a clear sense of what LAPD means when they say "not resolved"?

MR. BRINGOLF: No. And I also, again, don't want to -- I don't want to speak for LAPD. I have an idea that maybe -- I can tell you in general terms that there are instances where they can't get ahold of the complainant a second time.

Sometimes, they -- sometimes the complainant decides they don't want to do anything.

Sometimes the -- they handle it administratively because maybe it wasn't necessarily outside of their policy, but it needed to be addressed if somebody is

rude.

But so it's really hard to say. But, again, it wasn't necessarily important to the DUI part of this.

MEMBER GLASER: A question that is probably for Counsel, for Christopher Beatty.

And that's: We're supposed to be making determinations here based on egregiousness and repetition. And I'm just wondering how we treat the 2016 offense when it predates the law.

CHAIRPERSON DUDLEY: Let me interrupt for a second. I think the standard is either/or.

MEMBER GLASER: Yeah.

CHAIRPERSON DUDLEY: I don't think it's -- okay.

MEMBER GLASER: But we're -- I -- you know, whichever we're thinking about --

CHAIRPERSON DUDLEY: Yeah.

MEMBER GLASER: If we're thinking about repeated, are we allowed to consider 2016, which predates the period that the law covers?

MR. BEATTY: I think it is appropriate for consideration. But it can be a factor of whether -- how much weight that the board members want to give it.

In other words, there's both the passage of time, and then sort of the jurisdictional limit there, that the Board can factor into its calculation -- board

members can factor into their individual calculations and give that the weight that they individually -- so I don't want to dodge the question, but I think it's appropriate to consider those factors.

Is that helpful?

MEMBER GLASER: Yeah.

MS. WOOLLEY: And from the Division's standpoint, we just brought this in because it's evidence of prior conduct that's similar to the evidence that's brought before you today.

MEMBER DOYLE: Just for information, typically "not resolved" means the complaint can't be proved or disproved.

MS. WOOLLEY: That would be consistent with my experience, as well, as an agency attorney, yes.

CHAIRPERSON DUDLEY: Any other comments or questions from hearing board members?

(No response.)

CHAIRPERSON DUDLEY: Seeing none, thank you very much.

At this point, does the subject officer and/or their counsel wish to make a public comment?

MS. WILCOX: Yes, ma'am.

CHAIRPERSON DUDLEY: Okay. If so, you will each be given four minutes to speak, and time limits will be

strictly enforced. Please sit down.

So please ensure that you complete your comments within the allotted time while commenting. Keep in mind that the Board will only consider the facts as presented by the Division today, and will not consider any additional facts or defenses at this time.

The sole question before the Board today is the following: If the facts offered by the Division today are, in fact, proven at a later hearing, do those facts demonstrate a high probability that serious misconduct, as defined in Penal Code section 13510.8, and Commission Regulation 1205, occurred?

Please.

MS. WILCOX: Thank you. Good morning, still. I wanted to point out just a couple of things. I believe that --

THE COURT REPORTER: Please state your name.

MS. WILCOX: Oh, I'm sorry. Leslie Wilcox, W-I-L-C-O-X. I'm a union attorney for the Los Angeles Police Protective League.

CHAIRPERSON DUDLEY: Would you mind also moving the mic a little closer. Thank you.

Welcome and please go on.

MS. WILCOX: Do you need me to repeat any of that?

CHAIRPERSON DUDLEY: Yes, thank you.

MS. WILCOX: Okay. I'm a union attorney for the Los Angeles Police Protective League, and I represent Sergeant Gaxiola for this particular POST hearing.

He was planning on being here today remotely, but he's been assigned to the Palisade fires for the next few days, which I'm sure you all know, is something that's happening regularly with LAPD.

He is back at work as a sergeant in relation to the rehab agreement that Mr. Bringolf mentioned.

That is separate from a settlement agreement, so if anyone has questions about that, let me know.

I just wanted to clarify he was not promoted to sergeant until 2019. So the 2016 DUI did not occur while he was a supervisor.

And I wanted to answer the question about "not resolved."

Sir, you were correct. LAPD did not have body-worn cameras until 2015 is when they first came. And so a lot of the discourtesy allegations of that type were deemed not resolved, because there was no way to show if a person did or did not say what was alleged. Those are adjudicated slightly differently now that we have cameras recording everything.

I wanted to point out to you that you do have information in the documents that the Division provided

to you specifically in the Internal Affairs investigation that LAPD provided to POST showing what Sergeant Gaxiola has done since this incident. That particular investigation indicated that he had completed a 90-day rehabilitation program. It was specifically for first responders and dealing with post-traumatic stress disorder.

He did the Alcoholics Anonymous meetings as a result of not only his criminal case in 2022, but for his own betterment as well, and continues that to this day.

And he participates in the alcohol abuse unit through the behavioral science services at LAPD, which is meetings with psychologists, as often as they deem necessary, as well as a peer support member through that specific unit.

So the information that you have in front of you from the Division already shows the work that he has done since this incident occurred, which was in 2022, which is almost three years now, that that has occurred.

I believe you also have the information of the rehabilitation agreement. It is not through the department. It is through the Board of Rights, which are three civilian members selected by the LA Police Commission to hear his case. And they are the ones that

entered into that rehabilitation agreement with him and requires at least two times a month that he be tested for alcohol use, in addition to the rehabilitation programs that he's done separate from the 90-day one, the Alcoholics Anonymous meetings, his -- maintaining his relationship with his sponsor and meeting with him regularly.

As you see in that agreement, he's required to report quarterly back to the Board of Rights with his progress.

And the next Board date for that is actually next week, and they will be making a determination at that point as to whether or not he has lived up to his end of the bargain. And then they will make a decision about discipline for this 2022 DUI, just so you are aware of that.

So I wanted to bring that to the Board's attention. I know you have those documents, but I wanted to bring those to your attention and see if there was any other questions that I could answer for you.

CHAIRPERSON DUDLEY: Thank you, Counsel.

Also please thank him for the service he's providing now for the fire victims.

MS. WILCOX: I will do that.

CHAIRPERSON DUDLEY: Thank you.

Questions?

Questions for Counsel?

Yes, please. Ms. Pena.

MEMBER PENA: How long is this agreement in effect?

MS. WILCOX: So this agreement is in effect for one year typically. However, there's a caveat in the agreement that if the Board -- sorry, not the Board.

On January 24th, when they have their meeting, they will make a determination about discipline. They can either choose to terminate him, or they can give him a number of suspension days up to 65 days. Whatever they decide, if they don't determine to terminate him, if they give him some amount of suspension days, then LAPD itself has the option to extend that same rehabilitation agreement for another two years.

So with the Board of Rights, it's one-year agreement, and they have held that penalty in abeyance. They will make the penalty decision. And then the department can determine if they want to keep him on that same agreement for another two years.

And he is required to agree to that if they choose it.

MEMBER PENA: If that -- you may not be able to answer this. But if that agreement goes away, if he serves his one year under that agreement, does he

continue going to AA and have a sponsor and participate in the programs that work?

MS. WILCOX: He will, because it has proved to be very beneficial to him in this time period. He has learned a lot since 2022.

So he will continue going because he now understands that he is an alcoholic and will need to maintain that level of sobriety for the rest of his life.

And the department has provided him a lot of support in reality. They have done a very good job of supporting him through this and providing a lot of resources, both at the police station where he works, in Newton Division, as well as just department-wide with their behavioral science services, which provides a lot of supports to officers with addiction.

MEMBER PENA: And he's held accountable? I mean, people are making sure that he's attending two AA meetings a week?

MS. WILCOX: Yes. For the Board of Rights, he has to provide proof of that, and they do a quarterly report. I made some notes about it. I know you don't have that yet.

But in the first quarter, he attended 98 Alcoholics Anonymous meetings; the second quarter, he attended 39;

the third quarter, he attended 42.

He is -- the next report will be given to the board next week, and I assume it will be similar numbers to that. I believe he goes at least two times a week.

And he is tested twice a month for alcohol. It is twice a month, but it is randomly. Sometimes it's six days apart. Sometimes it's four weeks apart. But it is a random test where he's tested, and those have all -- and he has passed all of those.

MEMBER PENA: Have they all been negative --

MS. WILCOX: Yes.

MEMBER PENA: -- for alcohol?

MS. WILCOX: Yes. Every one.

And he gave me a list of things that he's doing in relation to your question:

He meets and speaks with one of the peer-support members from the alcohol abuse unit on a regular basis.

There are two people that he became friends with and supports with that first responder group that he meets with weekly to work out, as well as discuss their stresses.

He has another support group made up of five officers from the Task Force Heroes program that he participated in, that he has a group chat with where they text each other regularly for support.

He has a live-in partner that he cohabitates with, and she is his main pillar of support.

And then he relies on his family, his church, and he does a lot of physical activity to keep himself at a lower stress level so that he can maintain his sobriety.

And he intends on doing that for the rest of his life.

MEMBER PENA: Thank you.

MR. BEATTY: Just as a kind of reminder to the board members, the things that are outside the four squares of the investigation report, such as things that prospectively might mitigate or trend towards a rehabilitation, are not really in front of us now and shouldn't be given weight. Rather, we're looking at what the investigation report recommendation by the Division is.

And that's -- you know, and also consider this point: There could be things that could be brought in front of the ALJ that would militate towards a rehabilitation outlook. But those would need to be developed factually, and can't be infused into the report by Counsel's statements.

So that's just something to keep our eye on.

CHAIRPERSON DUDLEY: Thank you, Counsel.

Yes. Mr. Lara.

MEMBER LARA: All right. What is the ascension and how rapid is it if he fails any of these alcohol tests right now?

MS. WILCOX: The agreement that he has with the Board of Rights?

MEMBER LARA: Yes.

MS. WILCOX: It would be on the 24th of January. Then they would make a decision that they believed he violated that agreement. And my experience in that area is that they would terminate him on that day.

MEMBER LARA: Thank you.

CHAIRPERSON DUDLEY: Any other questions for Counsel by any other member of the Board?

MEMBER JOHNSON: Johnson.

CHAIRPERSON DUDLEY: Mr. Johnson.

MEMBER JOHNSON: Yes. I'm not clear on -- maybe you can explain the Board of Rights. Who are they?

MS. WILCOX: So LAPD's discipline system has a Board of Rights to adjudicate any discipline that is intended to be imposed by the Chief of Police. It is similar to a civil service hearing or an arbitration in other agencies.

In LAPD's system, it's under their city charter. They can either choose to have civilians that are appointed by the Police Commission, or they can choose

to have sworn law enforcement members of their own department decide their case.

And it's like a little trial but not like in front of a jury.

MEMBER JOHNSON: The other part of the question: I have heard an agreement with the Board of Rights. But did I also hear he had a second agreement?

MS. WILCOX: I was just clarifying that that rehabilitation agreement that was mentioned by Mr. Bringolf was not like a settlement agreement in the previous case that you had heard about from LAPD. They are different types of agreements.

But it is essentially like a probationary term to see if he can behave.

MEMBER JOHNSON: And the Board of Rights agreement is just for one year?

MS. WILCOX: Correct.

With the caveat that if the Board of Rights determines that he, in fact, followed all of the parts of that agreement, and they want to suspend him instead of fire him, then the department has the option to extend that agreement for up to two years at their discretion.

CHAIRPERSON DUDLEY: Thank you, Mr. Johnson.

Any other questions or comments at this point?

MS. WILCOX: May I just add one: I just meant to say that Sergeant Gaxiola is not disputing that this is a problem and that POST has the right to look at his actions on -- I think it was May of 2022. He is just requesting that the Board recommend a suspension instead of a revocation.

He is not asking that nothing happen. He understands that his actions have consequences. I just wanted to be clear about that.

CHAIRPERSON DUDLEY: Thank you, Counsel.

Okay. Thank you so much.

MS. WILCOX: You are welcome.

CHAIRPERSON DUDLEY: Is there anyone in the public that would like to address the Board at this time?

(No response.)

CHAIRPERSON DUDLEY: Anyone on the phone who would like to do so?

(No response.)

CHAIRPERSON DUDLEY: Okay. Well, we are going to take a break. It is now 12:01. Although the Board will be meeting in the room next door, we are not going to discuss this case at all because the court reporter will not be in the room with us.

So what we will do is -- do you think a half hour is enough time for lunch everybody? Yeah.

And does that give you enough time, Court Reporter?

THE COURT REPORTER: Yes.

CHAIRPERSON DUDLEY: Okay. So let's plan on not talking about this case for the next half hour, eating our lunch, and then asking the reporter to join at 12:31.

Thank you.

(Time noted: 12:01 p.m.)

---o0o---

(Break taken in proceedings:
12:01 p.m. to 12:39 p.m.)

---o0o---

(Closed session was held:
12:40 p.m. to 1:02 p.m.)

---o0o---

(Time noted: 1:06 p.m.)

CHAIRPERSON DUDLEY: Back on the record.

We are now convened -- reconvened to regular session to take a vote on the Board's recommendation in the matter of Case POST2302971, Gabriel Gaxiola, who, at the time of the events at issue in the case, was employed with the Los Angeles Police Department.

Any comments on the matter?

(No response.)

CHAIRPERSON DUDLEY: Is there a motion?

MEMBER DOYLE: Yes. I would like to make a motion, Madam Chair.

I will need some help from staff.

And my motion would be along the lines of what the POST Commission has -- has proposed with the DUI cases. And I don't know exactly every element of that. But that's what I -- that's my motion, and that's what I support.

CHAIRPERSON DUDLEY: Is that for a five- or a ten-year period?

MEMBER DOYLE: Five-year.

CHAIRPERSON DUDLEY: Okay. So that's the motion.

Is there a second?

MEMBER LARA: Second.

CHAIRPERSON DUDLEY: Okay.

MEMBER GLASER: Can I get some clarification?

CHAIRPERSON DUDLEY: Please.

MEMBER GLASER: Because there are several versions of this.

Is this decertify with a stay of the decertification?

CHAIRPERSON DUDLEY: What was your motion?

MS. DEL MUGNAIO: I'm sorry.

CHAIRPERSON DUDLEY: Go ahead.

MS. DEL MUGNAIO: To answer your question,

Dr. Glaser, it would be deemed a revocation stayed for an order of stipulated settlement.

CHAIRPERSON DUDLEY: Okay.

MEMBER DOYLE: Yes.

CHAIRPERSON DUDLEY: Is that your understanding?

MEMBER DOYLE: That is my understanding.

CHAIRPERSON DUDLEY: Okay. And the second that you made, Mr. Lara, is that based on what was just stated?

MEMBER LARA: Yes.

CHAIRPERSON DUDLEY: Okay. Fine.

So now we have a first; we have a second. And we got clarification.

Would you please call the roll vote.

MR. KNAPP: Yes. Thank you, Madam Chair.

Clavo.

MEMBER CLAVO: No.

MR. KNAPP: Crawford.

MEMBER HATCHER-CRAWFORD: Abstain.

MR. KNAPP: Doyle.

MEMBER DOYLE: Yes.

MR. KNAPP: Dudley.

CHAIRPERSON DUDLEY: No.

MR. KNAPP: Glaser.

MEMBER GLASER: Aye.

MR. KNAPP: Johnson.

MEMBER JOHNSON: Not in agreement.
CHAIRPERSON DUDLEY: Mr. Johnson, I think he needs a "no" or a "yes" from you, please.
MEMBER JOHNSON: I'm sorry. No.
MR. KNAPP: Lara.
MEMBER LARA: Aye.
MR. KNAPP: Pena.
MEMBER PENA: Aye.
MR. KNAPP: Motion fails. That's four yeses; three noes; and one abstention.
CHAIRPERSON DUDLEY: Motion fails.
Okay. So more discussion? Or do people just want to take a second vote?
MEMBER DOYLE: I have a question. How does the Board -- how does it fail?
CHAIRPERSON DUDLEY: Well, because we didn't get a majority.
MEMBER DOYLE: Oh, okay.
CHAIRPERSON DUDLEY: We have to have five.
MEMBER DOYLE: Okay.
CHAIRPERSON DUDLEY: So I guess we could -- now that everybody knows that, we can just take another vote, see if that changes anything. Or we could start looking at new motions.
Let's try it again.

Let's revote on the last motion that was made by Doyle and seconded by Lara.

And if you could take a vote, please, again.

MR. KNAPP: Clavo.

MEMBER CLAVO: No.

MR. KNAPP: Crawford.

MEMBER HATCHER-CRAWFORD: Abstain.

MR. KNAPP: Doyle.

MEMBER DOYLE: Yes.

MR. KNAPP: Dudley.

CHAIRPERSON DUDLEY: No.

MR. KNAPP: Glaser.

MEMBER GLASER: Yes.

MR. KNAPP: Johnson.

MEMBER JOHNSON: No.

MR. KNAPP: Lara.

MEMBER LARA: Yes.

MR. KNAPP: And Pena.

MEMBER PENA: Yes.

CHAIRPERSON DUDLEY: Okay. So the votes came out the same. And, therefore, that motion doesn't pass.

Is there any further discussion?

MEMBER LARA: Can another motion be brought forward?

CHAIRPERSON DUDLEY: I'm sorry?

MEMBER LARA: Can another motion be brought forward?

CHAIRPERSON DUDLEY: Yes. Absolutely. That motion failed, and we have no motion before us now.

Go ahead.

MEMBER LARA: Then I would move that if we could consider the same revocation stayed and ten years in the alternative, in terms of the additional time for it.

MEMBER DOYLE: Is that a motion?

MEMBER LARA: That was a motion. Sorry.

MEMBER DOYLE: I will second.

CHAIRPERSON DUDLEY: Okay. So now if you could take another vote.

MR. KNAPP: Okay. Clavo.

MEMBER CLAVO: Yes.

MR. KNAPP: Clavo, aye.

Crawford.

MEMBER HATCHER-CRAWFORD: Aye.

MR. KNAPP: Crawford, aye.

Doyle.

MEMBER DOYLE: Aye.

MR. KNAPP: Doyle, aye.

Dudley.

CHAIRPERSON DUDLEY: No.

MR. KNAPP: Dudley, nay.

Glaser.
MEMBER GLASER: Aye.
MR. KNAPP: Glaser, aye.
Johnson.
MEMBER JOHNSON: Aye.
MR. KNAPP: Johnson, aye.
Lara.
MEMBER LARA: Aye.
MR. KNAPP: Lara, aye.
Pena.
MEMBER PENA: Aye.
MR. KNAPP: Pena, aye.
CHAIRPERSON DUDLEY: 6-1.
So there were no abstentions this time.
Okay. That motion passes six to one.
Did I get that right?
MS. DEL MUGNAIO: 7-1.
CHAIRPERSON DUDLEY: 7-1, and that motion passes. No abstentions. One no.
Okay. Thank you, everyone.
Okay. Moving on to case 3.
At this time, I will call upon Law Enforcement Consultant Robert Bringolf, Professional Conduct Los Angeles County Bureau; and Bryant Henley, Attorney IV, Legal Affairs Bureau, to provide a report on case

CERTIFICATE OF REPORTER

I, KATHRYN S. SWANK, a Certified Shorthand Reporter of the State of California, do hereby certify:

That I am a disinterested person herein; that the foregoing proceedings were reported, to the best of my ability, in shorthand by me, Kathryn S. Swank, a Certified Shorthand Reporter of the State of California, and thereafter transcribed into typewriting.

I further certify that I am not of counsel or attorney for any of the parties to said proceedings nor in any way interested in the outcome of said proceedings.

IN WITNESS WHEREOF, I have hereunto set my hand this 5th day of February 2025.

KATHRYN S. SWANK, CSR
Certified Shorthand Reporter
License No. 13061