POST COMMISSION MEETING

September 12, 2024
AGENDA
9:00 AM

Location: Hilton Pasadena (Monterey Conference Rm) 168 S. Los Robles Ave., Pasadena, CA 91101

Meetings of the Commission on Peace Officer Standards and Training (Commission) are governed by the Bagley-Keene Open Meetings Act (Bagley-Keene), Government Code sections 11120 et seq. Under Government Code section 11123(a), all meetings of a state body are open and public, and all persons are permitted to attend any meeting of a state body, except as otherwise provided in that article.

Public Comment is encouraged. Public comments will be limited in time at the discretion of the Commission Chair and must relate to items on the agenda or items within the Commission's jurisdiction. The Public Comment period will occur at the beginning of the meeting, preceding any voting items on the agenda. Members of the public who wish to participate during public comment may do so in person by attending the meeting or by submitting written comments. Written public comments can be submitted by using one of the following methods: Email to commissionpc@post.ca.gov or mail to the Commission on Peace Officer Standards and Training, Attn: Public Comment, 860 Stillwater Road, West Sacramento, CA 95605 in accordance with the Comment Deadlines stated hereafter.

The Comment Deadline for this meeting is 5:00 p.m. on 09/09/2024. Written comments received at the Commission office by this deadline will be made available to Commissioners prior to the meeting. Written comments received after the comment deadline will not be included in the meeting materials or made available to Commissioners.

The Commission may take action on any item listed on the agenda, including items listed as discussion items. The Commission cannot act or deliberate on items not on the agenda but may discuss only to the extent necessary to determine whether the item should be made an agenda item at a future meeting. The Commission may respond briefly to statements or questions posed during public comment, request clarification, or refer the item to staff. Please note agenda items may be taken out of order and action (e.g., voting) may be taken on any agenda item.

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 and 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.

CALL TO ORDER AND WELCOME

COMMISSION MEMBERS

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

FLAG SALUTE

MOMENT OF SILENCE HONORING THE OFFICERS WHO LOST THEIR LIVES IN THE LINE OF DUTY SINCE THE LAST MEETING

- Vacaville Police Department Officer, **Matthew Bowen** - EOW July 11, 2024
- San Diego Police Department Officer, **Austin Machitar** - EOW August 26, 2024

ROLL CALL OF COMMISSION MEMBERS

INTRODUCTION OF POST LEGAL COUNSEL AND THE EXECUTIVE DIRECTOR

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

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 certification 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 five 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.

I. APPROVAL OF ACTION SUMMARIES AND TRANSCRIPTS

Approval of the Action Summaries and Transcripts from the previous Commission meetings held on June 12-13, 2024 in West Sacramento, CA.

a. Meeting Transcript - June 12-13, 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.

b. Action Summaries - June 12-13, 2024, West Sacramento, CA

If the Commission Concurs, the appropriate action would be a **MOTION** to approve the Action Summaries from the last Commission Meetings.

II. CONSENT

a. Report on POST Reimbursable Program - New Agency - Santa Barbara Airport Police Department

The Santa Barbara Airport Police Department has entered into the POST Reimbursable Program for its peace officers effective July 5, 2024.

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

b. Report on Course Certification Statistics

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

c. Report on POST Workforce Diversity Stats

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

d. Report on History of Policing Video Series Project

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

e. Panel Discussion Regarding Gaps in Serious Misconduct Definitions

This Item is for discussion only. No action is required.

f. Report on the PC832 Arrest and Firearms Course

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

g. Discussion on Proposed Amendments to Regulations 1010

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

h. Report on the Regular Basic Course Training Environment

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

i. Report on Legislative Update

This is a legislative report with bills of interest from the 2024 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.

III. TRAINING DELIVERY AND COMPLIANCE BUREAU

a. Report on Proposed Changes to Commission Regulation 1005 Regarding Continuing Professional Training (CPT) Mitigation Requirements

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

IV. PEACE OFFICER STANDARDS ACCOUNTIBILITY DIVISION

a. 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.

b. Report on Request to Amend the Contract for Axon Enterprise, Inc. - Axon Evidence Program

POST staff recommends amending the contract with Axon Enterprise, Inc. to purchase 20 additional software licenses and the associated evidence storage capabilities.

The original Axon contract was executed for four-years (10/1/2022-6/30/2026) with a total cost of $230,400.00 for 50 licenses, plus evidence storage. As such, the original contract amount was under the $250,000 threshold requiring Commission review and approval, and was not submitted to the Commission for review. The amendment will increase the total contract amount by $56,380.00 over the next 18 months for a total contact amount of $286,780.80 which now exceeds the $250,000 threshold, and is therefore before the Commission for consideration.

c. Delegation of Authority to the Executive Director to Accept Default Revocation Orders

Should the Commission concur, the appropriate action would be a **MOTION** to approve the Delegation of Authority to the Executive Director to Accept Default Revocation Orders.

d. Final Decision/Status of Settlement Discussions - POST2311496 - Cesar Hazel Diaz (POST ID: C68-U20)

This matter is before the Commission to render a decision regarding the case of Cesar Hazel Diaz (Respondent); POST2311496. In accordance with the Commission's prior direction, staff entered into settlement discussions with respondent and has reached an agreement with Diaz to the terms proposed by the Commission. The Commission may consider the settlement as a final resolution in the matter as the Commission deems appropriate.

Conference with Legal Counsel/Deliberation: Pursuant to Government Code

sections 11126(c)(3) and 11430.30(b) the Commission hereby provides public notice that it may meet in closed session to consider settlement proposals, and deliberate on decisions to be reached, in the following certification proceedings, as follows:

- Cesar Hazel Diaz – POST2311496 – Consideration of proposed settlement.

e. Final Decision/Status of Accusation Filing; Division's Request for Revocation of Certification - POST2308479 - Justin Raymond Ramirez (POST ID: C37-S81)

This matter is before the Commission to render a final decision regarding the case of Justin Raymond Ramirez (Respondent); POST2308479. In accordance with the Commission's prior direction, staff filed an accusation requesting revocation of the Respondent's peace officer certification. Pursuant to Government Code §11505(b), the Commission may proceed with the revocation of the certification as no request for a hearing was received by POST, on behalf of the respondent, within the 15-day time frame provided by the Government Code. The Commission should consider adopting the default decision as a final resolution in the matter.

Conference with Legal Counsel/Deliberation: Pursuant to Government Code sections 11126(c)(3) and 11430.30(b) the Commission hereby provides public notice that it may meet in closed session to consider settlement proposals, and deliberate on decisions to be reached, in the following certification proceedings, as follows:

- Justin Raymond Ramirez – POST2308479 – Deliberation on default decision.

f. Discussion and Vote Regarding Hearing Proceedings for POST Certificate Cancelation - Joshua Paul Enea (POST ID: C13-U51)

This matter is before the Commission to determine whether the appeal of the cancellation of the Basic and Intermediate certifications for Joshua Paul Enea will be heard before the Commission or before an Administrative Law Judge of the Office of Administrative Hearings. In accordance with California Code of Regulation section 1202(c)(4), the Commission may conduct the appeal hearing on its own or may refer the hearing to a qualified hearing officer where the hearing would conform to the Administrative Procedures Act (Government Code section 11400 et seq) and where the Commission shall render a decision to uphold or overturn the decision to cancel the certification(s).

The Commission further provides notice that pursuant to Government Code section 11126(e)(1), the Commission will discuss the following pending litigation matter involving a proposed certificate cancellation, in closed session:

- Joshua Paul Enea (POST ID: C13-U51.)

V. CORRESPONDENCE

The following correspondence was sent from POST to:

- Ian Schmutzler, Chief, Vacaville Police Department; expressing deep sympathy over the tragic on-duty death of Officer Matthew Bowen.
- Scott Wahl, Chief, San Diego Police Department; expressing deep sympathy over the tragic on-duty death of Officer Austin Machitar.

VI. **NEW BUSINESS**

a. New Advisory Committee Member Appointments:

- Request to appoint Sheriff Kory Honea, to the POST Advisory Committee, as a representative for the California State Sheriff's Association (CSSA).

If the Commission concurs, the appropriate action would be a **MOTION** to approve the appointment of Sheriff Kory Honea.

- Request to appoint Vice Chancellor Anthony Cordova, to the POST Advisory Committee, as a representative for the California Community College Chancellor's Office (CCCCO).

If the Commission concurs, the appropriate action would be a **MOTION** to approve the appointment of Vice Chancellor Anthony Cordova.

- Request to appoint Detective Alisha M. Rosa, to the POST Advisory Committee, as a representative for Peace Officers Research Association of California (PORAC).

If the Commission concurs, the appropriate action would be a **MOTION** to approve the appointment of Detective Alisha M. Rosa.

- Request to appoint Captain Miguel Pacheco, to the POST Advisory Committee, as a representative for California Peace Officers' Association (CPOA).

If the Commission concurs, the appropriate action would be a **MOTION** to approve the appointment of Captain Miguel Pacheco.

- Request to appoint Investigator Kenneth F. Ehrman, to the POST Advisory Committee, as a representative for the Peace Officers Research Association of California (PORAC).If the Commission concurs, the appropriate action would be a **MOTION** to approve the appointment of Investigator Kenneth F. Ehrman.

If the Commission concurs, the appropriate action would be a MOTION to approve the appointment of Investigator Kenneth F. Ehrman.

- Request to appoint Instructor Dominic Gamboa, to the POST Advisory Committee, as a representative for the POST Private Presenter position.

If the Commission concurs, the appropriate action would be a **MOTION** to approve the appointment of Instructor Dominic Gamboa.

VII. **FUTURE COMMISSION DATES**

Upcoming Commission Meetings will be held:

- November 21, 2024 - POST Headquarters: 860 Stillwater Road, West Sacramento
- March 06, 2025 - Greater Los Angeles Area
- June 05, 2025 - POST Headquarters: 860 Stillwater Road, West Sacramento

VIII. **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)].

ADJOURNMENT

AGENDA ITEM REPORT

Title: MEETING TRANSCRIPT - JUNE 12-13, 2024, WEST SACRAMENTO, CA

REPORT PROFILE

MEETING DATE 09/12/2024	**BUREAU SUBMITTING THE REPORT** Executive Office	
RESEARCHED BY	**REVIEWED BY**	
REPORT DATE	**APPROVED BY** Manuel Alvarez, Jr.	**DATE APPROVED** 08/27/2024
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):
06.13.24 Commission Meeting.pdf
06.12.24 Commission - Serious Misconduct Case Review.pdf

STATE OF CALIFORNIA

COMMISSION ON

PEACE OFFICER STANDARDS AND TRAINING

POST COMMISSION MEETING

THURSDAY, JUNE 13, 2024

10:04 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:
Emily Samelson
California Certified Shorthand Reporter #14043

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

P. LAMONT EWELL
Public Member

KELLY GORDON
Chief
Santa Barbara Police Department

TINA NIETO
Sheriff
Monterey County

STEPHEN WOOLERY
For ROB BONTA, Attorney General
Department of Justice
Ex Officio Member

MICHELLE RODRIGUEZ
Public Member

SHANNAN MOON
Sheriff
Nevada County

POST COMMISSION ADVISORY COMMITTEE MEMBERS

JASON SALAZAR
(Advisory Committee Chairperson)
California Police Chiefs Association

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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

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

TOM OSBORNE
Assistant Executive Director
Peace Officer Standards
Field Services Division
Executive Office

CHANDLER KNAPP
Associate Governmental Program Analyst
Executive Office

ASHLEY ANDERSON
Staff Services Analyst
Executive Office

RAYMUND NANADIEGO
Law Enforcement Consultant
Management Counseling and Projects

MICHELLE WEILER
Bureau Chief
Certification Bureau

MEAGAN POULOS
Legislative Liaison & Public Information Officer
Executive Office

KIRK BUNCH
Bureau Chief
Management Counseling and Projects 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

POST COMMISSION STAFF (CONTINUED)

CHRISTINE FORD
Bureau Chief
Professional Conduct Southern Bureau

STEPHEN CRAWFORD
Law Enforcement Consultant
Basic Training Bureau

CARRIE HOLLAR
Bureau Chief
Basic Training Bureau

ANITA FINNER
Staff Services Manager
Basic Training Bureau

THOMAS CHALK
Bureau Chief
Training Delivery and Compliance Bureau

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ALSO PRESENT

WAYNE WOO
Sheriff
Placer County

WILLIAM DUNCAN
President/Superintendent
Sierra College

ANDRES RIOS
Officer
Santa Monica Police Department

WAYNE WINDMAN
Lieutenant
Redondo Beach Police Department

DAVID KESSLER
Chief Deputy
Kern County Sheriff's Office

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

ALSO PRESENT (CONTINUED)

RONALDO VILLEDA
RIPA Board

MANJUSHA P. KULKARNI
RIPA Board

DR. CASSANDRA VIETEN
University of California, San Diego

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David E. Kenney, Classified Human Resources Manager, Montebello Unified School District; in Response to Letters Received Dated March 11, 2024		

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Thursday, June 13, 2024; 10:04 a.m.

West Sacramento, California

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CHAIRPERSON LONG: All right. Welcome, everyone. Thank you for being here. We're starting almost on time. It's 10:04, and we've got a lot to do today and a lot of people trying to make planes mid-afternoon. So we will try to act expeditiously as possible this morning.

By the way, there will be some POST photographers, I think, going through the room taking pictures for social media. If you are concerned yours may end up on eBay or something because of their great value, be sure you let them know and they won't take pictures of you.

Let's stand for the Presentation of the Colors by the Placer County Sheriff's Office Honor Guard.

(Presentation of Colors.)

CHAIRPERSON LONG: Please remain standing as Commissioner Barcelona leads us in the Pledge of Allegiance.

(Pledge of Allegiance recited in unison.)

CHAIRPERSON LONG: Now please join together in a moment of silence to honor the officers who have died in the line of duty since our last meeting, Deputy Alfredo "Freddy" Flores of the L.A. County Sheriff's Department,

end of watch April 20th, 2024.

(Moment of silence observed.)

CHAIRPERSON LONG: Thank you. And a thanks to the Placer County Sheriff's Department's Honor Guard. Thank you very much.

(Applause.)

CHAIRPERSON LONG: Please be seated.

We now have the privilege of welcoming Placer County Sheriff Wayne Woo and Sierra College President and Superintendent William Duncan, who will join us and provide opening remarks.

Gentlemen.

Sheriff Woo began his law enforcement career in 1990 with the Lake County Sheriff's Office and joined the Placer County Sheriff's Office in 1994.

Sheriff Woo rose through the ranks, served in many units including investigations, where he worked as a detective in property crimes and special investigations, rising to sergeant in the Special Operations Unit. He also served for over 18 years on the Special Enforcement Team, where he worked as an operator, team leader, and team commander. He has also served in the Training Division as a use of force instructor, teaching defensive tactics, impact weapons, and firearms training.

Sheriff Woo has more than 1,000 hours teaching at the Sheriff's Office in Sierra College.

As lieutenant, Sheriff Woo served as the station commander for the South Placer Substation in Loomis. In 2012, he was promoted to captain as the corrections division commander, where he worked to fund, staff, and open the South Placer County Jail.

In 2013, he transferred to field operations division, where he served until February 2017, when he was appointed Undersheriff.

In June 2022, Sheriff Woo was elected the 29th Sheriff of Placer County.

Welcome, Sheriff Woo.

SHERIFF WOO: Thank you.

CHAIRPERSON LONG: Now for President Duncan.

President Duncan was selected as the sixth president of Sierra College in 2011. He revitalized the college's facility master planning efforts, resulting in a 20-year plan to accommodate the future growth of the Rocklin campus, culminating in the passage of a $350 million bond issued in June 2018.

The Rocklin campus master plan consists of new and upgraded facilities, including a new science building, a public safety center, infrastructure improvements, and expansion of student services facilities. President

Duncan is also leading the college through re-engineering programs and services to ensure student success.

President Duncan is involved at the state level as well, serving on multiple committees and task forces. He serves on the Community College Facility Coalition, the Association for California Community College Administrators, the Community College League of California, the Advisory Committee on Legislation, the Placer County Economic Development Board, Valley Vision, and several chambers of commerce. He serves as co-chair of the Greater Sacramento Economic Council Competitiveness Council, which promotes economic growth for the region. All that and more.

Sheriff Woo and President Duncan, thank and welcome. The floor is yours.

SHERIFF WOO: Thank you. I would like to thank POST and the Commission for the invitation to speak this morning. It truly is an honor to be here.

You know, as I was driving down today and reflecting on being in my 34th year in law enforcement, I still have a great deal of pride being a peace officer in this great state of California. I believe we are the most professional and highest trained peace officers in the nation, and it's due to the hard work of the POST

Commission and the Commissioners on this board. So thank you for all of your work and everything you've done to advance the profession over my career.

A little bit about Placer County. For those of you that aren't familiar, we're about 20 minutes down the road east of here. We do border on Sacramento County. We pretty much run the Interstate 80 corridor up to Tahoe. We have the north shore of Lake Tahoe, and, in fact, we have -- the biggest section of the lake is our jurisdiction's responsibility in Placer County.

We're a little over 1500 square miles as a county, and we're constantly rated one of the fastest growing counties in the state of California. Right now it's estimated that we're between 425- to 450,000 population in our jurisdiction, and a lot of the growth is going to be occurring in the unincorporated areas. Some of the areas we'll talk about today is projected to add 70- to 80,000 residents in the unincorporated area of the county over the next 10 to 20 years.

So I'm pleased to be here with President Duncan, who our office and the college has had a long partnership, and kind of give the Commission a briefing and share some of our vision of what we're trying to do in Placer County in regards to training the next generation of public safety in Placer County and even in

the Sacramento region, because I'm very confident that this project and our vision for this project will have impacts far outside of the county of Placer.

So what we're going to maybe give an overview on today is a proposed regional public safety training center that we're pursuing in the county of Placer, in partnership and really being led by Sierra College.

And I do not take it for granted, when you look all over the state and the nation of some institutions of higher learning and their opinions on public safety and peace officers, that we have such a great partnership with Sierra College.

And I don't want to steal President Duncan's thunder, but, you know, they went for a bond measure and received some funding for facilities. And under President Duncan's leadership, he saw the importance of a regional public safety training center and made this a priority with some of those funds. Because he realized, with the growth of Placer County, that we needed a facility like this, because public safety was extremely important to maintain the high quality of life that residents of Placer County enjoy. So we're extremely excited to be here.

And when I talk about that partnership, we've partnered with Sierra College. They're certified and

run the Modular III/Modular II Academies, and they actually have run those for over a decade out of our office and our training unit, utilizing our classroom space and our ranges up at the Auburn Justice Center at our headquarters.

So with that, I will get into the first slide.

I think, clearly, there is a need for public safety training facilities throughout the state. Again, specifically in Placer County, we have a dire need. And when you look at the projected growth, it's really exciting that we're embarking on this journey.

Like I mentioned, in 2018 -- and President Duncan will, I think, get into more details -- there was a bond measure that was passed in Placer County to allow Sierra College to improve their facilities and add facilities. And President Duncan made it one of his priorities to partner and complete this public safety training center.

I talked about our partnership with Sierra College and, really, our commitment at the sheriff's office to provide training. We provide our staff over four times POST requirements annually to every sworn peace officer in our office.

So we've always placed a high priority on training and instruction, and I'm really excited about the opportunities that a facility like this can provide for

the future of not just the sheriff's office but all law enforcement within our region.

Some of the areas we're talking about, if you're not familiar with Placer County, are really on the west end of our community that borders, some of it, Sacramento; some of it, Sutter County.

When I mentioned that a lot of this area is in the unincorporated parts of our community, specifically the proposed site for the regional training center will be in what's considered the Placer One project. This is a 2200-acre master planned community. And some of the exciting things going on at this community are two universities, one of them being a Sac State satellite campus with, I think, over 30,000 students eventually.

But when I talk about partnership that we have, not just with Sierra College, we also have a great partnership with Sac State. And one of the things I'm most excited about is an initiative that I've partnered with District Attorney Morgan Gire on to build Placer County's first crime lab.

We've partnered with Sacramento State. The crime lab will be on the Sacramento State campus. It's projected to be the first facility built on that campus, and it will really be able to serve as not only the crime lab for Placer County but also a hands-on learning

environment for people in the forensic sciences going through Sac State programs.

I'll let Willy get into Sierra College's footprint that they'll also have out there. But as we go through the presentation, I think you'll see that our goals really are to create a modern public safety training facility. And when I mean public safety, this is not just going to be for law enforcement. This will be also for the fire service and the fire Academies.

Some of the leads are really Sierra College, and while we have other fire jurisdictions, law enforcement jurisdictions, the leads, really, at the table for this project are the sheriff's office and CAL FIRE or Placer County Fire, who we have a contract with in the county to serve as our county fire department.

So I think the opportunities are endless. Our goal is to bring in modern training, really cutting-edge and forward-thinking training. And I think there will be great opportunity, when you consider the fact that the fire service will also be there, to integrate early on in somebody's career things like TEMS, rescue task force training, joint unified command training.

And partnering with Sac State and Sierra College, I think, will offer us opportunities as we face the challenges of the legislation that will be requiring the

modern policing degree and things like that.

So I couldn't be more excited about this project moving forward and the potential to impact and raise the professionalism of peace officers in Northern California.

I think with that, I will turn it over to President Duncan.

MR. DUNCAN: Well, thank you, Sheriff Woo. Really appreciate those comments.

And as was mentioned, my name is William Duncan. I'm the superintendent/president at Sierra College. I go by Willy. So you might hear that as my name mostly.

But talking really quick, I think most of you are aware and Sheriff Woo alluded to Sierra College's program right now. We have a POST II Module Academy, Level II and Level III, very connected to all of our peace officer organizations in Placer County.

We provide internships for our students, and our students are really participating in all the agencies in our area.

We have an advisory board that's made up of all of our agencies that are participating in that. So that really makes it a strong program and ensures it stays very well connected to current practices and training that are happening.

We participate in a lot of job fairs. We host an annual public safety job fair on our campus centered around Veterans Day. We have a very large veterans program at Sierra College, and so we connect those two things together and have quite a few agencies out on campus at that time.

Our faculty come from -- are usually retired or working peace officers at all of our municipalities. Sheriff Woo himself has taught for us. And so we greatly appreciate that, and we understand that connection makes us -- makes our program a strong program.

And then we also have -- Sheriff Woo mentioned -- Sac State, and I'll talk a little bit more about that as we go on. But we also have a pretty large transfer program, transferring students into four-year criminal justice programs. Sac State has one of the largest programs in the country. And so that's a really good, strong asset for us and is going to be important as we build out the Placer center that was mentioned.

This is a little timeline. I know it's probably really hard to see on that screen. But -- and I don't need to hit every aspect of it.

But in 2018, we passed Measure E, which is a $350 million bond. That was the fourth attempt for

Sierra College to pass a bond. So it was no small feat. And previous to that passage of that bond, the last bond that had passed in Placer County to support Sierra College was 1956. So we definitely needed an infusion of capital into our campus. And if you drive by the campus now, I think you would see those dollars at work as we rebuild and upgrade and retool the Rocklin campus.

As a key component of that bond measure was funding for a regional public safety training center. And as you might imagine, Placer County is a county that really does value its safety and its peace officers, and that was one of the highest ranking projects when we polled our community and talked to our community about what they wanted to see from Sierra College.

So then as you kind of look forward, one of the things that we needed to do as we started in this process was, originally, we had been looking at a location on the college campus, on the Rocklin campus. It quickly became evident to us that that location was not going to work for a large training center. It could work for a small training center that would really just meet the college's needs but not thinking regional, not thinking very large and partnering with all of our agencies. So that started us on a process to really look for property and try to identify a location where

this could happen.

I'll move to our next slide and kind of get into that.

This shows you a list of our partners. As we began to reach out to the community and reach out to our potential partners, all of our agencies in the area, from Auburn, Lincoln, Rocklin, Roseville, all came forward, both police and fire: obviously, Placer County Sheriff Office; Placer County Fire Department, which is run by Cal Fire; and then the Placer County District Attorney's Office; the Executive Office of Placer County and their support; the FBI, with their Northern California Field Office being right there; and then also Sacramento State, with their new presence in Placer County at Placer One and the Placer center.

So we have a long list of partners, and they are all fully engaged in this process.

This map shows you -- and again, may be a little hard to see. But this map shows you the general location. If you're familiar with the area, Thunder Valley is right out in this area off 65. So that may help you with kind of a location.

Placer One is the large yellow area there. That's the 2200-acre development. And you see the Placer center, the green area right in the center of that.

Sierra College is partnered in the Placer center. It will originally start as probably a small center as it develops, and then Sierra College will build, for lack of a better term, a transfer center in partnership with Sac State.

But just a quick moment on that before I jump over to the training center. One of the things that I have felt very strongly about in being involved in the Placer center is that this should be more than just a community college located close to a CSU campus. We -- and we're partnered and very much in alignment on this thinking with Sac State.

We want to make this something unique that has not happened in the state of California before. We want to see this as a partnership in which the transition for students is seamless. We are talking about dual admission. So a student would come to Sierra and Sac State at the same time together. We're talking about sharing financial aid. We're talking about sharing staffing so that advising happens seamlessly for students and so students can move through that process without some of the breaks that they have right now when they try to transfer from a community college into a four-year university.

And this becomes important for the training center

when we think about modern policing and degrees that align really well with training and where we're going with training out into the future and access to a four-year institution. So one of the reasons we've been looking at this location out here is for the close proximity to the Sac State satellite campus.

And that light-blue box that you can see above the yellow Placer One is the area that we have been looking at for locations. That's about 50 acres right there. There is room for expansion for it to be larger, not that we think we need bigger than that initially. But as we've been looking at training centers around the state and around the country, one of the things we hear from all of them is, the second you build it, it's already too small. So we're kind of trying to take that into account and think about future growth for that center.

So I guess I'll go ahead and move on to my next slide.

There we go.

With all of our agencies partnered with us, we've done quite a bit of work to kind of try to imagine what this might look like, and that has really started by essentially asking the Sheriff and our chiefs that are at the table, "What do you need in a training center?

Where do you struggle?" We spent a lot of time about "Where do you get your training now and what are the struggles that you face?"

As you might imagine, probably the number-one thing that jumped up for everybody, both police and fire, was an EVOC track and access to that. That is hard for our agencies to get access to the tracks in the area already.

But this kind of is a site that we've laid out. It's an early site plan. So consider it draft and we'll modify from there.

But as you see on the right-hand side, those colorful buildings there are really our classroom and administration buildings. We would also have locker rooms, training rooms inside that. That would be probably as a part of a Phase 1.

At the top, you see an EVOC track that could be used by both police and fire. You see a training pad that could be used by both police and fire, a tactical village on the bottom left. And this has been something that I think is a want list from a lot of our agencies to be able to train, on what it might look like when they're out in the field.

And then also a pistol and rifle range. Rifle range has been really high on everybody's lists as

something that they struggle to get access to.

You see training towers also on there.

And so, you know, it really starts to look like a comprehensive center.

And like I said, this is draft and we'll be working on the development of this as we go along, but this is really where our line of thinking is right now.

And as -- this is my last slide. So just a few comments as I get to the end of this and maybe some things I forgot to say as I went along.

You know, I already mentioned that this is 50 acres. We're in negotiations for that land right now. So we don't own it yet, but we are working on that and I think we're making really good progress.

From a timeline standpoint, we'd like to be operational with the public safety training center by 2027. So our timeline is short. We've got about three years from now to make that happen. There's a lot to have happen between now and then. But Sierra College has the initial seed money to get this off the ground and get this started.

And then we are also looking for -- that will build the first phase. We're looking for partners in ways that we can build this out. But with all of our agencies partnered together, we think we can make that

happen.

And then, you know, with the close relationship that we have with the sheriff's office and with Sheriff Woo, you know, things have really taken off as Sheriff Woo has come into office and as we've really deepened these conversations. And so we feel very good about that partnership and where we're going.

We really do want to make this, you know, really a shining star for training for the future and really thinking futuristic and thinking kind of what does modern policing look like out into the future and how do we get out in front of that and really envision what that looks like.

And Sheriff Woo began his comments by, you know, thanking Sierra College for the partnership and enjoying that relationship that we have that maybe doesn't exist with higher ed in every other community. But it certainly exists in Placer County, and we really very much value that partnership.

And we really look at this as a necessity for the future and really a way that we take charge of our future and own our future and what public safety looks like out into the future for Sierra College and for Sac State and for all of Placer County and for all of the region. We see this as an asset for the region.

So I will go ahead and end my comments there, and happy to answer any questions that you may have as we -- as you hear this and think about this for the future.

CHAIRPERSON LONG: Thank you, gentlemen.

Questions? Comments? Anyone?

(No response.)

CHAIRPERSON LONG: President Duncan, what's the budget for this thing? What's going to be the state contribution, say, versus the county contribution for the annual operating costs outside the bond?

MR. DUNCAN: So our initial contribution is right at about 30 million that the college is putting in.

To build the center that you saw right there, we're estimating it's between 75 to 100 million, depending upon timing. So you see we have enough to do a first phase, but we've got to build that out.

We're working on operating costs right now. I mentioned that we had visited a number of training centers around the state and around the country. We've gathered budgets from all of those training centers to kind of get an idea of what it takes to operate.

If we can get an option on the land to get into contract -- and that's really what our hope is -- that will get us started on our environmental reports that

we've got to do to be able to move through CEQA and be able to get started.

And our next phase, then, with the sheriff and our other partners is really look at usage and cost to operate. The college can bring some of that operation cost in because we have some of that infrastructure already, but we can't bring all of it. And so we really look to our partners to see.

The county also has some funds that they're willing to bring in for construction and for operation for this. So it is really going to be a partnership.

We're looking at structures. It could be an MOU structure between all the agencies; it could also be a JPA, joint powers authority, that could go into place and help us operate and get structure.

But I really see as our primary partners being the County and Sierra College as we get this started because of the deep relationship with the sheriff's office and with Placer County Fire and the CEO's office in Placer County.

CHAIRPERSON LONG: Thank you.

MR. DUNCAN: Yeah.

COMMISSIONER MOON: Not a question but a comment.

Just as another partner in Northern California, I cannot commend you guys enough for your vision and your

ability to work together. The smaller -- in our last meeting, some of our counties called them micro-counties. But our minor counties in our Northern California district, clearly, we're going to be able to celebrate with you and use the resources because of the need. And just, thank you.

CHAIRPERSON LONG: Thank you very much for taking the time to grace us with your presence and your wisdom, and good luck.

I think -- echoing Sheriff Moon, I think it's an ambitious and it's also a somewhat inspiring project that will, I think, point out to the need for training. And I hope you guys can pull it off to the best of your planning. Thank you very much.

SHERIFF WOO: Thank you. Thank you for the opportunity to speak today and granting us the honor of posting the Colors. Appreciate it.

MR. DUNCAN: Yeah, really appreciate the time. So thank you very much.

CHAIRPERSON LONG: We will now begin presentations for the 2023 POST Excellence in Training awards. And we move around a little bit now.

Good morning. I am Geoff Long, the Chair of the POST Commission.

Each year the Commission recognizes individuals and

organizations that have greatly contributed to the success and effectiveness of the law enforcement community.

On behalf of the Commission, it is my pleasure to honor the recipients who have distinguished themselves by demonstrating a commitment to exceptional service and excellence in training.

Assisting today in the ceremony is Manny Alvarez, the Executive Director of POST, and Annemarie Del Mugnaio, the Assistant Executive Director. The POST Excellence in Training awards were established in 1994 to encourage innovation, quality, and effectiveness of the police officer training and to recognize the best of the best.

The categories of the POST Excellence in Training awards are Individual Achievement and Lifetime Achievement.

The recipient of the 2023 POST Excellence in Training Individual Achievement Award is Officer Andres Rios of the Santa Monica Police Department.

(Applause.)

MS. DEL MUGNAIO: The award for Individual Achievement is given for remarkable effort or accomplishment resulting in a singularly significant or extraordinary contribution to public law enforcement

training. This individual's contribution must involve innovation, a demonstrably effective project, task, or assignment that has significantly impacted and benefited law enforcement training at the organizational, local, and state level.

Outstanding contributions may include but are not limited to innovative approaches in preparation, presentation, application, implementation, evaluation, planning, and/or management of the law enforcement training programs.

The winner of this award, Officer Andres Rios of the Santa Monica Police Department.

Officer Rios retired from the military as a Chief Petty Officer after serving 23 years service as a Navy SEAL. For the past four years, he has been assigned to the Santa Monica Police Department's personnel and training unit. His attention to detail and organizational skills acquired during his many years of service are evident throughout his curriculum development and training.

Due to the available real estate both being difficult to come by and at an extremely expensive premium, the Santa Monica Police Department does not have a dedicated training facility. Officer Rios has taken this logistical nightmare in stride, going so far

as to coordinate a large-scale training simulation on the Santa Monica Pier to test department preparedness during mass casualty events.

Officer Rios's impact on his units is immeasurable. Through his comprehensive modules, he instills officers with the confidence to translate what they learned in training to critical incidents in the field.

Congratulations to Officer Rios.

(Applause.)

OFFICER RIOS: I wasn't sure if I was going to talk or not, but much appreciated.

So I just wanted to thank all of you, POST, for the incredible honor for coming out here. I'm deeply humbled by getting this award.

I'm not someone who is out there looking for recognition or anything like that, and I'm actually, like, that person who kind of shrinks back into shadows, who just would rather have attention on other people other than themselves. But I appreciate this support.

I did want to thank my wife and my four daughters who came. I have five total, and my mom will be my fifth daughter for today. But thanks for coming up.

I also wanted to recognize Captain Villegas and Lieutenant Gilmour for taking the trip up here. Thank you guys, and thank you for nominating me. I appreciate

that.

And really thank the department for really trusting an old, crusty, retired, formerly grumpy SWAT guy to come and to take the important role as training manager. I've been given the opportunity to already improve a competent training platform and just improve upon it.

Some of the things that's really revitalized in the training calendar, getting multi disciplines to work together, such as defensive tactics with the firearms, and to make them work together on the same day. And to incorporate those things for realistic training, ex-day (ph) training, which is our makeup day for advanced training. And also what was mentioned in the award, which is creating FTX, large-scale FTX to incorporate multiple agencies within the city, such as fire and the emergency management folks and lifeguard safety and all those folks, to come out with a big training drill for our city.

Santa Monica PD is definitely, in my opinion, an example of decentralized leadership, where they could trust someone like me to come on out and to take charge and to actually, like, truly be in charge and to run an event the way I foresee it. And the captain definitely trusted me on that.

I'm also grateful for my mentors and colleagues who

aren't here. But one of my mentors happens to be Wayne Windman, who is here. So I appreciate you. Thank you very much, sir. So thank you for all that.

Let's see. Last thing I have to say is, so the position has granted me an opportunity to be a big brother to young police officers. Watching them grow and learn and grow in confidence is really the key, and the feather in my cap is really watching these guys grow. Because I'm the old guy, and we want to make sure that all of our young officers are actually translating all of the information and the training and putting it into real life.

So that's really the feather in my cap. And, you know, thank you guys for recognizing this.

So again, it's an amazing honor, and I appreciate the award and coming on up and having my family come on up to Sacramento. So much appreciated. Thank you very much.

(Applause.)

CHAIRPERSON LONG: The recipient of the 2023 POST Excellence in Training Lifetime Achievement Award is Lieutenant Wayne Windman of the Redondo Beach Police Department.

(Applause.)

MS. DEL MUGNAIO: The Lifetime Achievement Award is

presented to individuals who have contributed to law enforcement training over a substantial period of their career.

During this time, recipients must have achieved a remarkable record of demonstrable results, including quality, substance, and innovative impact. They must have consistently maintained highly creative and effective efforts, displayed exemplary service, and exhibited strong leadership stills. The individual must also enjoy a reputation as an innovator and leader amongst peers and within the local, state, and regional levels.

The winner of the award, Lieutenant Wayne Windman.

Lieutenant Windman's career with the Redondo Beach Police Department with the Redondo Beach Police Department spans 4 decades, with over 32 years dedicated to law enforcement training.

As a California Commission on POST Master Instructor, he is consistently involved in various law enforcement training projects, from curriculum design for the POST Basic Academy to developing state-mandated advanced officer training courses and video.

After the tragic events of 911, POST asked Lieutenant Windman to create a law enforcement terrorism course for first responders. This course, Law

Enforcement Response to Terrorism, eventually became a legislative mandate for all California law enforcement personnel and now serves as standard curriculum in the Basic Academy.

Recognizing the arising challenges officers face in the rapidly evolving society, he ventured to redefine training protocols. His collaboration with POST has led to the integration of the cutting-edge technologies into training programs. From virtual reality simulations to integration of POST learning portal, Lieutenant Windman has been on the forefront of innovation in the law enforcement field. Lieutenant Windman's steadfast commitment to peace officer training sets him apart as a driving force for positive change.

With a talent for imbuing trainees with a sense of purpose, he fosters an environment of respect and continuous learning. As a result of his efforts, Lieutenant Windman has cultivated a generation of compassionate and community-oriented officers.

Congratulations, Lieutenant Windman.

LIEUTENANT WINDMAN: Thank you.

(Applause.)

LIEUTENANT WINDMAN: Thank you very much. Thank you.

I'll make this very brief. Again, I want to say I

am extremely honored and humbled for the recognition.

Actually, this award should go to the numerous POST consultants that I've driven crazy over the last 44 years, calling once a week, saying, "Can we do this? Is this legal? I have an idea." That also includes Manny, whenever our paths would meet. "I have a new idea."

I just want to say thank you, and thank you for the recognition. Thank you.

MS. DEL MUGNAIO: Absolutely. Congratulations. Well deserved.

(Applause.)

CHAIRPERSON LONG: Thank you to the award recipients, as well as their colleagues and family members who have joined us today.

This concludes the awards presentation.

I would like to have everyone return to their seats or place in the audience.

We'll take a short 15 -- we'll take a break until 11:00 and get back to the regular order so that the families and recipients can have some pictures.

And we'll be back at 11:00 for regular order. Thank you.

(Break taken.)

CHAIRPERSON LONG: We will now begin our regular

order.

Mr. Knapp, please call the roll.

MR. KNAPP: Good morning. We're on. Okay.

Thank you Chair.

Commissioners, welcome.

Commissioner Barcelona.

COMMISSIONER BARCELONA: Here, sir.

MR. KNAPP: Commissioner Braun.

(No response.)

MR. KNAPP: Commissioner Braziel.

COMMISSIONER BRAZIEL: Here.

MR. KNAPP: Commissioner Cooper.

(No response.)

MR. KNAPP: Commissioner Ewell.

COMMISSIONER EWELL: Present.

MR. KNAPP: Commissioner Gordon.

COMMISSIONER GORDON: Here.

MR. KNAPP: Chair Long.

CHAIRPERSON LONG: Here.

MR. KNAPP: Commissioner Moon.

COMMISSIONER MOON: Present.

MR. KNAPP: Commissioner Nieto.

COMMISSIONER NIETO: Here.

MR. KNAPP: Commissioner Rodriguez.

COMMISSIONER RODRIGUEZ: Here.

MR. KNAPP: And Commissioner Woolery.

COMMISSIONER WOOLERY: Here.

MR. KNAPP: Mr. Chair, that's 9 of 11 members.

CHAIRPERSON LONG: Thank you, Mr. Knapp.

I would now like to introduce the Advisory Committee Chair, Visalia Police Chief Jason Salazar; POST Chief Counsel William "Toby" Darden; and POST Executive Director Manny Alvarez.

This is the time for members of the public to comment on items on the Commission agenda or not on the agenda but under the Commission's jurisdiction.

Pursuant to Commission policy, I as Commission Chair will manage the public comment, in deference to the Commission's workload and the time constraints.

Up to 15 minutes is allotted at the beginning of each meeting for public comment. Members of the public who wish to speak are asked to limit remarks to no more than 5 minutes. If we have multiple people who wish to speak on the same topic, I may ask that you limit remarks to no more than one minute.

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

Please be advised the Commission cannot take action

on items not on today's agenda.

And finally, please remember this meeting is being transcribed. So please speak slowly and clearly so your comments can be accurately recorded.

So does anyone wish to address the Commission during public comment?

(No response.)

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

Mr. Executive Director, the floor is yours.

EXECUTIVE DIRECTOR ALVAREZ: Okay. Thank you, Mr. Chair. I appreciate the opportunity again to speak.

First of all, I would like to thank the Commission for all of the time spent yesterday at the hearing. We appreciate you listening and taking it all in. We know it was a super long day. So I just want to say thank you.

Thank you to the Advisory members that had an Advisory Committee meeting in the morning. It was three hours. It was not enough time. They had to cut it short. So we hope to give them a little bit more time at the next -- at the next meeting of the Advisory Committee, which will be at the end of November.

And I would also like to single out Chief Salazar,

the Chair of the Advisory Committee, who is over on the left, obviously, for keeping that meeting going, sitting through the entire meeting and sitting through the hearing yesterday. We appreciate everything you do, Chief. You do a great job. So thank you.

I would like to just -- I'm going to keep my comments today very, very short, but I would like to introduce some new staff members for the Executive Office.

So first of all, Tom Osborne. If, Tom, would you mind standing up? Tom.

(Applause.)

EXECUTIVE DIRECTOR ALVAREZ: Hold your applause; he just started. The jury is out.

COMMISSIONER WOOLERY: Sorry. I love that guy.

EXECUTIVE DIRECTOR ALVAREZ: He's only been here two days.

Tom started a week and a half ago. He is an Assistant Executive Director. He has the Basic Training Bureau, all Academy/Basic Training-related items; Management Counseling, which you'll hear some of the presentations today on Management Counseling; all the online training; the learning portal that's run by the Learning Technology Resources Bureau; as well as Administrative Services.

So he will be able at the table for the Finance Committee meeting coming forward and work with the Chair, Chair Ewell, in the future.

So welcome, Tom.

MR. OSBORNE: Thank you.

EXECUTIVE DIRECTOR ALVAREZ: Over second to my right is Ashley Anderson. Ashley started about a month and a half ago in the Executive Office. She was in Administrative Services and will be helping Chandler and Brandy with the Commission meetings, as well as several other things that she has responsibility for in the Executive Office.

Yesterday you met Brandy Essex. Brandy was here, to the right of Chandler. She also started about a month and a half ago. She, unfortunately, could not be here today due to some other commitment, but we welcome her in the Executive Office.

So welcome to the three of you.

First of all, I would like to just -- I know they've already left, but Sheriff Woo and President Duncan, we really had them on because they are super excited, as are we, about their new training center. And I've had a number of discussions with Sheriff Woo, and not that there are just Academies across the state or state centers, but we want to make this, like, the

modern place to set the standard and then hopefully have others kind of follow. We don't want it just to be another training center.

He's on board with that. We've talked about some of the things that really are modern in terms of policing and training. He's on board. I'm on board. And we've given him our commitment that we're here to help them make it the absolute best center. And hopefully, the others will then come in right behind them and we can keep upping the game. So I wanted to just single them out.

In today's meeting, you're going to notice there are several voting items that have been the culmination of months and months of preparation. So you're going to hear about field training and the revamping of field training. I believe that took just over a year, I believe yesterday the comment was nine workshops to put that together. Hadn't been done since 2014. So we thank the Basic Training Bureau for that. That is up for a vote today.

And then the other one is refresher training. We've talked about that for a long time for instructors. They were able to put it together, pull it off in a number of workshops in the last year. We'd been working on it with fits and starts really for two or three

years. But it has been a very complex issue, something very difficult for us to address. So I thank them. So you have that before you today.

And those really are just progress, is what we're always trying to do, is be better.

And then last, lastly, there's several items on the consent item -- or on the consent agenda where we're asking for feedback from you all, not just feedback but direction, because they're going to require some regulatory changes.

So first of all, you're going to hear about minimum training standards for peace officers. That came up yesterday during the Advisory Board. I want to say they talked about it for approximately 45 minutes. It is a difficult, difficult thing to address for us. And we want to put that on your radar because we're going to need to address it in some fashion in terms of regulation. So you'll hear that during the consent item or the consent agenda.

We've also had a lot of discussion kind of related to that. There's a lot of limited authority peace officers that we're now coming across because of Senate Bill 2 that are, you know, coming to the surface, and what do we do about that.

Historically for us, it's been the full Academy or

nothing to be part of POST. What's our role, should there be a role, and such. So we're going to ask you about that.

And then the last one is a consent item on professional staff in law enforcement agencies and what should our role be.

Historically, it's been public safety dispatchers and peace officers. Should we be doing more. There are some regulatory issues. There's also some penal code issues that need to be addressed. But we're seeing more and more professional staff involved in the profession. Should we be taking on a role in that regard. So we're going to do a presentation to you on that and get some feedback.

And then lastly, this may be the last meeting that you have in this room. It could be the second to last meeting. As many of you know, with Senate Bill 2 and the increase in staffing, we've had to get additional space. We're currently in swing space across the hall, renting it month to month.

Starting next week, they're starting to build out the peace officer -- the POSAD space next door. We hope to have that done in September/October time period, if we're lucky.

And then after that, we're going to build out a

permanent Commission Board hearing room with a dais, and it would be a fixed room for that. That will probably happen either by the end of the year, late at the end of the year, but more than likely beginning of next year.

So this will probably be the last time in this space. So I want to thank the Administrative Services Bureau for making all that happen. They've been working on that for well over a year. Department of Finance has set the money aside from previous years that was built into the budget when SB 2 kicked in.

So thank you to Cheryl and Windy Kaiser and their teams for putting it together.

And then lastly, I don't see her in the room. I just wanted to recognize Windy Kaiser because today is her last day at POST.

Windy, who, aside from helping with the space issues, got a promotion and is leaving us to another State agency, a much bigger State agency, with this promotion. But she's been here for 14 years and 3 different bureaus.

When I got here seven years ago, she was on a team of two or three people, three people that I can recall, working on the automation of testing in the Academy. It was literally like my first couple of weeks with meetings with the field on what we call TMAS testing.

It was brutal and bloody. I thought, "Oh my gosh, what have I gotten myself into?" Because the field wanted no part of it.

And Windy and the others kept pushing and pushing because it was the right thing to do. And it was the right thing to do, and without them and some of the others, I don't know where we would be. But now look at where we are with the testing.

So that's the first thing. And then the last thing I want to mention about Windy and her team, for the staff that know, whenever they have a request for anything building related, they do such a great job. It's like literally seconds to get it to make it happen. And I always say they just don't do that with the Executive Office people because it's the Executive Office. They do that with everybody in the building.

So I just want to thank Windy/her team on her last day at POST.

And then lastly, just thank you to the team for putting all this stuff together, all, you know, yearlong studies on field training, on the refresher training, on disciplinary guidelines. It takes a lot of work. They're the ones that make it happen.

So thank you to everybody from POST staff that's in the building.

And thank you, Mr. Chair, for allowing me to speak once again.

CHAIRPERSON LONG: Thank you. Thank you very much. The Commission echoes your support and gratitude towards the staff.

Thanks very much, everyone.

The next item of business is approval of action summary and minutes from March 7th.

Is there a motion to approve?

COMMISSIONER WOOLERY: Steven Woolery. So moved.

CHAIRPERSON LONG: Second?

COMMISSIONER MOON: Moon.

CHAIRPERSON LONG: Objection to unanimous consent?

(No response.)

CHAIRPERSON LONG: Seeing none, so moved.

We'll now begin with the consent items.

We will hear staff presentations on Consent Items D through L.

Would any Commissioners like a report on A through C? A, B, or C?

(No response.)

CHAIRPERSON LONG: Seeing none, we'll go out of order a little bit because we have some presenters who are catching a flight.

So we're going to jump ahead to J, which is a

report from the Racial Identity Profiling Advisory Board, RIPA.

We will do j and then we will do k, and then we'll go back in order.

So Ron Villeda, I believe, is here and Manju Kulkarni from the RIPA Board are here to report.

Welcome.

MR. VILLEDA: Hello. Thank you.

CHAIRPERSON LONG: Good to see you both. The floor is yours.

MS. KULKARNI: Good morning. Good morning Commissioners, Chair Long, Vice Chair Braziel, and Executive Director Alvarez. My name is Manju Kulkarni, and I'm Executive Director of AAPI Equity Alliance, a coalition of over 40 community-based organizations that serve and represent the 1.6 million Asian-Americans Pacific Islanders in Los Angeles County.

I also serve as cofounder and codirector of Stop AAPI Hate, the nation's largest reporting center of anti-Asian hate.

I'm here today as a member of the RIPA Board and also as the new cochair of the POST subcommittee.

I want to first thank you for allowing and inviting both Ronnie and me to speak with you today. The Board appreciates the opportunity to communicate directly to

the Commission and to continue to strengthen our partnership.

Through enhanced partnership, we will be better at responding to emerging data and research, as well as legislative updates concerning racial and identity profiling.

Today I'll be speaking to you about two topics: Regulation 1205 and implicit bias training research.

First, on April 18th, 2024, the POST Commission adopted an amendment to Regulation 1205, specifying the definition of, quote, "demonstrating bias," for POST to use during decertification decisions, pursuant to serious misconduct category of bias in SB 2.

The RIPA Board expects to participate in rulemaking affecting racial and identity profiling in the state of California. And while the comment period for the amendment to Regulation 1205 has closed, it has come to our attention that the newly passed bill, AB 443, will necessitate a revision to the amendment.

Effective January 1st, AB 443 imposes several new requirements on POST related to investigating allegations of bias. By January 2026, POST must update its definition of bias to include, at a minimum, the following:

Number one, biased conduct includes any conduct

including but not limited to conduct online, such as social media use, engaged in by a peace officer in any encounter with the public, first responders, or employees of criminal justice agencies motivated by bias toward any person's protected class or characteristic, whether actual or perceived. This is described in Section 51 of the Civil Code;

Number two, biased conduct may result from implicit and explicit biases;

Number three, that conduct is biased if a reasonable person with the same training and experience would conclude based upon the facts that the officer's conduct resulted from bias toward a person's membership in a protected class;

And lastly, number four, an officer need not admit bias or prejudiced intent for conduct to be determined to be biased conduct.

Among others, AB 443 also requires POST to develop guidance for law enforcement agencies on performing effective Internet and social media screenings of officer applicants.

When POST amends its regulations necessary to effectuate these new legislative requirements, including the definition of, quote, "demonstrating bias" in regulation 1205, the RIPA Board requests that POST

notify the Board directly of its rulemaking actions so that we may participate in the drafting process and notify communities who may be interested in providing input.

This notification request is for direct outreach to the Board and not simply the generalized POST PASS email update, which requires individuals to establish an account with the POST, board members -- which could actually lead to board members missing notifications using this method.

The second topic I wanted to discuss today is the emerging research the Board has been reviewing regarding the limited effectiveness of implicit bias training. Despite its proliferation across policing agencies, researchers concerned about the persistence of racial disparities in policing have raised concerns about the positive effects of implicit bias training on reforming officer behavior, which may be fleeting or null.

Several studies indicate that focused short-term training to reduce implicit bias can produce some initial significant reductions in implicit bias, but officers often return to their baseline levels of implicit bias after just a few short months.

However, variations in the intensity of the training -- total number of hours, the distribution

across weeks or months, and refresher courses -- can affect the durability of implicit bias training.

While some researchers continue to seek the proper balance of implicit bias training intensity, others have turned to alternatives to anti-bias training to reduce racial disparities in policing, such as cognitive training, policies that limit discretion, changes to police culture.

These also include integrating a review of body-worn camera footage into daily meetings and trainings before officers go out on their shift and implementing communications trainings that result in enhanced community relationships.

This research can be found in the draft report and will be presented in the Board's annual RIPA report, expected January 1st, 2025, along with recommendations to the legislature and POST for addressing the concerns posed by this research.

We note that POST's response to the 2024 RIPA report recommendations is on today's agenda, and we look forward to engaging with POST on these annual recommendations. And we appreciate your written responses to the Board, and also if you choose to attend our upcoming board meeting and share your responses directly with us.

So again, I want to thank you for the opportunity to speak with you today, and I'll turn it over to Ronnie.

MR. VILLEDA: Thank you, Manju. And our board meeting is June 24th, 10:00 a.m. to 3:00 p.m., if you guys want to join us.

My name is Ronaldo Villeda. I am the Executive Director of Hoops 4 Justice. My pronouns are he/his/him. I am also the cochair to the POST subcommittee on the RIPA Board.

Today I will address this Commission on the development of racial and identity profiling guidelines.

The RIPA Board is mandated each year to analyze law enforcement training, specifically the POST-certified training courses under Penal Code Section 13519.4. This requirement includes developing evidence-based patterns, practices, and protocols to prevent racial and identity profiling while examining the detrimental impacts of biases on law enforcement effectiveness and community relations.

As a community member and formerly incarcerated individual, this legislative mandate is deeply personal. It shapes my perspective on the essential curriculum content for new officers under the law.

The passage of SB 2 on serious misconduct further

underscores the necessity for POST and the Board to collaborate in improving training to comply with both AB 953 and SB 2, thereby enhancing public protection and reducing misconduct allegations and decertification investigations.

In our 2023 and 2024 reports, the Board recommended that POST develop stand-alone guidelines for racial and identity profiling-related courses.

POST initially agreed but has since shifted towards creating optional policy guidelines instead of the legally required training guidelines. This pivot undermines the legislative intent and leads to inconsistencies in training, compromising both citizen and officer safety.

The distinction between training and policy guidelines is significant. Training guidelines are mandated by law, and current POST courses, like LD 42 and the MOT Train-the-Trainer course, fall short of AB 953's requirements.

Our 2023 report highlighted how LD 42 inadequately covers racial profiling and lacks cohesive presentation. It fails to advise cadets on the consequences of profiling behavior or the impact of profiling on communities.

The MOT Train-the-Trainer course similarly does not

meet AB 953's legal requirements. At a recent guidelines workshop, participants, including law enforcement officers, identified several missing elements from the required curriculum. Despite this consensus, our findings were not collected or discussed, leading to piecemeal contributions and no revisions to the MOT curriculum.

Officers need comprehensive, centralized training on racial and identity profiling to ensure they receive all necessary information, including how to prevent allegations of misconduct under SB 2.

Current POST courses, fragmented across various LDs and optional courses, do not suffice. This gap underscores the Board's recommendation for mandatory separate training guidelines to compile valuable information into one cohesive course.

These guidelines are vital to equipping California's law enforcement community to respond effectively to diverse communities and eliminate biased policing.

Despite existing training, RIPA data continues to show disparities in the treatment of black, Hispanic, Latinx, Native American, and transgender individuals.

POST's 2021 use of force guidelines offer a precedent. These guidelines set minimum standards for

the application of deadly force; alternatives; and requirements for intervention, reporting, and training.

Similarly, racial and identity profiling guidelines should establish training standards to ensure compliance with California's prohibition against profiling to any degree and facilitate agency-specific policies to address profiling disparities.

At a recent POST subcommittee meeting, a law enforcement representative inquired when the Board's work would be complete. The answer is clear. Our work is done when disparities in stops, detentions, and searches of black and brown citizens are eradicated. We are not done until the disparities go down.

POST must provide the leadership to develop enhanced standards, guidelines, and training to change these outcomes in the community.

The RIPA Board remains steadfast in its commitment to advocating for comprehensive training guidelines. Only through this approach can we ensure equitable, unbiased policing and ultimately safer communities for all.

Thank you.

CHAIRPERSON LONG: Thank you, Mr. Villeda.

Any questions or comments from Commissioners at this point?

We, obviously, will take into consideration what you guys have said and knock around our heads, but are there any comments at the moment?

(No response.)

CHAIRPERSON LONG: Executive Director Alvarez, do you have any response?

EXECUTIVE DIRECTOR ALVAREZ: Sure. No, thank you, Chair Long, and thank you to both of the RIPA Board Members.

So the way the training is delivered, there is a standard training course that's delivered by the Museum of Tolerance. It's standardized. It was a course in a box. They have to adhere to that curriculum. So that's the training.

I was trying to research to get the exact quote of AB 953, and I believe there's a little bit of -- I don't know -- I don't want to say disagreement, but we interpret AB 953 different. And I've made mention of this to the RIPA Board as well as to the Department of Justice.

The way AB 953 reads is it specifically mandates that POST create racial and identity profiling guidelines and training. It does not say that we are required to produce training guidelines. It says "training and guidelines."

We are used to creating guidelines, as you all have seen. There's 20 or 30 sets of guidelines, whether it's use of force or some other type of guideline for agencies to follow, including model policy.

Somehow or other, I believe RIPA is interpreting that to be training guidelines. We have interpreted it differently, and we can have some further discussion.

But what we've started to address, which we should have done in 2015, which we definitely agree, there should have been some form of guidelines, whether training guidelines or guideline. That's what we're embarking on now. But the way AB 953 reads is that we are to produce training and guidelines, not training guidelines.

So I just want to clear that up. And we'll have some continued discussion with RIPA as well as with DOJ on what that penal -- how that penal code reads, but that's the way we interpret it specifically. That's the specific language.

CHAIRPERSON LONG: Thank you, Mr. Alvarez.

Any further comment to the RIPA folks?

(No response.)

CHAIRPERSON LONG: Any response from the RIPA folks?

Oh, Mr. Braziel?

COMMISSIONER BRAZIEL: I was taking notes. Sorry. I leaned forward to take more notes.

CHAIRPERSON LONG: Lots of notes being taken, and we will certainly consider everything that's been said and get back to you folks.

Do you have any additional comments, either of you?

MR. VILLEDA: We just look forward to the continued dialogue about the interpretation of AB 953. Thank you.

CHAIRPERSON LONG: Thank you very much for showing up. Thank you for taking the time.

MS. KULKARNI: Thank you.

CHAIRPERSON LONG: Next, to keep this consistent, is a report on the RIPA Board's 2024 annual report.

Meagan Poulos from the Executive Office will report.

MS. POULOS: Good morning. I'm Meagan Poulos with the Executive Office. I'm here to discuss the POST report on recommendations made by the RIPA Board.

This is in response to the recommendations that come from the annual report done by the RIPA Board. We did this last year, and so we decided to continue to do that for this year as well.

Last year we had 31 recommendations from the RIPA Board directly to POST. This year we have 5.

I'm going to do my best to summarize the report,

because it's in your packet. So I won't sit here and just read a report to you all.

Does this clicker work? Okay. Oops.

So of the five recommendations from the RIPA report, POST agrees to support or partially support four of the five recommendations.

The first recommendation made by the RIPA Board was to adopt protocols and publish separate training guidelines independent of the curriculum.

We continue to support this recommendation. I think we've discussed a little bit here this morning. And it was also -- this recommendation was also made in last year's report, and at that time we stated that we supported that recommendation.

We've already had one workshop on these guidelines. They occurred on May 13th through the 15th. So we are starting that process and look forward to working with the RIPA Board as we move forward on that.

The second recommendation is to include community and stakeholder input on how to improve trainings.

POST has taken a position of feeling that this topic is sufficiently covered or we lack resources available in some areas.

This recommendation was also made in the 2023 report, as well as the 2024 report.

POST remains committed to making every effort to include a variety of stakeholders, subject matter experts, and organizations with every project we complete. Providing assistance as a subject matter expert involves significant volunteer time and a commitment for any individual. POST values those partnerships we have created and continue to establish as we work together to develop and maintain the best training for all law enforcement.

I did want to be specific, bring you two examples of how we've included some community and stakeholder input on most recent trainings.

In February of 2024, POST convened a group of subject matter experts for the development of a informational video on new laws and requirements related to hate crimes. Some of the organizations that were included in that video development was the California Black Media, the California Commission on the State of Hate, The Arc of California, Anti-Defamation League, Islamic Networks Group, California Department of Civil Rights, the AAPI Equity Alliance, and the Coalition for Humane Immigrant Rights.

By way of a second example, in the workshop that I just mentioned on the racial and identity profiling guidelines in May, we included on that subject matter

expert group several RIPA Board members, the LGBTQ community, the Council on American-Islamic Relations, and the Museum of Tolerance.

So in summary, after review and analysis of this recommendation, POST feels the majority of this topic was already covered.

The third recommendation was to propose integrated timeline for RIPA Board and community review of curriculum. The RIPA Board further details this recommendation with at least 90 days before setting the timeline for course revision.

POST will consult with the RIPA Board on the specific topic of the upcoming training course development or update and provide the current version of training materials and a summary of the subject matter.

Then at least 60 days before publication of the training and before the course is submitted to the Commission, POST shall present a draft publication to the RIPA Board with sufficient time to hold a subcommittee or board meeting to discuss their draft and review with the community and submit feedback.

And then before the public comment period closes, POST will respond to writing to the RIPA Board whether and how recommendations were incorporated in the training with sufficient time for the Board Member --

the Board to respond in writing.

POST agrees to partially support this recommendation. Again, this was something that was brought up in the 2023 RIPA recommendations to POST.

POST, overall, completes many projects that include multiple subject matter experts for each one. We believe that adding a stringent timeline, as recommended, would place many limitations on POST to act accordingly on any one subject. Current timelines are meant to be fluid and flexible so that POST may adapt accordingly.

POST recommends, when feasible, providing a verbal update to the RIPA Board and/or its subcommittees upon their request for items that are regulatory in nature. It is POST's practice that anything of regulatory nature will be shared with the Commission first. Any item presented to the Commission will be made available to the public, in accordance with the Bagley-Keene Act rules. Any nonregulatory items can be shared with the RIPA Board with as much sufficient notice as possible, with a goal of 60 days prior.

The fourth recommendation is to measure course effectiveness of all POST racial and identity profiling courses. In your -- in the full report, it does list out the entire details of how the RIPA Board desires

that recommendation to be met.

Post agrees to partially support this recommendation but acknowledges that there are some lack of resources available to fulfill it.

Measuring the effectiveness of any course has proven to be difficult, as we all know. 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.

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.

And for the final recommendation, incorporating accountability as a required topic in racial and identity profiling-related content in POST training, POST does support this recommendation and will work with the Museum of Tolerance to see how we can incorporate that into future training.

And I'm happy to answer any questions.

CHAIRPERSON LONG: Thank you, Ms. Poulos.

Any questions regarding the RIPA report and the POST response?

(No response.)

CHAIRPERSON LONG: Seeing none, we'll return now to Item d in the consent -- on the consent agenda back into regular order. It's a report from Vice Chair Braziel, who participates on the Advisory Council on improving interactions between people with intellectual and developmental disabilities and law enforcement.

Commissioner Braziel.

COMMISSIONER BRAZIEL: Thank you.

This is just a quick update. So SB 882 formed a Council that would exist for two years on improving relations between those who have intellectual and developmental disabilities and those with mental health. It's very prescriptive in who the members are. There's nine members. POST Commission has one seat on that.

I was selected as the person to sit in that seat, I think partially because my late little brother was IDD. And so I grew up not only with a little brother who struggled with that but saw him victimized by those who took advantage of him and had to go assist him. So I think that background gives me just a different perspective than others.

We've met one time. That was to kind of set the stage for what our next steps are. And the next step, quite honestly, is finding out -- because part of it is

looking at existing training in both those categories, IDD and mental health, identifying gaps. And then this Council only has the authority to make recommendations to the legislature. There's no spending authority. There's no rules authority. Mainly, it is coming together and identifying gaps and making recommendations to the legislature.

So the first piece in that is identifying what POST actually does. In order to identify a gap, you have to identify the training. So there will be a request to POST, through Manny, for POST staff to present to the Council what are current trainings and anything we might see as gaps that you might recommend to the Council on the process.

Real quick update. If you've got ideas, let me know. Again, I'm just one of nine Council members. But as we move along, I'm sure I'll come back with additional updates as we move through the process.

With that, questions from anyone?

(No response.)

CHAIRPERSON LONG: Thank you, Commissioner Braziel.

Our next report is on the POST Organizational Wellness Program, which we should probably rename the Joyce Dudley Board Wellness Program, as Joyce bore this program to fruition. So shout-out to Joyce, our former

chair.

Law enforcement consultant Raymund Nanadiego, in Management Counseling and Projects Bureau, and Dr. Cassandra Vieten, University of California San Diego, will report on this item.

Welcome.

MR. NANADIEGO: Good afternoon. Thank you, Mr. Chair, Commissioners, Director Alvarez. Thank you for having us today.

The Commission on POST entered into the three-year contract beginning in the 2022/2023 fiscal year with the University of California San Diego Centers For Integrative Health to design, develop, and conduct an organizational wellness program intended to improve the health and well-being of peace officers and law enforcement professional staff and evaluate the impact wellness programs have across various outcomes.

UC San Diego is currently serving as the hub and support network for the statewide program, with a goal to serve 5,000 to 10,000 individuals across 30 to 60 agencies.

UC San Diego is also tasked to provide mentorship to departments as they develop agency-specific organizational wellness programs, research infrastructure to evaluate the impact of the programs,

and provide ongoing virtual resources to further sustain these programs.

Now, the six fundamental research-based principles are referred to as domains and include purpose, mindfulness, nutrition, connection, rest, and movement.

Now, unlike the majority of preexisting courses which center around responses to issues such as critical incidents, mental health, or peer support, this approach focuses on providing fundamental research-based domains to educate the sworn and professional staff on how to thrive in their personal and professional lives. It also provides how to utilize healthy coping skills when challenges arise.

Now, organizational wellness is the umbrella under which these and similar programs can work in conjunction to provide holistic strategy and support.

While officially referred to as a program to be consistent with contract vernacular -- really, this proactive approach and positive reception from the field thus far is more indicative that the paradigm is shifting -- it is aptly referred to as an organizational wellness initiative.

Now, staged implementation of this project began with identifying appropriate resources during the first fiscal year. This included identifying experienced

subject matter experts in the law enforcement and wellness fields to develop strategy and training curriculum, compiling pertinent data from relevant studies, training of a new mentor team, and the development of a POST video series.

The project will complete the second fiscal year of the contract at the end of month, June 2024, and 34 agencies are currently at the various stages in the design, development, and implementation of their own agency wellness plans.

UC San Diego has also created and received POST certification on the newly created Organizational Wellness Coordinator Course. This provides a 40-hour training to agency organizational wellness coordinators on the evidence-based wellness domains, methodologies on conducting needs assessments, program development, and adult-learning concepts, with the final product being the development of their own agency wellness plan.

The goals for the third and final fiscal year of this contract include onboarding an additional 26 agencies and the creation of an Organizational Wellness Coordinator Train-the-Trainer Course, intended to develop agency presenters of the Organizational Wellness Coordinator Course throughout the state and encourage regional networking among law enforcement agencies on

the topic of wellness.

Now, joining me today is Dr. Cassandra Vieten from the UC San Diego Centers for Integrative Health and codirector of this project.

Dr. Vieten has been a psychologist and clinical researcher specializing in complementary and integrative health for almost 30 years. She has led large multidisciplinary research efforts at the UC San Diego's Centers for Integrative Health and UC San Francisco, served as CEO of the Institute of Noetic Sciences, and developed and tested mindfulness-based interventions for mood and behavioral disorders among diverse populations.

She has been a leader in establishing empirically-based competencies for mental health professionals and developed curricula for teaching mental health professionals integrative approaches to mental health.

Her contributions to science include research on mindfulness-based interventions for physical, psychological, and behavioral health; spiritual competencies training for mental health professionals; and transformative practices in the development of empathy, compassion, and prosocial emotions.

And I would like to take this moment to acknowledge that, yesterday, Dr. Vieten presented to 800

psychologists/professionals and then flew up late last night to join me here today.

So thank you, Dr. Vieten.

And I would also like to acknowledge the hard work that UC San Diego staff, regional trainers and mentors, have done thus far for this project. It's been a pleasure working with you.

Dr. Vieten.

DR. VIETEN: Thank you so much. And I appreciate the Commission and POST for investing in the wellness of our law enforcement professionals over the last year and a half. It's been an honor for those of us who are at UC San Diego to work with statewide experts from law enforcement and from wellness domains to really bring -- trying to take care of the people who take care of us every day and night. And so it's really a personal and a moving project for me.

And so I want to go over the aims and deliverables of the project, the primary components, and how we intend to measure success.

The aims are to improve law enforcement officer and professional well-being and to establish a culture of wellness in agencies. There really cannot be law enforcement officer or professional well-being without agency wellness and vice versa.

Our program is designed to be evidence-based, data-driven, aligned with LD 14 and DOJ report, along with other initiatives that have been created around the state to enhance law enforcement professional wellness, and to be collaborative and sustainable and survive much longer than the contract itself.

Our deliverables are to reach at least 60 agencies; to train at least 120 organizational wellness coordinators at those agencies; to deploy mentors that will stay with the organizational wellness coordinators at those agencies for at least three months, when they go back to their agencies after being trained, in order to create a sustainable and realistic agency wellness plan.

We intend to reach 5,000 to 10,000 law enforcement professionals directly but imagine that we will reach tens of thousands of professionals through the work indirectly.

We will also create open-source, evidence-based law enforcement wellness curriculum that will be available to anyone, whether or not their agency is enrolled in this program or not, and will be kept on the UCSD 720 Health website indefinitely. This includes in-depth courses, small videos, reminders, and ways of forming community around wellness, in addition to the guidelines

for creating an agency wellness plan and templates.

This step-by-step agency wellness plan, a process, and a guide for it will also be a deliverable of our project.

Early next year we will do a Train-the-Trainer course, as Raymond Nanadiego just mentioned.

We will train over 20 OWC POST course trainers, who will be able to continue this project.

We'll demonstrate effectiveness of both individual and agency programs and leave a replicable, sustainable program designed to reach all California agencies and beyond.

So this program and initiative really does address the individual level, the agency level, bringing together regional resources, addressing statewide needs, and hopes to serve as a thought leader for law enforcement as a whole nationally, as California has done in so many other domains.

As Mr. Nanadiego mentioned, we have currently 34 agencies. We will reach 60 agencies by the end of this calendar year.

And so we're really addressing three things through this program: culture, training, and resources.

So when an organizational wellness coordinator is trained, they will go back to their agency, and with the

help of a regional mentor and statewide mentors, they'll help agencies create a culture that supports wellness through creating an agency wellness plan.

UCSD will be involved in evaluating engagement, satisfaction, as well as target behaviors and health outcomes and achievement of agency goals.

The training -- we will deliver evidence-based education and training to sworn and unsworn law enforcement professionals through this OWC training but also offering a leadership training that leadership at the agencies can take separate from noncommand staff so that they can address the thorny issues that are involved in trying to achieve wellness, given all the other constraints of what we're trying to do.

Also, there is a 24-hour 720 Health training that people can enroll in and, as I mentioned, the Train-the-Trainers.

In addition, part of the job of the mentors is to help agencies enact their agency wellness plan by connecting to local resources and providing funding from our contract to them for supplies, equipment, trainers, counselors.

This is an individualized program. Every agency has different needs, and so every agency needs a customized agency wellness plan. It can't really be a

cookie-cutter approach. It's also a personalized program for the individual. So one individual does not need to sit through ten hours of training on exercise if they're working out an hour a day. We want them to maybe have more stress management training whereas somebody else might need the exercise training.

So as Raymond said, here are the six domains: mindfulness, purpose, eating and nutrition, movement and exercise, connection and relationships, and rest and sleep.

Each of the people who participates in the program will take a personalized self-assessment that will score them on these six domains. They will receive a personalized learning pathway that is weighted based on these needs.

They'll access the learning modules either in person, online, or in an asynchronous self-serve way.

They'll also receive text-messaging for three months that have many surveys that are measuring their adoption of the program and their health and well-being -- these are like one or two questions -- along with little reminders that help them integrate the information. Because as we know, a single training doesn't change behavior. You've really got to reinforce it over time.

UCSD will conduct pre-measures, midpoint measures, and post-measures to evaluate the effectiveness.

In addition, participants may opt in to using a wearable, a Fitbit, or a Garmin instrument to assess objective measures of health. So we're not relying only on their self-report of their sleep, exercise, and well-being. We're looking at objective measures as well.

So this might be an example of a personalized learning pathway that has more emphasis on connection and sleep and less emphasis on the other elements that they may already be doing quite well in.

They will also have a participant portal. So they'll log on to their personal portal. They'll find their learning pathway. The lines at the bottom represent the assigned courses. At the top they have a progress tracker on each of the domains.

We'll try to have some incentives and some gamifications so they feel really good when they finish things.

They can also get messages from their regional trainers or their OWCs, "Hey, there's a new class coming up that you might want to take. So please go take that."

They can view the trainings within their portal.

And then they have it, obviously, available on mobile, because so many people are on their phones now. So everything will be mobile browser optimized.

I want you all to know that we also have obtained a federal certificate of confidentiality which protects all of our research records should they be subpoenaed. We are not obligated to provide those records, if they should be.

We also have a very strong firewall at UCSD, and all of the records will be code-numbered only. So even if somebody did request records, they wouldn't be able to connect them to the person that did it.

So what we want is for the law enforcement professionals to engage with the program, be satisfied with it, and increase the direct targets of the domains that we've mentioned. But we most importantly want that to lead to improved health, quality of life, mental health, social health, daily activities, well-being, stress resilience, PTS symptoms, lower burnout, lower compassion fatigue, and just more meaning and purpose.

We want the law enforcement agencies for whom we will create a dashboard where they can look at measures they already have, like retention, recruitment, sick days, injury, workers' comp claims, community relations, et cetera.

I mentioned about the text-messaging. I'm probably getting to the end of my time. So I'm just going to get through that. Please talk to me if you're interested.

And we have very, very strong hope that this program will create a new culture across California in law enforcement.

I want to say that we've also been incredibly happy that every agency we've talked to, from command staff down to folks every day on the street and on the phones, have been not resistant but saying things like, "When can you get here?" And so we're really happy to be working with everyone.

MR. NANADIEGO: Thank you, Dr. Vieten.

And as we conclude our update on the POST Organizational Wellness Program, I would like to thank the Learning Technology and Resources Bureau and Digital Outpost for the video that we're about to show. It's a short promo video just to give you a little bit of an overview of our program.

(Video played.)

MR. NANADIEGO: Thank you very much, and we welcome any questions.

(Applause.)

CHAIRPERSON LONG: Questions or comments from the Commission?

COMMISSIONER EWELL: A comment.

CHAIRPERSON LONG: Commissioner Ewell.

COMMISSIONER EWELL: As you were presenting -- excuse me -- I was writing down questions that I wanted to ask, and then you would answer it right after I formulated the question.

So comment is simply that it's a superb program and very comprehensive. My congratulations.

COMMISSIONER NIETO: Commissioner Nieto.

Yes, thank you. I think this is something I know we've been talking about a lot in our state and nationwide on the wellness of our sworn and people in this profession, public safety, in general. So thank you.

I know yesterday we spent a good part of the day dealing with SB 2 issues, and I think if we incorporate wellness into all of our thought patterns into our agencies that we can make a big difference on saving people's careers. So thank you.

DR. VIETEN: Yeah, I think there can be a perception that this is a luxury that goes -- it's the icing on the cake if you have time and resources for it. But it actually provides the foundation for performance, for retention, for recruitment, for so many other things.

CHAIRPERSON LONG: Commissioner Gordon.

COMMISSIONER GORDON: Just to echo the comments, I also appreciate that there's measurable metrics with this. It's not just a thought process. There's actually the science behind it.

And for agencies that don't have the resources to develop or the expertise, the experts are developing it with the input of officers that are currently serving. So I really appreciate the thoughtful approach.

MR. NANADIEGO: I would like to add that in regards to the research infrastructure, we are very excited with Dr. Vieten's findings at the end of this project. So we look forward to that report as well. So thank you.

DR. VIETEN: Yeah. And I also want to mention that -- maybe I didn't say enough -- that this has been the effort of 30, 40, 50, 60 people across the state of California, many of people who you know: our Advisory Council, Retired Chief Lori Luhnow, Retired Chief Sarah Creighton, Jared Seide, Rich Goerling, people who have been working on wellness for a very long time in silos. So we're standing on the shoulders of innovators and giants.

CHAIRPERSON LONG: Commissioner Braziel.

COMMISSIONER BRAZIEL: First of all, thank you very much. For someone who does these critical reviews

across the country, we dedicate entire chapters to wellness and see gaps.

I would also encourage as you customize this -- I'm very familiar with an agency that did a really good job with wellness. They saw significant reductions on workers' comp, sick leave. Morale went up; recruiting went up. And then they stopped, and then you start to see the opposite. It's almost like an immediate cliff dropoff.

So as you do this, it would be really good, not only are you looking at the data, which is huge, but what's the long-term data -- what agencies started and then just let it tail off, and what the extreme consequences are for them later on -- would be great.

DR. VIETEN: That's a really good point.

COMMISSIONER BRAZIEL: In other words, you both just stay on for like three, four decades. Is that okay? Or even longer than that?

DR. VIETEN: Yeah. Hey, we're up for it. Yeah. Yeah.

COMMISSIONER BRAZIEL: Yeah. Because you've got to cover for a whole career. Because that's where we see the data, is are we getting people to retirement and healthy lives after retirement. I mean, that's really where we see the -- I think we truly will see the

outcomes, that far out.

MR. NANADIEGO: Yes, sir. And to echo your sentiment, one of the goals of this project is to create and foster regional networking with agencies. So as programs emerge and get enhanced, it's then agency supporting agencies.

Because very much we talked agency for agency, formally and informally, on various topics. What we would like to see is wellness come to that forefront. And so these regional pockets continue to support agencies across the state.

DR. VIETEN: Yeah. I think also two things are important, the way we're framing it. One is as a perishable skill, that this is not a one-and-done situation. It's a perishable skill that requires ongoing training throughout the course of someone's career.

And the other is that we're -- I come from medicine. We're taking more of a sports medicine approach. We're not trying to get people off the field. We're trying to keep people on the field.

COMMISSIONER BRAZIEL: And I would be remiss if I didn't mention it, and notice you put in the civilian staff as well.

But we have so many civilian staff that suffer, and

we tend to think of just the folks that wear the guns and wear the badges. But -- and I saw that in there. So kudos for that as well. Thank you.

CHAIRPERSON LONG: Any other comments?

(No response.)

CHAIRPERSON LONG: I'll comment.

Manny decided to tweak me during the presentation, reminding me of my questions from a couple years ago. Where is this money going to go? What are we going to do with all this money? And I think it was a good question then, and I think it's a better answer now.

I think this type of third-party validation for these programs that POST embarks on is so crucial, and the more third-party validation and efforts that we can combine with UC is the better.

I mean, this is an incredible resource to organizations like POST. And to see us, you know, really reaching out to it and having it be effective is very impressive. The more partnerships we can have with UC, the better.

Love the deliverables, the objective outcomes. Very impressive. And thank you very much.

That's it, if there are no more comments. Thank you.

Next is a report on discussions regarding

Commission Regulation 1005, Peace Officer Minimum Training Requirements.

POST Chief Counsel Toby Darden and Training and Delivery Compliance Bureau Chief Tom Chalk will report.

MR. DARDEN: Good afternoon, Commissioners, and it is afternoon now.

So I have two that I'm going to be providing to you. I'm not going to read a staff report to you, you'll be pleased to know. I really just want to have a discussion with you, but I want to center you on what the issues are first before we get into discussions.

The two that I'm going to talk about are distinct, but they are somewhat interrelated. So I want to let you know what I'm doing now and then what the next one will be.

The first one is the question about revision to our foundational training regulation, which as you know, is Regulation 1005. I'll pull it up a little bit later.

The second one, the next staff report that I'm going to do, is the question of mergers into existing POST agencies. So if you are a POST agency and, of course, under 1005, you are required to hire RBC Officers, but you now have to merge into the agency a group of officers that are lesser trained. So that's going to be after -- we'll talk about that after I talk

about 1005.

So with respect to the 1005 question, you may be wondering why is a lawyer bringing this to you instead of someone from our Training Delivery and Compliance Bureau? And I do have Tom from TDC here. But I believe that, because of legal issues that we've been required to look at, it's important for the Commission to look at revisions to 1005, and I want to kind of take you through why.

We had been increasingly dealing -- after the onset of SB 2, we've been increasingly dealing with questions and issues throughout the state by individuals that are classified as peace officers under state law by state or local or municipal entities, but they may have only 832 training or, in any event, something very much less than the Regular Basic Course or the SIBC Course, and they may not be in the categories that we have already recognized in 1005, such as coroners or jail deputies.

Now, we're all familiar with 1005. Like I say, I will pull it up a little bit later. But I think historically, folks in the field and even some folks here at POST have tended to view 1005 as being a regulation that only applies to POST-participating agencies. But that isn't correct, and I want to sort of take you through, first, why.

So as I say, we first got hit with this, really with this understanding, with Senate Bill 2, and that's 13510.1. And that makes it clear. Our certification program applies to a number of categories of officers, regardless of whether they're employed by an agency that's POST participating.

So as you see in the language, peace officers described in any of those sections or any other peace officer employed by an agency that participates in the POST program.

That means necessarily that, if you have a peace officer employed at any of those other listed categories, those peace officers are within the certification, without regard to whether or not they are currently in a POST-participating agency.

Then in doing a deep dive in this area because of some of the cases that came to my attention, I saw, for example, Penal Code Section 832.3 and 832.4. And those sections specifically say any sheriff, any police officer, or any district officer that is first employed after January 1, '75, has to complete a course of training prescribed by POST. Raising the question, well, what is that training for all of these various categories of peace officers?

And 832.4, which then says that officers who are

engaged in the prevention and detection of crime and the general enforcement of the criminal law of the state, they have to have a POST Basic Certificate, which, of course, as we know, means RBC.

So what we've started to see is peace officers being entered into our EDI, and my Certification Bureau -- the Certification Bureau comes to us and says, "Hey, Toby, what do we do? We have somebody that's entered into EDI. They wanted to have a POE issued."

We've had lifeguards employed by fire department training bureaus that have 832. We've had a number of issues involving Harbor Patrol Officers, some of whom only have 832, or 832 is only required within 6 months or 12 months. A number of issues involving park rangers that are -- that have 832 training and yet might seemingly be engaged, when we look at what they do or look at how their agencies use them, they might actually be engaging more in general law enforcement functions.

And then as I laid out in the staff report, in looking into these statutes, there's a number of other specific statutes about specific peace officers that have been identified by the legislature that are required, without regard to POST participation, to be covered by POST regulations, such as some of them I listed, Water and Municipal Utility District Officers

and Rangers and so forth, as laid out in the staff report. And those individuals are also required to abide by POST training requirements.

So when looking at the question of, well, what kind of peace officers are there out there in California, I took a real deep dive. And this is a lot of information, and I just want to kind of flip through it real quick.

And just to give you a sense, so we don't take a ton of time, the first is I found a group of officers that the legislature has said, "You are a peace officer if you are regularly employed and so forth in this capacity and you are responsible for the enforcement of the law in or about the properties that you protect." And there's a bunch of those, such as County of L.A., local agency park rangers, Housing Authority Patrol Officers, et cetera.

The ones I highlighted in yellow, those are the ones that are specifically called into the POST program by SB 2. So we know definitely we have to have training requirements for those folks: San Francisco BART, Harbor, Port Police, Transit Police Officers, Airport, Law Enforcement Officers. But others: Sergeant at Arms, Supreme Court Marshals, Bailiffs, and so forth.

Then we have other groups of peace officers that

are tasked with a primary duty by the legislature of enforcement of a specific set of laws or the enforcement of specific laws. So we see, for example, CHP, UCPD enforcing the law within certain provisions of the Education Code. And then we have others: Public Resources, Business and Professions, and so forth.

83.3 also, which is within POST, has particular what we would consider SIBC Investigators, but it also has Volunteer Fire Wardens and others, DMV investigators and all of these folks. So I'm just going to scroll quickly.

We do have copies of these documents for the Commissioners if you are interested in them. So I apologize for going quickly. But this is just to give you a sense of the wide variety of peace officer positions.

Same thing: Community Colleges, Welfare Fraud, Child Support Investigators, Arson Investigating Units, State Hospital Investigator, Health and Human Services, and the like.

And then other categories of peace officers, we have, obviously, officers that have custodial responsibilities.

And then moving on, we have officers whose primary duty is the protection of specified properties and

persons, such as, as I said, County Water District Security Director, and PUCs, Municipal Water District Rangers, and so forth.

And then we have miscellaneous officers, such as, for instance, these individuals, Members of the National Guard, individuals specified in Military and Veterans Code, Department of Justice Security Officers, Security Officers of -- I believe that's the Hastings College of the Law, and the like.

And then even 830.1, it may be more than we normally think. So 830.1 is Sheriff, Undersheriff, Deputy Sheriff of a County, Chief of Police of a City, Police Officers of Public Safety Agencies or Cities, Harbor Police, San Diego Unified Port District, Superior Court Marshals, Port Wardens of County of L.A., et cetera. The attorney general and special agents and investigators in DOJ are included as well.

So that was just to give you an idea of the wide variety of positions that are laid out in the Code. And it gets complicated. Because if we're looking, for example, at Harbor Police Officers, just as an example, there are different Harbor districts that use these officers in different ways.

So as we at POST are talking about how are we going to amend 1005, what are we going to do with somebody

who's called a police officer, keep in mind that you're going to have some -- and I found some throughout the state that are imminently well trained, that have -- that require, for example, officers doing Harbor work to have RBC, to have worked patrol. And then there's a 4- or 500-hour Marine training on top of that. Then on top of that, after they get that training, they have to take Masters in Boating courses for 7- or 800 hours and so forth. Imminently well-trained individuals.

And then we have other Harbor districts where we've looked at them and we've gotten some inquiries from some of these various districts throughout the state. The officers, when you look at them, look like full-service peace officers. They just look like what we would normally expect as an 830.1 or 830.2 officer. And they have the full uniform, sometimes the tactical vests and gears, the badges, the guns -- all of that, that gear and paraphernalia. And yet with some of them, if I look at the job description, the requirement is only 832 PC training. And one of them that I found even says 832 within six months. So, obviously, those are the sorts of things that we're a little bit concerned about.

One of the things that I did -- and I'll just talk about this briefly -- is we wanted to find out among our POST-participating agencies how many of them are

employing peace officers other than what we might consider as just full-authority peace officers. So we sent out a survey. We only got about 100 full responses back. And most of the agencies that did respond did tell us that they were doing what we expect. They're employing 830.1 and the RBCs in their requirement.

But the thing that I was -- the reason I was curious about this is because I saw a provision in there that said LAPD was permitted to hire individuals who formerly had been General Services Officers, and they were allowed to bring them and they could be peace officers of L.A., but only 832 was required.

Now, I understand that that may have been implemented differently by L.A., but that's the statute. And it started to make me think, "Okay. What is that? Do we have law enforcement agencies" -- and since then, we've talked to many law enforcement agencies, and we know they do have park rangers that may be 832. Maybe they have brought in individuals that are Harbor District and so forth.

And so as we look at 1005, and why do I say that it needs to be revised. So we should all be familiar with this, but the basic requirement is every peace officer except Reserves, and then basically our Investigative SIBC Officers, Coroners or Deputy Coroners who can have

832 by statute, and then Jail Deputies. So our requirement, they have to complete the RBC.

But then as we go on in the regs, we talk about DA Investigators. We talk there about the SIBC, the Coroners or Deputy Coroners. School and Airport Police here, which generally would have the RBC but then would also have additional training on top of that if they're POST-participating, and then Jail Deputies.

But then we have these two provisions, which I think have caused perhaps some confusion with not only our staff here but also with folks out in the field, and that is this limited function definition. And I think some of these positions that I previously scrolled through and took you through, so some individuals that may, for instance, really be -- they have peace officer status, but perhaps they're really more like security officers. They have very limited functions. Maybe they can't -- maybe they can't carry firearms by their agency, or maybe they can but can only carry them on duty and can't carry them off duty.

So they're folks that we may think of as limited function, but our definition is outdated, if we want to encompass and include those individuals within the POST regulation and include less than the RBC. And I'll take you through that in just one moment, the definition of a

limited function.

But then we have this, the every peace officer, prior to exercising peace officer's power, shall complete the requirements of 832, which may be part of the minimum Basic Training or separately certified.

I've always viewed that as just a restatement of the basic principle of law. So if you're in a position where you have to go to a full Academy, obviously, that's fine. You know, you may have to do that training within six months or whatever. But at minimum, you cannot perform peace officer functions until you have 832.

I think this may be misinterpreted by or interpreted by some as being a separate stand-alone authorization for any peace officers not specifically set forth above -- the Jail Deputies, the Coroners, the Investigative, et cetera -- that POST is saying that those individuals can have 832. And that's one of the questions that I wanted to discuss with you.

And just so that you see the definition that I think needs to be revised. So currently, limited function is defined as Deputy Sheriffs, Police Officers of Cities or Districts designated on or prior to June 30th, 1985, to be a peace officer as described in 830.1 and is employed to perform duties other than the

prevention and detection of crime and the general enforcement of the criminal laws of the state.

I have no idea why this was put in back when it was, but it strikes me that that is not very helpful to us, at least with respect to these issues that we're talking about today.

So if we do want to, in 1005, to specifically enumerate -- and I recommend that we do. I think we should change 1005. And if we want to use limited function to take into account some of these peace officers' positions that are perhaps not full-authority peace officers as you and I might think of them, then I think we need to redefine limited-function officer.

So this is the idea, and I know I went through it kind of quickly, but I think we need to revise 1005. And I think there's several reasons that we need to do that.

First, I think we clearly have to specify what training is required for all those officers that are specified in Penal Code Section 832.3, the one that says all District Officers, City and County and Sheriff's Officers have to go through a course of training specified by POST. I'm not sure that 1005 currently does that, and I think that's something we need to consider. Cities and counties, it's a little easier.

The districts, it gets very complicated very quickly.

I think we should also specifically identify training for those POST-participating agency officers and those that are not POST-participating agency officers in SB 2. So 13510.1.

And then I think we should revise the training standard to make clear that, for example, any peace officer employed by any agency that we have jurisdiction over that is required to comply with our regulations, that do what we consider general law enforcement duties, that those individuals should have the RBC.

But then we have these other individuals. So individuals that, for instance, are peace officers but they may be limited. Perhaps their only -- their primary duty is only to exercise or to enforce law on the property. Well, if they're enforcing law, all laws for on or about the property, that kind of sounds like RBC to me. Some of the park rangers, that's what they are required to do.

You may have some that are specified by law that their primary duty is enforcement only of health and welfare or some sort of those requirements. But that's their primary duty. So then the question is, if that's their primary duty but they look like full-function peace officers, do they have secondary duties, which

might require, in our view, the RBC.

So this is going to be a long discussion, and I really just wanted to sensitize you to it today. And I'm sorry for talking for so long. But I would love to hear your thoughts as we look at revising this, with respect to how should we revise 1005, how do we take into account these other -- these other positions of peace officers, which I believe we should have in regulation but that are not currently specifically addressed.

So with that, I would like to open it up to discussion and hear your thoughts.

CHAIRPERSON LONG: I think, Toby, I'm going to curtail that --

MR. DARDEN: Okay.

CHAIRPERSON LONG: -- and merge F with G and get the presentation on G, since there appears to be a great deal of overlap. At which time we'll also ask Chief Salazar, because I believe there was a fairly robust conversation about these items in the Advisory Committee, as well as Commissioner response.

So why don't we move now and do g. That's a report on discussion regarding Commission Regulation 1010, Agencies Merging Within the POST Program.

And Toby and Bureau Chief Tom Chalk and Kern County

Sheriff's Office Chief Deputy David Kessler will come forward and will report on this. And at which time, then we will -- once we get through this report, we'll ask Chief Salazar, and then we'll open it up to the Commission.

MR. DARDEN: So this is also a related, a somewhat related issue. And the question is this: What happens when you have a POST-participating agency -- POST-participating agency subject to 1005, which as you know, once you're a POST-participating agency, in 1005, you're required to hire only RBC Officers. What happens in that circumstance if that agency, for whatever reason -- they may choose to do it, they may want to do it, they may be required by a local political mandate, there may be a law change -- but they are required to merge into their RBC department a group of officers that have lesser training?

And this could happen, for instance, with a city or county that merges -- that either wants to or is required to merge in Airport Police, Harbor Police, Park Rangers, or similar groups into that RBC agency. And the question is what does our current regulation say about that?

So let me just briefly take you through 1010, which is on the screen.

So 1010, right now, talks about mergers but only what does the agency do if they want to merge. And the only thing that the regulation says is file a request.

So an RBC agency that wants to merge this group in would file a request, something similar to the initial request, to say "Hey, we've got this group we want to join." But then we don't talk about what standards. How do we judge those officers? Do we only let them merge in RBC Officers? Is it okay if they merge in officers that were only 832 officers? So we don't address that, and I think we need to.

What we do say in our initial compliance -- this is how do we judge an agency that is not a POST agency and wants to come in the first instance? How do we look at that?

Well, the regulation currently says those incumbent officer's records are reviewed to determine compliance with the minimum selection of training standards that were applicable at the time of each officer's appointment.

What does that mean? That means that an 832 agency, assuming that it's -- that these officers were lawfully appointed under whatever the governing law at the time was, can come into POST, and many of them have.

So once they come into POST, though, then those

832 agencies, as we know, under Regulation 1005 as it currently stands, they are required then from that point forward to have only officers with RBC training.

So what do we have? We now have an agency where you have maybe legacy officers that are 832 trained and perhaps they're even higher up in the ranks and lieutenants or captains or chiefs or whatever, but newly hired officers are RBC Officers.

And so we certainly have gotten some inquiries from various officers saying, "How can my chief be supervising me? I'm an RBC, but my chief only has 832."

Now, that is just a nature -- we're not really asking the Commission to change that. But that is just a function of what happens under our existing regulation for bringing the agency in.

And so the question is, on mergers, how are we going to look at that? And we can define the way in which we want to determine if a merger is allowed to occur in any way that we want to, but I wanted to talk about some of the things to think about.

So if we revise the regulation, should we say, "Well, no, you cannot merge a group of officers in unless they meet your existing requirements, RBC"?

Well, we can say that, I suppose, but then that could put an agency in a difficult position. What if

the agency is required to bring those individuals in? Would they then have to -- would the individuals that are not RBC then have to be fired if they couldn't actually make it through?

Do we tell the agency, "Hey, you're no longer in compliance. You're supposed to be RBC, and you just brought in a bunch of people that are 832"? And I would submit that's not a good way to do it either.

But if we do amend the regulations specifically to allow, in the case of a merger, these lesser trained officers to come into the RBC agency, my suggestion would be that the Commission should look, and we would like direction, at the following questions.

My concern would be, if we do that and you allow agencies to bring in a group of 832 officers and shift is short, you know, people call in sick on B-12, are they going to be pulling in 832 officers that now are wearing the uniform and look like those peace officers? Are they going to pull them into and put them into duties which we would all say the RBC is required for?

My recommendation would be, if we amend this, that we take that into account and say you cannot do that. If you're going to bring in the 832 officers, are these officers with less than RBC training? Then you have to keep them solely in that capacity and continue to use

them only in that capacity, and that they can't be used in any role beyond that capacity for which they were hired.

But then another big question -- and I think we're going to hear this from Kern County -- is the other question, which is, if we've now allowed that group to merge into a POST agency, an RBC agency, under our existing -- under 1005, our existing regulation, now let's say those park rangers come into Kern County, under 1005, they would be required to now only hire RBC Officers, because that's what 1005 says.

And I think what we're going to hear from some agencies throughout the state is they don't want to do that. What they would like to do is continue to have, for example, a Park Ranger or a Harbor District or, you know, Patrol, Harbor Patrol or Airport Program or whatever, where these individuals have limited functions but the limits would be defined by those municipal agencies. But then they want to continue to hire individuals with just that 832 training.

So effectively, I think what we'll hear is you'll have an RBC agency, they want to have a smaller group of, let's say, 832 -- Park Rangers, Airport, Harbor District, whatever it might be -- and instead of having to hire RBC now into that, they want to continue to have

832 because of financial concerns or hiring considerations or whatever.

So those are the two issues. The first is sort of generically 1005, and then the second is what do we do in the case of these 1010 mergers.

And then I don't know if we want to do Commission comments or from Kern County or public. However you want to do it, Mr. Chair.

CHAIRPERSON LONG: Yeah. Kern County, Chief Deputy Kessler.

CHIEF DEPUTY KESSLER: Thank you, Chairman Long and POST Commission and Director Alvarez, for inviting us up here today.

My name is David Kessler. I'm a Chief Deputy with the Kern County Sheriff's Office. Unfortunately, Sheriff Youngblood was unable to attend today. So I'm here in his place.

I'm here today to strongly advocate for limited peace officers, as defined under Penal Code 832, to be supervised by full POST agencies. This is a vital step to ensure in the safety and security of our communities across the state.

When Kern County Sheriff's Office began examining the Kern County Park Rangers, we uncovered numerous violations within the --

THE STENOGRAPHIC REPORTER: Pardon me. I need you to slow down, please.

CHIEF DEPUTY KESSLER: Oh, I'm sorry.

THE STENOGRAPHIC REPORTER: Thank you.

CHIEF DEPUTY KESSLER: These include lack of supervision, operating beyond their authority, inadequate training records, and insufficient documentation. There is no established processes for internal affairs, follow-up investigations, or other legal requirements.

However, under our supervision, we're able to ratify these issues, ensuring they're operating within their designated scope as a Park Ranger and not an RBC Officer.

Firstly, let's consider some of the critical responsibilities undertaken by the Park Rangers.

Boating safety. Ensuring the safety of our waterways is of the utmost importance. Park Rangers in Kern County are responsible for boating safety, education that requires special training. Their presence is important for carrying out their duties in enforcing maritime law.

Interpretation services. Providing interpretation services is essential for preserving the rich history within our communities and our parks, enhancing our

communication between law enforcement and the diverse communities we serve.

Law enforcement within parks. Limited peace officers are often tasked with law enforcement duties within the parks, including enforcing county ordinances, issuing administrative citations, and responding to search and rescue operations. Additionally, they handle investigations related to Fish and Game, Harbor navigations, and low-level misdemeanors that are -- that improve the quality of life within the parks.

Supervision by a full POST agency is essential to ensure the officers are properly trained and supported in their duties. Moreover, it's essential to note that limited peace officers are not only confined to parks throughout the state. Like we heard, they also serve in various other agencies, such as probation, water districts, lifeguard services, airports, arson investigators, and hospitals.

Several agencies handle felony investigations without support or knowledge from what POST agencies provide. If an 832 agency was to be supervised by a full POST agency, the initial response might be first initiated by an 832 officer, but they will have the support of an RBC Officer and a detective within the supervising agency that can take over the initial

investigation and follow-up.

While felony investigations might be rare, the majority of their time is spent with low-level misdemeanors and quality-of-life issues within the parks. By absorbing the Park Rangers into the Kern County Sheriff's Office, we allocated a Chief Deputy Commander, Lieutenant, three Sergeants, and a Senior Deputy to provide supervision for 35 allotted Park Rangers. This allows for greater control and oversight than they've ever had before.

We're also providing them with advanced training, updated equipment, updated software, supervision, body-worn cameras to ensure they're held accountable. We extended their Academy from 64 hours to over 200 hours and will provide ongoing in-service training to the Park Rangers.

While I acknowledge Penal Code 831.4, armed security guards have a role within departments. They're not to be as versatile as 832 officers in the field. Whether an officer is armed and designated as 830.4 or 832, the department's liability remains equal.

For the Kern County Sheriff's Office, most of our county ordinances are misdemeanors. The majority of the boating laws/Fish and Game laws Rangers enforce are also low-level misdemeanors. Changing the classification to

831.4 will require the Sheriff's Office to dedicate staff to enforce these low-level crimes, diverting their attention away from more serious crimes.

Including limited peace officers under the supervision of full POST agencies is not only logical but also critical for the effective functioning of these agencies and maintaining the quality of service the community is accustomed to. 832s fill an important role in the specialty positions that they provide throughout our communities.

Kern County Sheriff's Office supports changes to the training requirements or limitations on the authority of 832 officers who are supervised by POST agencies. However, deleting the category of officers would be a disservice to the communities that rely on their services.

California Penal Code 832 exists for a reason. Even with new recommendations from POST regulations in place, this will not correct the issues POST is hearing about. Agencies that are working outside their jurisdiction will continue to do so without a change at the state level. Other agencies will separate back from an RBC agency, since most 832 agencies feel they are not governed by POST, and assistance and oversight will be lost.

Therefore, it's important to ensure these officers are adequately supervised and trained by full POST agencies. Protect our communities, maintain public safety, and the education that they provide to the communities.

With that, I'll be happy to take any questions or have any conversations.

COMMISSIONER NIETO: Commissioner Nieto.

Would it be possible to get a copy, before we leave, of his comments? Because they're read into the record.

CHIEF DEPUTY KESSLER: Yes.

CHAIRPERSON LONG: That okay?

CHIEF DEPUTY KESSLER: Yes.

CHAIRPERSON LONG: Okay. Perfect.

Toby, you wish to comment?

MR. DARDEN: Yes. I just wanted to clarify for those who may not be familiar with 831.4.

The question is there are a number of provisions in the Penal Code that identify peace officers. Then there are provisions that talk about public officers that are not peace officers. And some of the public officers may actually perform duties which we think of as peace officers' duties. They may issue citations or make arrests or serve warrants or whatever, depending on the

specific section.

So I believe the 831.4 reference -- and I don't want to speak for you -- but the question was are we going to continue to employ them -- be allowed to continue to employ them as peace officers, or do we have to put them into a nonpeace officer/public officer category.

I think that's what you were saying. I just wanted to clarify it.

CHIEF DEPUTY KESSLER: Yeah. I mean, we would like to see them continue to be 832, incorporated into our agency. And then the 831.4 allows us to hire as security guards 832-trained officers that can only handle infractions and not any -- the low-level misdemeanors.

A lot of our agencies have clerks or report desks or community service technicians, whatever you might call them, that respond to calls that handle even low-level misdemeanors that are cold. And now what we're seeing with the Park Rangers is they're handling a lot of those low-level cold calls that happen within the parks, for better quality of service in those.

MR. DARDEN: One other thing I was interested in, if you don't mind, the question is --

THE STENOGRAPHIC REPORTER: Pardon me. I need you

to slow down as well.

MR. DARDEN: Oh, of course. I've been yelled at by every court reporter in the state for talking too fast.

You talked about the supervision and oversight by the full-authority officers. And I was curious as to, you know, one of the things that we were talking about in this capacity is, you know, for reserve peace officers, for instance, if you only have 832 training as a reserve peace officer, then generally you're not going to be performing law enforcement duties without supervision. You have to be supervised by a regular 830.1 officer sort of side by side with you.

I'm not sure if that's the sort of thing that you or other agencies are envisioning, as opposed to it's my understanding that you would have folks that are working quite remotely, so perhaps in a park or a district or whatever, that was somewhat remote from the full-authority officers. And so those officers -- the 832 officers would be handling situations until a full-authority officer could arrive, which might be some period of time, or maybe not.

So I was just curious. When you said under the supervision, you're just not talking about the immediate supervision. You're just saying that the department itself will supervise the group but that they -- the

officers themselves would be out performing their functions largely without a full-authority officer right there with them.

Is that right?

CHIEF DEPUTY KESSLER: That is correct.

MR. DARDEN: Okay.

CHIEF DEPUTY KESSLER: And -- but if you think about it with the Sheriff's Office, with being remote, most of the parks are within communities. So the response of another RBC Officer is not as far away as traditionally, not -- when you look at federal or state parks, where they're further away.

You have that closeness where that RBC Officer could be there relatively quickly. And not only that, just because this is what's dedicated to it doesn't mean the other RBC Officers, Supervisors, and Senior Deputies and Sergeants and Supervisors can't over-help us with that supervision of those Park Rangers in that capacity.

And if they were separated out, they lose that. They're within their own confinement and supervision. They're treated like another agency for us. And that's where we want to see them get integrated into ours, so that they have that better supervision and guidance.

And we don't expect them to handle the large felonies, or any felony at all. We want them to

concentrate on the quality-of-life issues within the parks, the education, and the community-oriented policing that they provide, at a new level.

MR. DARDEN: I think one of the things that I've seen in looking at these issues throughout the state is you have individuals who, when they are in a position where they appear to be peace officers and they are the first responders, you know, I've seen the Harbor District Officers that are 832 that are making arrests for homicide or, you know, responding to -- you know, responding to traffic collisions and making DUI arrests and that sort of thing.

And I know that's not what you're talking about with your officers, but I think that's just one of the concerns that we have, is -- or that I believe the Commission might have, is the question of individuals that do have peace officer status but aren't under immediate supervision, and then what are they going to do in those instances where something happens right in front of them and there's no full-authority officer.

CHIEF DEPUTY KESSLER: We have that concern too with our Park Rangers. That's why we started -- we were asked to come in to evaluate them and give some recommendations on the best way to move forward.

We don't want to see them interacting with that

type of situation. Of course, I think no matter what type of officer you have out there, there's that possibility of that person getting involved. But at least now you have the policies and procedures in place to where we can not only hold those people accountable for those actions, but we can also provide the training and the insurance that those type of incidents don't happen with the Park Rangers or those other 832 agencies, that these RBC full POST agencies could step in and provide the proper guidance that they're lacking.

A lot of these agencies, I'll agree with you, are lacking that guidance. Because that 832 officer that has 32 -- or 64 hours of training has gone up through the ranks, and all of a sudden he's the chief of this department, and he reports to a civilian that has no idea on anything law enforcement related.

And that's what we're trying to change by taking them under our leadership, is to provide them with that course that they can move forward and be successful and continue the specialty tasks that they're out there to do and not the other stuff.

MR. DARDEN: Thank you.

And apologies, Commissioners. I didn't mean to hijack your questioning.

CHAIRPERSON LONG: Before we move to the

Commissioners, I would like to hear from Chief Salazar, do his best to summarize which was, as I said, a robust discussion with the Advisory Committee on both of these agenda items.

Chief.

CHAIRPERSON SALAZAR: Thank you, Chair Long.

And I will do my best to summarize this discussion. I will preface it, though, with the fact that the Advisory Committee received this presentation yesterday but did not have the benefit of hearing the perspective that was just presented from the Sheriff's Office and the Chief Deputy there.

So with that said, in general, the Advisory Committee, with regards to 1005 first, was in support of the idea that the regulation needs to be changed and at least clarified as to what was actually required for officers that fall under those categories. So in general, supportive of that idea.

There were questions with regards to some of what Mr. Darden has already presented. Are we tracking how agencies are using those officers, particularly 832 officers? In what capacities are they expanding their roles into more like an RBC-type officer? So there were questions in regards to that.

In terms of how that might be addressed, you know,

could you employ the Reserve Officer parameters to those types of positions? So under 832, you know, could they work under the same kind of provisions as a Reserve Level II or Reserve Level III?

Questions with regards to how does this impact -- potentially impact Academies, if we were to require that all of those officers have RBC training as their minimum.

As well as questions with regards to the impact of AB 89 on these categories, if we were to require the RBC.

As was just mentioned, concern about the 832 firearms and that 64 hours is not enough for officers, if they are actually working in a capacity that is beyond the scope of 832 and actually performing more peace officer duties.

But in general, the feedback from the Advisory Committee was in support of, if these are officers that are out representing agencies or in uniforms performing those functions, then they should be required to attend the RBC, if they were part of a POST Academy.

And again, having said that, we did not hear the perspective that was just presented, which I think provides some pretty good arguments as well.

With regards to 1010 and the agencies merging, in

general, it was the idea of the Committee that if there was a merger, officers would be required to come up to the standard of the RBC. And I'll summarize it there. There was a number of discussions about it, but in general, that was the recommendation of the Advisory Committee.

CHAIRPERSON LONG: Thank you, Chief Salazar.

Questions?

Mr. Barcelona.

COMMISSIONER BARCELONA: I had a question about, so if they're going to have to come up to the standards that you were just talking about, what happens when they don't?

What happens when you have officers that can't meet those standards, either physically or whatever?

Because if you go back to the State Police merger with Highway Patrol, there were a tremendous amount of those guys who thought they were all going to go over and just change uniforms, but they had to go through the entire process, and a lot of them didn't make it.

And so what would happen to these Park Rangers if they had to meet those standards and they can't? What would happen to them?

CHIEF DEPUTY KESSLER: Commissioner, that's a really good question. We would have to -- if they're

off probation and they're fully employed, the County would have to look at another spot for them within the county or find a different classification to move them to.

So there are some things that we would have to work through on that notion, if they do have to go through an RBC and they can't meet the standard. There's also talks that maybe you do an extended Academy-type format for those, since they are actually working.

So there are some unknowns to this situation that we're still evaluating, unfortunately. I've been looking at this for the last eight months, and every day there's a new question that comes up that are kind of what-ifs or new to us.

COMMISSIONER BARCELONA: And something to give some thought to.

It just was done over the past few years with the Museum -- State Museum police down in Southern California. They all went to full peace officer. But there were about eight of them that were either older, had been there a long time, and they couldn't -- they didn't want to go to the Academy or couldn't go to the Academy. So the State decided to leave them in that capacity until they retire and then just fill in with the higher-standard people afterwards.

So food for thought, you know, for some of your people. You might have some folks that can't get through the Academy. You might have people who are in their mid-50s. I don't know. I don't know who you have. But you might have people that can't go and run at the Academy, get over the wall, do all those things because of their age and their time in, and they may have only a few years left.

So it would be nice to think about how you -- how this affects them so that they can leave their profession, you know, and retire, you know, without losing your job the last few years.

CHIEF DEPUTY KESSLER: Yeah. Thank you. That's the last thing we want to do, is have them lose their job over this merger. We want them to stay within the role.

And a lot of these people want to be Park Rangers. They don't want to be full RBC Deputy Sheriffs or go work the streets. They like the work that they're doing within the parks, within the community. So we want to try and keep that with them.

COMMISSIONER BARCELONA: Absolutely. Thank you. I just want to give you -- think about that. Because that's going to be a problem you're going to have to -- you're going to have to deal with that one.

CHIEF DEPUTY KESSLER: Thank you, sir.

CHAIRPERSON LONG: Commissioner Braziel.

COMMISSIONER BRAZIEL: Yeah. What I don't want to do -- and, one, I appreciate what Kern County is doing. So I'm going to summarize, I think, what you said.

They took a very ineffective unit within the county system, brought them under the Sheriff to fix them, is basically what you said; right? To give them the responsibilities and eventually professionalize a group that wasn't professional. And maybe I'm going way out on a limb.

What I would hate to do is create a regulation that would discourage agencies from doing that. What I would rather see is do -- is be a facilitator of that, be a resource to them.

So, for example, let's go back in time. Kern County says, "We're about ready to absorb them."

POST has a resource that says, "Hey, let's come help you do that. Let's identify some potential issues you may have legally or with training. What are you trying to establish?"

To basically help them with the process, not discourage them from doing that. Because you see a lot of that.

And you've got -- do you have deputies in the jail

or custody staff in the jail?

CHIEF DEPUTY KESSLER: We have a mixture of both. But majority of our jail is custody, and they're switching over to custody. And they're all 832, just like our Coroner Investigators.

COMMISSIONER BRAZIEL: Yeah. So they're already used to and accustomed to having different classifications with different rules and regs. So I think that's -- and again, when it comes to Sheriff's Offices, they're used to that already.

So I would rather see us be a facilitator of this than someone that regulates it. Then somebody says, "We're not going to move the parks folks under the Sheriff's Office because we've got to have a set amount of RBC." And then we just -- we aren't going to do it, for the same reasons that Commissioner Barcelona talked about, is, one, some of them may not qualify, for a multitude of reasons.

I would rather see us be a facilitator of it than a regulator that discourages it. That's my thought.

MR. DARDEN: And I suppose, if you don't mind, if I can respond to that real quick.

CHAIRPERSON LONG: Sure.

MR. DARDEN: If we do that, which I think is a great idea, the problem is, for any POST unit that's

going to be assisting entities like Kern County, we need to know what standards the Commission wants us to apply, in terms of how to facilitate bringing them on.

Is it okay to bring an 832? Once they bring an 832, should they transition them with additional training, or can they keep them in that limited category? That sort of thing.

So we still need to, you know, understand what those requirements are so then we can then better assist in the facilitation.

COMMISSIONER BRAZIEL: And, Toby, I think you kind of identified these in the prior section, saying if you're bringing them in and they're 832 and they're limited to just the functions they're doing now, we're good. But if you start -- if they start merging in to more general law enforcement, then they got to go to RBC.

I think you kind of laid that out in your prior presentation. It's that -- then you sit with -- I would -- if I'm the consultant to Kern, I'd say, "Here's the limits you have now in 832. If you go beyond those, you've got to go RBC."

And you may be asking us for that direction, based on what you described.

If you're going to be very tight within that, then

you're good. If you want to treat it more like Reserves, where they're doing more general law enforcement but they're under direct supervision, here's your pathway to that.

And again, we have a lot of pathways already. It's just what I don't want to do is create more regulations, more rules, when we've already got some of those pathways there. We just have to help the agency identify which path do you want and then go down the path of the rules we have.

I wish we could go clean up all the Penal Code sections and take all these subsections and categories and legislatively fix it. You're either this, you're this, or you're this, and that's it.

That's just me, though. But it's just too complicated for me. I got a headache, by the way, when you presented before.

CHAIRPERSON LONG: I'm not sure there's not an openness to that. The Penal Code has been a mess on this for years.

COMMISSIONER BRAZIEL: Yeah.

CHAIRPERSON LONG: And I guarantee there's very few people in the legislature that have any idea how to make sense of that.

Commissioner Gordon.

COMMISSIONER GORDON: So I'm going to try to keep my comments brief. But as Toby knows, I have a lot of comments on this and have been dealing with this issue within my own agency and city.

I think there's a lot of considerations when looking at this topic. I will say, there are a lot of what are technically under the different definitions of peace officers operating out there that should be in a limited function role that are not in a limited function role; that are operating with very little training, are making life-and-death decisions that fall under SB 2 but do not have the appropriate training or supervision. And it is really problematic.

And I think this is an opportunity for the Commission to address those. And I do think it is through some additional regulation, additional training standards, really defining what limited role is, to your points, because there is a -- I think, a place for that.

But without a place for that, if you're left with a decision, they have to have RBC, because what they have now is not adequate. So if it's a choice between RBC and what they get now and we continue to do that, that doesn't make sense.

We have Airport Officers. We have Park Rangers. We have Harbor Patrol Officers throughout the state

that, when you're a community member, you don't know that they only have 64 hours of training versus RBC.

And the expectation of what we're asking them to perform under -- like I said, under SB 2 they fall under all of the requirements of SB 2. For complaints, many of them don't have complaint processes that are compliant with SB 2. They don't have training that goes with what is required under SB 2. And I think -- I can tell you from working through this in my own city, you know, SB 2 has really daylighted those standards and lack thereof standards.

So I do think we really need to spend some time, whether it is through a subcommittee, through, you know, some other options, and really working through and coming back with somewhere where we find a place for the limited function but with a standard that doesn't currently exist.

If not, then my recommendation is going to be then it would have to be RBC. Because like I said, I can tell you from my own dealing with this issue, there are a lot of different subsections. And I think it would be great if there was a legislative cleanup with really simplifying this.

But without that, from a POST Commission standpoint, we really need to define those training

standards really clearly and define what limited function means. Because they're carrying firearms. They are making those life-and-death decisions. They fall under SB 2, but yet their training standards are -- I will just call it woefully inadequate.

MR. DARDEN: I'll respond to Commissioner Gordon, is that if we can get that kind of a legislative fix in California, you know, what I'm hearing is we're talking about 2029/2030 in terms of the implementation date for those, if it can get through. And we have to do something in the meantime, is the problem.

And the other problem is, as you've noted -- as we've noted, that if we wanted to, just as Commissioner Braziel said, say okay, well, this is an existing 832 agency. This is the function they're performing. They'll come in and they have to be limited to that function. What we found in legal is that some of these entities, we don't believe, are interpreting the law right.

Some of them, as we found, they don't even have the authorization to hire peace officers or have a police department. But they didn't think of that. They look at 830.33 and say, "Hey, Harbor District, we can have peace officers. So we're going to hire cops." But in reality, when we look at it, we don't believe they

actually have the authority to do that.

And also, they may have been 832 all these years and maybe we disagree. Maybe we think they shouldn't have been. So then we're going to have this question of bringing them in and what do we do with them and do we have to give them additional training and do we permit them to be peace officers at all. Are we going to continue to allow them to perform in this function for which maybe we don't think they even had the proper training to begin with? Or do we accept their representation that they thought it was proper?

So tons of issues to work there.

COMMISSIONER GORDON: I completely agree with all of those.

MR. DARDEN: Yeah.

COMMISSIONER GORDON: And agree that this can't wait until 2029. I wholeheartedly agree with that.

And, you know, I commend Kern County on what they're trying to do and what they're trying to accomplish. But I will say not every agency or city or district is approaching it the same way. So there does, in fact, need to be a standard that everyone has to abide by, in my opinion.

CHAIRPERSON LONG: Thank you, Commissioner.

Executive Director Alvarez.

(Sotto voce conversation between Chair Long and Executive Director Alvarez.)

CHAIRPERSON LONG: Go ahead.

EXECUTIVE DIRECTOR ALVAREZ: Okay. Thank you, Chair Long.

Just so if I can summarize it just so we can take it back, I just want to make sure I understand it correctly.

So, obviously, historically, it's if you're a POST agency, you can come in with 832 folks. But anybody after is RBC.

What you all are saying is that we should allow limited-authority peace officers to continue to be hired. So, for instance, if Kern County -- if we were to change the regulations, should Kern County incorporate Park Rangers, they should continue to be allowed to accept 832 peace officers into the program.

Is that what you all are saying? No?

COMMISSIONER GORDON: Clearly define what that role is.

And I also don't think the level of training is appropriate. So in my opinion, even under a limited authority, should also, if we're going to allow this, be an increased amount of training. Because what they're doing now is not adequate.

As you've said, you've now increased that number significantly. So I think that's a perfect representation. Like I said, Kern County, I think, is trying to hit the mark on this and is probably ahead of a lot of -- of everybody.

But that's what I'm referring to. A specified, you know, definition of not just allowing everyone to decide what limited authority means but a specified definition for limited authority, an increased amount of training, and actually what that training consists of should be part of this conversation.

Does that make sense?

EXECUTIVE DIRECTOR ALVAREZ: Yes. Perfectly understood.

Obviously, one of the concerns that we had going into this is, you know, as we said, "Kern County, you can't do this. You got to get out of the program," which, obviously, we would not want to do.

So this follow-up kind of begs the second question.

What happens when we have a PC- -- historically, this is -- an RBC agency like Kern County, you know, taking in these individuals or these individual responsibilities for peace officers, what happens when we have a PC 832 agency, what we consider a PC 832 agency that says, "We want to be part of POST, but we're

not going to fall under Kern County or Santa Barbara Police"?

Are they allowed to come into the POST program with the same parameters that you outlined, Commissioner Gordon, or are they not? They have to be part of a bigger organization, such as Kern County, Santa Barbara, Nevada County Sheriffs.

How does that all work? Because we are going to have PC 832 agencies that are going to come in and say, "Now we want to be a part of POST."

COMMISSIONER GORDON: I think they have to be part of a actual agency, a POST-participating agency that has not just 832 officers. They need the expertise and the guidance and the supervision that comes with, you know, an agency such as Kern County or Santa Barbara, where the supervision and the level is appropriate.

You know, they're carrying firearms. They're making those decisions. I think it's very different if they're not carrying firearms. I think that's -- for me, that's a large distinction in this conversation, is that it's different if you have a Park Ranger who is doing Park Ranger limited duty, not carrying a firearm.

I think the distinction for me is that when they're carrying a firearm and they have that now legal authority to make those decisions that are what I would

consider life-and-death decisions, that that should be under the supervision of those that have full peace officer authority. Because the training and the standards that go with that level of supervision are different.

CHAIRPERSON LONG: Commissioner Braziel.

COMMISSIONER BRAZIEL: No. Actually, Manny -- I was going to clarify some things. And I think Manny clarified it, along with Commissioner Gordon. So I'm good.

CHAIRPERSON LONG: Commissioner Nieto.

COMMISSIONER NIETO: Yeah. This is more of a question. Because I'm not ready to make a decision today. I just want to do some more research.

But when we look at agencies overseeing, such as a County Sheriff, they're an elected official and so they get to decide things.

But City Chiefs, you know, you may have a city saying, "I don't want to take this agency." And I'm just saying that as a comment, food for thinking, as we look at this issue.

EXECUTIVE DIRECTOR ALVAREZ: Commissioner Nieto, if I may add, if I may.

We have seen that. We have had conversations with municipal departments that have said, "This is being

forced on us. And we don't want to, obviously, leave the POST program, and how do we do it." So it has happened. Recently in the last few years, it's happened multiple times. Thank you.

CHAIRPERSON LONG: I had a couple of questions. Maybe this is for Mr. Darden. I'm not sure.

But what do you see as a timeline on this? Would it be appropriate for us to consider a, you know, temporary subcommittee of the Commission to work on this and get back to you?

What do you see as a functional timeline?

MR. DARDEN: Well, we currently have issues that are coming to us every day about this. But, obviously, this is a very complicated issue, and we want there to be deliberation. And we don't want to make any decisions without both the full input of the Commission but then any stakeholders out there.

And so it may -- this is, obviously, the Commission's decision. If the Commission wants us staff to do further work or perhaps to have a subcommittee, we can certainly have a subcommittee of the Commission if it's more than two. So if it's three or more, then we would just agendize the meetings and have those.

We're open, of course, to whatever the Commission wants to do in terms of getting input from outside

parties, if the Commission believes that's appropriate.

So really, in terms of how we move forward, it's completely up to the Commission. But I would anticipate that this is something that is going to take some time to work through. It is very -- it can be very complex.

CHAIRPERSON LONG: Along those lines, same question, Toby.

I realize that California is the 800-pound gorilla. But are there model states? Have we looked at what other states have done? Albeit they may not be as big as California.

But do we have any idea of whether other states have gone before us and have a semi-template for this type of reorganization?

MR. DARDEN: Yeah, I tend to look a little bit askance at looking at other states, because the statutory schemes tend to be so different.

So no, we haven't done a dive into other states to see.

But really what it would boil down to is what do those state legislators -- what sorts of provisions do those state legislators have for who may be a peace officer.

And then what sort of differential standards to those POST agencies or to those legislators apply to

those different categories of officers.

And whether or not there are other states that have as many as California, which I think is over 100 or close to 100 or more. I would guess probably not. But who knows. Maybe.

CHAIRPERSON LONG: Seems to me that it would be worth at least checking with the national POST organization to see if -- albeit the codes would be different, but to see if some -- I assume other states have dealt with this specific issue. Some have probably done it very well, and some have probably done it very poorly. May be worth, as part of the timeline, to at least take a look and see if there's some model template out there.

Additional questions?

Commissioner Braziel.

COMMISSIONER BRAZIEL: I just have one suggestion.

Toby talked about a subcommittee, and I think Commissioner Gordon may have talked about it as well.

If you have a work group, not a subcommittee meeting. Because my thought is Cal Chiefs, Cal Sheriffs, PORAC, or somebody sitting at a table with some of the staff here to kind of work through the issues -- I mean, it's great having someone from Kern County talking about "We just did the merger. Here's

the example of it." But in allowing our major stakeholders at the table to actually work through it together, do those have to be agendized if there's more than two Commissioners there?

MR. DARDEN: Yes. So the bottom line is you can have any work group that you want. But once you have the decision -- members of the decision-making body, it potentially implicates Bagley-Keene, which says if it's more than two or the two or more are exercising any delegated authority, then it's subject to Bagley-Keene.

So we can have work groups. But if we have more than two Commissioners, then yes, we would just need to agendize it.

COMMISSIONER BRAZIEL: I think -- Toby, first, thanks for flagging it. Because, you know, SB 2 created a lot of other issues that weren't anticipated. So kudos to the legal team for doing that. I think it's a big issue.

And having Jason on a work group or someone from the Advisory Committee, plus Cal Chiefs, Cal Sheriffs, and some of the unions on there saying, "This is what we got. Let's get consensus on the direction we need to go, and take this a slower time at the front end."

You got to go slow to go fast. To take the efforts at the front end and do it right and get everybody's

take on it, so we aren't battling back and forth, is my recommendation.

CHAIRPERSON LONG: Any concerns with Commissioner Braziel's recommendation with essentially a working group?

Again, I would imagine we would be viewing it as a relatively short-term turnaround.

And, Toby, is there a need for the Commission to agendize or vote on membership?

There is no need for us to vote on membership; correct?

MR. DARDEN: No.

CHAIRPERSON LONG: We can -- it's in-house. We can decide --

MR. DARDEN: Correct.

CHAIRPERSON LONG: -- who is interested and who wants to be on it?

MR. DARDEN: That's right.

CHAIRPERSON LONG: Okay. Anyone else? Additional comments or concerns?

Chief Deputy Kessler.

CHIEF DEPUTY KESSLER: I would like to thank you for your time. And if you need me to be part of any of those conversations, I'm more than happy to come back up, assist in any way possible.

Kern County Sheriff's Office would like to see, to get this right with the rest of the state and help out any way we can. We would be honored to be a part of it.

CHAIRPERSON LONG: I think we can close it here. We can continue discussions on that, maybe even today. But we will continue to talk internally, as a matter of internal Commission, about who is interested and so forth and when to -- how to set this up.

So I believe lunch is available now. So this seems like a good time for a break and lunch.

CHAIRPERSON LONG: So why don't we --

(Sotto voce conversation between Chair Long and Executive Director Alvarez.)

CHAIRPERSON LONG: How long do you want to go?

I'm very aware of people's flights and so forth. Can we do lunch and a break in half an hour? Is that okay?

So back at 1:40, to move with alacrity.

Thanks. We are on break.

(Lunch break taken.)

CHAIRPERSON LONG: Let's get going, because we do have several people trying to make flights. We may run out of time here. So we will expedite as much as we possibly can.

In terms of voting, I don't think there's that much

where it's going to be competitive. So I will -- we'll get a roll call, and in many cases I will just ask that we substitute the previous roll call, without objection, of course. Trying to make Toby a little less nervous about any unanimous consent moves.

So the next item is a report on the discussion regarding whether POST should consider expanding its role regarding training professional staff in POST-participating agencies.

Management Counseling and Projects Bureau Chief Kirk Bunch will do his best to expedite.

MR. BUNCH: Yes, sir.

CHAIRPERSON LONG: Thank you, sir.

MR. BUNCH: Good afternoon, Chair Long and Commissioners. Thank you for the opportunity to present today on the important topic of expanding our role in the training of professional staff within POST-participating agencies.

As our law enforcement landscape evolves, so must our approach to training and development. Approving the exploration would not only enhance the skills and capabilities of our professional staff personnel but also ensure they are well equipped to meet the challenges of modern policing.

Why I'm here today. POST has recently received

numerous inquiries from the field regarding the expansion of training for professional staff nonsworn personnel, prompting previous and new internal discussions. Some of the topics were start the discussion with stakeholders and the Commission, understanding the importance of standardizing formal training for professional staff and what does it look like down the road for POST in starting and maintaining a new legacy training program for professional staff.

Currently in California, new professional staff and nonsworn classifications in police stations, these often include roles that support various specialized administrative functions. These classifications reflect the growing recognition of importance of specializing professional staff's role in enhancing the operational capacity, effectiveness, and -- excuse me -- of law enforcement agencies.

During my research I looked at three different categories. I looked at current landscaping and challenges, rationale for expanding training, and proposed areas of training expansion. I look at this as the same concept as organizational wellness that was presented earlier today that is targeting the agency, not just law enforcement officer. So this is the same concept with training. We are going to target more

training for professional staff.

Today, POST is looking for direction from the Commission to determine if this is an agency resource we should explore in expanding and playing a bigger role. If the direction from the Commission is to explore the development of these resources for professional staff positions, POST staff has identified the following next steps:

Establish a dedicated working group to explore the feasibility, design, and implementation of expanded training programs. Staff will send out a survey to all POST-participating agencies to determine their professional staff nonsworn job classifications and their training topic needs for those classifications;

Engage the agency leaders, professional staff representatives, and community stakeholders to gather input and build support;

Identify potential funding sources and resource requirements to support development and delivery of training programs.

In closing, expanding POST's role to include the training of professional staff is a forward-thinking initiative that aligns with our mission to enhance the quality of law enforcement services across California. By investing in the development of all members of law

enforcement agencies, we can create more efficient professional and community-oriented organizations.

Your support and vision are crucial as we strive to enhance the capabilities of all law enforcement personnel in California. Together, we can ensure our agencies are equipped to meet the challenges of today and tomorrow.

Thank you for considering this important expansion of our training mandate. I look forward to your questions and discussing how we can move this initiative forward.

CHAIRPERSON LONG: Thank you, Mr. Bunch. It certainly is a very important topic and one that's going to take some more work, but I think everyone will probably agree that we need to move forward.

Executive Director Alvarez wishes to comment.

EXECUTIVE DIRECTOR ALVAREZ: Yes. So, obviously, I suspect this would be a positive thing for us to do. And there's some limitations on our part, both on resources and funding and such, because we do have a lot on our plate. But what we're seeking feedback on is should there be certain types of training courses that are specific to certain positions as well?

And I use -- right now we have the ICI program for detectives: sexual assault course, domestic violence,

homicide. Should there be some standardized training curriculum that POST creates and perhaps delivers on a contract similar to the ICI program? For instance, for CSOs, that there is a CSO course for them to go to. And some departments have very robust CSO programs, like Sacramento Police Department, San Jose Police Department. They have their own training courses.

But should POST be trying to create a standardized course that people can go to if they want to? Not that it would be mandatory. Should there be, you know, a course for victim specialists, if they want to, you know, go through a standardized state course? That's what, kind of, we're talking about.

The leadership courses and some of the other courses are already out there, and they do go. We should encourage them to go to those types of courses. But do we kind of pivot or leave them kind of to their devices or their departments to have to train them up?

There's going to be more professional staff onboarding at departments as time goes on. It's money.

I always use forensic examiners as another example. When we started down the computer route, we started having peace officers that were forensic examiners. They'd get a year or two of training, and three years later they're cycled back to patrol.

Now we're seeing professional staff, nonsworn civilians taking those positions. Should we be playing a role in that?

That's the discussion. I think the leadership stuff and, you know, "Hey, we already have courses they can go to," that's easy. But should we be going down this other path? Which will take time. It's a long-term project. It's not a simple thing for us to do. It's going to take some time to develop some of these programs.

And internally, we've talked about should we create a unit specific inside of POST, or a bureau specific to develop training for professional staff and, you know, prioritize which ones we want to address?

So that's the route we're going. Or that's the -- not the route we're going -- the discussion that we're hoping to generate from you all.

There's two sides. I mean, we talked to some people and it's like, "No, your mission is peace officers and dispatchers. Continue to try to do that well," and there's an argument for that.

So those are my comments.

CHAIRPERSON LONG: Thank you, Mr. Executive Director.

Discussion, comments from any of the Commissioners

on Commission direction?

Commissioner Woolery.

COMMISSIONER WOOLERY: Good afternoon, everyone. I'm going to ask for your indulgence, as this is my first Commission meeting.

So my thoughts, though, are I think this is the right move. I think that, you know, we -- and I understand the mandate for POST. But within DOJ, within the division of law enforcement, I get a lot of interest/questions anecdotally. I have auditors that are CPA background, and they're asking for fraud examiner training and they're asking for training that will advance them professionally but also be able to enhance these investigations that we're doing now with crypto and, you know, the dark web and, you know, the digital environment.

And some of you know my background is coming from the FBI. I've been with DOJ for three years. And in my former life, that was just a given that there would be commensurately, you know -- or proportionately, there would be training for the professional staff or cadre and, of course, training for agents.

But seems like in the environment that I'm in now, it's all very, very heavy agent or peace officer training. And anecdotally again, for AB 1506, there's

lots of, you know, homicide and, you know, blood spatter, and, you know, all these kinds of trainings for agents. But I've got analysts that are doing all the video work and all the responses to PRA requests, you know, and all the analysis that occurs in terms of that crime scene being processed and being able to harvest that information as evidence and such. There's very little training for the crime analyst folks. There's very little training for the nonsworn folks.

So I think that, you know, POST, with its preeminence and its reach and respect, I think, you know, my perspective from, you know, sitting here for the last couple hours, this is music to my ears.

CHAIRPERSON LONG: Commissioner Braziel.

COMMISSIONER BRAZIEL: Yeah. I echo Commissioner Woolery.

Back when the POST Commission was first established, I mean, it was all about law enforcement, and then we added dispatchers. But when a community member calls Visalia Police Department or Nevada County Sheriff's Office, they expect whoever they contact to be professional, knowledgeable, well informed, well educated, well trained.

So I would not only look at what are the positions on the civilian side of the house who we want to offer

courses to but also self-reflect are we allowing civilians to go to some of the courses, not just the leadership ones, where they're now doing the role that was formerly done by a sworn officer, like some of the ICI courses. There's a lot of civilian employees doing some basic investigative stuff.

So again, self-reflecting. Are we limiting people based on their classification? And how do we expand it out as well.

But you know me. I've made a big push for a long, long, long time about how do we offer more training as far as civilian staff? So I think this is a great move. I think it's well worth it. And I think our customers, both customers of the public and the customers of the agencies we serve as well, would be greatly appreciated and benefit from this.

So I think it's well worth the investment and time.

CHAIRPERSON LONG: Commissioner Nieto.

COMMISSIONER NIETO: Sorry, Manny.

EXECUTIVE DIRECTOR ALVAREZ: You first.

COMMISSIONER NIETO: I do echo what they both say, Commissioner Braziel said.

28 percent of my staff are professional. And for many agencies, a big percentage of their agencies are probably professional staff, not sworn, or dispatchers

or falling under these other categories.

My only caution is that we need to identify, we need to start bigger, like what are the bulk assignments that we're looking at professional staff. Because if we go too big too quick, we can lose -- in my opinion, you can lose some of the prestige on the quality of courses that we do. And we're trying to expand too quickly.

So I would like to see a work group to say how do we do that in a methodical method. That makes sense, to cover the bigger stuff.

I would like to also see a Basic Course, though, for all professional staff. Because in a lot of cities and counties, those professional staff designations, they move in and out between different departments outside of law enforcement.

And so they're coming into agencies and they may be very good at what they do professionally, but they may not understand law enforcement. And that might make it easier for those agencies, if these people had this basic stuff about what is this law enforcement part of it.

EXECUTIVE DIRECTOR ALVAREZ: One last comment.

Just as we all know, there are some regulatory, some regulation challenges that we have as well as some Penal Code challenges that we have, in terms of

reimbursement and funding, which will have to be tackled. So it's not simply, you know, developing a training curriculum.

But thank you for that. I had not thought about your comment about basic training. We hear that here at POST, where some of our staff have said, "I don't know the difference between a sergeant and a lieutenant or a deputy and a police officer." And I presume you're getting that at your department as well with new staff. Probably takes them a while to figure that out.

So thank you.

CHAIRPERSON LONG: Sheriff Moon.

COMMISSIONER MOON: Yeah. Thank you.

You know, when I look at some of my professional staff, the most training that they get is from their associations, if they are allowed to go through, like, an evidence association, or CLEARS through the records clerks, which provides good training.

But again, the threshold of standardized throughout the state, I think that would add, if we did provide that type of training through POST for our professional staff, through our analysts, crime analysts, the evidence technicians, legal office assistants, and the records clerks, and providing just an all-around professional ability for them to learn the great work

that gets done throughout the state.

EXECUTIVE DIRECTOR ALVAREZ: One more thing that I think we'll have to tackle -- and I think the responsibility, hopefully, will be, like, on you, Sheriff, and you, Sheriff, and Chief -- is I think there's also, we hear, from what I've heard, just a culture. In terms of peace officers going to training, it's like, yeah, no problem. They have to go to training. Dispatcher? Yeah, they don't have time.

So there has to be a cultural shift to allow the professional staff, to give them those opportunities. And I think we're going to face that at some point. It seems like they aren't always given the time and the opportunities to take the training. It seems like it's a little bit of a --

COMMISSIONER MOON: Yeah. Definitely cultural, through the leadership of those organizations on what's important to you, whether it is just a peace officer or if it's all staff that work for you.

EXECUTIVE DIRECTOR ALVAREZ: Right. Thank you.

COMMISSIONER WOOLERY: Just amen. Amen to the cultural piece. 100 percent. Yeah.

CHAIRPERSON LONG: I echo Commissioner Woolery's comment on that, that amen, and say but it is kind of the natural progression of POST over the last decade or

so. And I'm happy to hear that there seems to be essentially unanimity here to pursue the course that you guys are on.

Thank you very much, Mr. Bunch, for the work you've done.

MR. BUNCH: Thank you, s.

Ir.

CHAIRPERSON LONG: Any further comments on this issue?

(No response.)

CHAIRPERSON LONG: Do you have what you need for now, Manny?

EXECUTIVE DIRECTOR ALVAREZ: Yes, sir. We'll come back at some point.

MR. BUNCH: Thank you, Commissioners.

CHAIRPERSON LONG: Our next item is a Certification Update from Bureau Chief Michelle Weiler and Christine Ford from the Professional Conduct Southern Bureau.

MS. WEILER: Good afternoon. I know you guys are all so used to seeing me now.

So this morning we're -- or this afternoon we're combining our normal presentations. We're going to start off with providing you some updates on statistics related to certification.

So as presented as an idea at the March Commission

meeting, we are now moving to this format to present you with the various statistics that I've been just reading out to you guys in prior meetings.

So as you can see -- also, these numbers were pulled March -- May 31st of this year. So they would be a little bit lagged if you were to look on our website now for this information. It is public.

So you can see, we took into consideration your questions and suggestions. We have little -- it's most visible in the middle column for appointments approved, but there's a little "i" there. Any member of the public who are to look at this online could hover over that "i" and get a greater description of what that number is giving them.

So, for instance, if they hover the "i," it would advise that the appointments approved includes lateral peace officers who are moving from one agency to another because they're a new appointment to that agency, as well as brand-new peace officers.

So this is a summary of the number since January 1st of this year.

We also took into consideration your request to identify individual officers for separations related to serious misconduct. So you'll see the top number in the red box there is the total number of serious misconduct

allegations that were identified on an Affidavit of Separation when an officer left their job, whether they resigned, retired, pending an investigation, or they were terminated.

And the bottom number, that 99 there, is the number of individual officers that those allegations represent. So you see there's a number of officers who have multiple allegations of serious misconduct related to their separation.

And then this next slide is another graphic summary of the actions we've actually taken against peace officers' certifications since January, January 1st of this year. The number of temporary -- Immediate Temporary Suspensions issued is up in the top left.

The number of Temporary Suspensions that have been removed is in the top right, and those numbers take into account different things. So in December, when you voted to approve the revocations of certifications for peace officers, we didn't actually do those until January. But in order to that, those that had Temporary Suspensions, we had to remove those suspensions in order to enforce the revocation.

It also includes individuals who had default revocations. They failed to respond to our Notice of Intent to Revoke, and by statute, their certifications

were revoked.

The bottom left is the number of Voluntary Surrenders that we've received so far this year. Christine is going to go into a little more detail and information on those numbers in a bit.

And then you'll see again the number of revocations. Those are the ones that you have approved in December, as well as those individuals who defaulted.

And then the number 57 on the right are those who we have deemed ineligible to be peace officers since January 1st, 2022. But those are the ones we've evaluated this year so far.

I notice Commissioner Gordon had to leave, but this is in response to one of her concerns, as well as with Commissioner Braziel, with regard to the Affidavits of Separation that we were receiving. Did we see any patterns in those affidavits; was there anything that we weren't capturing in terms of the statistics.

So we did have staff review all of the Affidavits of Separation between January 1st and April 30th of 2024. We received 2,164 of them in that time frame. And so you'll see some of the statistics here.

The original form that was released did not have a mechanism to capture details on reasons for separation. We modified that form a year ago, and since that time,

we've been trying to encourage agencies to use the new form.

As you can see, there's still a number of agencies who are not using the form that has the Box 14. And those who are, some of them are leaving them blank, and some of them are completing that. So we are working on outreach to these agencies to ensure that they are using the current form. We will reach out to the agencies, ask them to submit a correction to record with additional information if necessary.

We are putting reminders in our regional newsletters that will be going out at the end of this month, as well as in our quarterly POSAD newsletter. We are also working with our Computer Services Bureau to update EDI so that the separation process mirrors the appointment process.

Currently, an agency can go in and enter a Notice of Separation, and it's automatically approved and the individual is automatically removed from their roster. We are going to mirror the appointment process, where the agency submits it, it comes to POST staff, POST staff reviews it for accuracy.

We're obviously not going to stop somebody from actually separating someone from their agency for their various reasons, but we want to make sure that the

information on the form and in EDI match and that they are actually completing all of the boxes that are required to be completed. If not, we will return it to the agency and ask them to make the corrections before we approve them, and then that will then show up in EDI.

We hope to have more accurate numbers and information, especially for agencies who are accepting laterals and they're requesting information on reasons for separation from a prior agency. We really want to be able to provide them with that information.

For instance, if somebody was separated during probation because they didn't complete probation, that Box 14 would be handy, if the agency could complete what the specific reasons were -- what did that officer struggle with, what was the reason they didn't complete probation -- so that an agency that's considering them has all the necessary information. Is it worth taking the risk to this person? If so, can they come up with a plan to help the person succeed based on knowledge of what their weaknesses were and reasons for not completing probation?

So we're hoping to get this launched by the end of summer but no guarantees. So I will have an update for you at our next meeting on the status of that.

Before I move on to our 1029 ineligibilities list,

are there any questions on any of the information I presented?

Okay. So you have these before you. I'm not going to belabor this too much. But this is the list of individuals who have been deemed ineligible to be peace officers based on the exclusions identified in Government Code 1029 for felony convictions since before January 1st, 2022.

Again, you'll see delays in these. Some of them, I think, on this page go as far back as 2011. Some of them go back further than that. And that's because we're still working off of the list that's provided to us by the DOJ, and we're working our way through that. There's an analysis policy that's done by our Legal Affairs Bureau before we determine the ineligibility.

So there's a number of these. And at the Commission's request, we did expand the amount of information that's on here -- I'll go back to the first page so you can see the headers -- to include the date of judgment, the district, the last employing agency, and what the actual convictions were for.

Again, you have the list before you. So I'll just go through these one by one for anybody who may be watching online.

And if there are no additional questions, I will

hand this off to Christine.

MS. FORD: Good afternoon, Chair Long and Commissioners. I will be providing an update on the Professional Conduct Bureau statistics.

As you can see, year to date we've taken over 26,000 reports of serious misconduct from the agencies.

As you can see, this year we've only taken 4,000, projected to take in 9,000 for the rest of the year. Quite a drop-off from 2023, as you can see, 21,000. The bulk of those 21,000 are from -- are retro cases.

I do want to advise that in pulling our higher priority cases, which we would deem as, at first blush, a potential decertification case, 5.3 percent represents out of that 26,000. So those higher priority cases, the decertify cases -- potential decertification cases really only represent 5 percent of those reports.

We have over 29,000 reported allegations, which are unique to 16,000 law enforcement officers. That number may indicate to you that on any single incident, your officer may have multiple allegations.

We are getting an upgrade from Mark43, in the sense that we asked for an improvement to be able to capture closing on each specific allegation that is reported to us.

And we've taken over 895 public complaints.

Next slide, please.

Cases, we've taken over 16,000. You can see how they're rationed out as far as open cases, open with POST, open with the agency. And 6,700 closed.

Just for those folks online, that QR code does provide the website to our POST website, which does give these numbers daily.

On the next following slides, I do want to talk a bit in more detail about our closed cases, which was something that the Commissioners did ask for.

Next slide, please.

These are cases where the agency had a sustained finding. Thus far, POST has closed 520 of those cases. As you can see, the bulk of them, 42 percent, after the investigation from POST, was that they did not meet serious misconduct.

Over 32 percent at that point did not meet clear and convincing, which means that we could not get to that evidentiary standard.

And 26 percent were not actionable or nonaction, which basically means that, based on the disposition year the agency came to that finding, we could not take action based on SB 2's parameters.

Next slide.

For the closed cases with sustained findings,

74 percent were on duty by that subject officer, and 26 percent were found to be off duty when that allegation and misconduct occurred.

Next slide.

So closed cases with sustained findings, the agency discipline imposed, as you can see, under the majority of all those cases that we did take in with agency-sustained findings, all of them had some form of discipline by the agency. The only time you're going to find that there was not under the 115 was the officer resigned in lieu of. So, obviously, discipline wasn't imposed at that point.

On occasion we do get questions from POST -- or from agencies to POST in regards to termination: If an officer is terminated, why would POST not move forward with that case?

So we did pull those numbers. We did pull those cases and found that 85 percent of those cases where the officer was terminated, it was for agency policy violations, which did not meet serious misconduct. Surely, it met misconduct by the agency but not serious misconduct per SB 2.

Some of those examples that we've talked about in the past were dishonesty, where it would include timesheet fraud, failure to act, neglect of duty, which,

again, does not fit within the confines of the SB 2 dishonesty definition.

Next slide, please.

Some of our lower priority cases we call S -- P3s and P4s. P3s are going to be your not sustained, your unfounded, your exonerated cases by the agency. And P4s are your nonactionable cases, where they were basically our retro cases.

So this is kind of a breakdown of those cases, and there's closures. Again, 69 percent were not actionable based on most likely because they're retro cases. Not serious misconduct, it was at 26 percent. As you can see, those are the rest.

Next slide.

As Michelle mentioned, our Voluntary Surrenders, this slide only reflects 2024. We've had 31 thus far. To give you kind of a comparison, in 2023, we had 10. So the uptick on Surrenders this year, due in part is because POST began to send out Notice of Investigation letters to the officers in January. Basically, that letter advises them that POST has received the agency misconduct report and that we now are investigating it.

The more important piece of the letter is it gives them information about our process. It gives them information about Voluntary Surrender, and it also gives

them a contact to the consultant who is working their case, in case they have questions.

As far as the top, Allegations For Surrenders, it is dishonesty and acts that violate the law.

Last slide, please.

This is where our current revocation/suspension cases are. Thus far, we've sent out 23 Notice of Intent to Revoke letters. Six have appealed, and the Commission has heard all six of those cases. Seven have defaulted, one has surrendered, and we have nine pending cases right now within that 30-day time frame for the officer to ask for an appeal.

If we were to look at those 23 cases, 14 of those officers were terminated by the agency and 9 had resigned prior to.

The misconduct, on duty was 14 and off duty were 19. And as you can see by that pie chart, the allegations, the top two allegations were dishonesty and acts that violate the law.

I would be happy to answer any questions if you have any.

CHAIRPERSON LONG: Questions?

Braziel.

COMMISSIONER BRAZIEL: I'm that guy. You probably hate it when I talk. I can't help myself.

So on the nonactionable, I think it would help the public if we were able to, nonactionable, look back, so -- or the retro, so we can actually identify the ones that we couldn't do anything with because it didn't qualify because it's retro.

I mean, we dealt with one yesterday, where some of the things that, had we looked at it, we would have taken a different action. Had it not been a retro case, I think being able to identify retro might help look at, we're not doing something. No, we can't do something with it because it's a retroactive case and we can't act on that particular violation.

Does that make sense? Did I just make sense, or did I just confuse everybody?

MS. FORD: I'm sure some of my colleagues can probably tell me.

COMMISSIONER BRAZIEL: I'm not Toby. Come on.

CHAIRPERSON LONG: The case yesterday would not --

COMMISSIONER BRAZIEL: The provisions of the case yesterday --

CHAIRPERSON LONG: What the charge was, it wouldn't have been a retroactive case; right?

COMMISSIONER BRAZIEL: Well, the parts of yesterday's case that were retro we were unable to consider because they're -- act on because they're

retro.

So I just want to identify the ones that are nonactionable and they're nonactionable strictly because they're retro cases and the law doesn't allow us to look at those. So I just want to pull that out, if that's okay. Because we keep saying some of those are retro -- I mean nonactionable because they're retro. We just need to call it out.

MR. DARDEN: I thought we did have retro nonactionable already listed but maybe not.

MS. WEILER: And it might be explained that way on the website when they look at the data.

MR. DARDEN: Right.

MS. WEILER: But we can double-check that.

MR. DARDEN: Okay.

COMMISSIONER BRAZIEL: I was looking at the pie charts to kind of distinguish. It would be just another piece of the pie.

CHAIRPERSON LONG: Any other questions or concerns? Comments?

(No response.)

CHAIRPERSON LONG: Thank you, Ms. Ford and Ms. Weiler. Thank you very much.

In order to and in recognition of our planes and so forth, we will move to the voting items now.

(Sotto voce conversation between Chair Long and Executive Director Alvarez.)

CHAIRPERSON LONG: And if anyone would like more of a legislative update or has any questions about any pending legislation, I would encourage you -- I know Meagan Poulos would be more than happy to speak with you or provide you any information you may be looking for.

But we will pass over that for now and move right to the Finance Committee and get a financial report.

Finance Committee Chair Lamont Ewell will provide a Committee report.

COMMISSIONER EWELL: I will defer to Bureau Chief Smith. And this will cover expenditures primarily.

MS. SMITH: Yes. Good afternoon, Chair Long, Commissioners.

We have slides that we're going to go over. These are just some of the expenditures, where we're at so far, as of May 23rd.

So of our total budget of 104 million, we've expensed 62 million so far, with a balance of 42 million. This is both for State Penalty Fund and General Fund.

And then this is the General Fund and the different appropriations and where we currently stand with those. So of the 56 million, we've expensed 31 million so far.

We're looking good for where we're at for this fiscal year.

And then this is the contract expenditures on the contracts. On this, it looks like they haven't expensed that much yet. They have three years to send in invoices for any contracts. And I'm sure since May 23rd we've received quite a few invoices, because we're closing in on the end of the fiscal year.

Is there any questions in regards to expenditures?

COMMISSIONER EWELL: Mr. Chair, one of the things that I think is important to take note of and to compliment Ms. Smith and her staff on is that they're all within target of expenditures. And that's always a good thing, with the exception of the three-year provision that allows people to submit invoices. They have been within target.

And that also includes having to give back funds to the State. As a result of having vacancies while we're going through the SB 2 positions, I think 116 positions that were authorized, there were some vacancies. I think the Executive Director has been able to fill about 60 percent, if I'm not mistaken.

EXECUTIVE DIRECTOR ALVAREZ: Correct. We're at about 60 percent for the Senate Bill 2 positions, 60 percent with permanent staff. We do have a lot of

RAs but 60 percent full-time staff.

COMMISSIONER EWELL: So that's allowed them to assist the State with its deficit without injuring the POST position. So again, compliments.

MS. SMITH: And then one of the other things we discussed at Finance but it's going to be on the agenda as Item 7a, with an increase to contract.

CHAIRPERSON LONG: Did you have a recommendation on that? We'll get there shortly, but was there --

COMMISSIONER EWELL: The recommendation was to support the request.

MS. SMITH: Any questions? All right. Thank you.

CHAIRPERSON LONG: I should note that in discussions with Chair Ewell, we've decided that we'll probably make the Finance Committee -- going forward will be essentially as a Committee of the whole.

So we'll still meet under the guidance of Chair Ewell, but it will be done during the Committee as an agenda item so that everyone can hear these presentations and weigh in here and there.

So slight change, but in many ways nothing will be different.

The next step, Basic Training Bureau.

Item 4a, a report on proposed changes to Commission Regs 1001, 1004, 1005, and Commission Procedure Act

D-13, Field Training.

Law Enforcement Consultant Stephen Crawford, Basic Training Bureau, will report.

Welcome, Mr. Crawford.

MR. CRAWFORD: Thank you, Mr. Long, Commission.

My name is Stephen Crawford. I'm the Law Enforcement Consultant in the Basic Training Bureau. And to be respectful of time, I'll be brief, clear, and concise.

The Field Training Program is required per Regulation 1004 and 1005. For the new Commissioners, after someone completes their Regular Basis Course, there is a minimum of 400 hours that they must attend. However, approximately 80 percent of the state, they do well in excess of that. Actually, they do almost double. The average that we're pretty much starting to track is they're doing about 850 to 900 hours in excess of what they're required to do.

What we discovered is the Field Training Program in itself as a whole had not been revamped or looked at or looked at academically since 2014. As we all know, there's been a lot of legislative changes, statutory changes.

So once we started figuring out what we wanted to do, we realized it wasn't just a linear process. We had

to go through the entire process of looking at everything, and that meant all three programs: the Basic Course; the Update Course, which is 24 hours -- the Basic Course is 40 hours -- and Supervisory Course, which is 24 hours.

So when we did that, we started looking at the regulations and we started to look at the manual and the guides and the forms and the language, how it was written, the structure; and then we went back and we had to touch base with our stakeholders in the community, in the field. And not only that, we had to update everything that had been implemented in the Basic Academy since 2014. And there have been quite a few changes.

So this becomes somewhat of a thesis project in the sense that we made a lot of changes, but we made a lot of contemporary changes to bring it up to date. So there was just a lot of language cleanup. I won't bore you with the details. We submitted our packet.

There are three things I would like to mention that I feel are probably prevalent to the Commission.

Number one is we would like to change the definition of the word "trainee." Before, it was more of a fiscal definition for reimbursement purposes. But we want to kind of bring it wholehearted to include

someone who is in a Field Training Program as well.

So to be specific, the current language states that a trainee is an employee of a department who attends a POST-certified course. We want to expand that to take it to a trainee is an employee of a department who is either attending a POST-certified course or participating in a POST-approved Field Training Program, Police Training Program under the direct and immediate supervision of a qualified training officer.

Secondly, we found a pretty significant gap to which there was really no requirement that a supervisor supervise FTOs. When you think about it, the way our structure is set up in most departments and the way POST has a system of developing and putting people through supervisory programs, this is extremely problematic. Because we have some rather large and robust programs that are in excess of 2-, 300 people that are not being supervised by supervisors. They're being supervised by subordinates, which creates a problem. Because inherently, there's just inadequate supervision, oversight, and accountability.

So we would like to amend that to at least make the minimum threshold for it to be a supervisor to supervise a Field Training Program.

Lastly, number three, another rather large gap we

covered is years ago when this program was created, due to probably staffing issues and so forth and development and also the size of the POST programs, which has increased dramatically -- for example, as of, like, yesterday when we came in, there was approximately 610 or -11 POST-participating agencies. We have 499 Field Training Programs that we're required to monitor, update, and assist. So the number has grown.

The language that was put into effect years ago stated that a POST was in effect until at such point it was modified.

Now, the problem with that is if they never contact us and we don't have the personnel to contact them, there's no regulatory oversight of what's being done, who makes changes, and no one is really checking. So we would like to condense that.

And what we started doing -- and it pretty much started back in 2014, when we started tracking the departments, when departments' Field Training Programs were brought up to date and when we had contact and what the contact was.

I can tell you this. As of today, about 60 percent of the Field Training Programs in the state have been touched, reviewed, or processed since 2016. And we're kind of on a process to become more standardized. And

also, with standardization means more POST regulatory oversight.

So we're proposing an eight-year, if you will, an academic cycle review, that states that, basically every eight years, that POST has to review a Field Training Program of a department, to at least have some type of accountability and to ensure the department is maintaining academic protocols in accordance, in congruence with the learning domains of the local Academies.

Absent that, I can answer any questions you have about the Field Training Program. I know we submitted the packet. And I would be more than happy to do that at this time.

CHAIRPERSON LONG: Any questions or comments?

(No response.)

CHAIRPERSON LONG: Thank you, Mr. Crawford. I think your write-up and rationale was very clear.

MR. CRAWFORD: Thank you.

CHAIRPERSON LONG: And noting that, is there a motion to approve the proposed changes described in the staff report to Commission Regs 1001, 1004, 1005 and Commissions Procedure Act D-13, Field Training?

COMMISSIONER BARCELONA: Barcelona.

CHAIRPERSON LONG: Is there a second?

COMMISSIONER WOOLERY: Second.

CHAIRPERSON LONG: Would you please call the roll, Mr. Knapp.

MR. KNAPP: Barcelona.

COMMISSIONER BARCELONA: Yes.

MR. KNAPP: Braun.

(No response.)

MR. KNAPP: Braziel.

COMMISSIONER BRAZIEL: Aye.

MR. KNAPP: Cooper.

(No response.)

MR. KNAPP: Ewell.

COMMISSIONER EWELL: Yes.

MR. KNAPP: Gordon.

(No response.)

MR. KNAPP: Long.

CHAIRPERSON LONG: Yes.

MR. KNAPP: Moon.

COMMISSIONER MOON: Yes.

MR. KNAPP: Nieto.

COMMISSIONER NIETO: Yes.

MR. KNAPP: Rodriguez.

(No response.)

MR. KNAPP: And Woolery.

COMMISSIONER WOOLERY: Yes.

CHAIRPERSON LONG: Motion carries 7-0; correct?

MR. KNAPP: Correct.

CHAIRPERSON LONG: All right. Item 4b is a report on proposed changes to Commission Regs -- we just did -- yeah -- 1005, 1007, and 1008.

Basic Training Bureau Chief Carrie Hollar is already there to present.

MS. HOLLAR: All right. Thank you, Chair Long, and thank you, Commissioners.

The implementation of Senate Bill 2, POST staff felt it was necessary to introduce students attending a Basic Course to the certification and decertification process and the relationship they'll be entering into with POST.

Two workshops were held with subject matter experts to develop a video that instructors can show and discuss with students. The SMEs felt that it was appropriate for Learning Domain 1, which is leadership, professionalism, and ethics.

So the proposed changes to those training and testing specifications would add a learning activity for students to view that video. And in addition, it adds a learning objective to discuss the components of Penal Code Section 13510.8, peace officer certification, peace officer decertification, and serious misconduct.

So this would add one hour to the following Basic Courses.

For the Regular Basic Course and for the Specialized Investigators Basic Course, we were able to pull the hour from the additional instructor and testing hours. So the overall hours will not increase.

For Module III and the Requalification Course, it will add an hour to the overall total required hours to that course.

At this time, I will answer any questions you may have.

CHAIRPERSON LONG: Any questions or comments?

(No response.)

CHAIRPERSON LONG: Again, I believe the rationale and write-up were very clear.

If there's no concerns or questions, is there a motion to approve the proposed changes to Commission Regs 1005, 1007, and 1008, as described in the staff report?

COMMISSIONER WOOLERY: Woolery. So moved.

CHAIRPERSON LONG: Is there a second?

COMMISSIONER BARCELONA: Barcelona.

CHAIRPERSON LONG: Thank you.

In discussions with OAL, I just want to be clear that there's an actual roll call.

Since we have established a roll call, is there objection to substituting the previous roll call for this matter?

(No response.)

CHAIRPERSON LONG: Seeing none, motion carries.

Item 4c is a report on proposed changes to Commission Regs 1005, 1007, and 1059.

Basic Training Bureau Staff Services Manager Anita Finner -- Finner?

MS. FINNER: Finner. Yes, sir.

CHAIRPERSON LONG: -- Finner will report. Thank you.

MS. FINNER: Yes, sir. Thank you. Good afternoon, Chair Long and Commissioners.

Basic Training Bureau staff identified inconsistencies with both the administration of and equipment utilized for the Work Sample Test Battery. The proposed changes in Attachment B will provide the clarity needed to ensure statewide consistency of the Learning Domain LD 32, Lifetime Fitness Training and Testing Requirement.

There were no changes to the events within the test, and there were no changes to the equipment specifications previously approved by the Commission in rulemaking process.

I can answer any questions at this time.

CHAIRPERSON LONG: Questions or comments?

(No response.)

CHAIRPERSON LONG: Again, these write-ups in this section of the agenda, I think, were all very clear and convincing.

And if there's no questions, we will look for a motion --

COMMISSIONER BARCELONA: Motion to approve. Barcelona.

CHAIRPERSON LONG: -- to approve the staff proposals.

And a second?

COMMISSIONER BRAZIEL: Braziel.

CHAIRPERSON LONG: Braziel.

Is there objection to substituting the previous roll call?

(No response.)

CHAIRPERSON LONG: Motion carries. Thank you very much, Ms. Finner.

CHAIRPERSON LONG: Certification Bureau. Must mean Weiler time.

MS. WEILER: Did you miss me?

CHAIRPERSON LONG: We will take 5a and 5b out of order because we didn't know why there were two of them

in the first place, and begin with 5b, which is a report on proposed changes to Commission Reg 12010, the Voluntary Surrender Form.

Ms. Weiler.

MS. WEILER: Okay. Yes. So you had previously voted to approve amendment to the current Voluntary Surrender Form to add the requirement that it be notarized.

In finalizing this form, prior to sending it to the Office of Administrative Law, we noticed that we had failed to include an intended revision to include the POST ID number to help us better identify the specific officers.

We have, on occasion, received a couple Voluntary Surrenders from individuals with fairly common names, and we had to do a search in EDI, pull up each individual, then pull their POST ID number in Mark43 to make sure that we were coordinating the Voluntary Surrender Form with the correct officer and not surrendering the certificate of someone who was still planning to actively participate in the profession.

So the first item related to 1210 that is before you is a request to be able to amend the form to include a POST ID number, to make my life easier.

Any questions?

CHAIRPERSON LONG: Questions or comments?

(No response.)

CHAIRPERSON LONG: Is there a motion to approve the proposed changes to Commission Reg 1210, as described in the staff report, to make Weiler's life easier?

COMMISSIONER BRAZIEL: Braziel.

CHAIRPERSON LONG: Is there a second?

COMMISSIONER NIETO: Nieto.

CHAIRPERSON LONG: Is there an objection to substituting the previous roll call?

(No response.)

CHAIRPERSON LONG: Seeing none, motion carries.

MS. WEILER: I mean, I figure at this point you guys see me so often. I have to make light of my presence; right?

CHAIRPERSON LONG: 5b is a report on additional proposed changes to Commission Reg 1210, Voluntary Surrender Form, and Additional Witness Option.

Ms. Weiler will report.

MS. WEILER: Yes. So once the original revision that you approve goes into effect, we plan to do further revisions. There was some concerns that with the requirement for a notary, if an individual officer were to walk in the doors of POST to voluntarily surrender their certification, we might not have a notary

available. We do have a notary on staff, but if that individual was going to be off or at lunch, out sick that day and not available, we wanted to provide an alternative option for that officer so they didn't have to come back or they didn't have to go somewhere else to find a notary and return that form or mail it to us.

So this is just another option to make this process more accessible to any officer who would desire to voluntarily surrender in person here at POST Headquarters.

CHAIRPERSON LONG: Questions or comments?

(No response.)

CHAIRPERSON LONG: I think we've all bumped into the "Where is a notary?" issue. So it seems a good solution to a common problem.

Is there a motion to approve the proposed changes to Commission Reg 1210, as described in the staff report?

COMMISSIONER WOOLERY: Woolery. So moved.

CHAIRPERSON LONG: Is there a second?

COMMISSIONER MOON: Moon.

CHAIRPERSON LONG: Is there an objection to substituting the previous roll call?

(No response.)

CHAIRPERSON LONG: Seeing none, the motion passes.

Next item, 5c, is a report on proposed amendments to Commission Reg 1202, Peace Officer Certificates.

Bureau Chief Weiler will report on this item.

MS. WEILER: Yes. Again, you have -- all the specific amendments are before you in the agenda item. So I will just give you some key highlights.

We want to clarify language to more accurately reflect our processes for the Notices of Appointments and subsequent issuances of Proofs of Eligibility, if necessary.

We want to be more clear on specifying minimum training requirements for the Basic Certificates and Professional Certificates, the eligibility for those specific certificates, including calling out any exemptions, as they do not apply to Jail Deputies until -- or unless they've completed the Regular Basic Course and completed a probationary period.

We also want to highlight that, one, certification status will remain inactive if they are not employed, even if they complete the Requalification Course. We've had several questions about that from potential hiring agencies, as well as potential candidates applying to agencies believing that they were reactivated as soon as they completed the Requalification Course. And that's not the case. They have to complete the Requalification

Course and be hired and appointed by an agency to reactivate their certificate.

So the inactive status, for our newest Member, is not a negative reflection on somebody's certification. It just means that it's currently dormant due to not being currently employed.

We also wanted to clarify our existing eligibility requirements for Professional Certificates as -- I'm sorry. I need to slow down -- as it relates to work experience, training requirements, and education requirements.

We do get a lot of individuals who come to us from the military into the profession, and they provide us with -- I can't remember exactly what it's called right now. I forget. But they provide us with documentation that they've complete a course of training in the military. But that's not acceptable. It needs to be shown on a college transcript.

So branches such as the Air Force that have their own community college, those individuals are fine, because they'll reflect on the Community College of the Air Force transcripts.

Other individuals would need to take their course information to a local community college and have that documented on the college's transcript as a transfer

credit. And then we would be able to accept it.

So we wanted to be more clear on what is and is not acceptable, as well as the fact that they have to be on official transcripts, not your unofficial transcripts.

We have people print stuff out from the Internet that is easily accessible as a student. That's not acceptable. We've had individuals provide letters from colleges saying that, yes, they've completed their degree requirements -- this seems to be the most common lately -- they've completed the degree requirements. However, they haven't paid all of their associated dues yet. So their degree is not conferred.

And they're trying to tell us, "Well, we've completed the degree. Can I have my certificate?"

And the answer is no, because you have to actually have that degree conferred. So we wanted to clarify that as well.

We also wanted to advise that the certification status of an individual's certificate is posted on their POST profile. I'm not sure -- I believe I showed you guys last year when we were moving through this process, but if you look at somebody's POST profile, there is a status bar in the top right corner.

Some individuals may not necessarily be aware that it's there. And it is made available to the public if

there's a CPRA request. That is something that is not redacted. It's disclosable.

And then we also wanted to correct a reference. It is Subsection -- it currently reads in Subsection (b)(4)(C)(2)(d)(2). That's a lot; so bear with me. It currently incorrectly references Commission Regulation 1011(a)(3)(D), and we wanted to correct that to 1202(b)(4)(D).

That was not in the agendized version of text. We noticed that we provided the wrong version of text after we had published it. So that was what was distributed to you just now by Caitlin.

And any members of the public, it is available in the back of the room, for anybody who wanted to pick that up and take a look at it.

The correct version of text will be published when we open for public comment.

And that's it.

CHAIRPERSON LONG: Any questions on these items for Ms. Weiler?

(No response.)

CHAIRPERSON LONG: We appreciate the thorough write-ups. This is one in a series of technical items that we're dealing with this afternoon. The thorough write-ups are very much appreciated.

And it's good to know you guys continue to pore over all this information. It's helpful to know that we're always looking to improve the regs.

Is there a motion to adopt the proposed staff changes?

COMMISSIONER BRAZIEL: Braziel. Moved.

CHAIRPERSON LONG: Is there a second?

COMMISSIONER MOON: Moon.

CHAIRPERSON LONG: Is there an objection to substituting the previous roll call?

(No response.)

CHAIRPERSON LONG: Seeing none, motion carries.

Item 5d is a report on proposed changes to Commission Reg 1201, Definitions Related to Peace Officer Certification.

Bureau Chief Weiler will report on the item.

MS. WEILER: Yes. So we are proposing to increase the number of definitions under Commission Regulation 1201 specific to peace officer certification actions. These will help the regulated public as well as the general public as we continue to move forward with taking actions against peace officer certifications, the hearing process that will continue to come before you.

So we are looking to add the terms accusation,

canceled appointment, canceled certificate, conditional certification, default revocation, denied appointment, denied certificate application, revoked, and stipulated settlement, for now.

CHAIRPERSON LONG: Questions or comments?

(No response.)

CHAIRPERSON LONG: Again, we appreciate the meticulousness and attention to detail.

Is there a motion to accept the proposed staff report?

COMMISSIONER BARCELONA: Barcelona.

CHAIRPERSON LONG: Is there a second?

COMMISSIONER WOOLERY: Woolery. Second.

CHAIRPERSON LONG: Thank you, sir.

Is there objection to substituting the previous roll call?

(No response.)

(Sotto voce conversation between Chair Long and Executive Director Alvarez.)

CHAIRPERSON LONG: Seeing none, the motion carries.

Move now to Training Program Services.

And Item 7a is a report on request to renew the South Bay Regional Contract for the POST Supervisory Course.

Training Program Services Bureau Chief Brad

Newmeyer will report on this item.

Welcome. Hello, Mr. Newmeyer.

MR. NEWMEYER: Good morning -- or excuse me. Good afternoon.

So I'm here to propose a contract approval to the Commission for the South Bay Regional Public Safety Training Center. This is a presentation of the POST Supervisory Course.

The Supervisory Course is a POST-required course of all those promoted to supervisory positions either 12 months before or within 12 months of that promotion, appointment, or transfer to that said position.

This is cleanup from the previous Commission, where you actually approved 15 other contractees for presentation of these courses. This is the one that was pulled back by the Executive Office and asked to work with the South Bay Regional Public Safety Training Center to take a deep look at their courses and whittle down as much as we could from the course, which we were successful in doing.

The current contract requests 8 presentations, including 200 potential seats for the Supervisory Course and up to three curriculum update workshops for that course.

The number three for the curriculum updates is

proposed. If we need less, we will use less and re-encumber that money for other services. And we'll do that at the beginning of the contract when we start.

So the request is for a total of $525,482, with 395,000 and change for the course and 129,000 and change for the proposed three curriculum update subject matter expert meetings.

CHAIRPERSON LONG: Questions, comments, or concerns for Mr. Newmeyer on this item?

(No response.)

CHAIRPERSON LONG: Is there a motion --

COMMISSIONER EWELL: Motion to approve.

CHAIRPERSON LONG: -- to approve the request to renew the South Bay Regional Center contract for the Supervisory Courses described in the staff report?

We have a motion. Is there a second?

COMMISSIONER BARCELONA: Second. Barcelona.

CHAIRPERSON LONG: Mr. Knapp, please call the roll.

MR. KNAPP: Barcelona.

COMMISSIONER BARCELONA: Yes.

MR. KNAPP: Braziel.

COMMISSIONER BRAZIEL: Yes.

MR. KNAPP: Ewell.

COMMISSIONER EWELL: Yes.

MR. KNAPP: Long.

CHAIRPERSON LONG: Yes.
MR. KNAPP: Moon.
COMMISSIONER MOON: Yes.
MR. KNAPP: Nieto.
COMMISSIONER NIETO: Yes.
MR. KNAPP: And Woolery.
COMMISSIONER WOOLERY: Yes.
MR. KNAPP: Seven.
CHAIRPERSON LONG: Motion carries.
I skipped over 6a. I apologize to Mr. Chalk. Because 6a is a report on proposed changes to Commission Regs 1001, 1007, and 1082.
MR. CHALK: I almost made it out of here without having to speak.
CHAIRPERSON LONG: My exuberance to get Mr. Ewell on his flight.
Mr. Chalk, please.
MR. CHALK: Yes. Well, Chair Long, Members of the Commission, good afternoon. And I'll cut down my -- it's 50 slides. I'll cut it down in the interest of time.
But yes, we are here to -- finally, the 1070/1082 Instructor Update. So -- and I'll be brief on these.
So just quickly, the project overview.
So Regulation 1070 identifies certain critical

skill, high-risk, high-liability topics that require Specialized Instructor Training. And Regulation 1082 identifies minimum course content and minimum hourly requirements for such courses designated in Regulation 1070. These two regulations go hand in hand, so to speak.

So the issue we have is, once an instructor has completed the POST-required Instructor Training Course in such high-risk, high-liability areas, there's no further Instructor Update Training currently required by Commission Regulation.

So in an effort to ensure instructors of specified high-risk, high-liability courses are maintaining current and relevant training, POST has identified the need for instructors to receive mandatory update training with mandatory minimum course content and on a reoccurring basis.

There's a slight delay here, I think.

So just some quick background, 1070 and 1082, this update actually was previously approved by the Commission on November 30th of 2022.

And I do want to recognize Bureau Chief Mike Radford and his team of subject matter experts for the work they did on this project. They developed this initial project. And by the way, it was accomplished

during COVID, the COVID restrictions, and that was a tough task.

So after Commission approval of the project, the package was sent to the Office of Administrative Law for review and other administrative purposes. And during that review time, it became apparent to POST based upon recent events and other factors that were found necessary to add into 1070 and 1082.

Additionally, the removal of the nonprimary instructor designation in Regulation 1070 and 1001, which is definitions, needed to be removed as well. Basically, all instructors must complete the required Instructor Course and/or equivalency in their discipline to instruct. We also modified implementation dates.

And to accomplish this, we conducted external and internal stakeholder review and research, and we held our first subject matter expert workshop, which we completed just a few months ago.

Anticipated project benefits. Just as with the initial project that Mike and his team created, the benefits are many. And I'll just skip down to the bottom line.

This proposed regulatory change will increase the effectiveness of law enforcement standards for peace officers in preserving peace, protection of public

health and safety, and the goal of increasing trust and transparency within the community.

These are the proposed Instructor Update topics: Arrest and Control, eight hours, update; Defensive Tactics, eight hours; Driver Awareness, four hours; Driver Training, eight hours; firearms, eight hours; Physical Training for the Basic Academy, four hours; and Use of Force, which was added to Regulation 1070 as its own stand-alone specialized course, that's eight hours for the update.

This might be hard to read from the screen. So this is the timeline, proposed timeline.

Effective January 1, 2025, instructors who complete Arrest and Control Instructor, Defensive Tactics Instructor, Driver Awareness Instructor, Driver Training Instructor, Firearms Instructor, Use of Force Instructor, Physical Training Instructor, or the equivalency process specified in Commission Regulation 1070(c) for any of those training courses shall complete an Instructor Update Course that meets the minimum content requirements specified in Commission Regulation 1082(d) within four years of completion of the initial Instructor Training Course, or within four years of completion of the equivalency process, and every four years thereafter.

And instructors who have completed the required Instructor Training Course or equivalency process for any of the courses requiring an Instructor Update specified in Commission Regulation 1070(a)(3) prior to January 1, 2025, shall complete an Instructor Update Course by January 1, 2029. The Instructor Course shall meet the minimum content requirements specified in Commission Regulation 1082(d).

And I just want to say, in the interest of time, our subject matter expert selection process was very transparent.

Oh, but I want to add one kind of interesting -- so the original group of subject matter experts that were used on Mike's project, we intentionally did not want to use the same group. And we found that it's a subject matter expert multiplier.

So we had two separate groups essentially looking at the same type of update, and the results were very reassuring, that both groups came up with very similar topics.

And moving on, we ultimately had -- we sent out applications across the state. We had help with Basic Training Bureau and the Training Delivery Compliance Bureau to get applications out to training managers, and we received 56 applications that were turned in for

people who wanted to be a subject matter expert on this project.

And out of those 56 applications, we selected 18 subject matter experts, most of which teach multiple critical skill discipline.

And we also wanted to make sure that we had representation from large agencies such as LAPD, CHP, and, of course, smaller agencies as well, and up and down Northern California and Southern California, and we also included college-based Academies.

And our accomplishments. Ultimately, we created the proposed 1082/1070 course content.

Now, I do have links to the actual proposed regulatory action, the text, but they're also -- they've also been provided in the agenda packet. And if the Commission would like me to have those -- to look at those, we can, or I can just move on.

CHAIRPERSON LONG: Commissioners, anyone want to see additional material at this time?

(No response.)

CHAIRPERSON LONG: I think not. I think we're good moving forward, Mr. Chalk.

MR. CHALK: Yes, sir.

We do have one more workshop planned.

If this is approved, we would plan to -- while this

project is sitting through the 45-day Office of Administrative Law waiting period, we would like to bring that same group of subject matter experts back, and we would actually create the minimum course content for these courses and expanded course outlines and have those POST certified.

And trust me, as a prior presenter, that is -- agencies love that. And we also were able to ensure compliance with the minimum course content by creating the courses ourselves.

And, of course, agencies can expand upon the course content, because we are just -- I want to remind everyone this is minimum course content.

And then after that, we close out the project.

Any questions?

CHAIRPERSON LONG: Questions or concerns for Mr. Chalk?

(No response.)

CHAIRPERSON LONG: Another very thorough and informative write-up. We appreciate it very much. As we have most of these this afternoon, our pace in no way reflects the importance of these issues.

I think it speaks also to the substance of the write-ups and the material that we get in advance. We thank you very much for that.

Is there a motion?

(Sotto voce conversation between Chair Long and Executive Director Alvarez.)

CHAIRPERSON LONG: Oh. I forgot to ask you, Chief Salazar, if you guys discussed this one.

CHAIRPERSON SALAZAR: Thank you, Mr. Chair.

We did discuss this item and got some feedback from the group.

Generally, the Advisory Committee supported this issue. Just had a number of questions in regards to process and timing. But we're supportive of the training and the importance of the update for these specialized courses.

CHAIRPERSON LONG: So is there a motion to accept the recommendations contained in the staff report?

COMMISSIONER MOON: Motion. Moon.

CHAIRPERSON LONG: Second?

COMMISSIONER WOOLERY: Woolery. Second.

CHAIRPERSON LONG: Mr. Knapp, please call the roll.

MR. KNAPP: Barcelona.

COMMISSIONER BARCELONA: Yes.

MR. KNAPP: Braziel.

(No response.)

MR. KNAPP: Ewell.

COMMISSIONER EWELL: Yes.

MR. KNAPP: Long.
CHAIRPERSON LONG: Yes.
MR. KNAPP: Moon.
COMMISSIONER MOON: Yes.
MR. KNAPP: Nieto.
COMMISSIONER NIETO: Yes.
MR. KNAPP: And Woolery.
COMMISSIONER WOOLERY: Yes.
MR. KNAPP: That's six.
CHAIRPERSON LONG: Motion passes 6-0.
MR. CHALK: Thank you.
CHAIRPERSON LONG: We move now to Peace Officer Standards and Accountability Division. Item 8a, a report on draft disciplinary guidelines.
Assistant Executive Director Annemarie Del Mugnaio will provide a report on this item.
MS. DEL MUGNAIO: Good afternoon, Chairman Long, Members of the Commission.
We've talked about the disciplinary guidelines at the last, probably, three meetings, in terms of needing to adopt something that will help guide ALJs, administrative law judges, when reviewing cases of serious misconduct and proposing some level of discipline.
What's before you is a draft document for, really,

further development. It's not for consideration today. We're hoping, with permission of the Chair and the Commission, you will form a subcommittee that can work with staff. We can fill in some of the blanks on minimum/maximum penalties and rationale behind when we would perhaps mitigate something from a revocation.

So that's what's up for consideration. I think the overview and the agenda item explains the reason for disciplinary guidelines.

Open to any questions. Thank you.

CHAIRPERSON LONG: Thank you, Ms. Del Mugnaio. The write-up indeed was -- is detailed. All of the guidelines and proposed guidelines are all but finished. Could be, if you wanted to read them that way. There are some deletions and some blanks and so forth that can be filled in.

I think in discussions, we probably may want to keep this work group to a two-person thing to keep it -- we don't need to go through the Brown Act. Essentially just to work with the staff here to have these proposed changes in even better shape for the next Committee hearing.

And so what we'll do, if it's okay with everyone, since Rick has stepped out, we'll make him -- put him in charge of it. And Kelly Gordon left. So she's the

other one.

COMMISSIONER WOOLERY: So moved.

CHAIRPERSON LONG: All right. So is there a motion to establish that temporary subcommittee and put those two on it, make those two on it? They will review and finalize a draft, along with staff, of disciplinary guidelines, guidelines that will be ultimately brought back to the full Commission for review, discussion, and a vote.

Is there a motion?

And they've both agreed to do this, by the way.

COMMISSIONER MOON: Motion. Moon.

CHAIRPERSON LONG: Motion. Is there a second?

COMMISSIONER EWELL: Second.

CHAIRPERSON LONG: Please call the roll, Mr. Knapp.

MR. KNAPP: Barcelona.

COMMISSIONER BARCELONA: Yes.

MR. KNAPP: Braziel.

(No response.)

MR. KNAPP: Ewell.

COMMISSIONER EWELL: Yes.

MR. KNAPP: Long.

CHAIRPERSON LONG: Yes.

MR. KNAPP: Moon.

COMMISSIONER MOON: Yes.

MR. KNAPP: Nieto.

COMMISSIONER NIETO: Yes.

MR. KNAPP: And Woolery.

COMMISSIONER WOOLERY: Yes.

MR. KNAPP: Thank you. 6-0.

CHAIRPERSON LONG: Motion carries 6-0.

Next item is a report on peace officer revocations based on disqualifying felony convictions.

Ms. Weiler will report on this item.

MS. WEILER: I'm back, for the last time today.

Yes. So before you is the list of individual officers, peace officers, that we intend to revoke their certifications due to a felony conviction identified in Government Code 1029 as disqualifying for eligibility to be a peace officer.

Again, this list is similar to the list that you saw earlier for those that we've already disqualified for prior convictions. It includes the officer's name, their last employing agency, the district, the date of the conviction or judgment, as well as the convictions for these individual officers.

I don't know if you want me to read these names off or you want to just review --

CHAIRPERSON LONG: We don't really need to read the names, since they're on the record.

COMMISSIONER BARCELONA: No. We can see them.

CHAIRPERSON LONG: So two, four -- six is a sufficient number.

Is there a motion to approve the 16 listed revocations based on disqualifying felony convictions, as described in the staff report?

COMMISSIONER EWELL: Motion to approve.

CHAIRPERSON LONG: Is there a second?

COMMISSIONER WOOLERY: Woolery. Second.

CHAIRPERSON LONG: Mr. Knapp, please call the roll.

MR. KNAPP: Barcelona.

COMMISSIONER BARCELONA: Yes.

MR. KNAPP: Braziel.

(No response.)

MR. KNAPP: Ewell.

COMMISSIONER EWELL: Yes.

MR. KNAPP: Long.

CHAIRPERSON LONG: Yes.

MR. KNAPP: Moon.

COMMISSIONER MOON: Yes.

MR. KNAPP: Nieto.

COMMISSIONER NIETO: Yes.

MR. KNAPP: And Woolery.

COMMISSIONER WOOLERY: Yes.

CHAIRPERSON LONG: The motion carries for the

revocation of those officers 6-0.

Next item is a report on proposed modification to the POST Commission Policy Manual regarding voting by mail on administrative disciplinary matters.

Chief Counsel William Darden will report on this item.

MR. DARDEN: All right. Well, as the last report of the day, I think it will take about two and a half hours. No. We'll --

COMMISSIONER EWELL: You need to slow down, please.

MR. DARDEN: Yes. Exactly. Thank you for reminding me of that.

At a previous meeting of the Commission, we discussed having a procedure, which is authorized through the Administrative Procedure Act, for voting on ALJ decisions without the need to come in for a meeting.

As a reminder, we have sort of a tight timetable under the APA. We have 100 days after the delivery of the proposed decision to us to take action, or we lose jurisdiction and the decision is deemed adopted.

This may not be a problem depending on volume, but we want to have this procedure in place so we can avoid any defaults and move these cases through expeditiously.

The Commission indicated at the last meeting that it was amenable to this procedure but that it wanted to

limit it to those cases where the ALJ had adopted the Commission's recommendation regarding discipline.

So this procedure would apply in those cases. However, it can be noted that, although the ALJ may have decided to revoke and the Commission wanted to revoke, that the Commissioners would still be able to review it. And if they had a problem with the reasoning or had some other problem with it, then, obviously, the Commission could still take action.

But this procedure will not apply unless, as an initial matter, the ALJ did adopt the penalty that was recommended by the Commission.

So we have proposed language. We're including it in the Commission procedure. If you have any questions, I'm happy to address them. But the procedure basically permits a by-mail vote. It would be either to adopt, to reject it, or to hold.

Adoption would make the order effective.

Nonadoption would mean that the staff would order transcripts and exhibits from OAL and we would set the date for written argument by the parties, and that would be an argument regarding review of the record before the ALJ.

And after that date, the Commission could either decide to adopt or write its own decision or remand to

the ALJ with instructions on something else to be done, other evidence or items to be considered, or the taking of additional evidence. Again, all that has to be done within 100 days.

Hold means that the Commission is requesting that -- the Commissioner is requesting that the case instead be discussed in closed session before a vote. And under this policy, if two or more Commissioners ask to hold, we would schedule the case for discussion at the next closed session.

So if the Commission approves, the action would be a motion to adopt the modification to the Policy Manual.

I'm happy to answer any questions.

CHAIRPERSON LONG: Questions about this process?

(No response.)

CHAIRPERSON LONG: Is there then a motion to adopt the modification to the POST Commission Policy Manual regarding voting by mail on administrative disciplinary matters, as described in the staff report?

COMMISSIONER BARCELONA: I'll move. Barcelona.

CHAIRPERSON LONG: Is there a second?

COMMISSIONER WOOLERY: Woolery. Second.

CHAIRPERSON LONG: Mr. Knapp, please call the roll.

MR. KNAPP: Barcelona.

COMMISSIONER BARCELONA: Yes.

MR. KNAPP: Ewell.
COMMISSIONER EWELL: Yes.
MR. KNAPP: Long.
CHAIRPERSON LONG: Yes.
MR. KNAPP: Moon.
COMMISSIONER MOON: Yes.
MR. KNAPP: Nieto.
COMMISSIONER NIETO: Yes.
MR. KNAPP: And Woolery.
COMMISSIONER WOOLERY: Yes.
CHAIRPERSON LONG: The motion carries 6 to nothing.
Next item up is Committee Reports.
Advisory Committee Chair, Police Chief Jason Salazar, will report on the Advisory Committee meeting held yesterday.
CHAIRPERSON SALAZAR: Thank you, Chair Long.
I'll keep it brief. But the Advisory Committee yesterday did receive a number of the reports that the Commission heard today and provided feedback. There was a great deal of support for the professional staff training item.
From the Committee Member reports, I will mention one from CADA, looking at the modern policing degree issue. And, obviously, there's still some legislative work that needs to be done to resolve some issues with

AB 89. But Tammie Murrell, representing CADA, did raise a companion problem related to a federal government change, that FAFSA would make POST RBCs no longer qualify for student aid and not congruent with MPD requirements. That is another concern to look at with AB 89.

And then finally, we did elect a new Vice Chair for the committee, Lieutenant Brent Stalker from Fresno SO, representing the California Police Training Management Association.

Thank you, Chair.

CHAIRPERSON LONG: Any questions for Mr. Salazar?

(No response.)

CHAIRPERSON LONG: Hearing none, the report is deemed to be adopted.

We are now on future Commission dates, I believe. No. Excuse me. Excuse me. I skipped a page.

Correspondence. The following correspondence was sent from POST: to David E. Kenney, Classified Human Resources Manager of the Montebello Unified School District.

That's it.

New business. Post Executive Director Performance Review.

Commission policy requires the performance review

be conducted at least every two years. The last review was conducted on September 21, 2023.

To conduct a review, we must select a panel of Commissioners. And Commission policy states it's the Chair, the Vice Chair, and two Members at Large to conduct the review.

The proposal is to conduct a performance review at our next meeting, September 12, 2024.

So we need to come up with two Members at Large. We can accept volunteers here, or we can assign it to the people didn't -- who are gone. Last time it was the Chair and the Vice Chair, me and Rick Braziel, and Commissioners Barcelona and Braun.

Any question or comments, or anyone who would like to volunteer?

COMMISSIONER EWELL: I volunteer.

CHAIRPERSON LONG: Commissioner Ewell. Great.

Everybody is looking down except for Commissioner Barcelona. So we'll go with Commissioner Barcelona and Commissioner Ewell.

We will do that, then, at our next meeting in September. All right.

So may I get a motion to create an Executive Director Performance Review Panel, comprising of the Chair, the Vice Chair, and Commissioners Ewell and

Barcelona to conduct a performance review on September 12, 2024?

COMMISSIONER MOON: Motion. Moon.

CHAIRPERSON LONG: Second?

COMMISSIONER WOOLERY: Second.

CHAIRPERSON LONG: All right. Thank you.

Is there an objection to adopting the previous roll call?

(No response.)

CHAIRPERSON LONG: Seeing none, motion carries.

Upcoming Commission meetings will be held September 12th somewhere in the Greater Los Angeles area.

EXECUTIVE DIRECTOR ALVAREZ: We have a location.

CHAIRPERSON LONG: We have a location?

EXECUTIVE DIRECTOR ALVAREZ: Yes. The meeting will be in Pasadena on September 12th. And if I also may add, that is a meeting where there is no Advisory Committee for that meeting.

And also the question as to whether we will have more than one day -- in other words, with other decertification or certification hearings -- we do not know at this point. There's a chance that we will not have any certification actions for the September meeting, but we will let you know.

The Board, obviously, has to meet first, and they're scheduled to meet in July. We just don't know if we're going to have any appeals. So please stand by. But for right now, it's one day in Pasadena.

Yes, sir.

CHAIRPERSON LONG: Excellent.

COMMISSIONER EWELL: There's no Finance Committee meeting? I mean, is that when we will fold them together, or is there any --

EXECUTIVE DIRECTOR ALVAREZ: I believe we'll fold them together. We never had the meeting in September. But we'll have a budget. So that will be, you know, a good time to talk about the new budget. Yes.

CHAIRPERSON LONG: So start with the Committee whole process for the Finance Committee on September 12th.

The following meeting will be November 20/21 at POST World Headquarters here in West Sacramento.

We now move to closed session. We will also -- Mr. Knapp, let's keep the roll open for Mr. Braziel to vote, if he wants to vote on the revocations. Okay.

We now move to closed session. Unfortunately, we have to ask everyone to get up and exit the room. We will reconvene in general session at the conclusion of closed session, which should not take long.

And just while Mr. Braziel is here, I wanted to keep the roll open in case Mr. Braziel wanted to add on to the involuntary -- excuse me -- the -- what's my term of art?

MR. DARDEN: We voted to put you on it.

CHAIRPERSON LONG: The felony --

(Audio system disconnected; speakers inaudible.)

(Reporter clarification.)

(Off the record.)

CHAIRPERSON LONG: We're on the record.

Going back to Item 8b, which was a report on peace officer revocations based on disqualifying felony convictions; it passed 6 to nothing. Mr. Braziel was briefly absent and indicated that he would like to add on to that roll call.

Chandler left. I'll call the roll.

So Mr. Braziel.

COMMISSIONER BRAZIEL: Aye.

CHAIRPERSON LONG: Aye vote. That measure goes to 7 to 0. Thank you.

Okay. We're off the record now; right?

(Closed session: 3:12 p.m. to 3:15 p.m.)

---oOo---

(Open session resumed: 3:15 p.m.)

---oOo---

CHAIRPERSON LONG: Hello. We are back. Are we back?

We're back in regular session.

MR. DARDEN: And in closed session, we discussed litigation matters.

CHAIRPERSON LONG: Thank you, Mr. Darden.

MS. DEL MUGNAIO: Commissioners, is there anything else?

(No response.)

CHAIRPERSON LONG: Again, for all the staff out there -- that's Mr. Newmeyer representing all the staff -- thank you for all the thorough, detailed, and really informative work. Again, our pace did not reflect the depth and the necessity of your work. But it does honor your goals.

Is there a motion to adjourn?

COMMISSIONER NIETO: Nieto.

CHAIRPERSON LONG: Is there a second?

COMMISSIONER WOOLERY: Second.

CHAIRPERSON LONG: Is there an objection to unanimous consent?

(No response.)

CHAIRPERSON LONG: Seeing none, motion carries. We are adjourned. Thank you.

(Proceedings concluded at 3:17 p.m.)

---o0o---

CERTIFICATE OF REPORTER

I, EMILY SAMELSON, 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, Emily Samelson, 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 6th of July, 2024.



EMILY SAMELSON, CSR
Certified Shorthand Reporter
License No. 14043

E R R A T A S H E E T

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STATE OF CALIFORNIA

COMMISSION ON

PEACE OFFICER STANDARDS AND TRAINING

SERIOUS MISCONDUCT CASE REVIEW MEETING

WEDNESDAY, JUNE 12, 2024

12:08 P.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

P. LAMONT EWELL
Public Member

KELLY GORDON
Chief
Santa Barbara Police Department

SHANNAN MOON
Sheriff
Nevada County

TINA NIETO
Sheriff
Monterey County

MICHELLE RODRIGUEZ
Public Member

---o0o---

POST COMMISSION STAFF

MANUEL ALVAREZ, JR.
Executive Director
Executive Office

WILLIAM "TOBY" DARDEN
Chief Counsel
Legal Affairs Bureau

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

POST COMMISSION STAFF
(CONTINUED)

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

CHRISTOPHER BECKER
Assistant Chief Counsel
Legal Affairs Bureau

ROBERT BRINGOLF
Law Enforcement Consultant
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Staff Services Analyst
Executive Office

ROBERT GUYTON
Bureau Chief
Professional Conduct Northern Bureau

BRYANT HENLEY
Attorney IV
Legal Affairs Bureau

WILLIAM IMBODEN
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Professional Conduct Los Angeles County Bureau

CHANDLER KNAPP
Staff Services Manager
Executive Office

MARK NAGEL
Law Enforcement Consultant
Professional Conduct Southern Bureau

KEVIN SHERBURNE
Law Enforcement Consultant
Professional Conduct Central Bureau

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

POST COMMISSION STAFF
(CONTINUED)

CARRIE WOOLLEY
Attorney III
Legal Affairs Bureau

---o0o---

PEACE OFFICER STANDARDS ACCOUNTABILITY
ADVISORY BOARD LEGAL COUNSEL

CHRISTOPHER BEATTY
Deputy Attorney General
Department of Justice
Office of the Attorney General

---o0o---

ALSO PRESENT

MARSHAL ARNWINE
ACLU of Northern California

CESAR DIAZ
Peace Officer
POST ID C68-U20

SAKU ETHIR
Counsel for
Officer Ivan Sarabia-Medina
(Via videoconference)

DILLON FUSTON
Peace Officer
POST ID C71-S10

BRADLEY M. FIELDS
Counsel for
Officer Dillon Fuston
(Via videoconference)

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

ALSO PRESENT
(CONTINUED)

IVAN SARABIA-MEDINA
Peace Officer
POST ID C12-A96
(Via videoconference)

LESLIE WILCOX
Counsel for
Officer James Fillmore
(Via videoconference)

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Wednesday, June 12, 2024, 12:08 p.m.

West Sacramento, California

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CHAIRPERSON LONG: Good morning. Let's get started. It's six minutes after our start time.

Welcome, everyone. I'm Geoff Long, the Chair of the POST Commission. Today is June 12, 2024. And it's 12:07, and we are on the record.

Mr. Knapp, please call the roll.

MR. KNAPP: Thank you, Mr. Chair, members of the Commission. Welcome.

Commissioner Barcelona.

COMMISSIONER BARCELONA: Here.

MR. KNAPP: Commissioner Braun.

(No response.)

MR. KNAPP: Commissioner Braziel.

COMMISSIONER BRAZIEL: Here.

MR. KNAPP: Commissioner Cooper.

(No response.)

MR. KNAPP: Commissioner Ewell.

COMMISSIONER EWELL: Present.

MR. KNAPP: Commissioner Gordon.

(No response.)

MR. KNAPP: Commissioner Long.

CHAIRPERSON LONG: Here.

MR. KNAPP: Commissioner Woolrey.
(No response.)
MR. KNAPP: Commissioner Moon.
COMMISSIONER MOON: Present.
MR. KNAPP: Commissioner Nieto.
COMMISSIONER NIETO: Here.
MR. KNAPP: And Commissioner Rodriguez.
COMMISSIONER RODRIGUEZ: Here.
MR. KNAPP: Seven.
CHAIRPERSON LONG: Thank you. At the moment, we have seven. We're expecting, I believe, Chief Gordon.
I would now like to introduce Peace Officer Standards Accountability Advisory Board Counsel Chris Beatty; POST Chief Counsel William, aka "Toby" Darden; and POST Executive Director Manny Alvarez.
This is the time for members of the public to comment on items on the Commission agenda -- or not on the agenda, but under the Commission's jurisdiction. Any public comment on peace officer revocation cases to be heard today will be taken at the time of the specific case.
Pursuant to Commission Policy, I, as Chair, will manage the public comment period in deference to the Commission's workload and time constraints. Up to 15 minutes is allotted at the beginning of each Commission

meeting for public comments on items of the agenda.

Members of the public who wish to speak are asked to limit their remarks to no more than five minutes each. If we have many people who wish to speak on the same topic, I may ask that you limit remarks to no more than one minute.

Pursuant to existing Commission policy, the Chair my conclude the public comment period if multiple speakers are voicing repetitive or similar statements and the 15-minute public comment period has expired.

Please be advised the Commission cannot take action today on items that are not on the agenda.

And, finally, please remember this meeting is being transcribed, so please speak slowly and clearly so your comments can be correctly recorded in the transcript.

And I will try to be heard as well. I had a molar pulled out yesterday, so I'm navigating enunciation.

Does anyone wish to address the Commission during public comment?

When it is your turn, if you wish, please state your name and organization.

Come forward.

MR. ARNWINE: Is there a specific one?

CHAIRPERSON LONG: No. Wherever you like.

MR. ARNWINE: Good afternoon. My name is Marshal

Arnwine. I'm the Legal-Policy Advocate for the ACLU of Northern California.

In my role, I analyze state and local legislation regarding police practices and advise development of new policies and laws to reform police matters.

Today, we are here as the ACLU wanted to ask POST a few questions because we have been recently involved in Vallejo in response to the city's lengthy and tragic history of police violence.

We serve communities that are directly impacted by systems of criminalization and oppression. And in those conversations, with those who have lost loved ones to Vallejo Police Department, we have been informed that there's no trust in the Vallejo Police Department in following the SB 2 police decertification reporting laws.

Specifically outlined in California Penal Code 13510.8(c)(1) and California Penal Code 13510.9.

Today we are asking POST if the Vallejo Police Department has been following the SB 2 police decertification laws.

In reviewing the POST 2023 Annual Report, it states that in January 2024, POST identified 265 agencies that has not yet submitted any misconduct reports to POST. We would like to know if Vallejo Police Department was

one of those agencies.

If POST has already publicly posted a list of agencies that are not reporting, we would like to know where can we publicly access that information.

If POST has not made this information public, we are requesting POST to do so to help the Vallejo community in transparency and accountability.

My next specific question is regarding the law of retroactivity between January 1st, 2020, and January 1st of 2023, that all complaints of serious misconduct must be reported to POST regardless of finding.

The question we have is: Did Vallejo Police Department send POST a complaint on Officer Jarrett Tonn?

Sean Monterrosa was shot and killed by Officer Tonn on June 2nd, 2020. This death would fall under the physical abuse serious misconduct definition. This death would also fall under the required retroactivity reporting requirement.

Because of that, Vallejo Police Department, by July 1st, 2023, should have already reported that information to POST.

If Vallejo Police Department has not reported this officer for investigation, we are asking that this officer be prioritized and flagged for POST

investigation.

Officer Tonn has been reinstated as an officer, and the Vallejo community is devastated by this.

We are aware that POST can conduct an investigation solely for purpose of decertification that is separate and distinct from any employment decision made by the Vallejo Police Department. If POST has not investigated Officer Jarrett Tonn for decertification review, we are asking that you do so.

In conclusion, it is true that SB 2 does place the responsibility on Vallejo Police Department to report investigations to POST.

But in speaking to community members that have lost loved ones to Vallejo Police Department, they have no faith that the Vallejo Police Department will follow the law.

This community has long been victimized by its police force without transparency and accountability.

It is not lost on us that POST has done a tremendous job investigating so many reports, at least 22,000 reports, of allegations of misconduct across the state. And we appreciate your hard work on that.

I'm open to hearing the answers to my questions now, but understand that this is off the agenda comment, but I will leave my card here in case you all can answer

my questions at another time.

Thank you for your attention to this important matter.

CHAIRPERSON LONG: Thank you very much for showing up today.

Does anyone have any questions? Concerns?

(No response.)

CHAIRPERSON LONG: I believe that we can get back to you tomorrow in terms of the Vallejo reporting. Is that --

EXECUTIVE DIRECTOR ALVAREZ: Thank you, Mr. Chair.

Yes, I mean, if that's what you all request, we can definitely provide you with a number. If Vallejo Police Department has submitted reports. I don't know that off the top of my head.

In terms of discussing any potential case, whether it's on this individual or this individual officer or other individuals, I would say that we should definitely refrain from those discussions, since they may come before the board and the Commission. But we can provide at least some detail tomorrow as to whether they had reported or not reported.

MR. ARNWINE: Thank you.

EXECUTIVE DIRECTOR ALVAREZ: We can look that up, yes.

CHAIRPERSON LONG: Thank you very much.

Any other comments at this point for members of the public?

(No response.)

CHAIRPERSON LONG: All right. We will now begin with the first of the five certification cases before the Commission today.

Remember that today's agenda is limited to the five cases on the agenda. All other POST business is agendized for tomorrow's meeting.

So I will now ask Assistant Executive Director Annemarie Del Mugnaio and Chief Counsel William Darden to report on update on POST case 2303691, James Kurtz Fillmore, who at the time of the events in question was employed by the LAPD.

I believe counsel for Mr. Fillmore may be appearing remotely.

MR. DARDEN: Okay. Well, I can go ahead and get started.

So this is -- this is an update.

As the Commission will recall at our last meeting, the case involving Mr. Fillmore was heard by the Commission.

The direction that was given to staff by the Commission was that we work with Mr. Fillmore and his

counsel to see if it was possible for us to enter into a resolution on the terms that had been requested by the Commission.

After a number of discussions and negotiations, we were able to enter into an agreement on the terms that were specified by the Commission with one amendment that Commissioner Braziel and Chair Long had agreed to after negotiation.

Because of the way in which this works, we don't want to yet provide the full terms in open session. So we're permitted by the Administrative Procedure Act to go into closed session to simply advise you of the terms of the Commission so that -- sorry. The terms of the settlement so that the Commission can be aware of it and then can come back out into open session to vote on it. At the point where the Commission adopts the settlement agreement as the proposed decision, then we could make it -- make the terms public and the agreement itself will be public as well.

Mr. Chair, as to whether or not you want to go ahead and entertain public comment now. And then, again, after we come back from closed session, otherwise unless Ms. Del Mugnaio has any additional comments, are there any questions from the Commission, we would simply ask that this matter be trailed or continued until after

the closed session, which I understand the first closed session will happen after the Diaz case.

But I'm happy to entertain any questions if there are any before that.

Just as a reminder, so Mr. Beatty is set, just so there's no confusion as to our roles, Mr. Beatty is your counsel for purposes of today, for purposes of the Commission in its adjudicatory capacity, as a judge, basically, of these cases. So he will provide all of that advice to you.

Tomorrow, I will be the Commission's counsel again.

But as of today, Mr. Beatty is your -- is your counsel in your adjudicatory capacity. And my role is to represent POSAD.

Anyway, so if there are any questions on Fillmore, I'm happy to address them.

Ms. Del Mugnaio, if you had anything else you wanted to add?

MS. DEL MUGNAIO: Chairman Long, may I talk about the operational side of this?

CHAIRPERSON LONG: Sure.

MS. DEL MUGNAIO: There was some question as to how to operationalize ensuring the terms and conditions that you all wanted to impose would be met. I just wanted to update you on working with different laboratories on the

biological fluid testing. That would be a condition of the terms that you are -- that are going to be put before you, that have been agreed on by Mr. Fillmore and counsel.

So any questions on operationalizing the terms and conditions?

(No response.)

CHAIRPERSON LONG: Seeing none.

So there will be opportunity for public comment when we return from closed session. However, if anyone wishes to provide comment now, they may do so.

And I believe Ms. Wilcox is with us. Remotely.

Ms. Wilcox, do you wish to comment now and/or again if you choose?

MS. WILCOX: Thank you, sir.

I just would like to let the Commission know that we -- Mr. Fillmore wanted to let all of you know that he appreciated this opportunity in allowing us to work both with Mr. Darden and Mr. Beck [sic] in negotiating this settlement.

And I'm here to answer any questions the Commission may have after you have reviewed the settlement agreement.

CHAIRPERSON LONG: Thank you. Thank you.

Any questions?

(No response.)

CHAIRPERSON LONG: If not, what we will do now is we will begin with the next case, and we will roll them together. So we will go into closed session after the Diaz case, and, at which time, we will also discuss the specific terms of the settlement. And then we will come back out.

Any questions?

(No response.)

CHAIRPERSON LONG: So we move now to the next items on the agenda. We have four new cases to hear. We will only be reviewing the facts and evidence as presented by the Peace Officer Standards Accountability Division and the recommendation of the Peace Officer Standards Accountability Advisory Board.

This is not an evidentiary hearing. The rules of evidence do not apply. Evidence is not formally admitted into the record. There no need to make objections. And objections will not be ruled upon.

Per the Penal Code and applicable state regs, this hearing will determine if the case proceeds to a full evidentiary hearing before an administrative law judge to determine whether the allegations are true and merit discipline.

At this stage, the Commission may only consider

facts that the division, after investigating, believes can be proven at a later evidentiary hearing as well as the recommendation of the board.

Today the Commission will consider arguments as to whether or not those facts as presented by the division demonstrate a high probability that serious misconduct, as defined in Penal Code section 13510.8 and Regulation 205 occurred.

The Commission's finding in the affirmative results in the matter moving forward. No actions by the Commission, prior to a full evidentiary hearing, amount to a final determination that an officer engaged in serious misconduct or that revocation or suspension is mandated.

Just a couple notes on process. Following the case presentation, I will ask if any commissioners feel the need to recuse themselves from a vote due to a personal relationship with the officer or some related reason.

Should a commissioner opt for recusal, I will ask that commissioner to leave the room for the remainder of the case in question.

Should recusal result in an insufficient number of commissioners to reach the two-thirds vote necessary to revoke, I will recommend moving the case to the next Commission meeting.

Today, with eight, and, hopefully soon, nine members, a two-thirds vote would require six. So I believe we're going to be okay on that front.

Regarding closed session, there's no need to move to closed session to discuss a case or ask questions.

A motion is always in order. Still we can move and will move to a closed session if a commissioner so requests, or if video evidence already made available to commissioners but requested to be shown again is deemed sufficiently graphic as to serve no public interest if displayed in open session.

So I would call upon now Law Enforcement Consultant William Imboden. Imboden. Sorry about that, William. Imboden. Professional Conduct Bureau LA. And Carrie Woolley, attorney with the POST Legal Affairs Bureau.

And they will provide a report on case POST 231496, Cesar Hazel Diaz, who, at the time of events at issue in this case, was employed with the LA School District Police Department.

Mr. Imboden and Ms. Woolley. The floor is yours, guys.

MR. IMBODEN: Thank you, Mr. Chair, members of the Commission, staff.

My name is William Imboden, and I am a -- it's okay. I am a Law Enforcement Consultant II assigned to

the Professional Conduct Bureau, Los Angeles County area.

I'm here with respect to POST Case 2311496, which is POST vs. Officer Cesar Diaz, formerly of the Los Angeles School District Police Department.

In this case, the division found reasonable grounds to believe that Officer Diaz engaged in serious misconduct, in violation of Penal Code section 13510.8(b)(6) Acts that Violate the Law, alleging that Officer Diaz was arrested and convicted for driving under the influence of alcohol twice within a 10-week period in the year 2020.

In the division's investigation summary, and findings, it recommended revocation of Officer Diaz's POST certification.

In accordance with the requirements of Senate Bill 2, and as required by Penal Code section 13510.85(a)(4), this matter was heard by the Peace Officer Standards Accountability Advisory Board on March 21st, 2024. And following the conclusion of that hearing, the board voted to suspend Officer Diaz's certification for six months.

The division asks that you adopt that recommendation today.

As required by Penal Code section 13510.85(a)(5)

the record of that proceeding is before you, which includes the agenda and attachments from that meeting, a transcript of the relevant portions of the hearing, and the recommendation of the board.

Since the matter was also discussed in closed session by the board, Commission counsel will be able to advise you with respect to those proceedings.

The law requires your review of that record before the board, which is before you, and which you have had an opportunity to review. To assist you in review of the record, I will take you through the case as presented there.

As the record shows, I presented the case before the board substantially as follows:

In June 2020, Cesar Hazel Diaz, an officer with the Los Angeles School District Police Department while off duty was arrested in Orange County for suspicion of driving under the influence of alcohol.

Mr. Diaz was seen driving his vehicle recklessly at a high rate of speed, approximately 50 miles per hour in a 25-mile-an-hour zone on the wrong side of the road and crossing over solid double yellow lines with passengers in his vehicle.

Mr. Diaz failed his field sobriety test and was subsequently arrested. When he was taken into custody,

his loaded handgun was located in the waistband of his clothing.

During the booking process, Mr. Diaz provided a blood sample to determine his blood alcohol concentration which ultimately returned at .14 percent BAC, post-arrest.

Just ten weeks later in August of 2020, while driving his vehicle off duty in Los Angeles County, Mr. Diaz was seen rapidly accelerating as he exited a parking lot and swerving across four lanes of traffic in one move, without signaling.

After stopping at a red light, Mr. Diaz then accelerated rapidly while crossing two lanes of traffic to make a right turn without signaling.

During the subsequent DUI investigation, it was discovered Mr. Diaz's loaded firearm was on the floor under the front passenger seat, which was occupied by a subject who was not a peace officer, and who had also been drinking alcohol.

While booked -- while being booked at the jail after being arrested, Mr. Diaz provided a breath sample to determine his blood alcohol concentration. And the sample showed that Mr. Diaz's blood alcohol concentration was .17 and .19 percent shortly after his arrest.

In July of 2021, in LA County court, Mr. Diaz pled no contest to one misdemeanor count of driving under the influence of alcohol with a BAC of .08 percent or higher. The second misdemeanor charge was dismissed as part of a plea deal.

In October of 2022, in Orange County court, Mr. Diaz pled guilty to two misdemeanors: driving under the influence and driving with a BAC of .08 percent or higher.

Mr. Diaz's employer told the administrative investigation while the criminal cases work their way through court and due to court delays, the June 2020 arrest was not cleared administratively until December of 2022.

At the conclusion of the administrative investigation, Mr. Diaz was suspended by his employer for 240 hours.

As a result of his actions, Mr. Diaz was arrested twice in a 10-week span for driving under the influence of alcohol, and at the time of his second arrest his BAC was significantly higher than the first time.

During both arrests, he exhibited erratic and dangerous driving behavior, putting both his passengers and the rest of the motoring public at extreme risk of death or serious injury.

Additionally, he was in possession of a loaded firearm both times. The second time the firearm was unsecured and accessible by an inebriated passenger.

Based on these actions and the details as I have described them, the division believes there's clear and convincing evidence that Mr. Diaz committed serious misconduct, as defined in section 13510(b)(6).

For the purposes of this report "clear and convincing evidence" means evidence of a charge is clear and convincing so long as there's a high probability that the charge is true. The evidence need not establish a fact beyond a reasonable doubt.

Following my presentation to the board, as documented in the transcripts before you, the following public comments were made by Officer Diaz: Officer Diaz took accountability for his actions in June and August of 2020, and discussed the factors that impacted his decision making.

Officer Diaz stated that he had completed a 30-day inpatient treatment program as well as a 90-day outpatient treatment program. And he talked about his life changes since the arrest and his new coping skills.

When Officer Diaz concluded his comments, members of the board had no questions to pose.

The board then went into closed session, and when

they returned from -- into open session, the board voted to suspend Officer Diaz's certification for six months, four in favor, two against, and one abstention.

This is the conclusion of my presentation to you today. I'm happy to answer any questions.

CHAIRPERSON LONG: Any questions?

Commissioner Braziel.

COMMISSIONER BRAZIEL: Following his testimony, are we allowed to go back and add things to the file? Question number 1. And particularly, what I'm asking for is: Did we verify that he did the 30-day inpatient treatment program?

MR. IMBODEN: I'm not sure if I'm allowed to answer the question.

MS. WOOLLEY: There were records in -- in the IA investigation that he did, in fact, do an inpatient program.

COMMISSIONER BRAZIEL: So we verified that?

MS. WOOLLEY: Yes.

COMMISSIONER BRAZIEL: Okay. Thank you.

MS. WOOLLEY: And I believe Mr. Diaz is here today to make public comment, as well.

COMMISSIONER BRAZIEL: And then a second technical question.

60 day -- six-month suspension, what's the start

date on the -- if it is confirmed six months' suspension, what's the rest of the process in the start date?

MR. BEATTY: Start date would have to begin once the Commission makes a determination. So it is not -- it has not started.

COMMISSIONER BRAZIEL: It's not retroactive back to the incident itself? It's based on the date we affirm it.

And does this go -- also go to the ALJ for review? Or is it something that does not go to the ALJ for a hearing?

MR. BEATTY: It would work its way up to the ALJ.

COMMISSIONER BRAZIEL: Okay. Thank you.

CHAIRPERSON LONG: Any other questions from commissioners at this point?

Mr. Diaz, do you wish to comment now, or you can comment after our closed session as well.

MR. DIAZ: I will comment now, sir.

CHAIRPERSON LONG: Sure.

MR. DIAZ: Hello, Commissioners and POST Board Members.

I prepared a short little speech kind of like I did last time when I was here, as Mr. Imboden, you know, explained.

So my name is Cesar Hazel Diaz. Thank you for allowing me to speak today. I know this is a brand-new process with California POST and everything, so we're all kind of learning as we go.

Back in March, I represented myself to the Advisory Board and was thankful for their decision for a temporary suspension of my certification.

Today I ask, while you consider my case and the Advisory Board's decision, that you also consider the facts about what I have done to learn from my mistakes and how growing from those mistakes have made me a better and different person to -- and a better police officer to this day.

There's a period of time in 2020, my actions did not correctly reflect my true character. I was dealing with an undiagnosed PTSD, unmanaged grief from family and work losses, childhood trauma, 2020 riots, COVID. And, unfortunately, my list of coping skills, like many other police officers across the nation, only consisted of drinking.

After my off-duty mistakes, I realized that I was doing -- what I was doing to cope wasn't working. I made a conscious decision to work on my personal and mental wellness by choosing to attend a 30-day inpatient rehabilitation program for first responders.

After that, I also completed 90-day outpatient program, where I received continuous and extenuating support for any personal wellness to find new and healthy ways to cope with my PTSD that did not include drinking.

I learned how -- how my coping skills were detrimental to me and negatively affecting those around me, like my family, community, friends, and partners at work.

Today standing in front of you, a better man with a long list of healthy coping skills. I have recently become a father, which has shaped my world for the better and created a "why" for me every single day.

With my new coping skills, I have been able to successfully manage duty-related traumas ongoing continuous to this day.

I love my job as a police officer. It affords me the opportunity to serve people on their worst days, including the people that have made similar mistakes to what I have made and, in some cases, worse.

It allows me to positively impact my community and to help set an example of how one can overcome their mistakes and increase their overall wellness and change their trajectory in life completely.

With all that said, I understand that the

accountability and -- there is a need for accountability and peace officers, and I commend your service and efforts to taking this challenge.

I hope that you can see how my actions -- my actions after my mistakes reflect my integrity and how I have held myself accountable for my family and my community that I serve.

I look forward to being able to put these mistakes behind me and continue to serve my community and family every single day.

Thank you for allowing me to represent myself and speak a little bit about who I am.

If you have any questions I will be happy to answer them.

Thank you.

CHAIRPERSON LONG: Any questions for Mr. Diaz?

(No response.)

CHAIRPERSON LONG: Hearing none, then I will ask that we now adjourn into closed session for deliberations on this case as well as the Fillmore matter.

Commissioners will now exit into the room to our deliberation room and return shortly for regular session.

(Time noted: 12:36 p.m.)

(Closed session was held:
12:39 p.m. to 1:35 p.m.)

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(Time noted: 1:42 p.m.)

CHAIRPERSON LONG: We will now reconvene regular session. And we will return now to case 2303691, James Kurtz Fillmore, who, at the time of the events at issue in this case, was employed by the LAPD.

As we have noted, the parties have agreed to a settlement on the following -- on the terms.

Does someone want to make a motion? Let me be clear on this.

Toby, do we need to discuss and go through the terms before a motion or after?

MR. DARDEN: I would recommend that there be a motion to approve the proposed settlement as the decision of the Commission. And then once there's a vote, then we can provide the details of the terms in public.

CHAIRPERSON LONG: Is there a motion?

COMMISSIONER BRAZIEL: So moved. Braziel.

CHAIRPERSON LONG: Second?

COMMISSIONER NIETO: Nieto.

CHAIRPERSON LONG: Mr. Knapp, please call the roll.

MR. KNAPP: Commissioner Barcelona.

COMMISSIONER BARCELONA: Yes.

Just making sure I knew which one you were talking about.

MR. KNAPP: Braun.

(No response.)

MR. KNAPP: Braziel.

COMMISSIONER BRAZIEL: Yes.

MR. KNAPP: Cooper.

(No response.)

MR. KNAPP: Ewell.

COMMISSIONER EWELL: I abstain.

MR. KNAPP: Gordon.

COMMISSIONER GORDON: Yes.

MR. KNAPP: Chair Long.

CHAIRPERSON LONG: Yes.

MR. KNAPP: Woolrey.

(No response.)

MR. KNAPP: Moon.

COMMISSIONER MOON: Yes.

MR. KNAPP: Nieto.

COMMISSIONER NIETO: Yes.

CHAIRPERSON LONG: Let me raise a parliamentary concern here first, Mr. Knapp.

I believe we never put Commissioner Gordon on the roll.

So let's rescind the motion. We will have to do it over again, I believe. And you call the absent members to make sure we have Commissioner Gordon on the roll.

So without objection, we will rescind that motion and ask Mr. Knapp to call the absent members.

MR. KNAPP: Commissioner Gordon.

COMMISSIONER GORDON: Present.

CHAIRPERSON LONG: That works.

We will go back to the motion.

Is there a motion?

COMMISSIONER BRAZIEL: So moved.

CHAIRPERSON LONG: And a second.

COMMISSIONER BRAZIEL: Braziel.

COMMISSIONER NIETO: Nieto. Second.

CHAIRPERSON LONG: Mr. Knapp, please call the roll. Thank you.

MR. KNAPP: Barcelona.

COMMISSIONER BARCELONA: Yes.

MR. KNAPP: Braun.

(No response.)

MR. KNAPP: Braziel.

COMMISSIONER BRAZIEL: Yes.

MR. KNAPP: Cooper.

(No response.)

MR. KNAPP: Ewell.

COMMISSIONER EWELL: I abstain.
MR. KNAPP: Gordon.
COMMISSIONER GORDON: Yes.
MR. KNAPP: Chair Long.
CHAIRPERSON LONG: Yes.
MR. KNAPP: Woolrey.
(No response.)
MR. KNAPP: Moon.
COMMISSIONER MOON: Yes.
MR. KNAPP: Nieto.
COMMISSIONER NIETO: Yes.
MR. KNAPP: Rodriguez.
COMMISSIONER RODRIGUEZ: Yes.
MR. KNAPP: Thank you.
CHAIRPERSON LONG: Got you covered. Was that seven?
The motion carries. Seven "aye" votes. One abstention from Commissioner Ewell.
MR. DARDEN: Put the terms on?
CHAIRPERSON LONG: Yeah. Now, in terms of the terms -- Toby.
MR. DARDEN: All right.
So the settlement stipulation will become a public document. But we will summarize, for transparency purposes, the terms as set forth in the stipulation,

which has now become the decision of the Commission in this matter.

So Mr. Fillmore has stipulated to the filing of an accusation. And his POST certificate is revoked upon the filing of that. However, the revocation of the POST certification is immediately stayed, subject to the probation terms and conditions, which Mr. Fillmore must comply with for five years, or until his POST certifications are voluntarily surrendered.

He must obey all federal, state, and local laws.

He will provide the Commission with proof of completion or participation in all alcohol abuse treatment and counseling programs, as well as the results of alcohol treatment -- testing that he's taken to date.

He shall not engage in any acts of serious misconduct, as defined in 13510.8, including but not limited to any acts that involve substance abuse-related incidents.

He shall provide any current, future, or potential law enforcement employer with the terms and conditions of the stipulation.

He understands and agrees that the stipulated settlement, once adopted, is a public document and is subject to public release.

If he violates the terms and conditions of his probation, the Commission, after giving him notice and an opportunity to be heard, may set aside the stay order and impose the stayed revocation of his certification.

Upon the approval of this matter, the Commission withdraws the Immediate Temporary Suspension within 30 days, subject to the terms and conditions of the settlement agreement.

And if Mr. Fillmore obtains new law enforcement employment, then the following term and condition will take effect and will remain in effect for up to five years from the date of the onset of the new law enforcement employment. That term is that he is required to abstain from the use of alcohol, and, at his expense, shall participate in random biological fluid testing or drug screening program subject to the Commission's approval. The length of time and frequency is up to 15 times per year on a random basis.

And those are the material terms.

CHAIRPERSON LONG: Any questions or comments from Commissioners?

(No response.)

CHAIRPERSON LONG: All right. Seeing none, we will move -- return now to Case POST 2344196, Cesar Diaz.

Any additional public comment at this point from

anyone here?

(No response.)

CHAIRPERSON LONG: Then based on the closed session deliberations of the Commission, I would ask, is there a motion?

Mr. Braziel.

COMMISSIONER BRAZIEL: Mr. Chair, I would like to make a motion that directs counsel to work with the division on conditions of settlement that were discussed and directed within closed session.

CHAIRPERSON LONG: Is there a second?

COMMISSIONER BARCELONA: Barcelona.

CHAIRPERSON LONG: Mr. Knapp, please call the roll.

MR. KNAPP: Yes, sir.

Barcelona.

COMMISSIONER BARCELONA: Yes.

MR. KNAPP: Braun.

(No response.)

MR. KNAPP: Braziel.

COMMISSIONER BRAZIEL: Yes.

MR. KNAPP: Cooper.

(No response.)

MR. KNAPP: Ewell.

COMMISSIONER EWELL: Yes.

MR. KNAPP: Gordon.

COMMISSIONER GORDON: Yes.
MR. KNAPP: Chair Long.
CHAIRPERSON LONG: Yes.
MR. KNAPP: Woolrey.
(No response.)
MR. KNAPP: Moon.
COMMISSIONER MOON: Yes.
MR. KNAPP: Nieto.
COMMISSIONER NIETO: Yes.
MR. KNAPP: And Rodriguez.
COMMISSIONER RODRIGUEZ: Yes.
CHAIRPERSON LONG: Motion carries unanimously, 8 to 0.
Now, we will be taking a -- I thought you were going to say something.
We will be taking a break after this next moment. Kathy needs -- will be taking a 15-minute break.
But before we do that, I believe Executive Director Alvarez has a response to -- I don't know if the ACLU guy is still here or not.
There he is. Response.
EXECUTIVE DIRECTOR ALVAREZ: Mr. Chair, I would like to introduce Bureau Chief Rob Guyton, who is responsible for the region that covers -- or the district that covers Vallejo Police Department, as well

as Assistant Executive Director Annemarie Del Mugnaio.

Rob, Annemarie, it is all yours.

MR. GUYTON: Thank you. Good afternoon, Mr. Chairman, Commissioners.

Again, my name is Rob Guyton. I'm the Bureau Chief of Professional Conduct Northern Bureau.

And to respond to the questions earlier about Vallejo PD, I have a couple statistics. Since the inception of SB 2, they have been providing reports to POST. Currently, they have provided 96 misconduct reports to POST.

And for reference, Vallejo currently, as of today, has 72 sworn officers.

CHAIRPERSON LONG: All right. Thank you very much. Thank you very much.

MR. GUYTON: You are welcome. Thank you.

CHAIRPERSON LONG: Mr. Arnwine, as I see you are still here, if you have additional questions like that, please feel free to get them to us. Thanks for raising the concern.

We will now take a 15-minute break. We will come back at 2:05, so Kathy, who has been feverishly typing since 9:00 a.m., can take a break. So back at 2:05.

(Break taken in proceedings.)

CHAIRPERSON LONG: We are back in session. 2:07.

Ready for the next case.

I will now call upon Law Enforcement Consultant Mark Nagel, Professional Conduct Southern Bureau; and Chris Becker, Assistant Chief Counsel, POST Legal Affairs Bureau, to provide a report on case POST 2300809, Dillon Fuston, who, at the time of the events at issue in this case, was employed by the San Diego PD.

Mr. Nagel and Mr. Becker.

MR. NAGEL: Good afternoon, Chair Long, Commissioners.

My name is Law Enforcement Consultant Mark Nagel. I am assigned to the Southern Professional Conduct Bureau. Joining me is Chris Becker from the Legal Affairs Bureau.

I'm here to present Case Number 2300809 involving Officer Fuston, currently with the San Diego Sheriff's Office.

In this case, the division found reasonable grounds exist showing that Officer Fuston engaged in serious misconduct in violation of Penal Code section 13510(b)(1).

Specifically, that Officer Fuston engaged in dishonesty by not accurately describing multiple uses of excessive force to mitigate the extent of injury sustained by the subject of the arrest.

In the division's investigative summary and findings, it recommended revocation of Officer Fuston's POST certification. In accordance with the requirements of Senate Bill 2 and as required by Penal Code section 13510.8(5)(a)(4), this matter was heard by the Peace Officers Standards Accountability Advisory Board on March 21st, 2024.

Following the conclusion of that hearing, the board voted to recommend revocation of Officer Fuston's certification. The division asks you to adopt that recommendation today.

As required by Penal Code 13510.8(5)(a)(5), the record of that proceeding is before you, which includes the agenda and attachments from that meeting, a transcript of the relevant portions of the hearing, and the recommendation of the board.

This matter was heard in closed session by the board. Commission counsel will be able to advise you with respect to those proceedings.

The law requires your review to be of that record before the board, which is before you, and which you have had an opportunity to review. To assist you in the review of that record, I will take you through the case as presented there.

As the record shows, I presented the case before

the board substantially as follows: On April 10th, 2020, Officer Fuston and partner responded to a call of a domestic violence incident. While on scene, Officer Fuston used force on a male suspect on two separate occasions.

The force used by Officer Fuston on these two separate occasions was found to have violated the San Diego Police Department's use of force policy.

As seen -- as seen in statutory language, POST is unable to act against Officer Fuston relating to the uses of force because the date of the incident predates the implementation of Penal Code section 13510.8(b)(3). However, the facts relating to the force used by Officer Fuston are relevant to support the dishonesty, which is covered under Penal Code section 13510.8(b)(1) and (g)(1)(a).

Those facts are: incorrectly stating the amount of time the suspect was unconscious; incorrectly stating the suspect was guided to the ground; falsely stating the suspect had access to the immediate weapons; stating he used distraction blows to secure the suspect's arm while pausing a half a second between each strike.

At the time of the events at issue, the respondent was employed as a peace officer with the San Diego Police Department. On September 22nd, 2022, he resigned

from the San Diego Police Department and began working as a deputy with the San Diego Sheriff's Office on September 23rd, 2022.

In this case, the division concluded that Officer Fuston committed four instances of dishonesty in an effort to mitigate his actions and lessen the extent of the suspect's injuries stemming from Officer Fuston's excessive use of force on April 10th, 2020.

First, Officer Fuston stated on multiple occasions, the suspect was unconscious for two to three seconds. For example, Officer Fuston stated the following in his criminal report: Quote, "While guiding the suspect to the ground he fell awkwardly due to his level of intoxication and struck the side of his head on the ground, causing him to lose consciousness for approximately two to three seconds."

However, our investigation found Officer Fuston's reporting of the time the suspect was unconscious to be dishonest, based on the following:

Officer Fuston keyed his radio and asked San Diego PD communication to send medics 11 seconds after the suspect hit the ground.

48 seconds after the suspect hit the ground, Officer Fuston keyed his mike and advised the suspect lost consciousness for two to three seconds.

One minute after the suspect hit the ground, Officer Fuston gave the suspect a sternum rub and told the suspect to wake up.

One minute and five seconds after the suspect hit the ground, Officer Fuston checked the suspect's pulse.

One minute and 47 seconds after the suspect hit the ground, Officer Fuston checked the suspect's pulse while the suspect could be heard snoring.

Two minutes and 58 seconds after the suspect hit the ground, the suspect moved his head for the first time since contacting the ground.

During Officer Fuston's investigative interview, he said he observed the suspect snoring and saw his eyes flutter as a sign the suspect was conscious. Officer Fuston clarified his statement and said he misspoke. He said his statement assessment was wrong when he said the suspect was unconscious for two to three seconds.

Officer Fuston stated, quote, "The suspect was alive, but as far as awake and alert, no."

Officer Fuston was asked if he was accurate in his report. To this, Officer Fuston responded, "No, I think it's pretty clear."

Second, Officer Fuston's statement that he held on to the suspect's body with both hands to guide the suspect to the ground. Specifically, in his criminal

report, Officer Fuston stated the following: Quote, "I knew the suspect was in handcuffs and wasn't able to control himself during the fall, so I held onto his upper body with both of my hands to guide him to the ground where he could no longer kick me."

However, our investigation found this statement to be dishonest based on the following: As seen in the video footage, the suspect was intoxicated and handcuffed. Officer Fuston swept the suspect's legs out from under him, without a plan for protecting the suspect from harm.

Officer Fuston's left hand was on the suspect's left arm, and the suspect fell to the right, making it unlikely his left arm would be help -- would help control the suspect to the ground.

The suspect's head was not controlled, resulting in the suspect's head colliding with the concrete floor.

Third, Officer Fuston's statement that the suspect had immediate access to a weapon while lying on the bed was not supported by articulable facts. Specifically, Officer Fuston said the following in his criminal report of the incident: Quote, "Suspect forced his left hand underneath him towards his waistband. Knowing that I had seen several large knives in the apartment and that they were spread out randomly through the apartment, I

feared there may be another knife in the bed with the suspect. I also had not been able to check the suspect had any weapons on his person."

However, our investigation have found this statement to be dishonest based on the following: There was no mention of weapons on the initial call. The reporting party did not mention weapons as noted in the dispatch log. A knife on the table was no longer in reach of the suspect once the table was moved by the officers.

Officers did not check the bed for weapons prior to waking the suspect. Officers had a clear view of the suspect's hands for several seconds. The suspect was not patted for weapons until he was taken outside.

Neither officer mentions weapons in the reports besides the knife on the table that was moved away.

Fourth, Officer Fuston stated in his investigative interview that he used distraction blows to secure the suspect's arm while pausing a half second between each strike. Specifically, he stated, quote, "I executed distraction blows in order to basically get him to comply with our commands, as well as get his arm up."

However, our investigation found this statement to be dishonest based on the following:

Distraction blows target the lower body and are

defined by San Diego policy as open-handed, lesser controlling strikes, using a lower level of force.

Here, Officer Fuston used a closed fist to deliver six full-force punches to the suspect's upper back, resulting in fractures of multiple ribs.

The injuries sustained by the suspect are not consistent with distraction blows. The use of a closed-fist strike as distraction techniques is not authorized per San Diego Police Department Procedure 1.04.

Officer Fuston said he believed the suspect was armed with a weapon. However, he could not articulate specific or articulable facts to support the belief the suspect was armed or had immediate access to a weapon at the time he punched the suspect multiple times.

Penal Code section 13510.8(c)(5) and POST Regulation 1213 provides that the Commission shall consider a peace officer's prior conduct, discipline, and service record, and any prior instances of misconduct, including any incidents occurring beyond the time limitation for investigation in evaluating whether to revoke certification for the incident under investigation.

To the division's knowledge, there are three prior claims against Officer Fuston alleging excessive use of

force. They are as follows: October 27, 2019, while employed by the San Diego Police Department, Officer Fuston responded to an intoxicated male. The suspect resisted arrest by pulling away from the responding officers and attempted to evade arrest. The suspect was subsequently arrested for narcotics possession and resisting arrest.

A complaint by the suspect was made alleging excessive use of force against the officers. The allegation was investigated and determined to not be sustained.

December 14th, 2019. Four months before the event in question. San Diego Police Department officers, including Officer Fuston, contacted a suspect who matched the description of a person wanted for vandalism. The subject did not comply with commands and physically resisted officers.

Officer Fuston subdued the suspect by applying a carotid hold. The suspect alleged Officer Fuston used excessive use of force. The San Diego Police Department subsequently conducted an investigation into Officer Fuston's actions and determined he violated their use of force and carotid restraint procedures when he applied a nondepartmental-approved or modified carotid restraint or neck restraint and exceeded the carotid restraint

duration hold of 15 seconds.

As for the excessive use of force claim, POST closed this matter as nonactionable because the event took place in December 2019, prior to the January 1st, 2022, effective date of Senate Bill 2 and Penal Code section 13510.8(b)(3).

It is our understanding that the victim in this matter filed a civil lawsuit in San Diego Superior Court in July of 2020 against Officer Fuston, the other officers involved that day, and the City of San Diego.

The lawsuit asserted, among other claims, that Officer Fuston used excessive and unreasonable force against the victim and recklessly administered a chokehold against the victim.

This case was removed to federal court and reportedly settled in January 2024 for $875,000.

While the use of force in this matter was determined to be actionable by POST under SB 2, it is particularly noteworthy because it occurred four months prior to the events in question. And in our opinion, likely impacted Officer Fuston's state of mind, played a role, and provided motive in Officer Fuston's dishonesty in reporting the use of force in this case.

October 20, 2022. A complaint alleged -- a complainant alleged she suffered facial fracture and

numerous body wounds resulting from an encounter with San Diego County Sheriff's deputies, which included Officer Fuston. The use of force was determined to be within department policy and law and was found to have been justified.

This case was referred to POST and is currently pending review.

Following my presentation to the board, and as documented in the transcripts before you, the following public comments were made by Officer Fuston and his representative in summary:

Bradley Fields, counsel for Dillon Fuston, stated dishonesty is intended to cover intentionality [sic] and knowingly making a false statement, made four points: Officer Fuston's statement -- number one, Officer Fuston's statement regarding the large knives being accessible was to be taken as totality of the circumstances known to Officer Fuston at that time.

Number two: regarding the distraction blows. Just because the agency did not agree with Officer Fuston's categorization of these blows does not mean he was dishonest.

Number three: During the leg sweep, the suspect was already on the ground when his right hand came off the suspect's upper back. Officer Fuston thought he had

maintained contact with the upper body throughout the takedown, and that's what he wrote in the report.

Number four: Officer Fuston was not dishonest when discussing the time the suspect was unconscious. This was "an innocent misunderstanding of the medical mechanics of being unconscious."

In his public testimony, Officer Fuston stated that at no point in time was he dishonest in the report, IA interview, or on scene. Nothing he wrote in the report was a material fact in charging the suspect with any crime. He stated he was not the arresting officer, nor did he charge him with any crime that night.

He received a two-day suspension from the agency. He never willfully or intentionally attempted to deceive anyone during the incident through dishonesty, actions, or reporting.

Officer Fuston also noted that relating to the October 20th, 2022, incident with the sheriff's office, his role at the time was traffic control, and the incident happened prior to him being there.

As far as the carotid restraint, a police officer was headbutted and sustained facial injury prior to utilizing the carotid restraint. The carotid restraint he used was taught to him in the Marine Corps. And it was something he was trained on to a higher extent than

that was taught at the academy.

There were also questions from board members.

Question from Member Johnson to Officer Fuston: "October 27, 2019. What role did you play in that excessive force?"

Answer: "We were trying to get the subject into an Uber, and he ran away from us. I chased him and was able to catch up. He was falling to the ground due to his inebriation. I held onto his hands and made sure he didn't hit his head. That was the only time I put hands on him."

Question from Member Pena to Officer Fuston: "Were you trained by San Diego Police on how to administer distraction blows?"

Answer: "I wouldn't be able to quote it to you, but I thought I was within policy. I believed I could use a closed fist direct to the upper body. After the IA investigation, I was informed I was out of policy. I accepted the responsibility for making the error."

At this time, Mr. Becker made a statement quoting the San Diego policy on distraction blows.

Question from a board member: "And what type of injuries did the suspect experience?"

The answer from Fuston: "I believe it was three fractured ribs."

Question from Member Johnson to Officer Fuston: "December 14th. The chokehold was out of policy. That's correct?"

Answer: "Yes, sir. I applied a carotid, not a chokehold."

Question: Member Hatcher-Crawford to Officer Fuston: "In hindsight of everything, you were able to counteract everything that was said. Would you have used the same level of force? Would you have used the same tactics that you used?"

Answer: "At the time I had eight months as an officer. I have learned. I have made a mistake, and I have learned from it. I have learned every day since, and that's why it has never happened again."

There was one public comment.

Ms. Johnson: "Did he actually put that he hit him six times in the report? I couldn't see life being threatened when you already turn him over and he was asleep. I don't think police officers should learn on the job."

At this time, Mr. Becker started -- stated a quote from the investigation: "Officer Fuston's lack of feasible safe plan to take Carrera to the ground after he performed an authorized leg sweep takedown on a handcuffed prisoner resulted in" the arrested person

"being knocked unconscious. Officer Fuston told medics and fire personnel" the arrested person "was unconscious for two or three seconds. In reality," the arrested person "was unconscious for approximately two minutes and 58 seconds. Officer Fuston had a duty to care for the well-being of" the arrested person "who was in his custody, but instead provided medical personnel inaccurate information as to how long he was unconscious.

"Officer Fuston admitted to being wrong in his time assessment of" the arrested person "being unconscious. Thus providing the wrong injury assessment to medical personnel for an injury he had caused," which is important because he had the duty to convey appropriate information to medical personnel so that they can treat this individual.

At this time, the board went into closed session.

When the board returned into open session, it voted to revoke the officer's certification, five in favor; one against; and one abstention.

This concludes my opening statement.

Prior to today's hearing, the Commission was provided with a full video from Officer Fuston's body-worn camera, showing the events in question. I have taken that video and clipped it to a more condensed

version, outlining the more relevant events demonstrating Officer Fuston's use of force and dishonesty.

At this part of the presentation, we will show you the condensed version of the video.

(Video played.)

MR. NAGEL: We're going to go ahead and pause there. But I just wanted to see -- we can keep playing it, or we can bring it back to the Commission for any questions that you may have.

CHAIRPERSON LONG: You guys both done?

MR. NAGEL: Yes.

MR. BECKER: Yes.

CHAIRPERSON LONG: Any questions from commissioners?

Commissioner Moon.

COMMISSIONER MOON: Commissioner Moon.

Of the three cases that you reviewed from the prior incidences, at that point he was a deputy.

Was the deputy's reports from all three of those incidents with the use of force -- were they reviewed for accuracy?

MR. NAGEL: The agency submitted those reports and provided summary, but we knew we could not take action on those based on the time.

I believe we did not ask for an Internal Affairs report to investigate further on -- on those.

COMMISSIONER MOON: Thank you.

COMMISSIONER NIETO: Commissioner Nieto.

For San Diego PD, do their body-worn cameras activate on their own, or are they activated by the officers, knowing it's filmed?

MR. BECKER: Well, I believe that in this circumstance -- and that was one of the things that had happened in this case, was that Officer Fuston had turned his body-worn camera off because he was using the restroom prior to his contact with the suspect. And then he turned it on just prior to the contact, so there was a time of buffer. So it is our best understanding that they turn them on.

But I could be mistaken.

UNIDENTIFIED SPEAKER: I -- I can answer that, ma'am, for you.

The San Diego Police Department body cam, you have to physically turn them on --

THE COURT REPORTER: Who is this?

CHAIRPERSON LONG: Excuse me. Why don't we -- why don't we hold off on that just a moment. We'll ask for comments from the -- from the officer and his attorney in just a moment.

Okay for now, Commissioner Nieto? We'll come back.

COMMISSIONER NIETO: Okay for now. Thank you.

CHAIRPERSON LONG: Yeah. We'll come back.

Commissioner Braziel.

COMMISSIONER BRAZIEL: I have a whole slew of questions. Let me -- I'm going to follow up on Commissioner Moon's comments. So we have the look-back; right, but we can't consider them? How does that -- so explain the look-back a little bit more on what our focus is to kind of make sure we don't go too far astray, and we're staying with the rules.

MR. BECKER: Yeah. No. I think that's a great question. So because this happened prior to January 2022, the excessive use of force is not something that is actionable under SB 2.

However, for retro cases, there are three instances where you can use them and do a retro. That would be dishonesty, which is what we have here. Sexual assault, which is not what we have here; use of deadly force, resulting in serious bodily injury, which is arguably not what we have here.

So we use the excessive force because it's relevant to the dishonesty, because we believe that the excessive use of force was the motivation in his dishonesty because he didn't want to be forthcoming with what had

happened that day.

COMMISSIONER BRAZIEL: Because of prior uses of force?

MR. BECKER: That's the other thing, too. That's why we report about the prior use of force, the carotid hold past the 15 seconds that happened four months prior, because we believe that it provides motive to him. So he's relatively a new officer on the job. He's been on the job, I think, eight months when this incident happened.

He's got a pretty serious excessive use of force that happened just four months prior that he was under investigation for. And then we have two more serious excessive use of force actions here, which we believe provided a motive for concealing or mitigating or minimizing his actions here and the injuries.

COMMISSIONER BRAZIEL: So in the -- I have several more if that's all right.

CHAIRPERSON LONG: No, you have the floor.

COMMISSIONER BRAZIEL: On the San Diego investigation on the use of force, and what we're talking this one here, what we saw the videos on, he was also one of the -- charges for the investigation was dishonesty?

MR. BECKER: Well, that's something -- and I think

Mr. Fuston's counsel is going to dispute. But -- so he -- I have it listed out here what he was sustained for. If you can just bear with me for just a second.

Okay. So we have four sustained findings. And sorry if I'm not catching this on the -- thank you.

We have four sustained findings. We have a use of force sustained for six full force punches that he thought were distraction blows, but they said these were not distraction blows.

We have use of force sustained for an unapproved leg sweep when he swept the suspect's leg, and he fell on his head.

So two use of force sustained.

We have one policy violation relating to the use of body-worn camera. So that was the instance that we talked about with Commissioner Nieto, where he didn't turn on his body-worn camera immediately, but then turned it on when he got on scene, so there was a buffering issue when he was supposed to keep it on the whole time.

And the fourth one, which answers your question is that there was a procedure sustained. So the police department found that he violated department policy procedure 1.04, inaccurately documenting the circumstances of facts surrounding the use of force.

So Mr. Fields, Fuston's counsel, is probably going to argue that, well, you know, that's not dishonesty. But essentially it is dishonesty because they really dig into that when they go into the IA, saying that, you know, you had a duty. Once you use force on an individual, and they sustain an injury, you now have a duty for their care and well-being. You have an obligation to tell the truth about what happened. And you were not honest with medical personnel. You were not honest with your supervisor. You were not honest in your report of how long he was unconscious.

And when they confronted him with that, in the IA investigation, he admitted that he was not accurate. So that's the distinction.

COMMISSIONER BRAZIEL: Okay. And then kind of this leads me to follow up on Commissioner Moon's statement. Once they discovered that, did San Diego PD go back and look at other body-worn camera footage of his to determine if this is a pattern or a practice or a one-time occurrence? Did they go back and look?

MR. BECKER: I don't know.

MR. NAGEL: I don't know that.

COMMISSIONER BRAZIEL: Then follow-up to that is: Did we have -- do we have the ability to go back and look on -- so it's a two-part question.

Do we have the ability to go back and look at other instances to show a pattern or practice -- potential or not, of dishonesty with look-back cases?

And then without look-back cases, current cases that we now receive, do we have the ability to go back and look at other cases in addition to what we are investigating?

So it's a two-part question: one with the look-back provisions that limit us very -- we're in a -- kind of very siloed area. But then on the cases going forward.

MR. BECKER: Sure.

I think that that's a difficult question to answer.

To answer it to the best that I can, the cases that were submitted to us, that we couldn't take action on, those were not submitted on dishonesty grounds. Those were submitted on excessive use of force grounds. So it's not something that we could we would go back and evaluate on dishonesty.

COMMISSIONER BRAZIEL: Okay. And then for future cases, do we have the ability to say -- forget San Diego PD. We have something that comes up. We -- we look at it -- let's say we identify a dishonesty issue. Not a -- let's say it's a use of force. We identify dishonesty.

Do we then have the authority to go back and say, we want to look at other body-worn camera video of Rick Braziel to identify is there a pattern or practice? Do we have the ability to do that?

MR. BECKER: Well, under I think it's 13510.8, we can take a look at prior discipline and prior conduct by the officer in determining whether or not to recommend suspension or revocation.

COMMISSIONER BRAZIEL: Thank you. My filibuster is over.

COMMISSIONER NIETO: Commissioner Nieto, again.

CHAIRPERSON LONG: Oh, let's go to Commissioner Gordon.

COMMISSIONER GORDON: That's okay. I may have a few more than you do this time.

So I want to be really clear. The Commission is not looking at this use of force in terms of whether this use of force -- that is not the matter before us. We're only looking at the charge of dishonesty.

So my question for both of you is: If we're only looking at the question of dishonesty, when you went back and looked at -- we're not looking at the use of force. When you went back and looked at the prior use of forces, we should have been looking at whether there was dishonesty in those use of forces. If that's what

we're talking about specifically and what we are being charged as a Commission to look at today is the dishonesty piece.

So my question would be: Did you look at the reports in comparison to the prior use of forces? Because if we're looking for a practice of dishonesty, which is what this Commission is charged with, that's what we should be looking at.

I understand the excessive force issue, but that's not what we're here to decide today.

MR. NAGEL: I did not look at those previous cases other than the summary that was provided by the agency.

MR. BECKER: One thing that I can add, too, is that the excessive use of force, while it's not independently actionable, does provide serious context to the dishonesty.

COMMISSIONER GORDON: But I would also say, if we're going to draw the context of motive between one use of force and another, we should be looking at the honesty from the prior use of forces. If we're drawing that as motive in an investigation, that we should be looking at that item specifically in relation to this.

MR. BECKER: That's a fair question. But it wasn't something that was submitted to us. It was the excessive use of force. And we felt that because it was

such a serious excessive use of force just four months prior, that that provided motive in this subsequent excessive use of force to alter or minimize or mitigate his use of force in this case.

But I -- I understand your question.

But the dishonesty wasn't a part of the prior conduct.

COMMISSIONER NIETO: Commissioner Nieto.

COMMISSIONER GORDON: But it was. That is my point. If we're looking at this, and I'm not trying to be difficult about this. But I think it is very important to distinguish that is if we're looking at this in terms of the prior incidents, and even the incidents that occurred after that, that is still part of under investigation as I heard, and we -- it was submitted, POST also has the ability to ask for those reports and to look at that, in determining the dishonesty piece, because that is a -- you know, and what that motivation was and looking at those prior cases. So that's where I want to be really clear.

Because as a Commission, we're not being asked to determine, you know, suspension, revocation, or action, based on the use of force. We're being asked to look at it specifically in terms of dishonesty.

MR. DARDEN: So if I may, Commissioner, and again

I'm representing the division and not the Commission in its adjudicatory capacity.

Obviously, it is not required by statute or regulation that a dishonesty act -- that there has to be multiple dishonest acts in order for them to be actionable.

So one dishonest act, as long as the Commission believed that that was serious misconduct and warranted discipline, is sufficient.

So I understand your point if you are trying to find out if the dishonesty in this case was part of a practice of being dishonest in other use of force cases, I understand -- I understand that.

But the point, I think that the division was making, was that what was reported to us was this incident, which was actionable, not the excessive use of force, the dishonesty part being actionable.

And the other cases that were looked at, were looked at only from the standpoint of his motive to lie in this case.

So the division is not currently bringing any charges against -- against Mr. Fuston, based on multiple acts of dishonesty. It's the acts of dishonesty relating to this particular use of force, the four specified acts of dishonesty.

And I believe the division's position is that those four acts of dishonesty in this case are sufficient serious misconduct for the Commission to take action against certification without regard to whether there may have been dishonesty in the past with respect to these.

But I understand your -- your point from an investigative perspective.

CHAIRPERSON LONG: Done, Commissioner Gordon, for now?

COMMISSIONER GORDON: For now.

CHAIRPERSON LONG: Commissioner Nieto.

COMMISSIONER NIETO: Commissioner Nieto.

So it keeps coming up, motivation to be dishonest. And you cite in the report three uses of force priors. But the agency found one not to be justified. They found the second one exonerated. And the third one, I believe, was the neck restraint that it was out of violation. And they took action against the officer, but I got to find it again. What they did to him.

So we -- we keep saying this, but these are things that wouldn't be a pattern of practice. Exonerated, you know, and they resolved their -- or it was justified.

So I'm not sure how we got a pattern of this use of force that led to this dishonesty that led to him

wanting to do this, how that would build into a pattern of practice?

MR. BECKER: So with the nature of the investigation, we think that it is important to list all facts, whether or not they are supporting the division's position or whether or not, you know, they mitigate the officer's position.

So we have -- we list all of these. But the one that we really focus on is the biggest one. And I don't really want to take this last one lightly, the one that happened in December, happened four months prior. It is a pretty serious incident.

We have a carotid hold that was out of policy. There was -- I think as Mr. Nagel mentioned, there was a subsequent civil lawsuit against the City and Mr. Fuston that settled for $875,000. So that just happened four months prior to this.

So while there were other ones that he was exonerated on, that's fine. But the biggest one, and the one that is most important, that we really have to focus on is the serious carotid hold that was done four months prior.

COMMISSIONER NIETO: Commissioner Nieto.

So are we going to start looking at civil lawsuits now? Because there are a lot of times that agencies,

counties, cities, will settle even when the county, city, agency, has not done anything wrong because they make business decisions on settlements.

So is this something new that the Commission is now going to say, well, we're going to look at because it was this amount of money, it makes it that much more egregious?

MR. DARDEN: Okay. Sure.

So a couple of points. The first is that I believe that the division is just looking at the wording of the statute, which says that the Commission shall consider the officer's employment history.

And so the division was trying to sort of evenhandedly provide that -- his employment history, which included those instances of excessive force, but we made sure that you knew that they were not sustained.

That is simply because the statute says we're supposed to let you know what his employment history is. He had a short employment history, and that was relevant. We didn't want to not provide you with that information.

As to the question as whether or not -- are we going to look at a settlement? Certainly, we understand that civil settlements are done in almost every case, without any admission of guilt. They are done because

of the issues that come with litigation and the uncertainty and so forth.

So we completely understand that. And we're not taking action with respect to that prior use of force. That's not at issue here.

The point, I believe, that the division is trying to make, is a simple one: This is an officer who was involved in a use of force, which was a serious use of force, which we now know did result in civil litigation, which was settled.

That's not the point.

The point is that this -- in this period of time, four months later, when he's now involved in another use of force instance, despite the fact that four months earlier he had been involved in a serious one, which was either under investigation and was working its way through the system and likely tort claims and investigation and so forth. I believe the point that the investigator are trying to make is that you have to view the statements that he made in this report, in that context.

In other words, you know, I'm currently being investigated for excessive force, so I don't want there to be an appearance that I have now, again, engaged in excessive force.

So the idea, I believe, that the investigations team is trying to deliver is that the attempt would be to try to minimize that behavior.

No, I didn't punch him six times in the ribs. It was a distraction blow.

No, I didn't sweep him to the floor unsupported. I use both hands to guide him to the floor.

Those sorts of things. And that the motivation behind those is big dishonest statements was because there had just recently been another serious use of force.

So I think that's the best -- the best -- the best answer.

CHAIRPERSON LONG: Commissioner Ewell.

COMMISSIONER EWELL: Yeah. Thank you.

Just as an aside, I can attest to the fact, cities do make business decisions and look at cost and benefit. But typically, the dollar amount will reflect just how strong a case they have, both civilly and criminally.

And so they don't just unilaterally, let's throw money at it unless they have nothing to argue against, both civilly and criminally. So just want to state that. $875,000, I don't think that was a business decision. I think that was because they had very little, if anything, to argue against. And so they

settled.

I just wanted to ask a couple questions. One was: I have looked at this videotape several times. And correct me if I'm wrong, I never saw a kick that justified the sweep. Did I miss something? I was paying attention, again, here. Did I miss an attempt to kick by the suspect?

MR. NAGEL: No. That was not in the frame of the body camera video. However, the agency noted in the Internal Affairs report that lifting a foot 1 to 2 inches is not an exigency and would not justify that response.

COMMISSIONER EWELL: Okay. Just wanted to make sure that I was looking at the correct frames. And so thank you for that.

MR. BECKER: If I may add, a use of force expert did review this case and did make a -- an opinion that he did not notice that the suspect was attempting to kick Officer Fuston.

COMMISSIONER EWELL: Okay. And I appreciate that feedback.

And then second, in -- in the officer's short tenure with the San Diego Police Department, did he have to disclose these investigations when he went over to the sheriff's office?

MR. BECKER: So in Officer Fuston's defense, he did disclose the IA investigation and the facts and circumstances behind this to San Diego Sheriff's Department.

COMMISSIONER EWELL: And so they were willing to accept him without there being an adjudication to the allegations?

MR. BECKER: What went into their determination as to why or why not to hire him, we cannot speak to.

COMMISSIONER EWELL: Okay. Thank you.

CHAIRPERSON LONG: Commissioner Braziel.

COMMISSIONER BRAZIEL: Just one quick follow-up.

Does San Diego Police Department have a policy that prohibits officers from looking at body-worn camera video before they write their reports?

MR. BECKER: Not that I know of.

Because in the IA investigation, it was asked of Mr. Fuston if he had an opportunity to review his body-worn camera before he wrote his report. And I think that he could probably speak to this a little better than I can. But I think he said that he did not.

But he did review it during the IA. But I believe that they are allowed to.

CHAIRPERSON LONG: Additional questions from the commissioners?

(No response.)

CHAIRPERSON LONG: Seeing none for the moment, anyway, appearing remotely, welcome Mr. Bradley Fields, the attorney for Mr. Fuston. Thank you for being here, Mr. Fields.

Are there comments -- any comments from Mr. Fuston and/or his attorney, Mr. Fields? This would be the appropriate time.

MR. FIELDS: Yes. I have a few comments.

Good afternoon. Bradley Fields on behalf of my client, current San Diego Sheriff's Deputy and former San Diego Police Officer Dillon Fuston.

I would like to briefly respond to what we have heard here this afternoon.

As allowed and was invited, and in order to comply with the time frames involved in this hearing, we submitted a letter to POST on June 6, 2024, explaining our position on each of the allegations of truthfulness. I certainly won't reiterate what's in that letter, as we appreciate your anticipated time and attention to the arguments made in it.

San Diego Police Department thoroughly investigated this use of force incident and did not find Officer Fuston to be untruthful in his reporting of the matter by the lower standard of preponderance of the evidence

than the clear and convincing standard that you must employ in this matter.

Don't be misled. Officer Fuston acknowledged he was mistaken on his characterization of how long the suspect was unconscious. But a mistake isn't a lie. And the San Diego Police Department would not have kept him if they thought Officer Fuston had lied, which he did not.

Further, the San Diego Sheriff's Department considered this investigation when hiring Officer Fuston and certainly would not have hired him if they thought he had lied in it.

Prior allegations of force-related misconduct should not factor in your decision as they have no bearing on whether or not he was truthful in this incident.

As suggested by Commissioner Gordon just a few moments ago, the force allegations themselves are not relevant to evaluate a truthfulness allegation.

And the motivation for lying about this is clearly imagined, as suggested by Commissioner Nieto.

As you can see, the incident is captured on BWC. It's not hidden. And the other allegations of force have been investigated and resolved.

The fact that the investigator has attempted to

bombard you with force allegations should tell you that the truthfulness allegations that are at issue here have no merit.

Two of the largest and most well-respected law enforcement agencies in the state, the San Diego Police Department, and the San Diego Sheriff's Department, have determined that Officer Fuston was not untruthful in this matter. And we ask that you make the same finding.

Thank you.

CHAIRPERSON LONG: Thank you, Mr. Fields.

Before Mr. Fuston speaks, are there any questions from the Commission to Mr. Fields?

(No response.)

CHAIRPERSON LONG: Thank you for appearing, sir.

Mr. Fuston, would you like to comment?

MR. FUSTON: Good afternoon, sir. I just want to say thank you wholeheartedly for spending your time today and looking over this.

And I can assure you wholeheartedly that I was never dishonest in anything I said. I may have, you know, mistaken and used the wrong verbiage for what I saw on scene. But under stress, it happens. When shown in an IA interview in a room, after the fact, I agreed with the IA investigator that I had gotten it wrong. But it was never intended to mislead anyone. I made a

mistake, and I owned up to it in the IA investigation. And I will own up to it now.

He was obviously not unconscious for two to three seconds. I was referring to him being alive. I heard the snoring. And under stress, I, you know, said the wrong word. That's all.

As far as the counsel's reference to the prior use of force incident, at the time that this incident happened, I was not under investigation for any excessive force. So that wouldn't play any factor into me deciding what to write.

I was pulled from the field in approximately June after -- a couple months after this happened. Prior to that, the night after the carotid incident, my captain at the station called me and commended me on my actions because I had done such a good job and helped other officers on scene that had been headbutted.

So I had no reason to believe that I was actually even under investigation for this incident until nine months later. It was a retroactive investigation from my department during the civil unrest period.

So I would have never written anything to mitigate anything during this event because I had no idea I was even under investigation. So there was nothing to hide on my end.

As far as I knew, all I had in my jacket at that time were commendations. And including up until now.

So I'm very, very happy to answer all your questions. I think there was some questions that were asked that I could better speak to. So I would be happy to clarify anything for you guys today.

CHAIRPERSON LONG: Questions for Mr. Fuston.

Commissioner Braziel.

COMMISSIONER BRAZIEL: By the way, is there a policy in the San Diego PD prohibiting you from -- when you were there, you are not there now -- prohibiting an officer from reviewing BWC before they write a report?

MR. FUSTON: There's nothing that prohibits it, but at the time that I was there, writing this report, the policy said something to the effect that you should -- you should not -- it is not a "shall." But you won't write your report just based off of what your body-worn camera says. You should write a report based off your recollection. And then if you need to refer to your body-worn camera to clarify things, you can do so.

So there was no "shall" or, you know, prohibition.

I did watch the body-worn camera when I was writing my report. As far as use of force goes because that -- that -- at the time I was writing my report, that's what was really pertinent to me to capture what I felt and

what I saw.

Regardless of what the IA investigation said and what the counsel has told you, I moved the knife away from this gentleman mere feet away from him. I don't think after moving a knife it would be completely unrealistic for an officer in a domestic violence situation that's completely dangerous to believe that there might not be another knife in a bed.

In my report, I wrote that I struck him. I wrote that I took him to the ground. I wrote that he went unconscious. I'm the officer who called for medics. I'm the officer who notified my supervisor. I'm also the officer that ensured that he was escorted to a hospital to get greater care.

So I was not hiding anything. If that helps. I know that's a lengthier answer to your question. But...

COMMISSIONER BRAZIEL: Appreciate it. Thank you.

CHAIRPERSON LONG: Seeing no further questions, thank you, Mr. Fields. Thank you, Mr. Fuston.

Are there members of the public here who would like to address the Commission regarding this case?

(No response.)

CHAIRPERSON LONG: Seeing none.

At this time, does the Commission -- does any Commission wish to adjourn into closed session for

deliberations on this case?

Yeah, I would like to note, Mr. Fields and to the commissioners that the June 6th letter, I'm told that we have in front of us that was referred to by Mr. Fields I'm told, anyway, that POST just received that letter. So we just haven't even had time to read it. It just arrived even though it's dated June 6th, so I'm told.

MR. FIELDS: Can I get your assurance that it will be read prior to making a final decision in this matter?

CHAIRPERSON LONG: Yes. And I believe it was a similar letter that was also provided to the Advisory Board, correct?

MR. FIELDS: I don't recall if we provided a letter like this to the Advisory Board.

My best recollection is that we did not. Although, I certainly would agree with the notion that much of what I said verbally to the Advisory Board is -- is now written in that letter.

CHAIRPERSON LONG: That may be it, Mr. Fields. That I read in the -- in the transcripts that was said verbally.

Commissioner Nieto.

COMMISSIONER NIETO: Yeah. I do have one other question for the officer.

Prior to this incident, had you ever referred to a

snoring individual as being unconscious, that you recall?

MR. FUSTON: I wouldn't be able to recall, ma'am.

COMMISSIONER NIETO: Okay. Thank you.

MR. FUSTON: No.

COMMISSIONER BRAZIEL: I move we go into closed session.

CHAIRPERSON LONG: We will move to closed session and return to our room. We will return shortly.

(Time noted: 3:12 p.m.)

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(Closed session was held:
3:16 p.m. to 3:47 p.m.)

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(Time noted: 3:55 p.m.)

CHAIRPERSON LONG: We will reconvene our regular session in the matter of Case POST 2300809, Dillon Fuston.

Is there a motion?

COMMISSIONER EWELL: Mr. Chair, in light of the review, I support the Advisory Board's recommendation, and I vote to "revocate."

CHAIRPERSON LONG: Is there a second?

I will second the motion.

Mr. Knapp, would you call the roll, please.

MR. KNAPP: Yes, sir.
Commissioner Barcelona.
COMMISSIONER BARCELONA: No.
MR. KNAPP: Commissioner Braziel.
COMMISSIONER BRAZIEL: No.
MR. KNAPP: Commissioner Ewell.
COMMISSIONER EWELL: Yes.
MR. KNAPP: Commissioner Gordon.
COMMISSIONER GORDON: No.
MR. KNAPP: Chair Long.
CHAIRPERSON LONG: Yes.
MR. KNAPP: Commissioner Moon.
COMMISSIONER MOON: No.
MR. KNAPP: Commissioner Nieto.
COMMISSIONER NIETO: No.
MR. KNAPP: And Commissioner Rodriguez.
COMMISSIONER RODRIGUEZ: No.
CHAIRPERSON LONG: I believe that means, Mr. Knapp, the motion fails 2-6.
Next case.
I will now call Law Enforcement Consultant Kevin Sherburne, Professional Conduct Central Bureau, and Bryant Henley, attorney, POST Legal Affairs Bureau, to provide a report on case POST 2300204, David Wesley Hubbard, who, at the time of the events in question, was

employed by the Kern County Sheriff's Office.

Mr. Sherburne and Mr. Henley. You have the floor.

MR. SHERBURNE: Thank you. Just a minute while I get set up, please. I just had it in front of me. Here it is. This is the first thing I pulled out. Sorry about that.

Good evening, Commissioners. Thank you for your time today.

My name is Kevin Sherburne. I'm a Law Enforcement Consultant with the Professional Conduct Bureau, which is the Central District of California.

I served as the investigator in the case involving David Wesley Hubbard, who was working at the Kern County Sheriff's Office at the time of the serious misconduct. The Case Number is POST 2300204.

The division found reasonable grounds to believe that Mr. Hubbard engaged in serious misconduct in violation of two subsections of California Penal Code section 13510.8.

The division recommended to the Peace Officer Standards Accountability Advisory Board, POSAAB, that Mr. Hubbard's POST certifications be revoked.

In accordance with the requirements of Senate Bill 2, and as required by Penal Code section 13510.8(5)(a)(4), the POSAAB heard this case on

March 21, 2024.

Following the conclusion of the hearing, the board voted unanimously to recommend revocation of Mr. Hubbard's certifications.

The division asks you to adopt the same recommendation today.

Specifically, the clear and convincing evidence substantiated that Mr. Hubbard violated section 13510.8(b)(2). Mr. Hubbard abused his power when his personal interests included his professional obligations in five instances: when he had sex on duty; failed to disclose material information; wrongfully shared confidential information; wrongfully deleted evidence; and inserted himself into an Internal Affairs investigation.

He also violated section 13510.8(b)(1). Mr. Hubbard was dishonest in two instances. First, when he deleted evidence from his work cell phone; and, second, he had an affirmative obligation to disclose material information to criminal and Internal Affairs investigators and intentionally withheld information from them, resulting in a lack of candor.

In accordance with Penal Code section 13510.8(5)(a)(5), the record of that proceeding is before you today, including the agenda and attachments

from that meeting, a transcript of the relevant portions of the hearing, and the recommendations of the board.

The law requires your review to be of the record before the board, which the division provided to you and which you have had an opportunity to review.

I will now provide a summary of the case as provided in the board's record.

As a procedural matter, I should mention that Mr. Hubbard is currently subject to an Immediate Temporary Suspension, known as an ITS, of his peace officer certificates. POST's Executive Director signed an ITS order on March 9, 2023, and the ITS order remains in place today. The ITS was based upon Mr. Hubbard's termination from the Kern County Sheriff's Office for serious misconduct and/or separation during a pending internal investigation against him.

POST records reflect that Mr. Hubbard is currently employed with the Kern County District Attorney's Office.

As background, Mr. Hubbard started working for the Kern County Sheriff's Office as a deputy on October 6, 2007. He promoted to sergeant in 2015 and to lieutenant in 2020.

Over the years, POST issued four certificates to Mr. Hubbard: a basic certificate in 2009;

intermediate, 2011; advanced, 2015; and a supervisory certificate in 2018.

I will now go over some of the facts. Would the IT department please display a PowerPoint slide which I think you have been provided. I displayed this same slide at the board hearing.

I'm not going to read through the slide. It is there for your reference. Please refer to the investigative summary and findings, my investigative report at pages 9 through 13, for a more complete statement of the factual timeline.

I will summarize the key background at this point.

At Kern County Sheriff's Office, there were strict lines demarking responsibilities of the Internal Affairs and the Professional Standards Units. Professional Standards Unit is known as PSU. PSU had primacy and conducted criminal investigations of law enforcement officers. After PSU concluded its investigations, IA was then able to start its internal investigations.

In late February 2021, a sex crimes detectives allegedly assaulted a civilian employee of the office. At the time, Mr. Hubbard was serving as the lieutenant overseeing the detective unit.

Between February 2021 and April 2021, Mr. Hubbard transferred from detectives to Internal Affairs to PSU.

In April 2021, PSU initiated a criminal investigation of the allegations against the sex crimes detective. From the beginning of that investigation, Mr. Hubbard took actions outside his assigned duties to interfere in the criminal investigation and the Internal Affairs investigation of the detective. He engaged in inappropriate activity with the victim. And he compounded his serious misconduct by destroying evidence he surely knew would be relevant in two investigations; that is, the IA investigation of the alleged sexual assault and his own IA. The destruction of evidence showed a malicious intent.

In the investigation, the clear and convincing evidence substantiated that Mr. Hubbard abused his power when he had on-duty sexual intercourse while he served as the watch commander, on November 20 and 21 -- in the year 2021; when he sought confidential information about an Internal Affairs interview about what was said about a victim and did not disclose to the IA investigator his sexual relationship with the victim in the case; when he wrongfully shared confidential information from the IA case with the victim; when he wrongfully deleted work phone text messages and phone log records from his phone of communications between himself and the victim after he learned what the suspect had said about him and the

victim's relationship; and he interfered with an IA investigation by wearing two hats when he provided input on the investigative strategy and interview questions regarding the suspect while simultaneously serving as the personal representative to Victim 1.

He was dishonest when he failed to disclose the material information related to the criminal and Internal Affairs investigations.

The division recommends revocation of Mr. Hubbard's certificates based upon his serious misconduct. This is not solely a case of an extramarital affair. His actions cut against the core values of being a peace officer, and they affected both the entire law enforcement community and the public. This was not just a one-time instance. Mr. Hubbard abused his power over a series of months. Further, he did so on multiple levels affecting a variety of people.

First, he took advantage of the victim personally and professionally. He took advantage of his fellow law enforcement officers within his own department. He betrayed the trust of those who saw him as a leader and a mentor; and he misled his own command staff.

His actions affect the integrity of investigations; both the investigations of other peace officers and other sex crimes investigations.

And, finally, and perhaps most importantly, he betrayed the trust of the community. The trust that investigations will occur without interference and without destruction of evidence.

Given Mr. Hubbard's rank, training, and experience, his actions in destroying evidence after learning that it may be needed in a case against another officer and in what he surely knew was a case against him, and in seeking and then improperly sharing confidential information that he learned are especially egregious and warrant revocation.

Following my presentation to the board, and as documented in the transcripts before you, the board received the following public comments, which included counsel for Mr. Hubbard. Mr. Hubbard did not himself provide information to the board.

Counsel for Mr. Hubbard, Ms. Kasey Castillo, opposed decertification.

Daniel Sanchez also provided public comment, both live, in air quotes, by calling in, and by email. Mr. Sanchez stated he was an 18-year veteran with the Kern County Sheriff's Office. He supported revocation of Mr. Hubbard's certificates.

Juan Bravo provided public comment by email. Mr. Bravo stated he was a senior deputy with the Kern

County Sheriff's Office. He supported revocation of Mr. Hubbard's certificates.

Board Member Lara raised questions related to the following matter which prompted discussions. His question was: How did Mr. Hubbard downplay the facts? The answer is that the evidence showed that Mr. Hubbard minimized the impact of his misconduct and did not appreciate the harmful nature of his misconduct. He further stated it was, quote, "splitting hairs," end quote, for him to share information with the victim, and that nothing affected his ability to perform as a peace officer.

Subsequent to this discussion, the board went into closed session. When the board returned, it voted unanimously -- unanimously to revoke Mr. Hubbard's certificates with seven members of the board present.

At this point, Chairman, I'm happy to answer any questions the Commission members may have.

CHAIRPERSON LONG: Any questions from the commissioners for Mr. Sherburne?

(No response.)

CHAIRPERSON LONG: All right. Thank you, gentlemen.

I don't know if the subject officer is present or -- I believe his counsel is going to be appearing

remotely. I don't know if that has happened.

If so, are there comments from counsel or the subject officer?

(No response.)

CHAIRPERSON LONG: Seeing none, at least at the moment.

If they show up, we'll certainly hear from them.

Are there any members of the public present who wish to address the Commission regarding this case?

Yes, sir, Mr. Arnwine. Come forward, please.

MR. ARNWINE: Good afternoon. My name is Marshal Arnwine. I'm the Legal-Policy Advocate for the ACLU Northern California's Criminal Justice Program. I'm standing in proxy for my colleagues at the ACLU of Southern California.

Let the record reflect, we submitted a written public comment regarding Mr. Hubbard.

And now I will provide oral comment on the matter.

We would like to express our grave concerns with the accusations of serious misconduct that led to the recommended decertification of former lieutenant David Hubbard.

In light of the serious allegation, we support the recommendation to revoke his law enforcement certification. We are asking that this POST Commission

vote to decertify this officer for the following reasons:

The underlying investigations found that Hubbard violated the public's trust by engaging in inappropriate sexual conduct on the public's tax dollars.

He attempted to obstruct a criminal and Internal Affairs investigation.

And he also shared confidential information for personal gain.

Hubbard's actions show that he lacks the judgment needed to serve in a role of peace officer.

It would be dangerous to continue to allow him to serve in a role that is intended to promote piece in light of severe misconduct and ill judgment while employed as a law enforcement officer.

Additionally, there are significant systemic ramifications of the decision before you today. The recommendation to decertify Hubbard is a first step to rein in the abuse of powers of officers like him, that make communities in Kern lose trust in law enforcement officers.

For years, the community has suffered from excessively abusive policing. And, as a result of this abusive policing, Kern County Sheriff's Office and Bakersfield Police Department are under a consent decree

for abusing their powers, violating people's constitutional rights, and employing excessive use of force against communities in Kern.

These communities lack trust in the Kern sheriff's office and law enforcement. They need officers on duty who can exercise proper judgment at all times.

The public cannot trust law enforcement who refrained from taking responsibility for their actions because of a temporary lack in judgment.

There are no excuses for Mr. Hubbard's actions. As a peace officer, he was entrusted to serve and protect communities in Kern. And he has violated that trust. This trust cannot be restored. And any failure to revoke his law enforcement certification will exacerbate the harm.

The allegations presented before you today suggest that there continues to be systemic abuse and dishonesty within the Kern County sheriff's office, and that such dishonesty cannot be tolerated by other agencies in Kern County.

We cannot allow law enforcement officers or anyone employed in Kern to believe they are above the law.

In conclusion, we ask for your vote for you to decertify Officer Hubbard. This will allow the opportunity to keep communities safe and respect the

dignity and rights of all individuals who come in contact with law enforcement.

We are hopeful that you all will make the right decision to decertify to keep communities in Kern safe.

Thank you for your time on this matter.

CHAIRPERSON LONG: Thank you, sir.

Any questions from the commissioners?

(No response.)

CHAIRPERSON LONG: Thank you for your testimony.

MR. ARNWINE: Thank you.

CHAIRPERSON LONG: Are there any other members of the public who wish to be heard?

(No response.)

CHAIRPERSON LONG: Nothing from counsel remotely, correct?

MR. HENLEY: Mr. Chair, if I may.

Bryant -- Bryant Henley on behalf of the Commission's division, Division on Peace Officer Standards and Accountability.

For the completeness of the record, I wanted to make the -- make sure it was clear from the record that we received, in addition to the comments of the ACLU, which Mr. Arnwine just referenced, in addition -- what have been provided to the Commission members, as I understand, are messages from Kasey Castillo, who

represents Mr. Hubbard. There's a two-page letter that was submitted by Ms. Castillo, and, I understand, is a part of the record that you will consider today.

You have also received messages from an individual named Faith Grace; an individual named Oliver Ma; and an individual named Rosa Lopez, all submitting comments concerning this matter, and I understand are before you in your consideration of this matter.

CHAIRPERSON LONG: Thank you, sir.

Any questions at this point?

(No response.)

CHAIRPERSON LONG: Would any commissioner like to move to closed session or make a motion? Someone?

Commissioner Gordon.

COMMISSIONER GORDON: I would like to move to go to closed session.

CHAIRPERSON LONG: We will now adjourn for a few moments while we go to closed session. We will be back shortly.

(Time noted: 4:13 p.m.)

---o0o---

(Closed session was held:

4:15 p.m. to 4:16 p.m.)

---o0o---

(Time noted: 4:29 p.m.)

CHAIRPERSON LONG: We are now back in session.
In the matter of Case POST 2300204, David Wesley Hubbard, is there a motion?
COMMISSIONER MOON: Motion -- Moon -- to decertify.
COMMISSIONER BARCELONA: Second. Barcelona.
CHAIRPERSON LONG: Motion is to decertify.
Please call the roll, Mr. Knapp.
MR. KNAPP: Thank you, sir.
Commissioner Barcelona.
COMMISSIONER BARCELONA: Yes.
MR. KNAPP: Commissioner Braziel.
COMMISSIONER BRAZIEL: Yes.
MR. KNAPP: Commissioner Ewell.
COMMISSIONER EWELL: Yes.
MR. KNAPP: Commissioner Gordon.
COMMISSIONER GORDON: Yes.
MR. KNAPP: Chair Long.
CHAIRPERSON LONG: Yes.
MR. KNAPP: Commissioner Moon.
COMMISSIONER MOON: Yes.
MR. KNAPP: Commissioner Nieto.
COMMISSIONER NIETO: Yes.
MR. KNAPP: And Commissioner Rodriguez.
COMMISSIONER RODRIGUEZ: Yes.
CHAIRPERSON LONG: Motion to decertify carries a

vote of 8 to nothing.

Our last item today, the last case, I will now call upon Law Enforcement Consultant Robert Bringolf, Professional Conduct LA Bureau; and Bryant Henley, attorney, POST Legal Affairs Bureau, to provide a report on Case POST 2322012, Ivan Sarabia-Medina, who, at the time of the events at issue, was employed with LA County Sheriff's Department.

Mr. Bringolf, and Mr. Henley, all yours.

MR. BRINGOLF: Thank you, Chair.

Good evening, everybody.

My name is Robby Bringolf. I'm a Law Enforcement Consultant assigned to the Los Angeles County Professional Conduct Bureau.

You all know Mr. Henley.

I'm here with respect to case of POST v. Ivan Sarabia-Medina. He's a former sergeant with the Los Angeles County Sheriff's Department.

In this case, the division found reasonable grounds to believe that then-Sergeant Sarabia engaged in serious misconduct, specifically dishonesty, in violation of Penal Code section 13510.8(b)(1).

This finding stemmed from an allegation that Sarabia engaged in dishonesty during two Internal Affairs interviews: The first one on June 8th, 2023;

and the other one on July 14th, 2023.

In the division's investigative summary and findings, we recommended decertification.

In accordance with the requirements of Senate Bill 2, and as required by Penal Code section 13510.8(5)(a)(4), this matter was heard by the Peace Officer Standards Accountability Advisory Board on March 21st, 2024.

Following the conclusion of that hearing, the board voted to revoke Ivan Sarabia-Medina's certification.

The division asks you to adopt that same recommendation today.

As required by PC13510.8(5)(a)(5), the record of that proceeding is before you, which includes the agenda and attachments from that meeting, a transcript of the relevant portions of the hearing, and the recommendation of the board.

If any matter -- I'm sorry. If any part of the matter was heard in closed session by the board, Commission counsel will be able to advise you with respect to the closed proceedings.

The law requires your review to be that of the record before the board, which is before you, and which you have had an opportunity to review.

To assist you in the review of the record, I will

take you through the case as presented there.

As the record shows, I presented the case before the board substantially as follows: Sergeant Sarabia started his law enforcement career as a deputy sheriff with the Los Angeles County Sheriff's Department in 2007. He was promoted to the rank of sergeant in 2016. He's had no other law enforcement appointments in the state of California.

In August of 2022, a retired Los Angeles sheriff's officer contacted the Internal Affairs Bureau after watching several of Sergeant Sarabia's videos on the social media platform TikTok.

Internal Affairs investigators watched the videos and believed Sergeant Sarabia was in violation of several LASD policies, as it appeared Sarabia was filming TikTok videos for his personal TikTok account while he was on duty as a sergeant.

The Internal Affairs investigation into Sergeant Sarabia's on-duty filming of TikTok videos led to two separate Internal Affairs interrogations, in which Sergeant Sarabia was asked, in no equivocal terms, whether he was filming the TikTok videos on duty. Sergeant Sarabia stated he had never filmed any of his TikTok videos while on duty.

The division reviewed several videos from Sergeant

Sarabia's personal TikTok account. We reviewed the Internal Affairs investigation interrogation transcripts. And upon review of the video and transcripts, it was clear that Sergeant Sarabia was repeatedly dishonest with the Internal Affairs investigators.

That dishonesty was clearly intended to cover up his misconduct, and the motivation to cover up that misconduct was plainly evident.

At several points in the TikTok videos, Sergeant Sarabia's watch was visible while he was filming. In those instances, his watch showed the time the video was recorded fell within the hours of his scheduled work shift, which was 2100 to 0500 hours, or 9:00 p.m. to 5:00 a.m.

In another video, Sergeant Sarabia filmed himself in a police car, in full LASD uniform, and stated he had a couple hours left in his shift.

A further aggravating factor in this case is Sergeant Sarabia's status as a supervisor, one who would routinely act as the watch commander for the Walnut Station in the absence of a lieutenant.

Sergeant Sarabia's lack of integrity calls directly into question the accuracy and objectivity of his written reports, his testimony, and his workplace

evaluations of subordinates.

Sergeant Sarabia was terminated from the Los Angeles County Sheriff's Department for dishonesty related to this case.

The facts I just relayed support the division's finding that Ivan Sarabia-Medina was involved in serious misconduct, specifically dishonesty relating to the investigation of misconduct of a peace officer.

For purpose of the division's analysis, as you have heard a few times this afternoon, "clear and convincing evidence" means evidence of a charge is clear and convincing, so long as there's a high probability that the charge is true. The evidence need not establish a fact beyond a reasonable doubt.

Following my presentation, the board, as documented in the transcripts before you, Mr. Sarabia-Medina's counsel explained to the board that his videos were made in an attempt to bridge the gap between the community and the sheriff's department.

Members of the board raised questions related to the following matters, which prompted discussion between the parties present.

When asked about the Taser video, Mr. Sarabia-Medina indicated that the Taser may have been a mistake in attempting to bridge the gap.

He was asked whether it was still his assertion that day that all of his videos had been recorded while he was off duty.

Mr. Sarabia-Medina told the board that at the time he provided the information to Internal Affairs investigators, he did not believe he had been on duty. He said that obviously, he had been on duty.

Looking at the transcripts from the board hearing, specifically on page 127, line 19, Mr. Sarabia told the board that his statements were inaccurate and asserted he had not had the luxury that the department had to listen to radio traffic or to slow down the videos and look at specific times.

Mr. Sarabia also said that obviously some of those videos did fall within the time he was on duty, and had he known that at the time of his interview, he would have disclosed that information.

Mr. Sarabia-Medina's statement to the board on March 21st, 2024, directly contradicted evidence within the record, which was then before the board, and which is now before you.

Specifically, during his second Internal Affairs interview, then-Sergeant Sarabia-Medina was confronted with evidence that the radio broadcast heard in the background of his video occurred while he was on duty.

In that same interview, Sergeant Sarabia was presented with a still picture of his wristwatch, which also suggested he was on duty when the same video was recorded.

Instead of disclosing that information, as Mr. Sarabia indicated to the board he would have done, he doubled down and stated it was his opinion he was not on duty.

Precise language about that can be found in Attachment B of this record, page 51 of 54.

After the public comment, board went -- the board went into closed session. When the board returned into open session, it voted to revoke Mr. Sarabia-Medina's certification, with five members in favor of revocation; one member against revocation; and one having abstained.

With that said, I'll do my best to answer any questions the Commission may have.

CHAIRPERSON LONG: Questions from commissioners?

COMMISSIONER BARCELONA: Barcelona.

I'm just curious. Did he ever -- did he give a reason for why he was doing the videos?

MR. BRINGOLF: The assertion by counsel at the board hearing, was that he was doing this to bridge the gap between law enforcement and the community.

COMMISSIONER BARCELONA: Thank you.

CHAIRPERSON LONG: Is the subject officer here at all or any counsel remotely? Both?

I believe both subject officer and counsel are remote.

MS. ETHIR: Good morning. Good afternoon, Commissioners. This is Saku Ethir. I am the counsel referred to by the individual who was just speaking.

If I may proceed?

CHAIRPERSON LONG: Please. Thank you for being here, or remotely.

MR. ETHIR: Of course. Of course. Thank you for permitting me this opportunity.

My client is also present, and will address the board as well.

I'm -- I would like to just start off where we left off.

There was a question about the reasons given by Mr. Sarabia as to why he was doing the TikToks. And although, there was one reference made, there were numerous references made during one or both of his interviews with the Internal Affairs Bureau with the sheriff's department when he was asked about the reason why he was doing these videos. And on more than one occasion, he explained in part to allow the community and the public to see what it was like to be an officer

or a peace officer, and also he was doing it just, you know, as a representation of himself.

So it was not solely as, you know, was described by me in the prior meeting. There were numerous reasons provided in his Internal Affairs interviews. And, of course, the board can review those interviews.

But then segueing off of that issue, we are here -- his reasoning for doing it really is not the focus here. The focus is whether or not he was dishonest in his representations made to the Internal Affairs Bureau during the Internal Affairs investigation.

And so we heard reference to the clear and convincing standard. So I don't need to educate all of you on that. You are, I'm sure, very familiar with the standard of proof.

What I will highlight to you is, certainly, we would need an intent on the part of Sergeant Sarabia when he was responding to these questions, an intent to deceive, a basis to deceive, a reason to deceive.

And I don't believe that was established by the Internal Affairs Bureau, the Sheriff's Department, or the investigation conducted by POST.

Really important to -- to keep in mind, Sergeant Sarabia, in his interviews with Internal Affairs, made it clear that he had been making videos -- not

necessarily TikToks -- but videos in his -- you know, while he was employed with the Sheriff's Department for several years leading up to his creation of a TikTok account.

He had made hundreds of videos, and the department highlighted 26 TikTok videos. And that account was created on or around April of 2022.

And although 26 TikToks were referenced in the Internal Affairs investigation, only 13 of those were shown to him during the Internal Affairs interviews.

What is important for you to keep in mind is the interviews -- I'm sorry, the TikToks, the 13 TikToks that he was questioned about in the Internal Affairs interviews -- those dated back almost a year, if not a year, prior to the time that he was being questioned.

And considering he had made hundreds of videos over several years, the -- the TikToks that were referenced were at least a year old by the date of posting.

However, just because they were posted on specific dates in June, July, or August of 2022, Sergeant Sarabia made it clear, that does not mean that they were actually made or filmed on the date that they were posted. And he went into great detail about the methods that he utilized.

Before his interviews in June and July of 2023,

Sergeant Sarabia was not shown or told which videos or TikToks he was going to be questioned about.

In fact, prior to the start of the interview, he was represented in those interviews by different counsel at the time. They were not shown those videos, nor were they told which 13 or more videos he was going to be questioned about.

Then he was asked a series of questions. And then after those series of questions were asked, they began to show him the 13 videos in question.

And, yes, he is not denying that in the interviews, he indicated he was not on duty. He went into great detail about what his practice was prior to filming videos.

And that was, if he got to work early, he would film a video. If he was end of his shift, and he finished working, he would film the video.

We're not denying that he indicated he was not on duty. He was referring to and utilizing his practice to refresh his recollection as to when those videos were generated or created.

I also would ask you to keep in mind, he was expressing his recollection at the time, having not had an opportunity at all, prior to the start of this interview, to review in the degree and capacity that the

investigator for POST was allowed to do or the Internal Affairs Bureau was permitted to do.

And so he provided responses to the best of his recollection at the time. What would be his motive to lie?

Something that I think you need to know that is referenced in his June 8th, 2023, interview was his attorney at the time, Elizabeth Gibbons, made it very clear that Mr. Sarabia, Sergeant Sarabia, had been offered by the department, prior to the initiation of the Internal Affairs interview, a three-day suspension for the TikToks, right, contained on his TikTok account. A three-day suspension.

And so going into it, he refused that three-day suspension. And Ms. Gibbons, during the interview, made it clear, she believed the initiation of the Internal Affairs investigation was in retaliation for his refusal to accept the three-day suspension for his conduct.

So going into this IA investigation, whether he was on duty, off duty, in uniform, utilizing department equipment, Sergeant Sarabia knew, at most, he was going to walk away, worst-case scenario, with a suspension.

There would be no motive for him to be dishonest or deceitful about whether he was on duty or -- or not.

If you look at POST's investigation, the things

that are cited to you as a basis for evidence to support the dishonesty charge are things like he was in uniform. He was in a patrol vehicle. He was wearing his Class A uniform. He was holding a Taser. He had his body-worn camera on. But that is not evidence to the burden required here to establish that he was on duty. But even if it is sufficient evidence to establish he was on duty, it is not sufficient evidence to indicate he had an intent to deceive when he responded to the questions.

He said, yes, I'm in Class A; yes, I'm in a patrol vehicle; yes, I'm holding a department Taser; yes, I believe I have a body-worn camera on. Those are potentially some of the statements made.

But, yes, he was still adamant that his belief was he was off duty based on his practice and the practices he utilized when filming.

Again, I would ask the department to -- I'm sorry, the board -- to keep in mind that he had no motive. The worst he was going to walk away from this investigation was a suspension as he had previously been offered.

He has no history -- in 16 years of service with the sheriff's department, he had no prior discipline related to dishonesty, integrity, or anything of that nature.

And so I would ask you to reconsider that POST has

established that there was any intent on his part to -- to be deceitful when he provided the responses that he did in his IAB interviews.

Thank you.

CHAIRPERSON LONG: Thank you, Ms. Ethir.

Are there any questions for counsel, from commissioners?

(No response.)

CHAIRPERSON LONG: Seeing none.

Mr. Henley or Mr. Bringolf, any response?

MR. BRINGOLF: The only thing I would add is in addition to him being in the vehicle and in uniform, to help determine whether he was on duty, we also used his statement that he had a few hours left of his shift. And I thought that was probative.

MR. ETHIR: May I respond to that?

CHAIRPERSON LONG: Please.

MR. ETHIR: So I understand the video that is being referred to. And Mr. Sarabia, in his interview -- and I don't remember if that was the first interview or the second interview or both, as I sit here.

But -- but he did indicate on more than one occasion, in one or both of these interviews, that it was his practice -- and, again, it would have been so easy for him in this instance to just say, okay, yes, I

was on duty. But, again, he kept referring to his practice.

And one of the things he did specifically to address the representation that was just made is he indicated that oftentimes when he filmed before his shift or after his shift, yes, he would still be in uniform. He still might be in a patrol vehicle. One was in the armory. One was in the locker room, I believe.

He would convey to -- as he's making these videos, to the potential listener, if he ended up posting the video on his TikTok, he would convey, you know, "I have got an hour left in my shift" or, you know, "It's been a long shift." And he indicated that sometimes he would do that because, yes, it would be more interesting to the viewer believing he was working.

But he said in that specific instance, no, was he able to say that's exactly what he was doing in that instance? But he did explain that there were instances where he would make a representation that he was on duty to the iPhone that was recording him when, in fact, he wasn't.

Again, he wasn't getting -- he was not going to face serious discipline based on the sheriff's department's discipline matrix with respect to being on

duty and filming TikToks. Being in uniform, filming TikToks.

This was not going to be a serious discipline case. And so it would have been far easier for him to say, oh, yes, you know, good point. I must have been on duty.

But, again, all he could resort to was his practices and the things that he did when he made videos.

It was clearly proven to IAB, Internal Affairs, that one of the videos that he posted on a specific date, when the department looked at and showed him what we call the in-service for that day, right, which is where it is identified who was working, who the watch commander was, Mr. Sarabia wasn't even working that day. Right?

So he posts the video, appearing to be working on a specific day, in uniform -- right? Class A's -- but when you look at the in-service for that day, he was not working that day. Right?

So that is where I'm cautioning you on just relying on evidence that says, well, on the day you posted this, you were in uniform, which means you were on duty, which means you lied, when he made it very clear -- and there's evidence in the record to show -- the day that those videos were posted, typically are not the day that

the videos were recorded.

And if you know enough about content creators and TikTok and social media, it is not uncommon for people to make videos but not post them for two, three weeks, to splice videos, put soundbites over videos.

And those are all things that were clearly explained by Sergeant Sarabia during his Internal Affairs interview.

CHAIRPERSON LONG: Thank you. Thank you, Ms. Ethir.

Are there any comments or questions? Are there any members of the public who would like to comment on this case?

(No response.)

CHAIRPERSON LONG: Seeing none, does -- oh, that's right.

Mr. Sarabia; he wants to speak as well?

MR. ETHIR: I believe so, sir.

CHAIRPERSON LONG: Oh, okay. Excuse me. My pardon. Mr. Sarabia.

MR. SARABIA-MEDINA: Hi, can you hear me?

CHAIRPERSON LONG: Yes.

MR. SARABIA-MEDINA: Good afternoon, Commissioners. My name is Ivan Sarabia.

I want to thank you for giving me an opportunity to

speak today. I'm going to be making a short statement.

I have been a peace officer in the state of California for just over 16 years, and I've been a sergeant since 2016 with no prior discipline or prior instances of misconduct.

I pride myself in being honest. Having strong moral principles, integrity, and honesty has never been an issue for me and never will be. I am a father of three beautiful kids who look up to me for being a police officer. I'm married to a supportive wife, who is also a deputy sheriff.

As a peace officer, integrity is everything. We conduct investigations. We write reports. We testify in court. We are definitely held to a higher standard. I'm not going to jeopardize my career nor my integrity over social media postings or by making false statements.

The statements I made to Internal Affairs investigators were what I believed to be true and accurate at the time. I already knew I was facing a three-day suspension for posting videos in uniform. So I had no motive to mislead investigators in any way.

It was just an honest mistake, a mistake of not being able to recall specific times on videos I recorded a year prior to my interview.

Thank you.
CHAIRPERSON LONG: Thank you, sir.
Thank you.
MR. SARABIA-MEDINA: That's it.
CHAIRPERSON LONG: Thank you.
The Commission -- does anyone wish to go into closed session, or is there a motion?
COMMISSIONER GORDON: I will make a motion to proceed with the board's recommendation for revocation.
CHAIRPERSON LONG: Second?
COMMISSIONER NIETO: Nieto seconds.
CHAIRPERSON LONG: Mr. Knapp, please call the roll.
MR. KNAPP: Thank you, Mr. Chair.
Commissioner Barcelona.
COMMISSIONER BARCELONA: Yes.
MR. KNAPP: Commissioner Braziel.
COMMISSIONER BRAZIEL: Yes.
MR. KNAPP: Commissioner Ewell.
COMMISSIONER EWELL: Yes.
MR. KNAPP: Commissioner Gordon.
COMMISSIONER GORDON: Yes.
MR. KNAPP: Chair Long.
CHAIRPERSON LONG: Yes.
MR. KNAPP: Commissioner Moon.
COMMISSIONER MOON: Yes.

MR. KNAPP: Commissioner Nieto.
COMMISSIONER NIETO: Yes.
MR. KNAPP: And Commissioner Rodriguez.
COMMISSIONER RODRIGUEZ: Yes.
CHAIRPERSON LONG: Thank you, Mr. Knapp.
The motion carries unanimously 8 to 0.
Just two quick items.
Future Commission meeting dates:
We will be here tomorrow, in case you forgot.
September 12th, 2024, to be determined, in greater LA area.
And then November 20 to 21, 2024, back here in West Sacramento, the future home of the A's.
Our final item -- any final comments from commissioners on any point at this moment?
(No response.)
CHAIRPERSON LONG: Seeing none, is there a motion to adjourn?
COMMISSIONER BRAZIEL: Move. Braziel.
CHAIRPERSON LONG: Second?
COMMISSIONER RODRIGUEZ: Second.
COMMISSIONER BARCELONA: Barcelona.
CHAIRPERSON LONG: Objection to unanimous consent?
(No response.)
CHAIRPERSON LONG: Seeing none, so moved. We are

adjourned until tomorrow at 10:00 a.m. 9:00 for Finance. 10:00 for full Commission.

EXECUTIVE DIRECTOR ALVAREZ: Commissioner Braziel and Nieto.

CHAIRPERSON LONG: 9:00 o'clock, Finance. 10:00, Commission.

COMMISSIONER NIETO: Thank you for the reminder, Director.

CHAIRPERSON LONG: Thank you. We are adjourned.

(Proceedings concluded at 4:54 p.m.)

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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 8th day of July 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 SUMMARIES - JUNE 12-13, 2024, WEST SACRAMENTO, CA

REPORT PROFILE

MEETING DATE 09/12/2024	**BUREAU SUBMITTING THE REPORT** Executive Office	
RESEARCHED BY	**REVIEWED BY**	
REPORT DATE	**APPROVED BY** Manuel Alvarez, Jr.	**DATE APPROVED** 08/27/2024
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 Action Summaries from the last Commission Meetings.

ATTACHMENT(S):

06.13.2024_CommissionFullMeeting_Action_Summary-Final.pdf

06.12.2024 Commission Serious Misconduct Case Review Meeting Action Summary-Final.pdf

POST

GAVIN NEWSOM
GOVERNOR

ROB BONTA
ATTORNEY GENERAL

POST COMMISSION MEETING

POST Headquarters
860 Stillwater Road, Suite 100
West Sacramento, CA 95605

June 13, 2024

ACTION SUMMARY

CALL TO ORDER

Chair Geoff Long called the meeting to order at 10:04 a.m.

COLOR GUARD AND FLAG SALUTE

The Color Guard was provided by the Placer County Sheriff's Office Honor Guard. The pledge of allegiance was led by Commissioner Barcelona.

MOMENT OF SILENCE HONORING OFFICERS KILLED IN THE LINE OF DUTY

A moment of silence was held in honor of those peace officers who lost their life in the line of duty since the last Commission meeting.

- Deputy Alfredo "Freddy" Flores, Los Angeles County Sherrif's Office

OPENING REMARKS

Placer County Sheriff Wayne Woo and Sierra College President and Superintendent William Duncan.

AWARDS PRESENTATIONS

Chair Long called for the presentation of the 2023 POST Excellence in Training Awards. Assisting at the ceremony were POST Executive Director, Alvarez and Assistant Executive Director, Annemarie Del Mugnaio.

- Recipient of the 2023 POST Excellence in Training Individual Achievement Award: Officer Andres Rios, Santa Monica Police Department.

- Recipient of the 2023 POST Excellence in Training Lifetime Achievement Award: Lieutenant Wayne Windman, Redondo Beach Police Department.

Break: 10:45 a.m.
Reconvened: 11:00 a.m.

ROLL CALL OF COMMISSION MEMBERS

PRESENT	PRESENT	ABSENT
Alan Barcelona	Shannan Moon	Ingrid Braun
Rick Braziel - Vice Chair	Tina Nieto	Jim Cooper
P. Lamont Ewell	Michelle Rodriguez	
Kelly Gordon	Stephen Woolery	
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 the POST Advisory Committee Chair Chief Jason Salazar, Chief Counsel William "Toby" Darden, and Executive Director 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.

Executive Director Alvarez introduced new Assistant Executive Director, Tom Osborne, Field Services Division and Staff Service Analysts Ashley Anderson and Brandy Essex, as new additions to the Executive Office.

APPROVAL OF ACTION SUMMARY AND MINUTES

I. Approval of the action summary and minutes of the following meetings:

a) Action Summary – March 07, 2024
b) Meeting Minutes – March 07, 2024

MOTION- Woolery, second – Moon and carried unanimously to approve the Action Summary and Meeting Minutes of the March 07, 2024, Commission Meeting.

CONSENT

II. Consent Items

Chair Long announced there would be presentations on Consent Items: II.d. through II.l. (out of order). He then asked if the Commission would like presentations on any of the other Consent Items. There were no additional requests.

II. j. Report from the Racial and Identity Profiling Advisory Board (RIPA)

Chair Long called upon Mr. Ronnie Villeda and Ms. Manju Kulkarni from the RIPA Board, who provided a report. Mr. Villeda also extended an invite to RIPA's next board meeting, June 24th from 10:00 a.m. to 3:00 p.m.

This report was provided for information only. No action was required.

II. k. Report on Racial and Identity Profiling Advisory (RIPA) Board 2024 Annual Report

Chair Long called upon Legislative Liaison Meagan Poulos, Executive Office, who provided a report.

This report was provided for information only. No action was required.

II. d. Report on Advisory Council on Improving Interactions between People with Intellectual and Developmental Disabilities and Law Enforcement

Chair Long called upon Commissioner Braziel, Vice Chair, who provided a report.

This report was provided for information only. No action was required.

II. e. Report on the POST Organizational Wellness Program

Chair Long called upon Law Enforcement Consultant Raymond Nanadiego, Management Counseling and Projects Bureau, and Dr. Cassandra Vieten, University of California San Diego, who provided a report.

This report was provided for information only. No action was required.

II. f. Report on Discussion Regarding Commission Regulation 1005 – Peace Officer Minimum Training Requirements

Chair Long called upon POST Chief Counsel William "Toby" Darden, and Bureau Chief Tom Chalk, Training Delivery and Compliance, who provided a report. This report was provided for information only. No action was required.

II. g. Report on Discussion regarding Commission Regulation 1010 – Agencies Merging Within the POST Program

Chair Long called upon POST Chief Counsel William "Toby" Darden, Bureau Chief Tom Chalk, Training and Delivery Compliance, and Chief Deputy David Kessler, Kern County Sheriff's Office, who provided a report.

This report was provided for information only. No action was required.

Break: 1:10 a.m.
Reconvened: 1:44 p.m.

II. h. Report on Discussion if POST Should Consider Expanding its Role Regarding the Training of Professional Staff in POST – Participating Agencies

Chair Long called upon Bureau Chief Kirk Bunch, Management Counseling and Projects, who provided a report. Executive Director Alvarez made additional comments.

This report was provided for information only. No action was required.

II. i. Report on Certification/Decertification Update

Chair Long called upon Bureau Chief Michelle Weiler, Certification Bureau, and Bureau Chief Christine Ford, Professional Conduct Southern Bureau, who provided a report.

This report was provided for information only. No action was required.

II. l. Report on Legislative Update

No presentation was requested or heard on this item.

III. FINANCE COMMITTEE

a) Financial Report

Finance Committee Chair P. Lamont Ewell and Bureau Chief Cheryl Smith, Administrative Services Bureau, provided a brief overview of the Finance Committee meeting held on Wednesday, June 13, 2024, in West Sacramento, CA.

IV. BASIC TRAINING BUREAU

IV. a. Report on Amendments to Commission Regulations 1001, 1004, 1005 and Commission Procedure D-13, Field Training

Chair Long called upon Law Enforcement Consultant Stephen Crawford, Basic Training Bureau, who provided a report.

The Commission discussed this item and made the following motions:

Chair Long called for a **MOTION** to approve the proposed changes to Commission Regulations 1001, 1004, 1005, and Commission Procedure D-13.

MOTION – Barcelona, Second – Woolery, and carried unanimously by **ROLL CALL VOTE** to approve the proposed changes to Commission Regulations 1001, 1004, 1005, and Commission Procedure D-13.

IV. b. Report on Proposed Changes to Commission Regulation 1005, 1007, 1008 – Training and Testing Specifications for Peace Officer Basic Courses (LD1 – Leadership, Professionalism & Ethics)

Chair Long called upon Bureau Chief Carrie Hollar, Basic Training Bureau, who provided a report.

The Commission discussed this item and made the following motions:

Chair Long called for a **MOTION** to approve the changes as described in the staff report.

MOTION – Woolery, Second – Barcelona, and carried unanimously by **ROLL CALL VOTE** to approve the proposed changes as described in the staff report.

IV. c. Report on Amendments to Commission Regulations 1005, 1007, 1059 – Basic Course Work Sample Test Battery Proctor Manual 2012

Chair Long called upon Staff Services Manager Anita Finner, Basic Training Bureau, who provided a report.

The Commission discussed this item and made the following motions:

Chair Long called for a **MOTION** to approve the changes as described in the staff report.

MOTION – Barcelona, Second – Braziel, and carried unanimously by **ROLL CALL VOTE** to approve the proposed changes as described in the staff report.

V. CERTIFICATION BUREAU

V. b. Report on Proposed Amendment to Commission Regulation 1210 – Voluntary Surrender Form

Chair Long called upon Bureau Chief Michelle Weiler, Certification Bureau, who provided a report.

The Commission discussed this item and made the following motions:

Chair Long called for a **MOTION** to approve the proposed changes to add clarity regarding the information required to be reported on the Voluntary Surrender of Peace Officer Certification Form, POST 2-358.

MOTION – Braziel, Second – Nieto, and carried unanimously by **ROLL CALL VOTE** to approve the proposed changes as described in the staff report.

V. a. Report on Proposed Amendment to Commission Regulation 1210 – Voluntary Surrender Form – Additional Witness Option

Chair Long called upon Bureau Chief Michelle Weiler, Certification Bureau, who provided a report.

The Commission discussed this item and made the following motions:

Chair Long called for a **MOTION** to approve the proposed changes to add an alternative witness option in the event a Notary Public is not a viable option when completing the Voluntary Surrender of Peace Officer Certification Form, POST 2-358.

MOTION – Woolery, Second – Moon, and carried unanimously by **ROLL CALL VOTE** to approve the proposed changes to Commission Regulation 1210 – Voluntary Surrender Form –Additional Witness Option.

V. c. Report on Proposed Amendment to Commission Regulation 1202 – Peace Officer Certificates

Chair Long called upon Bureau Chief Michelle Weiler, Certification Bureau, who provided a report.

The Commission discussed this item and made the following motions:

Chair Long called for a **MOTION** to approve the proposed changes for additional clarity regarding peace officer certification and professional certificates requirements.

MOTION – Braziel, Second – Moon, and carried unanimously by **ROLL CALL VOTE** to approve the proposed changes to Commission Regulation 1202 – Peace Officer Certificates.

V. d. Report on Proposed Amendments to Commission Regulation 1201 – Definitions Related to Peace Officer Certification

Chair Long called upon Bureau Chief Michelle Weiler, Certification Bureau, who provided a report.

The Commission discussed this item and made the following motions:

Chair Long called for a **MOTION** to approve the amendments as described in the staff report.

MOTION – Barcelona, Second – Woolery, and carried unanimously by **ROLL CALL VOTE** to approve the proposed changes to Commission Regulation 1201 – Definitions Related to Peace Officer Certification.

VII. TRAINING PROGRAM SERVICES

VII. a. Report on Request to Renew the Contracts for Supervisory Course

Chair Long called upon Bureau Chief Brad Newmeyer, Training Program Services Bureau, who provided a report.

The Commission discussed this item and made the following motions:

MOTION – Ewell, second – Barcelona and carried unanimously by **ROLL CALL VOTE** to approve the proposed adoption of the proposed changes as described in the staff report.

VI. TRAINING DELIVERY AND COMPLIANCE BUREAU

VI. a. Report on Proposed Amendment to Commission Regulations 1001 – Definitions, 1070 – Minimum Training Standards for Instructors of POST-Certified Specialized Training, and 1082 – Minimum Content Requirements for Instructor Courses

Chair Long called upon Bureau Chief Thomas Chalk, Training Delivery & Compliance Bureau, who gave a report on this item.

The Commission discussed this item and made the following motions:

MOTION – Moon, second – Woolery and carried unanimously by **ROLL CALL VOTE** to approve the recommended amendments to Commission Regulations 1001, 1070, and 1082 specified in this report.

VIII. PEACE OFFICER STANDARDS ACCOUNTIBILITY DIVISION

VIII. a. Report on Factors for Consideration of Penalty – Disciplinary Guidelines

Chair Long called upon Assistant Executive Director Annemarie Del Mugnaio, who provided a report.

The Commission discussed this item and made the following motions:

MOTION – Moon, second – Ewell and carried unanimously by **ROLL CALL VOTE** to establish the subcommittee with Commissioners Rick Braziel and Kelly Gordon to review and finalize the proposed Disciplinary Guidelines.

VIII. b. Report on Peace Officer Revocations Based on Felony Convictions

Chair Long called upon Bureau Chief Michelle Weiler, Certification Bureau, who provided a report.

The Commission discussed this item and made the following motions:

MOTION – Ewell, second – Woolery and carried unanimously by **ROLL CALL VOTE** to approve the revocation action specified in this report.

VIII. c. Report on Proposed Commission Policy Modification – Mail and Electronic Voting on Administrative Disciplinary Matters

Chair Long called upon Chief Counsel William "Toby" Darden, Legal Affairs Bureau, who provided a report.

The Commission discussed this item and made the following motions:

MOTION – Barcelona, second – Woolery and carried unanimously by **ROLL CALL VOTE** to adopt the modification to the POST Commission Policy Manual, Voting by Mail on Administrative Disciplinary Matters, as described in the staff report.

IX. COMMITTEE REPORTS

IX. e. Advisory Committee

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 Wednesday, June 12, 2024.

Chair Salazar shared the items discussed at the Advisory Committee and the Committee moved to support the Commission agenda.

X. CORRESPONDENCE

The following correspondence was sent from POST to:

- David E. Kenney, Classified Human Resources Manager, Montebello Unified School District; In response to letters received dated March 11, 2024.

OLD BUSINESS

There was no Old Business.

NEW BUSINESS

E. New Business

1. Executive Director Performance:

Executive Director Performance Review Panel, comprising of the Chair Geoff Long, Vice Chair Rick Braziel, Commissioner Ewell and Commissioner Barcelona to conduct the performance review on September 12, 2024.

A **MOTION** – Moon, Second – Woolery and carried unanimously to approve the date and review panel for the Executive Director Performance Review.

XII. FUTURE COMMISSION DATES

1. Future Commission Dates

Chair Long read the future Commission meeting dates.

- September 12, 2024 – Pasadena, California
- November 29 -30, 2023 – POST HQ, West Sacramento
- March 6-7, 2024 – TBD Southern California
- June 5-6, 2024 – POST HQ, West Sacramento

Closed Session Convened: 3:09 p.m.

XIII. CLOSED SESSION

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.

2. 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. 7 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)].

   a) Former employee discrimination complaint dated June 29, 2023.

   b) Employee administrative agency grievance.

Reconvened to General Session – 3:15 PM

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 - Nieto, second – Woolery and carries with unanimous consent to adjourn the meeting.

ADJOURNMENT – 3:17 PM

Respectfully Submitted,

Brandy Essex
Staff Services Analyst
Executive Office

POST

GAVIN NEWSOM
GOVERNOR

ROB BONTA
ATTORNEY GENERAL

POST COMMISSION SERIOUS MISCONDUCT CASE REVIEW MEETING

POST Headquarters
860 Stillwater Road, Suite 100
West Sacramento, CA 95605

June 12, 2024

COMMISSIONS ACTION SUMMARY

CALL TO ORDER

Commission Chair Geoff Long called the meeting to order at 12:07 a.m.

ROLL CALL OF COMMISSION MEMBERS

PRESENT	PRESENT	ABSENT
Alan Barcelona	Geoff Long- Chair	Ingrid Braun
Rick Braziel - Vice Chair	Shannan Moon	Jim Cooper
P. Lamont Ewell	Tina Nieto	Stephen Woolery
Kelly Gordon	Michelle Rodriguez	

A Calling of the roll reflected a quorum was present.

INTRODUCTION OF POST LEGAL COUNSEL AND THE EXECUTIVE DIRECTOR

Chair Long introduced Peace Officer Standards Accountability Advisory Board Counsel Christopher Beatty, POST Chief Legal Counsel William "Toby" Darden, and Executive Director Alvarez.

PUBLIC COMMENT PERIOD

Chair Long opened the floor for public comment. A member of the public came forward to provide public comment regarding the Vallejo Police Department and to request information from the Commission about that agency.

I. PEACE OFFICER STANDARDS ACCOUNTABILITY DIVISION

a. Final Decision/Status of Settlement Discussions; Division's Request for Revocation of Certification – POST 2303691 – James Kurtz Fillmore (POST ID: A37-Q67)

Appearing remotely: James K. Fillmore and Counsel- Leslie Wilcox.

Chair Long called upon Assistant Executive Director Annemarie Del Mugnaio and Chief Counsel William "Toby" Darden who provided a status update on POST Case 2303691 – James Kurtz Fillmore (POST ID: A37-Q67) who at the time of the events in question was employed by the Los Angeles Police Department.

Chair Long opened the floor for public comment. Mr. Fillmore's counsel- Leslie Wilcox made a comment.

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

a. POST2311496 – CESAR HAZEL DIAZ (POST ID: C68-U20) LAST EMPLOYING AGENCY: LOS ANGELES SCHOOL DISTRICT POLICE DEPARTMENT

Subject Officer appearing in-person, representing himself.

Chair Long called upon Law Enforcement Consultant William Imboden, Professional Conduct Los Angeles Bureau, and Attorney IV Carrie Woolley, Legal Affairs Bureau, to provide a report on Case POST2311496 – Cesar Hazel Diaz, who at the time of the events at issue in this case, was employed with the Los Angeles School District Police Department.

Cesar H. Diaz made comments.

There were no questions from the Commissioners.

Closed Session Case Reviews

1. **POST 2303691 – JAMES KURTZ FILLMORE (POST ID: A37-Q67)**
2. **POST2311496 – CESAR HAZEL DIAZ (POST ID: C68-U20)**

Closed Session was held 12:39 p.m. to 1:35 p.m.

Reconvened to General Session 1:42 p.m

RECALL CASE POST2303691, JAMES FILLMORE

Chair Long called for a **MOTION** to approve proposed settlement as the decision of the Commission.

MOTION – Braziel, Second – Nieto, passed by **ROLL CALL VOTE** to approve the proposed settlement and carried seven "aye" votes, and one abstention from Commissioner Ewell.

Chief Counsel William "Toby" Darden explained the general terms of the settlement for the record.

Chair Long asked for questions or comments from the Commissioners. None were made.

RECALL CASE POST 2311496 – CESAR HAZEL DIAZ

Chair Long opened the floor for public comment. No comments were made.

Commissioner Braziel called for a **MOTION** to have counsel work with the division on conditions of settlement that were discussed and directed within closed session.

MOTION – Braziel, Second – Barcelona, and carried unanimously by **ROLL CALL VOTE** to approve the proposed settlement to have counsel work with the division on conditions of settlement that were discussed and directed within closed session.

Executive Director Alvarez introduced Bureau Chief Rob Guyton, Vallejo Police Department, and Assistant Executive Director Annemarie Del Mugnaio to provide statistics in response to the questions posed during the public comment period by an ACLU representative regarding the Vallejo Police Department.

Break: 1:50 p.m.
Reconvened: 2:07 p.m.

b. POST2300809 – DILLION FUSTON (POST ID:71-S10) LAST EMPLOYING AGENCY: SAN DIEGO POLICE DEPARTMENT

Appearing remotely: Dillion Fuston and Counsel- Bradley Fields.

Chair Long called upon Law Enforcement Consultant Mark Nagel, Professional Conduct Sothern Bureau, and Assistant Chief Counsel, Chris Becker, POST Legal Affairs Bureau, to provide a report on case POST2300809 – Dillion Fuston, who at the time of the events at issue in this case, was employed with the San Diego Police Department.

Chair Long opened the floor for public comment. Commissioners asked questions. Mr. Fuston's counsel- Bradley Fields and Dillion Fuston made comments.

Closed Session was held 3:16 p.m. to 3:47 p.m.

Reconvened: 3:55 p.m.

RECALL CASE POST2300809, DILLION FUSTON

Chair Long called for a **MOTION** to adopt the Board's recommendation to revoke Dillon Fuston's peace officer certifications.

MOTION to revoke certification – Ewell, Second – Long, and motion fails 2-6 by **ROLL CALL VOTE** with Ewell and Long voting yes.

c. POST2300204 – DAVID WESLEY HUBBARD (POST ID: C15-B77) LAST EMPLOYING AGENCY: KERN COUNTY DISRICT ATTORNEY'S OFFICE

Chair Long called upon Law Enforcement Consultant Kevin Sherburne, Professional Conduct Central Bureau, and Attorney IV Bryant Henley, Legal Affairs Bureau, to provide a report on case POST2300204 – David Wesley Hubbard, who at the time of the events at issue in this case, was employed with the Kern County Sheriff's Department.

Chair Long asked for questions or comments from the Commissioners. None were made.

Chair Long opened the floor for public comment. One person came forward and delivered their public comment.

For completeness of the record, Bryant Henley, on behalf of the Peace Officer Standards and Accountability Division, stated that the record before the Commission now includes a two-page letter that was submitted by Ms. Castillo, as well as email messages received from Faith Grace; Oliver Ma; and Rosa Lopez, all submitting comments concerning the matter of Mr. Hubbard before the Commission. The comments were provided to the Commission as part of the record in the case.

Chair Long asked for questions. None were made.

Closed Session was held 4:15 p.m. to 4:16 p.m.

Reconvened: 4:29 p.m.

RECALL CASE POST2300204, DAVID WESLEY HUBBARD

Chair Long called for a **MOTION** to adopt the Board's recommendation to revoke David Wesley Hubbard's peace officer certifications.

MOTION – Moon, Second – Barcelona, and carried unanimously by **ROLL CALL VOTE** to revoke the peace officer certifications issued to David Wesley Hubbard.

d. POST2322012 – IVAN D SARABIA-MEDINA (POST ID: C12-A96) LAST EMPLOYING AGENCY: LOS ANGELES COUNTY SHERIFF'S DEPARTMENT

Appearing remotely: Ivan Sarabia-Medina and Counsel- Saku Ethir.

Chair Long called upon Law Enforcement Consultant Robert Bringolf, Professional Conduct Los Bureau, and Attorney IV Bryant Henley, Legal Affairs Bureau, to provide a report on case POST2322012 – Ivan D. Sarabia-Medina, who at the time of the events at issue in this case, was employed with the Los Angeles County Sheriff's Department.

Chair Long asked for questions or comments from the Commissioners.

Chair Long opened the floor for comment. Mr. Sarabia's counsel- Saku Ethir and Ivan Sarabia-Medina made comments.

Chair Long called for a **MOTION** to adopt the Board's recommendation to revoke Ivan Sarabia-Medina certifications.

MOTION – Gordon, Second – Nieto, and carried unanimously by **ROLL CALL VOTE** to revoke the peace officer certifications issued to Ivan D. Sarbia-Medina.

FUTURE COMMISSION DATES

K.1. Future Commission Dates

Chair Long read the future Commission meeting dates.

- June 13, 2024 – POST HQ, West Sacramento
- September 12, 2024 – Greater LA area
- November 20-21, 2024 – POST HQ, West Sacrament

Chair Long called for a **MOTION** to adjourn the meeting.

MOTION – Braziel, Second – Rodriguez/Barcelona, carried unanimously to adjourn the meeting.

ADJORNMENT – 4:54 p.m.

Respectfully Submitted,

Brandy Essex

Staff Services Analyst

AGENDA ITEM REPORT

Title: REPORT ON POST REIMBURSABLE PROGRAM - NEW AGENCY - SANTA BARBARA AIRPORT POLICE DEPARTMENT

REPORT PROFILE

MEETING DATE 09/12/2024	**BUREAU SUBMITTING THE REPORT** Training Delivery and Compliance Bureau	
RESEARCHED BY Melanie Dunn	**REVIEWED BY** Kristoffer Erik Gerolaga	
REPORT DATE	**APPROVED BY** Manuel Alvarez, Jr.	**DATE APPROVED** 08/16/2024
PURPOSE	**FINANCIAL IMPACT** Yes	

ISSUE, BACKGROUND, ANALYSIS, & RECOMMENDATION

ISSUE: The Santa Barbara Airport Police Department has entered into the POST Reimbursable Program for its peace officers effective July 5, 2024.

BACKGROUND: The Santa Barbara Airport Police Department has been approved to participate in the POST Reimbursable Program pursuant to Penal Code sections 13510(a) and 13522. The agency has agreed to abide by Commission Regulations. An Ordinance of the Council of the City of Santa Barbara was adopted on April 30, 2024 as required by Penal Code section 13522. Two attachments are included; the Letter of Intent and the Ordinance.

ANALYSIS: The agency presently employs nine (9) peace officers.

RECOMMENDATION: The Santa Barbara Airport Police Department has entered into the POST Reimbursable Program for its peace officers effective July 5, 2024.

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

ATTACHMENT(S):
Santa Barbara Airport Letter of Intent.pdf
Santa Barbara Airport Ordinance Signed.pdf

City of Santa Barbara
Santa Barbara Airport

SBA Santa Barbara Airport

Airport Administration
601 Firestone Rd.
Santa Barbara, CA 93117
(805) 967-7111
(805) 964-1380 FAX

Airport Operations
Airport Patrol
(805) 681-4803

Badge Office
(805) 681-6385

Engineering
(805) 692-6018

Maintenance
(805) 692-6060

Marketing
(805) 692-6024

Noise Abatement
(805) 967-1900

Planning
(805) 692-6032

Property Management
(805) 692-6022

Visitors Center
(805) 964-7622

FlySBA.com

March 13, 2024

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 City Council of the City of Santa Barbara 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 Resolution and number from the Santa Barbara City Council 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,

Lt. Rickey E Callahan
Interim Airport Patrol Supervisor

Christopher Hastert
Airport Director

ORDINANCE NO. 6152

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA BARBARA AMENDING THE MUNICIPAL CODE BY ADDING SECTION 2.12.035 REGARDING AIRPORT PATROL PEACE OFFICER STANDARDS AND TRAINING PARTICIPATION, AND ACCEPTING THE REQUIREMENTS OF CALIFORNIA PENAL CODE SECTIONS 13510, 13512, AND 13522, RELATING TO THE RECRUITMENT AND TRAINING OF PEACE OFFICERS FOR THE AIRPORT PATROL

THE CITY COUNCIL OF THE CITY OF SANTA BARBARA DOES ORDAIN AS FOLLOWS:

SECTION 1. Chapter 2.12 of Title 12 of the Santa Barbara Municipal Code is amended by adding Section 2.12.035 which reads as follows:

2.12.035 Airport Patrol: Peace Officer Standards and Training (P.O.S.T.) Participation.

The City of Santa Barbara 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.

Pursuant to Sections 13510 and 13512 of said Chapter 1, the Santa Barbara Airport Patrol will adhere to the standards for recruitment and training established by the Commission on Peace Officer Standards and Training.

The Commission and its representatives may make such inquiries as deemed necessary to ascertain that the peace officer personnel of the Santa Barbara Airport Patrol adhere to the standards for recruitment and training established by the California Commission on Peace Officer Standards and Training.

ORDINANCE NO. 6152

STATE OF CALIFORNIA)
)
COUNTY OF SANTA BARBARA) ss.
)
CITY OF SANTA BARBARA)

I HEREBY CERTIFY that the foregoing ordinance was introduced on April 23, 2024, and adopted by the Council of the City of Santa Barbara at a meeting held on April 30, 2024, by the following roll call vote:

AYES: Councilmembers Eric Friedman, Alejandra Gutierrez, Oscar Gutierrez, Meagan Harmon, Mike Jordan, Kristen W. Sneddon, Mayor Randy Rowse

NOES: None

ABSENT: None

ABSTENTIONS: None

IN WITNESS WHEREOF, I have hereto set my hand and affixed the official seal of the City of Santa Barbara on April 30, 2024.

Sarah P. Gorman, MMC
City Clerk Services Manager

I HEREBY APPROVE the foregoing ordinance on April 30, 2024.

Randy Rowse
Mayor

AGENDA ITEM REPORT

Title: REPORT ON COURSE CERTIFICATION STATISTICS

REPORT PROFILE

MEETING DATE 09/12/2024	**BUREAU SUBMITTING THE REPORT** Training Delivery and Compliance Bureau	
RESEARCHED BY Jet Alidon-Lam		**REVIEWED BY** Kristoffer Erik Gerolaga
REPORT DATE 08/15/2024	**APPROVED BY** Manuel Alvarez, Jr.	**DATE APPROVED** 08/16/2024
PURPOSE		**FINANCIAL IMPACT** No

ISSUE, BACKGROUND, ANALYSIS, & RECOMMENDATION

ISSUE: This is a status report of courses which have been certified and decertified from 05/01/2024 to 07/31/2024.

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 05/01/2024 to 07/31/2024:

Certified Presenters: 5

Decertified Presenters: 0

Certified Courses: 112

Course Modifications: 1,622

Decertified Courses: 32

Total Active Courses: 5,796

Total Active Presenters: 1,054

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

ATTACHMENT(S):

AttachmentA_Course_Certification_Stat_Report_May01_2024-July31_2024.pdf

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING
TRAINING DELIVERY AND COMPLIANCE SERVICE BUREAU
COURSE CERT STATS REPORT
REPORT FROM 05/01/2024 TO 07/31/2024

NEW PRESENTERS

CLEARS - 8012
G FIREARMS TRAINING - 8009
SAN DIEGO HUMANE SOCIETY - 8014
THOMPSON AUTISM AND NEURODEVELOPMENTAL CENTER - 8013
VOLTVERIFIED - 8011

SUMMARY OF TOTALS

	MAY	JUNE	JULY	TOTAL FOR MAY TO JUL	TOTAL YEAR-TO-DATE 2023	TOTAL YEAR-TO-DATE 2024	TOTAL
PRESENTERS							
CERTIFIED NEW PRESENTERS	2	0	3	5	33	3	
DECERTIFIED PRESENTERS	0	0	0	0	2	0	
COURSES							
CERTIFICATION REQUESTS	31	37	39	107	480	39	
COURSES CERTIFIED	32	44	36	112	531	36	
COURSE MODIFICATIONS APPROVED	369	388	865	1622	4577	865	
DECERTIFIED COURSES	7	12	13	32	256	13	
INACTIVE COURSES	0	0	0	0	0	0	

TOTAL ACTIVE COURSES **5796**

TOTAL ACTIVE PRESENTERS **1054**

AGENDA ITEM REPORT

Title: REPORT ON POST WORKFORCE DIVERSITY STATS

REPORT PROFILE

MEETING DATE 09/12/2024	**BUREAU SUBMITTING THE REPORT** Executive Office	
RESEARCHED BY Emily Lee	**REVIEWED BY** Sonya Baland	
REPORT DATE 08/20/2024	**APPROVED BY** Manuel Alvarez, Jr.	**DATE APPROVED** 08/23/2024
PURPOSE	**FINANCIAL IMPACT** No	

ISSUE, BACKGROUND, ANALYSIS, & RECOMMENDATION

ISSUE: In 2021, the Commission requested diversity data for the POST workforce on an annual basis. The attached report includes the requested data.

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

BACKGROUND: The Commission has requested diversity data for the POST workforce on an annual basis.

Diversity data is voluntarily self-reported by new employees during the on-boarding process at POST. POST HR collects the information and reports it to the State of California. The collection criteria are standardized by CalHR.

The attached report represents POST workforce diversity data of 198 full-time employees and 22 part-time retired annuitants onboard as of August 9, 2024, or a total of 220 employees.

By way of comparison, as reported on August 8, 2023, POST had 171 full-time employees and 12 part-time retired annuitants, or a total of 183 employees.

ANALYSIS:

RECOMMENDATION: This report is presented for information only. No action is

required.

ATTACHMENT(S):
POST Workforce Diversity Report_August_9_2024.pdf

POST Workforce Diversity Report – August 9, 2024

The following information represents POST workforce diversity data for full-time employees (198) and part-time retired annuitants (22) onboard as of August 9, 2024:

Commission on Peace Officer Standards and Training

	Employee Category	Female	Male	Other	Total
Totals for Department as of 08/09/2024		107 (49%)	109 (49%)	4 (2%)	220 (100%)
	American Indian or Alaska Native Alone	1	1	0	2 (1%)
	Asian - Chinese Alone	6	5	0	11 (5%)
	Asian - Filipino Alone	3	6	0	9 (4%)
	Asian - Indian Alone	3	3	0	6 (3%)
	Asian - Japanese Alone	1	0	0	1 (.03%)
	Asian - Korean	0	1	0	1 (.03%)
	Asian - Laotian Alone	0	1	0	1 (.03%)
	Asian - Other Alone	3	3	0	6 (3%)
	Asian - Vietnamese Alone	2	3	0	5 (2%)
	Black or African American Alone	7	5	0	12 (6%)
	Hispanic or Latino Alone	20	11	0	31 (14%)
	Multiple Races	4	6	0	10 (4%)
	Unknown	5	10	4	19 (9%)
	White Alone	52	54	0	106 (48%)

For comparison purposes, below is the workforce diversity data on August 8, 2023, which included full-time employees (171) and part-time retired annuitants (12):

Commission on Peace Officer Standards and Training

	Employee Category	Female	Male	Total
Totals for Department as of 08/08/2023		95 (52%)	88 (48%)	183 (100%)
	American Indian or Alaska Native Alone	1	1	2 (1%)
	Asian - Chinese Alone	6	5	11 (6%)
	Asian - Filipino Alone	4	4	8 (4%)
	Asian - Indian Alone	1	3	4 (2%)
	Asian - Japanese Alone	1	0	1 (.05%)
	Asian - Laotian Alone	0	1	1 (.05%)
	Asian - Other Alone	3	3	6 (3%)
	Asian - Vietnamese Alone	2	2	4 (2%)
	Black or African American Alone	4	2	6 (3%)
	Hispanic or Latino Alone	9	9	18 (10%)
	Multiple Races	11	4	15 (8%)
	Unknown	7	5	12 (7%)
	White Alone	46	49	95 (52%)

AGENDA ITEM REPORT

Title: REPORT ON HISTORY OF POLICING VIDEO SERIES PROJECT

REPORT PROFILE

MEETING DATE 09/12/2024	**BUREAU SUBMITTING THE REPORT** Executive Office	
RESEARCHED BY Katie Strickland and Meagan Poulos	**REVIEWED BY**	
REPORT DATE 08/15/2024	**APPROVED BY** Manuel Alvarez, Jr.	**DATE APPROVED** 08/23/2024
PURPOSE	**FINANCIAL IMPACT** No	

ISSUE, BACKGROUND, ANALYSIS, & RECOMMENDATION

ISSUE: This report is for information only regarding an update to the History of Policing video series project.

BACKGROUND: At the June 2, 2021, Commission Meeting, POST staff were directed to conduct a presentation on the content in the Regular Basic Course (RBC) which covers the overall history of policing in the United States. At the September 2, 2021, Commission Meeting, POST staff presented a summary of the content related to the history of policing in several Learning Domains. At the conclusion of the presentation, several Commissioners commented on the importance of providing RBC recruits/cadets instruction on the history of policing. Several Commissioners also commented on the complexity of the topics, on proper delivery methods, and they suggested videos be used to assist with the training.

In addition to the curriculum updates to the Training and Testing Specifications and Student Workbooks for Learning Domain 3 - Principled Policing in the Community, two videos were created on the topic of History of Policing to be used to further support the training in the basic courses. In the first video, Retired Sacramento Police Chief Daniel Han interviewed retired Sacramento Police Department Officers Felicia Allen and Flossie Crump. Felicia and Flossie were trailblazers as the first two women patrol officers in the Sacramento region. The video highlights their firsthand experiences of overcoming challenges of racism, sexism and becoming officers with the Sacramento Police Department while memorializing their lasting legacy. The second video

features Lieutenant Martha Hernandez of the San Diego County Sheriff's Department. This video focuses on her childhood as an immigrant from Mexico and the challenges she faced with racism and learning English. Against all odds, Lt. Hernandez persevered and became a deputy and a role model to others despite the challenges she faced.

With the success of the first two videos, POST staff were directed to continue the series with two more videos.

ANALYSIS:

In early 2024, POST staff executed a contract with a video production company to develop, film, and edit two additional videos that cover the topic of history of policing. In an effort to reach a wider audience and gather diverse stories, POST staff distributed a survey to the field. In this survey, staff asked respondents to provide a brief narrative about their law enforcement backstories (i.e., how law enforcement affected them or why they chose a career in law enforcement).

Staff pre-interviewed several potential subjects, and with the video production company, selected Assistant Chief Blake Chow, Los Angeles Police Department (LAPD) and Sergeant Mikayla Connell, San Francisco Police Department (SFPD) for the project.

The first video highlights LAPD Assistant Chief Blake Chow. Chief Chow is the department's first Chinese American Assistant Chief who was hired by LAPD in 1990, right before the Los Angeles riots began. He shares his experience on how far LAPD has come since the riots, the community relationships that have been mended over time, and his legacy with the department through his son, Officer Andrew Chow.

The second video features SFPD Sergeant Mikayla Connell. Sgt. Connell is SFPD's first openly transgender officer, and decided to become an officer mid-career. She shares her journey on how she became an officer, the challenges she overcame along the way, and the pride she has for her department and career.

Both videos will be shown during the September 12, 2024, Commission meeting, and will be made publicly available via POST's YouTube channel following the meeting.

Additionally, POST staff plan to continue this series and are working on a new contract for several more videos to be executed in the 2024/2025 fiscal year.

RECOMMENDATION:

This report is presented for information only. No action is

required.

AGENDA ITEM REPORT

Title: PANEL DISCUSSION REGARDING GAPS IN SERIOUS MISCONDUCT DEFINITIONS

REPORT PROFILE

MEETING DATE 09/12/2024	**BUREAU SUBMITTING THE REPORT** Peace Officer Standards Accountability Division	
RESEARCHED BY Annemarie Del Mugnaio	**REVIEWED BY** Annemarie Del Mugnaio	
REPORT DATE 08/16/2024	**APPROVED BY** Manuel Alvarez, Jr.	**DATE APPROVED** 08/23/2024
PURPOSE	**FINANCIAL IMPACT** No	

ISSUE, BACKGROUND, ANALYSIS, & RECOMMENDATION

ISSUE:

The discussion centers around whether the Commission should consider expanding the definition of serious misconduct pursuant to Penal Code section 13510.8(b) and include other acts of serious misconduct that pose a risk to the public and/or are inconsistent with the duties and obligations of a peace officer to uphold the law.

The panel discussion is for information only, and no action on the part of the Commission is required.

BACKGROUND:

On September 30, 2021, Governor Newsom signed Senate Bill (SB) 2. SB 2 made significant changes to existing Government and Penal Codes, respectively, and grants POST the authority to certify all peace officers in California, and subsequently take action against those certifications, should POST determine that one or more of the nine specified acts of serious misconduct occurred. While the peace officer eligibility hiring requirements went into effect on January 1, 2022, the remaining changes to Government and Penal Codes went into effect on January 1, 2023.

ANALYSIS:

POST has been receiving and reviewing cases of serious misconduct for over a year and a half, and has had the opportunity to analyze the underlying conduct of peace officers who are the subject of the serious misconduct reports submitted by law enforcement agencies as well as the public. It's clear that existing law, Penal Code section 13510.8 and the implementing regulations, Title 11 California Code of

Regulations Section 1205, do not encompass some of the more common acts of serious misconduct that may otherwise result in a peace officer's certification being disciplined and perhaps revoked. Examples of these "gaps" are neglect of duty, failure to supervise, and negligence to name a few. The panel discussion before the Commission includes selected agency heads to provide an opportunity for the chiefs and sheriff to discuss the gaps in the definition of serious misconduct with the Commission and to highlight areas of the law that may need to be revisited.

RECOMMENDATION: This Item is for discussion only. No action is required.

AGENDA ITEM REPORT

Title: REPORT ON THE PC832 ARREST AND FIREARMS COURSE

REPORT PROFILE

MEETING DATE 09/12/2024	**BUREAU SUBMITTING THE REPORT** Basic Training Bureau	
RESEARCHED BY Carrie Hollar	**REVIEWED BY**	
REPORT DATE	**APPROVED BY** Manuel Alvarez, Jr.	**DATE APPROVED** 08/23/2024
PURPOSE	**FINANCIAL IMPACT** No	

ISSUE, BACKGROUND, ANALYSIS, & RECOMMENDATION

ISSUE:

The PC832 Arrest and Firearms Course is the minimum training standard for California peace officers as specified in Commission Regulation 1005. The course consists of two components, which total a minimum of 64 hours. The Arrest component has a 40-hour requirement, and the Firearms component has a 24-hour requirement (ATTACHMENT A). This report is being presented to provide what Learning Domains the PC 832 Arrest and Firearms course entails and will be used in conjunction with the facilitated discussion on Commission Regulations 1005 and 1010.

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

BACKGROUND:

ANALYSIS:

RECOMMENDATION:

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

ATTACHMENT(S):

PC832_MINIMUM_HOURLY_REQUIREMENT-ATTACHMENT A.pdf

MINIMUM CONTENT AND HOURLY REQUIREMENTS
PC 832 ARREST AND FIREARMS COURSE

July 1, 2018

DOMAIN NUMBER	DOMAIN DESCRIPTION	MINIMUM HOURS
01	Leadership, Professionalism & Ethics	2 hours
02	Criminal Justice System	2 hours
03	Policing in the Community	2 hours
05	Introduction to Criminal Law	3 hours
15	Laws of Arrest	5 hours
16	Search and Seizure	3 hours
17	Presentation of Evidence	2 hours
18	Investigative Report Writing	2 hours
20	Use of Force	3 hours
30	Crime Scenes, Evidence, and Forensics	2 hours
33	Arrest and Control	10 hours
35	Firearms/Chemical Agents	24 hours
39	Crimes Against the Justice System	1 hour
42	Cultural Diversity/Discrimination	1 hour
	Minimum Instructional Hours	62 hours

The minimum number of hours allocated to testing in the PC 832 Arrest and Firearms Course are shown below[1]

TEST	HOURS
POST-Constructed Comprehensive PC 832 Test (LDs 5,15,16,20, and 39)	2 hours
Total Minimum Required Hours	64 hours

[1] Time required for the PC 832 Firearms and Arrest and Control Exercise tests and instructional activities is included in instructional hours.

AGENDA ITEM REPORT

**Title: DISCUSSION ON PROPOSED AMENDMENTS TO REGULATIONS 1010 **

REPORT PROFILE

MEETING DATE 09/12/2024	**BUREAU SUBMITTING THE REPORT** Legal Affairs Bureau	
RESEARCHED BY William Darden	**REVIEWED BY**	
REPORT DATE	**APPROVED BY** Manuel Alvarez, Jr.	**DATE APPROVED** 08/29/2024
PURPOSE	**FINANCIAL IMPACT** Yes	

ISSUE, BACKGROUND, ANALYSIS, & RECOMMENDATION

ISSUE: What are the Commission's views as to potential terms for an amendment of Regulation 1010 to permit merger of limited peace officers into POST participating agencies?

BACKGROUND: At the Commission meeting on June 13, 2024, staff presented an agenda item involving potential amendments to Regulation 1010 with respect to mergers of new groups of officers into an existing agency's POST program, including mergers of officers with training far below that required in the RBC. A related discussion included amending section 1005 to better define levels of training for the wide variety of peace officers recognized by law. After lengthy discussion, the Commission suggested the formation of a working group to round-table the issues.

ANALYSIS: As a working group is established, Commission guidance would be helpful on the following topics:

1. When an agency not requiring the RBC/SIBC (e.g. an agency employing 832 PC officers as their primary peace officer workforce) seeks to join the POST program outside of a merger, should the Commission permit it to join the POST program without first merging into an existing POST participating RBC/SIBC agency?

2. What limits, if any should the Commission place on officers that have not completed the RBC but whose duties require

"enforcement of the law" or "protection of persons and property" within their geographic area? Should such officers have the same restrictions as are placed on Level I and Level II Reserve Police Officers in terms of the requirement of working with immediate supervision by a regularly trained police officer?

3. If officers without the SIBC/RBC are allowed to perform law enforcement tasks without immediate supervision, should they be permitted to:

a) Carry firearms?

b) Make physical arrests?

d) Drive marked or Code-3 capable police units for any purpose besides prisoner transport?

e) Respond to any type of call for service beyond infraction level offenses?

4. What duties should an individual with only PC 832 as their foundational training be allowed to perform?

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

AGENDA ITEM REPORT

Title: REPORT ON THE REGULAR BASIC COURSE TRAINING ENVIRONMENT

REPORT PROFILE

MEETING DATE 09/12/2024	**BUREAU SUBMITTING THE REPORT** Basic Training Bureau	
RESEARCHED BY Carrie Hollar	**REVIEWED BY**	
REPORT DATE	**APPROVED BY** Manuel Alvarez, Jr.	**DATE APPROVED** 08/23/2024
PURPOSE	**FINANCIAL IMPACT** No	

ISSUE, BACKGROUND, ANALYSIS, & RECOMMENDATION

ISSUE: At the request of the Commission, this report is being presented to facilitate a discussion, by the Commission, on how we train for violent encounters in an academy, without creating a culture of violence.

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

BACKGROUND:

ANALYSIS:

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

AGENDA ITEM REPORT

Title: REPORT ON LEGISLATIVE UPDATE

REPORT PROFILE

MEETING DATE 09/12/2024	**BUREAU SUBMITTING THE REPORT** Executive Office	
RESEARCHED BY Meagan Poulos	**REVIEWED BY**	
REPORT DATE	**APPROVED BY** Manuel Alvarez	**DATE APPROVED** 08/16/2024
PURPOSE	**FINANCIAL IMPACT** No	

ISSUE, BACKGROUND, ANALYSIS, & RECOMMENDATION

ISSUE: This is a legislative report with bills of interest from the 2024 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 2024 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):
2024 Commission Briefing.pdf

POST Legislative Update
As of August 30, 2024

The legislation listed in this document are the legislative bills that POST monitored over the 2024 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 852 (Jones-Sawyer) Peace officers.
Amended: 8/14/2024
Summary: Current law requires the Commission on Peace Officer Standards and Training to establish a certification program for specified peace officers, including officers of the Department of the California Highway Patrol. Current law requires the commission 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 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.
Status: 8/28/2024-Re-referred to Com. on PUB. S. pursuant to Assembly Rule 77.2. Joint Rule 62(a) suspended.

AB 1839 (Alanis) Peace officers: education and hiring grants.
Introduced: 1/16/2024
Summary: Would, subject to an appropriation, establish the Law Enforcement Officer Grant Program under the administration of the Student Aid Commission to provide grants of up to $6,000 per year to individuals enrolled in a modern policing degree program at a California community college who commit to work for 4 years as a peace officer at a law enforcement agency, as specified. The bill would require grant recipients to agree to repay the grant to the state if certain conditions for the grant are not met, except as specified.
Status: DEAD

AB 2002 (Sanchez) Vehicles: public safety: Blue Envelope Program
Amended: 3/6/2024
Summary: Current law establishes the Department of Motor Vehicles, tasked with issuance and renewal of licenses to drivers. Current law requires the department 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, 2026, 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.
Status: DEAD

AB 2020 (Bonta) Survivors of Human Trafficking Support Act
Amended: 8/15/2024
Summary: This bill would require the commission to, by no later than June 1, 2026, develop guidelines for interacting with survivors of human trafficking. The bill would require each law enforcement agency to, by no later than December 1, 2026, adopt a written policy for interacting with survivors of human trafficking based on the guidelines developed by the commission.
Status: 8/26/2024-Ordered to special consent calendar.

AB 2042 (Jackson) Police canines: standards and training.
Amended: 7/3/2024
Summary: Would require the Commission on Peace Officer Standards and Training, on or before January 1, 2026, to develop standards and training guidelines, as specified, for the use of canines by law enforcement. The bill would authorize the commission to periodically update these guidelines. The bill would require law enforcement agencies with a canine unit, on or before July 1, 2027, to adopt a policy for the use of canines that, at a minimum, complies with the guidelines developed by the commission.
Status: DEAD

AB 2138 (Ramos) Peace officers: tribal police pilot project.
Amended: 6/26/2024
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. Existing 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, 2025, until July 1, 2028, 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.

Status: 8/29/2024-Assembly Rule 77 suspended. Senate amendments concurred in. To Engrossing and Enrolling. (Ayes 76. Noes 0.).

AB 2379 (Jones-Sawyer) Peace officers.
Introduced: 2/12/2024
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. This bill would make a technical, nonsubstantive change to these provisions.
Status: DEAD

AB 2382 (Rubio, Blanca) Human trafficking.
Amended: 4/18/2024
Summary: Would state the intent of the Legislature to enact legislation relating to training conducted by the Commission on Peace Officer Standards and Training on the subject of human trafficking.
Status: DEAD

AB 2541 (Bains) Peace officer training: wandering.
Amended: 8/7/2024
Summary: Would require the Commission on Peace Officer Standards and Training (POST), in consultation with specified subject matter experts and on or before January 1, 2026, to develop guidelines addressing wandering associated with Alzheimer's disease, autism, and dementia, as specified.
Status: 8/28/2024-Enrolled and presented to the Governor at 4 p.m.

AB 2621 (Gabriel) Law enforcement training
Amended: 5/20/2024
Summary: Current law defines a "hate crime" as a criminal act committed, in whole or in part, because of actual or perceived characteristics of the victim, including, among other things, race, religion, disability, and sexual orientation. Current law requires the Commission on Peace Officer Standards and Training, in consultation with specified subject-matter experts, to develop a course of instruction that trains law enforcement on, among other things, indicators of hate crimes and techniques, responses to hate crime waves against certain groups, including Arab and Islamic communities, and methods to handle incidents of hate crimes in a noncombative manner. This bill would require instruction 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.
Status: 8/29/2024-Assembly Rule 77 suspended. Senate amendments concurred in. To Engrossing and Enrolling. (Ayes 76. Noes 0.).

AB 2710 (Lackey) Peace officers: active shooter incidents
Amended: 4/8/2024
Summary: Would require the Commission on Peace Officer Standards and Training (POST) to convene a panel of law enforcement experts to report to the Legislature and the commission, by January 1, 2027, specified topics related to active shooter incidents, including successful trainings and response protocols that have been demonstrated in active shooter incidents and the use of school resource officers on campus for threat prevention, detection, and assessment. The bill would repeal these provisions as of January 1, 2031.
Status: DEAD

AB 2923 (Jones-Sawyer) Peace officers: public complaints.
Introduced: 2/15/2024
Summary: Current law requires each department or agency that employs peace officer to establish a procedure to investigate complaints by members of the public against the personnel of the department or agency. This bill would require a form used during the complaint process to include a provision inquiring whether the complaint includes an allegation of racial or identify profiling and a space to describe the allegation. The bill would define "complaint" for these purposes to mean a report, given either in writing or verbally, that brings to the attention of a department or agency an incident during which the complainant perceives that a department or agency employee engaged in misconduct, as specified.
Status: DEAD

AB 3021 (Kalra) Criminal procedure: interrogations.
Amended: 5/9/2024
Summary: Current law prohibits the prosecuting attorney, attorney for the defendant, or investigator for either the prosecution or the defendant from interviewing, questioning, or speaking to a victim or witness whose name has been disclosed by the defendant pursuant to current law without first clearly identifying themself and identifying the full name of the agency by whom they are employed, and identifying whether they represent, or have been retained by, the prosecution or the defendant. Under current law, if an interview takes place in person, the party is also required to show the victim or witness a business card, official badge, or other form of official identification before commencing the interview or questioning. This bill would require a peace officer, as defined, a prosecuting attorney, or an investigator for the prosecution, prior to interviewing a family member of a person who has been killed or seriously injured by a peace officer, to clearly identify themself, if the interview takes place in person, to show identification, and to state specified information, including that the family member has the right to ask about the status of their family member prior to answering questions, has the right to remain silent, and before speaking with the interviewer, can consult with a trusted person and can have that person with them while they speak to the interviewer.
Status: 8/19/2024-Read second time. Ordered to third reading.

AB 3027 (Bains) Crime: transnational repression
Amended: 4/17/2024
Summary: Would state that it is the policy of the state to protect individuals and organizations against transnational repression and would define that term to mean the actions of a foreign government or agents of a foreign government involving the transgression of national borders in order to intimidate, silence, coerce, harass, or harm members of diaspora and exile communities or organizations that advocate for individuals in diaspora and exile communities in order to prevent their exercise of their human rights, as defined. The bill would specify that it is the policy of the state to pursue criminal prosecutions against those who engage in transnational repression and to provide support services to victims who are targeted by transnational repression, among other things.
Status: DEAD

AB 3038 (Essayli) School safety: armed school resource officers.
Amended: 4/1/2024
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. By imposing an additional requirement on school districts and charter schools, the bill would impose a state-mandated local program.
Status: DEAD

AB 3241 (Pacheco) Law enforcement: police canines.
Amended: 8/15/2024
Summary: This bill would require the commission, on or before July 1, 2026, to study and issue recommendations to the Legislature on the use of canines by law enforcement, as specified. This bill contains other related provisions and other existing laws.
Status: 8/19/2024-Read second time. Ordered to third reading.

SB 989 (Ashby) Domestic violence: deaths.
Amended: 8/22/2024
Summary: Current law generally prohibits a copy, reproduction, or facsimile of any kind of a photograph, negative, or print, including instant photographs and video recordings, of the body, or any portion of the body, of a deceased person, taken by or for the coroner at the scene of death or in the course of a postmortem examination or autopsy, from being made or disseminated. Current law authorizes the use of a copy, reproduction, or facsimile described above in specified circumstances, including for use in a potential civil action if the coroner receives written authorization from a legal heir or representative of that person before the civil action is filed or while the action is pending. Current law requires the identity of the legal heir to be verified by, including other things, a declaration under the penalty of perjury that the individual is a legal heir or representative of the deceased person. This bill would additionally authorize a family member of the deceased, as defined, to provide the coroner

with written authorization for use or potential use of a copy, reproduction, or facsimile described above in a civil action or proceeding that relates to the death of that person.
Status: 8/28/2024-Assembly amendments concurred in. (Ayes 39. Noes 0.) Ordered to engrossing and enrolling.

SB 1020 (Bradford) Law enforcement agency regulations: shooting range targets.
Amended: 3/19/2024
Summary: Current law requires law enforcement agencies to maintain specified policies, including policies regulating the use of force and the use of certain defensive weapons. Current law requires each peace officer to complete all pre-service and in-service training mandated by the Commission on Peace Officer Standards and Training. This bill would require each law enforcement agency and police academy to prohibit the use, as specified, of ethnic shooting targets, as defined.
Status: 8/28/2024-In Senate. Ordered to engrossing and enrolling.

SB 1122 (Seyarto) Peace officers: educational requirements.
Amended: 3/18/2024
Summary: Current law requires the office of the Chancellor of the California Community Colleges to develop a modern policing degree program, with the Commission on Peace Officer Standards and Training and other stakeholders to serve as advisors, as specified, and to submit a report on recommendations to the Legislature outlining a plan to implement the program on or before June 1, 2023. Current law requires the report to include, among other things, recommendations to include both the modern policing degree program and a bachelor's degree in the discipline of their choosing as minimum education requirements for employment as a peace officer. Current law requires the commission to adopt the recommended criteria within 2 years of when the office of the Chancellor of the California Community Colleges submits its report to the Legislature. This bill would specify that a bachelor's degree or an associate's degree required for employment as a peace officer under these provisions may be obtained after completion of the Peace Officer Standards and Training program and within 36 months of employment as a peace officer.
Status: 6/13/2024-Assembly Desk

SB 1264 (Grove) Employment discrimination: cannabis use
Amended: 4/29/2024
Summary: Current law prohibits an employer from discriminating against a person in hiring, termination, or a term or condition of employment, or otherwise penalizing a person because of the person's use of cannabis off the job and away from the workplace or an employer-required drug screening test that has found the person to have nonpsychoactive cannabis metabolites in their hair, blood, urine, or other bodily fluids. Current law exempts certain applicants and employees from those provisions, including applicants and employees hired for positions that require a federal government background investigation or security clearance, as specified. This bill would exempt from the provision prohibiting employers from discriminating against a person for use of cannabis off the job and away from the workplace applicants and employees in

sworn positions within law enforcement agencies who have certain functions, including functions related civil enforcement matters or coroner functions.
Status: DEAD

SB 1489 (McGuire) Peace officers: Peace Officer Standards Accountability Advisory Board
Amended: 3/20/2024
Summary: Current law creates the Peace Officer Standards Accountability Advisory Board, the Commission on Peace Officer Standards and Training, and the Peace Officer Standards Accountability Division. Current law requires the board to report annually on the activities of the division, board, and commission relating to peace officer certification, including the number of applications for certification, the events reported, the number of investigations conducted, and the number of certificates surrendered or revoked. This bill would require the board to prepare the report no later than February 1 of each year.
Status: 8/15/2024-From consent calendar on motion of Assembly Member Aguiar-Curry. Ordered to third reading.

SB 1518 (Committee on Public Safety) Public Safety Omnibus
Amended: 8/8/2024
Summary: Current law requires law enforcement agencies to provide victims with specified information about victims' rights and resources. This bill would fix an erroneous cross-reference in these provisions. This bill contains other related provisions and other existing laws.
Status: 8/27/2024-Enrolled and presented to the Governor at 2 p.m.

AGENDA ITEM REPORT

Title: REPORT ON PROPOSED CHANGES TO COMMISSION REGULATION 1005 REGARDING CONTINUING PROFESSIONAL TRAINING (CPT) MITIGATION REQUIREMENTS

REPORT PROFILE

MEETING DATE 09/12/2024	**BUREAU SUBMITTING THE REPORT** Training Delivery and Compliance Bureau	
RESEARCHED BY Kristoffer Gerolaga		**REVIEWED BY** Thomas Chalk
REPORT DATE 09/12/2024	**APPROVED BY** Manuel Alvarez, Jr.	**DATE APPROVED** 08/27/2024
PURPOSE		**FINANCIAL IMPACT** No

ISSUE, BACKGROUND, ANALYSIS, & RECOMMENDATION

ISSUE:

When a peace officer or public safety dispatcher is unable to complete the Continuing Professional Training (CPT) requirement of 24 or more hours in a two-year cycle due to qualifying mitigating factors, there is currently no ability for law enforcement departments to report mitigated individuals to POST.

BACKGROUND:

Commission Regulation 1005 requires that every peace officer (other than a Level III Reserve Peace Officer), every Public Safety Dispatcher, and every Public Safety Dispatch Supervisor shall satisfactorily complete the CPT requirement of 24 or more hours of POST-qualifying training during every two-year CPT cycle, as specified in subsection 1005(d)(2), which begins on January 1 of odd years and ends December 31 of even years.

The purpose of CPT is to maintain, update, expand, and/or enhance an individual's knowledge and/or skills. This includes the training required for the POST Perishable Skills Program.

ANALYSIS:

POST currently reports CPT compliance through the POST Electronic Data Interchange (EDI). However, officers and public safety dispatchers who are unable to complete the 24-hours of CPT training requirement within the two-year cycle due to qualifying mitigating factors, are not identified in EDI. As a means for transparent reporting of compliance with training

mandates, and to allow for departmental reporting of mitigated individuals, POST staff propose the following:

- Add CPT mitigation to an on-going report of CPT compliance on the POST website, by department, which identifies the percentage of officers and public safety dispatchers currently in compliance with the CPT mandate based upon previous CPT cycles.

- Amend Commission Regulation 1005 (d)(4) to require each POST participating department to identify, via the POST Electronic Data Interchange (EDI), those officers and dispatchers who are unable to complete the CPT training requirements due to qualifying mitigating factors.

- Amend Commission Regulation 1005 (d)(4)(A), to define qualifying mitigating factors as the following: Administrative Leave, Family Leave, Family Medical Leave Act (FMLA), Limited Duty, Long Term Disability, Medical Leave, Military Leave, Retirement, and Worker's Compensation.

- Adopt proposed Commission Regulation 1005 (d)(4)(B) to identify that qualifying mitigating factors listed in subsection (d)(4)(A) relate to personnel matters. Therefore, departments shall not identify or report to POST the mitigating factor for each individual.

Attached to this agenda item is an example of the POST CPT Compliance Dashboard, and samples of the EDI CPT Mitigation webpage for departments to enter mitigated individuals or remove them if compliance is achieved after the mitigation has been entered.

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

ATTACHMENT(S):
Attachment_A_TPRA_Reg1005_v3.pdf

Attachment_B_EDI_Entry_CPT_Mitigation_Add_v3.pdf
Attachment_C_EDI_Entry_CPT_Mitigation_Removal_v3.pdf
Attachment_D_Peace_Officer_Continuing_Professional_Training.pdf

11 CCR § 1005

§ 1005. Minimum Standards for Training. (Refer to Commission Regulation 1007 and Commission Procedure H for Reserve Peace Officer Training Standards).

(a)-(c) Remain Unchanged

(d) Continuing Professional Training (CPT) (Required) CPT is required for certain peace officer and dispatcher personnel who are employed by POST participating departments. The purpose of CPT is to maintain, update, expand, and/or enhance an individual's knowledge and/or skills. CPT is training that exceeds the training required to meet or requalify in entry-level minimum standards. Qualifying and non-qualifying courses are described in Subsection 1005(d)(3) below.

(1) Requirement

Every peace officer (other than a Level III Reserve Peace Officer), every Public Safety Dispatcher, and every Public Safety Dispatch Supervisor shall satisfactorily complete the CPT requirement of 24 or more hours of POST-qualifying training during every two-year CPT cycle, based on the statewide CPT Anniversary Date as specified in Subsection 1005(d)(2) below. Completion by jail deputies of in-service training required by Standards and Training for Corrections (STC) for custodial officers [Section 100 et seq. of Title 15] is considered to meet the POST CPT requirement.

Effective January 1, 2009, certain peace officers in specific duty assignments must satisfy a portion of the CPT requirement by completing Perishable Skills training as specified in Subsection 1005(d)(4).

(2) Determination of Two-Year Cycle

The beginning date for the two-year CPT cycle for all POST participating agencies will be January 1, 2009.

(A) CPT Cycle Start

Effective January 1, 2009, the CPT Anniversary Date is used to start a peace officer's or dispatcher's CPT training cycle. The actual CPT cycle will start only after the employing department is an authorized participant in the POST Program.

1. One Time Transition Period

For purposes of implementing the CPT Anniversary Date, a transition period, with no CPT requirement, is granted to all personnel appointed to any California peace officer or dispatcher position identified in subsection 1005(d)(1).

2. First-Time Appointments

A grace period with no CPT requirements, is granted when an individual is appointed for the first time to one of the subsection 1005(d)(1) positions. This grace period is the time period between the individual's appointment date and the first occurrence of the CPT Anniversary Date. It is granted to allow completion of entry-level requirements that do not count towards CPT.

3. Reappointments/Lateral Transfers

A grace period, with no CPT requirement, is granted for an individual rehired into one of the subsection 1005(d)(1) positions with the same department or who transfers to a different department. This grace period is the time between the date reappointed and the next cycle CPT Anniversary Date.

4. Reappointments

A grace period, with no CPT requirement, is granted for an individual rehired into one of the subsection 1005(d)(1) positions with the same department. This grace period is the time between the date reappointed and the next cycle CPT Anniversary Date.

(B) Status Changes

As the CPT Anniversary Date is a statewide permanently assigned date, it does not change with status changes within a peace officer or dispatcher classification series (e.g., promotion, lateral transfer, probation, military leave, or administrative leave, etc.)

(C) Dual Employment

In some situations, an individual may have dual employment as a peace officer/peace officer, a dispatcher/dispatcher, or as a peace officer and a dispatcher.

1. Within the Same Classification

The same requirement applies to a dispatcher working for two departments simultaneously. The individual holding two positions in the same classification (i.e., dispatcher/dispatcher classification) shall be held to the statewide CPT cycle.

2. Within Two Different Classifications

The same requirement applies to an individual employed as a

peace officer and a dispatcher whether within the same or different departments (e.g., a peace officer who is also a dispatcher). In such cases, the CPT remains separate for the peace officer job and the dispatcher job. The CPT training must be job-related to qualify. See the examples in subsection 1005(a)(2)(C)3.

3. Dual CPT Credit POST-certified training courses attended by an individual in dual employment, such as a peace officer and dispatcher, may count for CPT credit for both positions / classifications if the training course is job related for both a peace officer and a dispatcher. For example, a Tactical Shotgun course would not qualify as CPT for dispatchers. A Missing Persons course is job-related for both dispatcher and peace officer classifications and would qualify for dual CPT credit.

(D) CPT Training in Excess of 24 Hours

POST-qualifying CPT training in excess of 24 hours during a two-year cycle shall not be credited toward any future or prior CPT cycles.

(3) Qualifying and Non-Qualifying Training

Subsection 1005(d) CPT requirement is met by satisfactory completion of one or more POST-certified courses totaling a minimum of 24 hours, as referenced below.

(A) While recommended topics for CPT are listed in Commission Procedure D-2, POST-certified training courses may be used for CPT credit, with the exception of the following POST-certified courses that do not qualify for CPT:

Regular Basic Course -- Standard Format
Regular Basic Course -- Modular Format (all components)
Field Training Program
District Attorney Investigator Transition Course
Specialized Investigators' Basic Course
PC 832, Arrest and Firearms Course
Coroners' Death Investigation Course
Campus Law Enforcement Course
Aviation Security Course
Public Safety Dispatcher's Basic Course
POST Requalification Course
POST Workshops (those designed to provide input or advice to POST)
Field Management Training
Team Building Workshops

(B) The CPT requirement may be satisfied by an alternative method of

compliance as determined by the Commission, i.e., non-POST-certified courses (refer to Commission Regulation 1060 and Commission Procedure D-2-3).

(4) Reporting of CPT Mitigation

Effective for CPT cycles starting on or after January 1, 2025, the employing department shall indicate in the Electronic Data Interchange (EDI), those peace officers and public safety dispatchers who had a qualifying mitigating factor impacting their ability to complete all required CPT training within the cycle, as required in subsection (d)(1). Departments shall enter each individual subject to mitigation no later than 90 days following completion of the cycle.

(A) Qualifying mitigating factors are the following: Administrative Leave, Family Leave, Family Medical Leave Act (FMLA), Limited Duty, Long Term Disability, Medical Leave, Military Leave, Retirement, and Worker's Compensation.

(B) Qualifying mitigating factors listed in subsection (d)(4)(A) relate to personnel matters. Therefore, departments shall not identify or report to POST the mitigating factor for each individual.

~~(4)~~ (5) Perishable Skills Requirements for CPT

Effective January 1, 2002, all peace officers (except reserve officers and jail deputies) below the middle management position are required to complete Perishable Skills training. In-lieu of completing the training, the requirement may be met by successfully passing a presenter-developed test that measures the approved training objectives.

*** (A)-(C) Remain Unchanged***

Credits

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.

CPT Mitigating Factors

Departments with peace officers and public safety dispatchers who were unable to complete the Continuing Professional Training (CPT) requirements, including Perishable Skills, can use the form below to indicate the mitigated individual impacted for the current 2-year CPT cycle. This data will be used to adjust the agency statistics published on the POST website data warehouse. For more information on the CPT and PSP requirements, see regulation 1005(d).

Qualifying mitigating factors are the following: Administrative Leave, Family Leave, Family Medical Leave Act (FMLA), Limited Duty, Long Term Disability, Medical Leave, Military Leave, Retirement, and Worker's Compensation.

The qualifying mitigating factors listed above relate to personnel matters. Therefore, departments shall not identify or report to POST the mitigating factor for each individual.

Enter Officer POST ID: A11-P64 Search

Name: SAMUEL SPADE

POST ID: A11-P64

CPT Cycle: 01/01/2025 - 12/31/2026

You are attesting that this individual has a qualifying mitigating factor for the entirety of the current CPT cycle.

Add As Mitigated Individual

CPT Mitigating Factors

Departments with peace officers and public safety dispatchers who were unable to complete the Continuing Professional Training (CPT) requirements, including Perishable Skills, can use the form below to indicate the mitigated individual impacted for the current 2-year CPT cycle. This data will be used to adjust the agency statistics published on the POST website data warehouse. For more information on the CPT and PSP requirements, see regulation 1005(d).

Qualifying mitigating factors are the following: Administrative Leave, Family Leave, Family Medical Leave Act (FMLA), Limited Duty, Long Term Disability, Medical Leave, Military Leave, Retirement, and Worker's Compensation.

The qualifying mitigating factors listed above relate to personnel matters. Therefore, departments shall not identify or report to POST the mitigating factor for each individual.

Enter Officer POST ID: A11-P64 Search

Name: SAMUEL SPADE

POST ID: A11-P64

CPT Cycle: 01/01/2025 - 12/31/2026

By removing mitigation from this individual, you are attesting that this individual has the ability to complete CPT requirements for the current CPT cycle.

Remove As Mitigated Individual

Peace Officer CPT Statistics by Agency

Agency Name: All | County: All | Region: All | CPT Cycle: 2021-2022

Agency Name	CPT Cycle	Total Peace Officers	CPT Required	CPT Completed	CPT Mitigated	% of CPT Compliant
EXAMPLE AGENCY 80	2021-2022	9	9	4	2	66.67%
EXAMPLE AGENCY 544	2021-2022	9,204	9,204	6,321	8	68.76%
EXAMPLE AGENCY 233	2021-2022	700	700	503	1	72.00%
EXAMPLE AGENCY 331	2021-2022	37	26	20	0	76.92%
EXAMPLE AGENCY 485	2021-2022	15	15	11	1	80.00%
EXAMPLE AGENCY 421	2021-2022	46	46	37	0	80.43%
EXAMPLE AGENCY 560	2021-2022	16	16	11	2	81.25%
EXAMPLE AGENCY 50	2021-2022	290	290	233	10	83.79%
EXAMPLE AGENCY 356	2021-2022	1,899	1,899	1,594	5	84.20%
EXAMPLE AGENCY 306	2021-2022	13	13	10	1	84.62%
EXAMPLE AGENCY 252	2021-2022	639	574	490	0	85.37%
EXAMPLE AGENCY 153	2021-2022	127	127	105	6	87.40%
EXAMPLE AGENCY 266	2021-2022	9	9	8	0	88.89%
EXAMPLE AGENCY 358	2021-2022	197	197	163	14	89.85%
EXAMPLE AGENCY 491	2021-2022	13	13	12	0	92.31%
EXAMPLE AGENCY 248	2021-2022	45	45	42	0	93.33%
EXAMPLE AGENCY 408	2021-2022	60	60	53	3	93.33%
EXAMPLE AGENCY 392	2021-2022	251	251	233	2	93.63%
EXAMPLE AGENCY 211	2021-2022	110	110	101	2	93.64%
EXAMPLE AGENCY 35	2021-2022	9,137	9,137	8,546	16	93.71%
EXAMPLE AGENCY 391	2021-2022	223	223	210	0	94.17%
EXAMPLE AGENCY 468	2021-2022	162	162	150	3	94.44%
EXAMPLE AGENCY 361	2021-2022	59	59	56	0	94.92%
Total		**81,358**	**77,248**	**71,434**	**2606**	**95.85%**

CPT Table | CPT Chart

Data Last Refreshed: 2/2

AGENDA ITEM REPORT

Title: REPORT ON PEACE OFFICER REVOCATIONS BASED ON FELONY CONVICTIONS

REPORT PROFILE

MEETING DATE 09/12/2024	**BUREAU SUBMITTING THE REPORT** Intake and Disposition Bureau	
RESEARCHED BY Sarah Wallace	**REVIEWED BY** Annemarie Del Mugnaio	
REPORT DATE 08/21/2024	**APPROVED BY** Manuel Alvarez, Jr.	**DATE APPROVED** 08/21/2024
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_September24_Commission.pdf

1029 Revocation List – September 2024 POST Commission Meeting

Last Name	First Name	Last Employing Agency	District	Date of Conviction or Judgement	Conviction
Conrad	Jeremy L.	Tulare County SO (last employed 07/06/2021)	Central	January 30, 2024	Felony, Vehicle Code section 10851(a), Driving or Taking a Vehicle without Consent
Contreras	Arthur Andrew	Los Angeles PD	Los Angeles County	March 28, 2024	Felony, Penal Code section 245(a)(4), Assault by Means of Force Likely to Produce Great Bodily Injury
Felton	Ryan	Baldwin Park PD (last employed 02/05/2021)	Los Angeles County	September 19, 2022	Misdemeanor, Penal Code section 149, Assault by a Public Officer
Gorgulu	Erdem	San Bernardino County SD (last employed 08/25/2020)	South	February 20, 2024	Misdemeanor, Penal Code section 149, Assault by a Public Officer Misdemeanor, Penal Code section 118.1, Filing a False Report
Hernandez	Frank A.	Los Angeles PD (last employed 05/09/2021)	Los Angeles County	August 29, 2022	Felony, Penal Code section 149, Assault by a Public Officer

Kahmann	Christopher A.	Santa Monica PD (Last employed 06/21/2022)	Los Angeles County	May 10, 2022	Felony, 26 U.S.C. section 5861(d), Possession of Unregistered Firearms Felony, 18 U.S.C. section 2252A(a)(5)(B), (b)(2), Accessing with Intent to View Child Pornography
Murzea	Claudiu	Cathedral City PD	South	November 15, 2023	Misdemeanor, Penal Code section 135, Destroy or Conceal Evidence
Richey	Cory D.	San Diego County SD	South	August 10, 2023	Felony, Penal Code section 459, Burglary
Rodriguez	Scott T.	Los Angeles County SD (last employed 03/31/2022)	Los Angeles County	July 21, 2022	Felony, Penal Code section 311.11(a), Possession of Child or Youth Pornography
Salazar	Kevin Mike	Los Angeles County SD (last employed 05/19/2021)	Los Angeles County	October 24, 2023	Felony, Penal Code section 243(d), Battery with Serious Injury Felony, Penal Code section 245(a)(4), Assault with Force Likely to Produce Great Bodily Injury

Schiappapietra, Jr.	Miguel A.	Los Angeles PD (last employed 08/02/2013)	Los Angeles County	April 27, 2023	Felony, Penal Code section 647.6(c)(2), Annoying or Molesting a Child Under 18 with a Prior Sex Crime Conviction
Soto	Jose A.	San Diego County SD	South	December 6, 2023	Felony, Penal Code section 311.11(a), Possess Matter Depicting Person Under 18 in Sexual Conduct Felony, Penal Code section 288(a), Lewd Act Upon a Child Felony, Penal Code section 288.5(a), Continuous Sexual Abuse of a Child
Taylor	Henry J.	Shasta County SO (Last employed 10/10/2020)	North	November 1, 2023	Felony, Penal Code section 192(c)(1), Vehicular Manslaughter with Gross Negligence Two felony violations of Vehicle Code section 23105, Reckless Driving Causing Injuries to Another

Wereski	Allen	San Diego County SD	South	October 19, 2023	Felony, Penal Code section 4573.6, Possess Controlled Substance/Paraphernalia in Jail
Young	Shayne Thomas	Madera County SO	Central	October 12, 2023	Felony, Penal Code section 311.11(a), Possession of Child or Youth Pornography

AGENDA ITEM REPORT

Title: REPORT ON REQUEST TO AMEND THE CONTRACT FOR AXON ENTERPRISE, INC. - AXON EVIDENCE PROGRAM

REPORT PROFILE

MEETING DATE 09/12/2024	**BUREAU SUBMITTING THE REPORT** Peace Officer Standards Accountability Division	
RESEARCHED BY Chandler T. Knapp	**REVIEWED BY** Annemarie Del Mugnio	
REPORT DATE 08/29/2024	**APPROVED BY** Manuel Alvarez, Jr.	**DATE APPROVED** 08/29/2024
PURPOSE	**FINANCIAL IMPACT** Yes	

ISSUE, BACKGROUND, ANALYSIS, & RECOMMENDATION

ISSUE: Should the Commission authorize the Executive Director to amend the current Axon Enterprise, Inc. contract enabling POST to purchase additional licenses for the Evidence.com program to accept and store evidence for law enforcement agencies as related to the reporting of peace officer serious misconduct?

BACKGROUND: 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 secured a contract with Axon Enterprise Inc, to take in and store video evidence submitted by law enforcement agencies when reporting incidents of serious misconduct.

ANALYSIS: The original four-year contract amount was $230,400.00 for 50 software licenses plus evidence storage. The amendment requested herein would cover the remainder of the contract for FY 2024/25 and FY 2025/26 for the additional 20 licenses plus evidence storage at a cost of $56,380.80, bringing the total contact amount over four years to $286,780.80.

The additional licenses will enable new staff, both analysts and law enforcement consultants to access and analyze evidence within the Axon system. The contract before the Commission enables POST to accept and store evidence for law

enforcement agencies as related to the reporting of peace officer serious misconduct.

The amendment requested above covers the remaining 21 months of the contract and will increase the annual cost of the contract by $28,190.40 per year, thus bringing the annual cost for FY 2024/25 and FY 2025/26 to $85,790.40.

RECOMMENDATION:

POST staff recommends amending the contract with Axon Enterprise, Inc. to purchase 20 additional software licenses and the associated evidence storage capabilities.

The original Axon contract was executed for four-years (10/1/2022-6/30/2026) with a total cost of $230,400.00 for 50 licenses, plus evidence storage. As such, the original contract amount was under the $250,000 threshold requiring Commission review and approval, and was not submitted to the Commission for review. The amendment will increase the total contract amount by $56,380.00 over the next 18 months for a total contact amount of $286,780.80 which now exceeds the $250,000 threshold, and is therefore before the Commission for consideration.

ATTACHMENT(S):

Contract Request Axon 8-2024.pdf
Axon Contract.pdf
Axon - (20) DEMS Licenses - Contract Add On.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 secured a contract with Axon Enterprise Inc, to take in and store video evidence submitted by law enforcement agencies when reporting incidents of serious misconduct. The original contract term with Axon is four years, beginning in fiscal year (FY) 2022/23 extending through FY 2025/26. Now two years into the contract, POST staff within the Peace Officer Standards Accountability Division (POSAD) has more than doubled, thereby requiring additional licenses to access the system. POST needs an additional 20 licenses as soon as possible to enable staff to analyze and store evidence which is critical to the case processing responsibilities of POSAD. The original four-year contract amount was $230,400.00 for 50 software licenses plus evidence storage. The amendment requested herein would cover the remainder of the contract for FY 2024/25 and FY 2025/26 for the additional 20 licenses plus evidence storage at a cost of $56,380.80, bringing the total contact amount over four years to $286,780.80.

The contract before the Commission enables POST to accept and store evidence for law enforcement agencies as related to reporting of peace officer serious misconduct.

CONTRACTOR(S) NAME: Axon Enterprise Inc.

PROPOSED START/END DATE: October 1, 2022 to June 30, 2026

REQUESTED MAXIMUM CONTRACT AUTHORITY: $286,780.80

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	N/A under $250,000	N/A under $250,000	N/A under $250,000
Amount Previously Approved by Commission			
Final Contract Amount (<u>not</u> Commission approved amount)	$85,790.40*	$57,600.00	$57,600.00
Amounts Invoiced or Expended		$57,600.00	$57,600.00
Number of Courses Delivered, if applicable	N/A	N/A	N/A
Number of Students Attended, if applicable	N/A	N/A	N/A

<u>ADDITIONAL INFORMATION THE COMMISSION SHOULD KNOW:</u>

The initial four-year contract was under the $250,000.00 threshold required for Commission approval; therefore, the Commission did not approve the original contract. However, with the amendment requested above for the remaining 21 months of the contract, the contract amount will now exceed $250,000.00 by $36,780.80, for a contract total of $286,780.80. The requested amendment will increase the annual cost of the contract by $28,190.40 per year, thus bringing the annual cost for FY 2024/25 to $85,790.40* and FY 2025/26. The additional licenses will enable new staff, both analysts and law enforcement consultants to access and analyze evidence within the Axon system.

Purchase Order

Peace Officer Standards & Trng
860 Stillwater Road
Suite 100
West Sacramento CA 95605
United States

		Dispatch Via Print
Purchase Order 8120-0000002206	Date 09-06-2023	Revision
Payment Terms Net 45	Freight Terms FOB Destination-Freight PP	Ship Via COMMON
Buyer Batmanduul Batkhuyag	Phone 916/227-0539	Currency USD
LPA Contract ID: 7-17-70-42-05		

Supplier: 0000044111
AXON ENTERPRISE INC
17800 N 85TH ST
SCOTTSDALE AZ 85255-6311
United States

Ship To: 8120000001
860 Stillwater Road
Suite 100
West Sacramento
CA 95605
United States

Attention: Not Specified

Bill Code: 041900

Bill To: 860 Stillwater Road
Suite 100
West Sacramento CA 95605
United States

Certification#: Begin Date: Expiration: DVBE Begin Date: Expiration:

Tax Exempt? N Tax Exempt ID:

Line-Sch	Item/Description	Mfg ID	Quantity	UOM	PO Price	Extended Amt	Due Date
1 - 1	Video storage		1.00	ANN	57600.00	57600.00	09/06/2023

Schedule Total 57600.00

Item Total 57600.00

General Provisions are incorporated herein by reference to: Form GSPD - 401IT (revision date 6/21/2022). These documents can be viewed at: www.dgs.ca.gov/pd

**Q-411552-44803.761.TR **

** Year 2 of the contract **

** PLEASE PROVIDE INVOICES TO INVOICERECEIVED@POST.CA.GOV **

Total PO Amount 57600.00

I HEREBY CERTIFY, on personal knowledge, that this order for purchasing the items specified above is issued in accordance with the procedure prescribed by law governing the purchase of such items for the State of California; and that all such legal requirements have been fully complied with	
:	Authorizing Signature

State of California – Department of Justice
CONTRACT REQUEST
POST 1-238 (Rev 04/2022) – Page 1 of 2

SAVE RESET PRINT

Commission on
Peace Officer Standards and Training (POST)
860 Stillwater Road, Suite 100
West Sacramento, CA 95605-1630

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. Failure to provide any part of the requested information may delay processing of this application or result in an incomplete record. 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.

- Access this form in the POST Knowledge Library in All Form(s) then Internal POST Forms.
- Complete all applicable sections. Print the completed form and obtain all required signatures.
- **Please scan the signed copy and email along with attachments to:** contracts@post.ca.gov. *(See checklist in Section G for attachments.)*
- For assistance, contact your Contracts Officer in Administrative Services Bureau (ASB), Business Services Unit (BSU):

A. CONTRACT INFORMATION

1 PROJECT TITLE: Software for video storage and redaction

CONTRACT NUMBER
2. PROVIDED BY CONTRACT SERVICES: PO 1777

3. HAS POST CONTRACTED FOR THESE SERVICES BEFORE?
☐ Y ☒ N If yes, name of Contractor: Prior Contract No.:

4 CONTRACTOR NAME: Axon Enterprise Inc

5. TAXPAYER ID: *Required unless govt entity (federal/ state/local, including school districts)*

6 MAILING ADDRESS: 17800 N 85th Street City Scottsdale ST AZ Zip 85255

7. CONTRACTOR'S PROJECT MANAGER:

8 CONTACT NUMBER: Ext

9. EMAIL:

10 AUTHORIZED CONTRACT SIGNER
Print Full Name: Title:

11. TYPE OF CONTRACT REQUEST
☒ New ☐ Renew ☐ Amend

12. REASON FOR AMENDMENT (IF APPLICABLE)
☐ Time Extension ☒ Scope of Work ☐ Add Funding

13. CONTRACT PERIOD (MM/DD/YY)
From: 10/01/22 To: 06/30/26

B. FUNDING INFORMATION

14. LIST ALL FUNDING FOR AGREEMENT AND ANY AMENDMENTS

Fund Title	Item Number	FI$cal Program Code	Funding Amount	Fiscal Year YY/YY
GF 6500- standards (POSAD)	8120-002-0001	6500000255	$ 57,600.00	FY22/23
GF 6500- standards (POSAD)	8120-002-0001	6500000301	57,600.00	FY23/24
GF 6500- standards (POSAD)	8120-002-0001	6500000255	57,600.00	FY24/25
GF 6500- standards (POSAD)	8120-002-0001	6500000255	57,600.00	FY25/26

C. CONTRACT AMOUNT AND PAYMENT TERMS

15 SUBMITTED REQUEST
☒ Original/Current Amount: $ 249,999.00 ☐ Amended Amount: $ ☐ New Total Contract Amount: $ 249,999.00

16 COMMISSION APPROVAL – CHECK IF APPLICABLE
REQUIRED IF: ☐ Contract Over $250,000 ☐ Amended Amount Over $25,000

Date of Commission Approval Meeting: Agenda Item No.: **Approved Amount:** $

17. PAYMENT TERMS – CHECK ALL THAT APPLY
☒ Itemized Invoice ☐ Withhold Amount of 10% *(required for most non-Interagency Agreements)* ☐ Other: _____

Continues

D. ACQUISITION METHOD

18. SELECT ONE OF THE ACQUISITION METHODS LISTED BELOW

Attach: 1) Required bid/proposal information and a list of potential contractors – ***or*** 2) Provide justification.
Please obtain applicable documents from Contract Services (ASB).

Informal: ☐ Less than $10,000 ☐ Leverage Procurement Agreement (LPA) – *Document "fair and reasonable" (ie. market survey)*

Formal: ☐ Invitation for Bid (IFB) ☒ Request for Proposal (RFP) – *Primary or secondary*

Other: ☐ Non-Competitive Bid (NCB) ☐ Government Entity ☐ Grant

E. AUTHORIZATION

19. PROJECT OVERSIGHT

Requesting Bureau: ☐ ASB ☐ BTB ☐ CSB ☐ EXO ☐ LTR ☐ MCPB ☐ SCR ☐ TDC ☐ TPS ☒ SB2 ☐ HR

POST Program Manager *(print name)*: Brian South	Signature: Brian South Digitally signed by Brian South Date: 2022.08.23 09:35:14 -07'00'	Date:
PRINT FULL NAMES	**SIGNATURES**	**DATE (MM/DD/YY)**
Bureau Chief: Scott Campbell	▶Scott Campbell Digitally signed by Scott Campbell DN: cn=Scott Campbell, o=US, ou=POST - Peace Officer Standards Accountability Division, ou=Professional Conduct Bureau II, email=scott.campbell@post.ca.gov Date: 2022.08.23 10:13:10 -07'00'	
Budget Officer: Cheryl Smith	▶Cheryl Smith Digitally signed by Cheryl Smith DN: cn=Cheryl Smith, c=US, email=csmith@post.ca.gov Date: 2022.08.23 10:28:00 -07'00'	08/23/22
Assistant Executive Director: Annemarie Del Mugnaio	▶Annemarie Del Mugnaio Digitally signed by Annemarie Del Mugnaio Date: 2022.08.23 11:52:47 -07'00'	08/23/22
POST Contract Manager: Windy Kaiser	▶Windy Kaiser Digitally signed by Windy Kaiser Date: 2022.08.23 10:24:20 -07'00'	

F. BRIEF DESCRIPTION OF SERVICES

20. PROVIDE CONTRACT NUMBER, CONTRACT AMOUNT AND BRIEF DESCRIPTION

Contract Number: PO only

Contract Amount: $ 249,999.00

Detailed Description:

Vendor to provide storage capacity for the collection of multimedia files including large documents, photographs, audio, and video files. The files will generally be videos captured by in-car and body-worn cameras, but could also be Ring camera footage, cell phone videos, surveillance videos, and other types of the multimedia. These files may be numerous and significantly large (>10GB). The Mark43's SASS Cloud-based RMS platform allows 650 law enforcement agencies across the state to author initial and follow-up reports to POST and submit file attachments (documents) in support of investigations. While each investigation within the RMS product permits unlimited file attachments, individual file size is limited to 3GB per file, and the cloud-based software service performance degrades when large files are included within the overall case management

G. ELECTRONIC ATTACHMENTS CHECKLIST

NOTE: You MUST email a scanned *SIGNED* copy of this form AND email the following attachments *(if applicable)* to: contracts@post.ca.gov.

21. CHECK EACH APPLICABLE ATTACHMENT

☐ GC 19130 Justification (scanned PDF or Word File)
☐ Budget (Word File or Excel Spreadsheet)
☒ Scope of Work (Word File or SOW Template)
☐ Cost Reasonableness (Word File)
☐ NCB Justification (Word File)

Please indicate if approval will be needed by the governing entity (resolution, ordinance, etc.): ☐

Purchase Order

Peace Officer Standards & Trng
860 Stillwater Road
Suite 100
West Sacramento CA 95605
United States

Dispatched	Draft	Dispatch Via Print
Purchase Order 8120-0000001777	Date 09-06-2022	Revision
Payment Terms Net 45	Freight Terms FOB Destination-Freight PP	Ship Via Common Carrier
Buyer Kenya Smith	Phone	Currency USD
LPA Contract ID: 7-17-70-42-05		

Supplier: 0000044111
AXON ENTERPRISE INC
17800 N 85TH ST
SCOTTSDALE AZ 85255-6311
United States

Ship To: 860 Stillwater Road
Suite 100
West Sacramento
CA 95605
United States

Attention: Not Specified

Bill Code: 041900

Bill To: 860 Stillwater Road
Suite 100
West Sacramento CA 95605
United States

Certification#: Begin Date: Expiration: DVBE Begin Date: Expiration:

Tax Exempt? N Tax Exempt ID:

Line-Sch	Item/Description	Mfg ID	Quantity	UOM	PO Price	Extended Amt	Due Date
1 - 1	Video storage		1.00	ANN	57600.00	57600.00	09/06/2022

DIST: 1

Chartfields

Status	Percentage	PO Qty	Amount
Open	100.0000	1.0000	57600.000

GLUnit	Account	Alt-Acc	Fund	Dept	Program	BudRef	Product
8120	5362510	5362510000	0001	81200043	6500000255	002	2022

Details/Tax

BaseAmt	BaseCurrency	Currency	Location	Consigned
57600.000	USD	USD	8120000001	N

Schedule Total 57600.00

Item Total 57600.00

Total PO Amount 57600.00

I HEREBY CERTIFY, on personal knowledge, that this order for purchasing the items specified above is issued in accordance with the procedure prescribed by law governing the purchase of such items for the State of California; and that all such legal requirements have been fully complied with

Windy Kaiser

Digitally signed by Windy Kaiser
DN: cn=Windy Kaiser, c=US, o=POST, ou=ASB BSU, email=windy.kaiser@post.ca.gov
Date: 2022.09.07 08:59:54 -07'00'

Unauthorized

Authorizing Signature 9/6/2022

RFQ RESPONSE

Axon Enterprise, Inc.
17800 N 85th St.
Scottsdale, Arizona 85255
United States
VAT: 86-0741227
Domestic: (800) 978-2737
International: +1 800.978.2737

Q-411552-44803.761TR
Issued: 08/30/2022
Quote Expiration: 09/30/2022
Estimated Contract Start Date: 10/01/2022
Account Number: 517049
Payment Terms: N30
Delivery Method:

SHIP TO	BILL TO	SALES REPRESENTATIVE	PRIMARY CONTACT
860 Stillwater Road, Suite 100 860 Stillwater Road West Sacramento, CA 95605 USA	CA Commission on Peace Officer's Standards and Training 860 Stillwater Road West Sacramento CA 95605 USA Email:	Thom Ruseva-Mahan Phone: +1 4804148450 Email: tmahan@axon.com Fax: +1 4809993359	Brian South Phone: (916) 227-3909 Email: brian.south@post.ca.gov Fax:

Quote Summary

Program Length	48 Months
TOTAL COST	$230,400.00
ESTIMATED TOTAL W/ TAX	$230,400.00

Discount Summary

Average Savings Per Year	$1,031.25
TOTAL SAVINGS	$4,125.00

Payment Summary

Date	Subtotal	Tax	Total
Sep 2022	$57,600.00	$0.00	$57,600.00
Sep 2023	$57,600.00	$0.00	$57,600.00
Sep 2024	$57,600.00	$0.00	$57,600.00
Sep 2025	$57,600.00	$0.00	$57,600.00
Total	$230,400.00	$0.00	$230,400.00

$230,400

PO# 1777

COOP#
7-17-70-42.05

Quote Unbundled Price:	**$234,525.00**
Quote List Price:	**$234,525.00**
Quote Subtotal:	**$230,400.00**

Pricing

All deliverables are detailed in Delivery Schedules section lower in proposal

Item	Description	Qty	Term	Unbundled	List Price	Net Price	Subtotal	Tax	Total
A la Carte Software									
73618	CITIZEN FOR COMMUNITIES USER LICENSE	50	48		$9.00	$9.00	$21,600.00	$0.00	$21,600.00
73478	REDACTION ASSISTANT USER LICENSE	50	48		$9.00	$9.00	$21,600.00	$0.00	$21,600.00
ProLicense	Pro License Bundle	50	48		$39.00	$39.00	$93,600.00	$0.00	$93,600.00
UnlimAll	UNLIMITED BWC + 3RD-PARTY STORAGE	50	48		$39.00	$39.00	$93,600.00	$0.00	$93,600.00
A la Carte Services									
85144	AXON STARTER	1			$4,125.00	$0.00	$0.00	$0.00	$0.00
Total							**$230,400.00**	**$0.00**	**$230,400.00**

Delivery Schedule

Software

Bundle	Item	Description	QTY	Estimated Start Date	Estimated End Date
Pro License Bundle	73683	10 GB EVIDENCE.COM A-LA-CART STORAGE	150	10/01/2022	09/30/2026
Pro License Bundle	73746	PROFESSIONAL EVIDENCE.COM LICENSE	50	10/01/2022	09/30/2026
UNLIMITED BWC + 3RD-PARTY STORAGE	100185	UNLIMITED 3RD-PARTY STORAGE	50	10/01/2022	09/30/2026
UNLIMITED BWC + 3RD-PARTY STORAGE	73686	EVIDENCE.COM UNLIMITED AXON DEVICE STORAGE	50	10/01/2022	09/30/2026
A la Carte	73478	REDACTION ASSISTANT USER LICENSE	50	10/01/2022	09/30/2026
A la Carte	73618	CITIZEN FOR COMMUNITIES USER LICENSE	50	10/01/2022	09/30/2026

Services

Bundle	Item	Description	QTY
A la Carte	85144	AXON STARTER	1

Payment Details

Sep 2022

Invoice Plan	Item	Description	Qty	Subtotal	Tax	Total
Year 1	73478	REDACTION ASSISTANT USER LICENSE	50	$5,400.00	$0.00	$5,400.00
Year 1	73618	CITIZEN FOR COMMUNITIES USER LICENSE	50	$5,400.00	$0.00	$5,400.00
Year 1	85144	AXON STARTER	1	$0.00	$0.00	$0.00
Year 1	ProLicense	Pro License Bundle	50	$23,400.00	$0.00	$23,400.00
Year 1	UnlimAll	UNLIMITED BWC + 3RD-PARTY STORAGE	50	$23,400.00	$0.00	$23,400.00
Total				**$57,600.00**	**$0.00**	**$57,600.00**

Sep 2023

Invoice Plan	Item	Description	Qty	Subtotal	Tax	Total
Year 2	73478	REDACTION ASSISTANT USER LICENSE	50	$5,400.00	$0.00	$5,400.00
Year 2	73618	CITIZEN FOR COMMUNITIES USER LICENSE	50	$5,400.00	$0.00	$5,400.00
Year 2	85144	AXON STARTER	1	$0.00	$0.00	$0.00
Year 2	ProLicense	Pro License Bundle	50	$23,400.00	$0.00	$23,400.00
Year 2	UnlimAll	UNLIMITED BWC + 3RD-PARTY STORAGE	50	$23,400.00	$0.00	$23,400.00
Total				**$57,600.00**	**$0.00**	**$57,600.00**

Sep 2024

Invoice Plan	Item	Description	Qty	Subtotal	Tax	Total
Year 3	73478	REDACTION ASSISTANT USER LICENSE	50	$5,400.00	$0.00	$5,400.00
Year 3	73618	CITIZEN FOR COMMUNITIES USER LICENSE	50	$5,400.00	$0.00	$5,400.00
Year 3	85144	AXON STARTER	1	$0.00	$0.00	$0.00
Year 3	ProLicense	Pro License Bundle	50	$23,400.00	$0.00	$23,400.00
Year 3	UnlimAll	UNLIMITED BWC + 3RD-PARTY STORAGE	50	$23,400.00	$0.00	$23,400.00
Total				**$57,600.00**	**$0.00**	**$57,600.00**

Sep 2025

Invoice Plan	Item	Description	Qty	Subtotal	Tax	Total
Year 4	73478	REDACTION ASSISTANT USER LICENSE	50	$5,400.00	$0.00	$5,400.00
Year 4	73618	CITIZEN FOR COMMUNITIES USER LICENSE	50	$5,400.00	$0.00	$5,400.00
Year 4	85144	AXON STARTER	1	$0.00	$0.00	$0.00
Year 4	ProLicense	Pro License Bundle	50	$23,400.00	$0.00	$23,400.00
Year 4	UnlimAll	UNLIMITED BWC + 3RD-PARTY STORAGE	50	$23,400.00	$0.00	$23,400.00
Total				**$57,600.00**	**$0.00**	**$57,600.00**

AXON ENTERPRISE, INC.
17800 NORTH 85TH STREET
SCOTTSDALE, AZ 85255

AXON

September 01, 2022

Kenya Smith
California Commission on Peace Officer Standards and Training
860 Stillwater Rd, Suite 100
West Sacramento, CA 95605-1630

DEAR MS. SMITH:

Every day, agencies attempt to merge new technologies with outdated systems to manage an influx of data, and as a result, agencies and their servers become overwhelmed. With California Commission on Peace Officer Standards and Training (POST) collecting more data than ever, having a scalable, cloud-based system to help manage and store your evidence should be a top priority. Instead of dedicating time and resources toward manual evidence entry and managing data from different systems—both of which can lead to inaccuracies and a compromised chain of custody—POST should be using a digital evidence management system (DEMS) to help automate these processes in a secure environment, all in one place. By utilizing Axon Enterprise, Inc.'s (Axon) DEMS, Axon Evidence, we can help POST take control of your data.

Axon currently partners with more than 15,100 agencies around the world to deliver innovative hardware and software solutions built for the public safety sector. With a dedicated research and development department and budget, we are focused on supporting our current technology and improving it for the future.

With the implementation of Axon Evidence, POST can have:

- Secure chain of custody for uploading, storing, and transferring digital evidence
- Immediate visibility of digital evidence from critical incidents in the field
- Seamless integration with existing devices and data systems
- Access to redaction tools, case building functionalities, and sharing platforms

The attached quote includes all of the items requested in the RFQ Attachment A.I, which are:

- 50 User licenses

- 50 Redaction licenses
- Unlimited multimedia / video storage
- On-Site Training

Our understanding of the desired workflow from the Scope of Work has prompted us to also include Axon Citizen user licenses.

Axon Citizen for Communities facilitates far-reaching and secure digital evidence collection from the public through shareable public web pages. In Axon Evidence, agencies can create public portals through which individuals can request private links to upload potential evidence files related to specific incidents in the community. Agencies can publicize their Axon Citizen for Communities portals through their website, social and news media, or other channels to encourage community involvement in the evidence collection process.

Axon Evidence scans all submitted files for viruses and ignores duplicate submissions to protect the system and save officers valuable time when reviewing evidence. Most notably, Axon Citizen for Communities provides an integrated Triage tool in Axon Evidence so agencies can sort through, review, and accept or decline public evidence submissions quickly.

If POST does not intend to use this functionality, Axon Citizen may be removed from the quote.

The total quote amount, including Axon Citizen, does not exceed the $249,999 specified in the Fiscal Considerations section of the RFQ.

If you have any questions regarding our proposal, pricing, or products, please contact Senior Proposal Manager Kyrie Endres by phone at 214.728.4241 (KE), or by email at kendres@axon.com. We look forward to working with POST to implement a comprehensive digital evidence management solution.

Sincerely,

Robert E. Driscoll, Jr.
VP, Associate General Counsel and Assistant Corporate Secretary

CLOUD-BASED VIDEO STORAGE AND REDACTION SOLUTION

CALIFORNIA COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

Submitted By: Axon Enterprise, Inc.
Address: 17800 N 85th Street Scottsdale, AZ 85255
Phone: 800.978.2737
Fax: 480.991.0791

ORIGINAL

AXON

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AXON

Tax is estimated based on rates applicable at date of quote and subject to change at time of invoicing. If a tax exemption certificate should be applied, please submit prior to invoicing.

Contract NASPO Contract No OK-MA-145-015 is incorporated by reference into the terms and conditions of this Agreement In the event of conflict the terms of Axon's Master Services and Purchasing Agreement shall govern

Standard Terms and Conditions

Axon Enterprise Inc Sales Terms and Conditions

Axon Master Services and Purchasing Agreement:

This Quote is limited to and conditional upon your acceptance of the provisions set forth herein and Axon's Master Services and Purchasing Agreement (posted at www.axon.com/legal/sales-terms-and-conditions), as well as the attached Statement of Work (SOW) for Axon Fleet and/or Axon Interview Room purchase, if applicable. In the event you and Axon have entered into a prior agreement to govern all future purchases, that agreement shall govern to the extent it includes the products and services being purchased and does not conflict with the Axon Customer Experience Improvement Program Appendix as described below

ACEIP

The Axon Customer Experience Improvement Program Appendix which includes the sharing of de-identified segments of Agency Content with Axon to develop new products and improve your product experience (posted at www.axon.com/legal/sales-terms-and-conditions), is incorporated herein by reference By signing below, you agree to the terms of the Axon Customer Experience Improvement Program

Acceptance of Terms.

Any purchase order issued in response to this Quote is subject solely to the above referenced terms and conditions. By signing below, you represent that you are lawfully able to enter into contracts If you are signing on behalf of an entity (including but not limited to the company municipality, or government agency for whom you work), you represent to Axon that you have legal authority to bind that entity If you do not have this authority please do not sign this Quote

Signature

Date Signed

8/30/2022

BIDDER DECLARATIONS FORM

State of California—Department of General Services, Procurement Division
GSPD-05-105 (REV 08/09)

Solicitation Number_____

BIDDER DECLARATION

1. Prime bidder information **(Review attached Bidder Declaration Instructions prior to completion of this form):**

   a. Identify current California certification(s) **(MB, SB, NVSA, DVBE):** _____ **or None** ☑ (If "None" go to Item #2)

   b. Will subcontractors be used for this contract? **Yes** ☐ **No** ☑ (If yes, indicate the distinct element of work your firm will perform in this contract e.g., list the proposed products produced by your firm, state if your firm owns the transportation vehicles that will deliver the products to the State, identify which solicited services your firm will perform, etc.). Use additional sheets, as necessary.

   c. If you are a California certified DVBE: (1) Are you a broker or agent? **Yes** ☐ **No** ☐
   (2) If the contract includes equipment rental, does your company own at least 51% of the equipment provided in this contract (quantity and value)? **Yes** ☐ **No** ☐ **N/A** ☐

2. If no subcontractors will be used, skip to certification below. Otherwise, list all subcontractors for this contract. (Attach additional pages if necessary):

Subcontractor Name, Contact Person, Phone Number & Fax Number	Subcontractor Address & Email Address	CA Certification (MB, SB, NVSA, DVBE or None)	Work performed or goods provided for this contract	Corresponding % of bid price	Good Standing?	51% Rental?
Not Applicable					☐	☐
					☐	☐
					☐	☐

CERTIFICATION: By signing the bid response, I certify under penalty of perjury that the information provided is true and correct.

Page____ of____

STATE OF CALIFORNIA
PARTICIPATING ADDENDUM NO. 7-17-70-42-05
PUBLIC SAFETY VIDEO EQUIPMENT
Oklahoma NASPO ValuePoint Master Agreement No. OK-MA-145-015
Axon Enterprise, Inc. (Contractor)

This Participating Addendum Number 7-17-70-42-05 is entered into between the state of California, Department of General Services (hereafter referred to as "State" or "DGS") and Axon Enterprise, Inc. (hereafter referred to as "Contractor") under the lead state of Oklahoma NASPO ValuePoint Master Agreement Number OK-MA-145-015.

1. **SCOPE**

   A. This Participating Addendum covers the purchase of Public Safety Video Equipment under the Oklahoma NASPO ValuePoint Master Agreement. The Oklahoma NASPO ValuePoint Master Agreement Number OK-MA-145-015 is hereby incorporated by reference. Product/service categories included under this Participating Addendum are identified in Section 5 (Available Products and Services).

   B. This Participating Addendum is available for use by California State agencies and local governments. A local government is defined as any city, county, city and county, district, or other local governmental body, school district or corporation empowered to expend public funds. The State Agency Listing (https://www.ca.gov/agenciesall/) provides a comprehensive list of state agencies.

   C. Each local government is to make its own determination whether this Participating Addendum and the Oklahoma NASPO ValuePoint Master Agreement are consistent with its procurement policies and regulations.

2. **TERM**

   A. The term of this Participating Addendum shall begin upon signature approval by the State and will end January 31, 2020, or upon termination by the State, whichever occurs first.

   B. Lead State amendments to extend the NASPO ValuePoint Master Agreement term date are automatically incorporated into this Participating Addendum.

   C. Order placement and execution shall be on or before the expiration of this Participating Addendum. However, delivery of products or completion of services may be after the Participating Addendum expiration date.

3. **TERMS AND CONDITIONS/INCORPORATION OF DOCUMENTS**

   A. Terms and conditions listed below are hereby incorporated by reference and made a part of this Participating Addendum as if attached herein and shall apply to the purchase of goods or services made under this Participating Addendum.

1) General Provisions – Information Technology (GSPD-401IT) effective 9/5/2014. This document can be viewed on the DGS Procurement Division website (https://www.dgs.ca.gov/PD/Resources/Page-Content/Procurement-Division-Resources-List-Folder/Model-Contract-Language).

2) Cloud Computing-Software as a Service (SaaS) General Provisions effective 6/7/2019. This document can be viewed on the DGS Procurement Division website (https://www.dgs.ca.gov/PD/Resources/Page-Content/Procurement-Division-Resources-List-Folder/Model-Contract-Language).

3) Cloud Computing Special Provisions for Software as a Service (SaaS) effective 03/15/18. This document can be viewed on the DGS Procurement Division website (https://www.dgs.ca.gov/PD/Resources/Page-Content/Procurement-Division-Resources-List-Folder/Model-Contract-Language).

4) Cloud Computing Special Provisions for Infrastructure as a Service (IaaS) & Platform as a Service (PaaS), effective 05/11/16 6/8/2010. This document can be viewed on the DGS Procurement Division website (https://www.dgs.ca.gov/PD/Resources/Page-Content/Procurement-Division-Resources-List-Folder/Model-Contract-Language).

4. ORDER OF PRECEDENCE

In the event of any inconsistency between the articles, attachments, or provisions which constitute this agreement, the following descending order of precedence shall apply:

A. California Participating Addendum Number 7-17-70-42-05
B. Oklahoma NASPO ValuePoint Master Agreement Number OK-MA-145-015
C. Oklahoma Solicitation OK-MA-145 including all Addendums
D. Contractor's response to the Oklahoma Solicitation

5. AVAILABLE PRODUCTS AND SERVICES

A. The following product and service offerings from the Oklahoma NASPO ValuePoint Master Agreement Number OK-MA-145-015 are allowed under this Participating Addendum:

1) Band 1: Body Worn Video Cameras and Recording Devices
2) Band 2: Vehicle Mounted Video and Recording Devices
3) Band 3: Video Storage, Data Security, Software and Peripherals

6. **RESTRICTIONS/DISALLOWED PRODUCTS AND SERVICES (State Agencies Only)**

   A. Product and service categories available on mandatory California statewide contracts cannot be purchased from this Participating Addendum by State agencies without an exemption. As applicable, State agencies are responsible for obtaining an exemption from DGS or the California Department of Technology prior to issuing a purchase order. This restriction is not applicable to local governments.

   B. Installation services that fall within the definition of "public works" as defined in Public Contract Code, Section 1101 and Labor Code Section 1720 are disallowed under this cooperative agreement and must be procured by alternate means. This restriction is not applicable to local governments.

7. **PRICING**

   A. Contractor shall notify State Contract Administrator when NASPO ValuePoint lead state Contract Administrator has approved revisions to the Master Agreement Price List.

   B. The Price List shall include the following:

      1) Manufacturer Part Number or Item Number
      2) List Price
      3) Discount off List Price
      4) Contract Price

8. **EQUIPMENT ADDITIONS/DELETIONS**

   A. Contractor may add or delete equipment introduced or removed from the market by the manufacturer under the following conditions:

      1) Equipment is within existing awarded categories under the NASPO ValuePoint Master Price Agreement;
      2) Contractor has obtained prior approval from the Oklahoma NASPO ValuePoint Contract Administrator; and

   B. Contractor shall not add new categories or groups of equipment or services under this Participating Addendum that were not originally included in the Oklahoma NASPO Valuepoint Master Agreement.

9. **AUTHORIZED RESELLERS**

   Authorized Resellers are not available for this Participating Addendum.

10. ORDERING AGENCY RESPONSIBILITIES

A. State agency and local government use of this Participating Addendum is optional.

B. State agency and local governments must follow the ordering procedures outlined within the User Instructions guide, administered by the State Contract Administrator, to execute orders against this Participating Addendum.

11. DELIVERY

A. Delivery shall occur within 30 days after receipt of order, or as negotiated between ordering agency and contractor and included in the purchase order, or as otherwise stipulated in the NASPO ValuePoint Master Agreement.

B. Free On Board Destination (F.O.B.)

12. INVOICING AND PAYMENT

A. Payment terms for this Participating Addendum are net forty-five (45) days. Payment will be made in accordance with Paragraph 30 (Required Payment Date) of the GSPD-401IT terms and conditions.

B. Invoices shall be sent to the address identified in the Ordering Agency's purchase order. The State Participating Addendum Number and Ordering Agency Purchase Order Number shall appear on each invoice for all purchases placed under this Participating Addendum.

C. Contractor will accept the State of California credit card (CAL-Card) for payment of invoices.

13. USAGE REPORTING

A. Contractor shall submit usage reports on a quarterly basis to the State Contract Administrator for all California entity purchases using the report template attached hereto as Attachment A. The report is due even when there is no activity.

B. The DGS Contract Administrator reserves the right to modify this report and require Contractor to provide additional order information during the course of this Agreement.

C. The report shall be an Excel spreadsheet transmitted electronically to the DGS mailbox at PDCooperatives@dgs.ca.gov.

D. Any report that does not follow the required format or that excludes information will be deemed incomplete. Contractor will be responsible for submitting

corrected reports within five business days of the date of written notification from the State.

E. Tax must not be included in the report, even if it is on the purchase order.

F. Reports are due for each quarter as follows:

Reporting Period	Due Date
January 1 to March 31	April 30
April 1 to June 30	July 31
July 1 to September 30	October 31
October 1 to December 31	January 31

G. Failure to meet reporting requirements and submit the reports on a timely basis shall constitute grounds for suspension of this contract.

H. Time extensions may be approved only if all due reports have been submitted to the State.

14. ADMINISTRATIVE FEE

A. Contractor shall submit a check, payable to the State of California, remitted to the Cooperative Agreement Unit for the calculated amount equal to 1.25% of the sales for the quarterly period.

B. Contractor must include the Participating Addendum Number on the check. Those checks submitted to the State without the Participating Addendum Number will be returned to Contractor for additional identifying information.

C. Administrative fee checks shall be submitted to:

State of California
Department of General Services, Procurement Division
Attention: Cooperative Agreement Program
707 3rd Street, 2nd Floor, MS 2-202
West Sacramento, CA 95605

D. The administrative fee shall not be included as an adjustment to Contractor's NASPO ValuePoint Master Agreement pricing.

E. The administrative fee shall not be invoiced or charged to the Ordering Agency.

F. Payment of the administrative fee is due irrespective of payment status on orders or service contracts from a purchasing entity.

G. Administrative fee checks are due for each quarter as follows:

Reporting Period	Due Date
January 1 to March 31	April 30
April 1 to June 30	July 31
July 1 to September 30	October 31
October 1 to December 31	January 31

H. Failure to meet administrative fee requirements and submit fees on a timely basis shall constitute grounds for suspension of this contract.

15. CONTRACT MANAGEMENT

A. The primary Contractor Contract Manager for this Participating Addendum shall be as follows:

Contractor	Contract Manager
Name:	Allisa McDowell
Phone:	(800) 978-2737
Fax:	(480) 991-0791
Email	contracts@axon.com
Address:	17800 N. 85th Street Scottsdale, AZ 85255

B. The State Contract Administrator for this Participating Addendum shall be as follows:

State	Contract Administrator
Name:	Stacy Jarvis
Phone:	(916) 375-4378
Email	Stacy.Jarvis@dgs.ca.gov
Address:	State of California Department of General Services Procurement Division 707 Third Street, 2nd Floor, MS 2-202 West Sacramento, CA 95605

C. Should the contact information for either party change, the party will provide written notice with updated information no later than ten business days after the change.

16. TERMINATION OF AGREEMENT

The State may terminate this Participating Addendum at any time upon 30 days prior written notice to the Contractor. Upon termination or other expiration of this Participating Addendum, each party will assist the other party in orderly termination of the Participating Addendum and the transfer of all assets, tangible and intangible, as may facilitate the orderly, nondisrupted business continuation of each party. This provision shall not relieve the Contractor of the obligation to perform under any purchase order or other similar ordering document executed prior to the termination becoming effective.

17. AMENDMENT

No amendment or variation of the terms of this Participating Addendum shall be valid unless made in writing, signed by the parties and approved as required. No oral understanding or agreement not incorporated in the Participating Addendum is binding on any of the parties.

18. AGREEMENT

A. This Participating Addendum and the Master Agreement together with its exhibits and/or amendments, set forth the entire agreement between the parties with respect to the subject matter of all previous communications, representations or agreements, whether oral or written, with respect to the subject matter hereof. Terms and conditions inconsistent with, contrary or in addition to the terms and conditions of this Participating Addendum and the Master Agreement, together with its exhibits and/or amendments, shall not be added to or incorporated into this Participating Addendum or the Master Agreement and its exhibits and/or amendments, by any subsequent purchase order or otherwise, and any such attempts to add or incorporate such terms and conditions are hereby rejected. The terms and conditions of this Participating Addendum and the Master Agreement and its exhibits and/or amendments shall prevail and govern in the case of any such inconsistent or additional terms.

B. By signing below Contractor agrees to offer the same products/and or services as on the Oklahoma NASPO ValuePoint Master Agreement Number OK-MA-145-015, at prices equal to or lower than the prices on that contract.

C. IN WITNESS WHEREOF, the parties have executed this Participating Addendum as of the date of execution by both parties below.

STATE OF CALIFORNIA	**CONTRACTOR**
Department of General Services	Axon Enterprise, Inc.
Agency Name	*Contractor Name*
[signature] 10/3/2019	[signature] 7/31/19
Authorized Signature *Date Signed*	*Authorized Signature* *Date Signed*
Stephanie Lim, MA42 supervisor	Matt Marstad, VP Sales Operations
Printed Name/Title of Person Signing	*Printed Name/Title of Person Signing*
707 Third Street West Sacramento, CA 95605	17800 N. 85th Street Scottsdale, AZ 85255
Address	*Address*

APPENDIX

PROTECT LIFE

EXCEPTIONS & AXON MASTER SERVICES AND PURCHASING AGREEMENT

It is Axon's intent that its Master Services and Purchasing Agreement, which can be found at axon.com/sales-terms-and-conditions, and not the terms of the RFQ shall provide the definitive terms to govern any purchase resulting from this submission, except with respect to quantity, pricing, and technical specifications. Axon would be happy to negotiate these terms in good faith upon award.

THE AXON NETWORK



More than two decades ago, Axon created the first-ever less than lethal TASER energy weapon in hopes to provide the world with a safe and effective alternative to firearms. Since then, our product portfolio has expanded and now includes body-worn and in-car cameras, a suite of mobile applications, a cloud-based DEMS, and many other solutions aimed to create efficient workflows and improve public safety.

- AXON EVIDENCE
- AXON REDACTION STUDIO
- AXON AUTO-TRANSCRIBE
- AXON BODY AND FLEX
- AXON FLEET
- TASER ENERGY WEAPONS
- AXON SIGNAL
- AXON MOBILE APPS
- AXON CITIZEN
- AXON RESPOND
- AXON PERFROMANCE
- AXON RECORDS
- AXON DISPATCH
- AXON STANDARDS
- AXON AIR
- AXON INTERVIEW
- AXON MOBILE KITS
- AXON VIRTUAL REALITY
- THIRD-PARTY VIDEO SUPPORT
- AXON DATA SERVICES
- AUTO-TAGGING
- ARTIFICIAL INTELLIGENCE



/BE OBSESSED

We never want to develop or sell something that you don't want or need. We're obsessed with creating products that solve real problems and add value. If it doesn't benefit you, then we rethink what we're doing.

/AIM FAR

We want to reinvent the world to be a safer and better place. We've failed spectacularly a few times, but that's what you get when you aim for the stars. That's our final destination.

/WIN RIGHT

We are fiercely competitive and have an unquenchable thirst to win, but we don't think winning and doing the right thing are mutually exclusive. Our challenge is to make them synonymous and never compromise our integrity.

/OWN IT

We empower individuals to step up and take initiative. To be an owner and see things through to completion. That's the only way we've been able to succeed as a company, and it's the only way we will continue to grow.

/JOIN FORCES

Creating the future is a team sport. When a company scales globally in 40 different markets with multiple technology stacks ranging from wearables, cloud solutions, and energy weapons, you need teamwork. We're one global team committed to an audacious vision.

/EXPECT CANDOR

Candor gets critical issues elevated, puts truth on the table, and reaches the right answer faster. How can we be the best version of ourselves and the best company we can be, if we can't offer and be given critical feedback?



CEO / RICK SMITH

OUR IMPACT

At Axon, we are dedicated to transforming public safety through the use of technology, and remain focused on protecting life, preserving truth, and accelerating justice. Whether aiming to reduce lethal force incidents or helping to ensure there is a video for every critical moment, we are here to make sure everyone gets home safe.

AWARDS

100 BEST ARIZONA COMPANIES 2022

2022 Best Company OUTLOOK

2022 Best Teams SALES

Arizona's 2021 Most Admired Companies
AzBusiness

CERTIFICATIONS

CJIS

FedRAMP

U.S. Department of Homeland Security

FIPS 140-2 FIPS CRYPTOGRAPHY

FOUNDED	EMPLOYEES	HEADQUARTERS
1993	2,200+	Scottsdale, AZ


AXON

Axon Enterprise, Inc.
17800 N 85th St.
Scottsdale, Arizona 85255
United States
VAT: 86-0741227
Domestic: (800) 978-2737
International: +1.800.978.2737

Q-604871-45525.816DB

Issued: 08/21/2024

Quote Expiration: 09/30/2024

Estimated Contract Start Date: 10/01/2024

Account Number: 517049

Payment Terms: N30

Delivery Method:

SHIP TO	BILL TO
860 Stillwater Road, Suite 100 860 STILLWATER RD WEST SACRAMENTO, CA 95605-1684 USA	CA Commission on Peace Officer's Standards and Training 860 STILLWATER RD WEST SACRAMENTO CA 95605-1684 USA Email:

SALES REPRESENTATIVE	PRIMARY CONTACT
Daniel Birt Phone: Email: dbirt@axon.com Fax:	Megan Rushing Phone: (916) 227-3255 Email: Fax:

Quote Summary

Program Length	24 Months
TOTAL COST	$56,380.80
ESTIMATED TOTAL W/ TAX	$56,380.80

Discount Summary

Average Savings Per Year	$9.60
TOTAL SAVINGS	$19.20

Payment Summary

Date	Subtotal	Tax	Total
Sep 2024	$28,190.40	$0.00	$28,190.40
Sep 2025	$28,190.40	$0.00	$28,190.40
Total	**$56,380.80**	**$0.00**	**$56,380.80**

Quote Unbundled Price:	**$56,400.00**
Quote List Price:	**$56,400.00**
Quote Subtotal:	**$56,380.80**

Pricing

All deliverables are detailed in Delivery Schedules section lower in proposal

Item	Description	Qty	Term	Unbundled	List Price	Net Price	Subtotal	Tax	Total
A la Carte Software									
73618	AXON COMMUNITY REQUEST	20	24		$10.20	$10.20	$4,896.00	$0.00	$4,896.00
73478	AXON EVIDENCE - REDACTION ASSISTANT USER LICENSE	20	24		$10.20	$10.20	$4,896.00	$0.00	$4,896.00
ProLicense	Pro License Bundle	20	24		$40.80	$40.80	$19,584.00	$0.00	$19,584.00
UnlimAll	UNLIMITED BWC + 3RD-PARTY STORAGE	20	24		$56.30	$56.26	$27,004.80	$0.00	$27,004.80
Total							**$56,380.80**	**$0.00**	**$56,380.80**

Delivery Schedule

Software

Bundle	Item	Description	QTY	Estimated Start Date	Estimated End Date
Pro License Bundle	73683	AXON EVIDENCE - STORAGE - 10GB A LA CARTE	60	10/01/2024	09/30/2026
Pro License Bundle	73746	AXON EVIDENCE - ECOM LICENSE - PRO	20	10/01/2024	09/30/2026
UNLIMITED BWC + 3RD-PARTY STORAGE	100165	AXON EVIDENCE - STORAGE - THIRD PARTY UNLIMITED	20	10/01/2024	09/30/2026
UNLIMITED BWC + 3RD-PARTY STORAGE	73686	AXON EVIDENCE - STORAGE - UNLIMITED (AXON DEVICE)	20	10/01/2024	09/30/2026
A la Carte	73478	AXON EVIDENCE - REDACTION ASSISTANT USER LICENSE	20	10/01/2024	09/30/2026
A la Carte	73618	AXON COMMUNITY REQUEST	20	10/01/2024	09/30/2026

Shipping Locations

Location Number	Street	City	State	Zip	Country
1	860 STILLWATER RD	WEST SACRAMENTO	CA	95605-1684	USA

Payment Details

Sep 2024

Invoice Plan	Item	Description	Qty	Subtotal	Tax	Total
Year 1	73478	AXON EVIDENCE - REDACTION ASSISTANT USER LICENSE	20	$2,448.00	$0.00	$2,448.00
Year 1	73618	AXON COMMUNITY REQUEST	20	$2,448.00	$0.00	$2,448.00
Year 1	ProLicense	Pro License Bundle	20	$9,792.00	$0.00	$9,792.00
Year 1	UnlimAll	UNLIMITED BWC + 3RD-PARTY STORAGE	20	$13,502.40	$0.00	$13,502.40
Total				**$28,190.40**	**$0.00**	**$28,190.40**

Sep 2025

Invoice Plan	Item	Description	Qty	Subtotal	Tax	Total
Year 2	73478	AXON EVIDENCE - REDACTION ASSISTANT USER LICENSE	20	$2,448.00	$0.00	$2,448.00
Year 2	73618	AXON COMMUNITY REQUEST	20	$2,448.00	$0.00	$2,448.00
Year 2	ProLicense	Pro License Bundle	20	$9,792.00	$0.00	$9,792.00
Year 2	UnlimAll	UNLIMITED BWC + 3RD-PARTY STORAGE	20	$13,502.40	$0.00	$13,502.40
Total				**$28,190.40**	**$0.00**	**$28,190.40**

Tax is estimated based on rates applicable at date of quote and subject to change at time of invoicing. If a tax exemption certificate should be applied, please submit prior to invoicing.

Standard Terms and Conditions

Axon Enterprise Inc. Sales Terms and Conditions

Axon Master Services and Purchasing Agreement:

This Quote is limited to and conditional upon your acceptance of the provisions set forth herein and Axon's Master Services and Purchasing Agreement (posted at https://www.axon.com/sales-terms-and-conditions), as well as the attached Statement of Work (SOW) for Axon Fleet and/or Axon Interview Room purchase, if applicable. In the event you and Axon have entered into a prior agreement to govern all future purchases, that agreement shall govern to the extent it includes the products and services being purchased and does not conflict with the Axon Customer Experience Improvement Program Appendix as described below.

ACEIP:

The Axon Customer Experience Improvement Program Appendix, which includes the sharing of de-identified segments of Agency Content with Axon to develop new products and improve your product experience (posted at www.axon.com/legal/sales-terms-and-conditions), is incorporated herein by reference. By signing below, you agree to the terms of the Axon Customer Experience Improvement Program.

Acceptance of Terms:

Any purchase order issued in response to this Quote is subject solely to the above referenced terms and conditions. By signing below, you represent that you are lawfully able to enter into contracts. If you are signing on behalf of an entity (including but not limited to the company, municipality, or government agency for whom you work), you represent to Axon that you have legal authority to bind that entity. If you do not have this authority, please do not sign this Quote.

Signature

Date Signed

8/21/2024



AGENDA ITEM REPORT

Title: DELEGATION OF AUTHORITY TO THE EXECUTIVE DIRECTOR TO ACCEPT DEFAULT REVOCATION ORDERS

REPORT PROFILE

MEETING DATE 09/12/2024	**BUREAU SUBMITTING THE REPORT** Peace Officer Standards Accountability Division	
RESEARCHED BY Chandler T. Knapp/Chelsea Wijaya	**REVIEWED BY**	
REPORT DATE	**APPROVED BY** Manuel Alvarez, Jr.	**DATE APPROVED** 08/27/2024
PURPOSE	**FINANCIAL IMPACT** No	

ISSUE, BACKGROUND, ANALYSIS, & RECOMMENDATION

ISSUE: The Commission should consider delegating authority to the Executive Director to accept default revocation orders following the filing of an accusation for revocation or suspension wherein a respondent fails to respond to an accusation and file a notice of defense. Delegating this authority to the Executive Director will enable POST to enter the orders in a timely manner thereby bringing swift resolution to a case where the Commission has sought disciplinary action. The timely resolution of a case may prevent the respondent from being hired by another law enforcement agency within CA or another state where there is pending disciplinary action being sought by the Commission. Expediting the default decisions is in the best interest of public safety.

BACKGROUND: Upon the filing of an accusation by POST with the Attorney General's Office, the respondent is notified of their opportunity to request a full evidentiary hearing before an Administrative Law Judge. Pursuant to Government Code §11505(b), unless a written request for hearing is received by or on behalf of the respondent within 15 days after service upon the respondent of the accusation, POST may proceed upon the accusation without further proceedings. Currently, a default decision and revocation order is returned to the Commission for its consideration and adoption.

ANALYSIS: POST proposes the delegation of the Commission's authority to the Executive Director to accept default revocation orders following the filing of an accusation for revocation or

suspension of a peace officer's certification, where the respondent fails to file a notice of defense and contest the accusation. In other licensing schemes, the legislature has recommended such delegations in order to bring timely resolution to disciplinary matters where the licensee fails to respond or contest the licensing agencies proposed disciplinary action. Approval of this proposal would grant the Executive Director the ability to approve default orders for the revocation or suspension of a peace officer's certification thereby avoiding delay in waiting for a future Commission meeting to bring final resolution to a case.

RECOMMENDATION: Should the Commission concur, the appropriate action would be a **MOTION** to approve the Delegation of Authority to the Executive Director to Accept Default Revocation Orders.

AGENDA ITEM REPORT

Title: FINAL DECISION/STATUS OF SETTLEMENT DISCUSSIONS - POST2311496 - CESAR HAZEL DIAZ (POST ID: C68-U20)

REPORT PROFILE

MEETING DATE 09/12/2024	**BUREAU SUBMITTING THE REPORT** Peace Officer Standards Accountability Division	
RESEARCHED BY Chandler T. Knapp	**REVIEWED BY**	
REPORT DATE	**APPROVED BY** Manuel Alvarez, Jr.	**DATE APPROVED** 08/26/2024
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 Los Angeles School District Police Department on February 16, 2018. Respondent was promoted to a fulltime peace officer after graduating from the Los Angeles Police Academy on August 17, 2018. At the time of the incident before the Commission, he was assigned as a Los Angeles District School Police Officer. The Respondent resigned from the Los Angeles District Police Department on November 12, 2023, while holding the rank of police officer. The Respondent 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).

On June 12, 2024, the Commission reviewed the record and recommendation made by the Peace Officer Standards Accountability Advisory Board (POSAAB) wherein the POSAAB had recommended suspension of the Respondent's certification for a term of six months. The Commission deliberated and reviewed the record of the POSAAB and did not adopt its recommendation, but instead directed counsel to explore settlement terms based on specifically identified goals of the Commission.

ANALYSIS: On June 12, 2024, the Commission heard the case and

passed a motion directing counsel draft specified settlement terms and negotiate said terms with the respondent based on the goals identified in closed session.

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 as proposed by the Commission on Mr. Diaz's peace officer certification status.

RECOMMENDATION:

This matter is before the Commission to render a decision regarding the case of Cesar Hazel Diaz (Respondent); POST2311496. In accordance with the Commission's prior direction, staff entered into settlement discussions with respondent and has reached an agreement with Diaz to the terms proposed by the Commission. The Commission may consider the settlement as a final resolution in the matter as the Commission deems appropriate.

Conference with Legal Counsel/Deliberation: Pursuant to Government Code sections 11126(c)(3) and 11430.30(b) the Commission hereby provides public notice that it may meet in closed session to consider settlement proposals, and deliberate on decisions to be reached, in the following certification proceedings, as follows:

- Cesar Hazel Diaz – POST2311496 – Consideration of proposed settlement.

AGENDA ITEM REPORT

Title: FINAL DECISION/STATUS OF ACCUSATION FILING; DIVISION'S REQUEST FOR REVOCATION OF CERTIFICATION - POST2308479 - JUSTIN RAYMOND RAMIREZ (POST ID: C37-S81)

REPORT PROFILE

MEETING DATE	**BUREAU SUBMITTING THE REPORT**	
09/12/2024	Peace Officer Standards Accountability Division	
RESEARCHED BY	**REVIEWED BY**	
Chandler T. Knapp	Chandler T. Knapp/Chelsea Wijaya	
REPORT DATE	**APPROVED BY**	**DATE APPROVED**
09/12/2024	Manuel Alvarez, Jr.	08/27/2024
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. Following the filling of the accusation, POST notified the respondent of their opportunity to request a hearing before the Administrative Law Judge (ALJ). No request for hearing was received by POST within 15 days after service upon the Respondent of the accusation, thus POST is now proceeding with the revocation pursuant to Government Code §11505(b).

BACKGROUND:

The Respondent began his employment with the Orange County Sheriff's Department on July 15, 2013. He was promoted to a fulltime peace officer after graduating from the Sheriff's Academy on January 16, 2015. At the time of this incident before the POSAAB, he was assigned as a School Resource Officer. The Respondent resigned from the Orange County Sheriff's Department on December 14, 2022, while holding the rank of Deputy. The Respondent 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).

ANALYSIS:

Does the alleged conduct violate Penal Code Section 13510.8(b)(6) and California Regulation 1205(a)(6) – Acts that violate the law?

The Division's findings support that Respondent committed acts of serious misconduct, specifically Respondent committed acts that violate the law when Respondent, a Deputy Sheriff assigned as a School Resource Officer (SRO), showed harmful matter of a graphic and sexual nature, which depicts illicit drug use and graphic violence on his personal cell phone to a group of 14-year-old students. Respondent repeated such acts moments later by showing another group of 14-year year old students the same harmful matter.

After a criminal investigation conducted by the Orange County Sheriff's Department, Respondent was charged in the Orange County Superior Court with a misdemeanor violation of Penal Code section 313.1(a). On April 25, 2023, the court granted Respondent misdemeanor diversion pursuant to Penal Code section 1001.95.

Respondent appealed the Division's findings of grounds for revocation of the Respondent's certification. The case was heard before the Peace Officer Standards Accountability Advisory Board and the Commission, where both bodies agreed with the Division's findings and sought revocation of the Respondent's certification.

RECOMMENDATION:

This matter is before the Commission to render a final decision regarding the case of Justin Raymond Ramirez (Respondent); POST2308479. In accordance with the Commission's prior direction, staff filed an accusation requesting revocation of the Respondent's peace officer certification. Pursuant to Government Code §11505(b), the Commission may proceed with the revocation of the certification as no request for a hearing was received by POST, on behalf of the respondent, within the 15-day time frame provided by the Government Code. The Commission should consider adopting the default decision as a final resolution in the matter.

Conference with Legal Counsel/Deliberation: Pursuant to Government Code sections 11126(c)(3) and 11430.30(b) the Commission hereby provides public notice that it may meet in closed session to consider settlement proposals, and deliberate on decisions to be reached, in the following certification proceedings, as follows:

- Justin Raymond Ramirez – POST2308479 – Deliberation on default decision.

ATTACHMENT(S):

POST2308479_Ramirez_Justin_Default_Revocation_Order.pdf

BEFORE THE
COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING
STATE OF CALIFORNIA

In the Matter of the Accusation Against: **JUSTIN RAYMOND RAMIREZ** **Basic Certificate No. 184287** **Intermediate Certificate No. 140935** **Advanced Certificate No. 124388** Respondent.	Case No. 2308479 **DEFAULT DECISION AND ORDER** [Gov. Code, §11520]

FINDINGS OF FACT

1. On May 20, 2024, Complainant Manuel Alvarez, Jr., in his official capacity as the Executive Director of the Commission on Peace Officer Standards and Training, filed Accusation No. 2308479 against Justin Raymond Ramirez (Respondent) before the Commission on Peace Officer Standards and Training (Commission). (Accusation attached as Exhibit A.)

2. On August 22, 2016, the Commission issued Basic Certificate Number 184287 to Respondent; on July 4, 2019, the Commission issued Intermediate Certificate Number 140935 to Respondent; and on January 15, 2021, the Commission issued Advanced Certificate Number 124388 to Respondent (collectively "Certification"). On August 10, 2023, Complainant ordered the immediate temporary suspension of Respondent's Certification under Penal Code section 13510.8, subdivision (d), because, following Respondent's separation from employment as a peace officer during a pending investigation into allegations of serious misconduct, Complainant

determined that the temporary suspension was in the best interest of the health, safety, and welfare of the public.

3. On May 22, 2024, Respondent was served by Certified and First Class Mail copies of the Accusation No. 2308479, Statement to Respondent, Notice of Defense, Request for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and 11507.7) at Respondent's address of record which, pursuant to California Code of Regulations, title 11, section 1215, is required to be reported and maintained with the Commission. Additionally, a courtesy copy was sent via First Class Mail to Respondent's counsel, Robert L. Baumann, Esq., Ferrone Law Group, 4333 Park Terrace Dr., Ste. 800, Westlake Village, CA 91631.

4. Service of the Accusation was effective as a matter of law under the provisions of Government Code section 11505, subdivision (c).

5. Government Code section 11506, subdivision (c), states:

> The respondent shall be entitled to a hearing on the merits if the respondent files a notice of defense . . . and the notice shall be deemed a specific denial of all parts of the accusation . . . not expressly admitted. Failure to file a notice of defense . . . shall constitute a waiver of respondent's right to a hearing, but the agency in its discretion may nevertheless grant a hearing.

6. The Commission takes official notice of its records and the fact that Respondent failed to file a Notice of Defense within 15 days after service upon him of the Accusation, and therefore waived his right to a hearing on the merits of Accusation No. 2308479.

7. California Government Code section 11520, subdivision (a), states:

> If the respondent either fails to file a notice of defense . . . or to appear at the hearing, the agency may take action based upon the respondent's express admissions or upon other evidence and affidavits may be used as evidence without any notice to respondent . . . .

8. Pursuant to its authority under Government Code section 11520, the Commission finds Respondent is in default. The Commission will take action without further hearing and, based on the relevant evidence contained in the Default Decision Investigatory Evidence Packet in this matter, finds that the charges and allegations in Accusation No. 2308479, are separately and severally, found to be true and correct by clear and convincing evidence.

///

DETERMINATION OF ISSUES

1. Based on the foregoing findings of fact, Respondent Justin Raymond Ramirez has subjected his Certification to discipline.

2. The Commission has jurisdiction to adjudicate this case by default.

3. The Commission is authorized to revoke Respondent's Basic, Intermediate and Advanced Certificates based upon the following violations alleged in the Accusation which are supported by the evidence contained in the Default Decision Investigatory Evidence Packet:

a. Severe Misconduct, in violation of Penal Code section 13510.8, subdivision (b)(6), and California Code of Regulations, title 11, section 1205, because he committed acts that violate the law, specifically Penal Code section 313.1 (exhibition of "any harmful matter" to a minor), 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.

ORDER

IT IS SO ORDERED that Basic Certificate Number 184287, Intermediate Certificate Number 140835, and Advanced Certificate Number 124388 issued to Respondent Justin Raymond Ramirez, are revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The Commission in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on _____.

It is so ORDERED _____

_____

FOR THE COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING
STATE OF CALIFORNIA

84591668.DOCX/SD2024301595

Attachment: Exhibit A: Accusation No. 2308479

Exhibit A

Accusation No. 2308479

ROB BONTA
Attorney General of California
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Attorneys for Complainant

BEFORE THE
COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING
STATE OF CALIFORNIA

In the Matter of the Accusation Against: **JUSTIN RAYMOND RAMIREZ** **Basic Certificate No. 184287** **Intermediate Certificate No. 140935** **Advanced Certificate No. 124388** Respondent.	Case No. 2308479 **ACCUSATION**

Complainant alleges:

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 August 22, 2016, the Commission issued Basic Certificate Number 184287 to Justin Raymond Ramirez (Respondent). On July 4, 2019, the Commission issued Intermediate Certificate Number 140935 to Respondent. On January 15, 2021, the Commission issued Advanced Certificate Number 124388 to Respondent (collectively "Certification"). The Certification was in full force and effect at all relevant times to the charges brought herein.

However, on August 10, 2023, Complainant ordered the immediate temporary suspension of Respondent's Certification under Penal Code section 13510.8, subdivision (d), because, following Respondent's separation from employment as a peace officer during a pending investigation into allegations of serious misconduct, Complainant determined that the temporary suspension was in the best interest of the health, safety, and welfare of the public.

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, subdivision (a), states that "[a] sheriff, undersheriff, or deputy sheriff, employed in that capacity, of a county . . . is a peace officer…."

6. Code section 13510.1 states:

> (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 October 13, 2023, pursuant to its authority under Code section 13510.8, subdivision (c), the Peace Officer Standards Accountability 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 December 14, 2023, 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 March 7, 2024, pursuant to its authority under Code section 13510.85, subdivision (a)(5), the Commission found that the Board's determination was supported by clear and convincing evidence. Pursuant to Code section 13510.85, subdivision (a)(6), this Accusation is filed to initiate proceedings for a formal hearing before an administrative law judge in accordance with the Administrative Procedure Act, as prescribed by Chapter 5 (commencing with Section 11500) of Division 3 of Title 2 of the Government Code.

STATUTORY PROVISIONS

9. Code section 13510.8 states:

(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).

(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:

(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 January 16, 2015, Respondent was employed as a deputy sheriff with the Orange County Sheriff's Department (OCSD). As of September 2, 2022, Respondent was assigned to Mission Viejo as a School Resource Officer (SRO),[1] which in relevant part involves protecting students and serving as a role model for them. The OCSD's Mission Statement is, "To enhance a safe atmosphere in our community's schools, foster a positive relationship with our community's youth, and develop strategies to resolve problems affecting our youth."

14. On September 2, 2022, Respondent was working as an SRO at Trabuco Hills High School in Mission Viejo. During the school's lunch break, while in full uniform and seated in an OCSD patrol vehicle, Respondent was approached by a group of freshman students. When they asked about his job, Respondent used his cell phone to show the students—all of whom were 14 or 15 years old—videos and photos of crimes or incidents involving sex acts, graphic violence, murder, illicit drug use, and severe and fatal injuries. A second group of freshman students

[1] "The [OCSD] School Resource Officer Program provides law enforcement services and law-related education to the schools serviced by the [OCSD]." OCSD Policy Manual, Policy 415.4. Every OCSD SRO receives training, and is familiar with the OCSD's SRO policies.

approached Respondent after hearing about what he had shown the first group, and Respondent also showed them the same inappropriate material. The media that Respondent showed the freshman students included the following:

a. A video depicting a man and woman engaging in sexual intercourse. During the video, another man enters the room with a knife and stabs both people repeatedly, apparently killing at least one of them. The video shows graphic nudity and visible blood.

b. A video showing an apparently transient man smoking street drugs through a small pipe before exhaling the drug smoke directly into the rectum of another transient man.

c. Photographs of a woman's deep, open wounds, which had been inflicted by a police dog.

d. A photograph of a young woman, the victim of a traffic collision, lying on the street with a fatal open head wound and exposed cerebrum.

15. On September 5, 2022, one of the freshman victims told her mother what had happened and her mother called the OCSD. The OCSD commenced an investigation, but Respondent resigned from employment with the OCSD on or about December 14, 2022, prior to his administrative interview. The OCSD investigation ultimately sustained the allegations. The OCSD reported this matter to the Commission on May 18, 2023, as mandated by Penal Code section 13510.9.

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. Penal Code section 313.1 prohibits exhibition of "any harmful matter" to a minor. Harmful matter is defined as "matter, taken as a whole, which to the average person, applying contemporary statewide standards, appeals to the prurient interest, and is matter which, taken as a whole, depicts or describes in a patently offensive way sexual conduct and which, taken as a whole, lacks serious literary, artistic, political, or scientific value for minors." (Penal Code, § 313, subd. (a).) Respondent's conduct violated this section of the Penal Code, violated the trust placed in him as a deputy sheriff and SRO, 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 Justin Raymond Ramirez, or taking other appropriate disciplinary action according to evidence.

DATED: 05/20/2024

MANUEL ALVAREZ, JR.
Executive Director
Commission on Peace Officer Standards and Training
State of California
Complainant

SD2024301595

AGENDA ITEM REPORT

Title: DISCUSSION AND VOTE REGARDING HEARING PROCEEDINGS FOR POST CERTIFICATE CANCELATION - JOSHUA PAUL ENEA (POST ID: C13-U51)

REPORT PROFILE

MEETING DATE 09/12/2024	**BUREAU SUBMITTING THE REPORT** Peace Officer Standards Accountability Division	
RESEARCHED BY	**REVIEWED BY** William Darden	
REPORT DATE 08/22/2024	**APPROVED BY** Manuel Alvarez, Jr.	**DATE APPROVED** 08/27/2024
PURPOSE	**FINANCIAL IMPACT** No	

ISSUE, BACKGROUND, ANALYSIS, & RECOMMENDATION

ISSUE:

On June 5, 2024, the commission sent a notice of intent to cancel the Basic and Intermediate peace officer certifications of Joshua Paul Enea "Respondent," alleging that he obtained the certifications through fraud or misrepresentation. On July 1, 2024 Respondent sent a notice of appeal to the Commission.

The applicable regulations require the Commission to decide whether to: a) preside directly over the cancelation appeal or b) assign the matter to a hearing officer to preside over the cancelation appeal and present a proposed decision to the Commission. The Commission must decide which of the applicable hearing options it believes is most appropriate in this case.

BACKGROUND:

Pursuant to California Penal Code Sections 13510.8(a)(3) and 13510.1(f), the Commission is authorized to cancel a certification if the commission determines there was fraud or misrepresentation made by an applicant at the time the applicant applied to be a peace officer. Further, California Code of Regulation, title 11, Section 1202(c)(4) sets forth an appeal process under the Administrative Procedure Act (APA) for the subject officer to request a hearing before the Commission.

POST received information from the SFPD on May 23, 2023

which led POST to initiate its own investigation into whether Enea's certificate should be cancelled. After investigation, POST notified Respondent of POST's intent to cancel Respondent's Basic and Intermediate peace officer certifications based upon its conclusion that Respondent obtained his certifications through fraud or misrepresentation.

Respondent invoked his right to appeal the cancelation to the Commission in accordance with California Code of Regulation, title 11, Section 1202(c)(4). Section 1202(c)(4) vests in the Commission the discretion to either conduct an APA hearing on its own, or assign the matter to a qualified hearing officer, who will then conduct the APA hearing, and prepare a proposed decision for the Commission's consideration.

ANALYSIS:

This matter is before the Commission to determine whether the Commission wishes to preside over this administrative hearing directly, or alternatively, whether the Commission wishes to assign an administrative law judge to separately hear the matter and write a proposed decision for the Commission's consideration. Under either scenario, the Commission will ultimately decide whether to uphold or overturn the Executive Director's decision in this case to cancel Respondent's Basic and Intermediate certifications.

The applicable regulations require an administrative hearing to be conducted in accordance with the courtroom-like procedures set forth in Administrative Procedure Act (APA.) The APA proceedings are evidentiary in nature, and therefore may involve live sworn testimony from witnesses, argument and rulings on the admission of physical and documentary evidence, and similar opportunities for the parties to present written and oral arguments concerning both procedural and substantive issues. The evidentiary hearing is likely to require multiple days, depending upon the number and extent of pre and post-hearing evidentiary or procedural motions and arguments, as well as the number of witnesses who may testify during the proceedings.

Given the requirements for an APA hearing, if the Commission chooses to preside over the administrative hearing directly, at a minimum, a quorum of the Commissioners must attend the entire evidentiary hearing. An administrative law judge will be appointed to rule on the admission and exclusion of evidence, and advise the Commission on matters of law. The Commission may exercise all other powers relating to the conduct of the hearing, such as ruling on substantive and procedural arguments presented by the litigants, and preparing the Commission's written decision. In the event a quorum of the Commission no longer exists before the completion of the

proceedings, the administrative law judge will complete the hearing as if sitting alone and will render a proposed decision for the Commission's consideration.

If, however, the Commission chooses to instead assign the matter to a qualified hearing officer to separately preside over the proceedings, the Commission will not preside over the evidentiary hearing. Instead, as with the Commission's serious misconduct cases, the Commission will delegate to the hearing officer the opportunity to listen to the sworn testimony, rule on evidentiary matters and consider the arguments of the litigants. At the conclusion of the evidentiary hearing, the assigned administrative law judge will prepare a proposed decision for the Commission's consideration and final determination.

RECOMMENDATION:

This matter is before the Commission to determine whether the appeal of the cancellation of the Basic and Intermediate certifications for Joshua Paul Enea will be heard before the Commission or before an Administrative Law Judge of the Office of Administrative Hearings. In accordance with California Code of Regulation section 1202(c)(4), the Commission may conduct the appeal hearing on its own or may refer the hearing to a qualified hearing officer where the hearing would conform to the Administrative Procedures Act (Government Code section 11400 et seq) and where the Commission shall render a decision to uphold or overturn the decision to cancel the certification(s).

The Commission further provides notice that pursuant to Government Code section 11126(e)(1), the Commission will discuss the following pending litigation matter involving a proposed certificate cancellation, in closed session:

- Joshua Paul Enea (POST ID: C13-U51.)

AGENDA ITEM REPORT

Title: NEW ADVISORY COMMITTEE MEMBER APPOINTMENTS:

REPORT PROFILE

MEETING DATE 09/12/2024	**BUREAU SUBMITTING THE REPORT** Executive Office	
RESEARCHED BY	**REVIEWED BY**	
REPORT DATE	**APPROVED BY** Manny Alvarez	**DATE APPROVED**
PURPOSE	**FINANCIAL IMPACT** No	

ISSUE, BACKGROUND, ANALYSIS, & RECOMMENDATION

ISSUE:

BACKGROUND:

ANALYSIS:

RECOMMENDATION:

- Request to appoint Sheriff Kory Honea, to the POST Advisory Committee, as a representative for the California State Sheriff's Association (CSSA).

If the Commission concurs, the appropriate action would be a **MOTION** to approve the appointment of Sheriff Kory Honea.

- Request to appoint Vice Chancellor Anthony Cordova, to the POST Advisory Committee, as a representative for the California Community College Chancellor's Office (CCCCO).

If the Commission concurs, the appropriate action would be a **MOTION** to approve the appointment of Vice Chancellor Anthony Cordova.

- Request to appoint Detective Alisha M. Rosa, to the POST Advisory Committee, as a representative for Peace Officers Research Association of California (PORAC).

If the Commission concurs, the appropriate action would be a **MOTION** to approve the appointment of Detective Alisha M. Rosa.

- Request to appoint Captain Miguel Pacheco, to the POST Advisory Committee, as a representative for California Peace Officers' Association (CPOA).

If the Commission concurs, the appropriate action would be a **MOTION** to approve the appointment of Captain Miguel Pacheco.

- Request to appoint Investigator Kenneth F. Ehrman, to the POST Advisory Committee, as a representative for the Peace Officers Research Association of California (PORAC).If the Commission concurs, the appropriate action would be a **MOTION** to approve the appointment of Investigator Kenneth F. Ehrman.

If the Commission concurs, the appropriate action would be a MOTION to approve the appointment of Investigator Kenneth F. Ehrman.

- Request to appoint Instructor Dominic Gamboa, to the POST Advisory Committee, as a representative for the POST Private Presenter position.

If the Commission concurs, the appropriate action would be a **MOTION** to approve the appointment of Instructor Dominic Gamboa.

ATTACHMENT(S):
A.Cordova Nomination - POST Advisory Committee_Redacted.pdf
M. Pacheco Nomination- POST Advisory Committee.pdf
Kory Honea_POSTAdvisoryCommittee2024_Redacted.pdf
AlishaRosaEndorsement POST Appointment (Advisory Commission)July2024.pdf
Endorsement POST Appointment (Advisory Commission) Ehrman 08_26_24.pdf
Nomination for Dominic Gamboa Aug 2024_Redacted.pdf

California Community Colleges

SONYA CHRISTIAN
Chancellor

July 9, 2024

Commissioner Geoff Long
Commission on POST
860 Stillwater Road, Suite 100
West Sacramento, CA 95605

Re: Appointment of Anthony Cordova to the POST Advisory Committee

Dear Commissioner Long,

On behalf of the California Community Colleges, and in support of the State of California's Commission on Peace Officer Standards and Training (POST) and to ensure the California Community Colleges Chancellor's Office assists in advancing POST programs at our state's diverse college campuses, it is my pleasure to nominate Anthony Cordova, California Community College Vice Chancellor of Workforce and Economic Development, for the appointment to the California Commission on Peace Officers Standards and Training (POST) Advisory Committee.

California Community Colleges' core values align with those of POST, including the continual enhancement of professionalism in serving its communities while seeking innovative ways to promote unity among agencies throughout the state. I am confident that Anthony will uphold these values and continue to share the vision of establishing professional standards, assuring top-quality training, and providing effective services to develop and support the world's finest peace officers and law enforcement organizations.

Anthony currently serves as the Vice Chancellor of Workforce and Economic Development for the California Community Colleges Chancellor's Office. He is responsible for the development, implementation and management of policies advancing economic and social mobility for Californians served by community colleges. He provides leadership in strategic planning in the areas of business development, small business technical assistance and workforce and community development.

Before joining the Chancellor's Office Cordova served as the dean of instruction for industrial technology and transportation at Bakersfield College where he provided guidance and support for the development of a bachelor's degree in industrial automation. He also served students at Taft College as an adjunct faculty of industrial safety and

California Community Colleges

SONYA CHRISTIAN
Chancellor

director of career and technical education. Cordova is the former president-elect of the California Community College Association of Occupational Education and the former Chair of the California Community Colleges Baccalaureate Degree Program Steering Committee.

We look forward to solidifying POST standards and training programs at our colleges to continue to create equitable pathways, diversify our future workforce, and ultimately offer our students the opportunity to develop and succeed in lifelong public service careers to build the communities in which they serve, and support the advancement of social and economic mobility.

Thank you for this consideration and I look forward to his appointment. If you have questions regarding my nomination or subsequent steps, please contact DeJana Tomlin, Analyst, via email at [redacted].

Sincerely,

Sonya Christian
Chancellor

Chancellor's Office
1102 Q Street, Sacramento, CA 95811 | 916.445.8752 | www.cccco.edu

CPOA

CALIFORNIA PEACE OFFICERS' ASSOCIATION

August 16, 2024

POST Commission
c/o Manny Alvarez, Executive Director
California Commission on Peace Officers Standards and Training.
860 Stillwater Road, Suite 100
West Sacramento, CA 95605

Dear POST Commission,

The California Peace Officers' Association (CPOA) sincerely appreciates the opportunity to collaborate with the California Commission on Peace Officers Standards and Training by nominating Miguel Pacheco to serve as our representative to the POST Advisory Committee.

Captain Pacheco, of the Turlock Police Department, is a strong advocate of professional training for California's law enforcement community. He is a committed advocate of training and has very broad experiences and exposures in his law enforcement career.

Captain Pacheco has been in law enforcement for more than 25 years. He has served and managed in several areas including, Special Weapons and Tactics, Gang suppression, Academy Recruit Training Officer as well as many others.

He holds a Masters Degree in Organizational Leadership, is a graduate of the FBI's National Academy, P.O.S.T Command College and the Executive Development Course. He teaches Leadership and Ethics at the Stanislaus Basic Academy. Captain Pacheco teaches CPOA's Leadership Development Course for Supervisors. He currently oversees Investigations, Professional Standards, Property and Evidence and Training.

Thank you again for the opportunity to nominate a representative for the Advisory Committee. Should additional information be required please don't hesitate to contact me.

Sincerely,



Chief Christie Calderwood, Carlsbad Police Department
CPOA President

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Don Barnes
Sheriff, Orange County

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Kory Honea
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David Livingston
Sheriff, Contra Costa County

David Robinson
Sheriff, Kings County

Donny Youngblood
Sheriff, Kern County

M. Carmen Green
Executive Director

James R. Touchstone
General Counsel

Cory Salzillo
Legislative Director

California State Sheriffs' Association

Organization Founded by the Sheriffs in 1894

June 13, 2024

Manny Alvarez, Executive Director
Commission on POST
860 Stillwater Road, Suite 100
West Sacramento, CA 95605

Dear Director Alvarez,

The California State Sheriffs' Association (CSSA) is pleased to appoint Butte County Sheriff Kory Honea to replace Sheriff Rick Dibasilio to serve as CSSA's representative on the Commission on POST Advisory Committee.

His contact information is provided below.

Kory Honea, Sheriff
Butte County
[redacted]

Melanie Waugh, Sheriff's Secretary
[redacted]

Please advise Sheriff Honea directly with any information or materials he may need for the meeting. I would also very much appreciate if you would copy his Assistant Melanie and CSSA Executive Director Carmen Green at [redacted] with any documents you send in the case questions come into the association office.

Sincerely,

Donald R. Barnes

Don Barnes, CSSA President
Sheriff, Orange County

DB/mcg

cc: M. Carmen Green, Executive Director
Sheriff Kory Honea, Butte County

July 25, 2024

Commissioner Geoff Long
Commission on POST
860 Stillwater Road, Suite 100
West Sacramento, CA 95605

Re: The Appointment of Detective Alisha M. Rosa to the POST Advisory Committee

Dear Commissioner Long:

I would like to advise the Commission that as of July 25, 2024, the Peace Officers Research Association of California (PORAC) is proud to recommend, San Bernardino Sheriff's Detective Alisha Rosa for appointment to the California Commission on Peace Officers Standards and Training (POST) Advisory Committee.

PORAC has long been a leader in fighting to enhance public safety, uphold professional training standards, and to protect the rights of peace officers. We are confident Detective Alisha Rosa will continue to provide a consummate dedication to establishing the highest training standards for California peace officers.

With that said, we would also like to thank and congratulate Richmond Police Sergeant Ben Therriault for his commitment and service on the advisory board and recent appointment as a commissioner. We are extremely grateful for his time on the Advisory board.

We look forward to Detective Alisha Rosa's appointment and working with her on future standards and training issues.

Very Truly Yours,
BOARD OF DIRECTORS
Peace Officers Research Association of California

Brian R. Marvel
President

cc Manny Alvarez, Executive Director, CA Commission on POST

August 26, 2024

Commissioner Geoff Long
Commission on POST
860 Stillwater Road, Suite 100
West Sacramento, CA 95605

Re: The Appointment of Investigator Kenneth F. Ehrman, D.P.A. to the POST Advisory Committee

Dear Commissioner Long:

I would like to advise the Commission that as of August 26, 2024, the Peace Officers Research Association of California (PORAC) is proud to recommend, California Department of Motor Vehicles Investigations Division, Investigator Kenneth Ehrman for appointment to the California Commission on Peace Officers Standards and Training (POST) Advisory Committee.

PORAC has long been a leader in fighting to enhance public safety, uphold professional training standards, and to protect the rights of peace officers. We are confident Investigator Kenneth Ehrman will continue to provide a consummate dedication to establishing the highest training standards for California peace officers.

We look forward to Investigator Kenneth Ehrman's appointment and working with him on future standards and training issues.

Very Truly Yours,
BOARD OF DIRECTORS
Peace Officers Research Association of California

Brian R. Marvel
President

cc Manny Alvarez, Executive Director, CA Commission on POST

SAVAGE
TRAINING GROUP

8/29/24

Manual Alvarez
CA POST Executive Director
California Commission on Peace Officer Standards and Training
860 Stillwater Road, Ste. 100
West Sacramento, CA, 95605

Director Alvarez,

I am writing to express my support for the nomination of Dominic Gamboa for the vacant Private Presenter position on the California POST Advisory Committee.

I am a recently retired officer from the Santa Clara Police Department and also the Founder and CEO of the Savage Training Group, and I have known Dominic both personally and professionally for the past 6 years. The Savage Training Group is a professional law enforcement training organization based in San Jose, California. Our mission is to elevate the standard of law enforcement training across the state. We are committed to delivering modern, well-researched, and expertly delivered training courses that go beyond the traditional "check the box" approach. Our courses are grounded in evidence-based practices, are highly relevant to today's law enforcement officers, and are delivered by experienced and enthusiastic instructors.

Dominic represents the best qualities that set the Savage Training Group apart. As a Senior Instructor, Dominic brings extensive law enforcement experience and a genuine passion for teaching. He has been instrumental in the development and delivery of our courses, ensuring that they are not only current and relevant but also effective in promoting lasting learning for our students. Dominic is highly regarded by both his peers and the officers he trains for his expertise, humility, and dedication to the professional growth of law enforcement officers.

I believe Dominic would add significant value to the POST Advisory Committee through his experience as well as his commitment to innovative and effective law enforcement training. His approach aligns with our organization's philosophy of embracing the modern science of learning. For example, Dominic is constantly researching new ways to design and update our course curriculums to ensure our students can retain and can recall critical information in the field under stress. After all the true mark of effective training rests with the long term benefits provided to the students.

In addition to his work at the Savage Training Group, Dominic is a tenured law enforcement professional with over 33 years of experience. He previously served as an Officer with the San Francisco Police Department which included assignment to the SF Law Enforcement Regional Training Center where he engaged in designing and leading critical training initiatives, including defensive tactics and use of force, while ensuring strict adherence to POST standards. Presently he is a Sergeant with the Broadmoor Police Department overseeing Internal Affairs and Training. There he manages comprehensive operational protocols and training programs focused on safety, public trust, and responsible use of force.

Dominic is also someone with an established reputation within CA POST. In his role as a POST Quality Assurance Program (QAP) evaluator, he reviews and makes recommendations to improve training programs to ensure they meet POST standards. He has also served as a POST Basic Course Certification Review evaluator, assessing training centers to ensure their Basic Courses comply with POST standards. Dominic is also a Subject Matter Expert for POST's FTO training course and FTO program development. He has continuously assisted with elevating the FTO program standards as well as serving on the workgroup for the new FTO Video Project.

I am confident that Dominic's expertise, dedication, and passion for law enforcement training will make him an outstanding addition to the POST Advisory Committee. If I may answer any additional questions for you please don't hesitate to contact me. Thank you for considering his nomination.

Sincerely,



Scott Savage
Founder and CEO, Savage Training Group
[redacted]