POST COMMISSION

June 4, 2025
AGENDA
10:00 AM

Meeting Location: Commission on POST - 860 Stillwater Road, West Sacramento, CA 95605

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

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

Written public comments are intended to allow members of the public, if unable to attend in person, an opportunity to participate to the same degree as if they attended in person; as such, written comments should be limited to no more than three pages in length and longer written comments will not be accepted or distributed to the Commission. To be considered for inclusion in the meeting record, written comments must be received by POST no later than 10 a.m. on the fourth business day (5/29/25) before the scheduled meeting. Accepted written public comments will be published on POST's website under the Public Comment section under the corresponding meeting date. Written public comments can be submitted via email to commissionpc@post.ca.gov.

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

Please note: this meeting and all public meetings will be recorded. 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
Jacob Johnson
Geoff Long - Chair
Shannan Moon
Tina Nieto
Freddie Rodriguez
Benjamin Therriault
Stephen Woolery- Ex-Officio
Vacant (Elected City Official)
Vacant (Elected County Official)
Vacant (Sergeant or Below)
Vacant (Public Member)

COLOR GUARD AND FLAG SALUTE

The Color Guard will be provided by California Highway Patrol.

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

- Deputy Hector Cuevas Jr., San Bernardino County Sheriff's Department - EOW March 17, 2025
- Officer Osmar Rodarte, Marysville Police Department - EOW March 26, 2025

ROLL CALL OF COMMISSION MEMBERS

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

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

OPENING REMARKS

Opening remarks will be provided by CHP Commissioner Sean Duryee.

EXCELLENCE IN TRAINING AWARDS PRESENTATION

The 2024 POST Excellence in Training Awards will be presented to the recipients.

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. Members of the public who wish to speak are asked to limit their remarks to no more than three minutes each. Please be advised the Commission cannot take action on items not on the agenda.

EXECUTIVE DIRECTOR COMMENTS

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

1. **APPROVAL OF TRANSCRIPT AND ACTION SUMMARY**

   Approval of the Transcript and Action Summary from the previous Commission meeting held on March 05, 2025 in San Diego, CA.

   1a. Meeting Transcripts - March 05, 2025, San Diego, CA

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

   1b. Action Summary - March 05, 2025, San Diego, CA

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

2. **CONSENT**

   2a. Report on POST Non-Reimbursable Program - New Agency - California Department of Public Health, Office of Youth Tobacco Enforcement

   The California Department of Public Health, Office of Youth Tobacco Enforcement has entered into the POST Non-Reimbursable Program for its investigators effective March 1, 2025.

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

   2b. Report on Course Certification Statistics

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

   2c. Report on the Update to the Discussion Regarding the Transferability of Peace Officer Background Investigation Files Between Agencies

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

   2d. Report on the POST Organizational Wellness Program

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

   2e. Report on K-9 Guidelines

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

   2f. Report on Certification/Decertification Update

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

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

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

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

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

2i. Report on Legislative Update

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

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

3. **BASIC TRAINING BUREAU**

3a. Report on Amendment to Commission Regulations 1005 and 1008 - Basic Course Waiver Process

If the Commission concurs, the appropriate action would be a **MOTION** to approve the proposed amendments to Commission Regulations 1005 and 1008 relating to the Basic Course Waiver process as described in the staff report.

3b. Report on Amendment to Training and Testing Specifications - Adoption of Learning Domain 44 - Active Shooter

After completing a seven month pilot program, POST staff are proposing the adoption of Learning Domain 44 - Active Shooter into the Basic Course curriculum.

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

3c. Report to Amend Commission Regulation 1006 - Extension of Time Limit for Course Completion

Should the Commission approve the proposed text of Commission Regulation 1006?

If the Commission concurs, the appropriate action would be a **MOTION** to approve the change as proposed by BTB staff.

3d. Report on Amendments to Commission Regulation 1055 - Requirements for Course Presentation

POST staff is recommending a change to Commission Regulation 1055, that would require basic course presenters to provide the specific reason a student failed the course.

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

4. **TRAINING PROGRAM SERVICES BUREAU**

4a. Report on District Attorney Investigator Transition Course Regulation

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

the proposed changes as described in the staff report.

5. **MANAGEMENT COUNSELING AND PROJECTS BUREAU**

5a. Report on Establishing a Definition of "Biased Conduct" Pursuant to Assembly Bill 443 and Penal Code 13510.6

If the Commission concurs, the appropriate action would be a **MOTION** to approve and establish a definition of "biased conduct" as required in Penal Code 13510.6.

6. **PEACE OFFICER STANDARDS ACCOUNTIBILITY DIVISION**

6a. 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.

6b. Report on Proposed Adoption of Commission Regulation 1216 - Disciplinary Guidelines

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

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

7. **CERTIFICATION BUREAU**

7a. Report on Proposed Amendments to Commission Regulation 1201 - Definitions Related to Peace Officer Certification

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

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

8. **LEGAL AFFAIRS BUREAU**

8a. Report on Discussion and Possible Action to Amend Conflict of Interest Code Pursuant to Government Code Section 87306

If the Commission concurs, the appropriate action would be a **MOTION** to proceed with promulgation of the amendments to the regulation (Conflict of Interest Code).

9. **COMMITTEE REPORTS**

10. **CORRESPONDENCE**

The following was sent from POST:

10a. Correspondence Sent by POST

The following correspondence was sent from POST to:

- Shannon D. Dicus, Sheriff - Coroner, San Bernardino County Sheriff's Department; expressing deep sympathy over the tragic on-duty death of Deputy Hector Cuevas Jr.
- Christian S. Sachs, Chief, Marysville Police Department, expressing deep sympathy over the tragic on-duty death of Officer Osmar Rodarte.

11. **OLD BUSINESS**

12. **NEW BUSINESS**

12a. Proposed Meeting Dates:

- March 3, 2026 – Advisory Committee (Tuesday)
  March 4 – 5, 2026 – Commission (Wednesday & Thursday)
  Tentative – Southern California

- June 2, 2026 – Advisory Committee (Tuesday)
  June 3 – 4, 2026 – Commission (Wednesday & Thursday)
  POST Headquarters, West Sacramento

- September 16 & 17, 2026 – Commission (Wednesday & Thursday)
  Tentative – Southern California

- December 01, 2026 – Advisory Committee (Tuesday)
  December 02 - 03, 2026 – Commission (Wednesday & Thursday)
  POST Headquarters, West Sacramento

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

12b. New Advisory Committee Member Appointment:

Request to appoint John Kachirisky to the POST Advisory Committee, as a representative for the California Coalition of Law Enforcement Association (CCLEA).

If the Commission concurs, the appropriate action would be a **MOTION** to approve the appointment of John Kachirisky.

13. **FUTURE COMMISSION DATES**

Upcoming Commission Meetings will be held:

- September 09 - 10, 2025 - TBD
- December 03 - 04, 2025 - POST HQ, West Sacramento, CA

14. **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. b) Mikkel Libarle v. POST, Sacramento Superior Court, Case No. 25WM000011. 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 TRANSCRIPTS - MARCH 05, 2025, SAN DIEGO, CA

REPORT PROFILE

MEETING DATE 06/04/2025	**BUREAU SUBMITTING THE REPORT** Executive Office	
RESEARCHED BY	**REVIEWED BY**	
REPORT DATE	**APPROVED BY** Manuel Alvarez, Jr.	**DATE APPROVED** 05/12/2025
PURPOSE	**FINANCIAL IMPACT** No	

ISSUE, BACKGROUND, ANALYSIS, & RECOMMENDATION

ISSUE:

BACKGROUND:

ANALYSIS:

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

ATTACHMENT(S):
2025 03-05 POST Commission Transcript.pdf

STATE OF CALIFORNIA

COMMISSION ON

PEACE OFFICER STANDARDS AND TRAINING

POST COMMISSION MEETING

WEDNESDAY, MARCH 5, 2025

10:04 A.M.

MEETING HELD

AT THE MARINA VILLAGE CONFERENCE CENTER

CAPTAIN'S CONFERENCE ROOM

1936 QUIVIRA WAY

SAN DIEGO, CALIFORNIA

REPORTER'S TRANSCRIPT OF PROCEEDINGS

Stenographically Reported By:
Connie J. Parchman
California Certified Shorthand Reporter #6137

A P P E A R A N C E S

POST COMMISSIONERS PRESENT

GEOFF LONG
(Commission Chairperson)
Public Member

RICK BRAZIEL
(Vice Chairperson)
Educator
Humboldt State University

ALAN BARCELONA
Special Agent
Department of Justice

INGRID BRAUN
Sheriff
Mono County Sheriff's Office

JIM COOPER
Sheriff
Sacramento County Sheriff's Office

JUSTIN DOERING
Senior Deputy Sheriff
Ventura County

P. LAMONT EWELL
Public Member

KELLY GORDON
Chief
Santa Barbara Police Department

JACOB "JAKE" JOHNSON
Officer
California Highway Patrol

SHANNAN MOON
Sheriff
Nevada County Sheriff's Office

TINA NIETO
Sheriff
Monterey County Sheriff's Office

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

POST COMMISSIONERS PRESENT

BENJAMIN THERRIAULT
Sergeant
Richmond Police Department

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

POST COMMISSION LEGAL COUNSEL

CHRISTOPHER BEATTY
Deputy Attorney General
Department of Justice
Office of the Attorney General

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POST COMMISSION STAFF

MANUEL ALVAREZ, JR.
Executive Director
Executive Office

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

WILLIAM DARDEN
Chief Counsel
Legal Affairs Bureau

BRANDY ESSEX
Staff Services Analyst
Executive Office

CHANDLER KNAPP
Staff Services Manager
Executive Office

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

BRYANT HENLEY
Attorney IV
Legal Affairs Bureau

CARRIE WOOLLEY
Attorney IV
Legal Affairs Bureau

TOM OSBORNE
Assistant Executive Director
Field Services Division
Executive Office

MICHELLE WEILER
Bureau Chief
Certification Bureau

ROBERT GUYTON
Bureau Chief
Professional Conduct, Northern Bureau

CARRIE HOLLAR
Bureau Chief
Basic Training Bureau

TOM CHALK
Bureau Chief
Training Delivery & Compliance Bureau

CHERYL SMITH
Bureau Chief
Administrative Services Bureau

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

ANITA FINNER
Staff Services Manager
Training Bureau

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

ROSEANNE RICHEAL
Bureau Chief
Learning Technology Resources

KENYA SMITH
Staff Services Manager
Training Program Services Bureau

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ALSO PRESENT

JASON SALAZAR
California Police Chiefs Association
(Chairperson POST Advisory Committee)

GABRIEL GAXIOLA
POST ID B9-S96

CHRISTIE LOVE HILL
ACLU San Diego & Imperial County
Public Speaker

TASHA WILLIAMSON
Public Speaker

LESLIE WILCOX
Counsel for
Gabriel Gaxiola
POST ID B9-S96

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MARCH 5, 2025 10:04 A.M.

P R O C E E D I N G S

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CHAIRPERSON LONG: We can get started now, the hour of 10:00 o'clock having arrived.

If everybody could take a seat for just a moment before we stand.

Now that you've taken a seat, let's please stand for the pledge of allegiance to be led today by Commissioner Moon.

(Pledge of allegiance recited in unison.)

If you would please remain standing for a moment of silence honoring a former commissioner and officers who have lost their lives since our last meeting.

Our former colleague Jethroe "Jeff" Moore, who died unexpectedly December 26, 2024. Jeff served for years as president of the San Jose Silicon Valley Branch of the NAACP. He was appointed by Governor Brown to the POST Commission in 2013 and served until 2021.

And Riverside County Deputy Sheriff Timothy Corlew who was killed in an on-duty motorcycle accident in January 2025.

Please observe a moment of silence.

Thank you. Please take your seats.

Ms. Essex, would you please call the roll.

MS. ESSEX: Thank you, Chair Long.
Good morning, commissioners.
Barcelona.
COMMISISONER BARCELONA: Here.
MS. ESSEX: Braun.
COMMISSIONER BRAUN: Here.
MS. ESSEX: Braziel.
COMMISSIONER BRAZIEL: Here.
MS. ESSEX: Cooper.
COMMISSIONER COOPER: Here.
MS. ESSEX: Doering.
COMMISSIONER DOERING: Here.
MS. ESSEX: Ewell.
COMMISSIONER EWELL: Here.
MS. ESSEX: Gordon.
COMMISSIONER GORDON: Here.
MS. ESSEX: Johnson.
COMMISSIONER JOHNSON: Here.
MS. ESSEX: Long.
CHAIRPERSON LONG: Here.
MS. ESSEX: Moon.
COMMISSIONER MOON: Here.
MS. ESSEX: Nieto.
COMMISSIONER NIETO: Here.
MS. ESSEX: Therriault.

COMMISSIONER THERRIAULT: Here.

MS. ESSEX: Woolery.

COMMISSIONER WOOLERY: Here.

MS. ESSEX: 13 Commissioners present.

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

This is now the time set aside for members of the public to comment on items on the Commission agenda or under Commission jurisdiction.

Public comment on specific peace officer revocation cases to be heard today will be taken at the time of the hearing of each officer.

If you have a specific complaint about an officer that is not on today's agenda, you should file a complaint with POST or with the officer's employing agency. And staff will help you at the next break.

I would also like to remind anyone making public comments to not discuss pending complaints or pending disciplinary actions that may later come before the Board or the Commission. If the Board or Commission take action on your complaint, you will have an opportunity to speak at that time.

We must observe these rules to comply with the law

and avoid compromising the Mission of the Board and the Commission.

Pursuant to Commission policy, the Commission Chair will manage the public comment period in deference to the Commission workloud. And up to 15 minutes is allotted at the beginning of each Commission meeting for public comments.

Please be advised we cannot take action on items not on the agenda.

Are there any members of the public who wish to speak today?

Hello. Welcome. Please come forward.

Remember the meeting is being transcribed, recorded and webcast so please speak slowly and clearly.

CHRISTE LOVE HILL: Okay.

CHAIRPERSON LONG: Welcome.

CHRISTE LOVE HILL: Good morning.

My name is Christie Love Hill. I'm the advocacy and legal director with the ACLU of San Diego and Imperial Counties.

This morning, I'm here to provide public comment on agenda item F.3, the proposed disciplinary guidelines for police certification actions and request that POST remove from the disciplinary guidelines the inappropriate suggestion that a pattern of repeated

serious misconduct is necessary to support revocation for physical abuse, excessive force, participation in a law enforcement gang, or dishonesty. Or at least clarify that a pattern of conduct is not required to resolve in a revocation penalty.

We would also like to see certain areas strengthened when identifying when revocation is necessary.

We all deserve to live in communities where we feel safe and protected, yet far too often the people who are tasked with protecting public safety are the very ones who compromise it.

We give officers more authority than any other profession, the power to stop, search, arrest and even use deadly force. This power means that the state has a greater responsibility to hold these officers accountable.

The proposed disciplinary guidelines are problematic for a few reasons.

First, in several places the proposed guidelines suggest that revocation may not be the appropriate remedy if the officer's act of serious misconduct was not part of a pattern of similar serious misconduct.

That is not consistent with the plain language of the Penal Code which already differentiates between misconduct where a single act may lead to revocation and

misconduct where there must be egregious or repeated acts.

Second, the disciplinary guidelines about law enforcement participation and law enforcement gangs are concerning. The statement that revocation may not be warranted if an officer felt coerced into joining a law enforcement gang will create an enormous loophole, by presenting any officer caught participating in a law enforcement gang with the convenient excuse that they can invoke to avoid revocation.

In addition, the factors supporting revocation for participating in law enforcement gangs are not sufficiently comprehensive.

In addition to those listed in the proposed guidelines, revocation should also be deemed warranted where the law enforcement gang that the officer participated in used racist language, or iconography, define its membership with race or other identity characteristics or otherwise demonstrated bias. Also where the officer failed to cooperate with an investigation into law enforcement gangs. By example, for refusing to show tattoos affiliated with gang participation.

These additions are supported by the Penal Code, providing that demonstration of bias and failure to

cooperate are, themselves, grounds for revocation.

Finally, the part of the guidelines on demonstrating bias are unclear.

Engaging in racial or identity profiling is a violation of the law and is never consistent with a peace officer's obligation to carry out their duties in a fair and unbiased manner.

As the Penal Code and the Commission's existing regulations recognize, engaging in racial identity profiling should be grounds for a revocation.

In summary, we request that this body remove these disciplinary guidelines that suggest that a pattern of repeated serious misconduct is necessary to support revocation for physical abuse, excessive force, participation in a law enforcement gang, or dishonesty.

Or, again, at least clarify that no such pattern or repetition is required to warrant a revocation penalty.

We also request that language around participation in law enforcement gangs is strengthened and that the guidelines unambiguously make it clear that engaging in racial or identity profiling should be grounds for revocation.

Thank you for your consideration.

CHAIRPERSON LONG: Questions from the Commission?

CHAIRPERSON LONG: Could I ask you to get your name

again? I didn't quite get it.

CHRISTE LOVE HILL: Oh, yes.

Christie Love Hill.

CHAIRPERSON LONG: Any questions from the Commission?

I would like to say Ms. Love Hill. Your comments are very interesting and substantive. It would be really helpful if we can get those in writing.

CHRISTE LOVE HILL: Yes.

CHAIRPERSON LONG: And as soon as possible.

CHRISTE LOVE HILL: Sure.

CHAIRPERSON LONG: And in general, if you're planning to come before the Commission, it would be great if we can get them in advance. It's not just kind of a random comment, there are substantive comments and it would be nice if we could digest them.

We will be discussing the disciplinary guidelines later in the hearing. And I think it's probably best that we respond to some of your concerns, maybe some of the people would respond to them can digest them a little bit in the minutes that follow this and be prepared to maybe say some at least cursory response at this time to your comments.

But if we could get those in writing, that would be great.

CHRISTE LOVE HILL: Yeah. I will be happy to send it when I get back to the office this morning and happy to leave a copy of my testimony here I don't know if you have the ability to make copies and to pass it out.

But we can send an email when I get back to the office.

CHAIRPERSON LONG: That would be great. I don't know if we can make copies here on the fly, but, yeah, that would be great if you can get that to us.

And for the future, it would be really great if you can get them to us a little bit in advance when we actually can maybe engage in more of a dialogue than just a quick response.

Thank you. Thank you for coming.

MR. DARDEN: If there's anything -- If I can say, if there's anything that you do have that you would be able to leave, it would be helpful to us, since we are considering it this afternoon, in case we don't get your letter by that time.

CHRISTE LOVE HILL: Yes, who should I give this to? Okay. I will do that.

MR. DARDEN: We would be happy to take it.

CHRISTE LOVE HILL: Thank you.

MR. DARDEN: Thank you very much.

CHAIRPERSON LONG: Is there anyone else present that

would like to address the Commission?

Well, we have someone who always wants to address the Commission. Our executive director.

MR. ALVAREZ: Thank you, Mr. Chair.

I appreciate the opportunity to speak.

Welcome back to all the commissioners. Thank you again for your engagement and participation.

I'll keep my comments very, very -- very brief. First of all, I would like to address contracts, since today a big portion of the agenda relates to contracts.

The contracts that are over $250,000 that require Commission approval.

We are working off the proposed budget from January, so the numbers may change.

But I wanted to say during that -- before that presentation starts, we received essentially the same amount of money for delivering training on training contracts, the POST legacy courses. Some of the challenges have been, the costs have increased significantly for hotels, for lodging and such.

So we've had to kind of sort through that over the last few months as to how we're going to deliver the same level of training, either at a reduced cost or minimize the number of courses that are out there.

So we have some financial savings that we've been

able to accomplish with some of the presenters, but some of the other things that we're hoping to institute with the contracts as we move forward is having minimum number of students in each class before the class is presented. So we've picked up on a few instances where, you know, individuals have to drop the class or cancel due to the fires or due to some other event. And then a class is half full. And we end up incurring the same expense to deliver the course.

So, we will institute in those contracts a minimum number. And right now we're looking at, like, 80 percent of the class has to be scheduled or the students have to be scheduled in advance of the start of the class.

So, you'll see that as we move forward in future contracts.

Also, we've mentioned a number of times at Commission meetings our space and space challenges that we've had.

We've moved much more staffing on the second floor at POST headquarters into new space. And now we are hoping to move forward with the buildout of a permanent Commission hearing room with a dias, and it wouldn't be like this, it'll be permanent. We're running into some challenges right now that we're working through with the

State Fire Marshal. We were hoping to have it up and running by this meeting in June. But the likelihood of that happening is not -- not very good. So I want to let you know that. I just wanted to thank the Administrative Services Bureau. I know Cheryl Smith is here. And Tom, thank you for putting that all together. So thank you, guys.

And then just a couple of thank yous.

One to commissioners, to Commissioner Gordon and Commissioner Braziel. For those of you that may have missed a meeting, both Commissioner Gordon and Braziel helped us with the disciplinary guidelines that we just spoke about.

Multiple times at POST headquarters and on Zoom calls. So really appreciate them going through the drafts and providing their feedback. As well as PC 832 training. Two workshops that we held at POST. So I want to thank them for their participation. And we're going to hear more about PC 832 training today.

And then lastly to Commissioner Braziel who did a review of one of the mass shootings, national mass shootings that he did for our staff. We had close to 100 of our staff members participate in that presentation.

So thank you, Commissioner Braziel. That was a week

ago.

And then lastly, I just -- for those of you that have been around for a while, recognize one of our Bureau Chiefs who retired, effective last Friday, Colin O'Keefe ran our technology side of the house. He retired with almost two decades at POST, 23 years of state service. So, he is responsible for overseeing a lot of the technology upgrades and changes that we've done, along with some of his colleagues in the back of the room, so I just wanted to recognize him, since many of you have met him and he's spoken before the Commission.

And that concludes my prepared remarks, Mr. Chair.

And I'll pass it back to you, if I may.

CHAIRPERSON LONG: Thank you. Thank you, Executive Director.

Our first item is the approval of the transcripts and action summary from the last Commission meeting.

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

COMMISSIONER WOOLERY: So moved.

CHAIRPERSON LONG: Is there a second?

COMMISSIONER DOERING: Second.

CHAIRPERSON LONG: Is there objection to unanimous consent?

Seeing none, so approved.

Move now to consent items.

We will have a presentation on consent items 4, 5 and 6.

If any commissioner would like reports on other consent items, just let us know, and we will do so.

For now, we will begin with number four and Certification Bureau Chief Michelle Weiler and Professional Conduct Northern Bureau Chief Robert Guyton will provide the certification update.

The report is presented for information only and no action is required.

Ms. Weiler.

MS. WEILER: Good morning, Mr. Chair. Good morning, Commissioners.

We're going to do things a little bit differently today just for flow. I'm going to start with a list of officers who have been deemed ineligible to be peace officers in the state based on prior felony convictions or misdemeanor convictions that are identified in Government Code Section 1029.

Again, this is an informational item. There will be a voting item later on.

There are 14 individuals on this list.

If we could just scroll through it, this is

published for you, but more for public consumption for those who are viewing online.

And again, these are individuals who are ineligible based on convictions prior to January 1st, 2022.

Okay. Now, I have some statistics to present to you. So because this is our first meeting of the new year, I'm going to present first statistics for all of 2024, since our last meeting was in November. So you can see how the whole year unfolded.

And then I will present statistics through February 10th of this year, when the agenda was published.

And then we'll have demographic data that will be a totality of everything since 2023.

So this first page is our numbers for 2024. I don't believe we have any new commissioners since November, but if there's anything here you would like me to explain, please go ahead and let me know.

I'm just going to note the 82,102 current full time peace officers, you will see that number again in the 2025 statistics, just because it -- the way we have this tabulating, it's a totality or cumulative number.

Our next slide, again, is a total for 2024, you can see we had 67 temporary suspensions, and we removed 37.

Those could have been from initial 2023 or throughout 2024. And as a reminder, for individuals who

have had actions taken by this Commission, or who have been deemed ineligible after January 1st, 2022, due to a felony or misdemeanor conviction, identified in Government Code Section 1029, we had to remove their temporary suspension in order to take that next action.

So that's where the bulk of these removals of temporary suspensions are. And there are some that were withdrawn by the Executive Director after various factors came to light.

Officers may have provided additional information to the Executive Director that warranted the removal or withdrawal of the ITS. Or we lost jurisdiction for the ITS based on charges being dropped.

The number of voluntary surrenders that we have here is 61. There are actually two additional individuals last year who surrendered, however they did not have a proof of eligibility or a basic certificate, so they're not tabulated in this number. But we did note that in case they ever attempt to become peace officers again.

Next slide, please.

So these are 2025 numbers, from January 1st to February 10th, 2025.

As you can see there's a lot of happenings. I did check with my staff and as of the same date, we had processed 692 requests for background inquiries for

officers who were trying to lateral from one agency to another. So you can see that's a bulk of the number for the new appointments that were approved.

As a reminder, the appointments are inclusive of laterals, not just brand new peace officers.

And these are, again, the 2025 data broken down, which is why we see no revocations. We haven't gotten to that point yet.

Next slide.

This is our cumulative data, since we've been tracking since 2023.

And then this is also cumulative today, but it is broken down by year for each individual category so you can see where the numbers have changed.

There was a significant increase in voluntary surrenders. The first year I think not too many people knew that was an option. We were just getting started with our investigations.

In 2024, the district attorney offices started to use voluntary surrenders as part of their plea agreements. We even have some federal cases that utilized voluntary surrenders.

We also started, in 2024, sending out notices of investigation to officers when we reached that point of initiating a review of their case and doing an

investigation.

And along with that came pamphlets of information on what this means for them, what their options are, and a number of our voluntary surrenders came as a result of that notice of investigation last year.

And this is also cumulative data. These are the statistics that I have been providing you at each meeting with demographic information.

The next few slides are just a breakdown of each of these so you can see them larger. If you would like us to scroll through them individually, please let us know. Otherwise, we can move through these.

I just figured it would be easier for you to see them visually if you were printing this out.

And then lastly, I know at the last Commission meeting we were asked about data with regard to the amount of college education that our peace officers have. And if there was any correlation to misconduct allegations or any actions that we've taken.

We do not yet have that data compiled for you. It's -- an unofficial statistical term, it is kind of messy -- the data right now because we're only collecting that information when the individuals officers are applying for their professional certificates.

And sometimes we only collect that data once and

sometimes we collect it multiple times, depending on the amount of education they are -- or the level of education they are providing to us at the time they apply for their initial professional certificate.

So, for example, if somebody provides a copy of transcripts for the minimum number of units required for the intermediate certificate, but they've attained a bachelor certificate by the time they apply for their advanced or supervisory certificate, we would then have different levels of education accounted for.

Our data right now is double or triple counting that information based on how many different degrees were being provided with as an officer moves through their career and attains different professional certificate levels. So we're trying to figure out how we can clean that data up before we actually present it to you.

We may not be able to. And if that's the case, I'll provide what we can in June.

But we're trying to make that a little less messy right now for you guys.

COMMISSIONER BARCELONA: On this slide -- Barcelona.

On this slide, you said that there's level of education, it's on this slide?

MS. WEILER: No, I do not have that data for you right now.

COMMISSIONER BARCELONA: Oh, okay.

MS. WEILER: Yeah, this is just age and years of service broken down by, I believe -- one is -- the blue is the age and the red is the years of service.

COMMISSIONER NIETO: Commissioner Nieto.

Quick question again. I think you said it and I just missed it.

So you showed resigned 7,102 and retired 7,731, I think it's on page 1 of your slides.

The resigned includes numbers that people may have resigned and went to other agencies? Or is that --

MS. WEILER: Yeah, so both the appointments approval and the affidavits of separation are inclusive of individuals who are leaving one agency and going to another. So the notice of appointment, are counting them when they are appointed and start at a new agency, affidavit of separation is counted at the time they separate from their prior agency.

COMMISSIONER NIETO: Do we break out any numbers to figure out how many people are leaving the business completely?

MS. WEILER: We have not done that yet, but we can try to find a way to calculate that.

Sometimes they come back. Right? They leave and then they decide to come back.

But we can try to figure out how to count that for you.

COMMISSIONER NIETO: Thank you.

MS. WEILER: I'll let you know in June.

CHAIRPERSON LONG: Any questions? Comments?

Chief Salazar, did the advisory committee weigh in on this information?

MR. SALAZAR: Thank you, Mr. Chair. Yes, the Advisory Committee had a good discussion on this topic yesterday and had a few questions. One with regards to the 1029 list and whether or not 17(b) would impact their existence on the list.

Staff did a good job of answering those questions.

We also received this presentation with regards to demographics. And just kind of noted some of the age and early career data that you see where kind of the more serious misconduct incidents occurring there.

And then just talked a lot about the number of cases that POST staff is handling on the POSAAB side. So the number of open cases, number of questions as to how those were triaged and handled by staff.

And then we had some discussion with regards to number of complaints to POST having increased.

And then a discussion with regards to the staffing challenges faced by POSAAB to address the number of

cases that they are handling.

So it was a good robust discussion with regards to the data that was presented.

MS. WEILER: And with that, I will hand it off to my colleague to continue the presentation.

MR. GUYTON: Good morning, Chair Long, Commissioners. I'm going to provide the Professional Conduct Bureau statistics as of February of 2025.

And you can see up there all of the agency misconduct reports that we've received and in what year they were received.

Of note on this slide is our public complaints 1,712. Those have tripled since we started. We had a discussion yesterday regarding why that may be the case.

And I think it boils down to folks now know that POST does accept complaints and so they will go through the portal and provide those public complaints.

Next slide.

So these are the total cases that we have.

Of note here you will see 21,802 cases are open with POST.

That number is significantly higher than the last reporting that we had. And this was because we moved cases from our unassigned networks into open with POST.

The majority of these cases are priority 3 cases,

which means that the finding was not sustained, unfounded, or exonerated by the agency.

Over 90 percent of our cases are these P-3 cases. And noting on the bottom here, POST has closed 10,665 cases thus far.

Out of all of those cases where the findings were not sustained, unfounded or exonerated, POST did not find any discrepancies when it comes to reviewing the internal affairs documents, the body cam and all of that.

So what we have done is started an abbreviated review of these priority 3 cases where the allegations of findings were unfounded or exonerated.

And we're taking an abbreviated review of that. So it takes the analysts less time to go through the cases. We're confirming the findings.

And then we're auditing certain cases such as use of force cases and we'll pull some of those and look at the body cams.

But this is allowing us to go through these cases faster and close them faster so we can prioritize the work that we do with those cases that really need a deep dive by our law enforcement consultants.

All right. So these are cases with sustained agency findings. And POST has not moved forward with them for

the reasons listed there.

And the non-actionable cases are based on the date.

Next slide.

All right. These are our disciplinary action statistics as of February, notice of intent letters sent, and then 15 have appealed thus far.

Again, more statistics here. The Commission had asked for on-duty versus off-duty statistics. You will see a discrepancy in the number.

Forty-one notice of intent letters were sent out, yet we have 66 misconduct allegations when it pertains to on-duty and off-duty.

The discrepancy in this number is because if an officer, say, gets charged with breaking the law, gets arrested off duty, it gets reported as off duty.

If they then lie in the internal affairs investigation, that's another allegation that will come and it will show here as an on-duty.

All right. Next slide.

These are all the cases that have been heard by the board and the findings thus far.

Next slide.

Cases by the Commission. You will see five cases will be pending for this commission meeting.

Next slide.

These are the disciplinary decisions and outcomes by the Board and the Commission for the 15 cases.

Next slide.

These are certification actions all based on felony convictions.

Next slide.

And then total revocations.

And that's all I have barring any questions.

CHAIRPERSON LONG: Questions for Mr. Guyton? Comments?

Commissioner Braziel.

COMMISSIONER BRAZIEL: Couple questions.

Do we still have agencies that haven't reported any misconduct at all?

MR. GUYTON: We do.

COMMISSIONER BRAZIEL: Do we know about how many?

MR. GUYTON: I think we have --

COMMISSIONER BRAZIEL: And if you don't know, that's fine too.

MS. DEL MUGNAIO: No, we know. We just had to report this data, there are 146, 147 right now that have zero reporting.

That doesn't include the agencies that maybe have one report or two reports, but this is actually zero reporting. And that's down about 100 law enforcement

agencies from last year.

So this is something we report annually to the legislature, is agencies that we consider zero reporting.

Most of those agencies have less than 50 officers, some have two, three, four, five officers. Very, very small.

There's a few agencies that are in that 50-plus range. And we're reaching out to those agencies and reminding them of their obligation and the responsibility under Senate Bill 2 for that reporting.

COMMISSIONER BRAZIEL: Might I suggest if we find out later on that they haven't been reporting, that we don't streamline the initial in-take review; that we actually do a deep dive. Check to make sure that they're still compliant.

And then I have one other question, we may not know that.

So looks like we have four that are going to the ALJ; is that right?

MS. DEL MUGNAIO: We do. And they're in some stage, the Commissioner -- the Commission itself has determined that there's been serious misconduct and needs to move forward to a hearing.

I know we have at least two where the accusation's

been filed and they appealed, they've submitted a notice of defense. So those for sure. There's hearing dates pending. One is already scheduled for August and then there's another hear date pending.

Two are waiting for that accusation phase to be drafted. And then the respondent will have an opportunity to file a notice of defense, or to default.

COMMISSIONER BRAZIEL: So we have one in August? That's for sure?

MS. DEL MUGNAIO: Yeah, we have one scheduled in August for sure.

COMMISSIONER BRAZIEL: Okay. Perfect. That's kind of where I was going with that. How far out are we?

MS. DEL MUGNAIO: Yeah.

COMMISSIONER BRAZIEL: So summertime before they have the hearing. Probably like '26 before we actually --

MS. DEL MUGNAIO: Yeah.

COMMISSIONER BRAZIEL: Get a finding and back to us.

MS. DEL MUGNAIO: Sure. And one of the issues with the delay sometimes in establishing the hearing -- and I want to get this on the record, is OAH is doing -- the Office of Administrative Hearings -- has kind of provided a reasonable time frame for us to expect them to set a hearing.

So they're saying within four months we can get you on calendar and get a hearing.

It's opposing counsel and, you know, our AGs office, they already have a schedule. And so, they will sometimes request the hearing be out further because of the already packed schedule.

So OAH has been great about trying to ensure that our hearings are scheduled timely.

So our expectation from them is that they'll schedule it within four to six months of that notice of defense being filed.

COMMISSIONER BRAZIEL: Thank you.

MS. DEL MUGNAIO: You're welcome.

With respect to the abbreviated review, Commissioner Braziel, I wanted to touch on something that you said about agencies that have not reported yet and perhaps we want to take a closer look at some of those cases coming in, regardless of the priority status.

So there's a couple of caveats to that abbreviated review.

The first is agencies that we know we've had multiple conversations about reporting, those would be pulled out of that abbreviated review process just to ensure that the reporting is accurate and timely and within the framework of the acts of serious misconduct.

We also will pull out cases where we've had multiple complaints about an officer. So there's multiple cases regarding the same officer, those will take a thorough extensive review because of the risk that there may be a there there.

The audit that Bureau Chief Guyton spoke about, that audit is really a safeguard so that as we're doing an abbreviated review for the not sustained -- or excuse me, the unfounded and exonerated cases, that even though we found no discrepancy up to this point we want to make sure that continues. Right?

We want to make sure this is not a pass-through type process. That this is essentially an independent review by POST to confirm the findings of the agency are consistent with what our determination would be.

COMMISSIONER BRAZIEL: Thank you.

MS. DEL MUGNAIO: You're welcome.

CHAIRPERSON LONG: Along those lines, how much of that information is online? All of it except for naming the agencies who have not reported?

MS. DEL MUGNAIO: Correct. So there's a 2024 annual report that we did. A 2023 annual report to the legislature last year. I believe we just submitted it to the Department of Finance and the Governor's Office and we will -- may get feedback from that. And then

it's posted on our website and within that, I'll answer that question as well. It lists how many agencies have not reported.

The categories are 100-plus officers, employed.

How many agencies fall under that category, 50 -- or excuse me, I believe it's 25 to 50 and then something under 25.

It's broken down into three different categories.

The names of the agencies are not in that report. So, we don't have that currently available on the website.

CHAIRPERSON LONG: What happened to -- originally there were discussions at the Commission about naming them online, pretty much for the express purpose of calling attention to it. Whatever happened to that notion?

MS. DEL MUGNAIO: We did. We actually, for a very short period of time, had all of the agency reporting available on our data warehouse. So it was not only the agency and how many reports they had, but what allegations were associated with those reports, what the outcomes of those allegations, were, so it was all of the serious misconduct data.

Very shortly thereafter posting that data we got responses from the agencies that our data was inaccurate

and that it was causing some strong feedback from their communities.

For example, small agencies where it -- they may have, you know, 12 officers and our data would show allegations of -- five allegations for sexual assault.

That's pretty alarming to a community.

And we wanted to make sure that one, our data was responsible and it was accurate.

We pulled the data down at that point and we reached out to the agencies to confirm the accuracy of the data.

I think some of what will remain, perhaps not as responsible reporting if we were to do that, is in real time those complaints, charges and allegations are coming in every single day and so we would be reporting out every complaint, charge or allegation and what category of serious misconduct that would fall into.

Those cases have not yet been vetted. So to the community that doesn't understand the full process, it's pretty alarming to see a small agency that may have less than 30 officers, and you've got complaints that are acts that violate the law or physical abuse or sexual assault, when we don't know the veracity of any of that information yet.

And so it's all just complaint-driven at that point.

What I hope to do at some point, with the

Commission's permission, is when we have outcomes, that's more responsible data. Right? The outcomes are really what tell the story.

That takes into account the complaints, charges and allegations, the vetting of those complaints, charges and allegations and the final disposition of the actual complaint itself.

I think that's responsible reporting.

CHAIRPERSON LONG: But it would be possible to provide the names of the jurisdictions upon some degree of vetting.

MS. DEL MUGNAIO: Correct.

CHAIRPERSON LONG: More so than had been done in the past. I mean, we could split that thing.

MS. DEL MUGNAIO: It would be possible, yes.

CHAIRPERSON LONG: Yeah. Yeah, I mean, given the discussion of the Commission some months ago, which was to -- how do we try to, you know, call attention to the fact that certain agencies are not reporting. And I think it was fairly unanimous to move forward with at least getting it out there. I think, it would behoove us all to obviously vet these things.

MS. DEL MUGNAIO: Certainly.

CHAIRPERSON LONG: But to maybe continue to work on getting that information out there.

I assume there have been PRAs for this type of information.

MS. DEL MUGNAIO: Yes, there have.

CHAIRPERSON LONG: Okay. Thank you.

Any more questions on this item?

COMMISSIONER THERRIAULT: Commissioner Therriault.

You mentioned earlier there was -- maybe you hinted to some type of metrics on if the officers have multiple complaints, then that's looked into more thoroughly. Could you explain that process a little bit further.

MS. DEL MUGNAIO: So Commissioner Therriault, I want to make sure I'm answering question.

So when we're saying we may be pulling those complaints even if they're a priority 3 where we note that the officer has multiple cases within our Mark43 system. Is that your question?

COMMISSIONER THERRIAULT: Yes.

MS. DEL MUGNAIO: Yes. So what primarily happens with the priority three cases is those cases are assigned to our analyst team to review the agency's findings -- to review the complaint, the charge, and review the agency's findings and look at the evidentiary factors.

If -- when they go into Mark43, they can -- they pull up the subject officer. If there are multiple

cases, those are grouped together and assigned to a law enforcement consultant to review those cases to ensure that we don't have an inherent situation there or there's not already a case that's a priority one case where we're pursuing something and now we have a companion case.

And I'm sure as you're aware Commissioner Therriault, POST can only take one action against the officers's certification, so it behooves us to combine those cases and to look at them in their entirety based on that one subject officer.

COMMISSIONER THERRIAULT: I understand that. I guess my concern would be that there would, you know, -- something would be added to the fact that there are -- because they're happen to be multiple cases, which could easily happen, people -- sometimes there's this, you know, false narrative that because, you know, one officer or another gets a lot of complaints, that it's necessarily indicative of the officer being a bad officer, et cetera.

When you could have an officer who gets no complaints and does nothing. And an officer does a lot of work and, you know, might generate complaints maybe because they're not a good officer, which is entirely possible.

Or because, you know, in the course and scope of time, doing a lot of work, you're not always going to make a lot of friends.

So I guess that's just my concern. But if that's not the case, if that's not the intent -- only reason for my question.

MS. DEL MUGNAIO: That's well received.

It's still an objective review. It is just one of those factors that we need to look at to make sure we're not missing something.

You're absolutely right. In higher crime areas, you might see more complaints, right? It's just a reasonable fact of doing the job.

But we also need to be careful that we're not missing something. If we see, you know, the frequency of complaints about a certain officer, that we're making sure that we do the extensive review.

But by all means, that does not remove the objectivity and I -- well received.

COMMISSIONER THERRIAULT: Is there a program or anything that's used in that, other than Mark43, obviously. But -- or is it just the pure look by the law enforcement consultant on just the number of cases?

MS. DEL MUGNAIO: Other than Mark43, that's our only program by which we would kind of consolidate and be

aware of the multiple cases, yes.

COMMISSIONER THERRIAULT: Okay. Thank you.

CHAIRPERSON LONG: Thank you, Commissioner.

Commissioner Wooley.

COMMISSIONER WOOLERY: Yeah, I don't want to get us off track, but Mark43, what -- is that what I think it is? Is that the case management system?

MS. DEL MUGNAIO: It is.

COMMISSIONER WOOLERY: Okay. Thank you.

CHAIRPERSON LONG: Any other questions or comments?

All right. Thanks, folks. Thank you very much for the presentation.

Our next consent item, Bureau Chief Carrie Hollar will report on the status of the limited -- and counsel, I believe, Toby Darden, on the stats of limited police -- peace officer functions and the PC 832 course update workshops.

An ongoing discussion.

MS. HOLLAR: Thank you.

CHAIRPERSON LONG: You're welcome, Ms. Hollar.

MS. HOLLAR: Okay. All right. Good morning, Chair Long and commissioners. At the Commission meeting last September, Chief Counsel Toby Darden and I spoke about Commission Regulation 1005, which is the minimum standards for training and the current PC 832 courses.

Everyone agreed that the current 64-hour course, which is 40 hours arrest, 24 hour firearms, needed to be looked at.

We held two workshops, one in January, one in February, with 14 different stakeholders and subject matter experts, representing the Commission, Cal Chiefs, Cal Sheriffs, probation, BSCC, CDCR and current PC 832 course presenters.

In the workshop our focus was to look at limited peace officer classifications, what their job duties are and what the training requirements should be.

The group came up with the following concepts:

For any position that requires the performance of general law enforcement duties, completion of the regular basic course, also referred to as the academy, would be required.

When it came to the PC 832 introductory course, the group's thought was to create two different levels of PC 832 courses.

The group went over what the course content should look like in those two levels. So we provided them with the training and testing specifications and they went through each learning domain.

The first level which we're titling PC 832 arrest basic introductory course, is aimed at the correctional

officer, probation officer, coroner deputy, jail deputy, code enforcement, security guard type positions.

In reviewing the content, the group was split on multiple topics; however, there was agreement in some of the content such as use of force, that would add hours to this course, which is the current 40 hours.

Then we would separate the firearms component of the course for those positions who require them to be armed.

Several additional learning needs and objectives were proposed to be added and there was discussions on the testing. This would also add hours to that current 24-hour firearms course.

The second level would be a course for limited peace officers, which would include more content than the course I just spoke about, but then less than the academy.

This course would be for those limited peace officers such as park rangers, airport security, harbor patrol, et cetera, who fall under the control over a POST-participating agency.

With this classification, the group would like them to be required to complete some form of CPT or annual training.

We're here today to get your feedback on whether we should continue in this direction or look at something

else.

At this time, I'm going turn it over to Toby to discuss some of the legal considerations.

MR. DARDEN: Good morning, Commissioners. And I'm glad we have Kelly and Rick here, so I won't go into a lot of the detail that maybe I did with Advisory.

One of the questions that did come up, though, I was there for four of the six days, and one of the days I wasn't there, I believe it came from you, Rick, was the question of can we lawfully, can POST lawfully, have different levels of an 832 PC course.

And the answer to that question, in my view, is yes. And the reason is, that what 832 says is that every person that is described in the Penal Code as a peace officer -- and that's in chapter 4.5, for those Penal Code nerds like me -- and that if you look at it, it starts at 830.1, and then goes all the way through .2, .3, .31, .33, et cetera. And there's, you know, probably close to 200 of them in the Penal Code.

And so what 832 says is that every person that's described as a peace officer in that chapter has to complete an introductory training course prescribed by the Commission prior to exercising peace officers powers.

And in my view, just as a matter of statutory

interpretation, that says we can go through the Penal Code and say 830.1(a)(1) has to have this training. (a)(2) has this training; et cetera.

But we can go through the Penal Code in that kind of level of detail.

One difficulty that I think we would have is if we're talking about a limited function officer, I think it would be difficult for us, with respect to non-POST participating peace officers, for us to try to do that within 832. In other words to say, if you drive code 3, you have to have this kind of a course, or whatever.

Now I think we can do that in terms of describing a limited function peace officer.

I think we can do that for participating -- POST-participating agencies that want to subsume within that POST-participating agency what would -- might be considered limited function: Harbor patrol or airport, or park rangers or something along that line.

And I know that is something that has been discussed in these various discussions that we've had.

And I think we can lawfully do that.

But with respect to non-POST-participating agencies, we have, you know, very specific ability to regulate them.

And that is, you know, are they peace officers that

are in 13510.1, the SB 2 categories? Well, we can regulate them.

Are they peace officers that are within a category that the legislature has said they have to take POST training or have the basic certificate? We can regulate them.

And then 832.

With 832, we can say if you are appointed pursuant to a particular Penal Code Section, you know, we can -- we can define what the 832 course is.

So, as we've said, it's been pretty clear that the 832, the 40 hours, is not enough. I think I mentioned yesterday I think I took that course in 1977. It was 40 hours. It's still 40 hours.

And so I think everybody has agreed that that course has to go up and that was clearly what the group said.

With respect to the second level course, though, the thing the Commission's is going to have to think about is, if we want to do that and we do that in the context of POST-participating agencies that by regulation or rule set by the Commission, you're going to -- we're going to define what a limited peace officer, a limited-function peace officer is within that context of that POST-participating agency, we can certainly do that.

And the thing that's come up that the Commission would need to consider is sort of the question of well, what about the reserves?

You know, you've got a level 2 reserve that may have to take more training than perhaps what, you know, is decided for this limited function park ranger.

And if that's the case, then you've got park rangers rolling and able to handle certain calls, perhaps on their own, although there may be an RBC officer somewhere, you know, by radio or whatever, nearby.

But then you have a reserve officer right next to that limited function park ranger that would not be able to take action.

So those are all the things that I think we'll have to consider. And obviously we're kind of at the beginning still of this. And it's going to be a substantial amount of time and take a lot of work for us to push it through.

But okay. That's enough from me. I'll be quiet.

Hard for a lawyer to be quiet, but I'll try.

CHAIRPERSON LONG: Questions? Comments?

COMMISSIONER BARCELONA: Barcelona.

We talked a lot about doing something with this Penal Code because it's so cumbersome.

MR. DARDEN: Right.

COMMISSIONER BARCELONA: In my association, I probably have most of those people.

And there are very -- some of them are very limited. And the whole idea was, is now, especially since we live in a nation state, is we should have everyone trained appropriately, all POST-certified, cross-trained with the various weapons that all the agencies carry. So when you have a major incident somewhere and you need to move a thousand people for mutual aid, or more, everyone's trained the same. Everyone has the same knowledge and the same weapons, ammunition, arrest and control and all those things.

Is that something that is -- isn't that something that we should be more focused on in recommending, them to continually mandate all these different sections?

MR. DARDEN: Very interesting discussion. And two parts there.

The first is whether or not the legislature might in some way decide, or a bill might go through consolidating these positions. And I know I have heard some discussion that perhaps some folks may want to bring it forward, somebody may want to carry a bill that basically says, if you are a peace officer, and you're able to -- to, you know -- you know, exercise the functions of a peace officer, then you would go through

the basic course. And that's certainly something that could be looked at.

And so the legislature could say, any peace officer has to go through the basic course or has to have a basic certificate.

If that doesn't happen and the legislature doesn't do it, then the question, again, is do we want to set these differential -- does the Commission want to set these differential training standards to the extent that it can by law?

And again, we have very clear power with respect to participating agencies. Our power with respect to non-participating agencies.

We have it, it just depends on the agency.

So the question is do we want to do differential standards?

And I've always said the Commission wanted to say that the 832 course, which is the course that every person described in the chapter must complete this introductory course prior to the exercise of peace officer powers, the course prescribed by the Commission. If we wanted to say that was the RBC, we could.

You know, that might create a lot of problems for the, you know, the public officers that have to take it and the animal control and building inspectors and those

folks who the legislature said you got to take the 832, probably with the expectation that it's a much lesser course than the RBC so that might -- that might be difficult for those positions.

But -- so I appreciate both those comments. Really they're either policy questions for the Commission in terms of how you want to do these differential standards. Or it's a question for the legislature.

COMMISSIONER BARCELONA: Having been a person who has worked with some of those folks, if you end up going to a location where you're going to effect an arrest, or you may effect an arrest, or something of that nature, if you go -- if you're a full-time officer, fully trained, and you go and you -- and your backup is the guy with the just the 832 --

MR. DARDEN: Right.

COMMISSIONER BARCELONA: -- it's an extreme liability because they probably haven't -- they usually make fewer arrests, they don't get much training, and so now when you get there, you've got to babysit that person and watch them close because you're going to be getting -- you may be getting into a conflict.

And usually I found if you had to go hands-on, they weren't of much use because they just don't have the training. They don't have the abilities.

And so, you know, I'm a proponent of getting rid all those Penal Code sections and having everyone trained the same. Because then you've got a much better backup when you go to meet with somebody and you have to do something dangerous.

MR. DARDEN: Right. Well, and keep in mind that, you know, one of the things that sort of started us down this path, is we started under SB 2 to get inquiries. A lot of inquiries. We had folks that were going into our EDS system and inputting themselves in as captains and lieutenants and chiefs of police and they had their own stand-alone police department and they only had 832.

And of course when we found that, we've gone in, my legal department has gone in, and initiated discussions with them and with their governing bodies about that. And most of those governing bodies have pulled that away.

But that's one of the things that happens when you have a stand-alone 832, that somebody can say, I can now be a peace officer and strap on a gun and take, you know, 64 hours of training.

So these are all, you know, very difficult questions.

But the question that you raise with respect to the -- that limited-function officer, you know, that's

going to -- that's going to arise whether or not somebody is trying to be a limited function stand-alone, harbor patrol, or whatever, officer.

But also if the Commission decides to go the route of having, you know, agencies subsume limited function entities, like park rangers or whatever, or harbor patrol, within the department, the Sheriff's Department or the PD, that issue is still going to exist because then you're going to have, you know, park rangers or harbor patrol, or whatever, they're going to be rolling to a call and maybe there's a police officer, a full police officer or sheriff's deputy nearby, or maybe there won't be.

So these are the kinds of problems that the Commission's going to have to --

COMMISSIONER BARCELONA: We got to -- I think in this state, at least, we got to this point by putting a dollar in front of all these positions.

We did it because it's cheaper.

MR. DARDEN: Right.

COMMISSIONER BARCELONA: You know, we can put somebody through 832 and we can give them -- call them, quote, a peace officer so they can go in and subpoena records and remove records and things like that, but we pay them a whole lot less. And they're not near as

bothersome when we train them.

The problem is, is that they, lot of times, become a liability when you put them in the general law enforcement field. And they simply don't have the ability and the skills and the training to do that job when they're put with those that are. If you mix them.

MR. DARDEN: Well, we've heard that directly. I remember Kern County, when we had them here. I mean, that was one of their concerns, they don't want to have to, you know, put a park ranger through the full RBC because, you know, it's going to be more difficult, they will have pay them more, they'll hve pay them like full deputies. So the idea is they want to keep them and only have the more limited training.

So, you're right. That's definitely a concern --

COMMISSIONER BARCELONA: It also endangers their lives because they don't have access to a weapon to defend themselves, either.

So and they -- and it's always been the dollar.

I just throw it out there. That's something we should constantly be thinking about. And we should quit Band-Aiding all these different Penal Code sections.

CHAIRPERSON LONG: Thank you very much.

Are there any questions or comments?

Before we ask Chief Salazar -- because I know the

Advisory Committee had a very robust conversation on this yesterday, let me ask our Executive Director to repeat his comments from yesterday in terms of kind of a general timeline of what we may be looking at for these changes and reforms.

MR. ALVAREZ: Thank you, Mr. Chair.

I was hoping that we would have this done by 2025. And I think I was the only person in the room who had that idea.

I think everybody that was participating was of the opinion that this would be 2026, 2027. That this is going to take some time. More workshops. More engagement with the law enforcement community to sort this out because of the complexity of it and the challenges that we obviously face.

So it is going to a while. It is not going to be by the end of this year that we'll be able to bring something forward in a final product before the Commission. It's going to take some time.

Thank you, sir.

CHAIRPERSON LONG: Commissioner Braziel.

COMMISSIONER BRAZIEL: Yeah. I want to thank Manny for that.

And I really can't emphasize enough, you know, Commissioner Barcelona talked about how we could

simplify the state, but absent some legislative changes to require us to change our ranks, we know we have to do it. And I want to commend both Toby and Carrie's staff. They've been really, really good. Particularly when we went through each of the LDs and really taking a diverse group and workshop that had different -- approached it from a different perspective and really walked everybody through it.

So it's not a simple task. There's a lot of stakeholders, all the way down to local government that's not public safety, because they've got their animal control or the building inspectors. So there's a whole lot of stakeholders out there that are impacted by whatever decision we make.

So it's -- sometimes you got to go slow to go fast.

And we had some lessons learned from the SIBC with the DAs when we don't include people up front how much pushback we can get.

So it would be great if the legislature acted quickly and could fixed things if that they want to fix it. And we're more than happy to help Commissioner Barcelona with that one, because that would be a much better fix in the long term.

But staff is doing a great job in actually getting everybody to the point they need to be and allowing

people to express their opinions and getting a diverse group in the room from STC and BSCC, and CDCR and everybody is at the table, which is really, really good.

So thank you to the staff and to Toby's staff.

CHAIRPERSON LONG: Thank you, Commisisoner.

Commissioner Gordon.

COMMISSIONER GORDON: I would just like to echo Commssioner Braziel's comments. I think it was very, very productive, but it also highlighted the diverse level of opinion.

But I will say I think there is definitely, I think, after all of the different diverse opinions, a lot of support for what Commissioner Braziel -- I mean Barcelona is referring to.

You know, there will have to be, I think, some sort of carve-out for those that are not carrying firearms, unless maybe it is for a euthanasia of an animal or something like that, but for those fire inspectors and those code enforcement officers that are not actually doing law enforcement duties. It's very different.

But I think after we started talking through and we're trying to determine how many hours or how many -- what should that course consist of?

It was very hard to actually cut hours out of the basic academy to come up with that. And I think that

was the lesson. That was definitely something that everyone was trying to figure out how to do that.

But it does become a challenge. And I think like I said, to Commissioner Barcelona's point, I think there's actually a lot of support for the legislature making some changes.

And if not, it absolutely has to be done at the POST level. And I really want to commend staff. They did a fantastic job with facilitating and really trying to get everyone to think and work together from a lot of differing opinions. So --

CHAIRPERSON LONG: Thank you, Commissioner.

Additional comments from the Commission?

COMMISSIONER BARCELONA: Barcelona.

I wasn't criticizing you guys, by the way. I was -- I've just been frustrated with dealing with all those different positions over the years.

Many of those are members in my association. And we've had to work to get them -- you know, get bills done and agreements with the administration to train them and get them into the peace officer class.

When you do that, some of them don't make it. They can't make -- you know, they can't make the cut.

But I wasn't criticizing your work. I was just criticizing what we have out there.

MR. DARDEN: Yeah, I didn't take it that you were. And believe me, we have also felt the frustrations. This is a very difficult area.

CHAIRPERSON LONG: Chief Salazar.

MR. SALAZAR: Thank you, Mr. Chair.

We did have a good discussion on this topic yesterday and I will try and summarize it as best I can.

But we discussed, you know, what we're hearing right now from the commissioners, that the complexities of this particular issue.

Sheriff Honea in particular described, with regards to 832, the challenges particularly in the Northern California environment to even get access to 832 courses as it exists now.

And so we talked about the challenges there.

And then if there were two different types of 832 courses, the challenges that can present for people, whether or not they took the correct 832 course for the position that they're looking for.

What other subject matters would need to be considered, particularly as it relates to jail deputies and agencies that obviously run correctional facilities.

Obviously use of force, but other -- what other topics would need to be added.

And then really kind of a lengthy discussion with

regards to, you know, considering a modular approach to the issue, but then how changes to 832 would impact the current modular existence, so modulars 1, 2 and 3.

And I think you may have already heard the example, but where you may have an 832 designated park ranger who has more authority than someone who's completed module 2 or 3 as a reserve police officer and has to work supervising a park ranger is enforcing laws without being supervised.

So we discussed, you know, the complexity with that. How it would impact the modular approach. And I think in a nutshell, that was the discussion.

There was some discussion with regards to who was able to provide the training. But again, so, generally access to the training, how it impacts the current modular approach and that, I think, summarizes the discussion.

CHAIRPERSON LONG: Thank you, Chief.

I can attest to it. And again I thank the Advisory Committee for what was a very detailed and robust series of conversations yesterday. It is extremely helpful going forward.

If there are no more questions on this side, I will move to the last consent item and legislative liaison Meagan Poulos will report on the RIPA 2025 annual

report, the Racial Identity and Profiling Act report.

Ms. Poulos.

MS. POULOS: Good morning.

So, as we all know, every year the RIPA board, releases its annual report. And within that report they include recommendations to the POST Commission, so this report is a compilation of those recommendations along with a response to those recommendations and the analysis that supports that response.

I won't read the entire recommendation in its entirety, but I will summarize it along with analysis and I'm happy to take any questions.

So the first recommendation -- there are five total this year.

The first recommendation is not a new recommendation from the RIPA board to POST. It is to basically evaluate the academic research behind POST training. They would like POST to determine the quality and relevancy of the training to the job.

POST should evaluate all courses not based on the total number of hours, but whether the training is effective in changing the officer behavior or can support desired policy outcomes, such as police reform or crime reduction.

POST's response to this recommendation is to take no

action, as there are lack of resources available.

This recommendation was also made during the 2024 report. And at that time, POST stated they did not have the resources to measure the effectiveness of individual officers' outcomes of training.

And that that should belong at the granular level with the agency that employs the officers.

And I will add that we had conversation of that just yesterday at the Advisory Committee meeting where one of our committee members did acknowledge that they do have instructors that do follow up with these officers to evaluate, essentially, what RIPA is asking POST to do.

So I think the argument from us is -- just continues to be that we don't have a means and it is kind of out of our scope to measure the effectiveness of each officer individually for all training.

The second recommendation is to revise the process for evaluating law enforcement training and course certification and its quality assessment plans to include additional course criteria that incorporate training outcomes based on officer actions and behavior in the field.

The response to this recommendation was no action required as it was outside of our scope of work.

In the analysis we state that, you know, the POST

certification process and the quality assessment program are both two distinct processes to focus on the delivery of the training. And neither were designed to address the individual student or officer outcomes after leaving the training.

So it's a similar analysis as to recommendation number one, in that again, POST's scope and goal is to focus on the quality of delivery of training and ensuring that our regulatory standards are being met.

The third recommendation is to formally evaluate Learning Domain 3, which is principal, policing and Learning Domain 42, and the regular basic course to evaluate those comprehensive module tests.

POST partially supports this recommendation. And that the comprehensive testing for LD 3 is already placed in other LDs.

And that we agreed that we would research the possibility of incorporating a comprehensive module test in LD 43, which is the cultural diversity learning domain.

The fourth recommendation is to develop guidelines to assist law enforcement agencies in developing procedures to conduct adequate investigations into complaints alleging bias and guidelines that assist law enforcement agencies with aligning their policies and

the guidelines also apprise law enforcement agencies how to educate the public in which a complaint can be filed or ways in which a complaint can be filed.

So, POST partially supports this recommendation. We've already begun identifying subject matter experts to develop these guidelines out of Assembly Bill 443 which requires POST to create these guidelines by January 1 of 2026.

And we've included RIPA board members on the -- in the workshops as subject matter experts.

The fifth and final recommendation is -- sorry.

Is to issue guidance apprising officers and the law enforcement agencies about the anti-retaliation and workplace protections afforded to an officer who files a complaint against a fellow officer or their agency or who cooperates with an investigation into an allegation of serious misconduct.

We marked this as no action required as it is already covered sufficiently in California Labor Code 1102.5, these protections.

I'm happy to answer any questions.

CHAIRPERSON LONG: Any questions or comments from commissioners on the RIPA report?

That report, Meagan, if commissioners want access the report, they can find it where and how? Since

really it just came out for this meeting.

MS. POULOS: Yeah. Right now it's just in the agenda item.

CHAIRPERSON LONG: The report now and the agenda backup? Because it wasn't --

MS. POULOS: It's there now.

CHAIRPERSON LONG: Okay. So it's available if anyone wants to read the full report.

Comments, questions?

Thank you, Ms Poulos.

CHAIRPERSON LONG: Chief Salazar.

MR. SALAZAR: Thank you, Mr. Chair.

The Advisory Committee did have a brief discussion on this item and received the report. Generally agreed with the POST response to the report.

But also expressed concerns of the RIPA board's continued attempts to expand its scope of work. And then just concerns based on the recommendations that are based on data that's not academically collected, researched, peer-reviewed.

That was the comments from the committee.

CHAIRPERSON LONG: I will add a comment to that.

Chief Cooper -- before you leave the room, Chief Cooper may have an opinion on this. But when this was -- when we were working on the RIPA, I as staff, and

Chief Cooper as a member, as an influential member back in 2015 or so -- I do wonder about, to some degree the Advisory Commission's comments yesterday about mission creep. And they seem to be, in my estimation, somewhat legitimate.

I don't know how far afield RIPA needs to go. I think it's a topic for discussion. But I do think, to some extent, the comments made in the Advisory Committee yesterday I wonder if it endangers cooperation and respect when they start to go afield.

So I think that those comments from the Advisory Board yesterday were well placed.

I didn't mean to draw you into this, Sheriff, I just remember you were around at that time. And it was a -- it was a focused charge from the legislature for the RIPA report.

COMMISSIONER COOPER: And there was -- the big issue was, when we look back on that, obviously we were in different times and circumstances there, and it was a different environment, a lot of things came forward and some were good, some really good changes and some were not so good. And we're still left dealing with it.

And so, I think everyone knows there were some issues with it and it's tough. It was, like I said, different times and now that we look back on that.

Mistakes were made on some of these issues.

And you have current members that are there right now that will admit to that, that we need to go back and make some adjustments on that.

Whether we have the appetite for that, I don't know.

CHAIRPERSON LONG: I think your point's well taken from the Advisory Committee. So thank you very much.

Before we move on to finance, and I'll ask Connie, do you need a break?

THE COURT REPORTER: Please.

CHAIRPERSON LONG: We'll take -- before the break, however, I do think there was someone who wanted to make -- to offer some public comment and who arrived a little bit late when we were doing public comment. I would like to afford them the opportunity to speak if -- there we go.

And as usual, we would like to limit public comment at this point in the meeting to no more than three minutes.

Thank you. Welcome.

TASHA WILLIAMSON: Thank you.

I actually wanted to talk to the points of what they discussed with you right now, so I will forgo public comment.

But I do want to talk to the bias training. And I

want to say thank you to all of you who sit on this Commission who fight to support what community members also want, which is public safety.

And that's the safety of having officers on our streets who will treat us with dignity, respect and follow the laws.

We are in support of this Commission because we do want officers decertified. I did hear a commissioner talk about officers with multiple complaints. I have sent a lot of complaints to this Commission by way of email.

And in those complaints, multiple officers have received multiple complaints for the things that they've done.

Not only do I feel that San Diego Police Department needs bias training for their investigations, I look forward to law enforcement agencies having more tools to effectively investigate complaints of biases.

Not even a year ago, SDPD, which had multiple, multiple complaints of racial biases said they found no sustained findings of racial bias within their San Diego Police Department.

And then there was a news article that came out where one were their sergeants, Sergeant Woodland, made a comment that K9 dogs only bite dark meat.

And that sergeant is still a sergeant. He is still employed with San Diego PD.

And we have a Marcus Evans who has had two K9 dogs unleashed on his body while he was barely clothed, with his hands up, had only shorts on, no weapons.

And we are frustrated because we understand that what Sergeant Woodland said in SDPD is actually how they operate.

I also hope that this agency will recommend amendments to SB 2 to force law enforcement departments to comply with SB 2.

We are under the understanding that San Diego Police Department and the Sheriff's Department have not complied with SB 2 and have not forwarded you all of the records that they should for law enforcement officers who have fallen under the decertification bill.

We would like to further ask that you understand that we are heavily holding onto you all to decertify these officers because our district attorney has said that the only recourse that community members have when officers use excessive force -- as the Officer Daniel Good -- Good -- Gold did not too long ago, like I think it was January 28th, when he shot the 16-year-old black kid, Konoa Wilson, without even identifying himself, not even knowing --

CHAIRPERSON LONG: Excuse me --

TASHA WILLIAMSON: -- had something in his hand.

CHAIRPERSON LONG: Excuse me. I hate to interrupt you, but could we -- I think you missed the initial admonition this morning for public speakers, but if you could try not to comment on what will be pending cases.

TASHA WILLIAMSON: That's fine.

CHAIRPERSON LONG: That's not appropriate at this time. Thank you.

TASHA WILLIAMSON: That's fine. Can I get my few seconds back?

CHAIRPERSON LONG: Absolutely. Absolutely.

TASHA WILLIAMSON: Thank you.

It's imperative that you all understand how difficult it is for community members, those who are grieving, those who are witnesses and those who need you to decertify officers.

So please hold this serious, as you have.

Please note that we support you, we appreciate all of you. And we need you.

Thank you.

CHAIRPERSON LONG: Thank you very much for your interest, continued interest, and for coming today.

Thank you very much for your time.

At this point, I think Connie needs a -- desperately

needs a break. But I think we should best do before is to take a fifteen-minute break now. We'll come back, do finance and the contracts and then break for lunch.

(Brief break.)

CHAIRPERSON LONG: All right. Please take your chairs, take your seats.

As I said, we will do finance here. And there will be some work on, you know, the contracts so that will take a little bit of time, but not much, then we'll break for lunch at that point.

Administrative Bureau Chief Cheryl Smith will report on '24-'25 year-to-date expenditures and contract expenditures.

Chief Smith, if you could come up.

But before we begin, and I think it would be helpful -- and I think yesterday, Deputy Director Tom Osborne provided a bit of an overview of the proposed '25-'26 budget, in particular, and what exactly the proposed Jan. 10 cuts mean for POST, and wherever they may come from.

And even more context, although obviously Mr. Osborne can't and shouldn't address detail about what may happen, this is -- looks to be the type of budget year where there will be retrenching, not expansion, and how might that affect POST going forward.

So, Director Osborne, if you would like to open up before we turn it over to Ms. Smith.

MR. OSBORNE: Thank you, Chair Long. Good morning, Commissioners.

Yeah, I wanted to provide a quick snapshot regarding the '24-'25 Budget Act and its impact to POST.

So the Budget Act of '24-'25, as implemented through the Department of Finance had two distinct reduction item areas.

The first one is regarding Control Section 4.12, which I know you all know what that is, but it's related to vacancies.

And Control Section 4.05 which basically is a reduction, overall budget.

So Department of Finance last year generated three letters, two in July, one in August, that provided guidance to each state agency as to what their marching orders are to basically reach their budget reduction goals.

First I'll talk about the CS-12 -- CS-- yeah, 12, which is regarding vacant positions.

So the overall goal for the Department, well for the State, was to eliminate approximately 10,000 positions and roughly $1.5 billion in salary savings was their topside goal.

So POST went through an exercise to identify every vacant position with the lens of which would be less impactful to POST if we were to eliminate those positions.

We identified less than ten positions, all on the traditional POST side of the house that we submitted to Department of Finance for approval. And it's still pending.

Happy to report, as you heard of the backlog of cases on the SB 2 side of house, all of those positions that were vacant on the SB 2 side we were able to get exemptions for those positions, so they will not be touched when Department of Finance finally makes its determination as to which positions to cut.

Regarding section 4.05, also, each state agency was to cut 7.95 percent of their overall operating budget. So POST we went through every particular line item, looking for operational savings. And happy to report that we've been able to reach that goal, submitted our recommendation to Department of Finance. We'll be able to make those cuts without any impact to training or deliverables to our law enforcement partners.

Any questions on those two items before I transition into '25-'26?

Okay. So, hearing none -- so, also just -- we

talked about vacancies. I wanted to kind of give a report on overall vacancies at POST as of the end of February.

We're approximately 20 percent vacancy rate.

What that equates to is 52 positions are currently vacant at POST.

And so, considering in the past two years, with the increase of positions for SB 2, coming from, you know, where we are at 263 positions, having 20 percent vacancy is not too bad, but we're still working really hard to beat the bush to try to get those positions filled.

And of those positions, 28 of those are on the SB 2 side of the house.

Lastly, on '25-'26 budget year, you may have seen the Jan. 10 budget. POST took $2.7 million hit from its budget from '24-'25.

And so happy to report that still, even despite that initial cut, through some efficiency, we've realized in the past couple years on our reimbursements, on our local assistance, and more officers going to our learning portal, we were able to absorb that budget deficit without any impact to the field or any deliverables.

Pending any questions, I will turn it over to Bureau Chief Smith.

CHAIRPERSON LONG: Commissioner Woolery.

COMMISSIONER WOOLERY: Can you go over that again? Kidding.

CHAIRPERSON LONG: All right. Thank you. Thank you, Mr. Osborne.

Ms. Smith.

MS. SMITH: All right. Good morning, Chair Long, Commissioners.

I'm just going to go over where we currently stand with expenditures for '24-'25. This is an overview of both the State Penalty Fund and the General Fund of our overall budget of approximately 112 million.

We've expensed as of February 11th, it was approximately 48 million, leaving a balance of 64 million.

And then the next slide shows State Penalty Fund. And then the different appropriations that we have. So we have standards, training, the peace officer training and the POST administration.

So, of that breaks down to -- we have a little over 46 million. So far we've expensed or encumbered over -- almost 18 million, leaving a balance of 28,892,579.

The next fund is the General Fund. Again, breaking it down with standards, training, peace officer training and then the POST administration, of the budget of 63 --

a little over 63 million, we've expensed over 30 million, leaving a balance of 33 million.

The next slide shows training reimburse -- oh, we're missing it. There was a slide for training reimbursements.

Well, I was going to show you how many training reimbursement requests we had processed so far for the last two years. And then currently for this year. And the amount that was -- the next we're going to go --

Oh, contract expenditures. So this is just the overview of the contract expenditures for the current contracts for '24-'25. And where it's at currently as of February 11th.

Does anybody have questions in regards to any of that?

CHAIRPERSON LONG: We will now move to the money question for '25-'26. The Commission's required to approve any contract spending authority that exceeds $250,000.

So, do we have the '25 -- can we get the '25-'26 --

MS. SMITH: This is the training reimbursement requests.

CHAIRPERSON LONG: What's that?

MS. SMITH: This is the training reimbursement request slide, what we processed for '22-'23, '23-'24

and where we currently are for '24-'25.

And then the next slide will show the contracts requiring Commission approval.

CHAIRPERSON LONG: So what --

MS. SMITH: This is --

CHAIRPERSON LONG: -- we will do now is consider these contracts -- oh, that's the wrong slide.

MS. SMITH: Yep. Is there another slide?

CHAIRPERSON LONG: Do we have -- is the -- we can use this if the Commission slide's not available.

COMMISSIONER NIETO: Chairman, are we going to be taking each individual contract number?

CHAIRPERSON LONG: What I would like to do -- what I propose we do, especially if we can get the other order up -- if we can't we can use this -- is go by bureau for a vote, take a vote by bureau, and not go over every contract, unless a member or a commissioner has questions about that particular contract or would wish to abstain from a vote on that contract.

We'll call that out separately. Or vote no on a contract. We'll call that out separately.

Otherwise my suggestion is that we consider contracts as they appear on the table by bureau.

We will vote on them by bureau, one motion, one vote per bureau, unless any member wishes to abstain or ask

for a presentation on that contract.

Staff is available and ready to present a report on each contract if any commissioner wishes.

MR. DARDEN: Basically, Chair, just for the newer commissioners, basically how we do that to be as expeditious as possible is by bureau. Like, for example, training program services, you see there are a number of contracts and the idea is that we will do a voice vote, but as we get to you, if you vote aye on all, but you want to abstain from one, or aye on all but no on one within the group, you can do that.

But that's your opportunity to state by -- by the bulk of the contracts within that bureau. If you approve them all or if there are any or all that you believe you should abstain from or that you want to vote no on by the specific contract.

So I just wanted to make sure that's clear, because we have some commissioners that haven't done this before.

CHAIRPERSON LONG: Didn't I just say that?

MR. DARDEN: I believe you said that, but you know lawyers, we can't help ourselves.

CHAIRPERSON LONG: I think I just said that.

They'll pull it up and do it in order.

We can -- so take a look at the contracts. They're

all -- some of -- the detail was in the agenda, but if you would like a presentation, please don't hesitate to ask for a presentation. Staff is ready to do so.

Let's just -- we can start with training program services.

MS. SMITH: Okay. Perfect.

Training program services, if you have an attachment pulled up from the agenda on your laptops, it starts with the Institute of Criminal Investigations or ICI.

The program goal is to produce a highly trained and competent criminal investigator who can meet --

CHAIRPERSON LONG: Hold on a second. I don't think we need to --

MS. SMITH: You don't?

CHAIRPERSON LONG: Yeah. Unless someone wants a presentation and wants to ask specific questions on a contract, I think we can just leave them and we'll deal with them by bureau. So no need, unless someone wants to see them.

I'm -- in particular, I do have some questions on the supervisory course that I would like to raise.

Before we go, if anyone has any questions on any of the others?

COMMISSIONER NIETO: Mr. Chairman, I too have a question, just on the supervisory course.

But it's a very simple questions.

CHAIRPERSON LONG: Go ahead, please, Commissioner.

COMMISSIONER NIETO: I just wanted to know how many weeks is supervisory versus management?

I know we have more sergeants or first line level coming out. And it seems like we're spending more money on the management versus the supervisory, which are lieutenants or equivalent and above.

I understand SLI because how it's so many months. It's eight months. So I understand why that's more expensive.

So if you could answer that.

MS. SMITH: The supervisory course is an 80-hour course.

COMMISSIONER NIETO: And the management course?

MS. SMITH: The management course is 104 hours, mandated.

COMMISSIONER NIETO: Thank you.

CHAIRPERSON LONG: Any other questions on TPS contracts?

COMMISSIONER JOHNSON: I have a question, Mr. Chair.

CHAIRPERSON LONG: Commissioner Johnson.

COMMISSIONER JOHNSON: Thank you.

CHAIRPERSON LONG: Please.

COMMISSIONER JOHNSON: These contracts, the one

through nine, they discuss what they're for, but they don't discuss whom they're with.

Are they with single source. Are they with multiple entities? Private? Public contracts with the -- who POST is entering into a contract with.

MS. SMITH: So on the agenda, there -- so let's take management course for an example.

There's an attachment with that agenda item for management course and that attachment will show all the presenters of that course.

COMMISSIONER JOHNSON: Can you lead me to that place in the agenda?

MS. SMITH: Which course were you looking at?

COMMISSIONER JOHNSON: Well, I --

CHAIRPERSON LONG: Each -- each issue has an attachment in the agenda and has a background on each of the contracts in general, who's providing the presentation, who's providing the course work.

COMMISSIONER JOHNSON: So I'm in the Section C, finance contracts.

COMMISSIONER NIETO: So while he's looking for that, I do have another question.

Are there any big changes between the years on any of our contracts or presenters that we should be taking a look at the individual contract?

MS. SMITH: I do not think there's a big difference.

So actually on some of them, they're asking for extra '25-'26 than they had '24-'25.

COMMISSIONER NIETO: Did you have any major presenter changes for any of the courses? Programs?

MS. K. SMITH: No.

CHAIRPERSON LONG: And I would, in answer to that question, I would think one of the -- the other questions I will have going forward is just more explanation on number 13, the learning portal maintenance, which does look like a big increase but there will be reasons for that.

So, Commissioner Johnson, are you back on the horse there? Or --

COMMISSIONER JOHNSON: I am. Thank you. Thank you for pointing it out.

MR. ALVAREZ: If I may add to Commissioner Johnson's -- one of his questions, so all the presenters for these contract courses are either law enforcement agencies, community colleges, or CSUs.

There are no private presenters that will have contracts with us.

COMMISSIONER JOHNSON: Thank you.

MR. ALVAREZ: Yes.

CHAIRPERSON LONG: So back to the -- to the training

program services bureau. And there are those nine contracts.

My question's on the supervisory courses.

I raised last time as well, I -- in general -- I want to be very clear I don't think there's any malfeasance here. Nor do I think there's anything afoot.

But I do think in terms of feet, it's not POST's best foot forward.

I find the supervisory contract clause kind of emblematic of contract issues in many departments. There's a wide range of costs and charges for what should be similar services.

If you go through the programs, the cost per course presentation vary wild -- widely -- wildly, from under 12 grand per course, LASD, Orange County SD, Alameda, San Diego -- to 30,000, Riverside, and 50,000 for South Bay. Which drives the average up to about 22,000 amongst the presenters.

Now, there's always reasons for these things. I get it. They don't have a conference room. We have to go here. Or we need to bring on other presenters. We got to go there.

My question, and what I think looks to me like a vulnerability in POST contracting -- I think contracts

are always the place where a department is vulnerable. It's the place where LAO is -- Legislative Analyst Office, is going to go, Department of Finance is going to go. And especially in a budget time where we're retrenching and we're looking to get support for our budgets and so forth, the last thing we need is to look a bit vulnerable on some of these contracts.

My questions going forward -- and I'm not trying to stop this contract or change anything, but are there -- I'm not satisfied with these basic questions.

Are there better, more creative presenter options?

We're often, well, they don't have presenters, so we have to schlep these people halfway across the state. Or they don't have conference room so we have to go here.

Are there better, more creative presenter options. Are we looking for them?

Are we -- how do we best incentivize lower presentation costs? These are all over the board.

And specifically are South Bay costs high across the board?

Or just -- I guess that's a specific question I would ask right how. Are they high across the board in their -- in their contract costs? Or is that limited to the supervisory cost?

MS. SMITH: I would say that for South Bay, that they're private -- they're a college. They're going to pay for each of their instructors.

If you're looking at LAPD or San Diego PD, those pretty much have -- they already have their instructors. They're in-house. They're already paying them a salary, so they're not having to pay them.

So it's different.

CHAIRPERSON LONG: Right. And it's not just different, it's way more expensive.

So are there different ways to look at this?

And what is POST doing to -- we've talked about contracts over the years that I've been here.

How do we best move forward with the most creative financial incentives we can find?

And finally, you know, might it prove cost-effective to ask the state auditor, who we already pay to do audits, to include the supervisory course? I just leave -- lay that out there as potential suggestion to our finance folks.

Going through the contracts -- and I don't claim to have read every word that I could possibly find in all your contracts -- but this one looks to be the most vulnerable. And whenever you have a series of contracts that are so disparate, it would seem to raise -- and I

understand, every one, we can talk about a building or presenters and so forth.

But they're wildly disparate costs.

I don't know if anyone would -- again, I'm not trying to blow up these contracts or anything. Or suggest there's malfeasance. I don't -- I do wonder, however, if we're using our best -- our most creativity on this.

I don't know if anyone would like to address that, Mr. Executive Director or anyone else.

But that's my -- that's the gist of my comments on the supervisory course.

MR. CHALK: Chair Long, members of the Commission, I'm Tom Chalk, I'm the Bureau Chief for Training Program Services. And to my right is Kenya Smith, she's our staff services manager of TPS, who actually -- she's my boss. She knows what's going on.

But I just want to address that question, sir, regarding the supervisory course.

We only have 16 presenters across the state that put on that course. Which is, by the way, Commission Regulation 1005 mandate for all new supervisors to complete that course within 12 months.

As a previous director for training of a large agency, it's a challenge to get people into courses, to

meet the commission regulation.

With that being said, yes, the South Bay is an outlier when you look at the $50,000 presentation cost, compared to, let's say, LAPD. They can do it for 8,000.

And again, but did you mention already, sir, that those other agencies aren't paying -- they're not billing us for meeting space or instructor fees.

They have in-kind instructors come in and teach this. And we're not incurring the cost for that.

But there is a true cost that these agencies are actually paying.

So it is not a: Why are we allowing an $8,000 presentation as opposed to a $50,000 presentation when it's the exact same material and the exact same hours.

That's a question that I grappled with when I just came over to TPS recently. And -- but that is what it is.

And the region that we're presenting with South Bay, it's -- they fill a huge need for us and they -- their classes are full. We look at ways to be economic in terms of, like, make sure our classes are full. Are we doing the unnecessary presentations?

And that's not the case. We -- we're doing our due diligence.

And on top of that, we are also right now looking at

other presenters in the area. But it is a challenge to put on a supervisory course. It's a heavy lift and -- so, but that is something we are looking at, sir.

CHAIRPERSON LONG: Appreciate that.

I do think, though -- real quickly, I do think though that pointing out the difference between $8,000 for presentation for the same course and $50,000, "it is what it is", isn't good enough, I don't think.

I think there -- all I'm looking to see if there's some awareness of this, and some effort toward some creativity towards change, because these numbers are extremely disparate.

Commissioner Gordon.

COMMISSIONER GORDON: So I would just like to provide a little different, opposing view.

When you look at this in a bigger picture, not just fiscally. When you're from an agency, such as ours in Santa Barbara, sometimes that's the only opportunity that your supervisors, your new supervisors, actually have to get out.

So when we look at creative, if we were to take this online -- part of that is the networking. It is talking through scenarios. It is breaking out into small groups that happen. It is actually what happens in the class that is very important.

So, we wouldn't necessarily, or I -- I'll speak just personally as a chief, when I have an opportunity to send a new supervisor to a class that gets them out of their comfort zone, gives them an opportunity to network and to really learn, that's really important to me as a chief.

That is my one opportunity for a new sergeant, a new supervisor to do that.

So I understand our fiscal responsibility, but I just want to be mindful of how we're doing that and not missing that opportunity.

You know, I think for an agency like LAPD or the Sheriff's Department, you know, LAPD is training all of their supervisors to specifically what they -- yes, there's the course curriculum -- but they're getting the LAPD way.

I personally, you know, that's a little different than what we do in Santa Barbara, just because we're a different agency. We're not, you know, 8,000 strong. So what those supervisors do and what that looks like. So I wouldn't necessarily send one of my folks to that LAPD school.

But it makes sense for -- at the size of that agency, they're going to send everyone through that, you know, for LAPD.

So I just want to give a little context from a practical standpoint as a chief, is, you know, whether we're sending down south or we're sending up to the, you know, up to Monterey, to the South Bay where, you know, there is a higher expense.

There is some other value to that that is not just the fiscal value.

So, just for a little perspective on that, if that -- if what I'm saying makes sense.

CHAIRPERSON LONG: Absolutely.

COMMISSIONER NIETO: Commissioner Nieto.

Again, I talked about South Bay, again, and it is more expensive in our region. Cost of living is more expensive. Everything's more expensive.

I think if we took it in context for the big agencies, they are providing the instructors. And if you actually broke down what those agencies are actually giving POST the benefit, because they're paying for it, I think the cost would be a lot more similar.

Because LAPD, Sheriffs are -- whoever put these things on, they're paying for the salaries and benefits of those instructors and they're not charging it to POST.

If you looked at -- if you had to get a room in that area, again they're not charging it to POST. And so it

would be similar.

I do want to give a shout out to POST, and kudos and to Manny. I do know because of the concerns about South Bay Regional, that you guys are talking to some of the other areas, such as Hartnell, who is not part of the regional, but it's one of our -- in the central coast, it's one of our bigger colleges. And I've had those conversations with them, too, about what was they can do. Because they're trying to break into it.

That maybe it's going to save us a little bit of money.

But I think if you did the actual comparison, you would see that the money's wise breaks out pretty even of what it costs to put on -- the real cost of putting on a course, not just what POST is paying out.

CHAIRPERSON LONG: Mr. Alvarez.

MR. ALVAREZ: Thank you, Mr. Chair.

Just a couple of points on areas that perhaps, you know, we can continue to work with South Bay on the cost.

So, as they give us their scope of work and their budget, obviously they deliver the training primarily if I'm not mistaken, South is Monterey County all the way up to Milpitas, California. Just an ongoing dialogue we have with them. It is a two-week course that if they

have instructors in the San Jose, Monterey, Milpitas area, they should use instructors from that area as opposed to flying somebody up from Los Angeles, putting them in a hotel, to deliver the same training. They really should try to focus on -- as much as possible -- on local instructors. That would reduce our cost significantly.

Putting somebody up in a hotel for two weeks in the San Jose area is extremely expensive and that's built into the budget.

The other thing is something that AED Grottkau is very much on and it's an ongoing discussion that we have and this may contradict Commissioner Gordon a little bit, but is the uniformity of the delivery of the training.

If you get -- if you go to supervisory course for South Bay, or LAPD, or Rio Hondo it should look fairly similar. You should get the same content, you should be training the same way.

CHAIRPERSON LONG: Please.

COMMISSIONER GORDON: Yes, it is the same content. But when you are with a group from all of South Bay, and all different agencies, that's a different conversation than if you're sending just one of your folks from Santa Barbara to an LAPD class and those experiences are

all within the LAPD agency, that experience is very different than some of your smaller municipals, was my point.

It's not that the content is different but the conversation can be very different.

MR. ALVAREZ: Sure. And I would say the content should be fairly similar, if not, you know, the content is our content. So at minimum, it should include our content. And the experience I guess is a better way to put it, for me, should be similar.

And I'll give an example.

South Bay, they deliver the training and they have -- if my recollection is correct, they do it primarily in hotels. They have a big room where everybody meets and then they have five breakout rooms for the group, for group -- breakout sessions.

I believe that they're the only ones that do that in a hotel. And I could be wrong. But that adds a significant expense.

That may be the right way to do it, and perhaps everybody should do it that way, but they opt to do it that way where others don't.

And that's where I go back to uniformity.

Should other presenters do it the same?

Or should they not have breakout rooms?

But having that uniform experience, I think is important.

You'll also notice some of the materials that are handed out, each presenter hands out different material.

Some of it is similar, but sometimes the material that's handed out, obviously we pay for, shouldn't the material that you get at LAPD, the reading books and such, should they be similar to the books that South Bay handles -- or hands out.

So that's what I refer to with the uniformity. We feel that there should be a little bit of a tighter rein in regards to uniformity.

We've also looked at TRRs, training reimbursement requests, specific to South Bay just to find out, hey, are people, you know, going to Monterey because Monterey's great and then the Monterey folks are going up to Milpitas and we're putting them in hotels and paying twice as much?

And that is not the case. Primarily it's local people going to the course.

So we're not necessarily getting hit on the back end, so to speak, with training reimbursement requests for people traveling to those courses.

It's really the delivery of the training.

In the last couple of years, as you all know, we've

had similar discussions before the Commission and we tried our best to find additional presenters for the supervisory course, which is what Bureau Chief Chalk mentioned.

San Jose P.D., I don't want to say "reluctantly" agreed, but they became a presenter for us based on our request.

I think -- I don't know if I'm going out on a limb by saying if we didn't ask, they probably wouldn't put it on. But it is very challenging for us to find additional presenters for a two-week course in the South San Francisco Bay Area.

But those are the challenges.

We will continue to work with South Bay. They deliver a phenomenal product. They do a lot of our training.

At times it seems like the supervisory course is the outlier in the training that they deliver in terms of the cost. Not the others.

But, all your points are well taken and we will -- we assure you, we will continue to work with South Bay.

And as I mentioned in the contracts that we deliver for next fiscal year, our intent is to put in there a caveat that 80 percent of the student population must be POST-participating students.

Everybody else will get billed and if they don't have 80 percent, then the course should not be delivered.

COMMISSIONER NIETO: And Mr. Director, Commissioner Nieto again.

For South Bay, I would push them to using their local colleges more. I know South Bay is right there with CSULB, but yet they do it in a hotel. I don't know what the politics are with the new president there about having classes on the college campus. It's literally the same campus.

But you have Hartnell and you have other -- at least on the central coast -- you have colleges that say, we'll take it.

It's really just a matter of South Bay making an agreement with those places. And the costs are a lot different and the hotels are still close for the students, because I understand you have to get to class, you have to get to the airport, to the hotel, the hotel to class. And you have to have some place where they can eat. Right?

But there are those possibilities. And I would like us to push or maybe have those conversations with South Bay Regional, which could bring down some of our costs. Because I can tell you, with the other hat that I wear,

the other cowboy hat that I wear, which is a silverbelly, but that hat that I wear, I've been having those conversations, because I know there's interest from the other locals that aren't part of the South Bay consortium, but yet their college is in our area.

CHAIRPERSON LONG: Mr. Executive Director has a quick comment.

MR. ALVAREZ: Yeah, I just need to clarify one thing that I said. Or correct one thing that I said.

The 80 percent number for the class being full, we recognize that there are issues, there are last-minute issues, fires, family issues, and such.

We will -- the process we're going to follow is those -- if they don't meet that number, they just need to contact us in advance or after the class is over just to get approval.

Hey, we're going to be at 70 percent, five people had to cancel because there was a significant event. And more than likely, we'll still approve it.

Obviously we don't want to put any presenter out for a hotel contract or anything that they've already, you know, incurred expenditures or are going to incur expenditures if we cancel the training.

But we kind of want to force the classes to be as full as possible. Because, as I mentioned earlier in

the morning, we have noticed at times, because it's on a contract, and let's say it's $50,000 to deliver the course and we get the bill and it's, like, yeah, there's ten people in the class.

I'm saying that hypothetically. That shouldn't be the case. It should be as full as possible.

CHAIRPERSON LONG: Mr. --

MR. ALVAREZ: So I just wanted to clarify it was not a hard-and-fast 80 percent or else.

CHAIRPERSON LONG: Noted.

Commissioner Braziel.

COMMISSIONER BRAZIEL: Yeah, several things. I made some notes.

One, it is little discouraging because, Chair, you -- this is like the fourth year you brought this up and we keep having the same conversations.

I find the attachment in here lacking significantly. I think we've asked staff many, many, many times to explain it. This doesn't tell our story. A better story needs to be told, much like Commissioner Gordon said. There is value having taught a management course and supervisor course for over a decade -- over 25 years prior to coming on the Commission.

There's tremendous value in networking.

And I think we would be better served for the

Commission to almost have a matrix on the supervisor course -- since it's the one that's drawing attention now year after year after year -- describing, is it in-house instructors? Are they consultant instructors? Is it done in a hotel?

Because we assume that cheaper is better. And much like the executive director said, maybe we're doing it wrong and we need to spend a little bit more money.

This is one of the most important trainings we do in POST, is the supervisor training for first line supervisors.

And so just because someone is cheaper doesn't mean they're better. It may be South Bay's got it dialed and everybody else needs to pick up their game.

So I think the frustrating part for me is we keep talking about this year after year after year and yet we have -- we're having the same circular conversations every year at this time when it comes to the budget.

So I would be more than happy to work with staff and talk about some of the benefits that I've seen and disadvantages I've seen from agencies that train insular, within their own agency, versus agencies that -- that send their people out or bring people in. And the costs associated with that.

But we're not telling our story and we need to tell

our story of what good is going on out there versus having these conversations every year.

So, you thank you.

CHAIRPERSON LONG: Thank you, Commissioner.

Any other comments?

Commissioner Therriault? It's on the tip of your tongue.

COMMISSIONER THERRIAULT: Commissioner Therriault.

I just attended and concluded this course in January in Orange County. It was well done.

And I agree with Commissioner Gordon, it's not something that should be put into an online format. It's definitely extremely important in the profession.

If there's such a disparity, I agree with Commissioner Braziel, there should be some type of -- more of a further breakdown than what we're provided, especially if the Commission's been talking about this for a long time.

It is the most important course. Not that POST management and Sherman Block and Command college are not important. They are. But perhaps a -- more of a -- a more robust explanation breakdown is required and, you know, I think that might be a motion or something to be considered.

CHAIRPERSON LONG: Thank you. Thank you,

commissioner I don't believe -- you guys would know better. I don't think it's ever been online and I don't think there's been any proposals to put the supervisory course online.

So I want to be clear there.

I appreciate the comments from everyone and I wanted to summarize my concerns by saying, you know, Commissioner Gordon may be completely right. Maybe that's the way we should be doing it.

I'm not concerned about the dollars and cents here, but it's about the look and the ongoing disparity and the lack of kind of a clear explanation of why there's such a disparity.

I do think it is a vulnerability. I don't think it's a good look. And I think that -- I would like to see a little more effort towards laying it out for us or cleaning it up. And that's the extent.

I'm not going to vote no on the contracts right now or anything like that. But I do think this is -- if I was at Finance or LAO, it's low-hanging fruit and I'm surprised no one's really looked at it.

At any rate, are there any more questions about this contract? If we can get the slide back up.

Any of the other contracts in TPS?

I didn't hear any questions or concerns.

Would anyone like a presentation?

Can you guys get that slide up?

Would anyone like any other presentations on the contracts under TPS? The first nine.

Otherwise we can take -- entertain a motion.

COMMISSIONER NIETO: Nieto moves to approve the contracts one through nine.

CHAIRPERSON LONG: Is there a second?

COMMISSIONER WOOLERY: Yes.

CHAIRPERSON LONG: Second Woolery.

Ms. Essex, can you please call the roll.

MS. ESSEX: Barcelona.

COMMISSIONER BARCELONA: Yes.

MS. ESSEX: Braun.

COMMISSIONER BRAUN: Yes.

MS. ESSEX: Braziel.

COMMISSIONER BRAZIEL: Yes.

MS. ESSEX: Cooper.

COMMISSIONER COOPER: Yes.

MS. ESSEX: Doering?

COMMISSIONER DOERING: Yes.

MS. ESSEX: Ewell.

COMMISSIONER EWELL: Yes.

MS. ESSEX: Gordon.

COMMISSIONER GORDON: Yes.

MS. ESSEX: Johnson.
COMMISSIONER JOHNSON: Yes.
MS. ESSEX: Long.
CHAIRPERSON LONG: Yes.
MS. ESSEX: Moon.
COMMISSIONER MOON: Yes.
MS. ESSEX: Nieto.
COMMISSIONER NIETO: Yes.
MS. ESSEX: Therriault.
COMMISSIONER THERRIAULT: Yes.
MS. ESSEX: Woolery.
COMMISSIONER WOOLERY: Yes.
MS. ESSEX: Motion carries unanimously.
CHAIRPERSON LONG: Thank you. Move now to the Basic Training Bureau. I think Mr. Alvarez would like to make a comment.
MR. ALVAREZ: One question for the record. So with the TPS contracts, if we end up having to move money around and still stay within those limits, are we okay to do that?
So I will give an example. Using supervisory course, as an example. If the supervisory course is at 1.66 million, and we have another presenter that's already identified, or a presenter who wants to put on a different -- an additional course, are we permitted to

go ahead and do that? As long as it's the same presenters and we stay within That 1.6 million?

I think that has been approved in the past, but I just want to ask if we're okay to do that. Because sometimes courses get canceled and we want to move money around.

The same will happen, I'll have the same question for EVOC contracts.

But are we permitted to do that?

CHAIRPERSON LONG: Same course, same amount, different presenter?

MR. ALVAREZ: Correct.

CHAIRPERSON LONG: Comments or questions? For --

MR. ALVAREZ: Same program. I'm sorry -- within -- so for instance, ICI, we would not take ICI money and move it to the supervisory course.

We would keep it within that ICI program but move it around and amongst the presenters, if that makes sense.

CHAIRPERSON LONG: Questions? Concerns? Comments? Anyone?

COMMISSIONER NIETO: Do I need to amend my motion and withdraw it or do we need to take another vote?

MR. ALVAREZ: I don't think so, no.

CHAIRPERSON LONG: I think you're asking, are you not, whether or not this causes heartburn, if you stay

within the program, stay within the cost, you simply reorient it towards a different presenter.

MR. ALVAREZ: Correct. So, for instance, I'm going to jump ahead here.

Like EVOC is a perfect example. Because they added an academy class, and let's hypothetically say that we have money from San Bernardino and now Riverside needs it, because they've added a course, but we've already allocated all the money to Riverside for their EVOC course. Can we take San Bernardino's EVOC money that we know we're not going to spend and move it over to Riverside's EVOC budget, if that makes sense.

So we would not be taking EVOC money and putting it in the supervisory course or taking money from the supervisory course and putting it in the management course.

It's staying within those parameters amongst the presenters that we've already listed in the agenda.

COMMISSIONER NIETO: So Mr. Chairman, we voted on the overall numbers. And we didn't open each contract individually to look at those presenters, so I would say the answer would be yes in my mind.

CHAIRPERSON LONG: I would agree with Commissioner Nieto, and ask only that changes be presented to the Commission as information.

Any concerns there?

All right. We then move to the basic training bureau. There's only one vote there. The EVOC course.

Would anyone like a presentation on that course or have any questions?

MS. SMITH: I have comments on it. So on the EVOC contract the attachment that's on the agenda lists out the presenters. It currently lists San Diego Sheriff as a presenter. But it's going to either be San Diego Sheriff or San Diego PD. Either or. It's still going to be the same amount but it could be San Diego Sheriff or San Diego PD. They're working that out amongst themselves right now.

So once we have that, it's going to be one of those.

MR. ALVAREZ: And if I may add, Mr. Chair, they run a joint academy. Historically, the contract was with San Diego PD. Then they told us this year to move it to San Diego Sheriff. And now they're talking about moving it back to the PD, just for the foundational information.

MS. SMITH: So for this program, we're asking for not to exceed 4.237,5 for EVOC.

CHAIRPERSON LONG: Any questions?

Is there a motion for the EVOC course?

COMMISSIONER DOERING: Commissioner Doering will

move it.

CHAIRPERSON LONG: Doering moves.

COMMISSIONER BRAZIEL: Braziel seconds.

CHAIRPERSON LONG: Braziel seconds.

Ms. Essex, please call the roll.

MS. ESSEX: Barcelona.

COMMISSIONER BARCELONA: Yes.

MS. ESSEX: Braun.

COMMISSIONER BRAUN: Yes.

MS. ESSEX: Braziel.

COMMISSIONER BRAZIEL: Yes.

MS. ESSEX: Cooper.

COMMISSIONER COOPER: Yes.

MS. ESSEX: Doering.

COMMISSIONER DOERING: Yes.

MS. ESSEX: Ewell.

COMMISSIONER EWELL: Yes.

MS. ESSEX: Gordon.

COMMISSIONER GORDON: Yes.

MS. ESSEX: Johnson.

COMMISSIONER JOHNSON: Yes.

MS. ESSEX: Long.

CHAIRPERSON LONG: Yes.

MS. ESSEX: Moon.

COMMISSIONER MOON: Yes.

MS. ESSEX: Nieto.
COMMISSIONER NIETO: Yes.
MS. ESSEX: Therriault.
COMMISSIONER THERRIAULT: Yes.
MS. ESSEX: Woolery.
COMMISSIONER WOOLERY: Yes.
Motion carries unanimously.
CHAIRPERSON LONG: 13-0. Thank you, Ms. Essex.
Moving on to the Administrative Services Bureau, the State Controller Office Audit. $250,000 proposal.
Similar -- same actually, as last year.
Are there any concerns? Does anyone wish a report or make a comment or question?
MS. SMITH: I have a comment. So we would like do a two-year contract. So it would be a maximum of 500. So 250 for each year. So the amount would be not to exceed 500 to be expensed over two years. This is for the training reimbursement request audits.
CHAIRPERSON LONG: For the controller? For the auditor? So the state controller's office?
MS. SMITH: Yes.
CHAIRPERSON LONG: Why -- why -- am I wrong? Why are we hearing about a two-year contract right now?
MS. SMITH: Two year -- because we've been doing the same amount.

CHAIRPERSON LONG: Right. But it's not in the background material.

MS. SMITH: It is.

CHAIRPERSON LONG: It is?

MS. SMITH: It is in the agenda.

CHAIRPERSON LONG: It's a proposal for two years?

MS. SMITH: In the agenda it lists it out for two years.

CHAIRPERSON LONG: So the request is for 250 for the next two years. And it isn't -- I misread it. My apologies.

MS. SMITH: Yes. It is an agenda item.

CHAIRPERSON LONG: Okay. Any concerns about extending that for two years at the same amount?

Then entertain a motion?

COMMISSIONER BRAZIEL: Move, Braziel.

COMMISSIONER THERRIAULT: Second, Therriault.

CHAIRPERSON LONG: Ms. Essex, please call the roll.

MS. ESSEX: Barcelona.

COMMISSIONER BARCELONA: Yes.

MS. ESSEX: Braun.

COMMISSIONER BRAUN: Yes.

MS. ESSEX: Braziel.

COMMISSIONER BRAZIEL: Yes.

MS. ESSEX: Cooper.

COMMISSIONER COOPER: Yes.
MS. ESSEX: Doering.
COMMISSIONER DOERING: Yes.
MS. ESSEX: Ewell.
COMMISSIONER EWELL: Yes.
MS. ESSEX: Gordon.
COMMISSIONER GORDON: Yes.
MS. ESSEX: Johnson.
COMMISSIONER JOHNSON: Yes.
MS. ESSEX: Long.
CHAIRPERSON LONG: Yes.
MS. ESSEX: Moon.
COMMISSIONER MOON: Yes.
MS. ESSEX: Nieto.
COMMISSIONER NIETO: Yes.
MS. ESSEX: Therriault.
COMMISSIONER THERRIAULT: Yes.
MS. ESSEX: Woolery.
COMMISSIONER WOOLERY: Yes.
MS. ESSEX: Motion carries unanimously.
CHAIRPERSON LONG: Thank you, Ms. Essex.
Moving on to the Learning Technology Resource Bureau. There are three contracts there.
Does anyone have any questions or would like a presentation on any of these three contracts?

And again, as we move through them, if anyone wishes to abstain for whatever reason, please feel free.

I have a question on the learning portal maintenance project.

The background material is -- I may have missed something, is fairly clear. But you see the 777,000 the Commission approved for the current year and is asking for the budget year, at least in this, chart for $2.8 million.

The background materials indicate that it's really a two-year contract, but of course that wouldn't account for that difference. And I may have missed something.

But if you could walk us through, or walk me through anyway, how we go from 777 to 2.8 million for what would be a two-year contract when that amount really would amount to say three years at the $777,000 level.

So just kind of a math -- math question of how we get to the 2.8 when it's supposedly for two years, but that's -- would be more than a doubling. Yeah, thank you.

MS. RICHEAL: Thank you, Chair Long.

Commissioners, my name is Rosanne Richeal. I'm the Bureau Chief for the Learning Technology Resources Bureau. And we host the learning portal in my bureau.

In order to bring to you that point, you're going to

have to indulge me for a moment to give you a little bit of background to give context to this contract.

Back in 2021, POST was tasked with upgrading and modernizing our learning portal. And because of that it triggered a process through the state. It's called the state's product approval life cycle process, called the PAL process, which was a four-stage process we had to go through.

That took approximately a year and a half to two years to go out to bid and get other vendors involved. Because prior to that, we had had a single-source vendor that we used consistently.

And during that process, we went out to bid and we ended up going with Blackboard, which is one of the state-leveraged agreements and we utilized Blackboard during that time.

The amount for that during that two-year period -- and so during that cycle, it brought us into August of 2022, which was not in a fiscal year nor a calendar year cycle.

And so, we originally were given $1.662 million from -- that ended -- from 2020 -- what was it? August of 2022 to August of 2024. And then that ended at the end of August.

So, in order for us to get to a fiscal year cycle

for the next contract, we went -- came to Commission last year and asked for nine months' worth of money to get -- for that contract.

So, that money, the 775 was to cover the contract for a nine-month period with Blackboard.

Which now brings us to this contract, this two-year contract we are requesting, which is 2.7 million.

And that that breaks down to is approximately 1.3 almost 1.4 million per year. And during the development of the learning portal, originally we'd had about 25,000 users.

Well, we now have enough data during the conversion of that portal to show that we have approximately 35,000 active users.

We have 121,000 individuals that are enrolled. But at any given time we have approximately 35,000 users.

And when we go to the state leveraging agreement, we look at the cost for that and for -- and my team went through a exercise and for the 35,000 users the totals is 1.394 million.

If we were to increase that, if we were to say, active users, we have 120,000 enrolled, if we were to give every -- all 120,000 people access to the portal to use it at any given time that would be 4.4 million. So we know that we don't have that many users.

So what we've done is we actually give people access to the portal on a quarterly basis. Almost like school.

So once they log into the system, they have the three months to basically go in and take the course, or any course, and then it logs them back out.

That way we can manage the number of users, we can manage our money, we can manage the accounts.

So we actually had an increase of 25,000 -- approximately 25,000 users, which kicked the price up.

So now the 2.7, going from the nine months, at 25,000 users, to two years of over 35,000 users, that kicks the price up to the 2.7 million.

And that's why you see that difference, because the contract before was only for a nine-month request to get us to the fiscal year to put it on that cycle.

CHAIRPERSON LONG: Thank you. That's the explanation I was looking for.

Any questions from anyone? Or concerns?

COMMISSIONER BRAZIEL: Let me -- now I'm smiling, actually. I think that's good.

So we're -- we're -- so when I go and take a course online, if I haven't done it in a quarter, I was logged out, didn't know it, I logged back in, it kicks me back in for a license behind the scenes?

MS. RICHEAL: Yes.

COMMISSIONER BRAZIEL: So people not using it, we're not paying for them.

MS. RICHEAL: No.

COMMISSIONER BRAZIEL: I like that. That's good.

MS. RICHEAL: No. And it also, over the '23-'24 fiscal year, we had over 600,000 hours of CPT credit that was logged into the system by the users.

So we're trying to manage the users and the subscription so that we can be fiscally prudent in that regard so that we just don't give carte blanche to anybody to take it, if they do or don't take the course.

COMMISSIONER BRAZIEL: And if we're -- sorry to digress here, but I think this is really good, to tell the story.

Is we give -- I'll use the example, City Share our access. So we get the Department of Corrections getting access to our online portals, are they paying for their subscriptions and reimbursing us for those?

MS. RICHEAL: I don't believe so in that regard. No. But we also -- but one of the things that we do do, and I wrote a bunch of notes prior to this in case you asked this.

We don't only just have users from POST-participating agencies, we have DOJ, tribal police, we have harbor patrol, airport patrol, DA's office,

probation. I mean we have a number of people that come to POST that want to take our courses.

And we give them usability, but we don't -- you know, we might give them access for a week, maybe two weeks, because they want to get in for like for Prop. 115 hearsay.

They don't accessibility to that. So we'll give them access to that. And it depends on the agency. DOJ, you know, we -- we just gave them access for about 15 of their folks for a limited time.

So we limit the timeframe that the non-POST-participating agencies have access to our portal.

And then if they want access, again, they have to go through a permission again, which will come through me. And then I will go to my AED and sometimes it's elevated it Manny depending upon who the request is and what the request is for.

COMMISSIONER BRAZIEL: So in reality, could end up with additional license cost, because they're so small a number, and they're so short in time, that they're --

MS. RICHEAL: Yes, because they're not constant, they're just kind of one in, one -- they're one-offs, so to speak, where they just need information on that.

COMMISSIONER BRAZIEL: Perfect. I'm that predictable

you had that question ready to go. That was good.

MS. RICHEAL: I did a little homework, didn't want to get caught off guard.

COMMISSIONER BRAZIEL: Just in case Rick asks, because I know he's going to ask.

MS. RICHEAL: Do you want top five courses so far? I've got all that too.

COMMISSIONER BRAZIEL: We'll do that at lunch.

CHAIRPERSON LONG: Thank you, Ms. Richeal.

Any other questions or comments on Learning Technology Resource Bureau, three contracts?

If not, entertain a motion.

COMMISSIONER BRAUN: Motion. Braun.

COMMISSIONER COOPER: Second, Cooper.

CHAIRPERSON LONG: Ms. Essex, please call the roll.

MS. ESSEX: Barcelona.

COMMISSIONER BARCELONA: Yes.

MS. ESSEX: Braun.

COMMISSIONER BRAUN: Yes.

MS. ESSEX: Braziel.

COMMISSIONER BRAZIEL: Yes.

MS. ESSEX: Cooper.

COMMISSIONER COOPER: Yes.

MS. ESSEX: Doering.

COMMISSIONER DOERING: Yes.

MS. ESSEX: Ewell.
COMMISSIONER EWELL: Yes.
MS. ESSEX: Gordon.
COMMISSIONER GORDON: Yes.
MS. ESSEX: Johnson.
COMMISSIONER JOHNSON: Yes.
MS. ESSEX: Long.
CHAIRPERSON LONG: Yes.
MS. ESSEX: Moon.
COMMISSIONER MOON: Yes.
MS. ESSEX: Nieto.
COMMISSIONER NIETO: Yes.
MS. ESSEX: Therriault.
COMMISSIONER THERRIAULT: Yes.
MS. ESSEX: Woolery.
COMMISSIONER WOOLERY: Yes.
MS. ESSEX: Motion carries unanimously.
CHAIRPERSON LONG: On our last contract, the Peace Officer Standards Accountability Division, POSAD, and Mark43, up slightly from 1.35 million to 1.4 million.
Would anyone like a report on this item or have any questions or comments?
Crickets. Is there a motion?
COMMISSIONER BRAZIEL: Move. Braziel.
COMMISSIONER COOPER: Second. Cooper.

CHAIRPERSON LONG: Ms. Essex, please call the roll.
MS. ESSEX: Barcelona.
COMMISSIONER BARCELONA: Yes.
MS. ESSEX: Braun.
COMMISSIONER BRAUN: Yes.
MS. ESSEX: Braziel.
COMMISSIONER BRAZIEL: Yes.
MS. ESSEX: Cooper.
COMMISSIONER COOPER: Yes.
MS. ESSEX: Doering.
COMMISSIONER DOERING: Yes.
MS. ESSEX: Ewell.
COMMISSIONER EWELL: Yes.
MS. ESSEX: Gordon.
COMMISSIONER GORDON: Yes.
MS. ESSEX: Johnson.
COMMISSIONER JOHNSON: Yes.
MS. ESSEX: Moon.
COMMISSIONER MOON: Yes.
MS. ESSEX: Nieto.
COMMISSIONER NIETO: Yes.
MS. ESSEX: Therriault.
COMMISSIONER THERRIAULT: Yes.
MS. ESSEX: Woolery.
COMMISSIONER WOOLERY: Yes.

CHAIRPERSON LONG: Long, yes.

MS. ESSEX: Motion carried unanimously.

CHAIRPERSON LONG: Thank you.

That will take us to the lunch break.

Are there any questions or comments before we break for lunch?

It is 12:28. I think half an hour should do it. The lunches are here. Let's start up again at 1:00 o'clock. Thank you. We are adjourned. We are in recess, rather

(Luncheon recess 12:28 P.M. to 1:11 P.M.)

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P R O C E E D I N G S

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CHAIRPERSON LONG: All right. We're going to move now to the Basic Training Bureau. We're ready. Staff is ready.

Number one, under the Basic Training Bureau is a report on amendments to Commission Regs 1005, 1007, 1008 and 1059, Instructor's Guide to Learning Activities.

Basic Training Bureau Services Manager, Anita Finner will report on this item.

MS. FINNER: Thank you, sir. Good afternoon, commissioners.

Thank you. POST staff facilitated discussion with academy directors and coordinators regarding the need to update the 2005 Instructor's Guide to Learning Activities for Basic Courses Version 1.0 publication.

It was agreed it was necessary to update the outdated publication. In 2024, Basic Training Bureau staff hosted two workshops to review and revise the existing 2005 Instructor's Guide to Learning Activities publication. Subject matter experts representing ten academies participated.

During the workshops, the subject matter experts proposed to repeal the 2005 Instructor's Guide to Learning Activities due to the outdated content, which

is Attachment A.

Therefore creating the proposed 2025 Instructor's Guide to Learning Activities for Basic Courses, Version 2.0, which is Attachment B.

Attachment C reflects 15 existing training and testing specifications that reference the 2005 Instructor's Guide to Learning Activities and they've all been updated to show the proposed publication title and publication date.

These training and testing specifications also have some proposed restructuring.

The required -- excuse me. The required test specifications were moved to follow the required learning activities, as there had been some confusion across the state from some of our basic course presenters as to the order of presenting the content.

Basic Training Bureau staff wanted to ensure students were receiving all training to include required learning activities prior to any required testing.

I'm happy to answer any questions at this time.

CHAIRPERSON LONG: Questions for Ms. Finner on this issue? On this item?

Kind of a quick question, Ms. Finner. It's really apropos of not much.

But you changed the name of it. I was just

wondering why -- kind of -- you dropped off the "Leadership Ethics and Community Policing."

Was it just -- are we saving words or was there -- was there a reason for the name change?

MS. FINNER: The reason for the name change in the second publication was the ethics, leadership and -- sorry -- the "leadership ethics and community policing" is throughout the entire publication, so we didn't feel the need to replicate that in the new title.

CHAIRPERSON LONG: Thank you.

If there are no further questions or comments, entertain a motion.

COMMISSIONER COOPER: Cooper. Moved.

COMMISSIONER WOOLERY: Second. Woolery.

CHAIRPERSON LONG: We have a motion and a second.

Is there objection to unanimous consent on this item?

Seeing no objection to unanimous consent, such is the order and the motion approved.

We move to D.2, which is a report on the same amendments, 1005, 1007, 1008 and 1059, Training and Testing Specs for Peace Officer Basic Courses.

LD 32, lifetime fitness.

You probably recall this issue from our last meeting. We had a thoughtful discussion on body

composition measurements.

And I think Advisory Board Member Murrell, can we credit you, I think, with the suggestion that is before us today.

Basic Training Bureau Staff Services Manager Anita Finner remains before us to report to on this item.

MS. FINNER: Thank you, sir.

During the November 20, 2024, Commission meeting, the Commission directed POST staff to remove the body composition measurement from the existing Learning Domain 32, lifetime fitness, training and testing specifications as a required learning activity in Section 6 G.

In the reference to Attachment A, page 32-7, POST staff is presenting the removal of the learning activity.

I'm happy to answer any questions at this time.

CHAIRPERSON LONG: Questions or comments?

Chief Salazar, was there Advisory Board discussion?

MR. SALAZAR: Thank you, Mr. Chair.

We did have a brief discussion on this. As you mentioned, this is an item our committee member, Tammie Murrell, brought up a couple meetings ago.

So there was general support for this.

And Sheriff Honea just expressed, you know, the

importance of not just lifetime fitness during the academy, but for lifetime fitness for officers and continue to evolve and monitor that training for actual lifetime fitness.

Thank you.

CHAIRPERSON LONG: Questions or comments?

Is there a motion?

COMMISSIONER NIETO: Nieto moves.

CHAIRPERSON LONG: Second?

COMMISSIONER WOOLERY: Woolery, second.

CHAIRPERSON LONG: Motion is second.

Is there objection to unanimous roll call? Unanimous consent?

Seeing none, motion's adopted.

We move now to the Training Delivery and Compliance Bureau.

We'll have a report from Bryant Henley and an appeal to the Commission regarding the denial of a private presenter, Mr. Jaquel Pitts.

Welcome, Mr. Henley.

MR. HENLEY: Thank you, Mr. Chair. And good afternoon, Commission members.

As a point of procedure -- sure.

As a point of procedure, and Chief Counsel Darden who represents the Commission, may have already brought

it up.

CHAIRPERSON LONG: Is Mr. Pitts present?

MR. DARDEN: Just asking for the record if Mr. Pitts is present. If so, if he can come forward.

Mr. Henley, was Mr. Pitts given the time and location of this proceeding?

MR. HENLEY: Yes, he was. He was provided notice and confirmed receipt of that notice.

MR. DARDEN: Did you receive any communication from him with respect to whether or not he intended to appear?

MR. HENLEY: Nothing other than the confirmation of receipt of the notice and the time and place.

CHAIRPERSON LONG: Thank you. Thank you both.

Mr. Henley?

MR. HENLEY: Thank you, Mr. Chair.

And just to that -- to that very point, as a matter of procedure, this is, as you described, an appeal to the Commission.

We don't have a lot of these that come up frequently, but there is a process in place, both in regulation and -- Regulation 1058, as well as Commission Procedure D-16, which lays out a process whereby an individual who has requested approval or certification of a course, if it is not satisfied with POST staff's

decision on that request for certification, that process permits an appeal all the way up through the executive director and then to the Commission itself.

And in this case, that's what he have is a matter where this individual, Mr. Pittstts, has made that request for an appeal.

As a matter of the procedure, Commission Regulation Procedure D-16, it is the burden on the applicant to demonstrate to the Commission that the POST staff has erred in its decision.

So that's the -- sort of the threshold matter that I'm going to present to you. Is that decision before you today, Commission. And so it is more than just a consent item. This is a matter that would require a vote by the Commission.

The question before you is whether the Executive Director and POST staff have erred in their decision to deny this request for certification of a presenter to present specific courses.

And the process is that Mr. Pitts would be given an opportunity to present his remarks. Followed by POST staff, whom I represent here today, to respond to those remarks.

Seeing as how Mr. Pitts is not present, I look to the Chair and the Commission in terms of your guidance.

I am certainly prepared to present POST staff's responses to the materials. And as you see, there are a number of materials that were attached to today's agenda from Mr. Pitts, his communications, as well as our responses.

I'm prepared to provide POST staff's position on those matters if the Chair and Commission prefer.

CHAIRPERSON LONG: Mr. Darden?

MR. DARDEN: Well, at the risk of repeating something that was just said, let me just say, so under the rules, as Mr. Henley noted, normally the appellant would come here. It's his burden. He would first present his case verbally to you.

He's not here.

Mr. Henley is here.

So, really, it's up to the Commission now at this point. You've had the materials before you. You've had a chance to review them.

And so the question would be to the extent that the Commission -- it would be helpful to the Commission as a whole to hear a presentation from Mr. Henley, we can certainly have him do it.

Or in light of the fact that the appellant has not appeared and has not presented his argument, if the Commission feels like they can make a decision on the

issues that were raised in the appeal without hearing from Mr. Henley, you can do that as well.

So really, it's at the pleasure of the Commission at this point. If it would be helpful to hear presentation, we can.

And if the Commission does not wish to do that, and can decide it based on the Commision's review of the materials, they can do that as well.

Also just for the Commission's information, normally what happens -- and I know it's been a long time, but the last one that we did -- at the end, if there's a vote by the Commission, if it goes a particular way, then the Commission, as a whole, normally delegates to the Chair the ability to sign the final decision. We would write a proposed decision and the Chair normally would sign it and instead of having to circulate it to all y'all, normally that's delegated to the Chair.

I would propose that we do that this time.

So, having said that, back to you, Mr. Chair.

CHAIRPERSON LONG: Let me clarify a couple things. So Mr. Pitts is not available either by -- online or in any capacity today; correct?

MR. HENLEY: That's correct, Mr. Chair. He made no request to appear online and was provided, again, with the date, time and location.

CHAIRPERSON LONG: This appeal, before being rejected by the Executive Director, was also rejected by the Assistant Deputy Director; correct?

MR. HENLEY: That is also correct.

CHAIRPERSON LONG: And also by the --

MR. HENLEY: Law Enforcement Consultant, Daniel Schmitt.

CHAIRPERSON LONG: LEC. Okay. So three levels of review and three levels of rejection.

What's the will of the Commission in terms of receiving more of an in-depth presentation from Mr. Henley?

Or are we willing to entertain -- is anybody ready to an offer a motion?

What's the will of the Commission?

Commissioner Gordon?

COMMISSIONER GORDON: So I want to ask a clarifying question. After reading through all the materials, he does not possess, and has not completed, the Use of Force instructor course for POST?

MR. HENLEY: That's correct, Commissioner Gordon. Under Regulation 1070, he has not completed those requirements.

COMMISSIONER GORDON: So I would be willing to make a motion, unless my fellow commissioners want more

information to proceed with this. Because it's very clear to me that is -- there's no black and white with that. Either you have or have not. And that's a POST regulation. So I -- for me, I would be comfortable making the motion to proceed.

CHAIRPERSON LONG: Commissioner Braun.

COMMISSIONER BRAUN: I just have one follow-up question. Has an exception ever been made for anyone else in this --

MR. HENLEY: With regard -- Commissioner Braun, just for clarification, your question is with regard to Regulation 1070 and the requirement of instruction for use of force. The short answer is no.

But it's also important for me to clarify that that's a relatively new requirement that took effect in January of this year.

One last point if I may, Mr. Chair and Commission members, there were actually two courses that Mr. Pitts requested permission to present.

We've talked about the use of force matter. And that is the matter that relates to Regulation 1070 in the minimum requirements.

He separately also asked to present on strategic communication.

So I just -- for the record, I just want to

emphasize that with regard to his second request, which is for presenting on strategic communication, there were also grounds that those -- that request was denied.

Those grounds did not relate to Regulation 1070 because the strategic communication course is not among the courses that have those minimum requirements in Regulation 1070.

And again, at the pleasure of the Chair and the Commission, I'm happy to articulate in more detail the reasons for the denial, if that's appropriate.

Or if the Commission feels they have enough information I'm also certainly prepared to submit.

MR. DARDEN: I do think it would be helpful, because for purposes of the decision that ultimately would be written, that there are other grounds as well as I understand it for the action that was taken by the three levels of determination that it should be denied.

So under the relevant POST regulation, for instance, the instructor course is one part of it.

But another part is, for example, whether there is or is not an unmet need and other determinations.

And if you could very quickly just take us through, under the regulation the other reasons that have been articulated by the decision-makers here with respect to the reason for the denial because I think that's going

to be important to go into the final decision.

MR. HENLEY: Absolutely. I will proceed, then.

And very briefly, as Mr. Darden explained on behalf of the Commission, there were three independent grounds that were described to Mr. Schmitt -- Mr. Pitts as to the reasons that his petition and request to become a presenter were denied.

And the first one is, as Mr. Darden alluded to, is the regulations that we have -- there's Regulation 1052, that regulation to an earlier point that Executive Director Alvarez mentioned, there's a process of uniformity for all training programs.

We try to maintain and establish a uniform method and consistent way in which courses are taught. A lot of that uniformity can be found and is reflected in Regulation 1052. There are a number of factors that law enforcement consultants, our assist executive director and executive director consider in deciding whether to accept or not accept a request to present on particular course.

Three of those are relevant here. The first being whether there is a quote/unquote unmet training need for the program.

So when Mr. Pitts asked to teach a use of course -- use of force course and separately asked to teach a

strategic communication course, one question for our law enforcement consultant, was there an unmet training need within the meaning of 1052, subdivision (a)(1).

The law enforcement consultant, Assistant Executive Director Grottkau, and Executive Director Alvarez all concluded that no, there was not an unmet training need for either the use of force program or for the strategic communications course program.

That was in part because the use of force had over 200 lectures that were already available on use of force, including over 32 within the region where Mr. Pitts made his request.

And then with regard to the strategic communications there were over 80 strategic communications courses already in place, including one through the online POST learning portal.

So that was the first round was the lack of an unmet need under Regulation 1052(a)(1).

The second ground that was identified by both Assistant Executive Director Grottkau and Executive Director Alvarez is that the course did not meet the course content factor.

That's the factor in Regulation 1052(a)(2).

And that means there has to be a particular type of content for each course. Depending upon the course,

there are certain minimum standards.

In this case with regard to the use of force, the minimum standards of training are actually outlined in 1005 subdivision (d)(4)(A)(4).

And for strategic communications, those minimum training standards are outlined in 1005, subdivision (d)(4)(A)(5).

And with regard to each of those pieces, the course content that was described by Mr. Pitts in his application was pretty small. And I'll just read it to you. This is all he said, quote, "The candidate would be provided with proper take-down techniques, subject control tactics, as well as ground defense techniques. This presentation contains both handcuffing information as well as the expandable baton components, including critical guidelines."

And that's the extent of the proposal from Mr. Pitts. I think as you hear, there's not a lot about strategic communication and it certainly doesn't meet the minimum requirements for a strategic communication course.

Similarly, it didn't meet the minimum requirements that are outlined for the use of force course.

So again, in summary, the second ground that the Executive Director and AED Grottkau rejected, was that

it didn't meet the course content factor of 1052(a)(2).

And last but not least, Commissioner Gordon's already identified, with regard to the use of force course, and so I won't belabor the point, but with regard to the use of force course, the qualifications of instructors element was not met, because Mr. Pitts has not met the qualifications under Regulation 1070.

And maybe that wasn't as brief as it could have been, but I'll stop there and happy to answer questions of the Chair or Commission members if there are any questions.

CHAIRPERSON LONG: Questions or comments from commissioners?

We have a motion, which we may need to massage just a little bit.

Do we have -- Commissioner Gordon -- oh, sorry, Commissioner Johnson.

COMMISSIONER JOHNSON: Oh, I'm sorry second on the motion.

CHAIRPERSON LONG: Okay. Let's -- Commissioner Gordon, let's -- could we hear what the -- could we hear some more -- I think the motion should be along the lines of -- I think this is what you were saying.

We want to cover that we've covered the reasons. So

for reasons articulated by staff, the motion will be -- for reasons articulated by staff we would deny the appeal and affirm the Executive Director's denial of Mr. Pitts as a private presenter.

Is that --

COMMISSIONER GORDON: What you said.

CHAIRPERSON LONG: Is there a --

There's a second from Johnson.

COMMISSIONER JOHNSON: I still second the motion.

CHAIRPERSON LONG: All right.

Ms. Essex, please call the roll.

MS. ESSEX: Barcelona.

COMMISSIONER BARCELONA: Yes.

MS. ESSEX: Braun.

COMMISSIONER BRAUN: Yes.

MS. ESSEX: Braziel.

COMMISSIONER BRAZIEL: Yes.

MS. ESSEX: Cooper.

COMMISSIONER COOPER: Yes.

MS. ESSEX: Doering.

COMMISSIONER DOERING: Yes.

MS. ESSEX: Ewell.

COMMISSIONER EWELL: Yes.

MS. ESSEX: Gordon.

COMMISSIONER GORDON: Yes.

MS. ESSEX: Johnson.
COMMISSIONER JOHNSON: Yes.
MS. ESSEX: Long.
CHAIRPERSON LONG: Yes.
MS. ESSEX: Moon.
COMMISSIONER MOON: Yes.
MS. ESSEX: Nieto.
COMMISSIONER NIETO: Yes.
MS. ESSEX: Therriault.
COMMISSIONER THERRIAULT: Yes.
MS. ESSEX: Woolery.
COMMISSIONER WOOLERY: Yes.
MS. ESSEX: Motion carries unanimously.
CHAIRPERSON LONG: Mr. Darden.
MR. DARDEN: All right, then, in accordance with the past practice, I would ask if there's any objection, we would prepare for POST decision and the Chair would sign it on behalf of the Commission.
So if there's no objection, that's what we've done in the past, we'll do it this time. And I would ask for prevailing party to prepare a draft decision, send it to me for my review and determination. I will then finalize it in a manner that I believe is appropriate and give it to the Chair.
MR. HENLEY: Understood, and we'll proceed

accordingly.

CHAIRPERSON LONG: Thank you.

We move now to POSAD, I believe.

And first item for POSAD is request for final approval of the stipulated settlement in the case of Jaime Bermudez.

Bryant Henley will --

MR. HENLEY: Thank you, Mr. Chair. I thought I would stick around for this one because I knew this was next.

Members of the Commission and Mr. Chair, as was described, this is a case that you have heard before. This is Jaime Bermudez as an individual, somewhat similar to other cases you have heard serious misconduct cases, in which it's a peace officer who has had more than one DUI conviction and therefore meets the definition of serious misconduct under the acts that violate the law, standard of serious misconduct.

At the November 20, 2024, Commission meeting, Commissioner Braziel made motion that Commission enter a stipulated settlement and stay revocation of the peace officer certification consistent with past agreements that this Commission has adopted for repeated acts of DUI.

Commissioner Braziel further proposed that within

that motion there should also be a settlement condition to ensure that THC is a prohibited substance.

That motion passed unanimously with one abstaining vote.

So since that time, since November, the POST staff and our partners in the office of the attorney general, prepared a stipulated settlement agreement which is consistent with past agreements this Commission has adopted with regard to other officers who have engaged in serious misconduct in the form of repeat DUI offenses.

That settlement agreement was then signed by Mr. Bermudez on February 1st, 2025. That signed agreement is before you, among the materials on your agenda today. And it is now before this Commission to vote as to whether to adopt those terms and conditions and enter into the settlement agreement with Mr. Bermudez.

One -- one sort of difference from -- from past practices and today, in prior cases where this was kind of a brand new issue for the Commission, the settlement agreement was not part of the public record. It was presented to the Commission, they were allowed to consider it in closed session and then come back and vote on the settlement agreement.

And then those terms were disclosed.

Now that we've had a few cases that have all been consistent in terms of the settlement agreement, the terms that are public, in these other cases, we've gone a different path with you today, Commission members. There is a public agreement that has been signed by both the deputy district attorney -- deputy attorney general, as well as the officer. Those terms are very similar to terms that have been involved in the other DUI cases you have seen, with one exception and that exception being the additional term that Commissioner Braziel requested in November.

So with that, I will turn it back to you, Mr. Chair.

I would say that I'm happy to, at this time, outline the high-level terms and conditions of the settlement agreement, if that would be helpful.

Or if the Chair and Commission members would like to proceed to a vote, I'm happy to stop speaking now.

CHAIRPERSON LONG: Would anyone like to review some of the high-level agreements which we discussed at some length last time?

Commissioner Braziel.

COMMISSIONER BRAZIEL: I think it would be appropriate to go over --

CHAIRPERSON LONG: Go --

COMMISSIONER BRAZIEL: -- for the record --

CHAIRPERSON LONG: Please. Thank you.

Mr. Henley.

MR. HENLEY: So -- and again, these terms are generally very similar to the terms this Commission has seen before.

But the terms are that respondent has stipulated now to the filing of an accusation, which means he's also admitted to the truth of the allegations within that accusation.

If this Commission votes to adopt the settlement, then Mr. Bermudez's POST basic, intermediate and advanced certifications would be revoked.

However, that revocation would be immediately stayed subject to the probation terms and conditions which respondent must comply with for five years. Or until he voluntarily surrenders his POST certifications.

Some of the other standard terms are Mr. Bermudez must obey all state, federal and local laws.

Mr. Bermudez must provide the Commission with proof of completion of alcohol abuse treatment and counseling programs, as well as the results of alcohol treatment, testing that he has taken to date.

Mr. Bermudez is -- has agreed not to engage in any acts of serious misconduct as defined in Penal Code

Section 13510.8, including but not limited to, any acts involving substance abuse-related incidents.

Mr. Bermudez must provide any current, future or potential enforcement employer -- law enforcement employer with the terms and conditions of the stipulation.

Mr. Bermudez understands and agrees that that settlement document is a public document.

And Mr. Bermudez knows that if he violates the terms of the conditions of probation, the Commission, after giving him notice and an opportunity to be heard, may set aside the stay of the revocation order and impose the revocation upon his certifications.

And last but not least, Mr. Bermudez has agreed to abstain from the use of alcohol and cannabis, and at his own expense has agreed to participate in random biological fluid testing or a drug screening program that is subject to the Commission's approval.

The length and time -- the length of time and frequency of those tests will be as many as 15 times per year on a random basis.

And those, in principle, are the material terms that are before you today.

CHAIRPERSON LONG: Questions or comments?

And is there a motion to approve the final

stipulated settlement terms as agreed to by the Commission and the respondent?

CHAIRPERSON LONG: Motion.

COMMISSIONER DOERING: Doering, second.

CHAIRPERSON LONG: Mr. Doering, second.

Ms. Essex, please call the roll.

MS. ESSEX: Barcelona.

COMMISSIONER BARCELONA: Yes.

MS. ESSEX: Braun.

COMMISSIONER BRAUN: Yes.

MS. ESSEX: Braziel.

COMMISSIONER BRAZIEL: Yes.

MS. ESSEX: Cooper.

COMMISSIONER COOPER: Yes.

MS. ESSEX: Doering.

COMMISSIONER DOERING: Yes.

MS. ESSEX: Ewell.

COMMISSIONER EWELL: Yes.

MS. ESSEX: Gordon.

COMMISSIONER GORDON: Yes.

MS. ESSEX: Johnson.

COMMISSIONER JOHNSON: Yes.

MS. ESSEX: Long.

CHAIRPERSON LONG: Yes.

MS. ESSEX: Moon.

COMMISSIONER MOON: Yes.
MS. ESSEX: Nieto.
COMMISSIONER NIETO: Yes.
MS. ESSEX: Therriault.
(No response.)
MS. ESSEX: Woolery.
COMMISSIONER WOOLERY: Yes.
MS. ESSEX: Motion carries. Therriault left, so we have 12 yeses.
CHAIRPERSON LONG: Thank you. Motion carries.
Item number two is a ratifying vote on the current 14 peace officer revocations -- I presume we're going to put those up on the board -- is a ratifying vote on the current 14 peace officer revocations based on felony convictions for Penal Code Section 1029. This is a ministerial action. And, in fact, I believe the final time we'll take such a ministerial action on these 1029 revocations.
Going forward, presumably these revocations will be included on the consent calendar as a result of action the Commission took -- was it the last meeting?
Or the meeting before? Two meetings ago.
These are the 14 that are before us for Penal Code 1029 felony convictions.
MS. WEILER: Mr. Chair, if I may?

CHAIRPERSON LONG: Yes, please.

I was going to say, Ms. Weiler is here to present on the item.

MS. WEILER: Yeah, so before you are the 14 individuals who have been deemed ineligible due to a felony, or misdemeanor conviction identified in Government 1029 since January 1st, 2022, and are subject to revocation.

I did want to slightly amend the Chair's statement earlier. We hope this will be the last time that you see this list and have to vote on it.

However, the proposed amendment is still moving through the rulemaking process.

So, if there are any determinations made between the agendizing of this list and the final approval of our proposed amendment, I will have to bring that back to you in June.

Fingers crossed that doesn't have to happen, but I just wanted to put that out there. So you may see you me one more time with this item.

CHAIRPERSON LONG: We never tire of seeing you, Ms. Weiler.

MS. WEILER: Well, that's good because I'm here for four more items.

CHAIRPERSON LONG: Is there a motion to approve the

report on peace officer revocations based on felony convictions?

COMMISSIONER BRAUN: Chair Long, if I may.

CHAIRPERSON LONG: Please, Ms. Braun.

COMMISSIONER BRAUN: I am friends with one of people on this list and he has brought it to my attention is contesting it with POST, and so I'm going to abstain from this vote because I feel conflicted.

CHAIRPERSON LONG: Okay. That's fine.

COMMISSIONER JOHNSON: Moved, Johnson.

COMMISSIONER MOON: Moon, second.

CHAIRPERSON LONG: There is a motion and second.

Ms. Essex, please call the roll.

MS. ESSEX: Barcelona.

COMMISSIONER BARCELONA: Yes.

MS. ESSEX: Braziel.

COMMISSIONER BRAZIEL: Yes.

MS. ESSEX: Braun abstained.

Cooper.

COMMISSIONER COOPER: Yes.

MS. ESSEX: Doering.

COMMISSIONER DOERING: Yes.

MS. ESSEX: Ewell.

COMMISSIONER EWELL: Yes.

MS. ESSEX: Gordon.

COMMISSIONER GORDON: Yes.
MS. ESSEX: Johnson.
COMMISSIONER JOHNSON: Yes.
MS. ESSEX: Long.
CHAIRPERSON LONG: Yes.
MS. ESSEX: Moon.
COMMISSIONER MOON: Yes.
MS. ESSEX: Nieto.
COMMISSIONER NIETO: Yes.
MS. ESSEX: Therriault.
(No response.)
MS. ESSEX: Woolery.
COMMISSIONER WOOLERY: Yes.
MS. ESSEX: 11 ayes. Motion carries.
CHAIRPERSON LONG: Thank you, Ms. Essex.

Item number three is a report, proposed adoption of Commission Regulation 1216, disciplinary guidelines to help the Peace Officers Standards Accountability Advisory Board, the Commission and ALJs when considering imposition of discipline for peace officers committed one of the nine acts of serious misconduct and is subject to suspension and revocation.

Assistant Executive Director Annemarie Del Mugnaio, and I believe Toby Darden and Ms. Weiler will all report on this item.

MS. WEILER: Yes. So there are two items before you with relation to this topic.

The first is the proposed text of the new Regulation 1216, POST disciplinary guidelines, for factors for consideration of penalty related to peace officer certification actions.

This is, in essence, the text that will adopt the disciplinary guidelines and incorporate them by reference.

And then that is the second item before you are the proposed disciplinary guidelines that were developed with POST staff and members of the subcommittee from this Commission, Commissioner Gordon and Commissioner Braziel as well as some guidance from our partners at DOJ.

I do have before me the comments that were provided this morning by Ms. Christie Love Hill.

And we can address those as we go. Or I can go through and address them first before the Commission deliberates.

There are also two items I wanted to bring to your attention as we move forward.

Under each of the categories of misconduct, you will see we list standard terms and conditions and optional terms and conditions as deemed appropriate, so something for the Commission to consider as we move

forward is whether we want to specify which standard terms and conditions and which optional terms and conditions to apply to each of these categories or if you would like to just leave it as is.

As well as, there is an optional term and condition related to the domestic violence counseling, if that is something the Commission would like to leave in here or remove it and just relegate that to any potential court determinations.

Again, as a reminder, these disciplinary guidelines are a minimum framework. Guidelines not only for the Peace Officer Standards Accountability Advisory Board, make sure I got that right, and this body, but also for our Office of Administrative Hearing, administrative law judges, as they will be conducting these evidentiary hearings without much prior knowledge and experience in what it is that we are adjudicating in the field of law enforcement;

The type of work that is being done;

What they may or may not be subjected to;

Common terminology;

What this body would like to consider as standards for revocation or suspension.

So these are, again, minimum guidelines for them. They are, by no means, absolute.

And this document will also be a living document and will continue to evolve over time as we continue to investigate allegations of serious misconduct and bring cases before this body for adjudication.

That's my quick overview.

If you would like to direct me where you would like to start in any discussion, I have my handy dandy pen ready.

CHAIRPERSON LONG: I think before we begin, I might ask Assistant Director Del Mugnaio, I believe where we are heading to is to not take a vote on these today but adopt some tweaks and some additional language going forward and bring it back for the next meeting?

MS. DEL MUGNAIO: Chair, you know, that's up to the consideration of the Commission whether they feel comfortable adopting them or they think based on some changes we may discuss here today they would like to see the document again in final form before making a final decision.

CHAIRPERSON LONG: Are there questions?

What kind of questions and comments from the --

COMMISSIONER NIETO: Commissioner Nieto.

I would just like things that were brought up by the public comment earlier, if we could go over those items and point out where they are in the disciplinary

guidelines so we can actually read the document that POST provided before I decide to take a vote or ask them to do further.

CHAIRPERSON LONG: Okay. Do you want to do that now or wait and see?

If we put these over -- if there's enough comment, I think what we're heading to is put them over for another -- additional time.

Or do you want to bring this up now, Commissioner?

COMMISSIONER NIETO: I'm going to defer to what the rest of the Commission wants to do.

CHAIRPERSON LONG: Okay. Why don't we hold off for just a minute on that and see what other questions and comments there are for additional changes.

I know I had offered several to the staff that I thought were relatively minor.

But I think things we needed to do, small things. But on page 2 under preface, where we talk -- it talks about the POSAAB hearing is limited to a review of the Division's findings and recommendations. No witness testimony or presentation of additional evidence or argument is permitted.

Seems to me that should also be in the preface that applies to the Commission, so that should be added.

MS. DEL MUGNAIO: Agreed. There's also--before the

Commission there's the record of the Board in addition to; right?

So you have the transcripts of the Board hearing, you have the Board recommendation and you have the four corners of the Division's recommendation. So there is additional information available to the Commission.

But we can definitely make that more clear.

CHAIRPERSON LONG: I see that.

I think the preface also notes the Commission requires two-thirds vote. We should probably note that the POSAAB requires only majority vote.

MS. DEL MUGNAIO: Yes, sir.

CHAIRPERSON LONG: Are there any other concerns or questions that anyone has to add to this?

Would anyone like to go over the ACLU's two-pager now?

What is the inclination, the will of the Commission in terms of making changes now and having additional time to look at these. Or we can go over the ACLU statement now and take a vote today.

Commissioner Gordon.

COMMISSIONER GORDON: So before we get to the ACLU, I know I provided feedback after.

And so I have a question, because there's a particular area that's still in here that I have

concerns about. And the terms that the -- "counseling and psychotherapy" is still within that -- terms.

And I'm going to continue to repeat my concerns about this.

I do not believe that POST should be, nor should the POST Commission, be determining that someone needs to seek psychotherapy or making a decision when they've received enough treatment for that.

So I am going to continue to bring up that I do not think that should be in the conditions. I don't think that we should -- that should even being going forward, something we give as an option to the ALJ as part of this, because ultimately it will have to come back to the Commission to deem that no further therapy is necessary. And I don't think we should be going down that road.

CHAIRPERSON LONG: Could I ask, just since Commissioner Gordon was instrumental in helping putting these disciplinary guidelines together, could I ask for the Commission, why that remains when Commissioner Gordon did not want it included?

MS. DEL MUGNAIO: We wanted to put it before the entire Commission for consideration.

This does not state that the person has to continue to undergo psychotherapy or mental health treatment.

It's an evaluation to determine the fitness to return to the profession.

This is a term and condition that, just in my experience, is pretty standard across the board for individuals who may have had some sort of disciplinary action or sanction that warrant a medical health professional deeming the individual to be suitable to return to the profession.

So again, I appreciate that the profession of policing is different. However, this is pretty standard to have some evaluation if there has been some question, in terms of the individual's judgment, there's been some diagnosis of perhaps a mental health disorder that deems the individual not suitable for a period of time, so that they return safely to the profession.

COMMISSIONER GORDON: And I would also add, though, if they're going to get hired by a new agency, they have to undergo the psychological. They don't get to -- there's no bypassing that point.

So at the point at which they decide to go back into the profession and get hired by an agency, that is the point in time that I want to know that they're fit for duty. And if they're still currently employed with an agency, that is actually the employee's -- the employer's obligation if they feel they're not fit or

have a diagnosis.

So I just would hate to see, because there are so many processes and HR and all the pieces that now POST puts themselves in that role versus POST sets the guidelines for when someone, you know, POST is the one that writes the guidelines for that psychological testing.

I think we -- I'm just not comfortable with that piece.

CHAIRPERSON LONG: Commissioner Gordon.

COMMISSIONER GORDON: That fit-for-duty piece.

CHAIRPERSON LONG: Thank you, Commissioner Gordon -- I would be in agreement with Commissioner Gordon.

Commissioner Doering.

COMMISSIONER DOERING: I would like to echo Commissioner Gordon's concerns also, specifically with the respondent choosing which mental health or therapy session that they go to, if that is deemed approved at the POST level and then not with the agency or vice-versa, now we have conflicting opinions and I think that opens up a cause for concern.

So I'm not a fan of that language either.

CHAIRPERSON LONG: Sure. Thank you, Commissioner.

Additional -- we've heard, Toby.

COMMISSIONER NIETO: Commissioner Nieto.

I'm reading it and I agree on some points and also disagree on other points because we do do fitness for duties. And I think the POST does have an obligation when they see something that maybe an agency isn't doing or we make the recommendation, because it's saying that we're going to use listed ones that are approved, whatever that means.

But I do think that the Commission does reserve that right to make sure that somebody's fit. We do it when we get hired. We may do it as they go lateral over, but I think we should reserve that right as something that we can do as a Commission.

CHAIRPERSON LONG: Thank you, Commissioner.

Other comments from Commissioners?

All right. Ms. Del Mugnaio, did you have a comment? I misinterpreted your movement.

MS. DEL MUGNAIO: Thank you.

CHAIRPERSON LONG: Mr. Darden?

MR. DARDEN: So, I was going to say one of the considerations, Commissioner Gordon, I think, and I certainly defer to Ms. Del Mugnaio on this. I think she has the experience.

I think we're talking about fundamentally some different things. So the first is, what does the employer do?

And the employer may have its own obligation with respect to fitness for duty, et cetera.

But then the Commission, I think the issue we're looking at is if we are in a position as the Commission of taking an action against an officer's license. And we have to make that determination independent of whatever decision the employer may have made with respect to a fitness for duty. That then this gives the Commission the ability in a case where, for instance, we become aware that an officer's engaged in acts which could be serious misconduct, but then we're also aware that that officer may have, for example, made statements implying that if they got a gun they would, you know, shoot people. That sort of thing. That the Commission then has the ability in its determination of what the appropriate action is from a perspective of a state licensing function, to make sure that the Commission is doing the right thing in terms of whether or not this person should be removed or suspended and so forth.

So I don't know if I said that correctly.

COMMISSIONER GORDON: This is being put in as a term --

MR. DARDEN: Correct.

COMMISSIONER GORDON: -- of probation.

MR. DARDEN: It wouldn't be a mandatory term.

COMMISSIONER GORDON: And so I just -- I'm going to --

MR. DARDEN: It would be a term.

COMMISSIONER GORDON: I'm going to exercise the -- cautious again - because if you have a departmental or a city evaluation where -- or there's a workers' comp claim and they are seeing someone else for the department. And there's an issue there. And now you're saying you're going to send them someplace else.

Now if you have -- but it could happen as part of this, you could then have -- sending them to a different psychologist who says not fit.

You have a departmental that's fit.

I'm just concerned that -- I'm not sure, like I said, I'm only one vote -- that we're getting into.

Something that I don't necessarily think that this process was meant to be in terms of the licensing process and the suspension process of this, going down that path.

I think, you know, this one in particular.

The other ones, you know, I've had some input on and I'm -- you know, the document overall is a great place to start with this process.

But this is the one that continues to stick for me. So --

MR. DARDEN: If I may, Commissioner, it's an optional term of course, it's not a mandatory term. So it's only that we have the ability, in the appropriate case, as an optional term, to use it if the facts justify it, of course.

COMMISSIONER GORDON: But you're also giving this -- you know, this is to provide guidance to an ALJ as well.

So now that ALJ is going to see this as a tool and how are they going to know when to use it or not to use it?

So, you know, they're not coming in with the same level of experience as someone with 30 years of policing experience. They're going to come in from -- maybe that's a good thing.

You know. But, you know, we are also trying to remove the stigma of mental health, you know, and getting help.

So I just want to keep that in mind as we, you know, do that. And not also then, you know, create more of the stigma when it comes to this piece, so --

COMMISSIONER NIETO: Commissioner Nieto. Real quick comments.

I think the Commission reserves a lot of rights to do things that the agency's already doing. And when we hear cases that we don't agree with the agencies. And

again, it's listed under optional.

And it's a living document I think that we can change down the road if something doesn't work.

Again, I would hate to take that tool away from the Commission as a whole when we're looking at, you know, getting the best people we need in the field.

I think in everybody's mind there are some agencies that we say, well, we would never do that if I was the head of that agency.

So I don't want to take that tool away, because I think we need to remember that we're independent. And so, we have to do stuff independently to make sure that we provide the best public safety we can to our communities.

CHAIRPERSON LONG: Commissioner Doering.

COMMISSIONER DOERING: In addition to all the comments we're making, there's a couple lines in there that I also have some concerns about. One being continued treatment until the Commission deems that no further psychotherapy is necessary.

That seems to put quite a bit of power on the Commission level that I think is outside the scope of our practice.

And there's a separate line almost contradicting that, about talking about the practitioner deems that

they're -- completed their treatment.

So I have some issues with the wording in addition to the other concerns we've discussed.

CHAIRPERSON LONG: Okay. Thank you, Commissioner.

MS. DEL MUGNAIO: You're absolutely right.

The sentence regarding a Commission determination of ongoing treatment should be stricken.

That's why that following sentence is there. That it's up to the psychotherapist to determine the amount and duration of treatment.

To address Commissioner Gordon's concerns, in the practicality of things, what I've seen in the past, and, again, you're right, it could happen where they're already getting treatment. They're already -- their treating therapist who's licensed and regulated by the state has deemed them to be suitable or fit to return to the profession.

For the most part, the way I've seen this in practice is that the oversight agency is provided that name of the individual who is already treating the individual for whatever the underlying issue is, and as long as the person is licensed in good standing and is a reputable psychotherapist or psychologist, the Board, or oversight body, would approve that individual as the treating psychotherapy.

You're right, though, it could happen where for some reason they disapprove it.

Usually why that disapproval would come about is there's some other relation to the psychotherapist, family member, long-time friend, where there's a conflict of interest. And then, of course, the oversight body would want to weigh in on that.

Thank you.

CHAIRPERSON LONG: Commissioner Gordon.

COMMISSIONER GORDON: So currently, in order to become a police officer, you have to use a POST-approved therapist. And also so -- I do think, if this is going to stay, there has to be more discussion about this.

Because then how are you going to have a psychologist who does not have that stamp of "fit for duty" and now -- I just think we go back and forth.

I don't know that there are other licensing agencies that actually predesignate like we do. It's different. You have pass a different type of battery of psychological testing than you do for the real estate board or, you know, to be a lawyer, any of those.

So, I would just -- if this is going to be part of it, I think there needs to be a whole lot more discussion on this section.

CHAIRPERSON LONG: Are there additional comments?

I think we have two issues, an immediate issue and then a more encompassing issue.

One, do we wish to move forward with the objection that Commissioner Gordon has? We can take a vote if there's a motion to strike that language or not.

And then two, whether or not we wish to take a vote on these guidelines today or put them over for further discussion.

For example, the two-page information -- I don't know about you, I personally would be inclined to let this stuff be digested a bit by staff. And so forth. And come back. I don't see a hurry, particular rush on these guidelines.

I do think it would be helpful if we do decide to put these over for a vote next time to vote or determine whether Commissioner Gordon's -- what would be a motion, would stand or not.

Commissioner Braziel.

COMMISSIONER BRAZIEL: A couple procedural things.

So these are guidelines that are -- that we own, that we craft, that go to the ALJ for them to kind of -- give them some kind of direction.

The ALJ then has this, or can do their own, they can add to it.

And all of that comes back to us. And then we get

to pick and choose whether we agree or disagree with the ALJ.

So the ALJ could put this provision in and we could say, no, that's not appropriate.

Or if the ALJ doesn't recommend something, but enough of the commissioners think there should be counseling, psychotherapy, we could add it back in as a condition because it's -- the final decision is not the ALJ. It comes back to us.

And this is only for ones where they're trying to put somebody on probation.

Probably based on a recommendation we made to begin with, that goes toward the ALJ. Not that that's -- they can't do it on their own.

So it's more of a process thing. This isn't something that's in stone that the ALJs get to do on their own. But we have the final say to or fro on this one, number one.

Number two, more of a procedural question, because there may be a time issue because we have our first hearing going in August, is that, how long, just from your experience, Annemarie, how long between when they actually conduct a hearing does the ALJ -- and I know this is going to be big huge swag -- do they actually start crafting their finding, and would need guidance?

Because I assume they do all the facts first, weigh the facts and look at guidance.

How long would they need -- when is our next meeting compared to when these need to go to somebody?

So I think time might be of the essence.

MS. DEL MUGNAIO: They would need the guidelines prior to the hearing, so that as they're hearing the information, the facts, the evidence presented, they have a document that guides them into the expectations for the correct imposition of discipline based on the profession.

The proposed decision is valid for 100 days once it is issued by the ALJ I think respectively we're supposed to receive that proposed decision within 30 days following the hearing and then the Commission has to act on that within 100 days.

So that's the time frame you're looking at, but we would essentially need to get these to an ALJ prior to their presiding over the first hearing in late summer.

The other thing I wanted to add --

CHAIRPERSON LONG: Could I -- could I interject? I mean --

MS. DEL MUGNAIO: Sure.

CHAIRPERSON LONG: Point of fact, we don't have to have guidelines, period. It's just -- I don't -- I

don't care one way or the other. But we don't have to have guidelines. This is something --

MS. DEL MUGNAIO: The Office of Administrative Hearings has requested that we prepare guidelines for them, yes.

CHAIRPERSON LONG: Correct. But just to be factual, we are not required to have guidelines.

MS. DEL MUGNAIO: By the State of California, no.

CHAIRPERSON LONG: Yeah.

They would like them as soon as possible, basically.

MS. DEL MUGNAIO: They would like them before they preside over our hearings, yeah.

CHAIRPERSON LONG: Okay.

MR. DARDEN: But I think the idea is that, particularly since these ALJs will be hearing these cases for the first time, that to the extent that we can do it, it would be helpful beforehand.

CHAIRPERSON LONG: We understand that, yeah.

MR. DARDEN: But we also have to get these through OAL.

MS. DEL MUGNAIO: And that's a six-month process, at best.

MS. WEILER: With something this large, yes.

COMMISSIONER BRAZIEL: That was my next question. My next question was who does it have to be seen --

after we're done with this, does anyone else have to approve it before it goes to --

MS. WEILER: Well, are you talking -- is the rulemaking process?

Assuming -- the assumption is it's approved by this body today, it would then go out for a 45-day public comment period to which -- during which I do expect that the ACLU will provide public comment.

At that point we would respond to it in writing, as staff, and then send it off to the Office of Administrative Law. And they have 30 business days to then review it. They could potentially find issues with it and send it back to us, bring it back to this body in June.

So, it's -- can be a three- to six-month approval process, if not longer, depending on what the Office of Administrative law says when they look at it, depending on the number of public comments we receive and whether or not a hearing is requested and we have to address that.

So it -- it is already a tight timeline to get this done by August.

But that's not meant to put any pressure on this body, certainly, but just to answer your question in terms of timeline.

COMMISSIONER BRAZIEL: Thank you.

CHAIRPERSON LONG: Will of the Commission. I think the first thing would be to deal with Commissioner Gordon's issue, because then if we were to vote on these guidelines today, the first thing would be to determine whether or not that amendment is made to these guidelines.

And then we could vote on the guidelines if that's the will of the Commission.

Or we could vote on the guidelines without addressing Commissioner Gordon's concern, up or down. With that objection present in the guidelines.

What's the will of the Commission?

Commissioner Braziel?

COMMISSIONER BRAZIEL: Why is everybody looking at me?

CHAIRPERSON LONG: Because you raised your hand.

COMMISSIONER BRAZIEL: Well, before that she said, hurry up, hurry up.

So on 18, on the counseling psychotherapy, I don't have a problem with it if we change some of the language and we really tighten it up.

I do understand Commissioner Gordon's concerns, we're also a profession, like she pointed out, that values this very much. The evaluation of someone.

And again, we're offering this as an alternative for someone to go onto probation to not be revoked and I would like to give the ALJs as much leverage as they can to help somebody along to be successful versus stopping them from being successful, but not having this as an option.

We also have the ability to rescind it, modify it, change it if it ever gets to that point and it comes back to us.

But I do think we need to tighten it up, and it does need to be an approved list, the same folks that do the employment, that appreciate what we have.

For someone who has gone through and -- I can only imagine some of the different scenarios, that may be able to be -- I don't want to say the word "fixed." That's a totally wrong word.

I'm choosing to be able to come back into the profession, that may have been revoked based on some other event, that somebody has to certify that they are able to come back. I want to have that option.

I see it as an opportunity to bring somebody back and salvage them versus an opportunity to push somebody out.

So I view it maybe from a different perspective. This is salvage somebody versus pushing them out of the

profession.

So if we cleaned up the language, I think it's fine. And again, we have the final say if it comes back to the Commission.

MR. DARDEN: If I could ask Commissioner Braziel, because obviously for the purposes of the background, we have very extensive requirements for the selection of the psychiatrist or psychologist that does the background examination including that they have to go through POST-approved courses and they have to be on a POST-approved list.

So is your request, then, that that be added too so that the same counselors -- sorry -- psychologists or psychotherapists who do a background would also have to be those for this?

COMMISSIONER BRAZIEL: Yeah, I believe so. Because, I mean, they're selected for the purpose of evaluating someone for suitability for policing and law enforcement.

I think they should be the same person that basically does kind of a fitness for duty to come back to salvage them.

CHAIRPERSON LONG: Let me interject at this point. Excuse me, Mr. Darden.

I mean, I think the question is on -- the follow-up

on your question, Commissioner Braziel, would your preference be to then wordsmith here and now?

Or to work on these and hear them again?

That goes to the statement that we need these, that we have to do these guidelines by -- in time for the first hearing, which I don't think is true. I mean, I don't think we have to have them and it would be one case.

So at issue is whether or not -- do you want to wordsmith now? Would that suffice?

And Commissioner Gordon, do you have a sense here of where you would like to go?

COMMISSIONER GORDON: I would want to see the language before I would agree to it.

So if we take a vote today, and 18's included, not that I don't appreciate all the rest, but I also know it's not a menu. So I would be a no.

If we made a motion to come back with language on 18, you know, I could entertain that, so --

CHAIRPERSON LONG: Commissioner Braziel, what's your sense in terms of wordsmithing now or putting it over for the next -- for a vote.

COMMISSIONER BRAZIEL: Well, I don't think we're at the point now to -- let me back up.

We still have the ACLU's comments we haven't gone

through yet. We may be sending it back, so I don't want to make it just on 18. I mean if it was just 18 and it was wordsmithing, I think we could take a break and probably come with some language, staff come up with language and bring it back. It might suitable.

But if we're talking about a whole bunch of wordsmithing off this, I think we might have to send it back and come back in June.

Understanding that it may, you know, there may not be a guideline for the first hearing. Or first hearing may be postponed by the ALJs to push it back because they don't have guidelines.

So -- but, I would rather get it right than get it fast.

MS. DEL MUGNAIO: Chairperson Long, may I offer something up?

CHAIRPERSON LONG: Excuse me?

MS. DEL MUGNAIO: May I offer something?

CHAIRPERSON LONG: Please. Please.

MS. DEL MUGNAIO: It is not unheard of, since these are a living document and they constantly evolve, that agencies do not submit draft guidelines to the office of administrative hearings for consideration, while they are pending a complete review by the Office of Administrative Law.

Understanding they're guidelines and they're incorporated by reference, the Office of Administrative Hearings I would say -- I don't want to say "frequently", but on occasion are using draft guidelines because they're currently going through the process of review by the State of California.

So if we were to bring these back in June and we were able to approve draft guidelines that then Ms. Weiler could go through and submit, we could then offer the draft guidelines to the Office of Administrative Hearings for any of the hearings that may be conducted before the final guidelines are in effect, thereby giving them some guidance for these cases, if that would resolve this for the Commission.

CHAIRPERSON LONG: Comments?

I will offer my two cents on that, which is that would work for me, except that I don't know where we are with the -- let's call it the Gordon issue.

We don't -- I don't know if there's sufficient direction from the Commission to staff whether and to what extent to include the concerns that Commissioner Gordon has expressed.

One way to deal with that is to entertain a motion on that, or Commissioner Gordon and other Commissioners, if we want, we can let that ride and deal with staff in

the ensuing weeks off channel.

Commissioner Doering?

Oh, I'm sorry.

(Court reporter request for clarification.)

COMMISSIONER BARCELONA: Barcelona. Let it ride.

CHAIRPERSON LONG: You mean put it over?

COMMISSIONER BARCELONA: Yeah, put it over. There's a lot going on here. I'm starting to get confused. So I think we need to outline it better.

We need to understand what we're doing.

CHAIRPERSON LONG: Commissioner Gordon, could you address your concern?

I know you've had, at least from Commissioner Doering and myself, you've had support for kind of a semi-amendment.

What would be your druthers going forward?

COMMISSIONER GORDON: I think Commissioner Braziel made a good point about this that we just got today.

So, even if we had, you know, all reviewed it before we got here, I think we need to take a moment to look at what they provided today.

And trying to do that, so to speak, in the moment, so I would support just taking this and not making a motion and coming back in June and then doing it as she suggested then we can give the draft to the ALJ's office

while this goes through the formal process of being reviewed.

So at least they have some overarching guidelines where it is -- as they move forward and I think they can, you know, staff can come back for June with two options, of removing 18 or coming up with a different set of language that addresses all of the different -- not just mine, by some other thoughts that were expressed regarding that one specifically today.

CHAIRPERSON LONG: Commissioner Doering.

COMMISSIONER DOERING: I would also be in favor of putting this over until June. And I think as far as staff's rewording of that too, another thought that I have is specifically the way it's worded, is there's a treatment component to it also, in addition to just an evaluation.

So something that we work hard is our agency is culturally competent therapists that are relevant to law enforcement profession and understand their needs.

So I think that would be -- if we're looking at imposing that as a probationary option, that would be something also to consider. So I think we have a lot more discussion on that topic, so definitely in favor of putting it over.

CHAIRPERSON LONG: Thank you, Commissioner. Great

catch on that language earlier.

Thank you.

COMMISSIONER GORDON: And I would also encourage staff to have a conversation with -- I know some of the subject matter experts are working with POST on the wellness plan and a lot of them are the culturally competent therapists. Some of them are ones that actually do the fit for duties. They do the hiring. And I think their expertise in looking at this and their opinion also would be something that I would want to hear from.

So I think we would benefit from not just this group, but having a little more input on that one specifically from, like I said, the subject matter experts that the POST is already working with on the organizational wellness piece.

COMMISSIONER NIETO: Commissioner Nieto.

I just want to add, I agree that we should come back and take a look at this in June. I support giving a draft to the judges.

But what I would want to just reiterate is that -- or what I want to say is that we really have to work hard to get it done in June. The last thing I want to see is another group reading it and saying: We don't like this and so then we put it off even longer.

I feel like I'm reliving Groundhog Day with serious misconduct.

CHAIRPERSON LONG: Thank you, Commissioner -- and along those lines, would any other commissioners care to weigh in on the issues that Commissioner Gordon has raised, just so that we can provide staff as much information in advance as possible?

I know, for example, I have aligned myself with the concerns Commissioner Gordon has on this specifically, as has Commissioner Doering.

Does anyone else wish to provide staff any direction so they get a sense of where the Commission is on these issues?

Commissioner Braziel has said he could probably live with it with additional wordsmithing.

Does anyone else care to share with the staff, so in the interest of what Commissioner Nieto has raised, which is getting it done at the next meeting that these folks have clear -- some clear direction. Obviously people will be working with them offline.

But if anyone else cares to weigh in, now is the time.

MR. DARDEN: If I may ask, since we have to go back and revise the language, Commissioner Doering, would your concern be met if we incorporated

Commissioner Braziel's comments with respect to ensuring that any psychotherapist or psychologist is one that is also compliant with POST regulations for doing the background or entrance examination? Or is this a different concern?

COMMISSIONER DOERING: I would agree with that. That's -- in addition to just the background, there's quite a few organizations out there that are specific to culturally competent therapy and treatment. So I think that aspect needs to be explored more than just the fitness for duty exam is the treatment component of it, especially if there are multiple sessions, which is how it reads.

MS. WEILER: So point of clarification for my notes. I think what we're looking at is two different components to incorporate, which is the initial evaluation, maybe conducted by somebody who's already on the POST-approved list for the initial background investigation component.

And then we want to add, if treatment is recommended, that treatment is received by somebody who is culturally competent.

COMMISSIONER DOERING: I would be if favor of that.

CHAIRPERSON LONG: Okay. Any other comments, does anyone else wish to weigh in at this point?

Seeing none, we will see this back in June.

MS. DEL MUGNAIO: Chair Long, may I just make one statement --

CHAIRPERSON LONG: Please.

MS. DEL MUGNAIO: I think will help consolidate some of this.

CHAIRPERSON LONG: Yeah, please. Anything you can draw out would be helpful.

MS. DEL MUGNAIO: I got you. Item 20, domestic counseling, kind of falls in line with some of the things we're talking about. And I appreciate Commissioner Doering's comments. I don't know that all background or individuals that do the background fitness for duty have the specialty in some of the areas in psychotherapy that may be relevant to all of the cases.

And there's a wide range of reasons why people would seek mental health, so I don't think it may be in the best interest of us trying to make sure that an individual has the right psychotherapist or psychologist to limit it to someone who's involved in the background investigation for fitness for duty, but to make sure we give them the opportunity to see someone that is -- that specializes, whether it be in domestic violence, anger management or substance abuse, that we give them the full range of options to seek the right therapist.

So thank you for your comment, Commissioner.

I think we can consolidate the domestic violence counseling into this other, more broad topic, and that way that would eliminate concerns regarding that item. It's item 20 in the optional terms and conditions.

The other thing that I would just like to mention is -- and we'll cover this in June. I will not belabor this, but some of the concerns raised are about there needing to be a pattern of abuse in order for the Commission to take disciplinary action.

And again, I just want to remind the Commission as you're reviewing disciplinary guidelines the 1213 factors that are already in regulation that take into consideration all aggravating and mitigating factors of the case are also relevant to disciplinary guidelines.

So the reason the word "pattern" is present in the disciplinary guidelines is because it's a consideration of the imposition of the type of discipline that may be relevant or appropriate based on the severity of the allegation.

So it's not to suggest that any given case has to have a pattern of violation or abuse for the Commission to decide that revocation is the appropriate, you know, imposition of discipline.

But it is a factor for consideration.

So I offer that up just for some clarity. Thank you.

MR. DARDEN: If I may, Chair. Just the -- and then one instance, and we can go back and explain in June with respect to each of the concerns about the use of the term.

In one instance, it's in the statute. So with respect to the law enforcement gang the word "pattern" we're just using the language the legislature gave us but we can go back and bring you some additional response to the comments in June.

CHAIRPERSON LONG: Any further comments? Final comments from members of the Commission?

Seeing none --

MS. WEILER: Mr. Chair.

CHAIRPERSON LONG: Yes, Ms. Weiler.

MS. WEILER: I did want to return to one item that we would request additional clarification on, and that is the -- under the minimum penalty for each of these classifications of serious misconduct, we have generally stated standard terms and conditions and optional terms and conditions as deemed appropriate.

Is this something that the Commission would like us to leave as is?

Or is the Commission wanting to draw out some of the

optional terms and conditions for each of these categories of misconduct?

So, for example, what might be appropriate to consider for potential suspension or -- for dishonesty as an optional term might be different from what is considered as an optional term and condition for abuse of power, if that's even something that we want to consider. Abuse of power, the Commission may want to say there is no option, revocation is it.

So we're -- we've standardized the language for each of these categories but we are looking for direction from the Commission in terms of revocation is it for this category, we don't and the want to entertain suspension. If we entertain suspension or probationary terms, these are the options that we want to consider for these specific categories.

If that makes more sense.

COMMISSIONER NIETO: Commissioner Nieto.

I'm personally not interested in a bail schedule at this point in this document. And I think we're overthinking it and it could change down the road, but again, just like defining things, it's a work in progress.

COMMISSIONER BRAUN: Commissioner Braun.

I agree with Commissioner Nieto.

I don't want to lock us in and say: This is it. Certainly we say for this, this is probably what we're always going to do, but there's that outlier that I don't want to eliminate that possibility.

I want to leave us that flexibility.

CHAIRPERSON LONG: Anyone else?

I think direction was available there.

All right. If that's it we will now move on but first let's - Connie, would you like a break right now? Will 10 minutes work?

THE COURT REPORTER: 10 minutes is fine.

CHAIRPERSON LONG: Let's say we'll be back here at 2:31.

(Time noted: 2:24 P.M.)

(Time Noted: 2:40 P.M.)

CHAIRPERSON LONG: All right. We're back in session. We never really left.

Our first item up is G.1, it's a report on clarifying the definitional amendments to Commission reg 1201, which we will also put over to January, per staff's request, since it works hand in hand with the issue we just heard.

So until the guidelines are ready, staff has said let's put this one over.

So we'll move on to to G.2 which is a report on

proposed clarifying changes to Commission Reg 1003, employment status notifications and affidavits of the separation.

Chief Weiler will report on the item. Ms. Weiler.

MS. WEILER: Yes, this item you did vote on and approve in November.

However, we did take into further consideration some of the concerns that were expressed by Sheriff Honea in the Advisory Board meetings, as well as Chief Gordon in the -- during the Commission meeting with regard to the reasons for separation.

So we did make some amendments to clarify that language on the affidavit of separation.

We did also clean up some of the language to more properly align with the Penal Code Section on this.

But, specifically with regard to Commissioner Gordon's concerns, under box 14, we removed some of the language that was already here related to fitness for duty and we provided other examples of what may go into box 14 as an explanation for reason of separation.

So we're no longer asking for the very specific details as a reason for separation. We're looking for a very generic reason for separation so that we're are still in compliance with the Penal Code's request, or

requirements, so that we have a reason for separation, especially when they are not directly related to serious misconduct.

We also did notice that we had inadvertently included civilian classifications in the instructions list for rank and classification for box number 8. So we did also remove those civilian classifications, as they are not required to complete an affidavit of separation. And there was some confusion, we were getting questions from agencies about that.

CHAIRPERSON LONG: Any questions for Ms. Weiler on what are essentially clarifying amendments?

Is there a motion?

We would like hear more from Ms. Weiler on this issue?

Chief Gordon's not even here to hear we changed this for her.

COMMISSIONER BRAUN: Motion Braun.

CHAIRPERSON LONG: Is there a Second?

COMMISSIONER NIETO: Second. Nieto.

CHAIRPERSON LONG: Is there objection to unanimous consent?

Seeing none, motion is adopted.

MR. DARDEN: For the record, Commissioner Gordon was not present during that vote.

CHAIRPERSON LONG: It was stated several times G.3 is a report on numerous technical and clarifying amendments to Commission re 1202, peace officer certificates and Commission Reg 1003, employment status notifications.

Bureau Chief Weiler will report.

MS. WEILER: Yes, so there are very specific proposed revisions here.

But I do also want to apologize in advance, because we had some last-minute revisions and we ran up against the deadline to get this published so I did make some publication errors, myself. And I want to draw attention to them to make sure if you approve, we are voting on the proper text so that the Office of Administrative Law will allow me to move this forward.

First is that on page 1, there is an extra B, a capital B. It should just be capital A and capital B, currently there's a blank B and then it moves to the C.

So I wanted to correct that reference should be capital A, capital B under subsection (2).

And then continuing onto page 2 for subsection 3, capital A, 2. I have a little typo there. It should be Penal Code Section not -- I wouldn't even know how to pronounce that one.

And then there was one other -- on page 4,

subsection (b)(D)(2) -- I'm sorry, subsection (b)(2), I'm even getting myself confused.

I inadvertently omitted text that should be there. So capital -- subsection capital (A) should read, "satisfy the minimum training requirements specified in subsection 1202 --" I can't even read my writing, "five one, as set forth in Commission regulation 1005 and other applicable law for the specified peace officer classification to which the peace officer has been appointed."

So I just wanted to read that into the record to make sure that you were voting on the correct text that needs move forward.

So additionally, our proposed reg changes as Chair Long stated earlier, we do have some clean up language that we are including as it relates to the minimum requirements for training and education to be eligible for professional peace officer certificates.

We highlighted particularly federal law enforcement experience that would be acceptable towards the experience requirement.

We have drawn out some of the other items with regard to required education. How we accept the documentation that's accepted for required education.

Those types of clean up.

The most important proposed amendment is that we are separating out the requirements for notice of appointment and issuance of proof of eligibility and the eligibility for a basic certificate.

Previously they were combined and it was causing some confusion. So we've separated those two components out.

And then we have also added a requirement for a peace officer attestation. They're going to cross over a little bit. We've added a component for a peace officer attestation on the peace officer -- attestation of peace officer eligibility form. That is under Commission Regulation 1003.

The peace officers now also have to sign under penalty of perjury and attest that all information provided during their background is true and correct to the best of their knowledge.

And this will allow us, then, under 1202 and Commission Regulation 1204, potentially cancel someone's appointment and certificate if we deem that it was issued -- approved and issued under fraud or misrepresentation.

So, for example, a candidate fails -- intentionally fails to disclose potential misconduct in their past life. Or failed to disclose something else that would

make them ineligible to be a peace officer.

For whatever reason, this was not picked up during a background investigation, their appointment was approved and certificate was issued and it later comes to light, perhaps during a compliance audit by Training, Delivery and Compliance Bureau, perhaps during the agency's own audit of their files, and we discover or the agency discovers that this person is, in fact, ineligible to be a peace officer or would not have been hired to be a police officer if they had fully disclosed.

So those sorts of instances we're trying to capture so that we can then take action on those individuals' certificates as well.

CHAIRPERSON LONG: Are there any questions to what are essentially the numerous technical and clarifying amendments?

With numerous technical and clarifying amendments to be clarifying technical amendments.

Are there any questions for Ms. Weiler?

Can we get a motion?

COMMISSIONER DOERING: Commissioner Doering will move.

CHAIRPERSON LONG: Second, please?

COMMISSIONER BRAZIEL: Second.

CHAIRPERSON LONG: Thank you. Is there objection to

unanimous consent?

Seeing no objection to unanimous consent, the motion carries.

Excuse me, Chief Salazar, I don't believe the Advisory Commission weighed in on this. Am I right?

MR. SALAZAR: No.

CHAIRPERSON LONG: Thank you. Sorry about that.

We'll move now to the Advisory Committee report. We will break it into two sections. Chief Salazar will report on yesterday's advisory meeting. And then we'll discuss separately after we deem that appropriate and accepted. Then we will move to the awards.

Chief.

MR. SALAZAR: Thank you, Mr. Chair.

So yesterday the Advisory Committee met and heard the majority of the items that the Commission heard today and provided input that has been shared in summary with the Commission today.

From the Advisory Committee report, there was some discussion regarding legislation that proposes to fix some of the issues with AB 89, which is the law enforcement education standard.

So AB 992 is one of those bills that proposes an expansion of potential pathways that would achieve the education requirement but limit impacts to recruitment

and retention.

We got some good feedback in that discussion from the various education reps on the committee who expressed concern about a proposed 15-unit certificate option. And they would prefer an 18-unit certificate option, as the difference in units impacts funding that's available to the educational institutions as well as the student aid.

The reps from both Cal Chiefs and Cal Sheriffs shared concerns related to the federal approach to immigration enforcement and how that conflicts with state law. The potential impact of federal funding to law enforcement agencies in California and how that may impact our operations.

And then from Member Cottrell representing the public safety dispatch, she provided an update on the ongoing efforts at the federal level by NENA, to reclassify the public safety dispatchers, as first responders.

And those are the Advisory Committee reports, Mr. Chair.

CHAIRPERSON LONG: Any questions of Chief Salazar on the Advisory Committee report?

Thank you, again, Chief for very good meeting yesterday.

We'll move now, then, to Chief Salazar will share the Advisory Committee recommendations for the 2024 POST excellence in training awards.

MR. SALAZAR: Thank you, Mr. Chair.

So we received ten total nominations for the four categories this year.

I'll start with the individual achievement category. We received three nominations in this category.

The first nomination being Deputy Sheriff Joela Jimenez from San Bernardino County Sheriff's Office.

Second being Sergeant Kyle Cardin from the Santa Clara Police Department.

The third is instructor Sheri Marshall from the Butte College Law Enforcement Academy.

After discussion by the committee, we recommend for the individual achievement category, that Deputy Sheriff Joela Jimenez from San Bernardio County Sheriff's Office, be provided Excellence in Training in the Individual Category, highlighting her work with full body approach to wellness courses that was provided to the agency. But then also extended to their incarcerated population and her work throughout the community there that impacts law enforcement and the wellness of the community.

She's also a POST-certified master instructor and well-respected by peers and community.

So under individual category that is the recommendation for the award.

Do you want to take those each one by one?

CHAIRPERSON LONG: I think we can take them en mass.

MR. SALAZAR: Okay.

The second category would be for organizational achievement. We received four nominations in this category. The first being Cal State University Long Beach Criminal Justice Center.

Second was the Palm Springs Police Department Training Divison.

Third was the Seaside Police Department.

And fourth was San Joaquin Delta College POST Academy.

After discussion on this item, the committee selected as the recipient, Cal State University Long Beach, Criminal Justice Center, recognizing 58 years of training and research in law enforcement at the local, regional, state and federal level. Their partnership with POST and the Bureau -- BSEC. They also provided Use of Force Training to the Minneapolis P.D.

Innovative programs and their assistance in developing research courses, mental health

decision-making, principle policing, use of force, train the trainer courses, their crime scene investigation program and their crime scene intelligence and analysis certificate program.

And so our recommendation was there.

The runner up in that category would be the Palm Springs Police Department Training Division.

And I should go back, the runner up for the individual recommendation was Sergeant Kyle Cardin with Santa Clara.

The third category is the lifetime achievement category. We received one nomination in this category. After discussion amongst the committee members, it was a unanimous decision not to make a recommendation to award as they did not feel the nomination met the requirements for the award and so no recommendation was made in lifetime achievement category.

And then the fourth is the O.J. "Bud" Hawkins Exceptional Service Award. We received two nominations.

The first being Senior Inspector Kimberly Zaragosa from Contra Costa County District Attorney's Office.

The second, Lieutenant Casey Hill, Stanislaus County Sheriff's Office.

The recommendation of the Advisory Committee is -- for the award in this category is for Inspector Kimberly

Zaragosa from Contra Costa County District Attorney's Office. She has 35 plus years in the field and remains dedicated to training and contributing to this profession. 2,700 plus hours of training, 60 plus academy classes mentored, development of a number of training programs and instructors, first female SWAT team leader. And we received numerous letters of impact and recommendation from people on this nomination. And that was the selection of the committee.

Thank you, Mr. Chair.

CHAIRPERSON LONG: Thank you, Chief.

Is there a motion on the recommendations for the awards by the Advisory Committee?

COMMISSIONER NIETO: Nieto moves and I sat through the selection yesterday in their meeting.

CHAIRPERSON LONG: Could you --

COMMISSIONER NIETO: Nieto makes the motion and I just want to add that I did sit through the presentations.

CHAIRPERSON LONG: Thank you. Is there a second?

COMMISSIONER WOOLERY: Woolery. Second.

CHAIRPERSON LONG: All right.

Regarding the nominations for the awards by the Advisory Committee is there objection to unanimous consent?

Seeing none, the motion carries, on unanimous consent.

Thank you, Chief.

We always, without objection, deem the Advisory Committee's report adopted.

Move to correspondence. The following correspondence was sent by POST to Riverside County Sheriff Chad Bianco expressing sympathy over the tragic on-duty death of Deputy Timothy Corlew in January 2025.

The following correspondence was received by POST. The 2025 RIPA report.

Old business there is none.

New business there is none.

Closed session turns out there is none.

Are you okay, Connie? Because we're going to go into case review at this time.

We've got two cases to review.

We move now to certification action items on the agenda.

Today, this afternoon -- what's left of it -- we've got two cases regarding recommendations made by the Peace Officer Standards Accountability Advisory Board.

Tomorrow we will hear three cases.

Before we begin, we welcome, and introduce, again, Deputy Attorney General Chris Beatty, counsel for the

Commission.

Welcome, Chris.

MR. BEATTY: Good afternoon.

CHAIRPERSON LONG: And first, a few prefatory remarks.

Today we will review only facts and evidence as presented by the Peace Officer Standards and Accountable 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 is no need to make objections and objections will not be ruled upon.

Under the Penal Code and applicable state regs, this hearing only determines if the matter will proceed to a full evidentiary hearing before an ALJ to determine whether the allegations are true and justify discipline.

I need to emphasize at this stage, the Commission must only consider the facts that the Division, after investigation, believes can be proven at a later evidentiary hearing.

Today the Commission will consider arguments as to whether or not those facts presented by the Division, demonstrate a high probability that serious misconduct occurred.

This finding simply 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 warranted.

That will be determined following the evidentiary hearing before the ALJ.

At the conclusion of each law enforcement consultant's presentation, the Commission will have the opportunity to ask questions.

Then we will receive comment from the subject officer and/or their counsel, followed by comment from members of the public. Further discussion by the Commission will follow if necessary.

The Commission may then choose to go into closed session deliberation or wait until additional cases have been presented before adjourning into closed session.

After reconvening from closed session, motions will be considered.

So the first case is Tommy Thompson. And law enforcement consultant Brad Ehrman, Professional Conduct LA County Bureau and Carrie Woolley, Attorney, Legal Affairs Bureau, will provide a report on Tommy Thompson, POST case 2400920, who at the time of the events in question, was employed with the LA Police Department.

I note that the recommendation of the Peace Officers Standard and Accountability Advisory Board was to revoke certification by a 7 to nothing vote.

Mr. Ehrman, Ms. Woolley, the floor is yours. Thank you. Welcome.

MR. EHRMAN: Good afternoon, Commissioners. My name is Brad Ehrman, I'm a law enforcement consultant with the Los Angeles County Professional Conduct Bureau. With me today is Carrie Woolley, she's an attorney with our Legal Affairs Bureau.

I'm here with respect to case of POST versus Tommy Thompson, formerly with the Los Angeles Police Department.

In this case, the Division found reasonable grounds to believe that Mr. Thompson engaged in serious misconduct in violation of Penal Code Section 13510.8, the specific subsection is (b)(6), alleging that Mr. Thompson engaged in acts that violated the law when he was arrested for DUI on March 14th, 2023, and March 17th, 2023.

The Division investigative summary and findings, it recommended revocation of Mr. Thompson'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 Officers Standard Accountability Advisory Board on January 16th, 2025.

The following conclusions of that hearing, the board voted to recommend revocation of Mr. Thompson's certification. The Division asks you adopt these recommendations today.

As required by Penal Code Section 13510.85(a)(5), the record of the proceeding is before you, which includes the agenda and the attachment from the meeting, a transcript of relevant portions of the hearing, and the recommendations of the board.

If this matter -- if 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 the record before you -- before the board, which is before you, and which you have the opportunity to review.

To assist you in your review of the record, I would take you through the case as it was presented.

As the record shows, I presented this case before the Board substantially as follows:

Mr. Thompson began his career with the Los Angeles Police Department in June 10th, 1996.

On June 25th, 2006, Mr. Thompson was promoted to the position of Detective I.

On November 3rd, 2013, Mr. Thompson was promoted to the position of Detective II.

On July 30th, 2023, Mr. Thompson was demoted to the position of Detective I.

Mr. Thompson holds the following POST certifications, basic, intermediate, advanced and a supervisory.

Mr. Thompson had a prior alcohol-related discipline from March 13th, 1998, for which he received a three-day suspension. Mr. Thompson's other disciplinary matters are not relevant in these proceedings.

So as set forth in the ISF, Mr. Thompson was arrested for DUI twice in a four-day period while on duty.

The first incident occurred on March 14th, 2023, at approximately 9:30 A.M. According to the California Highway Patrol report, Mr. Thompson who driving an unmarked LAPPOST ID: B81-T83D vehicle was involved in a single-vehicle accident after he attempted to make a U-turn, lost traction and he drove over a raised curb and struck a tree located on the side of the roadway.

Mr. Thompson left the scene of the accident and drove to a nearby ARCO gas station where he spent approximately 40 minutes attempting to fix the damage to the front end of his vehicle.

Mr. Thompson then left the ARCO gas station and drove to a Mobile gas station where he contacted the supervisor about the accident and then was involved in a second minor car -- vehicle accident when he backed into another vehicle.

Mr. Thompson then spent approximately 30 minutes trying to fix the damage, again, to his vehicle.

Mr. Thompson left the Mobile gas station and the vehicle -- his vehicle became disabled in the roadway an LA County Deputy discovered him stalled in the roadway and called CHP to respond. The responding CHP officer conducted an investigation and determined that Mr. Thompson was under the influence of alcohol and drugs, prescription Ambien, and arrested Mr. Thompson.

At approximately 1308 hours, Mr. Thompson submitted to a chemical breath test which showed he had a blood alcohol content of .03 percent.

This CHP also took a blood sample from Mr. Thompson and admitted it for the prescription drugs.

Since Mr. Thompson's sample showed a -- drug in his system, the Los Angeles County District Attorney's office charged him with a violation of Vehicle Code Section 23152(g), driving under the -- driving under the combination influence of alcohol and drugs.

On February 22nd, 2024, Mr. Thompson pled no contest

to one misdemeanor count of Vehicle Code Section 23152(a), driving under the influence of alcohol. The conviction included a sentence of four days, time served.

Sorry. Four days time served, fines, and he was ordered to complete an 18-month driving under the influence program.

The second incident occurred on March 17th, 2023, while assigned home duty because of the first DUI arrest on March 14th, Mr. Thompson was driving his personal vehicle and lost control when the vehicle ran out of gas. The vehicle then hit a pole.

Los Angeles County Sheriffs responded and conducted an investigation, which showed that Mr. Thompson was operating his vehicle under the influence of alcohol.

Mr. Thompson provided a breath sample, which showed he had a BAC of .08 and .09 on the two tests.

On February 22nd, 2024, Mr. Thompson pled no contest to one misdemeanor count of wet reckless driving. Mr. Thompson was assessed fines, fees, ordered to complete an 18-month driving under the influence program to be completed concurrent with his first DUI arrest.

The Los Angeles Police Department conducted an Internal Affairs Investigation on both DUI arrests. The Internal Affairs investigation resulted in five

sustained policy violations with the recommendation that Mr. Thompson be directed to a Board of Rights hearing with a proposed penalty of termination.

During Mr. Thompson's Internal Affairs Interview, Mr. Thompson stated that after his two DUI arrests, he checked himself into the Betty Ford Clinic for treatment and was attending Alcoholics Anonymous meetings on a regular basis.

On February 22nd, 2024, Mr. Thompson signed a settlement agreement with the Los Angeles County Police Department that imposed a 22-day suspension as a result of the two DUI arrests, while employed with the Los Angeles Police Department for a period of three years, requiring him to abstain from the use of all alcoholic beverages, not enter any establishment whose primary business was selling alcoholic beverages while off duty, not purchase any alcoholic beverages while off duty, submit to substance tests up to three times a month as directed by a supervisor and submit to unscheduled, unannounced, directed tests of controlled substances up to five times a month as directed by a department supervisor.

So the following -- following my presentation to the board, as documented in the transcript before you, the following public comments were made by the officer as

reflected in the transcript.

No members of the public made a comment to the Board on this case as reflected by the transcript.

The Board went into closed session. When the Board returned into open session, a vote to revoke officer certification was seven in favor and one member abstained.

I'm happy to answer any questions that you have at this time.

MS. WOOLLEY: If I could just clarify the record, really quickly. The officer did appear at the Board hearing and did make public comment on his behalf. That is reflected on the transcript. You should have all of his comments available for you.

CHAIRPERSON LONG: Commissioners?

Questions or comments?

Does Officer Thompson and/or his counsel wish to offer public comment?

Was anyone aware that Officer Thompson and/or his counsel wished to make comment today or contact the Commission?

Seeing no affirmative shakes of heads, does any member of the public wish to address the Commission on this case?

At this time, then, would the Commission like to

adjourn into closed session for deliberations?

Ask questions, comment?

Or is the Commission ready to vote on the case?

A motion is always in order.

COMMISSIONER COOPER: I'll move staff's recommendation.

CHAIRPERSON LONG: Excuse me?

COMMISSIONER COOPER: I'll move staff's recommendation.

COMMISSIONER EWELL: Second.

CHAIRPERSON LONG: The motion to revoke and a second.

Ms. Essex, please call the roll.

MR. KNAPP: Thank you, Mr. Chair.

Barcelona.

COMMISSIONER BARCELONA: Yes.

MR. KNAPP: Barcelona, aye.

Braun.

COMMISSIONER BRAUN: Aye.

MR. KNAPP: Braun, aye.

Braziel.

COMMISSIONER BRAZIEL: Yes.

MR. KNAPP: Braziel, aye.

Cooper.

COMMISSIONER COOPER: Aye.

MR. KNAPP: Cooper, eye.
Doering.
COMMISSIONER DOERING: Aye.
MR. KNAPP: Doering, aye.
Ewell.
COMMISSIONER EWELL: Aye.
MR. KNAPP: Ewell, aye.
Gordon.
COMMISSIONER GORDON: Aye.
MR. KNAPP: Gordon, aye.
Johnson.
COMMISSIONER JOHNSON: Yes.
MR. KNAPP: Johnson, aye.
Long.
CHAIRPERSON LONG: Aye.
MR. KNAPP: Long, eye.
Moon.
COMMISSIONER MOON: Aye.
MR. KNAPP: Moon, aye.
Nieto.
COMMISSIONER NIETO: Yes.
MR. KNAPP: Nieto, aye.
Therriault.
(No response.)
Woolery.

COMMISSIONER WOOLERY: Aye.
MR. KNAPP: Woolery, aye.
Motion passes with 12 yeses.
CHAIRPERSON LONG: 12-oh. Motion passes.
I'm sorry. Ms. Del Mugnaio.
MS. DEL MUGNAIO: Commissioner Long, may I clarify the record, please?
CHAIRPERSON LONG: Please.
MS. DEL MUGNAIO: So, Commissioner Cooper, you moved to have -- moved staff's recommendation?
COMMISSIONER COOPER: Correct.
MS. DEL MUGNAIO: Did you mean the Board's recommendation to revoke, sir?
COMMISSIONER COOPER: Correct.
MS. DEL MUGNAIO: Thank you, sir.
CHAIRPERSON LONG: And I clarified that it was a motion to revoke.
MS. DEL MUGNAIO: All right.
CHAIRPERSON LONG: We'll move into our second case.
Law enforcement consultant Robert Bringolf, Professional Conduct, LA County Bureau, and Carrie Woolley, attorney with the Legal Affairs Bureau, will report on case number 2302971, Gabriel Gaxiola who, at the time of the events in question was employed by the LA Police Department.

COMMISSIONER NIETO: Commissioner Nieto. Yeah, for the record, I would like to say Gaxiola did work for me at one point in my career with LAPD; however, after speaking with the Chair I believe that I can make a determination with no biases.

CHAIRPERSON LONG: Thank you, Commissioner Nieto.

The POSAAB recommendation on Officer Gaxiola was a stipulated settlement to stay revocation and the vote was seven to one.

Now, Mr. Bringolf, the floor is yours.

MR. BRINGOLF: Thank you, sir.

Good afternoon, everybody.

This is a case of Sergeant Gabriel Gaxiola. He is present with counsel here.

Since the chair's put most of the stuff on the record already, I'll just skip to the case.

So, this matter was heard by the Peace Officer Standards Accountability Advisory Board in January of this year. Following the conclusion of that hearing, the Board voted to revoke Mr. Gaxiola's certificate with the stayed stipulation.

The Division asks that you adopt that recommendation today.

I'll present to you the case as I presented it before the Board.

So Sergeant Gaxiola was hired by the Los Angeles Police Department on October 26, 1998.

He was promoted to sergeant on July 7th, 2019.

On May 13th, 2020, Sergeant Gaxiola arrested for his second DUI while employed as a peace officer for the Los Angeles Police Department.

He was off duty and driving his personal vehicle on state route 110 in the area of North Avenue 52 overpass.

His vehicle collided with a stopped vehicle, which in turn collided with another vehicle that had been stopped in the number three lane of traffic.

He immediately contacted emergency services, which resulted in the California Highway Patrol responding to the scene.

The CHP officer observed Sergeant Gaxiola had red, watery eyes and odor of an alcoholic beverage emitting from the breath and person.

He had an unsteady gait while walking around the traffic scene and slurred and delayed speech.

Also, when one of the officers asked for his insurance card, he handed him his debit card.

A CHP officer conducted a standardized field sobriety test and determined Gaxiola had been driving under the influence of alcohol. He was arrested for driving under the influence, in violation of 23152(a)VC.

He then refused to submit to a chemical test, at which time a search warrant was sought for sample of his blood. The warrant was granted and executed on May 14th, 2022, at 0122 hours. That was about five hours after the accident occurred.

And he was ultimately arrested for violation of section 23152(b) of the Vehicle Code.

On May 17th, '22, a laboratory report showed the analysis of the blood sample from Mr. Gaxiola resulted in an average blood alcohol concentration -- I might say BAC as we continue -- of 0.155 percent. The legal limit is .08 BAC. So he was nearly double there.

An LAPD subject matter expert later calculated an average male of Mr. Gaxiola's build would have had an approximate BAC of .23 percent five hours prior to the collection of the 1.55 percent sample.

As an aggravated factor, Sergeant Gaxiola was found to be carrying a handgun in his waistband at the time of his arrest and while he driving intoxicated.

On February 9th, '24, Sergeant Gaxiola pled no contest to and was convicted of one misdemeanor count of driving under the influence of alcohol with a blood alcohol content of over .08 percent.

That's a violation of California Vechicle Code Section 23152(b).

During that same proceeding, Sergeant Gaxiola admitted to a prior conviction for driving under the influence in Los Angeles Superior Court Case 168HM08811, from January 25th, 2017.

On February 9th, 2024, he was placed on summary probation for a period of 16 months.

The conditions of that probation are:

That he not operate a motor vehicle with any measurable amount of alcohol in his blood;

That he not drive a motor vehicle without a valid driver's license in his possession or without liability insurance in the minimum amounts required by law;

Comply if ordered by DMV to install an ignition interlock device as a condition of probation;

And make restitution to the victim per PC Section 1202.4(f) in an amount determined at the hearing.

He would also have to pay a Probation Revocation Restitution Fine pursuant to Penal Code Section 1202.44 which may be enforced in the manner provided for the enforcement of a money judgment in the amount of $150.

Obey all laws and orders of the court.

He was also ordered to serve four days in city jail as a condition of his probation and pay a fine of $500 plus penalty assessments.

And enroll within 21 days of the date of his court

hearing or his release from custody and successfully complete an approved licensed 18-month DUI program, as well as enroll and complete a MADD victim impact program, the Mothers Against Drunk Drivers and attend 52 AA or NA meetings at a rate of two per week.

In addition to those court proceedings on January 26, 2024, Mr. Gaxiola signed a rehabilitation agreement with the LAPD in relation to this second DUI case.

In that agreement, he admitted he engaged in misconduct that warranted discipline and he agreed that the Board of Rights was agreeing to hold his discipline in abeyance until he completed the terms of his rehabilitation agreement.

The Division has also examined and considered Sergeant Gaxiola's first DUI arrest as a peace officer. It is important to note that that case was considered pursuant to California Code Regulation Title XI, Section 1213.

In that case, on July 10th, 2016, around 0200 hours, Sergeant Gaxiola, then Officer Gaxiola, was off duty in the City of Laguna Beach driving his assigned police vehicle. He had been assigned to the SWAT team at the time of this event and had taken a city vehicle to a wedding in Huntington Beach, California.

At the wedding, he consumed mixed drinks but didn't

know how many. And after leaving the wedding in his city vehicle, he was stopped for a traffic violation by an on-duty Laguna Beach police officer.

During the traffic stop, Officer Gaxiola displayed objective signs of alcohol intoxication and was given a horizontal gaze nystagmus test and was arrested for violation of 23152(a) driving under the influence, which was a misdemeanor.

And then after his arrest he refused to submit to a PAS or preliminary alcohol screening test, but did ultimately submit to a blood test. He was found to have a BAC of 0.202.

And to further aggravate that situation, his city-owned vehicle had to be towed to Laguna Beach Police Department and secured in the sallyport as that vehicle contained department-issued equipment and weapons. And while the vehicle was being secured, the officers located an open bottle of beer in the front passenger compartment.

For that incident, he ultimately received a 22-day suspension without pay for the 2016 DUI arrest. And then in 2017, Gaxiola received a misdemeanor conviction for violation of Section 23152(b). The charge of 23152(a) was dismissed.

He received three years of informal probation;

A $140 fine;

A mandated six-month first offenders program and some victim impact counseling.

So those facts, as I've just recited them, support our finding that Mr. Gaxiola was involved in serious misconduct, acts that violate the law and are sufficiently egregious or repeated as to be inconsistent with a peace officer's obligation to uphold the law.

For purposes of our analysis in the Division, clear and convincing evidence means evidence that a charge is clear and convincing so long as there is a high probability that the charge is true. And the evidence need not establish a fact beyond a reasonable doubt.

The division recommendation is that Sergeant Gaxiola's POST certifications be revoked.

And those recommendations are based on the following:

Sergeant Gaxiola has been arrested for violating the law on two occasions during his employment as a peace officers.

More specifically, both arrests have occurred while he has held rank of sergeant.

While a repeated violation of the law alone may not always rise to the level of serious misconduct, it is the nature of these arrests and the aggravating factors

that lead -- that led the Division to clear and convincing evidence.

The public has a right to expect high moral and ethical standards from the police. Gaxiola's wanton disregard for public safety on more than one occasion merits decertification.

Further, the public has a right to be policed by individuals who are held to higher standard.

His actions and arrests do not meet this standard.

Mr. Gaxiola's blood alcohol concentration on each arrest was remarkably high. Expert opinion indicated that at the time of his recent arrest -- or his recent accident, his blood content was likely around .23 percent, which is approximately three times the legal limit.

Evidence from his previous arrests for driving under the influence of alcohol showed his BAC at the time was .202 or .200.

For his parts in these arrests and incidents, Gaxiola put numberous lives in jeopardy on at least two occasions, once in a city vehicle filled with his SWAT gear and weapons; and once in his personal vehicle while armed and off duty.

The latter of the two resulted in vehicle accident which caused damage to Gaxiola's vehicle and two

additional vehicles.

For these reasons, the Division finds the repeat offenses particularly egregious.

After I made this presentation to the Advisory Board, public comment was opened and Mr. Gaxiola's counsel spoke.

I'm happy to answer any questions you all may have just.

For a point of clarification, I do not believe that both arrests happened while Gaxiola was a sergeant.

So, that's a misstatement of facts on my part.

Also, happy to answer questions.

COMMISSIONER EWELL: I didn't hear his last comment. Forgive me. Ewell

MR. BRINGOLF: Yeah, no problem.

I made a statement as I reviewed this case that both arrests happened while Mr. Gaxiola was a sergeant.

I believe that's a misstatement of facts.

The first of which happened when he was an officer; the second of which happened when he was a sergeant.

COMMISSIONER EWELL: Thank you.

MR. BRINGOLF: So I just wanted to clarify that for the record.

CHAIRPERSON LONG: Thank you, Mr. Bringolf.

MR. BRINGOLF: You're welcome.

CHAIRPERSON LONG: Commissioner Gordon.

COMMISSIONER GORDON: Can I clarify that the Advisory Board recommendation was a stay of revocation?

MR. BRINGOLF: Yes, ma'am.

COMMISSIONER GORDON: For a period of -- what were the terms that they -- of their recommendation?

MR. BRINGOLF: I believe it was ten years.

CHAIRPERSON LONG: Yeah. They made -- a motion to go to five, failed; they went to ten.

And I think the wording was a little funky.

But essentially it was a -- it was meant to be a suspended revocation and then probation, giving him up to ten years.

Questions from the Commission of Mr. Bringolf and Ms. Wooley?

No questions at this time.

We will -- we can return to questions.

We will now ask whether Officer Gaxiola and/or his counsel wish to make public comment.

I believe they're present.

Please come forward. Thank you.

Again, prefatory comments.

You will each be given five minutes to speak.

The time limits will be enforced, so please complete your comments within the allotted time.

Also, most importantly, please remember the Commission will only consider facts presented by the division today and will not consider additional facts, mitigating factors or defenses at this time.

The sole question before the Commission today is if the facts offered by the Division are proven at a subsequent evidentiary hearing, will those facts demonstrate a high probability that serious misconduct occurred.

MS. WOOLLEY: Thank you.

CHAIRPERSON LONG: Cautionary note, I recall reading in the transcripts that some of the testimony went quite far into alternative defenses and character and so forth. And that's really not within the four squares.

So I'm really asking you to stay within the Division's report. So thank you for being here.

MS. WILCOX: Leslie Wilcox, I'm a panel attorney for the Los Angeles Police Protective League, representing Sergeant Gaxiola, who is also here in case you have any specific questions for him.

I would like to point out to the Commission that in the internal affairs investigation, that you have a copy of, Sergeant Gaxiola indicated that he was not only remorseful for his actions, but that he had taken quite a bit of personal work and specifically a 90-day

residential rehab program that he participated in along with others.

CHAIRPERSON LONG: Okay. Counsel, I'm going to stop you right there. I will look to our own counsel.

This is exactly the type of concern I was starting to address the -- what the Division addressed today.

Moving into alternative defenses about character and subsequent efforts by the respondent. No matter how noble, are not really within the confines of the Division report.

Counsel?

MR. BEATTY: I think the line here is if counsel is speaking about materials that are contained within the attachments --

MS. WILCOX: Yes, sir.

MR. BEATTY: -- that would be fair game.

However, making, you know, arguments that are external to the attachments to investigation summary and findings that's really where we're driving pursuant to the Penal Code.

MS. WILCOX: Understood. That's why I'm only referencing what was contained in the LAPD internal affairs investigation. I wanted to be sure the Commission saw those footnotes that were in the investigation so you would be aware of the work that

Sergeant Gaxiola had done that he provided to IA.

I also would like to point out that this incident occurred in 2022. So we're almost at three years at this point.

You also have been made aware of the contracts that he received from the Board of Rights as part of the discipline process at LAPD

I don't know how -- if that entire contract was included, rather.

MR. BRINGOLF: I don't recall.

MS. WILCOX: Okay. I have a copy of it, but I can't remember if it came from POST or LAPD.

So he has already been part of a testing program. The Advisory Board had questions about that and so I'm unclear as to what information you actually have, based on that transcript.

However, this is an incident where I believe due to the passage of time and the level of sobriety that Sergeant Gaxiola has proven he is capable of, that a ten-year contract is not necessary to monitor his sobriety at this point. I think that a shorter term is definitely appropriate, given the track record that he has since 2022 and the information that you have before you.

And the request is that it be shorter than a

ten-year agreement.

Ideally, even that the Commission might consider the three years that he has been sober as part of that if they choose to go with a five-year agreement.

COMMISSIONER NIETO: Commissioner Nieto. I do have a question of the Chair.

I know Gaxiola was at the fires.

I did watch the Board that makes the recommendation. I watched their proceedings.

He was unable to make comments.

Do we allow that at this point? At some point?

CHAIRPERSON LONG: The responding officer?

COMMISSIONER NIETO: Yes.

CHAIRPERSON LONG: Yes, he's here.

COMMISSIONER NIETO: Okay. I just wanted -- thank you. Sorry.

MS. WILCOX: That's okay. Thank you. Yes. He's here in case you have any questions and to make a brief comment.

I just want it to be clear that the Board was aware -- in some of the DUI cases that I've heard in front of the POST Commission they tend to be before 2022. So this cause has just been -- not through POST's fault -- just an older case and there's been a lot of time that has passed, and so I don't believe it is necessary for a

ten-year contract.

Obviously Sergeant Gaxiola is grateful that the Advisory Board recommended a stay of the revocation and he is definitely willing to engage in a settlement agreement with the Commission for that.

And if you have any questions for me, let me know.

If you have any if questions for Sergeant Gaxiola, he's here for you.

CHAIRPERSON LONG: Thank you, Counsel.

Questions from the Commission through counsel?

COMMISSIONER GORDON: So the rehabilitation agreement is part of our documents and was part of the case. So I'm going to ask a question pertaining to that since it is within the material.

Sergeant, it states that you had a follow-up hearing with the Board of rights in January.

Did you successfully complete that term of the rehabilitation agreement?

SERGEANT GAXIOLA: Ma'am, what was the question again, real quick?

Sorry. I was trying to figure out how to work the mike.

COMMISSIONER GORDON: So you had a follow-up with the Board of Rights, according to your rehabilitation document, in January, to report back whether you met all

of the rehabilitation requirements.

Did you meet all those requirements?

SERGEANT GAXIOLA: Yes, I did meet all the requirements. And at that meeting, I was given my penalty.

COMMISSIONER GORDON: Thank you.

CHAIRPERSON LONG: Commissioner Nieto?

COMMISSIONER NIETO: Yes. During that penalty phase -- did we get the documents or can we even ask what the penalty was for by -- at agency? Are we allowed to ask that?

I'm asking the Chair.

I know you're going to say yes.

MS. WILCOX: I just meant that he can waive his right, is all I was -- I'm sorry.

COMMISSIONER NIETO: I have to address it to our counsel --

MS. WILCOX: Of course.

COMMISSIONER NIETO: -- and our Chair. Sorry. Because I would like to find out what the penalty was from that.

CHAIRPERSON LONG: I think that's not a problem. Counsel?

MR. BEATTY: No, I don't see a problem with the question.

SERGEANT GAXIOLA: It was 40 days. I'm currently serving the suspension right now.

COMMISSIONER NIETO: Were you demoted?

SERGEANT GAXIOLA: No, I was not.

COMMISSIONER NIETO: Okay.

CHAIRPERSON LONG: Additional questions from the Commission for respondent or counsel?

Officer Gaxiola, would you care to make a statement, sir?

CHAIRPERSON LONG: Up to you.

SERGEANT GAXIOLA: Yes.

CHAIRPERSON LONG: It is not necessary.

SERGEANT GAXIOLA: No, absolutely. I'm sure you guys have all the documents in front of you.

Only thing I would like to say is I did take full responsibility for what occurred. I am a supervisor. I do understand the obligation that we have.

I did intentionally do everything that was put in front of you.

I've -- didn't sit back and wait to see what occurred.

I made full intention of getting better, of figuring out what the problem was. I don't believe I had the tools to really compress, decompress all the, you know, over two decades of law enforcement. I believe I have

those tools now. And I'm actively very involved.

I do have a big background in law enforcement, in tactics. But I also am a peer member and I am actively engaged with officers, even within the last few days, people trying to recover, people trying to navigate through their own issues as well. That's my own support system.

And just, again, I'm intentionally trying to do what I can to make this better.

COMMISSIONER NIETO: Commissioner Nieto.

I have a question, a clarification.

When you say a peer member, you're part of the peer support DUI team for LAPD?

SERGEANT GAXIOLA: No, I -- this is for Newton Division.

COMMISSIONER NIETO: Okay.

SERGEANT GAXIOLA: We've had quite a number of instances. It is a support group that I have at Newton Division.

CHAIRPERSON LONG: No further comments or questions from the Commissioners?

Do you have more comments?

MS. WILCOX: Oh, I thought you -- I was leaving.

CHAIRPERSON LONG: Yeah. Stay close, but seeing no further questions for counsel or the respondent, is

there anyone else that would like to address the Commission on this case?

COMMISSIONER BRAZIEL: Chair, I have one question, sorry, for the counsel.

CHAIRPERSON LONG: Hang on, guys. Sorry.

Commissioner Braziel.

COMMISSIONER BRAZIEL: Sorry. I just want to clarify, so the rehabilitation agreement that he signed, is it -- since he completed that is it no longer valid? In other words, no testing, no that -- any conditions ongoing to -- so zero conditions.

MS. WILCOX: Correct.

COMMISSIONER BRAZIEL: Other than the 40 days --

MS. WILCOX: Correct.

COMMISSIONER BRAZIEL: -- that he's currently serving.

MS. WILCOX: Correct.

COMMISSIONER BRAZIEL: Thank you.

MS. WILCOX: If I may, if I would note, LAPD has the option to extend that contract at the end and they chose not to do so in this case.

COMMISSIONER BRAZIEL: Thank you.

CHAIRPERSON LONG: Okay. Thanks, guys.

COMMISSIONER BRAZIEL: That was it. Sorry. That was the only one.

CHAIRPERSON LONG: Thank you, Counsel.

MS. WILCOX: Thank you.

CHAIRPERSON LONG: Thank you, Officer.

Seeing that no one else is present or -- to address the Commission, does the Commission wish to adjourn to closed session for deliberation?

Ask additional questions?

Or a motion's always in order.

What is the will of the Commission.

COMMISSIONER NIETO: Commissioner Nieto.

I do have a question. We can ask this in open session.

The prior board recommended ten years. And watching that I was a little confused. They went to five. They didn't have the majority. And they went to ten. And it didn't seem like there was clear reasoning for ten versus five.

Can we answer that question at all?

CHAIRPERSON LONG: I don't believe there is an answer to that question.

MR. BRINGOLF: I would say the observation is correct.

CHAIRPERSON LONG: Yeah. I read the same and watched the same thing you did and I have the same question.

But nonetheless, it was -- five did not carry, they went to ten, which carried without explication.

MS. WOOLLEY: Commissioner Nieto, this might be something that your counsel can answer for you if you deliberate in closed session. It may be something that maybe he might be able to provide some insight for you, not necessarily, obviously, revealing things that happened in closed session. But perhaps that might be a conversation.

CHAIRPERSON LONG: Okay. The will of the Commission?

COMMISSIONER BRAZIEL: Closed session, please.

CHAIRPERSON LONG: All right. Closed session. We will stay in this very intimate room here. And if everyone else would please vacate and we will -- go look at the bay and we'll let you know when we return.

(Time noted: 3:36 P.M.)

(Closed session held from 3:37 P.M. to 4:08 P.M.)

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(Time noted: 4:10 P.M.)

CHAIRPERSON LONG: Thank you, everyone, for your patience.

We will now reconvene regular session and to consider motions.

A motion is always in order.

COMMISSIONER DOERING: I would like to make a motion to revoke and that that revocation be stayed for a period of five years subject to a stipulated settlement between the officer and the Division.

CHAIRPERSON LONG: Is there a second?

COMMISSIONER BRAZIEL: Braziel. Second.

CHAIRPERSON LONG: The motion has been seconded.

Ms. Essex, please call the roll.

MR. KNAPP: Thank you, Mr. Chair.

Barcelona.

MR. KNAPP: Mr. Knapp. That's okay.

CHAIRPERSON LONG: I'm sorry. Mr. Knapp, call the roll. Mr. Chandler.

MR. KNAPP: Barcelona

COMMISSIONER BARCELONA: Yes.

MR. KNAPP: Barcelona aye.

Braun.

COMMISSIONER BRAUN: Yes.

MR. KNAPP: Braun, aye.

Braziel.

COMMISSIONER BRAZIEL: Aye.

MR. KNAPP: Braziel, aye.

Cooper.

COMMISSIONER COOPER: Aye.

MR. KNAPP: Cooper, aye.

Doering.
COMMISSIONER DOERING: Aye.
MR. KNAPP: Doering, aye.
Ewell.
COMMISSIONER EWELL: No. I move to revoke.
MR. KNAPP: Ewell, nay.
CHAIRPERSON LONG: Let me, let me -- you are not making a substitute motion? Just saying you prefer to revoke?
COMMISSIONER EWELL: I'm just stating my reason for no.
CHAIRPERSON LONG: Okay. But not a motion to revoke. Got it. Okay.
MR. KNAPP: Ewell was a nay.
Gordon.
COMMISSIONER GORDON: Aye.
MR. KNAPP: Gordon, aye.
Johnson.
COMMISSIONER JOHNSON: Aye.
MR. KNAPP: Johnson, aye.
Long.
CHAIRPERSON LONG: No. Prefer revocation.
MR. KNAPP: Long, nay.
Moon.
COMMISSIONER MOON: Aye.

MR. KNAPP: Moon, aye.
Nieto.
COMMISSIONER NIETO: Aye.
MR. KNAPP: Nieto, aye.
Therriault.
(No response.)
MR. KNAPP: Woolery.
COMMISSIONER WOOLERY: Aye.
MR. KNAPP: Woolery, aye.
The motion passes with 10 ayes, 2 noes.
CHAIRPERSON LONG: All right. We have one small item we skipped over. And that is the upcoming Commission meetings.
I'm informed that we will likely have no cases, so what's set at a June 4th and 5th meeting, can be just a June 4th meeting. Unless you all -- we all like to gather on June 5th to discuss the disciplinary guidelines for a full day.
So it would be just June 4, I believe, Mr. Executive Director?
June 4 at POST headquarters.
November 9th and 10th in the greater LA area.
And December 3rd and 4th at POST headquarters.
MR. ALVAREZ: Commission Chair, if I may, is a 9:00 A.M. start on June 4th okay?

Or do you prefer 10:00 A.M?

CHAIRPERSON LONG: 9:00? 9:00 A.M. okay?

Seeing no negative head shakes, 9:00 A.M. it is.

All right. That was our final item on today's agenda. Are there any additional comments from any commissioners before we adjourn until tomorrow?

Seeing none do we have a motion to adjourn?

COMMISSIONER BRAZIEL: Move.

CHAIRPERSON LONG: Do we have a second?

COMMISSIONER DOERING: Second. Doering.

CHAIRPERSON LONG: Any objection to unanimous consent to adjourn?

Seeing none we are adjourned. See you at 9:00 A.M. tomorrow for three revocation cases.

Have a good night, everyone.

(Proceedings concluded at 4:13 P.M.)

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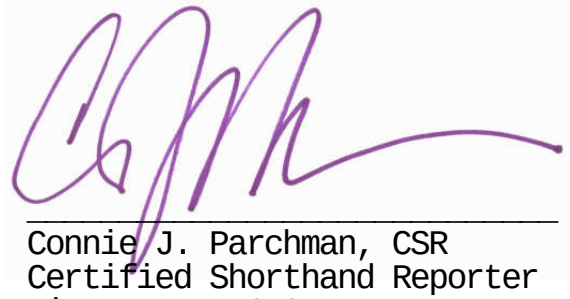
CERTIFICATE OF REPORTER

I, CONNIE J. PARCHMAN, 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, Connie J. Parchman, 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 23rd day of March 2025.



Connie J. Parchman, CSR
Certified Shorthand Reporter
License No. 6137

E R R A T A S H E E T

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AGENDA ITEM REPORT

Title: ACTION SUMMARY - MARCH 05, 2025, SAN DIEGO, CA

REPORT PROFILE

MEETING DATE 06/04/2025	**BUREAU SUBMITTING THE REPORT** Executive Office	
RESEARCHED BY	**REVIEWED BY**	
REPORT DATE	**APPROVED BY** Manuel Alvarez, Jr.	**DATE APPROVED** 05/12/2025
PURPOSE	**FINANCIAL IMPACT** No	

ISSUE, BACKGROUND, ANALYSIS, & RECOMMENDATION

ISSUE:

BACKGROUND:

ANALYSIS:

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

ATTACHMENT(S):
3.05.2025_CommissionFullMeeting_Action_Summary.pdf

POST

GAVIN NEWSOM
GOVERNOR

ROB BONTA
ATTORNEY GENERAL

POST COMMISSION MEETING

Marina Village Conference Center
1936 Quivira Way
San Diego, CA 92109

March 05, 2025

ACTION SUMMARY

CALL TO ORDER

Chair Geoff Long called the meeting to order at 10:04 a.m.

FLAG SALUTE

The pledge of allegiance was led by Commissioner Moon.

MOMENT OF SILENCE HONORING FORMER POST COMMISSIONER AND OFFICERS KILLED IN THE LINE OF DUTY

A moment of silence was held in honor of a former POST Commissioner and those peace officers who lost their life in the line of duty since the last Commission meeting.

- Reverend Jethroe "Jeff" Moore II, Former POST Commissioner
- Deputy Timothy Corlew, Riverside County Sheriff's Department

ROLL CALL OF COMMISSION MEMBERS

PRESENT	PRESENT	ABSENT
Alan Barcelona	Jacob Johnson	
Ingrid Braun	Geoff Long - Chair	
Rick Braziel - Vice Chair	Shannan Moon	
Jim Cooper	Tina Nieto	
Justin Doering	Benjamin Therriault	
P. Lamont Ewell	Stephen Woolery	
Kelly Gordon		

A calling of the roll reflected a quorum was present.

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

Chair Long introduced POST Advisory Committee Chair, Chief Jason Salazar, Visalia Police Department, POST Chief Counsel William "Toby" Darden, along with POST Executive Director Manny Alvarez.

PUBLIC COMMENT PERIOD

Chair Long opened the floor for public comment. One person came forward and delivered their public comment.

EXECUTIVE DIRECTOR COMMENTS

Chair Long introduced Executive Director Alvarez who addressed the Commission.

A. APPROVAL OF TRANSCRIPT AND ACTION SUMMARY

Approval of the Transcript and Action Summary of the following meeting:

1. Meeting Transcript – November 20, 2024
2. Action Summary – November 20, 2024

MOTION- Woolery, second – Doering and carried by unanimous consent to approve the Meeting Transcript and Action Summary of the November 20, 2024, Commission Meeting.

B. CONSENT

Chair Long announced the presentations on Consent Items: 4, 5 and 6. He then asked if the Commission would like presentations on additional Consent Items.

There were no additional requests.

B. 4. Certification/Decertification Update

Chair Long called upon Bureau Chief Michelle Weiler, Certification Bureau, and Bureau Chief Robert Guyton, Professional Conduct Northern Bureau, who provided a report. Assistant Executive Director Annemarie Del Mugnaio then provided additional comments. Advisory Chair, Chief Salazar, shared feedback from the Advisory Committee.

This report was provided for information only. No action was required.

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

Chair Long called upon Bureau Chief Carrie Hollar, Basic Training Bureau, and Chief Counsel William "Toby" Darden, who provided a report. Executive Director Alvarez then provided additional comments. Advisory Chair, Chief Salazar, shared feedback from the Advisory Committee.

This report was provided for information only. No action was required.

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

Chair Long called upon Legislative Liaison Meagan Poulos, Office of Public Affairs in the Executive Office, who provided a report. Advisory Chair, Chief Salazar, shared feedback from the Advisory Committee.

This report was provided for information only. No action was required.

PUBLIC COMMENT

Chair Long opened the floor for late public comment. One individual provided a comment.

Break: 11:22 a.m.
Reconvened: 11:40 a.m.

C. FINANCE - CONTRACTS

Chair Long called upon Assistant Executive Director Tom Osborne and Bureau Chief Cheryl Smith, Administrative Services Bureau, who provided a report.

C.1. Report on Expenditures Year-to-Date for fiscal Year 2024 – 2025

C.2. Report on Contract Expenditures Year-to-Date for fiscal Year 2024 – 2025

C.3. Report on Contracts Requiring Approval by the Commission for fiscal Year 2025 – 2026

This report was provided for information only. No action was required.

CONTRACT SPENDING AUTHORITY FOR FY 2025 -2026 OVER $250,000 BY BUREAU

Assistant Executive Director Tom Osborne and Bureau Chief Cheryl Smith, Administrative Services Bureau, continued with their fiscal presentation. Executive Director Alvarez and POST Chief Counsel William "Toby" Darden then provided additional comments.

Bureaus and Agenda Items Taken Out of Order from Published Agenda

TRAINING PROGRAM SERVICES BUREAU

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

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

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

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

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

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

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

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

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

Chair Long called upon Bureau Chief Tom Chalk and Staff Services Manager Kenya Smith, Training Program Service Bureau, to answer Commissioner questions.

The Commission discussed the nine proposed Training Program Services Bureau contracts and made the following motions:

MOTION – Nieto, second – Woolery and carried unanimously by **ROLL CALL VOTE** to approve the nine Training Program Services Bureau contracts C.8. through C.16.

BASIC TRAINING BUREAU

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

Bureau Chief Cheryl Smith, Administrative Services Bureau, provided a report. Executive Director Alvarez provided additional comments.

The Commission discussed the EVOC contract and made the following motions:

MOTION – Doering, second – Braziel and carried unanimously by **ROLL CALL VOTE** to renew the contract for the Basic Training Bureau contract, EVOC.

ADMINISTRATIVE SERVICE BUREAU

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

Bureau Chief Cheryl Smith, Administrative Services Bureau, provided a report.

The Commission discussed the two-year contract proposal of $250,000 per year, not to exceed $500,000 over the two-years and made the following motions:

MOTION – Braziel, second – Therriault and carried unanimously by **ROLL CALL VOTE** to renew the two-year contract for the Administrative Services Bureau, contract for Local Agency Audits.

LEARNING TECHNOLOGY RESOURCES BUREAU

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

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

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

Chair Long called upon Bureau Chief Rosanne Richeal, Learning Training Resources Bureau, who provided a report.

The Commission discussed the Learning Technology Resources Bureau three contracts and made the following motions:

MOTION – Braun, second – Cooper and carried unanimously by **ROLL CALL VOTE** to renew the contracts for the Learning Technology Resources Bureau.

PEACE OFFICER STANDARDS ACCOUNTABILITY DIVISION

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

Chair Long called for a **MOTION** to renew the contract for the Peace Officer Standards Accountability Division.

MOTION – Braziel, second – Cooper and carried unanimously by **ROLL CALL VOTE** to approve the Mark43 for Maintenance Agreement contract.

Lunch Break: 12:28 p.m.
Reconvened: 1:11 p.m.

BASIC TRAINING BUREAU

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

Chair Long called upon Staff Services Manager Anita Finner, Basic Training Bureau, who provided a report.

Chair Long called for a **MOTION** to approve the proposed amendments.

MOTION – Cooper, second – Woolery and carried by unanimous consent to approve the proposed amendments to Commission Regulations 1005, 1007, 1008, and 1059 – Instructor's Guide to Learning Activities.

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

Chair Long recognized Staff Services Manager Anita Finner, Basic Training Bureau, who continued with this item. Advisory Chair, Chief Salazar, shared feedback from the Advisory Committee.

Chair Long called for a **MOTION** to approve the amendments to Commission regulations 1005, 1007, 1008, and 1059 – Training and Testing Specifications for Peace Officer Basic Courses – Learning domain 32 – Lifetime Fitness.

MOTION – Nieto, second – Woolery and carried by unanimous consent to approve the proposed amendments to Commission Regulations 1005, 1007, 1008, and 1059 – Training and Testing Specifications for Peace Officer Basic Courses – Learning domain 32 – Lifetime Fitness.

TRAINING DELIVERY AND COMPLIANCE BUREAU

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

Chair Long called upon Attorney IV Bryant Henley, Legal Affairs Bureau, who provided a report.

POST Chief Counsel William "Toby" Darden, Legal Affairs Bureau, confirmed for the record Jaquel Pitts attendance. Mr. Pitts was not present.

After Attorney Henley's presentation, Chair Long confirmed again that Jaquel Pitts was not present online or in any capacity for the March 05, 2025, Commission meeting.

Chair Long clarified the **MOTION** to deny Mr. Pitts appeal and affirm Executive Director Alvarez's denial.

MOTION – Gordon, second – Johnson and carried unanimously by **ROLL CALL VOTE** to approve the denial of a private presenter – Jaquel Pitts.

PEACE OFFICER STANDARDS ACCOUNTABILITY DIVISION

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

Chair Long called upon Attorney IV Bryant Henley, Legal Affairs Bureau, who provided a report.

Chair Long called for a **MOTION** to approve the final stipulated settlement terms as agreed by the Commission and the respondent.

MOTION – Barcelona, second – Doering and carried with 12 ayes by **ROLL CALL VOTE** to approve the final stipulated settlement terms for Jaime Bermudez. Commissioner Therriault left the Commission meeting before this voting item.

F.2. Report on Peace Officer Revocations Based on Felony Convictions

Chair Long called upon Bureau Chief Michelle Weiler, Certification Bureau, who provided a report.

Chair Long called for a **MOTION** to approve the report on Peace Officer Revocations based on Felony Convictions.

MOTION – Johnson, second – Moon and carried with 11 ayes by **ROLL CALL VOTE** to approve the Peace Officer Revocations action specified in the report. Commissioner Braun abstained.

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

Chair Long called upon Executive Director Annemarie Del Mugnaio, Executive Office, POST Chief Counsel William "Toby" Darden, Legal Affairs Bureau, and Bureau Chief Michelle Weiler, Certification Bureau, who provided a report.

The POST Commissioners provided feedback, direction and requested that Commission Regulation 1216 – Disciplinary Guidelines be revisited at the June 2025 Commission meeting.

Break: 2:24 p.m.
Reconvened: 2:40 p.m.

CERTIFICATION BUREAU

G.1. Report on Proposed Amendment of Commission Regulation 1201 – Definitions Related to Peace Officer Certification

Chair Long called upon Bureau Chief Michelle Weiler, Certification Bureau, who provided a report.

Chair Long called for a **MOTION** to adopt the proposed amendment of Commission Regulation 1201.

MOTION – Braun, Second – Nieto, and carried by unanimous consent to approve the proposed definitions related to Peace Officer Certification. Commissioner Gordon was not present for the vote.

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

Bureau Chief Michelle Weiler, Certification Bureau, continued her presentation and provided a report.

Chair Long called for a **MOTION** to adopt the amendments described in the staff report.

MOTION – Doering, Second – Braziel, and carried by unanimous consent to adopt the proposed amendments to Commission Regulation 1202 – Peace Officer Certificates and Commission regulation 1003 – Employment Status Notifications.

Advisory Chair, Chief Salazar, shared feedback from the Advisory Committee.

H. COMMITTEE REPORTS

Chair Long called upon Chief Jason Salzar, Chair of the Advisory Committee, who provided a report on the results of the Advisory Committee meeting held on Tuesday, March 04, 2025.

Chair Salazar shared the Committee selection for the 2024 POST Excellence in Training Awards: Individual Achievement, Organizational Achievement, Lifetime Achievement and the 2024 POST O.J. "Bud" Hawkins Exceptional Service Award.

2024 POST EXCELLENCE IN TRAINING AND O.J. "BUD" HAWKINS EXCEPTIONAL SERVICE AWARDS:

- **INDIVIDUAL ACHIEVEMENT:**

  Winner: Joela Jimenez, Deputy Sheriff - San Bernardino Sheriff's Department

  Runner-up: Kyle Cardin, Sergeant – Santa Clara Police Department

- **ORGANIZATIONAL ACHIEVEMENT:**

  Winner: California State University Long Beach, Center for Criminal Justice Research and Training

  Runner-up: Palm Springs Police Department, Training Division

- **LIFETIME ACHIEVEMENT:**

No recipient

- **O.J. "BUD" HAWKINS EXCEPTIONAL SERVICE AWARD:**

  Winner: Kimberly Zaragosa, Senior Inspector – Contra Costa County District Attorney's Office

  Runner-up: Casey Hill, Lieutenant – Stanislaus County Sheriff's Office

Chair Long called for a **MOTION** to accept the recommendations for the awards by the Advisory Committee.

MOTION – Nieto, Second – Woolery, and carried by unanimous consent to accept the nominees for the following awards:

Chair Salazar shared the items discussed at the Advisory Committee and the Committee moved to support the Commission agenda.

I. CORRESPONDENCE

The following correspondence was sent from POST to:

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

The following correspondence was received by POST:

- RIPA 2025 report, best practices POST recommendations, Racial and Identity Advisory Profiling Board.

J. OLD BUSINESS

None.

K. NEW BUSINESS

None.

L. CLOSED SESSION

None.

M. FUTURE COMMISSION DATES

Chair Long read the future Commission meeting dates.

- June 04, 2025 – POST HQ, West Sacramento
- September 09 – 10, 2025 – Greater Los Angeles Area, CA
- December 03 – 04, 2025 - POST HQ, West Sacramento

REGULAR COMMISSION MEETING ADJOURNMENT – 3:18 p.m.

Respectfully Submitted,

Brandy Essex
Staff Services Analyst
Executive Office

AGENDA ITEM REPORT

Title: REPORT ON POST NON-REIMBURSABLE PROGRAM - NEW AGENCY - CALIFORNIA DEPARTMENT OF PUBLIC HEALTH, OFFICE OF YOUTH TOBACCO ENFORCEMENT

REPORT PROFILE

MEETING DATE 06/04/2025	**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** 05/12/2025
PURPOSE	**FINANCIAL IMPACT** Yes	

ISSUE, BACKGROUND, ANALYSIS, & RECOMMENDATION

ISSUE: The California Department of Public Health, Office of Youth Tobacco Enforcement has entered into the POST Non-Reimbursable Program for its investigators effective March 1, 2025.

BACKGROUND: The California Department of Public Health, Office of Youth Tobacco Enforcement has been approved to participate in the POST Non-Reimbursable Program pursuant to Penal Code sections 13510(a). The agency's officers are appointed pursuant to Section 830.3(f) & 830.3(h) of the Penal Code and has agreed to abide by Commission Regulations. Chief Rojo submitted a Letter of Intent (attached), which satisfies POST's regulations for admittance to the POST non-reimbursable program.

ANALYSIS: The agency presently employs thirty-eight (38) investigators.

RECOMMENDATION: The California Department of Public Health, Office of Youth Tobacco Enforcement has entered into the POST Non-Reimbursable Program for its investigators effective March 1, 2025.

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

ATTACHMENT(S):

CA Dept Public Health, Youth Tobacco Letter of Intent.pdf

LETTER OF INTENT

STATE AGENCY ONLY

January 9, 2025

Manuel Alvarez, Jr.
Executive Director
Commission on Peace Officer Standards and Training
860 Stillwater Road, Suite 100
West Sacramento, CA 95605

Dear Mr. Alvarez:

Please accept this letter as an official request by this agency to be considered for participation in the Commission on Peace Officer Standards and Training (POST) Non-Reimbursable Program.

We have complied with all state and legal requirements to employ peace officers in the State of California.

Thank you for your assistance. I am looking forward to the opportunity to be a part of this program.

Sincerely,

Robert Rojo

Robert Rojo, Chief
Office of Youth Tobacco Enforcement

AGENDA ITEM REPORT

Title: REPORT ON COURSE CERTIFICATION STATISTICS

REPORT PROFILE

MEETING DATE 06/04/2025	**BUREAU SUBMITTING THE REPORT** Training Delivery and Compliance Bureau	
RESEARCHED BY Jet Alidon-Lam		**REVIEWED BY** Kristoffer Erik Gerolaga
REPORT DATE 04/23/2025	**APPROVED BY** Manuel Alvarez, Jr.	**DATE APPROVED** 05/12/2025
PURPOSE		**FINANCIAL IMPACT** No

ISSUE, BACKGROUND, ANALYSIS, & RECOMMENDATION

ISSUE: This is a status report of courses which have been certified and decertified from 01/01/2025 to 03/31/2025.

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 01/01/2025 to 03/31/2025:
Certified Presenters: 11
Decertified Presenters: 3
Certified Courses: 72
Course Modifications: 896
Decertified Courses: 28
Total Active Courses: 5,967
Total Active Presenters: 1,068

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

ATTACHMENT(S):
AttachmentA_Course_Certification_Stat_Report_January01_2025-March31_2025.pdf.pdf

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING
TRAINING DELIVERY AND COMPLIANCE SERVICE BUREAU
COURSE CERT STATS REPORT
REPORT FROM 01/01/2025 TO 03/31/2025

NEW PRESENTERS

BLUE TO GOLD LAW ENFORCEMENT TRAINING - 8023
CALNENA - 8026
CITY WIDE PROTECTION SERVICES - 8024
NETWORK ENVIRONMENTAL SYSTEMS - 7640
PUBLIC SAFETY ALLIANCE - 8025
PUBLIC SAFETY DEVELOPMENT GROUP - 8032
STRATEGIC OVERWATCH CONSULTING - 8031
TARGETEER SOLUTIONS, LLC - 8029
VINCENT DEOCAMPO - 8028
WESTMORLAND POLICE DEPARTMENT - 8027

DECERTIFIED PRESENTERS

ASSOCIATION OF THREAT ASSESSMENT PROFESSIONALS, - 8920
PSYCHOLOGICAL CONSULTING ASSOCIATES, INC - 7940
WEST VALLEY-MISSION DISTRICT POLICE - 6180

SUMMARY OF TOTALS

	JANUARY	FEBRUARY	MARCH	TOTAL FOR JAN TO MAR	TOTAL YEAR-TO-DATE	TOTAL
PRESENTERS						
CERTIFIED NEW PRESENTERS	6	3	2	11	23	
DECERTIFIED PRESENTERS	2	0	1	3	4	
COURSES						
CERTIFICATION REQUESTS	25	29	32	86	279	
COURSES CERTIFIED	27	25	20	72	260	
COURSE MODIFICATIONS APPROVED	252	296	348	896	3439	
DECERTIFIED COURSES	8	7	13	28	66	
INACTIVE COURSES	0	0	0	0	0	

TOTAL ACTIVE COURSES **5967**

TOTAL ACTIVE PRESENTERS	**1068**

AGENDA ITEM REPORT

Title:

REPORT ON THE UPDATE TO THE DISCUSSION REGARDING THE TRANSFERABILITY OF PEACE OFFICER BACKGROUND INVESTIGATION FILES BETWEEN AGENCIES

REPORT PROFILE

MEETING DATE 06/04/2025	**BUREAU SUBMITTING THE REPORT** Strategic Communications and Research Bureau	
RESEARCHED BY Kelli Surawski		**REVIEWED BY** Erik Apperson
REPORT DATE 04/30/2025	**APPROVED BY** Manuel Alvarez, Jr.	**DATE APPROVED** 05/12/2025
PURPOSE		**FINANCIAL IMPACT** No

ISSUE, BACKGROUND, ANALYSIS, & RECOMMENDATION

ISSUE:

The proposal for transferability of background investigation files was initially presented for discussion at the November 2024 Commission meeting. This is an update to that item and is presented for further discussion.

BACKGROUND:

This discussion was initially requested by Tracy Avelar, Police Chief of the City of Pleasanton and Immediate Past President of the California Police Chiefs Association (CPCA). Further discussion regarding the transferability between POST and CPCA transpired on April 28, 2025. The decision was to provide an update to the Commission for consideration.

ANALYSIS:

The following parameters were recommended by CPCA:

- Only background investigations conducted within the last 12 months will be eligible for transferability.
- The background investigation transferability will apply to any peace officer applicant having a background completed within the last 12 months.
- The background investigation must have been conducted in accordance with current requirements.
- A background investigation update is required from when the background investigation was completed.
- The transfer of a background investigation file will be at the discretion of both employing agencies.

In addition to the above, the following is recommended by staff for consistency with current regulations:

- The 12 months will be determined by the date on the Verification of Qualification for Peace Officer (POST 2-355) form.
- The initial investigating agency and the prospective agency must maintain copies of the transferred background investigation file.

RECOMMENDATION: This report is presented for discussion only. No action is required.

AGENDA ITEM REPORT

Title: REPORT ON THE POST ORGANIZATIONAL WELLNESS PROGRAM

REPORT PROFILE

MEETING DATE 06/04/2025	**BUREAU SUBMITTING THE REPORT** Management Counseling and Projects Bureau	
RESEARCHED BY Raymund Nanadiego		**REVIEWED BY**
REPORT DATE 04/22/2025	**APPROVED BY** Manuel Alvarez, Jr.	**DATE APPROVED** 05/10/2025
PURPOSE		**FINANCIAL IMPACT** No

ISSUE, BACKGROUND, ANALYSIS, & RECOMMENDATION

ISSUE: The following item is to provide an update on the POST Organizational Wellness Program contracted with the UC San Diego Centers for Integrative Health until June 30, 2025. This report is for information only.

BACKGROUND: 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 served as the hub and support network for this statewide program with the goal to serve 5,000 – 10,000 individuals across 30-60 agencies until the end of the contract. UC San Diego was also tasked to provide mentorship to departments as they develop agency-specific organizational wellness programs, a research infrastructure to evaluate the impact of the program and provide ongoing virtual resources to further sustain the programs.

ANALYSIS: The POST Organizational Wellness Program was established to provide training opportunities and resources to help law enforcement agencies develop new or enhance existing organizational wellness programs for their sworn and professional staff to thrive in their personal and professional lives. The 60-agency maximum limit was reached in September 2024 as Santa Barbara Police Department joined the program. Over additional 40 agencies expressed interest in

participating in the program but were unable to be served due to the limits of the current contract and were added to a pending agency list.

UC San Diego Centers for Integrative Health provided subject matter experts to share insight into evidence-based wellness concepts for the law enforcement community and developed the "Organizational Wellness Coordinator Course." This course was POST-certified in March 2024, modified and updated in July 2024, and completed the quality assessment process in November 2024. The course either met standards or was above standards on the POST 2-341 Training Evaluation - Course and Instructor Assessment. The course was presented five times at various locations throughout the state between May to December 2024. Approximately 160 individuals from the 60 participating agencies attended the course. The participants were a diverse mix of sworn and professional staff ranging from line-level to command staff, including Sheriff Robert Jonsen from Santa Clara County Sheriff's Office. The agency wellness teams received several weeks of mentorship from UC San Diego as they developed and implemented their personalized agency wellness plans following their completion of the course.

A group of subject matter experts was convened on February 18-20, 2025 at POST headquarters to review and update an unpublished guidelines document on organizational wellness. This document was initially developed in December 2020 but was paused due to the COVID pandemic. Subject matter experts during the February 2025 workshop reviewed and updated the document. Publication and release of the new Organizational Wellness Guidelines is anticipated for summer 2025.

The first POST Organizational Wellness Conference was held on May 20-21, 2025 at the Hotel Fera in Anaheim. The 200-person maximum attendance was reached in March 2025 and a waitlist was established. The POST Organizational Wellness Conference provided the following opportunities for attendees:

- Presentations and discussions with subject matter experts across the law enforcement community, health and wellness fields, and academia
- Networking opportunities with professionals and other agency teams from across the state
- Strategies and ideas to help enhance the overall wellness of an agency's sworn and professional staff
- A glimpse into the new POST Organizational Wellness

Guidelines expected to be released in Summer 2025
- CPT credit

UC San Diego developed a new program with a virtual platform called 720 Health. This open-source resource provides ongoing learning opportunities for agency personnel and wellness teams, including personalized learning pathways customized for individuals. UC San Diego will provide research findings on the correlation of wellness and the law enforcement industry by October 2025 following their data analysis.

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

AGENDA ITEM REPORT

Title: REPORT ON K-9 GUIDELINES

REPORT PROFILE

MEETING DATE	**BUREAU SUBMITTING THE REPORT**	
06/04/2025	Management Counseling and Projects Bureau	
RESEARCHED BY		**REVIEWED BY**
Mike Dalisay, Brian Hoffman		Brian Hoffman
REPORT DATE	**APPROVED BY**	**DATE APPROVED**
04/23/2025	Manuel Alvarez, Jr.	05/15/2025
PURPOSE		**FINANCIAL IMPACT**
		No

ISSUE, BACKGROUND, ANALYSIS, & RECOMMENDATION

ISSUE:

The Commission on Peace Officer Standards and Training (POST) Staff are seeking direction from the Commission regarding potential terms for an amendment to Commission regulations regarding the training and use of police K-9s for apprehension purposes.

BACKGROUND:

Our legislature has proposed several bills over the past three years pertaining to California law enforcement K-9s, specifically those intended for apprehension purposes. Prior to the most recent publication, POST's K-9 guidelines were last updated in 2014. With ongoing annual bill proposals focused on law enforcement apprehension K-9s, the POST K-9 guidelines underscore the need for regulatory changes that align with the best practices referenced in the document.

In August 2023, and October 2024, POST staff facilitated workshops with subject matter experts regarding the training, supervision, and use of police K-9s. The subject matter experts in attendance recommended specific training topics, duration of training, and eligibility requirements during the K-9 guideline workshops.

Additionally, many more specialized K-9 team functions have developed in the decades since POST first created the guidelines, originally approved in July 1992. The K-9

guidelines recommend minimum training and evaluation benchmarks in areas of obedience, search, apprehension, handler protection, handler selection, and evaluation. They are intended to assist agencies with the development of policies pertaining to the use and training of K-9 teams. The K-9 Guidelines also identify minimum standards regarding obedience, search, apprehension, control, de-escalation, and tracking/trailing.

ANALYSIS:

Law enforcement K-9 programs have garnered significant attention from the State Assembly, POST's law enforcement constituents, and K-9 training experts. Each entity, independent of one another, seeks to establish minimum standards geared toward the training and use of police K-9s.

The Commission has a vested interest in ensuring that the use of police K-9s adheres to the highest standards of conduct and performance with uniform training requirements. POST does not currently have a codified Commission Regulation(s), regarding the training and use of police K-9s.

Possible limitations include, but are not limited to, available staffing and funding at POST and participating agencies.

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

ATTACHMENT(S):
K-9 Guidelines 2025.pdf

POST Law Enforcement K-9 Guidelines



California Commission On Peace Officer Standards and Training

Produced By POST Management Counseling and Projects Bureau

274

POST Law Enforcement K-9 Guidelines

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Published June 2024, November 2024

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POST MISSION STATEMENT

The mission of the California Commission on Peace Officer Standards and Training is to continually enhance the professionalism of California Law Enforcement in serving its communities

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Ex-Officio Member, Attorney General, Department of Justice

ACKNOWLEDGMENTS

POST appreciates the dedication of the 2023-2024 subject matter expert group who assisted in the update of this guideline.

Sergeant Aron Algren
Los Angeles Police Department

Sergeant Jason Arnotti
Carlsbad Police Department

Lieutenant Gary Aulis (Retired)
Fontana Police Department

Lieutenant Ron Cloward
Modesto Police Department (retired)

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Sacramento County Sheriff's Office

Sergeant Ernest Wolosewicz (Retired)
Long Beach Police Department

FOREWORD

In 1991, a group of K-9 Officers, Law Enforcement Managers, and K-9 Trainers from throughout the state met to discuss the need for K-9 Team Standards in California. The group believed that local liability would be reduced if statewide K-9 Team Standards were available. They further believed that these standards, to be acceptable and have an impact, should be supported by the Commission on Peace Officer Standards and Training (POST).

In February 1992, POST brought this committee and other interested experts together, and they agreed to develop guidelines in the areas of Obedience, Search, Apprehension, Handler Protection, Handler Selection, and Evaluation. After initial development work and following several reviews which resulted in consensus, the proposed guidelines were submitted to and approved by the POST Commission in July 1992.

Following Commission action, POST brought the subject matter experts together again and developed suggested scenarios to test the recommended minimum K-9 Team Standards contained within the approved guidelines. POST developed a one-day Evaluator's Course and accompanying evaluation forms to train officers evaluating K-9 Teams.

Updates to this document aim to refine and streamline the guidelines. POST recognizes that agencies utilize K-9 teams in various capacities and with differing expectations.

Additionally, many more specialized K-9 team functions have developed in the decades since POST first created the guidelines. These guidelines recommend minimum training and evaluation benchmarks for K-9 Patrol and Detection functions. They are intended to assist agencies with recommendations to develop policies for the use and training of K-9 teams.

Questions regarding the POST Law Enforcement K-9 Guidelines should be directed to the Management Counseling and Projects Bureau at (916) 227-4852. Questions regarding certification of K-9 training courses should be directed to the Training Delivery and Compliance Bureau at (916) 227-4863.

Manuel Alvarez Jr.

POST Executive Director

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INTRODUCTION

These guidelines are designed to assist agencies with minimum training and performance standards for patrol and detection K-9 teams. Patrol K-9 teams should meet minimum standards regarding obedience, search, apprehension, control, de-escalation, and tracking/ trailing.

Detection K-9 teams should meet minimum standards for detection of the odor(s) that the K-9 is trained to detect.

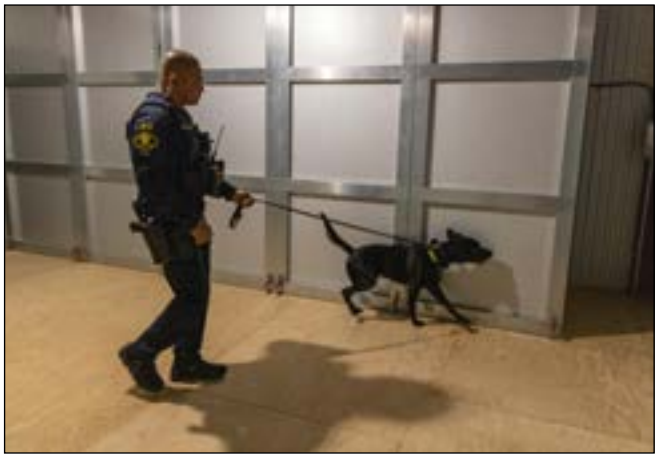
This categorization (patrol and detection) is intentionally basic. POST recognizes that there are many specializations among law enforcement K-9s. Specializations include explosives detection, cadaver detection, search and rescue, SWAT, and airport operations, among others.

These guidelines recognize that the use of K-9s by law enforcement personnel is of important concern to the community, including law enforcement, and that safeguarding the life, dignity, and liberty of all persons, without prejudice to anyone, should be priority.









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GENERAL TRAINING GUIDELINES

Minimum Standards for Basic K-9 Handler/Team Training

1. The K-9 handler should demonstrate an understanding of current laws and competence in exercising sound judgment and critical decision-making when using force to include during the training and development of a law enforcement K-9.
2. The K-9 handler/team should successfully pass an evaluation prior to law enforcement deployment. For purposes of these guidelines, an "alert" is behavior recognized by the handler that indicates the presence of a target odor.
3. In-service K-9 teams should complete 20 hours of documented training monthly to maintain basic patrol and/or detection proficiency.
4. A K-9 team with multiple/added specializations (e.g., SWAT K-9, bomb detection, search and rescue) may require additional training to maintain proficiency.
5. POST recommends annual recertification for the K-9 team.
6. If a K-9 team member has an extended absence from training, POST recommends that the team member be re-evaluated by a trainer prior to service being reinstated.





K-9 TEAM EVALUATORS

In order to meet POST law enforcement K-9 guidelines, K-9 teams shall be assessed by an evaluator prior to general law enforcement deployment and at least once annually.

The evaluator and handler should not have a monetary interest in the breeding/selling/training of the K-9 being evaluated. This is to preserve the highest standards of professionalism and to avoid any perceived conflict of interest between the evaluator and the K-9 team.





PATROL GUIDELINES

The release of a K-9 to search for or apprehend a suspect should be based upon the handler's reasonable belief that the suspect has committed, is committing, or is threatening to commit a serious offense under any of the following conditions:

1. There is a reasonable belief that the suspect poses an imminent or immediate threat of violence or serious harm to the public or an officer.
2. The suspect is physically resisting or threatening to resist arrest and the use of a K-9 reasonably appears necessary to overcome such resistance.
3. Officers reasonably believe the suspect is concealed in an area where entry by a person would pose a threat to the safety of officers or the public.
4. Unless the handler reasonably believes that it would pose an imminent threat of danger to the officer or other persons or substantially increase the risk of a suspect's escape, a warning, clearly audible, within the deployment area announcing the potential release of a police K-9 if the suspect does not surrender should be given prior to the release of the K-9.
5. Once given, the handler should allow a reasonable opportunity for the suspect to comply with any warning, if feasible as defined in Government Code section 7286.

In general, the K-9 should not be used for crowd control at an assembly, protest, or demonstration.



K-9 TEAM COMPETENCIES

The following four K-9 team competencies outline minimum "patrol" performance standards that a K-9 team should be able to demonstrate. Testing for the following four competencies should be conducted in an environment closely simulating realistic job conditions and distractions.

1. **Obedience**

   The handler will demonstrate the ability to control the K-9 during an obedience performance test.

   a. The K-9 will perform a basic routine of left, right, and about turns, at normal, and quick pace, while on a leash.

   b. The K-9 team will perform basic tactical movements and control.

2. **Search**

   Under the direction and control of the handler, the K-9 will independently locate a hidden agitator/decoy in a structure or building and in an outdoor area within a reasonable amount of time.

   a. The K-9 will "alert" the handler after finding the agitator/decoy. Prior to the release of the K-9 , an announcement of intended use will be given. At least one search will be a civil find using no equipment on the agitator/decoy.

   b. The K-9 will locate a hidden agitator/decoy in a structure or building with multiple rooms and hiding locations places and "alert" the handler.

   c. The K-9 will locate a hidden agitator/decoy in a large outdoor area with multiple hiding locations and "alert" the handler.

3. **Apprehension**

   Under the direction of the handler and while off-leash, the K-9 will pursue and apprehend an agitator/decoy.

   a. The K-9 team will demonstrate a "pursuit and call off" prior to apprehension.

   b. On command from the handler, the K-9 will pursue and apprehend the agitator/decoy.

   c. From a reasonable distance and within a reasonable amount of time, on verbal command only, the K-9 will cease the apprehension.

   d. Handlers must demonstrate a tactical release from a prone agitator/decoy.

   e. Handlers will identify supplemental equipment they will have available to aid with the release and demonstrate its use. Supplemental equipment may include but are not limited to breaker bar, e-collar, pinch collar or other devices.

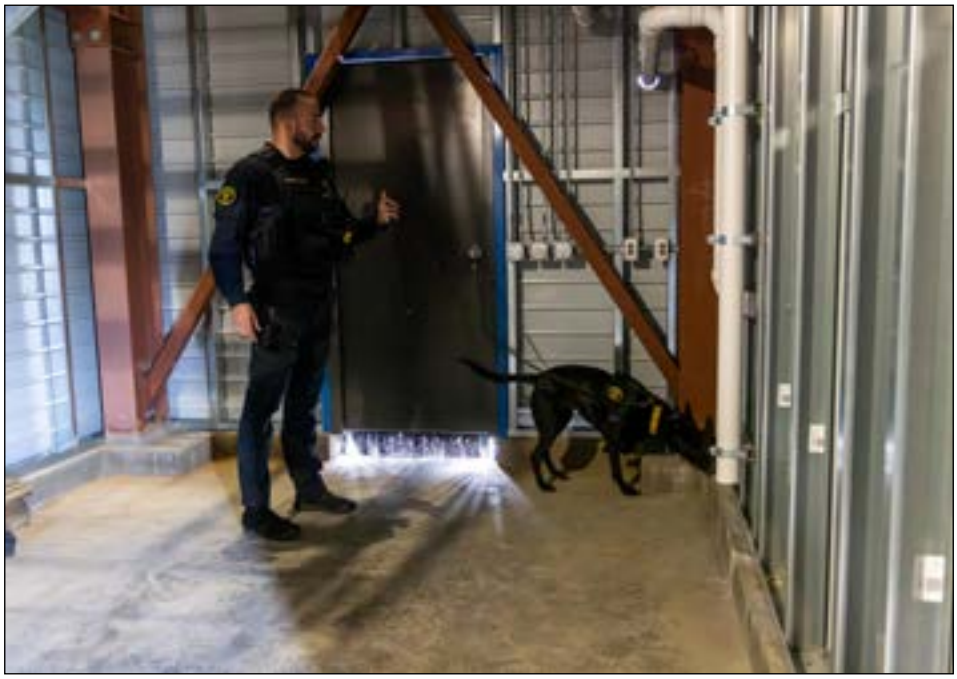
4. **Control and De-escalation**

   The K-9 will remain under control while the handler attempts to gain compliance from the agitator/decoy.

PATROL SCENARIOS FOR K-9 TEAM EVALUATIONS

The following are scenarios for a K-9 team evaluation in each of the competency areas. These scenarios contain minimum elements for an evaluation.

1. These exercises should be demonstrated in an environment closely simulating realistic job conditions and distractions without the use of a muzzle.
2. The evaluating instructor will be fully apprised of the pertinent agency policies and regulations prior to the commencement of all exercises conducted. The "correct" response or reaction of the handler, the K-9, or the two acting together, may differ from agency to agency, based on prevailing agency policy.



Obedience

Handlers will report to the evaluator with the K-9 on a leash. At the direction of the evaluator, the team will complete the following exercises as called for by the evaluator. During the exercise, the K-9 will be under the handler's control at the "heel" position.

At the "forward" direction of the evaluator, handlers will proceed ahead with their K-9s at the "heel" position and at a normal, and/or quick pace at the direction of the evaluator. The evaluator will direct the handler K-9 team through a series of turns and movements including the following:

1. On a leash:
   a. Two right turns
   b. Two left turns
   c. Two about-turns
   d. Two stop/sits
   e. Two stop/downs
2. Off-leash tactical obedience:

This exercise will be performed using four stations or points of cover. The K-9 team starts from a position of cover near station number one. The K-9 is placed in a stationary position as the handler moves to the second station, leaving the K-9 behind. Once the handler is at the second station in a position of cover, the K-9 is called to a heel. From the second station, the handler has the K-9 heel to the third station. At the third station, the handler again assumes a position of cover, keeping the K-9 beside the handler in a controlled position. The handler leaves the K-9 and moves to the fourth station and assumes a position of cover. The handler recalls the K-9 to a heeling position, concluding the exercise. The K-9 must not break from stationary positions until called upon by the handler.

Search/Apprehension

During all the below exercises, a minimum of two people, which may include the evaluator, shall be present to simulate the presence of a search team. The K-9 should maintain neutrality to all persons present other than the agitator/decoy.

Based on the following criteria listed in this section, the evaluator will develop the certification scenarios which encompass the skills listed below.

The K-9 will demonstrate the following:

1. **Building Search**
   A structure or building with multiple rooms and hiding locations in which the K-9 will locate a hiding agitator/decoy. This scenario shall be demonstrated off-leash.

2. **Area Search**
   A large outdoor area with multiple hiding locations in which the K-9 will locate a hiding agitator/decoy. This scenario shall be demonstrated off-leash.

3. **Verbal Out**
   The K-9 will apprehend the agitator/decoy from a distance no less than ten yards from the handler. The handler, using verbal commands only, will have the K-9 release and recall back to the handler. This scenario shall be demonstrated off-leash and without the use of an e-collar correction.

4. **Tactical Release**
   The handler will demonstrate the ability to physically remove the K-9 from the apprehension of an agitator/decoy, in a reasonable amount of time, in two separate scenarios. For the first, the handler will demonstrate the ability to physically remove the K-9 from an agitator/decoy in a prone position. For the second, handlers will identify a supplemental method they will use in aiding with the release and demonstrate its use in removing the K-9 from an agitator/decoy. Supplemental methods may include but are not limited to a breaker bar, e-collar, pinch collar or other devices or techniques.

5. **Inaccessible Find**
   The alert to the presence of an inaccessible agitator/decoy with no equipment present. After the handler identifies the alert to the evaluator, the K-9 will then be recalled back to the handler's position. This scenario shall be demonstrated off-leash as part of the building search or area search, as determined by the evaluator.

Call-off

This function is critical and separates the K-9 from all other less-than-lethal force options in that the handler has the ability to call off the K-9 prior to making contact with the agitator/decoy, within reason, to avoid a use of force.

1. This exercise will simulate a directed apprehension and will be conducted off-leash and without the use of an e-collar correction.
2. The K-9 will be sent on a directed apprehension, from approximately 30 yards, on a visible and accessible agitator/decoy.
3. Once the K-9 is in the pursuit and committed to the agitator/decoy (approximately halfway), the handler will call off the apprehension using only voice commands.
4. The K-9 is not allowed to make contact with the agitator/decoy.
5. The K-9 may or may not be recalled to the handler at the discretion of the evaluator.

The scenario will conclude when the K-9 is under physical control of the handler.



Control and De-escalation

The K9 handler will approach the agitator/decoy. The K-9 will remain under control while the handler attempts to gain compliance from the agitator/decoy for a minimum of 20 seconds. The circumstances of the scenario are at the discretion of the evaluator.



DETECTION GUIDELINES

The following K-9 team competency outlines minimum "detection" performance standards that a K-9 team should be able to demonstrate when adopting these guidelines.

Search

While demonstrating reasonable control and coordination between the handler and the K-9 used in the detection, the K-9 must find (within a reasonable period of time as determined by the evaluator) the odor(s) they have been trained to find in the environment(s) they have been trained to search.

1. The K-9 should not "alert" to anything that it is not trained to find
2. A false "alert" (as determined by the evaluator) is a failure
3. The agency will designate what odors may be used



Detection

The evaluator will be fully apprised of the pertinent agency policies and regulations prior to the commencement of the exercise. The "correct" response or reaction of the handler, the K-9, or the two acting together, may differ from agency to agency, based on prevailing agency policy.

1. While demonstrating reasonable control and coordination between the handler and the K-9 used in detection, the K-9 must find—within a reasonable period of time—the odor(s) identified.
2. There should be a recognized signal "alert" from the K-9 to the handler which indicates that the K-9 has located each odor.
3. The handler must be able to interpret the K-9's "alert" clearly enough to be able to inform the evaluator of the substance's location.
4. Once a handler has signaled their K-9's "alert" to the evaluator, the exercise is complete.
5. The handler must demonstrate the ability to control the K-9 fully throughout all phases of the search. The evaluation should contain at least one trained odor in each environment evaluated.

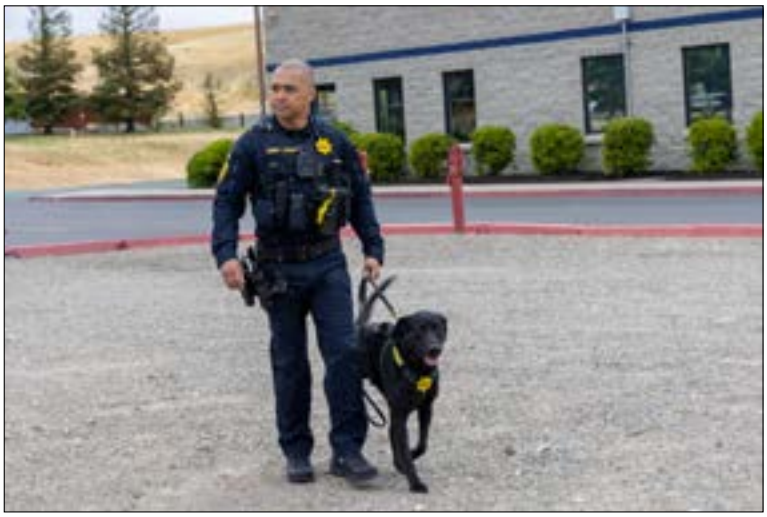
6. To ensure adequate scent dispersion, setup time for each sample of trained odor should be a minimum of 30 minutes prior to the actual search.
7. The actual target trained odor should be present for the evaluation of trained odor detection.

Detection Scenarios for K-9 Team Evaluations

The evaluator shall set up hides in test environments suitable to the K9 team being tested. Environments may include but are not limited to:

1. **Building Search**
   A minimum of three rooms, only one trained odor should be placed in any given room; one room must be blank with no trained odors present
2. **Open Area Search**
   Large, exterior area with one trained odor
3. **Vehicle Search**
   Minimum of three vehicles; only one trained odor should be placed on any vehicle; one vehicle must be blank with no trained odors present
4. **Other Search Area**
   As determined by the evaluator based on the needs of the agency





Tracking/Trailing Guidelines

Minimum Standards for Tracking/Trailing Performance Standards

The purpose of this guideline is to determine the K-9's ability to follow the track/trail.

While demonstrating reasonable control and coordination between the handler and the K-9, the K-9 must find the article or odor to be tracked/trailed within a reasonable amount of time.



Tracking/Trailing Scenarios for K-9 Team Evaluations

1. The evaluator will have the track/trail laid in an environment suitable for the working conditions of the team being evaluated.
2. The evaluation must consist of two turns, a minimum of 100 yards, and one article or odor (if articles are trained).
3. The K-9 team will not be given the exact location of the start of the track/trail, but only the general area and the direction of travel by the evaluator.
4. The K-9 must provide an indication recognized by the handler when the article or odor is located.



AGENDA ITEM REPORT

Title: REPORT ON CERTIFICATION/DECERTIFICATION UPDATE

REPORT PROFILE

MEETING DATE 06/04/2025	**BUREAU SUBMITTING THE REPORT** Executive Office	
RESEARCHED BY Annemarie Del Mugnaio	**REVIEWED BY** Annemarie Del Mugnaio	
REPORT DATE	**APPROVED BY** Manuel Alvarez, Jr.	**DATE APPROVED** 05/15/2025
PURPOSE	**FINANCIAL IMPACT** No	

ISSUE, BACKGROUND, ANALYSIS, & RECOMMENDATION

ISSUE: This is a report on updates regarding the operations of the Peace Officer Standards Accountability Division and to provide operational updates and statistical data on reports and cases of serious misconduct received by POST. Formerly knows as "SB 2 Update."

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

BACKGROUND: On September 30, 2021, Governor Gavin Newsom signed Senate Bill 2, which outlines peace officer certification requirements in California. The investigations and the process for reviewing serious misconduct cases is now implemented within the Peace Officer Standards Accountability Division.

ANALYSIS: As the final provisions authorized under Senate Bill 2 took effect on January 1, 2023, POST staff reports out on the activities and relevant actions of the Peace Officer Standards Accountability Division and the Peace Officer Standards Accountability Advisory Board since the last Commission meeting.

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

ATTACHMENT(S):
1029_Ineligible_List_June25_Commission.pdf

June 2025 Commission Meeting - POSAD Stats - UPDATED - 05.15.25.pdf

1029 Ineligible List – June 2025 POST Commission Meeting

Last Name	First Name	Last Employing Agency	District	Date of Conviction or Judgement	Conviction
Balian	John	Glendale PD (last employed July 21, 2018)	LA County	July 11, 2018	Felony, Title 18 U.S.C. section 666(a)(1)(B) Bribery of Programs Receiving Federal Funds Felony, Title 18 U.S.C. section 1512(c)(2), Obstruction of Justice Felony, Title 18 U.S.C. section 1001(a)(2), Making False Statements
Longdon, Jr.	Robert	Simi Valley PD (last employed March 9, 2018)	Southern	September 11, 2018	Felony, Penal Code 487(b)(3), Grand Theft by a Servant, Agent or Employee (3 counts) Felony, Penal Code 664/487(a) Attempted Grand Theft
Ramdeholl	Raymond	Los Angeles PD (last employed September 27, 2018)	LA County	September 24, 2018	Felony, Vehicle Code section 20001(b)(1), Hit and Run Driving Resulting in Injury to Another Person

Peace Officer Standards Accountability Division

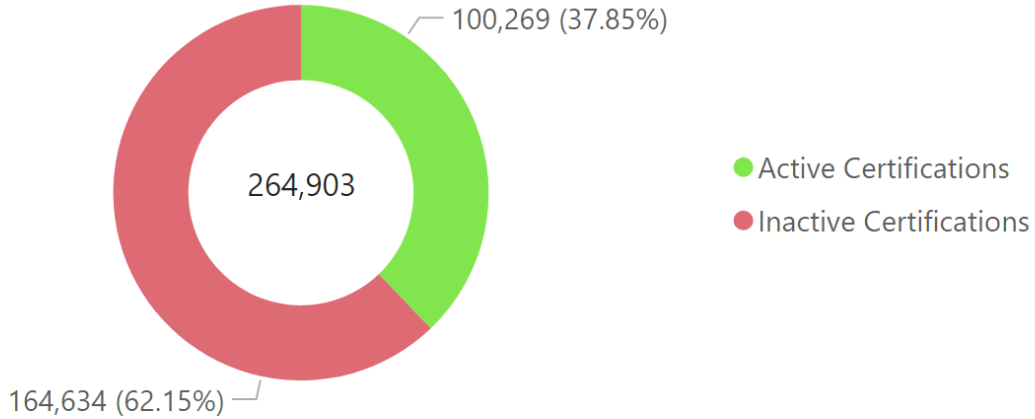
June 4, 2025

Certification Statistics

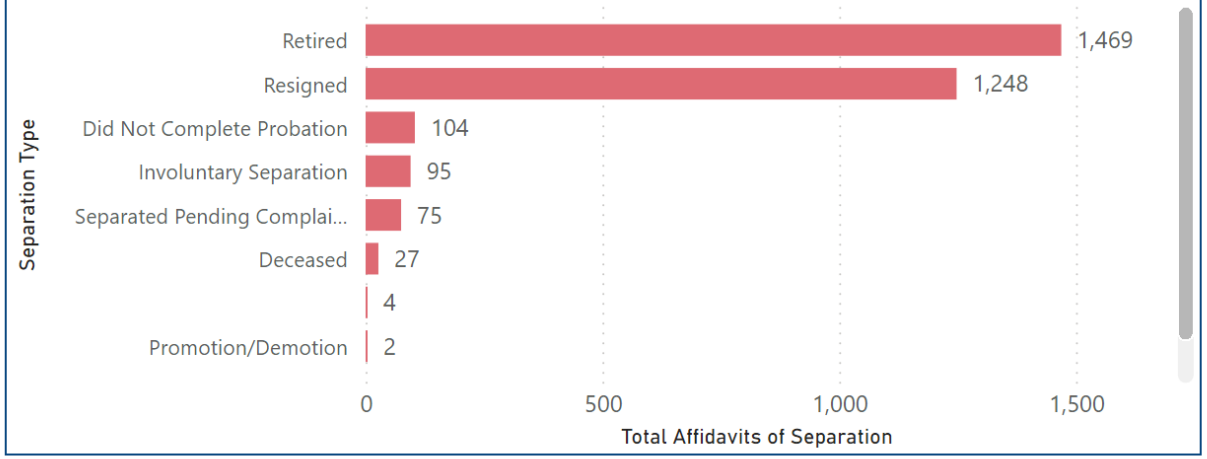
Peace Officer Certification Statistics

Report Year : 2025

Current Active and Inactive Certifications



Affidavits of Separation (AOS)



Current Full-time Peace Officers 82,161

Serious Misconduct Count 157

Total AOS 3,000

Serious Misconduct Reason	Count of Affidavits
Abuse of Power	15
Demonstrating Bias	18
Dishonesty	36
Egregious Repeated Acts	43
Failure to Cooperate with Investigation	2
Failure to Intercede	1
Law Enforcement Gang	3
Physical Abuse	27
Sexual Assault	12

Basic Certificates Issued 1,550

Appointments Approved 2,729

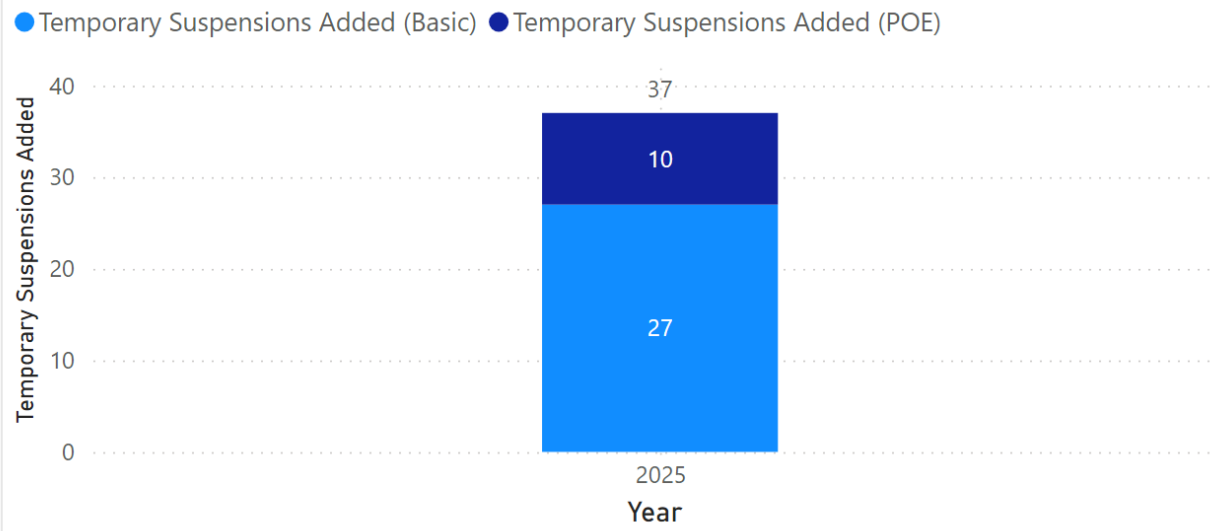
Proof of Eligibilities Issued 2,034

Distinct Officers with Serious Misconduct 119

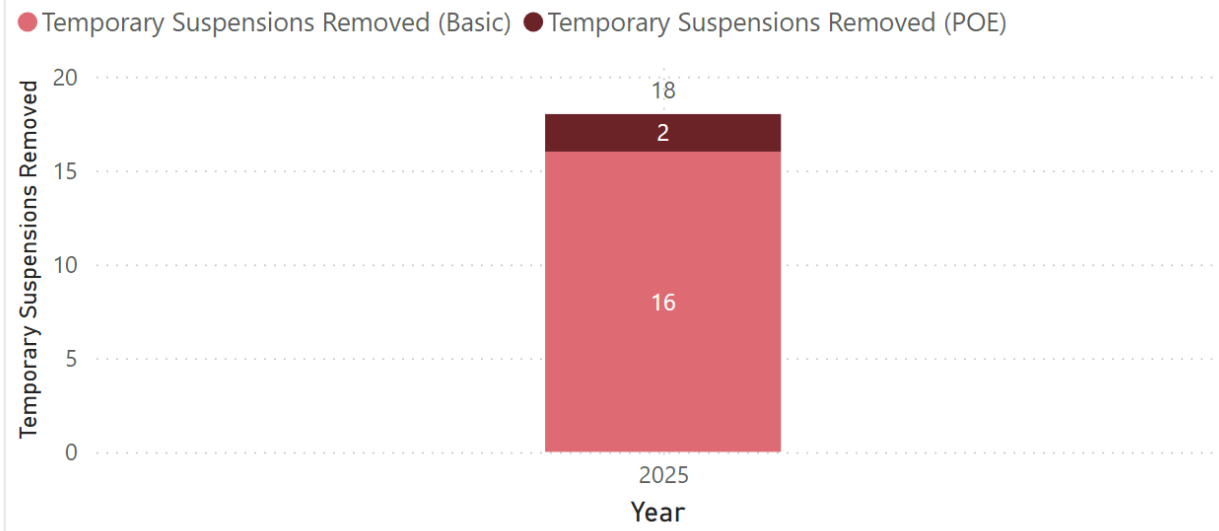
Peace Officer Certification Statistics

Report Year : 2025

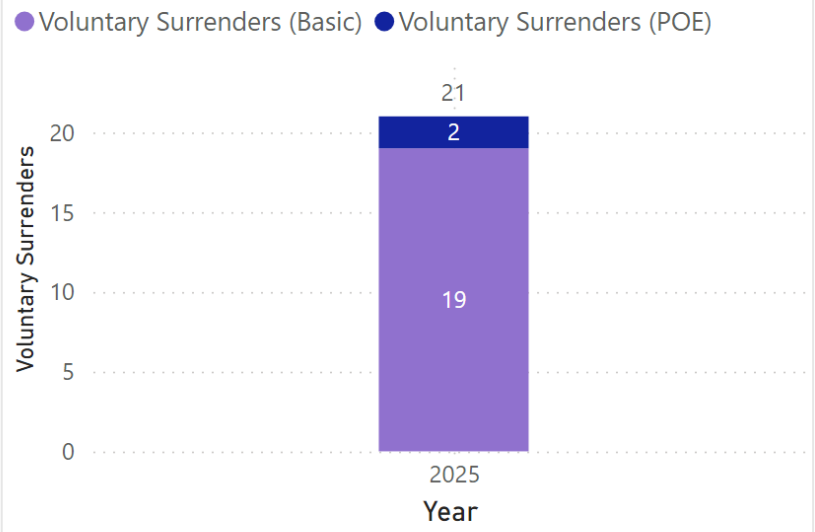
Temporary Suspensions Added by Year



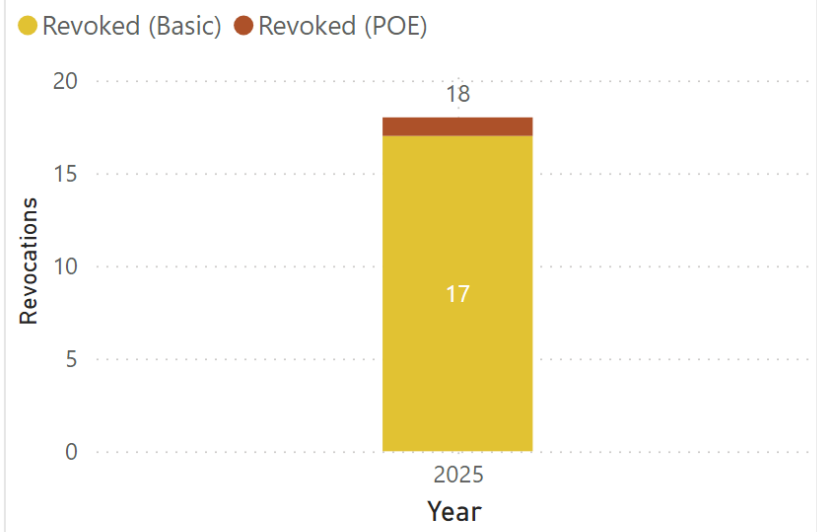
Temporary Suspensions Removed by Year



Voluntary Surrenders by Year



Revocations by Year

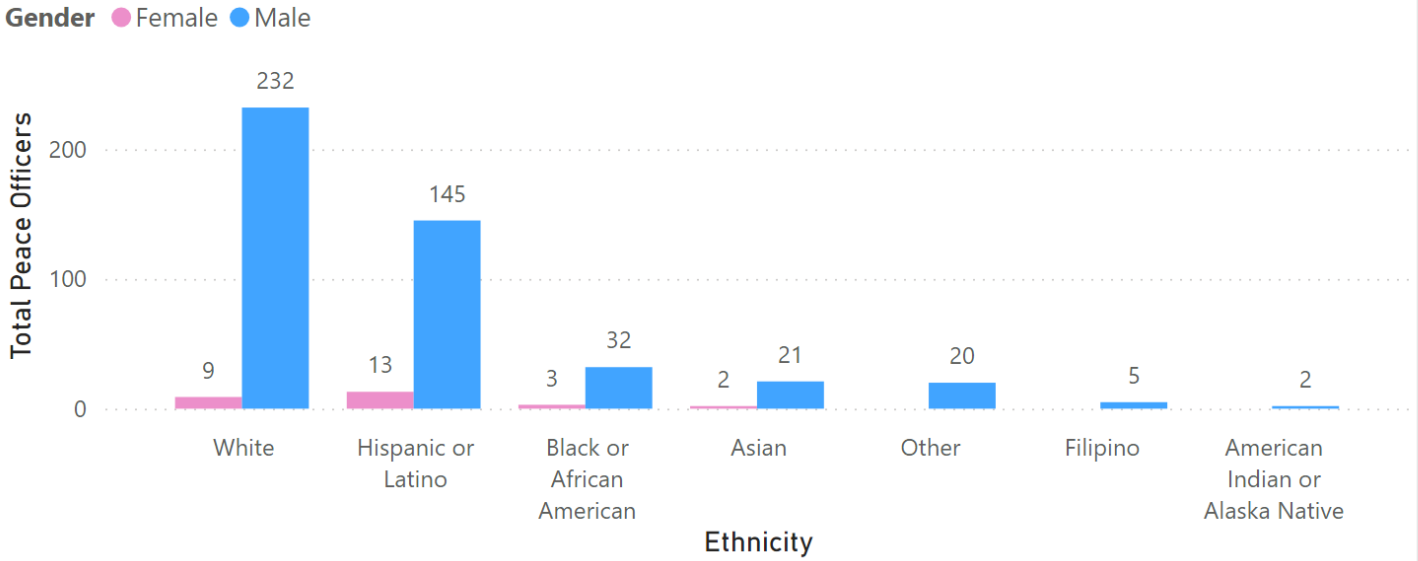


1029 Ineligibilities Added

12

Peace Officer Certification Statistics

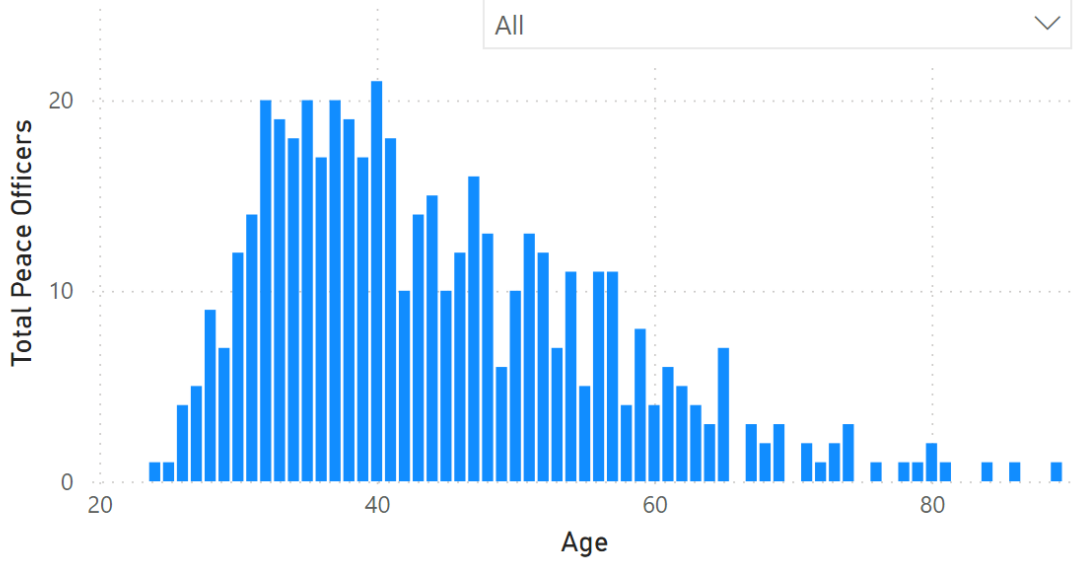
Demographics of peace officers that POST have taken actions against



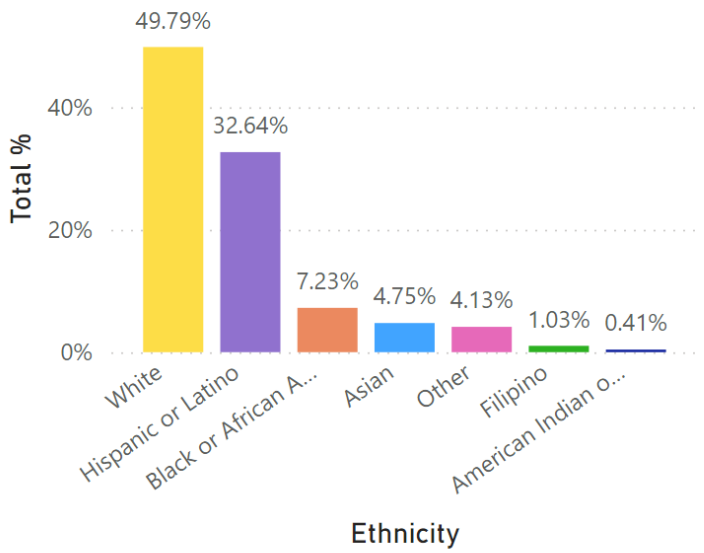
Age Distribution

Agency

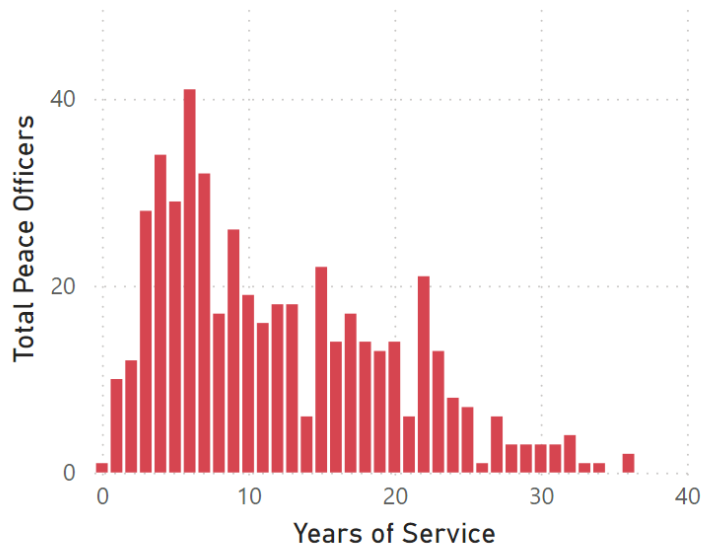
All



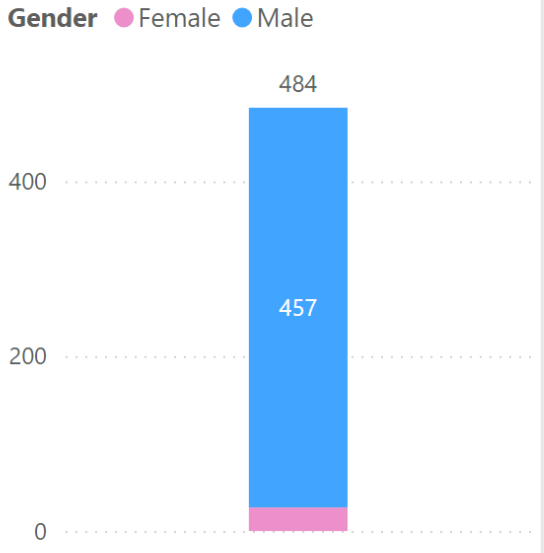
Total % by Ethnicity



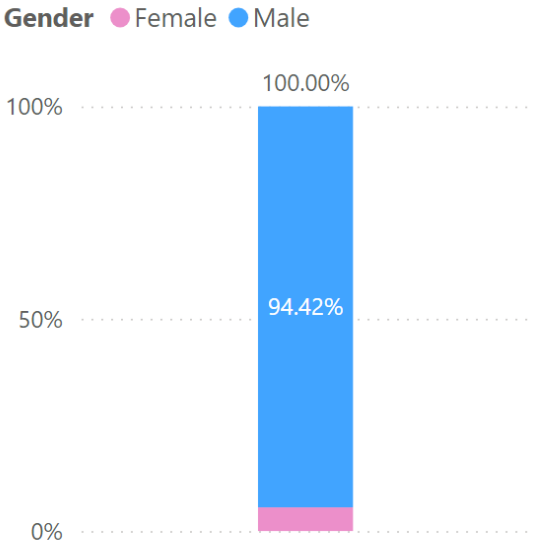
Years of Service Distribution



Female vs Male



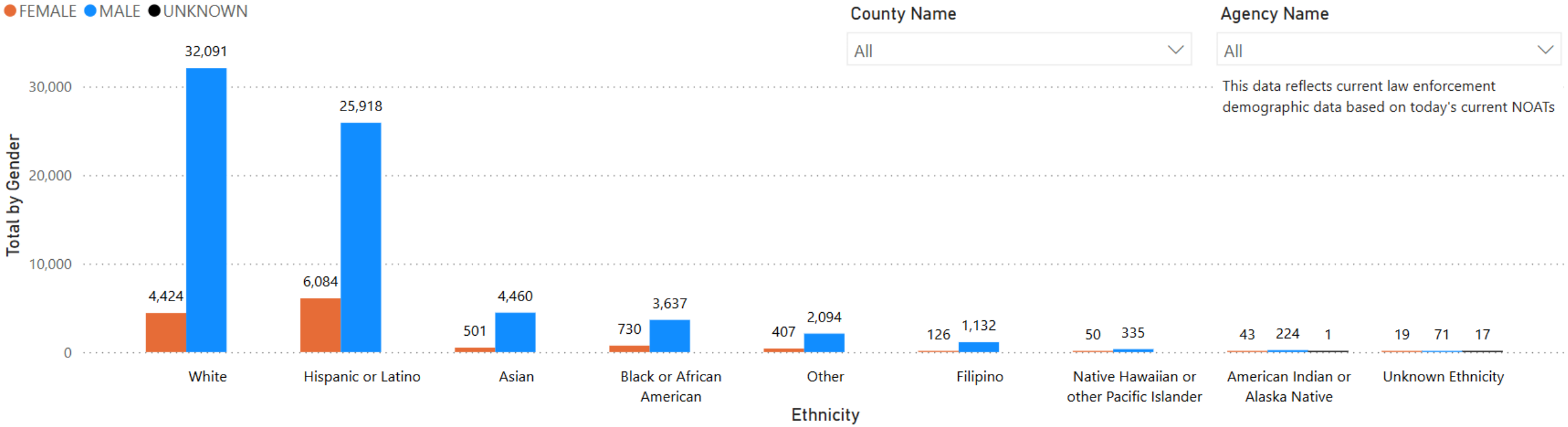
Female vs Male (%)



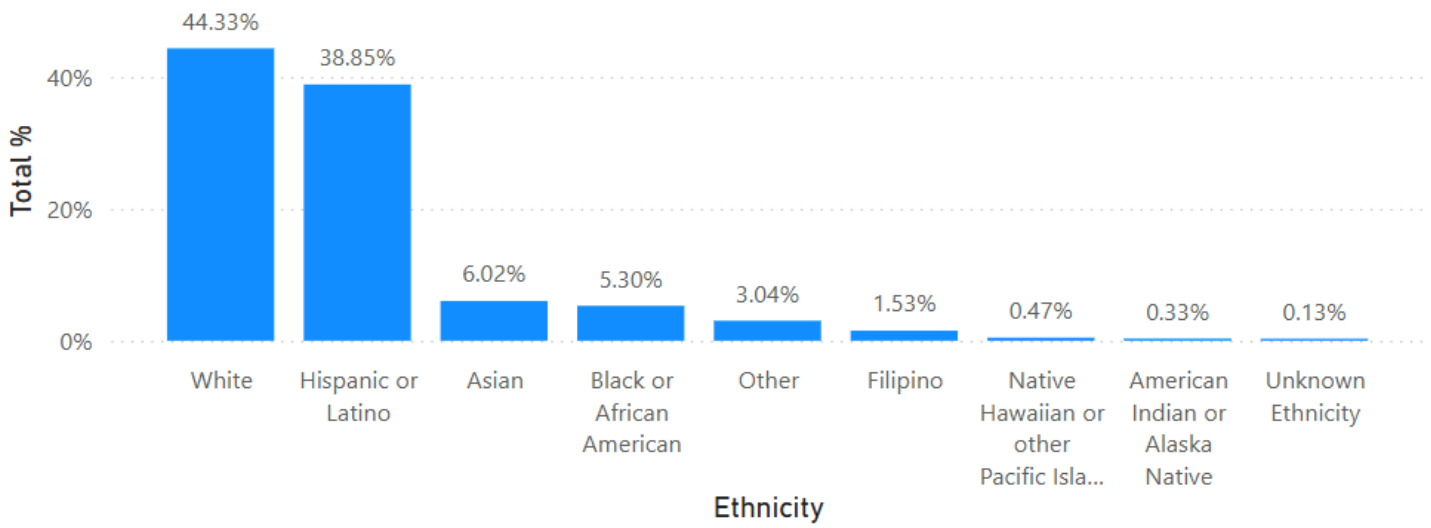
Today's Law Enforcement Demographics

Demographics

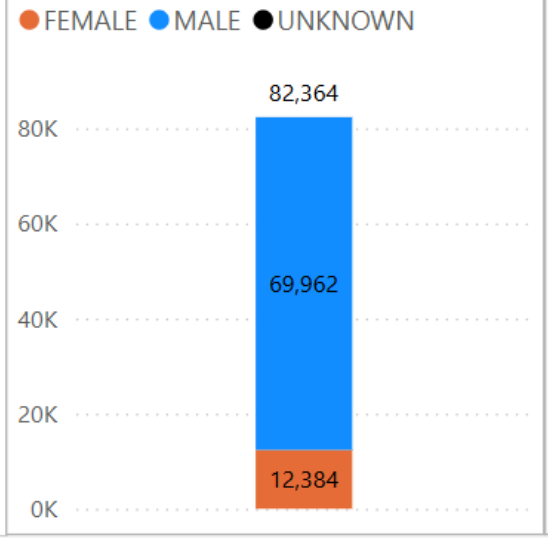
Data Last Refreshed: 5/15/2025



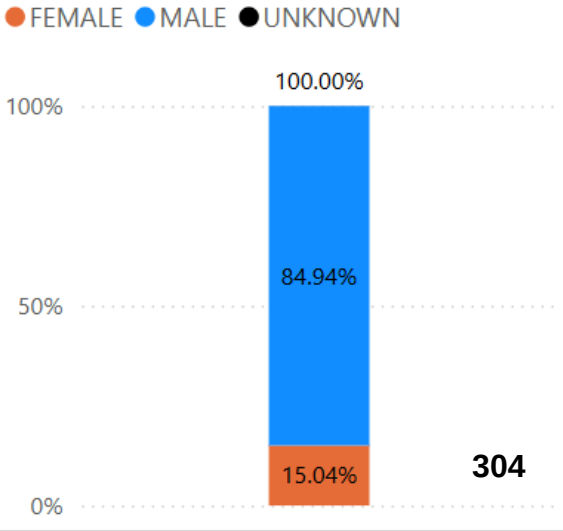
Total % by Ethnicity



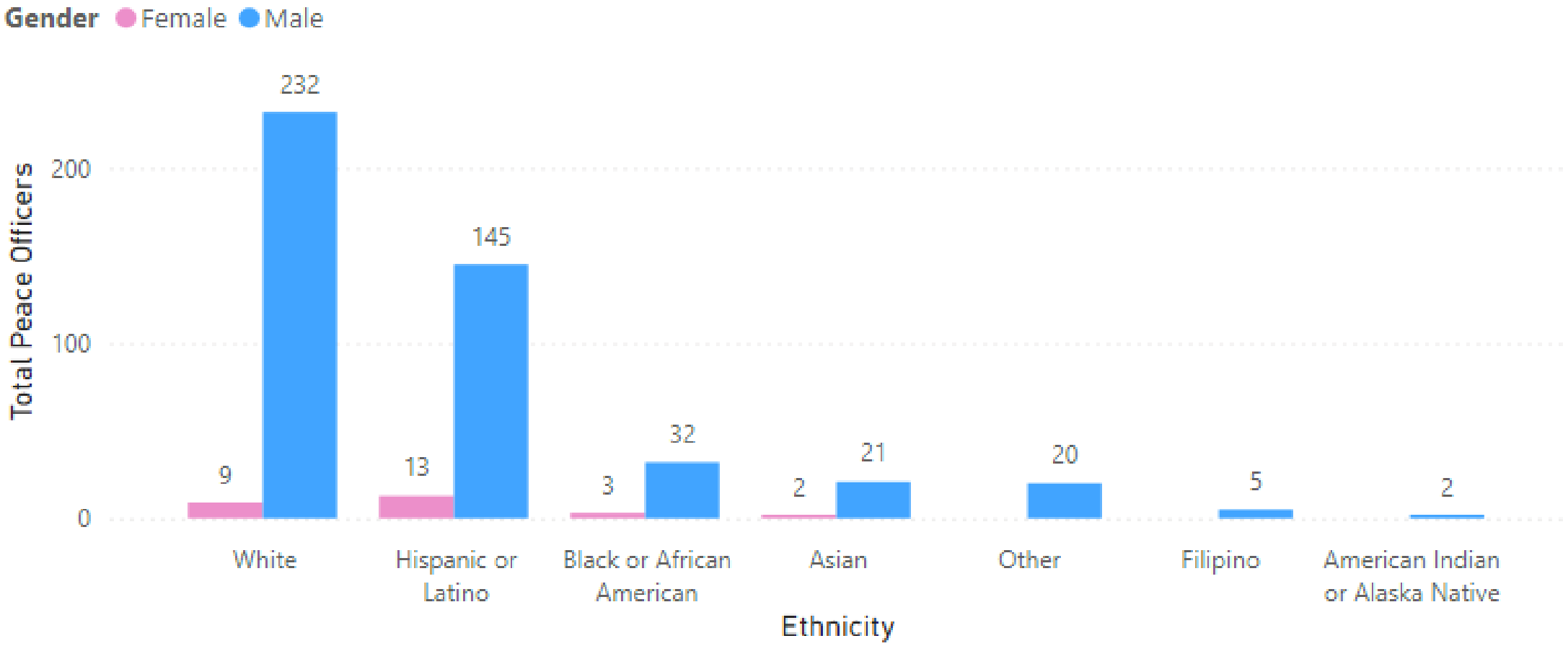
Female vs Male

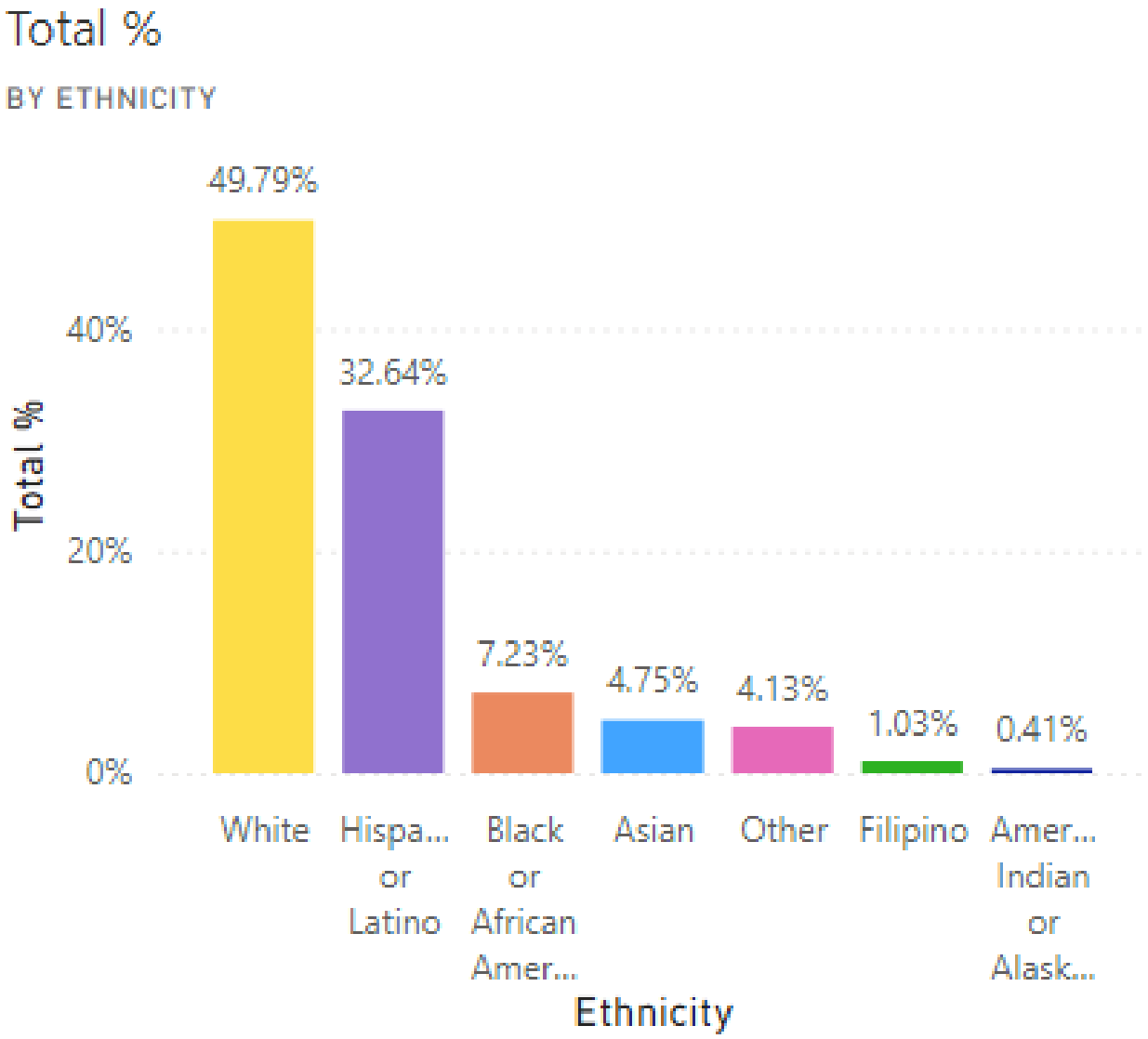


Female vs Male

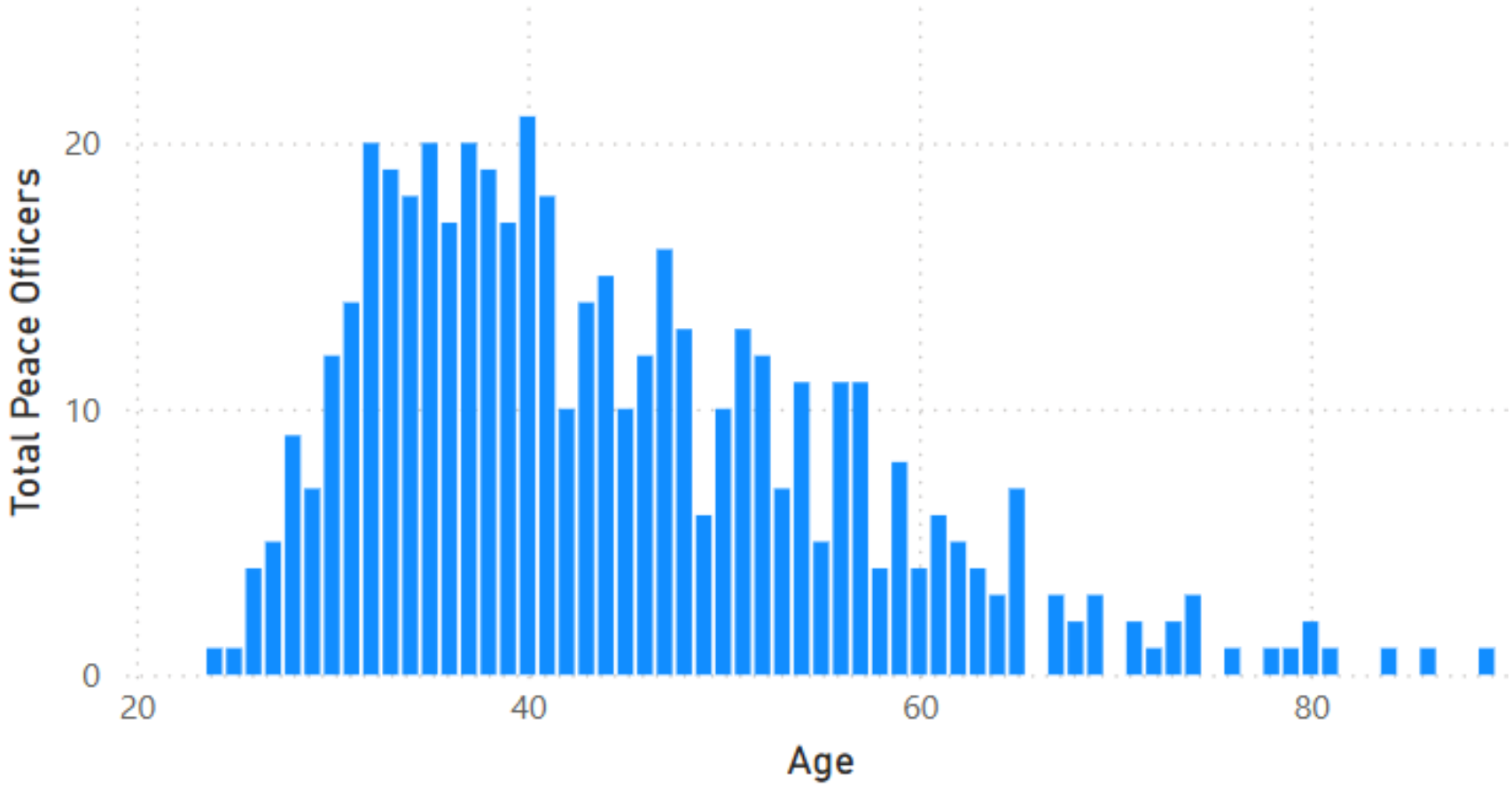


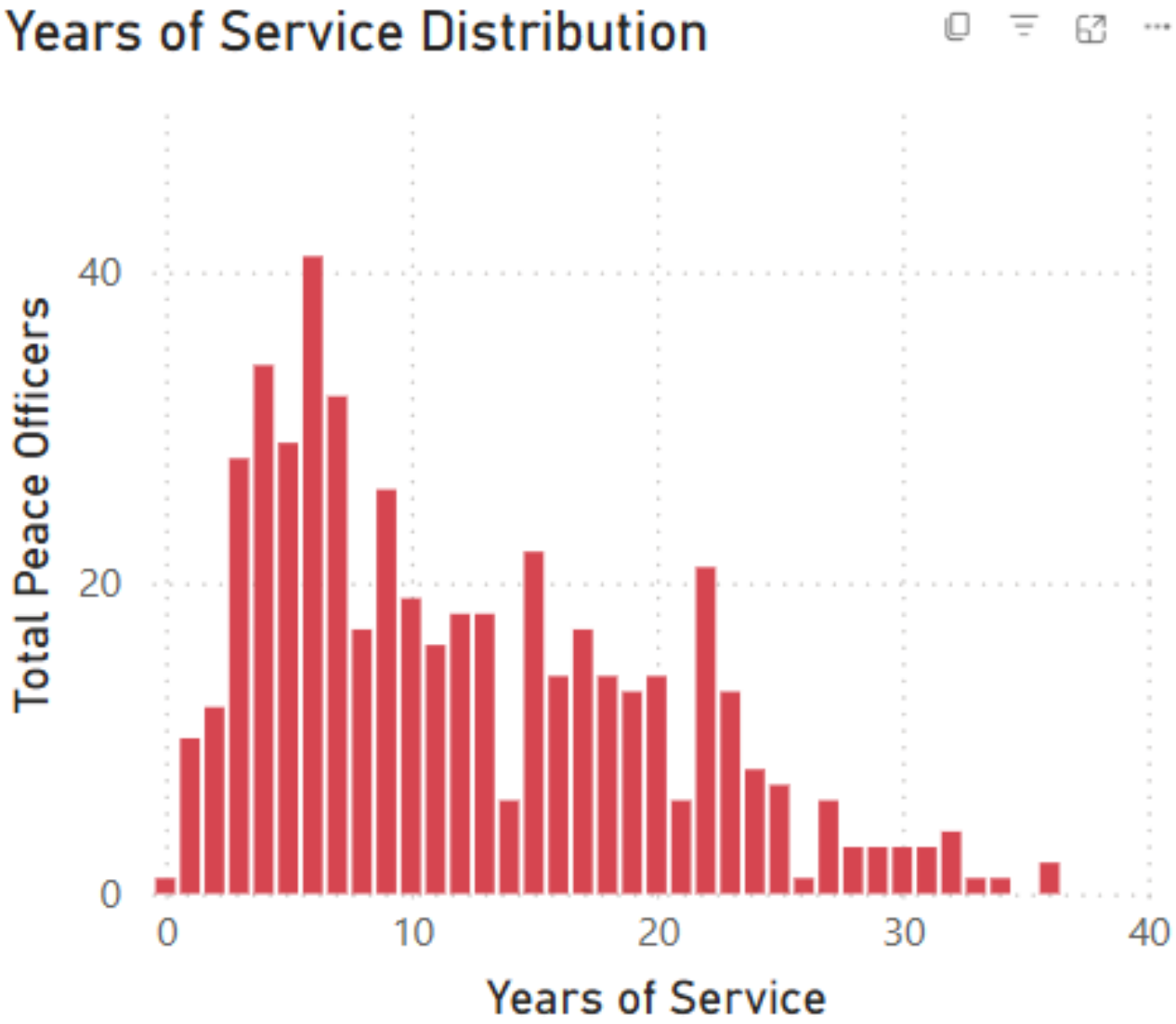
Demographics of peace officers that POST have taken actions against

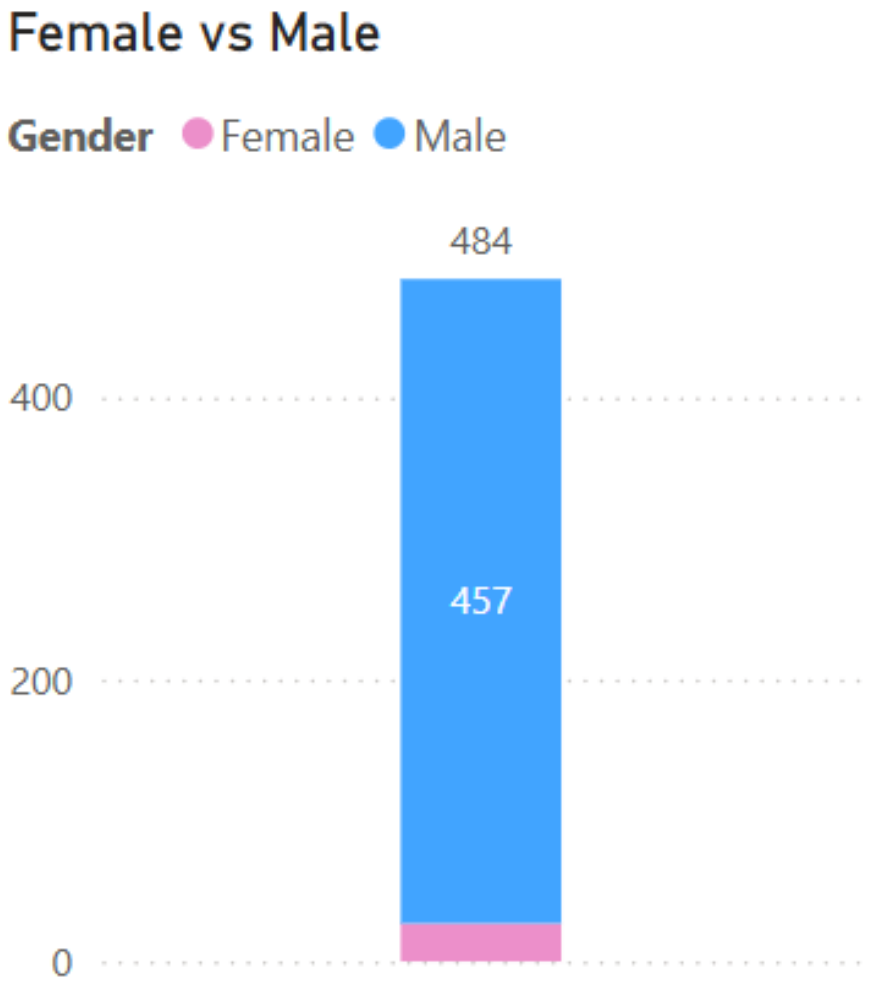


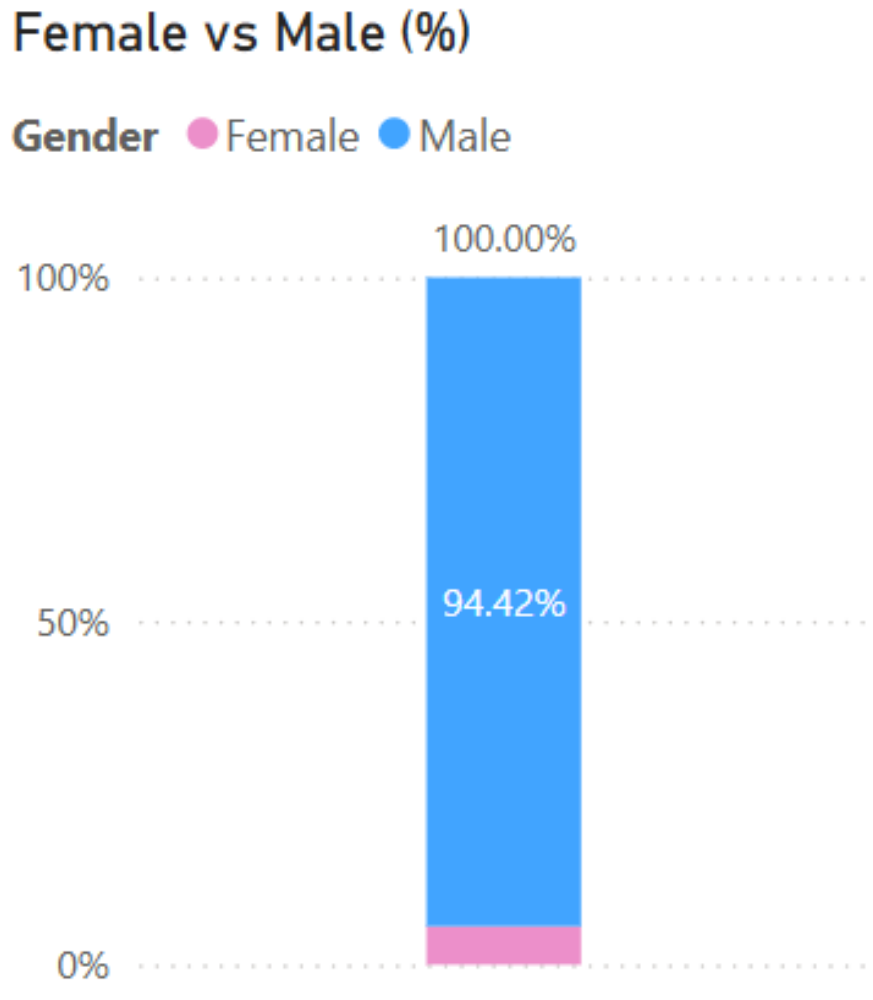

Total %
BY ETHNICITY
49.79%
32.64%
7.23%
4.75%
4.13%
1.03%
0.41%
40%
20%
0%
Total %
White
Hispa... or Latino
Black or African Amer...
Asian
Other
Filipino
Amer... Indian or Alask...
Ethnicity

Age Distribution




Years of Service Distribution
Total Peace Officers
40
20
0
0
10
20
30
40
Years of Service


Female vs Male
Gender
Female
Male
484
400
457
200
0


Female vs Male (%)
Gender
Female
Male
100.00%
100%
94.42%
50%
0%

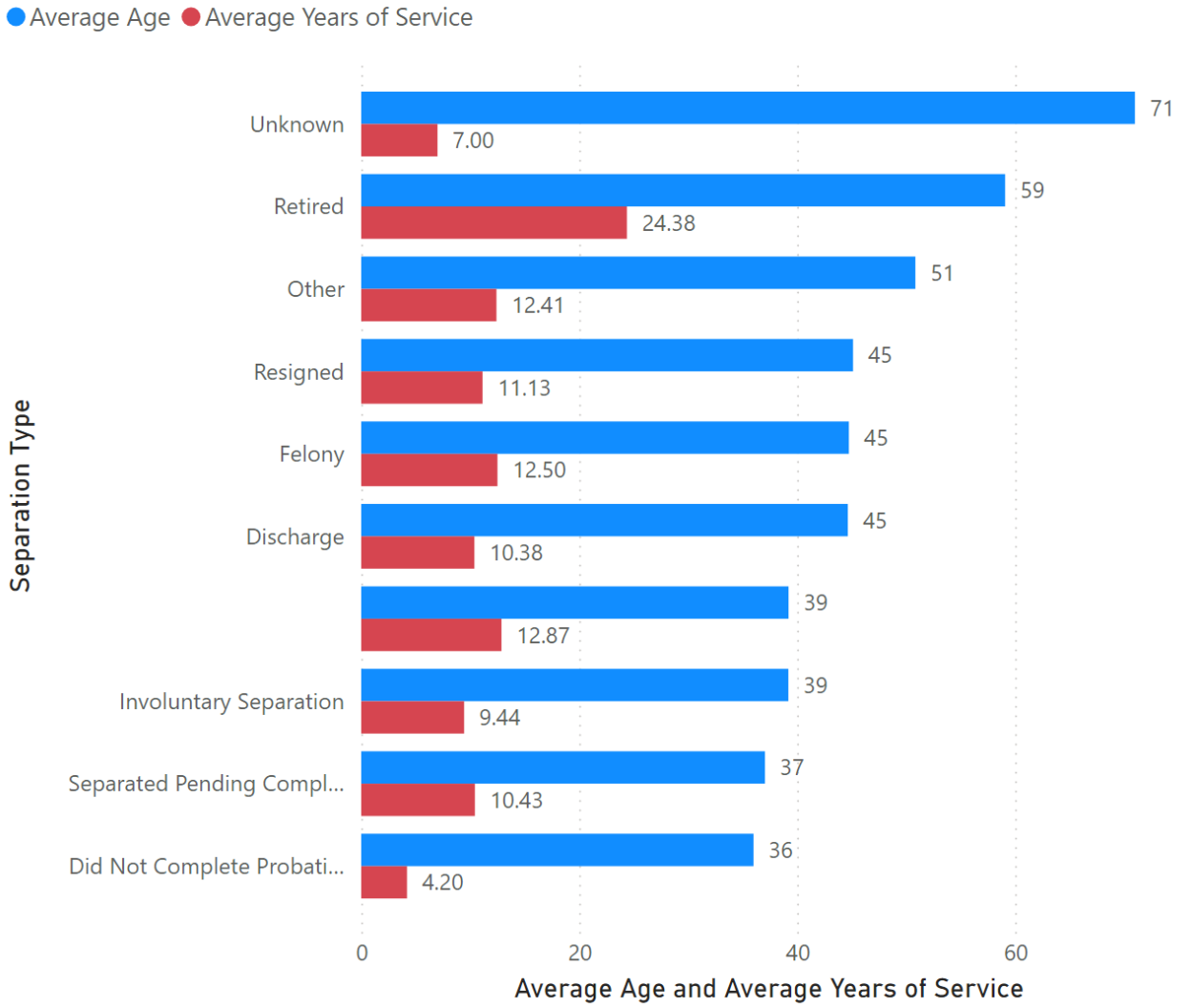
Peace Officer Certification Statistics

Demographics of peace officers that POST have taken actions against

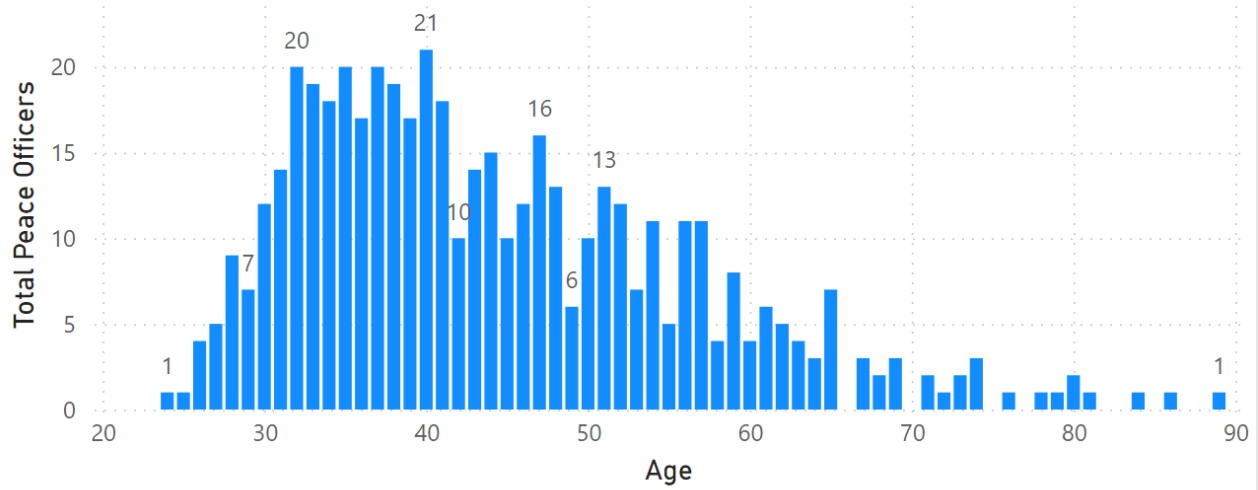
Separation Type: All

Agency: All

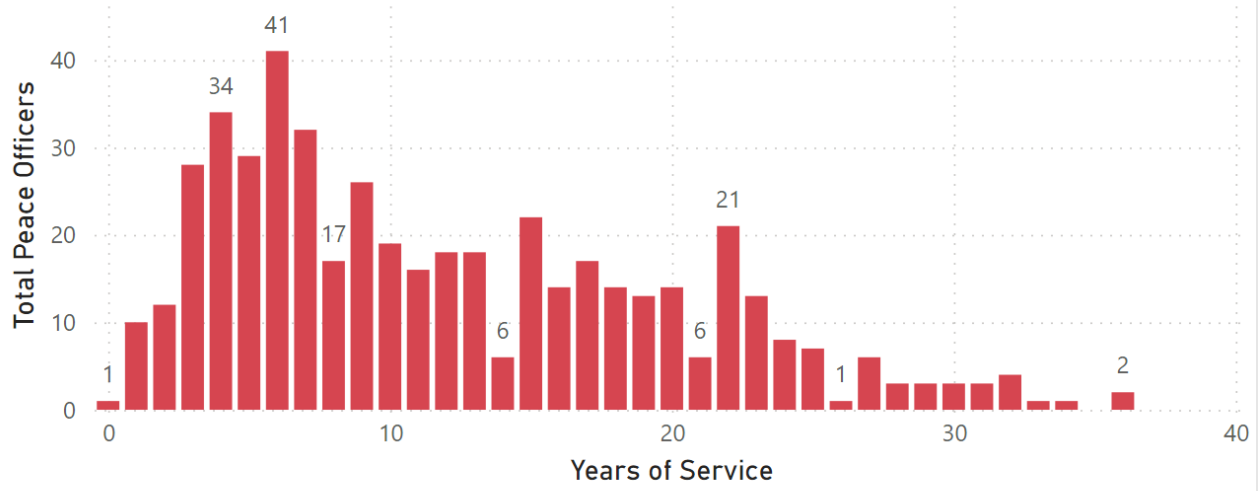
Average Age & Average Years of Service by Separation Type



Total Peace Officers by Age



Total Peace Officers by Years of Service

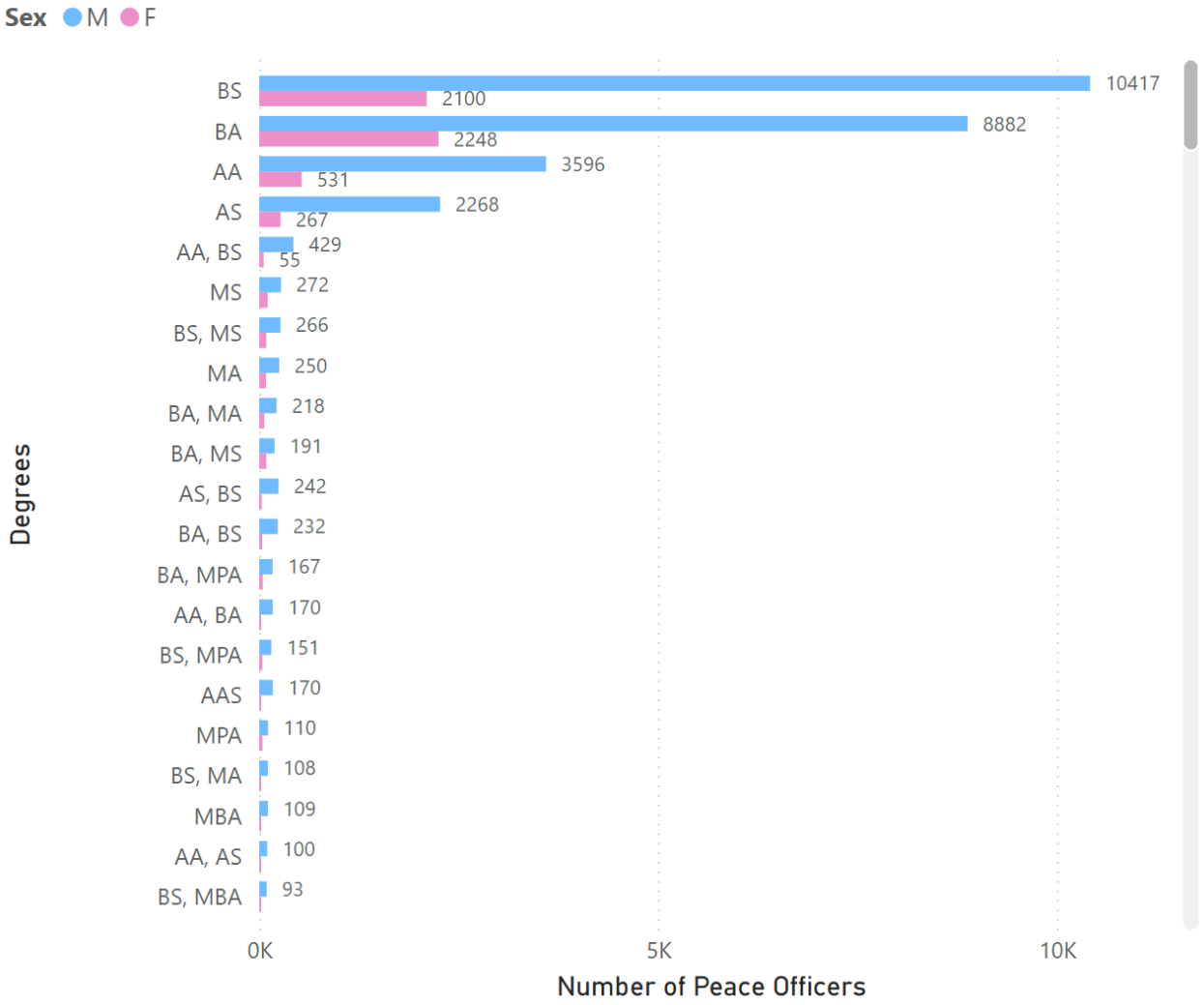


Peace Officer Education Statistics (Statewide)

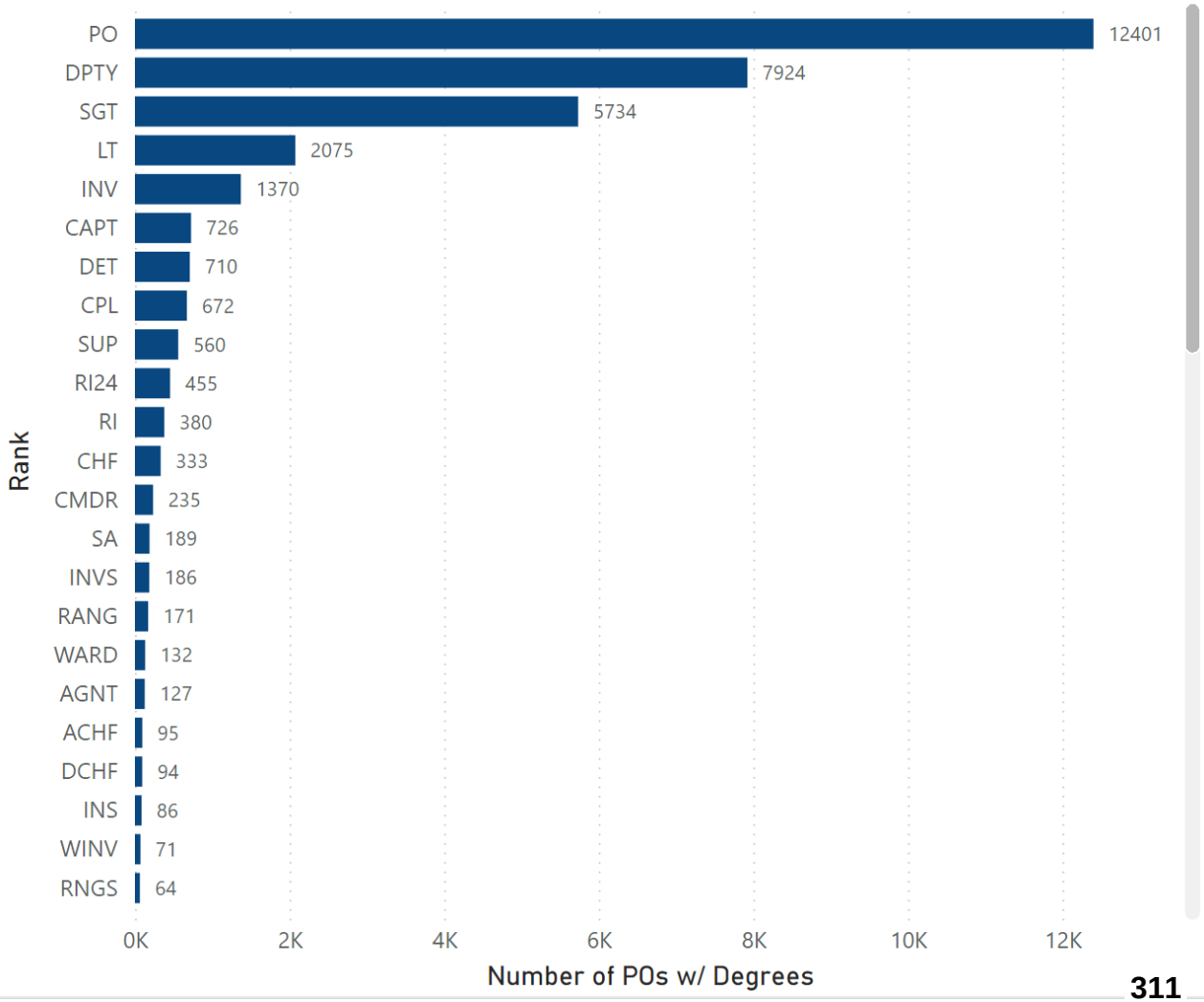
Statewide Data | Misconduct Data

Degrees (Select Blank for POs w/o Degrees): Multiple selections
Rank: All
Sex: All
Ethncity: All
Agency: All

Number of Peace Officers by Degrees Earned (Statewide)



Number of POs with Degrees by Rank (Statewide)



Peace Officer Education Statistics (Misconduct)

Statewide Data | Misconduct Data

Degrees (Select Blank for POs w/o Degrees): All

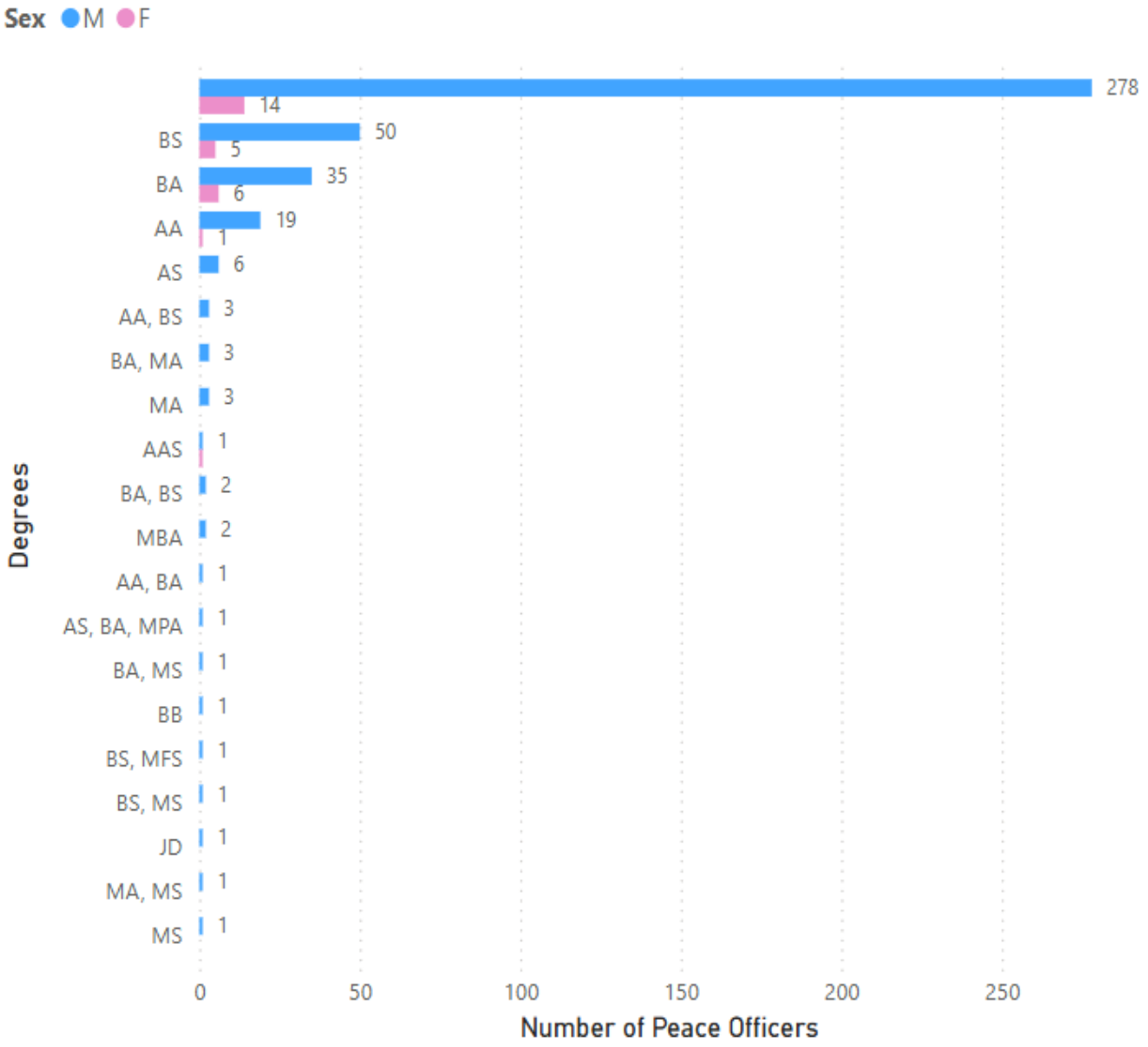
Rank: All

Sex: All

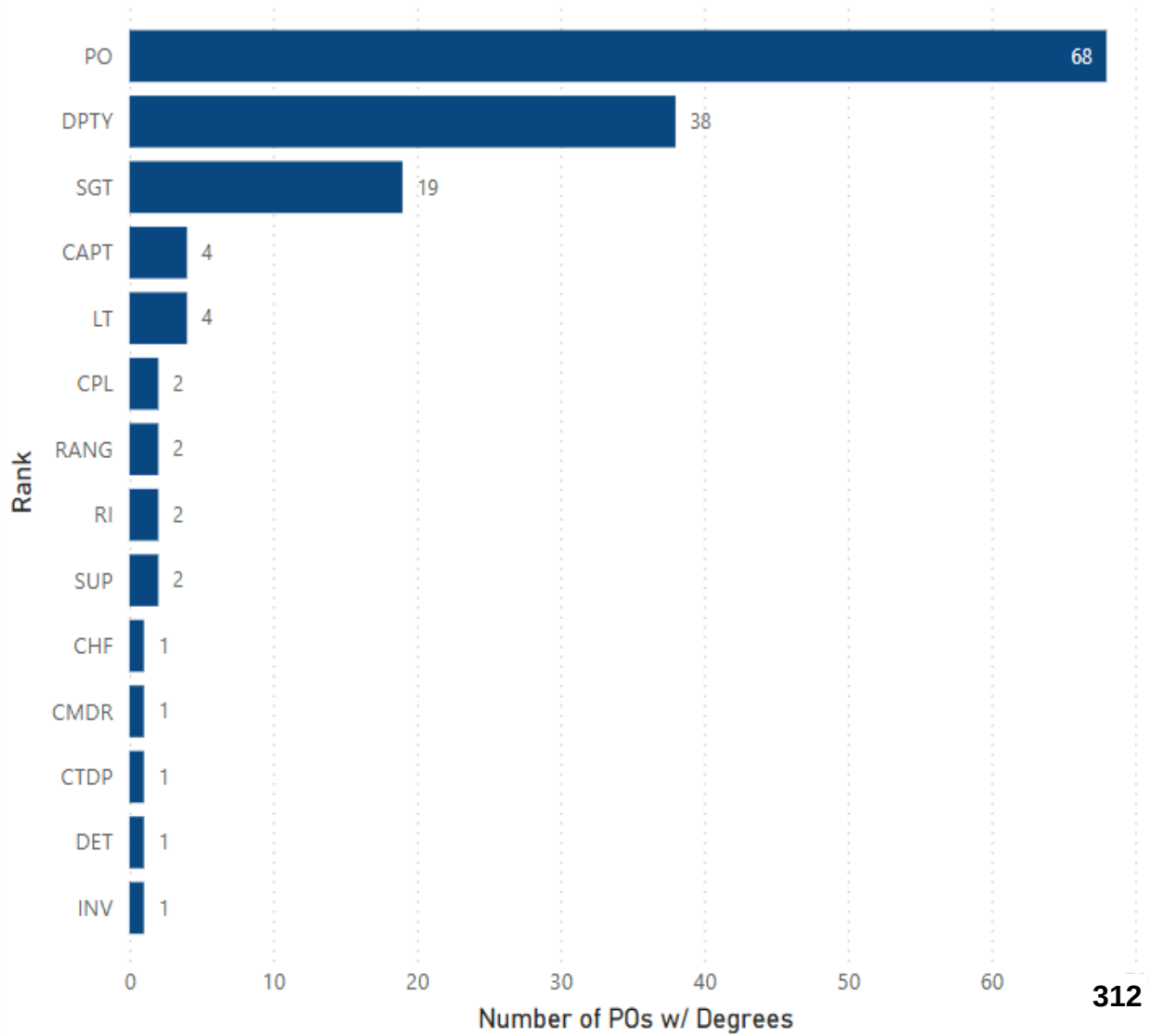
Ethnicity: All

Agency: All

Number of Peace Officers by Degrees Earned (Misconduct)



Number of POs w/ Degrees by Rank (Misconduct)



Peace Officer Standards Accountability Division

June 4, 2025

Disciplinary Action Statistics and Outcomes

Professional Conduct Bureau Statistics

AS OF 05/13/25

Reports/Allegations

- 35,795 – Total Agency Misconduct reports received (Approved)
  - 3,800 - 2025
  - 10,031 – 2024
  - 21,964 – 2023
    - 16,799 (47%) are “Retro” (Incident date prior to 01/01/2023)
- 40,817 Reported Allegations among 20,468 unique Law Enforcement Officers
  - Top 3 areas of serious misconduct allegations:
    - 37% – Physical abuse/excessive or unreasonable use of force
    - 27% – Demonstrating Bias
    - 15% – Abuse of power
- 2,099 – Public complaints
  - 608 – 2025
  - 1,035 – 2024
  - 456 - 2023

Professional Conduct Bureau Statistics

AS OF 05/13/25

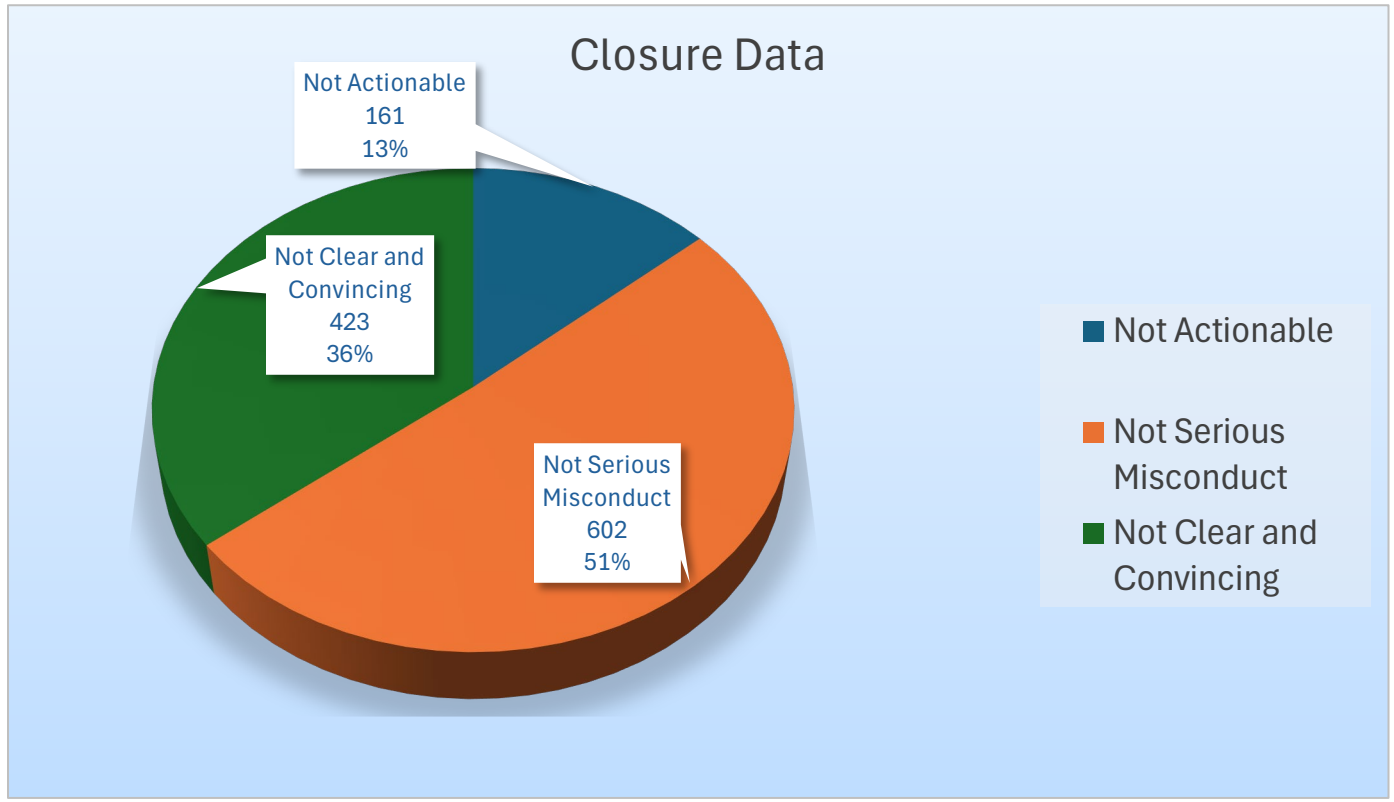
Cases

- 33,245 – Total Cases
  - 13,180 – Open Cases (40% of total cases)
    - 6,660 – Open w/POST (51% of open cases)
    - 6,520 – Open w/Agency (49% of open cases)
  - 20,065 – Closed Cases (60% of total cases)

Cases with Sustained Agency Findings

as of 05/13/25

Cases closed by POSAD as "No Further Action Taken" – **1,186**



Not Serious Misconduct:

602 (51%)

Not Clear and Convincing:

423 (36%)

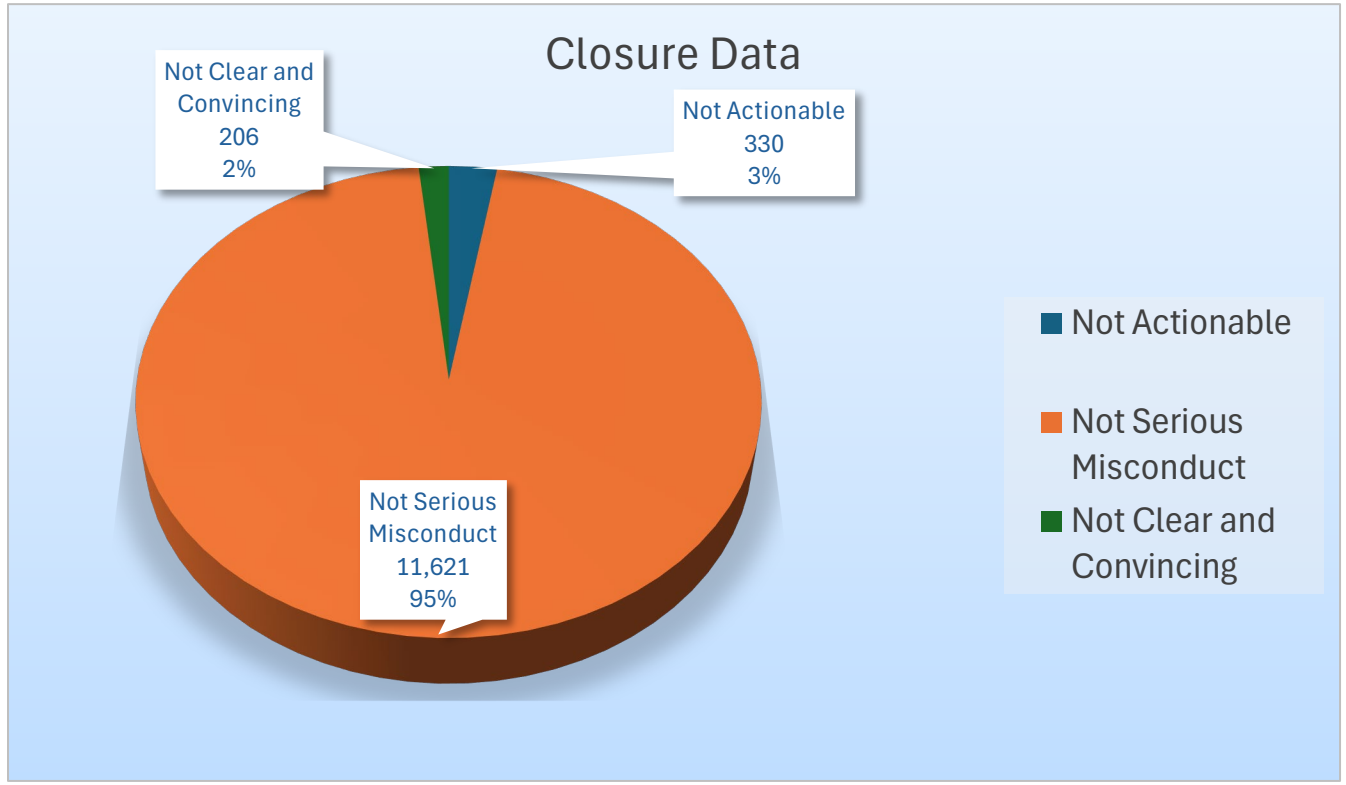
Not Actionable:

161 (13%)

Cases with Not Sustained/Unfounded/Exonerated Agency Findings

as of 05/13/25

Cases closed by POSAD as "No Further Action Taken" – **12,157**



Not Serious Misconduct:

11,621 (95%)

Not Clear and Convincing:

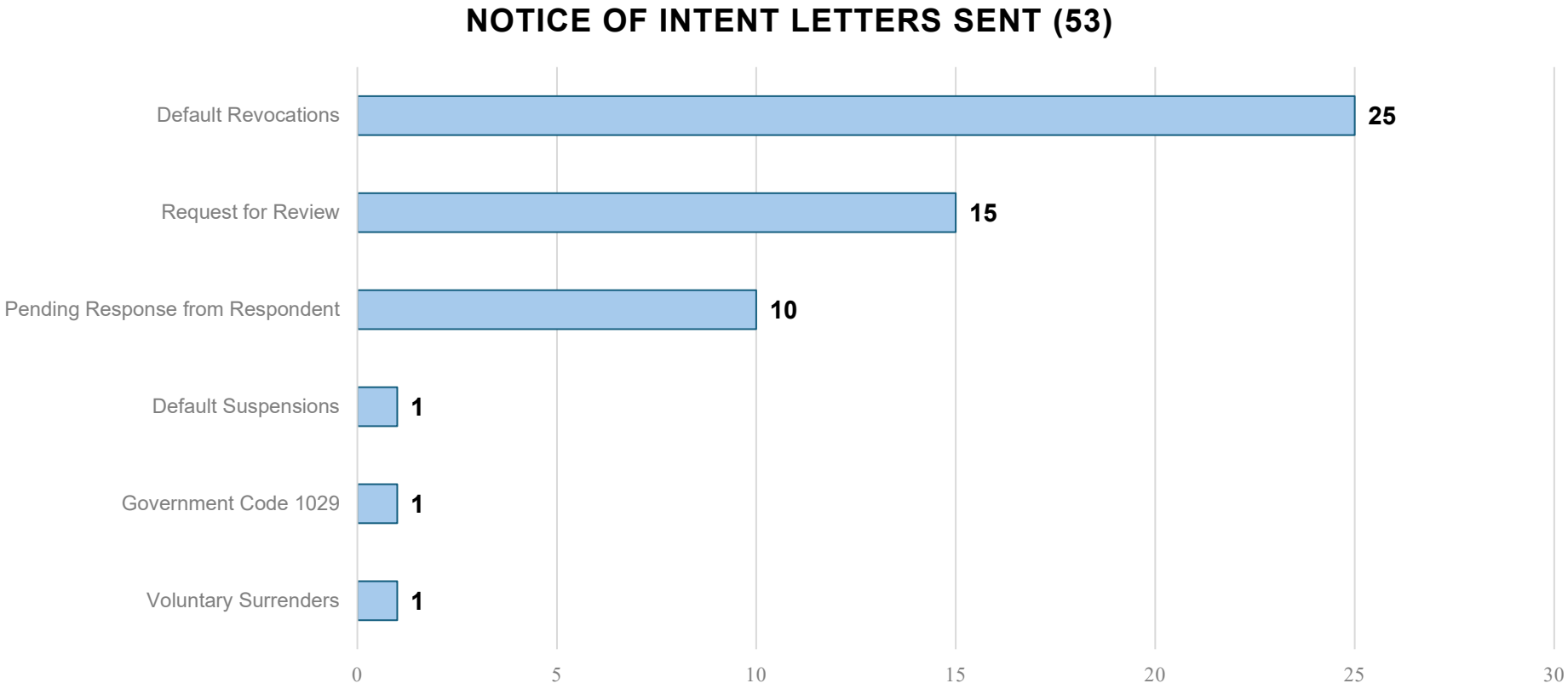
206 (2%)

Not Actionable:

330 (3%)

Disciplinary Action Statistics

as of 05/13/25



	Voluntary Surrenders	Government Code 1029	Default Suspensions	Pending Response from Respondent	Request for Review	Default Revocations
Count	1	1	1	10	15	25

DISCIPLINARY CASE STATISTICS

as of 05/13/25

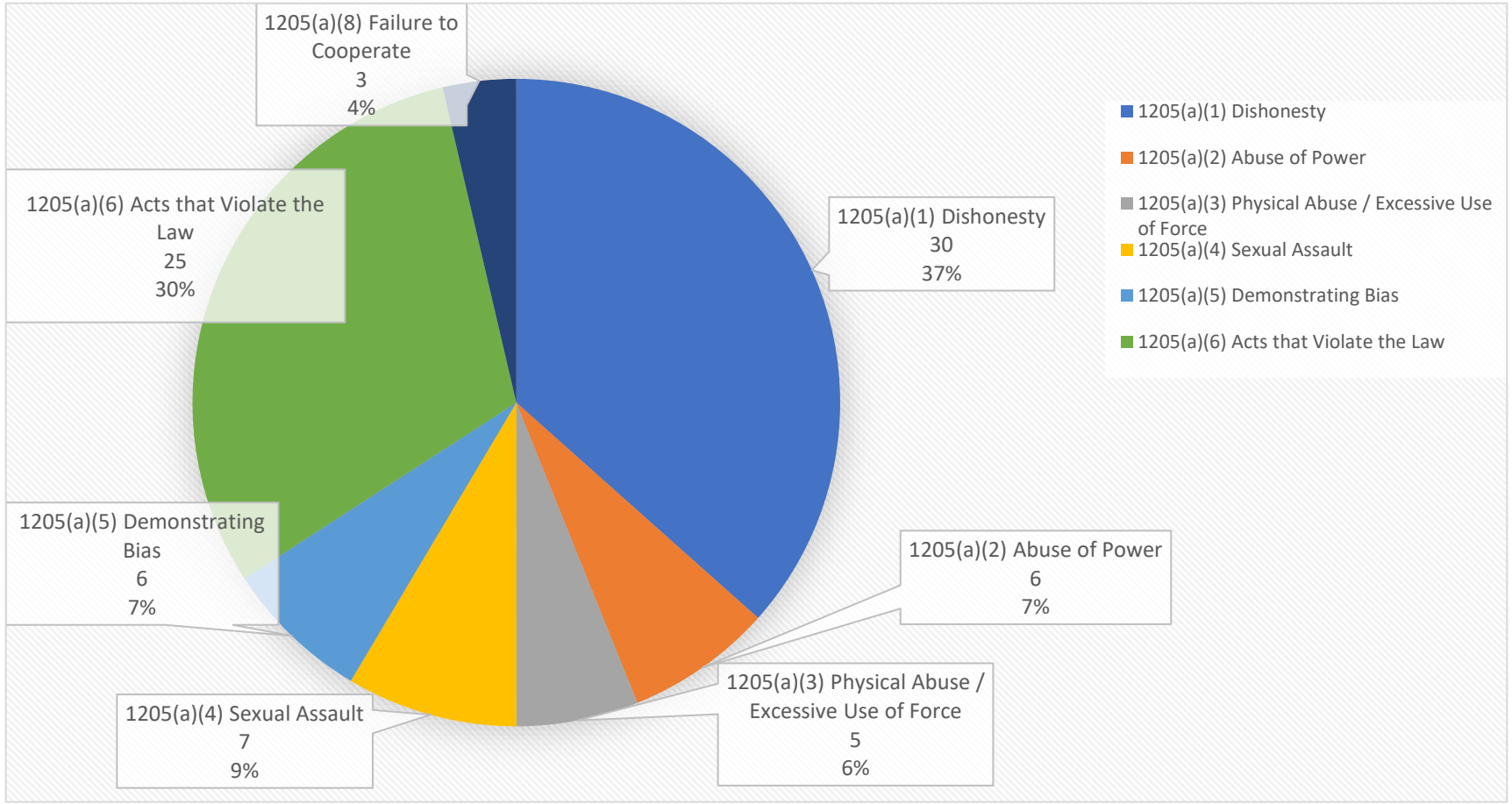
Total Notice of Intent letters sent: 53

Agency Discipline Imposed:

- Termination – 32
- Resigned – 17
- Suspended – 2
- Demotion - 2

*Misconduct Allegation Occurred:

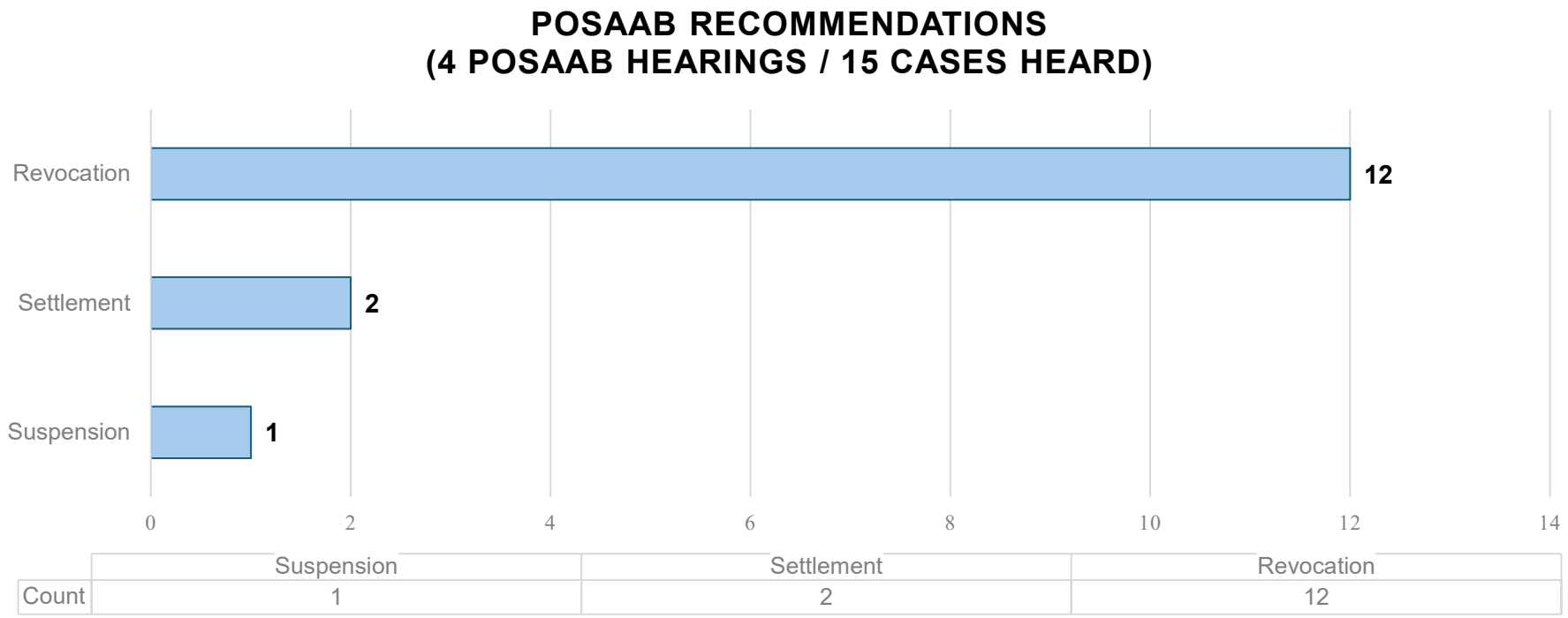
- On Duty – 53
- Off Duty – 26



***Some of the cases involve multiple allegations. In these cases, some of the allegations occurred On Duty, while others occurred Off Duty. Hence there being 79 allegations reflected in 53 cases.**

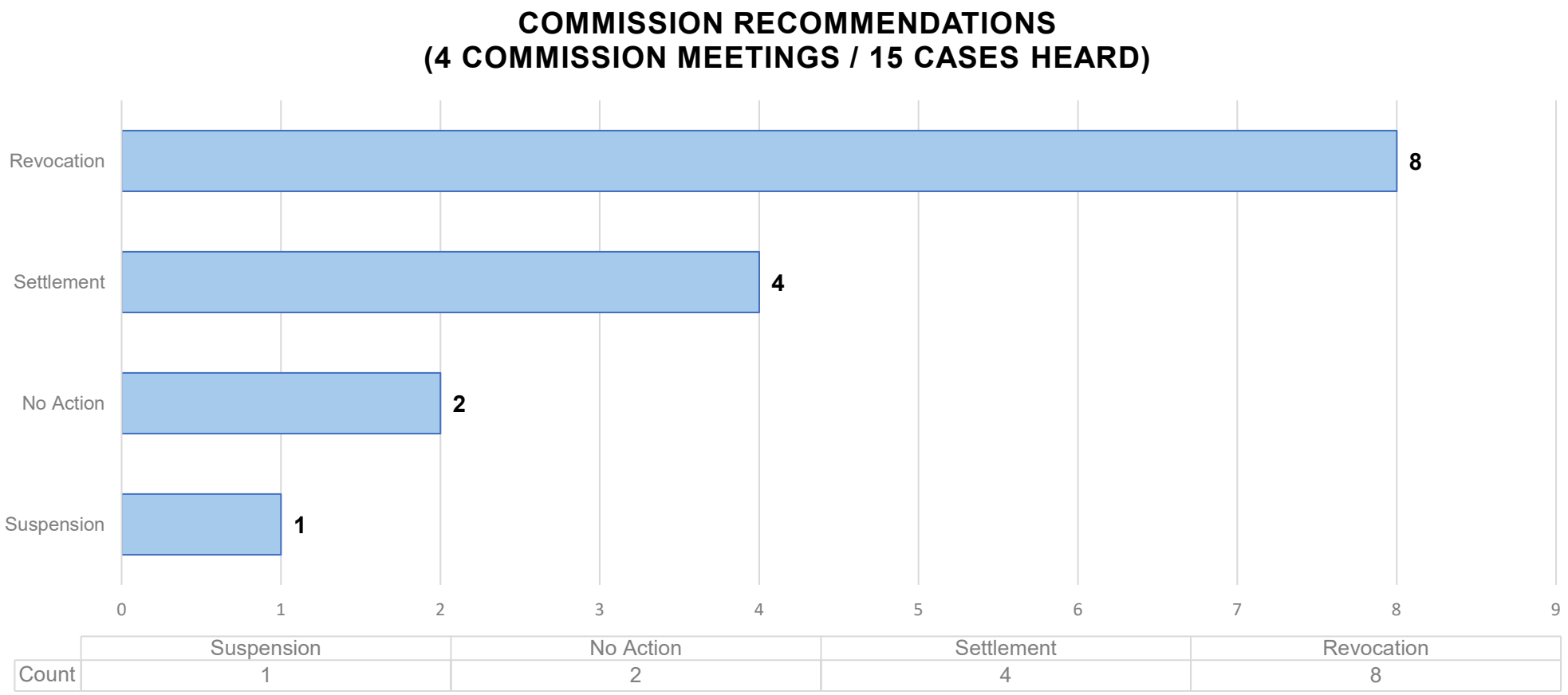
DECERTIFICATION CASES BEFORE THE BOARD

as of 05/13/25



DECERTIFICATION CASES BEFORE THE COMMISSION

as of 05/13/25



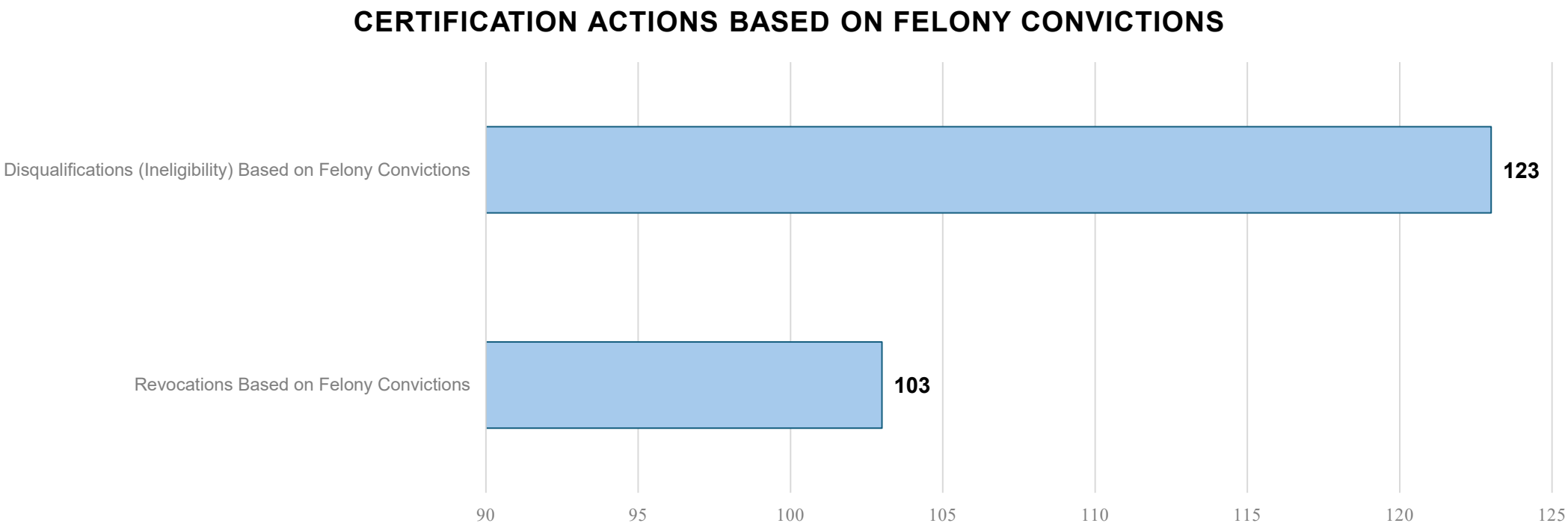
DISCIPLINARY DECISIONS AND OUTCOMES

as of 05/13/25

- Times Board has reached a different determination than the Division: 3
- Times Commission has reached different determination than Board's Recommendation: 5

Subject Officer	Division Recommendation	Board Hearing Date and Recommendation	Commission Hearing Date and Determination	Case Status as of 05/13/25
Diaz	Revoke	3/21/2024 - Suspend for Term of 6 months	6/12/2024 - Settlement	Initiating Probationary Monitoring
Fuston	Revoke	3/21/2024 - Revoke	6/12/2024 - No Action	No Action
Hubbard	Revoke	3/21/2024 - Revoke	6/12/2024 - Revoke	Default Revocation
Sarabia-Medina	Revoke	3/21/2024 - Revoke	6/12/2024 - Revoke	ALJ Hearing Scheduled
Fillmore	Revoke	12/14/2023 - Revoke	3/7/2024 - Settlement	Initiating Probationary Monitoring
Ramirez	Revoke	12/14/2023 - Revoke	3/7/2024 - Revoke	Default Revocation
Bermudez	Revoke	10/17/2024 - Settlement	11/21/2024 - Settlement	Initiating Probationary Monitoring
Cano	Revoke	10/17/2024 - Revoke	11/21/2024 - Revoke	ALJ Hearing Scheduled
Matejcek	Revoke	10/17/2024 - Revoke	11/21/2024 - Suspension (term: 9 months)	Default Suspension
Mutuku	Revoke	10/17/2024 - Revoke	11/21/2024 - No Action	No Action
Gaxiola	Revoke	1/16/2025 - Settlement	3/5/2025 - Settlement	Initiating Probationary Monitoring
Robledo	Revoke	1/16/2025 - Revoke	3/6/2025 - Revoke	Moving Forward to ALJ Hearing
Satterfield	Revoke	1/16/2025 - Revoke	3/6/2025 - Revoke	Moving Forward to ALJ Hearing
Thompson	Revoke	1/16/2025 - Revoke	3/5/2025 - Revoke	Moving Forward to ALJ Hearing
Williams	Revoke	1/16/2025 - Revoke	3/6/2025 - Revoke	Moving Forward to ALJ Hearing

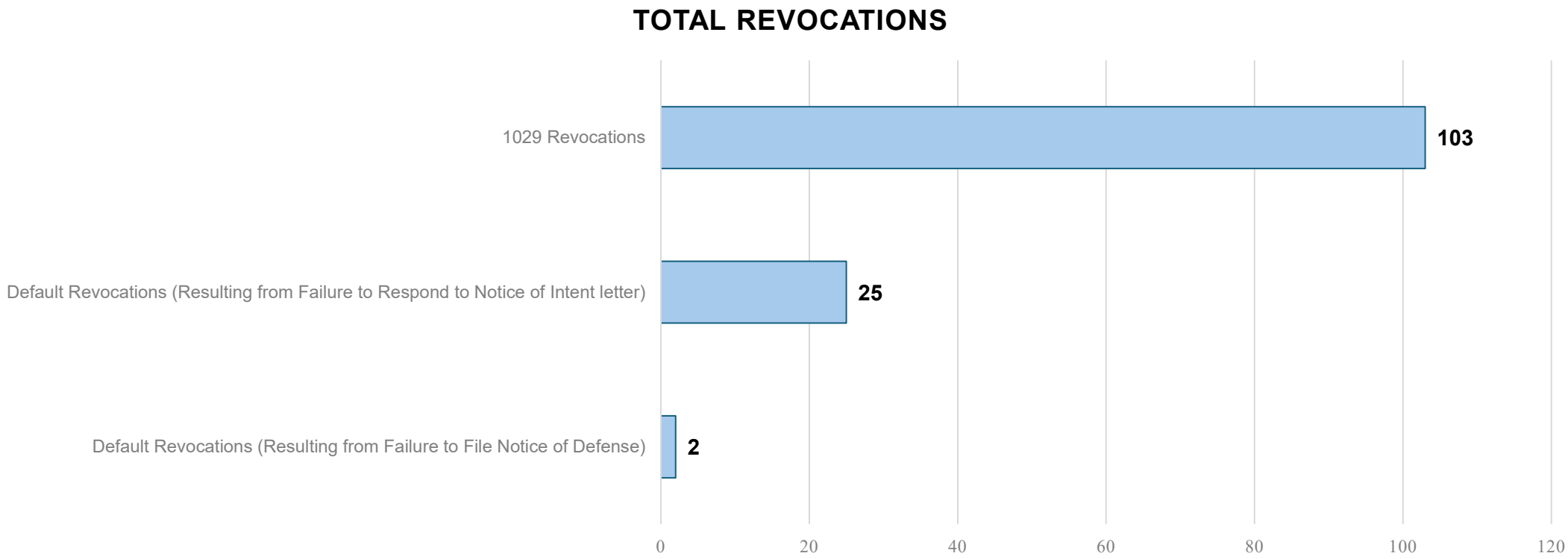
CERTIFICATION ACTIONS BASED ON FELONY CONVICTIONS
as of 05/13/25



	Revocations Based on Felony Convictions	Disqualifications (Ineligibility) Based on Felony Convictions
Count	103	123

TOTAL REVOCATIONS

as of 05/13/25



	Default Revocations (Resulting from Failure to File Notice of Defense)	Default Revocations (Resulting from Failure to Respond to Notice of Intent letter)	1029 Revocations
Count	2	25	103

AGENDA ITEM REPORT

Title: REPORT ON EXPENDITURES YEAR-TO-DATE FOR FISCAL YEAR 2024-2025

REPORT PROFILE

MEETING DATE 06/04/2025	**BUREAU SUBMITTING THE REPORT** Administrative Services Bureau	
RESEARCHED BY Cheryl Smith	**REVIEWED BY**	
REPORT DATE 05/01/2025	**APPROVED BY** Manuel Alvarez, Jr.	**DATE APPROVED** 05/13/2025
PURPOSE	**FINANCIAL IMPACT** No	

ISSUE, BACKGROUND, ANALYSIS, & RECOMMENDATION

ISSUE: Total expenditures for Fiscal Year 2024-2025 are $62,536,361.

BACKGROUND:

ANALYSIS: Breakdown of expenditures as of May 12, 2025:

State Penalty Fund = $27,262,398
General Fund = $35,273,963

Total = $62,536,361

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

ATTACHMENT(S):
FY 24-25 Expenditures.pdf
FY 24-25 SPF Expenditures.pdf
FY 24-25 GF Expenditures.pdf

PEACE OFFICER STANDARDS AND TRAINING

FY 2024-25 Expenditure Report

POST FUND EXPENDITURES	BUDGET	ENCUMBRANCES /EXPENDITURES	BALANCES
State Penalty Fund: Includes $1,556,000 towards Museum of Tolerance Training	$ 46,842,000	$ 27,262,398	$ 19,579,602
General Fund:	$ 63,438,000	$ 35,273,963	$ 28,164,037
*Reimbursement Authority:	$ 1,959,000	$ -	$ 1,959,000
POST TOTAL OTHER BUDGET AUTHORITY:	$ 112,239,000	$ 62,536,361	$ 49,702,639

For more information about the POST budget, please visit the California Department of Finance website at:

https://ebudget.ca.gov/2024-25/pdf/Enacted/GovernorsBudget/8000/8120.pdf

California Commission on Peace Officer Standards and Training ----------May 12, 2025

PEACE OFFICER STANDARDS AND TRAINING

FY 2024-25 State Penalty Fund Expenditure Report

BUDGET EXPENDITURES	BUDGET	ENCUMBRANCES /EXPENDITURES	BALANCES
STATE PENALTY FUND			
Standards	$ 4,005,000	$ 1,738,425	$ 2,266,575
Training	$ 20,456,000	$ 12,987,999	$ 7,468,001
Peace Officer Training	$ 13,566,000	$ 8,164,827	$ 5,401,173
POST Administration	$ 8,815,000	$ 4,371,147	$ 4,443,853
POST TOTAL OTHER BUDGET AUTHORITY:	$ 46,842,000	$ 27,262,398	$ 19,579,602

For more information about the POST budget, please visit the California Department of Finance website at:

https://ebudget.ca.gov/2024-25/pdf/Enacted/GovernorsBudget/8000/8120.pdf

California Commission on Peace Officer Standards and Training ----------May 12, 2025

PEACE OFFICER STANDARDS AND TRAINING

FY 2024-25 General Fund Expenditure Report

SPECIAL BUDGET EXPENDITURES	BUDGET	ENCUMBRANCES /EXPENDITURES	BALANCES
GENERAL FUND			
Standards	$ 17,507,000	$ 7,228,172	$ 10,278,828
Training	$ 8,486,000	$ 4,906,304	$ 3,579,696
Peace Officer Training	$ 20,000,000	$ 13,611,706	$ 6,388,295
POST Administration	$ 17,445,000	$ 9,527,781	$ 7,917,219
POST TOTAL OTHER BUDGET AUTHORITY:	$ 63,438,000	$ 35,273,963	$ 28,164,037

For more information about the POST budget, please visit the California Department of Finance website at:

https://ebudget.ca.gov/2024-25/pdf/Enacted/GovernorsBudget/8000/8120.pdf

California Commission on Peace Officer Standards and Training ----------May 12, 2025

AGENDA ITEM REPORT

Title: REPORT ON CONTRACT EXPENDITURES YEAR-TO-DATE FOR FISCAL YEAR 2024-2025

REPORT PROFILE

MEETING DATE 06/04/2025	**BUREAU SUBMITTING THE REPORT** Administrative Services Bureau	
RESEARCHED BY Cheryl Smith		**REVIEWED BY**
REPORT DATE 05/01/2025	**APPROVED BY** Manuel Alvarez, Jr.	**DATE APPROVED** 05/14/2025
PURPOSE		**FINANCIAL IMPACT** No

ISSUE, BACKGROUND, ANALYSIS, & RECOMMENDATION

ISSUE: For Fiscal Year 2024-2025 the Commission approved contracts in the amount of $26,213,055.

BACKGROUND:

ANALYSIS: Breakdown of expenditures as of May 12, 2025, are as follows:

Fiscal Year 2024-2025 approved contracts = $26,213,055
Fiscal Year 2024-2025 executed contracts = $25,345,058
Fiscal Year 2024-2025 invoiced amount = $13,531,331

Balance = $11,813,727

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

ATTACHMENT(S):
FY 24-25 Contract Expenditures.pdf

PEACE OFFICER STANDARDS AND TRAINING - POST

Fiscal Year 2024-25 Commission-Approved Bureau Contract Expenditures

BUREAU CONTRACTS	Approved Contract Amount	Executed	Invoiced	Balance
Training Program Services (TPS)				
1. Institute of Criminal Investigation (ICI)	5,658,894	5,387,889	2,712,475	2,675,414
2. Command College (CC)	484,684	484,684	237,651	247,033
3. Sherman Block Supervisory Leadership Institute (SLI)	2,875,694	2,875,694	1,179,291	1,696,403
4. Executive Development Course	374,706	374,706	126,151	248,555
5. Instructor Development Institute (IDI)	698,444	698,444	252,851	445,593
6. Museum of Tolerance (MOT)	1,556,000	1,556,000	670,546	885,454
7. Management Course	1,856,723	1,856,723	668,911	1,187,812
8. Quality Assessment Program (QAP)	698,358	698,358	566,486	131,872
9. Supervisory Course	1,881,813	1,509,350	779,297	730,053
TPS SUBTOTAL:	16,085,316	15,441,848	7,193,659	8,248,189
Basic Training Bureau (BTB)				
10. Basic Course Driving Training (EVOC)	4,237,500	4,237,500	2,101,500	2,136,000
BTB SUBTOTAL:	4,237,500	4,237,500	2,101,500	2,136,000
Training Delivery Compliance (TDC)				
11. SCO Audits	250,000	249,998	112,329	137,669
TDC SUBTOTAL:	250,000	249,998	112,329	137,669
Learning Technology Resources (LTR)				
12. Video Production*	634,255	634,255	452,370	181,885
14. CSU Long Beach Training (Use of Force/Force Option De-escalation T4T)	616,211	616,211	274,938	341,273
15. Learning Portal Maintenance	777,405	775,429	748,346	27,083
LTR SUBTOTAL:	2,027,871	2,025,895	1,475,654	550,241
Management Counseling and Projects Bureau (MCPB)				
16. UC San Diego (Officer Wellness)**	2,053,898	2,053,898	1,312,270	741,628
MCPB SUBTOTAL:	2,053,898	2,053,898	1,312,270	741,628
Peace Officer Standards Accountablity Division (POSAD)				
17. Equipment, Software, and Data Storage for Mark 43	1,558,470	1,335,919	1,335,919	-
POSAD SUBTOTAL:	1,558,470	1,335,919	1,335,919	-
BUREAU CONTRACTS TOTAL:	$ 26,213,055	$ 25,345,058	$ 13,531,331	$ 11,813,727

AGENDA ITEM REPORT

Title: REPORT ON LEGISLATIVE UPDATE

REPORT PROFILE

MEETING DATE 06/04/2025	**BUREAU SUBMITTING THE REPORT** Executive Office	
RESEARCHED BY Meagan Poulos	**REVIEWED BY**	
REPORT DATE	**APPROVED BY** Manuel Alvarez, Jr.	**DATE APPROVED** 05/10/2025
PURPOSE	**FINANCIAL IMPACT** No	

ISSUE, BACKGROUND, ANALYSIS, & RECOMMENDATION

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

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

BACKGROUND:

ANALYSIS:

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

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

ATTACHMENT(S):
2025 Commission Briefing.pdf

POST Legislative Update

As of May 7, 2025

The legislation listed in this document are the legislative bills that POST is monitoring over the 2025 legislative session. These bills could have an impact on POST or be of significant interest to the law enforcement community. It is not a complete list.

For any questions on the legislative process or to receive a status update, please contact: POST Legislative Liaison, Meagan Poulos at (916) 227-2809 or Meagan.poulos@post.ca.gov.

AB 31 (Ramos) Peace officers: tribal police pilot project.

Summary: Current law defines those persons who are peace officers in the state, grants certain authority to those individuals and their employing entities, and places certain requirements on those individuals and their employing entities. Current law also grants specified limited arrest authority to certain other persons, including federal criminal investigators and park rangers and peace officers from adjoining jurisdictions. Current federal law authorizes tribal governments to employ tribal police for the enforcement of tribal law on tribal lands. Current federal law requires the State of California to exercise criminal jurisdiction on Indian lands. Current state law deems a tribal police officer who has been deputized or appointed by a county sheriff as a reserve or auxiliary deputy to be a peace officer in the State of California. This bill would, from July 1, 2026, until July 1, 2029, establish a pilot program under the Department of Justice and the Commission on Peace Officer Standards and Training granting peace officer authority to certain tribal police officers on Indian lands and elsewhere in the state under specified circumstances. The bill would authorize the department to select 3 tribal entities to participate, would set certain minimum qualifications and certification and training requirements for a tribal officer to act pursuant to this authority, and would place certain requirements on the employing tribe, including a limited waiver of sovereign immunity, and the adoption of a tribal law or resolution authorizing that exercise of authority and providing for public access to certain records

AB 68 (Gallagher) School safety: armed school resource officers.

Summary: Would require a school district or charter school to hire or contract with at least one armed school resource officer, as defined, authorized to carry a loaded firearm to be present at each school of the school district or charter school during regular school hours and any other time when pupils are present on campus, phased in by certain grade spans, as provided. By imposing an additional requirement on school districts and charter schools, the bill would impose a state-mandated local program.

AB 284 (Alanis) Law enforcement: Racial and Identity Profiling Advisory Board (RIPA).

Summary: Current law requires the Attorney General to establish the Racial and Identity Profiling Advisory Board (RIPA) for the purpose of eliminating racial and identity profiling and improving diversity and racial and identity sensitivity in law enforcement. Current law requires RIPA to include various

members, including 2 representatives of human or civil rights tax-exempt organizations, 2 representatives of community organizations, and 2 religious clergy members, as specified. Current law authorizes the Governor, President pro Tempore of the Senate, and Speaker of the Assembly to each prescribe up to 2 other members to membership of RIPA. This bill would require RIPA to include in its membership the president of the California District Attorneys Association, or their designee.

AB 354 (Rodriguez, Michelle D) Commission on Peace Officer Standards and Training.
Summary: Current law requires any agency that employs peace officers to, within 10 days, notify the Commission on Peace Officer Standards and Training (POST) of specified occurrences including any complaint, charge, or allegation of serious misconduct by a peace officer employed by that agency and the final disposition of any investigation into that complaint, charge, or allegation, regardless of the discipline actually imposed. Current law provides that each law enforcement agency shall be responsible for the completion of an investigation into any allegation of serious misconduct by an officer, regardless of the officer's employment status. Current law establishes the California Law Enforcement Telecommunications System (CLETS) within the Department of Justice to facilitate the exchange and dissemination of information between law enforcement agencies in the state. This bill would require POST employees whose job duties require access to criminal offender record information, state summary criminal history information, or information obtained from CLETS to undergo a fingerprint-based state and national criminal history background check, as specified.

AB 400 (Pacheco) Law enforcement: police canines
Introduced: 2/18/2025
Summary: Current law requires law enforcement agencies to maintain a policy on the use of force, as specified. Current law establishes the Commission on Peace Officer Standards and Training (POST) and charges it with, among other duties, developing uniform, minimum guidelines for adoption and promulgation by law enforcement agencies for use of force. This bill would require, on or before January 1, 2027, every law enforcement agency, as defined, with a canine unit to maintain a policy for the use of canines by the agency that, at a minimum, complies with the most recent standards established by POST.

AB 451 (Petrie-Norris) Law enforcement policies: restraining orders
Introduced: 2/18/2025
Summary: Current law requires law enforcement agencies to maintain policies on specified subjects, including, among others, the use of force, gun violence restraining orders, and responding to domestic violence calls. This bill would require each municipal police department and county sheriff's department, the Department of the California Highway Patrol, and the University of California and California State University Police Departments to, on or before January 1, 2027, develop, adopt, and implement written policies and standards to promote safe, consistent, and effective service, implementation, and enforcement of court protection and restraining orders that include firearm access restrictions. The bill would require these policies and standards to include specified elements, including, among others, ensuring compliance with specified laws and instructing officers about the array of civil and criminal

protection restraining order options available under California law to law enforcement officers, to victim-survivors, and other petitioners.

AB 572 (Kalra) Criminal procedure: interrogations.

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 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, or a prosecuting attorney, prior to interviewing an immediate family member of a person who has been killed or seriously injured by a peace officer, to clearly identify themself and if the interview takes place in person, to show identification, and to inform the person of specified information, including the status of their family member, that the person can consult with an attorney or trusted support person, and that the investigation that they are conducting may involve the culpability of the family member who was killed or injured.

AB 645 (Carrillo) Emergency medical services: dispatcher training.

Summary: The Emergency Medical Services System and the Prehospital Emergency Medical Care Personnel Act (act) establishes the Emergency Medical Services Authority, which is responsible for the coordination of various state activities concerning emergency medical services (EMS). The act authorizes a county to develop an EMS program by designating a local EMS agency. Current law also requires the Commission on Emergency Medical Services to review and approve regulations, standards, and guidelines to be developed by the authority. Current law generally makes a violation of the act a misdemeanor. This bill would require the authority, by January 1, 2027, to develop and, after approval by the commission, adopt minimum standards for emergency medical dispatcher training. The bill would require a public safety dispatcher or public safety telecommunicator, as defined, to complete that training.

AB 992 (Irwin) Peace officers.

Summary: Current law requires the Chancellor of the California Community Colleges, in consultation with specified entities, to develop a modern policing degree program and to prepare and submit a report to the Legislature outlining a plan to implement the program. Current law establishes the Commission on Peace Officer Standards and Training within the Department of Justice and requires the commission to approve and adopt the education criteria for peace officers, based on the recommendations in the report. This bill would repeal the requirement for the commission to approve and adopt the criteria described above.

AB 1013 (Garcia) Peace officer training: behavioral health.
Summary: Current law requires the Commission on Peace Officer Standards and Training to establish and keep updated a classroom-based continuing training course that includes instructor-led active learning, such as scenario-based training, relating to behavioral health and law enforcement interaction with persons with mental illness, intellectual disability, and substance use disorders. Current law requires the commission to make available the course to each law enforcement officer with a rank of supervisor or below and who is assigned to patrol duties or to supervise officers who are assigned to patrol duties. This bill would authorize the commission to partner with local departments of behavioral health, community-based organizations, or nonprofit organizations to establish and keep updated this classroom-based continuing training course. The bill would require a law enforcement officer with a rank of supervisor or below and who is assigned to patrol duties or to supervise officers who are assigned to patrol duties to complete the course.

AB 1115 (Castillo) Peace officers: mental health liaisons.
Summary: The California Constitution authorizes local governments to make and enforce all police and sanitary ordinances and regulations within its limits that are not in conflict with general laws. Existing law requires the board of supervisors of a county and the governing body of a city to take measures necessary to preserve and protect the public health in its jurisdiction. This bill would authorize a local government to designate one or more existing employees specializing in counseling or mental health services as a law enforcement mental health liaison to facilitate mental health support for peace officers who serve the local jurisdiction. This bill contains other related provisions.

AB 1178 (Pacheco D) Peace officers: confidentiality of records.
Summary: The California Public Records Act generally requires public records to be open for inspection by the public. Under current law, the personnel records of peace officers and custodial officers are confidential and not subject to public inspection. Current law provides certain exemptions to this confidentiality, including the reports, investigations, and findings of certain incidents involving the use of force by a peace officer. Current law authorizes an agency to redact the records disclosed for specified purposes including, among others, to remove personal data or information, as specified, and where there is a specific, articulable, and particularized reason to believe that disclosure of the record would pose a significant danger to the physical safety of the peace officer, custodial officer, or another person. This bill would require a court, in determining whether to redact a record where there is a specific, articulable, and particularized reason to believe that disclosure of the record would pose a significant danger to the physical safety of a person, to consider whether a particular peace officer is currently operating undercover and their duties demand anonymity.

AB 1388 (Bryan) Law enforcement: settlement agreements: prohibition.
Summary: Current law establishes the Commission on Peace Officer Standards and Training, and requires the commission to, among other things, establish a certification program for peace officers, as defined. Current law requires the commission to establish procedures for accepting complaints from members of the public regarding peace officers or law enforcement agencies that may be investigated.

Current law establishes, within the commission, the Peace Officer Standards Accountability Division and requires the division, among other things, to bring proceedings seeking the suspension or revocation of certification of a peace officer. Current law, the California Public Records Act, generally requires public records to be open for inspection by the public. Current law provides numerous exceptions to this requirement. Under current law, the personnel records of peace officers and custodial officers are confidential and not subject to public inspection. Current law provides certain exemptions to this confidentiality, including the reports, investigations, and findings of certain incidents involving the use of force by a peace officer. This bill would additionally exempt agreements between an employing agency and a peace officer that, among other things, require the agency to destroy, remove, or conceal a record of a misconduct investigation. The bill would also require any agency employing a peace officer to report certain events to the commission, that occurred after January 1, 2020, and resulted in the peace officer's separation from employment or appointment after January 1, 2023, and include the reason for the separation and whether the separation was part of the resolution or a settlement. The bill would declare that its provisions are severable.

AB 1489 (Bryan) Peace Officers

Summary: Existing law defines persons who are peace officers and the entities authorized to appoint them. Existing law prescribes certain minimum standards for a person to be appointed as a peace officer, including moral character and physical and mental condition, and certain disqualifying factors for a person to be employed as a peace officer, including a felony conviction. This bill would require a law enforcement agency that issues a firearm to a peace officer it employs to have a policy prohibiting that officer from carrying the firearm issued by the agency with a blood alcohol concentration greater than 0.00%, whether the officer is on duty or off duty. By imposing new duties on local law enforcement, the bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws.

SB 277 (Weber Pierson) Criminal procedure: search of persons.

Summary: Current provisions of the United States and California Constitutions ensure the right of the people to be secure in their persons, houses, papers, and effects against warrantless seizures and searches. Case law establishes exceptions to this right, including allowing a peace officer to conduct a limited search of a person for firearms or weapons if the peace officer reasonably concludes that the person detained may be armed and presently dangerous to the peace officer or others. This bill would, consistent with existing case law, codify the authority of a peace officer to search an individual incident to a lawful stop under specified circumstances, including that the officer has a warrant to search the individual or has probable cause to believe that the individual is about to commit a crime, is committing a crime, or has committed a crime immediately preceding the search. The bill would require an officer to ask for and obtain consent to search the individual in all other circumstances, and would specify that an officer could request consent to search only if the officer is investigating a crime and has reasonable suspicion that the individual to be searched has an item in their possession that is evidence of criminal activity. The bill would require the officer to follow a specified procedure in a specified order, including advising the individual that their consent is voluntary, explaining to the

individual the scope of the search, and recording the individual's consent. The bill would prohibit an officer from exceeding the scope of the search explained to the individual and would require the officer to discontinue the search if the individual withdraws their consent.

SB 385 (Seyarto) Peace Officers.
Summary: Current law required the Chancellor of the California Community Colleges, on or before June 1, 2023, in consultation with specified entities, to develop a modern policing degree program and to prepare and submit a report to the Legislature outlining a plan to implement the program. Current law establishes the Commission on Peace Officer Standards and Training within the Department of Justice and requires the commission, within 2 years of the submission of the report, to approve and adopt the education criteria for peace officers, based on the recommendations in the report. This bill would repeal the requirement for the commission to approve and adopt the criteria described above.

SB 664 (Ochoa Bogh) Vehicles: public safety: Blue Envelope Program.
Summary: Current law requires the Department of Motor Vehicles to prescribe and provide suitable forms of applications, certificates of ownership, registration cards, driver's licenses, and all other forms that are deemed necessary. This bill would, by January 1, 2027, require the department, in consultation with relevant stakeholders, to develop a Blue Envelope Program. Under the program, the bill would require the blue envelope to contain specified information for requesters with a condition or disability, as specified. The bill would also authorize others, including a parent or legal guardian of a passenger with a disability, to request a blue envelope.
STATUS: 2-YEAR BILL

SB 691 (Wahab) Body-worn cameras: policies
Introduced: 2/21/2025
Summary: Would require, on or before July 1, 2026, each law enforcement agency that has a body-worn camera policy to update that policy to provide guidance to personnel who wear body-worn cameras regarding the circumstances in which they are required to reasonably and temporarily limit the recording of medical or psychological evaluations, procedures, or treatment performed by emergency service personnel that may cause embarrassment or humiliation to the patient. The bill would also require that policy update to include a procedure for emergency service personnel to request the redaction of evidentiary recordings of a patient undergoing medical or psychological evaluation, procedure, or treatment by emergency service personnel.

AGENDA ITEM REPORT

Title: REPORT ON AMENDMENT TO COMMISSION REGULATIONS 1005 AND 1008 - BASIC COURSE WAIVER PROCESS

REPORT PROFILE

MEETING DATE 06/04/2025	**BUREAU SUBMITTING THE REPORT** Basic Training Bureau	
RESEARCHED BY Michael Marshall, Sarah Wilhelm	**REVIEWED BY** Carrie Hollar, Jennifer Hardesty	
REPORT DATE 05/01/2025	**APPROVED BY** Manuel Alvarez, Jr.	**DATE APPROVED** 05/10/2025
PURPOSE	**FINANCIAL IMPACT** No	

ISSUE, BACKGROUND, ANALYSIS, & RECOMMENDATION

ISSUE:

Should the Commission approve the proposed changes to Commission Regulations 1005 and 1008, and the Basic Course Waiver process?

BACKGROUND:

The Basic Course Waiver (BCW) / Specialized Investigators' Basic Course Waiver (SIBCW) process is an option for peace officers from other states to meet the Regular Basic Course (RBC) or Specialized Investigators' Basic Course (SIBC) training requirement. Applicants submit documentation of law enforcement training and employment, and POST staff evaluate the materials for equivalency to POST's mandates. Upon successful completion of the process, the appropriate Basic Course Waiver is issued.

The initial requirements to apply for a BCW have been in place for over 25 years. Applying for a BCW requires a 200-hour academy and 664 total hours of law enforcement training, in addition to a minimum of one year of general law enforcement experience. Applying for a SIBCW requires a basic investigative course similar in content to the SIBC, 591 total hours of law enforcement training, and a minimum of one year investigative or general law enforcement experience. Regardless of length of separation from law enforcement in another state, as long as an applicant meets the previous listed requirements, they can apply to begin the process. The entire

process is four major steps, and it requires applicants to print and mail in their application (POST 2-267 or 2-353) with their entire law enforcement portfolio.

POST staff hopes to increase the minimum standards for the BCW/SIBCW and clean up wording within the regulation to make it easier to understand. POST also wants to remove the use of POST paper application forms 2-267 and 2-353 and replace them with an online application and form submittal database.

ANALYSIS:

The proposed changes to Commission Regulation 1005 (**Attachment A**) will clarify language throughout the regulation.

The proposed change to Commission Regulation 1005 (**Attachment A**) will remove reference to (a) because training requirements for reserve officers are now found in multiple subdivisions throughout Commission Regulation 1007.

The proposed change to Commission Regulation 1005 (**Attachment A**) will increase the basic training requirement for a Basic Course Waiver (BCW) from a minimum 200-hour academy to a minimum 400-hour academy.

The proposed change to Commission Regulation 1005 (**Attachment A)** will increase the minimum employment requirement from one year to two years, matching the maximum amount of time a new officer in the state of California has to obtain their Basic Certificate.

The proposed change to Commission Regulation 1005 (**Attachment A**) will add that the applicant must have no longer than a six-year break in service from their last date of employment to the date of the application.

The proposed change to Commission Regulation 1005 (**Attachment A**) will require the applicant provide documentation proving their last qualifying employment was less than six years prior to the date of their BCW application.

The proposed change to Commission Regulation 1005 (**Attachments A, B, C**) will repeal paper applications (POST 2-267 and 2-353) and change the BCW process into an electronic application through a POST PASS Account. This will streamline the process, save staff time, and eliminate the risk of personal identifying information being stolen in the mail. Repealing the paper applications requires the creation of informational packets that will be provided to applicants which break down specific steps of the BCW process. (**Attachments D and E)** are the newly created non-regulatory Overview and Instructional Packets that will be provided via the POST PASS electronic application.

The proposed change to Commission Regulation 1005 (**Attachment A**) will remove the allowance of one additional opportunity to complete the Requalification course (or test out option) as Step 3 of the BCW process. Regulation allows six months for the applicant to complete the Requalification course after receiving their approval letter from POST. Currently, if a BCW applicant fails the Requalification course, regulation allows them a second opportunity to retake the course within one year of the date of their failure. These current regulation timelines are contradictory, and this failure caveat is seldom used. POST staff proposes to remove it.

The proposed changes to Commission Regulation 1008 (**Attachment A**) add that applicants will be attesting to not being decertified or in jeopardy of being decertified in another state.

The proposed changes to Commission Regulation 1008 (**Attachment A**) created a new section specific to requalification details for easy understanding of requirements.

The proposed changes to Commission Regulation 1008 (**Attachment A**) will refer to regulation 1005 for timelines on getting employment.

RECOMMENDATION: If the Commission concurs, the appropriate action would be a **MOTION** to approve the proposed amendments to Commission Regulations 1005 and 1008 relating to the Basic Course Waiver process as described in the staff report.

ATTACHMENT(S):

ATTACHMENT A_PROPOSED CHANGES TO REG 1005 AND 1008.pdf
ATTACHMENT B_2-267 BCW APPLICATION_REPEAL.pdf
ATTACHMENT C_2-353 SIBCW APPLICATION_REPEAL.pdf
ATTACHMENT D_BCW OVERVIEW & INSTRUCTIONS.pdf
ATTACHMENT E_SIBCW OVERVIEW & INSTRUCTIONS.pdf
ATTACHMENT F_ONLINE BCW SUBMISSION EXAMPLE.pdf

§ 1005. Minimum Standards for Training.

(a) Minimum Entry-Level Training Standards (Required)

(1) Basic Course Requirement

…..

(C) Basic Course Waiver

A Basic Course Waiver (BCW) provides an exemption from the Regular Basic Course (RBC) or Specialized Investigator Basic Course (SIBC) training requirements. A BCW is granted to individuals with qualifying out of state or federal law enforcement experience, whose law enforcement training, experience and education are deemed by POST to demonstrate sufficient law enforcement knowledge, skill and proficiency. The prescribed course of training appropriate to the individual's appointment is determined by the Commission and is specified in subsection 1005(a) or Commission Regulation 1007~~(a)~~. The requirements for the RBC and SIBC are specified in Commission Procedure D-1.

Acceptance of the BCW in lieu of successful completion of a RBC or SIBC is at the discretion of the employing agency. The BCW does not determine an individual's employability, nor is it a means of requalifying training. Individuals with prior qualifying California law enforcement experience are not eligible for the BCW and must complete requalification as ~~defined~~ specified in Commission Regulation 1008.

~~A BCW is valid for three years from the date it is granted. After three years, the requirements for requalification or attendance in a RBC or SIBC attach, as specified in Commission Regulation 1008. Individuals may not apply for a second BCW unless they qualify for the following exception:~~

~~An individual who has been employed continuously in another state as a full-time peace officer, general or investigative, with less than a three-year break in qualifying employment may reapply for the appropriate waiver one time. A new application (including training certification information) must be filed, subject to the training standards, testing, and fee requirements in effect at the time of submission of the new application. An individual who receives a second Basic Course Waiver has a maximum of three years following completion of requalification to obtain qualifying employment. After three years, the requirements for requalification or attendance in a RBC or SIBC attach, as specified in Commission Regulation 1008.~~

A waiver of attendance for the RBC will satisfy attendance at SIBC. However, a waiver of attendance for SIBC training does not satisfy the RBC training requirement.

1. Eligibility

a. Regular Basic Course Waiver (RBCW)

To be eligible for a ~~waiver of the~~ RBCW, an individual must meet the following training, education and experience requirements:

i. Successful completion of a ~~2~~4400 hour minimum basic general law enforcement training course certified or approved by California POST or a similar standards agency of another state, or a federal agency general law enforcement basic course, and

ii. At least 664 hours of general law enforcement training, which includes the basic course requirement listed in subsection 1005(a)(1)~~(A)~~, and

iii. Legislatively mandated training included in the POST-certified RBC, and

iv. At least ~~one~~ two years of continuous full-time out-of-state experience performing general law enforcement ~~experience~~ duties with one agency as defined in Commission Regulation 1001. Experience must have been acquired subsequent to the completion of basic training.

Note: If more than six years have elapsed since the individual's last full-time employment in a general law enforcement agency, they are not eligible to apply for the RBCW.

b. Specialized Investigators' Basic Course Waiver (SIBCW)

To be eligible for a ~~waiver of the~~ SIBCW, an individual must meet the following training, education and experience requirements:

i. Successful completion of a basic investigative course similar in content to the SIBC, certified or approved by California POST or a similar standards agency of another state, or a federal agency general or investigative basic course.

ii. At least 591 hours of investigative or general law enforcement training, which includes the basic course requirement listed in subsection 1005(a)(1)~~(a)~~, and

iii. Legislatively mandated training included in the POST-certified SIBC, and

iv. At least ~~one~~ two years of continuous full-time out-of-state or federal investigative experience, or performance of general law enforcement ~~experience~~duties, as defined in Commission Regulation 1001, with one out-of-state or federal agency. Experience must have been acquired subsequent to the completion of basic training and, as determined by POST, commensurate with law enforcement duties of California investigative agencies.

Note: If more than six years have elapsed since the individual's last full-time employment in an investigative or general law enforcement agency, they are not eligible to apply for the SIBCW.

2. Basic Course Waiver Process

A ~~Basic Course Waiver~~BCW shall be determined through a four-step process: (1) Application/Self-Assessment, Documentation, and Fee Requirements; (2) POST Training Evaluation; (3) Basic Course Waiver Assessment; and (4) Waiver Issuance.

Step 1: Basic Course Waiver Application/Self-Assessment and Documentation and Fee Requirements

As part of Step 1, the individual shall certify that they plan to leave, or have left, their prior law enforcement employer(s) in good standing. The individual shall also review Government Code section 1029 and verify that they are not aware of any reason why they would be denied future certification as a peace officer in California. If, following completion of the BCW Process, the Commission determines that an individual who is a certified peace officer is disqualified from being employed as a peace officer pursuant to California Government Code section 1029, the Commission shall proceed in accordance with Commission Regulation section 1203.

a. Self-Assessment: Prior to submitting an application for a ~~Basic Course Waiver~~BCW, an individual must conduct a self-assessment to verify successful completion of the requirements listed in the applicable section above.

b. Documentation Requirements: The Regular Basic Course Waiver Application~~, POST 2-267 (Rev. 10/2023),~~ or Specialized Investigators' Basic Course Waiver Application~~, POST 2-353 (Rev. 10/2023), which are hereby incorporated by reference,~~ must be signed under penalty of perjury and submitted ~~together~~ electronically through a POST PASS account with the supporting training, education, and experience documentation. ~~described below. The application form must be signed by the individual and the department head, when appropriate.~~ Incomplete application packets will not be considered for review. Each application must be accompanied by the following supporting documentation:

i. Basic Course: A certificate of completion and copy of the course curriculum that outlines course content and hours that is consistent with the date of completion on the certificate.

ii. Other Training: Certificates of completion, training records, or similar documentation of related training.

iii. Education: Official transcripts, if applicable. One semester unit shall be equivalent to a maximum of 20 training hours and one quarter unit shall be equivalent to a maximum of 14 training hours.

iv. Experience: Written verification of experience shall be listed on agency letterhead from the department head, training manager, or personnel department for which the applicant was employed. The ~~document~~ verification must specifically state that the applicant completed at least ~~one~~ two years of general law enforcement following completion of basic training (or investigative experience, if appropriate). The employment verification letter must be accompanied by a duty statement for the position held by the applicant. If the applicant is unable to obtain a letter stating completion of at least ~~one~~ two years general law enforcement (or investigative experience, if appropriate), POST can evaluate the duty statement and the letter identifying

continuous employment with one agency, subsequent to completion of basic training, to establish qualifying experience. Applicant shall provide documentation that allows POST to determine the applicant's last qualifying employment was less than six years prior to their BCW application.

v. Fee: ~~Certified check, money order or e~~Electronic payment ~~, payable to the Commission on POST,~~ in the amount specified on the BCW Application.

~~Incomplete application packets will not be considered for review and will be returned to the applicant.~~

Step 2: POST Training Evaluation

Upon receipt of the completed BCW Application, all supporting documents and the appropriate fee, POST will evaluate the individual's prior training, education and experience.

Individuals will be notified if additional supporting documents are necessary and/or if the application is deficient in one or more areas. An individual shall have up to 180 days from date of notification to provide additional verification ~~without the payment of an additional evaluation fee~~. Failure to provide the additional verification within that time period will result in closure of the application process. Once closed, a new application (including training certification information) must be filed, subject to the training standards, testing, and fee requirements in effect at the time of submission of the new application.

The individual and the agency, when appropriate, will be notified of the results of the evaluation. If the application is approved, the individual will be eligible to complete the BCW Assessment Process.

Step 3: Basic Course Waiver Assessment Process

a. Assessment Methods

There are two methods by which the BCW assessment can be accomplished:

(1) Attendance and successful completion of a POST-certified Requalification Course; or

(2) Successful completion of the BCW Testing Process which is only available to individuals who meet the following criteria:

a. Entering California law enforcement with qualifying out of state or federal law enforcement experience, and

b. Will be appointed ~~at~~ to a middle management or executive ~~rank~~ position as defined in Commission Regulation 1001, and will function at the second-level of supervision or above, and

c. Have less than a three year break from the last date of service as a peace officer, and

d. Submits a letter from the prospective hiring agency, signed by the agency head, that includes the intent to hire the applicant in a~~at~~ middle management or executive ~~rank~~position, and a description of the intended job classification and duty assignment.

Once an assessment method is chosen, an individual may not switch to the other option. The BCW assessment process must be successfully completed within 180~~one hundred eighty~~ days of notification by POST of approval of the evaluation.

Assessment Method 1: POST-Certified Requalification Course.

i. The POST-Certified ~~one hundred sixty hour~~ Requalification Course must be taken through a qualified presenter.

ii. Course content and testing requirements can be found in the POST Training and Testing Specifications.

Assessment Method 2: Basic Course Waiver Testing Process.

The testing process consists of the two components identical to the Requalification Course examinations:

i. A comprehensive test designed to evaluate an individual's knowledge of basic course content.

ii. Exercise tests designed to evaluate an individual's manipulative skills acquired in the basic course.

iii. The testing process is to be administered through a POST-approved Testing Center. Both components are graded pass/fail and must be successfully completed.

b. Retest

i. A comprehensive retest shall be allowed one time only. Arrangements for the comprehensive retest must be made directly with the same POST-certified Requalification Course presenter or POST-approved Testing Center at which the initial comprehensive test was taken. Retesting must take place within ninety days of the initial test. An individual who fails the retest~~,~~ fails the Requalification Course.

ii. An exercise retest shall be allowed one time only. ~~Retest of one or more modules of the exercise shall be allowed one time only.~~ Arrangements for the ~~skills~~ exercise retest must be made directly with the same POST-certified Requalification Course presenter or POST-approved Testing Center in which the ~~skills~~ exercise examination was originally taken. Retesting must take place within ninety days of the initial test. An individual who ~~does not pass~~fails the ~~failed module(s) of the skills~~ exercise retest fails the Requalification Course.

~~iii. An individual who has failed the Requalification Course or testing option may repeat Step 3 one time within 12 months of the date of failure. After a 30-day waiting period, the individual shall submit a written request to POST for approval before contacting the Requalification Presenter or POST Testing Center. When an individual fails to successfully repeat Step 3 they are no longer eligible for a waiver and must complete the appropriate POST-certified basic course (RBC or SIBC) before exercising peace officer powers.~~

Step 4: Issuance of Waiver/Waiver of Attendance

a. Upon successful completion of the waiver process, a Waiver of Attendance of the appropriate POST-certified basic course will be granted by POST.

b. Acceptance of a waiver for meeting the appropriate Basic Course training standard shall be at the discretion of the employing agency.

3. Time Limitations

An individual who receives a BCW has three years following completion of Step 3 of the BCW Process described in this section to obtain qualifying employment, as defined in Commission Regulation 1008(a). If after three years following completion of Step 3 of the BCW Process described in this section, the individual has not obtained qualifying employment as defined in Commission Regulation 1008(a), the individual shall take the requalification course specified in Commission Regulation 1008 prior to obtaining qualifying employment. Note: if the individual takes the requalification course prior to the initial three-year period specified above, they have only three years from the requalification course completion date to obtain qualifying employment.

Individuals shall have no more than six years from the date of completion of Step 3 of the BCW Process described in this section to obtain qualifying employment as defined in Commission Regulation 1008(a). Individuals who do not obtain qualifying employment within that time frame shall complete the RBC/SIBC. The only exception to this RBC/SIBC requirement is:

An individual who was employed as a full-time peace officer, general or investigative, in another state or with a federal agency at the time of completion of Step 3 of the BCW Process described in this section, may reapply for the BCW one time. To qualify for this exception, the individual must have been continuously employed with no more than a 60-day break in service from the time of completion of Step 3 of the BCW process to the time of submission of the new application. A new application (including training certification information) must be filed, subject to the training standards, testing, and fee requirements in effect at the time of submission of the new application. An individual who receives a second BCW has three years following completion of Step 3 of their second BCW Process to obtain qualifying employment. If after three years following completion of Step 3 of the BCW Process described in this section, the individual has

not obtained qualifying employment as defined in Commission Regulation 1008(a), the individual shall take the requalification course specified in Commission Regulation 1008.

An individual who receives a second BCW shall have no more than six years from the date of completion of Step 3 of their second BCW Process to obtain qualifying employment as defined in Commission Regulation 1008(a). Individuals who do not obtain qualifying employment within the six-year time frame shall complete the RBC/SIBC.

Note: For purposes of this section, the date of completion of Step 3 is determined by either 1): the date indicated on the POST-certified Requalification Course completion certificate, or 2) the completion date noted on the letter indicating successful completion of the BCW Testing Process which is issued by the POST-approved Testing Center.

…..

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.

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§ 1008. Basic Course Requalification Requirements.

(a) Purpose of Requalification.

…..

(c) Time Limits Following Completion of Requalification. Upon completion of requalification, individuals must obtain qualifying employment within specified time limits as follows:

(1) Break in Service. An individual who has completed requalification due to a break in qualifying employment from a California law enforcement employer has up to three years from the date of completion to be appointed to a position for which the RBC/SIBC is required. If more than three years has elapsed after completing requalification without an appointment, requalification can be repeated as often as necessary.

(2) Basic Course Completion. An individual has a maximum of three years following completion of requalification to obtain initial qualifying employment. If more than six years has elapsed since the completion of the RBC/SIBC without obtaining initial qualifying employment, the RBC/SIBC must be repeated, regardless of the date of the completion of requalification. Requalification may not be repeated. [FN2]

(3) Basic Course Waiver. For purposes of this subsection 1008(c)(3) individuals shall obtain qualifying employment within the time limits specified in Commission Regulation 1005(a)(1)(C).~~An individual who initially received a Basic Course Waiver has a maximum of three years following completion of requalification to obtain qualifying employment. If more than six years has elapsed since the date the Waiver was granted without obtaining qualifying employment, the RBC/SIBC must be completed, regardless of the date of completion of requalification. Requalification may not be repeated. [FN2] The one exception is an individual who has been employed continuously in another state as a sworn full-time peace officer, general or investigative, with less than a three-year break in qualifying employment may reapply for the appropriate waiver one time. A new application (including training certification information) must be filed, subject to the training standards, testing, and fee requirements in effect at the time of submission of the new application. An individual who receives a second Basic Course Waiver has a maximum of three years following completion of requalification to obtain qualifying employment. If more than six years has elapsed since the date the second Waiver was granted without obtaining qualifying employment, the RBC/SIBC must be completed, regardless of the date of completion of requalification.~~

…..

Note: Authority cited: Sections 832.3, 13503, 13506, 13510 and 13515.26, Penal Code. Reference: Sections 832.3, 835a, 13503, 13505, 13506, 13510, 13510.5, 13511 and 13519.10, Penal Code.

State of California – Department of Justice

REGULAR BASIC COURSE WAIVER APPLICATION

POST 2-267 (Rev. 10/2023) – Page 1 of 9

CLEAR FORM PRINT FORM

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.

INSTRUCTIONS:

- **PLEASE CHECK:**
  - ☐ I have read the attached Overview and Instructions describing the minimum training requirements for the Basic Course Waiver.
- Complete all items in Sections 1 and 2.
- All fees are to be submitted by certified check, money order, or electronic payment **made payable to: Commission on POST**
- Mail your **signed copy** of the completed application form and supporting documents **with payment** to the above address.

SECTION 1. APPLICANT INFORMATION

1. NAME – (LAST, FIRST, MIDDLE)		2. BIRTH DATE (MM/DD/YYYY)
3. MAILING ADDRESS – (STREET / P.O. BOX)		4. SOCIAL SECURITY NUMBER (OR POST I.D.)
		SSN: – –
5. CITY	6. STATE / ZIP	7. DAYTIME PHONE
		( ) EXT
8. EMAIL ADDRESS		9. CELL PHONE
		( )

SECTION 2. REQUEST FOR EVALUATION

10. I AM ELIGIBLE TO HAVE MY TRAINING EVALUATED FOR:

☐ REGULAR BASIC COURSE WAIVER (RBCW)

11. I HAVE ENCLOSED:

☐ **Evaluation fee: $250.00** *(Money Order, Certified Bank Check, or complete electronic payment process)*

☐ **Written verification on agency letterhead and signed** by the employing department head, training manager, or personnel department (lieutenant or above), documenting at least one year of continuous full-time general law enforcement experience with that one agency, including dates of hire and job duties. Letter must be on original letterhead with an original signature.

☐ **Verification of prior successful completion of the required training**, supported by copies of certificates of completion, course outlines, college transcripts, and/or other verifying documents.

12. I DECLARE UNDER PENALTY OF LAW THAT THE INFORMATION CONTAINED IN THIS APPLICATION AND SUPPORTING DOCUMENTS IS TRUE AND CORRECT.

▶ _____ _____

Applicant Signature Date

FOR POST USE ONLY

NOTES:	DATE RECEIVED

WAIVER OF ATTENDANCE AT A POST-CERTIFIED REGULAR BASIC COURSE
Overview and Instructions

Back to Form

INTRODUCTION

Completion of the Basic Course Waiver (BCW) process is an option for meeting California's Regular Basic Course (RBC) training requirement. The Regular Basic Course is the training requirement for POST-program city police officers, sheriff's deputies, marshals, district attorney investigators, campus police officers, park police, Level I reserve peace officers, and a few miscellaneous peace officer positions identified in the California Penal Code.

An individual must successfully complete the entire BCW process to obtain a waiver. Completion of the waiver process ***does not*** constitute the issuance of a POST Basic Certificate.

Agency sponsorship is not required to participate in the BCW process. **Acceptance of a waiver for meeting the Regular Basic Course training standard is at the discretion of the employing agency.**

THE PROCESS

The BCW process evaluates prior law enforcement training and experience and tests the applicant's knowledge and skill levels. ***The steps must be completed in the order shown.*** Fees are charged for Steps 2 and 3.

BCW Evaluation – Four Step Process	Fee
STEP 1. APPLICATION/SELF-ASSESSMENT	
Applicant MUST successfully complete: a) General law enforcement basic course (Academy) – **200 hours minimum** b) General law enforcement training – **664 hours minimum (including basic course)** c) Legislatively mandated training – **included in the POST-certified Regular Basic Course (RBC)** d) General law enforcement experience – **1 year minimum, continuous with one agency** *See details on pages 3–5*	No Fee
STEP 2. POST TRAINING EVALUATION	
Applicant's self-assessment and supporting documents are evaluated to determine if the general law enforcement training and experience meets the requirements outlined in Step 1. *See details on page 6*	$250.00 Non-refundable
STEP 3. BASIC COURSE WAIVER ASSESSMENT PROCESS	
There are two methods by which the BCW assessment can be accomplished: (1) Attendance and successful completion of a POST-certified Requalification Course; or (2) Successful completion of the BCW Testing Process which is only available to individuals who meet required criteria. *See details on page 6*	Fee varies by presenter
STEP 4. ISSUANCE OF WAIVER/WAIVER OF ATTENDANCE	
The waiver letter granted by POST waives the required completion of a California POST-certified Regular Basic Course and is **valid for 3 years**. *See details on page 7*	No Fee

STEP 1: APPLICATION AND SELF ASSESSMENT

MINIMUM ELIGIBILITY REQUIREMENTS

Component	Training Requirements
Prior General Law Enforcement Basic Course Training	Successful completion of a **minimum 200-hour general** law enforcement basic training as identified below: • Course is certified or approved by California POST or a similar standards-setting agency of another state within the U.S. • *OR* – A federal agency general law enforcement basic course (e.g., FLETC *may* meet this requirement). **NOTE:** Military Basic, Military Police, and specialized training (e.g. U.S. Customs, Border Patrol, INS, FBI, DEA) ***do not meet this prerequisite***.
Minimum General Law Enforcement Training	Successful completion of **664 hours** of general law enforcement training to meet the minimum hours required in California's Regular Basic Course. The 664-hours training requirement may include the applicant's basic course.
Completion of Legislatively Mandated Training	Successful completion of the legislatively mandated training subjects included in the Regular Basic Course and outlined in the Legislatively Mandated Training Worksheet.
Minimum General Law Enforcement Experience	Completion of a minimum **one year** of continuous full-time sworn general law enforcement experience with one agency as attested to by the employing department head, training manager, or personnel department. Experience must have been acquired subsequent to the completion of basic training.

APPLICATION

The applicant must complete the Regular Basic Course Waiver (RBCW) Application (*see page 1*). Each section must be completed in full:

- **Section 1:** Complete all items (you must include a daytime or message contact number).
- **Section 2:** Enclose fee, and applicable documentation; sign and date.

SELF-ASSESSMENT

The applicant may compare the training he/she has received with the subjects on the Legislatively Mandated Training Worksheet *(see page 9)* and write the Learning Domain Reference (LD REF) number next to the comparable subject on his/her training outline, certificate, and/or training record. **The minimum hours for each Legislatively Mandated Training requirement must be met to be eligible for Step 3 (BCW Assessment) of the process**.

TRAINING DOCUMENTATION

Important Note: Photocopies of training documents are REQUIRED for all training hours. ***All training document photocopies must be legible and complete.***

See next page for required documentation

STEP 1: APPLICATION AND SELF ASSESSMENT *cont'd*

TRAINING DOCUMENTATION *cont'd*

Acceptable Training	Required Proof of Course Completion and Content*
Basic Course: **Minimum 200-hour general law enforcement basic training course**	1. Submit a certificate of course completion issued by the school/academy or a letter of verification signed by the school/academy director on school/academy letterhead. **AND** 2. Submit a course outline, schedule or syllabus with the same dates as the academy course completion certificate.
In-Service	1. Submit an agency-issued certificate of course completion. **OR** 2. Submit an agency training record (typed, handwritten, or electronic) with the agency training manager 's printed name and original signature and date on each page.
Other Law Enforcement Courses	1. Submit a certificate of course completion issued by the school/agency, or a letter of verification on agency letterhead and signed by the training manager. **AND** 2. **If the topic is not clearly defined by the course title:** Submit course outline, schedule, or syllabus with the same dates as the course completion certificate. *
College/University General Law Enforcement Related Courses	1. Submit an official college transcript issued by an accredited college where the courses were taken. A passing grade must have been awarded. *(Grade reports and work-in-progress reports **are not** acceptable.)* **AND** 2. **If the topic is not clearly defined by the course title:** Submit course catalog description or syllabus for the dates the course was attended. * **Converting College Units:** One semester unit = 20 training hours One quarter semester unit = 14 training hours *Examples:* 3-unit semester course = 60 training hours 3-unit quarter semester course = 42 training hours

***Required proof of course completion and content:**

- The applicant must provide proof of course content (course outline) **IF**:
  - The course title is general, such as *basic*, *advanced officer*, or *in-service*.
  - The course covers more than one legislatively mandated subject, but the course title does not reflect all subjects covered.
  - The course was longer than one day in length and the certificate does not indicate total course hours.
- ***Course dates on the course outline must match the completion certificate dates.***

NON-QUALIFYING TRAINING

Training Acquired Via	Type of Training
College / University	• Correspondence courses • Credit by challenge • Life experience credit
Job Training	• Field training • On the job training • Roll-call training

STEP 1: APPLICATION AND SELF ASSESSMENT *cont'd*

WAIVER OF ATTENDANCE AT A POST-CERTIFIED REGULAR BASIC COURSE

Requirements for Waiver

HANDWRITTEN CHANGES

The training presenter must verify, in writing on agency letterhead, that any handwritten changes related to attendance were authorized by the agency.

PROOF OF GENERAL LAW ENFORCEMENT EXPERIENCE

The applicant must submit an original letter *(see Sample Letter on page 8)* on agency letterhead and signed by the employing department head, training manager, or personnel department, verifying completion of at least one year of continuous, sworn general law enforcement experience with that one agency. Experience must have been acquired subsequent to the completion of basic training.

GENERAL LAW ENFORCEMENT DEFINED

General law enforcement duties ***minimally*** include each of the following:

- Investigating crime
- Patrolling a geographic area
- Responding to the full range of requests for police services
- Performing any enforcement action on the full range of law violations

NOTE: Training must be sufficient to enable an officer to successfully complete all duties outlined above.

EVALUATION FEE

The applicant must send a **certified check, or money order for $250.00**, payable to "Commission on POST.", or complete electronic payment of $250.00.
Personal checks are not accepted. Electronic payment can be completed on the POST website, https://post.ca.gov/basic-course-waiver-process.

MAIL THE ORIGINAL COMPLETED AND SIGNED APPLICATION FORM, ORIGINAL LETTER OF EXPERIENCE, COPIES OF ALL SUPPORTING DOCUMENTATION, AND EVALUATION FEE TO:

Commission on POST
Basic Training Bureau – BCW
860 Stillwater Road, Suite 100
West Sacramento, CA 95605

See the following pages for ***Steps 2–4***

STEP 2: POST TRAINING EVALUATION

POST will evaluate the applicant's training if the evaluation package is **complete** and includes the signed Regular Basic Course Waiver Application (POST 2-267), evaluation fee, verification of general law enforcement experience, and proper documentation of general law enforcement training. The applicant's self-assessment and supporting documents are evaluated to determine if the general law enforcement training and experience requirements have been met.

HOW COMPARABLE TRAINING IS DETERMINED

Based on the documentation submitted by the applicant, POST conducts an evaluation of the applicant's training and experience to determine if the applicant meets the minimum requirements of the BCW process as outlined in **Step 1** above.

HOW APPLICANT IS NOTIFIED

After the evaluation is completed, POST will issue a letter indicating whether the applicant is:

- **Eligible to continue the RBCW process** by taking the POST Requalification Course.

OR

- **Ineligible to take the POST Requalification Course** without obtaining additional training.

OR

- **Ineligible to continue the RBCW process** and needs to complete a POST-certified Regular Basic Course before exercising peace officer powers in California.

STEP 3: BASIC COURSE WAIVER ASSESSMENT PROCESS

ELIGIBILITY

If POST determines that the applicant meets the training and experience requirements of the BCW process, POST will send an eligibility letter with instructions to attend the POST-certified Requalification Course. The Requalification Course must be taken within **180 days** (six months) of the eligibility letter date.

There are two methods by which the BCW assessment can be accomplished. Once an assessment method is chosen, an individual may not switch to the other option.

(1) Attendance and successful completion of a POST-certified Requalification Course; or

(2) Successful completion of the BCW Testing Process which is only available to individuals who meet the following criteria:

- Entering California law enforcement with qualifying out of state or federal law enforcement experience, and
- Will be appointed at middle management or executive rank and will function at the second level of supervision or above, and
- Have less than a three-year break from the last date of service as a peace officer, and
- Submits a letter from the prospective hiring agency, signed by the agency head, that includes the intent to hire the applicant at middle management or executive rank, and the description of the intended job classification and duty assignment.

The testing process consists of the two components identical to the Requalification Course examinations:

- A comprehensive test designed to evaluate an individual's knowledge of basic course content.
- Exercise tests designed to evaluate an individual's manipulative skills acquired in the basic course.
- The testing process is to be administered through a POST Testing Center. Both components are graded pass/fail and must be successfully completed.

RETEST

A comprehensive retest shall be allowed one time only. Arrangements for the comprehensive retest must be made directly with the same POST-certified Requalification Course presenter or POST Testing Center at which the initial comprehensive test was taken. Retesting must take place within ninety days of the initial test. An individual who fails the retest fails the Requalification Course.

Retest of one or more modules of the exercise shall be allowed one time only. Arrangements for the skills retest must be made directly with the same POST-certified Requalification Course presenter or POST Testing Center in which the skills examination was originally taken. Retesting must take place within ninety days of the initial test. An individual who does not pass the failed module(s) of the skills retest fails the Requalification Course.

An individual who has failed the Requalification Course or testing option may repeat Step 3 one time within 12 months of the date of failure. After a 30-day waiting period, the individual shall submit a written request to POST for approval before contacting the Requalification Presenter or POST Testing Center. When an individual fails to successfully repeat Step 3 they are no longer eligible for a waiver and must complete the appropriate POST-certified basic course (RBC) before exercising peace officer powers.

TEST RESULTS

A certificate of course completion, or a letter of successful completion of the Requalification Course or BCW Testing Process, is issued by the presenter at the conclusion the assessment process.

IMPORTANT INSTRUCTION: THE **APPLICANT MUST MAIL A PHOTOCOPY** OF THE COMPLETION CERTIFICATE AND/OR LETTER TO POST TO ENSURE THE ISSUANCE OF THE WAIVER.

STEP 4: ISSUANCE OF WAIVER/WAIVER OF ATTENDENCE

Based upon the applicant's prior training, experience, and successful completion of the Requalification Course or BCW Testing Process, POST will issue a letter that waives the requirement for attendance at a POST-certified Regular Basic Course. **Acceptance of a waiver is at the discretion of the employing agency.** A waiver **is NOT** equivalent to a POST Basic Certificate.

WAIVER VALID FOR THREE YEARS

An individual must be appointed as a California full-time regular peace officer or a Level I reserve officer within three years from the date the waiver is granted. After three years, applicant will need to meet the requalification requirements outlined in Commission Regulation 1008.

The one exception is an individual who has been employed continuously in another state as a sworn full-time peace officer, general law enforcement, with less than a three-year break in qualifying employment may reapply for the Regular Basic Course Waiver one time. A new application (including training certification information) must be filed, subject to the training standards, testing, and fee requirements in effect at the time of submission of the new application. An individual who receives a second Regular Basic Course Waiver has a maximum of three years following completion of requalification to obtain qualifying employment. If more than six years has elapsed since the date the second Waiver was granted without obtaining qualifying employment, the RBC must be completed, regardless of the date of completion of requalification.

QUESTIONS?

After you have carefully read the preceding instructions, you can obtain additional information by calling the Basic Training Bureau at 916-227-4254 or emailing BCW@post.ca.gov.

*See the following pages for **Sample Waiver Letter** and **Self-Assessment Training Worksheet***

SAMPLE WAIVER LETTER

[AGENCY LETTERHEAD]

[DATE]

Commission on POST
Basic Training Bureau – BCW 860 Stillwater Road, Suite 100
West Sacramento, CA 95605-1630

Dear BCW Manager:

This letter is to verify that [APPLICANT'S FULL NAME] is/was employed as a sworn (APPLICANT'S POSITION) with our department from [DATES OF SERVICE].

During his/her employment, [APPLICANT'S NAME] successfully completed each of the following:

- Minimum of one-year, continuous, general law enforcement experience after completion of basic training.
- Patrolling a geographical area
- Responding to the full range of requests for police services
- Performing enforcement actions on the full range of law violations
- Conducting investigations of crime

If you have any questions regarding [APPLICANT'S NAME] employment with our department, please contact me at [SIGNEE'S CONTACT PHONE NUMBER].

Sincerely,

[ORIGINAL SIGNATURE: Agency Head, Training Manager, or Personnel Department]
[PRINTED NAME] [TITLE]

Encl: BCW Application Package

***NOTE:** Original letter must be on agency letterhead and mailed with BCW application package.

APPLICANT SELF-ASSESSMENT TRAINING WORKSHEET

LD Ref	Required Subjects (General Descriptions)	Hours Required	Hours Self Assess	POST Use Only
1	**Leadership, Professionalism & Ethics** (principles and goals, Code of Ethics)	2		
2	**Criminal Justice System** (components of, Constitutional Amendments)	2		
3	**Principled Policing in the Community** (COPPS, SARA, problem solving)	2		
5	**Introduction to Criminal Law** (types of law, classification of crimes)	3		
7	**Crimes Against Persons**	2		
9	**Crimes Against Children**	4		
10	**Sex Crimes**	6		
12	**Controlled Substances**	12		
15	**Laws of Arrest**	5		
16	**Search and Seizure**	3		
17a	**Hearsay Testimony** (presentation of hearsay evidence)	1		
17b	**Presentation of Evidence** (lawful collection of evidence, rules of evidence)	2		
18	**Investigative Report Writing**	2		
19	**Vehicle Operations**	2		
20	**Use of Force/Deescalation**	3		
25	**Domestic Violence**	8		
26a	**Critical Incidents** (hazardous materials awareness)	4		
26b	**Critical Incidents** (NIMS/SEMS)	4		
27	**Missing Persons**	4		
29	**Traffic Accident Investigation**	12		
30	**Crime Scene, Evidence and Forensics**	2		
33	**Arrest and Control**	10		
34	**First Aid & CPR and AED** (MUST include bloodborne pathogens)	21		
35a	**Chemical Agents** (law enforcement use of OC, CN, CS)	6		
35b	**Firearms – Handgun**	24		
35c	**Firearms – Shotgun**	16		
37	**People with Disabilities**	15		
38	**Gang Awareness**	2		
39	**Crimes Against the Justice System** (perjury, bribery, false reporting, resisting/delaying/threatening an officer)	1		
42a	**Cultural Diversity/Discrimination**	5		
42b	**Hate Crimes**	4		
42c	**Racial Profiling**	5		
42d	**Sexual Harassment**	2		
43	**Terrorism Awareness**	4		

State of California – Department of Justice
SPECIALIZED INVESTIGATORS' BASIC COURSE WAIVER APPLICATION
POST 2-353 (Rev. 10/2023) – Page 1 of 9

CLEAR FORM PRINT FORM

Commission on
Peace Officer Standards and Training (**POST**)
860 Stillwater Road, Suite 100
West Sacramento, CA 95605-1630

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INSTRUCTIONS:

- **PLEASE CHECK:**
  - ☐ I have read the attached Overview and Instructions describing the minimum training requirements for the Basic Course Waiver.
- Complete all items in Sections 1 and 2.
- All fees are to be submitted by certified check, money order, or electronic payment **made payable to: Commission on POST**
- Mail your **signed copy** of the completed application form and supporting documents **with payment** to the above address.

SECTION 1. APPLICANT INFORMATION

1. NAME (LAST, FIRST, MIDDLE)		2. BIRTH DATE (MM/DD/YYYY)
3. MAILING ADDRESS (STREET / P.O. BOX)		4. SOCIAL SECURITY NUMBER (OR POST I.D.)
		SSN: _ _ _ – _ _ – _ _ _ _
5. CITY	6. STATE / ZIP	7. DAYTIME PHONE
		( ) EXT
8. EMAIL ADDRESS		9. CELL PHONE
		( )

SECTION 2. REQUEST FOR EVALUATION

10. I AM ELIGIBLE TO HAVE MY TRAINING EVALUATED FOR:

☐ SPECIALIZED INVESTIGATORS' BASIC COURSE WAIVER (SIBCW)

11. I HAVE ENCLOSED:

☐ **Evaluation fee: $250.00** *(Money Order, Certified Bank Check, or complete electronic payment process)*

☐ **Written verification on agency letterhead and signed** by the employing department head, training manager, or personnel department (lieutenant or above), documenting at least one year of continuous full-time out-of-state, or federal, investigative or general law enforcement experience with that one agency, including dates of hire and job duties. Letter must be on original letterhead with an original signature.,

☐ **Verification of prior successful completion of the required training**, supported by copies of certificates of completion, course outlines, college transcripts, and/or other verifying documents.

12. I DECLARE UNDER PENALTY OF LAW THAT THE INFORMATION CONTAINED IN THIS APPLICATION AND SUPPORTING DOCUMENTS IS TRUE AND CORRECT.

▶ _____ _____
Applicant Signature Date

FOR POST USE ONLY

NOTES:	DATE RECEIVED

INTRODUCTION

Completion of the Basic Course Waiver (BCW) process is an option for meeting California's Regular Basic Course (RBC) or Specialized Investigators' Basic Course (SIBC) training requirement. The Specialized Investigators' Basic Course is the is the entry level training requirement for various California state and county investigative agencies. A SIBCW is granted to individuals with qualifying out of state or federal law enforcement experience, whose law enforcement training, experience and education are deemed by POST to demonstrate sufficient law enforcement knowledge, skill, and proficiency.

An individual must successfully complete the entire BCW process to obtain a waiver. Completion of the waiver process ***does not*** constitute the issuance of a POST Specialized Basic Certificate.

Agency sponsorship is not required to participate in the BCW process. **Acceptance of a waiver for meeting the Specialized Investigators' Basic Course training standard is at the discretion of the employing agency.**

THE PROCESS

The BCW process evaluates prior law enforcement training and experience and tests the applicant's knowledge and skill levels. ***The steps must be completed in the order shown.*** Fees are charged for Steps 2 and 3.

BCW Evaluation – Four Step Process	Fee
STEP 1. APPLICATION/SELF-ASSESSMENT	
Applicant MUST successfully complete: a) Investigative or general law enforcement basic course (Academy) – **200 hours minimum** b) Investigative or general law enforcement training – **591 hours minimum (including basic investigative course)** c) Legislatively mandated training – **included in the POST-certified Specialized Investigators' Basic Course (SIBC)** d) Investigative or general law enforcement experience – **1 year minimum, continuous with one agency** *See details on pages 3–5*	No Fee
STEP 2. POST TRAINING EVALUATION	
Applicant's self-assessment and supporting documents are evaluated to determine if the investigative or general law enforcement training and experience meets the requirements outlined in Step 1. *See details on page 6*	$250.00 Non-refundable
STEP 3. BASIC COURSE WAIVER ASSESSMENT PROCESS	
There are two methods by which the BCW assessment can be accomplished: (1) Attendance and successful completion of a POST-certified Requalification Course; or (2) Successful completion of the BCW Testing Process which is only available to individuals who meet required criteria. *See details on page 6*	Fee varies by presenter
STEP 4. ISSUANCE OF WAIVER/WAIVER OF ATTENDANCE	
The waiver letter granted by POST waives the required completion of a California POST-certified Specialized Investigators' Basic Course and is **valid for 3 years**. *See details on page 7*	No Fee

WAIVER OF ATTENDANCE AT A POST-CERTIFIED SPECIALIZED INVESTIGATORS' BASIC COURSE

Back to Form

STEP 1: APPLICATION AND SELF-ASSESSMENT

MINIMUM ELIGIBILITY REQUIREMENTS

Component	Training Requirements
Prior Investigative Basic Course Training	Successful completion of a basic investigative course similar in content to the SIBC. • Course is certified or approved by California POST or a similar standards agency of another state, or • a federal agency investigative or general basic course.
Minimum Basic Investigative Training	Successful completion of **591 hours** of investigative or general law enforcement training to meet the minimum hours required in California's Specialized Investigators' Basic Course. The 591-hours training requirement may include the applicant's basic course.
Completion of Legislatively Mandated Training	Successful completion of the legislatively mandated training subjects included in the Specialized Investigators' Basic Course and outlined in the Legislatively Mandated Training Worksheet.
Minimum Investigative Law Enforcement Experience	Completion of a minimum **one year** of continuous full-time out-of-state or federal investigative, or general law enforcement experience with one agency as attested to by the employing department head, training manager, or personnel department. Experience must have been acquired subsequent to the completion of basic training, as determined by POST, commensurate with law enforcement duties of California investigative agencies.

APPLICATION

The applicant must complete the Specialized Investigators' Basic Course Waiver (SIBCW) Application (*see page 1*). Each section must be completed in full:

- **Section 1:** Complete all items (you must include a daytime or message contact number).
- **Section 2:** Enclose fee and applicable documentation; sign and date.

SELF-ASSESSMENT

The applicant may compare the training he/she has received with the subjects on the Legislatively Mandated Training Worksheet (*see page 9*) and write the Learning Domain Reference (LD REF) number next to the comparable subject on his/her training outline, certificate, and/or training record. **The minimum hours for each Legislatively Mandated Training requirement must be met to be eligible for Step 3 (BCW Assessment) of the process.**

TRAINING DOCUMENTATION

Important Note: Photocopies of training documents are REQUIRED for all training hours. ***All training document photocopies must be legible and complete.***

See next page for required documentation

STEP 1: APPLICATION AND SELF ASSESSMENT *cont'd*

TRAINING DOCUMENTATION *cont'd*

Acceptable Training	Required Proof of Course Completion and Content*
Investigative Basic Course: Similar in content to the Specialized Investigators' Basic Course	1. Submit a certificate of course completion issued by the school/academy or a letter of verification signed by the school/academy director on school/academy letterhead. **AND** 2. Submit a course outline, schedule or syllabus with the same dates as the academy course completion certificate.
In-Service	1. Submit an agency-issued certificate of course completion. **OR** 2. Submit an agency training record (typed, handwritten, or electronic) with the agency training manager's printed name and original signature and date on each page.
Other Law Enforcement Courses	1. Submit a certificate of course completion issued by the school/agency, or a letter of verification on agency letterhead and signed by the training manager. **AND** 2. **If the topic is not clearly defined by the course title:** Submit course outline, schedule, or syllabus with the same dates as the course completion certificate. *
College/University General Law Enforcement Related Courses	1. Submit an official college transcript issued by an accredited college where the courses were taken. A passing grade must have been awarded. *(Grade reports and work-in-progress reports **are not** acceptable.)* **AND** 2. **If the topic is not clearly defined by the course title:** Submit course catalog description or syllabus for the dates the course was attended. * **Converting College Units:** One semester unit = 20 training hours One quarter semester unit = 14 training hours *Examples:* 3-unit semester course = 60 training hours 3-unit quarter semester course = 42 training hours

***Required proof of course completion and content:**

- The applicant must provide proof of course content (course outline) – **IF**:
  - The course title is general, such as *basic*, *advanced officer*, or *in-service*.
  - The course covers more than one legislatively mandated subject, but the course title does not reflect all subjects covered.
  - The course was longer than one day in length and the certificate does not indicate total course hours.
- ***Course dates on the course outline must match the completion certificate dates.***

NON-QUALIFYING TRAINING

Training Acquired Via	Type of Training
College / University	• Correspondence courses • Credit by challenge • Life experience credit
Job Training	• Field training • On-the-job training • Roll-call training

STEP 1: APPLICATION AND SELF ASSESSMENT *cont'd*

Requirements for Waiver

HANDWRITTEN CHANGES

The training presenter must verify, in writing on agency letterhead, that any handwritten changes related to attendance were authorized by the agency.

PROOF OF INVESTIGATIVE OR GENERAL LAW ENFORCEMENT EXPERIENCE

The applicant must submit an original letter *(see Sample Letter on page 8)* on agency letterhead and signed by the employing department head, training manager, or personnel department, verifying completion of at least **one year** of continuous, sworn out-of-state or federal investigative, or general law enforcement experience with that one agency. Experience must have been acquired subsequent to the completion of basic training.

SPECIALIZED LAW ENFORCEMENT DEPARTMENT DEFINED

"Specialized Peace Officer" is a peace officer employee of a specialized law enforcement agency.

"Specialized Law Enforcement Department" is a department or segment of a department which:

(1) has policing or law enforcement authority imposed by law and whose employees are peace officers as defined by law; and

(2) is engaged in the enforcement of regulations or laws limited in scope or nature; or

(3) is engaged in investigative or other limited law enforcement activities in the enforcement of criminal law.

GENERAL LAW ENFORCEMENT DEFINED

General law enforcement duties ***minimally*** include each of the following:

- Investigating crime
- Patrolling a geographic area
- Responding to the full range of requests for police services
- Performing any enforcement action on the full range of law violations

NOTE: Training must be sufficient to enable an officer to successfully complete all duties outlined above.

EVALUATION FEE

The applicant must send a **certified check, or money order, for $250.00,** payable to "Commission on POST", **or complete electronic payment of $250.00**
Personal checks are not accepted. Electronic payment can be completed on the POST website, https://post.ca.gov/basic-course-waiver-process.

MAIL THE ORIGINAL COMPLETED AND SIGNED APPLICATION FORM, ORIGINAL LETTER OF EXPERIENCE, COPIES OF ALL SUPPORTING DOCUMENTATION, AND EVALUATION FEE TO:

Commission on POST
Basic Training Bureau – BCW
860 Stillwater Road, Suite 100
West Sacramento, CA 95605

See the following pages for ***Steps 2–4***

STEP 2: POST TRAINING EVALUATION

POST will evaluate the applicant's training if the evaluation package is complete and includes the signed SIBCW Application (POST 2-353), evaluation fee, verification of general law enforcement or investigative experience, and proper documentation of general law enforcement or investigative training. The applicant's self-assessment and supporting documents are evaluated to determine if the general law enforcement or investigative training and experience requirements have been met.

HOW COMPARABLE TRAINING IS DETERMINED

Based on the documentation submitted by the applicant, POST conducts an evaluation of the applicant's training and experience to determine if the applicant meets the minimum requirements of the BCW process as outlined in **Step 1** above.

HOW APPLICANT IS NOTIFIED

After the evaluation is completed, POST will issue a letter indicating whether the applicant is:

- **Eligible to continue the BCW process** by taking the POST Requalification Course.

OR

- **Ineligible to take the POST Requalification Course** without obtaining additional training.

OR

- **Ineligible to continue the BCW process** and needs to complete a POST certified Regular Basic Course or Specialized Investigators' Basic Course before exercising peace officer powers in California.

STEP 3: BASIC COURSE WAIVER ASSESSMENT PROCESS

ELIGIBILITY

If POST determines that the applicant meets the training and experience requirements of the BCW process, POST will send an eligibility letter with instructions to attend the POST-certified Requalification Course. The Requalification Course must be taken within **180 days** (six months) of the eligibility letter date.

There are two methods by which the BCW assessment can be accomplished. Once an assessment method is chosen, an individual may not switch to the other option.

(1) Attendance and successful completion of a POST-certified Requalification Course; or

(2) Successful completion of the BCW Testing Process which is only available to individuals who meet the following criteria:

- Entering California law enforcement with qualifying out of state or federal law enforcement experience, and
- Will be appointed at middle management or executive rank and will function at the second level of supervision or above, and
- Have less than a three-year break from the last date of service as a peace officer, and
- Submits a letter from the prospective hiring agency, signed by the agency head, that includes the intent to hire the applicant at middle management or executive rank, and the description of the intended job classification and duty assignment.

The testing process consists of the two components identical to the Requalification Course examinations:

- A comprehensive test designed to evaluate an individual's knowledge of basic course content.
- Exercise tests designed to evaluate an individual's manipulative skills acquired in the basic course.
- The testing process is to be administered through a POST Testing Center. Both components are graded pass/fail and must be successfully completed.

RETEST

A comprehensive retest shall be allowed one time only. Arrangements for the comprehensive retest must be made directly with the same POST-certified Requalification Course presenter or POST Testing Center at which the initial comprehensive test was taken. Retesting must take place within ninety days of the initial test. An individual who fails the retest fails the Requalification Course.

Retest of one or more modules of the exercise shall be allowed one time only. Arrangements for the skills retest must be made directly with the same POST-certified Requalification Course presenter or POST Testing Center in which the skills examination was originally taken. Retesting must take place within ninety days of the initial test. An individual who does not pass the failed module(s) of the skills retest fails the Requalification Course.

An individual who has failed the Requalification Course or testing option may repeat Step 3 one time within 12 months of the date of failure. After a 30-day waiting period, the individual shall submit a written request to POST for approval before contacting the Requalification Presenter or POST Testing Center. When an individual fails to successfully repeat Step 3 they are no longer eligible for a waiver and must complete the appropriate POST-certified basic course (RBC or SIBC) before exercising peace officer powers.

TEST RESULTS

A certificate of course completion, or a letter of successful completion of the Requalification Course or BCW Testing Process, is issued by the presenter at the conclusion the assessment process.

IMPORTANT INSTRUCTION: THE **APPLICANT MUST MAIL A PHOTOCOPY** OF THE COMPLETION CERTIFICATE AND/OR LETTER TO POST TO ENSURE THE ISSUANCE OF THE WAIVER.

STEP 4: ISSUANCE OF WAIVER/WAIVER OF ATTENDENCE

Based upon the applicant's prior training, experience, and successful completion of the Requalification Course or BCW Testing Process, POST will issue a letter that waives the requirement for attendance at a POST-certified Specialized Investigators' Basic Course. **Acceptance of a waiver is at the discretion of the employing agency.** A waiver **is NOT** equivalent to a POST Basic Certificate or POST Specialized Basic Certificate.

A waiver of attendance for the RBC will satisfy attendance at the SIBC. However, a waiver of attendance for the SIBC does not satisfy the RBC training requirement.

WAIVER VALID FOR THREE YEARS

An individual must be appointed to qualifying employment which requires SIBC training by law within three years from the date the waiver is granted. After three years, applicant will need to meet the requalification requirements outlined in Commission Regulation 1008.

The one exception is an individual who has been employed continuously in another state as a sworn full-time peace officer, general or specialized, with less than a three-year break in qualifying employment may reapply for the Specialized Investigators' Basic Course Waiver one time. A new application (including training certification information) must be filed, subject to the training standards, testing, and fee requirements in effect at the time of submission of the new application. An individual who receives a second Specialized Investigators' Basic Course Waiver has a maximum of three years following completion of requalification to obtain qualifying employment. If more than six years has elapsed since the date the second Waiver was granted without obtaining qualifying employment, the RBC or SIBC must be completed, regardless of the date of completion of requalification. Requalification may not be repeated.

QUESTIONS?

After you have carefully read the preceding instructions, you can obtain additional information by calling the Basic Training Bureau at 916-227-4254 or emailing BCW@post.ca.gov.

*See the following pages for **Sample Waiver Letter** and **Self-Assessment Training Worksheet***

SAMPLE WAIVER LETTER

[**AGENCY LETTERHEAD**]

[DATE]

Commission on POST
Basic Training Bureau – BCW
860 Stillwater Road, Suite 100
West Sacramento, CA 95605-1630

To BCW Manager:

This letter is to verify that [APPLICANT'S FULL NAME] is/was employed as a [APPLICANT'S POSITION] with our department from [DATES OF SERVICE].

During his/her employment, [APPLICANT'S NAME] successfully completed at least one year of continuous investigative experience after completion of basic training, including [DESCRIBE PARTICULAR DUTIES].

(NOTE: General law enforcement experience may also be used, which includes patrolling, responding to the full range of requests for police services, performing any enforcement action on the full range of law violations, and conducting investigations of crime).

If you have any questions regarding [APPLICANT'S NAME] employment with our department, please give me a call at [SIGNEE'S CONTACT PHONE NUMBER].

Sincerely,

[ORIGINAL SIGNATURE OF AGENCY HEAD, TRAINING MANAGER, OR PERSONNEL DEPARTMENT]
[PRINTED NAME AND TITLE]
[AGENCY NAME]

Encl: BCW Application Package

***NOTE:** Original letter must be on agency letterhead and mailed with BCW application package.

APPLICANT SELF-ASSESSMENT TRAINING WORKSHEET

LD Ref	Required Subjects (General Descriptions)	Hours		POST Use Only
		Required	Self Assess	
1	**Leadership, Professionalism & Ethics** (principles and goals, Code of Ethics)	2		
2	**Criminal Justice System** (components of, Constitutional Amendments)	2		
3	**Principled Policing in the Community** (COPPS, SARA, problem-solving)	2		
5	**Introduction to Criminal Law** (types of law, classification of crimes)	3		
7	**Crimes Against Persons**	2		
9	**Crimes Against Children**	4		
10	**Sex Crimes**	6		
12	**Controlled Substances**	12		
15	**Laws of Arrest**	5		
16	**Search and Seizure**	3		
17a	**Hearsay Testimony** (presentation of hearsay evidence)	1		
17b	**Presentation of Evidence** (lawful collection of evidence, rules of evidence)	2		
18	**Investigative Report Writing**	2		
20	**Use of Force/Deescalation**	3		
25	**Domestic Violence**	8		
26a	**Critical Incidents** (hazardous materials awareness)	4		
26b	**Critical Incidents (NIMS/SEMS)**	4		
30	**Crime Scene, Evidence and Forensics**	2		
33	**Arrest and Control**	10		
34	**First Aid & CPR and AED** (MUST include bloodborne pathogens)	21		
35a	**Chemical Agents** (law enforcement use of OC, CN, CS)	6		
35b	**Firearms – Handgun**	24		
35c	**Firearms – Shotgun**	16		
37	**People with Disabilities**	6		
38	**Gang Awareness**	2		
39	**Crimes Against the Justice System** (perjury, bribery, false reporting, resisting/delaying/threatening an officer)	1		
42a	**Cultural Diversity/Discrimination**	5		
42b	**Hate Crimes**	4		
42c	**Racial Profiling**	5		
42d	**Sexual Harassment**	2		
43	**Terrorism Awareness**	4		

Introduction

Completion of the Basic Course Waiver (BCW) process is an option for meeting California's Regular Basic Course training requirement. The Regular Basic Course is the entry-level training requirement for many California peace officers, as specified in Commission Regulation 1005.

An individual must successfully complete the entire BCW process to obtain a waiver. Completion of the waiver process **does not** constitute the issuance of a POST Basic Certificate. Individuals with prior qualifying California law enforcement experience are not eligible for the BCW and must complete requalification as defined in Commission Regulation 1008.

Agency sponsorship is not required to participate in the BCW process. **Acceptance of a waiver for meeting the Regular Basic Course training standard is at the discretion of the employing agency.**

The Process

The BCW process evaluates prior law enforcement training and experience and tests the applicant's knowledge and skill levels. **The steps must be completed in the order shown.** See the following pages for in-depth explanations of each Step. POST will only evaluate the applicant's training if the application package is complete and includes the signed Regular Basic Course Waiver Application, evaluation fee, verification of general law enforcement experience, and proper documentation of general law enforcement training.

BCW Process	Fee
Step 1: Application/Self-Assessment, Documentation, and Fee	Non-refundable $250.00 fee
Step 2: POST Training Evaluation	No fee
Step 3: Basic Course Waiver Assessment Process (Course or Testing Process)	Fee varies by presenter
Step 4: Issuance of Waiver	No fee

Minimum Eligibility Requirements

Component	Requirement
Prior General Law Enforcement Basic Course Training	Successful completion of a **minimum 400-hour general law enforcement basic training** as identified below: ▪ Course is certified or approved by California POST (with no more than a three year break in qualifying employment) or a similar standards agency of another state within the U.S., *OR* ▪ A federal agency general law enforcement basic course (e.g. FLETC *may* meet this requirement). Note: Military Basic, Military Police, and specialized training (e.g. U.S. Customs, Border Patrol, INS, FBI, DEA) **do not meet this prerequisite**.
Minimum General Law Enforcement Training	Successful completion of **664 hours** of general law enforcement training to meet the minimum hours required in California's Regular Basic Course. The 664-hour training requirement may include the applicant's basic course.
Completion of Legislatively Mandated Training	Successful completion of the legislatively mandated training subjects included in the Regular Basic Course and outlined in the Self-Assessment/Legislatively Mandated Training Worksheet.
Minimum General Law Enforcement Experience	Completion of a minimum of **two years** of continuous full-time sworn general law enforcement experience with one agency as attested to by the employing department head, training manager, or personnel department. Experience must have been acquired subsequent to the completion of basic training. If more than six years have elapsed since the individual's last full-time employment in a general law enforcement agency, they are not eligible to apply for the RBCW.

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Step 1: Application/Self-Assessment, Documentation, and Fee

Application

- The applicant must complete all required fields on the Regular Basic Course Waiver Application electronically via a POST PASS account.
- The applicant must certify (or declare) under penalty of perjury under the laws of the State of California that the information included in their application is true and correct.

Self-Assessment

- The applicant should use the Self-Assessment Training Worksheet/Legislatively Mandated Training to evaluate how many hours they believe they have per each comparable training subject. This may assist POST staff when conducting the applicant's training evaluation further detailed in Step 2. The minimum hours for each Legislatively Mandated Training requirement must be met to be eligible for Step 3 of the BCW process.

Training Documentation

- Please note: All training photocopies and pictures must be legible and complete.

Acceptable Training	Required Proof of Course Completion and Content*
Basic Course: Minimum 400-hour general law enforcement basic training course	1. Submit a certification of course completion issued by the school/academy or a letter of verification signed by the school/academy director on school/academy letterhead. **AND** 2. Submit a course outline, schedule or syllabus with the same dates as the academy course completion certificate.
In-Service	1. Submit an agency-issued certificate of course completion. **OR** 2. Submit an agency or state electronic training record.
Other Law Enforcement Courses	1. Submit a certificate of course completion issued by the school/agency, or a letter of verification on agency letterhead signed by the training manager. **AND** *(If the topic is not clearly defined by the course title)* 2. Submit course outline, schedule, or syllabus with the same dates as the course completion certificate.*
General Law Enforcement Courses from College/University	1. Submit an official college transcript issued by an accredited college where the courses were taken. Official transcripts can be emailed to bcw@post.ca.gov. **AND** *(If the topic is not clearly defined by the course title)* 2. Submit course catalog description or syllabus for the dates the course was attended.*

Step 1: Application/Self-Assessment, Documentation, and Fee, *continued*

*Required proof of course completion and content:

- The applicant must provide proof of course content (course outline) if:
  - The course title is general, such as basic, advanced officer, or in-service.
  - The course covers more than one legislatively mandated subject, but the course title does not reflect all subjects covered.
  - The course was longer than one day in length and the certificate does not indicate total course hours.
- Course dates on the course outline must match the completion certificate date(s).
- If there are handwritten schedule/content changes on the documents, a training manager must verify the changes were authorized by the agency; this should be verified in writing on agency letterhead.
- POST will convert college credit as follows:
  - One semester unit = 20 training hours
  - One quarter semester unit = 14 training hours

Unacceptable Training	Type of Training
College/University	▪ Correspondence courses ▪ Credit by challenge ▪ Life experience credit ▪ Non-law enforcement-related courses
Job Training	▪ Field training ▪ On-the-job training ▪ Roll-call training

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Step 1: Application/Self-Assessment, Documentation, and Fee, *continued*

Experience Documentation

Required Item	Documentation Details
Employment Verification Letter	▪ Submit a letter (see Sample Employment Letter) on agency letterhead, ▪ signed by the employing department head, training manager, or personnel department, ▪ verifying completion of at least two years of continuous, sworn general law enforcement experience with that one agency. ○ Experience must have been acquired subsequent to the completion of basic training. ○ If more than six years have elapsed since the individual's last full-time employment in a general law enforcement agency, they are not eligible to apply for the RBCW.
Duty Statement	▪ Duty statement or job description for the position held by the applicant. ▪ Outlines all the details of a specific job position and generally includes duties, purpose, responsibilities and working conditions. ▪ The duty statement is necessary to show your position in law enforcement has met the definition of general law enforcement duties and uniformed patrol duties as defined in California Code of Regulations (CCR) section 1001.

General Law Enforcement Duties Defined, CCR 1001
Duties which include the investigation of crime, patrol of a geographic area, responding to the full range of requests for police services, and performing any enforcement action on the full range of law violations

Evaluation Fee

Electronic payment can be completed on the POST website, https://post.ca.gov/Basic-Course-Waiver-Evaluation-Fee-Payment, via a POST PASS account. For any issues creating a POST PASS account or a POST ID, please contact edi@post.ca.gov, (877) 275-5872 or (916) 227-4357.

Step 1: Application/Self-Assessment, Documentation, and Fee, *continued*

Sample Employment Letter

[**DEPARTMENT LETTERHEAD**]

[DATE]

Commission on POST
Basic Training Bureau – BCW
860 Stillwater Road, Suite 100
West Sacramento, CA 95605-1630

To whom it may concern:

This letter is to verify that [APPLICANT'S FULL NAME] is/was employed as a sworn [APPLICANT'S POSITION] with our department from [DATES OF SERVICE].

During their employment, [APPLICANT'S NAME] successfully completed each of the following:

- **Minimum of two-years, continuous, general law enforcement experience after completion of basic training**
- Patrolling a geographical area
- Responding to the full range of requests for police services
- Performing enforcement actions on the full range of law violations
- Conducting investigations of crime

If you have any questions regarding [APPLICANT'S NAME] employment with our department, please contact me at [SIGNEE'S CONTACT PHONE NUMBER] or [SIGNEE'S EMAIL ADDRESS].

Sincerely,

[ORIGINAL/E-SIGNATURE OF DEPARTMENT HEAD, TRAINING MANAGER, OR PERSONNEL DEPARTMENT]

[PRINTED NAME]
[TITLE]

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Step 2: POST Training Evaluation

Training Evaluation Process

The applicant's self-assessment and supporting documents are evaluated to determine if the law enforcement training and experience requirements have been met.

Based on the documentation submitted by the applicant, POST conducts an evaluation of the applicant's training and experience to determine if the applicant meets the minimum requirements of the BCW process as outlined in Step 1 above. Please note, California Learning Domain verbiage may differ from the verbiage used in other states. Final determination of acceptance is made by POST BCW staff.

Applicant Notification

After the evaluation is completed, individuals will be notified via official letter with one of the three responses below:

- They are eligible to continue on to Step 3 of the BCW process, or
- They require additional training in one or more of the Legislatively Mandated Training subject areas **within 180 days** before continuing on to Step 3, or
- They are ineligible to continue the BCW process and must complete a POST-certified Regular Basic Course (academy) before exercising peace officer powers in California.

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Step 3: Basic Course Waiver Assessment Process (Course or Testing Process)

Letter to Attend Requalification

- If POST determines that the applicant meets the training and experience requirements of Step 1 and Step 2, POST will send an eligibility letter with instructions to participate in the BCW Assessment Process **within 180 days**. The BCW assessment is accomplished by successful completion of a POST-certified Requalification Course in-person in California. All BCW applicants must attend the course unless they meet the test-only criteria listed in Commission Regulation 1005(a)(1)(C)(2).
- Fees and enrollment information will be provided by the presenter where the applicant elects to take the course.

Retest

- A comprehensive retest shall be allowed one time only. Arrangements for the comprehensive retest must be made directly with the same POST-certified Requalification Course presenter or POST-approved Testing Center at which the initial comprehensive test was taken. Retesting must take place within ninety days of the initial test. An individual who fails the retest fails the Requalification Course.
- An exercise retest shall be allowed one time only. Arrangements for the exercise retest must be made directly with the same POST-certified Requalification Course presenter or POST Testing Center in which the exercise examination was originally taken. Retesting must take place within ninety days of the initial test. An individual who does not pass the failed exercise retest fails the Requalification Course.

Course Completion or Test Results

- A certificate of course completion, or a letter of successful completion of the Requalification Course or BCW Testing Process, is issued by the presenter at the conclusion of the assessment process.

Please note: The applicant must submit a copy of the completion certificate and/or letter to POST BCW staff to ensure the issuance of a Basic Course Waiver.

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Step 4: Issuance of Waiver

After completion of Step 1, Step 2, and Step 3, POST will issue a letter that waives the requirement for attendance at a POST-certified Regular Basic Course. An individual must be appointed as a California full-time regular peace officer or a Level I reserve officer within three years from the date the waiver is granted. After three years, the applicant will need to meet the requalification requirements outlined in Commission Regulation 1005(a)(1)(C).

DRAFT

Questions? After you have carefully read the preceding instructions, you can obtain additional information by contacting the Basic Training Bureau at bcw@post.ca.gov or (916) 227-3915.

Introduction

Completion of the Specialized Investigators' Basic Course Waiver (SIBCW) process is an option for meeting California's Specialized Investigators' Basic Course (SIBC) training requirement. The SIBC is the entry-level training requirement for various California state and county investigative agencies. A SIBCW is granted to individuals with qualifying out of state or federal law enforcement experience, whose law enforcement training, experience and education are deemed by POST to demonstrate sufficient law enforcement knowledge, skill, and proficiency.

An individual must successfully complete the entire SIBCW process to obtain a waiver. Completion of the waiver process **does not** constitute the issuance of a POST Basic Certificate or POST Specialized Basic Certificate.

Agency sponsorship is not required to participate in the Basic Course Waiver (BCW) process. **Acceptance of a waiver for meeting the Specialized Investigators' Basic Course training standard is at the discretion of the employing agency.**

The Process

The BCW process evaluates prior law enforcement training and experience and tests the applicant's knowledge and skill levels. **The steps must be completed in the order shown.** See following pages for in-depth explanations of each step. POST will only evaluate the applicant's training if the application package is complete and includes the signed Specialized Investigators' Basic Course Waiver Application, evaluation fee, verification of prior law enforcement experience, and proper documentation of investigative law enforcement training.

BCW Process	Fee
Step 1: Application/Self-Assessment, Documentation, and Fee	Non-refundable $250.00 fee
Step 2: POST Training Evaluation	No fee
Step 3: Basic Course Waiver Assessment Process (Course or Testing Process)	Fee varies by presenter
Step 4: Issuance of Waiver	No fee

Minimum Eligibility Requirements

Component	Requirement
Prior Investigative Law Enforcement Basic Course Training	Successful completion of a basic investigative course similar in content to the SIBC as identified below: ▪ Course is certified or approved by California POST (with no more than a three year break in qualifying employment) or a similar standards agency of another state within the U.S., *OR* ▪ A federal agency investigative basic course
Minimum General Law Enforcement Training	Successful completion of **591 hours** of investigative or general law enforcement training to meet the minimum hours required in California's Specialized Investigators' Basic Course. The 591-hour training requirement may include the applicant's basic course.
Completion of Legislatively Mandated Training	Successful completion of the legislatively mandated training subjects included in the Specialized Investigators' Basic Course and outlined in the Self-Assessment/Legislatively Mandated Training Worksheet.
Minimum Law Enforcement Experience	Completion of a minimum of **two years** of continuous full-time out-of-state or federal investigative experience (or sworn general law enforcement experience) with one agency as attested to by the employing department head, training manager, or personnel department. Experience must have been acquired subsequent to the completion of basic training. Experience must also be commensurate with the law enforcement duties of California investigative agencies as determined by POST. If more than six years have elapsed since the individual's last full-time employment in an investigative or general law enforcement agency, they are not eligible to apply for the SIBCW.

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Step 1: Application/Self-Assessment, Documentation, and Fee

Application

- The applicant must complete all required fields on the Specialized Investigators' Basic Course Waiver Application electronically via a POST PASS account.
- The applicant must certify (or declare) under penalty of perjury under the laws of the State of California that the information included in their application is true and correct.

Self-Assessment

- The applicant should use the Self-Assessment Training Worksheet/Legislatively Mandated Training to evaluate how many hours they believe they have per each comparable training subject. This may assist POST staff when conducting the applicant's training evaluation further detailed in Step 2. The minimum hours for each Legislatively Mandated Training requirement must be met to be eligible for Step 3 of the SIBCW process.

Training Documentation

- Please note: All training photocopies and pictures must be legible and complete.

Acceptable Training	Required Proof of Course Completion and Content*
Investigative Basic Course: Similar in content to the SIBC	1. Submit a certification of course completion issued by the school/academy or a letter of verification signed by the school/academy director on school/academy letterhead. **AND** 2. Submit a course outline, schedule or syllabus with the same dates as the academy course completion certificate.
In-Service	1. Submit an agency-issued certificate of course completion. **OR** 2. Submit an agency or state electronic training record.
Other Law Enforcement Courses	1. Submit a certificate of course completion issued by the school/agency, or a letter of verification on agency letterhead signed by the training manager. **AND** *(If the topic is not clearly defined by the course title)* 2. Submit course outline, schedule, or syllabus with the same dates as the course completion certificate.*
General Law Enforcement Courses from College/University	1. Submit an official college transcript issued by an accredited college where the courses were taken. Official transcripts can be emailed to bcw@post.ca.gov. **AND** *(If the topic is not clearly defined by the course title)* 2. Submit course catalog description or syllabus for the dates the course was attended.*

Step 1: Application/Self-Assessment, Documentation, and Fee, *continued*

*Required proof of course completion and content:

- The applicant must provide proof of course content (course outline) if:
  - The course title is general, such as basic, advanced officer, or in-service.
  - The course covers more than one legislatively mandated subject, but the course title does not reflect all subjects covered.
  - The course was longer than one day in length and the certificate does not indicate total course hours.
- Course dates on the course outline must match the completion certificate date(s).
- If there are handwritten schedule/content changes on the documents, a training manager must verify the changes were authorized by the agency; this should be verified in writing on agency letterhead.
- POST will convert college credit as follows:
  - One semester unit = 20 training hours
  - One quarter semester unit = 14 training hours

Unacceptable Training	Type of Training
College/University	▪ Correspondence courses ▪ Credit by challenge ▪ Life experience credit ▪ Non-law enforcement-related courses
Job Training	▪ Field training ▪ On-the-job training ▪ Roll-call training

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Step 1: Application/Self-Assessment, Documentation, and Fee, *continued*

Experience Documentation

Required Item	Documentation Details
Employment Verification Letter	▪ Submit a letter (see Sample Employment Letter) on department letterhead, ▪ signed by the employing department head, training manager, or personnel department, ▪ verifying completion of at least two years of continuous, sworn general law enforcement experience with that one agency. o Experience must have been acquired subsequent to the completion of basic training. o If more than six years have elapsed since the individual's last full-time employment in an investigative or general law enforcement agency, they are not eligible to apply for the SIBCW.
Duty Statement	▪ Duty statement or job description for the position held by the applicant. ▪ Outlines all the details of a specific job position and generally includes duties, purpose, responsibilities and working conditions. ▪ The duty statement is necessary to show your position in law enforcement has met the definition of general law enforcement duties and uniformed patrol duties as defined in California Code of Regulations (CCR) section 1001.

General Law Enforcement Duties Defined, CCR 1001
Duties which include the investigation of crime, patrol of a geographic area, responding to the full range of requests for police services, and performing any enforcement action on the full range of law violations

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Step 1: Application/Self-Assessment, Documentation, and Fee, *continued*

Specialized Peace Officer Defined, CCR 1001
A peace officer employee of a specialized law enforcement agency. Specialized Law Enforcement Agency A department or segment of a department which: A. has policing or law enforcement authority imposed by law and whose employees are peace officers as defined by law; and B. is engaged in the enforcement of regulations or laws limited in scope or nature; or C. is engaged in investigative or other limited law enforcement activities in the enforcement of criminal law.

Evaluation Fee

Electronic payment can be completed on the POST website, https://post.ca.gov/Basic-Course-Waiver-Evaluation-Fee-Payment, via a POST PASS account. For any issues creating a POST PASS account or a POST ID, please contact edi@post.ca.gov, (877) 275-5872 or (916) 227-4357.

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Sample Employment Letter

[**DEPARTMENT LETTERHEAD**]

[DATE]

Commission on POST
Basic Training Bureau – BCW
860 Stillwater Road, Suite 100
West Sacramento, CA 95605-1630

To whom it may concern:

This letter is to verify that [APPLICANT'S FULL NAME] is/was employed as a sworn [APPLICANT'S POSITION] with our department from [DATES OF SERVICE].

During their employment, [APPLICANT'S NAME] successfully completed **at least two years of continuous investigative experience after the completion of basic training**, including [DESCRIBE PARTICULAR DUTIES].

(NOTE: General law enforcement experience may also be used, which includes patrolling a geographic area, responding to the full range of requests for police services, performing any enforcement action on the full range of law violations, and conducting investigations of crime).

If you have any questions regarding [APPLICANT'S NAME] employment with our department, please contact me at [SIGNEE'S CONTACT PHONE NUMBER] or [SIGNEE'S EMAIL ADDRESS].

Sincerely,

[ORIGINAL/E-SIGNATURE OF DEPARTMENT HEAD, TRAINING MANAGER, OR PERSONNEL DEPARTMENT]

[PRINTED NAME]
[TITLE]

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Step 2: POST Training Evaluation

Training Evaluation Process

The applicant's self-assessment and supporting documents are evaluated to determine if the law enforcement training and experience requirements have been met.

Based on the documentation submitted by the applicant, POST conducts an evaluation of the applicant's training and experience to determine if the applicant meets the minimum requirements of the SIBCW process as outlined in Step 1 above. Please note, California Learning Domain verbiage may differ from the verbiage used in other states. Final determination of acceptance is made by POST BCW staff.

Applicant Notification

After the evaluation is completed, individuals will be notified via official letter with one of the three responses below:

- They are eligible to continue on to Step 3 of the SIBCW process, or
- They require additional training in one or more of the Legislatively Mandated Training subject areas **within 180 days** before continuing on to Step 3, or
- They are ineligible to continue the SIBCW process and must complete a POST-certified Specialized Investigators' Basic Course or POST-certified Regular Basic Course (academy) before exercising peace officer powers in California.

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Step 3: Basic Course Waiver Assessment Process (Course or Testing Process)

Letter to Attend Requalification

- If POST determines that the applicant meets the training and experience requirements of Step 1 and Step 2, POST will send an eligibility letter with instructions to participate in the BCW Assessment Process **within 180 days**. The BCW assessment is accomplished by successful completion of a POST-certified Requalification Course. All SIBCW applicants must attend the course unless they meet the test-only criteria listed in Commission Regulation 1005(a)(1)(C)(2).
- Fees and enrollment information will be provided by the location where the applicant elects to take the course (i.e., State Center Regional Training Facility)

Retest

- A comprehensive retest shall be allowed one time only. Arrangements for the comprehensive retest must be made directly with the same POST-certified Requalification Course presenter or POST Testing Center at which the initial comprehensive test was taken. Retesting must take place within ninety days of the initial test. An individual who fails the retest fails the Requalification Course.
- An exercise retest shall be allowed one time only. Arrangements for the exercise retest must be made directly with the same POST-certified Requalification Course presenter or POST Testing Center in which the exercise examination was originally taken. Retesting must take place within ninety days of the initial test. An individual who does not pass the failed exercise retest fails the Requalification Course.

Course Completion or Test Results

- A certificate of course completion, or a letter of successful completion of the Requalification Course or BCW Testing Process, is issued by the presenter at the conclusion of the assessment process.

Please note: The applicant must submit a copy of the completion certificate and/or letter to POST BCW staff to ensure the issuance of a Specialized Investigators' Basic Course Waiver.

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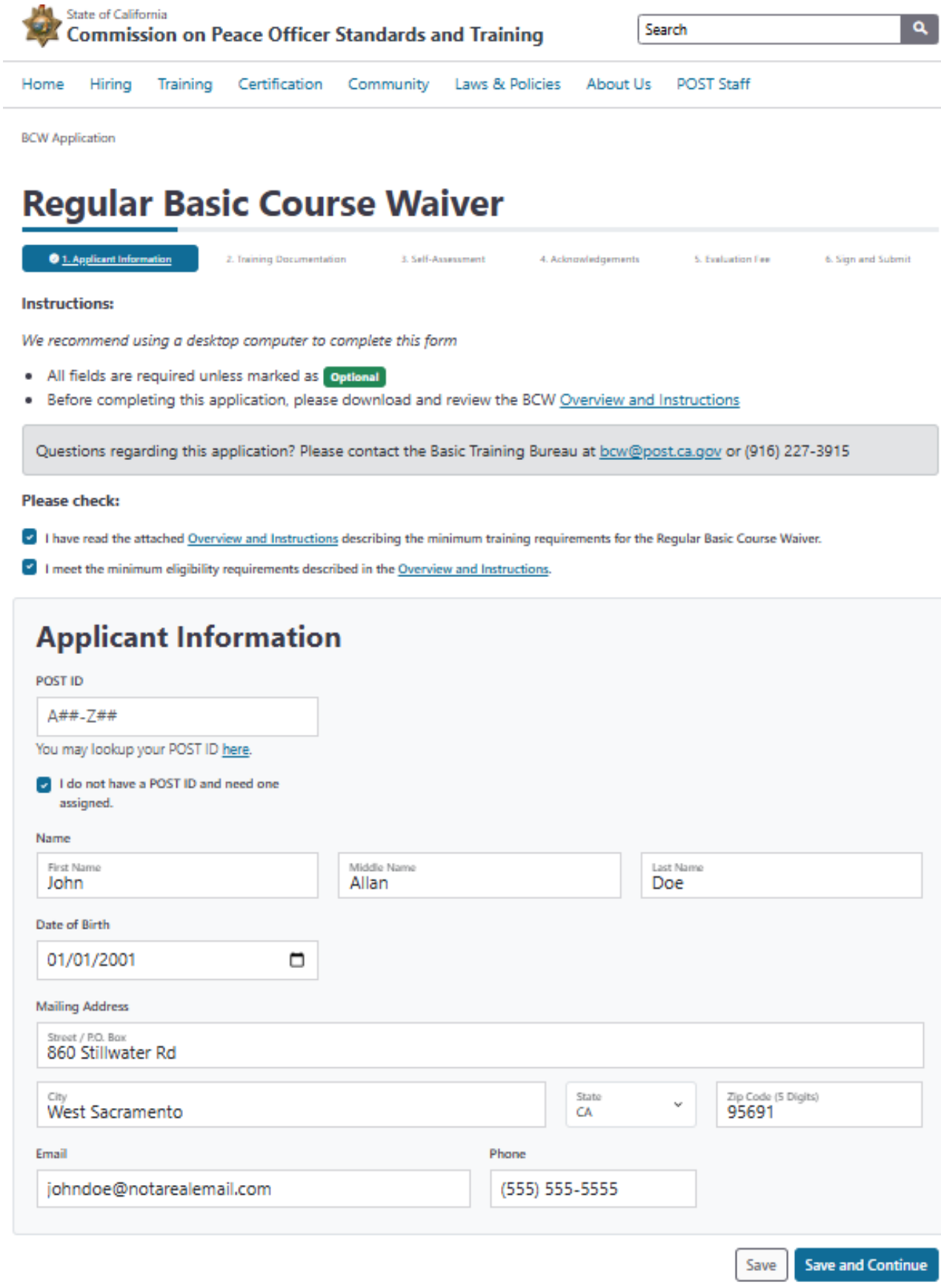
Step 4: Issuance of Waiver

After completion of Step 1, Step 2, and Step 3, POST will issue a letter that waives the requirement for attendance at a POST-certified Specialized Investigators' Basic Course. An individual must be appointed as a California full-time investigative peace officer within three years from the date the waiver is granted. After three years, the applicant will need to meet the requalification requirements outlined in Commission Regulation 1005(a)(1)(C).

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Questions? After you have carefully read the preceding instructions, you can obtain additional information by contacting the Basic Training Bureau at bcw@post.ca.gov or (916) 227-3915.

1. Applicant Information



2. Training Documentation

Regular Basic Course Waiver

1. Applicant Information | **2. Training Documentation** | 3. Self-Assessment | 4. Acknowledgements | 5. Evaluation Fee | 6. Sign and Submit

Training Documentation

Submit your training documentation below.

Max file size per file is 10 MB. Allowed File Types: PDF, DOC, DOCX, JPG, PNG, BMP.

Basic Course

Minimum 400-hour general law enforcement basic training course

Course completion certificate or verification letter signed by academy director on letterhead

Drop a file here to upload
(or click to browse)

Course outline, schedule, or syllabus (Up to 3 Files Max.)

Drop a file here to upload
(or click to browse)

In-Service

Course completion certificates (Up to 10 Files Max.) Optional

Drop a file here to upload
(or click to browse)

Agency/State electronic training record (Up to 10 Files Max.) Optional

Drop a file here to upload
(or click to browse)

2. Training Documentation, continued…

Other law enforcement courses

Course completion certificate and/or signed verification letter (Up to 10 Files Max.) Optional

Drop a file here to upload
(or click to browse)

College/University Law Enforcement-related courses

College transcript and/or course descriptions matching transcripts (Up to 3 Files Max.) Optional

Drop a file here to upload
(or click to browse)

General Law Enforcement Experience

Letter on agency letterhead signed by the employing department head, training manager, or personnel department, verifying completion of at least two years of continuous, full-time, sworn general law enforcement experience with that one agency after completion of basic training. (See Sample Employment Letter in Overview and Instructions)

Employment letter

Drop a file here to upload
(or click to browse)

Job duty description/duty statement

Drop a file here to upload
(or click to browse)

Additional Documents

You may submit up to 10 additional documents here. Optional

Continues beyond this…

3. Self-Assessment

BCW Application

Regular Basic Course Waiver

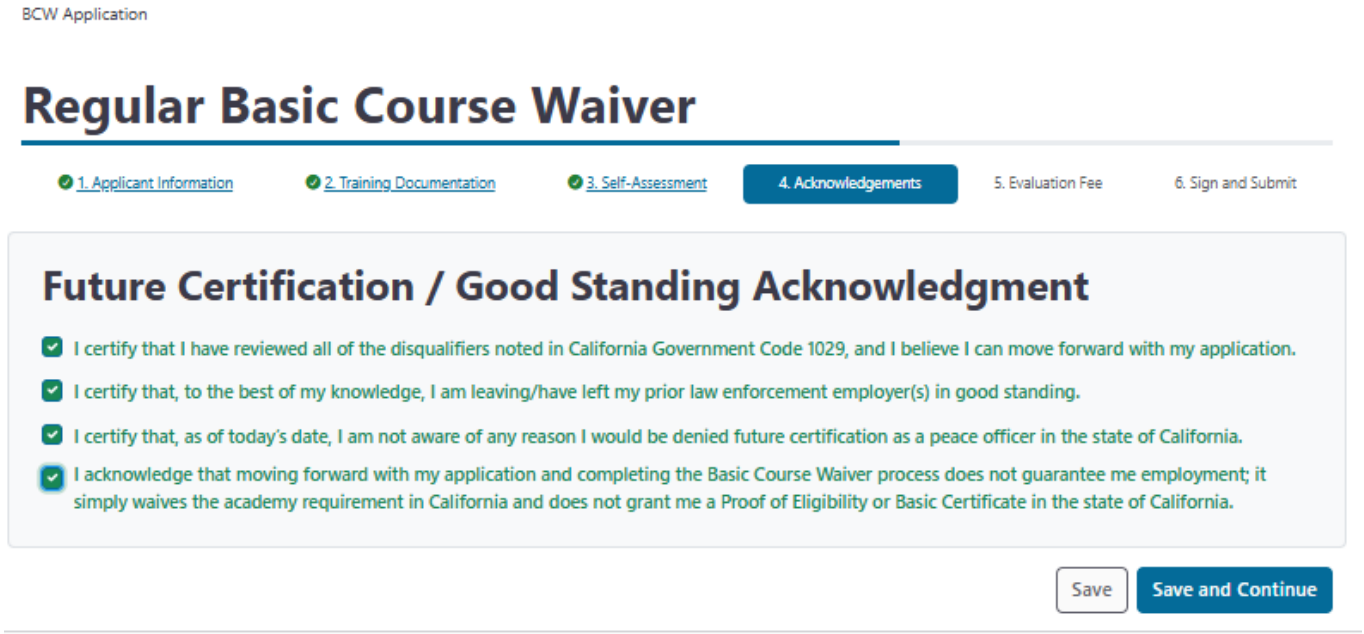
1. Applicant Information | 2. Training Documentation | **3. Self-Assessment** | 4. Acknowledgements | 5. Evaluation Fee | 6. Sign and Submit

Legislatively Mandated Training/Self-Assessment Training Worksheet

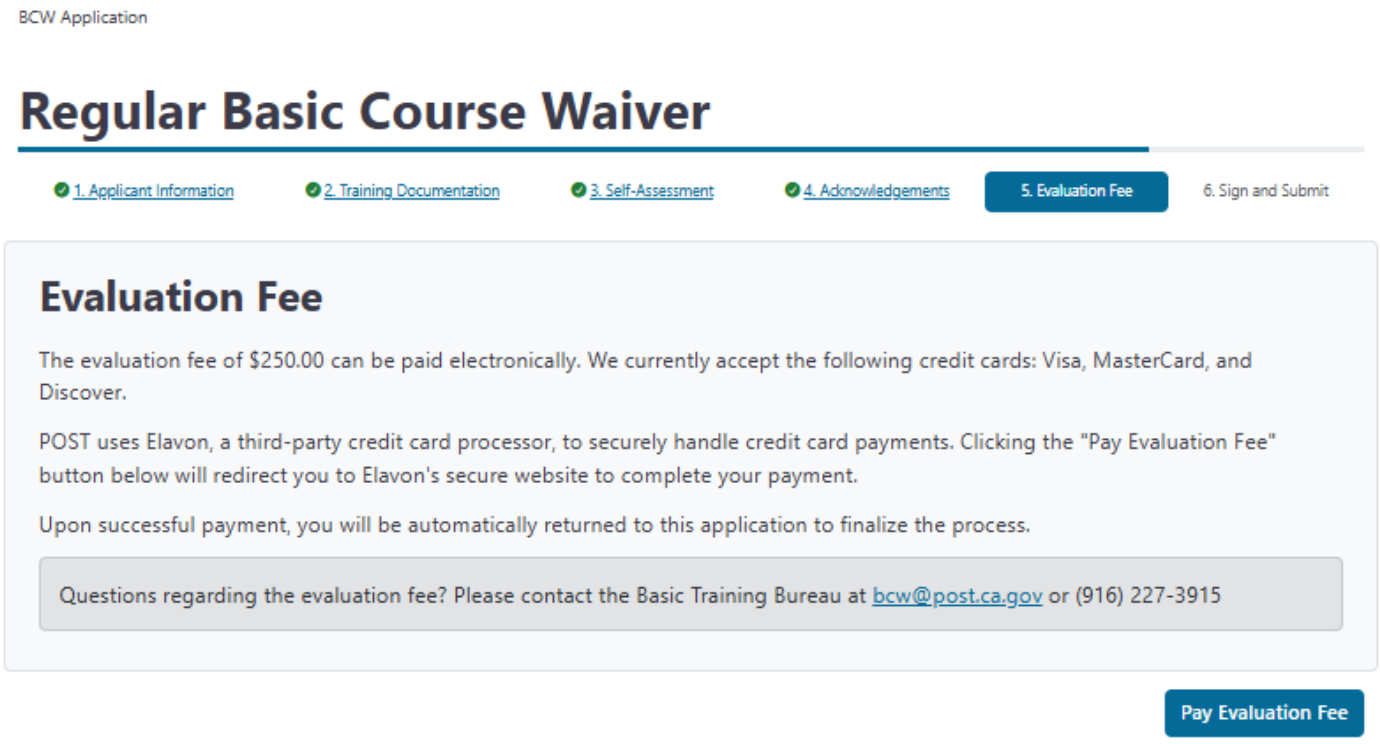
LD Ref	Required Subjects (General Descriptions)	Hours	
		Required	Self Assess
1	Leadership, Professionalism & Ethics (principles and goals, Code of Ethics)	3	1 ✓
2	Criminal Justice System (components of, Constitutional Amendments)	2	2 ✓
3	Principled Policing in the Community (COPPS, SARA, problem-solving)	2	2 ✓
5	Introduction to Criminal Law (types of law, classification of crimes)	3	3 ✓
7	Crimes Against Persons/Death Investigation	2	2 ✓
9	Crimes Against Children	4	5 ✓
10	Sex Crimes	6	10 ✓
12	Controlled Substances	12	12 ✓
15	Laws of Arrest	5	40 ✓
16	Search and Seizure	3	40 ✓
17a	Presentation of Evidence (presentation of hearsay evidence, hearsay testimony)	1	1 ✓
17b	Presentation of Evidence (lawful collection of evidence, rules of evidence)	2	2 ✓
18	Investigative Report Writing	2	10 ✓
19	Vehicle Operations	2	10 ✓
20	Use of Force/Deescalation	3	10 ✓
25	Domestic Violence	8	6 ✓
26a	Critical Incidents (hazardous materials awareness)	4	2 ✓

Continues beyond this…

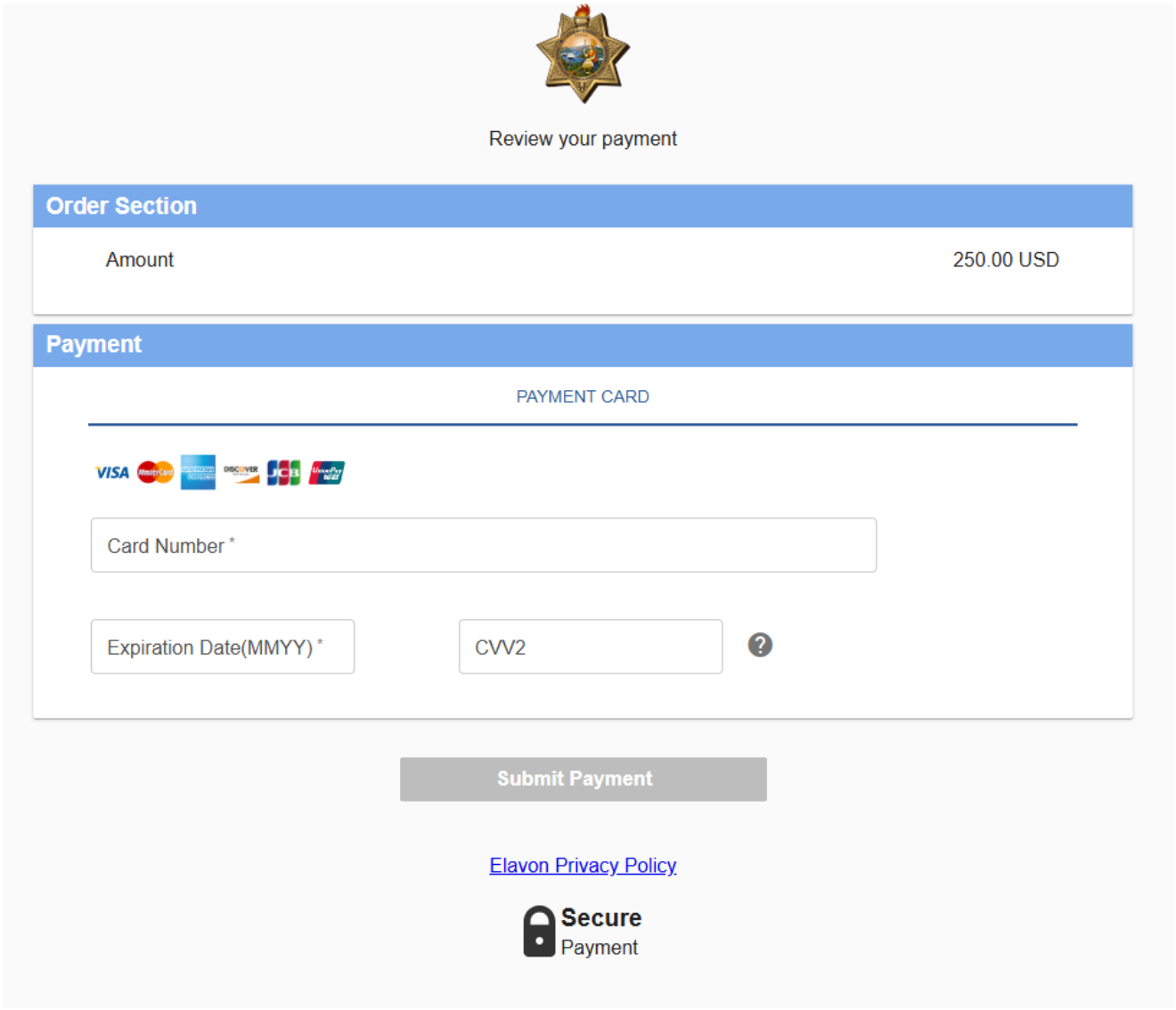
4. Acknowledgments



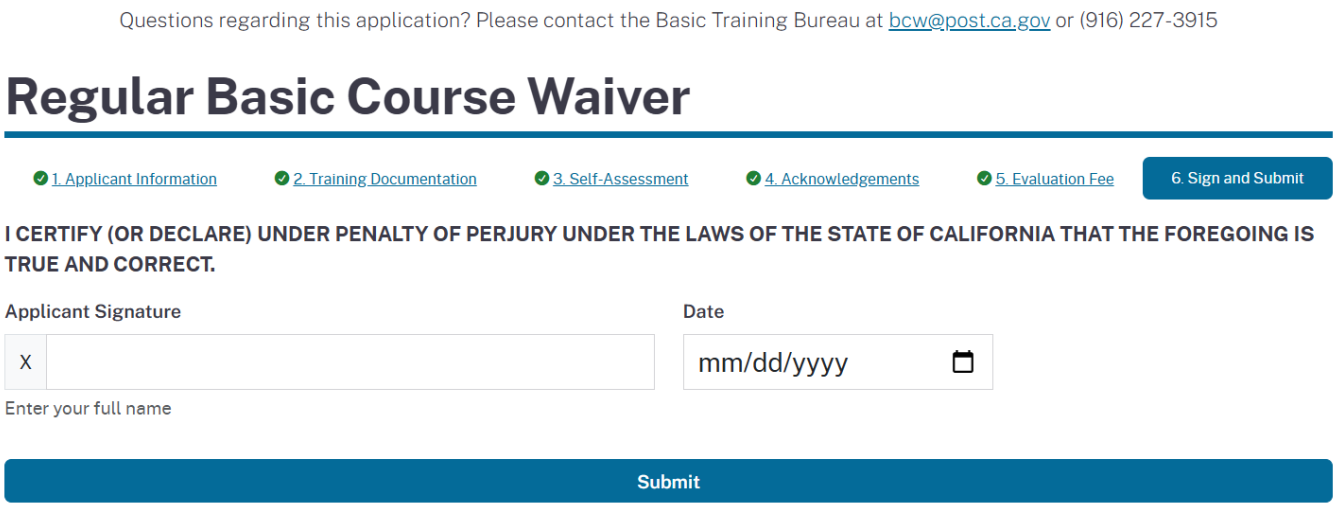
5. Evaluation Fee



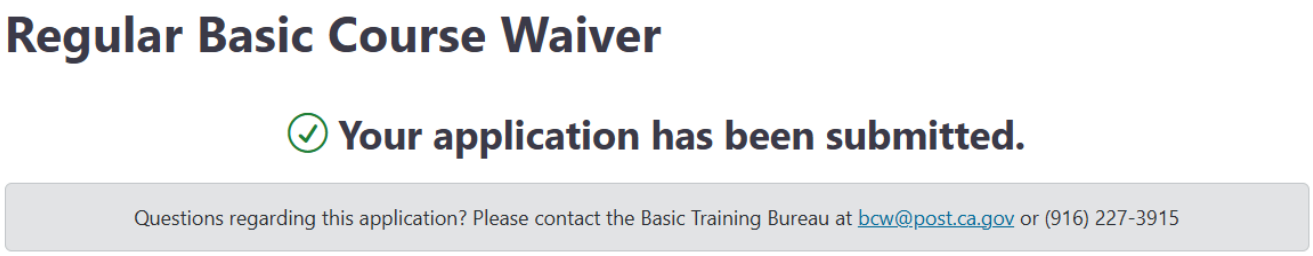
Evaluation Fee, continued…



6. Sign and Submit



Complete



AGENDA ITEM REPORT

Title:

REPORT ON AMENDMENT TO TRAINING AND TESTING SPECIFICATIONS - ADOPTION OF LEARNING DOMAIN 44 - ACTIVE SHOOTER

REPORT PROFILE

MEETING DATE 06/04/2025	**BUREAU SUBMITTING THE REPORT** Basic Training Bureau	
RESEARCHED BY Brandon Kiely	**REVIEWED BY** Carrie Hollar	
REPORT DATE 04/09/2025	**APPROVED BY** Manuel Alvarez, Jr.	**DATE APPROVED** 05/10/2025
PURPOSE	**FINANCIAL IMPACT** Yes	

ISSUE, BACKGROUND, ANALYSIS, & RECOMMENDATION

ISSUE: Should the Commission approve the adoption of Learning Domain 44 - Active Shooter into the Basic Course curriculum as described in this report?

BACKGROUND: POST staff facilitated a discussion with Academy Directors and Coordinators at the March 2023 Basic Course Consortium about the need for active shooter training in basic courses. Those in attendance agreed the topic should be incorporated. Following the Consortium, POST staff facilitated two workshops (October 2023 and January 2024) with Subject Matter Experts (SMEs) representing eight (8) basic course presenters. After reviewing active shooter related content within existing learning domains, the SMEs determined Active Shooter training should be a stand-alone Learning Domain.

During the March 2024 Commission meeting, the Commission approved the proposal to pilot Learning Domain 44 - Active Shooter based upon the proposed Training and Testing Specifications (TTS) that was developed by the SMEs during the two workshops mentioned above. The pilot program started in May 2024 and concluded in December 2024. The pilot program involved the following Basic Course presenters:

- California Highway Patrol
- Orange County Sheriff

- Riverside County Sheriff
- Sacramento County Sheriff
- San Diego Regional Public Safety Training Institute
- San Joaquin Delta College (Modular Format)
- Ventura County Criminal Justice Center

ANALYSIS:

POST staff and SMEs conducted in-person observations during several of the pilot training presentations. Students and instructors that participated in the pilot training were asked to complete online questionnaires. Several of the participating instructors were also debriefed in-person. The online questionnaires and in-person debriefings were used to receive feedback to determine the statewide applicability of the proposed TTS (**Attachment A**) and that the content in the TTS sufficiently covers this topic. All of the feedback received from the instructors, students, and presenters supported the addition of the proposed content into the Basic Course.

The proposed minimum hourly content requirement for Learning Domain 44 - Active Shooter is sixteen (16) hours in the Regular Basic Course (**Attachment B**), sixteen (16) hours in the Module I (**Attachment C**), and six (6) hours in the Module II (**Attachment D**).

The content of the TTS is designed to make the students use their critical thinking skills to determine when they may need to use rapid response tactics versus a slow systematic approach based upon the stimulus presented to them. Based upon feedback from the SMEs and presenters that participated in the pilot training, the primary emphasis in delivering this topic should focus on the Required Learning Activities that are outlined in the proposed TTS for Learning Domain 44 - Active Shooter and introduced at the end of a Regular Basic Course, Module I, or Module II presentation. Presenting this topic at the end of a class presentation would allow the students to have a solid foundation from which to apply tactical concepts overall.

RECOMMENDATION:

After completing a seven month pilot program, POST staff are proposing the adoption of Learning Domain 44 - Active Shooter into the Basic Course curriculum.

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

ATTACHMENT(S):

LD44-AttachmentA-TTS.pdf

LD-44-AttachmentB-RBC Minimum Hourly.pdf

LD-44-AttachmentC-MOD I Minimum Hourly.pdf
LD-44-AttachmentD-MOD II Minimum Hourly.pdf

TRAINING AND TESTING
SPECIFICATIONS FOR LEARNING DOMAIN #44
ACTIVE SHOOTER

April 1, 2026

RBC	Other Basic Courses					Requal	
	832	III	II	I	SIBC		
							I. LEARNING NEED
							Peace officers must understand what constitutes an active shooter incident and the characteristics of these incidents.
							LEARNING OBJECTIVES
X			X	X			A. Define active shooter/active shooter incidents
X			X	X			B. Explain the contemporary historical proliferation of these incidents and the effects these have had on the development/evolution of peace officer response
X			X	X			C. Describe the difference between active shooter and other incident responses (e.g., assault with a deadly weapon, barricaded suspect/hostage response, etc.)
X			X	X			D. Discuss response priorities/considerations (e.g., safety of victims, equipment, etc.)
							II. LEARNING NEED
							Peace officers must understand how to effectively use rapid response tactics to increase the survivability of victims during an active shooter incident
							LEARNING OBJECTIVES
X X X			X X X	X X X			A. Discuss rapid response tactics 1. Solo peace officer response 2. Multiple peace officer response (two or more peace officers)

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RBC	Other Basic Courses					Requal
	832	III	II	I	SIBC	
X			X	X		
X X X X			X X X X	X X X X		
X			X	X		
X X X X X				X X X X X		
X X X			X X X	X X X		

B. Define the difference between systematic search vs. direct to stimulus response.

III. LEARNING NEED

Peace officers must understand other responsibilities during an active shooter incident.

LEARNING OBJECTIVES

A. Medical considerations including

1. Medical aid administered by peace officers
2. Security of medical personnel
3. Coordinating casualty collection points

B. Scene containment/processing

IV. REQUIRED LEARNING ACTIVITIES

A. The student will participate in a learning activity that will demonstrate movement as a solo peace officer.

1. Tactical movement to threat
2. Searching to locate the suspect
   a. Systematic search
   b. Direct to stimulus response

B. Students will participate in a learning activity that will demonstrate movement as a multiple peace officer response.

1. Tactical movement to threat (e.g., bounding overwatch, formations, open area movements, etc.)
2. Searching to locate the suspect

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RBC	Other Basic Courses					Requal
	832	III	II	I	SIBC	
X X			X X	X X		
X				X		
16			6	16		

a. Systematic search
b. Direct to stimulus response

C. Students will participate in a learning activity that will simulate a comprehensive response to an active shooter incident, which will include tactical movements to locate and stop the threat. This activity may also include rescue, evacuation, treatment, and transportation of victims.

V. REQUIRED TESTS

None

VI. HOURLY REQUIREMENTS

Students shall be provided with a minimum number of instructional hours on active shooter.

VII. ORIGINATION DATE

April 1, 2026

VIII. REVISION DATE

DRAFT

~~October 1, 2023~~April 1, 2026

DOMAIN NUMBER	DOMAIN DESCRIPTION	MINIMUM HOURS
01	Leadership, Professionalism & Ethics	8 hours
02	Criminal Justice System	2 hours
03	Principled Policing in the Community	26 hours
04	Victimology/Crisis Intervention	6 hours
05	Introduction to Criminal Law	4 hours
06	Property Crimes	6 hours
07	Crimes Against Persons/Death Investigation	6 hours
08	General Criminal Statutes	2 hours
09	Crimes Against Children	4 hours
10	Sex Crimes	4 hours
11	Juvenile Law and Procedure	3 hours
12	Controlled Substances	12 hours
13	ABC Law	2 hours
14	Officer Wellness	8 hours
15	Laws of Arrest	12 hours
16	Search and Seizure	12 hours
17	Presentation of Evidence	6 hours
18	Investigative Report Writing	48 hours
19	Vehicle Operations	40 hours
20	Use of Force/Deescalation	16 hours
21	Patrol Techniques	12 hours
22	Vehicle Pullovers	14 hours
23	Crimes in Progress	20 hours
24	Handling Disputes/Crowd Control	8 hours
25	Domestic Violence	10 hours
26	Critical Incidents	8 hours
27	Missing Persons	4 hours
28	Traffic Enforcement	16 hours
29	Traffic Collision Investigations	12 hours
30	Crime Scenes, Evidence, and Forensics	12 hours
31	Custody	2 hours
32	Lifetime Fitness	44 hours
33	Arrest and Control	60 hours
34	First Aid, CPR, and AED	21 hours
35	Firearms/Chemical Agents	72 hours
36	Information Systems	2 hours
37	People with Disabilities	15 hours
38	Gang Awareness	2 hours
39	Crimes Against the Justice System	4 hours
40	Weapons Violations	4 hours
42	Cultural Diversity/Discrimination	16 hours
43	Terrorism Awareness	4 hours
44	Active Shooter	16 hours
	Minimum Instructional Hours	~~589~~ 605 hours
	The minimum number of hours allocated to testing in the Course are shown below.[1]	
	Additional instructional and testing hours for POST-required content	6 hours
TESTS		HOURS
	Scenario Tests (40 hours test administration; 18 hours scenario demonstration) (LDs 1,4,7,20,21,22,23,25,30 and 37)	58 hours
POST-Constructed Comprehensive Tests		
	LD 34	1 hour
	RBC Test 1 (LDs 5,15,16,20,39)	3 hours
	RBC Test 2 (LDs 5,6,7,8,9,10,15,16,20, and 39)	3 hours
	RBC Test 3 (LDs 5,6,7,8,9,10,11,12,15,16,20,25,26, 28,37,39,40, and 43)	4 hours
Total Minimum Required Hours		~~664~~ 680 hours

MINIMUM CONTENT AND HOURLY REQUIREMENTS
REGULAR BASIC COURSE (RBC) MODULAR FORMAT - MODULE I

~~October 1, 2023~~April 1, 2026

DOMAIN NUMBER	DOMAIN DESCRIPTION	MINIMUM HOURS
04	Victimology/Crisis Intervention	6 hours
09	Crimes Against Children	4 hours
10	Sex Crimes	4 hours
11	Juvenile Law and Procedures	3 hours
12	Controlled Substances	12 hours
13	ABC Law	2 hours
14	Officer Wellness	8 hours
18	Investigative Report Writing	20 hours
19	Vehicle Operations	40 hours
20	Use of Force/Deescalation	4 hours
21	Patrol Techniques	12 hours
22	Vehicle Pullovers	14 hours
23	Crimes in Progress	18 hours
24	Handling Disputes/Crowd Control	8 hours
25	Domestic Violence	10 hours
26	Critical Incidents	8 hours
27	Missing Persons	4 hours
28	Traffic Enforcement	16 hours
29	Traffic Collision Investigations	12 hours
30	Crime Scenes, Evidence, and Forensics	6 hours
32	Lifetime Fitness	44 hours
33	Arrest and Control	32 hours
35	Firearms/Chemical Agents	12 hours
37	People with Disabilities	15 hours
38	Gang Awareness	2 hours
40	Weapons Violations	4 hours
43	Terrorism Awareness	4 hours
44	Active Shooter	16 hours
	Minimum Instructional Hours	340~~324~~ hours
	The minimum number of hours allocated to testing in the Level I Module are shown below.[1]	
	Additional instructional and testing hours for POST-required content	8 hours
TESTS		HOURS
	Scenario Tests - (40 hours test administration; 18 hours scenario demonstration) (LDs 1,4,7,20,21,22,23,25,30, and 37)	58 hours
	POST-Constructed Comprehensive Module I Test (LDs 5,6,7,8,9,10,11,12,15,16, 20,25,26,28,37,39, 40, and 43)	4 hours
	Total Minimum Required Hours	~~394~~ 410 hours

[1] Time required for exercise testing, instructional activities, and the Work Sample Test Battery is included in instructional hours.

MINIMUM CONTENT AND HOURLY REQUIREMENTS
REGULAR BASIC COURSE (RBC) - MODULAR FORMAT - MODULE II

~~October 1, 2023~~April 1, 2026

DOMAIN NUMBER	DOMAIN DESCRIPTION	MINIMUM HOURS
03	Principled Policing in the Community	20 hours
06	Property Crimes	6 hours
07	Crimes Against Persons/Death Investigation	6 hours
08	General Criminal Statutes	2 hours
14	Officer Wellness	2 hours
15	Laws of Arrest	7 hours
16	Search and Seizure	8 hours
17	Presentation of Evidence	4 hours
18	Investigative Report Writing	20 hours
20	Use of Force/De-escalation	6 hours
21	Patrol Techniques	6 hours
22	Vehicle Pullovers	6 hours
23	Crimes in Progress	10 hours
30	Crime Scenes, Evidence, and Forensics	4 hours
33	Arrest and Control	16 hours
35	Firearms/Chemical Agents	44 hours
39	Crimes Against the Justice System	4 hours
42	Cultural Diversity/Discrimination	15 hours
44	Active Shooter	6 hours
	Minimum Instructional Hours The minimum number of hours allocated to testing in the Module II are shown below.[1]	~~186~~ 192 hours

TESTS	HOURS
POST-Constructed Comprehensive Module II Test (LDs 5,6,7,8,15,16,20, and 39)	3 hours
Total Minimum Required Hours	~~189~~ 195 hours

[1] Time required for exercise testing and instructional activities is included in instructional hours.

AGENDA ITEM REPORT

Title:

REPORT TO AMEND COMMISSION REGULATION 1006 - EXTENSION OF TIME LIMIT FOR COURSE COMPLETION

REPORT PROFILE

MEETING DATE 06/04/2025	**BUREAU SUBMITTING THE REPORT** Basic Training Bureau	
RESEARCHED BY Brad NewMyer	**REVIEWED BY** Carrie Hollar	
REPORT DATE 04/22/2025	**APPROVED BY** Manuel Alvarez, Jr.	**DATE APPROVED** 05/10/2025
PURPOSE	**FINANCIAL IMPACT** No	

ISSUE, BACKGROUND, ANALYSIS, & RECOMMENDATION

ISSUE:

Should the Commission approve, subject to the Notice of Proposed Regulatory Action Process, the proposed changes enumerated in this report?

BACKGROUND:

POST Basic Training Bureau (BTB) staff identified a need to add inclusive language to Commission Regulation 1006 to allow basic course presenters to request an extension of time limit for course completion.

ANALYSIS:

POST BTB staff evaluated Commission Regulation 1006 (**Attachment A**) and determined the current regulatory verbiage excludes many students and agencies from seeking, and potentially obtaining, a reasonable extension of time limit for course completion as it only permits a “department” to seek an extension. Commission Regulation 1001 defines a "Department or Participating Department" as any law enforcement entity or independent communications agency that has made an application to and has been accepted by the Commission to participate in POST programs and receive services. Eligibility and participation requirements are set forth in Commission Regulation 1010.

This requirement not only excludes many agencies that are not in the POST program from requesting the extension, it also excludes course presenters who are not a department from requesting the extension on behalf of students not affiliated with a department/agency. POST certified courses are typically presented by both colleges and departments. Additionally, it does not allow the presenter to seek an extension of time limit for course completion on behalf of the department.

By adding course presenter to the regulation, it would allow the presenter, who typically has a working relationship with the presenters' course approver and the sponsoring agency/department, to make the request for extension of time limit for course completion on behalf of an affiliated (agency personnel) and any non-affiliated student attending the course. POST staff believes these changes will properly allow course presenters to request extensions for all students attending POST certified courses, regardless of their employment status.

RECOMMENDATION:

Should the Commission approve the proposed text of Commission Regulation 1006?

If the Commission concurs, the appropriate action would be a **MOTION** to approve the change as proposed by BTB staff .

ATTACHMENT(S):
ATTACHMENT A.pdf

11 CCR § 1006

§ 1006. Extension of Time Limit for Course Completion.

Currentness

(a) The Commission will grant an extension of time limit for completion of any course required by Commission Regulations 1005, 1007, or 1018 upon presentation of satisfactory evidence by a department or course presenter, that a trainee, peace officer trainee, peace officer, reserve peace officer, or dispatcher is unable to complete the required course within the time limit prescribed because of illness, injury, military service, or special duty assignment required and made in the public interest of the concerned jurisdiction, or upon presentation of evidence by a department or course presenter that a trainee, peace officer trainee, peace officer, reserve peace officer, or dispatcher is unable to complete the required course within the time prescribed. Time extensions granted under this subsection shall not exceed that which is reasonable, bearing in mind each individual circumstance. Students who have been dismissed from a course due to sustained allegations of misconduct with respect to their participation as students in the course are ineligible for the extension afforded by this regulation.

(b) In the event that a department in the Regular Program does not require an individual to complete the applicable training by the end of the extension period, such department shall not be eligible for the reimbursement of any expenses which are incurred as a result of the training when it finally occurs; in the event that an agency in the Specialized Program does not require an individual to complete the applicable training by the end of the extension period, such agency shall not be eligible for participation in the Specialized Law Enforcement Certification Program.

AGENDA ITEM REPORT

Title: REPORT ON AMENDMENTS TO COMMISSION REGULATION 1055 - REQUIREMENTS FOR COURSE PRESENTATION

REPORT PROFILE

MEETING DATE 06/04/2025	**BUREAU SUBMITTING THE REPORT** Basic Training Bureau	
RESEARCHED BY Carrie Hollar		**REVIEWED BY**
REPORT DATE	**APPROVED BY** Manuel Alvarez, Jr.	**DATE APPROVED** 05/14/2025
PURPOSE		**FINANCIAL IMPACT** No

ISSUE, BACKGROUND, ANALYSIS, & RECOMMENDATION

ISSUE: Should the Commission approve, subject to Notice of Proposed Regulatory Action Process, the proposed changes in this report?

BACKGROUND: Currently, Commission Regulation 1055 requires presenters to complete and submit a course roster after the completion of the course presentation. The completed course roster shall include all individuals who attended the course, and whether or not successful completion of the course was achieved. The regulation does not require the presenter to put a reason the student did not complete the course.

ANALYSIS: At times, Basic Training staff have been asked the specific reasons why students are failing out of basic courses. Currently, there is no regulatory requirement for presenters to provide the specific reason for the failure. By adding the requirement to enter a specific reason, it will assist staff in answering these questions and identifying any trends or potential issues with the existing curriculum.

RECOMMENDATION: POST staff is recommending a change to Commission Regulation 1055, that would require basic course presenters to provide the specific reason a student failed the course.

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.pdf

Effective: October 1, 2022

11 CCR § 1055

§ 1055. Requirements for Course Presentation.

A completed *Course Roster, POST 2-111 (Rev 02/2015)* shall be prepared and submitted to the Commission after completion of each certified course presentation. A completed Course Roster shall include all individuals and the number of hours completed by each individual, whether or not successful completion of the course was achieved. Where applicable, the following documents shall accompany each course roster:

(1) Any Training Reimbursement Requests, POST 2-273 (Rev 04/2015) provided to the presenter by an individual;

(2) A written statement from the course coordinator explaining how an individual successfully completed the course but missed more than five percent of the certified hours of all basic training courses, Commission Procedure D-1 or ten percent of the certified hours of any other POST-certified course;

(3) For each student who was unsuccessful in a basic course certified under Commission Regulation 1059, a written comment explaining the specific reason why the student was unsuccessful (e.g. illness, injury, failed comprehensive test, etc.).

(43) A complete schedule reflecting the content for any presentation of a basic course certified under Commission Regulation 1059, to include the following:

(A) the total hours of the presentation, total number of days per class, and days per week

(B) the specific name(s) of instructor(s) and topics scheduled during each course hour including a reference to the Training and Testing Specifications for Peace Officer Basic Courses content that was covered

(C) the specific name(s) of test proctors/evaluators for each POST-required test

(D) a brief description of any learning activity (as defined in Commission Regulation 1001) that was presented beyond that required in the Training and Testing Specifications for Peace Officer Basic Courses

All documents must be submitted to the Commission no later than 10 calendar days following the ending date of the presentation. Subsequent to submission of these documents, the coordinator shall contact the Commission about needed corrections.

AGENDA ITEM REPORT

Title: REPORT ON DISTRICT ATTORNEY INVESTIGATOR TRANSITION COURSE REGULATION

REPORT PROFILE

MEETING DATE 06/04/2025	**BUREAU SUBMITTING THE REPORT** Training Program Services Bureau	
RESEARCHED BY Andrew Mendonsa		**REVIEWED BY**
REPORT DATE 04/15/2025	**APPROVED BY**	**DATE APPROVED**
PURPOSE		**FINANCIAL IMPACT** No

ISSUE, BACKGROUND, ANALYSIS, & RECOMMENDATION

ISSUE:

Should the Commission approve, subject to the Notice of Proposed Regulatory Action process, the revision to Commission Regulation 1005, Minimum Standards for Training, to repeal the "Training specifications for the Investigation and Trial Preparation Course" and incorporate the hourly requirements and minimum course topics into Commission Procedure D-14.

BACKGROUND:

At the February 2018 Commission meeting, to more accurately reflect the needs of the field, the Commission approved to change the name and the course Learning Domains of the 80-hour “District Attorney Investigation and Trial Preparation Course” to the “District Attorney Investigator Transition Course.” At that time, the “Training specifications for the Investigation and Trial Preparation Course” was left incorporated by reference into regulation.

In March 2025, POST staff met with subject matter experts, including instructors and representatives from the California District Attorney Investigator’s Association. The subject matter experts agreed that the “Training Specification for the Investigation and Trial Preparation Course” that is currently incorporated by reference in Commission Regulation 1005 is no longer suitable or necessary, and recommended adopting

hourly requirements and minimum topics under existing Commission Procedure D-14.

ANALYSIS:

The use of learning domains is no longer used for in-service mandated training courses that are required under Commission Regulation 1005. To provide for consistency with other in-service mandated training course requirements, including the Supervisory and Management courses, staff and subject matter experts recommend establishing minimum hourly and topic requirements in Commission Procedures. The proposed changes to Regulation 1005 (**Attachment A**) repeal the "Training Specification for the Investigation and Trial Preparation Course" (**Attachment B**) incorporated by reference. The new Commission Procedure D-14 adopts the hourly requirements and recommended updated minimum topics from the "Training Specifications for the Investigation and Trial Preparation Course". (**Attachment C**) The remainder of the current Commission Procedure D-14, including learning domains, learning needs, learning objectives, and learning activities are incorporated into a course specific lesson plan for the District Attorney Investigator Transition Course.

RECOMMENDATION:

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

ATTACHMENT(S):

(Attachment A) Text of Proposed Regulation Action 1005.pdf
(Attachment B) Repealed 2008 Training Specification for the Investigation and Trial Preparation Course.pdf
(Attachment C) Training Specifications for the Investigation and Trial Preparation Course D14 Procedure Strikeout Underline.pdf

TEXT OF PROPOSED REGULATION ACTION
Repeal the Training Specifications for the Investigation and Trial Preparation Course
Incorporate the Training Specification for the District Attorney Investigator Transition Course by reference
Commission Regulations 1005

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§ 1005. Minimum Standards for Training. (Refer to Commission Regulation 1007 and Commission Procedure H for *Reserve Peace Officer* Training Standards).

[*** (a)-Commission Procedure H-3 adopted effective June 15, 1990… remain unchanged***]

~~The document, *Training Specifications for the Investigation and Trial Preparation Course* adopted effective January 1, 2002, and amended January 1, 2009, is herein incorporated by reference.~~

[*** The document, *Training and Testing Specifications for Peace Officer Basic Courses…*- the end.. remains unchanged***]

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.

~~January 1, 2007~~

~~Specifications are compiled and issued by the~~
~~California Commission on Peace Officer Standards and Training~~

REPEALED

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REPEALED

INVESTIGATION AND TRIAL PREPARATION COURSE

~~Learning Domains and Course Hours~~

~~Learning Domain~~	~~Description~~	~~Minimum Hours~~
~~# 70~~	~~Role and Authority of the District Attorney Investigator~~	~~8~~
~~# 71~~	~~Court Processes, Motions, Grand Jury~~	~~4~~
~~# 73~~	~~Concepts of Evidence, Search and Seizure~~	~~4~~
~~# 74~~	~~Investigative Techniques and Surveillance~~	~~6~~
~~# 75~~	~~Victim, Witness and Informant Management~~	~~4~~
~~# 76~~	~~Trial Preparation and Support~~	~~8~~
~~# 78~~	~~Child Abduction Investigation~~	~~2~~
~~# 79~~	~~Financial Crimes and Public Fraud Investigations~~	~~4~~
~~# 81~~	~~Crimes Committed by Public Officials/Officers~~	~~4~~
~~# 82~~	~~Special Victim Investigations~~	~~4~~
~~# 83~~	~~Gang Activity Investigations~~	~~4~~
~~# 84~~	~~Officer Involved Incidents~~	~~4~~
~~# 85~~	~~Environmental Crime and Consumer Fraud Investigations~~	~~4~~
~~# 86~~	~~Investigator Safety~~	~~2~~
~~# 88~~	~~Professionalism and Ethics~~	~~4~~
~~# 89~~	~~High Tech Crimes and Computers~~	
~~# 90~~	~~DNA Collection and Usage~~	~~2~~
~~# 91~~	~~Juvenile Process~~	~~2~~
~~# 92~~	~~Interview and Interrogation Update~~	~~2~~
	~~Minimum Instructional Hours~~	~~76~~
	~~Administrative Time~~	~~2~~
	~~Presenter-developed Comprehensive Exam & Review~~	~~2~~
	~~Total Minimum Required Hours~~	~~80~~

REPEALED

INVESTIGATION AND TRIAL PREPARATION COURSE

~~SPECIFICATIONS FOR LEARNING DOMAIN #70~~
~~ROLE AND AUTHORITY OF THE DISTRICT ATTORNEY INVESTIGATOR~~

~~Effective 30 days after filing with the Secretary of State~~

~~I LEARNING NEED~~

~~Students need to know and understand the role and authority of the District Attorney Investigator.~~

~~II. LEARNING OBJECTIVES~~

~~A. Identify constitutional and statutory authority and mandates, including:~~

1. ~~State Constitution~~
2. ~~Government Code~~
3. ~~Penal Code~~
4. ~~Business and Profession Code~~
5. ~~Family Code~~
6. ~~Civil Code~~
7. ~~Election Code~~
8. ~~Case law~~
9. ~~Subpoena power and additional authorities~~

~~B. Discuss the history and authority of the District Attorney Investigator~~

~~C. Identify the role and duties/functions of the District Attorney Investigator, including:~~

1. ~~Pre/post complaint investigation~~
2. ~~District Attorney Investigator vs. general law enforcement function~~
3. ~~Distinction between "investigating" a case and "making" a case for criminal purposes~~

~~D. Identify the working relationships with:~~

1. ~~DA/Legal staff~~
2. ~~Law enforcement community~~
3. ~~Legal community~~

REPEALED

4. ~~News media~~

5. ~~General public~~

~~E. Discuss the common ethical issues encountered by the District Attorney Investigator,~~ -

~~F. Recognize rehabilitations/pardons~~

~~III. REQUIRED TESTS~~

~~The presenter-developed comprehensive test will include items from this domain.~~

~~IV. REQUIRED LEARNING ACTIVITIES~~

~~The student will participate in one or more learning activities that address contemporary or emerging issues relevant to the role and authority of a District Attorney Investigator.~~

~~V. HOURLY REQUIREMENTS~~

~~Students shall be provided with a minimum of **8 hours** of instruction on the role and authority of the district attorney investigator.~~

~~VI. ORIGINATION DATE~~

~~January 1, 2002~~

~~VII. REVISION DATE~~

~~Effective 30 days after filing with the Secretary of State~~

REPEALED

INVESTIGATION AND TRIAL PREPARATION COURSE

SPECIFICATIONS FOR LEARNING DOMAIN #71
COURT PROCESSES, MOTIONS, GRAND JURY

Effective 30 days after filing with the Secretary of State

I. LEARNING NEED

Students need to know and understand court criminalprocesses and procedures, and the role and authority of the Grand Jury.

II. LEARNING OBJECTIVES

A. Give examples of the investigator's role in:

1. Charging

2. Defendant's appearance in court

3. Preliminary hearing (including Proposition 115)

4. Superior court arraignment

5. Pre-trial motions including:

a. Bail
b. Discovery
c. Motions in Limine

6. Disposition without trial

7. Trial

8. Post-trial motions

9. Death penalty phase trial

10. Jury verdict impeachment

11. Post-sentence motions

12. Certificates of Rehabilitation [P.C. 1203.4(a)]

13. Lifer hearings

B. Recall the role and authority of Grand Juries, including:

1. Tactical considerations

a. Oversight role

REPEALED

~~b. Investigative vs. indictment~~

~~2. Selection process/composition~~

~~a. Background investigations~~

~~3. Confidentiality~~

~~4. Subpoenas/SDT~~

~~5. Indictments~~

~~6.~~

~~III. REQUIRED TESTS~~

~~The presenter-developed comprehensive test will include items from this domain.~~

~~IV. REQUIRED LEARNING ACTIVITIESNone~~

~~V. HOURLY REQUIREMENTS~~

~~Students shall be provided with a minimum of **4 hour**s of instruction on the court process, motion and grand juries.~~

~~VI. ORIGINATION DATE~~

~~January 1, 2002~~

~~VII. REVISION DATE~~

~~Effective 30 days after filing with the Secretary of State~~

REPEALED

INVESTIGATION AND TRIAL PREPARATION COURSE

~~SPECIFICATIONS FOR LEARNING DOMAIN #73~~
~~CONCEPTS OF EVIDENCE, SEARCH, AND SEIZURE~~

~~Effective 30 days after filing with the Secretary of State~~

~~I. LEARNING NEED~~

~~Students need to know and understand concepts and admissibility of evidence, including search and seizure.~~

~~II. LEARNING OBJECTIVES~~

~~A. Explain how the Evidence Code applies in the following:~~

~~1. Corroboration~~

~~2. Impeachment~~

~~3. Admissibility of rebuttal evidence~~

~~4. Prior statements/testimony~~

~~5. Privileges/in camera hearings~~

~~6. Hearsay and exceptions~~

~~7. Best evidence~~

~~8. 1538 Evidence Code- Prior identification by witnesses~~

~~9. 353 Evidence Code~~

~~10. Co-Defendant Statements (e.g., Aranda)~~

~~11. 402 Hearing~~

~~B. Describe the types, appropriate uses, and affidavit construction of search and arrest warrants, including legal aspects of service and return, for the following:~~

~~1. Contingency Warrants~~

~~2. Surreptitious Entry Warrants~~

~~3. Sealed~~

~~4. Steagald~~

~~5. Skelton~~

REPEALED

~~6. Telephonic search warrants~~

~~7. Telephone records searches~~

~~8. Pin registers (DNR)~~

~~9. Special Masters~~

~~10. Extensions of time~~

~~11. Ramey Warrants~~

~~12. Code of Civil Procedures 187~~

~~13. Unlawful flight to avoid prosecution (UFAP)~~

~~14. Extradition~~

~~15. Rendition~~

~~16. Body attachments~~

~~17. Wire tap~~

~~C. Discuss current legal issues involving search and seizure laws concerning the following:~~

~~1. Consent~~

~~2. Vehicle~~

~~3. Persons~~

~~4. Buildings~~

~~5. Containers~~

~~D. Identify legal aspects of physical evidence, including:~~

~~1. Chain of custody and authentication~~

~~2. Body evidence~~

~~3. Handwriting exemplars and directed writings~~

~~4. Release and/or other disposition of evidence~~

~~III. REQUIRED TESTS~~

~~The presenter-developed comprehensive test will include items from this domain.~~

REPEALED

~~IV. REQUIRED LEARNING ACTIVITIESNone~~

~~V. HOURLY REQUIREMENTS~~

~~Students shall be provided with a minimum of~~ **~~4 hours~~** ~~of instruction on concepts of evidence, search, and seizure.~~

~~VI. ORIGINATION DATE~~

~~January 1, 2002~~

~~VII. REVISION DATE~~

~~Effective 30 days after filing with the Secretary of State~~

REPEALED

INVESTIGATION AND TRIAL PREPARATION COURSE

~~SPECIFICATIONS FOR LEARNING DOMAIN #74~~
~~INVESTIGATIVE AND SURVEILLANCE TECHNIQUES~~

~~Effective 30 days after filing with the Secretary of State~~

~~I. LEARNING NEED~~

~~Students need to know and understand various investigative techniques, including sources of information, investigative tools, use of surveillance equipment, and interviewing.~~

~~II. LEARNING OBJECTIVES~~

~~A. Describe the legal limitations and procedures for obtaining records information from:~~

~~1. Public agencies~~

~~a. State and Federal Public Information Act~~

~~2. Private agencies~~

~~a. Right to Financial Privacy Act (Government Code)~~

~~B. List the information and services available from the following information sources and commercial on-line systems:~~

~~1. DMV off-line services~~

~~2. Law Enforcement Intelligence Unit (LEIU)~~

~~3. DOJ off-line services~~

~~4. CDC Law Enforcement Automated Data Service (LEADS)~~

~~5. FBI off-line services~~

~~6. Internet~~

~~7. On-line public records databases (e.g., Choice Point, Lexus Nexus, West Law)~~

~~8. Megan's Law~~

~~9. Technology to Recover Abducted Kids (TRAK) System~~

~~C. Explain the provisions of the Education Code concerning access to students and school records~~

REPEALED

~~D. Identify the legality and use of:~~

~~1. Hypnosis~~

~~2. Polygraph~~

~~3. Electronic surveillance~~

~~4. Voice stress analysis~~

~~E. Give examples of physical evidence techniques, including:~~

~~1. Cal ID~~

~~2. Cal Photo~~

~~3. Audio/video enhancements~~

~~4. Public and private sources~~

~~F. Discuss legal and practical concerns related to:~~

~~1. Recordings (audio/visual/digital)~~

~~a. Interviews~~

~~b. Surreptitious~~

~~2. Preservation of notes/recordings~~

~~3. Miranda update~~

~~G. Describe procedures for conducting a line-up, including:~~

~~1. Live and video line-up (including Evans)~~

~~2. Photo line-up~~

~~3. Object identification (guns, hats, clothing, etc.)~~

~~H. Discuss major case management techniques~~

~~1. Voluminous evidence issues~~

~~2. Multiple victims/defendants/jurisdiction~~

~~3. Organizational systems~~

REPEALED

~~III. LEARNING OBJECTIVES~~

~~A. Discuss the importance of conducting lawful, safe and effective surveillance operations~~

~~B. Recall the legal issues associated with surveillance, including:~~

~~1. Lawful intrusion into areas where an expectation of privacy exists~~

~~2. Creation of law enforcement files~~

~~a. Surveillance log~~

~~3. Wiretaps (confidential communications)~~

~~4. Application of traffic laws~~

~~C. List resources available to support a surveillance operation, including:~~

~~1. Aerial support~~

~~2. DOJ resource pool~~

~~IV. REQUIRED TESTS~~

~~The presenter-developed comprehensive test will include items from this domain.~~

~~V. REQUIREDLEARNING ACTIVITIES~~

~~None~~

~~VI. HOURLY REQUIREMENTS~~

~~Students shall be provided with a minimum of **6 hour**s of instruction on investigative techniques.~~

~~VII. ORIGINATION DATE~~

~~January 1, 2002~~

~~VIII. REVISION DATE~~

~~Effective 30 days after filing with the Secretary of State~~

REPEALED

INVESTIGATION AND TRIAL PREPARATION COURSE

SPECIFICATIONS FOR LEARNING DOMAIN #75 VICTIM, WITNESS AND INFORMANT MANAGEMENT

Effective 30 days after filing with the Secretary of State

I. LEARNING NEED

Students need to know and understand the proper procedures to use when dealing with victims, witnesses, and informants.

II. LEARNING OBJECTIVES

A. Discuss issues related to the management of informants including:

1. "Jailhouse informants"

2. Non-custodial defendants/informants

B. Give examples of legal and practical issues in dealing with victims/witnesses, to include:

1. Identification, location, and subpoenaing

a. Out of local area witness

(1) Uniform Witness Act

b. Witness from foreign countries

(1) Formal

(2) Informal

2. Due diligence

3. Background checks

4. Dealing with reluctant/uncooperative victims/witnesses (e.g., bond and warrant, 878 et seq, and PC 1332 and CCP 1988)

5. Victim/witness unit liaison

6. Witness expenses and fees

7. In-custody witnesses, including logistics

8. Practical aspects of airline transportation /F.A.A. regulations

9. Americans with Disabilities Act (ADA) considerations

REPEALED

10. Victim/witness transportation and coordination

C. Identify legal and practical considerations in protecting witness, including:

1. Witness Protection programs

a. Local

b. State

c. Federal

2. Change of identity issues

3. Intimidation issues

a. PC 136

D. Explain methods for selecting expert witness, including:

1. Financial considerations

2. Transcripts on prior testimony

E. Identify elements of a conditional witness examination (PC 1335 - 1362), including:

1. Video recordings

2. Legal restrictions

III. REQUIRED TESTS

The presenter-developed comprehensive test will include items from this domain.

IV. REQUIRED LEARNING ACTIVITIESNone

V. HOURLY REQUIREMENTS

Students shall be provided with a minimum of **4 hours** of instruction on victim, witness and informant management.

VI. ORIGINATION DATE

January 1, 2002

VII. REVISION DATE

Effective 30 days after filing with the Secretary of State

REPEALED

INVESTIGATION AND TRIAL PREPARATION COURSE

~~SPECIFICATIONS FOR LEARNING DOMAIN #76~~
~~TRIAL PREPARATION AND SUPPORT~~

~~Effective 30 days after filing with the Secretary of State~~

~~I. LEARNING NEED~~

~~Students need to know and understand the techniques oftrial/case preparation and support.~~

~~II. LEARNING OBJECTIVES~~

~~A. Analyze case file reports to determine deficiencies and weaknesses~~

~~B. Define priors~~

~~1. Three strikes~~

~~2. PC 969(b) - Prison priors~~

~~C. Identify procedures for obtaining and/or preparing exhibits or demonstrations of evidence, including:~~

~~1. Demonstrative exhibits/models~~

~~2. Photographs (including aerial photography)~~

~~3. Audio/visual/digital~~

~~a. Editing~~

~~b. Filtering~~

~~4. Diagrams~~

~~5. Maps~~

~~6. Computer generated exhibits (i.e., PowerPoint, LCD projectors)~~

~~7. Jury considerations (i.e., comprehension and attention span)~~

~~D. Determine the tactical role of the investigator during trial, including:~~

~~1. Investigating officer~~

~~2. Jury selection~~

~~3. Assist in formulation of trial strategy in consultation with the Deputy District Attorney~~

REPEALED

4. Solving unanticipated problems:

a. Interviews

b. Backgrounds

c. Equipment/videos

d. Physical evidence

e. Locating missing witnesses

f. Victim/witness security

III. REQUIRED TESTS

The presenter-developed comprehensive test will include items from this domain.

IV. REQUIRED LEARNING ACTIVITIES

Given a simulated case study or equivalent material provided by the presenter, thestudent will participate in one or more learning activities that address the review, strategies, analysis and tactical role of an investigator in trial preparation.

V. HOURLY REQUIREMENTS

Students shall be provided with a minimum of **8 hours** of instruction on trial preparation and support.

VI. ORIGINATION DATE

January 1, 2002

VII. REVISION DATE

Effective 30 days after filing with the Secretary of State

REPEALED

~~SPECIFICATIONS FOR LEARNING DOMAIN #78~~
~~CHILD ABDUCTION INVESTIGATION~~

~~Effective 30 days after filing with the Secretary of State~~

~~I. LEARNING NEED~~

~~Students need to know and understand the legal aspects and civilliabilities related to child abduction investigations.~~

~~II. LEARNING OBJECTIVES~~

~~A. Identify civil mandates and laws~~

~~B. Identify criminal remedies~~

~~C. Describe recovery and placement of children~~

~~D. Identify international abductions~~

~~E. Discuss treaties~~

~~1. Uniform Child Custody Jurisdiction and Enforcement Act (UCCJEA)~~

~~2. Hague Convention on the International Aspects of Child Abduction~~

~~F. Recognize potential civil liabilities for investigators~~

~~III. REQUIRED TESTS~~

~~The presenter-developed comprehensive test will include items from this domain.~~

~~IV. LEARNING ACTIVITIESNone~~

~~V. HOURLY REQUIREMENTS~~

~~Students shall be provided with a minimum of **2 hours** of instruction on child abduction investigations.~~

~~VI. ORIGINATION DATE~~

~~January 1, 2002~~

~~VII. REVISION DATE~~

~~Effective 30 days after filing with the Secretary of State~~

REPEALED

~~SPECIFICATIONS FOR LEARNING DOMAIN #79~~
~~FINANCIAL CRIME AND PUBLIC ASSISTANCE FRAUD INVESTIGATIONS~~

~~Effective 30 days after filing with the Secretary of State~~

~~I. LEARNING NEED~~

~~Students need to know and understand the legal aspects and investigative techniques of financial crime and public assistance fraud investigations.~~

~~II. LEARNING OBJECTIVES~~

~~A. Recognize the crime elements of Iinsurance fraud, including:~~

~~1. Auto~~

~~2. Workers Compensation~~

~~B. Recognize the crime elements of real estate fraud~~

~~C. Identify the legal aspects and investigative techniques involved in asset forfeiture~~

~~D. Discuss theories of theft~~

~~E. Identify the legal aspects and investigative techniques of securities law~~

~~F. Recognize the elements for crimes against the elderly/dependent adults~~

~~G. Recognize the elements for crimes involving Welfare Fraud~~

~~H. Recognize the elements for crimes involving Identity Theft~~

~~I. State the intent of Title IV - A of the Social Security Act (Federal)~~

~~J. Define Early Fraud~~

~~K. Define Ongoing Fraud~~

~~L. Identify the legal aspects and investigative techniques of child care program fraud~~

REPEALED

~~M. Identify the legal aspects and investigative techniques of medical fraud~~

~~N. Identify the legal aspects and investigative techniques for food stamp stings~~

~~O. Identify the legal aspects and investigative techniques of internal theft~~

~~III. REQUIRED TESTS~~

~~The presenter-developed comprehensive test will include items from this domain.~~

~~IV. LEARNING ACTIVITIESNone~~

~~V. HOURLY REQUIREMENTS~~

~~Students shall be provided with a minimum of **4 hours** of instruction on financial crime investigations~~

~~VI. ORIGINATION DATE~~

~~January 1, 2002~~

~~VI. REVISION DATE~~

~~Effective 30 days after filing with the Secretary of State~~

REPEALED

INVESTIGATION AND TRIAL PREPARATION COURSE

SPECIFICATIONS FOR LEARNING DOMAIN #81 CRIMES COMMITTED BY PUBLIC OFFICIALS/OFFICERS

Effective 30 days after filing with the Secretary of State

I. LEARNING NEED

Students need to know and understand the legal aspects and investigative techniques of crimes committed by public officials and public officers.

II. LEARNING OBJECTIVES

A. Recognize the legal aspects and investigative techniques for misconduct by public officials, public employees, candidates, and campaign workers, including:

1. Political Reform Act
2. Theft of public funds
3. Bribery
4. Conflict of interest
5. Brown Act violations
6. Government records crimes

B. Recognize the legal aspects and investigative techniques for crimes against the judicial process, including:

1. Perjury
2. Subornation of perjury
3. Falsification of evidence
4. Obstruction of justice
5. Jury tampering

REPEALED

~~III. REQUIRED TESTS~~

~~The presenter-developed comprehensive test will include items from this domain.~~

~~IV. LEARNING ACTIVITIES~~

~~The student will participate in one or more learning activities that will identify actions to be taken duringan investigation of crimes committed by public officials. At a minimum, the activity or combination of activities must address:~~

~~1. Initial steps or techniques~~

~~2. Evaluating possible violations~~

~~3. Establishing the elements of the crime(s)~~

~~4. Reporting findings~~

~~V. HOURLY REQUIREMENTS~~

~~Students shall be provided with a minimum of **4 hours** of instruction on crimes committed by public officials.~~

~~VI. ORIGINATION DATE~~

~~January 1, 2002~~

~~VII. REVISION DATE~~

~~Effective 30 days after filing with the Secretary of State~~

REPEALED

INVESTIGATION AND TRIAL PREPARATION COURSE

SPECIFICATIONS FOR LEARNING DOMAIN #82
SPECIAL VICTIM INVESTIGATIONS

Effective 30 days after filing with the Secretary of State

I. LEARNING NEED

Students need to know and understand the legal aspects and investigative techniques of special victim investigations.

II. LEARNING OBJECTIVES

A. Recognize the legal aspects and investigative techniques for elder/dependent adult abuse (P.C. 368), including:

1. Sexual

2. Physical

a. Abuse

b. Neglect

3. Emotional

4. Financial

a. Undue Influence

5. Mandated Reporting

B. Recognize the legal aspects and investigative techniques for child abuse, including:

1. Sexual

2. Physical

3. Emotional

4. Drug Endangered Children (DEC)

5. Multidisciplinary Interview Team (MDIT)

6. Sexually violent predators

7. Mandated Reporting

REPEALED

~~C. Recognize the legal aspects and investigative techniques for domestic violence, including:~~

~~1. Stalking~~

~~D. Recognize the legal aspects and investigative techniques for sexual assault, including:~~

~~1. Adult~~

~~2. Custodial~~

~~3. Institutional~~

~~4. Statutory rape prosecution (SRVP)~~

~~III. REQUIRED TESTS~~

~~The presenter-developed comprehensive test will include items from this domain.~~

~~IV. LEARNING ACTIVITIESNone~~

~~V. HOURLY REQUIREMENTS~~

~~Students shall be provided with a minimum of **4 hour**s of instruction on special victim investigations.~~

~~VI. ORIGINATION DATE~~

~~January 1, 2002~~

~~VII. REVISION DATE~~

~~Effective 30 days after filing with the Secretary of State~~

REPEALED

~~SPECIFICATIONS FOR LEARNING DOMAIN #83~~
~~GANG ACTIVITY INVESTIGATION~~

~~Effective 30 days after filing with the Secretary of State~~

~~I. LEARNING NEED~~

~~Students need to know and understand the legal aspects and investigative techniques for gang related incidents.~~

~~II. LEARNING OBJECTIVES~~

~~A. Recognize the legal aspects and investigative techniques for gang related incidents to include:~~

~~1. Narcotics and dangerous drugs~~

~~2. Conspiracy~~

~~3. Witness intimidation~~

~~4. Jury tampering~~

~~5. Money laundering~~

~~6. Coordination with local/regional task forces~~

~~7. Identifying characteristics and crime trends associated with criminal street gangs~~

~~8. Counterfeiting~~

~~9. Identity Theft~~

~~B. State the intent of the Street Terrorism Enforcement Program (STEP)~~

~~II. REQUIRED TESTS~~

~~The presenter-developed comprehensive test will include items from this domain.~~

~~IV. LEARNING ACTIVITIES~~

~~None~~

~~V. HOURLY REQUIREMENTS~~

~~Students shall be provided with a minimum of **4 hours** of instruction on gang activity investigations.~~

REPEALED

~~VI. ORIGINATION DATE~~

~~January 1, 2002~~

~~VII. REVISION DATE~~

~~Effective 30 days after filing with the Secretary of State~~

REPEALED

~~**SPECIFICATIONS FOR LEARNING DOMAIN #84**~~
~~**OFFICER INVOLVED INCIDENTS**~~

~~Effective 30 days after filing with the Secretary of State~~

~~I. LEARNING NEED~~

~~Students need to know and understand the legal aspects and investigative techniques used in the investigation of officer-involved incidents.~~

~~II. LEARNING OBJECTIVES~~

~~A. Identify the role of the District Attorney Investigator in the investigation of officer-involved fatal incidents, including custodial deaths~~

~~B. Identify the role of the District Attorney Investigator in the investigation of officer-involved use of excessive force (non-fatal) incidents~~

~~II. REQUIRED TESTS~~

~~The presenter-developed comprehensive test will include items from this domain.~~

~~IV. LEARNING ACTIVITIES~~

~~None~~

~~V. HOURLY REQUIREMENTS~~

~~Students shall be provided with a minimum of **4 hours** of instruction on officer-involved incidents.~~

~~VI. ORIGINATION DATE~~

~~January 1, 2002~~

~~VII. REVISION DATE~~

~~Effective 30 days after filing with the Secretary of State~~

REPEALED

~~SPECIFICATIONS FOR LEARNING DOMAIN #85 ENVIRONMENTAL CRIME AND CONSUMER FRAUD INVESTIGATIONS~~

~~Effective 30 days after filing with the Secretary of State~~

~~I. LEARNING NEED~~

~~Students need to know and understand civil process and procedures, and the legal aspects and investigative techniques of environmental crime investigations.~~

~~II LEARNING OBJECTIVES~~

~~A. Recognize the legal aspects and investigative techniques for environmental crime incidents to include:~~

~~1. Spills~~

~~2. Intentional dumps~~

~~3. Illegal storage~~

~~4. Transportation issues~~

~~5. Safety considerations~~

~~6. Homicide vs. accident~~

~~7. OSHA~~

~~8. Evidence collection~~

~~9. Task force approach~~

~~B. Recognize the legal aspects and investigative techniques for consumer fraud crimes to include:~~

~~1. Civil~~

~~2. Criminal~~

~~3. Regulatory~~

~~4. Administrative~~

REPEALED

C. Explain the civil processes available to the investigator, including:

1. Code of Civil Procedure

a. Inspection warrants

b. Depositions

2. Identify the summons process and service

3. Identify the subpoena/ SDT process and service

4. Recall penalties and remedies

5. Identify the administrative processes

6. List the civil subpoena fee requirements for peace officers

III. REQUIRED TESTS

The presenter-developed comprehensive test will include items from this domain.

IV. LEARNING ACTIVITIES

None

V. HOURLY REQUIREMENTS

Students shall be provided with a minimum of **4 hours** of instruction on environmental and consumer fraud crime investigations.

VI. ORIGINATION DATE

January 1, 2002

VII. REVISION DATE

Effective 30 days after filing with the Secretary of State

REPEALED

INVESTIGATION AND TRIAL PREPARATION COURSE

SPECIFICATIONS FOR LEARNING DOMAIN #86 INVESTIGATOR SAFETY

Effective 30 days after filing with the Secretary of State

I. LEARNING NEED

Students need to know and understand the safety considerations necessary for plainclothes investigators.

II. LEARNING OBJECTIVES

A. Demonstrate safety techniques specific to plainclothes investigators, including:

1. Arrest situations

2. Serving court process (e.g., warrants, subpoenas, etc.)

3. Search warrant service considerations

a. Planning

4. Covering uniformed /plainclothes officers

5. Identification issues

a. High-risk crime responses (e.g., burglary, robbery, etc.)

b. Tactical vs. plainclothes

6. Prisoner Transportation

a. Restraint devices

b. Removal orders

7. Personal and family safety considerations

8. "Will to survive"

III. REQUIRED TESTS

None

IV. REQUIRED LEARNING ACTIVITIESNone

REPEALED

~~V. HOURLY REQUIREMENTS~~

~~Students shall be provided with a minimum of **2 hours** of instruction on investigator safety.~~

~~VI. ORIGINATION DATE~~

~~January 1, 2002~~

~~VII. REVISION DATE~~

~~Effective 30 days after filing with the Secretary of State~~

REPEALED

SPECIFICATIONS FOR LEARNING DOMAIN #88
PROFESSIONALISM AND ETHICS

Effective 30 days after filing with the Secretary of State

I. LEARNING NEED

Students need to know and understand an investigator's professional, ethical and legal responsibilities.

II. LEARNING OBJECTIVES

A. Discuss the duties and obligations of a peace officer as described in the *Law Enforcement Code of Ethics*

B. Discuss the duties and obligations of a peace officer as described in the canons of the *Code of Professional Conduct and Responsibilities for Peace Officers*

C. Give examples of and potential consequences of unethical andunprofessional conduct

D. Explain why a peace officer (investigator) should respond to unethical and unprofessional conduct by another officer

E. Discuss solutions to unethical and unprofessional conduct encountered by an investigator.

III. REQUIRED TESTS

None

IV. REQUIRED LEARNING ACTIVITIES

The student will participate in one or more learning activities that demonstrate the ability to critique a series of reenactment/descriptions of possible unethical or unprofessional conduct by an investigator. At a minimum, each activity or combination of activities must include a discussion of the legal, professional and community relations consequences of the behavior.

V. HOURLY REQUIREMENTS

The students shall be provided with a minimum of **4 hours** of instruction on ethics and professionalism.

VI. ORIGINATION DATE

January 1, 2002

VII. REVISION DATE

Effective 30 days after filing with the Secretary of State

REPEALED

INVESTIGATION AND TRIAL PREPARATION COURSE

SPECIFICATIONS FOR LEARNING DOMAIN #89
HIGH TECH CRIMES AND COMPUTER

Effective 30 days after filing with the Secretary of State

I. LEARNING NEED

Students need to become familiar with computers,their use as investigative tools and methods of gathering evidence in high tech crimes.

II. LEARNING OBJECTIVES

A. List computer system components

B. Identify computer storage devices

C. Identify computer peripheral devices

D. Discuss computer crimes in the United States

E. Give examples of major groups of computer crime, including:

1. Crimes where the computer is the target of criminal activity

2. Crimes where a computer is the instrumentality of the crime

3. Crimes where the computer is a repository of evidence in criminal cases

F. Identify categories of computer crimes, including:

1. Insider crimes

2. Support of criminal enterprises (e.g., counterfeiting)

3. Malicious hackers

4. Telecommunications fraud

5. Computer contaminations

6. Child pornography

7. Hate crimes

8. Espionage

G. Define Internet crime

REPEALED

H. Identify the use of search warrants and searches of computer data and equipment

I. Recognize appropriate methods of seizure of computer data and equipment

J. Identify legal aspects, evidence collection and investigative techniques of high tech crime investigations, including

1. Use of computer to commit traditional crimes

2. Unauthorized access or use of computers (PC 502)

3. Theft of computer data

4. Cell phone fraud

5. Intellectual property

6. Trade secrets

K. Explain capabilities and advantages of using computers as an investigative tool, including:

1. Spreadsheets

2. Database

3. Graphics

a. Visual Investigation Analysis (VIA)

b. Link analysis

c. Digital photography

d. Plotter

e. Scanners

4. Document storage and retrieval

III. REQUIRED TESTS

The presenter-developed comprehensive test will include items from this domain.

IV. REQUIRED LEARNING ACTIVITIES

None

REPEALED

~~V. HOURLY REQUIREMENTS~~

~~Students shall be provided with a minimum of **4 hour**s of instruction on high tech crimes and computers.~~

~~VI. ORIGINATION DATE~~

~~January 1, 2002~~

~~VII. REVISION DATE~~

~~Effective 30 days after filing with the Secretary of State~~

REPEALED

INVESTIGATION AND TRIAL PREPARATION COURSE

~~SPECIFICATIONS FOR LEARNING DOMAIN #90~~
~~DNA COLLECTION AND USAGE~~

~~Effective 30 days after filing with the Secretary of State~~

~~I. LEARNING NEED~~

~~Students need to know the applicable law and understand the methods for collection and use of DNA samples in the criminal justice system.~~

~~II. LEARNING OBJECTIVES~~

~~A. Discuss the purpose of DNA in the criminal justice system, including:~~

~~1. Use as evidence to identify, arrest, convict, or exonerate individuals~~

~~B. Explain the impact of DNA evidence on the duties performed by a District Attorney Investigator~~

~~C. Recognize the legal protocols (e.g., PC 296 et seq) for the collection, preservation and use of DNA samples, including:~~

~~1. Differentiate evidence versus collection~~

~~D. Demonstrate appropriate collection of DNA (e.g., buccal swab sample) using an approved DNA collection kit~~

~~E. Explain the process of submitting a DNA sample for lab analysis~~

~~F. Identify systems and databases that maintain DNA profiles and the types of information provided~~

~~G. Recognize the minimum information required for generating an inquiry into the systems and databases that maintain DNA profiles~~

~~III. REQUIRED TESTS~~

~~None~~

~~IV. REQUIRED LEARNING ACTIVITIES~~

~~The student will participate in one or more learning activities that demonstrate the ability to identify the components of an approved DNA collection kit, intended uses and how to submit a collected sample.~~

~~V. HOURLY REQUIREMENTS~~

~~Students shall be provided with a minimum of **2 hours** of instruction on genetic fingerprinting (DNA).~~

REPEALED

~~VI. ORIGINATION DATE~~

~~Effective 30 days after filing with the Secretary of State~~

REPEALED

INVESTIGATION AND TRIAL PREPARATION COURSE

~~SPECIFICATIONS FOR LEARNING DOMAIN #91~~
~~JUVENILE PROCESS~~

~~Effective 30 days after filing with the Secretary of State~~

~~I. LEARNING NEED~~

~~Students need to know and distinguish the differences between juvenile and adult processing in the criminal justice system~~

~~II. LEARNING OBJECTIVES~~

~~A. Differentiate the legal requirements for processing of juveniles versus adults including:~~

~~1. Qualifying offenses~~

~~2. Differences between adult criminal system and juvenile court law~~

~~B. Recognize the conditions when admonishment of a juvenile's rights is or is not required~~

~~C. Recognize the conditions when a District Attorney Investigator must seek a waiver of a juvenile's rights~~

~~D. Distinguish the difference between juvenile and adult subpoena service, terms of probation and hearings~~

~~E. Recognize the situations in which a juvenile can be taken into temporary custody due to habitual disobedience or truancy~~

~~F. Explain the options available to a District Attorney Investigator for access to juvenile records~~

~~III. REQUIRED TESTS~~

~~None~~

~~IV. REQUIRED LEARNING ACTIVITIES~~

~~The student will participate in one or more learning activities regarding application of law to a facts specific circumstance to illustrate juvenile processing. At a minimum, the activity or activities must address filing, admonishment, subpoena service and access to records.~~

~~V. HOURLY REQUIREMENTS~~

~~Students shall be provided with a minimum of **2 hours** of instruction on the juvenile process.~~

~~VI. ORIGINATION DATE~~

~~Effective 30 days after filing with the Secretary of State~~

REPEALED

INVESTIGATION AND TRIAL PREPARATION COURSE

SPECIFICATIONS FOR LEARNING DOMAIN #92 INTERVIEW AND INTERROGATION UPDATE

Effective 30 days after filing with the Secretary of State

I. LEARNING NEED

Students need to know and understand effective practices in the application of interview and interrogation techniques for trial preparation.

II. LEARNING OBJECTIVES

A. Differentiate between an interview and interrogation

B. Give examples when Miranda admonishments must be given

C. Describe the purpose and limitations of an interrogation

D. Differentiate between an admission and confession

E. Demonstrate appropriate techniques in the utility of interviews and interrogations, to include:

1. Cognitive interviewing

2. Documentation

3. Admonishments (e.g., Miranda, Beheler)

4. Implications for trial preparation

F. Discuss the relationship between the District Attorney Investigator and the Deputy District Attorney regarding investigations and trial preparation.

III. REQUIRED TESTS

None

IV. REQUIRED LEARNING ACTIVITIES

The student will participate in one or more learning activities that will demonstrate interview and interrogation techniques in a real-time setting. At a minimum, the activity or activities must address, cognitive interviewing and documentation.

V. HOURLY REQUIREMENTS

Students shall be provided with a minimum of **2 hours** of instruction on interview and interrogation update.

REPEALED

~~VI. ORIGINATION DATE~~

~~Effective 30 days after filing with the Secretary of State~~

REPEALED

District Attorney Investigator Transition Course

- D-14-1 Specifications for the District Attorney Investigator Transition Course
- D-14-2 District Attorney Investigator Transition Course

Purpose

14-1. Specifications for the District Attorney Investigator Transition Course

This Commission procedure implements that portion of the Minimum Standards for Training established in Commission Regulation 1005(a) for the District Attorney Investigator Transition Course for district attorney investigators or inspectors.

~~Training Requirement~~ Content

14-2. District Attorney Investigator Transition Course ~~Definitions and~~ Requirements

~~The terms used to describe testing and training requirements are defined in section 14-2(a). Requirements for reporting successful course completion are contained in Commission Regulation 1055(g).~~

~~**(a) District Attorney Investigator Transition Course Terminology**~~

~~**(1) Learning Domain**~~

~~An instructional unit that covers related subject matter. Training specifications for each learning domain include learning needs, learning objectives, and hourly requirements. Training specifications for a domain also may include learning activities and testing requirements.~~

~~**(2) Learning Need**~~

~~A general statement justifying the training for a specific learning domain.~~

(3) Learning Objective

A word or phrase that succinctly describes subject matter associated with a learning need.

(4) Learning Activity

A learning activity is a facilitated, performance-based component of instruction. Learning activities are student-focused, and require the learner to be actively involved in structured work designed to enhance the acquisition of knowledge, skills, or competencies. The use of learning activities is consistent with principles of adult learning. Learning activities are integrated into the delivery of instruction as a means of reinforcing taught concepts, introducing relevant topics or to enhance student retention necessary to achieve competence as a peace officer. Students participating in a learning activity may be coached or provided feedback, but unlike tests, learning activities are not graded on a pass/fail basis.

(5) Presenter-developed Comprehensive Test

A presenter-developed, test that measures acquisition of knowledge in multiple learning domains.

(b) Single Presenter

Each course presentation shall be completed under the sponsorship of one presenter unless POST has approved a contractual agreement dividing responsibility for delivering the training between multiple training presenters.

(c) Training Presenter Requirements

POST has established minimum, statewide training standards for District Attorney Investigator Transition Course. However, local conditions may justify additional training requirements or higher performance standards than those established by POST.

(d) Testing and Training Requirements

(1) Learning Objectives

Presenters shall provide instruction on all learning objectives specified in Training Specifications for the District Attorney Investigator Transition Course.

(2) Hourly Requirements

~~The minimum number of hours of instruction that shall be delivered for each learning domain is specified in Training Specifications for the District Attorney Investigator Transition Course. The total minimum hourly requirement for the District Attorney Investigator Transition Course is 40 hours.~~

~~(3) Presenter-developed Comprehensive Test~~

~~A presenter-developed comprehensive test [as defined in subsection 14-2(a)(5)] shall be administered to assess student knowledge of the learning objectives specified in learning domains 70, 73, 76, 78, 81, 84, 86, 88, and 94.~~

~~(4) Learning Activities~~

~~As specified in Training Specifications for the District Attorney Investigator Transition Course, learning activities are required in some, but not all, learning domains. Where a learning activity is required, each student must participate in that activity. A student, who does not participate in a learning activity when given the opportunity, does not successfully complete the course unless the presenter determines that there were extenuating circumstances. Students who do not participate in a learning activity due to extenuating circumstances shall be given a second opportunity to participate in the same or comparable activity. If a student fails to participate in a learning activity after being given a second opportunity, the student does not successfully complete the course.~~

The District Attorney Investigator Transition Course is a minimum of 40 hours and consists of the learning goals adopted by the Commission. In order to meet local needs, flexibility in curriculum may be authorized with prior POST approval.

The District Attorney Investigator Transition Course is organized under the following broad topic areas:

- Role, Authority, Professionalism and Ethics
- Concepts of Search and Seizure
- Trial Preparation
- Fraud and Consumer Protection Investigations
- Child Abduction Investigation
- Public Corruption
- Officer Involved Critical Incident Investigations
- Investigation of Alleged Peace Officer Misconduct
- Threat Assessment and Safety Considerations

- Legal Update and Emerging Issues

Procedure D-14 was adopted and incorporated by reference into Commission Regulation 1005 on January 1, 2002, amended January 1, 2006, January 1, 2009, and October 1, 2018.

AGENDA ITEM REPORT

Title: REPORT ON ESTABLISHING A DEFINITION OF "BIASED CONDUCT" PURSUANT TO ASSEMBLY BILL 443 AND PENAL CODE 13510.6

REPORT PROFILE

MEETING DATE 06/04/2025	**BUREAU SUBMITTING THE REPORT** Management Counseling and Projects Bureau	
RESEARCHED BY Raymund Nanadiego		**REVIEWED BY**
REPORT DATE 04/23/2025	**APPROVED BY** Manuel Alvarez, Jr.	**DATE APPROVED** 05/13/2025
PURPOSE		**FINANCIAL IMPACT** No

ISSUE, BACKGROUND, ANALYSIS, & RECOMMENDATION

ISSUE: How should the Commission define "biased conduct" as required by AB 443 and Penal Code 13510.6?

BACKGROUND: Assembly Bill 443 (AB 443) and Penal Code section 13510.6 require the Commission to establish a definition of "biased conduct" and states that beginning on January 1, 2026, when investigating any bias-related complaint or incident that involves possible indications of officer bias, a law enforcement agency shall determine whether the conduct being investigated constitutes "biased conduct," using the definition developed by the Commission.

POST staff convened a group of subject matter experts on March 18-20, 2025 to provide insight and help meet the requirements in AB 443 (Jackson, 2023) and Penal Code 13510.6. The group included members of the California District Attorneys Association, the California State Sheriffs' Association, the Peace Officers Research Association of California, the Racial and Identity Profiling Advisory Board, the California Department of Justice, background investigators, and internal affairs investigators.

The diverse group of subject matter experts met over the three-day workshop to assist the Commission in meeting the requirements of AB 443 and Penal Code 13510.6 through their collective insight. The subject matter experts had legal, academic, or law enforcement backgrounds and came from various regions around the state. The group provided a

suggested definition for "biased conduct" and input to expand guidance for background and internal affairs investigations by law enforcement agencies through their collaborative effort and diverse expertise.

ANALYSIS:

Statutory language in Penal Code 13510.6(a) states that, "the commission shall establish a definition of 'biased conduct' that, at a minimum, includes all of the following:

(1) 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, as defined in Section 13101, motivated by bias toward any person's protected class or characteristic, whether actual or perceived, that is described in subdivision (b) of Section 51 of the Civil Code.

(2) Biased conduct may result from implicit and explicit biases.

(3) 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 towards that person's membership in a protected class described in paragraph (1) of Penal Code 13510.6.

(4) An officer need not admit biased or prejudiced intent for conduct to be determined to be biased conduct.

During the March 2025 workshop, the group of subject matter experts collaborated on a suggested definition. Please refer to Attachment A. The suggested definition in Attachment A is a collaborative product from the subject matter experts in the workshop, and not an independent work product by POST staff. The accompanying information in Attachment A is offered by the subject matter experts as suggestions and context to help meet the requirements of AB 443 and Penal Code 13510.6.

The suggested definition by the subject matter experts in the workshop provides considerations to expand the statutory language in Penal Code 13510.6(a) by introducing or paraphrasing statutory language by using verbiage such as, "...action or inaction...", "...whether on duty or off-duty...", and omits "...encounters with the public, first responders, or employees of criminal justice agencies, as defined in Section 13101", and "an officer need not admit biased or prejudiced intent for conduct to be determined to be biased conduct."

The following are possible wording options to define "biased

conduct" using statutory language only from Penal Code 13510.6 (option A) and combining language introduced by the subject matter experts found in Attachment A with statutory language from Penal Code 13510.6 (option B):

OPTION A (statutory language only):

Pursuant to Penal Code section 13510.6(a), when investigating any bias-related complaint or incident that involves possible indications of officer bias, a law enforcement agency shall determine whether the conduct being investigated constitutes "biased conduct," using the following definition:

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, as defined in Section 13101, motivated by bias toward any person's protected class or characteristic, whether actual or perceived, that is described in subdivision (b) of Section 51 of the Civil Code.

For purposes of this definition:

(a) Biased conduct may result from implicit and explicit biases.

(b) 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 towards that person's membership in a protected class described in paragraph (1) of Penal Code 13510.6(a).

(c) An officer need not admit biased or prejudiced intent for conduct to be determined to be biased conduct.

OPTION B (statutory language combined with language from Attachment A):

Pursuant to Penal Code section 13510.6(a), when investigating any bias-related complaint or incident that involves possible indications of officer bias, a law enforcement agency shall determine whether the conduct being investigated constitutes "biased conduct," using the following definition:

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, as defined in Section 13101, motivated by bias toward any person's protected class or characteristic, whether actual or perceived, that is described in subdivision (b) of Section 51 of the Civil Code.

For purposes of this definition:

(a) Biased conduct may result from action or inaction
(b) Biased conduct may occur on duty or off duty
(c) Biased conduct may result from implicit and explicit biases

(d) 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 towards that person's membership in a protected class described in paragraph (1) of Penal Code 13510.6(a)

(e) An officer need not admit biased or prejudiced intent for conduct to be determined to be biased conduct

RECOMMENDATION: If the Commission concurs, the appropriate action would be a **MOTION** to approve and establish a definition of "biased conduct" as required in Penal Code 13510.6.

ATTACHMENT(S):
Determination_of_Bias_Guidelines_LC_IEB_BP_04.14.2025 (1).pdf

Assembly Bill 443 Determination of Biased Conduct Workshop: Input from Subject Matter Experts

POST staff convened a working group of subject matter experts on March 18-20, 2025 to provide insight to help meet the requirements in Assembly Bill 443 (Jackson, 2023). The group included members of the California District Attorneys Association, the California State Sheriffs' Association, the Peace Officers Research Association of California, the Racial and Identity Profiling Advisory Board, the California Department of Justice, background investigators and internal affairs investigators. The following document is a collaborative product from the subject matter experts, and not an independent work product by POST staff. The information is offered to the Commission as suggestions and context to help meet the requirements of Assembly Bill 443 (Jackson, 2023), particularly the requirement of the Commission to define "biased conduct."

Legal Considerations/Implicit and Explicit Bias

Suggested definition from subject matter experts: *"Biased Conduct" is any action or inaction by a peace officer, whether on duty or off-duty, that is motivated by bias, whether implicit or explicit, toward a person's actual or perceived protected class or characteristic(s).*

Biased Conduct occurs when an officer's actions are influenced by explicit or implicit biases, prejudice, intolerance, contempt, or hatred towards a person's actual or perceived protected class or characteristic(s) and often include both overt and subtle forms of bias. Biased Conduct includes actions that unfairly target, or disadvantage individuals based on their protected class or characteristic(s), and applies to interactions with the public, first responders, employees of criminal justice agencies, or online behavior such as social media posts. "Racial or Identity Profiling," as defined in Penal Code § 13519.4, is considered a form of Biased Conduct. Officers are prohibited from using a person's actual or perceived protected class or characteristic(s) as a basis for enforcement actions unless it is part of specific and articulable suspect descriptions.

Bias is an attitude (or response) toward a group and its members that creates or maintains status differences between groups, in other words, that one group is better or worse than another. With explicit bias, also called conscious bias, individuals are aware of their prejudices and attitudes toward any person's protected class or characteristic(s), whether actual or perceived. Overt racism and racist comments are examples of explicit biases. Implicit bias, also called unconscious bias, involves all of the subconscious feelings, perceptions, attitudes, assumptions, and stereotypes developed as a result of our differing cultural and individual experiences. Implicit bias can be just as problematic as explicit bias, because both may produce discriminatory behavior. With implicit bias, the individual may be unaware that biases, rather than the facts of a situation, are driving their decision-making processes.

When evaluating whether acts are considered Biased Conduct it is crucial to consider the context in which the actions or statements occurred. This includes, but is not limited to, the totality of the circumstances, the officer's training and experience, and the historical context of discrimination against protected classes. This contextual understanding is particularly important when reviewing an officer's background for employment purposes, including social media activity, to ensure a fair and comprehensive assessment of potential bias. Biased Conduct can stem from both explicit (conscious) and implicit (unconscious) biases. However, simply stating an opinion that may be unpopular and/or controversial, without additional context, will generally not likely be the sole factor when determining bias. Additionally, an officer need not admit biased or prejudiced intent for conduct to be determined to be Biased Conduct. The factual analysis must include a consideration of whether a reasonable person with the same training and experience as the officer would conclude, based on the facts, that the conduct resulted from bias towards a person because of their protected class or characteristic(s).

Actual or Perceived Protected Classes or Characteristics as described in California Civil Code § 51(b).[1]

Anti-Bias Training and Interventions

While every human being has biases, once recognized, implicit biases can be reduced or managed, and individuals can control the likelihood that these biases will affect their behavior. For example, unconscious negative bias toward a particular group can be reduced through positive interactions with members of that group, and through “counter-stereotyping,” in which individuals are exposed to information that is the opposite of the stereotypes they have about a group.

Policing inherently involves dealing with criminality and other negative behavior, so if an officer is exposed to negative stimuli and contacts within a given community, they may develop negative stereotypes regarding the members of that community. These stereotypes can influence implicit biases as discussed above and must also be actively managed.

The following anti-bias training and intervention programs are suggested:

1. Repeated training sessions for sustained behavioral changes: Officers should receive training on how to identify the subtle cues of implicit bias activated during a rapidly evolving incident, so that they can disrupt or inhibit an automatic response that is rooted in bias. A law enforcement agency’s anti-bias training approach also needs to be continually evaluated using field outcomes to understand which Biased Conduct

[1] At the time of this publication California Civil Code § 51(b) included: sex, race, color, religion, ancestry, national origin, disability, medical condition, genetic information, marital status, sexual orientation, citizenship, primary language, or immigration status.

mitigation techniques work best for a particular agency and which are most directly linked to measurable reductions in disparities in enforcement practices.

2. Supervisor support from the top-down to influence cultural shifts within law enforcement agencies toward fair and impartial policing: A law enforcement agency's organizational context—from the executive's tone to recruitment and hiring practices to community engagement policies—all contribute to and continuously shape an institution's culture. Agencies should aim to promote department values that prioritize police-community relations and equitable treatment, rather than relying solely on disciplining officers who show Biased Conduct. Agencies should therefore aim to provide Fair and Impartial Policing (FIP) implicit bias training to field supervisors, who critically shape departmental culture. Field supervisors' influence in helping translate an anti-bias written policy into concrete, on-the-ground practice can either reinforce and amplify anti-bias training or contradict and undermine it, particularly through anti-bias training follow-up. Supervisors are the first line of defense in identifying areas of confusion in various anti-bias policies and practices, training deficiencies, and problematic behavior of rank-and-file officers. Ideally, supervisors are also mentors who create an environment in which their officers can continuously learn, improve, and take advantage of teachable moments. A supervisor who does not provide adequate supervision or support, or who looks the other way when Biased Conduct occurs, can effectively signal to officers that their actions do not really matter or that Biased Conduct is acceptable in their department.

3. Using body-worn camera footage to train officers and examine their behavior in the field: Using body-worn camera footage to improve training and accountability reduces Biased Conduct and generally improves the culture of law enforcement agencies. For example, agencies can have a training module with five core actions for communicating respect with drivers during a stop: (1) beginning a stop by greeting the driver and introducing themselves; (2) explicitly stating the legal justification for the stop early in the encounter; (3) expressing concern for the driver's safety; (4) reassuring the driver during the interaction; and (5) using formal rather than informal titles when addressing the driver. Body-worn camera footage of highly publicized and/or critical incidents can also be used as a training tool to prevent Biased Conduct.

4. Integrating implicit bias-oriented and diversity training within broader organizational initiatives: Reality-based training that includes a mix of classroom instruction and interactive scenario-based exercises. This type of training is also called situational decision-making, scenario-based training, and behavioral science-based training, which trains officers to develop more varied explanations of subject behavior, process information more efficiently, and continuously update threat assessments throughout the duration of the interaction, rather than relying on initial impressions. Such training could encourage officers to learn to recognize and regulate their responses to policing situations and consider alternative interpretations of situations to broaden thinking patterns and expand their perspective to reduce the likelihood of Biased Conduct. Officers practice these skills in simulation exercises that are each

debriefed with trainers and fellow officers. Notably, the training does not explicitly focus on racial and identity bias in policing, but instead generally encourages officers to go beyond initial impressions to more effectively assess a situation.

5. Adopting policies that guide peace officer discretion during enforcement actions, encourage intelligence-led enforcement actions, and disrupt the influence of implicit biases: Intelligence-led means the officer has articulable facts as opposed to solely relying on intuition. This approach, for instance, allows officers to slow down and consider their reason for making the stop, rather than relying on hunches alone, which can be shaped by racial or identity stereotypes. This approach also ensures compliance with the Fourth and Fourteenth Amendments. While training and experience will improve officers' ability to make assessments, guided discretion can systemically reduce Biased Conduct. Agencies can facilitate guided and informed discretion by formalizing decision criteria used during law enforcement actions.

Building Community Partnerships

Identification of Community Partners/Stakeholders

Engaging with diverse communities is essential for promoting collaboration and addressing community needs effectively. This includes identification of key community stakeholders, which are critical to help facilitate this engagement and demonstrate that agencies are committed to ensuring interactions with law enforcement are free from Biased Conduct that may impact the level of professionalism and service provided. Key stakeholders include, but are not limited to, the following:

- Faith-based organizations
- Community and non-profit organizations that represent local interests (e.g., advocacy groups, service/Rotary clubs, philanthropic organizations, local charities, shelters, civil rights groups, LGBTQ+ organizations, re-entry programs like RISE)
- Community advisory boards[2], which serve as a bridge between the community and public agencies
- Educational institutions and programs
- Behavioral health providers
- Media
- Government agencies and officials at the city, county, state, and federal levels, including councils, boards, commissions (e.g., Juvenile Justice, POST, RIPA)
- Labor unions
- Professional associations and business groups (e.g. local bar associations)

[2] Community Advisory Boards provide advice and recommendations regarding community needs and concerns to agency leadership and/or other officials. If no such Board exists, agencies are encouraged to partner with community stakeholders and establish one.

Communication

Effective communication with both agency staff and the community is necessary for building trust and fostering accountability. Impactful messaging emphasizes that the agency is actively listening, soliciting input and feedback, and is responsive to community concerns. Acknowledging that Biased Conduct does in fact occur is a critical first step in addressing community concerns and establishing credibility. Raising awareness of what Biased Conduct may look like helps both law enforcement officers and community members recognize and address these issues proactively.

To raise awareness and build trust, agencies are encouraged to engage openly with the community and ensure that effective communication is a priority for all staff, not just those in public-facing roles. Effective communication is clear, concise, easy to understand, easily accessible (including accessible language practices), and includes enabling timely information sharing. Community investment involves actively recruiting community stakeholders to partner with agencies to identify and address Biased Conduct. It is important to communicate with a wide range of community stakeholders, including those who hold differing perspectives, to gain a more comprehensive approach and to help disseminate the message of change within the broader community.

Education and Engagement

Education and engagement play a vital role in demonstrating an agency's commitment to transparency and accountability. Educating stakeholders and law enforcement officers about what the agency is doing to address Biased Conduct helps build understanding and confidence. Strategies to educate and engage stakeholders are most effective when diverse approaches are employed, including both in-person and online.

In-person outreach and engagement methods may include, but are not limited to, collaboration with local organizations and youth groups, participation in neighborhood watch programs, creation of agency volunteer/cadet/explorer programs, culture competency training, community advisory boards/police academies, participation in town halls/forums and community meetings, presentations, community policing initiatives such as "coffee with a cop," and participation in community events such as street fairs, farmers' markets, and holiday celebrations. Offering community ride-alongs can also enhance understanding and connection.

Online outreach efforts may include, but are not limited to, strategic marketing, creation of educational videos, maintaining accessible regularly updated websites, leveraging social media and online platforms, use of podcasts, engaging community boards, and informational literature to reach a broader audience. Additional internal and external training for both public-facing and non-public-facing staff helps reinforce consistent messaging and awareness.

Use of surveys and other feedback mechanisms are also helpful to gather input from residents and stakeholders. Anonymous surveys, including general community surveys, post-service feedback, and QR codes on officers' business cards for satisfaction surveys, can provide valuable insights. Additionally, data collection, analysis and a tracking system to monitor response rates to surveys, reports, complaints, and successes can promote transparency and accountability. Sharing progress through quarterly reports on agency websites, consistent with privacy laws, demonstrates an agency's commitment to ongoing improvement and trust-building.

AGENDA ITEM REPORT

Title: REPORT ON PEACE OFFICER REVOCATIONS BASED ON FELONY CONVICTIONS

REPORT PROFILE

MEETING DATE 06/04/2025	**BUREAU SUBMITTING THE REPORT** Intake and Disposition Bureau	
RESEARCHED BY Sarah Wallace	**REVIEWED BY** Annemarie Del Mugnaio	
REPORT DATE	**APPROVED BY** Manuel Alvarez, Jr.	**DATE APPROVED** 05/12/2025
PURPOSE	**FINANCIAL IMPACT** No	

ISSUE, BACKGROUND, ANALYSIS, & RECOMMENDATION

ISSUE:

This is a report on Government Code section 1029 convictions occurring after January 1, 2022 that will be processed by the Peace Officer Standards Accountability Division (POSAD) for revocation pursuant to Penal Code section 13510.8(a)(1).

BACKGROUND:

Government Code section 1029 outlines factors that disqualify an individual from holding office as, or being employed as, a peace officer in the state of California. Penal Code section 13510.8(a)(1) further stipulates that individuals disqualified pursuant to Government Code section 1029 shall have their certifications revoked.

Following the June 4, 2025 Commission meeting, peace officer revocations based on felony convictions will no longer require approval by the Commission. On March 19, 2025, the Office of Administrative Law approved revisions to Commission Regulation 1203, which delegates the authority to revoke certifications of peace officers convicted of disqualifying convictions identified in Government Code section 1029 to the Executive Director of POST rather than requiring Commission approval. This revision also specifies that when a response is not received within 30 calendar days of the date of mailing of the Notice of Intent letter, the subject peace officer's certification is subject to revocation as a matter of law.

These cases are being presented before the Commission for its approval due to being processed prior to the effective date of the revisions to Commission Regulation 1203.

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_June25_Commission_5.14.25.pdf

1029 Revocation List – June 2025 POST Commission Meeting

Last Name	First Name	Last Employing Agency	District	Date of Conviction or Judgement	Conviction
Amiri	Morteza	Antioch Police Department	Central	August 8, 2024	Felony, Title 18, USC Section 1349, Conspiracy to Commit Wire Fraud Felony, Title 18 USC Section 1343, Wire Fraud
Carpenter	Kevin	Riverside County Sheriff's Department (last employed 08/06/2019)	Southern	March 21, 2023	Felony, Penal Code section 68(a), As Public Official – Ask, Receive, or Agree to Receive Bribe. Felony, Penal Code section 502(c)(1), Alter/Etc. Computer System Etc. Felony, Penal Code section 182(a)(1), Conspiracy to Commit Crime
Griffin	Peter	San Diego Police Department (last employed 09/17/2002)	Southern	May 1, 2023	Felony, Title 18 USC Section 371, Conspiracy to Violate the Interstate Travel in Aid or Racketeering

				October 17, 2023	Felony, Title 18 USC Section 1349, Wire Fraud Felony, Title 18 USC section 1957, Monetary Transaction in Criminally Derived Property Felony violation of Penal Code section 487(a), Grand Theft of Personal Property; a felony violation of Unemployment Insurance Code section 2117.5, Failure to File Tax Return.
Harris	Daniel	Antioch Police Department (last employed 12/06/2022)	Central	September 17, 2024	Felony, Title 21 USC section 846, 841(a)(1) and (b)(1)(E)(i), Conspiracy to Distribute and Possess with Intent to Distribute Anabolic Steroids Felony, Title 21 USC section 846, 841(a)(1) and (b)(1)(E)(i), Attempted Possession with Intent to Distribute Anabolic Steroids Felony, Title 21 USC section 841(a)(1) and (b)(1)(E)(i), Possession with Intent to Distribute Anabolic Steroids

					Felony, Title 18 USC section 1344(1), (2), Bank Fraud
Padilla	Ben	Antioch Police Department (last employed 10/07/2023)	Central	March 25, 2024	Misdemeanor, Penal Code section 166(a)(4), Willful Violation of a Court Order
Salcido	Gregory S.	Los Angeles Co. Sheriff's Department (last employed 01/30/2016)	LA County	June 17, 2024	Felony, Penal Code section 246.3, Discharge of Firearm with Gross Negligence

AGENDA ITEM REPORT

Title: REPORT ON PROPOSED ADOPTION OF COMMISSION REGULATION 1216 - DISCIPLINARY GUIDELINES

REPORT PROFILE

MEETING DATE 06/04/2025	**BUREAU SUBMITTING THE REPORT** Peace Officer Standards Accountability Division	
RESEARCHED BY Michelle Weiler		**REVIEWED BY**
REPORT DATE	**APPROVED BY** Manuel Alvarez, Jr.	**DATE APPROVED** 05/12/2025
PURPOSE		**FINANCIAL IMPACT** No

ISSUE, BACKGROUND, ANALYSIS, & RECOMMENDATION

ISSUE:

Currently, POST does not have disciplinary guidelines to assist the Peace Officer Standards Accountability Advisory Board, the Commission, and the Administrative Law Judges (ALJs) when considering the appropriate imposition of discipline for a peace officer who has committed one of the nine acts of serious misconduct and is subject to suspension or revocation. It is important for POST to consider establishing disciplinary guidelines to help guide these bodies, and ensure a fair and consistent approach to imposing discipline on a peace officer's certification for acts of serious misconduct that are similar in degree and nature.

BACKGROUND:

Senate Bill (SB) 2 (Stats 2021) sets forth due process through the Administrative Procedures Act (APA) which includes an opportunity for a peace officer, subject to decertification, to be afforded an evidentiary hearing before an ALJ. Currently, POST does not have disciplinary guidelines to assist the ALJ when considering the appropriate imposition of discipline.

The Office of Administrative Hearings (OAHs) is responsible for the administrative proceedings wherein a state oversight agency is seeking to revoke or otherwise restrict a person's license to serve in a regulated profession. ALJs oversee the administrative hearings and are responsible for issuing a proposed decision to the respective state agency. The proposed decision typically includes a recommended sanction or penalty, e.g., suspension, probation, revocation, and these recommendations are formulated using the oversight agency's

disciplinary guidelines. Disciplinary guidelines are developed to establish consistency in an agency's imposition of discipline for similar acts of misconduct.

In recent discussions with the OAH, the Division Chief Administrative Law Judge confirmed that ALJs will issue proposed recommended penalties with their decisions and therefore, rely heavily on agency disciplinary guidelines. By establishing the disciplinary guidelines, the ALJ will have a clearer understanding of the Commission's decisions when formulating their proposed decisions. Further, the disciplinary guidelines take into consideration the mitigating and aggravating factors outlined in Commission Regulation 1213 otherwise known as the "1213 Factors."

At the March 07, 2024, Commission meeting, POST executive leadership announced they were actively working on proposed disciplinary guidelines to bring before the Commission at the June 13, 2024 Commission meeting. During the June 13, 2024 Commission meeting, a subcommittee made up of members of the Commission and POST staff was formed. This subcommittee worked to develop a set of disciplinary guidelines that was presented to the Commission at the March 5, 2025 Commission meeting.

ANALYSIS:

During the Commission meeting held on March 5, 2025, a representative of the American Civil Liberties Union (ACLU) expressed concerns regarding specific language used in the proposed disciplinary guidelines and the potential implications of the selected verbiage. Members of the Commission also expressed concerns over the wording of some of the optional terms and conditions.

The ACLU's primary concern was the suggestion to consider whether there is a pattern of behavior and the use of "may" when considering potential penalties less than revocation for certain allegations of serious misconduct. In reviewing the ACLU's concerns and the text of the proposed disciplinary guidelines, staff have not proposed additional revisions.

Concerns were expressed that the use of "may" allowed for a loophole for those peace officers who did not exhibit a pattern of behavior. However, that is not the case. Depending on the act, or severity of acts, the Division, Board, and Commission may choose to recommend revocation of a peace officer's certification after only a single act. The use of the word "may" is to allow for the consideration of a pattern of past behaviors that on their own may be considered minor. As an example, perhaps the first act revealed a lack of training and thus, a repeat of this act after additional training might demonstrate a

pattern of behavior. However, if the initial act was so egregious as to be unacceptable or inconsistent with one's obligation as a peace officer, a pattern of behavior does not need to exist for revocation to be a consideration.

The ACLU also expressed concerns that lesser penalties may be considered if a subject peace officer was coerced into participating in a law enforcement gang. Again, there was concern this could create a loophole for subject peace officers to claim coercion. However, POSAD consultants will review all aspects of the allegations and a claim of coercion would have to be supported by evidence they or their family members were subjected to or threatened to be subjected to potential harm if they did not participate.

The ACLU also shared concerns that the factors around revocation for participation in a law enforcement gang were "not sufficiently comprehensive" and suggested the inclusion of the use of racist language or iconography used to define their membership or identity as a factor for consideration. It was also suggested that the factors also take into consideration failure to cooperate with an investigation such as refusal to show tattoos or answer questions about participation by other officers. Staff do not believe it is necessary to include these additional factors here as they are already encompassed in the definitions of serious misconduct as specified in Commission Regulation 1205. The definition of participation in a law enforcement gang encompass common behaviors, tattoos, etc. And the refusal to answer questions during an interview or show tattoos is a failure to cooperate.

As to the ACLU's final concern regarding the subject peace officer's demonstration of bias and inconsistency with their obligation to be fair and unbiased in the carrying out of their duties, staff agree that the original text can be misleading in suggesting that the demonstration of bias must be a violation of law or policy and inconsistent with a peace officer's obligations. Therefore, this has been revised to indicate that it may be one or the other or both.

Members of the Commission expressed concerns regarding the clarity of the hearing process and the proposed optional terms and conditions related to counseling/psychotherapy. Staff have clarified the language around the Board and Commission hearing process, including the need for a majority vote by the Board and a 2/3 vote by the Commission to move a recommendation forward to the next step in the process.

To address the Commission's concerns related to the optional terms and conditions regarding counseling and psychotherapy,

POST staff reviewed language used by Counseling Team International. POST staff also met with a subject matter expert in the field to collaborate on the most appropriate language for this aspect of the Disciplinary Guidelines.

The proposed guidelines aim to provide the ALJs, attorneys, certified peace officers, members of the public, the Board, and the Commission with uniform guidance on the imposition of discipline for particular violations while addressing the concerns raised by members of the Commission and the ACLU.

RECOMMENDATION:

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

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

ATTACHMENT(S):

ACLU_Public_Comment_for_The_Commission_on_Peace_Officer_Standards_and_Training_(
TPRA_Reg1216.pdf
POST_DISCIPLINARY_GUIDELINES_0625_Commission_Agenda.pdf
POST_DISCIPLINARY_GUIDELINES_0325_mw_sw.v7_Commission_Agenda.pdf

Public Comment for The Commission on Peace Officer Standards and Training

March 5, 2025

- Good morning, my name is Christie Love Hill. I am the advocacy and legal director with the ACLU of San Diego & Imperial Counties.
- **This morning I am here to provide public comment on Agenda Item F3, the proposed Disciplinary Guidelines for police certification actions and request that POST remove from these disciplinary guidelines the inappropriate suggestion that a pattern of repeated serious misconduct is necessary to support revocation for physical abuse/excessive force, participation in a law enforcement gang, or dishonesty – or at least clarify that a pattern of conduct is not required to result in a revocation penalty. We would also like to see certain areas strengthened when identifying when revocation is necessary.**
- **We all deserve to live in communities where we feel safe and protected. Yet far too often, the people who are tasked with protecting public safety are the very ones who compromise it.**
- We give officers more authority than any other profession – the power to stop, search, arrest, and even use deadly force on members of our community. This power means that the state has a greater responsibility to hold these officers accountable.
- State law currently provides that an officer may have their certification revoked if they commit an act of serious misconduct, including excessive force, participating in a law enforcement gang, or dishonesty.
- Additionally, and separately, the law provides that an officer may have their certification revoked for repeated acts that violate the law.
- **The proposed disciplinary guidelines are problematic for a few reasons:**
    - **First, in several places, the proposed guidelines suggest that revocation may not be the appropriate remedy, and a lesser penalty is more appropriate, if the officer's act of serious misconduct was not part of a "pattern" of similar serious misconduct.**
        - **That is not consistent with the plain language of the Penal Code, which already differentiates between misconduct where a single act may lead to revocation, and misconduct where there must be egregious or repeated acts.**
    - **Second, the disciplinary guidelines about law enforcement participation in a law enforcement gang are concerning.**
        - **The statement that revocation may not be warranted if an officer felt coerced into joining a law enforcement gang will create an enormous loophole - by presenting any officer caught participating in a law enforcement gang with a convenient excuse they can invoke to avoid revocation.**
        - In addition, the factors supporting revocation for participating in a law enforcement gang are not sufficiently comprehensive.

- **In addition to those listed in the proposed guidelines, revocation should also be deemed warranted where:**
    - **(1) the law enforcement gang that the officer participated in used racist language or iconography, defined its membership with race or other identity characteristics, or otherwise demonstrated bias, and**
    - **(2) where the officer failed to cooperate with an investigation into law enforcement gangs**, e.g. by refusing to show tattoos affiliated with gang participation or answering questions about other officers' gang involvement, or otherwise covering up the activities or existence of the gang.
- **These additions are supported by the Penal Code providing that demonstration of bias and failure to cooperate are themselves grounds for revocation.**

- **Finally, the part of the guidelines on demonstrating bias are unclear. The part of the guidelines on demonstrating bias state: "It is important to note that the officer's demonstration of bias that is a violation of law or department policy must also be inconsistent with a peace officer's obligation to carry out their duties in a fair and unbiased manner. The degree to which this is true may be a factor in considering a lesser penalty."**
    - **Engaging in racial or identity profiling is a violation of the law and is never consistent with a peace officer's obligation to carry out their duties in a fair and unbiased manner. As the Penal Code and the Commission's existing regulations recognize, engaging in racial or identity profiling should be grounds for revocation.**
- **In summary, we request this body to remove from these disciplinary guidelines the suggestion that a pattern of repeated serious misconduct is necessary to support revocation for physical abuse/excessive force, participation in a law enforcement gang, or dishonesty – or at least clarify that no such pattern or repetition is required to warrant a revocation penalty.**
    - **We also request that language around participation in a law enforcement gang is strengthened and the guidelines unambiguously make it clear that engaging in racial or identity profiling should be grounds for revocation.**

ADOPT
TEXT OF PROPOSED REGULATORY ACTION
Commission Regulation 1216

§ 1216. POST Disciplinary Guidelines for Factors for Consideration of Penalty Related to Peace Officer Certification Actions.

(a) In reaching a decision pursuant to section 11517 of the Government Code, the Commission shall consider the disciplinary guidelines entitled *POST Disciplinary Guidelines for Factors for Consideration of Penalty Related to Peace Officer Certification Actions* (March 2025), which are hereby incorporated by reference. Deviation from these guidelines and orders, including the standard terms of probation, is appropriate where the Commission, in its sole discretion, determines that the facts of the particular case warrant such deviation - for example: the presence of mitigating or aggravating factors; the age of the case; evidentiary problems.

Note: Authority cited: Sections 13503, 13506, 13509, 13510, Penal Code. Reference: Sections 11400, 11517, Government Code; Section 13510, Penal Code.

POST DISCIPLINARY GUIDELINES

FACTORS FOR CONSIDERATION OF PENALTY RELATED TO PEACE OFFICER CERTIFICATION ACTIONS

PREFACE

The Commission on Peace Officer Standards and Training (Commission) establishes minimum standards for the physical, mental, and moral fitness of peace officers, adopts rules establishing minimum training standards for peace officers, and, as a part of its certification program, licenses peace officers and investigates and reviews allegations of serious misconduct in order to determine whether the peace officer's certification should be suspended or revoked.

Senate Bill 2 (Stats. 2021, c. 409, § 12, eff. Jan. 1, 2022) (SB 2) requires POST to review and investigate reports of "serious misconduct" by peace officers, as defined in Penal Code section 13510.8, which includes, but is not limited to, dishonesty, abuse of power, physical abuse (including, but not limited to, the excessive or unreasonable use of force), sexual assault, demonstration of bias, egregious or repeated acts that violate the law, participation in a law enforcement gang, failure to cooperate with an investigation into potential police misconduct, and failure to intercede. POST may suspend or revoke the certification of officers who are found to have engaged in serious misconduct. POST has also promulgated regulations (11 Cal Code Regs, § 1205) which further define serious misconduct.

California employs more than 85,000 peace officers, most of whom are subject to SB 2. One of the many goals of SB 2 was to address an issue involving officers who are accused of misconduct at one agency and react by moving to another agency in an attempt to avoid the imposition of discipline. Prior to SB 2, agencies would often discontinue an investigation if an officer resigned, as there was no longer an employment consequence that can be imposed upon an officer who no longer works for the agency. SB 2 now requires that agencies complete investigations even if the officer resigns, and SB 2's disclosure provisions, found in Penal Code section 13510.9, serve to ensure that such peace officer disciplinary records are shared amongst law enforcement agencies conducting background investigations for potential hires. Penal Code §13510.85(c) also requires POST to report its decertification actions to a national database, the National Decertification Index of the International Association of Directors of Law Enforcement Standards and Training, which is accessed by law enforcement entities across the country.

SB 2 required the creation of a new division, the Peace Officers Standards and Accountability Division (Division), within POST. The Division is responsible for the intake and investigation of serious misconduct allegations. Prior to the issuance of an Accusation to revoke or suspend a peace officer's certification, Penal Code section 13509.5(b) mandates that the Division review investigations of allegations that may provide grounds for suspension or revocation of a peace officer's certification based on serious misconduct, conduct additional investigations as necessary, and to present findings and recommendations to the Peace Officer Standards Accountability Advisory

Board (Board). During the Division's investigation, a thorough analysis of the allegations is conducted to determine whether there is clear and convincing evidence that an act (or acts) of serious misconduct occurred. This includes but is not limited to a review of the evidence; the agency's findings; the peace officer's service record, including patterns of prior related conduct; mitigating or aggravating circumstances; and interviews with the subject peace officer and witnesses. Once the analysis of facts is complete, the case moves through two levels of internal panel review – the first is with a panel of bureau chiefs, including those not assigned to the Division and the second is with executive management, including the Executive Director. POST legal counsel guide Division staff throughout the entirety of the process to ensure the findings are sound and hold up to established legal standards.

If the Division finds reasonable grounds for revocation or suspension of a peace officer's certification, following review and approval by the Executive Director or their designee, it shall provide the subject peace officer with a Notice of Intent to Revoke and include a detailed explanation of the decertification procedure and their rights to respond (Penal Code § 13510.85(a)(1)). Upon notification the division has found reasonable grounds for suspension or revocation, the peace officer may file a request for review by the Board and Commission. The request for review must be received or postmarked within 30 calendar days of the latest date of mailing of the notice of intent to revoke. If the peace officer fails to file a request for review, the peace officer's certification is suspended or revoked without further proceedings (Penal Code § 13510.85(a)(2)).

If a request for review is filed, the matter is set for an initial hearing before the Board.[1] Pursuant to Penal Code section 13510.85, the Board reviews the findings of investigations presented by the Division and makes a recommendation on what action should be taken against the certification of the subject peace officer. The Board is presented with a detailed investigative summary of the Division's findings along with relevant exhibits which serve as the Division's evidence in support of its findings of serious misconduct. This hearing is limited to a review of the Division's findings and recommendations; no witness testimony or presentation of additional evidence or argument is permitted. During the public comment period, the peace officer or the peace officer's representative may address the issue of the sufficiency of the division's findings before the Board (Title 11, Cal. Code Regs. § 1209(e)(2)(B)).

[1] It is important to understand at the outset that these initial proceedings by the Board and Commission are not evidentiary and, as discussed below, determine only whether the matter will be referred back to the Division for the initiation of proceedings for a formal hearing pursuant to the APA. This normally involves a referral by the Division, through its counsel, to the Attorney General's office for the preparation of an appropriate accusatory pleading and the initiation of proceedings under the APA. During these initial hearings, no factual determinations are made as to whether the subject peace officers engaged in serious misconduct or what penalty may be appropriate, as these determinations are only made after an administrative hearing has taken place before the Office of Administrative Hearings (OAH). Rather, the determinations at the initial stage are limited, as discussed below, to a review of the evidence found by the Division to determine whether that evidence would, if proven by the Division at a full hearing (and without regard to any additional evidence or defenses that may later be proven at that full hearing) establish clear and convincing evidence (a high probability) that serious misconduct occurred.

If the Board finds the facts, as presented by the Division, would support clear and convincing evidence of serious misconduct at a full evidentiary hearing, it may recommend that a peace officer's certification be revoked or suspended for a period of up to three years (Cal. Penal Code § 13510.85(a)(4)). The Board's recommendation to the Commission requires a majority vote of the Board members present and is based on whether the record, as presented by the Division, supports the Division's conclusion that serious misconduct occurred, as established by clear and convincing evidence (Cal. Penal Code § 13510.85(a)(4)).

The Commission reviews all recommendations made by the Board. The Commission's decision to adopt a recommendation by the Board to seek revocation requires a two-thirds vote of the Commissioners present and is based on whether the record, in its entirety, supports the Board's conclusion that the facts as presented by the Division, would support clear and convincing evidence of serious misconduct at a full evidentiary hearing, serious misconduct occurred (Cal. Penal Code § 13510.85(a)(5)). The Commission returns any determination requiring action to be taken against an individual's certification to the Division to initiate proceedings for a formal hearing before an Administrative Law Judge (ALJ) in accordance with the Administrative Procedure Act Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, which is subject to judicial review as set forth in that Act (Cal. Penal Code § 13510.85(a)(6)).

INTRODUCTION

Peace officers are vested with extraordinary powers by virtue of their position, which include the ability to detain and arrest, conduct searches and seizures, and to use force in the course of their duties, up to and including the use of deadly force. Penal Code section 13509.6(c) provides that the "protection of the public and all constitutional and statutory rights shall be the highest priority for the board as it upholds the standards for peace officers in California."

An act of serious misconduct committed by a peace officer is inconsistent with the powers with which they were entrusted by virtue of their position and may pose a grave risk to the public if the individual is permitted to continue to exercise such powers. However, the Commission recognizes that each case is unique and that variations from the proposed guidelines may be appropriate based upon mitigating and aggravating circumstances. For this reason, the Commission has established minimum and maximum penalties to assist in determining the appropriate level of discipline.

The Commission has adopted these Disciplinary Guidelines to provide uniform guidance for particular violations to Administrative Law Judges, attorneys, certified peace officers, the public, the Board, the Commission, and others involved in the Commission's disciplinary processes. These guidelines are incorporated by reference in regulation so that the processes used by the Board and Commission are readily available and transparent.

The Board and Commission carefully consider the totality of the circumstances of each case with the safety and protection of the public being paramount. Therefore, the Commission requests that the Administrative Law Judge clearly delineate the factual basis for reaching the decision. If an Administrative Law Judge finds that serious misconduct occurred but deviates from these Guidelines, the Commission requests that the Administrative Law Judge explain in full the circumstances and reasons for that decision so it may evaluate the appropriateness of the decision.

Suspension of certification may be appropriate if the Respondent has demonstrated that it is in the best interest of the public if their certification is suspended for a specified period in order to correct deficiencies in skills or education, or to attend to personal rehabilitation. The Respondent must also demonstrate the protection of the public will not be compromised by permitting them to return to work as a peace officer once these deficiencies have been addressed. The Commission has determined that the minimum penalty in serious misconduct cases should always include a recommendation for revocation or suspension, with the possibility for the revocation or suspension to be stayed if terms and conditions of probation are imposed. Probationary conditions shall minimally include standard terms and conditions imposed for all cases, and optional terms and conditions used for specific violations that may be warranted by the unique facts of the case.

FACTORS TO BE CONSIDERED IN DETERMINING SUSPENSION OR REVOCATION

The Board and Commission have adopted a list of factors to be considered in determining whether suspension or revocation is appropriate. (Title 11, Cal. Code Regs, § 1213). These Disciplinary Guidelines are to be used *in connection with* the factors identified in Commission Regulation 1213 in order to understand the Board and Commission's positions regarding the weight to be given to the various factors that are relevant to any particular case. The Commission will not consider suspension, and will only consider revocation, in instances where the subject peace officer's misconduct would preclude the successful prosecution of any current or future arrest, such as is often the case in the dishonesty category.

Furthermore, the Commission will not consider suspension, and will only consider revocation, in instances where the subject peace officer's conduct is so serious or repeated that rehabilitation would not serve the public interest. For example, these Guidelines provide that a peace officer committing an on-duty, non-consensual, sexual assault would, in the Board and Commission's view, warrant revocation. This is because, without regard to the other enumerated factors, the Board and Commission believe that the nature and severity of the offense (factor one), the harm to the victim, the public, and the profession (factor two), and the fact that the offense was committed on duty (factor three) would outweigh any other factors.

SPECIFIC CONSIDERATIONS BY PENAL CODE SECTION

A peace officer may have their certification suspended or revoked if the individual has been terminated for cause from employment as a peace officer for, or has, while employed as a peace officer, otherwise engaged in, any serious misconduct as described in Penal Code § 13510.8(b). (Cal. PC § 13510.8(a)(2)). The Commission has, by regulation, promulgated a definition of serious misconduct which governs these determinations. (Title 11, Cal. Code Regs. § 1205). Where the Commission has added to the definition of serious misconduct, as described in Penal Code § 13510.8(b), these guidelines include the expanded definition of the specified category of serious misconduct as defined in Commission Regulation 1205.

SPECIFIC OFFENSES

DISHONESTY:

Penal Code Section 13510.8(b)(1): Dishonesty relating to the reporting, investigation, or prosecution of a crime, or relating to the reporting of, or investigation of misconduct by, a peace officer or custodial officer, including, but not limited to, false statements, intentionally filing false reports, tampering with, falsifying, destroying, or concealing evidence, perjury, and tampering with data recorded by a body-worn camera or other recording device for purposes of concealing misconduct.

POST Regulation 1205(a)(1): Dishonesty relating to the reporting, investigation, or prosecution of a crime, or relating to the reporting of, or investigation of misconduct by, a peace officer or custodial officer, including, but not limited to, false statements, intentionally filing false reports, tampering with, falsifying, destroying, or concealing evidence, perjury, and tampering with data recorded by a body-worn camera or other recording device for purposes of concealing misconduct. For purposes of this subsection, in considering whether a suspension or revocation of certification is proper, the Commission will consider the extent to which the dishonesty related to a material or significant fact in the context of the statement or omission alleged to be dishonest and will also consider whether the dishonesty appears to have been done willfully or intentionally, with the intent to deceive.

Maximum Penalty: Revocation

Minimum Penalty: Revocation Stayed
Suspension up to Three Years
Three Years of Probation
Standard Terms and Conditions
Optional Terms and Conditions, as deemed appropriate

Considerations: Dishonesty is a serious offense in law enforcement. A peace officer's credibility is a key element in criminal cases, which rely upon their veracity in establishing the lawfulness of the actions taken by the peace officer and the guilt of the criminal defendant. A peace officer known to lie may be placed on a *Brady* list[2], a fact

[2] A "*Brady* list" refers to a system, index, list, or other record containing the names of peace officers whose personnel files are likely to contain evidence of dishonesty or bias. This list is maintained by a prosecutorial agency or office in accordance with the holding in *Brady v. Maryland* (1963) 373 U.S. 83. (Cal. Gov. Code §3305.5). The *Brady* obligation requires the prosecution to disclose material exculpatory evidence, including potential impeachment evidence, to the defense. This duty extends beyond the prosecutor's office to include evidence known to others acting on the government's behalf, such as police officers. (*Serrano v. Superior Court* (2017) 16 Cal.App.5th 759). The prosecution must share any information it has regarding whether the personnel records contain *Brady* material and let the defense decide whether to file a motion seeking discovery of potentially exculpatory information. (*People v. Superior Court* (Johnson) (2015) 61 Cal.4th 696). An officer's dishonesty can severely undermine their credibility as a witness; honesty, integrity, and credibility are paramount attributes for police officers. (See Crawford v. City of Los Angeles (2009) 175 Cal.App.4th 249, 257, 95 Cal.Rptr.3d 550 [“Termination

that is disclosed to criminal defendants and may jeopardize the prosecution of a case. For this reason, dishonesty as defined in Commission Regulation 1205(a)(1), normally warrants revocation of an officer's certification. Commission Regulation 1205(a)(1) recognizes that if the dishonesty related to a material or significant fact in the context of the statement or omission alleged to be dishonest, or was willfully or intentionally, with the intent to deceive, revocation is the appropriate penalty.

Some instances of dishonesty may warrant consideration of a lesser penalty under rare circumstances, even if it meets the statutory definition. For instance, lesser discipline may be considered if the statement was not made willfully or with the intent to deceive, was not part of a pattern of incomplete or less than honest statements, can be attributed to a demonstrable inability to properly recall events, was so insignificant or immaterial such that lesser care may have been used in ensuring the accuracy of the statement and sufficient mitigating circumstances exist, or where the officer voluntarily clarifies or corrects an earlier statement under circumstances indicating that the earlier statement was a foible of memory and not an intentional attempt to deceive.

based upon a false statement by a peace officer is indisputably within the City's power."]; Ackerman v. State Personnel Bd. (1983) 145 Cal.App.3d 395, 400, 193 Cal.Rptr. 190 ["the credibility and honesty of an officer are the essence of the function"]; Kolender v. San Diego County Civil Service Com. (2005) 132 Cal.App.4th 716, 721, 34 Cal.Rptr.3d 1 [" 'A [police officer's] job is a position of trust and the public has a right to the highest standard of behavior from those they invest with the power and authority of a law enforcement officer.'"].)

ABUSE OF POWER

Penal Code Section 13510.8(b)(2): Abuse of power, including, but not limited to, intimidating witnesses, knowingly obtaining a false confession, and knowingly making a false arrest.

Commission Regulation 1205(a)(2): Abuse of power, including, but not limited to, intimidating witnesses, knowingly obtaining a false confession, and knowingly making a false arrest. For purposes of this subsection, in considering whether a suspension or revocation of certification is proper, the Commission will consider the extent to which the abuse of power was a knowing abuse of the power and authority of a public office.

Maximum Penalty: Revocation
Minimum Penalty: Revocation Stayed
Suspension up to Three Years
Three Years of Probation
Standard Terms and Conditions
Optional Terms and Conditions

Considerations: Abuse of power may take many forms, and an evaluation of the totality of the circumstances is essential in determining the appropriate penalty. If an abuse of power is more appropriately characterized, for instance, as excessive force or sexual assault, those serious misconduct categories should be cited instead of abuse of power. On the other hand, there may be instances where a peace officer's conduct does not meet the definition of a serious misconduct category like excessive force or sexual assault, and yet the conduct demonstrates a clear abuse of a given peace officer's supervisory powers or status as a peace officer.

Aggravating factors when considering revocation may include, among other things, when a peace officer isolates or intimidates witnesses in order to interfere with the administration of justice or to satisfy a personal interest that is inconsistent with the duties and responsibilities of a peace officer, knowingly fails to report crimes or inaccurately reports crimes to avoid further investigation or referrals to the District Attorney's Office, knowingly misrepresents or misreports a victim's or witness's statements in reports, discourages truthful testimony or encourages false testimony, knowingly obtains a false confession, or knowingly makes a false arrest. Similarly, any intentional misuse of the power and authority given to a peace officer to subvert an investigation, for personal gain, or to cause harm to another, would normally warrant revocation. Any misuse of power and authority for such purposes indicates that the public would be at risk should the peace officer continue to have such power and authority.

Suspension may be warranted when the officer reasonably believed they were acting in good faith, that the conduct was permitted by law or departmental policy, or did not, in light of all of the circumstances, intentionally attempt to take an unjust advantage over

persons, property, or situations, by the improper exercise of power and authority granted to them by virtue of their position.

PHYSICAL ABUSE

Penal Code Section 13510.8(b)(3): Physical abuse, including, but not limited to, the excessive or unreasonable use of force as described in Penal Code section 835a.

Maximum Penalty: Revocation
Minimum Penalty: Revocation Stayed
Suspension up to Three Years
Three Years of Probation
Standard Terms and Conditions
Optional Terms and Conditions

Considerations: Revocation is appropriate when excessive or unreasonable force results in death or serious bodily injury. Revocation is also appropriate when the officer has engaged in multiple acts of excessive or unreasonable force, even if death or serious bodily injury has not resulted from those uses of force.

Because agency policies vary to some degree regarding what may be considered unreasonable or excessive use of force, each case will be fact specific and depend in large part on the necessity for the type and degree of force used by the peace officer. Consideration shall be based upon the totality of the circumstances known by the peace officer at the time of the incident. For guidance, the California Penal Code outlines the legal framework detailing when a peace officer may use reasonable force to effect an arrest or overcome resistance. (See Penal Code section 835a).

Acts that may result in physical assault allegations often include inappropriate uses of take down techniques and restraint holds, deployment of batons, tasers, and officer involved shootings. The harm done to the victim or the potential harm that could have resulted from the peace officer's conduct is always a consideration.

An analysis of facts surrounding the use of force will be important in determining whether suspension is appropriate. For example, will similar behavior in the future likely be preventable with training, or was the act so severe or aggravated that additional training is unlikely to prevent recurrence. Another consideration includes whether there is any documented pattern of unreasonable or excessive force used by the peace officer. The peace officer's past conduct is also relevant in proving whether the peace officer knew, or should have known, the conduct at issue was excessive. Absent an established pattern, and depending on the nature of the force used, a single incident may potentially be resolved by means of suspension and additional training.

SEXUAL ASSAULT

Penal Code Section 13510.8(b)(4): Sexual assault as described in subdivision (b) of Penal Code Section 832.7.

Cal. Penal Code § 832.7 (b)(1)(B)(ii)-(iii):

(ii) As used in this subparagraph, "sexual assault" means the commission or attempted initiation of a sexual act with a member of the public by means of force, threat, coercion, extortion, offer of leniency or other official favor, or under the color of authority. For purposes of this definition, the propositioning for or commission of any sexual act while on duty is considered a sexual assault.

(iii) As used in this subparagraph, "member of the public" means any person not employed by the officer's employing agency and includes any participant in a cadet, explorer, or other youth program affiliated with the agency.

Commission Regulation 1205(a)(4): Sexual assault as described in subdivision (b) of Penal Code Section 832.7, and shall extend to acts committed amongst members of any law enforcement agency.

Maximum Penalty: Revocation
Minimum Penalty: Revocation Stayed
Suspension up to Three Years
Three Years of Probation
Standard Terms and Conditions
Optional Terms and Conditions

Considerations: Non-consensual conduct which constitutes sexual assault as defined above warrants revocation, regardless of whether it occurs on or off-duty. Examples of non-consensual acts as described in section 832.7(b) include "commission or attempted initiation of a sexual act with a member of the public by means of force, threat, coercion, extortion, offer of leniency or other official favor or under the color of authority."

Since the law considers the propositioning for, or commission of, any sexual act on-duty a sexual assault, any instance involving any sexual act while on-duty, even if consensual, would constitute serious misconduct. Suspension may be warranted if the act occurred on duty but involved entirely consensual conduct, was limited in nature, and did not jeopardize public safety (for instance by an inability to respond to calls for service).

To the extent the consensual sexual act in question was committed solely amongst members of the law enforcement agency, the appropriate penalty may depend upon the respective job titles and supervisory responsibilities of the subject peace officer and the other consenting employee. Suspension may be warranted if the subject peace officer

and the other employee were in a similar job classification, whereas a more substantial penalty is justified if the peace officer supervised the other employee.

Similarly, when viewing the circumstances in their entirety, the negative impact that the sexual act has on the law enforcement agency, or the protection of the public, are important considerations. A consensual sexual act that has little to no adverse effect on the interests of justice may warrant suspension when compared to a consensual sexual act that directly prejudices an investigation. This would include, but not be limited to, inappropriate relationships with witnesses, victims, informants, or suspects.

DEMONSTRATING BIAS

Penal Code Section 13510.8(b) (5): Demonstrating bias on the basis of actual or perceived race, national origin, religion, gender identity or expression, housing status, sexual orientation, mental or physical disability, or other protected status in violation of law or department policy or inconsistent with a peace officer's obligation to carry out their duties in a fair and unbiased manner. This paragraph does not limit an employee's rights under the First Amendment to the United States Constitution.

Commission Regulation 1205(a)(5): Demonstrating bias on the basis of actual or perceived race, national origin, religion, gender identity or expression, housing status, sexual orientation, mental or physical disability, or other protected status in violation of law or department policy or inconsistent with a peace officer's obligation to carry out their duties in a fair and unbiased manner. This paragraph does not limit an employee's rights under the First Amendment to the United States Constitution.

(A) An officer is “demonstrating” bias for purposes of this Regulation when the officer either shows or displays, by words, actions or other conduct, prejudice, intolerance, contempt, or hatred towards one or more persons due to that person’s membership within a class of persons identified in Penal Code section 13510.8(b)(5), when such words, actions or other conduct would lead a reasonable person to conclude that the officer has not fairly and impartially performed, or will not fairly and impartially perform, his or her law enforcement duties.

(B) An officer engaging in racial profiling in violation of Penal Code section 13519.4 is demonstrating bias because profiling casts suspicion on a class of people without individualized suspicion as to the person being stopped.

Maximum Penalty: Revocation
Minimum Penalty: Revocation Stayed
Suspension up to Three Years
Three Years of Probation
Standard Terms and Conditions
Optional Terms and Conditions

Considerations: Peace officers are granted extraordinary powers to deprive persons of their property, liberty, and even their life, and a peace officer that targets individuals for unfair treatment based upon membership in a protected class should not be entrusted with such powers. Serious misconduct is shown if the peace officer’s words, actions or conduct are: 1) inconsistent with the peace officer’s obligation to carry out their duties in a fair and unbiased manner, 2) violates applicable law, or 3) violates department policy.

A peace officer shows or displays, by their words, actions or other conduct, prejudice, intolerance, contempt or hatred towards one or more persons due to that person’s membership within a class of persons identified in Penal Code section 13510.8(b)(5), when such words, actions or other conduct would lead a reasonable person to conclude

that the peace officer has not, or will not, fairly and impartially perform his or her law enforcement duties. Under these circumstances, revocation is the appropriate penalty.

A peace officer engaging in racial profiling in violation of Penal Code section 13519.4 is demonstrating bias because profiling casts suspicion on a class of people without individualized suspicion as to the person being stopped. It is important to note that the peace officer's demonstration of bias must be either in violation of the law or department policy or be inconsistent with a peace officer's obligation to carry out their duties in a fair and unbiased manner. The degree to which this is true may be a factor in considering a lesser penalty.

The peace officer's role and level of participation in the act of demonstrating bias may also warrant suspension. Whether the incident was isolated or demonstrated a pattern of biased behavior may help to determine whether a lesser penalty is appropriate.

ACTS THAT VIOLATE THE LAW

Penal Code Section 13510.8(b) (6): Acts that violate the law and are sufficiently egregious or repeated as to be inconsistent with a peace officer's obligation to uphold the law or respect the rights of members of the public, as determined by the Commission.

Maximum Penalty: Revocation
Minimum Penalty: Revocation Stayed
Suspension up to Three Years
Three Years of Probation
Standard Terms and Conditions
Optional Terms and Conditions

Considerations: The law provides that discipline is appropriate where an act is *either* sufficiently egregious *or* repeated so as to be inconsistent with a peace officer's obligation to uphold the law or respect the rights of members of the public. Therefore, a single act may be sufficient to impose discipline, notwithstanding the Legislature's use of the term "acts," either because it is itself sufficiently severe, or where, upon consideration of other relevant factors (such as a prior pattern of behavior or a history of engaging in improper acts) the act is considered egregious based upon a consideration of the individual's pattern or history of behavior.

In accordance with Government Code section 1029, a peace officer's certification shall be revoked in cases involving disqualification, generally resulting from convictions for felonies and certain misdemeanors. However, separate from the question of a GC § 1029 disqualification, an act may be grounds for revocation as serious misconduct even if it does not meet the section 1029 threshold. As to those acts, the Legislature did not make every violation of the law grounds for discipline, and instead qualified that those acts that are considered serious misconduct must be either inconsistent with a peace officer's obligation to uphold the law or inconsistent with the peace officer's obligation to respect the rights of members of the public.

Generally, revocation is appropriate when a peace officer's violation of the law results in a serious risk of harm to the public, whether the officer is on or off duty. The nature of the violation, whether the conduct would meet the elements of a felony or misdemeanor, should also be considered in determining whether a lesser penalty is warranted.

Another factor to consider is whether the act has been repeated, and whether the repeated nature demonstrates a likelihood of recurrence. The length of time between repeated acts is also a factor. Acts that occur within a shorter amount of time may warrant a stronger penalty, such as revocation, while acts that are remote or further apart may warrant a lesser penalty.

In cases where alcohol or substance use has resulted in, or contributed to, a violation of law, even in some instances of repeated or egregious violations of law, a term of

suspension and/or probation with optional terms and conditions related to abstaining from alcohol and substance use and participating in regular testing may be appropriate based on the rehabilitative efforts of the subject officer and the lapse of time since the alcohol or substance use and violation(s) of law.

Crimes committed while on-duty (such as an assault under color of authority or other act where the peace officer uses or is aided by his or her position in the commission of a crime) are presumptively revocation cases.

LAW ENFORCEMENT GANG

Penal Code Section 13510.8(b) (7): Participation in a law enforcement gang. For the purpose of this paragraph, a "law enforcement gang" means a group of peace officers within a law enforcement agency who may identify themselves by a name and may be associated with an identifying symbol, including, but not limited to, matching tattoos, and who engage in a pattern of on-duty behavior that intentionally violates the law or fundamental principles of professional policing, including, but not limited to, excluding, harassing, or discriminating against any individual based on a protected category under federal or state antidiscrimination laws, engaging in or promoting conduct that violates the rights of other employees or members of the public, violating agency policy, the persistent practice of unlawful detention or use of excessive force in circumstances where it is known to be unjustified, falsifying police reports, fabricating or destroying evidence, targeting persons for enforcement based solely on protected characteristics of those persons, theft, unauthorized use of alcohol or drugs on duty, unlawful or unauthorized protection of other members from disciplinary actions, and retaliation against other officers who threaten or interfere with the activities of the group.

Maximum Penalty: Revocation
Minimum Penalty: Revocation Stayed
Suspension up to Three Years
Three Years of Probation
Standard Terms and Conditions
Optional Terms and Conditions

Considerations: In cases where the subject peace officer's activities have resulted in wrongful convictions, harm to an individual(s), or have created a culture within the law enforcement agency that prevents other peace officers from reporting misconduct or interceding when witnessing misconduct for fear of being retaliated against, are factors to consider for revocation.

Revocation may be warranted when the peace officer's participation in a law enforcement gang has resulted in a violation of the law, such as a provable felony or misdemeanor, injury to a person(s), or damage to property. The peace officer's level of participation, such as whether they had an active or passive role in the illegal act should also be considered in determining whether suspension is warranted. For example, suspension may be appropriate if there is sufficient evidence to demonstrate that the subject peace officer was coerced into participation in the law enforcement gang through intimidation, retaliation, or threats to the safety of the subject peace officer or their family. Similarly, suspension may be appropriate if the evidence demonstrates that the subject peace officer became a member of the gang because of the pressures of organizational culture, but did not actively participate in a pattern of on-duty behavior that intentionally violates the law or fundamental principles of professional policing. Both of these should be weighed against whether the subject peace officer reported the gang to appropriate supervisors and if not, why they did not do so.

FAILURE TO COOPERATE

Penal Code Section 13510.8(b)(8): Failure to cooperate with an investigation into potential police misconduct, including an investigation conducted pursuant to Chapter 1 of Title 4 of Part 4 of the Penal Code. For purposes of this paragraph, the lawful exercise of rights granted under the United States Constitution, the California Constitution, or any other law shall not be considered a failure to cooperate.

Maximum Penalty: Revocation
Minimum Penalty: Revocation Stayed
Suspension up to Three Years
Three Years of Probation
Standard Terms and Conditions
Optional Terms and Conditions

Considerations: The central objective of any investigation is to expose the truth. As the Law Enforcement Code of Ethics recognizes, peace officers must remain "[h]onest in thought and deed…." A failure to cooperate with an investigation is antithetical to the very core of a peace officer's responsibilities. A peace officer who fails to cooperate with an investigation has made a conscious decision to obstruct the objectives of law enforcement. For this reason, a peace officer's failure to cooperate with an investigation into potential police misconduct normally warrants revocation.

As is true for all citizens, peace officers may exercise their individual rights under the United States Constitution, the California Constitution, or any other law. California law expressly recognizes that the *lawful* exercise of those rights does not constitute serious misconduct. The key word here is "lawful."

One concern a peace officer may reasonably have when deciding whether to cooperate with an investigation into peace officer conduct is whether any statements they make will incriminate themselves, thereby implicating the peace officer's right to assert their peace officer privileges under both the Fifth Amendment to the United States Constitution and article I, section 15, clause 6 of the California Constitution. The California Supreme Court addressed this concern in a case entitled *Lybarger v. City of Los Angeles.* This case resulted in a common admonition known as the *Lybarger* admonition, which is frequently provided to peace officers who believe their cooperation in an investigation into misconduct could be self-incriminating. The *Lybarger* admonition notifies the peace officer subject to questioning that their statements cannot be used against them criminally.

Once this admonition is given, a peace officer's decision to remain silent and refuse to cooperate with an investigation is not a lawful exercise of a constitutional right. As the California Supreme Court emphasized in *Lybarger*, a peace officer has "…neither a constitutional nor a statutory right to remain *free of administrative sanction*…." (Emphasis in original.) Indeed, the Public Safety Officers Procedural Bill of Rights Act

specifically provides that the failure to answer questions directly related to an investigation may result in punitive action. (Cal. Gov. Code §§ 3304(a)).

Accordingly, once a peace officer receives the *Lybarger* admonition, their refusal to cooperate for fear of self-incrimination is unjustified as a matter of law and therefore cannot be considered as a circumstance justifying a lesser penalty.

A failure to cooperate may arise when a peace officer refuses to comply with a lawful order to turn over agency or personal equipment that may, or does, contain incriminating evidence in a criminal, civil, or administrative investigation. Alternatively, a failure to cooperate may arise when a peace officer destroys agency or personal equipment or data that they knew, or should have known, contained evidence that was relevant to a pending investigation. Failure to cooperate may further arise where a peace officer alters or destroys evidence before turning it over to misdirect an investigation, cover up wrongdoing, or to implicate another peace officer. In such cases, the extent to which the peace officer's failure to cooperate prevents an investigation from moving forward and determining what occurred should be considered in determining whether revocation or suspension is appropriate.

FAILURE TO INTERCEDE

Penal Code Section 13510.8(b)(9): Failure to intercede when present and observing another officer using force that is clearly beyond that which is necessary, as determined by an objectively reasonable officer under the circumstances, taking into account the possibility that other officers may have additional information regarding the threat posed by a subject.

Maximum Penalty: Revocation
Minimum Penalty: Revocation Stayed
Suspension up to Three Years
Three Years of Probation
Standard Terms and Conditions
Optional Terms and Conditions

Considerations: The preservation of life is one of the most elementary duties of a peace officer. Life's value exists in equal measure for both the innocent as well as those suspected of criminal activity. Every peace officer, by virtue of the badge, stands in a unique position to prevent unnecessary harm to others. This is especially true when confronted with a fellow peace officer engaged in excessive use of force. If a peace officer observes another peace officer using force clearly beyond that which is necessary under the circumstances, the presence of that peace officer on the scene accentuates their responsibility to intercede and protect lives.

When determining the appropriate penalty for a peace officer who fails to intercede, consideration of the totality of the circumstances is especially important. As the use of force becomes increasingly unreasonable from an objective peace officer's point of view, the penalty for failure to intercede increases accordingly. Where the use of force is objectively unreasonable, but to a low degree, the failure to intercede may warrant a lesser penalty.

The totality of the circumstances can be important in other ways as well. For example, other peace officers may have additional information about a subject that is unknown to the peace officer who is later subject to decertification proceedings. Under these circumstances, what the subject peace officer knows or reasonably should know about a subject may tend to work in favor of a greater or lesser penalty. The opposite is equally true. When a peace officer is unfamiliar with a suspect, it is crucial to consider what an objectively reasonable peace officer would do under the totality of the circumstances known to that peace officer considering their unfamiliarity with the suspect.

PROBATION TERMS AND CONDITIONS

The Commission's primary responsibility is protection of the public. The Commission believes that in disciplinary matters where probation has been imposed, terms and conditions should be established to provide for public protection while allowing the probationer to demonstrate rehabilitation. The following terms and conditions of probation provide for public protection while establishing a mechanism for monitoring the progress of a probationer's rehabilitation.

LISTING OF PROBATION CONDITIONS – STANDARD AND OPTIONAL

Standard Terms and Conditions for All Decisions and Orders

1. Certification Revoked. Respondent's certification is revoked.

2. Certification Revoked, Revocation Stayed. It is hereby ordered that (insert certificate type and number), issued to Respondent (name of responded) is/are revoked. However, the revocation(s) is/are stayed and Respondent is placed on probation for ____ years on the following conditions:

3. Certification Suspension. Respondent's certification shall be suspended for _____ days/months/years.

4. Severability Clause. Each condition of probation contained herein is a separate and distinct condition. If any condition of this Order, or any application thereof, is declared unenforceable in whole, in part, or to any extent, the remainder of this Order, and all other applications thereof, shall not be affected. Each condition of this Order shall separately be valid and enforceable to the fullest extent permitted by law.

5. Obey All Laws. Respondent shall obey all federal, state, and local laws. A full detailed account of any and all alleged violations of law and any arrests shall be reported by Respondent to the Commission in writing withing seventy-two (72) hours of occurrence. To permit monitoring of compliance with this condition, notwithstanding any provision of law, Respondent agrees that the Commission can receive notification of an arrest and/or conviction from any federal, state, and/or local agency.

6. Submit Quarterly Reports. The respondent shall submit quarterly to the Commission, or its designee, under penalty of perjury, on forms provided by the Commission, stating whether there has been compliance with all terms and conditions of probation. Omission or falsification in any manner of any information on these reports shall constitute a violation of probation and shall result in summary revocation of Respondent's restricted certification. If the final written quarterly report is not made as directed, the period of probation shall be extended until the final report is received by the Commission. Any period(s) of delinquency in submitting a report as directed may be added to the total period of probation.

   Quarterly reporting periods and due dates are as follows:

   Quarter I (January 1 to March 31)
   Quarter II (April 1 to June 30)
   Quarter III (July 1 to September 30)
   Quarter IV (October 1 to December 31)

7. Serious Misconduct. Respondent shall not engage in any acts of serious misconduct as defined under Penal Code section 13510.8, subdivision (b), including but not limited to, any acts that involve substance abuse related incidents. Any acts of serious misconduct shall be deemed a violation of these probation conditions and may result in the filing of an accusation and/or petition to revoke probation.

8. Interview with the Commission. Within 30 days of the effective date of the Decision, Respondent shall appear in person or via video conference, if approved by the Commission for an interview with its designated probation monitors to review the terms and conditions of probation. Thereafter, the respondent shall, upon reasonable request, report or appear in person as directed. The interview with the Commission shall not be tolled.

9. Personal Appearances. Upon reasonable notice by the Commission, the respondent shall report to and make personal appearances at times and locations as the Commission may reasonably direct.

10. Cooperation with Commission Staff. Respondent shall cooperate with the Commission's staff as needed to ensure Respondent is complying with the terms of probation. The respondent shall communicate directly with the Commission, or its designee; written communications from the Commission, or its designee, will only be sent to the Respondent.

11. Changes of Employment or Address. The respondent shall notify the Commission in writing of any and all changes of peace officer employment and residence address within fourteen (14) calendar days of such change.

    Respondent will at all times comply with the California Code of Regulations, title 11, section 1215, and maintain a physical address of record with the Commission for three (3) years after separation of service from peace officer employment in California. In addition, Respondent will ensure that the Commission has their current home address and preferred method of contact (i.e., phone number, email address) during the period of probation. This information will be maintained confidentially in accordance with the Information Practices Act, Civil Code section 12798 et seq. and California Penal Code section 832.7.

12. Notice to Employers. Respondent shall provide any current, future, or potential law enforcement employer with the terms and conditions of this stipulation. Respondent understands and agrees that this stipulation, once adopted, will be a public document and will be subject to public release. Respondent further understands and agrees that the Commission shall have the right to provide any and all records showing compliance or lack of compliance with the terms of this stipulation to any current, past, future, or potential law enforcement employer of Respondent, upon the employer's request.

13. Comply with Probation. Respondent shall fully comply with the conditions of probation and cooperate with representatives of the Commission in its monitoring and investigation of the Respondent's compliance with probation.

14. Continuance of Probationary Term and Completion of Probation. If Respondent violates the terms of this probation in any respect, the Commission, after giving Respondent notice and the opportunity to be heard, may set aside the stay order, and impose the revocation or suspension of Respondent's certification.

    If Respondent disputes the Commission's determination that a violation of probation has occurred, Respondent shall have 35 calendar days from the date of mailing of the notification letter to file with the Commission a dispute to the action being taken on Respondent's certification. The Respondent shall fully explain the factual and legal basis of their dispute to the asserted probation violation, and supply at that time any evidence supporting the dispute as to the probation violation. The Commission shall consider Respondent's argument and evidence before taking action on the Respondent's certification. If Respondent fails to respond, this action shall become final, and the file will be closed.

    If during the period of probation, an accusation or petition to revoke probation has been filed against Respondent's certification, or the Attorney General's Office has been requested to prepare an accusation or petition to revoke probation against Respondent's certification, the probationary period shall automatically be extended and shall not expire until the accusation or petition has been acted upon by the Commission.

    Upon successful completion of probation, Respondent's certification shall be fully restored.

15. Certification Surrender. During Respondent's term of probation, Respondent may surrender their certification to the Commission under Penal Code section 13510.8, subdivision (f). Upon formal acceptance of the surrendered certification, Respondent will no longer be subject to the conditions of probation.

    Surrender of Respondent's certification shall be considered a disciplinary action and shall become part of Respondent's certification history with the Commission.

Optional Terms and Conditions of Probation. In addition to the standard terms and conditions of probation, optional terms and conditions of probation are assigned based on the nature of the serious misconduct violations and the fact pattern specific to individual cases.

16. California POST Supplemental Training Requirement. Within _____ days of the effective date of this Decision or _____, Respondent shall take and successfully complete POST-certified training in one or more of the following areas:
    _____
    _____
    _____
    _____

    The respondent is responsible for all costs associated with completing the required POST-certified courses. (Examples of areas to require training in include use of force, report writing, ethics, bias, diversity, LGBTQI, gender awareness, sexual harassment, workplace harassment, anger management, decision-making, de-escalation, duty to intercede, emotional intelligence/survival, problem solving, and stress management.)

17. Criminal Probation Reports. Respondent shall provide the Commission with a copy of the standard terms and conditions of Respondent's criminal probation, as well as copies of all criminal probation reports and the name of their probation officer. If the Respondent is under criminal court orders, including probation or parole, and the order is violated, this shall be deemed a violation of these probation conditions and may result in the filing of an accusation and/or petition to revoke probation.

18. Counseling/Psychotherapy. Within 30 days of the effective date of this Decision, Respondent shall submit to the Commission, for its prior approval, the name, license number, and qualifications of one or more culturally competent[3] licensed psychologists or therapists with a PhD, PsyD, MS or LCSW who have experience in treating the underlying mental health condition(s) that may have contributed to the serious misconduct actions of the subject peace officer. The selected practitioner(s) shall be licensed in good standing in the State of California and shall not have been subjected to formal discipline by a licensing board in or outside of California within the preceding seven years and shall demonstrate experience in providing culturally competent examination and counseling of first responders. The selected practitioner(s) shall have had no prior professional or personal relationship with the respondent. Within 60 days of the Decision, Respondent shall begin seeing their provider, following their treatment plan, and engaging in the therapeutic process. The purpose of the therapy is to assist the Respondent with amassing tools and skills that can be used to mitigate any barriers to engaging in sound police work and

[3] A culturally competent therapist for law enforcement is a mental health professional who is trained to work with police officers and understand their unique needs and challenges. These therapists can provide support, treatment, and interventions tailored to the specific context of law enforcement work, addressing issues such as stress, trauma, and mental health conditions.

maintaining a healthy home life. The Respondent shall have the selected practitioner submit the treatment plan to the Commission which shall include number of prescribed sessions. If applicable, the practitioner shall provide quarterly status reports to the Commission noting if the respondent is attending and participating in treatment. At no time shall the practitioner send protected health information to the Commission without the written consent of the Respondent. Should the practitioner believe the Respondent is not making progress in therapy, and believes the Respondent poses potential harm to the public, they will recommend to the Commission the Respondent be sent to a Fitness for Duty evaluation. All costs shall be borne by the Respondent.

19. Fitness for Duty Evaluation[4]. Within 60 days of the effective date of this Decision, Respondent shall submit to the Commission, for its prior approval, the name, license number, and qualifications of one or more culturally competent licensed psychiatrist or psychologists with experience in conducting fitness for duty evaluations for peace officers, pursuant to Government Code section 1031(f)(2). The selected practitioner(s) shall be licensed in good standing in the State of California and shall not have been subjected to formal discipline by a licensing board in or outside of California within the preceding seven years and shall demonstrate experience in providing culturally competent examination of first responders. The selected practitioner(s) shall have had no prior professional or personal relationship with the respondent. Within 60 days of the Decision, Respondent shall undergo a mental health evaluation by the selected licensed practitioner(s). The respondent shall have the selected practitioner submit their evaluation to the Commission within 14 calendar days after the completed evaluation. The evaluation provided to the Commission shall advise whether the respondent is able to safely return to the profession with or without continued therapy/treatment or requires time away from the profession while undergoing therapy/treatment. If applicable, the respondent shall undergo treatment as prescribed until the selected practitioner deems the respondent is able to independently, and safely, return to the profession with or without continued therapy/treatment. If applicable, the respondent shall cause the approved culturally competent practitioner to provide quarterly status reports to the Commission. The quarterly status reports shall report whether the respondent is attending and participating in treatment. All costs shall be borne by the Respondent.

20. Alcohol or Drug Counseling. Within 30 days of the effective date of this Decision, Respondent shall enter, attend, and participate in an alcohol/drug rehabilitation program for _____. Respondent shall submit written proof from the selected program confirming attendance and participation in the program to the Commission in Respondent's quarterly written reports. All costs for attending said program shall be borne by the Respondent.

[4] Law enforcement fitness for duty evaluations are specialized mental health examinations designed to assess whether an officer may have a psychological condition that impairs their ability to perform essential job functions or poses a direct threat. These evaluations are ordered by the department when there is objective evidence that an employee may be unable to safely perform their job due to a psychological condition or impairment.

21. Proof of Completion. Respondent shall provide the Commission with proof of completion and/or participation in all _____ abuse treatment and counseling programs taken to date, as well as the results of any _____ testing they have taken to date.

22. Submit to Alcohol or Drug Testing. Respondent shall participate in a random, biological fluid testing program approved by the Commission. The length of time and frequency will be up to ___ times per year on a random basis. Respondent is responsible for keeping the Commission informed at all times of Respondent's current telephone number. In the event Respondent's telephone number changes, Respondent shall update the Commission within 48 hours.

    Respondent shall also ensure that messages may be left at the telephone number when they are not available and ensure that reports are submitted directly by the testing agency to the Commission, as directed. Any confirmed positive finding shall be reported immediately to the Commission by the program, Respondent shall be considered in violation of probation, and the Commission may, in its discretion, order additional testing or screening, over and above the time and frequency listed above.

    If Respondent has a confirmed positive finding for _____ and the Commission files a petition to revoke probation or an accusation, the Commission may suspend Respondent's Certification pending the final decision on the petition to revoke probation or the accusation. This period of suspension will not apply to the reduction of this probationary time period.

23. Abstain from Controlled Substances. Respondent shall abstain from the personal use or possession of controlled substances, as defined in the California Uniform Controlled Substances Act (Health and Safety Code section 11000 et seq.), and dangerous drugs as defined in Business and Professions Code section 4022, except for medication lawfully prescribed to Respondent by a licensed practitioner for a bona fide illness. Upon request of the Commission or its designee, Respondent shall provide documentation from the licensed practitioner that the prescription for the drug was legitimately issued and is a necessary part of the Respondent's treatment.

24. Abstain from Alcohol Use. Respondent shall abstain from the use of products or beverages containing alcohol.

25. Tolling. This term shall not apply until Respondent secures appointment to a new peace officer position. Regardless of the effective date of this agreement, this term shall be tolled until Respondent is appointed to a peace officer position, if not currently employed, after which this term shall be operative for _____ years, during which time Respondent will remain on probation.

    Periods of residency outside of California shall not apply toward a reduction of the period of probation. Respondent's probation is tolled when they reside outside of

California and the period of probation shall be automatically extended for the same period they reside outside of California. Any period of tolling will not apply to the reduction of the probationary term and will relieve Respondent of the responsibility to comply with the probationary terms and conditions with the exception of this condition and the following terms and conditions of probation: Obey All Laws, Criminal Court Orders, Comply with Probation, Violation of Probation, and Certification Surrender.

POST DISCIPLINARY GUIDELINES

FACTORS FOR CONSIDERATION OF PENALTY RELATED TO PEACE OFFICER CERTIFICATION ACTIONS

PREFACE

The Commission on Peace Officer Standards and Training (Commission) establishes minimum standards for the physical, mental, and moral fitness of peace officers, adopts rules establishing minimum training standards for peace officers, and, as a part of its certification program, licenses peace officers and investigates and reviews allegations of serious misconduct in order to determine whether the peace officer's certification should be suspended or revoked.

Senate Bill 2 (Stats. 2021, c. 409, § 12, eff. Jan. 1, 2022) (SB 2) requires POST to review and investigate reports of "serious misconduct" by peace officers, as defined in Penal Code section 13510.8, which includes, but is not limited to, dishonesty, abuse of power, physical abuse (including, but not limited to, the excessive or unreasonable use of force), sexual assault, demonstration of bias, egregious or repeated acts that violate the law, participation in a law enforcement gang, failure to cooperate with an investigation into potential police misconduct, and failure to intercede. POST may suspend or revoke the certification of officers who are found to have engaged in serious misconduct. POST has also promulgated regulations (11 Cal Code Regs, § 1205) which further define serious misconduct.

California employs more than 85,000 peace officers, most of whom are subject to SB 2. One of the many goals of SB 2 was to address an issue involving officers who are accused of misconduct at one agency and react by moving to another agency in an attempt to avoid the imposition of discipline. Prior to SB 2, agencies would often discontinue an investigation if an officer resigned, as there was no longer an employment consequence that can be imposed upon an officer who no longer works for the agency. SB 2 now requires that agencies complete investigations even if the officer resigns, and SB 2's disclosure provisions, found in Penal Code section 13510.9, serve to ensure that such peace officer disciplinary records are shared amongst law enforcement agencies conducting background investigations for potential hires. Penal Code §13510.85(c) also requires POST to report its decertification actions to a national database, the National Decertification Index of the International Association of Directors of Law Enforcement Standards and Training, which is accessed by law enforcement entities across the country.

SB 2 required the creation of a new division, the Peace Officers Standards and Accountability Division (Division), within POST. The Division is responsible for the intake and investigation of serious misconduct allegations. Prior to the issuance of an Accusation to revoke or suspend a peace officer's certification, Penal Code section 13509.5(b) mandates that the Division review investigations of allegations that may provide grounds for suspension or revocation of a peace officer's certification based on serious misconduct, conduct additional investigations as necessary, and to present findings and recommendations to the Peace Officer Standards Accountability Advisory

Board (Board). During the Division's investigation, a thorough analysis of the allegations is conducted to determine whether there is clear and convincing evidence that an act (or acts) of serious misconduct occurred. This includes but is not limited to a review of the evidence; the agency's findings; the peace officer's service record, including patterns of prior related conduct; mitigating or aggravating circumstances; and interviews with the subject peace officer and witnesses. Once the analysis of facts is complete, the case moves through two levels of internal panel review – the first is with a panel of bureau chiefs, including those not assigned to the Division and the second is with executive management, including the Executive Director. POST legal counsel guide Division staff throughout the entirety of the process to ensure the findings are sound and hold up to established legal standards.

~~If the Division finds reasonable grounds for the denial, revocation, or suspension of certification, it will notify the involved peace officer, in writing, of its findings and determinations.~~ If the Division finds reasonable grounds for revocation or suspension of a peace officer's certification, ~~and~~ following review and approval by the Executive Director or their designee, it shall ~~and~~ provide the subject peace officer with a Notice of Intent to Revoke and include a detailed explanation of the decertification procedure and their rights to respond ~~contest and appeal~~(Penal Code § 13510.85(a)(1)). Upon notification the division has found reasonable grounds for suspension or revocation, the peace officer may file a request for review by the Board and Commission. ~~The peace officer may, within 30 days of the latest date of mailing of the notice of intent to revoke, file a request for review of the Division's determinations by the Board and Commission.~~ The request for review must be received or postmarked within 30 calendar days of the latest date of mailing of the notice of intent to revoke. If the peace officer fails to file a request for review, the peace officer's certification is suspended or revoked without further proceedings (Penal Code § 13510.85(a)(2)).

If a request for review is filed, the matter is set for an initial hearing before the Board.[1] Pursuant to Penal Code section 13510.85, the Board reviews the findings of investigations presented by the Division and makes a recommendation on what action should be taken against the certification of the subject peace officer. The Board is presented with a detailed investigative summary of the Division's findings along with relevant exhibits which serve as the Division's evidence in support of its findings of serious misconduct. ~~Upon review of the Division's findings and accompanying evidence,~~

[1] It is important to understand at the outset that these initial proceedings by the Board and Commission are not evidentiary and, as discussed below, determine only whether the matter will be referred back to the Division for the initiation of proceedings for a formal hearing pursuant to the APA. This normally involves a referral by the Division, through its counsel, to the Attorney General's office for the preparation of an appropriate accusatory pleading and the initiation of proceedings under the APA. During these initial hearings, no factual determinations are made as to whether the subject peace officers engaged in serious misconduct or what penalty may be appropriate, as these determinations are only made after an administrative hearing has taken place before the Office of Administrative Hearings (OAH). Rather, the determinations at the initial stage are limited, as discussed below, to a review of the evidence found by the Division to determine whether that evidence would, if proven by the Division at a full hearing (and without regard to any additional evidence or defenses that may later be proven at that full hearing) establish clear and convincing evidence (a high probability) that serious misconduct occurred.

~~the Board may recommend revocation of certification if clear and convincing evidence of serious misconduct is contained in the findings or, may it instead, recommend that a peace officer's certification be suspended for a period up to three years (Cal. Penal Code § 13510.85(a)(4)).~~ This hearing is limited to a review of the Division's findings and recommendations; no witness testimony or presentation of additional evidence or argument is permitted. During the public comment period, the peace officer or the peace officer's representative may address the issue of the sufficiency of the division's findings before the Board (Title 11, Cal. Code Regs. § 1209(e)(2)(B)).

If the Board finds the facts, as presented by the Division, would support clear and convincing evidence of serious misconduct at a full evidentiary hearing, ~~there is clear and convincing evidence that serious misconduct occurred, as demonstrated by the facts presented by the Division, Upon review of the Division's findings and accompanying evidence, the Board may recommend revocation of certification if clear and convincing evidence of serious misconduct is contained in the findings or, may it instead,~~ it may recommend that a peace officer's certification be revoked or suspended for a period of up to three years (Cal. Penal Code § 13510.85(a)(4)). The Board's recommendation to the Commission requires a majority vote of the Board members present and is based on whether the record, as presented by the Division, supports the Division's conclusion that serious misconduct occurred, as established by clear and convincing evidence (Cal. Penal Code § 13510.85(a)(4)).

The Commission reviews all recommendations made by the Board. The Commission's decision to adopt a recommendation by the Board to seek revocation requires a two-thirds vote of the Commissioners present and is based on whether the record, in its entirety, supports the Board's conclusion that the facts as presented by the Division, would support clear and convincing evidence of serious misconduct at a full evidentiary hearing, ~~to the Board by the Division established clear and convincing evidence that~~ serious misconduct occurred~~, as established by clear and convincing evidence.~~ (Cal. Penal Code § 13510.85(a)(5)). The Commission returns any determination requiring action to be taken against an individual's certification to the Division to initiate proceedings for a formal hearing before an Administrative Law Judge (ALJ) in accordance with the Administrative Procedure Act Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, which is subject to judicial review as set forth in that Act (Cal. Penal Code § 13510.85(a)(6)).

POST DISCIPLINARY GUIDELINES

INTRODUCTION

Peace officers are vested with extraordinary powers by virtue of their position, which include the ability to detain and arrest, conduct searches and seizures, and to use force in the course of their duties, up to and including the use of deadly force. Penal Code section 13509.6(c) provides that the "protection of the public and all constitutional and statutory rights shall be the highest priority for the board as it upholds the standards for peace officers in California."

An act of serious misconduct committed by a peace officer is inconsistent with the powers with which they were entrusted by virtue of their position and may pose a grave risk to the public if the individual is permitted to continue to exercise such powers. However, the Commission recognizes that each case is unique and that variations from the proposed guidelines may be appropriate based upon mitigating and aggravating circumstances. For this reason, the Commission has established minimum and maximum penalties to assist in determining the appropriate level of discipline.

The Commission has adopted these Disciplinary Guidelines to provide uniform guidance for particular violations to Administrative Law Judges, attorneys, certified peace officers, the public, the Board, the Commission, and others involved in the Commission's disciplinary processes. These guidelines are incorporated by reference in regulation so that the processes used by the Board and Commission are readily available and transparent.

The Board and Commission carefully consider the totality of the circumstances of each case with the safety and protection of the public being paramount. Therefore, the Commission requests that the Administrative Law Judge clearly delineate the factual basis for reaching the decision. If an Administrative Law Judge finds that serious misconduct occurred but deviates from these Guidelines, the Commission requests that the Administrative Law Judge explain in full the circumstances and reasons for that decision so it may evaluate the appropriateness of the decision.

Suspension of certification may be appropriate if the Respondent has demonstrated that it is in the best interest of the public if their certification is suspended for a specified period in order to correct deficiencies in skills or education, or to attend to personal rehabilitation. The Respondent must also demonstrate the protection of the public will not be compromised by permitting them to return to work as a peace officer once these deficiencies have been addressed. The Commission has determined that the minimum penalty in serious misconduct cases should always include a recommendation for revocation or suspension, with the possibility for the revocation or suspension to be stayed if terms and conditions of probation are imposed. Probationary conditions shall minimally include standard terms and conditions imposed for all cases, and optional terms and conditions used for specific violations that may be warranted by the unique facts of the case.

FACTORS TO BE CONSIDERED IN DETERMINING SUSPENSION OR REVOCATION

The Board and Commission have adopted a list of factors to be considered in determining whether suspension or revocation is appropriate. (Title 11, Cal. Code Regs, § 1213). These Disciplinary Guidelines are to be used *in connection with* the factors identified in Commission Regulation 1213 in order to understand the Board and Commission's positions regarding the weight to be given to the various factors that are relevant to any particular case. The Commission will not consider suspension, and will only consider revocation, in instances where the subject peace officer's misconduct would preclude the successful prosecution of any current or future arrest, such as is often the case in the dishonesty category.

Furthermore, the Commission will not consider suspension, and will only consider revocation, in instances where the subject peace officer's conduct is so serious or repeated that rehabilitation would not serve the public interest. For example, these Guidelines provide that a peace officer committing an on-duty, non-consensual, sexual assault would, in the Board and Commission's view, warrant revocation. This is because, without regard to the other enumerated factors, the Board and Commission believe that the nature and severity of the offense (factor one), the harm to the victim, the public, and the profession (factor two), and the fact that the offense was committed on duty (factor three) would outweigh any other factors.

Commented [MW1]: This was one of the concerns raised by the ACLU and Ms. Williamson. I'm not sure that they saw this was here. They may have gone straight to each of the individual categories of misconduct.

SPECIFIC CONSIDERATIONS BY PENAL CODE SECTION

A peace officer may have their certification suspended or revoked if the individual has been terminated for cause from employment as a peace officer for, or has, while employed as a peace officer, otherwise engaged in, any serious misconduct as described in Penal Code § 13510.8(b). (Cal. PC § 13510.8(a)(2)). The Commission has, by regulation, promulgated a definition of serious misconduct which governs these determinations. (Title 11, Cal. Code Regs. § 1205). Where the Commission has added to the definition of serious misconduct, as described in Penal Code § 13510.8(b), these guidelines include the expanded definition of the specified category of serious misconduct as defined in Commission Regulation 1205.

SPECIFIC OFFENSES

DISHONESTY:

Penal Code Section 13510.8(b)(1): Dishonesty relating to the reporting, investigation, or prosecution of a crime, or relating to the reporting of, or investigation of misconduct by, a peace officer or custodial officer, including, but not limited to, false statements, intentionally filing false reports, tampering with, falsifying, destroying, or concealing evidence, perjury, and tampering with data recorded by a body-worn camera or other recording device for purposes of concealing misconduct.

POST Regulation 1205(a)(1): Dishonesty relating to the reporting, investigation, or prosecution of a crime, or relating to the reporting of, or investigation of misconduct by, a peace officer or custodial officer, including, but not limited to, false statements, intentionally filing false reports, tampering with, falsifying, destroying, or concealing evidence, perjury, and tampering with data recorded by a body-worn camera or other recording device for purposes of concealing misconduct. For purposes of this subsection, in considering whether a suspension or revocation of certification is proper, the Commission will consider the extent to which the dishonesty related to a material or significant fact in the context of the statement or omission alleged to be dishonest and will also consider whether the dishonesty appears to have been done willfully or intentionally, with the intent to deceive.

Maximum Penalty: Revocation

Minimum Penalty: Revocation Stayed
Suspension up to Three Years
Three Years of Probation
Standard Terms and Conditions
Optional Terms and Conditions, as deemed appropriate

Considerations: Dishonesty is a serious offense in law enforcement. A peace officer's credibility is a key element in criminal cases, which rely upon their veracity in establishing the lawfulness of the actions taken by the peace officer and the guilt of the criminal defendant. A peace officer known to lie may be placed on a *Brady* list[2], a fact

[2] A "*Brady* list" refers to a system, index, list, or other record containing the names of peace officers whose personnel files are likely to contain evidence of dishonesty or bias. This list is maintained by a prosecutorial agency or office in accordance with the holding in *Brady v. Maryland* (1963) 373 U.S. 83. (Cal. Gov. Code §3305.5). The *Brady* obligation requires the prosecution to disclose material exculpatory evidence, including potential impeachment evidence, to the defense. This duty extends beyond the prosecutor's office to include evidence known to others acting on the government's behalf, such as police officers. (*Serrano v. Superior Court* (2017) 16 Cal.App.5th 759). The prosecution must share any information it has regarding whether the personnel records contain *Brady* material and let the defense decide whether to file a motion seeking discovery of potentially exculpatory information. (*People v. Superior Court* (Johnson) (2015) 61 Cal.4th 696). An officer's dishonesty can severely undermine their credibility as a witness; honesty, integrity, and credibility are paramount attributes for police officers. (See Crawford v. City of Los Angeles (2009) 175 Cal.App.4th 249, 257, 95 Cal.Rptr.3d 550 [“Termination

that is disclosed to criminal defendants and may jeopardize the prosecution of a case. For this reason, dishonesty as defined in Commission Regulation 1205(a)(1), normally warrants revocation of an officer's certification. Commission Regulation 1205(a)(1) recognizes that if the dishonesty related to a material or significant fact in the context of the statement or omission alleged to be dishonest, or was willfully or intentionally, with the intent to deceive, revocation is the appropriate penalty.

Some instances of dishonesty may warrant consideration of a lesser penalty under rare circumstances, even if it meets the statutory definition. For instance, lesser discipline may be considered if the statement was not made willfully or with the intent to deceive, was not part of a pattern of incomplete or less than honest statements, can be attributed to a demonstrable inability to properly recall events, was so insignificant or immaterial such that lesser care may have been used in ensuring the accuracy of the statement and sufficient mitigating circumstances exist, or where the officer voluntarily clarifies or corrects an earlier statement under circumstances indicating that the earlier statement was a foible of memory and not an intentional attempt to deceive.

Commented [MW2]: ACLU concern - request clarification that revocation is not incumbent on a pattern of behavior. But, it is stated in the preceding paragraph that dishonesty "...normally warrants revocation of an officer's certification." This paragraph identifies considerations that may factor into a lesser penalty.

based upon a false statement by a peace officer is indisputably within the City's power."]; Ackerman v. State Personnel Bd. (1983) 145 Cal.App.3d 395, 400, 193 Cal.Rptr. 190 ["the credibility and honesty of an officer are the essence of the function"]; Kolender v. San Diego County Civil Service Com. (2005) 132 Cal.App.4th 716, 721, 34 Cal.Rptr.3d 1 [" 'A [police officer's] job is a position of trust and the public has a right to the highest standard of behavior from those they invest with the power and authority of a law enforcement officer.'"].)

ABUSE OF POWER

Penal Code Section 13510.8(b)(2): Abuse of power, including, but not limited to, intimidating witnesses, knowingly obtaining a false confession, and knowingly making a false arrest.

Commission Regulation 1205(a)(2): Abuse of power, including, but not limited to, intimidating witnesses, knowingly obtaining a false confession, and knowingly making a false arrest. For purposes of this subsection, in considering whether a suspension or revocation of certification is proper, the Commission will consider the extent to which the abuse of power was a knowing abuse of the power and authority of a public office.

Maximum Penalty: Revocation
Minimum Penalty: Revocation Stayed
Suspension up to Three Years
Three Years of Probation
Standard Terms and Conditions
Optional Terms and Conditions

Considerations: Abuse of power may take many forms, and an evaluation of the totality of the circumstances is essential in determining the appropriate penalty. If an abuse of power is more appropriately characterized, for instance, as excessive force or sexual assault, those serious misconduct categories should be cited instead of abuse of power. On the other hand, there may be instances where a peace officer's conduct does not meet the definition of a serious misconduct category like excessive force or sexual assault, and yet the conduct demonstrates a clear abuse of a given peace officer's supervisory powers or status as a peace officer.

Aggravating factors when considering revocation may include, among other things, when a peace officer isolates or intimidates witnesses in order to interfere with the administration of justice or to satisfy a personal interest that is inconsistent with the duties and responsibilities of a peace officer, knowingly fails to report crimes or inaccurately reports crimes to avoid further investigation or referrals to the District Attorney's Office, knowingly misrepresents or misreports a victim's or witness's statements in reports, discourages truthful testimony or encourages false testimony, knowingly obtains a false confession, or knowingly makes a false arrest. Similarly, any intentional misuse of the power and authority given to a peace officer to subvert an investigation, for personal gain, or to cause harm to another, would normally warrant revocation. Any misuse of power and authority for such purposes indicates that the public would be at risk should the peace officer continue to have such power and authority.

Suspension may be warranted when~~re~~ the officer reasonably believed they were acting in good faith, that the conduct was permitted by law or departmental policy, or did not, in light of all of the circumstances, intentionally attempt to take an unjust advantage over

persons, property, or situations, by the improper exercise of power and authority granted to them by virtue of their position.

PHYSICAL ABUSE

Penal Code Section 13510.8(b)(3): Physical abuse, including, but not limited to, the excessive or unreasonable use of force as described in Penal Code section 835a.

Maximum Penalty: Revocation
Minimum Penalty: Revocation Stayed
Suspension up to Three Years
Three Years of Probation
Standard Terms and Conditions
Optional Terms and Conditions

Considerations: Revocation is appropriate when excessive or unreasonable force results in death or serious bodily injury. Revocation is also appropriate when the officer has engaged in multiple acts of excessive or unreasonable force, even if death or serious bodily injury has not resulted from those uses of force.

Because agency policies vary to some degree regarding what may be considered unreasonable or excessive use of force, each case will be fact specific and depend in large part on the necessity for the type and degree of force used by the peace officer. Consideration shall be based upon the totality of the circumstances known by the peace officer at the time of the incident. For guidance, the California Penal Code outlines the legal framework detailing when a peace officer may use reasonable force to effect an arrest or overcome resistance. (See Penal Code section 835a).

Acts that may result in physical assault allegations often include inappropriate uses of take down techniques and restraint holds, deployment of batons, tasers, and officer involved shootings. The harm done to the victim or the potential harm that could have resulted from the peace officer's conduct is always a consideration.

An analysis of facts surrounding the use of force will be important in determining whether suspension is appropriate. For example, will similar behavior in the future likely be preventable with training, or was the act so severe or aggravated that additional training is unlikely to prevent reoccurrence. Another consideration includes whether ~~or not~~ there is any documented pattern of unreasonable or excessive force used by the peace officer. The peace officer's past conduct is also relevant in proving whether the peace officer knew, or should have known, the conduct at issue was excessive. Absent an established pattern, and depending on the nature of the force used, a single incident may potentially be resolved by means of suspension and additional training.

Commented [MW3]: We could italicize all the "mays" to highlight that they are the exception, not the rule.

Commented [MW4]: ACLU concern - request clarification that revocation is not incumbent on a pattern of behavior.

SEXUAL ASSAULT

Penal Code Section 13510.8(b)(4): Sexual assault as described in subdivision (b) of Penal Code Section 832.7.

Cal. Penal Code § 832.7 (b)(1)(B)(ii)-(iii):

(ii) As used in this subparagraph, "sexual assault" means the commission or attempted initiation of a sexual act with a member of the public by means of force, threat, coercion, extortion, offer of leniency or other official favor, or under the color of authority. For purposes of this definition, the propositioning for or commission of any sexual act while on duty is considered a sexual assault.

(iii) As used in this subparagraph, "member of the public" means any person not employed by the officer's employing agency and includes any participant in a cadet, explorer, or other youth program affiliated with the agency.

Commission Regulation 1205(a)(4): Sexual assault as described in subdivision (b) of Penal Code Section 832.7, and shall extend to acts committed amongst members of any law enforcement agency.

Maximum Penalty: Revocation
Minimum Penalty: Revocation Stayed
Suspension up to Three Years
Three Years of Probation
Standard Terms and Conditions
Optional Terms and Conditions

Considerations: Non-consensual conduct which constitutes sexual assault as defined above warrants revocation, regardless of whether it occurs on or off-duty. Examples of non-consensual acts as described in section 832.7(b) include "commission or attempted initiation of a sexual act with a member of the public by means of force, threat, coercion, extortion, offer of leniency or other official favor or under the color of authority."

Since the law considers the propositioning for, or commission of, any sexual act on-duty a sexual assault, any instance involving any sexual act while on-duty, even if consensual, would constitute serious misconduct. Suspension may be warranted if the act occurred on duty but involved entirely consensual conduct, was limited in nature, and did not jeopardize public safety (for instance by an inability to respond to calls for service).

To the extent the consensual sexual act in question was committed solely amongst members of the law enforcement agency, the appropriate penalty may depend upon the respective job titles and supervisory responsibilities of the subject peace officer and the other consenting employee. Suspension may be warranted if the subject peace officer

and the other employee were in a similar job classification, whereas a more substantial penalty is justified if the peace officer supervised the other employee.

Similarly, when viewing the circumstances in their entirety, the negative impact that the sexual act has on the law enforcement agency, or the protection of the public, are important considerations. A consensual sexual act that has little to no adverse effect on the interests of justice may warrant suspension when compared to a consensual sexual act that directly prejudices an investigation. This would include, but not be limited to, inappropriate relationships with witnesses, victims, informants, or suspects.

DEMONSTRATING BIAS

Penal Code Section 13510.8(b) (5): Demonstrating bias on the basis of actual or perceived race, national origin, religion, gender identity or expression, housing status, sexual orientation, mental or physical disability, or other protected status in violation of law or department policy or inconsistent with a peace officer's obligation to carry out their duties in a fair and unbiased manner. This paragraph does not limit an employee's rights under the First Amendment to the United States Constitution.

Commission Regulation 1205(a)(5): Demonstrating bias on the basis of actual or perceived race, national origin, religion, gender identity or expression, housing status, sexual orientation, mental or physical disability, or other protected status in violation of law or department policy or inconsistent with a peace officer's obligation to carry out their duties in a fair and unbiased manner. This paragraph does not limit an employee's rights under the First Amendment to the United States Constitution.

(A) An officer is "demonstrating" bias for purposes of this Regulation when the officer either shows or displays, by words, actions or other conduct, prejudice, intolerance, contempt, or hatred towards one or more persons due to that person's membership within a class of persons identified in Penal Code section 13510.8(b)(5), when such words, actions or other conduct would lead a reasonable person to conclude that the officer has not fairly and impartially performed, or will not fairly and impartially perform, his or her law enforcement duties.

(B) An officer engaging in racial profiling in violation of Penal Code section 13519.4 is demonstrating bias because profiling casts suspicion on a class of people without individualized suspicion as to the person being stopped.

Maximum Penalty: Revocation
Minimum Penalty: Revocation Stayed
Suspension up to Three Years
Three Years of Probation
Standard Terms and Conditions
Optional Terms and Conditions

Considerations: Peace officers are granted extraordinary powers to deprive persons of their property, liberty, and even their life, and a peace officer that targets individuals for unfair treatment based upon membership in a protected class should not be entrusted with such powers. Serious misconduct is shown if the peace officer's words, actions or conduct ~~either~~are: 1) ~~is~~ inconsistent with the peace officer's obligation to carry out the ~~officer's~~ their duties in a fair and unbiased manner, 2) violates applicable law, or 3) violates department policy.

A peace officer shows or displays, by their words, actions or other conduct, prejudice, intolerance, contempt or hatred towards one or more persons due to that person's membership within a class of persons identified in Penal Code section 13510.8(b)(5), when such words, actions or other conduct would lead a reasonable person to conclude

that the peace officer has not, or will not, fairly and impartially perform his or her law enforcement duties. Under these circumstances, revocation is the appropriate penalty.

A peace officer engaging in racial profiling in violation of Penal Code section 13519.4 is demonstrating bias because profiling casts suspicion on a class of people without individualized suspicion as to the person being stopped. It is important to note that the peace officer's demonstration of bias ~~that is~~ must be either in ~~a~~ violation of the law or department policy ~~must also~~ or be inconsistent with a peace officer's obligation to carry out their duties in a fair and unbiased manner. The degree to which this is true may be a factor in considering a lesser penalty.

The peace officer's role and level of participation in the act of demonstrating bias may also warrant suspension. Whether the incident was isolated or demonstrated a pattern of biased behavior may help to determine whether a lesser penalty is appropriate.

Commented [MW5]: ACLU concern about the use of "may" however, by statute, we must consider the extent to which the officer is engaging in their first amendment right v a demonstration of bias that inhibits their ability to impartially carry out their duties as a peace officer.

POST DISCIPLINARY GUIDELINES

ACTS THAT VIOLATE THE LAW

Penal Code Section 13510.8(b) (6): Acts that violate the law and are sufficiently egregious or repeated as to be inconsistent with a peace officer's obligation to uphold the law or respect the rights of members of the public, as determined by the Commission.

Maximum Penalty: Revocation
Minimum Penalty: Revocation Stayed
Suspension up to Three Years
Three Years of Probation
Standard Terms and Conditions
Optional Terms and Conditions

Considerations: The law provides that discipline is appropriate where an act is *either* sufficiently egregious *or* repeated so as to be inconsistent with a peace officer's obligation to uphold the law or respect the rights of members of the public. Therefore, a single act may be sufficient to impose discipline, notwithstanding the Legislature's use of the term "acts," either because it is itself sufficiently severe, or where, upon consideration of other relevant factors (such as a prior pattern of behavior or a history of engaging in improper acts) the act is considered egregious based upon a consideration of the individual's pattern or history of behavior.

In accordance with Government Code section 1029, a peace officer's certification shall be revoked in cases involving disqualification, generally resulting from convictions for felonies and certain misdemeanors. However, separate from the question of a GC § 1029 disqualification, an act may be grounds for revocation as serious misconduct even if it does not meet the section 1029 threshold. As to those acts, the Legislature did not make every violation of the law grounds for discipline, and instead qualified that those acts that are considered serious misconduct must be either inconsistent with a peace officer's obligation to uphold the law or inconsistent with the peace officer's obligation to respect the rights of members of the public.

Generally, revocation is appropriate when a peace officer's violation of the law results in a serious risk of harm to the public, whether the officer is on or off duty. The nature of the violation, whether the conduct would meet the elements of a felony or misdemeanor, should also be considered in determining whether a lesser penalty is warranted.

Another factor to consider is whether the act has been repeated, and whether the repeated nature demonstrates a likelihood of recurrence. The length of time between repeated acts is also a factor. Acts that occur within a shorter amount of time may warrant a stronger penalty, such as revocation, while acts that are remote or further apart may warrant a lesser penalty.

In cases where alcohol or substance use has resulted in, or contributed to, a violation of law, even in some instances of repeated or egregious violations of law, a term of

suspension and/or probation with optional terms and conditions related to abstaining from alcohol and substance use and participating in regular testing may be appropriate based on the rehabilitative efforts of the subject officer and the lapse of time since the alcohol or substance use and violation(s) of law.

Crimes committed while on-duty (such as an assault under color of authority or other act where the peace officer uses or is aided by his or her position in the commission of a crime) are presumptively revocation cases.

LAW ENFORCEMENT GANG

Penal Code Section 13510.8(b) (7): Participation in a law enforcement gang. For the purpose of this paragraph, a "law enforcement gang" means a group of peace officers within a law enforcement agency who may identify themselves by a name and may be associated with an identifying symbol, including, but not limited to, matching tattoos, and who engage in a pattern of on-duty behavior that intentionally violates the law or fundamental principles of professional policing, including, but not limited to, excluding, harassing, or discriminating against any individual based on a protected category under federal or state antidiscrimination laws, engaging in or promoting conduct that violates the rights of other employees or members of the public, violating agency policy, the persistent practice of unlawful detention or use of excessive force in circumstances where it is known to be unjustified, falsifying police reports, fabricating or destroying evidence, targeting persons for enforcement based solely on protected characteristics of those persons, theft, unauthorized use of alcohol or drugs on duty, unlawful or unauthorized protection of other members from disciplinary actions, and retaliation against other officers who threaten or interfere with the activities of the group.

Maximum Penalty: Revocation
Minimum Penalty: Revocation Stayed
Suspension up to Three Years
Three Years of Probation
Standard Terms and Conditions
Optional Terms and Conditions

Considerations: In cases where the subject peace officer's activities have resulted in wrongful convictions, harm to an individual(s), or have created a culture within the law enforcement agency that prevents other peace officers from reporting misconduct or interceding when witnessing misconduct for fear of being retaliated against, are factors to consider for revocation.

Revocation may be warranted when the peace officer's participation in a law enforcement gang has resulted in a violation of the law, such as a provable felony or misdemeanor, injury to a person(s), or damage to property. The peace officer's level of participation, such as whether they had an active or passive role in the illegal act should also be considered in determining whether suspension is warranted. For example, suspension may be appropriate if there is sufficient evidence to demonstrate~~s~~ that the subject peace officer was coerced into participation in the law enforcement gang through intimidation, retaliation, or threats to the safety of the subject peace officer or their family. Similarly, suspension may be appropriate if the evidence demonstrates that the subject peace officer became a member of the gang because of the pressures of organizational culture, but did not actively participate in a pattern of on-duty behavior that intentionally violates the law or fundamental principles of professional policing. Both of these should be weighed against whether the subject peace officer reported the gang to appropriate supervisors and if not, why they did not do so.

Commented [MW6]: ACLU concerned that this is not comprehensive enough.

Understanding their concerns, this is supposed to be a set of guidelines and it is not realistic to account for all of possible considerations. The additional considerations recommended by the ACLU are already encompassed in the PC section listed above.

Commented [MW7]: ACLU is concerned this may create a loophole. However, we must take this into consideration as a potential justification for passive participation. Language was added to clarify this would not be taken into consideration without sufficient evidence to demonstrate this occurred.

FAILURE TO COOPERATE

Penal Code Section 13510.8(b)(8): Failure to cooperate with an investigation into potential police misconduct, including an investigation conducted pursuant to Chapter 1 of Title 4 of Part 4 of the Penal Code. For purposes of this paragraph, the lawful exercise of rights granted under the United States Constitution, the California Constitution, or any other law shall not be considered a failure to cooperate.

Maximum Penalty: Revocation
Minimum Penalty: Revocation Stayed
Suspension up to Three Years
Three Years of Probation
Standard Terms and Conditions
Optional Terms and Conditions

Considerations: The central objective of any investigation is to expose the truth. As the Law Enforcement Code of Ethics recognizes, peace officers must remain "[h]onest in thought and deed…." A failure to cooperate with an investigation is antithetical to the very core of a peace officer's responsibilities. A peace officer who fails to cooperate with an investigation has made a conscious decision to obstruct the objectives of law enforcement. For this reason, a peace officer's failure to cooperate with an investigation into potential police misconduct normally warrants revocation.

As is true for all citizens, peace officers may exercise their individual rights under the United States Constitution, the California Constitution, or any other law. California law expressly recognizes that the *lawful* exercise of those rights does not constitute serious misconduct. The key word here is "lawful."

One concern a peace officer may reasonably have when deciding whether to cooperate with an investigation into peace officer conduct is whether any statements they make will incriminate themselves, thereby implicating the peace officer's right to assert their peace officer privileges under both the Fifth Amendment to the ~~U.S.~~ United States Constitution and article I, section 15, clause 6 of the California Constitution. The California Supreme Court addressed this concern in a case entitled *Lybarger v. City of Los Angeles.* This case resulted in a common admonition known as the *Lybarger* admonition, which is frequently provided to peace officers who believe their cooperation in an investigation into misconduct could be self-incriminating. The *Lybarger* admonition notifies the peace officer subject to questioning that their statements cannot be used against them criminally.

Once this admonition is given, a peace officer's decision to remain silent and refuse to cooperate with an investigation is not a lawful exercise of a constitutional right. As the California Supreme Court emphasized in *Lybarger*, a peace officer has "…neither a constitutional nor a statutory right to remain *free of administrative sanction*…." (Emphasis in original.) Indeed, the Public Safety Officers Procedural Bill of Rights Act

specifically provides that the failure to answer questions directly related to an investigation may result in punitive action. (Cal. Gov. Code §§ 3304(a)).

Accordingly, once a peace officer receives the *Lybarger* admonition, their refusal to cooperate for fear of self-incrimination is unjustified as a matter of law and therefore cannot be considered as a circumstance justifying a lesser penalty.

A failure to cooperate may arise when a peace officer refuses to comply with a lawful order to turn over agency or personal equipment that may, or does, contain incriminating evidence in a criminal, civil, or administrative investigation. Alternatively, a failure to cooperate may arise when a peace officer destroys agency or personal equipment or data that they knew, or should have known, contained evidence that was relevant to a pending investigation. Failure to cooperate may further arise where a peace officer alters or destroys evidence before turning it over to misdirect an investigation, cover up wrongdoing, or to implicate another peace officer. In such cases, the extent to which the peace officer's failure to cooperate prevents an investigation from moving forward and determining what occurred should be considered in determining whether revocation or suspension is appropriate.

FAILURE TO INTERCEDE

Penal Code Section 13510.8(b)(9): Failure to intercede when present and observing another officer using force that is clearly beyond that which is necessary, as determined by an objectively reasonable officer under the circumstances, taking into account the possibility that other officers may have additional information regarding the threat posed by a subject.

Maximum Penalty: Revocation
Minimum Penalty: Revocation Stayed
Suspension up to Three Years
Three Years of Probation
Standard Terms and Conditions
Optional Terms and Conditions

Considerations: The preservation of life is one of the most elementary duties of a peace officer. Life's value exists in equal measure for both the innocent as well as those suspected of criminal activity. Every peace officer, by virtue of the badge, stands in a unique position to prevent unnecessary harm to others. This is especially true when confronted with a fellow peace officer engaged in excessive use of force. If a peace officer observes another peace officer using force clearly beyond that which is necessary under the circumstances, the presence of that peace officer on the scene accentuates their responsibility to intercede and protect lives.

When determining the appropriate penalty for a peace officer who fails to intercede, consideration of the totality of the circumstances is especially important. As the use of force becomes increasingly unreasonable from an objective peace officer's point of view, the penalty for failure to intercede increases accordingly. Where the use of force is objectively unreasonable, but to a low degree, the failure to intercede may warrant a lesser penalty.

The totality of the circumstances can be important in other ways as well. For example, other peace officers may have additional information about a subject that is unknown to the peace officer who is later subject to decertification proceedings. Under these circumstances, what the subject peace officer knows or reasonably should know about a subject may tend to work in favor of a greater or lesser penalty. The opposite is equally true. When a peace officer is unfamiliar with a suspect, it is crucial to consider what an objectively reasonable peace officer would do under the totality of the circumstances known to that peace officer considering their unfamiliarity with the suspect.

POST DISCIPLINARY GUIDELINES

PROBATION TERMS AND CONDITIONS

The Commission's primary responsibility is protection of the public. The Commission believes that in disciplinary matters where probation has been imposed, terms and conditions should be established to provide for public protection ~~and~~ while allowing the probationer to demonstrate rehabilitation. The following terms and conditions of probation provide for public protection while establishing a mechanism for monitoring the progress of a probationer's rehabilitation.

POST DISCIPLINARY GUIDELINES

LISTING OF PROBATION CONDITIONS – STANDARD AND OPTIONAL

Standard Terms and Conditions for All Decisions and Orders

1. Certification Revoked. Respondent's certification is revoked.

2. Certification Revoked, Revocation Stayed. It is hereby ordered that (insert certificate type and number), ~~is~~ issued to Respondent (name of responded) is/are revoked. However, the revocation(s) is/are stayed and Respondent is placed on probation for ____ years on the following conditions:

3. Certification Suspension. Respondent's certification shall be suspended for _____ days/months/years.

4. Severability Clause. Each condition of probation contained herein is a separate and distinct condition. If any condition of this Order, or any application thereof, is declared unenforceable in whole, in part, or to any extent, the remainder of this Order, and all other applications thereof, shall not be affected. Each condition of this Order shall separately be valid and enforceable to the fullest extent permitted by law.

5. Obey All Laws. Respondent shall obey all federal, state, and local laws. A full detailed account of any and all alleged violations of law and any arrests shall be reported by Respondent to the Commission in writing withing seventy-two (72) hours of occurrence. To permit monitoring of compliance with this condition, notwithstanding any provision of law, Respondent agrees that the Commission can receive notification of an arrest and/or conviction from any federal, state, and/or local agency.

6. Submit Quarterly Reports. The respondent shall submit quarterly to the Commission, or its designee, under penalty of perjury, on forms provided by the Commission, stating whether there has been compliance with all terms and conditions of probation. Omission or falsification in any manner of any information on these reports shall constitute a violation of probation and shall result in summary revocation of Respondent's restricted certification. If the final written quarterly report is not made as directed, the period of probation shall be extended until the final report is received by the Commission. Any period(s) of delinquency in submitting a report as directed may be added to the total period of probation.

   Quarterly reporting periods and due dates are as follows:

   Quarter I (January 1 to March 31) ~~– report due April 7~~
   Quarter II (April 1 to June 30) ~~– report due July 7~~
   Quarter III (July 1 to September 30) ~~– report due October 7~~
   Quarter IV (October 1 to December 31) ~~– report due January 7~~

7. Serious Misconduct. Respondent shall not engage in any acts of serious misconduct as defined under Penal Code section 13510.8, subdivision (b), including but not limited to, any acts that involve substance abuse related incidents. Any acts of serious misconduct shall be deemed a violation of these probation conditions and may result in the filing of an accusation and/or petition to revoke probation.

8. Interview with the Commission. Within 30 days of the effective date of the Decision, Respondent shall appear in person or via video conference, if approved by the Commission for an interview with its designated probation monitors to review the terms and conditions of probation. Thereafter, the respondent shall, upon reasonable request, report or appear in person as directed. The interview with the Commission shall not be tolled.

9. Personal Appearances. Upon reasonable notice by the Commission, the respondent shall report to and make personal appearances at times and locations as the Commission may reasonably direct.

10. Cooperation with Commission Staff. Respondent shall cooperate with the Commission's staff as needed to ensure Respondent is complying with the terms of probation. The respondent shall communicate directly with the Commission, or its designee; ~~, and~~ written communications from the Commission, or its designee, will only be sent to the Respondent.

11. Changes of Employment or Address. The respondent shall notify the Commission in writing of any and all changes of peace officer employment and residence address within fourteen (14) calendar days of such change.

    Respondent will at all times comply with the California Code of Regulations, title 11, section 1215, and maintain a physical address of record with the Commission for three (3) years after separation of service from peace officer employment in California. In addition, Respondent will ensure that the Commission has their current home address and preferred method of contact (i.e., phone number, email address) during the period of probation. This information will be maintained confidentially in accordance with the Information Practices Act, Civil Code section 12798 et seq. and California Penal Code section 832.7.

12. Notice to Employers. Respondent shall provide any current, future, or potential law enforcement employer with the terms and conditions of this stipulation. Respondent understands and agrees that this stipulation, once adopted, will be a public document and will be subject to public release. Respondent further understands and agrees that the Commission shall have the right to provide any and all records showing compliance or lack of compliance with the terms of this stipulation to any current, past, future, or potential law enforcement employer of Respondent, upon the employer's request.

13. Comply with Probation. Respondent shall fully comply with the conditions of probation and cooperate with representatives of the Commission in its monitoring and investigation of the Respondent's compliance with probation.

14. Continuance of Probationary Term and Completion of Probation. If Respondent violates the terms of this probation in any respect, the Commission, after giving Respondent notice and the opportunity to be heard, may set aside the stay order, and impose the revocation or suspension of Respondent's certification.

    If Respondent disputes the Commission's determination that a violation of probation has occurred, Respondent shall have 35 calendar days from the date of mailing of the notification letter to file with the Commission a dispute to the action being taken on Respondent's certification. ~~, in which t~~The Respondent shall fully explain the factual and legal basis of their dispute to the asserted probation violation, and supply at that time any evidence supporting the dispute as to the probation violation. The Commission shall consider Respondent's argument and evidence before taking action on the Respondent's certification. If Respondent fails to respond, this action shall become final, and the file will be closed.

    If during the period of probation, an accusation or petition to revoke probation has been filed against Respondent's certification, or the Attorney General's Office has been requested to prepare an accusation or petition to revoke probation against Respondent's certification, the probationary period shall automatically be extended and shall not expire until the accusation or petition has been acted upon by the Commission.

    Upon successful completion of probation, Respondent's certification shall be fully restored.

15. Certification Surrender. During Respondent's term of probation, Respondent may surrender their certification to the Commission under Penal Code section 13510.8, subdivision (f). Upon formal acceptance of the surrendered certification, Respondent will no longer be subject to the conditions of probation.

    Surrender of Respondent's certification shall be considered a disciplinary action and shall become part of Respondent's certification history with the Commission.

Optional Terms and Conditions of Probation. In addition to the standard terms and conditions of probation, optional terms and conditions of probation are assigned based on the nature of the serious misconduct violations and the fact pattern specific to individual cases.

16. California POST Supplemental Training Requirement. Within _____ days of the effective date of this Decision or _____, Respondent shall take and successfully complete POST-certified training in one or more of the following areas:
    _____
    _____
    _____
    _____

    The respondent is responsible for all costs associated with completing the required POST-certified courses. (Examples of areas to require training in include use of force, report writing, ethics, bias, diversity, LGBTQI, gender awareness, sexual harassment, workplace harassment, anger management, decision-making, de-escalation, duty to intercede, emotional intelligence/survival, problem solving, and stress management.)

17. Criminal Probation Reports. Respondent shall provide the Commission with a copy of the standard terms and conditions of Respondent's criminal probation, as well as copies of all criminal probation reports and the name of their probation officer. If the Respondent is under criminal court orders, including probation or parole, and the order is violated, this shall be deemed a violation of these probation conditions and may result in the filing of an accusation and/or petition to revoke probation.

18. Counseling/Psychotherapy. Within 30 days of the effective date of this Decision, Respondent shall submit to the Commission, for its prior approval, the name, license number, and qualifications of one or more culturally competent[3] ~~psychotherapists who are licensed psychiatrists, licensed clinical social worker, MFT, psychologist of Respondent's choice as approved by the Commission~~. licensed psychologists or therapists with a PhD, PsyD, MS or LCSW who have experience in treating the underlying mental health condition(s) that may have contributed to the serious misconduct actions of the subject peace officer. The selected practitioner(s) shall be licensed in good standing in the State of California and shall not have been subjected to formal discipline by a licensing board in or outside of California within the preceding seven years and shall demonstrate experience in providing culturally competent examination and counseling of first responders. The selected practitioner(s) shall have had no prior professional or personal relationship with the respondent. ~~Upon approval,~~ Within 60 days of the Decision, Respondent shall begin seeing their provider, following their treatment plan, and engaging in the therapeutic

[3] A culturally competent therapist for law enforcement is a mental health professional who is trained to work with police officers and understand their unique needs and challenges. These therapists can provide support, treatment, and interventions tailored to the specific context of law enforcement work, addressing issues such as stress, trauma, and mental health conditions.

process. The purpose of the therapy is to assist the Respondent with amassing tools and skills that can be used to mitigate any barriers to engaging in sound police work and maintaining a healthy home life. The Respondent shall have the selected practitioner submit the treatment plan to the Commission which shall include number of prescribed sessions. If applicable, the practitioner shall provide quarterly status reports to the Commission noting if the respondent is attending and participating in treatment. At no time shall the practitioner send protected health information to the Commission without the written consent of the Respondent. Should the practitioner believe the Respondent is not making progress in therapy, and believes the Respondent poses potential harm to the public, they will recommend to the Commission the Respondent be sent to a Fitness for Duty evaluation. All costs shall be borne by the Respondent.

19. Fitness for Duty Evaluation[4]. Within 60 days of the effective date of this Decision, Respondent shall submit to the Commission, for its prior approval, the name, license number, and qualifications of one or more culturally competent licensed psychiatrists or psychologists with experience in conducting fitness for duty evaluations for peace officers, pursuant to Government Code section 1031(f)(2). The selected practitioner(s) shall be licensed in good standing in the State of California and shall not have been subjected to formal discipline by a licensing board in or outside of California within the preceding seven years and shall demonstrate experience in providing culturally competent examination of first responders. The selected practitioner(s) shall have had no prior professional or personal relationship with the respondent. Within 60 days of the Decision, Respondent shall undergo a mental health evaluation by the ~~approved~~ selected licensed practitioner(s)~~. continue treatment until the Commission deems that no further psychotherapy is necessary~~. The respondent shall have the selected practitioner submit their evaluation to the Commission within 14 calendar ~~seven (7)~~days after the completed evaluation. The evaluation provided to the Commission shall advise whether the respondent is able to safely return to the profession with or without continued therapy/treatment or requires time away from the profession while undergoing therapy/treatment. If applicable, the respondent shall undergo treatment as prescribed until the ~~approved~~selected practitioner deems the respondent is able to independently, and safely, return to the profession with or without continued therapy/treatment. ~~respondent shall have the approved treating practitioner submit their evaluation to the Commission. If applicable, the respondent shall undergo treatment as prescribed until the approved practitioner deems the respondent is able to independently and safely return to the profession.~~ ~~T~~If applicable, the respondent shall cause the approved culturally competent practitioner to provide quarterly status reports to the Commission. The quarterly status reports shall report whether the respondent is attending and participating in treatment. All costs shall be borne by the Respondent.

[4] Law enforcement fitness for duty evaluations are specialized mental health examinations designed to assess whether an officer may have a psychological condition that impairs their ability to perform essential job functions or poses a direct threat. These evaluations are ordered by the department when there is objective evidence that an employee may be unable to safely perform their job due to a psychological condition or impairment.

20. Alcohol or Drug Counseling. Within 30 days of the effective date of this Decision, Respondent shall enter, attend, and participate in an alcohol/drug rehabilitation program for _____. Respondent shall submit written proof from the selected program confirming attendance and participation in the program to the Commission in Respondent's quarterly written reports. All costs for attending said program shall be borne by the Respondent.

~~21. Domestic Violence Counseling. Within thirty (30) days of the effective date of this Decision, Respondent shall enter, attend, and participate in domestic violence counseling for _____. Respondent shall submit written proof from the selected program confirming attendance and participation in the program to the Commission in Respondent's quarterly written reports. All costs for attending said program shall be borne by the Respondent.~~

~~22.~~21. Proof of Completion. Respondent shall provide the Commission with proof of completion and/or participation in all _____ abuse treatment and counseling programs taken to date, as well as the results of any _____ testing they have taken to date.

~~23.~~22. Submit to Alcohol or Drug Testing. Respondent shall participate in a random, biological fluid testing program ~~which~~ approved by the Commission ~~approves~~. The length of time and frequency will be up to ___ times per year on a random basis. Respondent is responsible for keeping the Commission informed at all times of Respondent's current telephone number. ~~at all times and i~~In the event Respondent's telephone number changes, Respondent shall update the Commission within 48 hours.

Respondent shall also ensure that messages may be left at the telephone number when they are not available and ensure that reports are submitted directly by the testing agency to the Commission, as directed. Any confirmed positive finding shall be reported immediately to the Commission by the program, Respondent shall be considered in violation of probation, and the Commission may, in its discretion, order additional testing or screening, over and above the time and frequency listed above.

If Respondent has a confirmed positive finding for _____ and the Commission files a petition to revoke probation or an accusation, the Commission may suspend Respondent's Certification pending the final decision on the petition to revoke probation or the accusation. ~~H~~This period of suspension will not apply to the reduction of this probationary time period.

~~24.~~23. Abstain from Controlled Substances. Respondent shall abstain from the personal use or possession of controlled substances, as defined in the California Uniform Controlled Substances Act (Health and Safety Code section 11000 et seq.), and dangerous drugs as defined in Business and Professions Code section 4022, except

for medication lawfully prescribed to Respondent by a licensed practitioner for a bona fide illness. Upon request of the Commission or its designee, Respondent shall provide documentation from the licensed practitioner that the prescription for the drug was legitimately issued and is a necessary part of the Respondent's treatment.

~~25.~~24. Abstain from Alcohol Use. Respondent shall abstain from the use of products or beverages containing alcohol.

~~26.~~25. Tolling. This term shall not apply until Respondent secures appointment to a new peace officer position. Regardless of the effective date of this agreement, this term shall be tolled until Respondent is appointed to a peace officer position, if not currently employed, after which this term shall be operative for _____ years, during which time Respondent will remain on probation.

Periods of residency outside of California shall not apply toward a reduction of the period of probation. Respondent's probation is tolled ~~if and when~~ when they reside outside of California and the period of probation shall be automatically extended for the same period they reside outside of California. Any period of tolling will not apply to the reduction of the probationary term and will relieve Respondent of the responsibility to comply with the probationary terms and conditions with the exception of this condition and the following terms and conditions of probation: Obey All Laws, Criminal Court Orders, Comply with Probation, Violation of Probation, and Certification Surrender.

AGENDA ITEM REPORT

Title: REPORT ON PROPOSED AMENDMENTS TO COMMISSION REGULATION 1201 - DEFINITIONS RELATED TO PEACE OFFICER CERTIFICATION

REPORT PROFILE

MEETING DATE 06/04/2025	**BUREAU SUBMITTING THE REPORT** Certification Bureau	
RESEARCHED BY Katelynn Poulos	**REVIEWED BY** Michelle Weiler	
REPORT DATE	**APPROVED BY** Manuel Alvarez, Jr.	**DATE APPROVED** 05/12/2025
PURPOSE	**FINANCIAL IMPACT** No	

ISSUE, BACKGROUND, ANALYSIS, & RECOMMENDATION

ISSUE:

Should the Commission approve the amendments to Commission Regulation 1201 to provide additional clarity regarding terms that may be used when describing peace officer classifications for purposes of professional certificate eligibility, a peace officer's certification status, and terms related to possible disciplinary actions, as recommended in the staff report?

BACKGROUND:

On September 30, 2021, Governor Newsom signed Senate Bill (SB) 2. SB 2 made significant changes to existing Government and Penal Code sections. These changes provide for additional peace officer hiring eligibility requirements and also grant POST the authority to certify all peace officers in California, and subsequently take action against those certifications, should POST determine serious misconduct occurred. As part of the implementation of SB 2, the Commission adopted Commission Regulation 1201 - Definitions Related to Peace Officer Certification - to provide definitions specific to peace officer certification.

On June 13, 2024, the Commission approved changes to the definitions found in Commission Regulation 1201. During the rulemaking process, it was determined that more clarity, greater explanation of necessity, and additional references were needed to support the proposed definitions. POST also identified additional definitions needed to provide clarity with regard to terms that will be used by the Peace Officer Standards Accountability Advisory Board, the Commission, and

Administrative Law Judges in relation to potential disciplinary actions taken against a peace officer's certification. The original regulatory package was withdrawn in order to incorporate these specific revisions and present them to the general and regulated public at the same time as proposed Commission Regulation 1216 and the Disciplinary Guidelines to be incorporated by reference.

ANALYSIS:

After further review of the current definitions and terms commonly used by other licensing authorities, POST staff determined it was necessary to amend Commission Regulation 1201 - Definitions Related to Peace Officer Certification - to add definitions to provide clarity related to the terms that will be used relative to disciplinary actions against a peace officer's certification. There is also the proposed addition of the definition for "Corporal" as there is frequent confusion as to how this rank is used by law enforcement agencies and whether it qualifies for the Supervisory Certificate, and a proposed addition of the definition of the term "Expired" as there has been confusion as to when this term applies.

The terms proposed to be added to Commission Regulation 1201 are: "Accusation," "Cancelled Appointment or Cancellation of Appointment," "Cancelled Certificate," "Conditional Certification," "Corporal," "Default Revocation," "Denied Appointment or Denial of Notice of Appointment," "Denied Certificate Application," "Expired," "Revoked," and "Stipulated Settlement."

The terms proposed to be amended in Commission Regulation 1201 are: "First-level Supervisor" (formerly "First-level Supervisory Position") and "Middle Management Position."

RECOMMENDATION:

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

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

ATTACHMENT(S):

Reg1201_TPRA_0425.pdf

Article 4. Peace Officer Certification.
§ 1201. Definitions Related to Peace Officer Certification.

(1) "Acceptable College Education" is:

(a) Courses or degrees provided by a community college, college, or university which have been accepted by a community college, college or university accredited by a recognized national or regional accrediting body.
(b) Courses or degrees provided by a community college, college, or university accredited by a recognized national or regional accrediting body.

(2) "Accusation" shall have the same meaning as is set forth in Government Code section 11503.

(~~2~~3) "Active" means a peace officer's certification is not currently suspended, revoked, or voluntarily surrendered, and the peace officer:

(a) Possesses a Proof of Eligibility or Basic Certificate and is currently employed by a law enforcement agency, or
(b) Possesses a Basic Certificate and has not been separated from employment by a law enforcement agency for more than three years.

(~~3~~4) "Administrative Law Judge" refers to a judge and trier of fact who presides over administrative hearings.

(~~4~~5) "Affidavit of Separation" refers to POST form 2-357, incorporated by reference in Commission Regulation 1003(a)(1)(B), used to provide written notification to POST a peace officer has been separated from service, in accordance with Penal Code Section 13510.9.

(~~5~~6) "Business Days" refers to days that state agencies are open for business and do not include weekends and/or holidays.

(7) "Cancelled Appointment" or "Cancellation of Appointment" refers to a peace officer's cancelled appointment to their employing agency's POST roster in the POST Electronic Data Interchange (EDI) pursuant to Commission Regulations 1202 or 1204.

(8) "Cancelled Certificate" is any certificate, including a Proof of Eligibility, Basic Certificate, and any earned professional certificate, that was cancelled for one or more of the reasons identified in Commission Regulation 1202.

(~~6~~9) "Certificate Programs" are programs in which the Commission applies specific criteria for awards of certificates as a means of recognizing achievements in education, training, and experience and for the purpose of raising the level of

competence of law enforcement officers. Requirements for professional certificates for peace officers are set forth in Commission Regulation 1202.

(~~7~~10) "Certification" is a valid and unexpired Basic Certificate or Proof of Eligibility issued by the commission pursuant to Commission Regulation 1202 and Penal Code Section 13510.1.

(~~8~~11) "Commission" when used with an upper case "C," refers to one or more members for the Commission on Peace Officer Standards and Training.

(~~9~~12) "commission" when used with a lower case "c," refers to staff of the Commission on Peace Officer Standards and Training.

(13) "Conditional Certification" means the certificate holder may perform the duties and functions of a peace officer, provided the individual has met and/or continues to satisfy the terms and conditions placed on the certificate holder as a result of a settlement agreement or order adopted by the Commission.

(~~10~~14)"Convicted" or "Conviction of a Crime" means any entry of a plea of guilty or nolo contendere to, or upon being found guilty of a trier of fact of, a felony offense including an offense that may be charged as a misdemeanor or felony and that was charged as a felony at the time of conviction.

(15) "Corporal" is a quasi-supervisory classification as defined in Commission Regulation 1001 and are not eligible for the Supervisory Certificate.

(~~11~~16)"Days" means calendar days unless otherwise indicated.

(17) "Default Revocation" means a peace officer's certification has been revoked pursuant to Penal Code sections 13510.85(a)(2).

(18) "Denied Appointment" or "Denial of Notice of Appointment" means a peace officer's appointment to an employing agency's POST roster has been denied for reasons specified in Commission Regulation 1202.

(19) "Denied Certificate Application" means a peace officer's application for a Proof of Eligibility, Basic Certificate, or professional certificate is denied for failure to meet the eligibility requirements specified in Commission Regulation 1202.

(~~12~~20)"Executive Position" is a position above the middle management position, up to and including department head, for which commensurate pay is authorized, and is responsible principally for command assignments and the supervision of subordinate middle management and supervisory positions. The executive position is most commonly the rank of captain or higher.

(21) "Expired" for the purpose of peace officer certification refers to the status of a Proof of Eligibility certificate. A Proof of Eligibility certificate is only valid while a peace officer is actively employed by a law enforcement agency. Once a peace officer has been awarded a Basic Certificate, the certificate status for the Proof of Eligibility will show as "expired." The certificate status for a Proof of Eligibility certificate for a peace officer who separates from employment as a peace officer will also show as "expired." This term only applies to the status of a Proof of Eligibility certificate.

(~~13~~22)"First-level Supervisor~~y Position~~" for the purpose of Commission Regulation 1202, is the supervisory peace officer position between the operational level and the "middle management position" responsible for the direct supervision of subordinates. The first-level supervisory position does not encompass positions with limited or intermittent supervisory responsibilities, i.e., quasi-supervisory positions such as the rank of a corporal. The first- level ~~supervisory position is most commonly the rank of sergeant~~ of supervision is dependent on each individual agency's rank structure and must encompass the full-time supervision of peace officers.

NOTE: "First-level Supervisors" are only recognized by POST if they are appointed to classifications specified in EDI.

(~~14~~23)"Immediate Temporary Suspension" is the immediate suspension of a peace officer's certification pursuant to Penal Code section 13510.8(d). When a peace officer is arrested or indicted for any crime described in Government Code section 1029, is discharged from any law enforcement agency for grounds set forth in Penal Code section 13510.8(a), or has separated from employment as a peace officer during a pending investigation into allegations of serious misconduct, Penal Code section 13510.8(d) requires the executive director of POST to issue an immediate temporary suspension when it is determined to be in the best interest of the health, safety, or welfare of the public. The suspension is deemed "temporary" in that it remains in effect until a final decision on the imposition of discipline is reached by the Commission or the executive director withdraws the immediate temporary suspension.

(~~15~~24)"Inactive" means a peace officer's certification is not currently suspended, revoked, or voluntarily surrendered, and the peace officer:

(a) Does not possess a Basic Certificate and is not currently employed by a law enforcement agency, or
(b) Possesses a Basic Certificate and has been separated from employment by a law enforcement agency for more than three years.

(~~16~~25)"Ineligible" indicates an individual has been disqualified from eligibility to be a peace officer pursuant to Government Code section 1029.

(~~17~~26)"Middle Management Position" for the purpose of Regulation 1202, is the management peace officer position between the first-level supervisory position and the department head position responsible for management and/or command duties. The middle management position is ~~most commonly the rank of lieutenant or higher.~~ dependent on each individual agency's rank structure and must encompass the supervision of first level supervisors as defined above.

NOTE: "Middle managers" are only recognized by POST if they are appointed to classifications specified in EDI.

(~~18~~27)"Peace Officer" as it relates specifically to Article 4 – Peace Officer Certification, refers to any current or former peace officer.

(~~19~~28)"Peace Officer Standards Accountability Advisory Board," hereafter referred to as "board," refers to the nine-member board established to review findings of serious misconduct after an investigation made by the division and make recommendations to the Commission pursuant to Penal Code section 13509.6.

(~~20~~29)"Peace Officer Standards Accountability Division," hereafter referred to as "division," is the division within POST responsible for the certification of California peace officers pursuant to Penal Code section 13509.5.

(~~21~~30)"Quasi-supervisory Position" is the peace officer position above the operational level which is assigned limited responsibility for the supervision of subordinates, or intermittently is assigned the responsibility of first-level supervision. The quasi-supervisory position is a rank below sergeant.

(31) "Revoked" means a peace officer's certification has been revoked pursuant to Penal Code sections 13510.8(a)(1) or (a)(2).

(32) "Stipulated Settlement" is when a peace officer who is under investigation by the commission reaches an agreement with the commission to stipulate to certain terms and conditions in order to avoid the uncertainties of further litigation concerning the officer's certification. The Commission must vote to approve all stipulated agreements.

(~~22~~33)"Voluntary Surrender" refers to the process by which a person who holds a certificate issued by the commission, knowingly and willingly, returns the certificate to the commission forfeiting all rights and privileges associated with that certificate.

Note: Authority cited: Sections 13506 and 13510.3, Penal Code. Reference: Section 1029, Government Code; Sections 830.1, 13503, 13507, 13509.5, 13510, 13510.1, 13510.3, 13510.5, 13510.8 and 13523, Penal Code.

AGENDA ITEM REPORT

Title: REPORT ON DISCUSSION AND POSSIBLE ACTION TO AMEND CONFLICT OF INTEREST CODE PURSUANT TO GOVERNMENT CODE SECTION 87306

REPORT PROFILE

MEETING DATE 06/04/2025	**BUREAU SUBMITTING THE REPORT** Legal Affairs Bureau	
RESEARCHED BY Bryant Henley	**REVIEWED BY** Toby Darden	
REPORT DATE 04/23/2025	**APPROVED BY** Manuel Alvarez, Jr.	**DATE APPROVED** 04/22/2025
PURPOSE	**FINANCIAL IMPACT** No	

ISSUE, BACKGROUND, ANALYSIS, & RECOMMENDATION

ISSUE: Should the Commission proceed with staff-recommended amendments to the Commission on POST's Conflict of Interest Code?

BACKGROUND: California's Political Reform Act generally prohibits a public official from influencing governmental decisions in which the official has a financial interest. Applicable law requires certain designated public officials and employees to report their financial interests on a form known as the Statement of Economic Interests (Form 700). In furtherance of this reporting requirement, California law requires that state agencies adopt a Conflict of Interest Code that identifies all officials and employees who make governmental decisions based on the positions they hold. A Conflict of Interest Code also provides to each affected official and employee a clear and specific statement of his or her duties and financial disclosure requirements under the Conflict of Interest Code.

ANALYSIS: Governor Newsom signed into law Senate Bill 2 in 2021. This set of laws significantly expanded the the regulatory responsibilities for Commission members and many POST employees. California Government Code section 87306 requires every agency to amend its Conflict of Interest Code "when change is necessitated by changed circumstances, including the creation of new positions ... and relevant changes in the duties assigned to existing positions." The most recent version of POST's Conflict of Interest Code was approved by the Fair Political Practices Commission (FPPC) in 2018 -

before passage of Senate Bill 2 and its new requirements. Accordingly, POST staff worked directly with the FPPC to prepare proposed revisions to POST's Conflict of Interest Code, which account for the change in responsibilities as a result of Senate Bill 2. If the Commission approves of the proposed revisions, POST staff will proceed with the rulemaking process in order to consider public comments and adoption of the proposed changes to the Conflict of Interest Code.

RECOMMENDATION: If the Commission concurs, the appropriate action would be a **MOTION** to proceed with promulgation of the amendments to the regulation (Conflict of Interest Code).

ATTACHMENT(S):
Conflict of Interest Code Amendments Proposed on June 4, 2025.pdf

CONFLICT OF INTEREST CODE FOR THE
COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

The Political Reform Act (Government Code Section 81000, et seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation (California Code of Regulations Section 18730) that contains the terms of a standard conflict of interest code, which can be incorporated by reference in an agency's code. After public notice and hearing, the standard code may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This regulation and the attached Appendix designating positions and establishing disclosure categories, shall constitute the conflict of interest code of the Commission on Peace Officer Standards and Training (POST).

Commissioners and the Executive Director must file their statements of economic interests electronically with the Fair Political Practices Commission. All other individuals holding designated positions must file their statements with POST. All statements must be made available for public inspection and reproduction under Government Code Section 81008.

APPENDIX

Designated Positions	*Disclosure Category*
Commissioners	1, 2
Executive Director	1, 2

~~Assistant Executive Director~~	~~1, 2~~
~~Bureau Chiefs~~	~~1, 2~~
~~Staff Services Manager I, Legislative Liaison~~	~~2~~
~~Staff Services Manager I, Accounting Fiscal~~	~~2~~
~~Staff Services Manager I, Procurement~~	~~2~~

Executive Office Positions

Designated Positions	*Disclosure Category*
Chief Deputy Director	1, 2
Staff Services Manager I (Specialist)	2
Associate Governmental Program Analyst	2
Staff Services Analyst	2

Field Services Division Positions

Designated Positions	*Disclosure Category*
Assistant Executive Director	1, 2
Staff Services Manager (Supervisor) (all levels) – Administrative Services Bureau	2
Associate Governmental Program Analyst – Administrative Services Bureau	2
Associate Business Management Analyst – Administrative Services Bureau	2
Staff Services Analyst – Administrative Services Bureau	2

Business Service Officer II (Specialist) – Administrative Services Bureau	2
Senior Law Enforcement Consultant (all levels) – Basic Training Bureau	2
Staff Services Manager II (Supervisor) – Basic Training Bureau	2
Staff Services Manager I (Specialist) – Basic Training Bureau	2
Associate Governmental Program Analyst – Basic Training Bureau	2
Staff Services Analyst – Basic Training Bureau	2
Office Technician (Typing)- Basic Training Bureau	2
Staff Services Manager (Supervisor) (all levels) – Human Resources	2
Senior Law Enforcement Consultant – (Bureau Chief) Learning Technology Resources	1, 2
Law Enforcement Consultant (all levels) – Learning Technology Resources	1, 2
Information Technology Supervisor II – Learning Technology Resources	1, 2
Information Technology Specialist I – Learning Technology Resources	1, 2
Staff Services Manager I (Specialist) – Learning Technology Resources	1, 2
Senior Law Enforcement Consultant – Management Counseling and Projects Bureau	2

Law Enforcement Consultant (all levels) – Management Counseling and Projects Bureau	2
Staff Services Manager I (Specialist) – Management Counseling and Projects Bureau	1
Associate Governmental Program Analyst – Management Counseling and Projects Bureau	2
Staff Services Analyst – Management Counseling and Projects Bureau	2

Legal Affairs Bureau Positions

Designated Positions	*Disclosure Category*
Chief Counsel I	1, 2
Assistant Chief Counsel	1, 2
Attorney (all levels) –	1, 2
Staff Services Manager I (Supervisor)	1, 2
Associate Governmental Program Analyst	2
Staff Services Analyst	2
Office Technician (Typing)	2

Standards & Accountability Division Positions

Designated Positions	*Disclosure Category*
Assistant Executive Director	1, 2
Staff Services Manager (Supervisor) (all levels) – Intake and Disposition Bureau	1, 2
Associate Governmental Program Analyst – Intake and Disposition Bureau	1, 2
Staff Services Analyst – Intake and Disposition Bureau	1, 2

Office Technician (Typing) – Intake and Disposition Bureau	1, 2
Staff Services Manager (Supervisor) (all levels) – Certification Bureau	1
Staff Services Manager I (Specialist) – Certification Bureau	1
Senior Law Enforcement Consultant – Professional Conduct Southern Bureau	1
Staff Services Manager I (Supervisor) – Professional Conduct Southern Bureau	1
Law Enforcement Consultant (all levels) – Professional Conduct Southern Bureau	1
Senior Law Enforcement Consultant – Professional Conduct Los Angeles County Bureau	1
Staff Services Manager I (Supervisor) – Professional Conduct Los Angeles County Bureau	1
Law Enforcement Consultant (all levels) – Professional Conduct Los Angeles County Bureau	1
Senior Law Enforcement Consultant – Professional Conduct Northern Bureau	1
Staff Services Manager I (Supervisor) – Professional Conduct Northern Bureau	1
Law Enforcement Consultant (all levels) – Professional Conduct Northern Bureau	1
Senior Law Enforcement Consultant – Professional Conduct Central Bureau	1
Staff Services Manager I (Supervisor) – Professional Conduct Central Bureau	1

Law Enforcement Consultant (all levels) – Professional Conduct Central Bureau	1

Standards & Development Division Positions

Designated Positions	*Disclosure Category*
Assistant Executive Director	1, 2
Information Technology Manager II (Supervisor) – Computer Services Bureau	2
Information Technology Specialist II (Supervisor) – Computer Services Bureau	2
Information Technology Specialist I – Computer Services Bureau	2
Information Technology Associate – Computer Services Bureau	2
Information Technology Technician – Computer Services Bureau	2
Senior Law Enforcement Consultant – Strategic Communications and Research Bureau	1
Staff Services Manager II (Supervisor) – Strategic Communications and Research Bureau	1, 2
Staff Services Manager I (Supervisor) – Strategic Communications and Research Bureau	1
Staff Services Manager I (Specialist) – Strategic Communications and Research Bureau	1, 2

Law Enforcement Consultant I – Strategic Communications and Research Bureau	1
Research Data Specialist II – Strategic Communications and Research Bureau	1, 2
Information Technology Technician – Strategic Communications and Research Bureau	1, 2
Office Technician (Typing) – Strategic Communications and Research Bureau	1, 2
Senior Law Enforcement Consultant – Training Delivery and Compliance	1, 2
Staff Services Manager I (Supervisor) – Training Delivery and Compliance	1, 2
Law Enforcement Consultant (all levels) – Training Delivery and Compliance	1, 2
Associate Governmental Program Analyst – Training Delivery and Compliance	1, 2
Staff Services Analyst – Training Delivery and Compliance	1, 2
Senior Law Enforcement Consultant – Training Program Services	1, 2
Staff Services Manager I (Supervisor) – Training Program Services	1, 2
Law Enforcement Consultant (all levels) – Training Program Services	1, 2
Associate Governmental Program Analyst – Training Program Services	1, 2

Staff Services Analyst – Training Program Services	1, 2

General Consulting Positions

Consultant	*

*Consultants and new positions shall be included in the list of designated positions and shall disclose pursuant to the broadest disclosure category in the code subject to the following limitations:

The Executive Director may determine in writing that a particular consultant or new position, although a "designated position," is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the disclosure requirements described in this section. Such written determination shall include a description of the consultant's or new position's duties and, based upon that description, a statement of the extent of disclosure requirements. The Executive Director's determination is a public record and shall be retained for public inspection in the same manner and location as this conflict of interest code (Gov. Code Sec. 81008).

Disclosure Categories
Designated employees assigned to these disclosure categories must report:

Category 1: Investments and business positions in business entities and sources of income (including receipt of gifts, loans, and travel payments) if the business entity or source is subject to the Agency's regulatory, permit or licensing authority. ~~from sources which either contract to provide law enforcement related training or management services to POST, or which POST certifies to provide training services to state and local enforcement agencies.~~

Category 2: Investments and business positions in business entities and sources of income (including receipt of gifts, loans, and travel payments) if the business entity or source provides leased facilities, products, equipment, vehicles, machinery or services (including training or consulting services) of the type utilized by the position's Department/Division/Unit. For purposes of this disclosure category, the Commissioners' and Executive Director's department is the entire agency.

AGENDA ITEM REPORT

Title: CORRESPONDENCE SENT BY POST

REPORT PROFILE

MEETING DATE 06/04/2025	**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: The following correspondence was sent from POST to:

- Shannon D. Dicus, Sheriff - Coroner, San Bernardino County Sheriff's Department; expressing deep sympathy over the tragic on-duty death of Deputy Hector Cuevas Jr.
- Christian S. Sachs, Chief, Marysville Police Department, expressing deep sympathy over the tragic on-duty death of Officer Osmar Rodarte.

ATTACHMENT(S):

San_Bernardino_SD-Deputy_Hector_Cuevas.pdf

Christian_Sachs_Marysville_PD_Condolence_Osmar_Rodarte.pdf

COMMISSION ON
PEACE OFFICER STANDARDS AND TRAINING

POST

GAVIN NEWSOM
GOVERNOR

ROB BONTA
ATTORNEY GENERAL

March 18, 2025

Shannon D. Dicus, Sheriff - Coroner
San Bernardino County Sheriff's Department
655 East Third Street
San Bernardino, CA 92415-0061

Dear Chief Dicus:

On behalf of the California Commission on Peace Officer Standards and Training (POST), and POST staff, please accept our deepest sympathy and condolences upon the tragic on-duty death of Deputy Hector Cuevas Jr.

In these troubling times of law enforcement scrutiny, the health and well-being of our officers is crucial. All who have ever worn the badge feel your loss. Our communities share your pain. Ultimately, society feels the tremor of the tragic death of one who commits their life to holding the thin line between peace and chaos, for standing for something good.

I never met Deputy Cuevas. However, I know he stood the line between right and wrong, darkness and light. He faced challenges and danger. He gave order to chaos and hope to despair. He was quick to defend and frequently chose action over caution.

He railed against injustice. I know he stood in loyalty and faced conflict shoulder-to-shoulder with his brothers and sisters and proudly committed to being a small part of a greater cause.

His absence will forever be a void in the lives that he touched. We commit ourselves to the eternal memory and honor of his life.

It is with great sadness in our hearts that we offer our support to you and your department at this tragic time.

Sincerely,

MANUEL ALVAREZ, JR.
Executive Director

MA:be

COMMISSION ON
PEACE OFFICER STANDARDS AND TRAINING

POST

GAVIN NEWSOM
GOVERNOR

ROB BONTA
ATTORNEY GENERAL

March 27, 2025

Christian S. Sachs, Chief
Marysville Police Department
316 6th Street
Marysville, CA 95901

Dear Chief Sachs:

On behalf of the California Commission on Peace Officer Standards and Training (POST), and POST staff, please accept our deepest sympathy and condolences upon the tragic on-duty death of Officer Osmar Rodarte.

In these troubling times of law enforcement scrutiny, the health and well-being of our officers is crucial. All who have ever worn the badge feel your loss. Our communities share your pain. Ultimately, society feels the tremor of the tragic death of one who commits their life to holding the thin line between peace and chaos, for standing for something good.

I never met Officer Rodarte. However, I know he stood the line between right and wrong, darkness and light. He faced challenges and danger. He gave order to chaos and hope to despair. He was quick to defend and frequently chose action over caution.

He railed against injustice. I know he stood in loyalty and faced conflict shoulder-to-shoulder with his brothers and sisters and proudly committed to being a small part of a greater cause.

His absence will forever be a void in the lives that he touched. We commit ourselves to the eternal memory and honor of his life.

It is with great sadness in our hearts that we offer our support to you and your department at this tragic time.

Sincerely,

MANUEL ALVAREZ, JR.
Executive Director

MA:be

AGENDA ITEM REPORT

Title: PROPOSED MEETING DATES:

REPORT PROFILE

MEETING DATE 06/04/2025	**BUREAU SUBMITTING THE REPORT** Executive Office	
RESEARCHED BY		**REVIEWED BY**
REPORT DATE	**APPROVED BY**	**DATE APPROVED**
PURPOSE		**FINANCIAL IMPACT** No

ISSUE, BACKGROUND, ANALYSIS, & RECOMMENDATION

ISSUE:

BACKGROUND:

ANALYSIS:

RECOMMENDATION:

- March 3, 2026 – Advisory Committee (Tuesday)
  March 4 – 5, 2026 – Commission (Wednesday & Thursday)
  Tentative – Southern California

- June 2, 2026 – Advisory Committee (Tuesday)
  June 3 – 4, 2026 – Commission (Wednesday & Thursday)
  POST Headquarters, West Sacramento

- September 16 & 17, 2026 – Commission (Wednesday & Thursday)
  Tentative – Southern California

- December 01, 2026 – Advisory Committee (Tuesday)
  December 02 - 03, 2026 – Commission (Wednesday & Thursday)
  POST Headquarters, West Sacramento

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

AGENDA ITEM REPORT

Title: NEW ADVISORY COMMITTEE MEMBER APPOINTMENT:

REPORT PROFILE

MEETING DATE 06/04/2025	**BUREAU SUBMITTING THE REPORT** Executive Office	
RESEARCHED BY	**REVIEWED BY**	
REPORT DATE	**APPROVED BY**	**DATE APPROVED**
PURPOSE	**FINANCIAL IMPACT** No	

ISSUE, BACKGROUND, ANALYSIS, & RECOMMENDATION

ISSUE:

BACKGROUND:

ANALYSIS:

RECOMMENDATION: Request to appoint John Kachirisky to the POST Advisory Committee, as a representative for the California Coalition of Law Enforcement Association (CCLEA).

If the Commission concurs, the appropriate action would be a **MOTION** to approve the appointment of John Kachirisky.

ATTACHMENT(S):
John_Kachirisky-New POST Rep Ltr 2025.pdf

CALIFORNIA COALITION OF LAW ENFORCEMENT ASSOCIATIONS
PROUDLY REPRESENTING OVER 150,000 PEACE OFFICERS
1308 WEST EIGHTH STREET – LOS ANGELES, CA 90017 (213) 251-4554

CRAIG LALLY
President

JUAN VIRAMONTES
Vice President

BILL YOUNG
Secretary

RODOLFO BOJORQUEZ
Treasurer

March 5, 2025

Geoff Long
POST Commission Chair
860 Stillwater Road #100
West Sacramento, CA 95605

Re: Change of POST Representative

Dear Commissioner Long,

The California Coalition of Law Enforcement Association (CCLEA) wishes to inform you that our POST representative, President Juan Viramontes of the Association of Orange County Deputy will no longer be the representative, effective immediately. In his place, John Kachirisky, President of the Santa Ana Police Officers Association will be acting on our behalf as our POST representative and we ask that he be appointed as a member on the POST Advisory Committee.

If I may be of further assistance, please do not hesitate to contact me at (661) 714-2634 or Vice President Juan Viramontes at (562) 686-1534.

Sincerely,

CRAIG D. LALLY
President

CDL:to

cc: President, John Kachirisky, SAPOA