POST COMMISSION MEETING

November 20, 2024
AGENDA
10:00 AM

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

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

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

The Comment Deadline for this meeting is 5:00 p.m. on 11/18/2024. Written comments received at the Commission office by this deadline will be made available to Commissioners prior to the meeting. Written comments received after the comment deadline will not be included in the meeting materials or made available to Commissioners.

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

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

Please note: this meeting and all public meetings will be recorded. No weapons are allowed on the premises during public meetings.

CALL TO ORDER AND WELCOME

COMMISSION MEMBERS

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

FLAG SALUTE

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.

PUBLIC COMMENT

The Commission Chair will advise the audience of the following:

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

EXECUTIVE DIRECTOR COMMENTS

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

I. APPROVAL OF TRANSCRIPTS AND ACTION SUMMARY

Approval of the Transcripts and Action Summary from the previous Commission meeting

held on the 12th of September, 2024 in Pasadena, CA.

a. Meeting Transcripts - September 12, 2024, Pasadena, CA

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

b. Action Summary - September 12, 2024, Pasadena, CA

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

II. **CONSENT**

a. Report on POST Program Obsolete Agency - Yuba Community College District Police Department

The Yuba Community College District Police Department has been decommissioned.

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

b. Report on POST Program Obsolete Agency - Coast Community College District Police Department

The Coast Community College District Police Department has chosen to leave the POST Participating Program.

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

c. Report on Course Certification Statistics

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

d. Discussion Regarding the Transferability of Peace Officer Background Investigation Files (Regulation 1953)

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

e. Discussion on Proposed Amendments to Commission Regulations to Address Course Complaints and Instructor Conduct

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

f. Report on the Quality Assessment Program

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

g. Report on Certification/Decertification Update

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

h. Report on Discussion Regarding Gaps In Commission Regulation 1205 and Potential Changes to Dishonesty Provision

For discussion and recommendations.

i. Report on Peace Officer Education Requirements (AB 89)

Information/Discussion Only

j. Report on Legislative Update

This is a legislative report with bills of interest from the 2024 legislative session. Some of these bills may affect POST operations and/or affect law enforcement. It is not a complete list of bills that could impact law enforcement.

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

III. FINANCIAL REPORT

a. Finance Update - June 2024 Transcript

No action is required.

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

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

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

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

IV. BASIC TRAINING BUREAU

a. Report on Changes to Commission Regulation 1018, Commission Procedure D-1-5, and Public Safety Dispatchers' Basic Course Training Specifications

At the June 8, 2023, Commission Meeting, POST staff presented the Commission with changes to the Public Safety Dispatchers' Basic Course training specifications. During the rulemaking process, it was discovered some content approved by the Commission needed revision (removal or modification) prior to the public comment period. Those modifications were made and were included in the information noticed to the public. The Office of Administrative Law has requested Commission approval for the removal/modification of that content prior to final approval of the rulemaking file.

If the Commission concurs, the appropriate action would be a **MOTION** to approve the proposed changes to Commission Regulation 1018, Commission Procedure D-1-5, and the Public Safety Dispatchers' Basic Course Training Specifications.

b. Report on the Development of the Basic Course Curriculum and Proposed Pilot Programs for LD 32 - Lifetime Fitness

In June of 2024, BTB staff hosted a 16-hour workshop to review and revise existing Learning Domain 32 – Lifetime Fitness Training and Testing Specifications for modular basic courses across the state. Subject Matter Experts (SMEs) representing seven (7) basic course presenters participated.

After reviewing the existing content, SMEs proposed adding content to the Module III

and Module II basic courses.

If the Commission concurs, the appropriate action would be a **MOTION** to approve the piloting of Learning Domain 32 - Lifetime Fitness as described in the staff report.

V. CERTIFICATION BUREAU

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

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

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

b. Report on Proposed Revisions to Commission Regulation 1005 - Minimum Standards for Training

POST staff propose to revise Commission Regulation 1005 to remove the specific language indicating that jail deputy appointees have 120 days to complete required training as prescribed by the Bureau of State and Community Corrections (BSCC) and replace it instead with a simple reference to the appropriate Penal Code sections.

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

c. 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 a peace officer's certification status.

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.

d. Report on Proposed Amendment to Commission Regulation 1202 - Peace Officer Certificates

POST Staff recommend the Commission approve additional revisions to the text of Commission Regulation 1202 to provide further clarity to the general and regulated public.

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

e. Report on Proposed Changes to Commission Regulation 1203 - Peace Officer Disqualification

POST staff propose to amend Commission Regulation 1203 to reflect modifications to the 1029 revocation process as voted on by Commissioners at the September 12, 2024 Commission meeting. The amendment will modify the process for 1029 revocations pursuant to Penal Code section 13510.85(a)(2).

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

VI. TRAINING PROGRAM SERVICES BUREAU

a. Report on Proposed Changes to Commission Regulation 1054 - Requirements for Course Budget

The Commission on Peace Officer Standards and Training (POST) allows reimbursement for course presentation not to exceed the actual costs of course presentation. Commission Regulation 1054 allows reimbursement for typical presentation costs that include, but are not limited to, instruction costs, development costs, coordination, clerical support, printing/reproduction, instruction materials, equipment, coordinator and instructor travel, miscellaneous, and indirect costs.

Commission Regulation 1054 contains the maximum allowance for costs presented as line items in the budget required for POST Certified Training Courses. Instructional, coordination, and clerical cost maximum allowances have been unchanged since 1999, and costs have increased significantly since that time.

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

VII. PEACE OFFICER STANDARDS ACCOUNTIBILITY DIVISION

a. Report on Peace Officer Revocations Based on Felony Convictions

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

VIII. COMMITTEE REPORTS

IX. NEW BUSINESS

a. Report on Selection of Commission Vice Chair

California Penal Code 13501 requires the Commission to annually select a vice chair from among its members. The vice chair shall be selected during the meeting on November 20, 2024.

b. New Advisory Committee Member Appointments:

Request to appoint Chief Cindy Pontes, to the POST Advisory Committee, as a representative for the California Highway Patrol (CHP).

If the Commission concurs, the appropriate action would be a **MOTION** to approve the appointment of Chief Cindy Pontes.

c. Proposed Meeting Dates: September 9 - 11, 2025 Greater Los Angeles Area and November 18 - 20, 2025 POST HQ, West Sacramento

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

X. FUTURE COMMISSION DATES

Upcoming Commission Meetings will be held:

- March 05 - 06, 2025 - Location - Greater Los Angeles Area
- June 04 - 05, 2025 - Location - POST Headquarters, West Sacramento

XI. CLOSED SESSION

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

ADJOURNMENT

AGENDA ITEM REPORT

Title: MEETING TRANSCRIPTS - SEPTEMBER 12, 2024, PASADENA, CA

REPORT PROFILE

MEETING DATE 11/20/2024	**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: If the Commission concurs, the appropriate action would be a **MOTION** to approve the meeting transcripts from the last Commission Meeting.

ATTACHMENT(S):
2024 09-12 ED Eval Committee - open session Transcript.pdf
2024 09-12 POST Commission Transcript.pdf

STATE OF CALIFORNIA

COMMISSION ON

PEACE OFFICER STANDARDS AND TRAINING

POST COMMISSION

EXECUTIVE DIRECTOR EVALUATION COMMITTEE MEETING

OPEN SESSION

THURSDAY, SEPTEMBER 12, 2024

8:08 A.M.

MEETING HELD AT

HILTON PASADENA

MONTEREY ROOM

168 S LOS ROBLES AVENUE

PASADENA, CALIFORNIA

REPORTER'S TRANSCRIPT OF PROCEEDINGS

STENOGRAPHICALLY REPORTED BY:
Kathryn S. Swank
California Certified Shorthand Reporter #13061
Registered Professional Reporter

A P P E A R A N C E S

POST EXECUTIVE DIRECTOR EVALUATION
COMMITTEE MEMBERS PRESENT

GEOFF LONG
(Committee Chairperson)
Public Member

RICK BRAZIEL
(Vice Chairperson)
Educator
Humboldt State University

ALAN BARCELONA
Special Agent
Department of Justice

P. LAMONT EWELL
Public Member

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POST STAFF PRESENT

MANUEL ALVAREZ, JR.
Executive Director
Executive Office

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PUBLIC COMMENT (None)	--
CLOSED SESSION (Transcript prepared and bound under separate cover) Executive Director Performance Evaluation: Pursuant to Government Code section 11126(a)(1), the Commission hereby provides public notice that it intends to discuss the evaluation of performance, and the process for the evaluation of performance, of the Executive Director in closed session.	4
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Thursday, September 12, 2024, 8:08 a.m.

Pasadena, California

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CHAIRPERSON LONG: I will call the roll here since there's four members on the subcommittee.

Braziel.

MEMBER BRAZIEL: Here.

CHAIRPERSON LONG: Barcelona?

MEMBER BARCELONA: Here.

CHAIRPERSON LONG: Lamont? Or Ewell?

MEMBER EWELL: Here.

CHAIRPERSON LONG: And Long, here.

This is the time set aside for members of the public to comment on items on the agenda. If anyone would like to speak, let us know.

(No response.)

CHAIRPERSON LONG: There's no one here.

We will then move to closed session for the Executive Director performance evaluation.

We will do that now.

(Closed session: 8:09 a.m. to 8:47 a.m.)

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(Proceedings concluded at 8:47 a.m.)

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CERTIFICATE OF REPORTER

I, KATHRYN S. SWANK, a Certified Shorthand Reporter of the State of California, do hereby certify:

That I am a disinterested person herein; that the foregoing proceedings was reported in shorthand by me, Kathryn S. Swank, a Certified Shorthand Reporter of the State of California, and thereafter transcribed into typewriting.

I further certify that I am not of counsel or attorney for any of the parties to said proceedings nor in any way interested in the outcome of said proceedings.

IN WITNESS WHEREOF, I have hereunto set my hand this 1st day of October 2024.



KATHRYN S. SWANK, CSR
Certified Shorthand Reporter
License No. 13061

E R R A T A S H E E T

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STATE OF CALIFORNIA

COMMISSION ON

PEACE OFFICER STANDARDS AND TRAINING

POST COMMISSION MEETING

THURSDAY, SEPTEMBER 12, 2024

9:04 A.M.

MEETING HELD AT

HILTON PASADENA

MONTEREY ROOM

168 S LOS ROBLES AVENUE

PASADENA, CALIFORNIA

REPORTER'S TRANSCRIPT OF PROCEEDINGS

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

A P P E A R A N C E S

POST COMMISSIONERS PRESENT

GEOFF LONG
(Commission Chairperson)
Public Member

RICK BRAZIEL
(Vice Chairperson)
Educator
Humboldt State University

ALAN BARCELONA
Special Agent
Department of Justice

INGRID BRAUN
Sheriff
Mono County

JIM COOPER
Sheriff
Sacramento County

JUSTIN DOERING
Senior Deputy Sheriff
Ventura County

P. LAMONT EWELL
Public Member

KELLY GORDON
Chief
Santa Barbara Police Department

SHANNAN MOON
Sheriff
Nevada County

TINA NIETO
Sheriff
Monterey County

BENJAMIN THERRIAULT
Sergeant
Richmond Police Department

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

POST COMMISSION STAFF

MANUEL ALVAREZ, JR.
Executive Director
Executive Office

WILLIAM "TOBY" DARDEN
Chief Counsel
Legal Affairs Bureau

TOM CHALK
Bureau Chief
Training Delivery & Compliance Bureau

BRANDY ESSEX
Staff Services Analyst
Executive Office

KRISTOFFER "ERIK" GEROLAGA
Staff Services Manager
Training Delivery & Compliance Bureau

CARRIE HOLLAR
Bureau Chief
Basic Training Bureau

CHANDLER KNAPP
Staff Services Manager
Executive Office

MEAGAN POULOS
Legislative Liaison & Public Information Officer
Executive Office

BRIAN SOUTH
Bureau Chief
Professional Conduct Central Bureau

KATIE STRICKLAND
Associate Governmental Program Analyst
Executive Office

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

ALSO PRESENT

EUGENE HARRIS
Chief
Pasadena Police Department

JASON SALAZAR
Chief
Visalia Police Department

ERIC TAYLOR
Sheriff-Coroner
San Benito County

ANDREW WHITE
Chief
Martinez Police Department

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Thursday, September 12, 2024, 9:04 a.m.

Pasadena, California

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CHAIRPERSON LONG: Good morning, everyone. Welcome. Are they voice activated? There it goes.

Welcome this morning.

We'll begin now. Would everyone please stand and join Commissioner Nieto, who will lead us in the pledge.

(Pledge of Allegiance was recited in unison.)

CHAIRPERSON LONG: If you will remain standing, please, and join me in a moment of silence honoring the two officers who died in the line of duty since our last meeting:

Officer Matthew Bowen of the Vacaville Police Department, end of watch July 11, 2024;

And Officer Austin Machitar of the San Diego Police Department, end of watch, August 26, 2024.

(Moment of silence observed.)

CHAIRPERSON LONG: Thank you. Take your seats.

Before we even call the roll, I would like to welcome Pasadena Police Chief Eugene Harris, who is here just to welcome us and say a few words.

Chief.

MR. HARRIS: Thank you. All right. There we go.

Nothing like a good fresh mic check.

First off, I want to say welcome to everybody that is here and those that are viewing to the wonderful city of Pasadena.

I wanted to drop in really quick. We're up at the range today. So I see everybody looking good with ties and Class A uniforms. So I apologize; I'm a little short. But we're on our way to spend a day doing that work.

Aside from that, thank you for being here. The work that you do is so crucial. We want to make sure that we here in Pasadena offer anything that you might need during your day or while you are here during the day.

We are about maybe two blocks up and a little bit west of here. So if there's anything you need, I will leave a card here for people to get ahead of me if there's anything that you need for any of the Pasadena housekeeping.

But, once again, just a warm welcome to Pasadena. We appreciate the work that you are doing. If there's anything that we can do to make your stay better, make your work easier, please feel free to give me a call. Thanks to the Commission.

And if there's anything else you need, just let me

know. Thank you.

CHAIRPERSON LONG: Thank you, Chief. Thanks for coming by.

The meeting is called to order. Ms. Essex, will you please call the roll.

MS. ESSEX: Thank you, Chair Long. Good morning, Commissioners.

Barcelona.

COMMISSIONER 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: Long.

CHAIRPERSON LONG: Here.

MS. ESSEX: Moon.

COMMISSIONER MOON: Here.

MS. ESSEX: Nieto.
COMMISSIONER NIETO: Here.
MS. ESSEX: Rodriguez.
(No response.)
MS. ESSEX: Therriault.
COMMISSIONER THERRIAULT: Here.
MS. ESSEX: Woolrey.
(No response.)
CHAIRPERSON LONG: All right. We also today have two newly appointed commissioners: Ventura County Deputy Sheriff Justin Doering, and Richmond Police Department Sergeant Benjamin Therriault, who should be familiar to us from the Advisory Committee. Welcome, gentlemen.
Would each of you introduce yourselves and about what you hope to bring to the Commission.
COMMISSIONER DOERING: Good morning, everybody. My name is Justin Doering. Like he said, I'm a senior deputy sheriff for the Ventura County Sheriff's Office, and also serve on PORAC's board.
I'm looking forward to learning from everybody. And I think we all have the same goals for the best trained law enforcement in this state. And I look forward to learning from you all.
Thank you.

COMMISSIONER THERRIAULT: Ben Therriault. I'm a sergeant, Richmond Police Department. I'm also the vice president of PORAC.

Just like my colleague Justin said, California sets the standard for law enforcement in our country, and I'm proud to be part of an organization that sets that standard and moves that work forward.

Thank you.

CHAIRPERSON LONG: Thank you, Commissioners.

I would now introduce POST Chief Counsel, welcome Toby Darden to my left;

And Advisory Board Chair/Visalia Police Chief Jason Salazar, who is, I believe, in the back to have room. No Advisory Board -- Committee meeting today;

And POST Executive Director Manny Alvarez to my right.

Public comment. This is the time set aside for members of the public to comment on items on the Commission agenda or other issues under the Commission's jurisdiction. Public comment should -- on specific peace officer revocation cases scheduled today will be heard when we hear those specific cases.

Pursuant to Commission policy, I will manage the public comment period in deference to the workload and meeting time constraints. Up to 15 minutes is allotted

at the beginning of each meeting for public comments on agenda items.

Members of the public who may wish to speak are asked to limit their remarks to no more than five minutes. If many people wish to speak on the same topic, I may ask speakers to limit their remarks to one minute.

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

Please be advised that the Commission cannot take action on items not on the agenda. Please remember this meeting is being transcribed, so please speak slowly and clearly so your comments can be accurately recorded in the transcript.

Would anyone like to address the Commission during public comment?

If so, please state your name and organization.

(No response.)

CHAIRPERSON LONG: Seeing no one here, we will then move on.

Before we do that, speaking of speaking clearly and slowly, apparently, we drove our last stenographer from the room saying she would never come back and do this

one again because we went so fast and didn't always use our name.

So I would ask that today we try to do a little bit more decorum to save Kathy a little bit, which would be just let me recognize you and state your name so we can get it on the record. There's been a lot of cross-conversation. And while I think that's great for discussion, it's not great for the reporter.

So please keep that in mind.

At this time, Executive Director Alvarez would like to address the Commission.

Mr. Executive Director.

EXECUTIVE DIRECTOR ALVAREZ: Thank you, Chair Long. And welcome, Commissioners. Thank you for making the trek out to Pasadena and, one, for allowing me to speak to you before the beginning of your meeting.

So today, I'm just going to talk about three -- three things that this Commission meeting is about, without stepping on the toes of my colleagues that are actually going to be presenting.

First, I want to thank -- there's three panelists that you are going to hear from very shortly. I want to thank Chief Andrew White, Chief Jason Salazar, and Sheriff Eric Taylor, for making the trip out here to speak to us about Senate Bill 2 and some of the

challenges maybe that they have had, or some of the things that they would like us to do. I have asked them to be -- you know, be very direct, provide constructive criticism, some of the challenges or some of the areas that they would like us to make adjustments.

And, really, this was -- this was part of just some discussion with some of the other commissioners about, hey, we're 18 months into Senate Bill 2, we should probably be conducting a review of where we are, how can we do things better.

So I want to thank them for making the trip out here. We know they are all extremely busy with their departments.

Two, you are going to hear from Meagan on some of the legislative stuff that's happened, that's really obviously, on the cusp right now with bills that are at the Governor's Office.

We anticipate coming back to you in November in terms of Assembly Bill 89 and what we're going to do in terms of peace officer education requirements, which we all know we have had discussions about AB 89 for the last two years with the modern policing degree. So just -- she's bringing it up, just keep in mind that we would likely come back to you in November.

And then, really, lastly, we're going to have a,

I'm sure, a lengthy discussion on limited authority peace officers. I know we addressed it in June, but it is a very significant topic for us, so we hope to take some time with that.

I wanted to talk about two things that really aren't on the agenda. I'm sure we all know, either from reading the papers or the issues that maybe you have had to deal with at your departments, cities, Counties, about the budget. So the state has mandated certain number of positions be cut from the state rolls, approximately 10,000 positions, as well as every agency is being -- or every state department is being asked to cut 7.95 percent from their operating budgets.

We're in the process of working through that with the Department of Finance. We're not ready to present to you on that as we continue to have those discussions with the administration. We hope to have some final answers in November as to how that's all going to work for us. But just keep in mind that we are, like all other state agencies, dealing with that.

And then lastly, in terms of the certification of peace officers in Senate Bill 2, you are going to start seeing stuff on our website that you haven't seen in the past under the certification actions list. So, one, we started to roll out statement of findings in order to be

transparent with the public, in terms of individual officers who we have noticed, who we have come up with findings for certification, action, whether it's suspension or revocation. So we notice them. If they default, nobody ever hears about it.

So in order to be transparent, if there are findings by POST and we generate a report, we're going to generate a report that says here are the statement of findings as to why this person -- there was an action against that person or they defaulted.

You will see six or seven of them on our website already. But we're going to work through them and, hopefully, little bit by little catch up and do that with all of the default revocations.

The other thing you are going to start seeing on the certification actions list is, we are including the last time an individual was employed at a department, and then we're also including a conviction date and the Penal Code citation.

So some of the challenges have been some of these individuals that are now going through ineligibility for felony convictions.

And I use an example that I have used that was in the press quite a bit.

So we took an action against former LAPD Officer

Mark Fuhrman about three months ago. There was some pushback. It was all over the papers. It's like, oh, California Commission on POST has now decertified Mark Fuhrman.

The reason for that is we had a massive data dump of DOJ reports for convictions that caused us to mark these records as ineligible. Some of the pushback has been, "What are you doing? You are going after officers for 20, 30 years ago."

So we're including the last time we were in the department, and we're including the date of the conviction.

The law enforcement agencies on the other side have said, wait a minute, this person wasn't an officer in our department when they -- when they committed a felony. They had been gone for 10 or 15 years. It makes it look like they did it while they were at our department.

So we're starting to include that data. So you are see that on the certification action list to be more transparent with what ultimately happened. And we're also listing the Penal Code violation. Not just, hey, this person is ineligible to be a peace officer.

So you will start seeing more of that.

And that concludes what I wish to say to you guys

this morning. So thank you.

CHAIRPERSON LONG: Any questions for Executive Director Alvarez at this point?

(No response.)

CHAIRPERSON LONG: Seeing none, our first item is approval of transcripts and action summaries from the June 12th meeting, the misconduct case reviews, and the June 13th Commission meeting.

Is there a motion to approve the transcripts and action summaries?

COMMISSIONER BARCELONA: Motion. Barcelona.

CHAIRPERSON LONG: Motion. Barcelona.

Is there a second?

COMMISSIONER GORDON: Gordon.

CHAIRPERSON LONG: Is there objection to unanimous consent?

(No response.)

CHAIRPERSON LONG: Seeing none, so moved.

Next on the agenda is Consent. We will have a number of probably lengthy discussions here. We'll have presentations on Items c. through i. unless any commissioner would like a presentation on agenda items a. or b.

So we'll start with c., which is a Report on POST Workforce Diversity Stats.

Executive Director Alvarez will report for information only. No action is required.

EXECUTIVE DIRECTOR ALVAREZ: Well, this is an agenda item that you all asked for about three years ago in terms of our diversity stats. We include last year's numbers on the report, hopefully you all have seen it.

The other key takeaway is that, as a result of the last year, I know we have all talked about hiring and where we are with hiring. It also shows the overall staffing numbers. And you will notice that there's a 27 -- we added 27 additional full-time members in the last 12 months to the POST rolls as we try to catch up and get fully staffed after the implementation of Senate Bill 2.

I don't know if there's any questions specific to the diversity stats, but I'm happy to address them if you like.

CHAIRPERSON LONG: Questions or comments?

I would note only that, Manny, maybe you can correct me, but comparing your stats with the -- I believe with the state demographics, as reported by Finance and PPIC, it looks like POST was very much in line with the overall Asian population in the state, the Black population in the state. But it looks like we're lagging quite significantly behind Latino. 14 percent

in POST and 40 percent statewide. And, obviously, a little bit high in terms of white.

So it would be -- Latino would be the outlier, correct?

EXECUTIVE DIRECTOR ALVAREZ: That is correct.

CHAIRPERSON LONG: If there are no other questions, Item d. is a Report on the History of Policing Video Series Project.

Legislative Liaison Meagan Poulos is here and Staff Services Manager Katie Strickland, both from the executive office, will report on this item.

MS. STRICKLAND: Good morning, Commissioners. We're really excited today to present to you two new videos on the history of policing series. But before we begin, I'm going to give you a brief background as to why the series was created.

So in 2021, POST staff were directed to present content related to the history of policing within the learning domains to the Commission. Several commissioners commented on the importance of the Regular Basic Course recruits and cadets instruction on the history of policing and suggested a proper delivery method, such as videos, to assist with the training.

In addition to curriculum updates that were made to the training and testing specifications and student

workbooks for Learning Domain 30, POST also developed two videos on the topic of history of policing to be used to further support training in the Basic Courses.

Both these videos launched in 2023 and were made publicly available on our POST YouTube channel. And as of today, both videos have each received over a thousand views.

With the success of the first two videos, POST staff were directed to continue the series. And in early 2024, staff executed a contract with a video production company to film, develop, and create and edit two additional videos.

So right now, we're going to watch the first video. And then we'll be coming back up later to show you the second one.

But the first video highlights LAPD Assistant Chief Blake Chow. Chief Chow is the department's first Chinese-American assistant who was hired by LAPD in 1990, right before if 1990 LA riots began. He shares his experience about how far LAPD has come since the riots; how community relationships have mended over time; and how his legacy lives on in the department through his son.

So without further ado, here is the first video.

(Video played.)

MS. STRICKLAND: I want to throw out a quick comment. You might have noticed, there was a little bit of lag between the sound and the video. I think that was because we might be live streaming, but that won't be the case once it goes public.

But, yeah, any questions?

COMMISSIONER EWELL: Well done.

CHAIRPERSON LONG: "Well done" from Commissioner Ewell, for Kathy.

Any other comments?

Manny, anything? Anything to add?

(No response.)

CHAIRPERSON LONG: Thank you, Katie and Meagan.

MS. STRICKLAND: Thank you. We will be back in a little bit for video number 2.

CHAIRPERSON LONG: While Manny does a little housekeeping on the chairs here, we'll now have a panel discussion regarding gaps, the gaps, potential gaps in serious misconduct definitions.

Professional Conduct Central Bureau Chief Brian South will introduce the panel objectives and the panelists. Once we have chairs in our intimate little hearing room here.

Brian, thank you.

MR. SOUTH: Good morning, Mr. Chair and

Commissioners.

As the Executive Director stated earlier, we are about 18 months in. And POSAD, the Peace Officer Standards Accountability Division, has received a lot of cases, and we have reviewed quite a bit of underlying conduct of peace officers in the reports that have been submitted by agencies.

At times, there have been some instances where we have realized that the underlying conduct that was reported was just not something POST could take action on, given the statutory definitions and authority. And so it's been an ongoing discussion, certainly within the division. And we thought it would be a good time to have an opportunity to discuss any perceived gaps with the Commission and several guest panelists.

But also to see what at POST we can be doing better moving forward and addressing these cases.

So I am very pleased to introduce our guest panelists, and we appreciate them coming and assisting us with this discussion.

The first is Chief Jason Salazar with Visalia PD. Chief Salazar was appointed Chief of Police on February 17, 2015. Chief Salazar began his career with the Visalia Police Department in 1993 as a community services officer and was hired as a police officers in

1996.

He has held every rank over the course of his 30 plus years with the Visalia Police Department and served in a variety of assignments.

He is also a graduate of the Los Angeles Police Department's West Point Leadership Program, the PERF Senior Management Institute at Boston University, and California POST Command College.

Chief Salazar is also actively involved in the community as a member of the Rotary Club of Visalia and as a member of the State of California POST Advisory Committee, as was stated earlier. He's also an executive board member for the International Police Chiefs Association Midsize Agencies Division, and serves on the executive board for the California Police Chiefs Association.

Welcome. Thank you, Chief.

Our second panelist is Chief Andrew White with the Martinez Police Department. Chief White has served as the Martinez Chief of Police since January 3rd, 2023. He previously served as the Clearlake Police Chief since 2018. And his experience also includes a stint as Clearlake's acting finance director for about a year.

He serves on the State of California 911 Advisory Board as an appointee of Governor Newsom and represents

the California Peace Officers' Association On the California Law Enforcement Telecommunications Advisory Committee.

Chief White was an instructor in the basic police and dispatch academies at Napa Valley College for 15 years. And prior to joining Clearlake in 2018, Chief White worked at the Suisun City Police Department for 16 years in numerous capacities and assignments as he moved up the ranks.

Thank you, Chief, for being here as well.

And our last guest panelist is Sheriff Eric Taylor. Sheriff Taylor is the sheriff-coroner of San Benito County. He was most recently assigned as a captain and a commander of the Operations Division and has previously overseen the Administrative Division.

In addition, Sheriff Taylor is a founding member of the Family Impact Center with First Five San Benito.

He is a Hollister Rotarian and a director for the San Benito Saddle Horse Show and Rodeo.

Chief -- excuse me -- Sheriff Taylor draws on his experience from the Watsonville Police Department where he was a patrol officer, corporal, gang detective, task force member, patrol sergeant, and detective sergeant.

And once again, we thank all the panelists for being here for our discussion. And I will turn it over

to Chair Long to moderate.

CHAIRPERSON LONG: Thank you, Brian, and thank you, gentlemen, for being here.

The creation of the misconduct definition, as everyone here knows, has been a prime focus of the Commission. And as we gain more experience with SB 2 cases, we want to be sure we stay on top of the definition, mindful that perfection is not of this world, and that fine tuning is always in order.

After more than a year of case reviews, POST staff believe there are cases where underlying conduct was not actionable given the statutory definitions. Cited examples include neglect of duty, dereliction of duty, failure to supervise, failure to act, duty to act, nondocumentation of use of force, and negligence.

Another cited example is the dishonesty definition is not all encompassing, unlike most agency policies.

So thank you, gentlemen, for taking the time to share your expertise with us today. We have three prompts which we have shared with you in advance and which we will now ask you to discuss in order. The first two really kind of run together. So however you choose to do so.

Have you identified cases that don't quite fit the definition of serious misconduct, but are nonetheless

cases that POST should be able to review, you believe, under the provisions of SB 2?

Second, do you have any ideas about what, if anything, should be included in a broader serious misconduct definition to address these perceived gaps?

And, finally, then, as Brian alluded to, what could the Commission of POST staff do to be more helpful to local law enforcement in carrying out the requirements of SB 2 and decertification?

All yours, gentleman.

MR. SALAZAR: I will start it off. Thank you, Commissioner, for having us to hear us on this panel. I will start my comments off first by stating that SB 2 has obviously been a very heavy lift for POST staff but also for the Commission. And I will say, we have had nothing but positive interaction with the POST staff. So any of my comments that I make in regards to this are really just about how the law is defined, more so than it is the staff have been fantastic to work with and are doing a difficult job and a great job with that. They have communicated well and so on. So I would like to start by stating.

I do have some personal experience with an SB 2 case that we submitted that was not moved forward for decertification, that I can comment on. But one of the

things I will say that I think -- and I believe you are going to receive a report later today -- it will show some more statistics on SB 2 data. I think the good thing to know is that, you know, there was a lot of -- as we were coming into SB 2, a lot of hesitancy, a lot of unknowns by law enforcement agencies as to how this would play out. And I think as you are 18 months into it, we have all had the opportunity to hear how the Commission deliberates on these items, how POST staff is addressing those. And I think I feel confident that it's being handled in a manner that's respectful of our profession, protecting those officers who are out there doing the right thing and doing a good job, but dealing with those who are a problem. But I also think there's some things we could do better.

And I think the data will also show, however, even though there's some cases that do not meet the standards of SB 2 for decertification, I think what you see, as chiefs and sheriffs, as I think most of us believed was a case, are doing their jobs and taking care of their problem -- problem folks on our staff.

I did have a case that involved dishonesty with an officer. POST staff elected not to bring it forward for decertification, and it really had to do with the definition of dishonesty as well as the clear and

convincing standard.

I will preface with it as we would get further in the comments, I don't know that I would change anything in regards to the clear and convincing standard. I think this is a big decision that the Commission takes to decertify someone from ever holding a position. I think it requires a high standard to do that. So I'm not suggesting any change there.

However, in this case of dishonesty, this involved an officer -- and I will try and be brief with the explanation -- but this officer was involved in a traffic collision, and we believe that he wasn't being truthful about how this collision occurred. When we conducted an Internal Affairs investigation, we did determine that he was -- he was not honest in how the collision had occurred and how he reported it to his supervisor and ultimately reported it in a police report.

During the time of that IA, he was involved in a second traffic collision. And in that second traffic collision, he damaged his patrol vehicle. It was a single vehicle collision in a parking lot. He created significant damage to a patrol vehicle. He then left the scene, drove about a mile away on a flat tire, but it wasn't just a flat tire. The rim was damaged. The

tire was completely shredded. The side of the car was damaged.

He drives a mile away. Says it was at that point he realized something was wrong with his car. He calls for a tow truck -- or he calls dispatch, asks for a tow because he has a flat tire. The supervisor fortunately drives to this location to see what was going on. When he gets there, he realizes this is a lot more than a flat tire. This officer had been involved in a collision.

The officer says he has no idea what happened to his car.

He says maybe he ran over a palm frond, which is not feasible to cause that kind of damage.

So the sergeant looks at the GPS to see where the officer had been prior to that. He goes back to where an officer had been sitting in the parking lot. He finds the scene of the collision. The officer again says, I have no idea how it happened.

Later in the IA, it turns out he admits that when he was in the parking lot and driving away, he hit the curb there, got out and looked, and said he saw no damage. So he drove away, and then a mile later has a flat tire.

It was pretty clear that he was lying. He even

admits in the IA that, you know, he was worried -- he had already had one collision. He was worried about what was going to happen with discipline on the second.

So in our position, we felt it was clear, he had had two traffic collisions that he was dishonest about. And fairly significant. He lied to his supervisors. He lied in a report. We ended up terminating this officer.

But the definition of dishonesty in SB 2, however, really limits the type of dishonesty. So because this wasn't dishonesty in a criminal case or something that was being submitted for as review at a DA's office, it didn't meet the definition of SB 2.

And while I understand that, I do think -- and I have talked with other chiefs who have other examples of dishonesty where we believe the officer was certainly dishonest.

We dealt with the issue proactively and aggressively because we don't want it to lead to a position where they are dishonest in a material case.

And in this case, you know, he had done it on two different occasions. I certainly don't believe this -- this officer should continue as a police officer. And I know he's still continuing to seek employment.

And so that's just one example. And I have another, I can come back to at some point, but I would

like to give them an opportunity to share as well.

MR. TAYLOR: Thank you for having us here today. I, too, have nothing but --

THE COURT REPORTER: Could you state your name for the record, please.

MR. TAYLOR: Yes. Eric Taylor, San Benito County Sheriff.

So I appreciate the invitation, Manny, for us to be here, and I get to see some of my friends here, which is nice. But I will just preface this: Congratulations to our new commissioners that are in a different spot than as the department head. And I would just assure you that I don't know about my colleagues here, but I never imagined that I was going to be a department head or an elected sheriff, for that matter. It just is a thing that you -- I just ended up, and I'm here, and I'm grateful.

But it is a heavy lift when you are a department head to make some of these decisions. And I have had to make some recent decisions on people that I care very much about and I was actually very close with prior to becoming the department head.

And so I'm very appreciative of POST by making this process maybe, for lack of a better term, little -- a little difficult. Or really giving the benefit of the

doubt to the officer or the deputy.

And I would -- like Chief here, one of my biggest concerns is with the dishonesty definition. When I came up through the Watsonville Police Department, Chief Medina taught us that you could do a lot of things, but if you lie, you are done.

And we were always taught to just give it up, fess up to what you have done, and we can work through that. But if you ever mislead me or you lie, you don't deserve this profession.

And so I, too, have had a case where there was a blatant lie that I actually took action on, which stirred up a lot of stuff in our community, which then a review of security camera systems showed that it never happened. Not even close to what was told to me by the -- told to us by the employee.

But because no action was taken against the person, that there was not a criminal case filed, it didn't meet the definition of dishonesty being material in a case. But it stirred up and is really a rough spot for our office to go through to try to mend relationships with the community because I acted on the word of the deputy, which then ended up being an absolute lie.

And so I would hope that as we move forward, the definition of dishonesty is more inclusive of things

like the Chief is saying, like you have these -- these situations where deputies or police officers are just blatantly lying about what's -- what's going on in their professions.

And then we have to take action against them. And if for some reason through arbitration, they keep their job, or you terminate them, and they go apply somewhere else, we know that we have people that are dishonest on the street.

And then, just looking across the country, you see a lot of times where peace officers are doing stuff incorrectly, using excessive force, being racially biased. And then media will come out and say, you know, they had ten complaints against them, they had 15 complaints against them, and the department or the office did nothing about it.

And I believe in the Peace Officer Bill of Rights. I believe in the protections that it provides our -- our police officers. I have, I believe, a phenomenal relationship with my staff. But I demand integrity in our office. And I demand them to do the job correctly. And I demand that if they are not going to do that, they are not going to work for our office.

And when we come across -- I hate to just harp so much on the dishonesty, but it's such an important thing

for me, to make sure potentially this Commission can look into broadening that definition.

The other thing with the definitions is the excessive force definition. So in this case that I'm talking about, technically there was excessive force because a small amount of force was used that was absolute unnecessary.

So we really were -- and this is prior to us knowing that it was a dishonesty case. But had I not taken the actions that I did, which led to us looking at video, which led to all these other things, I would have never known that the dishonesty had occurred, but the force had occurred. And I think that -- I know Manny and I have had a lot of talks about and stuff about just understanding what that definition is of excessive force and what the Commission is looking for. Because in this -- in one example, a deputy sheriff pushed somebody that was doing nothing wrong. They were just standing there. And he just pushed them and didn't injure them. But, technically, that was excessive force. If you want to say, are we supposed to report that because a deputy put hands on somebody that he wasn't supposed to put hands on? But there was no injury; there was no complaint. There was no case file, but we saw it on video.

So I would like personally for me to see that definition more clear as to what are we looking for with excessive force. Because for those of us in the room that have been use of force instructors, you know, force starts with your presence. It goes through light touch. And you have all these different types of force that could be used.

And if you are putting hands on someone, and it turns out you weren't supposed to do that, I think that's excessive force. Is that enough to be decertified? I don't think so. But I think we're compelled to then report those things, which then affects the morale of the staff because now they are going to be afraid to put hands on people. Because if someone says that there's any type of excessive force, which is the way I read it.

Personally, the way I read, it is just excessive force. So any time comes in and complains of excessive force, I feel we're compelled to report that. And what I can tell this commission and the public, my fear is we're going to have peace officers that are afraid to do anything, and then people are going to start getting hurt.

So that's the other thing, I would like to see that definition cleared up a little bit.

And then the other thing that I have talked a little bit about is: What do we do with sustained allegations that get turned over by an arbitrator for maybe a technical -- a technicality in the process. Maybe the material facts of the case aren't being questioned. So maybe we know that this event happened.

And, again, I came in. I was handed a case when I took over as sheriff where an arbiter had made what I feel was a poor decision. And so I was left with this employee that I really didn't know what to do because the allegations were sustained.

And so that was my question for -- for Manny quite often, like, since it's the arbitrator is reversing the discipline, just the discipline, do we still have a sustained violation, and does the Commission still take action on that?

And I think that's the thing that is confusing for me. I'll pass it off to my colleges because I'm a politician. I talk too much.

MR. WHITE: Andrew White, Chief of Martinez Police Department. Thank you to the commissioners for having us here to talk through this.

I would echo the thoughts, I think, regarding dishonesty and talking to other chiefs, the definition is relatively nuanced. I think that it creates

opportunities where there are cases that I think people would agree, this person shouldn't be within law enforcement, but it doesn't fit that technical definition that's in there.

So I think there's an opportunity to continue to look at that, and look at the cases coming in, and see how that might need to be reworked.

On the other side, though, I would caution you as far as continuing to expand the net. A good example is like on the use of force, where it is just excessive force, and it doesn't provide any context in terms of what they are -- what exactly is being looked at. I think it challenges that, you know, what's our real goal and objective?

Our goals and objective is to ensure that we have police officers that are out in the field, doing a very difficult job, but that there's a level of accountability for what is described as serious misconduct.

So with that said, I think it challenges making sure that if that net is so wide, POST will continue to get inundated with cases that just merely meet a definition on an allegation level. And somewhere buried within there, despite the best efforts to prioritize, etc., very serious cases may not be dealt with.

In talking with other department heads and so forth that are dealing with different situations, I think one thought maybe that's a little bit outside the box is to look at maybe a catchall that's based less on the allegation piece but more on what the outcome is.

In other words, it's fairly difficult to get terminated for a nonprobationary officer in the state of California in most cases. With that said, maybe there's an opportunity to say that within the list of serious misconduct definitions that one of them is actions that result in termination. And maybe there's some threshold that it has to get past Skelly or so forth, that those may be cases that, you know, if they came out publicly or otherwise, may be something where the Commission may agree, yeah, this person's certification should be revoked.

I think the alternative of adding a bunch more definitions could really just muddy the waters because you are pulling stuff in. And I agree there's a counterpart that we all know that being a police officer is very, very difficult. And not really knowing, you know, what things may rise to that serious misconduct becomes very difficult.

So that may be something to think about. I don't know the logistics involved if it's a legal issue

because it is all based upon allegations. But overall it seems concerning.

The other side, though, that I will say is with the -- you know, the issues we'll say that exist in some of the definitions, I did watch the last POST Commission where it came before you several cases, and I think that your processes were very thoughtful, and I think balanced out a lot of different competing interests.

I would say that there's always going to be defects in the exact regulations. And that's where the people of the state of California rely upon you all and the Advisory Board that reports to you to make good decisions. And I think so far it seems that it actually has been working out well within that.

So that would be my comments regarding the definitions. And I will hold comments on the other question.

CHAIRPERSON LONG: Why don't you guys keep going? If anyone wants to interject with comments or questions, please raise your hand, and we will certainly do that.

But I guess, Jason, we will move towards -- for example, you were talking more about the dishonesty holes.

Do you have -- what type of additions would you seek?

MR. SALAZAR: Jason Salazar.

The one thing that we see right now, as Chief White mentioned, it is very nuanced, so it has to be in relation to like a material case. So basically dishonesty that relates to if an officer is involved in a criminal investigation.

I just think that is a little too narrow in scope because if I look at what I think the intent of SB 2 is so try and prevent those incidents from happening. And so, you know, as the Sheriff said, the integrity and that honesty is a very key point.

In my case, you have an officer that damaged property that belongs to the city. He lied to his supervisor. He ultimately makes reports and lies about that. While he was not involved in a criminal investigation, you know, as a chief I sit there and say, what else has he lied about?

And it was a traffic accident. All he had to do with say, I was involved in a traffic accident; I'm sorry. He's probably going to get in trouble. But would he have lost his job for it? Not likely at that point.

So, you know, I think, you know, when we look at what SB 2 intends to do is to keep those types of officers out of our profession because they -- they

cause irreparable harm to our profession.

And so I think some broadening of that definition of dishonesty to include, you know, something along the lines as the example that I have given or that Sheriff Taylor had given, I think would import- -- and, you know, I have had a number of conversations with other chiefs who have expressed some of the same frustration where they have had an dishonesty allegation, or they found that an officer lied. They have terminated or taken serious discipline. And it doesn't meet this very specific definition of dishonesty. And there's some frustration there.

So I know there's more examples that you could have from other chiefs that feel similarly. I know I have had a couple of my couple in my county. Some from other counties throughout the state.

So I think that is one area.

You know, as Chief White mentioned, and I think the dereliction of duty was one term that was used.

And I have an example where an officer -- we conducted an Internal Affairs investigation and -- into a complaint that we received in one specific incident. But when we investigated that one specific incident, we started looking at broader scope of activities this officer ended up being involved in and found that there

was an absolute dereliction of duty.

He failed to take a report on a sexual report call that he blew off. And then we found as we went through and did further investigation, he had done this on another occasion. There were a number of occasions where he actually took evidence that he didn't document in a report or book.

But his actions didn't meet the definitions of one of the nine categories of serious misconduct.

I think there's -- you will have some difficulty, I think, finding a good definition for dereliction of duty. But I do like the suggestion from Chief White. You know, something that a nonprobationary officer is terminated. Maybe there's a reason to look at what that causes for it to be reviewed for decertification.

But, again, in this case, when you look at the scope of this -- and I won't go into great detail on this other example I'm giving -- but the scope of it was disturbing. And, again, as an officer, completely failed to uphold the duties of his badge, of his profession, of his oath. And, you know, was willful in doing so and just doesn't belong in the profession.

That officer, you know, is -- is employed elsewhere now. And I think that is a problem. And SB 2, I think was -- was -- the intent of it was to keep that from

happening, and it didn't happen because it didn't fit one of those specific categories.

So again, dereliction of duty is the example I'm giving. I think it's a little hard to for the Commission to come up with a good definition of what that would be. But I do like Chief White's suggestion.

MR. TAYLOR: And then for me, Eric Taylor, sheriff of San Diego County.

I truly believe that discipline is to correct behavior. I think there's some extreme cases where discipline is punitive. But really in our office, we always honestly try to handle everything at the lowest level. We use progressive discipline. We understand people make mistakes. We're not perfect. We just ask our staff to own up to their mistakes so we can get better.

But I do truly believe that discipline is to correct behavior. So I appreciate that this Commission is taking this so seriously and not just yanking certifications left and right because it feels good or because we think that that's what we should be doing.

So I appreciate the process being -- really scrutinizing the process like Chief Salazar was saying.

But I will add that there are -- these cases that are outliers that I do think that someone could be

terminated for making a mistake or doing something incorrectly, and that can correct behavior, and they can still continue in the profession. I do believe that that's true. And I think that that is appropriate in some cases.

But I think what I'm -- what I'm really worried about is these bigger cases that it just doesn't feel right as a department head or a leader of an office to have this person wearing a uniform still based on what you know that they have done.

And when it doesn't fit into the -- and again, we don't want -- I didn't come here today to hope that you add 12 categories, or we're trying to go after cops and taking they are certificates away. That's not my intent of being here.

But I have just had some things that keep me up at night thinking about, is this person going to go work somewhere else because they either resigned in lieu of, or they don't work for me anymore or because we got, in my opinion, a bad arbitrator that made a poor decision based on emotion, not fact.

So I mean, I'm sure the three of us could sit here and tell you story after story after story. One of the things I would like the Commission to consider is, I don't know exactly where fitness for duty fits into

this, but I think when we're really looking at the mental health of our peace officers and what's going on with some of them, and the way that I know that my county was -- had a really hard time with dealing with anything related to fitness for duty evaluations.

But I do think that if we send a deputy or a police officer out for a fitness for duty evaluation, and they are found to be unfit, I think that needs to be looked at personally, because that's not -- I mean, we disqualify people in the hiring process if they are not fit. They haven't even been on the job yet.

So I know if that would fit into anything here, but that's just a -- I don't want to get into specifics, but I just know of cases where people were not fit for duty anymore, and then they resigned.

And there's nothing to say that they can't go to somewhere else. Hopefully, a thorough background is done. Hopefully, that comes up somewhere. But that's the thing that worries me when people are mentally unfit to do this job, but they continue on somewhere else.

And then the other thing would be, if we have deputies or police officers that are arrested for a crime, and in our county, there's not a lot of follow through in the court system. It is a frustration of mine. As a matter of fact, I have been invited to go

speak in front of the state Office of Public Defender because of the issues we're having in our county with our court system.

But when somebody gets arrested for a crime, and the crimes -- they have been held to answer, but they plea out to a very lesser charge that really doesn't have to do with dishonesty. The example I will give is a deputy sheriff is arrested for domestic violence, taken to -- taken to jail, held to answer for domestic violence, and through the court process, they plead it down to a 415. Nondomestic violence-related. Well, our case shows that they were arrested and a sustained allegation of domestic violence. But by the time it comes to you, they were terminated because they -- you know, we had this sustained allegation of domestic violence, but now it's been pled out to a misdemeanor 415. What do you do with that?

And so, yeah, I will move -- move on to the next, because I will keep talking.

MR. WHITE: Andrew White. My other thought that you may consider as you look at all this is I have always found it interesting that the requirement under serious misconduct refers to just excessive force. And anybody who has been in police work, and particularly as an administrator, realizes there's quite a few

variations in that. In other words, much like in definition one about dishonesty, there's a mandate to the Commission to consider to the extent of which the dishonesty relates to a material or a significant fact.

I think in the, you know, broad blanket is, do they really need every allegation of excessive force, or should it be ones where -- in other words, I think what can sometimes happen is agencies may look at a case, and before I think it was common to refer to there's an improper force versus there's a straight up excessive force, and to allow that sort of variation within there.

But I find it interesting that there's no requirement about not reporting a use of force. The Penal Code was added in there about reporting it. I think there's issues within that because it doesn't really define like what level you mentioned like somebody bumps up against something versus actually use utilizing force.

And one thing to consider is that if force is isn't reported, you may very well not be able to prove an excessive force case, etc., even though there may be an underlying issue, so it would never come before, even if it's a case that results in termination, etc.

So that's something that I think of within it.

Again, notwithstanding what gaps may be in there, I

think the Commission has shown that you are considering those facts in the cases that you have gotten in the course at the staff level.

Thank you.

CHAIRPERSON LONG: Let me ask Toby to say a few words here. Just as we're talking about potential solutions of what can be done. Maybe, Toby, maybe you can address just a little bit about what we can and can't do. What would require statutory fix, Commission action, and so forth.

MR. DARDEN: Certainly. William Darden.

So these issues that you are discussing obviously have been issues that we've been struggling with. And as the -- as counsel for the division, we deal with these issues every day.

The problem is, there are -- the legislature handed us this statute, and there are certain things that we can change and can add to the regulation. There are certain things that we can't.

So one of the problems, for instance, Chief Salazar, you were mentioning the clear and convincing evidence standard. And I understand you weren't saying we should change it. But we couldn't change it even if we wanted to. The legislature would have to make a change because the legislature has mandated that.

We could, certainly, on dishonesty amend that definition to add to the legislative definition. Because the legislature told us with SB 2 that we can define serious misconduct, and it includes but is not limited to what the legislature has prescribed. But we can add to it.

And so on dishonesty, for instance, if we want to have that discussion, I think it's a good one, we would need to look at a number of factors such as, well, what if somebody lies on their time sheets. You know, that's not currently covered.

What if it's some sort of an off-duty act. What kind of a nexus would have there have been to employment?

What if it is just, you know, lying to your sergeant in the field about whether or not you checked the backseat of the patrol car, something like that. So we would have to flesh that out, but we certainly could do that.

The issue with excessive force is a little bit more -- is a little bit more difficult. That is because the legislature, although it is quite vague, has described the category as "physical abuse, including but not limited to the excessive or unreasonable use of force."

Now, we could define physical abuse. That is certainly within our power, and it might be that if we look at that in some detail, we can try to define physical abuse in a way that takes some of these things into consideration.

We have to be careful because the legislature has already said that excessive force is serious misconduct. So we'd have to be very careful that we're not doing anything that would write that out of the statute by means of our regulation because we'd get challenged, and we wouldn't be able to make that -- to make that happen.

The issues about -- oh, I wanted to address briefly. The question about the sustained allegation from the arbitrator and whether or not that reversed the sustained finding or not. From our perspective, from POST's perspective, whether or not it's a sustained finding is not that important to us. We look at the claimed complaint or charge, and then we look to see whether or not we believe there's clear and convincing evidence to support it.

So what happens at arbitration generally is not important to us, except that there is the possibility if there's an arbitrator's decision, and it is based on a clear and convincing evidence standard, then there may be some preclusive value, and we would have to take that

into account.

But otherwise, what an arbitrator does generally is not that critical to us. We look at what was the charge of misconduct. And in light of that charge, do we believe the facts support it to a clear and convincing evidence standard.

On the actions that include termination, that's very interesting, because, of course, one of the things the statute does already, it says that suspension or revocation is appropriate if the person has been terminated for cause from employment as a peace officer, or has, while employed as an officer, otherwise engaged in serious misconduct.

But the problem as we have found it, is -- and I think as you have identified, if it is simply based on an allegation, and there has been no opportunity, obviously, oftentimes an officer will be terminated, and then will claim that the misconduct did not occur and wants the opportunity to challenge it.

And so from a due process perspective, if we attempted to take action simply based upon a termination, and the Commission was interested in us pursuing that, we need to think very carefully about it in terms of at what point do we just allow an agency to make the decision to terminate it, and then what would

we require -- to terminate the officer, and then what would we require on top of it to ensure due process before we just attempt to revoke certification.

Lastly, but not leastly, on the fitness for duty, it's something we have thought about as well. And one of the things that we think would be helpful that if there's a desire to do it, we really -- it would be helpful to have a legislative -- a legislative addition.

Many licensing schemes permit licensing agencies, if there is an indication that a licensee is mentally or physically unfit, then the licensing agency can take the appropriate actions to request examinations and so forth to determine if the person is actually fit.

We would have some trouble if we just tried to add a fitness for duty definition to our serious misconduct. We have tried that before, as Commissioner Gordon will remember. And that -- that would not pass muster through the Office of Administrative Law. So we have to be very careful.

But I completely agree with you. We have seen instances, as well, in which we understood that from the facts of the case that are made by a particular officer that was mentally unfit, but there was nothing that we could do -- (inaudible; reporter clarification) -- there's nothing that we could do at the POST level.

That would be helpful if we could get a legislative fix on that.

Anyway, don't want to monopolize the conversation, but we have to take into account in each one whether or not we can or we can't change it.

CHAIRPERSON LONG: Commissioner Gordon.

COMMISSIONER GORDON: I actually have a question for Toby.

In the dishonesty section as it reads right now, it says "Dishonesty related to the reporting investigation or prosecution of a crime or relating to the reporting of or investigation of misconduct by a peace officer."

MR. DARDEN: Absolutely.

COMMISSIONER GORDON: So my interpretation, just my interpretation is some of those examples would fall under that, such as, I actually think the example that was given today is actually an example the Commission should hear and already falls within the definition because it doesn't just say for a crime. It says in relation to a misconduct investigation.

And an officer who is involved in a traffic collision and doesn't report it, that is misconduct. That is a policy violation, and a clear example of misconduct.

So I'm -- I just want clarification because if

that's not the way in which it is being handled by POST staff, I think that's a discussion we should be having.

MR. DARDEN: No. That is the way it's being handled now. I don't know the specific facts. And perhaps we shouldn't discuss it in much more detail on the record, and we can talk about it later.

But, no. Commissioner Gordon, the way we have been interpreting this statute is exactly as you described.

The legislature was very specific. It is "reporting a investigation or prosecution of a crime or during an investigation of misconduct by a peace officer."

So sometimes we have gotten into sort of factual questions as to, well, an officer lied, but the lie was about whether or not the traffic collision occurred, for instance.

And so that may not have been in the course of an investigation of misconduct, right? So in other words, if there's a traffic collision, and you do an IA, and in the IA the person lies, that would be covered.

But the question -- you know, there would be a legal question as to whether or not, for instance, if out in the field, there's a traffic collision, and the officer says, no, hey, I think I went over a palm frond, whether or not that fit the definition.

Again, because of unfortunate specificity the legislature gave us on this one, which I will remind everyone, the legislature just grabbed from this Senate Bill 1421, which was the Public Records Act statute, and put this in.

So we can certainly expand it to take these things into account.

But, no, Commissioner Gordon, we have been interpreting it that way. I don't know the details on that. I'm happy to look into it, but if it's the dishonesty during the investigation of misconduct, it is serious misconduct. If it is during the investigation of, prosecution, or reporting of a crime, it is serious misconduct.

COMMISSIONER GORDON: I guess my recommendation would be for legal staff to come back to the next meeting with a more robust -- because I think if we try to wordsmith it here, that won't be helpful because we know that then we also have that pass muster of the ALJ.

MR. DARDEN: Of course.

COMMISSIONER GORDON: I mean --

MR. DARDEN: OAL.

COMMISSIONER GORDON: So my recommendation would be that legal staff come back for the November meeting to add a little more to this definition to address

specifically, you know, those concerns. Because as a chief, as a commissioner, I have a -- I share those. So that would be my recommendation in terms of that piece.

And for me, I would like a little more of what our options would be in terms of the termination piece because most of us, including myself, have examples of that.

So I do think talking about how I know -- it's in the general definition, but how that could be spelled out a little more so that we could actually do reporting on those and whether that is at the conclusion of all of an officer's remedies. You know, that means they go to civil service or whatever those remedies are. You know, not just based on the department's determination of termination, but they have completed their legal remedies, that might be the right time.

But that would be my recommendation is how could we incorporate that into the definition?

MR. DARDEN: I would be more than happy on both of those to do that. What would be helpful from the full Commission would be, as I go back and try to revise this definition of dishonesty, to know exactly how far you would like us to know.

In other words, in those instances I was talking about, if it was time sheet fraud, or some other sort of

dishonesty. If it's off-duty conduct, does there need to be a nexus. What about statements made to the sergeant in the field, and so forth.

So that would be helpful to me as we go back to try to revise a --

COMMISSIONER GORDON: I think it may go back to the related to the material or significance, what it does to the case. For me, you know, some of the things that are already been the definition, kind of lay out the seriousness of it. It is not just a, you know, accidental omission. Or it's a repeated omission. You know, that. As Chief Salazar was relating to. So that would be for me.

CHAIRPERSON LONG: Commissioner Ewell.

COMMISSIONER EWELL: Ewell. I would like to second Commissioner Gordon's recommendation in the form of a motion.

COMMISSIONER GORDON: I will second that motion.

CHAIRPERSON LONG: Would you like make a motion then, Commissioner? Specifically, can you --

COMMISSIONER EWELL: Yes. I --

CHAIRPERSON LONG: -- clarify what the motion is, or maybe Commissioner Gordon would like to clarify a motion.

COMMISSIONER GORDON: Let me take a stab at this.

So I think the motion would be to have legal staff come back at the November meeting with some examples of how we could expand or clarify the definition of dishonesty to include a broader depth of misconduct related to the material fact of a case or an officer's misconduct.

CHAIRPERSON LONG: Perfect.

And there's a second?

COMMISSIONER EWELL: Second.

CHAIRPERSON LONG: Is there a question about this before we call the roll?

(No response.)

CHAIRPERSON LONG: Is there objection to unanimous consent on Commissioner Gordon's essentially reporting motion?

(No response.)

CHAIRPERSON LONG: Seeing no objection to unanimous consent, motion is approved. And we will hear that information in November.

MR. DARDEN: As I understood it, you also want us to look at the termination question, as well. And I'm happy to do that without a motion.

COMMISSIONER GORDON: Yes.

MR. DARDEN: Okay.

COMMISSIONER NIETO: Commissioner Nieto.

CHAIRPERSON LONG: Commissioner Nieto.

COMMISSIONER NIETO: I have a comment or a question. Because I'm hearing the concerns of the sheriffs and the chiefs.

And I know that we can only do so much as a Commission, and we have to have questions clarified. But isn't there also possibility if this is a big issue on the dishonesty question -- and I heard it more on the dishonesty side of it -- you -- Toby, you had recommended that they could go back to the legislation on fitness for duty. If the chiefs' group -- or the sheriffs' group also want to do that, could not they work with their legislator to expand that definition? It would take longer, but that is a possibility, correct?

MR. DARDEN: Yes. Absolutely.

And just as a reminder, the one thing that we cannot do is, we can't detract from the legislative definition. But we can add to the legislative definition.

So we don't -- we wouldn't have to go back for dishonesty, for instance. I think we could amend that to add additional information, and that would not be problematic.

Certainly, the fitness for duty and those sorts of

statutes to permit us to do examinations and take action based on medical or -- mental or physical fitness that would require, I think, a legislative change or that would be clearest if we got a legislative change.

CHAIRPERSON LONG: And let me add, Toby, also in the -- jumping onto Commissioner Gordon's motion, you would also then -- you would also report back in terms of Sheriff Taylor's request to more definition on -- a more tightly definition of excessive or unreasonable use of force, as well. We will include that in the report?

MR. DARDEN: Yes. Absolutely. We can certainly do that and come back with a little bit better study of that and the extent to which we might be able to define physical abuse without undermining the legislative mandate. So we're happy do that.

COMMISSIONER COOPER: Commissioner Cooper.

Whatever we can do here is much better off in the legislature. It just takes time, and it is convoluted. And there are things that we can do, I think, right now that Commissioner Gordon said, that's under our purview right now that we aren't doing. I hear those issues.

But if I'm watching at home right now, I think this is rampant. I just wanted to stress this is not rampant. We deal with it -- I've got a large agency. It is not every person. The majority of folks go out

and do their job.

But the ones that are doing these dumb things, obviously, we don't want them employed.

But on a scale, for some of the viewers at home, it's an issue but not -- not that big. Not huge, in some listener's eyes.

CHAIRPERSON LONG: Commissioner Braziel.

COMMISSIONER BRAZIEL: I have a process question.

So we -- I will use Chief Salazar's example, and we decided as the dishonesty doesn't meet the definition as we see it, do we reach out to the agency before coming to a final conclusions and say, this is what we're thinking; what do you think, and have dialogue before we say we don't think it meets misconduct? Or do we just say, we're dropping the case?

MR. SOUTH: Typically, we do have interaction with the agency. There's always going to be interaction because we're collecting all the documents and evaluating, you know, what they have already done. And typically, there is communication. It may not be exactly, like, what you want done, per se, because we have our very specific criteria and burden of proof.

But there is communication within the agency. And then even if we don't move forward, there may be communication with the agency head to sort of reach out

and explain why they might be getting a "no further action" notice.

And if I may, I just -- you know, I might add a couple of things, because the definition is one thing. And I won't talk about specific case facts, particularly if any case might be open.

But the reality is that clear and convincing standard is a critical piece as well. And so sometimes, on the agency side, the policy is very broad for dishonesty. Right? And the preponderance of the evidence is a lower threshold than ours.

And so there very well may be an instance where an agency determines, maybe even they feel like it meets the definition. And they feel like they have 51 percent, right, the preponderance of the evidence, that violates their dishonesty policy. But we may not have clear and convincing evidence that it is in violation of our dishonesty definition, even though on its face, it may appear that, yeah, it's relating to the investigation of misconduct. But we're isolating very specific statements that the officers are making, and would have to prove that, clear and convincing evidence, you know, in front of an ALJ if it goes to that point.

So I just wanted to find of emphasize that; that sometimes it is really the clear and convincing evidence

threshold that it can cause a case not to move forward.

COMMISSIONER BRAZIEL: And then I have a question for the chiefs and sheriff. Are Cal Chiefs and is Cal Sheriffs, are we -- are you guys tracking some of these things? I mean, it's great to have the panel here, and I really appreciate you being here. But are you looking at some of the nuances of legislation potential fixes?

The reason I ask that -- and I will give an example of what we were just talking about -- is if we're identifying that we have got a higher threshold, right, we have got a clear and convincing versus preponderance of evidence, and you are seeing that maybe we're falling short on our IA investigations, that maybe we need to start asking a little bit different questions, a little bit more deep, to get to that clear and convincing evidence.

And I'm focusing on dishonesty, because everybody knows, you lie, you are done, right. But yet, we're not able to pull people's certs back because we just aren't hitting that benchmark.

Are you guys tracking it to give recommendations back to POST that maybe we -- we change our Internal Affairs classes; maybe we do something different to kind of raise that bar in the investigations?

MR. SALAZAR: Thank you, Commissioner Braziel.

Jason Salazar, Visalia PD.

I can speak, I guess, on behalf of Cal Chiefs.

We are tracking some of the progress of how it is, but, you know, as was stated earlier, 18 months in, I think everybody is still kind of feeling out how the existing definitions are being applied, how SB 2 is really having an impact.

So I think there's still a process right now where I would say we're not actively at the point, looking for legislative because I think we're still looking to see how it plays out and what needs to be fixed.

At least in my experience in the discussions I have had with other chiefs, the most glaring issue has been the dishonesty piece. I mean, if I hear a complaint from any chief about the application, it would come down to the dishonestly.

And I think it sounds like there's a relatively accessible fix to that -- to that issue.

The others I haven't heard so much of. Fitness for duty is one that is obviously come up, but nothing that is actively being done at the moment.

MR. TAYLOR: On the state sheriffs side, I have some of my state sheriffs friends here today, and I think one of the things that's been so great, and I believe one of the reasons if not the reason I was asked

to be here to do by Manny is because Manny shows up and gets 58 sheriffs chipping at him in these quarterly meetings. And he's very open, transparent.

I know he had a performance review today, so I'm not trying to put my thumb on the scale. But I will tell you, he's been --

EXECUTIVE DIRECTOR ALVAREZ: More time. If you could give the sheriff more time.

MR. TAYLOR: He's been a phenomenal ally at least for me, because not only does he show up to all of our meetings, but then he allows us to pull him aside. And I think that, you know, we have had a lot of conversations.

And just to talk a little bit what Sheriff Cooper said, I agree, this is not rampant in law enforcement in the state of California. And I agree that the two of you gentleman that said you want to be on this is because California sets a standard. And I truly believe that.

I worked for a number of years for the Axon Corporation, traveled all over the country with a bunch of cops. And I can tell you, the California cops are better than anywhere else because of POST and because of our training and because of our standards.

And so some of us, we're here because he have just

had these strange cases that we have -- that, at least for me, I've been bugging Manny about. You know, like, what am I supposed to do with this?

So that's a long-winded way to tell you that it is an ongoing conversation at the state sheriffs meetings, at our quarterly meetings. We do talk about these things. We have a roundtable every meeting, and we laugh because we have five quarterly meetings a year.

But we do have representation. We talk about these things.

POST has done multiple presentations on SB 2. Not only coming up to it, but since it's been implemented. And I appreciate that, and I hope you keep your job.

MR. WHITE: Andrew White. I'm not aware of any like formal effort, but I think in the discussion, you are exactly right that it is really a evolving thing. And, quite frankly, I know a number of chiefs who were literally waiting to see what was the Commission going to do with that first set of cases so that we knew on our decision-making side. Because, obviously, now you make the right decision because it's the right thing to do, but it does add another element to figure out, well, wait: What is the Commission going to do? Particularly, when some of these definitions are really wide.

And it's like the excessive force comes to play is, you could have somebody engaging in a lawful contact, using lawful force, but somewhere within there, something goes a little bit wrong. Right?

And we should be able to hold the person accountable, but I think one of the concerns was with automatically, they are going to be de-certified. And I what we have shown is that that's not the case. It is going to be looked at holistically.

And I will say that, you know, to the staff level, from the Executive Director on down, I haven't found a single person that won't answer a call to explain or walk us through it or hear critical feedback.

And I think at the Police Chiefs Association, I believe the last two years, they have actually come and done presentations and tried to explain, here's how we think it's going to work. I mean, starting with the rollout. But then, hey, here's how it's going; here's what issues we're seeing.

I think the real challenge is as these cases work their way through, in particular as ones go all the way through to, you know, administrative law judge review, is some of these nuances in the law and the construction are really going to come into play.

Like in dishonesty, there's a bunch of good

information about concealing misconduct. But it's -- the legal construction, there's issues with the first few words in there. So you have all that stuff in there, and you think, oh, it's covering all these things. But if you don't meet the elements on those, then you don't get to that next part of that section of the law.

COMMISSIONER BRAZIEL: I have a follow-up question, if I can.

CHAIRPERSON LONG: Braziel.

COMMISSIONER BRAZIEL: Not to put POST staff on it, because I'm not committing that they would do this, but do you think there would be value -- and I'm strictly focusing on the dishonesty thing, right, because I think that's an easier one to push forward, do you think there would be value in the POST legal side of the house holding training sessions or information sessions for IA investigators, city attorneys, and county counsels that handle discipline cases to say, here's what we are seeing; here's the difference in the bar between clear and convincing and preponderance of evidence. And here are some things that you might want to when you see dishonesty that -- that -- so we get a better case, basically.

Because I'm a big fan of you on dishonesty.

And same thing with Commissioner Cooper said. These are isolated cases, but they are so important to us in the profession that we focus on those small number of cases that's the importance we value in being truthful, is to holding little training sessions and say, here's the difference. And letting lawyers talk to lawyers because they are the ones processing it. But also to the investigators to say, here's the extra questions you might want to ask that gets us to that threshold in the investigations, or even in the supervisors course.

Would that add value, and do you think people would actually come?

MR. WHITE: Andrew White.

I think that from a policy making standpoint of the Commission to make sure -- and maybe this is already the case -- but, you know, the specifications for those courses should have to have that incorporated in there about dealing with SB 2 issues. So as courses come up for recertification to really make sure that's in there, and that they understand -- because I think it is important on both sides. It is important that the officer gets a fair shot in an investigation, but also, too, that the public does and the agency.

As far as I know, you know, I think anybody that's

asked for them to come, they have been willing to come out and talk.

There probably is an opportunity as places deal with some of these cases, you know, to expand more.

So I think it would be a good thing. And I would say particularly is make sure it's a requirement of those outlines or whatever processes there, that's covered.

And I agree, too, you brought up supervisors school. Like, that's important, too, because they are likely going to be the first ones dealing with case that could go one way or another.

The other thing is I think they are the advocates to try to prevent this in the first place, right, is to educate the officers out there to say, hey, here's where you are getting close to that line; don't go there. If they understand exactly what is in the legislation.

MR. TAYLOR: I appreciate -- not that it matters, but I agree with what you just said.

I do think the supervisors school is imperative to have it in there because one of the things that Commissioner Gordon was talking about was like, you know, with -- with Chief Salazar's example that, you know, maybe that was material.

Well, the majority of people that I have come --

the vast -- almost everybody I have worked with in my profession, I think, are good people. I have only seen a couple bad apples in my entire career in two agencies in two counties.

But the bad ones, they are tough -- they are tough to get rid of. And POBR, trust me, it is pretty solid, right? So those are the one that is scare me a little bit is, like, once -- once this rolls out -- so on one side, I don't want cops running scared that if I put my hands on someone, and they claim excessive force, I'm now going to be reported to the state. It is going to be on a website. I'm going to be investigated.

We can't have -- in my opinion, we can't have that level of hesitation on our street cops because people are going to get hurt. And it is -- it is an unfair -- with rapidly evolving situations, in split-second decisions, it is really hard to figure that out, which is why -- I'm not looking to broaden the definition of excessive force. I'm actually looking to narrow it down a little bit to make sure that we're really looking at the bad cases of excessive force.

So that's -- that's thing one for me.

Thing two is if we do say that it is only dishonesty like, for instance, the way I read it is like if it's during an IA interview, or during a process of

someone looking into misconduct. Then if I lied, and I know I lied, and you caught me, I will just resign.

Now, I didn't lie during the IA process because I just submitted a resignation that I'm going to go on to the next place because I know I lied, you know I lied, but it is not material to a case. Why on earth am I going to go to that IA interview? I will just resign and go apply somewhere else.

That's what I'm worried about, is those few and far between people slipping through the cracks.

MR. SALAZAR: Salazar.

I would agree with both of those comments. I think there's value in the training.

I will say this though, too. Whether it's been Manny or Annemarie or Brian, I mean, they come to our chiefs meetings. They come to our county chiefs workshops.

I think POST has done an excellent job in communicating what's happening with this. And with that, we learn because it continues to evolve and grow. And I think it is kind of like a pixelating picture, right? As we move on and see more cases, the picture is getting a little bit clearer for us to understand how it's applied and what we do.

But I think the training is important. I agree

with, you know, the updates and the IA training. I believe POST is working on an Internal Affairs guidelines, which I think will be very valuable to law enforcement and especially for the staff that are reviewing these cases to get some standards in place so that they see some more consistency in those investigations.

But absolutely, with supervisors for -- on twofold: For one, so that they have a better understanding of what serious misconduct is, and they know how to identify it and address it.

But I think, you know, to Sheriff Taylor's point, too, it's important -- you know, as I mentioned at the beginning, when SB 2 started, there was a lot of angst about how this is going to impact law enforcement. And I think as it moves on down the road, it gets a little bit less because we see how it's being applied, and we see what the real picture looks like.

So it is just as important that those supervisors have a good understanding of what it is so they can be better leaders but also support and help people understand, we support you to go out and do your job. Just do it well.

And the reality is as Sheriff Cooper said, these are very -- these are just a handful of cases and for

the most part, our folks are doing a very good job in very difficult situations, and we want to be able to support them, too.

So I would absolutely support the training and sending folks.

CHAIRPERSON LONG: Executive Director Alvarez, I think you were looking to add to the conversation.

EXECUTIVE DIRECTOR ALVAREZ: Yes. Thank you. Manny Alvarez from POST, and I know I have moved, so I may not be on the screen.

So just two things: One, we are finalizing hopefully by the end of this year, the IA guidelines, which we don't have IA guidelines at this point at all, never done them. But we will have new IA guidelines coming out. Not necessarily in relation to SB 2, but SB 2 has been incorporated into those guidelines, as well, as I believe it's AB 449, if I'm not mistaken. Maybe I missed the number, but we have also been mandated, too, by the legislature, to provide guidance on how to conduct bias investigations. So we have a year to do that. I believe it's 2026, if I'm not mistaken.

So we are working through those guidelines and also trying to incorporate the possibility to, as we have developed those, a training curriculum for how to

conduct IAs.

So that, hopefully, will be before you shortly. Perhaps in November. If not, by March.

Second, I don't want to throw a wrench in everything, but I throw this out as a discussion that you all had probably about year, maybe 18 months ago. Something that I initially was -- I don't want to say opposed, because obviously, I don't vote, but I questioned whether it was necessary. You all had a discussion about an overarching definition. And you spent a lot of time creating an overarching definition, I don't want to say on suitability, but it was basically, hey, should this person be a peace officer? I think you guys spent hours doing it.

And it was -- I'm looking at some of the commissioners here who are like, yeah, told you. And when you got -- when you ultimately voted, it was almost 50/50. It was very, very close. I don't know if that would kind of solve some of these issues that we have talked about today.

But, obviously, we still have the draft language of that overarching definition, should it ever need to come back. But I throw that out as also a possibility.

Thank you, Mr. Chair.

CHAIRPERSON LONG: Commissioner Ewell?

COMMISSIONER EWELL: I don't think it was even 50/50 when the final vote was taken. And I said then, and I will say it now, we will redress this issue. And I think we're seeing the beginnings of it now.

And it is not to be disciplinarian on anyone. It's just, the sheriff stated it best for me, where individuals have the opportunity to still go from one department to another and disrupt the credibility and the character of those departments, especially those departments who are struggling with recruiting and can just lateral people in. And I think we're at that point now to revisit this issue.

CHAIRPERSON LONG: Additional comments?

MR. TAYLOR: The only other thing that my staff wanted me to share is the -- so when you come from a small rural resource-poor county like San Benito, which is not San Bernardino, folks, which is Northern California, Central Coast, kind of.

We exist. But we pretty much just discovered that computers are a thing. So we're getting to learn that.

So the interface of uploading documents has been difficult for my staff with our antiquated things and our systems. Our own systems don't even talk to each other, so I'm working on that.

But some of their -- some of their issues where

it's difficult to sometimes upload all this data.

And then there was at least on the -- on the systems side, my commander that uploads into the system says that he will get a message saying "received." And he thinks everything is good, but then he will get a follow-up message saying it's incomplete.

And I don't know if that's just a communication issue from my staff not understanding that we received what you sent, but they are taking that as it's been complete.

So I just think whatever the technological piece is that maybe -- I can probably assure you it's on our side, but we're not the only nonresource-rich office and department in the state. So that's been a challenge for us.

MR. SOUTH: I can speak to that, Sheriff.

CHAIRPERSON LONG: This is Brian South.

MR. SOUTH: Brian South.

Our Intake and Disposition Bureau receives those reports in directly when it's submitted in Mark43, and they are more than happy to have one-on-one conversations, discussions, with any of your users to work through some of those issues, because particularly when we first started, there was quite a bit of that. And so we want to be accessible and available to work

through those. So please feel free to reach out. Reach out to me directly as well. We can connect to your staff.

And that goes for any agency.

MR. TAYLOR: Just to qualify that. POST staff has been phenomenal to deal with. You answer the phone, you answer our emails, you answer the calls, you walk us through things. And extremely appreciative of that.

EXECUTIVE DIRECTOR ALVAREZ: If I may, Mr. Chair, just a question for --

CHAIRPERSON LONG: Executive Director Alvarez.

EXECUTIVE DIRECTOR ALVAREZ: Manny Alvarez.

Brian, is the issue that the information is uploaded, and there's an auto email or some reply that says, hey, we have received it. But the Intake and Disposition Bureau, they start going through it. We're missing this document; we're missing that document. Before they send it over review, I know that there's constant dialogue back to the department. Do you think that's part of that issue?

MR. SOUTH: Yeah. I do believe so. It's been reduced over time as agencies and our staff have gotten used to the platform and sort of the communication methods. Mark43 does automatic notifications in a lot of instances.

But what we have kind of gone to is doing more of the email kind of specific reach-out and connect and get on the phone. Instead of always going through, you know, the automatic communication through Mark43, we just get on the phone with the agency and work -- work through it.

Sometimes it is one minor thing that's replicated, and so if we can kind of talk to the agency and work through it, then it makes it smoother moving forward.

MR. WHITE: Andrew White.

Are we moving on to question three?

CHAIRPERSON LONG: Yeah, I was going to say. Yeah, we have kind of slid into three, which is very appropriate here. Let's continue.

MR. WHITE: Sure.

So I had, you know, two things that I think are really important that one of them, I believe, has been mostly addressed. The second one I think still lingers out there. But if you read 13510.9, which is included in SB 2, it talks about the disclosure of the information that gets reported from an agency to the Commission. And as we all know, the vast majority of things that are being recorded are merely allegations that may end up being nothing, right? It's probably a very small percentage.

In that section, it provides that the information is releasable to several different people, including the employing law enforcement agency, the subject officer, and then any law enforcement agency that's doing a background.

It does provide in there that the information can be withheld from the subject officer, but there's no such exclusion to withhold it from an agency doing a background investigation.

And so where I have seen this play out is, you looked to hire somebody who is coming over, and they had some issue at another agency. Particularly, I think where this may come up most often is, say, a probationary release, where the officer may have never been served with any paperwork or anything, they get released, and then, subsequently, they get a notice of findings, but then they are denied access to the record.

So in a case I dealt with, did the normal -- what were required by law is to request through POST all information that they have. And we get back a summary that just says there's an allegation of serious misconduct.

In my instance, the question was: We want all the information that's submitted because I happen to know exactly how the Mark43 stuff gets reported, and I know

that there's additional information that gets typed in that may not be reflected in the original investigation that we might see if we go to that agency to look at it.

The second part is, with the agency anytime somebody gets separated from an agency, now, we have to sign the official affidavit, right, that explains why we -- why they were separated.

And so in that case, I had also requested that. It's my understanding now we will get those if we do it. So I think that matter is mostly resolved.

On the second one, though, I would say the regulations over the years have continually increased a mandate, as they should, that agencies do full and comprehensive background investigations, which include visiting the agencies, actually looking at files, and so forth.

And so it is always -- it seems peculiar to me since this came up at the very oversight agency that we reach out to, you know, there's some concerns about releasing us staff that's in Mark43. I think it should be a hundred percent of what is in there should be released to that agency. And the statute already provides protection that we can't obviously turn it over to the candidate, also but there may be something in there that as a decision-maker may say, you know what; I

don't want to move forward with this that may not be reflected in the files for various reasons.

It could be that the agency, you know, just wants a person to move on or, you know, in the favor of the officer, there may be stuff that there's questions about why they were released in the first place.

And I really think particularly it's with probationary officers primarily. But anybody else, I just don't see why it should be withheld, particularly when the statute seems to indicate that was the very intent is, you should get access to it, and you need to look at it. You need to look at all that volume of information that's available.

Thank you.

CHAIRPERSON LONG: I believe Chief Counsel Darden is itching to weigh in at this point.

MR. DARDEN: Yeah. William Darden.

This is something -- I feel the pain. And I completely understand how, in those circumstances, why hiring agency would want access to that information. The problem is, it is the way that we have interpreted the statute, the construction of the statute, that we feel like it is a problem with respect to the underlying IA.

I completely agree with you that it makes sense.

But, of course, the one thing that we do have to be careful about, as you know, is that when we have this very sensitive material that has a lot of, you know, private information and sensitive information, we have to be careful about to whom we give access to that information.

And so it is just a way of -- it is just the way in which we have interpreted the requirement of the statute, which specifically says that the information that we are required to give is the information that's been reported, pursuant to 13510.9. And our view of the construction of the statute is that that doesn't include the IA.

And you may be surprised to hear that. But it is just looking at the wording of the statute; there are certain things which the agencies are affirmatively required to report to us.

The IA materials are materials that we then may request to inspect or review in order to process a serious misconduct complaint. But the information required to be reported is the claimed complaint, charge or allegation, etc.

So it's just our way -- the way we have interpreted, unfortunately, the construction of the statute. I support exactly -- and I think as you know,

we are trying to -- in those circumstances where this has occurred, we're trying to do a deeper dive and find a way to get you what you need.

But we are struggling a little bit with the wording of the statute, and it's another example where I think it wouldn't help if we had a legislative fix to make it clear that that information could just be turned over. All the information, including the IA and all that confidential information could be turned over.

MR. TAYLOR: Eric Taylor, San Diego County.

I think that's only the first time I remembered to tell you who I am.

But I don't want to muddy the waters here, but the chief just brought up a phenomenal point that I hadn't thought about prior.

And just in a hypothetical, for those of you that have been in this position, if you have a probationary employee, and you catch them in a lie, I'm sorry, but the truth is it is easier to release them on probation instead of releasing them for cause.

And so have we considered -- and I don't know if that's where you were going, Chief -- but a way to enter these people into the Mark43 system for dishonesty because if the deputy or the officer knows that, then they are going to believe that, you know, it was for

cause instead of on probation.

Or maybe this is on us as department heads to stop that practice, but that usually goes to HR and county counsel.

But it is difficult. And I will just tell you, like honestly, for me, if I have an employee that I know doesn't deserve to be working in my office, and there's a way to release them on probation and know that that is going to quote/unquote stick, I'm going to do that. And that may afford that officer or deputy the ability to go with just a probationary release. I just wasn't a fit at that office and then be able to go get hired somewhere else.

Maybe that's a conversation for another day or the legislature, but when the chief was talking about it, it made me think about that because I don't know if there's a way to capture that data.

CHAIRPERSON LONG: Executive Director Alvarez.

EXECUTIVE DIRECTOR ALVAREZ: Thank you, Commissioner -- or Chair Long.

Manny Alvarez from POST again.

I would like to take the chief's points, kind of the two points backwards, deal with the Affidavit of Separation first.

So you all heard at the June Commission meeting

that we are now verifying the accuracy of those Affidavits of Separation. So we notice some anomalies where an Affidavit of Separation may show resignation or retirement, yet there's an allegation that they are investigating in Mark43. So we want to make sure the accuracy of those are correct. So our staff are already doing that now.

Second point that the chief made, and he's right, is we should be releasing, and now we are releasing those Affidavits of Separation to the agency that's considering hiring the individual.

So I appreciate you pointing that out to us when -- when the chief had asked apparently, you know, we had said, hey, you are not entitled it. You are. So we are releasing it automatically. Hopefully, that is somewhat helpful.

Also applaud the chief for raising the issue of our response in terms of what we have on file. It was extremely generic. It was not helpful at all.

As Toby mentioned, we are struggling with how much to provide. But we have come up with a process to provide more detailed information. It is maybe not as far as Chief White would like us to go. But it -- it is more -- it is more helpful than we've been in the past in terms of providing some information that might be

useful in the evaluation as to whether you should hire an individual or not.

I want to thank you for bringing those two things up to our attention.

MR. WHITE: Andrew White again. And this will be hopefully my last comment on it.

But I think while I understand the part about saying that, you know, the IA, I think we could go to the agency and get that. I think what's important, though, is it's the information that's written into Mark43 because that could add context to what is there.

And I think that is covered under the information that's reported. That is the complaint, charge, or allegation. Anything that I write into the Mark43, that may or may not be apparent from the investigation. Because somebody is taking that, redigesting it, putting it there.

And I find it somewhat ironic that POST comes to agencies and does audits on how we do backgrounds. And one of the things that we are supposed to audit is whether we went to the prior employing agencies and looked at their files.

I find it ironic that they would go and do that and potentially find us in default, but, yet, they may be holding on to things that we can't get access to that

may or may not be beneficial.

And so, you know, privacy concerns and everything else, I mean, there are much more privacy concerns, I would argue that's what's in that agency's files, etc. versus something that an agency was now statutorily mandated to report to POST for potential purposes of decertification.

And, again, I think this can slice both ways. It could be beneficial to the officer because sometimes agencies do things that I think others may look at and, you know, come to a different conclusion.

Conversely, there may be ones where you may read something, but then they include some additional flavor in that information that's reported to POST in Mark43 that I should know about. I don't want to find out a year later when suddenly POST goes to take action on it, and then you find that out.

And that's not a discredit that POST is taking action on little stuff, but it is just the premise that that possibility exists if you aren't able to look at all the data. So I submit on that, Counsel.

CHAIRPERSON LONG: From the panel?

Oh, Sheriff Braun.

COMMISSIONER BRAUN: To Sheriff Taylor's question about releasing somebody on probation, and then also

finding a way to designate why they were released on probation, I think we can do two-bird solution on that. If there is an allegation that would meet serious misconduct, you are going to enter that into Mark43. It's going to take a minute to release them on probation, anyway.

We would -- we still have an obligation to finish that investigation, and then POST can still take the decertification action, if appropriate, on that employee, even though they are no longer your employee.

And then they -- if everything meets the requirements for decertification, then they wouldn't be able to be hired somewhere else.

Am I correct on that?

MR. SOUTH: Yeah. Exactly. Exactly. So if you have an allegation, complaint, or challenge of dishonesty, and we tell agencies even if you are not sure, you are welcome to err on the side of caution and submit it, then we can look at the all the underlying documentation, as the sheriff said. And regardless of what the employment action was, as the chief counsel mentioned earlier, we're going to look at the conduct and try to determine if it meets clear and convincing evidence of dishonesty, as defined in the statute.

And if that threshold is met, we can and will move

forward with a decertification action, regardless of release from probation versus a full termination.

COMMISSIONER BRAUN: Generally, when you release somebody on probation, you don't have to give them a reason. And oftentimes you don't give them a reason because you don't want to give them legal standing or whatever reason. You don't want to provide them why you are doing it. It is just, you are releasing them on probation.

But you don't want that person, if they have done something decertifiable, to be somebody else's problem. So I believe we can still handle that on the POST side.

MR. SOUTH: Absolutely.

COMMISSIONER BRAUN: As long as the -- it's incumbent upon the agency to finish the investigation, submit it to POST, and make sure that you are not passing that person on to somebody else, which is what we're all trying to get away from that happening, which is why SB 2 came around, part of why SB 2 came around.

MR. SOUTH: I don't want to muddy the waters the only caveat, so to speak, would be if an officer is terminated for serious misconduct, it could meet the criteria for an Immediate Temporary Suspension, which would give us the ability to put that officer basically on hold while we do the investigation.

We encounter some issues sometimes with a release on probation if it doesn't discuss what the release was for. We may not have that jurisdiction for the ITS, because have to show there was termination for serious misconduct.

But, nonetheless, that is just the ITS. For the full investigation and potential action on the certificate, we will certainly do our normal review, evaluation, and analysis.

COMMISSIONER BRAUN: Thank you.

CHAIRPERSON LONG: Commissioner Therriault.

COMMISSIONER THERRIAULT: Commissioner Therriault.

I have a couple of questions. If all of that is true that we talked about earlier, why would we need -- I mean, I look forward to what Mr. Darden brings back, what staff brings back about changing definitions or expanding them.

But then if agencies are doing what they are supposed to do and releasing folks, or they are completing investigations, and they are conducting background investigations the appropriate way, why would folks be slipping through that either from one agency to another? That -- that -- that perplexes me why that would happen. Why they would be able to jump from one to another when they should be caught, at least if

things are being reported on the way out, why they are not being caught on the way back in, or attempting to get back there somewhere else.

And then my other question to you, Mr. South: The -- you talked about the preponderance of the evidence and the difference between clear and convincing, which I think is very important to highlight. Glad you did.

But when -- you kind of touched on it briefly. But what is the -- what is the outcome, or what changes if there is not a clear and convincing evidence standard for an arbitration? Does that -- you said it does somewhat affect the outcome of a POST decertification, but it sounds like it doesn't always. Could you clarify that?

MR. SOUTH: And Toby kind of alluded to it as well.

But we will look at it holistically, but we're not bound by an arbitrator's decision. But, certainly, if they are using a clear and convincing standard, and we have the ability to review what that arbitrator's decision was, we will do that. But we're going to do our own independent analysis, because, again, the employment, you know, action is a different set of criteria than what the decertification action is.

So we'll look at it. But it is an independent

analysis.

I don't know if you want to add to that, Toby.

MR. DARDEN: Yeah, if I may. William Darden.

So the statute uses these fancy legal terms: Collateral estoppel and res judicata. And basically what that means is if there's been a prior legal proceeding, and there have been certain issues that have been determined, then there are times in which those prior determinations are conclusive in a later legal proceeding.

So with respect to an arbitration, if there has been an arbitration, but it was not at the clear and convincing evidence standard, then there would be to res judicata or collateral estoppel effect against -- in the POST action.

If it was at the clear and convincing level at the arbitration, then there is potentially collateral estoppel/res judicata, and we would have to look at that as to whether there was issue preclusion or claimed preclusion with respect to the Commission's action or with respect to the officer's defense.

So that's one of the reasons why the clear and convincing at the arbitration level is important, if that makes sense.

COMMISSIONER THERRIAULT: Does that information get

forwarded to the Commission on these decertification hearings, or is that not something that is kept out?

MR. DARDEN: What, you mean the arbitration?

COMMISSIONER THERRIAULT: The information -- yeah, was that compiled as part of the packet, or is that something that is not something that is pushed forward?

MR. DARDEN: So I think Brian could address a little bit more detail what the agencies are reporting.

But I know, when a case comes to me in legal, and I've heard there's an arbitration, my first question is: Did we get the information?

I think that there are agencies, from the cases I have seen, that are reluctant to provide this information to us.

And the problem that I have with that, as a lawyer, is that I have, on a number of occasions, been able to use prior testimony under oath in one matter for impeachment purposes or otherwise in a later proceeding.

And so if there's an arbitration, and there's sworn testimony and so forth, then I would love to see all of that. I would like to see all the evidence that came in, in that other proceeding, because they are talking about the very issue that we are now litigating.

And so I would like to see all that information, but I think Brian could address the extent to which

agencies are voluntarily providing or being he hesitant.

MR. SOUTH: Absolutely. We will always request it. I mean, we want to see everything in the record for our own analysis.

It can be a question of timing because what we're doing now is working through a lot of retro cases still. So some of these, you know, incidents may have occurred years ago. Several years ago. And may have gone through arbitration.

With some of the newer cases, we're -- we're not restricted to wait for arbitration to occur.

So once the agency is done with their investigation, and we have all the information we need to make a determination, that arbitration may be going on, and as you well know, it could be going on for years, as a sort of separate parallel to our work.

So where we have encountered it typically is in retro cases where, perhaps, there was an employment action, followed by arbitration, and we're getting that entire record to review.

COMMISSIONER THERRIAULT: If I could follow up from the panel question.

I agree with Chief White's assessment. I mean, and as department heads, I think folks could have all the information, you know, as much as possible.

So I'm just curious if you guys feel that that is currently, you know, where -- where the profession is at, or if there's things that need to be added on a background level. It kind of seems like it is not.

MR. WHITE: Yeah. Thank you, Commissioner. Andrew White.

I don't think it is a pervasive problem. I think it's more of a procedural as we kind of work out and set up the standard practices. Like I don't think that, you know, in the Notice of Separations that there's any earthshattering information in there. But I think it goes to having a comprehensive process.

And like looking back, for example, is, well, the intent of the law, right, was to make sure that we officially said why we were separating somebody, good or bad. And that's kept there. And when we do background investigations, we do it thoroughly.

So I think it's more of a process-based thing as opposed to telling you, hey, rampantly, we aren't getting information from other departments.

But I do I think there's probably other instances where, you know, it could be beneficial one way or another to know, hey, what's been reported thus far?

Particularly because there's a lot of open cases, too, and the staff has been great if you call and say,

hey, we're looking another somebody. You know, there's an allegation or whatnot. To the extent possible. I just think it's always better to have process-based things than, you know, one-offs of calling and figuring it out.

So that's kind of my experience. To answer your question, I don't think it's a pervasive issue. It's a process-based thing.

MR. TAYLOR: If I could jump in really quick. Eric Taylor, San Benito County.

I agree it's not a pervasive issue, but I think the thing for me is like, we have to -- and I think you as the Commission need to think of the lowest common denominator. I'll just -- I mean, I'm so appreciative of both of you being here, but you both, in my opinion, come from very professional organizations.

And we have to be thinking about all the police departments and sheriff's offices in the state of California.

And I can tell you from us, where I am, and I know it's like this in the entire state, the competition to bring talent into our departments and offices is fierce. And we have a lot of openings. Everybody does. And there's not enough background investigators in my area, at least, to go around.

And I think they are doing a really good job with what they have, but they are also short staffed. And if it wasn't for the commanders that I have looking over the backgrounds, unfortunately, there's been backgrounds that have been -- it's boilerplate, and it's been cut and pasted from other backgrounds into backgrounds. And we have had to catch that and fix that.

So I think that when we are talking about these things, you are right, like how on earth can these people slip through the cracks? They shouldn't be. But sometimes workload gives us a bit of a sloppy product, and again with Sheriff Cooper says and what the chief says, it is not a rampant pervasive thing. But there's these one offs that we are trying to prevent from happening.

At the same time, at least for me, for Eric Taylor, I'm not looking to have this decertification process circumvent the arbitration process or the Peace Officer Bill of Rights or all the protections that should be there for our police officers.

Like, I want my deputies to go out and feel supported, do their job, police proactively, and feel that they are supported.

It's, again -- again, to Sheriff Cooper's remarks, these cases are few, few, few, and far between. But

when they are, they need to be taken care of appropriately.

COMMISSIONER THERRIAULT: Thank you.

Thank you, Chair.

CHAIRPERSON LONG: Thank you, Commissioner.

Are there some final thoughts, maybe, from the panel? Anything you guys would like to say?

I think that very few statutes or regulations don't need fine-tuning over the years. I think it's one of the greatest challenges to a good reg or a good statute is oversight. Oversight is difficult to do. It is more difficult than throwing the original thing out there. I think we're heading down that path.

And thank you, gentlemen, very much for taking us there, even if we have to go back to discussing an overarching definition, again. But we're heading there.

Are there final thoughts or comments from the panelists?

MR. SALAZAR: Salazar.

I would like to say thank you to the Commission and the chair for the time to listen to our concerns and especially to the POST staff for continuing to work with us and listen to us as we all learn, and I think try to make this better, and do what it was intended to do.

So thank you.

MR. TAYLOR: Eric Taylor for San Benito.

I appreciate, Mr. Chair, having us here and Manny for the invitation, for all of your service to the Commission.

It was a little nerve wracking to come down here and talk about this today because I think as leaders in our departments and offices, we are always trying to balance supporting our staff but also holding people accountable. And just letting the community and the State know that we take this stuff very seriously. And these processes are put in place for a reason. And we have mechanisms in place, and the leadership of your sheriff's office and your police departments of California, we expect a high standard as is alluded to today.

And I just appreciate the POST Commission and everybody that works at POST and all the staff and the support that we get to make our jobs easier and to make us more professional. I know it is ever evolving, and I'm appreciative. And I really appreciate being asked to be here, and it was an honor to sit in front of you, and I appreciate you.

Thank you.

MR. WHITE: Andrew White. Martinez Police Department.

I would echo that thanks to all of you and especially just that it doesn't go on noticed the weight of what you guys are dealing with. I mean, POST used to be a very small agency that deals with trainings. And in essence, you are making decisions for public safety throughout the whole state of California.

So appreciate you thinking through these issues, bringing different people in and hearing different thoughts, and really being careful as we move forward with this, because it really does impact public safety. And I hope that you continue to find opportunities through data, etc., to emphasize that 99-point-something percent of people are doing the right thing in very, very difficult situations. But that we also aren't afraid to call out those who are doing wrong, and particularly those that are engaging in the worst of conduct, and to remove them out as necessary.

So thank you very much.

CHAIRPERSON LONG: Final comments for Commissions or staff?

Thank you. We have Commissioner Gordon's motion. I think we have a direction for November. And unless there are any questions about that, I think we are headed way down the path.

Let's take a ten-minute break before we come back

to a couple ancillary-related issues on this item after the panel.

So we will take a ten-minute break.

(Break taken in proceedings.)

CHAIRPERSON LONG: Now, we're back in session.

We had a couple of items that fit in under the rubric of that panel discussion, and that is basically updates and discussion of the disciplinary guidelines that we are to provide to ALJs.

Executive Director Alvarez will start now with some comments essentially regarding the issue of -- which has kind of come up in an ancillary fashion of possibly creating an array of penalties shy of suspension or revocation for serious misconduct and how that fits into the discussion today.

Mr. Alvarez.

EXECUTIVE DIRECTOR ALVAREZ: Thank you, Mr. Chair.

Manny Alvarez from POST.

So, one, I would like to thank Commissioners Gordon and Commissioners Braziel. They were in our office in August working on disciplinary guidelines, and probably spent four or five, maybe six hours there, including working through lunch, if I remember correctly, on the disciplinary guidelines. So I appreciate them giving us the time to help craft those.

We hope to have a final draft to you at the November meeting. So we're still working on the modifications. It's taken a while because there were a lot of tweaks. The tweaks were not substantial tweaks, but they were tweaks, nonetheless, to clarify language and procedures for the administrative law judge to assist them as they hold those hearings.

I don't know, Commissioner -- or Chair Long, if I need to go into the specifics of those. I can if you would like.

There is one part of the disciplinary guidelines where we have had a lot of internal discussion as to whether there should be some form of other discipline that's imposed, other than a suspension or revocation. So we -- we addressed that very, very briefly. I think that the take on it was that there should not be. But we put that back forward on -- not on the Commission. But we brought it forward today for a discussion to make sure that there is a consensus on how we should move forward, whether there should be some other sanctions that are imposed by POST, such as, for example, hey, this matter doesn't lead to a suspension or revocation. But we're going to impose that this individual go through additional training or do certain things to maintain their certification.

I think it is open for discussion as to whether that's a good idea or a bad idea. As I have said internally, we have had a lot of discussion and debate as to whether that's a positive thing to do or not. So I put that before you.

I am personally of the opinion that we should stay the course with suspension and revocation. Should -- should there be a requirement down the road or a necessity for us to look at other sanctions -- I think we just not do anything at this point. Hold that in abeyance.

There's also some discussion, I have discussed with the chair, as to whether we have the legal authority to impose some other sanction other than a suspension or revocation, although it is not articulated in that fashion in Senate Bill 2. I think the idea was an individual would face suspension unless they meet these certain requirements. Suspension would be stayed.

Like I said, I'm of the opinion that we should just keep moving forward with the full suspension/revocation. Some of these issues, additional training, additional monitoring, it is my personal belief that that really falls to the department to impose those things, not us at this point.

But there's two sides to it. So we should

definitely have a discussion.

And licensing schemes, that is definitely something that happens when individuals hold a license from the state.

So that's in there. And it is open for discussion.

CHAIRPERSON LONG: Why don't we go now while we -- and we will discuss that -- but let's go to a brief report from -- I'm not sure, either Commissioner Braziel or Commissioner Gordon, who agreed while they were out of the room last meeting to function as a subcommittee on the issue of the disciplinary guidelines, where I understand, at any rate, that this issue came up in terms of kind of creating an array of penalties that are kind of sub-suspensions.

So Commissioner Gordon or Commissioner Braziel?

COMMISSIONER BRAZIEL: You go first.

CHAIRPERSON LONG: Commissioner Gordon.

COMMISSIONER GORDON: Commissioner Gordon.

During the discussion, we are not for that. I mean, SB 2 was designed specifically for suspension and revocation. Other discipline departments have those mechanisms for other remedies. And that should not, in our opinion, become POST's job. I think that is taking the scope of what is before us to something that I know I'm not comfortable with. And we should be focusing on

the most serious cases that require suspension or revocation and not coming up with officers need additional training and other things.

Like I said, that is -- I will tell you, that is my job as a chief to make those decisions and do those things for my department. And I don't think that is what the intention of SB 2 is or what our scope, in terms of the Commission or POST staff, should be.

CHAIRPERSON LONG: Commissioner Braziel.

COMMISSIONER BRAZIEL: Kind of going back to the meeting. One, it was good to have. Right? Because it helped enlighten me on the fact that we're kind of giving a playbook to the ALJs, because they don't have one. They just know what the law is. I think there was a tremendous value in us going through that and sitting down with Annemarie and others that have licensing experience and not just having the ALJs be blind to what the options are out in front of them.

I also concur with Kelly. Our lanes are suspension to revocation. And then we have, as a Commission, come up with some alternatives to revocation, if you complete certain tasks, but it's revoked if you don't.

What I don't want to do is lower the bar and lower the lane to actually see our guardrails go between revocation and suspension; now we're going down to

nothing, to a revocation. Because that's really what it boils down to.

And I agree with Commissioner Gordon. That's the agency's responsibility.

And we shouldn't -- and, again, this -- these are the guidelines for the ALJ. I wouldn't want to push forward options for an ALJ that says, oh, you know what? Forget the suspension. You can just go do four hours of training, and you are good.

No, it is serious misconduct. We got to remember that's what we are evaluating. Not some minor infraction that an agency can give training in lieu of discipline.

So I would try to stay within the guardrails of suspension and revocation, with an option that the Commission has the ability, and the ALJ can see it in the playbook, that in lieu of a revocation, there can be some conditions in lieu of a revocation, like we have done at our last two or three cases that we have had. So that's just my take on it.

But I thought the meeting was really good, that Commissioner Gordon and I attended, to kind of get -- understand what was, that's not us making decisions. It is giving the ALJ the playbook that we have in front of us.

And one last thing. And it is kind of in Toby's purview. But just to remind ourselves that an ALJ comes back with a finding to us, if it goes that far, we have three options, right? We have accept it, reject it, or modify it. So it is not -- but I don't want them to think that they can -- the ALJ can go way down to virtually -- it is either revocation, suspension, or nothing, as part of the recommendation. And then the options in between those two.

Those are just my thoughts.

CHAIRPERSON LONG: Comments from Commissioners on top of that?

(No response.)

CHAIRPERSON LONG: I would like to identify with my colleagues; Braziel and Gordon. I agree completely. I think the notion of heading down this road is not only a departure from the intent of SB 2 in the coalition of the legislature, but it also -- as Commissioner Braziel said, I think we're getting out of our lane, here, in terms of implicitly, at least implicitly, throwing out the notion of, well, we could do all these other things.

I think I can't speak for Cal Chiefs and Cal Sheriffs obviously, but I think that would be problematic for the people who are trying to run their departments.

So I would like to echo Commissioner Gordon and Commissioner Braziel on that specific point.

Commissioner Moon, please.

COMMISSIONER MOON: Commissioner Moon.

Yeah. Agree wholeheartedly with my colleagues and this Commission.

The one thing that, you know, if it goes to an ALJ, and they are looking at their discretion, would they not already have also a deputy sheriff or an officer's training record to show what training they already had prior to the allegation of misconduct so that it wouldn't be necessarily a -- they haven't been trained in this, so now we need more training?

MR. DARDEN: Sure. So it depends on what was in the record. As part of the record, normally we do have the POST profile. POST profile will have at least the POST training that the deputy has.

And then our LECs and BCs in putting together the findings, the ISF, they will attempt to determine what relevant training did the officer had that relate to the allegations.

So, yes, that information normally would be available to the ALJ.

COMMISSIONER MOON: Yeah. I agree with, stick the lane in which the legislation has asked us to stick to.

MR. DARDEN: Yeah, if I could just add one other thing.

CHAIRPERSON LONG: Mr. Darden.

MR. DARDEN: Yes.

CHAIRPERSON LONG: Who won't identify himself.

MR. DARDEN: Yeah, that's right. Sorry. I think she knows who I am. I talk so much. She knows me very well.

And I'm probably not the one to -- I wish Annemarie was here. She just wasn't able to be here this time so she would be able to address this better.

I don't believe that we were ever suggesting that we should be issuing some sort of sanction in cases that do not rise to the level of serious misconduct. I don't think that's ever not what the question has been.

The question has been since there are cases which do, in light of the legislative definition, meet serious misconduct, but they are still instances in which the Commission would be unlikely to issue a suspension or a revocation.

I think the concern has been that in some of those cases, that it will look like, well, this officer has engaged in serious misconduct, but they get a pass.

So the question is: In that instance, might there be some other lesser sanction such as a Letter of

Reproval, the law for whatever reason we're not going to suspend or revoke, the serious misconduct shouldn't happen, or some sort of training or something.

So I think I'm probably making the argument wrong. But I think that is the theoretical underpinning behind it, just to be clear.

But I understand, we can certainly just go down the suspension revocation path, but I think that's where that was coming from if I understand you correctly.

COMMISSIONER GORDON: Commissioner Gordon.

CHAIRPERSON LONG: Commissioner Gordon.

COMMISSIONER GORDON: I understand that point.

But this is not the only piece of discipline and decision-making. Departments -- it may not be a suspension or revocation. But an officer may have already received time off in training through their department. That is a department's responsibility, and that department is responsible to their community for making sure that that occurs.

So I understand the wanting to not say that someone's behavior is okay. But there is still that happening. And is the system perfect? Does every department do it to the standard that we would all want? Probably not. But everyone is, I think, all trying to achieve that and working towards that.

And that is where we're trying to go, and I -- and I would not want to put those and those options before an ALJ. Because, to me, it also then creates -- double jeopardy is not going to be the right term. But we can't also then keep penalizing an officer for the same conduct, either. That is the point. The point of discipline is for an officer to learn from it and become better. It's not supposed to be punishment.

So if -- on top of what the department is doing, and then there's additional, you know, other than the suspension/revocation, to me, then it also becomes -- feels very punitive just for POST to say, you know, we don't like what you did as well.

So I would be really cautious and careful with those type of additional sanctions, because I think the other piece in terms of licensing different from others, is that, you know, we have a standard amongst our department in public safety that looks different than other -- others do.

So I will leave it at that.

CHAIRPERSON LONG: Commissioner Doering.

COMMISSIONER DOERING: Yes, Commissioner Doering. I wanted to echo exactly what Commissioner Gordon said. I think I understand counsel's perspective, if something rises to the level of coming to this Commission, and we

don't do anything, I think that absolutely falls to the agency. And to suggest the agency is not going to do anything I don't think is proper, either. I think that it's the agency's role to provide the discipline.

And I couldn't agree more with the double discipline aspects of it, also. If the agency is going to provide training, punishment, days off, whatever it may be, for then the Commission to come in and do the same thing, I don't think would be proper. And couldn't agree more that it's outside of our scope.

CHAIRPERSON LONG: Thank you, Commissioner Doering.

COMMISSIONER BRAUN: Commissioner Braun.

CHAIRPERSON LONG: Commissioner Braun, please.

COMMISSIONER BRAUN: I wholeheartedly agree that our role here is the POST certificate, and we're looking at the certificate itself and whether this person is entitled have a certificate or it should be suspended.

For us to be something different than suspension or revocation is almost a secondary discipline. That's up to the agency to decide.

And we will answer if something doesn't meet our standards, or we decide that something is not to be revoked, then we will have to answer for that.

But our job is not to discipline the law enforcement. That's the agency's job. Our job is

strictly to look at, do they meet the criteria to hold a POST certificate.

CHAIRPERSON LONG: Thank you, Commissioner.

Any other comments?

Commissioner Braziel.

COMMISSIONER BRAZIEL: I just have one question for counsel. So we're doing the guidelines for the ALJs so they get the guidelines that say, here's the guardrails.

That doesn't prohibit us from -- let's say something is presented to us. We're considering suspension, and we recognize the agency did a phenomenal job in correcting the behavior, but it still rises to the level of suspension. That doesn't prohibit us from saying a suspension; basically, a suspension with time served.

Or we could do that, right? You are suspended, but we're suspending it time served because the agency did a really good job of correcting that behavior?

MR. DARDEN: Yes. The answer is Yes, absolutely.

COMMISSIONER BRAZIEL: But not within the ALJ's purview. That would be our purview, because we're going to say here's a suspension, revocation, here's some options between those two guardrails. But we could do something different at our end.

MR. DARDEN: Well, so in the first instance, our

purview is to make the determination as to whether or not the board's finding was supported by clear and convincing evidence, and to decide whether it moves forward for suspension or revocation.

Then it has to go to the ALJ, and then the ALJ comes back.

But so it may very well be that the Commission, in the first instance, believes suspension with time served is -- is appropriate.

CHAIRPERSON LONG: Thank you.

Further comments?

(No response.)

CHAIRPERSON LONG: Absent disagreement with the comments that have been made, it would seem to me, from my ear, anyway, that it seems fairly clear that the Commission is inclined to not go with the piece of advisement to the ALJs regarding alternative punishments.

So that's not a motion. There's no action to be taken. Does anybody think the Commission is sending fairly clear intent?

We just lost Manny. Mr. Executive Director, the intent seems fairly clear of the Commission on this point. Would you agree?

EXECUTIVE DIRECTOR ALVAREZ: Yes. It's not a

maybe. Right? It's not a maybe? It's a yes.

CHAIRPERSON LONG: I didn't hear much equivocation. I didn't hear any equivocation, as a matter of fact.

I think, given lunch coming up and so forth -- our next item, which is Item f. and g., go together, which is essentially the amendments to Regulation 1010 and allowing the merger of limited peace officers into POST-participating agencies that's going to be a long talker. Why don't we skip down to h. And we will do h. and i. before lunch.

h. is a -- we'll have Basic Training Bureau Chief Carrie Hollar. Carrie, you here? She will report on the Regular Basic Course training environment.

The purpose of this report is to facilitate a discussion on how to train for violent encounters in an academy without creating a culture of violence. And we will see a video after this, as well.

Ms. Hollar.

MS. HOLLAR: Thank you, Chair Long. And good morning, Commissioners.

At the request of the Commission, this report is being presented to facilitate a discussion by the Commission on how we train for violent encounters in an academy without creating a culture of violence.

This came about from an article written by Samantha

Simon, who is a professor of sociology at the University of Arizona. In the article, Ms. Simon felt that officers are trained to see the world as a violent place and then act accordingly.

Ms. Simon also wrote a book titled, "Before the Badge: How Academy Training Shapes Police Violence." It was based on her field work at four police training academies. Just as a background for in California, some of the things students receive in regards to this as an LD20 use of force, they learn about using objectively reasonable force, de-escalation techniques and using appropriate force options for the situation.

We also added an LD 14 recently, Officer Wellness. They get training in emotional intelligence, which includes understanding managing and regulating their core emotions.

And then also during scenario testing, one component students are evaluated on is the ability to distinguish and apply objectively reasonable force options in given circumstances.

At the end of every scenario, students are asked two comprehension questions. The questions were developed to assess their reasoning behind their actions, and then identify their legal justification and their decisions.

So at this time, with that background, I will open it up for discussion.

COMMISSIONER BRAUN: Commissioner Braun. I will start.

This is my agenda item. I had read this in the Atlantic. I read a lot of news every day. And at the -- like an hour later, I got the email from Manny saying, any topics for roundtable. And I said, well this would be an interesting topic to discuss, do we train -- and mind you, I read the article, and I'm reading the book. It is very interesting. She embedded herself in four different agencies all in the South. So these are not California agencies. And we all know that California trains to a higher and better standard than any other state in the nation. I don't think there's any question about that.

But it was an interesting -- it made me reflect back on my training and the training that we have all received. How do we train? We want our employees to be able to respond to violent encounters, but not to treat every encounter as a violent encounter because 99 percent of what we do is not a violent encounter. And it's the mundane to the domestic violence calls to the lost child.

So I wanted to have a discussion about how to we

train currently, not just in POST but within our own agencies and FTO and ongoing training. How do we ensure that our employees respond appropriately to a violent encounter without treating every encounter as a violent encounter?

And I don't have an answer to that. Every place is going to be different. I did 21 years in Los Angeles Police Department where a lot more violent encounters, and a lot more backup and a lot more interaction with the public that's in a negative way. And now I'm the sheriff of a very rural county, where most of our encounters are pretty positive, where mostly I get emails saying, hey, your people did a great job, or I don't know how they found me because my wife was in an accident, and I was camping in the back country, and somehow your deputy found my truck and let me know to call home in a place where I had no cell service. Those are the emails I get now. And I love those emails.

But when my deputies get a violent encounter, they are on their own. And the closest backup could be a fish and wildlife guy two hours away.

So how do we train for that? And I thought it would be an interesting discussion, or it might not be a discussion that we need to have at all.

But, Manny, wanted things for a roundtable, so I

brought one.

CHAIRPERSON LONG: Comments? Questions?

COMMISSIONER GORDON: Commissioner Gordon.

CHAIRPERSON LONG: Commissioner Gordon.

COMMISSIONER GORDON: I will take the bait.

I do think our academies offer some of the finest training. But I have worked at multiple agencies and have used and have had recruits graduate from multiple academies, and there is a difference, depending on which academy they attend, on what you receive back at the department, once they graduate from the academy.

And I think that is probably where that discussion goes, because there are some that come out of the academy and don't know how to actually interact anymore. They are very -- they won't smile at you. They are afraid to talk to you. They won't have a conversation.

And I think that is problematic. I will talk about, you know, specific to the Santa Barbara community and the way in which we expect them to interact within the department and with the public. You know, we shouldn't have to deprogram that once they come back from the academy.

And we have a great relationship with Ventura County Academy, and that is not what we get when we get back. So I don't want that to be mistaken because that

is not the case.

But there is a difference depending on what academy recruits graduate from. Like I said, I've been doing this almost 30 years. I've been spend a long time in LA County with different academies, throughout the state, not just within the County.

So I do think, in terms of POST -- what they are looking at and what not just into the training, but how those recruits are responding, what that looks like. Yes, I'm still a believer that there has to be this stress inoculation. They have to be able to respond when things go poorly. I'm not suggesting we don't still have that.

But I do think there has to be a balance within the academy environment because we also have a younger generation that they actually need to learn how to speak to people better. A lot of them graduated during COVID. Like, they don't have the same skill set. And that also is important to be -- make sure that they have when they are in the academy.

I will say, I attended an interesting conference a few years ago, and one of the speakers actually was from Washington State where they have one state academy. And she spoke specifically about, you know, when recruit is standing in the hallway, yes, standing clear, but at the

same time, they were expected to say "good morning" and to smile and to interact.

So I do think to Commissioner Braun's point, it is an interesting discussion. It is an interesting discussion in terms of the expectations at the academy to find a different balance with that. And not just a balance, but a more consistency amongst the different academies. Because I think that -- from my own personal experience, there is a difference between the academies.

COMMISSIONER BRAUN: To Commissioner Gordon's point -- Commissioner Braun -- we do have a variety of academies, and some are super bookish. Right? They are run through colleges, and they are more of a college atmosphere. And then you have some that are super militaristic, and much more stand at attention, stand clear. I went through LAPD in 1990. That was what we went through, which was eye opening for me, because I don't come from a military or a law enforcement background. And I don't know how many times my DI had to say to me, when I say something to you, you say, yes, sir. Okay. No, when I say something to you, you say yes, sir. Yeah, okay, got it. When I say -- oh, yes, sir. I mean, that's how I started.

And it -- but I transformed. And so I was thinking about that when I read this article how I transformed

from somebody that just said, okay, to yes, sir, stand clear, standing at attention. Things that I remember to this day, like how to stand at attention. Your FI stance. Things that you just do.

But I also came out of the academy with a different perspective on the world. Maybe rightly so, maybe not. That it was a violent place, and that everything was a danger. And everywhere I turned was going to be danger. And every traffic stop, you walked out with your gun out and at your side because you didn't know what you were going to do. And none of those traffic stops did I ever have to shoot anybody.

So how do we train that -- where we don't have to deprogram the robots when they come out of the academy that are yes, sir, yes, ma'am, to talk to people and engage with people and get good information and build that rapport.

So it was -- I recommend the book. It starts out a little bit kind of, "this is how people get hired" part, where you could probably skip because we all know that part of how the background investigation goes. But it's an interesting read as to how academies train people and change people.

And some of it, you need changing. You know, middle class sorority girl was not cut out to be a law

enforcement officer until she had LAPD training.

So it's an interesting balance and a good read.

So what is the right academy for each agency? It depends on what your agency and what you are looking for.

I'm a rural community, but my people go down to Riverside, which is a different training environment. And then they come back, and they learn Mono County and how we police there, which is going to be different than someplace where you have got backup a two minutes away or a minute away. That would be me.

CHAIRPERSON LONG: Comments?

Commissioner Braun, could you give us the name of the book, again, and the author?

COMMISSIONER BRAUN: The author is -- here. Do you have it right there? Samantha Simon.

CHAIRPERSON LONG: Samantha Clyman?

COMMISSIONER BRAUN: Simon.

CHAIRPERSON LONG: Samantha Simon.

COMMISSIONER BRAUN: And it's "What I Learned at the Police Academy" is the article at the Atlantic, and the book is "Before the Badge."

And I reached out to her and asked her permission to reference the article and the book and she said, yes, absolutely. This is what she intended it for, for

these sort of discussions.

CHAIRPERSON LONG: Did she get into -- I read the article in the Atlantic. She didn't really propose any -- any kind of like I think it was, Manny, you this morning, when I said what do we do about these mean instructors? How do we deal with these mean people?

Did she propose solutions in the book.

COMMISSIONER BRAUN: Not to where I have read so. I wish it was an audio book, because I'm much better at listening books than I am at reading them. I have more time to listen.

I don't -- I didn't see any proposals for change, I think. And that's part of it.

Like Commissioner Gordon said, we need to have stressful situations. We went through that change for a little bit where academies were very collegial. And then the recruits came out unable to respond to stress. You need somebody in your face screaming at you because when you get out on the street, you are going to have somebody in your face screaming at you. So we need -- you need mean instructors, and you need nice instructors. You need a balance of all that.

Just some recruits come out, and maybe that's them, lacking the human side. And that's something that maybe you develop over time interacting on the streets with

people.

But -- I don't know.

CHAIRPERSON LONG: Commissioner Nieto.

COMMISSIONER NIETO: Commissioner Nieto.

You know, this is something that's been near and dear to me. Thank you for that reference. I wasn't even aware of the article, and so I'm going to read the book now.

I have even noticed that in certain areas, such as the area that I'm from, that we have several -- it's a regional academy structure, and so we have several academies within that structure.

And the training varies. And I agree with Ingrid, that sometimes these young people come in, and they need to be put into stressful situations.

My argument would be: Does it always have to be stressful situations? Because I've been to events that they are near the end of their six-month training, and I have seen instructors still yelling at them in their face. And I'm thinking, shouldn't they be beyond that at that point?

Don't worry, Director, I have had my conversations with the people that run those academies. So this is nothing new.

But I think there is a need sometimes to look at

that. We're a large state, California. I don't know what the entire geographic design of it, but we are very different from Southern California to Central California to the San Francisco Bay Area, up to Northern California.

And agencies are different, but I think it is a balance between teaching us how to talk to people and also putting us in learning environments when appropriate, to deal with the stress that comes with it.

And, again, I'm somebody like the other commissioners talked about, who has had a very varied career and seen the differences just in my short time in this business between agencies and the academy environments.

CHAIRPERSON LONG: Commissioner Therriault.

COMMISSIONER THERRIAULT: Commissioner Therriault. I think it's a really good discussion.

Something that we have done in Richmond specifically is we've had this, during the orientation process, a cultural competency portion of the orientation so that folks are who are from other places or -- because we, like a lot of folks I imagine, go and draw upon different academies and region. So not everyone is coming from one set place.

And that -- to kind of like refocus their -- you

know, this is who you work for, this is the community you serve, these are the -- you know, this is the history, whether it's the history of the police department, but the history in the community as well.

That, obviously, I don't know if it is something that really POST can, you know, push down. But I think that's something that has worked well.

But it's really hard, too, at the same time because, I mean, I -- when I was in field training, you know, I was taught to consider everyone at a moment's notice to have to be able to use deadly force. And I always thought that was -- at the time, I thought that was kind of crazy. And that's -- even being a combat veteran, I thought that was crazy.

But the FTO wasn't -- he wasn't wrong, either. And so it is hard to like take all that in and balance it out because folks do need to have that.

I think there's a generational issue, too, with folks in how they communicate because they look at screens all day, and that is how they communicate instead of how even we -- we're communicating today.

So there's all these competing and intersecting issues. It is a good discussion, but I mean, that -- something that we have done to try to work on that is a cultural competency of, you know, specifically of where

they are working so they understand, you know, how to communicate with people.

CHAIRPERSON LONG: Thank you, Commissioner.

Thank you, Commissioner Braun, for bringing that toward.

Any other comments?

(No response.)

CHAIRPERSON LONG: Thank you.

COMMISSIONER BRAZIEL: I'm sorry.

CHAIRPERSON LONG: Commissioner Braziel, please.

COMMISSIONER BRAZIEL: Manny, do you want to share the conversation you had with us this morning? Because I agree with everything said. The most important piece is -- is when Ingrid said, you know, we have to put stress on the academy. But the stress has to be for a purpose for a purposeful outcome versus making it Navy Seal training where it's a hazing. And that is the big difference, right?

I think that is where Commissioner Gordon is going. There's a point in time where stress is supposed to be there because it has a purpose in a training environment versus just the academy because there are academy instructors that they can get in people's face just because they can.

So we look at -- so we don't subconsciously teach

our recruits that you can abuse somebody if you are in a position or power of authority. Because those -- those -- the academy staff, they are in a huge position of power of authority over those recruits. And so we have to make sure there's some purpose. I don't know how we measure it.

If you want to share some of the things we talked about this morning, it might be helpful.

CHAIRPERSON LONG: Mr. Executive Director Alvarez.

EXECUTIVE DIRECTOR ALVAREZ: Manny Alvarez from POST.

Yeah, this morning we spoke a little bit about the academy environment and what changes might -- might be necessary, and we talked a little bit about hazing at the academy, which I believe does happen. I'm personally just opposed to hazing by the staff. I don't think they will characterize it as staff -- as hazing, but they will characterize it as stress.

You know, some of the discussions or some of the issues that have popped up are like moving their lunches, you know, making them late, going through their lunches. Just things like that, that I just -- I don't think there's a purpose to it.

I think it also just sets a bad tone. And these are the -- I always kind of go back and equate it to

like a professional sports team. I know there's hazing that goes on with rookies when they first join pro leagues.

But the staff, the coach, isn't hazing the players. The manager is not hazing the players. And I think it just sets really just a bad tone for an FTO to be doing stuff like that.

I don't -- I'm not necessarily personally opposed to, you know, discipline or harsh words or yelling if it is needed. But to do it for -- just to do it, I think also is not good personally. I don't think that necessarily helps. I think it is probably going to be split across the state as to what is -- what's good and what's bad.

I think there just has to be a need and a purpose to it. Otherwise, it's not a good thing.

I also, you know, strongly believe, and I think some of you mentioned, communication. I think communication is -- is a real key for the academy. And I think there's areas where I can continue. And I spoke a lot about it, Carrie and I, about how do they improve their communication skills.

The other thing is really just like, if you go back to the basics of emotional intelligence, as it's been termed, is awareness. Awareness of the situation that

you are in. Not everybody is out to kill you.

You know, I had somebody, who was a classmate of mine, and, yeah, he thought everybody was out to kill him. And, you know, he took that out to his -- you know, his fields office. And that's how he lived.

I also saw a presentation by a current police officer in California where he did a presentation about a member of the community coming to an individual wanting to shake -- community member wanting to shake the officer's hand. And, I don't shake hands because I'm going to be thrown to the ground. I don't know who you are. And how offensive that could be to that individual and just kind of the -- at the -- the perception that it creates around law enforcement.

I don't know if there's a mechanism for us to, you know, create something where it is like, hey, yeah, you should be self-aware. Obviously, officer safety is key. But not everybody is a bad guy, so to speak, or everybody is out to kill you.

It is unfortunate that they have to be "deprogrammed," I think was the word that Commissioner Gordon used. I do believe that that happens. I also believe the opposite happens where there is a culture within the department where maybe you do do that in the academy, and they use the proverbial, "Hey, forget

everything that you just learned in the academy. All these people out here are bad. Always, you know, have your gun out. Be careful."

It's a -- I guess it's a tough nut to crack, but I think in terms of what Commissioner Braziel mentioned to me, I think hazing, there really should be no hazing by the staff of recruits. And I think they need to be very cautious of how they, you know, approach the students in terms of yelling, or how they approach how they are going to create stressful environments, which they do have. There's no question about it. But I think you do that without yelling in every instance.

That's what we talked about this morning. I hope that covered it, Commissioner Braziel.

And, again, those are a lot of my personal observations, my personal opinions. I don't want to say that, you know, everybody is in agreement with me, either at POST or across the state. Just my own observations.

CHAIRPERSON LONG: Thank you, Mr. Executive Director.

If there are no further comments on that, we have -- we will do one more thing before the lunch break. And that will be Ms. Katie Strickland and Ms. Meagan Poulos, I guess, would come forward and

introduce the second video that POST has created.

It is, as Manny referenced earlier, it is about Sergeant Mikayla Connell, who is San Francisco PD's first openly transgender officer.

MS. STRICKLAND: So to kind of set up before we start the next video. So the second video features, as Commissioner -- Chair Long said, San Francisco Police Department Sergeant Mikayla Connell. She is SFPD's first openly transgender officer, who decided to become an officer mid-career.

And in this video, she shares her journey on how she became an officer, the challenges she overcome along the way, and the pride she has for her department and her career.

And this video is about ten minutes long as well.

(Video played.)

CHAIRPERSON LONG: Comments? Questions?

(No response.)

COMMISSIONER BARCELONA: Well, done. Another well done. Very well done.

CHAIRPERSON LONG: Mr. Executive Director, if I could ask, how did this one come about and why?

EXECUTIVE DIRECTOR ALVAREZ: I'm going to deflect that question or defer the question to Katie and Meagan, if you would.

And also just, if you can, just mention that Narcan incident was actually what it was, if you don't mind, as well.

MS. POULOS: Sure.

So when Katie and I were tasked with continuing this project on history of policing, we kind of dived into issues that we felt were important as a whole, in policing and in society. And so we obviously saw in the first video, we focused on an Asian American peace officer. And then for the next one, we wanted to do specifically an LGBTQ officer.

And I had heard about other transgender individuals in -- in policing, but I specifically wanted to highlight someone that was transgender, a woman because I feel like females already have difficulties in policing as it is.

And we did a Google search, actually, and Mikayla came up as receiving an award through the legislature. So we reached out to SFPD. She is an FTO. So we kind of used our connections in basic training to find her.

And then really just had with both -- with both individuals in these videos, we had initial interviews where we really kind of discussed what we wanted to cover in these videos. But I think we owe a lot of credit to the production, the film production crew, that

we were able to contract with, because they brought out truly magical moments from these individuals.

And specifically for Mikayla's video, that incident occurred while they were on a ride along with her, and the individual -- they gave him four Narcans to bring him back to life. And that was pretty spectacular to be able to catch that on film during her interview.

CHAIRPERSON LONG: Mr. Alvarez.

EXECUTIVE DIRECTOR ALVAREZ: If I can also add, Katie and Meagan also sent out a survey a while ago to the field to get stories from individual officers on, you know, how they got into the profession and their challenges and, you know, why they were in the profession to just kind of highlight some of these issues to demonstrate how policing has changed or how we want to be all inclusive in the profession.

I can't recall how many responses we got or received, Katie or --

MS. STRICKLAND: It was about over a hundred, I believe.

EXECUTIVE DIRECTOR ALVAREZ: Over a hundred. We didn't pick any of those, I believe, at this point, but we went out into the field to try to get some interesting stories of individuals.

CHAIRPERSON LONG: All right. Commissioner Ewell.

COMMISSIONER EWELL: Have we had any success with the Museum of Tolerance. I know -- (inaudible; reporter clarification) --

COMMISSIONER EWELL: Have we had any success with the Museum of Tolerance to date?

EXECUTIVE DIRECTOR ALVAREZ: So I think what Commissioner Ewell is referring to is we also, on the other side, for the basic training side, wanted to get historical footage of historical events in policing, both positive and negative; things that have happened over time. Documentary footage that could be used as, like, vignettes for the academy training and the answer, Commissioner Ewell, is no. As much as I -- we have tried, have not been successful in that.

COMMISSIONER EWELL: Are there other alternative site -- sources that can be used?

I mean, I -- I think the videos are powerful, and I just think the complete package for recruits in particular would be really powerful.

EXECUTIVE DIRECTOR ALVAREZ: There are other options. And Katie, Meagan, and I have talked about whether we just try to go out to a private vendor like we have to create these videos on a contract basis to help us create those.

So that is definitely something that we have had

recent discussion about. It is just a matter of getting it done. And I don't think we're going to have much more success in terms of the Museum of Tolerance of putting it together. So that's an option to just go outside with the contract.

COMMISSIONER EWELL: Again, my compliments. I mean, that was -- both videos were very powerful.

CHAIRPERSON LONG: I'm told lunch is available now for those who ordered lunch. It's 12:30. Why don't we come back at 1:15. 1:00 o'clock? 1:00 o'clock. I'm sure people have planes, trains, and automobiles to worry about. So we'll come back at 1:00 o'clock.

1:15. In deference to Kathy, we'll do 1:15.

(Break taken in proceedings:

12:30 p.m. to 1:17 p.m.)

CHAIRPERSON LONG: We're back on the record.

We're going to take Items f. and g. together. I don't know how you want to sequence them, Toby, if you've got a particular order.

MR. DARDEN: Sure.

CHAIRPERSON LONG: But under f., Basic Training Bureau Chief Carrie Hollar will report on PC832, Arrest and Firearms Course.

It is in relation to the next agenda item, which is the Proposed Amendments to Regulation 1010 and how to

allow for a merger of limited peace officers into POST-participating agencies.

Ms. Hollar or Mr. Darden.

MS. HOLLAR: We made a plan. Sorry.

MR. DARDEN: Yes, we did. We did. We did.

So this is a continuation of a discussion we started at the last meeting about the potential amendment of Reg 1010, with respect to admission of non-RBC agencies into the program, and the larger discussion of the eventual amendment Reg 1005, which is the foundational training requirement regulation, to take into account differential training requirements for limited authority peace officers.

So at the discussion, long discussion we had at the last meeting -- sorry for the headache, Rick -- suggestion was made to form a working group to roundtable the issues. And there was also some thought from, I think Commissioner Nieto, that commissioners would appreciate the opportunity to have a considered the Kern County input as well. The input that we got from Kern County last time at that meeting.

So as we established the working group, and you've had some time to consider the Kern County input, we thought we would roundtable just a couple of these issues. This is such a big issue, we're going to have

to take it over multiple meetings. And we want to just do bite-sized pieces and talk about a few of those issues today.

One of the issues, and maybe we should do it right up front, is the question about the identity of a working group as we move to establish the working group. So it's a little out of my wheelhouse in terms of us doing that.

But I think what we were looking for would be from the commissioners the identity -- and, Manny, jump in here -- the identity of the groups that you thought it would be helpful for us to try to pull into a working group, and we could work on trying to get that -- get that pulled together.

So that's the first sort of item of business.

CHAIRPERSON LONG: Mr. Alvarez.

EXECUTIVE DIRECTOR ALVAREZ: In terms of the working group, you all asked to put together a working group in June. We were of the mindset that it might be good to have two commissioners on it. It's not necessary because we will get law enforcement folks from across the state to participate in that workshop or that working group. Obviously, they will make up the majority of it. But it might not be a bad idea if you all are interested to have two commissioners or so. We

can't, obviously, have more than a majority or a certain number due to Bagley-Keene, but we throw that out if you all wanted to participate in that. And we would likely do it in October/November time period. Hopefully.

CHAIRPERSON LONG: Do we have volunteers? Or is anyone not in the room right now, like last time?

Chief Gordon. Excellent. Fantastic.

COMMISSIONER BRAZIEL: I will be her partner again. I got your back.

CHAIRPERSON LONG: Good. Good. The dynamic duo is back at it. Excellent. Excellent. Thank you. Thank you very much.

MR. DARDEN: Okay. Good.

And then if there was no other discussion on the matter or the folks that we should bring into the working group, then -- then we will move on.

Okay. So go ahead.

CHAIRPERSON LONG: Do you need focus? Do you want more focus on who should be in the group, or is it clear?

MR. DARDEN: It's completely up to you folks if you folks think you can identify, or if the other commissioners would like to add additional groups that you would like us to invite to the working group. I mean, however you guys want to do it.

COMMISSIONER GORDON: Commissioner Gordon.

I think it is important, you know, to invite groups, such as the sheriff's office, but some of those that are performing those, quote, limited peace officer duties, just to make sure we have their input. Besides those of us that come from full service agencies.

CHAIRPERSON LONG: Mr. Alvarez.

EXECUTIVE DIRECTOR ALVAREZ: So I know -- I mean, I think our intent is to reach out to Cal Sheriffs and Cal Chiefs.

PORAC has also been -- we have had a lot of discussions with PORAC about this. So I think it would be wise to at least include those three. And when we do, we always include CPOA as well. So we would try to get a group from them, as well.

CHAIRPERSON LONG: Okay.

MR. DARDEN: Fantastic.

So one of the issues that we've been talking about is the sufficiency of our current 832 training course. And as you know, I've been dealing with some agencies throughout the state that are -- that have peace officers that look like full authority peace officers and have guns and long guns and nonlethal and Code 3 caged cars and respond to mutual aid and so forth, but they just have 832 PC training.

And it raises one issue as we move more into this question of whether or not and to what extent we're going to allow merger of 832 agencies into POST agencies, or permit the admission of 832 agencies into POST at -- at either as part of or not as part of an existing POST-participating agency.

We thought it would be helpful to just review the current composition of the 832 class because what we're going to talk about is if that is the only training that these individuals have, what sort of position, what sort of peace officer positions, do the commissioners think?

And, obviously, I know we'll take the working group into account as well. What kind of duties do you think it would be permissible from a POST Commission perspective for individuals with only that 64 hours of training to perform?

And just to keep in mind, the statutory issue here is the legislature said, in 832, Penal Code 832, that an individual before they can exercise the powers of a peace officer have to complete an introductory course as specified or as prescribed by the Commission. That means we determine what is in the 832 course.

And so as of now, it's only 40 hours of arrest plus 24 hours of training as Ms. Hollar will describe. But we can change that. And after Ms. Hollar describes the

832 course, then we can talk about the extent to which the commissioners think it would be appropriate to modify it, if at all.

But Ms. Hollar.

MS. HOLLAR: Carrie Hollar. As Toby said, excuse me, so I would like to talk about some of the other types of students that we do see in the PC832 courses. So we have got probation officers, correctional officers, animal control officers, park rangers, all the way down to sanitation workers, building enforcement and community service officers. So just something to keep in mind. There are many more. I have list after list of all the different types of students.

But -- and not all the students have to take both of the courses. So, for example, like with probation, not all probation officers are armed. So they would only be taking that PC832 arrest course.

As Toby stated, and in the agenda item, I provided the minimum content and hourly requirements. So you can see the learning domains and the hours that are spent in each learning domain. It is two components. It's -- the 40-hour component is the PC832 arrest portion. And that classroom and then arrest and control.

And then the 24 hours is the firearms.

So the PC832 arrest course has four exercise tests

that the students must perform and pass. So there's a searching test, handcuffing technique, control hold, and a takedown.

The student must demonstrate competency in those required tests and performance dimensions, and then they have a written comprehensive test that they have a minimum passing score of 75.

The PC832 firearms course has only one exercise test, and that test requires the student to demonstrate basic handgun and shooting principles. So a total of 36 rounds, and they have to have a score of 29 to pass.

They have to do 12 rounds at the 3-yard in 30 seconds; 12 rounds at the 7-yard line in 30 seconds, and 12 rounds at the 15-yard line in 45 seconds.

Some of the feedback that we have received from the students when we interview them on the Basic Course certification reviews is that there's not enough time. They get too much information. They are just overwhelmed with that 40-hour time frame. And often times the 24 hours for firearms. Some of them have never touched a firearms before.

We also have been told by some presenters that some of the positions for the students don't -- they don't require them to carry handcuffs or make arrests, but they are required to attend that course.

So at this time, I will take any questions on -- specific to the course or courses, if you have any.

CHAIRPERSON LONG: Commissioner Nieto.

COMMISSIONER NIETO: Yeah. You know, my one comment, and I know we discovered this because of SB 2, and people started calling us and saying, how do I submit?

It's -- for me, it's a little difficult to bifurcate the two -- or maybe I'm bifurcating the two in my brain, because to me it's more that maybe 832 is enough for these things, but they are presenting as if they are a law enforcement officer, which is different.

And that's my concern that you have agencies out there that are just 832. And the public thinks there are police officers who have had a six-, seven-month academy, or gone through the FTO program, etc. etc., all the requirements that are required of POST-certified law enforcement professionals.

MR. DARDEN: There is going to be struggles, and that is that you still are going to have building sanitation and animal control and probation and so forth that may not have the need for a more robust course.

But at the same time, as I think Commissioner Gordon said last time, and I agree with it, is that these people can be peace officers, and you are letting

them carry guns just after 64 hours.

And so I guess we would need to look at that -- at that question of, you know, do we believe that just setting aside the fact that some of these individuals may or may not be performing law enforcement, more law enforcement-type duties. This is the course where the Commission says, when you take this course, you can be a peace officer and carry a firearm.

And so that's one of the questions to think about is whether or not the 832 course itself should be updated or modified, or we should add things to it.

And I know, again, we are going to have some -- you know, I'm not a hundred percent sure why animal control officers are, and building sanitation people need to be peace officers. I'm sure there's a reason that I'm just not aware of.

And I think what you said, Commissioner Gordon, maybe we do need to find out from those agencies what their needs are, and that would be helpful, I suppose.

COMMISSIONER GORDON: Commissioner Gordon.

I know from personal and professional experience, it's typically in order for them to be able to write citations, that's why they have to take this course.

So our animal control officers, code enforcement officers, that's why they have to actually take this

course so they can write the citations, even under the municipal code or the infraction piece.

So they might be citing for those pieces which they have to take this course in order to be able to do so.

I will say, regardless of peace officer status, whether it's code enforcement or animal control, I do think the content needs to be updated because they are coming in contact with the public and the community.

There's no de-escalation. There's a big segment of communication that is missing from this content. We see it. We know it's missing because then we teach it. But it should be a big portion of what is included in this, because I think we're doing a disservice to them and not setting up for success.

Like I said, regardless of whether it's a code enforcement officer or animal control officer, someone who is, you know, now going to carry a gun. There are some, I think, big gaps in what we're not providing in the class.

MR. DARDEN: I wondered if -- you know, if we still need to have a course that is somewhat limited for the animal control item folks. You know, how much do we need to add to a de-escalation? That is actually a good thought.

And I guess the next question is: You know, to

stay on top of that, that somebody can carry a firearm. You know, would you envision that even the 80-hour course would be sufficient with an additional 24 hours? Or is the thought that perhaps before we have an arrest and firearms part, that that would need to be much -- much greatly expanded?

And, again, I don't know the answer. I'm just sort of throwing these topics out for your thoughts.

CHAIRPERSON LONG: Commissioner Doering.

COMMISSIONER DOERING: Commissioner Doering.

It seems like we have two separate issues here. We have the issue of the 832 course and people going through that training, performing duties that are much above the scope of that training, and then the separate issue of the people that should be going through the 832 course, that training for them is not even enough.

And that's the dilemma I think we may be facing is where you have a probation officer that's going to go through 832, who would probably benefit from that class being triple the length, versus a sanitation worker, who probably only needs half that amount of time.

So I think those are the issues that we're going to have to kind of decipher here.

COMMISSIONER THERRIAULT: Commissioner Therriault.

I agree. I think part of the -- part of the

problem is -- this is highlighted by the sheriff -- that, you know, the average public, you know, they don't understand 832 ad nauseam. Even some of us who, I mean, myself included, you know, consider ourselves law enforcement nerds might not actually understand all of it.

And so there needs to be some cleanup, I think, by the legislature. That's a whole 'nother thing. But it just seems like if we're trying to professionalize things and raise the bar, that we need to do -- those folks needs to have more training -- some of these folks who are doing -- they are doing important work, but they don't necessitate the -- you know, the length of a firearms training course.

And so the right -- the key doesn't fit the lock for these people.

COMMISSIONER NIETO: And Commissioner Nieto.

And I have had this -- these discussions about reserve programs with Manny, you know, because there's still the different -- I don't know if they call them levels, or what they are. And tying into this, I can put somebody into an 832 class and then just call them my park police, and they can carry a gun.

But yet I can have a reserve officer who has gone through most of the academy and can't go out and do the

same thing that these people are doing. That -- that is a problem.

MR. DARDEN: That's actually one of the specific discussion points I have got for today. Yeah.

COMMISSIONER NIETO: Oh, sorry.

MR. DARDEN: Oh, no, no, no. It's good. It means we are all thinking along the same lines. It's perfect.

COMMISSIONER MOON: Commissioner Moon.

I used my animal control officers in a little bit of a different task in that they are investigating animal crime, and they are writing police reports that go to our district attorney for filing. So it's not just a citation.

So it is hard to put one puzzle together without creating multiple puzzles, which is going to be a great task for our workforce -- or our task force.

MR. DARDEN: Are they armed, Commissioner?

COMMISSIONER MOON: They are armed.

MR. DARDEN: They are armed. Do you think the 64 hours is enough, or would you think we would up it?

COMMISSIONER MOON: It should be upped. Yeah.

MR. DARDEN: Okay.

COMMISSIONER MOON: They also go through an animal course, separate through the humane society.

But, again, a lot of that is in-house training that

we really need to incorporate in my agency. But it would be nice to have, you know, that looked at in the bigger picture.

COMMISSIONER BRAUN: Commissioner Braun.

I just, as of July 1st, took animal services into the sheriff's office. And they have none of that. They are not -- the director we just hired has 832, but she doesn't have firearms. And I use them much as Commissioner Moon does. They are out there writing search warrants, doing investigations, taking animals, occasionally putting down animals that need that action taken.

And so they need firearms. They need the training. And they need a lot more than 64 hours.

MR. DARDEN: It's interesting. Of course, in the statutes, there are provision for a number of individuals who have powers to do police-type things, but they are not peace officers. We have those -- the public officer, right, category, in the Penal Code.

And so, you know, the question I guess one of the fundamental questions to me is: For those positions -- you know, if it's a public officer, really, the Commission is not involved. It's for the peace officers that the Commission is involved. And that we set the 832 curriculum as -- as the mandatory minimum before you

can be a peace officer in California.

But it sounds like we are -- there -- there is the idea that perhaps the 832 course should be expanded in order to give certain additional types of components that are currently in the RBC, not to have an RBC-type course, but to add some additional things like, for instance, de-escalation and so forth.

Does that seem to be a fair summary of what I'm hearing?

COMMISSIONER COOPER: Commissioner Cooper.

We use them in Sacramento County very heavily for security officers. Our county buildings, welfare offices, the Folsom Dam, they guard. And so they are actually pretty robust. The airport -- at the airport, also.

MR. DARDEN: So is it just 832, Commissioner?

COMMISSIONER COOPER: It's 832, yes.

MR. DARDEN: Do you think it's sufficient, or do you think they should have more?

COMMISSIONER COOPER: It's sufficient for them. They could always use more.

MR. DARDEN: Okay.

COMMISSIONER COOPER: We'll just put it that way. Yeah.

COMMISSIONER BRAUN: I also have 832 court security

officers just in the courthouse, and they are armed, only while on duty. They are in a uniform. They look like sheriff's deputies. People always say, oh, I talked to deputy so-and-so. He's not a deputy.

So it can be confusing. And they -- unless I'm mistaken in 832, they are not taught as much on tactics and approach, and certainly my animal control could use that. As Commissioner Moon's probably are, they are by themselves out there, usually in the middle of nowhere dealing with a very emotional situation when it comes to an animal. And they don't have the tactics or the communication skills that they need.

COMMISSIONER GORDON: Commissioner Gordon.

The other piece, too, is you can take everything but the firearms portion. So if you are working -- like our animal control officers do investigations and do all those things, but they are unarmed.

So for them, the -- you know, there are still things I think should be added to this class. They should get -- yes, we teach them, but they should be getting it in this class because they are conducting investigations. They are contacting the public.

I think there is an opportunity to really add to the firearms portion of this, where for those that are going to carry firearms, and departments make that

decision to have them carry, then I think that is -- especially where one of our opportunities, you know, in terms of what we're doing right now is to make that much more robust.

So that for the, you know, 832 who is not -- like the code enforcement officer, we're not now, you know, sending them to an extensive, you know, training just on the firearms piece.

Like I said, I think several things should be added to just the regular, you know, but I think we have an opportunity to add a lot in terms of the firearm piece because anyone who is going to wear a uniform and carry a firearm and look and act as a peace officer, it is our responsibility to make sure they are appropriately trained before we say, you have gone through this class, and now we're -- we're blessing you that you have these powers.

MR. DARDEN: I have the same thought. Commissioner, I also wondered if -- just my idea, I would love to hear your thoughts. Whatever the 40-hour course is, whatever just the arrest part of it is, we can look at expanding that. But I wondered if before we say, you can carry a gun and be a peace officer, that regardless of what that first arrest block is, that as part of the firearms block, there's additional training.

But maybe not even just firearms training. It's a additional training -- the training of the type you would get in the academy because these are people now that we know are going to be in life-and-death situations, and perhaps need the additional training before we then give them the extra blessing of carrying a gun and being a peace officer at the same time.

And so I wondered if that's the sort of thing you were talking about.

COMMISSIONER GORDON: Yes. And I think -- probably jumping ahead -- but part of that conversation should be, as well, if this is the class that you are going to take, and you are not going to be -- go into the full academy, what functions can you actually perform? Because there are agencies that have folks that just have an 832 performing the functions of a peace officer just like -- and I think that's where those clearer definitions need to be drawn.

MR. DARDEN: We're certainly seeing that. I worked at DOJ for many years, and they have officers that in the front that are full uniformed officers. And they are responsible for the premises. But the 832 is the foundational requirement.

And, certainly, I'm aware of other agencies that have the same thing. We have one state agency that has

investigators that are within the POST program, but then they have other officers that just do sort of security. They are peace officers, but they only have the 832 training.

COMMISSIONER COOPER: Commissioner Cooper, again.

It varies by agency, too. A lot of agencies provide additional training to their folks.

MR. DARDEN: Yes, of course.

COMMISSIONER COOPER: So it really runs the gamut. There's no set standard. I know we do a lot more training for our folks to ensure that.

MR. DARDEN: Yes. We have seen that as well, Commissioner. And I think the idea is just as a Commission, we do set -- a lot of agencies will say, hey, it says I got to take 832, I take 832. And then maybe, if we're lucky, they will be doing a lot of extra training on top of that.

But really the question for us is, since we set the standard for what the minimum training is to be a peace officer and carry a gun, then we're looking at that, the -- that content. But certainly the hope is they are adding a bunch of additional training on top of that that is specific.

COMMISSIONER COOPER: And I also wonder about backgrounds, too, because we do the CVSA. We do the

whole blown, full background on them if they are going to carry a gun. So I'm sure that varies by agency, also.

MR. DARDEN: Well, of course, if they are peace officers, they should be. You know, they should be having the background and all of that in 1031 and so forth. But that's the hope, at least.

COMMISSIONER GORDON: I would -- I know prior to SB 2, a lot of them were not. And I don't know that. I mean, as it progresses, I think those agencies are being identified, and my hope would be now is that those are appropriately being done. But I know that has not been consistent.

MR. DARDEN: Could you see if there's any further comments from the Chair -- oh, Manny, it looks like you wanted to --

CHAIRPERSON LONG: Mr. Alvarez.

EXECUTIVE DIRECTOR ALVAREZ: Thank you. Manny Alvarez from POST again.

Commissioner Doering, you went down the path that I was going down. It is not enough and it's too much, right? Not enough, I think we all agree on. I don't know why we would be teaching a sanitation employee arrest and control. It is wasted time. It is just not right. But it is a one-size-fits-all.

And some of the spitballing that we have had internally is just to kind of break it up and have multiple types of PC832 training, similar to what Sheriff Nieto mentioned with reserves. It is like, okay, you have PC832, firearms for peace officers, and you have PC832 search and seizure -- whatever we want to call it -- for nonpeace officer positions, and maybe an arrest and control course for peace officers.

But right now, that's the challenge is that we're -- we're literally teaching sanitation workers how to handcuff people. It is just not appropriate. It is not right.

So it's not just, is it enough, or is it too much? It is really how we are going to deliver it.

The other challenge that we are going to have is we have to keep in mind there's a big constituent base that is impacted by all of this. Probation officers in CDCR has to do PC832 training, and they get incorporated -- they incorporate this into their correctional academy.

And they have 30,000 -- I believe close to 30,000 peace officers. So we always have to be mindful of the impact that it might have to them as we move forward.

And then lastly, I think Toby has mentioned and perhaps is going to discuss it more, is really to define, okay, you go through this course, what can you

do once you have gone through this course? I think some of you have mentioned that. That would be important.

MR. DARDEN: I think that's a good segue, I was going to say for the Chair, had requested at the last meeting that we think about looking at other states to see what other states did.

I do have an attorney assigned to it. He hasn't completed it. But he has looked at states that are most proximate to us; Oregon, Washington, and Arizona, and so forth. But I have asked him to also look at the ten biggest states in the United States.

So far, we are not finding states that have different levels of training courses for limited peace officers. We're tending to see the trend of, if you want to be a peace officer, you go through the RBC.

It was interesting, in Washington, they do have what we might consider limited-function officers. They call them special commissions, but the POST has nothing to do with those officers. Literally, it's the general authority agency, and that state can hire somebody to be harbor or park ranger or whatever, but they do it on their own. It is without the blessing of the state. And they are basically just told, you know, you better check with your general counsel about the liability issues in terms of what you are having them do and with

what training.

From what we found out in Oregon, it seems that all of their personnel receive the same training.

Nevada does have three different categories of training in addition to reserve, where they have a Basic Course, and then they have a course for what we would call special investigators, an SIBC course. But they allow bailiffs and others to go through it. And that's slightly less than the Basic Course. And then they have a correctional officer course.

But so what we're not finding so far is, you know, very specific gradations where, you know, person in this category has to have a 480-hour course, and then the person in this category has to have a 512-hour course. So we aren't seeing that.

I'm not sure if we want to go in that direction, either. And this maybe something the working group may end up talking about.

But I did want to mention, Mr. Chair, since you requested that, we did -- we did look into that.

So as part of the --

COMMISSIONER NIETO: Commissioner Nieto.

I have a quick question, Toby, and it's a very quick question.

I would ask that the working group also take a look

at the testing because they only test in four areas and firearms if they take the firearms, I don't even know what that test looks like.

CHAIRPERSON LONG: Mr. Executive Director.

EXECUTIVE DIRECTOR ALVAREZ: Thank you.

You know, as I spoke now, I'm thinking, we should probably also include, although they are not our responsibility, CDCR and probation in these discussions since they -- they are big stakeholders in this. And whatever we decide, you all decide, they are going to have to adhere to.

So we will -- we will include them as well.

MR. DARDEN: Okay. Well, moving into the first bullet point -- because we just wanted to break it up into a couple of little bite-sized pieces.

This was -- I believe it was Commissioner Gordon raised this issue. And I wanted to see if other -- if I'm wrong, please tell me. But I thought it was you.

But the question is: In 1010, as it currently stands, what is the Commission's thought in terms of if an agency that is effectively -- it's a non-RBC agency, an 832-type agency, comes to the Commission and wants to join the Commission, and is not merged into a full RBC agency but wants to come in as a stand-alone agency, what is the Commission's thoughts about whether or not

we should permit an 832 agency to come into the POST program? And if so, should we put limitations on them in terms of what they should do? Should they be allowed to stay limited, or should we require them, as we currently do, to have to take the RBC. And that, you know, anyone they hire from that point on has to be an RBC officer, has to go through the RBC.

So just curious as to what your thoughts are. We will talk about the merger separately. But this is the question of the standalone 832 agency.

Now the regulation as it currently stands, it is a little fuzzy because it says that we have to look at the -- whether or not the individuals that are employed by the agency were properly trained at the time they were hired. But that gets very fuzzy very quickly.

And so what it really boils down to is, you know, we have -- we have an 832 harbor department that wants to join. What is the Commission's thoughts with respect to should we welcome them in under the umbrella, or should we consider that they really need to come in, if they join a larger -- a larger RBC POST-participating agency? That's the first discussion point.

See if anyone had any thoughts on that.

COMMISSIONER COOPER: Commissioner Cooper.

I see all these small agencies that hire folks that

we all turn down. And that's where they go to. To be honest, that's where they go to. So there's some concerns there with that. A lot of them rely on us for our radio -- in Sacramento, they use our radio channels. They don't have the resources.

So there are a lot of issues regarding that.

MR. DARDEN: Right.

COMMISSIONER BRAUN: Commissioner Braun.

If -- my feelings, if somebody -- if an agency is going to come into POST, they need to meet POST standards. So anybody -- so assuming they are 832, obviously, they don't have POST certificates, right? So I -- I would want them to go through the training that's required and to be POST-certified if they are going to live under the POST umbrella.

MR. DARDEN: And currently, of course, what we say is, once you come in, then you are required to follow the POST regulation.

So as, you know, we have agencies where there are folks that have been there for a while that are 832, but then their new officers have to go through the full RBC. And so you do have that mix.

So, of course, it is currently understood that once they come in, they would have to go through the RBC. But I think you are almost addressing the second part of

my question, which is should we continue to do that. And I think I hear you say, yes, we should, instead of having them continue to be -- to have a full 832 agency.

COMMISSIONER BRAUN: What you said.

MR. DARDEN: Okay. Got it.

COMMISSIONER GORDON: Second.

CHAIRPERSON LONG: Commissioner Gordon, you are agreeing with Commissioner Braun?

COMMISSIONER GORDON: Yes.

CHAIRPERSON LONG: Commissioner Braziel.

COMMISSIONER BRAZIEL: Commissioner Braziel.

So let me get this right. So we have done this in the past. We have brought 832 agencies in independent, and then required they become RBC as new employees?

MR. DARDEN: So -- well, let me put it this way: The analysis so far has been we have really looked for agencies to have officers that have gone through the RBC. Because that is the existing 1005 requirement, at least until -- unless or until we modify it.

The issue comes in that many of these agencies, in my view, have not necessarily been following the law correctly. And what the current POST regulation says, and this is why it has -- has come up, is it says that when an agency applies for admission, what we are supposed to look at is the question of: Were those

officers, when they were hired, were they hired in accordance with whatever the legal standard was for that position at the time they were hired? Okay?

The problem with that for our people to try to analyze is, in each case, like when I look at it, I will look at it and go, I completely disagree. They think they are 832. But I don't. I think they meet one of the definitions in 832.3 or 832.4. They should have gone through the RBC. They didn't. But they thought, you know, they were being hired properly in accordance with 832 at the time.

So the regulation currently does have room. So let's say hypothetically there's an agency where the individuals are permitted to be peace officers, and they can -- and they only have 832. Under the current regulation, then as long as they were hired in accordance with the law at the time they were hired, they would be eligible for admission under the existing regulation.

But like I said, the devil is in the details. Because with many of them, when I look at it, I just don't agree and don't think that the law actually permits them to be doing what -- what they do at the time.

So I'm sorry. A long answer, but that's the best I

can do.

COMMISSIONER BRAZIEL: A follow-up question. What's the benefit for them coming into POST, and then what's the benefit for us, them coming into POST, if we decide to accept agencies in a standalone?

MR. DARDEN: Well, I mean, I won't speak for them, but I would think that the agencies that want to come in, we all know their reasons they want to come in. They want to be affiliated with the POST program, take advantage of the benefits that the POST program provides, the training reimbursements, the prestige, so to speak -- (inaudible; reporter clarification) --

Sorry. The prestige, so to speak, of being within the POST program.

So I can't speak for them, but that would be my guess.

COMMISSIONER GORDON: Commissioner Gordon.

The other piece of that is because of SB 2, they are subject to the same complaint, misconduct, decertification. So there are some agencies that want to come into POST because now there's some legislation pushing them in that direction.

You know, there's some cities and different agencies that are now looking at that and going, if you are -- if you are going to be a peace officer, and now

you are classified because of the section you are working for -- under, falls under SB 2, so now we want you to meet those training requirements because that is the way in which you meet them is you become part of POST.

So there's another piece to that being driven by SB 2.

COMMISSIONER BRAZIEL: Any benefit to POST?

MR. DARDEN: I think on what I heard you last time, Commissioners, is that the idea is to bring more people into the fold so that hopefully they would take advantage of the increase in professionalization and training and regulatory guidance that we can -- we can provide.

There may be more, Manny. I don't know if you have any additional thoughts on that.

EXECUTIVE DIRECTOR ALVAREZ: I think it was categorized as a little bit more oversight back in June. Yeah.

COMMISSIONER BRAZIEL: I just wanted it on the record of what the benefits were to both. And I think there's some liability protections for the agencies going, holy cow, we need to actually step up the training and make sure people are certified in compliance and those types of things.

So it's the thought, Toby, to do like we did in the past. So if we went through this hypothetical, agency wants to come in, they meet 832, we're convince that had the people who were hired were hired appropriately at the time. But now when they are hiring new people, they have to go through the RBC?

MR. DARDEN: Right.

COMMISSIONER BRAZIEL: Is that the idea? Step up the game for them.

MR. DARDEN: Well, that is the way that the current regulation reads.

EXECUTIVE DIRECTOR ALVAREZ: If I may add, that has happened. I mean, there's -- there's departments that we're aware of that are RBC departments, but they have historical folks that are still PC832 trained in a regular police department.

MR. DARDEN: Absolutely. We get those inquiries, right, from saying how come my chief can supervise me as 832, and I have the RBC.

EXECUTIVE DIRECTOR ALVAREZ: It's not hypothetical.

MR. DARDEN: Right. It's real.

EXECUTIVE DIRECTOR ALVAREZ: It's real. It's reality. We do have those across the state.

COMMISSIONER NIETO: Commissioner Nieto.

Some of my concerns, and maybe you can answer this

question, too, is when somebody joins POST, or they are joining a POST agency, you have to go through a background. And so we're bringing them on, and they fell under, Toby, you said that you look at if they were following the rules then.

So, hypothetically, we could be giving them certain powers, and they wouldn't get hired through the normal process because there may be or may not be something in their background.

So how are we going to verify that or not?

MR. DARDEN: Sorry. I may have not -- I probably didn't follow you.

COMMISSIONER NIETO: So when you guys do the background for POST --

MR. DARDEN: Hiring a peace officer --

COMMISSIONER NIETO: You have a background --

MR. DARDEN: Yeah, of course.

COMMISSIONER NIETO: And we have certain criteria, and it is pretty standardized now.

MR. DARDEN: Right.

COMMISSIONER NIETO: That's not the same for 832 folks, though.

So how are we going to verify that? Are they going to do additional backgrounds? I know we're opening a big can of worms, and how do you eat an elephant? One

bite at a time.

But that's some more questions and concerns I'm going to throw out there about these people's background or what may be in their packages.

MR. DARDEN: It's interesting. I wasn't aware that agencies were -- I mean, I guess my thought would have been that since the Government Code says to be a peace officer there are certain requirements that the agencies need to follow. I would have assumed that if you are hiring somebody and calling them a peace officer that they are going through the background, but they are not, it sounds like. Is that what you are telling me?

COMMISSIONER NIETO: What I'm saying is these 832s, we don't know that. We didn't even know there was 832 agencies until SB 2.

I'm pretty sure my animal control officers don't go through the same background that my peace officers do.

MR. DARDEN: I wondered that very question. But I mean, if you look at the Government Code 1031, it says, every peace officer shall be found to be mentally and physically fit. Right? And to go through a background.

So I mean, that is what the Government Code says. If you give them a peace officer title.

EXECUTIVE DIRECTOR ALVAREZ: The only thing is, it just says they have to go through a background

investigation. That's it. It doesn't say what it requires, what kind of background, correct.

COMMISSIONER NIETO: The background -- I mean, POST kind of has certain requirements in certain things. But for somebody like that, you can do a background, and it may be just your -- your agency may decide, well, this is just an FBI check. We're going to make sure you are not a felon.

And maybe we don't even check all the other states. It is not the same requirement, is what I'm saying.

COMMISSIONER GORDON: Commissioner Gordon.

I want to clarify as I understand it. When a agency requests to become a POST agency, the POST consultant goes out and reviews all of those backgrounds to make sure they meet POST background requirements before they can become a POST participating agency. Regardless of even if it's an 832 or RBC, POST is still checking those backgrounds. Is that not correct?

MR. DARDEN: Yes. I don't want to step on -- I think this is Tom -- Tom Chalk, this is his area.

But, yes, it's my understanding that when the packet is submitted that, that packet is then reviewed, and whether it's LEC or another staff member -- and Tom correct me if I'm wrong or Jim -- then as part of that, they would review the file of each officer in the agency

and make a determination as to whether that person was properly hired and what training there was or was not for that individual before we make the decision to accept the person in?

Did I say that right?

MR. CHALK: That is correct.

MR. GROTTKAU: That's Bureau Chief Tom Chalk.

MR. DARDEN: Voice from the audience.

Okay. So one of the next questions, then, is -- if we didn't have any more discussion on that point.

This question is kind of what we lawyers call a leading question, but that's because there are provisions in the law for certain peace officers. And the law says that their duties are enforcement of the law on the premises that they are responsible to police, or they are responsible for the protection of persons and property.

Now as we try to determine with 1005 how we're going to address these classifications of officers, the question that I had -- it sounds to me like if I'm hired as a peace officer who is responsible for enforcement of the law in my geographic area, or I'm responsible for protection of persons and property in my geographic area, that sounds a lot to me like RBC.

And, of course, generally under our 1005 rules, and

state law, if you have somebody who is performing, you know, general patrol functions and responding to calls for services and so forth, we would consider that that's -- that's an RBC position, and you have got to have a basic certificate under 832.4 and so forth.

So I just wondered if there were any thoughts as to whether -- and I will give you the -- for example, a harbor district that I talked to some folks and their counsel and the head of their district. And they wanted to have local control and so forth. And so they have a geographical area; some within a city and some within a county, that they -- they patrol. And if those types of individuals are doing this sort of work, the enforcement of the law in their area or protection of persons and property in their area, does the Commission have any thought that that sounds like RBC, and that as we are structuring our regulations, if somebody is performing those sorts of duties, they should have the RBC before -- before doing it?

And I guess I was thinking, again, it was mentioned today, the Level I/Level II reserves. You have somebody that is 832. That reserve officer has got to be under the supervision of a -- of a full officer or, sorry, Level I -- Level III or Level II officer, excuse me -- has to be under the supervision of another full-time,

fully certified officer.

So -- so thoughts, if you have somebody, again, that really is doing what seems to be patrol and enforcing law and protecting persons and property in the area, does anybody think that that does not sound RBC-ish?

CHAIRPERSON LONG: Let's have Commissioner Gordon answer that leading question.

MR. DARDEN: Yes.

CHAIRPERSON LONG: Let me just guess.

COMMISSIONER GORDON: Let me guess.

MR. DARDEN: It is not court, so I can get away with a leading question.

COMMISSIONER GORDON: I will lead right into your question. That is -- that is, in fact -- you know, that's an academy. That's not 832. You are either carrying a firearm or making physical arrests, there's nothing in 832 that talks about Code 3 response or driving a Code 3 vehicle. They are driving vehicles with lights and siren.

We can go beyond, but they are enforcing beyond an infraction. They are enforcing beyond just harbor and marine code because they could actually operate under a different section and do limited duty under harbor and marine. And that would be what I would consider the

more appropriate. But their duties as you are describing, are RBC.

So thank you for the leading question.

MR. DARDEN: Yeah, okay. There you go. Just wondered if any other commissioners had any other thoughts, or if you shared those views, if anyone wants to share on a --

CHAIRPERSON LONG: We hit that softball.

COMMISSIONER GORDON: You're welcome. Any time. I'm here for you.

COMMISSIONER NIETO: Commissioner Nieto.

I think you already know how I feel about this from the leading questions I have asked. It's also the equity, getting back to the line officers, the reserve officers. I mean, they have to be -- a full-time person has to watch over them who has been certified. And they have many, many more hours than these 832 folks. And these 832 folks can be operating in a geographic area with none of these requirements.

So, yeah, I think that's just not good policy.

MR. DARDEN: That's helpful. Thank you.

Curious as to your thoughts on the next bullet point. Just trying to get through these in, again, just bite-size pieces.

If you have these 832 officers -- and again to the

extent the Commission can lawfully regulate this, and we can in 1005 and in 1010, but just your thoughts. If you have an officer that hypothetically just has 832, and perhaps the 64-hour course as it currently stands, I wonder what your thoughts were about what types of duties it would be appropriate for them to perform without immediate supervision.

So what I'm hearing is not general patrol. Not responding to all calls for services. Not enforcement of all legal issues within the area. But so in terms of making physical arrests or driving Code 3 capable cars or responding to calls for service, what are your thoughts with respect to what an 832 can do or should be permitted to do?

Any thoughts?

COMMISSIONER BRAUN: Commissioner Braun.

I do have thoughts.

And it is going to vary, right, as to what they are. Like court security officers. They are not -- they are not responding to calls. They are not driving Code 3. They are not doing these things.

It would be very specific to the role. But I would say they shouldn't do any of the basic law enforcement patrol -- type functions. Respond to calls even make arrests: My animal control people they do

investigations, but they don't make the arrests. We go out and do that for them. But they are armed because of the nature of where they work and how they work by themselves. So...

And my court security officers are armed because they are securing the court. And I think the judges would be upset if they weren't armed.

So it is going to be a long list of what can do what, right?

COMMISSIONER COOPER: Commissioner Cooper.

I agree with Ingrid. It just really varies because sheriff duties, court security officers, they are cheaper than deputies. It is tough hiring.

And then at Folsom Dam, we have a pretty good contingent, but they are providing a security function. They aren't really doing general law enforcement. So I think it really depends. It could be a myriad of things. Depends on what that specific job is. So it's kind of hard to narrow it down too much.

COMMISSIONER BRAUN: You are going to have a matrix of what the job is and what they can do and check marks.

MR. DARDEN: Yeah, of course. And it is interesting, because as I said, we looked at the other states, and they just don't seem to be going that way. Maybe we have to go that way.

But, you know, it is -- in some states, they say, if you want to be a peace officer, you go through the whole thing, or you are not a peace officer. But, obviously, we can go in any direction that we want to go.

One of the other challenges, of course, is that what I will hear from these agencies is, well, it says in the statute that I'm just supposed to -- I'm just responsible for enforcement of the law with the primary duty of enforcing harbor and navigations code or whatever is what -- you know, it will say something like that. But they still have the obligation to enforce the law and protect the persons and premises of the property.

And then I think realistically as we found in our discussions with the park rangers, the question is, when you have somebody who has got a badge and a gun, and they are the ones on scene, you know, if an armed deputy is 20 minutes away, a full deputy is 20 or 30 minutes away, you know, are they not going to respond to the call? They probably are. Right?

So that's the other -- the other dynamic or question in terms of when we bless that an individual can -- can be a peace officer it might be that they are limited by -- you know, on paper. But the question is,

in realty, when they have the badge and the gun, and they are out there on their own without supervision, what sort of -- what sort of work might they be doing?

COMMISSIONER THERRIAULT: Commissioner Therriault.

On the outside of the state of California, everyone's just one standard across the board in most states. Does that seem to be the norm? Am I hearing you describe?

MR. DARDEN: Yeah. So what we have -- what my attorney checked so far is Washington, Oregon, Nevada, and Arizona, and it was pretty much as I described. So in Washington, they are all general authority. They all take the basic law enforcement academy, with the exception that some general enforcement agencies hire their own special commission people and might hire somebody with limited training and have them do park ranger duties or whatever. But that's not governed by their POST.

They basically put -- the POST basically says talk to your counsel and do the right thing.

We can't do that in California because our statutory scheme is different.

In Oregon, what my attorney said is that all officers receive the same training.

And in Nevada, as I described, they do have four

different courses: A reserve course, a course for correctional officers, a course for specialized investigators, bailiffs, and other limited duties, and then the full course.

So that is in Nevada.

And then in Arizona, there are -- it is all full authority, basic academy, 678 hours. There are no more specialty academy. So all new officers attend full authority training.

So, again, the other thing we're going to look at are sort of the ten largest states in the country. If there are any other states that you want us to look at, we will do that, too, but that's what we found so far.

Each state is different in terms of the statutory scheme. So it's sort of a limited utility, but it's interesting, at least, for us to see where other folks are going.

COMMISSIONER GORDON: Commissioner Gordon.

It does seem, you know, the scheme of full correctional -- you know, that seems to be more along the line of what we're discussing. You know, because most correctional or court security, their function and duties are very limited in terms of what they are doing even, you know, to Sheriff Braun's point when it comes to, you know, her animal control officers are not making

physical arrests.

And so I think there's some room to look at some of those structures so it's not such a large matrix, and come up with some standard that's not vague.

And maybe looking at what they put in their correctional course for those -- you know, might also be helpful as he's doing his research.

MR. DARDEN: Partly, I think for our correctional officers, it's the 832 plus then the correctional academy on top of that and perhaps some other training as well.

So, I mean, in some ways, we do have that. We have -- and I don't anticipate it will change unless the Commission wants to send us that way.

We do have, you know, the full RBC academies, we have the SIBC for our investigators, and then certainly for corner and jail deputies and so forth, we have those slightly different standards for 832 or 832 plus jail training, etc.

So certainly we have that striation. But this question is whether or not we're going to go even further. So...

Okay. I think that was the last discussion point. I just wanted to see if anybody else has anything to add or talk about.

CHAIRPERSON LONG: Anyone else? Big enough bite of your apple? Toby? Do you got what you needed?

Any more questions? Anymore comments?

(No response.)

CHAIRPERSON LONG: No more questions, no more comments.

Then we will move to and ask Legislative Liaison Meagan Poulos to provide us a timely legislative update given that the legislative session has just concluded.

MS. POULOS: Good afternoon. Meagan Poulos, Legislative Liaison for POST.

As Chair Long just indicated, the 2024 legislative session just concluded on August 31st. And all bills that pass out of the legislature are new on the governor's desk.

This is also the end of a two-year session, meaning that bills that were from last year got carried over to this year. Anything that did not survive will not come back in that same form next year. But could be reintroduced as a new bill when we start the session next year.

So today I'm going to discuss bills that will affect POST and law enforcement as a whole, but it is not a complete list.

So the first bill is our elephant in the room as

Manny discussed a little bit earlier this morning, AB 852. So this bill was a -- got an amend late in the session to really assist law enforcement stakeholders with clarification to the upcoming implementation of peace officer education requirements, or as we know as AB 89 from 2021.

However, it was discovered that there was a grammatical error made in the Government Code section 1031.4 that would have essentially eliminated several categories of peace officers from the current age requirement of 21. Literally, we're talking about a comma and a period.

This error was unfortunately discovered past the amendment date, and the stakeholders involved did not want to proceed with the error in the language, even though we had promised we would fix it incoming next year. They didn't want to proceed with it, so they ultimately killed the bill.

There are conversations to have this bill returned next session. But there are still concerns with the existing language from AB 89 or Penal Code 13511.1, which requires POST to approve and adopt the education criteria for peace officers based on the recommendations in the reports submitted by the California community colleges within two years of submission.

So that timeline would make the education requirement effective October 2025. So there is a little bit of a gap between when we could do another cleanup bill, when that could become effective, and this October 2025 implementation date, as Manny talked about this morning.

Are there any questions on that bill before we move forward?

COMMISSIONER COOPER: So he's termed out?

Commissioner Cooper.

So he's gone. Jones-Sawyer is?

MS. POULOS: Yes. He is termed out. You confused me with the "termed out Commissioner Cooper" piece. I'm looking at you like I know...

I will move on to the next bill. The next bill is AB 2020 by Assemblymember Bonta. So this bill, among other things, mandates that POST create guidelines for law enforcement interactions with survivors with human trafficking by June 1st of 2026. And it also mandates that law enforcement agencies create a policy based on POST guidelines by December 1 of 2026.

The next bill, AB 2138 by Assemblymember Ramos. This bill would establish a pilot program for three specific tribes to have peace officer authority in California. The bill states that POST and DOJ work

together with these specific tribes in establishing peace officer authority for them.

However, the language that was submitted eliminating -- eliminated DOJ from some of the responsibilities and placed them instead on POST.

The language, instead, would make POST responsible for verifying the tribes, have complied with a variety of requirements, much of them outside of the scope of POST's current duties. And we anticipate it would cause at minimum the need for several additional attorneys to cover the needs of the program.

And it is uncertain at this time where this bill will end up. It is on the governor's desk.

COMMISSIONER COOPER: Commissioner Cooper.

And what three tribes are those?

MS. POULOS: So initially the bill outlines three specific tribes, and then they ended up striking that language just to identify no specific tribes, but that only three could be a part of the pilot program.

COMMISSIONER COOPER: Okay.

MS. POULOS: The next bill is AB 2541 by Assemblymember Bains. This bill requires POST to develop guidelines addressing wandering associated with Alzheimer's disease, autism, dementia, etc.

The bill language includes minimum content, such as

protocols for deploying agency resources, developing community awareness, and coordination and communication protocols between agencies.

And it is on the governor's desk. This one does not require a policy. It is just simply POST creating guidelines.

AB 2621 by Assemblymember Gabriel. This bill would require POST to update our current hate crimes policy and training to include identifying when a gun violence restraining order is appropriate to prevent a hate crime and the procedure for seeking a GVRO.

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

And that is also on the governor's desk.

The next bill, AB 3021 by Assemblymember Kalra. So this bill would have required specific information to be stated prior to interviewing an immediate family member of a person who has been killed or seriously injured by a peace officer.

I will just say that the bill was killed.

The next bill is Senate Bill 989 by Senator Ashby. This bill will require POST to add procedures and techniques to its domestic violence guidelines in

relation to deaths related to domestic violence.

It will also require POST to update the mandated domestic violence refresher course.

And that bill is also on the governor's desk.

The next bill, Senate Bill 1021 by Senator Bradford. This bill requires a law enforcement agency and academies to prohibit the use of ethnic shooting targets. The bill defines "ethnic shooting target" as "Any physical range target that depicts a human form or part of a human form that includes skin colors or facial features from which a person might reasonably discern a race or ethnicity of the person depicted.

"An ethnic shooting target does not include a silhouette target or a human form target that is a nonhuman skin color, such as green or blue, that does not have facial features."

The bill also further defines training to not -- only to not only in the academy but any in-service training to peace officers that involves live fire firearms training. And it states that it does not apply to the use of realistic training simulators that utilize live actors or live actors in video play back.

And this bill is also on the governor's desk.

And finally, both AB 2042, and AB 3241, the bills are in relation to police K-9 use. Both died.

So I anticipate this concept will be reintroduced in the next session.

So those are the bills I'm highlighting today. The governor has until the end of this month to sign or veto. And we all know this is an election year, so there will be a large turnover in our state legislature. New members will be sworn in, in December. And we will see what happens.

And I'm as always happy to answer any questions.

CHAIRPERSON LONG: Thank you very much, Meagan.

We're going to take a ten-minute break to let Kathy rest her fingers and her brain, and we'll be back in ten minutes. That is at 2:30. Thank you very much.

(Break taken in proceedings.)

CHAIRPERSON LONG: We move now to Item III, the Training Delivery and Compliance Bureau, Issue a., Bureau Chief Tom Chalk and Staff Services Manager Erik Gerolaga.

Did I get that right, Erik?

MR. GEROLAGA: You did get that correctly.

CHAIRPERSON LONG: Will report on proposed changes to Commission Reg 1005 regarding continual -- continuing professional training mitigation.

MR. GEROLAGA: Good afternoon, Chairman and Commissioners.

I will do a short reminder. We talked about this about several times first time, September 2023. And the next time in November of 2023, as well.

And you asked us to go back and, you know, make various updates to assist our participating departments while also keeping them cat accountable. And we feel that this revision may be the direction that you would like us to go.

And so currently peace officers and public safety dispatchers are required to complete the 24-hour of Continuing Professional Training, CPT, within a two-year cycle.

These statistics are currently available on the POST's Data Warehouse website. And so, currently, there's no ability for any of the departments to be able to report any impacted individuals who may have qualifying mitigating factors to POST who are unable to complete the CPT training.

And so TDC or Training Delivery and Compliance Bureau, has reached out to department statewide. We sent out a survey to 600 plus agencies. We did receive 205 of those responses back. And after some comparison and analysis, we were able to get the following qualifying mitigating factors, which were administrative leave, family leave, Family Medical Leave Act, FMLA,

limited duty, long-term disability, medical leave, military leave, retirement, and workers' compensation.

And so effective for CPT cycles, starting on January 1st, 2025, employing departments will be able to indicate on the electronic data interchange, EDI, peace officers, and public safety dispatchers who have qualifying mitigating factors impacting their ability to complete all required CPT training within the cycle.

So departments as of right now are -- as we get into it, will be able to indicate those individuals with qualifying mitigating factors.

For example, January 1st, 2025, the cycle would be ending in December 31st, 2026. And then they would have 90 days after the cycle ends to continue to mitigate those -- to mitigate individuals as it goes forward. So March 31st, 2027.

Departments will be attesting to POST that the individuals impacted will be unable to complete training for the entirety of the current cycle, and they will select add as mitigated individual in EDI.

The second screen also shows that departments will also be able to remove that mitigation if needed. So, for instance, we have someone who goes on a two-year military leave, returns after six months, and then the department will be able to go in, remove that

mitigation, as they did mitigate that individual, so that they can complete the training within that cycle, since they still have about a year and six months to be able to do so.

COMMISSIONER NIETO: Commissioner Nieto.

I have a question: What if they go for a year and eight months?

MR. GEROLAGA: Year and eight months, and still will have two months within the cycle to do it?

COMMISSIONER NIETO: Yeah.

MR. GEROLAGA: And so if they have --

COMMISSIONER NIETO: Are you going to have -- so what I'm asking is: Are there going to be rules saying, hey, here's the minimum; here's the maximum? You see what I'm saying? That's a little bit of a slippery slope, too.

I'm sorry for asking that.

MR. GEROLAGA: Fair enough. I will continue on, and I will be able to take more questions as we go along.

So currently, the CPT statistics are provided, again, on the data website -- Data Warehouse. And so they show current CPT cycle, they show the total peace officers and public dispatchers that are available for the CPT cycle. Peace officers and public dispatchers

are required to complete CPT. Individuals who were CPT compliant, and then the percentage itself.

What we would continue to add to that now is 90 days after the cycle is completed, the CPT statistics would be available for report afterwards. This will include the following information. So the current CPT cycle; the total peace officers and public safety dispatchers; peace officers and public safety dispatchers required to complete CPT; the amount of individuals who completed CPT; the amount of individuals who were reported as mitigated, as that's not one of them right now; and percentage of CPT compliance.

So the benefits for the solution would be, with the inclusion of the amendment itself, departments would be able to tell the complete story here. They would be able to indicate personnel who were not able to complete training during the qualifying mitigating -- due to qualifying mitigating factors. This was not currently factored into the CPT compliance statistics, and now will give departments the opportunity to give that insight.

And then this will also help correct CPT compliance percentages as mitigated individual numbers will now be factored into the total percentage.

And so, for instance, if one agency had nine peace

officers who complete -- who need to complete CPT training, four of them were able to complete the CPT training within the cycle; two of them were mitigated individuals. And instead of the percentage being 44.44 percent, it would show at 66.67 percent compliant with the factored in the mitigated individuals included.

Nonreportable items. And so as qualifying mitigating factors are listed in -- as listed in the proposed amendment, are related to personnel matters, departments shall not identify any of those to POST when it comes to the mitigating factors for any individual.

So there will be no ability in EDI to report or to upload any kind of documentation.

Departments may keep documentation for the impacted individuals' personnel file at their discretion.

Any questions?

COMMISSIONER GORDON: Can you go back to -- Commissioner Gordon.

Can you go back to the last slide?

MR. GEROLAGA: Yes.

COMMISSIONER GORDON: As we're reporting, are we reporting by individual?

MR. GEROLAGA: Yes.

COMMISSIONER GORDON: And then how is that going to show up forward facing? Is it just going to be the

overall number? Because smaller agencies, they may have one person on administrative leave for a personnel issue. So I would not want it to be identifiable to the public as to what kind of -- the reasoning they did not complete it.

MR. CHALK: Chair Long, members of the Commission, Tom Chalk, POST.

To answer your question, Commissioner, what the public facing side of the website would show is strictly a statistics number, not why the person was mitigated. So if it's FMLA, or they are on Alabama admin leave for some reason -- we don't want to know that, either. It is just whether or not this did this person miss the 24 hours of training in this cycle? Yes or no. And that's -- that's all we're tracking.

The agency, on the other hand, would need to keep that documentation for whatever purpose down the road.

COMMISSIONER GORDON: Right.

MR. CHALK: Thank you.

EXECUTIVE DIRECTOR ALVAREZ: Commissioner Gordon. I'm sorry. Chair Long, may I add to that?

So, you know, part of that discussion that we had is obviously just what Tom stated. However, we are also cognizant of we may get a Public Records Act request saying, who are the individuals who have been mitigated?

And there's a pretty good chance, or we think, that we would have to provide that list. Our intention is not to put it on the website, but it would be, hey, these individuals are mitigated. We don't know why. You got to talk to the department, and the department may say, no, if it's a personnel issue or whatever reason was cited for the mitigation.

But we would probably have to release the names of those who were mitigated.

CHAIRPERSON LONG: Commissioner Braziel.

COMMISSIONER BRAZIEL: I was just clarifying.

They don't -- we give them the definition of what they can consider mitigation. They just check, so there's no -- so they would -- so if somebody had a PRA, and Rick Braziel shows up as mitigated, they wouldn't know if I was on military leave or admin leave, or FMLA, or sick, or anything else. They would just know I was mitigated.

And then based on what I saw, we then have no ability to go back and audit the agency because we're telling them, you don't have to keep the records.

So they could just put stuff on there, and we could find an agency that's mitigating 25 percent of their agency, and we can't go audit that? Is that something we want to give up, that ability to give up, to make

sure they are doing it right?

MR. CHALK: Tom Chalk, POST.

I just want to add to your comment, sir, that POST currently, we have no regulatory authority to take any action against an officer or dispatcher who does not complete the 24-hour requirement in the two-year cycle.

And so the idea behind this is also to get agencies an opportunity to now start thinking about why their employees are missing training.

And we -- we presented this to my regional LECs that are deployed throughout the state of California, and the same questions came up.

The first thought is, well, what if someone was only gone from work for three weeks, and they had -- and they are lacking in their 24-hour training requirement, how could that be considered a mitigation?

And we kind of purposely stayed away from setting limits as to, you have to be gone for a certain length of time for a mitigation to even apply.

And the reason why we did that is each agency has different training cycles, and they are very -- they are very unique to the size of the agency, to the region how they train their people.

And so it could be the case that you could be gone for three months or two weeks and miss your training

opportunity.

So this goes right back on the agency to attest that this person missed the training due to a mitigating factor that we outline, and that's -- that's where we are at.

And maybe down the road this could also perhaps lead to some type of regulatory change where we would start looking at what happens if we mandate -- well, we have a mandate now, but we just don't have any enforceable action. I think this is also a good step moving in the right direction.

I hope I answered your question.

COMMISSIONER BRAZIEL: Yeah. And I totally understand because the training cycles, particularly the smaller jurisdictions, they've got very small windows to get people through. And it could be something happens, somebody gets injured, and, yeah, they were only out for a month, but that's their one-month training cycle because they are small.

I was more looking at if there's a flag in here, we have got an agency that consistently is 25 percent -- I just made up 25 percent -- 25 percent of their agency they are mitigating. And they are not a four-person agency where it's one person, right.

Our ability when it goes -- when you see the

forward facing side, you could see someone and go, wait a second, there's this huge percent of this midsized agency consistently year after year is mitigating. They are not sending their people to training. Something is wrong. And they are going to turn to POST, what are you doing about it? And we are going to say, we can't do anything about it because we don't make them keep records.

So I'm just anticipating that something might happen.

I like what we're doing because it shows a truer picture. We still have the issue of when do you report your total peace officers. You know, what date do you pick? Because every day it changes for some agencies. So it's kind of locked in there. But, you know, a little asterisk for that, but that was just my curiosity.

If we see an agency that is abusing it, or just decide, we don't want to comply with POST regulations. We're just not going to send anybody.

It's not the individual; it's the agency I was concerned about.

MR. CHALK: Just a --

Go ahead, sir.

CHAIRPERSON LONG: I would say my concern is -- I

think it was what Commissioner Nieto might have started to get to. I don't see why we wouldn't have more guardrails. I'm fine with the overall objective of identifying and reporting mitigated officers and so forth. But without any guardrails, any time constraints whatsoever, we're a little bit about creating kind of an incentive here for, you know, reporting late in the cycle and, you know, avoiding CPT.

I don't know. I have no idea. You guys -- the chiefs and sheriffs may have some idea of how big a problem that is. But it worries me that there's no guardrails here.

So, I mean, I'm fine with the reporting and everything else and the goals and adopting the regs about, you know, keeping these things private. But why we wouldn't have any kind of guardrails on in terms of a time factor escapes me.

That's my concern. I realize POST does not have the stick, really, to enforce this thing, but I also wonder if we don't inadvertently create a bit of an incentive for people to report late in the cycle.

And I wonder if any of the sheriffs are -- if it's a problem at all, or a potential problem for you folks.

COMMISSIONER NIETO: Commissioner Nieto.

And maybe I'm just distrusting because I've been in

this business a very long time. But I really -- I think most people are honest, but you never know what the political environment is, and people are looking at these reports and saying, oh, my God, you're -- and I'm thinking because I'm elected here -- you are a horrible sheriff. You are only 64 percent. And so the next cycle, I'm going to go in, and I'm like, we're going to mitigate everything, folks.

And I'm not saying that's happening. I'm not saying I'm doing that. I was just thinking that, you know, worst case scenario.

And I know we're not a regulatory agency, but I -- I, too, would like to just see some guardrails. Maybe not, I may say, no, this is stupid, later on. But it -- I guess it's a start. So thank you.

COMMISSIONER THERRIAULT: Commissioner Therriault.

There's additional waivers that are allowed and granted, I'm assuming, right?

MR. CHALK: Tom Chalk, POST.

I'm sorry, sir. In what regard?

COMMISSIONER THERRIAULT: If folks pass up these timelines. Aren't there additional waivers granted on a case-by-case basis?

MR. CHALK: Not from a POST standpoint. Not from us, no.

MR. GEROLAGA: Erik Gerolaga.

They will still have the 90 days after the cycle is complete to input anything that they might need to, again, mitigate during that time. So once we finally -- like I said, from 2025 to 2026, they will still have from January 1st all the way to March 31st to be able to, again, provide the mitigation, if needed.

COMMISSIONER THERRIAULT: Thank you.

MR. CHALK: Tom Chalk, POST again.

Chair Long, when you referenced guidelines, is this more of a time -- like a time limit, or what -- somebody has to be out of work for a certain period of time?

CHAIRPERSON LONG: Yeah, it has to be somewhere along those lines.

I mean, my preference would be -- and, of course, I would defer to the sheriffs and chiefs who have to run these things would be to get some type of more definitional guardrails and bring it back in November. It might be my druthers.

But, yeah, along those lines. Something.

COMMISSIONER GORDON: I will say -- Commissioner Gordon -- to a point that's already been made, even for a midsized agency, we're in the process of doing all of our ARCON right now. Just the way of our training schedule has played out over the last two years.

So it could be that because someone goes out on an injury today and misses training the next two weeks, and then comes back the second week of December, they may be out of compliance. And only been off of work for two months.

And then the question is going to be: Well, you know, why -- why they haven't been out that long.

So I would just caution when we're talking about establishing timelines and stuff to the point that's already been made, the amount of CPT, the way it has to be done, meeting the requirements, doing the scheduling, getting the instructors, is a challenge. For every agency, you know, big, small, different challenges in different ways.

So I would just caution in the minds of what makes sense versus the reality of really, you know, trying to get through all the training that has to be done.

Because in addition to the CPT that we're talking about, there's still all sorts of CPT that's not covered in those hours that we are doing, whether it's hate crime, whether it's domestic violence, you know, whether it is ethics training that we have to go in the city, there's a lot of different things that culminate in the amount of training that we have to accomplish.

So I would just conscientious about that fact.

I think this is a great start in terms of the transparency and putting the light on agencies who are not completing their CPT. It will be very evident very quickly.

And then, once we see that, then maybe we make additional changes to it.

But I would highly encourage us to see what this looks like first because there are significant challenges with completing CPT in the two-year cycle, which we don't -- I understand we don't see it, but besides that, if you have a new detective, they have to go to a 40-hour detective school. There's all sort of things for different functions that this does not account for.

So -- and then this is a question for POST staff.

When you get a PRA requesting the names, will you be notifying the agency that you are releasing those names?

EXECUTIVE DIRECTOR ALVAREZ: So when we get PRAs for anything, we always -- or supposed to -- we always reach out to the agency to give them a heads-up that, hey, we have a Public Records Act request for the following records. So we do that -- supposed to be doing that systemically now regardless of what is being requested. Yes.

If I could -- oh, I'm sorry. Go ahead.

COMMISSIONER DOERING: Commissioner Doering.

To Commissioner Nieto's point, too, I think if we look at putting in a safeguard, whatever it may be, two months, three months, I don't think that necessarily prohibits an agency from still coming up with whatever numbers they want to and mitigating.

So if our concern is that an agency might try to work around and that a safeguard would prevent that, I don't think really that would be the case. No matter what number we put on it, an agency could still report whatever they see fit. And we have no regulations to take over it. So I don't know that it would actually solve the issue.

MR. CHALK: Tom Chalk, POST.

The other -- getting back to the data and having that historical -- we already have historical records of CPT compliance rates for all of our POST-participating agencies in the state. And I think if -- this would be an interesting -- another data point to look at moving forward to compare it from past compliance rates and see what -- how those numbers change, if they do.

And if -- then we can take a look at the data, whether or not there seems to be some type of -- I wouldn't say abuse is probably not the right term, but

something that just doesn't look right that we can take another look and perhaps figure out the proper way to incorporate some parameters.

But we went back and forth on this, too, before we brought it to all of you regarding that very -- that very topic. And the overarching response that we received from the field is, well, some agencies don't do training year round. It's in a very short amount of time, and someone could miss that, again, and only be gone three weeks out of the two-year cycle and come up short on training. It's not the norm, but certainly a possibility.

CHAIRPERSON LONG: Executive Director Alvarez.

EXECUTIVE DIRECTOR ALVAREZ: Thank you.

So we had -- we were kind of on all sides in terms of how we address this, and I completely agree with everything that was said but on all sides and all really discussions that we have had.

So, really, it's an effort for us to try to shine a light, I think, is the term that was used on those departments that aren't complying with the training standards.

If you look at the compliance data now on the dashboard, most are. They are in the high 90s. But you will see some that are 0 percent.

And we have seen POST profiles of individuals that have literally not completed one hour of POST-certified training in over ten years. And there's multiples of those individuals out there.

So this was an effort to try to correct some of that, and, really, we had discussions about, all right, well, it's that department head. If they want to start mitigating 50 percent of their staff, people are going to see that on the website. If everybody else is mitigating at a rate of 1 percent, 50 percent is going to stand out.

The other challenge for us is our records just aren't accurate. So when we do our compliance checks, and we're getting close to the end of the cycle, there may be a discussion on, hey, Manny Alvarez, your officer has not completed training. And it's like, yeah, he's been gone for two years; he's on military leave. Well, he shows out of compliance.

And when we get that PRA request, Manny Alvarez is highlighted as being out of compliance. So this kind of addresses part of -- part of that.

And then the -- now, I'm losing any train of thought. I had one more thing I wanted to bring up. But go ahead.

CHAIRPERSON LONG: What if it goes back and Manny

Alvarez -- the PRA shows that Manny Alvarez is only gone for one week?

EXECUTIVE DIRECTOR ALVAREZ: Yeah, well, it doesn't. We just show -- we just show that Manny Alvarez is out of compliance. We don't know why. So, yeah, we have no idea. And as Commissioner Braziel mentioned, we don't go back to the department. I don't even know if they would -- I don't even know if we would be allowed to look at those records, right, if they are personnel records.

The other point that I was going to make, I think it's exacerbated. I'm not saying we should change it, but it's exacerbated by a 24-month cycle because, generally, I mean, if they are taking their time to get their CPT training if there is a department, it's like ahh, you've got two years. Well, when that two-year cycle comes, and it is December, and now something happens where they are out on a medical leave for two weeks, they are out of compliance.

If the cycle is shorter, I think we would have less challenges. But, again, not saying that we should change that. From what I have seen, most states, it's a 12-month cycle, not a 24-month cycle.

So what we tell people, which is correct, but I don't know if it's the best practice. We tell them,

hey, well, you should complete the training at the very beginning of the cycle. Just get it done with, which is good because they comply. But then if it's a 24-month cycle, some then wait on the second cycle until the very end. So in theory, they haven't had training for four years.

So there's challenges all around, but this is kind of the first step to get more accurate records and really to try to be transparent with compliance.

We don't disagree with the guardrails that you all mentioned. We have talked about that. Other states do have guardrails, you know, if a person is gone for X percentage of the cycle, or if it was within the last three months that they were gone. We are definitely open for discussion. Open to bringing it back with some modifications.

CHAIRPERSON LONG: I guess my concern was just, you know, you talking about the rare bad actors. My only concern on this whole thing was, does putting these guidelines without guardrails into the regs give the bad actors, the rare bad actors, cover? That's all. That's my concern.

That's why I think -- I would be happy with some kind of guardrails. I understood what others have said.

So any other questions or comments for anyone?

(No response.)

CHAIRPERSON LONG: Seeing none, is there a motion?

COMMISSIONER BRAZIEL: Move. Braziel.

CHAIRPERSON LONG: Is there a second?

COMMISSIONER DOERING: I will second. Commissioner Doering.

CHAIRPERSON LONG: Ms. Essex, would you call the roll. Oh, Mr. Knapp.

MR. KNAPP: I got it.

CHAIRPERSON LONG: Excuse me. Let me clarify. The motion by Mr. Braziel, I believe, was to -- Rick?

COMMISSIONER BRAZIEL: Accept the staff recommendation.

CHAIRPERSON LONG: Was to adopt the staff recommendation.

MR. KNAPP: Commissioner Barcelona.

COMMISSIONER BARCELONA: Yes.

MR. KNAPP: Commissioner Braun.

COMMISSIONER BRAUN: Yes.

MR. KNAPP: Commissioner Braziel.

COMMISSIONER BRAZIEL: Yes.

MR. KNAPP: Commissioner Cooper.

COMMISSIONER COOPER: Yes.

MR. KNAPP: Commissioner Doering.

COMMISSIONER DOERING: Yes.

MR. KNAPP: Commissioner Ewell.
COMMISSIONER EWELL: Yes.
MR. KNAPP: Commissioner Gordon.
COMMISSIONER GORDON: Yes.
MR. KNAPP: Chair Long.
CHAIRPERSON LONG: Abstain.
MR. KNAPP: Commissioner Moon.
COMMISSIONER MOON: Yes.
MR. KNAPP: Commissioner Nieto.
COMMISSIONER NIETO: Yes.
MR. KNAPP: And Commissioner Therriault.
COMMISSIONER THERRIAULT: Yes.
CHAIRPERSON LONG: The motion passes.

Move to the next item. Item IV, the Peace Officer Standards Accountability Division. We're going to take a couple of these items out of order just for ease of discussion.

So a. [sic] will be Chief Brian South will report on staff request to authorize the Executive Director to amend the current Axon Enterprise contract to purchase additional licenses to store video evidence for law enforcement agencies related to serious misconduct.

The original four-year -- the reason we're hearing this is the original four-year contact was for 230K, just under the 250K that requires reporting to the

Commission. This new piece of the contract will be 56,000, which puts it to 287, $27,000 over the limit, thereby needing Commission approval.

Mr. South.

MR. SOUTH: Thank you, Mr. Chair and Commissioners. Good afternoon.

As the Chair mentioned, this is the report on our request to amend the contract for Axon Enterprise. POST did secure a contract with Axon Enterprise to take in and store video evidence that is submitted by law enforcement agencies when they are making their reports, pursuant to SB 2.

And as was mentioned, the original four-year contract was $230,400 for 50 software licenses for our evidence.com Axon users. Those licenses include evidence storage as well.

This amendment that we're asking the Commission to consider would add 20 additional licenses for an additional cost of $56,380.80. Bringing the total contract amount for the four years to $286,780.80.

The reason we need those extra 20 licenses, over these last year and a half we've been adding additional staff. And so we need to accommodate the additional staff. Law enforcement consultants, and analysts, primarily, who are reviewing and processing and

evaluating this material. We need to provide them licenses so they have access to the system to do that work.

So we would ask the Commission to amend the contract with Axon to purchase those 20 additional software licenses.

COMMISSIONER THERRIAULT: Commissioner Therriault. I make a motion to approve Item IV.b.

COMMISSIONER MOON: Second. Moon.

CHAIRPERSON LONG: Is there objection to unanimous consent?

(No response.)

CHAIRPERSON LONG: Seeing none, so moved.

Next item, Chief Counsel Toby Darden will report on a request to delegate authority to the Executive Director to approve default revocation orders.

MR. DARDEN: Thank you, Mr. Chair.

So Commissioners, as you know, when you vote to take action against an officer's license by means of a revocation or suspension, you give direction to the division to take the matter back, send it to the attorney general's office and have an accusation filed against the officer.

As part of that process during the Administrative Procedure Act, the attorney general's office serves an

accusation upon the officer, and at the same time notifies the officer under law that upon receipt of the accusation they have to file a written response, a request for a hearing or notice, within 15 days after service of the accusation.

If not, under the law, and they are told, we proceed upon the accusation without further proceedings and enter a default order of revocation or suspension.

Currently, we bring those orders to the Commission because the Commission is the body that can revoke or suspend. In fact, we'll be hearing a default decision and revocation order in a few minutes.

But this can be delegated by the Commission to the Executive Director. And by doing so, it enables POST to enter these revocation or suspension orders in a timely manner and bring a fast resolution to a case where the Commission has sought disciplinary action.

By delegating to the Executive Director and allowing the Executive Director to do the revocation and, therefore, avoiding what could be potentially another three- or four-month delay and the issuance of a default order. It can also help prevent the respondent from being hired by another law enforcement agency within California or another state when there is this pending disciplinary action being sought by the

Commission. And we believe that expediting the default decision is in the best interest of public safety.

Brandy, do you guys have the language to throw up on the screen for me?

We will read that in just a second.

So the Government Code permits the taking of a default in section 11520(a), where the officer fails to file a notice of defense or notice or participation or fails to appear at the hearing. But once they are served with the notice of default, within seven days after they are served with it, they can file a motion showing good cause and requesting that it be vacated, and then we can vacate that order, and grant a hearing.

Similarly, if an application for certification is denied by the Commission, and the individual fails to file the appropriate response, the Commission can issue a final order denying the application for certification.

This is language that I will be asking the Commission to approve if it so desires.

"In accordance with the Administrative Procedure Act, Government Code section 11500, et seq., the Commission hereby delegates to the Executive Director the ability to issue, without further proceeding, a default decision and order pursuant to Government Code section 11520(a), where the respondent either fails to

file a notice of defense or, where applicable, notice of appearing, or to appear at the hearing.

"The default decision and order may make factual findings and determination of issues and may order the imposition of discipline against respondent's license as requested in the accusation or deny an application for certification as appropriate.

"The Commission also delegates to the Executive Director the authority to vacate the default decision and order and grant a hearing in accordance with Government Code section 11520(c).

"Staff is also hereby permitted to include this delegation of authority into the Commission policy manual."

If the Commission approves, we would ask for a motion to approve that Delegation. But I'm happy to answer any questions, if there are any.

COMMISSIONER BARCELONA: Barcelona.

I have a question.

MR. DARDEN: Yes. Of course.

COMMISSIONER BARCELONA: So are these cases that we've already -- that the Commission has already decided on?

MR. DARDEN: Yes. Yes. So --

COMMISSIONER BARCELONA: So we already decided, we

have seen it.

MR. DARDEN: Correct.

COMMISSIONER BARCELONA: We know what the background is. We made a decision?

MR. DARDEN: Correct.

So, for instance, we're going to see one in a few moments with a case involving an officer that the Commission heard and made the determination to revoke certification. It was the school resources officer who had shown that inappropriate material to students on campus.

In that case, we sent it to the AG's office. They filed an accusation in proper legal form, served it upon the respondent. Respondent fails to appear.

So those are the cases we are talking about where the Commission has already heard it, has made a determination to take discipline, and the attorney general's office has served the revocation -- the accusation, excuse me, on the respondent, but the respondent defaulted, failed to file a notice of hearing.

The law says we can take the default -- and the truth is, if we don't take the default, then how do you move it forward? Right?

You served the person with it. They have the right

to request a hearing. They don't request a hearing. And just default.

Same thing in civil court. If there's a civil complaint served, you have, you know, a period of time, 20 to 30 days to file an answer. If you don't, they can take a default against you in a civil case. Same thing here.

So, yes, these are cases we have heard.

COMMISSIONER BARCELONA: Barcelona.

Thank you.

COMMISSIONER NIETO: Commissioner Nieto makes the motion to delegate the authority to the Executive Director as presented by POST legal counsel.

COMMISSIONER COOPER: Cooper seconds.

CHAIRPERSON LONG: Before we take a vote on that, there was a question from Commissioner Ewell.

COMMISSIONER EWELL: Please. So reporting back to the Commission, how often would that occur?

MR. DARDEN: Yeah. So the presumption would be that in these cases as, you know -- and Manny, I can have you jump in, too -- but what we normally do is we report back to the Commission with respect to the actions we have taken. For instance, the felony convictions and other statistics.

So the presumption would be in those cases where we

filed an accusation, and then the Executive Director issued the default, that the Commission would be notified likely by some sort of report on consent at the next meeting.

COMMISSIONER EWELL: Thank you.

CHAIRPERSON LONG: All right. So we have a motion and a second.

Mr. Knapp, please call the roll.

MR. KNAPP: Commissioner Barcelona.

COMMISSIONER BARCELONA: Yes.

MR. KNAPP: Commissioner Braun.

COMMISSIONER BRAUN: Yes.

MR. KNAPP: Commissioner Braziel.

COMMISSIONER BRAZIEL: Yes.

MR. KNAPP: Commissioner Cooper.

COMMISSIONER COOPER: Yes.

MR. KNAPP: Commissioner Doering.

COMMISSIONER DOERING: Yes.

MR. KNAPP: Commissioner Ewell.

COMMISSIONER EWELL: Yes.

MR. KNAPP: Commissioner Gordon.

COMMISSIONER GORDON: Yes.

MR. KNAPP: Commissioner Long.

CHAIRPERSON LONG: Yes.

MR. KNAPP: Commissioner Moon.

COMMISSIONER MOON: Yes.

MR. KNAPP: Commissioner Nieto.

COMMISSIONER NIETO: Yes.

MR. KNAPP: And Commissioner Therriault.

COMMISSIONER THERRIAULT: Yes.

CHAIRPERSON LONG: Motion passes.

Next, Item c. [sic]. Bureau Chief Brian South will report on 15 proposed peace officer revocations based on felony convictions.

And let me add, before Brian starts, I think this might be -- we also probably like to ask the question: Do we also wish to -- we have had several of these before. You know, 15, 20 dozen of them. Do we want to default -- we can also do the same thing we did for the default and allow that to happen without taking that vote. If anyone -- we couldn't do it today. We have to put that on the agenda for November.

Before Brian goes through those 15, let me just ask, Mr. Alvarez, do you guys have a preference on that? And then do any of the commissioners have a preference? Do we want to go through the 15 every time and name them? Or do we want to essentially allow that to happen automatically?

EXECUTIVE DIRECTOR ALVAREZ: So I take it that the issue is similar in that when somebody is convicted of a

felony after January 1, 2022, we have to revoke their certification. We have been coming back to you, as we are going to do today, I believe, right Brian, to show you, hey, this individual was convicted of a felony. Are you okay with us revoking their certification?

So we proposed -- internal discussion that we have had is we propose doing the same thing in November and asking for your permission to allow us to take action on their revocation for felony convictions if they -- once we notify them that they basically say, yeah, I've been convicted of a felony and would like to move forward.

Obviously, we present it as a consent item as opposed to a voting item, which is what you are going to do today.

So, please, Brian.

CHAIRPERSON LONG: And to be clear, these are automatics?

EXECUTIVE DIRECTOR ALVAREZ: Correct. They are felony convictions.

CHAIRPERSON LONG: So maybe we could get an informal nod on that. Would people prefer to go that way? If so, we would agendize it for November, and then we wouldn't have to take this vote on it.

Someone could object on consent, but we wouldn't have to take the vote if people didn't want to.

Is that something that people want to agendize for November, or do you want to keep voting on them?

COMMISSIONER BRAUN: I think put it on consent. Commissioner Braun.

COMMISSIONER NIETO: We could always pull it off the consent calendar if there's a question.

CHAIRPERSON LONG: Right. Okay.

COMMISSIONER THERRIAULT: Commissioner Therriault -- sorry, Chief.

CHAIRPERSON LONG: Therriault.

COMMISSIONER THERRIAULT: Some of these folks on these lists, it says misdemeanors but not felonies. Is that --

CHAIRPERSON LONG: I will let Brian present them right now. But, yeah --

COMMISSIONER THERRIAULT: What we are discussing --

CHAIRPERSON LONG: Correct. Yes. These people would be -- it would be a consent. Because they are automatic revocations.

MR. SOUTH: Yes. There -- in Government Code 1029, there are certain qualifying misdemeanors that are specifically listed in addition to all felonies.

Brian South.

Thank you, Mr. Chair. Brian South with POST.

As was mentioned, this is a report on Government

Code 1029 convictions occurring after January 1st, 2022, that are being processed by the Peace Officer Standards Accountability Division, POSAD, for revocation.

POSAD has identified the individuals listed in the report -- and if we could put that up on the screen -- as being disqualified from holding office as or being employed as peace officer in the state of California and subject to revocation, resulting for -- from the factors identified in Government Code 1029, which are convictions for felony or qualifying misdemeanor, as I mentioned.

So we will put this list up on the screen and kind of scroll through it. You can take a look. It is also in your agenda materials.

If you have any specific questions about any of these, certainly would be happy to try to answer that.

But as we kind of scroll through, this is a voting item. So if the Commission concurs, the appropriate action would be a motion to approve the revocation action as specified in this report.

COMMISSIONER THERRIAULT: Commissioner Therriault.

Are any of these cases in any state of appeal?

MR. SOUTH: Not these, no. These are 1029 revocations. So Toby can probably weigh in --

COMMISSIONER THERRIAULT: I'm sorry. Criminal

appeal.

MR. SOUTH: These would be convictions. Yes.

COMMISSIONER THERRIAULT: Thank you.

CHAIRPERSON LONG: And, Brian, let me ask, or ask Manny to clarify here -- sorry for interjecting.

This also would apply -- if we allow you to do this next November, in November, this also, I guess, speeds up, basically, the process.

So the same issue applies here as it did for the defaults?

EXECUTIVE DIRECTOR ALVAREZ: Yes, it becomes more timely after this meeting. Basically, we start preparing all the documentation to revoke their certifications on all of these individuals. It is maybe less problematic with the felony convictions. But as Toby mentioned, with the other defaults, it is -- it is of interest to get them revoked timely, is a good way to put it.

MR. DARDEN: If I can add. William Darden.

On your question with respect to the appeal, there's already a provision in law, 13510.7 of the Penal Code, which is the provision that has always applied to the Commission that if we become aware of disqualifying conviction under 1029 that we are required to enter in their profile the notation that they are ineligible to

be a peace officer in California.

And there is a provision in that law that recognizes that in the event that the person is convicted, but then through some sort of lengthy appeals process may ultimately get that reversed, then there is a procedure in which that can then be raised, and POST would then remove the ineligibility notation.

So I don't want you to think that it is not possible. That with some of these convictions, the person might be able to get some sort of a reversal, but that would then be taken into account.

It is complicated a little bit on the revocations because of some language, some new language with SB 2, which basically said that if they plea to a disqualifying offense, then that plea disqualifies them, in and of itself, even if there's some sort of a later order or reversal on appeal or whatever.

So it does get complicated, but it is one of the things -- our legal department looks at each one of these.

COMMISSIONER THERRIAULT: Commissioner Therriault.

Thank you. That clears it all up for me. Because I just know sometimes there are -- and this is obviously, a scintilla of cases, but where years later something could be overturned and had thrown out.

That's the only reason I asked.

Thank you.

MR. DARDEN: Okay.

MR. SOUTH: Brian South.

And I'm glad Toby mentioned, just from an internal process perspective, Toby's legal team looks at every single one of these, and does a legal analysis with the actual court records themselves.

CHAIRPERSON LONG: Any other questions or comments on the 15 folks here?

(No response.)

CHAIRPERSON LONG: Is there a motion?

COMMISSIONER GORDON: Commissioner Gordon.

CHAIRPERSON LONG: For revocation? Is there a second?

COMMISSIONER THERRIAULT: Commissioner Therriault.

CHAIRPERSON LONG: Mr. Knapp, would you please Cal the roll.

MR. KNAPP: Commissioner Barcelona.

COMMISSIONER BARCELONA: Yes.

MR. KNAPP: Commissioner Braun.

COMMISSIONER BRAUN: Yes.

MR. KNAPP: Commissioner Braziel.

COMMISSIONER BRAZIEL: Yes.

MR. KNAPP: Commissioner Cooper.

COMMISSIONER COOPER: Yes.
MR. KNAPP: Commissioner Doering.
COMMISSIONER DOERING: Yes.
MR. KNAPP: Commissioner Ewell.
COMMISSIONER EWELL: Yes.
MR. KNAPP: Commissioner Gordon.
COMMISSIONER GORDON: Yes.
MR. KNAPP: Commissioner Long.
CHAIRPERSON LONG: Yes.
MR. KNAPP: Commissioner Moon.
COMMISSIONER MOON: Yes.
MR. KNAPP: Commissioner Nieto.
COMMISSIONER NIETO: Yes.
MR. KNAPP: And Commissioner Therriault.
COMMISSIONER THERRIAULT: Yes.
CHAIRPERSON LONG: Motion carries.
MR. SOUTH: Mr. Chair, if I may before we move on to the next agenda topic, as we were looking at some data recently and statistics, I will be pithy, but do you mind if I share a few items of statistics on outcomes unrelated to hearings at this time?
CHAIRPERSON LONG: Pithy away.
MR. SOUTH: All right. Very good.
As I mentioned, when we were looking at some of the statistical data, we were looking at the calendar year

2024 for statistics year to date and projecting out for the rest of the year.

And we just thought it might be beneficial just to share some of these numbers. So we are looking at issuing 43 Notice of Intent to Revoke notices; 20 Default Revocations; 69 Voluntary Surrenders. 126 1029 Convictions, like the ones we just talked about; and 81 Immediate Temporary Suspensions.

And so basically that's somewhere around 300 certification actions that we're taking as we work through these cases that are not resulting in any kind of board or Commission hearing.

So we thought that was important just to point out. What we are finding is that many of these cases, as we work through them, are actually resolving in other ways other than going to the board or the Commission.

They may be defaulting. They may be voluntarily surrendering. They may result in a 1029 conviction. None of those outcomes, although they are certification outcomes, and it does require a staff workload lift, they are just not going to result in board hearings.

We're projecting somewhere between maybe 12 board cases for the calendar year 2024, but we have somewhere around 300 certification actions that have occurred.

So we just wanted to share that with you that we

found as we were going through the statistics. And I appreciate your indulgence, Mr. Chair.

CHAIRPERSON LONG: Thank you very much for the information. It's very helpful. Very interesting.

d. is where we're having lots of little firsts. d. is a report on a final -- on a final decision -- again, a case that we have heard -- of settlement terms regarding Cesar Diaz.

By way of reminder, the Diaz case involved two DUIs within 10 weeks. Blood alcohol content of .14 and .19.

Last meeting, the Commission passed a motion directing counsel to draft specified settlement terms and negotiate with Diaz based on the goals identified in closed session.

Staff reached agreement with respondent on the settlement. So the matter is, again, before the Commission today to simply adopt the final settlement agreement that we agreed to last hearing.

I would like to further note that Mr. Diaz called in today -- a little unusual -- but he wanted to say was thank you for the -- essentially, thank you for the time and the consideration of the settlement agreement, which is basically a suspension, and allows him to keep going if he does X, Y, and Z, as outlined in the settlement agreement.

So this is before us for a vote.

Brian. Or Toby.

MR. DARDEN: Sure.

So as mentioned, the Commission in June requested that we negotiate with Mr. Diaz with respect to specifically identified settlement terms. The Commission is aware of these now. We have done them in previous cases in terms of the standard settlement terms for these DUI cases. The Chair and Vice Chair were aware of what the terms were in this particular case. And we have now received that signed stipulated agreement.

If the Commission wishes, we can go into closed session to discuss the terms. However, as I think the Chair has noted, they are consistent with the terms that the Commission is familiar. So we can go into closed session with if Commission wishes we can.

If the Commission wishes to go into closed session, we can. If not, then we would simply request that the Commission move to accept the settlement, and then once the settlement has been adopted by the Commission, that's the point where I can then publicly disclose those same terms to the public.

CHAIRPERSON LONG: Let me just add, for Commissioner Doering or Commissioner Therriault who may

have not followed this case, he resigned from the LAPD last November. He's no longer employed as a peace officer in the state of California. He is, however, employed as a peace officer in Billings, Montana.

EXECUTIVE DIRECTOR ALVAREZ: LAPD. LA Unified School District Police Department, from what I remember.

CHAIRPERSON LONG: I thought he was LAPD, wasn't he?

EXECUTIVE DIRECTOR ALVAREZ: No.

CHAIRPERSON LONG: He was at the school?

COMMISSIONER GORDON: School.

CHAIRPERSON LONG: Got it. Okay.

Is there a motion to finalize the settlement?

COMMISSIONER BARCELONA: Motion. Barcelona.

CHAIRPERSON LONG: Is there a second?

COMMISSIONER COOPER: Cooper.

CHAIRPERSON LONG: Mr. Knapp, would you please call the roll.

MR. KNAPP: Commissioner Barcelona.

COMMISSIONER BARCELONA: Yes.

MR. KNAPP: Commissioner Braun.

COMMISSIONER BRAUN: Yes.

MR. KNAPP: Commissioner Braziel.

COMMISSIONER BRAZIEL: Yes.

MR. KNAPP: Commissioner Cooper.

COMMISSIONER COOPER: Yes.
MR. KNAPP: Commissioner Doering.
COMMISSIONER DOERING: I will abstain just from not being at the Commission at the time.
MR. KNAPP: Commissioner Ewell.
COMMISSIONER EWELL: Yes.
MR. KNAPP: Commissioner Gordon.
COMMISSIONER GORDON: Yes.
MR. KNAPP: Commissioner Long.
CHAIRPERSON LONG: Yes.
MR. KNAPP: Commissioner Moon.
COMMISSIONER MOON: Yes.
MR. KNAPP: Commissioner Nieto.
COMMISSIONER NIETO: Yes.
MR. KNAPP: And Commissioner Therriault.
COMMISSIONER THERRIAULT: I will abstain for the same reason.
CHAIRPERSON LONG: All right. Motion passes.
MR. DARDEN: Disclose the terms.
CHAIRPERSON LONG: We're going to disclose the terms.
MR. DARDEN: For the record, the terms of the settlement agreement are as follows:
"Mr. Diaz has agreed to obey all laws and criminal court orders to not engage in further acts of serious

misconduct. He will keep the division apprised of his current address and contact information. And the probation is tolled for any period of residency outside of California.

"If he returns to California and seeks employment as a peace officer in the state, he agrees to comply with the following probation terms for five years:

"Provides notice to current, potential, or future employers of the terms of the settlement;

"Provides proof to the division of proof of completion of any alcohol treatment programs participated in, and the results of alcohol testing undertaken to date;

"He shall abstain from the use of alcohol and submit to chemical testing for alcohol by the division, on a random basis, up to 15 times per year, and the cost of testing is borne by Mr. Diaz."

CHAIRPERSON LONG: Thank you, Mr. Darden.

Item e. This is a default case. This is a -- and Mr. Darden and Mr. South will provide a report.

As a brief reminder, this is for Justin Ramirez. The Commission voted unanimously March 7th to revoke his certification. He did not request a hearing before an ALJ. And this matter is therefore before the Commission today to confirm that default revocation.

And if you will recall, he was an Orange County Deputy Sheriff school resource officer. In 2022, showed harmful matter of graphic sexual nature depicting drug use, graphic violence, to a group of 14-year-old students. He repeated the behavior to another group of students.

He resigned in 2022. Pled guilty in 2023 to distributing harmful matter to a minor.

Toby or Brian.

MR. DARDEN: Sure.

So this matter is before the Commission to review and take action with respect to his certification status. As the Chair, noticed when the accusation was filed, he was notified of his opportunity to request a hearing before an ALJ. He did not do so. We are now proceeding with the revocation pursuant to the Government Code.

As described in the staff report, we previously determined that the certification should be revoked for serious misconduct, and that resulted in the filing of the accusation.

In light of his failure to file the notice of defense, the Commission is now entitled to issue a default decision and order revoking his certification.

The proposed order was included in the materials

for your review.

The order that we are presenting for signature is the same with the exception of one change, which I noticed in preparing for the hearing. And that is, when the AG's Office drafted it, they used the word "severe misconduct" instead of "serious." And we have now corrected that to "serious misconduct."

Otherwise, the proposed order being presented is identical to the order that was in your material.

The order describes the legal basis and the proper findings in the default, and I would refer you to that document for the details.

So if there aren't any other questions, the staff requests a motion that the Commission approve, and that the default decision and order be issued as the order of the Commission.

COMMISSIONER COOPER: Motion. Cooper.

COMMISSIONER BARCELONA: Motion to approve. Barcelona.

CHAIRPERSON LONG: Second from Cooper.

All right. We have a motion and a second.

Mr. Knapp, if you would call the roll, please.

MR. KNAPP: Commissioner Barcelona.

COMMISSIONER BARCELONA: Yes.

MR. KNAPP: Commissioner Braun.

COMMISSIONER BRAZIEL: Yes.
MR. KNAPP: Commissioner Braziel.
COMMISSIONER BRAZIEL: Yes.
MR. KNAPP: Commissioner Cooper.
COMMISSIONER COOPER: Yes.
MR. KNAPP: Commissioner Ewell.
COMMISSIONER EWELL: Yes.
MR. KNAPP: I'm sorry. Commissioner Doering.
COMMISSIONER DOERING: Yes.
MR. KNAPP: Commission Ewell.
COMMISSIONER EWELL: Yes.
MR. KNAPP: Commissioner Gordon.
COMMISSIONER GORDON: Yes.
MR. KNAPP: Commissioner Long.
CHAIRPERSON LONG: Yes.
MR. KNAPP: Commissioner Moon.
COMMISSIONER MOON: Yes.
MR. KNAPP: Commissioner Nieto.
COMMISSIONER NIETO: Yes.
MR. KNAPP: Commissioner Therriault.
COMMISSIONER THERRIAULT: Yes.
CHAIRPERSON LONG: Motion passes.
Item f. Mr. Darden and Mr. South will report on whether the Commission should refer the matter of SFPD Josh Paul Enea to the Office of Administrative Hearings

for a hearing and recommendation as it does with serious misconduct matters, or whether the Commission wishes to hear the matter itself.

By way of quick background, in June, the division sent a notice of intent to cancel Officer Enea's certifications alleging he had obtained them through fraud or misrepresentation.

In July, Enea sent a notice of appeal. So the matter is before us today to determine just simply whether the Commission wishes to preside over an administrative hearing directly, or whether the Commission wishes to assign an administrative law judge to hear the matter, write a proposed decision for our consideration.

Either way the Commission decides whether to uphold or overturn the Executive Director's decision to cancel the certification.

Gentleman.

MR. DARDEN: So we don't want to discuss the specific facts today because of due process concerns. This is here really only on the procedural question. We know this is the first cancellation hearing that you've received.

And so for that reason, we wanted to present it to you so that you could make the determination.

Under the Administrative Procedure Act for accusations for revocation, and similarly for these peace officer certificate cancellations, the Commission always has the option. It can choose in the first instance to hold the hearing itself. Or it can refer it out to the Office of Administrative Hearings for a hearing.

Of course, if you chose to hear it yourself, this is a trial-type proceeding. All commissioners would be present for the duration of the proceeding. It could go multiple days. Some of these hearings can go a week or more. There would be an administrative law judge present. There would be a ruling on evidence, witnesses heard, and so forth.

So it is quite an undertaking, but it is a possibility. And since this is the first such matter, we wanted to at least let you know that was an option.

The other alternative is to do the same thing that we do in serious misconduct. That's the reason why we have administrative law judges and the Administrative Procedure Act. And in that case, then, the full evidentiary hearing is done before the ALJ, through the Office of Administrative Hearings, and the proposed decision comes back to the Commission, then for the Commission to take action on.

So really it is just a procedural question. Would the Commission like to handle these cancellation matters the same as it does with revocations and refer them out to the Office of Administrative Hearings for the hearing? That's the question.

CHAIRPERSON LONG: Commissioner Braziel.

COMMISSIONER BRAZIEL: Maybe I'm confused. What's the difference between -- how did it become a cancellation versus revocation because that's the first I have heard of this.

MR. DARDEN: Okay. Sure.

So there is the ability for the Commission, under statute and under its regulations, to cancel certificates for fraud, misrepresentation, or administrative error.

Since these are not serious misconduct revocations under 13510.8, there's a different procedure. The procedure that we follow for these is when we receive information to lead us to conclude there might have been fraud or misrepresentation, we do our own internal investigation, gather facts, and determine if we believe fraud and misrepresentation occurred that resulted in the issuance of the certification.

And then we send a notice to the respondent officer of the Intent to Cancel. The officer then has the

ability to request an appeal under Commission regulation.

So that's what we're talking about.

COMMISSIONER BRAZIEL: Thank you.

COMMISSIONER BARCELONA: Motion to move it to ALJ.

COMMISSIONER BRAUN: Second.

CHAIRPERSON LONG: Motion and a second.

Mr. Knapp, care to call the roll?

MR. KNAPP: Commissioner Barcelona.

COMMISSIONER BARCELONA: Yes.

MR. KNAPP: Commissioner Braun.

COMMISSIONER BRAUN: Yes.

MR. KNAPP: Commissioner Braziel.

COMMISSIONER BRAZIEL: Yes.

MR. KNAPP: Commissioner Cooper.

COMMISSIONER COOPER: Yes.

MR. KNAPP: Commissioner Doering.

COMMISSIONER DOERING: Yes.

MR. KNAPP: Commissioner Ewell.

COMMISSIONER EWELL: Yes.

MR. KNAPP: Commissioner Gordon.

COMMISSIONER GORDON: Yes.

MR. KNAPP: Commissioner Long.

CHAIRPERSON LONG: Yes.

MR. KNAPP: Commissioner Moon.

COMMISSIONER MOON: Yes.

MR. KNAPP: Commissioner Nieto.

COMMISSIONER NIETO: Yes.

MR. KNAPP: Commissioner Therriault.

COMMISSIONER THERRIAULT: Yes.

CHAIRPERSON LONG: Motion passes.

I would also like to note that if you read the full writeup by Toby, it was very unclear where he wanted the Commission to go on this.

(Laughter.)

MR. DARDEN: Completely up to the board.

CHAIRPERSON LONG: Correspondence. The following correspondence was sent from POST to Ian Schmutzler, Chief, Vacaville Police Department, expressing deep sympathy over the tragic on-duty death of Officer Matthew Bowen; and to Scott Wahl, Chief, San Diego Police Department, expressing deep sympathy over the tragic on-duty death of Officer Austin Machitar. Got that right.

New business. Executive Director Alvarez will introduce six nominees for the Advisory Board. I think, absent objection, I think we can take one vote on all six unless there's an objection. If any commissioner wishes to abstain or vote no on a particular nominee, please so advise aloud, and Mr. Alvarez will introduce

each one.

EXECUTIVE DIRECTOR ALVAREZ: Thank you, Mr. Chair.

We have a full -- a long list of individuals for the advisory committee, I believe. After this, we will still have two vacancies if you accept all of these individuals.

So it seems like we're going to have a nice big Advisory Board with all of these individuals should you approve.

Okay. The first one is a request to appoint Sheriff Kory Honea to the POST Advisory Committee as a representative to the -- as a representative for the California State Sheriff's Association.

The second is a request to appoint Vice Chancellor Anthony Cordova to the POST Advisory Committee as a representative for the California Community College Chancellor's Office.

The third is a request to appoint Detective Alicia M. Rosa to the POST Advisory Committee as a representative for the Peace Officers Research Association of California.

The fourth is a request to appoint Captain Miguel Pacheco to the POST Advisory Committee as a representative for California Peace Officers -- for the California Peace Officers' Association, or CPOA.

And then the last one -- I'm sorry. Not the last one; there's two more.

A request to appoint Investigator Kenneth Erman to the POST Advisory Committee as a representative for the Peace Officers Research Association of California, PORAC.

And then the sixth one is a request to appoint instructor Dominic Gamboa to the POST Advisory Committee as a representative for the POST private presenter position.

CHAIRPERSON LONG: Are there any questions about any of these individuals or their recommended appointment?

COMMISSIONER BARCELONA: Make a motion to accept all.

COMMISSIONER BRAZIEL: Second. Braziel.

CHAIRPERSON LONG: Second. Braziel.

Is there objection to unanimous consent to approve these six individuals to the Advisory Board?

(No response.)

CHAIRPERSON LONG: Seeing none, the appointments are approved.

Future Commission dates. Upcoming Commission meetings will be held November 21, 2024, at POST World Headquarters; and March 6, 2025, in the greater LA area;

June 5th at POST headquarters.

We will now adjourn to closed session. If everyone will please exit the room, we will reconvene briefly in regulation session at the conclusion of closed session.

(Closed session was held:

3:36 p.m. to 3:42 p.m.)

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(Open session resumed: 3:42 p.m.)

CHAIRPERSON LONG: We are back in regular session.

Commissioners, does anyone have anything else to say, to add?

Is there a motion to adjourn?

COMMISSIONER GORDON: I just like to ask a quick question about the next meeting.

CHAIRPERSON LONG: Commissioner Gordon.

COMMISSIONER GORDON: Will it be a one day or two day because if we're hearing cases --

CHAIRPERSON LONG: Good thing you asked because is there something you want to do differently with the Advisory Committee?

EXECUTIVE DIRECTOR ALVAREZ: Yes. I -- we anticipate it will be two days. So we have had some questions, some comments from the Advisory Committee, that they have been rushed because of the hearings. So we propose for the next meeting, they will have the

Advisory Committee on Tuesday, from 10:00 to 5:00.

The next morning, Wednesday, and I'm looking at the date right now, we would start with a hearing for the Commission at 10:00 a.m. on Wednesday. And we would hold the hearings on Wednesday.

And then the Commission meeting on Thursday. Starting at like 8:00 or 9:00 a.m. So that would give folks plenty of time to fly in if they need to, to be there for a ten o'clock meeting. And then on the overnight, we could start the next morning on Thursday morning.

So, yes, we anticipate at least three cases, potentially, to be heard by the Commission on the Wednesday of the week of November 21st. Whenever that day would be. So two days. Wednesday and Thursday for the Commission.

And the Advisory Committee would have a full day on Tuesday. That is somewhat clear. I can give you the dates now if you would like.

One second, and I will throw the dates out, so everybody has them.

So the Commission would meet on November 20th for the hearing at 10:00 a.m. And then the Commission would meet for the full Commission on Thursday, the 21st. If we could do it at 8:00 a.m. I know some people would

refer 9:00 a.m. We could do 9:00 a.m., and then just wrap it up and get everybody home.

COMMISSIONER GORDON: I will speak from a personal standpoint, I would prefer 8:00 for the afternoon flight.

CHAIRPERSON LONG: That's the second day.

EXECUTIVE DIRECTOR ALVAREZ: The second day because everybody will be in Sacramento, anyway, overnight.

COMMISSIONER BRAZIEL: I support Kelly. I will second it.

CHAIRPERSON LONG: I support Kelly, as well.

If there's no further business, there's a motion to adjourn?

COMMISSIONER EWELL: Motion to adjourn.

CHAIRPERSON LONG: Second?

COMMISSIONER GORDON: Second.

CHAIRPERSON LONG: Without objection, so we are adjourned. Thank you very much, everyone.

(Proceedings concluded at 3:45 p.m.)

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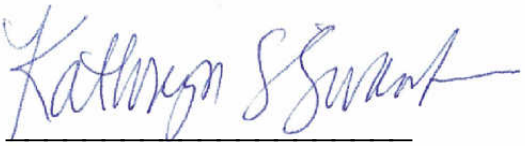
CERTIFICATE OF REPORTER

I, KATHRYN S. SWANK, a Certified Shorthand Reporter of the State of California, do hereby certify:

That I am a disinterested person herein; that the foregoing proceedings were reported, to the best of my ability, in shorthand by me, Kathryn S. Swank, a Certified Shorthand Reporter of the State of California, and thereafter transcribed into typewriting.

I further certify that I am not of counsel or attorney for any of the parties to said proceedings nor in any way interested in the outcome of said proceedings.

IN WITNESS WHEREOF, I have hereunto set my hand this 1st day of October 2024.



KATHRYN S. SWANK, CSR
Certified Shorthand Reporter
License No. 13061

E R R A T A S H E E T

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AGENDA ITEM REPORT

Title: ACTION SUMMARY - SEPTEMBER 12, 2024, PASADENA, CA

REPORT PROFILE

MEETING DATE 11/20/2024	**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: If the Committee concurs, the appropriate action would be a **MOTION** to approve the meeting Action Summary from the last Commission Meeting.

ATTACHMENT(S):
09.12.2024_CommissionFullMeeting_Action_Summary_MA.pdf

POST

GAVIN NEWSOM
GOVERNOR

ROB BONTA
ATTORNEY GENERAL

POST COMMISSION MEETING

Hilton Pasadena
(Monterey Room)
168 South Los Robles Avenue
Pasadena, CA 91101

September 12, 2024

ACTION SUMMARY

CALL TO ORDER

Chair Geoff Long called the meeting to order at 9:04 a.m.

FLAG SALUTE

The pledge of allegiance was led by Commissioner Nieto.

MOMENT OF SILENCE HONORING OFFICERS KILLED IN THE LINE OF DUTY

A moment of silence was held in honor of those peace officers who lost their life in the line of duty since the last Commission meeting.

- Officer Matthew Bowen, Vacaville Police Department
- Officer Austin Machitar, San Diego Police Department

OPENING REMARKS

Chair Long introduced Pasadena Police Chief Eugene Harris, who welcomed the Commissioners, POST staff and guests.

ROLL CALL OF COMMISSION MEMBERS

PRESENT	PRESENT	ABSENT
Alan Barcelona	Shannan Moon	Michelle Rodriguez
Ingrid Braun	Tina Nieto	Stephen Woolery
Rick Braziel - Vice Chair	Benjamin Therriault	
Jim Cooper		
Justin Doering		
P. Lamont Ewell		
Kelly Gordon		
Geoff Long - Chair		

A calling of the roll reflected a quorum was present.

INTRODUCTION OF NEW COMMISSIONERS

Chair Long introduced two new Commissioners: Senior Deputy Sheriff Justin Doering, Ventura County Sheriff's Office, and Sergeant Benjamin Therriault, Richmond Police Department.

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

Chair Long introduced POST Chief Counsel William "Toby" Darden, and the POST Advisory Committee Chair, Chief Jason Salazar, Visalia Police Department, along with POST Executive Director Manny Alvarez.

PUBLIC COMMENT PERIOD

Chair Long opened the floor for public comment. No comments were made during the public comment period.

EXECUTIVE DIRECTOR COMMENTS

Chair Long introduced Executive Director Alvarez who addressed the Commission.

Executive Director Alvarez introduced the three panelists: Chief Andrew White, Martinez Police Department, Chief Jason Salazar, Visalia Police Department, and Sheriff-Coroner Eric Taylor, San Benito County Sheriff's Office.

APPROVAL OF TRANSCRIPTS AND ACTION SUMMARIES

I. Approval of the Transcripts and Action Summaries of the following meetings:

a) Meeting Transcripts – June 12 - 13, 2024
b) Action Summaries – June 12 - 13, 2024

MOTION- Barcelona, second – Gordon and carried unanimously to approve the Meeting Transcripts and Action Summaries of the June 12 - 13, 2024, Commission Meetings.

CONSENT

II. Consent Items

Chair Long announced the presentations on Consent Items: c. through i. He then asked if the Commission would like presentations on Consent Items a. or b. There were no additional requests.

II. c. Report on POST Workforce Diversity Stats

Chair Long called upon Executive Director Alvarez, who provided a report.

This report was provided for information only. No action was required.

II. d. Report on History of Policing Video Series Project

Chair Long called upon Legislative Liaison Meagan Poulos, and Staff Services Manager Katie Strickland, both from the Office of Public Affairs in the Executive Office, who provided a report and showed the first of two videos: The History of Policing featuring Assistant Chief Blake Chow, Los Angeles Police Department.

This report was provided for information only. No action was required.

II. e. Panel Discussion Regarding Gaps in Serious Misconduct Definitions

Chair Long called upon Bureau Chief Brian South, Professional Conduct Central Bureau, who provided a report. Bureau Chief re-South then introduced guest panelists, Chief Jason Salazar, Visalia Police Department, Chief Andrew White, Martinez Police Department, and Sheriff-Coroner Eric Taylor, Sheriff San Benito County Sheriff's Office. Thereafter, a panel discussion took place.

The Commission discussed this item and made the following motions:

Chair Long called for a **MOTION** to have POST legal staff have an agenda item at the November Commission meeting with some examples of how to expand or clarify the definition of dishonesty to include a broader depth of misconduct related to the material fact of a case or an officer's misconduct.

MOTION – Gordon, Second – Ewell, and carried unanimously by **ROLL CALL VOTE** to approve the proposed Gaps in Serious Misconduct Definitions.

Break: 11:09 a.m.
Reconvened: 11:31 a.m.

Chair Long called upon Executive Director Alvarez, Commissioner Gordon, and Commissioner Braziel to report on POST Disciplinary Guideline subcommittee meeting, who provided a report.

Agenda Items presented out of order.

II. h. Report on the Regular Basic Course Training Environment

Chair Long called upon Bureau Chief Carrie Hollar, Basic Training Bureau, who provided a report.

This report was provided for information only. No action was required.

II. d. Report on History of Policing Video Series Project (Continued)

Chair Long called upon Legislative Liaison Meagan Poulos, and Staff Services Manager Katie Strickland, both from the Office of Public Affairs in the Executive Office, who provided a report and showed the second video: The History of Policing featuring Sergeant Mikayla Connell, San Francisco Police Department.

This report was provided for information only. No action was required

Break: 12:29 p.m.
Reconvened: 1:17 p.m.

II. f. Report on the PC832 Arrest and Firearms Course

Chair Long called upon POST Chief Counsel William "Toby" Darden, and Bureau Chief Carrie Hollar, Basic Training Bureau, who provided a report.

This report was provided for information only. No action was required.

II. g. Discussion on Proposed Amendments to Regulations 1010

Chair Long called upon POST Chief Counsel William "Toby" Darden, who provided a report.

This report was provided for information only. No action was required.

II. i. Report on Legislative Update

Chair Long called upon Legislative Liaison Meagan Poulos, Office of Public Affairs in the Executive Office, who provided a report.

This report was provided for information only. No action was required.

Break: 2:20 p.m.
Reconvened: 2:33 p.m.

III. TRAINING DELIVERY AND COMPLIANCE BUREAU

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

Chair Long called upon Bureau Chief Thomas Chalk, Training Delivery and Compliance Bureau, and Staff Services Manager Kristoffer "Erik" Gerolaga, Training Delivery and Compliance, who gave a report on this item.

The Commission discussed this item and made the following motions:

MOTION – Braziel, second – Doering and passes by **ROLL CALL VOTE** to approve the recommended changes as described in the report, and carried ten "aye" votes, and one abstention from Commissioner Chair Long.

IV. PEACE OFFICERS STANDARDS ACCOUNTABILITY DIVISION

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

Chair Long called upon Bureau Chief Brian South, Professional Conduct Central Bureau, who provided a report.

Chair Long called for a **MOTION** to approve the report on requests to amend the contract for Axon Enterprise, Inc. – Axon Enterprise program as described in the staff report.

MOTION – Therriault, Second – Moon, and carried unanimously to approve amending the contract with Axon Enterprise as specified in the report.

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

Chair Long called upon POST Chief Counsel William "Toby" Darden, who provided a report.

The Commission discussed this item and made the following motions:

MOTION – Nieto, Second – Cooper, and carried unanimously by **ROLL CALL VOTE** to approve the delegation of authority for the Executive Director to accept default revocation orders.

IV. c. Report on Peace Officer Revocations Based on Felony Convictions

Chair Long called upon Bureau Chief Brian South, Professional Conduct Central Bureau who provided a report.

The Commission discussed this item and made the following motions:

Chair Long called for a **MOTION** to approve the revocation action specified in the report.

MOTION – Gordon, Second – Therriault, and carried unanimously by **ROLL CALL VOTE** to approve the Peace Officers revocations based on felony convictions as described in the report.

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

Chair Long called upon POST Chief Counsel William "Toby" Darden, who provided a report.

Chair Long called for a **MOTION** to adopt the proposed settlement terms as a final resolution in the matter of Case No. POST2311496 regarding Cesar Hazel Diaz (POST ID: C68-U20) described in the staff report.

MOTION – Barcelona, Second – Cooper, and passes by **ROLL CALL VOTE** to adopt the proposed settlement terms as a final resolution regarding Cesar Hazel Diaz (POST ID: C68-U20), and carried with nine "aye" votes, and two abstentions from Commissioner Doering and Commissioner Therriault.

POST Chief Counsel William "Toby" Darden read the terms of the settlement agreement and called for a **MOTION** to accept the settlement terms.

MOTION – Cooper, Second – Barcelona, and carried unanimously by **ROLL CALL VOTE** to approve the settlement terms as a final resolution in the matter of Case No. POST2311496 regarding Cesar Hazel Diaz (POST ID: C68-U20).

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

POST Chief Counsel William "Toby" Darden, provided a report.

MOTION – Barcelona, Second – Braun, and carried unanimously by **ROLL CALL VOTE** to approve the proposed changes to Commission Regulation 1202 – Peace Officer Certificates.

V. CORRESPONDENCE

The following correspondence was sent from POST to:

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

VI. NEW BUSINESS

Chair Long called upon POST Executive Director Alvarez, who introduced the six nominees for the Advisory Committee.

a. Appointment of new members to the Advisory Committee:
   - Request to appoint Sheriff Kory Honea, Butte County Sheriff's Office, to the

POST Advisory Committee, as a representative for the California State Sheriff's Association (CSSA).

- Request to appoint Vice Chancellor Anthony Cordova, to the POST Advisory Committee, as a representative for the California Community College Chancellor's Office (CCCCO).
- Request to appoint Detective Alisha M. Rosa, San Bernardino County Sheriff's Office, to the POST Advisory Committee, as a representative for Peace Officers Research Association of California (PORAC).
- Request to appoint Captain Miguel Pacheco, Turlock Police Department, to the POST Advisory Committee, as a representative for California Peace Officers' Association (CPOA).
- Request to appoint Investigator Kenneth F. Ehrman, California Department of Motor Vehicles, to the POST Advisory Committee as a representative for the Peace Officers Research Association of California (PORAC).
- Request to appoint Instructor Dominic Gamboa to the POST Advisory Committee, as a representative for the POST Private Presenter position.

A **MOTION** – Barcelona, Second – Braziel and carried unanimously to approve the appointment of the six Advisory Committee Members.

VII. FUTURE COMMISSION DATES

1. Future Commission Dates

Chair Long read the future Commission meeting dates.

- November 20, 2024 – POST HQ, West Sacramento
- March 5-6, 2025 – TBD Southern California
- June 4-5, 2025 – POST HQ, West Sacramento

Closed Session 3:36 p.m.

XIII. CLOSED SESSION

Closed Executive Session

1. Conference with Legal Counsel – Existing Litigation: Pursuant to Government Code section 11126(e)(1), the Commission hereby provides public notice that the following pending litigation matters may be considered and acted upon, as necessary and appropriate, in closed session.

a) Tamara Evans v. POST, Sacramento Superior Court, Case No. 34-2014-00164423; Eastern District of California, Case No. 2:15-cv-01951.

2. Conference with Legal Counsel - Existing Litigation: Pursuant to Government Code section 11126(e)(1), the Commission hereby provides public notice that the following pending litigation matters may be considered and acted upon, as necessary and appropriate, in closed session. 7 a) Tamara Evans v. POST, Sacramento Superior Court, Case No. 34-2014-00164423; Eastern District of California, Case No. 2:15-cv-01951. Conference with Legal Counsel – Existing/Potential Litigation: Pursuant to Government Code section 11126(e)(1) and (2), the Commission hereby provides public notice that it may meet in closed session to determine whether, based on existing facts and circumstances, any matter presents a significant exposure to litigation [see Government Code section 11126(e)(2)(B)(ii)] and, if so, to proceed with closed session consideration and action on that matter, as necessary and appropriate [see Government Code section 11126(e)(2)(B)(i)], or, based on existing facts and circumstances, if it has decided to initiate or is deciding to initiate litigation [see Government Code section 11126(e)(2)(C)], or, if in the opinion of the state body on the advice of its legal counsel, based on existing facts and circumstances, there is litigation, or significant exposure to litigation, against the state body [see Government Code section 11126(e)(2)(B)(i)].

3. Evaluation of the Executive Director – The Commission will discuss the Executive Director's performance evaluation.

Reconvened to General Session – 3:42 PM

Chair Long reconvened the meeting to general session and asked for any comments from the Commissioners.

There were no additional comments.

Chair Long called for a **MOTION** to adjourn the meeting.

MOTION - Ewell, second – Gordon and carries with unanimous consent to adjourn the meeting.

ADJOURNMENT – 3:45 p.m.

Respectfully Submitted,

Brandy Essex
Staff Services Analyst
Executive Office

AGENDA ITEM REPORT

Title: REPORT ON POST PROGRAM OBSOLETE AGENCY - YUBA COMMUNITY COLLEGE DISTRICT POLICE DEPARTMENT

REPORT PROFILE

MEETING DATE 11/20/2024	**BUREAU SUBMITTING THE REPORT** Training Delivery and Compliance Bureau	
RESEARCHED BY Melanie Dunn		**REVIEWED BY** Kristoffer Erik Gerolaga
REPORT DATE 10/15/2024	**APPROVED BY** Manuel Alvarez, Jr.	**DATE APPROVED** 10/31/2024
PURPOSE		**FINANCIAL IMPACT** Yes

ISSUE, BACKGROUND, ANALYSIS, & RECOMMENDATION

ISSUE: The Yuba Community College District Police Department has been decommissioned effective June 30, 2024.

BACKGROUND: The Yuba Community College District Police Department has been decommissioned and no longer have any sworn/uniformed police officers.

ANALYSIS: Training Delivery and Compliance staff have confirmed by way of a letter from Vice Chancellor of Administrative Services, Juldeep Kaur, advising of their decommissioned status and no longer have any officers listed in EDI.

RECOMMENDATION: The Yuba Community College District Police Department has been decommissioned.

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

ATTACHMENT(S):
YCCD_Police_Decommissioning_Letter_-_signed.pdf

YUBA COMMUNITY
COLLEGE DISTRICT

October 4, 2024

Manuel Alvarez, Executive Director
Commission on POST
860 Stillwater Road, Suite 100
West Sacramento, CA 95605

Re: Notification of Decommissioning of Yuba Community College Police Department

Dear Mr. Alvarez,

We are writing to inform you that the Yuba Community College District police department has been decommissioned effective June 30, 2024. This decision was made by the Yuba Community College District Board of Trustees at their February 2024 meeting.

If you have any questions, please feel free to reach out to Lane Garbini, Director of Safety and Risk Management, at (530) 645-5993.

Sincerely,

Kuldeep Kaur

Kuldeep Kaur
Vice Chancellor of Administrative Services

YCCD Police Decommissioning Letter

Final Audit Report 2024-10-08

Created:	2024-10-07 (Pacific Daylight Time)
By:	Jessica Gaytan (jgaytan@yccd.edu)
Status:	Signed
Transaction ID:	CBJCHBCAABAAeAH84_kX7Z7ZLMu2blU6htBuEWkw7OXr

"YCCD Police Decommissioning Letter" History

Document created by Jessica Gaytan (jgaytan@yccd.edu)
2024-10-07 - 12:05:15 PM PDT- IP address: 207.62.206.195

Document emailed to Kuldeep Kaur (kkaur@yccd.edu) for signature
2024-10-07 - 12:05:59 PM PDT

Document e-signed by Kuldeep Kaur (kkaur@yccd.edu)
Signature Date: 2024-10-08 - 2:45:30 PM PDT - Time Source: server- IP address: 98.239.93.197

Agreement completed.
2024-10-08 - 2:45:30 PM PDT

AGENDA ITEM REPORT

Title: REPORT ON POST PROGRAM OBSOLETE AGENCY - COAST COMMUNITY COLLEGE DISTRICT POLICE DEPARTMENT

REPORT PROFILE

MEETING DATE 11/20/2024	**BUREAU SUBMITTING THE REPORT** Training Delivery and Compliance Bureau	
RESEARCHED BY Melanie Dunn		**REVIEWED BY** Kristoffer Erik Gerolaga
REPORT DATE 10/24/2024	**APPROVED BY** Manuel Alvarez, Jr.	**DATE APPROVED** 10/31/2024
PURPOSE		**FINANCIAL IMPACT** No

ISSUE, BACKGROUND, ANALYSIS, & RECOMMENDATION

ISSUE: The Coast Community College District Police Department has chosen to leave the POST Participating Program effective July 30, 2024.

BACKGROUND: The Coast Community College District Police Department no longer wishes to be in the POST Participating Program due to no longer having any sworn/uniformed police officers.

ANALYSIS: Training Delivery and Compliance staff have confirmed by way of a letter dated October 18, 2024 from Chancellor, Whitney Yamamura, advising they have no sworn officers.

RECOMMENDATION: The Coast Community College District Police Department has chosen to leave the POST Participating Program.

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

ATTACHMENT(S):
Coast Community College Removal from POST Letter.pdf

Coast Colleges

Trustees
Lorraine Prinsky, Ph.D., President
Jim Moreno, Vice President
Elizabeth Dorn Parker, Ed.D., Board Clerk
Mary Hornbuckle, Trustee
Jerry Patterson, Trustee

Student Trustee
Darla Nunez

Chancellor
Whitney Yamamura, Ed.D.

October 18, 2024

Peace Officer Standards & Training (POST)
Executive Director Manuel Alvarez Jr.
860 Stillwater Road
Suite 100
West Sacramento, CA 95605

Dear Director Alvarez,

The Coast Community College District is requesting to formally remove its District Police Department as a certified Peace Officer Standards & Training (POST) law enforcement agency. The department's sole law enforcement member retired in December 2022.

The Coast Community College District employs only non-sworn safety officers for its three (3) community college campuses, which include Coastline Community College, Golden West College, and Orange Coast College.

If you or your staff have any questions, feel free to reach out to my office at 714- 438-4600.

Sincerely,

Whitney Yamamura Digitally signed by Whitney Yamamura
Date: 2024.10.18 09:53:03 -07'00'

Whitney Yamamura, Ed.D.
Chancellor
Coast Community College District

Cc: Marlene Drinwkine, Vice Chancellor, Coast Community College District
Jim Rudy, Director of Public Safety, Orange Coast College

AGENDA ITEM REPORT

Title: REPORT ON COURSE CERTIFICATION STATISTICS

REPORT PROFILE

MEETING DATE 11/20/2024	**BUREAU SUBMITTING THE REPORT** Training Delivery and Compliance Bureau	
RESEARCHED BY Jet Alidon-Lam		**REVIEWED BY** Kristoffer Erik Gerolaga
REPORT DATE 10/11/2024	**APPROVED BY** Manuel Alvarez, Jr.	**DATE APPROVED** 10/30/2024
PURPOSE		**FINANCIAL IMPACT** No

ISSUE, BACKGROUND, ANALYSIS, & RECOMMENDATION

ISSUE: This is a status report of courses which have been certified and decertified from 08/01/2024 to 09/30/2024.

BACKGROUND: This report is submitted to the Commission quarterly to report the status of certified and decertified courses and presenters (**Attachment A**).

ANALYSIS: The following is a summary of the status report for 08/01/2024 to 09/30/2024:

Certified Presenters: 6

Decertified Presenters: 0

Certified Courses: 72

Course Modifications: 821

Decertified Courses: 13

Total Active Courses: 5,857

Total Active Presenters: 1,060

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

ATTACHMENT(S):

AttachmentA_Course_Certification_Stat_Report_August01_2024-September30_2024.pdf

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING
TRAINING DELIVERY AND COMPLIANCE SERVICE BUREAU
COURSE CERT STATS REPORT
REPORT FROM 08/01/2024 TO 09/30/2024

NEW PRESENTERS

CA DEPT OF PUBLIC HEALTH INJURY & VIOLENCE PREV - 1086
IMPERIAL COUNTY K9 INSTITUTE - 8015
JOPPA TRAINING GROUP - 8017
OFFICE OF TRAFFIC SAFETY - 9650
SENTRI INSTITUTE INC - 8016
SOTERIA ANALYTIC SOLUTIONS - 8018

SUMMARY OF TOTALS

	AUGUST	SEPTEMBER	TOTAL FOR AUG TO SEP	TOTAL YEAR-TO-DATE	TOTAL
PRESENTERS					
CERTIFIED NEW PRESENTERS	1	5	6	9	
DECERTIFIED PRESENTERS	0	0	0	0	
COURSES					
CERTIFICATION REQUESTS	48	33	81	120	
COURSES CERTIFIED	51	21	72	108	
COURSE MODIFICATIONS APPROVED	482	339	821	1686	
DECERTIFIED COURSES	4	9	13	26	
INACTIVE COURSES	0	0	0	0	

TOTAL ACTIVE COURSES **5857**

TOTAL ACTIVE PRESENTERS **1060**

AGENDA ITEM REPORT

Title: DISCUSSION REGARDING THE TRANSFERABILITY OF PEACE OFFICER BACKGROUND INVESTIGATION FILES (REGULATION 1953)

REPORT PROFILE

MEETING DATE 11/20/2024	**BUREAU SUBMITTING THE REPORT** Strategic Communications and Research Bureau	
RESEARCHED BY Melani Singley		**REVIEWED BY**
REPORT DATE 10/10/2024	**APPROVED BY** Manuel Alvarez, Jr.	**DATE APPROVED** 10/31/2024
PURPOSE		**FINANCIAL IMPACT** No

ISSUE, BACKGROUND, ANALYSIS, & RECOMMENDATION

ISSUE:

This item is being presented for discussion regarding the requirements for background investigations of peace officer candidates at the request of Chief Tracy Avelar, Chief of Police for the Foster City Police Department.

BACKGROUND:

Commission Regulation section 1953: Peace Officer Background Investigation outlines the requirements for conducting background investigations that comply with state law and POST-specific regulatory requirements. Regulation 1953(a) requires that "every peace officer candidate shall be the subject of a thorough background investigation to verify good moral character…and the absence of past behavior indicative of unsuitability to perform the duties of a peace officer, including any acts requiring denial of employment pursuant to the California Law Enforcement Accountability Reform (CLEAR) Act…"

Background investigations are conducted on behalf of and for the benefit of the employing agency who maintains the background investigation file in compliance with relevant state laws and Commission regulations.

Regulation 1953(g)(4): *Background Investigation Documentation and Reporting* requires that the background narrative report and other relevant background information be shared with potential employers, but the information is solely to

be used for investigative leads, and the prospective department must independently verify the information to determine peace officer suitability.

Commission Regulation 1953(f): *Background Investigation Update Eligibility* allows, under certain circumstances, background investigation updates to be conducted, if a peace officer candidate was initially investigated in accordance with all current requirements and the results are available for review. Most commonly, background updates are used for peace officers who return to the same POST-participating agency after a break in service. Less common are interim chiefs moving between agencies and, in rare circumstances, peace officers who are transferring between agencies that maintain a centralized personnel and background division.

A background investigation update requires a new Personal History Statement that addresses any changes since the initial background investigation. The agency must address all new information in the updated background and minimally include the following:

- Local criminal record check
- State and national criminal check, unless there is written attestation that the candidate was never removed from the department's peace officer files of the DOJ or FBI,
- Driving record check,
- Credit record check, and
- Verification of qualification for appointment as a peace officer, pursuant to Government Code section 1029.

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

In 2019, subsection (1)(B) was added to Regulation 1953(f) to address concerns about the need for agencies to hire interim agency heads within a relatively short period of time. The regulation allows, at the discretion of the hiring authority, the transfer of an initial background file of an interim chief from one agency to another, and a background investigation update to be completed in lieu of a new background, if the following criteria are met:

- The interim chief must have been initially investigated by a POST-participating agency in accordance with all current requirements,
- The background file must have been determined compliant by POST,
- The results of the initial background investigation must be available and reviewed by the hiring authority,

- The initial background investigation must have been conducted within the past five years, and
- The individual must have served as an interim police chief within the last 24 months.

The prospective hiring agency must also maintain the initial background investigation file from the originating agency with the updated background investigation file.

ANALYSIS:

Periodically, POST participating agencies have inquired about the potential for the transferability of background investigation files between agencies for peace officers who, for example, were recently appointed by an agency, but did not pass probation due to non-disciplinary reasons. Allowing the transfer of the background file to another prospective agency would eliminate the need to conduct a completely new background investigation for a separated peace officer who had recently had a background completed. The above noted regulations may provide guidance for discussion on this issue.

RECOMMENDATION:

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

AGENDA ITEM REPORT

Title:

DISCUSSION ON PROPOSED AMENDMENTS TO COMMISSION REGULATIONS TO ADDRESS COURSE COMPLAINTS AND INSTRUCTOR CONDUCT

REPORT PROFILE

MEETING DATE 11/20/2024	**BUREAU SUBMITTING THE REPORT** Training Program Services Bureau	
RESEARCHED BY Andrew Mendonsa	**REVIEWED BY**	
REPORT DATE 10/28/2024	**APPROVED BY** Manuel Alvarez, Jr.	**DATE APPROVED** 10/31/2024
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 to adopt a course complaint procedure and an instructor code of conduct.

BACKGROUND:

Per California Penal Code section 13503, the Commission is authorized to develop and implement programs to increase the effectiveness of law enforcement and when those programs involve training and education courses to cooperate with and secure the cooperation of state-level peace officers, agencies, and bodies having jurisdiction over systems of public higher education in continuing the development of college-level training and education programs. The Commission is further authorized to cooperate with and to secure the cooperation of county, city, and county, and other local law enforcement agencies in investigating any matter within the scope of its duties and responsibilities, and in performing its other functions. The Commission is authorized to do any and all things necessary or convenient to enable it fully and adequately to perform its duties and to exercise the power granted to it.

Commission Regulation 1057 - Denial of Course Certification/Suspension/Decertification, provides POST the

authority to deny certification, or to suspend or decertify a course by an Assistant Executive Director when:

(a) There is no current demonstrated need for the course set forth in Commission Regulation 1052 (a) or (b), or
(b) There is no current demonstrated need for the basic course set forth in Commission Regulation 1059 (a) or (b), or
(c) There is no longer a demonstrated need for the course, or
(d) There is failure to comply with requirements set forth in Commission Regulations 1052-1055 and 1059, or
(e) There are other reasons warranting denial of certification/suspension/decertification as determined by the Commission.

POST has previously developed an internal policy (TDC-4), which essentially spells out the course of action to be taken by POST staff and POST-certified course presenters when a complaint is received regarding a POST-certified course or their instructional staff.

POST Policy Manual TDC-4 (**Attachment A**) states in part:

POST policy specifies procedures to be followed when a complaint is received concerning a POST-certified course, program, training presenter instructor, staff, trainee, or student in or managing POST-certified courses or program. The policy defines the types of complaints which may be investigated and sets a procedure for POST staff to follow in the event that a complaint is received. The policy also specifies the disposition of a complaint once it has been investigated. If a complaint is either received, or identified by POST staff, policy TDC-4 directs the behavior of POST staff and places primary investigative responsibility on either the certified presenter, or in the case of a peace officer, the law enforcement agency employer.

POST does not currently have a codified Commission Regulation(s), regarding course complaint procedures or an instructor code of conduct.

ANALYSIS:

The Commission has a vested interest in ensuring that presenters and course personnel in POST-certified courses are adhering to the highest standards of conduct and performance, and not behaving or performing in ways that bring discredit to the Commission, POST-certified agencies, or to the law enforcement profession.

POST staff conducted an in-depth review of Commission Regulation 1057 and POST Policy TDC-4 and believe they are

insufficient to adequately address complaints regarding course personnel conduct or performance.

Staff seeks Commission direction regarding the possible amendment to Commission Regulations to address the concerns outlined in this agenda item.

RECOMMENDATION:

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

ATTACHMENT(S):

Attachment A- TDC-4_Complaint_Investigations_Involving_POST-Certified_Courses_and_Programs.pdf

State of California | Commission on Peace Officer Standards and Training

POST POLICY MANUAL

Title: Complaint Investigations Involving POST – Certified Courses And Programs	Number: TDC-4
Approved: MANUEL ALVAREZ, Jr., Executive Director — Date: 01/11/2023	Date Issued: 1/31/23
	Expires: upon revision

Purpose

The purpose of this directive is to establish the policy and procedure for the receipt and disposition of complaints concerning POST-certified courses, programs, training presenter instructors, staff, trainees or students in or managing POST-certified courses or programs.

Policy and Authority

Penal Code Section 13512 states that the Commission shall make such inquiries as may be necessary to determine whether every city, county, city and county, and district receiving state aid under this chapter is adhering to the standards for recruitment and training established pursuant to this chapter.

Procedures

Complaints from POST agencies, presenters or individuals outside of POST that are received by POST staff shall be referred to the appropriate POST-certified training presenter for investigation and disposition. POST will assume primary responsibility for the investigation and disposition of a complaint only in the circumstances described in the following Procedure and with the approval of the Executive Director.

Definition

Complaints may involve comments, conduct, actions, or failures to act that bring discredit to the Commission or violations of POST regulation, Commission employees, programs or services, or to other persons or organizations associated with the Commission. Complaints may include but are not limited to, violations of conditions of course certification, or Commission regulations and procedures, sexual harassment, unsafe practices, discrimination or other conduct by training presenter staff, instructors, role players, or students in POST-certified courses. Criminal law violations shall be referred to the appropriate law enforcement agency.

Procedure

The Executive Office shall be notified of all complaints received by any member of POST staff. Each complaint will be referred to the appropriate bureau for assignment. A record of the complaint will be logged by the assigned bureau. .

When a peace officer is the subject of a complaint, the complaint shall be referred to the appropriate POST-certified presenter or law enforcement agency.

a) The POST staff member assigned the complaint:

(1) Shall assess the nature and severity of the complaint and may make reasonable initial inquiries, as necessary, to obtain complete information and to clarify allegations of the complaint.

(2) Shall notify the involved POST-certified presenter, in writing, within ten days of the receipt of the complaint. The notice of the complaint will provide complete information, including copies of all documents, concerning the complaint. The notification shall include a request for an investigation and resolution of the complaint within 60 days.

(3) Shall ensure a complete and objective investigation is conducted by the POST-certified presenter. The presenter has the primary responsibility for the investigation of the complaint. POST staff may participate directly in an investigation only with the approval of the appropriate Assistant Executive Director.

(4) Shall obtain specific information concerning the disposition of the complaint. This information shall include actions the presenter has taken concerning the allegations and individual(s) who are the subject of the complaint.

(5) Shall notify the complainant, in writing, when the investigation is completed. The notification should summarize the disposition of the complaint based on information received from the presenter. If the complainant is anonymous, the disposition will be placed in the appropriate POST electronic file designated for that presenter. A copy of the notification shall be sent to the Executive Office. POST staff shall consult with the Bureau Chief of the Strategic Communications & Research Bureau to ensure the information provided to the complainant may appropriately and legally be released.

(6) Shall ensure all information concerning the complaint, including the original complaint and the disposition summary, is placed in the appropriate agency or certified presenter file.

Investigation by POST

POST may assume primary responsibility for the investigation of a complaint:

a) If the entity (presenter) responsible for the investigation:
(1) Fails to investigate within 60 days; POST may also suspend the presenter upon Executive Office approval if the investigation is not complete
(2) Does not respond to or cooperate with POST staff; or
(3) Declines to conduct a thorough and objective investigation.

b) If the subject of the complaint is the certified presenter of record and no other entity is available to conduct the investigation (e.g., private presenter).

With the approval of the Executive Director, POST staff may conduct an independent investigation or refer the complaint to another agency for investigation, based upon the nature and potential consequences of the allegations, if true.

Disposition of Complaint. Upon receiving the results of the investigation and proposed disposition of the complaint, POST may:

a) Accept the investigation and disposition of the complaint reported by the presenter or law enforcement agency;
b) Negotiate additional conditions with the presenter for disposition of the complaint;
c) Require the subject of a complaint wherein the allegation(s) are found to be true to be removed from a POST-certified course or program; or
d) De-certify the course or program.

Responsibility

Employee
Any POST employee who receives a complaint (written, verbal, electronic means) shall forward the complaint to their immediate supervisor.

Supervisor
The Supervisor receiving the complaint will review the complaint with their Assistant Executive Director, to discuss how to proceed. The Assistant Executive Director will ensure that the complaint is recorded and referred to the appropriate Bureau Chief for assignment.

Subject Index and History

Index Reference: Complaint Investigations Involving POST-Certified Courses and Programs
History: Originated: 07/01/1998, Revised: 7/17/2019, 12/28/2022

AGENDA ITEM REPORT

Title: REPORT ON THE QUALITY ASSESSMENT PROGRAM

REPORT PROFILE

MEETING DATE 11/20/2024	**BUREAU SUBMITTING THE REPORT** Training Program Services Bureau	
RESEARCHED BY William Baldwin	**REVIEWED BY** Kenya Smith	
REPORT DATE	**APPROVED BY** Manuel Alvarez, Jr.	**DATE APPROVED** 10/31/2024
PURPOSE	**FINANCIAL IMPACT** No	

ISSUE, BACKGROUND, ANALYSIS, & RECOMMENDATION

ISSUE:

This agenda item provides analysis of the progress and efficacy of the Quality Assessment Program (QAP), as well as the measures taken to continually improve outcomes. The agenda will provide the general process used in the program, the number of courses selected for review, the number of instructor assessments completed, the number of courses requiring corrective action, and the number of recommendations provided to assist with improvement with instruction.

BACKGROUND:

The mission of the Commission on Peace Officer Standards and Training (POST) is to continually enhance the professionalism of California Law Enforcement in serving its community. The Quality Assessment Program (QAP) is contractually managed by the South Bay Regional Public Safety Training Consortium (South Bay), which provides a third-party validation that presenters are delivering the best training possible to California law enforcement personnel.

The South Bay program manager, in collaboration with POST staff, is responsible for assigning quality assessors to selected courses. Historically, only courses listed in the POST Course Catalog were selected for assessment. During discussions with the South Bay program manager, a gap was identified due to many presenters not listing their courses in the catalog. Typically, presenters that plan on providing "agency only" training to their own personnel do not usually list the training in the course catalog. Once recognized, the South Bay program manager was provided with a list of all courses, inclusive of

those not listed in the catalog. These courses now being evaluated in the future.

Another common reason for selecting a course for quality assessment is in response to an external complaint. When a complaint regarding a course or instructor(s) is received by POST, it is reviewed by POST staff and an investigation initiated, if warranted. As part of the review process, the complaint may be forwarded to the POST QAP manager, who initiates a request for a QAP with the South Bay manager.

Once the program manager notifies presenters that their course has been selected for a QAP, POST provides the South Bay program manager with the Expanded Course Outline (ECO), instructor resumes, course hourly distribution/schedule, course safety plan (if applicable) and course budget (if applicable.) The assigned assessor will review those items, ensuring the course outline and lesson plan (if provided) adhere to legislative and regulatory requirements, the safety plan appears reasonable, the hourly distribution is complete, and the course budget is reasonable, before assessing the course.

Most quality assessors in the program are graduates of Instructor Development Institute (IDI) Master Instructor Certification Course (MICC). The time required to complete the final stage of MICC is typically ten to twelve months and involves the creation of a course of instruction, which includes student learning outcomes, student learning activities, and a lesson plan, just to name a few. Once the course is validated, the student is required to pilot the approved, peer reviewed course. Only personnel that have completed the MICC course or are actively working in the latter stages of the MICC program, are allowed to assess courses in the QAP program.

The assessors, assigned with the provided course information, audit the assigned course. The assessors complete an instructor assessment for every instructor in the course, inspect the classroom or training location for suitability, and ensure safety protocols, if applicable, are adhered to. Many courses, depending on the length, have several instructors during the course of instruction, requiring multiple assessments. Upon completing the QAP, the assigned assessor returns the assessments to the South Bay program manager.

The POST QAP Manager reviews the assessments and sends a letter notifying the presenter of the outcomes. Some courses do not have identified deficiencies, and the letter requires no follow-up from the presenter. Other courses may have regulatory issues, such as missing resumes or correct

formatting of the expanded course outline. Others involve instructor ratings of either “Unacceptable” or “Needs Improvement” in one of the nine categories from the rubric (Attachment A). These issues are listed in the letter to the presenter and the presenter is given twenty-one days to respond with an action plan on how they can get the instructor to “Meets Standards.” If POST does not receive a response from the presenter within the twenty-one day period, the course is placed into “modification” status in POST’s Electronic Data Interchange (EDI), which prevents the agency from presenting any new classes until an action plan is provided and the modification status is removed by POST. An internal note of the course assessment is placed in the internal comments of the EDI under that course number. If an instructor receives an unsatisfactory rating, the POST program manager will require that instructor's resume be removed from the course until the instructor attends recommended training to correct the deficiency. Once the instructor completes the training, the resume may be re-inputted into the course resumes and the instructor will be allowed to instruct again. In most instances, a second QAP assessment will be assigned the first time that instructor returns to the classroom to confirm the deficiency has been corrected.

ANALYSIS:

From November 1, 2023, to November 4, 2024, ninety five (95) courses were assessed by the QAP. Of the ninety five courses attended, seventy four (74) course evaluations are complete and all documents have been submitted, with twenty course evaluations pending final document submission. Of those seventy four completed course evaluations, one hundred forty eight (148) evaluations have been submitted. Many of the evaluations contain multiple instructors. There was a total of six hundred and sixty (660) recommendations for improvement contained in the evaluations and three thousand seven hundred sixty eight (3768) instructional hours assessed.

Attachment A is a sample assessment template. **Attachment B** is a redacted assessment. **Attachment C** is a sample of a letter sent to the presenter informing them of the assessment. **Attachment D** is an after-action report from the presenter addressing issues noted in the letter. **Attachment E** is a list of the courses assessed from November 1, 2023 to November 4, 2024.

RECOMMENDATION:

This report is presented for informational only. No action is

required.

ATTACHMENT(S):
Attachment_A._Sample.pdf
Attachment B _Redacted 10-10-24_.pdf
Attachment C QAP Gorre.pdf
Attachment D November 2024 After Action.pdf
Attachment E Courses Assessed November 2024.pdf

State of California – Department of Justice

TRAINING EVALUATION – COURSE & INSTRUCTOR ASSESSMENT

POST 2-341 (Revised 04/21)

Commission on
Peace Officer Standards and Training (**POST**)
860 Stillwater Road, Suite 100
West Sacramento, CA 95605-1630

PRESENTATION INFORMATION

Course title	Control number	Date
		to

Instructor	Evaluator	
Agency/presenter	City	Zip
Number of students	Maximum number of students allowed	
Course coordinator	Email	Phone
Instructor number of for this course		

REQUIRED POST DOCUMENTATION

- ☐ Expanded Course Outline
- ☐ Resumes
- ☐ Hourly Distribution
- ☐ Budget

	Yes	No	N/A
Safety Briefing Performed	☐	☐	☐
Safety Policies Reviewed	☐	☐	☐
Instructor/Student Ratio	☐	☐	☐

Notes:

INSTRUCTION AND FACILITATION

DIMENSION	UNACCEPTABLE	NEEDS IMPROVEMENT	MEETS STANDARD	ABOVE STANDARD	N/A
Facilitation Skills (as appropriate for the lesson): Instructor communicated clearly, used active listening skills, engaged students with thoughtful questions, promoted student engagement.	☐ Instructor only lectured. Did not allow opportunity for student feedback, engagement, or participation.	☐ Instructor missed opportunities to engage students. Did not use questioning techniques to promote student dialogue. Relied too heavily on lecture.	☐ Instructor maintained a student-centered learning environment. Used active listening skills. Engaged students in open-ended questions. Promoted student participation in their own learning. Used lecture as appropriate.	☐ Instructor used student backgrounds and experiences in facilitating class dialogue. Posed questions back to the class when able. Encouraged all students to participate in the learning.	☐

Comments:

DIMENSION	UNACCEPTABLE	NEEDS IMPROVEMENT	MEETS STANDARD	ABOVE STANDARD	N/A
Subject Matter Expertise: Instructor was up to date, well versed in the course material, was readily able to answer questions.	☐ Instructor did not appear to have sufficient knowledge in the topic and lacks credibility with students. Had difficulty answering student questions. Offered no evidence that he/she is keeping up with latest trends. Teaching was contradictory to the lesson. Instructor was unfamiliar with the lesson.	☐ Instructor lacked knowledge and appeared to lack credibility with students. Had difficulty answering questions.	☐ Instructor had sufficient knowledge of the topic. Was well versed in the course material. Instructor was up to date with current trends.	☐ Instructor had extensive credentials and experience in the course subject material. He/she was well versed, could readily answer all student questions, served as an example of an expert in the field.	☐
Comments:					
Time Management: Satisfied the learning objectives at an acceptable pace in the time allotted.	☐ Instructor failed to keep to a time schedule. Was rushed, unable to meet the objectives. Dismissed class early despite not covering all material.	☐ Instructor had trouble keeping to a time schedule. Sometimes missed student breaks. Ran over the scheduled ending time or was too far under the scheduled ending time. Did not meet objectives before dismissing class.	☐ Instructor kept to a time schedule that enabled him/her to cover all necessary information while maintaining student breaks and class dismissal times.	☐ Instructor effectively changed or adjusted the learning environment during the course of instruction to meet student needs and learning objectives. Allowed time for students to go beyond the lesson and/or expand. Adjusted time for students to ask questions and answer their questions.	☐
Comments:					

DIMENSION	UNACCEPTABLE	NEEDS IMPROVEMENT	MEETS STANDARD	ABOVE STANDARD	N/A
Professionalism: Attitude, language, conduct, and attire were appropriate.	☐ Instructor conduct was unacceptable for a professional training environment. Used unnecessary profanity outside the scope of course material, inappropriate attire, displayed a poor attitude toward the students or the course material.	☐ Instructor did not appear to be prepared for training, was dressed inappropriately given the environment, used profanity when unnecessary or not part of the curriculum.	☐ Instructor was prepared for the training, was dressed appropriately given the training environment, refrained from using profanity. Treated all students with respect. Displayed a positive attitude.	☐ Instructor was dressed appropriately given the training environment, did not use profanity. Communicated clearly using proper grammar. Treated all students with respect. Was enthusiastic about teaching. Maintained a professional demeanor. Treated instruction and students as a priority.	☐
Comments:					
Learning Resource Management: The use of technology and other instructional resources (PPT, web-based resources, easel pads/handouts (including virtual), breakout rooms, etc. to enhance curriculum delivery. Reference material could include internet links, suggested videos, experts, or other training material.	☐ Instructor did not use instructional resources. Did not promote engaging student learning using delivery resources. Did not provide reference material for use during or after the class.	☐ Instructor used a minimal number of instructional resources (e.g., PowerPoint only) in delivering course material. Missed opportunities to enhance the class with engaging resources.	☐ Instructor used a variety of methods and tools to support student-centered learning (PPT, web-based resources, easel pads/handouts including virtual), breakout rooms, etc. to enhance curriculum delivery as appropriate. Provided reference/resource material.	☐ Instruction was entirely student-centered with a wide variety of engaging classroom activities using multiple resources. Instructor provided students with useful resources for use during and after the course with direct application to skills used on the job.	☐
Comments:					

DIMENSION	UNACCEPTABLE	NEEDS IMPROVEMENT	MEETS STANDARD	ABOVE STANDARD	N/A
Classroom Management: The instructor was flexible and responsive to student learning needs.	☐ Inflexible and unresponsive to student learning needs. Unable to resolve interruptions, distractions, and/or disruptive students in class.	☐ Recognized student learning needs but struggles with flexible delivery. Somewhat resolved interruptions, distractions, and/or disruptive students in class.	☐ Maintained empathy with students, identified emergent learning needs, and made purposeful course revisions on the fly. Identified risk management issues and resolved any potential distractions immediately to return the class to an effective learning environment.	☐ Promoted a student-centered learning environment to guide learning process while also assuring learning outcomes were met. Took potentially disruptive situation(s) and turned it into a teachable moment while maintaining tact and an effective learning environment.	☐
Comments:					
Real World Application: Presentation included instruction that provided knowledge, skills, and abilities in real world application.	☐ Instruction did not provide relevant information for application in real-world context	☐ Instructor missed opportunities to connect curriculum with real- world application. Relied too heavily on lecture with limited opportunities for students to apply the material.	☐ Instructor established relevance, provided instruction and curriculum that had real- world or tangible application outside the classroom.	☐ Instructor established relevance, provided instruction and curriculum that had real-world or tangible application outside the classroom. Instructor incorporated effective learning activities that enabled students to experience hands-on application.	☐
Comments:					

DIMENSION	UNACCEPTABLE	NEEDS IMPROVEMENT	MEETS STANDARD	ABOVE STANDARD	N/A
Instructional Methods: Delivery applied to a variety of learning styles (visual/auditory/ tactile/kinesthetic), used activities, and learning domains (cognitive, affective, psychomotor) as appropriate.	☐ Instructor did not address different student learning styles at all. Used delivery methods that did not allow for student centered learning.	☐ Instructor missed opportunities to address different student learning style needs. Focused too much on one learning domain when the curriculum or topic crossed multiple domains.	☐ Instructor used a variety of delivery methods applicable to different learning styles and learning domains as appropriate for the course.	☐ Instructor delivered information in ways that involved all learning styles, fully utilized RIDEM principles (Relevance, Involvement, Discovery, Experience, Modeling). Incorporated learning domains as appropriate for the instruction.	☐
Comments:					
Learner Validation: Student learning was measured or demonstrated.	☐ Instructor did not measure student skills or comprehension or provided answers without requiring students to demonstrate knowledge retention.	☐ Instructor missed opportunities to validate learning, or the testing was inappropriate for the curriculum (e.g., no skills demonstrations in psychomotor skills, etc.).	☐ Instructor utilized a form of testing to demonstrate knowledge or skills (written testing, group discussion feedback, student Q&A, application demonstration, etc.).	☐ Instructor used multiple opportunities for students to individually demonstrate their knowledge of the course material.	☐
Comments:					

Additional Comments:

Additional Comments:

State of California – Department of Justice
TRAINING EVALUATION – COURSE & INSTRUCTOR ASSESSMENT
POST 2-341 (Revised 10/23)

Commission on
Peace Officer Standards and Training (**POST**)
860 Stillwater Road, Suite 100
West Sacramento, CA 95605-1630

PRESENTATION INFORMATION

Course title	Control number	Date
[redacted] Instructor Update	[redacted]-003	[redacted]/24 to [redacted]/24

Instructor [redacted] | Evaluator [redacted]

Agency/presenter [redacted] | City [redacted] | Zip [redacted]

Number of students 22 | Maximum number of students allowed 30

Course coordinator [redacted] | Email [redacted] | Phone [redacted]1

Training commander | Email | Phone

Instructor number 1 of 3 for this course

REQUIRED POST DOCUMENTATION

- ☒ Expanded Course Outline
- ☒ Resumes
- ☒ Hourly Distribution
- ☐ Budget

	Yes	No	N/A
Safety Briefing Performed	☐	☒	☐
Safety Policies Reviewed	☐	☒	☐
Instructor/Student Ratio	☒	☐	☐

Notes: The first part of the course took place at the [redacted]

The classroom was set up in a lecture-style format, with eight chairs set up across each row. A column was set up down the middle aisle, splitting the class in half, making four students on each side of the row. Each student was pre-assigned a seat in the room. I received an expanded course outline, instructor resumes, and a safety plan for this course. I did not receive a budget or an hourly distribution. Instructor [redacted] was designated as the primary instructor for this course, and instructors [redacted] and [redacted] were designated as "safety" instructors for the mat room and physical demonstrations. As a result, this evaluation is focused on the delivery methods of Instructor [redacted] since he was the primary instructor and provided the students with the course material and POST-required learning materials.

On the desks, instructors provided students with the following:
Enrollment application
Material fee receipt for [redacted]
Course Syllabus/Outline
Course outline
PowerPoint slides (3 slides per page= 129 slides). 43 pages
Liability waiver
Emergency contact card

The following information was written on the whiteboard at the front of the classroom:

Course name: [redacted]
[redacted]
Course numbers: 1[redacted]
Semester Summer' 24/ Units: .25
Fee-Enrollment: $[redacted]
Materials: 0

Student ID# "W" of the last four of your SS#. Everyone MUST complete a Repeat Petition.

When the class started at 0800, 17 students were present. Six students, including one instructor, arrived 20 minutes late after the coordinator had already explained the registration and application process.

At 1:10, the students went to lunch. They were instructed to return to the second training location at [redacted] CA [redacted] ("Small Mat Room") at 2:20.

The "Small Mat room" is a full mat room with a padded mat floor and padded walls. It was well-conditioned (cool), and restrooms and a water source were immediately available outside the room.

There were two large signs posted on one of the walls. They stated the following:

Matroom Safety Rules:
No loaded firearms or live ammo in the mat room during training
Clean and sanitize mats after each use
No street shoes on the mats
No Horseplay
Any blood and/or other contagious spills must be cleaned immediately with disinfectant.

The second sign:

Emergency Information:
In the event of an Emergency, call 911 from a cell phone at [redacted]
Your location: [redacted]
Report all injuries to instructional staff and/or sponsoring agency
Report any equipment damage or safety hazards to the training authority room [redacted]

When students arrived at the location, Instructor [redacted] pointed to the two signs on the wall and said, "Reminder, these are your safety rules, and no horseplay is allowed." That was the conclusion of the safety brief.

Instructional Design Recommendations:

-A safety check and brief should be given before physical training begins each day per the submitted safety policy and the POST Guideline for Student Safety in Certified Courses (2024). Students and instructors should not eat (chewing gum) or drink (coffee/protein shakes) on the mats during the physical drills. Students and instructors should be free from weapons and sharp objects, including knives, watches, and other jewelry that could get caught and accidentally torn from the body or cause injury to another student.

-A readily identifiable first aid kit, AED, designated first aid/CPR personnel, and course of action should be made clear to students in the event of an injury or emergency per the submitted course safety policy and the POST Guideline for Student Safety in Certified Courses (2024).

-LEOKA Statistics should focus on those specific to arrest and control or use of force incidents in which officers failed to control the subject(s). (The LEOKA website provides in-depth information on this.) Providing death statistics about officers who were ambushed, attacked by snipers, in active shooter events, or died in car crashes is tragic but not relevant to why they are learning about appropriate arrest and control tactics and should be teaching the same to their students. The statistics lose their value and impactfulness when presented in this way.

-Several recent case laws that are significantly relevant to arrest, control, and use of force have been presented. Instead of telling students about them, assign students individually or in groups to research the cases and explain the relevance of the cases as they apply to PC 835, Graham V. Conner, etc., and what it means for them as instructors for liability. Have the students explain how they will use this information when teaching and training their officers to articulate better and document their use of force incidents when they return to their agencies.

-Limit the number of techniques presented and ensure instructors/officers can perform those techniques exceptionally. Hostage escapes, while good to know, are not as critical to practice and much less likely for officers to encounter on a day-to-day basis as handcuffing and wrist locks. Spend time where it is most valuable and practical.

INSTRUCTION AND FACILITATION

DIMENSION	UNACCEPTABLE	NEEDS IMPROVEMENT	MEETS STANDARD	ABOVE STANDARD	N/A
Facilitation Skills (as appropriate for the lesson): Instructor communicated clearly, used active listening skills, engaged students with thoughtful questions, promoted student engagement.	☐ Instructor only lectured. Did not allow opportunity for student feedback, engagement, or participation.	☒ Instructor missed opportunities to engage students. Did not use questioning techniques to promote student dialogue. Relied too heavily on lecture.	☐ Instructor maintained a student-centered learning environment. Used active listening skills. Engaged students in open-ended questions. Promoted student participation in their own learning. Used lecture as appropriate.	☐ Instructor used student backgrounds and experiences in facilitating class dialogue. Posed questions back to the class when able. Encouraged all students to participate in the learning.	☐

Comments: Instructor [redacted] demonstrated some active listening skills but failed to engage students effectively. While Instructor Rose posed some probing questions, he did not promote student engagement. For instance, during student introductions, [redacted] gave the appearance he was disengaged. He was typing on his computer in front of the room, which set a tone of indifference to the students. Additionally, the multiple interruptions of his "co-instructors" during lectures detracted from focused instruction and discouraged student involvement. During video debriefs, [redacted] asked questions but did not follow up or delve deeper into student responses, instead reverting to his own monologues.

For example, Instructor [redacted] showed a video of a female Chicago PD officer. Before the video started, Instructor [redacted] told the students what events he wanted them to pay attention to specifically. As the video played, he used a laser pointer to point out different elements in the video and talk about the event. When it concluded, he asked the class what they saw. One of the students brought up a need for more communication. Instead of asking prompting and meaningful follow-up questions or expanding on the student's observation, Instructor [redacted] lectured about the remainder of the video.

Instructor [redacted] walked around the room during the hands-on physical drills and pointed out student technique errors. He pointed out key elements of executing the move correctly and what students needed to do to make the technique effective. Examples include where and when to hold tension to maintain control and compliance of the suspect. Instructor [redacted] should have mentioned these critical points during the demonstrations or even as refreshers when the students were practicing the moves earlier. Reminding students of these facts, common mistakes during execution, how to combat them, and safety concerns for the students playing the suspect role would have assisted them in their performance and ability to teach them to their students when they return to their agency after the course completion.

DIMENSION	UNACCEPTABLE	NEEDS IMPROVEMENT	MEETS STANDARD	ABOVE STANDARD	N/A
Subject Matter Expertise: Instructor was up to date, well versed in the course material, was readily able to answer questions.	☐ Instructor did not appear to have sufficient knowledge in the topic and lacks credibility with students. Had difficulty answering student questions. Offered no evidence that he/she is keeping up with latest trends. Teaching was contradictory to the lesson. Instructor was unfamiliar with the lesson.	☐ Instructor lacked knowledge and appeared to lack credibility with students. Had difficulty answering questions.	☒ Instructor had sufficient knowledge of the topic. Was well versed in the course material. Instructor was up to date with current trends.	☐ Instructor had extensive credentials and experience in the course subject material. He/she was well versed, could readily answer all student questions, served as an example of an expert in the field.	☐

Comments: Instructor was up to date, well versed in the course material, was readily able to answer questions.

Instructor [redacted] displayed a robust knowledge of the subject matter from his forty-plus years of experience. However, his frequent digressions into unrelated topics, such as political opinions and personal anecdotes, undermined the focus on course material. This behavior detracted from the perceived expertise and professionalism expected in such a setting.

Instructor [redacted] demonstrated his frustration with the changing laws and politics. For example, when explaining the changes to PC 835, Instructor [redacted] commented, "The legislature is not your friend. The vast majority of the people writing the legislature are people who went to law school." This statement implies that the people creating the laws do not understand law enforcement officers' jobs. While this may or may not be true, it is irrelevant to the presentation of the material.

Instructor [redacted] initially commented on the topic of positional asphyxia during the lecture portion of the course by defining the term via one of the PPT slides. He then went on to complain about an article written about his previous teachings stating he disagreed with the author's findings and they were inaccurate. Instructor [redacted] spoke about the Covid-19 vaccine and the correlation of increased deaths, heart attacks and strokes from those who chose to take the vaccine. Later in the course, during the handcuffing and physical drills, Instructor [redacted] told students the following regarding placing suspects on their stomachs while handcuffed “It’s not excessive force should they expire if you apply force as long as its not on their back“

Instructor [redacted] provided students with case law references, which he briefly explained. These cases could have significant value to officers involved in a use-of-force incident and for instructors or agencies defending a particular course of action or inaction on a call for service. It would have been more effective to have students research these cases individually or in small groups and then articulate the use of force incidents compared to the standards of PC 835, or whether the case applied in a use of force scenario he provided. This approach may provide a deeper understanding of both topics and help the students be better prepared to teach their agency how to articulate their actions.

Instructor [redacted] also addressed the topic of excited delirium. He addressed the recent legal update requiring law enforcement officers to stop using this term in their police reports when describing subjects and their behavior. Instructor [redacted] expressed his opinions and beliefs about the legislature, "I don't know where this is happening or why the legislature is feeling the need to do this, but there it is. We describe the behavior [of the suspects]." He discussed the sections in which this law affected and described each-Health and Safety code, Penal Code, Evidence code, and the specific wording of AB360. While this was interesting information, much of it needed to be more relevant to the students in the course. The presentation would have been more effective and impactful had he focused on how to describe the observed behaviors in a written report for future reference.

DIMENSION	UNACCEPTABLE	NEEDS IMPROVEMENT	MEETS STANDARD	ABOVE STANDARD	N/A
Time Management: Satisfied the learning objectives at an acceptable pace in the time allotted.	☐ Instructor failed to keep to a time schedule. Was rushed, unable to meet the objectives. Dismissed class early despite not covering all material.	☒ Instructor had trouble keeping to a time schedule. Sometimes missed student breaks. Ran over the scheduled ending time or was too far under the scheduled ending time. Did not meet objectives before dismissing class.	☐ Instructor kept to a time schedule that enabled him/her to cover all necessary information while maintaining student breaks and class dismissal times.	☐ Instructor effectively changed or adjusted the learning environment during the course of instruction to meet student needs and learning objectives. Allowed time for students to go beyond the lesson and/or expand. Adjusted time for students to ask questions and answer their questions.	☐

Comments: The course suffered from significant time management issues. The extensive administrative paperwork at the beginning of the class consumed valuable instructional time and needed to be better organized. Additionally, valuable time was lost during lectures because of off-topic discussions and instructor stories. As a result, learning objectives were not met efficiently, and the pacing of the course was inconsistent.

During the student teach-back presentations, Instructor [redacted] gave the first groups more time to present, while the second half of the groups were limited to fifteen minutes. Several groups did not finish their entire presentation or cover their assigned material. There were excessive periods of downtime where students were left idle while instructors engaged in personal conversations with each other or other students.

Many of the learning objectives were not covered by the instructors but instead taught by the students in the teach-backs. This created some confusion, as some groups taught the material wrong or could not remember it. Instructor [redacted] was forced to step in and correct the teach-back demonstrations or cover that portion of the material that was not initially presented in the main course.

DIMENSION	UNACCEPTABLE	NEEDS IMPROVEMENT	MEETS STANDARD	ABOVE STANDARD	N/A
Professionalism: Attitude, language, conduct, and attire were appropriate.	☐ Instructor conduct was unacceptable for a professional training environment. Used unnecessary profanity outside the scope of course material, inappropriate attire, displayed a poor attitude toward the students or the course material.	☒ Instructor did not appear to be prepared for training, was dressed inappropriately given the environment, used profanity when unnecessary or not part of the curriculum.	☐ Instructor was prepared for the training, was dressed appropriately given the training environment, refrained from using profanity. Treated all students with respect. Displayed a positive attitude.	☐ Instructor was dressed appropriately given the training environment, did not use profanity. Communicated clearly using proper grammar. Treated all students with respect. Was enthusiastic about teaching. Maintained a professional demeanor. Treated instruction and students as a priority.	☐

Comments: There were a few occasions throughout the course when Instructor [redacted] behaviors or student interactions could be improved. Below are a few examples:

- As students arrived for the start of class, Instructor [redacted] sat at his computer in the front of the room and did not greet them.
- When student introductions got underway, Instructor [redacted] continued typing on his computer, making little eye contact, perhaps leaving the impression he was not interested in learning about his students.
- While showing videos, telling stories, or commenting, [redacted] frequently used profanity or made unprofessional remarks about other law enforcement agencies.
- Instructor [redacted] made what sounded like (because of tone and conjecture) disparaging comments such as, "We've been working on handcuffing for 45 minutes now. You guys are supposed to be instructors. Clearly, you guys aren't teaching handcuffing." "It's pretty obvious you guys aren't training ground control."

Recommendation: Instructor [redacted], as the lead instructor, should consider his interactions with students to ensure he displays a positive approach in meeting course objectives.

DIMENSION	UNACCEPTABLE	NEEDS IMPROVEMENT	MEETS STANDARD	ABOVE STANDARD	N/A
Learning Resource Management: The use of technology and other instructional resources (PPT, web-based resources, easel pads/handouts (including virtual), breakout rooms, etc. to enhance curriculum delivery. Reference material could include internet links, suggested videos, experts, or other training material.	☐ Instructor did not use instructional resources. Did not promote engaging student learning using delivery resources. Did not provide reference material for use during or after the class.	☒ Instructor used a minimal number of instructional resources (e.g., PowerPoint only) in delivering course material. Missed opportunities to enhance the class with engaging resources.	☐ Instructor used a variety of methods and tools to support student-centered learning (PPT, web-based resources, easel pads/handouts including virtual), breakout rooms, etc. to enhance curriculum delivery as appropriate. Provided reference/resource material.	☐ Instruction was entirely student-centered with a wide variety of engaging classroom activities using multiple resources. Instructor provided students with useful resources for use during and after the course with direct application to skills used on the job.	☐

Comments: Instructor [redacted] used minimal resources throughout the course. He provided a course outline and a copy of the printed PPT slides (129 for a 4-hour lecture). The classroom portion of the course relied primarily on lectures and various videos. The videos lost value as a training tool because Instructor [redacted] often talked over the video in play, used his laser pointer to point out elements, and did not fully debrief the video. There were a few slides in the PowerPoint presentation that contained graphical information. Many of these slides were skipped over during the presentation or without explanation.

The presentation of the training material in the second training location was also almost entirely lecture. Instructor [redacted] generally talked about techniques while Instructors [redacted] would demonstrate them, often while he spoke. The demonstrations were only sometimes fluid. Instructors Wong and Solomon sometimes needed to remember how to perform the movements and had to restart or be corrected by Instructor [redacted] mid-presentation. Unfortunately, this resulted in the technique not being executed perfectly without interruption and often without verbal direction and safety advisements included (when or if instructors provided them).

Recommendation:

The goal of training is to mirror, to the extent possible, how students will be expected to perform in the field. Using a wide variety of resources helps make the training more interactive and consistent with adult learning methodology will have an impact on student learning and retention. The number of PPT slides for a 4-hour lecture portion of training makes it difficult to allow time for student interaction.

Using videos in instruction can be a benefit, provided they are debriefed properly to include critical thinking questions. Instructor [redacted] often talked over the videos or otherwise pointed out specific points in the videos that he wanted to focus on. Consider playing the videos in their entirety first and then having dialogue with students. This allows the students to connect with the course material in different ways. Since all of the students in this course are experienced law enforcement officers, all of them are likely to relate to what they see in videos from different perspectives based on their field experience. Bringing those experiences to the classroom can be a powerful experience if framed appropriately.

Regarding the demonstration of techniques in the mat room, consider providing verbal instructions first and then allowing the assistant instructors to demonstrate. This would allow students with different learning styles to process the instructions and then apply techniques.

DIMENSION	UNACCEPTABLE	NEEDS IMPROVEMENT	MEETS STANDARD	ABOVE STANDARD	N/A
Classroom Management: The instructor was flexible and responsive to student learning needs.	☐ Inflexible and unresponsive to student learning needs. Unable to resolve interruptions, distractions, and/or disruptive students in class.	☒ Recognized student learning needs but struggles with flexible delivery. Somewhat resolved interruptions, distractions, and/or disruptive students in class.	☐ Maintained empathy with students, identified emergent learning needs, and made purposeful course revisions on the fly. Identified risk management issues and resolved any potential distractions immediately to return the class to an effective learning environment.	☐ Promoted a student-centered learning environment to guide learning process while also assuring learning outcomes were met. Took potentially disruptive situation(s) and turned it into a teachable moment while maintaining tact and an effective learning environment.	☐

Comments: The instructional team struggled to meet student learning needs due to the sheer number of moves being taught. The instructors also needed to be more aware of potential safety concerns. There was no safety briefing as part of the psychomotor skill training, and there was no AED or first aid kit in the room.

No safety inspection was conducted, yet several students wore watches with metal bands/clips or bracelets. Instructor [redacted] wore his cell phone clipped to his belt, and Instructor [redacted] wore his cell phone in his back pocket. Both [redacted] were wearing knives clipped to their pants. One of the students chewed gum the entire time she worked on the mat.

During the physical portion of the course, the instructors did not wear clearly identifiable markings, bands, or jerseys. Instructors [redacted] wore matching polos, and Instructor [redacted] wore a different-colored polo with the same logo embroidered on it. Wong and Solomon wore brown/green BDU-style pants and belts, while Instructor [redacted] wore black Under Armor-brand jogging pants.

One of the students mentioned the instructors were teaching “a lot of moves,” but none seemed to really “stick,” indicating she felt overwhelmed by the number of different applications. Several students echoed those sentiments.

One of the students specifically mentioned the instructors are teaching "a lot of moves," but none of them "stick," so she thinks it's more important to teach a few solid things that are easy for officers to retain and focus on the legal updates. Several students echoed her thoughts. Even after having students express these concerns, more effort appeared needed to accommodate their needs.

Recommendations:

The instructional staff should review and comply with all aspects of the approved course safety plan prior to any psychomotor skills activities. The instructors should also consider a more uniform staff dress code for ease of identification during skills training.

As evidenced by some of the students, there seemed to be far too many different moves being taught for students to master any one of them in the time allotted. Consider flexibility in focusing on a smaller number of movements that students can master.

DIMENSION	UNACCEPTABLE	NEEDS IMPROVEMENT	MEETS STANDARD	ABOVE STANDARD	N/A
Real World Application: Presentation included instruction that provided knowledge, skills, and abilities in real world application.	☐ Instruction did not provide relevant information for application in real-world context	☒ Instructor missed opportunities to connect curriculum with real- world application. Relied too heavily on lecture with limited opportunities for students to apply the material.	☐ Instructor established relevance, provided instruction and curriculum that had real- world or tangible application outside the classroom.	☐ Instructor established relevance, provided instruction and curriculum that had real-world or tangible application outside the classroom. Instructor incorporated effective learning activities that enabled students to experience hands-on application.	☐

Comments: The course content included valuable real-world applications. However, the instructors missed opportunities to connect the course material because of the number of lectures used in the classroom and the high number of psychomotor skills movements attempted during the skills assessment portion of the course. Contributing factors included the lack of consistency among instructors and the inability for student mastery because of time constraints. Finally, Instructor [redacted] instructed students on the importance of ending physical confrontations quickly (by breaking a limb) without context or compliance with law and policy.

For example, several "pressure-point" grabs on the face and neck were taught/reviewed. One required the student to hold the back of the suspect's neck/head while simultaneously grasping his chin and turning in opposite directions. Students would then guide the subject (while still holding onto the head) to the ground. Instructor [redacted] explained this technique would be one an officer would use if they saw an agitated subject arguing with their partner and they felt the need to "de-escalate" the situation to prevent it from going further. While the technique could work effectively, to an officer who is not well trained in its execution, it appeared extremely more likely to break the suspect's neck or cause significant injury, resulting in liability and excessive force claims.

Additionally, while the word "de-escalation" was mentioned and Instructor [redacted] provided the dictionary definition during the lecture portion of the course, Instructor [redacted] failed to provide students with any guidance on de-escalation techniques during the arrest and control or use of force physical drills. Such as "get down," "put your hands behind your back," "lay on your stomach," or "stop fighting." He regularly stressed that words have meaning, a crucial course element. However, he failed to illustrate how to properly instruct students how to use verbal instructions for de-escalation or documentation in these cases that have such heavy liability to officers and agencies.

Instructor [redacted] stressed that students end physical engagements quickly (within 30 seconds) by debilitating the suspect (breaking their limbs), disengaging with them, or using higher force. He explained the more prolonged the physical engagements were, the more likely they were to result in officer deaths or higher levels of violence, according to his research statistics.

DIMENSION	UNACCEPTABLE	NEEDS IMPROVEMENT	MEETS STANDARD	ABOVE STANDARD	N/A
Instructional Methods: Delivery applied to a variety of learning styles (visual/auditory/ tactile/kinesthetic), used activities, and learning domains (cognitive, affective, psychomotor) as appropriate.	☒ Instructor did not address different student learning styles at all. Used delivery methods that did not allow for student centered learning.	☐ Instructor missed opportunities to address different student learning style needs. Focused too much on one learning domain when the curriculum or topic crossed multiple domains.	☐ Instructor used a variety of delivery methods applicable to different learning styles and learning domains as appropriate for the course.	☐ Instructor delivered information in ways that involved all learning styles, fully utilized RIDEM principles (Relevance, Involvement, Discovery, Experience, Modeling). Incorporated learning domains as appropriate for the instruction.	☐

Comments: The instructional staff had difficulty addressing student learning styles and maintaining a student-centered learning environment.

The classroom portion of the course was almost entirely lecture-based, with a 129-slide PowerPoint that hindered students' interaction or ability to connect their experiences with the course curriculum. As noted, Instructor [redacted] used videos that included various officer-involved use of force incidents. The videos lost effectiveness as he primed students, spoke over the video, used a laser pointer to highlight specific elements, or added his commentary.

The PowerPoint slides contained entire paragraphs of text, which Instructor [redacted] either read in their entirety or summarized. Instructor [redacted] spent a significant amount of time on Law Enforcement Officers Killed and Assaulted (LEOKA) statistics, recent case law involving officer use of force, use of force case studies, and agitated chaotic event research. Instructor [redacted] spent little time on updated penal code sections, the duty to intercede or intervene, injury and safety protocols, and documentation, and did not cover any material on adult learning theory. Several slides in the slide deck referenced POST Learning Domains and specific page numbers. However, students needed the Learning Domain workbooks to reference for that information to read further.

During the course's physical exercise portion, Instructor [redacted] demonstrated various techniques while Instructor [redacted] spoke. The lack of clear, step-by-step instructions and adequate demonstration of some techniques hindered student learning. The rushed practice sessions (usually 5-7 minutes) and insufficient instructor feedback during these sessions left many students confused and unable to master the techniques. The students were left to practice without sufficient oversight or correction, leading to incorrect techniques or applications. Each student group around the room executed some of the techniques differently. No group did it consistently the same as demonstrated or compared to the group(s) next to them.

When students were completing their "warm-up" exercises, instructor [redacted] sat at a desk in front of the room. He instructed the class to do a forward roll and gave the command, "Move." Several students did not complete the roll as it appeared they needed to learn how, did not feel competent or safe, or did not want to. The class performed this technique two times. The roll was never

demonstrated or explained by any of the instructors. Instructor [redacted] then told the class to do a back roll. The students hesitantly looked around the room at each other. Instructor [redacted] then asked the students which direction to look as they rolled. No one responded. He said, "You should look over your left shoulder as you roll and watch your feet go over your head. If you don't, you're going to tweak your neck and hurt yourself." He then gave the command, "Move." Several students again did not perform the movement and took a step back on the mat. This technique, which could obviously result in injury if done incorrectly, was never explained, demonstrated, or corrected for the students by the instructors. Instructor [redacted] concluded the warm-up and moved to the next item on his agenda.

Recommendations:

The instructors should revisit the course curriculum and prioritize instruction points to allow students to connect requirements of PC 835 and the application of force. The instructors should also consider revising the curriculum and delivery methods to ensure students are able to master basic psychomotor skills.

DIMENSION	UNACCEPTABLE	NEEDS IMPROVEMENT	MEETS STANDARD	ABOVE STANDARD	N/A
Learner Validation: Student learning was measured or demonstrated.	☐ Instructor did not measure student skills or comprehension or provided answers without requiring students to demonstrate knowledge retention.	☒ Instructor missed opportunities to validate learning, or the testing was inappropriate for the curriculum (e.g., no skills demonstrations in psychomotor skills, etc.).	☐ Instructor utilized a form of testing to demonstrate knowledge or skills (written testing, group discussion feedback, student Q&A, application demonstration, etc.).	☐ Instructor used multiple opportunities for students to individually demonstrate their knowledge of the course material.	☐

Comments: The Expanded Course Outline (ECO) indicates a written test will be given as part of course instruction. Students were not provided with any form of pre-test, written test, or oral test to measure student learning or determine their understanding of the definition or application of case laws or principles of arrest and control. The absence of a clear evaluation rubric for student teach-backs and the inconsistent critique from instructors meant that student learning was not adequately measured or demonstrated. During practice sessions, instructors failed to ensure students correctly understood and performed techniques, often leaving them to figure it out themselves. The lack of structured feedback and the failure to provide students with measurable knowledge and verification of their ability to perform techniques prevented effective measurement of student learning.

Recommendation:

Consider including an assessment that is realistic of how students will be expected to perform in the field. A rubric that details students expectations would benefit students, and helps to ensure instructional staff are more consistent on student expectations.

Additional Comments: N/A

COMMISSION ON
PEACE OFFICER STANDARDS AND TRAINING

POST

GAVIN NEWSOM
GOVERNOR

ROB BONTA
ATTORNEY GENERAL

ATTACHMENT C November 2024
August 7, 2024,

[redacted]

Ms. [redacted]

Thank you for the opportunity to conduct an assessment, through the POST's Quality Assessment Program (QAP), of the [redacted] Course, presented by your agency in [redacted], California. This assessment focused on the delivery methods of the lead instructor, [redacted], and the instructional design of the course. In the assessment, [redacted] received a rating of "Needs Improvement" in the following categories:

- Facilitation Skills
- Time Management
- Professionalism
- Learning Resource Management
- Classroom Management
- Real World Application
- Learning Validation

Additionally, [redacted] received an "Unsatisfactory" in Instructional Methods. This rating was related to Instructor [redacted]'s heavy reliance and reading of a 129 slide Power Point presentation that was mostly text that was read aloud, with many slides simply paraphrased or skipped. [redacted] used many videos, with a few that lost their effectiveness, due to [redacted] talking over the video and not providing enough information to clarify the actions depicted in the videos and how it related to the subject matter. The assessor noted improper instruction for student exercises, including a lack of clear, step-by-step instruction and adequate demonstration of the exercises expected to be performed by students. In one instance, the assessor documented one technique that required a student to hold the back of a subject's neck/head while simultaneously grabbing the chin and turning the head. While this might work with a highly skilled officer, if improperly implemented it could potentially cause injury to a subject, leading to liability.

[redacted] was perceived to be knowledgeable in the subject matter, but his frequent digressions into unrelated topics, such as political opinions and personal anecdotes, undermined the focus on the course material and distracted from the perceived knowledge and expertise. [redacted] criticized the legislature while explaining changes to California law related to use of force, including the removal of the "term excited" delirium from the law. [redacted] frequently used profanity and made unprofessional remarks about other law enforcement agencies during instruction.

The Expanded Course Outline (ECO) for the course indicated a written test would be given. The assessor noted that the students were not provided with any form of a pre-test, written test, or oral test to measure learning, as indicated in the outline. The absence of a clear evaluation rubric for student teach-backs and inconsistent critique from the instructors meant that student learning was not adequately measured or demonstrated. For complete details of the assessment, it has been included with this letter for your review.

Due to the instructor's performance, as noted in the assessment, Mr[redacted]'s resume needs to be removed from the course. Mr. [redacted] may resume teaching when he has satisfactorily completed a class that includes adult learning techniques, such as the POST's Academy Instructor Certification Course (AICC) or IDI Basic Instructor Certification. The assessed course will be placed into modification until the resume is removed. Please provide an after-action report detailing your plan on how you plan to remedy the issues identified in the assessment, and a training plan on the course(s) you plan on assigning Mr. [redacted] to attend. Once Mr[redacted] is removed from the course and you make corrections to the course in POST's Electronic Data Interchange (EDI) regarding the noted deficiencies, you may resubmit the course into EDI for approval. Once Mr. [redacted] completes the training plan and attends course(s) as requested, please provide POST with any course title(s), course control number(s) and the date of completion of any course(s) attended before resubmitting his resume into EDI.

Thank you for your attention to this matter, and we look forward to working with you in the future. Should you or your staff have any questions regarding the assessment process or individual evaluation recommendations, please contact LEC William Baldwin at (916) 227-4263.

Respectfully,



BRAD NEWMYER
Bureau Chief, Training Program Services

BN:WB

ATTACHMENT D November 2024

To: William Baldwin, Law Enforcement Consultant
POST Training Program Bureau

From: [redacted] Associate Dean (Interim)
Apprenticeship and Public Safety

Date: October 1, 2024

RE: After Action Report

On August 16, 2024 the [redacted] received the [redacted] QAP Report, which focused on "the delivery methods of the lead instructor, [redacted]" and letter from Bureau Chief Newmyer directing [redacted] to remove Mr[redacted] from the course until he has satisfactorily completed a class that includes adult learning techniques, such as the POST's Academy Instructor Certification Course (AICC) or IDI Basic Instructor Certification." This After-Action Report responds to Chief Newmyer's direction and concerns contained within the QAP Report.

<u>After-Action Report</u>

[redacted] is no longer an instructor with the [redacted]

2. It has been recommended that course instructors attend the Academy Instructor Certificate Course.
3. A clearly marked AED is mounted in the hallway, directly between the 2 mat rooms at [redacted]. Please [redacted] that this [redacted] was mounted, marked, and easily accessible at the time of the QAP. Additionally, portable and easily identifiable AEDs are also available for instructor use.
4. A First Aid Kit was onsite and available for student and instructor use at the time of the QAP. However, new and more easily identifiable First Aid kits are being ordered for instructor use.
5. Instructors have been provided with and will wear shirts which clearly distinguish them as course instructors.
6. Instructors have reviewed and will follow the POST approved Safety Policy.
7. Instructors will review the POST approved and course specific Safety Policy with students prior to each day of instruction and upon return from extended breaks (e.g., lunch break).

8. Instructors are reviewing/updating the Expanded Course Outline (ECO) and its stated objectives to connect lecture to practice, incorporating current LEOKA statistics, student-centered learning activities (e.g., facilitated discussions, student presentations, student demonstrations of expected skills), and skills assessments.
9. Instructors are reducing the number of PowerPoint slides and updating them to reflect key instructional points.
10. Instructors will provide only POST approved course content, refrain from introducing or digressing to unrelated topics, refrain from using profanity, and treat all students and their agencies with dignity and respect.
11. Instructors will provide demonstrations of all expected skills, including basic techniques.
12. Instructors are developing a skills demonstrations rubric.

Please let me know if you have any questions or additional concerns that POST would like for us to address.

Thank you,

[redacted]
Apprenticeship and Public Safety

[redacted]

FY	Course Name	Presenter Name	Course Hours	Status	Type of Violati	# of Ass	Course Starts
FY 23-24	AICC	Sac S/O	40	Completed	None	1	11/6/2023
FY 23-24	Community Policing	National University	8	Completed	None	1	11/10/2023
FY 23-24	Use of Force	Tulare S/O	4	Completed	None	1	11/16/2023
FY 23-24	Field Training Officer	Santa Rosa JC	40	Completed	Instructor	1	11/13/2023
FY 23-24	Use of Force PSP	Ventura County SO	4	Completed	None		11/29/2023
FY 23-24	Field OPs School Sgts.	LASO	40	Completed	Regulatory	1	11/27/2023
FY 23-24	FTO	Sac S/O	40	Completed	None	5	12/4/2023
FY 23-24	Crisis Intervention Training	San Mateo SO	40	Completed	None	12	12/4/2023
FY 23-24	Hostage Rescue Tactics	Integrated Tactical Concepts	40	Completed	None	3	12/11/2023
FY 23-24	Firearms/Tactical Rifle	Inglewood PD	24	Completed	Multiple	1	12/13/2023
FY 23-24	Crisis Intervention Behavioral Health Tr	Butte College	8	Completed	Multiple	1	12/18/2023
FY 23-24	Procedural Justice	Why'd You Stop Me?	8	Completed	None	1	12/19/2023
FY 23-24	Campus Law Enforcement	South Bay Regional	40	Completed	Multiple	5	1/8/2024
FY 23-24	Crisis Intervention Training	Yolo Co Sheriffs	24	Completed	Instructor	2	1/16/2024
FY 23-24	Firearm Instructor	Roseville PD	40	Completed	None	1	1/16/2024
FY 23-24	Firearms Instructor	Roseville PD	40	Completed	None	1	1/16/2024
FY 23-24	Officer Safety-Force Encounters	Human Performance Trainin	24	Completed	None	1	1/29/2024
FY 23-24	Crisis Intervention Training	Contra Costa Sheriff	32	Completed	None		1/29/2024
FY 23-24	Baton/Impact Weapons	Controlled Response Inst.	16	Completed	None	1	2/6/2024
FY 23-24	Arrest and Control	Glendale Police	40	Completed	Regulatory	1	2/5/2024
FY 23-24	AICC	Ventura County SO	40	Completed	None		2/12/2024

FY 23-24	Interview/Advanced Forensics	Center of Innovation and Re:	30	Completed	None	2	2/13/2024
FY 23-24	Court and Temp Holding FAcility	21 Clets	8	Completed	None	1	2/22/2024
FY 23-24	Active Shooter Response	Santa Ana PD	24	Completed	None	2	2/21/2024
FY 23-24	FTO Course	CHP	40	Completed	Instructor	3	2/26/2024
FY 23-24	Supervisory Course	Orange Coast SD	80	Completed	Regulatory	4	2/26/2024
FY 23-24	Wellness	San Bernardino SD	24	Completed	None	1	3/12/2024
FY 23-24	Crime Analysis Core	CSULB	40	Completed	None	6	3/11/2024
FY 23-24	Firearms Instructor	South Bay Regional	80	Completed	None	1	3/4/2024
FY 23-24	FTO Update	Duke Public Safety Training	24	Completed	None	1	3/18/2024
FY 23-24	Use of Force Report Writing	BATI	8	Completed	Instructor	1	3/21/2024
FY 23-24	Interview and Interrogation	BATI	40	Completed	Instructor	2	3/18/2024
FY 23-24	Firearms/Tactical Rifle Instructor	Riverside SO	40	Completed	None	1	3/18/2024
FY 23-24	Procedural Justice	San Bernardino SO	8	Completed	Course	1	3/25/2024
FY 23-24	SWAT	Santa Clara SO	80	**In Progress**	Instructor	1	3/18/2024
FY 23-24	ICI Internet Crimes	DOJ	40	Completed	None	3	4/1/2024
FY 23-24	Cognitive Interview and Statement Anal	BATI	40	Completed	None	2	4/1/2024
FY 23-24	PC 832	SJ Delta Collge	40	Completed	None	1	4/2/2024
FY 23-24	PC 832 Arrest	Shasta College-SHIELD Trai	40	Completed	Instructor	1	4/8/2024
FY 23-24	Advanced Tactical Handgun	Sac Sheriffs	40	Completed	None	1	4/9/2024
FY 23-24	Supervisor Course	Lassen Community College	40	Completed	Instructor	3	4/15/2024
FY 23-24	Leadership and Accountability	Marin Consulting	16	Completed	None		4/29/2024
FY 23-24	Arrest and Control Instructor	Gracie University	40	Completed	None	1	4/29/2024
FY 23-24	SWAT	Orange County SO	80	Completed	None	2	4/22/2024
FY 23-24	Firearms-Long Rifle Instructor	San Diego SO	40	Completed	None	1	4/29/2024
FY 23-24	Assertive Supervisor	Marin Consulting	16	Completed	None	1	5/1/2024
FY 23-24	PC 832 Arrest	Santa Rosa Jr, College	40	Completed	Instructor	4	4/29/2024
FY 23-24	ICI Officer Involved Shooting	GTA	40	Completed	None		5/6/2024
FY 23-24	PC 832 Arrest	Rio Honda	40	Completed	None	1	5/6/2024
FY 23-24	Search-Arrest Warrant	Riverside CO SO	16	Completed	Course	1	5/15/2024
FY 23-24	Tactical Rifle	Tactical Firearms Training In	40	In Progress	Instructor	1	5/13/2024

FY 23-24	Detective School	LAPD	40	Completed	None	4	5/13/2024
FY 23-24	Force Option Simulator	San Jose PD	40	Completed	None	1	5/20/2024
FY 23-24	Use of Force Instructor	LASD	120	Completed	None	2	4/22/2024
FY 23-24	Rifle Marksmanship and Sniper	Fresno PD	40	Completed	None	1	5/20/2024
FY 23-24	Driver Training Instructor	San Diego SO	40	Completed	None	1	5/20/2024
FY 23-24	Crisis Management/Resolving	San Jose PD	40	Completed	None	1	6/3/2024
FY 23-24	Baton Instructor	Pacific Inst of Defensive Tac	40	Completed	None	1	6/3/2024
FY 23-24	Crisis Negotiation Awareness	LAPD	8	Completed	Instructor	3	6/10/2024
FY 23-24	Arrest and Control Instructor Update	Sac Regional	24	Completed	Instructor		6/10/2024
FY 23-24	Background Investigation	Riverside CO	32	In Progress	Instructor	3	6/10/2024
FY 23-24	Communication Trng Ofc Update	21 Clets	8	Completed	Course	1	6/19/2024
FY 23-24	PC 832	Riverside CO SO	40	Completed	None	5	6/17/2024
FY 23-24	Firearms Instructor	Alameda S/O	80	Completed	None	1	6/10/2024
FY 24-25	Intelligence and Crime Analysis, Level 1	GTA	40	Completed	None		7/8/2024
FY 24-25	Driver Training Instructor	Allan Hancock College	40	Completed	None	1	8/5/2024
FY 24-25	Driver Awareness Instructor	LASD	24	Completed	Regulatory		8/13/2024
FY 24-25	Crisis Intervention	San Luis Obispo S/O	40	Completed	None	1	8/12/2024
FY 24-25	Use of Force Symposium	CA Force Instr. Assoc.	24	In Progress	Multiple		8/14/2024
FY 24-25	832 PC Arrest	Sac Regional Public Safety	40	Completed	Instructor		8/19/2024
FY 24-25	Dispatch Fundamentals of Supervision	NENA	24	Completed	None	1	8/27/2024
FY 24-25	Supervisor Course	Riverside Sheriff	80	In Progress	Instructor	4	8/19/2024
FY 24-25	Human Trafficing-Advanced ICI	South Bay	40	In Progress	Regulatory	2	8/26/2024
FY 24-25	Firearms/Tactical Rifle Instructor	Senitnal	40	Completed	None	1	9/3/2024
FY 24-25	Red Dot Pistol Transition	Sential	40	EVAL PENDING			9/3/2024
FY 24-25	Advanced Search Warrant	Francis Hardiman	16	In Progress	Multiple	1	9/4/2024
FY 24-25	Detac Instructor	San Bernardino SO	40	EVAL PENDING			9/9/2024
FY 24-25	Gang Investigation Update	LASD	40	In Progress			9/9/2024
FY 24-25	Background Investigation	South Bay	32	EVAL PENDING			9/23/2024
FY 24-25	Mounted Unit Instrictor Course	Western States Mounted	40	EVAL PENDING			9/23/2024
FY 24-25	PT Instructor	San Bernardino SO	38	EVAL PENDING			9/30/2024
FY 24-25	Basic Supervision Course	LAPD	80	EVAL PENDING			9/23/2024

FY 24-25	Crisis Intervention	Ventura CO SO	40	EVAL PENDING			10/7/2024
FY 24-25	Supervisory Course	CHP	80	EVAL PENDING			10/10/2024
FY 24-25	Science Based Interviewing	El Dorado CO SO	40	EVAL PENDING			10/14/2024
FY 24-25	Advanced Officer Course	San Francisco PD	24	EVAL PENDING			10/16/2024
FY 24-25	SWAT Team Leader	Northern CA Regional Public Safety		EVAL PENDING			10/14/2024
FY 24-25	Crisis Intervention	Madera County Sheriff	32	EVAL PENDING			10/21/2024
FY 24-25	Crisis Intervention	Sonoma Sheriiff	32	EVAL PENDING			10/21/2024
FY 24-25	Driving Under The Influence	LAPD	40	Completed	None	1	10/21/2024
FY 24-25	Organizational Wellness Coordinator	UC San Diego	40	EVAL PENDING			10/21/2024
FY 24-25	Coroner's Course	Orange County Sheriff	80	EVAL PENDING			10/21/2024
FY 24-25	Canine Handler Update	Alderhorst	24	EVAL PENDING			11/4/2024
FY 24-25	Background Investigation	LASD	32	EVAL PENDING			11/4/2024
FY 24-25	Baton Instructor Course	Pomona PD	40	EVAL PENDING			11/4/2024

AGENDA ITEM REPORT

Title: REPORT ON CERTIFICATION/DECERTIFICATION UPDATE

REPORT PROFILE

MEETING DATE 11/20/2024	**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** 11/04/2024
PURPOSE	**FINANCIAL IMPACT** No	

ISSUE, BACKGROUND, ANALYSIS, & RECOMMENDATION

ISSUE: This is a report on updates regarding the operations of the Peace Officer Standards Accountability Division and to provide operational updates and statistical data on reports and cases of serious misconduct received by POST. Formerly knows as "SB 2 Update."

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

BACKGROUND: On September 30, 2021, Governor Gavin Newsom signed Senate Bill 2, which outlines peace officer certification requirements in California. The investigations and the process for reviewing serious misconduct cases is now implemented within the Peace Officer Standards Accountability Division.

ANALYSIS: As the final provisions authorized under Senate Bill 2 took effect on January 1, 2023, POST staff reports out on the activities and relevant actions of the Peace Officer Standards Accountability Division and the Peace Officer Standards Accountability Advisory Board since the last Commission meeting.

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

ATTACHMENT(S):
November_2024_Commission_Meeting_-_Cert_Stats_11.20.24.pdf

November_2024_Commission_Meeting_-_POSAD_Stats_11.20.24.pdf
1029_Ineligible_List_November24_Commission (1).pdf

Peace Officer Standards Accountability Division

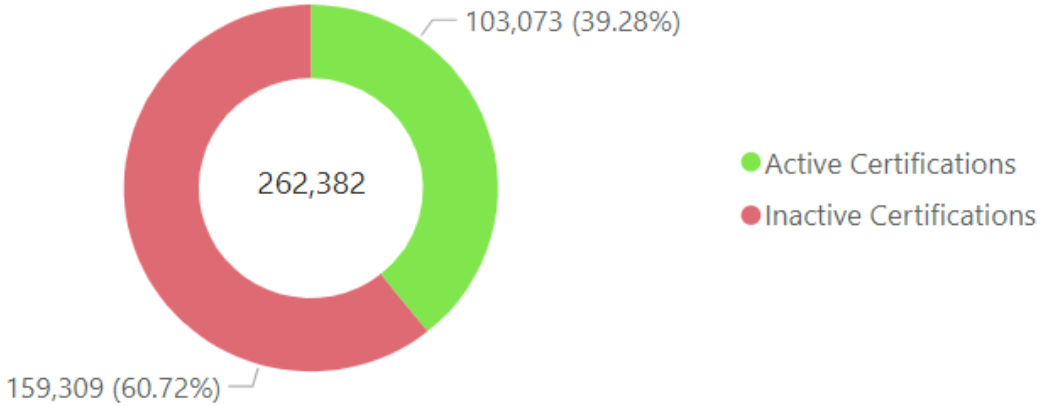
November 20, 2024

Certification Statistics

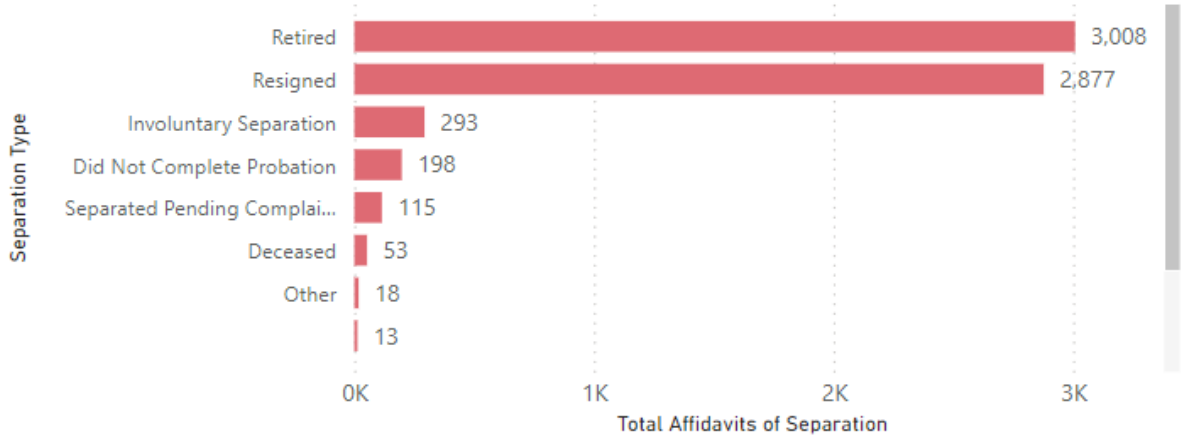
Peace Officer Certification Statistics

Report Year : 2024

Current Active and Inactive Certifications



Affidavits of Separation (AOS)



Current Full-time Peace Officers 82,301

Serious Misconduct Count 304

Total AOS 6,636

Serious Misconduct Reason	Count of Affidavits
Abuse of Power	25
Demonstrating Bias	32
Dishonesty	106
Egregious Repeated Acts	70
Failure to Cooperate with Investigation	15
Failure to Intercede	1
Law Enforcement Gang	0
Physical Abuse	29
Sexual Assault	25

Basic Certificates Issued 3,547

Appointments Approved 6,496

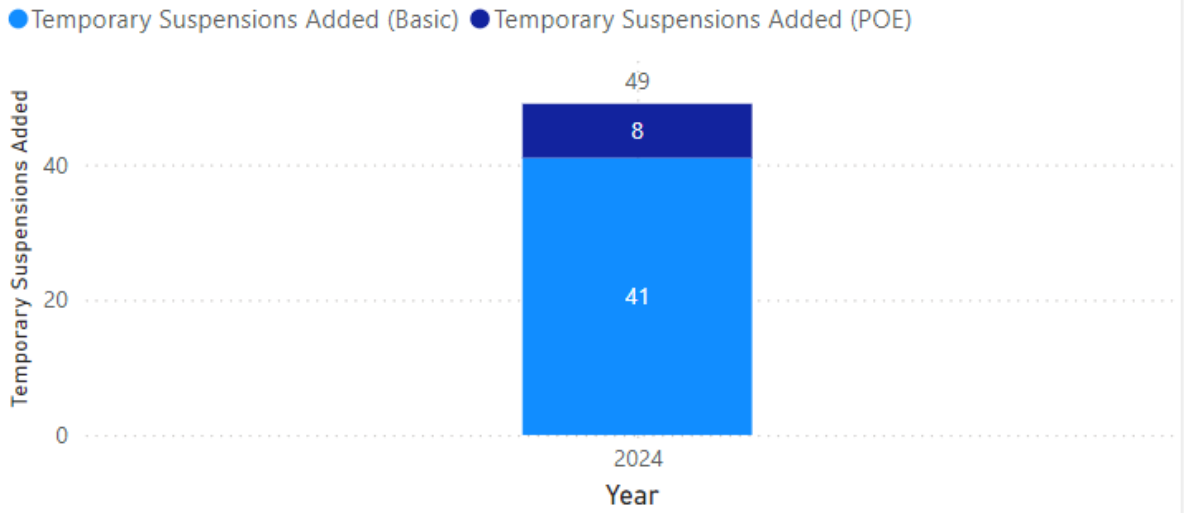
Proof of Eligibilities Issued 4,975

Distinct Officers with Serious Misconduct 236

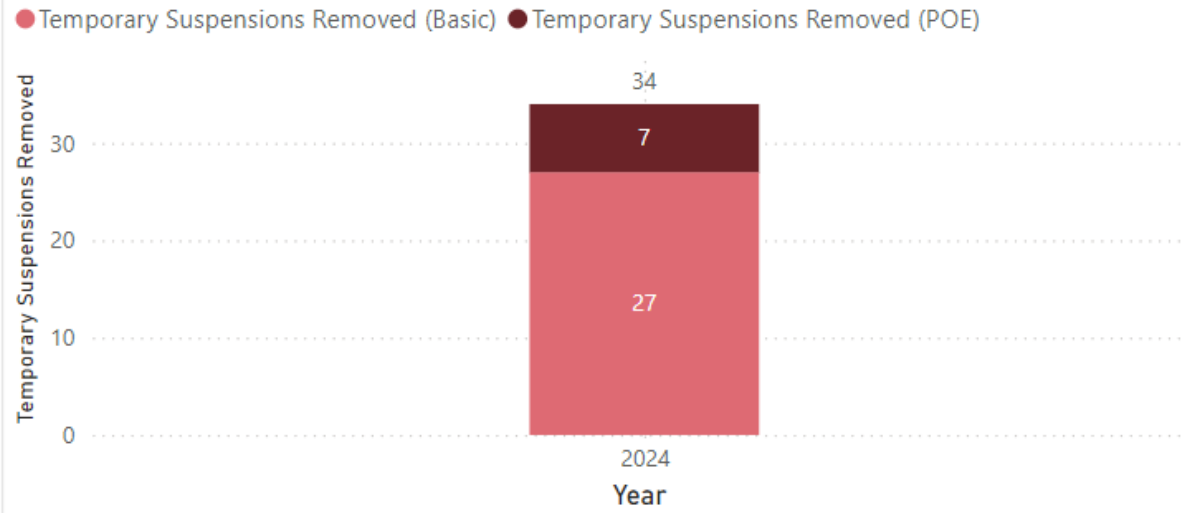
Peace Officer Certification Statistics

Report Year : 2024

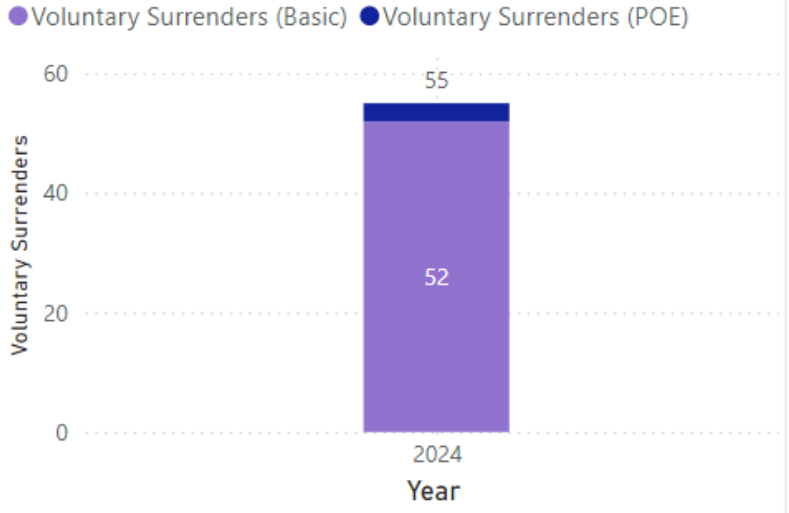
Temporary Suspensions Added by Year



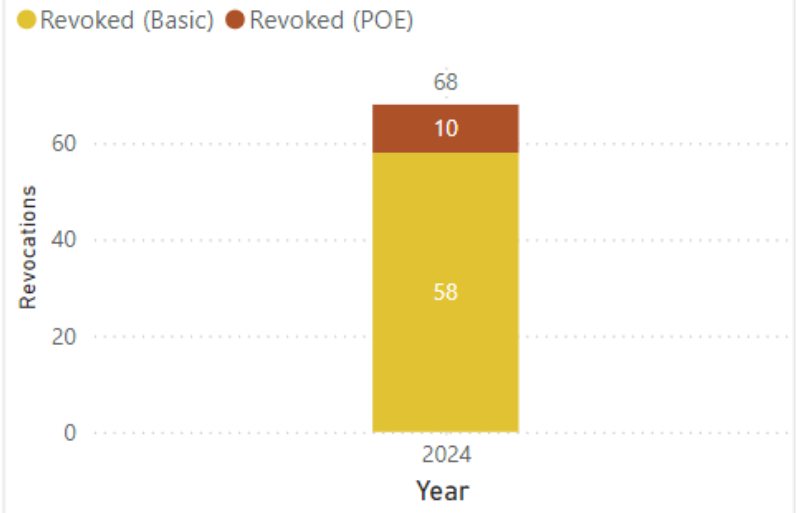
Temporary Suspensions Removed by Year



Voluntary Surrenders by Year



Revocations by Year

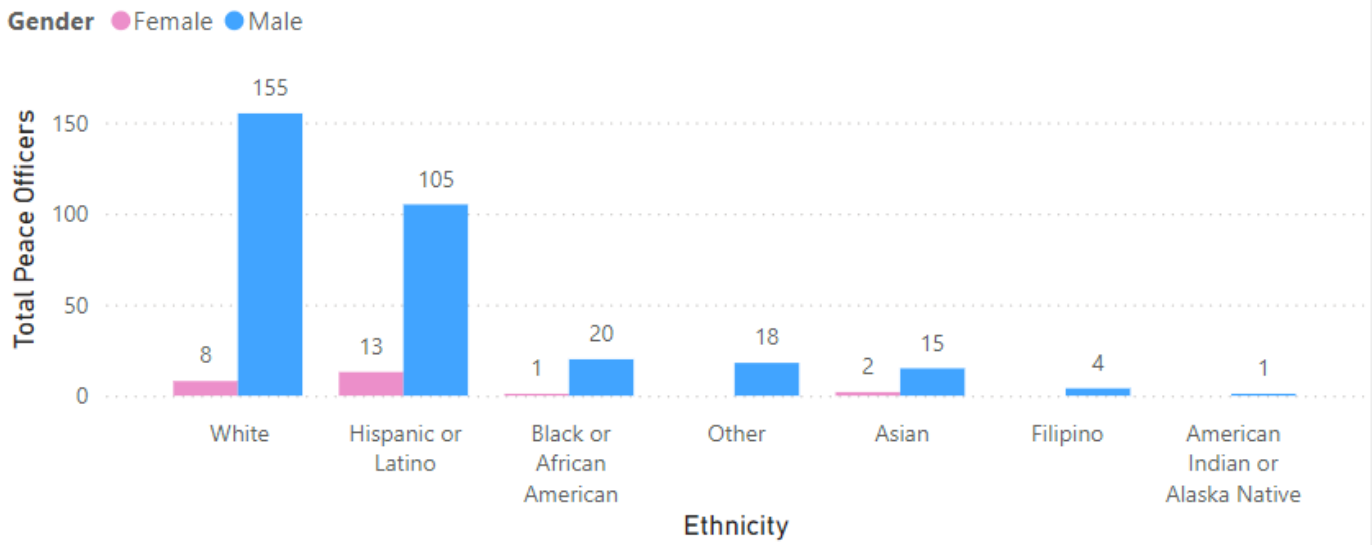


1029 Ineligibilities Added

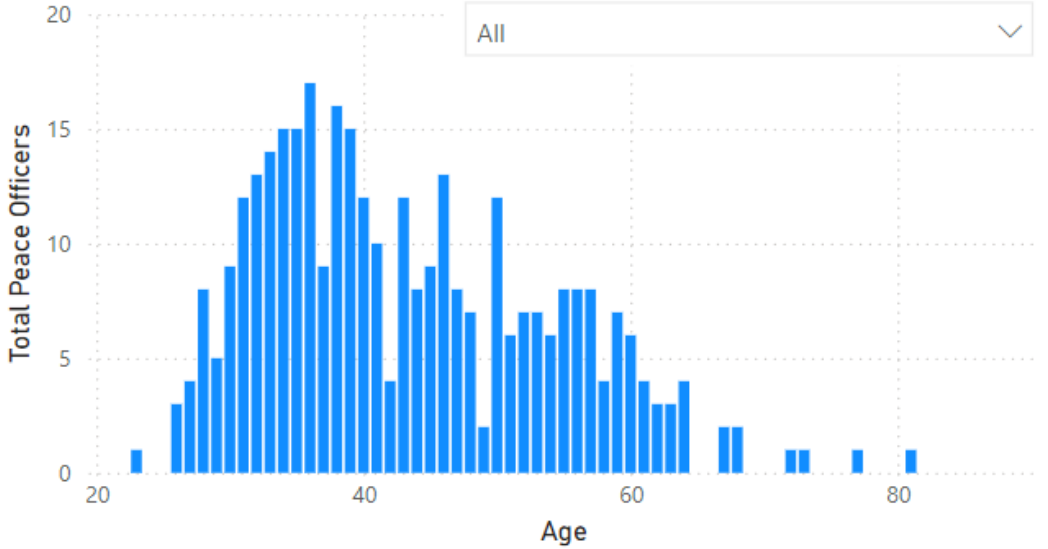
81

Peace Officer Certification Statistics

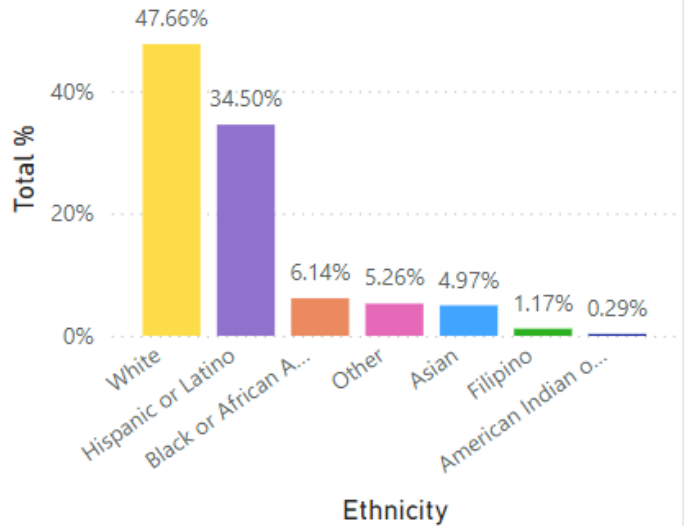
Demographics of peace officers that POST have taken actions against



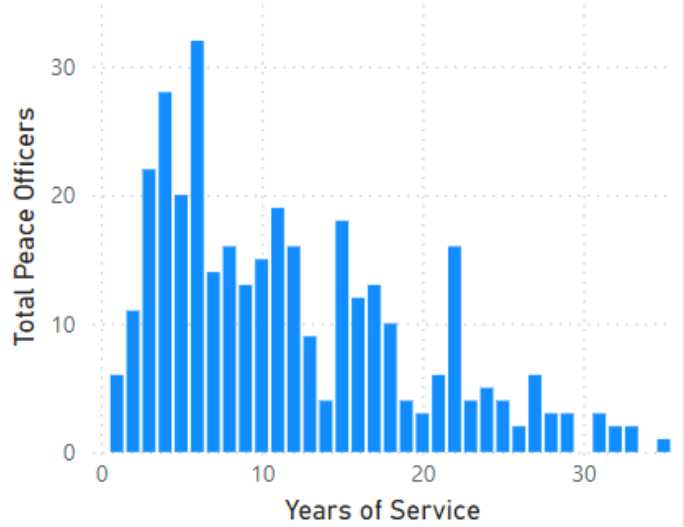
Age Distribution



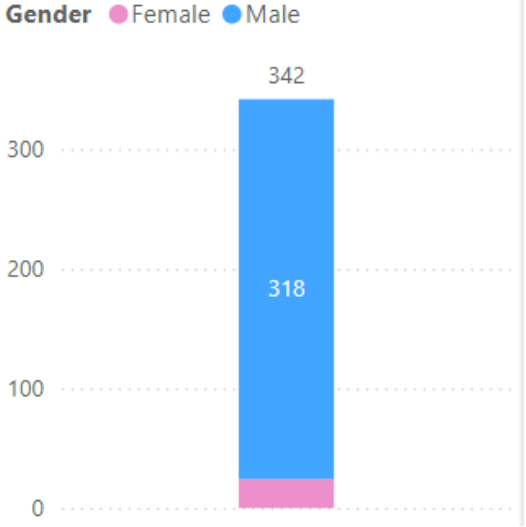
Total % by Ethnicity



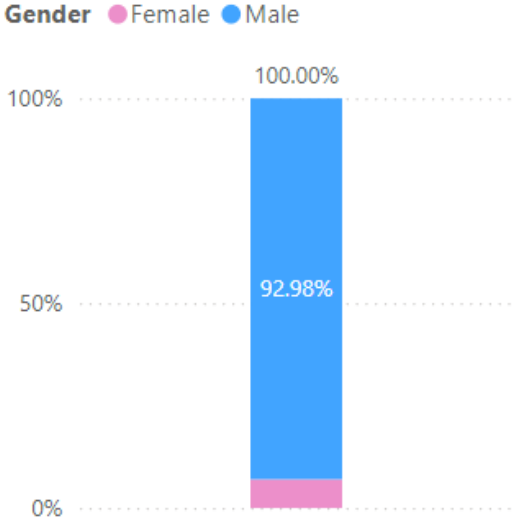
Years of Service Distribution



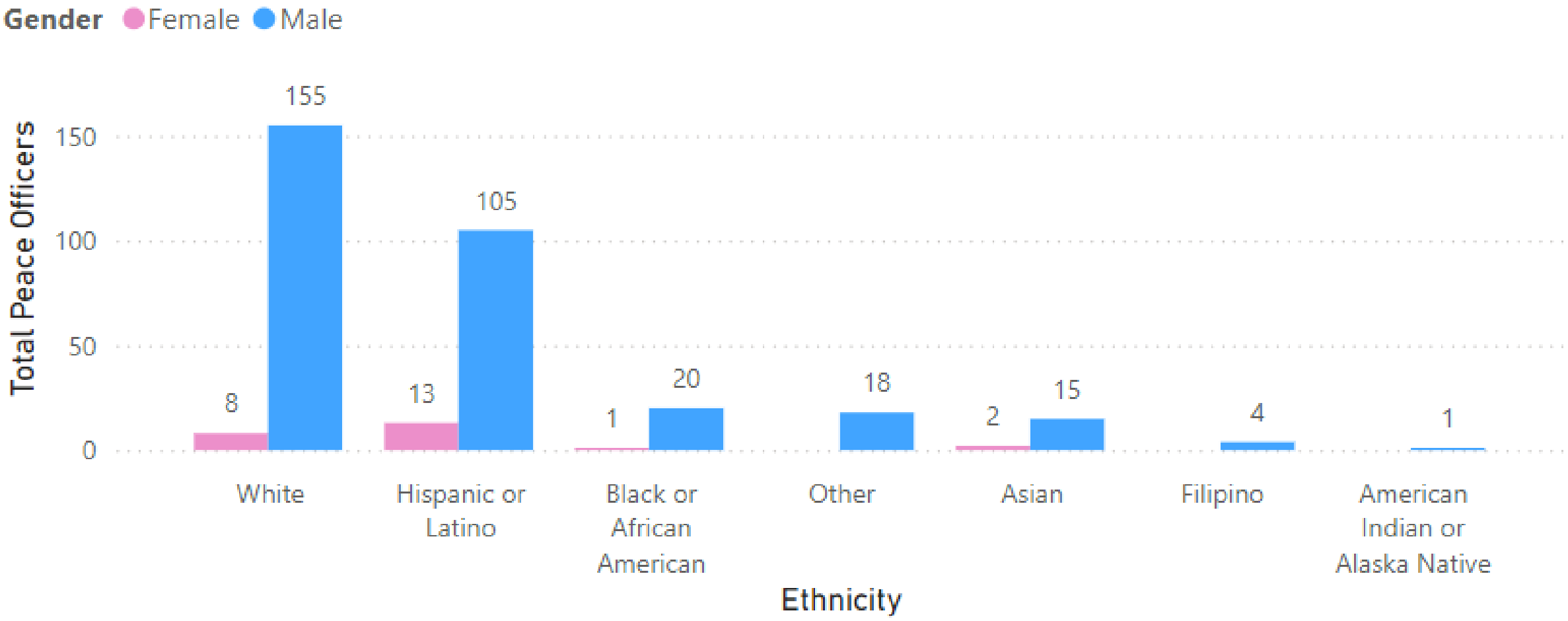
Female vs Male

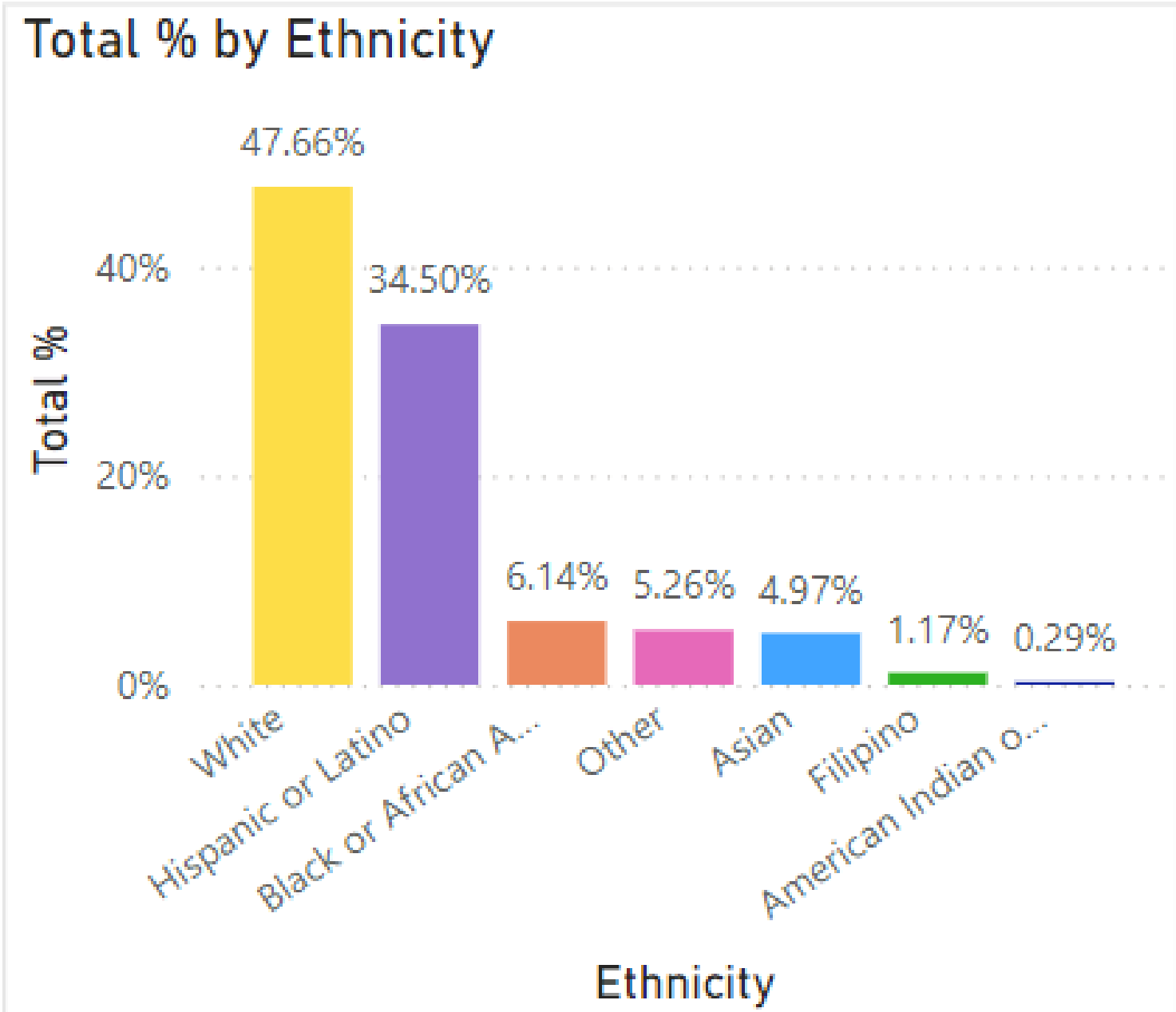


Female vs Male (%)

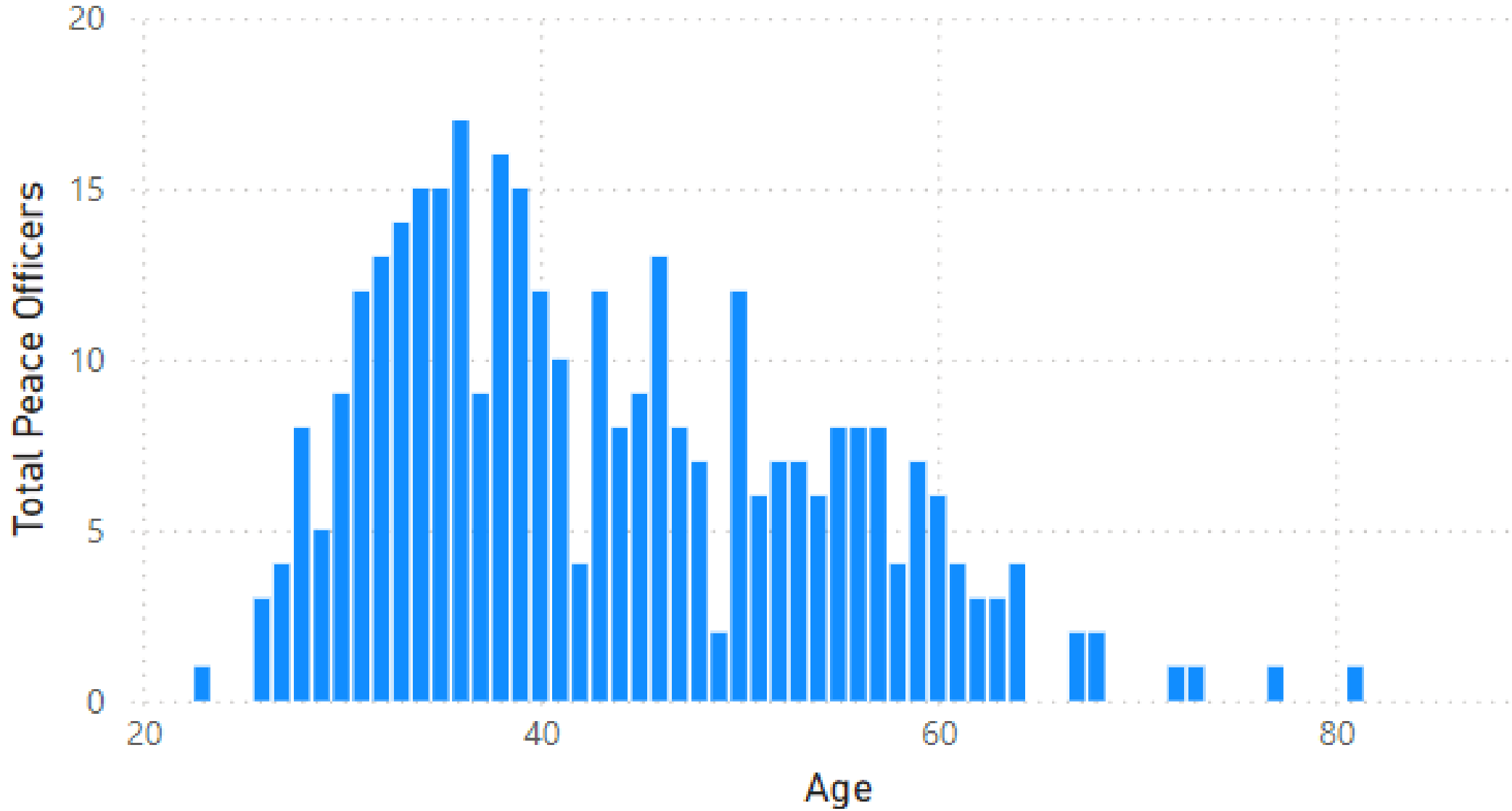


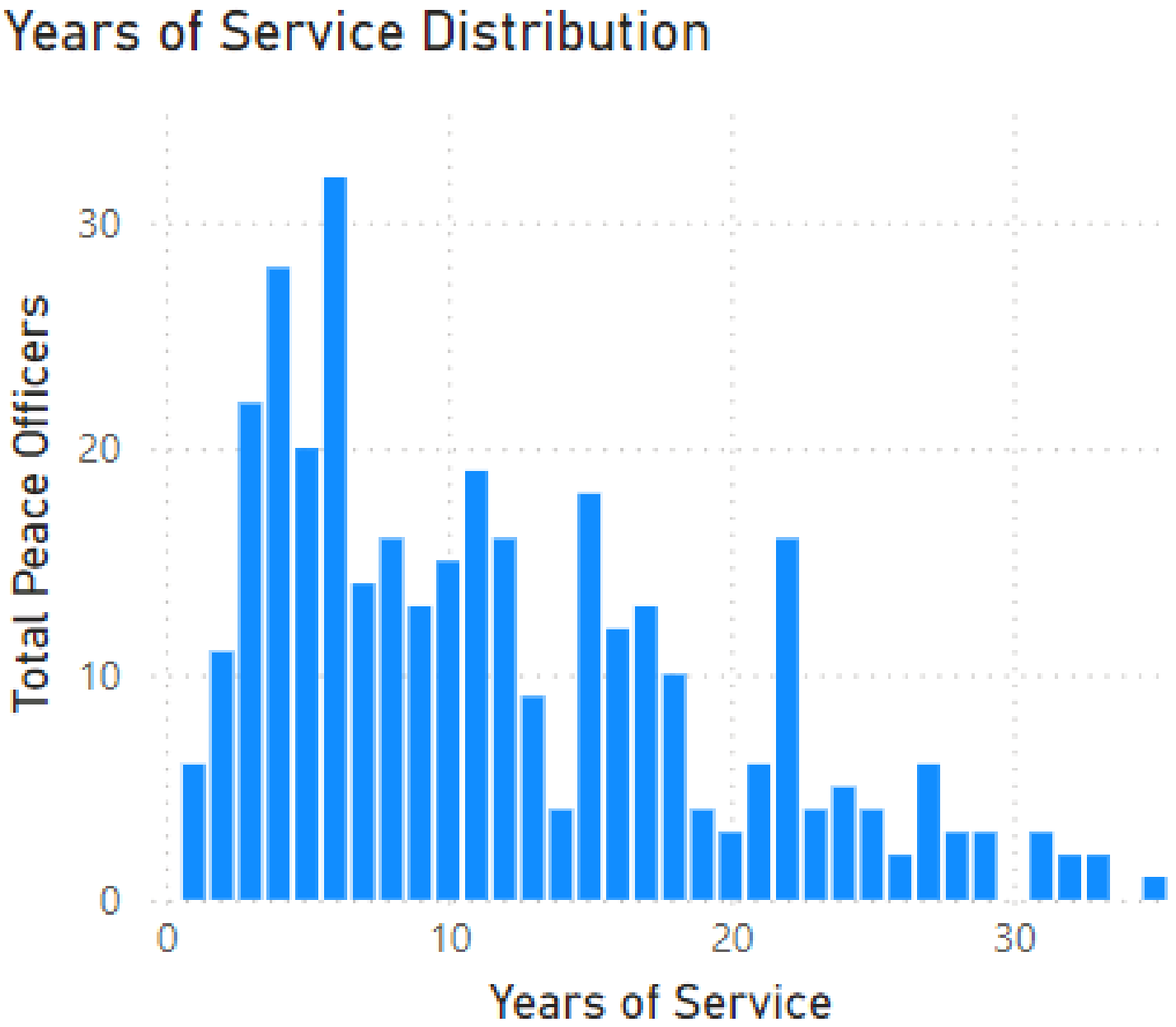
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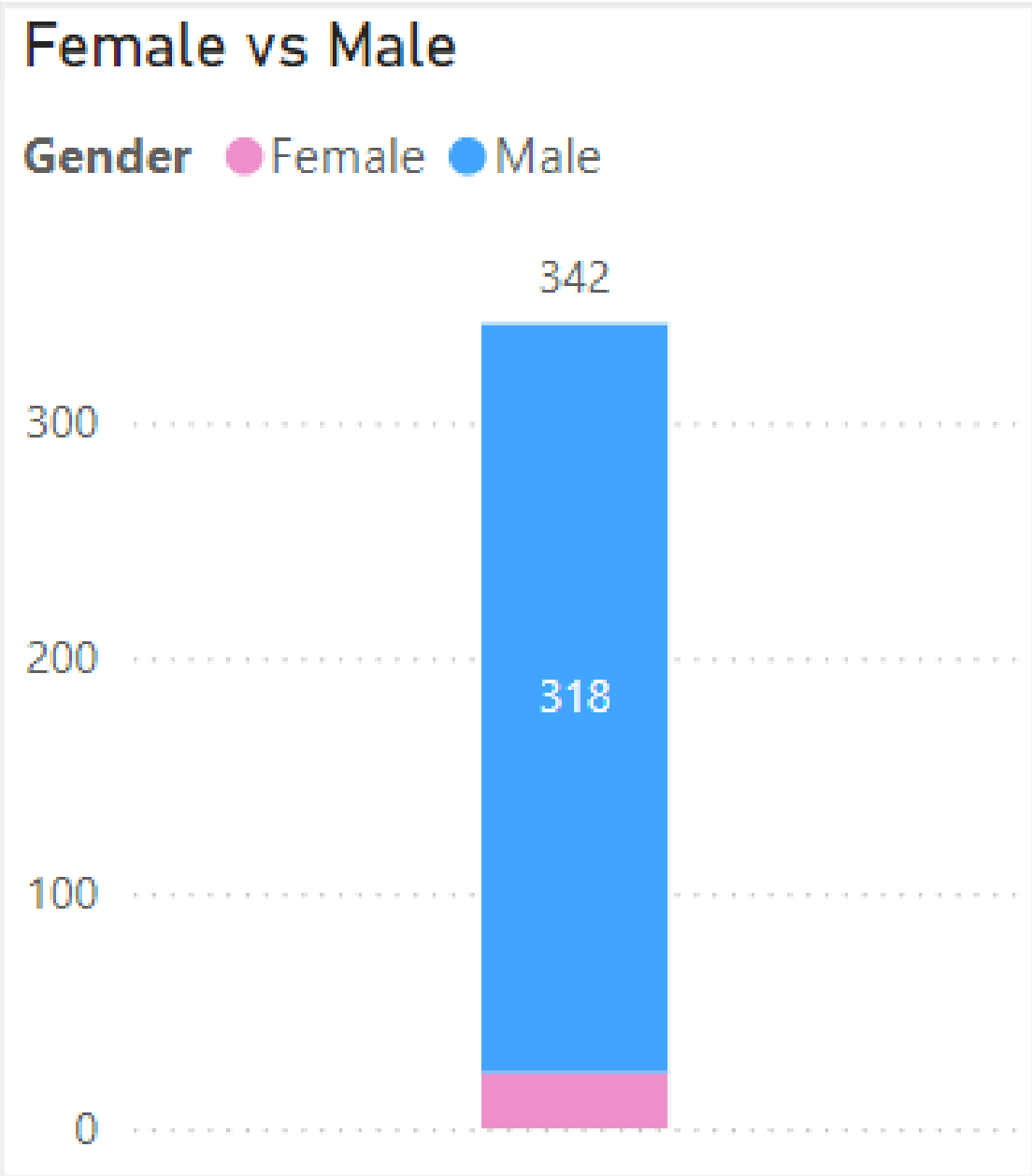


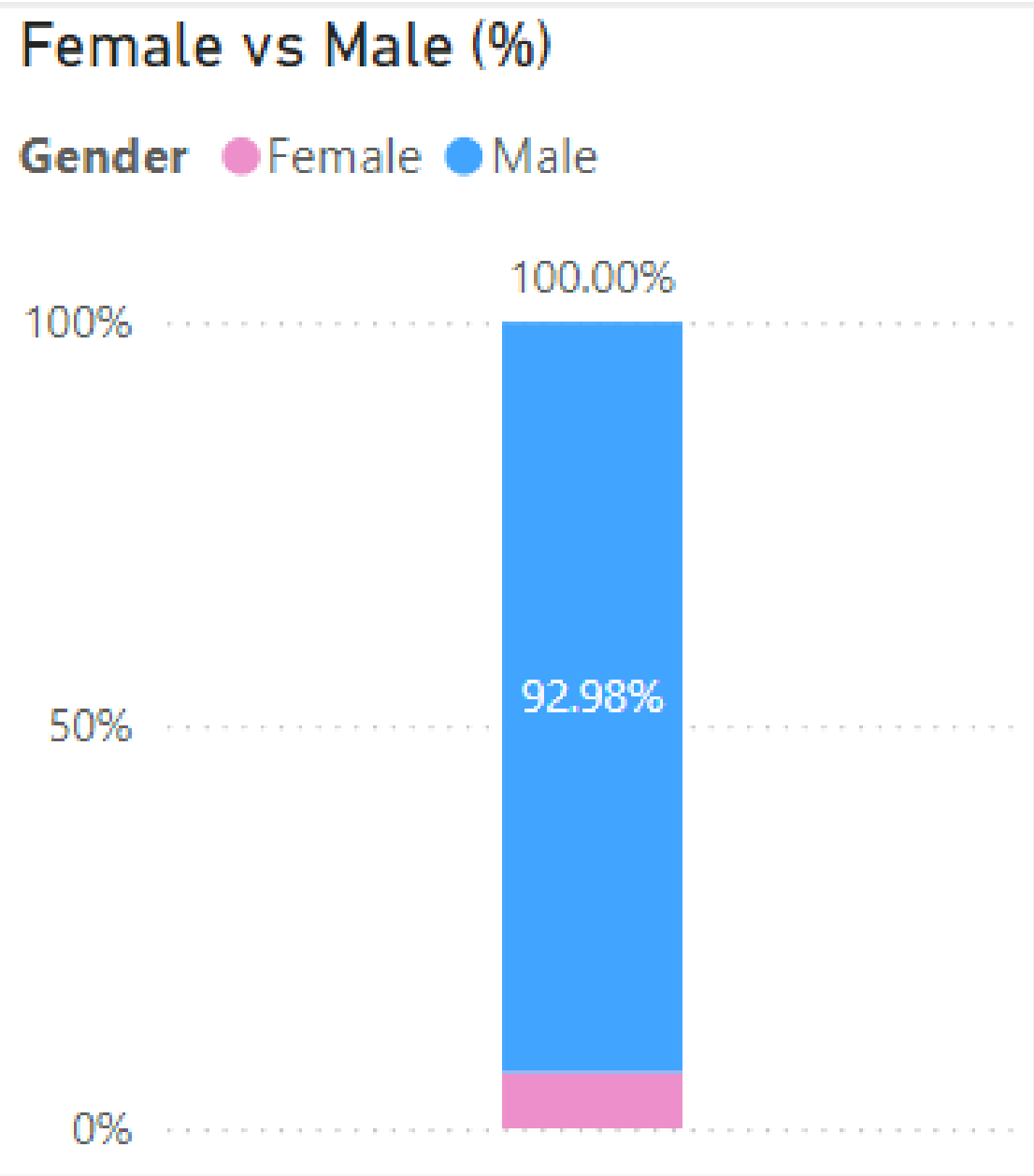

Total % by Ethnicity
47.66%
34.50%
6.14%
5.26%
4.97%
1.17%
0.29%
40%
20%
0%
Total %
White
Hispanic or Latino
Black or African A...
Other
Asian
Filipino
American Indian o...
Ethnicity

Age Distribution




Years of Service Distribution
Total Peace Officers
30
20
10
0
0
10
20
30
Years of Service


Female vs Male
Gender
Female
Male
342
300
200
318
100
0


Female vs Male (%)
Gender
Female
Male
100.00%
100%
50%
92.98%
0%

Peace Officer Standards Accountability Division

November 20, 2024

Disciplinary Action Statistics and Outcomes

Professional Conduct Bureau Statistics

AS OF 11/01/24

Reports/Allegations

- 30,422 – Total Agency Misconduct reports received (Approved)
  - 8,458 – 2024
  - 21,964 – 2023
    - 16,799 (55%) are “Retro” (Prior to 01/01/2023)
- 34,732 Reported Allegations
  - 18,319 unique Law Enforcement Officers
- 1,337 – Public complaint

Professional Conduct Bureau Statistics

AS OF 11/01/24

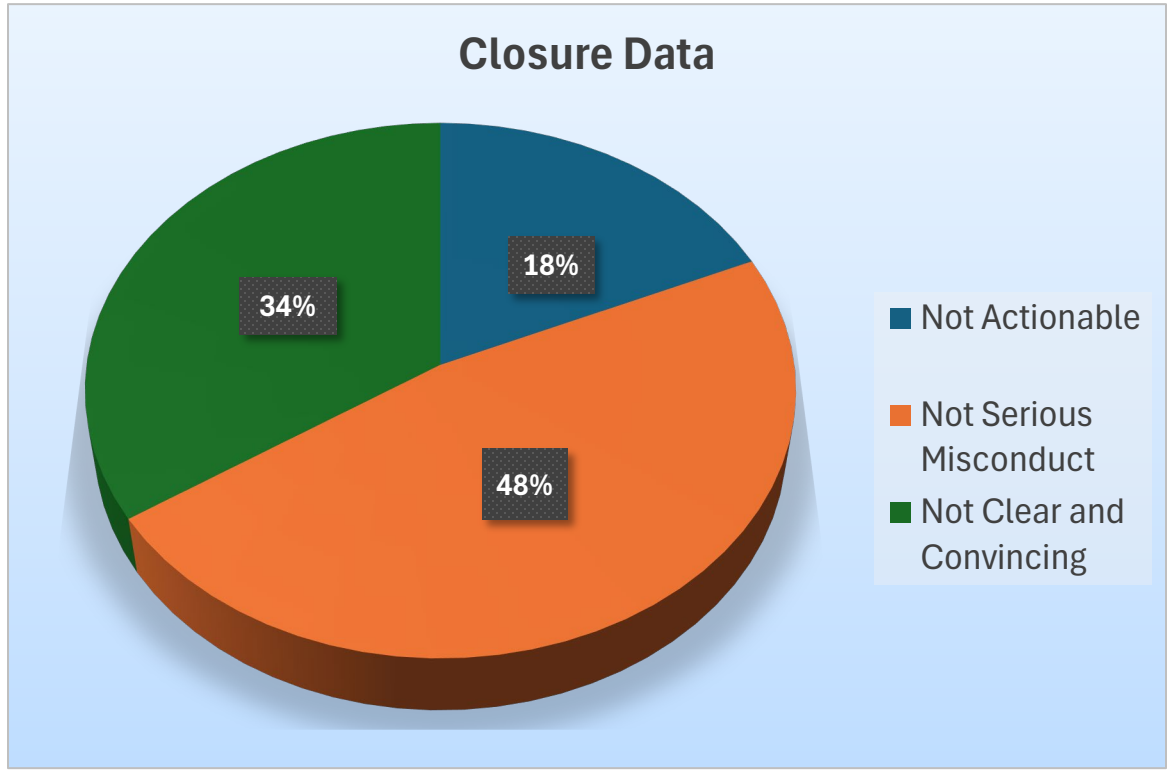
Cases

- 20,702 – Total Cases
  - 11,961 – Open Cases (58% of total cases)
    - 9,437 – Open w/POST (79% of open cases)
    - 2,524 – Open w/Agency (21% of open cases)
  - 8,741 – Closed Cases (42% of total cases)

Cases with Sustained Agency Findings

as of 11/01/24

Cases closed by POSAD as “No Further Action Taken” - **779**



Not Serious Misconduct:

369 (48%)

Not Clear and Convincing:

267 (34%)

Not Actionable:

143 (18%)

Closed Cases with Sustained Agency Findings

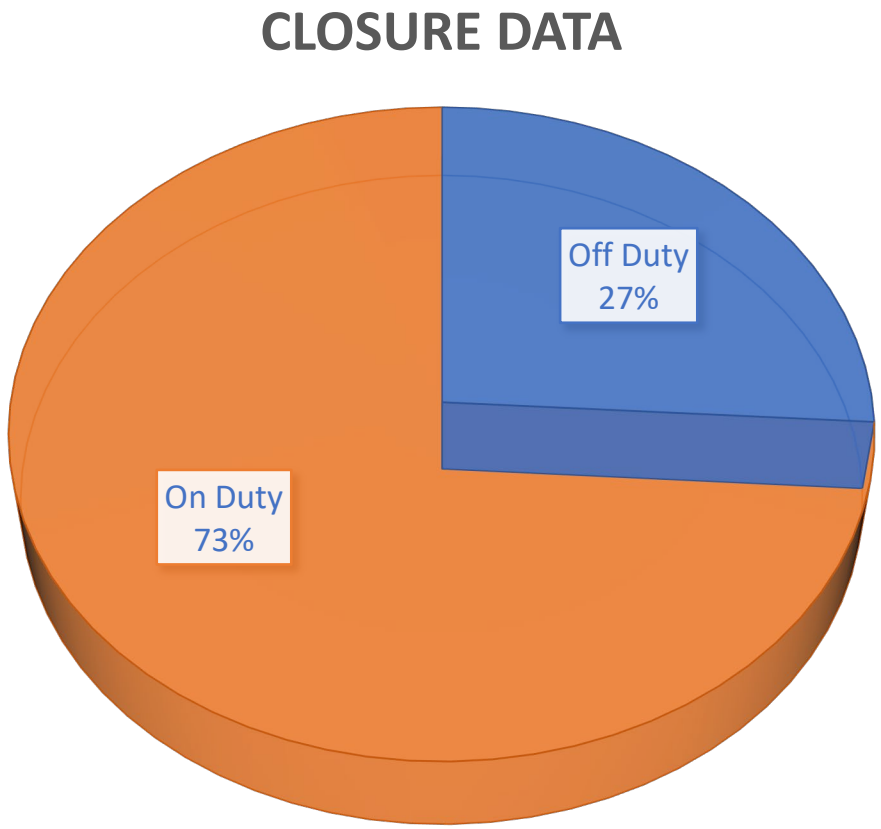
Cases closed by POSAD as “No Further Action Taken” - **779**

<u>On Duty:</u>

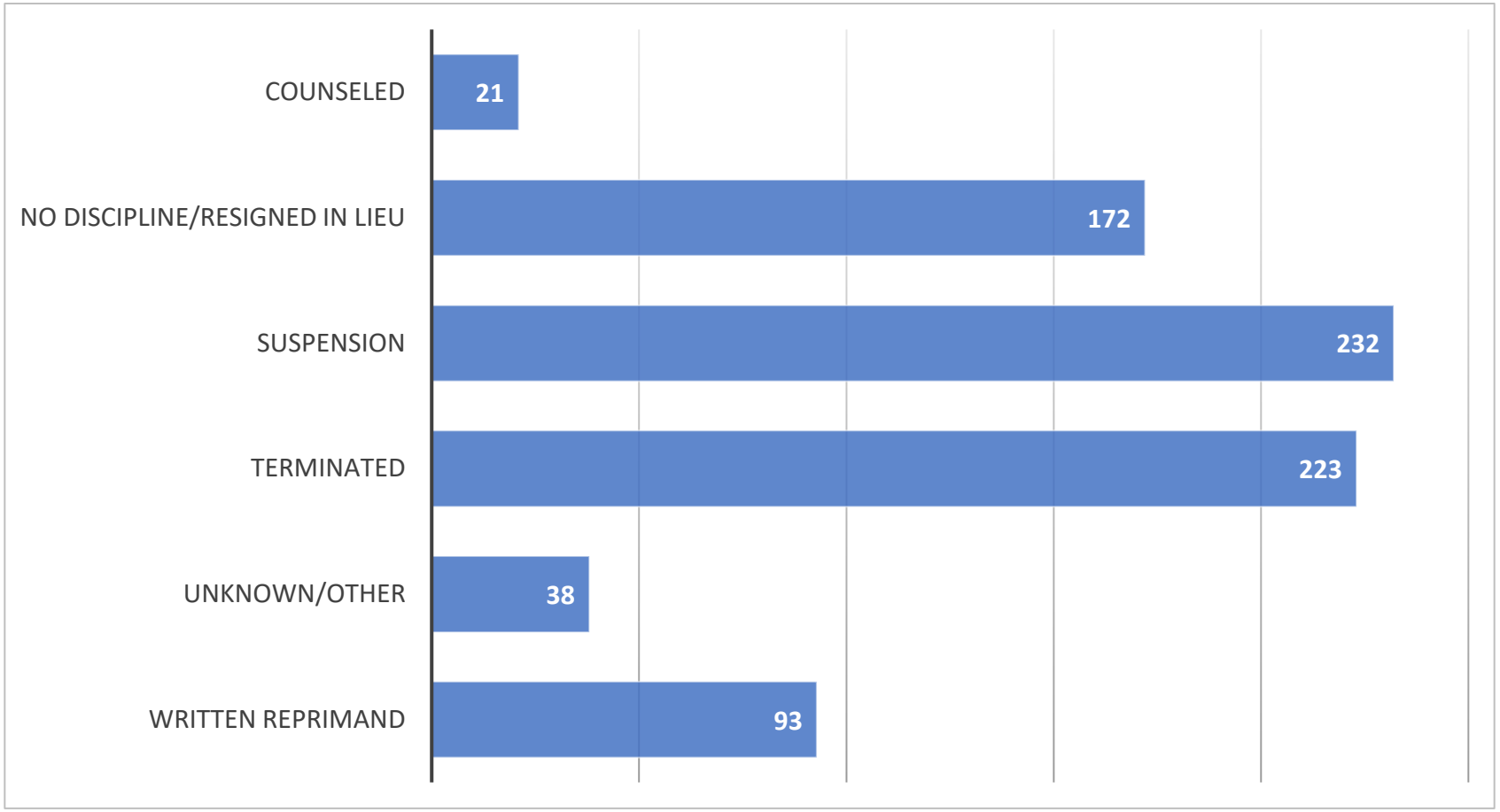
569 (73%)

<u>Off Duty:</u>

210 (27%)



Closed Cases with Sustained Findings: Agency Discipline Imposed



Agency Not-Sustained / Non-Actionable Case Statistics

as of 11/01/24

Not Actionable:

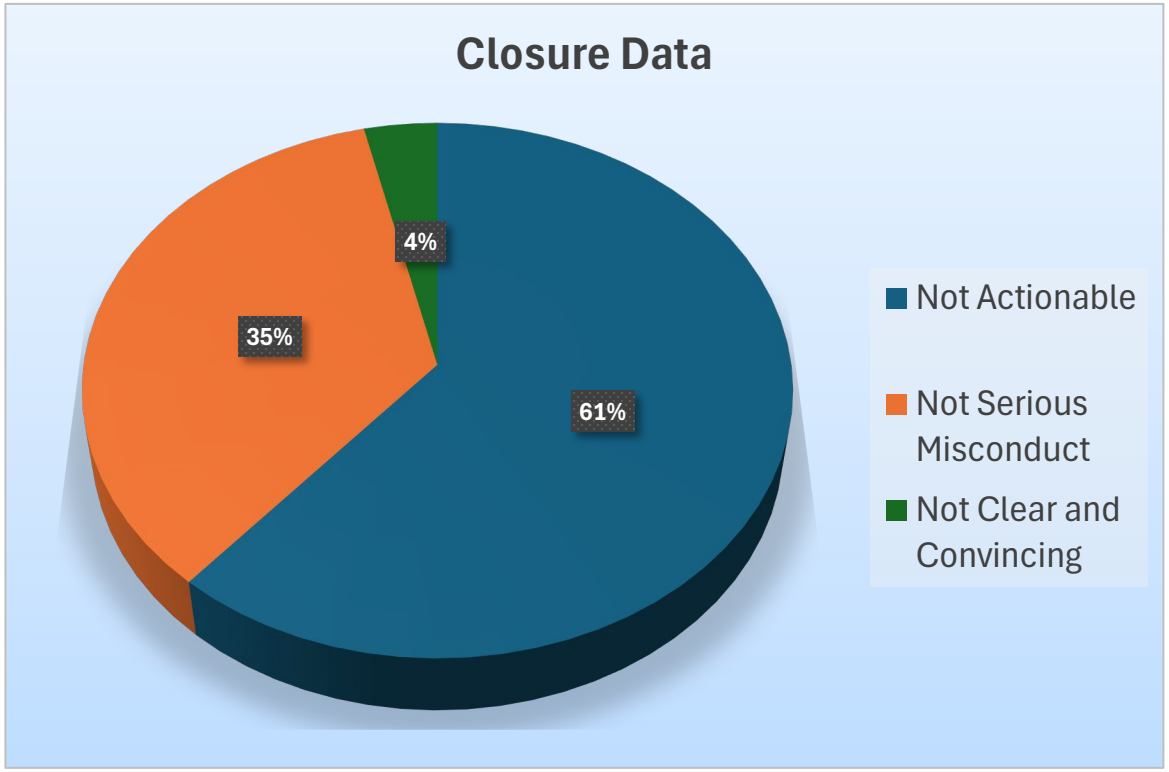
4,000 (61%)

Not Serious Misconduct:

2,289 (35%)

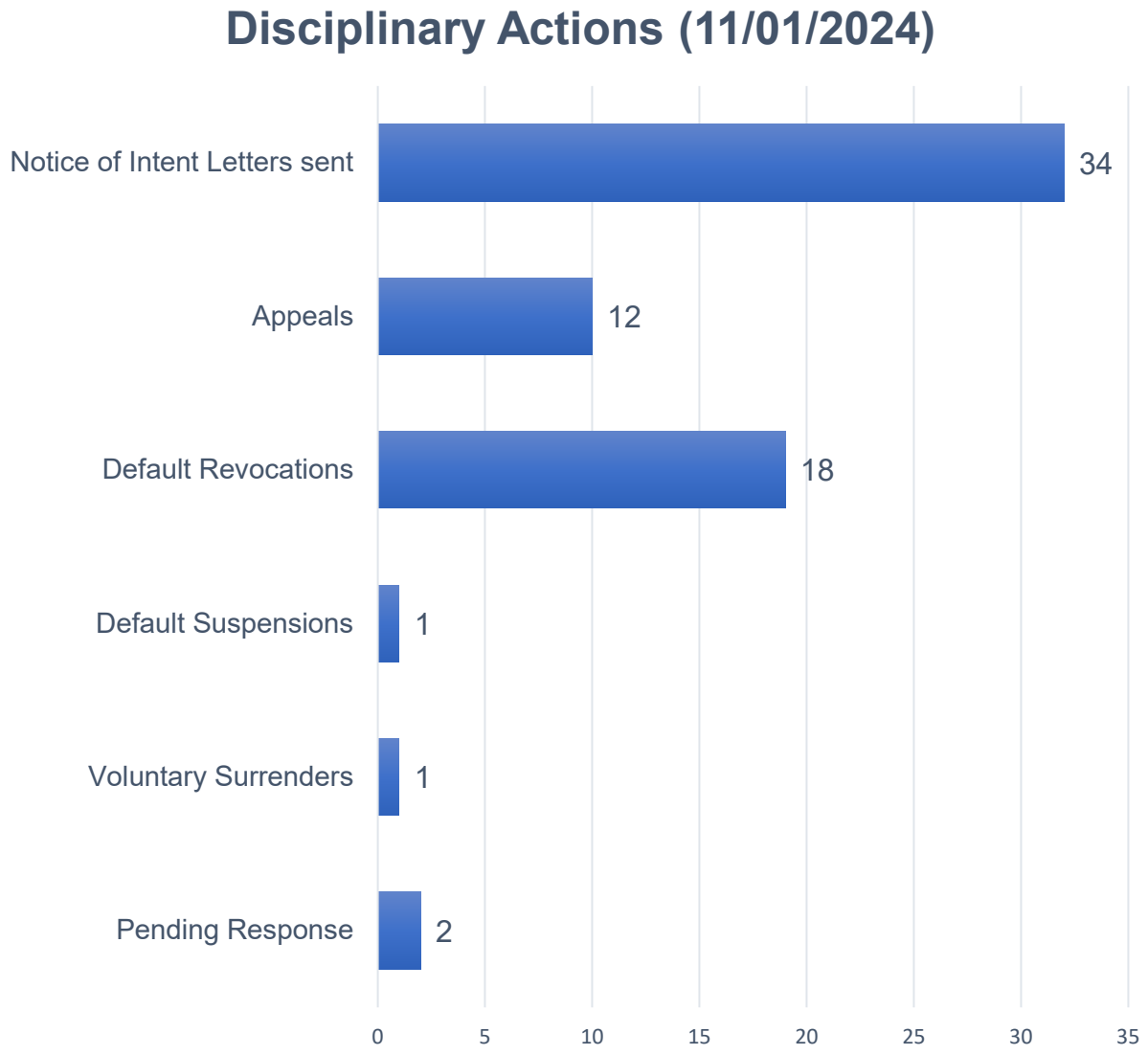
Not Clear and Convincing:

238 (4%)



DISCIPLINARY ACTION STATISTICS (11/01/2024)

- Total Notice of Intent letters sent: 34
- Appeals: 12
- Default Actions: 19
  - Default Revocations: 18
  - Default Suspensions: 1
- Voluntary Surrenders: 1
- Pending Response: 2

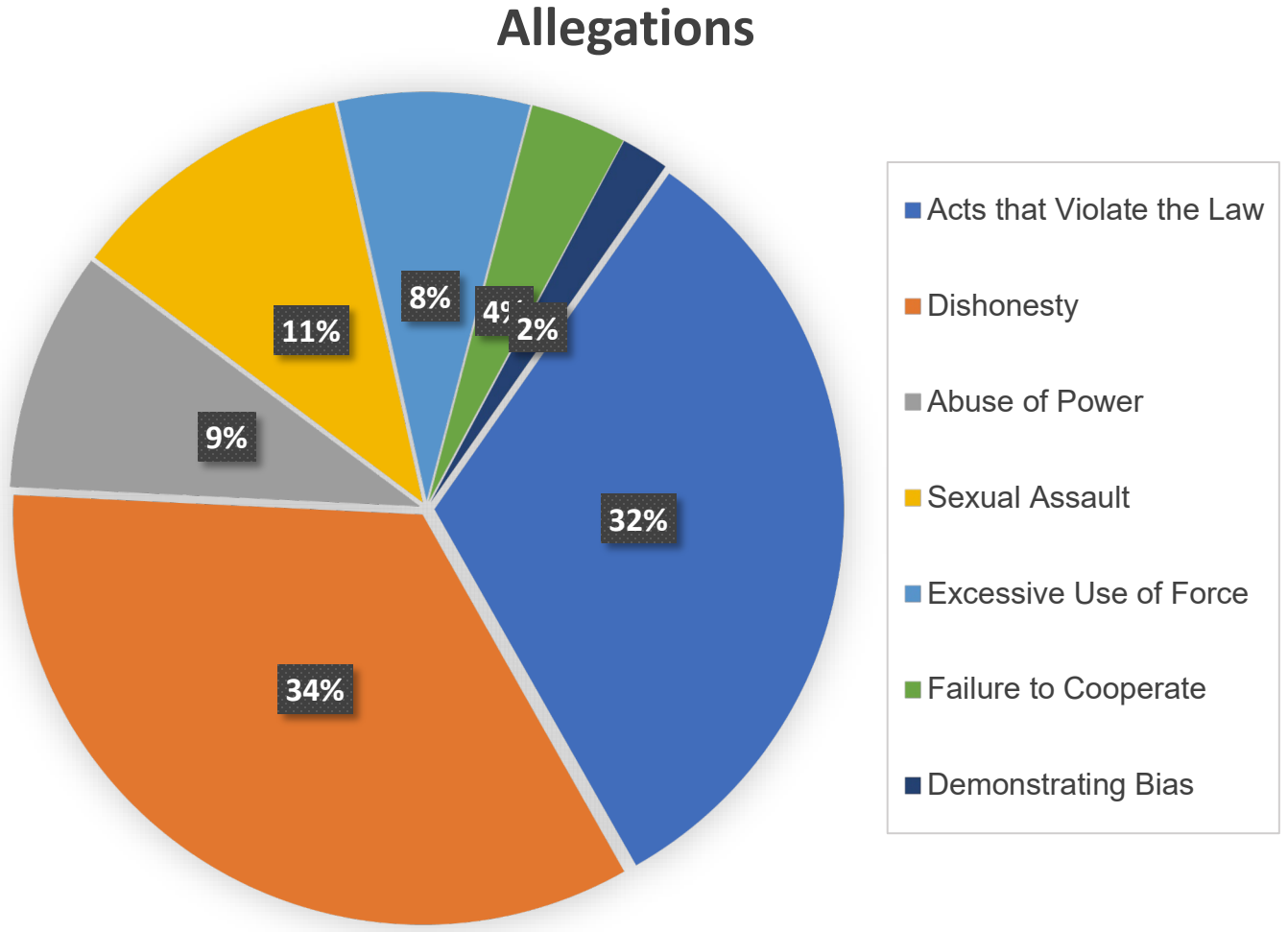


DISCIPLINARY CASE STATISTICS
(11/01/2024)

- Total Notice of Intent letters sent: 34
- Appeals: 12
- Default Actions: 19 (18 Revocations; 1 Suspension)
- Voluntary Surrenders: 1
- Pending Response: 2

Agency Discipline Imposed:
- Termination – 19
- Resigned – 12
- Demotion – 1

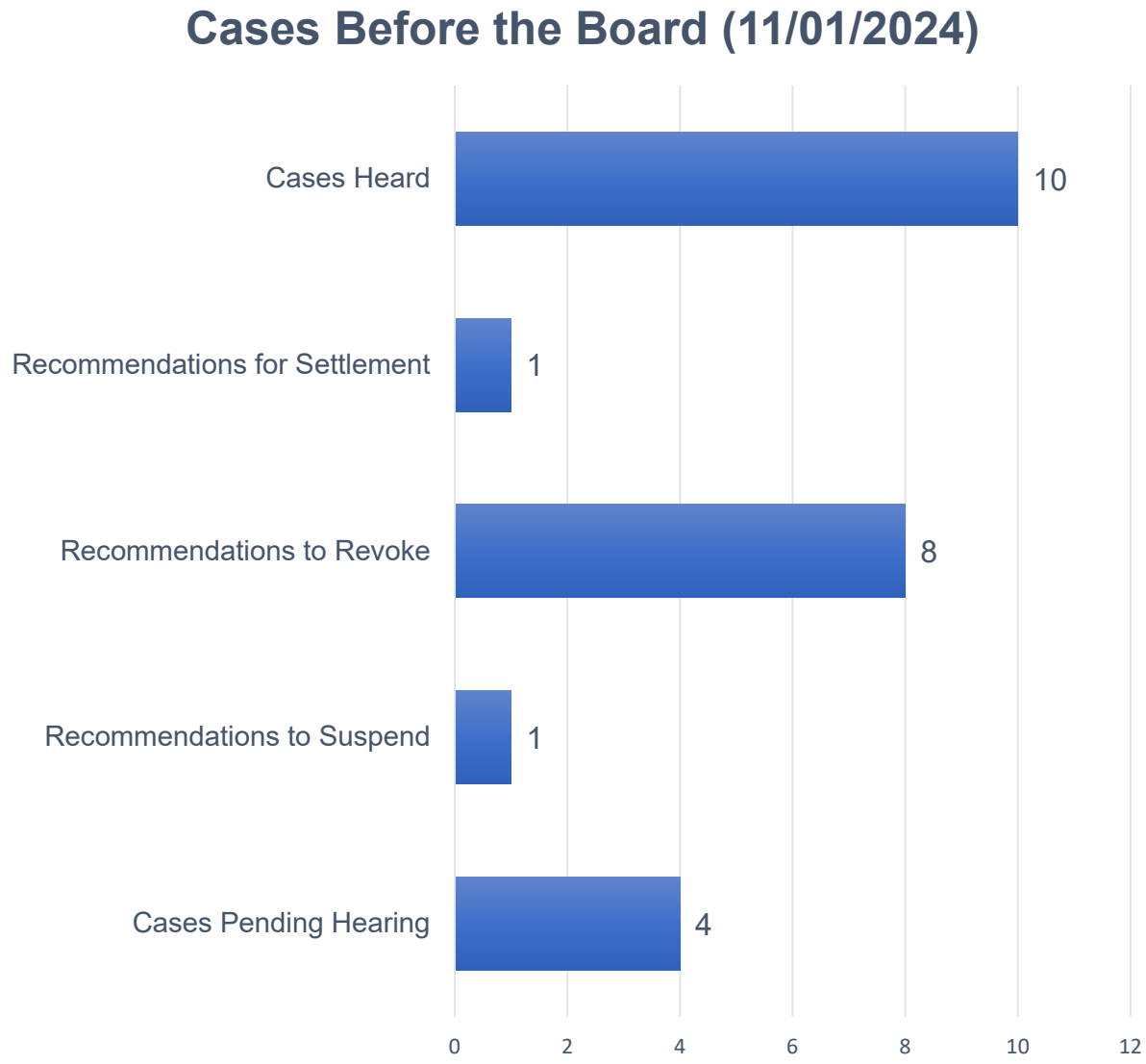
Misconduct Occurred:
- On Duty – 18
- Off Duty – 16



DECERTIFICATION CASES BEFORE THE BOARD (11/01/2024)

- Total Cases Heard Before the Board: 10
- Board Recommendations to Revoke: 8
- Board Recommendations to Suspend: 1
- Board Recommendations of Settlement: 1
- Cases Pending Hearing: 4

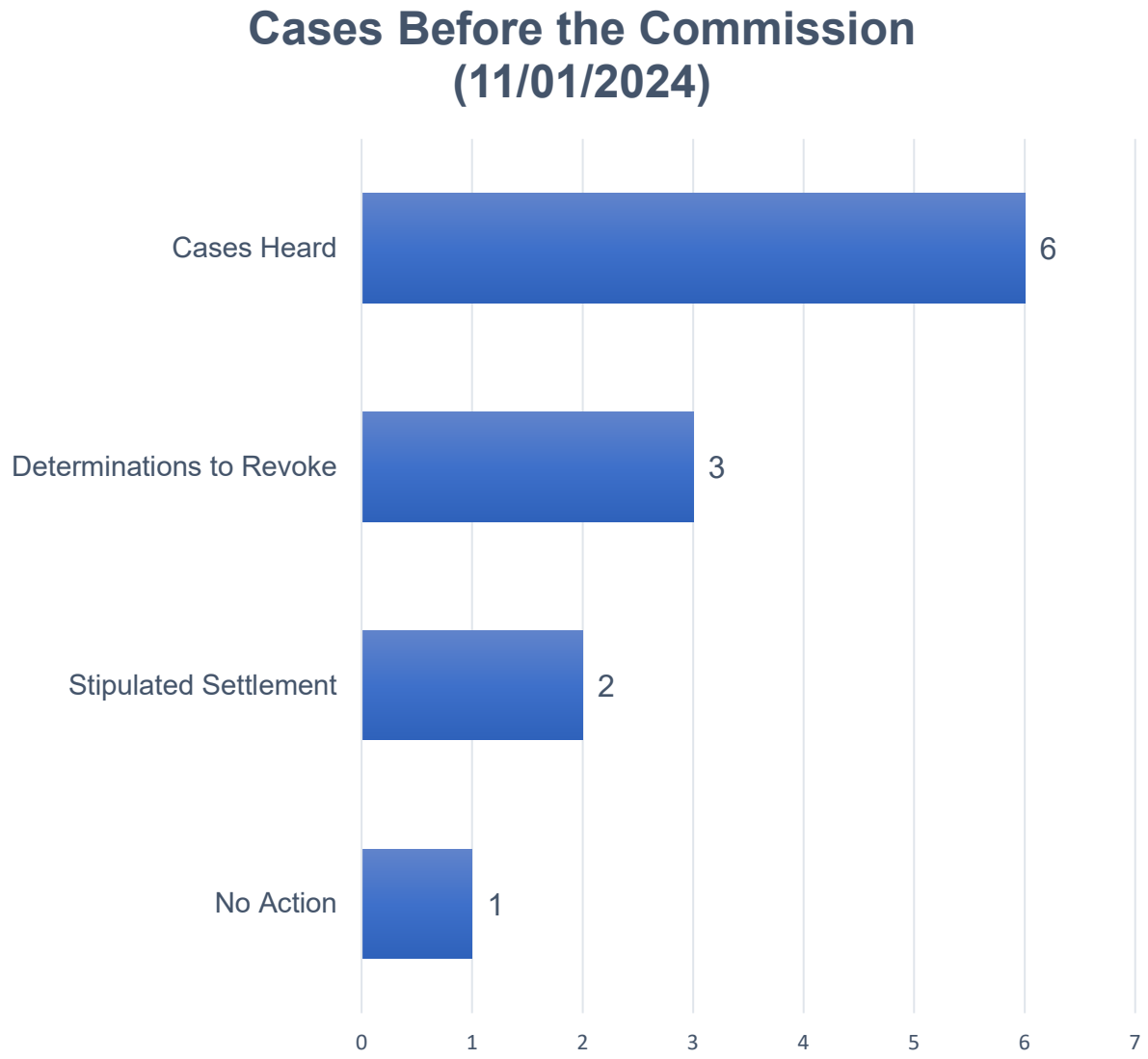
- Times Board has reached a different determination than the Division: 1 (Diaz)



DECERTIFICATION CASES BEFORE THE COMMISSION (11/01/2024)

- Total Cases Heard Before the Commission: 6
- Commission Determinations to Revoke: 3
- Commission Determinations to Enter Stipulated Settlement Agreements: 2
- Commission Determination to take No Action: 1

- Times Commission Reached Different Determination than Board's Recommendation: 3



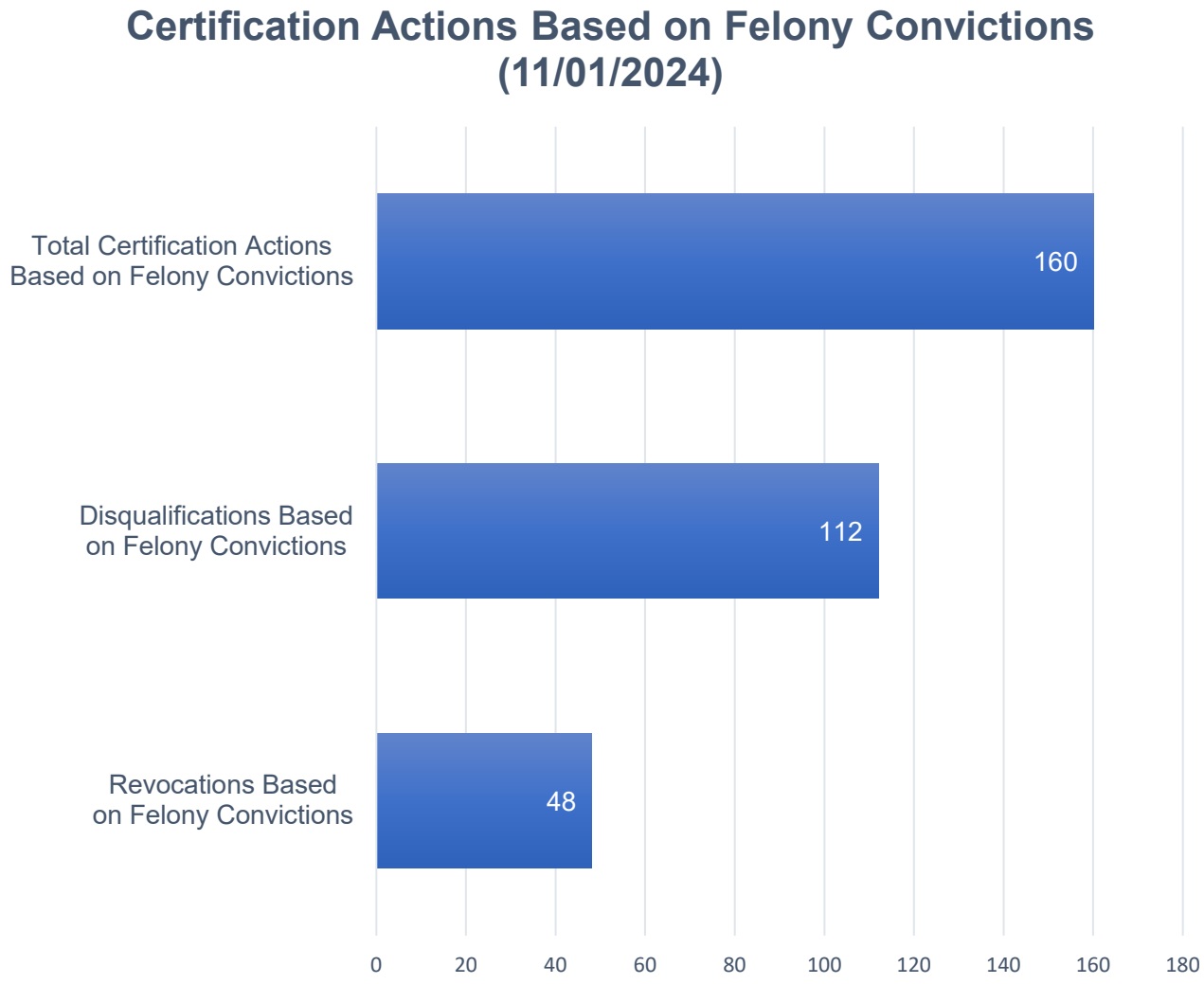
DISCIPLINARY DECISIONS AND OUTCOMES

- Times Board has reached a different determination than the Division: 1
- Times Commission has reached different determination than Board's Recommendation: 3

Subject Officer	Division Recommendation	Board Hearing Date and Recommendation	Commission Hearing Date and Determination	Case Status as of 11/01/24
Ramirez	Revoke	12/14/23 - Revoke	03/07/24 - Revoke	Default Revocation
Fillmore	Revoke	12/14/23 - Revoke	03/07/24 - Stipulated Settlement	Initiating Probationary Monitoring
Diaz	Revoke	03/21/24 - Suspend for Term of 6 Months	06/12/24 - Stipulated Settlement	Initiating Probationary Monitoring
Fuston	Revoke	03/21/24 - Revoke	06/12/24 - No Action	No Action
Hubbard	Revoke	03/21/24 - Revoke	06/12/24 - Revoke	Moving Forward to ALJ Hearing
Sarabia-Medina	Revoke	03/21/24 - Revoke	06/12/24 - Revoke	Moving Forward to ALJ Hearing
Bermudez	Revoke	10/17/24 - Settlement	11/21/24 - Pending	Pending Commission Review
Cano	Revoke	10/17/24 - Revoke	11/21/24 - Pending	Pending Commission Review
Matejcek	Revoke	10/17/24 - Revoke	11/21/24 - Pending	Pending Commission Review
Mutuku	Revoke	10/17/24 - Revoke	11/21/24 - Pending	Pending Commission Review

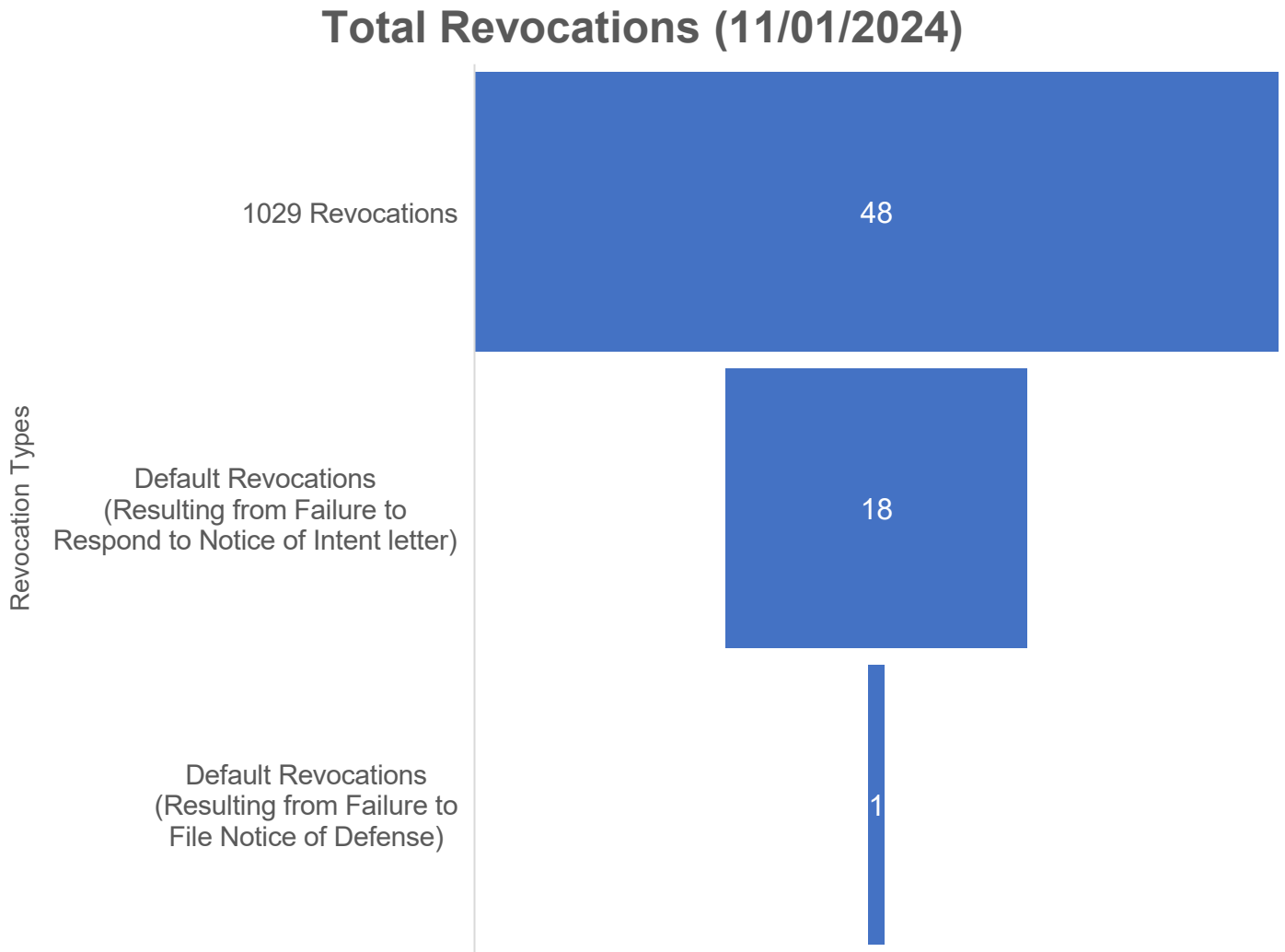
CERTIFICATION ACTIONS BASED ON FELONY CONVICTIONS
(11/01/2024)

- Disqualifications (Ineligibility) based on felony convictions: 112
- Revocations based on felony convictions: 48
- Total number of certification actions based on felony convictions: 160



TOTAL REVOCATIONS
(11/01/2024)

- Revocations based on felony convictions: 48
- Default Revocations (resulting from failure to respond to Notice of Intent letter): 18
- Default Revocations (resulting from failure to respond to Notice of Defense): 1
- Total number of revocations: 67



1029 Ineligible List – November 2024 POST Commission Meeting

Last Name	First Name	Last Employing Agency	District	Date of Conviction or Judgement	Conviction
Bacis	Gilberto R.	Salinas PD (last employed 09/25/2007)	Central	November 1, 2007	Felony, Penal Code section 504, Embezzlement of Property by a Public Officer
Barrios III	Richard C.	Ventura County SO (last employed 03/10/2021)	Southern	November 15, 2021	Felony, Penal Code section 141(b), Peace Officer Concealing Physical Matter
Brewer	James M.	Oakland PD (last employed 03/17/1993)	Central	November 14, 2000	Felony, Penal Code section 288(a), Lewd Act Upon a Child Under Age 14
Cain	Robert Dean	Los Angeles PD (last employed 09/15/2017)	Los Angeles County	January 19, 2018 August 15, 2018	Felony, Penal Code section 30600(a), Unlawful Assault Weapon Felony, Penal Code section 32900, Possession of a Multi-burst Trigger Activator Felony, Penal Code section 288a(b)(2), Oral Copulation of a Person Under 16 Felony, Penal Code section 261.5(d),

					Unlawful Sexual Intercourse
Daugherty	Rain O.	San Francisco PD (last employed 10/01/2020)	Central	February 21, 2019 June 19, 2019	Two felony violations of 18 U.S.C. section 2113(a) Bank Robbery Felony, Penal Code section 368(A), Theft from a Dependent or Elder Adult
Davis	Tyrone C. E.	East Bay Regional Park DPS (last employed 04/05/2019)	Central	November 22, 2019	Felony, Penal Code section 487(a), Grand Theft by Embezzlement
English	Andrew J.	California Highway Patrol (last employed 01/17/2005)	Central	March 1, 2005	Felony, Penal Code section 550(a)(1), Present False Claim
Fiorino	Benny R.	Colton PD (last employed 05/31/1988)	Southern	August 20, 1987	Felony, Penal Code section 288(a), Lewd Act Upon a Child
Fuhrman	Mark J.	Los Angeles PD (last employed 08/06/1995)	Los Angeles County	October 22, 1996	Felony, Penal Code section 118, Perjury
Furminger	Ian M.	San Francisco PD (last employed 12/18/2014)	Central	December 5, 2014	Two felony violations of, 18 U.S.C. section 1343, Wire Fraud Felony 18 U.S.C. section 241, Conspiracy Against Civil Rights

					Felony, 18 U.S.C. section 371, Conspiracy to Commit Theft Concerning Federally Funding Program
Galloway	Scott M.	Los Angeles County SD (last employed 01/19/2005)	Los Angeles County	August 10, 2006	Penal Code section 487(a), Grand Theft of Personal Property – Money
Garmo	Morad M.	San Diego County SD (last employed 09/21/2019)	Southern	September 29, 2020	Felony, 18 U.S.C. sections 922(a)(1)(A), 923(a), 924(a)(1)(D), and 2, Engaging in the Business Dealing in Firearms without a License
Graham	Scott D.	Los Angeles County SD (last employed 02/04/1986)	Los Angeles County	January 26, 1987	Felony, Penal Code section 182, Criminal Conspiracy
Hansen	Robert L.	Los Angeles PD (last employed 04/08/2000)	Los Angeles County	February 25, 2016	Felony, Penal Code section 288.5(a), Continuous Sexual Abuse of a Child Under the Age of 14 Years
Hatt	Brandon	San Mateo County SO (last employed 04/02/2013)	Central	January 21, 2014	Felony, Penal Code section 487(a), Grand Theft of Personal Property
Hensley	Brett K.	San Diego PD (last employed 06/09/2004)	Southern	June 30, 2005	Felony, Penal Code section 311.4(c), Employment of Minor to Perform Prohibited Acts

Ibarra	David	CSU Dominguez Hills PD (last employed 09/16/2016)	Los Angeles County	June 15, 2016	Felony, Penal Code section 311.11(c)(1), Possession of Over 600 Images of Child or Youth Pornography
Jang	William C. W.	Los Angeles PD (last employed 03/20/1996)	Los Angeles County	April 18, 1996	Felony, Penal Code section 68, Bribery
Lazarus	Stephanie I.	Los Angeles PD (last employed 05/04/2010)	Los Angeles County	March 8, 2012	Felony, Penal Code section 187(a) Willful, Deliberate, and Premeditated Murder
Libarle	Mikkel L.	California State Lottery (last employed 05/03/2024)	Northern	August 15, 2005	Felony, Penal Code section 594(a) Vandalism
Magana	Fred	San Diego County SD (last employed 12/24/2019)	Southern	December 5, 2019	Felony, 18 U.S.C. sections 922(a)(1)(A), 923(a), 924(a)(1)(D), and 2, Engaging in the Business of Dealing in Firearms without a License
Nyunt	John P.	Pacific Grove PD (last employed 11/23/2013)	Central	April 24, 2014	Felony, Penal Code section 136.1(c)(1), Dissuading a Witness by Force or Threat Felony, Penal Code section 32, Accessory After the Fact (Residential Burglary and Identity Theft)

					Felony, Penal Code section 459, Second Degree Commercial Burglary
Perez	Isaac N.	Riverside County SD (last employed 07/21/2020)	Southern	September 30, 2021	Felony, Penal Code section 550(b)(1), Present False Insurance Claim
Probis	James S.	Solano County SD (last employed 01/24/2002)	Northern	March 1, 2005	Felony, Penal Code section 487(a), Grand Theft Money/Labor/Property
Seery	Janet L.	Desert Hot Springs PD (last employed 12/16/2009)	Southern	January 11, 2010	Felony, Penal Code section 487(a), Grand Theft Felony, Penal Code section 504, Embezzlement by a Public Officer
Smith, Jr.	James C.	San Bernardino County SD (last employed 03/04/1988)	Southern	May 9, 2006	Felony, Penal Code section 187(a), Second Degree Murder.
Strickland	Wesley B.	Riverside County SD (last employed 03/20/2003)	Southern	September 14, 2004	Felony, Penal Code section 242, Battery.
Vargas	Reynaldo C.	San Francisco PD (last employed 05/17/2012)	Central	October 21, 2014	Felony, 18 U.S.C. section 846, Conspiracy to Distribute Controlled Substances

					Felony, 21 U.S.C. section 841(a)(1), Distribution of Marijuana Felony, 18 U.S.C section 371, Conspiracy to Commit Theft Concerning Federally Funded Program Felony, 18 U.S.C. section 666(a)(1)(A), Theft Concerning Federally Funded Program
Wiens	Randy R.	Merced County SO (last employed 04/10/1984)	Northern	April 30, 2001	Felony, Penal Code section 192(c)(3), Vehicular Manslaughter Felony, Vehicle Code section 23153(a), Driving Under the Influence of Alcohol with Injury Felony, Vehicle Code section 23153(b), Driving with a Blood Alcohol Content of .08% or More with Injury

AGENDA ITEM REPORT

Title: REPORT ON DISCUSSION REGARDING GAPS IN COMMISSION REGULATION 1205 AND POTENTIAL CHANGES TO DISHONESTY PROVISION

REPORT PROFILE

MEETING DATE 11/20/2024	**BUREAU SUBMITTING THE REPORT** Legal Affairs Bureau	
RESEARCHED BY William T. Darden	**REVIEWED BY**	
REPORT DATE	**APPROVED BY** Manuel Alvarez, Jr.	**DATE APPROVED** 10/31/2024
PURPOSE	**FINANCIAL IMPACT** No	

ISSUE, BACKGROUND, ANALYSIS, & RECOMMENDATION

ISSUE:

Should the Commission amend Regulation 1205 to clarify and add additional categories of dishonesty as actionable serious misconduct?

The current regulatory definition of the serious misconduct category of dishonesty is:

(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.

Cal. Code Regs. tit. 11 § 1205

BACKGROUND:

In the Commission meeting held on September 12, 2024,concerns were raised that instances of dishonesty that warrant decertification are not actionable due to limitations of

the current definition. The Commission requested examples of potential regulatory changes that "expand or clarify dishonesty to include a broader depth of misconduct related to the material facts of a case or an officer's misconduct."

Examples discussed at the hearing included instances where, for example, an officer that was dishonest with respect to how a traffic collision occurred. An officer who falsely reports how an on-duty accident occurred would likely not be subject to decertification because the report of an accident, standing alone, is often not a report, investigation or prosecution of a crime, nor does the false statement occur during an "investigation of misconduct."

Other instances are evident. For instance:

- An officer who is dishonest in reporting, discussing, or answering questions about work-related matters not involving a criminal investigation or an investigation of misconduct may escape decertification even where the officer has plainly provided false or deceptive information about his or her conduct on other matters within his or her knowledge to his supervisors or other persons who have a right to expect honest and accurate information.

- An officer who lies about his or her conduct in order to hide, minimize or prevent discovery of his or her misconduct might not meet the current statutory definition of dishonesty.

- An officer who lies on a timesheet or about the reasons for an absence from work would not be subject to decertification for dishonesty, and

- An officer who is dishonest in the submission of other work-related records or reports would not commit actionable dishonesty unless it was done in connection with an investigation of a crime or during an investigation of police misconduct.

The Commission also discussed several other issues including the potential to decertify based upon a "for cause" termination, and potential changes to Regulation 1205(b)(3), physical abuse.

While this discussion will focus on dishonesty, staff will also briefly discuss these other potential areas in terms of potential future regulatory amendments.

ANALYSIS:

Dishonesty is a broad term, which could encompass dishonest acts such as theft or making false entries on records, and dishonest statements, commonly thought of as “lying.” Existing law recognizes this fact in the context of serious misconduct, by including dishonest acts such as tampering with or concealing evidence, and dishonest statements, such as perjury and making false statements in reports.

A statement is most clearly “dishonest” when the circumstances indicate that the statement was a result of a decision to act deceitfully, and not as a result of mistake or inadvertence – in other words, an intentional deception or omission of known information or an intentional attempt to create a false impression or to mislead the hearer.

However, dishonesty might also take the form of omitting important information, or intentionally misleading or intentionally creating a false impression about facts or circumstances. Additionally, even if an officer does not know the "true" facts, dishonesty might also be manifested through a statement made with a blatant or reckless disregard for the accuracy of the information communicated by the officer. On the other hand, a statement might be untrue in that it is factually inaccurate, but was not made or communicated as a result of conscious decision to deceive or with a reckless disregard for its truth. Similarly, dishonesty would not generally be found when acts or statements arise from a good faith misunderstanding under circumstances where a reasonable person would not interpret the acts or statements as dishonest. ‘Dishonesty’ connotes a disposition to deceive. It “denotes an absence of integrity; a disposition to cheat, deceive, or defraud. (Gee v. California State Pers. Bd. (Ct. App. 1970) 5 Cal. App. 3d 713, 718–19, 85 Cal. Rptr. 762, 765.)

The commission has not defined dishonesty beyond listing the statutory examples that qualify as serious misconduct. The legislature’s listing of examples of dishonesty indicates those types of acts clearly intended to be included – perjury, intentionally filing false reports, falsifying, destroying or concealing evidence and tampering with recording devices to conceal misconduct – all of which indicate an attempt by an officer to mislead or deceive. This is consistent with judicial decisions in other licensing contexts. (See, e.g. Hogg v. Real Est. Com'r (1942) 54 Cal. App. 2d 712, 717 [“Dishonesty” necessarily includes the element of bad faith. . . it means fraud, deception, betrayal, faithlessness; it denotes an absence of integrity; a disposition to cheat, deceive, or defraud; deceive and betray].)

In previous discussions prior to adoption of the existing

regulation, a concern was raised that decertification might not be appropriate in instances where inaccurate information was presented by an officer but under circumstances indicating that it was not done with an intent to deceive or mislead, and instead may have been as a result of mistake or inadvertence. Ultimately, since the commission may not detract from the legislative definition, the commission opted to add language to the regulation explaining that, once a dishonesty case was presented, it would review factors such as the materiality and willfulness of the statement or omission to determine what level of penalty was appropriate.

The Commission could choose to further define dishonesty to make clear that it encompasses dishonest conduct in addition to dishonest acts, to define dishonesty in more detail, and to further explain the scope of actionable dishonesty. As discussed above, currently, dishonesty is actionable only when it arises in connection with 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."

Possible Regulatory Amendments:

The Commission could consider, in expanding the definition of dishonesty, whether or not it is properly including acts which could result in decertification, without broadening the definition to the point where it may be taking jurisdiction over acts which are more properly within the discretion of the employer but that do not rise to the level of decertification.

Following are examples of potential regulatory amendments expanding actionable dishonesty:

<u>Option 1:</u>

§ 1205. Serious Misconduct.

(a) Serious Misconduct is conduct described in Penal Code section 13510.8(b) and this section that, as determined by the Commission, directly impacts the health, safety or welfare of the public, and warrants the suspension or revocation of an individual's peace officer certification. In considering whether the health, safety or welfare of the public requires suspension or revocation of certification, the Commission shall consider whether or not the conduct warrants temporary or permanent removal of the officer's ability to serve in the profession of law enforcement in California. As set forth in Penal Code section 13510.8(a)(2), the Commission may suspend or revoke the certification of a peace officer if, while employed as a peace

officer, the person engaged in any of the conduct described below:

(1) Dishonesty in the Practice of Law Enforcement, including but not limited to, dishonest statements and actions 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.

Examples of such dishonesty include but are not limited to, false statements, intentionally filing false reports, tampering with, falsifying, destroying, or concealing evidence, perjury, tampering with data recorded by a body-worn camera or other recording device for purposes of concealing misconduct, dishonest statements to superior officers or investigators, dishonesty in any report submitted while on-duty, and acts connected with an officer's employment indicating fraud, deception, absence of integrity, or a disposition to lie, cheat, deceive, or defraud.

(2) For purposes of this subsection:

(a) Dishonesty includes knowingly, willfully, intentionally, or, without a legitimate law enforcement purpose, making false, misleading, deceptive, untrue, or fraudulent representations, omitting material facts or material information, answering questions or providing information in a manner that is evasive, deceptive, or intentionally misleading.

(b) The Practice of Law Enforcement means actions or statements made by a peace officer while engaged in the performance of law enforcement duties including upholding and enforcing the law, protecting the community and its citizens, maintaining order, ensuring public safety, and preventing and deterring crime.

(3) 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.

<u>Option 2:</u>

§ 1205. Serious Misconduct.

(a) Serious Misconduct is conduct described in Penal Code section 13510.8(b) and this section that, as determined by the

Commission, directly impacts the health, safety or welfare of the public, and warrants the suspension or revocation of an individual's peace officer certification. In considering whether the health, safety or welfare of the public requires revocation of certification, the Commission shall consider whether or not the conduct warrants permanent removal of the officer's ability to serve in the profession of law enforcement in California. As set forth in Penal Code section 13510.8(a)(2), the Commission may suspend or revoke the certification of a peace officer if, while employed as a peace officer, the person engaged in any of the conduct described below:

(1) Dishonesty relating to:

(a) The reporting, investigation, or prosecution of a crime;

(b) The reporting of, or investigation of, any criminal or internal matter in which a peace officer is a subject, witness, or involved party, including an investigation of misconduct by a peace officer or custodial officer; or

(c) The officer's performance of their law enforcement duties.

Such dishonesty includes, but is 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.

RECOMMENDATION: For discussion and recommendations.

ATTACHMENT(S):

Massachusetts - 555 CMR 8.03.pdf
Montana - ARM 23.13.702.pdf
Nevada - NAC 289.110.pdf
Oregon - OAR 259-008-0300.pdf
Utah - U.C.A 1953 section 53-6-211.pdf
Virginia - 2024 VA REG TEXT 662633 (NS).pdf

Code of Massachusetts Regulations
Title 555: Peace Officer Standards and Training Commission
Chapter 8.00: Databases and Dissemination of Information (Refs & Annos)

555 CMR 8.03

8.03: Definitions

Effective: April 14, 2023
Currentness

(1) 555 CMR 8.00 incorporates all definitions set forth in 555 CMR 2.02: *Definitions*, except those definitions of terms that are defined in 555 CMR 8.03(2).

(2) For the purposes of 555 CMR 8.00, the following terms have the following meanings, unless the context requires otherwise:

Agency. An "agency" as defined in M.G.L. c. 30A, § 1.

Certification. Certification or recertification of a law enforcement officer pursuant to M.G.L. c. 6E, §§ 3(a) and 4, regardless of whether it is conditioned, limited, restricted, or suspended.

Commission. The Massachusetts Peace Officer Standards and Training Commission established pursuant to M.G.L c. 6E, § 2 as an agency, including its Commissioners and its staff.

Complaint. A complaint that must be reported to the Commission pursuant to 555 CMR 1.01(1): *Transmittal of Complaint by Agency to Commission*.

Compulsory Legal Process. A demand that is issued by or through a federal or state court or party to litigation, including any demand made by summons, subpoena, discovery request, or judicial order.

Deadly Force. "Deadly force" as that term is defined in M.G.L. c. 6E, § 1.

Decertification. A revocation of certification made by the Commission pursuant to M.G.L. c. 6E, § 10, an action distinct from a denial, a nonrenewal, or an expiration of certification.

Division of Police Certification. The Division of Police Certification of the Commission established pursuant to M.G.L. c. 6E, § 4(a)(1).

Division of Police Standards. The Division of Police Standards of the Commission established pursuant to M.G.L. c. 6E, § 8(a).

Executive Director. The Executive Director of the Commission appointed pursuant to M.G.L. c. 6E, § 2(g) or that person's designee for relevant purposes.

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Law Enforcement Agency. A "law enforcement agency" as that term is defined in M.G.L. c. 6E, § 1.

MPTC. The Municipal Police Training Committee established within the Executive Office of Public Safety and Security pursuant to M.G.L. c. 6, § 116.

Officer. A "law enforcement officer" as that term is defined in M.G.L. c. 6E, § 1.

Personal Data. "Personal data" as that term is defined in M.G.L. c. 66A, § 1.

RAO. The Commission Records Access Officer designated pursuant to M.G.L. c. 66 and 950 CMR 32.00: *Public Records Access*, or that person's designee for relevant purposes.

Record, Information, and Data. Any form of record, document, written material, or data, regardless of whether it constitutes a "public record" as that term is defined in M.G.L. c. 4, § 7, cl. 26 or "personal data" as that term is defined in M.G.L. c. 66A.

Records Request. A request for Commission records made pursuant to, and in conformance with, M.G.L. c. 66, § 10.

Untruthful. "Untruthful" as that term is defined in M.G.L. c. 6E, § 1.

Vote of the Commissioners. A vote sufficient to satisfy the requirements of M.G.L. c. 6E, § 2(e).

Credits

History: 1493 Mass. Reg. 63, eff. Apr. 14, 2023.

The Massachusetts Administrative Code titles are current through Register No. 1531, dated September 27, 2024. Some sections may be more current; see credits for details.

Mass. Regs. Code tit. 555, § 8.03, 555 MA ADC 8.03

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Mont.Admin.R. 23.13.702
ARM 23.13.702

23.13.702. GROUNDS FOR DENIAL, SANCTION, SUSPENSION, OR REVOCATION OF POST CERTIFICATION

Effective: March 23, 2024
Currentness

(1) Any legitimate allegation made against any public safety officer that may result in the denial, sanction, revocation, or suspension of that officer's certification must be considered by either:

(a) the case status committee and the executive director; or

(b) the council.

(2) The public safety officer's appointing authority must report to the executive director any substantiated grounds for denial, sanction, suspension, or revocation of POST certification as enumerated in (3).

(a) If review of an officer's conduct is pending before any court, council, tribunal, or agency, the appointing authority must report the officer's conduct to the executive director and may request that POST take no action until final adjudication. Such a request will be granted or rejected based upon a majority vote of the Case Status Committee.

(b) If an officer's conduct results in termination of the officer's service, the notice requirements of 7-32-303, MCA, and ARM 23.13.806 apply.

(3) The grounds for denial, sanction, suspension, or revocation of the certification of public safety officers are as follows:

(a) willful falsification of any information in conjunction with official duties, or any single occurrence or pattern of lying, perpetuating falsehoods, or dishonesty which may tend to undermine public confidence in the officer, the officer's appointing authority, or the profession;

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(b) a physical or mental condition that substantially limits the officer's ability to perform the essential duties of a public safety officer, or poses a direct threat to the health and safety of the public or fellow officers, and that has not been or cannot be eliminated or overcome by reasonable accommodation provided by the appointing authority;

(c) engaging in substance abuse as defined in these rules;

(d) unauthorized use of or being under the influence of an intoxicating substance, including alcoholic beverages or marijuana, while on duty, or the use of an intoxicating substance, including alcoholic beverages or marijuana, in a manner which tends to discredit the officer, the officer's appointing authority, or the profession;

(e) conviction of a criminal offense enumerated in Title 45, chapters 5 through 10, MCA, or Title 61, chapter 8, part 10, MCA, or an offense which would be a criminal offense enumerated in Title 45, chapters 5 through 10, MCA, or Title 61, chapter 8, part 10, MCA, if committed in this state;

(f) neglect of duty or willful violation of orders or policies, procedures, rules, regulations, or criminal law when such action or inaction, committed in the officer's capacity as an officer or otherwise, reflects adversely on the officer's honesty, integrity, or fitness as an officer or is prejudicial to the administration of justice;

(g) willful violation of the code of ethics set forth in ARM 23.13.803;

(h) failure to meet the minimum standards for appointment or continued employment service as a public safety or peace officer set forth in these rules or Montana law;

(i) failure to meet the minimum training requirements or continuing education and training requirements for a public safety or peace officer required by Montana law and these rules;

(j) operating outside or ordering, permitting, or causing another officer to operate outside of the scope of authority for a public safety or peace officer as defined by 44-4-401, 44-4-404, or 7-32-303, MCA, or any other provision of Montana law regulating the conduct of public safety officers;

(k) the use of excessive or unjustified force in conjunction with official duties;

(l) engaging in sexual misconduct as defined in these rules; or

(m) the denial, sanction, suspension, or revocation of any license or certification equivalent to a POST certification imposed by a board or committee equivalent to POST in any other state.

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(4) It is a defense to an allegation of substance abuse, as defined in these rules, if the officer shows by a preponderance of the evidence that the officer's substance abuse has been eliminated or overcome by reasonable treatment.

Credits

AUTH: 2-15-2029, MCA

IMP: 2-15-2029, 44-4-403, MCA

History: NEW, 2008 MAR p. 1587, Eff. 8/1/08; AMD, 2014 MAR p. 2951, Eff. 12/12/14; AMD, 2017 MAR p. 1953, Eff. 10/28/17; AMD, 2018 MAR p. 2518, Eff. 12/22/18; AMD, 2020 MAR p. 580, Eff. 3/28/20; AMD, 2022 MAR p. 1835, Eff. 9/24/22; AMD, 2023 MAR p. 479, Eff. 5/27/23; AMD, 2024 MAR p. 607, Eff. 3/23/24.

Current through Issue 20 of the 2024 Montana Administrative Register dated October 18, 2024. Some sections may be more current; see credits for details.

Mont.Admin.R. 23.13.702, MT ADC 23.13.702

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Nevada Administrative Code
Chapter 289. Peace Officers and Other Law Enforcement Personnel
Standards and Training

NAC 289.110

289.110. Minimum standards for appointment.

Effective: December 15, 2023
Currentness

1. No person may be appointed to perform the duties of a peace officer unless he or she:

(a) Has undergone a complete and documented investigation of his or her background which verifies that the person has good moral character and meets the minimum standards established by the Commission;

(b) Is a citizen of the United States;

(c) Is at least 21 years of age at the time of the appointment;

(d) Has:

(1) Graduated from high school;

(2) Passed the General Educational Development Test or another high school equivalency assessment approved by the State Board of Education; or

(3) Passed a high school equivalency assessment approved by an appropriate authority in another state; and

(e) Has undergone a medical examination performed by a licensed physician who confirms in writing that no physical condition exists which would adversely affect his or her performance of the duties of a peace officer. The employing agency shall inform the examining physician of the specific functions required by the position to be filled.

2. The investigation of the background of a person required pursuant to subsection 1 must include, without limitation:

(a) An investigation of the current and past employment history of the person, including, without limitation, an examination of the duties that have been assigned to the person and any performance evaluations of the person;

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(b) An inquiry into the criminal history of the person in the State of Nevada and in any other state where the person is known to have resided, which must include, without limitation, any warrants issued for the person and the submission of the person's fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report;

(c) An inquiry to the Department of Motor Vehicles and the appropriate entity in each other state in which the person is known to have resided regarding any driver's licenses the person has held and the driving record of the person;

(d) A financial history of the person;

(e) The educational background of the person;

(f) The history of any military service of the person;

(g) A history of each physical address where the person has resided;

(h) A drug screening test;

(i) A psychological evaluation;

(j) The use of a lie detector as defined in NRS 613.440 for a peace officer being appointed as a category I, category II or reserve peace officer; and

(k) An evaluation to identify any implicit bias the person may have on the basis of race, color, religion, national origin, physical or mental disability, sexual orientation or gender identity or expression.

3. The investigation of the background of a person required pursuant to subsection 1 may include the use of a lie detector as defined in NRS 613.440 for a peace officer being appointed as a category III peace officer.

4. Except as otherwise provided in subsection 5, a person may not be appointed to perform the duties of a peace officer if he or she has:

(a) Been convicted of a felony in this State or of any offense which would be a felony if committed in this State;

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(b) Been convicted of an offense involving moral turpitude or the unlawful use, sale or possession of a controlled substance;

(c) A documented history of physical violence; or

(d) Resigned in lieu of termination or been terminated from any civil service employment for substantiated misconduct involving dishonesty, and has not been reinstated as a result of a judicial action or any available appeal or remedy relating to the resignation or termination, including, without limitation, any civil service appeal, direct administrative appeal or collective bargaining remedy. For purposes of this paragraph, "dishonesty" includes untruthfulness, deception, misrepresentation, falsification, and dishonesty by admission or omission.

5. The provisions of subsection 4 do not apply to a person who has been convicted of an offense involving the unlawful use, sale or possession of marijuana if the offense is not unlawful at the time the person submits an application for certification as a peace officer.

Credits

AUTHORITY: NRS 289.510.

[Peace Officers' Standards & Training Com., § IV, eff. 5-7-82]--(NAC A 12-17-87; 8-24-90; A by Peace Officers' Standards & Training Comm'n by R102-99, 11-2-99; R118-09, 1-28-2010; R085-10, 12-16-2010, eff. 7-1-2011; R066-12, 9-14-2012; LCB File No. R167-20, 12-22-2021; LCB File No. R078-21, 9-28-2022; LCB File No. R004-23, 12-15-2023)

Current with amendments included in the State of Nevada Register of Administrative Regulations, Volume 316, dated June 20, 2024, and Supplement 2024-06, dated June 30, 2024.

Nev. Admin. Code 289.110, NV ADC 289.110

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OAR 259-008-0300
Formerly cited as OR ADC 259-008-0070

259-008-0300. Grounds for Denial, Revocation or Emergency Suspension of Public Safety Professional Certifications

Effective: April 23, 2021

Currentness

(1) The Board has established moral fitness standards that it has determined are critical to upholding the public's trust in the public safety profession, protecting the public and ensuring that the conduct of a public safety professional or an applicant does not reflect adversely on the public safety profession. The Board finds by adopting this rule that a violation of these standards is substantially related to the duties performed by a certified public safety professional.

(2) Mandatory Denial or Revocation of a Public Safety Professional's Certifications. The Department must deny or revoke a public safety professional's certifications based upon a finding that:

(a) The public safety professional has a conviction for any offense designated under the law of the jurisdiction where the conviction occurred as being punishable as a felony or as a crime for which a maximum term of imprisonment of more than one year may be imposed;

(b) The public safety professional has a conviction in any jurisdiction for any offense involving the unlawful use, possession, delivery or manufacture of a controlled substance, narcotic or dangerous drug, except for criminal dispositions involving use or possession of marijuana which are reviewed as discretionary cases under section (3) of this rule;

(c) The public safety professional has a conviction in any jurisdiction for any offense involving domestic violence. For the purposes of this rule, domestic violence includes abuse of a child, and the term "domestic violence" has the meaning given by ORS 135.230, the term "abuse" has the meaning given by ORS 107.705, and the term "child" means a child who is under 18 years of age and is a natural child, adopted child, stepchild, a child under the guardianship of, or a child who regularly resides or formerly resided in the same household as the public safety professional;

(d) The public safety professional has a conviction in any jurisdiction for a bias or hate crime;

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(e) The public safety professional is a sex offender pursuant to ORS 163A.005(6); or

(f) The public safety professional has been discharged for cause from employment as a public safety professional. For the purposes of this rule, "for cause" means intentional conduct performed under the color of office to:

(A) Obtain false confessions;

(B) Make false arrests;

(C) Create or use falsified evidence, including false testimony, or to destroy evidence to create a false impression;

(D) Compel a person to abstain from doing, or to do, any act that the person has a legal right to do or abstain from doing;

(E) Deprive, or attempt to deprive, another person or persons of their legal rights;

(F) Gain advantage for a public or private safety agency or for personal gain; or

(G) Discriminate against a person based on the public safety professional's perception of that person's race, color, religion, sex, sexual orientation, gender identity, national origin, disability, age or any protected class as defined by state or federal law.

(3) Discretionary Denial or Revocation of a Public Safety Professional's Certifications.

(a) The Department may deny or revoke a public safety professional's certifications based upon a finding that the public safety professional engaged in conduct that includes any or all of the following elements:

(A) Dishonesty. Dishonesty is intentional conduct that includes untruthfulness, dishonesty by admission or omission, deception, misrepresentation, falsification or reckless disregard for the truth;

(B) Misuse of Authority. Misuse of Authority is intentional conduct that includes the use or attempted use of one's position or authority as a public safety professional to obtain a benefit, avoid a detriment or harm another; or

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(C) Misconduct.

(i) Misconduct includes conduct that violates criminal laws, conduct that threatens or harms persons, property or the efficient operations of any agency, or discriminatory conduct;

(ii) For the purposes of this rule, discriminatory conduct includes a pattern of conduct or a single egregious act that evidences knowing and intentional discrimination based on the perception of a person's race, color, religion, sex, sexual orientation, gender identity, national origin, disability, age or any protected class as defined by state or federal law, and would lead an objectively reasonable person to conclude that the public safety professional cannot perform the duties of office in a fair and impartial manner.

(b) For the purposes of this rule, conduct subject to discretionary review includes, but is not limited to:

(A) A criminal disposition when the criminal disposition is not a conviction constituting mandatory grounds as defined in section (2) of this rule;

(B) Conduct related to an arrest, a criminal citation to appear or its equivalent, or a criminal disposition;

(C) Conduct related to circumstances concurrent to a separation of employment from a certifiable position such as, but not limited to, investigation, settlement agreement or allegations of misconduct;

(D) Conduct that violates the standards of student conduct defined in OAR 259-012-0010;

(E) Falsification of any information on any documents submitted to the Board or the Department; or

(F) Conduct identified through receipt or discovery of information that would lead an objectively reasonable person to conclude that the public safety professional violated Board established employment, training, or certification standards for public safety professionals.

(c) Review of discretionary criminal dispositions applies to criminal dispositions that occurred on or after January 1, 2001. The Department will not open a case to review criminal dispositions that occurred prior to January 1, 2001.

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(4) The Department will not open a case on a criminal disposition or conduct that was previously reviewed by the Department, a Policy Committee or the Board and determined not to violate standards for public safety professional certification or resulted in no action to deny or revoke certification using the administrative rules in effect at the time of the review.

(a) Nothing in this rule precludes the Department from opening a case upon discovery of additional mandatory or discretionary grounds for denial or revocation.

(b) Nothing in this rule precludes the Department, a Policy Committee or the Board from considering previous criminal dispositions or conduct as an aggravating circumstance in a separate discretionary case review.

(5) The moral fitness standards defined in administrative rule in effect on the date the Department or the Board determined that the applicant or public safety professional was unfit for certification will continue to apply until the Final Order has been issued and all appeal rights have been exhausted regardless of whether the moral fitness standards have been subsequently amended or repealed.

(6) Emergency Suspension. The Department must issue an Emergency Suspension Order immediately suspending a public safety professional's certifications when a Policy Committee, the Board or the Board's Executive Committee finds that there is a serious danger to public health and safety.

(7) Any Board or Department action to deny, revoke or emergency suspend a public safety professional's certifications will be administered in accordance with OAR 259-008-0300 through OAR 259-008-0340 and the applicable provisions of the Attorney General's Model Rules of Procedure adopted under OAR 259-005-0015.

Credits

Statutory/Other Authority: ORS 181A.410, ORS 183.341, ORS 181A.640
Statutes/Other Implemented: ORS 181A.410, ORS 181A.630, ORS 181A.640, ORS 181A.650, ORS 183.341

History: PS 12, f. & ef. 12-19-77; PS 1-1979, f. 10-1-79, ef. 10-3-79; PS 1-1980(Temp), f. & ef. 6-26-80; PS 2-1980, f. & ef. 12-8-80; PS 1-1981, f. 9-26-81, ef. 11-2-81; PS 1-1983, f. & ef. 12-15-83; PS 1-1985, f. & ef. 4-24-85; Renumbered from 259-010-0055, PS 1-1990, f. & cert. ef. 2-7-90; PS 2-1995, f. & cert. ef. 9-27-95; PS 2-1996, f. 5-15-96, cert. ef. 5-20-96; PS 10-1997(Temp), f. & cert. ef. 11-5-97; BPSST 1-1998, f. & cert. ef. 5-6-98; BPSST 2-1998(Temp), f. & cert. ef. 5-6-98 thru 6-30-98; BPSST 3-1998, f. & cert. ef. 6-30-98; BPSST 6-2000, f. & cert. ef. 9-29-00; BPSST 14-2001(Temp), f. & cert. ef. 10-26-01 thru 4-5-02; BPSST 5-2002(Temp), f. 4-3-02, cert. ef. 4-6-02 thru 8-1-02; BPSST 16-2002, f. & cert. ef. 7-5-02; BPSST 22-2002, f. & cert. ef. 11-18-02; DPSST 7-2003, f. & cert. ef. 4-11-03; DPSST 7-2004, f. & cert. ef. 4-23-04; DPSST 10-2006, f. & cert. ef. 7-6-06; DPSST 16-2008, f. & cert. ef. 10-15-08; DPSST 21-2008, f. 12-15-08, cert. ef. 1-1-09; DPSST 11-2011, f. & cert. ef. 7-1-11; DPSST 11-2012, f. & cert. ef. 4-24-12; DPSST 19-2012, f. & cert. ef. 8-31-12; DPSST 22-2012, f. & cert. ef. 10-23-12; DPSST 26-2012(Temp), f. & cert. ef. 12-14-12 thru 6-12-13; DPSST 3-2013, f. & cert. ef. 1-22-13; DPSST 21-2013, f. & cert. ef. 9-23-13; DPSST 1-2014, f. & cert. ef. 1-2-14; DPSST 4-2014, f. & cert. ef. 1-28-14; DPSST 7-2014(Temp), f. & cert. ef. 2-27-14 thru 8-1-14; DPSST 16-2014, f. & cert. ef. 6-24-14; DPSST 20-2014, f. & cert. ef. 7-30-14; DPSST 21-2014(Temp), f. & cert. ef. 7-31-14 thru 1-27-15; DPSST 30-2014, f. & cert. ef. 10-22-14; DPSST

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14-2017, f. 7-28-17, cert. ef. 8-1-17; DPSST 45-2018, temporary f. 04/19/2018, cert. ef. 04/25/2018 through 10/21/2018; DPSST 56-2018, f. 07/31/2018, cert. ef. 08/01/2018; DPSST 3-2019, f. & cert. ef. 04/25/2019; DPSST 7-2019, f. 07/26/2019, cert. ef. 08/01/2019; DPSST 5-2020, f. 02/10/2020, cert. ef. 05/01/2020; DPSST 11-2020, renumbered from 259-008-0300, f. 05/01/2020, cert. ef. 05/02/2020; DPSST 6-2021, f. 04/22/2021, cert. ef. 04/23/2021.

Current with rules filed through September 27, 2024. Some sections may be more current; see credits for details.

OAR 259-008-0300, OR ADC 259-008-0300

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West's Utah Code Annotated
Title 53. Public Safety Code
Chapter 6. Peace Officer Standards and Training Act
Part 2. Peace Officer Training and Certification Act

U.C.A. 1953 § 53-6-211

§ 53-6-211. Suspension or revocation of certification--Right to a hearing--Grounds--Notice to employer--Reporting--Judicial appeal

Effective: May 1, 2024
Currentness

(1) The council has the authority to issue a Letter of Caution, or suspend or revoke the certification of a peace officer, if the peace officer:

(a) willfully falsifies any information to obtain certification;

(b) has any physical or mental disability affecting the peace officer's ability to perform duties;

(c) engages in, or is convicted of, conduct constituting a state or federal criminal offense, but not including a traffic offense that is a class C misdemeanor or infraction;

(d) refuses to respond, or fails to respond truthfully, to questions after having been issued a warning issued based on Garrity v. New Jersey, 385 U.S. 493 (1967);

(e) engages in sexual conduct while on duty;

(f) is certified as a law enforcement peace officer, as defined in Section 53-13-102, and is unable to possess a firearm under state or federal law;

(g) is found by a court or by a law enforcement agency to have knowingly engaged in conduct that involves dishonesty or deception in violation of a policy of the peace officer's employer or in violation of a state or federal law;

(h) is found by a court or by a law enforcement agency to have knowingly engaged in biased or prejudicial conduct against one or more individuals based on the individual's race, color, sex, pregnancy, age, religion, national origin, disability, sexual orientation, or gender identity; or

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(i) is a chief, sheriff, or administrative officer of a law enforcement agency and fails to comply with Subsection (6).

(2) The council may not issue a Letter of Caution or suspend or revoke the certification of a peace officer for a violation of state or federal law or a violation of a law enforcement agency's policies, general orders, or guidelines of operation that do not amount to a cause of action under Subsection (1).

(3)(a) The division is responsible for investigating officers who are alleged to have engaged in conduct in violation of Subsection (1).

(b) The division shall initiate all adjudicative proceedings under this section by providing to the peace officer involved notice and an opportunity for a hearing before an administrative law judge.

(c) All adjudicative proceedings under this section are civil actions, notwithstanding whether the issue in the adjudicative proceeding is a violation of statute that may be prosecuted criminally.

(d)(i) The burden of proof on the division in an adjudicative proceeding under this section is by clear and convincing evidence.

(ii) If a peace officer asserts an affirmative defense, the peace officer has the burden of proof to establish the affirmative defense by a preponderance of the evidence.

(e) If the administrative law judge issues findings of fact and conclusions of law stating there is sufficient evidence to demonstrate that the officer engaged in conduct that is in violation of Subsection (1), the division shall present the finding and conclusions issued by the administrative law judge to the council.

(f) The division shall notify the chief, sheriff, or administrative officer of the police agency which employs the involved peace officer of the investigation and shall provide any information or comments concerning the peace officer received from that agency regarding the peace officer to the council before a Letter of Caution is issued, or a peace officer's certification may be suspended or revoked.

(g) If the administrative law judge finds that there is insufficient evidence to demonstrate that the officer is in violation of Subsection (1), the administrative law judge shall dismiss the adjudicative proceeding.

(4)(a) The council shall:

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(i) accept the administrative law judge's findings of fact and conclusions of law, and the information concerning the peace officer provided by the officer's employing agency; and

(ii) choose whether to issue a Letter of Caution, or suspend or revoke the officer's certification.

(b) Before making a decision, the council may consider aggravating and mitigating circumstances.

(c) A member of the council shall recuse him or herself from consideration of an issue that is before the council if the council member:

(i) has a personal bias for or against the officer;

(ii) has a substantial pecuniary interest in the outcome of the proceeding and may gain or lose some benefit from the outcome; or

(iii) employs, supervises, or works for the same law enforcement agency as the officer whose case is before the council.

(5)(a) Termination of a peace officer, whether voluntary or involuntary, does not preclude suspension or revocation of a peace officer's certification by the council if the peace officer was terminated for any of the reasons under Subsection (1).

(b) Employment by another agency, or reinstatement of a peace officer by the original employing agency after termination by that agency, whether the termination was voluntary or involuntary, does not preclude suspension or revocation of a peace officer's certification by the council if the peace officer was terminated for any of the reasons under Subsection (1).

(6)(a) A chief, sheriff, or administrative officer of a law enforcement agency who is made aware of an allegation against a peace officer employed by that agency that involves conduct in violation of Subsections (1)(a) through (h) shall conduct an administrative or internal investigation into the allegation and report the findings of the investigation to the division if the allegation is substantiated.

(b) If a peace officer who is the subject of an internal or administrative investigation into allegations that include any of the conditions or circumstances outlined in Subsections (1)(a) through (h) resigns, retires, or otherwise separates from the investigating law enforcement agency before the conclusion of the investigation, the chief, sheriff, or administrative officer of that law enforcement agency shall complete the investigation and report the findings to the division.

(7) The council's issuance of a Letter of Caution, or suspension or revocation of an officer's certification under Subsection (4) may be appealed under Title 63G, Chapter 4, Part 4, Judicial Review.

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Credits

Laws 1983, c. 211, § 10; Laws 1987, c. 69, § 8; Laws 1987, c. 161, § 283; Laws 1988, c. 135, § 3; Laws 1993, c. 234, § 288; Laws 1996, c. 79, § 67, eff. April 29, 1996; Laws 1997, c. 315, § 1, eff. May 5, 1997; Laws 1998, c. 13, § 52, eff. May 4, 1998; Laws 1998, c. 282, § 38, eff. May 4, 1998; Laws 2010, c. 313, § 5, eff. May 11, 2010; Laws 2013, c. 115, § 2, eff. May 14, 2013; Laws 2013, c. 269, § 1, eff. May 14, 2013; Laws 2020, c. 35, § 2, eff. May 12, 2020; Laws 2021, c. 96, § 1, eff. May 5, 2021; Laws 2021, c. 311, § 2, eff. May 5, 2021; Laws 2023, c. 452, § 3, eff. May 3, 2023; Laws 2024, c. 175, § 3, eff. May 1, 2024.

Codifications C. 1953, § 67-15-10.5.

Notes of Decisions (9)

U.C.A. 1953 § 53-6-211, UT ST § 53-6-211

Current with laws through the 2024 Fourth Special Session. Some statutes sections may be more current, see credits for details

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2024 VA REG TEXT 662633 (NS)
40 VA Reg. Regs. 1090

Virginia Regulation Text - Netscan
6 VAC 20-65-10, 20, 30, 40; 6 VAC 20-65, Forms
Emergency Regulations
February 12, 2024
Effective: March 14, 2024
Criminal Justice and Corrections
FULL TEXT OF REGULATION(S)

Rules Relating to Professional Standards of Conduct and Procedures for Decertification

Section 2.2-4011 B of the Code of Virginia states that agencies may adopt emergency regulations in situations in which Virginia statutory law or the appropriation act or federal law or federal regulation requires that a regulation be effective in 280 days or less from its enactment, and the regulation is not exempt under the provisions of s. 2.2-4006 A 4 of the Code of Virginia.
<<+ Chapter 65 +>>

<<+ Rules Relating to Professional Standards of Conduct and Procedures for Decertification +>>

6 VAC 20-65-10

<<+ 6 VAC 20-65-10. Definitions. +>>

<<+ The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise: +>>

<<+ "Agency administrator" means any chief of police, sheriff, or agency head of a state or local law-enforcement agency. +>>

<<+ "Board" means the Criminal Justice Services Board. +>>

<<+ "Department" means the Department of Criminal Justice Services. +>>

6 VAC 20-65-20

<<+ 6 VAC 20-65-20. Professional standards of conduct applicable to all certified law-enforcement officers and certified jail officers. +>>

<<+ A. Pursuant to the provisions of subdivision 61 of § 9.1-102 of the Code of Virginia, the department under the direction of the board shall adopt statewide professional standards of conduct applicable to all certified law-enforcement officers and certified jail officers and appropriate due process procedures for decertification based on serious misconduct in violation of this section. +>>

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<<+ B. All certified law-enforcement officers and certified jail officers must comply with the following standards: +>>

<<+ 1. Enforce the Constitution of the United States, the laws of the United States, and the laws and Constitution of the Commonwealth of Virginia; +>>

<<+ 2. Demonstrate exemplary commitment to obeying the laws of the United States and laws of the Commonwealth of Virginia and the policies of the employing agency for each certified law-enforcement officer or certified jail officer; +>>

<<+ 3. Treat all individuals with dignity and respect, regardless of race or ethnicity, color, religion, national origin, sex, pregnancy, childbirth or related medical conditions, age, marital status, sexual orientation, gender identity, military status, disability, or other protected status, consistent with the Virginia Human Rights Act (§ 2.2-3900 et seq. of the Code of Virginia); +>>

<<+ 4. Ensure the preservation of human life and the constitutional right of liberty, equality, and justice; +>>

<<+ 5. Uphold public trust; +>>

<<+ 6. Maintain the highest ethical standards; +>>

<<+ 7. Take every reasonable opportunity to enhance and improve professional knowledge and competence; and +>>

<<+ 8. Hold oneself and others accountable to the adherence of the the standards in this subsection. +>>

6 VAC 20-65-30

<<+ 6 VAC 20-65-30. Designation of serious misconduct warranting officer decertification. +>>

<<+ A. Pursuant to § 15.2-1707 B of the Code of Virginia, the following types of misconduct by certified law-enforcement officers or certified jail officers are sufficiently serious as to warrant decertification when an officer of any rank is terminated or resigns from the officer's employing agency as a result of such misconduct, and the employer reports that information to the board. +>>

<<+ 1. Knowingly, intentionally, or without a legitimate law-enforcement purpose, making misleading, deceptive, untrue, or fraudulent representations in the practice of being or becoming a law-enforcement officer or a jail officer, including: +>>

<<+ a. Willfully falsifying or omitting any material information to obtain or maintain certification; +>>

<<+ b. Obtaining a false confession or statement; +>>

<<+ c. Filing a written police report containing a material false statement; +>>

<<+ d. Making a false arrest; +>>

<<+ e. Creating or using falsified evidence; +>>

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<<+ f. Failing to report known exculpatory and impeachment information in a criminal case to a superior officer, in accordance with agency reporting requirements; +>>

<<+ g. Tampering with, hiding, destroying, or attempting to tamper with, hide, or destroy evidence or potential evidence with the purpose of creating a false impression; and +>>

<<+ h. Committing perjury. +>>

<<+ 2. Knowingly and intentionally abusing the power inherent to the law-enforcement and jail officer professions, including: +>>

<<+ a. Intentionally and willfully exploiting an individual's disability or other impairment for the purposes of securing either a law-enforcement officer or jail officer outcome or personal benefit; +>>

<<+ b. Tampering with a witness, victim, or informant; +>>

<<+ c. Engaging in retaliation against any individual making a good-faith report of misconduct; +>>

<<+ d. Engaging in a sexual relationship with an individual in the custody or care of the law-enforcement officer or jail officer or with an individual the officer knows or should have known is a victim, witness, defendant, or informant in an investigation or matter with which the officer is involved; +>>

<<+ e. Intentionally, willfully, and without authorization disclosing confidential information or information that may compromise an official investigation; +>>

<<+ f. Intentionally and without authorization using the employing agency's property, equipment, funds, or data for personal gain; and +>>

<<+ g. Soliciting or otherwise knowingly participating in acts of bribery or extortion associated with the officer's official duties as defined in § 2.2-3103 of the Code of Virginia and in Articles 2 (§ 18.2-438 et seq.) and 3 (§ 18.2-446 et seq.) of Chapter 10 of Title 18.2 of the Code of Virginia. +>>

<<+ 3. Knowingly and intentionally engaging in discriminatory policing or on-duty conduct toward incarcerated individuals, defined as an identified and uncorrected pattern of, or single egregious instance of, on-duty conduct demonstrating bias on the basis of such characteristics as race or ethnicity, color, religion, national origin, sex, pregnancy, childbirth or related conditions, age, marital status, sexual orientation, gender identity, military status, disability, or other protected status. +>>

<<+ 4. Knowingly and intentionally engaging in, failing to intervene when present and witnessing, or failing to report the use of excessive force in accordance with § 19.2-83.6 of the Code of Virginia, unless such information was obtained in the course of participating in a critical incident stress management or peer support team pursuant to § 32.1-11.3 of the Code of Virginia or disclosure would be in violation of § 19.2-274.1 of the Code of Virginia. +>>

<<+ 5. Knowingly and intentionally interfering with or obstructing compliance with the provisions of § 15.2-1707 of the Code of Virginia, including: +>>

<<+ a. Failing to report, investigate, and act on as appropriate known serious misconduct by another officer; and +>>

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<<+ b. Failing to cooperate with an investigation into potential law-enforcement officer or jail officer misconduct. +>>

<<+ 6. Engaging in a pattern of acts or a single egregious act showing an intentional or reckless disregard for the rights, safety, or well-being of others, including repeated use of prohibited practices for law-enforcement officers during an arrest or detention or violations of individual rights as guaranteed by the Constitution of the United States, the laws of the United States, and the laws and Constitution of the Commonwealth of Virginia. +>>

<<+ 7. Engaging in any conduct unbecoming that demonstrates an inability or unwillingness to uphold an officer's sworn oath. +>>

6 VAC 20-65-40

<<+ 6 VAC 20-65-40. Due process procedures for decertification resulting from serious misconduct. +>>

<<+ A. Written notification to the department, pursuant to § 15.2-1707 of the Code of Virginia, shall be submitted using the DCJS Notification of Eligibility for Decertification Form (DC-1), within 48 hours of becoming aware of an officer's eligibility for decertification. +>>

<<+ B. The department shall serve notice upon the decertified officer and agency, to include decertification action taken and remedies available in accordance with § 15.2-1708 of the Code of Virginia. +>>

<<+ C. Appeal hearings shall follow due process procedures and steps in accordance with §§ 15.2-1707 and 15.2-1708 of the Code of Virginia. +>>

<<+ NOTICE: +>> The following forms used in administering the regulation have been filed by the agency. Amended or added forms are reflected in the listing and are published following the listing. Online users of this issue of the Virginia Register of Regulations may also click on the name to access a form. The forms are also available from the agency contact or may be viewed at the Office of Registrar of Regulations, General Assembly Building, 201 North Ninth Street, 4th Floor, Richmond, Virginia 23219.

6 VAC 20-65, Forms

<<+ 6 VAC 20-65, Forms +>>

<<+ Notification of Eligibility for Decertification, DC-1 (rev. 11/2022) +>>

End of Document

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AGENDA ITEM REPORT

Title: REPORT ON PEACE OFFICER EDUCATION REQUIREMENTS (AB 89)

REPORT PROFILE

MEETING DATE 11/20/2024	**BUREAU SUBMITTING THE REPORT** Executive Office	
RESEARCHED BY MeaganPoulos		**REVIEWED BY**
REPORT DATE 10/22/2024	**APPROVED BY** Manuel Alvarez, Jr.	**DATE APPROVED** 10/31/2024
PURPOSE		**FINANCIAL IMPACT** No

ISSUE, BACKGROUND, ANALYSIS, & RECOMMENDATION

ISSUE:

Assembly Bill 89 (2021) tasked the Chancellor of the California Community Colleges (CCC) to submit a report to the legislature by June 1, 2023 outlining a plan to develop and implement a modern policing degree program. Penal Code 13511.1 outlined several recommendations that the report must include, including the recommendation of "*(3) Include both the modern policing degree program and bachelor's degree in the discipline of their choosing as minimum education requirements for employment as a peace officer referenced in subdivision (a) of Section 1031.4 of the Government Code.*" Penal Code 13511.1 also requires the POST Commission to approve and adopt the education criteria for peace officers referenced, based on the recommendations in the report, within two years of the submission of the report to the Legislature. The report was officially submitted to the Legislature on October 2023 which would require POST to adopt said criteria by October 2025.

Since the passage of AB 89, there has been great consternation in the interpretation of the language as stated in Penal Code 13511.1. While the bill specifically states to, "*include both the modern policing degree program and bachelor's degree in the discipline of their choosing as minimum education requirements for employment as a peace officer referenced in subdivision (a) of Section 1031.4 of the Government Code,"* the intent of the bill, as articulated by the author's office, was not to require peace officers to have a modern policing degree AND (emphasis added) a bachelor's degree, but rather one or the other. POST had

hoped the report submitted by the Chancellor of the Community Colleges would provide some clarity to this issue, but rather it only repeats verbatim what is stated in the Penal Code as a recommendation for minimum education requirements.

There have been attempts to codify the intention of AB 89 into the Government Code, but they have been unsuccessful. POST anticipates the work to codify the peace officer education requirement will continue, but until then, the Commission should discuss the CCC report and adopt the recommendations as required in Penal Code 13511.1.

BACKGROUND:

ANALYSIS:

Penal Code 13511.1 states the following:

13511.1. (a) The commission, stakeholders from law enforcement, including representatives of law enforcement administration and law enforcement employees, the California State University, including administration and faculty members, and community organizations shall serve as advisors to the office of the Chancellor of the California Community Colleges to develop a modern policing degree program. By June 1, 2023, the office of the Chancellor of the California Community Colleges, in consultation with the stakeholders, shall submit a report on recommendations to the Legislature outlining a plan to implement this program. The recommendations in the report shall:

(1) Focus on courses pertinent to law enforcement, which shall include, but not be limited to, psychology, communications, history, ethnic studies, law, and those determined to develop necessary critical thinking skills and emotional intelligence.

(2) Include allowances for prior law enforcement experience, and appropriate work experience, postsecondary education experience, or military experience to satisfy a portion of the employment eligibility requirements.

(A) It is the intent of the Legislature that allowances for prior experience in this paragraph for those with military experience may be provided to those with military specializations pertinent to law enforcement, including those specializations in community relations, deescalation, foreign language translators, and those determined to require necessary critical thinking skills and

emotional intelligence.

(B) It is the intent of the Legislature that allowances for prior experience specified in this paragraph shall be granted to those of good moral character, and shall not be granted to those with prior sustained disciplinary actions taken against them, except that the Commission on Peace Officer Standards and Training may, after considering the severity of the sustained misconduct or violation, grant a partial allowance.

(3) Include both the modern policing degree program and bachelor's degree in the discipline of their choosing as minimum education requirements for employment as a peace officer referenced in subdivision (a) of Section 1031.4 of the Government Code.

(4) Include recommendations to adopt financial assistance for students of historically underserved and disadvantaged communities with barriers to higher education access that fulfill the minimum education requirements to be adopted, pursuant to this section, for employment as a peace officer referenced in subdivision (a) of Section 1031.4 of the Government Code.

(b) The report to be submitted pursuant to subdivision (a) shall be submitted in compliance with Section 9795 of the Government Code.

(c) Within two years of the submission of the report to the Legislature, the commission shall approve and adopt the education criteria for peace officers referenced in subdivision (a) of Section 1031.4 of the Government Code, based on the recommendations in the report by the office of the Chancellor of the California Community Colleges in consultation with the stakeholders specified in subdivision (a).

The CCC report made the following recommendations for minimum education requirements for employment as a peace officer:

Include both the modern policing degree program and bachelor's degree in the discipline of their choosing as minimum education requirements for employment as a peace officer referenced in subdivision (a) of Section 1031.4 of the Government Code.

1. Establish a Modern Policing Degree (AA or AS in Policing) that is foundational to and prepares students for a career as a Peace Officer, which shall be completed prior to obtaining a POST Basic Certificate or within 24

months of initial appointment as a Peace Officer.
2. Colleges currently operating a POST-certified police academy shall adopt the Modern Policing Degree curriculum so that students can complete both an associate degree in Policing and a Police Academy certification.
3. The California Community Colleges should develop the Modern Policing Degree with transferability into a baccalaureate degree in mind.
4. The California Community Colleges should develop a baccalaureate degree in Policing.

In both the legislation and the CCC report, the language states that the minimum education requirement shall include BOTH the modern policing degree and bachelor's degree in the discipline of their choosing. While the intent of the legislation was not to require both degrees in order to meet the education requirement for employment, the language is not clear as to if it is an "and" or an "or". The report also recommends that a modern policing degree be obtained prior to obtaining a POST Basic Certificate or within 24 months of initial appointment. The report, however, does not provide a recommended timeline to receiving a bachelor's degree and only specifies requirements to obtain the Modern Policing degree.

Also outlined by the Legislature is the "allowances for prior law enforcement experience, and appropriate work experience, postsecondary education experience or military experience to satisfy a portion of the employment eligibility requirements. The CCC report does not elaborate on what these allowances should include, but rather states the intent of the Legislature and recommends that colleges should work with faculty, POST and academy directors to develop credit for prior learning crosswalks that provide maximum credit for police academy experience and other relatable experience to include military service.

Include allowances for prior law enforcement experience, and appropriate work experience, postsecondary education experience, or military experience to satisfy a portion of the employment eligibility requirements.

It is the intent of the Legislature that allowances for prior experience in this paragraph for those with military experience may be provided to those with military specializations pertinent to law enforcement, including those specializations in community relations, de-escalation, foreign language translators, and those determined to require necessary critical thinking skills and emotional intelligence.

It is the intent of the Legislature that allowances for prior experience specified in this paragraph shall be granted to those of good moral character and shall not be granted to those with prior sustained disciplinary actions taken against them, except that the Commission on Peace Officer Standards and Training may, after considering the severity of the sustained misconduct or violation, grant a partial allowance.

1. Once courses are identified for the Modern Policing Degree and where needed, course descriptors developed, colleges shall initiate work with discipline faculty, POST, and academy directors to develop credit for prior learning (CPL) crosswalks that provide maximum credit for police academy experience; other law enforcement–related academies, including probation/parole, corrections, and dispatch/emergency communications; and career experience.
2. Where appropriate, explore development of credit for prior learning (CPL) crosswalks and awarding of credit for military service and experience in other professions.

As of the date of this meeting, no conversations have occurred with POST to develop the CPL crosswalks. This is likely largely due in part that the colleges are still developing the modern policing degree.

RECOMMENDATION: Information/Discussion Only

ATTACHMENT(S):
2023 AB 89 Task Force Report to Legislature - FINAL.pdf
20210AB89_93.pdf



2023

California Assembly Bill 89 Modern Policing Degree Task Force Report and Recommendations

California Community Colleges Chancellor's Office | Sonya Christian, Chancellor

California Community Colleges

SONYA CHRISTIAN
Chancellor

October 17, 2023

The Honorable Reginald Byron Jones-Sawyer
Assembly Member, District 57
1021 O Street, Suite 5210
Sacramento, CA 95814

RE: California Assembly Bill 89 Modern Policing Degree Task Force Report & Recommendations

Dear Assembly Member Jones-Sawyer,

Pursuant to California Penal Code section 13511.1, the California Community Colleges Chancellor's Office (Chancellor's Office) is pleased to submit to the Legislature this report on recommendations outlining a plan to implement the Modern Policing Degree.

The Chancellor's Office is proud to present a vision for the Modern Policing Degree and the future of law enforcement, inclusive of the diverse perspectives of stakeholders, our 2020 Call to Action against systemic racism, and our goals for equity as laid forth in the California Community Colleges Vision 2030.

This report is the culmination of dedicated work from numerous stakeholders who made up the Modern Policing Degree Task Force. The Chancellor's Office is grateful for the contributions of these stakeholders to the Task Force and for your leadership as the author of Assembly Bill 89 (2021).

If you have any questions related to this report, please contact Executive Vice Chancellor Aisha Lowe at ALowe@CCCCO.edu.

Sincerely,

Sonya Christian
Chancellor

Chancellor's Office
1102 Q Street, Sacramento, CA 95811 | 916.445.8752 | www.cccco.edu

CALIFORNIA ASSEMBLY BILL 89 MODERN POLICING DEGREE TASK FORCE REPORT AND RECOMMENDATIONS

Prepared By

California Community Colleges Chancellor's Office
Office of Equitable Student Learning, Experience, and Impact
Assembly Bill 89 Taskforce

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ASSEMBLY BILL 89 TASKFORCE MEMBERS

- **Manny Alvarez**, Taskforce Co-Chair, Executive Director, Commission on Peace Officer Standards and Training
- **Cheryl Aschenbach**, Taskforce Co-Chair, President-Elect, Academic Senate for California Community Colleges (ASCCC)
- **Roxanna Haynes**, Vice President of Student Services, Lassen Community College, Association of Chief of Human Resource Officers
- **Carrie Hollar**, Bureau Chief, Commission on Peace Officer Standards and Training
- **Cheng Hou**, Vice Chancellor of Human Resources, Rancho Santiago Community College District, Association of Chief of Human Resource Officers
- **Dr. Jeffrey Lamb**, Vice President of Academic Affairs, Santa Ana College, Chief Student Services Officers Association
- **Joselynn Landon**, Student Representative, Student Senate for California Community Colleges
- **Eric Nuñez**, Chief of Police (ret.), City of Los Alamitos, California Police Chiefs Association
- **Nick Odenath**, Sergeant, Executive Committee Member, Peace Officers Research Association of California (PORAC)
- **Bill Pooley**, Sheriff, Tuolumne County, California State Sheriffs' Association
- **Dr. Simon Rodan**, Academic Senate of the California State University (ASCSU) Senator, San José State University, California State University
- **Sharon Sampson**, Administration of Justice (AOJ) Faculty, Professional Development Co-coordinator, and EEO Site Lead, Grossmont College, Academic Senate for California Community Colleges
- **Marci Sanchez**, Assistant Director of Undergraduate Transfer Programs, California State University Office of the Chancellor, California State University
- **Sarah Aubert**, Assistant Director, Curriculum Policy & Infrastructure, California State University Office of the Chancellor (Previously represented California State University Office of the Chancellor)
- **Randy Shrewsberry**, Executive Director, The Institute for Criminal Justice Training Reform
- **Linda Vaughn**, Regional Director, Public Safety Sector in the San Francisco Bay Regional Community College Consortium, Academic Senate for California Community College

CHANCELLOR'S OFFICE SPONSORSHIP GROUP

- **Dr. Aisha Lowe**, Executive Vice Chancellor, Office of Equitable Student Learning, Experience, and Impact
- **Sandra Sanchez**, Interim Vice Chancellor, Workforce and Economic Development Division
- **Gina Browne**, Assistant Vice Chancellor, Office of Equitable Student Learning, Experience, and Impact
- **LaCandice Ochoa**, Dean, Workforce and Economic Development Division
- **Raul Arambula**, Dean, Educational Services and Supports

ABOUT THE ASSEMBLY BILL 89 TASKFORCE REPORT

This report by the Assembly Bill 89 Taskforce is presented to the Board of Governors and the Legislature. The Taskforce was comprised of 14 members representing a diversity of community college faculty and administrators, law enforcement professionals, and stakeholders including representatives from the Academic Senate for California Community Colleges, the Student Senate for California Community Colleges, the Commission on Peace Officer Standards and Training (POST), student services leaders, and non-profit/community-based organizations to generate recommendations for developing the degree program. The Taskforce held nine public meetings between November 2022 and June 2023. Meeting materials and summary notes are available on the Modern Policing Degree Taskforce webpage.

The final report is comprised of seven sections, each with a set of recommendations:

1. Minimum Education Requirements for Employment as a Peace Officer
2. Courses in the Modern Policing Degree Program
3. Student Graduate Profile
4. Modern Policing Degree Program Learning Objectives and Outcomes
5. Prior Experience and Awarding Credit for Prior Learning
6. Financial Assistance for Students of Historically Underserved and Disadvantaged Communities
7. Other Recommendations Developed by Task Force Outside of AB 89 Requirements

BACKGROUND

With the goal of improving outcomes for all of our students, the Chancellor's Office has been committed to implementing the Vision for Success reforms with equity at the core of our work. The Chancellor's Office has been a leading voice in the state with respect to police education and training. California Community Colleges train most law enforcement officers, firefighters, and Emergency Medical Technicians (EMTs) in California, with more than 100 colleges offering courses in the administration of justice. Moreover after the murder of George Floyd, former California Community Colleges Chancellor Oakley announced a "Call to Action" in 2020 that called for California Community Colleges to actively strategize and take action against structural racism across six key areas listed below.

1. A California Community Colleges systemwide review of law enforcement officer and first responder training and curriculum.
2. Campus leaders should host open dialogue and address campus climate.
3. Campuses should audit classroom climate and create an action plan to create Inclusive classrooms and anti-racism curriculum.
4. District Boards review and update equity plans with urgency.
5. Shorten the time frame for the full implementation of the Diversity, Equity and Inclusion Integration Plan.
6. Join and engage in the Vision Resource Center "Community Colleges for Change.

To address the first area of the Call to Action, which is focused on campus policing practices, a diverse Reimagining Campus Policing Taskforce was assembled. That Taskforce drafted a set of substantive recommendations to enhance campus policing and campus climate as well as impact student success as part of this broad Call to Action to mitigate structural racism. The Chancellor's Office leveraged the work of the Campus Policing Taskforce in the creation of the Assembly Bill 89 Taskforce.

With the recent call for further reform in policing, the California State Legislature passed, and Governor Gavin Newsom signed, Assembly Bill 89 (Jones-Sawyer, Chapter 405, Statutes of 2021), also referred to as the Peace Officers Education and Age Conditions for Employment Act (PEACE). The bill was a direct response to the heightened interest in minimizing the use of deadly force by peace officers, as well as a growing body of scientific evidence showing that certain areas of the brain—particularly those affecting judgment and decision-making—do not develop until an individual is in their early to mid-20s. For this reason, AB 89 included a stipulation that changed the minimum age of incoming officers to 21 years.

It also amended the education requirements for peace officers in the state. Studies have shown that better-educated officers perform better in the academy, receive higher supervisor evaluations, have fewer accidents and disciplinary actions, are less likely to be assaulted, and miss fewer days of work than their counterparts.

As such, Assembly Bill 89 required that the office of the Chancellor of the California Community Colleges (Chancellor's Office) develop a Modern Policing Degree program in

conjunction with the Commission on Peace Officers Standards and Training (POST) and other key stakeholders, including law enforcement employees and administration, California State University faculty and administration, community organizations relevant to the field, and members of the public.

Based on its extensive law enforcement training role and work of the Campus Policing Taskforce, the Chancellor's Office was named in legislation to lead a collaborative effort for developing a Modern Policing Degree program. The Chancellor's Office partnered with RTI International (RTI), an independent, nonprofit research institute with specialized justice and education research and policy focus areas to facilitate the Taskforce meetings and development of recommendations.

LANDSCAPE ANALYSIS

In addition to supporting the facilitation of Taskforce meetings and development of recommendations, RTI International was tasked with completing a landscape analysis of current community college POST certified academies, student outcomes, and identification of relevant criminal justice bachelor's degree programs in California and international academies/institutions for comparison. The purpose of the landscape analysis was to provide the Chancellor's Office and the AB 89 Taskforce with information to support their development of recommendations for a Modern Policing Degree program (see Appendix A).

The landscape analysis also included focus groups conducted to identify specific gaps in the current curriculum, barriers for students, and to understand the relationships between students and faculty, students and their peers, and programs and their communities. The landscape analysis designed by RTI International served as a resource for the AB 89 Taskforce as it identified the curriculum content areas and implementation of a Modern Policing Degree program.

PROCESS AND TIMELINE

LEARNING ARC

The Learning Arc, a visual representation of meeting objectives, acted as the roadmap to ensure that all Taskforce members had baseline knowledge of key topics related to the focus of Assembly Bill 89. Each Taskforce session was designed to ensure that the speakers, presentations, and pre-readings helped members acquire the appropriate knowledge to make informed decisions for the recommendations. There were nine 4-hour sessions, each facilitated with a different focus to help enhance Taskforce member understanding of topics like data-informed policing, credit for prior learning, and financial aid strategies. The ultimate goal of the Learning Arc was to help Taskforce members maintain focus on the goal of creating recommendations for the implementation of a Modern Policing Degree program. By the end of these learning sessions, Taskforce members were able to provide the Chancellor's Office with multiple recommendations for implementation of a Modern Policing Degree program. Below is a visual of the topics and learning objectives covered at each meeting.

	Historical Event	Objectives
T1	**Task Force Overview** November 2022	• Overview and participant introductions • Review California Community College Chancellor's Office Participatory Governance Guiding Principles • Overview of Assembly Bill 89 legislation • Review Task Force Charter • Review Task Force Learning Arc • Overview of what to expect from the Task Force; Discuss contractor (RTI) tasks/deliverables associated with the Task Force; Task Force next steps
T2	**Current ADT/ Transfer Model and Current Police Academy Offerings and their influence on Changes for the Current Model** December 2022	• Provide overview and create understanding for the graduate profile • Provide overview and create understanding of current ADT/Transfer Model • Provide overview and create understanding of current police academy offerings • Identify needs/gaps in the current police academy offerings and ADT/Transfer model • Identify and provide recommendations for the impacts, implications, opportunities, and limitations of changes for current model in relationship to the Modern Policing Degree
T3	**Framing for Evidence Based Policing and Contemporary Challenges in US Policing** January 2023	• Define and understand principles of Evidence-Based Policing • Create understanding and discuss current practices and academy training utilized to address contemporary challenges in US policing • Identify and discuss gaps in current practices and academy training utilized to address contemporary challenges in US policing • Identify and provide recommendations for the impacts, implications, opportunities, and limitations of changes for current model in relationship to the Modern Policing Degree

Historical Event		Objectives
T4	**Competencies and Courses Associated with the Development of a Modern Policing Degree Program and Bachelor's Degree** February 2023	• Identify methods to train academy recruits in Evidence-Based Policing and understand the limitations of its implementation • Identify community college courses that contribute to students' critical thinking skills • Identify minimum age and education requirements for students in the Modern Policing Degree program • Identify desired competencies for students in the Modern Policing Degree program • Create common understanding of how current academy training practices affect those from historically underserved and disadvantaged communities
T5	**DEIA and Infrastructure in a Modern Policing Degree Program** March 2023	• Reintroduce Assembly Bill 89 legislation, AB Task Force Charter and the Task Force member purpose and responsibilities and their relation to the Modern Policing Degree recommendations • Review AB 89 discussion topics and associated recommendations and begin to develop final recommendations for a Modern Policing Degree program • Provide introduction to the Division of Apprenticeship Standards apprenticeship program and develop questions about the program and its relationship to the Modern Policing Degree program • Explore minimum qualifications for faculty teaching in the Modern Policing Degree program • Explore recommendations for how faculty teaching in the Modern Policing Degree program will incorporate Diversity, Equity, Inclusion, Accessibility (DEIA) in their courses

Historical Event		Objectives
T6	**Student Services and Support** April 10, 2023	• Explore recommendations for increasing financial support for increased diversity of students enrolled in Modern Policing Degree program • Revisit Division of Apprenticeship Standards apprenticeship program and its relationship to the Modern Policing Degree program • Address ways to equalize the sponsored versus non-sponsored student experience and understand its importance • Identify parameters for maximizing credit for prior learning opportunities, including prior law enforcement experience, appropriate work experience, postsecondary education experience, or military experience to satisfy a portion of the employment eligibility requirements • Address potential conflicts with prior experience that could misalign with the new curriculum • Review AB 89 discussion topics and associated recommendations and continue to develop final recommendations for a Modern Policing Degree program
T7	**Finalize Task Force Recommendations and Elements of a Modern Policing Degree Program** April 28, 2023	• Review AB 89 discussion topics and associated recommendations and continue to develop final recommendations for a Modern Policing Degree program • Continue to develop a graduate student profile for a Modern Policing Degree Program • Identify elements of a Modern Policing Degree Program
T8	**Finalize Task Force Recommendations and Elements of a Modern Policing Degree Program** May 2023	• Review AB 89 discussion topics and associated recommendations and continue to develop final recommendations for a Modern Policing Degree program • Continue to develop a graduate student profile for a Modern Policing Degree Program • Identify elements of a Modern Policing Degree Program • Discuss relevance of recommended Modern Policing Degree Program and Student Graduate Profile to AB 89 legislation

Historical Event		Objectives
T9	**Finalize Task Force Recommendations and Elements of a Modern Policing Degree Program** June 2023	• Finalize the graduate student profile for a Modern Policing Degree Program • Finalize recommendations for a Modern Policing Degree Program • Finalize the elements of a Modern Policing Degree Program • Discuss relevance of recommended Modern Policing Degree Program and Student Graduate Profile to AB 89 legislation • Task Force Wrap-Up & Reflection

PRE-MEETING MATERIALS

Prior to each Taskforce meeting, Taskforce members received pre-read materials to prepare for the meeting. These materials allowed each Taskforce member to review information and come prepared to discuss the topics shared during the meeting. Pre-read materials included resource documents, journal articles, and research briefs to give context and provide structure to Taskforce discussions. The pre-meeting materials also provided a foundational framework to ensure the recommendations and student graduate profile were framed around guided research.

RECOMMENDATIONS

The information in italics are specific references to the Assembly Bill 89 legislation, which is included in applicable sections of the recommendations developed to demonstrate the task force's completion of legislative requirements.

MINIMUM EDUCATION REQUIREMENTS FOR EMPLOYMENT AS A PEACE OFFICER

Include both the modern policing degree program and bachelor's degree in the discipline of their choosing as minimum education requirements for employment as a peace officer referenced in subdivision (a) of Section 1031.4 of the Government Code.

1. Establish a Modern Policing Degree (AA or AS in Policing) that is foundational to and prepares students for a career as a Peace Officer, which shall be completed prior to obtaining a POST Basic Certificate or within 24 months of initial appointment as a Peace Officer.[1]

1 The 24 months is in recognition of California Penal Code 832.4 regarding POST standards for employment as a Peace Officer: leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220AB89

2. Colleges currently operating a POST-certified police academy shall adopt the Modern Policing Degree curriculum so that students can complete both an associate degree in Policing and a Police Academy certification.
3. The California Community Colleges should develop the Modern Policing Degree with transferability into a baccalaureate degree in mind.
4. The California Community Colleges should develop a baccalaureate degree in Policing.[1]

COURSES IN THE MODERN POLICING DEGREE PROGRAM

Focus on courses pertinent to law enforcement, which shall include, but not be limited to, psychology, communications, history, ethnic studies, law, and those determined to develop necessary critical thinking skills and emotional intelligence.

1. Courses in a Modern Policing Degree (Associate in Arts [AA] or Associate in Science [AS] in Policing) should include those listed below that are outlined in AB 89:
    A. Psychology
    B. Communications
    C. History
    D. Ethnic Studies
    E. Law, and
    F. Those determined to develop necessary critical thinking skills and emotional intelligence.
    G. Additionally, the development of the qualities, competencies, values, and desirable characteristics identified in the AB 89 Taskforce's Student Graduate Profile should be incorporated into either existing or new courses that are part of the degree.
2. In addition to the content identified in AB 89, the following courses and topics should be considered for incorporation into a Modern Policing Degree curriculum and contextualized to the profession as contributing to an officer's critical thinking skills, emotional intelligence, and lowered use of force:
    A. Sociology or Social Psychology
    B. History of Policing
    C. Racial and Cultural Diversity

1 Assembly Bill 927 (Medina, 2021) added Sections 78040 to 78042 to the California Education Code, authorizing California community colleges to offer baccalaureate degrees under specified conditions.

D. Social Justice

E. Interpersonal and Cultural Communications

F. Statistics or Introduction to Statistics for Sociology

G. Policing in the Community (is part of the Course Identification Number (C-ID) suite of courses)

H. Community and the Justice System

I. Ethical Reasoning/Ethics in Practice

J. Introduction to Logic

K. Introduction to Crime

L. Introduction to Transformational Policing

M. Introduction to Critical Thinking

N. Emotional Intelligence

O. Health and Wellness/Mental Health

3. The California Community Colleges Chancellor's Office, in conjunction with the Academic Senate for California Community Colleges, shall convene subject matter experts to develop the Modern Policing Degree curriculum pattern and requirements as necessary.

4. Utilize the existing C-ID (Course Identification Number) process to facilitate development of model curriculum templates and—where courses for the Modern Policing Degree do not already exist—course descriptors to ensure consistency in AA/AS in Policing.

5. Require colleges offering a Modern Policing Degree to be prescriptive in determining which courses within a general education category are mandatory.

6. Encourage colleges, whenever feasible, to allow for double-counting of core degree requirements with general education coursework to help facilitate degree completion.

7. Encourage colleges to offer courses asynchronously and in other modalities, scheduling types, and competency-based education approaches where appropriate to the content, activities, and outcomes of a course to maximize flexible learning opportunities for students.

8. Certificates and degree programs should be designed with an awareness of the unit and time limitations or caps on student financial aid.

STUDENT GRADUATE PROFILE

The purpose of the Student Graduate Profile is to outline the skills that graduates of the Modern Policing Degree should exhibit after taking the contextualized and prescribed courses recommended by the Task Force. The creation of the Student Graduate Profile was outlined in the purpose and responsibilities of the Task Force Charter and connects the recommendations created by the Task Force members for the Chancellor's Office. The Profile should serve as a guide for institutions as they create course content and determine the appropriate pedagogical practices to ensure students are able to meet the expectations outlined in the Profile. The Task Force worked on several iterations of the Profile as their understanding and the development of the recommendations for the program evolved.

Below are the four competencies and descriptions of the knowledge and skills graduates of the Modern Policing Degree program should obtain if recommendations are implemented with fidelity.

Competency	Qualities
Culturally Competent and Equity-Minded	Graduates will exhibit cultural competence, which is the ability to honor and respect the beliefs, language, interpersonal styles, behaviors, and lifestyles of those receiving and providing services. Individuals practicing cultural competency have knowledge of the intersectionality of social identities and the multiple acts of oppression that people from different racial, ethnic, and other minoritized groups face. Individuals striving to develop cultural competence recognize that it is a dynamic, ongoing process that requires a long-term commitment to learning. **Modern Policing Degree graduates will:** • Understand how one's personal bias or life experiences might impact the action one takes when working with community members, making meaningful decisions, or completing job-related tasks. • Support citizens who exhibit mental health disorders at various levels and make judgments that support the care needed for each individual. • Demonstrate adaptability and flexibility on the job. • Exhibit open-mindedness to non-traditional ideas. • Show an awareness of self and of cultures within different communities, including language, set of customs, beliefs, and gender identity. • Understand the role of police in a democratic society in which all individuals are entitled to equal protection under law and no individual is above the law regardless of their social, economic, or political station.

Competency	Qualities
Critical Thinker	Graduates will be critical thinkers who know how to utilize multiple perspectives when making decisions on the job. **Modern Policing Degree graduates will:** • Critically analyze situations and use good judgment under stressful circumstances, even when limited information is available. • Independently make appropriate decisions, especially those related to ensuring equitable justice and treatment. • Use a logical process to draw conclusions based on different types of inputs, datasets, observations, and patterns. • Exhibit effective reasoning skills to analyze, evaluate, synthesize, and summarize situations. • Understand how to identify and utilize reliable data to solve problems.
Communicator	Graduates will be able to communicate in a culturally competent manner in their role as a Peace Officer. **Modern Policing Degree graduates will:** • Apply interpersonal communication skills. • Exercise adaptivity and use crisis communication skills when necessitated. • Actively listen—use listening and comprehension skills to effectively communicate with a diverse set of audiences (community members, colleagues, community organizations, government agencies, etc.). • Effectively communicate in written and verbal communications. • Collaborate effectively to resolve issues and build relationships within the department and the community. • Understand how to de-escalate situations and prevent use of force through effective communication with different audiences.

Competency	Qualities
Resilient	Graduates will be able to utilize mental and emotional strategies to remain balanced, manage strong or difficult circumstances or emotions, face pressure and challenges and rebound from them, and cope with a crisis in a positive and constructive way. **Modern Policing Degree graduates will:** • Learn to recognize the need for personal mental health support and seek resources, including long-term health awareness. • Understand the importance of physical health and regularly engage in health and wellness as preventive care. • Rebound in a healthy way after dealing with stressful situations. • Understand how to remain as calm as possible in any situation to create an optimal environment for decision-making. • Recognize and be self-aware of the physiological responses to stressful situations and learn how to positively address those responses. • Know how to identify trauma and understand how trauma affects them as individuals and the community. • Utilize resources to support one's own mental health and that of community members. • Have the flexibility to incorporate evolving, evidence-based strategies and tactics into their professional activities throughout their career. • Have the courage and preparation to support modern policing techniques in the face of institutional or peer resistance within policing agencies.

MODERN POLICING DEGREE PROGRAM LEARNING OBJECTIVES AND OUTCOMES

1. A graduate of the Modern Policing Degree program will exhibit the following qualities to serve as a well-rounded member of the police force as outlined in the Student Graduate Profile:
    A. Culturally Competent and Equity-Minded
    B. Critical Thinker
    C. Communicator
    D. Resilient
2. Maintain the current minimum qualifications for the discipline as established in Minimum Qualifications for Faculty and Administrators in the California Community Colleges.
3. Provide colleges with additional professional development resources and encourage them to leverage strategies and allocate funds to help ensure consistent financial support for full- and part-time faculty who teach in community college police academies, so they can stay current in their field and instructional approaches and not have to bear the full cost of remaining POST-certified.
4. Assign faculty to core courses who are familiar with the modern policing approaches and attitudes.
5. Assign faculty to teach classes in the Modern Policing Degree program not based solely on their discipline qualification/preparation but also on their ability to exemplify the minimum qualification of "a sensitivity to and understanding of the diverse academic, socioeconomic, cultural, disability, and ethnic backgrounds of community college students" (Education Code Section 87360).

PRIOR EXPERIENCE AND AWARDING CREDIT FOR PRIOR LEARNING

Include allowances for prior law enforcement experience, and appropriate work experience, postsecondary education experience, or military experience to satisfy a portion of the employment eligibility requirements.

It is the intent of the Legislature that allowances for prior experience in this paragraph for those with military experience may be provided to those with military specializations pertinent to law enforcement, including those specializations in community relations, de-escalation, foreign language translators, and those determined to require necessary critical thinking skills and emotional intelligence.

It is the intent of the Legislature that allowances for prior experience specified in this paragraph shall be granted to those of good moral character and shall not be granted to those with prior sustained disciplinary actions taken against them, except that the

Commission on Peace Officer Standards and Training may, after considering the severity of the sustained misconduct or violation, grant a partial allowance.

1. Once courses are identified for the Modern Policing Degree and where needed, course descriptors developed, colleges shall initiate work with discipline faculty, POST, and academy directors to develop credit for prior learning (CPL) crosswalks that provide maximum credit for police academy experience; other law enforcement–related academies, including probation/parole, corrections, and dispatch/emergency communications; and career experience.

2. Where appropriate, explore development of credit for prior learning (CPL) crosswalks and awarding of credit for military service and experience in other professions.

FINANCIAL ASSISTANCE FOR STUDENTS OF HISTORICALLY UNDERSERVED AND DISADVANTAGED COMMUNITIES

Include recommendations to adopt financial assistance for students of historically underserved and disadvantaged communities with barriers to higher education access that fulfill the minimum education requirements to be adopted, pursuant to this section, for employment as a peace officer referenced in subdivision (a) of Section 1031.4 of the Government Code.

1. Colleges should shift the responsibility for navigating financial assistance from students of historically underserved and disadvantaged communities to the institution and develop Modern Policing Degree programs that are eligible and registered for state and federal financial aid[1], thereby allowing students to maximize their opportunities for financial assistance.

2. Colleges should provide students from historically underserved and disadvantaged communities with support services, including tutoring and counseling, and information on all other available resources they can access to help ensure their successful completion of the Modern Policing Degree.

3. The Legislature should provide resources and funding to support self-sponsored academy students, especially those from historically underserved and disadvantaged communities with barriers to higher education access who are not eligible for traditional financial assistance.

4. Colleges should ensure that total cost of attendance for their academy program is inclusive of all expenses borne by students to maximize student eligibility for financial aid.

5. Faculty are encouraged to use Open Educational Resources/Zero Textbook Cost materials, when available, to reduce or eliminate textbooks costs for courses in the Modern Policing Degree program.

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1 Awarding credit for prior learning (CPL) can have an impact on the maximum time frame component of Satisfactory Academic progress. Students may only receive federal financial aid and Cal Grants for up to 150% of the program requirements. The CPL units count toward that 150% limit.

6. Colleges should work with their foundations and law enforcement associations to explore non-traditional funding opportunities, develop scholarships for students participating in the college's police academy, and establish grant programs to cover costs of equipment for low-income students.

7. Colleges are encouraged to provide access to technology resources to help facilitate student learning and success.

8. Colleges should use the California Community Colleges Compendium of Allocations and Resources, which provides comprehensive information about all the funding allocations distributed to districts and colleges, to identify sources of funding that provide opportunities to reduce or eliminate direct costs for students.

OTHER RECOMMENDATIONS DEVELOPED BY TASK FORCE OUTSIDE OF AB 89 REQUIREMENTS

1. The Legislature should plan for and fund a longitudinal study of the outcomes of the Modern Policing Degree program on policing, including but not limited to reduction in use of excessive force and increased community trust.

2. Law enforcement agencies should partner with colleges to create outreach programs to attract students to enroll in and faculty to teach in the Modern Policing Degree program, including developing communication plans and recruitment strategies to address recruitment challenges.

3. Colleges, K–12, and law enforcement agencies should advertise the Modern Policing Degree program to historically underserved and disadvantaged communities.

4. Colleges, law enforcement agencies, and other partners should utilize K–14 pathways for recruitment and communications about the profession through career exploration programs.

CLOSING AND SUMMARY

Students attend California's community colleges because they present opportunities for socio-economic advancement and career mobility. This is especially true for students from historically underserved and disadvantaged communities with barriers to higher education access. The California Community Colleges is committed to helping our students equitably succeed. For our system, that means creating a Modern Policing Degree program that is committed to equity, affordability, access, student-centered design, holistic supports, and modernized curriculum for the profession of policing with the option for students to earn a community college baccalaureate. The Assembly Bill 89 Taskforce developed over 30 recommendations for the Chancellor's Office consideration to implement a robust program that delivers on those commitments.

APPENDICES

APPENDIX A: RTI INTERNATIONAL LANDSCAPE ANALYSIS SUMMARY

The purpose of the RTI International landscape analysis was to provide the Chancellor's Office and Task Force with information to support their development of recommendations for a Modern Policing Degree program.

Methodology

Web Searches. The California POST website was used to identify all POST academies. Searches of academy and community college websites were conducted to collect available entrance and transfer requirements, outcomes, and demographics. Similar searches were conducted to identify relevant criminal justice bachelor's degree programs in California and international academies/institutions for comparison. Additionally, searches were completed to obtain the required qualifications for California POST academy instructors and instructors from bachelor's degree programs selected for comparison. In total, information was reviewed and extracted from 73 websites.

POST and Census of Law Enforcement Training Academies (CLETA) Data Analysis. A request for POST data was submitted to the Interim Vice Chancellor of Workforce and Economic Development, California Community Colleges to (1) examine demographics, attendance, completion, and other outcomes of POST recruits; (2) identify gaps in current data collections from POST, California community colleges, and their 19 academies; and (3) guide the creation of a survey to collect data from the 19 California academies operated by community colleges in order to fill information gaps. Analysis of the POST data included descriptive statistics overall and by academy.

CLETA gathers information on recruits, staff, training curriculums, equipment, and facilities from training academies that are responsible for administering mandatory basic training to newly appointed or elected law enforcement officers. These academies are operated by state, county, and municipal agencies and by universities, colleges, and technical schools. Academies that provide only in-service training were excluded from the 2018 CLETA. A total of 681 academies were eligible to participate in the 2018 CLETA. Because an overall 95% response rate was not achieved, a nonresponse weight adjustment was created using academy type to better represent the population. Data for the 2018 CLETA were downloaded from the Inter-university Consortium for Political and Social Research website. A descriptive analysis of the CLETA data was conducted.

POST Variables/Data Examined
Gender and race of attendees and graduates, by academy and course
Overall number of attendees and graduates, by academy
Hours per course, by academy
Attendees and graduates ever hired and currently hired, by academy and course
Attendees and graduates, by academy, course, and employer
Number of days per course for attendees and graduates, by academy
Instructors that are current peace officers, by academy and course

CLETA Variables/Data Examined
Number of academies offering bachelor's and associate degree programs
Number of academies that oversee field training
Number of academies that conduct orientation for family members
Minimum education requirements
Number of full- and part-time instructors that are: • Sworn officers employed/assigned to academy • On-duty sworn officers temporarily assigned to academy • Off-duty sworn officers compensated to teach • Retired sworn officers • Civilians employed by/permanently assigned to academy • Total full-time trainers/instructors • Total part-time trainers/instructors
Number years of law enforcement experience for academy full-time trainers/instructors
Requirements for full-time trainers/instructors
Resources available for recruits (such as computer labs, firing range, fitness facilities)
Academy training environment (stress vs. non-stress model)
Courses provided and number of hours of instruction by course
Instruction on how to identify/respond to excessive use of force by other officers

Focus Groups. Focus groups were conducted to identify specific gaps in the current curriculum, barriers for students, and to understand the relationships between students and faculty, students and their peers, and programs and their communities. All programs are required to teach the basic POST courses, but many choose to require additional "elective" courses to supplement a student's education. These are not standard across programs. Although online data identified which courses are being taught currently in academies and community college programs, these data did not capture information on what instructors and students feel is missing from their police training, the courses they consider most relevant to their work and education, and which of those may be less important. Furthermore, focus groups allow for the examination of the differences in the sponsored versus non-sponsored student experience. The publicly available data can only communicate differences in attrition, retention, graduation, grades, and hire rates between these individuals. The focus group provided a more in-depth perspective to these student experiences in a way a survey (described below) cannot.

A facilitator and notetaker met with five focus groups of two to four participants each between December 2022 and March 2023. Participants included academy and community college instructors and current police officers. After much effort, we were unable to secure participation of any current students although one non–degree-seeking student did participate. Most (71%) focus group participants were directors or coordinators of training at community colleges and law enforcement agencies. Facilitators provided context for the focus groups and obtained participant consent to take part and for notes to be taken. Focus groups were conducted via Zoom and lasted between 45 and 90 minutes. Sessions were not recorded, and all information gathered was de-identified to protect the privacy of the participants.

Focus Group Summary of Participants

Focus Group	Number of Participants	Participating Institutions
1	4	3 community colleges/1 academy
2	3	2 community colleges
3	3	2 community colleges/1 academy
4	2	2 community colleges
5	2	1 community college

The notes from the focus groups were analyzed using a process known as thematic analysis. In this process, all notes were de-identified and analyzed for common themes. As themes were identified, the focus group notes were reanalyzed based on those themes to provide cohesive findings.

Student Survey. A survey was developed based on focus group findings to understand policing students' perceptions of their training programs as well as content they would like to see incorporated in the development of a Modern Policing Degree program. Student perceptions of culture, current program focuses, and training style were also assessed. With assistance from the Chancellor's Office, the survey was distributed April 11 through June 6, 2023, to students currently enrolled within community college–affiliated police academies,

those who had graduated from an academy in the last 3 years, and students who had just enrolled within these programs. A total of 637 survey responses were received; however not all survey responses were complete. There was consistent responding among 517 respondents.

Landscape Analysis: Key Considerations

The landscape analysis resulted in the following key findings for consideration for the development of California's Modern Policing Degree program.

Landscape Analysis Topic Area	What did the data tell us?
Completion Rates	POST data show that the lowest completion rates were for the Basic Course – Module II Extended and the Basic Course – Extended. It also showed better basic training completion rates when there is a higher percentage of instructors who are Peace Officers. • The Basic Course – Extended had a 58% completion rate, far lower than other courses/modules. • On average, basic training completion rates increased as the percentage of instructors who were Peace Officers increased, from an average 75% completion rate among academies with fewer than half of instructors who were Peace Officers to an average 89% completion rate for academies with three-quarters or more of instructors who were Peace Officers. This same pattern (higher completion rates with a higher percentage of Peace Officer instructors) was observed when examined by academy type (community college–affiliated and not community college–affiliated).

Landscape Analysis Topic Area	What did the data tell us?
Hiring Rates	In general, California law enforcement agencies are experiencing difficulty filling vacancies. POST data show hiring rates are decreasing and that hiring rates are better for recruits from community college–affiliated basic training academies where at least 50% of instructors are Peace Officers. **NOTE: The challenge in recruiting additional Peace Officers to teach in community college-affiliated academies is that they must meet both the teaching requirements of POST and maintain the current minimum qualifications for the discipline as established in Minimum Qualifications for Faculty and Administrators in the California Community Colleges. However, because of AB 89 calling for increased minimum educational requirements for Peace Officers, the number of peace officers who meet the minimum qualifications for teaching in a community college should increase over time.**

Landscape Analysis Topic Area	What did the data tell us?
Training Requirements	National data and international information show that few academies offer degrees, the average length of training is longer nationally and internationally than in California, international training programs require more pre-requisite testing, and that many academies offer courses as part of their training that address the skills and traits the Task Force identified as being important for a Modern Policing Degree program.*- • Nationally, in 2018, 22% of academies offered an associate degree and 4% offered a bachelor's degree. Internationally, training in the United Kingdom and Finland results in a degree. **NOTE: Regardless of the lower educational requirements nationally, AB 89 calls for the development of a Modern Policing Degree and an increase in the minimum education requirements for employment as a Peace Officer in California.** • CLETA data show that, nationally, basic training is on average 40 days or 8 weeks longer than the average length of basic training in California (per POST data). Internationally, training can last several years. • Some international training programs mandate psychological and other testing as prerequisites to training. • During the AB 89 Task Force meetings, members discussed elements of the future Student Graduate Profile and the skills, traits, and competencies that future graduates of a Modern Policing Degree program should possess. Focus group participants identified many of the same courses and skills, including mindfulness, self-awareness, cultural competence, critical thinking, good writing and communication skills, strong emotional intelligence, having a victim-centered approach, understanding health and wellness, and being able to handle stress.

Landscape Analysis Topic Area	What did the data tell us?
Student Perceptions of Training	Current and recently graduated basic training academy students' perceptions about current training included the following: • Customer service, bias training, and emotional intelligence are topics of the least focus in non–POST-required work. • Students desire non-classroom and/or outside of classroom/academic training during the academy.

APPENDIX B: TASKFORCE CHARTER

California Assembly Bill 89 Taskforce Charter
September 2022

With the recent call for further reform in policing, the state of California amended California Assembly Bill (AB) 89, also referred to as the Peace Officers Education and Age Conditions for Employment Act or PEACE Act. In response to that amendment the California AB 89 Taskforce was created. The Taskforce has been given a specific charge to make recommendations related to the development of a Modern Policing Degree program.

Establishment And Authority

Existing law requires the Commission on Peace Officer Standards and Training (POST) to establish a certification program for specified Peace Officers, including officers of the Department of the California Highway Patrol. Existing law requires the commission to establish basic, intermediate, advanced, supervisory, management, and executive certificates for the purpose of fostering the education and experience necessary to perform general police service duties. Existing law requires certificates to be awarded based on a combination of training, education, experience, and other prerequisites, as determined by the commission.

This bill requires the office of the Chancellor of the California Community Colleges (Chancellor's Office) to develop a Modern Policing Degree program, with the commission and other stakeholders to serve as advisors, as specified, and to submit a report on recommendations to the Legislature outlining a plan to implement the program on or before June 1, 2023. The bill includes, but is not limited to, recommendations to adopt financial assistance for students of historically underserved and disadvantaged communities with barriers to higher education access, as specified. The bill requires the commission to adopt the recommended criteria within two (2) years of when the Chancellor's Office submits its report to the Legislature.

Existing law requires Peace Officers in this state to meet specified minimum standards, including age and education requirements. This bill also increases the minimum qualifying age from 18 to 21 years of age for specified Peace Officers.

Membership

The California AB 89 Taskforce members are designated by the Chancellor's Office. Each member will serve until June 1, 2023. The California AB 89 Taskforce will consist of the following members:

- Representatives from the Academic Senate for California Community Colleges (ASCCC)
- Representatives from Commission on Peace Officer Standards Training (POST)
- Representatives from law enforcement administration
- Representatives from law enforcement employees
- Representatives from California State University faculty and administration
- Representatives from the Student Senate for California Community Colleges
- Representatives from community organizations
- Representatives from the California Association of Community College Registrars and Admissions Officers
- Representatives from the California Community Colleges Chief Instructional Officers organization
- Representatives from the Chief Student Services Officers Association
- Representatives from the Association of Chief Human Resource Officers

Leadership

The Taskforce efforts will be facilitated by RTI International, overseen by the Chancellor's Office and meetings co-chaired by the ASCCC and POST.

Purpose And Responsibility

The California AB 89 Taskforce's responsibilities are as follows:

- Provide recommendations on the relationship between a Modern Policing Degree and the current police academy offerings on the Modern Policing Degree and the current ADT/Transfer Model Curriculum.
- Provide recommendations on the competencies and values that should guide the development of a Modern Policing Degree program and bachelor's degree in the discipline of their choosing as minimum education requirements for employment as a Peace Officer.
- Identify courses that contribute to officer's critical thinking skills and lowered use of force incidents.

- Provide recommendations for increasing financial support for increased diversity of students enrolled in Modern Policing Degree program.
- Provide recommendations and parameters for maximizing credit for prior learning opportunities for prior law enforcement experience, and appropriate work experience, postsecondary education experience, or military experience to satisfy a portion of the employment eligibility requirements.
- Create a Student Graduate Profile for a Modern Policing curriculum.
- Provide recommendations on minimum qualifications for faculty teaching in the Modern Policing Degree program and police academies.
- Provide recommendations for how faculty teaching in these programs will meet the new Diversity, Equity, Inclusion and Accessibility (DEIA) Evaluation and Tenure Review regulation requirements.
- The California AB 89 Taskforce will meet virtually monthly for a period of seven (7) months. Members are expected to review materials in advance of the meetings, actively engage in discussions during meetings, and to participate in work groups as needed.

APPENDIX C: STAKEHOLDER ENGAGEMENT

The Taskforce recommendations were the result of a robust process of engaging with the many voices. Diverse stakeholders from within the community college system and from the communities and organizations with expertise served on and/or informed the Taskforce.

Subject Matter Experts

Subject matter experts (SMEs) were invited to present on topics within the learning arc during each Taskforce meeting.

- **Cheryl Aschenbach**, Taskforce Co-chair, President-Elect, ASCCC. Overview of California Community Colleges Current Associate Degrees for Transfer/Transfer Model; Overview of Faculty Minimum Qualifications for California Community Colleges.
- **Manny Alvarez**, Taskforce Co-chair, Executive Director, Commission on POST. Overview of California's Current Police Academy Training.
- **Dr. Renee Mitchell**, Principal Research Scientist of Evidence-Based Policing, Axon. Co-founding member of the American Society of Evidence-Based Policing. Principles of Evidence-Based Policing; Considerations for the Implementation of an Evidence-Based Policing Curriculum; Methods to Train Recruits in Evidence-Based Policing and Implementation Limitations.
- **Linda Vaughn**, Regional Director, Public Safety Sector in the San Francisco Bay Regional Community College Consortium, ASCCC. California Community College Approach to Critical Thinking.

- **Sharon Sampson**, AOJ Faculty, Professional Development Co-coordinator, EEO Site Lead, Grossmont College, ASCCC. California Community College Approach to Critical Thinking.
- **Sandra Sanchez**, Interim Vice Chancellor, Workforce and Economic Development Division, Chancellor's Office. Introduction to California Community Colleges Apprenticeship Program.
- **Walter Allen**, III, Director, Rio Hondo Police Academy at Rio Hondo College; President of the League of California Cities African American Caucus. California Community Colleges Approach to Incorporating DEIA in AOJ Programs.
- **Tammi Murrell**, Director of Public Safety Training Programs, Delta College; President, California Academy Director's Association. California Community Colleges Approach to Incorporating DEIA in AOJ Programs.
- **Gina Browne**, Assistant Vice Chancellor, Chancellor's Office. California Community Colleges Approach for Increasing Financial Support for Increased Diversity of Students.
- **Adele Burns**, Deputy Chief, Division of Apprenticeship Standards, Department of Industrial Relations. Overview of Division of Apprenticeship Standards Apprenticeship Program.
- **Charles Richards**, Senior Apprenticeship Consultant, Division of Apprenticeship Standards, Department of Industrial Relations. Overview of Division of Apprenticeship Standards Apprenticeship Program.
- **Chantée Guiney**, Community College Specialist, Chancellor's Office, Office of Equitable Student Learning, Experience, and Impact. California Community Colleges Approach to Credit for Prior Learning.
- **Dr. Samuel Lee**, Vice President of Academic Affairs and Chief Ambassador for the California Military Articulation Program (CMAP) Initiative, Norco College. California Community Colleges Approach to Credit for Prior Learning.
- **Dr. Sigrid Williams**, AOJ Faculty and Credit for Prior Learning Coordinator, Norco College. California Community Colleges Approach to Credit for Prior Learning.
- **Terence Nelson**, Director of Academic and Institutional Partnerships for the CMAP Initiative, Norco College. California Community Colleges Approach to Credit for Prior Learning.
- **Assemblymember Reginald Byron Jones-Sawyer, Sr.**, California State Assembly, 57th District. Overview of the History of AB 89 and the Equity Imperative for Modern Policing Degree.

Public Meeting Participating Organizations

- Aaron Reed & Associates
- Antelope Valley College
- Bakersfield College
- California Academy Director's Association
- California Commission on Peace Officer Standards and Training
- California Community Colleges Chancellor's Office
- California Highway Patrol
- California Police Chiefs Association
- California State University Chancellor's Office
- Chaffey College
- City and County of San Francisco Department of Human Resources
- College of the Canyons
- College of the Desert
- Compton College
- Delta College
- El Camino Community College
- Foundation for California Community Colleges
- Fresno City College
- Glendale Community College
- Grossmont College
- Imperial Valley College
- Las Positas College
- Lassen Community College
- Los Angeles Trade Technical College
- Merritt College
- Office of Assemblymember Jones-Sawyer

- Rancho Santiago Community College District
- Rio Hondo College
- San Bernardino Community College District
- San Bernardino Valley College
- San Francisco Police Department Regional Training Facility
- San Joaquin Delta College
- San José State University
- Imperial Valley College
- Las Positas College
- Lassen Community College
- Los Angeles Trade Technical College
- Merritt College
- Office of Assemblymember Jones-Sawyer
- Rancho Santiago Community College District
- Rio Hondo College
- San Bernardino Community College District
- San Bernardino Valley College
- San Francisco Department of Human Resources
- San Francisco Police Department Regional Training Facility
- San Joaquin Delta College
- San José State University
- University of San Francisco
- Ventura College
- West Los Angeles College

Public Comments and Feedback

Throughout the course of the Taskforce meetings, public participants were invited to participate and share their questions and feedback with the Taskforce, who used this information as guidance as they developed recommendations. Below is the summary of public comments and feedback from AB 89 Taskforce public participants:

Between November 2022 and June 2023, the California Community Colleges Chancellor's Office received 10 public inquiries about AB 89 and the work of the Taskforce.

Four inquiries were about ways to participate in, contribute to, or simply follow the work of the AB 89 Taskforce. These included an inquiry from a private university interested in a possible transfer pathway and another from a police department captain who believes strongly in educating California Peace Officers.

One inquiry was for information in preparation for a faculty presentation on the tie-in of the Modern Policing Degree with Credit for Prior Learning (CPL). Another wanted to know whether either the Modern Policing Degree or a bachelor's degree would suffice for meeting the AB 89 education requirements.

The remaining four inquiries asked about the timing and availability of the AB 89 recommendations and the AB 89 Report to the Legislature.

APPENDIX D: GLOSSARY OF TERMS

- ASCCC: Academic Senate for California Community Colleges
- AOJ: Administration of Justice
- AB 89: Assembly Bill 89
- AA: Associate of Arts
- ADJ: Associate Degrees for Justice
- ADT: Associate Degrees for Transfer
- AS: Associate of Science
- CADAA: California Dream Act Application
- CMAP: California Military Articulation Platform
- CSU: California State University
- CPOST: Correctional Peace Officers Standards and Training
- C-ID: Course Identification Number
- CPL: Credit for Prior Learning
- DEIA: Diversity, Equity, Inclusion, and Accessibility

- EBP: Evidence-Based Policing
- EFC: Expected Family Contribution
- FAFSA: Free Application for Federal Student Aid
- FTES: Full-Time Equivalent Student
- GED: General Education Development
- GC: Government Codes
- IGETC: Intersegmental General Education Transfer Curriculum
- ISA: Instructional Service Agreement
- Non-affiliated student: These students are “self-sponsored” (i.e., they pay their own way through the academy). These students generally have a full or part-time non-law enforcement job and may or may not have begun the application process with a law enforcement agency.
- OJT: On-the-Job Training
- POST: Peace Officer Standards and Training
- RSI: Related and Supplemental Instruction
- Affiliated “sponsored” student: Students who have successfully completed the hiring/selection process with a department, have been hired as a recruit or trainee, and the department “sponsors” (i.e., pays for) their academy training. These recruits/cadets usually receive a trainee salary while attending the academy.
- TMC: Transfer Model Curriculum

Front cover photo:College of the Sequoias

Photo at right: Palomar College

Back cover photo: San Joaquin Delta College



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STATE OF CALIFORNIA
LEGISLATIVE COUNSEL BUREAU
AUTHENTICATED
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Assembly Bill No. 89

CHAPTER 405

An act to add Section 1031.4 to the Government Code, and to add Section 13511.1 to the Penal Code, relating to peace officers.

[Approved by Governor September 30, 2021. Filed with Secretary of State September 30, 2021.]

LEGISLATIVE COUNSEL'S DIGEST

AB 89, Jones-Sawyer. Peace officers: minimum qualifications.

Existing law requires the Commission on Peace Officer Standards and Training (POST) to establish a certification program for specified peace officers, including officers of the Department of the California Highway Patrol. Existing law requires the commission to establish basic, intermediate, advanced, supervisory, management, and executive certificates for the purpose of fostering the education and experience necessary to perform general police service duties. Existing law requires certificates to be awarded on the basis of a combination of training, education, experience, and other prerequisites, as determined by the commission.

This bill would require the office of the Chancellor of the California Community Colleges to develop a modern policing degree program, with the commission and other stakeholders to serve as advisors, as specified, and to submit a report on recommendations to the Legislature outlining a plan to implement the program on or before June 1, 2023. The bill would require the report to include, among other things, recommendations to adopt financial assistance for students of historically underserved and disadvantaged communities with barriers to higher education access, as specified. The bill would require the commission to adopt the recommended criteria within 2 years of when the office of the Chancellor of the California Community Colleges submits its report to the Legislature.

Existing law requires peace officers in this state to meet specified minimum standards, including age and education requirements.

This bill would increase the minimum qualifying age from 18 to 21 years of age for specified peace officers.

The people of the State of California do enact as follows:

SECTION 1. This act shall be known, and may be cited, as the Peace Officers Education and Age Conditions for Employment Act or PEACE Act.

SEC. 2. The Legislature finds and declares all of the following:

(a) There is an interest in minimizing peace officer use of deadly force.

(b) The Legislature has repeatedly relied on neurological research with respect to criminal sentencing law reflecting a growing understanding that cognitive brain development continues well beyond age 18 and into early adulthood. Scientific evidence on young adult development and neuroscience shows that certain areas of the brain, particularly those affecting judgment and decisionmaking, do not develop until the early to mid-20s.

(c) Law enforcement officers are required to make split-second decisions to protect the health and safety of the public and address dangerous situations. A young adult with a still developing brain may struggle during events that require quick decisionmaking and judgments.

(d) A study has also shown that better educated officers perform better in the academy, receive higher supervisor evaluations, have fewer disciplinary problems and accidents, are assaulted less often, and miss fewer days of work than their counterparts.

SEC. 3. Section 1031.4 is added to the Government Code, to read:

1031.4. (a) In addition to the standards in Section 1031, each state officer and employee designated as peace officers as described in Section 830.1, with the exception of those described in subdivision (c) of that section, 830.2, with the exception of those described in subdivision (d) of that section, 830.3, 830.32, or 830.33 of the Penal Code, or any other peace officer employed by an agency that participates in the Peace Officer Standards and Training (POST) program shall be at least 21 years of age at the time of appointment.

(b) This section shall not apply to any person who, as of December 31, 2021, is currently enrolled in a basic academy or is employed as a peace officer by a public entity in California.

SEC. 4. Section 13511.1 is added to the Penal Code, to read:

13511.1. (a) The commission, stakeholders from law enforcement, including representatives of law enforcement administration and law enforcement employees, the California State University, including administration and faculty members, and community organizations shall serve as advisors to the office of the Chancellor of the California Community Colleges to develop a modern policing degree program. By June 1, 2023, the office of the Chancellor of the California Community Colleges, in consultation with the stakeholders, shall submit a report on recommendations to the Legislature outlining a plan to implement this program. The recommendations in the report shall:

(1) Focus on courses pertinent to law enforcement, which shall include, but not be limited to, psychology, communications, history, ethnic studies, law, and those determined to develop necessary critical thinking skills and emotional intelligence.

(2) Include allowances for prior law enforcement experience, and appropriate work experience, postsecondary education experience, or military experience to satisfy a portion of the employment eligibility requirements.

(A) It is the intent of the Legislature that allowances for prior experience in this paragraph for those with military experience may be provided to those with military specializations pertinent to law enforcement, including

those specializations in community relations, deescalation, foreign language translators, and those determined to require necessary critical thinking skills and emotional intelligence.

(B) It is the intent of the Legislature that allowances for prior experience specified in this paragraph shall be granted to those of good moral character, and shall not be granted to those with prior sustained disciplinary actions taken against them, except that the Commission on Peace Officer Standards and Training may, after considering the severity of the sustained misconduct or violation, grant a partial allowance.

(3) Include both the modern policing degree program and bachelor's degree in the discipline of their choosing as minimum education requirements for employment as a peace officer referenced in subdivision (a) of Section 1031.4 of the Government Code.

(4) Include recommendations to adopt financial assistance for students of historically underserved and disadvantaged communities with barriers to higher education access that fulfill the minimum education requirements to be adopted, pursuant to this section, for employment as a peace officer referenced in subdivision (a) of Section 1031.4 of the Government Code.

(b) The report to be submitted pursuant to subdivision (a) shall be submitted in compliance with Section 9795 of the Government Code.

(c) Within two years of the submission of the report to the Legislature, the commission shall approve and adopt the education criteria for peace officers referenced in subdivision (a) of Section 1031.4 of the Government Code, based on the recommendations in the report by the office of the Chancellor of the California Community Colleges in consultation with the stakeholders specified in subdivision (a).

O

AGENDA ITEM REPORT

Title: REPORT ON LEGISLATIVE UPDATE

REPORT PROFILE

MEETING DATE 11/20/2024	**BUREAU SUBMITTING THE REPORT** Executive Office	
RESEARCHED BY Meagan Poulos	**REVIEWED BY**	
REPORT DATE	**APPROVED BY** Manuel Alvarez, Jr.	**DATE APPROVED** 10/31/2024
PURPOSE	**FINANCIAL IMPACT** No	

ISSUE, BACKGROUND, ANALYSIS, & RECOMMENDATION

ISSUE: This is a legislative report with bills of interest from the 2024 legislative session. Some of these bills may affect POST operations and/or affect law enforcement. It is not a complete list of bills that could impact law enforcement.

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

BACKGROUND:

ANALYSIS:

RECOMMENDATION: This is a legislative report with bills of interest from the 2024 legislative session. Some of these bills may affect POST operations and/or affect law enforcement. It is not a complete list of bills that could impact law enforcement.

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

ATTACHMENT(S):
2024 Commission Briefing.pdf

POST Legislative Update
As of September 30, 2024

The legislation listed in this document are the legislative bills that POST monitored over the 2024 legislative session. These bills could have an impact on POST or be of significant interest to the law enforcement community. It is not a complete list.

For any questions on the legislative process or to receive a status update, please contact: POST Legislative Liaison, Meagan Poulos at (916) 227-2809 or Meagan.poulos@post.ca.gov.

AB 852 (Jones-Sawyer) Peace officers.
Amended: 8/14/2024
Summary: Current law requires the Commission on Peace Officer Standards and Training to establish a certification program for specified peace officers, including officers of the Department of the California Highway Patrol. Current law requires the commission to establish, among others, basic certificates for the purpose of fostering the education and experience necessary to perform general police service duties. Current law requires the Chancellor of the California Community Colleges, in consultation with specified entities, to develop a modern policing degree program and to prepare and submit a report to the Legislature by no later than June 1, 2023, outlining a plan to implement the program. Current law requires peace officers in this state to meet specified minimum standards, including age and education requirements. This bill would require a peace officer who is hired on or after January 1, 2029, to attain a modern policing degree, as specified, or a bachelor's or other advanced degree from an accredited college or university within 36 months of commencing their employment as a peace officer.
Status: DEAD

AB 1839 (Alanis) Peace officers: education and hiring grants.
Introduced: 1/16/2024
Summary: Would, subject to an appropriation, establish the Law Enforcement Officer Grant Program under the administration of the Student Aid Commission to provide grants of up to $6,000 per year to individuals enrolled in a modern policing degree program at a California community college who commit to work for 4 years as a peace officer at a law enforcement agency, as specified. The bill would require grant recipients to agree to repay the grant to the state if certain conditions for the grant are not met, except as specified.
Status: DEAD

AB 2002 (Sanchez) Vehicles: public safety: Blue Envelope Program
Amended: 3/6/2024
Summary: Current law establishes the Department of Motor Vehicles, tasked with issuance and renewal of licenses to drivers. Current law requires the department to prescribe and provide suitable forms of applications, certificates of ownership, registration cards, driver's licenses, and all other forms that are deemed necessary. This bill would, by January 1, 2026, require the department, in consultation with

relevant stakeholders, to develop a Blue Envelope Program. Under the program, the bill would require the blue envelope to contain specified information for requesters with a condition or disability, as specified.
Status: DEAD

AB 2020 (Bonta) Survivors of Human Trafficking Support Act
Amended: 8/15/2024
Summary: This bill would require the commission to, by no later than June 1, 2026, develop guidelines for interacting with survivors of human trafficking. The bill would require each law enforcement agency to, by no later than December 1, 2026, adopt a written policy for interacting with survivors of human trafficking based on the guidelines developed by the commission.
Status: SIGNED by the Governor.

AB 2042 (Jackson) Police canines: standards and training.
Amended: 7/3/2024
Summary: Would require the Commission on Peace Officer Standards and Training, on or before January 1, 2026, to develop standards and training guidelines, as specified, for the use of canines by law enforcement. The bill would authorize the commission to periodically update these guidelines. The bill would require law enforcement agencies with a canine unit, on or before July 1, 2027, to adopt a policy for the use of canines that, at a minimum, complies with the guidelines developed by the commission.
Status: DEAD

AB 2138 (Ramos) Peace officers: tribal police pilot project.
Amended: 6/26/2024
Summary: Current law defines those persons who are peace officers in the state, grants certain authority to those individuals and their employing entities, and places certain requirements on those individuals and their employing entities. Current law also grants specified limited arrest authority to certain other persons, including federal criminal investigators and park rangers and peace officers from adjoining jurisdictions. Current federal law authorizes tribal governments to employ tribal police for the enforcement of tribal law on tribal lands. Current federal law requires the State of California to exercise criminal jurisdiction on Indian lands. Existing state law deems a tribal police officer who has been deputized or appointed by a county sheriff as a reserve or auxiliary deputy to be a peace officer in the State of California. This bill would, from July 1, 2025, until July 1, 2028, establish a pilot program under the Department of Justice and the Commission on Peace Officer Standards and Training granting peace officer authority to certain tribal police officers on Indian lands and elsewhere in the state under specified circumstances. The bill would authorize the department to select 3 tribal entities to participate, would set certain minimum qualifications and certification and training requirements for a tribal officer to act pursuant to this authority, and would place certain requirements on the employing tribe, including a limited waiver of sovereign immunity, and the adoption of a tribal law or resolution authorizing that exercise of authority and providing for public access to certain records.
Status: VETOED by the Governor.

AB 2379 (Jones-Sawyer) Peace officers.
Introduced: 2/12/2024
Summary: Current law requires the Chancellor of the California Community Colleges, in consultation with specified entities, to develop a modern policing degree program and to prepare and submit a report to the Legislature outlining a plan to implement the program. This bill would make a technical, nonsubstantive change to these provisions.
Status: DEAD

AB 2382 (Rubio, Blanca) Human trafficking.
Amended: 4/18/2024
Summary: Would state the intent of the Legislature to enact legislation relating to training conducted by the Commission on Peace Officer Standards and Training on the subject of human trafficking.
Status: DEAD

AB 2541 (Bains) Peace officer training: wandering.
Amended: 8/7/2024
Summary: Would require the Commission on Peace Officer Standards and Training (POST), in consultation with specified subject matter experts and on or before January 1, 2026, to develop guidelines addressing wandering associated with Alzheimer's disease, autism, and dementia, as specified.
Status: SIGNED by the Governor.

AB 2621 (Gabriel) Law enforcement training
Amended: 5/20/2024
Summary: Current law defines a "hate crime" as a criminal act committed, in whole or in part, because of actual or perceived characteristics of the victim, including, among other things, race, religion, disability, and sexual orientation. Current law requires the Commission on Peace Officer Standards and Training, in consultation with specified subject-matter experts, to develop a course of instruction that trains law enforcement on, among other things, indicators of hate crimes and techniques, responses to hate crime waves against certain groups, including Arab and Islamic communities, and methods to handle incidents of hate crimes in a noncombative manner. This bill would require instruction to include identifying when a gun violence restraining order is appropriate to prevent a hate crime and the procedure for seeking a gun violence restraining order.
Status: SIGNED by the Governor.

AB 2710 (Lackey) Peace officers: active shooter incidents
Amended: 4/8/2024
Summary: Would require the Commission on Peace Officer Standards and Training (POST) to convene a panel of law enforcement experts to report to the Legislature and the commission, by January 1, 2027, specified topics related to active shooter incidents, including successful trainings and response protocols that have been demonstrated in active shooter incidents and the use of school resource

officers on campus for threat prevention, detection, and assessment. The bill would repeal these provisions as of January 1, 2031.
Status: DEAD

AB 2923 (Jones-Sawyer) Peace officers: public complaints.
Introduced: 2/15/2024
Summary: Current law requires each department or agency that employs peace officer to establish a procedure to investigate complaints by members of the public against the personnel of the department or agency. This bill would require a form used during the complaint process to include a provision inquiring whether the complaint includes an allegation of racial or identify profiling and a space to describe the allegation. The bill would define "complaint" for these purposes to mean a report, given either in writing or verbally, that brings to the attention of a department or agency an incident during which the complainant perceives that a department or agency employee engaged in misconduct, as specified.
Status: DEAD

AB 3021 (Kalra) Criminal procedure: interrogations.
Amended: 5/9/2024
Summary: Current law prohibits the prosecuting attorney, attorney for the defendant, or investigator for either the prosecution or the defendant from interviewing, questioning, or speaking to a victim or witness whose name has been disclosed by the defendant pursuant to current law without first clearly identifying themself and identifying the full name of the agency by whom they are employed, and identifying whether they represent, or have been retained by, the prosecution or the defendant. Under current law, if an interview takes place in person, the party is also required to show the victim or witness a business card, official badge, or other form of official identification before commencing the interview or questioning. This bill would require a peace officer, as defined, a prosecuting attorney, or an investigator for the prosecution, prior to interviewing a family member of a person who has been killed or seriously injured by a peace officer, to clearly identify themself, if the interview takes place in person, to show identification, and to state specified information, including that the family member has the right to ask about the status of their family member prior to answering questions, has the right to remain silent, and before speaking with the interviewer, can consult with a trusted person and can have that person with them while they speak to the interviewer.
Status: DEAD

AB 3027 (Bains) Crime: transnational repression
Amended: 4/17/2024
Summary: Would state that it is the policy of the state to protect individuals and organizations against transnational repression and would define that term to mean the actions of a foreign government or agents of a foreign government involving the transgression of national borders in order to intimidate, silence, coerce, harass, or harm members of diaspora and exile communities or organizations that advocate for individuals in diaspora and exile communities in order to prevent their exercise of their

human rights, as defined. The bill would specify that it is the policy of the state to pursue criminal prosecutions against those who engage in transnational repression and to provide support services to victims who are targeted by transnational repression, among other things.
Status: DEAD

AB 3038 (Essayli) School safety: armed school resource officers.
Amended: 4/1/2024
Summary: Would require a school district or charter school to hire or contract with at least one armed school resource officer, as defined, authorized to carry a loaded firearm to be present at each school of the school district or charter school during regular school hours and any other time when pupils are present on campus. By imposing an additional requirement on school districts and charter schools, the bill would impose a state-mandated local program.
Status: DEAD

AB 3241 (Pacheco) Law enforcement: police canines.
Amended: 8/15/2024
Summary: This bill would require the commission, on or before July 1, 2026, to study and issue recommendations to the Legislature on the use of canines by law enforcement, as specified. This bill contains other related provisions and other existing laws.
Status: DEAD

SB 989 (Ashby) Domestic violence: deaths.
Amended: 8/22/2024
Summary: Current law generally prohibits a copy, reproduction, or facsimile of any kind of a photograph, negative, or print, including instant photographs and video recordings, of the body, or any portion of the body, of a deceased person, taken by or for the coroner at the scene of death or in the course of a postmortem examination or autopsy, from being made or disseminated. Current law authorizes the use of a copy, reproduction, or facsimile described above in specified circumstances, including for use in a potential civil action if the coroner receives written authorization from a legal heir or representative of that person before the civil action is filed or while the action is pending. Current law requires the identity of the legal heir to be verified by, including other things, a declaration under the penalty of perjury that the individual is a legal heir or representative of the deceased person. This bill would additionally authorize a family member of the deceased, as defined, to provide the coroner with written authorization for use or potential use of a copy, reproduction, or facsimile described above in a civil action or proceeding that relates to the death of that person.
Status: SIGNED by the Governor.

SB 1020 (Bradford) Law enforcement agency regulations: shooting range targets.
Amended: 3/19/2024
Summary: Current law requires law enforcement agencies to maintain specified policies, including policies regulating the use of force and the use of certain defensive weapons. Current law requires

each peace officer to complete all pre-service and in-service training mandated by the Commission on Peace Officer Standards and Training. This bill would require each law enforcement agency and police academy to prohibit the use, as specified, of ethnic shooting targets, as defined.
Status: VETOED by the Governor.

SB 1122 (Seyarto) Peace officers: educational requirements.
Amended: 3/18/2024
Summary: Current law requires the office of the Chancellor of the California Community Colleges to develop a modern policing degree program, with the Commission on Peace Officer Standards and Training and other stakeholders to serve as advisors, as specified, and to submit a report on recommendations to the Legislature outlining a plan to implement the program on or before June 1, 2023. Current law requires the report to include, among other things, recommendations to include both the modern policing degree program and a bachelor's degree in the discipline of their choosing as minimum education requirements for employment as a peace officer. Current law requires the commission to adopt the recommended criteria within 2 years of when the office of the Chancellor of the California Community Colleges submits its report to the Legislature. This bill would specify that a bachelor's degree or an associate's degree required for employment as a peace officer under these provisions may be obtained after completion of the Peace Officer Standards and Training program and within 36 months of employment as a peace officer.
Status: DEAD

SB 1264 (Grove) Employment discrimination: cannabis use
Amended: 4/29/2024
Summary: Current law prohibits an employer from discriminating against a person in hiring, termination, or a term or condition of employment, or otherwise penalizing a person because of the person's use of cannabis off the job and away from the workplace or an employer-required drug screening test that has found the person to have nonpsychoactive cannabis metabolites in their hair, blood, urine, or other bodily fluids. Current law exempts certain applicants and employees from those provisions, including applicants and employees hired for positions that require a federal government background investigation or security clearance, as specified. This bill would exempt from the provision prohibiting employers from discriminating against a person for use of cannabis off the job and away from the workplace applicants and employees in sworn positions within law enforcement agencies who have certain functions, including functions related civil enforcement matters or coroner functions.
Status: DEAD

SB 1489 (McGuire) Peace officers: Peace Officer Standards Accountability Advisory Board
Amended: 3/20/2024
Summary: Current law creates the Peace Officer Standards Accountability Advisory Board, the Commission on Peace Officer Standards and Training, and the Peace Officer Standards Accountability Division. Current law requires the board to report annually on the activities of the division, board, and commission relating to peace officer certification, including the number of applications for

certification, the events reported, the number of investigations conducted, and the number of certificates surrendered or revoked. This bill would require the board to prepare the report no later than February 1 of each year.
Status: DEAD

SB 1518 (Committee on Public Safety) Public Safety Omnibus
Amended: 8/8/2024
Summary: Current law requires law enforcement agencies to provide victims with specified information about victims' rights and resources. This bill would fix an erroneous cross-reference in these provisions. This bill contains other related provisions and other existing laws.
Status: SIGNED by the Governor.

AGENDA ITEM REPORT

Title: FINANCE UPDATE - JUNE 2024 TRANSCRIPT

REPORT PROFILE

MEETING DATE 11/20/2024	**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: No action is required.

ATTACHMENT(S):
6.13.24 Finance Committee Transcript.pdf

STATE OF CALIFORNIA

COMMISSION ON

PEACE OFFICER STANDARDS AND TRAINING

POST COMMISSION

FINANCE COMMITTEE MEETING

THURSDAY, JUNE 13, 2024

9:01 A.M.

MEETING HELD

AT THE OFFICES OF

COMMISSION ON POST

860 STILLWATER ROAD, SUITE 100

WEST SACRAMENTO, CALIFORNIA

REPORTER'S TRANSCRIPT OF PROCEEDINGS

STENOGRAPHICALLY REPORTED BY:
Emily Samelson
California Certified Shorthand Reporter #14043

A P P E A R A N C E S

POST FINANCE COMMITTEE MEMBERS PRESENT

P. LAMONT EWELL
Public Member
(Chairperson)

RICK BRAZIEL
Educator
Humboldt State University

TINA NIETO
Sheriff
Monterey County

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POST COMMISSION STAFF PRESENT

MANUEL ALVAREZ, JR.
Executive Director
Executive Office

WILLIAM "TOBY" DARDEN
Chief Counsel

CHANDLER KNAPP
Associate Governmental Program Analyst
Executive Office

CHERYL SMITH
Bureau Chief
Administrative Services Bureau

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I N D E X

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CALL TO ORDER AND WELCOME	4
ROLL CALL OF COMMITTEE MEMBERS	4
PUBLIC COMMENT (None)	--
APPROVAL OF ACTION SUMMARY AND MINUTES	
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OLD BUSINESS (None)	--
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Thursday, June 13, 2024; 9:01 a.m.

West Sacramento, California

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CHAIRPERSON EWELL: Good morning. We're going to go ahead and begin. And let me welcome everyone.

Mr. Knapp, if you would please call roll.

MR. KNAPP: Of course. Good morning, Mr. Chair, and members of the Finance Committee.

Commissioner Braziel.

MEMBER BRAZIEL: Here.

MR. KNAPP: Chair Ewell.

CHAIRPERSON EWELL: Here.

MR. KNAPP: Commissioner Nieto.

MEMBER NIETO: Here. And I am a little disappointed that we don't have the big crowds this morning.

MR. KNAPP: And Commissioner Woolery is absent.

CHAIRPERSON EWELL: All right. So I would like to first and foremost introduce the Executive Director, Manny Alvarez.

EXECUTIVE DIRECTOR ALVAREZ: Thank you.

CHAIRPERSON EWELL: We're going to move to public comment. And despite the small numbers, I'm sure there is a large number of people who would like to address this. I've got a spot.

This is the time set aside for members of the public to comment on items of the Finance agenda, pursuant to Commission policy.

The Chair will manage the public comment section, and we would allow up to 15 minutes for each individual to speak, should they desire, on items related to the agenda. And members of the public who wish to speak are asked to -- we're asking that you limit your time to no more than 5 minutes.

All right. So this is a short agenda, and I would like to go ahead by making -- asking for a motion for approval of the action summary, minutes, transcripts.

MEMBER NIETO: Go ahead, Rick.

MEMBER BRAZIEL: I was going to let you go first. I'll go second.

MEMBER NIETO: Okay. I move.

MEMBER BRAZIEL: I second.

CHAIRPERSON EWELL: Okay. I apologize. Before you do that, were there any members of the public who would like to speak? I apologize for omitting that.

(No response.)

CHAIRPERSON EWELL: Hearing none, now we'll retake that vote.

MEMBER NIETO: I move to accept the action summary.

MEMBER BRAZIEL: Second. Braziel.

CHAIRPERSON EWELL: Is there a motion to approve the minutes from June 8th, 2023 [sic]?

MEMBER BRAZIEL: I'll move those.

MEMBER NIETO: And I'll second. Nieto.

CHAIRPERSON EWELL: All right. All in favor?

(Ayes.)

CHAIRPERSON EWELL: Opposed?

(No response.)

CHAIRPERSON EWELL: I will abstain because I wasn't here at that meeting, and I do apologize for that.

We'll move right on to the first item, budgets.

And I would like to call Bureau Chief Smith to come up.

MS. SMITH: Good morning, Commissioner Ewell, Finance Committee members.

I'm just going to go over the expenditures a little bit.

Here on the screen you'll see the expenditures, including the State Penalty Fund and the General Fund, where we have -- our budget is 164 million. So far we've expensed 62 million, with a balance of 42 million. This is as of May 23rd. So I'm sure since then we've received quite a few invoices also, because we're closing in on the end of the fiscal year.

And then this is the breakdown of the different

appropriations for the State Penalty Fund. Of the 46 million, we've expensed a little over 30 million.

General Fund, of the 96 million, we've so far expensed 31 million, again as of May 23rd.

And these are the contract -- the contract expenditures so far this year.

Does anybody have any questions regarding any of the expenditures?

And this is what we've so far paid out for training reimbursement requests. So this is the peace officer training.

Okay. I didn't include in my slide that there is a voting item.

We're going to increase -- or we're putting through the supervisory course. There's an agenda item, increasing the supervisory course by $586,000. There's an attachment on the agenda online.

Showing for the supervisory course, we asked in March for 1.3 million, and we're increasing it by 568,000.

MEMBER BRAZIEL: Is that because of demand?

MS. SMITH: I think it's because we had a presenter that wasn't on the March. We left off South Bay, and so we're adding South Bay back to it. They're requesting 568,000 to put on the course.

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

In terms of the supervisor course, if you all recall, there was some discussion in March. We pulled South Bay from the agenda just based on their costs for the supervisor course.

We've had some discussions with them about the costs associated with delivering that course. They've reduced some of those costs. It's still significant. It is the highest dollar item -- or it is the most expensive supervisor course that we have to deliver. They deliver it in Monterey and they deliver it in the Milpitas area. They deliver eight courses.

We've asked them -- you know, obviously, there's some expenditures that we feel that they can reduce, and we're hoping that they'll be able to reduce them.

For example, if they put on the course in Milpitas, they have tons of instructors in the South Bay area. We've asked them don't bring an instructor in from San Diego that we now have to put up in a hotel when you have instructors in San Jose that can drive over to Milpitas to put on the course.

Some of their challenges are they have the facilities to put on the training in San Jose for the Milpitas side of the house. So they have to go out to a hotel. So that costs money to reserve a room.

And then as part of the supervisor course, there's scenarios that are required to be conducted. So they have to have breakout rooms, which then increase the cost.

So it is an expensive course. They have reduced some of the costs, but it's still pricey. And we're going to continue to work with them. We've mentioned this to the Chair, to the Chair of the Commission, that we'll continue to work with them on reducing their expenditures.

The other part of it is there's approximately $160,000 built into that for workshops to redo the supervisor course. It's not something we do every year. It's, you know, every five, six, years. Periodically, it's a redo.

Since they present most of the supervisor courses across the state, the contract is with them to redo the course. It may not require four workshops. It may not require the full 160,000.

As we've articulated to them, some of the challenges for us aside from the cost is we have to encumber that money. And if they don't use it, then we can't use it either for other things that are necessary. So we're trying our best to try to kind of work through all those things, but we do expect it to hopefully be

less than the $560,000 and that we can use it for other training opportunities.

But that's what's going on with the supervisor course, and I suspect it might come up at the Commission meeting as well.

And if I may add one more thing. We did also look at the rosters to make sure that, you know, that people that they're -- you know, if it's in Monterey, that people are -- you know, that it's primarily facilitating the folks in the Monterey area so it's not people traveling back and forth all over the state to increase our costs. And it is in line in that regard. So they have done a good job in that way. They're not taking people from San Jose, sending them to Monterey and then people from Monterey, sending them to Milpitas.

So hopefully they're doing their due diligence, and we'll continue to do ours, in terms of supervisor course.

MEMBER BRAZIEL: And when we look at that, do we also look at other -- not just that course but the required courses to see where people are sending them from?

So in other words, are we -- in addition to looking at San Jose going to Monterey versus Milpitas, are we looking at is Sacramento sending folks to Monterey

versus Sacramento?

Or do we look at it holistically, or are we just focused on that core area?

EXECUTIVE DIRECTOR ALVAREZ: No. We do it holistically. We do look at that. But one of the other complexities to it is there's a one-year requirement to go to the supervisor course.

So if there's a supervisor, let's hypothetically say a new sergeant from San Jose PD, and they're coming up on the one-year deadline, the Milpitas course isn't offered for another six months but there's one in Monterey, then they go to the Monterey course.

So we do see some of that as well just by necessity, to be compliant with the regs.

MEMBER BRAZIEL: Not that I've heard of anybody deliberately waiting so they can get a trip to Monterey. I've never heard of that from Sacramento before.

EXECUTIVE DIRECTOR ALVAREZ: To Monterey. Right, exactly.

MEMBER BRAZIEL: Particularly certain times of year, where golfing is better than others.

EXECUTIVE DIRECTOR ALVAREZ: Yes.

MEMBER BRAZIEL: But it does happen. But it's --

EXECUTIVE DIRECTOR ALVAREZ: It does.

MEMBER BRAZIEL: -- good that we look at it and

notify people and say, "Listen, you need to pay attention to that."

EXECUTIVE DIRECTOR ALVAREZ: Right.

MEMBER BRAZIEL: Because sometimes it just looks bad.

EXECUTIVE DIRECTOR ALVAREZ: Right.

MEMBER BRAZIEL: Even if it's not intended to look bad, it just looks bad.

EXECUTIVE DIRECTOR ALVAREZ: Right. And I think the departments also, obviously -- they hopefully do a good job because -- in that regard. Because it's, you know, labor hours for somebody to travel. They've got to pay for those hours, when it may be just down the street.

So yeah, absolutely.

MEMBER NIETO: Yeah. And, Manny, I do agree with you. Looking at it as a law enforcement leader, I know with our folks we try to keep them local. Because it is. It's taking away from your workforce when they're traveling.

But like I said before, there's a need in the Central Coast/South Bay. I know they're working on it. I would like to see a little reduction.

Hopefully -- they are building new hotels and stuff and more meeting rooms. Maybe that will help bring down

the prices in some of the areas. I know people want to go to Monterey itself, but, you know, you could go to Marina and the cost is a lot lower and you're right there.

But let's not take away Monterey tax dollars. We need it. So keep coming to Monterey.

EXECUTIVE DIRECTOR ALVAREZ: Yeah. And I don't want to belabor the point, but one of the other issues that plagues South Bay and some of the other presenters is that some of their instructors -- they have to pay their instructors, where a department -- we have contracts with department and they just basically absorb the cost by having their staff serve as the instructors. So we don't get billed for that time. And the instructor costs add, you know, a significant portion of the expenditures. So --

MEMBER NIETO: And one thing, Manny, I did want to add. They did come out with a study, and actually, Salinas/Monterey area is one of the highest places to live in the entire world, they're finding. So surprising, yes, unless you live there.

CHAIRPERSON EWELL: Well, are there any questions of Bureau Chief?

(No response.)

CHAIRPERSON EWELL: I would ask that you perhaps

share with us where we are. I mean, with respect to the expenditures, we're on track within your projections.

MS. SMITH: Yep. So we're on track. We're looking good for this year.

And for next year's budget, it looks like we're going to -- it's the same. We're not seeing any cuts so far.

EXECUTIVE DIRECTOR ALVAREZ: If I may add also to what Cheryl is saying. In terms of -- we kind of break it up into three buckets of money.

So in terms of local assistance, we're spending more than we've spent in the last few years. We're getting close to being right where we want to be, in the target of the $34 million that we're allocating for local assistance. So we're going to be close to that one for the first time in several years, which is great.

Which also is significant, in that we've been at 34 million now for four or five -- four years now, I believe. Historically, we were at 14 million for local assistance. So the fact that we're able to get that money out is great.

We've had some discussions about, you know, changing -- well, let me back up.

The other bucket is training. And that's the contracts, the supervisor course, the SLI, Command

College. We also were projecting that we're going to be very close to spending all of that money as well, which, you know, ranges between 25 and 30 million.

Again, we've been, you know, honored and privileged to have that amount of money, because historically we were at 13, 14 million. So we've got a good, good training budget. That money, by the end of the year, will likely all be spent.

As we've articulated to Commissioner Ewell or Chair Ewell, the challenge for us is they can bill us over the course of three years. So they can bill -- State rules allow us to continue to be billed for three years after the end of the fiscal year. So sometimes it's hard to project. So you see these big balances still, but we'll, you know, be close to 0 in those two.

In terms of training, we've had a lot of discussion about bumping up the reimbursement numbers for some of the delivery of the training. And based on the State budget, although it is necessary, we've decided to kind of hold back. I think Cheryl and her team have already projected some of those numbers to bump up, but we just don't think it's the right time with what the State is going through.

So to give you an idea, a simple example. In our regulation, for the delivery of training, clerical hours

are reimbursed at $15 an hour, which as we know is, I believe, under minimum wage. Or good luck getting somebody for $15 an hour in Pacific Grove or in Monterey. Just doesn't happen. But at the same time, it's not that we're required to reimburse the full amount either. So we've decided to hold off on that.

Our savings, which we will have some savings which we will return to the State -- we're projecting just over $20 million of our 116 million or $106 million budget, 105 million number -- is all from salary savings. We still have significant understaffing, primarily with the peace officer certification side of the house.

So we will return a lot of those monies back to the State. It's all General Fund monies, which they're happy to get back. So we should be good for this year.

Next fiscal year appears to be kind of the same. We have the same budgets that's projected. Obviously, the next few days and the rest of this week are key. One of the things that will potentially impact us, like other states -- or other State departments, is there is a -- the Governor, in the May revise, indicated that most State agencies -- it said most, not all -- would take a 7.95 percent operating budget cut, which really would come from our staffing, our copy paper, the

air-conditioning for this room, and such.

That has not been taken away from what we've seen with all the other State departments. It's not built into the budgets. But we may take a hit in that regard, which would really amount for us to, you know, potentially, you know, multiple -- you know, $5 million, let's say, of our money. Hopefully, we could still absorb that because of our staffing. But that remains to be seen.

So overall, I think we're in good shape.

MEMBER NIETO: So, Cheryl, did you need a motion for the 586,000 increase?

MS. SMITH: I think that for this, it's if you guys have comments. Then it goes to Commission for approval.

CHAIRPERSON EWELL: You had a question, sir?

MEMBER BRAZIEL: Yeah. It's kind of a comment. And you and I were talking about it beforehand, on the history of POST with the Capitol and legislators and the fact that we're not being cut with a lot of -- in the middle of a budget crisis, with all the other agencies getting their vacancies swept and the cuts off the General Fund and everything else.

It is a compliment to you and your staff and the agencies that are using the money appropriately and doing the right thing in the field, and I've got to give

them credit too. Because if this had been ten years ago, we'd have a completely different conversation right now about what are we going to do when we get our vacancies cut.

So kudos to the staff and you, Manny, for your leadership. Because it really would have been a crisis years ago without the folks that are here in this room and the agencies doing the right thing on the field side of it.

So it doesn't get lost on me that everyone else is cutting and the fact that we're being made, at least at this point in time, still whole even though we've got vacancies. So kudos to everybody.

CHAIRPERSON EWELL: I certainly want to echo those comments. Because I've had the privilege of meeting with Cheryl and with Manny to talk about the budgets, and I'm still -- although I'm still amazed that people, you know, have three years to submit invoices and wonder how that allows you to keep track of funds and your budgeting; yet they still do it and they do it well.

And I was anticipating that you'd have a much larger hit with the State budget, and yet, you know, fortunately, with the vacancies, you were able to absorb that. So I think the combination of those things and the credibility that POST has created with legislators

kept them in good standing. So congrats.

Okay. Are there any other questions of the Bureau Chief?

(No response.)

CHAIRPERSON EWELL: Is there a motion to approve the Finance reports?

MEMBER NIETO: Nieto moves.

MEMBER BRAZIEL: Second. Braziel.

CHAIRPERSON EWELL: Any opposed?

(No response.)

CHAIRPERSON EWELL: Any abstentions?

(No response.)

CHAIRPERSON EWELL: I'm making sure I go right down this, because I have the counsel next to me.

All right. I'm assuming -- there is no old business, as we move into old business.

And there is no new business.

So we should just -- a reminder for upcoming committee meetings. Will be held September 20th in Pasadena; November 21st here at POST headquarters.

And I've spoken to the two of them. I know it's not an item on the agenda, but just to verbally state that we have been discussing converting this committee to a committee of the whole and just meeting within the Commission. I mean, there are lots of pluses to doing

so. So if you have any concerns, please let me know.

This concludes the agenda for today's meeting. And is there anything else from the Committee Members you'd like to mention?

(No response.)

CHAIRPERSON EWELL: Seeing nothing, I'll call for a motion to adjourn.

MEMBER BRAZIEL: Move to adjourn.

MEMBER NIETO: I second.

CHAIRPERSON EWELL: Moved and seconded. No objections. We are adjourned.

(Proceedings concluded at 9:22 a.m.)

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CERTIFICATE OF REPORTER

I, EMILY SAMELSON, a Certified Shorthand Reporter of the State of California, do hereby certify:

That I am a disinterested person herein; that the foregoing proceedings were reported, to the best of my ability, in shorthand by me, Emily Samelson, a Certified Shorthand Reporter of the State of California, and thereafter transcribed into typewriting.

I further certify that I am not of counsel or attorney for any of the parties to said proceedings nor in any way interested in the outcome of said proceedings.

IN WITNESS WHEREOF, I have hereunto set my hand this 30th of June, 2024.



EMILY SAMELSON, CSR
Certified Shorthand Reporter
License No. 14043

E R R A T A S H E E T

Page	Line	Correction
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AGENDA ITEM REPORT

Title: REPORT ON EXPENDITURES YEAR-TO-DATE FOR FISCAL YEAR 2024-2025

REPORT PROFILE

MEETING DATE 11/20/2024	**BUREAU SUBMITTING THE REPORT** Administrative Services Bureau	
RESEARCHED BY Cheryl Smith	**REVIEWED BY**	
REPORT DATE	**APPROVED BY** Manuel Alvarez, Jr.	**DATE APPROVED** 10/31/2024
PURPOSE	**FINANCIAL IMPACT** No	

ISSUE, BACKGROUND, ANALYSIS, & RECOMMENDATION

ISSUE: Total expenditures for **Fiscal Year 2024-2025** are **$33,580,920.**

BACKGROUND:

ANALYSIS: Breakdown of expenditures as of October 28, 2024:

State Penalty Fund = **$10,845115**
General Fund = **$22,735,804**

Total = **$33,580,920**

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

ATTACHMENT(S):
FY24-25 Expenditures.pdf
FY24-25 GF Expenditures.pdf
FY24-25 SPF 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	$ 10,845,115	$ 35,996,885
General Fund:	$ 63,438,000	$ 22,735,804	$ 40,702,196
*Reimbursement Authority:	$ 1,959,000	$ -	$ 1,959,000
TOTAL FUNDS (SPF & GF)	$ 112,239,000	$ 33,580,920	$ 78,658,080

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 ----------October 28, 2024

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	$ 3,338,184	$ 14,168,816
Training	$ 8,486,000	$ 2,952,956	$ 5,533,044
Peace Officer Training	$ 20,000,000	$ 12,325,299	$ 7,674,701
POST Administration	$ 17,445,000	$ 4,119,365	$ 13,325,635
POST TOTAL OTHER BUDGET AUTHORITY:	$ 63,438,000	$ 22,735,804	$ 40,702,196

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 ----------October 28, 2024

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	$ 606,106	$ 3,398,894
Training	$ 20,456,000	$ 7,390,818	$ 13,065,182
Peace Officer Training	$ 13,566,000	$ 1,387,222	$ 12,178,778
POST Administration	$ 8,815,000	$ 1,460,970	$ 7,354,030
POST TOTAL OTHER BUDGET AUTHORITY:	$ 46,842,000	$ 10,845,115	$ 35,996,885

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 ----------October 28, 2024

AGENDA ITEM REPORT

Title: REPORT ON CONTRACT EXPENDITURES YEAR-TO-DATE FOR FISCAL YEAR 2024-2025

REPORT PROFILE

MEETING DATE 11/20/2024	**BUREAU SUBMITTING THE REPORT** Administrative Services Bureau	
RESEARCHED BY Cheryl Smith		**REVIEWED BY**
REPORT DATE	**APPROVED BY** Manuel Alvarez, Jr.	**DATE APPROVED** 10/31/2024
PURPOSE		**FINANCIAL IMPACT** No

ISSUE, BACKGROUND, ANALYSIS, & RECOMMENDATION

ISSUE: For **Fiscal Year 2024-2025** the Commission approved contracts in the amount of **$25,879,953.** In addition, POST had contracts not requiring Commission approval (less than $250,000) in the amount of **$679,660.**

BACKGROUND:

ANALYSIS: Breakdown of expenditures for Commission approved contracts as of October 28, 2024, are as follows:

Fiscal Year 2024-2025 approved contracts = **$25,879,953**
Fiscal Year 2024-2025 executed contracts = **$23,018,836**
Fiscal Year 2024-2025 invoiced amount = **$3,835,781**

Balance = $19,183,055

Breakdown of expenditures for contracts not requiring Commission approval as of October 28, 2024, are as follows:

Fiscal Year 2024-2025 contracts = **$676,660**
Fiscal Year 2024-2025 invoiced amount = **$52,754**

Balance = $626.907

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

ATTACHMENT(S):
FY24-25 Commission Contract Expenditures.pdf
FY 24-25 Contract Expenditures.pdf

PEACE OFFICER STANDARDS AND TRAINING - POST

Fiscal Year 2024-25 Bureau Commission-Approved Contracts 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	437,710	4,950,179
2. Command College (CC)	484,684	484,684	63,491	421,193
3. Sherman Block Supervisory Leadership Institute (SLI)	2,875,694	2,875,694	-	2,875,694
4. Executive Development Course	374,706	374,706	-	374,706
5. Instructor Development Institute (IDI)	664,007	646,887	-	646,887
6. Museum of Tolerance (MOT)	1,556,000			
7. Management Course	1,856,723	1,856,723	-	1,856,723
8. Quality Assessment Program (QAP)	698,358	698,358	103,642	594,716
9. Supervisory Course	1,881,813	1,509,350	163,668	1,345,682
TPS SUBTOTAL:	16,050,879	13,834,291	768,511	13,065,780
Basic Training Bureau (BTB)				
10. Basic Course Driving Training (EVOC)	4,237,500	3,817,500	517,500	3,300,000
BTB SUBTOTAL:	4,237,500	3,817,500	517,500	3,300,000
Training Delivery Compliance (TDC)				
11. SCO Audits	250,000	249,998	-	249,998
TDC SUBTOTAL:	250,000	249,998	-	249,998
Learning Technology Resources (LTR)				
12. Video Production**	335,590	335,590	238,917	96,674
14. CSU Long Beach Training (Use of Force/Force Option De-escalation T4T)	616,211	616,211	-	616,211
15. Learning Portal Maintenance	777,405	775,429	698,346	77,082
LTR SUBTOTAL:	1,729,206	1,727,230	937,263	789,967
Management Counseling and Projects Bureau (MCPB)				
16. UC San Diego (Officer Wellness)***	2,053,898	2,053,898	276,588	1,777,310
MCPB SUBTOTAL:	2,053,898	2,053,898	276,588	1,777,310
Peace Officer Standards Accountablity Division (POSAD)				
17. Equipment, Software, and Data Storage for Mark 43	1,558,470	1,335,919	1,335,919	-
POSAD SUBTOTAL:	1,558,470	1,335,919	1,335,919	-
BUREAU CONTRACTS TOTAL:	25,879,953	23,018,836	3,835,781	19,183,055

Amounts shown are as of October 28, 2024.

****Multi-year Contract FY 22-23 $400,000 FY 23-24 $800,000 First Half of FY 24-25 $335,590 Total Executed $1,535,590**
(Total Approved: $1,732,000) Second half of FY 24-25 TBD

*****Multi-year Contract FY 22-23 $490,094 FY 23-24 $1,706,008 FY 24-25 $2,053,898 Total $4,250,000**

PEACE OFFICER STANDARDS AND TRAINING - POST

Fiscal Year 2024-25 Bureau All Other Contracts Expenditures

BUREAU	CONTRACTS	CONTRACT DETAILS	ENCUMBERED AMOUNT	EXPENSED AMOUNT	REMAINING ENCUMBRANCE
	24014210	GENERAL LOGISTICS SYS US INC	9,000	1,216	7,784
	24014410 SCO Audit Claims	STATE CONTROLLER	1,000	-	1,000
ASB Total			**10,000**	**1,216**	**8,784**
	24014253 Elavon	ELAVON INC	5,000	579	4,421
	BTB AICC 24112130	S BAY REG PUBLIC SAFETY TRG CNST	94,345	14,441	79,904
BTB Total			**99,345**	**15,019**	**84,326**
	24014101 Transcriber	KATHRYN SWANK CSR	56,088	6,669	49,419
	24112482 History of Policing	BORN READY FILMS LLC	54,100	-	54,100
EXO Total			**110,188**	**6,669**	**103,519**
	24011112 Shaw Law Group	SHAW VALENZA LLP	49,999	8,518	41,482
	24013211	WEST A THOMSON REUTERS BUSINESS	34,344	8,109	26,235
	24034550 LegalCourier Services	ACE ATTORNEY SERVICE INC	75,000	166	74,834
LAB Total			**159,343**	**16,792**	**142,551**
	24112123 OC Coroner Course	ORANGE COUNTY	195,374	2,005	193,369
	24112463 Profiling Guidelines	HELENA RENEE WILLIAMS	6,303	-	6,303
MCPB Total			**201,677**	**2,005**	**199,672**
	24014415 CHP Security	DEPT OF THE CA HIGHWAY PATROL	45,000	-	45,000
	RELX Nexus 24304443	RELX INC	44,208	11,052	33,156
	UOF Consultants 24122202	NATL JUSTICE CONSULTANTS INC	9,900	-	9,900
POSAD Total			**99,108**	**11,052**	**88,056**
Grand Total			**679,660**	**52,754**	**626,907**

AGENDA ITEM REPORT

Title: REPORT ON CHANGES TO COMMISSION REGULATION 1018, COMMISSION PROCEDURE D-1-5, AND PUBLIC SAFETY DISPATCHERS' BASIC COURSE TRAINING SPECIFICATIONS

REPORT PROFILE

MEETING DATE 11/20/2024	**BUREAU SUBMITTING THE REPORT** Basic Training Bureau	
RESEARCHED BY Jennifer Hardesty		**REVIEWED BY** Carrie Hollar
REPORT DATE 10/06/2024	**APPROVED BY** Carrie Hollar	**DATE APPROVED** 10/07/2024
PURPOSE		**FINANCIAL IMPACT** No

ISSUE, BACKGROUND, ANALYSIS, & RECOMMENDATION

ISSUE:

Should the Commission approve the proposed changes to Commission Regulation 1018, Commission Procedure D-1-5, and the Public Safety Dispatchers' Basic Course Training Specifications?

BACKGROUND:

At the June 8, 2023, Commission Meeting, staff presented the Commission extensive changes to the training specifications for the Public Safety Dispatchers' Basic Course which were approved. There was a significant delay in time between approval of the changes and initiation of the rulemaking process. This resulted in POST staff identifying some Commission-approved content that required further modification. Those areas are:

- Training Specifications – Learning Domain 106 (II)(F) Victim's Rights – The training specifications mention Right to Confidentiality (Government Code 6204(f)). Upon reviewing this Government Code section, subsection (f) does not exist and section 6204, while referencing public records protections, does not include any information related to victims of domestic violence.

- Training Specifications – Learning Domain 114 (II)(C)

Other Conditions – The training specifications made mention of the term “excited delirium”. Assembly Bill 360 added Chapter 3.5 – Excited Delirium – to the Health and Safety Code (HSC) and prohibits use of the term.

- Commission Regulation 1018 incorporates by reference the Public Safety Dispatchers’ Basic Course Training Specifications. There was an oversight in the initial agenda item and the information approved by Commission did not include the effective date change for the training specifications.

- Commission Procedure D-1-5 – The reference to the course completion reporting requirement was presented to the Commission for deletion from the procedure rather than correcting the Commission Regulation reference.

ANALYSIS:

The proposed changes that require Commission approval are reflected in the agenda item attachments using double strikethrough/double underline/highlighted text to differentiate these changes from those previously approved by the Commission which are reflected in single strikethrough/single underline text.

- Training Specifications (**Attachment A**) – Learning Domain 106 (II)(F) Victim’s Rights – Right to Confidentiality (Government Code 6204(f)). POST is continuing to research the appropriate section for inclusion in this Learning Domain. Once identified, POST will propose the addition of the appropriate section to Commission but is requesting removal of the reference until that section is identified.

- Training Specifications (**Attachment A**) – Learning Domain 114 (II)(C) Other Conditions – Excited Delirium. As a result of the prohibition on use of the term, POST has already removed any reference to the term from other courses and publications with this one exception as the proposed changes were presented to Commission for approval prior to the January 1, 2024, effective date for HSC Chapter 3.5.

- Commission Regulation 1018 (**Attachment B**) – The proposed change corrects the oversight that excluded the training specification effective date in the incorporation by reference section from the original agenda item presented to Commission.

- Commission Procedure D-1-5 (**Attachment B**) – The proposed change will ensure presenters of the course know the regulatory reference that outlines course completion reporting requirements.

RECOMMENDATION:

At the June 8, 2023, Commission Meeting, POST staff presented the Commission with changes to the Public Safety Dispatchers' Basic Course training specifications. During the rulemaking process, it was discovered some content approved by the Commission needed revision (removal or modification) prior to the public comment period. Those modifications were made and were included in the information noticed to the public. The Office of Administrative Law has requested Commission approval for the removal/modification of that content prior to final approval of the rulemaking file.

If the Commission concurs, the appropriate action would be a **MOTION** to approve the proposed changes to Commission Regulation 1018, Commission Procedure D-1-5, and the Public Safety Dispatchers' Basic Course Training Specifications.

ATTACHMENT(S):

Attachment_A_Training_Specs_Dispatch_BC.pdf
Attachment_B_TPRA_1015_1018_D-1-5.pdf



ADOPT

POST

Public Safety Dispatchers' Basic Course Training Specifications

TRAINING SPECIFICATIONS FOR THE PUBLIC SAFETY DISPATCHERS' BASIC COURSE

Revision October 2024

CALIFORNIA COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

TRAINING SPECIFICATIONS FOR THE PUBLIC SAFETY DISPATCHERS' BASIC COURSE

2024

California Commission on Peace Officer Standards and Training
Published 1994
Revised 1999; 2002; 2010; 2011; 2024

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CONTENT AND MINIMUM HOURLY REQUIREMENTS

Domain Number	Domain Description	Minimum Hours
100	Professional Orientation and Ethics	8
101	Criminal Justice Systems	4
102	Introduction to Law	12
103	Interpersonal Communication	6
104	Telephone Technology and Procedures	12
105	Missing Persons	6
106	Domestic Violence	6
107	Community Policing	8
108	Child, Elder, and Dependent Adult Abuse	6
109	Law Enforcement Telecommunications	8
110	Radio Technology and Procedures	12
111	Resources/Referral Services	4
112	Critical Incidents	16
113	Wellness Management	8
114	Mental Health Conditions and Intellectual/Developmental Disabilities Awareness	8
115	Human Trafficking	8
116	Terrorism and Extremist Group Awareness	4
117	Cultural Diversity and Hate Crimes	8
118	Gang Awareness	2
	Minimum Domain Hours	146
	Supporting Instructional Activities/Exercises	14
	Total Minimum Required Hours	**160**

TRAINING SPECIFICATIONS FOR LEARNING DOMAIN #100
PROFESSIONAL ORIENTATION AND ETHICS

October 1, 2024

I. LEARNING NEED

Becoming a public safety dispatcher means choosing dispatching not only as a career,but as a moral commitment to maintain public trust. Public safety dispatchers must understand their roles and responsibilities, understand the operation of the communications center, and act with a high degree of professionalism and ethics.

II. LEARNING OBJECTIVES

A. Basic functions of the public safety dispatcher within the public safety system
   1. First of the first responders, point of public safety contact (AB1945 [2019-2020 legislative session])
   2. Allocation of public safety resources
   3. Serving as a liaison between the need(s) and the resource(s)

B. Common functions of the communication center
   1. Traditional functions (e.g., call taker, radio dispatcher, data miner, communications training officer)
   2. Non-traditional functions (e.g., public relations/outreach, peer support, crisis negotiations, tactical dispatch, recruitment)

C. Title VII of the Civil Rights Act of 1964
   1. Discrimination
   2. Sexual harassment
   3. Hostile work environment

D. Occupational Safety and Health Administration (OSHA)
   1. Whistleblower
   2. Protection from retaliation

E. Professional demeanor and ethical behavior
   1. Impact of conduct both on and off-duty
   2. Sexual harassment
   3. Ethical and/or character-based dilemmas
   4. Awareness of personal bias (e.g., implicit and explicit)
   5. Personal and professional values (e.g., pillars of character)
   6. Agency values and expectations
   7. Inclusion within the communications center

F. Developing a community service attitude
   1. Community expectations of public safety services
   2. Serving varying stakeholders (citizens, officers, etc.)
   3. Tenets of Procedural Justice

G. Communicating effectively with the public, co-workers, field personnel, and supervisors
   1. Professional
   2. Respectful
   3. Consider the views of others
   4. Following agency guidelines

H. Roles and responsibilities in the communication center
   1. Roles (e.g., call taker, radio dispatcher [law/fire], Emergency Medical Dispatch [EMD], jail duties, records/evidence)
   2. Responsibilities (e.g., documentation, evaluation, routing, and referral of calls)

I. Organizational structures
   1. Chain of command (typically paramilitary)
   2. Types of agencies (e.g., federal, tribal, state, county, and city)
   3. Joint Powers of Authority (JPA)
   4. Contract agencies (e.g., tribal communities, colleges, transit, port authorities)

J. Policies and procedures impacting communications center operations, training, and personnel
   1. Agency specific policies and procedures
   2. Agency specific training requirements
   3. Agency specific performance appraisals
   4. POST training requirements

K. Career development and opportunities, including:
   1. Tactical Dispatcher/Incident Dispatcher/Special Events Dispatcher
   2. Emergency Operations Center (EOC) assignments
   3. Crisis Negotiator
   4. Communications Training Officer (CTO)
   5. Recruitment/interview panel member
   6. Peer support
   7. Instructional opportunities
   8. 9-1-1 public education
   9. Alternative assignments (e.g., Discovery Clerk, Public Records Requests [CPRA], quality assurance)
   10. Leadership development and enrichment
   11. Agency specific promotional opportunities

III. REQUIRED TESTS

None

IV. REQUIRED LEARNING ACTIVITIES

The students will participate in a learning activity that will reinforce their understanding of the importance of professional demeanor in their role as public safety dispatchers. The activity shall provide the students with an

opportunity to examine their personal values and ethics, and demonstrate a knowledge of:

1. Title VII of the Civil Rights Act of 1964
2. Community Service Mindset
3. How personal and professional values impact the workplace
4. Ethical difference through decision-making scenarios

V. HOURLY REQUIREMENTS

Students shall be provided with a minimum of **8 hours** of instruction on professional orientation.

VI. ORIGINATION DATE

November 1. 1994

VII. REVISION DATES

January 1, 1999; July 1, 2002; July 1, 2010; October 1, 2024

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TRAINING SPECIFICATIONS FOR LEARNING DOMAIN #101
CRIMINAL JUSTICE SYSTEM

October 1, 2024

I. LEARNING NEED

To effectively carry out their duties and responsibilities, public safety dispatchers need to understand the criminal justice system and their role within that system.

II. LEARNING OBJECTIVES

A. Court System
   1. Local
   2. State
   3. Federal

B. Duties and responsibilities of law enforcement in the criminal justice system
   1. Local
   2. State
   3. Federal

C. Corrections
   1. City/county jail
   2. State/federal prison
   3. Parole
   4. Probation

D. Role of the public safety dispatcher
   1. First point of contact
   2. Information gathering and documentation
   3. Dispatch appropriate public safety resources
   4. Courtroom preparation and testimony

E. Impact of the public safety dispatcher's actions on the outcome of a case
   1. Impact call processing and proper documentation
   2. Impact investigation and resolution of a criminal case
   3. Impact of errors, omissions, and negligence
   4. Consequences of incomplete information gathering
   5. Importance of thorough documentation techniques

III. REQUIRED TEST

None

IV. REQUIRED LEARNING ACTIVITIES

The students will participate in a learning activity that will reinforce the impact of

the public safety dispatcher's actions in the outcome of a case.

V. HOURLY REQUIREMENTS

Students shall be provided with a minimum of **4 hours** of instruction on the criminal justice system.

VI. ORIGINATION

November 1, 1994

VII. REVISION DATES

January 1, 1999; July 1, 2002; July 1, 2010; October 1, 2024

TRAINING SPECIFICATIONS FOR LEARNING DOMAIN #102
INTRODUCTION TO LAW

October 1, 2024

I. LEARNING NEED

To effectively carry out their duties and responsibilities, public safety dispatchers need a basic knowledge and understanding of the law.

II. LEARNING OBJECTIVES

A. Origins of Law
   1. Federal Constitution
   2. State Constitution
   3. Statutory Law
   4. Case Law
   5. Civil Law

B. Criminal Law
   1. Definition of a crime (Penal Code (PC) Section 15)
   2. Classifications of crimes
      a. Infraction
      b. Misdemeanor
      c. Felony
      d. Elective Felony ("Wobbler")
      e. Wobblette
   3. Corpus delicti
      a. The term "corpus delicti" is Latin and literally means "body of crime"
      b. The corpus delicti of every crime consists of all the elements of that crime, as they are specified in the statute defining the crime
   4. Elements of a crime (PC § 20)
      a. Criminal intent
      b. Mental state or mental capacity
      c. Union of act and intent
   5. Probable cause
      a. Probable cause is true sufficient facts that would cause a person of ordinary care and prudence to honestly believe and strongly suspect the person being arrested may have committed a crime
      b. Lines of questioning that generate probable cause
   6. Reasonable suspicion
   7. Parties to a crime
      a. Reporting party
      b. Victim(s)

c. Principles
d. Accessory(ies)
e. Accomplice(s)
f. Witness(es)

8. Evidence
   a. All recorded calls, radio transmissions, computer terminal communications, and CAD event entries are evidence and subject to subpoena
   b. Evidence preservation
   c. Dispatcher testimony and deposition
9. Spirit of the Law v. Letter of the Law (PC § 4)
10. Civil liability and criminal negligence
11. Confidentiality of communications information/privileged information
   a. "Need to know" v. "Right to know"
   b. Non-work-related unauthorized disclosure of information
12. Release of "public information"
   a. Freedom of Information Act (FOIA) Title 5, Section 522 (Federal)
   b. The Public Records Act (PRA), Government Code (GC) Sections 7920.000 – 7931.000 (California)
   c. Peace Officers and Custodial Officers: Release of Records (PC § 832.7)
   d. Consequences of unauthorized release of information (PC § 502)
13. Public safety dispatcher misconduct
   a. Criminal intent – must exist to distinguish the crime from an accident or mistake of fact
   b. Criminal negligence – negligence is failure to exercise that degree of care, which a person of ordinary prudence (reasonable person) would exercise under the same circumstances

C. Juvenile Law
1. Purpose of Juvenile Law
   a. Accountability
   b. Safety of the minor/safety of the public
   c. Rehabilitative efforts
2. Line of Questioning
3. Rights of Juveniles

III. REQUIRED TESTS

None

IV. REQUIRED LEARNING ACTIVITIES

A. The students will participate in a learning activity that will reinforce the student's understanding of various court orders to include:
   1. Emergency Protective Orders (EPO)
   2. Gun Violence Restraining Orders (GVRO)
   3. Child Custody/Child Visitation Orders
   4. Juvenile Restraining Orders
   5. Juvenile Removal Orders
   6. Eviction Notifications
   7. Keepers Levy Court Orders
   8. Additional Restraining Orders

B. The students will participate in a learning activity which enables the student to identify and explain the elements of various crimes, including:
   1. Murder (PC § 187)
   2. Robbery (PC § 211)
   3. Sexual Assaults (PC §§ 220, 261, 288, and 289)
   4. Assault and Battery (PC §§ 240, 241, 242)
   5. Assault with a Deadly Weapon (PC § 245)
   6. Domestic Violence (PC § 273.5)
   7. Disturbing the Peace (PC § 415)
   8. Displaying a Weapon in a Rude or Threatening Manner (Brandishing) (PC § 417)
   9. Criminal Threats (PC § 422)
   10. Burglary (PC § 459)
   11. Petty Theft (PC § 488
   12. Grand Theft (PC § 487)
   13. Public Intoxication (PC § 647(f))
   14. Violation of Domestic Violence Restraining Order(s) (PC § 273.6)
   15. Violation of Court Order(s) (PC § 166.4)
   16. Wobblers v. Wobblettes
   17. Possession with intent to sell narcotic(s) (Health and Safety Code Section 11351)

C. The students will participate in a learning activity which demonstrates the students' understanding of the intricacies of the court process.

V. HOURLY REQUIREMENTS

Students shall be provided with a minimum of **12 hours** of instruction on introduction to law.

VI. ORIGINATION DATE

November 1, 1994

VII. REVISION DATES

January 1, 1999; July 1, 2002; July 1, 2010; October 1, 2024

TRAINING SPECIFICATIONS FOR LEARNING DOMAIN #103
INTERPERSONAL COMMUNICATION

October 1, 2024

I. LEARNING NEED

To carry out their duties and responsibilities, public safety dispatchers need to know how to effectively communicate with a wide variety of stakeholders including co-workers, field units, allied agencies, and members of the public.

II. LEARNING OBJECTIVES

A. Reasons for developing positive communication skills
   1. Career satisfaction and success
   2. Improved personal and professional relationships
   3. Improved personal health (e.g., reduced stress levels)
   4. Professional and personal liability
   5. Set a positive tone for interactions

B. Elements of the communication process
   1. Sender and receiver of messages *(who)*
   2. Verbal and nonverbal sources of communication *(how; through what means)*
   3. Message *(what)*
   4. Noise *(distractions on sender's or receiver's end)*
      a. External
      b. Physiological
      c. Psychological
      d. Semantic
   5. Filters messages travel through *(sender and receiver)*
   6. Feedback *(what did receiver convey back)*
   7. Context of the communication *(anger, frustration, fear, etc.)*

C. Elements of communication
   1. Verbal
   2. Nonverbal
      a. Paralinguistics (tone)
      b. Body language
   3. Active Listening
   4. Emotional
      a. Responding v. Reacting
      b. Empathy v. Sympathy
   5. Written (e.g., electronic communications, emails, CAD messages)

D. Professional conduct
   1. Civil behavior
   2. Social media
   3. Courtesy

4. Word and conversation selection
5. Awareness of self and others

E. Promoting a positive workplace environment
1. Absent of discrimination and harassment
2. Addressing emotional/psychological issues
3. Tolerance
4. Valuing diversity and promoting inclusion
5. Perceptions (e.g., personal v. group think)
6. Treating others how you want to be treated

F. Unacceptable behavior
1. Failure to listen/ignoring others
2. Rude behavior (e.g., shouting, threatening, arguing, mocking, dismissing)
3. Inappropriate verbal behavior (e.g., profanity, slurs, derogatory, gossip)

G. Effects of nonverbal signals during communications
1. In person
2. Over the phone
3. Over the radio
4. In writing (e.g., tone of written correspondence)

H. Communication behaviors and styles
1. Behaviors
   a. Condescending
   b. Argumentative
   c. Abusive
   d. Uncooperative
   e. Abrasive
   f. Attentive
   g. Friendly
   h. Flexible
   i. Approachable
   j. Respectful
   k. Erratic
2. Styles
   a. Passive
   b. Assertive
   c. Manipulative
   d. Aggressive
   e. Dominant
   f. Direct
   g. Relaxed
   h. Avoidant
   i. Pleasant

I. Strategies for deflecting verbal abuse
1. Acknowledge the stakeholder's position
2. Refocus/redirection (e.g., depersonalize verbal attacks)

3. De-escalation
4. Recognize triggers
5. Maintain customer service mindset (allow them to be heard/focus on goal, offer solution/resources)
6. Apply active listening concepts

J. Active listening
1. Concepts
   a. Minimal encouragements
   b. Paraphrasing
   c. Emotional Labeling
   d. Mirroring
   e. Open-ended questions
   f. "I" Messages
   g. Effective pauses
2. Definition and purpose
3. Techniques of active listening
4. Keys to promote active listening

K. Listening obstacles
1. One-upmanship
2. Preemptive responses
3. Interrupting
4. Jumping to conclusions
5. Making judgements
6. Attitude/tone (e.g., sarcasm, heavy sighs)

L. Disclosure
1. Definition of disclosure
2. Considerations regarding disclosures
   a. Self-awareness
   b. Interpersonal Sensitivity
   c. Situational Awareness
   d. Conflict Resolution
3. Reporting requirements

M. Dedication to Duty
1. See something, say something
2. Duty to intercede
3. Active Bystander (e.g., "if you don't prevent it, you promote it")

III. REQUIRED TESTS

None

IV. REQUIRED LEARNING ACTIVITIES

A. The student will participate in a learning activity that will reinforce the student's understanding of active listening concepts using the elements of the communication process.

B. The students will participate in a learning activity that will identify their role in different scenarios that require various types of reportable action(s) (e.g., on and off-duty conduct).
   1. Traumatic incident
   2. Policy violations
   3. Unacceptable behavior
   4. Criminal activity

V. HOURLY REQUIREMENTS

Students shall be provided with a minimum of **6 hours** of instruction on interpersonal communication.

VI. ORIGINATION

July 1, 2002

VII. REVISION DATES

July 1, 2010; October 1, 2024

TRAINING SPECIFICATIONS FOR LEARNING DOMAIN #104
TELEPHONE TECHNOLOGY AND PROCEDURES

October 1, 2024

I. LEARNING NEED

To effectively carry out their duties and responsibilities, public safety dispatchers need to understand how to appropriately process, prioritize, and collect the necessary information from calls for service utilizing current technologies.

II. LEARNING OBJECTIVES

A. Obtain information from victims, witnesses, or personnel from other agencies
   1. Primary questions
      a. Where
      b. What
      c. When
      d. Who
      e. Weapons
   2. Descriptions
      a. Vehicle (CYMBALS: color, year, make, body, anything else, license plate, and state)
      b. Persons (head to toe, outside to inside)
   3. Secondary questions
      a. Why
      b. How
      c. Supplemental information
   4. Effectively manage a call
      a. Build rapport
      b. Control the flow of information
   5. Implicit and explicit bias consideration
      a. Bias by proxy
      b. Addressing the caller by name
      c. Use of preferred pronouns
      d. Protected classes

B. Techniques for calming a difficult caller
   1. Calm direct instruction
   2. Diffusion
   3. Silence
   4. Reassurance
   5. Active listening

C. Receiving and handling callers, including:
   1. Communication impaired
      a. TDD/TTY systems
      b. Video Relay Service
      c. California Relay Service
   2. Communicating with callers of various languages
   3. Witnesses
   4. Victims
   5. Suspects
   6. Anonymous/informant
   7. Other types (e.g., crank, nuisance, swatting, harassing)

D. Techniques to effectively communicate with a person who is:
   1. Aggressive
      a. Abrasive
      b. Frustrated
      c. Demanding (e.g., general or politically demanding)
      d. Hostile or inappropriate (e.g., dominant, abusive, argumentative)
   2. Potentially difficult callers:
      a. Frightened
      b. Hysterical
      c. Rambling
      d. Evasive
      e. Juvenile, elderly, or dependent adult
   3. Difficult to understand (e.g., impairments, accents)
   4. Under the influence of drugs or alcohol
   5. Mentally incapacitated
   6. Suicidal
   7. Homicidal/suicide by cop

E. Process duplicate phone calls for assistance
   1. Determine if the call is related to an incident that is already in progress or a separate incident
   2. If the call is a duplicate, question the caller for additional, updated information for the units

F. Obtaining pertinent information using primary and secondary questions for the following incidents:
   1. Crime incidents
   2. Traffic incidents
   3. Medical incidents
   4. Fire incidents
   5. Hazardous material (HazMat) incidents

G. Routing calls for service and information to allied agencies
   1. Determine location of response, direct to the department that serves the area
   2. Determine type of first responder needed in order to send appropriate agency

3. Announce the transfer on business and emergency lines (be prepared to provide or receive the primary information)

H. Update CAD; relay incident information to radio dispatcher in a timely manner
   1. Importance of logical order of information in CAD
   2. Prioritize information
   3. Initial dispatch information
   4. Update information (e.g., officer safety information, location changes, involved party status changes)

I. Initiating telephone number traces
   1. Manual Automatic Location Identification (ALI)
   2. Wireless pings
   3. Phone (landline) company traces
   4. Educate the public on the legalities of performing a telephone number trace/ping

J. Monitor and respond to alarm, alerting, and surveillance systems
   1. Residential/commercial security systems
   2. Medical alarms
   3. Fire alarms
   4. Panic alarms
   5. Personal alerting systems (e.g., Apple watch, Life Alert)
   6. Internet of Things (IoT)
   7. Systems monitored by communications personnel
      a. Electronic Tracking System (ETS) devices
      b. Stolen vehicle/property alarms with a hidden transmitter (i.e., bait car)
      c. Camera systems (e.g., closed-circuit television systems, traffic cameras, building monitors)

K. Criteria to classify and prioritize multiple calls and requests for service
   1. Classification of calls
      a. Emergency
      b. Non-emergency
      c. Referrals
      d. Agency specific policy (e.g., calls that do not require a law enforcement response)
   2. Techniques to prioritize
      a. In progress/just occurred
      b. Cold calls
      c. Agency specific policy

L. Procedures, guidelines, and liability considerations for emergency and non-emergency circumstances:
   1. Liability
      a. Department issued cell phones
      b. State mandates (e.g., 9-1-1 answer times)
   2. Related case law
      a. Kari's Law

b. AB911/Warren Act

M. Detecting and interpreting background voices and noises heard over the telephone
1. Verbal arguments
2. Screaming/crying
3. Gunshots
4. Loud crashing/banging/glass breaking
5. Environmental sounds

N. Effective communication skills
1. Clear voice projection
2. Good diction
3. Proper modulation
4. Active listening
5. Purpose and appropriate use of the phonetic alphabet

O. Convey clear and accurate directions and instructions on the telephone (e.g., building exit instructions)
1. Use clear, concise directions
2. Use of technology (e.g., Rapid SOS, What3Words, phone pings)

P. Audio recorders
1. Digital audio recorders
2. Instant playback recorder on dispatch console
3. Recorded versus non-recorded lines

Q. The 9-1-1 system
1. Calls received from Centrex and PBX systems
2. Automatic Number Identification (ANI)
3. Automatic Location Identification (ALI)
4. Emergency Call Tracking System (ECaTS)
5. Public Safety Answering Point (PSAP)
   a. Primary answering point
   b. Secondary answering point
   c. Alternate answering points
6. Completing ALI routing sheet (9-1-1 distribution correction form)
   a. Master Street Address Guide (MSAG)
   b. Emergency Service Number (ESN)
   c. Pseudo-ANI (P-ANI) (a telephone number used to support routing of wireless 9-1-1 calls or nomadic VoIP 9-1-1 calls. It may identify a wireless cell, cell sector, or PSAP to which the call should be routed. Pseudo-ANI is also known as routing number.)
7. Legal requirements for answering and transferring 9-1-1 calls
   a. Incomplete 9-1-1 calls (agency specific)
   b. Answering 9-1-1 calls (see CalOES CA 9-1-1 Operations Manual)
   c. Transferring 9-1-1 calls (see CalOES CA 9-1-1 Operations Manual)
8. Reporting 9-1-1 equipment problems (e.g., ANI/ALI failures, ALI

repeats, multiple misroutes)
a. Agency policy (e.g., circuit number may be required when marking notifications)
b. Reporting

9. Wireless 9-1-1 calls
   a. Phase II Wireless
   b. Phase I Wireless
   c. Uninitialized 9-1-1
   d. ANI/ALI rebid
10. Voice over Internet Protocol (VoIP)
11. Text to 9-1-1 (call if you can, text if you can't)
12. Telematics (e.g., in car alerting systems)
13. Secondary ten-digit number
14. Other telephone technology utilized in a public safety dispatch center
15. Automated mapping systems
16. Manual ANI/ALI query
17. Mass notification systems (ex. Reverse 9-1-1, Emergency Alert System, Integrated Public Alert, and Warning System)

R. NexGen Technology
1. Current
2. Future

III. REQUIRED TESTS

None

IV. REQUIRED LEARNING ACTIVITIES

A. The student will participate in a learning activity that will reinforce the student's understanding of the components of effective interviews, including:
1. Active listening techniques
2. Gathering information to determine the nature of the caller's problem
3. Methods and techniques of interviewing that maintain control, elicit cooperation, and reflect confidence, empathy, and concern

B. Given a work simulation activity, the student will receive a telephone complaint regarding at least **four** of the following:
1. Crime in-progress
2. Alarm call
3. Domestic violence/family disturbance
4. Traffic incident
5. Missing persons
6. Referral or no response call types

The student will gather and document relevant information, maintain

control of the conversation, communicate clearly with the caller, verify details with the caller, and relay the information to the radio dispatcher in a timely and logical manner.

C. Given a work simulation activity, the student will be required to receive a telephone call requiring effective communication with diverse types of people to include at least **four** of the following special problems:
   1. Hysterical
   2. Intoxicated (drunk)
   3. Abusive
   4. Irate
   5. Suicidal
   6. Elderly
   7. Child

V. HOURLY REQUIREMENTS

Students shall be provided with a minimum of **12 hours** of instruction on telephone technology and procedures.

VI. ORIGINATION DATE

November 1, 1994

VII. REVISION DATES

January 1, 1999; July 1, 2002; July 1, 2010; October 1, 2024

TRAINING SPECIFICATIONS FOR LEARNING DOMAIN #105
MISSING PERSONS

October 1, 2024

I. LEARNING NEED

To effectively carry out their duties and responsibilities, public safety dispatchers need a basic understanding of the laws governing the handling of missing persons incidents.

II. LEARNING OBJECTIVES

A. Overview of missing persons
   1. Definition of missing persons
   2. Background and legislative intent
   3. Related Penal Codes (PC §§ 14205, 14207, 14213)
   4. Influential cases
      a. Adam Walsh (1981)
      b. Michaela Garecht (1988)
      c. Jaycee Dugard (1991)
      d. Polly Klaas (1993)
      e. Amber Hagermann (1996)
      f. Samantha Runnion (2002)
      g. Denise Amber Lee (2008)
   5. California statutes
   6. Federal statutes

B. Types of missing persons, including:
   1. At-risk categories
      a. Underage as defined by law
      b. Victim of foul play
      c. Victim of abduction
      d. In need of medical attention
      e. Mental or physical disabilities
      f. Never been missing before, or missing under unexplained circumstances
   2. Involuntary missing
      a. Elder/dependent adult
      b. Catastrophic missing
      c. Lost
      d. Stranger abduction
   3. Parental/family abduction
   4. Runaway
   5. Voluntary missing adult (e.g., an adult that left of their own free will)

C. Statutory requirements associated with law enforcement's response
   1. Accept the report regardless of jurisdiction
   2. Prioritize the response
   3. Initiate an investigation
   4. Agency compliance with Department of Justice (DOJ) requirements for obtaining dental/medical records and photographs
   5. Coordinate with jurisdictional agencies (e.g., BOLOs, allied agencies, alert activations)
   6. Enter and update required databases (e.g., MUPS, local records management systems)
   7. Timelines for entries/required notifications (e.g., agency-specific, DOJ guidelines, and statutory requirements)

D. Role of the public safety dispatcher
   1. Initial call processing
   2. Thorough documentation
      a. Name (to include AKAs and monikers), age/DOB, and description
      b. Caller's relationship to the missing person and the caller's location at the time of the report
      c. Time element (e.g., date/time last seen, delay in reporting)
      d. Prior missing
      e. Mental, emotional, medical, or physical condition
      f. Suspicious circumstances (e.g., confirmed abduction v. missing person)
      g. Property and resources available/unavailable to missing person (e.g., cell phone, method of transportation, cash/credit cards)
      h. Family, custodial, and social environment
      i. Recent internet activity, social media accounts, email accounts to include usernames/passwords/URLs
      j. Missing person's knowledge of the area, to include possible destination(s)
      k. Areas searched
      l. Weather/time of day
   3. Classifying missing persons types and categories
   4. Accurate and timely "Be on the Lookout" (BOLO) information
   5. Actions required when a missing person is located

E. Statutory Alerts
   1. AMBER Alert
      a. Historical background
      b. Criteria
      c. Agency policy
   2. Ashanti Alert (referred to the Endangered Missing Advisory in California)
      a. Historical background

b. Criteria
c. Agency policy

3. Blue Alert
   a. Historical background
   b. Criteria
   c. Agency policy
4. Feather Alert
   a. Historical background
   b. Criteria
   c. Agency policy
5. Silver Alert
   a. Historical background
   b. Criteria
   c. Agency policy
6. Yellow Alert
   a. Historical background
   b. Criteria
   c. Agency policy

F. Resources and investigative tools
1. CHP/Emergency Notification and Tactical Alert Center (ETAC)
2. A Child is Missing (ACIM)
3. National Center for Missing and Exploited Children (NCMEC)
4. Technology to Recover Abducted Kids (TRAK) alerts or Critical Missing
5. Adult/child tracking systems (e.g., Project Lifesaver, Wanderers Program)
6. Mass notification systems
7. Crime Stoppers
8. Media/press releases/social media
9. Geo location/cell phone pings (in accordance with agency policy)
10. Search and rescue teams
11. Volunteer groups
12. Marine and air support, other specialized resources
13. Additional training available for dispatchers (e.g., Denise Amber Lee Foundation)

III. REQUIRED TESTS

None

IV. REQUIRED LEARNING ACTIVITIES

The student will participate in a scenario-based exercise in which the student must demonstrate their ability to accurately process missing persons' incidents.

V. HOURLY REQUIREMENTS

Students shall be provided with a minimum of **6 hours** of instruction on missing persons.

VI. ORIGINATION DATE

November 1, 1994

VII. REVISION DATES

January 1, 1999; July 1, 2002; July 1, 2010; October 1, 2024

TRAINING SPECIFICATIONS FOR LEARNING DOMAIN #106
DOMESTIC VIOLENCE

October 1, 2024

I. LEARNING NEED

To effectively carry out their duties and responsibilities, public safety dispatchers need a basic knowledge of domestic violence laws and law enforcement response.

II. LEARNING OBJECTIVES

A. Laws related to domestic violence
   1. Domestic Violence defined (PC § 13700)
   2. Corporal Injury to Spouse/Cohabitant (PC § 273.5)
   3. Domestic Battery (PC § 243(e)(1))
   4. Mandatory law enforcement response regardless of victim reluctance (PC § 13710(b))
   5. Other related laws

B. Domestic violence terminology
   1. Abuse
   2. Cohabitant
   3. Family violence
   4. Dominant aggressor
   5. Relationships
   6. Witnesses (e.g., reporting party, children, heard v. seen)

C. Overview of domestic violence
   1. Statistics
      a. State
      b. Federal
   2. Victimology
      a. Escalation of violence
      b. Cultural considerations
      c. Impact on families (i.e., learned behavior)
      d. Substance abuse
      e. Power and control
      f. Emotional and financial dependency
      g. Obstacles to leaving
      h. History of not reporting
   3. Impact on children
      a. Implications to children (present or not)
      b. Perception of law enforcement (positive or negative)
      c. Disruption of housing/routine
      d. Long-term consequences

D. Role of the public safety dispatcher
   1. Call processing
      a. Primary information
      b. Investigative follow-up questions (Miranda does not apply)
   2. Assessing emergency medical needs and staging appropriate resources (in accordance with agency policy)
   3. Thorough documentation
      a. Capture and relay spontaneous statements
      b. Professional language, absent of bias
      c. Requests/inquiries from field personnel
   4. Officer safety
      a. Relaying premises history (in accordance with agency policy)
      b. Weapon information
      c. Detailed description and location of involved parties
      d. Potential hazards (e.g., drugs, alcohol, other intoxicants, mental state of involved parties, number of persons present, environmental obstacles)

E. Resources and referrals
   1. Legal aid
   2. Family law
   3. Custody
   4. Request for civil standby (in accordance with agency policy)
   5. Counseling services
   6. Non-governmental organizations

F. Victims' Rights
   1. Court orders
   2. Victims' Bill of Rights (PC § 13701(c))
   3. Victim Advocate (PC § 679.05)
   ~~4. Right to Confidentiality (Government Code 6204(f))~~
   ~~5.~~4. Marsy's Law

G. Unique situations
   1. Incidents involving public safety personnel
   2. Incidents involving military personnel
   3. High-profile persons (e.g., elected officials, celebrities, athletes)

III. REQUIRED TESTS

None

IV. REQUIRED LEARNING ACTIVITIES

A. Students will participate in a learning activity that reinforces the student's ability to accurately handle reports of domestic violence.
B. Students will demonstrate the ability to research and explain the resources available in their jurisdiction.

V. HOURLY REQUIREMENTS

Students shall be provided with a minimum of **6 hours** of instruction on domestic violence.

VI. ORIGINATION DATE

November 1, 1994

VII. REVISION DATES

January 1, 1999; July 1, 2002; July 1, 2010; October 1, 2024

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TRAINING SPECIFICATIONS FOR LEARNING DOMAIN #107
COMMUNITY POLICING

October 1, 2024

I. LEARNING NEED

To effectively carry out their duties and responsibilities, public safety dispatchers need to work in partnership with community members to resolve or reduce problems for the benefit of those who live and work there.

II. LEARNING OBJECTIVES

A. Define
   1. Community
   2. Policing
   3. Community policing
   4. Problem Orientated Policing (POP)
   5. Procedural justice
      a. Trustworthiness
      b. Neutrality
      c. Voice
      d. Respect

B. History
   1. Sir Robert Peel
   2. Role in the United States
   3. Proactive policing
   4. Landmark events
      a. Past
      b. Present
   5. Policing models
   6. Evolution of community policing terminology

C. Benefits of community policing
   1. Reducing/preventing crime
   2. Reducing the fear of crime
   3. Improving quality of life
   4. Build trust
   5. Increasing awareness
   6. Involvement and ownership
   7. Education and engagement

D. Influences on community policing
   1. Economical
   2. Political
   3. Technology
      a. Field equipment
      b. Communication equipment

c. Social media
d. Online reporting
e. Text to 9-1-1

E. Problem-solving models
1. Scanning, Analysis, Response, Assessment (SARA)
2. The Crime Triangle
3. Crime prevention through environmental design
4. The Broken Window Theory

F. Role of the public safety dispatcher
1. Initial point of contact
2. Provide customer service
3. Awareness of community needs
4. Build rapport
5. Leadership mentality
6. Problem solve
7. Provide potential solutions and resources
8. Set realistic expectations in accordance with agency policy
9. Awareness and/or identification of trends for crime deterrence
10. Communicating potential problem areas internally
11. Community engagement

G. Resources
1. Internal
2. City/county/state level
3. Non-governmental/non-profit

III. REQUIRED TESTS

None

IV. REQUIRED LEARNING ACTIVITIES

Given a scenario-based learning activity, students will utilize a problem-solving model to:
1. Identify the problem within the scenario
2. Develop a possible resolution and implementation plan
3. Provide a presentation of their findings to the class

V. HOURLY REQUIREMENTS

Students shall be provided with a minimum of **8 hours** of instruction on community policing.

VI. ORIGINATION DATE

November 1, 1994

VII. REVISION DATES

January 1, 1994; July 1, 2002; July 1, 2010; July 1, 2011; October 1, 2024

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TRAINING SPECIFICATIONS FOR LEARNING DOMAIN #108
CHILD, ELDER, AND DEPENDENT ADULT ABUSE

October 1, 2024

I. LEARNING NEED

To effectively carry out their duties and responsibilities, public safety dispatchers need a basic understanding of the types of child, elder, and dependent adult abuse, related laws, and available resources.

II. LEARNING OBJECTIVES

A. An overview of child abuse
   1. Child abuse defined (PC § 273)
   2. Statistics
      a. State
      b. Federal
   3. The effects of child abuse
   4. Patterns, behaviors, and victimology

B. Types of child abuse, including:
   1. Neglect/abandonment
   2. Sexual abuse
   3. Physical abuse
   4. Emotional abuse

C. Laws related to child abuse
   1. PC § 288(a), Lewd act with a child under 14 years of age
   2. PC § 288(b), Lewd act with a child under 14 years of age, force involved
   3. PC § 273
   4. Welfare and Institutions Codes (WIC) (e.g., 300, 601)
   5. Other related laws

D. Crimes associated with the abuse of children
   1. Domestic violence
   2. Sexual misconduct between children
   3. Human trafficking
   4. Child abduction (parental and non-parental)
   5. Internet crimes against children
      a. Cyberbullying
      b. Child sexual abuse material (CSAM)

E. Resources/referrals
   1. Local sheriff or police department
   2. Child abuse and neglect hotlines, council, or center
   3. Local Welfare or Social Services Departments
   4. Department of Public Social Services
   5. Department of Health and Human Services

6. Department of Public Assistance
7. Mental Health Services (e.g., private, county, state)
8. Local/county juvenile probation department
9. Non-governmental organizations (e.g., schools, churches, non-profit)

F. Overview of elder/dependent adult abuse
1. Definition of elder/dependent adult
2. Elder Abuse defined (PC § 368)
3. Statistics
   a. State
   b. Federal
4. The effects of elder/dependent adult abuse
5. Patterns, behaviors, and victimology

G. Crimes against elder/dependent adults
1. Neglect/abandonment
2. Physical abuse
3. Emotional/psychological abuse
4. Sexual abuse
5. Fiduciary abuse (e.g., scams, familial)
6. Victims may live in a residence where other illegal activity is occurring

H. Laws related to elder/dependent adult abuse
1. WIC § 15656 - Elder/dependent abuse defined
2. Legislative recognition that elders/dependent adults may be abused, neglected, or abandoned, and the state is responsible to protect these persons(WIC § 15600 et seq)
3. Victim may refuse or withdraw consent for the investigation of the provision of protective services (WIC § 15363)
4. Power of attorney
5. Other related laws

I. Resources/referrals
1. Adult Protective Services agencies
2. National Center on Elder Abuse
3. Office of Veteran Affairs
4. Mental Health Services (e.g., private, county, state)
5. Non-governmental organizations (e.g., Meals on Wheels, churches)

J. Mandated reporting
1. Define mandated reporting
2. Examples of mandated reporters
3. Agency specific policy
4. Failure to report

K. Role of the public safety dispatcher
1. Initial call processing
2. Documentation
3. Premises history

4. Resource identification and referral
5. Notifications (e.g., child or adult protective service agencies)

III. REQUIRED TESTS

None

IV. REQUIRED LEARNING ACTIVITIES

A. Students shall demonstrate their understanding of child abuse, elder/dependent adult abuse, the crimes related, and available resources/referrals.
B. Students will participate in a scenario-based learning activity to demonstrate:
   1. Appropriate line of questioning
   2. Correctly classify call types

V. HOURLY REQUIREMENTS

Students will be provided with a minimum of **6 hours** of instruction on child, elder, and dependent adult abuse.

VI. ORIGINATION DATE

November 1, 1994

VII. REVISION DATES

January 1, 1999; July 1, 2002; July 1, 2010; October 1, 2024

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TRAINING SPECIFICATIONS FOR LEARNING DOMAIN #109
LAW ENFORCEMENT TELECOMMUNICATIONS

October 1, 2024

I. LEARNING NEED

To effectively carry out their duties and responsibilities, public safety dispatchers need a basic working knowledge of the various telecommunication systems and the requirements for making inquiries in each of the systems.

II. LEARNING OBJECTIVES

A. Information available and minimum requirements for making inquiries and transactions within the following systems
   1. California Law Enforcement Telecommunications System (CLETS)
   2. Criminal Justice Information System (CJIS)
   3. National Crime Information Center (NCIC)
   4. National Law Enforcement Telecommunications System (NLETS)
   5. Department of Motor Vehicles (DMV)

B. Information systems directly accessible to California law enforcement agencies
   1. Wanted Persons Systems (WPS)
      a. Inquiry requirements
         i. Name (Last, First)
         ii. Sex
      b. Types of records
         i. Temporary warrant
         ii. Permanent warrant (e.g., Ramey Warrant)
         iii. Protective custody warrant
      c. Types of transactions
         i. Entries
         ii. Locates
         iii. Modify
         iv. Cancel
   2. California Restraining and Protective Order System (CARPOS)
      a. Inquiry requirements
         i. Name (Last, First) of either the restrained or protected person
         ii. Sex
      b. Types of records
         i. Emergency Protective Orders (EPO)
         ii. Criminal Protective Order (CPO)
         iii. Temporary Restraining Order (TRO)

iv. Domestic Violence Restraining Order (DVRO)
v. Restraining Order After Hearing (e.g., permanent restraining order)
vi. Gun Violence Restraining Order (GVRO)
vii. Workplace Harassment Order
viii. Civil Harassment Order
ix. Elder/Dependent Adult Abuse Order

c. Types of transactions
i. Entries
ii. Proof of service
iii. Modify
iv. Violation message(s)
v. Cancel

3. Supervised Release File (SRF)
a. Inquiry requirements
i. Name (Last, First)
ii. Sex

b. Types of records
i. Parole
ii. Probation
iii. Post Release Community Supervision (PRCS)
iv. Career Criminal
v. Department of Mental Health

c. Types of transactions
i. Entry
ii. Modify
iii. Contact message(s)
iv. Cancel

4. Missing/Unidentified Persons System (MUPS)
a. Inquiry requirements
i. Name (Last, First)
ii. Sex

b. Types of records
i. Runaway
ii. Voluntary missing adult
iii. Abduction (parental/stranger)
iv. Dependent adult
v. Unidentified deceased person
vi. Unidentified living person
vii. Unidentified catastrophe victim

c. Types of transactions
i. Entry (e.g., EMID – Enter Missing Identifiers, EMS – Enter Missing Suspects, EMV – Enter Missing Vehicle, EUID – Enter Unidentified Identifiers)
ii. Locate
iii. Modify

iv. Cancel

5. Automated Criminal History System (ACHS)
   a. Inquiry requirements
      i. Name (Last, First), Sex
         OR
      ii. Criminal Index Identifications (CII) or FBI Number
         AND
      iii. Reason field (e.g., officer name, reference code, operator ID, agency specific number)
   b. Types of records
      i. Automated
      ii. Hybrid
      iii. Manual
6. California Sex and Arson Registrant (CSAR)
   a. Inquiry requirements
      i. Name (Last, First)
      ii. Date of birth
      iii. Sex
   b. Types of records
      i. Sex registrants
      ii. Arson registrants
   c. Types of transactions (i.e., contact messages)
7. Mental Health Firearms Prohibition System (MHFPS)
   a. Inquiry requirements
      i. Name (Last, First)
      ii. Date of birth
      iii. Sex
   b. Types of records
      i. Positive match
      ii. No record found
8. Department of Motor Vehicles (DMV)
   a. Inquiry requirements: Persons
      i. Name (Last, Exact spelling first) and date of birth
      ii. Driver's/operation license number
      iii. Identification card number
      iv. Index Number
   b. Inquiry requirements: Vehicles/Vessels
      i. License plate/California Floatation Number (CF)
      ii. Vehicle Identification Number (VIN)/Boat Hull Number (BHN)
      iii. Disabled persons parking placard
   c. Types of records: Persons
      i. Positive match
      ii. Near match(es)
      iii. Record unavailable
      iv. Record not found

d. Types of records: Vehicles/Vessels
   i. DOJ stop/DOJ referral/DOJ restraining/DOJ vehicle license type (VLT) stop
   ii. Positive match
   iii. Record not on file

9. Armed and Prohibited Persons System (APPS)
   a. Inquiry requirements
      i. Name (Last, First)
      ii. Date of birth
      iii. Sex
   b. Types of records
      i. Positive match
      ii. No record found

10. Stolen Vehicle Systems (SVS)
   a. Inquiry requirements
      i. License plate
      ii. Engine number
      iii. Vehicle Identification Number (VIN)
      iv. Owner applied number (OAN)
      v. Aircraft by tail number
      vi. Vehicle part(s) serial number(s) or OAN
      vii. Off-highway vehicles (OHV)
      viii. LoJack
   b. Types of records
      i. Stolen vehicle or part
      ii. Stolen or lost plates
      iii. Felony vehicle
      iv. Missing person's vehicle
      v. Found/evidence vehicle, part, or plate
      vi. Towed/stored/impounded vehicle
      vii. Repossessed vehicle
      viii. Pawned vehicle
      ix. Lost vehicle
      x. Located/cleared vehicle
   c. Types of transactions
      i. Entry
      ii. Modify
      iii. Locate
      iv. Cancel/clear

11. Automated Boat System (ABS)
   a. Inquiry requirements
      i. California Floatation Number (CF)
      ii. Boat Hull Number (BHN)
      iii. Owner applied number (OAN)
      iv. Serial number for parts

b. Types of records
   i. Stolen vessel or part
   ii. Found/evidence vessel or part
   iii. Towed/stored/impounded vessel
   iv. Repossessed vessel
   v. Pawned vessel
   vi. Lost vessel
   vii. Located/cleared vessel
c. Types of transactions
   i. Entry
   ii. Modify
   iii. Locate
   iv. Cancel/clear

12. Automated Firearms System (AFS)
   a. Inquiry requirements: Persons
      i. Name (Last, First)
         AND
      ii. Date of birth or age
         OR
      iii. Driver's license number or social security number
   b. Inquiry requirements: Firearms
      i. Serial number
      ii. File control number (FCN) or originating case agency (OCA) number or NCIC number
   c. Types of records: Law Enforcement
      i. Stolen
      ii. Lost
      iii. Found
      iv. Evidence
      v. Crime gun
      vi. Locate
      vii. Destroyed
      viii. Safekeeping
      ix. Law enforcement department transfer
   d. Types of records: Historical
      i. Dealer record of sale (DROS)
      ii. Concealed carry weapon (CCW)
      iii. Pawn/buy
      iv. Assault weapon registration
   e. Types of transactions
      i. Entry
      ii. Modify
      iii. Locate
      iv. Cancel/clear

13. Automated Property Systems (APS)
   a. Inquiry requirements

i. Serial number or OAN
ii. Type or brand

b. Types of records
i. Stolen
ii. Evidence
iii. Lost
iv. Under observation
v. Found

c. Types of transactions
i. Entry
ii. Modify
iii. Locate
iv. Cancel/clear

14. Other information/intelligence systems

a. Databases checked via NCIC query
i. Known or Appropriately Suspected Terrorist (KST)
ii. Securities
iii. Identity Theft
iv. Wanted/Missing Persons (out-of-state)
v. Vehicle File (out-of-state)

b. Databases checked via NLETS query
i. Administrative Messages
ii. INTERPOL
iii. FAA/TECS aircraft registration system

c. Oregon LEDS

C. State laws and policies for obtaining, verifying, and disseminating telecommunication information

1. Unauthorized access to computers, computer systems, and computer data (PC § 502)
2. Information related to arrests, pretrial proceedings, sentencing information, incarcerations, parole, and probation (PC § 11075)
3. State summary criminal history information and persons authorized to receive the information (PC § 11105)
4. Authorized person furnishing a record or information to an unauthorized person (PC § 11142)
5. Unauthorized persons receiving records or information (PC § 11143)
6. Employee of local agency furnishing information to an unauthorized person (PC § 13302)
7. Authorized persons furnishing of information to unauthorized persons (PC § 13303)
8. Receipt, purchase, or possession of information by an unauthorized person (PC § 13304)
9. Theft, destruction, falsification, or removal of information by a person other than the officer custodian (GC §§ 6200 and 6201)

D. Policy and privacy requirements
   1. Audits
   2. Personal and organizational liability

E. Accuracy requirements
   1. Second-party verification
   2. Confirmation
   3. Complete information (all fields)

III. REQUIRED TESTS

None

IV. REQUIRED LEARNING ACTIVITIES

Students will participate in a learning activity that will reinforce their understanding of CLETS and the laws/policies that pertain to obtaining, verifying, and disseminating telecommunication information.

V. HOURLY REQUIREMENTS

Students shall be provided with a minimum of **8 hours** of instruction on law enforcement telecommunications.

VI. ORIGINATION DATE

November 1, 1994

VII. REVISION DATES

January 1, 1999; July 1, 2002; July 1, 2010; October 1, 2024

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TRAINING SPECIFICATIONS FOR LEARNING DOMAIN #110
RADIO TECHNOLOGY AND PROCEDURES

October 1, 2024

I. LEARNING NEED

To effectively carry out their duties and responsibilities, public safety dispatchers need a basic understanding of radio technology and procedures utilizing technologies.

II. LEARNING OBJECTIVES

A. Monitoring, documenting, and responding to radio transmissions from field personnel and other public services.
   1. Public service organizations (e.g., allied agencies, public works, animal control)
   2. Field personnel
      a. Officer initiated
      b. Dispatch initiated

B. Monitoring and responding to messages from local, state, and federal agencies, to include:
   1. Computer-Aided Dispatch (CAD) messages (e.g., dispatch to dispatch, patrol to dispatch, and dispatch to patrol)
   2. CLETS messages (e.g., APB, priority hits, CLETS query responses generated from dispatch)
   3. Mobile data messages (e.g., ALPR, CLETS query responses generated from field units)
   4. Confidentiality and security
      a. Public Records Act
      b. Department audits

C. Monitor, document, coordinate, and update field units and incidents status
   1. Accuracy
   2. Timeliness
      a. Field unit location changes and updates
      b. Unit status updates (e.g., enroute, on scene)
      c. Unit safety checks
   3. Incident status

D. Providing requested information to law enforcement field units
   1. Confidential information
      a. DOJ – Personal Identifiable Information (PII)
      b. Encryption requirements
   2. Other requests

E. Importance of clear voice projection, good diction, and proper modulation in radio communications

1. It is critical for the public safety dispatcher to be understood by field units
2. Techniques to enhance communication
    a. Speak slowly/distinctly
    b. No telegraphic emotions (e.g., anger, frustration, sarcasm, humor)
    c. Speak with conviction and confidence
    d. Convey a positive attitude
    e. Avoid superfluous transmissions
    f. Include enough information in the first transmission to get the point across
    g. Anticipate questions
    h. Control multiple units transmitting
3. Refrain from bias implications based on tone, pitch, inflection, or word selection
    a. Repeat callers
    b. Repeat locations

F. Techniques to manage and prioritize radio traffic
1. Incoming radio traffic (field initiated)
2. Outgoing radio traffic (dispatch initiated)
3. Adjust priorities as situation changes

G. Give clear and accurate directions and instructions on the radio
1. Accuracy
2. Brevity
3. Clarity

H. Decision making strategies
1. Priority
    a. In progress v. just occurred v. cold report
    b. Life over property
2. Deployment
    a. Geographical considerations
    b. Response time
    c. Number of units responding based on type of call (agency specific)
    d. Number of units responding based on number of involved parties (agency specific)
    e. Location of nearest additional unit/available backup
    f. Specialized equipment
3. Radio coverage capabilities (e.g., dead zone, repeaters)
4. Agency policy
5. Specialized units (e.g., K-9, mounted, aviation (helicopter, fixed wing, unmanned), SWAT, community policing teams)
6. Social services (e.g., mental health crisis intervention teams, family crisis intervention, and chaplains)
7. Call outs (e.g., public works, CSI, on-call judge)

I. Effective dispatching techniques and professional radio demeanor
   1. Review text of call before beginning broadcast
   2. Organize the dispatch delivery
      a. Use phonetic alphabet to clarify streets, addresses, and names
      b. Summarize pertinent details
      c. Provide vehicle and person's descriptions in order per agency policy
      d. Use clear text or radio codes per agency policy
   3. Adhere to Federal Communication Commission (FCC) Regulations
      a. Operation of radio systems
      b. Station identification required (typically digitalized)
      c. Refrain from obscene, indecent, and profane broadcasts
   4. Appropriate transmissions for special circumstances (e.g., officer down)

J. Officer safety considerations
   1. Safety precautions
      a. Weapons
      b. Premise history
      c. Intoxicants
      d. Mental health
      e. Hazardous conditions (e.g., drug lab, power lines down, oil in the roadway, dogs)
      f. Health alerts
   2. Statistically higher risk situations
      a. Domestic violence
      b. Traffic stops
      c. Felony stops/warrants
      d. Stolen vehicles
      e. Foot and vehicle pursuits
      f. Clearing buildings
   3. Indicators of possible emergency situations
      a. Radio and Mobile Data Terminal (MDT) Alarms
      b. Background noises heard over the radio
      c. Voices
      d. Glass breaking
      e. Gunshots
      f. Screaming
      g. Silence
      h. Change in office demeanor
      i. Multiple mic clicks
      j. Sounds of a scuffle
   4. Dispatcher actions
      a. Agency policy
      b. Clearing the air and activating emergency tones

- c. Additional units (backup/cover)
- d. Notify allied agencies and coordinate mutual aid responses
- e. Roll call

K. Supervisor notifications (per agency policy)
1. Specialized unit callouts
2. Officer involved accidents and shootings
3. Hostage or barricaded subject(s)
4. At-risk missing persons
5. Hazardous material spill/incidents
6. Pursuits
7. High-risk vehicle stops/pullovers
8. Other

L. Transmitting radio broadcasts to allied agencies
1. Formatting
   - a. Elements of the broadcast
   - b. Broadcast rules (e.g., use of breaks, repeating pertinent information)
   - c. Use of alert tones
   - d. Agency policy
2. Types of channels
   - a. Hotline or multiagency channel
   - b. Mutual aid channel

M. Communication center radio equipment
1. Components and their function
   - a. Push to talk options
   - b. Headset (wired and wireless)
   - c. Handset
   - d. Radio identifiers
2. Radio systems
   - a. Types of systems (e.g., VHF, P25, 800 MHz, etc.)
   - b. Interoperability
   - c. Console v. portable v. mobile
   - d. Backup
   - e. Encrypted channels
3. Documenting equipment malfunctions
4. Emerging technologies

N. Audio recorders
1. Radio channel recorders
2. Console playback
3. Recorded channels v. non-recorded

O. Wireless technology
1. Automatic Vehicle Locator (AVL)
2. Global Positioning Systems (GPS)
3. Proprietary tracking systems (e.g., ETS, 3SI, bait tracking systems)

4. Robbery alarm tagging systems (e.g., Robbery Activated Monitoring, Voice Activated Radio Dispatch Alarm)

III. REQUIRED TESTS

None

IV. REQUIRED LEARNING ACTIVITIES

A. The student will participate in a learning activity that will reinforce the student's ability to effectively dispatch calls. The activity should provide the student with an opportunity to:
   1. Prioritize pending calls
   2. Dispatch calls based upon available units
   3. Develop a strategy to handle pending calls for service
   4. Deploy resources based on the plan

B. Given a work simulation activity, the student will dispatch a call for service regarding at least **four** of the following:
   1. Crime in-progress
   2. Alarm call
   3. Domestic violence/family disturbance
   4. Fire incident
   5. Medical incident
   6. Traffic incident
   7. Missing person
   8. Child, elder, or dependent adult abuse

   The student will dispatch the call(s) using proper radio procedure including radio broadcasting rules, regulations and policy, radio codes or clear text, prioritizing radio traffic, maintaining officer safety, range of available field resources, keeping track of field units, status updates to field units, dispatching cover units, and broadcasting any additional (officer safety related) information.

V. HOURLY REQUIREMENTS

Students shall be provided with a minimum of **12 hours** of instruction on radio technology and procedures.

VI. ORIGINATION DATE

November 1, 1994

VII. REVISION DATES

January 1, 1999; July 1, 2002; July 1, 2010; October 1, 2024

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TRAINING SPECIFICATIONS FOR LEARNING DOMAIN #111
RESOURCES/REFERRAL SERVICES

October 1, 2024

I. LEARNING NEED

To effectively carry out their duties and responsibilities, public safety dispatchers need a basic knowledge of the resources and services available to them.

II. LEARNING OBJECTIVES

A. Examples of resource materials and their use in performing public safety dispatcher job duties
   1. Departmental manuals (agency specific)
   2. Local directories
   3. Code books
   4. Maps/street guides
   5. Media outlets
   6. Internet resources
      a. Social media
      b. Rapid Deploy/Rapid SOS
      c. Open-source data searches
      d. Cal Photo
      e. CLETS/California Law Enforcement Web (CLEW)
      f. Automated License Plate Reader (ALPR)
      g. What3Words
      h. National Emergency Number Association (NENA) Enhanced PSAP Registry and Census (EPRC)
      i. COPLINK/Linx
      j. Online reporting (agency specific)
   7. Other communication assistance resources (e.g., Northern 9-1-1, Language Line)

B. Types of local, state, and federal referral and support agencies
   1. Local agencies (City/county)
      a. Fire
      b. EMS
      c. Public Works
      d. Allied law enforcement
      e. Transportation
      f. Child Protective Services (CPS)
      g. Adult Protective Services (APS)
      h. Animal Control
      i. Mass Notification Systems
      j. Code Enforcement

k. Health and Human Services
l. Probation

2. State agencies
   a. California Highway Patrol (CHP)
   b. CalTrans
   c. Fish & Wildlife
   d. State Parks
   e. Parole
   f. California Department of Corrections and Rehabilitation (CDCR)
   g. Peace Officer Standards and Training (POST)
   h. California Office of Emergency Services (CalOES)
   i. Department of Justice (DOJ)
   j. CalFire

3. Federal agencies
   a. Federal Bureau of Investigation (FBI)
   b. Federal Aviation Administration (FAA)
   c. Drug Enforcement Administration (DEA)
   d. National Transportation Safety Board (NTSB)
   e. Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF)
   f. Department of Homeland Security (DHS)
   g. Federal Emergency Management Agency (FEMA)
   h. Railroad Police
   i. Bureau of Land Management (BLM)
   j. Military
   k. Transportation Security Administration (TSA)
   l. Federal Communications Commission (FCC)

C. The importance of familiarization with jurisdictional geographic characteristics
   1. Map reading/geography
   2. Street layouts/address numbering range
   3. High-profile locations (e.g., government buildings, dams, waterways)
   4. Landmarks/commonplace names
   5. Jurisdictional boundaries

D. Alternate N-1-1 Number systems
   1. 2-1-1 or 3-1-1 (community resource information/non-emergency reporting) region/area specific
   2. 4-1-1 (directory information)
   3. 5-1-1 (traffic information)
   4. 6-1-1 (telephone repair)
   5. 7-1-1 (California Relay for hearing/speech impaired)
   6. 8-1-1 (Call Before You Dig)
   7. 9-8-8 (Suicide and Crisis Lifeline)

III. REQUIRED TESTS

None

IV. REQUIRED LEARNING ACTIVITIES

The students will participate in a learning activity that will reinforce their ability to read a map and provide directions.

V. HOURLY REQUIREMENTS

Students shall be provided with a minimum of **4 hours** of instruction on resources/referral services.

VI. ORIGINATION DATE

November 1, 1994

VII. REVISION DATES

January 1, 1999; July 1, 2002; July 1, 2010; October 1, 2024

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TRAINING SPECIFICATIONS FOR LEARNING DOMAIN #112
CRITICAL INCIDENTS

October 1, 2024

I. LEARNING NEED

To effectively carry out their responsibilities, public safety dispatchers need a working knowledge of the dispatch procedures, roles, and resources available for critical incidents.

II. LEARNING OBJECTIVES

A. Examples of critical incidents
   1. Natural disasters
      a. Earthquakes/tsunamis
      b. Severe weather (e.g., tornadoes, high winds, lightning, blizzards)
      c. Wildland fires
      d. Flooding
      e. Avalanche/landslides/debris flow
   2. Accidental incidents
      a. Hazardous materials (HazMat) incidents (CRBNE – chemical, biological, radiological, nuclear, explosive)
      b. Major transportation incidents (e.g., rail, road, aquatic)
      c. Mass casualty incidents (MCI)
      d. Major power outages (planned v. unplanned)
   3. Intentional acts
      a. Terrorism/weapons of mass destruction incidents
      b. Active shooters
      c. Hostage/barricaded suspects
      d. Suicides/suicidal persons (methodology and community impact)
      e. Bomb incidents and threats
      f. Civil unrest
      g. Cyber/electronic attack(s)
   4. Critical incidents involving public safety personnel
      a. Officer-involved shootings (OIS)
      b. Fatal/critical injuries to public safety personnel
      c. SWAT activations (planned v. unplanned)
   5. Large-scale events
      a. Concerts
      b. Sporting events
      c. Parades/celebrations
      d. Dignitaries
      e. Conferences/rallies

B. Role of the public safety dispatcher
   1. Obtain, disseminate, and review critical information
   2. Triage each new call and document information received
   3. Advise citizens of actions to take in critical incidents (e.g., chemical spills, severe weather, active shooter) in accordance with agency policy
   4. Dispatch, deploy, and track units/resources assigned
   5. Agency specific notifications
   6. Post incident review
C. Resource materials
   1. Call-out lists (agency specific)
   2. Disaster preparedness manuals
   3. Policy and/or procedure manuals
   4. *Emergency Response Guidebook* (Department of Transportation (DOT) Hazmat)
   5. Maps
   6. Use of the media/social media
   7. Mass notification systems (e.g., Reverse 9-1-1, Everbridge, Nixle, Changeable Message Signs (CMS), Wireless Emergency Alerts (WEA))
   8. Additional online training available (e.g., ICS/FEMA, National Wildfire Coordination Group (NWCG), and Firescope)
D. Emergency Operation Center (EOC)/Department Operation Center (DOC):
   1. Activation criteria
   2. Guidelines
E. Incident Command System (ICS)
   1. Origins
   2. Roles and responsibilities
      a. Command
      b. Planning
      c. Operations
      d. Logistics
      e. Finance
   3. California Standardized Emergency Management Systems (SEMS)
   4. National Incident Management System (NIMS)
F. Mutual aid
   1. Define mutual aid as the voluntary sharing of personnel and resources when an agency cannot sufficiently deploy its own resources to respond
   2. Purpose of mutual aid is to provide local government services, resources, and facilities when jurisdictional resources are exhausted or inadequate
   3. Mutual aid hierarchy
      a. City municipalities

b. County
c. Regional area (California Emergency Management Agency (CEMA) Regions)
d. State (California Emergency Management Agency (CEMA))
e. Federal (Federal Emergency Management Agency (FEMA))

4. Use of other public service departments or agencies as resources
5. Mutual aid communication and equipment considerations
   a. Commonality of language and codes (law enforcement codes v. fire plain text)
   b. Radio inter-operability issues
   c. Types of equipment (law enforcement v. fire v. EMS)

G. Other resources, including:
1. Volunteers
   a. Citizens Emergency Response Team (CERT)
   b. Ham radio operators
   c. Civil Air Patrol
   d. Chaplains
   e. Agency specific
2. Search and Rescue
3. American Red Cross
4. California Office of Emergency Services (CalOES)
5. Allied agencies (e.g., school police, CHP, State Parks, US Forest Service, FBI, ATF, National Guard)

III. REQUIRED TESTS

None

IV. REQUIRED LEARNING ACTIVITIES

A. The student will participate in a learning activity that will demonstrate the student's understanding of the dispatcher's role in critical incidents:
1. Natural disasters
2. Accidental incidents
3. Intentional acts
4. Critical incidents involving public safety personnel

B. Students will participate in a learning activity that will reinforce their understanding of the roles and responsibilities of the different sections within the Incident Command System (ICS).

C. Students will identify the mutual aid resources available to their agency.

V. HOURLY REQUIREMENTS

Students shall be provided with a minimum of **16 hours** of instruction on critical incidents.

VI. ORIGINATION DATE

November 1, 1994

VII. REVISION DATES

January 1, 1999; July 1, 2002; July 1, 2010; July 1, 2011; October 1, 2024

TRAINING SPECIFICATIONS FOR LEARNING DOMAIN #113
WELLNESS MANAGEMENT

October 1, 2024

I. LEARNING NEED

To effectively carry out their duties and responsibilities, public safety dispatchers need a basic understanding of how to maintain their overall wellness.

II. LEARNING OBJECTIVES

A. Stress
- 1. Definitions
  - a. A state of mental or emotional strain or tension resulting from an adverse or very demanding circumstance (Merriam-Webster)
  - b. Stress can be defined as any type of change that causes physical, emotional, or psychological strain (World Health Organization)
- 2. Symptoms of stress, including:
  - a. Physiological (e.g., increased heart rate, sweaty palms, holding breath, loss of senses, sleep disruptions)
  - b. Cognitive (e.g., brain fog, lack of concentration, memory problems)
  - c. Emotional (e.g., anger, crying, irritable, anxiety, laughing)
- 3. Potential sources of stress
  - a. Emotional triggers
  - b. Work schedules
  - c. Balance (work v. personal life)
  - d. Training
  - e. Probation
  - f. Workplace environment (e.g., physical environment, peer interactions)
  - g. Community perspective (positive and negative)
  - h. Financial
  - i. Family/friends
  - j. Organizational
- 4. Potential Effects
  - a. Burnout
  - b. Moral injury
  - c. Compassion fatigue
  - d. Hypervigilance
  - e. Depression
  - f. Post-Traumatic Stress Injury (PTSI)

- g. Suicide

B. Maladaptive coping mechanisms
  1. Alcohol abuse
  2. Substance abuse
  3. Consumerism
  4. Unhealthy relationships
  5. Inappropriate relationships
  6. Gambling
  7. Emotional disconnect
  8. Isolation
  9. Obsessive-compulsive behaviors

C. Managing wellness
  1. What is your why
     - a. Professional perspective
     - b. Personal perspective
  2. Body
     - a. Health screenings
     - b. Physical fitness
     - c. Nutrition
     - d. Sleep hygiene
     - e. Ergonomics
  3. Mind
     - a. Mental fitness
     - b. Therapy/counseling
     - c. Meditation
     - d. Adaptive distancing
     - e. Finding sources of joy
  4. Spirit
     - a. Inner peace
     - b. Yoga
     - c. Connections
     - d. Mindfulness
  5. Relationships
     - a. Family
     - b. Friends
  6. Be intentional (e.g., journaling, personal grace, find ways to gain personal control)
  7. Financial planning
     - a. Retirement
     - b. Deferred Compensation/401(k)
     - c. Insurance
     - d. Money management

D. Resilience
  1. Define
     - a. An ability to recover from or adjust easily to adversity (Merriam-Webster)

b. Able to recoil or spring back into shape after bending, stretching, or being compressed (Oxford Dictionary)

2. Personal tools for resiliency
   a. Self-care
   b. Emotional intelligence
   c. Emotional labor awareness
   d. Maintain a growth mindset
3. Organizational resources
   a. Chaplaincy
   b. Peer support
   c. Mentor
   d. Employee Assistance Program (EAP)
   e. Emotional support animals
4. External resources
   a. Professional organizations (NENA, APCO, CCUG, WLLE, PORAC)
   b. Support system (e.g., family, self-help groups, retreats, mentor)
   c. Private organizations that support first responder wellness
   d. Nonprofit organizations

III. REQUIRED TESTS

None

IV. REQUIRED LEARNING ACTIVITIES

A. Students will create a list of their emotional triggers and identify ways to mitigate their effects.
B. In groups, students will create a plan to address and manage wellness as it relates to one of the following: mind, body, spirit, financial, or relationships.
C. Students will create a personalized wellness plan that will incorporate one or more resiliency tools.

V. HOURLY REQUIREMENTS

Students shall be provided with a minimum of **8 hours** of instruction on wellness management.

VI. ORIGINATION DATE

November 1, 1994

VII. REVISION DATES

January 1, 1999; July 1, 2002; July 1, 2010; October 1, 2024

TRAINING SPECIFICATIONS FOR LEARNING DOMAIN #114
MENTAL HEALTH CONDITIONS AND INTELLECTUAL / DEVELOPMENT DISABILITIES AWARENESS

October 1, 2024

I. LEARNING NEED

To effectively carry out their duties and responsibilities, public safety dispatchers need an awareness of mental health conditions, intellectual/developmental disabilities, other conditions to consider, and the resources available.

II. LEARNING OBJECTIVES

A. Mental health conditions
   1. Historical relationship with public safety
   2. Lanterman-Petris Short Act (WIC § 5150)
   3. Stigma
   4. Bias (implicit v. explicit)
   5. Categories
      a. Thought disorders, including schizophrenia
      b. Mood disorders, including depression and bipolar
      c. Anxiety-related disorders
      d. Post-Traumatic Stress Disorder (PTSD)
   6. Behaviors and indications
      a. Fearfulness
      b. Inappropriate behavior
      c. Agitation
      d. Impaired self-care
      e. Hallucinations
      f. Delusions
      g. Communication

B. Intellectual/developmental disabilities
   1. Historical relationship with public safety
   2. Lanterman Developmental Disabilities Act (WIC § 4500 et seq)
   3. Stigma
   4. Bias (implicit v. explicit)
   5. Categories and associated behavioral indicators
      a. Intellectual disability
         i. Difficulty responding
         ii. May not understand complex questions
         iii. Lack of situational awareness
      b. Down Syndrome
         i. Stubbornness/tantrums
         ii. Delayed cognition

iii. Delayed speech

c. Cerebral Palsy

i. Awkward gait

ii. Slow and/or slurred speech

iii. Involuntary/spastic body movements

d. Autism spectrum disorder

i. Sensory sensitivity

ii. Self-injurious behavior

iii. Repetitive movements (e.g., rocking, spinning, hand twisting)

iv. Communication challenges (e.g., non-verbal, atypical tone and volume, repetition)

v. Social interaction

e. Epilepsy

i. Staring spells

ii. Lack of response

iii. Disorientation

iv. Rhythmic movements of the head (e.g., jerking uncontrollably)

C. Other conditions

1. Co-Occurring/dual diagnosis
2. Physical disabilities
3. Deaf or hard of hearing (effective communication under ADA guidelines)
4. Neurological disorders (e.g., dementia, Alzheimer's, traumatic brain injury)
5. Blind or visually impaired
6. ~~Excited delirium~~

D. Role of the public safety dispatcher

1. Reporting party relationship to the incident
2. Reason for the call
3. Rapport building
4. Impacts
5. Person-centered language
6. Assistive technology

E. Resources

1. Agency specific
2. Local level
3. State level

III. REQUIRED TESTS

None

IV. REQUIRED LEARNING ACTIVITIES

A. Working in pairs, students will be given a role-playing scenario. One person will be assigned the role of the public safety dispatcher while the other is playing the role of the caller. The public safety dispatcher will need to:

1. Determine who the caller is in relation to the incident
2. Identify any behavior indicators
3. Use techniques for rapport building
4. Use person-centered language when possible
5. Be able to provide additional resources

NOTE: each student will have the opportunity to assume the role of the public safety dispatcher. The person assigned the role of the caller will be provided a script by the facilitator that includes the answers to the questions related to the areas identified above.

B. In small groups, students will be given a list of mental health conditions and intellectual/developmental disabilities, as well as a list of behavioral indicators. Students will chart the correlation between the provided list of the mental health conditions, intellectual/developmental disabilities, and behavior indicators. As a class, students will discuss the commonalities and the differences of the behavior indicators.

V. HOURLY REQUIREMENTS

Students shall be provided with a minimum of **8 hours** of instruction on mental health conditions and intellectual/developmental disabilities.

VI. ORIGINATION DATE

October 1, 2024

VII. REVISION DATES

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TRAINING SPECIFICATIONS FOR LEARNING DOMAIN #115
HUMAN TRAFFICKING

October 1, 2024

I. LEARNING NEED

To effectively carry out their duties and responsibilities, public safety dispatchers need a basic understanding of human trafficking, signs indicating human trafficking, and awareness of related crimes.

II. LEARNING OBJECTIVES

A. Overview of human trafficking
   1. Human trafficking defined
   2. Statues and Penal Codes (e.g., PC §§ 236.1, 266(h), 266(i), 647(b), 653.22, 653.23, 745)
   3. Other related laws
   4. Statistics (e.g., average age of victim/survivor, vastly under reported)
   5. Terminology (e.g., symbols, emojis, definitions)
   6. Technology

B. Perspectives
   1. Global
   2. Domestic/local
   3. Smuggling v. Trafficking

C. Types of human trafficking
   1. Sex trafficking
      a. Commercial Sexual Exploitation of Children (CSEC)
      b. Massage parlors
      c. Brothels
      d. Street prostitution
      e. Hotel/motel
      f. Escort services
      g. Karaoke bars
   2. Labor trafficking
      a. Farming
      b. Restaurants
      c. Manufacturing
      d. Construction
      e. Janitorial/housekeeping
      f. Caregivers/nursing
      g. Door-to-door sales
      h. Street vendors

D. Indicators
   1. Dramatic behavior changes
      a. New friends/relationship
      b. Unexplained injuries
      c. Change in sleep patterns/fatigue
      d. Malnutrition
      e. Chronic runaways
      f. Evasiveness
   2. Unexplained gifts (e.g., purses, shoes, multiple phones)
   3. Tattoos/branding
   4. Lack of identification/documents (e.g., passport, credit cards, driver's license/ID)

E. Victimology
   1. Common misconceptions
      a. Victims keep all their money
      b. Victims choose the lifestyle
      c. Victims enjoy what they do
      d. Prostitution is a glamourous lifestyle
      e. Victims have control/power
      f. Prostitution is a victimless crime
   2. Common traits
      a. Learned behavior (e.g., home life, movies, celebrities)
      b. Prior abuse
      c. Exploiting lack of family structure/broken home
      d. Beaten, humiliation, torture
      e. Health issues
      f. Addiction, substance abuse
      g. Distrust of authority/relationships
   3. Importance of rapport building

F. Role of the public safety dispatcher
   1. Initial call processing
   2. Red flags
      a. Unable to provide legal name of involved parties (only knows moniker/nickname)
      b. Does not know their location
      c. Does not know the phone number/does not have their phone
      d. Not a local resident (of the jurisdiction they are contacting)
      e. Disturbance regarding money
      f. Call originates from hotel/motel
   3. Thorough documentation
      Note: if human trafficking is suspected, ask for email address and/or social media username(s)

G. Resources/Referrals
   1. National Human Trafficking Hotline
      a. Phone: (888) 373-7888
      b. Text: 233733
      c. Webpage: www/humantraffickinghoteline.org
   2. National Center for Missing and Exploited Children (NCMEC)
   3. Crime Stoppers
   4. Polaris Project
   5. Non-government organizations

II. REQUIRED TESTS

None

III. REQUIRED LEARNING ACTIVITIES

Students will participate in a scenario-based exercise demonstrating their ability to build rapport and gather information while taking into consideration victimology, terminology, and resources available.

IV. HOURLY REQUIREMENTS

Students shall be provided with a minimum of **8 hours** of instruction on human trafficking.

V. ORIGINATION DATE

October 1, 2024

VI. REVISION DATES

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TRAINING FOR LEARNING DOMAIN #116
TERRORISM AND EXTREMIST GROUP AWARENESS

October 1, 2024

I. LEARNING NEED

To effectively carry out their duties and responsibilities, public safety dispatchers need a basic awareness of terrorism and extremist groups as well as available resources.

II. LEARNING OBJECTIVES

A. Define terrorism
   1. FBI definitions of International and Domestic Terrorism
   2. Patriot Act of 2001
   3. Department of Homeland Security (DHS)/Federal Emergency Management Agency (FEMA)

B. Domestic terrorism
   1. Categories
   2. Tactics
   3. Techniques
   4. Procedures

C. International terrorism
   1. Categories
   2. Tactics
   3. Techniques
   4. Procedures

D. Pre-incident indicators
   1. Definition
   2. Event indicators
      a. Target selection
      b. Surveillance
      c. Gathering/elicitation of information
      d. Testing of security
      e. Financing the event
      f. Acquiring supplies
      g. Trial run
      h. Deploying assets

E. Critical infrastructure
   1. Identified sectors
   2. Types of targets
      a. Soft
      b. Hard
      c. High value

F. Information sharing
   1. Notify agency specific designee/terrorism liaison officer (TLO)
   2. Suspicious activity report (SAR)
   3. Fusion Centers
      a. Five regional centers
      b. Criteria for review for further follow-up
   4. Dissemination to other government agencies (e.g., Joint Terrorism Task Force (JTTF), ATF, Secret Service)

G. Terrorism watch list
   1. Known or Appropriately Suspected Terrorist (KST) file
      a. Domestic data from FBI
      b. International data from National Counter-Terrorism Center (NCTC)
   2. Handling Codes

H. Violent extremists
   1. Define violent extremists
      a. Tactics
      b. Techniques
      c. Procedures
   2. Homegrown v. Radicalized
   3. Pre-radicalized indicators (e.g., online activity, behavioral changes)

I. Resources
   1. POST Learning Portal
   2. TLO course(s)
   3. National Terrorism Advisory System (NTAS)
   4. California State Threat Assessment System (CTAS)
   5. Nationwide SAR Initiative (NSI)
   6. FBI
   7. DHS
   8. NCTC
   9. Office of the Director of National Intelligence (ODNI)
   10. Texas A&M Engineering Extension Service (critical infrastructure training)

III. REQUIRED TESTS

None

IV. REQUIRED LEARNING ACTIVITIES

A. Students will participate in a learning activity that demonstrates their ability to identify if a group is considered a domestic terrorist, international terrorist, or extremist group, and provide examples of their most recent activity and ideology.

B. The students will participate in a learning activity that demonstrates their ability to identify critical infrastructure sectors and provide examples within their respective jurisdictions.

V. HOURLY REQUIREMENTS

Students shall be provided a minimum of **4 hours** of instruction on terrorism and extremist group awareness.

VI. ORIGINATION DATE

October 1, 2024

VII. REVISION DATES

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TRAINING FOR LEARNING DOMAIN #117
CULTURAL DIVERSITY AND HATE CRIMES

October 1, 2024

I. LEARNING NEED

To effectively carry out their duties and responsibilities, public safety dispatchers need a foundational knowledge of hate crimes and the diverse population of California.

II. LEARNING OBJECTIVES

A. Cultural diversity
   1. Define
      a. Culture
      b. Diversity
      c. Cultural diversity
      d. Race
      e. Ethnicity
      f. Nationality
      g. Tradition
      h. Religion
      i. Beliefs and values
      j. Stereotypes
      k. Prejudice
      l. Discrimination
      m. Racism
   2. Cultural composition of California
      a. Past
      b. Present

B. Sexual orientation, gender identity, and expression (SOGIE)
   1. Define
      a. Sexual orientation
      b. Gender identity
      c. Gender expression or gender non-conforming
      d. Non-binary or gender neutral
      e. Lesbian
      f. Gay
      g. Bisexual
      h. Transgender
      i. Queer
      j. Questioning
      k. Stereotypes
      l. Prejudice
      m. Discrimination

2. Important moments in history
    a. Organization of Mattachine Society, *first national gay rights organization* (1951)
    b. California legalizes domestic partnerships (1999)
    c. California legalizes same-sex marriage (2013)
    d. U.S. Supreme Court decision on same-sex marriage (Obergefell v. Hodges, 2015)

C. Hate crimes
1. Define
    a. Civil rights
    b. Hate speech
    c. Hate group(s)
    d. Hate incident(s)
    e. Hate crimes (PC § 422.55)
2. Other related penal codes
    a. Vandalism of places of worship (PC § 594.3)
    b. Use of force or threats of destruction of property to interfere with another's exercise of civil rights (PC § 422.6)
    c. Violation of civil order (Bane Act), protecting the exercise of civil rights (PC § 422.77)
    d. Protecting victims and witnesses from being reported to immigration (PC § 422.93)
    e. Victim confidentiality (GC § 6254)
    f. Other
3. Landmark events
    a. Past
    b. Present

D. Victimology
1. Psychological impact
    a. Depression
    b. Anxiety
    c. Post-traumatic stress
    d. Anger
2. Association with protected classes (Title VII prohibits discrimination based on race, color, religion, national origin, or sex)
3. Interactions with criminal justice system
    a. Level of trust
    b. Level of respect
    c. Level of response
    d. Lack of reporting
4. Community impact (secondary victims)

E. Role of the public safety dispatcher
1. Calls for service
    a. Build rapport (e.g., addressing the caller by name or using preferred pronouns)

b. Active listening
c. Gather information
d. Proper documentation
e. Set realistic expectations in accordance with agency policy

2. Determine appropriate response or referral
3. Potential barriers
   a. Cultural perceptions
   b. Language
      i Avoid jargon and acronyms
      ii Clarify slang terminology
      iii Utilize interpretation services when needed
   c. Bias (implicit v. explicit)
   d. Emotional state of the caller

F. Resources
1. Internal
2. Local (e.g., city and county)
3. State
4. Non-governmental/non-profit

III. REQUIRED TESTS

None

IV. REQUIRED LEARNING ACTIVITIES

A. Given a diagnostic instrument, questionnaire, personal inventory, or equivalent method, students will be afforded the opportunity to conduct a self-assessment to determine their own implicit and explicit biases.
B. Students will identify a protected class they are unfamiliar with, prepare a presentation, and teach back to the class.
C. Students will research landmark events, past and present, that have been catalysts in the evolution of civil rights as it pertains to protected classes.
D. Students will demonstrate a knowledge of local resources available to victims who experience acts of hate.
E. Given a scenario-based activity, students will:
1. Identify the elements of a crime
2. Determine and explain if a crime, hate crime, or hate incident has occurred
3. Determine and explain if any civil rights or First Amendment rights have been violated

V. HOURLY REQUIREMENTS

Students shall be provided with a minimum of **8 hours** of instruction on cultural diversity and hate crimes.

VI. ORIGINATION DATE

November 1, 1994

VII. REVISION DATES

January 1, 1994; July 1, 2002; July 1, 2010; July 1, 2011; October 1, 2024

TRAINING SPECIFICATIONS FOR LEARNING DOMAIN #118
GANG AWARENESS

October 1, 2024

I. LEARNING NEED

To effectively carry out their duties and responsibilities, public safety dispatchers need to have an awareness of gangs and related criminal activity.

II. LEARNING OBJECTIVES

A. Define
   1. Gang
   2. Criminal gang (PC § 186.22)
   3. Validation
   4. Graffiti (PC § 594)
   5. Territory
   6. Moniker

B. History
   1. Social group evolution to criminal gang
   2. Widely recognized gangs
   3. Recruitment, initiation, and tactics
   4. Characteristics and traditions (e.g., clothing, tattoos, logos, hand signs)
   5. Terminology (e.g., turf, tagging, flying colors)

C. Categories
   1. Street
   2. Organized
   3. Motorcycle
   4. Prison

D. Role of the public safety dispatcher
   1. Recognize potential gang involvement in calls for service
   2. Responder safety considerations
   3. Awareness of agency policy and procedures

III. REQUIRED TESTS

None

IV. REQUIRED LEARNING ACTIVITIES

None

V. HOURLY REQUIREMENTS

Students shall be provided with a minimum of **2 hours** of instruction on gang awareness.

VI. ORIGINATION DATE

November 1, 1994

VII. REVISION DATE

January 1, 1994; July 1, 2002; July 1, 2010; July 1, 2011; October 1, 2024

TEXT OF PROPOSED REGULATION ACTION
Amend Commission Regulations 1015, 1018, and Commission Procedure D-1-5
Training Specifications for the POST Public Safety Dispatchers' Basic Course

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§ 1015. Reimbursements for Training.

…

(d) Reimbursement Rates.

(1) Maximum reimbursement rates.

(A) The maximum amounts reimbursed for approved expense categories are approved by the Commission.

…

(2) Courses with maximum reimbursement limitations

(A) Subsistence, commuter lunch, and travel allowances will not be reimbursed for more than the maximum number of weeks (based on a minimum hourly requirement of 40 hours) authorized for the following courses:

	Weeks/Hours
Regular Basic Course (Standard Format)	20 / 800
Regular Basic Course (Modular Format, Intensive Presentation Only)	
Module III	3.9 /156
Module II	5.3 /212
Module I	10.8 /432
Specialized Investigators' Basic Course	14.8 / 591
District Attorney Investigator Transition Course	1 / 40
Coroners' Death Investigation Course	2 / 80
Public Safety Dispatchers' Basic Course	4 / 160
Supervisory Course	2 / 80
Advanced Officer Course	1 / 40
Executive Development Course	2 / 80
Management Course	2.6 / 104
Management, Supervisory, Executive Seminars	1 / 40

…

NOTE: Authority cited: Sections 13503, 13506, 13510 and 13520, Penal Code. Reference: Sections 13503, 13510, 13511, 13512, 13518, 13520, 13522, 13523, 13524 and 13525, Penal Code; Section 11489, Health and Safety Code; and Statutes 1997, Chapter 9, Section 2, (Senate Bill 350).

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§ 1018. Public Safety Dispatcher Programs.

…

Commission Procedure D-1-5 adopted effective December 29, 1988, and amended December 19, 1994, July 1, 2002, September 15, 2004, January 1, 2006, August 26, 2006, February 15, 2017, ~~and~~ January 1, 2022, and October 1, 2024, is herein incorporated by reference.

The document, *Training Specifications for the Public Safety Dispatchers' Basic Course* adopted effective December 19, 1994, and amended April 23, 1999, July 1, 2002, July 1, 2010, ~~and~~ July 1, 2011, and October 1, 2024, is herein incorporated by reference.

NOTE: Authority cited: Sections 832.3, 13503, 13506 and 13510, Penal Code. Reference: Sections 832.2 and 13510, Penal Code.

Commission Procedure D-1-5 – Public Safety Dispatchers' Basic Course

1-5. Public Safety Dispatchers' Basic Course Definitions and Requirements

The terms used to describe testing and training requirements are defined in subsection D-1-5(a). Testing and training requirements are described in subsection D-1-5(b). Testing, training, content, and hourly requirements are provided in detail in Training Specifications for the Public Safety Dispatchers' Basic Course. Requirements for reporting successful course completion are contained in Commission Regulation 1055(~~j~~g)~~(4)~~.

…

(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 Public Safety Dispatchers Basic Course. The total minimum hourly requirement for the Public Safety Dispatchers Basic Course is 160 hours.

…

AGENDA ITEM REPORT

Title:

REPORT ON THE DEVELOPMENT OF THE BASIC COURSE CURRICULUM AND PROPOSED PILOT PROGRAMS FOR LD 32 - LIFETIME FITNESS

REPORT PROFILE

MEETING DATE 11/20/2024	**BUREAU SUBMITTING THE REPORT** Basic Training Bureau	
RESEARCHED BY Anita Finner		**REVIEWED BY** Carrie Hollar
REPORT DATE 10/07/2024	**APPROVED BY** Manuel Alvarez, Jr.	**DATE APPROVED** 10/31/2024
PURPOSE		**FINANCIAL IMPACT** Yes

ISSUE, BACKGROUND, ANALYSIS, & RECOMMENDATION

ISSUE:

Should the Commission decide to approve piloting Learning Domain 32 – Lifetime Fitness in the Module III and Module II basic courses?

BACKGROUND:

POST staff facilitated a discussion with Academy Directors and Coordinators at the March 2023 and September 2023 Basic Course Consortiums regarding the need for lifetime fitness training in the Module III and Module II basic courses. Those in attendance agreed the topic should be incorporated.

In June of 2024, Basic Training Bureau (BTB) staff hosted a 16-hour workshop to review and revise existing Learning Domain 32 – Lifetime Fitness Training and Testing Specifications for modular basic courses across the state. Subject Matter Experts (SMEs) representing seven (7) basic course presenters participated. After reviewing the existing content, SMEs proposed adding 5 hours of additional content to the Module III basic course and adding 16 hours of additional content to Module II basic course.

ANALYSIS:

The existing Module III and Module II basic course Training and Testing Specifications (TTS) does not currently require Learning Domain (LD) 32 Lifetime Fitness training.

During the workshop, the SMEs developed proposed TTS **(Attachment A)** where existing LD 32 TTS content was added to the Module III and Module II basic courses. In addition, new content was developed for the Module II basic course, specifically proposing the student will participate in a POST-approved physical conditioning program.

POST staff request approval to pilot the proposed changes for LD 32 – Lifetime Fitness beginning December 2024 with the following basic course Modular presenters: College of the Redwoods Law Enforcement Training Center, College of the Siskiyous, Los Angeles Police Department, Palomar College, Rio Hondo Regional Training Center, Sacramento Regional Public Safety Training Center, San Joaquin Delta College Public Safety Training Center, and Victor Valley College.

These presenters were selected to provide feedback from diverse perspectives throughout the state. All pilot presentations will be completed by Fall of 2025, which would allow POST staff to review student feedback and report back to the Commission.

RECOMMENDATION:

In June of 2024, BTB staff hosted a 16-hour workshop to review and revise existing Learning Domain 32 – Lifetime Fitness Training and Testing Specifications for modular basic courses across the state. Subject Matter Experts (SMEs) representing seven (7) basic course presenters participated.

After reviewing the existing content, SMEs proposed adding content to the Module III and Module II basic courses.

If the Commission concurs, the appropriate action would be a **MOTION** to approve the piloting of Learning Domain 32 - Lifetime Fitness as described in the staff report.

ATTACHMENT(S):

LD_32_TTS_Attachment_A.pdf

TRAINING AND TESTING
SPECIFICATIONS FOR LEARNING DOMAIN #32
LIFETIME FITNESS

October 1, ~~2020~~2026

RBC	Other Basic Courses					Requal
	832	III	II	I	SIBC	
X		X		X	X	
X		X		X	X	
X		X		X	X	
X		X		X	X	
X		X		X	X	
X		X		X	X	
X		X		X	X	
X		X		X	X	
X		X		X	X	
X		X		X	X	
X		X		X	X	
X		X		X	X	
X		X		X	X	
X		X		X	X	
X		X		X	X	
X		X		X	X	
X		X		X	X	
X		X		X	X	

I. LEARNING NEED

Officers need to know how to apply methods for evaluating and managing their physical fitness for a healthy lifestyle in order to safely and effectively perform peace officer duties.

LEARNING OBJECTIVES

A. Discuss the components of a personal physical fitness program to include:

1. Cardiovascular
   a. Aerobic
   b. Anaerobic
2. Muscular
   a. Strength
   b. Power
   c. Endurance
3. Flexibility/Stability/Mobility
4. Core
5. Acceleration and agility
6. Body composition vs performance
7. Recovery

B. Discuss techniques for evaluating personal fitness in the areas of:

1. Cardiovascular
   a. Aerobic
   b. Anaerobic
2. Muscular
   a. Strength
   b. Power

RBC	Other Basic Courses					Requal
	832	III	II	I	SIBC	
X		X		X	X	
X		X		X	X	
X		X		X	X	
X		X		X	X	
X		X		X	X	
X		X		X	X	
X		X		X	X	
X		X	X	X	X	
X		X		X	X	
X		X		X	X	
X		X		X	X	
X		X		X	X	
X		X		X	X	
X			X	X	X	
X			X	X	X	
X			X	X	X	
X			X	X	X	
X			X	X	X	
X		X	X	X	X	
X		X	X	X	X	
X		X	X	X	X	
X		X	X	X	X	
X		X		X	X	
X		X		X	X	
X		X		X	X	

c. Endurance
3. Flexibility/Stability/Mobility
4. Core
5. Acceleration and agility
6. Body composition vs performance
7. Recovery

C. Describe appropriate measures for improving an officer's performance within each of the seven components of a personal fitness program

D. Discuss principles of physical conditioning, including:

1. Specificity
2. Frequency
3. Intensity
4. Volume
5. Active recovery
6. Periodization/program design
   a. Foundational phase
   b. Conditioning phase
   c. Peak performance phase
7. Progression

E. Describe minimum physical conditioning program requirements and components of a training session to include:

1. Warmup
2. Training phase
3. Recovery

F. Explain the two types of training injuries and appropriate treatment for each

1. Acute injuries
2. Chronic injuries

RBC	Other Basic Courses					Requal
	832	III	II	I	SIBC	
X		X		X	X	
X		X		X	X	
X		X		X	X	
X		X		X	X	
X		X		X	X	

II. LEARNING NEED

Peace officers must recognize that proper nutrition is critical to maintaining body composition, physical conditioning, and reducing their risk of illness or injury.

LEARNING OBJECTIVES

A. Describe how to accomplish fitness goals using nutritional planning

B. Discuss the role of supplementation and accomplishing fitness goals

III. LEARNING NEED

Peace officers need to understand common health problems so they may use appropriate risk management techniques to ensure their health and physical fitness.

LEARNING OBJECTIVES

A. Discuss illnesses and injuries commonly associated with law enforcement officers

B. Discuss strategies for the prevention of illnesses and injuries commonly associated with law enforcement officers

IV. LEARNING NEED

Peace officers must recognize the causes of stress and how to manage it effectively in order to protect their personal health and ensure their ability to perform their duties.

LEARNING OBJECTIVES

A. Explain the signs and symptoms of elevated stress levels

RBC	Other Basic Courses					Requal
	832	III	II	I	SIBC	
X		X		X	X	
X		X		X	X	
X		X		X	X	
X		X		X	X	
X		X		X	X	
X		X		X	X	
X		X		X	X	
~~X~~				~~X~~		
~~X~~				~~X~~		
~~X~~				~~X~~		
~~X~~				~~X~~		
~~X~~				~~X~~		
X		X		X	X	
X		X		X	X	
X		X		X	X	

B. Recognize that substance abuse is an inappropriate strategy for coping with physical and psychological stress

C. Describe the short and long term effects of abusing:

1. Alcohol
2. Tobacco
3. Caffeine
4. Supplements/performance enhancing drugs
5. Prescription, nonprescription, and illegal drugs

D. Explain the techniques for stress management

~~V. REQUIRED TESTS~~

~~A. The POST-developed Work Sample Test Battery (WSTB) or an equivalent physical abilities test approved by POST~~

~~1. Run a 99 yard~~ obstacle ~~course consisting of several sharp turns, a number of curb-height obstacles, and a 34 inch high obstacle that must be vaulted~~
~~2. Lift or drag 165 pound lifelike dummy 32 feet~~
~~3. Run 5 yards to a 6 foot chain link fence, climb over fence, continue running another 25 yards~~
~~4. Run 5 yards to a 6 foot solid fence, climb over continue running another 25 yards~~
~~5. Run 500 yards~~

V~~I~~. REQUIRED LEARNING ACTIVITIES

~~C~~A. The student will participate in a facilitated discussion, workbook assignment, computer-assisted training session, or equivalent learning activity, regarding health problems common to law enforcement officers and related risk reduction management techniques. At a minimum, the activity must address the following topics:

1. Illnesses and injuries commonly associated with law enforcement officers
2. The short-term and long-term effects of using/abusing alcohol, tobacco and

RBC	Other Basic Courses					Requal
	832	III	II	I	SIBC	
						supplements/performance enhancing drugs
X		X		X	X	3. The essential elements of lifetime fitness
X		X		X	X	~~D~~B. The student will participate in a facilitated discussion, workbook assignment, computer-assisted training session or equivalent learning activity, regarding proper nutrition. At a minimum, the activity must address the following topics:
X		X		X	X	1. The relationship between the proportion of calories consumed from each food group and body composition
X		X		X	X	2. The nutritional characteristics of different foods (e.g., grains, legumes, meat, fish, dairy products) and the use of food selection in body composition management
X		X		X	X	3. The relationship between exercise and body composition management
X			X	X		~~E~~C. The student will participate in a facilitated discussion, workbook assignment, computer-assisted training session or equivalent learning activity, regarding techniques used to evaluate physical fitness. At a minimum, the activity must address techniques for evaluating the following types of physical fitness components:
X			X	X		1. Cardiovascular
X			X	X		a. Aerobic
X			X	X		b. Anaerobic
X			X	X		2. Muscular
X			X	X		a. Strength
X			X	X		b. Power
X			X	X		c. Endurance
X			X	X		3. Flexibility/stability/mobility
X			X	X		4. Core
X			X	X		5. Acceleration and agility
X			X	X		6. Body composition vs performance
X			X	X		7. Recovery
X		X	X	X		~~F~~D. The student will participate in a facilitated discussion, workbook assignment, computer-assisted training session or equivalent learning activity, regarding the principles of physical conditioning. At a minimum, the activity must address the following principles and techniques for developing a personal physical fitness program:

RBC	Other Basic Courses					Requal
	832	III	II	I	SIBC	
X		X		X		
X			X	X		
X			X	X		
X			X	X		
X			X	X		
X				X		
X				X		
X				X		
X				X		
X				X		
X			X	X		
X			X	X		
X			X	X		
X			X	X		
X			X	X		
X				X		

1. The relationship between the different components of physical fitness (i.e., cardiovascular, muscular, flexibility/stability/mobility, core, acceleration and agility, body composition vs performance, and recovery) and the physical conditioning activities that develop them
2. The basic principles of a physical conditioning program (e.g., specificity, frequency, intensity, volume, activity recovery, periodization/program design, and progression) and an exercise session (e.g., warmup, training phase, recovery)
3. Calculating the aerobic heart rate training zone
4. The components of a comprehensive fitness program for the tactical athlete
5. Evaluation and treatment of training injuries

~~G~~E. The student will participate in a learning activity which requires them to take part in a ~~physical fitness~~ WSTB assessment during the foundational phase and the peak performance phase of a physical conditioning program, which shall minimally include:

1. ~~Performance of the WSTB~~ Run a 99 yard obstacle course consisting of several sharp turns, a number of curb-height obstacles, and a 34 inch high obstacle that must be vaulted
2. Lift and drag 165 pound lifelike dummy 32 feet
3. Run 5 yards to a 6 foot chain link fence, climb over the fence, continue running another 25 yards
4. Run 5 yards to a 6 foot solid fence, climb over, continuing running another 25 yards
5. Run 500 yards

F. The student will participate in a learning activity which requires them to take part in a physical fitness assessment during the foundational phase and the peak performance phase of a physical conditioning program, which shall minimally include:

~~2~~1. Push-ups
~~3~~2. Bent knee sit-ups
~~4~~3. 1.5 mile run
~~5~~4. Body composition measurement

~~H~~G. The student will participate in a learning activity which requires them to train in techniques to tactically climb over the solid 6 foot wall wearing assigned/appropriate duty gear (e.g., duty belt with safety

RBC	Other Basic Courses					Requal
	832	III	II	I	SIBC	
X			X	X		
X			X	X		
X			X	X		
X			X	X		
X			X	X		
X			X	X		
X			X	X		
X			X	X		
X			X	X		
X			X	X		
X			X	X		
X			X	X		
X				X		
X				X		
X				X		
X				X		
X				X		
			X			
			X			
			X			

equipment, ballistic vest, utility uniform, duty footwear, etc.). The learning activity will provide the student with multiple opportunities to complete the solid fence climb in a tactically safe manner

~~B~~H. The student will participate in a physical conditioning program designed to achieve proficiency in the following seven components:

1. Cardiovascular
   a. Aerobic
   b. Anaerobic
2. Muscular
   a. Strength
   b. Power
   c. Endurance
3. Flexibility/stability/mobility
4. Core
5. Acceleration and agility
6. Body composition vs performance
7. Recovery

~~A~~I. The student will participate in a POST-approved physical conditioning program to include the following:

1. The program must consist of a minimum of 36 sessions
2. The 36 required sessions must be conducted within a period of 10 to 14 consecutive weeks with a minimum of two sessions per week
3. Each session must be a minimum of 60 minutes in length
4. Each session must consist of a warm-up, a training period, and recovery
5. Each student must participate in a minimum of 30 of the required 36 sessions
6. Individual accommodations must meet the functional equivalency of all components of the training session

J. The student will participate in a POST-approved physical conditioning program to include the following:

1. The program must consist of a minimum of 12 sessions
2. The 12 required sessions must be conducted within a period of 6 weeks with a minimum of two, no more than 3, sessions per week

RBC	Other Basic Courses					Requal
	832	III	II	I	SIBC	
			X X X X			
~~X~~ ~~X~~ ~~X~~ ~~X~~ ~~X~~ ~~X~~ ~~X~~				~~X~~ ~~X~~ ~~X~~ ~~X~~ ~~X~~ ~~X~~ ~~X~~		
~~X~~ ~~X~~ ~~X~~ ~~X~~ ~~X~~ ~~X~~ ~~X~~ ~~X~~ ~~X~~ ~~X~~ ~~X~~ ~~X~~				~~X~~ ~~X~~ ~~X~~ ~~X~~ ~~X~~ ~~X~~ ~~X~~ ~~X~~ ~~X~~ ~~X~~ ~~X~~ ~~X~~		
~~X~~				~~X~~	~~X~~	

3. Each session must be a minimum of 60 minutes in length
4. Each session must consist of a warm-up, a training period, and recovery
5. Each student must participate in a minimum of 10 of the required 12 sessions
6. Individual accommodations must meet the functional equivalency of all components of the training session

~~A. The student will participate in a POST-approved physical conditioning program to include the following:~~

~~1. The program must consist of a minimum of 36 sessions~~
~~2. The 36 required sessions must be conducted within a period of 10 to 14 consecutive weeks with a minimum of two sessions per week~~
~~3. Each session must be a minimum of 60 minutes in length~~
~~4. Each session must consist of a warm-up, a training period, and recovery~~
~~5. Each student must participate in a minimum of 30 of the required 36 sessions~~
~~6. Individual accommodations must meet the functional equivalency of all components of the training session~~

~~B. The student will participate in a physical conditioning program designed to achieve proficiency in the following seven components:~~

~~1. Cardiovascular~~
~~c. Aerobic~~
~~d. Anaerobic~~
~~2. Muscular~~
~~d. Strength~~
~~e. Power~~
~~f. Endurance~~
~~3. Flexibility/stability/mobility~~
~~4. Core~~
~~5. Acceleration and agility~~
~~6. Body composition vs performance~~
~~7. Recovery~~

~~C. The student will participate in a facilitated discussion, workbook assignment, computer-assisted training session, or equivalent learning activity, regarding health problems common to law enforcement officers and~~

RBC	Other Basic Courses					Requal
	832	III	II	I	SIBC	
X				X	X	
X				X	X	
X				X	X	
X				X	X	
X				X	X	
X				X	X	
X				X	X	
X				X		
X				X		
X				X		
X				X		
X				X		
X				X		
X				X		
X				X		
X				X		
X				X		
X				X		

~~related risk reduction management techniques. At a minimum, the activity must address the following topics:~~

~~1. Illnesses and injuries commonly associated with law enforcement officers~~
~~2. The short-term and long-term effects of using/abusing alcohol, tobacco and supplements/performance enhancing drugs~~
~~3. The essential elements of lifetime fitness~~

~~D. The student will participate in a facilitated discussion, workbook assignment, computer-assisted training session or equivalent learning activity, regarding proper nutrition. At a minimum, the activity must address the following topics:~~

~~1. The relationship between the proportion of calories consumed from each food group and body composition~~
~~2. The nutritional characteristics of different foods (e.g., grains, legumes, meat, fish, dairy products) and the use of food selection in body composition management~~
~~3. The relationship between exercise and body composition management~~

~~E. The student will participate in a facilitated discussion, workbook assignment, computer-assisted training session or equivalent learning activity, regarding techniques used to evaluate physical fitness. At a minimum, the activity must address techniques for evaluating the following types of physical fitness components:~~

~~1. Cardiovascular~~
~~c. Aerobic~~
~~d. Anaerobic~~
~~2. Muscular~~
~~a. Strength~~
~~b. Power~~
~~c. Endurance~~
~~3. Flexibility/stability/mobility~~
~~4. Core~~
~~5. Acceleration and agility~~
~~6. Body composition vs performance~~
~~7. Recovery~~

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		

~~F. The student will participate in a facilitated discussion, workbook assignment, computer-assisted training session or equivalent learning activity, regarding the principles of physical conditioning. At a minimum, the activity must address the following principles and techniques for developing a personal physical fitness program:~~

~~1. The relationship between the different components of physical fitness (i.e., cardiovascular, muscular, flexibility/stability/mobility, core, acceleration and agility, body composition vs performance, and recovery) and the physical conditioning activities that develop them~~

~~2. The basic principles of a physical conditioning program (e.g., specificity, frequency, intensity, volume, activity recovery, periodization/program design, and progression) and an exercise session (e.g., warmup, training phase, recovery)~~

~~3. Calculating the aerobic heart rate training zone~~

~~4. The components of a comprehensive fitness program for the tactical athlete~~

~~5. Evaluation and treatment of training injuries~~

~~G. The student will participate in a learning activity which requires them to take part in a physical fitness assessment during the foundational phase and the peak performance phase which shall minimally include:~~

~~1. Performance of the WSTB~~

~~2. Push-ups~~

~~3. Bent knee sit-ups~~

~~4. 1.5 mile run~~

~~5. Body composition measurement~~

~~H. The student will participate in a learning activity which requires them to train in techniques to tactically climb over the solid 6-foot wall wearing assigned/appropriate duty gear (e.g., duty belt with safety equipment, ballistic vest, utility uniform, duty footwear, etc.). The learning activity will provide the student with multiple opportunities to complete the solid fence climb in a tactically safe manner~~

VI. REQUIRED TESTS

A. The POST-developed Work Sample Test Battery (WSTB) or an equivalent physical abilities test approved by POST

RBC	Other Basic Courses					Requal
	832	III	II	I	SIBC	
X				X		
X				X		
X				X		
X				X		
X				X		
44		5	16	44	4	

1. Run a 99 yard obstacle course consisting of several sharp turns, a number of curb-height obstacles, and a 34 inch high obstacle that must be vaulted
2. Lift ~~or~~ and drag 165 pound lifelike dummy 32 feet
3. Run 5 yards to a 6 foot chain link fence, climb over fence, continue running another 25 yards
4. Run 5 yards to a 6 foot solid fence, climb over continue running another 25 yards
5. Run 500 yards

VII. HOURLY REQUIREMENTS

Students shall be provided with a minimum number of instructional hours on lifetime fitness.

VIII. ORIGINATION DATE

January 1, 2001

IX. REVISION DATE

January 1, 2004
January 1, 2006
January 19, 2007
July 1, 2009
January 1, 2012
August 1, 2013
October 1, 2020
October 1, 2026

AGENDA ITEM REPORT

Title: REPORT ON PROPOSED CHANGES TO COMMISSION REGULATION 1003 - EMPLOYMENT STATUS NOTIFICATIONS RE AFFIDAVIT OF SEPARATION (POST2-357)

REPORT PROFILE

MEETING DATE 11/20/2024	**BUREAU SUBMITTING THE REPORT** Certification Bureau	
RESEARCHED BY Katelynn Poulos	**REVIEWED BY** Lindsay Lewellyn	
REPORT DATE	**APPROVED BY** Manuel Alvarez, Jr.	**DATE APPROVED** 10/31/2024
PURPOSE	**FINANCIAL IMPACT** No	

ISSUE, BACKGROUND, ANALYSIS, & RECOMMENDATION

ISSUE: Should the Commission approve the amendment to Commission Regulation 1003 and the *Affidavit of Separation* (POST 2-357) to provide clarity regarding separation information needed and specifying the means agencies use to notify POST of convictions identified in Government Code section 1029?

BACKGROUND: On September 30, 2021, Governor Newsom signed Senate Bill (SB) 2. SB 2 (2021) made significant changes to the existing Government and Penal Codes, respectively. These changes provide for additional peace officer hiring eligibility requirements. SB 2 (2021) also grants the Commission on Peace Officer Standards and Training (POST) the authority to certify all peace officers in California, and subsequently take action against those certifications, should POST determine serious misconduct occurred.

As we continue to monitor and review processes put in place by SB 2 (2021), it was identified that the *Affidavit of Separation* (POST 2-357) has some grammatical/formatting changes needed, along with needing clarifying language to ensure all necessary separation information is being provided. It was also identified that Commission Regulation 1003 text needed to be updated to specify the means agencies use to notify POST of convictions identified in Government Code section 1029 as disqualifiers for eligibility as a peace officer.

ANALYSIS: After continued review of the implementation of SB 2 (2021) on

existing Commission regulations, it was determined terminology used on the *Affidavit of Separation* (POST 2-357) needed to be corrected for clarity and continuity for the field. Amendments to the form also require and amendment to the text of Commission Regulation 1003. It was also determined the means by which POST is notified of convictions identified in Government Code section 1029 needed to be specified. The proposed revisions to the regulation and form are:

- **Commission Regulation 1003**
  - Amend subsection (a)(1)(B) to reflect the new revision date of the *Affidavit of Separation* (POST 2-357).
  - Amend subsection (c)(1) to more clearly specify the means by which POST shall be notified of convictions identified in Government Code section 1029 as disqualifiers for eligibility as a peace officer.

- ***Affidavit of Separation*** **(POST 2-357)**
  - Update the form revision date to 08/2024.
  - Remove regulation specific language out of the Information Privacy Act section at the top of the form and update the contact information for the Information Practices Act Coordinator to keep the language consistent with other POST forms.
  - Amend Box 13 to change "Discharge" to "Separation," add "Serious" before "Misconduct," and change "Egregious Repeated Acts" to "Egregious or Repeated Acts That Violate the Law" for clarity and consistency with the heading and Penal Code language. Using "Separation" instead of "Discharge" provides clarity to the field as it aligns with the language in the Penal Code. Adding "Serious" before "Misconduct" clarified that it is specifically asking for information related to serious misconduct as defined in Commission regulation 1205, and not all forms of misconduct. Stating "Egregious or Repeated Acts That Violate the Law" is necessary to maintain consistency with Penal Code language.
  - Amend Box 14 to replace "OTHER THAN SERIOUS MISCONDUCT" in the heading with " (REQUIRED)" so agencies know providing the reason for separation is required no matter what type of separation.
  - Amend Box 16 to add a colon after "Contact Number" and "Signature" to maintain format consistency throughout the form.
  - Amend *Section 1: IDENTIFICATION* under

"INSTRUCTIONS" to correct grammar and change "appointee's" to "separating peace officer's" to refer to the proper individual as the phrase "appointee" refers to a newly appointed peace officer and this form is specifically for separating peace officers. The term "appointee" was incorrectly used in the initial drafting of the document.
- Amend the Rank/Classification chart to remove "Dispatcher (I, II, III)," "Dispatcher Manager," "Dispatcher Supervisor," "Records Supervisor," "Records Supervisor/Dispatcher (*Full-time Records Supervisor AND full-time Dispatcher*)" and "Trainee" as these positions are non-peace officers and do not require an *Affidavit of Separation* (POST 2-357).
- Amend *Section 2: TERMINATION / SEPARATION* of the instructions for Box 14 to replace "If the reason for separation is not related to serious misconduct as defined in Commission Regulation 1205," with "Enter additional information regarding" so agencies know this section is required to be completed and not optional and correct "i.e." to "e.g." to differentiate that the answers provided are examples and not the only options.
- Amend *Section 3: NOTICE TO SEPARATING OFFICER* and *Section 4: AGENCY HEAD OR THEIR DESIGNEE* under Instructions to replace "identifying the reasons for separation in" with "completing" as the phrase was inadvertently copied from the previous section's instructions when initially drafting the document.

RECOMMENDATION:

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

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

ATTACHMENT(S):

TPRA_Reg1003.pdf

2-357 Affidavit of Separation_08.2024.pdf

TEXT OF PROPOSED REGULATORY ACTION
Amend Commission Regulation 1003 – Employment Status Notifications

§ 1003. Employment Status Notifications.

(a) Employment Status Notification Requirements

(1) Peace Officers, Reserve Peace Officers, Public Safety Dispatchers, and Records Supervisors

Effective January 1, 2023, the employing agency shall notify POST of a new appointment or termination within ten days, via the POST Electronic Data Interchange (EDI) system when personnel actions listed below occur.

(A)1.-3. Remain Unchanged

(B) An *Affidavit of Separation, POST 2-357 (~~01~~08/~~2023~~2024)*, herein incorporated by reference, shall be submitted to POST, via EDI, within ten days of a peace officer's separation from employment. It shall be signed by the agency head or their designee under penalty of perjury, maintained by the employing agency, and a copy submitted to POST for the following actions:

(B)1.-4.a.-b. and (C)1.a.-c. Remain Unchanged

(c) Disqualification Notification Requirements

(1) Investigating Agency

Whenever a peace officer or former peace officer is convicted of a crime, or for any reason specified in Government Code Section 1029 that disqualifies the individual from being employed as a peace officer, POST shall be notified ~~in writing~~via the system of record within ten days of the final disposition.

(2)(A)-(G) Remain Unchanged

NOTE: Authority cited: Sections 13506, 13510.1, and 13510.9, Penal Code. Reference: Sections 13510.1, 13510.3, 13510.9, and 13512, Penal Code.

State of California – Department of Justice
AFFIDAVIT OF SEPARATION
POST 2-357 (~~01~~08/~~2023~~2024)
Page 1 of 3

Commission on
Peace Officer Standards and Training (POST)
860 Stillwater Road, Suite 100
West Sacramento, CA 95605-1630 • 916 227-3909

INFORMATION PRIVACY ACT: Pursuant to the Federal Privacy Act (Public Law 93-579) and the Information Practices Act (IPA) of 1977 (Civil Code sections 1798, et seq.), notice is hereby given for the request for personal information. ~~POST is requesting this information pursuant to POST regulation section 1003. Submission of all requested information is mandatory.~~ Failure to provide any part of the requested information may delay processing of this application or result in an incomplete record. ~~The requested information will be used to process the termination of a peace officer from a POST Agency Roster.~~ No disclosure of personal information will be made unless permissible under Article 6, section 1798.24 of the IPA of 1977. Each individual for whom personal information is collected has the right to inspect that information in any record maintained by POST. Inquiries may be directed to the POST Information Practices Act Coordinator at the address and telephone number listed above or may be emailed to CPRA@post.ca.gov.. ~~Contact the POST Administrative Services Bureau for instructions on requesting records..~~

SECTION 1: IDENTIFICATION

1. POST ID NUMBER (OR SSN)	2. NAME (Last, First, Middle)	3. BIRTHDATE (MM/DD/YYYY)

4. GENDER	5. ALSO KNOWN AS (Last, First, Middle)	FOR POST USE ONLY
☐ Male ☐ Female ☐ Non-binary		

6. ADDRESS

7. RACE/ETHNICITY (Check box that best describes race/ethnicity — *See INSTRUCTIONS for Definitions*)

☐ American Indian or Alaska Native ☐ Asian ☐ Black or African American ☐ Filipino ☐ Hispanic or Latino
☐ Native Hawaiian or Pacific Islander ☐ White ☐ Other

8. RANK / CLASSIFICATION (Select and enter the POST Code from the list — *See INSTRUCTIONS for Rank/Class*)	9. AGENCY NAME

SECTION 2: TERMINATION / SEPARATION

10. DATE OF FINAL SEPARATION (MM/DD/YYYY)

11. TYPE OF SEPARATION

☐ Retired ☐ Resigned ☐ Deceased ☐ Involuntary Separation
☐ Did not complete probation ☐ Separated Pending Complaint, Administrative Charge, or Investigation for serious misconduct

12. RESOLUTION OR SETTLEMENT

Was the reason for separation part of a resolution or settlement? ☐ Yes ☐ No

If yes, please check the appropriate box:
☐ Criminal Charge or Investigation
☐ Civil Charge or Investigation
☐ Administrative Charge or Investigation

13. REASON FOR SEPARATION DUE TO SERIOUS MISCONDUCT PER PC 13510.8(b)

Indicate Reason(s) For ~~Discharge~~ Separation Related to Serious Misconduct (Choose all that apply)

☐ Dishonesty ☐ Abuse of Power ☐ Physical Abuse ☐ Sexual Assault
☐ Demonstrating Bias ☐ Egregious or Repeated Acts That Violate the Law
☐ Law Enforcement Gang ☐ Failure to Intercede
☐ Failure to Cooperate with Investigation

14. REASON FOR SEPARATION (REQUIRED)~~OTHER THAN SERIOUS MISCONDUCT~~:

SECTION 3: NOTICE TO SEPARATING OFFICER

15. NOTICE TO OFFICER

The peace officer has been advised of their right to respond in writing to this Affidavit of Separation to the commission if the facts and reasons as they understand them are different than those provided by the agency.

Was the peace officer provided a copy of this completed form? ☐ Yes ☐ No

If yes, what manner was the form provided to the peace officer? ☐ In Person ☐ Mail ☐ Certified Mail
☐ Other (Specify)_____

Name of the person providing notice: _____ Date _____

Peace officer's acknowledgement of personal service: _____ Date _____

SECTION 3: NOTICE TO SEPARATING OFFICER *(continued)*

If the service was by mail, certified mail, or other courier service, affix the receipt (proof of mailing) below:

SECTION 4: AGENCY HEAD OR THEIR DESIGNEE

16. ATTESTATION OF REPORTING OFFICIAL

I certify (or declare) under penalty of perjury under the laws of the state of California that the foregoing is true and correct and that this affidavit (declaration) was executed on the date listed below.

Print Full Name: Title: Contact Number: ( )

Signature: ▶ Date:

INSTRUCTIONS – *Back to Form*

- Complete Section 1—Identification, Section 2—Termination/Separation, Section 3—Notice to Separating Officer, and Section 4—Agency Head or Their Designee. (NOTE: References to Penal Code sections are noted as "PC".)
- Please type or legibly print (in ink) all required information. Use the TAB key (or Shift tab) to navigate between boxes.
- Upload a printout of this notice to the Electronic Data Interchange (EDI) within 10 days of separation.

SECTION 1: IDENTIFICATION

Use these instructions to assist you in completing this section of the form.

Box 1. The separating peace officer's POST ID number or Social Security number shall be listed.

Box 6. This shall be the physical address of record for the peace officer separating from employment. A P.O. Box will not be accepted.

Box 7. Use these definitions to assist you in selecting the category that best describes the ~~appointee's~~ separating peace officer's race/ethnicity.

American Indian or Alaska Native
A person having origins in any of the original peoples of North and South America (including Central America), and who maintains tribal affiliation or community attachment.

Asian
A person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent, including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, Thailand, and Vietnam.

Black or African American
A person having origins in any of the black racial groups of Africa.

Filipino
A person having origins in any of the original peoples of the Philippine Islands.

Hispanic or Latino
A person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin, regardless of race.

Native Hawaiian or other Pacific Islander
A person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands.

White
A person having origins in any of the original peoples of Europe, Middle East, or North Africa.

Box 8. Use this list to select the POST code for the ~~appointee's~~ separating peace officer's rank/classification. This code will appear on the ~~appointee's~~ separating peace officer's Peace Officer Profile (P101) in the Rank column under the Employment section.

INSTRUCTIONS *(continued)* – *Back to Form*

Rank/Classification	POST Code
Acting Chief	ACTC
Administrator	ADM
Agent	AGNT
Assistant Chief	ACHF
Assistant Commissioner	ACOM
Assistant Marshal	AMAR
Assistant Sheriff	ASH
Bureau Chief	BURC
Captain	CAPT
Chief	CHF
Chief Deputy	CDEP
Chief Investigator	CHFI
Commander	CMDR
Commissioner	COM
Coroner	COR
Corporal	CPL
Deputy (I, II, III)	DPTY
Deputy Chief	DCHF
Deputy Commissioner	DCOM
Deputy Coroner	DCOR
Deputy Coroner Supervisor	DCRS
Deputy Coroner Manager	DCRM
Deputy Marshal (I, II, III)	DMA
Detective (I, II, III)	DET
Director	DIR
~~Dispatcher (I, II, III)~~	~~DIS~~
~~Dispatcher Manager~~	~~DISM~~
~~Dispatcher Supervisor~~	~~DISS~~
District Attorney	DA
Division Chief	DVC
Inspector	INS
Investigator (I, II, III)	INV
Investigator Manager	INVM
Investigator Supervisor	INVS
Investigator, Welfare Fraud	WINV
Investigator Manager, Welfare Fraud	WINM
Investigator Supervisor, Welfare Fraud	WINS
Jail Assistant Sheriff	JASH
Jail Commander	JCMR
Jail Captain	JCAP
Jail Deputy	JDEP
Jail Lieutenant	JLT
Jail Senior Deputy	JSDP
Jail Sergeant	JSGT
Lieutenant	LT
Manager	MGR
Marshal	MAR
Police Officer (I, II, III)	PO
Ranger	RANG
Ranger Manager	RNGM
Ranger Supervisor	RNGS
~~Records Supervisor~~	~~RECS~~
~~Records Supervisor/Dispatcher~~	~~RS/D~~
~~*(Full-time Records Supervisor AND full-time Dispatcher)*~~	
Reserve Level I *(Peace officer authority for the duration of assignment only)*	RI
Reserve Level I (24 hours) *(Peace officer authority 24 hours a day)*	RI24
Reserve Level II	RII
Reserve Level III	RIII
Sergeant	SGT
Sergeant-at-Arms	SGTA
Sergeant-at-Arms Chief	SGTC
Sheriff	SH
Sheriff/Coroner	SHC
Special Agent	SA
Supervisor	SUP
Supreme Court Bailiff	SCB
~~Trainee~~	~~TRN~~
Undersheriff	US
Warden	WARD

SECTION 2: TERMINATION / SEPARATION

Use these instructions to assist you in identifying the reasons for separation in this section of the form

Box 11. The type of separation shall be marked, regardless of whether the separation was in good standing or pending a complaint, charge, or investigation for serious misconduct.

Box 12. Indicate whether the separation was part of a resolution or settlement as well as the type of resolution or settlement.

Box 13. If the reason for separation is related to serious misconduct, indicate all applicable categories of serious misconduct.

Box 14. ~~If the reason for separation is not related to serious misconduct as defined in Commission Regulation 1205, e~~Enter additional information regarding the reason for separation here (~~i.e.:~~e.g., The officer resigned to relocate, the officer was separated due to lack of fitness for duty, the officer retired after 25 years of service).

SECTION 3: NOTICE TO SEPARATING OFFICER

Use these instructions to assist you in ~~identifying the reasons for separation in~~completing this section of the form

Box 15. The separating peace officer shall be provided with a copy of this form and advised of their right to respond to POST if the facts and reasons for separation as they understand them are different than the reasons indicated by the agency. Indicate the way the separating peace officer was provided with a copy of this form and advised of their right to respond. Include the name of the person providing the notice (or responsible for mailing) and the date the notice was given (or sent). If the separating peace officer was provided a copy in person, they shall sign the acknowledgment of personal service and the date of service.

If the service was by mail, certified mail, or other courier service, the receipt (proof of mailing) shall be affixed in the space provided.

Should the separating peace officer choose to respond, the response shall be submitted to the Certification Bureau of POST. Electronic copies shall be submitted via email to *Certificates@post.ca.gov*. Hard copies shall be submitted to the address listed at the top of this form.

SECTION 4: AGENCY HEAD OR THEIR DESIGNEE

Use these instructions to assist you in ~~identifying the reasons for separation in~~completing this section of the form

Box 16. This form shall be signed by the agency head or authorized designee under penalty of perjury. A certified digital signature is accepted in lieu of a wet signature.

AGENDA ITEM REPORT

Title: REPORT ON PROPOSED REVISIONS TO COMMISSION REGULATION 1005 - MINIMUM STANDARDS FOR TRAINING

REPORT PROFILE

MEETING DATE 11/20/2024	**BUREAU SUBMITTING THE REPORT** Certification Bureau	
RESEARCHED BY Michelle Weiler		**REVIEWED BY**
REPORT DATE	**APPROVED BY** Manuel Alvarez, Jr.	**DATE APPROVED** 10/31/2024
PURPOSE		**FINANCIAL IMPACT** No

ISSUE, BACKGROUND, ANALYSIS, & RECOMMENDATION

ISSUE:

Should the Commission approve proposed amendments to Commission Regulation 1005 to remove the specific language indicating that jail deputy appointees have 120 days to complete required training as prescribed by the Bureau of State and Community Corrections (BSCC), and replace it instead with a simple reference to the appropriate Penal Code sections?

BACKGROUND:

On September 30, 2021, Governor Newsom signed Senate Bill 2 (SB 2). SB 2 made significant changes to existing Government and Penal Codes, respectively. These changes provide for additional peace officer hiring eligibility requirements. SB 2 also grants POST the authority to certify all peace officers in California, and subsequently take action against those certifications, should POST determine serious misconduct occurred.

As POST continues to review the effectiveness of the regulations implemented in response to SB 2, one of the issues that has arisen is a misunderstanding of the application of Commission Regulation 1005(a)(7) as it relates to the minimum training required for jail deputies appointed under Penal Code section 830.1(c).

ANALYSIS:

As POST continues to review the effectiveness of the regulations implemented in response to SB 2, one of the issues that has arisen is a misunderstanding of the application of Commission Regulation 1005(a)(7) as it relates to the

minimum training required for jail deputies appointed under Penal Code section 830.1(c). As such, POST staff recommend amending the regulation to clarify the minimum training requirements.

POST staff recommend:

- Including language that specifies the requirement to complete PC 832 Arrest and Firearms must occur prior to being appointed to a classification that includes the exercise of peace officer powers, to be followed by the required training as required by the Board of State and Community Corrections (BSCC).
- POST staff also recommend removing the reference to a specified time period for completion of the training required by BSCC. While the Penal Code currently specifies 120 days, the legislature could choose to change that timeframe at any time. Instead, POST staff recommend referring more generally to the Penal Code and BSCC regulations that govern the minimum training required for jail deputies.

RECOMMENDATION:

POST staff propose to revise Commission Regulation 1005 to remove the specific language indicating that jail deputy appointees have 120 days to complete required training as prescribed by the Bureau of State and Community Corrections (BSCC) and replace it instead with a simple reference to the appropriate Penal Code sections.

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

ATTACHMENT(S):

Regulation_1005_Minimum_Standards_for_Training.v4.pdf

AMEND
Text of Proposed Regulatory Action

Article 1. General
§ 1005. Minimum Standards for Training

**(a)(1)-(6) Remains Unchanged

(7) Every jail deputy [Penal Code section 830.1(c)] shall satisfactorily complete the Penal Code section 832 (PC 832) Arrest Course and, when the agency requires the use of firearms, the PC 832 Firearms Course, ~~meet the training requirements of the PC 832 Arrest and Firearms Course(s) as applicable~~, Commission Procedure D-1-7 before being appointed to a classification that includes the exercise of peace officer powers; and ~~within 120 days after the date of appointment,~~ shall complete the training ~~required by the Board of State and Community Corrections~~ for custodial personnel pursuant to Penal Code sections 832.3(e) and 6035, and the training required for custodial personnel of local detention facilities pursuant to Division 1 (commencing with Section 100) of Title 15 of the California Code of Regulations.

**(a)(8)-(i)(2) 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.

AGENDA ITEM REPORT

Title: REPORT ON PROPOSED AMENDMENTS TO COMMISSION REGULATION 1201 - DEFINITIONS RELATED TO PEACE OFFICER CERTIFICATION

REPORT PROFILE

MEETING DATE 11/20/2024	**BUREAU SUBMITTING THE REPORT** Certification Bureau	
RESEARCHED BY Katelynn Poulos	**REVIEWED BY** Lindsay Lewellyn	
REPORT DATE	**APPROVED BY** Manuel Alvarez, Jr.	**DATE APPROVED** 10/31/2024
PURPOSE	**FINANCIAL IMPACT** No	

ISSUE, BACKGROUND, ANALYSIS, & RECOMMENDATION

ISSUE: Should the Commission approve the amendments to Commission Regulation 1201 to provide additional clarity regarding terms that may be used when describing a peace officer's certification status, as recommended in the staff report?

BACKGROUND: 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.

ANALYSIS: To address concerns around clarity related to the new definitions proposed in Commission Regulation 1201 and ensuring definitions are clearly referenced in other Commission regulations, the following changes were made from the proposed text the Commission approved at the June 13, 2024 meeting:

- "Accusation" was altered to add the word "pleading" between "legal" and "document" to indicate the specific type of legal document it refers to, as well as adding that it is defined in the new *POST Disciplinary Guidelines for Factors for Consideration of Penalty Related to Peace Officer Certification Actions (November 20, 2024)* instead of Commission Regulation 1205.
- "Cancelled Appointment" was altered to add the phrase "Cancellation of an appointment" as that is what is found

verbatim in Commission Regulation 1202. OAL requested that definitions be found "verbatim" in regulation text. Also, the word "background" was removed from between "minimum" and "requirements" to maintain consistency.

- "Cancelled Certificate" was reworded at the request of OAL to keep from restating text in Commission Regulation 1202 and instead provide an overview and point to the specific subsection where the reasons for cancellation can be found.
- "Conditional Certification" was altered to add reference to the new *POST Disciplinary Guidelines for Factors for Consideration of Penalty Related to Peace Officer Certification Actions (November 20, 2024)* as the source for the new definition.
- "Default Revocation" was altered to add an additional reference of Commission Regulation 1203.
- "Denied Appointment" was altered to add the phrase "Denial of Notice of Appointment" as that is what is found verbatim in Commission Regulation 1202. OAL requested that definitions be found "verbatim" in regulation text.
- "Denied Certificate Application" was altered to add the phrase "Denial of Basic Certificate" as that is what is found verbatim in Commission Regulation 1202. OAL requested that definitions be found "verbatim" in regulation text.
- "Stipulated Settlement" was altered to add reference to the new *POST Disciplinary Guidelines for Factors for Consideration of Penalty Related to Peace Officer Certification Actions (November 20, 2024)* as the source for the new definition.

RECOMMENDATION: POST staff propose to amend Commission Regulation 1201 to provide additional clarity regarding terms that may be used when describing a peace officer's certification status.

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_10.2024_Final.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" is a legal pleading document formally charging a peace officer with an act of serious misconduct, as defined in the *POST Disciplinary Guidelines for Factors for Consideration of Penalty Related to Peace Officer Certification Actions* (November 20, 2024).

(~~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 an appointment" refers to a peace officer's cancelled appointment to their employing agency's POST roster in the POST Electronic Data Interchange (EDI) due to ineligibility to be a peace officer based on a failure to meet minimum requirements identified in Government Code sections 1029, 1031, and 1031.4.

(8) "Cancelled Certificate" is any certificate, including a Proof of Eligibility and Basic Certificate, that was cancelled for one or more of the reasons identified in Commission Regulation 1202(c)(1).

(~~6~~9) "Certificate Programs" are programs in which the Commission applies specific criteria for awards of certificates as a means of recognizing achievements in education, training, and experience and for the purpose of raising the level of competence of law enforcement officers. Requirements for professional certificates for peace officers are set forth in Commission Regulation 1202.

(~~7~~10) "Certification" is a valid and unexpired Basic Certificate or Proof of Eligibility issued by the commission pursuant to Commission Regulation 1202 and Penal Code Section 13510.1.

(~~8~~11) "Commission" when used with an upper case "C," refers to one or more members for the Commission on Peace Officer Standards and Training.

(~~9~~12) "commission" when used with a lower case "c," refers to staff of the Commission on Peace Officer Standards and Training.

(13) "Conditional Certification" is when 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 disciplinary decision or settlement agreement as defined in the *POST Disciplinary Guidelines for Factors for Consideration of Penalty Related to Peace Officer Certification Actions* (November 20, 2024).

(~~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.

(~~11~~15)"Days" means calendar days unless otherwise indicated.

(16) "Default Revocation" is when a peace officer's certification has been revoked pursuant to Government Code sections 13510.8(a) and 13510.85(a)(2) and Commission Regulation 1203.

(17) "Denied Appointment" or "Denial of Notice of Appointment" is when a peace officer's appointment to an employing agency's POST roster has been denied for reasons specified in Commission Regulation 1202(a)(3).

(18) "Denied Certificate Application" or "Denial of Basic Certificate" is when a peace officer's application for a Basic or professional certificate is denied for failure to meet the eligibility requirements specified in Commission Regulation 1202.

(~~12~~19)"Executive Position" is a position above the middle management position, up to and including department head, for which commensurate pay is authorized, and is responsible principally for command assignments and the supervision of

subordinate middle management and supervisory positions. The executive position is most commonly the rank of captain or higher.

(~~13~~20)"First-level Supervisory Position" 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. The first-level supervisory position is equivalent most commonly the rank of sergeant.

(~~14~~21)"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~~22)"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~~23)"Ineligible" indicates an individual has been disqualified from eligibility to be a peace officer pursuant to Government Code section 1029.

(~~17~~24)"Middle Management Position" 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.

(~~18~~25)"Peace Officer" as it relates specifically to Article 4 – Peace Officer Certification, refers to any current or former peace officer.

(~~19~~26)"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~~27)"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~~28)"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.

(29) "Revoked" is when a peace officer's certification has been revoked pursuant to Government Code section 13510.8(a).

(30) "Stipulated Settlement" is when a peace officer who is under investigation by the commission negotiates a settlement as defined in the *POST Disciplinary Guidelines for Factors for Consideration of Penalty Related to Peace Officer Certification Actions* (November 20, 2024). The Commission must vote to approve all stipulated agreements.

(~~22~~31)"Voluntary Surrender" refers to the process by which a person who holds a certificate issued by the commission, knowingly and willingly, returns the certificate to the commission forfeiting all rights and privileges associated with that certificate.

Note: Authority cited: Sections 13506 and 13510.3, Penal Code. Reference: Section 1029, Government Code; Sections 830.1, 13503, 13507, 13509.5, 13510, 13510.1, 13510.3, 13510.5, 13510.8 and 13523, Penal Code.

AGENDA ITEM REPORT

Title: REPORT ON PROPOSED AMENDMENT TO COMMISSION REGULATION 1202 - PEACE OFFICER CERTIFICATES

REPORT PROFILE

MEETING DATE 11/20/2024	**BUREAU SUBMITTING THE REPORT** Certification Bureau	
RESEARCHED BY Katelynn Poulos	**REVIEWED BY** Lindsay Lewellyn	
REPORT DATE	**APPROVED BY** Manuel Alvarez, Jr.	**DATE APPROVED** 10/31/2024
PURPOSE	**FINANCIAL IMPACT** No	

ISSUE, BACKGROUND, ANALYSIS, & RECOMMENDATION

ISSUE: Should the Commission approve revisions to the previously approved amendments to Commission Regulation 1202 to provide additional clarity regarding peace officer certification and professional certificates requirements?

BACKGROUND: At the June 13, 2024, Commission Meeting, POST staff presented the Commission with proposed revisions to Commission Regulation 1202. During the rulemaking process, it was discovered that additional revisions to text need to be made to provide further clarity to the general and regulated public. These changes are substantive and require approval from the Commission as well as an additional 15-day public comment period.

ANALYSIS: The proposed changes that require Commission approval are reflected in the agenda item attachment using double strikethrough/double underline/highlighted text to differentiate these changes from those previously approved by the Commission which are reflected in single strikethrough/single underline text.

POST staff worked with OAL and have identified the following changes to provide further clarification to the previous changes:

- Amend subsection (a)(3)(A) - the text has been changed to "Applications will be denied" instead of "Applications may be temporarily denied." By replacing "may" with

"will" it avoids confusion as to whether an application is going to be denied. Instead, it provides that an application for a Proof of Eligibility will be denied if the applicant is not appointed to a qualifying employment classification. By removing "temporarily" it avoids confusion on the timeframe for the denial.

- Amend subsection (a)(3)(A)(2) - this text is being removed because it is redundant and conflicts with the next section for returned applications. Also, because this second reason is being removed, the text for (a)(3)(A) was changed to be "reason" instead of "reasons."
- Amend subsection (a)(3)(B) - the text has been changed to "Applications will be returned" instead of "Applications may be temporarily returned." By replacing "may" with "will" it avoids confusion as to whether an application is going to be returned. Instead, it provides that an application for a Proof of Eligibility will be returned for corrections when an information provided to POST is incomplete or inconsistent with the POST Profile. By removing "temporarily" it avoids confusion on the timeframe for the return.
- Amend subsection (a)(3)(D) - the text was changed to add "or returned" to the last line as it was inadvertently missed in the initial edits. This will keep the text consistent.
- Amend subsection (b)(4)(D)(3) - the text was changed to add "POST-certified" to make clear the credit for training points or education units can only be applied to POST-certified training as this is the only training POST can validate.
- Amend subsection (b)(4)(E)(5) - the added text is being removed because it is duplicative and not necessary to restate in this subsection.
- Amend subsection (b)(4)(G)(2)(b) - the text was changed to "Military credit is accepted only..." to read more clearly and "accredited" was added before "university" to ensure it is understood the official transcript needed to come from an accredited university and not just any university.
- Amend subsection (b)(4)(G)(10)(B) - the text was changed to remove "and" as well as adding an additional sentence to clarify the application process. The application can be initiated by either the applicant or their employing agency but both parties need to be involved in the process of reviewing the application and ensuring accuracy prior to the application being submitted to POST.
- Amend the "NOTE:" section at the end of the text where Authority and Reference are cited - the text was cleaned up to remove subsection references as subsections are more frequently changed causing the citations to need to

be updated more frequently. By removing the subsection references, it leaves only the section and those references would not be subject to change as often.

RECOMMENDATION: POST Staff recommend the Commission approve additional revisions to the text of Commission Regulation 1202 to provide further clarity to the general and regulated public.

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

ATTACHMENT(S):
Reg1202_TPRA_15-Day.pdf

§ 1202. Peace Officer Certificates.

(a) Proof of Eligibility (POE) and Basic Certificates

Proofs of Eligibility are only valid for the appointing agency.

(1) Proof of Eligibility is required for:

(A) Specified Peace Officers

Any specified peace officer described in Penal Code Section 830.1, 830.2, with the exception of those described in (d) of that Section, 830.3, 830.32, or 830.33, or any other peace officer employed by an agency that participates in the Peace Officer Standards and Training (POST) program.

1. Any peace officer described in (A) above who does not possess a Basic Certificate and who is not yet or will not be eligible for a Basic Certificate, regardless of participation in the POST program, are required to obtain a POE.

2. All levels of reserve peace officers who are appointed to a POST participating agency and who do not already possess a Basic Certificate are required to obtain a POE.

3. Any peace officer, including reserves with POST participating agencies, who is a lateral to a new agency and does not already possess a Basic Certificate, will be required to obtain a new POE.

4. Any peace officer, including reserves with POST participating agencies, may hold more than one POE at a time if they are simultaneously appointed to multiple agencies.

(2) Proof of Eligibility Award Requirements

A Proof of Eligibility shall be issued by POST to those who:

(A) Satisfy the requirements specified in subsection 1202(b)(1).

(B) Have a POST approved appointment as a peace officer submitted by the individual designated by the agency's department head or other authorized hiring authority via the Electronic Data Interchange (EDI).

(3) Denied~~al of~~ or Returned Notice of Appointment

(A) Applications ~~may~~ will be ~~temporarily~~ denied for the following reason~~s~~:

~~1. Incomplete information and/or unsigned Attestation of Peace Officer Eligibility, as specified in Commission Regulation 1003(a)(1)(A)1.a.,~~

~~2. Incomplete background information, or~~

~~3~~1. Not a qualifying employment classification.

~~2. Incorrect appointment date entered on Notice of Appointment~~

(B) Applications ~~may~~ will be ~~temporarily~~ returned for the following reasons:

1. Incomplete information and/or unsigned *Attestation of Peace Officer Eligibility, POST 2-356 (03/2022)*, as specified in Commission Regulation 1003(a)(1)(A)1.b.

2. Incorrect information entered on Notice of Appointment that is not consistent with POST Profile.

(~~B~~C) Disqualifying events, outlined in Government Code Section 1029, discovered during an audit will result in the cancellation of an appointment and POE pursuant to Commission Regulation 1203.

(~~C~~D) If a POE or appointment is denied or returned, the commission shall provide notice to the applying agency of the grounds for which the certificate was denied or returned and shall include:

1. A statement that the ~~certificate~~ POE or appointment was denied or returned.

2. A statement of facts upon which the ~~certificate~~ POE or appointment was denied or returned.

3. A statement of eligibility to reapply for a POE or appointment.

4. A statement of a right to appeal the denial on the grounds of mistake of fact, mistake of law, or equivalence to the minimum requirements.

(4) The POE shall expire upon issuance of a Basic Certificate or upon separation from the employing agency, if a peace officer does not possess a Basic Certificate.

(5) POST Basic Certificate

The Basic Certificate is required for:

(A) Specified Peace Officers

Pursuant to Penal Code Section 832.4(b), every peace officer listed in Penal Code Section 830.1(a) [except a sheriff, an elected marshal, or a custodial deputy appointed pursuant to Penal Code 830.1(c)] shall obtain the POST Basic Certificate in order to continue to exercise peace officer powers. Penal Code Section 832.4 requires possession upon completion of probation, but in no case later than 24 months after appointment. However, if the agency's probation period is 24 months, an additional three months is authorized.

(B) Police Chiefs/Persons in Charge

Pursuant to Penal Code Section 832.4(c), as a condition of continued employment, each police chief, or any other person in charge of a local law enforcement agency, who is appointed on or after January 1, 1999, shall possess the POST Basic Certificate within two years of appointment. Those who do not already possess a valid POST Basic Certificate, shall be issued a POE until such time as they earn a valid Basic Certificate.

(C) Peace Officers Employed by a Participating Agency

Every peace officer appointed by an agency participating in the POST program shall possess the appropriate Basic Certificate within the time limits described in subsection 1202(a)(5)(A) unless an exception in subsection 1202(a)(5)(D) pertains to the officer.

(D) Exception to the Basic Certificate Requirement

There are three exceptions to the Basic Certificate requirements specified in subsection 1202(a)(5)(A)-(C):

1. Peace officers appointed prior to the employing agency's entry date into the POST program and who are not required to possess a POST Basic Certificate pursuant to the requirements of Penal Code Section 832.4, and

2. Custodial peace officers appointed pursuant to Penal Code Section 830.1(c), and

3. Peace officers first appointed prior to January 1, 1974, and who have not changed agencies since that date and who are not included in exceptions subsection 1202(a)(5)(D)1. or 2.

(6) Basic Certificate Award Requirements

Applicants for the award of a Basic Certificate shall:

(A) Satisfy the following minimum training requirements: ~~specified in subsection 1202(b)(1).~~

1. Regular Basic Course (RBC),

2. Specialized Investigator's Basic Course (SIBC),

3. Penal Code Section 832 Course and the Coroner's Death Investigation Course,

NOTE: Jail deputies, as recognized by Penal Code section 830.1(c), are not eligible for a Basic Certificate unless they have completed the RBC and their employing agency's field training program for patrol of not less than 12 months.

(B) Possess an ~~valid~~ active POE.

(C) Complete the current employing agency's probationary period of not less than 12 months.

(D) Be currently employed as a full-time peace officer appointed to an eligible POST participating agency.

(7) Denial of Basic Certificate

(A) Incomplete applications may be temporarily denied for the following reasons:

1. Probationary period not satisfied.

2. Not an eligible full-time peace officer.

3. Applicant missing required training.

(B) Persons appointed as a peace officer after January 1, 2022, who are not in possession of an ~~valid~~ active POE at the time of application for a Basic Certificate shall be denied.

(C) Applications for Basic Certificate shall be denied due to ineligibility for the following reasons:

1. If the applicant is or has become ineligible to hold office as a peace officer pursuant to Government Code Section 1029.

2. If the applicant has been terminated for cause from employment as a peace officer for, or has, while employed as a peace officer, otherwise engaged in, any serious misconduct as defined in Commission Regulation 1205.

(D) If a Basic Certificate is denied, the commission shall provide notice to the applying agency of the grounds for which the certificate was denied and shall include:

1. A statement that the certificate was denied.

2. A statement of facts upon which the certificate was denied.

3. A statement of eligibility to reapply for a Basic Certificate.

4. A statement of a right to appeal the denial on the grounds of mistake of fact, mistake of law, or equivalence to the minimum requirements.

(b) Professional Certificates -- Peace Officers

(1) Certificate Award Requirements

(A) When applying for any level of a professional certificate, an applicant shall have satisfied the basic course training requirement, as specified in Commission Regulation 1005, for the applicant's current appointment:

1. Regular Basic Course (RBC),

2. Specialized Investigator's Basic Course (SIBC),

3. Penal Code Section 832 Course and the Coroner's Death Investigation Course, or

4. Minimum training standards for reserve officers as specified in Commission Regulation 1007.

(B) Applicants for professional certificates must be appointed as a full-time peace officer to an eligible POST participating agency and possess a valid Basic Certificate.

1. Applicants for a Reserve Peace Officer certificate do not need to be appointed as a full-time peace officer.

2. When a POST Basic Certificate is required to continue to exercise peace officer powers pursuant to Penal Code Section 832.4, employment with a POST participating agency is not required at the time of application.

(C) Applicants must meet certificate specific eligibility criteria listed below in subsections 1202(b)(5)-(10).

(D) Applications for Professional Certificates shall be denied due to ineligibility for the following reasons:

1. If the applicant is or has become ineligible to hold office as a peace officer pursuant to Government Code Section 1029.

2. If the commission determines the applicant, while employed as a peace officer, engaged in serious misconduct, as defined in Commission Regulation 1205.

(E) Exception to the Award of Professional Certificates

Experience as a Jail Deputy under 830.1(c) is not considered for the award of Professional Certificates.

(2) POST professional certificates are awarded to peace officers who achieve increasingly higher levels of education, training, and experience in their pursuit of professional excellence.

(A) The Commission-awarded certificate is a "professional certificate" pursuant to Penal Code section 13510.1 and is distinct from a "certificate of completion" which is awarded by a training presenter when an individual successfully completes a course.

(B) Attainment of Intermediate, Advanced, Supervisory, Management, and Executive certificates are voluntary.

(3) Certificate Categories and Levels

Professional certificates for full-time peace officers are awarded by category and level.

(A) Categories

There are three categories of certificates based on the basic training standard completed by the individual:

1. General Certificates – Completion of the Regular Basic Course is required.

2. Specialized Certificates – Completion of the Specialized Investigators' Basic Course is required.

3. Coroner's Certificates – Completion of the PC 832 Arrest Course AND the Coroners' Death Investigation Course are minimally required. If the agency authorizes the use of firearms, the PC 832 Firearms Course is also required.

(B) Requalification Requirement

1. Applicants for general or specialized category certificates must possess basic training that has not expired as specified in Commission Regulation 1008(b), Basic Course Requalification Requirement.

2. Applicants for coroner's category certificates must possess Penal Code Section 832 Arrest and Firearms training that has not expired, as specified in Commission Regulation 1080 and, Penal Code Section 832 Arrest and Firearms Course Requalification.

3. Peace Officer Certification Status remains "Inactive" if the Basic Course Requalification Requirement is met but the individual has not yet obtained eligible law enforcement employment from a POST participating agency.

(C) Levels

There are five certificate levels in each category (above):

1. Intermediate Certificate

2. Advanced Certificate

3. Supervisory Certificate

4. Management Certificate

5. Executive Certificate

(D) Reserve Peace Officer Certificates

Requirements for the Reserve Peace Officer Certificate are specified in subsection (b)(10).

(4) Certificate Terminology and Policy

(A) College Degree or College Unit Criteria

Accreditation shall be by a national or regional accrediting body that is recognized by the Secretary of the United States Department of Education. For the award of a certificate, all degrees or units:

1. Shall be issued by and recorded on the transcript of an accredited community college, college, or university; or

2. When issued by a non-accredited community college, college, or university, the degree or units shall have been accepted and recorded on the transcript of an accredited community college, college, or university.

(B) Education Units

1. One college semester unit equals one education unit, or

2. One college quarter unit equals two-thirds of an education unit.

(C) Training Points

1. Twenty hours of law enforcement training are equal to one training point. Only completed courses with verifiable hours are accepted. Training point credit shall not be given for partial completion of a course or when the course was failed.

2. When the training is not POST-certified, the commission shall have discretion to determine acceptable law enforcement training, pursuant to the following criteria:

   a. When requesting training points for courses that are not POST-certified, applicants must provide documentation to support completion of training such as a copy of the course roster or a copy of the course completion certificate.

   b. Training must be verified with a course roster or a certificate of course completion that includes the date of completion and number of hours completed.

   c. Military courses must identify the topics related to law enforcement such as: searching and handcuffing, arrest procedures, basic patrol, calls for service, report writing, transporting and securing prisoners, building searches, area searches, property and evidence control, traffic collision investigation, crime scene processing, etc. Military training shall be evaluated by POST for relevance to law enforcement as specified above.

   d. Out of state police training

      1) For the FBI National Academy, full credit shall be given for hours in training, or units, if a transcript is submitted.

      2) For out of state police academy basic courses, full credit shall be given for topic hours that meet the minimum topic requirements for the POST Regular Basic Course (RBC) if a transcript of the course is furnished. If a POST-certified basic course is completed, in addition to an out of state police academy, full hourly credit for training points for the POST-certified basic course may be granted as applicable consistent with ~~1011(a)(3)(D)~~ 1202(b)(4)(D).

   e. No training points are awarded for on-the-job training programs such as the Field Training Program.

   f. No training points are awarded for firearms qualification.

(D) Education Unit Conversions

When education units exceed the number needed to qualify for a certificate, the excess education units may be converted to training points to meet training point requirements. Excess training points cannot be converted to education units.

1. One education unit shall equal one training point.

2. POST will make the conversion when it is to the advantage of the applicant.

3. The RBC and other POST-certified law enforcement training can only be used to satisfy either the training points or the education units requirement. It cannot be used to satisfy both.

(E) Law Enforcement Experience

Law enforcement experience described in subsection 1202(b)(4)(E)1. below is accepted if recorded on the POST profile.

1. POST may accept the experience described in subsections 1202(b)(4)(E)2.-46. when the law enforcement experience:

   a. Is documented on the employing agency's letterhead, signed by the agency head,

   b. Includes an attestation that the applicable requirements stated in experience categories subsection 1202(b)(4)(E)2.-46. have been met, and

   c. Includes the type of appointment, time base, dates of service, and types of duties performed.

2. Full-time peace officer experience with a California POST participating agency.

3. Pursuant to Penal Code Section 830.75, persons designated as a Level I Reserve Officer by a POST participating agency but regularly employed by an institution of higher education are not considered to be full-time peace officers regardless of their status as a full-time or part-time employee.

4. Full-time peace officer experience with a California non-POST participating law enforcement agency, and during the time of the appointment, the law required completion of the RBC or SIBC for the position held.

5. Full-time peace officer experience with an out-of-state law enforcement department that participates in its state's “POST type” program, and the

"POST-type" program awarded the individual a Basic Certificate or license. The maximum credit allowed for this experience category is five years. "POST-type" means any department/agency that is a member of the International Association of Directors of Law Enforcement Standards and Training. ~~The maximum credit allowed for this experience category is five years.~~

6. Full-time experience with a federal law enforcement agency if the individual satisfactorily completed a basic law enforcement academy presented by the Federal Law Enforcement Training Center or the Federal Bureau of Investigation academy. The maximum credit allowed for this experience category is five years.

(F) Peace officers who qualify may be awarded a certificate in more than one category and at the same level.

(G)Application Requirements

1. Application Requirements - An applicant or applicant's employing agency shall submit the following information for a completed Certificate Application via the Electronic Data Interchange (EDI):

   a. Log into the POST PASS Account.

   b. Enter POST ID or Social Security Number.

   c. When applying, select the appropriate Certificate to start the application process.

   d. Select the Submit button.

2. An applicant or an applicant's employing agency shall submit a completed Certificate Application, via EDI, along with supporting documents as follows:

   a. Documentation that supports the required education ~~and experience~~include ~~(i.e.,~~ official transcripts~~,~~ and diplomas~~, certificates of course completion, and proof of law enforcement experience)~~. Unofficial transcripts, grade reports, grade cards, and Continuing Education Units (CEUs), college certificates, and degree verification letters, will not be accepted.

      1) The educational institution listed must have been accredited by the department of education of the state in which the community college, college, or university is located, or

2) By a national or regional accrediting body recognized by the Secretary of the United States Department of Education while the individual was in attendance.

b. When the units of credit are transferred from one educational institution to another, supporting documentation from all educational institutions is required. Military credit is ~~only~~ accepted only if recorded on an official transcript from an accredited college or accredited university.

1) Military credits listed as transfer credits are accepted if they are presented on an official transcript from an accredited college.

2) Sailor and Marine Corps American Council on Education Registry Transcripts (SMART) are not accepted, because they serve as a guide for academic institutions but are not accredited bodies and cannot award credit.

3) Continuing Education Units (CEU) are awarded for academic study related to maintaining a professional license and do not represent academic credit, therefore that is not considered acceptable education.

c. Supporting documents are not required if the education and/or experience information needed to support the current certificate request is already reflected on the applicant's POST profile. Any education or experience that is not reflected on the POST profile must be supported as described in subsection 1202(b)(4)(G)1. and/or 2.

(5) Applicants for Intermediate Certificate Award shall:

(A) Satisfy the requirements specified in subsection 1202(b)(1),

(B) Possess a Basic Certificate, and

(C) Satisfy one of the following eligibility combinations:

Degree or Education Units		***Law Enforcement Experience***		***Training Points***
Bachelor's degree	*and*	2 years	*plus*	0
Associate Degree	*and*	4 years	*plus*	0
45 Education Units	*and*	4 years	*plus*	45
30 Education Units	*and*	6 years	*plus*	30
15 Education Units	*and*	8 years	*plus*	15
*Excess education units may be applied towards training points on a unit for point basis per subsection 1202(b)(4)(D).				

(6) Applicants for Advanced Certificate Award shall:

(A) Satisfy the requirements specified in subsection 1202(b)(1),

(B) Possess the Intermediate Certificate, and

(C) Satisfy one of the following eligibility combinations:

Degree or Education Units *		***Law Enforcement Experience***		***Training Points***
Master's degree	*and*	4 years	*plus*	0
Bachelor's degree	*and*	6 years	*plus*	0
Associate Degree	*and*	9 years	*plus*	0
45 Education Units	*and*	9 years	*plus*	45
30 Education Units	*and*	12 years	*plus*	30
* Excess education units may be applied towards training points on a unit for point basis per subsection 1202(b)(4)(D).				

(7) Applicants for Supervisory Certificate Award shall:

(A) Satisfy the requirements specified in subsection 1202(b)(1),

(B) Possess or be eligible to possess an Intermediate Certificate,

(C) Complete a minimum of 60 semester units from an accredited college or university or possess an accredited degree (i.e., AA, BA, MA, etc.),

(D) Successfully complete the POST Supervisory Course, and

(E) Possess a minimum of two years of law enforcement experience as a permanent first level supervisor or higher.

(8) Applicants for Management Certificate Award shall:

(A) Satisfy the requirements specified in subsection 1202(b)(1),

(B) Possess or be eligible to possess an Advanced Certificate,

(C) Complete a minimum of 60 semester units from an accredited college or university or possess an accredited degree (i.e., AA, BA, MA, etc.),

(D) Successfully complete the POST Management Course, and

(E) Possess a minimum of two years of law enforcement experience as a permanent middle manager or higher.

1. To be awarded both the Supervisory and Management Certificates, possess two years of law enforcement experience as a permanent first level supervisor or higher, plus two years of law enforcement experience as a permanent middle manager or higher.

(9) Applicants for Executive Certificate Award shall:

(A) Satisfy the requirements specified in subsection 1202(b)(1),

(B) Possess or be eligible to possess an Advanced Certificate,

(C) Complete a minimum of 60 semester units from an accredited college or university or possess an accredited degree (i.e., AA, BA, MA, etc.),

(D) Successfully complete the POST Executive Development Course, and

(E) Possess a minimum of two years of law enforcement experience as a permanent agency head with the current employing agency.

1. To be awarded three certificates, Supervisory, Management, and Executive, or any combination of two, possess a minimum of two years of experience at the levels stated in subsections 1202(b)(7)(E), 1202(b)(8)(E), and 1202(b)(9)(E) respectively, as appropriate for the award.

(10) Reserve Peace Officer Certificate Requirements

(A) Requirements

Applicants for the award of a Reserve Peace Officer Certificate shall:

1. Be currently employed as a (designated or non-designated) Level I Reserve Officer with an agency participating in the POST program,

2. Have been selected in accordance with the minimum selection standards specified in Commission regulations for reserve officers,

3. Have completed a POST-certified RBC in any delivery format,

4. Have satisfactorily completed a minimum of 200 hours of general law enforcement experience,

5. If appointed on or after January 1, 1999, but prior to June 30, 1999, shall have completed 200 hours of field training. If appointed on or after July 1, 1999, shall have completed 400 hours of field training, and

6. If appointed to a POST participating agency on or after January 1, 2022, must possess a valid POE.

(B) Application Requirements

An applicant ~~(and/~~or an applicant's employing agency~~)~~ shall submit a completed Certificate Application--Reserve Peace Officer via EDI. The applicant or the

applicant's employing agency may initiate the application in EDI but both parties must approve the application before submission to POST.

1. Application Requirements--An applicant ~~and/~~or an applicant's employing agency shall submit the following information for a completed Certificate Application via the Electronic Data Interchange (EDI):

   a. Log into the POST PASS Account.

   b. Enter POST ID or Social Security Number.

   c. When applying, select the appropriate Certificate to start the application process.

   d. Upload appropriate documents referred to in 1202(b)(4)(G)2.

   e. Select the Submit button.

(c) The status of the certificate shall be indicated as such on the individual's POST Profile and may be reported as such upon any inquiry, or reporting of, the status of the individual's certification.

~~(c)~~(d) Certificate Cancellation

(1) Cancellation Reasons

POST shall cancel any certificate(s), including the Proof of Eligibility and Basic Certificate, for the following reasons:

(A) The certificate was obtained through misrepresentation, fraud, or

(B) The certificate was issued as a result of administrative error on the part of POST or the employing agency.

(2) Notification Requirement

Department personnel who possess information that a certificate was obtained through misrepresentation, fraud, or administrative error shall notify POST immediately.

(3) Investigation of Circumstances

The Executive Director may initiate an investigation of the circumstances under which the certificate was issued. The Executive Director has the authority to approve or deny certificate cancellation.

(4) Cancellation Appeal

An individual whose certificate has been cancelled may appeal the cancellation to the Commission.

At the Commission's discretion, a hearing shall be held either before the Commission or before a qualified hearing officer. The hearing officer shall prepare a proposed decision in such form that it may be adopted as the decision in the case. All hearings shall be conducted in conformance with the Administrative Procedures Act (Government Code section 11400 et seq.). At the conclusion of the appeal hearing, the Commission shall render a decision to uphold or overturn the decision to cancel the certificate.

(5) Cancellation Recorded

When the decision to cancel is upheld through the appeal process, the POST Profile record shall indicate the appropriate reason for the cancellation.

(6) Return of Certificate

Upon notification of cancellation, the individual to whom a cancelled certificate was issued shall return the certificate to POST, if the certificate was issued prior to July 1, 2021.

NOTE: Authority cited: Section 1029, Government Code; and Sections 13503, 13506, 13510~~(c)~~, 13510.1, ~~13510.1(c)~~, 13510.2 and 13510.7, Penal Code. Reference: Section 1031, Government Code; and Sections 832.4, 13503, 13506, 13510~~(c)~~, 13510.1, 13510.3 and 13510.7~~(a)-(b)~~, Penal Code.

AGENDA ITEM REPORT

Title: REPORT ON PROPOSED CHANGES TO COMMISSION REGULATION 1203 - PEACE OFFICER DISQUALIFICATION

REPORT PROFILE

MEETING DATE 11/20/2024	**BUREAU SUBMITTING THE REPORT** Certification Bureau	
RESEARCHED BY Katelynn Poulos	**REVIEWED BY** Lindsay Lewellyn	
REPORT DATE	**APPROVED BY** Manuel Alvarez, Jr.	**DATE APPROVED** 10/31/2024
PURPOSE	**FINANCIAL IMPACT** No	

ISSUE, BACKGROUND, ANALYSIS, & RECOMMENDATION

ISSUE:

Should the Commission approve the amendment to Commission Regulation 1203 to modify the 1029 revocation process pursuant to Penal Code section 13510.85(a)(2)?

If the Commission concurs, the appropriate action would be a **MOTION** to approve the recommended changes to the related text of Commission Regulation 1203.

BACKGROUND:

On September 30, 2021, Governor Newsom signed Senate Bill (SB) 2. SB 2 (2021) made significant changes to the existing Government and Penal Codes, respectively. These changes provide for additional peace officer hiring eligibility requirements. SB 2 (2021) also grants the Commission on Peace Officer Standards and Training (POST) the authority to certify all peace officers in California, and subsequently take action against those certifications, should POST determine serious misconduct occurred.

At the September 12, 2024 Commission meeting, before the presentation of peace officers to be decertified based on a felony conviction identified in Government Code section 1029, the Commissioners requested staff to present a proposal to revise the process to be similar to that which was presented during Item IV. c. which delegated authority to the Executive Director to accept default revocations on the Commission's behalf. This change in process requires an update to Commission Regulation 1203 text to remove the requirement that 1029 revocations be approved on the consent calendar.

ANALYSIS:

At the September 12, 2024 Commission meeting, before the presentation of peace officers to be decertified based on a felony conviction identified in Government Code section 1029, the Commission requested staff to present a proposal to revise the process to be similar to that which was presented during Item IV. c. which delegated authority to the Executive Director to accept default revocations on the Commission's behalf. This change in process requires an update to Commission Regulation 1203 to remove the requirement that 1029 revocations be approved on the consent calendar.

Pursuant to the request by Commission at the previous meeting staff propose to following revisions to the regulatory text:

- **Commission Regulation 1003**
  - Amend subsection (b)(3) to reflect an update to the process of decertifying a peace officer who has been convicted of a crime identified in Government Code section 1029 pursuant to Penal Code section 13510.8(a)(1). The proposed amendment will remove the additional Commission proceedings to vote on the decertification of the subject peace officer. Instead, the revocation will become automatic as an operation of law if no response or appeal is received from the subject officer providing evidence the conviction data is incorrect or the revocation is not warranted.

RECOMMENDATION:

POST staff propose to amend Commission Regulation 1203 to reflect modifications to the 1029 revocation process as voted on by Commissioners at the September 12, 2024 Commission meeting. The amendment will modify the process for 1029 revocations pursuant to Penal Code section 13510.85(a)(2).

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

ATTACHMENT(S):

2024-XX_TPRA_Reg1203.pdf

TEXT OF PROPOSED REGULATORY ACTION
Amend Commission Regulation 1203 – Peace Officer Disqualification

§ 1203. Peace Officer Disqualification.

(a) Pursuant to Penal Code section 13510.8(a)(1), a certified peace officer shall have their certification revoked if the person is, or has become, ineligible to hold office as a peace officer pursuant to Government Code section 1029. In this event, the Commission delegates to commission staff the authority to revoke any certificate, pending the Commission's final order, in accordance with the following procedure:

(b) Upon a preliminary determination by the Peace Officer Standards Accountability Division that the person is, or has become, disqualified for any of the reasons set forth in Government Code section 1029, the commission shall serve upon the person a notice of intent to revoke the peace officer's certification by certified and regular mail. Receipt from the Department of Justice of the necessary disqualifying felony or misdemeanor conviction data specified in Government Code section 1029(f) shall constitute prima facie evidence of the fact of the conviction.

(1) In the notice of intent to revoke the peace officer's certification, the commission shall advise the person that they have the right to respond to the intended revocation in the event that the person asserts that a disqualifying conviction did not occur.

(2) The person shall have 30 calendar days from the latest date of mailing of the notice of intent to provide a written response to the division regarding the revocation of the peace officer's certification based on the disqualifying conviction. The written response shall include the factual or legal basis supporting the contention that a disqualifying conviction did not occur, including all substantiating documents to support the contention. The written response shall be received or postmarked within 30 calendar days of the latest date of mailing of the notice of intent. Reasonable extensions of time to respond may be granted by the division upon a showing of good cause.

(3) If a written response is not received or postmarked within 30 calendar days of the latest date of mailing of the notice of intent, or within any extension of time granted for the response, a default revocation shall be issued. ~~t~~The peace officer's certification shall be revoked by the commission without further proceedings, pursuant to Penal Code section 13510.85(a)(1).~~, by means of an interim order of disqualification and decertification, pending the Commission's final order.~~ The person shall be served by regular and certified mail, written notice of the ~~interim~~ final order of disqualification and decertification, which shall be placed, in accordance with the Bagley-Keene Act, on the consent calendar at the next regularly scheduled meeting of the Commission. ~~Upon approval of the consent calendar by the Commission, the decertification order shall become final.~~

(4) If a written response is received, the division will review the response and conduct any appropriate additional investigation deemed necessary to determine whether a disqualifying conviction occurred. If, following review and any additional

investigation, the division determines that a disqualifying conviction occurred, it shall serve an interim order of disqualification and decertification upon the person and/or their legal representative, and the matter shall be placed on the consent calendar at the next regularly scheduled meeting of the Commission. Following review of the conviction record, including the staff report and the response received from the person or their representative, pursuant to subdivision (b)(2), if the Commission agrees with the division's actions, the Commission shall summarily affirm the interim order of disqualification and decertification.

NOTE: Authority cited: Sections 13503, 13506 and 13510.8, Penal Code; and Section 1029, Government Code. Reference: Section 13510.8, Penal Code; and Section 1029, Government Code.

AGENDA ITEM REPORT

Title: REPORT ON PROPOSED CHANGES TO COMMISSION REGULATION 1054 - REQUIREMENTS FOR COURSE BUDGET

REPORT PROFILE

MEETING DATE	**BUREAU SUBMITTING THE REPORT**	
11/20/2024	Training Program Services Bureau	
RESEARCHED BY		**REVIEWED BY**
Brad NewMyer		Jim Grottkau
REPORT DATE	**APPROVED BY**	**DATE APPROVED**
11/20/2024	Manuel Alvarez, Jr.	11/01/2024
PURPOSE		**FINANCIAL IMPACT**
		Yes

ISSUE, BACKGROUND, ANALYSIS, & RECOMMENDATION

ISSUE:

Should the Commission approve, subject to the Notice of Proposed Regulatory Action process, the proposed changes to Commission Regulation 1054 - Requirements for Course Budget to increase instructor, coordination, and clerical costs to align with the current costs?

BACKGROUND:

Commission Regulation 1054 contains the maximum allowance for costs that are line items in a certified course budget. The regulation also provides guidelines for approving costs associated with our contracted training.

Current regulations provide the following maximum limits:

- Instructional costs at $90 per instruction hour
- General Coordination at $440 per presentation
- Presentation Coordination at $25 per instructional hour
- Clerical support at $15 per hour

POST staff introduced these limits, approved by the Commission in 1998 and published in regulation in 1999.

Business costs, including salaries and benefits, have increased significantly since 1999. For tuition-non-reimbursed courses, POST course presenters have voiced concerns that these rate limits prevented them from hiring quality instructors and logistics support personnel. For tuition-reimbursed courses, presenters have consistently expressed that these cost limits do not cover the current presentation costs, including personnel and other associated costs.

ANALYSIS:

The instructional rates of POST-approved presenters have somewhat kept up with inflation. However, California Labor Statistics and POST Human Resources (HR) pay classifications indicated that our course presenters are paying above the market rate of postsecondary teachers. The data indicates that POST-certified course instructors need higher compensation to match their employing agency job classifications, or that their knowledge and educational experience demands a higher salary than the current maximum salary reimbursement provided by regulation.

A course coordination cost survey and the collected data also indicate a cost higher than the current regulation rate cap for presenters. POST regulation identifies the job duties for course coordinators to include "supervising support staff." This requirement puts coordination, due to the allowed supervisory duties, to potentially include reimbursement of positions in supervisory or managerial assignments. POST's presenter survey results on course coordination costs match the pay scale recommendation by POST HR, and match the current EDD labor market data for training managers or education administrators.

The presenter clerical cost survey response was similar to the pay range indicated by POST HR and somewhat mirrors the EDD Labor data. Still, the current maximum clerical pay rate outpaced the inflation rate. The data indicates the salary cost for clerical support has increased since 1999, requiring an increase in the allowed presenters reimbursement rate.

General Coordination reimbursement is currently set at $55 per eight hours of instruction, up to a cap of $440 per presentation. With the increases in both course coordination and clerical cost, a higher rate of general coordination reimbursement

should be allowed.

Data Considered:

POST staff sought out multiple data sources and surveyed active course presenters to gather the current labor rates. The collected data and survey results guided the POST recommendations to increase reimbursable labor costs. The increases should allow presenters to be reimbursed for the true cost of presentation based on current labor rates. The data and survey results are as follows:

Presenter Survey Results (Attachment A):

POST staff received input from approximately 60 presenters throughout the state, with 11 respondents being active course presenters. They indicated the current regulation rates are far below the salary market rate in their geographical area. The current rates they are paying are as follows:

- Instructor compensation from $60/hour to $150/hour
- Coordination compensation from $60/hour to $98/hour
- Clerical support compensation from $15/hour to $90/hour

United States Bureau of Labor Statistics Inflation data (Attachment B):

According to U.S. Bureau of Labor Statistics, from 1999 to 2024, the cumulative rate of inflation was 92%. By this calculation, the labor reimbursement rates established in 1999 dollars will equal the following rates in 2024:

- Instruction rate established at $90 per hour is equivalent to $172 per hour
- General Coordination rate established at $440 is equivalent to $844 per presentation
- Presentation coordination maximum rate set at $25 per hour is equivalent to $47 per instructional hour
- Clerical support at $15 per hour is equivalent to $28 per hour

California Employment Development Department labor rate statistics (Attachment C):

California Employment Development Department (EDD) collects, analyzes, and publishes statistical data and reports on California's labor force, industries, occupations, employment projections, wages, and other important labor market and economic data.

POST staff has selected occupation names from the EDD data that closely resemble our current regulation occupation definitions for review. The EDD data shows these occupation wages for 2022:

- Criminal Justice Teachers, Postsecondary: $41-$80/hour
- Training and Development Managers: $39-$80/hour
- Education Administrators, Postsecondary: $37-$80/hour
- Office Clerks, General: $15-$31/hour
- Office and Administrative Support Workers, All Other: $15-$39/hour

HR classification rates (Attachment D):

POST staff consulted with POST's Human Resources department and established pay ranges of similar positions in the California State employ. Based on the regulation definition, including regulation that describes course coordinators "supervisors" of clerical support, POST HR recommended the equivalent job classification and the associated pay range (including salary and benefits) as follows:

- Instructor= Associate Governmental Program Analyst salary: $52-$65/hour
- Coordination= Staff Services Manager I salary: $62-$77/hour
- Clerical support= Office Technician salary: $33-$41/hour

Recommend Rate Increases:

Based on an evaluation of the collected data and a consideration of the course presenter feedback, POST staff recommends maximum reimbursement rates identified in Commission Regulation 1054 -Requirements for Course Budget should be:

- Instructor compensation should remain at the current base rate (no change) of $35 per hour, with an increase to the maximum rate of $155 per hour.
- General Coordination compensation is currently set at

$55 per eight hours of instruction not to exceed $440 per presentation. It should increase to $105 per eight hours of instruction not to exceed $844 per presentation.
- Presentation Coordination compensation is currently set at $15 to $25 per hour. General Coordination reimbursement allowance, due to the potential for supervision of clerical support as the described duties, should be set at $35 to $85 per hour.
- Clerical support maximum compensation should be set at $16 (the current state minimum wage) to a maximum of $45 per hour.

The identified labor rates provide a reasonable market cap for non-reimbursed courses and allow our course presenters to hire instructional and logistical personnel at a competitive rate as compared to private and public employers. Although these rates might not cover some of the course presentation costs for reimbursable courses, these rates will provide a comparable market value for state reimbursement of all POST presenters.

Reimbursable and Non-reimbursable Fiscal Impact:

Raising regulation rate caps/maximum reimbursement will impact POST internal and statewide fiscal expenditures. POST expenditures will increase due to increased tuition and presentation costs for the courses categorized in tuition-reimbursable or presentation-reimbursable plans.

Statewide law enforcement agencies and private citizens will also have to absorb increased costs for those who want to attend a POST-certified course categorized in tuition non-reimbursable plans or Plan N/A.

If the regulation is approved by the POST Commission, course presenters will be able to reassess their current course budget(s) and raise salary reimbursement rates to match their current total personnel costs not to exceed POST's maximum/cap or actual cost. POST staff analyzed our current certified course budgets and projected the economic impact based on the projected increases in reimbursement amounts.

Based on the proposed reimbursement rate increases, for current and future peace officers to receive the same frequency of training, POST staff estimates the following fiscal impacts:

- An anticipated increase of $2.78 million per year in reimbursement increases to POST course presenters from POST's annual budget.
- An anticipated impact of up to $20.9 million per year for POST-participating agencies and citizens for tuition and costs for non-reimbursed POST training.

The anticipated $2.78 million increase in presenter reimbursement will not require a request for additional funding, as the annual budget for POST will be able to account for the reimbursement increases and overall yearly impact.

RECOMMENDATION:

The Commission on Peace Officer Standards and Training (POST) allows reimbursement for course presentation not to exceed the actual costs of course presentation. Commission Regulation 1054 allows reimbursement for typical presentation costs that include, but are not limited to, instruction costs, development costs, coordination, clerical support, printing/reproduction, instruction materials, equipment, coordinator and instructor travel, miscellaneous, and indirect costs.

Commission Regulation 1054 contains the maximum allowance for costs presented as line items in the budget required for POST Certified Training Courses. Instructional, coordination, and clerical cost maximum allowances have been unchanged since 1999, and costs have increased significantly since that time.

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- POST Presenter Survey Results.pdf
Attachment B- Inflation Data.pdf
Attachment C- EDD Salary Data 2022.pdf
Attachment D- State of California Similar Positions.pdf

Attachment A-POST Presenter Survey Results

Agency/Presenter Name	Does your organization charge a tuition for any POST-certified course?	Instructor Pay We would like to know your pay range in cost-per-hour for your instructors, including fringe benefits and instructor preparation. How much is your minimum instructor pay per hour?	How much is your maximum instructor pay per hour?	How much is your maximum general coordinator pay per hour?	Presentation Coordination Presentation Coordination is the performance of tasks related to course quality control, i.e., observing and evaluating instructors at the instructional site; identifyin...	How much is your maximum presentation coordinator pay per hour?	How may hours of pre/post presentation coordination for every eight hours of instruction?	Clerical Support What is the actual, maximum, cost-per-hour for your clerical support staff?
Santa Monica Police	Yes	$ 80.45	$ 120.67	$ 120.67	$ 80.45	$ 120.67	2	Same as presentation coordinator pay
Turlock Police Department	Yes	$ 39.50	$ 130.00	$ 130.00	$ 39.50	$ 130.00	3	N/A
Corwin Bales	No	$ 75.00	$ 150.00	$ 100.00	$ 65.00	$ 100.00	2	N/A
Los Angeles Regional Criminal Information Clearinghouse (1225)	Yes	$ 150.00	$ 750.00	$ 50.00	$ 50.00	$ 75.00	3	N/A
Close/WSMOA presenter	Yes	$ -	$ -	$ -	$ -	$ -	2	N/A
Cavenaugh & Associates	Yes	$ 50.00	$ 200.00	$ 50.00	$ 50.00	$ 50.00	2	$ 400.00
Riverside County Sheriff	Yes	$ 98.36	$ 135.00	$ 104.53	$ 53.34	$ 104.53	4	$ 104.53
Mindset Tactical Solutions, LLC	Yes	$ 100.00	$ 200.00	$ 100.00	$ 100.00	$ 200.00	1	$ 100.00
Gridiron Training	Yes	$ 65.00	$ 200.00	$ 100.00	$ 100.00	$ 100.00	8	$ 100.00
Innovations for Criminal Justice (ICJ)	Yes	$ 85.00	$ 95.00	$ 85.00	$ 85.00	$ 85.00	10	$ 85.00
Saber Tactics	Yes	$ 75.00	$ 120.00	$ 80.00	$ 50.00	$ 80.00	2	$ 80.00
Rick Wall Consulting	Yes	$ 90.00	$ 125.00	$ 55.00	$ 25.00	$ 50.00	3	$ 75.00
Yuba College Public Safety	Yes	$ 85.20	$ 88.75	$ 30.00	$ 30.00	$ 30.00	2	$ 75.00
Cal OES Law Enforcement	No	$ 70.00	$ 150.00	$ 110.00	$ 85.00	$ 165.00	2	$ 70.00
DPrep Inc 7290	Yes	$ 75.00	$ 225.00	$ 125.00	$ 75.00	$ 125.00	2	$ 65.00
Marilyn Manning, The Consulting Team, LLC	Yes	$ 375.00	$ 500.00	$ 350.00	$ 375.00	$ 500.00	12	$ 60.00
County of Santa Clara	No	$ 80.37	$ 104.50	$ 40.00	$ 37.00	$ 50.00	5	$ 60.00
Tom Maloney, Maloney & Associates, LLC	Yes	$ 75.00	$ 160.00	$ 160.00	$ 75.00	$ 160.00	40	$ 55.00
Motor Squad Training Institute	Yes	$ 65.00	$ 95.00	$ 65.00	$ 65.00	$ 95.00	2	$ 55.00
Atherton Police Department	No	$ 52.36	$ 77.45	$ 52.36	$ 52.36	$ 77.45	3	$ 51.62
Joseph Kreins	No	$ 125.00	$ 250.00	$ 250.00	$ 125.00	$ 250.00	20	$ 50.00
The Counseling Team International	Yes	$ 100.00	$ 150.00	$ 30.00	$ 150.00	$ 200.00	20	$ 50.00
Sacramento County Coroner/ Donald Strickland	No	$ 100.00	$ 150.00	$ 100.00	$ 100.00	$ 150.00	8	$ 50.00
KIM TURNER, LLC	Yes	$ 150.00	$ 300.00	$ 75.00	$ 75.00	$ 125.00	16	$ 50.00
Five-O Training LLC	Yes	$ 50.00	$ 85.00	$ 85.00	$ 50.00	$ 85.00	12	$ 50.00
Lodi PD	No	$ 75.00	$ 100.00	$ 65.00	$ 65.00	$ 80.00	4	$ 50.00
Integrated Tactical Concepts, LLC	Yes	$ 100.00	$ 100.00	$ 50.00	$ 50.00	$ 50.00	4	$ 50.00
Fresno County District Attorney's Office/Bo Houngviengkham	No	$ 123.26	$ 125.90	$ 123.26	$ 123.26	$ 125.90	8	$ 46.56
South Bay Regional Public Safety Training Consortium	Yes	$ 80.00	$ 120.00	$ 80.00	$ 80.00	$ 95.00	4	$ 46.00
Orland Police Department	No	$ 40.00	$ 100.00	$ 100.00	$ 55.00	$ 100.00	2	$ 45.00
Bell Gardens Police Department	Yes	$ 45.00	$ 120.00	$ 55.00	$ 55.00	$ 55.00	2	$ 45.00
Palm Springs Police Department (2080)	Yes	$ 150.00	$ 300.00	$ 46.00	$ 45.00	$ 55.00	4	$ 40.00
Southwestern Solutions	Yes	$ 100.00	$ 175.00	$ 50.00	$ 50.00	$ 50.00	8	$ 40.00
Riverside County Sheriff's Department	Yes	$ 79.00	$ 99.00	$ 57.00	$ 46.00	$ 57.00	8	$ 39.34
Carlsbad Police Department	No	$ 61.29	$ 83.97	$ 83.97	$ 61.29	$ 83.97	1	$ 38.83
Palomar College	Yes	$ 70.00	$ 80.00	$ 68.00	$ 45.00	$ 68.00	2	$ 36.00
Rohnert Park Department of Public Safety	Yes	$ 49.97	$ 67.00	$ 67.00	$ 35.45	$ 35.45	2	$ 35.45
Test	Yes	$ 100.00	$ 150.00	$ 59.00	$ 50.00	$ 100.00	8	$ 35.00
POST Provider 1092-On Base Leadership Training	Yes	$ 60.00	$ 75.00	$ 40.00	$ 70.00	$ 95.00	2	$ 35.00
Santa Rosa Junior College	No	$ 70.00	$ 110.00	$ 60.00	$ 40.00	$ 60.00	2	$ 35.00
GET SAFE	Yes	$ 75.00	$ 100.00	$ 28.00	$ 20.00	$ 28.00	4	$ 34.00
San Joaquin Delta College Public Safety Training Center	Yes	$ 63.00	$ 103.00	$ 49.00	$ 49.00	$ 59.00	6	$ 32.00
Training Alliance for Public Safety	Yes	$ 90.00	$ 130.00	$ 75.00	$ 55.00	$ 75.00	8	$ 30.00
Top Dog Police K9, Training and Consulting, LLC (Ron Cloward)	Yes	$ 62.50	$ 75.00	$ 75.00	$ 62.50	$ 75.00	4	$ 30.00
CALIFORNIA CHAPLAIN CORPS	Yes	$ 35.00	$ 65.00	$ 35.00	$ 35.00	$ 65.00	4	$ 28.00
San Mateo County Public Safety Communications	No	$ 47.08	$ 58.85	$ 47.08	$ 47.08	$ 58.85	0.5	$ 27.57

Attachment A-POST Presenter Survey Results

Agency/Presenter Name	Does your organization charge a tuition for any POST-certified course?	Instructor Pay We would like to know your pay range in cost-per-hour for your instructors, including fringe benefits and instructor preparation. How much is your minimum instructor pay per hour?	How much is your maximum instructor pay per hour?	How much is your maximum general coordinator pay per hour?	Presentation Coordination Presentation Coordination is the performance of tasks related to course quality control, i.e., observing and evaluating instructors at the instructional site; identifyin...	How much is your maximum presentation coordinator pay per hour?	How may hours of pre/post presentation coordination for every eight hours of instruction?	Clerical Support What is the actual, maximum, cost-per-hour for your clerical support staff?
Charles Celano/Chief Leadership	Yes	$ 125.00	$ 200.00	$ 125.00	$ 125.00	$ 125.00	1	$ 25.00
SDCCD-PD/ Sheila Herron	Yes	$ 50.00	$ 65.00	$ 50.00	$ 50.00	$ 50.00	2	$ 25.00
The Driving Company	Yes	$ 60.00	$ 80.00	$ 30.00	$ 25.00	$ 30.00	6	$ 25.00
R3Results / G.A. Bartick	Yes	$ 32.00	$ 45.00	$ 24.00	$ 85.00	$ 140.00	0.6	$ 24.00
Rich Oliver Racing, Inc.	Yes	$ 125.00	$ 200.00	$ 20.00	$ 15.50	$ 20.00	8	$ 20.00
Behavioral Analysis Training Inc	Yes	$ 85.00	$ 125.00	$ 40.00	$ 24.00	$ 24.00	4	$ 16.00
California Association of Tactical Officers	Yes	$ 75.00	$ 100.00	$ 35.00	$ -	$ 50.00	1	$ 15.00
21CLETS, LLC	Yes	$ 50.00	$ 100.00	$ 62.00	$ 25.00	$ 25.00	8	$ 15.00
LAKE CO SO	Yes	$ 50.00	$ 80.00	$ 85.00	$ 55.00	$ 85.00	4	$ 10.00
Embassy Consulting Services, LLC	Yes	$ 100.00	$ 175.00	$ 100.00	$ 50.00	$ 75.00	4	$ 4.00
NorCal TacMed	Yes	$ 40.00	$ 60.00	$ 25.00	$ 40.00	$ 60.00	4	$ 1.00
Lee G. Violett (LGV Consulting)	No	$ 150.00	$ 150.00	$ 150.00	$ 150.00	$ 150.00	8	$ -
Help for the Headset	Yes	$ 65.00	$ 120.00	$ 70.00	$ 50.00	$ 70.00	7	$ -
DOJ/Advanced Training Center	Yes	$ 75.00	$ 90.00	$ 15.00	$ 25.00	$ 25.00	16	$ -
David Kinaan	No	$ 400.00	$ 400.00	$ -	$ -	$ -	6	$ -
Autism Cop	Yes	$ 125.00	$ 175.00	$ -	$ -	$ -	2	$ -

Attachment B- United States Bureau of Labor Statistics Inflation Data

U.S. BUREAU OF LABOR STATISTICS

CPI Inflation Calculator

$ 1.00

in January 1999

has the same buying power as

$1.92

in August 2024

Calculate

CPI Inflation Calculator

$ 15.00

in January 1999

has the same buying power as

$28.74

in August 2024

Calculate

CPI Inflation Calculator

$ 25.00

in January 1999

has the same buying power as

$47.90

in August 2024

Calculate

CPI Inflation Calculator

$ 90.00

in January 1999

has the same buying power as

$172.44

in August 2024

Calculate

Attachment C- California Employment Development Department labor rate statistics

Year	Occ Code	Occupation	Rate Type	Mean Wage	10th Percentile Wage	25th Percentile Wage	50th Percentile (Median) Wage	75th Percentile Wage	90th Percentile Wage
2022	113131	Training and Development Managers	Hourly wage	$73.03	$38.73	$50.20	$65.36	$79.21	$0.00
2022	119033	Education Administrators, Postsecondary	Hourly wage	$63.88	$37.19	$47.23	$60.63	$79.80	$0.00
2022	251111	Criminal Justice Teachers, Postsecondary	Hourly wage	$71.98	$40.71	$51.74	$65.20	$77.86	$79.78
2022	439061	Office Clerks, General	Hourly wage	$21.90	$14.93	$17.19	$19.38	$23.99	$30.51
2022	439199	Office and Administrative Support Workers, All Other	Hourly wage	$24.98	$14.91	$17.01	$23.36	$30.43	$38.56
2022	113131	Training and Development Managers	Annual wage or salary	$151,916	$80,561	$104,422	$135,954	$164,751	$0
2022	119033	Education Administrators, Postsecondary	Annual wage or salary	$132,875	$77,348	$98,243	$126,130	$165,983	$0
2022	251111	Criminal Justice Teachers, Postsecondary	Annual wage or salary	$149,722	$84,682	$107,608	$135,622	$161,940	$165,941

Attachment C- California Employment Development Department labor rate statistics

2022	439061	Office Clerks, General	Annual wage or salary	$45,560	$31,050	$35,744	$40,324	$49,900	$63,442
2022	439199	Office and Administrative Support Workers, All Other	Annual wage or salary	$51,951	$30,998	$35,380	$48,589	$63,296	$80,221

Attachment D- State of California Similar Positions

State of California Similar Positions as Evaluated by POST HR

Year	Position Description	Position Number	Rate Type	Salary Range
2024	Office Technician (Typing)	421-016-1139-003	Hourly wage+ benefits (x1.5534)	$33.30- $41.40
2024	Associate Governmental Program Analyst	421-016-5393-003	Hourly wage+ benefits (x1.5534)	$52.45- $65.66
2024	Staff Services Manager I	421-016-4800-001	Hourly wage= benefits (x1.5534)	$62.40- $77.51
2024	Office Technician (Typing)	421-016-1139-003	Annual wage or salary	$69264- $86112
2024	Associate Governmental Program Analyst	421-016-5393-003	Annual wage or salary	$109096- $136572
2024	Staff Services Manager I	421-016-4800-001	Annual wage or salary	$129792-$161220

AGENDA ITEM REPORT

Title: REPORT ON PEACE OFFICER REVOCATIONS BASED ON FELONY CONVICTIONS

REPORT PROFILE

MEETING DATE 11/20/2024	**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** 10/31/2024
PURPOSE	**FINANCIAL IMPACT** No	

ISSUE, BACKGROUND, ANALYSIS, & RECOMMENDATION

ISSUE: This is a report on Government Code section 1029 convictions occurring after January 1, 2022 that will be processed by the Peace Officer Standards Accountability Division (POSAD) for revocation pursuant to Penal Code section 13510.8(a)(1).

BACKGROUND: Government Code section 1029 outlines factors that disqualify an individual from holding office as, or being employed as, a peace officer in the state of California. Penal Code section 13510.8(a)(1) further stipulates that individuals disqualified pursuant to Government Code section 1029 shall have their certifications revoked.

ANALYSIS: Pursuant to Penal Code section 13510.8(a)(1), POSAD has identified the individuals listed in this report as disqualified from holding office as, or being employed as peace officer in the State of California and subject to revocation resulting from the factors identified in Government Code 1029.

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

ATTACHMENT(S):
1029_Revocation_List_November24_ Commission.pdf

1029 Revocation List – November 2024 POST Commission Meeting

Last Name	First Name	Last Employing Agency	District	Date of Conviction or Judgement	Conviction
Alvarado	David V.	California Highway Patrol (last employed 05/25/2023)	Northern	April 10, 2024	Felony, Penal Code section 273.5(a), Infliction of Corporal Injury Resulting in a Traumatic Condition Upon a Spouse, Former Spouse, Cohabitant, Former Cohabitant, Fiancé, Fiancée, etc.
Argersinger	Edgar J.	Orange County SD (last employed 06/02/2016)	Southern	January 19, 2024	Felony, Penal Code section 496(a), Receiving Stolen Property
Bunde	Eric J.	California Department of Justice (last employed 10/07/2017)	Northern	January 19, 2024	Felony, Penal Code section 487(b)(3), Grand Theft by Employee
Cookston	Todd D.	California Highway Patrol (last employed 04/05/2022)	Northern	June 11, 2024	Misdemeanor, Penal Code section 149, Assault by a Public Officer
Enriquez	Adrian	Woodlake PD (last employed 08/19/2019)	Central	April 5, 2022	Felony, Penal Code section 311.11(c)(1), Possession of Over 600 Images of Child Pornography
Follet	Michael K.	California State Lottery (last	Northern	November 15, 2023	Felony, Penal Code section 69, Resisting Executive Officer

		employed 10/19/2012)			
Heidecker	Christian P.	Riverside County SD (last employed 09/27/2023)	Southern	February 23, 2024	Felony, Penal Code section 664/289.6(a)(2), Attempted Sexual Activity with a Confined Consenting Adult by a Public Employee or Officer of a Detention Facility Felony, Penal Code section 518, Extortion Felony, Penal Code section 136.1(b)(1), Intimidation of Victims Felony, Penal Code section 68(a), Bribery
Horn	Jay	Cathedral City PD (last employed 03/09/2006)	Southern	October 10, 2023	Felony, Penal Code section 273.5(a), Corporal Injury to Spouse or Cohabitant Misdemeanor, Penal Code section 166(c)(1), Violate Court Order
Hortz	Steve	Orange County SD (last employed 10/01/2020)	Southern	February 22, 2022	Felony, Penal Code section 487(d)(2), Theft of a Firearm Felony, Penal Code section 459/460(b), Second Degree Burglary

Hubbard	Manu	San Bernardino County SD	Southern	June 20, 2024	Felony, Penal Code section 273.5(a), Infliction of Corporal Injury Upon a Spouse, Former Spouse, Cohabitant, Former Cohabitant, Fiancé, Fiancée, etc. Felony, Penal Code section 422, Criminal Threats
Manly	Timothy	Antioch PD	Central	December 21, 2023	Felony, Penal Code section 182(a)(5), Conspiracy to Commit an Act Injurious to the Public
Reynolds	Michael D.	San Joaquin County SO (last employed 11/02/2022)	Northern	April 4, 2023	Felony, Vehicle Code section 23153(b), Driving Under the Influence of Alcohol: Causing Bodily Injury
Rios	Luis A.	San Diego County SD (last employed 03/14/2022)	Southern	October 18, 2023	Felony, Penal Code section 288.3(a), Contact of Minor with Intent to Commit a Sexual Offense

AGENDA ITEM REPORT

Title: REPORT ON SELECTION OF COMMISSION VICE CHAIR

REPORT PROFILE

MEETING DATE 11/20/2024	**BUREAU SUBMITTING THE REPORT** Executive Office	
RESEARCHED BY Manuel Alvarez, Jr.	**REVIEWED BY** Manuel Alvarez, Jr.	
REPORT DATE	**APPROVED BY** Manuel Alvarez, Jr.	**DATE APPROVED** 11/04/2024
PURPOSE	**FINANCIAL IMPACT** No	

ISSUE, BACKGROUND, ANALYSIS, & RECOMMENDATION

ISSUE: Should the Commission decide to select a vice chair for calendar year 2025?

BACKGROUND: California Penal Code 13501 reads as follows pertaining to the designation of the chair and vice chair:

"*The Governor shall designate the chair of the Commission from among the members of the Commission. The person designated as the chair shall serve at the pleasure of the Governor. The Commission shall annually select a vice chair from among its members. A majority of the members of the Commission shall constitute a quorum*."

ANALYSIS: California Penal Code 13501 requires the Commission to annually select a vice chair from among its members.

The Commission has not held an annual selection discussion for the vice chair during the last twelve months. The Commission will hold a discussion and select the vice chair for calendar year 2025.

RECOMMENDATION: California Penal Code 13501 requires the Commission to annually select a vice chair from among its members. The vice chair shall be selected during the meeting on November 20, 2024.

AGENDA ITEM REPORT

Title: NEW ADVISORY COMMITTEE MEMBER APPOINTMENTS:

REPORT PROFILE

MEETING DATE 11/20/2024	**BUREAU SUBMITTING THE REPORT** Executive Office	
RESEARCHED BY	**REVIEWED BY**	
REPORT DATE	**APPROVED BY** Manny Alvarez	**DATE APPROVED**
PURPOSE	**FINANCIAL IMPACT** No	

ISSUE, BACKGROUND, ANALYSIS, & RECOMMENDATION

ISSUE:

BACKGROUND:

ANALYSIS:

RECOMMENDATION: Request to appoint Chief Cindy Pontes, to the POST Advisory Committee, as a representative for the California Highway Patrol (CHP).

If the Commission concurs, the appropriate action would be a **MOTION** to approve the appointment of Chief Cindy Pontes.

ATTACHMENT(S):
Cindy Pontes_CHP_AdvisoryNominationNov2024.pdf

DEPARTMENT OF CALIFORNIA HIGHWAY PATROL
P.O. Box 942898
Sacramento, CA 94298-0001
(916) 843-3760
(800) 735-2929 (TT/TDD)
(800) 735-2922 (Voice)

September 10, 2024

File No.: 001.15584.19212.026

Mr. Geoff Long, POST Commission Chair
Commission on Peace Officer Standards and Training
860 Stillwater Road, Suite 100
West Sacramento, CA 95605

Attention: Jim Grottkau, Assistant Executive Director, POST Standards and Development Division

Dear Chairperson Geoff Long:

Thank you for giving me the opportunity to nominate a member of the California Highway Patrol (CHP) for participation on the Commission on Peace Officer Standards and Training (POST) Advisory Committee. I have worked with Chief Cindy Pontes for many years, and I have watched her promote through the ranks of the Department. Chief Pontes' strong work ethic and high degree of professionalism have played a significant role in her success within the CHP.

As the newly appointed commander of our Personnel and Training Division, Chief Pontes' managerial skills and dedication to providing the highest level of training for law enforcement officers in California make her an excellent candidate for a role on the POST Advisory Committee. I highly recommend she be given your utmost consideration for this position.

Thank you again for providing the CHP with this opportunity. Please don't hesitate to contact me to discuss this recommendation in greater detail.

Sincerely,

S. A. DURYEE
Commissioner

AGENDA ITEM REPORT

**Title: PROPOSED MEETING DATES: SEPTEMBER 9 - 11, 2025 GREATER LOS ANGELES AREA AND NOVEMBER 18 - 20, 2025 POST HQ, WEST SACRAMENTO **

REPORT PROFILE

MEETING DATE 11/20/2024	**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: If the Commission concurs, the appropriate action would be a **MOTION** to approve the meeting dates.

STATE OF CALIFORNIA
LEGISLATIVE COUNSEL BUREAU
AUTHENTICATED
ELECTRONIC LEGAL MATERIAL

Assembly Bill No. 89

CHAPTER 405

An act to add Section 1031.4 to the Government Code, and to add Section 13511.1 to the Penal Code, relating to peace officers.

[Approved by Governor September 30, 2021. Filed with Secretary of State September 30, 2021.]

LEGISLATIVE COUNSEL'S DIGEST

AB 89, Jones-Sawyer. Peace officers: minimum qualifications.

Existing law requires the Commission on Peace Officer Standards and Training (POST) to establish a certification program for specified peace officers, including officers of the Department of the California Highway Patrol. Existing law requires the commission to establish basic, intermediate, advanced, supervisory, management, and executive certificates for the purpose of fostering the education and experience necessary to perform general police service duties. Existing law requires certificates to be awarded on the basis of a combination of training, education, experience, and other prerequisites, as determined by the commission.

This bill would require the office of the Chancellor of the California Community Colleges to develop a modern policing degree program, with the commission and other stakeholders to serve as advisors, as specified, and to submit a report on recommendations to the Legislature outlining a plan to implement the program on or before June 1, 2023. The bill would require the report to include, among other things, recommendations to adopt financial assistance for students of historically underserved and disadvantaged communities with barriers to higher education access, as specified. The bill would require the commission to adopt the recommended criteria within 2 years of when the office of the Chancellor of the California Community Colleges submits its report to the Legislature.

Existing law requires peace officers in this state to meet specified minimum standards, including age and education requirements.

This bill would increase the minimum qualifying age from 18 to 21 years of age for specified peace officers.

The people of the State of California do enact as follows:

SECTION 1. This act shall be known, and may be cited, as the Peace Officers Education and Age Conditions for Employment Act or PEACE Act.

SEC. 2. The Legislature finds and declares all of the following:

(a) There is an interest in minimizing peace officer use of deadly force.

(b) The Legislature has repeatedly relied on neurological research with respect to criminal sentencing law reflecting a growing understanding that cognitive brain development continues well beyond age 18 and into early adulthood. Scientific evidence on young adult development and neuroscience shows that certain areas of the brain, particularly those affecting judgment and decisionmaking, do not develop until the early to mid-20s.

(c) Law enforcement officers are required to make split-second decisions to protect the health and safety of the public and address dangerous situations. A young adult with a still developing brain may struggle during events that require quick decisionmaking and judgments.

(d) A study has also shown that better educated officers perform better in the academy, receive higher supervisor evaluations, have fewer disciplinary problems and accidents, are assaulted less often, and miss fewer days of work than their counterparts.

SEC. 3. Section 1031.4 is added to the Government Code, to read:

1031.4. (a) In addition to the standards in Section 1031, each state officer and employee designated as peace officers as described in Section 830.1, with the exception of those described in subdivision (c) of that section, 830.2, with the exception of those described in subdivision (d) of that section, 830.3, 830.32, or 830.33 of the Penal Code, or any other peace officer employed by an agency that participates in the Peace Officer Standards and Training (POST) program shall be at least 21 years of age at the time of appointment.

(b) This section shall not apply to any person who, as of December 31, 2021, is currently enrolled in a basic academy or is employed as a peace officer by a public entity in California.

SEC. 4. Section 13511.1 is added to the Penal Code, to read:

13511.1. (a) The commission, stakeholders from law enforcement, including representatives of law enforcement administration and law enforcement employees, the California State University, including administration and faculty members, and community organizations shall serve as advisors to the office of the Chancellor of the California Community Colleges to develop a modern policing degree program. By June 1, 2023, the office of the Chancellor of the California Community Colleges, in consultation with the stakeholders, shall submit a report on recommendations to the Legislature outlining a plan to implement this program. The recommendations in the report shall:

(1) Focus on courses pertinent to law enforcement, which shall include, but not be limited to, psychology, communications, history, ethnic studies, law, and those determined to develop necessary critical thinking skills and emotional intelligence.

(2) Include allowances for prior law enforcement experience, and appropriate work experience, postsecondary education experience, or military experience to satisfy a portion of the employment eligibility requirements.

(A) It is the intent of the Legislature that allowances for prior experience in this paragraph for those with military experience may be provided to those with military specializations pertinent to law enforcement, including

those specializations in community relations, deescalation, foreign language translators, and those determined to require necessary critical thinking skills and emotional intelligence.

(B) It is the intent of the Legislature that allowances for prior experience specified in this paragraph shall be granted to those of good moral character, and shall not be granted to those with prior sustained disciplinary actions taken against them, except that the Commission on Peace Officer Standards and Training may, after considering the severity of the sustained misconduct or violation, grant a partial allowance.

(3) Include both the modern policing degree program and bachelor's degree in the discipline of their choosing as minimum education requirements for employment as a peace officer referenced in subdivision (a) of Section 1031.4 of the Government Code.

(4) Include recommendations to adopt financial assistance for students of historically underserved and disadvantaged communities with barriers to higher education access that fulfill the minimum education requirements to be adopted, pursuant to this section, for employment as a peace officer referenced in subdivision (a) of Section 1031.4 of the Government Code.

(b) The report to be submitted pursuant to subdivision (a) shall be submitted in compliance with Section 9795 of the Government Code.

(c) Within two years of the submission of the report to the Legislature, the commission shall approve and adopt the education criteria for peace officers referenced in subdivision (a) of Section 1031.4 of the Government Code, based on the recommendations in the report by the office of the Chancellor of the California Community Colleges in consultation with the stakeholders specified in subdivision (a).

O