POST COMMISSION MEETING

March 7, 2024
AGENDA
10:00 AM

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 as explained below.

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 03/01/2024. 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
P. Lamont Ewell
Kelly Gordon
Geoff Long - Chair
Luis Lopez - Ex-Officio
Shannan Moon
Tina Nieto
Michelle Rodriguez
Vacant (Elected City Official)
Vacant (Elected County Official)
Vacant (Police Chief/Sheriff)
Vacant (Sergeant or Below)
Vacant (Sergeant or Below)
Vacant (Sergeant or Below)
Vacant (Public Member)

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

The following officers died in the line of duty since the last meeting:

- Officer Tuan Le, Oakland Police Department

ROLL CALL OF COMMISSION MEMBERS

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

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

OPENING REMARKS

PUBLIC COMMENT

The Commission Chair will advise the audience of the following:

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

A. APPROVAL OF ACTION SUMMARY AND TRANSCRIPTS

Approval of the Action Summary and Transcript from the previous Commission meeting held on November 30, 2023 in West Sacramento, CA.

A1. Action Summary - November 30, 2023, West Sacramento, CA

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

A2. Meeting Transcript - November 30, 2023, West Sacramento, CA

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

B. CONSENT

B1. Report on POST Reimbursable Agency Entry - Lemoore Police Department Dispatch

The Lemoore Police Department Dispatch has entered into the POST Reimbursable Program for its dispatchers effective December 21, 2023.

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

B2. Report on POST Reimbursable Agency Entry - Cuesta College Police Department Dispatch

The Cuesta College Police Department has entered into the POST Reimbursable Program for its dispatchers effective February 14, 2024.

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

B3. Report on Basic Course Presenter Statistics

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

B4. Report on Course Certification Statistics

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

B5. Report on POST Proposed Regulatory Actions/Status

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

B6. Report on Peace Officer Certification Statistics

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

B7. Report on Senate Bill 2 (2021) Update

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

B8. 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.

C. **FINANCE COMMITTEE**

The Chair of the Finance Committee will report on the results of the Finance Committee held on March 06, 2024, in Los Angeles, CA.

If the Commission the appropriate action would be a **MOTION** to approve the Finance Committee Report from their meeting on March 06, 2024, in Los Angeles, CA.

C1. Report on Request to Renew the Contract for the Robert Presley Institute for Criminal Investigation (ICI)

The Robert Presley Institute for Criminal Investigation (ICI) was established pursuant to Penal Code section 13519.9 and POST develops contracts annually with presenters throughout the state.

POST staff recommends entering into contracts with qualifying entities for the presentation of the ICI program in an amount not to exceed $5,658,893.98.

C2. Report on Request to Renew the Contract for the POST Command College

Command College is a master's level program lasting 14-months, designed to prepare law enforcement leaders for the challenges of the future. The program focuses on futures forecasting and innovation. Students are exposed to leaders in the fields of forecasting, innovation, economics, media relations, political science, and organizational leadership from across the nation.

POST staff recommends entering into contracts with the Government Training Agency to perform the work needed in the amount of $484,684.25.

C3. Report on Request to Renew the Contract for Sherman Block Supervisory Leadership Institute (SBSLI)

The Training Program Services (TPS) Bureau fulfills POST's vision through the development and maintenance of training curricula for California Peace Officers. TPS utilizes annual contracts to provide mandated and necessary training in the areas of leadership, criminal investigations, future foresight, supervision, management, instructor development, diversity, and tolerance.

POST staff recommends entering into contracts with a qualifying entity for the presentation of the Sherman Block Supervisory Leadership Institute in an amount not to exceed $2,875,694.10.

C4. Report on Request to Renew the Contract for the POST Executive Development Course (EDC)

The EDC addresses a broad range of contemporary topics, issues and trends relevant to law enforcement executives. Completion of the EDC is a requirement for a department head to receive their POST Executive Certificate [Commission Regulation 1011 (a) (11)]. For more information on this program course, please visit Executive Development Course.

POST staff recommends entering into contracts with California State University, Long Beach, to perform the work needed in the amount not to exceed $374,706.25.

C5. Report on Request to Renew the Contract for the Instructor Development Institute (IDI)

The Training Program Services (TPS) Bureau fulfills POST's vision through the development and maintenance of training curricula for California peace officers through contractors.

POST staff recommends entering into contracts with qualifying entities for the presentation of the Instructor Development Institute for an amount not to exceed $664,006.98.

C6. Report on Request to Renew the Contract for the Museum of Tolerance (MOT)

POST contracts annually with the Simon Wiesenthal Museum of Tolerance (MOT) to offer a variety of Tools for Tolerance programs designed for all levels of law enforcement personnel.

POST staff recommends entering into a contract with the Simon Wiesenthal Center for the presentation of the Museum of Tolerance program in an amount not to exceed $1,556,000.00.

C7. Report on Request to Renew the Contract for the POST Management Course

Every peace officer (except all jail deputies) promoted, appointed, or transferred to a middle management position is required, by regulation, to complete a POST-certified Management Course. In addition, curriculum development must be completed on a periodic and ongoing basis, to keep the course relevant and contemporary.

POST staff recommends entering into contracts with various entities to perform the work needed in the amount not to exceed $1,856,722.61.

C8. Report On Request to Renew the Contract for the Quality Assessment Program (QAP)

The QAP measures law enforcement instructor and course quality, evaluates instructor use of adult learning methods and techniques, reviews course documentation, measures learning validation and ensures the quality of POST-certified training courses. As part of the process, the program also provides mentoring to course instructors.

POST staff recommends entering into a contract with a qualifying entity for the presentation of the POST QAP in an amount not to exceed $698,357.60.

C9. Report On Request to Renew the Contracts for Supervisory Course

Every POST participating peace officer promoted, appointed, or transferred to a first-level supervisory position shall satisfactorily complete a POST-certified Supervisory Course either 12 months prior to promotion or within 12 months after the initial promotion, appointment, or transfer to such position.

POST staff recommends entering into contracts with various entities to perform the work needed for the amount of $1,908,183.04.

C10. Report on Request to Renew the Contract for Basic Academy Emergency Vehicle Operation Course (EVOC) Driver Training

POST staff recommends entering into contracts with POST-certified presenters of the Basic Academy Emergency Vehicle Operation Course (EVOC) during the Fiscal Year 24/25 in the amount not to exceed $4,237,500.00.

C11. Report to Request to Renew the Contract for Local Agency Audits

POST staff recommends entering into an inter-agency agreement with the State's Controller's Office (SCO) during Fiscal Year 24/25 in an amount not to exceed $250,000 to audit law enforcement agency and presenter reimbursement claims.

C12. Report on Request to Approve the Contract for Department of Justice Training Courses

POST staff recommends entering into a contract with the California Department of Justice (DOJ) for Fiscal Year 24/25 to present the described training courses for an amount not to exceed $443,432?

C13. Report on Request to Contract For Development of Training Videos

POST staff recommends entering into a two-year contract with qualified vendors for the production of training video programs in an amount not to exceed $1,732,000.

C14. Report on Request to Contract for Learning Portal Support and Maintenance

POST staff recommends entering into a contract to continue the SaaS subscription for the POST Learning Portal for up to $777,405.00 for the period 09/01/2024-06/30/2025.

C15. Report on Request to Renew the Contract for California State University, Long Beach Use of Force / De-Escalation Training

POST staff recommends entering into a contract with California State University, Long Beach (CSULB) to continue presenting the Force Options Use of Force De-Escalation Train-the-Trainer course for Fiscal Year 24/25 in an amount not to exceed $616,211.00.

C16. Report on Request to Contract with Mark43 for Maintenance Agreement

POST staff recommends entering into a contract with Mark43 for the maintenance and licensing of the case management system for Fiscal Year 24/25 in an amount not to exceed $1,800,000.00.

D. **BASIC TRAINING BUREAU**

D1. Report on the Development of the Basic Course Curriculum and Proposed Pilot Programs for LD 44 - Active Shooter

If the Commission concurs, the appropriate action would be a **MOTION** to approve the piloting of Learning Domain 44 - Active Shooter as described in the staff report.

D2. Report on Changes to Commission Regulations 1001 - Definitions and 1059 - Basic Course Certification Requirements

POST is proposing changes to Commission Regulations 1001 and 1059 that will restrict individuals whose certification is suspended, has been revoked, or was surrendered from instructing or serving as Director, Coordinator, Recruit Training Officer, Scenario Manager, Scenario Evaluator or Test Proctor/Evaluator in any basic course. The proposed changes will also establish a coordinator position for oversight of the PC 832 Arrest and PC 832 Firearms courses, set additional requirements for the selection of scenario managers and scenario evaluators, and establish a Recruit Training Officer to student ratio.

If the Commission concurs, the appropriate action would be a **MOTION** to approve the proposed changes to Commission Regulations 1001 and 1059.

E. **CERTIFICATION BUREAU**

E1. Report on Proposed Amendment to Commission Regulation 1205 - Serious Misconduct

After review bias related cases submitted to POSAD throughout the last year and a further review of Penal Code section (PC §) 13510.8 and Commission Regulation 1205, it was determined there needs to be additional regulatory language define what it means for a peace officer to be "demonstrating bias." POST staff recommends the Commission amend Commission Regulation 1205 as described in the staff report.

If the Commission concurs, the appropriate action would be a **MOTION** to approve the recommended changes to Commission Regulation 1205 to provide additional clarity regarding biased conduct.

E2. Report on Proposed Amendment to Commission Regulation 1210 - Voluntary Surrender

A year into the implementation of SB 2 (2021), POST staff have had the opportunity to assess its implemented regulations and proposes to amend Commission Regulation 1210 – Voluntary Surrender. The proposed changes add clarity regarding the information required to be reported on the *Voluntary Surrender of Peace officer Certification Form, POST 2-358*. POST staff recommends the Commission amend Commission Regulation 1210 as described in the staff report.

If the Commission concurs, the appropriate action would be a **MOTION** to approve the recommended changes to Commission Regulation 1210 to provide additional clarity regarding the information required to be reported on the *Voluntary Surrender*

of Peace officer Certification Form, POST 2-358.

F. PEACE OFFICER STANDARDS ACCOUNTABILITY DIVISION

F1. Report on Procedural Overview for Commissioner's Review of Proposed Decisions

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

F2. Report on Ineligible Peace Officers

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

F3. 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.

G. COMMITTEE REPORTS

H. CORRESPONDENCE

The following correspondence was sent from POST to:

- Darren Allison, Interim Chief, Oakland Police department; expressing deep sympathy over the tragic on-duty death of Officer Tuan Le.

I. NEW BUSINESS

I1. New Advisory Committee Member Appointments:

- Request to appoint Tammie Murrell to, to the POST Advisory Committee, as a replacement to representative for Walter Allen for California Academy Directors Association (CADA).

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

J. FUTURE COMMISSION DATES

Upcoming Commission Meetings will be held:

- June 12-13, 2024 - POST HQ, West Sacramento
- September 12, 2024 - Location TBD
- November 20-21, 2024 - POST HQ, West Sacramento

K. 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)].

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

The Commission will review the recommendations made by the Peace Officer Standards Accountability Advisory Board from the December 14, 2023 Board Hearing.

K1. POST2303691 - James Kurtz Fillmore (POST ID: A37-Q67) Last Employing Agency: Los Angeles Police Department

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

In any case in which the Commission reaches a different determination than POSAAB's recommendation, it shall set forth its analysis and reasons for reaching a different determination in writing.

K2. POST2308479 - Justin Raymond Ramirez (POST ID: C37-S81) Last Employing Agency: Orange County Sheriff's Department

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

In any case in which the Commission reaches a different determination than POSAAB's recommendation, it shall set forth its analysis and reasons for reaching a different determination in writing.

M. **CLOSED SESSION**

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

With regard to POST2308479, Justin Ramirez: Pursuant to Government Code section 11126(c)(3), the Board will review unredacted versions of Attachments A, B, and D to case POST2308479. Attachment A is a video recording that depicts two individuals engaging in sexual intercourse who are subsequently stabbed by an assailant with a knife, resulting in the death or apparent death of one the victims. The video is explicit and graphic in nature and shows the faces and intimate body contact between the victims. Attachment B is a video depicting two individuals engaging in narcotics use and explicit activity involving blowing narcotics smoke into intimate body parts of another person. Attachment D is a photograph of a deceased female lying on the ground in a pool of blood. These videos and photographs are all graphic and explicit in nature.

Where necessary, redactions have been made to the faces of the individuals depicted in excerpts that are being presented to the public, to preserve victim anonymity. Similar redactions have also been made to hide intimate body parts of those individuals depicted, where necessary. As these attachments are graphic and explicit in nature, unredacted versions thereof will be shown to the Board in closed session because the public's interest served by not publicly disclosing the unredacted versions clearly outweighs the public interest in disclosure of the full unredacted versions.

ADJOURNMENT

AGENDA ITEM REPORT

**Title: ACTION SUMMARY - NOVEMBER 30, 2023, WEST SACRAMENTO, CA **

REPORT PROFILE

MEETING DATE 03/07/2024	**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 Action Summary from the last Commission meeting.

ATTACHMENT(S):
11.30.2023_Commission_Action_Summary.pdf

POST

GAVIN NEWSOM
GOVERNOR

ROB BONTA
ATTORNEY GENERAL

POST COMMISSION MEETING

Commission on POST Headquarters
860 Stillwater Rd, Ste. 100
West Sacramento, CA 95605

November 30, 2023

ACTION SUMMARY

CALL TO ORDER

Commission Chair Geoff Long called the meeting to order at 10:01 a.m.

FLAG SALUTE

The pledge of allegiance was led by Chair Geoff Long.

MOMENT OF SILENCE HONORING OFFICERS KILLED IN THE LINE OF DUTY

A moment of silence was held in honor of those peace officers who lost their life in the line of duty since the last Commission meeting.

- Deputy Ryan Clinkunbroomer, Los Angeles County Sheriff's Department
- Officer Chad Swanson, Manhattan Beach Police Department

ROLL CALL OF COMMISSION MEMBERS

PRESENT	PRESENT	ABSENT
Ingrid Braun	John Marsh – Ex-Officio	Alan Barcelona
Rick Braziel	Shannan Moon	James O'Rourke
Jim Cooper	Nicholas Nguyen	
P. Lamont Ewell	Tina Nieto	
Kelly Gordon	Michelle Rodriguez	
Geoff Long – Chair	Eric Schmidt	

A calling of the roll reflected a quorum was present.

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

Chair Long introduced POST Advisory Committee Chair Jason Salazar, POST Chief Legal Counsel William "Toby" Darden, and Executive Director Manny Alvarez.

PUBLIC COMMENT PERIOD

Chair Long opened the floor for public comment. One person came forward and delivered their public comment.

EXECUTIVE DIRECTOR COMMENTS

Chair Long introduced Executive Director Manny Alvarez who addressed the Commission.

A. APPROVAL OF ACTION SUMMARY AND MINUTES

A.1. Approval of the action summary and minutes of the following meetings:

- Action Summary & Meeting Minutes – September 21, 2023

MOTION – Braziel, Second – Braun, and carried unanimously to approve the action summary and meeting minutes of the September 21, 2023, Commission meeting.

B. CONSENT

Chair Long announced there would be presentations on Consent Items: 5, 6,8-11,13-16.

B.5. Report on Peace Officer Certification Statistics

Chair Long called upon Bureau Chief Michelle Weiler, Certification Bureau, to provide a report.

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

B.6. Report on Peace Officer Revocations Based on Felony Convictions

Chair Long called upon Assistant Executive Director Annemarie Del Mugnaio, Executive Office, to provide a report.

Chair Long called for a MOTION to confirm the revocations of the ten officers, based on 1029 felony convictions, as listed in the staff report.

MOTION – Nieto, Second – Gordon, and carried unanimously by roll call vote to confirm the revocations of the ten officers, based on 1029 felony convictions.

B.8. Report on POST Learning Management System (LMS) Modernization

Chair Long called upon Bureau Chief Rosanne Richeal, and Information Technology Specialist Catherine Bacon-Davis, Learning Technology Resources Bureau, to provide a report.

This report was provided for information only. No action was required.

B.9. Report on the Quality Assessment Program

Chair Long called upon Law Enforcement Consultant William Baldwin, Training Program Services Bureau, to provide a report.

This report was provided for information only. No action was required.

B.10. Report on the Basic Course Certification Review Process

Chair Long called upon Bureau Chief Carrie Hollar, and Law Enforcement Consultant Bill Lewis, Basic Training Bureau, to provide a report.

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

B.11. Report on Compliance with POST Regulations Regarding Perishable Skills Program (PSP) and Continuing Professional Training (CPT)

Chair Long called upon Assistant Executive Director, Jim Grottkau, Executive Office, to provide a report.

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

Break taken 12:00 p.m. – 12:30 p.m.

B.13. Report on Case Status of Immediate Temporary Suspensions (ITS)

Chair Long called upon Bureau Chief Michelle Weiler, Certification Bureau, and Assistant Executive Director Annemarie Del Mugnaio, Executive Office, to provide a report.

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

B.14. Report of Certification and Decertification Case Processing

Chair Long called upon Assistant Executive Director Annemarie Del Mugnaio, Executive Office, to provide a report.

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

B.15. Report on Senate Bill 2 Update

Chair Long called upon Assistant Executive Director Annemarie Del Mugnaio, Executive Office, to provide a report.

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

B.16. Report on Legislative Update

Chair Long called upon Staff Services Manager Meagan Poulos, Executive Office, to provide a report.

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

C. FINANCE COMMITTEE

C.1. Report on Finance Committee Meeting held Wednesday, November 29, 2023

Chair Long called upon Commissioner Ewell and Bureau Chief Cheryl Smith, Administrative Services Bureau, to provide a report on the Finance Committee meeting on Wednesday, November 29, 2023 in West Sacramento, CA.

Chair Long called for a **MOTION** to approve the Finance Committee Report from the meeting on Wednesday, November 29, 2023 in West Sacramento, CA.

MOTION – Gordon, Second – O'Rourke, and carried unanimously to approve the Finance Committee Report for Wednesday, November 29, 2023 in West Sacramento, CA.

D. BASIC TRAINING BUREAU

D.1. Report on Amendments to the POST Guidelines for Student Safety in Certified Courses

Chair Long called upon Staff Services Manager Jennifer Hardesty, Basic Training Bureau, and Bureau Chief Brian South, Professional Conduct Central Bureau, to provide a report on this item.

The Commission discussed this item and made the following motion:

Chair Long called for a **MOTION** to approve the proposed changes to the POST Guidelines for Student Safety in Certified Courses as described in the staff report.

MOTION – Braun, Second – Rodriguez, and carried unanimously to approve the proposed changes to the POST Guidelines for Student Safety in Certified Courses.

D.2. Report on Proposed Changes to the Training and Testing Specifications for Peace Officer Basic Courses (Learning Domain 35 – Firearms/Chemical Agents)

Chair Long called upon Staff Services Manager Jennifer Hardesty, Basic Training Bureau, to provide a report on this item.

The Commission discussed this item and made the following motion:

Chair Long called for a **MOTION** to approve the changes to Learning Domain 35 – Firearms/Chemical Agents as described in the staff report.

No **MOTION** was made. As such there was no change to the amendment, and staff continues with the rule making process.

Break taken: 1:40 p.m. – 1:50 p.m.

E. CERTIFICATION BUREAU

E.1. Report on Proposed Changes to Commission Regulation 1208 – Temporary Suspension of Certification

Chair Long called upon Bureau Chief Michelle Weiler, Certification Bureau, to provide a report on this item.

The Commission discussed this item and made the following motion:

Chair Long called for a **MOTION** to approve the proposed changes to Commission Regulation 1208 as described in the staff report.

MOTION – Gordon, Second – Braziel, and carried unanimously to approve the proposed changes to Commission Regulation 1208.

E.2. Report on Proposed Amendment to Commission Regulation 1202 - Peace Officer Certificates

Chair Long called upon Bureau Chief Michelle Weiler, Certification Bureau, to provide a report on this item.

The Commission discussed this item and made the following motion:

Chair Long called for a **MOTION** to approve the proposed changes to Commission Regulation 1202 as described in the staff report.

MOTION – Braun, Second – Gordon, and carried unanimously to approve the proposed changes to Commission Regulation 1202.

E.3. Report on Adoption of Proposed Commission Regulation 1011 – Professional Certificates for Public Safety Dispatchers and Records Supervisor

Chair Long called upon Bureau Chief Michelle Weiler, Certification Bureau, to provide a report on this item.

The Commission discussed this item and made the following motion:

Chair Long called for a **MOTION** to approve the adoption of proposed Commission Regulation 1011 as described in the staff report.

MOTION –Braziel, Second – Ewell, and carried unanimously approve the proposed changes to Commission Regulation 1011.

F. PEACE OFFICER STANDARDS AND ACCOUNTABILITY DIVISION

F.1. Update on Review of Serious Misconduct Cases Related to Bias and Sexual Assault

Chair Long called upon Assistant Executive Director Annemarie Del Mugnaio, Executive Office, to provide a report on this item.

The Commission discussed this item and made the following recommendation:

The Commission directed staff to put language out for public comment and bring back to the Commission, the response on the definitions related to Bias and Sexual assault.

G.1. Report on Advisory Committee Meeting held Wednesday, November 29, 2023

Chair Long called upon Commissioner Salazar to provide a report on the Advisory Committee meeting on Wednesday, November 29, 2023 in West Sacramento, CA.

Chair Long called for any objections to adopting the Advisory Committee report. No objections were made, and the Advisory Committee report was adopted.

H. CORRESPONDENCE

H.1. The following correspondence was sent from POST to:

- Robert Luna, Sheriff, Los Angeles County Sheriff's Office; expressing deep sympathy over the tragic on-duty death of Deputy Ryan Clinkunbroomer.
- Rachel Johnson, Chief, Manhattan Beach Police Department; expressing deep sympathy over the tragic on-duty death of Officer Chad Swanson.

I. OLD BUSINESS

I.1. Old Business

There was no Old Business.

J. NEW BUSINESS

J.1. Consideration for 2024/2025 Commission Meeting Dates:

- June 12-13, 2024 – POST HQ, West Sacramento

- September 12, 2024 – Location TBD
- November 20-21, 2024 – POST HQ, West Sacramento

J.2. New Advisory Committee Member Appointments:

- Request to appoint Lieutenant Brent Stalker, to the POST Advisory Committee as a replacement for Randy Waltz.

  Chair Long called for a **MOTION** to approve the appointment of Lieutenant Brent Stalker to the Advisory Committee.

  MOTION – Gordon, Second – Rodriguez, and carried unanimously to approve the appointment of Lieutenant Brent Stalker to the Advisory Committee.

- Request to appoint self-nominated Alan F. McFadon, to the POST Advisory Committee as a Public Member.

  The commission discussed the self-nomination and concurred that Mr. McFadon needed to appear before the Commission and discuss his nomination if he wished to pursue appointment to the advisory Committee.

K. FUTURE COMMISSION DATES

K.1. Future Commission Dates

Chair Long read the future Commission meeting dates.

- March 6-7, 2024 – TBD

L. CLOSED SESSION

L.1. Closed 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/Potential Litigation: Pursuant to Government Code section 11126(e)(1) and (2), the Commission hereby provides public notice that it may meet in closed session to determine whether, based on existing facts and circumstances, any matter presents a significant exposure to litigation [see Government Code section 11126(e)(2)(B)(ii)] and, if so, to proceed with closed session consideration and action on that matter, as necessary

and appropriate [see Government Code section 11126(e)(2)(B)(i)], or, based on existing facts and circumstances, if it has decided to initiate or is deciding to initiate litigation [see Government Code section 11126(e)(2)(C)], or, if in the opinion of the state body on the advice of its legal counsel, based on existing facts and circumstances, there is litigation, or significant exposure to litigation, against the state body [see Government Code section 11126(e)(2)(B)(i)].

a. Former employee discrimination complaint dated June 29, 2023.
b. Employee administrative agency grievance.

Reconvened to General Session – 3:02 p.m.

Chair Long reconvened the meeting to general session and asked for any comments from the Commissioners.

There were no additional comments.

Chair Long called for a **MOTION** to adjourn the meeting.

MOTION – Cooper, Second – Rodriguez, carried unanimously to adjourn the meeting.

ADJOURNMENT – 3:03 p.m.

Respectfully Submitted,

Chandler T. Knapp
Staff Services Analyst

AGENDA ITEM REPORT

**Title: MEETING TRANSCRIPT - NOVEMBER 30, 2023, WEST SACRAMENTO, CA **

REPORT PROFILE

MEETING DATE 03/07/2024	**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):
11.30.23_Transcript_Commission

STATE OF CALIFORNIA

COMMISSION ON

PEACE OFFICER STANDARDS AND TRAINING

POST COMMISSION MEETING

Thursday, November 30, 2023

10:01 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 COMMISSIONERS PRESENT

GEOFF LONG
(Commission Chairperson)
Public Member

RICK BRAZIEL
(Vice Chairperson)
Educator
Humboldt State University

INGRID BRAUN
Sheriff
Mono County

JIM COOPER
Sheriff
Sacramento County

P. LAMONT EWELL
Public Member

KELLY GORDON
Chief
Santa Barbara Police Department

NICK NGUYEN
Sergeant
San Diego Police Department

JOHN MARSH
For ROB BONTA, Attorney General
Department of Justice
Ex Officio Member

SHANNAN MOON
Sheriff
Nevada County

TINA NIETO
Sheriff
Monterey County

JAMES O'ROURKE
Sergeant
California Highway Patrol

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

POST COMMISSIONERS PRESENT
(CONTINUED)

MICHELLE RODRIGUEZ
Public Member

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POST COMMISSION ADVISORY COMMITTEE MEMBERS

JASON SALAZAR
(Advisory Committee Chairperson)
California Police Chiefs Association

---o0o---

POST COMMISSION STAFF

MANUEL ALVAREZ JR.
Executive Director
Executive Office

WILLIAM "TOBY" DARDEN
Chief Counsel

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

JIM GROTTKAU
Assistant Executive Director
Standards & Development Division
Executive Office

CATHERINE BACON-DAVIS
Instructional Design/Project Manager
Learning Technology Resources Bureau

CHANDLER KNAPP
Staff Services Manager
Executive Office

KERI NUNEZ
Associate Governmental Program Analyst
Executive Office

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

POST COMMISSION STAFF (CONTINUED)

ROSANNE RICHEAL
Bureau Chief
Learning Technology Resources Bureau

BRIAN SOUTH
Bureau Chief
Professional Conduct Bureau 4

MICHELLE WEILER
Bureau Chief
Certification Bureau

MEAGAN POULOS
Legislative Liaison & Public Information Officer
Executive Office

JENNIFER HARDESTY
Staff Services Manager, Basic Training Bureau

WILLIAM BALDWIN
Training Program Services Bureau

CARRIE HOLLAR
Bureau Chief, Basic Training Bureau

BILL LEWIS
Staff Services Manager
Basic Training Bureau

MIKE RADFORD
Bureau Chief
Professional Conduct, Los Angeles County Bureau

---o0o---

ALSO PRESENT

MARSHALL ARNWINE JR.
ACLU of Northern California

RANDALL WALTZ
California Association of
Police Training Officers

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Thursday, November 30, 2023; 10:01 a.m.

West Sacramento, California

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CHAIRPERSON LONG: Good morning, everyone. Thanks for being here.

Let us please stand for the Pledge of Allegiance.

Sheriff Moon, would you lead us in the Pledge of Allegiance, please.

(Pledge of Allegiance recited in unison.)

CHAIRPERSON LONG: Please stay standing just for a moment. We'll observe a moment of silence for the two officers who have died in the line of duty since our September meeting.

The first is Deputy Ryan Clinkunbroomer, L.A. County Sheriff's Department. The second is Officer Chad Swanson, the Manhattan Beach Police Department.

(Moment of silence observed.)

CHAIRPERSON LONG: Thank you. Please take your seats.

Mr. Chandler Knapp, will you please call the roll.

MR. KNAPP: Yes, sir. Good morning, everybody.

Okay. Commissioner Barcelona.

(No response.)

MR. KNAPP: Commissioner Braun.

COMMISSIONER BRAUN: Here.

MR. KNAPP: Commissioner Braziel.
COMMISSIONER BRAZIEL: Here.
MR. KNAPP: Commissioner Cooper.
COMMISSIONER COOPER: Here.
MR. KNAPP: Commissioner Ewell.
COMMISSIONER EWELL: Here.
MR. KNAPP: Commissioner Gordon.
COMMISSIONER GORDON: Here.
MR. KNAPP: Commissioner Long.
CHAIRPERSON LONG: Here.
MR. KNAPP: Commissioner Marsh.
COMMISSIONER MARSH: Here.
MR. KNAPP: Commissioner Moon.
COMMISSIONER MOON: Here.
MR. KNAPP: Commissioner Nguyen.
COMMISSIONER NGUYEN: Here.
MR. KNAPP: Commissioner Nieto.
COMMISSIONER NIETO: Here.
MR. KNAPP: Commissioner O'Rourke.
COMMISSIONER O'ROURKE: Here.
MR. KNAPP: Commissioner Rodriguez.
COMMISSIONER RODRIGUEZ: Here.
MR. KNAPP: And Commissioner Schmidt.
(No response.)
MR. KNAPP: Thank you.

CHAIRPERSON LONG: Thank you. I would now like to introduce, to my second left there, our Advisory Committee Chair, Visalia Police Chief Jason Salazar. To my immediate left is POST Chief Legal Counsel William "Toby" Darden. And to my right, our Executive Director, Manny Alvarez.

Also, before we start, I would like to introduce our two newest commissioners, give them a chance to say a minute or two about themselves. Sheriff Shannan Moon, Nevada County; and Sergeant, San Diego PD, Nick Nguyen.

Sheriff, would you start, just a couple -- say hello.

COMMISSIONER MOON: Thank you, Chair.

Pleasure to be here. I'm Shannan Moon. I was born and raised in Nevada County, which is the county that I'm currently the Sheriff of. I have been -- this is the start of my second term. I'm a 33-year law enforcement employee of our sheriff's office. I started in corrections in 1990. It's been an incredible journey through 33 years working in law enforcement for my community.

Prior to that, my father was in law enforcement in my community, was a former Chief of Police in one of the small municipalities in our county. So I grew up in that law enforcement family.

Just, it's a pleasure to be here, it's a pleasure to work with all of you, and I look forward to the appointment and being on the Commission.

CHAIRPERSON LONG: Thank you, Sheriff.

Sergeant Nguyen.

COMMISSIONER NGUYEN: Thank you so much for having me here. My name is Nick Nguyen. I am a sergeant with San Diego PD, been there for 18 years. My parents came over during the Vietnam War, kind of over to California, San Diego. So it was kind of the American dream for us to just succeed in this country and this state.

So I work in our Special Projects and Legislative Affairs Unit over in San Diego PD and also director of our police union. So I'm just excited to be here. Thank you.

CHAIRPERSON LONG: Thank you, Sergeant.

We now are at the public comment portion of the hearing. This is the time for members of the public to comment on the Commission agenda. Pursuant to Commission policy, the Commission chair will manage the public comment period in deference to the Commission's workload and meeting time constraints.

Time is reserved at the beginning of each Commission meeting for public comments on the agenda. If required, we will go longer than our customary

15-minute period, but I may limit this period to no more than one hour in order to fully cover the agenda today.

Members of the public who wish to speak are asked to limit their remarks to no more than five minutes each. If many people wish to speak on the same topic, I may request remarks be limited to less than five minutes. Pursuant to existing Commission policy, the Chair may conclude the public comment period if multiple speakers are being repetitive.

And please be advised the Commission cannot take action on items not on the agenda today.

Is there anyone who would like to address the Commission during public comment?

Yes, sir. Come forward, please.

I think we've moved you. We're confusing you. Now you're at the end here. Thank you.

MR. ARNWINE: Good morning, everyone. Are we all ready?

My name is Marshall Arnwine. I'm the legal policy advocate for the ACLU of Northern California. Today I'm here representing the cosponsors of Senate Bill 2. That includes the Alliance for Boys and Men of Color, ACLU California Action, Anti Police-Terror Project, Black Lives Matter California, California Families United 4 Justice, Communities United for Restorative Youth

Justice, PolicyLink, STOP Coalition, and Youth Justice Coalition.

My first comment is related to agenda item on page 6 titled "Update on Review of Serious Misconduct Cases Related to Bias and Sexual Assault."

The cosponsors of SB 2 are opposed to the Commission delegating staff to review and propose amendments to California Code Regulation Section 1205. We do not support the attempt to clarify definitions regarding "demonstrating bias" and "sexual assault." We believe that any attempt to narrow the definitions will be contrary to legislative intent and spirit of SB 2 in protecting the public from officers who commit such acts of serious conduct.

For there to be law enforcement accountability, the definitions for "demonstrating bias" and "sexual assault" must remain as defined and listed in SB 2. If the definitions are narrowed, this will allow officers who commit these serious acts of misconduct to escape accountability through loopholes of overly descriptive definitions.

Regarding sexual assault, even in cases where the complaint does not contain evidence of a sexual assault act or actions, the allegations of speech or behaviors is still serious in nature in determining whether an

officer can serve the public responsibly. It presents a clear threat and bias to the community that cannot be tolerated or normalized.

In order to protect the public, all allegations of sexual assault complaints must be taken seriously. There's no need for clarification of the type and degree. We urge this Accountability Division and Commission to continue to use the legislative law as the guide for whether an officer should be reviewed for decertification.

SB 2 created a fair, multilayered decertification system with strong due process protections to ensure both fairness to the officers and that a police badge can no longer be used as a shield from accountability. Any attempt to narrow the definitions will be a step backwards for accountability and present a real danger to the community.

I'm going to pivot now towards a more general comment regarding the structure of the public comment period of this meeting.

We are also requesting that the order of when public comments are presented change to be after the agenda items are discussed by the Commission. The way the order is currently set up, the public is not able to thoroughly provide a public comment substantively on

what they hear during the discussion of the agenda items. At times, the documents attached to the agenda items do not even provide enough information to provide meaningful comments and feedback to you all.

Additionally, ten days is not enough time or sufficient time for the public to read through all the documents and be able to provide substantive comments. This is especially true when the details of the agenda items are unclear. If the Commission is serious about having public input, please consider releasing the agenda at least 21 days prior to the meeting.

Thank you for your time and attention.

CHAIRPERSON LONG: Thank you, Mr. Arnwine.

Are there any questions or comments for Mr. Arnwine?

(No response.)

CHAIRPERSON LONG: Seeing none, thank you, sir.

MR. ARNWINE: Thank you.

CHAIRPERSON LONG: Thank you very much for coming.

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

Mr. Alvarez.

EXECUTIVE DIRECTOR ALVAREZ: Thank you, Mr. Chair.

Good morning, all the commissioners and everybody in attendance. Thank you for allowing me the

opportunity to speak. As normal, I would like to just give you an update as to where things have been since the last meeting in September, some of the things that we've been working on, and some of the things that we're still working on.

So since the last meeting, we've published that we are doing a training symposium, two sets of training symposiums we haven't done in multiple years. At least the seven years I have been here, we haven't done them. We have a training symposium scheduled for February 23rd in Orange and a training symposium on February 27th here in Sacramento.

We've estimated that we'll have up to 350 individuals in attendance at that training symposium, and it's primarily focused on training managers to inform them of POST services and various other items related to POST.

We're currently trying to update the management course. As we've spoken previously, we signed a contract with the UC possibility [sic] lab -- or the Policy Lab on conducting a review of the management course. They completed that work.

We've had a couple of law enforcement executives do surveys across the state in terms of the management course, and now we're going to host two workshops,

primarily the chiefs, sheriffs, and lieutenants and captains, on the management course to see if it needs to be revised. That is scheduled for January 8th and February 26th. If any of you are participating in that, we thank you in advance.

Since our last meeting, we've released two sets of guidelines. We released Basic Course Training Guidelines -- or a guide, Anti-Reproductive Rights Guidelines, and we're currently working on releasing Hate Crimes Guidelines. They should -- Hate Crimes Model Policy, correct that.

It should be out shortly. It takes into account some of the new legislation that has been passed this session. And we have also -- in the process of releasing Elder and Dependent Abuse Guidelines. They should be out shortly as well.

We're still working on a few things that have taken us quite a while -- we've addressed them with the Commission over the last couple of years -- that we've thought we'd have done, but they're extremely complex. One is a regulation -- modification for Regulation 1070, and that's refresher training for instructors. We're still working on that. We hope to bring that back to you either in March or June or hopefully in the very, very near future.

And we are also working on Regulation 1054, which we've talked about previously, in terms of budgets and how we set up budgets for training courses. There's just some very, very complex issues with both of those, and it's just taking us quite a while to get those done.

We're also working on K9 Guidelines as we speak. And we're also still working on active shooter training for the RBC. We started on both of those projects, but they're ongoing.

Administratively, for some of the folks that were in the room this morning, we've been having a lot of discussions about our funding and our expenditures for the remainder of the year. For those of you that were not in attendance, we think we're in a good spot for the rest of the year. We think we're, for the first time in a few years, going to expend all of our local assistance money as well as our training money.

We do feel we're going to have some money left over for administration, simply because we haven't been able to hire as many folks as we would like. Obviously, with the growth of POST with SB 2, we're still in a significant hiring phase.

We're currently updating our POST website. That is a major revision that we do approximately every five years. So that is in the works right now, as we speak.

We signed a contract in the last 12 months with an entity, with Granicus, to do Public Records Act requests, to handle our Public Records Act requests that come in, as well as our subpoenas, as well as our document management. That has taken quite a bit of time.

We don't necessarily have a document management system that we've been using, and this will be a one-stop shop where all of our internal -- or documents that come into POST and documents that go out of POST will be housed.

And then, lastly, you're going to hear today a presentation on SB 2 and some of the staffing with SB 2, but I would like to give you just overall POST numbers as opposed to just SB 2 POSAD numbers.

So our staffing model after SB 2 increased to 262 positions. As of this week, we have 186 full-time staff members. So we're slowly ticking up as we go each meeting.

And RAs, we've gone from 13 to 14. We have a number of RAs starting next week and the week after, I believe. So we have a slight increase in the retired annuitants that are working for POST.

We're also trying to hire a couple of retired annuitants for our legacy bureaus because they are also

impacted with staffing issues. So we're trying to hire somebody to help with Racial and Identity Profiling Guidelines, and we're also trying to hire somebody to help us with Basic Course Certification Reviews, which you'll hear a little bit about today, just due to the backlog that we have.

So that's kind of an update as to where we've been in the last three months. And I'm happy to answer any questions if you have any, and I just thank you for the opportunity to speak.

CHAIRPERSON LONG: Any questions or comments for Mr. Alvarez?

(No response.)

CHAIRPERSON LONG: Seeing none, we'll move quickly to the approval of action summary of the minutes.

Is there a motion to approve the September summary and minutes? A motion?

COMMISSIONER BRAZIEL: Braziel. Motion.

CHAIRPERSON LONG: Second?

COMMISSIONER BRAUN: Braun.

CHAIRPERSON LONG: Is there an objection to the unanimous consent?

(No response.)

CHAIRPERSON LONG: Seeing none, so approved.

We'll now move to consent items. We are not

planning to hear the following consent items: 1, 2, 3, 4, or 7. Also, Item 12 is duplicative of information in Item 5; so we will not hear that.

Does anyone wish to hear any of these items? Related information for each is, of course, included in the agenda attachments.

(No response.)

CHAIRPERSON LONG: Seeing "no," we will move then to Consent Item Number 5, a report on peace officer certification statistics. Bureau Chief Michelle Weiler, in the first of her many appearances today, will provide a report on peace officer certification status, including ten proposed revocations that will also be discussed in the next item and will require a vote, even though it's in the consent portion of the calendar.

Ms. Weiler.

MS. WEILER: Good morning. I know you all missed me.

Yes. So this morning, I did want to point to there was an error in the version of the statistics that were published in the agenda. So I will point that out when I get to those numbers.

The reporting period for these statistics is September 1st to October 31st, 2023. So it's a short window of two months since our last meeting.

You can see in this two-month period, we've approved 1,241 new appointments. Again, this is not only our new peace officers but peace officers who may be lateraling from one agency to another.

And we've issued 939 Proofs of Eligibility. Those are our new peace officers, jail deputies, reserves who have never been a full-time peace officer with a Basic Certificate.

We issued 607 Basic Certificates.

We've received 1,167 Affidavits of Separation. These do include individuals who were lateraling from one agency to another, because we need that Affidavit of Separation when they separated from their prior agency.

To date, we have 103,236 active peace officer certifications and 154,133 inactive peace officer certifications. And that number will include any peace officers who only had a Proof of Eligibility and separated from employment prior to having their Basic Certificate issued.

In this two-month period, we issued 7 Immediate Temporary Suspensions and received 2 Voluntary Surrenders.

And now we've come to the numbers that were published erroneously. Before you, it says 25 1029 -- 25 individuals were disqualified based on

Government Code 1029 felony convictions. That number is actually 34.

And the 6 individuals who will, after you vote, have their revoca- -- have their certifications revoked based on a Government Code 1029 felony conviction, before you says 6. There are actually 10. And you can see on the screen that number is highlighted to draw your attention to that.

Of the Affidavits of Separation received, you could see the majority of them were related to the investigations for dishonesty, at 23. We had 7 that involved abuse of power, 3 that involved physical abuse, 5 that involved sexual assault, 3 for demonstrating bias, 16 for egregious and repeated acts that violate the law, 2 for involvement in a law enforcement gang, 6 for failure to cooperate with an investigation, and 1 for failure to intercede.

And, again, these could be duplicative numbers. An individual may have multiple allegations that they are facing when they separate from employment. Yesterday, at the Advisory Committee, it was requested that in future reports we identify the numbers of those individuals with multiple allegations. So moving forward, I will have those numbers available for you as well.

Any questions on these numbers?

CHAIRPERSON LONG: No questions or comments?

(No response.)

CHAIRPERSON LONG: Is there -- Mr. Salazar, did the Advisory Commission have any comment on Number 5?

CHAIRPERSON SALAZAR: Thank you, Mr. Chair.

Yes. The Advisory Committee did receive this report and, as Michelle commented, requested that, where the numbers showed duplicitous allegations of serious misconduct, if you could have an actual number of how many officers are represented in that, in those numbers.

And then also there was also discussed, with regards to the numbers that are provided there are for a limited reporting period, that it would be beneficial also to know year-to-date numbers to give a bigger context as to what those reporting numbers are throughout the year.

That is all, Chair.

MS. WEILER: Oh, yes. That reminds me.

So the erroneous numbers were part of a miscommunication among staff when we were putting these together. So moving forward, starting next year we will be giving you year-to-date numbers rather than based on reporting periods in between Commission meetings. That should help us eliminate some of the confusion that

happened in this last agenda item's preparation.

CHAIRPERSON LONG: Thank you, Ms. Weiler.

And thank you, Chief, for the helpful comments from the Advisory Committee. It was a good discussion yesterday.

Number 6, we'll move to, on Consent, is the report on Government Code Section 1029 convictions that occurred after January '22 -- 2022 -- which are being processed for revocation.

POST has identified that ten officers referenced in Ms. Weiler's report as disqualified to serve as peace officers in the state of California.

Assistant Executive Director Annemarie Del Mugnaio will discuss the revocation requirement and note that these revocations must be confirmed by the Commission. Following Ms. Del Mugnaio's presentation, we will move to a vote on these ten revocations.

MS. DEL MUGNAIO: Thank you, Chairman Long -- (inaudible). Can you hear me okay? Let's try that.

Is this working? Great.

Good morning, members of the Commission. Annemarie Del Mugnaio, Assistant Executive Director of Peace Officer Standards and Accountability Division.

As Chairman Long mentioned, these particular cases were pulled out from the certification stats for a

confirmation vote by the Commission. These are individuals who have suffered a felony conviction and judgment after January 1st, 2022. The law requires individuals who have a judgment of a felony for specific violations will be revoked by the Commission.

I'm also going to ask Chief Counsel Darden to review for you how we get to the point where we've made a decision regarding these cases of felony convictions and judgments. Thank you.

MR. DARDEN: Good morning. So it was requested that we advise the Commission with respect to what the internal process is to ensure that these convictions are actually disqualifying, and I'll be as brief as a lawyer can be.

So as you know, with Senate Bill 2, effective January 1st of 2022, a disqualifying felony conviction, we can revoke their certification. For convictions prior to 2022, we're not able to revoke, but we can, as we have always had the right to do, put a notation on their EDI profile that they are ineligible due to the disqualifying conviction.

So what do we do when we get this information? We can get the information in a number of ways. Number one, the DOJ is required to send us, under SB 2, a list of felony convictions, and it has done that. We have

well over 400 that have been sent to us. And we can also learn about them in the course of a serious misconduct investigation or we can learn from other means, for instance, a report or we see in the paper or whatever. So there are a number of ways that we can learn of a potential felony conviction.

If that's the case, we have a complete process to obtain all of the documentation and make a determination as to whether or not, based on the law in effect at the time of the conviction, it is disqualifying or not.

I won't bore you with it, but the law has changed significantly. A conviction in 1990 -- and we have some of those that we're looking at -- 2005 versus 2022, depending on the developments in a criminal case, the law has been different with respect to whether or not the officer is ineligible or not.

As you may know, in a criminal case, a number of things can happen. The person might plea but then be put on probation. If they satisfy probation, the initial plea might be withdrawn or there may later be a motion to vacate or they may move to expunge. A number of things can happen in a criminal case, and those all have legal consequences with respect to whether or not it is a disqualifying conviction for licensing purposes.

So when we get this report of a conviction, we

reach out to the Court. We get the complete Court file or as much information as the Court has. The officer would have an opportunity to give us information as well. And then we will review all of those facts and the chronology of what happened in the criminal case, determine the legal consequences of each act, and then ultimately whether, based on the law at the time of the operative conviction, we believe that it is disqualifying.

If it is, our internal staff -- we write that up. It's approved within the legal department, and then it's put into place with our POSAD division to send out a notification of interim disqualification to the officer, pending the Commission's final approval.

So I can give you more detail if you want, but that's just a quick summary. I just wanted to ensure you that we do have a very vigorous and detailed process to obtain the facts and to review these and to ensure that we have certainty within Legal Affairs that these are disqualifying convictions before we bring them to the Commission.

CHAIRPERSON LONG: Are you finished?

MS. DEL MUGNAIO: Yes. Thank you.

CHAIRPERSON LONG: Thank you, Ms. Del Mugnaio. Thank you.

Are there any questions or comments on this issue on these --

COMMISSIONER NIETO: Commissioner Nieto.

CHAIRPERSON LONG: Commissioner Nieto.

COMMISSIONER NIETO: I'm glad to see this finally happen, you know, as law enforcement. And I believe people in law enforcement need to lead lives that are unsullied. It's an honorable profession. To me, it's a calling for most people that go into law enforcement. And the last thing that anybody in our profession wants is those bad actors and stuff like this, because it taints the badge for all of us.

So I'm glad that we're finally moving forward with this. And we need to remove people, and we need to take them off lists so they don't get passed on from one agency to another. So I'm happy to see this moving forward.

CHAIRPERSON LONG: Thank you.

Commissioner Braziel.

COMMISSIONER BRAZIEL: In the future, can we see what the conviction was? That would be great to kind of see that. And maybe even track it to see if we see a pattern or trend. I don't know if it came up before, but --

CHAIRPERSON LONG: It did, actually, Commissioner

Braziel.

I think, were we prepared to -- I think we're prepared this morning to go through the ten.

MR. DARDEN: We can, Commissioner. If you're interested in it, my Assistant Chief Counsel does have information on each conviction. If you would like to hear what the factual basis is on each conviction, I can bring him up.

Okay. I --

COMMISSIONER BRAZIEL: No. I just didn't see an identifier. I was looking for one extra column --

MR. DARDEN: I see.

COMMISSIONER BRAZIEL: -- that basically said the conviction date and what their -- yes, whether that was --

MR. DARDEN: Sure. Got it.

COMMISSIONER BRAZIEL: And you can put the Penal Code section down if you want and let us interpret from there, but I don't need an explanation.

MR. DARDEN: Got it.

COMMISSIONER BRAZIEL: Just, it would be nice in the future.

MR. DARDEN: Okay.

CHAIRPERSON LONG: Chief Salazar, I believe you discussed that as well yesterday. Comments from the

Advisory Committee?

CHAIRPERSON SALAZAR: We did receive this report, but there are actually no comments on this particular item from the Advisory Committee.

CHAIRPERSON LONG: Okay. Any additional questions, comments?

(No response.)

CHAIRPERSON LONG: Is there a motion to confirm the revocation of these ten officers?

COMMISSIONER NIETO: Nieto moves.

CHAIRPERSON LONG: Is there a second?

COMMISSIONER GORDON: Second.

CHAIRPERSON LONG: Second, Gordon. All right.

So the motion is to -- we'll read those names into the record -- is to confirm the revocations of Daniel M. Auner, Davin Cole, Daniel Donahue, Antonio Galindo, Kevin Murray, Fidel Nunez Jr., Alexa Palubicki, William A. Rodriguez, Trevor A. Sterling, and Ny, I believe -- N-Y -- Tran.

We have a motion and a second.

Mr. Chandler, would you please call the roll.

MR. KNAPP: Commissioner Barcelona.

(No response.)

MR. KNAPP: Commissioner Braun.

COMMISSIONER BRAUN: Yes.

MR. KNAPP: Commissioner Braziel.
COMMISSIONER BRAZIEL: Yes.
MR. KNAPP: Commissioner Cooper.
COMMISSIONER COOPER: 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 Marsh.
COMMISSIONER MARSH: Yes.
MR. KNAPP: Commissioner Moon.
COMMISSIONER MOON: Yes.
MR. KNAPP: Commissioner Nguyen.
COMMISSIONER NGUYEN: Yes.
MR. KNAPP: Commissioner Nieto.
COMMISSIONER NIETO: Yes.
MR. KNAPP: Commissioner O'Rourke.
COMMISSIONER O'ROURKE: Yes.
MR. KNAPP: Commissioner Rodriguez.
COMMISSIONER RODRIGUEZ: Yes.
MR. KNAPP: And Commissioner Schmidt.
(No response.)
MR. KNAPP: Thank you.

CHAIRPERSON LONG: That's 12? Motion passes 12 to nothing. Thank you.

Our next item, Number 8, Learning Technology Bureau Chief Rosanne Richeal and Information Technology Specialist Catherine Bacon-Davis will provide us a report on learning management system modernization.

MS. RICHEAL: Hello. My name is Rosanne Richeal. I'm the Bureau Chief for the Learning Technology Resources Bureau, and with me is Catherine Bacon, who is one of our structural designers, who has been the lead project manager in the modernization of our learning management system.

I recognize that we have new commissioners. So I'm just going to give a brief background on why we're giving an update with regards to this system.

Back in 2020, we were tasked with -- my bureau was tasked with looking at and modernizing the learning management system, which is the system in which we deliver training, online training and video training, and to see if we were on task both fiscally and meeting the needs of our constituents and stakeholders for online training.

And during that time, this has been a three-year project that just came to fruition back in August, and -- sorry. There's an echo, and so it's kind of

confusing. So bear with me here -- it took everybody in my bureau to look at this and engage in updating the functionality of the system. And, also, we had to create all new templates for all of the training that we had to transfer over and migrate over from the old system. So it wasn't just flip a switch and now we have a new learning management system. Again, this has taken three years.

In doing so, it was a four-stage process, vetting process, in which we collaborated with other State agencies for their input, oversight, and regulation and -- received input and also some testing out in the field to make sure that the product that we were going to be delivering was adequate, sufficient to meet the needs of the stakeholders out in the field.

So at this point, I'm going to refer to Catherine. She's going to give an update on where we are with the training that is online, how many users we have, and then ask you if you have any questions.

Actually, I'll ask you now. Does anybody have any questions before I defer to Catherine?

(No response.)

MS. RICHEAL: Fantastic.

MS. BACON-DAVIS: Good morning. Thanks for your time today.

So as -- let's see. We went dark on the portal June 16th, and we were back live on August 15th. That time accounted for us switching to the new system and transferring all of our existing portal accounts.

As of 11/1, we had 113,496 active users. As of today, we have 113,537, in the span of a month.

Also in the agenda item you'll see some stats I provided. The number of courses we have all told is 106. Earlier this month, we had managed to restore 86 of those. We are now fully back online with those courses. There's one exception, which is a customizable course we're continuing to work with.

The number of affiliations in our system -- and by "affiliations," think of agencies, presenters, POST programs, such as our internal training offerings -- we have 1,088.

Our number of active enrollments on November 1st was 15,995. Those are people actually enrolled and registered for courses that are ongoing. And as of today, it's 23,868.

Number of course completions, at the beginning of this month, we had logged 8,882. As of today, we have logged 25,661 course completions.

We have numbers for our top five courses. Several of these are mandates, which are very popular with the

field for our portal. For Domestic Violence Response Update, this course was released just prior to the November 1st date, when this agenda item was written. So as of November 1st, it was 3,382 completions. As of today, it's 7,579.

Strategic Communications, Perishable Skills was 2,975. As of today, 4,554. By the way, as of yesterday, it was 4,493. So you can see day over day we complete -- we continue to get more enrollments and completions.

Beyond Bias, Racial and Identity Profiling Update, at the beginning of the month, this was 1,278 completions. As of today, it's 3,036.

Deescalation, Enhancing Strategies for Everyday Encounters, on the 1st of November, it was 731 completions. As of today, 922.

And finally -- let's see -- Elder Abuse took the lead over Human Trafficking. As of today, it's 792 completions.

So those are our top 5 of the 106 courses we have.

And I'll open it for questions.

CHAIRPERSON LONG: Thank you. Any questions, comments?

COMMISSIONER BRAUN: Not a question so much --

CHAIRPERSON LONG: Commissioner Braun.

COMMISSIONER BRAUN: -- as a comment.

I am one of the people that did the Domestic Violence Update on November 1st, and I will say that it was very seamless doing the learning portal, and I appreciated the ease of doing it. It was sent out to all of my staff to do it. So I thought I'll be a sport and do it as well.

So I just wanted to let you all know that the system is working, as you can tell.

MS. BACON-DAVIS: Thank you. That means a great deal to us. Thanks.

MS. RICHEAL: Thank you, Sheriff.

CHAIRPERSON LONG: Any other questions or comments?

(No response.)

CHAIRPERSON LONG: Thank you both for the report.

We'll move to Consent Item 10 -- excuse me -- 9. And Training Program Services, Bill Baldwin, will provide an updated metrics report on the Quality Assessment Program, the QAP.

MR. BALDWIN: Good morning, Chairman Long, Commission members. My name is William Baldwin. I work for the Training Program Services Bureau. And I'm going to give you a background of what the QAP program is, especially for some of the members who haven't heard this before.

This agenda item provides analysts -- analysis of the progress and efficacy of the Quality Assessment Program as well as the measures taken to continually improve outcomes. The agenda will provide the general process using the program, the number of courses selected for the review, the number of instructors' assessments completed, the number of courses requiring corrective actions, and the number of recommendations provided to assist with improvement with instruction.

The mission of the Commission on Peace Officer Standards and Training is to continually enhance the professionalism of California law enforcement in serving its community. The Quality Assessment Program, or the QAP, is contractually managed by the South Bay Regional Public Safety Training Consortium, 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 select courses. Historically, only courses listed in the POST course catalog were selected for assignment.

During discussion with the South Bay program manager, a gap was identified due to the class -- due to

the many presenters not listing their courses in the catalog. Typically, the presenters that plan -- or 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 are now being evaluated in the future.

So what we did with a couple of them -- with the PC 832 Arrest, we're looking at those courses now. Some of the agencies who do their own firearms or arrest and control tactic courses were going out and -- like LAPD or L.A. Sheriffs, we're looking at those now. And they're not usually listed in the catalog.

Another common reason for selecting a course to do quality assessment is in response to an external complaint. When a complaint regarding a course or instructors is received by POST, it is reviewed by POST staff and investigative -- investigation initiated if warranted.

As part of the review process, the complainant 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 QAP, POST provides a

South Bay program manager with the expanded course outline; the instructor résumés; the course hourly distribution schedule; and a safety plan, if it's applicable; and the course budget.

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 a course.

Most quality assessors in the program are graduates of the Instructor Development Institute, or IDI. They are master instructors -- graduates of Master Instructor Certification Course. The time that is required to complete this Master Instructor Certification Course is typically 10 to 12 months and involves a creation of a course of instruction, which includes student learning outcomes, student learning activities, and a lesson plan, just to name a few.

Once that course is developed and validated, the student is required to pilot that approved peer-review course. Only personnel that have completed the MICC course or are actively working in the latter stages of the MICC program are allowed to be assessors for this program.

The assessor assigned with the provided course information audits the assigned course. The assessor completes an instructor assessment for every instructor in the course, inspects the classroom or training location for suitability, and ensures that safety protocols are adhered to. Many courses, depending on the length, have several instructors during the course of instruction, requiring multiple assessments.

Under completion of the QAP, the assigned assessor returns the assessment to the South Bay program manager. At that point, we get that and we review it. Other courses may have regulatory issues, such as missing résumés or corrective formatting of the expanded course outline. Others involved instructor ratings that are either unacceptable or needs improvement in one of the nine categories for the rubric, which is Attachment Number A.

These issues are listed in the letter to the presenter, and the presenter is given 21 days to respond with an after-action plan on how they will -- the instructor will meet those standards or how they will fix those issues that are regulatory or dealing with the instructors.

If they do not respond within that 21-day period, the course will be placed into modification and the POST

Electronic Data Interchange, which will prevent the agency from presenting any new courses or classes until an action plan is provided and the modification status is removed by POST.

An internal note of the course assignment is placed in the internal comments of the EDI under the course number. So what we'll do is we will, in the comments -- we have comments in the EDI. We'll let them know that a QAP has been performed on that course and what were the outcomes.

The next part is from December 1st, 2022, to November 1st, 2023; so a year period. And I've updated this.

We have completed 89 assessments -- we have seen 89 assessments or scheduled 89 assessments, 71 have been completed, 3 are pending, and 5 are in progress.

And so when they say "in progress," it means that we have read the assessments. I have sent out letters to the presenters asking them for the corrective actions, and I'm awaiting for them to return those, after-action report.

The pending evaluations, that means that they have been assessed but the report hasn't been written up and sent to me yet.

Out of those 89, 36 of the assessments, there was

nothing wrong with them. They did well. 15 of those, there was an issue with an instructor. 14, when it says "multiple problems," there was both instructor and a regulatory action. And then 5 regulatory action. It would just be some kind of regulatory action that they need to take care of.

And there was a total of -- also, we provided 514 recommendations of improvements in those assessments. So when we do rate or assess the instructor, we'll also give them some type of information of how they can better their performance.

There was a total of 3,478 hours of classroom or courses, and 232 individual assessments were presented.

During that last year, we did have four presenters who had issues with instructors. And on all four of those courses, we asked those instructors -- they're very, very bad. So we asked them, you know, "Get rid of this person. You know, we don't want them teaching for POST." And a lot of those, not only were they bad with their instruction, but some of the professional behavior -- that was a key too to ask them to remove them from the program.

Out of the four, three of them did. One agency, we talked to their administrator. They really wanted to keep that person because that person did a lot of

instruction. They were expert in their field. So we kind of had a compromise with them. We asked them to get some retraining, go see another academy instruction certification course. And they counseled him internally. And we are going -- we have another follow-up QAP to make sure that those issues have been addressed.

Any questions?

CHAIRPERSON LONG: Any comments? Commissioner Gordon.

COMMISSIONER GORDON: So on the instructors that really don't pass the test, so to speak, although they may not be teaching those particular courses, they may then decide to, you know, try to teach for someone else or have their own company.

Is there a way that that information is available so that we know who is providing subpar instructing? I think that's an important point.

You know, how is that, A, for POST cross-reference so that new courses aren't getting approved with that person as an instructor; and is that information available in another way?

MR. BALDWIN: Well, I started tracking who the instructors for each course are and what their performance was. So that's just part of my list that I

go through. And, you know, going through these things, we did see one instructor who did bad in several different courses. So that was a little red flag that we noticed.

But yeah, that's something that we're doing now. We're starting to track each instructor, because some teach for multiple different presenters.

CHAIRPERSON LONG: I think -- just a second.

I think that Commissioner Gordon's comment hits the heart of the matter with the QAP, though, over the past couple of years, is, just assuming that all this good work goes on by POST on this, what happens -- and you have 541, or whatever it was, recos for improvement -- how is that tracked and where does it go so that people like Commissioner Gordon know who to avoid or where to send their people?

I've just never really seen any way to track this information or to figure out what type of sanctions or what follow-up there have been.

You know, 221 instructors reviewed, 500-plus recos for improvement. Where does it go?

I believe that, you know, assuming that everything is done properly, where does it go or how do we make best use of that? And that goes to the class deficiency question that I think has -- personally, I think has

kind of plagued QAP.

Mr. Alvarez.

EXECUTIVE DIRECTOR ALVAREZ: Thank you, Mr. Chair.

I believe a lot of that information is releasable under a Public Records Act request. I presume the QAP results would be releasable on every instructor.

Yes, we have not posted those results for each one online, but the data is available, should we desire to put it out there or should anybody want it. So we do have it.

COMMISSIONER GORDON: I think it's really important. You know, we talk about the quality of our officers, but the quality of their instruction and their training really goes to the heart of the matter.

So if there are instructors that are -- whether it's how they instruct, even what they think is appropriate, quote/unquote, "banter" or other things, you know, that make them a less desirable instructor, I think those things are all important when we're -- you know, to Chair Long's point -- deciding where to put our training money and where to send our folks. You know, when you're looking at a list of classes, who your top-quality instructors are make a difference. You know, the training they're getting makes a difference.

So I think there should be some more conversation

about not just requesting in terms of a PRA but how that information could be more available to the training managers and to chiefs as we're making those decisions.

I think it's, you know, very, very valuable. I'm glad to see that, you know, the program Quality Assurance is up and running and, you know, to this degree, because I think this is important. But I also think what we do with that information in terms of the Commission is also very, very important.

MR. BALDWIN: Yeah. I would like to say that sometimes when instructors get a negative review like "needs improvement," some of those deal with, let's say, mental, you know, intervention training. And they ask professionals from that field, like doctors or people who are not really instructors for full-time, they come in and then just lecture. They have a PowerPoint presentation.

And, of course, in the rubric, if you have a PowerPoint presentation and you don't get involved with question and answering and get the students involved, they're going to get a "needs improvement" rating. So sometimes we got to look at that too and say, well, okay. You know, maybe the presenter can talk to them, try to get a little bit better. But, you know, they're not true professional instructors.

So -- and there's also another course that is a 40-hour course, and it's full of so much information that it has to get through with its 40 hours. So these people, they do use a lot of lecture because that's the only way that they can do it. They can't break out into groups and do a lot of learning activities because there's just so much information in a short period of time.

COMMISSIONER GORDON: But I think that's -- you know, when we look at it, that's what we need to know. Like, it's not just a, you know, "You're good. You're not good." But, you know, having some of that feedback so we know, as we look at a course overall as well, like, just that it's a course that's heavy in material. And maybe it should be more than a 40-hour course so that it can be more interactive.

I think those are all the things -- like I said, when training dollars are so limited and we're looking at how we're improving the standards of our officers, those are all -- that information is very valuable and important.

CHAIRPERSON LONG: Mr. Alvarez.

EXECUTIVE DIRECTOR ALVAREZ: Thank you, Mr. Chair.

I guess that is something that we can definitely look into, to providing that information with each

course so that it's available to whoever wants to attend that course, perhaps listing the QAP results of the review. We will definitely take that into consideration and give you an update, if that's feasible.

COMMISSIONER GORDON: Yeah. And I would --

EXECUTIVE DIRECTOR ALVAREZ: And I presume legally that we can do that. We'll have to have a discussion, but I'm sure that we can.

COMMISSIONER GORDON: You know, in terms of a couple others -- like the management course, where there's particular instructors and that's something that's, you know, in one sense directly funded by POST through our contracts -- those are ones that, you know, if they don't remove those instructors, that should have a consequence. Because that is something that POST directly controls, those contracts. So, you know, those are ones, as we look at those, I think we should be taking a greater look at.

CHAIRPERSON LONG: I would add my voice to Chief Gordon.

I think without consequence, you remove the essential incentive, in many cases, for improvement. And without information, you really make it a very difficult product for chiefs and sheriffs to use.

So I think we need additional conversation on this

going forward, and I hope we'll continue having this discussion.

Thank you, Mr. Baldwin.

Any other questions?

(No response.)

CHAIRPERSON LONG: Then we move to Item 10, a report on Basic Course Certification Review. Bureau Chief Carrie Hollar and Staff Services Manager Bill Lewis will report on the Basic Course Certification Review process.

MR. LEWIS: Good morning, members of the Commission, Chairperson Long. My name is Bill Lewis. I'm assigned to the Basic Training Bureau. More specifically, I am the BCCR manager for the Basic Training Bureau. BCCR is the Basic Course Certification Review, which, in the bottom line, is basically an audit or an evaluation of Basic Courses that are certified for POST.

Okay. Next slide.

So why don't we do the BCCRs. If I can direct your attention to the PowerPoint, I'll let you read that while I explain in my own words.

It's the responsibility of the Certification Review Team to safeguard the standards of POST programs facilitated by certified presenters.

Next slide.

Before I get into the cycle of review, I'd like to address that there are 41 Regular Basic Courses in the state of California, RBCs or full academies. And it is -- in addition to the 41 RBCs, there are approximately 87 additional Basic Courses that the Certification Review Team conducts BCCRs on. These include Module III, Module II courses, and PC 832 Arrest and PC 832 Firearms courses.

Six months prior to a BCCR for a Regular Basic Course, or a full academy, we'll contact the presenter director and/or the coordinator and let them know that we're interested in doing a BCCR on the academy.

After that conversation, a notification letter is drafted and an email is sent out, and we'll recontact that director and/or coordinator and we'll explain processes of the BCCR. In the BCCR notification letter, there are certain items that we require. That is their test security policy, the student manual, a schedule, and -- there's one other thing that I'm forgetting off the top of my head. So forgive me. I'm a little nervous -- schedule -- anyway, we'll press on.

COMMISSIONER NIETO: It's not a test. You can cheat and bring notes in the future.

MR. LEWIS: Okay. Yes. The self-assessment

report. Thank you, ma'am. Appreciate it. That's the most important thing.

So the self-assessment report is actually an evaluation that the presenter can complete on their own. What it does is it sends out the questions that we're going to address when we get on-site. What we ask the director and coordinator to do is basically -- I call it split the baby but send that SR -- that SAR to their respective lead instructors so that they can answer the questions and then recollect that self-assessment report and give it to the coordinator and/or to the director so that they can see where their limiting factors are with their Regular Basic Course.

Next slide.

So there's a lot of legwork before we even get there.

We have a previsit, which I just explained. We have an on-site visit. And then we have a POST visit.

Next slide.

So a previsit -- please direct your attention to the PowerPoint. We maintain spreadsheets with POST presenters who facilitate POST courses. These spreadsheets are used to determine which presenter is due for a BCCR. With this said, we don't always go by who is on top of the spreadsheet to go to do the BCCR.

We sometimes get anonymous calls from concerned members of the staff and/or students which require us to do immediate action and maybe do an unsolicited on-site visit so that we can correct anything that might be of concern for POST.

Next slide.

So the on-site inspection, we inspect pretty much everything that you can think of: student files, instructor files, Work Sample Test Battery equipment, classrooms, administrative offices, gyms, EVOC course if they have it, and additional training equipment that they might use to facilitate their program.

When we get on-site, the first thing that we really like to do is interview the class first, the entire class. We have a series of questions. We go through all courses that they are participating in with manipulative skills, and we ask if certain TTS requirements are being instructed. I love the candidness of the students, and we learn through their responses that sometimes the TTS is not always being followed.

And when we have those concerns, we document it, and we follow that up with an interview with the lead instructor. And we sometimes clear the mud, but we've also found in that process that instructors are not

always teaching off the TTS and learning activities, and certain portions of the required TTS, the Training and Testing Specifications, is not being taught.

Next slide, please.

So continuing with the PowerPoint here, we also make sure that, you know, the academy is following their own policies. So in addition to the POST policies, we'll break out their policies and cross-reference them -- cross-reference them to our POST regulations and ensure that they're actually following their own policies in addition to the POST policies.

When we're finished with the process of the BCCR, we actually have an executive debrief with the command staff of the RBC, the Regular Basic Course. In that debrief, we'll comment on exemplar items, compliance issues, and recommendations that are best practices we find throughout the state of California.

Exemplary items is an aspect from the course presen- -- pardon me.

Exemplary items is an aspect in course presentations that goes above and beyond the POST minimum standards. Doing your job isn't an exemplary item. What are you doing above and beyond doing your job is what we look at.

Next slide.

When we're complete with the BCCR, we send out, within 10 days, a 30-day corrective action plan letter. In that letter, we draft out all the compliance issues that we find for our visit. We send it to the director and/or the coordinator. They have 30 days to respond to us with how they're going to fix the problem.

That doesn't mean that it happens overnight. Sometimes we know that it's a budget issue. What we look for: What are you doing to fix the problem? We know that you have to send out a notice for bids, you have to get a budget, and you have to have a contractor to come out on-site. And we know that when the contractor is finally taken, it might take another year for it to get fixed. But as long as you can address how you're going to fix the problem, we'll take that into consideration so that you can continue your course.

Next slide.

So I think this is where some of the questions might come in in regards to what kind of compliance problems that we see.

Administrative documentation issues. So when we get on-site, I really think that a lot of the staff is really, really into the operational aspect of the RBC, and they neglect the administrative portion of it. And we're finding a lot of documentations are outdated

and/or even -- not even completed. So we have to address that with them.

Learning activities are not being taught. TTS references not included on the schedule, which is a requirement through 1059 now. So in addition to the schedule, the RBC director and coordinator are responsible for breaking down the instructor, the date, and the TTS content that is instructed for the day.

Requests for course numbers are sometimes requested after the course is actually started, which is a problem. Because if they're in modification, they cannot access TMAS material to conduct tests for their students. So then we get an emergency call, "We can't access it." And we'll notice that they're in modification, and that's the reason for the limiting factor of them accessing that TMAS for testing.

One of the biggest problems we've seen is that RTOs and/or directors are sometimes acting in dual capacities. They're working as the instructor and also working as the recruit training officer. So those two things are independent, and you can't have an RTO act as an RTO and teaching at the same time.

The purpose of RTOs being on-site is that if there's an issue that needs to be addressed, the lead instructor is not stepping away and handling that issue

with the student. Because if it's going to take some time to get through the emergency, it's taking away from the certified hours that the course is actually supposed to be instructed.

Next slide.

A big, big problem that we're seeing lately is Work Sample Test Battery equipment. We're seeing that the 34-inch obstacle is not to scale. The walls, the 6-foot solid wall and the 6-foot chain-link fence we're seeing is not as wide as it should be. It should be 7 feet wide, and we're seeing a lot of it 5 feet to 6 feet wide only. And we're documenting all these things.

And I want to point out that Anita Fenner is actually modifying our Work Sample Test Battery Proctor Manual at this time. There's a lot of gray areas in that manual that we're getting calls from presenters all the time not understanding what the 2012 version is. So we're working really hard to clear up that mud so that presenters can actually facilitate these tests the way they should be done.

Unapproved or modified test forms. So we have test evaluation forms that is utilized by, I would say, 95 percent of the presenters in the state of California. However, we see that some presenters are actually modifying it to document scores, and that is not the

objective of the test evaluation form. It is a pass or fail, go/no-go evaluation form. You can't grade on it. You can't put your notes on it, unless there was a failed performance dimension on that. And the whole purpose of it is, is that the student's either doing it or they're not doing it.

The other part of that is, is when an evaluator is actually documenting notes on evaluation forms, sometimes it is contrary to the pass or no-pass performance dimension. So we ask that the only time any comments are made on evaluation forms is if a student is not actually passing that performance dimension.

So instructor/scenario evaluators not meeting requirements. We're seeing -- recently, Commission Regulation 1059 requires scenario evaluators to have at least a Basic Certificate, and the purpose for that is, is that they will have at least some practical experience as a law enforcement officer to properly evaluate a scenario scene. And we've noticed in recent BCCRs that there are evaluators out there that have not received their Basic Course Certificate yet.

There's some confusion on their part. They think that graduating from an RBC is actually a POST Certificate, but it is not. That is just a certificate of completion and not a POST Certificate for Basic.

Next slide.

And finally, one of the biggest issues that we are seeing now is that Penal Code Section 13511.5 requires a DOJ clearance letter. We're seeing that DOJ clearance letters are not actually produced by the student if they're nonaffiliated to the RBC before instruction starts. That is a requirement, that they have that. It is also regulated through Commission Regulation 1950. You can find it in there. And that is a background process for this.

So one of the issues is that when students actually go get a fingerprint check, they're putting the wrong codes on our application. So they might get a clearance letter for a criminal background check, but they're not getting a clearance letter for certification to attend Peace Officer Standards and Training.

If the DOJ letter is not correct, the student should not be taking a seat, and we have found that there's actually students participating in course instruction that have not cleared up a DOJ letter. We have worked with the RBCs when we find that and give them a grace period to secure that DOJ letter prior to the LD 35 start. If that timeline is broken, then that student is dismissed from the class.

So next slide.

That concludes my presentation. Are there any questions?

CHAIRPERSON LONG: Mr. Alvarez.

EXECUTIVE DIRECTOR ALVAREZ: If I may add some comment. Thank you, Mr. Chair.

This is a significant program for us. We increased our staffing approximately four years ago from two to four to do the BCCRs, and, you know, we want to get to the academies on a regular schedule. We would like to try to get to them every three years, because things can go south quickly in three years. We also -- because of the increase in staffing, we are able to now do some of the PC 832 providers -- presenters, as Bill mentioned.

There's never blue skies when we go out to see these academies. There's always something wrong. Some of the ramifications can be pretty draconian, as one of the slides up there was, "Hey, bring people back from the street to test them on certain things." So we've had to do that. Usually every year, like, we'll have one or two. It's like, "Hey, they didn't do this?" They don't care that they've been on the street for a year. "You've got to bring them back and test them on the following."

Generally speaking, we suspend an academy maybe once a year, that they can't continue until they fix

their stuff. So it's important.

The other aspect is we talked a lot about the administrative side of this, but there is some analysis that we do and that we hopefully can continue to do more as we automate. But we like to go in and have an idea of what that academy is doing -- how many students are graduating, how many are failing, why are they failing -- before we get there. Those are always red flags. We should, hopefully, continue to do more and more of that.

You could have some academy that is administratively pure -- and we've had that years ago -- and they're kind of a soup sandwich, so to speak, in terms of students completing, getting hired, and such. So that's ongoing as we speak.

But this is something we asked Bill and Carrie to put on just to show you what we do on these BCCRs, because they are very laborious. I believe -- and Bill and Carrie, you guys can correct me -- but the on-site visit is three to five days at each academy.

MS. HOLLAR: Yeah. Depending on the course. So Regular Basic Academy, they're usually all week, all five days. Some of our Module III/II presenters, they'll do it -- they'll go three days for Module III and then three days for Module II. And then usually the

PC 832 is only two to three days.

EXECUTIVE DIRECTOR ALVAREZ: And although we only have four individuals that are dedicated full-time to it, sometimes we have to take more or have people pop in to participate in portions of the review. So it's a significant program.

We haven't put this on before the Commission since I've been here. So I just thought it would be wise that you guys hear what we do on these academy audits. So thank you.

Any questions that you all may have?

CHAIRPERSON LONG: Commissioner Gordon.

COMMISSIONER GORDON: First, thank you. Because I think this is really helpful as we're looking at academies and the training aspect. But I had two questions.

Does the auditor look at the number of injuries and how those injuries are handled?

MS. HOLLAR: Yes. We can go into more detail with that. But we do track all of the injuries. And then before we go, in that administrative review process, we will look at the student injuries.

But besides the BCCR, we're looking at that anyway. We get a monthly report. We break it down by what's the injury, what are we seeing, any trends or patterns. And

we'll address that even outside of a BCCR.

COMMISSIONER GORDON: Perfect. And then my only other question is, at any point during the audit, do you solicit agency feedback from the agencies that are using the academy?

MS. HOLLAR: Yes. So I shouldn't be speaking for Bill. Sorry.

MR. LEWIS: That's okay. I'm not doing very well. You can take it.

MS. HOLLAR: So Bill, as the manager, will get a list from the academy of all their stakeholders, who's sending it, and we will send out a survey. I will say, though, sometimes we don't get a good response back. So I do not know if we're getting the correct emails. But we do reach out asking for that information 'cause we like to give that feedback at that executive debrief on that final day.

We also send notice to the agency head, so of the academy, or the dean. So if it's a college, we send the notification to the dean. If it's a police, we'll send it to the chief or the sheriff so at least they know that we're coming out for this BCCR and that we want them at that executive debrief.

EXECUTIVE DIRECTOR ALVAREZ: If I may add one thing to the first question by Commissioner Gordon.

So about five years ago, the Commission approved a regulation that requires academies -- any POST-certified course, not just academies, to provide us information on injuries more than basic first aid. So we collect that data.

And I know Bill and Carrie, when they meet with the academy coordinators and directors every six months, we present that information to them so they know where the injuries are occurring at the academies. Generally speaking, it looks like it's knees -- from what I remember, knees and ankles being the main injuries.

But yeah, it's important for us to track it to give them that information. And it appears that they're giving it to us, as far as we know. But it's now regulation that they provide it to us. Thank you.

CHAIRPERSON LONG: Commissioner Braziel.

COMMISSIONER BRAZIEL: Yeah. And I know, Manny, you answered like five of my questions that I had with yours. So thank you.

Are there academies that are the rockstar academies that when you go -- I know we're going to find issues with somewhere, something.

But are there academies that staff love going there because they always have everything the way it's supposed to be? Do we have those?

MR. LEWIS: So I've been assigned to BCCRs for about just a little over four years. I've been on 34 to 35 different BCCRs, varying from RBCs to Mod IIIs, IIs, and 832s.

I actually averaged out the number of compliance issues for all that I've been on, and the average is seven. And we've seen them as low as two, but we're always seeing something going on. And as far as anybody out there is a rockstar, there are a lot of good academies, but there is always some room for improvement for each that we go visit.

COMMISSIONER BRAZIEL: Are there -- I'm going to ask it, now, the back side of it.

Are there academies you know when you go to, it's like, oh, man, this is going to be one that's barely going to make it, if they're going to make it?

MS. HOLLAR: This is recorded. So keep that in mind.

COMMISSIONER BRAZIEL: You kind of alluded to that already.

MR. LEWIS: Sometimes I get drawn back with my candor.

So yeah. That's part of the previsit inspection. We can tell through the administration -- administrative portions of the Electronic Data Interchange where

they're at. We can see a lot of problems. We try to get, you know, forward-thinking on how we're going to approach it.

But with the self-assessment report, the EDI review, and the other items that we look at, the student manuals, we'll know whether or not it's a soup sandwich that we're going to go eat. So --

COMMISSIONER BRAZIEL: Kind of going back to what Commissioner Gordon referenced -- and I totally support her -- on the instructor side of it, being able to look at instructors, not necessarily courses but instructors to see what their skills are. I think it's worth staff looking at how do we rate academies. Like, "These are the academies we go to that only have one or two problems. They're the folks that are really getting it done." You're going to find something -- right? -- because we're not perfect. And "These are the academies that are constantly on our radar screen to evaluate in some way." So the agencies that don't run their own academy -- I come from one that did. But agencies that don't run their academy know which ones are the ones that they want to put their staff through or that they want to encourage them to go through, versus just getting what you get.

So I think it's worth considering doing that. And

then publicly putting it on our -- I'm a big fan of putting it out there so that chiefs and sheriffs can look at what are the top-rated academies based on what we see for compliance issues. And same with instructors. I really support the instructor look as well.

I think you'll see some people pick up their game when they see that they're at the bottom of the list. Or that we just permanently suspend them and say, "Guess what? You just can't get it done. We're going to shut you down permanently."

So that's just my thoughts.

COMMISSIONER O'ROURKE: One other question.

The ones that are identified --

CHAIRPERSON LONG: Mr. O'Rourke.

COMMISSIONER O'ROURKE: -- as the problem academies, are they left on a three-year cycle, or do you go visit them prior to that three-year cycle?

MR. LEWIS: So we understand that, you know, personnel issues aren't a high-frequency rotation. So the continuity is not always there. We were seeing that coordinators are actually doing the job of, you know, executive assistants, administrative staff, which is a limiting factor.

The agency that we visited, it is my opinion -- my

opinion, my professional opinion, that if they would have had administrative staff to do everything the coordinator was doing, they might have walked away with no compliance issues. But they were stretched so thin, in addition to this coordinator teaching, you know, manipulative skill LDs, he was, you know, highly, highly tasked, not enough time to do that administration -- administrative portion of the academy.

EXECUTIVE DIRECTOR ALVAREZ: If I may.

Please, you -- well, Mr. Chair, may Carrie and I speak? Okay. Thank you.

MS. HOLLAR: No. I was just going to piggyback to that.

We do see a lot of turnover. And so you may have an academy that was running really great, and then all of a sudden we see -- start seeing some issues, and we realize they have completely new staff. And a lot of times we'll reach out and give them any kind of training that we can.

They have a course approver that's assigned to them. So they can always reach out to that course approver. We also hold the Basic Course Consortium twice a year. So we try to push information out and the problems that we're seeing so that, if we are seeing the same problem, maybe we can get ahead of it by just

talking about it at consortium.

But if we do start seeing a pattern where we're having issues with one, we will go back out.

EXECUTIVE DIRECTOR ALVAREZ: What I was going to add -- and I'm sorry if I missed this -- if we do see -- we do get complaints from time to time, and we will not wait till BCCR process kicks in. We will go out and do a review. If there's, let's say, an issue with, you know, nighttime firearms training, we'll go out and do it. We'll go out and just check on that as those things pop up.

So from time to time, it seems like every month or two, we're out there checking on something that is not a full BCCR, but we're checking up on them.

MR. LEWIS: Yeah. One last thing I want to add is that if we see the rotation, we'll hold off on the final report. And maybe you can call it kind of a probationary period. We'll stay in touch with that presenter, work with them through the next course, and at the end of that next course, do a revisit of their program and finalize their final report at that point. They don't get another three-year break.

So we'll kind of -- like probation, we'll watch them and assist with their program management.

CHAIRPERSON LONG: Commissioner Marsh.

COMMISSIONER MARSH: Yeah. So just to piggyback on what Commissioner Braziel was saying, it's great that you're trying to add consistency. But I think from an agency that puts agents in different academies throughout the state, there's not consistency. And I think that a police officer that goes to an academy in Sacramento should get the same experience as somebody that goes through in Riverside or San Bernardino or San Diego.

And I don't know how we get there, but I think that it should be a focus of the group, that police officers get the same training. Not only the curriculum, but the culture of the academy has to be similar throughout the state, because we're putting out different police officers throughout the state. And I think that, statewide, we need more consistency.

MR. LEWIS: Yes, sir.

CHAIRPERSON LONG: If I may add to Commissioner Marsh, Braziel, and what Commissioner Gordon has hit on -- it will come up again, I think, in our next item -- but that is the whole issue of consequence and incentive and being transparent and publicizing this stuff. It seems to be a tool we've been talking -- the Commission has been talking more about.

What I'm hearing from the Commission here is that

can we get some specific feedback on whether or not we could actually use some of that transparency in terms of publishing, whether it's grades or however you prefer to do it, so that that information is available?

One of the themes I'm hearing on several of these issues from the -- our chiefs and sheriffs is if this stuff is not accessible to us in a manner that we can use it, it's all well and good, but what do we do with it if it's not public, if it's not transparent, and if there's not some type of incentive created? I mean, incentive is the mother of all improvement, I think.

So at some point, could we get a more specific report back, Mr. Executive Director, on how we might be able to do and address some of these concerns?

EXECUTIVE DIRECTOR ALVAREZ: Sure. I think we could come back either in March or June with -- after we have some discussions about how we make some of this data a little bit more transparent. We can come back with the follow-up presentation.

CHAIRPERSON LONG: All right. Any other comments?

(No response.)

CHAIRPERSON LONG: Thank you, Ms. Hollar and Mr. Lewis.

EXECUTIVE DIRECTOR ALVAREZ: Thanks for your time.

CHAIRPERSON LONG: Appreciate it.

MR. LEWIS: Thank you.

CHAIRPERSON LONG: Number 11 also touches on this. It's a big issue. And there was actually a very robust conversation, a very substantive conversation with the Advisory Committee yesterday on this. And that is, pursuant to Commission discussion in September, Assistant Director Jim Grottkau will now report on agency compliance with the Perishable Skills Program and Continuing Professional Training.

Mr. Grottkau.

MR. GROTTKAU: Thank you, Chairman Long, and good morning, Commissioners.

At the September 2023 meeting, the Commission -- Commission meeting, POST staff facilitated a discussion regarding statewide percentage reports on regulatory compliance with Perishable Skills Program, which we call PSP; and Continuing Professional Training, we call CPT. At that time, the Commission directed its staff to identify a means for transparent reporting of compliance with training mandates.

Commission Regulation 1005 requires that every peace officer other than Level III Reserve peace officer, every public safety dispatcher, every public safety dispatch supervisor shall satisfactorily complete the CPT requirement of 24 hours or more of

POST-qualified training during every two-year CPC [sic] cycle based upon the statewide CPT anniversary date that is identified in Commission Regulation 1005.

Continuing Professional Training is training that exceeds the training required to meet or requalify in entry-level minimum standards. It is required for certain peace officer and dispatch personnel employed by POST-participating departments to maintain, update, expand, and/or enhance an individual's knowledge and skills. This includes the training required for Perishable Skills Program.

The Perishable Skills Program refers to the psychomotor and communication refresher training required to be completed by all peace officers below the rank of middle management, which we generally consider to be a lieutenant. The specific topics and hourly requirements are covered under Commission Regulation 1005.

POST staff does not currently have the authority within the law to take action regarding an agency or officer who fails to meet the 24-hour of CPT or PSP training requirement within the two-year cycle. POST staff proposed the following two options within the scope of our authority to address the concerns of peace officers who fail to meet the mandated CPT and/or PSP

training.

So if you refer to the slide up on the wall, the first one would be publishing an ongoing report of compliance on the POST website and the data warehouse that would identify the total number and percentages of officers currently in compliance with CPT and PSP mandates by agency.

So this would be something that, in our discussion yesterday, initially we proposed that we would do this starting the first day of the first -- of the cycle, the two-year cycle, which would put essentially every agency out of -- to appear to be out of compliance.

As you see, we've added some verbiage within there that include disclaimers for the fact that the cycle runs two years, as well as the fact that some people may have mitigating factors on why they have not completed the training.

In some of the discussion yesterday that we had, it included adding dispatch personnel to this. This currently, we only addressed it with peace officers. But we support the idea of adding dispatch personnel to this report.

And there was some discussion also about publishing the report after the cycle and not during to minimize confusion and have historical data that we do have that

would be up there for previous cycles.

So I will stop right there and ask if there's any questions on this.

CHAIRPERSON LONG: Questions about the two very specific pieces of this proposal?

We'll start with Chief Salazar, as the Advisory Commission -- oh, sorry.

(Sotto voce discussion.)

MR. GROTTKAU: You want me to go to the second one right now? Okay. There's a second part of this. Okay.

So the second slide, if we can move to, is a proposed amendment to Commission Regulation and/or procedure that would require each POST-participating law enforcement agency to identify via the POST Electronic Data Interchange, known as EDI, those officers who are not in compliance with CPT and/or PSP training requirements and any mitigating factors for noncompliance.

So as you look at the slide that we have a mock-up of -- and both of these are mock-ups. We don't actually have these live. Our computer services staff put something together, what it could look like. So there's a lot of opportunity to make changes.

This would be where an agency has or their designee would have the ability to go in -- or the requirement to

go in, if regulation is changed -- to go in and mitigate why a particular officer has not completed the CPT cycle.

Now, we identified some issues/concerns that we may have with that, even from POST's perspective, that was shared by the Advisory -- and I will let the Chief address those also -- but essentially that we may be introducing some personnel-related issues.

For instance, if somebody is on military leave or they're on some kind of an extended sick leave that prohibits them from being able to complete the training, we don't want to then enter into what could be a personnel-related issue that gets to be made public. Because this would be something that would be CPRA-able, most likely.

So the other thing would be if somebody is on extended military leave, we had the discussion that do we want to publish out to the public that John Smith, who is a peace officer in a certain city, is now not home, they're out of the country and their home is vacant or family is home without them, vacant, they're there.

So we realize there are some concerns about this. We believe there's some options we could do even within this that just does a mitigation statement within it, so

an EDI, instead of giving a reason for the mitigation, just that the agency would do the mitigation of the individual. And then it would be up to that agency to explain, if there was a Records Act request that came in that requested why somebody did not complete the training.

Some of the questions that came up at the last Commission meeting were the workload that could be put on agencies for this. And I kind of wanted to give an idea.

We broke these down last time, for those that may not have heard this or just for recollection, into five different categories. There were agencies 1 through 30 in size, agencies 31 through 100, agencies 101 through 250, agencies 251 through 1,000, and agencies with over 1,000. And, again, these are peace officers. So those numbers will change with the dispatchers.

And to give an example, if an agency, in 2017-18 cycle, that had 100 officers that had a 94 percent compliance rate -- that leaves them just over 5 percent, actually -- that would be 5 officers total that they had to actually mitigate.

So the workload doesn't look like it would be that significant on the agency, but it would also be more transparency to show why officers aren't, in fact,

getting the training, whether some of them are mitigated for a reason or the remainder of them that didn't go would not be mitigated.

As an additional example, in the '21-'22 cycle, for an agency that had 1,000 employees that was at 85.91 percent, which gives an approximate 14 percent reason for noncompliance, that would only be 140 officers that would be subject to mitigation, all of which would not necessarily be mitigated.

So those are some of the proposals that we have that we could do -- the first one being one under the executive director's authority, he could do -- and we could start doing starting January 1, essentially. The other one would require a regulatory change.

So I'll open it up to any questions or if Chief Salazar or Executive Director Alvarez have anything to say.

CHAIRPERSON LONG: First, Executive Director, Mr. Alvarez.

EXECUTIVE DIRECTOR ALVAREZ: If I may, before the Chair of the Advisory Committee, Chief Salazar, speaks.

So the "Mitigating Factors" slide we're very iffy on, to be very frank, as to whether that's a good thing or a bad thing. We know that if we post the CPT and PSP compliance data -- we know, but the public doesn't know

and the media doesn't know that there are mitigating factors. Some people aren't required to complete PSP for certain reasons that we may not know or CPT, and it throws the numbers off.

So the attempt was, well, maybe we can give a little bit of an explanation as to why those five officers are not -- why they're not 100 percent compliant by giving kind of this "out," so to speak, with this mitigating factors. But then it creates this other problem of do we really want to be the subject of Public Records Act requests, as Jim mentioned, and tell the world that somebody is on military leave or somebody is on an IOD -- whatever it is -- or do we want to end up in litigation when we don't release that.

So we're not dead set on this mitigating factors. We just thought that that might help explain why sometimes the numbers are off. So I just throw that out as we're a little confused ourselves as to the best way to present it.

So I'm sorry, Chief Salazar, if I jumped in before you, but I just wanted to hit on that. We're not dead set on any of those.

CHAIRPERSON LONG: Chief, maybe you would like to explain the specific comments that the Advisory Committee had yesterday.

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

We did have a good discussion on this item yesterday at the Advisory Committee meeting. And to start, our Public Safety Dispatcher rep did bring up the point that it should include both peace officers and dispatchers. Those are two categories that are required to have CPT in the two-year cycle. And the group unanimously agreed that that was a good idea to include dispatch as well.

With regards to -- we also talked about, before such a report was to be posted by POST online, the agencies be notified. And that could probably be accomplished through a POST bulletin. That lets -- makes agencies aware that this information is to be posted online and made publicly available but also as a reminder that agencies are able to access, through EDI, their own numbers to determine how they are in compliance within the two-year CPT cycle to see where they are and, you know, take efforts towards their own management.

And then we had quite a bit of discussion about how the information would be portrayed. And so in the initial presentation, it would be -- you know, if the two-year cycle started in January and POST started to post the information January 1, for the first few months

of that two-year cycle, most agencies are going to probably be at almost zero percent compliance.

And then that would probably raise a lot of questions publicly as to why, you know, a particular agency is at zero percent compliance. They may be three-quarters of the way through the two-year cycle and realistically may still be at 60 percent and then catch up towards the end. I mean, that's just the reality of it, to some degree, but it doesn't mean that the agency is not engaged in training and professional development of their staff.

So we felt that there was probably more benefit to more of an historical context; so what the percentage of compliance was at the completion of a two-year cycle. And you could historically show that data over time. "This agency, in the last three cycles, had 96 percent, you know, compliance with CPT" would be information that is more valuable, I think, and, frankly, more transparent.

And that was pretty much unanimous across the group, that that information would be more valuable than trying to explain why, in a live two-year cycle, an agency might be only at 20 percent at a certain point and so on.

So with regards to that piece of the discussion,

those were the concerns and recommendations brought up by the Advisory Committee unanimously.

With regards to the second slide that we saw related to the mitigated circumstances, I think generally we believe there was some benefit to being able to go in to EDI and say that there are mitigating circumstances that explain why 4 or 5 percent of your total staff did not, you know, complete the required CPT -- there were benefits to that -- but shared the same concerns that were raised by POST staff about the potential of that information becoming public.

One of the recommendations we made is you could certainly -- to what degree of specificity does POST need to know what the mitigating circumstance is.

And so you could certainly just say there's a mitigating circumstance and it falls under one of these. There's generally a broad category of mitigating circumstances. It could be military leave, workers' comp, admin leave. It could be any one of those. You're just not specifically saying this officer is off for that reason. But then it at least allows the agency to explain and make up for what that percentage that isn't captured in the CPT compliance.

So I think that is a rough summary of a good discussion that we had yesterday on these two items.

And the group pretty much unanimously agreed on those recommendations to the staff.

CHAIRPERSON LONG: Thank you, Chief.

Commissioner Braziel.

COMMISSIONER BRAZIEL: What's our responsibility when someone doesn't complete their CPT cycle? POST -- I'm talking about POST responsibility.

MR. GROTTKAU: Well, currently, we don't have any authority to do anything. So -- and you can't -- and as you're probably aware, if you don't complete it by December 31st of that two-year cycle, you can't make it up after the fact. So currently, within -- there's no legislation or anything that gives us the authority to take any kind of action.

So for us, it's -- and I think you mentioned the word "carrot" last time, sir, that this is -- for us, we look at this as kind of a carrot, of showing them that they have a dashboard that's out there, whether it's live from day one or whether it's after the fact, so that there's an incentive, basically, to ensure that everybody that can get to the training does get to the training.

EXECUTIVE DIRECTOR ALVAREZ: If I may add, Commissioner Braziel.

CHAIRPERSON LONG: Mr. Alvarez.

EXECUTIVE DIRECTOR ALVAREZ: Yeah. I'm sorry.

CHAIRPERSON LONG: For the record.

EXECUTIVE DIRECTOR ALVAREZ: When we say we have no authority -- and we would have to do a deep dive legal review -- but we don't think the Commission has the authority either. Obviously, with SB 2, it gave us the ability to suspend/revoke certificates but only for misconduct, not for completion of training.

So there's very little we could do, other than kind of browbeat them or advise them.

COMMISSIONER BRAZIEL: I want to offer up a couple things.

One -- and we did talk about the carrot; right? Having it out there. Because you can pull it up, but having it visually out there makes a difference. Is I would add -- recommended adding another column that is percent through the cycle. So if we go out on day one, we're at zero percent; right? So you actually have a time clock that says we're -- at the one-year mark, we're 50 percent through the cycle. So someone could look and say, "Hey, Agency X is -- wow. We're 50 percent through the cycle, but they got 65 percent of their people through. They're ahead of schedule."

And then I totally understand the mitigation piece. I wouldn't want to be the data collector of why there's

mitigation. I'm not worried about the workload, because the agency has got to go into EDI to certify they went, and they're just certifying they didn't go. So it's the same effort to go in. I think they should just check a box that there's mitigating factors, and then let's refer back to the agency on what those mitigation factors are, just so that the agency acknowledges that there's mitigating factors why they didn't complete it versus, "Oops, we just goofed in the process." I think that takes care of a couple of the issues that are out there.

But I think it's -- in the age we're being more transparent and us trying to get people into training, I think this shows which agencies are or are not keeping up at the pace they need to keep up.

And, again, I agree with what Chief Salazar talked about, is adding dispatchers in there. Because they're a part of the POST. They're a part of the POST. So we need to put them in as well. So thank you.

CHAIRPERSON LONG: Commissioner Gordon.

COMMISSIONER GORDON: I would advocate for the historical perspective that Chief Salazar referred to. Because the way in which agencies do train, often they will schedule it throughout the two-year. They may do each portion, because there are several different

portions that are part of that. It's not just -- you know, firearms is one. Driver's training is another. So we schedule it throughout our two-year cycle to get everyone through.

So that percentage that Commissioner Braziel, I think, still would be inaccurate, unless it was at the end of the training cycle and historical. I think that is probably the most accurate and more -- most transparent to the public but also the most fair and transparent way for the agencies themselves too, on both sides of that, is at the end, that's what you're capturing, is at the end of that historical period.

And then I like the checkbox for the mitigating. If, you know, someone is not in compliance, then you check the box of "mitigating." And then on the site, you know, POST provides what that -- what qualifies as a mitigating factor so that the question isn't left out there. You know, POST can just say "These are what are considered acceptable mitigating factors," provide that definition and that transparency, and then it's up to the agency to then check that box that there was a mitigating factor.

CHAIRPERSON LONG: Commissioner Braun.

COMMISSIONER BRAUN: In addition to what Commissioner Gordon said, I agree that the historical

context is a more accurate depiction of whether you're compliant or not. Because live isn't going to be accurate, based on how different agencies schedule their training.

I would also like to add to the historical context the mitigating factor. So say River City PD was 85 percent compliant, so 15 percent noncompliant. Of that 15 percent, you know, two-thirds of those people had mitigating factors that precluded them from completing. We don't have to say what it was or what the mitigating factors were but to give a better accurate perspective for the agency.

So you could say, "All right. Well, they were actually 95 percent compliant, because these people, for whatever reason, couldn't complete the training." And then you get a better perspective, that some agencies are 99 percent compliant, when looking at the whole picture, and some are not, and then they can be held accountable to their communities.

CHAIRPERSON LONG: Questions, comments?

(No response.)

CHAIRPERSON LONG: Mr. Grottkau and Mr. Alvarez, this seems to be kind of a unified theme between the Advisory Commission and the Commission. Seems to be things you discussed that you're open to, and we can

hear back from you as to how to implement.

MR. GROTTKAU: So I will propose, just -- I know the vote doesn't -- is not going to be something that is binding. But I think in order to come back with something, we need a couple things clarified.

We can -- it's within the executive director's authority to do the first one, obviously, and there's no regulatory change that needs to happen.

I guess the question to the Commission would be would you like to see this be after the fact, or would you like to have it be something that starts from the beginning? Because we can do either one, but we would like -- our goal would be to implement this, you know, effective this next cycle.

COMMISSIONER GORDON: Are you asking for a motion?

CHAIRPERSON LONG: Commissioner Gordon.

COMMISSIONER GORDON: Is that --

MR. GROTTKAU: Well, it's not a binding, obviously. I want to clarify with Toby that this is not something that's -- because it's not technically a voted-on item. But we want to make sure we don't come back with something later that has not been consistent, because there has been different perspectives voiced.

MR. DARDEN: All right. So what I'm hearing is two --

CHAIRPERSON LONG: Mr. Darden.

MR. DARDEN: Yes. Thank you.

CHAIRPERSON LONG: For the court reporter.

MR. DARDEN: What I'm hearing is two possibilities, and correct me if I'm wrong, Jim. The first possibility is that the Commission concurrently just advise the executive director that we can go with option one and post that information publicly; the second option, which would require some guidance from the Commission, but would require a regulatory change.

So I think at this point, what we would need is some guidance from the Commission with respect to how they would like that regulatory language to look, which we could then put together and bring it back at the next Commission meeting if we go that way.

I think what I'm hearing is that, if we go that option, instead of requiring that agencies identify, by officer, particular mitigating factors, that instead the agency would be directed by regulation to simply check a box with respect to those individuals who are not in compliance.

And I take it this would be -- I'm actually not sure, from the conversation. So let's say an agency has 1,000 officers. 100 of them are not in compliance. 80 of them have mitigating factors and 20 don't.

Is the suggestion then that the regulation would advise the agency that they would need to put that sort of data in, that, you know, 80 of the 100 had mitigating factors and 20 didn't? I just wanted to make sure we understood the guidance from the Commission.

COMMISSIONER GORDON: What I was referring to is so, you know, when you're entering into EDI, instead of entering what your mitigating factor specifically is, just a check, that "yes," there is a mitigating factor on that particular officer.

MR. DARDEN: Oh, I see. Okay.

CHAIRPERSON LONG: And then there would be a listing of what the 5 categories, whatever they are that are considered mitigating factors, and then the box is simply checked.

COMMISSIONER GORDON: Yes. And that would then allow POST, transparency-wise, to say what your compliance is for an agency as well as what your compliance is after the mitigating factor portion of it.

But I do think there's a need to, per individual officer, have that acknowledged by the agency per officer, who is not in compliance, not just say, you know, 80 of those 100 were -- you know, had a mitigating factor. I do think there is a need to the agency actually acknowledge that there's a mitigating factor

for them.

MR. DARDEN: If that's --

(Inaudible; overlapping speakers.)

CHAIRPERSON LONG: I'm sorry.

Commissioner Braziel.

COMMISSIONER BRAZIEL: I just have a question, Jim.

Currently, do we give agencies a list of mitigating factors for exemptions from CPT, or is that just something we've talked about here?

MR. GROTTKAU: It's strictly been talked about here. So that's never come up before, as far as something they have an option to do.

COMMISSIONER BRAZIEL: So that -- would that re- -- just giving them a list, would that require a change to regs?

MR. GROTTKAU: If we were to require them to do something, yes. If we were to make it an option that they do, we wouldn't require a regulatory change, I don't believe, just to make it an option for agencies. But if we required them to put a positive entry into the EDI profile of that officer, then that would require some kind of regulatory action to do that.

COMMISSIONER BRAZIEL: And that's kind of where I was going with it. If we just make it an option, "Here's the definition of 'mitigation,'" you can go

ahead and enter it if you want, just how many are mitigated. And we'll report that. POST will report that. "If you don't, we're going to report that percentage didn't complete it, and it's on you."

MR. GROTTKAU: And that definitely is an option. Yes.

COMMISSIONER BRAZIEL: Versus having to go through the regulatory requirements.

If I'm an agency, I go and make sure it's done so I don't have to ask -- answer the 15 questions from the local media on why Deputy X or Deputy -- you know, our percentages are off along the way. And it saves us having to do the regulatory changes and gets us moving faster.

That's just my thought, is make it voluntary. We just give them a list, as identified here, of what mitigation -- mitigating factors are. That's just my thought.

CHAIRPERSON LONG: It sounds as though that you had sidebar conversation with the executive director.

But it sounds as though there's sufficient information for you folks to move ahead in an expedited fashion. You're trying to do it as early as January, I believe. And you may need to come back in March with some -- may need to come back in March with some

regulatory language regarding the mitigating factor issue.

MR. GROTTKAU: Great. Thank you.

CHAIRPERSON LONG: Is that fair? Is that a fair summarization?

Mr. Braziel.

COMMISSIONER BRAZIEL: Jim, when is our last cycle up? When is it up?

MR. GROTTKAU: We're halfway. We're just about halfway through the cycle.

COMMISSIONER BRAZIEL: Okay.

MR. GROTTKAU: So it starts on the January 1 of the odd years and ends in the December 31 of even years.

COMMISSIONER BRAZIEL: Okay. So we could go back and do the last CPT cycle, if we go retrospective like we talked about, go back and do the last CPT cycle that was 2022 --

MR. GROTTKAU: We could.

COMMISSIONER BRAZIEL: -- and do this kind of reporting to see what it looked like for the agencies and at least go retroactively back to that to see how it looks.

Because I do understand the issues with baiting the question on, if it's live and you're doing -- it's going to be hard enough to go retrospective back. How many

officers did you have? You know, what date do you pick? Because that number could change. For these big agencies, it changes daily, and weekly at a minimum but daily usually. And what date -- I mean, you get into that kind of stuff. What's our percentage based -- what date do we pick? What date and time? All that stuff that goes with it.

So I would support maybe going back and looking at what did 2020 to 2022 look like, or that cycle ended in 2022, and how would it look like here per agencies.

MR. GROTTKAU: And we have those figures. We presented them at the last meeting, if you recall.

COMMISSIONER BRAZIEL: Yeah.

MR. GROTTKAU: So yeah. Absolutely. We do. That's not a problem.

COMMISSIONER BRAZIEL: Then we start there. Because I could see it. It's going to cause questions and concerns no matter how we do it, whether it's live or it's not live.

COMMISSIONER NIETO: Yeah. Commissioner Nieto.

CHAIRPERSON LONG: Nieto.

COMMISSIONER NIETO: Yeah. Right now, to start out, I support more of the historical, and here's why. If we go live with this stuff, this is going to be a PRA nightmare. And if we do choose to move in that

direction, I would prefer just mitigating and let the agencies figure that out. Because once you start defining it, then it becomes a PRA nightmare too, especially for the large agencies or agencies that have a lot of news media in it. I already see, like, the lawyers that want PRAs on all of this stuff.

So that's just my preference.

MR. GROTTKAU: Thank you.

CHAIRPERSON LONG: All right. Any additional comment?

(No response.)

CHAIRPERSON LONG: Any questions for Mr. Grottkau or Mr. Alvarez in terms of proceeding?

(No response.)

CHAIRPERSON LONG: Then we're good for now.

MR. GROTTKAU: Thank you.

CHAIRPERSON LONG: Thank you.

I'm told by Keri that lunch is here, and we'll take a break.

How much time do you folks want?

MS. NUNEZ: It's ready. It's going to be in Training Room D.

CHAIRPERSON LONG: Yeah. When can we come back?

MS. NUNEZ: 30 minutes, maybe, 12:30?

CHAIRPERSON LONG: Yeah. About 12:30, return at

12:30.

So we are temporarily adjourned. Be back at 12:30. Thank you.

(Lunch break taken.)

CHAIRPERSON LONG: All right. Let's resume with Consent Item Number 12 -- no. That's one that -- we've already touched on that. That's already been covered in Item 5.

So Number 13. Assistant Executive Director Annemarie Del Mugnaio will report on case status of Immediate Temporary Suspensions, ITS.

Ms. Del Mugnaio.

MS. DEL MUGNAIO: Thank you, Chairman Long.

We're going to pull up a document here. The purpose of this document -- this is all available on the POST website already -- is to show you where we're at with the number of Immediate Temporary Suspensions that have been issued since January 1st, 2023. Caveat to that is we've had five withdrawn suspensions. They've either been withdrawn because there was a change in the end status of the case, a person could have Voluntary Surrendered or we lost jurisdiction on the Immediate Temporary Suspension based on the factors that provide our executive director with the authority to issue and retain an Immediate Temporary Suspension.

The one thing I want to point out here is there are 95 total. These are alphabetical. The other thing I want to point out is 67 percent of these cases are as a result of a felony arrest or indictment, which means that in terms of our prompt and swift adjudication of these cases, we do toll cases when they're within a criminal court and they're undergoing criminal proceedings. Therefore, some of these cases may take a while to get to the point where they either become a 1029 revocation because there is a judgment, a felony judgment, or they are not a felony judgment and we're moving them through the serious misconduct proceedings. But that would be after their criminal review.

So that's really it. There's nothing here in terms of a vote or any affirmative action on the part of the Commission. It's just a case status update.

CHAIRPERSON LONG: Any questions regarding the ITS issue here?

(No response.)

CHAIRPERSON LONG: It seems not.

MS. DEL MUGNAIO: Okay.

CHAIRPERSON LONG: Thank you for that report.

MS. DEL MUGNAIO: Thank you.

CHAIRPERSON LONG: I think you stay put for this next one, do you not?

MS. DEL MUGNAIO: Perhaps.

CHAIRPERSON LONG: Certification -- it was going to be the certification, Ms. Weiler. But we'll see Ms. Del Mugnaio instead, who will report on certification case processing.

MS. DEL MUGNAIO: So this is really to provide you kind of a global overview of what we will submit to the legislature as an annual report. Penal Code Section 13512 requires POST to submit an annual report on several of the case proceedings related to serious misconduct.

A couple of the high points here that I pointed out yesterday during our Advisory Committee meeting is overall allegations received, and that's that big, bold number, 23,868. That does include, as Chairperson Long pointed out in our discussion, supplemental reports, which means when an agency submits their initial serious misconduct report, there may be supplemental reports -- oftentimes there are -- which are additional documents. And it could be witness testimony. It could be other findings that get added to the case.

Also notable is the final dispositions from the agencies, that middle column there, 10,395. That's where we have a completed IA and the agency has made a finding.

Beneath that, you'll see how those findings have -- kind of where they're categorized. Top three remain consistent, in terms of unreasonable force, demonstrating bias, and abuse of power.

You might notice that earlier, when Ms. Weiler gave you her report on suspensions/terminations, the top three categories for that do not reflect what the top three categories are for where these allegations actually fall. So there's a little difference there.

And then in terms of that 529- -- or -27 number that's off to the right, that is actually the number of 1029 cases that we have in queue; so either through our Department of Justice list for felony convictions or through other means by which we learn about a felony conviction that will ultimately become one of those 1029 revocations or ineligibility classifications.

To the bottom of this report is where the kind of administrative adjudication portion of the stats come in. Well, let's start with the investigation -- thank you -- to the left -- is where the division is at.

So the Peace Officer Standards Accountability Division is currently reviewing 8,806 cases. That's what's in their queue. That is reflective of about 9,800 different serious misconduct violations.

To date, we've sent out seven notices of intent to

revoke. That is where the division has made a finding that there is evidence that supports -- clear and convincing evidence that supports a form of decertification or suspension.

Three of those requests -- excuse me. Three of those cases were appealed, which means the officer responded to that notice of intent to revoke and requested an appeal of the case.

Two of those cases will be moving forward to our Peace Officer Standards Accountability Advisory Board hearing on December 14th.

And four of those cases have resulted in what we would call a default decision for revocation, and that's where there was no response by the officer; so there's an automatic revocation of those cases.

So that's really, kind of in a nutshell, what this annual report reflects.

One additional comment to the bottom here. You'll see we've had six Voluntary Surrenders since January 1st, 2023.

Something else that I want to point out is, while this kind of wrap-up data is something that's important to the legislature and is a requirement for us to submit annually, our goal is to create a living document that would be on the POST website that will be a real-time

document that reflects all of this ongoing workload, both from the serious misconduct reporting perspective and then also from an agency perspective. So this speaks to what we talked about in September.

The website -- and we're hoping by the end of the year -- will be able to reflect each agency's profile. So you'll be able to drill into each agency and see, here, LASO has 9,000 officers. They've submitted 3,286 in terms of serious misconduct reports. It will tell you how many cases have been opened from those reports, how many are pending with the agency, how many are pending with POST, how many are closed, how many active Immediate Temporary Suspensions we have, any 1029 revocations. And then, obviously, once we have revocations, surrenders, suspensions, et cetera, it will be per agency.

So the public will be able to drill into each agency and get kind of a profile, if you will.

COMMISSIONER NIETO: Commissioner Nieto. I have a quick question or maybe a comment.

MS. DEL MUGNAIO: Sure.

COMMISSIONER NIETO: And I appreciate that it gives you a lot of numbers. But what it doesn't reflect is that you may have cases, and even though -- for example, I think you used -- was that the Sheriff's, L.A.

Sheriff's?

MS. DEL MUGNAIO: Uh-huh.

COMMISSIONER NIETO: It shows 97-something for their personnel. But it might be reflective of more personnel. Because it's a time frame; right?

MS. DEL MUGNAIO: Right.

COMMISSIONER NIETO: So you're constantly replacing people.

So I would like maybe an asterisk to maybe try to explain that to the public or whoever is looking at it. Because they're going to say, "Oh my God, look at this." And it's really not reflective of the total numbers. Because let's face it, the media and whatever, they just do simple math and they divide something and report it, "Oh, look, 30 percent of the agency is bad."

It's not necessarily reflective.

MS. DEL MUGNAIO: I think we can speak to that.

So the numbers, in terms of number of officers per agency, that will update in real time as well. There will also be a certification side to this -- so I'm glad you brought that up -- Notice of Appointments, separations, terminations, et cetera, per agency. So it will show a complete picture on the certification side and then also on the reporting side.

And to be fair, we should probably also display how

many cases were closed from that particular agency reporting. Because that would also then address those cases that are either nonjurisdictional or do not rise to the level of serious misconduct and, therefore, reports that were submitted to POST but POST closed those cases, either nonjurisdictional or not something that we would act on.

CHAIRPERSON LONG: Any other questions or comments?

Mr. Braziel.

COMMISSIONER BRAZIEL: So I think we've got incident, allegation, and employees; right?

MS. DEL MUGNAIO: Yeah.

COMMISSIONER BRAZIEL: So how -- and I know they're all different.

How are we distinguishing between a -- so, for example, at L.A. Sheriff -- because they're the one listed here -- they submit something.

Is that based on an accusation based on a deputy or based on an incident? Because an incident could have three deputies, or one deputy could have four accusations.

And how are we delineating all that in this data field?

MS. DEL MUGNAIO: And that's where it's very difficult with our current Mark43 case management

system. So you could have one officer that has four allegations, and those allegations are counted separately, although it's all wrapped into one case.

So the real number -- and we intend to put some sort of key to describe that information. So you're right. As the public digests this information, they understand there's a difference between number of allegations, number of cases, number of officers. And that's something that we're challenged with, in terms of our current data system is tracking not so much on the front end. So on the intake side, we can tell you how many officers are reflective in that number of allegations. It's on the back-end side that it becomes really difficult.

When we close a case, if we're not affirming the six allegations that were part of the intake or the original complaint -- we've only, let's say, identified three that rise to the level of serious misconduct by clear and convincing evidence -- it's very difficult for us to go back then and remove those allegations.

They were reported. They should be reported. But yet they're not in the outcome side. So it is challenging with our current case management system.

COMMISSIONER BRAZIEL: And I recognize that, and that's going to be -- that's the big hurdle to get over.

MS. DEL MUGNAIO: Correct.

COMMISSIONER BRAZIEL: Is incident, person, and/or allegation.

MS. DEL MUGNAIO: Right.

COMMISSIONER BRAZIEL: So thank you.

MS. DEL MUGNAIO: I think what we can do to help this is, at the next meeting, provide a key. And we'll see if that helps to streamline some of the different numbers that are reflected here today.

So it's interesting. It's very different, what the legislature requires us to report on and perhaps what the public would want to see, in terms of, "Well, what does all of this mean for public protection?"

So when I review the information in the SB 2 report, that data is probably going to be more public-friendly data. This is really just a legislative snapshot for the purposes of, you know, complying with 13512.

CHAIRPERSON LONG: Any other questions?

(No response.)

CHAIRPERSON LONG: I have a quick question, Ms. Del Mugnaio.

On the number of agencies who have not reported at all -- and while I realize, per your reporting, that, you know, more than half of them have less than, say, 12

peace officers, you still have a number of them -- a dozen or so -- with, you know, 100 officers -- is POST reaching out to these people that haven't reported at all?

What's happening on that front in terms of the people who have not reported at all, especially the ones with a relatively large number of peace officers?

MS. DEL MUGNAIO: Continually. And I think when you hear under the SB 2 report today, Bureau Chief Radford is going to talk about some of that outreach that they continue to do when we have agencies that we've not heard from.

In terms of both training them on Mark43 and also checking in with them -- because there are times we'll hear about media reports or get information from outside the agency, and we'll call the agency, check in with the agency to see where we're at with that particular reporting. So this is an ongoing, I think, task for our division, is to continue this outreach.

It will be helpful when we have all of the agency reporting available on the website. You'll be able to see those agencies that have very small numbers of peace officers may have nothing to report. And it would be reasonable that they wouldn't have anything to report, versus some of the agencies that may be still considered

small agencies but may have 50 or 60 peace officers.

CHAIRPERSON LONG: I notice that several of these were State departments with large --

MS. DEL MUGNAIO: Correct.

CHAIRPERSON LONG: -- some of the larger numbers. The Department of Insurance, CAL FIRE, no reports whatsoever.

So the same effort is being made towards those folks in terms of the reach-out?

MS. DEL MUGNAIO: We've had conversations with CAL FIRE specifically.

CHAIRPERSON LONG: I would think that --

COMMISSIONER O'ROURKE: Question. Do we require negative reports?

CHAIRPERSON LONG: Commissioner O'Rourke.

MS. DEL MUGNAIO: What do you mean by "negative reports"?

COMMISSIONER O'ROURKE: That they report that they have nothing to --

MS. DEL MUGNAIO: Oh. We don't at this point. That was something that Commissioner Braziel brought up, I think at the last Commission meeting, was some sort of declaration/affidavit saying "We recognize that we have this obligation, but there's nothing to report."

So that was something we discussed in September.

EXECUTIVE DIRECTOR ALVAREZ: If I may, Commissioner Long.

CHAIRPERSON LONG: Mr. Alvarez.

EXECUTIVE DIRECTOR ALVAREZ: So yeah, we've had internal discussion. I don't know if I've maybe swayed it a little bit from our last meeting in September. So if there's goose eggs across the board for a department, obviously, they're not compliant with the law. I don't know. Personally, my opinion, I'm happy to change it, obviously. But I don't know if an attestation is going to do anything to have them say, you know, "We've got nothing." If they're not compliant, they're not compliant.

Where do we draw that line with the attestations? Do we have 600 agencies submit an attestation saying, "Hey, we're going to comply with the law," which we're going to get, probably, from all of them?

What if you have a department of 200 or 500 officers and they have one report? We know that that's probably not accurate. Do we have them do the attestation?

So open to discussion on that. I know that that was one of the -- one of the recommendations. Happy to -- happy to take that again into consideration if that's what you guys would like us to do. I think that

was kind of suggested at the last meeting.

But I've personally just been a little squeamish about forcing that on them when they're not compliant with the law already. But happy to take your direction in that regard if you want us to do that, for sure.

CHAIRPERSON LONG: Commissioner Gordon, was that a --

COMMISSIONER GORDON: I was going to say I do think there's something to be said for that. I think there's something to be said for the agency head certifying that and putting their name on that, you know. Because ultimately, that's where it lies, is the person at the top.

So I do think there is some benefit to that and the agency head saying "We don't have anything," you know, and they're certified to the best of their knowledge that they are complying. Because I also think when this goes to the legislature, that also speaks loudly to the fact that that is who is certifying that fact. And when POST staff gets asked that question, the answer then becomes, you know, the agency heads are certifying that they don't have anything.

Like, I understand there's not a lot of ability to have a consequence, but there is when the agency head is certifying and then they have to speak to their

community about that. So I think there's probably some room for that.

EXECUTIVE DIRECTOR ALVAREZ: We will do that and take that as the direction that you guys would like. Just some clarification, though.

Do we do that with every agency? Do we do that with specific agencies?

So, for instance, L.A. County Sheriff's Department, I don't know if those are their actual numbers, but they have been sending us a lot of reports. They're sending us letters, update letters as to where they're at with the compliance, with the requirements to send us reports. Do we ask them to do it as well?

Who should we ask to complete that attestation? Which --

CHAIRPERSON LONG: Would that be a rolling -- some type of rolling attestation?

EXECUTIVE DIRECTOR ALVAREZ: Is it once a year? Is it --

CHAIRPERSON LONG: That was my question.

COMMISSIONER BRAUN: As an agency head who has not made any reports because I don't have anything to report, I would start there, with those who haven't made any reports; and then the ones that are glaring that -- agencies, large agencies with no reports or minimal

reports.

I don't have a hard-and-fast answer for that. Certainly, start with the agencies like mine, small agencies that there's zero reports, and just make sure, just like you're reaching out. But I would have no problem signing that.

And I suppose there's also a way to cross-reference. Because you can take in public complaints. And so if you're getting public complaints about Riverside -- River City PD but River City PD is not making any reports, that would certainly be something that would bring your attention to it.

But that would be my recommendation. Start with the zeros, the no-reports, and just say, "Are you willing to put that to paper?" And they should be able to say, "Yes, of course."

CHAIRPERSON LONG: Commissioner Braziel.

COMMISSIONER BRAZIEL: No. I was just going to go, what Sheriff said.

CHAIRPERSON LONG: Is it fair to take the temperature of the Commission that everyone -- the balance of folks feel that it's worth spending time trying to figure out how to deal with some type of attestation?

Is there any concern with directing staff to figure

out the best way to do this?

Commissioner Braziel.

COMMISSIONER BRAZIEL: I have a question.

Has this come up at Cal Chiefs or Cal Sheriffs, conversations about this yet?

Is there a benefit of reaching out to both those big groups and saying, "Here's some of the dilemmas we have. What would your suggestions be?" as a board? Is there a value in doing that?

Because I can also see what Manny talked about. And I'm just going to -- you know, River City Police Department, because that's our example -- said, "Fine. We'll just turn in one a year so I don't have to sign an attestation that I didn't have zero," for somebody who doesn't want to be in compliance. I'm using an extreme example.

So, again, it's one of those what's -- what are their thoughts on it? Because, you know, an annual attestation that, hey, what you submitted is -- what you submitted is what you believe to be truthful and honest, is -- everybody does it, then everybody is going to sign one based on what they know.

So I just don't know if there's value asking our major stakeholders who have the majority of the reports that are coming in, asking them what their thoughts are.

CHAIRPERSON LONG: I don't see any disagreement with that. Obviously, that should be part of the direction, I think, given to the staff to get back to us on the best way to shape that going forward.

Ms. Del Mugnaio, does that make sense?

MS. DEL MUGNAIO: Absolutely.

CHAIRPERSON LONG: Any other comment?

(No response.)

CHAIRPERSON LONG: Then we will examine the best way to provide some type of attestation.

Chief Salazar, I don't think you guys discussed this issue.

CHAIRPERSON SALAZAR: Thank you, Mr. Chair.

We did receive a report on this item. There weren't very many comments, other than a question with regards to the report versus allegations, just those numbers. Number of allegations, obviously, higher than the number of officers it reflects and that information being valuable at some point, to know how many officers are reflected in the number of allegations.

Other than that, no additional comments.

CHAIRPERSON LONG: Thank you. All right.

We'll then move ahead and keep Ms. Del Mugnaio up at the microphone and talk about an SB 2 update. I believe Conduct Bureau Chief Mike Radford will present

as well.

Mr. Radford, welcome.

MS. DEL MUGNAIO: Okay. So we're going to go through the SB 2 report that we do every meeting.

The first portion of this report is primarily administrative. It's just some of the things that we're doing within the division and with the new Peace Officer Standards Accountability Advisory Board.

So if we can go ahead and -- I think I have a clicker at this time. I'm going to try this.

There we go. Look at that, Manny. It works.

So just an update on the overall kind of recruitment. Manny mentioned that. Executive Director Alvarez mentioned that we would be giving you an update of the staffing within the division. These numbers are pretty fluid. And we've got HR people in the room. So they can verify if they're off a bit. But they're close.

103 positions within the division. 52 of those permanent full-time positions are filled. 13 full-time law enforcement consultants.

And we have a new bureau chief in our Professional Conduct Bureau North that will be starting -- that date is wrong -- 1 -- first week of January. So sometime around January 2nd or 3rd.

We have currently nine law enforcement consultants that are retired annuitants. We have probably more than three in process. So we're continuing to hire RAs at a faster rate than we hire anyone else, but that is due to the fact that it's a temporary-type classification and a lot easier for us to bring on board and help with the volume of cases.

So I think most of you are probably aware that we have a full contingent of the board or full composition of the Peace Officer Standards Accountability Advisory Board. Four new board member appointments were made as of November 16th.

We're doing in-person training, once again, for the board members on December 13th. That training will consist of kind of giving them some insight into use-of-force training for peace officers, de-escalation expectations, investigations, administrative discipline, and that type of information.

We're also going to be reviewing some video with them of cases where there may have been excessive use of force or a failure to intervene and how to identify that; what they're seeing in the videos; how, when these cases come to them, they're going to have to be making decisions based on a body of evidence that may be inclusive of a video.

The first hearing of the board is December 14th. I mentioned we have two decertification cases that are being heard before the board that will then come to the Commission likely in March. Of those decertification cases, I mentioned in the stats earlier, we sent out seven notices of intent to revoke. And we got three appeals. Two ended up in default decisions for revocation because there was no appeal.

The other thing I want to mention is just some important internal, I think, procedures that we've been working on to expedite cases.

One is you folks have heard in the past that we do internal panel reviews of peer bureau chiefs that review cases to determine whether or not there's merit to move the case forward to decertification. That's prior to it ever coming to the executive office for review. So there is a great deal of internal review by multiple individuals that evaluate the facts of the case and the evidence that we have.

We're also in the process of developing disciplinary guidelines. We've talked about this in the past. We hope to have something to bring before the Commission in March. This is similar to a bail schedule, but it will provide some guidance for administrative law judges when they're reviewing the

cases and looking at formulating a proposed decision with some sort of imposition of discipline. Because currently, they have nothing to go on. So this will help give the judges some guidance. Also, we hope that it will help with some consistency as the Commission reviews these cases.

We talked in the past about the Senate Bill 2 video production. We've now concluded the filming for these videos. We have Commissioner Braun that assisted with the video production. And also we had our Advisory Committee Chair, Jason Salazar, that assisted with this.

This is really to help kind of dispel some of the myths and fallacies and hopefully help with some of the fears that are out there with the line-level officers in terms of what is the decertification process, who is making these decisions, what individuals are reviewing the cases and doing the backgrounds, what their expertise is; and then also for our academy recruits, so that they come into the profession knowing that there's been a change in how POST engages with every officer in terms of certification and decertification.

We hope that both of those videos will be ready to be released in February or March.

From the academy perspective, this would likely be a pilot program at first until it goes through the

regulatory process and gets worked through the LD, et cetera.

In terms of training, we continue to offer training internally to our staff along the lines of investigation, interrogation, report writing.

I mentioned yesterday at the Advisory Committee POST is embarking on putting together a guideline and expectations on report writing for internal affairs investigations for the profession broadly.

We've noticed since we've been doing this work since January 1st, these IAs come in in various forms. Some are really, really good and there's not a lot left to the imagination; and some, there are some pretty tremendous gaps that POST ends up having to fill in. And so we think it's time for us to establish some standards in the field for report writing in internal affairs.

And then finally, I wanted to mention that the Commission has asked for some training related to the decertification proceedings and what to expect when these cases are brought before the Commission. So we're interested in doing that and prepared to do that for you. Something for you to consider is whether or not you would like that to occur at a Commission meeting, the day before a Commission meeting, or should we set

aside a separate date to provide that training to you as commissioners, perhaps in February but prior to a hearing date where you would have these cases before you. Something to consider.

And I think now I'm going to turn it over to Bureau Chief Radford to talk about stats.

COMMISSIONER NIETO: Commissioner Nieto.

CHAIRPERSON LONG: Commissioner Nieto.

(Inaudible; overlapping speakers.)

COMMISSIONER NIETO: I do have one question.

Will any of the commissioners be invited to audit the December 13th training for the Advisory Committee?

I'm not asking. I'm busy that day. But is the opportunity going to be there if somebody wants to?

And then also, I just wanted to comment.

Thank you, on the internal affairs, to get it standardized. From somebody who's been with three agencies now, that's something I think that's much needed for professional standards across our state.

COMMISSIONER GORDON: And just real quickly, to piggyback on Commissioner Nieto.

That would be my thing, is how we're integrating this into the internal affairs class would be of interest, to make sure that those areas are addressed. And even for agencies to get that feedback overall, I

think, would be helpful, where those shortcomings are.

COMMISSIONER BRAUN: Commissioner Braun.

Just one more piggyback on Commissioner Nieto, and this is a Toby question, I think.

Would it be advisable? If these hearings are live streamed, should we watch them? In the case that it comes to us for later adjudication, is that something that we should or should not do?

MR. DARDEN: Well, obviously, they're live streamed. So they're available to the public and anybody can watch them. Ultimately what will happen is, the way that SB 2 works, is what the Commission is determining is whether or not the record before the board supported the board's recommendation.

So there really -- in theory, there really isn't any problem with you watching the live stream presentation, because ultimately, the full record would be put before the Commission anyway. Because that really is what the Commission is reviewing, is the record of what happened before the board.

So I don't see a huge problem. However, if a Commissioner didn't have the opportunity to review it, that's fine. Because the record would be put before the Commission anyway to make its decision as to whether or not the board's finding was supported by the evidence

that was put forth there.

COMMISSIONER BRAUN: Thank you.

MS. DEL MUGNAIO: Commissioner Nieto, I want to speak to your first question, which is can you audit it.

The training is actually a public hearing or public meeting. So it's available to the public. So anyone can attend and observe and be part of that, that training.

To answer the question regarding the internal affairs report writing/investigation guidelines that we're looking to put together, that's actually happening out of our Management Consulting Bureau, MCPB.

And I think the goal with that is -- and Bureau Chief Radford is actually going to be one of the subject matter experts that's helping with that project -- is to create guidelines and outcomes so that any course that's POST approved that relates to report writing, investigations, et cetera, would have to meet those guidelines and those outcomes.

EXECUTIVE DIRECTOR ALVAREZ: If I may just --

CHAIRPERSON LONG: Mr. Alvarez.

EXECUTIVE DIRECTOR ALVAREZ: Thank you, Chair Long, just to make sure I'm right in this.

In terms of the training on the 13th of December, it is open to the public, but we did not intend to live

stream that. So it would be you would have to come in person. And, obviously, for any commissioner that would like to come, obviously, we would make that available and reimburse and have you participate. Absolutely. But it won't be online, is what I'm getting at. The hearing will, the next day.

MS. DEL MUGNAIO: Correct. We are planning on recording that training session. So we will have a recording of it, in case anyone wanted to view it after the fact.

CHAIRPERSON LONG: Mr. Executive Director, may I add and kind of try to tease out from you and Ms. Del Mugnaio.

Do you believe that the Commission should receive additional training, and how much training, prior to this? And what would you -- what is your recommendation?

And then I would like to hear from our colleagues as to whether there would be interest in such a training or whether we would do that concurrent with the hearing.

EXECUTIVE DIRECTOR ALVAREZ: I will give my answer, and then I'll defer to Annemarie. But I would give a resounding "yes," that you should. You know, we had one session already, in-person session. Several of the board -- two of the board members were previously on

this Commission for quite a bit of time. There was a lot of questions, a lot of instruction and learning.

I would highly, highly recommend that if you can attend or you can participate, you should. They're required to; you're not. But we definitely want to make something available to you. And I would say "yes."

Annemarie, I don't know if you would agree.

MS. DEL MUGNAIO: I agree. I think the nuances of the types of hearings that happen, pre-evidentiary hearing and then what happens post-evidentiary hearing, is unique with Senate Bill 2. I haven't seen a similar enforcement process.

So I think there's a lot of uncertainty about what you're doing at the very beginning of the process with a very limited record, in terms of is there probable cause or is there enough here to move this case forward to a full evidentiary hearing, that I think all the Commissioners could benefit from, perhaps feeling more comfortable with, at that stage, you're not making a final decision. It's almost like the complaint triage: Is there enough here that you believe this warrants a full evidentiary hearing?

And then you have another bite at the apple, so to speak, after the case has been heard in an administrative hearing before a judge, where there's a

proposed decision before you and perhaps a more thorough record that you'll be reviewing to ultimately decide whether or not the officer should suffer a decertification, suspension, et cetera.

I think there's a lot of benefit in going through the training.

CHAIRPERSON LONG: Commissioner Nieto.

COMMISSIONER NIETO: Director Alvarez, I'm just requesting maybe that, whether you attend or not, that all commissioners either receive a link if they're going to record it or, you know, thumb drive mailed to them, that we have the opportunity to review it.

EXECUTIVE DIRECTOR ALVAREZ: Okay. We can do that if we're going to record it. Absolutely. We'll get that to you. Yes.

CHAIRPERSON LONG: Let me clarify as well.

So the 13th training, how long will that last? And if commissioners were to attend, they don't participate and wouldn't be able to ask questions or anything; correct?

EXECUTIVE DIRECTOR ALVAREZ: Annemarie?

MS. DEL MUGNAIO: So the actual training day is scheduled from 9:00 to 5:00. That includes some work, kind of housekeeping stuff. But then the primary portion of the day will be facilitated by GTA, and

they'll be doing this kind of overview of what an officer is trained to do in terms of, like I said, de-escalation, use of force, et cetera.

That portion of the day would, obviously, be pretty remedial for the commissioners. But there is probably value in hearing the discussion when we show the videos and they deliberate what they've seen, what they should be paying attention to, what is pertinent to the factors of the case that they may be deciding. I think would be helpful.

You know, the training that we did prior to the training that we're doing on the 13th was really, I think, insightful. That was kind of this administrative process in a nutshell. And we did a mock hearing, and they went into closed session and they discussed -- we had a template case that we brought before them. The law enforcement consultant did the investigative summary and findings. We presented the evidence. The board members went into closed session and discussed the case.

There was a lot of value in that. I don't know that you're going to get the same thing by just listening to people talk about what they've seen. I think there's a great deal of value in putting yourself in that present moment, reviewing some case factors in real time, and then looking at the parameters that exist

on that front-end hearing. Because it's very different than what you may be accustomed to in reviewing an entire record and making a final decision.

So yes, we can record it, and we're grateful to provide it to you. I just think there's a lot of value in putting them through a real-time hearing and having counsel there to advise on the limitations of what you can see and not see at those first couple of hearings.

CHAIRPERSON LONG: Mr. Alvarez.

EXECUTIVE DIRECTOR ALVAREZ: I would completely agree with Annemarie. The first session, I think, is what would be the most impactful, the one that already occurred, probably not the one on the 13th.

A question for Annemarie -- and I don't want to put you on the spot, so to speak, Annemarie, but I will, since -- sorry. Now is the time to do it, I guess.

MS. DEL MUGNAIO: Let's do it.

EXECUTIVE DIRECTOR ALVAREZ: But we're going to have our first board meeting, obviously, on the 14th with two cases. And we don't want to keep them waiting too long if they were to move to the Commission.

Would it be possible to put together the first training session -- whatever we called that, the very first one that we did in October, I believe -- for the commissioners for those that wanted to attend, let's say

sometime in February? Is that a possibility? A day where they would have the mock hearing; they would have the legal staff there to kind of walk them through all of that.

Obviously, it's not mandatory for them. We don't have to necessarily have a quorum to have the training.

MS. DEL MUGNAIO: Right.

EXECUTIVE DIRECTOR ALVAREZ: Is that a possibility?

MS. DEL MUGNAIO: It is. And, in fact, I propose maybe February be a date that we could try to gather the folks that want to be exposed to that and do that.

And hopefully my staff isn't passing out in the audience right now. But yeah, I think -- we've done it; so there's a template for it, and we know how we can do it better.

But I think, like I said, it would be highly advantageous. And I think I might have thrown up there on one of the other slides that February was a proposed date that we can bring you folks together and offer that.

Sarah, don't quit.

CHAIRPERSON LONG: All right. Any other questions or comments as they think about the February date on this particular item?

(No response.)

CHAIRPERSON LONG: No.

Mr. Radford.

MR. RADFORD: Thank you, Mr. Chair.

Mike Radford. I'm the Bureau Chief of Professional Conduct, Los Angeles County. It's a small little county down south if you're unaware.

So I'm going to go over just our Professional Conduct Bureau statistics.

So in total, as of November 27th, 2023, 26,578 total external reports have been received into the SB -- into the POSAD division.

So breaking those down, we have 21,081 agency misconduct reports. These are reports that have been submitted to our intake and have been approved. They contain all the necessary information allowing us to approve them and disseminate to the different Professional Conduct Bureaus.

Of those 21,081, 58 percent are retro cases. So as you know, the law did state that agencies did have to report retroactive cases back until 2020. So those are down from our last report. So we're, obviously, receiving new updated reports daily.

5,498 agency supplemental reports. And these are reports that will let us know if there is a serious update to the incident in which they're reporting.

Maybe an officer has been terminated, they quit. Some sort of information that is updated or it's a final report, allowing us to move forward on our end.

392 public complaints. So public complaints continue to come in, and we are moving those through intake and pushing them out to the designated agencies.

Obviously, a lot of reports are coming in. So it's very important that we continue to triage reports for prioritization. And our professional staff is also working to assist us with nonactionable retro cases to help clear the backlog. Lots and lots of cases are coming in, and with the amount of staff, we're training some of our just professional staff to assist us in actually closing some of the cases that have no actionability.

We continue to do outreach. There's, obviously, lots of movement in agency internal affair divisions. So we continue to offer online Mark43 training, and we've also began to go back out and conduct Mark43 training in person. Those are very -- have been very successful.

Just to kind of piggyback on some of the concerns, I know all of the bureau chiefs -- we regularly look at all of our agencies, and we look and see what amount of reports are being submitted to us. We try to identify

those that we feel may not be reporting correctly or may seem to be a little low. We're doing consistent outreach, whether it's in person, whether it's on the phone. Maybe there's been times that we've been left in a lobby. But we're trying to really do the best we can to be more of a partner with the agencies, go out and say, "What can we do to help you? Is there any concerns that you may have?"

We're also looking forward to doing more outreach, doing regional IA meetings, just to try to clarify any concerns or update agencies as need be.

So we closed out 4,575 cases. And our top three areas of misconduct: obviously, 39 percent with physical abuse/excessive force; 27 percent is the demonstrating bias; and 11 percent abuse of power. The rest are the remaining 9 misconducts.

So a brief just overview of our statistics. I can open it up for any questions, if there are any.

CHAIRPERSON LONG: Okay. Thank you.

Any questions for Mr. Radford?

(No response.)

CHAIRPERSON LONG: All right. Thank you, guys.

Our final consent item, Number 16. Staff Services Manager Meagan Poulos will provide us a "Greatest Hits" legislative update.

Ms. Poulos.

MS. POULOS: Good afternoon. Just as a general disclaimer/reminder, POST, as a governmental agency, does not take a position on any legislation. Our job is to primarily provide education, information, technical, and programmatic advice, obviously, as the body that will be implementing most of the legislation.

So today I'm going to discuss six bills that were signed this last session that will affect POST overall. And there's a complete list of the bills that POST monitored this last session in the agenda packet.

The first bill is Assembly Bill 355. This is the bill to fix the rifle training issue that's been plaguing POST for the last several years. This allows recruits to possess the required firearm to receive rifle training in the academy prior to graduation. However, the bill only applies to affiliated or sponsored recruits. It does not apply to those that are not affiliated. And it must occur while under supervision of a firearms instructor.

And that becomes effective on January 1 of 2024.

Assembly Bill 360. This bill prohibits the use of the term "excited delirium" from being recognized as a valid medical term or cause of death. Coroners and medical examiners can no longer put that on the death

certificate as a reason for death, and peace officers are prohibited from using the term to describe an individual in an incident report. They can describe the characteristics of the individual, but they cannot state "excited delirium" in that report.

That also becomes effective on January 1 of '24.

Assembly Bill 443. This requires the POST Commission to define "biased conduct" and then will require law enforcement agencies to use that definition in any investigation into a bias-related complaint or incident. It also further requires POST to develop more robust guidance for agencies on performing effective Internet and social media screenings of applicants. And this bill is a direct result of the State Auditor's report from 2022.

And that has an implementation date of January 1, 2026. So you have some time to ponder what "biased conduct" will mean.

Assembly Bill 449. This bill is not a new concept. Currently, all agencies are required to, when they update or create a new Hate Crimes Policy, to use the POST Model Policy Framework, as Director Alvarez mentioned earlier, with the new requirements. And from this bill, POST is updating our Model Policy Framework, because the requirement is now that every Hate Crimes

Policy must be based on the POST Model Policy Framework.

It also requires those policies to be submitted to DOJ, and there's a rollout period in that bill for -- based on county as to when those policies and other forms or documents have to be submitted to DOJ.

And the bill becomes effective on July 1 of 2024, and then the DOJ rollout dates start in 2025.

Senate Bill 449. So this was a cleanup bill for POST for Senate Bill 2. It includes giving POST jurisdiction to all certificates, not just the Basic Certificate. And additionally, it provided some further PRA protection, allowing the Commission to hold closed session when necessary.

And that becomes effective on January 1 of 2024.

The last bill, and probably the most questions we've gotten recently, is Senate Bill 700. This is a follow-up bill to Assembly Bill 2188 that was signed two years ago and becomes effective on January 1.

This bill makes it unlawful for an employer to request information from an applicant relating to the applicant's prior use of cannabis. It also makes it unlawful for an employer to discriminate against the person in hiring, termination, or any term or condition of employment because of the person's use of cannabis off the job and away from the workplace. This bill does

not affect an employer's ability to obtain and consider an applicant's criminal conviction history.

This becomes effective on January 1, 2024.

POST will be sending out a bulletin by the end of next week, and we've already updated the Personal History Statement. It's currently live on our website.

So that was this year. This year's session is the first of a two-year cycle. So some bills that didn't move forward in this session can come back next year. So for now, the legislature is adjourned until January 3rd. So we'll see what next year holds for us.

I'm happy to answer any questions.

CHAIRPERSON LONG: Any questions for Ms. Poulos on this legislation?

(No response.)

CHAIRPERSON LONG: Seeing none, thank you, Ms. Poulos.

And we will move now to the Finance Committee report from Chair Lamont Ewell.

Commissioner Ewell.

COMMISSIONER EWELL: Thank you, Mr. Chair.

We had a brief meeting this morning discussing expenditures for current fiscal year and also discussed the contracts entered into by the executive director under its authority.

I'm looking around for Bureau Chief Smith and hoping that she can give you a summary of the graphs that she shared with us.

And there she is.

MS. SMITH: It was sounding like you had it.

COMMISSIONER EWELL: Never without you, Madam Bureau Chief.

MS. SMITH: Good afternoon, Chair Long, Commissioners.

Can we -- perfect.

So I'm just going to go through the slides on what our expenditures currently are as of November 8th.

So this is an overall expenditure showing the State Penalty Fund and the General Fund and what we've expensed from it so far.

So for the State Penalty Fund, with the budget of 46 million, so far we've expensed about 14.8 million.

And then the General Fund, of the 66 million, we've so far expensed 21.5 million.

Does anybody have any questions regarding the overall expenditures for both the funds?

(No response.)

MS. SMITH: On the next slide, we have a breakdown of the State Penalty Fund and the different pools of money from standards, training, and peace officer

training and then the POST administration.

So from standards, of our 3.8 million, we've so far expensed 735,000.

From training, the 20.2 million, we've expensed 9 million.

Peace officer training, the 13.5, we've expensed about 3.1 million.

And then the POST administration at 8.6 million, we so far have expensed 1.8 million.

Is there any questions regards to expenditures for the State Penalty Fund so far?

(No response.)

MS. SMITH: The next slide is the expenditures for the General Fund.

So from standards, of the 17.7 budgeted for, we've so far expensed 1.8 million.

Training at 11.2 million. So far, we've expended 3.8.

Peace officer training, the 20 million, we've expensed 11.9 million.

And then on the POST administration, 17.9 million, we've done 4 million.

Any questions regards to General Fund expenditures?

(No response.)

MS. SMITH: The next slide shows contracts that

were approved by the Commission. So anything that's 250,000 or larger, Commission must approve.

That is just a glance at what was approved by the Commission, how much was executed from what was approved, how much we've invoiced so far this year, and what the balance is.

Does anybody have questions in regards to those contracts?

(No response.)

MS. SMITH: The next slide is contracts that were under 250,000 that we have.

You guys don't have this. I did this last minute. So I do have handouts, if you would like a handout on what we've expensed for contracts that were under 250,000. It just says how much is executed, how much is invoiced, and what's the balance of those contracts.

Does anybody have any questions in regards to those?

(No response.)

MS. SMITH: All right. And then the last and final slide is the training reimbursement requests. So these are, when peace officers go to training, they can submit for a training reimbursement request to get reimbursed.

So far this year, we've done 15,000 training reimbursement requests, for a total of 5.3 million.

And that is it. If there's any questions.

CHAIRPERSON LONG: Any questions?

COMMISSIONER EWELL: I would just ask the bureau chief if she could make sure everyone gets a copy of the expenditures -- or excuse me -- the contracts that the executive director entered into. Since it is a policy and he has to present it to the Commission in November of each year, it would be good for you to have it so that we're following up based on policy.

EXECUTIVE DIRECTOR ALVAREZ: We can provide a copy by the end of today. Can we give everybody a copy of that?

MS. SMITH: Yeah. I have copies still.

EXECUTIVE DIRECTOR ALVAREZ: Okay. We've also left copies in the back for anybody from the public or anybody else who would like them. Yes.

CHAIRPERSON LONG: Thank you, Ms. Smith.

Thank you, Commissioner Ewell.

We need a motion to approve this report.

COMMISSIONER GORDON: Motion.

CHAIRPERSON LONG: Gordon.

Second?

COMMISSIONER O'ROURKE: Second.

CHAIRPERSON LONG: O'Rourke.

Seeing no objection, it will be adopted on

unanimous consent.

We move now to the Basic Training Bureau.

Issue Number 1 is a report on proposed update and technical amendments to POST guidelines for student safety and certified courses. Professional Conduct Bureau Chief Brian South and Jennifer Hardesty of the Training Bureau will report.

MR. SOUTH: Good afternoon. My name is Brian South. I'm the Bureau Chief for Professional Conduct Central. I had the opportunity to work on this project before I went over to the POSAD. So this is a presentation on the safety guidelines.

So the POST guidelines for student safety and certified courses was revised in June 2020 and incorporated by reference in Commission Regulation 1052, which is the requirements for course certification. It was also incorporated in 1059, which is the requirements for Basic Course certification.

Regulation 1059 became operative in April 2021. So it was after that revision. So the current guidelines do not refer to Regulation 1059.

The Basic Training Bureau identified areas in need of updating in regard to instructor-student ratios for Regular Basic Course testing as well as certain "should" and "shall" language that was retained in the 2020

revision.

So POST staff, in consultation with subject matter experts, identified, reviewed, and updated a limited number of additional other areas in the guidelines, including the areas of scenario training and event simulations, tactical operations training, and bicycle training. And as a result of that work, the proposed changes include adding references to Regulation 1059, the conversion of certain "should" and "shall" language, and instructor-student ratios related to safety concerns, as well as an updated definition of the term "instructor" in the guidelines.

Additional changes also included updates to safety considerations for training that involved nonlethal training ammunition, otherwise known as NLTA; safety considerations in the use of role players and safety officers in scenario-based training and testing; as well as safety consideration relating to the use of virtual reality in police training and bicycle training, specifically electric bicycles, otherwise known as e-bikes.

We did receive two public comments, which were included in your agenda material. One of those was a nonsubstantive change, to correct the legal term for electric bicycles, and that has been reflected. That

comment also supported the inclusion of a requirement that e-bikes that are used in law enforcement training should be compliant with the Vehicle Code. That requirement is in the updated guidelines and is consistent with the subject matter experts' recommendations.

The other public comment we received related to a suggestion that the guidelines not require e-bikes in law enforcement training to be compliant with the Vehicle Code definition, due to a maximum of 750 watts for the electric motor that's outlined in the Vehicle Code.

As I mentioned, the SMEs had concurred with the requirement to be compliant with the Vehicle Code, and that is still what is reflected in the updated guidelines.

POST staff felt that compliance with the Vehicle Code definition of an e-bike was prudent and that any changes to the Vehicle Code itself in regard to allowing a higher-wattage motor would be outside of the POST purview.

So in conclusion, the proposed changes to the guidelines will address areas of concern identified by the Basic Training Bureau and update several other areas within the guidelines.

If the Commission concurs, the appropriate action would be a motion to approve the changes as described in the staff report. And if that happens, the next step in the rulemaking process would be for us to submit final documents to the Office of Administrative Law, including our staff response to the public comments.

The Commission could also modify the proposed changes or take any other course of action you believe is appropriate.

That is my report. Thank you very much.

CHAIRPERSON LONG: Any questions on essentially technical and clarifying changes?

Commissioner Braun.

COMMISSIONER BRAUN: I would concur with the POST conclusion to max out at Class 3 e-bike. Class 4 e-bike would not be an e-bike. It would be a motorcycle. And then everybody would need to have motorcycle licenses and motorcycle training, and that would just get us into a lot of trouble.

So I do appreciate the consideration given to that. I understand the point of view. But Class 3 is the max that we should allow for law enforcement e-bikes.

MR. SOUTH: Thank you for that.

CHAIRPERSON LONG: Additional questions, comments?

(No response.)

CHAIRPERSON LONG: If not, is there a motion?

COMMISSIONER BRAUN: Braun.

CHAIRPERSON LONG: Second?

COMMISSIONER RODRIGUEZ: Rodriguez.

CHAIRPERSON LONG: Rodriguez.

Is there objection to unanimous consent?

(No response.)

CHAIRPERSON LONG: Seeing none, the amendments as delineated by staff are approved.

The second item -- we'll do one more item and then we'll take a bathroom break, I guess. Let's do one more item from the Basic Training Bureau. It is a report on amendments to training and testing specs related to pistol-mounted optics.

These amendments were adopted by the Commission in June. It's being presented now to allow the Commission to consider a single public comment and determine whether the adopted amendment should remain in place.

Absent a motion to change the Commission's direction from June, the proposed amendment will remain in place.

Basic Training Bureau Manager Jennifer Hardesty will report on this item.

Ms. Hardesty.

MS. HARDESTY: Thank you, Mr. Chair, Commissioners.

As Commissioner Long stated, at the June 8th Commission meeting, we proposed change to the training and testing specifications for Learning Domain 35, Firearms/Chemical Agents, which were ultimately approved.

So currently, the training and testing specifications do not require the use of iron sights only in training, nor do they restrict the use of pistol-mounted optics, or PMOs. As PMOs become more prevalent, the subject matter experts felt it was important to address the need for students to effectively gain sight alignment using -- utilizing the primary sighting system, whether that be iron sights or PMOs.

The proposed change does not add a requirement for the specific sighting system to be used. Each presenter will determine what they will or will not allow based on the needs of the agencies that they serve.

Following the June 8th meeting, staff initiated the public comment portion of the rulemaking process. One comment was received as stated and requires presentation to the Commission for consideration.

So there are two options presented to you. One is to take no action, and we move forward with the rulemaking process as -- with the proposed changes that

you approved at the June meeting. The second option is to rescind the original decision in June and leave the training and testing specifications as they currently are.

At this time, I'll take any questions that you have.

CHAIRPERSON LONG: Questions or comments?

While we wait to see if there are any, I believe, Chief Salazar, you guys had some comments on this yesterday.

CHAIRPERSON SALAZAR: Thank you, Mr. Chair.

Yes. The comments received is one from a local academy that reached out in support of this proposed change. And generally, the Advisory Committee was in support of the change as well.

CHAIRPERSON LONG: Any questions or comments?

(No response.)

CHAIRPERSON LONG: Does anyone wish to make a motion to change the amendment that was adopted by the Commission last June?

(No response.)

CHAIRPERSON LONG: Seeing no motion, there is no change to the amendment, and staff will continue with the rulemaking process.

We will take -- how about we take a ten-minute

break. Does that work? Ten-minute break. Be back at 1:50 with the Certification Bureau.

(Break taken.)

CHAIRPERSON LONG: Okay. Let's begin again with the Certification Bureau, E.1. It's a report on proposed clarifying changes to Immediate Temporary Suspension of Certification relating to due process. Certification Bureau Chief Michelle Weiler will report on this item.

Ms. Weiler.

MS. WEILER: Hello again.

Yes. So this -- proposed changes to Commission Regulation 1208 was originally approved by the Commission at the March meeting. However, after submitting to the Office of Administrative Law and their review, they requested additional revisions for clarifying language to further clarify some of the content that we were proposing to add.

As you may recall, our original text for Commission Regulation 1208 basically said that we were going to notify the officers that they were subject to an Immediate Temporary Suspension and that the Commission would schedule proceedings in accordance with the Bagley-Keene Act, and that was it.

And so we proposed to add additional language for

due process, to provide officers with information on -- excuse me -- their rights to respond, how to respond, when to send in that response; the executive director's responsibility to review that response and how he may respond to that response, either to take action and withdraw based on consideration of new information or let it stand as is.

And then we also added language to address the officers' rights and responsibilities to notify POST, if they were, say, arrested for a felony and that was the basis for the ITS, that they have a right and responsibility to notify us if those charges have been dismissed so that we can take appropriate action with regard to withdrawing their Immediate Temporary Suspension.

So there's additional clarifying language there on what they need to provide to the executive director when they submit that information to us.

Any questions on the proposed revisions to the revisions?

CHAIRPERSON LONG: Questions for Ms. Weiler? Any questions?

(No response.)

CHAIRPERSON LONG: Chief Salazar, any comments from the Advisory Board?

CHAIRPERSON SALAZAR: On this item -- thank you, Mr. Chair.

On this item, just some questions as to the process but generally supporting clarifying the due process on the ITS. And then some questions as to who receives the letter of notification that was answered by staff. That's all.

CHAIRPERSON LONG: Is there a motion, then, to approve the proposed changes to Commission Reg 1208 as delineated by staff?

COMMISSIONER GORDON: Gordon.

CHAIRPERSON LONG: Motion. Gordon.

Second?

COMMISSIONER BRAZIEL: Braziel.

CHAIRPERSON LONG: Braziel.

Is there objection to unanimous roll call? Does anyone want a roll call?

(No response.)

CHAIRPERSON LONG: Seeing no objection, it will be unanimous roll call. Staff's proposal is adopted.

The second item under the Certification Bureau is a report on proposed clarifying amendments to Regulation 1202, Peace Officer Certificates. Bureau Chief Weiler will report again on this item.

MS. WEILER: Yes. The staff is proposing to make

additional amendments to Commission Regulation 1202 to address some cleanup language but also specifically stipulate that for police chiefs, especially for those coming from out of state, for police chiefs that do not have a Basic Certificate, clarify that we will issue a Proof of Eligibility until such time that they can meet the requirements to obtain the Basic Certificate.

We've also removed an exception that was previously in the regulation for non-POST-participating agencies who required their personnel to obtain Basic Certificates, that we would issue those. That no longer applies because all specified peace officers in those categories are now required to have a Proof of Eligibility or Basic Certificate. So the exception is no longer necessary.

In 1202(a)(7)(C)(2), we inadvertently refer to Commission Regulation 1201 when discussing serious misconduct. So that is a correction to refer to 1205.

We are also proposing to add language to include Government Code 1029 disqualifications as a reason that we would not approve a Professional Certificate application.

We also -- and this kind of goes with Mr. Lewis's comment earlier about confusion as to Course Completion Certificates and Basic Certificates. We did add

language to distinguish a Course Completion Certificate from certificates issued by POST.

And then the rest of it is kind of clarifying language and renumbering.

Oh, I'm sorry. One more thing I wanted to draw your attention to.

1202(c)(1) currently indicates that Professional Certificates can be canceled for reasons such as misrepresentation during the application or providing false information. We are also amending this to add Proofs of Eligibility and Basic Certificates can be canceled for those reasons as well.

CHAIRPERSON LONG: Any questions or comments for Ms. Weiler? Questions or comments?

(No response.)

CHAIRPERSON LONG: Any comments, Chief Salazar, from the Advisory Board?

CHAIRPERSON SALAZAR: Thank you, Mr. Chair. No comments on this item.

CHAIRPERSON LONG: All right. Is there a motion to these essentially clarifying changes? Is there a motion?

COMMISSIONER BRAUN: Braun.

CHAIRPERSON LONG: Braun.

Is there a second?

COMMISSIONER GORDON: Gordon.

CHAIRPERSON LONG: Gordon.

Is there an objection to the unanimous roll call? Does anyone desire a roll call?

(No response.)

CHAIRPERSON LONG: If not, seeing none, we will pass this measure -- or these amendments on unanimous consent.

Item Number 3 under the Certification Bureau is a report on proposed clarifying amendments to Commission Regulation 1011, Professional Certificates for Dispatchers and Records Supervisors. Ms. Weiler will report on this item.

MS. WEILER: So we are proposing to make some amendments to clean up some language that we inadvertently left in this regulation when we split the Peace Officer Certificates out from the previous 1011, which included all certificates. We inadvertently left some references to qualifications for Peace Officer Certificates. So we are proposing to remove those.

Again, cleanup language for punctuation and grammar corrections that we discovered. Correcting references to subsections of Commission Regulation 1011. Adding the word "education" to 1011(a)(1) to specifically include -- or identify that education is required as

part of the eligibility for Dispatcher Professional Certificates.

We're amending (a)(2) and (b)(3) to reflect current practices for ensuring that eligible training is included in the review of an individual's qualifications. So previously, they were sending us documents if they were attending training outside of POST-certified training. And so now we're updating that to advise on how they can continue doing that.

We are also -- sorry. Lost my spot.

We're also amending a section to grandfather in individuals who were previously issued a Dispatcher Certificate as opposed to the Dispatcher Basic Certificate so that -- we've had some instances where some new staff have been denying certificates for Intermediate and Advanced Dispatcher Certificates because they didn't have the Dispatcher Basic, which is an internal training issue. But this would be providing clarification both to our new staff as well as the dispatchers, to let them know that those individuals who have the Dispatcher Certificate that is no longer being issued are still eligible to apply for these certificates.

We're also clarifying that a Dispatcher Basic Certificate or the former Dispatcher Certificate are

required to apply for the Dispatcher Intermediate and Advanced Certificates, as well as the Supervisor Certificate.

And then we're also doing cleanup language for certificates related to records supervisors, much in the same way that we are doing clarifying language and cleanup for the dispatchers.

Any questions?

CHAIRPERSON LONG: Questions for Ms. Weiler?

(No response.)

CHAIRPERSON LONG: Chief Salazar, any comments from the Advisory Committee?

CHAIRPERSON SALAZAR: Mr. Chair, no additional comments from the Advisory Committee.

CHAIRPERSON LONG: Is there a motion to approve the proposed changes to Commission Reg 1011, as delineated by the staff report?

COMMISSIONER BRAZIEL: Move. Braziel.

CHAIRPERSON LONG: Braziel.

Is there a second?

COMMISSIONER EWELL: Second.

CHAIRPERSON LONG: Second. Ewell.

Is there an objection to a unanimous roll call?

(No response.)

CHAIRPERSON LONG: Seeing none, the motion is

adopted.

Item 4 is no longer before us. It was dealt with under Item Number 6.

We move now to Peace Officer Standards Accountability Division.

Thank you, Ms. Weiler.

Item 1, the only item. It's an update on the definitions of serious misconduct cases related to bias and sexual assault.

We briefly discussed this issue in September, and we agreed to bring it back this month to discuss in more depth.

Assistant Executive Director Annemarie Del Mugnaio will report on this item. The options before us would be -- I believe they're seeking Commission input on how to proceed. There are two separate issues here. We could -- obviously, we could adopt language and move it today, or we could move it forward for additional discussion and consideration.

This is also the item, as you will recall, that the gentleman from the ACLU opposed in his testimony this morning.

Ms. Del Mugnaio.

MS. DEL MUGNAIO: Thank you.

So as Commissioner Long -- or excuse me -- Chair

Long stated earlier, we did discuss this briefly in September. And when we brought this matter before the Commission, the idea was that we -- given the fact that we're reviewing over 20,000 cases right now of serious misconduct, and we receive an array of misconduct reports from law enforcement agencies, some less egregious than others. And we do feel that there are a couple of definitions of these nine acts of serious misconduct that are broad in nature and tend to encompass things that perhaps were not envisioned when the legislation was crafted.

And so of those two areas that the division has been grappling with in terms of prioritizing our cases is sexual assault and demonstrating bias.

And we can go through the slides. So I have it. Sorry.

The first one I want to focus on is sexual assault.

And the definition of "sexual assault" is really established in 832.7. Of course, we're not suggesting we change the definition. But it does encompass any propositioning or commission of any sexual act. Thereby, there are a number of cases that come to POST that involved consensual sexual acts between two members of the same agency.

In 1205, when the Commission looked at defining

"sexual assault," we included that members of any law enforcement agency, not just members of the public, would be inclusive of this definition. So thereby, we are receiving complaints or allegations of sexual assault that involve consensual sexual acts by two members of the same agency, albeit during work hours while on duty, which, of course, demonstrates some level of misconduct. It's whether or not it rises to the level of serious misconduct and warrants decertification.

And so, again, given that we're reviewing over 20,000 cases -- or complaints of serious misconduct, we really want to make sure that we're focusing on those acts that are egregious in nature and warrant some level of action by the State. Again, this doesn't mean that the agency shouldn't take some formative action.

And so this was really more of a conversation about how does the Commission wish for us to prioritize these cases, in terms of these complaints that we're receiving that are really more consensual relationships that may have happened on duty.

(Sotto voce discussion.)

CHAIRPERSON LONG: Let's read them separately and see if anyone would like to address the questions.

Ms. Del Mugnaio, maybe you could explain what, you

know, specifically the concrete concern you had is, if there was a case, and what you feel may be lacking in the existing definition.

MS. DEL MUGNAIO: Correct. And I think really what it boils down to is that we have factors that we may consider -- and I'm going to jump ahead here, because the factors for consideration are both -- are for all of the nine acts of serious misconduct, and that's what the factors for consideration that this Commission adopted, which are, when we're looking at any case of serious misconduct, we put it through a sieve and we're looking at each of these factors to determine whether or not they're present and then determine whether or not it rises to the level of serious misconduct.

So there are several factors that we look at. I think the tough -- and I'm going to scroll through them. I think the difficult thing here is is, yes, there's some level of misconduct -- and this happens outside of just the "sexual assault" definition -- because they're on duty and, again, they're choosing to make a decision to do something that they shouldn't be doing while they're on duty. But was the intent for the Commission to take action from the form of decertification or suspension for these consensual relationships that may happen within a law enforcement agency?

And as a matter of protocol, we can put them through these mitigating and aggravating factors and bring these cases before you. However, I think that, given the fact that we have cases of sexual misconduct that are not of a consensual nature and obviously warrant some formative action by the part of the Commission, I'm just asking for guidance in terms of prioritizing the cases. Because we are receiving them from law enforcement agencies.

CHAIRPERSON LONG: Commissioner Gordon.

COMMISSIONER GORDON: I'm just going to ask a question. I'm not going to bite.

But we had a long, robust conversation about the definition and not limiting the definition based on the back-and-forth that we went through.

So are you asking for a change in the definition, or are you just asking for guidance?

MS. DEL MUGNAIO: Guidance. Thank you for clarifying. With "sexual assault." Yes.

CHAIRPERSON LONG: And may I further hone down on that?

And what type of guidance are you looking for? In what form would you like to see that? I mean --

MS. DEL MUGNAIO: I think a discussion here to understand the Commission's kind of prioritization of

the cases that come in that perhaps, as we've talked about in the past, where the agency has some onerous in terms of their disciplinary proceedings for certain misconduct that may violate agency policy versus something that rises to the level of a peace officer losing their certification and their career indefinitely.

And so there's a difference between the type of misconduct that may warrant some disciplinary action on the part of the agency head versus something that may result in someone not being able to serve as a peace officer indefinitely.

COMMISSIONER COOPER: I'll go ahead and bite on it.

And I think if a consensual relationship -- we see that quite often, no matter where you work.

MS. DEL MUGNAIO: Right.

COMMISSIONER COOPER: Even in law enforcement, it happens that way.

Does it rise to the level of decertification? I don't think so. It happens all the time. We see it a lot, and we deal with it internally.

So yeah, it needs to be addressed and dealt with and handled with, but I don't think it rises to the level of termination. I think it's handled at the local agencies. On a regular basis, you deal with it. But I

personally don't think it rises to that level, and I don't think that was the intent of the bill either.

CHAIRPERSON LONG: Commissioner Braun.

COMMISSIONER BRAUN: Commissioner Braun.

I would take it on a case-by-case basis whether it meets the criteria or not. If you have two peers, same rank, engaging in consensual on-duty misconduct but there's no sexual assault involved, it's something they shouldn't be doing, but it's certainly not worth losing their certification over. As opposed to if there's a training officer-trainee relationship or command -- you know, a higher rank with a lower rank, where there might be some sort of coercion, whether it's spoken or unspoken, I think that would be something to look at.

But same rank, for lack of a better term, "on-duty booty" --

MS. DEL MUGNAIO: You were so politically correct up until the "on-duty booty." I was like, well, that was very eloquent, but I like how you ended. Thank you.

COMMISSIONER BRAUN: -- lightening things up a little bit here, I don't feel that that's our role, to take a look at that. But if there is a difference in the rank and there's a power --

MS. DEL MUGNAIO: Differential.

COMMISSIONER BRAUN: -- differential -- thank

you --

MS. DEL MUGNAIO: Yeah.

COMMISSIONER BRAUN: -- then, certainly, that would be something worth looking at.

MS. DEL MUGNAIO: And we do view those cases -- thank you for that comment.

And we do view those cases -- the last one especially. But we do view those cases in terms of the abuse of power and whether or not that is a factor, and that is something that we look at carefully in the sexual assault cases. So absolutely take that into consideration. Thank you.

COMMISSIONER COOPER: I think you examine everything. We had one where it was a professional staff and sworn staff but consensual. So just different dynamics but no coercion. It was just, I mean, being stupid at work --

MS. DEL MUGNAIO: Yeah.

COMMISSIONER COOPER: -- basically. And I don't think -- we dealt with them, but did it warrant them losing their -- did it warrant an individual losing their job? No. It was just being stupid. So...

CHAIRPERSON LONG: Commissioner Braziel.

COMMISSIONER BRAZIEL: I thought. I still have to recover. Wow, that was good.

Given the nature of this, I just want to agree with everything that's been said. And maybe we just put a checks and balances inside our process, that there's a second set of eyes that confirms "This one can be pulled to a lower priority," just to get that checks and balances on something like this so we can say it wasn't just one person that made the determination to pull it, to give a lower priority. But to have a second set of eyes on it might be a solution.

MS. DEL MUGNAIO: Absolutely. Thank you. Okay.

CHAIRPERSON LONG: Question, Ms. Del Mugnaio.

So if the consensus would seem to be from the Commission that, say, for example, consensual acts, however ill-advised, should not rise to the level of decertification, in the months ahead, in what form would you prefer -- if I may ask, would you prefer to see that be memorialized? In language? Or how would we --

MS. DEL MUGNAIO: No. I think that just the guidance of Commission during the discussion is enough for us to apply 1213 and use the factors for consideration in determining whether or not these cases rise to that level. But thank you, sir.

CHAIRPERSON LONG: Chief Salazar, did the Advisory Board have anything on the "sexual assault" definitional issue, that half of this issue?

CHAIRPERSON SALAZAR: No. No additional comment from the Advisory Committee on the sexual assault piece.

CHAIRPERSON LONG: Any other direction, thoughts, observations?

(No response.)

CHAIRPERSON LONG: All right. Then we will move on from here and deal with the bias issue.

MS. DEL MUGNAIO: So in terms of demonstrating bias, we do receive complaints, obviously, that -- and all of you are aware of there's been plenty of this in the media -- regarding exchange of text messages and photos and things of a nature that would be unsavory and perhaps would be entirely inappropriate.

And what we're looking at is the definition we currently have in 13510.8 of "demonstrating bias" and focusing really on what is that demonstration of bias and trying to put some framework around is demonstration of bias an act and action? Does it have to be a multitude of things in order to rise to the level of demonstrating bias for the purposes of decertification?

So, again, I put up here the definition that's currently in the statute. This is the same definition in 1205. So just so we all reflect back, we did not touch any of the demonstration of bias. And then website definition, "to prove or make clear by reason or

evidence; illustrate or explain, especially with examples."

And then again, Meagan mentioned, Ms. Poulos mentioned earlier in her presentation of AB 443. This really doesn't impact our definition from the point of decertification, but it's good to know that it's out there as another definition of what a demonstration of bias is.

And so I put this on the slide so you folks have -- obviously, are aware that there is another Penal Code section that again demonstrates bias for the purposes of looking at hiring peace officers and conducting investigations.

So finally, what we're proposing is perhaps a look at how we further define "demonstrating bias" by virtue of perhaps isolating that action. And this is a proposal that our chief legal counsel and his team put together for consideration by the Commission to give us perhaps some foundation for, when we move forward on these cases, we're looking through this sieve of what the act or action was of the officer, in terms of conducting the investigation and coming to the determination that, by clear and convincing evidence, we are able to find or prove that there has been some demonstration of bias by the peace officer.

So I'll give you an opportunity to read the definition. I can read it out loud if the Chair -- if Chairman Long prefers or turn it over to our chief legal counsel, Toby Darden.

CHAIRPERSON LONG: I'll voice my belief that they're all good readers.

MS. DEL MUGNAIO: All right.

CHAIRPERSON LONG: So read away.

MS. DEL MUGNAIO: I will defer.

CHAIRPERSON LONG: And then have Toby.

MR. DARDEN: Okay. So one of the questions that we have in terms of how the Commission is going to interpret this statutory and regulatory language, the legislature did not give us a definition of the term "demonstrating" for purposes of this statute.

So the first and most obvious question is is the Commission going to interpret or would it want to interpret this "bias" prong and particularly the word "demonstrating bias" to require an actual act by the officer?

So in other words, it is one thing if we have a factual record where we can prove that the officer went out into the field and engaged in actual biased conduct. It's another if the officer has expressed, by speech or other conduct, an attitude of bias, contempt, prejudice,

intolerance, et cetera, toward individuals in a protected class.

As you know, the law and our regulation has a First Amendment carveout, and this gets into a very interesting area for us lawyers, looking at the intersection or the question between free speech rights and our regulatory ability to take action.

So what we've tried to do with this exemplar language to facilitate this discussion or to get the Commission's ideas is to walk that line so that we, staff, can have a little bit better guidance from staff with respect to how the Commission views "demonstrating bias."

So what we tried to do in this language is, to get over the arguments that there's a pure First Amendment right to engage in speech, no matter how negative that it might be, is to tie that speech to instances where a reasonable person looking at that speech would conclude that the officer would not be able to fairly and impartially perform; or if we do have evidence that the officer actually did not fairly and impartially perform his or her duties because that bias/intolerance/ contempt toward people within that protected class.

So we might get cases, for instance, where there has simply been an officer expressing a view against

individuals in a certain protected class and perhaps even saying that, on duty, they would engage in certain behavior toward those persons because of that, but we may not have any actual act where that officer has gone out and then engaged in provable bias toward someone based upon that membership in a protected class.

So this is, again, really to sort of raise the issue and have a discussion and see what the Commission is thinking and whether or not this proposed language would be something that the Commission could get behind or agree so that we have a better understanding of how the Commission views what a demonstration of bias is.

So, again, what this would say is, if there's any show or display by words, action, or conduct of prejudice, intolerance, contempt, hatred, et cetera, because of people's membership in a protected class, that that would be serious misconduct if that word, action, or conduct would lead a reasonable person to conclude that the officer has not or will not fairly and impartially perform his or her duties.

Again, this is just proposed language, and we wanted to put it out for discussion.

Is that fair?

MS. DEL MUGNAIO: Yes.

MR. DARDEN: Okay.

CHAIRPERSON LONG: Questions, comments on this -- yes -- Toby called it exemplar language.

Commissioner Gordon.

COMMISSIONER GORDON: To be used internally?

MR. DARDEN: Well, we would actually be looking at adding this to our Commission Regulation 1205. We don't have to. This is just a -- we're raising the issue in terms of whether or not the Commission would like us to amend the regulation to include this language.

And the idea is then it, you know, puts everyone on notice -- officers, law enforcement agencies, citizens, administrative law judges, et cetera -- that this is how the Commission interprets "demonstrating bias."

CHAIRPERSON LONG: Take a look at it.

Chief Salazar, was there any comment from the Advisory Board?

CHAIRPERSON SALAZAR: Thank you, Mr. Chair.

Yes, there was comment on this issue.

The existing definition is broad, as was previously mentioned, and this does give some further clarification.

The Advisory Committee did have issue with one term that is in the exemplar definition there with regard to "closed-mindedness" as a term that we just thought was very subjective and we thought could probably be

removed.

CHAIRPERSON LONG: So, to summarize, this is language put forth by staff for consideration of the Commission to see if anyone is interested. Obviously, we could move it today, but I believe that the intent of the staff was largely to get it before the Commission to seek some direction going forward as to whether there was interest in this type of clarification.

Some have seen it as narrowing the definition. Others, as you heard from the ACLU this morning, feel that it is -- they're opposing it because it narrows it, narrows the definition too much.

Any comments or questions at this point?

COMMISSIONER GORDON: I guess the question would be back to all of our robust discussions.

Do we see this as narrowing? Are we going to go through this conversation as a Commission again and then be told "no" because we're narrowing the definition?

Because I do agree that -- I know for our agency, the bias and what we report does become very challenging. You know, there's a lot of stuff that we report and have to do within the ten days that turns out to have no bias basis to it. So we report a lot that, in the end, doesn't have any basis for bias to it.

But I know we struggled with this because, you

know, it's very intent that we can't narrow. So that would be the question, is do we go through this process and then we end up back in the same situation?

MR. DARDEN: Well, obviously, one thing we can't do -- and this is not the intention of the language. We cannot narrow or reduce the language that the legislature has given us. So the language that the legislature gave us is the language that we are bound by. However, the legislature did say that POST was permitted to adopt regulations in order to implement the regulatory language.

And so you probably remember as we went through the 1205 discussions, the question was to what extent can we adopt regulatory language, which does not essentially eliminate a category of cases? And that's not the intention here.

The intention here is that we have a question as to what "demonstrating" means. The legislature did not define "demonstrating" for us, and we do have the ability regulatorily to define "demonstrating bias" and to do it in a way that we believe is consistent with the legislative intent in adopting this provision on demonstrating bias as serious misconduct.

So, again, I don't see it as narrowing. I recognize some people perhaps might. Because anytime we

put any language in that may be somewhat different or clarifying with respect to the statute, someone might believe that.

But from my perspective as counsel, really, the legislature told us that we can regulate, and this is merely our attempt, if the Commission wants to do it, to define how the Commission views what "demonstrating bias" means for purposes of our serious misconduct cases.

Is that -- yeah.

MS. DEL MUGNAIO: I also think that, Commissioner Gordon, no matter what we do, there's probably going to be a challenge that touching any of the nine is going to be an attempt to kind of further narrow what our scope of responsibility is.

I do think, on top of not only us having the opportunity to further clarify some of these provisions, the legislature was demonstrative about the Commission shall, by regulation, adopt a definition of serious misconduct.

So I think the attempt here is to align the definition with a series of facts and fact patterns that we can perhaps demonstrate the threshold by which we need to meet by clear and convincing evidence to take action. I think without something that gives us the

parameters, it's very difficult for us to assess whether or not we have the evidence and the facts that meets that threshold. And so this is an attempt to do that.

And, you know, arguably, if someone says, "You're further narrowing the statute," I think it's, no, we're really trying to make sure that if we're bringing cases before the Commission, the cases that we bring before the Commission meet the burden of proof.

CHAIRPERSON LONG: Commissioner Rodriguez.

COMMISSIONER RODRIGUEZ: Now, is this something that a legislator can clean up language on?

MS. DEL MUGNAIO: Sure. I mean, this could also be handled through a statutory change if there was, you know, an appetite to do that. That's always open. And it would be perhaps expanding on the definition that's in 13510.8 and creating this further clarification.

COMMISSIONER RODRIGUEZ: Now, is this something a legislator or staff could reach out to POST about to ask? Or, you know, if there's some kind of cleanup language in a bill or -- you know.

MS. DEL MUGNAIO: Yeah. And I would defer to our executive director, because that happens routinely.

CHAIRPERSON LONG: Yes, of course. Absolutely. That would be one option. One option would be to put this language out there in public. So people can do

exactly that.

COMMISSIONER COOPER: I think the hard part is, with the legislature right now, that the appetite is not there to change it. It's very difficult.

I've been gone a year now. In that year, it's really changed dramatically. So it's really tough with this. Even though we kind of know where things are headed to, it's just tough. And to have them go back and change that, that's going to be an uphill struggle.

CHAIRPERSON LONG: Commissioner Braziel.

Point well taken.

COMMISSIONER BRAZIEL: One, I appreciate the dilemma you're in, the staff is in. I remember -- Toby, jump in here if I'm incorrect in this.

When things end up before ALJ or whoever they end up in front of, they're going to go back and look at "What's your definition of certain things, and what's your standard? What's your benchmark?"

And I didn't realize this before, but when you're looking at demonstrating bias, that's going to have a different interpretation for different people without a true definition of what that means.

MR. DARDEN: Correct.

COMMISSIONER BRAZIEL: And so I think it does give guidance. And I agree with Commissioner Cooper that

trying to get the legislature changed, it doesn't help us going through our hearings. I mean, it could take a year, two, three, four, or never on the process. So I see the void and the gap in here.

So I support adding what the definition of "demonstrating" is, because it also then gets a public hearing, if I'm correct, so that the ACLU can weigh in and others can weigh in on the actual language that's being presented. Because I don't see it as narrowing. I see it as actually wrapping this up to say "This is what it is." It's not open to interpretation by so many things. "Demonstrating" means that you have to do something so egregious to demonstrate versus what's in here.

I would maybe -- and taking what Chief Salazar said, the "closed-mindedness," I don't know what the word "closed-mindedness" was meant to say, but I looked at it as inaction, like ignoring something. So it's not just the actions but inaction. And I immediately thought of someone delaying a response or -- delaying a response to some homeless call, continually talks ill about the homeless all the time, the unhoused, and then is active in responding to others but delays in these things. It's more of an inaction than an action.

So I don't know what -- again, I don't know what

the Advisory Committee's thought was on the "closed-mindedness," but I immediately was jumping at that one.

So I support trying to wrap some stuff around this, given it's going to take a long time to get through all the hearings. And how many times is this going to get kicked back to us to revise it because they don't like a particular word we put in? But, again, I think it's a good step towards giving some definition for staff here to say this is what is -- and the agencies -- what is "demonstrating" and the process. So I support the language change.

MR. DARDEN: And, Commissioner, you're absolutely correct. If the Commission did approve the language -- let's say we did take out "closed-mindedness," the Commission approved the language -- it could be sent out to OAL. That would open up a public comment period. And then during that public comment period, if anyone had objections to that language, they would make those objections. And then the matter would come back to the Commission. If there were no objections during public comment, then the matter would just go through with OAL and there wouldn't be a further hearing.

But certainly, it would be put out to the public, and they would have the opportunity during public

comment to voice their objections, and then that would come back to the Commission.

CHAIRPERSON LONG: I would like to add to that.

I agree with Commissioner Braziel in terms of language. The language does not frighten me, bother me. I do think the optics are an issue. And I think, given, for example, the ACLU's opposition today and the legislature's sensitivity to the fact, that if we're going to get there, I would prefer personally to see the language put out in advance of adopting the language and getting some feedback from the Legislative Coalition and others -- chiefs, sheriffs, and so forth -- before we adopt the language.

While I personally have no problem with the language, I think others -- I think the fear of and the optics are both issues, and we might be best served by letting some people see this type of language. Because this is the first time we would be trying to go change the nine categories of misconduct.

So it's just my thought, anyway.

Commissioner Nieto.

COMMISSIONER NIETO: Yeah. I actually agree with Rick on trying to define this better for your staff. You know, in real-life time, there's been a lot of -- at my agency we've discussed this, how do you define this.

Because it's pretty broad right now.

But I do agree that we need to open it up to other groups so they can weigh in on what we're doing.

And also, as a commissioner, I want to look back at my notes. Because when we were looking at SB 2 in general, I have to look at my notes. I know the ACLU spoke, but it seems like they're -- they support different things depending on what they're looking at. Because before they wanted to add more, and now it's like "Don't touch it."

So I like the groups to have an opportunity to weigh in on their interpretation.

COMMISSIONER BRAUN: Adding on to what Commissioner Braziel said about inaction, I think in the second line in the second paragraph, after "actions," add "inactions."

So as you described, the failure to respond to a call because you know who the parties are, what you perceived the race to be. I think that would be worthwhile to consider.

And I don't have an issue with the "closed-mindedness," because it's "specific closed-mindedness or hatred towards one or more persons." So that's part of the inaction part, where you have a mental block or an internal closed-mindedness

to whatever segment of society. So I don't have an issue with the language.

I do support putting this out to the public and having some feedback to make sure that, you know, what we're doing is -- we try to be transparent in what we do and have -- give them an opportunity to weigh in.

CHAIRPERSON LONG: Any additional comments?

(No response.)

CHAIRPERSON LONG: Is that -- Ms. Del Mugnaio, does that give you sufficient --

MS. DEL MUGNAIO: Direction? So, Chairman Long, I'm going to --

CHAIRPERSON LONG: -- direction?

MS. DEL MUGNAIO: -- repeat what I think you would like us -- like for us to do, just so we're clear on the record.

So at times, the Commission staff will notice something. So it goes out for public comment prior to bringing it before the Commission to draw out and bring in some of the potential pitfalls or land mines and what have you and then discuss those before the Commission before the Commission makes a decision on any language.

Is that the direction, sir?

CHAIRPERSON LONG: I believe so.

Do my colleagues agree?

(No response.)

CHAIRPERSON LONG: Yeah.

MS. DEL MUGNAIO: Okay.

CHAIRPERSON LONG: I think, again, when we start talking about redefining the nine areas of misconduct, we need to be very aware of suspicions, optics, and so forth. And the best way to deal with this is to let people see the language, I think.

Any other discussion on this item?

(No response.)

CHAIRPERSON LONG: Thank you very much, everyone.

The next item, Committee Reports. The Advisory Committee Chair, Chief Salazar, will report on the Advisory Committee meeting held yesterday.

CHAIRPERSON SALAZAR: Thank you, Mr. Chair.

Yes. We held the POST Advisory Committee meeting yesterday afternoon. At the meeting yesterday, we did welcome two new members to the Advisory Committee: Ben Therriault from PORAC and Chela Cottrell representing Public Safety and Dispatchers. And that was their first meeting yesterday afternoon.

Amongst the reports from members of the committee, one item in particular came up from PORAC. California Highway Patrol, Cal Chiefs, as well as Cal Sheriffs had to deal with AB 89 and the recent release of the AB 89

report and just concerns about how that has evolved, timeline, and the impacts on the profession, specifically with regards to language included in AB 89 that needs to be clarified with regards to either an "and" or an "or."

It's interpreted now as an "and," meaning that officers would need to -- to become police officers, need to have a modern policing degree and a bachelor's degree, which we don't believe is what the intent of the legislation was. It would be modern policing degree or a bachelor's degree.

The program is still not developed, and the 2025 deadline is coming and approaching very quickly and will begin to, and I think has already begun to, have impacts on recruitment, as there's still some angst about when this will actually roll out and what it will look like.

And then also the need that credit would need to be provided for academy training that could be applied towards the credit for the modern policing degree, and that would be done equally across the board with academies.

So a number of different concerns with regards to AB 89 that were expressed by members of the committee and its potential impact and ability to recruit police officers.

Aside from that, no other committee reports.

We did thank Randy Waltz, who is present this afternoon as well, who has been a member of the Advisory Committee and past Chair for several years, representing CAPTO. Yesterday was his last meeting in the committee, and thanked him for his many years of contributions.

CHAIRPERSON LONG: Any questions for Chief Salazar?

Sheriff Cooper.

COMMISSIONER COOPER: Yes. Chief, do we have any numbers as far as entry-level folks coming in that possess a degree right now? Are there any numbers out there?

In the legislature we talked about it, and it was brought up during the hearing that someone with a four-year degree is less likely to use excessive force than someone without. And that was just thrown out there. I don't believe that's true. But a lot of things happen like that in hearings. People throw out numbers and there's no truth whatsoever.

So do we have an idea what the universe is of folks coming in?

CHAIRPERSON SALAZAR: No. But that was also a part of our conversation yesterday. Actually, Sheriff DiBasilio brought that particular item up and whether or not there was actual data that supported the fact that

officers with a college education might use less force or so on.

But I don't have that information, but I think it's worth evaluating. And I'm not sure where that is at this point. But it was one of the concerns expressed in our discussion yesterday.

COMMISSIONER COOPER: Maybe that's something that we do through our associations, through the sheriffs and chiefs association, go back and glean that information and see. Because it's tough. You know, we talk about, in the legislature, they want people of color in public safety. But, obviously, that's going to bar a lot of people from coming into this career field.

So I think we have to go back ourselves and really work on this and give some hard-and-fast numbers, because right now that's an unknown out there.

CHAIRPERSON SALAZAR: Thank you, sir.

COMMISSIONER COOPER: Thanks.

CHAIRPERSON LONG: Thank you, Sheriff Cooper.

Any other comments for Chief Salazar and the Advisory Committee?

(No response.)

CHAIRPERSON LONG: I would just like to make one comment about the Advisory Committee.

It seems in recent months the turnout has not been

perfect, shall we say. And I think -- I'm not sure how to get at that exactly. But the Advisory Board does serve this Commission, and we're not served as well when we've got three, four, five members who aren't showing up. I think it's been a regular occurrence and certain individuals who have -- and I know there have been calls to them and they're just not.

If they don't wish to serve, I think we should maybe even talk about -- as a Commission talk about, you know, three in a row, you're out, and maybe get some replacement from the groups that we want represented on the Advisory Board.

It seems to me -- I don't know if anyone has seen the same thing or has the same concerns. But if we're going to take -- and I think there was some good discussion yesterday, but it was limited by you only had about half your members.

So if anyone has a comment on that or feels it's also an issue. Maybe a "three and out" rule or something. I think the Commission -- I think we need to think about what we're doing with the Advisory Board so it doesn't slide into kind of a 50 percent turnout.

I don't know if there's any comment or, Chief, if you have any comment on that at all.

CHAIRPERSON SALAZAR: Yes, Mr. Chair. I will

comment.

We have had low attendance in the last couple of meetings for a variety of reasons. But I will say, you know, an example. Yesterday was a good example of two new members that came on and were very engaged. They requested presentations, provided, I think, very valuable feedback on a number of the topics.

So -- but yes. If the Advisory Committee is going to serve the Commission, obviously, we need those voices and engagement. And we've had a number of conversations with Assistant Executive Director Jim Grottkau on this topic as well. But yes, for it to be effective, they need to be present and engaged and provide feedback.

CHAIRPERSON LONG: And your reference to the two new members yesterday proves the point. It was very -- it was very helpful and very illuminating and very substantive. And if there were four more of them that actually showed up, it would be all the more so.

So, Mr. Alvarez, I don't know if you have any suggestions on this front at all specifically, but other than sending at least a concern out to the Advisory Board, that maybe the Commission ought to consider a "three and out" rule or something.

EXECUTIVE DIRECTOR ALVAREZ: Personally, I agree. There's always a reason why some --

CHAIRPERSON LONG: Mitigating circumstances?

EXECUTIVE DIRECTOR ALVAREZ: Mitigating circumstances. Yeah. We put it on EDI and have them submit to -- no. I mean, look, we had one individual whose appearance here back in June, based on, you know, law enforcement actions that were happening, they weren't able to travel. And that's perfectly understandable. But I think if you give it a number like three, they should be able to make it at some point. If they miss three meetings, I think we should just move on.

I don't know if it would be wise to go back to that association or whoever it is and say, "Give us another body," or just kind of eliminate them from it if they're not going to participate. I think that might be even better. Maybe that's a little too medieval. But I think there's something that should happen to cause them to show up if they're on the Advisory Committee.

CHAIRPERSON LONG: Okay. Well, hopefully we sent a bit of a message.

And, Mr. Grottkau, maybe we can continue a conversation with Chief Salazar just to -- and the organizations. Because I thought, for example, yesterday was a very, very helpful meeting, and it would have been all the more so had it had a few more members.

All right. Thank you. Thank you, Chief.

So without objection, we will deem the Advisory Board adopted.

The next item is correspondence.

The following correspondence was sent from POST to Robert Luna, the Sheriff of L.A. County, expressing sympathy over the tragic on-duty death of Deputy Ryan Clinkunbroomer and to Rachel Johnson, the Chief of Manhattan Beach Police Department, expressing sympathy over the tragic on-duty of Officer Chad Swanson.

In old business, there is no old business for discussion.

New business, something to talk about, I would like to ask Executive Director Mr. Alvarez to discuss the new business items.

EXECUTIVE DIRECTOR ALVAREZ: The new business items are essentially the selection of Commission dates. I think we've already proposed several of them for you. So you've already had these dates. The next -- I'm sorry. I think we're missing March in here, if I'm not mistaken.

CHAIRPERSON LONG: Well, you've got March and a separate item to talk about.

EXECUTIVE DIRECTOR ALVAREZ: Got it. Okay.

CHAIRPERSON LONG: The travel.

EXECUTIVE DIRECTOR ALVAREZ: So we'll go through June.

June 12th and 13th will be here. That will be the awards meeting. So that will be a big, big meeting here at POST.

September 12th will, more than likely, be somewhere in Southern California. We haven't decided the location yet. Again, that will be just the Commission. No Finance Committee, no Advisory Committee, as is normal for the September meeting. It's more of a roundtable discussion.

And then November 20th through the -- and 21st in 2024 will be here, just like this meeting.

Then we do -- would you like me to go to the Advisory Committee?

CHAIRPERSON LONG: Yes. Let's go to the Advisory Committee appointments, since we were just speaking of the Advisory Committee.

EXECUTIVE DIRECTOR ALVAREZ: Okay. We have received two nominations for new appointments to the Advisory Committee.

The first one is an appointment to replace Mr. Randy Waltz from the -- I'm going to mess up, Randy, the new association name, but it used to be the California Police Training -- Training Officers

Association, CAPTO. They now have a new name. But Randy is moving on.

And they have nominated Lieutenant Brent Stalker, an active-duty deputy with the Fresno County Sheriff's Department, if I'm not mistaken, Randy. Is that correct?

MR. WALTZ: Lieutenant.

EXECUTIVE DIRECTOR ALVAREZ: Lieutenant. Okay. Lieutenant from the Fresno County Sheriff's Department. And I believe that letter is in your agenda.

And then the second one is a public member, Alan McFadon. He nominated himself. He's a former public safety dispatcher, and he is up for your consideration as well.

CHAIRPERSON LONG: Do you have a -- it seems to me at this point -- and I would like to throw open to my colleagues. Lieutenant Stalker represents an organization that we have discussed making sure they have representation on the Advisory Committee.

I'm a little less certain about a self-appointed former Dispatch Supervisor.

EXECUTIVE DIRECTOR ALVAREZ: I am not familiar with Lieutenant Stalker. I would suggest you consider him now and consider approving him now. CAPTO has been very active on the Advisory Committee for years and years, as

has Mr. Waltz. So I would recommend that.

I know Mr. McFadon. He's a very qualified individual to come on as a public member. He would -- he would be a public member, as he is retired, but he is a dispatcher by trade. I would suggest, if he does want to be on the Commission, since he's not representing any organization, as I would with any public member, have him come before the Commission and speak to the Commission as to why he should be on as opposed to just approving him with a simple letter, since you're not familiar with him.

So that would be my recommendation.

CHAIRPERSON LONG: I would concur with that recommendation.

Any concerns from the Commission on that?

(No response.)

CHAIRPERSON LONG: So if there are no concerns with what our executive director has laid out, then we would need a motion to appoint Lieutenant Stalker as a representative of the organization. And it would be essentially replacing Mr. Waltz.

Is there a motion to that effect?

COMMISSIONER GORDON: Gordon.

CHAIRPERSON LONG: Gordon.

Second?

COMMISSIONER RODRIGUEZ: Rodriguez.

CHAIRPERSON LONG: Commissioner Rodriguez.

Is there an objection to unanimous consent on Lieutenant Stalker?

(No response.)

CHAIRPERSON LONG: Seeing none, Lieutenant Stalker is a new member of the Advisory Committee.

And if -- and we'll get word somehow to Mr. McFadon, if he wishes to pursue this, that he can come and speak before the Commission.

Any additional questions on that front?

(No response.)

CHAIRPERSON LONG: All right. Future Commission dates. Mr. Alvarez.

EXECUTIVE DIRECTOR ALVAREZ: Okay. So the next meeting is scheduled for March 6th and 7th in Southern California. We've already selected a hotel. We're just in contract negotiations with that hotel. It's in L.A. County. So I won't name it so that they don't bump the numbers on our contract, since we haven't signed it yet. But it should be March 6th and 7th in Los Angeles County. And that would include both the Advisory Committee, Finance Committee, and the Commission.

(Sotto voce discussion.)

EXECUTIVE DIRECTOR ALVAREZ: So some of the

internal discussion that we've had is on Commission meetings where you're going to be hearing POSAD cases or POSAAB cases, serious misconduct cases, and where those should be held. Obviously, there's some security concerns that we've all had. You can see we've been trying to beef up security here in the building.

The POSAAB, the board, they're going to meet here four times a year. They're not going to travel. You do travel two times a year. The concern that we have is whether we should be having those hearings at hotels across the state, whether that's good for our security and whether that's something appropriate for the hotel to have to deal with, if there's, you know, a demonstration or there's some security concerns, whether those should happen there.

So in conversations with the Chair last week -- or earlier this week, we talked about whether we should have two additional meetings of the Commission here for specific hearings. So, obviously, you're here in the month of December and in June. November/December and June, those are held here. So you're already here. So that kind of takes that out of the equation, because we could have the hearings the day before the Commission.

The issue is September and March, when you're traveling, and whether we should have a one-day meeting

sometime in February or April for a hearing to address decertification and revocations and whether we should do the same in August or October to kind of get around that September meeting so we could still have the regular Commission meetings around the state.

So that will add time. You know, it would add two meetings for you all. But that is a consideration that we wanted to throw out to you all.

We also, in terms of the individual who is the subject of our revocation hearing, had discussions about whether it's fair. For instance, we have a hearing on December 14th. To make that person have to wait until June, because that's when you're going to be back in this building, whether there's, you know, a fairness issue for that person to have to sit and wait for six months before you hear their case.

So we throw that out to you as to how you would like to do that.

CHAIRPERSON LONG: Commissioner Gordon.

COMMISSIONER GORDON: Has there been a consideration of asking, for those meetings -- like L.A. meeting, there's a lot of law enforcement agencies that have great training rooms -- asking for them to see if their training room would be available? Because then that is a secure location and those security issues are

addressed. And a lot of times there's some agencies with really great facilities that, you know, may jump at the chance to actually host POST.

EXECUTIVE DIRECTOR ALVAREZ: We've done that in the past, and we can definitely try to do that. That is an option. There's no question about it. I'm not opposed to that personally.

What would we do with the Commission meeting? Let's say that we did it in March. Would you say that we'd also do the Commission meeting -- and I'd ask -- the Commission meeting also at the department? Or would we then go to a hotel and have the Commission meeting?

COMMISSIONER GORDON: My suggestion would be see if someone is willing to host us for the entirety of all of it. There's definite benefit to that, and there's benefit, definite benefit for not just the public and safety but also for agencies to see how this is actually going to run and go and what an actual meeting looks like for the Commission and the boards.

CHAIRPERSON LONG: I think, wasn't -- Manny, wasn't also part of your concern was to get the sense from the Commission as to whether there is concern or to what degree there is concern about security issues, for just maintaining our regular schedule and just hearing the revocation issues as we get them at our regularly

scheduled hearings?

So I guess we take the temperature of the Commission to see if there is much concern about that.

COMMISSIONER BRAZIEL: I could see a high-profile review that we do, if somebody doesn't waive, just relinquish their certifications, high profile, it may result in a demonstration, if you go back and look at some of the high-profile events in California. You could end up with that. And then all of a sudden it happens to be -- hearing happens to be in a hotel in San Diego or Orange County or something. That creates an issue for us. Like, I could see that.

And I also agree with Commissioner Gordon. I think there's a lot of agencies now that their technologies can match what we -- our requirements are for live streaming, would love to host us.

And I think it would be a benefit to us to actually tour some of the facilities, see what they're doing. And they can have their staff attend the Commission meeting to see what we actually do, and some of their community leaders as well. Kind of gives them a little bit more leverage to bring people into the meetings just to see what we do.

So I think there's value in that, tremendous value in that.

CHAIRPERSON LONG: Santa Barbara. I hear it's nice down there.

COMMISSIONER BRAZIEL: I didn't say that.

EXECUTIVE DIRECTOR ALVAREZ: We could try to do that for March, if that's -- if that gives us enough time. We could still engage in a contract for the hotel. We just would not use the conference room and we would go to a department to actually have the meeting. It will, obviously, require some logistics in terms of getting, you know, to the department and such, as opposed to walking downstairs into the conference room. But I think that seems -- it's reasonable and a decent idea, a good idea.

We could try it. We could try to do that for March.

(Sotto voce discussion.)

EXECUTIVE DIRECTOR ALVAREZ: Santa Barbara it is? Is that close to Los Angeles?

COMMISSIONER RODRIGUEZ: They have a nice airport.

COMMISSIONER GORDON: I was going to say, we have an airport.

CHAIRPERSON LONG: We will now adjourn to closed session. So if I can ask -- oh, Annemarie, do you have --

MS. DEL MUGNAIO: Just really quick.

I didn't know, since you guys were talking about dates and locations, if you want to identify a training date here, or would you prefer to do that just through some sort of poll that works for everybody? Yeah? How do you want to do that for February?

CHAIRPERSON LONG: Why don't we -- why don't we do that through some kind of telephone poll or something like that --

MS. DEL MUGNAIO: Okay. Thank you.

CHAIRPERSON LONG: -- subsequent, yeah, and check everybody's temperature.

COMMISSIONER BRAZIEL: I was thinking Santa Barbara. I thought it was a great opportunity.

CHAIRPERSON LONG: So we're going to adjourn to closed session. Could I ask everyone to take a walk for a few minutes.

MR. DARDEN: It will be quick.

CHAIRPERSON LONG: Toby says it will be quick.

(Closed session: 2:56 p.m. to 3:01 p.m.)

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(Open session resumed: 3:02 p.m.)

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CHAIRPERSON LONG: Chief Legal Counsel Toby will give us a brief rundown of what we did in closed session.

MR. DARDEN: And in closed session, we discussed litigation matters.

CHAIRPERSON LONG: So finally, Commissioners, is there anything else you would like to comment on, raise, questions, et cetera?

(No response.)

CHAIRPERSON LONG: Hearing nothing, is there a motion to adjourn?

COMMISSIONER COOPER: So moved.

CHAIRPERSON LONG: Move. Cooper.

Second?

COMMISSIONER RODRIGUEZ: Second.

CHAIRPERSON LONG: Second. Rodriguez.

Seeing no objection, we are adjourned. Thank you, everyone.

(Proceedings concluded at 3:03 p.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 14th of December, 2023.



EMILY SAMELSON, CSR
Certified Shorthand Reporter
License No. 14043

E R R A T A S H E E T

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AGENDA ITEM REPORT

Title: REPORT ON POST REIMBURSABLE AGENCY ENTRY - LEMOORE POLICE DEPARTMENT DISPATCH

REPORT PROFILE

MEETING DATE 03/07/2024	**BUREAU SUBMITTING THE REPORT** Training Delivery and Compliance Bureau	
RESEARCHED BY Melanie Dunn		**REVIEWED BY** Kristoffer Erik Gerolaga
REPORT DATE 01/10/2024	**APPROVED BY** Manuel Alvarez, Jr.	**DATE APPROVED** 02/15/2024
PURPOSE		**FINANCIAL IMPACT** Yes

ISSUE, BACKGROUND, ANALYSIS, & RECOMMENDATION

ISSUE: The Lemoore Police Department Dispatch has entered into the POST Reimbursable Public Safety Dispatcher Program effective December 21, 2023.

BACKGROUND: The Lemoore Police Department dispatchers have been approved to participate in the POST Reimbursable Public Safety Dispatcher Program pursuant to Penal Code sections 13510(a) and 13522. The agency has agreed to abide by Commission Regulations and Procedures. An Ordinance by the City Council of the City of Lemoore was adopted on November 7, 2023 as required by Penal Code section 13522. Two attachments are included; the Letter of Intent and the Ordinance sent to the Executive Director, and the second is the signed acceptance letter sent to the agency.

ANALYSIS: The agency presently employs one (1) dispatcher.

RECOMMENDATION: The Lemoore Police Department Dispatch has entered into the POST Reimbursable Program for its dispatchers effective December 21, 2023.

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

ATTACHMENT(S):
Lemoore PD Dispatch Letter of Intent and Ordinance.pdf

Lemoore_PD_Dispatch_Signed_Acceptance_Letter_Dec2023.pdf

Lemoore Police Department

MICHAEL KENDALL
CHIEF OF POLICE

658 Hill Street, Lemoore, CA 93245
Tel (559) 924-9574
Fax (559) 924-3116
www.lemoore.com

December 7, 2023

Manuel Alvarez, Jr.
Executive Director
Commission on Peace Officer Standards and Training
860 Stillwater Road, Suite 100
West Sacramento, CA 95605

Dear Mr. Alvarez:

The Council of the City of Lemoore has empowered me to seek participation in the Commission on Peace Officer Standards and Training (POST) Reimbursable Program for our public safety dispatchers.

Please find enclosed Ordinance No. 2023-13 from the City of Lemoore declaring our intent to enter the POST Program.

We are ready for a review to finalize our acceptance. Please call at your earliest convenience.

Sincerely,

Michael Kendall
Chief of Police

12/11/23 Carrie Woolley (LAB)
has approved this Ordinance

ORDINANCE NO. 2023-13

AN ORDINANCE AMENDING CHAPTER 6 OF TITLE 1 OF THE CITY OF LEMOORE MUNICIPAL CODE RELATING TO CITY OFFICERS AND EMPLOYEES TO ACCEPT THE REQUIREMENTS OF THE PENAL CODE RELATIVE TO THE RECRUITMENT AND TRAINING STANDARDS OF PUBLIC SAFETY DISPATCHERS

The City Council of the City of Lemoore does ordain as follows:

SECTION 1. Chapter 6 ("City Officers and Employees") of Title 1 ("Administrative") is hereby amended to add section 1-6-4 as follows:

1-6-1: PERSONNEL SYSTEM RULES AND REGULATIONS:

The city council hereby adopts by reference a revised set of rules and regulations superseding that of resolution 7811, but providing that all memoranda of understanding approved by minute order of the city council since March 6, 1972, remain in effect until superseded by a later order or budget adoption resolution.

1-6-2: COMPENSATION PLAN:

The city council hereby adopts by reference a complete compensation plan; said plan being attached to the resolution codified herein.

1-6-3: PEACE OFFICER RECRUITMENT AND TRAINING STANDARDS:

The city declares that it desires to qualify to receive aid from the state of California under the provisions of chapter 1 of title 4, part 4 of the California Penal Code. Pursuant to section 13522 of said chapter 1, the city, while receiving aid from the state of California pursuant to said chapter 1, will adhere to the standards for recruitment and training established by the California commission on peace officer standards and training.

1-6-4: PUBLIC SAFETY DISPATCHER RECRUITMENT AND TRAINING STANDARDS:

A. Declaration of intent to qualify: The city declares that it desires to qualify to receive aid from the State of California under the provision of Section 13522, Chapter 1 of Title 4, Part 4 of the California Penal Code.

B. Adherence to established standards: The city declares that it accepts the requirements of Section 13510(c), Chapter 1 of Title 4, Part 4, of the California Penal Code, and will adhere to the standards for recruitment and training established by the Commission on Peace Officer Standards and Training (POST) for Public Safety Dispatchers.

C. Adherence to established standards – Commission Inquiry: The city will adhere to the requirements of Section 13512, Chapter 1 of Title 4, Part 4, that the Commission and its

representatives may make such inquires as deemed appropriate by the Commission to ascertain that the city's public safety dispatcher personnel adhere to standards for selection and training established by the Commission on Peace Officer Standards and Training.

SECTION 2. SEVERABILITY. If any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance is declared by a court of competent jurisdiction to be unconstitutional or otherwise invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council declares that it would have adopted this Ordinance, and each section, subsection, sentence, clause, phrase, or portion thereof, irrespective of the fact that nay one or more sections, subsections, phrases, or portions be declared invalid or unconstitutional.

SECTION 3. EFFECTIVE DATE. This ordinance becomes effective 30 days after passage, and within 15 days after passage shall be published once with the names of councilmembers voting for or against it in a newspaper of general circulation within the City of Lemoore.

The foregoing ordinance was introduced at a regular meeting of the City Council of the City of Lemoore held on the 17th day of October 2023 and passed and adopted at a regular meeting of the City Council held on the 7th day of November, 2023 by the following vote:

AYES: Orth, Garza, Gornick, Matthews

NOES: None.

ABSENT: Lyons

ABSTAIN: None.

Patricia Matthews, Mayor

ATTEST:

Marisa Avalos, City Clerk

COMMISSION ON
PEACE OFFICER STANDARDS AND TRAINING

POST

GAVIN NEWSOM
GOVERNOR

ROB BONTA
ATTORNEY GENERAL

December 20, 2023

Chief Michael Kendall
Lemoore Police Department
658 Hill Street,
Lemoore, CA 93245

Dear Chief Kendall,

Your request to participate in the Commission on Peace Officer Standards and Training (POST) Reimbursable Program has been reviewed. Effective December 21, 2023, your dispatchers are formally accepted as participants in the program.

With the submission of the appropriate documents, your agency has officially signified its commitment to adhere to the minimum selection and training standards for the POST Dispatcher Program as set forth in Commission Regulation 1010.

Your continuing adherence to the standards permits your agency to receive Commission authorized services and benefits in support of your dispatch operations.

We congratulate you on your decision to participate in the POST Dispatcher Program and look forward to working with your department for the betterment of California law enforcement.

Sincerely,

MANUEL ALVAREZ, Jr.
Executive Director

Enclosures

MA:md

AGENDA ITEM REPORT

Title: REPORT ON POST REIMBURSABLE AGENCY ENTRY - CUESTA COLLEGE POLICE DEPARTMENT DISPATCH

REPORT PROFILE

MEETING DATE 03/07/2024	**BUREAU SUBMITTING THE REPORT** Training Delivery and Compliance Bureau	
RESEARCHED BY Melanie Dunn		**REVIEWED BY** Kristoffer Erik Gerolaga
REPORT DATE 02/12/2024	**APPROVED BY** Manuel Alvarez, Jr.	**DATE APPROVED** 02/15/2024
PURPOSE		**FINANCIAL IMPACT** Yes

ISSUE, BACKGROUND, ANALYSIS, & RECOMMENDATION

ISSUE: The Cuesta College Police Department has entered into the POST Reimbursable Program for its dispatchers effective February 14, 2024.

BACKGROUND: The Cuesta College Police Department Dispatchers has been approved to participate in the POST Reimbursable Program pursuant to Penal Code sections 13510(a) and 13522. The agency has agreed to abide by Commission Regulations. A Resolution by the San Luis Obispo County Community College District Board of Trustees was adopted on November 1, 2023, as required by Penal Code section 13522. One attachment is included; the Letter of Intent and the Resolution.

ANALYSIS: The agency presently employs one (1) dispatcher.

RECOMMENDATION: The Cuesta College Police Department has entered into the POST Reimbursable Program for its dispatchers effective February 14, 2024.

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

ATTACHMENT(S):
Cuesta CCD LOI & Resolution.pdf

Cuesta College Police Department

November 2, 2023

Manuel Alvarez, Jr.
Executive Director
Commission on Peace Officer Standards and Training
860 Stillwater Road, Suite 100
West Sacramento, CA 95605

Dear Mr. Alvarez:

The San Luis Obispo County Community College District of the San Luis Obispo County Community College District / Cuesta College Board of Trustees has empowered me to seek participation in the Commission on Peace Officer Standards and Training (POST) Reimbursable Program for our Public Safety Dispatchers.

Please find enclosed the Resolution accepting the requirements of Section 13510© and 13522, 13510(c) and 13512 of the Penal Code relative to the recruitment and training standards of Public Safety Dispatchers No. 08-23 from the San Luis Obispo County Community College District declaring our intent to enter the POST Program.

We are ready for a review to finalize our acceptance. Please call at your earliest convenience.

Sincerely,

Rich Randolph
Chief of Police
Director of Public Safety

Controlled Correspondence
Please route to TDC.
MA
11/06/2023

M. Alvarez MA
11/06/2023

Rich Randolph
Chief of Police

San Luis Obispo Campus
PO Box 8106
San Luis Obispo, CA 93403-8106
(805) 546-3205 Fax: (805) 546-3954
Main Office

North County Campus
2800 Buena Vista
Paso Robles, CA 93446
(805) 591-6205 Fax: (805) 546-3954
Sub Station

SAN LUIS OBISPO COUNTY COMMUNITY COLLEGE DISTRICT
BOARD OF TRUSTEES
Resolution No. 08-23

12/11/23 Carrie Woolley (LAB) has approved this Resolution

State of California
Commission on Peace Officer Standards and Training

A Resolution accepting the requirements of Section 13510(c) and 13522, 13510(c) and 13512 of the Penal Code relative to the recruitment and training standards of Public Safety Dispatchers

RECOGNIZING, the San Luis Obispo County Community College District Board of Trustees seeks participation in the Commission on Peace Officer Standards and Training (POST) Reimbursable Program for its Public Safety Dispatchers; and

WHEREAS, the Governing Body of San Luis Obispo County Community College District/Cuesta College declares that it desires to qualify to receive aid from the State of California under the provision of Section 13522, Chapter 1 of Title 4, Part 4 of the California Penal Code; and

WHEREAS, the San Luis Obispo County Community College District/Cuesta College declares that it accepts the requirements of Section 13510(c), Chapter 1, of Title 4, Part 4, or the California Penal Code, and will adhere to the standards for recruitment and training established by the Commission on Peace Officer Standards and Training (POST) for Public Safety Dispatchers;

THEREFORE, BE IT RESOLVED that the San Luis Obispo County Community College District/Cuesta College shall adhere to the requirements of Section 13512, Chapter 1, that the Commission and its representatives may make such inquiries as deemed appropriate by the Commission to ascertain that the San Luis Obispo County Community College District/Cuesta College public safety dispatcher personnel adhere to standards for selection and training established by the Commission on Peace Officer Standards and Training.

CERTIFICATION

San Luis Obispo County Community College District Resolution 08-23;
Adopted on November 1, 2023, by the following roll-call vote.

Yes: Strobridge, Stakes, Mullen, Sysak, Stroud No: None Absent: None Abstain: None

Mary Strobridge
Board President

Jill Stearns, Ph.D.
Board Clerk

AGENDA ITEM REPORT

Title: REPORT ON BASIC COURSE PRESENTER STATISTICS

REPORT PROFILE

MEETING DATE 03/07/2024	**BUREAU SUBMITTING THE REPORT** Basic Training Bureau	
RESEARCHED BY Carrie Hollar	**REVIEWED BY** Manuel Alvarez, Jr.	
REPORT DATE 02/07/2024	**APPROVED BY** Manuel Alvarez, Jr.	**DATE APPROVED** 02/15/2024
PURPOSE	**FINANCIAL IMPACT** No	

ISSUE, BACKGROUND, ANALYSIS, & RECOMMENDATION

ISSUE: This report is provided for information only to provide basic course statistics to the Commission. No action is required.

BACKGROUND: At the November 2023 Commission Meeting, POST Basic Training Bureau (BTB) Staff presented the Commission with information on the Basic Course Certification Review process. During the presentation, Commission members stated their desire to have the ability to view statistics related to basic course presenters, specifically success and failure rates.

ANALYSIS: BTB staff have worked with POST Computer Services Bureau to develop a dashboard which will provide basic course statistics that can be broken down by course type, year, presenter, etc. (Attachment A, Attachment B). This information will be made available on the POST website.

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

ATTACHMENT(S):
ATTACHMENT A.pdf
ATTACHMENT B.pdf

Basic Course Presenter Statistics

Course Title: All

Year: All

Year	Course Title	Presenter Name	Number of Students	Affiliated Students	Non-affiliated Students	Students Completed	Number Still Employed	Number Hired During Training	Number Hired Prior/On Day One of Training
2020	BASIC COURSE - MODULE I (EXT)	IMPERIAL VALLEY COLLEGE-ADMINISTRATION OF JUSTICE	21	3	18	18	11	3	0
2021	BASIC COURSE - MODULE I (EXT)	IMPERIAL VALLEY COLLEGE-ADMINISTRATION OF JUSTICE	22	3	19	18	7	2	1
2022	BASIC COURSE - MODULE I (EXT)	IMPERIAL VALLEY COLLEGE-ADMINISTRATION OF JUSTICE	23	5	18	20	17	2	1
2023	BASIC COURSE - MODULE I (EXT)	IMPERIAL VALLEY COLLEGE-ADMINISTRATION OF JUSTICE	27	1	26	21	5	6	1
2021	BASIC COURSE - MODULE I (EXT)	LOS ANGELES COUNTY SHERIFF'S DEPARTMENT	38	38	0	38	35	1	37
2020	BASIC COURSE - MODULE I (EXT)	LOS ANGELES POLICE DEPARTMENT	19	19	0	19	19	0	19
2021	BASIC COURSE - MODULE I (EXT)	LOS ANGELES POLICE DEPARTMENT	6	6	0	6	5	0	6
2022	BASIC COURSE - MODULE I (EXT)	LOS ANGELES POLICE DEPARTMENT	5	5	0	5	5	0	5
2020	BASIC COURSE - MODULE I (EXT)	PALOMAR COLLEGE	16	0	16	14	4	0	0
2021	BASIC COURSE - MODULE I (EXT)	PALOMAR COLLEGE	11	0	11	8	6	0	1
2022	BASIC COURSE - MODULE I (EXT)	PALOMAR COLLEGE	13	0	13	13	4	2	1
2023	BASIC COURSE - MODULE I (EXT)	PALOMAR COLLEGE	10	1	9	10	2	0	1
2021	BASIC COURSE - MODULE I (EXT)	RIVERSIDE COUNTY SHERIFF'S DEPT.	21	7	14	21	6	2	4
2023	BASIC COURSE - MODULE I (EXT)	RIVERSIDE COUNTY SHERIFF'S DEPT.	27	6	21	27	12	2	2
2022	BASIC COURSE - MODULE I (EXT)	SACRAMENTO REGIONAL PUBLIC SAFETY TRNG. CENTER	11	2	9	11	7	1	1
2023	BASIC COURSE - MODULE I (EXT)	SACRAMENTO REGIONAL PUBLIC SAFETY TRNG. CENTER	15	4	11	13	4	2	1
2020	BASIC COURSE - MODULE I (EXT)	SAN JOAQUIN DELTA COLLEGE-PUBLIC SAFETY TRAINING CENTER	35	5	30	23	15	2	2
2022	BASIC COURSE - MODULE I (EXT)	SAN JOAQUIN DELTA COLLEGE-PUBLIC SAFETY	53	17	36	41	30	9	9

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Data Last Refreshed: 2/9/2024


Basic Course Presenter Statistics
Affiliated Students and Non-affiliated Students by Year
Affiliated Students
Non-affiliated Students
Affiliated Students and Non-affiliated Students
6K
5K
4K
3K
2K
1K
0K
4187
1584
2603
5400
1759
3641
6347
1323
5024
6268
1175
5093
432
411
2020
2021
2022
2023
2024
Year
Presenter Name
Search
ALAMEDA COUNTY SHERIFF'S DEPT ACADEMY TRNG CTR
ALLAN HANCOCK COLLEGE
BAKERSFIELD POLICE DEPARTMENT
BUTTE COLLEGE PUBLIC SAFETY TRAINING CENTER
CA DEPT. OF CORRECTIONS-CORRECTIONAL TRAINING CENTER
CA DEPT. OF FISH & WILDLIFE
CA HIGHWAY PATROL
CA STATE PARKS
CAL-FIRE
CERRO COSO COMMUNITY COLLEGE
COLLEGE OF THE DESERT
COLLEGE OF THE REDWOODS
COLLEGE OF THE SISKIYOUS
CONTRA COSTA COUNTY SHERIFF'S OFFICE
EL CAMINO COLLEGE
Course Title
Search
BASIC COURSE - MODULE I (EXT)
BASIC COURSE - MODULE I (INT)
BASIC COURSE - MODULE II (EXT)
BASIC COURSE - MODULE II (INT)
BASIC COURSE - MODULE III (EXT)
BASIC COURSE - MODULE III (INT)
BASIC COURSE-EXTENDED
BASIC COURSE-INTENSIVE
Home
Graph
Definitions
Data Last Refreshed: 2/9/2024

AGENDA ITEM REPORT

Title: REPORT ON COURSE CERTIFICATION STATISTICS

REPORT PROFILE

MEETING DATE 03/07/2024	**BUREAU SUBMITTING THE REPORT** Training Delivery and Compliance Bureau	
RESEARCHED BY Jet Alidon-Lam		**REVIEWED BY** Kristoffer Erik Gerolaga
REPORT DATE 01/26/2024	**APPROVED BY** Manuel Alvarez, Jr.	**DATE APPROVED** 02/15/2024
PURPOSE		**FINANCIAL IMPACT** No

ISSUE, BACKGROUND, ANALYSIS, & RECOMMENDATION

ISSUE: This is a status report of courses which have been certified and decertified from 11/01/2023 to 01/31/2024.

BACKGROUND: This report is submitted to the Commission quarterly to report the status of certified and decertified courses and presenters (**Attachment A**).

ANALYSIS: The following is a summary of the status report for 11/01/2023 to 01/31/2024:

Certified Presenters: 9

Decertified Presenters: 1

Certified Courses: 117

Course Modifications: 837

Decertified Courses: 38

Total Active Courses: 5,655

Total Active Presenters: 1,038

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

ATTACHMENT(S):

AttachmentA_CourseCertificationStatReport_Nov01_2023-Jan31_2024.pdf

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING
TRAINING DELIVERY AND COMPLIANCE SERVICE BUREAU
COURSE CERT STATS REPORT
REPORT FROM 11/01/2023 TO 01/31/2024

NEW PRESENTERS

ADLERHORST INTERNATIONAL - 6504
CALIFORNIA DISTRICT ATTORNEY INVESTIGATORS - 6501
CEDARS SINAI MEDICAL CENTER - 6503
KINETIC THREAT SOLUTIONS LLC - 6411
LAKE TAHOE COMMUNITY COLLEGE - 3850
SOLANO COMMUNITY COLLEGE PUBLIC SAFETY DEPT - 1079
TYSON LIQUOR LICENSE CONSULTING - 6502
WELLNESS IN THE UNIFORM - 6843
YAEL WYTE - 6412

DECERTIFIED PRESENTERS

MANZANO TACTICAL - 6484

SUMMARY OF TOTALS

	NOVEMBER	DECEMBER	JANUARY	TOTAL FOR NOV TO JAN	TOTAL YEAR-TO-DATE	TOTAL
PRESENTERS						
CERTIFIED NEW PRESENTERS	1	6	2	9	21	
DECERTIFIED PRESENTERS	0	1	0	1	1	
COURSES						
CERTIFICATION REQUESTS	46	28	46	120	289	
COURSES CERTIFIED	38	36	43	117	321	
COURSE MODIFICATIONS APPROVED	295	216	326	837	2755	
DECERTIFIED COURSES	14	3	21	38	183	
INACTIVE COURSES	0	0	0	0	0	

TOTAL ACTIVE COURSES **5655**

TOTAL ACTIVE PRESENTERS **1038**

AGENDA ITEM REPORT

Title: REPORT ON POST PROPOSED REGULATORY ACTIONS/STATUS

REPORT PROFILE

MEETING DATE 03/07/2024	**BUREAU SUBMITTING THE REPORT** Executive Office	
RESEARCHED BY Katelynn Poulos	**REVIEWED BY**	
REPORT DATE	**APPROVED BY** Manuel Alvarez, Jr.	**DATE APPROVED** 02/15/2024
PURPOSE	**FINANCIAL IMPACT** No	

ISSUE, BACKGROUND, ANALYSIS, & RECOMMENDATION

ISSUE: This is a Report on POST Proposed Regulatory Actions/Status.

BACKGROUND: The Commission has asked for staff to present ongoing reports on the status of regulatory actions once they have been approved by the Commission. This report reflects the progress of such actions as they move through the regulatory process.

ANALYSIS: Commission Regulation packages currently in the 45-day public comment period:

- Notice of Proposed Regulatory Action - Amend Commission Regulation 1205 - Definitions Related to Serious Misconduct
- Notice of Proposed Regulatory Action - Amend Commission Regulation 1011 - Public Safety Dispatchers Certifications
- Notice of Proposed Regulatory Action - Amend Commission Regulation 1210 - Voluntary Surrender

Current Commission Regulation packages under review by the Office of Administrative Law (OAL):

- Notice of Proposed Regulatory Action - Amend Commission Regulations 1052, and 1059 - POST Guidelines for Student Safety in Certified Courses
- Notice of Proposed Regulatory Action - Amend Commission Regulation 1005, 1007, 1008 - LD 35 Firearms/Chemical Agents
- Notice of Proposed Regulatory Action - Amend Commission Regulation 1005 - Minimum Coroner

Training Requirements
- Notice of Proposed Regulatory Action - Amend Commission Regulation 1005 - Course Name Correction

Commission Regulation packages approved by OAL since the Commission Meeting held on November 30, 2023:

- Amendment to Commission Regulation 1215 - Address of Record
- Amendment to Commission Regulation 1201 - Definitions re Peace Officer Certification
- Amendment to Commission Regulation 1202 - Peace Officer Certifications
- Amendment to Commission Regulation 1208 - Temporary Suspension of Certification
- Amendment to Commission Regulation 1003 and 1950 - Employment Notifications

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

AGENDA ITEM REPORT

Title: REPORT ON PEACE OFFICER CERTIFICATION STATISTICS

REPORT PROFILE

MEETING DATE 03/07/2024	**BUREAU SUBMITTING THE REPORT** Certification Bureau	
RESEARCHED BY Michelle Weiler	**REVIEWED BY**	
REPORT DATE	**APPROVED BY** Manuel Alvarez, Jr.	**DATE APPROVED** 02/15/2024
PURPOSE	**FINANCIAL IMPACT** No	

ISSUE, BACKGROUND, ANALYSIS, & RECOMMENDATION

ISSUE:

This is a status report on peace officer certification from January 1, 2024 to February 15, 2024.

BACKGROUND:

On January 1, 2023, POST's implementation of Senate Bill 2 requirements, directly related to peace officer certification, went into full effect. On this same date, POST began issuing Proofs of Eligibility to all specified peace officers who were properly appointed to their agencies but were not yet eligible or would not be eligible to possess a Basic Certificate. This report is submitted to the Commission to report on the numbers of:

- Notices of Appointment approved
- Proofs of Eligibility issued
- Basic Certificates issued
- Active peace officer certifications
- Inactive peace officer certifications
- Immediate Temporary Suspensions (ITS) issued
- Voluntary surrenders accepted
- Affidavits of Separation for: Dishonesty, Abuse of Power, Physical Abuse, Sexual Assault, Demonstrating Bias, Egregious and Repeated Acts that Violate the Law, Participation in a Law Enforcement Gang, Failure to Cooperate with an Investigation, and Failure to Intercede.

ANALYSIS:

The following is a summary of the certification statistics for the current reporting period of January 1, 2024 to February 15, 2024.

Notices of Appointment approved - 1,037
Proofs of Eligibility issued - 784
Basic Certificates issued - 624
Active peace officer certifications - 100,137
Inactive peace officer certifications - 158,765

Revocations - 14 (based on those approved by the Commission during the Nov 30, 2023 meeting and default revocations for non-response to Notices of Intent to Revoke)
Immediate Temporary Suspensions (ITS) issued - 9
1029 Disqualified - 9
Voluntary surrenders accepted - 6

Affidavits of Separation 1,245

Dishonesty - 14
Abuse of Power - 2
Physical Abuse - 4
Sexual Assault - 1
Demonstrating Bias - 1
Egregious and Repeated Acts that Violate the Law - 3
Law Enforcement Gang - 0
Failure to Cooperate with an Investigation - 3
Failure to Intercede - 0

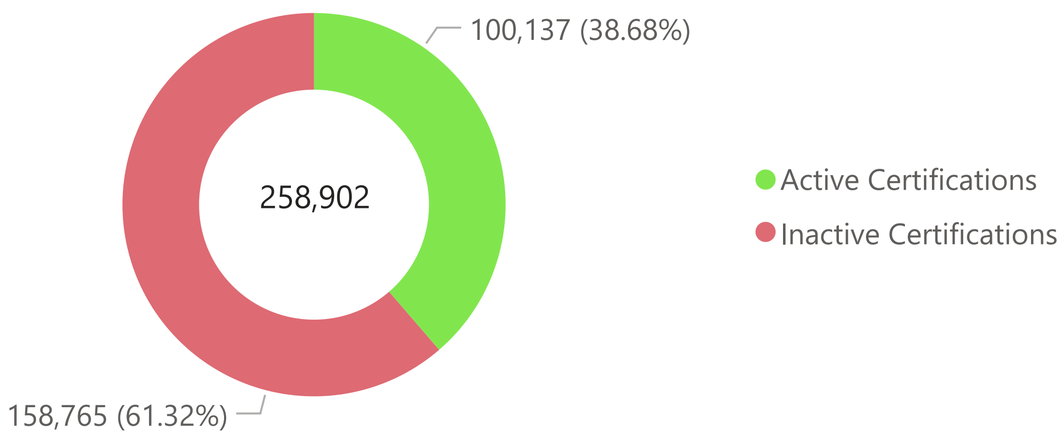
RECOMMENDATION: This report is presented for information only. No action is required.

ATTACHMENT(S):
Peace_Officer_Certification_Statistics_021524.pdf

Peace Officer Certification Statistics

Report Year : 2024

Active and Inactive Certifications



Affidavits of Separation

1,245

Misconduct Reason	Count of Affidavits
Abuse of Power	2
Demonstrating Bias	1
Dishonesty	14
Egregious Repeated Acts	3
Failure to Cooperate with Investigation	3
Failure to Intercede	0
Law Enforcement Gang	0
Physical Abuse	4
Sexual Assault	1

Appointments Approved

1,037

Basic Certificates Issued

624

Proof of Eligibilities Issued

784

Data Last Refreshed: 2/15/2024

AGENDA ITEM REPORT

Title: REPORT ON SENATE BILL 2 (2021) UPDATE

REPORT PROFILE

MEETING DATE 03/07/2024	**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** 02/20/2024
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.

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 for presented for information only. No action is required.

ATTACHMENT(S):
SB2 Update March 72024 commission.pdf

PEACE OFFICER STANDARDS ACCOUNTABILITY DIVISION

March 6-7, 2024

UPDATE

ADMINISTRATIVE UPDATES

RECRUITMENT

- 103 Total Positions 51 Permanent Positions Filled
- 13 FT/Perm LECs effective
- 15 LEC RAs- 2 more in process of hire

POSAAB

- First hearing of the POSAAB held on December 14, 2023
  - 2 cases heard – Both cases involved acts that violate the law
  - Board recommended to revoke both officer's certification
  - Next POSAAB hearing scheduled for March 21, 2024 - 4 cases are scheduled to be heard
  - May 15-16, 2024/ July 24-25, 2024

TRAINING

- In-person training for both the Commission and the Peace Officer Standards Accountability Advisory Board Members on February 13, 2024 (Stages of Appeal, Structure of Case Review and Evidentiary Findings)
- POSAD staff attended in-person specialized regulatory investigations training – February 20-21, 2024

ADMINISTRATIVE UPDATES CONT'D

DECERTIFICATION PROCEEDINGS

- 2 Cases from the December 2023 POSAAB recommendations are before the Commission March 7, 2024
- Mid-January 2024 - 6 Notices of Intent to Revoke were sent - Resulted in 4 appeals
- Internal process improvements – Notice of Investigation to the Subject Peace Officer has resulted in an uptick in Voluntary Surrenders
- Professional Staff are working diligently to close non-actionable cases
- Disciplinary Guidelines for Commission Review- June 13, 2024

SB 2 VIDEO PRODUCTION – Completion March 2024

- Peace Officer Certification Video- Explanation of the Development, Implementation, and Process for Peace Officer Decertification
  - Interviewees included line-level peace officers, academy directors, agency heads, internal affairs staff, POSAD staff
  - Field video is complete and a demo before the Commission on March 7, 2024
  - Academy Video will be ready within the next few months

PROFESSIONAL CONDUCT BUREAU STATISTICS AS OF 1/30/24

- 22,729 Agency Misconduct reports received (Approved)
  - 14,940 unique Law Enforcement Officers
  - 69% are retro (Prior to 01/01/2023)
- 515 - Public complaints (Approved)
- Context: Approximately 8% of cases resulted in sustained findings, and after triage, around 5% appear to have potential merit for decertification
- Triaging reports for prioritization and professional staff working on non-actionable retro and unfounded/exonerated/not sustained cases to help clear backlog.
- Continue to offer online Mark43 training to agency users

- 15,624 Total Cases
  - 10,327 Open Cases (66% of total cases)
    - 5,588 Open w/POST (54% of open cases)
    - 4,739 Open w/Agency (46% of open cases)
- 5,297 Closed Cases (34% of total cases)

- Top 3 areas of serious misconduct allegations:
  - 39% - Physical abuse/excessive or unreasonable use of force
  - 27% - Demonstrating Bias
  - 12% - Abuse of power

AGENDA ITEM REPORT

Title: REPORT ON LEGISLATIVE UPDATE

REPORT PROFILE

MEETING DATE 03/07/2024	**BUREAU SUBMITTING THE REPORT** Executive Office	
RESEARCHED BY Meagan Poulos	**REVIEWED BY**	
REPORT DATE	**APPROVED BY** Manuel Alvarez, Jr.	**DATE APPROVED** 02/17/2024
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 February 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 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: 1/29/2024-Referred to Coms. on HIGHER ED. and PUB. S.

AB 2042 (Jackson) Police canines: standards and training.

Introduced: 2/1/2024

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 require each law enforcement agency in California, on or before January 1, 2027, to adopt a policy for the use of canines that, at a minimum, complies with the standards developed by the commission, and to require regular and periodic training for all canines and canine handlers that covers, at a minimum, the training guidelines developed by the commission. Because the bill would impose additional requirements on local law enforcement agencies, the bill would impose a state-mandated local program.

Status: 2/2/2024-From printer. May be heard in committee March 3.

AB 2138 (Ramos) Peace officers: tribal police.

Introduced: 2/6/2024

Summary: Current law grants specified limited arrest authority to certain 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. Existing federal law requires the State of California to exercise criminal jurisdiction on Indian lands. Current state law deems a tribal police officer who has been deputized or appointed by a county sheriff as a reserve or auxiliary deputy to be a peace officer in the State of California. This bill would

deem certain tribal police officers to be peace officers on Indian lands and elsewhere in the state under specified circumstances. The bill would set certain minimum qualifications and training requirements for a tribal officer to act pursuant to this authority and would place certain requirements on the employing tribe, including certain financial responsibility requirements, 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: 2/7/2024-From printer. May be heard in committee March 8.

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: 2/13/2024-From printer. May be heard in committee March 14.

AB 2382 (Rubio, Blanca) Human trafficking.
Introduced: 2/12/2024
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: 2/13/2024-From printer. May be heard in committee March 14.

AB 2541 (Bains) Peace officer training: wandering.
Introduced: 2/13/2024
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: 2/14/2024-From printer. May be heard in committee March 15.

AB 2710 (Lackey) Peace officers.
Introduced: 2/14/2024
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. This bill would express the intent of the Legislature to enact legislation relating to peace officers.
Status: 2/15/2024-From printer. May be heard in committee March 16.

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: 2/15/2024-Read first time. To print.

AB 3021 (Kalra D) Criminal procedure: interrogations.
Introduced: 2/16/2024
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: 2/16/2024-Read first time. To print.

AB 3038 (Essayli R) School safety: armed school resource officers.
Introduced: 2/16/2024
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: 2/16/2024-Read first time. To print.

AB 3241 (Pacheco D) Law enforcement: police canines.
Introduced: 2/16/2024
Summary: Would require the Commission on Peace Officer Standards and Training (POST) to adopt uniform, minimum guidelines regarding the use of canines by law enforcement, including legal standards established by the bill, and to certify courses of training for all law enforcement canine handlers and those law enforcement supervisors directly overseeing canine programs, as specified. The bill would require, on or before July 1, 2025, each law enforcement agency to maintain a policy for the use of canines by the agency that, at a minimum, complies with the guidelines adopted by POST, and would require law enforcement agencies to establish a training regimen that includes a course certified by the commission. Because the bill would impose additional duties on local law enforcement agencies, the bill would impose a state-mandated local program.
Status: 2/16/2024-Read first time. To print.

SB 1020 (Bradford) Law enforcement agency regulations: shooting range targets.
Introduced: 2/6/2024
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: 2/14/2024-Referred to Com. on PUB S.

SB 1122 (Seyarto) Peace officers: educational requirements.
Introduced: 2/13/2024
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 required for employment as a peace officer under these provisions may be obtained after completion of the Peace Officer Standards and Training program.
Status: 2/14/2024-From printer. May be acted upon on or after March 15.

SB 1389 (Archuleta) Commission on Peace Officer Standards and Training.
Introduced: 2/16/2024
Summary: Existing law establishes the Commission on Peace Officer Standards and Training and charges it with, among other duties, establishing minimum standards relating to physical, mental, and moral fitness that govern the recruitment of peace officers. Existing law provides that members of the commission receive no compensation, and that attendance at meetings of the commission is deemed performance by a member of the duties of the member's local governmental employment. This bill would make a technical, nonsubstantive change to those provisions.
Status: 2/16/2024-Introduced.

SB 1398 (Bradford) Peace officers: Peace Officer Standards Accountability Advisory Board.
Introduced: 2/16/2024
Summary: Existing law requires the Governor to establish the Peace Officer Standards Accountability Advisory Board for the purpose of making recommendations on the decertification of peace officers to the Commission on Peace Officer Standards and Training. This bill would make nonsubstantive changes to the board provisions.
Status: 2/16/2024-Introduced.

AGENDA ITEM REPORT

Title: REPORT ON REQUEST TO RENEW THE CONTRACT FOR THE ROBERT PRESLEY INSTITUTE FOR CRIMINAL INVESTIGATION (ICI)

REPORT PROFILE

MEETING DATE 03/07/2024	**BUREAU SUBMITTING THE REPORT** Training Program Services Bureau	
RESEARCHED BY Charles Johnson	**REVIEWED BY** Andrew Mendonsa	
REPORT DATE	**APPROVED BY** Manuel Alvarez, Jr.	**DATE APPROVED** 02/20/2024
PURPOSE	**FINANCIAL IMPACT** Yes	

ISSUE, BACKGROUND, ANALYSIS, & RECOMMENDATION

ISSUE:

Should the Commission authorize the Executive Director to enter into contracts with qualifying entities for the presentation of the Robert Presley Institute of Criminal Investigation (ICI) program in an amount not to exceed $5,658,893.98?

BACKGROUND:

The Commission on POST established ICI pursuant to Penal Code section 13519.9. The program's goal is to produce a highly trained and competent criminal investigators who can meet the investigative challenges of the future. ICI courses are intended for full-time, sworn detectives/investigators from California POST-affiliated law enforcement agencies.

The program consists of an 80-hour core investigations course, 13 foundation specialty courses, and a series of investigative courses.

Students who complete the ICI Core course, one foundational course, and 72 hours of qualifying elective specialty training, qualify for the prestigious ICI Certificate of Achievement.

This training is offered without tuition cost for the POST Reimbursable Program participants.

For more information on this program course, please visit the ICI Website.

As of January 1, 2024 the California Department of Human Resources increased travel reimbursement rates statewide, for meals and incidentals (28.26%), personal vehicle mileage (2.29%), and lodging (48.09%). Lodging rates vary by county.

ANALYSIS:

Maximum budget expenditures are described in **Attachment A – ICI – Maximum Budget Expenditures FY 24-25.**

Contract History is described in **Attachment B – ICI – Contract History FY 24-25.**

The $665,029.84 increase from FY 23/24 to FY 24/25 is due to:

- Increases in per diem rates/travel
- Supply inflation increases causing higher course costs
- Science Based Interviewing (SBI) implementation causing several presenters to add curriculum development

Current contracts will expire at the end of Fiscal Year 23/24.

RECOMMENDATION:

The Robert Presley Institute for Criminal Investigation (ICI) was established pursuant to Penal Code section 13519.9 and POST develops contracts annually with presenters throughout the state.

POST staff recommends entering into contracts with qualifying entities for the presentation of the ICI program in an amount not to exceed $5,658,893.98.

ATTACHMENT(S):
Attachment A - ICI - Maximum Budget Expenditures FY 24-25.pdf
Attachment B - ICI Contract History FY 24-25.pdf

Year	24/25

Description	# of Presentations	Sum of Total Expense
California State University, Long Beach	4	$192,083.00
Core	3	$190,083.00
Equipment	1	$2,000.00
California Department of Justice	4	$106,563.54
Curriculum Development	1	$1,281.00
Internet Crimes	3	$105,282.54
Government Training Agency	47	$1,678,175.76
Advanced Gangs	1	$25,914.00
Arson Explosives	2	$48,790.00
Burglary, Theft, & Receiving Stolen Property	2	$52,630.00
Child Abuse	3	$62,232.00
Core	9	$477,313.83
Equipment	1	$6,800.00
Financial Crimes	2	$39,058.88
Gang Investigation	2	$38,122.96
Homicide	3	$174,382.41
ICI Phase III Evaluations/Mentors	1	$9,000.00
Instructor - All Phases	2	$65,792.00
Narcotics	3	$185,023.68
Officer Involved Shooting	4	$147,968.00
Sexual Assault	5	$177,455.00
Technology for Investigators	2	$45,756.00
Identity Theft	1	$20,930.00
Real Estate Fraud	1	$18,953.00
Financial Crimes, SBI Module in MSDU	1	$35,910.00
Fundamentals in Cybercrimes	2	$46,144.00
Los Angeles Police Department	8	$271,005.18
Core	2	$116,926.06
Gang Investigation	2	$58,054.50
Human Trafficking	2	$49,265.56
Sexual Assault	2	$46,759.06
Los Angeles Sheriff Department	7	$195,257.88
Equipment	1	$2,580.00
Homicide	6	$192,677.88
Northern California Regional Public Safety Training Authority	21	$769,720.32
Child Abuse	2	$41,201.98
Core	7	$327,167.82
Equipment	1	$5,000.00
Homicide	4	$187,987.52
Officer Involved Shooting	4	$132,868.00
Sexual Assault	3	$75,495.00
San Francisco Police Department	4	$143,456.88
Core	3	$142,842.93
Equipment	1	$613.95

Description	# of Presentations	Sum of Total Expense
South Bay Regional Public Safety Training Consortium	40	$1,830,390.01
Advanced Human Trafficking	1	$31,810.42
Child Abuse	2	$52,995.96
Core	8	$496,730.96
Equipment	1	$6,493.53
Financial Crimes	2	$51,066.16
Homicide	5	$342,163.10
Human Trafficking	3	$80,777.00
Officer Involved Shooting	4	$178,288.24
Robbery	2	$50,525.04
Sexual Assault	6	$241,581.60
Science Based Interviewing	5	$258,838.00
SBI Research SME	1	$39,120.00
State Center Regional Training Facility	11	$472,241.41
Core	5	$190,447.45
Gang Investigation	2	$36,181.04
Major Drug/Narcotics	4	$245,612.92
Grand Total	**146**	**$5,658,893.98**

Commission Authority Request
Contract Attachment Form

(Expand Sections as Necessary)

SUMMARY OF PROGRAM/CONTRACT: State Senator Robert Presley is credited with planting the seed in the mid 1980s of what has since grown into a highly respected and recognized training program for California's criminal investigators. Those who commit themselves to earning an ICI Certificate of Achievement will realize the program's goal of becoming a highly trained and competent investigator who is able to meet the investigative challenges of the future.

CONTRACTOR(S) NAME: California State University, Long Beach; California Department of Justice; Government Training Agency; Los Angeles Police Department; Los Angeles Sheriff Department; Northern California Regional Public Safety Training Authority; San Francisco Police Department; South Bay Regional Public Safety Training Consortium; State Center Regional Training Facility

PROPOSED START/END DATE: July 1, 2024 – June 30, 2025

REQUESTED MAXIMUM CONTRACT AUTHORITY: $5,658,893.98

REQUIRED DATA IF CONTRACT IS RE-OCCURRING OR AN AMENDMENT:

*If **Re-Occurring:***	Number of previous contracts: 7-9 per fiscal year. Date of initial/first contract: FY 18/19 (Record retention is only 5 years, unsure of contract dates occurring prior to this time frame).		
*If an **Amendment:***	Number of previous amendments: 0		
	Current Fiscal Year	**Previous Fiscal Year**	**Previous Fiscal Year + 1**
	FY 23/24	FY 22/23	FY 21/22
Date Previously Approved by Commission	02/25/2023	03/02/2022	02/25/2021
Amount Previously Approved by Commission	$4,993,864.14	$5,235,193.35	$5,101,335.54
Final Contract Amount (not Commission approved amount)	$4,962,706.49	$4,951,253.53	$5,097,731.46
Amounts Invoiced or Expended	$1,663,579.32 (as of 01/26/2024)	$4,448,667.02	$3,915,932.58
Number of Courses Delivered, if applicable	60 (as of 01/26/2024)	173	201
Number of Students Attended, if applicable	1,283 (as of 01/26/2024)	3,589	4,059

ADDITIONAL INFORMATION THE COMMISSION SHOULD KNOW:

(Ex. Why is the contract being amended? What has changed from the previous FY? Is the contract or amendment supporting a legislative mandate? Is there dedicated or specialized funding such as: PJ, CIT, De-Escalation, Distance Learning, etc.?

The following are the changes for fiscal year 24/25:

- Increases in per diem rates/travel
- Supply inflation increases causing higher course costs
- SBI implementation causing several presenters to add curriculum development

As of January 1, 2024 the California Department of Human Resources increased travel reimbursement rates statewide, for meals and incidentals (28.26%), personal vehicle mileage (2.29%), and lodging (48.09%). Lodging rates vary by county.

AGENDA ITEM REPORT

Title: REPORT ON REQUEST TO RENEW THE CONTRACT FOR THE POST COMMAND COLLEGE

REPORT PROFILE

MEETING DATE 03/07/2024	**BUREAU SUBMITTING THE REPORT** Training Program Services Bureau	
RESEARCHED BY Charles Johnson	**REVIEWED BY** Lynette Miles	
REPORT DATE 01/19/2024	**APPROVED BY** Manuel Alvarez, Jr.	**DATE APPROVED** 02/20/2024
PURPOSE	**FINANCIAL IMPACT** Yes	

ISSUE, BACKGROUND, ANALYSIS, & RECOMMENDATION

ISSUE:

Should the Commission authorize the Executive Director to enter into a contract with a qualifying entity for the presentation of the Command College in an amount not to exceed $484,684.25?

BACKGROUND:

The Training Program Services (TPS) Bureau fulfills POST's vision through the development and maintenance of training curricula for California Peace Officers. TPS utilizes annual contracts to provide mandated and necessary training in the areas of leadership, criminal investigations, future foresight, supervision, management, instructor development, diversity, and tolerance.

TPS maintains quality and excellence in its training course through quality assessment, instructor development, and curriculum updates to incorporate and address contemporary issues and subject matter improvements.

Command College is a 14-month master's level program intended to prepare leaders in California law enforcement for future challenges. The program focuses on the following topics:

- Development of strategic foresight
- Strategies to identify emerging issues
- Trend Analysis via the STEEP model (sociological, technological, economic, environmental, political)
- Methods and benefits of stakeholder engagement and information sharing
- Procedural Justice and the impact of social systems on a global society

For more information on this program course, please visit the Command College website.

As of January 1, 2024 the California Department of Human Resources increased travel reimbursement rates statewide, for meals and incidentals (28.26%), personal vehicle mileage (2.29%), and lodging (48.09%). Lodging rates vary by county.

ANALYSIS:

The proposed budget did not increase from the prior fiscal year and is sufficient to support the current needs of the Command College Program.

Maximum budget expenditures are described in **Attachment A - CC - Maximum Budget Expenditures FY 24-25.**

Contract History is described in **Attachment B - CC Contract History FY 24-25.**

Current contract will expire at the end of this Fiscal Year 23/24.

RECOMMENDATION:

Command College is a master's level program lasting 14-months, designed to prepare law enforcement leaders for the challenges of the future. The program focuses on futures forecasting and innovation. Students are exposed to leaders in the fields of forecasting, innovation, economics, media relations, political science, and organizational leadership from across the nation.

POST staff recommends entering into contracts with the

Government Training Agency to perform the work needed in the amount of $484,684.25.

ATTACHMENT(S):

Attachment A - CC - Maximum Budget Expenditures FY 24-25.pdf

Attachment B - CC Contract History FY 24-25.pdf

Presenter	Number of Presentations	Cost per Presentation	Presentation Total	Equipment	Curriculum Development	Contract Total
Government Training Agency	1	$ 482,184.50	$ 482,184.50	$ 2,499.75		$ 484,684.25
TOTALS*	**1**	**$ 482,184.50**	**$ 482,184.50**	**$ 2,499.75**	**$ -**	**$ 484,684.25**

(*) The total cost per presentation is the average of the Presentation Total, divided by the Total Number of Presentations

Commission Authority Request
Contract Attachment Form

(Expand Sections as Necessary)

SUMMARY OF PROGRAM/CONTRACT:

The primary goal of the Command College is to provide training for sitting law enforcement leaders, with a focus on futures forecasting and innovation. Students are exposed to leaders in the field of forecasting, innovation, economics, media relations, political science, and organizational leadership from across the nation.

CONTRACTOR(S) NAME:

Government Training Agency

PROPOSED START/END DATE:

July 1, 2024 – June 30, 2025

REQUESTED MAXIMUM CONTRACT AUTHORITY:

$484,684.25

REQUIRED DATA IF CONTRACT IS RE-OCCURRING OR AN AMENDMENT:

*If **Re-Occurring:***	Number of previous contracts: 1 per fiscal year Date of initial/first contract: FY 17/18 (Record retention is only 5 years, unsure of contract dates occurring before this time.)		
*If an **Amendment:***	Number of previous amendments: N/A		
	Current Fiscal Year	**Previous Fiscal Year**	**Previous Fiscal Year + 1**
	FY 23/24	FY 22/23	FY 21/22
Date Previously Approved by Commission	03/07/2023	03/02/2022	2/24/2021
Amount Previously Approved by Commission	$484,684.25	$484,684.25	$281,229.50
Final Contract Amount (not Commission approved amount)	$484,684.25	$484,684.25	$281,229.50
Amounts Invoiced or Expended	$248,931.37	$426,113.65	$209,624.96
Number of Courses Delivered, if applicable	1	2	1

Number of Students Attended, if applicable	22	21	21

ADDITIONAL INFORMATION THE COMMISSION SHOULD KNOW:

Current expenditures do not reflect total billing; contractors have 3 years to submit invoices.

The factors affecting significant differences from FY 21/22 to FY 22/23 are due to:

- FY 20/21 contract extended until 12/31/2021, which impacted billing for FY 21/22.
- FY 21/22 budget was arranged to operate from January 1, 2022 to June 30, 2022.
- FY 22/23 (current) contract reverted to a "normal" FY operating budget.

The proposed budget did not increase from the current contract and is sufficient to support the current needs of the Command College Program for FY 24/25.

As of January 1, 2024 the California Department of Human Resources increased travel reimbursement rates statewide, for meals and incidentals (28.26%), personal vehicle mileage (2.29%), and lodging (48.09%). Lodging rates vary by county.

AGENDA ITEM REPORT

Title:

REPORT ON REQUEST TO RENEW THE CONTRACT FOR SHERMAN BLOCK SUPERVISORY LEADERSHIP INSTITUTE (SBSLI)

REPORT PROFILE

MEETING DATE 03/07/2024	**BUREAU SUBMITTING THE REPORT** Training Program Services Bureau	
RESEARCHED BY Jenny Michel		**REVIEWED BY** Jim Katapodis
REPORT DATE 02/02/2024	**APPROVED BY** Manuel Alvarez, Jr.	**DATE APPROVED** 02/21/2024
PURPOSE		**FINANCIAL IMPACT** Yes

ISSUE, BACKGROUND, ANALYSIS, & RECOMMENDATION

ISSUE:

Should the Commission authorize the Executive Director to enter into a contract with a qualifying entity for the presentation of the Sherman Block Supervisory Leadership Institute in an amount not to exceed $2,875,694.10?

BACKGROUND:

The Training Program Services (TPS) Bureau fulfills POST's vision through the development and maintenance of training curricula for California Peace Officers. TPS utilizes annual contracts to provide mandated and necessary training in the areas of leadership, criminal investigations, future foresight, supervision, management, instructor development, diversity, and tolerance.

TPS maintains quality and excellence in its training course through quality assessment, instructor development, and curriculum updates to incorporate and address contemporary issues and subject matter improvements.

For more information on this program course, please visit the

Sherman Block Supervisory Leadership Institute website.

ANALYSIS:

Maximum budget expenditures are described in **Attachment A – SBSLI – Maximum Expenditures**.

Contract History is described in **Attachment B – SBSLI – Contract History**.

The factors that are contributing to an increase for FY 23/24 are:

- Increase in Course updates.
- Increase in personnel wages, travel.

As of January 1, 2024 the California Department of Human Resources increased travel reimbursement rates statewide, for meals and incidentals (28.26%), personal vehicle mileage (2.29%), and lodging (48.09%). Lodging rates vary by county.

Current contract will expire at the end of this Fiscal Year 23/24.

RECOMMENDATION:

The Training Program Services (TPS) Bureau fulfills POST's vision through the development and maintenance of training curricula for California Peace Officers. TPS utilizes annual contracts to provide mandated and necessary training in the areas of leadership, criminal investigations, future foresight, supervision, management, instructor development, diversity, and tolerance.

POST staff recommends entering into contracts with a qualifying entity for the presentation of the Sherman Block Supervisory Leadership Institute in an amount not to exceed $2,875,694.10.

ATTACHMENT(S):
Attachment A â€“ SBSLI â€“ Maximum Expenditures.pdf
Attachment B - SLI Contract History.pdf

Year	24/25

Description	# of Presentations	Total Expenditure
CSULB	32	$2,875,694.10
Equipment		$11,100.00
SBSLI	10	$1,142,047.00
SBSLI - Trainer/Trainee	10	$1,153,087.00
Facilitator Workshops	4	$393,540.00
Facilitator Assessement Workshop	2	$61,492.60
SBSLI Course Updates	6	$114,427.50
Grand Total	**32**	**$2,875,694.10**

Commission Authority Request
Contract Attachment Form

(Expand Sections as Necessary)

SUMMARY OF PROGRAM/CONTRACT:

The Sherman Block Supervisory Leadership Institute (SBSLI) is a program designed to stimulate personal growth, leadership, and ethical decision-making in California law enforcement front-line supervisors. The curriculum takes students through an analysis of management (planning, organizing, directing, etc.) and leadership (inspiring, challenging, developing, etc.) and how each discipline compliments the other.

CONTRACTOR(S) NAME:

California State University Long Beach

PROPOSED START/END DATE:

July 1, 2024 – June 30, 2025

REQUESTED MAXIMUM CONTRACT AUTHORITY:
$2,875,694.10

REQUIRED DATA IF CONTRACT IS RE-OCCURRING OR AN AMENDMENT:

*If **Re-Occurring:***	Number of previous contracts:5 Date of initial/first contract: Date of initial/first contract: FY 17/18 (Record retention is only 5 years, unsure of contract dates occurring before this time)		
*If an **Amendment:***	Number of previous amendments:		
	Current Fiscal Year	**Previous Fiscal Year**	**Previous Fiscal Year + 1**
	FY 23/24	FY 22 / 23	FY 21/22
Date Previously Approved by Commission	3/2/2023	3/2/2022	2/24/2021
Amount Previously Approved by Commission	$2,675,551.90	$2,633,960.70	$2,644,599.16
Final Contract Amount (not Commission approved amount)	$2,675,551.90	$2,633,960.70	$2,434,631.20
Amounts Invoiced or Expended	$1,006,282.00	$1,696,240.89	$648,568.20
Number of Courses Delivered, if applicable	9	9	9
Number of Students Attended, if applicable	191 (As of 1/24/2024)	381	365

ADDITIONAL INFORMATION THE COMMISSION SHOULD KNOW:

(Ex. Why is the contract being amended? What has changed from the previous FY? Is the contract or amendment

supporting a legislative mandate? Is there dedicated or specialized funding such as: PJ, CIT, De-Escalation, Distance Learning, etc.?

The factors that are contributing to an increase for FY 23/24 are:

- Increase in Course updates.
- Increase in personnel wages, travel.

As of January 1, 2024 the California Department of Human Resources increased travel reimbursement rates statewide, for meals and incidentals (28.26%), personal vehicle mileage (2.29%), and lodging (48.09%). Lodging rates vary by county.

AGENDA ITEM REPORT

Title: REPORT ON REQUEST TO RENEW THE CONTRACT FOR THE POST EXECUTIVE DEVELOPMENT COURSE (EDC)

REPORT PROFILE

MEETING DATE 03/07/2024	**BUREAU SUBMITTING THE REPORT** Training Program Services Bureau	
RESEARCHED BY Charles Johnson	**REVIEWED BY** Lynette Miles	
REPORT DATE 01/19/2024	**APPROVED BY** Manuel Alvarez, Jr.	**DATE APPROVED** 02/20/2024
PURPOSE	**FINANCIAL IMPACT** Yes	

ISSUE, BACKGROUND, ANALYSIS, & RECOMMENDATION

ISSUE:

Should the Commission authorize the Executive Director to enter into a contract with a qualifying entity for the presentation of the Executive Development Course in an amount not to exceed $374,706.25?

BACKGROUND:

The Training Program Services (TPS) Bureau fulfills POST's vision through the development and maintenance of training curricula for California Peace Officers. TPS utilizes annual contracts to provide mandated and necessary training in the areas of leadership, criminal investigations, future foresight, supervision, management, instructor development, diversity, and tolerance.

TPS maintains quality and excellence in its training courses through quality assessment, instructor development, and curriculum updates to incorporate and address contemporary issues and subject matter improvements.

The EDC is an 80-hour course conducted in two separate one-week sessions. Completion is required for qualified attendees to receive their POST Executive Certificate.

This course is mandated by Commission Regulation 1011.

For more information on this program course, please visit Executive Development Course.

As of January 1, 2024 the California Department of Human Resources increased travel reimbursement rates statewide, for meals and incidentals (28.26%), personal vehicle mileage (2.29%), and lodging (48.09%). Lodging rates vary by county.

ANALYSIS:

Maximum budget expenditures are described in **Attachment A – EDC – Maximum Expenditures.**

Contract History is described in **Attachment B - EDC Contract History FY 24-25.**

The proposed budget increased slightly from the previous fiscal year and is sufficient to support the current needs of the EDC program.

Current contract will expire at the end of this Fiscal Year 23/24.

RECOMMENDATION:

The EDC addresses a broad range of contemporary topics, issues and trends relevant to law enforcement executives. Completion of the EDC is a requirement for a department head to receive their POST Executive Certificate [Commission Regulation 1011 (a) (11)]. For more information on this program course, please visit Executive Development Course.

POST staff recommends entering into contracts with California State University, Long Beach, to perform the work needed in the amount not to exceed $374,706.25.

ATTACHMENT(S):

Attachment A â€“ EDC â€“ Maximum Expenditures.pdf

Attachment B - EDC Contract History FY 24-25.pdf

Presenter	Number of Presentations	Cost per Presentation	Presentation Total	Equipment	Curriculum Development	Contract Total
California State University, Long Beach	5	$ 74,541.25	$ 372,706.25	$ 2,000.00		$ 374,706.25
TOTALS*	**5**	**$ 74,541.25**	**$ 372,706.25**	**$ 2,000.00**	**$ -**	**$ 374,706.25**

(*) The total cost per presentation is the average of the Presentation Total, divided by the Total Number of Presentations

Commission Authority Request
Contract Attachment Form

(Expand Sections as Necessary)

SUMMARY OF PROGRAM/CONTRACT:

The Executive Development Course (EDC) is the last in a series of professional development programs offered by POST and is intended to enhance the leadership potential and capabilities of law enforcement executives. The EDC is an 80-hour course conducted in two separate one-week sessions.

CONTRACTOR(S) NAME:

California State University Long Beach

PROPOSED START/END DATE:

July 1, 2023 – June 30, 2024

REQUESTED MAXIMUM CONTRACT AUTHORITY:

$374,706.25

REQUIRED DATA IF CONTRACT IS RE-OCCURRING OR AN AMENDMENT:

*If **Re-Occurring:***	Number of previous contracts: 1 per fiscal year Date of initial/first contract: FY 17/18 (Record retention is only 5 years, unsure of contract dates occurring before this time.)		
*If an **Amendment:***	Number of previous amendments:		
	Current Fiscal Year	**Previous Fiscal Year**	**Previous Fiscal Year + 1**
	FY 23/24	FY 22/23	FY 21/22
Date Previously Approved by Commission	03/07/23	03/02/2021	02/24/2021
Amount Previously Approved by Commission	$363,263.75	$391,265.00	$414,616.93
Final Contract Amount (not Commission approved amount)	$363,263.75	$391,265.00	$414,616.93
Amounts Invoiced or Expended	$61,243.82	$270,615.25	$311,885.53
Number of Courses Delivered, if applicable	2	5	5

Number of Students Attended, if applicable	46	131	126

ADDITIONAL INFORMATION THE COMMISSION SHOULD KNOW:

The requested contract amount has increased marginally from the current fiscal year. Considering the historical amounts invoiced/expended in previous fiscal years, the requested contract amount accurately reflects anticipated expenditures, and is still well below contract amounts prior to the current fiscal year.

As of January 1, 2024 the California Department of Human Resources increased travel reimbursement rates statewide, for meals and incidentals (28.26%), personal vehicle mileage (2.29%), and lodging (48.09%). Lodging rates vary by county.

AGENDA ITEM REPORT

Title:

REPORT ON REQUEST TO RENEW THE CONTRACT FOR THE INSTRUCTOR DEVELOPMENT INSTITUTE (IDI)

REPORT PROFILE

MEETING DATE 03/07/2024	**BUREAU SUBMITTING THE REPORT** Training Program Services Bureau	
RESEARCHED BY Jenny Michel		**REVIEWED BY** William Baldwin
REPORT DATE 01/10/2024	**APPROVED BY** Manuel Alvarez, Jr.	**DATE APPROVED** 02/20/2024
PURPOSE		**FINANCIAL IMPACT** Yes

ISSUE, BACKGROUND, ANALYSIS, & RECOMMENDATION

ISSUE:

Should the Commission authorize the Executive Director to enter into contracts with qualifying entities for the presentation of the Instructor Development Institute in an amount not to exceed $664,006.98?

BACKGROUND:

The Training Program Services (TPS) Bureau fulfills POST's vision through the development and maintenance of training curricula for California Peace Officers. TPS utilizes annual contracts to provide mandated and necessary training in the areas of leadership, criminal investigations, future foresight, supervision, management, instructor development, diversity, and tolerance.

TPS maintains quality and excellence in its training courses through quality assessment, instructor development, and curriculum updates to incorporate and address contemporary issues and subject matter improvements.

The factors that are contributing to the decrease for FY 24/25

are:

- Government Training Agency and South Bay Regional Public Safety Training Consortium have removed the AICC course from the IDI contract, it is back to Plan V.
- Government Training Agency and South Bay Regional Public Safety Training Consortium have removed the AICC Update from the IDI contract, it is back to Plan V.
- Government Training Agency and South Bay Regional Public Safety Training Consortium decreased IDI Instructor Development – Instructional Technology.
- Government Training Agency has removed ICI Critical Thinking as an Instructional Model and IDI Master Instructor Validation from this year's contract.
- Government Training Agency has lowered instructional hours for IDI Advanced and Master Instructor Student Mentoring.
- South Bay Regional Public Safety Training Consortium had a decrease in personnel hours.

As of January 1, 2024 the California Department of Human Resources increased travel reimbursement rates statewide, for meals and incidentals (28.26%), personal vehicle mileage (2.29%), and lodging (48.09%). Lodging rates vary by county. These changes will have an impact on overall costs.

For more information on this program course, please visit the Instructor Development Institute website.

ANALYSIS:

Maximum budget expenditures are described in **Attachment A – IDI – Maximum Expenditures**.

Contract History is described in **Attachment B – IDI – Contract History**.

Current contract will expire at the end of this Fiscal Year 23/24.

RECOMMENDATION:

The Training Program Services (TPS) Bureau fulfills POST's vision through the development and maintenance of training

curricula for California peace officers through contractors.

POST staff recommends entering into contracts with qualifying entities for the presentation of the Instructor Development Institute for an amount not to exceed $664,006.98.

ATTACHMENT(S):

Attachment A â€“ IDI â€“ Maximum Expenditures.pdf

Attachment B - IDI Contract History.pdf

Year	24/25

Description	# of Presentations	Total Expenditure
Government Training Agency	30	$612,450.25
Curriculum Development	1	$17,600.00
Equipment	1	$4,250.00
IDI Master Instructor Graduation Workshop	1	$6,299.00
IDI Advanced and Master Instructor Student Mentoring	1	$14,040.00
Program Management	1	$145,128.00
Instructor Course (Topic to Rotate)	1	$3,657.75
Instructor Certificate Course - Basic	4	$75,497.00
Instructor Development - Intermediate Course	4	$74,501.00
IDI Instructor Dev - Instructional Technology	1	$9,287.50
IDI - Leadership and Mentoring for Instructors Course	6	$82,846.50
IDI Master Instructor Certification, Orientation	1	$24,830.75
IDI Master Instructor Certification, Core	1	$31,884.00
IDI Advanced Instructor, Phase I	2	$47,419.00
IDI Advanced Instructor, Phase II	2	$18,033.50
IDI Master Instructor Cert. - Progress Workshop	3	$57,176.25
South Bay Regional Public Safety Training	4	$51,556.73
Equipment	1	$2,825.00
Program Management	1	$15,119.93
Intermediate Course	2	$33,611.80
Grand Total	**34**	**$664,006.98**

Commission Authority Request
Contract Attachment Form

(Expand Sections as Necessary)

SUMMARY OF PROGRAM/CONTRACT:

The Instructor Development Institute (IDI) "provides multi-level, multi-track programs to develop professionalism in the delivery of law enforcement instruction."

CONTRACTOR(S) NAME:

Government Training Agency

South Bay Regional Public Safety Training Consortium

PROPOSED START/END DATE:

July 1, 2024 - June 30, 2025

REQUESTED MAXIMUM CONTRACT AUTHORITY:
$664,006.98

REQUIRED DATA IF CONTRACT IS RE-OCCURRING OR AN AMENDMENT:

*If **Re-Occurring:***	Number of previous contracts: 2 Date of initial/first contract: FY 17/18 (Record retention is only 5 years, unsure of contract dates occurring before this time.)		
*If an **Amendment:***	Number of previous amendments: 0		
	Current Fiscal Year	**Previous Fiscal Year**	**Previous Fiscal Year + 1**
	FY 23/24	FY 22/ 23	FY 21 / 22
Date Previously Approved by Commission	3/2/2023	3/2/2022	2/24/2021
Amount Previously Approved by Commission	$811,279.79	$814,364.50	$764,854.35

Final Contract Amount (not Commission approved amount)	$811,279.79	$814,364.50	$764,854.35
Amounts Invoiced or Expended	$172,420.93 (As of 1/24/2024)	$719,110.34	$443,461.36
Number of Courses Delivered, if applicable	7	49	41
Number of Students Attended, if applicable	108 (As of 1/24/2024)	699	499

ADDITIONAL INFORMATION THE COMMISSION SHOULD KNOW:

(Ex. Why is the contract being amended? What has changed from the previous FY? Is the contract or amendment supporting a legislative mandate? Is there dedicated or specialized funding such as: PJ, CIT, De-Escalation, Distance Learning, etc.?

The factors that are contributing to the decrease for FY 24/25 are:

- Government Training Agency and South Bay Regional Public Safety Training Consortium have removed the AICC course from the IDI contract, it is back to Plan V.
- Government Training Agency and South Bay Regional Public Safety Training Consortium have removed the AICC Update from the IDI contract, it is back to Plan V.
- Government Training Agency and South Bay Regional Public Safety Training Consortium decreased IDI Instructor Development – Instructional Technology.
- Government Training Agency has removed ICI Critical Thinking As an Instructional Model and IDI Master Instructor Validation from this year's contract.
- Government Training Agency has lowered instructional hours for IDI Advanced and Master Instructor Student Mentoring.
- South Bay Regional Public Safety Training Consortium had a decrease in personnel hours.

As of January 1, 2024 the California Department of Human Resources increased travel reimbursement rates statewide, for meals and incidentals (28.26%), personal vehicle mileage (2.29%), and lodging (48.09%). Lodging rates vary by county.

AGENDA ITEM REPORT

Title: REPORT ON REQUEST TO RENEW THE CONTRACT FOR THE MUSEUM OF TOLERANCE (MOT)

REPORT PROFILE

MEETING DATE 03/07/2024	**BUREAU SUBMITTING THE REPORT** Training Program Services Bureau	
RESEARCHED BY Charles Johnson	**REVIEWED BY** Lynette Miles	
REPORT DATE 02/08/2024	**APPROVED BY** Manuel Alvarez, Jr.	**DATE APPROVED** 02/17/2024
PURPOSE	**FINANCIAL IMPACT** Yes	

ISSUE, BACKGROUND, ANALYSIS, & RECOMMENDATION

ISSUE:

Should the Commission authorize the Executive Director to enter into a contract with the Simon Wiesenthal Center for the presentation of the Museum of Tolerance program in an amount not to exceed $1,556,000.00?

BACKGROUND:

Diversity training remains an important priority and POST continues to partner with the Simon Wiesenthal Museum of Tolerance (MOT) to offer a variety of Tools for Tolerance programs designed for all levels of law enforcement personnel.

Training topics available at MOT are:

- Tools for Tolerance for Law Enforcement
- Tools for Tolerance for Command Staff
- Racial Profiling: Issues and Impact
- Police Response to Persons with Mental and Developmental Disabilities
- Hate Crimes Training
- Hate Crimes Investigation
- Train-the-Trainer for Racial Profiling
- Train-the-Trainer for Law Enforcement Awareness of Disabilities

MOT courses support the Commission's obligation to comply with Assembly Bill (AB) 953, Penal Code section 13519.4, Penal Code section 13519.6, Commission Regulation 1070, and Commission Regulation 1081.

For more information on this program course, please visit the Cultural Diversity Program website.

As of January 1, 2024 the California Department of Human Resources increased travel reimbursement rates statewide, for meals and incidentals (28.26%), personal vehicle mileage (2.29%), and lodging (48.09%). Lodging rates vary by county.

ANALYSIS:

Maximum budget expenditures are described in **Attachment A – MOT – Maximum Budget Expenditures.**

The contract history is described in **Attachment B – MOT – Contract History.**

The proposed budget did not increase from the previous fiscal year.

The current contract will expire at the end of Fiscal Year 23/24.

RECOMMENDATION:

POST contracts annually with the Simon Wiesenthal Museum of Tolerance (MOT) to offer a variety of Tools for Tolerance programs designed for all levels of law enforcement personnel.

POST staff recommends entering into a contract with the Simon Wiesenthal Center for the presentation of the Museum of Tolerance program in an amount not to exceed $1,556,000.00.

ATTACHMENT(S):

Attachment A - MOT - Maximum Budget Expenditures FY 24-25.pdf

Attachment B - MOT Contract History FY 24-25.pdf

Description	Sum of Number of Presentations	Total Expenditure
Simon Wiesenthal Center	117	$1,556,000.00
Tools I Program: Evolving Role of Law Enforcement	45	$413,265.60
Command Staff Tools Program	5	$165,826.75
Facilitator Update Training	1	$0.00
Tools III Programs: Beyond Diversity And/or Hate Crimes	25	$382,712.00
SLI At the Mot	10	$144,931.00
Racial Profiling Train the Trainer	6	$192,338.88
Racial Profiling Update Training	25	$99,960.25
On-Line Hate Crimes Virtual Training Development		$156,965.52
Grand Total	**117**	**$1,556,000.00**

Commission Authority Request
Contract Attachment Form

(Expand Sections as Necessary)

SUMMARY OF PROGRAM/CONTRACT:

Diversity training remains an important priority and POST continues to partner with the Simon Wiesenthal Museum of Tolerance to offer a variety of Tools for Tolerance programs designed for all levels of law enforcement personnel. Additionally, entry-level law enforcement trainees receive 16 hours of Cultural Diversity (Learning Domain 42) and 15 hours of People with Disabilities, (Learning Domain 37) training in all POST basic academies.

CONTRACTOR(S) NAME:

Simon Wiesenthal Center

PROPOSED START/END DATE:

July 1, 2024 – June 30, 2025

REQUESTED MAXIMUM CONTRACT AUTHORITY:

$1,556,000.00

REQUIRED DATA IF CONTRACT IS RE-OCCURRING OR AN AMENDMENT:

*If **Re-Occurring:***	Number of previous contracts: 1 per fiscal year. Date of initial/first contract: FY 18/19 (Record retention is only 5 years, unsure of contract dates occurring prior to this time frame).
*If an **Amendment:***	Number of previous amendments: N/A

	Current Fiscal Year	Previous Fiscal Year	Previous Fiscal Year + 1
	FY 23/24	FY 22/23	FY 21/22
Date Previously Approved by Commission	03/07/2023	03/02/2022	02/25/2021
Amount Previously Approved by Commission	$1,556,000.00	$1,556,000.00	$1,556,000.00
Final Contract Amount (not Commission approved amount)	$1,556,000.00	$1,556,000.00	$1,556,000.00
Amounts Invoiced or Expended	$827,175.58	$754,752.25	$1,245,169.62 (This contract was extended until March 2023)
Number of Courses Delivered, if applicable	76 (as of 01/26/2024)	137	196
Number of Students Attended, if applicable	1,488 (as of 01/26/2024)	2,789	3,723

ADDITIONAL INFORMATION THE COMMISSION SHOULD KNOW:

This contract is legislatively mandated in Penal Code 13519.4.

Number of students and courses delivered for the current fiscal year and previous fiscal year exclude non-contracted presenters for MOT courses, thus reflecting lower attendance.

As of January 1, 2024 the California Department of Human Resources increased travel reimbursement rates statewide, for meals and incidentals (28.26%), personal vehicle mileage (2.29%), and lodging (48.09%). Lodging rates vary by county.

AGENDA ITEM REPORT

Title: REPORT ON REQUEST TO RENEW THE CONTRACT FOR THE POST MANAGEMENT COURSE

REPORT PROFILE

MEETING DATE 03/07/2024	**BUREAU SUBMITTING THE REPORT** Training Program Services Bureau	
RESEARCHED BY Charles Johnson	**REVIEWED BY** Andrew Mendonsa	
REPORT DATE 01/19/2024	**APPROVED BY** Manuel Alvarez, Jr.	**DATE APPROVED** 02/20/2024
PURPOSE	**FINANCIAL IMPACT** Yes	

ISSUE, BACKGROUND, ANALYSIS, & RECOMMENDATION

ISSUE:

Should the Commission authorize the Executive Director to enter into contracts with qualifying entities for the update to curriculum and presentation of the POST Management Course in an amount not to exceed $1,856,722.61?

BACKGROUND:

The 104-hour mandated Management Course is presented in three instructional phases and is designed to assist supervisors transitioning to middle management. Utilizing adult learning principles, the course covers several specific topics including: Role of the Lieutenant, Leadership, Community Oriented Policing/Problem Oriented Policing, Strategic Planning, Fiscal Management, Personnel Issues, Legal Issues, Critical Incident Management, Values/Ethics, Risk Management, Media, Personnel/Professional Growth, and a Project Presentation.

Commission Regulation 1005(c) requires that every peace officer (except all jail deputies) promoted, appointed, or transferred to a middle management position shall satisfactorily complete a POST-certified Management Course either 12 months prior to promotion or within 12 months after the initial promotion, appointment, or transfer to such position.

The Management Course curriculum must be reviewed and updated periodically, to maintain relevant and contemporary.

For more information on this course, please visit POST Management Course website and Commission Procedure D-4.

As of January 1, 2024 the California Department of Human Resources increased travel reimbursement rates statewide, for meals and incidentals (28.26%), personal vehicle mileage (2.29%), and lodging (48.09%). Lodging rates vary by county.

ANALYSIS:

Maximum budget expenditures are described in **Attachment A.**

Contract history is described in **Attachment B.**

Fiscal Year (FY) 23/24 continued with contracts, following FY 22/23. The Management course was conducted on a Reimbursement Plan V for a single year (FY 21/22), with the three traditionally contracted Course Providers (California State University Long Beach, Government Training Agency, and South Bay Regional Public Safety Training Consortium). The requested amount for FY 24/25 increased by 11.22% from the approved amount for FY 23/24. This increase is primarily attributable to the rising costs for personnel, travel, per diem, and facilities.

Current contracts will expire at the end of this fiscal year, June 30, 2024.

RECOMMENDATION:

Every peace officer (except all jail deputies) promoted, appointed, or transferred to a middle management position is required, by regulation, to complete a POST-certified Management Course. In addition, curriculum development must be completed on a periodic and ongoing basis, to keep the course relevant and contemporary.

POST staff recommends entering into contracts with various entities to perform the work needed in the amount not to exceed $1,856,722.61.

ATTACHMENT(S):
Attachment A - PMC - Maximum Budget Expenditures FY 24-25.pdf
Attachment B - PMC Contract History FY 24-25.pdf

Presenter	Number of Presentations	Cost per Presentation	Presentation Total	Equipment	Curriculum Development	Contract Total
California State University, Long Beach	12	$56,720.08	$680,640.96	$2,000.00	$0.00	$682,640.96
Government Training Agency	9	$39,340.65	$354,065.85	$0.00	$72,126.90	$426,192.75
South Bay Regional Training Consortium	11	$67,989.90	$747,888.90	$0.00	$0.00	$747,888.90
TOTALS*	**32**	**$55,706.12**	**$1,782,595.71**	**$2,000.00**	**$72,126.90**	**$1,856,722.61**

(*) The total cost per presentation is the average of the Presentation Total, divided by the Total Number of Presentations

Commission Authority Request
Contract Attachment Form

(Expand Sections as Necessary)

SUMMARY OF PROGRAM/CONTRACT:

The 104-hour mandated (Commission Regulation 1005) Post Management Course (PMC) is designed to assist supervisors transitioning to middle managers and must be completed within 12 months of promoting or being appointed to a middle management position.

CONTRACTOR(S) NAME:

Government Training Agency

California State University, Long Beach

South Bay Training Consortium

PROPOSED START/END DATE:

July 1, 2024 – June 30, 2025

REQUESTED MAXIMUM CONTRACT AUTHORITY:

$1,856,722.61

REQUIRED DATA IF CONTRACT IS RE-OCCURRING OR AN AMENDMENT:

*If **Re-Occurring:***	Number of previous contracts: 3 per fiscal year Date of initial/first contract: FY 17/18 (Record retention is only 5 years, unsure of contract dates occurring before this time)		
*If an **Amendment:***	Number of previous amendments: N/A		
	Current Fiscal Year	**Previous Fiscal Year**	**Previous Fiscal Year + 1**
	FY 23/24	FY 22/23	FY 21/22
Date Previously Approved by Commission	03/07/23	03/02/22	N/A
Amount Previously Approved by Commission	$1,669,446.69	$1,521,887.74	$0 (Converted to Plan V reimbursement for this FY only.)
Final Contract Amount (not Commission approved amount)	$1,669,446.69	$1,521,887.74	$0

Amounts Invoiced or Expended (on Plan V)	$155,711.86	$1,132,464.31	$1,388,632.88
Number of Courses Delivered, if applicable	15	31	32
Number of Students Attended, if applicable	341	709	646

ADDITIONAL INFORMATION THE COMMISSION SHOULD KNOW:

The POST Management Course (PMC) curriculum revamp project began with the research phase during the 22/23 fiscal year. Research includes one-on-one interviews of select Chiefs/Sheriffs, as well as former students of past PMC presentations, a large-scale survey of all former students who completed the PMC within the previous six years, and a best practices analysis. The best practices analysis will involve a review of literature and other law enforcement training organizations – both in the U.S. and abroad – to understand contemporary strategies and applications, evidence-based training components, and suggested/future best practices.

The curriculum update phase will continue in FY 2024/2025, based on the findings and recommendations resulting from the Research Phase, with additional input from Subject Matter Experts. Curriculum updates will require a series of workshops, which are the primary contributors to the increase in contract funding.

Rationale justification for differential cost variations:

- **Personnel** - Salaries for instructional facilitators vary among all contractors, ranging from $105 to $139 an hour. These salaries are based on experience as well as the rank of the individual facilitating the course. Program Manager and Coordinator salaries may also vary from $65 to $90 an hour.
- **Travel & Per Diem** - CSULB and GTA are located in Southern California. The Program Manager, Coordinator, and majority of Instructional-facilitators reside in closer proximity to venue site locations, and require less extensive travel than South Bay personnel who commute greater distances to class venue sites. The inability, due to regional cost requires South Bay to travel farther in effort to host course at a location which honors state reimbursement rates.
- **Supply Costs** - GTA and South Bay purchase materials through large-box discount stores offering lower competitive prices. CSULB is mandated to abide by contracted agreements to utilize University stores due to state regulations. University store entities traditionally carry a higher cost.
- **Facility Costs** - The determining factors resulting in facility cost differences is due to the ongoing business relationship with hotels and a spectrum of competitive regional market rates.

As of January 1, 2024 the California Department of Human Resources increased travel reimbursement rates statewide, for meals and incidentals (28.26%), personal vehicle mileage (2.29%), and lodging (48.09%). Lodging rates vary by county.

AGENDA ITEM REPORT

Title:

REPORT ON REQUEST TO RENEW THE CONTRACT FOR THE QUALITY ASSESSMENT PROGRAM (QAP)

REPORT PROFILE

MEETING DATE 03/07/2024	**BUREAU SUBMITTING THE REPORT** Training Program Services Bureau	
RESEARCHED BY Jenny Michel		**REVIEWED BY** William Baldwin
REPORT DATE 02/02/2024	**APPROVED BY** Manuel Alvarez, Jr.	**DATE APPROVED** 02/20/2024
PURPOSE		**FINANCIAL IMPACT** Yes

ISSUE, BACKGROUND, ANALYSIS, & RECOMMENDATION

ISSUE:

Should the Commission authorize the Executive Director to enter into a contract with a qualifying entity for the presentation of the POST Quality Assessment Program (QAP) in an amount not to exceed $698,357.60?

BACKGROUND:

One of the most compelling challenges for POST is to assess how effective training is for the student, and specifically whether the curriculum enhances student performance, competency, and service. Therefore, it is critical to audit training to ensure it conforms with the content and delivery method previously reviewed and certified by POST.

The QAP measures law enforcement instructor and course quality, evaluates instructor use of adult learning methods and techniques, reviews course documentation, measures learning validation and ensures the quality of POST-certified training courses. In addition, the QAP identifies regulatory compliance deficiencies, as well as non-compliance to agree upon POST-approved budgets for charging tuition.

If an assessment reveals a weakness in the curriculum or the facilitation skills of an instructor, the QAP assessor will make recommendations for a more robust curriculum or enhance classroom environment management and facilitation skills through mentorship. The course coordinator will provide a step-by-step outline of how these weaknesses will be remedied to bring the course up to POST standard.

If an assessment reveals non-compliance with Commission Regulation(s), significant deviation from the POST-certified training outline or non-compliance to the POST-approved budget, etc., those findings and corrective actions will be taken in a written response to POST. Upon receipt of the presenter response, POST determines whether the response is sufficient, whether additional monitoring is necessary, or whether the course should be de-certified or put into modification (pending inactive status).

In FY 23/24 as of January 18, 2023, POST assessors evaluated 45 courses, with many of these courses having multiple instructors. The total number of course hours assessed was 1,570 hours.

ANALYSIS:

The proposed budget did not increase from the previous fiscal year.

The proposed budget is enough to support the current needs of the QAP program.

Maximum budget expenditures are described in **Attachment A – QAP– Maximum Expenditures**.

Contract History is described in **Attachment B – QAP – Contract History**.

The factors that are contributing to an increase for FY 24/25 are:

- South Bay Regional Public Safety Training Consortium has an increase in personnel wages and travel.

As of January 1, 2024 the California Department of Human Resources increased travel reimbursement rates statewide, for meals and incidentals (28.26%), personal vehicle mileage (2.29%), and lodging (48.09%). Lodging rates vary by county.

Current contract will expire at the end of this Fiscal Year 23/24.

RECOMMENDATION:

The QAP measures law enforcement instructor and course quality, evaluates instructor use of adult learning methods and techniques, reviews course documentation, measures learning validation and ensures the quality of POST-certified training courses. As part of the process, the program also provides mentoring to course instructors.

POST staff recommends entering into a contract with a qualifying entity for the presentation of the POST QAP in an amount not to exceed $698,357.60.

ATTACHMENT(S):

Attachment A â€“ QAPâ€“ Maximum Expenditures.pdf

Attachment B - QAP Contract History.pdf

Total Expenditure Description	Year 24/25
South Bay Regional Public Safety Training Consortium	$698,357.60
Quality Assesment Program	$698,357.60
Grand Total	**$698,357.60**

Commission Authority Request
Contract Attachment Form

(Expand Sections as Necessary)

SUMMARY OF PROGRAM/CONTRACT:

Quality Assessment Program (QAP) measures law enforcement instructor and course quality, evaluates instructor use of adult learning methods and techniques, reviews course documentation, and ensures the quality of POST-certified courses (Traditional Learning and Distant Learning) are consistent with POST's Strategic Plan (2021), Organizational Analysis Report (2018), and PC 13503.

CONTRACTOR(S) NAME:

South Bay Regional Public Safety Training Consortium

PROPOSED START/END DATE:

July 1, 2024 to June 30, 2025

REQUESTED MAXIMUM CONTRACT AUTHORITY:

$698,357.60

REQUIRED DATA IF CONTRACT IS RE-OCCURRING OR AN AMENDMENT:

*If **Re-Occurring:***	Number of previous contracts: 4 (Record Retention Schedule – 5 years Date of initial/first contract: 7/1/2018 (Last identified contract based on Record Retention Schedule)		
*If an **Amendment:***	Number of previous amendments: N/A		
	Current Fiscal Year	**Previous Fiscal Year**	**Previous Fiscal Year + 1**
	FY 23/24	FY 22 / 23	FY 21/ 22
Date Previously Approved by Commission	3/23/2023	3/2/2022	3/3/2022

Amount Previously Approved by Commission	$583,064.00	$583,064.00	$96,217.00
Final Contract Amount (not Commission approved amount)	$583,064.00	$583,064.00	$96,217.00
Amounts Invoiced or Expended	$159,163.31 (As of 1/31/2023)	$581,138.35	$85,556.04
Number of Courses Delivered, if applicable	N/A	N/A	N/A
Number of Students Attended, if applicable	N/A	N/A	N/A

ADDITIONAL INFORMATION THE COMMISSION SHOULD KNOW:

(Ex. Why is the contract being amended? What has changed from the previous FY? Is the contract or amendment supporting a legislative mandate? Is there dedicated or specialized funding such as: PJ, CIT, De-Escalation, Distance Learning, etc.?

The factors that are contributing to an increase for FY 24/25 are:

- South Bay Regional Public Safety Training Consortium has an increase in personnel wages and travel.

As of January 1, 2024 the California Department of Human Resources increased travel reimbursement rates statewide, for meals and incidentals (28.26%), personal vehicle mileage (2.29%), and lodging (48.09%). Lodging rates vary by county.

AGENDA ITEM REPORT

Title:

REPORT ON REQUEST TO RENEW THE CONTRACTS FOR SUPERVISORY COURSE

REPORT PROFILE

MEETING DATE 03/07/2024	**BUREAU SUBMITTING THE REPORT** Training Program Services Bureau	
RESEARCHED BY Jenny Michel	**REVIEWED BY** Jim Katapodis	
REPORT DATE 02/02/2024	**APPROVED BY** Manuel Alvarez, Jr.	**DATE APPROVED** 02/20/2024
PURPOSE	**FINANCIAL IMPACT** Yes	

ISSUE, BACKGROUND, ANALYSIS, & RECOMMENDATION

ISSUE:

Should the Commission authorize the Executive Director to enter into contracts with qualifying entities for the presentation of the Supervisory Course in an amount not to exceed $1,313,304.00?

BACKGROUND:

Every POST participating peace officer promoted, appointed, or transferred to a first-level supervisory position shall satisfactorily complete a POST-certified Supervisory Course either 12 months prior to promotion or within 12 months after the initial promotion, appointment, or transfer to such position.

The 80-hour course curriculum satisfies mandates for Use of Force intervention and mandatory reporting for supervisors regarding Use of Force incidents as defined in Penal Code section 7286(b)(14). In addition, this course includes the mandatory Electronic Communications Privacy Act (Hi-Tech Crimes), Penal Code section 1546.1, and CalVCB and Rights of Victims and Witness of Crime (Mary's Law), Penal Code section 679.026 (victim reimbursement).

This course includes Leadership, Internal Affairs Investigations, both sworn and civilian staff's rights, Principled Policing and components, among other topics while weaving cognitive bias recognition, ethics, and principled policing throughout the 80-hours.

For more information on this program, please visit the Supervisory Course website.

ANALYSIS:

Maximum budget expenditures are described in **Attachment A – Supervisory– Maximum Expenditures**.

Contract History is described in **Attachment B – Supervisory – Contract History**.

The factors that are contributing to an increase for FY 24/25 are:

- Lassen Community College is being added as a new presenter.
- Rio Hondo Community College, Los Angeles Police Department, and Riverside and San Diego County Sheriff's Departments have a significant increase to Equipment and/or Office Supplies.
- California State University Long Beach has an increase in travel.
- Golden West and Rio Hondo Community Colleges have an increase in wages and/or have added paid positions.
- Rio Hondo and Santa Rosa Community Colleges, and State Center, have added/increased indirect costs.
- California State University Long Beach has an increase in meeting space costs.

As of January 1, 2024 the California Department of Human Resources increased travel reimbursement rates statewide, for meals and incidentals (28.26%), personal vehicle mileage (2.29%), and lodging (48.09%). Lodging rates vary by county.

The proposed budget increased from the previous fiscal year.

The current year Supervisory Course will expire at the end of FY 23/24.

RECOMMENDATION:

Every POST participating peace officer promoted, appointed, or transferred to a first-level supervisory position shall satisfactorily complete a POST-certified Supervisory Course either 12 months prior to promotion or within 12 months after the initial promotion, appointment, or transfer to such position.

POST staff recommends entering into contracts with various entities to perform the work needed for the amount of $1,908,183.04.

ATTACHMENT(S):

Attachment A â€“ Supervisoryâ€“ Maximum Expenditures 2.20.24.pdf

Attachment B - Supevisory Contract History No SB.pdf

Year	24/25

Description	# of Presentations	Total Expenditure
Alameda County Sheriff's Department	4	$47,254.72
Supervisory Course	4	$47,254.72
CSULB	2	$42,036.50
Supervisory Course Train the Trainer	2	$42,036.50
Golden West Community College	5	$63,985.80
Supervisory Course	5	$63,985.80
LAPD	7	$140,692.50
Equipment	1	$5,805.00
Supervisory Course	6	$134,887.50
Lassen Community College	4	$76,497.80
Supervisory Course	4	$76,497.80
Los Angeles County Sheriff's Department	6	$58,800.00
Supervisory Course	6	$58,800.00
Orange County Sheriff's Department	7	$95,020.45
Supervisory Course	7	$95,020.45
Rio Hondo Community College	6	$93,789.30
Supervisory Course	6	$93,789.30
Riverside County Sheriff's Department	7	$182,316.96
Equipment	1	$1,245.00
Supervisory Course	6	$181,071.96
Sac Regional	7	$188,744.15
Supervisory Course	7	$188,744.15
San Bernardino County Sheriff's Department	4	$91,185.40
Supervisory Course	4	$91,185.40
San Diego County Sheriff's Department	3	$27,618.30
Equipment	1	$250.00
Supervisory Course	2	$27,368.30
San Jose PD	3	$59,374.20
Supervisory Course	3	$59,374.20
Santa Rosa Junior College	5	$76,989.64
Equipment	1	$655.00
Supervisory Course	4	$76,334.64
State Center	4	$68,998.28
Supervisory Course	4	$68,998.28
Grand Total	**74**	**$1,313,304.00**

Commission Authority Request
Contract Attachment Form

(Expand Sections as Necessary)

SUMMARY OF PROGRAM/CONTRACT:

The 80-hour mandated Supervisory Course (Commission Regulation 1005) must be completed within 12 months of promotion or appointment to a first-level supervisory position.

CONTRACTOR(S) NAME:

Alameda County Sheriff's Office

California State University Long Beach

Golden West College

Lassen Community College

Los Angeles Police Department

Los Angeles Sheriff's Department

Orange County Sheriff's Department

Rio Hondo College

Riverside County Sheriff's Department

Sacramento Regional Public Safety Training

San Bernardino County Sheriff's Department

San Diego Sheriff's Department

San Jose Police Department

Santa Rosa Junior College

State Center Regional Training Facility

PROPOSED START/END DATE:

July 1, 2024 – June 30, 2025

REQUESTED MAXIMUM CONTRACT AUTHORITY:
$1,313,304.00

REQUIRED DATA IF CONTRACT IS RE-OCCURRING OR AN AMENDMENT:

*If **Re-Occurring:***	Number of previous contracts: 15 Date of initial/first contract: FY 17/18 (Record retention is only 5 years, unsure of contract dates occurring before this time)		
*If an **Amendment:***	Number of previous amendments: N/A		
	Current Fiscal Year	**Previous Fiscal Year**	**Previous Fiscal Year + 1**
	FY 23/24	FY 22 / 23	FY 21/ 22
Date Previously Approved by Commission	3/2/2023	3/2/2022	N/A
Amount Previously Approved by Commission	$1,641,518.78	$1,375,649.81	$0 (Converted to Plan V reimbursement for this FY only.)
Final Contract Amount (not Commission approved amount)	$1,641,518.78	$1,375,649.81	$0
Amounts Invoiced or Expended	$403,743.50 (As of 1/25/2025)	$885,304.56	$481,003.27
Number of Courses Delivered, if applicable	33 (As of 1/25/2025)	71	73
Number of Students Attended, if applicable	805 (As of 1/25/2025)	1795	1751

ADDITIONAL INFORMATION THE COMMISSION SHOULD KNOW:

(Ex. Why is the contract being amended? What has changed from the previous FY? Is the contract or amendment supporting a legislative mandate? Is there dedicated or specialized funding such as: PJ, CIT, De-Escalation, Distance Learning, etc.?

The factors that are contributing to an increase for FY 24/25 are:

- Lassen Community College is being added as a new presenter.
- Rio Hondo Community College, Los Angeles Police Department, and Riverside and San Diego County Sheriff's Departments have a significant increase to Equipment and/or Office Supplies.
- California State University Long Beach has an increase in travel.
- Golden West and Rio Hondo Community Colleges, and Sacramento Regional have an increase in wages and/or have added paid positions.
- Rio Hondo and Santa Rosa Community Colleges, and State Center, have added/increased indirect costs.
- California State University Long Beach has an increase in meeting space cost.

As of January 1, 2024 the California Department of Human Resources increased travel reimbursement rates statewide, for meals and incidentals (28.26%), personal vehicle mileage (2.29%), and lodging (48.09%). Lodging rates vary by county.

AGENDA ITEM REPORT

Title: REPORT ON REQUEST TO RENEW THE CONTRACT FOR BASIC ACADEMY EMERGENCY VEHICLE OPERATION COURSE (EVOC) DRIVER TRAINING

REPORT PROFILE

MEETING DATE 03/07/2024	**BUREAU SUBMITTING THE REPORT** Basic Training Bureau	
RESEARCHED BY Jennifer Hardesty	**REVIEWED BY** Carrie Hollar	
REPORT DATE 02/05/2024	**APPROVED BY** Manuel Alvarez, Jr.	**DATE APPROVED** 02/15/2024
PURPOSE	**FINANCIAL IMPACT** Yes	

ISSUE, BACKGROUND, ANALYSIS, & RECOMMENDATION

ISSUE: Should the Commission authorize the Executive Director to enter into contracts with POST-certified presenters of the Basic Academy Emergency Vehicle Operation Course (EVOC) during Fiscal Year 24/25 in the amount not to exceed $4,237,500.00?

BACKGROUND: For many years the Commission has contracted with various presenters to deliver high-cost training in the Basic Academy Emergency Vehicle Operations Course (EVOC) at a per student cost established in the contracts. During Fiscal Year 23/24, this course was contracted with nineteen (19) presenters throughout the state. For Fiscal Year 24/25, we are increasing the number of presenters by two (2) for a total of twenty-one (21) presenters to be contracted with for training.

ANALYSIS: The overall contracted amount proposed for Fiscal Year 24/25 will not exceed $4,237,500.00. Contract agreements are proposed for the following basic academy presenters (**Attachment A**):

- Alameda County Sheriff's Office
- Allan Hancock College
- Bakersfield Police Department
- Butte-Glenn Community College District
- College of the Redwoods
- College of the Siskiyous
- Contra Costa County Sheriff's Office
- Fresno County Sheriff's Office
- Oakland Police Department

- Sacramento County Sheriff's Office
- Sacramento Police Department
- San Bernardino County Sheriff's Department
- San Diego Police Department
- San Joaquin Delta College
- Santa Clara County Sheriff's Office
- Santa Rosa Junior College
- South Bay Regional Training Center
- Stanislaus County Sheriff's Office
- State Center Regional Training Facility
- Tulare-Kings Law Enforcement Public Safety Training Department
- Ventura County Sheriff's Office

This item supports POST Strategic Plan Goal #4: Enhance law enforcement's ability to serve their communities.

RECOMMENDATION: POST staff recommends entering into contracts with POST-certified presenters of the Basic Academy Emergency Vehicle Operation Course (EVOC) during the Fiscal Year 24/25 in the amount not to exceed $4,237,500.00.

ATTACHMENT(S):

Commission Authority Request Contract Attachment Form_24-25.pdf

Attachment_A_EVOC_Contracts_FY24-25.pdf

Commission Authority Request
Contract Attachment Form

(Expand Sections as Necessary)

SUMMARY OF PROGRAM/CONTRACT: Basic Academy Driver Training Course

CONTRACTOR(S) NAME: Multiple Basic Course Presenters

PROPOSED START/END DATE: July 1, 2024, through June 30, 2025

REQUESTED MAXIMUM CONTRACT AUTHORITY: $4,237,500.00

REQUIRED DATA IF CONTRACT IS RE-OCCURRING OR AN AMENDMENT:

*If **Re-Occurring:***	Number of previous contracts: Date of initial/first contract:		
*If an **Amendment:***	Number of previous amendments:		
	Current Fiscal Year (YTD)	**Previous Fiscal Year**	**Previous Fiscal Year - 1**
	FY 23/24	FY 22/23	FY 21/22
Date Previously Approved by Commission			
Amount Previously Approved by Commission	$4,237,500.00 (2825 students)	$4,237,500.00 (2825 students)	$4,132,500.00 (2755 students)
Final Contract Amount (not Commission approved amount)	$4,237,500.00 (2825 students)	$4,237,500.00 (2825 students)	$3,843,225.00 (2755 students)
Amounts Invoiced or Expended	$1,200,000.00	$3,376,500.00	$2,960,190.00
Number of Courses Delivered, if applicable			
Number of Students Attended, if applicable	800	2251	2122

ADDITIONAL INFORMATION THE COMMISSION SHOULD KNOW:

FY 21/22 included a two-time reduction in contract amount by DGS.

Contracts 2024/25			
Driver Training (EVOC)			
Proposed Contract Amount Totals			
FY 24/25			
	Maximum Number of Students Per Contract	**Amount Paid Per Student**	**Maximum Amount FY24/25**
Alameda County Sheriff's Office	245	$1,500.00	**$367,500.00**
Allan Hancock College	350	$1,500.00	**$525,000.00**
Bakersfield Police Department	60	$1,500.00	**$90,000.00**
Butte College	80	$1,500.00	**$120,000.00**
College of the Redwoods	25	$1,500.00	**$37,500.00**
College of the Siskiyous	30	$1500.00	**$45,000.00**
Contra Costa Sheriff's Office	100	$1,500.00	**$150,000.00**
Fresno County Sheriff's Office	30	$1,500.00	**$45,000.00**
Oakland Police Department	50	$1,500.00	**$75,000.00**
Sacramento County Sheriff's Office	55	$1,500.00	**$82,500.00**
Sacramento Police Department	65	$1,500.00	**$97,500.00**
San Bernardino County Sheriff's Dept	680	$1,500.00	**$1,020,000.00**
San Diego Police Department	360	$1,500.00	**$540,000.00**
San Joaquin Delta College	70	$1,500.00	**$105,000.00**
Santa Clara County Sheriff's Office	50	$1,500.00	**$75,000.00**
Santa Rosa Junior College	100	$1,500.00	**$150,000.00**

South Bay Regional Training Ctr	200	$1,500.00	**$300,000.00**
Stanislaus County Sheriff's Dept	85	$1,500.00	**$127,500.00**
State Center Fresno	70	$1,500.00	**$105,000.00**
Tulare Kings College	40	$1,500.00	**$60,000.00**
Ventura County Sheriff's Office	80	$1,500.00	**$120,000.00**
TOTALS	**2,825**		**$4,237,500.00**

AGENDA ITEM REPORT

Title: REPORT TO REQUEST TO RENEW THE CONTRACT FOR LOCAL AGENCY AUDITS

REPORT PROFILE

MEETING DATE 03/07/2024	**BUREAU SUBMITTING THE REPORT** Training Delivery and Compliance Bureau	
RESEARCHED BY Cici Quezada	**REVIEWED BY** Erik Gerolaga	
REPORT DATE 02/13/2024	**APPROVED BY** Manuel Alvarez, Jr.	**DATE APPROVED** 02/20/2024
PURPOSE	**FINANCIAL IMPACT** Yes	

ISSUE, BACKGROUND, ANALYSIS, & RECOMMENDATION

ISSUE: Should the Commission authorize the Executive Director to enter into an inter-agency agreement with the State Controller's Office (SCO) during Fiscal Year 24/25 in an amount not to exceed $250,000 to audit law enforcement agency and presenter reimbursement claims?

BACKGROUND: In accordance with Commission Regulation 1015(j) Reimbursements for Training, POST annually negotiates an inter-agency agreement with the State Controller's Office (SCO) to conduct up to thirteen (13) audits of selected local agencies and presenters that receive POST reimbursement funds. Records are to be retained by agencies and presenters for up to three years for auditing purposes.

The purpose of these audits are to verify state reimbursement funding is properly disseminated to law enforcement agencies and presenters.

ANALYSIS: POST has historically contracted with the SCO to randomly audit the training reimbursement claims made by local agencies, including presenters. These audits ensure compliance with Penal Code section 13523 and Commission Regulation regarding the proper utilization of POST monies.

The *estimated* contract cost is reflected in **Attachment A**. The *estimate* is bifurcated to reflect costs for actual audits, in addition to costs associated with administrative costs.

Actual costs include review of reimbursements, review of funds paid to presenters by agencies, travel and report writing of audit findings. Administrative tasks include managing auditors, reviewing reports, overseeing contract and invoice billing, and following up on corrective action plans based on audit findings if reimbursement is owed to POST.

This project is supported by POST Strategic Plan Objective B.4: *The efficiency of operations and business is increased.*

RECOMMENDATION: POST staff recommends entering into an inter-agency agreement with the State's Controller's Office (SCO) during Fiscal Year 24/25 in an amount not to exceed $250,000 to audit law enforcement agency and presenter reimbursement claims.

ATTACHMENT(S):

Attachment A.pdf

SCO_Commission_Contract_Attachment_Jan_2024.pdf

SCO Audits
POST Program
2024-25 Estimated Workload for 13 Audits

Cost Per Audit	Estimated Hours Per Audit	Anticipated Hourly Rate	Estimated Costs
Auditor	120	$130.00	$ 15,600
Manager	8	$160.00	$ 1,280
Bureau Chief	2	$178.00	$ 356
Travel			$ 1,000
Total Costs Per Audit			$ 18,236
Number of Audits			13
Total Audit Costs			$ 237,068

Administrative Costs	Estimated Hours	Anticipated Hourly Rate	Estimated Costs
Auditor	24	$130.00	$ 3,120
Manager	16	$160.00	$ 2,560
Bureau Chief	14	$178.00	$ 2,492
Corrective Action Plans	36	$130.00	$ 4,680
Total Administrative Costs			$ 12,852
Total Audit and Administrative Costs			$ 249,920

Commission Authority Request
Contract Attachment Form

(Expand Sections as Necessary)

CONTRACTOR NAME: State Controller's Office

PROPOSED START/END DATE: July 1, 2024 to June 30, 2025

REQUESTED MAXIMUM CONTRACT AUTHORITY: $250,000.00

SCOPE OF WORK: In accordance with Commission Regulation 1010(a)(3) Inspection of Records, POST annually negotiates an inter-agency agreement with the State Controller's Office (SCO) to conduct up to thirteen (13) audits of selected local agencies and presenters that receive POST reimbursement funds.

DELIVERABLES: The purpose of these audits is to verify state reimbursement funding is properly disseminated to law enforcement agencies and presenters.

REQUIRED DATA IF CONTRACT IS RE-OCCURRING OR AN AMENDMENT:

*If **Re-Occurring:***	Number of previous contracts: Eighteen (18) Date of initial/first contract: FY 2006/2007		
*If an **Amendment:***	Number of previous amendments: NA		
	Current Fiscal Year	**Previous Fiscal Year**	**Previous Fiscal Year + 1**
	FY 23 / 24	FY 22 / 23	FY 21 / 22
Date Previously Approved by Commission	June 2, 2023	February 12, 2022	February 20, 2021
Amount Previously Approved by Commission	$250,000.00	$250,000.00	$250,000.00
Final Contract Amount (not Commission approved amount)	$250,000.00	$250,000.00	$250,000.00
Amounts Invoiced or Expended	$53,859.64	$241,248.97	$240,511.03
Number of Courses Completed, if applicable	NA	NA	NA
Number of Students Attended, if applicable	NA	NA	NA

ADDITIONAL INFORMATION THE COMMISSION SHOULD KNOW:

The reimbursement data for the agencies being audited for the current fiscal year (FY 23/24) was provided to the State Controller's Office in October 2023. Audits are in the initial stages now.

AGENDA ITEM REPORT

Title: REPORT ON REQUEST TO APPROVE THE CONTRACT FOR DEPARTMENT OF JUSTICE TRAINING COURSES

REPORT PROFILE

MEETING DATE 03/07/2024	**BUREAU SUBMITTING THE REPORT** Training Delivery and Compliance Bureau	
RESEARCHED BY Melanie Dunn	**REVIEWED BY** Erik Gerolaga	
REPORT DATE 02/01/2024	**APPROVED BY** Manuel Alvarez, Jr.	**DATE APPROVED** 02/16/2024
PURPOSE	**FINANCIAL IMPACT** Yes	

ISSUE, BACKGROUND, ANALYSIS, & RECOMMENDATION

ISSUE:

Should the Commission authorize the Executive Director to enter into a contract with the California Department of Justice (DOJ) for Fiscal Year 24/25 to present the described training courses for an amount not to exceed $443,432?

BACKGROUND:

The Commission on Peace Officer Standards and Training has contracted with the DOJ to present certified courses since 1974. The amount of the agreement each year is based upon actual presentation costs to DOJ for instruction, coordination, clerical support, supplies, and travel. Training needs assessment information, including the delivery of legislatively mandated courses and agency feedback, influence which courses are included in the contract. Individual course budgets are developed in accordance with existing certification requirements.

The last time this contract was voted on by the Commission was in February 2018 for an amount not to exceed $199,510. Due to a Commission Policy change in prior years, any contracts in the amount of $250,000 or less may be entered into upon the authority of the Executive Director without approval of the Commission.

The Department of Justice has requested an increase in this contract from $163,790 to $443,432 for the upcoming Fiscal Year 24/25.

ANALYSIS:

The Department of Justice provides quality, highly technical computer related training courses that are not readily available through other presenters.

The Department of Justice in cooperation with the Commission, is required by Health and Safety Code 11641 to provide advanced training on unique skills such as detection and identification of chemical substances, and safety precautions, necessary to investigate clandestine laboratories illegally manufacturing controlled substances. Currently agencies have limited options to receive the Basic Safety Certification Course, which is required to investigate Clandestine Laboratories and the required training for Site Safety Officers at laboratory sites.

In addition, the Dignitary Protections Course funding was lost in 2012 and is the most requested general law enforcement training course by agencies. Currently, a waitlist has over 250 peace officers who have not received this training.

Finally, the Electronic Surveillance Course is legislatively mandated and certifications are required to be renewed every five years and a valid certification is required to monitor wiretap investigations. An additional ten presentations of this course are being requested to meet the ongoing needs.

The proposed contract with the Department of Justice would include two (2) Clandestine Laboratory Safety Certification courses, five (5) Clandestine Lab Safety Recertification courses, two (2) Clandestine Lab Site Safety Officer courses, four (4) Dignitary Protection courses, and forty (40) Electronic Surveillance Certification courses.

The course cost breakdown is reflected in Attachment A.

RECOMMENDATION:

POST staff recommends entering into a contract with the California Department of Justice (DOJ) for Fiscal Year 24/25 to present the described training courses for an amount not to exceed $443,432?

ATTACHMENT(S):

DOJ Contract Attachment A.pdf

DOJ Commission Authority Request.pdf

Attachment A

California Department of Justice
FY 2024-2025

Course Title	Course Number	Rate Per Course	Estimated Number of Presentations	Extended Amount
Clandestine Lab Safety Certification	34090	$34,790	2	$69,580
Clandestine Lab Safety Recertification	34091	$5,920	5	$29,600
Clandestine Lab Site Safety Officer	34094	$20,864	2	$41,728
Dignitary Protection	33020	$29,491	4	$117,964
Electronic Surveillance	22020	$4,614	40	$184,560
			TOTAL:	**$443,432**

Commission Authority Request
Contract Attachment Form

(Expand Sections as Necessary)

CONTRACTOR NAME: Department of Justice

PROPOSED START/END DATE: July 1, 2024 to June 30, 2025

REQUESTED MAXIMUM CONTRACT AUTHORITY: $443,432.00

SCOPE OF WORK: The Department of Justice provides quality, highly technical computer-related mandated training courses that are not available through other presenters.

DELIVERABLES: The purpose is to provide high-quality training courses to more officers and to meet legislative requirements placed by the Department of Justice.

REQUIRED DATA IF CONTRACT IS RE-OCCURRING OR AN AMENDMENT:

*If **Re-Occurring:***	Number of previous contracts: Forty-nine (49) Date of initial/first contract: 1974		
*If an **Amendment:***	Number of previous amendments: NA		
	Current Fiscal Year	**Previous Fiscal Year**	**Previous Fiscal Year + 1**
	FY 23 / 24	FY 22 / 23	FY 21 / 22
Date Previously Approved by Commission	NA	NA	NA
Amount Previously Approved by Commission			
Final Contract Amount (not Commission approved amount)	$163,790.00	$163,790.00	$163,790.00
Amounts Invoiced or Expended	$49,203.00	$163,790.00	$163,790.00
Number of Courses Completed, if applicable	11	35	35
Number of Students Attended, if applicable	687	1,551	1,453

ADDITIONAL INFORMATION THE COMMISSION SHOULD KNOW:

(Ex. Why is the contract being amended? Is the contract or amendment supporting a legislative mandate? Is there dedicated or specialized funding such as: PJ, CIT, De-Escalation, Distance Learning, etc.?

The need for the highly technical training courses is great and DOJ is the only authorized presenter in the state. Due to many factors, the course offerings have declined as the wait lists continue to grow. In addition, certification is required to be renewed every five years. With the increase in presentations and the addition of courses, the DOJ may continue to support law enforcement agencies with the resources needed to complete their investigations and ensure public safety in the communities effectively and safely.

AGENDA ITEM REPORT

Title:

REPORT ON REQUEST TO CONTRACT FOR DEVELOPMENT OF TRAINING VIDEOS

REPORT PROFILE

MEETING DATE 03/07/2024	**BUREAU SUBMITTING THE REPORT** Learning Technology Resources Bureau	
RESEARCHED BY David Cheng/Michael Barnes/Michael McHenry		**REVIEWED BY** Rosanne Richeal
REPORT DATE 02/14/2024	**APPROVED BY** Manuel Alvarez, Jr.	**DATE APPROVED** 02/20/2024
PURPOSE		**FINANCIAL IMPACT** Yes

ISSUE, BACKGROUND, ANALYSIS, & RECOMMENDATION

ISSUE: Should the Commission authorize the Executive Director to enter into a two-year contract with qualified vendors for the production of training video programs in an amount not to exceed $1,732,000?

BACKGROUND:

POST's video programs serve as a high-quality, cost-effective training resource for local law enforcement agencies, academies, course instructors, and specialized course programs. Whether designed as standalone, full-length training video courses, or as segments integrated into other POST training courses, the programs are designed to assist agencies and trainers in meeting timely training needs and legislative mandates. All POST video resources are now offered as streaming videos on the POST Learning Portal and are available to agencies in the POST program free of charge.

Topic-specific long-form training videos provide easy-to-follow steps for group facilitation by instructors and include options for CPT credit to be awarded to trainees viewing on an individual basis or in a small group setting. These in-service training videos are divided into multiple short training segments and provide enhanced features and options that include multiple scenarios, insightful interviews with subject matter experts, assessment questions, and sample training sessions featuring facilitated peer discussions.

In addition to long-form training videos, POST has produced numerous instructional and informational videos in support of specialized POST programs and bureaus, including the "Did You Know?" series, news briefs/legal update segments, Peace Officer Certification Basic Academy videos, and contemporary videos supporting legacy programs such as Command College, Supervisory Leadership Institute, Cultural Diversity Program, Public Safety Dispatcher courses, Institute for Criminal Investigations, and Field Training Program.

The last Commission action in support of POST's video programs was in March 2022 with the approval of $1,544,000 for a two-year video production services contract for 2022-2024. This contract was fulfilled via public bid. Ongoing training needs for contemporary topics such as peace officer certification, hate crimes awareness, responding to behavioral health, de-escalation, and other training mandates and timely topics continued to be satisfied via video programs with a total of 18 videos produced during the 2022-2024 contract term.

ANALYSIS:

With the current video program contract expiring on November

30, 2024, POST seeks to continue offering professional production services and expand distance learning opportunities with added online features on the Learning Portal, including the development of Self-Paced and Instructor-Led Online programs. Staff requests continuing professional production services via a two-year contract(s) for law enforcement video program design, development, and production.

The scope of work proposed for video programs in 2024-2026 continues program flexibility and collaboration with other Learning Portal courses, placing added focus on the production of specialized video segments. The video program types (Tasks) produced within the contract limits would include:

Task 1: Production of up to four (4) long-form in-service training video courses. The video-based courses are presented in a two-track design that accommodates either facilitated group training by an instructor or individual viewing by a trainee. These videos also serve as high-quality course resources for instructors of related topics. The topic-specific programs address contemporary law enforcement issues and are designed to meet POST's continuing professional training requirements. The videos are comprised of multiple segments, produced in a documentary style of up to 120 minutes in total length, and delivered in digital format for streaming online.

Task 2: Production of up to eight (8) long-form videos in support of specialized POST training programs, instructor-led courses, or other Learning Portal courses. These videos feature a combination of scenarios, demonstrations, narration, graphics/animations, and subject matter expert interview segments to meet specialized POST program training requirements. The programs address timely law enforcement issues targeting the needs of specialized groups such as law enforcement supervisors, instructors, Regular Basic Course trainees, or public safety dispatchers. Videos are scenario-based or documentary style, up to 60 minutes in total length, and delivered in digital format for streaming online.

Task 3: Production of up to eight (8) short-form videos in support of specialized POST training programs, instructor-led courses, or other Learning Portal courses. Similar to Task 2 but shorter in length and smaller in scope, these videos will be

designed in a format that features a combination of video footage (B-roll), narration, graphics/animations, and subject matter expert interviews to meet specialized POST program needs. Videos produced under this Task may include segments for inclusion in self-paced Learning Portal courses, brief tutorials, program orientations and overviews, or news package-style videos providing time-sensitive law/legal or policy change updates, law enforcement trends, and highlights of contemporary law enforcement training issues. Videos are up to 15 minutes in total length and delivered in digital format for streaming online.

RECOMMENDATION: POST staff recommends entering into a two-year contract with qualified vendors for the production of training video programs in an amount not to exceed $1,732,000.

ATTACHMENT(S):

Attachment_A_Training_Video_Program_2022-2024_Cost_Estimate.pdf

Attachment_B_-_Commission_Contract_Authority_Form_Video_Programs_FY24_26.pdf

2024-2026 Training Video Programs Cost Estimate

Shown below is the State's estimate for a two-year contract to manage all phases of development and production for POST's law enforcement video programs. The quantity of each video type (Task) shown below is shown, with the total cost of all Tasks not to exceed the two-year contract limit of $1,732,000.

Task 1: Long-form In-Service Training Videos Production of up to four (4) long-form in-service training video courses, up to 120 minutes total length. Presented in a two-track design that accommodates either facilitated group training by an instructor or individual viewing by a trainee. Topic-specific programs address contemporary law enforcement issues and are designed to meet POST's continuing professional training requirements. Estimated cost of $157,000 per video.
Task 2: Long-form Specialized Videos Production of up to eight (8) long-form videos, up to 60 minutes total length, in support of specialized POST training programs, instructor-led courses, or other Learning Portal courses. Designed in a format that features a combination of scenarios, demonstrations, graphics/animations, and subject matter expert interview segments to meet specialized POST program training requirements. Estimated cost of $100,000 per video.
Task 3: Short-form Specialized Videos Production of up to eight (8) short-form videos, up to 15 minutes total length, in support of specialized POST training programs, instructor-led courses, or other Learning Portal courses. Similar to Task 2 but smaller in scope, these videos may include segments for inclusion in self-paced Learning Portal courses, brief tutorials, program orientations or overviews, or news package-style videos providing time-sensitive law/legal or policy change updates, law enforcement trends, and highlights of contemporary law enforcement training issues. Estimated cost of $38,000 per video.

Commission Authority Request
Contract Attachment Form

(Expand Sections as Necessary)

CONTRACTOR NAME: To be determined, pending procurement

PROPOSED START/END DATE: December 2024

REQUESTED MAXIMUM CONTRACT AUTHORITY: $ 1,732,000.00

SCOPE OF WORK: Video production services in support of POST Learning Portal courses and other POST programs.

DELIVERABLES: Multiple video segments of varying lengths, comprised of dramatic scenarios, interviews, graphics/animations and related media for law enforcement training courses.

REQUIRED DATA IF CONTRACT IS RE-OCCURRING OR AN AMENDMENT:

*If **Re-Occurring:***	Number of previous contracts: 10+ Date of initial/first contract: 1989 *NOTE – Video contract term is typically **2 years***		
*If an **Amendment:***	Number of previous amendments: NA		
	Current Fiscal Year	**Previous Fiscal Year**	**Previous Fiscal Year + 1**
	FY / 23-24	FY / 22-23	FY / 21-22
Date Previously Approved by Commission	Mar. 2022		Feb. 2020
Amount Previously Approved by Commission	$1,544,000.00*		$1,540,000.00*
Final Contract Amount (not Commission approved amount)	$1,535,590.00*		$1,535,060.00*
Amounts Invoiced or Expended	$1,535,590.00* *projected*		$1,535,060.00*
Number of Courses Completed, if applicable	NA		
Number of Students Attended, if applicable	NA		

**Amount for a 2-year contract; spans more than one fiscal year.*

ADDITIONAL INFORMATION THE COMMISSION SHOULD KNOW:

(Ex. Why is the contract being amended? Is the contract or amendment supporting a legislative mandate? Is there dedicated or specialized funding such as: PJ, CIT, De-Escalation, Distance Learning, etc.?

POST video-based resources are designed as either standalone training programs or embedded within other Learning Portal courses to assist law enforcement training managers and instructors in meeting timely training needs and legislative mandates for their agency. The videos, which are segmented into short lessons and designed to be facilitated in group settings or viewed individually, may be used by agencies to satisfy CPT requirements at a fraction of the cost and staff time required for traditional classroom training. Video programs are available to agencies in the POST program at no charge and with no travel/per diem costs to the Commission.

AGENDA ITEM REPORT

Title: REPORT ON REQUEST TO CONTRACT FOR LEARNING PORTAL SUPPORT AND MAINTENANCE

REPORT PROFILE

MEETING DATE 03/07/2024	**BUREAU SUBMITTING THE REPORT** Learning Technology Resources Bureau	
RESEARCHED BY Catherine Bacon-Davis	**REVIEWED BY** Rosanne Richeal	
REPORT DATE	**APPROVED BY** Manuel Alvarez, Jr.	**DATE APPROVED** 02/20/2024
PURPOSE	**FINANCIAL IMPACT** Yes	

ISSUE, BACKGROUND, ANALYSIS, & RECOMMENDATION

ISSUE:

POST contracted with a vendor to develop and implement a learning management system solution for the Learning Portal. The solution is a software as a service (SaaS) subscription. The subscription includes hosting of courses and training videos, technical support and training for POST staff, and addressing technical and usability issues. The current contract expires 08/31/2024. This request is to enter into a contract for these services for the period 09/01/2024-06/30/2025.

BACKGROUND:

In 2021, POST began work to modernize the learning management system to ensure stability and increase the distance-learning functionality of the POST Learning Portal. Staff adhered to the State's Product Approval Lifecycle (PAL) process to identify functionality needs and completed a scope of work.

POST staff worked closely with the California Department of Technology (CDT) and the Department of General Services (DGS), to contract with Taborda Solutions, Inc. dba Optm for software subscription and implementation services for the Blackboard Learning Management System (LMS) in the amount of $1,662,209.00 for a total of two years ending on 08/31/2024.

The new Portal went live on August 15, 2023.

ANALYSIS:

As part of the PAL process, staff identified maintenance and operation (M&O) costs for the POST Learning Portal after the implementation. Prior to the contract award, the maintenance costs were estimated to be $754,671.00 annually. After the contract was awarded to the vendor, the maintenance costs were adjusted to $777,405.00 annually.

The POST Learning Portal provides distance learning opportunities for the field. It currently supports 114,944 user accounts and hosts 108 courses. CPT credit earned from Learning Portal courses in the current CPT cycle (23/24) totals more than 623,474 hours to date. The new system provides POST staff with the means to make timely changes and updates to course material without having to rely primarily on the vendor to make those updates.

RECOMMENDATION:

POST staff recommends entering into a contract to continue the SaaS subscription for the POST Learning Portal for up to $777,405.00 for the period 09/01/2024-06/30/2025.

ATTACHMENT(S):

030222Coversheet.pdf

Commission Contract Attachment LTR 2024.pdf

Print

AGENDA ITEM REPORT

Title: REPORT ON REQUEST TO ENTER INTO A VENDOR CONTRACT FOR A NEW LEARNING MANAGEMENT SYSTEM (LMS)

REPORT PROFILE

MEETING DATE	BUREAU SUBMITTING THIS REPORT
3/2/2022	Learning Technology Resources Bureau

RESEARCHED BY (PRINT NAME)	REVIEWED BY (PRINT NAME)
Catherine Bacon-Davis	

REPORT DATE	APPROVED BY	DATE APPROVED
01/13/2022	Manuel Alvarez, Jr.	01/27/22

PURPOSE	FINANCIAL IMPACT
Decision Requested	Yes

ISSUE, BACKGROUND, ANALYSIS, & RECOMMENDATION

ISSUE:

Should the Commission authorize the Executive Director to enter into a contract with a qualified vendor to develop and implement a new LMS in an amount not to exceed $2,697,001 over the next two years?

BACKGROUND:

POST began the Project Approval Lifecycle (PAL) process for a Learning Management System (LMS) with CDT in 2020. PAL is a detailed four-stage process that includes business analysis, alternatives analysis, solution development, project readiness, and approval.

In mid-2020, due to the pandemic response, $10M in governor-directed funds were made available for an advanced distance learning platform (ADLP) initiative. Part of this initiative was the modernization of the POST LMS system.

At the December 2, 2021 Finance Committee and Commission meetings, POST reported that monies were remaining for the ADLP initiative and with permission from Department of Finance, would direct the remaining funds to complete the LMS modernization portion of the ADLP in the amount of $3,210,001. This amount covers the remaining of the LMS modernization project and removes the need to request any additional monies.

ANALYSIS:

At this time, POST has completed PAL stages 1 and 2 for the LMS and is beginning the solution development stage.

Now that POST is entering stage 3 of the PAL process, we have identified costs and a new vendor for providing a new LMS solution.

Of the $3,210,001 remaining for LMS modernization, $2,697,001 is available for the new LMS itself over the next two years.

RECOMMENDATION:

Staff recommends the Commission authorize the Executive Director to enter into a contract with a qualified vendor to develop and implement a new LMS in an amount not to exceed $2,697,001 over the next two years.

ATTACHMENT(S):

Name:	Type:
Commission_Contract_Attachment_LTR2_0322.docx	Cover Memo

Commission Authority Request
Contract Attachment Form

(Expand Sections as Necessary)

CONTRACTOR NAME: tbd

PROPOSED START/END DATE: 09/01/2024-06/30/2025

REQUESTED MAXIMUM CONTRACT AUTHORITY: $777,405.00

SCOPE OF WORK: Software as a service (SaaS) subscription to include hosting of courses and training videos, technical support and training for POST staff, and addressing technical and usability issues.

DELIVERABLES: Learning Portal access for the field.

REQUIRED DATA IF CONTRACT IS RE-OCCURRING OR AN AMENDMENT:

*If **Re-Occurring:***	Number of previous contracts: Date of initial/first contract:		
*If an **Amendment:***	Number of previous amendments:		
	Current Fiscal Year	**Previous Fiscal Year**	**Previous Fiscal Year + 1**
	FY /	FY /	FY /
Date Previously Approved by Commission			
Amount Previously Approved by Commission			
Final Contract Amount (not Commission approved amount)			
Amounts Invoiced or Expended			
Number of Courses Completed, if applicable			
Number of Students Attended, if applicable			

ADDITIONAL INFORMATION THE COMMISSION SHOULD KNOW:

(Ex. Why is the contract being amended? Is the contract or amendment supporting a legislative mandate? Is there dedicated or specialized funding such as: PJ, CIT, De-Escalation, Distance Learning, etc.?

The original contract funding came from Governor Directed Funds (see attached agenda item). We contracted Taborda dba Optm for $1,662,290.00 for development and implementation of the system. Now that the system has been implemented, we are requesting up to $777,405.00 for continued use, maintenance, and support of the system.

AGENDA ITEM REPORT

Title: REPORT ON REQUEST TO RENEW THE CONTRACT FOR CALIFORNIA STATE UNIVERSITY, LONG BEACH USE OF FORCE / DE-ESCALATION TRAINING

REPORT PROFILE

MEETING DATE 03/07/2024	**BUREAU SUBMITTING THE REPORT** Learning Technology Resources Bureau	
RESEARCHED BY Michael Barnes	**REVIEWED BY**	
REPORT DATE 01/31/2024	**APPROVED BY** Manuel Alvarez, Jr.	**DATE APPROVED** 02/20/2024
PURPOSE	**FINANCIAL IMPACT** Yes	

ISSUE, BACKGROUND, ANALYSIS, & RECOMMENDATION

ISSUE:

Should the Commission authorize the Executive Director to enter into a contract with CSULB to continue presenting the Force Options Use of Force De-Escalation Train-the-Trainer course for Fiscal Year 24/25 in an amount not to exceed $616,211.00?

BACKGROUND:

POST staff recommends the Commission authorize the Executive Director to enter into a contract with California State University Long Beach (CSULB) to continue presenting the Force Options Use of Force De-Escalation Train-the-Trainer course for Fiscal Year 24/25 in an amount not to exceed $616,211.00.

The Commission previously approved contracting with CSULB for $576,191.00, which allowed up to 24 three-day (24 hours) Force Options Use of Force De-Escalation Train-the-Trainer courses. This three-day course satisfies the training requirements of California Penal Code section 13519.10 (Senate Bill 230) for Use of Force and De-escalation, and California Penal Code sections 196 and 835a (Assembly Bill 392) for Homicide and Force, respectively. It also satisfies the Communications and Use of Force requirements of the POST Perishable Skills Program (PSP) established in Commission Regulation 1005.

Since this train-the-trainer course began over three years ago, nearly 5000 officers have been trained by the graduates of this course. Yet, due to constant turnover and reassignment of

agencies' previously trained instructional staff, demand for this training continues to be high, with over 1000 instructors trained in the past four years and class offerings regularly being at maximum enrollment.

ANALYSIS:

This contract will allow CSULB to continue to present up to 24 three-day (24 hours) Force Options Use of Force De-Escalation Train-the-Trainer courses. This three-day course satisfies the training requirements of California Penal Code section 13519.10 (Senate Bill 230) for Use of Force and De-escalation, and California Penal Code sections 196 and 835a (Assembly Bill 392) for Homicide and Force, respectively. It also satisfies the Communications and Use of Force requirements of the POST Perishable Skills Program (PSP) established in Commission Regulation 1005.

This course is designed for instructors and provides training on considerations related to use of force including legal standards, objectiveness, de-escalation, duty to intercede, supervisor responsibility, implicit and explicit bias, mental health awareness, and the need to safeguard life, dignity, and liberty of all persons without prejudice to anyone. This course is intended to examine the considerations, reasoning, and analysis that occur concurrent to a use of force incident. Those who complete this training are qualified to present the staff-level Force Options Use of Force / De-escalation course.

This proposed contract provides a cost increase of approximately $40,000.00 over the prior year's for comparable deliverables only due to an increase in the state-approved maximum reimbursement amounts for per diem / travel costs.

RECOMMENDATION:

POST staff recommends entering into a contract with California State University, Long Beach (CSULB) to continue presenting the Force Options Use of Force De-Escalation Train-the-Trainer course for Fiscal Year 24/25 in an amount not to exceed $616,211.00.

ATTACHMENT(S):

CSULB Contract Authority Request 2024-25.pdf

Commission Authority Request
Contract Attachment Form

(Expand Sections as Necessary)

SUMMARY OF PROGRAM/CONTRACT: Contract with California State University Long Beach (CSULB) to continue presenting up to 24 three-day Force Options Use of Force/De-Escalation Train-the-Trainer courses. The training satisfies training requirements of SB 230 / Penal Code 13519.10 (Use of Force/De-Escalation), AB 392 / Penal Code 196 and 835a (Homicide and Force), and Commission Regulation 1005 (Perishable Skills Program).

CONTRACTOR(S) NAME: California State University Long Beach (CSULB)

PROPOSED START/END DATE: July 1, 2024/June 30, 2025

REQUESTED MAXIMUM CONTRACT AUTHORITY: $616,211.00

REQUIRED DATA IF CONTRACT IS RE-OCCURRING OR AN AMENDMENT:

*If **Re-Occurring:***	Number of previous contracts: Four Date of initial/first contract June 2, 2021			
*If an **Amendment:***	Number of previous amendments: N/A			
	Current Fiscal Year (YTD)	**Previous Fiscal Year**	**Previous Fiscal Year + 1**	**Previous Fiscal Year + 2**
	FY 23/24	FY 22/23	FY 21/22	FY 20/21
Date Previously Approved by Commission	March 22, 2023	March 2, 2022	June 2, 2021	June 2, 2021 (retroactive)
Amount Previously Approved by Commission	576,191	668,581	667,500	356,463
Final Contract Amount (not Commission approved amount)	576,191	668,581	667,500	356,463
Amounts Invoiced or Expended	157,120	345,967	473,753	260,099
Number of Courses Delivered	12	22	25	10
Number of Students Attended	217	428	562	206

ADDITIONAL INFORMATION THE COMMISSION SHOULD KNOW:

The total amount for this proposed contract is increased from the prior year due to the increase in the state's maximum reimburseable travel / per diem amounts for state-related business (e.g., course instructors' travel costs).

AGENDA ITEM REPORT

Title: REPORT ON REQUEST TO CONTRACT WITH MARK43 FOR MAINTENANCE AGREEMENT

REPORT PROFILE

MEETING DATE 03/07/2024	**BUREAU SUBMITTING THE REPORT** Executive Office	
RESEARCHED BY Jason Morlock	**REVIEWED BY** Annemarie Del Mugnaio	
REPORT DATE 02/20/2024	**APPROVED BY** Manuel Alvarez, Jr.	**DATE APPROVED** 02/20/2024
PURPOSE	**FINANCIAL IMPACT** Yes	

ISSUE, BACKGROUND, ANALYSIS, & RECOMMENDATION

ISSUE:

Should the Commission authorize the Executive Director to enter into a contract with Mark43 to provide a maintenance and licensing agreement for Fiscal Year 24/25 in an amount not to exceed $1,800,000.00

BACKGROUND:

Scope of Work:

- The Contractor shall provide licensing and renewal support services for the Mark43 platform functionality.
- The Commission on POST agrees to pay Visionary Integration Professionals an amount not to exceed $1,800,000.00 for the services listed herein during the Agreement term, July 1, 2024 - June 30, 2025.
- Contract may be amended for time, funds, or scope, by mutual consent of the parties.
- The Commission on POST reserves the right to cancel this agreement subject to thirty (30) days written notice to Contractor.

ANALYSIS:

POST was funded $2M through the Senate Bill (SB) 2, (2021), Budget Change Proposal (BCP) to purchase the initial Mark43 software and records management system which houses the serious misconduct cases submitted to the Peace Officer Standards Accountability Division (POSAD). The Commission approved the initial purchase request at its March 2, 2022 meeting. The contract before the Commission is the maintenance and software agreement to support the ongoing use of the Mark43 system by POST and the reporting law enforcement agencies. The amount requested exceeds the

allocated funding in the SB 2 BCP ($900,000.00) for ongoing maintenance and licensing of the case management software.

RECOMMENDATION: POST staff recommends entering into a contract with Mark43 for the maintenance and licensing of the case management system for Fiscal Year 24/25 in an amount not to exceed $1,800,000.00.

ATTACHMENT(S):
Mark_43_Commission_Authority_Request_Contract_Attachment_Form.pdf

Commission Authority Request
Contract Attachment Form

SUMMARY OF PROGRAM/CONTRACT:

California Penal Code § 13509.5 created the Peace Officer Standards Accountability Division (POSAD) with the primary responsibility to review investigations conducted by law enforcement agencies and to conduct additional investigations, as necessary, into allegations of serious misconduct by peace officers. To meet this mandate, POST submitted a Budget Change Proposal in 2022-23 that provided POST one-time authority for $2M to purchase a case management system. The ongoing appropriation of $900,000 was allocated for the maintenance of the software and data. POST contracted with Mark43, Inc. to provide POSAD with the Mark43 records management system (RMS) software-as-a-service (SaaS) and purchased the software May 4, 2022.

The contract before the Commission is a maintenance and software licensing agreement to continue the use of the platform by POST and the law enforcement agencies responsible for reporting cases to POSAD.

CONTRACTOR(S) NAME: Visionary Integration Professionals / Mark 43

PROPOSED START/END DATE: July 1, 2024, to June 30, 2025

REQUESTED MAXIMUM CONTRACT AUTHORITY: $1,800,000.00

REQUIRED DATA IF CONTRACT IS RE-OCCURRING OR AN AMENDMENT:

*If **Re-Occurring:***	Number of previous contracts: 2 Date of initial/first contract: 03/02/2022		
*If an **Amendment:***	Number of previous amendments:		
	Current Fiscal Year (YTD)	**Previous Fiscal Year**	**Previous Fiscal Year - 1**
	FY 23/24	FY 22/23	
Date Previously Approved by Commission	03/22/23	05/04/22	
Amount Previously Approved by Commission	$1,800,000	$2,000,000	

Final Contract Amount (not Commission approved amount)	$1,558,470.13	$1,858,995.90	
Amounts Invoiced or Expended	$1,558,470.13	$1,858,995.90	
Number of Courses Delivered, if applicable	N/A		
Number of Students Attended, if applicable	N/A		

ADDITIONAL INFORMATION THE COMMISSION SHOULD KNOW:

The amount requested far exceeds that which POST was appropriated for ongoing maintenance of its case management software. The requested amount is for the ongoing utilization of the Mark43 RMS SaaS. The contract term runs July 2024 to June 2025.

AGENDA ITEM REPORT

Title: REPORT ON THE DEVELOPMENT OF THE BASIC COURSE CURRICULUM AND PROPOSED PILOT PROGRAMS FOR LD 44 - ACTIVE SHOOTER

REPORT PROFILE

MEETING DATE 03/07/2024	**BUREAU SUBMITTING THE REPORT** Basic Training Bureau	
RESEARCHED BY Carrie Hollar	**REVIEWED BY** Carrie Hollar	
REPORT DATE	**APPROVED BY** Manuel Alvarez, Jr.	**DATE APPROVED** 02/12/2024
PURPOSE	**FINANCIAL IMPACT** No	

ISSUE, BACKGROUND, ANALYSIS, & RECOMMENDATION

ISSUE: Should the Commission decide to approve piloting Learning Domain 44 - Active Shooter, a new Learning Domain, as described in the staff report?

BACKGROUND: POST staff facilitated a discussion with Academy Directors and Coordinators at the March 2023 Basic Course Consortium about the need for active shooter training in basic courses. Those in attendance agreed the topic should be incorporated. Following the Consortium, POST staff facilitated two workshops (October 2023 and January 2024) with Subject Matter Expert's (SMEs) representing eight (8) basic course presenters. After reviewing active shooter related content within existing learning domains, the SMEs decided the Active Shooter training should be a stand-alone Learning Domain.

ANALYSIS: The existing basic course curriculum contains minimal content on active shooter training. Learning Domain 23 - Crimes in Progress discusses effective officer actions for the safe and tactical response to a deadly encounter and Learning Domain 26 - Critical Incidents familiarizes the students to principles of emergency management during a critical incident.

Currently, thirteen (13) basic course presenters provide presenter-specific content on active shooter to students ranging from an additional 4-24 hours based on the presenter. During the workshops, the SMEs developed proposed training and testing specifications (**Attachment A**). As this new learning domain has never been presented statewide, POST

staff request approval to pilot Learning Domain 44 - Active Shooter with the following basic course presenters: San Diego Regional Public Safety Training Institute, California Highway Patrol, Sacramento County Sheriff's Office, Butte College Public Safety Training Center, Ventura County Criminal Justice Center, Riverside County Sheriff, and San Joaquin Delta College (Modular Format).

These presenters were selected to provide feedback from diverse perspectives throughout the state. All pilot presentations will be completed by Fall of 2024, which would allow POST staff to review student feedback and report back to the Commission.

RECOMMENDATION: If the Commission concurs, the appropriate action would be a **MOTION** to approve the piloting of Learning Domain 44 - Active Shooter as described in the staff report.

ATTACHMENT(S):
LD_44_TTS - Attachment A.pdf

TRAINING AND TESTING
SPECIFICATIONS FOR LEARNING DOMAIN #44
ACTIVE SHOOTER

October 1, 2024

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		

I. LEARNING NEED

Peace officers must understand what constitutes an active shooter incident and the characteristics of these incidents.

LEARNING OBJECTIVES

A. Define active shooter/active shooter incidents

B. Explain the contemporary historical proliferation of these incidents and the effects these have had on the development/evolution of peace officer response

C. Describe the difference between active shooter and other incident responses (e.g., assault with a deadly weapon, barricaded suspect/hostage response, etc.)

D. Discuss response priorities/considerations (e.g., safety of victims, equipment, etc.)

II. LEARNING NEED

Peace officers must understand how to effectively use rapid response tactics to increase the survivability of victims during an active shooter incident

LEARNING OBJECTIVES

A. Discuss rapid response tactics

1. Solo peace officer response
2. Multiple peace officer response (two or more peace officers)

DRAFT

RBC	Other Basic Courses					Requal
	832	III	II	I	SIBC	
X			X	X		
X X X X			X X X X	X X X X		
X			X	X		
X X X X X				X X X X X		
X X X			X X X	X X X		

B. Define the difference between systematic search vs. direct to stimulus response.

III. LEARNING NEED

Peace officers must understand other responsibilities during an active shooter incident.

LEARNING OBJECTIVES

A. Medical considerations including

1. Medical aid administered by peace officers
2. Security of medical personnel
3. Coordinating casualty collection points

B. Scene containment/processing

IV. REQUIRED LEARNING ACTIVITIES

A. The student will participate in a learning activity that will demonstrate movement as a solo peace officer.

1. Tactical movement to threat
2. Searching to locate the suspect
   a. Systematic search
   b. Direct to stimulus response

B. Students will participate in a learning activity that will demonstrate movement as a multiple peace officer response.

1. Tactical movement to threat (e.g., bounding overwatch, formations, open area movements, etc.)
2. Searching to locate the suspect

DRAFT

RBC	Other Basic Courses					Requal
	832	III	II	I	SIBC	
X X			X X	X X		
X				X		
16			6	16		

a. Systematic search
b. Direct to stimulus response

C. Students will participate in a learning activity that will simulate a comprehensive response to an active shooter incident, which will include tactical movements to locate and stop the threat. This activity may also include rescue, evacuation, treatment, and transportation of victims.

V. REQUIRED TESTS

None

VI. HOURLY REQUIREMENTS

Students shall be provided with a minimum number of instructional hours on active shooter.

VII. ORIGINATION DATE

October 1, 2024

VIII. REVISION DATE

DRAFT

AGENDA ITEM REPORT

Title: REPORT ON CHANGES TO COMMISSION REGULATIONS 1001 - DEFINITIONS AND 1059 - BASIC COURSE CERTIFICATION REQUIREMENTS

REPORT PROFILE

MEETING DATE 03/07/2024	**BUREAU SUBMITTING THE REPORT** Basic Training Bureau	
RESEARCHED BY Jennifer Hardesty	**REVIEWED BY** Carrie Hollar	
REPORT DATE 02/06/2024	**APPROVED BY** Manuel Alvarez, Jr.	**DATE APPROVED** 02/15/2024
PURPOSE	**FINANCIAL IMPACT** Yes	

ISSUE, BACKGROUND, ANALYSIS, & RECOMMENDATION

ISSUE: Should the Commission approve the proposed changes to Commission Regulations 1001 and 1059?

BACKGROUND: PC 832 Coordinator: In December 2020, POST expanded the mission of the Basic Course Certification Reviews (BCCRs) to include Module III/II, PC 832 Arrest and PC 832 Firearms courses. The BCCR process has highlighted the need to require a presenter of those courses to appoint an individual to the Coordinator position. Currently POST requests PC 832 presenters identify an individual as a Coordinator for test security documentation purposes however, that person is often not in a position of responsibility over the PC 832 Program (i.e., non-sworn staff). A Coordinator requirement was implemented for the Modular Format courses in 2011 however, that same requirement was never instituted for PC 832 presenters.

Peace Officer Certification: In April 2023, changes to Commission Regulation 1052 were approved that related to an individual's ability to instruct in a POST-certified course if they were no longer eligible to hold office as a peace officer or their peace officer certification was suspended, revoked, or surrendered. It was thought these changes covered basic courses, however, these changes do not currently extend to basic course instructors and staff positions, yet the same restrictions need apply.

Scenario Manager/Scenario Evaluator: In April 2021, POST implemented a requirement that any Scenario Manager or

Scenario Evaluator have sworn law enforcement experience and possess a POST Basic Certificate. These changes were implemented to prevent individuals with no experience in a patrol setting from managing the testing process or evaluating trainee performance as the scenario tests require students respond to "calls for service". When conducting Basic Course Certification Reviews, POST has identified issues with scenario evaluation which is most often the result of a lack of training or experience on the part of the scenario evaluator. POST has continued to receive feedback and requests to add an additional qualification requirement that these positions be appointed based on knowledge, experience, and training and have successfully completed a POST-approved Field Training Program. This will allow presenters and Scenario Managers to ensure those individuals they are selecting have the necessary experience to oversee the testing process and evaluate trainee performance.

In addition to the above, POST adopted Commission Regulation 1059 - Basic Course Certification Requirements in April 2021, and moved and/or copied content applicable to basic courses from Commission Regulation 1052 to the new section. Upon further review, staff identified a few sections that were not copied over yet are applicable to basic courses and are including those in these proposed changes.

ANALYSIS:

The following Commission Regulations (**Attachment A**) are affected by the proposed changes:

- Commission Regulation 1001 - Definitions
- Commission Regulation 1059 - Basic Course Certification Requirements

The proposed changes will accomplish the following:

- Adds the definition of a PC 832 Coordinator.
- Requires appointment of a Coordinator who will oversee the PC 832 courses to ensure the course is meeting regulatory requirements and will ensure that individual be in a position of responsibility over the PC 832 Program.
- Adds a prohibition that prevents individuals who are no longer eligible to hold office as a peace officer or whose peace officer certification was suspended, revoked, or surrendered from instructing or serving as a Director, Coordinator, Recruit Training Officer, Scenario Manager, Scenario Evaluator, or Test Proctor/Evaluator in a basic course.
- Requires designation as a Scenario Manager or Scenario Evaluator to be based on knowledge, experience, training, and successful completion of a POST-approved

Field Training Program.
- Copies content from Commission Regulation 1052 that is applicable to basic courses. This will allow basic course presenters to locate all regulatory requirements applicable to basic course in one Commission Regulation section.

RECOMMENDATION:

POST is proposing changes to Commission Regulations 1001 and 1059 that will restrict individuals whose certification is suspended, has been revoked, or was surrendered from instructing or serving as Director, Coordinator, Recruit Training Officer, Scenario Manager, Scenario Evaluator or Test Proctor/Evaluator in any basic course. The proposed changes will also establish a coordinator position for oversight of the PC 832 Arrest and PC 832 Firearms courses, set additional requirements for the selection of scenario managers and scenario evaluators, and establish a Recruit Training Officer to student ratio.

If the Commission concurs, the appropriate action would be a **MOTION** to approve the proposed changes to Commission Regulations 1001 and 1059.

ATTACHMENT(S):

Attachment_A_ Amend_1001_1059.pdf

1001. Definitions.

(1) "Academy Coordinator" is an individual responsible for the coordination of instruction and the management of basic courses.

…..

(45) "PC 832 Coordinator" is an individual responsible for the management and presentation of PC 832 courses.

(~~45~~46) "POST-certified Course" or "Certified Course" is a program of instruction authorized by the Commission for presentation that follows the requirements set forth in Commission Regulations 1051-1059.

(~~46~~47) "POST Learning Portal" is a secure website maintained by POST for use by California peace officers, dispatchers, and law enforcement instructors to access self-paced and instructor-led training videos as well as other training resources and informational videos.

(~~47~~48) "Peace Officer Trainee" is an applicant for a basic course examination who has not been hired by a department or agency and has not been sworn as a peace officer.

(~~48~~49) "Perishable Skills Program (PSP)" refers to the psychomotor and communications refresher training required to be completed by all peace officers below the level of middle management. The specific topics and hourly requirement of the PSP are described in Commission Regulation 1005.

(~~49~~50) "Primary instructor" is an individual responsible for the coordination and instruction for a particular subject area(s). The responsibilities include oversight of subject content, logistics, and other instructors.

(~~50~~51) "Prototype" is a low-fidelity sample that includes limited functionality, interaction, and visual design.

(~~51~~52) "Public Safety Dispatcher" is a non-peace officer who is employed full-time or part-time to perform duties which include receiving emergency calls for law enforcement service and/or dispatching law enforcement personnel.

(~~52~~53) "Quasi-supervisory Position" is a 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.

(~~53~~54) "Records Supervisor" is a full-time, non-peace officer employee of a participating California law enforcement agency who performs law enforcement records supervising duties which include records maintenance, control, release, destruction, and security 50% or more of the time within a pay period.

(~~54~~55) "Recruit Training Officer" is a supervisory position of trainees attending a Regular Basic Course--Standard Format, Regular Basic Course--Modular Format or the Specialized Investigators' Basic Course.

(~~55~~56) "Regular Officer" is a sheriff, undersheriff, or deputy sheriff, regularly employed and paid as such, of a county, a police officer of a city, a police officer of a district authorized by statute to maintain a police department, a police officer of a department or district enumerated in Penal Code section 13507, or a peace officer member of the California Highway Patrol.

(~~56~~57) "Reimbursement" is the financial aid allocated from the Peace Officer Training Fund, as provided in Penal Code section 13523.

(~~57~~58) "Reimbursement Plans" are assigned to POST-certified courses. Each plan consists of a combination of training-related expenditures approved by the Commission. The various plans are set forth in Commission Regulation 1015(c)(2).

(~~58~~59) "Reimbursement Program" is the financial aid allocation program provided for in Penal Code section 13523 in which the Commission makes payment for POST-certified training expenses. Departments which have been approved by the Commission and which employ full-time peace officers and/or dispatchers described in Penal Code section 13510 are eligible for financial aid.

(~~59~~60) "Remedial Training" is a period of time in which the presenter provides specific instruction to reinforce the required concepts and/or skills after a student has failed an initial test.

(~~60~~61) "Resident Trainee" is one who, while away from his or her department or normal residence, attends a training course and takes lodging and meals at or near the course site for one or more days/nights.

(~~61~~62) "Scenario Evaluator" is an individual responsible for the observation, safety, and evaluation of basic course trainees during scenario testing.

(~~62~~63) "Scenario Manager" is an individual responsible for the management of scenario demonstrations or testing events which require organization of training resources, selection, and supervision of evaluators and role players, control and security of POST testing materials and safety of scenario testing participants.

(~~63~~64) "Self-Paced Evaluation Activities" are activities designed to measure whether the learner has achieved a sufficient change in his/her knowledge, skill, and/or attitude.

(~~64~~65) "Self-Paced Instructional Objectives" specify in measurable terms what the learner will be able to do as a result of instruction.

(A) At a minimum, the instructional objectives must include the behavior and the conditions under which student performance shall be measured.

(B) The level of performance used in the objectives must match the outcome desired of the student upon completion of the course. For example, what is the student expected to know or be able to do at the conclusion of the course and does the measured performance meet this expectation?

(~~65~~66) "Self-Paced Student Activities" are the exercise(s) that the learner engages in to change his/her knowledge, skill, and/or attitude around a particular area of performance.

(~~66~~67) "Self-Paced Training" refers to an instructional strategy in which the learner completes the course at their own pace, having control over the duration of time necessary to complete the course materials.

(~~67~~68) "Specialized Law Enforcement Department" is a department or segment of a department which:

(A) has policing or law enforcement authority imposed by law and whose employees are peace officers as defined by law; and

(B) is engaged in the enforcement of regulations or laws limited in scope or nature; or

(C) is engaged in investigative or other limited law enforcement activities in the enforcement of criminal law.

(~~68~~69) "Specialized Peace Officer" is a peace officer employee of a specialized law enforcement agency.

(~~69~~70) "Synchronous Learning" is when participants engage in the same learning process at the same time. Nearly all traditional classroom learning is synchronous.

(~~70~~71) "Test" is an evaluation of the extent to which students have satisfied one or more learning objectives. The required tests are specified in the Training and Testing Specifications for Peace Officer Basic Courses. Two types of tests are used in the Requalification Course:

(A) POST-Constructed Comprehensive Test: A POST-constructed test that measures acquisition of knowledge on multiple learning objectives.

(B) Exercise Test: Any test other than a POST-constructed comprehensive test that measures the acquisition of knowledge and/or skills or the competencies required to achieve one or more learning objectives.

(~~71~~72) "Test-Use and Security Agreement" is an accepted agreement between a basic course presenter and POST that identifies the terms and conditions under which a presenter may acquire and use specific confidential POST-constructed test material. Failure to comply with the terms and conditions of such agreement is grounds for decertification in accordance with Commission Regulation section 1057.

(~~72~~73) "Test Administration and Security Policy" is a written procedure established by each presenter as specified in the POST Basic Courses Test Management and Security Protocols. In accordance with Commission Regulation 1057, the failure to establish written procedures consistent with and/or to comply with the requirements of these protocols is grounds for decertification.

(~~73~~74) "Three-year rule" is the rule that relates to the necessity to requalify basic training or arrest and firearms (PC 832) training. (Refer to Commission Regulations 1008 and 1080).

(~~74~~75) "Trainee" is an employee of a department who attends a POST-certified course.

(~~75~~76) "Uniformed patrol duties" are general law enforcement duties which include the detection and investigation of crime, patrol of a geographic area, responding to the full range of requests for police services, general enforcement of all state and local laws including physical arrests of suspects, and working with the community to reduce crime and address community concerns. These duties are performed by peace officers, wearing a department uniform, carrying a firearm, and utilizing a marked emergency vehicle.

(~~76~~77) "Variable Format" identifies a course that utilizes core curriculum as the foundation and provides for either additional hours of expanded certified training or an alternative online course format. For

expanded certified training, the core curriculum does not change; however additional hours will include supplemental related content presented as lecture, learning activities, exercises, or facilitated discussion. For alternative online course formats, the core curriculum does not change, however the delivery method will change and shall adhere to the guidelines set forth by Commission Regulation 1053.

(~~77~~78) "Webinar" (see Online Course)

(~~78~~79) "Web-Based Training (WBT)" (see Online Course)

(~~79~~80) "Wireframe" is a two-dimensional illustration of an interaction that specifically focuses on space allocation and prioritization of content, functionalities available, and intended behaviors.

NOTE: Authority cited: Sections 13506 and 13510.3, Penal Code. Reference: Sections 830.1, 13503, 13507, 13510, 13510.1, 13510.3, 13510.5 and 13523, Penal Code.

1059. Requirements for Basic Course Certification.

(a) Instructor-Led Basic Course Training

Each request for certification of a basic course [i.e., Regular Basic Course (standard and modular formats), Specialized Investigators' Basic Course, PC 832 Arrest and Firearms Course, and the Requalification Course] submitted to POST shall be evaluated in accordance with the following criteria:

(1) Basic courses certified under this Regulation section are not authorized for Web-based Training (Refer to Commission Regulation 1001). Temporary exemptions may be granted by the Executive Director during a period when the Governor of California declares a State of Emergency;

…..

(4) Qualifications of Instructors, Directors, Coordinators, Recruit Training Officers, Scenario Managers, Scenario Evaluators, and/or Test Proctors/Evaluators (refer to Commission Regulations 1070 and 1071 for minimum training standards and Commission Procedures D-1-1 to D-1-7 for test proctor/evaluator training requirements)

(A) Individuals shall not be permitted to instruct or serve as Director, Coordinator, Recruit Training Officer, Scenario Manager, Scenario Evaluator, and/or Test Proctor/Evaluator in a POST-certified basic course if the person has become ineligible to hold office as a peace officer pursuant to Section 1029 of the Government Code, or, if their peace officer certification:

1. Is currently suspended by either the Commission or the Executive Director of POST (shall only apply during the period of suspension),

2. Has been revoked by the Commission, or

3. Was voluntarily surrendered to the Commission.

(B) If an immediate temporary suspension does not result in a Commission action, the individual may be reinstated as an eligible instructor, Director, Coordinator, Recruit Training Officer, Scenario Manager, Scenario Evaluator, and/or Test Proctor/Evaluator in a POST-certified basic course upon reinstatement of their certification.

.....

(e) In addition to the criteria specified in subsections 1059(a)-(d), each request for certification of a basic course shall be evaluated in accordance with the following criteria:

(1) Each academy shall designate an academy director whose qualifications, based upon education, experience, and training shall include a demonstrated ability to manage an academy. Any academy director appointed on or after April 1, 2020, shall have sworn, full-time, first-level supervisory experience. The academy director is ultimately responsible for academy performance and is the primary point of contact to POST.

.....

(3) Each Modular Format presenter, that is not an academy, shall designate a coordinator whose qualifications, based upon knowledge, experience, and training, shall include a demonstrated ability to coordinate the instruction and management of the Regular Basic Course instructional system. Any coordinator appointed on or after April 1, 2020, shall have sworn, full-time, first-level supervisory experience. The coordinator is ultimately responsible for course performance and is the primary point of contact for POST.

(A) Regular Basic Course instructional system coordination responsibilities shall include:

1. Developing sequenced instructional schedules;

2. Overseeing and evaluating instruction~~al~~, technology~~ical~~, testing, and remedial training;

3. Participating in the hiring process of instructors(s), training officer(s) and staff, and making recommendations for their selection and assignment;

4. Evaluating instructor's(s') and training officer's(s') performance;

5. Approving student enrollment based on verification of completion of course prerequisites;

6. Delivering course curriculum in accordance with the Training and Testing Specifications; and

7. Supervising ~~academy~~course operations for certification compliance when instruction is being conducted.

.....

(5) Each PC 832 presenter, that is not an academy or a Modular Format presenter, shall designate a coordinator whose qualifications, based upon knowledge, experience, and training, shall include a demonstrated ability to coordinate the instruction and management of the Regular Basic Course instructional system. Any coordinator appointed shall have sworn, full-time, law enforcement experience. The coordinator is ultimately responsible for course performance and is the primary point of contact for POST.

(A) Regular Basic Course instructional system coordination responsibilities shall include:

1. Developing sequenced instructional schedules;

2. Overseeing and evaluating instruction, technology, testing, and remedial training;

3. Participating in the hiring process of instructors(s) and staff, and making recommendations for their selection and assignment;

4. Evaluating instructor's(s') performance;

5. Approving student enrollment based on verification of completion of course prerequisites;

6. Delivering course curriculum in accordance with the Training and Testing Specifications; and

7. Supervising course operations for certification compliance when instruction is being conducted.

(~~5~~6) Each academy shall designate recruit training officers whose qualifications, based upon knowledge, experience, and training, shall include a demonstrated ability to supervise trainees attending a Regular Basic Course - Standard Format, Module I, or the Specialized Investigator's Basic Course. Any recruit training officer appointed on or after April 1, 2020, shall have sworn, full-time law enforcement experience.

(A) Recruit training officer responsibilities shall include:

1. Monitoring that instruction meets state legislative mandates and Commission regulations and procedures;

2. Providing day-to-day first line supervision of trainees;

3. Supporting, motivating, mentoring, evaluating, and advising trainees;

4. Performing Operational risk management and enforcing the student safety policy; and

5. Ensuring compliance with all local, state, and federal laws and administrative procedures associated with the educational and workplace environment

(~~6~~7) The position of academy director, coordinator(s) and recruit training officer(s) are independent positions held by separate individuals.

(~~7~~8) Each academy shall designate a scenario manager whose qualifications, based upon knowledge, experience, and training, shall include a demonstrated ability to manage the scenario testing process during a Regular Basic Course - Standard Format, Module I, or the Specialized Investigator's Basic

Course. Scenario Managers shall have successfully completed a POST-approved Field Training Program (reference Commission Regulation 1004). Any scenario manager appointed on or after April 1, 2021, shall have sworn, full-time law enforcement experience, and possess a POST Basic Certificate.

(A) Scenario Manager responsibilities shall include:

1. Performing role player and evaluator selection, training, and scheduling;

2. Supervising scenario demonstration, and testing;

3. Providing scenario briefings, logistics, and protocols;

4. Ensuring the security of scenario test events and documents; and

5. Designating the safety officer(s).

(~~8~~9) Each academy shall designate scenario evaluators whose qualifications, based upon knowledge, experience, and training, shall include a demonstrated ability to evaluate trainee scenario performance while attending a Regular Basic Course - Standard Format, Module I, or the Specialized Investigator's Basic Course. Scenario Evaluators shall have successfully completed a POST-approved Field Training Program (reference Commission Regulation 1004). Any scenario evaluator appointed on or after April 1, 2021, shall have sworn, full-time law enforcement experience, and possess a POST Basic Certificate.

(A) Scenario evaluator's responsibilities shall include:

1. Performing scenario scene management;

2. Ensuring security of scenario test events and documents;

3. Ensuring scene safety; and

4. Evaluating and documenting trainee performance.

(~~9~~10) Each college academy shall institute an advisory committee of law enforcement officials to assist in providing logistical support and validation of the training.

(~~10~~11) Each academy/presenter shall comply with the minimum training standards for directors, coordinators, recruit training officers, scenario managers, and scenario evaluators as prescribed in Commission Regulation 1071.

(~~11~~12) Each academy/presenter shall comply with the Test-Use and Security Agreement as defined in Commission Regulation 1001.

(~~12~~13) Each academy/presenter shall establish and comply with the Test Administration and Security Policy, as specified in the *POST Basic Courses Test Management and Security Protocols 2018*.

.....

(g) Courses for which POST has established minimum curriculum and/or hourly requirements must comply with those requirements at the time of the certification request and any subsequent presentations. (See Commission Regulation(s) 1081, 1082, and any training specifications referenced in Commission Procedure D-1, which have been incorporated into regulation by reference.) An exception would be a course pilot presentation that is determined to meet amended curriculum, hourly, and/or course certification requirements, in which case, POST certification and presentation approval may be granted. In addition to meeting the amended curriculum, hourly, and/or course certification requirements, a pilot presentation must meet any additional requirements set forth in Commission Regulations 1052, 1054, 1055, 1056, and 1059. Any course attendee who has successfully completed a POST-certified pilot presentation shall receive credit for the training (thus satisfying the training mandate) even though the training occurred prior to the adoption of the training mandate or required curriculum/hours. POST has established the following process for approval and implementation of a pilot presentation:

(1) Any interested person may submit a request for a pilot presentation, in writing, to the Executive Director. Each request shall minimally include the purpose, fiscal impact, desired outcome, implementation plan, and evaluation method of the pilot presentation;

(2) POST Staff will determine whether a pilot presentation will be implemented based on the following factors:

(A) The proposed pilot presentation meets stakeholder needs;

(B) The proposed pilot presentation has statewide applicability;

(C) The proposed pilot presentation is not tailored to one specific group/agency, and;

(D) The cost to run the proposed pilot presentation, if any;

(3) Initial approval of a pilot presentation must be granted by the Executive Director with final approval granted by the Commission;

(4) Once approved, any POST-certified presenter may conduct a pilot presentation on a voluntary basis. The pilot presentation will not exceed 18 months;

(5) At the end of the pilot presentation, all data collected will be presented to the Commission and a decision shall be made regarding implementation of the amended curriculum, hourly, and/or course certification requirements.

(h) No course shall be certified which restricts attendance to a single agency unless the purpose of the course is to improve that agency and attendance by non-agency personnel would jeopardize the success of the course.

.....

NOTE: Authority cited: Sections 13503 and 13506, Penal Code. Reference: Section 13503(e), Penal Code.

AGENDA ITEM REPORT

Title: REPORT ON PROPOSED AMENDMENT TO COMMISSION REGULATION 1205 - SERIOUS MISCONDUCT

REPORT PROFILE

MEETING DATE 03/07/2024	**BUREAU SUBMITTING THE REPORT** Certification Bureau	
RESEARCHED BY William "Toby" Darden and Michelle Weiler	**REVIEWED BY**	
REPORT DATE	**APPROVED BY** Manuel Alvarez, Jr.	**DATE APPROVED** 02/16/2024
PURPOSE	**FINANCIAL IMPACT** No	

ISSUE, BACKGROUND, ANALYSIS, & RECOMMENDATION

ISSUE: Should the Commission approve the amendment to Commission Regulation 1205 to provide additional clarity regarding biased conduct?

BACKGROUND: On September 30, 2021, Governor Newsom signed Senate Bill (SB) 2. SB 2 made significant changes to the existing Government and Penal Codes, respectively. These changes provide for additional peace officer hiring eligibility requirements. SB 2 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. On January 1, 2023, Commission Regulation 1205 – Serious Misconduct was adopted and became effective.

After further review of Penal Code section (PC §) 13510.8 and Commission Regulation 1205, it was determined there needs to be further clarification in regulation to define what it means for a peace officer to have “demonstrated bias.”

ANALYSIS: After review of bias related cases submitted to POSAD throughout the last year, and a further review of Penal Code section (PC §) 13510.8 and Commission Regulation 1205, it was determined there needs to be additional regulatory language to define what it means for a peace officer to have “demonstrated bias.”

It is necessary to amend Commission Regulation 1205 to adopt subsection (a)(5)(A)-(B) to establish what acts or actions constitute “demonstrating” bias for the purposes of Penal Code section 13510.8(b)(5). The Peace Officer Standards Accountability Division (division) is charged with establishing clear and convincing evidence that a peace officer has committed one of the nine acts of serious misconduct pursuant to PC§ 13510.8(b) and Commission Regulation 1205, and to report such findings and evidence to the Peace Officer Standards Accountability Advisory Board (Board) and Commission. PC§ 13510.8(b) requires the Commission to adopt a definition of “serious misconduct” that minimally includes the language specified in PC§ 13510.8(b)(1)-(9), however the Commission did expand upon the definition in PC§ 13510.8(b)(5), demonstrating bias to clarify what acts or actions constitute "demonstrating" bias. Absent further clarification to the statutory definition of “demonstrating bias” in Commission Regulation 1205, the division faces considerable challenges in establishing that the acts or actions by a peace officer are, in fact, a demonstration of bias as opposed to personal and otherwise speech protected under the First Amendment.

The additional regulatory language will provide clarity to the regulated and general public as to how the division, the board, and the Commission will investigate, evaluate, and establish findings regarding allegations of demonstrating bias. Accordingly, the amendment makes clear that words, actions, or conduct demonstrating prejudice, intolerance, contempt, or hatred towards a person because of their membership in a class of persons protected by PC§ 13510.8(b)(5) is impermissible when it would lead a reasonable person to conclude that the officer has not or will not fairly and impartially perform their law enforcement duties. This amendment does not narrow the definition of demonstrating bias but rather, provides a framework by which the division, board, and Commission may assess the conduct of the peace officer(s) and satisfy the evidentiary standard as set forth in PC§ 13510.85(a)(4)-(5).

The specific benefits anticipated by the proposed regulatory adoptions will establish the factors the board and Commission shall consider in determining whether an act of demonstrating bias occurred. Additionally, the proposed regulatory changes will increase the effectiveness of POST in enforcing acceptable conduct amongst California peace officers in furtherance of POST’s responsibility to protect the health, safety, and welfare of the general public.

No public comments were received during the 45-day public

comment period.

RECOMMENDATION:

After review bias related cases submitted to POSAD throughout the last year and a further review of Penal Code section (PC §) 13510.8 and Commission Regulation 1205, it was determined there needs to be additional regulatory language define what it means for a peace officer to be "demonstrating bias." POST staff recommends the Commission amend Commission Regulation 1205 as described in the staff report.

If the Commission concurs, the appropriate action would be a **MOTION** to approve the recommended changes to Commission Regulation 1205 to provide additional clarity regarding biased conduct.

ATTACHMENT(S):

TPRA_1205_Rev_1223.pdf

AMEND
Text of Proposed Regulatory Action

Article 4. Peace Officer Certification
§ 1205. Serious Misconduct.

(a) Serious Misconduct 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.

(2) Abuse of power, including, but not limited to, intimidating witnesses, knowingly obtaining a false confession, and knowingly making a false arrest. For purposes of this subsection, in considering whether a suspension or revocation of certification is proper, the Commission will consider the extent to which the abuse of power was a knowing abuse of the power and authority of a public office.

(3) Physical abuse, including, but not limited to, the excessive or unreasonable use of force.

(4) Sexual assault as described in subdivision (b) of Penal Code Section 832.7, and shall extend to acts committed amongst members of any law enforcement agency.

(5) Demonstrating bias on the basis of actual or perceived race, national origin, religion, gender identity or expression, housing status, sexual orientation, mental or physical disability, or other protected status in violation of law or department policy or inconsistent with a peace officer's obligation to carry out their duties in a fair and unbiased manner. This paragraph does not limit an employee's rights under the First Amendment to the United States Constitution.

(A) An officer is "demonstrating" bias for purposes of this Regulation when the officer either shows or displays, by words, actions or other conduct, prejudice, intolerance, contempt, or hatred towards one or more persons due to that person's membership within a class of persons identified in Penal Code section 13510.8(a)(5), when such words, actions or other conduct would lead a reasonable person to conclude that the officer has not fairly and impartially performed, or will not fairly and impartially perform, his or her law enforcement duties.

(B) An officer engaging in racial profiling in violation of Penal Code section 13519.4 is demonstrating bias because profiling casts suspicion on a class of people without individualized suspicion as to the person being stopped.

(6) Acts that violate the law and are sufficiently egregious or repeated as to be inconsistent with a peace officer's obligation to uphold the law or respect the rights of members of the public, as determined by the Commission.

(7) Participation in a law enforcement gang. For the purpose of this paragraph, a "law enforcement gang" means a group of peace officers within a law enforcement agency who may identify themselves by a name and may be associated with an identifying symbol, including, but not limited to, matching tattoos, and who engage in a pattern of on-duty behavior that intentionally violates the law or fundamental principles of professional policing, including, but not limited to, harassing, or discriminating against any individual based on a protected category under federal or state antidiscrimination laws, engaging in or promoting conduct that violates the rights of other employees or members of the public, violating agency policy, the persistent practice of unlawful detention or use of excessive force in circumstances where it is known to be unjustified, falsifying police reports, fabricating or destroying evidence, targeting persons for enforcement based solely on protected characteristics of those persons, theft, unauthorized use of alcohol or drugs on duty, unlawful or unauthorized protection of other members from disciplinary actions, and retaliation against other officers who threaten or interfere with the activities of the group.

(8) Failure to cooperate with an investigation into potential police misconduct, including an investigation conducted pursuant to this chapter. For purposes of this paragraph, the lawful exercise of rights granted under the United States Constitution, the California Constitution, or any other law shall not be considered a failure to cooperate.

(9) Failure to intercede when present and observing another officer using force that is clearly beyond that which is necessary, as determined by an objectively reasonable officer under the circumstances, taking into account the possibility that other officers may have additional information regarding the threat posed by a subject.

Note: Authority cited: Section 13510.8, Penal Code. Reference: Sections 832.7 and 13510.8, Penal Code.

AGENDA ITEM REPORT

Title: REPORT ON PROPOSED AMENDMENT TO COMMISSION REGULATION 1210 - VOLUNTARY SURRENDER

REPORT PROFILE

MEETING DATE 03/07/2024	**BUREAU SUBMITTING THE REPORT** Certification Bureau	
RESEARCHED BY Michelle Weiler	**REVIEWED BY**	
REPORT DATE	**APPROVED BY** Manuel Alvarez, Jr.	**DATE APPROVED** 02/20/2024
PURPOSE	**FINANCIAL IMPACT** No	

ISSUE, BACKGROUND, ANALYSIS, & RECOMMENDATION

ISSUE: Should the Commission approve the amendment to Commission Regulation 1210 to provide additional clarity regarding the information required to be reported on the *Voluntary Surrender of Peace officer Certification Form, POST 2-358*?

BACKGROUND: On September 30, 2021, Governor Newsom signed Senate Bill (SB) 2. SB 2 made significant changes to existing Government and Penal Codes, respectively. These changes provide for additional peace officer hiring eligibility requirements. 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. While the peace officer eligibility hiring requirements went into effect on January 1, 2022, the remaining changes to Government and Penal Codes went into effect on January 1, 2023.

Now that POST staff has had an opportunity to assess the effectiveness of the regulations implemented in early 2023, POST staff proposes to amend Commission Regulation 1210 – Voluntary Surrender to add clarity regarding the information required to be reported on the *Voluntary Surrender of Peace officer Certification Form, POST 2-358*.

ANALYSIS: POST staff has determined that additional information needs to be collected on the *Voluntary Surrender of Peace Officer Certification Form, POST 2-358* to add clarity regarding the

information required to be reported on the *Voluntary Surrender of Peace officer Certification Form, POST 2-358* and and the need to verify the identity of the peace officers surrendering their certifications, to the best extent possible.

Commission Regulation 1210:

It is necessary to add subsection (c)(5) to address the need for more information from peace officers surrendering their certifications. Currently, peace officers can voluntarily surrender their certification for any reason. Recently, peace officers have surrendered their certifications without providing a reason, as it is not currently required. Staff later found that these certifications were surrendered as part of a plea agreement related to criminal proceedings. Therefore, it is necessary to amend the regulation and the *Voluntary Surrender of Peace officer Certification Form, POST 2-358* to require peace officers surrendering their certifications to indicate whether the action is the result of a resolution or settlement, a plea agreement related to criminal proceedings, or another reason not required to be specified. This will allow POST to more accurately track and report on reasons for the voluntary surrender of a peace officer's certification.

The addition of subsection (c)(6) is necessary to require that the *Voluntary Surrender of Peace officer Certification Form, POST 2-358* be notarized by a registered notary public, in addition to a signed acknowledgement by the peace officer surrendering their certification. This is necessary to protect the integrity of the surrender by ensuring the identity of the peace officer surrendering their certification, to the best extent possible. The requirement for notarization by a registered notary public also protects the interest of the regulated public to ensure there are no fraudulent attempts to surrender the certification of a peace officer without their knowledge.

Voluntary Surrender of Peace officer Certification Form, POST 2-358:

It is necessary to add check boxes to accurately capture whether the action is the result of a resolution or settlement, a plea agreement related to criminal proceedings, or another reason not required to be specified. This will provide clarity when reviewing the forms submitted regarding why a peace officer surrendered their certification. This will also allow POST to more accurately track and report on reasons for the voluntary surrender of a peace officer's certification.

Adding a second page to the *Voluntary Surrender of Peace officer Certification Form, POST 2-358* is necessary to allow for

notarization by a registered notary public, in addition to a signed acknowledgement by the peace officer surrendering their certification to protect the integrity of the surrender by ensuring the identity of the peace officer surrendering their certification, to the best extent possible. The requirement for notarization by a registered notary public also protects the interest of the regulated public to ensure there are no fraudulent attempts to surrender the certification of a peace officer without their knowledge.

The public comment period for the proposed amendment closed on March 4, 2024, after the deadline for publication of the agenda for this meeting. Any public comments received will be read into the record, with copies provided to the members of the Commission and the public.

RECOMMENDATION:

A year into the implementation of SB 2 (2021), POST staff have had the opportunity to assess its implemented regulations and proposes to amend Commission Regulation 1210 – Voluntary Surrender. The proposed changes add clarity regarding the information required to be reported on the *Voluntary Surrender of Peace officer Certification Form, POST 2-358*. POST staff recommends the Commission amend Commission Regulation 1210 as described in the staff report.

If the Commission concurs, the appropriate action would be a **MOTION** to approve the recommended changes to Commission Regulation 1210 to provide additional clarity regarding the information required to be reported on the *Voluntary Surrender of Peace officer Certification Form, POST 2-358*.

ATTACHMENT(S):

TPRA_1210_Voluntary_Surrender.pdf
2-358_Voluntary_Surrender_of_Peace_Officer_Certification_Rev_0124_.pdf

Amend

§ 1210. Voluntary Surrender.
11 CA ADC § 1210

(a) Any peace officer may voluntarily surrender their certification permanently, per Penal Code Section, 13510.8(f).

(b) Any peace officer may voluntarily surrender their certification at any time.

(c) The Voluntary Surrender of Peace Officer Certification Form, POST 2-358 (~~03/2022~~01/2024), hereby incorporated by reference, shall:

(1) Be completed in full and in writing,

(2) State the date on which the voluntary surrender will become effective,

(3) Include a statement by the peace officer they understand and acknowledge the consequences of the voluntary surrender,

(4) Be signed by the peace officer under penalty of perjury,

(5) Include whether or not the surrender is part of:

(A) a resolution or settlement of any criminal, civil, or administrative charge or investigation

(B) a plea agreement in a criminal proceeding.

(6) Be notarized by a registered notary public, and

~~(6)~~(7) Be submitted to POST at the address provided on POST form 2-358 (01/2024).

(d) POST shall notify the National Decertification Index of the International Association of Directors of Law Enforcement Standards and Training of the voluntary permanent surrender, per Penal Code Section 13510.85(c) and include the number of voluntarily surrendered peace officer certifications in its annual report, pursuant to Penal Code Section 13512.

Note: Authority cited: Sections 13503, 13506, 13510.8, 13510.85 Penal Code.
Reference: Sections 13510.8, 13510.85, and 13512, Penal Code.

Submit to: Certification Bureau,
Commission on
Peace Officer Standards and Training (POST)
860 Stillwater Road, Suite 100
West Sacramento, CA 95605-1630 • 916 227-3909

I, _____, voluntarily surrender my peace officer certification issued by the State of California, Commission on Peace Officer Standards and Training (POST). By signing this surrender form, I understand and acknowledge that:

1. POST will conduct no further adjudicative proceedings regarding my peace officer certification as provided in Penal Code section 13510.85(a).
2. I am waiving any right I may have had to a hearing before the Peace Officer Standards Accountability Advisory Board and POST Commission as provided by California Penal Code 13510.85.
3. The surrender of my peace officer certification is non-revocable per Penal Code Section 13510.8(f).
4. I will no longer be a certified peace officer and will not be able to exercise any peace officer authority in the State of California.
5. This voluntary surrender shall be entered on the National Decertification Database administered by the International Association of Directors of Law Enforcement Standards and Training and the POST website, pursuant to Penal Code section 13510.85(c).
6. This voluntary surrender may be subject to release under the provisions of the California Public Records Act [Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1)].
7. I voluntarily surrender my peace officer certification effective as of the date of signature on this form.

This action is for one of the following:

☐ As part of the resolution or settlement of any criminal, civil, or administrative charge or investigation.

☐ As part of a plea agreement in a criminal proceeding.

☐ This action is not for one of the above-listed reasons.

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 voluntary surrender was executed on the date listed below.

PRINT FULL NAME	TITLE	CONTACT NUMBER
SIGNATURE		DATE
ADDRESS		

Submit to: Certification Bureau,
Commission on
Peace Officer Standards and Training (POST)
860 Stillwater Road, Suite 100
West Sacramento, CA 95605-1630 • 916 227-3909

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF _____

COUNTY OF _____

On _____ before me, _____,
(Date) (Name and title of the officer)

personally appeared _____,
(Name of person signing)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Seal

_____
Signature of officer

AGENDA ITEM REPORT

Title: REPORT ON PROCEDURAL OVERVIEW FOR COMMISSIONER'S REVIEW OF PROPOSED DECISIONS

REPORT PROFILE

MEETING DATE 03/07/2024	**BUREAU SUBMITTING THE REPORT** Peace Officer Standards Accountability Division	
RESEARCHED BY Annemarie Del Mugnaio	**REVIEWED BY** Annemarie Del Mugnaio	
REPORT DATE 02/20/2024	**APPROVED BY** Manuel Alvarez, Jr.	**DATE APPROVED** 02/20/2024
PURPOSE	**FINANCIAL IMPACT** No	

ISSUE, BACKGROUND, ANALYSIS, & RECOMMENDATION

ISSUE: The Commission is vested with the responsibility to oversee the certification of peace officers in California and to take administrative action against certified peace officers who engage in serious misconduct as defined in Penal Code section 13510.8. The proceedings for peace officer decertification incorporates an appeal process under the Administrative Procedures Act (APA), and outlines the hearing procedures before an Administrative Law Judge (ALJ). Under the APA, the Commission is responsible for reviewing the ALJ's proposed decision and determining whether the proposed decision and discipline are appropriate given the facts and conclusion of law. The APA sets forth a legal time frame of 100 days from receipt of the proposed decision for the oversight agency to review the proposed decision and render its own decision (adopt, non-adopt, modify, etc.). If the agency does not take action regarding the ALJ proposed decision by the 100 days, the ALJ's decision is deemed adopted by operation of law.

BACKGROUND: Penal Code section 13510.8, establishes the appeal process and review for the peace officer decertification proceedings, which includes an evidentiary hearing before an Administrative Law Judge (ALJ), and the review and determination of the final decision before the Commission.

ANALYSIS: As specified above, the Commission will be responsible for making a final decision within 100 days of receiving a proposed decision from an ALJ. The timing of receipt of the

proposed decision and the Commission meeting schedule, may not allow sufficient time for the Commission to review the decision at a regularly scheduled meeting and serve the affected parties within 100 days. As such, the option for mail ballot voting, which is common practice amongst licensing agencies, enables individual Commissioners to review cases outside of a public meeting and vote on the decision by ballot. The Commission may also implement a hold vote, which if selected by two or more Commissioners, would place the case on hold for further discussion at a scheduled in-person meeting. Again, depending on the timing of receipt of the proposed decision, a hold may trigger the need for a special meeting of the Commission, but this may be accomplished via teleconference. The same threshold of the two-thirds vote would apply to the mail-ballot voting, and the decision of each case would be a matter of public record.

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

AGENDA ITEM REPORT

Title: REPORT ON INELIGIBLE PEACE OFFICERS

REPORT PROFILE

MEETING DATE 03/07/2024	**BUREAU SUBMITTING THE REPORT** Certification Bureau	
RESEARCHED BY	**REVIEWED BY**	
REPORT DATE	**APPROVED BY** Manuel Alvarez, Jr.	**DATE APPROVED** 02/20/2023
PURPOSE	**FINANCIAL IMPACT** No	

ISSUE, BACKGROUND, ANALYSIS, & RECOMMENDATION

ISSUE:

This is a report on Government Code section 1029 convictions occurring before January 1, 2022 that have been processed by the Peace Officer Standards Accountability Division (POSAD).

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.

ANALYSIS:

Pursuant to Government Code section 1029, POSAD has disqualified the individuals listed on the included report, from holding office as, or being employed as, a peace officer in the State of California.

RECOMMENDATION:

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

ATTACHMENT(S):

1029_Ineligible_List_March24_Commission.pdf

1029 Ineligible List – March 2024 POST Commission Meeting

Last Name	First Name	Last Employing Agency	District	Date of Conviction or Judgement	Conviction
Bailey	Edward	Shasta County SO (left 1978)	Northern	November 24, 2003	Felony, Penal Code section 286(c), Sodomy by Use of Force. Felony, Penal Code section 288(a)(c)(2), Forcible Oral Copulation.
Jones	Charles	CA DOJ (left 1997)	Northern	April 14, 2014	Felony, Penal Code section 273.5(a), Willful and Unlawful Infliction of Corporal Injury to a Spouse.
McMahan	John	Perris Police Department	Southern	February 21, 1986	Four Felony violations of Penal Code section 288(a), Lewd and Lascivious Act on a Child Under the Age of 14.
Meloche	Matthew	Santa Rosa PD (left 2020)	Northern	March 5, 2021	Felony, Penal Codesection 236, False Imprisonment by Violence.
Subia	Ronald	CalFire (left 2002)	Central	November 7, 2019	Felony, Penal Code section 646.9(a), Stalking.

AGENDA ITEM REPORT

Title: REPORT ON PEACE OFFICER REVOCATIONS BASED ON FELONY CONVICTIONS

REPORT PROFILE

MEETING DATE 03/07/2024	**BUREAU SUBMITTING THE REPORT** Intake and Disposition Bureau	
RESEARCHED BY Sarah Wallace		**REVIEWED BY** Annemarie Del Mugnaio
REPORT DATE 02/14/2024	**APPROVED BY** Manuel Alvarez, Jr.	**DATE APPROVED** 02/20/2024
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_March24_Commission.pdf

1029 Revocation List – March 2024 POST Commission Meeting

Last Name	First Name	Last Employing Agency	District	Date of Conviction or Judgement	Conviction
Ayala	William	Imperial County SO	Southern	September 5, 2023	Felony, Penal Code section 118(a), Perjury Under Oath.
Cox	Jeremie	San Bernadino SD	Southern	August 15, 2022	Eight Felony violations of Penal Code section 288(c)(1), Lewd Act Upon a Child Age 14 or 15. Two Felony violations of Penal Code section 287(b)(2), Oral Copulation of a Person Under 16.
Gilbertson	Luke	Laguna Beach PD	Southern	December 9, 2022	Felony, Penal Code section 245(b), Assault with a Semiautomatic Firearm.
Hernandez	James	San Bernadino SD	Southern	November 17, 2022	Misdemeanor, Penal Code section 148(a)(1), Obstruct/Resist a Public Officer.
Marlowe	Adam	Sonoma County SO	Northern	July 7, 2023	Felony, Penal Code section 30605(a), Possession of an Assault Weapon.

Pardue	Brian	California Highway Patrol	Northern	July 5, 2023	Felony, Penal Code section 288.3, Contacting a Minor or Attempting to Contact a Minor or Communicating with a Minor to Commit a Sexual Offense. Felony, Penal Code section 288.4(a)(1), Arrange a Meeting with a Person Believed to be a Minor to Commit a Sexual Offense.

AGENDA ITEM REPORT

Title: NEW ADVISORY COMMITTEE MEMBER APPOINTMENTS:

REPORT PROFILE

MEETING DATE 03/07/2024	**BUREAU SUBMITTING THE REPORT** Executive Office	
RESEARCHED BY	**REVIEWED BY** Chandler T. Knapp	
REPORT DATE	**APPROVED BY**	**DATE APPROVED**
PURPOSE	**FINANCIAL IMPACT** No	

ISSUE, BACKGROUND, ANALYSIS, & RECOMMENDATION

ISSUE:

BACKGROUND:

ANALYSIS:

RECOMMENDATION:

- Request to appoint Tammie Murrell to, to the POST Advisory Committee, as a replacement to representative for Walter Allen for California Academy Directors Association (CADA).

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

ATTACHMENT(S):
CADA Letter to Alvarez, M - Murrell Adv Committee 112823.pdf

CALIFORNIA ACADEMY DIRECTORS ASSOCIATION

November 28, 2023

Manuel Alvarez, Executive Director
CA Commission on Peace Officers Standards and Training
860 Stillwater Road, Suite 100
West Sacramento, CA 95605

Dear Mr. Alvarez,

On January 1, 2024, per the California Academy Directors Association (CADA) Bylaws, there will be a number of changes to the Executive Committee of the association.

We are requesting Tammie Murrell, the immediate past Chairperson of the association, replace Walter Allen as the CADA Representative on the POST Advisory Commission.

The Executive Committee effective in March 2024 will be:

Tim Vu, Chairperson
Vacant, Vice-Chairperson
Steven Potter, Secretary
Kenneth “Stan” Anderson, Treasurer

Per the CADA bylaws, Vice-Chairperson automatically ascends to the Chairperson position in even numbered years. We intend to hold elections for the positions of Vice-Chairperson, Secretary, and Treasurer at the Consortium CADA Meeting in March 2024.

In the meantime, we respectfully request you approve and move the appointment of Tammie Murrell to the POST Advisory Commission forward.

Sincerely,



Tim Vu, Chairperson
California Academy Directors Association

AGENDA ITEM REPORT

Title: POST2303691 - JAMES KURTZ FILLMORE (POST ID: A37-Q67)
LAST EMPLOYING AGENCY: LOS ANGELES POLICE DEPARTMENT

REPORT PROFILE

MEETING DATE 03/07/2024	**BUREAU SUBMITTING THE REPORT** Professional Conduct Los Angeles Bureau	
RESEARCHED BY Robert Bringolf		**REVIEWED BY** Mike Radford
REPORT DATE 02/14/2024	**APPROVED BY** Manuel Alvarez, Jr.	**DATE APPROVED** 02/21/2024
PURPOSE		**FINANCIAL IMPACT** No

ISSUE, BACKGROUND, ANALYSIS, & RECOMMENDATION

ISSUE:

The matter is before the Commission for review and action regarding the subject peace officer's certification status.

The Commission shall return any determination requiring action to be taken against an individual's certification to the division, which shall initiate proceedings for a formal hearing before an administrative law judge in accordance with the Administrative Procedure Act (Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code), which shall be subject to judicial review as set forth in that Act.

BACKGROUND:

The Respondent began his employment with the Los Angeles Police Department on 07/28/2003 as a full time Police Officer. Respondent was promoted to the rank of detective on 06/15/2014. At the time of the incident before the POSAAB, Respondent had nearly 20 years with the Los Angeles Police Department. As of 03/22/2023, Respondent was relieved from duty at the Los Angeles Police Department, and the case is pending before the Board of Rights with an anticipated start date of 04/01/2024.

ANALYSIS:

Does the alleged conduct violate Penal Code Section 13510.8(b)(6) and California Regulation 1205(a)(6) – Acts that violate the law?

The Division's findings support that Respondent committed acts of serious misconduct, specifically Respondent committed acts that violate the law when Respondent, a sworn law enforcement officer, was involved in an off-duty accident related to driving under the influence (DUI) of alcohol on April 30, 2022.

This was Respondent's second DUI arrest while employed as a police officer for the Los Angeles Police Department, the first arrest for DUI occurred on February 27, 2016. The Los Angeles Police Department suspended Respondent for ten days as a result of the DUI conviction in 2016.

With regard to the current criminal case against the Respondent, Respondent pled Nolo Contendere to the DUI charge and was convicted of one count of 23152(b)VC - Driving with a blood alcohol content of 0.08% or higher.

RECOMMENDATION:

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

In any case in which the Commission reaches a different determination than POSAAB's recommendation, it shall set forth its analysis and reasons for reaching a different determination in writing.

ATTACHMENT(S):

BR1_POST2303691_-_Fillmore,_James_-_ISF_REDACTED.pdf
POST2303691 Fillmore_James_December 2023_POSAAB_Agenda_Record.pdf
POST2303691_Fillmore_James_Transcript_Board 12.14.23.pdf
POST2303691_Fillmore_James_Board_Recommendation_Signed.pdf

INVESTIGATIVE SUMMARY AND FINDINGS

PEACE OFFICER NAME: James Kurtz Fillmore

POST ID NUMBER: A37-Q67

EMPLOYING AGENCY: Los Angeles Police Department

POST CASE NUMBER: 23-3691

WRITTEN BY: LEC Robert Bringolf

DATE: 4/24/2023

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I. Executive Summary

James Kurtz Fillmore, hereinafter "Respondent" was alleged to have been involved in serious misconduct, specifically, acts that violate the law and are sufficiently egregious or repeated as to be inconsistent with a peace officer's obligation to uphold the law or respect the rights of members of the public. On April 30, 2022, Respondent was involved in an off-duty accident related to driving under the influence of alcohol. This accident occurred while Respondent was driving a department-owned, unmarked detective vehicle and resulted in significant property damage. Further, this was Respondent's second DUI arrest while employed as a police officer for the Los Angeles Police Department. Respondent's first arrest for DUI while employed as a peace officer occurred on July 10, 2016 while driving off-duty in Santa Clarita, CA.

II. Background Information

a. Identity of Respondent

At the time of the events at issue, Respondent was employed as a Police Officer / Detective with the Los Angeles Police Department.

b. Respondent's Service Record, Relevant Training, and Prior Complaints and Discipline

Respondent began his employment with the Los Angeles Police Department on 07/28/2003 as a full-time Police Officer. Respondent was promoted to the rank of Detective on 06/15/2014.

At the time of the alleged serious misconduct Respondent had nearly 20 years on with the Los Angeles Police Department. Respondent worked in the patrol division for around 11 years and was assigned to the Devonshire, North Hollywood, and Foothill districts. Respondent began his detective career in 2014 and was assigned to the West Valley and Devonshire districts. In 2016, Respondent was assigned to the Operations – Valley Bureau Homicide, where he was assigned during his most recent DUI arrest.

Throughout Respondent's career as a Los Angeles Police Officer, He has had the following sustained personnel complaints:

- 16-000570: Alcohol Related / DUI – 10-day suspension.
- 05-5891: Neglect of Duty – Official Reprimand.
- 05-2851: Neglect of Duty – No penalty, Training.

There were no commendations listed in the record provided by the employing agency.

c. Prior Employment History

Respondent does not have any additional law enforcement appointments in California.

d. Peace Officer Certification

Respondent is assigned POST ID A37-Q67. He received the following peace officer certificates from the Peace Officer Standards and Training (POST):

- Basic #120395 (02/03/2005)
- Intermediate #87606 (10/25/2006)
- Advanced #84859 (05/10/2010)

e. The Present Allegations of Serious Misconduct

This allegation was forwarded to the California Commission on POST on March 3, 2023 and received via the Mark 43 report management system.

There was no complaint filed with the employing agency, as the allegation of serious misconduct stemmed from an arrest for driving while intoxicated.

The Los Angeles Police Department suspended Respondent for ten days as a result of his first DUI conviction in 2016. There are no known appeals to that imposed discipline. In Respondent's most recent (2022) DUI arrest and subsequent conviction, Respondent was relieved from duty with the Los Angeles Police Department and has a proposed penalty of termination from employment. He is currently scheduled for a Board of Rights regarding his proposed termination.

There are no known appeals for this current case. The criminal case against Respondent was closed and on April 19, 2023 and he received 60 months summary probation, 15 days in Los Angeles County Jail, and a fine of $500.00 or four additional days in jail in lieu of the $500.00 fine. Respondent pled Nolo Contendere of the charge and was convicted of one count of 23152(b)VC – Driving with a blood alcohol content of 0.08% or higher.

As of 03/22/2023, Respondent was relieved from duty at the LAPD. He has a directed Board of Rights pending with an anticipated start date of 04/01/2024.

III. Investigative Methodology

This report summarizes the findings related to allegations of serious misconduct. This investigation was conducted in accordance with the regulations and policies of POST. The investigation included a review of The Los Angeles Police Department's administrative investigation which included interviews of the Respondent. I also reviewed the arrest reports and court records from Respondent's 2016 DUI arrest and his 2022 DUI arrest / accident.

Information obtained was analyzed using the clear and convincing evidence standard. For purposes of this report, clear and convincing evidence means "evidence of a charge is clear and convincing so long as there is a 'high probability' that the charge is true. The evidence need not establish a fact beyond a reasonable doubt."

This report is necessarily summary in nature and does not include every fact or issue that might be found in the underlying investigation and attachments. It does, however, contain reference to that evidence that I believe establishes the requisite facts, and proves the serious misconduct charged, by clear and convincing evidence.

IV. Factual Summary

Second driving under the influence event – May 13, 2022:

On April 30, 2022, at around 1700 hours[1], Respondent was off duty and driving his unmarked city vehicle, a black Nissan Maxima, in the Santa Clarita area of the County of Los Angeles. While driving southbound on Circle J Ranch Road at a high rate of speed, Respondent collided with two, unoccupied, parked vehicles. Respondent had suffered a fractured wrist and was trapped in the vehicle upon the arresting officer's arrival. The Los Angeles County Fire Department responded to the scene and treated Respondent for his injuries. Respondent was transported via AMR ambulance to Henry Mayo hospital where he received medical attention for his injuries.

While at the hospital a Los Angeles County Sheriff's deputy conducted a follow-up investigation during which the deputy determined Respondent had been driving under the influence of alcohol. In the deputy's accident report Respondent provided a blood sample at 1945 hours, resulting in a blood alcohol content of 0.18%. Using the equation provided

[1] 2022 Ticket #AD130471 – Note date and time of violation.

by an expert associated with Respondent's first DUI arrest, he likely had a blood alcohol content of 0.22%[2].

While the investigating deputy was at the hospital, he contacted Respondent who admitted he was the sole occupant and driver of the black Nissan Maxima that had been involved in the traffic collision. Respondent also told the deputy that he had been driving southbound on Circle J Ranch Road at a high rate of speed. Respondent told the deputy he had been drinking alcohol prior to driving. Respondent stated he had been the driver and sole occupant of the vehicle.

The city vehicle was totaled as a result of the accident. It was determined Respondent did not have permission to be driving the city vehicle at the time of the accident, as he was not on-call. Significant damage was also sustained to two parked vehicles that Respondent crashed into[3].

This case closed on April 19, 2023 with a misdemeanor conviction of 23152(B) VC[4].

First driving under the influence event - July 10, 2016:

On July 10, 2016, around 2215 hours[5], Respondent was off duty driving his personal vehicle, a Toyota 4Runner, south on Orchard Village Road at the Intersection of Lyons Avenue, in Santa Clarita. While progressing through the intersection, Respondent failed to stop for a traffic signal, and was stopped by a Los Angeles County Sheriff's deputy who observed the violation.

[2] 2022 IA Page 3 – second paragraph
[3] 2022 Crash Report
[4] 2022 Case transcripts
[5] 2016 Admin Per Se, Page 1

When the deputy approached Respondent's vehicle, he noted the odor of an alcoholic beverage coming from Respondent's person and the vehicle. The deputy also noted an open 25-ounce "Bud Light" beer in the center console of Respondent's vehicle. The deputy inquired as to whether Respondent was armed and Respondent advised his firearm was on his hip. The deputy conducted a DUI investigation, opined Respondent was under the influence of alcohol and arrested and booked Respondent for DUI.

Respondent was reported to have been uncooperative and unprofessional with the arresting deputies. Respondent failed to provide a proper breath sample at the LASD station, despite being given five opportunities to do so. Due to respondent's lack of cooperation, the arresting deputy requested the assistance of a supervisor and the on-duty watch commander, who both explained the administrative process and Respondent's obligation to cooperate. Respondent told the arresting deputy he would only provide a blood sample with a court order, then questioned the arresting deputy's integrity as to the truthfulness of the probable cause statement in the search warrant[6]. Respondent ultimately provided a blood sample after a search warrant was sought and was found to have a blood alcohol content of 0.12% over two-and-a-half hours after he was observed driving. A department expert later provided a formula that would indicate Respondent had a likely blood alcohol content of 0.15% when he was stopped (0.015% rate of elimination per hour x 2.5 hours + 0.12%).

On the floorboard of Respondent's vehicle, the arresting officer also located two empty "Jim Beam" 375 ml bottles, two empty "Jim Beam" 200 ml bottles, and one empty "Jack Daniel's" 50 ml bottle[7].

On September 29, 2016 Respondent pled guilty to one misdemeanor count of 23152(B) VC – Driving with a blood alcohol content of 0.08% or higher. Respondent received three

[6] 2016 Letter of Transmittal – Page 2
[7] 2016 Arrest Report narrative – Page 2, Paragraph 6.

years' summary probation, a suspended driver's license, and a $390.00 fine. On August 29, 2017, Respondent also signed a settlement agreement with the Los Angeles Police Department that indicated he would abstain from the use of all alcoholic beverages for a period of four years, not enter any bars or liquor stores while off duty, not buy any alcohol while off duty, and submit to substance testing up to five times a month[8].

V. Analysis and Findings

a. Does the alleged conduct violate California Regulation 1205(a)(6) – Acts that violate the law?

According to California Regulation 1205(a)(6), serious misconduct is, "Acts that violate the law and are sufficiently egregious or repeated as to be inconsistent with a peace officer's obligation to uphold the law or respect the rights of members of the public, as determined by the Commission."

In a span of approximately 6 years, Respondent was arrested two times for driving under the influence of alcohol with a blood alcohol concentration higher than 0.08%, with both incidents resulting in misdemeanor convictions. In Respondent's first arrest it was determined he had a blood alcohol concentration of 0.12%. The blood test was administered nearly two-and-a-half hours after the arresting deputy observed him driving because of the Respondent's failure to cooperate with the investigation. For the 2016 arrest, Respondent received three years' summary probation and spent at least one night in jail. Administratively, Respondent received a 10-day suspension from duty.

On 8/29/2017, and as a result of his 2016 DUI arrest, Respondent signed a settlement agreement with the LAPD. In the settlement agreement, Respondent agreed not to use alcohol in any form for a period of four years. Respondent was

[8] Agreement Regarding Proposed Discipline

arrested for driving under the influence of alcohol approximately nine months after the term of his settlement agreement.

In 2022, Respondent was involved in a motor vehicle accident while driving an unmarked police vehicle while intoxicated. Respondent received a fractured wrist in the accident, totaled the city-owned vehicle, and caused significant damage to two parked vehicles with which he collided. The investigation revealed Respondent had a blood alcohol concentration of 0.18% (Two hours and forty-five minutes after the accident). With retrograde extrapolation, it was estimated Respondent's blood alcohol concentration would have been around 0.22% around 15 minutes prior to the accident in which he was involved[9].

These incidents did not occur in a vacuum – Respondent has put numerous lives in jeopardy on at least two occasions. His actions have resulted in the destruction of city-owned property as well as private property. Further, Respondent's most recent accident resulted in personal injury to himself. For the above-stated reasons I find Respondent's repeat offenses particularly egregious and inconsistent with his obligation to uphold the law and respect the rights of members of the public.

VI. Supporting Evidence and Documentation

- Attachment A – 2016 DUI Arrest Narrative
- Attachment B – 2022 DUI Arrest Narrative
- Attachment C – 2nd DUI Conviction Records
- Attachment D – 2016 Guilty Plea Transcripts
- Attachment E – 2022 Plea and Sentencing Records
- Attachment F – 2022 IA report, Page 3
- Attachment G – Settlement Agreement from 2016 Case
- Attachment H – 2022 Crash Report

[9] IA Report Page 3

- Attachment I – 2016 Letter of Transmittal, Page 2
- Attachment J – 2022 Ticket
- Attachment K – 2016 Admin Per Se, Page 1

VII. Findings

Reasonable grounds exist to submit this case to the Peace Officer Standards Accountability Advisory Board and the POST Commission for consideration of revocation pursuant to Penal Code 13510.8.

ATTACHMENT A

I was stopped in the number two left hand turn lane of Southbound Orchard Village Rd, at Lyons Ave., in a marked patrol car. While waiting for the light to turn green, I observed a vehicle (Toyota 4Runner, [redacted] make a right hand turn onto Westbound Lyons Ave., from Southbound Orchard Village Rd., without stopping for the red light. The vehicle slowed, and made the right hand turn at approximately 15 m.p.h. (violation of 21453(a) VC). I made a right hand turn onto Westbound Lyons Ave., and approached the vehicle. I noticed the rear license plate did not have the current year tab. The registration checked valid as of December 2016, but the rear license plate still had December of 2015 decals (violation of 5204(a)VC). I conducted a traffic stop at the above location to warn/cite the driver of the above violations.

I contacted the driver (later identified as S/1) and explained my reason for the stop. S/1 told me he was just making a right hand turn, and thought he stopped.

While speaking with S/1, I could smell a strong odor of an alcoholic beverage emitting from his breath and person. I noticed his eyes were bloodshot and watery, and his speech was slurred. I asked S/1 if he had anything to drink. S/1 stated no, and then said, a "little bit." I noticed that there was a blue "Bud Light" can (25 ounces) in the center console. S/1 stated he just drank from the Bud Light. I had S/1 exit the vehicle to conduct a driving under the influence investigation.

I asked S/1 the pre-S.F.S.T. questions listed on page one. S/1 stated he did not have any medical problems or injuries. S/1 admitted to drinking half of the Bud Light which was in the center console approximately 15 minutes ago.

I had S/1 perform a series of pre-demonstrated and pre-explained field sobriety tests listed on page two. S/1 showed signs of impairment during the tests.

I asked S/1 if he would consent to a P.A.S. device test in the field. S/1 asked what the purpose of the test was for, and what his options were. I explained to S/1 the reasons why I was requesting he take the test. I also had the field Sergeant, Sgt. Bringas, respond to my location for further explanation and supervision. S/1 admitted to not stopping at the red light, not having current tabs on his vehicle, and having an open container. He stated he will take a ticket for the open the container, but refused to submit to a P.A.S. device test in the field.

Based on the above, I formed the opinion that S/1 was driving a motor vehicle under the influence of alcohol (violation of 23152(a) VC).

S/1 stated he would submit to a breath test at Santa Clarita Station. S/1 provided one sample, but was not breathing properly into the machine for the second sample. After approximately five attempts, S/1 refused to complete the test and stated he was done. I advised S/1 if he could not complete the breath test, he would have to submit to a blood test. S/1 refused.

I read, and digitally recorded, the chemical test refusal admonition to S/1. I advised him that he could not perform the breath, and the only available test was blood. S/1 still refused. The refusal admonition was supervised by Lt. Aguilera and Sgt. Bringas.

After refusing a chemical test after his arrest, I obtained a McNeely Warrant so that a blood sample could be obtained from S/1 to determine the actual alcohol content of his blood. The warrant was approved by Judge John Kralik. See attached.

I transported S/1 to Henry Mayo Hospital for the blood sample. S/1 voluntarily extended his right arm for the blood sample. Nurse Jackson drew the blood sample at approximately 0052 hrs. Prior to the sample, I checked that the seal on the vial was intact and preservative was present. I later booked the blood sample in the Santa Clarita Station evidence locker. Sgt. Bringas was on scene and supervised the blood draw.

I transported S/1 back to Santa Clarita Station where he was booked on the above charge with the approval of the Watch Sergeant, Sgt. Shreves.

S/1's vehicle was left parked at the above location. The 25 ounce Bud Light can in the center console was half full. There were also two empty "Jim Beam" Bourbon 375 ml bottles, and two empty "Jim Beam" 200 ml bottles on the front passenger floor board, and one empty 50 ml bottle of "Jack Daniel's" Whiskey on the rear passenger floorboard.

I uploaded the chemical test refusal admonition, and pictures of the alcohol inside S/1's vehicle, into the digital data shared files under the above file number.

ATTACHMENT B

I responded to Circle J Ranch Road and Clearview Court regarding a traffic collision call for service (Tag 172). The call stated there was a three vehicle traffic collision with one person trapped in one of the vehicles.

My BWC was activated. I did not review my BWC footage prior to writing this report.

I arrived to the location, and I observed a White male adult (later identified as the suspect) trapped inside of a black Nissan [redacted] Los Angeles County Fire Department Engine 73, under the supervision of Captain Tibbetts, medically evaluated the suspect. The suspect was transported to Henry Mayo Hospital.

I conducted my traffic collision investigation at the scene (see the traffic collision report under the same file number). After I had concluded my investigation, I went to Henry Mayo Hospital with the intent of asking the suspect how the traffic collision occurred.

At Henry Mayo Hospital, I contacted the suspect who was in bed #9. He stated he had sustained a fracture to his left wrist. I immediately noticed the suspect's pupils were bloodshot and watery (objective signs and symptoms of a person under the influence of alcohol).

I advised the suspect of his Miranda advisement pursuant to SH-AD-477. The suspect stated he understood his rights, and he continued to speak to me without an attorney present.

I asked the suspect if he was the sole driver of the vehicle. He stated yes.

I advised the suspect I was going to conduct a driving under the influence investigation, based on the traffic collision coupled with the objective signs and symptoms he expressed for being under the influence. He stated he understood.

I began asking him the above listed pre-S.F.S.T. (Standard Field Sobriety Tests) questions. I asked the suspect if he had been driving the black Nissan, and he stated yes. I asked if he had consumed any alcoholic beverages, and he stated he had consumed Tito's Vodka. I asked if he had consumed any drugs today, and he stated no.

Due to the suspect's injuries, we were not able to conduct the Standardized Field Sobriety Tests.

I asked the suspect what caused the traffic collision. He stated it was due to him driving under the influence of alcohol (a violation of 23152(a) CVC) and due to his driving at a high rate of speed (a violation of 22350 CVC).

Based on the suspect stating he had been drinking Tito's Vodka prior to driving, coupled with the objective signs and symptoms of a person under the influence of alcohol, I formed the opinion the suspect was under the influence of alcohol, and he was unable to operate a vehicle upon the roadway with the caution and due regard of a sober person.

The suspect was placed under arrest for driving while under the influence of alcohol (violation of 23152(a) CVC).

I advised the suspect of the chemical test admonition. The suspect selected the blood test. He consented to have his blood drawn at 1938 hours. The suspect's blood was drawn at 1945 hours by [redacted]

With the approval of Sergeant Clark, and due to the fact the suspect was being admitted to the hospital, I cited and released the suspect in the field for driving under the influence of alcohol (a violation of 23152(a) CVC). The suspect was issued a citation (#AD030471) and given a booking number of #6369976.

I booked the suspect's blood (EV-1) as evidence at the Santa Clarita Sheriff's Station.

I served the suspect the "Notice of Order of Suspension" per DS367

ATTACHMENT C

COURTHOUSE ADDRESS:	LOS ANGELES SUPERIOR COURT SANTA CLARITA COURTHOUSE 23747 W. VALENCIA BLVD. SANTA CLARITA, CA 91355-2105	Reserved for Clerk's File Stamp
IN THE MATTER OF: James Kurtz Fillmore		
CLERK'S CERTIFICATION OF REPRODUCED COURT RECORDS: TRANSFERRED FILE		CASE NUMBER: 28C01493-01

I, DAVID W. SLAYTON, Executive Officer/Clerk of Court of the Superior Court of California, County of Los Angeles, certify that the reproduced court records attached hereto are a true and correct copy of the original documents contained in the original file or are of record as reflected in the attached Register of Actions.

Seal of the Superior Court of California, County of Los Angeles

An original seal is stamped herein in black ink.

DAVID W. SLAYTON, Executive Officer/Clerk of Court

Dated: 5/12/23

By: Deputy Clerk

·5yrs + $500PT + 18 A/P + 15CJ + HAM + MADD + 1 ORT. + WATSON

SUPERIOR COURT OF CALIFORNIA	FILED Superior Court of California County of Los Angeles APR 19 2023 David W. Slayton, Executive Officer/Clerk of Court By: L. Hidalgo, Deputy
COUNTY COUNTY OF LOS ANGELES	
PLAINTIFF PEOPLE OF THE STATE OF CALIFORNIA	
DEFENDANT James Fillmore	

DUI WITHOUT INJURIES ADVISEMENT OF RIGHTS, WAIVER, AND PLEA FORM (Vehicle Code, §§ 23152, 23103(a)/23103.5, 23140, 23154, 14601 et seq., 12500(a))	CASE NUMBER 2SC01493	DEPARTMENT 1

INSTRUCTIONS

Fill out this form if you wish to plead guilty or no contest to the charges against you and admit the truth of the special allegations. Initial the box for each applicable item only if you understand it, and **sign and date the form on page 7**. If you have any questions about your case, the possible sentence, or the information on this form, ask your attorney or the judge.

NATURE OF THE CHARGES AND SPECIAL ALLEGATIONS (Initial all items with which you are charged.)

I understand that I am charged with a violation of Vehicle Code section(s):

		INITIALS
1.	**23152(a)** – Driving under the influence of alcohol	1. J
2.	**23152(b)** – Driving when my blood-alcohol concentration (BAC) was .08 percent or more	2. J
3.	**23152(d)** – Driving a commercial vehicle when my BAC was .04 percent or more	3.
4.	**23152(e)** – Driving a vehicle for hire with a passenger when my BAC was 0.4 percent or more (operative Jul. 1, 2018)	4.
5.	**23152(f)** – Driving under the influence of drugs	5.
6.	**23152(g)** – Driving under the influence of both alcohol and drugs	6.
7.	**23103(a), 23103.5** – Reckless driving involving alcohol or drugs, or both	7.
8.	**23140** – Driving when my BAC was 0.05 percent or more when I was under 21 years old	8.
9.	**23154** – Operating a vehicle while on probation for a DUI when my BAC was 0.01 percent or more.	9.
10.	**Check if applicable** – ☐ **14601(a)** or ☐ **14601.1** or ☐ **14601.2** or ☐ **14601.5** Driving in knowing violation of a driver's license restriction, suspension, or revocation	10.
11.	**Check if applicable** – ☐ **14601.3** (habitual traffic offender) – Accumulating a driving record history in knowing violation of a driver's license suspension or revocation	11.
12.	**Check if applicable** – ☐ **12500(a)** – Driving without a valid driver's license	12.

I understand that the following special allegations have been alleged **(check if applicable):**

13. ☑ Driving a vehicle when my BAC was at .18 percent or above.
☐ Willfully refusing to submit to or complete a peace officer's request for a breath or urine test.
☐ Driving under the influence of alcohol or drugs, or both, in willful or wanton disregard for the safety of persons or property on a freeway at _____ miles per hour, which is 30 or more miles per hour over the maximum, prima facie, or posted speed limit.
☐ Driving under the influence of alcohol or drugs, or both, in willful or wanton disregard for the safety of persons or property on a street or highway at _____ miles per hour, which is 20 or more miles per hour over the maximum, prima facie, or posted speed limit.
☐ Driving under the influence of alcohol or drugs, or both, while a minor under 14 years of age was a passenger in the vehicle. — 13.

14. **If applicable** – I understand that I am also charged with the following **other offense(s):** — 14.

_____
TYPE OF OFFENSE(S) AND SECTION NUMBER(S)

15. **If applicable** – I understand that I am also charged with the following **other conviction(s):**

2/27/16, VC 23152(b) 6SC01398

LIST OFFENSE(S), CASE NUMBER(S), AND DATE(S)

16. **If applicable** – I am also charged with violating the **probation order(s)** in the following case(s):

CASE NUMBER(S) AND DATE(S)

17. I understand the charge(s) and allegation(s) against me, and the possible pleas and defenses.....

15. F
16. /
17. F

CONSTITUTIONAL RIGHTS AND PRIVILEGES

18. **RIGHT TO AN ATTORNEY** – I understand that I have the right to be represented by an attorney throughout the proceedings. I understand that the court will appoint a free attorney for me if I cannot afford to hire one, but at the end of the case, I may be asked to pay all or part of the cost of that attorney, if I can afford to. I understand that there are dangers and disadvantages to giving up my right to an attorney, and that it is almost always unwise to represent myself .....
19. **RIGHT TO A JURY TRIAL** – I understand that I have the right to a speedy, public jury trial. At the trial, I would be presumed innocent, and I could not be convicted unless 12 impartial jurors were convinced of my guilt beyond a reasonable doubt .....
20. **RIGHT TO CONFRONT WITNESSES** – I understand that I have the right to confront and cross-examine (see, hear, and question) all witnesses testifying against me.....
21. **RIGHT AGAINST SELF-INCRIMINATION** – I understand that I have the right to remain silent and a right not to incriminate myself, and the right to testify on my own behalf during any proceeding. I understand that by pleading guilty or no contest, or admitting other conviction(s) or probation violation(s), I am incriminating myself.....
22. **RIGHT TO PRODUCE EVIDENCE** – I understand that I have the right to present evidence and to have the court issue subpoenas at no cost to me to compel attendance of witnesses in court and the production of evidence favorable to me. I have the right to testify in court if I waive my privilege against self-incrimination .....

18. F
19. F
20. F
21. F
22. F

RIGHTS ON CHARGES OF OTHER CONVICTION(S), ENHANCEMENT ALLEGATION(S), AND PROBATION VIOLATION(S)

23. **If applicable** – I understand that I have the right to an attorney, the right to a jury trial, the right to confront witnesses, the right against self-incrimination, and the right to produce evidence and witnesses for **all** charges against me, including other alleged conviction(s), enhancement allegation(s), or probation violation(s). However, for a charge of violating probation, I do not have the right to a jury trial, but I do have the right to a hearing before a judge .....

23. F

WAIVER OF RIGHTS

Understanding all of the above, for all of the charges and allegations against me, including any other alleged conviction(s) or probation violation(s):

24. I give up my right to an attorney, and I choose to represent myself. (Does not apply if you have an attorney.) .....
25. I give up my right to a jury trial.....
26. I give up my right to confront and cross-examine witnesses .....
27. I give up my right to remain silent and to not incriminate myself .....
28. I give up my right to produce evidence and witnesses on my own behalf.....

24. /
25. F
26. F
27. F
28. F

CONSEQUENCES OF PLEA OF GUILTY OR NO CONTEST PLEA

29. I understand that if I am not a citizen, a plea of guilty or no contest (*nolo contendere*) could result in my deportation, exclusion from admission to this country, or denial of naturalization.....

29. F

30. I understand that a plea of no contest will have the same effect in this case as a plea of guilty, but it cannot be used against me in a civil lawsuit unless the offense is punishable as a felony ..... 30.

31. I understand that any plea entered in this case may be grounds for revoking probation or parole which has previously been granted to me in any other case ..... 31.

32. I understand that the Department of Motor Vehicles (DMV) will consider any of my other convictions for driving under the influence of alcohol or drugs or their combined influence (DUI) or reckless driving, **even those that are not charged in this proceeding**, and may impose a more severe license suspension or revocation as a result ..... 32.

33. I understand that in addition to the fine, **the court will add a surcharge, assessments, and penalties, and may add fees, which will significantly increase the amount I must pay**. I may also be ordered to make victim restitution, if any, and to pay a restitution fine no less than $150 and up to $1000 (or no less than $300 and up to $10,000 if the offense is a felony), unless the court finds compelling and extraordinary reasons not to do so ..... 33.

34. I understand that being under the influence of alcohol or drugs, or both, impairs my ability to safely operate a motor vehicle, and it is extremely dangerous to human life to drive while under the influence of alcohol or drugs, or both. If I continue to drive while under the influence of alcohol or drugs, or both, and as a result of my driving, someone is killed, I can be charged with murder ..... 34.

I understand that if I am the **registered owner** of the vehicle used in the offense:

35. The court may impound my vehicle at my expense for up to 90 days, unless it is in the interests of justice not to do so. The court may also declare my vehicle to be a nuisance and order it sold following a hearing if I have 2 or more other convictions for DUI, vehicular manslaughter (Pen. Code, §§ 191.5 or 192.5, subd. (a)), or any combination thereof, in the past 7 years ..... 35.

36. The court or DMV may also require me to install and maintain a functioning, certified ignition interlock device for up to three years. Installation of this device, which prevents the vehicle from starting if I have alcohol in my body, does not authorize me to drive without a valid driver's license.. 36.

37. If I am convicted of a second or subsequent violation of driving with a suspended or revoked license (Veh. Code, § 14601 et seq.) or driving without a license (Veh. Code, § 12500, subd. (a)), my vehicle may be subject to forfeiture as a nuisance ..... 37.

SENTENCES FOR DRIVING UNDER THE INFLUENCE OF ALCOHOL AND/OR DRUGS (SECTION 23152)
(cont. on next page)

Offense	Minimum and Maximum Sentences when Probation is Granted (3 to 5 years Probation Term)	Minimum and Maximum Sentences without Probation
First offense within 10 years See Nos. **38-52**	The court may order a jail term of 48 hours to 6 months. It will impose a fine of $390 to $1,000 and order me to complete a 3-month or longer alcohol/drug treatment program. If my BAC was .20% or more, or if I refused a breath or urine test upon my arrest, I must complete a 9-month or longer treatment program. The DMV will also impose a 6-month driver's license suspension, or a 10-month license suspension if the 9-month program is required.	96 hours to 6 months in jail, and a $390 to $1,000 fine. The DMV will also impose a 6-month driver's license suspension.
Second offense within 10 years See Nos. **38-52**	A jail term of either: (a) 10 days to 1 year, or (b) 96-hours to 1 year; a $390 to $1,000 fine, and completion of at least an 18-month (or at least a 30-month) alcohol/drug treatment program. The DMV will also impose a 2-year driver's license suspension.	90 days to 1 year in jail, and a $390 to $1,000 fine. The DMV will also impose a 2-year driver's license suspension.
Third offense within 10 years See Nos. **38-52**	120 days to 1 year in jail, a $390 to $1,000 fine, and completion of an 18-month (or 30-month) alcohol/drug program if I have not completed one before. The DMV will impose a 3-year driver's license revocation. The court may impose a 10-year driver's license revocation.	120 days to 1 year in jail, and a $390 to $1,000 fine. The DMV will impose a 3-year driver's license revocation. The court may impose a 10-year driver's license revocation.
Fourth or subsequent offense within 10 years (may be a felony) See Nos. **38-52**	180 days to 1 year in jail, a $390 to $1,000 fine, and completion of an 18-month alcohol/drug program if I have not completed one before. The DMV will impose a 4-year driver's license revocation. The court may impose a 10-year driver's license revocation.	16 months, or 2 or 3 years imprisonment, (or 180 days to 1 year in county jail); and a $390 to $1,000 fine. The DMV will impose a 4-year driver's license revocation. The court may impose a 10-year driver's license revocation.

SENTENCES FOR DRIVING UNDER THE INFLUENCE OF ALCOHOL AND/OR DRUGS (SECTION 23152) (cont. from previous page)

Offense	Minimum and Maximum Sentences when Probation is Granted (3 to 5 years Probation Term)	Minimum and Maximum Sentences without Probation
Offense with felony prior within 10 years of a felony violation of Veh. Code, §§ 23152 or 23153, or Pen. Code, § 192, subd. (c)(1); or of a felony violation of Pen. Code, § 191.5, sub. (b); or any violation of Pen. Code, §§ 191.5, subd. (a) or 192.5, subd. (a) See Nos. **38-52**	The court may order a jail term of up to 1 year (or, with a waiver (see No. 51), the court may order a jail term of up to 3 years) (see Pen. Code, §§ 19.2, 1203.1, subds. (a), (a)(2)), up to a $1,000 fine, and completion of an 18-month (or 30-month) alcohol/drug program. The DMV will impose a 4-year driver's license revocation. If the conviction is also a third or subsequent DUI (§§ 23152, 23153) within 10 years, the court may impose a 10-year driver's license revocation.	16 months, or 2 or 3 years imprisonment in state prison (or not more than 1 year in county jail); and a $390 to $1,000 fine. The DMV will impose a 4-year driver's license revocation. If the conviction is also a third or subsequent DUI (§§ 23152, 23153) within 10 years, the court may impose a 10-year driver's license revocation.

SENTENCES FOR RECKLESS DRIVING (SECTIONS 23103(a) AND 23103.5)

Nature of Offense	Minimum and Maximum Sentences		Other Consequences
Reckless driving reduced from driving under the influence	If probation is granted:	A maximum of 90 days in jail, or $1,000 fine, or both, plus attendance at a treatment program.	If alcohol or drugs are involved, this conviction will act as a separate DUI conviction if I commit a subsequent DUI offense within 10 years.
	If probation is not granted:	5 days to 90 days in jail, or $145 to $1,000 fine, or both.	

SENTENCES FOR DRIVING IN VIOLATION OF A LICENSE SUSPENSION, REVOCATION, OR RESTRICTION

Vehicle Code Section	First Offense	Second or Subsequent Offense I have one or more prior convictions in the past 5 years of either sections 14601(a), 14601.1, 14601.2, or 14601.5.
14601(a)	5 days to 6 months in jail, and a fine of $300 to $1,000.	10 days to 1 year in jail, and a fine of $500 to $2,000. 10 days in jail required if probation is imposed.
14601.1	Up to 6 months in jail, or a fine of $300 to $1,000, or both.	5 days to 1 year in jail, and a fine of $500 to $2,000.
14601.2	10 days to 6 months in jail, and a fine of $300 to $1,000. 10 days in jail required if probation is imposed.	30 days to 1 year in jail, and a fine of $500 to $2,000. 30 days in jail required if probation is imposed.
	If I have been designated as a habitual traffic offender within 3 years of this conviction, in addition to the penalties above, I will be sentenced to serve 180 days in jail and to pay a $2,000 fine.	
14601.5	Up to 6 months in jail, or a fine of $300 to $1,000, or both.	10 days to 1 year in jail, and a fine of $500 to $2,000. Note - section 14601.3 also constitutes a prior conviction for this offense.

Vehicle Code Section	First Offense	Second or Subsequent Offense Prior conviction(s) in past 7 years of section 14601.3.
14601.3	30 days in jail, and a fine of $1,000.	180 days in jail, and a fine of $2,000.

SENTENCE FOR DRIVING WITHOUT A VALID DRIVER'S LICENSE (SECTION 12500(a))

Nature of Offense	Maximum Sentence
Driving without a valid driver's license.	A maximum of 6 months in jail, or $1,000 fine, or both.

ENHANCED SENTENCES – EXCESSIVE SPEED (SECTION 23582)

	Sentence Enhancement – Whether or Not Probation is Granted
If I recklessly drove 30 or more miles per hour above the speed limit on a freeway, or 20 or more miles per hour above the speed limit on any other street or highway during the commission of a violation of section 23152 or 23153:	My sentence will be increased by 60 days in jail. If this is my first section 23582 conviction, the court will order me to complete an alcohol/drug program, even if probation is not granted.

ENHANCED SENTENCES – WILLFUL REFUSAL (SECTION 23577)		
Offense	**Sentence Enhancement**	**Driver's License Suspension or Revocation**
First offense within 10 years See Nos. **38-52**	If I am granted probation, the court will order me to serve a mandatory jail term of 48 hours to 6 months.	The DMV will impose a 1-year driver's license suspension.
Second offense within 10 years See Nos. **38-52**	My sentence will be increased by 96 hours in jail.	The DMV will impose a 2-year driver's license revocation if: (1) I have a prior conviction in the past 10 years of Vehicle Code sections 23103 (under 23103.5), 23140, 23152, 23153, or Penal Code sections 191.5, 192.5, subdivision (a); or (2) the DMV previously suspended or revoked my driver's license in the past 10 years pursuant to Vehicle Code sections 13353 or 13553.2 for an offense that occurred on a separate occasion.
Third offense within 10 years See Nos. **38-52**	My sentence will be increased by 10 days in jail.	The DMV will impose a 3-year driver's license revocation if: (1) I have any combination of two or more prior convictions in the past 10 years of Vehicle Code sections 23103 (under 23103.5), 23140, 23152, 23153, or Penal Code sections 191.5, 192.5, subdivision (a); (2) the DMV previously suspended or revoked my driver's license two or more times pursuant to Vehicle Code sections 13353 or 13353.2 for an offense that occurred on a separate occasion; or (3) any combination of two or more of the above prior convictions or driver's license suspensions or revocations.
Fourth or subsequent offense within 10 years See Nos. **38-52**	My sentence will be increased by 18 days in jail.	

ENHANCED SENTENCES – PASSENGER UNDER 14 YEARS OF AGE (SECTION 23572)	
Offense	**Sentence Enhancement – Whether or Not Probation is Granted**
First offense within 10 years See Nos. **38-52**	My sentence will be increased by 48 continuous hours in jail.
Second offense within 10 years See Nos. **38-52**	My sentence will be increased by 10 days in jail.
Third offense within 10 years See Nos. **38-52**	My sentence will be increased by 30 days in jail.
Fourth or subsequent offense within 10 years (misdemeanor only) See Nos. **38-52**	My sentence will be increased by 90 days in jail.

38. I have read and understand the applicable charts on pages 3 through 5 which list the minimum and maximum penalties for the offense(s) with which I am charged. (See No. 39 for the offenses not listed in the charts.)

38.

39. **If applicable** - I understand that the possible consequences for the offense(s) charged, which are not listed on the penalty charts on pages 3 through 5, include the following:

- _____ SECTION NUMBER _____ JAIL – MIN. _____ MAX. _____ JAIL – MIN. _____ MAX.
  OTHER CONSEQUENCES: _____
- _____ SECTION NUMBER _____ JAIL – MIN. _____ MAX. _____ JAIL – MIN. _____ MAX.
  OTHER CONSEQUENCES: _____
- _____ SECTION NUMBER _____ JAIL – MIN. _____ MAX. _____ JAIL – MIN. _____ MAX.
  OTHER CONSEQUENCES: _____
- _____ SECTION NUMBER _____ JAIL – MIN. _____ MAX. _____ JAIL – MIN. _____ MAX.
  OTHER CONSEQUENCES: _____

39.

ADDITIONAL PENALTIES

40. I understand that the DMV will suspend my driver's license under an administrative procedure which is separate from this criminal action. I understand that the DMV's action, if any, will be in addition to the court's sentence and that I must obey it ..... 40. JF
41. I understand that the DMV will notify me that I am required to install a functioning, certified ignition interlock device in all vehicles that I own or operate, and it will issue a restricted license if I comply. I understand I must keep the DMV advised of my current mailing address to receive this notice..... 41. JR
42. I understand that the DMV will not restore my driving privilege following a driver's license suspension or revocation unless I provide the DMV with proof of insurance for 3 years ..... 42. JF
43. I understand that proof of my successful completion of an alcohol/drug program must be received at DMV headquarters in order for me to have my driving privilege reinstated, **even if I am not ordered to attend such a program by the court**. If I have not already surrendered my license, I also understand that I must surrender my license to the court..... 43. JF
44. I understand that the DMV will prohibit me from operating a **commercial** vehicle for one year if I am convicted of a **first** DUI offense or willful refusal to submit to or complete a breath or urine test to determine my BAC which occurred in **any** vehicle. The DMV will prohibit me from operating a commercial vehicle ever again if I am convicted of a **second or subsequent** DUI offense or willful refusal to submit to or complete a breath or urine test in any vehicle ..... 44. JF
45. I understand that the DMV will revoke my driver's license for a period of 4 years if I have a prior felony conviction in the past 10 years of: Vehicle Code sections 23152 or 23153; Penal Code sections 191.5, subdivision (b) or 192, subdivision (c)(1); or any conviction within 10 years of Penal Code sections 191.5, subdivision (a) or 192.5, subdivision (a) ..... 45. JF
46. I understand that if I was **under the age of 21** at the time of my arrest, my driver's license will also be suspended for 1 year, and I must surrender my license to the court..... 46. JR
47. I understand that if my BAC was .15 percent or more, or if I refused to submit to a breath or urine test, the court will consider this in determining whether to enhance the penalties, grant probation, or impose additional terms of probation..... 47. JF
48. I understand that if I am placed on probation, it is unlawful to drive with a BAC of .01 percent or greater and that the DMV will suspend my license for up to 1 year if I do so. If I violate my probation by driving with a BAC of over 0.04 percent, the court will only grant me a new term of probation if I serve not less than 48 hours in county jail for each of these violations ..... 48. JR
49. I understand that if I am convicted of a **third or subsequent** DUI violation, I will be designated as a habitual traffic offender for 3 years after my conviction, and I may receive an enhanced sentence if I drive in violation of my license revocation. If probation is granted, I may also request to participate in a 30-month treatment program. If the court grants my request, I will be sentenced to the county jail for at least 30 days but not more than 1 year as a condition of probation..... 49. JF
50. **If applicable** – I understand that if I am convicted of a violation of Vehicle Code section 14601.2, or if the charge was for a violation of that section but I am pleading to Vehicle Code section 14601(a), 14601.1, or 14601.5, the court will order me to install a functioning, certified ignition interlock device on any vehicle that I own or operate for up to three years. Installation of this device does not authorize me to drive without a valid driver's license ..... 50. /
51. **If applicable** – I understand that I have a statutory right to not be sentenced to more than one year in county jail as a condition of probation. I give up this statutory right and agree to be sentenced to more than one year in county jail for a period up to and including the maximum time fixed by law .... 51. /
52. **If applicable** – I understand that if I have previously been convicted of a violation of Vehicle Code section 23152 or 23153 that occurred more than 10 years ago, or if I have previously been convicted of a violation of Penal Code section 647, subdivision (f) (public intoxication), I will be ordered to attend and complete an alcohol and drug problem assessment program. If the program assessment recommends additional treatment, the court may order me to enroll, participate in, and complete an 18-month or a 30-month treatment program, even if I am convicted of a first offense .... 52. /

PLEA(S)

53. I hereby freely and voluntarily plead no contest to:
GUILTY OR NO CONTEST

Ct. 2 - VC 23152(b)
LIST CHARGE(S)

53. JC

SPECIAL ALLEGATION ADMISSIONS

If applicable – I admit the truth of the following special allegations:

54. ☑ I drove a vehicle when my BAC was at .18 percent or above.
☐ I willfully refused a peace officer's request to submit to, or willfully failed to complete, a breath or urine test.
☐ When I drove a vehicle under the influence of alcohol or drugs, or both, I drove in willful or wanton disregard for the safety of persons or property on a freeway at _____ miles per hour, which is 30 or more miles per hour over the maximum, prima facie, or posted speed limit.
☐ When I drove a vehicle under the influence of alcohol or drugs, or both, I drove in willful or wanton disregard for the safety of persons or property on a street or highway at _____ miles per hour, which is 20 or more miles per hour over the maximum, prima facie, or posted speed limit.
☐ When I drove a vehicle under the influence of alcohol or drugs, or both, a minor under 14 years of age was a passenger in the vehicle.

54. P

55. **If applicable** – I freely and voluntarily admit the other conviction(s) that I listed on this form, and I understand that this admission will increase the penalties which are imposed on me.....

55. P

56. **If applicable** – I freely and voluntarily admit the probation violation(s) that I listed on this form and give up my right to a hearing before a judge regarding the probation violation(s).....

56. /

57. I understand that I have the right to a delay of from 6 hours to 5 days prior to being sentenced for a misdemeanor, and the right to a delay of up to 20 days for a felony. I give up this right and agree to be sentenced at this time.....

57. P

58. **If applicable** – I understand that I have the right to enter my plea before, and to be sentenced by, a judge. I give up this right and agree to enter my plea before, and to be sentenced by:

_____
TEMPORARY JUDGE'S NAME

58. /

DEFENDANT'S SIGNATURE: _____ **DATE:** 4-19-23

ATTORNEY'S STATEMENT

I am the attorney of record for the defendant. I have reviewed the form and any addenda with my client. I have explained each of the defendant's rights to the defendant and answered all of the defendant's questions with regard to this plea. I have also discussed the facts of the defendant's case with the defendant, and explained the consequences of this plea, the elements of the offense(s), and the possible defenses. I stipulate to a factual basis for the plea(s) and admissions(s) based on the police reports, and have explained to the defendant that he or she may enter a plea if he or she feels to do so is in his or her best interests. I concur in this plea and in the defendant's decision to waive his or her constitutional rights.

_____ 4/19/23
DEFENDANT'S ATTORNEY'S SIGNATURE DATE

INTERPRETER'S STATEMENT (if applicable)

I, having been sworn or having a written oath on file, certify that I truly translated this form to the defendant in the language indicated below. The defendant stated that (s)he understood the contents of the form, and then (s)he initialed and signed the form.

Language: ☐Spanish ☐Other (specify): _____

COURT INTERPRETER'S SIGNATURE	TYPE OR PRINT NAME	DATE

COURT'S FINDINGS AND ORDER

The court, having reviewed this form and any addenda, and having questioned the defendant concerning the defendant's constitutional rights and the defendant's admission of other conviction(s), enhancement allegation(s), and probation violation(s), if any, finds that the defendant has expressly, knowingly, understandingly and intelligently waived his or her constitutional rights. The court finds that the defendant's plea(s) and admission(s) are freely and voluntarily made with an understanding of the nature and consequences thereof, and that there is a factual basis for the plea(s). The court accepts the defendant's plea(s), the defendant's admission of the other conviction(s), enhancement allegation(s), and probation violation(s), if any, and orders this form filed and incorporated in the docket by reference as though fully set forth therein.

Maria Cortez

☐JUDGE OF THE SUPERIOR COURT

☐TEMPORARY JUDGE OF THE SUPERIOR COURT

4/19/23
DATE

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

MISDEMEANOR SENTENCING MEMORANDUM - VEHICLE CODE

Defendant: James Fillmore | Case No: 2SC01493-01

Date: 4/19/23 | Dept: 001 | Prosecutor: Jimenez | Defense: A. Lias pvt

Judge: Cavalluzzi | Clerk: Hidalgo | Reporter: EM | Interpreter/Language:

As to Count 2 a violation of Vehicle Code § 23152(b) [ ] 23103 per 23103.5 [ ] 14601 [ ] 12500(a) [ ] _____ with 1 admitted priors

Arraignment For Judgment

V Arraignment for judgment and time for sentencing waived. There is no legal cause why judgment should not now be pronounced.

Sentence

1. [ ] Probation is denied. Defendant is to serve _____ days/hours in the Los Angeles County Jail, forthwith, [ ] consecutive [ ] concurrent with _____. Defendant to receive total credit of _____ days/hours (credit _____ days/hours actual plus _____ days GT/WT).
2. [ ] Pay a fine of $ _____ plus all applicable penalty assessments and enhancements.
3. [ ] Pay all fines and assessments as set forth in Paragraph 20 below.
4. [ ] Execution of the foregoing sentence is suspended, on the following terms and conditions.

Conditional Sentence (PC §1203b)/Order of Probation (PC §1203a)

V Imposition of sentence is suspended (ISS) [ ] With supervision by county probation officer (formal probation)
For a period of 60 months upon the following terms and conditions:

1. V Serve 15 days/hours in the Los Angeles County jail, [ ] consecutive [ ] concurrent with _____. Defendant to receive credit of _____ days/hours actual plus _____ days/hours GT/WT. [ ] Time may be served in any penal institution. [ ] Time may be served on consecutive weekends of two days each, beginning _____ (772). [ ] Time may be served in any city jail having actual confinement, at defendant's expense. (021). [ ] Defendant may not participate in Sheriff's home detention/EHM per PC 1203.016(e). (771) [ ] Work furlough / early release not allowed. Last _____ days of jail time to be served in: [ ] Antelope Valley Rehabilitation Center [ ] _____ Program. (002). Defendant to be released only to an authorized representative of that program and is to comply with all program terms and conditions. (013). If defendant leaves or is discharged from the program prior to completion, defendant is to report to court on the next court day. (013). [ ] Defendant ordered to install a SCRAM Alcohol Detection Device for _____ days.

NC CT II

2. V Pay a fine of $ 500 plus penalty assessments or in default thereof serve 4 additional days in County jail, consecutive or perform _____ days of Community Labor or perform _____ days/hours of approved Community Service, with credit for _____ days actual or $ _____ toward fine for jail time already served. [ ] Fine may be paid in monthly installments of $ _____ (124). [ ] Defendant to report to Financial Evaluator to work out a payment plan. [ ] Defendant elects jail in lieu of fine, forthwith, consecutive to all other fines, credit _____ days actual plus _____ days GT/WT.
3. [ ] Perform _____ days of work for Community Labor/ _____ or perform _____ days/hours of approved Community Service, with credit for _____ days actual. Sign up for all work or Community Service only at a court-approved volunteer center or in the clerk's office. Failure to complete court-ordered work or Community Service without excuse may result in jail. **This work or Community Service is in addition to that done in lieu of fine.**
4. V Make restitution to victim [redacted] per PC §1202.4(f). (048) V in an amount to be determined at a hearing. (067) [ ] Harvey waiver taken. [ ] in the stipulated sum of $ [redacted] 048) [ ] per any final civil judgment against you. (100) V Liability is admitted but amount is disputed.
5. V Enroll within 21 days (or within 21 days from your release from custody) and successfully complete an approved: Defendant's BAC 18 %. [ ] Refusal [ ] 12 hour (SB 1176) [ ] 3 mo. (A6541)(327) [ ] 6 mo. (AB 762) [ ] 9 mo. (AB1353) [V] 18 mo. (SB38)(328) [ ] 30 mo. alcohol education program. The DMV will not restore your driving privilege until you successfully complete a licensed alcohol education program. [ ] Obtain program details from Clerk or Health Officer.
6. [ ] Attend _____ Alcoholics Anonymous/Narcotics Anonymous meetings at the rate of _____ times per week. IN ADDITION to those required as part of the alcohol education program. (246)
7. V Do not drive any vehicle with any measurable amount of alcohol or drugs in your blood, or refuse to take and complete any blood alcohol/drug chemical test, any field sobriety test or any preliminary alcohol screening test when requested by any peace officer. (711)
8. V Do not drive a motor vehicle without a valid driver's license in your possession, or without liability insurance in at least the minimum amounts required by law. (374)
9. [ ] Abstain from the use of all alcoholic beverages and stay out of all places where they are a chief item of sale. (308) V Watson advisement given. (710)
10. V Enroll in and complete the V Hospital and Morgue ("HAM") Program. (471) [V] MADD Victim Impact Program (472) [ ] _____
11. [ ] The court finds that defendant presents a traffic safety or public safety risk and, per VC §13352.4(d), disallows issuance by DMV of a restricted license. (249)
12. [ ] **Your driver's license is hereby ordered [ ] suspended [ ] revoked** for a period of _____ months _____ years. [ ] **"M" service given in open court.** (283) You may not drive a motor vehicle unless and until your driving privilege is restored. [ ] Defendant under age 21 at time of offense.
13. [ ] You are hereby declared to be a Habitual Traffic Offender for a period of _____ years. (263)
14. [ ] Comply with the "Supplemental Terms of Probation – Ignition Interlock Device" regarding installation of an ignition interlock. (248) [ ] as ordered by the DMV.
15. [ ] Do not own, use possess, buy or sell any controlled substances, or associated paraphernalia, except with valid prescription, and stay away from places where users, buyers or sellers congregate. Do not associate with persons known by you to be controlled substance users or sellers, except in an authorized drug counseling program. (926)
16. [ ] Submit your person and property to search and seizure at any time of the day or night, by any Probation Officer or other peace officer, with or without a warrant, probable cause or reasonable suspicion. (576)
17. [ ] The vehicle with license plate _____ is, after notice and hearing, ordered impounded for _____ days per Vehicle Code § 23594(a). (703)
18. [ ] The vehicle with license plate _____ is, after notice and hearing, ordered confiscated and sold per Vehicle Code § 23596(a).
19. [ ] If you are deported from or otherwise leave the United States, notify the Court [and Probation] in writing of your address and telephone number outside the United States within 72 hours of deportation or departure. Continue to pay all of your financial obligations to the Court [and to Probation] while outside the United States. (474)
20. V Pay all of the following (check all that apply):

V A restitution fine of $ 150 per PC §1202.4(b) through (e). (038)	[ ] An administrative screening fee of $25 per PC 1463.07 GC §29550(f) (released OR.)
V A court security fee of $40.00 per PC §1465.8(a)(1) (per count) (SA CA)	[ ] A citation processing fee of $10.00 per PC §1463.07 and GC §29550(d) (if cited and released in field or at jail facility.)
V A criminal conviction/facilities assessment of $30.00 per Govt Code §70373(a). (SA CC)	[ ] An alcohol abuse education and prevention penalty assessment of $ _____ ($50 max.) per VC §23649.
A probation revocation restitution fine in the same amount as the restitution fine, per PC §1202.44, payment is stayed until probation is revoked and sentence imposed.	[ ] An alcohol and drug problem program assessment of $ _____ ($100.00 max.) per VC §23649.
[ ] A criminal fine surcharge of $ _____ per Penal Code §1465.7 (20% of base fine). (SA AB)	[ ] A drug program fee of $150.00 (per drug count except §11357(b) per H&S §11372.7(a).
[ ] A criminal justice administration fee of $ _____ payable to the local arresting agency, per Govt Code §§ 29550(c), 29550.1 or 29550.2 (agency's actual cost)	[ ] A crime lab fee of $50.00 plus penalty assessment per H&S Code §11372.5. (184)
[ ] Cost of probation services per PC 1203.1b, [ ] as determined by the Probation Officer, subject to a hearing if requested [ ] in the amount of $ _____ per month.	[ ]

21. [ ]

22. V Obey all laws and orders of the Court (541) [ ] and rules and regulations of the Probation Department. (542)
V Defendant acknowledges that he/she understands and accepts the terms and conditions of probation. (813)
[ ] Defendant ordered to pay attorney fees [ ] in the amount of $ _____ [ ] in the amount determined by the Financial Evaluator.
V Counts/allegations 5 Mtg. are dismissed/stricken on the People's motion pursuant to Penal Code Section 1385 as to this defendant.

Compliance Dates: Defendant is ordered to appear in person on each of the following compliance dates. (683)

Surrender for jail: [ ] Cruz waiver taken.		Restitution Hearing in Dept. _____ at 8:30 a.m.	
Pay fine/fees in full by: [ ] installments allowed	10/19/23	POE/Proof of Completion of Alcohol Program	10/19/23
Complete jail work/fees by:		Other:	

I understand, accept and will comply with the foregoing conditional sentence and compliance dates and will return to Court as ordered.

Defendant's Signature: | **Attorney's Signature Joining:**

Defendant's Address:

Defendant's Telephone:

Maria Cavalluzzi 85

Judge/Commissioner of the Superior Court

DISTRIBUTION: Pink - Court Copy White - Defendant Copy

ATTACHMENT D

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

DEPARTMENT NV-002 HON. JEFFREY HARKAVY, COMMISSIONER

-OOO-

PEOPLE OF THE STATE OF CALIFORNIA, PLAINTIFF, VS. JAMES KURTZ FILLMORE, DEFENDANT(S).	NO. 6SC01398

REPORTER'S TRANSCRIPT OF PROCEEDINGS

SEPTEMBER 29, 2016

APPEARANCES:

FOR THE PLAINTIFF: OFFICE OF THE DISTRICT ATTORNEY
BY: LESLIE HINSHAW, DEPUTY

FOR THE DEFENDANT: IRA SALZMAN, ATTORNEY AT LAW

LAURA R. GONZALEZ, CSR NO. 8918
OFFICIAL REPORTER

CASE NUMBER: 6SC01398
CASE NAME: PEOPLE VS. JAMES KURTZ FILLMORE
SANTA CLARITA, CALIFORNIA THURSDAY, SEPTEMBER 29, 2016
DEPARTMENT NV-002 HON. JEFFREY HARKAVY, COMMISSIONER
REPORTER: LAURA R. GONZALEZ, CSR NO. 8918
TIME: A.M. SESSION
APPEARANCES:

DEFENDANT FILLMORE, PRESENT WITH COUNSEL, IRA SALZMAN, ATTORNEY AT LAW; THE PEOPLE BEING REPRESENTED BY LESLIE HINSHAW, DEPUTY DISTRICT ATTORNEY, REPRESENTING THE PEOPLE OF THE STATE OF CALIFORNIA.

THE COURT: JAMES FILLMORE.

MR. SALZMAN: IRA SALZMAN FOR MR. FILLMORE.

THERE WILL BE A PLEA TO COUNT 2 AND THEN THE DISPOSITION IS -- AGREED-UPON DISPOSITION -- MY COLLEAGUE IS READING MR. JACOB'S HANDWRITING.

MS. HINSHAW: THREE YEARS PROBATION, SIX-MONTH ALCOHOL PROGRAM, $390 PLUS PENALTY ASSESSMENT, FIVE DAYS COMMUNITY SERVICE, CREDIT TWO DAYS.

I'M GUESSING THAT WOULD BE HIS OVERNIGHT STAY?

MR. SALZMAN: YOUR GUESS IS CORRECT.

MS. HINSHAW: OBVIOUSLY, THE IID, PER DIEM FEE AND WATSON ADVISEMENT.

MR. SALZMAN: THAT IS THE DISPOSITION.

THE COURT: THANK YOU.

NOW, THERE IS A REFUSAL ALLEGED. WAS HE GOING TO BE ADMITTING THE REFUSAL?

MR. SALZMAN: IT'S STRICKEN.

THE COURT: I ALSO HAVE A NOTE IN MY FILE, "BLOOD TEST: .12."

MR. SALZMAN: THERE WAS -- THAT IS WHY THE PEOPLE'S REQUEST TO AGREE IT WAS NOT A REFUSAL, IT WAS A 1-2.

THE COURT: THE ALLEGED REFUSAL AS TO MR. FILLMORE IS STRICKEN ON PEOPLE'S MOTION.

MR. FILLMORE, YOU ARE CHARGED WITH ON OR BEFORE FEBRUARY 27 OF THIS YEAR, DRIVING WHILE YOUR BLOOD ALCOHOL LEVEL WAS .08 OR HIGHER, A MISDEMEANOR.

DO YOU UNDERSTAND THE CHARGE?

THE DEFENDANT: I DO.

THE COURT: THE COURT HAS, I'M SHOWING TO YOU NOW, THIS YELLOW WAIVER OF RIGHTS FORM.

DID YOU READ THE FORM CAREFULLY AND UNDERSTAND EVERYTHING THAT YOU READ?

THE DEFENDANT: I DID.

THE COURT: DID YOU INITIAL THE BOXES ON THE FORM AND SIGN IT?

THE DEFENDANT: YES.

THE COURT: DO YOU UNDERSTAND THAT BY DOING SO YOU'RE GIVING UP EACH OF THE RIGHTS ON THE FORM?

THE DEFENDANT: I UNDERSTAND, YES, SIR.

THE COURT: DO YOU HAVE ANY QUESTIONS AT ALL ABOUT YOUR RIGHTS OR CONSEQUENCES OF YOUR PLEA?

THE DEFENDANT: NO.

THE COURT: TO THE CHARGE, HOW DO YOU PLEAD?

THE DEFENDANT: GUILTY.

MR. SALZMAN: DID WE CHANGE THE "NO CONTEST" --

THE COURT: YES. IT READS GUILTY ON THE WAIVER OF RIGHTS FORM.

MR. SALZMAN: -- FROM "GUILTY"?

THE COURT: THAT'S WHAT HE WANTS TO DO? I CAN CHANGE IT.

COUNSEL JOIN IN THE WAIVER, CONCUR IN THE PLEA AND STIPULATE TO A FACTUAL BASIS?

MR. SALZMAN: ALL OF THAT, YES, YOUR HONOR.

THE COURT: COURT MAKES AND SIGNS THE FINDINGS ON THE WAIVER FORM.

PLEAS ARE ACCEPTED AND YOU ARE FOUNDED GUILTY UPON YOUR PLEA.

IMPOSITION OF SENTENCE IS SUSPENDED. YOU'RE PLACED ON PROBATION FOR THREE YEARS ON THE FOLLOWING TERMS AND CONDITIONS:

THAT YOU SERVE TWO DAYS COUNTY JAIL, CREDIT TWO DAYS TIME SERVED;

THAT YOU PAY A FINE OF $390 PLUS PENALTIES AND ASSESSMENTS;

THAT YOU PERFORM 30 HOURS OF COMMUNITY SERVICE.

WITHIN 21 DAYS YOU MUST ENROLL IN AND COMPLETE A SIX-MONTH ALCOHOL PROGRAM AND SHOW PROOF OF COMPLETION IN COURT.

DO NOT DRIVE UNLESS YOU HAVE BOTH A VALID LICENSE AND PROOF OF INSURANCE IN YOUR POSSESSION.

DO NOT DRIVE WITH ANY MEASURABLE AMOUNT OF

ALCOHOL OR DRUGS IN YOUR BLOOD NOR REFUSE TO COMPLETE A BLOOD ALCOHOL LEVEL/DRUG CHEMICAL TEST AND FIELD SOBRIETY TEST IF REQUESTED BY ANY PEACE OFFICER.

I AM FORMALLY ADVISING YOU: YOUR PRIVILEGE TO DRIVE HAS BEEN SUSPENDED BY DMV. YOU CANNOT DRIVE FOR ANY REASON AT ALL UNTIL YOU HAVE A VALID LICENSE AND INSURANCE, AND EVEN IF YOU OBTAIN A VALID OR RESTRICTED LICENSE, YOU STILL CANNOT DRIVE ANY VEHICLE UNLESS IT'S EQUIPPED WITH AN IGNITION INTERLOCK DEVICE AS REQUIRED BY DMV.

I AM FORMALLY ADVISING YOU THAT WHILE UNDER THE INFLUENCE OF ALCOHOL OR DRUGS OR A COMBINATION OF THE TWO IMPAIRS YOUR ABILITY TO SAFELY OPERATE A MOTOR VEHICLE. THEREFORE, IT IS EXTREMELY DANGEROUS TO DRIVE WHILE UNDER THE INFLUENCE OF ALCOHOL, DRUGS OR ANY COMBINATION OF THE TWO.

IF YOU CONTINUE TO DRIVE WHILE UNDER THE INFLUENCE OF ALCOHOL OR DRUGS OR ANY COMBINATION OF THE TWO AND AS A RESULT OF THAT DRIVING SOMEONE IS KILLED, YOU CAN NOW BE CHARGED WITH MURDER.

OBEY ALL LAWS, RULES, ORDERS OF THE COURT.

PAY ALL MANDATORY COURT FEES.

EVERYTHING IS DUE IN THE CLERK'S OFFICE ON OR BEFORE JUNE 29 OF NEXT YEAR.

DO YOU UNDERSTAND AND ACCEPT THE TERMS AND CONDITIONS OF YOUR PROBATION?

THE DEFENDANT: I DO.

THE COURT: DO YOU HAVE ANY QUESTIONS AT ALL?

THE DEFENDANT: NO.

THE COURT: REMAINING COUNTS DISMISSED ON PEOPLE'S MOTION.

MR. SALZMAN: IF HE WISHES TO PAY THE FINE BEFORE THAT HE CAN DO SO?

THE COURT: HE CAN GO TO THE CLERK'S OFFICE ON ANY OF THESE ON OR BEFORE THAT DATE.

(THE PROCEEDINGS WERE CONCLUDED.)

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SUPERIOR COURT OF THE STATE OF CALIFORNIA

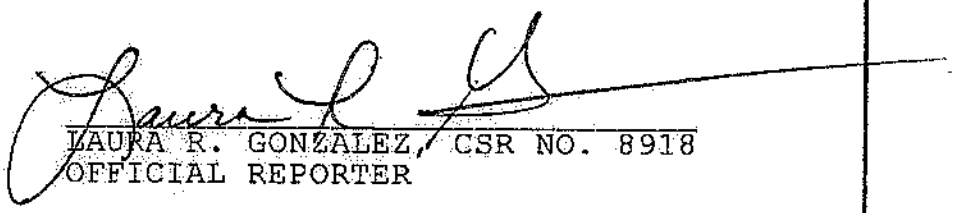
FOR THE COUNTY OF LOS ANGELES

DEPARTMENT NV-002 HON. JEFFREY HARKAVY, COMMISSIONER

THE PEOPLE OF THE STATE OF CALIFORNIA, PLAINTIFF, VS. JAMES KURTZ FILLMORE, DEFENDANT(S).	NO. 6SC01398 REPORTER'S CERTIFICATE

I, LAURA R. GONZALEZ, CSR NO. 8918, OFFICIAL REPORTER OF THE SUPERIOR COURT OF THE STATE OF CALIFORNIA, FOR THE COUNTY OF LOS ANGELES, DO HEREBY CERTIFY THAT THE FOREGOING PAGES, 1 THROUGH 6, INCLUSIVE, COMPRISE A FULL, TRUE AND CORRECT TRANSCRIPT TO THE BEST OF MY ABILITY OF THE PROCEEDINGS HELD IN THE ABOVE-ENTITLED MATTER ON SEPTEMBER 29, 2016.

DATED THIS 19TH DAY OF JULY, 2023.



LAURA R. GONZALEZ, CSR NO. 8918
OFFICIAL REPORTER

ATTACHMENT E

COURTHOUSE ADDRESS:	LOS ANGELES SUPERIOR COURT SANTA CLARITA COURTHOUSE 23747 W. VALENCIA BLVD. SANTA CLARITA, CA 91355-2105	*Reserved for Clerk's File Stamp*
IN THE MATTER OF: James Kurtz Fillmore		
CLERK'S CERTIFICATION OF REPRODUCED COURT RECORDS: **TRANSFERRED FILE**		CASE NUMBER: 8CO1493-01

I, DAVID W. SLAYTON, Executive Officer/Clerk of Court of the Superior Court of California, County of Los Angeles, certify that the reproduced court records attached hereto are a true and correct copy of the original documents contained in the original file or are of record as reflected in the attached Register of Actions.

Seal of the Superior Court of California, County of Los Angeles

An original seal is stamped herein in black ink.

DAVID W. SLAYTON, Executive Officer/Clerk of Court

Dated: 5/12/23

By: Deputy Clerk

·5yrs + $500FF + 18 A/P + 15CJ + HAM + MADD + 1Qst. + Watson

SUPERIOR COURT OF CALIFORNIA	FILED Superior Court of California County of Los Angeles
COUNTY: COUNTY OF LOS ANGELES	APR 19 2023
PLAINTIFF: PEOPLE OF THE STATE OF CALIFORNIA	David W. Slayton, Executive Officer/Clerk of Court By: L. Hidalgo, Deputy
DEFENDANT: James Fillmore	

DUI WITHOUT INJURIES ADVISEMENT OF RIGHTS, WAIVER, AND PLEA FORM (Vehicle Code, §§ 23152, 23103(a)/23103.5, 23140, 23154, 14601 et seq., 12500(a))

CASE NUMBER	DEPARTMENT
2SC01493	1

INSTRUCTIONS

Fill out this form if you wish to plead guilty or no contest to the charges against you and admit the truth of the special allegations. Initial the box for each applicable item only if you understand it, and **sign and date the form on page 7**. If you have any questions about your case, the possible sentence, or the information on this form, ask your attorney or the judge.

NATURE OF THE CHARGES AND SPECIAL ALLEGATIONS (Initial all items with which you are charged.)

I understand that I am charged with a violation of Vehicle Code section(s):

		INITIALS
1.	**23152(a)** – Driving under the influence of alcohol	1. J
2.	**23152(b)** – Driving when my blood-alcohol concentration (BAC) was .08 percent or more	2.
3.	**23152(d)** – Driving a commercial vehicle when my BAC was .04 percent or more	3.
4.	**23152(e)** – Driving a vehicle for hire with a passenger when my BAC was 0.4 percent or more (operative Jul. 1, 2018)	4.
5.	**23152(f)** – Driving under the influence of drugs	5.
6.	**23152(g)** – Driving under the influence of both alcohol and drugs	6.
7.	**23103(a), 23103.5** – Reckless driving involving alcohol or drugs, or both	7.
8.	**23140** – Driving when my BAC was 0.05 percent or more when I was under 21 years old	8.
9.	**23154** – Operating a vehicle while on probation for a DUI when my BAC was 0.01 percent or more.	9.
10.	**Check if applicable** – ☐ **14601(a)** or ☐ **14601.1** or ☐ **14601.2** or ☐ **14601.5** Driving in knowing violation of a driver's license restriction, suspension, or revocation	10.
11.	**Check if applicable** – ☐ **14601.3** (habitual traffic offender) – Accumulating a driving record history in knowing violation of a driver's license suspension or revocation	11.
12.	**Check if applicable** – ☐ **12500(a)** – Driving without a valid driver's license	12.

I understand that the following special allegations have been alleged **(check if applicable):**

13. ☑ Driving a vehicle when my BAC was at .18 percent or above.
☐ Willfully refusing to submit to or complete a peace officer's request for a breath or urine test.
☐ Driving under the influence of alcohol or drugs, or both, in willful or wanton disregard for the safety of persons or property on a freeway at _____ miles per hour, which is 30 or more miles per hour over the maximum, prima facie, or posted speed limit.
☐ Driving under the influence of alcohol or drugs, or both, in willful or wanton disregard for the safety of persons or property on a street or highway at _____ miles per hour, which is 20 or more miles per hour over the maximum, prima facie, or posted speed limit.
☐ Driving under the influence of alcohol or drugs, or both, while a minor under 14 years of age was a passenger in the vehicle. — 13.

14. **If applicable** – I understand that I am also charged with the following **other offense(s):** — 14.

_____
TYPE OF OFFENSE(S) AND SECTION NUMBER(S)

15. **If applicable** – I understand that I am also charged with the following **other conviction(s):**

2/27/16, VC 23152(b) 6SC01398

LIST OFFENSE(S), CASE NUMBER(S), AND DATE(S)

16. **If applicable** – I am also charged with violating the **probation order(s)** in the following case(s):

CASE NUMBER(S) AND DATE(S)

17. I understand the charge(s) and allegation(s) against me, and the possible pleas and defenses.....

15. F
16. /
17. F

CONSTITUTIONAL RIGHTS AND PRIVILEGES

18. **RIGHT TO AN ATTORNEY** – I understand that I have the right to be represented by an attorney throughout the proceedings. I understand that the court will appoint a free attorney for me if I cannot afford to hire one, but at the end of the case, I may be asked to pay all or part of the cost of that attorney, if I can afford to. I understand that there are dangers and disadvantages to giving up my right to an attorney, and that it is almost always unwise to represent myself.....
19. **RIGHT TO A JURY TRIAL** – I understand that I have the right to a speedy, public jury trial. At the trial, I would be presumed innocent, and I could not be convicted unless 12 impartial jurors were convinced of my guilt beyond a reasonable doubt.....
20. **RIGHT TO CONFRONT WITNESSES** – I understand that I have the right to confront and cross-examine (see, hear, and question) all witnesses testifying against me.....
21. **RIGHT AGAINST SELF-INCRIMINATION** – I understand that I have the right to remain silent and a right not to incriminate myself, and the right to testify on my own behalf during any proceeding. I understand that by pleading guilty or no contest, or admitting other conviction(s) or probation violation(s), I am incriminating myself.....
22. **RIGHT TO PRODUCE EVIDENCE** – I understand that I have the right to present evidence and to have the court issue subpoenas at no cost to me to compel attendance of witnesses in court and the production of evidence favorable to me. I have the right to testify in court if I waive my privilege against self-incrimination.....

18. F
19. F
20. F
21. F
22. F

RIGHTS ON CHARGES OF OTHER CONVICTION(S), ENHANCEMENT ALLEGATION(S), AND PROBATION VIOLATION(S)

23. **If applicable** – I understand that I have the right to an attorney, the right to a jury trial, the right to confront witnesses, the right against self-incrimination, and the right to produce evidence and witnesses for **all** charges against me, including other alleged conviction(s), enhancement allegation(s), or probation violation(s). However, for a charge of violating probation, I do not have the right to a jury trial, but I do have the right to a hearing before a judge.....

23. F

WAIVER OF RIGHTS

Understanding all of the above, for all of the charges and allegations against me, including any other alleged conviction(s) or probation violation(s):

24. I give up my right to an attorney, and I choose to represent myself. (Does not apply if you have an attorney.).....
25. I give up my right to a jury trial.....
26. I give up my right to confront and cross-examine witnesses.....
27. I give up my right to remain silent and to not incriminate myself.....
28. I give up my right to produce evidence and witnesses on my own behalf.....

24. /
25. F
26. F
27. F
28. F

CONSEQUENCES OF PLEA OF GUILTY OR NO CONTEST PLEA

29. I understand that if I am not a citizen, a plea of guilty or no contest (*nolo contendere*) could result in my deportation, exclusion from admission to this country, or denial of naturalization.....

29. F

30. I understand that a plea of no contest will have the same effect in this case as a plea of guilty, but it cannot be used against me in a civil lawsuit unless the offense is punishable as a felony ..... 30.

31. I understand that any plea entered in this case may be grounds for revoking probation or parole which has previously been granted to me in any other case ..... 31.

32. I understand that the Department of Motor Vehicles (DMV) will consider any of my other convictions for driving under the influence of alcohol or drugs or their combined influence (DUI) or reckless driving, **even those that are not charged in this proceeding**, and may impose a more severe license suspension or revocation as a result ..... 32.

33. I understand that in addition to the fine, **the court will add a surcharge, assessments, and penalties, and may add fees, which will significantly increase the amount I must pay**. I may also be ordered to make victim restitution, if any, and to pay a restitution fine no less than $150 and up to $1000 (or no less than $300 and up to $10,000 if the offense is a felony), unless the court finds compelling and extraordinary reasons not to do so ..... 33.

34. I understand that being under the influence of alcohol or drugs, or both, impairs my ability to safely operate a motor vehicle, and it is extremely dangerous to human life to drive while under the influence of alcohol or drugs, or both. If I continue to drive while under the influence of alcohol or drugs, or both, and as a result of my driving, someone is killed, I can be charged with murder ..... 34.

I understand that if I am the **registered owner** of the vehicle used in the offense:

35. The court may impound my vehicle at my expense for up to 90 days, unless it is in the interests of justice not to do so. The court may also declare my vehicle to be a nuisance and order it sold following a hearing if I have 2 or more other convictions for DUI, vehicular manslaughter (Pen. Code, §§ 191.5 or 192.5, subd. (a)), or any combination thereof, in the past 7 years ..... 35.

36. The court or DMV may also require me to install and maintain a functioning, certified ignition interlock device for up to three years. Installation of this device, which prevents the vehicle from starting if I have alcohol in my body, does not authorize me to drive without a valid driver's license.. 36.

37. If I am convicted of a second or subsequent violation of driving with a suspended or revoked license (Veh. Code, § 14601 et seq.) or driving without a license (Veh. Code, § 12500, subd. (a)), my vehicle may be subject to forfeiture as a nuisance ..... 37.

SENTENCES FOR DRIVING UNDER THE INFLUENCE OF ALCOHOL AND/OR DRUGS (SECTION 23152)
(cont. on next page)

Offense	Minimum and Maximum Sentences when Probation is Granted (3 to 5 years Probation Term)	Minimum and Maximum Sentences without Probation
First offense within 10 years See Nos. **38-52**	The court may order a jail term of 48 hours to 6 months. It will impose a fine of $390 to $1,000 and order me to complete a 3-month or longer alcohol/drug treatment program. If my BAC was .20% or more, or if I refused a breath or urine test upon my arrest, I must complete a 9-month or longer treatment program. The DMV will also impose a 6-month driver's license suspension, or a 10-month license suspension if the 9-month program is required.	96 hours to 6 months in jail, and a $390 to $1,000 fine. The DMV will also impose a 6-month driver's license suspension.
Second offense within 10 years See Nos. **38-52**	A jail term of either: (a) 10 days to 1 year, or (b) 96-hours to 1 year; a $390 to $1,000 fine, and completion of at least an 18-month (or at least a 30-month) alcohol/drug treatment program. The DMV will also impose a 2-year driver's license suspension.	90 days to 1 year in jail, and a $390 to $1,000 fine. The DMV will also impose a 2-year driver's license suspension.
Third offense within 10 years See Nos. **38-52**	120 days to 1 year in jail, a $390 to $1,000 fine, and completion of an 18-month (or 30-month) alcohol/drug program if I have not completed one before. The DMV will impose a 3-year driver's license revocation. The court may impose a 10-year driver's license revocation.	120 days to 1 year in jail, and a $390 to $1,000 fine. The DMV will impose a 3-year driver's license revocation. The court may impose a 10-year driver's license revocation.
Fourth or subsequent offense within 10 years (may be a felony) See Nos. **38-52**	180 days to 1 year in jail, a $390 to $1,000 fine, and completion of an 18-month alcohol/drug program if I have not completed one before. The DMV will impose a 4-year driver's license revocation. The court may impose a 10-year driver's license revocation.	16 months, or 2 or 3 years imprisonment, (or 180 days to 1 year in county jail); and a $390 to $1,000 fine. The DMV will impose a 4-year driver's license revocation. The court may impose a 10-year driver's license revocation.

SENTENCES FOR DRIVING UNDER THE INFLUENCE OF ALCOHOL AND/OR DRUGS (SECTION 23152) (cont. from previous page)

Offense	Minimum and Maximum Sentences when Probation is Granted (3 to 5 years Probation Term)	Minimum and Maximum Sentences without Probation
Offense with felony prior within 10 years of a felony violation of Veh. Code, §§ 23152 or 23153, or Pen. Code, § 192, subd. (c)(1); or of a felony violation of Pen. Code, § 191.5, sub. (b); or any violation of Pen. Code, §§ 191.5, subd. (a) or 192.5, subd. (a) See Nos. **38-52**	The court may order a jail term of up to 1 year (or, with a waiver (see No. 51), the court may order a jail term of up to 3 years) (see Pen. Code, §§ 19.2, 1203.1, subds. (a), (a)(2)), up to a $1,000 fine, and completion of an 18-month (or 30-month) alcohol/drug program. The DMV will impose a 4-year driver's license revocation. If the conviction is also a third or subsequent DUI (§§ 23152, 23153) within 10 years, the court may impose a 10-year driver's license revocation.	16 months, or 2 or 3 years imprisonment in state prison (or not more than 1 year in county jail); and a $390 to $1,000 fine. The DMV will impose a 4-year driver's license revocation. If the conviction is also a third or subsequent DUI (§§ 23152, 23153) within 10 years, the court may impose a 10-year driver's license revocation.

SENTENCES FOR RECKLESS DRIVING (SECTIONS 23103(a) AND 23103.5)

Nature of Offense	Minimum and Maximum Sentences		Other Consequences
Reckless driving reduced from driving under the influence	If probation is granted:	A maximum of 90 days in jail, or $1,000 fine, or both, plus attendance at a treatment program.	If alcohol or drugs are involved, this conviction will act as a separate DUI conviction if I commit a subsequent DUI offense within 10 years.
	If probation is not granted:	5 days to 90 days in jail, or $145 to $1,000 fine, or both.	

SENTENCES FOR DRIVING IN VIOLATION OF A LICENSE SUSPENSION, REVOCATION, OR RESTRICTION

Vehicle Code Section	First Offense	Second or Subsequent Offense I have one or more prior convictions in the past 5 years of either sections 14601(a), 14601.1, 14601.2, or 14601.5.
14601(a)	5 days to 6 months in jail, and a fine of $300 to $1,000.	10 days to 1 year in jail, and a fine of $500 to $2,000. 10 days in jail required if probation is imposed.
14601.1	Up to 6 months in jail, or a fine of $300 to $1,000, or both.	5 days to 1 year in jail, and a fine of $500 to $2,000.
14601.2	10 days to 6 months in jail, and a fine of $300 to $1,000. 10 days in jail required if probation is imposed.	30 days to 1 year in jail, and a fine of $500 to $2,000. 30 days in jail required if probation is imposed.
	If I have been designated as a habitual traffic offender within 3 years of this conviction, in addition to the penalties above, I will be sentenced to serve 180 days in jail and to pay a $2,000 fine.	
14601.5	Up to 6 months in jail, or a fine of $300 to $1,000, or both.	10 days to 1 year in jail, and a fine of $500 to $2,000. Note - section 14601.3 also constitutes a prior conviction for this offense.

Vehicle Code Section	First Offense	Second or Subsequent Offense Prior conviction(s) in past 7 years of section 14601.3.
14601.3	30 days in jail, and a fine of $1,000.	180 days in jail, and a fine of $2,000.

SENTENCE FOR DRIVING WITHOUT A VALID DRIVER'S LICENSE (SECTION 12500(a))

Nature of Offense	Maximum Sentence
Driving without a valid driver's license.	A maximum of 6 months in jail, or $1,000 fine, or both.

ENHANCED SENTENCES – EXCESSIVE SPEED (SECTION 23582)

	Sentence Enhancement – Whether or Not Probation is Granted
If I recklessly drove 30 or more miles per hour above the speed limit on a freeway, or 20 or more miles per hour above the speed limit on any other street or highway during the commission of a violation of section 23152 or 23153:	My sentence will be increased by 60 days in jail. If this is my first section 23582 conviction, the court will order me to complete an alcohol/drug program, even if probation is not granted.

ENHANCED SENTENCES – WILLFUL REFUSAL (SECTION 23577)		
Offense	**Sentence Enhancement**	**Driver's License Suspension or Revocation**
First offense within 10 years See Nos. **38-52**	If I am granted probation, the court will order me to serve a mandatory jail term of 48 hours to 6 months.	The DMV will impose a 1-year driver's license suspension.
Second offense within 10 years See Nos. **38-52**	My sentence will be increased by 96 hours in jail.	The DMV will impose a 2-year driver's license revocation if: (1) I have a prior conviction in the past 10 years of Vehicle Code sections 23103 (under 23103.5), 23140, 23152, 23153, or Penal Code sections 191.5, 192.5, subdivision (a); or (2) the DMV previously suspended or revoked my driver's license in the past 10 years pursuant to Vehicle Code sections 13353 or 13553.2 for an offense that occurred on a separate occasion.
Third offense within 10 years See Nos. **38-52**	My sentence will be increased by 10 days in jail.	The DMV will impose a 3-year driver's license revocation if: (1) I have any combination of two or more prior convictions in the past 10 years of Vehicle Code sections 23103 (under 23103.5), 23140, 23152, 23153, or Penal Code sections 191.5, 192.5, subdivision (a); (2) the DMV previously suspended or revoked my driver's license two or more times pursuant to Vehicle Code sections 13353 or 13353.2 for an offense that occurred on a separate occasion; or (3) any combination of two or more of the above prior convictions or driver's license suspensions or revocations.
Fourth or subsequent offense within 10 years See Nos. **38-52**	My sentence will be increased by 18 days in jail.	

ENHANCED SENTENCES – PASSENGER UNDER 14 YEARS OF AGE (SECTION 23572)	
Offense	**Sentence Enhancement – Whether or Not Probation is Granted**
First offense within 10 years See Nos. **38-52**	My sentence will be increased by 48 continuous hours in jail.
Second offense within 10 years See Nos. **38-52**	My sentence will be increased by 10 days in jail.
Third offense within 10 years See Nos. **38-52**	My sentence will be increased by 30 days in jail.
Fourth or subsequent offense within 10 years (misdemeanor only) See Nos. **38-52**	My sentence will be increased by 90 days in jail.

38. I have read and understand the applicable charts on pages 3 through 5 which list the minimum and maximum penalties for the offense(s) with which I am charged. (See No. 39 for the offenses not listed in the charts.)

38.

39. **If applicable** - I understand that the possible consequences for the offense(s) charged, which are not listed on the penalty charts on pages 3 through 5, include the following:

- _____ SECTION NUMBER _____ JAIL – MIN. _____ MAX. _____ JAIL – MIN. _____ MAX.

  OTHER CONSEQUENCES: _____

- _____ SECTION NUMBER _____ JAIL – MIN. _____ MAX. _____ JAIL – MIN. _____ MAX.

  OTHER CONSEQUENCES: _____

- _____ SECTION NUMBER _____ JAIL – MIN. _____ MAX. _____ JAIL – MIN. _____ MAX.

  OTHER CONSEQUENCES: _____

- _____ SECTION NUMBER _____ JAIL – MIN. _____ MAX. _____ JAIL – MIN. _____ MAX.

  OTHER CONSEQUENCES: _____

39.

ADDITIONAL PENALTIES

40. I understand that the DMV will suspend my driver's license under an administrative procedure which is separate from this criminal action. I understand that the DMV's action, if any, will be in addition to the court's sentence and that I must obey it ..... 40. JF
41. I understand that the DMV will notify me that I am required to install a functioning, certified ignition interlock device in all vehicles that I own or operate, and it will issue a restricted license if I comply. I understand I must keep the DMV advised of my current mailing address to receive this notice..... 41. JR
42. I understand that the DMV will not restore my driving privilege following a driver's license suspension or revocation unless I provide the DMV with proof of insurance for 3 years ..... 42. JF
43. I understand that proof of my successful completion of an alcohol/drug program must be received at DMV headquarters in order for me to have my driving privilege reinstated, **even if I am not ordered to attend such a program by the court**. If I have not already surrendered my license, I also understand that I must surrender my license to the court..... 43. JF
44. I understand that the DMV will prohibit me from operating a **commercial** vehicle for one year if I am convicted of a **first** DUI offense or willful refusal to submit to or complete a breath or urine test to determine my BAC which occurred in **any** vehicle. The DMV will prohibit me from operating a commercial vehicle ever again if I am convicted of a **second or subsequent** DUI offense or willful refusal to submit to or complete a breath or urine test in any vehicle ..... 44. JF
45. I understand that the DMV will revoke my driver's license for a period of 4 years if I have a prior felony conviction in the past 10 years of: Vehicle Code sections 23152 or 23153; Penal Code sections 191.5, subdivision (b) or 192, subdivision (c)(1); or any conviction within 10 years of Penal Code sections 191.5, subdivision (a) or 192.5, subdivision (a) ..... 45. JF
46. I understand that if I was **under the age of 21** at the time of my arrest, my driver's license will also be suspended for 1 year, and I must surrender my license to the court..... 46. JR
47. I understand that if my BAC was .15 percent or more, or if I refused to submit to a breath or urine test, the court will consider this in determining whether to enhance the penalties, grant probation, or impose additional terms of probation..... 47. JF
48. I understand that if I am placed on probation, it is unlawful to drive with a BAC of .01 percent or greater and that the DMV will suspend my license for up to 1 year if I do so. If I violate my probation by driving with a BAC of over 0.04 percent, the court will only grant me a new term of probation if I serve not less than 48 hours in county jail for each of these violations ..... 48. JR
49. I understand that if I am convicted of a **third or subsequent** DUI violation, I will be designated as a habitual traffic offender for 3 years after my conviction, and I may receive an enhanced sentence if I drive in violation of my license revocation. If probation is granted, I may also request to participate in a 30-month treatment program. If the court grants my request, I will be sentenced to the county jail for at least 30 days but not more than 1 year as a condition of probation..... 49. JF
50. **If applicable** – I understand that if I am convicted of a violation of Vehicle Code section 14601.2, or if the charge was for a violation of that section but I am pleading to Vehicle Code section 14601(a), 14601.1, or 14601.5, the court will order me to install a functioning, certified ignition interlock device on any vehicle that I own or operate for up to three years. Installation of this device does not authorize me to drive without a valid driver's license ..... 50. /
51. **If applicable** – I understand that I have a statutory right to not be sentenced to more than one year in county jail as a condition of probation. I give up this statutory right and agree to be sentenced to more than one year in county jail for a period up to and including the maximum time fixed by law .... 51. /
52. **If applicable** – I understand that if I have previously been convicted of a violation of Vehicle Code section 23152 or 23153 that occurred more than 10 years ago, or if I have previously been convicted of a violation of Penal Code section 647, subdivision (f) (public intoxication), I will be ordered to attend and complete an alcohol and drug problem assessment program. If the program assessment recommends additional treatment, the court may order me to enroll, participate in, and complete an 18-month or a 30-month treatment program, even if I am convicted of a first offense .... 52. /

PLEA(S)

53. I hereby freely and voluntarily plead no contest to:
GUILTY OR NO CONTEST

Ct. 2 - VC 23152(b)
LIST CHARGE(S)

53. JC

SPECIAL ALLEGATION ADMISSIONS

If applicable – I admit the truth of the following special allegations:

54. ☑ I drove a vehicle when my BAC was at .18 percent or above.
☐ I willfully refused a peace officer's request to submit to, or willfully failed to complete, a breath or urine test.
☐ When I drove a vehicle under the influence of alcohol or drugs, or both, I drove in willful or wanton disregard for the safety of persons or property on a freeway at _____ miles per hour, which is 30 or more miles per hour over the maximum, prima facie, or posted speed limit.
☐ When I drove a vehicle under the influence of alcohol or drugs, or both, I drove in willful or wanton disregard for the safety of persons or property on a street or highway at _____ miles per hour, which is 20 or more miles per hour over the maximum, prima facie, or posted speed limit.
☐ When I drove a vehicle under the influence of alcohol or drugs, or both, a minor under 14 years of age was a passenger in the vehicle.

54. JC

55. **If applicable** – I freely and voluntarily admit the other conviction(s) that I listed on this form, and I understand that this admission will increase the penalties which are imposed on me..... 55. JC

56. **If applicable** – I freely and voluntarily admit the probation violation(s) that I listed on this form and give up my right to a hearing before a judge regarding the probation violation(s)..... 56. /

57. I understand that I have the right to a delay of from 6 hours to 5 days prior to being sentenced for a misdemeanor, and the right to a delay of up to 20 days for a felony. I give up this right and agree to be sentenced at this time..... 57. JC

58. **If applicable** – I understand that I have the right to enter my plea before, and to be sentenced by, a judge. I give up this right and agree to enter my plea before, and to be sentenced by:

_____
TEMPORARY JUDGE'S NAME

58. /

DEFENDANT'S SIGNATURE: _____ **DATE:** 4-19-23

ATTORNEY'S STATEMENT

I am the attorney of record for the defendant. I have reviewed the form and any addenda with my client. I have explained each of the defendant's rights to the defendant and answered all of the defendant's questions with regard to this plea. I have also discussed the facts of the defendant's case with the defendant, and explained the consequences of this plea, the elements of the offense(s), and the possible defenses. I stipulate to a factual basis for the plea(s) and admissions(s) based on the police reports, and have explained to the defendant that he or she may enter a plea if he or she feels to do so is in his or her best interests. I concur in this plea and in the defendant's decision to waive his or her constitutional rights.

_____ 4/19/23
DEFENDANT'S ATTORNEY'S SIGNATURE DATE

INTERPRETER'S STATEMENT (if applicable)

I, having been sworn or having a written oath on file, certify that I truly translated this form to the defendant in the language indicated below. The defendant stated that (s)he understood the contents of the form, and then (s)he initialed and signed the form.

Language: ☐Spanish ☐Other (specify): _____

COURT INTERPRETER'S SIGNATURE	TYPE OR PRINT NAME	DATE

COURT'S FINDINGS AND ORDER

The court, having reviewed this form and any addenda, and having questioned the defendant concerning the defendant's constitutional rights and the defendant's admission of other conviction(s), enhancement allegation(s), and probation violation(s), if any, finds that the defendant has expressly, knowingly, understandingly and intelligently waived his or her constitutional rights. The court finds that the defendant's plea(s) and admission(s) are freely and voluntarily made with an understanding of the nature and consequences thereof, and that there is a factual basis for the plea(s). The court accepts the defendant's plea(s), the defendant's admission of the other conviction(s), enhancement allegation(s), and probation violation(s), if any, and orders this form filed and incorporated in the docket by reference as though fully set forth therein.

Maria Cabellero

☐JUDGE OF THE SUPERIOR COURT

☐TEMPORARY JUDGE OF THE SUPERIOR COURT

4/19/23
DATE

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

MISDEMEANOR SENTENCING MEMORANDUM - VEHICLE CODE

Defendant: James Fillmore | Case No.: 2SC01493-01

Date: 4/19/23 | Dept: 001 | Prosecutor: Jimenez | Defense: A. Lias pvt

Judge: Cavalluzzi | Clerk: Arballo | Reporter: EM | Interpreter/Language:

As to Count 2 a violation of Vehicle Code § [ ] 23152(a) [ ] 23152(b) [ ] 23103 per 23103.5 [ ] 14601 [ ] 12500(a) [ ] _____ with 1 admitted priors.

Arraignment For Judgment

[x] Arraignment for judgment and time for sentencing waived. There is no legal cause why judgment should not now be pronounced.

Sentence

1. [ ] **Probation is denied.** Defendant is to serve _____ days/hours in the Los Angeles County Jail, forthwith, [ ] consecutive [ ] concurrent with _____. Defendant to receive total credit of _____ days/hours (credit _____ days/hours actual plus _____ days GT/WT).
2. [ ] Pay a fine of $ _____ plus all applicable penalty assessments and enhancements.
3. [ ] Pay all fines and assessments as set forth in Paragraph 20 below.
4. [ ] **Execution of the foregoing sentence is suspended, on the following terms and conditions.**

Conditional Sentence (PC §1203b)/Order of Probation (PC §1203a)

[x] Imposition of sentence is suspended (ISS) [ ] With supervision by county probation officer (formal probation) For a period of 60 months upon the following terms and conditions:

1. [x] Serve 15 days/hours in the Los Angeles County jail, [ ] consecutive [ ] concurrent with _____. Defendant to receive total credit of _____ days/hours actual plus _____ days/hours GT/WT. [ ] Time may be served in any penal institution. [ ] Time may be served on consecutive weekends of two days each, beginning _____ (772). [ ] Time may be served in any city jail having actual confinement, at defendant's expense. (021). [ ] Defendant may not participate in Sheriff's home detention/EHM per PC 1203.016(e). (771) [ ] Work furlough / early release not allowed. [ ] Last _____ days of jail time to be served in: [ ] Antelope Valley Rehabilitation Center [ ] _____ Program. (692). Defendant to be released only to an authorized representative of that program and is to comply with all program terms and conditions. (613). If defendant leaves or is discharged from the program prior to completion, defendant is to report to court on the next court day. (613). [ ] Defendant ordered to install a SCRAM Alcohol Detection Device for _____ days.

NC CT II

2. [x] Pay a fine of $ 500 plus penalty assessments or in default thereof serve 4 additional days in County jail, consecutive or perform _____ days of Community Labor or perform _____ days/hours of approved Community Service, with credit for _____ days actual or $ _____ toward fine for jail time already served. [ ] Fine may be paid in monthly installments of $ _____ (124). [ ] Defendant to report to Financial Evaluator to work out a payment plan. [ ] Defendant elects jail in lieu of fine, forthwith, consecutive to all other time, credit _____ days actual plus _____ days GT/WT.
3. [ ] Perform _____ days of work for Community Labor / _____ or perform _____ days/hours of approved Community Service, with credit for _____ days actual. Sign up for all work or Community Service only at a court-approved volunteer center or in the clerk's office. Failure to complete court-ordered work or Community Service without excuse may result in jail. **This work or Community Service is in addition to that done in lieu of fine.**
4. [x] Make restitution to victim [redacted] per PC §1202.4(f). (048) [x] In an amount to be determined at a hearing. (067) [ ] Harvey waiver taken. [ ] In the stipulated sum of $ [redacted] (048) [ ] per any final civil judgment against you. (100) [x] Liability is admitted but amount is disputed.
5. [x] **Enroll within 21 days (or within 21 days from your release from custody) and successfully complete an approved:** Defendant's BAC 15 %. [ ] Refusal. [ ] 12 hour (SB 1176) [ ] 3 mo. (AB541)(327) [ ] 5 mo. (AB 762) [ ] 9 mo. (AB1353) [x] 18 mo. (SB38)(328) [ ] 30 mo. alcohol education program. The DMV will not restore your driving privilege until you successfully complete a licensed alcohol education program. [ ] Obtain program details from Clerk or Health Officer of that alcohol education program. (246)
6. [ ] Attend _____ Alcoholics Anonymous/Narcotics Anonymous meetings at the rate of _____ times per week. IN ADDITION to those required as part
7. [x] **Do not drive any vehicle with any measurable amount of alcohol or drugs in your blood,** or refuse to take and complete any blood alcohol/drug chemical test, any field sobriety test or any preliminary alcohol screening test when requested by any peace officer. (711)
8. [x] Do not drive a motor vehicle without a valid driver's license in your possession, or without liability insurance in at least the minimum amounts required by law. (374)
9. [ ] Abstain from the use of all alcoholic beverages and stay out of all places where they are a chief item of sale. (308) [x] **Watson advisement given.** (710)
10. [x] Enroll in and complete the [x] Hospital and Morgue ("HAM") Program. (471) [x] MADD Victim Impact Program (472) [ ] _____
11. [ ] The court finds that defendant presents a traffic safety or public safety risk and, per VC §13352.4(d), disallows issuance by DMV of a restricted license. (249)
12. [ ] **Your driver's license is hereby ordered [ ] suspended [ ] revoked** for a period of _____ months, _____ years. [ ] **"M" service given in open court.** (283) You may not drive a motor vehicle unless and until your driving privilege is restored. [ ] Defendant under age 21 at time of offense.
13. [ ] You are hereby declared to be a Habitual Traffic Offender for a period of _____ years. (263)
14. [ ] Comply with the "Supplemental Terms of Probation – Ignition Interlock Device" regarding installation of an ignition interlock. (248) [ ] as ordered by the DMV.
15. [ ] Do not own, use possess, buy or sell any controlled substances, or associated paraphernalia, except with valid prescription, and stay away from places where users, buyers or sellers congregate. Do not associate with persons known by you to be controlled substance users or sellers, except in an authorized drug counseling program. (926)
16. [ ] Submit your person and property to search and seizure at any time of the day or night, by any Probation Officer or other peace officer, with or without a warrant, probable cause or reasonable suspicion. (576)
17. [ ] The vehicle with license plate _____ is, after notice and hearing, ordered impounded for _____ days per Vehicle Code § 23594 (a). (703)
18. [ ] The vehicle with license plate _____ is, after notice and hearing, ordered confiscated and sold per Vehicle Code § 23596(a).
19. [ ] If you are deported from or otherwise leave the United States, notify the Court [and Probation] in writing of your address and telephone number outside the United States within 72 hours of deportation or departure. Continue to pay all of your financial obligations to the Court [and to Probation] while outside the United States. (474)
20. [x] **Pay all of the following (check all that apply):**

[x] A restitution fine of $ 150 per PC §1202.4(b) through (e). (698)	[ ] An administrative screening fee of $25 per PC 1463.07 GC §29550(f) (released OR)
[x] A court security fee of $40.00 per PC §1465.8(a)(1) (per count). (SA CA)	[ ] A citation processing fee of $10.00 per PC §1463.07 and GC §29550(f) (if cited and released in field or at jail facility)
[x] A criminal conviction/facilities assessment of $30.00 per Govt Code §70373(a). (SA CC)	[ ] An alcohol abuse education and prevention penalty assessment of $ _____ ($50 max.) per VC §23649.
[ ] A probation revocation restitution fine in the same amount as the restitution fine, per PC §1202.44, payment is stayed until probation is revoked and sentence imposed.	[ ] An alcohol and drug problem program assessment of $ _____ ($100.00 max.) per VC §23649.
[ ] A criminal fine surcharge of $ _____ per Penal Code §1465.7 (20% of base fine). (SA AB)	[ ] A drug program fee of $150.00 (per drug count except §11357(b)) per H&S §11372.7(a).
[ ] A criminal justice administration fee of $ _____ payable to the local arresting agency, per Govt Code §§ 29550(c), 29550.1 or 29550.2 (agency's actual cost).	[ ] A crime lab fee of $50.00, plus penalty assessment per H&S Code §11372.5. (184)
[ ] Cost of probation services per PC 1203.1b. [ ] as determined by this Probation Officer, subject to a hearing if requested [ ] in the amount of $ _____ per month.	[ ]

21. [ ]

22. [x] Obey all laws and orders of the Court (541) [ ] and rules and regulations of the Probation Department. (542)

[x] Defendant acknowledges that he/she understands and accepts the terms and conditions of probation. (810)

[ ] Defendant ordered to pay attorney fees [ ] in the amount of $ _____ [ ] in the amount determined by the Financial Evaluator.

[x] Counts/allegations 1 Mtn. are dismissed/stricken on the People's motion pursuant to Penal Code Section 1385 as to this defendant.

Compliance Dates. Defendant is ordered to appear in person on each of the following compliance dates. (683)

Surrender for jail: [ ] Cruz waiver taken.		Restitution Hearing in Dept. _____ at 8:30 a.m.	
Pay fine/fees in full by: [ ] installments allowed	10/19/23	POE/Proof of Completion of Alcohol Program	10/19/23
Complete jail/work/fees by:		Other:	

I understand, accept and will comply with the foregoing conditional sentence and compliance dates and will return to Court as ordered.

Defendant's Signature: _____ Attorney's Signature Joining: _____

Defendant's Address: _____

Defendant's Telephone: _____

Judge/Commissioner of the Superior Court: Maria Cavalluzzi

CR184A8 (Rev. 2/17) DISTRIBUTION: Pink - Court Copy White - Defendant Copy

ATTACHMENT F

INTERVIEWS

On October 20, 2022, Detective Townsend contacted the LASD, Santa Clarita Valley Sheriff's Station, Traffic Unit, Motor Sergeant, Travis Kelly, Serial No. 404532. Sergeant Kelly provided a "Laboratory Examination Report." The report documented Detective Fillmore's blood alcohol concentration from the blood test when he was arrested. The results were derived from the blood sample taken from Detective Fillmore on the April 30, 2022, at 1945 hours. According to the report, the blood sample had a blood alcohol concentration of 0.18%. **(Addendum No. 7).**

Sergeant Kelly spoke about the Retrograde Extrapolation rate of elimination of Blood Alcohol Content (BAC). He said the LASD uses a rate of 0.02% BAC rate of elimination per hour. Using the information provided, Detective Fillmore's approximate BAC was .024% on April 30, 2022, at 1645 hours. That time was approximately 15 minutes prior to the accident Detective Fillmore was involved in.

Mark O'Donnell

On October 24, 2022, Detective III Mark O'Donnell, Serial No. 33062, assigned to Operations Valley Bureau (OVB) Homicide, was sent an interrogatory via department email. He responded immediately to the questions. Detective O'Donnell was the On-Call, Detective III, Supervisor, during the week of April 25, 2022, through May 2, 2022. He was the only team (squad) On Call and Detective Fillmore was not on call the week of his accident and arrest.

Steve Castro

On October 24, 2022, Detective III Steve Castro, Serial No. 26287, assigned to OVB Homicide was sent an interrogatory via department email. He responded immediately to the questions. Detective Fillmore was assigned to Detective Castro's squad. Detective Castro and his squad were not "On Call" during the week of April 25, 2022, through May 2, 2022. The assigned vehicle Detective Fillmore had was a Nissan Maxima, California License [redacted] Detective Castro added that Detective Fillmore would regularly offer to be on call with other squads with that squad's D-III approval. However, Castro did not believe Detective Fillmore was on call with any squad with the dates in question.

David Peteque

On October 24, 2022, Assistant Officer in Charge, Detective III, David Peteque, Serial No. 27723, assigned to OVB Homicide was sent an interrogatory via department email. He responded immediately to the questions. Detective Peteque did not give authorization for Detective

ATTACHMENT G

AGREEMENT REGARDING PROPOSED DISCIPLINE

This document represents an agreement between the City of Los Angeles, the Los Angeles Police Department and the Chief of Police, Charlie Beck (hereinafter collectively referred to as "the City") and Detective James Fillmore, Serial #37036, a member of the Los Angeles Police Department (hereinafter referred to as "Fillmore")

WHEREAS the City has conducted an investigation regarding alleged misconduct involving Fillmore, which has resulted in personnel complaint, CF #16-000570 being brought against Fillmore and,

WHEREAS the parties desire to reach a settlement in the above-referenced disciplinary proceedings in lieu of further administrative or judicial adjudication of the charge, and,

WHEREAS the parties agree that this AGREEMENT REGARDING PROPOSED DISCIPLINE (AGREEMENT) is not an admission by either party to any unlawful or wrongful acts by themselves, their agents or representatives;

NOW THEREFORE, the City and Fillmore, in consideration of the mutual covenants within, agree as follows:

1. The City shall amend personnel complaint, CF #16-000570 as follows:

Count One. On or about February 27, 2016, you, while off-duty, operated your private motor vehicle while under the influence of alcohol above .08 BAC, resulting in your arrest.

Count Two. On or about February 27, 2016, you, while off-duty, inappropriately attempted to use your position as a police officer to receive preferential treatment.

Count Three. On or about February 27, 2016, you, while off-duty, delayed on-duty personnel from the Los Angeles County Sheriff's Department, who were conducting an official investigation.

Count Four. On or about February 27, 2016, you, while off-duty, operated a motor vehicle with an open container of an alcoholic beverage adjacent to the driver's seat.

I have read this page and agree with its terms and conditions: Initials JF ***Date*** 8-29-17

The City will find said charges, **Count 1-4,** to have been sustained against Fillmore, and will impose a disciplinary penalty of **10 SUSPENSION DAYS.** Furthermore, Fillmore agrees that should he fail to comply with any of the terms and conditions of this AGREEMENT, unless the penalty is specified in the specific paragraph of this AGREEMENT, this will constitute Insubordination and he would be subject to a new charge and investigation. If the charge is sustained by the Chief of Police, Fillmore would be subject to a Board of Rights hearing with the recommendation he be removed from his position with the Los Angeles Police Department.

By acceptance of the above charge as sustained and the penalty imposed, Fillmore agrees that there is a factual basis for said discipline and penalty. Fillmore acknowledges that the charge sustained and the discipline imposed will be reflected in his personnel record and TEAMS report.

2. Fillmore agrees to complete an apology letter to Deputy Christopher Morgan, #465550, Los Angeles County Sheriff's Department, which shall be approved and distributed by the commanding officer of Internal Affairs Group.

3. Fillmore will not initiate or pursue any further legal remedy of whatever kind against the City or its employees, any claims against the City and its employees, any appeals or other administrative proceedings, nor seek any other remedies available under the Los Angeles City Charter, state or federal law arising from the facts and circumstances which gave rise to the investigation, the personnel complaint, and its resolution as reflected in this AGREEMENT. Notwithstanding any language to the contrary herein, the parties expressly agree that Fillmore shall retain all legal rights and remedies to which he is entitled as a matter of law in any Workers Compensation action or to receive such Workers Compensation benefits as are allowed by law resulting from the incident which gave rise to the investigation.

4. Fillmore agrees to, and does, fully release, acquit and forever discharge the City, and all present and former officers, employees and agents of the City from any liability for any and all claims arising out of or in connection with the facts and circumstances which gave rise to this investigation, the personnel complaint, and the proposed disciplinary action.

I have read this page and agree with its terms and conditions: Initials _____ ***Date*** 8-24-17

5. Fillmore agrees and acknowledges that any or all of the documents described in this AGREEMENT (including this AGREEMENT) shall be entered into his "general" personnel file (as defined in Penal Code §832.5) or any other file used for personnel purposes, and that said documents can be construed as comments adverse to his interests. Therefore, Fillmore understands and acknowledges that these documents will be part of his personnel record as comments adverse to his interests.

In addition, he understands that he holds certain due process rights under the Los Angeles City Charter, state and federal law and that both the Los Angeles City Charter and state law provide specific due process procedures to be accorded an employee when such disciplinary actions are taken.

Fillmore, by signing this AGREEMENT, acknowledges that he has been apprised of his due process rights and the procedures available to contest such disciplinary action, and, that he hereby explicitly waives all rights and remedies available either under the Los Angeles City Charter or state law in order to effectuate this AGREEMENT.

Fillmore agrees to participate in the following Rehabilitation Program:

For a period of FOUR (4) YEARS, while employed with the Los Angeles Police Department and after signing this AGREEMENT, Fillmore agrees to:

6. **Abstain from the use of all alcoholic beverages while employed by the Los Angeles Police Department.**

7. **While off duty, do not enter any establishment whose primary business is selling alcoholic beverages.**

8. **While off duty, do not purchase any alcoholic beverages.**

9. **Submit to substance testing up to five times a month**, on the request of a supervisor. The testing can include a breath, blood or urine, as directed by a supervisor. If a breath test is given and the results indicate the presence of alcohol, Fillmore agrees to immediately provide a blood or urine sample, as directed by a supervisor, to confirm the results.

I have read this page and agree with its terms and conditions: Initials _____ ***Date*** 8-29-17

Fillmore further agrees to participate in these tests on both an on and off duty basis and will cooperate fully with Department Supervisors in the administration of any on or off duty test. Fillmore's cooperation would include providing a breath sample to a supervisor who may respond to his residence. If that breath sample indicates the presence of alcohol, Fillmore will be placed on duty and accompany the supervisor to conduct further alcohol testing. Fillmore's off duty participation in the breath test process is part of his acceptance of this contract and will not be subject to compensation by the Department.

10. Fillmore agrees to seek professional evaluation and treatment through Behavioral Science Services (BSS), and participate in that evaluation and treatment as prescribed by BSS. ***Fillmore will make an appointment no later than one week following his or the Chief of Police signing of this AGREEMENT,*** whichever is later, and begin the above evaluation and treatment program as directed by BSS. Immediately upon contacting and making an appointment with BSS, Fillmore agrees to notify his commanding officer of the date he contacted BSS and the date of his first scheduled appointment. Furthermore, Fillmore understands and agrees that any prior evaluation or treatment provided by BSS, whether self-initiated or on a directed-in basis, does not meet this AGREEMENT'S requirement as spelled out in this paragraph.

11. Fillmore agrees that representatives from Internal Affairs Group (IAG) and/or his commanding officer can contact BSS to ascertain if he has contacted BSS, made an appointment, and that BSS can release this information to IAG and/or his commanding officer prior to any waiver being signed by him. Fillmore will continue with the evaluation and treatment program until he is released by BSS personnel. He agrees to cooperate with and respond to the advice and direction of BSS. Additionally, Fillmore agrees to participate in any additional evaluation and treatment as directed by BSS. Fillmore agrees that after being released by BSS, he will cooperate with and respond to the advice and direction of BSS and participate in any additional evaluation and treatment as directed by BSS.

12. Fillmore agrees to **sign a waiver at BSS**, authorizing the release of the results of the evaluation and treatment program to his commanding officer or a designated supervisor.

I have read this page and agree with its terms and conditions: Initials JF ***Date*** 8-29-17

13. Upon request of his concerned commanding officer or a designated supervisor, Fillmore will provide satisfactory proof and/or appropriate releases regarding his BSS evaluations and treatment and any relevant outpatient and/or treatment programs.

14. Fillmore understands that the Chief of Police has directed his commanding officer and the commanding officer of BSS to monitor his adherence to the conditions of this AGREEMENT and to notify the Department Advocate and/or Disciplinary Settlement Unit, Internal Affairs Group, should Fillmore fail to comply with any of the above conditions.

15. In consideration for the City doing the actions set forth herein and for the City's acting in compliance with the promises and representations set forth in this AGREEMENT, Fillmore hereby releases and forever discharges the City, its past, present and future officers, directors, attorneys, agents, servants, representatives, and employees, and its past, present and future boards, commissions, departments, subsidiaries, affiliates, partners, predecessors, successors-in-interest and assigns, and all other persons, firms, or corporations, of and from any and all past, present or future claims, demands, obligations, actions, causes of action, rights, damages, costs, expenses, and compensation of any nature whatsoever, whether for compensatory, punitive or any other form of damages, which he now has, or which may hereafter accrue or otherwise be acquired, on account of, or in any way growing out of or related to, any matters, acts or omissions arising out of, or related to, the claims which are the subject of this investigation, the personnel complaint, and its resolution as reflected in this AGREEMENT, including, but not limited to, any and all known or unknown claims for bodily and personal injuries to Fillmore, and the consequences thereof, which have resulted or may result from the alleged acts or omissions of the City. This release and discharge shall be a fully binding and complete settlement between the parties to this AGREEMENT and all parties represented by or claiming through such parties.

16. Fillmore further understands and agrees that the actions taken, are intended to release and discharge any and all claims or damages which Fillmore does not know or suspect to exist at the time of his execution of this AGREEMENT and Fillmore hereby waives any rights under Section 1542 of the Civil Code of the State of California which reads as follows:

"A GENERAL RELEASE DOES NOT EXTEND TO CLAIMS WHICH THE CREDITOR DOES NOT KNOW OR SUSPECT TO EXIST IN HIS OR HER FAVOR AT THE TIME OF EXECUTING THE RELEASE, WHICH IF KNOWN

BY HIM OR HER MUST HAVE MATERIALLY AFFECTED HIS OR HER SETTLEMENT WITH THE DEBTOR."

17. This AGREEMENT contains the entire AGREEMENT between Fillmore and the City with regard to the matters set forth in it and shall be binding upon and inure to the benefit, jointly and severally, of Fillmore and the City and the executors, administrators, personal representatives, heirs, successors and assigns of each. Any prior agreements, promises, negotiations or representations, whether written or oral, relating to the subject matter of this AGREEMENT which are not expressly set forth in this AGREEMENT are of no force or effect. Any amendment or modification of this AGREEMENT must be in writing, and signed by both parties.

18. In entering into this AGREEMENT, each of the parties' represent that he has had the opportunity to seek the advice of his counsel of choice regarding the terms of this AGREEMENT, that those terms are fully understood and voluntarily accepted by each of the parties.

19. The parties agree that this AGREEMENT shall not be used as evidence in any future proceedings except in the event either party claims a breach of the AGREEMENT or desires to enforce the provisions of the AGREEMENT in litigation and/or administrative proceedings. In addition, the parties agree that this AGREEMENT shall not have precedential value in any other proceedings or for any other employee employed by the City.

20. The parties also agree that this AGREEMENT may be executed in one or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same AGREEMENT.

21. Should any provision of this AGREEMENT be declared or be determined by any court to be illegal or invalid, the validity of the remaining parts, terms, or provisions shall not be affected thereby and shall remain with full force and effect, and said illegal or invalid part, term, or provision shall be deemed not to be part of the AGREEMENT.

I have read this page and agree with its terms and conditions: Initials JF ***Date*** 8-29-17

22. This AGREEMENT shall be effective on the date of execution by the Employee and the Chief of Police and if those signatures are on different dates, the effective date of this AGREEMENT shall be that latest of those dates.

23. Jurisdiction over any disputes arising from the AGREEMENT shall be in the Superior Court of the County of Los Angeles.

I have read this page and agree with its terms and conditions: Initials JF *Date* 8-29-17

This AGREEMENT consists of eight pages.

I, THE UNDERSIGNED EMPLOYEE OF THE LOS ANGELES POLICE DEPARTMENT HAVE CAREFULLY READ AND CONSIDERED EACH PROVISION IN THIS AGREEMENT. IN ADDITION, I ACKNOWLEDGE THAT THE DEPARTMENT HAS ENCOURAGED ME TO CONSULT WITH LEGAL COUNSEL OF MY CHOICE AND I HAVE DONE SO. I HAVE ALSO CAREFULLY CONSIDERED BOTH THE ADVANTAGES AND DISADVANTAGES THE AGREEMENT WOULD GIVE ME. IN RECOGNITION OF THOSE ADVANTAGES, I HEREBY KNOWINGLY AND VOLUNTARILY WAIVE MY RIGHT TO AN ADMINISTRATIVE APPEAL OR JUDICIAL REVIEW OF THE DEPARTMENT'S ADJUDICATION OF OR PENALTY FOR THE ALLEGED MISCONDUCT UNDERLYING THIS AGREEMENT.

Dated: 8-24-17

JAMES FILLMORE

Dated: 8-24-17

CHARLIE BECK, Chief of Police
Los Angeles Police Department

APPROVED AS TO FORM AND CONTENT:

Dated: Aug 15, 2017

Attorney, IRA SALZMAN
Representative for JAMES FILLMORE

Dated:

3059
Representative for the City of Los Angeles

ATTACHMENT H

SCANNED
P. Suarez
Date: 5-5-22

STATE OF CALIFORNIA
DEPARTMENT OF CALIFORNIA HIGHWAY PATROL

TRAFFIC CRASH REPORT

CHP 555 Page 1 (Rev. 3-20) OPI 080

SPECIAL CONDITIONS	NUMBER PARTIES: 1	HIT & RUN: ☐	CITY: SANTA CLARITA	JUDICIAL DISTRICT: NEWHALL	LOCAL REPORT NUMBER: 922-01043-0220-342
	NUMBER KILLED: 0	HIT & RUN MISDEMEANOR: ☐	COUNTY: Los Angeles	REPORTING DISTRICT: 0647 BEAT: 62TI	DAY OF WEEK: S M T W T F S; TOW AWAY: ☒ YES ☐ NO

LOCATION

CRASH OCCURRED ON: CIRCLE J RANCH ROAD			DAY: 04-30-2022	TIME (24HR): 1700	NCIC #: 1900
MILEPOST INFORMATION: FEET/MILES / DIR OF		GPS COORDINATES: LATITUDE 34.39669	LONGITUDE -118.53142		PHOTOGRAPHS BY: ☒ NONE
☐ AT INTERSECTION WITH OR: 60 FEET/MILES NORTH OF CLEARVIEW COURT				STATE HWY REL: ☐ YES ☒ NO	OFFICER ID: # 65785

PARTY 1

DRIVER'S LICENSE NUMBER: [redacted]	STATE: CA	CLASS: C	AIR BAG: L	SAFETY EQUIP.: G	VEH. YEAR: 2016	MAKE/MODEL/COLOR: NISSAN/MAXIMA/BLACK	LICENSE NUMBER: [redacted] STATE: CA

- DRIVER: ☒ — NAME (FIRST, MIDDLE, LAST): JAMES FILLMORE
- PEDESTRIAN: ☐ — STREET ADDRESS: [redacted]
- TOWED VEHICLE: ☐ — CITY/STATE/ZIP: [redacted]
- BICYCLIST: ☐ — SEX: M; HAIR: BRN; EYES: HZL; HEIGHT: 508; WEIGHT: 200; RACE: W
- OTHER: ☐ — HOME PHONE: [redacted]; BUSINESS PHONE: [redacted]
- OPERATOR: ☐ — INSURANCE CARRIER: CITY OF LOS ANGELES; POLICY NUMBER:
- DIR OF TRAVEL: S; ON STREET OR HIGHWAY: CIRCLE J RANCH ROAD; LANE: 1; THRU LANES: 1; TOTAL LANES: 1; SPEED LIMIT: 25

OWNER'S NAME: ☐ SAME AS DRIVER — CITY OF LOS ANGELES
OWNER'S ADDRESS: ☐ SAME AS DRIVER — 555 N RAMIREZ SP 810 LA CA 90017
DISPOSITION OF VEHICLE ON ORDERS OF: ☐ OFFICER ☒ DRIVER ☐ OTHER — FREEWAY TOW
PRIOR MECHANICAL DEFECTS: ☒ NONE APPARENT ☐ REFER TO NARRATIVE
VEHICLE IDENTIFICATION NUMBER: [redacted]
VEHICLE TYPE: 01
DESCRIBE VEHICLE DAMAGE: ☐ UNK ☐ NONE ☐ MINOR ☐ MOD. ☒ MAJOR ☐ ROLL-OVER
SHADE IN DAMAGED AREA
CA: ____ DOT: ____ CAL-T: ____ TOWED: ____ NCIC: ____

PARTY 2

DRIVER'S LICENSE NUMBER:	STATE:	CLASS:	AIR BAG: P	SAFETY EQUIP.: P	VEH. YEAR: 2021	MAKE/MODEL/COLOR: GMC/SIERRA/BLACK	LICENSE NUMBER: [redacted] STATE: CA

- DRIVER: ☒ — NAME (FIRST, MIDDLE, LAST):
- PEDESTRIAN: ☐ — STREET ADDRESS:
- TOWED VEHICLE: ☒ — CITY/STATE/ZIP:
- BICYCLIST: ☐ — SEX: ; HAIR: ; EYES: ; HEIGHT: ; WEIGHT: ; BIRTHDATE Mo. Day Year: ; RACE:
- OTHER: ☐ — HOME PHONE: [redacted]; BUSINESS PHONE: —
- OPERATOR: ☐ — INSURANCE CARRIER: STATE FARM; POLICY NUMBER: [redacted]
- DIR OF TRAVEL: S; ON STREET OR HIGHWAY: CIRCLE J RANCH ROAD; LANE: 1; THRU LANES: 1; TOTAL LANES: 1; SPEED LIMIT: 25

OWNER'S NAME: [redacted] ☐ SAME AS DRIVER
OWNER'S ADDRESS: [redacted] ☐ SAME AS DRIVER
DISPOSITION OF VEHICLE ON ORDERS OF: ☐ OFFICER ☒ DRIVER ☐ OTHER — FREEWAY TOW
PRIOR MECHANICAL DEFECTS: ☒ NONE APPARENT ☐ REFER TO NARRATIVE
VEHICLE IDENTIFICATION NUMBER: [redacted]
VEHICLE TYPE: 12
DESCRIBE VEHICLE DAMAGE: ☐ UNK ☐ NONE ☐ MINOR ☒ MOD. ☐ MAJOR ☐ ROLL-OVER
SHADE IN DAMAGED AREA
CA: ____ DOT: ____ CAL-T: ____ TOWED: ____ NCIC: ____

PARTY 3

DRIVER'S LICENSE NUMBER:	STATE:	CLASS:	AIR BAG: P	SAFETY EQUIP.: P	VEH. YEAR: 2004	MAKE/MODEL/COLOR: TOYOTA/COROLLA/SILVER	LICENSE NUMBER: [redacted] STATE: CA

- DRIVER: ☐ — NAME (FIRST, MIDDLE, LAST):
- PEDESTRIAN: ☐ — STREET ADDRESS:
- TOWED VEHICLE: ☒ — CITY/STATE/ZIP:
- BICYCLIST: ☐ — SEX: ; HAIR: ; EYES: ; HEIGHT: ; WEIGHT: ; BIRTHDATE Mo. Day Year: ; RACE:
- OTHER: ☐ — HOME PHONE: [redacted]; BUSINESS PHONE: —
- OPERATOR: ☐ — INSURANCE CARRIER: FARMERS; POLICY NUMBER: [redacted]
- DIR OF TRAVEL: S; ON STREET OR HIGHWAY: CIRCLE J. RANCH ROAD; LANE: 1; THRU LANES: 1; TOTAL LANES: 1; SPEED LIMIT: 25

OWNER'S NAME: [redacted] ☐ SAME AS DRIVER
DISPOSITION OF VEHICLE ON ORDERS OF: ☐ OFFICER ☒ DRIVER ☐ OTHER — FREEWAY TOW
PRIOR MECHANICAL DEFECTS: ☒ NONE APPARENT ☐ REFER TO NARRATIVE
VEHICLE IDENTIFICATION NUMBER: [redacted]
VEHICLE TYPE: 01
DESCRIBE VEHICLE DAMAGE: ☐ UNK ☐ NONE ☐ MINOR ☒ MOD. ☐ MAJOR ☐ ROLL-OVER
SHADE IN DAMAGED AREA
CA: ____ DOT: ____ CAL-T: ____ TOWED: ____ NCIC: ____

REPORTING OFFICER NAME: N. MOSLEY #65785 — DISPATCH NOTIFIED: ☒ YES ☐ NO ☐ N/A
REVIEWER'S NAME: CRAMER M 472724 — DATE REVIEWED: 5-3-2022

STATE OF CALIFORNIA
DEPARTMENT OF CALIFORNIA HIGHWAY PATROL

TRAFFIC CRASH CODING

CHP 555 Page 2 (Rev. 3-20) OPI 060

DATE OF CRASH (MO, DAY, YEAR)	TIME (2400)	NCIC #	OFFICER ID	NUMBER
04-30-2022	1700	1900	# 652853	922-06013-0826-242

PROPERTY DAMAGE | OWNER'S NAME | OWNER'S ADDRESS

PERSON NOTIFIED | ☐ SAME AS OWNER | TELEPHONE NUMBER | METHOD OF NOTIFICATION (MARK ALL THAT APPLY): ☐ IN PERSON ☐ PHONE ☐ DISPATCH ☐ CHP 180 | LOG / REPORT NUMBER 172

DESCRIPTION OF DAMAGE

SEATING POSITION

A

1	2	3
4	5	6
7	8	9
10		

1 TO 9 - STANDARD SEATING POSITION

10 - REAR OCC. TRK. VAN, STATION WAGON, ETC.*

11 - POSITION UNKNOWN*

0 - OTHER*

SAFETY EQUIPMENT

OCCUPANTS
A - NONE IN VEHICLE
B - UNKNOWN
C - LAP BELT USED
D - LAP BELT NOT USED
E - SHOULDER HARNESS USED
F - SHOULDER HARNESS NOT USED
G - LAP / SHOULDER HARNESS USED
H - LAP / SHOULDER HARNESS NOT USED
J - PASSIVE RESTRAINT USED
K - PASSIVE RESTRAINT NOT USED
P - NOT REQUIRED

CHILD RESTRAINT
Q - IN VEHICLE USED
R - IN VEHICLE NOT USED
S - IN VEHICLE USE UNKNOWN
T - IN VEHICLE IMPROPER USE
U - NONE IN VEHICLE

MC / BICYCLE - HELMET

	DRIVER	PASSENGER
	V - NO	X - NO
	W - YES	Y - YES

AIR BAG

B - UNKNOWN
L - AIR BAG DEPLOYED
M - AIR BAG NOT DEPLOYED
N - OTHER
P - NOT REQUIRED

EJECTED FROM VEHICLE

0 - NOT EJECTED
1 - FULLY EJECTED
2 - PARTIALLY EJECTED
3 - UNKNOWN

INATTENTION CODES

A - CELL PHONE HANDHELD
B - CELL PHONE HANDSFREE
C - ELECTRONIC EQUIPMENT
D - RADIO / CD
E - SMOKING
F - EATING
G - CHILDREN
H - ANIMALS
I - PERSONAL HYGIENE
J - READING
K - OTHER

ITEMS MARKED BELOW FOLLOWED BY AN ASTERISK (*) SHOULD BE EXPLAINED IN THE NARRATIVE.

PRIMARY CRASH FACTOR LIST NUMBER (#) OF PARTY AT FAULT: 1

- A. CVC SECTION VIOLATED: 22350(a) CVC — CITED ☐ YES ☐ NO
- B. OTHER IMPROPER DRIVING*
- C. OTHER THAN DRIVER*
- D. UNKNOWN*

WEATHER (MARK 1 TO 2 ITEMS)
- A. CLEAR
- B. CLOUDY
- C. RAINING
- D. SNOWING
- E. FOG / VISIBILITY ____ FT.
- F. OTHER*
- G. WIND

LIGHTING
- A. DAYLIGHT
- B. DUSK - DAWN
- C. DARK - STREET LIGHTS
- D. DARK - NO STREET LIGHTS
- E. DARK - STREET LIGHTS NOT FUNCTIONING*

ROADWAY SURFACE
- A. DRY
- B. WET
- C. SNOWY - ICY
- D. SLIPPERY (MUDDY, OILY, ETC.)

ROADWAY CONDITION(S) (MARK 1 TO 2 ITEMS)
- A. HOLES, DEEP RUT*
- B. LOOSE MATERIAL ON ROADWAY*
- C. OBSTRUCTION ON ROADWAY*
- D. CONSTRUCTION - REPAIR ZONE
- E. REDUCED ROADWAY WIDTH
- F. FLOODED*
- G. OTHER*
- H. NO UNUSUAL CONDITIONS

TRAFFIC CONTROL DEVICES
- A. CONTROLS FUNCTIONING
- B. CONTROLS NOT FUNCTIONING*
- C. CONTROLS OBSCURED
- D. NO CONTROLS PRESENT / FACTOR*

TYPE OF CRASH
- A. HEAD - ON
- B. SIDE SWIPE
- C. REAR END
- D. BROADSIDE
- E. HIT OBJECT
- F. OVERTURNED
- G. VEHICLE / PEDESTRIAN
- H. OTHER*:

MOTOR VEHICLE INVOLVED WITH (MARK 1 TO 2 ITEMS)
- A. NONCOLLISION
- B. PEDESTRIAN
- C. OTHER MOTOR VEHICLE
- D. MOTOR VEHICLE ON OTHER ROADWAY
- E. PARKED MOTOR VEHICLE
- F. TRAIN
- G. BICYCLE
- H. ANIMAL*
- I. FIXED OBJECT*
- J. OTHER OBJECT*
- K. ADDITIONAL OBJECT(S) STRUCK

PEDESTRIAN'S ACTIONS
- A. NO PEDESTRIANS INVOLVED
- B. CROSSING IN CROSSWALK - AT INTERSECTION
- C. CROSSING IN CROSSWALK - NOT AT INTERSECTION
- D. CROSSING - NOT IN CROSSWALK
- E. IN ROAD - INCLUDES SHOULDER
- F. NOT IN ROAD
- G. APPROACHING / LEAVING SCHOOL BUS

1	2	3	VEHICLE AUTOMATION LEVEL
			A. SAE LEVEL - 0
			B. SAE LEVEL - 1
			C. SAE LEVEL - 2
			D. SAE LEVEL - 3
			E. SAE LEVEL - 4
			F. SAE LEVEL - 5
			G. UNKNOWN*

1	2	3	VEHICLE AUTOMATION ENGAGED
			A. NO AUTOMATION
			B. DRIVER ASSISTANCE
			C. PARTIAL AUTOMATION
			D. CONDITIONAL AUTOMATION
			E. HIGH AUTOMATION
			F. FULL AUTOMATION
			G. UNKNOWN*

1	2	3	OTHER ASSOCIATED FACTOR(S) (MARK 1 TO 2 ITEMS)
			A. CVC SECTION VIOLATION: 22350 CVC — CITED ☐ YES ☐ NO
			B. CVC SECTION VIOLATION: ____ — CITED ☐ YES ☐ NO
			C. CVC SECTION VIOLATION: ____ — CITED ☐ YES ☐ NO
			D. [redacted]
			E. VISION DISCERNMENT
			F. INATTENTION*
			G. STOP & GO TRAFFIC
			H. ENTERING / LEAVING RAMP
			I. PREVIOUS CRASH
			J. UNFAMILIAR WITH ROAD
			K. DEFECTIVE VEH. EQUIP.: CITED ☐ YES ☐ NO
			L. UNINVOLVED VEHICLE
			M. OTHER*
			N. NONE APPARENT
			O. RUNAWAY VEHICLE

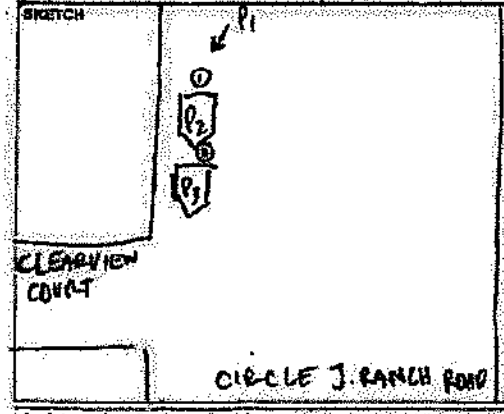
1	2	3	MOVEMENT PRECEDING CRASH
			A. STOPPED
			B. PROCEEDING STRAIGHT
			C. RAN OFF ROAD
			D. MAKING RIGHT TURN
			E. MAKING LEFT TURN
			F. MAKING U TURN
			G. BACKING
			H. SLOWING / STOPPING
			I. PASSING OTHER VEHICLE
			J. CHANGING LANES
			K. PARKING MANEUVER
			L. ENTERING TRAFFIC
			M. OTHER UNSAFE TURNING
			N. XING INTO OPPOSING LANE
			O. PARKED
			P. MERGING
			Q. TRAVELING WRONG WAY
			R. OTHER*
			S. LANE SPLITTING

1	2	3	SOBRIETY - DRUG - PHYSICAL (MARK ALL THAT APPLY)
			A. HAD NOT BEEN DRINKING
			B. HBD - UNDER THE INFLUENCE
			C. HBD - NOT UNDER INFLUENCE*
			D. HBD - IMPAIRMENT UNKNOWN*
			E. UNDER DRUG INFLUENCE*
			DRE EXAM. CONDUCTED
			STIMULANT
			HALLUCINOGEN
			DISSOCIATIVE ANESTHETICS
			NARCOTIC ANALGESIC
			INHALANT
			CANNABIS
			DEPRESSANT
			F. IMPAIRMENT - PHYSICAL*
			G. IMPAIRMENT NOT KNOWN
			H. NOT APPLICABLE
			I. SLEEPY / FATIGUED*

1	2	3	SPECIAL INFORMATION
			A. HAZARDOUS MATERIAL
			B. CELL PHONE HANDHELD IN USE
			C. CELL PHONE HANDSFREE IN USE
			D. CELL PHONE NOT IN USE
			E. CELL PHONE USE UNKNOWN
			F. SCHOOL BUS RELATED

1	2	3	BIKEWAY FACILITY
			A. SHARED ROADWAY
			B. CLASS I - BIKE PATH*
			C. CLASS II - BIKE LANE*
			D. CLASS III - BIKE ROUTE*
			E. CLASS IV - SEPARATED BIKEWAY*

SKETCH



INDICATE NORTH

MISCELLANEOUS

AD 1-1 60

AD 1-2 40

STATE OF CALIFORNIA
DEPARTMENT OF CALIFORNIA HIGHWAY PATROL

INJURED / WITNESS / PASSENGERS

CHP 555 Page 3 (Rev. 3-20) OPI 080

DATE OF CRASH (MO. DAY YEAR)	TIME (2400)	NCIC #	OFFICER ID	NUMBER
04-30-2022	1700	1900	#657853	977-08043-0622-242

WITNESS ONLY	PASSENGER ONLY	AGE	SEX	EXTENT OF INJURY ("X" ONE)				INJURED WAS ("X" ONE)						PARTY NUMBER	SEAT POS.	AIR BAG	SAFETY EQUIP.	EJECTED
				FATAL INJURY	SUSPECTED SERIOUS INJURY	SUSPECTED MINOR INJURY	POSSIBLE INJURY	DRIVER	PASS.	PED.	BICYCLIST	OTHER	SPCH.					
#		43	M		X			X						1	1	L	G	O

NAME / D.O.B. / ADDRESS: JAMES FILLMORE [redacted] TELEPHONE: [redacted]

(INJURED ONLY) TRANSPORTED BY: AMR #751 EMS RUN NUMBER: 8165044 TAKEN TO: HENRY MAYO

DESCRIBE INJURIES: LEFT WRIST FRACTURE; 1A CO FD ENGINE 73 MEDICALLY EVALUATED HIM IN THE FIELD, UNDER THE SUPERVISION OF CAPTAIN TIBBITTS

☐ VICTIM OF VIOLENT CRIME NOTIFIED

#																		

NAME / D.O.B. / ADDRESS: TELEPHONE:

(INJURED ONLY) TRANSPORTED BY: EMS RUN NUMBER: TAKEN TO:

DESCRIBE INJURIES:

☐ VICTIM OF VIOLENT CRIME NOTIFIED

#																		

NAME / D.O.B. / ADDRESS: TELEPHONE:

(INJURED ONLY) TRANSPORTED BY: EMS RUN NUMBER: TAKEN TO:

DESCRIBE INJURIES:

☐ VICTIM OF VIOLENT CRIME NOTIFIED

#																		

NAME / D.O.B. / ADDRESS: TELEPHONE:

(INJURED ONLY) TRANSPORTED BY: EMS RUN NUMBER: TAKEN TO:

DESCRIBE INJURIES:

☐ VICTIM OF VIOLENT CRIME NOTIFIED

#																		

NAME / D.O.B. / ADDRESS: TELEPHONE:

(INJURED ONLY) TRANSPORTED BY: EMS RUN NUMBER: TAKEN TO:

DESCRIBE INJURIES:

☐ VICTIM OF VIOLENT CRIME NOTIFIED

PREPARER'S NAME	ID NUMBER	MO. DAY YEAR	REVIEWER'S NAME	MO. DAY YEAR
N. HOSLET	#657853	4-30-2022		

DATE OF INCIDENT/OCCURRENCE	TIME (2400)	NCIC NUMBER	OFFICER ID NUMBER	NUMBER
04-30-2022	1700	1900	#852853	922-06043-0626-242

"X" ONE	"X" ONE	TYPE SUPPLEMENTAL ("X") APPLICABLE		
☒ Narrative	☒ Collision report	☐ BA update	☐ Fatal	☐ Hit and Run update
☐ Supplemental	☐ Other	☐ Hazardous materials	☐ School bus	☐ Other:

CITY/COUNTY/JUDICIAL DISTRICT	REPORTING DISTRICT/BEAT	CITATION NUMBER
Santa Clarita / Los Angeles / Newhall	0647 / 62T1	AD130471

LOCATION/SUBJECT	STATE HIGHWAY RELATED
Circle J Ranch Road / Clearview Court	☐ Yes ☒ No

I. FACTS

A. SCENE

1. ROADWAY DESCRIPTION

Circle J Ranch Road is a north / south residential street. The roadway composition is primarily asphalt and the width is 40 feet. The roadway has a positive grade for southbound traffic, has concrete curbs and is curved near the collision scene.

(See attached sketch)

2. TRAFFIC CONTROLS

(None.)

B. MEASUREMENTS

All measurements were taken using estimation and are approximate. The area of impact was determined from a combination of party and witness statements, physical evidence and debris at the scene.

1. AREA OF IMPACT

1. (P-1 / P-2)

60 feet N/NCL of Clearview Court and
8 feet E/WCL of Circle J Ranch Road

2. (P-2 / P-3)

40 feet N/NCL of Clearview Court and
6 feet E/WCL of Circle J Ranch Road

II. STATEMENTS

All Party, Witness, and Passenger statements are *the substance* of what was told to me and **are <u>not</u> verbatim** statements unless indicated by quotation (" ") marks

A. PARTY

Party 1 (James) who was driving the black Nissan was located in the drivers' seat upon my arrival, and he was being medically treated by Los Angeles County Fire Department Engine 73 (under the supervision of Captain Tibbetts). He was identified

DATE OF INCIDENT/OCCURRENCE	TIME (2400)	NCIC NUMBER	OFFICER ID NUMBER	NUMBER
04-30-2022	1700	1900	#652853	922-06043-0626-242

"X" ONE	"X" ONE	TYPE SUPPLEMENTAL ("X") APPLICABLE		
☒ Narrative	☒ Collision report	☐ BA update	☐ Fatal	☐ Hit and Run update
☐ Supplemental	☐ Other	☐ Hazardous materials	☐ School bus	☐ Other:

CITY/COUNTY/JUDICIAL DISTRICT	REPORTING DISTRICT/BEAT	CITATION NUMBER
Santa Clarita / Los Angeles / Newhall	0647 / 62T1	AD130471

LOCATION/SUBJECT	STATE HIGHWAY RELATED
Circle J Ranch Road / Clearview Court	☐ Yes ☒ No

by his drivers' license. He was transported by AMR to Henry Mayo Hospital regarding the injuries he sustained from the traffic collision including a fractured left wrist. Upon my arrival to Henry Mayo Hospital, I contacted Party 1. Party 1 stated he was traveling southbound on Circle J Ranch Road at a high rate of speed. He stated he had been drinking alcohol prior to driving. He stated he was the sole driver and occupant of the vehicle.

Party 2 was a parked unoccupied vehicle.

Party 3 was a parked unoccupied vehicle.

III. OPINIONS AND CONCLUSIONS

A. SUMMARY

Party 2 and Party 3 were parked unoccupied vehicles. Party 1 was traveling southbound on Circle J Ranch Road. Party 1 struck Party 2. Due to the impact, Party 2 struck Party 3.

B. INTOXICATION

Party 1 displayed the objective signs and symptoms of intoxication and failed to perform the Standardized Field Sobriety Tests as instructed which led me to believe that he was under the influence of alcohol at the time of this collision.

C. CAUSE

Based on statements, physical evidence and my training and experience, I determined that the cause of this collision is party 1 driving under the influence of alcohol, a violation of 23152(a) CVC. An associated factor is Party 1 traveling at an unsafe speed for the conditions, a violation of 22350 CVC.

D. ARREST / CITATION

Party 1 was arrested for driving while under the influence of alcohol (BKG#6369976), and he was issued citation #AD130471. (See report under same file number).

IV. RECOMMENDATIONS

I recommend that this report be forwarded to the District Attorney for filing of the appropriate charges.

PREPARER'S NAME AND ID NUMBER	DATE	REVIEWER'S NAME	DATE
N. Hoslet #652853	4-30-2022		

ATTACHMENT I

Although the evidence to sustain all allegations is overwhelming, it is not necessary as Detective Fillmore admitted to his actions during his employee interview. In addition, Deputy Morgan, LASD Santa Clarita station, observed an open 25 ounce can of "Budweiser Lite" beer, approximately half full, in the center console cup holder of Fillmore's vehicle, adjacent to the driver's seat in violation of 23222 (a) CVC. Morgan also observed two empty Jim Beam Bourbon whiskey bottles, 375 ml, and two empty Jim beam Bourbon whiskey bottles, 200 ml, on the front passenger floor board, and one empty 50 ml bottle of Jack Daniels whiskey on the rear passenger floor board. This combined with his no contest plea in court and his admission to the investigating supervisor supports sustaining these allegations.

If the danger he created to himself and the people of Santa Clarita was not bad enough, Fillmore's behavior with the Deputy was unprofessional, and delayed his investigation. Fillmore failed to provide a proper breath sample at the LASD station, despite being given five opportunities to do so. Due to Fillmore's lack of cooperation, Morgan requested the assistance of a supervisor, Sergeant Bringas, and the on-duty watch commander, Lieutenant Aguilera, who explained the administrative process, and Fillmore's obligation to cooperate. Fillmore told Deputy Morgan he would only provide a blood sample, with a court order then questioned Morgan's integrity as to the truthfulness of the probable cause listed in the warrant. After preparing the court order and contacting a judicial officer to approve it, Morgan transported Fillmore to Henry Mayo hospital to have blood drawn. Fillmore's actions kept valuable LASD resources tied up longer than were necessary.

On at least two occasions during the investigation, Fillmore attempted to use his position with the Department to secure his release and avoid the ramifications of his actions. He told Morgan that the two were "on the same team," that "it [the investigation] did not have to go this far," and "if were up to me I would let you go." His unprofessional and inappropriate attempts to dissuade LASD personnel from completing his booking were an embarrassment to the police profession. Fillmore left anyone listening to him with the unambiguous impression that LAPD officers are above the law, and will abandon their duty to their profession when another officer violates the law. This is completely inconsistent with our Core Values and could be misconduct worthy of termination. During his personnel interview, Fillmore advised he has never released a DUI driver.

Based on his personnel interview and behavior since the incident, it is apparent that Fillmore is very embarrassed by his actions and extremely contrite. He placed the blame for his actions squarely upon his own shoulders. He discussed several personal issues that may have led to his behavior, but at the same time, Fillmore did not use these issues as an excuse. Since this incident, Fillmore has voluntarily sought assistance from multiple providers, and has made several significant life changes that have resulted in an improved work performance, behavior, demeanor, and overall appearance. It is my opinion that Fillmore fully understands the negative ramifications of his actions on February 27, 2016, and is taking the necessary steps to correct his behavior, make amends, and preclude future incidents.

ATTACHMENT J

922-06043-0622-242

LOS ANGELES COUNTY SHERIFF'S DEPARTMENT MISDEMEANOR ☒ Traffic ☐ Nontraffic

NOTICE TO APPEAR CITE AD130471

Date of Violation 4/30/22 | Time 5:00 ☐ AM ☐ PM | Day of Week S M T W T F S | Speed/Limit

Name (First, Middle, Last) JAMES KURTZ FILLMORE ☐ Owner's Responsibility (Veh. Code, § 40831)

Address [redacted]

City [redacted] State CA | Class [redacted] | Commercial ☐ Yes ☐ No | Age 43

Sex M | Hair BRN | Eyes HZL | Height 508 | Weight 200 | Race W | Place of Birth (Optional) TORRID

Driver's License No. [redacted] State CA

Vehicle License No. [redacted] State CA

Yr of Veh. 2020 | Make NISSAN | Model MURANO | Body Style 4DR | Color BLK

☐ COMMERCIAL VEHICLE (Veh. Code, § 15210(b))

☐ HAZARDOUS MATERIAL (Veh. Code, § 353)

Evidence of Financial Responsibility STORM

Registered Owner or Lessee CITY OF LOS ANGELES ☐ Same as Driver

Address 6240 SYLMAR AVENUE ☐ Same as Driver

City VAN NUYS, State CA ZIP Code 91401

Yes	No	Code and Section	Description	Misdemeanor or Infraction (Circle)
☒	☐	23152(a) CVC	DRIVING UNDER THE INFLUENCE	M I
☐	☐			M I
☐	☐			M I
☐	☐			M I

Speed Approx. | PF/Max Spd. | Veh. Lmt. | Safe | Radar | Laser | ☐ Construction

Location of Violation at CIRCLE J RANCH RD / CLEARVIEW COURT | City of Occurrence SCR

File No. / ID 922-06043-0622-242 | Reference 63681 76 | No. Passengers M 0 F 0

☐ Violations not committed in my presence, declared on information and belief.

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct.

4/30/22 Date | N. MOSLEY Arresting or Citing Officer | 652883 Employee No. | 10 Vac Duties

/ / Date | Name of Arresting Officer, if different from Citing Officer | Employee No. | To Vac Duties

WITHOUT ADMITTING GUILT, I PROMISE TO APPEAR AT THE TIME AND PLACE INDICATED BELOW.

X Signature [signature]

WHEN: ON OR BEFORE THIS DATE 8/31/22 Time 8:30 ☒ AM ☐ PM

WHAT TO DO: FOLLOW THE INSTRUCTIONS ON THE REVERSE.

WHERE:

[Name of court(s)] SANTA CLARITA COURTHOUSE

[Section(s) or division(s), room number(s).]

[Street address(es)] 23747 VALENCIA BLVD.

VALENCIA, CA 91355

[Phone No.]

☐ To be notified

AD130471 *1900*

Judicial Council of California Form Rev. 03-08-15 (Veh. Code, §§ 40500(b), 40513(b), 40522, 40600; Pen. Code, § 853.5)

SEE REVERSE

TR-130

ATTACHMENT K

DMV
A Public Service Agency

[redacted] E 21 AND OLDER OFFICER'S STATEMENT [redacted]

SECTIONS 13353, 13353.1, 13353.2 & 13389 CALIFORNIA VEHICLE CODE (CVC)

APS

FORWARD THIS FORM WITHIN 5 BUSINESS DAYS TO YOUR LOCAL DRIVER SAFETY OFFICE, LISTED ON THE BACK OF PAGE 2

COMPLETE IN BLACK INK

LAW ENFORCEMENT AGENCY CASE NO.: 16-02607-0029-242 | DETENTION/ARREST DATE: 2/27/16 | FOR DMV USE ONLY

DRIVER'S NAME (LAST, FIRST, M.I.): FLORES, JAMES KURTZ | DRIVER LICENSE NO.: [redacted] | COMMERCIAL? ☐ Yes ☒ No | STATE: CA | ZIP CODE: [redacted]

THUMB PRINT (Right thumb or specify)



DOB: [redacted] Sex: M Hair: Bld Eyes: Brn Ht.: 5-06 Wt.: 220

Driver License: ☐ Suspended/Revoked ☒ Surrendered (Attached) ☐ Not in Possession ☐ Unlicensed

☐ 0.01% or more BAC DUI Probation
☐ 0.04% or more BAC/COMM VEH
☐ 0.08% or more BAC Chemical Tests Results
☐ PAS or other Chemical Test Refusal – (DUI Probation) (Complete reverse)
☐ Chemical Test Refusal (Complete reverse)
☒ Forced Blood Test (Complete reverse)

Vehicle Lic. No. or VIN: [redacted]

☐ COMMERCIAL VEHICLE: Vehicle operation requires a commercial driver license (Section 15210 CVC).

☐ HAZARDOUS MATERIALS: (transporting materials requiring placards/markings per Section 27903 CVC).

On 2/27/16 at 10:15 AM/PM in (City and County) Alhambra, LA CA, the above named driver was:

☒ Driving: ☒ observed by this officer or ☐ the observer shown in the shaded area on the second page, ☒ admitted to driving.

☐ Contacted per Section 40300.5 CVC. (Describe details in probable cause section on second page.)

☐ Involved in a collision. Attach collision report. In the probable cause section on the second page, describe how time of collision was established.

I had reasonable cause to believe the driver was driving a motor vehicle with alcohol and/or drugs present in the blood or while under the influence. The driver was lawfully arrested, or lawfully detained while on DUI probation, by this officer, or by the person shown in the shaded area on the second page on 2/27/16 (Month/Day/Year) at 10:30 AM/PM for violation of Section 23152 or 23153, 23154 CVC.

PROBABLE CAUSE. Describe in detail the facts and circumstances that led to the stop or contact. If driving was observed by someone other than the arresting officer, what did the observer say? State details on second page of this form hereby incorporated by reference.

OBJECTIVE SYMPTOMS OF INTOXICATION: ☒ Bloodshot/watery eyes ☒ Odor of alcoholic beverage ☐ Unsteady gait ☒ Slurred speech ☐ Other: _____ Observed by: Morent C at 12:20 AM/PM

PRELIMINARY ALCOHOL SCREENING TEST 0.01% OR MORE BLOOD ALCOHOL CONCENTRATION (BAC) DUI PROBATION

Driver submitted to and completed a Preliminary Alcohol Screening (PAS) test with the results of:

TEST 1 ____% BAC on _____ (DATE) at _____ (TIME) AM/PM TEST 2 (Optional) ____% BAC on _____ (DATE) at _____ (TIME) AM/PM

OFFICER'S CERTIFICATION: I certify under penalty of perjury under the laws of the State of California that (1) I obtained the above PAS test results in the regular course of my duties, (2) I used PAS Model (Name/Number) _____, Serial# _____, Manufactured by _____, (3) I administered this PAS test properly in accordance with the manufacturer's guidelines and instructions, (4) I have received training on the proper operation of this device and administration of the PAS test and am competent and qualified to operate the device, and (5) the device was functioning properly at the time of the test. ☐ PAS Test Unavailable

Date | Signature X | BADGE/ID NO. | Agcy./Div.

CHEMICAL TEST Obtained from Urgent to obtained from Urgent to

Breath Test Results (Attach copy of the results, if available)

TEST 1 ___% BAC on _____ (DATE) _____ (TIME) AM/PM TEST 2 ___% BAC on _____ (DATE) _____ (TIME) AM/PM TEST 3 ___% BAC on _____ (DATE) _____ (TIME) AM/PM (WHEN APPLICABLE)

BREATH TEST MACHINE OPERATOR'S CERTIFICATION: I certify under penalty of perjury under the laws of the State of California, that the above breath test sample results were obtained in the regular course of my duties. I further certify that I am qualified to operate this equipment and that the test was administered pursuant to the requirements of Title 17 of the California Code of Regulations.

Date | Signature X | Badge/ID No. | Agcy./Div.

Blood Test Results ☒ Blood Test on 2/20/16 (DATE) 12:52 (TIME) AM/PM ☐ Breath Test Unavailable

Obtained from Urgent to

Urine Test Results ☐ Both Breath and Blood tests unavailable. ☐ Drug use suspected. ☐ Urine required.

☐ Urine Test First Void on _____ (DATE) _____ (TIME) AM/PM Test on _____ (DATE) _____ (TIME) AM/PM

I certify under penalty of perjury, under the laws of the State of California, that the information contained on all pages of this Officer's Statement is true and correct.

EXECUTED ON: Date 2/20/16 AT: City Santa Clarita County Los Angeles State CA

OFFICER'S PRINTED NAME: Morent C | BADGE NO.: 165550 | TELEPHONE NO.: (661) 255-1121

AGENCY: CHP | AREA: Sep | COURT (IF UNKNOWN, COURT NAME): Norw

I ☒ did ☐ did not personally serve a copy of the Order of Suspension/Revocation to the driver.

ISSUE DATE OF ORDER: 2/20/16 | SIGNATURE OF ARRESTING OFFICER: [signature]

IF ORDER SERVED BY ANOTHER OFFICER, I personally served a copy of the order to the driver on the date shown below:

ISSUE DATE | OFFICER'S PRINTED NAME | BADGE/ID NO. | SIGNATURE OF OFFICER X

DS 367 (REV. 10/2012) White—DMV Yellow—Law Enforcement Pink—Driver

continued on n

PEACE OFFICER STANDARDS ACCOUNTABILITY ADVISORY BOARD MEETING

December 14, 2023
AGENDA
9:00 AM

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

Public comment will be limited in time at the discretion of the Board Chair. The public comment period preceding items on the agenda will allow members of the public to comment on items not on the agenda but must be within the Board's jurisdiction. Further, public comment will be allowed after each item on the agenda and must relate to matters on the agenda. Members of the public who wish to participate during public comment may do so in person by attending the meeting, by telephonic means stated hereafter or by submitting a written public comment submission no later than three days before the meeting date. Written public comments will be published on the Commission on POST's website under the Public Comment section under the corresponding meeting date. Written public comments can be submitted via email to posadpc@post.ca.gov. Telephonic public comment can be made by dialing +1 (872) 240-3212 and, when prompted, entering access code 913-849-389.

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

Persons requesting disability-related accommodations or modifications may do so by contacting the Board assistant at (916) 227-3909 (voice), posadpc@post.ca.gov (email), or Speech-to-Speech users may dial 7-1-1 for the California Relay Service to request special accommodations. Please note: This meeting and all public meetings will be recorded.

No weapons are allowed on the premises during public meetings. Upon entering POST's facility, you are subject to a weapons screening and will be denied entry if you possess any weapon. POST's Executive Director retains the discretion to grant exceptions for duly-authorized individuals, such as on or off-duty law enforcement officers who are not the subject of a POST administrative investigation, suspension, or decertification action.

I. **CALL TO ORDER**

II. **ROLL CALL OF POSAAB MEMBERS**

Elizabeth T. Buchen - Senate Rules Appointee - Public Member
Dr. Nicole Clavo Psy.D - Governor Appointee - Public Member
Regina Hatcher-Crawford - Governor Appointee - Public Member
Robert Doyle - Governor Appointee - Former Command Rank Peace Officer
Joyce E. Dudley - Chair - Governor Appointee - Attorney
Professor Jack Glaser - Governor Appointee - Public Member
Cephus Johnson - Governor Appointee - Public Member
Lieutenant Charles Lara - Governor Appointee - Management Rank Peace Officer
Margaret Pena - Speaker of Assembly Appointee - Public Member

III. **PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA**

The Board Chair will advise the audience of the following:

This time is set aside for members of the public who wish to comment on items not on the agenda but within the board's jurisdiction. Public comment on matters on the agenda will be heard at the time each item is called. Public comment on specific peace officer revocation cases to be heard today will be heard at the time of the hearing of each such matter. Members of the public who wish to speak during the public comment period may be asked to limit their remarks in time at the discretion of the Board Chair.

IV. **ASSISTANT EXECUTIVE DIRECTOR COMMENTS**

V. **NEW BUSINESS**

The following items have been submitted for new business discussion:

1. Discussion and Possible Action to Adopt a Conflict of Interest Code Pursuant to Government Code Section 87300

   If the Board concurs, the appropriate action would be a **MOTION** to adopt the proposed regulation (Conflict of Interest).

2. Discussion and Possible Action to Approve Board Policy - POSAAB Administrative Requirements Policy

   If the Board concurs, the appropriate action would be a **MOTION** to adopt the proposed policy *POSAAB Administrative Requirements Policy.*

3. Discussion and Possible Action to Approve Board Policy - POSAAB Board Meeting Procedures

   If the Board concurs, the appropriate **MOTION** would be to adopt the proposed policy *POSAAB Board Meeting Procedures.*

4. Discussion and Possible Action to Approve Board Policy - POSAAB Conduct and Performance Policy

   If the Board concurs, the appropriate action would be a **MOTION** to adopt the proposed policy *POSAAB Conduct and Performance Policy*.

5. Discussion and Possible Action to Approve Board Policy - POSAAB Travel and Compensation Policy

   If the Board concurs, the appropriate action would be a **MOTION** to adopt the proposed policy *POSAAB Travel and Compensation Policy*.

VI. NEW CASES - REVIEW, DISCUSSION AND RECOMMENDATIONS TO COMMISSION

1. POST2308479 - Justin Raymond Ramirez (POST ID: C37-S81) Last employing agency: Orange County Sheriff's Department

   The Peace Officer Standards Accountability Advisory Board (POSAAB) shall review the findings of investigation presented by the Peace Officer Standards Accountability Division (POSAD) and shall make a recommendation regarding what action should be taken, suspension or revocation, on the certification of the subject peace officer.

2. POST2303691 - James Kurtz Fillmore (POST ID: A37-Q67) Last Employing Agency: Los Angeles Police Department

   The Peace Officer Standards Accountability Advisory Board (POSAAB) shall review the findings of investigations presented by the Peace Officer Standards Accountability Division (POSAD) and shall make a recommendation regarding what action should be taken, suspension or revocation, on the certification of the subject peace officer.

VII. CLOSED SESSION

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

With regard to POST2308479, Justin Ramirez: Pursuant to Government Code section 11126(c)(3), the Board will review unredacted versions of Attachments A, B, and D to case POST2308479. Attachment A is a video recording that depicts two individuals engaging in sexual intercourse who are subsequently stabbed by an assailant with a knife, resulting in the death or apparent death of one the victims. The video is explicit and graphic in nature and shows the faces and intimate body contact between the victims. Attachment B is a video depicting two individuals engaging in narcotics use and explicit activity involving blowing narcotics smoke into intimate body parts of another person. Attachment D is a photograph of a deceased female lying on the ground in a pool of blood. These videos and photographs are all graphic and explicit in nature.

Where necessary, redactions have been made to the faces of the individuals depicted in excerpts that are being presented to the public, to preserve victim anonymity. Similar redactions have also been made to hide intimate body parts of those individuals depicted, where necessary. As these attachments are graphic and explicit in nature, unredacted versions thereof will be shown to the Board in closed session because the public's interest served by not publicly disclosing the unredacted versions clearly outweighs the public interest in disclosure of the full unredacted versions.

VIII. **FUTURE BOARD MEETING DATES**

Upcoming Board meetings will be held:

- March 20-21, 2024 - POST, West Sacramento
- May 15-16, 2024 - POST, West Sacramento
- July 24-25, 2024 - POST, West Sacramento

IX. **ADJOURNMENT**

AGENDA ITEM REPORT

Title: POST2303691 - JAMES KURTZ FILLMORE (POST ID: A37-Q67)
LAST EMPLOYING AGENCY: LOS ANGELES POLICE DEPARTMENT

REPORT PROFILE

MEETING DATE 12/14/2023	**BUREAU SUBMITTING THE REPORT** Professional Conduct 2 Bureau	
RESEARCHED BY Robert Bringolf	**REVIEWED BY** Mike Radford	
REPORT DATE 04/24/2023	**APPROVED BY** Annemarie Del Mugnaio	**DATE APPROVED** 12/04/2023
PURPOSE	**FINANCIAL IMPACT** No	

ISSUE, BACKGROUND, ANALYSIS, & RECOMMENDATION

ISSUE:

The matter is before the Peace Officer Standards Accountability Advisory Board (POSAAB) for review and recommendation regarding the subject peace officer's certification status.

BACKGROUND:

The Respondent began his employment with the Los Angeles Police Department on 07/28/2003 as a full time Police Officer. Respondent was promoted to the rank of detective on 06/15/2014. At the time of the incident before the POSAAB, Respondent had nearly 20 years with the Los Angeles Police Department. As of 03/22/2023, Respondent was relieved from duty at the Los Angeles Police Department, and the case is pending before the Board of Rights with an anticipated start date of 04/01/2024.

ANALYSIS:

Does the alleged conduct violate Penal Code Section 13510.8(b)(6) and California Regulation 1205(a)(6) – Acts that violate the law?

The Division's findings support that Respondent committed acts of serious misconduct, specifically Respondent committed acts that violate the law when Respondent, a sworn law enforcement officer, was involved in an off-duty accident related to driving under the influence (DUI) of alcohol on April 30, 2022.

This was Respondent's second DUI arrest while employed as a police officer for the Los Angeles Police Department, the first arrest for DUI occurred on February 27, 2016. The Los Angeles Police Department suspended Respondent for ten days as a result of the DUI conviction in 2016.

With regard to the current criminal case against the Respondent, Respondent pled Nolo Contendere to the DUI charge and was convicted of one count of 23152(b)VC - Driving with a blood alcohol content of 0.08% or higher.

RECOMMENDATION: The Peace Officer Standards Accountability Advisory Board (POSAAB) shall review the findings of investigations presented by the Peace Officer Standards Accountability Division (POSAD) and shall make a recommendation regarding what action should be taken, suspension or revocation, on the certification of the subject peace officer.

ATTACHMENT(S):
BR1_POST2303691_-_Fillmore,_James_-_ISF_REDACTED.pdf

STATE OF CALIFORNIA

COMMISSION ON

PEACE OFFICER STANDARDS AND TRAINING

PEACE OFFICER STANDARDS ACCOUNTABILITY ADVISORY BOARD

(POSAAB) MEETING

THURSDAY, DECEMBER 14, 2023

9:03 A.M.

MEETING HELD

AT THE OFFICES OF

COMMISSION ON POST

860 STILLWATER ROAD, SUITE 100

WEST SACRAMENTO, CALIFORNIA

REPORTER'S TRANSCRIPT OF PROCEEDINGS

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

A P P E A R A N C E S

POSAAB MEMBERS PRESENT

JOYCE E. DUDLEY
(Board Chairperson)
Governor Appointee
Attorney

NICOLE CLAVO, Psy.D.
Governor Appointee
Public Member

REGINA HATCHER-CRAWFORD
Governor Appointee
Public Member

ROBERT DOYLE
Governor Appointee
Former Command Rank Peace Officer

JACK GLASER
Governor Appointee
Public Member

CEPHUS JOHNSON
Governor Appointee
Public Member

CHARLES LARA
Governor Appointee
Management Rank Peace Officer

MARGARET PENA
Speaker of Assembly Appointee
Public Member

---o0o---

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

POST COMMISSION STAFF

CHRISTOPHER BEATTY
Staff Counsel
Legal Affairs Bureau

ROBERT BRINGOLF
Law Enforcement Consultant
Professional Conduct Los Angeles County Bureau

WILLIAM "TOBY" DARDEN
Chief Counsel
Legal Affairs Bureau

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

ADELE DIN
Staff Counsel
Legal Affairs Bureau

CHANDLER KNAPP
Staff Services Manager
Executive Office

TREVOR SHIELDS
Law Enforcement Consultant
Professional Conduct Southern Bureau

SARAH WALLACE
Bureau Chief
Intake & Disposition Bureau

CARRIE WOOLEY
Staff Counsel
Legal Affairs Bureau

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

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ALSO PRESENT

ROBERT BAUMANN
Counsel for
Officer Justin Ramirez
(Via videoconference)

MATTHEW BRADBURY
Deputy District Attorney
Orange County

LESLIE WILCOX
Counsel for
Officer James Fillmore

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Thursday, December 14, 2023, 9:03 a.m.

West Sacramento, California

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CHAIRPERSON DUDLEY: Good morning. Today we will be making history. This is the first meeting of the Peace Officer Standards Accountability Advisory Board in the history of California.

My name is Joyce Dudley, and I am the Board Chair. Today is December 14th, 2023.

We are here today as a direct result of the hard work of peace officers, activists, legislators, voters, Governor Newsom's Office, and the staff of POST under the extraordinary leadership of its Executive Director, Manny Alvarez.

We are also here because, historically, people have been treated unjustly or have been unjustly accused. Some of these people include victims, their loved ones, and law enforcement officers.

To quote Dietrich Bonhoeffer, quote, "We are not to simply bandage the wounds of victims beneath the wheels of injustice. We are to drive a spike [sic] into the wheel itself."

We are here to listen carefully, think thoughtfully, and act judiciously as we seek truth and justice for all.

To quote Mahatma Gandhi, quote, "Truth never damages a cause that is just."

Our primary mission is to protect the public and all constitutional and statutory rights.

As Martin Luther King, Jr., said, "Human progress is neither automatic nor inevitable ... Every step toward the goal of justice requires sacrifice, suffering, and struggle; the tireless exertion and passionate concern of dedicated individuals."

Which is why all of you were chosen to serve on this board.

To end my personal comments, I leave you with the words of Robert F. Kennedy. "Few will have the greatness to bend history itself, but each of us can work to change a small portion of events. It is from numberless, diverse acts of courage and belief that human history is shaped. Each time a person stands up for an ideal or acts to improve the lot of others, or strikes out against injustice, they send forth a tiny ripple of hope and crossing each other from a million different centers of energy and daring those ripples build a current which can sweep down the mightest walls of oppression and resistance."

I want to personally thank you all for joining us today, the board and members and our community.

Before the meeting officially begins, allow me to remind you that this meeting is being webcast, recorded, and transcribed. So I may ask you to slow down, repeat things, or speak more clearly so that our transcriber can most accurately capture the discussion of our minutes.

Further, please note that the microphones are on and off. When you begin speaking, they may go live. With this in mind, you will need to pay attention to your cross-talk.

Mr. Knapp, please call the roll call.

MR. KNAPP: Madam Chair, Members of the Board, good morning.

Board Member Buchen.

(No response.)

MR. KNAPP: Board Member Clavo.

MEMBER CLAVO: Present.

MR. KNAPP: Board Member Crawford.

MEMBER HATCHER-CRAWFORD: Present.

MR. KNAPP: Board Member Doyle.

MEMBER DOYLE: Here.

MR. KNAPP: Board Member Dudley.

CHAIRPERSON DUDLEY: Here.

MR. KNAPP: Board Member Glaser.

MEMBER GLASER: Here.

MR. KNAPP: Board Member Johnson.

MEMBER JOHNSON: Here.

MR. KNAPP: Board Member Lara.

MEMBER LARA: Present.

MR. KNAPP: And Board Member Pena.

MEMBER PENA: Present.

MR. KNAPP: Thank you.

CHAIRPERSON DUDLEY: Thank you, Mr. Knapp.

A quorum has been established. There are eight members here today.

I would like to introduce -- and the name of this board, the initial of this board of POST, POSAAB. I'm not sure it is any easier to say than the full board name, but it is P-O-S-A-A-B.

And so our legal counsel is Christopher Beatty. Thank you for being here. And POST Assistant Executive Director Annemarie Del Mugnaio. Okay. She is to my right.

Public comment.

This time is set aside for members of the public who wish to comment on items not on the agenda, but those within the board's jurisdiction. Public comments on matters on the agenda will be heard after each item is presented.

Public comment on specific peace officer revocation

passes.

And I want to thank all the board members for doing all that reading last night. Obviously, you were very prepared, and it is very much appreciated.

Okay. We now move to the next items on the agenda, and that is the two cases that are before us today.

We will only be reviewing the facts and evidence as presented by the division. This is not an evidentiary hearing. The rules of evidence do not apply. Evidence is not formally admitted into the record. There is no need to make any objections, and objections will not be ruled upon.

Under the Penal Code and applicable state regulations, this initial hearing will determine only if the matter will proceed forward for the Commission's review. And then should the Commission approve, for a full evidentiary hearing before an administrative law judge to determine whether the allegations are true and justify discipline.

For those commenting on each item at this early stage, the board must only consider the facts that the division, after investigation, believes can be proved at a later evidentiary hearing.

For that reason, today, the board will entertain arguments as to whether or not those facts as presented

by the division demonstrate a high probability that serious misconduct, as defined in Penal Code section 13510.8 and Regulation 1205, occurred.

This finding simply results in the matter being moved forward. No actions by the board or the Commission prior to a full evidentiary hearing amount to a final determination that an officer did, in fact, engage in misconduct or that the revocation or suspension is mandated. That will be determined after the evidentiary hearing.

At this time, I will now call upon Law Enforcement Consultant Trevor Shields, Professional Conduct, Southern Bureau; and Carrie Wooley, Attorney Level III, Legal Affairs Bureau, to provide a report on case POST 2308479, Justin Raymond Ramirez, formerly of the Orange County Sheriff's Department.

Thank you both.

MR. SHIELDS: Good morning, Madam Chair, members of the board. My name is Trevor Shields. I'm a Law Enforcement Consultant with POST's Professional Conduct Bureau Southern Bureau -- Conduct Southern Bureau. Seated to my right -- I will let you introduce yourself, Carrie.

MS. WOOLLEY: My name is Carrie Wooley. I'm an Attorney III with the Legal Affairs Bureau for POST.

Counsel, anything else?

(No response.)

CHAIRPERSON DUDLEY: Okay.

Now, at this time, I will call upon Law Enforcement Consultant Robert Bringolf, Professional Conduct, Los Angeles County Bureau; and Adele Din, Attorney IV, Legal Affairs Bureau, to provide a report on case POST2303691, James Kurtz Fillmore, formerly of the Los Angeles Police Department.

Please proceed when you are ready.

MR. BRINGOLF: Thank you.

Good morning, Chair, and members of the board. My name is Robbie Bringolf, and I'm one of the law enforcement consultants assigned to the Los Angeles County Professional Conduct Bureau in the Peace Officers Standards Accountability Division.

To my left is Adele Din, an attorney with our Legal Affairs Bureau.

I'm here to present to you case POST 2303691, involving Los Angeles Detective James Fillmore.

Detective Fillmore started his law enforcement career as a police officer with the Los Angeles Police Department in 2003. Mr. Fillmore was promoted to the rank of detective in 2014.

On February 27th, 2016, while off duty, Detective

Fillmore was stopped by the Los Angeles County Sheriff's Department for failing to stop at a traffic signal. When the deputy approached Detective Fillmore's vehicle, he noticed a smell of an alcoholic beverage emitting from the vehicle and from Detective Fillmore's person. The deputy observed an open 25-ounce can of beer in Detective Fillmore's center console.

So the deputy conducted an investigation and determined Detective Fillmore was driving under the influence of alcohol.

Detective Fillmore was arrested and taken to the Santa Clarita station for booking. On the floorboard of his vehicle, deputies located five empty whiskey bottles of varying sizes.

While at the station, Detective Fillmore was uncooperative in providing a breath sample, despite being given five opportunities to do so. Detective Fillmore told the arresting deputy he would only provide a blood sample with a court order.

So deputies sought a search warrant and transported Detective Fillmore to the Henry Mayo Hospital to obtain a sample. After nearly two half hours after the stop, a sample was obtained via search warrant. The sample resulted in a blood alcohol concentration of 0.12 percent, which was above the legal limit of

.08 percent.

Detective Fillmore ultimately pled guilty to one misdemeanor count of driving a vehicle, with a blood alcohol content of 0.08 or greater. In that plea, Detective Fillmore was ordered to complete three years of summary probation; his driver's license was suspended; and he was fined $390; Detective Fillmore was also ordered to complete a six-month alcohol education program.

The Los Angeles Police Department suspended Detective Fillmore for ten days. And in August of 2017, he signed a settlement agreement with the Los Angeles Police Department expressly stating he would abstain from using alcohol for a period of four years.

Four years and a few months later, on April 30th, 2022, Mr. Fillmore was off duty and driving an unmarked LAPD detective vehicle. While driving southbound on Circle J Ranch Road at a high rate of speed, Detective Fillmore was involved in a vehicle accident.

Detective Fillmore's police vehicle collided with the rear of a parked vehicle, causing that vehicle, in turn, to collide with the vehicle in front of it. Detective Fillmore's unmarked police vehicle was totaled, and the two parked cars received major damage.

Detective Fillmore was pinned in the vehicle and

sustained a broken wrist and ultimately required surgery for that injury.

Los Angeles County sheriff's deputies went to the hospital and determined that Detective Fillmore had been drinking -- or driving under the influence in his unmarked police vehicle.

A blood sample was taken around two hours and 45 minutes after the vehicle accident. At that point, Detective Fillmore was found to have a blood alcohol content of 0.18 percent. Again, this is well above the legal limit of .08.

Detective Fillmore admitted to the deputy he had been the driver and sole occupant of the vehicle. He admitted he has been driving at a high rate of speed, and he admitted he had been drinking prior to driving.

In March of this year, Detective Fillmore was relieved of duty by the LAPD. Detective Fillmore still shows to be employed by the Los Angeles Police Department and has been directed to a Board of Rights, which is scheduled for April of next year.

April of this year, Detective Fillmore pled no contest to his second misdemeanor charge of driving under the influence of alcohol with a blood content concentration of .08 or greater.

Detective Fillmore received five-year summary

probation, 15 days in jail, and a fine of $500 or four additional days in jail. Detective Fillmore was also ordered to complete an 18-month alcohol education program.

Detective Fillmore's actions have resulted in the destruction of City-owned property, destruction of private property, and caused him to receive a serious injury.

He's been convicted of driving under the influence twice while employed as a detective for the Los Angeles Police Department.

The facts I have just relayed support the division's findings that Detective James Fillmore was involved in serious misconduct, specifically acts that violate the law, that are sufficiently egregious to be inconsistent with a peace officer's obligation to uphold the law and respect the rights of the public.

For purposes of the division's analysis, clear and convincing evidence means evidence of a charge is clear and convincing. So long as there's a high probability that the charge is true, the evidence need not establish a fact beyond a reasonable doubt.

I would like to take one last moment to make a quick correction to the record. In the document I drafted called, the "Investigative Summary of the

Finding," there's a typo. And that's on the date that Detective Fillmore received his first DUI. In two locations in that document it lists the date as July 10th, 2016. That should be February 27th, 2016.

With that, I'm happy to answer any questions that the board may have.

CHAIRPERSON DUDLEY: Thank you.

That date change does not affect the fact that it was just a few months after the agreement was signed. So he was told, for four years, and we all read the terms and conditions of that agreement. And then about nine months later, he violated again; is that correct?

MR. BRINGOLF: Madam Chair, the date change was on the first DUI, so it has no relevance to the four-year --

CHAIRPERSON DUDLEY: Okay. The second one. And therefore, the timing is the same as to the plea, as well as the amount of time that went by that he was put on those restrictions.

Okay. Thank you.

Okay. Board questions, comments?

MEMBER HATCHER-CRAWFORD: I also see -- Crawford. I also see that he was charged for fast driving under the influence. Was he -- was he charged with it or --

MR. BRINGOLF: I believe he was charged with it,

but he did not -- that was not part of his plea.

MEMBER HATCHER-CRAWFORD: Not part of his plea.

And the courts found him guilty or not guilty?

MR. BRINGOLF: He pled no contest.

MEMBER HATCHER-CRAWFORD: No contest. Okay.

And you said he received 15 days, five years, and 18 months for the second DUI, correct?

MR. BRINGOLF: So he received five years of summary probation, 15 days in jail, and then he had a fine. And then there was an 18-month alcohol education program that was also part of that plea.

MEMBER HATCHER-CRAWFORD: And I assume his license was suspended; correct?

MR. BRINGOLF: That's correct.

MEMBER HATCHER-CRAWFORD: And how long was his license suspended?

MR. BRINGOLF: That, I don't know.

MEMBER HATCHER-CRAWFORD: Okay.

MEMBER JOHNSON: I have a question.

CHAIRPERSON DUDLEY: Yes. Just a comment in response.

My position on this board is, I was brought in and under the title of attorney. And I can tell you that having worked in a district attorney's office for three -- 32 and a half years, two things are generally

true: One is, when someone pleads to one of the counts, either the A or the B, traditionally district attorney's offices throughout this state dismiss the other.

The other was a question you had about -- what was the second point you made? One was on the plea, and the other was -- do you remember? It was a long time ago.

MEMBER HATCHER-CRAWFORD: No. I reiterated what the second DUI, what he received. And then I asked about his license being revoked.

CHAIRPERSON DUDLEY: Okay. There was another point, but it is not significant. But I wanted to at least respond from my history.

Yes. More comments or questions?

MEMBER LARA: Lara.

Just on page 127 of the materials that were put together for us, I see that there's a paragraph that talks about the embarrassment and contrition displayed by the officer -- or the detective, forgive me.

And I had some questions. Were there any -- do you know anything about the personal issues that were discussed that led to his behavior? And do you know any of the activities that he said that were -- that were pointed out that, you know, the positive life changes that he made? Can you expand on that, or is what we have is what we have before us?

MR. BRINGOLF: Yeah. What I have is what's in the record. That is what was used to find our clear and convincing evidence. I don't have anything further on that conversation.

MEMBER LARA: Thank you.

CHAIRPERSON DUDLEY: I also noted from the report that I thought the alcohol that was found in his car, the small bottles of various -- a variety of liquors -- liquors, they were all small. But they were, in fact, varying sizes?

MR. BRINGOLF: They were varying sizes. Varying small sizes.

CHAIRPERSON DUDLEY: Okay. And those bottles of alcohol or bottles or alcohol like those were found during both arrests?

MR. BRINGOLF: No. Just during the first arrest.

CHAIRPERSON DUDLEY: Just the primary one?

MR. BRINGOLF: That's correct.

CHAIRPERSON DUDLEY: Okay. Thank you.

Yes.

MEMBER GLASER: Glaser. In the report it says that he was driving his vehicle at a high rate of speed. Do you have any more specific information on that? I gather that that was based on the impact to the other vehicles. But do we know anything more about his

driving?

MR. BRINGOLF: No, sir.

It is a 25-mile-per-hour zone where he got in an accident, and he totaled his vehicle. I don't know what -- how high a speed he was driving, and I don't know that that was ever determined. It was high enough for him to total his vehicle and cause two other vehicles to sustain major damage. That's all I have on that point.

MEMBER HATCHER-CRAWFORD: Crawford. I have one more question.

CHAIRPERSON DUDLEY: Please.

MEMBER HATCHER-CRAWFORD: You said -- I mean, what in the report, it states -- I know you didn't say it -- but in the report, he was driving an unmarked --

CHAIRPERSON DUDLEY: Detective's car.

MEMBER HATCHER-CRAWFORD: -- detective's car.

What is the policy as far as detectives taking cars home, or do they keep them at home? Or is there any reason other than outside of work that sometimes that they do drive -- drive the cars?

MR. BRINGOLF: Yeah, I want to be careful not to speak to any of the policies of LAPD. Those weren't necessarily used to find and determine clear and convincing evidence in this point.

I can tell you that it's never been that ambiguous that driving under the influence of alcohol in a police car is, you know, not -- not an appropriate --

MEMBER HATCHER-CRAWFORD: I'm trying to get into his mindset.

MR. BRINGOLF: Yeah, I'm not sure. But, yeah, that's never been a question as far as I know.

CHAIRPERSON DUDLEY: But fair to say there was nothing in your reports that indicated him taking that car that evening and driving an unmarked car was a problem?

MR. BRINGOLF: That's correct. There was nothing in my report to that.

CHAIRPERSON DUDLEY: The problem was that he was under the influence of alcohol?

MR. BRINGOLF: That's correct.

CHAIRPERSON DUDLEY: Okay. Any other --

MEMBER GLASER: But it does say in the report that he did not have permission to be driving the City vehicle at the time of the accident.

MEMBER DOYLE: That's what I was going to point out, too. He was not on call. And so he was not supposed to be driving a City car.

MR. BRINGOLF: There was not clear and convincing evidence to establish that fact. So --

MEMBER DOYLE: Not to argue, but it is in the report by LAPD that they interviewed --

MR. BRINGOLF: Correct.

MEMBER DOYLE: -- people who shared that car, and he was not supposed to drive it.

MR. BRINGOLF: We were able to establish that he was off duty when it happened. Whether he had permission to drive that vehicle is -- we don't have clear and convincing evidence.

CHAIRPERSON DUDLEY: I think as a former sheriff, you are very aware of when you can take that kind of vehicle. And I'm -- perhaps LA has different rules and regulations than your department did.

MEMBER DOYLE: Actually --

CHAIRPERSON DUDLEY: That he had made statement. Yeah, I saw that.

MEMBER DOYLE: Yeah. So --

MEMBER JOHNSON: I think, if I can ask, too, also -- Johnson, by the way.

I remember reading that he also tried to -- I guess I can use the word -- "bribe" the arresting officer to not allow this to be known, that he was arrested and had this level of alcohol in his system.

MR. BRINGOLF: One of the allegations from the agency was that he had tried to use his official

position to gain favor after his arrest. To what extent that happened, I'm not -- I'm not certain.

The facts that we used in this case to show an egregious act had occurred was the fact that we have -- factually have a repeated act. We have two DUIs. We have an officer who was driving a police vehicle under the influence of alcohol. Two hours and 45 minutes or thereabouts after his blood -- after the accident, his blood sample was taken and returned at 0.18 percent, which is over 200 percent more than the legal limit.

The fact that he caused an injury to himself, the fact that he damaged City-owned property, the fact that he damaged two separate people's vehicles, this was in a residential area. Those are the things that we're using to help establish the egregious nature of this particular act.

There are the other parts that you bring up about the question as to whether he had permission to drive the vehicle, the question as to how he tried to gain favor to, you know, maybe get a lesser charge or something to that effect. That is unclear with the record we were provided during investigation.

So just bring it back to the facts that we're using to establish clear and convincing.

CHAIRPERSON DUDLEY: There was no evidence

presented that he bribed someone, but it was that he used his badge to influence; is that correct?

MR. BRINGOLF: Potentially. He may have shown his badge, and that may have been interpreted as an attempt to gain favor. Or it may have been the fact that he was a peace officer, and he felt compelled to show his badge.

CHAIRPERSON DUDLEY: Mr. Johnson, you may consider anything in the report in forming your opinion.

The point I wanted to make before was the -- there were two and a half hours went by from the time he was driving until the time he had a blood alcohol level of .012. And there was an expert who opined what his blood alcohol level was at the time that he was driving; is that correct?

MR. BRINGOLF: There was a blood alcohol expert. You know, an expert in the -- in extrapolating blood alcohol content. That expert used a formula for the first DUI and provided that.

I used that same formula for the second DUI, which would have put him around a .24 to .22 around 15 minutes prior to the accident.

CHAIRPERSON DUDLEY: .22 to .24?

MR. BRINGOLF: Correct.

CHAIRPERSON DUDLEY: And the legal blood alcohol

level is .08?

MR. BRINGOLF: That's correct.

CHAIRPERSON DUDLEY: Any other questions about that?

Yes.

MEMBER CLAVO: Clavo.

For clarity purposes, the first DUI is where the alcohol containers were found, but not in number two DUI?

MR. BRINGOLF: That's correct, ma'am.

MEMBER CLAVO: Thank you.

CHAIRPERSON DUDLEY: Thank you.

MEMBER LARA: Lara. I have a question.

As this process is new, the -- I don't know. As the investigator from POST, are you permitted or allowed -- I don't know the right terminology -- to move forward, or was it considered a recommendation for suspension, or this was solely -- your thought was this was a revocation case?

MR. BRINGOLF: Yeah. Our -- the division's findings support there's clear and convincing evidence that serious misconduct occurred. The egregious nature kind of speaks to that.

There's several reasons. First, it's not his first DUI. It his second while employed as a peace officer.

Second, the severity of the events has increased rather than decreased. In his second DUI, Detective Fillmore totaled the police car, caused extensive damage to two privately owned vehicles, and caused an injury to himself that caused surgery.

Third point would be that Detective Fillmore had been suspended administratively after his first DUI, and likely his license was suspended in that case as well. And neither of those suspensions prevented his second DUI. So it shows that suspension might not be the appropriate avenue.

And finally, these criminal acts show a wanton disregard for public safety, which we find incongruous with being a peace officer, hence the recommendation to revoke.

CHAIRPERSON DUDLEY: So thank you for clarifying that. So they did consider that in their recommendation. And, of course, you know, as a board member, you can still make a motion that that be appropriate.

Any other questions or comments?

MEMBER CLAVO: Clavo. One more question.

Do we know if he was offered any EAP or any services for his drinking behavior and habits?

MR. BRINGOLF: That's unclear. That may be part of

the settlement agreement. He was likely offered EAP. The fact that he had a alcohol education program, those tend to parallel in nature the type of things that one might get from an EAP just from a different source.

So he did receive two rounds of alcohol education after each --

CHAIRPERSON DUDLEY: So to be clear, the first time he had a DUI, he went -- he had to, by law, go to the DUI school for a first offender.

The second time he had the DUI, he had to go for a second offender. So there are two forms of education after that.

Additionally, as part of the terms and conditions of his first DUI, the agency insisted that, I believe, counseling was one of the provisions that they also insisted upon; that he begin and complete counseling session.

Is that correct?

MR. BRINGOLF: That is correct.

CHAIRPERSON DUDLEY: Okay. So, hopefully, that answers your question.

MEMBER CLAVO: Yes, thank you.

CHAIRPERSON DUDLEY: Any other questions of --

MEMBER HATCHER-CRAWFORD: Crawford. And I know that you said earlier it was about policy.

CHAIRPERSON DUDLEY: Right.

MEMBER HATCHER-CRAWFORD: Yeah. That, I'm interested in seeing -- and maybe we'll do that in closed session -- the policy of --

CHAIRPERSON DUDLEY: Let me suggest to you. We don't have to go into closed session, or we can go into closed session with this case.

The first case, the primary reason we went into closed session was because of the nature of the videos. So there is a provision that would allow us to go into closed session for the deliberation process, or we could stay out here.

Please go on.

MEMBER HATCHER-CRAWFORD: So -- and maybe this is to my attorney, Christopher. I'm interested in seeing the policy each -- of POST regarding officers and the misconduct.

And also the policy of, you know, the station. You know, former DOD generally, if you get like a first DUI, you don't get a second option.

And so maybe somewhere within the body of the policy, I don't know what it may read; one, two, or three offenses.

CHAIRPERSON DUDLEY: I could speak to POST. POST wouldn't have a policy on something like that.

MEMBER HATCHER-CRAWFORD: Okay.

CHAIRPERSON DUDLEY: But the agency may or may not.

Do you happen to know if the agency -- if there was a policy on what would happen on first or second offenses on DUIs?

MR. BRINGOLF: No, ma'am.

Colloquially, it's referred to as the bail schedule, right, with punishment imposed by an organization. That bail schedule changes from organization to organization. And I think it is taken on a case-by-case basis.

What I can say, in this case, is that Detective Fillmore was relieved of duty, and he was ordered to a Board of Rights, which happens next year in April.

So the suggested outcome is termination. He's been, like, de facto terminated, waiting for his Board of Rights. So...

CHAIRPERSON DUDLEY: Any other questions?

MEMBER DOYLE: Just in my experience, I -- and I don't even know if the Police Officer Bill of Rights would agree to this, but we have never had a chart of what you get for different disciplines. I mean, there's unwritten.

For instance, in my agency, the first DUI was five days. The second was termination. Fortunately, I never

had to do the second.

But I kind of think -- and maybe Toby or Christopher know. I don't think the Police Officer Bill of Rights would allow you to have a matrix that if you did this, this is what you get. I mean, because each case is supposed to be dealt with individually.

CHAIRPERSON DUDLEY: Would you like Mr. Darden to approach, and you can ask him?

MEMBER DOYLE: Excuse me?

CHAIRPERSON DUDLEY: Would you like Mr. Darden to approach, and you can ask him that question?

MEMBER DOYLE: No.

CHAIRPERSON DUDLEY: Okay.

Any other questions or comments of -- any questions for the attorney?

(No response.)

CHAIRPERSON DUDLEY: Okay. Thank you very much.

So now I would like to know if any member would like to go into closed session, or if you would like to deliberate this out here.

I'm sorry. I completely forgot public comment. So is there someone who would like to make public comment? Thank you.

Good morning. It's up to you if you'd like to introduce yourself.

MS. WILCOX: Hi. I'm Leslie Wilcox.

CHAIRPERSON DUDLEY: I apologize for having stalled on that.

MS. WILCOX: No, no. That's okay. It's new. We are all learning.

I'm Leslie Wilcox. I'm a union attorney for the Los Angeles Police Protective League. And I represent Detective Fillmore in this POST SB 2 matter with POSAAB.

I would like to address a couple of issues that the board has asked questions about, and I may be slightly more familiar with that process.

I would like, Mr. Johnson, for you to know that LAPD policy requires all of their employees to identify themselves as an officer or an employee of the Los Angeles Police Department any time they are contacted by another law enforcement agency, which I think the law enforcement consultant alluded to that presentation of their identification sometimes can be misinterpreted. It is definitely something that Detective Fillmore is disputing, just so that you are aware of the department's policy requiring that.

And, Ms. Crawford, I also wanted to let you know that Detective Fillmore disputes that he did not have authorization to have that detective car at home. That is one of the issues that will be appealed in his Board

of Rights that is scheduled for April of 2024.

And regarding the discipline matrix, LAPD does have a penalty guideline that gives guidance to both their command staff in reaching a decision for a proposed discipline in any of their cases for allegations of misconduct.

And then once it is appealed, either to a civilian or a sworn board for the Board of Rights, they are also given that penalty guideline. And it ranges anywhere from an official reprimand, which is a written penalty, with guidelines for suspension days, all the way up to termination for various different categories of allegations of misconduct.

And there would be a specific guideline for driving under the influence in this particular case, just so that you are aware of that.

Someone asked what led to this. Officer -- Detective Fillmore was in the process of dealing with three open homicide cases, had three people that he was searching for, for murder warrants. That's the reason he had the take-home car.

He was in the middle of two murder trials and was up for a promotion to a Detective II and learned shortly before this incident of the second DUI that they promoted someone that he had trained himself to that

position.

Thank you.

CHAIRPERSON DUDLEY: Counsel, would you mind sitting down? The mic carries better if you are sitting. Pull it towards you.

MS. WILCOX: Of course. Thank you.

CHAIRPERSON DUDLEY: And I'm sorry to interrupt.

MS. WILCOX: That's okay.

They were promoting someone that he had trained that had ten years less experience than him. And given the amount of time that he had been with the department and the work that he was doing, this was fairly devastating to him. And, unfortunately, triggered a relapse to his alcohol addiction, which led to the second DUI that we are here about.

Since then, when -- he was taken to the hospital because he broke his wrist. Immediately upon being released from the hospital, he went to an inpatient program for alcohol addiction and was there for 65 days, and has been sober since.

So I wanted to make sure that the board was aware that he had addressed this situation in a different manner that had been addressed in 2016, and has been successful in maintaining his sobriety as a result of that intensive outpatient program that he went to

straight from the hospital.

Additionally, I am requesting that the board defer this matter until his Board of Rights. My understanding from the POST website is that if there is an appeal from the proposed discipline, that the board will wait until that discipline has become final before it moves forward with its own process. And in this case, the final discipline is not until a Board of Rights, in Detective Fillmore's case, makes a decision about the final discipline, and then the chief of police signs off on that decision.

And that will be, I believe, on April 3rd. He has three days scheduled.

So I'm requesting that this either be continued or deferred until a date after that, before this particular board makes its decision about whether or not to go forward with a suspension or a revocation, mainly because there will be a significant amount of evidence that will come out that may address some of this board's questions. But it is a de novo hearing, which involves multiple witnesses, cross-examination, closing argument, all of the body-worn video evidence from the agency that arrested Detective Fillmore. So it is a very extensive process that can shed some light about some of the questions that this board has raised today.

And I think it would be most efficient if this board would defer that until his final discipline has been imposed so that you have more detailed answers than the investigative summary that's been provided to you at this point.

According to the Frequently Asked Questions on the POST website, my understanding of POSAAB is that it will not undertake revocation or decertification or suspension recommendation until the discipline is final. In Detective Fillmore's case, it is not final yet.

As the law enforcement consultant told you, he is still technically a member of Los Angeles Police Department until that board makes that final decision in April of 2024.

CHAIRPERSON DUDLEY: Okay. Thank you.

I will ask Counsel to respond to what the website says and the relationship between Board of Rights hearing and this board's job in a moment.

But let me ask you: You mentioned this LAPD guideline. What is the guideline when someone suffers a second DUI?

MS. WILCOX: It is 20 pages long, so I don't remember that one specifically.

I believe --

CHAIRPERSON DUDLEY: Let me ask you. The

guidelines is 20 pages long on what to do if someone has a second DUI, or just the entire guideline?

MS. WILCOX: Correct.

CHAIRPERSON DUDLEY: So you don't know?

MS. WILCOX: I can pull it up for you, if you would like.

CHAIRPERSON DUDLEY: Okay. Thank you.

MS. WILCOX: Give me just one moment, please.

CHAIRPERSON DUDLEY: Sure. Take your time.

MS. WILCOX: Madam Chair, it is Frequently Asked Question Number 23.

CHAIRPERSON DUDLEY: I appreciate the Frequently Asked Question Number 23, and we'll take a look at that. But I think maybe I asked my question inartfully.

I'm wondering what the LAPD guideline is on someone who suffers a second DUI.

MS. WILCOX: Yes. I'm trying to pull up their guidelines.

(Pause in proceedings.)

MS. WILCOX: Found it.

CHAIRPERSON DUDLEY: Would you like us to take a five- or ten-minute break to give you more time?

MS. WILCOX: I just found it. I'm sorry.

CHAIRPERSON DUDLEY: You just found it.

MS. WILCOX: Yes. Of course, Murphy's Law.

CHAIRPERSON DUDLEY: Please take your time.

MS. WILCOX: That's okay.

There are different sections for driving and traffic collisions. Specifically, driving a City vehicle in violation of policy resulting in a fatality or severe injury. I'm not sure that this technically would qualify as that. But a first offense can go from an official reprimand up to termination. And a second offense can go from 16 days suspended up to termination.

CHAIRPERSON DUDLEY: Okay. And in this case, we had serious injury to the driver. We had a wrist that required surgery and hospitalization for some point -- period of time.

So thank you for that.

And then I have at least three people who can respond to your other question. We'll start with the Assistant Executive Director.

MS. DEL MUGNAIO: Thank you.

The division objects to the request for a continuance. The continuance was not received until December 5th, which was after the matter was presented to the board and was posted on the POST website as a matter of public record.

More importantly, to speak to the request for continuance in this matter, the Board of Rights hearing

has no binding effect with respect to the board's recommendation regarding decertification and, therefore, should not be delayed.

The evidentiary hearing that you heard today, in terms of allowing litigation and evidence and facts to be fully explored, will happen before an administrative law judge with respect to the board's recommendation and, forthcoming, the Commission's recommendation. And, therefore, this matter should not be continued or tolled.

I respectfully request the board move forward with its decision or recommendation.

Thank you.

CHAIRPERSON DUDLEY: Thank you.

Counsel, is there anything you would like to respond to?

Just so you are familiar, he is counsel for this board, and then we also have counsel for POST.

MS. WILCOX: Understood.

MR. BEATTY: Unless the board members have questions about what they were just instructed on, I concur with the thought that there is no relationship between the Board of Rights hearing and what this board is deciding. What this board is deciding is restricted to the investigation as described. There's no --

there's no connective connection.

CHAIRPERSON DUDLEY: Thank you.

And also the chief attorney for POST, Toby Darden, did you want to respond to any of that?

MR. DARDEN: Thank you.

Thank you, Board Members. The tolling provisions in the Act refer to something that is a little bit different. There is a tolling provision in Senate Bill 2. And the tolling provision there says that once an agency gives a completed investigative file to POST, it has three years to investigate and then serve the notice of intent to decertify upon the officer.

The matter can be tolled during that period of time, but that is just an order to ensure that POST has a sufficient opportunity to investigate, but that within three years after receipt of the completed investigation, we will complete it unless there is something that requires tolling, such as, for example, an appeal.

So that is a little bit different from the situation that we have here.

What really Counsel is asking for is a continuance, which, of course, she can request. And I do understand the confusion about the website question. It is perhaps not worded as clearly as it should be. So the website

does say that generally, a matter can be tolled pending an administrative appeal.

However, general does yield to specific circumstances. And, in this case, I believe the division's position is that when we have an officer who is still currently employed -- this is not a circumstance where he has been terminated and is not working as a peace officer. So the idea is that in this specific circumstance where he is specifically employed and has a history of these alcohol-related incidents, including the most recent one that caused injury and damage, that it is not appropriate to toll it in this particular case, even though that might generally be the case.

And the idea that from the division's perspective is quite simply that the question of his employment relationship with LAPD, whether or not LAPD will continue to employ him or not, that's between him and LAPD. And he certainly has a right to his Board of Rights hearing, and he can resolve that issue with the Board of Rights with respect to his employment relationship with LAPD.

What the division is doing is something different and more fundamental than what the board is being asked to do. And that is to revoke his peace officer

certification, which would be statewide. So the division's position is that, as has been said, there really is no reason to grant a continuance of the board's recommendation in this matter.

Of course, in addition, the board's recommendation will then have to go to the Commission. The Commission will then have to approve it or not in public hearing. And then -- and it will then be sent out to an administrative law judge for determination.

And if the Board of Rights is going to go forward in April, just simply as a matter of calendaring, this matter wouldn't go to the board until, Annemarie, what are we talking about, March, for the Commission meeting?

MS. DEL MUGNAIO: March.

MR. DARDEN: March. The Commission meeting would be in March. If the Commission approves it, it would refer it back to the division. We would engage the attorney general's office. They would file an accusation. It would start the process of that whole discovery and that whole administrative hearing.

So the Board of Rights would likely be concluded in any event well before the administrative hearing occurred.

So if you have any questions, I'm happy to answer them.

CHAIRPERSON DUDLEY: Just stay there.

Would you like to respond to any the responses you got, Counsel?

MS. WILCOX: Yes. Thank you. I would just like to read into the record what the POST website says specifically regarding the issue of a continuance or a deferral.

"When a peace officer appeals discipline relating to serious misconduct, does that delay the decertification process with POST?"

The answer is, "Generally, POST will toll any determination or recommendation for decertification pending the outcome of disciplinary appeals or civil or criminal actions."

So that is what I was relying on in my request for continuance.

I would also like to respond to Ms. Del Mugnaio's response that my request for a continuation was not received until December 5th, which, after this was posted for public comment, as I'm sure you all know, this is our first time doing this. I was not given any sort of notification about when any request needed to be received; and was told to come to ask the board directly for that request, which I did here today.

If there is a process that needs to be in place for

representatives of law enforcement officers to be able to make those kinds of requests, I would -- I would ask that be given to us in advance so that we can make this process more smooth and more streamlined.

Also, I believe the relationship between this board's duty in making a recommendation for either suspension or decertification is related to the hearing at the Board of Rights.

If you are, in fact, searching for the facts and the truth and the why on why Detective Fillmore behaved as if he did, I think that that is a very serious matter for this board to consider in its recommendation.

I would also note, as my last point, that it appears, so far, at least on the information that I can glean from the website, that all other revocations for law enforcement officers in this state have been for felony convictions. And Detective Fillmore does not have that same status.

And so I would request that if the board does choose to move forward, that it go -- move forward on a recommendation for suspension instead of decertification.

Thank you.

CHAIRPERSON DUDLEY: Thank you. First, there's no discrepancy between what you read and what Chief Counsel

Darden read. He responded to the "generally," the statement that says "generally," and said that this was specific.

As to the second point.

MS. DEL MUGNAIO: Thank you, Ms. Wilcox.

Yes. We sent out the notice of intent to revoke in late December. Actually, that's not true. We sent it out in mid October with a 30-day response period for an appeal. So there was a 30-day window within which the officer/officer's counsel could appeal the actual notice of intent to revoke.

We did receive an appeal regarding this matter on November 21st. We did not receive a request for continuance until December 5th.

At that point, we had already moved forward with posting the information and obviously, sending it to the board for review and consideration.

In terms of the -- the final resolutions of anything that has been taken, final actions that have been taken by POST, the reason that the only actions at this point are as related to felony convictions, is because this is the first hearing of the board, where they can consider acts of misconduct.

The felony conviction statute, Government Code 1029, is an absolute. So if an officer suffers a felony

conviction, they shall be revoked. There is no discretion on the part of the board or the Commission or anyone else, for that matter.

So that is the reason why the current resolution, if you will, for all of the matters that are posted on the POST website, are revocations as a result of a felony conviction, because we are, today, considering our first hearing for serious misconduct, unrelated to a 1029 violation.

Thank you.

CHAIRPERSON DUDLEY: Thank you.

Are there any questions from the board for Counsel?

Yes.

MEMBER CLAVO: Yes. I wanted to just make sure I understood.

So for clarity purposes -- Clavo, I'm sorry -- you stated that your client did not dispute that he -- he disputes that he did not have permission to have his car home, stored. But does he dispute the fact that he did not have permission to drive said car while off duty?

MS. WILCOX: That's a little bit difficult to answer because of the way LAPD handles their off-duty vehicles for people who are allowed to have cars off-duty. He was responding to meet a supervisor. He definitely did not have permission to drive it while

under the influence. He's not disputing that. But he did have permission to have the vehicle in the manner in which he did.

MEMBER CLAVO: Thank you.

CHAIRPERSON DUDLEY: When you are saying "in the manner in which he did," but not to drive the vehicle under the influence of alcohol --

MS. WILCOX: Of course not.

CHAIRPERSON DUDLEY: -- you weren't suggesting that.

MS. WILCOX: Of course not.

CHAIRPERSON DUDLEY: Board Member Lara.

MEMBER LARA: I don't have a question.

CHAIRPERSON DUDLEY: Oh, you didn't?

Okay. Yes.

MEMBER GLASER: Hi. Glaser.

I wanted to get some clarification on what his current status is with respect to his ability to serve as a law enforcement officer currently. I know that he is described in the report as being relieved of duty. But he is still, apparently, an employee of LAPD.

MS. WILCOX: It is a little confusing.

I actually have this dispute with the department all the time. He's "relieved of duty" is a terminology that they use, meaning that he doesn't have a badge or a

gun. He has no police powers even in an off-duty capacity under the Penal Code.

That -- for LAPD, once they have determined that they want someone to go to a Board of Rights to be considered for termination, they are still on the payroll of the City for 30 days.

After that, they are no longer on the payroll of the City, but the department still believes that they have control over that particular employee while they are pending their appeal.

I don't know if that clears it up.

MEMBER GLASER: That is a partial clarification, thanks.

I think my question is for other people as well, which is: What is his status with respect to POST at this point? Is he under Immediate Temporary Suspension? And -- or, you know, is he -- yeah. I think that is my question.

CHAIRPERSON DUDLEY: Okay. I will ask Annemarie to respond to that.

MS. DEL MUGNAIO: Thank you, Board Member Glaser.

No, he is not. And the reason Mr. Fillmore, or Officer Fillmore, is not under an Immediate Temporary Suspension is there is no authority in this case for the Executive Director to take that action because he has

not been terminated. He did not resign during a pending investigation. And he was not arrested or indicted for a felony matter.

We don't have the authority to issue an Immediate Temporary Suspension. Thereby, Mr. Fillmore is -- at this point, his certification status is free and clear. He could seek employment from another agency. He is not restricted in terms of his ability to retain a law enforcement position elsewhere.

CHAIRPERSON DUDLEY: Anything else, Mr. Glaser? No? Thank you.

Ms. Pena.

MEMBER PENA: I have a couple questions, actually.

I'm trying to understand the Board of Rights versus the revocation proceeding that we're considering here today.

Let's say, for example, we recommend revocation. It goes to POST. POST upholds that.

Board of -- does the Board of Rights hearing still go on? And if so, how does that then impact a POST decision on revocation? I'm asking, actually, any of the attorneys.

MS. WILCOX: I will speak to the Board of Rights part, if I may.

Sorry. You can go ahead.

MS. DIN: You can go ahead.

MS. WILCOX: Again, this is all new to all of us in this area.

My belief would be that if this board and the POST Commission, at its final decision, revokes his peace officer certification, then I think, under his MOU, he would have a right to go to a Board of Rights and still appeal that. But they would not be able to reinstate him to his position because he wouldn't have a certification.

MEMBER PENA: Anybody else on that?

MS. DIN: So I just want to reiterate what Mr. Darden had explained about how the two tracks are completely separate.

Sorry, is it picking me up?

The two tracks, the disciplinary track between the officer and the agency, that is completely separate from our revocation process and the statutory scheme that is set forth by SB 2.

So the outcome of the disciplinary proceeding or the appeal with the Board of Rights, it really has no bearing on our decision to move forward with revocation.

MR. BEATTY: It is somewhat intentional, right? This board is making independent recommendations, independent of agencies' determination of their

employment issue. Right? And so they are discreet and unconnected.

Does that make sense?

MEMBER PENA: Yes.

MS. DIN: And an agency decision does not preclude POST from moving forward with the recommendation for decertification.

CHAIRPERSON DUDLEY: Other questions?

MEMBER PENA: Second question is -- and any of the attorneys, feel free to speak to this -- is there any significance to be obtained from the fact that the first offense was more than four years before the second offense? Does that matter at all?

CHAIRPERSON DUDLEY: I can respond to it from the board's position.

I believe the reason -- the division can speak to this -- that this was brought to everyone's attention was because of the contract, for lack of a better term, that was articulated.

So after his first DUI, he entered into a contract. And you read the terms and conditions of that: Not drinking alcohol, not going to a place where alcohol is served, and more of that.

And then certain number of months later, he violated.

I think the point was to show his -- the information about the fact that he had these very strict terms and merely months went by before he violated them. But to also show that, in fact, the four-year period had ended.

Anybody else want to say anything about that?

(No response.)

MS. WILCOX: I would just only note that the contract had ended, and it wasn't a violation of the contract.

CHAIRPERSON DUDLEY: Correct. It was not in violation of the contract. It ended, I think it was, nine months previous.

MEMBER PENA: Is there any significance to that?

CHAIRPERSON DUDLEY: Only whatever significance you place on that.

MEMBER PENA: Okay. Okay. Thank you.

CHAIRPERSON DUDLEY: There's no legal significance.

MEMBER PENA: Okay. Thanks.

CHAIRPERSON DUDLEY: Any other questions, Ms. Pena?

MEMBER JOHNSON: I do have a question.

CHAIRPERSON DUDLEY: Yes, Mr. Johnson.

Ms. Pena, is that all your questions?

MEMBER PENA: Yes.

CHAIRPERSON DUDLEY: Okay. Mr. Johnson, please.

MEMBER JOHNSON: I'm still kind of stuck on this idea when I used the word "bribery." Because in the report -- and I guess I'm trying to understand if he really accepted his responsibility for what he did.

But it states (as read), "On at least two occasions during the investigation, Fillmore attempted to use his position with the department to secure release and avoid the ramification of his actions. He told Morgan that the two were on the same team, that it, the investigation, did not have to go this far. And if it were up to me, I would let it go."

And, of course, it goes on to talk about him attempting to hide this matter. And so it is very concerning to me that we're being asked, I guess, by his counsel -- you are representing him, correct? --

MS. WILCOX: Yes.

MEMBER JOHNSON: -- to overlook this, to give him time. And so I'm troubled with that. I just wanted to put that on the record.

MS. WILCOX: Yes.

CHAIRPERSON DUDLEY: And I think the Counsel made reference to it. And I believe -- and please correct me if I'm wrong -- when you said he is required to let them know that he is a member of law enforcement when you work for the LAPD. And that was in reference to the

articulation of that position. It is not -- was not in reference to everything else you just read.

MS. WILCOX: Correct. I was just indicating that his department policy requires him to identify himself as a law enforcement officer and for the agency that he works with any time he is contacted by any other law enforcement agency, aside from a traffic ticket.

And that as the law enforcement consultant here for POST indicated, that can often be misunderstood. And we do not have all the details regarding that particular interaction.

MEMBER JOHNSON: Yeah. It is just troubling in the report that he -- at least the investigator said he attempted to use his position. Not just showing the badge. But attempted to use the position to just totally make this go away.

CHAIRPERSON DUDLEY: Well, you have the words there. Part of the same team. And the other things you read.

Thank you.

Other questions for Counsel -- for public comment? Counsel?

(No response.)

CHAIRPERSON DUDLEY: Okay. Thank you very much for coming in.

MS. WILCOX: Thank you all for your time.

CHAIRPERSON DUDLEY: Okay. Now, any other public comment?

(No response.)

CHAIRPERSON DUDLEY: Seeing none, I now go back to the board and ask if anybody would like to go into closed session to discuss this further? Or does everyone want to stay out here and have any further discussion that we might have? So first the question: Anybody want to go into closed session?

MEMBER GLASER: I would like to go into closed session.

CHAIRPERSON DUDLEY: Okay. Let's go into closed session.

And let me ask you, do you need a break?

THE COURT REPORTER: I could use a break.

CHAIRPERSON DUDLEY: Okay. So we are going to have a break, and then we will resume in closed session at 20 to 12:00. 10 minutes from now.

(Time noted: 11:32 p.m.)

---o0o---

(Closed session was held from

11:41 a.m. to 12:08 p.m.)

---o0o---

(Time noted: 12:10 p.m.)

CHAIRPERSON DUDLEY: We are back from closed session.

Are there any additional comments or questions from any board members?

(No response.)

CHAIRPERSON DUDLEY: Seeing none, is there a motion?

MEMBER JOHNSON: I would like to make a motion to decertify.

CHAIRPERSON DUDLEY: Okay. Is there a second?

MEMBER PENA: Second.

CHAIRPERSON DUDLEY: Okay. At this point, we will take a roll call vote. The motion is to decertify this -- to recommend to the Commission that this officer be decertified.

Mr. Wallace -- I mean, Mr. Knapp.

MR. KNAPP: Board Member Buchen.

(No response.)

MR. KNAPP: Board Member Clavo.

MEMBER CLAVO: Aye.

MR. KNAPP: Board Member Crawford.

MEMBER HATCHER-CRAWFORD: Nay.

MR. KNAPP: Board Member Doyle.

MEMBER DOYLE: No.

MR. KNAPP: Board Member Dudley.

CHAIRPERSON DUDLEY: Aye.
MR. KNAPP: Board Member Glaser.
MEMBER GLASER: Aye.
MR. KNAPP: Board Member Johnson.
MEMBER JOHNSON: Aye.
MR. KNAPP: Board Member Lara.
MEMBER LARA: Nay.
MR. KNAPP: And Board Member Pena.
MEMBER PENA: Aye.
CHAIRPERSON DUDLEY: Okay. What does that tell us?
MR. KNAPP: We have five yeses, and we have three nays.
CHAIRPERSON DUDLEY: Okay. So again, this is based upon a majority. So that motion has passed. And the recommendation to the Commission is that this officer be decertified. And the record reflects the people who voted against that.
Okay. Of now, as to upcoming meetings, we have a meeting on March 20th through 21st; May 15th through 16th; July 24th through July 25th. All of those meetings are here at POST in West Sacramento. There has been some discussion about a meeting in January.
For those of you who were here for the first training session, we set aside a January date as well. There's been some discussion that we might want to

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 2nd day of January 2024.

/s/ Kathryn S. Swank
KATHRYN S. SWANK, CSR
Certified Shorthand Reporter
License No. 13061

STATE OF CALIFORNIA

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

PEACE OFFICER STANDARDS ACCOUNTABILITY ADVISORY BOARD

In Re: CERTIFICATION OF **James Kurtz Fillmore,** **Respondent.**	**BOARD RECOMMENDATION RE: PEACE OFFICER CERTIFICATION** Penal Code section 13510.85(a)(4)

Penal Code section 13510.85 provides that when, upon the completion of an investigation conducted pursuant to subdivision (a) of Section 13510.85, the Peace Officer Standards Accountability Division (the Division) finds reasonable grounds for revocation or suspension of a peace officer's certification, it shall notify the peace officer of the Division's determination and reasons for that determination. If the peace officer files a timely review, the Peace Officer Standards Accountability Advisory Board (Board) shall schedule the case for hearing.

Respondent was served with the Division's Investigative Summary and Findings and accompanying Notice of Intent to Revoke, notifying Respondent that the Division had found reasonable grounds for revocation of Respondent's POST certification, on October 12, 2023. Respondent requested a review of the Division's determination and reasons for revocation of Respondent's POST certification on November 13, 2023 and the Board scheduled the case for a hearing which was held on December 14, 2023. At the time of Respondent's request for review of the Division's determination, Respondent had been issued the following POST certification(s):

- [X] Basic
- [X] Intermediate
- [X] Advanced
- [ ] Supervisory
- [ ] Management
- [ ] Executive

FACTUAL BASIS

Having considered the Division's presentation at the hearing, the Division's Investigative Summary and Findings and the public comments, the Board concludes that:

X A factual basis for revocation has been established by clear and convincing evidence.

__ A factual basis for suspension has been established by clear and convincing evidence.

__ A factual basis for suspension or revocation has not been established by clear and convincing evidence.

RECOMMENDATION

In light of the facts and circumstances revealed by the Division's investigation in this case, the Board hereby recommends that the following action(s) be taken against Respondent's certification:

X Revocation of Certification.

__ Suspension of Certification for the following period of time, not to exceed 3 years, per 11 CCR section 1213(b): _____.

__ No further action.

REASONS FOR DECISION

X In accordance with Penal Code section 13510.85(a)(4) and title 11, California Regulations Section 1213, the Board hereby incorporates by reference the Division's Investigative Summary and Findings and hereby adopts the Division's Summary and Findings as the Board's stated reasons for its recommendation in the above captioned matter.

___ (Where applicable) In accordance with Penal Code section 13510.85(a)(4), the Board's reasons for its recommendation are as follows:

_____

_____

_____

_____

_____

_____

_____

Dated: 12/14/23

Chairperson ~~or Designee~~
Commission on Peace Officer Standards Accountability
Advisory Board

AGENDA ITEM REPORT

Title: POST2308479 - JUSTIN RAYMOND RAMIREZ (POST ID: C37-S81)
LAST EMPLOYING AGENCY: ORANGE COUNTY SHERIFF'S DEPARTMENT

REPORT PROFILE

MEETING DATE 03/07/2024	**BUREAU SUBMITTING THE REPORT** Professional Conduct Northern Bureau	
RESEARCHED BY Trevor Shields	**REVIEWED BY** Christine Ford	
REPORT DATE 02/14/2024	**APPROVED BY** Manuel Alvarez, Jr.	**DATE APPROVED**
PURPOSE	**FINANCIAL IMPACT** No	

ISSUE, BACKGROUND, ANALYSIS, & RECOMMENDATION

ISSUE:

The matter is before the Commission for review and action regarding the subject peace officer's certification status.

The Commission shall return any determination requiring action to be taken against an individual's certification to the division, which shall initiate proceedings for a formal hearing before an administrative law judge in accordance with the Administrative Procedure Act (Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code), which shall be subject to judicial review as set forth in that Act.

BACKGROUND:

The Respondent began his employment with the Orange County Sheriff's Department on July 15, 2013. He was promoted to a fulltime peace officer after graduating from the Sheriff's Academy on January 16, 2015. At the time of this incident before the POSAAB, he was assigned as a School Resource Officer. The Respondent resigned from the Orange County Sheriff's Department on December 14, 2022, while holding the rank of Deputy. The Respondent is not currently employed as a peace officer in the State of California.

This position is a peace officer position as defined under California Penal Code §830.1(a) and is required to be certified pursuant to California Penal Code §13510.1(a).

ANALYSIS:

Does the alleged conduct violate Penal Code Section 13510.8(b)(6) and California Regulation 1205(a)(6) – Acts that

violate the law?

The Division's findings support that Respondent committed acts of serious misconduct, specifically Respondent committed acts that violate the law when Respondent, a Deputy Sheriff assigned as a School Resource Officer (SRO), showed harmful matter of a graphic and sexual nature, which depicts illicit drug use and graphic violence on his personal cell phone to a group of 14-year-old students. Respondent repeated such acts moments later by showing another group of 14-year year old students the same harmful matter.

After a complex criminal investigation conducted by the Orange County Sheriff's Department, Respondent was charged in the Orange County Superior Court with a misdemeanor violation of Penal Code section 313.1(a). On April 25, 2023, the court granted Respondent misdemeanor diversion pursuant to Penal Code section 1001.95.

RECOMMENDATION:

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

In any case in which the Commission reaches a different determination than POSAAB's recommendation, it shall set forth its analysis and reasons for reaching a different determination in writing.

ATTACHMENT(S):

BR1 POST2308479 Ramirez_ Justin_ ISF REDACTED.pdf
BR2 POST2308579 Ramirez_ Justin ISF Attachments_ REDACTED.pdf
POST2308479 Ramierz_Justin_December 2023_POSAAB_Agenda_Record.pdf
POST2308479_Ramirez_ Justin_Transcript_Board_12.14.23.pdf
POST2308479_Ramirez_Justin_Board_Recommendation_Signed.pdf

INVESTIGATIVE SUMMARY AND FINDINGS

SUBJECT PEACE OFFICER: JUSTIN RAYMOND RAMIREZ

POST ID: C37-S81

AGENCY: ORANGE COUNTY SHERIFF'S DEPARTMENT

CASE NUMBER: POST2308479

WRITTEN BY: LAW ENFORCEMENT CONSULTANT

TREVOR SHIELDS

DATE: 10/12/23

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***Attachments Listed in Section VI, Supporting Evidence and Documentation Are Attached.**

I. Executive Summary

On Monday, September 5, 2022, the Orange County Sheriff's Department dispatch center received a call from a citizen who identified herself as a parent of a 14-year-old Trabuco Hills High School student. She alleged at lunch time on Friday, September 2, 2022, a uniformed sheriff's deputy had shown female students inappropriate videos and photos on his cell phone.

Orange County Sheriff's investigation identified School Resource Officer (SRO), Deputy Justin Ramirez, hereinafter, "Respondent" as the deputy who exhibited two inappropriate, graphic, and pornographic videos and two graphic photos from his cell phone to four female freshman high school students.

The Orange County Sheriff's Department conducted separate criminal and administrative investigations which subsequently sustained criminal allegations of misconduct against the Respondent. The sustained findings would have resulted in the Respondent's termination from employment, but he resigned on December 14, 2022, prior to his administrative interview.

On April 25, 2023, the Respondent pled guilty in Orange County Superior Court to one misdemeanor count of California Penal Code section 313.1(a), Distributing harmful matter to a minor. He was sentenced to court diversion.

On August 10, 2023, Peace Officers Standards and Training (POST) Director, Manny Alvarez signed an Immediate Temporary Suspension of the Respondent's POST Certificate.

With the completion of POST's investigation and review, reasonable grounds exist to submit this case to the Peace Officer Standards Accountability Advisory Board and the POST Commission for consideration of revocation pursuant to Acts that Violate the Law according to Penal Code section 13510.8.

II. Background Information

a. Identity of the Respondent

The Respondent began his employment with the Orange County Sheriff's Department on July 15, 2013. He was promoted to a fulltime peace officer after graduating from the Sheriff's Academy on January 16, 2015. At the time of this incident, he was assigned as a School Resource Officer.

The Respondent resigned from the Orange County Sheriff's Department on December 14, 2022, while holding the rank of Deputy.

The Respondent is not currently employed as a peace officer in the State of California. An internal source at POST has discovered the Respondent has applied for law enforcement positions as a peace officer in the last six months.

This position is a peace officer position as defined under California Penal Code §830.1(a) and is required to be certified pursuant to California Penal Code §13510.1(a).

b. History with Employing Agency

The Respondent attended and graduated from Orange County Sheriff's Department Academy on January 16, 2015. During his 984 hours of training he attended and completed courses in Ethics, Sexual Harassment, and Special Relationships.

The Orange County Sheriff's Department has policies regarding Code of Professional Conduct and Responsibility for Peace Officers (Policy 1001) and Rules of Conduct (Policy 1018). Every employee is trained and has knowledge of these policies during their academy and field training programs. These policies are reviewed on a regular basis in personnel briefings, during ongoing departmental training and performance evaluations.

Orange County Sheriff's Department has written policy regarding the School Resource Program (Policy 415). Each SRO is trained and has knowledge of this policy.

c. Prior Employment History

The Respondent does not have any additional law enforcement appointments in California.

d. Peace Officer Certificate

The Respondent is assigned POST ID C37-S81. He received the following peace officer certificates from Peace Officer Standards and Training (POST):

- Basic, Certificate # 184287, August 22, 2016
- Intermediate, Certificate # 140935, July 4, 2019

- Advanced, Certificate # 124388, January 15, 2021

e. Other Allegations of Serious Misconduct

POST is aware of no other allegations of serious misconduct, as defined in Penal Code section 13510.8, against this officer other than those referenced herein.

Per the Internal Affairs Unit of the Orange County Sheriff's Department, the Respondent received a written reprimand in 2020 for failing to activate his dash camera before a use of force incident.

f. Receipt of Allegation

On May 18, 2023, the Orange County Sheriff's Department reported allegations of serious misconduct against the Respondent to POST pursuant to California Penal Code section 13510.9. The allegations were a result of a citizen complaint made to the Orange County Sheriff's dispatch center.

III. Investigative Methodology

This report summarizes the findings related to allegations of serious misconduct. This investigation was conducted in accordance with the regulations and policies of POST. The investigation included the review of the Orange County Sheriff's Department's criminal and administrative investigations which contained interviews of juvenile victims, witness officers, and civilian witnesses. Body worn camera footage from the Respondent and Sergeant Huerta was reviewed and compared to the written documentation of involved personnel.

Information obtained was analyzed by clear and convincing evidence standard. For purposes of this report, clear and convincing evidence means "evidence of a charge is clear and convincing so long as there is a 'high probability' that the charge is true. The evidence need not establish a fact beyond a reasonable doubt."

This report is necessarily a summary in nature and does not include every fact or issue that might be found in the underlying investigation and attachments. It does, however, contain reference to that evidence that I believe establishes the requisite facts, and proves the serious misconduct charged, by clear and convincing evidence.

IV. Factual Summary

On Monday, September 5, 2022, the Orange County Sheriff's Department received a citizen's complaint in their communications center from the parent

of a 14-year-old female student at Trabuco Hills High School. The parent related on Friday at lunch time, an unknown, on duty Orange County Sheriff's Deputy was showing videos to students that contain violent and pornographic images.

Due to the nature of the allegations, Deputy Dornbush from the Orange County Emergency Communications Bureau, spoke with the parent. He then contacted the on-duty Patrol Supervisor for the City of Mission Viejo, Sergeant Hugo Huerta and informed him of the circumstances surrounding the complaint. Sergeant Huerta advised Deputy Dornbush to have one of the city's School Resource Officers (SRO) to handle the call.

The Respondent was assigned to the City of Mission Viejo as an SRO. He was assigned to this call and responded to the parent's residence to investigate. Upon his arrival, the parent called her 14-year-old daughter, Student #1, over to the front door and asked her if this is the deputy who showed her the videos because she wanted to make sure "he was not the pervert." Student #1 related that she did not recognize the Respondent.

During the interview with the parent and Student #1, the Respondent realized this investigation was about him and he excused himself by saying he needed to contact his supervisor. The Respondent returned to his patrol vehicle and called a fellow Deputy and SRO, Deputy Sanchez. In the Respondent's Body Worn Camera (BWC) footage, the Respondent is heard saying to Deputy Sanchez, "The daughter didn't recognize me," and, "I can't write it (the associated report) cause that's just weird, conflict of interest." The Respondent contacted Sergeant Huerta via telephone and he responded to the residence to meet the Respondent. Sergeant Huerta assisted the Respondent to complete his interviews by talking with the parents so the Respondent could interview Student #1 in the adjacent room.

According to Sergeant Huerta, at the conclusion of this call, the Respondent advised Sergeant Huerta that he was working as an SRO at Trabuco Hill High School at lunchtime on Friday, September 2, 2022. He did show some students a couple of videos from his cell phone but they were not sexual in nature and were about a cheating couple who was stabbed by the female's husband.

Based on a review of both the Respondent's and Sergeant Huerta's BWC footage, they both exit the residence at 1327 hours. Per the Sheriff's Computer Aided Dispatch (CAD) record, the Respondent and Sergeant Huerta cleared the scene at 1337 hours. It is undocumented what they

discussed during the 10 minute time period. However, based on the Respondent's previous phone call to Deputy Sanchez at 1254 hours, he clearly knew this complaint was about him.

Approximately an hour and a half before the end of shift, the Respondent contacted Sergeant Huerta via telephone to ask if he needed to complete the information report or defer it to morning. It was during this conversation the Respondent revealed the video he showed to the students also contained footage of a couple having sexual intercourse prior to the female's husband entering the room and started stabbing the male subject. Based on the new details and the fact the Respondent was the only SRO working at the high school on Friday, Sergeant Huerta admonished the Respondent to not to share and/or delete anything on the Respondent's cell phone.

The next morning, on September 6, 2022, Sergeant Huerta responded to Trabuco Hills High School to interview any students present during the incident. Sergeant Huerta interviewed four female students. During the interviews, a member of the Trabuco Hills High School staff was present in the interview room. Each one of the students described the deputy who showed them the videos and photos as a white male adult in his 40's with brown hair, wearing a green style uniform. **See Attachment E, for photos of the Respondent.**

Sergeant Huerta interviewed Student #1 (14-year-old, freshman at Trabuco Hills High School) who related the following: She was with her friends Student #2 and Student #3 during lunch break when Student #4, approached them to let them know that a deputy showed her a photo of a dead body **(Attachment D)** Student #1 was curious so she, Student #2, Student #3 and Student #5 (Student #5 was not identified or interviewed by sheriff's investigators) walked over to the marked patrol unit where the deputy was seated in the driver's seat. Student #4 asked the deputy to show the group of students the videos. Student #1 related there were six freshman students standing near the patrol vehicle watching what was on the deputy's phone. Student #1 described the first video as a male and female having sex when a male subject entered the room and started stabbing the female **(Attachment A).** The deputy also showed them a "gory" photo of a female with a dog bite to her leg **(Attachment C).** In the second video he showed the group of students two transient males smoking drugs, one male blows smoke into the bare buttocks of the other **(Attachment B)**. Student #1 related at first, she thought the videos were funny, but later felt uncomfortable watching them. She asked the officer for a sticker and left. Over the weekend she told her mom what had occurred, and she called the Sheriff's Department.

Sergeant Huerta interviewed Student #2 (14-year-old, freshman at Trabuco Hills High School) who related the following: She was with her friends Student #1 and Student #3 during lunch break when Student #4 and Student #6 (Student #6 was not identified or interviewed by sheriff's investigators) approached them to let them know that the "police were showing them videos." Student #2 was curious along with her friends, so they walked over to the marked patrol unit where the deputy was seated in the driver's seat. Student #4 asked the deputy to show the group the videos. The deputy showed the group of students two videos and one photo. The first video was of a couple having intercourse and then getting stabbed by a male who enters the room **(Attachment A).** Student #2 believed the deputy told them that the husband caught his wife cheating and killed both his wife and the other male. The second video was about two guys smoking meth and blowing meth into his buttocks. The deputy showed a photo of a girl with a dog bite on her leg. Student #2 said the officer told the students to "Don't do drugs" as he was showing them the videos. Student #2 stated she felt "a little uncomfortable because life is kinda messed up, its how reality is."

Sergeant Huerta interviewed Student #3 (14-year-old, freshman at Trabuco High School) who related the following: She was with her friends Student #1 and Student #2 during lunch break when Student #4 approached them to let them know that a deputy was showing videos. Student #3 was not going to go watch but her friends were going so she walked with them over to the marked patrol unit where the deputy was seated in the driver's seat. Student #3 believed the deputy showed them three videos on his phone but could only describe one. The deputy showed the group of students a video of a male and female in bed kissing when a male who enters the room realizes she is cheating on him. He had a knife and started stabbing her. The second video she could only describe as two men smoking. Student #3 related she felt uncomfortable while watching the videos but peer pressure made her stay and watch. Student #3 did not think Student #4 was being serious about the videos when she first told her "because police officers aren't really allowed to do that, especially to high school students and that was my group."

Sergeant Huerta interviewed Student #4 (14-year-old, freshman at Trabuco High School) who related the following: She was with Student #5 and Student #6 (Students #5 and #6 were not identified or interviewed by sheriff's investigators) when someone said "let's go talk to the police officer" so we all went up to the car. Student #4 asked him "What was the most horrible call you got?" The deputy replied "people who committed suicide and dead bodies" that is when he started to show them photos and videos. Student #4

described the first photo of “A 17-year-old girl on the street, there was a gash (on her head) and her brains were coming out.” **(Attachment D)**. Student #4 described the first video as “A wife was cheating on her husband with a dude, it was on camera. The husband came in and stabbed the dude. The dude ran out and the police officer told us the dude died in the hallway.” **(Attachment A)**. Student #4 said she and her friend were laughing because they thought the videos and pictures were fake. Student #4 realized the videos were real and stated, “That’s actually somebody dying in front of my face.” The officer told them “It doesn’t faze us. We’ve been doing this job…” Student #4 asked the deputy if he threw up the first time he saw a dead body and he stated “No.” Student #4 acknowledged she “Did not expect the officer to tell us or show us the dead bodies, but he did, he showed us” and after seeing the videos and pictures, “she almost puked.”

Student #4 related the image she can’t forget is the girl on the street and her head **(Attachment D)**. Student #4 described the second video as “two old guys doing crack and he blew smoke into his butthole.” After seeing the videos, Student #4 walked over to another group of girls and told them “I was traumatized, I was like oh my god, I just saw a dead body. The police officer just showed us a dead body.” Student #4 brought the group of friends back over to the patrol vehicle and asked the officer to show them the videos. Student #4 did not watch the videos a second time.

Based on what the Respondent told Sergeant Huerta the night before after they cleared the call at Student #1’s residence and after interviewing the students, Sergeant Huerta believes the Respondent is the deputy who showed the students inappropriate videos. Sergeant Huerta completed an internal memo and recommended referring this case to the Internal Affairs Bureau. He contacted the Respondent and ordered him not to write an information report on the incident because he reinterviewed Student #1 and the additional students.

On September 7, 2022, the Respondent was called into City Hall where his work and personal cell phones were collected as possible evidence in this investigation. The Respondent was cooperative and relinquished both phones. He signed a “consent to search” form allowing the search of his personal cellular device (Apple iPhone 11). He provided the access passcode for each phone. Based on the potential for criminal violations in this matter a search warrant was obtained to conduct a forensic search and download of the Respondent’s personally owned cell phone.

On September 12, 2022, the Sheriff's Computer Forensics Detail conducted the forensic search of the device and downloaded its contents. The Sheriff's Computer Forensics Detail indicated in the extraction file there is over 122,800 images and 8,300 videos. The actual number of viewable photos and videos on the phone and in the Cloud storage were in excess of 18,000. Orange County Sheriff's Investigator Robert Taft spent over a week reviewing the contents downloaded from the phone. He located the two videos and two photos matching the description provided by the students **(Attachment A, Attachment B, and Attachment C)**. Investigator Taft noted there were personal photos and videos, crime scene photos, and photos and videos of a sexual and graphic nature. Investigator Taft viewed many photos and videos that would be inappropriate because of their sexual or graphic nature to show juveniles. These photos and videos, though inappropriate were not a crime to possess. It only became a crime when the Respondent exhibited or displayed them to juvenile students.

Some of those images located on the Respondent's personal cell phone are crime scene photos, including photos of deceased people from cases investigated by the Orange County Sheriff's Department. Though the crime statute known as the "Kobe Law" was not yet enacted (Penal Code section 647.9(a)), Deputy Ramirez's choice to retain these graphic images and videos on his personal cell phone, violated the privacy of crime victims and mirrored the conduct of the Los Angeles County Sheriff's Deputies who retained photos of Kobe Bryant's dead body after a January 2020 helicopter crash.

The Orange County Sheriff's Department presented the criminal investigation to the Orange County District Attorney's Office. The District Attorney filed misdemeanor criminal charges against the Respondent.

The Respondent resigned on December 14, 2022, prior to providing an administrative interview with Internal Affairs. The Orange County Sheriff's Department internal investigations sustained allegations of misconduct against the Respondent. The sustained findings would have resulted in the Respondent's termination from employment.

On August 10, 2023, Peace Officers Standards and Training (POST) Director, Manny Alvarez signed an Immediate Temporary Suspension of the Respondent's POST Certificate. The suspension was served by certified mail to the Respondent. The Sheriff of the Orange County Sheriff's Department and the District Attorney of Orange County were notified via mail of the suspension.

V. Analysis and Findings

a. Does the alleged conduct violate Penal Code Section 13510.8(b)(6) and California Regulation 1205(a)(6) – Acts that violate the law?

Acts that violate the law and are sufficiently egregious or repeated as to be inconsistent with a peace officer's obligation to uphold the law or respect the rights of members of the public, as determined by the commission.

Clear and convincing evidence supports the violation of acts that violate the law based on the following:

- All Peace Officers are vested with earning and keeping the public's trust. This requires them to consistently demonstrate the highest degree of integrity and good moral character. An SRO is held to a higher standard, as a role model, teacher, counselor, and law enforcer in our school systems and with our children.
- Orange County Sheriff's Department has a written policy regarding the School Resource Program (Policy 415). Covers the Department's Mission, Goals and Objectives, Authority, Chain of Command, Duties and Responsibilities, Training, School Enforcement, Work Hours and Guidelines and Procedures.
- The Orange County Sheriff's Department SRO Mission Statement is "To enhance a safe atmosphere in our community's schools, foster a positive relationship with our community's youth, and develop strategies to resolve problems affecting our youth."
- The Respondent was assigned and trained as an SRO with the Orange County Sheriff's Department. He works in full police uniform and drives a marked patrol vehicle.
- The Respondent was on a high school campus during freshman lunch period. The Respondent knows or should have known the students around him are high school students under 18 years old.
- **California Penal Code 313(a)** defines **Harmful Matter** to include matter, taken as a whole, which to the average person, applying contemporary statewide standards, appeals to the prurient interest and is matter which depicts or describes in a patently offensive way sexual conduct and which lacks serious literary, artistic, political, or scientific value for minors.
- There is clear and convincing evidence, the Respondent utilized his personal cellular phone to show two separate groups of 14-

year-old students two videos and two photos that contained harmful matter as defined by California Penal Code section 313. **(Attachment A, Attachment B, Attachment C and Attachment D)**. These videos and photos were graphic and sexual in nature and depicted illicit drug use and egregious acts of violence.

- In the first incident, on Friday, September 2, 2022, the Respondent was working as an SRO at Trabucco High School at lunchtime when he was approached by several freshman students (including Student #4, #5 and #6). These students asked him questions about events he has seen in his job as a Deputy Sheriff.
- In the second incident, Student #4 called over her other friends to the patrol vehicle (Students #1, #2 and #3) by telling them the deputy showed them a dead body **(Attachment D)**.
- There is clear and convincing evidence, the Respondent repeated this egregious behavior by replaying the two videos and showing one photo **(Attachment A, Attachment B, and Attachment C)** for the new audience of 14-year-old students, Students #1, #2, and #3.
- Watching the videos and seeing the photos made each of the students feel different. Student #4 thought it was funny at first because she thought the photos and videos were fake, she was shocked when she realized the photos and videos were real. She related the image she can't forget is the girl laying on the street and her head trauma **(Attachment D)**. Other students felt uncomfortable viewing the videos and photos or they felt pressured by their peers to watch.
- Two days after viewing them, Student #1 was still thinking about the videos and photos over the weekend and told her mother about what happened. Student #1's mother called the Orange County Sheriff's Department on Monday to report the incident.
- The Respondent responds to the home of Student #1 to take a report but realizes he is the deputy who was exhibiting the videos. The Respondent contacts a fellow SRO Deputy Sanchez. The Respondent is heard on his BWC saying to Deputy Sanchez "I can't write it (the associated report) cause that's just weird, conflict of interest."
- The Respondent contacts his supervisor, Sergeant Huerta and admits to him when they are preparing to leave the residence that he was working as an SRO at Trabuco Hill High School at lunchtime on Friday, September 2, 2022. He did show some students a couple of videos from his cell phone but they were

not sexual in nature and were about a cheating couple who were stabbed by the female's husband.
    - Later in his shift, the Respondent contacts Sergeant Huerta and reveals one of the videos did have footage of a couple having sexual intercourse before they are stabbed by another man.
- The Orange County Sheriff's Department conducts a criminal investigation of the incident. The criminal investigation is referred to the Orange County District Attorney's Office where misdemeanor charges are filed.
- During the investigation, on December 14, 2022, the Respondent resigns from the Orange County Sheriff's Department prior to his administrative interview.
- On April 25, 2023, the Respondent pleaded guilty in Orange County Superior Court to one count of 313.1(a) of the California Penal Code. There is clear and convincing evidence the Respondent committed the offense he was charged and convicted of. He received court diversion as a sentence.

The Respondent is a sworn law enforcement officer with the Orange County Sheriff's Department. As an SRO, he has been entrusted with an extremely high level of public trust in the community, namely the safety and protection of the community's youth. The respondent violated that trust by showing harmful matter of a graphic and sexual nature, which depicts illicit drug use and graphic violence on his personal cell phone to a group of 14-year-old students. He then repeated this egregious behavior moments later by showing another group of 14-year year old students the same harmful matter. After a complex criminal investigation conducted by the Orange County Sheriff's Department, the Respondent plead guilty in a court of law to a violation California Penal Code 313.1(a).

VI. Supporting Evidence and Documentation

- Attachment A – Video snapshots and descriptions of man stabbing his wife and another man.
- Attachment B – Video snapshots of two men smoking a controlled substance. One man blows smoke into the bare buttocks of the other.
- Attachment C – Photos of injuries sustained from a police dog bite.
- Attachment D – Photo of a deceased young woman in the roadway.
- Attachment E – Photos of the Respondent.

VII. Findings

Reasonable grounds exist to submit this case to the Peace Officer Standards Accountability Advisory Board and the POST Commission for consideration of revocation pursuant to Penal Code 13510.8.

As an SRO, the Respondent is held to a higher standard, because of his position of trust as an SRO in the school system. The Respondent's primary responsibilities are protecting the students, staff, and visitors of the community's schools, being a good role model to the students, having a high degree of integrity and having a good moral character. His choice to show the videos and photos to high school aged juvenile kids displayed egregious behavior and extremely poor judgment that could have traumatized the young high school students.

Investigator Taft reviewed the contents of the Respondent's cell phone. There were personal photos and videos, crime scene photos and videos, and photos and videos of a sexual and graphic nature. Investigator Taft viewed many photos and videos that would be inappropriate, because of their sexual or graphic nature, to show juveniles. These photos and videos, though inappropriate, were not a crime to possess. It only became a crime when the Respondent exhibited or displayed them to the juvenile students.

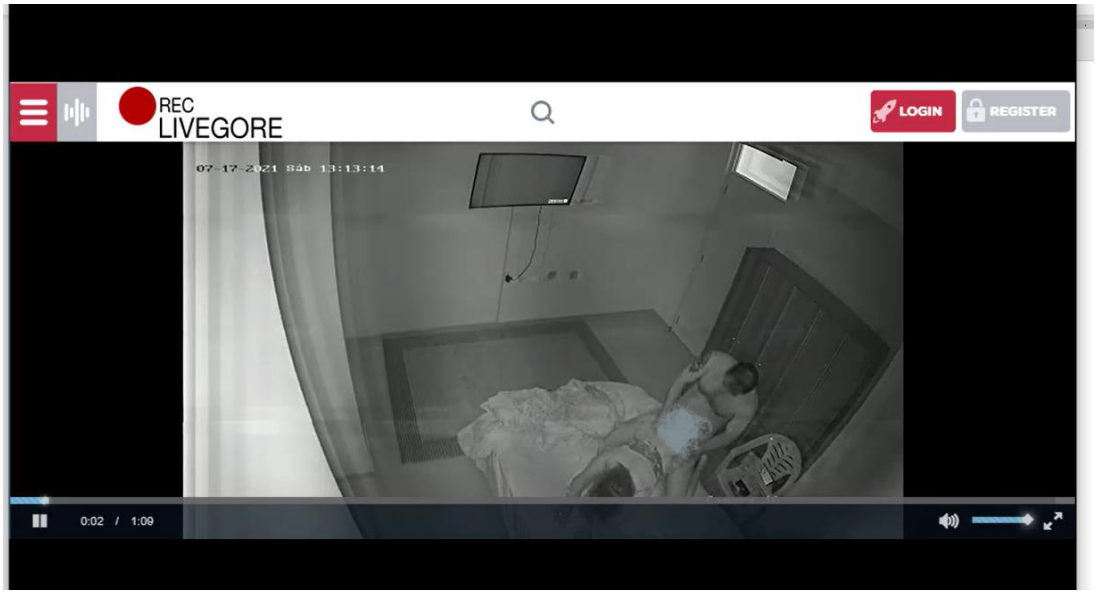
Some of those images located on the Respondent's personal cell phone are crime scene photos, including photos of deceased people from cases investigated by the Orange County Sheriff's Department (Including **Attachment D**). Though the crime statute known as the "Kobe Law" was not yet enacted (Penal Code section 647.9(a)), the Respondent's choice to retain these graphic images and videos on his personal cell phone violated the privacy of crime victims and mirrored the conduct of the Los Angeles County Sheriff's Deputies who retained photos of Kobe Bryant's dead body after a January 2020 helicopter crash.

Attachment A

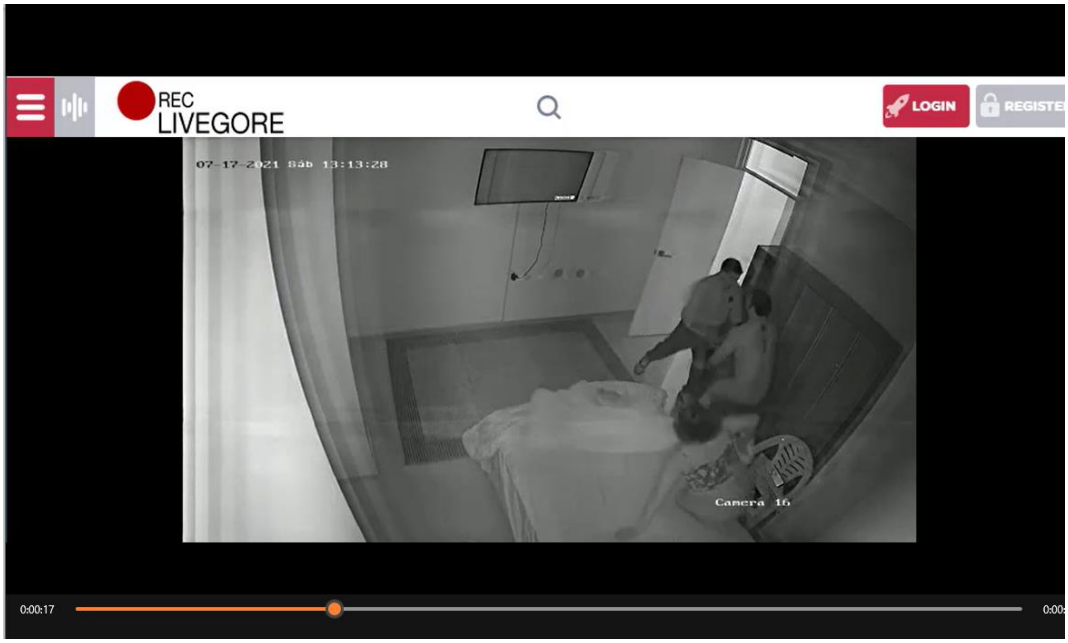
Pursuant to a search warrant authorizing the search of the Respondent's personally owned Apple iPhone 11 cellular phone, the Sheriff's Computer Forensics Detail conducted a forensic search of the device. They located two videos that were consistent with videos described by the students. The videos were located in a subfolder and stored on the device.

Video #1

The first video was titled IMG_2032 with a date stamp of 11/03/2021. The video has markings from being downloaded from Livegore.com. Livegore.com is a reality news website with extremely graphic content of murders, cartel killings, beheadings, torture, etc. Most are from foreign countries, but some are from the United States. **The website is labeled as an 18+ year old website**.



A man in the South American country of Peru suspects his wife is cheating on him with another man and sets up a video camera to capture them in the act. The video is in black and white and shows a male and a female engaged in sexual intercourse. The partially clothed female is on the bed and the naked male is standing behind her. There is no sound associated with the video.



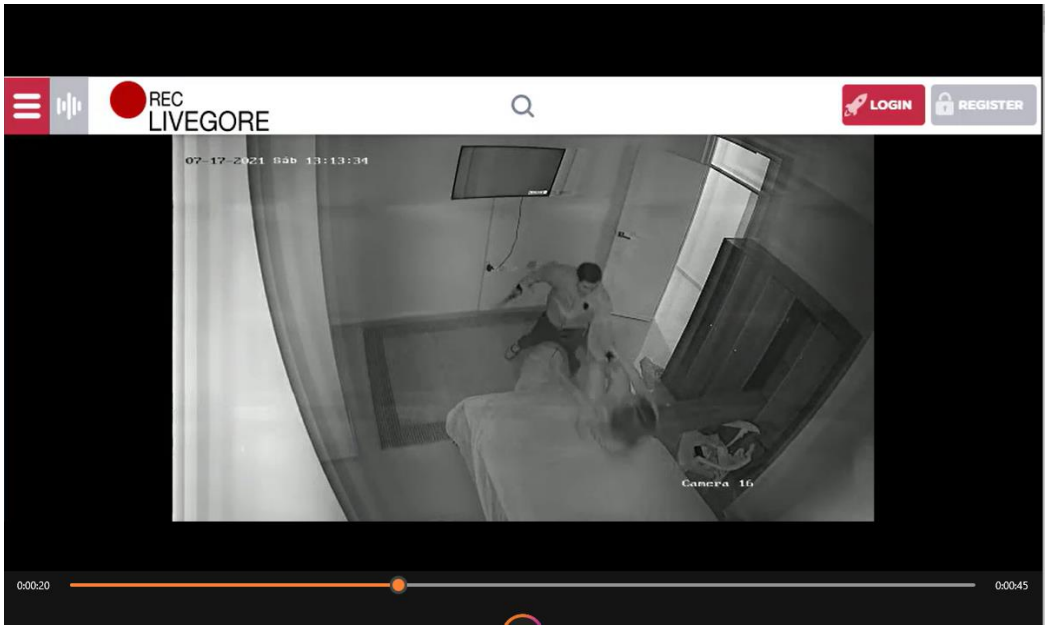
Approximately 16 seconds into the video a second male (the female's husband) abruptly enters the room. The second male subject appears to have a large knife in his right hand and turns towards the first male. The first male turns toward the second male and faces him.



Within one second of entering the room, the second male lunges towards the first male, forcefully thrusting the knife towards him. It appears the second male stabs the first male in the upper torso or chest region with the knife.



The assault continues and the second male appears to stab the first male five or six more times in the upper torso. The female gets off the bed and rushes towards the second male to help fend off the attack.



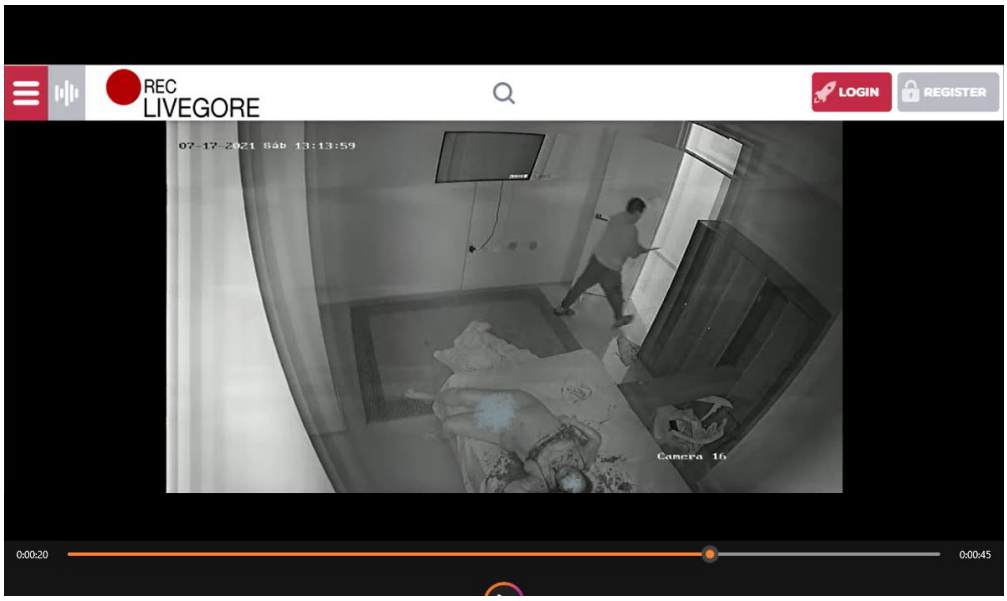
The first male escapes out of the bedroom door and the second male pushes the female. The female falls backwards onto the bed.



The second male climbs onto the end of the bed in kneeling position over the female. The second male has his right arm fully extended over his head with the knife grasped in his right hand. The second male plunges the knife downward into the female's chest.



Over the next several seconds, the second male continues to stab the female in the upper chest and torso numerous times. There is a lot of anger from the second man at the female as he stabs her. The female attempts in vain to fend off the repeated blows of the knife.



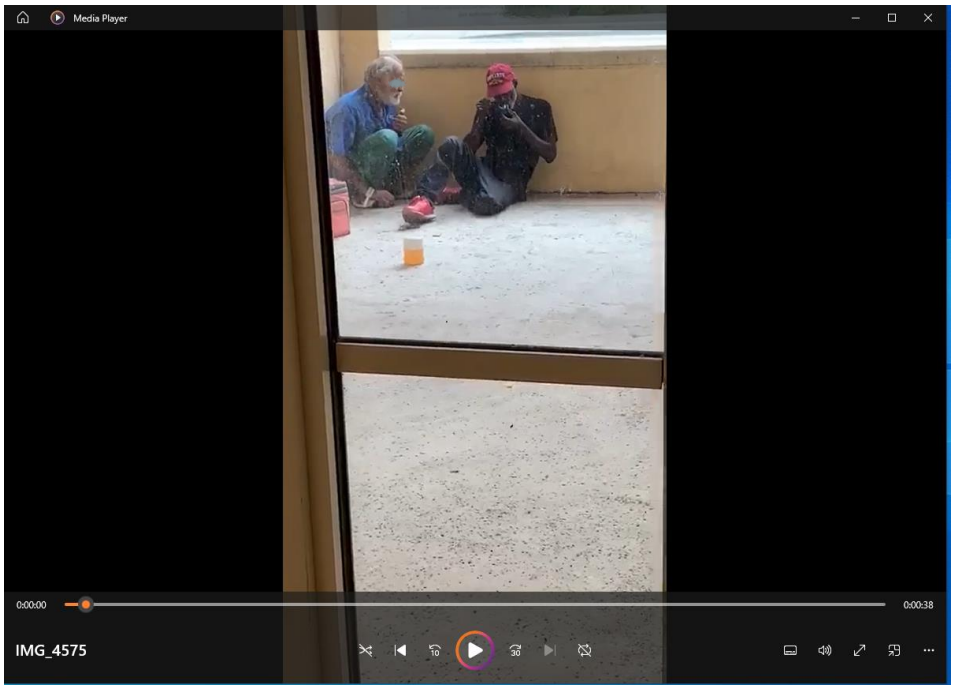
When the second male stops stabbing the female, he exits the room as the female appears to be taking her last breaths of life. The mostly naked female is lying in a supine position on the bed and the bedsheets appear to be doused in blood around her.

Attachment B

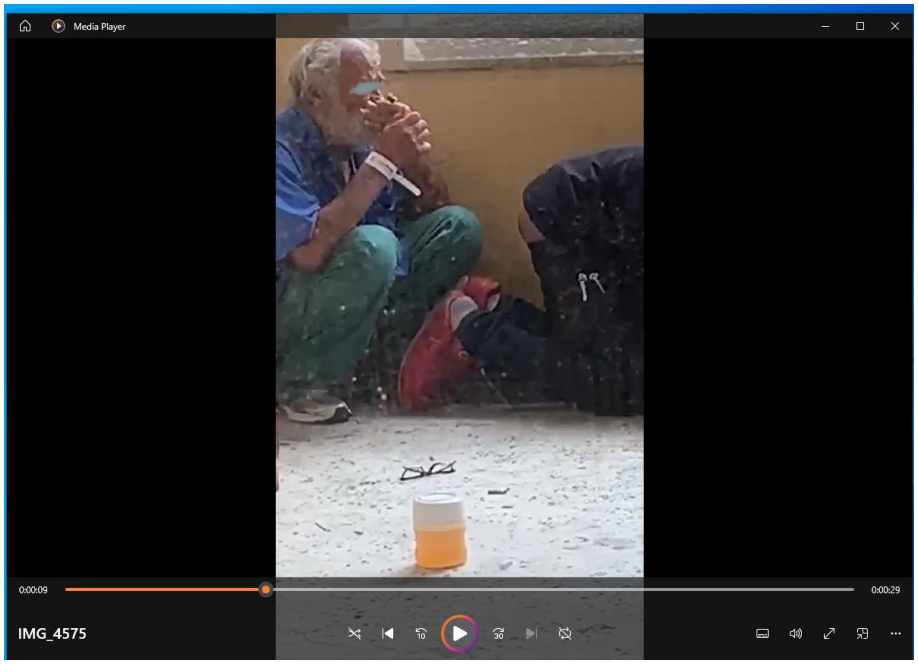
Pursuant to a search warrant authorizing the search of the Respondent's personally owned Apple iPhone 11 cellular phone, the Sheriff's Computer Forensics Detail conducted a forensic search of the device. They located two videos that were consistent with videos described by the students. The videos were located in a subfolder and stored on the device.

Video #2

The second video located in the Respondent's personal cell phone was titled IMG_4575 and date stamped 11/03/2021.



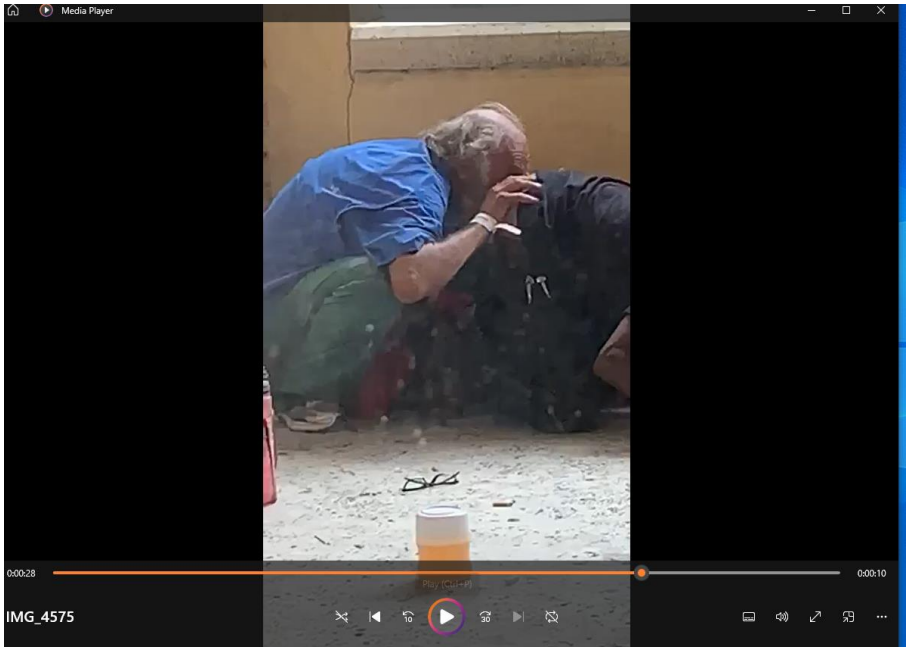
Two male subjects at an unknown location. Male #1 in the blue shirt appears to be holding a green pipe in his left hand and some sort of lighter in his right hand. Male #2 in the black shirt is holding a green pipe up to his lips.



The video shows Male #1 smoking a controlled substance from a glass pipe. Ten seconds into the video, Male #2 appears to be on his hands and knees in front of Male #1 with his buttocks pointed towards Male #1. It appears Male #2's pants are pulled down around his thighs, exposing his bare buttocks.

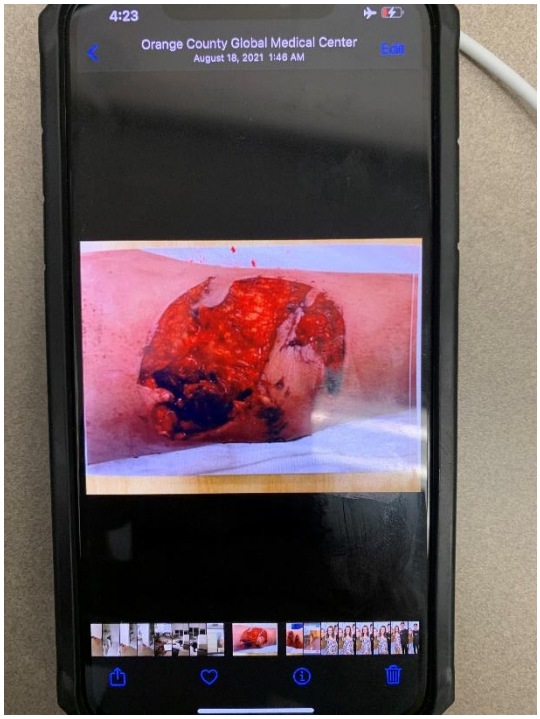


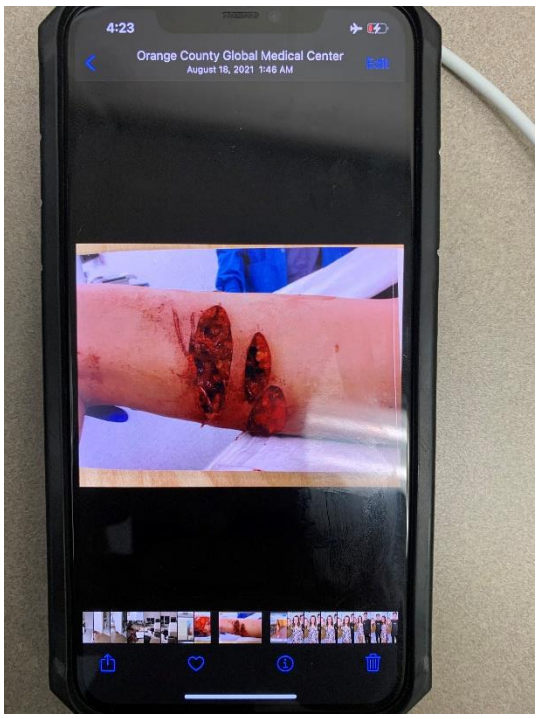
Male #1 is squatted behind Male #2. He is holding a glass pipe with his lips and has his hands cupped around a lighter in front of his face.



Male #1 takes a deep draw of the smoke from the glass pipe and places his face between Male #2's exposed buttocks. The video continues for about 10 seconds and shows Male #1 continue to hold his face down against Male #2's exposed buttocks.

Attachment C





Photos of the Respondent's personal cell phone, which show photos of a female burglary suspect's leg after sustaining a dog bite by an Orange County Sheriff's K9. Investigator Taft was able to conclude by these photos and the photos before and after on the phone are associated with case #DR#21-027803.

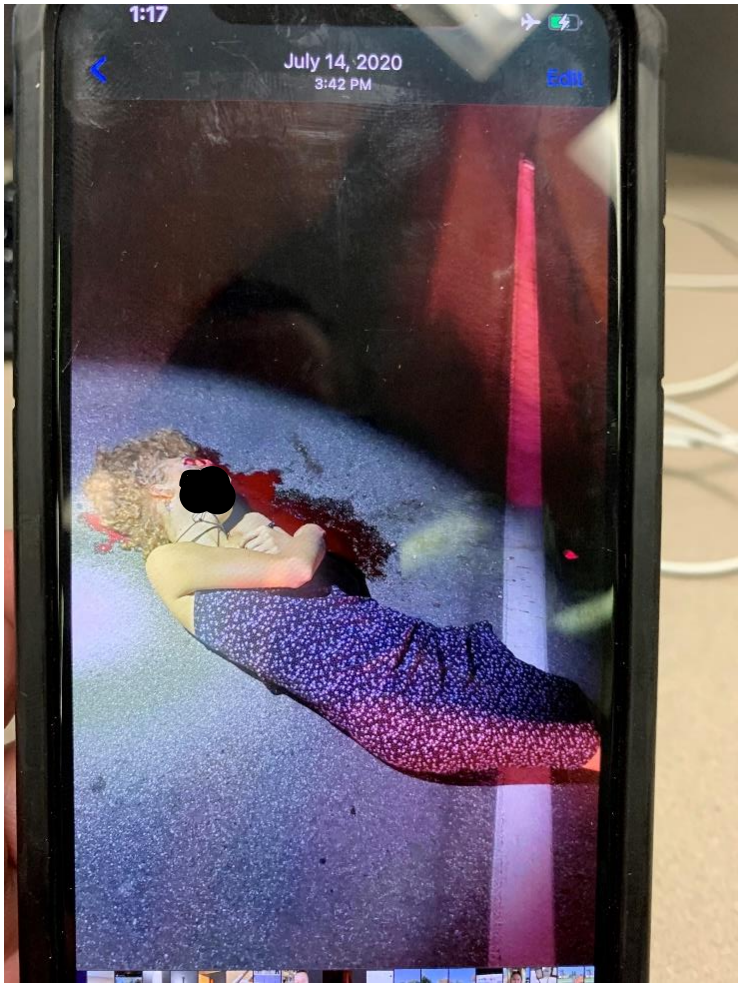
According to the crime report, in the evening of August 17, 2021, the female suspect was involved in a burglary and vandalism of her ex-boyfriend's residence. Deputies formed a perimeter around the residence. K9 warnings were issued multiple times but the female suspect refused to surrender. The Sheriff's K9 located the suspect hiding under a sink in a bathroom. The suspect was apprehended and taken to the Orange County Global Medical Center for treatment for lacerations to the right upper thigh from the dog bite.

The Respondent is not mentioned in the crime report as being on scene for any portion of this event. It is unknown who shared this photo with the Respondent.

Attachment D

Photo of the Respondent's personal cell phone, which shows a photo of a deceased, young female laying in the roadway, in a pool of blood. She appears to have a traumatic head injury and has some gray matter protruding from the front of her head.

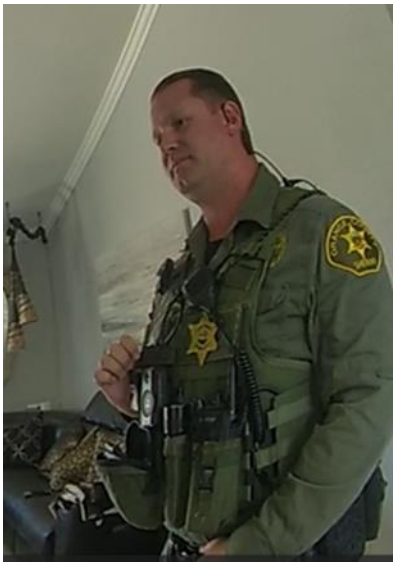
It was determined during the early morning hours on July 14, 2020, Coroner personnel from the Orange County Sheriff's Department responded to a fatal traffic collision near Tustin, CA. The traffic collision investigation was handled by the California Highway Patrol. Coroner Case #20-03529. The decedent was a 19-year-old female.



Attachment E

Photos of the Respondent





PEACE OFFICER STANDARDS ACCOUNTABILITY ADVISORY BOARD MEETING

December 14, 2023
AGENDA
9:00 AM

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

Public comment will be limited in time at the discretion of the Board Chair. The public comment period preceding items on the agenda will allow members of the public to comment on items not on the agenda but must be within the Board's jurisdiction. Further, public comment will be allowed after each item on the agenda and must relate to matters on the agenda. Members of the public who wish to participate during public comment may do so in person by attending the meeting, by telephonic means stated hereafter or by submitting a written public comment submission no later than three days before the meeting date. Written public comments will be published on the Commission on POST's website under the Public Comment section under the corresponding meeting date. Written public comments can be submitted via email to posadpc@post.ca.gov. Telephonic public comment can be made by dialing +1 (872) 240-3212 and, when prompted, entering access code 913-849-389.

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

Persons requesting disability-related accommodations or modifications may do so by contacting the Board assistant at (916) 227-3909 (voice), posadpc@post.ca.gov (email), or Speech-to-Speech users may dial 7-1-1 for the California Relay Service to request special accommodations. Please note: This meeting and all public meetings will be recorded.

No weapons are allowed on the premises during public meetings. Upon entering POST's facility, you are subject to a weapons screening and will be denied entry if you possess any weapon. POST's Executive Director retains the discretion to grant exceptions for duly-authorized individuals, such as on or off-duty law enforcement officers who are not the subject of a POST administrative investigation, suspension, or decertification action.

I. **CALL TO ORDER**

II. **ROLL CALL OF POSAAB MEMBERS**

Elizabeth T. Buchen - Senate Rules Appointee - Public Member
Dr. Nicole Clavo Psy.D - Governor Appointee - Public Member
Regina Hatcher-Crawford - Governor Appointee - Public Member
Robert Doyle - Governor Appointee - Former Command Rank Peace Officer
Joyce E. Dudley - Chair - Governor Appointee - Attorney
Professor Jack Glaser - Governor Appointee - Public Member
Cephus Johnson - Governor Appointee - Public Member
Lieutenant Charles Lara - Governor Appointee - Management Rank Peace Officer
Margaret Pena - Speaker of Assembly Appointee - Public Member

III. **PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA**

The Board Chair will advise the audience of the following:

This time is set aside for members of the public who wish to comment on items not on the agenda but within the board's jurisdiction. Public comment on matters on the agenda will be heard at the time each item is called. Public comment on specific peace officer revocation cases to be heard today will be heard at the time of the hearing of each such matter. Members of the public who wish to speak during the public comment period may be asked to limit their remarks in time at the discretion of the Board Chair.

IV. **ASSISTANT EXECUTIVE DIRECTOR COMMENTS**

V. **NEW BUSINESS**

The following items have been submitted for new business discussion:

1. Discussion and Possible Action to Adopt a Conflict of Interest Code Pursuant to Government Code Section 87300

   If the Board concurs, the appropriate action would be a **MOTION** to adopt the proposed regulation (Conflict of Interest).

2. Discussion and Possible Action to Approve Board Policy - POSAAB Administrative Requirements Policy

   If the Board concurs, the appropriate action would be a **MOTION** to adopt the proposed policy *POSAAB Administrative Requirements Policy.*

3. Discussion and Possible Action to Approve Board Policy - POSAAB Board Meeting Procedures

   If the Board concurs, the appropriate **MOTION** would be to adopt the proposed policy *POSAAB Board Meeting Procedures.*

4. Discussion and Possible Action to Approve Board Policy - POSAAB Conduct and Performance Policy

   If the Board concurs, the appropriate action would be a **MOTION** to adopt the proposed policy *POSAAB Conduct and Performance Policy*.

5. Discussion and Possible Action to Approve Board Policy - POSAAB Travel and Compensation Policy

   If the Board concurs, the appropriate action would be a **MOTION** to adopt the proposed policy *POSAAB Travel and Compensation Policy*.

VI. NEW CASES - REVIEW, DISCUSSION AND RECOMMENDATIONS TO COMMISSION

1. POST2308479 - Justin Raymond Ramirez (POST ID: C37-S81) Last employing agency: Orange County Sheriff's Department

   The Peace Officer Standards Accountability Advisory Board (POSAAB) shall review the findings of investigation presented by the Peace Officer Standards Accountability Division (POSAD) and shall make a recommendation regarding what action should be taken, suspension or revocation, on the certification of the subject peace officer.

2. POST2303691 - James Kurtz Fillmore (POST ID: A37-Q67) Last Employing Agency: Los Angeles Police Department

   The Peace Officer Standards Accountability Advisory Board (POSAAB) shall review the findings of investigations presented by the Peace Officer Standards Accountability Division (POSAD) and shall make a recommendation regarding what action should be taken, suspension or revocation, on the certification of the subject peace officer.

VII. CLOSED SESSION

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

With regard to POST2308479, Justin Ramirez: Pursuant to Government Code section 11126(c)(3), the Board will review unredacted versions of Attachments A, B, and D to case POST2308479. Attachment A is a video recording that depicts two individuals engaging in sexual intercourse who are subsequently stabbed by an assailant with a knife, resulting in the death or apparent death of one the victims. The video is explicit and graphic in nature and shows the faces and intimate body contact between the victims. Attachment B is a video depicting two individuals engaging in narcotics use and explicit activity involving blowing narcotics smoke into intimate body parts of another person. Attachment D is a photograph of a deceased female lying on the ground in a pool of blood. These videos and photographs are all graphic and explicit in nature.

Where necessary, redactions have been made to the faces of the individuals depicted in excerpts that are being presented to the public, to preserve victim anonymity. Similar redactions have also been made to hide intimate body parts of those individuals depicted, where necessary. As these attachments are graphic and explicit in nature, unredacted versions thereof will be shown to the Board in closed session because the public's interest served by not publicly disclosing the unredacted versions clearly outweighs the public interest in disclosure of the full unredacted versions.

VIII. **FUTURE BOARD MEETING DATES**

Upcoming Board meetings will be held:

- March 20-21, 2024 - POST, West Sacramento
- May 15-16, 2024 - POST, West Sacramento
- July 24-25, 2024 - POST, West Sacramento

IX. **ADJOURNMENT**

AGENDA ITEM REPORT

Title: POST2308479 - JUSTIN RAYMOND RAMIREZ (POST ID: C37-S81)
LAST EMPLOYING AGENCY: ORANGE COUNTY SHERIFF'S DEPARTMENT

REPORT PROFILE

MEETING DATE 12/14/2023	**BUREAU SUBMITTING THE REPORT** Professional Conduct 1 Bureau	
RESEARCHED BY Trevor Shields	**REVIEWED BY** Christine Ford	
REPORT DATE 10/12/2023	**APPROVED BY** Annemarie Del Mugnaio	**DATE APPROVED** 12/04/2023
PURPOSE	**FINANCIAL IMPACT** No	

ISSUE, BACKGROUND, ANALYSIS, & RECOMMENDATION

ISSUE:

The matter is before the Peace Officer Standards Accountability Advisory Board (POSAAB) for review and recommendation regarding the subject peace officer's certification status.

BACKGROUND:

The Respondent began his employment with the Orange County Sheriff's Department on July 15, 2013. He was promoted to a fulltime peace officer after graduating from the Sheriff's Academy on January 16, 2015. At the time of this incident before the POSAAB, he was assigned as a School Resource Officer. The Respondent resigned from the Orange County Sheriff's Department on December 14, 2022, while holding the rank of Deputy. The Respondent is not currently employed as a peace officer in the State of California.

This position is a peace officer position as defined under California Penal Code §830.1(a) and is required to be certified pursuant to California Penal Code §13510.1(a).

ANALYSIS:

Does the alleged conduct violate Penal Code Section 13510.8(b)(6) and California Regulation 1205(a)(6) – Acts that violate the law?

The Division's findings support that Respondent committed acts of serious misconduct, specifically Respondent committed acts that violate the law when Respondent, a Deputy Sheriff assigned as a School Resource Officer (SRO), showed harmful matter of a graphic and sexual nature, which depicts

illicit drug use and graphic violence on his personal cell phone to a group of 14-year-old students. Respondent repeated such acts moments later by showing another group of 14-year year old students the same harmful matter.

After a complex criminal investigation conducted by the Orange County Sheriff's Department, Respondent was charged in the Orange County Superior Court with a misdemeanor violation of Penal Code section 313.1(a). On April 25, 2023, the court granted Respondent misdemeanor diversion pursuant to Penal Code section 1001.95.

RECOMMENDATION: The Peace Officer Standards Accountability Advisory Board (POSAAB) shall review the findings of investigation presented by the Peace Officer Standards Accountability Division (POSAD) and shall make a recommendation regarding what action should be taken, suspension or revocation, on the certification of the subject peace officer.

ATTACHMENT(S):

BR1 POST2308479 Ramirez_ Justin_ ISF REDACTED.pdf

BR2 POST2308579 Ramirez_ Justin ISF Attachments_ REDACTED.pdf

STATE OF CALIFORNIA

COMMISSION ON

PEACE OFFICER STANDARDS AND TRAINING

PEACE OFFICER STANDARDS ACCOUNTABILITY ADVISORY BOARD

(POSAAB) MEETING

THURSDAY, DECEMBER 14, 2023

9:03 A.M.

MEETING HELD

AT THE OFFICES OF

COMMISSION ON POST

860 STILLWATER ROAD, SUITE 100

WEST SACRAMENTO, CALIFORNIA

REPORTER'S TRANSCRIPT OF PROCEEDINGS

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

A P P E A R A N C E S

POSAAB MEMBERS PRESENT

JOYCE E. DUDLEY
(Board Chairperson)
Governor Appointee
Attorney

NICOLE CLAVO, Psy.D.
Governor Appointee
Public Member

REGINA HATCHER-CRAWFORD
Governor Appointee
Public Member

ROBERT DOYLE
Governor Appointee
Former Command Rank Peace Officer

JACK GLASER
Governor Appointee
Public Member

CEPHUS JOHNSON
Governor Appointee
Public Member

CHARLES LARA
Governor Appointee
Management Rank Peace Officer

MARGARET PENA
Speaker of Assembly Appointee
Public Member

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

POST COMMISSION STAFF

CHRISTOPHER BEATTY
Staff Counsel
Legal Affairs Bureau

ROBERT BRINGOLF
Law Enforcement Consultant
Professional Conduct Los Angeles County Bureau

WILLIAM "TOBY" DARDEN
Chief Counsel
Legal Affairs Bureau

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

ADELE DIN
Staff Counsel
Legal Affairs Bureau

CHANDLER KNAPP
Staff Services Manager
Executive Office

TREVOR SHIELDS
Law Enforcement Consultant
Professional Conduct Southern Bureau

SARAH WALLACE
Bureau Chief
Intake & Disposition Bureau

CARRIE WOOLEY
Staff Counsel
Legal Affairs Bureau

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

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ALSO PRESENT

ROBERT BAUMANN
Counsel for
Officer Justin Ramirez
(Via videoconference)

MATTHEW BRADBURY
Deputy District Attorney
Orange County

LESLIE WILCOX
Counsel for
Officer James Fillmore

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Thursday, December 14, 2023, 9:03 a.m.

West Sacramento, California

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CHAIRPERSON DUDLEY: Good morning. Today we will be making history. This is the first meeting of the Peace Officer Standards Accountability Advisory Board in the history of California.

My name is Joyce Dudley, and I am the Board Chair. Today is December 14th, 2023.

We are here today as a direct result of the hard work of peace officers, activists, legislators, voters, Governor Newsom's Office, and the staff of POST under the extraordinary leadership of its Executive Director, Manny Alvarez.

We are also here because, historically, people have been treated unjustly or have been unjustly accused. Some of these people include victims, their loved ones, and law enforcement officers.

To quote Dietrich Bonhoeffer, quote, "We are not to simply bandage the wounds of victims beneath the wheels of injustice. We are to drive a spike [sic] into the wheel itself."

We are here to listen carefully, think thoughtfully, and act judiciously as we seek truth and justice for all.

To quote Mahatma Gandhi, quote, "Truth never damages a cause that is just."

Our primary mission is to protect the public and all constitutional and statutory rights.

As Martin Luther King, Jr., said, "Human progress is neither automatic nor inevitable ... Every step toward the goal of justice requires sacrifice, suffering, and struggle; the tireless exertion and passionate concern of dedicated individuals."

Which is why all of you were chosen to serve on this board.

To end my personal comments, I leave you with the words of Robert F. Kennedy. "Few will have the greatness to bend history itself, but each of us can work to change a small portion of events. It is from numberless, diverse acts of courage and belief that human history is shaped. Each time a person stands up for an ideal or acts to improve the lot of others, or strikes out against injustice, they send forth a tiny ripple of hope and crossing each other from a million different centers of energy and daring those ripples build a current which can sweep down the mightest walls of oppression and resistance."

I want to personally thank you all for joining us today, the board and members and our community.

Before the meeting officially begins, allow me to remind you that this meeting is being webcast, recorded, and transcribed. So I may ask you to slow down, repeat things, or speak more clearly so that our transcriber can most accurately capture the discussion of our minutes.

Further, please note that the microphones are on and off. When you begin speaking, they may go live. With this in mind, you will need to pay attention to your cross-talk.

Mr. Knapp, please call the roll call.

MR. KNAPP: Madam Chair, Members of the Board, good morning.

Board Member Buchen.

(No response.)

MR. KNAPP: Board Member Clavo.

MEMBER CLAVO: Present.

MR. KNAPP: Board Member Crawford.

MEMBER HATCHER-CRAWFORD: Present.

MR. KNAPP: Board Member Doyle.

MEMBER DOYLE: Here.

MR. KNAPP: Board Member Dudley.

CHAIRPERSON DUDLEY: Here.

MR. KNAPP: Board Member Glaser.

MEMBER GLASER: Here.

MR. KNAPP: Board Member Johnson.

MEMBER JOHNSON: Here.

MR. KNAPP: Board Member Lara.

MEMBER LARA: Present.

MR. KNAPP: And Board Member Pena.

MEMBER PENA: Present.

MR. KNAPP: Thank you.

CHAIRPERSON DUDLEY: Thank you, Mr. Knapp.

A quorum has been established. There are eight members here today.

I would like to introduce -- and the name of this board, the initial of this board of POST, POSAAB. I'm not sure it is any easier to say than the full board name, but it is P-O-S-A-A-B.

And so our legal counsel is Christopher Beatty. Thank you for being here. And POST Assistant Executive Director Annemarie Del Mugnaio. Okay. She is to my right.

Public comment.

This time is set aside for members of the public who wish to comment on items not on the agenda, but those within the board's jurisdiction. Public comments on matters on the agenda will be heard after each item is presented.

Public comment on specific peace officer revocation

passes.

And I want to thank all the board members for doing all that reading last night. Obviously, you were very prepared, and it is very much appreciated.

Okay. We now move to the next items on the agenda, and that is the two cases that are before us today.

We will only be reviewing the facts and evidence as presented by the division. This is not an evidentiary hearing. The rules of evidence do not apply. Evidence is not formally admitted into the record. There is no need to make any objections, and objections will not be ruled upon.

Under the Penal Code and applicable state regulations, this initial hearing will determine only if the matter will proceed forward for the Commission's review. And then should the Commission approve, for a full evidentiary hearing before an administrative law judge to determine whether the allegations are true and justify discipline.

For those commenting on each item at this early stage, the board must only consider the facts that the division, after investigation, believes can be proved at a later evidentiary hearing.

For that reason, today, the board will entertain arguments as to whether or not those facts as presented

by the division demonstrate a high probability that serious misconduct, as defined in Penal Code section 13510.8 and Regulation 1205, occurred.

This finding simply results in the matter being moved forward. No actions by the board or the Commission prior to a full evidentiary hearing amount to a final determination that an officer did, in fact, engage in misconduct or that the revocation or suspension is mandated. That will be determined after the evidentiary hearing.

At this time, I will now call upon Law Enforcement Consultant Trevor Shields, Professional Conduct, Southern Bureau; and Carrie Wooley, Attorney Level III, Legal Affairs Bureau, to provide a report on case POST 2308479, Justin Raymond Ramirez, formerly of the Orange County Sheriff's Department.

Thank you both.

MR. SHIELDS: Good morning, Madam Chair, members of the board. My name is Trevor Shields. I'm a Law Enforcement Consultant with POST's Professional Conduct Bureau Southern Bureau -- Conduct Southern Bureau. Seated to my right -- I will let you introduce yourself, Carrie.

MS. WOOLLEY: My name is Carrie Wooley. I'm an Attorney III with the Legal Affairs Bureau for POST.

MR. SHIELDS: This case does involve former Deputy Justin Ramirez of the Orange County Sheriff's Department.

Deputy Ramirez was trained and assigned as a school resource officer. Like all peace officers, school resource officers are held to a higher standard of conduct. School resources act as teachers, counselors, role models, and protectors of our children.

Deputy Ramirez violated his duty to protect the children by utilizing his personal cell phone to show two separate groups of 14-year-old freshmen female students two videos and two photos that contained harmful matter as defined by California Penal Code 313(a).

If we could get it put up on the -- actually, it is the other one. Yes.

CHAIRPERSON DUDLEY: Is that not the Penal Code --

MS. WOOLLEY: Next slide, please.

MR. SHIELDS: Next slide.

MS. WOOLLEY: Thank you.

MR. SHIELDS: The definition of "harmful matter," according to the Penal Code.

MS. WOOLLEY: Yes. That's correct.

CHAIRPERSON DUDLEY: Stand by.

MR. SHIELDS: I will give you guys a moment to read

it.

CHAIRPERSON DUDLEY: Would you please read the definition?

MR. SHIELDS: Would you like me to read it?

CHAIRPERSON DUDLEY: Yes, please.

MR. SHIELDS: As used in this chapter, "'Harmful matter' means matter taken as a whole, which to the average person, applying contemporary statewide standards, appeals to the prudent [sic] interests, and is a matter which, taken as a whole, depicts or describes in a patently offensive way sexual conduct and which, taken as a whole, lacks serious literary, artistic, political, or scientific value for minors."

The Orange County Sheriff's Department conducted a criminal and administrative investigations. They sustained departmental policy violations of serious misconduct against Deputy Ramirez. They referred a criminal complaint to the Orange County District Attorney's Office.

The Orange County District Attorney's Office filed one misdemeanor charge of 313.1(a) of the California Vehicle Code, which was distributing harmful manner -- matter to a minor.

The following are facts to the serious misconduct charge of acts that violate the law:

On September 2nd, 2022, Deputy Ramirez was on campus at Trabuco High School in Mission Viejo during the freshman lunch period. Deputy Ramirez knew or should have known the students around him were high school students under the age of 18.

Deputy Ramirez was in full uniform. He was seated in his patrol car when he was approached by several freshman students. These students asked him questions about events he had seen in his job as a deputy sheriff. Specifically, and I quote, "What was the most horrible call you got?"

Instead of using this student interaction as a positive teaching moment, and providing an age-appropriate response, Deputy Ramirez used very poor judgment and utilized his personal cell phone to show the group of 14-year-old freshman students the two videos and two photos containing explicit, graphic, sexual, and violent content, as well as one -- as well as one of illicit drug use, all of which was not appropriate for juveniles.

Deputy Ramirez was not part of these events he was showing. He was not on scene, and he was not part of the investigation of these events.

The first video depicts two individuals engaging in sexual intercourse, who were subsequently stabbed by an

assailant with a knife, resulting in the death and apparent death of one of the victims. The video is very explicit and graphic in nature and shows the faces and intimate body contact between the victims.

The second video shows two males sitting on the ground in a room, smoking a controlled substance, most likely crack cocaine, from glass pipes. The males engaged in an explicit act -- activity of blowing narcotics smoke into the intimate body part of another.

The deputy also showed two students the -- two photos. The first was of a deceased young female similar age as the students. The female was laying in a roadway as a result of a traffic collision with a severe head injury.

The second photo was taken in a hospital setting depicting a severe lacerations to a female's leg from the bite of a sheriff's K9.

Deputy Ramirez repeated the act of showing these same videos and photos to -- a few minutes later to a new group of freshman female students. These students came over to him after hearing about the videos and photos from the first group of students. Each student had a different reaction to being shown these images.

One student stated she will never forget the image of a, quote, "a 17-year-old girl on the street. There

was a gash, and her brains were coming out."

Later that same student said, and I quote, "That's actually somebody dying in front of my face."

One of the students was disturbed enough to share what she saw with her mother, who turned around and called the Orange County Sheriff's Department to report the incident, which led to this investigation.

The Orange County Sheriff's Department investigation -- or during the Orange County Sheriff's Department's investigation, Deputy Ramirez resigned from the sheriff's department on December 14th, 2022, prior to his administrative interview, and has not provided a statement.

On the PowerPoint is the definition of the criminal charge he was charged with.

Madam Chair, would you like me to read the law? Okay.

California Penal Code 313.1(a). "Every person who, with knowledge that a person is a minor, or fails to exercise reasonable care in ascertaining the true age of a minor, knowingly sells, rents, distributes, sends, causes to be sent, exhibits, or offers to distribute or exhibit by any means, including, but not limited to, live or recorded phone messages, any harmful matter to the minor shall be punished as specified in section

313.4."

CHAIRPERSON DUDLEY: Thank you.

MR. SHIELDS: On April 25th of this year, Deputy Ramirez appeared in Orange County Superior Court on one misdemeanor count of this section of 313.1(a). Despite opposition from the Orange County District Attorney's Office, the court granted Deputy Ramirez a misdemeanor pretrial diversion under Penal Code section 1001.95.

As part of that agreement, Deputy Ramirez agreed to commit no new misdemeanor or felony crimes, performed 40 hours of community service, complete sensitivity training, comply with the stay-away order, and pay a diversion restitution fee.

Information obtained during this investigation was analyzed by the clear and convincing evidence standard. For purposes of this investigation, clear and convincing evidence means evidence of a charge is clear and convincing so long as there is a high probability that the charge is true. The evidence not -- the evidence need not establish a fact beyond a reasonable doubt.

As a school resource officer, Deputy Ramirez was entrusted with an extremely high level of public trust in the community; namely, the safety and the protection of the community's youth. He received training from his agency as a school resource officer.

Deputy Ramirez's actions were egregious and repeated. They were inconsistent with the obligation of a peace officer to uphold the law and respect the rights of members of the public.

Deputy Ramirez not only violated the Penal Code, but showed his lack of judgment and disregard for his assignment as a deputy and a school resource officer.

Deputy Ramirez should have acted as a role model for these students, not exposing them to explicit, graphic, and violent material. He chose to show this inappropriate material not once, but twice to two separate groups of 14-year-old female students, while in uniform and sitting in a marked patrol vehicle as a high school.

Based on the facts of this case, as described here and in the investigative summary and findings, there is clear and convincing evidence that Deputy Ramirez committed acts that violate the law, defined in Penal Code section 13510.8(b)(6).

Therefore, the recommendation is that Deputy Ramirez -- Deputy Ramirez's Peace Officer's Certificate be revoked.

If the board has any questions, Carrie and I will be happy to answer them at this time.

CHAIRPERSON DUDLEY: I know all of you have

reviewed the documentary evidence that was sent to you, and all of you have seen the videos that have been described as well as the photographs.

So do any of you have any additional questions or comments?

I have one question, and then I will be calling upon Board Member Doyle.

Perhaps I misunderstood this, but when the parent of the daughter who explained to her what happened at school, that alleged victim, then after she, her daughter, told her what happened, that parent then called 911 or the sheriff's department.

And was it true, in fact, that the responding officer was Officer Ramirez?

MR. SHIELDS: Yes. Yes, it was.

CHAIRPERSON DUDLEY: So he interviewed the child who he, in fact, showed this photo to?

MR. SHIELDS: Briefly, yes.

CHAIRPERSON DUDLEY: Okay. And then at some point, he came to realize that it was, in fact, he who she was describing?

MR. SHIELDS: That is correct.

CHAIRPERSON DUDLEY: Okay. And then another officer came in?

MR. SHIELDS: He did. He contacted his supervisor

who came to the scene.

CHAIRPERSON DUDLEY: Okay. So there was a period of time -- moments, I don't know -- where he -- in addition to showing the photographs and the videos, where he then took a report about his own behavior?

MR. SHIELDS: Correct.

CHAIRPERSON DUDLEY: Okay. And about how long was that?

MR. SHIELDS: From the time he arrived at the residence to the time the supervisor arrived, I believe it was -- I don't know exactly. I would have to be -- give you an approximate. It was approximately 20 to 30 minutes.

CHAIRPERSON DUDLEY: Okay. During that period of time, do you happen to know if he stayed with that child, or whether he immediately took himself out of the case?

MR. SHIELDS: He did not. He did. He stepped -- when he realized that this case was about him, he did excuse himself, went out to his patrol car. That's where he made a phone call to another school resource officer and to his supervisor.

CHAIRPERSON DUDLEY: Okay.

MR. SHIELDS: When his supervisor arrived, they then went back into the house.

CHAIRPERSON DUDLEY: Okay.

MR. SHIELDS: He was not alone with the child.

CHAIRPERSON DUDLEY: But when -- and I believe this was all in your report. He waited outside, and then when his supervisor arrived, he again entered that house where this child and her mother were?

MR. SHIELDS: Correct.

CHAIRPERSON DUDLEY: Okay.

Yes. Board Member Doyle.

MEMBER DOYLE: The decision to provide diversion, was that a court -- Orange County court policy?

MR. SHIELDS: Yes -- oh, that's probably more of a --

MS. WOOLLEY: It would have been within the discretion of the trial judge. It was over the objection of the district attorney. I believe the district attorney who handled the case was supposed to be appearing today. If he's here for public comment, he may be able to answer that question in full.

CHAIRPERSON DUDLEY: Board Member Doyle, he is due here at about 10 o'clock.

MEMBER DOYLE: No, that's sufficient. I just wanted to know -- because I know there are misdemeanors that are excluded from diversion and just wanted to clarify if that was a board policy to pretty much divert

misdemeanors.

MS. WOOLLEY: Right.

MEMBER DOYLE: Okay. Thank you.

MS. WOOLLEY: It would have been excluded had it been registerable under Penal Code section 298. This was not, though.

CHAIRPERSON DUDLEY: Any other board members have any other questions?

Yes.

MEMBER GLASER: Yeah. Just on Chair Dudley's earlier point.

In your report, it says, on page 6 in the fourth paragraph, that the sergeant that he called, Sergeant Huerta, assisted the respondent to complete his -- to complete his interviews by talking with the parents so the respondent could interview Student Number 1 in the adjacent room.

Did that interview occur in the adjacent room, or did they just set that up, and then it got scuttled?

MR. SHIELDS: No, he did interview the student in an adjacent room.

But there was a little -- Deputy Ramirez wasn't a hundred percent completely honest with the supervisor. I don't believe the supervisor, at that point, knew that this was about him. And I think things would have been

a little different, maybe.

It wasn't until after they exited the residence that Deputy Ramirez came a little bit forward with what he thought was going on.

MEMBER GLASER: But that interview had occurred --

MR. SHIELDS: Had occurred --

MEMBER GLASER: -- in the adjacent room between the respondent and the student?

MR. SHIELDS: That is correct.

MEMBER GLASER: Alone?

MR. SHIELDS: It's still within eye -- it's within the house. They were within eyeshot of the -- of each other, the parents and the sergeant.

CHAIRPERSON DUDLEY: Are there any other questions or comments from any of the board members at this time?

MEMBER LARA: Actually, I have a question. Was there any explanation -- I didn't see in the report -- about the evolution of the story that the deputy gave to Sergeant Huerta?

The story began, he did not -- the videos were not of a sexual nature. And then later on, the story becomes something different, that he explains to the supervisor.

Was there any expansion on why that might have happened?

MR. SHIELDS: There was not. It was -- you know, he told them at the scene, before they left, that he -- you know, that it might have been about him.

And then later on in the shift, he then, I think, was probably trying to write the report, and contacted the supervisor and gave him that further update that he did show a couple of videos and photos to students.

MS. WOOLLEY: And to your point, Board Member Lara, he was not interviewed for the administrative investigation. He resigned prior to being interviewed.

CHAIRPERSON DUDLEY: Are there any other comments or questions?

Yes, Mr. Johnson.

MEMBER JOHNSON: Yes. I do have a question. How did he come to get the videos, I guess, is the first question.

And the second question is: There's a violation -- I'm not sure what code -- of the evidence that he had on his phone, which is a private phone, his personal phone, from what I believe.

So the first question is: How did he come to get the videos? And was it okay for him to have those on his phone?

MR. SHIELDS: I'm not sure how he came to get them. He was not part of those investigations. Whether they

were sent to him by another person, deputy, friend, I don't know who sent them to him.

There were quite a few photos on his phone when the sheriff's department did a search warrant. There was a homicide investigator that completed the criminal portion of the -- of the report, of Orange County's report. And he did go through all -- I believe it was close to 18,000 videos and photos.

When I spoke with him, he said that there was nothing criminal in nature that specifically was criminal to possess. It became criminal when Deputy Ramirez showed them to the underage females.

MEMBER HATCHER-CRAWFORD: I do have a question.

CHAIRPERSON DUDLEY: One moment, please.

Was there a follow-up on that, Mr. Johnson?

MEMBER JOHNSON: No. No. He answered it.

CHAIRPERSON DUDLEY: The law that I think you are referring to is Kobe's Law, and that law wasn't yet enacted.

And, yes, Ms. Pena.

MEMBER PENA: Kobe's Law was what I was going to comment on.

CHAIRPERSON DUDLEY: Thank you.

Anything else? Any other questions from the board?

Yes.

MEMBER HATCHER-CRAWFORD: So they kind of answered the question about the Kobe's Law.

When did the sheriff's department -- did he voluntarily show the videos, or was it during at the time that they got the search warrant to go to the house, and they obtained this -- the videos off of his personal phone?

MR. SHIELDS: The search warrant -- they called him into the -- I believe it was their city hall. And they had the search warrant. And he volunteer -- you know, he certainly didn't fight them. Provided those phones in accordance with that -- with that search warrant.

MEMBER HATCHER-CRAWFORD: Thank you.

CHAIRPERSON DUDLEY: Any other questions or comments from the board?

(No response.)

CHAIRPERSON DUDLEY: Are there any members of the public who would like to address the board regarding this agenda item?

(No response.)

CHAIRPERSON DUDLEY: I believe we have someone online. Would you please identify yourself, sir.

MR. BAUMANN: Yes, good morning. Madam Chair, board members. My name is Robert Baumann. I'm a representative for Deputy Ramirez.

CHAIRPERSON DUDLEY: Okay. Thank you.

And do you have a public comment regarding this matter?

MR. BAUMANN: Yes, ma'am. Just a couple items that I wanted to address. The first piece is, as it relates to Deputy Ramirez, it has been mentioned that he did not provide a statement, and the division has never reached out to conduct an investigation or any further investigation to discuss this with Deputy Ramirez. I think Deputy Ramirez's statement and what he says is imperative and pertinent to this investigation.

And, again, my understanding, unless I have a misunderstanding, is that the division does have the authority and the ability to conduct further investigation. Obviously, the standard before the board is clear and convincing evidence, which is a higher standard than what the department -- the department's burden of preponderance of the evidence.

Therefore, I think Deputy Ramirez's statement is pertinent and, again, would shed light on a lot of these allegations, because as of right, these are -- the allegations are being substantiated by one side by statements by one party essentially, without Deputy Ramirez's input.

That was the first item I wanted to address and

bring to the board's attention.

The second item --

CHAIRPERSON DUDLEY: May I interrupt you and just have them respond to that, and then we can go on to the next event? Is that okay?

MR. BAUMANN: Yes.

CHAIRPERSON DUDLEY: Please, go ahead.

MS. WOOLLEY: Thank you.

I did just confer with Mr. Shields. That's true that the division did not reach out for a statement from Deputy Ramirez. However, I would like to point out that under the law, we are not obligated to reach out to Deputy Ramirez for a statement or to any officer for a statement if we feel that the investigation that was performed by the agency was sufficient in and of itself, which was the case here.

We had the evidence from Deputy Ramirez's phones that corroborated the victims' statements.

We also had the evidence from Deputy Ramirez's statements to the other officer that was on his body-worn camera footage, where he indicated and admitted to the other officer that he, in fact, did show these videos to those children at the high school.

So we felt that the investigation was complete and did not require further statements or investigation on

our part.

CHAIRPERSON DUDLEY: Thank you. Please, you can either respond or go on to your next item.

MR. BAUMANN: Thank you, Madam Chair. Just to briefly respond.

If there's other body-worn camera footage or other evidence, again, I would request that that evidence be provided to Deputy Ramirez. Deputy Ramirez has not received that evidence and, therefore, it would be a due process violation to move forward and use that evidence without him having the opportunity to see that evidence and to respond to that evidence.

So to move on, the second and last item I wanted to address as well, Madam Chair, is in the evidence provided by POST in their investigation summary, talking about the criminal case and the criminal investigation against Deputy Ramirez, in page 3 of 14, it specifically states that Deputy Ramirez pled guilty. And that is a hundred percent incorrect. Deputy Ramirez has never pled guilty to the misdemeanor. And, in fact, if you pull up the court status of the case, it clearly states that he pled not guilty to the misdemeanor allegation against him.

So I wanted to bring that to the board's attention as well, that the document provided by POST is clearly

false and misleading as it relates to that point.

And, further, Deputy Ramirez -- and, again, I'm just making the representation based on his representation, because I do not represent Deputy Ramirez in the criminal matter -- is that he anticipates that the case will be dismissed come April, his next court date.

So I think that is important clarification for the board, considering it is mentioned in the POST investigation summary. And it is inaccurate.

CHAIRPERSON DUDLEY: He did, in fact, accept diversion as a result of this charge; is that correct?

MR. BAUMANN: Yes. That is correct, Madam Chair.

CHAIRPERSON DUDLEY: Okay. Counsel, did you want to respond?

MS. WOOLLEY: I would. Thank you.

That is correct that our investigative summary and findings is factually inaccurate. I would not say it's false and misleading. Deputy Ramirez did accept a diversion deal, which requires that he agree to some terms with the court, that he actually perform those terms in order for his case to be dismissed.

But as counsel should be aware under Penal Code section 1001.97, even though his case would be dismissed, if he applies for another position as a peace

officer, he would still have to disclose his arrest and the fact that he was given diversion. It would not be wiped clean from his slate.

CHAIRPERSON DUDLEY: Okay. Thank you.

Counsel, is there anything else?

MR. BAUMANN: No. Nothing further, Madam Chair. Thank you.

CHAIRPERSON DUDLEY: Thank you.

I will accept some more questions and comments from the board. Let me first ask: Is there any other public member who would like to respond to this?

(No response.)

CHAIRPERSON DUDLEY: What we will do, just so everyone is aware of procedurally what will happen now is, I will entertain any other questions and comments from the board.

Then we will take a break. And I believe, at that point, there may be another person who wants to make public comment.

So now back to the board. Board Member Doyle.

MEMBER DOYLE: I have a question.

I just assumed from the documents that we got that Ramirez refused to give a statement. And so I'm sort of concerned. Because having experience, you would never not interview the subject of an investigation just

because all of the other evidence was overwhelming.

And so I'm -- and so I know they don't have to, but I don't understand why they wouldn't close that loop.

MS. WOOLLEY: It is discretionary on the division whether or not to interview the subject officer. When we have a case like this, where we have a large body of evidence, and we actually have a video where it shows an admission by the officer, the division may make the decision at its discretion not to interview the officer. So it is simply within POST's discretion whether to go ahead and interview.

MEMBER DOYLE: Thank you.

MS. WOOLLEY: Thank you.

CHAIRPERSON DUDLEY: Anything else?

MEMBER DOYLE: No.

CHAIRPERSON DUDLEY: Would any other board member like to make -- please.

MEMBER PENA: Question. On the photo of the young woman who was the victim of an automobile accident, was that a crime scene photo, a local crime scene photo? Or was that from a website or obtained elsewhere? Or do you know?

MR. SHIELDS: I don't know for sure. I know it is within the County of Orange -- Orange County. The Orange County also has a coroner division. So somebody

from within the Orange County Sheriff's Department's coroner division would have come out. I don't know who took the photo or how it was sent to Deputy Ramirez.

MEMBER PENA: But it was a local photo?

MR. SHIELDS: Yes. Yes.

MEMBER PENA: Okay. Thank you.

CHAIRPERSON DUDLEY: Thank you.

Any other questions or comments at this time?

(No response.)

CHAIRPERSON DUDLEY: Okay. We'll be taking breaks at about every hour, every 15 minute -- or an hour and 15 minutes to give the transcriber a break.

So we will now -- it is approximately three minutes to 10:00. We will now break until approximately 10:08.

Thank you all.

(Break taken in proceedings.)

CHAIRPERSON DUDLEY: Okay. This is my granddaughter's favorite part of my job.

Having banged the gavel, we are back on. And at this time, I will ask, again: Is there anyone in the audience who would like to make a public statement?

(No response.)

MR. BRADBURY: Yes. There is no one else.

CHAIRPERSON DUDLEY: Please. Come on up. And please state your name and your agency if you would

like.

MR. BRADBURY: Yes. Good morning, everyone. My name is Matthew Bradbury. I appreciate you all opening this up to public comment. There we go. Like I said, my name is Matthew Bradbury. I'm a deputy district attorney in Orange County. And I'm the deputy DA who filed the criminal charges against Mr. Ramirez earlier this year.

So I will be brief because I know that a lot has been said already. We do have the criminal case. The criminal case is in diversion.

Just to kind of hammer home some of the major points that we felt made it necessary to file criminal charges here: Mr. Ramirez was working as a deputy sheriff. He was on campus at a high school in South Orange County. Some high school girls, teenagers, approached him. And I think they thought it was just kind of a friendly, casual conversation. He showed them videos and photographs that are -- were extremely inappropriate. Inappropriate to show anyone, not affiliated law enforcement, let alone, you know, freshmen in high school, female freshmen in high school.

Based on that, the girls told their parents. They made statements to the effect of being shocked and traumatized by what they saw.

One of the girls' parents called the sheriff's department, and then that's how the Internal Affairs investigation opened up. It then came to us at the district attorney's office. My unit at the DA's office looks at all of those Internal Affairs cases, and we usually don't file charges, to be honest. But this is one that we did.

There was an additional search warrant that was done of Mr. Ramirez's phone. And apologies if you know all of this already. But the search warrant showed additional photographs that -- and videos that we felt were very inappropriate, including two -- including photographs from other crime scenes that he had kept on his personal phone. And, you know, without speculating why he chose to do that, you know, two of those photographs were of dead bodies from other crime scenes in Orange County.

There was other material, personal material to him, that we also felt was very inappropriate for him to have, including a video that he took of himself while on sheriff's property. A selfie, but a video, if you will.

And just -- there's a lot of material on there in that search warrant that we felt added to our general sense that Mr. Ramirez just does not have the judgment to be a peace officer.

Now, that is obviously not what we decide, but it was part of the reason that we wanted to be here in person today. And we're very happy that this -- this Commission, which I know is brand new, is taking a look at this.

And so we feel that all in all, not only the way that Mr. Ramirez behaved with the high school students, but also the other materials found on his personal device related to other crime scenes, were more than just a lapse in judgment. But were really a complete -- it just showed a complete lack of judgment on his part.

And, look, no one is saying that on a criminal case, he needs to spend a decade in prison. Of course not. It is a misdemeanor. But in terms of his ability to serve and wear a badge, in our view, that is just something he should be foreclosed from doing.

And so, again, I will leave with, if you have not had a chance to see the videos and photographs, and I believe there were still images provided --

CHAIRPERSON DUDLEY: This board has seen the videos and the photographs, or at least most of the photographs you just described. This board has not seen any photograph of the defendant in uniform. But the other photographs that you have articulated, they have seen.

May I ask you a question?

MR. BRADBURY: Yes.

CHAIRPERSON DUDLEY: There has been some discussion about the plea and about the meaning of diversion. Would you explain to us what the plea was and what the ramifications of diversion are.

MR. BRADBURY: Yes. Definitely.

So it is a -- there has been no guilty plea entered. So state of California, Penal Code section 1001 -- I think it's .6 is this form of diversion. We just call it misdemeanor diversion. It is a diversion without a guilty plea up front that is available to any defendant in Superior Court in California for a misdemeanor, barring certain specific misdemeanors; like DUIs typically can't be diverted in this way.

So there's no guilty plea for Mr. Ramirez. It is a -- it is a kind of an indefinite period of time where he has to perform counseling, community service, stay out of trouble, things like that.

So he did accept that. He did not fight the case in the sense of, I'm taking this to trial. This is not true. Okay. But, at the same time, he has not pled guilty.

CHAIRPERSON DUDLEY: Okay.

MR. BRADBURY: And it would lead -- just -- sorry -- it would lead to a dismissal if you were to

abide by all those terms and stay out of trouble on the criminal case. It could take a year or two, essentially at most.

CHAIRPERSON DUDLEY: The other question that was raised was: What was the district attorney's position on whether he should be able to get -- to be diverted on this case?

MR. BRADBURY: We objected to diversion pretty vehemently, actually. We not only objected to diversion, we also filed a motion to reconsider and actually went back to the same court.

So we objected to diversion, again, based on the reasons I have outlined.

CHAIRPERSON DUDLEY: Okay. Thank you. Let me just talk to the board members, see if they have any questions or comments.

Any other board members have any questions?

Yes, please.

MEMBER GLASER: Yeah. Just a simple question. If he were to be found to be -- to have violated the conditions of his diversion, what would happen subsequently?

MR. BRADBURY: That would reinstate the criminal case, and then we would be back in an open, active criminal case.

So at that point, it would have to go to -- you know, he could fight it, go to trial, or he could plead guilty and resolve it. But that would end his diversion.

But that would not mean an automatic conviction if that is kind of what you are getting at.

CHAIRPERSON DUDLEY: Any other questions or comments of the board?

Mr. Johnson.

MEMBER JOHNSON: Yes. He resigned. Did he give a statement on why?

MS. WOOLLEY: I can answer that question.

He did not. He just simply resigned prior to being interviewed for his Internal Affairs investigation.

CHAIRPERSON DUDLEY: Any other questions or comments from the board?

(No response.)

CHAIRPERSON DUDLEY: Thank you very much, Counsel.

MR. BRADBURY: I appreciate it. Thank you.

CHAIRPERSON DUDLEY: Are there any other -- is there any other public comments on this case?

(No response.)

CHAIRPERSON DUDLEY: Okay. With that said, at this time, the meeting will adjourn into closed session for deliberations on this case.

As some of the case material is graphic and explicit in nature, and you have all heard about that, unredacted versions that will be shown to the board if they request it in closed session now, because the public's interest served by not publicly disclosing the unredacted version clearly outweighs the public's interest in disclosure of the full, unredacted versions.

The board will now exit this room and go to the left, I believe, and view closed session material in secure room. And then come back again for regular discussion.

And we should be coming back shortly. I'm not sure what that means because I need to hear from the board members.

Thank you. And we will take the court reporter -- the transcriber with us.

(Time noted: 10:18 a.m.)

---o0o---

(Closed session was held from 10:22 a.m. to 10:34 a.m.)

---o0o---

(Time noted: 10:36 a.m.)

CHAIRPERSON DUDLEY: We are back from closed session. We will now reconvene in regular session to take a vote on the board's recommendation to the

Commission in the matter of POST2308479, Justin Raymond Ramirez, formerly of the Orange County Sheriff's Department.

Are there any other comments that the board members would like to make?

(No response.)

CHAIRPERSON DUDLEY: Hearing none, is there a motion to make a recommendation to the Commission on this matter?

MEMBER CLAVO: I make a motion.

CHAIRPERSON DUDLEY: And what is that motion?

MEMBER CLAVO: Decertify.

CHAIRPERSON DUDLEY: There is a motion to decertify Mr. Ramirez.

Is there a second?

MEMBER PENA: I second.

CHAIRPERSON DUDLEY: We will now take a roll call as to each member of the board articulating their decision.

Mr. Knapp, please call the roll call vote.

MR. KNAPP: Board Member Buchen.

Absent.

Board Member Clavo.

MEMBER CLAVO: Agree.

MR. KNAPP: Board Member Crawford.

MEMBER HATCHER-CRAWFORD: Agree.
MR. KNAPP: Board Member Doyle.
MEMBER DOYLE: I support the motion.
MR. KNAPP: Board Member Dudley.
CHAIRPERSON DUDLEY: Aye.
MR. KNAPP: Board Member Glaser.
MEMBER GLASER: Aye.
MR. KNAPP: Board Member Johnson.
MEMBER JOHNSON: Aye.
MR. KNAPP: Board Member Lara.
MEMBER LARA: Aye.
MR. KNAPP: And Board Member Pena.
MEMBER PENA: Aye.
MR. KNAPP: Thank you.
CHAIRPERSON DUDLEY: Okay. It appears that every member of the board who is here today has voted that the recommendation be revocation.
Are there -- is there anyone that is deciding that they don't want to vote that way?
(No response.)
CHAIRPERSON DUDLEY: Seeing none, hearing none, is there anybody who is abstaining?
(No response.)
CHAIRPERSON DUDLEY: Seeing none, hearing none, it is unanimous. The motion passes.

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 2nd day of January 2024.

/s/ Kathryn S. Swank
KATHRYN S. SWANK, CSR
Certified Shorthand Reporter
License No. 13061

STATE OF CALIFORNIA
COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING
PEACE OFFICER STANDARDS ACCOUNTABILITY ADVISORY BOARD

In Re: CERTIFICATION OF	**BOARD RECOMMENDATION RE: PEACE OFFICER CERTIFICATION**
Justin Ramirez,	Penal Code section 13510.85(a)(4)
Respondent.	

Penal Code section 13510.85 provides that when, upon the completion of an investigation conducted pursuant to subdivision (a) of Section 13510.85, the Peace Officer Standards Accountability Division (the Division) finds reasonable grounds for revocation or suspension of a peace officer's certification, it shall notify the peace officer of the Division's determination and reasons for that determination. If the peace officer files a timely review, the Peace Officer Standards Accountability Advisory Board (Board) shall schedule the case for hearing.

Respondent was served with the Division's Investigative Summary and Findings and accompanying Notice of Intent to Revoke, notifying Respondent that the Division had found reasonable grounds for revocation of Respondent's POST certification, on October 13, 2023. Respondent requested a review of the Division's determination and reasons for revocation of Respondent's POST certification on October 27, 2023, and the Board scheduled the case for a hearing which was held on December 14, 2023. At the time of Respondent's request for review of the Division's determination, Respondent had been issued the following POST certification(s):

_X_ Basic
_X_ Intermediate
_X_ Advanced
___ Supervisory
___ Management
___ Executive

FACTUAL BASIS

Having considered the Division's presentation at the hearing, the Division's Investigative Summary and Findings and the public comments, the Board concludes that:

X A factual basis for revocation has been established by clear and convincing evidence.

__ A factual basis for suspension has been established by clear and convincing evidence.

__ A factual basis for suspension or revocation has not been established by clear and convincing evidence.

RECOMMENDATION

In light of the facts and circumstances revealed by the Division's investigation in this case, the Board hereby recommends that the following action(s) be taken against Respondent's certification:

X Revocation of Certification.

__ Suspension of Certification for the following period of time, not to exceed 3 years, per 11 CCR section 1213(b): _____.

__ No further action.

REASONS FOR DECISION

X In accordance with Penal Code section 13510.85(a)(4) and title 11, California Regulations Section 1213, the Board hereby incorporates by reference the Division's Investigative Summary and Findings and hereby adopts the Division's Summary and Findings as the Board's stated reasons for its recommendation in the above captioned matter.

___ (Where applicable) In accordance with Penal Code section 13510.85(a)(4), the Board's reasons for its recommendation are as follows:

_____

_____

_____

_____

_____

_____

_____

Dated: 12.14.23

Chairperson ~~or Designee~~
Commission on Peace Officer Standards Accountability
Advisory Board