

WHAT IS SERIOUS MISCONDUCT?

- (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.
- (2) **Abuse of power**, including, but not limited to, intimidating witnesses, knowingly obtaining a false confession, and knowingly making a false arrest.
- (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.
- (6) **Acts that violate the law** and are sufficiently egregious or repeated as to be inconsistent with a peace officer's obligation to uphold the law or respect the rights of members of the public.
- (7) **Participation in a law enforcement gang.**
- (8) **Failure to cooperate** with an investigation into potential police misconduct.
- (9) **Failure to intercede** when present and observing another officer using force that is clearly beyond that which is necessary, as determined by an objectively reasonable officer under the circumstances.

Refer to POST Commission Regulation 1205 for the complete definition of "serious misconduct."



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Peace Officer Certification Quick Reference



Commission on Peace Officer Standards and Training

MINIMUM CERTIFICATION REQUIREMENTS

Who must be certified and what constitutes certification?

All peace officers identified in Penal Code sections 830.1, 830.2 [except for those described in subdivision (d)], 830.3, 830.32, and 830.33, or any other peace officer employed by a POST-participating agency shall possess and maintain a valid Proof of Eligibility (POE) or Basic Certificate. A valid POE or Basic Certificate constitutes active certification.

What is a POE?

The POE is the minimum certification confirming an individual is eligible to be a peace officer in California.

Who is required to obtain a POE?

All peace officers, including jail deputies and all levels of reserve officers, listed above who do not currently possess or are not eligible for a Basic Certificate are required to obtain a POE.

Does the POE expire?

The POE is only valid while a peace officer is actively employed by a law enforcement agency. It will expire once a peace officer becomes eligible for and is issued a Basic Certificate **OR** the peace officer separates from employment, without a valid Basic Certificate.

What is an Address of Record (AOR)?

An AOR is a physical address that each peace officer must designate as the location where they will receive official correspondence from POST regarding their certification. This may be the address of their current employing agency, their home address or other physical location, or a Post Office Box.

ELIGIBILITY FOR PEACE OFFICER CERTIFICATION

What does “1029 Disqualified” mean?

Individuals who have been:

- Convicted of specified felonies, even if a court order later sets aside vacates, withdraws, expunges, or dismisses or reverses the conviction, unless found by the court to be factually innocent.
- Adjudicated in an administrative, military, or civil judicial process as having committed, a violation of certain specified crimes against public justice, including the falsification of records, bribery, or perjury.
- Certified by POST and have surrendered that certification or had that certification revoked.
- Previously employed in law enforcement in any state or US territory or by the federal government, who is listed in the National Decertification Index (NDI).
- Engaged in serious misconduct that would have resulted revocation in this state.

Refer to California Government Code §1029(a) for more information.

How do I access the NDI?

To request access to the NDI, visit iadlest.org/our-services/ndi/about-ndi and select “California Applicants.” Only background investigators employed by a law enforcement agency will be granted access to the NDI.

**Non-sworn background investigators, please contact POST for further assistance.*

How do I inquire about the facts and reasons for a lateral candidate’s separation from prior employment as a peace officer?

This can be done by submitting a Background Information Requests must be sent via GovQA at https://postca.govqa.us/WEBAPP/_rs/. Please include the name, POST ID, and date of birth of the candidate peace officer.

AFFIDAVIT OF SEPARATION

Pursuant to PC §13510.9(d)(1), when a peace officer separates from employment, the employing agency shall execute and maintain an affidavit-of-separation form adopted by the Commission describing the reason for separation.

Peace officers have the right respond to the affidavit-of-separation, in writing, to the Commission, setting forth their understanding of the facts and reasons for the separation, if different from those provided by the agency. This is a peace officer response only, not an appeal.

PEACE OFFICERS’ RIGHTS TO REQUEST PERSONAL RECORDS

Peace officers have the right to request copies of their POST Profiles or copies of POST’s records relating to allegations. Requests must be sent via GovQA at https://postca.govqa.us/WEBAPP/_rs/.

