

SESSION #2

CERTIFICATES AND PROOFS OF ELIGIBILITY

*California Commission
on Peace Officer
Standards and Training*

ANITA MORENO FINNER

STAFF SERVICES MANAGER


DISCLAIMER

This presentation is intended as a broad overview of the major certification requirements of Senate Bill No. 2 (SB 2). Many details have necessarily been omitted for brevity. Important additional information may not be fully covered during this presentation.

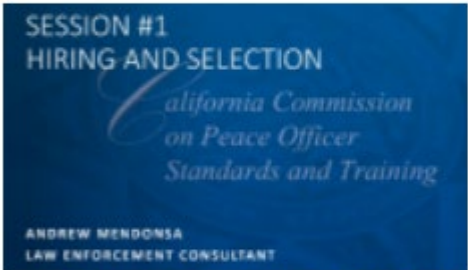
This presentation should not be construed as legal advice. Questions about the specific provisions of SB 2, including the applicability to given circumstances, should be discussed with the advice and assistance of competent legal counsel.

Peace Officer Certification (SB 2) Q & A Sessions

This one-hour session will be recorded and available on the POST website, at post.ca.gov/sb-2.

 SB 2 Workshops

- ▶ [Peace Officer Certification \(SB 2\) Q & A Sessions \(pdf\)](#)



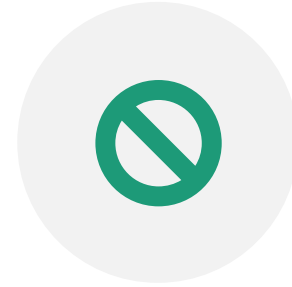
SESSION #1
HIRING AND SELECTION
*California Commission
on Peace Officer
Standards and Training*
ANDREW MENDONSA
LAW ENFORCEMENT CONSULTANT

- ▶ [Workshop #1: Hiring and Selection Standards](#)
- ▶ [Workshop #1: Hiring and Selection Standards Presentation \(pdf\)](#)

Goals of Presentation



FOCUSED ON
CERTIFICATION



DISPEL MYTHS ABOUT
THE ROLE OF POST



ANSWER LINGERING
QUESTIONS

Questions



Submit questions via chat



Website FAQs after presentation

Upvote Questions



Upvote Questions you would like answered

Upvoted Q&A

You can upvote a question by clicking the thumbs up icon.

Open (3)

Answered

Dismissed

John Peterson 03:14 PM

How do I upgrade my plan?



Answer live

Type answer

Lisa Robins 03:04 PM

Can I join a Zoom meeting by phone?



Answer live

Type answer

Lisa Robins 03:25 PM

What's the difference between meeting and webinar?



Answer live

Type answer

OVERVIEW

Define Certification

Elements effective January 1, 2023

Notice of Appointment

Attestation of Peace Officer Eligibility

Affidavit of Separation

SB 2 IMPACT

SB 2 Certification Program

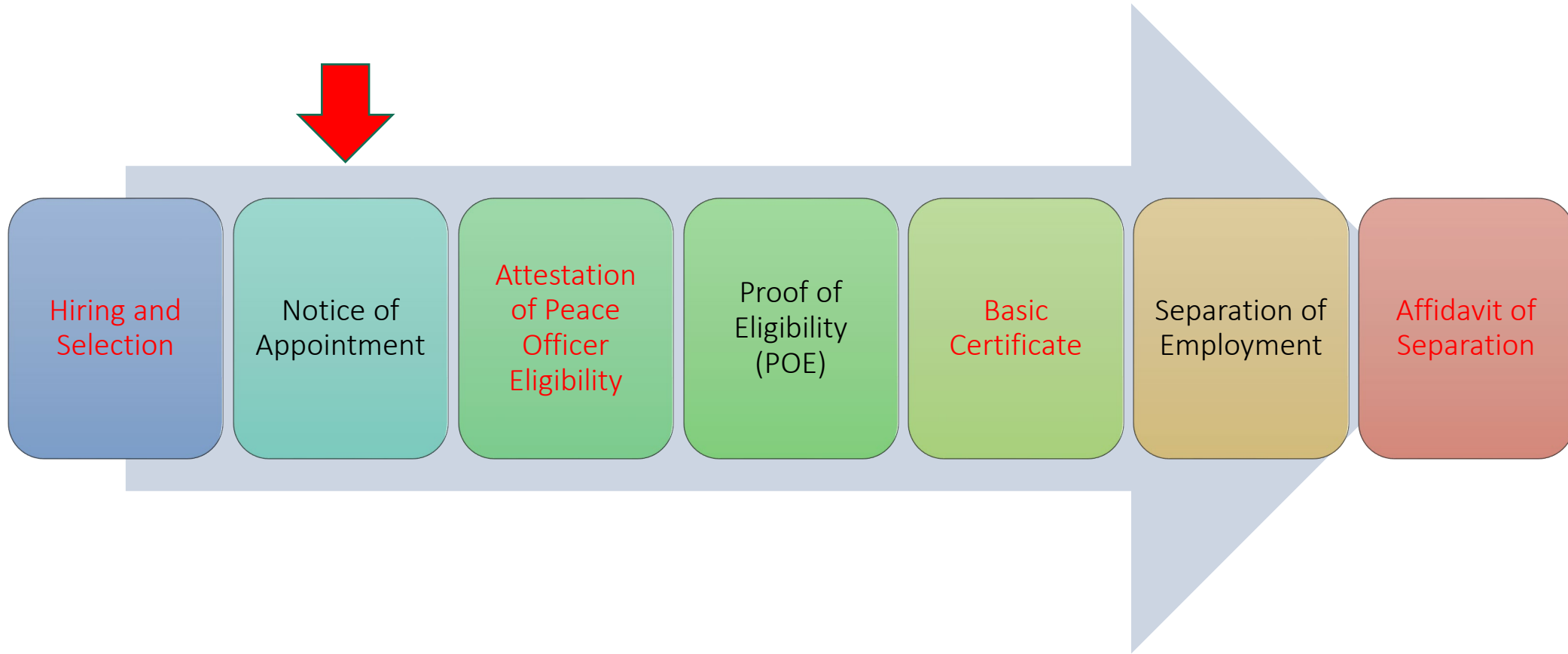
- Establishes a requirement that peace officers be certified by POST.
- A mechanism to revoke or suspend that certification due to serious misconduct.
- Certification means a valid and unexpired proof of eligibility (POE) or Basic Certificate.
- This bill declares certificates awarded by POST to be property of POST.
- Applies to both POST and non-POST participating agencies.

Who falls under SB 2 Certification?

- PC 830.1
- PC 830.2, except for those described in subdivision (d)
- PC 830.3
- PC 830.32
- PC 830.33
- Or any other peace officer from a POST agency such as:
 - Reserve peace officers
 - Qualifying jail deputies

* Note: CDCR, probation officers, and reserve officers from a non-POST participating agency are not subject to SB 2.

OVERVIEW OF PROCESS





EFFECTIVE
JANUARY 1, 2023

- PROOF OF ELIGIBILITY AND BASIC CERTIFICATE
- GAP YEAR PROCESS
- ATTESTATION OF PEACE OFFICER ELIGIBILITY
- AFFIDAVIT OF SEPARATION

WHAT IS A PROOF OF ELIGIBILITY (POE)?

- A certification that confirms an individual is eligible to be a peace officer in the State of California.

WHO IS REQUIRED TO OBTAIN A POE?

- All peace officers who do not currently possess, or are not eligible for, a Basic Certificate are required to obtain a POE **within 10 days** of appointment regardless if you are employed by a POST participating agency.
 - PC 830.1
 - PC 830.2, except for those described in subdivision (d)
 - PC 830.3
 - PC 830.32
 - PC 830.33
- In addition, any peace officer employed by a POST participating agency who does not receive their authority through one of the above penal codes is subject to all SB 2 requirements.
- This includes all levels of reserve peace officers employed by POST participating agencies.

* Note: Reserve peace officers employed by a non-POST participating agency are not required to obtain a POE.

BASIC CERTIFICATE

Penal Code Section 832.4

- Every peace officer pursuant to Penal Code Section 830.1 shall obtain a Basic Certificate within 18-24 months of their employment in order to exercise their powers of a peace officer.
- This section applies to both POST participating and non-POST participating agencies.

GAP YEAR

Gap Year

- Hiring standards are now in effect. However, agencies do not need to apply for a POE until January 1, 2023.
- On January 1, 2023, POST will issue the POE to all eligible peace officers who were properly appointed by an agency prior to December 31, 2022, but do not currently possess a Basic Certificate.
- Reserve peace officers, who do not possess a Basic Certificate, will be issued a POE if they are appointed to a POST participating agency.
- Non-POST participating agencies who employ peace officers under qualifying penal code sections previously identified are subject to SB 2 and will be issued a POE or Basic Certificate based on eligibility.

What does this mean?

- Beginning January 1, 2023, all new appointments will follow the Attestation/POE process.
 - Pursuant to SB 2, the employing agency will be responsible for applying for a POE for newly appointed peace officers who do not already possess a Basic Certificate.
 - To streamline the process, the issuance of the POE will be tied to the notice of appointment.

CAN A POE OR BASIC CERTIFICATE BE SUSPENDED OR REVOKED?

- Yes. POST is authorized to suspend or revoke a POE or Basic Certificate for serious misconduct identified in Penal Code Section 13510.8 or when a person becomes ineligible to hold office as a peace officer pursuant to Section 1029 of the Government Code.
- Penal Code Section 13510.8:
 - Dishonesty
 - Abuse of power
 - Physical abuse
 - Sexual assault
 - Demonstrating bias
 - Acts that violate the law
 - Participation in a law enforcement gang
 - Failure to cooperate
 - Failure to intercede

CERTIFICATION ACTIONS

- Immediate temporary suspension by the Executive Director
- Voluntary surrender
- Suspension by the Commission
- Revocation by the Commission

WHAT MUST BE REPORTED TO POST?

Beginning January 1, 2023, agencies must report:

- The employment, appointment, or separation from employment of a peace officer.
- Any complaint, charge, allegation, or investigation into the conduct of a peace officer that could render the officer subject to suspension or revocation.
- Findings by civil oversight entities, and civil judgements that could affect the officer's certification.

FORMER NOTICE OF
APPOINTMENT/TERMINATION
(NOAT), *POST 2-114*, BEING
REPEALED, CREATING TWO
NEW FORMS

- *Attestation of Peace Officer Eligibility, POST 2-356 (3/2022)*
- *Affidavit of Separation, POST 2-357 (3/2022)*

NEW APPOINTMENTS

Attestation of Peace Officer Eligibility and Proof of Eligibility

- Upon appointing an individual, a POE is required for anyone who does not already possess a Basic Certificate.
 - Reserve peace officers
 - Peace officers on probationary status
 - Qualifying jail deputies
- Each agency shall submit an Attestation to POST **within 10 days** stating the appointee is qualified to be a peace officer pursuant to Sections 1029 and 1031 of the Government Code.
- Once POST confirms the Attestation is complete, an electronic POE will be issued.
- Should a POE be cancelled or expires, a new Attestation will be required upon appointment.

How?

- The application for a POE will be done through the Electronic Data Interchange, known as EDI.
- Once the POE is issued, it will be reflected on the appointee's POST profile, and they will be added to the agency roster in EDI.
- The POE will be specific to the agency and will not be transferable from one agency to another.

NOTICE OF APPOINTMENT

Upload of Attestation required:

- New appointment as a reserve peace officer, peace officer (PO), or deputy.
- Status change from non-peace officer (NPO) to PO.

No Attestation upload is required if an appointment change occurs while employed by the same agency.

- Promotion/demotion.
- Name change.
- Status change from PO to NPO.

[Certificate Comments (356)]

rdavis POST
Commission on POST

HomePersonnel▼Certificates▼Reimbursement▼Reports▼SBSLI▼CPRAContact Us

Notice of Appointment

Please review your Notice of Appointment:

Social Security:	***_**_****89
POST ID:	C86-F79
Name:	SMITH, JOHN
Date of Birth:	01/01/1970
Gender:	Male
Race/Ethnicity:	Other
Appointment Date:	04/01/2022
Rank:	PO
Time Base:	Full Time
Seasonal:	No
Pay Status:	Paid
Appointment Status:	Peace Officer
Agency:	TEST AGENCY II

Add an Attestation

Choose File

No file chosen
(.pdf)

Upload Attestation File

(required)

Are you sure this Notice of Appointment is correct?

No, Cancel

No, Edit

Yes, Submit

POST Website | Learning Portal | Course Catalog | EDI Application

top

SECTION 1: IDENTIFICATION	
1. POST ID (If known)	5. RACE/ETHNICITY
2. NAME (Last, First, Middle)	6. APPOINTMENT DATE
3. BIRTHDATE	7. RANK
4. GENDER	8. AGENCY
<input type="checkbox"/> Male <input type="checkbox"/> Female <input type="checkbox"/> Non-binary	

SECTION 2: ATTESTATION	
9. For all applicants (Initials required by employing agency hiring authority):	
<div></div> The individual being appointed has been evaluated in accordance with and met all minimum peace officer background and hiring requirements as described in Government Code §1029, 1031, 1031.4, and Commission Regulations §1950-1955.	
10. For applicants with previous employment as a peace officer (Initials required by employing agency hiring authority):	
<div></div> I attest the appointing agency has requested and reviewed records of any investigations of misconduct involving the applicant and maintained in the officer's designated file as described in Penal Code §832.12.	
<div></div> Beginning January 1, 2023, I attest the agency has contacted POST to inquire as to the facts and reasons a peace officer became separated from any previous employing agency as described in Penal Code §13510.9(d)(3).	
I hereby attest the individual being appointed is eligible to be employed and hold office as a peace officer in California.	

SECTION 3: HIRING AUTHORITY SIGNATURE OR AUTHORIZED DESIGNEE	
PRINT NAME OF HIRING AUTHORITY	CONTACT NUMBER
SIGNATURE OF HIRING AUTHORITY	EMAIL
TITLE	DATE

POST USE ONLY

ATTESTATION OF PEACE OFFICER
ELIGIBILITY, POST 2-356 (3/2022)

- Currently pending regulatory approval - out for public comment.
- Required for new appointment as a peace officer.
- To be completed/signed by authorized hiring authority.
- Required upload within 10 days of appointment.



PROPOSED REGULATORY CHANGES

- COMMISSION REGULATION 1201
- COMMISSION REGULATION 1202

PROPOSED

Not yet adopted

- Commission Regulation 1201- Definitions Related to Peace Officer Certification
 - Commission – appointed members
 - commission – POST staff
 - Peace officer certification
 - Voluntary Surrender
 - Board
 - Division
- Commission Regulation 1202- Peace Officer Certificates
 - Includes all peace officer certificate information from regulation 1011, to include:
 - Addition of proof of eligibility (POE)
 - POE eligibility requirements
 - POST's authority to suspend or revoke certification
 - Peace officer disqualifications

AFFIDAVIT OF SEPARATION

New Requirements

- Each agency shall submit an Affidavit of Separation to POST **within 10 days** of a peace officer leaving employment.
- The affidavit **must** be signed **by the agency head or designee under penalty of perjury**.
- The affidavit must include whether the separation is part of a settlement of any criminal, civil, or administrative charge.
- This document will replace the Notice of Termination that is currently in use.
- Employee must be given the opportunity to respond, in writing, to POST if they disagree with the reason for separation.

Other separations

- Retired
- Resigned
- Deceased
- Involuntary separation
- Resigned/retired pending complaint, administrative charge, investigation for misconduct

RESET

PRINT

INFORMATION PRIVACY ACT: Pursuant to the Federal Privacy Act (Public Law 93-679) and the Information Practices Act (IPA) of 1977 (Civil Code Sections 1790, et seq.), notice is hereby given for the request of personal information. Failure to provide any part of the requested information may delay processing of this application or result in an incomplete record. No disclosure of personal information will be made unless permissible under Article 6, Section 1790.24 of the IPA of 1977. Each individual for whom personal information is collected has the right to inspect that information in any record maintained by POST. Inquiries may be directed to the POST Information Practices Act Coordinator at the address listed above. Contact the POST Administrative Services Bureau for instructions on requesting records.

INSTRUCTIONS

- Complete Section 1—Identification, Section 2—(POST Reg 1003), Section 3—Notice to Officer and Section 4—Attestation.
- Please type or legibly print (in ink) all required information. Use the TAB key (or Shift-lab) to navigate between boxes.
- Upload a printout of this Notice to the Electronic Data Interchange (EDI) within 10 days of separation.

SECTION 1: IDENTIFICATION

1. POST ID NUMBER (OR SSN)	2. NAME (Last, First, Middle)	3. BIRTHDATE (MM/DD/YYYY)
4. GENDER <input type="checkbox"/> Male <input type="checkbox"/> Female <input type="checkbox"/> Non-binary		5. ALSO KNOWN AS (Last, First, Middle) FOR POST USE ONLY
6. ADDRESS		
7. RACE/ETHNICITY (Check box that best describes race/ethnicity — See INSTRUCTIONS for Definitions) <input type="checkbox"/> American Indian or Alaska Native <input type="checkbox"/> Asian <input type="checkbox"/> Black or African American <input type="checkbox"/> Filipino <input type="checkbox"/> Hispanic or Latino <input type="checkbox"/> Native Hawaiian or Pacific Islander <input type="checkbox"/> White <input type="checkbox"/> Other		
8. RANK / CLASSIFICATION (Select and enter the POST Code from the list — See INSTRUCTIONS for Rank/Class)		9. AGENCY NAME

SECTION 2: TERMINATION / SEPARATION

10. DATE OF FINAL SEPARATION (MM/DD/YYYY)	11. REASON FOR SEPARATION <input type="checkbox"/> Retired <input type="checkbox"/> Resigned <input type="checkbox"/> Deceased <input type="checkbox"/> Involuntary Separation <input type="checkbox"/> Resigned/Retired Pending Complaint, Administrative Charge, or Investigation for misconduct
12. RESOLUTION OR SETTLEMENT Was the reason for separation part of a resolution or settlement for misconduct? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, please check the appropriate box: <input type="checkbox"/> Criminal Charge or Investigation <input type="checkbox"/> Civil Charge or Investigation <input type="checkbox"/> Administrative Charge or Investigation	13. REASON FOR SEPARATION DUE TO MISCONDUCT PER COMMISSION REGULATION 1205 Indicate Reason(s) For Discharge Related to Misconduct (Choose all that apply) <input type="checkbox"/> Dishonesty <input type="checkbox"/> Abuse of Power <input type="checkbox"/> Physical Abuse <input type="checkbox"/> Sexual Assault <input type="checkbox"/> Demonstrating Bias <input type="checkbox"/> Egregious Repeated Acts <input type="checkbox"/> Law Enforcement Gang <input type="checkbox"/> Failure to Cooperate with Investigation <input type="checkbox"/> Failure to Intercede <input type="checkbox"/> Other _____

SECTION 3: NOTICE TO SEPARATING OFFICER

14. NOTICE TO OFFICER
The peace officer has been advised of their right to respond in writing to this Affidavit of Separation to the commission if the facts and reasons as they understand them are different than those provided by the agency.

Name of the person providing notice _____

Was the peace officer provided a copy of this completed form? ☐ Yes ☐ No

If yes, what manner was the form provided to the peace officer? ☐ In Person ☐ Mail ☐ Certified Mail
☐ Other (Specify) _____

SECTION 4: ATTESTATION

15. ATTESTATION OF REPORTING OFFICIAL
I certify (or declare) under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this affidavit (declaration) was executed on the date listed below.

Print Full Name: _____ Title: _____ Contact Number () _____

Signature ► _____ Date: _____

AFFIDAVIT OF SEPARATION, POST 2-357 (3/2022)

- Currently pending regulatory approval - out for public comment.
- Required for separation as identified in Section 11.
- Signed under penalty of perjury.
 - Wet signature only
- Required upload in EDI within 10 days of separation.
- The agency must maintain a copy.

11. REASON FOR SEPARATION

☐ Retired ☐ Resigned ☐ Deceased ☐ Involuntary Separation

☐ Resigned/Retired Pending Complaint, Administrative Charge, or Investigation for misconduct

PRIVACY INFORMATION – Pursuant to the Federal Privacy Act (Public Law 93-579) and the Information Practices Act (IPA) of 1977 (Civil Code Sections 1798, et seq.), notice is hereby given for the request of personal information. Failure to provide any or all of the requested information may delay processing, or result in an incomplete record. No disclosure of personal information will be made unless permissible under Article 6, Section 1798.24 of the IPA of 1977. Each individual for whom personal information is collected has the right to inspect that information in any record maintained by POST. Inquiries may be directed to the POST Information Practices Act Coordinator at the address listed above. Contact the POST Administrative Services Bureau for instructions on requesting records.

INSTRUCTIONS

- Complete all applicable sections of this application to: **1)** request access for a new account, or **2)** modify or deactivate an existing account. (See detailed instructions.)
- FAX your completed and signed application to POST at (916) 227-5271**, send it via U.S. mail to Commission on POST – Attn: EDI, at the above address.
- After your application has been approved, POST will notify you by email to complete the process.

SECTION 1. APPLICANT INFORMATION

1. APPLICANT NAME (LAST, FIRST, MI)		2. POST ID (OR SOCIAL SECURITY NUMBER)	
		SSN: - - -	
3. DEPARTMENT NAME	4. JOB TITLE		
5. DEPARTMENT MAILING ADDRESS (STREET/P.O. BOX)			
Street/POB		City	ST Zip
6. BUSINESS EMAIL ADDRESS	7. BUSINESS CONTACT NUMBER	8. BUSINESS FAX NUMBER	
	() Ext	()	

SECTION 2. ACCESS REQUESTED

9. SELECT FUNCTION AND TYPE OF ACCESS FOR NEW ACCOUNT OR TO CHANGE EXISTING ACCOUNT

☐ Notice of Appointment/Termination/Agency Report(s) – select one: ☐ Read Only ☐ Read & Write

☐ Professional Certificates – select one: ☐ Read Only ☐ Read & Write

☐ Sherman Block Supervisory Leadership Institute (SBSLI) – select one: ☐ Read Only ☐ Read & Write

SECTION 3. MODIFY ACCESS OR DEACTIVATE ACCOUNT

10. SELECT ONE OF THE FOLLOWING

☐ Modify access for applicant's current account – complete ALL Sections. ☐ Deactivate account – complete Sections 1 and 5.

SECTION 4. APPLICANT ATTESTATION

11. I AGREE TO THE FOLLOWING CONDITIONS WHEN ACCESSING THE POST EDI SYSTEM

- I understand that the EDI system, and the information contained therein, is for official use only, and that I am entering a secured site that contains personal and confidential data which is protected by provisions of the California Civil and Penal Codes.
- I understand that all system activity is monitored and all transactions are logged. By using this system, I expressly consent to the monitoring of my activity, and I understand that if the monitoring reveals possible evidence of criminal activity, legal action will be taken.
- I understand that if I participate in unauthorized access or misuse of data in any way, I am subject to State of California and/or federal prosecution and termination of my access privileges.
- I understand that my access privileges will be modified or removed if my employment status or duties change.

12. APPLICANT SIGNATURE

► Date

SECTION 5. DEPARTMENT HEAD OR AUTHORIZED DESIGNEE APPROVAL

13. MY SIGNATURE CONFIRMS THE FOLLOWING:

- I agree that the above-named applicant has permission to access the POST EDI system on behalf of this agency.
- I agree to notify POST whenever the above individual's access is to be modified or deactivated.

14. PRINT AUTHORIZED NAME

15. JOB TITLE

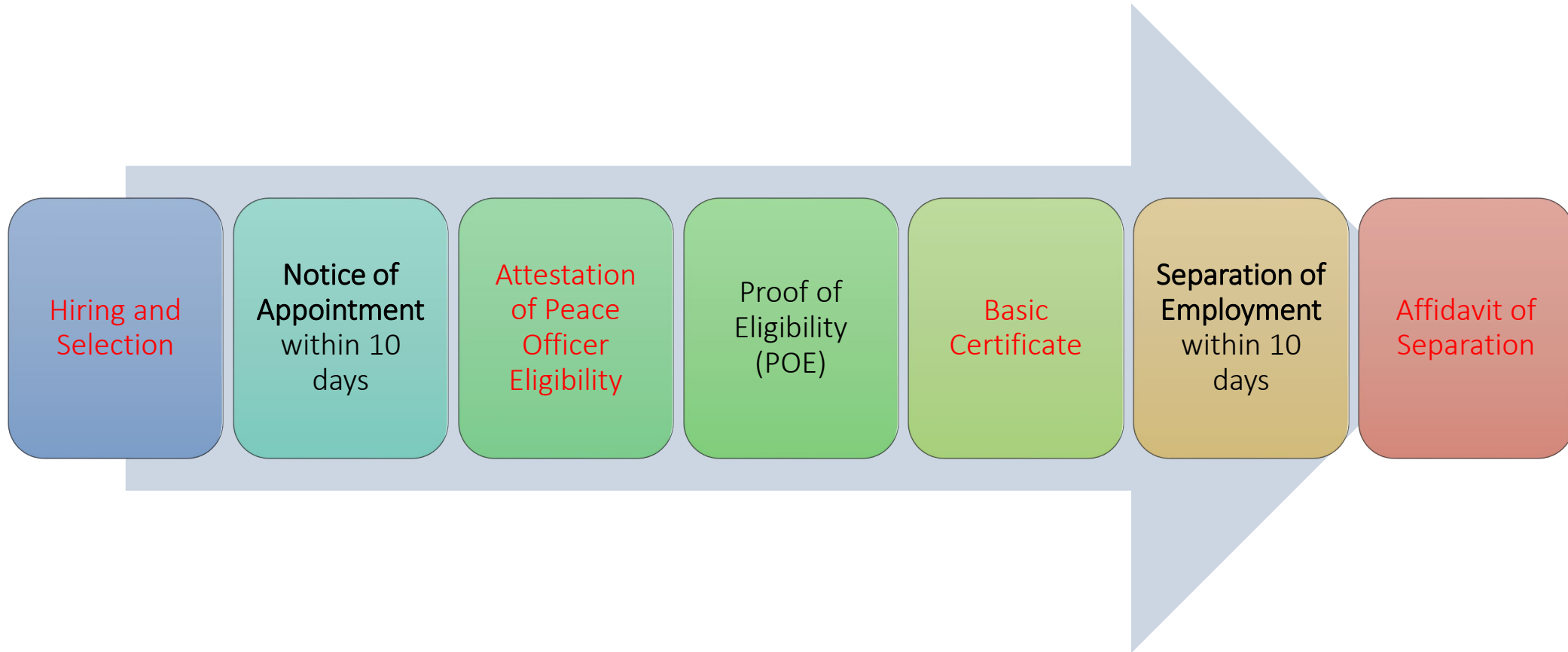
16. AUTHORIZED SIGNATURE

► Date

ELECTRONIC DATA INTERCHANGE (EDI) ACCESS APPLICATION, POST 3-101

- <https://post.ca.gov/Forms>
- Required for designee entering notice of appointment and Affidavit of Separation into EDI.
- The EDI system allows agencies and course presenters to submit and process information to POST via a secure website.
- The system also provides users with immediate access to various reports.
- Questions, email EDI@post.ca.gov

OVERVIEW OF PROCESS RECAP



Questions?



CAREER OPPORTUNITIES AT POST

- LAW ENFORCEMENT CONSULTANTS
 - BUREAU CHIEFS
 - ANALYSTS
 - MANAGERS
 - HR PROFESSIONALS
 - LEGAL STAFF
-
- [HTTPS://POST.CA.GOV/JOB-OPPORTUNITIES-AT-POST](https://post.ca.gov/job-opportunities-at-post)

More Questions?

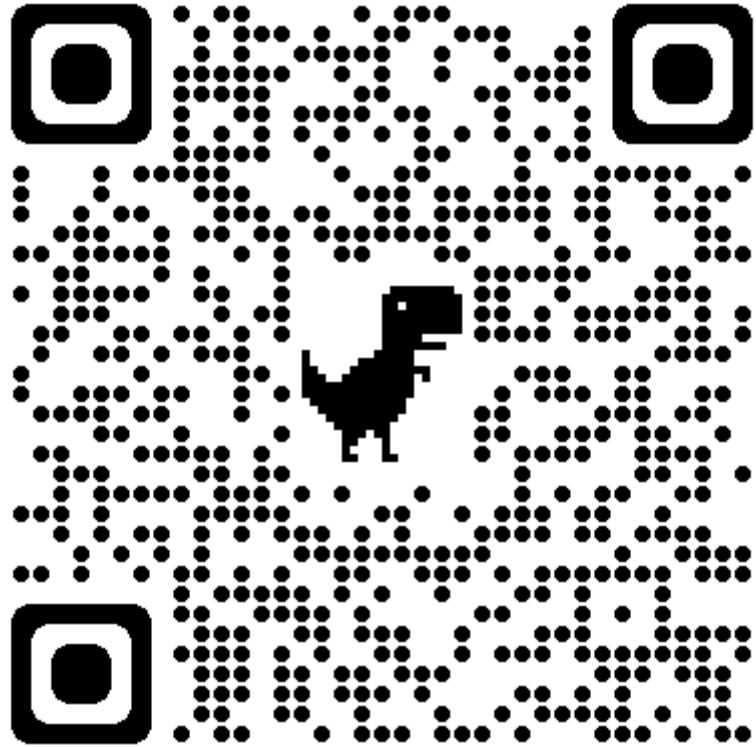
Website: www.post.ca.gov/sb-2

Email: SB2@post.ca.gov or
anita.finner@post.ca.gov
michelle.weiler@post.ca.gov

SESSION #3
DECERTIFICATION
INVESTIGATIONS
AND REPORTING
OBLIGATIONS

Tuesday, April 19, 2022

10:00 a.m. – 11:00 a.m.



5 Question Survey
