

The background of the slide features a large, semi-transparent seal of the Peace Officer Standards and Training Commission. The seal is a five-pointed star with a circular center. The words "COMMISSION" and "EUREKA" are at the top, "PEACE OFFICER STANDARDS AND TRAINING" are around the bottom, and "PEACE OFFICER" is on the left. The center of the seal depicts a Minuteman soldier standing on a rocky outcrop, holding a rifle, with a ship on the water and mountains in the background.

SESSION #4

DECERTIFICATION PROCESS
PEACE OFFICER STANDARDS
ACCOUNTABILITY ADVISORY
BOARD
POST COMMISSION
ADMINISTRATIVE LAW JUDGE
PUBLICATIONS & ANNUAL
REPORT

Mark Nagel
Law Enforcement Consultant



PREVIOUS PRESENTATIONS

Session 1 – Hiring & Standards

Session 2 – Certificates & Proof of Eligibility

Session 3 – Decertification
Investigations and
Reporting Obligations



www.post.ca.gov/sb-2

Session 4 -



The screenshot shows the POST (California Commission on Peace Officer Standards and Training) website. The header includes the POST logo and navigation links: Quick Resources, Hiring, Training, Publications, Forms, and About. The main content area features a section for Senate Bill No. 2, which includes a transition team announcement, the signing of the bill by Governor Newsom, and details about qualified immunity and changes to Government Code §1029. On the right side, there is a 'QuickLinks' section with links to 'Text of SB-2', 'Frequently Asked Questions', and 'SB 2 Workshops'. Below this, there is a 'SESSION #1 HIRING AND SELECTION' section with a link to 'Workshop #1: Hiring and Selection Standards Presentation (pdf)'.

Goals of Presentation



BROAD OVERVIEW OF SB 2, FOCUSED ON
THE DECERTIFICATION PROCESS,
STANDARDS ACCOUNTABILITY ADVISORY
BOARD AND POST COMMISSION



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

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.

OVERVIEW



Decertification Process

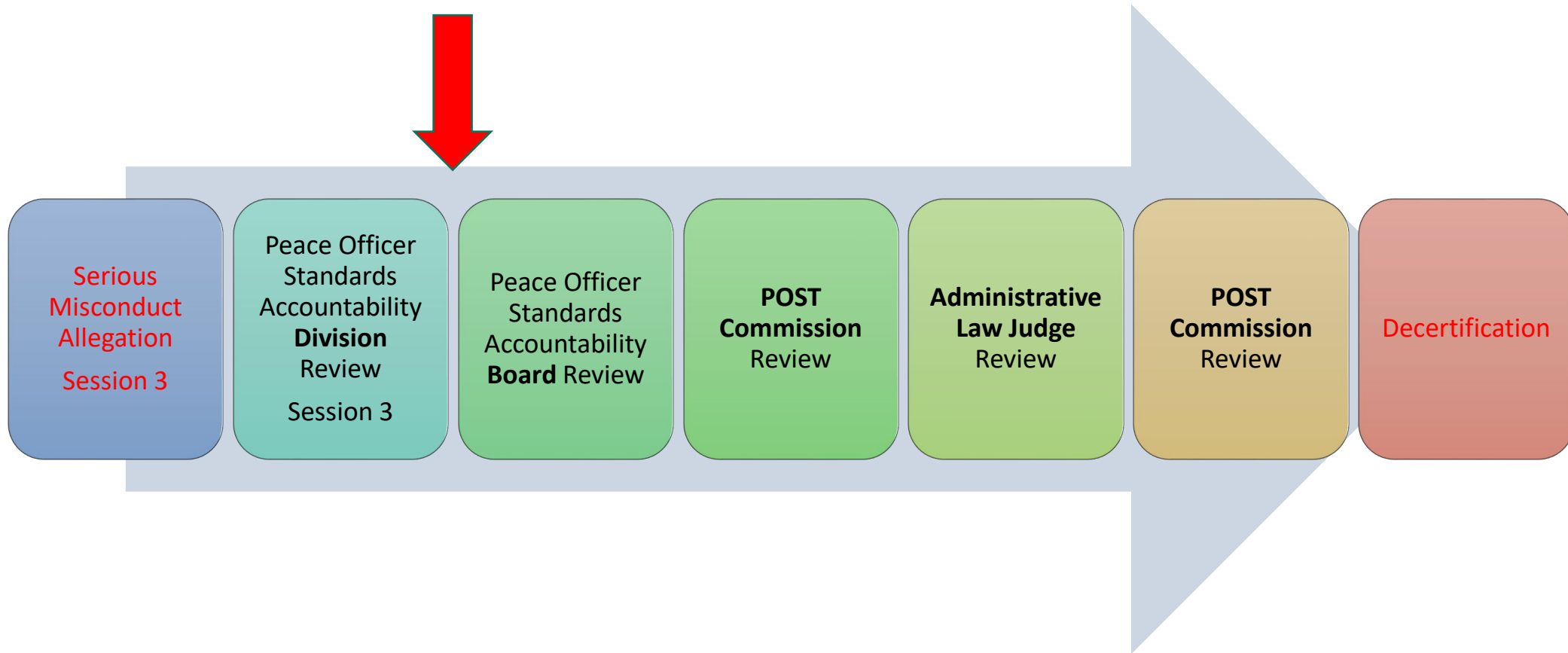
Standards Accountability Advisory Board

POST Commission

Administrative Law Judge

Questions & Answer

OVERVIEW OF DECERTIFICATION PROCESS



COMPLETED INVESTIGATION

If **no action** will be taken by the Division, the peace officer and the agency will be notified in writing.

If the Division **takes action** based on reasonable grounds for revocation or suspension of peace officer's certification:



Notification in writing to agency that employs or employed the involved peace officer.



Involved peace officer is served with notice of suspension or revocation to include:

- A statement the investigation has been completed.
- A statement of determination and reasons.
- A detailed explanation of the decertification procedure.
- The peace officer's right to contest and appeal (Request for Review Form 2-359).

The request for review shall be postmarked within 30 days of receiving written notification of intent to take action by the division. This form must be submitted by mail, email, or hand delivery to the Commission on Peace Officer Standards and Training. Email submissions may be sent to SB@post.ca.gov.

Peace Officer Information (required section)

Name
Address
Contact Phone
Email
POST ID#
Employing agency at time of action
POST Case#
Reason for requesting review (optional)

Appellant Representation (required section)

You may represent yourself or be represented by a representative of your choosing.

I choose to:

- ☐ Represent myself
☐ Designate the following representative to act on my behalf during the course of this review.

Name	Phone
Address	Email

Signature (required section)

By signing this form, you are requesting a hearing to determine if reasonable grounds for suspension or revocation exists based on clear and convincing evidence and affirming that the information you provided is true and correct.

Peace Officer Signature	Date
-------------------------	------

REQUEST FOR REVIEW, POST 2-359 (3/2022)

- Currently pending regulatory approval – out for public comment.
- To be completed/signed by the peace officer.
- The request of review shall be postmarked within 30 days of receiving the written notification of intent to take action by the Division.

WITHIN 30 DAYS OF PEACE OFFICER RECEIVING NOTIFICATION...

If a request for review is not received, the peace officer's certification shall be revoked, consistent with the Division's determination, without further proceedings.



Officer & Agency Notification

Publications

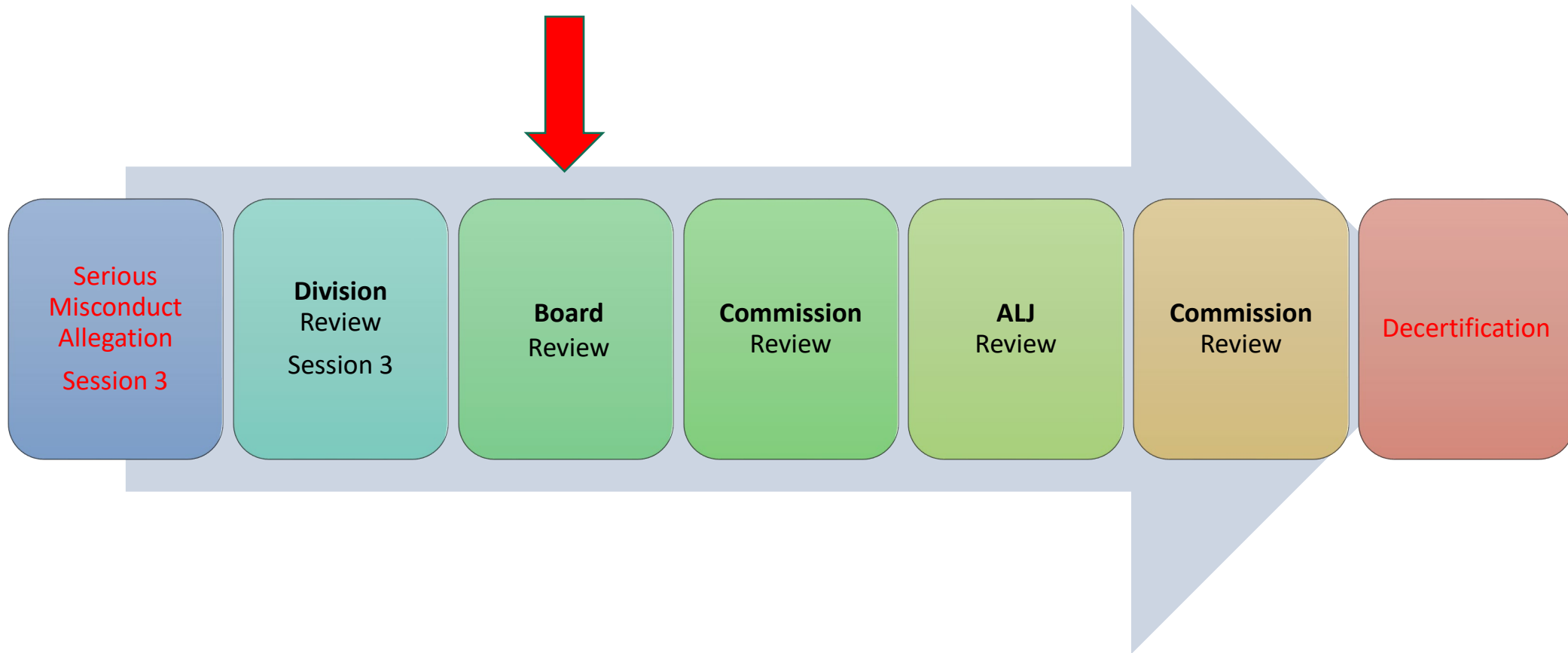
NDI, POST Website, Annual Report

WITHIN 30 DAYS OF PEACE OFFICER RECEIVING NOTIFICATION...

If a request for review is received...

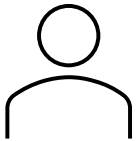
- The case shall be scheduled for hearing before Standards Accountability Advisory Board (Board).

OVERVIEW OF DECERTIFICATION PROCESS

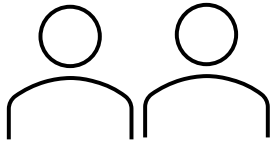




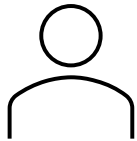
THE BOARD – 9 MEMBERS



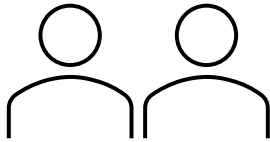
Command-level officer,
appointed by the Governor



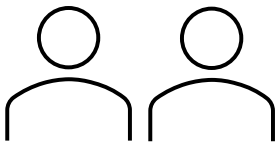
Non-profit/academic issues related
to police accountability, one
appointed by the Governor, one by
Senate Rules*



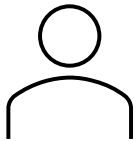
Management-level officer with
Internal Affairs experience,
appointed by the Governor



Subjects of wrongful use of force,
or surviving family, appointed by
Governor*



Non-profit or academic
institutions on issues related
to police accountability, one
appointed by the Governor,
one by Speaker of
Assembly*



Attorney with experience
involving oversight of
peace officers, appointed
by the Governor*

*Must not be prior law enforcement



40-HOUR COURSE

All members of the board shall complete the decertification training course, as developed by POST.

Included in course as required by law:

- Decertification Process
- Internal Investigations
- Evidentiary Standards
- Use of Force Standards and Training
- Local Disciplinary Processes

BOARD RESPONSIBILITIES

- Review findings of investigations presented by the Division and make **recommendations** to the Commission on what actions should be taken on certification.
 - If such grounds exist, the Board, upon majority vote, will present the findings and **recommendations** to the Commission.
- The Board may **request** additional investigations of the Division
OR...
 - **Recommend** the Commission direct the Division to investigate any potential grounds for decertification of a peace officer by a majority vote.

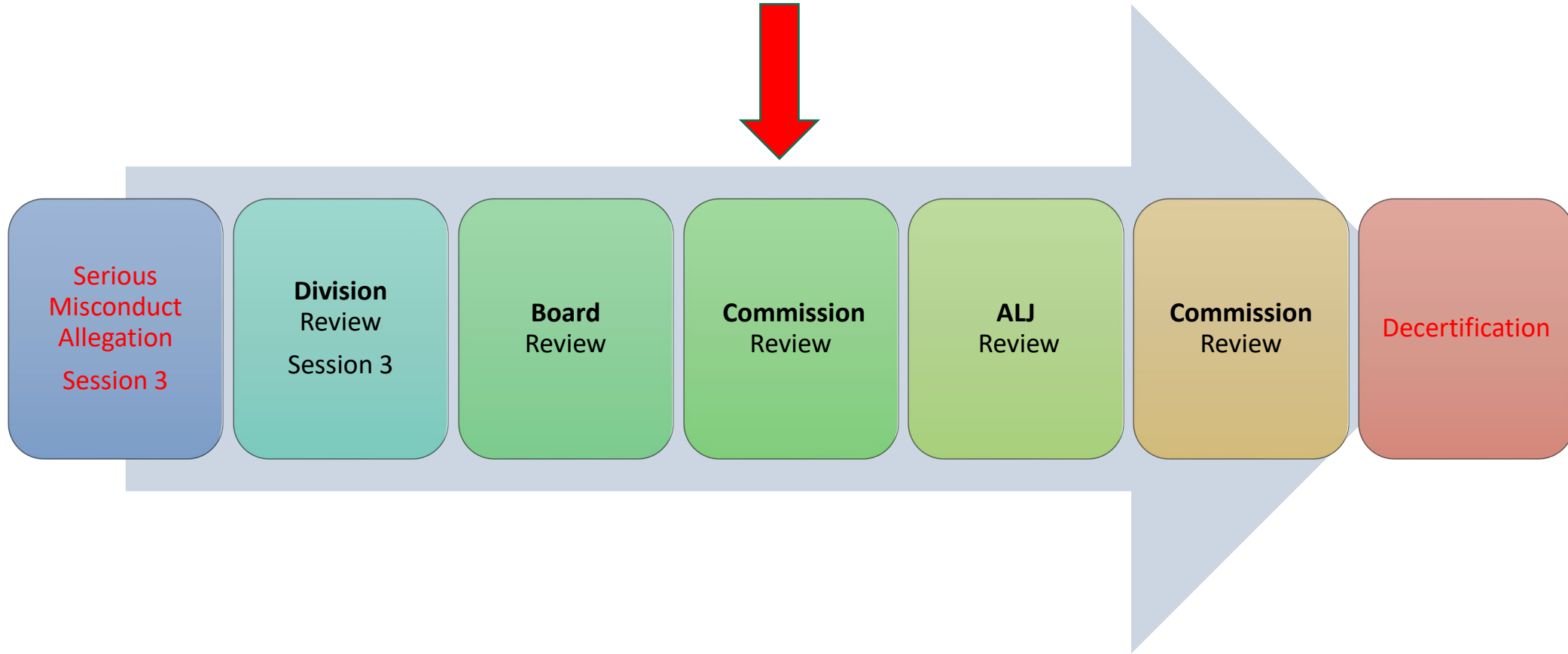
BOARD HEARING

- The peace officer shall be provided with a copy of all materials used by the Division to make the decision.
- The peace officer or representative may present written or oral arguments.
- When feasible, the peace officer or representative shall be present.
- The Bagley-Keene Open Meeting Act applies to California State agencies, boards and commissions.
- Hearings are open to the public.



COMMISSION

OVERVIEW OF DECERTIFICATION PROCESS



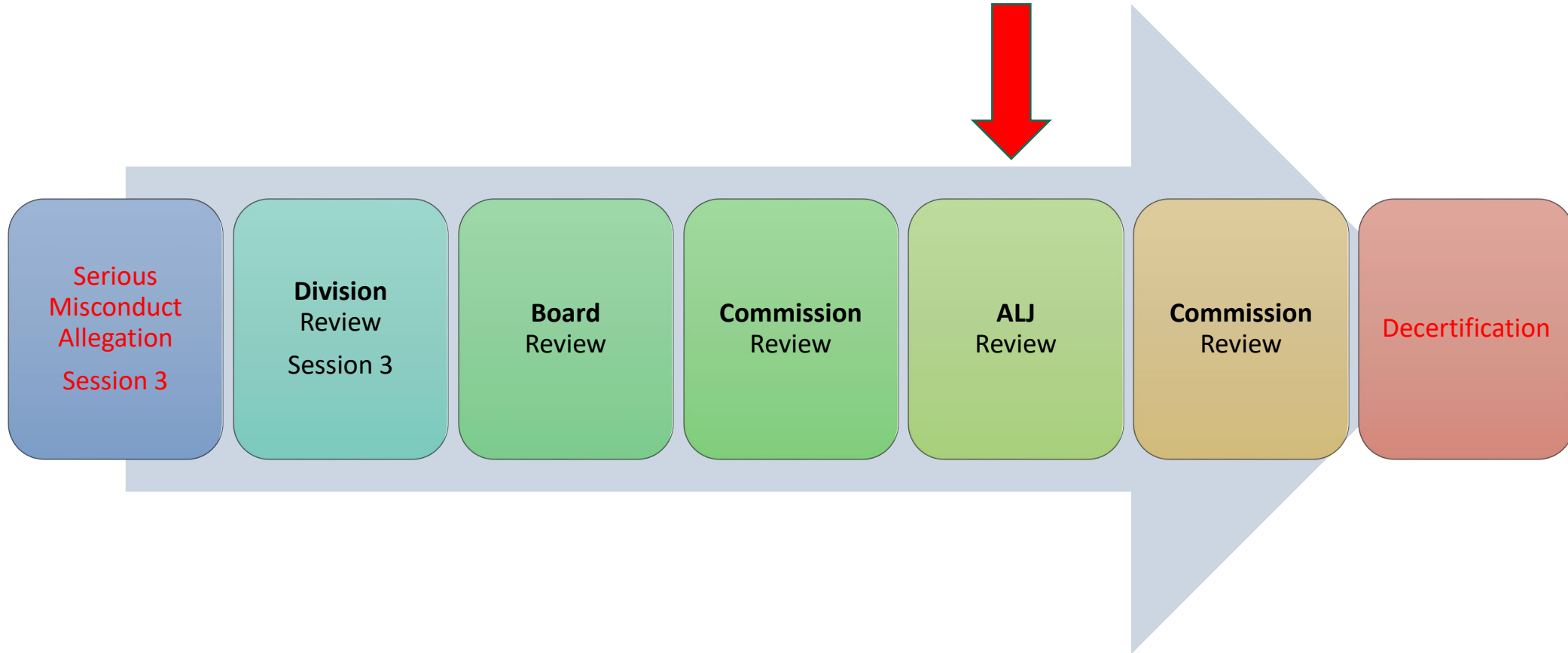
COMMISSION RESPONSIBILITIES

- To review recommendations made by the Board that may provide grounds for suspension or revocation of a peace officer's certification.
- If such grounds exist, the Commission, upon a **2/3 vote**, can adopt the Board recommendation for suspension or revocation.
- If the Commission disagrees, they may provide their analysis and reasons for reaching a different determination.
- The Commission shall return any determination requiring action to be taken against certification to the Division. The Division shall initiate proceeding with ALJ.
- Hearings are open to the public.



ADMINISTRATIVE LAW JUDGE

OVERVIEW OF DECERTIFICATION PROCESS



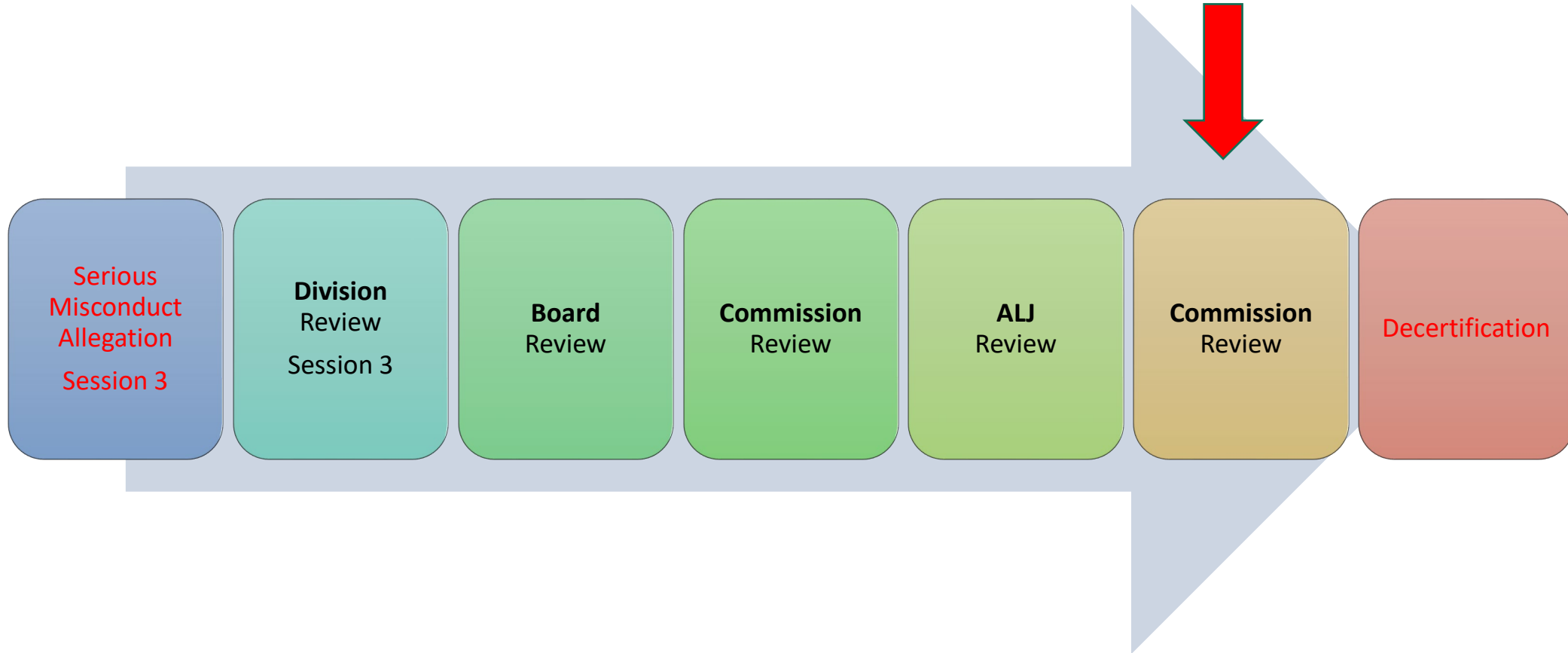
OFFICE OF ADMINISTRATIVE HEARINGS – ALJ REVIEW

- Hearings are held under the State Administrative Procedure Act.
- Administrative law hearings are less formal than courtroom trials.
- Hearings are typically held at the Office of Administrative Hearing nearest the place of transaction or residence.
- Hearings are public, but the ALJ may close all or part of the hearing from public.
- Parties have the right to witness testimony.
- Evidentiary hearings.
- The presiding judge's decision will be in writing and will include a statement of the factual and legal basis of the decision.

Commission



OVERVIEW OF DECERTIFICATION PROCESS



AFTER THE ALJ PROCESS - COMMISSION



REVIEW FINDINGS AND RECOMMENDATION
OF THE ALJ



ACCEPT OR REJECT ALJ PROPOSED OPINION
AND MAKE THE FINAL DETERMINATION



Officer, Agency & District Attorney Notification

A final determination by the Commission.

Publications

NDI, POST Website, Annual Report



RESET PRINT

INFORMATION PRIVACY ACT: Pursuant to the Federal Privacy Act (Public Law 93-579) and the Information Practices Act (IPA) of 1977 (Civil Code Sections 1798, et seq.), notice is hereby given for the request of personal information. Failure to provide any part of the requested information may delay processing of this application or result in an incomplete record. No disclosure of personal information will be made unless permissible under Article 6, Section 1798.24 of the IPA of 1977. Each individual for whom personal information is collected has the right to inspect that information in any record maintained by POST. Inquiries may be directed to the POST Information Practices Act Coordinator at the address listed above. 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-tab) to navigate between boxes.
 - Upload a printout of this Notice to the above address 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 (03/2022)

- Includes serious misconduct categories (Sec. 13).
- Signed under penalty of perjury.
 - Wet signature only.
- Required upload in EDI within 10 days of separation of employment.
- The agency must maintain a copy.



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 _____			

The request for review shall be postmarked within 30 days of receiving written notification of intent to take action by the division. This form must be submitted by mail, email, or hand delivery to the Commission on Peace Officer Standards and Training. Email submissions may be sent to SB@post.ca.gov.

Peace Officer Information (required section)	
Name	
Address	
Contact Phone	
Email	
POST ID#	
Employing agency at time of action	
POST Case#	
Reason for requesting review (optional)	
Appellant Representation (required section)	
You may represent yourself or be represented by a representative of your choosing.	
I choose to:	
<input type="checkbox"/> Represent myself	
<input type="checkbox"/> Designate the following representative to act on my behalf during the course of this review.	
Name	Phone
Address	Email
Signature (required section)	
By signing this form, you are requesting a hearing to determine if reasonable grounds for suspension or revocation exists based on clear and convincing evidence and affirming that the information you provided is true and correct.	
Peace Officer Signature	Date

VOLUNTARY SURRENDER, POST 2-359 (03/2022)

- Any peace officer may voluntarily surrender their certification permanently
- Shall have the same effect as revocation
- Certificate cannot be reactivated
- NDI is notified and included in Annual Report



DIVISION REPORTING & PUBLICATIONS

OTHER NOTICES & PUBLICATIONS

The Commission shall:

- Publish the names of any peace officer whose certification is suspended or revoked and the basis for the suspension or revocation.
- Shall notify the National Decertification Index (NDI) of the International Association of Directors of Law Enforcement Standards and Training of the suspension or revocation.
- Annual Report

ANNUAL REPORT

- The number of applications for certification and the number of certifications granted or denied.
- The number of events reported pursuant to paragraphs (1) to (5), inclusive, of subdivision (a) of Penal Code Section 13510.9.
- The criteria and process for review and investigation by the Division, the number of reviews, and the number of investigations conducted by the Division.
- The number of notices sent by the Division pursuant to paragraph (1) of subdivision (a) of Penal Code Section 13510.85, the number of requests for review received, and the number of suspensions or revocations or denials made pursuant to paragraph (2) of subdivision (a) of Penal Code Section 13510.85.
- The number of review hearings held by the Board and Commission and the outcomes of those review hearings.
- The number of administrative hearings held on suspensions or revocations and the number of suspensions or revocations resulting from those hearings.
- Any cases of judicial review of commission actions on suspension or revocation and the result of those cases.
- The number of certifications voluntarily surrendered, and the number placed on inactive status.
- Any compliance audits or reviews conducted and the results of those audits.

QUESTION AND ANSWER



CAREER OPPORTUNITIES AT POST

<https://post.ca.gov/job-opportunities-at-post>

- LAW ENFORCEMENT CONSULTANTS
- BUREAU CHIEFS
- ANALYSTS
- MANAGERS
- HR PROFESSIONALS
- LEGAL STAFF

POST CAREER INFORMATION WEBINAR - MAY 5, 2022 - 10:00AM

ZOOM REGISTRATION LINK:

[HTTPS://US06WEB.ZOOM.US/WEBINAR/REGISTER/WN_OJ97W-KMR-A6WSRGMVYETQ](https://us06web.zoom.us/webinar/register/WN_OJ97W-KMR-A6WSRGMVYETQ)

SB 2 FIELD WORKSHOPS



More Questions?

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

Email: SB2@post.ca.gov or
mark.nagel@post.ca.gov

5 Question Survey

<https://post.ca.gov/SB-2-Informational-Workshop-Survey>

