Session A

Peace Officer Certification Workshop
Selection Standards and Certification

Questions:SB2@post.ca.gov

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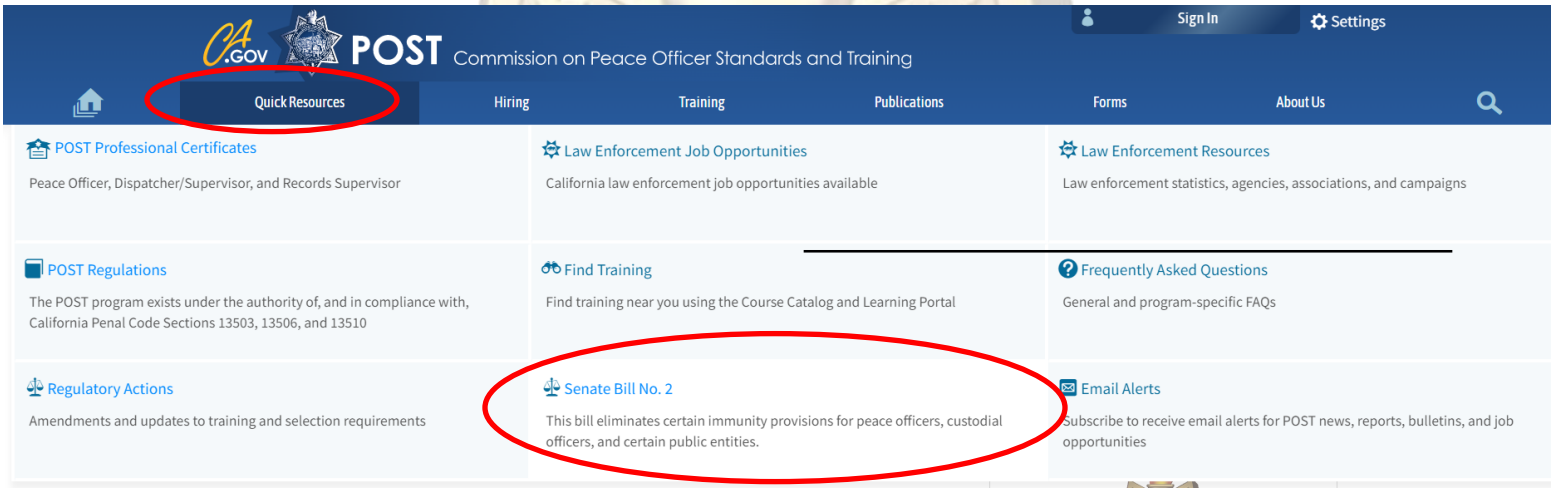
Intake and Disposition Bureau	Sarah Wallace	Sarah.wallace@post.ca.gov
Certification Bureau	Dr. Michelle Weiler	Michelle.weiler@post.ca.gov

SB2 Bill Text

[SB-2 Peace officers: certification: civil rights.]

[www.post.ca.gov]



disqualifies a person from being employed as a peace officer if that person has been convicted of, or has been 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. The bill disqualifies any person who has been certified as a peace officer by the Commission on Peace Officer Standards and Training and has surrendered that certification or had that certification revoked by the commission, or has been denied certification. The bill disqualifies any person previously employed in law enforcement in any state or United States territory or by the federal government, whose name is listed in the national decertification index, or any other database designated by the federal government, or who engaged in serious misconduct that would have resulted in their certification being revoked in this state. The bill requires a law enforcement agency employing certain peace officers to employ only individuals with a current, valid certification or pending certification.

The bill requires the Department of Justice to provide the commission with necessary disqualifying felony

Peace Officer Certification Training Series

POST is presenting a series of training courses focused on providing participants with the necessary and relevant information to comply with the legislative requirements pursuant to SB 2.

Register for one of our courses

Penal Codes for Reference

Bill Text - SB-2 Peace officers: certification: civil rights.

Penal Code PART 2. OF CRIMINAL PROCEDURE [681 - 1620]

TITLE 3. ADDITIONAL PROVISIONS REGARDING CRIMINAL PROCEDURE [777 - 883]

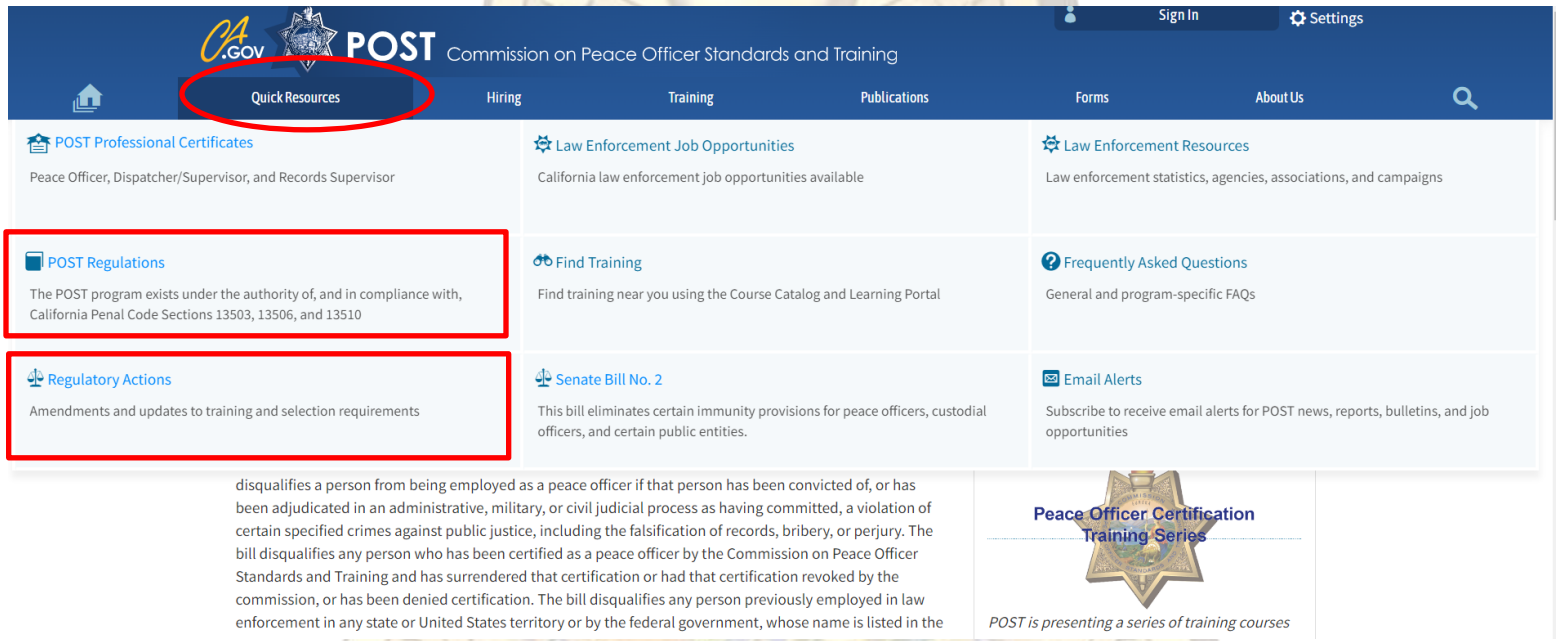
PART 4. PREVENTION OF CRIMES AND APPREHENSION OF CRIMINALS [11006 - 14315]
TITLE 6. CALIFORNIA COUNCIL ON CRIMINAL JUSTICE [13800 - 13899.1]
CHAPTER 6. California Career Criminal Apprehension Program [13850 - 13854]
PART 4. PREVENTION OF CRIMES AND APPREHENSION OF CRIMINALS [11006 - 14315]

Regulations Links for Reference

Current: [Commission Regulations https://post.ca.gov/Commission-Regulations](https://post.ca.gov/Commission-Regulations)

[Pending Approval of Regulations https://post.ca.gov/Regulatory-Actions](https://post.ca.gov/Regulatory-Actions)

To find current regulations, and pending regulations on our website please visit www.post.ca.gov and select the Quick Resources Tab:



Government Code 1029

Government Code 1029

SEC. 4. Section 1029 of the Government Code is amended to read:

1029. (a) Except as provided in subdivision (b), (c), (d), or (e), each of the following persons is disqualified from holding office as a peace officer or being employed as a peace officer of the state, county, city, city and county or other political subdivision, whether with or without compensation, and is disqualified from any office or employment by the state, county, city, city and county or other political subdivision, whether with or without compensation, which confers upon the holder or employee the powers and duties of a peace officer:

(1) Any person who has been convicted of a felony.

(2) Any person who has been convicted of any offense in any other jurisdiction which would have been a felony if committed in this state.

(3) Any person who has been discharged from the military for committing an offense, as adjudicated by a military tribunal, which would have been a felony if committed in this state.

(4) (A) Any person who, after January 1, 2004, has been convicted of a crime based upon a verdict or finding of guilt of a felony by the trier of fact, or upon the entry of a plea of guilty or nolo contendere to a felony. This paragraph applies regardless of whether, pursuant to subdivision (b) of Section 17 of the Penal Code, the court declares the offense to be a misdemeanor or the offense becomes a misdemeanor by operation of law.

(B) For purposes of this paragraph, a person has been "convicted of a crime" immediately upon entry of a plea of guilty or nolo contendere to, or upon being found guilty by a trier of fact of, a felony offense, including an offense that may be charged as a misdemeanor or felony and that was charged as a felony at the time of the conviction.

(C) Effective January 1, 2022, any person who has been convicted of a crime in accordance with this paragraph shall not regain eligibility for peace officer employment based upon the nature of any sentence ordered or imposed. In addition, no such person shall regain eligibility for peace officer employment based upon any later order of the court setting aside, vacating, withdrawing, expunging or otherwise dismissing or reversing the conviction, unless the court finds the person to be factually innocent of the crime for which they were convicted at the time of entry of the order.

(5) Any person who has been charged with a felony and adjudged by a superior court to be mentally incompetent under Chapter 6 (commencing with Section 1367) of Title 10 of Part 2 of the Penal Code.

(6) Any person who has been found not guilty by reason of insanity of any felony.

(7) Any person who has been determined to be a mentally disordered sex offender pursuant to Article 1 (commencing with Section 6300) of Chapter 2 of Part 2 of Division 6 of the Welfare and Institutions Code.

(8) Any person adjudged addicted or in danger of becoming addicted to narcotics, convicted, and committed to a state institution as provided in Section 3051 of the Welfare and Institutions Code.

(9) Any person who, following exhaustion of all available appeals, has been convicted of, or adjudicated through an administrative, military, or civil judicial process requiring not less than clear and convincing evidence, including a hearing that meets the requirements of the administrative adjudication provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2), as having committed, any act that is a violation of Section 115, 115.3, 116, 116.5, or 117 of, or of any offense described in Chapter 1 (commencing with Section 92), Chapter 5 (commencing with Section 118), Chapter 6 (commencing with Section 132), or Chapter 7 (commencing with Section 142) of Title 7 of Part 1 of the Penal Code, including any act committed in another jurisdiction that would have been a violation of any of those sections if committed in this state.

(10) Any person who has been issued the certification described in Section 13510.1 of the Penal Code, and has had that certification revoked by the Commission on Peace Officer Standards and Training, has voluntarily surrendered that certification pursuant to subdivision (f) of Section 13510.8, or having met the minimum requirement for issuance of certification, has been denied issuance of certification.

(11) Any person previously employed in law enforcement in any state or United States territory or by the federal government, whose name is listed in the National Decertification Index of the International Association of Directors of Law Enforcement Standards and Training or any other database designated by the federal government whose certification as a law enforcement officer in that jurisdiction was revoked for misconduct, or who, while employed as a law enforcement officer, engaged in serious misconduct that would have resulted in their certification being revoked by the commission if employed as a peace officer in this state.

(b) (1) A plea of guilty to a felony pursuant to a deferred entry of judgment program as set forth in Sections 1000 to 1000.4, inclusive, of the Penal Code shall not alone disqualify a person from being a peace officer unless a judgment of guilty is entered pursuant to Section 1000.3 of the Penal Code.

(2) A person who pleads guilty or nolo contendere to, or who is found guilty by a trier of fact of, an alternate felony-misdemeanor drug possession offense and successfully completes a program of probation pursuant to Section 1210.1 of the Penal Code shall not be disqualified from being a peace officer solely on the basis of the plea or finding if the court deems the offense to be a misdemeanor or reduces the offense to a misdemeanor.

(c) Any person who has been convicted of a felony, other than a felony punishable by death, in this state or any other state, or who has been convicted of any offense in any other state which would have been a felony, other than a felony punishable by death, if committed in this state, and who demonstrates the ability to assist persons in programs of rehabilitation may hold office and be employed as a parole officer of the Department of

Corrections and Rehabilitation or the Division of Juvenile Justice, or as a probation officer in a county probation department, if the person has been granted a full and unconditional pardon for the felony or offense of which they were convicted. Notwithstanding any other provision of law, the Department of Corrections and Rehabilitation or the Division of Juvenile Justice, or a county probation department, may refuse to employ that person regardless of their qualifications.

(d) This section does not limit or curtail the power or authority of any board of police commissioners, chief of police, sheriff, mayor, or other appointing authority to appoint, employ, or deputize any person as a peace officer in time of disaster caused by flood, fire, pestilence or similar public calamity, or to exercise any power conferred by law to summon assistance in making arrests or preventing the commission of any criminal offense.

(e) This section does not prohibit any person from holding office or being employed as a superintendent, supervisor, or employee having custodial responsibilities in an institution operated by a probation department if at the time of the person's hire a prior conviction of a felony was known to the person's employer, and the class of office for which the person was hired was not declared by law to be a class prohibited to persons convicted of a felony, but as a result of a change in classification, as provided by law, the new classification would prohibit employment of a person convicted of a felony.

(f) The Department of Justice shall supply the commission with necessary disqualifying felony and misdemeanor conviction data for all persons known by the department to be current or former peace officers. The commission shall be permitted to use the information for decertification purposes. The data, once received by the commission, shall be made available for public inspection pursuant to the California Public Records Act (Chapter

3.5 (commencing with Section 6250) of Division 7 of Title 1), including documentation of the person's appointment, promotion, and demotion dates, as well as certification or licensing status and the reason or disposition for the person leaving service.

Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2), as having committed, any act that is a violation of Section 115, 115.3, 116, 116.5, or 117 of, or of any offense described in Chapter 1 (commencing with Section 92), Chapter 5 (commencing with Section 118), Chapter 6 (commencing with Section 132), or Chapter 7 (commencing with Section 142) of Title 7 of Part 1 of the Penal Code, including any act committed in another jurisdiction that would have been a violation of any of those sections if committed in this state.

(12) Any person who has been issued the certification described in Section 13510.1 of the Penal Code, and has had that certification revoked by the Commission on Peace Officer Standards and Training, has voluntarily surrendered that certification pursuant to subdivision (f) of Section 13510.8, or having met the minimum requirement for issuance of certification, has been denied issuance of certification.

(13) Any person previously employed in law enforcement in any state or United States territory or by the federal government, whose name is listed in the National Decertification Index of the International Association of Directors of Law Enforcement Standards and Training or any other database designated by the federal government whose certification as a law enforcement officer in that jurisdiction was revoked for misconduct, or who, while employed as a law enforcement officer, engaged in serious misconduct that would have resulted in their certification being revoked by the commission if employed as a peace officer in this state.

(g) (1) A plea of guilty to a felony pursuant to a deferred entry of judgment program as set forth in Sections 1000 to 1000.4, inclusive, of the Penal Code shall not alone disqualify a person from being a peace officer unless a judgment of guilty is entered pursuant to Section 1000.3 of the Penal Code.

(2) A person who pleads guilty or nolo contendere to, or who is found guilty by a trier of fact of, an alternate felony-misdemeanor drug possession offense and successfully completes a program of probation pursuant to Section 1210.1 of the Penal Code shall not be disqualified from being a peace officer solely on the basis of the plea or finding if the court deems the offense to be a misdemeanor or reduces the offense to a misdemeanor.

(h)Any person who has been convicted of a felony, other than a felony punishable by death, in this state or any other state, or who has been convicted of any offense in any other state which would have been a felony, other than a felony punishable by death, if committed in this state, and who demonstrates the ability to assist persons in programs of rehabilitation may hold office and be employed as a parole officer of the Department of Corrections and Rehabilitation or the Division of Juvenile Justice, or as a probation officer in a county probation department, if the person has been granted a full and unconditional pardon for the felony or offense of which they were convicted. Notwithstanding any other provision of law, the Department of Corrections and Rehabilitation or the Division of Juvenile Justice, or a county probation department, may refuse to employ that person regardless of their qualifications.

(i) This section does not limit or curtail the power or authority of any board of police commissioners, chief of police, sheriff, mayor, or other appointing authority to appoint, employ, or deputize any person as a peace officer in time of disaster caused by flood, fire, pestilence or similar public calamity, or to exercise any power conferred by law to summon assistance in making arrests or preventing the commission of any criminal offense.

(j) This section does not prohibit any person from holding office or being employed as a superintendent, supervisor, or employee having custodial responsibilities in an institution operated by a probation department if at the time of the person's hire a prior conviction of a felony was known to the person's employer, and the class of office for which the person was hired was not declared by law to be a class prohibited to persons convicted of a felony, but as a result of a change in classification, as provided by law, the new classification would prohibit employment of a person convicted of a felony.

(k) The Department of Justice shall supply the commission with necessary disqualifying felony and misdemeanor conviction data for all persons known by the department to be current or former peace officers. The commission shall be permitted to use the information for decertification purposes. The data, once received by the commission, shall be made available for public inspection pursuant to the California Public Records Act (Chapter

3.5 (commencing with Section 6250) of Division 7 of Title 1), including documentation of the person's appointment, promotion, and demotion dates, as well as certification or licensing status and the reason or disposition for the person leaving service.

National Decertification Index

https://www.iadlest.org/our-services/ndi/about-ndi

Select Language

International Association of Directors of Law Enforcement Standards and Training

Search...

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About NDI

- About
- NLEARN +
- NDI −
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  - Request NDI Access
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- Curriculum Development & JTA
- Academy Innovations
- Accreditation +
- ForcePolicyCertification
- POST Agency Audit
- Model Standards
- IADLEST Store +
- IADLEST Gear
- CRI-TAC

The purpose of the National Decertification Index (NDI) is to serve as a national registry of certificate or license revocation actions relating to officer misconduct. The records contained in the NDI are provided by participating state government agencies and should be verified with the contributing authority. Inclusion in the database does not necessarily preclude any individual from appointment as an officer.

For additional information, contact Mike Becar, Executive Director.

NDI Brochure Frequently Asked Questions (FAQ)

NDI Podcast

The Executive Director of IADLEST shares information on the NDI. He discusses what information is included, who is entering records, who has access and how the system works. (14 minutes)

How the NDI Works

The NDI currently contains **32677** actions reported by **46** certifying agencies.

Request Access To The NDI

CALIFORNIA applicants begin here:

CALIFORNIA Applicants

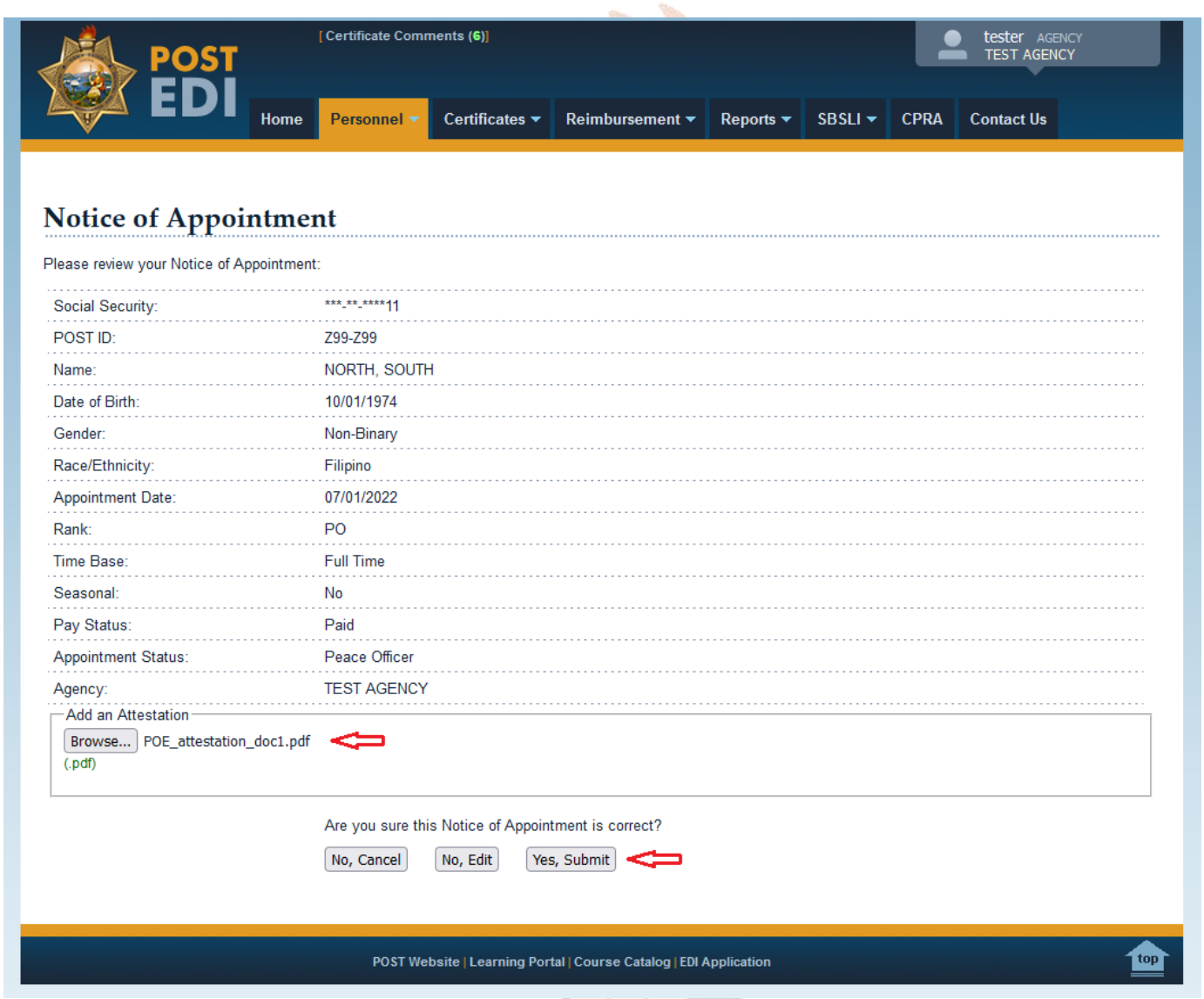
Log Into NDI

NDI Expansion Project

The International Association of Directors of Law Enforcement Standards and Training (IADLEST) is seeking information as outlined in this Request for Information, regarding a project to expand the National Decertification Index (NDI).

The purpose of this project is to modify and expand the functionality of the NDI pursuant to the requirements of a Presidential Executive Order.

Notice of Appointment



Attestation of Peace Officer Eligibility

State of California – Department of Justice
ATTESTATION OF PEACE OFFICER ELIGIBILITY
POST 2-356 (03/2022)
Page 1 of 3

Commission on
Peace Officer Standards and Training (POST)
860 Stillwater Road, Suite 100
West Sacramento, CA 95605-1630 • 916 227-3909

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 ☐ Male ☐ Female ☐ Non-binary	8. AGENCY

SECTION 2: ATTESTATION

9. For all applicants *(Initials required by employing agency hiring authority)*:

_____ 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)*:

_____ 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.

_____ 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

DRAFT

Affidavit of Separation

State of California – Department of Justice
AFFIDAVIT OF SEPARATION
POST 2-357 (03/2022)
Page 1 of 2

RESET PRINT

Commission on
Peace Officer Standards and Training (POST)
860 Stillwater Road, Suite 100
West Sacramento, CA 95605-1630 • 916 227-3909

INFORMATION PRIVACY ACT: Pursuant to the Federal Privacy Act (Public Law 93-579) and the Information Practices Act (IPA) of 1977 (Civil Code Sections 1798, et seq.), notice is hereby given for the request 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 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 ☐ Male ☐ Female ☐ 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*)
☐ American Indian or Alaska Native ☐ Asian ☐ Black or African American ☐ Filipino ☐ Hispanic or Latino
☐ Native Hawaiian or Pacific Islander ☐ White ☐ Other

8. RANK / CLASSIFICATION (Select and enter the POST Code from the list — *See INSTRUCTIONS for Rank/Class*)	9. AGENCY NAME

SECTION 2: TERMINATION / SEPARATION

10. DATE OF FINAL SEPARATION (MM/DD/YYYY)

11. REASON FOR SEPARATION
☐ Retired ☐ Resigned ☐ Deceased ☐ Involuntary Separation
☐ 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?
☐ Yes ☐ No
If yes, please check the appropriate box:
☐ Criminal Charge or Investigation
☐ Civil Charge or Investigation
☐ Administrative Charge or Investigation

13. REASON FOR SEPARATION DUE TO MISCONDUCT PER COMMISSION REGULATION 1205
Indicate Reason(s) For Discharge Related to Misconduct (Choose all that apply)
☐ Dishonesty ☐ Abuse of Power ☐ Physical Abuse ☐ Sexual Assault
☐ Demonstrating Bias ☐ Egregious Repeated Acts ☐ Law Enforcement Gang
☐ Failure to Cooperate with Investigation ☐ Failure to Intercede
☐ 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: AGENCY HEAD OR THEIR DESIGNEE

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:

DRAFT

Basic Certificate

Any peace officer employed by a POST-participating agency who successfully completes the appropriate basic course for their classification and successfully completes their agency's probationary period

Any peace officer employed by a non-POST-participating agency whose classification requires a Basic Certificate pursuant to Penal Code Section 832.4

GAVIN NEWSOM
GOVERNOR

STATE OF CALIFORNIA
DEPARTMENT OF JUSTICE

XAVIER BECERRA
ATTORNEY GENERAL

The

Commission on Peace Officer Standards and Training

Hereby awards the

Basic Certificate

to

TEST
STATE UNIVERSITY POLICE

February 13, 2020

For having fulfilled the requirements for character, education, training, and experience as prescribed in Title 11, Division 2, of the California Code of Regulations.

JOYCE E. DUDLEY
CHAIR

B 173301

MANUEL ALVAREZ, JR.
EXECUTIVE DIRECTOR

Session B

Reporting Requirements and Decertification Investigation Process

Questions: SB2@post.ca.gov

Decertification Workflow

Peace Officer Decertification Workflow

Allegations of Serious Misconduct	• Reported to POST by employing agency within 10 days • Citizen complaint made to POST • POST initiated case
Agency Investigation	• Disciplinary investigation completed by agency • Agency forwards completed investigation to POST for decertification investigation
POST Investigation	• POST reviews agency investigation • POST conducts further investigation, if necessary • POST determines if serious misconduct occured
POST Recommendation	• If serious misconduct did not occur, POST notifies peace officer and closes case with no further action taken • If serious misconduct did occur, POST makes recommendation to decertify peace officer
Decertification Action	• POST notifies peace officer of intent to decertify • Peace officer has 30 days to request review of recommended action before the Peace Officer Accountability Advisory Board
Decertification Action (continued)	• If peace officer does not request a review, the recommendation to decertify by POST stands without further proceedings • If review is requested, POST schedules hearing before the Board

1

Peace Officer Standards Accountability Advisory Board Review	• Board conducts public hearing on the decertification case • Board reviews POST investigation findings and decertification recommendation • Board makes written recommendation to the Commission by majority vote on what action should be taken against the peace officer
Commission on Peace Officer Standards and Training	• Reviews recommendation made by the Board • The Commission's decision to accept or reject a recommendation by the Board shall be made by a two-thirds vote of Commissioners present • Commission returns decision to POST
Administrative Law Judge	• If the Commission moves to take action, POST initiates proceedings for a formal hearing before an Administrative Law Judge • If the Commission rejects the recommendation, no further action is taken unless additional investigation is requested
Commission Final	• The Commission moves to accept or reject the decision of the Administrative Law Judge • The Commission makes the final decision and required notifications are made

Retroactive Reporting (Jan 1, 2023)

By July 1, 2023 !

January 1, 2020 → **December 31, 2021**

Not Actionable

- Abuse of Power
- Physical Abuse
- Bias
- Acts that violate law
- LE Gang
- Fail to Cooperate
- Fail to Intercede
- Any finding or recommendation by a civilian oversight entity
- Any civil judgement or court finding or settlement of civil claim

Actionable

- Dishonesty
- Sexual Assault
- Deadly force that results in SBI or death *Relevant to misconduct category

* Actionable if investigation is complete after January 1, 2022

January 1,2022 →

Actionable

- Dishonesty
- Abuse of Power
- Physical Abuse
- Sexual Assault
- LE Gang
- Bias
- Acts that violate law
- Fail to Cooperate
- Fail to Intercede
- Any finding or recommendation by a civilian oversight entity
- Any civil judgement or court finding or settlement of civil claim

13510.8 Serious Misconduct

(a)(1) A certified peace officer shall have their certification revoked if the person is or has become ineligible to hold office as a peace officer pursuant to section 1029 of the Government Code.

2) A peace officer may have their certification suspended or revoked if the person has been terminated for cause from employment as a peace officer for, or has, while employed as a peace officer, otherwise engaged in, any serious misconduct as described in subdivision (b).

b) By January 1, 2023, the commission shall adopt by regulation a definition of "serious misconduct" that shall serve as the criteria to be considered for ineligibility for, or revocation of, certification. This definition shall include all of the following:

(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.

(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 Section 832.7.

(5) Demonstrating bias on the basis of 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.

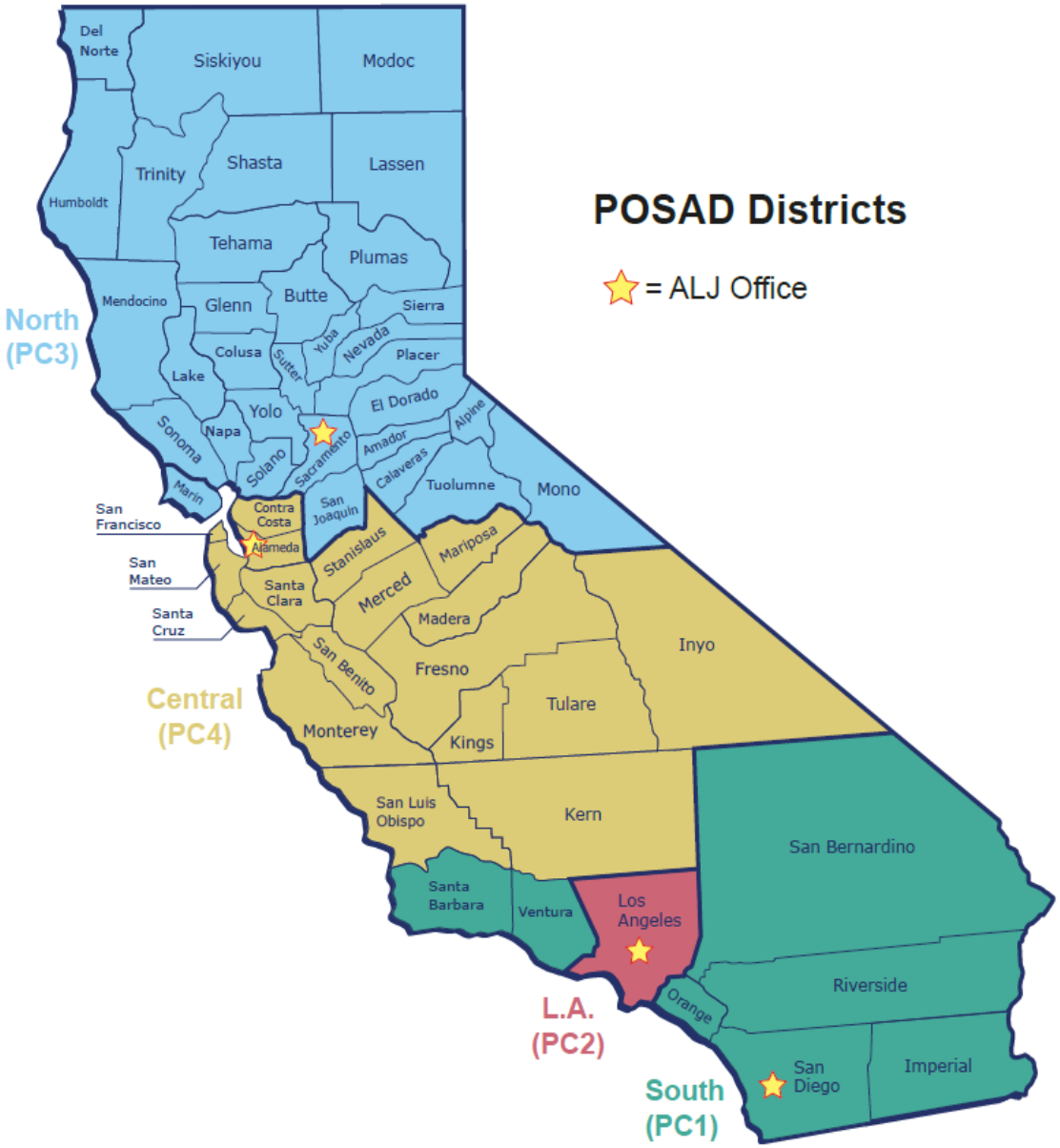
(6) Acts that violate the law and are sufficiently egregious or repeated as to be inconsistent with a peace officer's obligation to uphold the law or respect the rights of members of the public, as determined by the commission. Whether a particular factual or legal determination in a prior appeal proceeding shall have preclusive effect in proceedings under this chapter shall be governed by the existing law of collateral estoppel.

(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, excluding, 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.

POSAD Districts



California Commission on Peace Officer Standards and Training

SESSION - A

PEACE OFFICER CERTIFICATION WORKSHOP

SELECTION STANDARDS AND CERTIFICATION

INTRODUCTIONS

- Facilitator Introductions
- Student Introductions – Name, Agency, Role
- Housekeeping – Roster, Restrooms, Breaks

EXPECTATIONS
1 2 3 4 5 6 7 8

DISCLAIMER

This course is intended as an overview of the major certification requirements of Senate Bill No. 2 (SB 2). This course should not be construed as legal advice. Questions and advice about the specific provisions of SB 2, including the applicability to given circumstances, should be discussed with competent legal counsel.

GOALS OF PRESENTATION

1

BROAD OVERVIEW OF SENATE BILL 2 (SB 2), FOCUS ON HIRING /SELECTION AND APPOINTMENT/TERMINATIONS

2

DISPEL MYTHS ABOUT THE ROLE OF POST

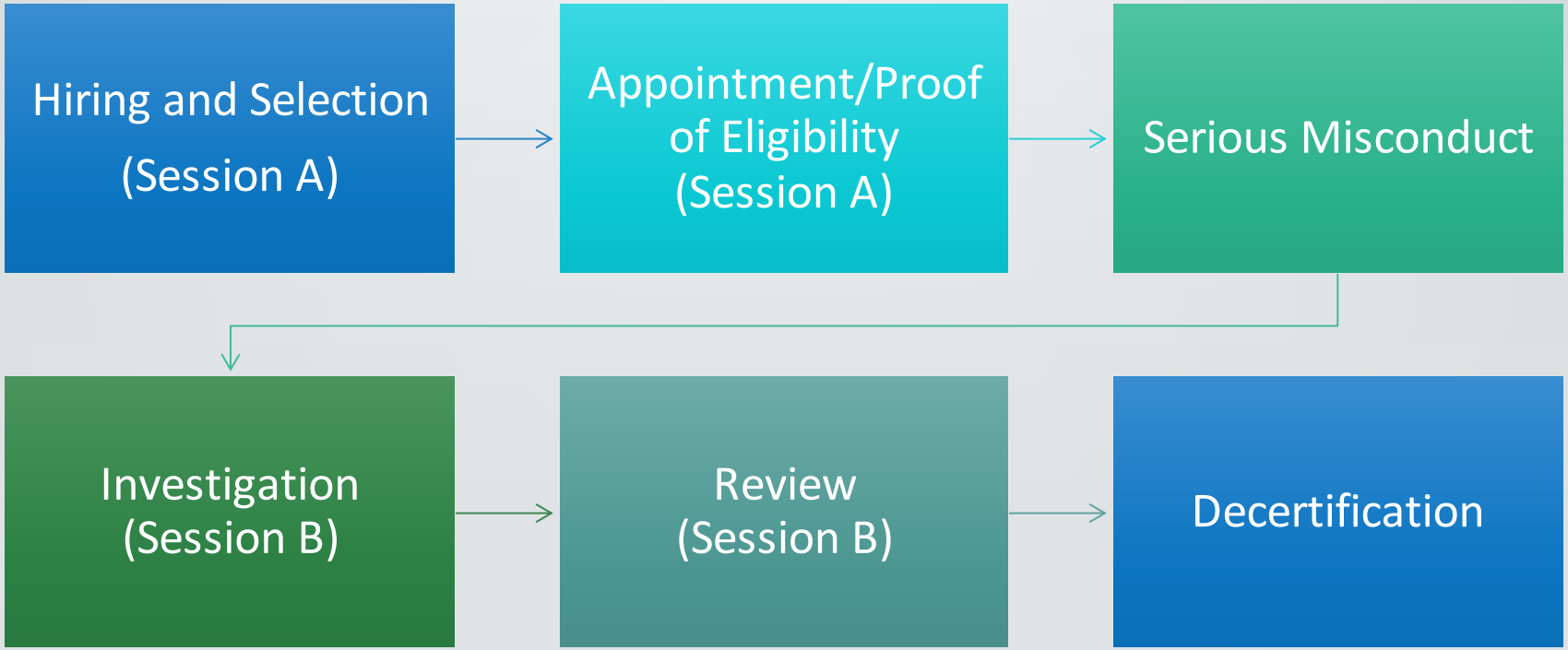
3

ANSWER LINGERING QUESTIONS

TOPICS

- Background Processes
- Notice of Appointment and Proof of Eligibility (POE)
- Basic Certificates

SB 2 AND A PEACE OFFICER'S CAREER



HIRING AND SELECTION

APPOINTMENT

PROOF OF ELIGIBILITY OR BASIC CERT

CAREER

SEPARATION

REFERENCE MATERIAL

HTTPS://POST.CA.GOV/SB-2

OVERVIEW OF SENATE BILL 2

- Affected Government Codes
  - GC 1029
  - GC 1031.4
- Affected Penal Codes
  - PC 832.12
  - PC 13509.5
  - PC 13510.1
  - PC 13510.8
  - PC 13510.85
  - PC 13510.9

BACKGROUND PROCESSES

- Effective January 1, 2022
- Changes to:
  - GC 1029
  - GC 1031.4
- Applies to all officers (with some exceptions)

LEARNING ACTIVITY – IDENTIFY GOVERNMENT CODE 1029 ADDITIONS

- At your tables:
  - Review Government Code 1029
  - Identify ONE new addition to the Code that has been adopted since January 1, 2022
  - Report back to the rest of the class on the addition, and how your agency is currently screening for that specific disqualifier

NEW 1029 DISQUALIFIER

(3) Any person who has been discharged from the military for committing an offense, as adjudicated by a military tribunal, which would have been a felony if committed in this state.

BACKGROUND PROCESSES

- Effective January 1, 2022
  - Military felonies
  - Shall not regain eligibility based upon the nature of the sentence imposed.
  - Following exhausting of all appeals-administrative, military, or civil judicial process
  - Certification revoked or surrendered
  - Previously employed and revoked for misconduct or who committed serious misconduct

NEW 1029 DISQUALIFIER

(4)(B) For purposes of this paragraph, a person has been “convicted of a crime” immediately upon entry of a plea of guilty or nolo contendere to, or upon being found guilty by a trier of fact of, a felony offense, including an offense that may be charged as a misdemeanor or felony and that was charged as a felony at the time of the conviction.

NEW 1029 DISQUALIFIER

(C) Effective January 1, 2022, any person who has been convicted of a crime in accordance with this paragraph shall not regain eligibility for peace officer employment based upon the nature of any sentence ordered or imposed. In addition, no such person shall regain eligibility for peace officer employment based upon any later order of the court setting aside, vacating, withdrawing, expunging or otherwise dismissing or reversing the conviction, unless the court finds the person to be factually innocent of the crime for which they were convicted at the time of entry of the order.

NEW 1029 DISQUALIFIER

(9) Any person who, following exhaustion of all available appeals, has been convicted of, or adjudicated through an administrative, military, or civil judicial process requiring not less than clear and convincing evidence, including a hearing that meets the requirements of the administrative adjudication provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2), as having committed, any act that is a violation of Section 115, 115.3, 116, 116.5, or 117 of, or of any offense described in Chapter 1 (commencing with Section 92), Chapter 5 (commencing with Section 118), Chapter 6 (commencing with Section 132), or Chapter 7 (commencing with Section 142) of Title 7 of Part 1 of the Penal Code, including any act committed in another jurisdiction that would have been a violation of any of those sections if committed in this state.

NEW 1029 DISQUALIFIER

(10) Any person who has been issued the certification described in Section 13510.1 of the Penal Code and has had that certification revoked by the Commission on Peace Officer Standards and Training, has voluntarily surrendered that certification pursuant to subdivision (f) of Section 13510.8, or having met the minimum requirement for issuance of certification, has been denied issuance of certification.

NEW 1029 DISQUALIFIER

(11) Any person previously employed in law enforcement in any state or United States territory or by the federal government, whose name is listed in the National Decertification Index of the International Association of Directors of Law Enforcement Standards and Training or any other database designated by the federal government whose certification as a law enforcement officer in that jurisdiction was revoked for misconduct, or who, while employed as a law enforcement officer, engaged in serious misconduct that would have resulted in their certification being revoked by the commission if employed as a peace officer in this state.

SERIOUS MISCONDUCT

- Dishonesty
- Abuse of power
- Physical abuse
- Sexual assault
- Demonstrating bias
- Acts that violate the law that are sufficiently egregious or repeated
- Participation in a law enforcement gang
- Failure to cooperate with an investigation into potential police misconduct
- Failure to intercede

BACKGROUND PROCESSES

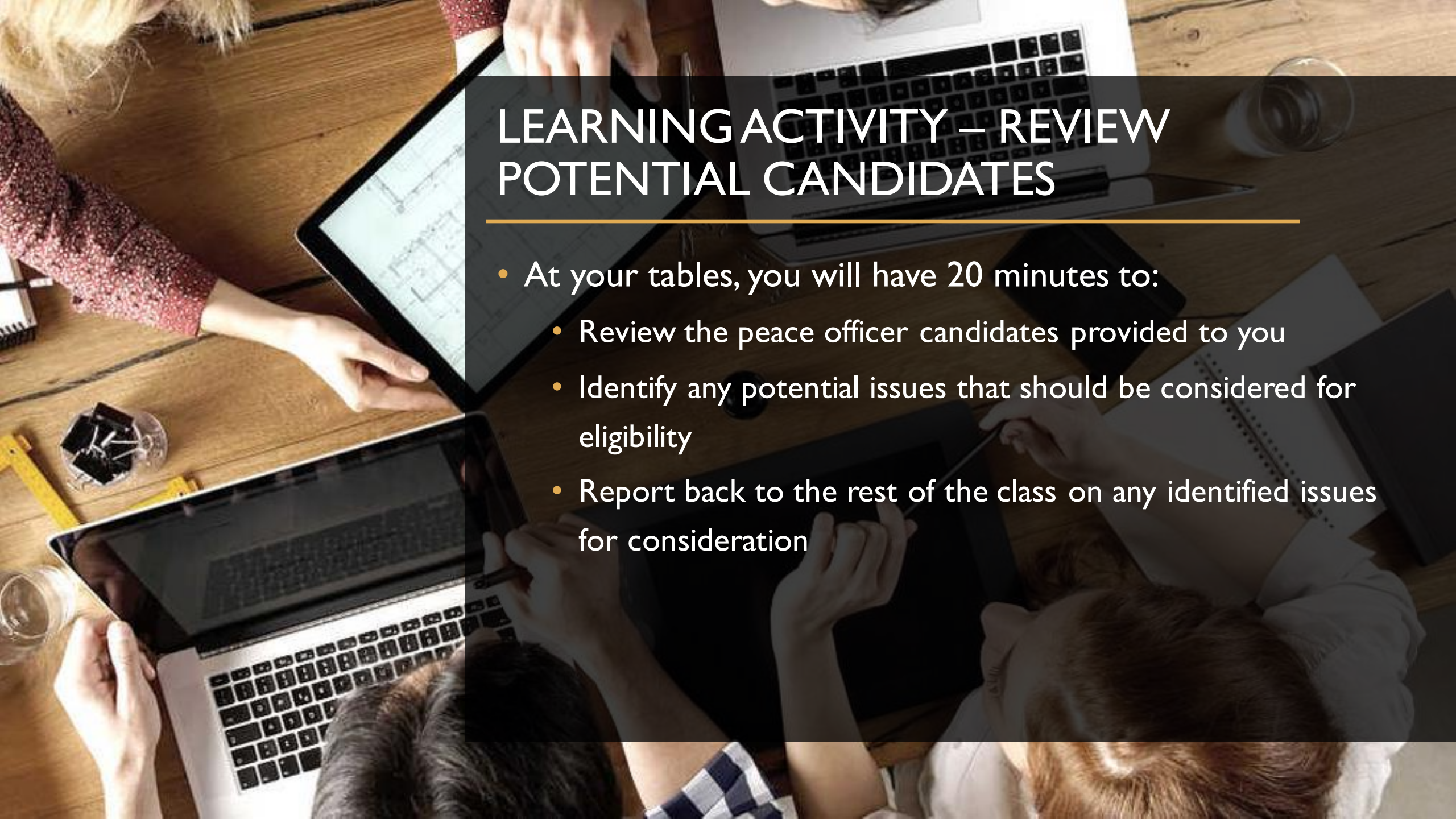
- Officers with prior law enforcement experience
  - National Decertification Index (NDI)
  - Penal Code 832.12
    - Sharing of background report – Regulation 1953(g)(3).
  - Agency inquiries to POST (Beginning 2023)
    - Access
    - Termination/Certificate status
    - Information required to be released pursuant to Penal Code13510.9

BACKGROUND PROCESSES

- New requirement January 1, 2023
  - Verification of Qualification for Peace Officer Appointment
  - Common oversights and problems

BACKGROUND PROCESSES

- Hiring and Selection
  - Changes to Personal History Statement (PHS)
  - Changes to Background Investigation Manual
  - Changes to Background Investigator training requirements – Reg 1953/1959



LEARNING ACTIVITY – REVIEW POTENTIAL CANDIDATES

- At your tables, you will have 20 minutes to:
  - Review the peace officer candidates provided to you
  - Identify any potential issues that should be considered for eligibility
  - Report back to the rest of the class on any identified issues for consideration

NEW APPOINTMENTS, PROOFS OF ELIGIBILITY, BASIC CERTIFICATES, AND AFFIDAVITS OF SEPARATION

- Impact of SB2
- New Regulation 1202
- Existing Regulation 1011
- Attestation of Peace Officer Eligibility Form will now be required with a notice of appointment of a peace officer within 10 days.
- Affidavit of Separation will now be required for any separation from the employing agency within 10 days.

PROOF OF ELIGIBILITY (POE)

- What is it?
  - A certification that confirms an individual is eligible to be a peace officer in the State of California.
  - Certification means a valid or unexpired POE or Basic
    - POE Expires upon separation, or
    - Basic Certificate is awarded
  - POE is Non-transferable
- Who does it apply to ?
  - Applies to both POST and Non-POST participating agencies.

* CDCR, parole officers, probation officers, and reserve officers from a non-POST participating agencies are not subject to SB2.

PROOF OF ELIGIBILITY (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 employed by a POST participating agency.
  - PC 830.1
    - PC 830.1 (c) Jail Deputies
  - PC 830.2, except those described in subdivision (d) (CDCR)
  - PC 830.3
  - PC 830.32
  - PC 830.33

*Note: 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 SB2 requirements.

PROOF OF ELIGIBILITY (POE)

- Gap Year
  - Hiring standards are now in effect.
  - On January 1, 2023, POST will automatically issue the POE to all eligible peace officers who are properly appointed by an agency prior to December 31, 2022, but who do not currently possess a Basic Certificate.
  - After January 1, 2023, agencies must submit an Attestation of Peace Officer Eligibility form when appointing an eligible peace officer rank in EDI.

ATTESTATION OF PEACE OFFICER ELIGIBILITY

State of California – Department of Justice
ATTESTATION OF PEACE OFFICER ELIGIBILITY
POST 2-356 (03/2022)
Page 1 of 3

Commission on
Peace Officer Standards and Training (POST)
860 Stillwater Road, Suite 100
West Sacramento, CA 95605-1630 • 916 227-3909

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 ☐ Male ☐ Female ☐ Non-binary	8. AGENCY

SECTION 2: ATTESTATION

9. For all applicants *(Initials required by employing agency hiring authority)*:

_____ 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)*:

_____ 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.

_____ 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

DRAFT

NOTICE OF APPOINTMENT STATUS

- APPROVED – The newly appointed peace officer has been added to the agency roster. If a Proof of Eligibility (POE) is required, it will be automatically issued by POST.
- RETURNED – Errors were found on the Attestation Form, and it was returned to the agency.
- CANCELLED – Attestation was completed, and the peace officer was added to the POST agency roster. However, the compliance audit revealed an incomplete file or disqualifying factor.
- DENIED – Disqualify factors were discovered or not a qualifying peace officer classification.

APPOINTMENT STATUS RETURNED OR DENIED

- How to remedy the situation?
  - Initial 30 days to correct with subsequent extensions(s) as authorized by POST.
- What does this mean for agencies and the involved officer?
  - May delay the appointment to the POST Roster and issuance of a POE.
  - May delay the appointment to the POST Roster and issuance of a POE.

AFFIDAVIT OF SEPARATION

- What is it?
  - A notice to POST that a peace officer is separating from employment.
- How is it Submitted?
  - The agency shall complete and upload the Affidavit of Separation to the Electronic Data Interchange (EDI) within 10 days of any separation.
  - The Affidavit of Separation shall be signed by the agency head or designee under penalty of perjury.

AFFIDAVIT OF SEPARATION
POST 2-357

Reasons for Separation:

- Retired
- Resigned
- Deceased
- Involuntary Separation
- Resigned/Retired Pending Complaint, Administrative Charge, or Investigation for misconduct

State of California – Department of Justice
AFFIDAVIT OF SEPARATION
POST 2-357 (03/2022)
Page 1 of 2

RESET PRINT

Commission on
Peace Officer Standards and Training (POST)
860 Stillwater Road, Suite 100
West Sacramento, CA 95605-1630 • 916 227-3909

INFORMATION PRIVACY ACT: Pursuant to the Federal Privacy Act (Public Law 93-579) and the Information Practices Act (IPA) of 1977 (Civil Code Sections 1798, et seq.), notice is hereby given for the request 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 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 ☐ Male ☐ Female ☐ 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*)
☐ American Indian or Alaska Native ☐ Asian ☐ Black or African American ☐ Filipino ☐ Hispanic or Latino
☐ Native Hawaiian or Pacific Islander ☐ White ☐ Other
8. RANK / CLASSIFICATION (Select and enter the POST Code from the list — *See INSTRUCTIONS for Rank/Class*)
9. AGENCY NAME

SECTION 2: TERMINATION / SEPARATION

10. DATE OF FINAL SEPARATION (MM/DD/YYYY)
11. REASON FOR SEPARATION
☐ Retired ☐ Resigned ☐ Deceased ☐ Involuntary Separation
☐ 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?
☐ Yes ☐ No
If yes, please check the appropriate box:
☐ Criminal Charge or Investigation
☐ Civil Charge or Investigation
☐ Administrative Charge or Investigation
13. REASON FOR SEPARATION DUE TO MISCONDUCT PER COMMISSION REGULATION 1205
Indicate Reason(s) For Discharge Related to Misconduct (Choose all that apply)
☐ Dishonesty ☐ Abuse of Power ☐ Physical Abuse ☐ Sexual Assault
☐ Demonstrating Bias ☐ Egregious Repeated Acts ☐ Law Enforcement Gang
☐ Failure to Cooperate with Investigation ☐ Failure to Intercede
☐ 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: AGENCY HEAD OR THEIR DESIGNEE

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:

DRAFT

POST EDI

[Certificate Comments (0)]

Home | Personnel | Certificates | Reimbursement | Reports | SBSLI | CPR

Notice of Separation

Social Security #: ***-**-**74

POST ID: C06-D74

Name: HOUSTON, MATT

Date of Final Separation: (format: mm/dd/yyyy)

September, 2022

Su	Mo	Tu	We	Th	Fr	Sa
28	29	30	31	1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	1
2	3	4	5	6	7	8

Today: September 19, 2022

Reason For Separation:

Resolution or Settlement: art of a resolution or settlement?

Reason for Separation Due to Misconduct Disqualifiers:

Indicate Reason(s) For Discharge Related to Misconduct (Choose all that apply)

☐ Dishonesty ☐ Abuse of Power ☐ Physical Abuse ☐ Sexual Assault

☐ Demonstrating Bias ☐ Egregious Repeated Acts ☐ Law Enforcement Gang

☐ Non-Cooperate with Investigation ☐ Failure to Intervene ☐ Other

Continue...

POST EDI

[Certificate Comments (0)]

Home | Personnel | Certificates | Reimbursement | Reports | SBSLI | CPRA | Co

Notice of Separation

Social Security #: ***-**-**74

POST ID: C06-D74

Name: HOUSTON, MATT

Date of Final Separation: 09/08/2022 (format: mm/dd/yyyy)

Reason For Separation: Choose One

- Choose One
- Resigned
- Retired
- Deceased
- Involuntary Termination
- Resigned/Retired Pending Complaint, Administrative Charge, or Investigation

Resolution or Settlement:

Reason for Separation Due to Misconduct Disqualifiers:

Indicate Reason(s) For Discharge Related to Misconduct (Choose all that apply)

☐ Dishonesty ☐ Abuse of Power ☐ Physical Abuse ☐ Sexual Assault

☐ Demonstrating Bias ☐ Egregious Repeated Acts ☐ Law Enforcement Gang

☐ Non-Cooperate with Investigation ☐ Failure to Intervene ☐ Other

Continue...

POST EDI

[Certificate Comments (0)]

bpitt AGENCY
TEST AGENCY

Home | Personnel | Certificates | Reimbursement | Reports | SBSLI | CPRA | Contact Us

Notice of Separation

Social Security #:	***-**-**74
POST ID:	C06-D74
Name:	HOUSTON, MATT
Date of Final Separation:	09/08/2022 (format: mm/dd/yyyy)
Reason For Separation:	Resigned/Retired Pending Complaint, Administrative Charge, or Investigation

Resolution or Settlement:

Was the reason for separation part of a resolution or settlement?

- (●) Yes
- ( ) No

If yes, please check the approriate box:

- (●) Criminal Charge or Investigation
- ( ) Civil Charge or Investigation
- ( ) Administrative Charge or Investigation

Reason for Separation Due to Misconduct Disqualifiers:

Indicate Reason(s) For Discharge Related to Misconduct (Choose all that apply)

- [x] Dishonesty
- [ ] Abuse of Power
- [ ] Physical Abuse
- [ ] Sexual Assault
- [x] Demonstrating Bias
- [ ] Egregious Repeated Acts
- [x] Law Enforcement Gang
- [ ] Non-Cooperate with Investigation
- [ ] Failure to Intervene
- [ ] Other

Continue...

POST EDI

[Certificate Comments (0)]

bpitt AGENCY
TEST AGENCY

Home | Personnel | Certificates | Reimbursement | Reports | SBSLI | CPRA | Contact Us

Notice of Separation

Please review your Notice of Separation and upload an Affidavit of Separation:

Social Security:	***-**-**74
POST ID:	C06-D74
Name:	HOUSTON, MATT
Date of Birth:	01/01/1950
Gender:	Male
Race/Ethnicity:	White
Rank Date:	06/01/2017
Rank:	SGT
Time Base:	Full Time
Seasonal:	No
Pay Status:	Paid
Appointment Status:	
Agency:	TEST AGENCY
Date Of Final Separation:	09/08/2022
Reason For Separation:	Resigned/Retired Pending Complaint, Administrative Charge, or Investigation
Resolution or Settlement Reason (If Any):	Criminal Charge or Investigation
Reason For Separation Due to Misconduct Disqualifers (If Any):	Dishonesty, Demonstrating Bias, Law Enforcement Gang

Add Affidavit of Separation:

Download a blank Affidavit of Separation (form POST 2-357)

Browse... No file selected.

Are you sure this Notice of Separation is correct?

No, Cancel | No, Edit | Yes, Submit

POST Website | Learning Portal | Course Catalog | EDI Application

top

BASIC CERTIFICATES

- Who must possess a Basic Certificate?
  - Any peace officer employed by a POST-participating agency who successfully completes the appropriate basic course for their classification and successfully completes their agency's probationary period
  - Any peace officer employed by a non-POST participating agency whose classification requires a Basic Certificate pursuant to Penal Code Section 832.4

GAVIN NEWSOM
GOVERNOR

STATE OF CALIFORNIA
DEPARTMENT OF JUSTICE

XAVIER BECERRA
ATTORNEY GENERAL

The
Commission on Peace Officer Standards and Training
Hereby awards the
Basic Certificate
to
TEST
STATE UNIVERSITY POLICE
February 13, 2020
For having fulfilled the requirements for character, education, training, and experience as prescribed in Title 11, Division 2, of the California Code of Regulations.

JOYCE E. DUDLEY
CHAIR

B 173301

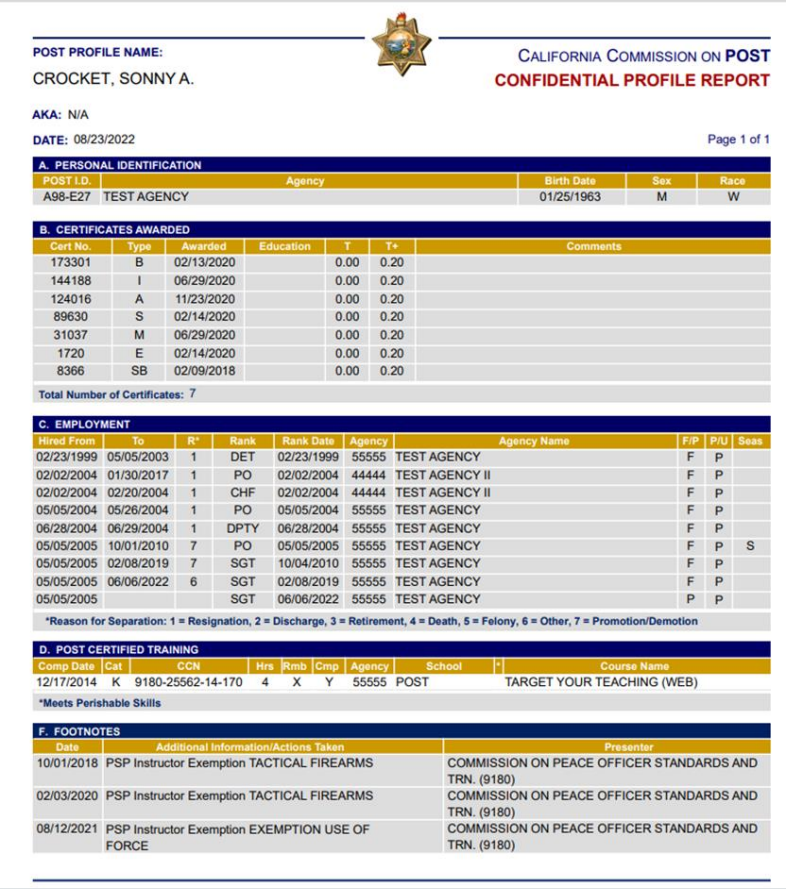
MANUEL ALVAREZ, JR.
EXECUTIVE DIRECTOR

ACTIONS AGAINST A POE OR BASIC CERTIFICATE

- Cancellation – Due to administrative error
- Immediate Temporary Suspension – Executive Director
  - Arrest or indictment for any crime described in GC 1029
  - Discharge from employment due to ineligibility pursuant to GC 1029
  - Separation pending investigation into allegations of serious misconduct
- Suspension – Commission (not more than 3 years)
- Revocation – Commission Decision (This will be discussed later in the afternoon)

CERTIFICATES STATUS ON PROFILE

- Effective January 1, 2023
  - Active – Current and Valid
  - Canceled – Administrative
  - Inactive – Three-year or longer in qualifying employment
  - Revoked – Commission
  - Suspended – Commission or directive from Executive Director



POST PROFILE NAME:
CROCKET, SONNY A.

CALIFORNIA COMMISSION ON **POST**
CONFIDENTIAL PROFILE REPORT

AKA: N/A

DATE: 08/23/2022

Page 1 of 1

A. PERSONAL IDENTIFICATION

POST I.D.	Agency	Birth Date	Sex	Race
A98-E27	TEST AGENCY	01/25/1963	M	W

B. CERTIFICATES AWARDED

Cert No.	Type	Awarded	Education	T	T+	Comments
173301	B	02/13/2020		0.00	0.20	
144188	I	06/29/2020		0.00	0.20	
124016	A	11/23/2020		0.00	0.20	
89630	S	02/14/2020		0.00	0.20	
31037	M	06/29/2020		0.00	0.20	
1720	E	02/14/2020		0.00	0.20	
8366	SB	02/09/2018		0.00	0.20	

Total Number of Certificates: 7

C. EMPLOYMENT

Hired From	To	R*	Rank	Rank Date	Agency	Agency Name	F/P	P/U	Seas
02/23/1999	05/05/2003	1	DET	02/23/1999	55555	TEST AGENCY	F	P	
02/02/2004	01/30/2017	1	PO	02/02/2004	44444	TEST AGENCY II	F	P	
02/02/2004	02/20/2004	1	CHF	02/02/2004	44444	TEST AGENCY II	F	P	
05/05/2004	05/26/2004	1	PO	05/05/2004	55555	TEST AGENCY	F	P	
06/28/2004	06/29/2004	1	DPTY	06/28/2004	55555	TEST AGENCY	F	P	
05/05/2005	10/01/2010	7	PO	05/05/2005	55555	TEST AGENCY	F	P	S
05/05/2005	02/08/2019	7	SGT	10/04/2010	55555	TEST AGENCY	F	P	
05/05/2005	06/06/2022	6	SGT	02/08/2019	55555	TEST AGENCY	F	P	
05/05/2005			SGT	06/06/2022	55555	TEST AGENCY	P	P	

*Reason for Separation: 1 = Resignation, 2 = Discharge, 3 = Retirement, 4 = Death, 5 = Felony, 6 = Other, 7 = Promotion/Demotion

D. POST CERTIFIED TRAINING

Comp Date	Cat	CCN	Hrs	Rmb	Cmp	Agency	School	*	Course Name
12/17/2014	K	9180-25562-14-170	4	X	Y	55555	POST		TARGET YOUR TEACHING (WEB)

*Meets Perishable Skills

F. FOOTNOTES

Date	Additional Information/Actions Taken	Presenter
10/01/2018	PSP Instructor Exemption TACTICAL FIREARMS	COMMISSION ON PEACE OFFICER STANDARDS AND TRN. (9180)
02/03/2020	PSP Instructor Exemption TACTICAL FIREARMS	COMMISSION ON PEACE OFFICER STANDARDS AND TRN. (9180)
08/12/2021	PSP Instructor Exemption EXEMPTION USE OF FORCE	COMMISSION ON PEACE OFFICER STANDARDS AND TRN. (9180)

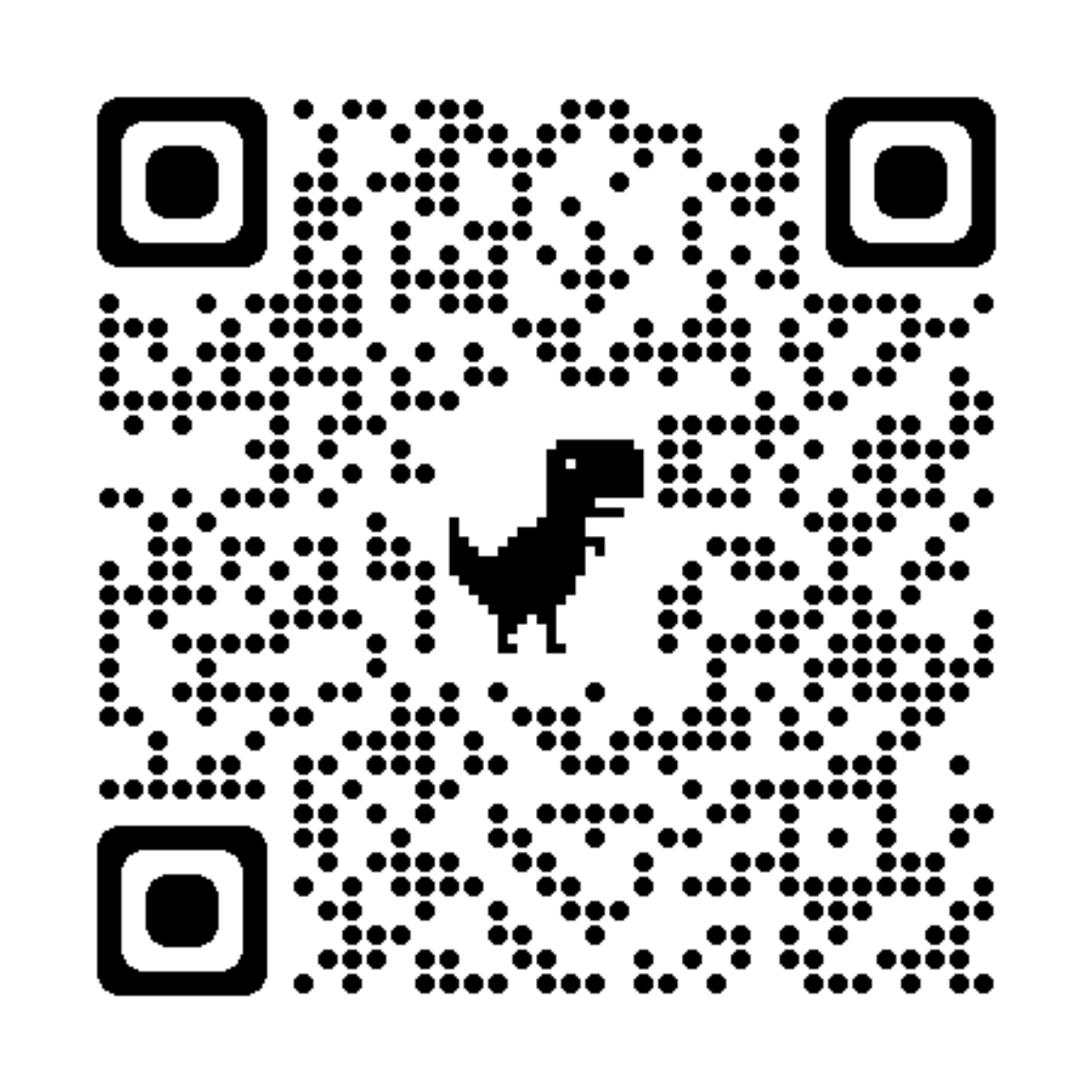
REVIEW OF STUDENT EXPECTATIONS

ANY
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/SB-2

California Commission on Peace Officer Standards and Training

SESSION - B

PEACE OFFICER CERTIFICATION WORKSHOP

REPORTING REQUIREMENTS AND DECERTIFICATION INVESTIGATION PROCESS

INTRODUCTIONS

- Facilitator Introductions
- Student Introductions – Name, Agency, Role
- Housekeeping – Roster, Restrooms, Breaks

EXPECTATIONS
1 2 3 4 5 6 7 8

DISCLAIMER

This course is intended as an overview of the major certification requirements of Senate Bill No. 2 (SB 2). This course should not be construed as legal advice. Questions and advice about the specific provisions of SB 2, including the applicability to given circumstances, should be discussed with competent legal counsel.

REFERENCE MATERIAL

HTTPS://POST.CA.GOV/SB-2

OBJECTIVES

- Overview of Senate Bill 2 (SB 2)
- Reporting Serious Misconduct
- Peace Officer Standards Accountability Division (POSAD) Investigations
- Immediate Temporary Suspension and Voluntary Surrender
- Peace Officer Standards Accountability Advisory Board (POSAAB)
- Commission Hearings and Administrative Law Hearings
- Suspension or Revocation of Peace Officer Certification

SB2 INTENT – WHAT IS SB 2?

- The new law establishes a requirement that peace officers be certified by POST.
- It allows a mechanism to revoke or suspend that certification due to serious misconduct.
- Applies to all specified agencies, regardless if the agency is a POST participating agency.

NEW DIVISION, ADVISORY BOARD, COMMISSION RESPONSIBILITIES

- Peace Officer Standards Accountability Division
- Peace Officer Standards Accountability Advisory Board
- New Commission Responsibilities

DIVISION STAFFING (PER STATUTE)

- A sufficient number
- Experienced and able employees
- Capable of handling the most complex and varied types of decertification investigations, prosecutions, and administrative proceedings against peace officers

POSAD

- Personnel
- Primary Responsibilities
  - Review investigations for decertification only
  - Conduct additional investigations as necessary
  - Present findings to Peace Officer Accountability Advisory Board & the Commission
- Internal Process

PEACE OFFICER STANDARDS ACCOUNTABILITY DIVISION (POSAD)

- New to POST
- 6 Bureaus
  - 4 Professional Conduct
  - Certification
  - Intake / Disposition
- 127 new positions

EVIDENTIARY STANDARD

- Agency administrative investigations, or internal affairs investigations, must meet the evidentiary standard of preponderance.
- Decertification investigations must meet the evidentiary standard of clear and convincing.
- It is possible that agency findings and POSAD findings may vary.
  - An agency may sustain an allegation of misconduct that does not rise to the standard needed to recommend decertification for an officer.

CLEAR AND CONVINCING

The standard of proof in an administrative hearing to revoke a professional license is clear and convincing evidence.

"Evidence of a charge is clear and convincing so long as there is a 'high probability' that the charge is true." *(Sandarg v. Dental Bd. of California (2010) 184 Cal.App.4th 1434, 1441, 109 Cal. Rptr. 3d 826.)*

"The evidence need not establish the fact beyond a reasonable doubt." *(Broadman v. Commission on Judicial Performance (1998) 18 Cal.4th 1079, 1090, 77 Cal. Rptr. 2d 408, 959 P.2d 715.)*

SERIOUS MISCONDUCT

- Commission Regulation 1205
  - Pursuant to Penal Code Section 13510.8, the Commission will adopt a definition of "serious misconduct" to serve as the criteria to be considered for ineligibility for, or revocation of, certification.
  - Currently working towards finalizing overall definition, but already includes mandated conduct.

SERIOUS MISCONDUCT

- Dishonesty
- Abuse of power
- Physical abuse
- Sexual assault
- Demonstrating bias
- Acts that violate the law that are sufficiently egregious or repeated
- Participation in a law enforcement gang
- Failure to cooperate with an investigation into potential police misconduct
- Failure to intercede

UNDERSTANDING SERIOUS MISCONDUCT

DEFINITIONS

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.

ABUSE OF POWER

- Including, but not limited to:
  - intimidating witnesses
  - knowingly obtaining a false confession
  - knowingly making a false arrest.

PHYSICAL ABUSE

- Excessive or unreasonable use of force.

SEXUAL ASSAULT

- Commission or attempted initiation of a sexual act with a member of the public
  - On Duty
    - Force
    - Threat
    - Coercion
    - Extortion
    - Offer of leniency / other official favor
    - Under color of Authority
      - Propositioning for or commission of any sexual act while on duty

DEMONSTRATING BIAS

- Race
- National Origin
- Religion
- Gender Identity or Expression
- Housing Status
- Sexual Orientation
- Mental or Physical Disability
- Other protected status in violation of law or department policy
- Inconsistent with a peace officer's obligation to carry out their duties in a fair and unbiased manner

ACTS THAT VIOLATE THE LAW

- Sufficiently Egregious or repeated
- Inconsistent with a peace officer's obligation to uphold the law or respect the rights of members of the public

PARTICIPATION IN LAW ENFORCEMENT GANG

- A group of law enforcement 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

FAILURE TO COOPERATE

- Failure to cooperate with an investigation into potential police misconduct, <u>including</u> an investigation conducted pursuant to Penal Code 13510.8.
  - 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

FAILURE TO INTERCEDE

- 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 other officers may have additional information regarding the threat posed by a subject

HOW ARE INVESTIGATIONS INITIATED?

- Reporting requirements and timelines
- Retroactive reports
- Citizen complaints

REPORTING OF SERIOUS MISCONDUCT

- Public Complaints
- Agency Reports
  - Allegations of serious misconduct to POST within 10 days
  - Retroactive reporting
    - Allegations of serious misconduct dating back to January 1, 2020
      - To include findings or recommendations by civilian oversight entity
      - Any civil judgment or court finding, or settlement of civil claim
    - Allegations of serious misconduct for Dishonesty, Sexual Assault, Excessive Use of Deadly Force Resulting in Death or Serious Bodily Injury have no statute of limitations

By July 1, 2023 !

Retroactive Reporting (Jan. 1, 2023)

January 1, 2020 → **December 31, 2021**

NOT ACTIONABLE

- Abuse of Power
- Physical Abuse
- Bias
- Acts that violate law
- LE Gang
- Fail to Cooperate
- Fail to Intercede
- Any finding or recommendation by a civilian oversight entity
- Any civil judgment or court finding or settlement of civil claim

ACTIONABLE

- Dishonesty
- Sexual Assault
- Deadly force that results in SBI or death
  * Relevant to misconduct category

* Actionable if investigation is complete after January 1, 2022

January 1,2022 →

ACTIONABLE

- Dishonesty
- Abuse of Power
- Physical Abuse
- Sexual Assault
- LE Gang
- Bias
- Acts that violate law
- Fail to Cooperate
- Fail to Intercede
- Any finding or recommendation by a civilian oversight entity
- Any civil judgment or court finding or settlement of civil claim

MARK43

Records Management System (RMS)

Collection	Management	Analysis

SEARCH | DASHBOARD | REPORTS | TASKS | NOTIFICATIONS (3)

TEST | MT

REPORTS

POST CASE #, Arrest Number, Agency IA #

FILTERS

SAVED SEARCHE

+ NEW REPORT

1-25 of 25

Draft (18) | Rejected (3) | POST INTAKE (25) | POST INVESTIGATIONS (4) | Accepted

CREATION DATE	POST CASE # / REC...	REPORT DETAILS	OWNER	EVENT LOCATION	NARRATIVE	LABELS

RESTRICTED ACCESS This record has been made private.

POST CASE # POST2200071 | POST Public Complaint | McHenry

ID PU 0000

RESTRICTED ACCESS This

POST POST ID PU 0000

RESTRICTED ACCESS This

POST POST2200071 | Misconduct

ID POST2200071-1

Create New Report

Filter Report Types

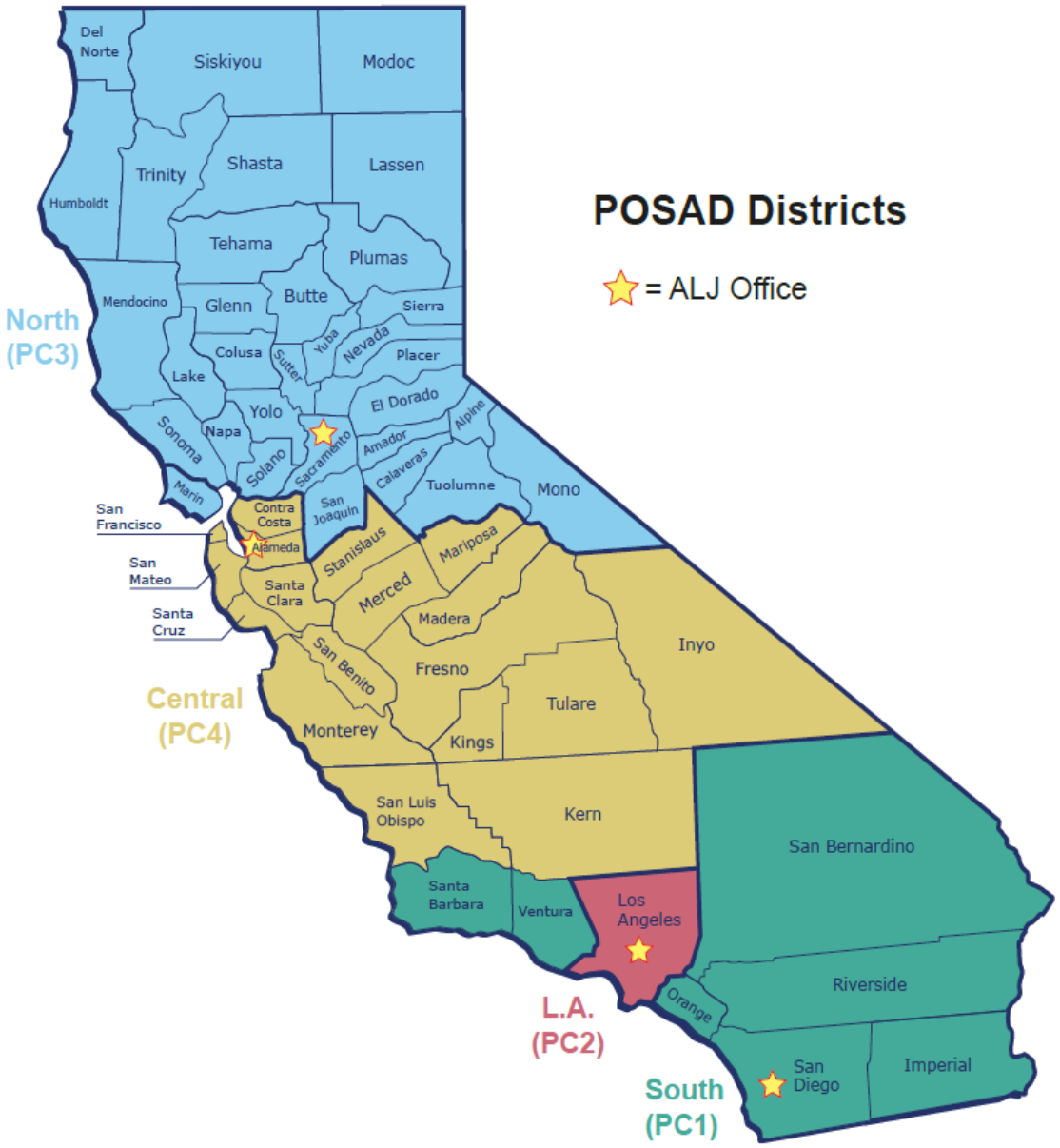
+ AGENCY MISCONDUCT

+ AGENCY SUPPLEMENTAL

CANCEL

LEARNING ACTIVITY – REVIEW ALLEGATIONS OF SERIOUS MISCONDUCT

- At your tables, you will have 15 minutes to:
  - Review the complaint or allegations provided to you
  - Determine whether the allegation rises to the level of serious misconduct and is reportable to POST
  - Report back to the rest of the class



- Four Professional Conduct Bureaus based on the Districts of the Office of Administrative Hearings

Decertification Process Overview

POST Investigation and Panel Review (recommendation)

Peace Officer Standards Accountability Advisory Board (recommendation)

POST Commission I (decision)

Administrative Law Judge (recommendation)

POST Commission II (decision)

POST Investigation and Panel Review (recommendation)

Peace Officer Standards Accountability Advisory Board (recommendation)

POST Commission I (decision)

Click to add text

Administrative Law Judge (recommendation)

POST Commission II (decision)

POST Panel Review

Investigation is complete

Reasons for Decertification

Detail Decertification Process

Method for Review (Appeal)

No further action

POST closes case

Request for Review

(Appeal)

30 days to POSAD

Completed by Officer

If not received decision stands

Voluntary Surrender

- Same effect as revocation
- Irrevocable
- Reported to NDI & POST Website

POST Investigation and Panel Review (recommendation)

Peace Officer Standards Accountability Advisory Board (recommendation)

POST Commission I (decision)

Administrative Law Judge (recommendation)

POST Commission II (decision)

Peace Officer Standards Accountability Advisory Board

* 40 Hour Decertification Training Course

Board

Presentation

- Receive Findings by Division

Officer

- Make written or oral statement

Public Hearing

Non-Evidentiary

Recommendation to POST Commission

- Revoke
- Suspend

POST Investigation and Panel Review (recommendation)

Peace Officer Standards Accountability Advisory Board (recommendation)

POST Commission I (decision)

Administrative Law Judge (recommendation)

POST Commission II (decision)

POST Commission (18)	Sheriff/Chief/Officer (if nominated) (5)
	Peace Officer Sergeant or below (4)
	Sergeant or below w/ experience presenting POST courses (1)
	Elected officer of county (1) Elected officer of city (1)
	Members of Public (2)
	Educator (1)
	Speaker of Assembly and Senate Pro Tempore (1 each)
	Attorney General (ex officio)

Commission I

Presentation

- Receive Findings by Division
- Review Board Recommendation

Officer

- Make written or oral statement

Public Hearing

Non-Evidentiary

2/3 Vote to take action

POST Investigation and Panel Review (recommendation)

Peace Officer Standards Accountability Advisory Board (recommendation)

POST Commission I (decision)

Administrative Law Judge (recommendation)

POST Commission II (decision)

Administrative Law Judge

Presentation

- Receive Findings by Division
- Review Commission determination requiring action

Witnesses

Public Hearing

Evidentiary

Recommendation to POST Commission II

POST Investigation and Panel Review (recommendation)

Peace Officer Standards Accountability Advisory Board (recommendation)

POST Commission I (decision)

Administrative Law Judge (recommendation)

POST Commission II (decision)

Commission II

Review ALJ Findings/Recommendations

Accept (2/3 present)

Reject

POST will…

- Notice to Peace Officer
- Publication on POST website
- Notice name to NDI

Decertification List

First Name	Type	Effective Date	Term (Months)	Agency	Basis
Jane	Suspension	6/2/2022	6	San Francisco Police Department	Repeated Egregious Acts that Violate law
Gary	Revocation			Sacramento Police Department	Member of Law Enforcement Gang
Frank	Suspension	6/7/2022	12	San Bernardino Police Department	Use of Force
Claire	Suspension	6/21/22	6	Redding Police Department	Use of Force
Jim	Revocation	6/1/2022		Los Angeles	Dishonesty

Quick Links

Text of SB-2

Frequently Asked Questions

Contact Us

SB2@post.ca.gov

Summary

POST Investigation

POST Review Panel

Advisory Board
- Public Hearing
- Non-evidentiary
- Recommendation

Commission I
- Public Hearing
- Non-evidentiary
- 2/3 vote to revoke

ALJ
- Public Hearing
- Evidentiary
- Recommendation

Commission II
- Public Hearing
- Non-Evidentiary
- 2/3 vote to revoke
- Final Decision to Revoke

ANY
QUESTIONS?

CAREER OPPORTUNITIES AT POST

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

- HTTPS://POST.CA.GOV/JOB-OPPORTUNITIES-AT-POST

POST WEBSITE

- https://post.ca.gov/SB-2