

# PEACE OFFICER CERTIFICATION

## Quick Reference

### WHAT IS SERIOUS MISCONDUCT?

- 1 Dishonesty** relating to the reporting, investigation, or prosecution of a crime, or relating to the reporting of, or investigation of misconduct by, a peace officer.
- 2 Abuse of power**, including, but not limited to, intimidating witnesses, knowingly obtaining a false confession, and knowingly making a false arrest.
- 3 Physical abuse**, including, but not limited to, the excessive or unreasonable use of force.
- 4 Sexual assault** as described in subdivision (b) of Penal Code Section 832.7, and shall extend to acts committed amongst members of any law enforcement agency.
- 5 Demonstrating bias** on the basis of actual or perceived race, national origin, religion, gender identity or expression, housing status, sexual orientation, mental or physical disability, or other protected status in violation of law or department policy or inconsistent with a peace officer's obligation to carry out their duties in a fair and unbiased manner.
- 6 Acts that violate the law** and are sufficiently egregious or repeated as to be inconsistent with a peace officer's obligation to uphold the law or respect the rights of members of the public.
- 7 Participation in a law enforcement gang.**
- 8 Failure to cooperate** with an investigation into potential police misconduct, including an investigation conducted pursuant to Chapter 1 of Title 4 of Part 4 of the Penal Code.
- 9 Failure to intercede** when present and observing another officer using force that is clearly beyond that which is necessary, as determined by an objectively reasonable officer under the circumstances.

Refer to Commission Regulation 1205 for a more detailed definition of "serious misconduct."



## MINIMUM CERTIFICATION REQUIREMENTS

### ***Who must be certified and what constitutes certification?***

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

### ***What is a POE?***

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

### ***Who is required to obtain a POE?***

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

### ***Does the POE expire?***

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

### ***What is an Address of Record (AOR)?***

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

## ELIGIBILITY FOR PEACE OFFICER CERTIFICATION

### ***What does “1029 Disqualified” mean?***

Individuals who have been:

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

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

### ***How do I access the NDI?***

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

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

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

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

## AFFIDAVIT OF SEPARATION

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

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

## PEACE OFFICERS' RIGHTS TO REQUEST PERSONAL RECORDS

Peace officers have the right to request copies of their POST Profiles or copies of POST's records relating to allegations.

Requests must be sent via GovQA at [https://postca.govqa.us/WEBAPP/\\_rs/](https://postca.govqa.us/WEBAPP/_rs/).

## WHEN ALLEGATIONS OF SERIOUS MISCONDUCT HAVE BEEN REPORTED

*A notification of allegation of serious misconduct has been submitted to the Peace Officer Standards Accountability Division (POSAD). What happens next?*

- If your current or former employing agency is still investigating the allegation, or a criminal case is ongoing, POSAD **may** toll its investigation until the agency's investigation is complete.
- If the agency's investigation is complete, POSAD will review the evidence and findings to determine whether there is clear and convincing evidence that serious misconduct, as defined in Commission Regulation 1205, has occurred. Notification regarding the outcome of the investigation will be sent to both you and your current or former employing agency.

**NOTE:** Your current or former employing agency is responsible for completing investigations for disciplinary purposes. POSAD investigations are for certification purposes only.

*What is an Immediate Temporary Suspension?*

- 1** Arrest or indictment of a peace officer for any crime described in Government Code (GC) §1029.
- 2** Discharge from any law enforcement agency if the person is or has become ineligible to hold office as a peace officer pursuant to GC §1029.
- 3** Separation from employment of a peace officer pending investigation into allegations of serious misconduct.

During this time, peace officers will be prohibited from exercising police powers in the state of California.

*What does it mean if I am "1029 Disqualified"?*

POST has received confirmation through the courts that you are no longer eligible to serve as a peace officer in the state of California based on a disqualification identified in GC §1029.

### ***What if I am found to have committed serious misconduct?***

- 1** You may **voluntarily surrender** your certification at any time, including any Professional Certificates awarded. This has the same effect as a revocation. If you choose to voluntarily surrender your certification(s), POST will not proceed further.
- 2** You may request a public hearing before the Peace Officer Standards Accountability Advisory Board (Board) and the Commission. The request must be done within 30 days of receiving notification from POSAD.
- 3** After 30 days of no action or response, the revocation shall take effect and your certification will be revoked.

### ***What can I expect if I request a public hearing?***

Your case will be scheduled for the next available hearing date before the Board. Once the case is heard and a determination is made, a written recommendation is made to the POST Commission. The case will then be scheduled for the next available Commission hearing.

POSAD will provide written notification to you and your current or former agency with the date and time of the hearings.

If the Commission determines suspension or revocation is warranted, the case will be scheduled for the next available evidentiary hearing before an Administrative Law Judge (ALJ), at a location closest to you, within the state of California. The Commission will review the ALJ's findings and make a final determination for action.

For a more detailed explanation of the process, please visit the Certification Page of the POST Website at: [www.post.ca.gov/Certification](http://www.post.ca.gov/Certification).

### ***What happens after my certification is surrendered, suspended, or revoked?***

- You and your current or former employing agency will receive notification from POSAD of the final determination and the effective date of the certification action.
- Your POST Profile will be updated to reflect the appropriate certification status.
- Your name will be placed on the Peace Officer Certification Actions List on the POST website and on the National Decertification Index.
- You will no longer be able to exercise police powers in the state of California.
- If your certification has been revoked or surrendered, you will be prohibited from being an instructor in a POST-certified course and for the term of an imposed suspension.

## **CONTACT US**

### **Certification Bureau**

✉ [certificates@post.ca.gov](mailto:certificates@post.ca.gov)

(916) 227-3765

[post.ca.gov/Certification](http://post.ca.gov/Certification)

### **Intake and Disposition Bureau**

✉ [complaintintake@post.ca.gov](mailto:complaintintake@post.ca.gov)

(916) 227-2822

### **Professional Conduct Northern Bureau**

✉ [northernsupport@post.ca.gov](mailto:northernsupport@post.ca.gov)

(916) 227-4801

### **Professional Conduct L.A. County Bureau**

✉ [lacountysupport@post.ca.gov](mailto:lacountysupport@post.ca.gov)

(916) 227-4805

### **Professional Conduct Central Bureau**

✉ [centralsupport@post.ca.gov](mailto:centralsupport@post.ca.gov)

(916) 227-4806

### **Professional Conduct Southern Bureau**

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