

WHAT IS SERIOUS MISCONDUCT?

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

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

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WHEN ALLEGATIONS OF SERIOUS MISCONDUCT HAVE BEEN REPORTED



QUICK REFERENCE



**California Commission on
Peace Officer Standards and Training**

A notification of an 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, 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?

During an investigation into allegations of serious misconduct, the POST Executive Director **may** order the immediate temporary suspension (ITS) of any certificate held by a peace officer if it is deemed in the best interest of the health, safety, or welfare of the public. The POST Executive Director may order an ITS under the following conditions:

- 1** Arrest or indictment of a peace officer for any crime described in GC §1029;
- 2** Discharge from any law enforcement agency for grounds set forth in section 13510.8(a) of the Penal Code; or
- 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 hearing before the Peace Officer Standards Accountability Advisory Board (Board) and the Commission. This 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 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: 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 Decertification 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.
- You will be prohibited from being an instructor in a POST-certified course, if your certification has been revoked or surrendered, and for the term of an imposed suspension.

