

To The POST Commission

My name is Vikas Kurian. I am writing this letter because I believe members of POST mistakenly gave me the wrong expiration date for my POST Waiver. In December 2001, I graduated from Western Illinois University with a Bachelor's Degree in Law Enforcement & Justice Administration and a minor in Management. In July 2005, I was hired by Northeastern Illinois University Police Department as a full time Police Officer. For 2 years, I worked as a Police Officer for this department. During this time I conducted all general law enforcement duties. These duties include but are not limited to patrolling a geographical area, responding to the full range of request for police services, performing enforcement actions on the full range of law violations, and conducting investigations of crimes. Early November 2007, I resigned from Northeastern Illinois University Police Department on good terms and moved to San Jose, California. After a few months, my wife and I decided we wanted to move to the Sacramento, Ca area. I applied for a few Police Departments in that area, and they were either not hiring, or laying off officers. This was the time when the economy crashed and many agencies stopped hiring or began laying off officers. I continued to apply to different agencies from the bay area to Sacramento area with no results. Mid 2008 I was informed about the POST Basic Course Waiver Process. I was granted the waiver process completion on December 19, 2008. I received a letter dated December 30, 2008 from POST that congratulated me for successfully completing the Basic waiver process on December 19, 2008. That the waiver is valid for three years from this date, and that I have three years to be appointed as peace officer in California. I then continued to apply for state and city law enforcement positions.

I interviewed with the Department of ABC in the Spring of 2014 for the position as Agent Trainee. During the interview I told the Department that I had an expired POST waiver certificate. After the interview I felt confident about getting the position that I inquired through POST if I had to go through the academy if I was offered a position. I was told that I had to go through the regular academy because my certificate had expired. During the middle of December 2014, I was in the final phase of the ABC hiring process. I was offered a job in January and I accepted it. From March 23rd, 2015 to June 30th, 2015 I attended South Bay Regional Basic Police Academy. During this time I received about 600 hours of training. On June 30th, 2015 I conducted my remedial test for search incident to arrest. After the test, I was informed that I failed because I didn't search the bare skin of the subject from the elbow to the wrist, and that I didn't go up to the arm pit all the way. Approximately five days later, I was dismissed from the Department of ABC for the Agent Trainee position.

A few weeks later, I sent a letter to Executive Director Robert Stresak asking if he would grant me a POST waiver again. I was denied and was told that I was granted a waiver once that began on 12/19/08 and expired on 12/19/14 per POST Regulation 1008(b)(2)(B)1. I always thought that my waiver was valid for only 3 years based on the letter I received from POST in 2008. In June of 2014, The Department of ABC also looked into if I had to go through the full academy or not and they were told I had to go through the academy. They also did not know I had an active POST certificate during my hiring process. If they were aware of the chance of having me not go through a full academy, I am confident they would have expedited my hiring process and hired me before the waiver had expired so they wouldn't have to put me through the full academy.

Attached to this document is a copy of the letter I received from POST in 2008, a copy of the email from June 2014 that POST informed the Department of ABC that I would have to go through a full academy during the time I still had a valid waiver, and a copy of the letter from the Executive Director letter saying my waiver was valid till December 19, 2014. I never knew I had valid waiver till December 2014 until this year. I always believed the waiver expired December 19, 2011 based on the letter I received in 2008 and phone calls I made to POST. The Department of ABC also had no idea that I had a valid waiver based on the email they received from POST. I never got to utilize the six year exception.

I was given a job offer from ABC approximately 3 weeks after my waiver expired. If the department knew I had a valid waiver that expired December 19, 2014, I am confident they would have hired me before that date and put me in their field training program instead of an academy. Also, I would have applied to a lot more agencies if I had known I had an active waiver between December 19, 2011 and December 19, 2014. For not knowing I had valid license for 3 years, I hope the Commission can grant me a waiver for a few months so I can attempt to get my position back with ABC.

I know this letter should be received at least 45 days prior to the next scheduled commission meeting on October 21-22, 2015. I just found out about this option to write to the commission on September 11, 2015 and needed a few days to write this letter. I also recently found out that the once filled position in San Jose for ABC Trainee is now open again. I hope you can discuss this matter at your next meeting as I fear the open position with ABC most likely will be filled by the next meeting on February 24-25, 2016. Please hear my case out in October since I was only informed about the appeal last Friday. Even though it is less than 45 days from the meeting, the fact is this is a time sensitive matter that needs to be addressed sooner than later and would be greatly appreciated. Thank you for your time.

Sincerely,

Vikas Kurian

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

The mission of the California Commission on Peace Officer Standards and Training is to continually enhance the professionalism of California law enforcement in serving its communities.



December 30, 2008

Kurian Vikas



Arnold Schwarzenegger
Governor

Jerry Brown
Attorney General

Dear Mr. Vikas:

This letter constitutes a Waiver of Attendance of a POST-certified Regular Basic Course. You have earned this waiver by successfully completing the Basic Course Waiver Process on December 19, 2008 - Congratulations! This waiver is valid for three years from this date. You have three years to be appointed as a peace officer in California. Acceptance of a waiver is at the discretion of the employing agency.

If you have any questions about this letter or the waiver, please contact the Basic Training Bureau at (916) 227-4252.

Sincerely,

A handwritten signature in black ink, appearing to read "Frank G. Decker".

FRANK G. DECKER, Chief
Basic Training Bureau

cc: Information Services Bureau, POST

Kurian, Vikas@ABC

From: Taylor, Jaime@ABC
Sent: Monday, August 17, 2015 12:58 PM
To: Kurian, Vikas [REDACTED]
Subject: FW: Requalification?

I did consult with POST during the background process. I was told you had to take a full basic academy.

Jaime Taylor, Supervising Agent
CA Alcoholic Beverage Control
HQ Professional Standards Unit
3927 Lennane Drive, Suite 100
Sacramento, CA 95834
Tel: 916-419-7581
Fax: 916-419-4911

From: Lozito, Karen@POST [<mailto:Karen.Lozito@post.ca.gov>]
Sent: Monday, June 23, 2014 7:02 AM
To: Taylor, Jaime@ABC
Subject: Re: Requalification?

Jamie, he needs to take the RBC.

Sent from my iPhone

On Jun 16, 2014, at 2:09 PM, "Taylor, Jaime@ABC" <Jaime.Taylor@abc.ca.gov> wrote:

Sounds good. Thank you.

Sent from my iPhone

On Jun 16, 2014, at 1:51 PM, "Lozito, Karen@POST" <Karen.Lozito@post.ca.gov> wrote:

Hi Jaime, I'll have to research this next week after I am back in the office on Wednesday.

Sent from my iPhone

On Jun 16, 2014, at 12:55 PM, "Taylor, Jaime@ABC" <Jaime.Taylor@abc.ca.gov> wrote:

We have a candidate that was a police officer in Illinois from 2005 to 2007. He then moved to California. He took the POST Requalification Course in 2008 but was never hired on by a law enforcement agency. Would he need to take the RBC or can he take the requalification course again?

In case it helps....his name is Vikas Kurian and his date of birth is 11/11/80.

Jaime Taylor, Supervising Agent
CA Alcoholic Beverage Control
HQ Professional Standards Unit



EDMUND G. BROWN JR.
GOVERNOR

KAMALA D. HARRIS
ATTORNEY GENERAL

COMMISSION ON
PEACE OFFICER STANDARDS AND TRAINING

August 6, 2015

Vikas Kurian
[REDACTED]

RE: REQUEST FOR EXTENSION OF REQUALIFICATION COURSE ELIGIBILITY

Dear Mr. Kurian,

The California Commission on Peace Officer Standards and Training (POST) received your inquiry regarding an extension of Requalification course eligibility.

The purpose of regulation with respect to basic training mandates is to ensure the applicant's competency levels are contemporary. This is of critical importance due the fact that matters regarding law enforcement training, such as statutory and case law, investigative procedures, tactics and technology are continually evolving.

The Six-Year Exception is codified in POST Regulation 1008 (b)(2)(B)1, which mandates that an individual who successfully completed a Regular Basic Course, Specialized Investigators' Basic Course, or the Basic Course Waiver Process on or after July 1, 1999, but who never served in a California peace officer/Level I reserve officer position for which a Regular or Specialized Investigators' Basic Course is required, may requalify by successfully completing a POST-certified Requalification Course one time within six years from the date of basic course or waiver process completion. **After six years, an individual must successfully complete the appropriate basic course (RBC or SIBC) to requalify, regardless of when the Requalification Course was completed.**

An audit of your POST profile reveals you completed the Requalification process on 12/19/2008. Therefore, your six year window of opportunity to utilize this process to become appointed as a California peace officer expired on 12/19/2014. There is no mechanism in regulation to allow the extension you have requested, and you are therefore ineligible to take the requalification course a second time.

Given the fact pattern of the circumstances described in your letter, you will need to complete the Regular Basic Course (RBC) or Specialized Investigators' Basic Course (SIBC) should you desire to qualify for employment as a California peace officer for which the RBC or SIBC is required.

Your independent grievance regarding your dismissal from the South Bay Regional Academy is being investigated by the POST Basic Training Bureau, as it is a separate matter.

Sincerely,

A handwritten signature in dark ink, appearing to read "Robert A. Stresak".

ROBERT A. STRESAK
Executive Director

RAS:sl



EDMUND G. BROWN JR.
GOVERNOR

KAMALA D. HARRIS
ATTORNEY GENERAL

COMMISSION ON
PEACE OFFICER STANDARDS AND TRAINING

September 21, 2015

Vikas Kurian
[REDACTED]

RE: RECEIPT OF APPEAL TO POST COMMISSION

Dear Mr. Kurian,

Your request for an appeal to the POST Commission has been received.

Due to timeline constraints your appeal will be heard at the February 25, 2016 Commission meeting. Your appeal will be heard pursuant to Commission Procedure D-16-1, which was provided to you in earlier correspondence. You may appear before the Commission to make a statement, if you so desire.

The February 2016 Commission meeting is scheduled to begin at 10:00 a.m., and it will be held at the following location:

Museum of Tolerance
9786 W. Pico Boulevard
Los Angeles, CA 90035

Sincerely,


ROBERT A. FRESAK
Executive Director

RAS:sl