

# **ATTACHMENT F**

COMMISSION ON  
PEACE OFFICER STANDARDS AND TRAINING



EDMUND G. BROWN JR.  
GOVERNOR

KAMALA D. HARRIS  
ATTORNEY GENERAL

April 19, 2012

David Ortiz  
[REDACTED]

Dear Mr. Ortiz:

This is in response to your letter requesting a temporary exemption to the policy of the Six-Year Exception to the requalification requirement. This request is based your completion of the Regular Basic Course (RBC) on April 23, 2002 and your statement that you were unable to seek employment as a peace officer for the ensuing six-year period due to overseas deployments with the military.

As indicated in our correspondence concerning your previous request for an exemption, the Six-Year Rule is not a policy but a matter of state law under Title 11, Division 2 of the California Code of Regulations. More specifically it is codified in Commission Regulation 1008(b)(2)(B)(1) which reads as follows:

**Six-Year Exception:** 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.

The basic course requalification requirement was established because of the concern that individuals who have a three year or longer break in law enforcement service or training have diminished knowledge and skills which need to be refreshed prior to the exercise of peace officer powers. The six year rule was enacted to address those individuals who have not served as a California peace officer within the six year period following completion of the RBC by requiring them to repeat the entire course. In your case, the last law enforcement experience you had was in Guam and ended in 1999. The letter

April 19, 2012


Page 2

states that you first attempted to requalify in February of 2012 which is nearly ten years after you completed the RBC and well outside of the six year period allowed by law.

As you can see, there is no provision in the law for the Commission to grant any type of exception or exemption to the six-year period. Unfortunately, your situation also falls outside of POST's policy for individuals who are called to active duty for the military which only applies to incumbent peace officers and students currently enrolled in an academy class at the time of deployment.

Please feel free to contact Bureau Chief Frank Decker by telephone at (916) 227-4261 or by email at [frank.decker@post.ca.gov](mailto:frank.decker@post.ca.gov) if you would like to discuss any of the items reviewed in this letter.

Sincerely,



PAUL A. CAPPITELLI  
Executive Director

PAC:fd:mlb