

ATTACHMENT V



The ACADEMY

South Bay Regional Public Safety Training Consortium
3095 Yerba Buena Road, San Jose, CA 95135 ♦ Phone (408) 270-6458 ♦ Fax (408) 238-0286

July 14, 2016

David Ortiz

Dear Mr. Ortiz,

I have reviewed your letter dated June 28, 2016 requesting reimbursement for the cost of the requalification class you completed September 28, 2012. I have also reviewed your student file, along with having personal recollection of the circumstances surrounding your attending the class. There is no reason to refund you registration fees.

Facts

You completed the Level 1 basic police course at Alameda County Sheriff's office on April 4, 2002. Students have three years of certification upon completion of a basic course and are allowed to complete a Requalification Course to extend the certification an additional three years. After the six year window, unless hired by a California Law Enforcement Agency, the student must retake the entire basic course to renew their certification. Three years after graduation from the academy, the student must successfully complete a Requalification Course, which extends the certification to the end of the six year limit.

If a student does not get hired by a Law Enforcement agency, they are allowed to take the Requalification Course once. If their certification expires they must then retake the Basic Course.

If a student is hired by an agency, then leaves Law Enforcement, they remain certified for three years after their last date of employment. After that time, they must take the Requalification Course to be certified. The difference between a person who has worked for an agency and one who has not is that the person who has worked for an agency may take the Requalification Course every three years to remain certified. A student that has never worked for an agency can only take the Requalification Course once.

In July 2012, you contacted POST (California Commission on Peace Officer Standards and Training) Senior Consultant Donald Lane regarding the possibility of your obtaining a waiver of the time period because of your being on active service in the military.



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The reason for this request was that you were in a hiring process with the San Francisco University Police Department, and need recertification of your basic course in order to obtain the position. See email dated July 31, 2012. He was looking into a 66 month "toll" on the time that passed after graduation from the basic course. This tolling was based upon your active duty status in the National Guard.

Your graduation date from the basic course was April 23, 2002. There is maximum six year (72 month) period from the date of graduation before a graduate must either be hired by a law enforcement agency or retake the basic academy course. Normally, you would have needed to retake the academy after April 22, 2008.

Because Don Lane granted you a tolling of 66 months (5 years and 6 months) the date of expiration of your certification was extended to October 22, 2013. In order to revalidate your certification, you needed to complete the Requalification Course.

On August 2, 2012 at 1440 hours, Don Lane called me and confirmed the above information. See hand written note on your POST profile. This meant that if you completed a Requalification Course, you would still be eligible for hire by a California Law Enforcement Agency until Oct 22, 2013.

You attended the Requalification Course at South Bay from September 10 to September 22, 2012. Upon successfully completing this course, your POST certification was again valid for 13 months, until October 22, 2013. See the graduation certificate.

On December 2, 2012, you requested permission from the National Guard to accept a position with the San Francisco University Police Department. Included in the request, you stated you had been given a "job offer with a swear-in date of 28- December 2012." This verifies the certification was valid. See the memo dated December 2, 2012. On this memo is a hand written comment "disapproved job conflict."

Conclusion

There is no basis for any refund of the Requalification Course fees.

At the time you took the course, POST had approved your attendance in the class. Also at the time you took the course, successful completion of the course reinstated your basic academy for an additional 13 months. This is verified by fact that you were given a job offer with a California Law Enforcement agency in December 2012.

The fact that the National Guard refused to allow you to take the position offered, has nothing to do with the Requalification Course you attended. You were authorized by POST to take the class. We verified this fact before allowing you into the class. You went to considerable trouble to get authorization to take the class so you would be eligible for hire. We went out of our way to ensure you got into the class so you would be eligible for hire by SFUPD. Completion the class revalidated your basic course completion for an additional 13 months.

This class is designed to provide you with the revalidation of your basic course and it did. The failure on your part to be hired during the period your basic course was valid does not change that fact.

We have spoken several times on the phone and I know how important it was for you to get into the class so you could become eligible for hire. We all pulled together to give the best chance at that position. I am sorry it did not work out, but I cannot see how that falls on South Bay.

We all thank you for your service to our country.

Sincerely,

**Gregory Giusiana
Director**

**Cc: Dr. Kathleen Rose, President, Gavilan College
Sherrean Carr, Dean, Gavilan College
Steve Cushing, President, South Bay Regional Training Consortium**