Attachment C

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From: Singer, Kate@POST Sent: Thursday, May 19, 2016 9:09 AM To: Rodriguez, Mario@POST <Mario.Rodriguez@post.ca.gov> Subject: FW: POST Basic Certificate Situation

Here's my email...

From: Terence V. McCullough [mailto Sent: Sunday, May 15, 2016 8:46 PM To: Singer, Kate@POST <<u>Kate.Singer@post.ca.gov</u>> Subject: POST Basic Certificate Situation

Greetings, Ms. Singer ---

Detective Terence V. McCullough here, with the Office of Protective Services (OPS), California Department of State Hospitals (DSH). I am stationed at Napa State Hospital:

http://www.dsh.ca.gov/Law_Enforcement/default.aspx

My wife Dana is thrilled to have re-connected with you after all these years, and I am happy for her as well.

Dana said she spoke with you briefly regarding the POST Basic Certificate dilemma I am dealing with. I would like to first say that I in no way want any professional communications regarding this, between you and I, to affect your friendship with Dana. This is very important to me, and I sincerely hope you understand my position regarding this. That said, I am grateful for you directing her to have me contact you. I know it is extraordinary, and I thank you.

My situation may appear complicated (it is, I guess), but I will attempt to simplify it for your review.

I apologize in advance if I seem passionate about this subject; it has been the source of much frustration and stress. I in no means mean this email to be perceived as hostile or of a complaining nature.

You taking the time to listen means so much. I sincerely thank you again.

I am a self sponsored graduate of the POST Regular Basic Course (graduation date: 06-13-2009), and the POST Recertification Course (graduation date: 05-05-2013).

While I was in the Academy, the US economy hit full stride of what is now called the Great Recession. Between just Oakland PD and San Jose PD, 164 experienced officers were laid off. This fact, combined with shrinking opportunities in the law enforcement job market, eliminated practically any possibility of an academy graduate being hired in the several years following my graduation. There were simply too many qualified, experienced laterals available for too few legitimate job openings in law enforcement; the openings, in my experience, were always filled by laterals (as they should have been).

I applied and was hired by DSH more than three years after my graduation. During those three years, I submitted countless applications, and did countless oral boards and several background processes, only to always be "passed over"

for lateral applicants.

I was appointed as a peace officer under California Penal Code Section 830.38, by DSH, on 08-31-2012:

http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=830.38.&lawCode=PEN

As you can see, I have full peace officer powers anywhere in the state of California. There has been misconception about this in the past.

OPS has two separate law enforcement sub-divisions; the Police Department, where I am employed, and the Office of Special Investigations (OSI). Both divisions are sworn under the same penal code section, but OSI is POST participating, while the PD is not — state wide.

The PD requires PC832 with firearms for appointment, while OSI, as they are POST, requires a full academy.

As you may imagine, the majority of the legacy officers employed by OPS have the minimum training requirement, and have no desire to further train. They are long time employees, and are satisfied with their positions.

OPS took advantage of the rich pool of full academy graduates and hired several of us. We all were in the same position: we needed a law enforcement job to gain valuable experience, and there simply were't any. We all are grateful for the positions we obtained.

However, being fully trained and cognitive of the law enforcement environment outside of OPS, some of us were immediately concerned of our "clock ticking" with regard to our Basic Academy certifications.

The POST "Six Year Exception" became a serious concern. I completed the Recertification Course with the intent of securing another position that was POST participating. But I still ran into remnants of the Recession, even in 2013. My Basic Academy Certificate's six year maximum validity, under the "Six Year Exception" expired in June 2015. I was devastated.

To be completely honest, I feel POST should make an exception for those who had absolutely no chance of obtaining legitimate employment during these very hard years. Perhaps another Recertification being allowed, or an extension of an existing one. This circumstance had not been presented to the United States since 1929, and to not accommodate the absolute absence of jobs and force people to repeat an entire academy, to me, is unreasonable. That is only my opinion.

I had another vicarious, but equally frustrating experience with POST as well.

Prior to the expiration of my certification, I had assisted a colleague of mine applying for his POST Basic Certificate under the "Exception" for application, detailed in the POST Administrative Manual (PAM) section 1011(a)(4):

"When a POST Basic Certificate is required to continue to exercise peace officer powers pursuant to Penal Code Section 832.4, employment with a participating department is not required at the time of application."

PC 832.4: <u>http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?</u> lawCode=PEN§ionNum=832.4.

PC 830.1(a): <u>http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?</u> sectionNum=830.1.&lawCode=PEN

I feel strongly that we are included in at least one, if not both of these code sections, as did my colleague. It is clear that we work for a State agency, authorized by penal code to maintain a police department, and are appointed by the director of said public safety agency.

The response to my colleague was a denial of his application, due to DSH not being a "district". We disagree with the automatic denial, and feel that there is more than enough justification to appeal this decision. Our dilemma was with whom to escalate our appeal.

The code is clear; the language may be vague, as can be the case with penal codes, but we definitely fall into the categorization that should be granted a POST Basic Certificate.

My colleague said the interaction with POST was quite rude. Our perception was that POST did not feel we are fully qualified peace officers, due to the training requirement for appointment at OPS. Our position is that this is irrelevant, as we have full powers, by penal code, satisfied by our appointment under PC 830.38. We felt that we were getting "the runaround", and were not being taken seriously. This was both frustrating and hurtful. In short, we felt disrespected by POST.

I have had several telephone interactions with representatives from POST, along the same lines. My experience was consistent, in that I was treated rudely and dismissively. This should not be the case, especially as I feel I have a legitimate case for being awarded the POST Basic Certificate.

My motive, of course, is to lateral to another agency that is POST participating without having to repeat the Regular Basic Course.

I have completed 1207 hours of POST training, and have 130.97 total promotion points. Were I in possession of a POST Basic Certificate, I would be eligible for a POST Intermediate Certificate on 08-31-2016.

I have been a fully operational, fully sworn peace officer for almost four years, with the last 1 year and 9 months as a detective. I have secured, in that 21 months, convictions totaling 38 years of prison time. I have achieved convictions for Criminal Threats, Sexual Battery, Battery on a Peace Officer, Attempted Murder (NGI verdict with a period of commitment of 13 years — not included in years totaled previously), Battery Causing GBI, and others. I am currently working a homicide (murder) case, as the lead investigator. This is for the first murder to be handled entirely by OPS, without an outside agency taking over.

I am a POST certified FTO and Firearm Instructor, among other training certifications.

In short, I am asking to have my individual circumstance considered beyond an initial level. I have done many ride alongs (most recently last night, 05-14-2016, with El Cerrito PD) where I actually semi-trained the officer I rode with. The feedback I have received from agencies I am now processing with is that I should be a full lateral.

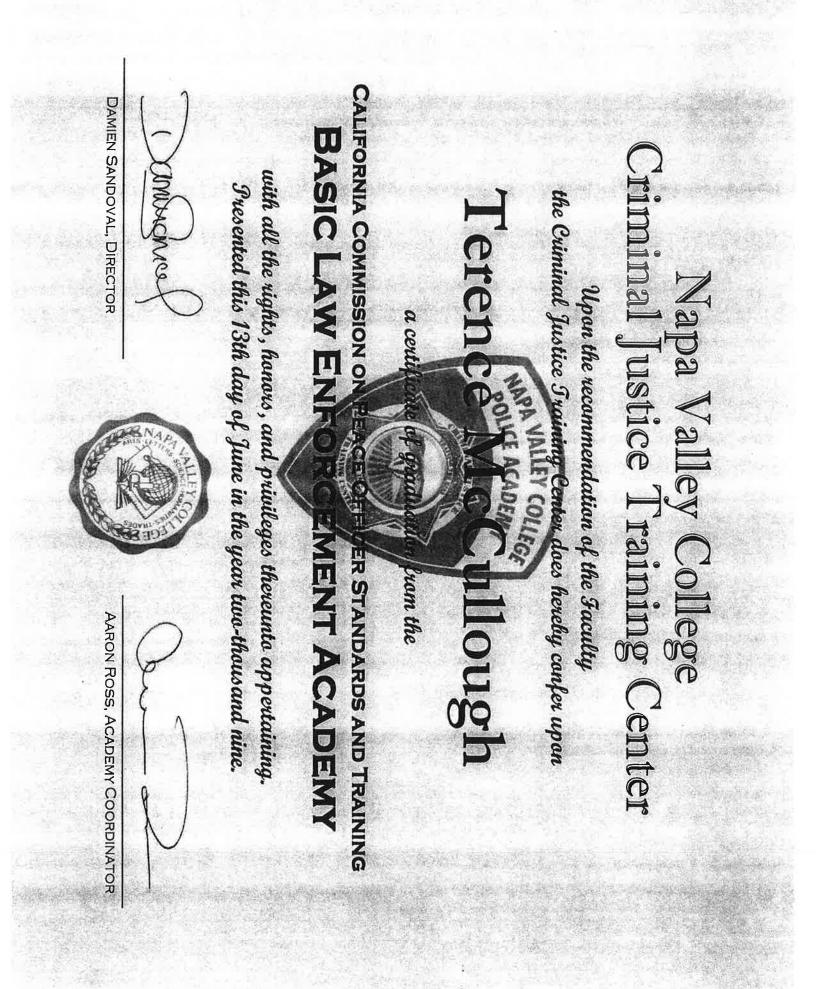
I would be happy to go into more detail regarding specifics on the telephone, should you desire.

I have attached my POST profile for your review.

In closing, I sincerely thank you again for taking the time to consider my situation. Your doing so is certainly going above and beyond, and I do not take that lightly. It is immensely appreciated.

Respectfully,

Terence V. McCullough





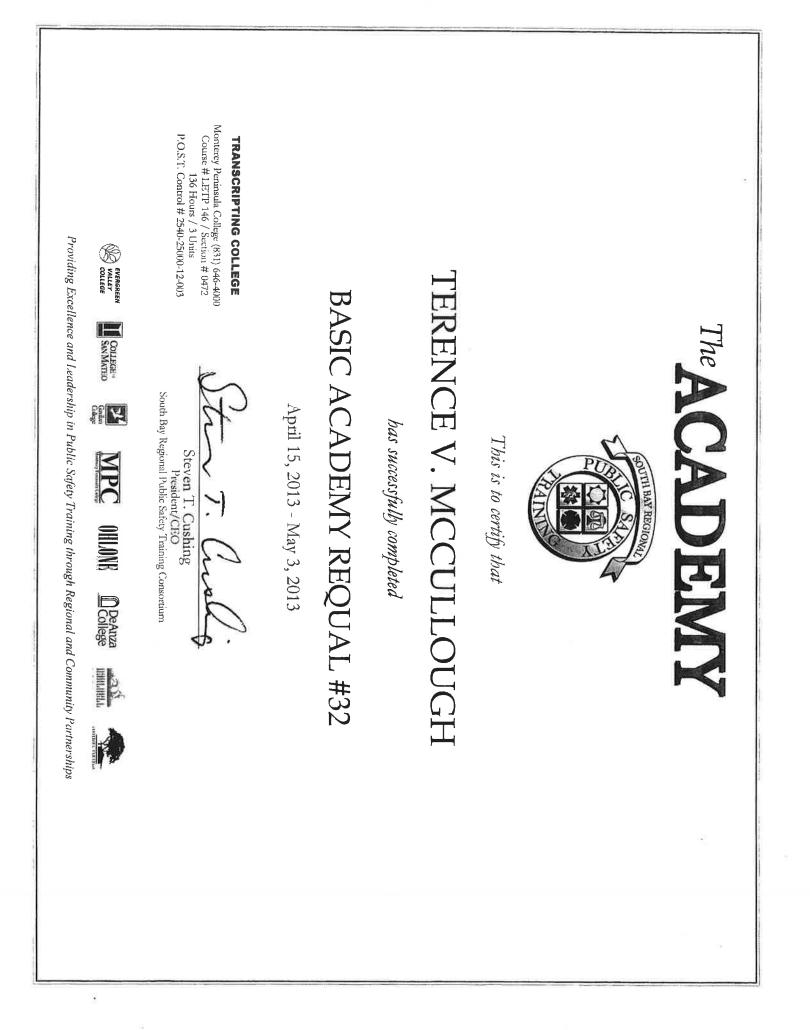
Napa Valley Criminal Justice Training Center Basic Police Academy Cadet Performance Evaluation

Name: McCullough, Terence			Class ID # 74-25				09 - WEEK 22 : Final Eval.)
meeunough, rei							
Positive SIR Cards:	01	Negative SIR Cards:	10	P.T. Missed:	0 out of 47 sessions	Hours Missed:	9h 00m
>> FINAL SCORES <<							
Learning Domain	Teste	- 2	93.85%	the strength of the second strength of the se	New York and an an arrest street of the second	Required)	533 Final Points
Quizzes							
the second se							
Firearms 88.76% Weaponless Defense 84.50%							
CORE COMPETENCIES							
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COMMUNICATION S	SKILLS: (COP Presentati	on, Report Writ	ting and Tac	tical Communications Scena	ario.) FINAL: 96.8	36%
This is Cadet Mc	Cullouat	n's 3 rd and fin	al Performan	ice Evaluat	ion. Based on his demo	onstrated learning	ng abilities. Cadet
					ng agency's <u>REPORT W</u>		
His training and demonstrated competence in the TACTICAL COMMUNICATIONS SCENARIO supports that he possesses the							
communication skills essential in effectively applying communication techniques in the performance of his duties.							
PROBLEM SOLVING: (Scenarios.) FINAL: 92.63%							
His training and successful performance in all of the following <u>SCENARIOS</u> : Death, Felonious and Sexual Assault							
investigations; Abandoned Vehicle, Ethical Intervention, Nighttime Vehicle Stop/DUI, Pedestrian Approach, Use of							
Deadly and Non-Deadly Force; Building Search, Critical Incident, Suspicious Person; Domestic Violence,							
Landlord/Tenant Dispute Persons with Disabilities Spiner/Ambush and the Ethics Oral Roard all helped to develop his							
Landlord/Tenant Dispute, Persons with Disabilities, Sniper/Ambush, and the Ethics Oral Board all helped to develop his							
competence in PROBLEM SOLVING.							
LEARNING ABILITY: (All Learning Domain Tests, Radio Codes Quizzes and Code of Ethics Recitation.) FINAL: 93.31% Cadet McCullough consistently demonstrated his competent LEARNING ABILITIES based on his studies, retention, and							
Cadet McCulloug	th consis	stently demor	istrated his c	competent	LEARNING ABILITIES Dase	ed on his studi	es, retention, and
effective application of newly acquired knowledge and skills as substantiated by his scores in this core competency.							
INTERPERSONAL SKILLS: (Crisis Intervention and 5150 W&I Scenarios, Individual COP Project Research Paper.) FINAL: 96.50%							
His performance score substantiates that he possesses the INTERPERSONAL SKILLS necessary to competently perform the							
duties associated with CRISIS INTERVENTION and PERSONS WITH MENTAL DISABILITIES. He successfully achieved 100% on							
his C.O.P. Project Research Paper.							
PHYSICAL SKILLS: (Firearms Qualifications, EVOC, Weaponless Defense/Baton and Physical Training Tests.) FINAL: 89.95%							
Cadet McCullough successfully met expectations in all <u>Physical Skills</u> tests. He "exceeded" P.O.S.T. and the Police							
Academy minimu	m perfor	mance object	ives in demor	nstrating his	s abilities in Physical Tra	ining as noted a	above.
Academy minimum performance objectives in demonstrating his abilities in Physical Training as noted above. DESIRE FOR SELF IMPROVEMENT: (RTO Score, Ethics Oral Board, Attendance, Inspections, Portfolio Project.) FINAL: 99.25%							
DESIRE FOR SELF IMPROVEMENT: (RTO Score, Ethics Oral Board, Attendance, Inspections, Portfolio Project.) FINAL: 99.25% Cadet McCullough received a RTO Score of 95%. He achieved 100% on the Ethics Oral Board. His Attendance in							
Cadet IVICUIIOUGN received a KIO SCORE OF 95%. He achieved 100% on the ETHICS URAL BOARD. HIS ATTENDANCE III scheduled academy hours and Physical Training is noted above. He received 100% on his PORTFOLIO RINDER, and 96%							
scheduled academy hours and Physical Training is noted above. He received 100% on his <u>PORTFOLIO BINDER</u> , and 96% for his <u>PORTFOLIO BINDER</u> , and 96%							
for his <u>PORTFOLIO PRESENTATION</u> . Cadet McCullough has been prepared mentally, morally, emotionally, and physically to							
advance into a law enforcement Field Training Program and assume the responsibilities and execute the duties of a							
peace officer. He has received training and testing that ensures he has graduated with the demonstrated character,							
knowledge, problem-solving abilities, human relations, communication, and physical skills necessary to meet the							
professional skills required of a peace officer. He has demonstrated that he knows the significance of the LAW							
ENFORCEMENT CODE OF ETHICS and CANONS OF ETHICAL CONDUCT. Based on his demonstrated maturity, professional							
conduct and performance during these past nine months, I believe he will be an officer-safety conscious, community							
oriented, self-motivated, proactive, and productive exemplary officer during his challenging career! Cadet McCullough							
successfully graduated from the P.O.S.T. Basic Police Academy, Class 74, completing 880 hours of comprehensive							
training within 22 weeks, January 10, 2009 - June 13, 2009. Congratulations!!							
Always remember Your Will To Survive is an Attitude - Never, Ever Give Up!! Rely on your Training, and Always Do the Right Thing!							
Always remember Your will to survive is an Attitude - Never, Ever Give Op:: Rely on your maning, and Always bo the Right ming: Geoff Rochester,							
		Re			Signature 11 M	At.	Øate: 06/13/09
Damien Sandoval, Academy Director Signature: Domuery Microw 6-13-9							
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Final Evaluation included with Graduation Certificate.							

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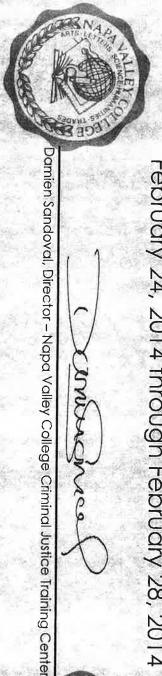
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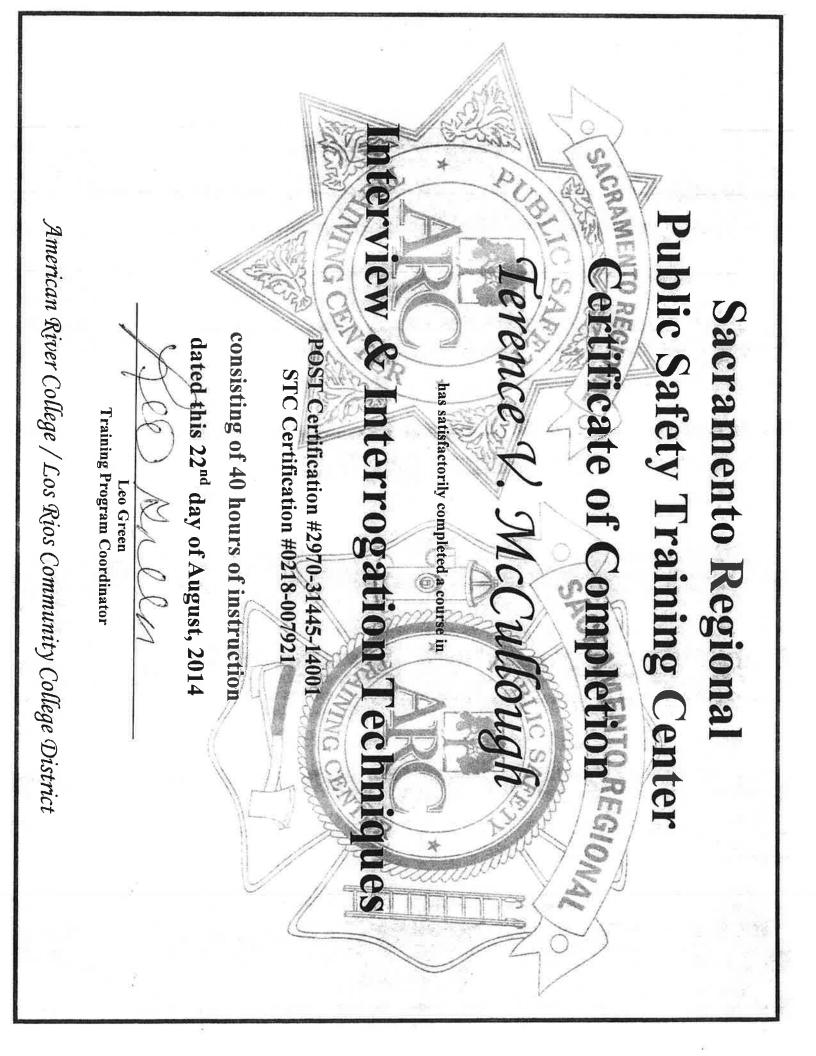


California Commission on Peace Officer Standards and Training

February 24, 2014 through February 28, 2014 Firearms Instructor 4200-21640-13-002 40 Hours



JUMUAN



Certificate of Achievement

This is to certify that

Terence McCullough

Has successfully completed the 16hour Northern California HIDTA Course

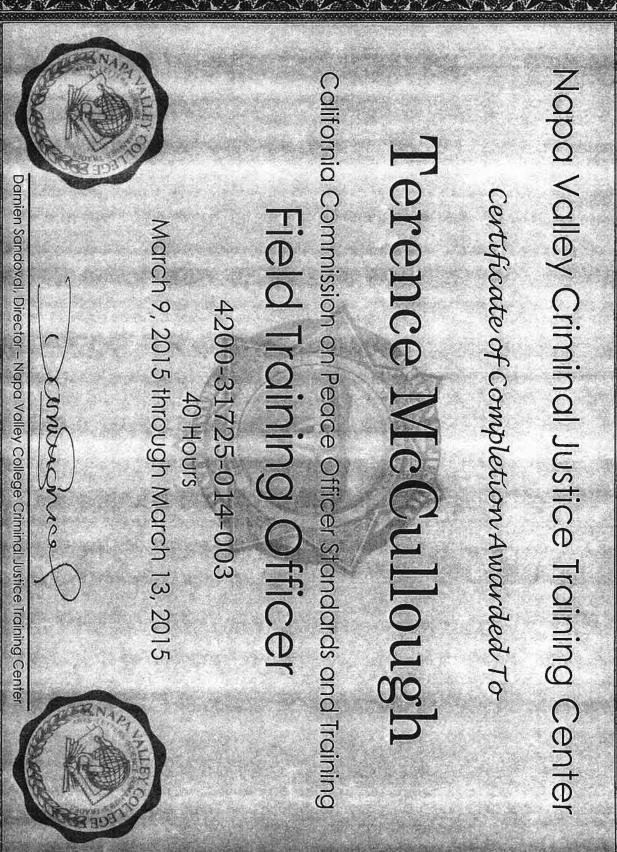
SEARCH WARRANTS "A THROUGH Z"

Presented at Napa, California Oct 20 - 21, 2014

Mike Sena, Director

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LOS ANGELES POLICE DEPARTMENT Certificate of Training

This Certifies that

Terence McCullough

Napa State Hospital Police Department

Has Successfully Completed the

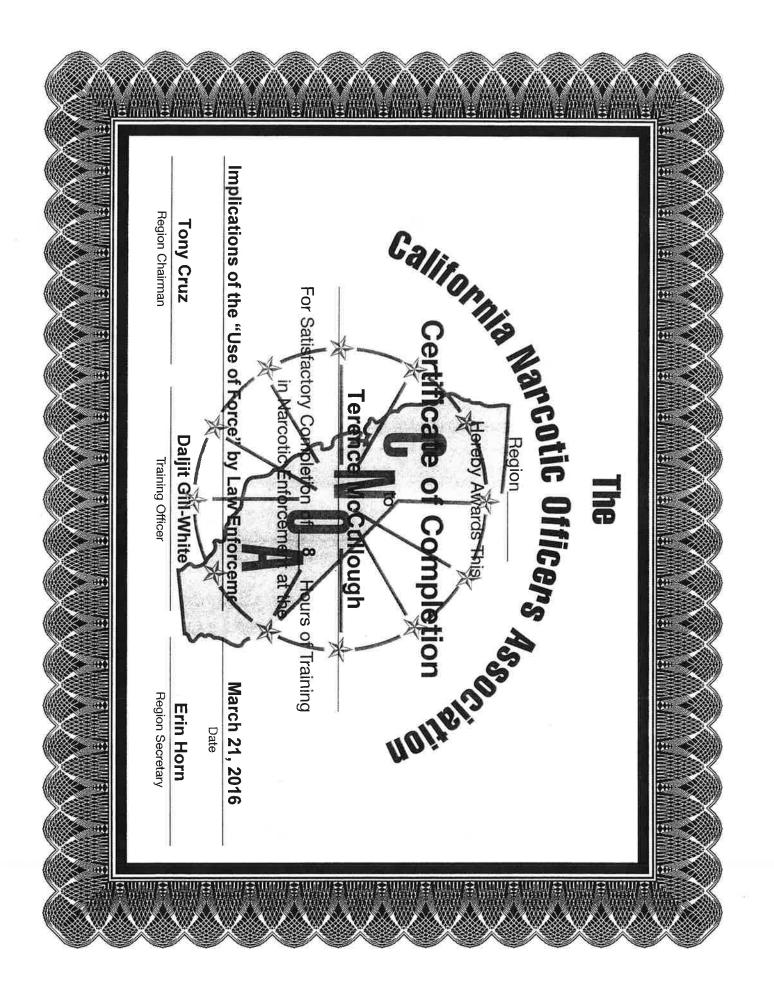
LOS ANGELES POLICE DEPARTMENT BASIC DETECTIVE COURSE POST Control No. 1850-31480-14004

Consisting of Forty Hours of Specialized Instruction and Approved by the California Commission on Peace Officer Standards and Training.

May 8, 2015

Whill Vensta

Michelle Veenstra, Commanding Officer Training Division



This course was presented by POST through the Learnin Additional verification can be made through this individual's	12/12/2014 Date Passed	3 Hours	Gangs: PC 18 Online cou	McCullou	
ST through the Learning Portal(lp.post.ca.gov). hrough this individual's POST EDI training profile.	CCN / EDI Lookup	3 Hours CPT credit	Gangs: PC 186.22 for Patrol Online course Passed	McCullough, Terence	ming Porta Completion