

Attachment F

Loggins, Scott@POST

To: Bouvia, Marie@POST
Subject: Correspondence Assignment
Attachments: 2268_001.pdf

Marie,

Please generate an official Correspondence Assignment for this and send it to me in BTB please.

I already have copies, so all I need is the Route Slip.

And, please give me a generous due a date, as I will be out of the office until next Friday.

Thank you,

Scott

Scott Loggins, Bureau Chief
Basic Training Bureau
Commission on POST
860 Stillwater Road, Suite 100
West Sacramento, CA 95605-1630
Email: scott.loggins@post.ca.gov
Desk line: (916) 227-4261

From: Library@post.ca.gov [mailto:Library@post.ca.gov]
Sent: Friday, September 02, 2016 2:23 PM
To: Loggins, Scott@POST <Scott.Loggins@post.ca.gov>
Subject: Attached Image

Interim POST Executive Director Stephanie C. Scofield
Commission on Peace Officers Standards and Training
860 Stillwater Road, Suite 100
West Sacramento, CA 95605 - 16303
Subject: POST Basic Certificate Exception Application

Greetings, Ms. Scofield —

Please allow me to introduce myself:

My name is Detective Terence V. McCullough, with the Office of Protective Services (OPS), California Department of State Hospitals (DSH). I am stationed at Napa State Hospital (hard copy enclosed):

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

My initial escalated contact regarding my issue was with Ms. Kate Singer, who at the time was employed with POST as a Bureau Chief. Ms. Singer forwarded my inquiry to Mr. Mario Rodriguez. Copies of all email correspondence regarding this are contained herein. The first communication between Ms. Singer and myself is enclosed; it is a different version of the majority of this letter. I have revised it for your review; I apologize for the similarities.

I am now appealing the outcome Mr. Rodriguez communicated to me. This outcome was in regards to a POST Basic Course Waiver application; I clearly communicated that this option was only as a secondary option.

My initial inquiry – which was never acknowledged or addressed – was regarding my applying for a POST Basic Certificate under the PC832.4 exception. I still have not received a response regarding this. I am at this time escalating my inquiry to you.

My situation may appear complicated, 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.

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

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 fully sworn California peace officer under California Penal Code Section 830.38 (hard copy enclosed), 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 weren'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.

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 am now formally requesting my application for a POST Basic Certificate under the exception under PC832.4 to be approved and processed as soon as possible:

"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."

PC832.4 (hard copy enclosed): http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=PEN§ionNum=832.4.

PC830.1(a) (hard copy enclosed): http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=830.1.&lawCode=PEN

I feel strongly that we Hospital Police Officers are included in at least one, if not both of these code sections. 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 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 colleagues have said their interactions with POST have been quite rude. Our perception is that POST does 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 have felt that we are not being taken seriously. This was both frustrating and hurtful. In short, we have 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.

POST has included the Department of State Hospitals Hospital Police Officer job classification (my appointed classification) on its "Law Enforcement Jobs" page (enclosed) as well. I find this contradictory, as historically I have never observed job openings for non-POST participating agencies advertised by POST. This sends quite a mixed message, both to current DSH employees, and to potential applicants who may naturally presume the agency is a POST participating one if the employment opportunity information is provided by POST.

I also find it curious that POST will train and certify our officers in various disciplines that are equal in educational value to a POST participating agency's certification and training points. Yet we cannot progress in our careers outside DSH, as historically we have not been granted Basic Certificates.

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 four years, with the last 2 years as a detective. I have secured, in that 24 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 also have strong references from the Napa County District Attorney's Office regarding my investigations, from both Deputy District Attorneys and District Attorney Investigators.

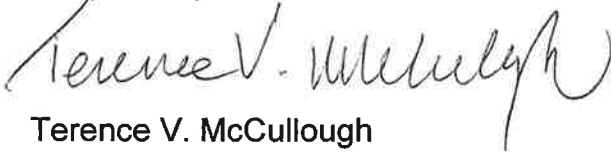
I am a POST certified Field Training Officer and Firearm Instructor, among other training certifications.

I have done many ride alongs where I actually semi-trained the officer I rode with, answering many questions regarding such advanced topics as interview and interrogation, crimes against persons and the application of the Miranda Advisement. The feedback I have received from agencies I am now processing with is that I should be a full lateral.

I have enclosed my POST profile, pertinent Penal Code sections and copies of all my certifications for your review.

In closing, I sincerely thank you again for taking the time to consider my situation.
Your doing so is immensely appreciated.

Respectfully,

A handwritten signature in cursive script, appearing to read "Terence V. McCullough". The signature is written in dark ink and is positioned above the printed name.

Terence V. McCullough