

Attachment G



EDMUND G. BROWN JR.
GOVERNOR

KAMALA D. HARRIS
ATTORNEY GENERAL

COMMISSION ON
PEACE OFFICER STANDARDS AND TRAINING

October 4, 2016

Terence McCullough

Dear Mr. McCullough,

The California Commission on Peace Officer Standards and Training (POST) has analyzed your inquiry regarding an exemption from the requirement to attend another Regular Basic Course (RBC) in order to seek employment with another agency and your eligibility to obtain a POST Basic Certificate.

First let me start that by saying that I'm sorry you felt you received rude and dismissive treatment from POST staff. This is not the service that we want to provide to any inquiry or request for information from law enforcement or the public. If you have specifics of that contact it will be reviewed.

POST is required by statute to set minimum selection and training standards for California peace officers, including setting standards for the delivery of basic training presented by academies throughout the state and ensuring that those standards are met by certified presenters of POST training. Participation in the POST Program is voluntary, but adherence to POST regulatory authority is a matter of state law under Title 11, Division 2 the California Code of Regulations.

The Department of State Hospitals (DSH) is an unusual situation. The peace officers who are appointed as investigators are in the POST program, and as such are required to complete the Specialized Investigators Basic Course (SIBC) within one year of appointment as an investigator. DSH may elect to send them to a Regular Basic Course (RBC) but this is not a POST requirement. At the request of DSH, the peace officers assigned to uniformed positions are not in the POST program. Those officers are only required by California Penal Code to complete the Penal Code 832 course (40-hour Laws of Arrest course and 24-hour Firearms course if they are armed as a part of their assignments).

With respect to your request for an the exemption from the requirement to attend another Regular Basic Course, pursuant to Regulation 1008: "An individual who successfully completed a Regular Basic Course (RBC), Specialized Investigators' Basic Course (SIBC), or the Basic Course Waiver Process (BCW) 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 indicates you completed the RBC on June 13, 2009, and you successfully completed a POST Requalification Course on May 3, 2013. The profile also reflects that you have never been appointed to a peace officer position in a POST participating agency for which a RBC or SIBC is required. Therefore, your six-year

October 4, 2016

Page 2

window of opportunity to become hired as a California peace officer for which the RBC or SIBC is required expired on June 13, 2015.

Where we empathize with your difficulties in obtaining a different peace officer position there is no existing mechanism in current regulation to afford the exemption you have requested, and you are therefore ineligible to take the Requalification course a second time. Should you desire to obtain employment with a law enforcement agency for which graduation from the RBC or SIBC is required, you will need to successfully complete another RBC or SIBC.

With respect to your request to obtain a POST Basic Certificate, pursuant to Penal Code 13510.1, the POST Commission has established a certification program for peace officers specified in sections 13510 and 13522 and for the California Highway Patrol.

The requirements to receive a Basic POST Certificate are outlined in POST Regulation 1011. To qualify to receive a Basic POST Certificate a peace officer must be appointed to a position for which the RBC is required, successfully complete probation and be employed full time at the time of the request for the certificate.

Pursuant to Penal Code 832.4, the Basic POST Certificate is issued to officers appointed under Penal Code 830.1 who require this certificate within two years of appointment to continue to exercise general law enforcement within the State of California. Peace officers appointed under Penal Code 830.38 are not required by statute to have a POST Certificate as they do not exercise the powers under Penal Code 830.1. What you refer to as an exemption under Penal Code 832.4 pertains to the issuance of the Basic Certificate to 830.1 appointed peace officers who are employed by non-POST agencies. Therefore, we must deny your request to be awarded a Basic POST Certificate.

I understand this is not the outcome you wished for, however, POST Regulation and the California Penal Code are very clear on both of these issues.

Should you have any further questions regarding the POST Certificate Program, please contact Senior Consultant Maria Sandoval, Training Delivery and Compliance Bureau, Region 1 Manager, at (916) 227- 4871 or maria.sandoval@post.ca.gov.

For questions regarding the requalification process and/or any complaints about POST employee service delivery, please Bureau Chief Scott Loggins, Basic Training Bureau, at (916) 227-4261 or scott.loggins@post.ca.gov.

Sincerely,



MANUEL ALVAREZ, JR.
Executive Director

MA:sl:jb