

Attachment T

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Attorneys for TERENCE V. MCCULLOUGH

**CALIFORNIA COMMISSION ON
PEACE OFFICER STANDARDS AND TRAINING ("POST")**

IN THE MATTER OF

TERENCE V. MCCULLOUGH

Appellant

v.

**CALIFORNIA COMMISSION ON
PEACE OFFICER STANDARDS AND
TRAINING**

Respondent.

CASE NO.:

**DECLARATION OF APPELLANT
TERENCE V. MCCULLOUGH IN
SUPPORT OF APPEAL**

DATE: JUNE 22, 2017

TIME: 10:00 A.M.

**PLACE: POST HEADQUARTERS
860 Stillwater Road, Suite 100
West Sacramento, CA 95605**

I, TERENCE V. MCCULLOUGH, declare as follows:

1) I am over the age of 18. The facts set forth herein are of my own personal knowledge and if called upon, I could and would competently testify thereto.

2) I currently serves as a law enforcement officer for the California Department of State Hospitals, Office of Protective Services Napa, CA where I have served as a peace officer for that agency since August 31, 2012. I began working with the agency as a fully sworn police officer and was promoted to Detective on or about July 7, 2014. I have consistently sought to enhance my skill sets as a law enforcement officer and I have taken the following courses and certifications to ensure that he is a well-qualified law enforcement professional:

- 2017: POST ICI Criminal Investigation Core Course (80 hours);
- 2016: Implications of the "Use of Force" by Law Enforcement, California Narcotics Officers Association (8 hours);
- 2016: School Violence and the Active Shooter, Public Safety Training Institute (8 hours);
- 2016: POST Firearms Instructor Update, Sacramento Regional Public Safety Training Center (24 hours);
- 2015: Organized Criminal Street Gangs, Sacramento Regional Public Safety Training Center (16 hours);
- 2015: POST Field Training Officer, Napa Valley Criminal Justice Training Center (40 hours);
- 2015: POST LAPD Detective School, Los Angeles Police Department (40 hours);
- 2014: POST Firearms Instructor, Napa Valley Criminal Justice Training Center (40 hours);
- 2014: POST Interview & Interrogation, Sacramento Regional Public Safety Training Center (40 hours);
- 2014: POST Northern California HIDTA (High Intensity Drug Trafficking Area) Search Warrants for Patrol, Napa Valley Criminal Justice Training Center (16 hours);
- 2014: POST Gangs – Penal Code §186.22 for Patrol, POST Learning Portal (3 hours);
- 2013: POST Basic Course Requalification, South Bay Regional Training Consortium (136 hours);
- 2011: POST Health & Safety Code §11550 Drug Recognition, Santa Rosa Public Safety Training Center (16 hours); and,
- 2009: POST Regular Basic Course, Napa Valley Criminal Justice Training Center (878 hours).

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1 3) Attached hereto as Exhibit A is a true and correct copy of my email to former
2 POST Bureau Chief Kate Singer dated May 19, 2016.

3 4) Attached hereto as Exhibit B is a true and correct copy of the email from POST
4 Bureau Chief Mario Rodriguez dated May 19, 2016.

5 5) Attached hereto as Exhibit C is a true and correct copy of the email from POST
6 Bureau Chief Mario Rodriguez dated May 20, 2016.

7 6) Attached hereto as Exhibit D is a true and correct copy (with some personal
8 information redacted) of my email to POST Bureau Chief Mario Rodriguez dated May 20,
9 2016.

10 7) Attached hereto as Exhibit E is a true and correct copy of my email to POST
11 Bureau Chief Mario Rodriguez dated May 21, 2016.

12 8) Attached hereto as Exhibit F is a true and correct copy of the email from POST
13 Bureau Chief Mario Rodriguez dated May 26, 2016.

14 9) In or around May 2016, I had several telephone calls with POST Bureau Chief
15 Mario Rodriguez.

16 10) My representatives have contacted POST and requested a true and correct copy
17 of my formal request for POST Basic Certificate under the authority of the exception contained
18 in Penal Code §832.4, sent Registered U.S. Mail to then Interim Executive Director Stephanie
19 Scofield dated on or around August 20, 2016. As of this signing, my representatives have not
20 received it, but when they do, I will supplement this Declaration and attach this formal request
21 as Exhibit G.

22 11) Attached hereto as Exhibit H is a true and correct copy of the email (with some
23 personal information redacted) from POST Interim Executive Director Stephanie Scofield dated
24 September 2, 2016.

25 12) Attached hereto as Exhibit I is a true and correct copy of the email to POST
26 Interim Executive Director Stephanie Scofield dated September 2, 2016.

27 13) Attached hereto as Exhibit J is a true and correct copy of the POST Decision sent
28 from Manuel Alvarez, Jr. dated October 4, 2016.

1 14) Attached hereto as Exhibit K is a true and correct copy of the email (with some
2 personal information redacted) to POST Interim Executive Director Stephanie Scofield dated
3 October 11, 2016.

4 15) Attached hereto as Exhibit L is a true and correct copy of California Department
5 of State Hospitals Policy Manual, Policy 100 that I obtained from my employer's website.

6 16) Attached hereto as Exhibit M is a true and correct copy of a job description for
7 the Hospital Police Officer, Department of State Hospitals that I obtained from the following
8 website address last evening: <https://jobs.ca.gov/JOBSGEN/3MJ50.PDF>.

9 17) Attached hereto as Exhibit N is a true and correct copy of a job for Police
10 Officer, City of Martinez from the following website address last evening:
11 [http://agency.governmentjobs.com/cityofmartinez/job_bulletin.cfm?jobID=1426084&sharedWi](http://agency.governmentjobs.com/cityofmartinez/job_bulletin.cfm?jobID=1426084&sharedWindow=0)
12 [ndow=0](http://agency.governmentjobs.com/cityofmartinez/job_bulletin.cfm?jobID=1426084&sharedWindow=0).

13 18) Attached hereto as Exhibit O is a true and correct copy of a job description for
14 Deputy Sheriff, County of Napa that I obtained from the from the following website address last
15 evening: http://agency.governmentjobs.com/napacounty/job_bulletin.cfm?JobID=1355195.

16 I declare under the penalty of perjury pursuant to the laws of the State of California that
17 the foregoing is true and correct that this declaration was executed in Fairfield, California

18
19 Dated: May 24, 2017
20 FAIRFIELD, CA


21
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27
28
BY: 
TERENCE V. MCCULLOUGH

EXHIBIT "A"

From: Terence V. McCullough [mailto: [REDACTED]]
Sent: Sunday, May 15, 2016 8:46 PM
To: Singer, Kate@POST <Kate.Singer@post.ca.gov>
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 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. 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: http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=PEN§ionNum=832.4

PC 830.1(a): http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?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 appointment. He is a POST participant. 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

([REDACTED]) — m

([REDACTED]) — eFax

[REDACTED]

EXHIBIT "B"

Subject: RE: POST Basic Certificate Situation

Date: Thursday, May 19, 2016 at 1:19:28 PM Pacific Daylight Time

From: Rodriguez, Mario@POST

To: [REDACTED]

CC: Singer, Kate@POST

Mr. McCullough:

My name is Mario Rodriguez...I work with Kate at Calif. POST.

I've done some preliminary work on your situation...you have a very unusual circumstances from what I can gather so far.

My initial concern is why the Calif. Hospital Police do **not** have you listed on their POST Roster of peace officers.

So – first and foremost, I need to speak with you about your situation...and when we talk, here is the first question: Do you know and/or work with Jesus Gallegos?

For now, that question is a key starting point. We'll go from there.

My contact details are listed below...and I – unlike Kate – am VERY familiar with questions you have about your status and the options you may have. My cell phone is the best way to reach me (listed below).

So, I look forward to hearing from you.

Respectfully,

Mario Rodriguez

Mario Rodriguez
Bureau Chief
Learning Technology Resources Bureau
Commission on Peace Officer Standards and Training
860 Stillwater Road, Suite 100
West Sacramento, CA 95605-1630
(916) 227-2820, cell (916) 709-4955
mario.rodriguez@post.ca.gov



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not the intended recipient, please contact the sender and destroy all copies of the communication.

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 [REDACTED]
Sent: Sunday, May 15, 2016 8:46 PM
To: Singer, Kate@POST <Kate.Singer@post.ca.gov>
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:

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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

[REDACTED] m

[REDACTED] eFax

EXHIBIT "C"

Subject: Basic Course Waiver Question

Date: Friday, May 20, 2016 at 9:19:35 AM Pacific Daylight Time

From: Rodriguez, Mario@POST

To: [REDACTED]

CC: Loggins, Scott@POST, Sandoval, Maria@POST, Lozito, Karen@POST

Dear Terence:

First, it was a pleasure to meet you over the phone and to talk with you yesterday.

As promised, I have done some preliminary "checking" on what turns out to be the only viable option you have at this point – which (as you already knew!) is the Basic Course Waiver Process. Your primary contact here at POST is Luanne Vasquez, Basic Training Bureau. I've copied this e-mail to her and to her Bureau Chief, Scott Loggins. I'm also copying this to your regional consultant, Maria Sandoval and to her acting Bureau Chief, Karen Lozito (who happens to have Region III responsibilities which include the Calif. State Hospital Police).

I went by Luanne's office and found out she is not working today but she will be back on Monday. I have gone through the materials at the following link:

<https://post.ca.gov/basic-course-waiver-process.aspx>

I think you are right – this particular POST "Process" seems to be the only process designed for the unprecedented and complicated nature of your situation with State Hospital Police.

Here is the key to the letter you will be submitting (taken straight off the regulation):

Step 1: Application/Self-Assessment

The application/self-assessment must include verification of successful completion of each of the following:

- **at least a 200-hour general law enforcement basic course,**
- **at least 664 hours of general law enforcement training (including basic course),**
- **the legislatively mandated training subjects included in the Regular Basic Course**
- **at least one year of general law enforcement experience**

Each of these four "requirements" are the things you will need to expand on. You will need to provide verification (proof) of your qualifications in each one.

The good news is that we – POST – can see that you have successfully completed a California Intensive Basic Course, a California Requalification Course, and 80 hours of California POST certified training in the current CPT Training cycle. What we can't see is your current Peace Officer status, your duties, and the other key information that you supplied in your original e-mail.

The primary issue, as we discussed, is that you were hired in 2012 by an agency who appointed you to a peace officer classification that is NOT included in the POST program.

So, I'll be talk with Luanne on Monday...I will be asking her and looking for something that I am not aware of that would keep you from qualifying to apply for the Basic Course Waiver – so far, I can't see any reason.

I've got a busy day on Monday. I will try and get back to you by late Monday, Tuesday morning at

the latest.

Respectfully,

Mario Rodriguez

Mario Rodriguez
Bureau Chief
Learning Technology Resources Bureau
Commission on Peace Officer Standards and Training
860 Stillwater Road, Suite 100
West Sacramento, CA 95605-1630
(916) 227-2820, cell (916) 709-4955
mario.rodriquez@post.ca.gov



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EXHIBIT "D"

McCullough, Terence [REDACTED]

----- Forwarded message -----

From: **Terence V. McCullough** <[REDACTED]>
Date: Fri, May 20, 2016 at 9:56 AM
Subject: Re: Basic Course Waiver Question
To: "Rodriguez, Mario@POST" <Mario.Rodriguez@post.ca.gov>

Mr. Rodriguez --

It was a pleasure to make your acquaintance as well.

I thank you sincerely for taking the time to listen to (and genuinely process) my situation.

I have made myself familiar with the BCW process, and I agree in that my current fully sworn appointment and duties, combined with substantial POST certified training, exceed the requirements for application.

I fully understand the uniqueness of my situation, and am seeking to rectify it with your assistance. My intention, as stated in prior communications, is to obtain appointment with a POST participating agency and move forward with no further complications.

I do look forward to further cooperation with POST, and to resolving this matter with mutual satisfaction.

I await your reply.

Thank you so much again.

Respectfully,

Terence V. McCullough

On Fri, May 20, 2016 at 9:19 AM, Rodriguez, Mario@POST <Mario.Rodriguez@post.ca.gov> wrote:

Dear Terence:

First, it was a pleasure to meet you over the phone and to talk with you yesterday.

As promised, I have done some preliminary “checking” on what turns out to be the only viable option you have at this point – which (as you already knew!) is the Basic Course Waiver Process. Your primary contact here at POST is Luanne Vasquez, Basic Training Bureau. I’ve copied this e-mail to her and to her Bureau Chief, Scott Loggins. I’m also copying this to your regional consultant, Maria Sandoval and to her acting Bureau Chief, Karen Lozito (who happens to have Region III responsibilities which include the Calif. State Hospital Police).

I went by Luanne’s office and found out she is not working today but she will be back on Monday. I have gone through the materials at the following link:

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The primary issue, as we discussed, is that you were hired in 2012 by an agency who appointed you to a peace officer classification that is NOT included in the POST program.

So, I'll be talk with Luanne on Monday...I will be asking her and looking for something that I am not aware of that would keep you from qualifying to apply for the Basic Course Waiver – so far, I can't see any reason.

I've got a busy day on Monday. I will try and get back to you by late Monday, Tuesday morning at the latest.

Respectfully,

A handwritten signature in black ink that reads "Mario Rodriguez". The script is cursive and fluid.

Mario Rodriguez

Bureau Chief

Learning Technology Resources Bureau

Commission on Peace Officer Standards and Training

860 Stillwater Road, Suite 100

West Sacramento, CA 95605-1630

(916) 227-2820, cell (916) 709-4955

mario.rodriguez@post.ca.gov



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--
Detective Terence V. McCullough, #4084

DSH -- Napa

Office of Protective Services

[REDACTED] - personal

[REDACTED] - personal eFax

--
Detective Terence V. McCullough, #4084

DSH -- Napa

Office of Protective Services

[REDACTED] - personal

[REDACTED] -- personal eFax

EXHIBIT "E"

Subject: Re: Basic Course Waiver Question

Date: Saturday, May 21, 2016 at 11:42:54 AM Pacific Daylight Time

From: Terence V. McCullough

To: Rodriguez, Mario@POST

Mr. Rodriguez —

I am still unclear as to why I cannot obtain my POST Basic Certificate under the exception pertaining PC832.4.

Could you please explain this to me?

Thank you so much.

From: "Rodriguez, Mario@POST" <Mario.Rodriguez@post.ca.gov>

Date: Friday, May 20, 2016 at 9:19 AM

To: "Terence V. McCullough" [REDACTED]

Cc: "Loggins, Scott@POST" <Scott.Loggins@post.ca.gov>, "Sandoval, Maria@POST" <Maria.Sandoval@post.ca.gov>, "Lozito, Karen@POST" <Karen.Loizito@post.ca.gov>

Subject: Basic Course Waiver Question

Dear Terence:

First, it was a pleasure to meet you over the phone and to talk with you yesterday.

As promised, I have done some preliminary "checking" on what turns out to be the only viable option you have at this point – which (as you already knew!) is the Basic Course Waiver Process. Your primary contact here at POST is Luanne Vasquez, Basic Training Bureau. I've copied this e-mail to her and to her Bureau Chief, Scott Loggins. I'm also copying this to your regional consultant, Maria Sandoval and to her acting Bureau Chief, Karen Lozito (who happens to have Region III responsibilities which include the Calif. State Hospital Police).

I went by Luanne's office and found out she is not working today but she will be back on Monday. I have gone through the materials at the following link:

<https://post.ca.gov/basic-course-waiver-process.aspx>

I think you are right – this particular POST "Process" seems to be the only process designed for the unprecedented and complicated nature of your situation with State Hospital Police.

Here is the key to the letter you will be submitting (taken straight off the regulation):

Step 1: Application/Self-Assessment

The application/self-assessment must include verification of successful completion of each of the following:

- at least a 200-hour general law enforcement basic course,
- at least 664 hours of general law enforcement training (including basic course),
- the legislatively mandated training subjects included in the Regular Basic Course

at least one year of general law enforcement experience

Each of these four "requirements" are the things you will need to expand on. You will need to provide verification (proof) of your qualifications in each one.

The good news is that we – POST – can see that you have successfully completed a California Intensive Basic Course, a California Requalification Course, and 80 hours of California POST certified training in the current CPT Training cycle. What we can't see is your current Peace Officer status, your duties, and the other key information that you supplied in your original e-mail.

The primary issue, as we discussed, is that you were hired in 2012 by an agency who appointed you to a peace officer classification that is NOT included in the POST program.

So, I'll be talk with Luanne on Monday...I will be asking her and looking for something that I am not aware of that would keep you from qualifying to apply for the Basic Course Waiver – so far, I can't see any reason.

I've got a busy day on Monday. I will try and get back to you by late Monday, Tuesday morning at the latest.

Respectfully,

Mario Rodriguez

Mario Rodriguez
Bureau Chief
Learning Technology Resources Bureau
Commission on Peace Officer Standards and Training
860 Stillwater Road, Suite 100
West Sacramento, CA 95605-1630
(916) 227-2820, cell (916) 709-4955
mario.rodriguez@post.ca.gov



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EXHIBIT "F"

Subject: Final Review

Date: Thursday, May 26, 2016 at 2:59:04 PM Pacific Daylight Time

From: Rodriguez, Mario@POST

To: [REDACTED]

CC: Singer, Kate@POST

Dear Terrence:

As promised I have gone through the POST regulations and have spoken with our employees in the Training Delivery and Compliance Bureau and the Basic Training Bureau about your situation. The answer (and the result) is the same:

1. The Basic Course Waiver is specifically for persons who've completed a basic academy in another state (not a Calif. POST certified Basic Course), have been hired as a peace officer, and severed for at least one year in that other state...then want to "transfer" to a California Law Enforcement agency that is in the POST program. See this link:

<https://post.ca.gov/basic-course-waiver-process.aspx>

Note the last few words of the first sentence – "...for out of state applicants". This process and the Basic Course Waiver was designed originally to provide a way for trained and experienced peace officers from another state a way to "transfer" to a California Law Enforcement agency.

2. For everyone else – in other words, persons who successfully completed a POST Certified Basic Course – Regulation 1008 (b) is designed to establish a requalification option for those graduates of the Basic Course who had not been appointed as a qualifying peace officer position within three years of graduation. This is the requalification requirement that is applicable to you (persons who were not appointed to a qualifying peace officer position within three years after their Basic Course graduation) and your situation specifically.

<https://post.ca.gov/regular-basic-course.aspx>

When you look at this link (above), you can see that the first subject under (a) is the Basic Course Waiver explanation. The rest of the letters, starting with (b), cover the **graduates** of the full Basic Course and its equivalent variations (Mod's I, II, and III) and their "requalification" options. In your case, since you successfully completed a Basic Course in 2009, the information under "(a)" pertains specifically to you.

Terrance, I am sorry to report that under our regulations you do **not** qualify to take the Basic Course Waiver. The reason why is that you have successfully completed a California POST Certified Regular Basic. The Basic Course Waiver is not applicable to you and your situation.

So, in conclusion, it looks like the only "possible" option that we discussed when we started talking about this early last week – The Basic Course Waiver process – actually does not apply to you for one reason: Your successful completion of the California POST Certified Basic Course in 2009. Graduates of the Basic Course fall into the Regulation 1008 (b) category where POST provides direction for requalification should a graduate not get appointed to a qualifying peace officer position within three years. And, as we discussed, your appointment as a State Hospital Police Officer is not an applicable appointment.

I'm not sure what more I can do or say at this point. Your option for application to a POST law enforcement agency today is the successful completion of a full basic academy.

I will be free to discuss this with you tomorrow after 11 am. My cell phone number is (916) 709-4955.

Respectfully,

Mario Rodriguez

Mario Rodriguez
Bureau Chief
Learning Technology Resources Bureau
Commission on Peace Officer Standards and Training
860 Stillwater Road, Suite 100
West Sacramento, CA 95605-1630
(916) 227-2820, cell (916) 709-4955
mario.rodriquez@post.ca.gov



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EXHIBIT "G"

**TO BE PROVIDED
AS STATED IN
DECLARATION**

EXHIBIT "H"

McCullough, Terence([REDACTED])

From: [REDACTED] <[REDACTED]@gmail.com>

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

----- Forwarded message -----

From: **Scofield, Stephanie@POST** <Stephanie.Scofield@post.ca.gov>

Date: Fri, Sep 2, 2016 at 11:03 AM

Subject: Package Received

To: "[REDACTED]" <[REDACTED]>

Mr. McCullough:

I am in receipt of your package you sent requesting a review of your training/employment situation. We will review and provide you a response as soon as possible.

Thank you,

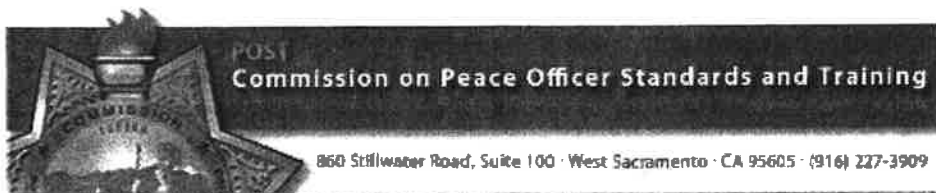
Stephanie

Stephanie Scofield

Interim Executive Director

Office: [916.227.2807](tel:916.227.2807)

Fax: [916.227.2801](tel:916.227.2801)



The mission of POST is to continually enhance the professionalism of California law enforcement in serving its communities.

Detective Terence V. McCullough, #4084
DSH -- Napa
Office of Protective Services

EXHIBIT "I"

McCullough, Terence (NSF/CCH)

Subject:

Fwd: Package Received

----- Forwarded message -----

From: **Terence V. McCullough**

Date: Fri, Sep 2, 2016 at 11:38 AM

Subject: Re: Package Received

To: "Scofield, Stephanie@POST" <Stephanie.Scofield@post.ca.gov>

Thank you so much.

On Fri, Sep 2, 2016 at 11:03 AM, Scofield, Stephanie@POST <Stephanie.Scofield@post.ca.gov> wrote:

Mr. McCullough:

I am in receipt of your package you sent requesting a review of your training/employment situation. We will review and provide you a response as soon as possible.

Thank you,

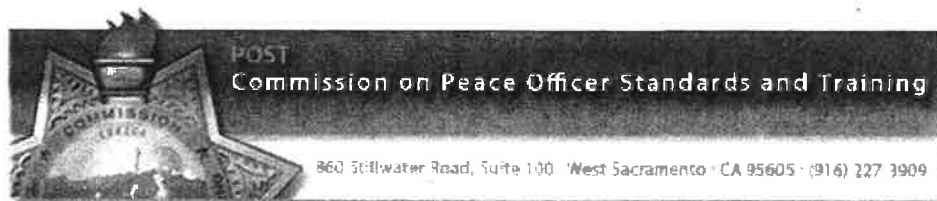
Stephanie

Stephanie Scofield

Interim Executive Director

Office: [916.227.2807](tel:916.227.2807)

Fax: [916.227.2801](tel:916.227.2801)



*The **mission** of POST is to continually enhance the professionalism of California law enforcement in serving its communities.*

--

Detective Terence V. McCullough, #4084

DSH -- Napa

Office of Protective Services

[REDACTED] -- personal

[REDACTED] -- personal eFax

--

Detective Terence V. McCullough, #4084

DSH -- Napa

Office of Protective Services

[REDACTED] -- personal

[REDACTED] -- personal eFax

EXHIBIT "J"



EDMUND G. BROWN JR.
GOVERNOR

KAMALA D. HARRIS
ATTORNEY GENERAL

COMMISSION ON
PEACE OFFICER STANDARDS AND TRAINING

October 4, 2016

Terence McCullough
[REDACTED]

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

EXHIBIT "K"

McCullough, Terence [REDACTED]

[REDACTED] Terence V. McCullough <terence.mccullough@post.ca.gov>

[REDACTED] Please do not reply directly to this email.

----- Forwarded message -----

From: **Terence V. McCullough** [REDACTED]
Date: Tue, Oct 11, 2016 at 7:44 AM
Subject: Request for Appeal Before POST Commission
To: "Scofield, Stephanie@POST" <Stephanie.Scofield@post.ca.gov>

Greetings, Ms. Scofield --

I am in receipt of Mr. Alvarez's response to my request for an POST Basic Certificate exemption under PC832.4(a).

I am requesting an appeal in front of the Commission on POST regarding this decision, at the next Commission meeting scheduled for 10-26-2016.

I thank you for your time and consideration.

Respectfully,

--
Detective Terence V. McCullough, #4084
DSH -- Napa
Office of Protective Services

[REDACTED] -- personal
[REDACTED] -- personal eFax
[REDACTED]

--
Detective Terence V. McCullough, #4084
DSH -- Napa
Office of Protective Services

[REDACTED] -- personal
[REDACTED] -- personal eFax
[REDACTED]

EXHIBIT "L"

Law Enforcement Authority

100.1 PURPOSE AND SCOPE

The purpose of this policy is to affirm the authority of the members of the California Department of State Hospitals (DSH) to perform their functions based on established legal authority.

100.2 POLICY

It is the policy of DSH to limit its employees to only exercise the authority granted to them by law.

While DSH recognizes the power of peace officers to make arrests and take other enforcement action, officers are encouraged to use sound discretion in the enforcement of the law. This department does not tolerate the abuse of law enforcement authority.

100.3 HOSPITAL PEACE OFFICER POWERS

The authority of peace officers employed by the California Department of State Hospitals (DSH) is derived from applicable laws of the State of California, found in California Welfare and Institutions Code sections 4311-4313, 4315, and Penal Code sections 830.3, subdivision (v), and 830.38.

100.3.1 HOSPITAL POLICE OFFICER

The authority of Hospital Police Officers extends to any place in the State of California for the purpose of performing their primary duty, or other related law enforcement duties described in applicable laws of the State of California. (Pen. Code, §830.38.)

These peace officers may carry firearms only if authorized and under terms and conditions specified in this manual by DSH. Refer to Special Orders 202.40, 911 and 913 for further details.

100.3.2 EXECUTIVE COMMAND STAFF AND INVESTIGATORS

The authority of the Chief of Law Enforcement, Hospital Police Chief, Supervising Investigators, and Investigators of the Office of Protective Services extends to any place in the State of California provided that the primary duty of each of those persons shall be the enforcement of the law relating to the duties of his or her department or office, or to perform other law enforcement duties pursuant to applicable laws of the State of California.

These peace officers identified in this subsection may carry firearms only if authorized and under those terms and conditions as specified by their employing agencies in this manual. (Pen. Code, §§ 830.3, 830.3, subd. (v), 830.38.)

100.3.3 ARREST AUTHORITY OUTSIDE THE JURISDICTION OF THE CALIFORNIA DEPARTMENT OF STATE HOSPITALS

On-duty arrests will not generally be made outside the jurisdiction of this department except in cases of hot or fresh pursuit, while following up on crimes committed with the State or while assisting another agency. On-duty officers who discover criminal activity outside the jurisdiction of the State should, when circumstances permit, consider contacting the agency having primary jurisdiction before attempting an arrest.

Law Enforcement Authority

When an officer makes an out-of-county arrest pursuant to a warrant, the officer shall inform the arrestee of the right to be taken before a magistrate in that county (Penal Code § 821; Penal Code § 822).

100.3.4 ARREST AUTHORITY WITHIN THE JURISDICTION OF THE CALIFORNIA DEPARTMENT OF STATE HOSPITALS

The arrest authority within the State of California is as follows (Penal Code § 830.1):

- (a) As to any public offense committed or which there is probable cause to believe has been committed within the jurisdiction of the California Department of State Hospitals.
- (b) Where the peace officer has the consent of the Chief of Police.
- (c) As to any public offense committed or which there is probable cause to believe has been committed in the officer's presence and there is immediate danger to a person or property, or of the escape of the perpetrator of the offense.
- (d) Arrest pursuant to a warrant.
 - 1. For out-of-county warrants, the arresting officer shall inform the arrestee, in writing without delay, of the right to be taken before a magistrate in this county (Penal Code § 821; Penal Code § 822):

100.4 INTERSTATE PEACE OFFICER POWERS

Peace officer powers may be extended to other states:

- (a) As applicable under interstate compacts, memorandums of understanding or mutual aid agreements in compliance with the laws of each state.

100.5 CONSTITUTIONAL REQUIREMENTS

All members shall observe and comply with every person's clearly established rights under the United States and California Constitutions.

EXHIBIT "M"



CONTINUOUS OPEN EXAMINATION FOR DEPARTMENT OF STATE HOSPITALS

HOSPITAL POLICE OFFICER

www.dsh.ca.gov

The State of California is an equal opportunity employer to all, regardless of age, ancestry, color, disability (mental and physical), exercising the right to family care and medical leave, gender, gender expression, gender identity, genetic information, marital status, medical condition, military or veteran status, national origin, political affiliation, race, religious creed, sex (includes pregnancy, childbirth, breastfeeding and related medical conditions), and sexual orientation.

It is the objective of the State of California to achieve a drug-free state workplace. Any applicant for State employment will be expected to behave in accordance with this objective because the use of illegal drugs is inconsistent with the law of the State, the rules governing civil service, and the special trust placed in public servants.

EXAMINATION TYPE AND POSITION LOCATIONS

This is an open examination for the Department of State Hospitals (DSH) for the following location(s):

DSH - Atascadero
DSH - Metropolitan
DSH - Patton

DSH - Coalinga
DSH - Napa

Examination and/or Employment Applications will not be accepted on a promotional basis. Career credits do not apply.

HOW TO APPLY

MAIL OR HAND DELIVER, A STATE APPLICATION (STD. 678) TO ONLY ONE OF THE FOLLOWING HOSPITALS (YOU WILL HAVE THE OPTION TO CHOOSE MULTIPLE LOCATIONS AT THE TIME OF EXAMINATION.):

DSH-ATASCADERO
EMPLOYMENT OFFICE
P.O. BOX 7005
ATASCADERO, CA 93423-7001
(805) 468-3384 / TDD (805) 468-2009

DSH-COALINGA
SELECTION SERVICES UNIT
P.O. BOX 5002
COALINGA, CA 93210
(559) 935-4305 / TDD (559) 935-7120

DSH-METROPOLITAN
SELECTION SERVICES UNIT
11401 SOUTH BLOOMFIELD AVENUE
NORWALK, CA 90650
(562) 863-7011 / TDD (562) 863-1743

DSH-NAPA
PERSONNEL OFFICE
2100 NAPA-VALLEJO HIGHWAY
NAPA, CA 94558
(707) 253-5611 / TDD (707) 253-5768

DSH-PATTON
HUMAN RESOURCES-EXAMS/HIRING
3102 EAST HIGHLAND AVENUE
PATTON, CA 92369
(909) 425-7000 / TDD (909) 862-5730

California Relay for the hearing impaired:

From a TDD Phone (800) 735-2929

From a Voice Phone (800) 735-2922

DO NOT SUBMIT A STATE APPLICATION (STD. 678) TO THE CALIFORNIA DEPARTMENT OF HUMAN RESOURCES.

NOTE: All State Applications (STD. 678) must include: "to" and "from" dates (month/day/year); time base; and civil service class titles. State Application (STD. 678) received without this information will be rejected. Resumes will not be accepted in lieu of a completed State Application (STD. 678).

EXAMINATION ELIGIBILITY LIMITATION

A candidate may be tested only once during any testing period. The testing period for this classification is once every 12 months. If you have taken an examination for this classification with the Department of State Hospitals- Atascadero, Coalinga, Metropolitan, Napa, or Patton within the last 12 months, you are not eligible to compete in this examination.

FINAL FILE DATE	Continuous Testing – No Final File Date. Testing is considered continuous as dates can be set at any time.
SPECIAL TESTING ARRANGEMENTS	If you have a disability and need special testing arrangements, mark "yes" on Question #2 on the State Application (STD. 678). The Selection Services Unit will contact you to make special testing arrangements.
IDENTIFICATION REQUIRED	Note: Accepted applicants are required to bring either a photo identification card or two forms of signed identification to each phase of the examination.
SALARY RANGE	<p>\$4,524 - \$5,595*</p> <p>*\$800 per month Recruitment & Retention pay is included in the salary listed above.</p> <p>Salary reflects the 2% increase effective 7/1/2015.</p> <p>The salaries used in the bulletin may not reflect all pay raises or any additional bonuses. You should verify the salary level(s) with the department personnel office before making any commitments.</p>
REQUIREMENTS FOR ADMITTANCE TO THE EXAMINATION	<p>It is your responsibility to make sure you meet the education and/or experience requirements stated on this announcement on the date you submit your application. Your signature on your State Application (STD. 678) indicates that you have <u>read</u>, <u>understood</u>, and <u>possess</u> the basic qualifications required.</p> <p>NOTE: All applicants must meet the education and/or experience requirements for this examination by the testing deadline established by the testing office.</p>
MINIMUM QUALIFICATIONS	<p><u>Education:</u> Equivalent to completion of the 12th grade. and</p> <p><u>Training Requirement:</u> Satisfactory completion of the training requirements of Penal Code Section 832. Candidates may be admitted to the examination before completion of Penal Code Section 832, but must successfully complete this training before being eligible for appointment.</p>
SPECIAL PERSONAL CHARACTERISTICS	Tolerance and ability to handle stressful situations; ability to remain calm in emergency situations; and willingness to work at night and to report for duty at any time when emergencies arise.
JOB CHARACTERISTICS	<p>All applicants are required to successfully complete the Department of State Hospitals Orientation training during their probationary period.</p> <p>All applicants are required to successfully complete the Field Training Officer Program during their probationary period.</p> <p>All applicants will receive approximately seventeen weeks of training at the Department of State Hospitals Police Academy (DSHPA) located in Atascadero, adjacent to Atascadero State Hospital.</p> <p>Successful completion of the designated training courses is a requirement for permanent status in these classifications.</p>
SPECIAL PHYSICAL REQUIREMENTS	Possession and maintenance of sufficient strength, agility, and endurance to perform during physically, mentally, and emotionally stressful and emergency situations encountered on the job; and sufficient hearing and vision to effectively perform the essential functions of the job.
JOB DESCRIPTION	This is the entry and journey person level for this series. Incumbents, under supervision, perform custody, security, and general law enforcement duties and do other related work.
AGE LIMITATION	The minimum age of appointment is 21 years of age.
DRUG TESTING REQUIREMENT	Applicants for positions in this class are required to pass a drug-screening test. Testing of current employees who are applicants in an examination, or who are transferring is permitted only if the person does not have a current appointment to a class for which drug testing is a requirement.

**PEACE OFFICER
REQUIREMENTS****Citizenship Requirement:**

Pursuant to Government Code Section 1031(a), in order to be a peace officer, a person must be either a U.S. Citizen or be a permanent resident alien who is eligible for and has applied for U.S. Citizenship. Any permanent resident alien who is employed as a peace officer shall be disqualified from holding that position if his/her application for citizenship is denied.

**PEACE OFFICER
REQUIREMENTS
CONT.****Felony Disqualification:**

Pursuant to Government Code Section 1029(a), persons convicted of a felony are disqualified from employment as peace officers except as provided under Welfare and Institutions Code, Division 2, Chapter 3, Article 8, Section 1179(b), or Division 2.5, Chapter 1, Article 4, Section 1772(b). Except as provided for by these statutes, persons convicted of a felony are not eligible to compete for, or be appointed to, positions in these classes.

Background Investigation:

Pursuant to Government Code Section 1031, persons successful in peace officer examinations shall be required to undergo a thorough background investigation prior to appointment. Persons unsuccessful in the background investigation cannot be appointed as peace officers.

Medical/Psychological Screening Requirement:

Pursuant to Government Code Section 1031(f), persons successful in peace officer examinations are required to successfully pass a thorough medical and psychological screening prior to appointment date. Persons unsuccessful in the medical and psychological screening cannot be appointed as peace officers.

Drug Testing Requirement:

Applicants for positions in these classes are required to pass a drug-screening test. (The drug-screening test will be waived for employees who are currently in a designated "sensitive" class for which drug testing is required under State Personnel Board Rule 213.)

Driver's License Requirement:

Possession of a valid driver license of the appropriate class issued by the Department of Motor Vehicles. Applicants who do not possess the license will be admitted to the examination but must secure the license prior to appointment.

**EXAMINATION
INFORMATION**

This examination will consist of a Written Exam weighted 100%.

In order to obtain a position on the eligible list, a minimum rating of 70% must be attained. ***Candidates who do not appear for the interview will be disqualified.***

**EXAMINATION
SCOPE****Knowledge of:**

1. Basic principles and practices of law enforcement and basic arithmetic as applied in performing peace officer duties.

Ability to:

1. Apply sound judgment in the enforcement of hospital rules and regulations and applicable State laws necessary for the protection of persons and property.
2. Physically apprehend and control patients or law violators.
3. Remain calm, and think and act quickly in an emergency.
4. Adopt an effective course of action in dealing with unusual situations.
5. Use patience, tact, and impartiality in handling disturbances and confrontations.
6. Communicate convincingly and effectively.
7. Work closely with medical and nursing staff to resolve patient-related problems.
8. Deal effectively with patients, the public, and other law enforcement agencies.
9. Prepare clear and concise reports.

**ELIGIBLE LIST
INFORMATION**

A departmental open eligible list will be established for the Department of State Hospitals-Atascadero, Coalinga, Metropolitan, Napa, and Patton. The eligible list will be used to fill vacancies at Atascadero, Coalinga, Metropolitan, Napa, and Patton. Names of successful competitors are merged onto the list in order of final score, regardless of date. Eligibility expires 24 months after it is established, unless the needs of the service and conditions of the list warrant a change in this period.

**VETERANS'
PREFERENCE**

Veterans' preference will be granted in this examination.

GENERAL INFORMATION

For an examination without a written feature it is the competitor's responsibility to contact the Department of State Hospitals, Selection Services Unit at (916) 651-8832 three weeks after the application deadline date if she/he has not received a progress notice.

If a competitor's notice of oral interview or performance test fails to reach her/him prior to the day of the interview due to a verified postal error, she/he will be rescheduled upon written request.

State Application (STD. 678) are available at the California Department of Human Resources, local offices of the Employment Development Department, the Department of State Hospitals, and accessible on the internet at www.CalHR.ca.gov.

If you meet the requirements stated on this bulletin, you may take this examination, which is competitive. Possession of the entrance requirements does not assure a place on the eligible list. Competitors who pass will be ranked according to their scores.

The Department of State Hospitals reserves the right to revise the examination plan to better meet the needs of the service if the circumstances under which this examination was planned change. Such revision will be in accordance with civil service law and rules and all competitors will be notified.

Examination Locations: When a written test is part of the examination, it will be given in such places in California as the number of competitors and conditions warrant.

Eligible Lists: Eligible lists established by competitive examination, regardless of date, must be used in the following order: 1) subdivisional promotional, 2) departmental promotional, 3) multidepartmental promotional, 4) servicewide promotional, 5) departmental open, 6) open. When there are two lists of the same kind, the older must be used first. Eligible lists will expire in one to four years unless otherwise stated on this bulletin.

General Qualifications: Competitors must possess essential personal qualifications including integrity, initiative, dependability, good judgment and ability to work cooperatively with others; and a state of health consistent with the ability to perform the assigned duties of the class. A medical examination may be required. In open examinations, investigation may be made of employment records and personal history and fingerprinting may be required.

Veterans' Preference: Effective January 1, 2014, in accordance with Government Codes 18973.1 and 18973.5, Veterans' Preference will be awarded as follows: 1) Any veteran, widow or widower of a veteran, or spouse of a 100 percent disabled veteran, who achieves a passing score in an entrance examination, shall be ranked in the top rank of the resulting eligibility list. Any veteran who has been dishonorably discharged or released is not eligible for Veterans' Preference. 2) An entrance examination is defined, under the law, as any open competitive examination. And 3) Veterans' Preference is not granted once a person achieves permanent civil service status.

Veteran status is verified by the California Department of Human Resources (CalHR). Directions to apply for Veterans' Preference are on the Veterans' Preference Application (Std. Form 1093), which is available at <http://jobs.ca.gov/Job/VeteransInformation> and the Department of Veterans Affairs.

High School Equivalence: Equivalence to completion of the 12th grade may be demonstrated in any one of the following ways: 1) passing the General Education Development (GED) Test; 2) completion of 12 semester units of college-level work; 3) certification from the State Department of Education, a local school board, or high school authorities that the competitor is considered to have education equivalent to graduation from high school; or 4) for clerical and accounting classes, substitution of business college work in place of high school on a year-for-year basis.

Career Credits: In open, nonpromotional examinations, career credits are granted to: 1) State employees with permanent civil service status, 2) full-time employees of the State who are exempt from State civil service pursuant to the provisions of Section 4 of Article VII of the California Constitution, and who meet all qualification requirements specified by the Board and have 12 consecutive months of service in an exempt position, and 3) individuals who have served one full year in, or are graduates of, the California Conservation Corps (eligibility shall expire 24 months after graduation from the California Conservation Corps). Three points are added to the final test score of those candidates who meet the above criteria, and who are successful in the examination. Such examinations cannot be for managerial positions described in Government Code 3513. Competitors not currently employed in State civil service who have mandatory reinstatement rights may also be eligible for career credits, but they must explain their civil service status in the appropriate section of the State Application (STD. 678). (Section 4 of Article VII of the California Constitution is posted at the California Department of Human Resources, 1515 S Street Sacramento, CA 95811.)

DEPARTMENT OF STATE HOSPITALS

Selection Services Unit
1600 9th Street, Room 121
Sacramento, CA 95814

TDD is a Telecommunications Device for the Deaf and is reachable only from phones equipped with a TDD Device.

From TDD Phones: 1-800-735-2929

From Voice Phones: 1-800-735-2922

EXHIBIT "N"



CITY OF MARTINEZ
invites applications for the position of:

**Police Officer - Laterals & Academy
Graduates Only**

SALARY:

\$32.73 - \$39.65 Hourly
\$5,672.68 - \$6,872.74 Monthly
\$68,072.16 - \$82,472.88 Annually

OPENING DATE: 02/15/17**CLOSING DATE:** Continuous**DEFINITION:**DEFINITION:

Under general supervision, to patrol an assigned beat in the enforcement of law and order; to carry out special assignments in the protection of life and property; and to do related work as required.

REPRESENTATIVE DUTIES:REPRESENTATIVE DUTIES:

Operates an automobile, motorcycle or walks in patrolling an assigned area for the prevention of crime and the enforcement of laws and regulations; responds to radio messages or telephone instructions and appears at scenes of disorder or crime; notes and reports traffic hazards; investigates and prepares reports on accidents, offenses, and damage to property; gives directions and information; makes arrests; issues citations; gives verbal warnings; prepares reports on arrests and property impounded; directs traffic; tries doors to determine whether buildings are locked; inspects establishments providing alcoholic beverages and entertainment; intervenes in private or public disputes to protect the public and maintain order; requests medical attention when necessary; appears in court on and off duty as the arresting officer; transports prisoners; investigates complaints; interrogates persons whose actions are suspicious; reports street lamps not working; sees that objects are removed from streets which might endanger traffic; reports abandoned or damaged vehicles; serves subpoenas; provides escort or guard services for parades or public meetings; participates in training conferences and programs; practices the use of firearms; observes and reports conditions conducive to crime; watches likely locations for wanted persons; writes case reports and a log of activities; occasionally relieves a superior officer and acts for him; supervises the custody of prisoners; fingerprints, photographs, and books prisoners; takes prisoners to court; answers inquiries; keeps records and prepares reports; when assigned operates a motorcycle in traffic enforcement.

QUALIFICATIONS/EDUCATION/EXPERIENCE:

QUALIFICATIONS:

Minimum: Must be 18 years of age, must have a high school diploma, or G.E.D. certificate. Must have a valid and appropriate California driver's license and a good driving record; must pass a medical examination, including drug screen, and a psychological and background investigation; must have 20/100 vision or better, correctable to 20/30 in each eye.

Desirable: Observe and learn various laws, police procedures, law enforcement techniques and first aid; analyze problems and situations accurately and adopt effective courses of action even in emergency or stressful situations; undergo strenuous physical conditioning; maintain positive business and community relationships. Ability to read and understand departmental policies, rules, instructions, laws, regulations, and police literature, together with an aptitude for law enforcement work; ability to analyze situations and adopt a quick, effective, and responsible course of action; ability to write clear and accurate reports; ability to understand and follow oral directions; ability to learn the use and care of automobiles, motorcycles, and small firearms; keen observation and ability to remember names, faces, and details of incidents; good health, physical endurance and agility; ability to meet height and maintain weight and physical standards established by the City Council; ability to pass polygraph examination.

SUPPLEMENTAL INFORMATION:

SELECTION PROCESS:

This recruitment is open and continuous. Apply immediately. On an as-needed basis to establish a new eligibility list, the City will review and select a number of the most experienced and best qualified applicants to invite for an Oral Board exam (weighted at 100%).

CERTIFICATIONS:

Applicants must submit the following documentation, for their status, with their application:

- Laterals - A Basic P.O.S.T. certificate (or higher level)
- Academy Graduates - A certificate of training completion from a P.O.S.T. Basic Academy

Note: Please have your certificate scanned and ready to upload during your application process as the system will not allow you to make the addition after your application is submitted.

WORKING CONDITIONS:

Patrol works 3/12 schedule, Investigations and other special assignments work 4/10 schedule.

PROBATIONARY PERIODS:

Lateral officers must successfully pass a 12 month probationary period. Police Academy Graduates must successfully pass an 18 month probationary period.

APPLICATIONS MAY BE FILED ONLINE AT:
<http://www.cityofmartinez.org>

525 Henrietta Street
Martinez, CA 94553
(925) 372-3522

jobs@cityofmartinez.org

Position #FY15/16-00017
POLICE OFFICER - LATERALS & ACADEMY GRADUATES ONLY
VF

If interested, please apply online at http://www.cityofmartinez.org/depts/admin/human_resources/default.asp

EXHIBIT "O"


COUNTY OF NAPA

Human Resources
1195 Third Street, Suite 110
Napa, CA 94559
707-253-4303

<http://www.napacountycafeers.com>

A Tradition of Stewardship
A Commitment to Service

INVITES APPLICATIONS FOR THE POSITION OF:

Deputy Sheriff - Lateral - Continuous Opening

An Equal Opportunity Employer

SALARY

\$40.48 - \$48.62 Hourly \$3,238.40 - \$3,889.60 Biweekly \$7,016.53 - \$8,427.47 Monthly
\$84,198.40 - \$101,129.60 Annually

OPENING DATE: 02/16/16

CLOSING DATE: Continuous

JOB TYPE: Full Time

Job Category: Public Safety

DEPARTMENT: Sheriff

LOCATION: Sheriff's - 1535 Airport Blvd., Napa

THE NAPA VALLEY

The Napa Valley, internationally known for its fine wines, exciting restaurants, and world-class resorts, is home to 130,000 residents who share a strong sense of community and a legacy of preserving and protecting our rich agricultural heritage.

Located in the heart of California's preeminent wine region, the Napa Valley is also part of the dynamic San Francisco Bay Metropolitan Area. With its sunny Mediterranean climate and proximity to the mountains and ocean, the Valley offers residents easy access to virtually unlimited shopping, dining, cultural and recreational opportunities.

The Napa Valley's strategic location, natural and cultural resources, history of responsible land use planning and attractive quality of life provide the ideal mix of small town living and big city amenities.

COUNTY OF NAPA AS AN EMPLOYER

The County of Napa is a highly respected employer within the local community as well as throughout the region. We offer rewarding and challenging work, flexible hours, competitive salaries, a comprehensive benefits package and tremendous opportunities for career growth. At the County of Napa, we truly value our employees and are committed to diversity in our family-oriented environment. This is why we are the *Employer of Choice* for more than 1,300 employees.

As an organization, the County is dedicated to improving the lives of our citizens and reflecting the best of the community's values: Respect, Accountability, Dedication, Integrity and Innovation.

THE POSITION

Veterans' Preference Applicable for this Position

A Deputy Sheriff II is responsible for law enforcement, crime prevention, patrol of assigned areas and enforcement of State and Local laws.

Deputy Sheriffs do not rotate into the jail.

Recruitment Process:

Application review for minimum qualifications and oral panel interviews will be conducted on a quarterly basis. The dates for Oral Panel Interviews will be provided with advanced notice. Agility testing may be required in the selection process.

Only the most qualified candidates based on the minimum qualifications, certifications and supplemental questions will be invited to Departmental Oral Board Panel Interviews.

Human Resources reserves the right to make changes to the recruitment process and schedule at any time.

EXAMPLE OF DUTIES

The Deputy Sheriff has the responsibility of maintaining law and order within the County by performing law enforcement activities in a variety of assignments: patrol, investigations, court security and civil.

Patrol: Patrol assigned areas; answer calls for protection of life and property and the enforcement of County and State laws; conduct preliminary and follow-up investigations of criminal incidents; direct traffic and detain drivers who are operating vehicles in violation of laws; issue citations and make arrests as necessary.

Investigations: Investigate major crimes against property and persons; conduct extensive follow-up investigation at the scene of crimes and accidents; gather evidence; conduct surveillance; locate and question witnesses; take statements from witnesses; present

information to the District Attorney's office for filing of charges; appear in court as directed.

Court Security: Maintain safety and security for all personnel in the courtroom; serve as bailiff in the courtroom; transfer inmates to and from the courts and correctional facilities; search individuals entering the courtroom when necessary; monitor all courtroom activities to anticipate any safety concerns; assist other courtroom personnel and jurors in ensuring smooth operation of the courtroom.

Civil: Serve legal papers such as subpoenas, summons, complaints and writs of attachment, executions and restitution; serve warrants and make arrests; prepare, process and maintain necessary files, documents and reports; perform other work related to the processing of misdemeanor and felony complaints.

Additional duties may include: Make arrests as necessary; interview victims, complainants and witnesses; interrogate suspects; gather and preserve evidence; testify and present evidence in court; serve warrants and subpoenas; file complaints; perform other work related to the processing of misdemeanor and felony complaints; prepare written detailed reports of all activities (e.g., on arrests, traffic violations, inmate conflicts, impounded property) and other situations; maintain departmental records and files; investigate complaints; conduct coroner's investigations and prepare reports; receive and investigate complaints of violations by or against juveniles; confer with juveniles and their parents; prepare citations for Juvenile Court; contact and cooperate with other law enforcement agencies in matters relating to the apprehension of offenders and the investigation of offenses; respond to mutual aid requests to assist other public jurisdictions; keep firearms and other equipment in good working condition; serve as range master at a pistol shooting range; attend meetings with civic groups; participate in and conduct public awareness/education programs at schools; maintain contact with citizens regarding potential law enforcement problems and preserve good relationships with the general public; may be assigned to special assignments such as boat patrol, narcotics, or canine patrol duty; answer inquiries over the telephone and at the counter; perform related duties as assigned.

TYPICAL QUALIFICATIONS

KNOWLEDGE OF:

Principles and practices of law enforcement.

Police methods and procedures, including patrol, crime prevention, traffic control, investigation and identification techniques.

Criminal law and criminal procedure with particular reference to the apprehension, arrest and custody of persons committing misdemeanors and felonies.

Rules of evidence pertaining to search and seizure and the preservation of evidence.

Rules and regulations of the Sheriff's Department.

Establish and maintain cooperative working relationships with fellow employees and the general public.

Meet standards of adequate physical stature, endurance and agility.

EXPERIENCE AND EDUCATION

To qualify for this classification, an individual must possess any combination of experience and education that would likely produce the required knowledge, skills and abilities. Required minimum qualifications:

Experience:

One year of professional experience in law enforcement work.

Education:

Equivalent to completion of high school. Equivalent to completion of two years of college is highly desired.

Certificate:

Possession of a valid Basic Certificate issued by the California Peace Officers' Standards and Training Commission.

The Commission on Peace Officer Standards and Training requires that each individual who has previously completed a POST-certified basic course, or has previously been deemed to have completed equivalent training, AND the individual has been awarded a POST certificate but has a three-year or longer break in service as a peace officer, must be retrained or complete the basic course waiver process (PAM Section D-11), unless such retraining or examination is waived by the Commission.

Citizenship:

Applicants must be United States citizens.

License:

Possession of a valid California Driver's License.

Special Qualifications:

Applicants must be 21 years of age.

Persons employed in this class must be willing to work nights, weekends, holidays and/or rotating shifts.

ADA ACCOMMODATION

Applicants requiring accommodation during the application and/or selection process pursuant to the Americans with Disabilities Act (ADA) should contact County of Napa Human Resources at (707) 253-4303.

APPLICATIONS MAY BE OBTAINED AND FILED ONLINE AT:
<http://www.napacountyrecareers.com>

OR

1195 Third Street, Suite 110,
 Napa, CA 94559

EXAM #00021
 DEPUTY SHERIFF - LATERAL - CONTINUOUS OPENING
 NE

Deputy Sheriff - Lateral - Continuous Opening Supplemental Questionnaire

- * 1. Instructions for Supplemental Application Questions. The following questions comprise one of the steps in the selection process for this position and are intended to assist you in presenting your qualifications. Only the information you provide in your answers to these questions will be evaluated and scored to determine the best qualified candidates to continue in the selection process for this position. Please be complete and specific in answering the questions as your score will be based on this information. Applications submitted without responses to the supplemental questions will not be evaluated.
Although your experience and education should relate back to your application, your application and or resume will not be reviewed when scoring the supplemental questions. Therefore, please be as detailed as possible in your responses to the supplemental questions. I have read and understand the instructions presented above.
- ☐ Yes ☐ No
- * 2. The minimum age requirement for this position is age 21. Are you at least 21 years of age?
- ☐ Yes ☐ No
- * 3. This position requires the applicant to be an United States citizen. Are you an United States citizen?
- ☐ Yes ☐ No
- * 4. Do you have at least one year of professional experience in law enforcement work, with at least the P.O.S.T Basic Certificate?
- ☐ Yes ☐ No
- * 5. To qualify for this position it will be necessary for you to agree to an extensive background investigation, which will include criminal history, drug and alcohol use, financial history, contacts with current and prior employers, interview with friends, neighbors, etc. Do you agree to participate in the background investigation process?
- ☐ Yes ☐ No

- * 6. In addition to the extensive background investigation, you will participate in a physical agility test, a psychological examination, and a physical examination by a County-designated physician which will include a drug test. Is there anything that you would like to disclose that you feel might jeopardize your chances of moving forward in the process?
- ☐ Yes ☐ No
7. If you answered "yes" to question #6, please provide an explanation below.
- * 8. Do you understand that any disqualifying information discovered in the background process may be forwarded to your current employer?
- ☐ Yes ☐ No
- * 9. What level of California Peace Officer's Standards and Training Commission certificate do you possess?
- ☐ Basic Certificate
☐ Intermediate Certificate
☐ Advanced Certificate
☐ No Certificate
- * 10. The "Brady List refers to your ability to testify in court. Are you now, or have you ever been, or otherwise notified that you were on a "Brady list "with your current or former employer(s)?
- ☐ Yes ☐ No
- * Required Question

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PROOF OF SERVICE

STATE OF CALIFORNIA
COUNTY OF SAN BERNARDINO }

I am employed in the County of San Bernardino, State of California. I am over the age of 18 years and not a party to the within action, my business address is 400 N. Mountain Ave., St. 101, Upland, CA 91786. On May 24, 2017, I served the foregoing document described as: **DECLARATION APPELLANT TERENCE MCCULLOUGH** on the interested parties in this action by delivering () the original (X) a true copy thereof to:

Scott Loggins, Assistant Executive Director
Standards and Development Division
Commission on POST
860 Stillwater Road, Suite 100
West Sacramento, CA 95605-1630
Email: scott.loggins@post.ca.gov
Desk line: (916) 227-2807

[] **VIA FACSIMILE TRANSMISSION:** I transmitted the above documents by facsimile transmission to the FAX telephone number listed for each party above listed above with a fax machine and obtained confirmation of complete transmittal thereof.

[] **VIA U.S. MAIL:** I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with U.S. postal service on that same day with postage thereon fully paid at Los Angeles, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more that one day after date of deposit for mailing in affidavit.

[] **VIA PERSONAL DELIVERY:** I caused such envelope to be delivered by hand to the addressee(s) listed herein.

[X] **VIA OVERNIGHT DELIVERY:** I served such envelope or package to be delivered on the same day to an authorized courier or driver authorized by the express service carrier to receive documents, in an envelope or package designated by the express service carrier.

Executed on May 24, 2017, at Upland, California.

BY:


ARLENE AGUILERA