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To: Bunch, Kirk@POST [REDACTED]

Subject: Bulletin No. 2021-31 Question

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Mr. Bunch,

Since DAI's are 830.1 PC level public safety officers, doesn't anyone at POST realize this proposal potentially alters existing law to the detriment of the public and profession?

Based upon the language of the penal code, this regulatory-agency proposal will carve an exemption strictly for DAI's. Ultimately, I can easily see this be challenged in Court to allow future Police Officers and Deputy Sheriff's, who are also PC 830.1, to be exempt from the full basic academy training rule. Basically; the argument can be made that this is selective and discriminatory in nature. IE; if it's good for one classification under 830.1 PC it should be good for all.

The result of that argument will, naturally, become a reclassification of the DAI. I can easily see this being an excuse to reduce the PC830.1 status of DAI's to now fit this POST proposed alteration to existing law (That again, is bypassing the legislative process through regulatory agency action). Such a change will have a huge impact on recruiting and retention, since quality applicants who meet the current definition of peace officers in California will not relish the idea of a reduction in pay, status and/or authority in order to seek employment. It is already practice that non-830.1PC sworn personnel (Welfare Fraud, etc.) are paid less and have no PC 830.1 status for arrests and a lower status during courtroom testimony. Any first-year defense attorney with an IQ over room temperature will certainly attack the credibility of a DAI on the stand who no longer has the same regulatory status and authorities granted "real PC 830.1 Police Officer's and Deputy Sherriff's", of which 95% of DAI's already were at their prior agencies (To the best of my knowledge only LADA hires fresh academy grads).

On the surface, this appears to be a rule change designed specifically to carve out a niche for retired federal employees who do not meet the definition of basic police academy graduates in California. If they're not at the standards that are required PC 830.1 employment in California now, and do not

intend to reach that standard by achieving the same statutory requirements that 100% of the current DAI's have attained, why should the DAI position be cheapened to allow for this select group to be given jobs? Seriously, with the current environment demanding that we boost the qualifications/training/experience/education requirements for sworn law enforcement personnel, this proposal completely flies in the face of societal demands by actually lowering the standards for employing sworn DAI personnel listed under 830.1 PC in the State.

As a 30+ year PC 830.1 peace officer in the State, 15 as a Police Officer, Corporal, Sergeant and 15 of which has been as a DAI, Supervising DAI and Commander; I stand in strong opposition to this proposed rule change by POST.

Respectfully,

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