

Riverside County District Attorney's Office
BUREAU OF INVESTIGATION

POST Commission Regulation 1005(a)
California District Attorney Opposition Letters



July 21, 2021

Michael A. Hestrin
District Attorney

Joseph R. DelGiudice
Chief Investigator



California Chief Investigators

July 16, 2021

The Honorable Joyce Dudley, Chair
Commission on Peace Officer Standards and Training
860 Stillwater Road, Suite 100
West Sacramento, CA. 95605

Re: Changes to POST requirements for District Attorney Investigators

Dear Chair Dudley,

We the undersigned District Attorney Chief Investigators and Inspectors, want to take this opportunity to voice our collective objection to the recent changes to the training requirements for sworn District Attorney Investigators which the Commission on Peace Officer Standards and Training has approved, as outlined in Commission Regulation 1005(1).

To be effective, District Attorney Investigators must be intimately familiar with state laws and state prosecution. They are subject matter experts in their respective areas of investigative focus, and fulfill a unique need within the law enforcement community not found within other agencies. Commission Regulation 1005(1) would significantly decrease the number of appropriately qualified candidates necessary to support and maintain the prosecutorial efforts of District Attorney offices throughout the State of California.

Specifically, the Specialized Investigator Basic Course (SIBC) is designed for peace officer specialists, those generally limited-authority peace officers who have a very narrow scope of investigation. The title of the course explicitly states that it is intended for a *specialized investigator*, and not an investigative generalist. District Attorney Investigators *are* generalists who do additional investigations on all types of cases, the vast majority of which are submitted by police and sheriffs' departments. In order to adequately perform further and more detailed investigation on the variety of case types that are submitted, a DA Investigator must have generalized training and generalized experience akin to a police officer or sheriff's deputy.

Further, one of the paramount duties of the District Attorney Investigator is the investigation of peace officer misconduct, in-custody deaths, and officer involved shootings. As such, the District Attorney Investigator *must* have knowledge of police and custody procedures. Necessary courses in patrol techniques and custody are not included in the curriculum of the SIBC. Similarly, District Attorney Investigators are legislatively required to investigate certain crimes, such as child abduction and recovery, and missing persons. These necessary blocks of training are absent from the SIBC curriculum.



California Chief Investigators

Cont'd.

Perhaps the most critical component of the DA Investigator is their duality as both an investigator and as a full-authority (830.1 PC) county peace officer; they represent the enforcement component of each county's top law enforcement official, the elected District Attorneys. As evidenced by the events of last year, DA Investigators can be pressed into service as mutual aid to handle everything from general patrol functions, to emergency operations and the rendering of aid to smaller departments. They are also equipped to handle major criminal investigations for smaller police departments that lack investigative resources, and are able to assist these same agencies in a cohesive, effective response to civil unrest.

The expectation is that as peace officers with the authority granted by 830.1 PC, they have received the necessary training to effectively, legally, and safely perform these duties and functions. The SIBC omits a number of knowledge realms which are crucial for the performance of these functions, including but not limited to patrol techniques, handling disputes and crowd control, and vehicle pull-overs. Regarding vehicle code enforcement and traffic-related crimes, District Attorney Investigators are called upon to conduct investigations relating to Felony DUI and vehicular homicides, which are also excluded from SIBC curriculum.

Lastly, Section 832.4(b) of the California Penal Code requires that all peace officers listed in subdivision (a) of Section 830.1, including District Attorney Investigators, obtain the POST Basic Certificate upon completion of probation, but no later than 24 months after employment, in order to continue to exercise the powers of a peace officer. This requirement is unique to full authority law enforcement generalists, and there exists no similar section for other peace officer classifications. There is no exception that allows for obtaining a specialized basic certificate to meet this legal requirement, and it would require a legislative amendment to 832.4(b) PC for a change of this nature in the POST minimum standards to take effect.

In closing, we the undersigned implore you to reverse this decision regarding POST Commission Regulation 1005(1). As you are keenly aware, this proposal is not new; it was placed before POST for consideration within the last decade, and failed as a result of the research conducted at that time. We urge you to revisit those findings, and understand that any attempt to lower these training standards will ultimately undermine public safety efforts in our communities. Only a swift rejection of this regulation from POST will ensure the preservation of the District Attorney Investigator classification and their effectiveness, holding them to the highest possible standard of investigative excellence among law enforcement professionals. If reversing this policy is not a possibility, then we would ask for a public hearing to convey our concerns and discuss this matter further.

Very truly yours,



California Chief Investigators

DocuSigned by:

Craig Chew

C294C0CD3AD6401...

Chief Craig Chew

Alameda County

Email: [REDACTED]

DocuSigned by:

Mike Martin

D4536D007E748E...

Chief Mike Martin

Amador County

Email: [REDACTED]

DocuSigned by:

Jason Wines

1AFB6AE1AD58450...

Chief Jason Wines

Butte County

Email: [REDACTED]

DocuSigned by:

Dave Salm

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Chief Dave Salm

Colusa County

Email: [REDACTED]

DocuSigned by:

Paul Mulligan

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Chief Paul Mulligan

Contra Costa County

Email: [REDACTED]

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A C Field

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Chief A C Field

Del Norte County

Email: [REDACTED]

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Jeff Dreher

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Chief Jeff Dreher

El Dorado County

Email: [REDACTED]

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Patrick McPherson

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Chief Patrick McPherson

Fresno County

Email: [REDACTED]

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Kelly Knight

0065B01CF0AC54E8...

Chief Kelly Knight

Glenn County

Email: [REDACTED]

DocuSigned by:

Kyla Baxley

0D00211541354EC...

Chief Kyla Baxley

Humboldt County

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California Chief Investigators

DocuSigned by:

Justin Matus

Chief Justin Matus
Imperial County
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DocuSigned by:

Stephanie Rennie

Chief Stephanie Rennie
Inyo County
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Jared Kadel

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Kings County
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Bruce Smith

Chief Bruce Smith
Lake County
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David J. Engstrom

Interim Chief David Engstrom
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Jon Madarang

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Chief Joshua Keheley
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Kevin Bailey

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Mendocino County
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William Olson

Chief William Olson
Merced County
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California Chief Investigators

DocuSigned by:

Chris Callinan

3DE7D048B0FE48E...

Chief Chris Callinan

Mono County

Email: [REDACTED]

DocuSigned by:

Ryan McGuirk

E335E1AF3489431...

Chief Ryan McGuirk

Monterey County

Email: [REDACTED]

DocuSigned by:

Leslie Pate

883012F005FA165...

Chief Leslie Pate

Napa County

Email: [REDACTED]

DocuSigned by:

Henry Penaluna

8D668DA2AB5C496...

Interim Chief Henry Penaluna

Nevada County

Email: [REDACTED]

DocuSigned by:

Paul Walters

1C788E68E8EC2338...

Chief Paul Walters

Orange County

Email: [REDACTED]

DocuSigned by:

Mary Green

C8D2288C8A88431...

Chief Mary Green

Placer County

Email: [REDACTED]

DocuSigned by:

Joseph DelGiudice

E77DA808E8E4415...

Chief Joseph DelGiudice

Riverside County

Email: [REDACTED]

DocuSigned by:

Jeffery Schiele

1A4E97EB8E3D423...

Chief Jeff Schiele

Sacramento County

Email: [REDACTED]

DocuSigned by:

Eric Hopley

28A85CA323184E1...

Chief Eric Hopley

San Bernardino County

Email: [REDACTED]

DocuSigned by:

Jorge Duran

1772C45C95E9485...

Chief Jorge Duran

San Diego County

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California Chief Investigators

DocuSigned by:

James Bojko

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Chief James Bojko
San Joaquin County
Email: [REDACTED]

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Terry O'Farrell

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Chief Terry O'Farrell
San Luis Obispo County
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DocuSigned by:

Katrina Rogers

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Chief Katrina Rogers
Santa Cruz County
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Mo Reyes

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Santa Clara County
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Yves Pike

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Chief Yves Pike
Siskiyou County
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Joe Hendrix

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Chief Joe Hendrix
Shasta County
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Andre Charles

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Chief Andre Charles
Solano County
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Cecile Focha

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Chief Cecile Focha
Sonoma County
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Terry Seese

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Chief Terry Seese
Stanislaus County
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Brandon Oakley

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Chief Brandon Oakley
Sutter County
Email: [REDACTED]



California Chief Investigators

DocuSigned by:

Lindy Gligorijevic

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Chief Lindy Gligorijevic
Tulare County
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Jeffrey Snyder

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Chief Jeffrey Snyder
Tuolumne County
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Mike Baray

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Chief Mike Baray
Ventura County
Email: [REDACTED]

DocuSigned by:

John Ehrk

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Chief John Ehrk
Yolo County
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Stephanie Johnson

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Chief Stephanie Johnson
Yuba County
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Robert Arcos

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Chief Robert Arcos
Los Angeles County
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NAPA COUNTY DISTRICT ATTORNEY'S OFFICE



www.countyofnapa.org/da

ALLISON HALEY
District Attorney

July 14, 2021

Manuel Alvarez, Executive Director
Commission on P.O.S.T.
860 Stillwater Road, Suite 100
West Sacramento, CA 95605-1630

RE: Opposition to Proposed Regulatory Action Altering Commission Regulation 1005: Minimum Training Requirements for District Attorney Investigators

Dear Mr. Alvarez,

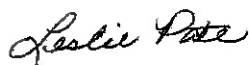
On behalf of the Napa County District Attorney's Office, I would like to address my opposition regarding the recent actions by the Commission to lower the selection and training standards for those who are seeking employment as a District Attorney Investigator. I have always respected the regulations, training, and programs designed by POST and believe this is why California Peace Officers are some of the best officers in the country. However, I do not support the decision that was made at the June 2, 2021 Commission meeting without any involvement by the District Attorney's Offices or other law enforcement agencies around the state. It is my belief that the decision made in February of 2012 regarding the same discussion (the concept was determined to be unworkable) still holds true.

District Attorney Investigators are unique in the sense that they wear many hats and they are definitely considered general law enforcement despite what was mentioned during the meeting. They do in fact meet the definition of "general law enforcement". Not only have District Attorney Investigators completed the Regular Basic Course but they have also had multiple years of training and experience in all aspects of law enforcement. The Napa District Attorney's Office employs 12 sworn investigators and not only do they investigate many different types of crime but they are also assigned to specialized task forces, MDIT interviewers, part of the Crisis Negotiations Team, respond to major crime callouts, assist with emergency responses during wildfires and other major disasters, conduct undercover operations, are experts in court, formulate protection details, conduct traffic stops, serve search warrants, assist other agencies during the service of search warrants and conduct child abduction investigations. There have been multiple occasions that the investigators have patrolled the geographic area and answered calls for service.

The impact of the decision made by the Commission will not only negatively impact District Attorney's Offices but general law enforcement agencies around the state as well. I do not feel that surveying the field is at all a waste of time or a huge delay. A survey should be conducted of District Attorneys, Chief Investigators, Police Chiefs and Sheriffs. Their feedback is invaluable. Without it, most agencies will change their individual hiring standards and interested candidates may be eligible (according to the proposal) but will not be hired. Everyone in law enforcement is having recruitment and retention problems and this is not the solution. The Napa County District Attorney's Office recommends that the

Commission reject this proposal to modify Commission Regulation 1005. We should be taking a course of action that raises the bar for peace officer standards and training instead of lowering them.

Respectfully,

A handwritten signature in cursive script that reads "Leslie Pate".

Leslie Pate
Chief Investigator
Napa County District Attorney's Office



COUNTY OF SONOMA
OFFICE OF THE DISTRICT ATTORNEY

Hall of Justice • [REDACTED]

• www.sonoma-county.org/da/

JILL RAVITCH
District Attorney

July 12, 2021

Manuel Alvarez, Executive Director
California Commission on P.O.S.T.
860 Stillwater Road, Suite 100
West Sacramento, CA 95605-1630

RE: Opposition to Proposed Altering of Regulation 1005

Dear Director Alvarez,


The Sonoma County District Attorney's Office opposes the proposed change to Commission Regulation 1005 that will lower the minimum requirements for a District Attorney Investigator.


The Law Enforcement agencies throughout Sonoma County rely on our District Attorney Investigators as professional peace officers and investigative generalists with the ability to investigate all crimes prosecuted by this office. The qualifying experience and training obtained through attending and successfully completing the Regular Basic Course is the very foundation of a peace officer. DAIs typically have many more years as a peace officer, at various ranks and serving in wide variety specialty assignments, resulting in a wealth of experience as a generalist. Our District Attorney Investigators have an average of 29 years' experience as a peace officer and 12 years conducting complex investigations.

There is no valid reason to lower the standards for the position of District Attorney Investigator. The Specialized Investigator's Basic Course does not provide the comprehensive level of training necessary for a District Attorney Investigator to be proficient in the assignment. DAIs must possess a broad skillset and vast knowledge to conduct investigations required of a District Attorney's Office. There is simply too much at stake for victims, and justice, to lessen the requirements of the DAIs.

The Sonoma County District Attorney's Office recommends that the Office of Administrative Law reject this proposal to modify POST Commission Regulation 1005. We ask that POST include District Attorneys and their Chief Investigators as part of any future discussion of alternative measures.

Respectfully,


Jill Ravitch
District Attorney


Cecile Focha
Chief Investigator



OFFICE OF
THE DISTRICT ATTORNEY
COUNTY OF RIVERSIDE

[REDACTED]

MICHAEL A. HESTRIN
DISTRICT ATTORNEY

July 12, 2021

Manny Alvarez
Executive Director
Commission on Peace Officer Standards and Training
860 Stillwater Road, Suite 100
West Sacramento, CA. 95605

Subject: POST District Attorney Investigator minimum training requirements

Dear Mr. Alvarez,

Please accept this formal communiqué as my objection to the Peace Officers Standards and Training (POST) Commission Regulation 1005(a), which proposes to dramatically alter the minimum training requirements for District Attorney Investigators in the State of California.

Adoption of this regulation is in direct opposition to the very essence of POST's mission statement, since it would effectively lower the standards required for DA Investigators instead of acting to "*continually enhance the professionalism of California law enforcement*" vis-à-vis establishing and maintaining "*the highest relevant statewide standards for selecting and training law enforcement personnel*".

As the enforcement component for the primary law enforcement official in Riverside County, District Attorney Investigators are required per 830.1 PC to provide mutual aid as Peace Officers when called upon; one need not look beyond the civil unrest and events of last year to understand the value of upholding POST's vision "*to develop and support the world's finest peace officers and law enforcement organizations*" by increasing and improving standards and training for them, and not reducing these requirements.

To be effective, District Attorney Investigators must be acutely familiar with state laws and prosecution. They are unique within the law enforcement community in that they are experts in individual areas of investigative focus, and heavily relied upon by other agencies as subject matter experts. Commission Regulation 1005(1) would commensurately decrease the number of appropriately qualified candidates required to support the prosecutorial efforts of District Attorney offices throughout the State of California, thereby thwarting their effectiveness and greatly diminishing the quality of criminal cases.

If we are to recognize the critical nature of the role of District Attorney Investigators in our communities as law enforcement generalists, capable of responding to any and all incidents

along with police officers and sheriff's deputies, then it would be foolhardy to assume that a reduction of their minimum training requirements would somehow bolster *our* mission as law enforcement executives, sworn to pursue justice while serving the public trust, since their contribution to public safety is immeasurable.

I urge you to reconsider this proposal, conduct additional research, seek the perspectives of district attorneys throughout the State of California, and understand that pursuing this course of action is wholly counterproductive and detrimental to the role of the District Attorney Investigator. Only a swift rejection of this proposal from POST will ensure the preservation of their classification for future recruits, continually held to the highest possible standard of investigative excellence among law enforcement professionals.

Very truly yours,

A handwritten signature in black ink, appearing to read "Michael A. Hestrin", written in a cursive style.

MICHAEL A. HESTRIN
District Attorney

MAH:sh



MORGAN B. GIRE
DISTRICT ATTORNEY

PLACER COUNTY DISTRICT ATTORNEY

www.placer.ca.gov

June 26, 2021

Manuel Alvarez, Executive Director
Commission on Peace Officer Standards and Training
860 Stillwater Road, Suite 100
West Sacramento, CA 95605

Re: Proposed to change minimum requirements for District Attorney Investigators

Dear Director Alvarez,

I write this letter to express my objection to POST's recent proposal to change the minimum requirements for District Attorney Investigators.

The discussion on this significant change to POST standards should involve all stakeholders, especially those who will be most greatly impacted, the California District Attorneys, the Chief District Attorney Investigators from the State of California, and our communities. This change will lessen the current standards for District Attorney Investigators- and it stands to have a negative impact on the relationship between District Attorneys' Offices and the community and the trust that results from those relationships.

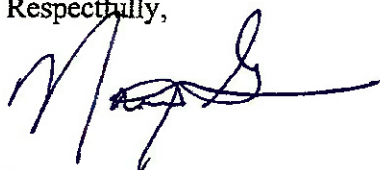
California law currently classifies District Attorney Investigators as peace officers pursuant to PC §830.1.

District Attorney's Offices frequently recruit investigators from the Sheriff's Offices and Police Agencies within their county; police officers and sheriff's deputies who have worked in a patrol setting and have become familiar with community members, neighborhood issues, and community-based organizations. This invaluable experience bolsters District Attorney's offices relationship with the communities they serve, relationships which are critical to their ability to effectively serve justice and provide for victims.

District Attorney's Offices Investigations Bureaus have specialty assignments that include the critical areas of child abuse, sexual assault, domestic violence, elder abuse and hate crimes. The thorough investigation of these crimes is central to serving our most vulnerable populations. Police Officers and Sherriff's Deputies receive extensive training related to the investigation of these crimes and bring real-world experience investigating these crimes, completing search warrants specific to these crimes, interviewing suspects, and working directly with victims. To change the minimum qualifications for District Attorney Investigators would drastically reduce the knowledge and experience of those in this role critical role. At a time when both law enforcement executives and community members are calling for increased standards for all members of law enforcement, exceptions should not be made for this classification.

This potential change has significant ramifications for the District Attorneys and their Investigations Bureaus and most importantly our community. A change as significant as this requires input from all stakeholders, agency executives, and District Attorneys. I implore you to seek input from all stakeholders and to consider all the possible repercussions of this change.

Respectfully,

A handwritten signature in dark ink, appearing to read 'Mary Green', with a long horizontal flourish extending to the right.

Mary Green
Chief Investigator
Placer County District Attorney's Office



MONTEREY COUNTY

OFFICE OF THE DISTRICT ATTORNEY
JEANNINE M. PACIONI, DISTRICT ATTORNEY



July 7, 2021

Executive Director Manny Alvarez
California Peace Officer's Standards and Training
860 Stillwater Road, Suite 100
West Sacramento, CA. 95605-1630

Dear Director Alvarez,

The Monterey County District Attorney serves as the Chief Law Enforcement Officer in the County of Monterey. We are writing in response to the decision to approve changes to the minimum qualifications for District Attorney Investigators, approved by the California Peace Officer's Standards and Training (POST). This decision was made without the input from the majority or even a minority of Elected District Attorney's or Chief Investigators of whom this very policy directly impacts and fundamentally changes the basis of which all Sworn Investigators may be hired. I want to express great concern with this recent change instituted by POST and oppose this change. Redefining the minimum training hours required for District Attorney Investigators might seem like a minor change to someone who is not familiar or aware of the responsibilities and continually increasing scrutiny that Prosecutor's Offices are under. District Attorney's Office's are demanded by the public to provide the highest level of service through employing trained and knowledgeable Peace Officers that are familiar with all aspects of law enforcement.

Our interpretation of Penal Code 830.1 is clear and equal in terms of authority and responsibility of all members of Law Enforcement listed in that section which includes District Attorney Investigators. This section does not qualify the Specialized Investigator's Course as a minimum standard of an acceptable level of training. There is no exception that allows for obtaining the Specialized Investigator's Course as a replacement to meet the legal requirement under Penal Code 830.1 or any advanced certificates through POST.

Each County deploys their investigators in a multitude of ways to include local task forces, officer involved incident investigations, conflict of interest cases, public corruption, and hundreds of additional types of enforcement responsibilities. To uniformly change these minimum standards would have serious long-lasting effects that devalue and show a lack of insight into the professionalism and need for highly trained Investigators across the board. The time is to train more not less. Our communities are seeking the highest quality of law enforcement and the highest level of individuals tasked to seek justice, reducing, and redefining their training requirements without involving any stakeholders was a failure on the POST Commission. I ask that this letter speak to the Commission and Office of Administrative Law (OAL) so they know the concerns, ramifications and opposition to this change and work to undue this amended POST Regulation 1005(a).

Sincerely,

JEANNINE M. PACIONI
District Attorney

RYAN MCGUIRK
Chief Investigator





JEFF W. REISIG
DISTRICT ATTORNEY

COUNTY OF YOLO

JOHN EHRK
CHIEF INVESTIGATOR

Manuel Alvarez; Executive Director
California Commission on Peace Officer Standards and Training
RE: Feb 24, 2021 POST Commission Meeting; District Attorney Investigator qualifications

Executive Director Alvarez,

The Yolo County District Attorney's Office (YCDA) is a POST compliant office and recognizes the contributions POST has made to the training and leadership of California's police officers. The training, planning and execution of statewide mandates, trainings and programs designed to enhance professionalism are second to none. However, this letter is to address my office's concerns to the recent vote to lower the qualifying standards for those seeking employment as District Attorney Investigators (DAI's).

DAI's were a byproduct of Yolo V. Joyce a case in 1909 that was one decision to employ Peace Officer's for the role of trial preparation. Many DA's Offices have the luxury of recruiting some of the best peace officer's California has to offer with a myriad of background and experiences that are unique to Sheriffs and Police departments. This is one reason DAI's have maintained their PC 830.1 status. The skill sets a DAI brings are broad, and critical to the overall mission of the District Attorney. Besides knowledge of police work, they come with the experience of working with a state prosecution team, knowledge of case law and court room behavior critical to the successful mediation of a case. This also includes a DAI's ability to look at certain cases through the lens of a patrol officer or detective. DAI's are inherent fact finders, bound by the same ethical standards of attorney's.

By lowering the qualifications that does not have street experience significantly impacts the ability of the employee and significantly causes an unnecessary amount of liability to the hiring agency if this proposed action takes effect. On its face this appears to be counterintuitive for POST to endorse. For the sake of brevity, I will limit further comments as to why I am not in favor of this option, but there are many more reasons.

Thank you.



OFFICE OF THE DISTRICT ATTORNEY

COUNTY OF VENTURA, STATE OF CALIFORNIA

BUREAU OF INVESTIGATION

ERIK NASARENKO
District Attorney

LISA O. LYYTIKAINEN
Chief Assistant District Attorney

MICHAEL BARAY
Chief Investigator

CLOYCE J. CONWAY
Deputy Chief Investigator

July 8, 2021

The Honorable Joyce Dudley, Chair
Mr. Manuel Alvarez, Jr., Executive Director
Commission on Peace Officer Standards and Training
860 Stillwater Road, Suite 100
West Sacramento, CA 95605-1630

Dear Chair Dudley and Mr. Alvarez,

The Ventura County District Attorney's Office appreciates and respects the Commission's service and commitment to the training and development of law enforcement. It is also with the utmost respect that I write this letter to express my strong opposition to the Commission's proposed action of June 2, 2021, to lower the minimum requirements for district attorney investigators' basic peace officer training from the Regular Basic Course (RBC) to the abbreviated Specialized Investigator's Basic Course (SIBC).

The reasons for this opposition are based on my personal experience and, in my opinion, what could be possible effects of this proposed change. The Commission's recommendation to develop a course that would bridge the difference between the SIBC and the RBC would not only allow specialized investigators to work as district attorney investigators, it would also allow them to lateral to any agency employing peace officers in California, including police departments and sheriff departments. This proposed change would allow individuals to become peace officers under Penal Code Section 830.1(a) without being exposed to a traditional, stressed-based, physically and psychologically demanding RBC academy.

This proposed change by the Commission has the potential to impact every general law enforcement agency in the State. At a minimum, before making such an impactful change, a survey should have been done of all general law enforcement department heads to determine if there is even an interest and need for this action. It is my belief that the outcome from a survey of District Attorneys, Chief Investigators, Police Chiefs and Sheriffs would overwhelmingly be to oppose this action. I base this comment on recent conversations with numerous law enforcement executives and department managers, as well as my own experience as a former Police Chief and current Chief Investigator.

The Honorable Joyce Dudley, Chair
Mr. Manuel Alvarez, Jr., Executive Director
Commission on Peace Officer Standards and Training
July 8, 2021
Page 2 of 2

Furthermore, this proposed action by the Commission was not initiated from the requests of law enforcement agencies, but, rather, it originated from the request from individuals seeking employment opportunities, who are not qualified under the current standards.

I respectfully recommend that the Commission and the Office of Administrative Law reject this proposed action to lower the standards by allowing those without an RBC to be employed as district attorney investigators.

Respectfully,


MICHAEL BARAY
Chief Investigator

MB:elb

County of Mono Office of the District Attorney

www.monocountydistrictattorney.gov

Bridgeport Office:



Tim Kendall - District Attorney



Mammoth Office:



July 9, 2021

Manuel Alvarez- Executive Director
Commission on Peace Officer Standards and Training
860 Stillwater Road, Suite 100
West Sacramento, CA 95605

Executive Director Alvarez,

It has come to my attention that the Commission on POST is proposing a change to the regulation that would lower the selection and training standard for District Attorney Investigators. I am submitting this letter to express my offices opposition to this potential change of standards for District Attorney Investigators.

The proposed "change" by the Commission was not initiated by any law enforcement agency and seems to have been initiated at the request of a small few who were once Federal Employees and now are wanting to become DA Investigators, however, the current training standards are prohibiting this and the belief that lowering the standards will be the solution. It is my belief this proposed change will do nothing other than bring unnecessary amount of liability to the hiring agency.

There is nothing further I can say that has not already been expressed, other than the Mono County District Attorney's office opposes this proposed change and would respectfully request the Commission reject this proposed action.

Respectfully,

Chris Callinan
Chief Investigator
Mono County District Attorney's Office



OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF TULARE

Tim Ward, *District Attorney*

July 7, 2021

Manuel Alvarez, Executive Director
Commission on Peace Officers Standards and Training
860 Stillwater Road, Suite 100
West Sacramento, CA 95605-1630

RE: Opposition to Proposed Regulatory Action Altering Commission Regulation 1005: Minimum Training Requirements for District Attorney Investigators

Dear Director Alvarez,

The Tulare County District Attorney's Office is opposed to any changes to Peace Officer Standards and Training (POST) Commission Regulation 1005 which proposed to lower the minimum requirements for a District Attorney Criminal Investigator. While I understand there are people in other branches of law enforcement who could contribute to the work a Bureau of Investigations does, it is imperative that those individuals have the requisite training and experience provided through the regular basic course which produces police officers defined under 832 PC and are granted full peace officer authority as defined in 830.1(a) PC.

The potential for a "specialized" basic course is a work around to avoid the breadth of a traditional academy course and will not provide the necessary training for an individual to be a successful investigator for my Office. While I appreciate the individuals who serve with various other law enforcement entities such as the Federal Bureau of Investigations and the Department of Justice, it is imperative that we hold the standards for professional law enforcement requirements. Because as District Attorneys, we are the highest law enforcement officials in our counties. We cannot afford to cut corners.

It is my understanding that this proposed change in requirements was done without the input from District Attorneys and their Chief Investigators and without consulting the California District Attorneys Association (CDAA). Please let this letter serve as my opposition to this change and it reflects the sentiment of my prosecutors, Chief Investigator, and the criminal investigators under her leadership. If you have any questions or comments, please do not hesitate to contact me at

Sincerely,

Tim Ward
District Attorney

Executive Director Manuel Alvarez
California Commission on Peace Officer Standards and Training
RE: Feb 24, 2021 POST Commission Meeting; District Attorney Investigator qualifications

Executive Director Alvarez,

I am submitting this letter to address my office's concerns regarding potential changes to standards for District Attorney Investigators. I reviewed minutes taken during the February 24, 2021 POST Commission meeting and would like to address the Commission with the concerns shared by myself and Shasta County District Attorney Stephanie A. Bridgett.

I do not agree with reducing minimum qualification for District Attorney Investigators. Straying from well-established and respected standards will expose my office to extreme liability. In the February 24, 2021 POST commission meeting, discussion included ideas including the following statement located in the transcript of the meeting, page 64, lines 14 through 19: "Well, we have somehow or other classified district attorney investigators with the title of investigator, under the 'general law enforcement' category, which I think is wrong. They do not meet that definition. Yet, the requirement is the basic police academy." I disagree with this sentiment wholeheartedly. It is critical that our investigators not only be categorized as "general law enforcement" but be top tier POST certified law enforcement professionals.

The members of our Bureau of Investigation are all California POST-certified law enforcement officers. Most District Attorney Investigators are hired as sworn Investigators having already served as a POST certified law enforcement officer with a California law enforcement agency. The experience that POST certified law enforcement professionals bring to our agency is irreplaceable and vitally important to the operations of our Bureau of Investigation.

The members of our bureau are part of a collaborative law enforcement team who work hand in hand with our allied agencies. Our sworn staff are called upon to perform any and all law enforcement duties up to and including emergency vehicle operations, traffic stops, tactical entries, consensual contacts, and responding to calls for service during mutual aid operations. "General law enforcement" experience is one of our foundational standards to be considered a fully sworn Investigator. General law enforcement experience in the form of a current California POST certificate is one of our screening criteria, and we cannot responsibly consider granting an individual law enforcement powers without the proper training and experience.

The development of a POST certified course designed to bridge the difference in training and testing requirements between the SIBC and the RBC would be a shortcut to allow unqualified individuals to be appointed to positions held by PC 830.1 (a) without receiving the training to become a POST basic certified law enforcement officer. On page 60 of the meeting transcript from the February 24th meeting, line 12 through 16 states, "The third is the development of a course that would bridge the difference in training and testing requirements between the SIBC and the RBC, which would allow experienced law enforcement investigators to seek employment with general law enforcement agencies." It is my argument that the bridge training will provide education but not the "training". This is similar to the way a basic academy qualifies a candidate to take part in a field training program at a law enforcement agency. It does

not qualify a person to immediately begin patrolling our neighborhoods.

Reclassifying District Attorney Investigators to 830.1 (b) status was also discussed during the February 24th meeting, and I am also opposed to this idea as it is virtually the same as lowering the standards of District Attorney Investigators. Lowering standards for any law enforcement professional is counterintuitive.

California POST-trained and certified law enforcement officers are the pinnacle of law enforcement professionals in the United States of America, both currently and historically. There is no analogous substitution for law enforcement officers who have earned California POST certifications. The POST Basic Academy is the primer for our well-earned reputation as the nation's standard for law enforcement training and operations.

I agree that individuals who have served in different federal and state law enforcement assignments could make tremendous contributions to any agency. I have worked with numerous individuals from the Federal Bureau of Investigation, Central Intelligence Agency, Department of Justice, Department of Defense, Department of Treasury, and many others during my career. I hold many of these individuals in high regard; however, none of them could operate efficiently without significant training typically acquired during the POST Basic Academy and time on the street as a California law enforcement officer. Consequently, individuals who do not qualify as sworn investigators are hired as Investigative Analysts.

My bureau's operations rely on highly trained sworn officers who engage in high risk operations routinely. To illustrate this fact, I just received a telephone call from our local Office of Emergency Services asking for sworn staff to participate in a mutual aid request for Siskiyou County. Siskiyou County is currently experiencing a wildfire emergency and needs law enforcement support. Our support comes in the form of fully trained and equipped, sworn law enforcement professionals, to handle calls for service, prevent looting, and enforce California law.

At a time where law enforcement officers are being severely scrutinized for their performance, lowering standards for sworn law enforcement professionals would be inviting even more liability to our agency and profession. Our citizens expect a high-quality level of service, and we are proud to provide it. A bridge course will not provide individuals with the knowledge and experience needed to operate successfully as a fully sworn law enforcement professionals.

Thank you for your consideration,

Joseph A. Hendrix
Chief Investigator
Shasta County District Attorney Bureau of Investigation



Office of the District Attorney Stanislaus County

Birgit Fladager
District Attorney

Assistant District Attorney
David P. Harris

Chief Deputies
Marlisa Ferreira
Jeffrey M. Laugero
Wendell Emerson
Michael D. Houston
Mark Zahner

Bureau of Investigation
Chief Terry L. Seese

July 6, 2021

The Honorable Joyce Dudley, Chair
Mr. Manuel Alvarez Jr., Executive Director
Commission on Police Officer Standards and Training
860 Stillwater Road Suite 100
West Sacramento, CA 95605

Dear Chair Dudley and Mr. Alvarez,

The Stanislaus County District Attorney's Office (SCDA) has great respect for the Commission, its leadership, and its efforts. However, I must inform you of my objection to the recent vote to lower the qualifying standards for those desiring to be District Attorney Investigators.

District Attorney Investigators (DAI), within the meaning of Penal Code § 830.1, are peace officers (generalists) who possess a Regular Basic Course (RBC) certificate and are able to investigate any law violation within the state. Peace officers who have attended the Specialized Investigator Basic Course (SIBC) are limited to specific job functions, limited to specific investigations, and have less training and job-related skills.

It is concerning to me that the Commission would consider research, and more importantly, take action to alter the qualifications of the DAI without consulting or seeking input from our District Attorneys and Chief Investigators. The legislation provides for the Commission to research job-related educational standards. However, the same legislation requires the Commission to consult with local entities during the related research (PC § 13510).

It is my recommendation that the Commission and the Office of Administrative Law reject this proposed action to lower the standards by allowing those without an RBC to be employed as a DAI.

Respectfully,

Terry Seese
Chief Criminal Investigator
Stanislaus District Attorney's Office

Office of the
MERCED COUNTY
DISTRICT ATTORNEY



Chief Deputy District Attorney
MATTHEW T. SERRATTO

Chief Deputy District Attorney
STACEY A. McREYNOLDS

Chief Investigator
WILLIAM K. OLSON

Director of Administrative Services
YVONNE M. BURNS

Victim Witness Program Director
LISA DeSANTIS

District Attorney
KIMBERLY R. H. LEWIS

July 6, 2021

Manuel Alvarez, Executive Director
Commission on P.O.S.T.
860 Stillwater Road, Suite 100
West Sacramento, CA. 95605-1630

RE: Opposition to Proposed Regulatory Action Altering Commission Regulation 1005: Minimum Training Requirements for District Attorney Investigators

Dear Director Alvarez,

The Merced County District Attorney's Office appreciates the efforts by the commission to ensure the professionalism of Law Enforcement. However, the Merced County District Attorney's Office opposes the proposed change to Commission Regulation 1005 that will lower the minimum requirements for a District Attorney Investigator.

The proposed regulation change was initiated and moved forward without input from District Attorneys, their Chief Investigators, or the California District Attorneys Association CDAA, those most intimately involved in the areas governed by this regulation. Merced County Law Enforcement relies heavily on the District Attorney Investigators as law enforcement generalists with the ability to investigate all crimes prosecuted by this office. A peace officer generalist/professional is an individual of expertise and training in all aspects of California law enforcement. Qualifying experience and training is provided through attending the Regular Basic Course, producing investigators who defined under PC 832 and granted full peace officer authority as defined in PC 830.1(a).

The Specialized Investigator's Basic Course does not provide the level of training necessary for a District Attorney Investigator to be proficient in their assignment. A person who completes a Specialized Course is limited to specific job functions and lacks the level of training required for possession of a Basic Certificate. Our experience has taught us that the level of training provided in the Specialized Investigator's Basic Course is insufficient for the wide-ranging skills and knowledge necessary to conduct the investigations required of a District Attorney's Office.

The Merced County District Attorney's Office recommends that the commission reject this proposal to modify Commission Regulation 1005. We ask that the Commission on P.O.S.T. include District Attorneys and their Chief Investigators as part of the discussion of alternative measures.

Respectfully,


Kimberly R. H. Lewis
District Attorney


William K. Olson
Chief Investigator

SUTTER COUNTY DISTRICT ATTORNEY'S OFFICE

Amanda L. Hopper
District Attorney



Date: July 2, 2021

Executive Director Manny Alvarez
California Peace Officer's Standards and Training

Director Alvarez,

I am writing this letter in response to the decision made to lower the qualifications required for the District Attorney Investigator position in California. The Sutter County District Attorney and I, along with many others, share some very serious concerns about this decision. District Attorney Investigators are expected to investigate criminal violations of the law, perform duties as a fully sworn Peace Officer as outlined in 830.1 PC, and assist attorneys in making decisions during the case review and case filing process.

When we hire District Attorney Investigators, we expect them to not only have the ability and skills necessary to enforce the law as a Peace Officer, but we also expect them to help explain cases to prosecuting attorneys from the perspective of a Police Officer or Deputy Sheriff. The overwhelming majority of cases filed by the Sutter County District Attorney's Office are submitted by Patrol Officers from local agencies. There are many times when prosecuting attorneys require the assistance of a District Attorney Investigator to assist in the analysis of the investigation conducted by the initial investigating officer. The training and experience of the District Attorney Investigator, as a Police Officer or Deputy Sheriff, is imperative to the prosecuting attorney's understanding of those cases. This level of understanding determines the outcome of the case and can also have a lasting impact on the lives of the people in our community.

Another reason for my concern about this decision involves the investigative process in officer-involved shootings. The Sutter County District Attorney's Office is the lead investigating agency in a bi-county officer-involved shooting investigation team. The investigators on this team rely heavily on their training and experience as a Police Officer or Deputy Sheriff when processing scenes, interviewing witnesses, interrogating officers who used deadly force, proper documentation, and communicating the intricacies of these complex investigations to the District Attorney. How is someone without this level of experience going to produce a quality investigation? Again, the level of training and experience of the District Attorney Investigator as a Police Officer or Deputy Sheriff directly affects the outcome of these investigations. This also impacts an Officer's or Deputy's career and ultimately their lives.

Lastly, it's hard to ignore the difference in the quality of training between a P.O.S.T. basic law enforcement academy and the Special Investigator's Basic Course. From the information I've reviewed, the S.I.B.C. requires no demonstration of comprehension through practical application of material taught on use of force. This includes use of force scenarios requiring decision making and physical responses to force. There is no scenario testing on how to handle crimes in progress. There is no high-speed pursuit driving required to ensure the trainee can perform

SUTTER COUNTY DISTRICT ATTORNEY'S OFFICE

Amanda L. Hopper
District Attorney



as expected with this discipline. There is also no scenario training in addressing people with disabilities, and only 6 hours of instructions as opposed to the 15 hours of instruction required by the P.O.S.T academy.

In today's world where state and local law enforcement is being sued and scrutinized at an alarming rate, the decision to lower the standards to become a District Attorney Investigator is very concerning, to say the least. Perhaps it would have been wise to consult with the District Attorneys and their Chief Investigators throughout the state of California before an uninformed decision was made.

Sincerely,

A handwritten signature in blue ink, appearing to read "Brandon Oakley".

Brandon Oakley
Chief Investigator
Sutter County District Attorney's Office



Sacramento County District Attorney's Office

ANNE MARIE SCHUBERT
District Attorney

Rod Norgaard
Chief Deputy

Michael M. Blazina
Assistant District Attorney

July 2, 2021

Manuel Alvarez, Executive Director
Commission on POST
860 Stillwater Road, Suite 100
West Sacramento, CA 95605-1630

**Re: Public Comment and Request for Public Hearing (Gov. § 11346.8)
Proposed Regulatory Action, Commission Regulation 1005
Minimum Training Requirements for District Attorney Investigators**

Dear Mr. Alvarez:

It has come to my attention that the Commission on POST is proposing a change in regulation that would lower the selection and training standards for District Attorney Investigators. At the Commission meeting on June 2, 2021, action was taken to lower the minimum requirements for District Attorney Investigator basic peace officer training from the Regular Basic Course (RBC) to the abbreviated Specialized Investigator's Basic Course. This action was taken with no notice to any District Attorney Chief Investigator or elected District Attorneys of this State, and with no solicitation of input on the impacts of this change. For a variety of reasons, including those enumerated below, I vehemently oppose this lowering of minimum selection and training standards.

REQUIRED PEACE OFFICER TRAINING

The legislature (through requirements in PC § 832) and POST (through regulation) have a shared role in defining what initial basic training is required for each peace officer classification in the State of California, dependent on both the level of peace officer authority and the level of specialization. Training within the range of specifications includes the minimum 64-hour Powers of Arrest course for very limited-authority peace officers and non-peace officers with peace officer powers of arrest, the minimum 591-hour Specialized Investigator's Basic Course for specialized and limited-authority peace officer investigators, and the minimum 664-hour Regular Basic Course.

The Specialized Investigator Basic Course (SIBC) is designed for peace officer specialists – generally limited-authority peace officers who have a very narrow scope of investigative responsibility (welfare fraud, alcoholic beverage law, horseracing law, social services, or child support). The title of the course reflects that it is for the “Specialized Investigator,” not the

investigative generalist.

Based on POST's minimum requirements, the SIBC is 591 hours, while the Regular Basic Course (RBC) is 664 hours (though most RBC police academies exceed this by at least 300 hours). Within its 591 hours, the Specialized Basic does include 80 hours in courses specific to investigation that are not included in the Regular Basic Course but omits 153 hours of necessary training that is included in the Regular Basic Course minimum requirements.

ROLE OF THE DISTRICT ATTORNEY INVESTIGATOR

District Attorney Investigators are generalists who perform additional investigations on all types of cases, most of which are submitted by police departments and sheriff's offices. To perform further and more detailed investigation on the vast variety of case-types that are submitted, the DA Investigator must have generalized training, and the generalized experience of a Police Officer or Sheriff's Deputy is highly desirable in a candidate. POST Learning Domains (LDs) necessary for the competency of District Attorney Investigators are omitted from the Specialized Investigator's Basic Course.

CRITICAL LEARNING NEEDS THAT ARE OMITTED FROM THE SIBC CURRICULUM

The following learning needs fulfill critical areas of knowledge for the District Attorney Investigator, and are omitted from the training specifications for the Specialized Investigator's Basic Course:

Knowledge of General Police Procedures

One of the paramount duties of the District Attorney Investigator is the investigation of peace officer misconduct, in-custody deaths, and officer involved shootings. As such, the District Attorney Investigator must have training in general police and custody procedures.

Necessary courses in patrol techniques (LD 21) and custody (LD 31) are not included in the curriculum of the Specialized Investigator's Basic Course.

Missing Persons Law and Investigative Techniques

District Attorney Investigators are legislatively required (Family Code § 3130) to investigate child abduction. Additionally, Part 4, Title 12 of the California Penal Code specifies mandatory actions that certain law enforcement agencies, specifically including District Attorney's Offices, must take when investigating missing persons cases. Specific mention of requirements for the District Attorney regarding missing persons appears seven (7) times in Title 12 (PC §§ 14200, 14202, 14205, and 14212).

The investigation of Missing Persons cases requires significant training in specific investigative techniques. It is expected that a qualified candidate for the classification of District Attorney Investigator would have this training.

The necessary training in Missing Persons (LD 27) is not included in the Specialized

Investigator's Basic Course.

General Law Enforcement Functions

As full-authority (PC § 830.1(a)) County Peace Officers, and as the enforcement component of the County's top law enforcement official, District Attorney Investigators are pressed into service as mutual aid regularly and handle everything from general patrol functions, to handling all manner of criminal investigations for smaller police departments that lack investigative resources, to responding to civil unrest. The expectation is, that as full-authority peace officers, they have received the training necessary to effectively, legally, and safely perform these duties.

The Specialized Investigator's Basic Course omits a number of learning domains that are necessary for the performance of these general law enforcement and investigative functions, including: Patrol Techniques (LD 21), Vehicle Pullovers (LD 22), and Handling Disputes/Crowd Control (LD 24).

Traffic Collision Investigation

District Attorney investigators regularly investigate traffic collision-related crimes ranging from Felony DUI to Vehicular Homicide. They provide investigative assistance to local agencies, perform collision reconstruction, analyze skid-mark and other technical evidence, and testify as experts.

Training in traffic collision investigation is a critical training component for the District Attorney Investigator, and this learning domain (LD 29) is excluded from the Specialized Investigator's Basic Course.

Note Regarding Training Unique to the Specialized Investigator's Basic Course

Although the Specialized Basic Course does include investigative training that is not included in the Regular Basic Course (surveillance, case management, sources of information, computer crimes), these topics are already included in training specifications of the mandatory District Attorney Investigator Transition Course required by 11 CCR § 1005 (a)(2). Therefore, this is duplicative.

LEGAL CONSIDERATIONS

California Penal Code Section 830.1(a)

Recognizing that District Attorney Investigators are law enforcement generalists, the Legislature granted their peace officer authority under PC § 830.1(a), along with police officers, deputy sheriffs, and other local full-authority law enforcement generalists. Peace Officers who are eligible to serve with the Specialized Investigator's Basic Course are granted more limited peace officer authority in subsequent Penal Code sections.

Lowering the training standard for District Attorney Investigators would make them unique in that they would be the sole full-authority peace officers in PC § 830.1(a) permitted to serve with the minimal training of the Specialized Investigator's Basic Course. Not only does this weaken and confuse PC § 830.1(a), it could also potentially trigger legislation lowering of the level of authority of District Attorney Investigators, ultimately placing them in a subsequent Penal Code

section along with limited-authority local peace officers permitted to serve with the lesser Specialized Investigators Basic Course requirement.

California Penal Code Section 832.4(b)

The California Commission on Peace Officer Standards and Training allows peace officers to apply for certain professional certificates (11 CCR § 1011). These certificates are awarded based on training, experience, and education. The certificates available for peace officers below the supervision level are as follows:

- Advanced Certificate
- Intermediate Certificate
- Basic Certificate
- Specialized Advanced Certificate
- Specialized Intermediate Certificate
- Specialized Basic Certificate
- Coroner's Advanced Certificate
- Coroner's Intermediate Certificate
- Coroner's Basic Certificate

It should be noted that POST differentiates between the certificates by title, depending on whether a peace officer completed the Regular Basic Course or the Specialized Investigators Basic Course (11 CCR § 1011(a)(2)(A)). It is impossible for someone who completed the SIBC to earn the Basic Certificate, the Intermediate Certificate, or the Advanced Certificate. They may only earn the Specialized versions, noting that they did not complete the full police academy (Regular Basic Course).

California Penal Code Section 832.4(b) requires that all peace officers listed in subdivision (a) of Section 830.1, including District Attorney Investigators, obtain the [emphasis added] Basic Certificate upon completion of probation, but in no case later than 24 months after his or her employment, in order to continue to exercise the powers of a peace officer. This requirement is unique to full-authority law enforcement generalists, and no similar Penal Code section exists for other peace officer classifications. There is no exception that allows for obtaining the Specialized Basic Certificate to meet this legal requirement.

RECOMMENDATION

It is my recommendation that the Commission, and the Office of Administrative Law, reject this proposed regulatory action.

The Commission could, in the future, consider developing a training course for those who have completed the Specialized Investigators Basic Course that would allow them to complete the 153 hours of vital training, and upgrade their certification from "Specialized Basic" to "Basic". This would not only allow the candidate to be eligible to work for a District Attorney's Office, it would also allow them to lateral to any agency employing peace officers in California, including Police Departments and Sheriff's Departments. This course of action would benefit the peace officer by providing them with the highest level of certification offered by POST and would

benefit all agencies employing full-authority peace officers by expanding the *qualified* pool of applicants. A course of action that *increases* peace officer standards and competency would certainly have my support, over this current proposal that endeavors to *lower* them.

I respectfully submit the above as Public Comment regarding the proposed regulatory change and request a hearing pursuant to Gov. § 11346.8.

Respectfully,

A handwritten signature in black ink, appearing to read "Jeffery Schiele", written over the printed name.

JEFFERY SCHIELE
Chief Criminal Investigator
Sacramento District Attorney's Office



COUNTY OF FRESNO

Lisa A. Smittcamp
District Attorney

Raymond P. McPherson
Chief, Bureau of Investigation

Date: June 24, 2021

Executive Director Manny Alvarez
California Peace Officer's Standards and Training

Director Alvarez,

Unfortunately, I am writing in response to the decision to approve changes to the minimum qualifications for District Attorney Investigators, approved by the California Peace Officer's Standards and Training (POST), with no input from Chief Investigators of the very agencies that are directly impacted by your decision. It is equivalent to making sweeping changes to police and sheriff agency's requirements without having any input from Chiefs or elected Sheriffs. Having stated that, I want to express my Department's concern with the recent change instituted by POST regarding basic requirements for the position of District Attorney Investigator (DAI). Looking at the historical position of the District Attorney Investigator, the strides made to achieve full peace officer powers has taken decades to accomplish. Throughout the years, the quality and experience of District Attorney Investigators has grown to match or exceed most law enforcement agencies in the State of California. That is to say, on a local, state and federal level. DAIs work closely with local, state and federal partners as Task Force Officers (TFO) and I have been a part of many of those partnerships. Overwhelmingly, our local, state and federal partners have always welcomed and appreciated having DAIs assigned because of the training and experience they bring to the table.

I believe a driving factor is District Attorney's Offices recruit and hire from local law enforcement agencies. DAIs fall under the category of a law enforcement generalists for a specific reason under the authority of PC 830.1, because their role most closely aligns with police officers, deputy sheriffs, and other full-authority law enforcement generalists. This requirement is unique to law enforcement, and no similar section exists for other peace officer classifications. There is no exception that allows for obtaining the Specialized Investigator's Basic Certificate as a replacement to meet the legal requirement that shall be met under 830.1 PC.

The overall mission of each office is to prosecute crime. The vast majority of cases submitted each year for filing come from local law enforcement agencies dealing with street level crimes. Investigators having worked and experienced street level crimes, in my opinion, gives them a distinct advantage when doing follow up investigations. In many instances, DAIs operate in a field setting alone or with a partner and have to rely on instinct and experience in dealing with witnesses, victims and suspects/defendants. DAIs do not have immediate response from local law enforcement. That is where training and experience comes in.

Having the ability to hire fully trained, street experienced investigators is invaluable. Many of the situations that DAIs are exposed to require a level of experience that is only gained from patrol and detective experience. Not to diminish the training received through the Special Investigator's Basic Course, I believe our mission and the strides we have collectively made, to date, will be negatively impacted by the reduction of standards that has been granted by POST. The District Attorney (DA) is each county's top law enforcement official. With the authority granted under 830.1 PC, DAIs are regularly called into service for mutual aid and handle everything from general patrol functions, major criminal investigations for smaller police departments that lack investigative resources, targeted patrol operations and responding to civil unrest. The expectation from our allied agencies during any mutual aid operation is that they are receiving peace officers with full-authority under 830.1 PC. Additionally, that said DAIs have received the training necessary to legally and safely perform these operational duties.

Change for the sake of change is often a slippery slope and my overriding concern is the long-term impact of this decision and our current 830.1 PC status. Will POST and lawmakers begin to question the need to continue granting DAIs full peace officer powers based on reduced standards? I believe this conversation should have played out well before and not after this vote was cast by POST.

My career has spanned over 35 years and in that time I have been a District Attorney Investigator at all levels up to and including Chief Investigator. I spent 25 years in the Los Angeles County District Attorney's Office retiring as a Captain and I now serve as the Chief Investigator in the Fresno County District Attorney's Office. We are now operating in an environment where violence against law enforcement is at an all-time high and respect for law enforcement is at an all-time low. Based on my experience, I can certainly comment with confidence that lowering the standards for the position of DAI is completely unnecessary and not in line with the mission of the modern era District Attorney Investigator.

Sincerely,



Raymond P. McPherson
Chief, Bureau of Investigations
Fresno County District Attorney's Office



OFFICE OF THE
DISTRICT ATTORNEY
ORANGE COUNTY, CALIFORNIA

TODD SPITZER

June 1, 2021

The Honorable Joyce Dudley, Chair
Commission on Police Officers Standards and Training
860 Stillwater Road, Suite 100
West Sacramento, CA 95605

RE: Changes to minimum training requirements for District Attorney Investigators

Dear Chair Dudley:

As District Attorney of Orange County, I am writing to lodge my objection to changing the minimum training requirements for District Attorney Investigators and ask for a delay in moving forward with this item which is scheduled for a consent vote on tomorrow's POST Commission meeting.

The Orange County District Attorney's Office, Bureau of Investigation is comprised of 150 sworn investigators (830.1 P.C.), each with a wealth of knowledge and diverse experience. With law enforcement experiencing public scrutiny at an all-time high, lowering the standards for no apparent reason is concerning.

The staff report for this agenda item merely reflects the differences between the Specialized Investigators' Basic Course (SIBC) and the Regular Basic Course (RBC) in an analysis of learning domains and scenario tests. What is not factored into the analysis is the additional field experience an 830.1 P.C. officer must complete in order to qualify for their Basic Certificate.

The knowledge these officers learn handling service calls from cold reports to in-progress crimes - often times under extreme stress - must not be discounted.

Having extensive experience in investigating a wide variety of crimes as well as dealing with a diverse population is what makes our investigators so critical to the success of our prosecutors and our shared mission of pursuing justice.

Let me be clear. This stated opposition is not intended in any way to diminish the fine work of graduates of the SIBC or to demean them, but the experience difference between the two groups is immense and must not be ignored.

In reviewing the agenda item report, POST staff proposes four different options and requests guidance from the Commission. I would like to know what follow up has been conducted by POST



and I would like to opportunity to review their findings as I have concerns that there may have been a lack of follow-up on several recommendations.

Specifically, I have concerns regarding the following:

The first recommendation consists of surveying Law Enforcement Department heads to determine if there is an interest and a need to hire individuals with the training and experience in the Specialized Investigator classification. I am not aware of my office being surveyed or having the ability to make recommendations.

The second recommendation is to eliminate the SIBC and require specialized investigators to complete the RBC. Golden West College was the only presenter of the SIBC and we have been notified recently that they may be eliminating the course.

I am not confident all the necessary research has been conducted in making this decision and I would appreciate the ability to review the POST findings. I would also like the opportunity for my office to have a voice in these discussions as it directly impacts my organization.

I understand this item is listed on the consent calendar for tomorrow's POST Commission meeting and I would recommend that this decision be delayed until it can fully be vetted. In February 2012, this same item was presented to the POST Commission and the concept was determined to be unworkable. I would like to know what has changed.

If you have questions or would like to discuss my concerns, please do not hesitate to contact me.

Sincerely,

A handwritten signature in blue ink, appearing to read "Todd Spitzer", with a stylized flourish at the end.

Todd Spitzer
District Attorney



TORI VERBER SALAZAR
District Attorney, San Joaquin County

SCOTT A. FICHTNER
Assistant District Attorney

KRISTINE M. REED
Assistant District Attorney



JAMES BOJKO
Chief Investigator

July 19, 2021

The Honorable Joyce Dudley, Chair
Mr. Manuel Alvarez, Jr., Executive Director
Commission on Police Officers Standards and Training
860 Stillwater Road, Suite 100
West Sacramento, CA 95605-1630

Dear Chair Dudley and Director Alvarez,

The San Joaquin County District Attorney's Bureau of Investigation appreciates and respects the Commission's service and commitment to the training and development of Law Enforcement professionals.

With the utmost respect, we respond in opposition to the proposed regulation changes that would further degrade our profession. Over the years, we (LE) continuously lower the standards for hiring and retention. This alone adds an unintended consequence that is the crux of our current circumstances. Our profession is being scrutinized daily, and this would only add fuel to the fire.

The Specialized Investigators Basic Course (SIBC) is not a substitute for the level of experience necessary to be proficient in all the areas that are prosecuted within this office.

The advent of AB 1506 further highlights the differences in these positions. We currently acquire the brightest and most experienced investigators from the various agencies within our county. Our experience level is what makes us the premier law enforcement investigative agency in the county.



The San Joaquin County District Attorney's Bureau of Investigation would like to reiterate the sentiment of the others who recommend the commission reject this proposal to modify Regulation 1005. We also ask that the commission on P.O.S.T. include representatives from our office in the process to discuss alternative measures.

Respectfully,

A handwritten signature in dark ink, appearing to be 'James Bojko', written over a horizontal line.

James Bojko
Chief Investigator



County of Santa Cruz

District Attorney's Office

JEFFREY S. ROSELL
DISTRICT ATTORNEY

July 20, 2021

The Honorable Joyce Dudley, Chair
Commission on Peace Officer Standards and Training
860 Stillwater Road, Suite 100
West Sacramento, CA 95605

Dear Chairperson Dudley,

We recently became aware of the Commission's proposed changes regarding the minimum entry-level training standards for District Attorney Inspectors. In short, we do not support any reduction of training requirements.

Our understanding is that the Commission is poised to alter Commission Regulation 1005(a) to reduce the minimum requirements for a District Attorney Inspector from a Regular Basic Course certification (RBC) to a Specialized Investigator's Basic Course (SIBC) certification. We are opposed to any watering down of the minimum standards to become a District Attorney Inspector.

If the Commission is intent on enacting this change in regulation, we request a public hearing to set forth the reasons for our opposition.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jeffrey S. Rosell", is written over a horizontal line.

Jeffrey S. Rosell, District Attorney

A handwritten signature in blue ink, appearing to read "Katrina Rogers", is written over a horizontal line.

Katrina Rogers, Chief Inspector