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Article 4. Peace Officer Certification.

§ 1204. Cancellation of Peace Officer Appointment to the POST Agency Roster.

11 CCR § 1204

(a) The commission shall cancel the appointment to the POST agency roster of a peace officer for the following reasons:

- (1) The appointment was made through misrepresentation or fraud.
- (2) The appointment was made as a result of administrative error on the part of the commission or the employing agency.
- (3) An audit revealed the appointee did not meet the minimum hiring and selection standards required at the time of appointment.

(b) Prior to any cancellation, the commission shall conduct a review of the appointment to the POST agency roster. If the cancellation is the result of deficiencies discovered during an audit of the appointment requirements for peace officer eligibility, the cancellation procedure shall be as follows:

(1) Procedure

(A) At the completion of an audit, the commission shall notify the agency of the specific appointment deficiency.

1. Failure to correct the deficiency may result in cancellation of the appointment to the POST agency roster by the commission.
2. The agency shall correct the deficiency within 30 days from the date of notice by the commission.
3. The agency shall notify the commission of the correction in writing.

(B) If the deficiency is corrected within 30 days, documentation of the correction will be placed in the agency file and no further action will be taken.

(C) If the deficiency is not corrected within 30 days, the commission will consider the agency to be one of the following:

1. Voluntarily Non-Compliant: The agency is not complying with Commission hiring standards.
2. Involuntarily Non-Compliant: The agency is working to comply with Commission hiring standards but may require an extension of the 30 days.

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(D) If the agency is deemed to be voluntarily non-compliant, the agency head will be notified, in writing, of the intent to cancel the peace officer appointment to the POST agency roster.

(E) If the agency is deemed to be involuntarily non-compliant:

1. The commission may grant up to two 30-day extensions.
2. Failure to correct the deficiency within the specified time frame will result in cancellation of the peace officer appointment to the POST agency roster and the agency head will be notified in writing.

(F) Written Notice of Cancellation of Appointment to the POST Agency Roster.

1. The commission shall notify the agency head of the peace officer's name, the specific reason for the cancellation, and the appointment cancellation date.
2. Written notice shall include the procedure for requesting an appeal of the cancellation.

(c) Immediate Cancellation of Appointments to the POST Agency Roster.

(1) Nothing in this regulation is intended to limit the ability to order an immediate cancellation of a peace officer appointment upon a determination by the Executive Director that the cancellation is:

(A) In the best interest of the health, safety, or welfare of the peace officer, agency, or public.

(B) The willful submission of an incomplete or fraudulent notice of appointment to the POST agency roster.

(2) A notice of immediate cancellation shall be made in writing and shall specify the basis for the Executive Director's determination.

(3) A cancellation may be appealed to the Commission.

(4) The appeal will be considered timely if the appeal and all supporting documentation is submitted in writing to the Executive Director and postmarked within 20 business days of the date of the mailing of the Executive Director's decision to the agency.

(A) Appeals received at least 20 business days prior to the next scheduled Commission meeting will be heard.

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(B) Appeals received with less than 20 business days remaining prior to the next scheduled Commission meeting will be heard at a subsequent meeting.

(C) The commission shall notify the appellant of the date, time, and location of the hearing within 15 business days of the receipt of the appeal by the commission.

(5) At an appeal hearing, the burden of proof is on the appellant to demonstrate to the Commission that error was committed by POST staff in its decision.

(6) The Executive Director shall notify the appellant in writing of the Commission's decision within 15 business days following the conclusion of the hearing.

(d) Cancellation of Proof of Eligibility

Upon cancellation of an appointment to the POST agency roster, the corresponding Proof of Eligibility shall also be cancelled.

Note: Authority cited: Section 13510.1, Penal Code. Reference: Section 1029, Government Code; and Section 13510.1, Penal Code.