

# ADOPT

## Article 4. Peace Officer Certification.

### § 1212. Commission Hearing on Peace Officer Certification.

11 CA ADC § 1212

- (a) The Commission shall have the authority to suspend, revoke, or cancel any certification issued by the Commission.
- (b) At the hearing, conducted by the Commission, to review a recommendation made by the board:
  - (1) The Commission's decision to adopt a recommendation by the board to seek revocation shall require a two-thirds vote of Commissioners present.
  - (2) The decision shall be based on whether the record, in its entirety, supports the board's conclusion that serious misconduct has been established by clear and convincing evidence.
  - (3) The Commission may conduct deliberations in closed session.
  - (4) In any case which the Commission reaches a different determination than the board's recommendation, it shall set forth its analysis and reasons for reaching a different determination in writing. A copy of the written decision shall be provided to:
    - (A) The board,
    - (B) The division, and
    - (C) The involved peace officer or designated representative.
- (c) The Commission shall return any determination requiring action to be taken against an individual's certification to the division, which shall initiate proceedings for a formal hearing before an administrative law judge in accordance with the Administrative Procedure Act.
  - (1) After the hearing, the Commission will receive the proposed decision from the administrative law judge.
  - (2) The proposed decision shall be reviewed by the Commission, which will either:
    - (A) Adopt the decision,
    - (B) Remand the decision for the taking of additional evidence and/or the consideration of new or different issues, or
    - (C) Reject the decision and issue its own decision with or without a hearing.

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(3) The Commission's decision shall be considered final 30 days after the date of service, as set forth in these Commission regulations, of the decision upon the involved peace officer or their legal representative. A copy of the written decision shall be provided to:

(A) The board,

(B) The division,

(C) The involved peace officer or designated representative, and

(D) The head of the agency that employs or employed the involved peace officer.

(d) The commission shall publish the names of any peace officer whose certification is suspended or revoked and the basis for the suspension or revocation on the POST website.

(e) The commission shall notify the National Decertification Index of the International Association of Directors of Law Enforcement Standards and Training of any peace officer whose certification is suspended or revoked and the basis for the suspension or revocation.

Note: Authority cited: Section, 11517, Government Code; Sections 13503, 13510.1, 13510.85 and 13510.9, Penal Code. Reference: Section, 11517, Government Code; Sections 13503, 13510.1, 13510.85 and 13510.9, Penal Code.