

## **ADOPT**

### **Article 4. Peace Officer Certification.**

#### **§ 1201. Definitions Related to Peace Officer Certification.**

11 CA ADC § 1201

(1) “Acceptable College Education” is:

(a) Courses or degrees provided by a community college, college, or university which have been accepted by a community college, college or university accredited by a recognized national or regional accrediting body.

(b) Courses or degrees provided by a community college, college, or university accredited by a recognized national or regional accrediting body.

(2) “Administrative Law Judge” refers to a judge and trier of fact who presides over administrative hearings.

(3) “Affidavit of Separation” refers to a written statement confirmed by affirmation describing the reason for employment separation.

(4) “Business Days” refers to days that all state agencies are open for business.

(5) “Certificate Programs” are programs in which the Commission applies specific criteria for awards of certificates as a means of recognizing achievements in education, training, and experience and for the purpose of raising the level of competence of law enforcement officers. Requirements for professional certificates for peace officers are set forth in Commission Regulation 1202.

(6) “Certification” is a valid and unexpired Basic Certificate or Proof of Eligibility issued by the commission pursuant to Commission Regulation 1202 and Penal Code Section 13510.1.

(7) “Commission” when used with an upper case “C,” refers to one or more members for the Commission on Peace Officer Standards and Training.

(8) “commission” when used with a lower case “c,” refers to staff of the Commission on Peace Officer Standards and Training.

(9) “Conviction of a Crime” means any person upon entry of a plea of guilty or nolo contendere to, or upon being found guilty of a trier of fact of, a felony offense including an offense that may be charged as a misdemeanor or felony and that was charged as a felony at the time of conviction.

(10) “Days” means calendar days unless otherwise indicated.

(11) “Executive Position” is a position above the middle management position, up to and including department head, for which commensurate pay is authorized, and is

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responsible principally for command assignments and the supervision of subordinate middle management and supervisory positions. The executive position is most commonly the rank of captain or higher.

(12) “Exonerated” means the investigation clearly established that the actions of the personnel that formed the basis of the complaint are not in violation of law or agency policy.

(13) “First-level Supervisory Position” is the supervisory peace officer position between the operational level and the “middle management position” responsible for the direct supervision of subordinates. The first-level supervisory position does not encompass positions with limited or intermittent supervisory responsibilities, i.e., quasi-supervisory positions. The first-level supervisory position is the rank of sergeant or its equivalent.

(14) “Middle Management Position” is the management peace officer position between the first-level supervisory position and the department head position responsible for management and/or command duties. The middle management position is the rank of lieutenant or higher.

(15) “Not Sustained” means the investigation failed to disclose sufficient evidence to clearly prove or disprove the allegation in the complaint.

(16) “Peace Officer” as it relates specifically relate to Article 4 – Peace Officer Certification, refers to any current or former peace officer.

(17) “Peace Officer Standards Accountability Advisory Board,” hereafter referred to as “board,” refers to the nine-member board established to review findings of serious misconduct after an investigation made by the division and make recommendations to the Commission.

(18) “Peace Officer Standards Accountability Division,” hereafter referred to as “division,” is the division within POST responsible for the certification of California peace officers.

(19) “Quasi-supervisory Position” is the peace officer position above the operational level which is assigned limited responsibility for the supervision of subordinates, or intermittently is assigned the responsibility of first-level supervision. The quasi-supervisory position is a rank below sergeant.

(20) “Sustained” means the investigation disclosed sufficient evidence to prove the truth of allegation in the complaint by clear and convincing evidence.

(21) “Temporary Suspension” means the immediate invalidation of a certification of a peace officer upon arrest, indictment, discharge from any law enforcement agencies for serious misconduct, or separation from employment of a peace officer pending investigation into allegations of serious misconduct.

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(22) “Unfounded” means the investigation clearly established that the allegation is not true.

(23) “Voluntary Surrender” refers to the process by which a person who holds a certificate issued by the commission, knowingly and willingly, returns the certificate to the commission forfeiting all rights and privileges associated with that certificate.

Note: Authority cited: Sections 13506 and 13510.3, Penal Code. Reference: Sections 1029, Government Code; Sections 830.1, 13503, 13507, 13510, 13510.1, 13510.3, 13510.5 and 13523, Penal Code.