



OFFICE OF THE
DISTRICT ATTORNEY
ORANGE COUNTY, CALIFORNIA

TODD SPITZER

April 11, 2022

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

Re: POST Commission Regulation 1005

On behalf of the Orange County District Attorney's Office, in response to POST Bulletin 2021-31 Notice of Availability of 15-Day Language, please accept this letter as our renewed objection to the change to Peace Officers Standards and Training (POST) Commission Regulation 1005(a), which proposes to reduce the minimum training requirements for District Attorney Investigators (DAI) in California. This proposed regulation may possibly undermine POST's goal of enhancing professionalism in California law enforcement, which is why it is opposed by 48 of the 51 California District Attorney Bureau Chiefs.

Additionally, the Bureaus of Investigation maintain specialized units in which DAIs conduct independent criminal investigations similar to a police officer or deputy sheriff. In the Orange County District Attorney's Bureau of Investigation, there are numerous units where DAI's handle complex cases from inception, such as Major Fraud, Real Estate Fraud and Cyber Crimes. Our Science and Technology Unit reviews unsolved homicides and other serious offenses, and reopens and conducts the investigation anew.

Like many jurisdictions in California, the Orange County District Attorney's Office maintains a Conviction Integrity Unit. The unit relies on DAIs to review, examine and question every aspect of a closed investigation to ensure only the guilty have been convicted. Our Office's Public Integrity Unit investigates accusations of criminal conduct by public officials and in local government agencies, including law enforcement agencies. These are but a few examples of what necessitates an understanding of general law enforcement practices.

POST contends that DAIs do not need to understand patrol techniques or custody procedures. Nevertheless, this disregards the fact that the Orange County District Attorney's Office is tasked as the principal investigative agency for officer-involved shootings and in-custody death incidents in the county.

The five member Orange County District Attorney's Office AB109 Task Force regularly makes in-field arrests. To properly perform this work, DAIs must have detailed knowledge and experience of police and custody practices and procedures. Likewise, POST's conclusion that portions of the Basic Course are irrelevant to DAIs, ignores the fact that DAIs are full-authority peace officers, who may be pressed into service as mutual aid to handle everything from general patrol functions, to emergency operations, to rendering aid to smaller departments. One example of this was our office providing support to a local police agency during the 2020 spring/ summer civil protests.

During this time of uncertainty and upheaval, it is more important than ever for all police agencies to emphasize training, experience, and transparency. POST's proposal to reduce training and deemphasize experience for front line investigators such as DAIs, discounts the role of law enforcement as stewards of the public trust.

This historical moment demands more from law enforcement than a decreasing of standards for DAIs who interact with the public, investigate crimes, and generally perform the equivalent functions as other law enforcement agents. The proposal to reduce the standards for DAI training should be earnestly reconsidered. I am respectfully requesting a public hearing regarding the changes to reduce the training requirements for sworn investigators as set forth in POST Commission Regulation 1005(1).

Very truly yours,



TODD SPITZER
District Attorney

cc: POST Commission
Senator Toni Atkins
Assemblymember Anthony Rendon
Senator Scott Wilk
Assemblymember James Gallagher
Assemblymember Mark Stone
Senator Tom Umberg
Senator Andreas Borgeas
Assemblymember Jordan Cunningham
Assemblymember Jim Cooper
Assemblymember Reggie Jones-Sawyer
Assemblymember Tom Lackey
Senator Steven Bradford
Senator Rosilicie Ochoa Bogh
OAL Director Kenneth Pogue