

Alvarez, Manny@POST

From: Wayne Quint [REDACTED]
Sent: Thursday, May 5, 2022 3:39 PM
To: Alvarez, Manny [REDACTED]
Cc: Fred Hiestand; Paul Bartlett; 'Bill Young'; Dave Brown
Subject: DAI Opinion Article
Attachments: Lowering Standards for DA Investigator_SacObserver_04 29 2022.pdf

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Dear Executive Director Alvarez,

On behalf of the Los Angeles County Professional Peace Officers Association (PPOA), I respectfully request that you forward the attached opinion piece that was published in the Sacramento Observer (04/29/22) to Chair Dudley and each POST Commissioner. I was unable to locate their email addresses on the POST website. If the addresses are there and you can direct me to the website area, I am happy to send the attachment to the Chair and Commissioners.

Thanking You in Advance,

Wayne J. Quint, Jr., Executive Director
Professional Peace Officers Association (PPOA)

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Opinion

Why Lower Standards For Becoming A District Attorney Investigator?

By Josh Pane & Josiah Young
Special to the OBSERVER

Law enforcement and the public share a common interest in securing the best trained and educated California District Attorney Investigators (DAIs). Highly qualified investigators are critical to the successful operation of our justice system. Less educated and trained investigators are more prone to make factual and legal mistakes that result in innocent people being wrongly convicted, guilty ones going free, and taxpayers having to pay large liability awards for investigatory errors.

An example of what a bad investigation can wreak is the tragic 2015 shooting at a South Carolina church where nine persons were killed and \$88 million was paid by the government as a mere pacifier to their families. A botched FBI background investigation allowed the mentally disturbed gunman to buy his weapon and slaughter those innocent worshippers. Lower training standards for investigators, which the POST regulation imposes, is a bellwether for more bad investigations.

Why, then, is the Commission on Police Officer Standards and Training (POST) seeking to lower the qualifications for becoming a DA investigator? After all, POST is supposed to enact regulations that "raise the level of competence of local law enforcement officers" (Penal Code § 13510), NOT lower the standards.

Current law requires DAIs to complete a minimum of 664 hours of training to obtain the Regular Basic Course (RBC) POST certificate. POST intends to reduce this standard by allowing "special investigators" with Specialized Investigators Basic Course (SIBC) certificates to also qualify as DAIs. But the SIBC certificate omits 153 hours of necessary training included in the RBC certificate. To claim that the SIBC certificate is equal to the RBC certificate for qualifying as a DAI is nonsense; it waters down the standards for becoming a DAI by permitting those less trained and educated to be hired instead of the better trained and educated.

POST, whose 18 members include 15 appointed by the Governor, claims it is doing

this to give the opportunity to District Attorneys (DAs) to hire investigators with either an RBC or SIBC certificate to fulfill the same job. But the overwhelming number of DA offices throughout California (48 of 52) protest that they do not want lower standards for their investigators and oppose POST's regulation for that reason. As the Sacramento DA's office explains, "A course of action [by POST] that increases peace officer standards and competency would certainly have [our] support, over this current [measure] that ... lower[s] them."

A letter from the California Chief Investigators Association signed by 46 DA Offices echoes this concern, emphasizing that "one of the paramount duties of the DAI is the investigation of peace officer misconduct, in-custody deaths, and officer-involved shootings. ... Necessary courses in patrol techniques and custody are not included in the curriculum of the undertrained position of SIBC." Similarly, DAIs are legislatively required to investigate certain crimes, such as child abduction and recovery, and missing persons. These blocks of training required for the RBC certificate are also absent from the SIBC curriculum.

Despite the many objections from DA offices throughout California, POST went ahead and adopted its

watered-down regulation for qualifying as a DAI. When law enforcement agencies and associations asked POST to first conduct a survey of DA eferences and law enforcement to find out if there was any "need" for the regulation, POST's Chair, Joyce Dudley, the Santa Barbara DA who wanted to hire a SIBC-certified applicant as a general investigator for her office, told them she "felt" that was "a waste of time. I think we already know there is a need ...". Obviously, her and her POST colleagues' "group think" opinion about this is not shared by the vast majority of DAs, law enforcement agencies and associations.

The Governor, either directly or through his appointed Office of Administrative Law (OAL), should call a halt to this foolishness. So might the Legislature by asking OAL to conduct a "particularized review" of this regulation before it can take effect. Citizens should let the Governor and Legislature know that this POST regulation harms the public interest in hiring the best trained and qualified DAIs.

Absent action by the Governor or Legislature, however, POST may get away with imposing this lower job standard and training regulation on DAs public, harming law enforcement and the public. As a more than 30-year experienced peace officer and

Commander of Training for specialized investigation units warned POST in opposing this regulation, "[W]ith the current environment demanding that we boost the qualifications... for sworn law enforcement personnel, this proposal completely flies in the face of societal demands by actually lowering the standards for ... DAIs."

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