



## POST COMMISSION MEETING

To view via live stream: <https://post.ca.gov/Watch-Meeting>

To call in for public comment: +1 (646) 749-3122 Access Code: 605-488-405 Please

Note: This meeting and all public comments will be recorded.

September 29, 2021

AGENDA

1:30 PM

Under Government Code section 11123(a), all meetings of a state body are open and public, and all persons are permitted to attend any meeting of a state body, except as otherwise provided in that article. Pursuant to Executive Order N-08-21, certain provisions of the Bagley-Keene Open Meeting Act are suspended due to a State of Emergency in response to the COVID-19 pandemic. Consistent with the Executive Order, this Commission meeting will be conducted by teleconference only. None of the locations from which Commissioners will participate will be open to the public.

Members of the public who wish to observe the meeting may view the meeting streamed live on the Commission webpage at <https://post.ca.gov/Watch-Meeting>. Members of the public who wish to comment during the public comment portion of the meeting may do so by calling: +1 (646) 749-3122 and entering Access Code: 605-488-405 or via the comments page. Written comments will be processed for the Commission to review, and therefore must be received no later than 8:00 am PST, on September 28, 2021 for administrative preparation.

Persons who, due to a disability, need assistance in order to participate in this meeting should, prior to the meeting, contact the Commission Assistant at (916) 227-2803 (voice), [keri.nunez@post.ca.gov](mailto:keri.nunez@post.ca.gov) (e-mail) and Speech-to-Speech users may dial 7-1-1 for the California Relay Service to submit comments on an agenda item or to request special accommodations for persons with disabilities.

***PLEASE NOTE: THE COMMISSION MAY TAKE ACTION ON ANY ITEM LISTED ON THE AGENDA, INCLUDING ITEMS LISTED AS DISCUSSION ITEMS. This meeting and all public comments will be recorded.***

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### **CALL TO ORDER AND WELCOME**

### **COMMISSION MEMBERS**

Alan Barcelona

Ingrid Braun

Rick Brazier - Vice Chair

Lai Lai Bui

Barry Donelan

Robert Doyle

Joyce Dudley - Chair

Vacant (Elected City Official)

Vacant (Public/Speaker of the Assembly)

P. Lamont Ewell

Geoff Long

John McMahon

John Marsh - Ex-Officio

Jethroe Moore II

James O'Rourke

Batine Ramirez

Vacant (Police Chief/Sheriff)

Vacant (Police Chief/Sheriff)

## **MOMENT OF SILENCE HONORING THE OFFICERS WHO LOST THEIR LIVES IN THE LINE OF DUTY SINCE THE LAST MEETING**

## **ROLL CALL OF COMMISSION MEMBERS**

## **INTRODUCTION OF POST LEGAL COUNSEL AND THE EXECUTIVE DIRECTOR**

Commission Chair will introduce the POST Legal Counsel and the Executive Director.

## **PUBLIC COMMENT**

Commission Chair will advise the audience of the following:

This is the time on the agenda for public comment. This is time set aside for members of the public to comment on either items on the Commission agenda or issues not on the agenda but pertaining to POST Commission business. Members of the public who wish to speak are asked to limit their remarks to no more than five minutes each. Please be advised the Commission cannot take action on items not on the agenda.

- Please dial in using your phone: +1 (646) 749-3122 Access Code: 605-488-405

## **BASIC TRAINING BUREAU**

### **A. Report on Public Hearing Requested By Chief District Attorney Investigators**

On June 2, 2021, the Commission on Peace Officer Standards and Training (POST) approved a proposed amendment to Commission Regulation 1005(a), Minimum Standards for Training for District Attorney Investigators (DAIs). The amendment, upon approval of the Office of Administrative Law (OAL), will allow completion of the Regular Basic Course (RBC), or Specialized Investigators Basic Course (SIBC), to meet the basic training requirements for DAIs.

On July 16, 2021, and by follow up email on August 9, 2021, a group of 46 Chief DAIs submitted a letter to POST expressing their opposition to the amendment. Furthermore, the Chief DAIs requested a public hearing.

Pursuant to Government Code section 11346.4, POST will host a public hearing at the completion of the 45-day public comment period. The public hearing will take place at 9:00 AM on September 20, 2021 at 860 Stillwater Road, Suite 100, West Sacramento, CA 95605 and via live stream at: <https://post.ca.gov/watch-meeting>.

## **FUTURE COMMISSION DATES**

B. Upcoming Commission Meetings will be held:

- December 8-9, 2021 - POST HQ, West Sacramento
- March 2-3, 2022 - San Diego, CA
- May 25-26, 2022 - POST HQ, West Sacramento

**ADJOURNMENT**

## AGENDA ITEM REPORT

**Title:** COMMISSION MEMBERS

### REPORT PROFILE

<b>MEETING DATE</b> 9/29/2021	<b>BUREAU SUBMITTING THIS REPORT</b>	
<b>RESEARCHED BY (PRINT NAME)</b>		<b>REVIEWED BY (PRINT NAME)</b>
<b>REPORT DATE</b> 09/08/2021	<b>APPROVED BY</b>	<b>DATE APPROVED</b>
<b>PURPOSE</b> Information Only		<b>FINANCIAL IMPACT</b> No

**ISSUE:**

**BACKGROUND:**

**ANALYSIS:**

**RECOMMENDATION:**

<b><u>ATTACHMENT(S):</u></b>	
Name:	Type:
No Attachments Available	

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## AGENDA ITEM REPORT

**Title:      REPORT ON PUBLIC HEARING REQUESTED BY CHIEF DISTRICT ATTORNEY INVESTIGATORS**

### REPORT PROFILE

<b>MEETING DATE</b> 9/29/2021	<b>BUREAU SUBMITTING THIS REPORT</b> Basic Training Bureau	
<b>RESEARCHED BY (PRINT NAME)</b> M. Sandoval		<b>REVIEWED BY (PRINT NAME)</b> Maria Sandoval
<b>REPORT DATE</b> 09/08/2021	<b>APPROVED BY</b> Manuel Alvarez, Jr.	<b>DATE APPROVED</b> 09/15/2021
<b>PURPOSE</b> Decision Requested		<b>FINANCIAL IMPACT</b> No

### ISSUE:

Currently, Commission Regulation 1005(a) requires the completion of the Regular Basic Course (RBC) for District Attorney Investigators (DAIs) and excludes those individuals who have completed the Specialized Investigators Basic Course (SIBC) from being appointed as a DAI.

On June 2, 2021, the Commission approved a proposed amendment to Commission Regulation 1005(a), Minimum Standards for Training for DAIs. The amendment, upon approval of the Office of Administrative Law (OAL), will allow completion of the RBC or SIBC to meet the basic training requirements for DAIs.

As a result of the request by the Chief DAIs, POST will host a public hearing at the completion of the 45-day public comment period. The public hearing will take place at 9:00 AM on September 20, 2021.

### BACKGROUND:

On June 2, 2021, the Commission approved a proposed amendment to Commission Regulation 1005(a), Minimum Standards for Training for DAIs. The amendment, upon approval of OAL, will allow completion of the RBC, or SIBC, to meet the training requirements for DAIs.

By letter dated July 16, 2021, and by a follow up email on August 9, 2021, a group of 46 Chief DAIs requested a public hearing. Government Code section 11346.4 dictates that upon request for a public hearing, the public hearing must be held at the conclusion of the 45-day public comment period.

As a result of the request by the Chief DAIs, POST will host a public hearing at the completion of the 45-day public comment period. The public hearing will take place at 9:00 AM on September 20, 2021.

### ANALYSIS:

The 45-day public comment period requested by the Chief DAIs ended on September 13, 2021. Pursuant to established procedure, OAL will complete the rulemaking process within 30 business days once POST staff submit the final rulemaking package to OAL.

The public hearing pertaining to the proposed amendments to Regulation 1005(a), Minimum Standards for

Training for DAIs will take place at 9:00 AM on September 20, 2021.

A verbal presentation will be provided, if requested, of the main concerns brought up in the public hearing.

**RECOMMENDATION:**

POST staff recommends the Commission discuss and evaluate issues raised related to the modification of POST Regulation 1005. POST staff proposes the following options:

- 1) Take no further action and allow the modification to Regulation 1005, as approved by the Commission on June 2, 2021, to continue the rulemaking process through the Office of Administrative Law;
- 2) Rescind the actions taken by the Commission at the June 2, 2021, related to the modification of Regulation 1005, and maintain the existing language of the regulation as is;
- 3) Modify the regulatory language approved by the Commission on June 2, 2021, in any way the Commission sees fit; and/or
- 4) Take any other course of action the Commission believes to be appropriate under the circumstances.

<b>ATTACHMENT(S):</b>	
Name:	Type:
No Attachments Available	