
SENATE COMMITTEE ON PUBLIC SAFETY

Senator Jesse Arreguin, Chair
2025 - 2026 Regular

Bill No: AB 354 **Hearing Date:** June 10, 2025
Author: Michelle Rodriguez
Version: April 10, 2025
Urgency: Yes **Fiscal:** Yes
Consultant: AB

Subject: *Commission on Peace Officer Standards and Training*

HISTORY

Source: Commission on Peace Officer Standards and Training

Prior Legislation: SB 449 (Bradford), Ch. 397, Stats. of 2023
AB 44 (Ramos), Chapter 638, Stats. of 2023
SB 2 (Bradford), Ch. 409, Stats. of 2021
AB 1747 (Gonzalez), Ch. 789, Stats. of 2019

Support: ACLU California Action

Opposition: None known

Assembly Floor Vote: 69 - 0

PURPOSE

The purpose of this bill is to authorize the Commission on Peace Officer Standards and Training (POST) to access information contained in and derived from the California Law Enforcement Telecommunications System (CLETS), as specified.

Existing law requires minimum training and moral character requirements for peace officers, as defined, while at the same time identifying certain disqualifying factors, including a felony conviction. (Pen. Code, §§ 830 et seq., Gov. Code, §§ 1029, 1031.)

Existing law establishes the Commission on Peace Officer Standards and Training (POST) within the Department of Justice to set minimum standards for the recruitment and training of peace officers, develop training courses and curriculum, and establish a professional certificate program that awards different levels of certification based on training, education, experience, and other relevant prerequisites. (Pen. Code, §§ 830-832.10 and 13500 et seq.)

Existing law requires POST to establish a certification program for peace officers, as defined, and provides that basic, intermediate, advanced, supervisory, management, and executive certificates shall be established for the purpose of fostering professionalization, education, and experience necessary to adequately accomplish the general police service duties performed by peace officers. (Pen. Code § 13510.1, subds. (a)-(b).)

Existing law provides that certificates shall be awarded on the basis of a combination of training, education, experience, and other prerequisites, as determined by POST, and specifies what POST shall recognize as acceptable college education in determining whether an applicant for certification has the requisite education. (Pen. Code, § 13510.1, subd. (c).)

Existing law provides that persons who are determined by POST to be eligible peace officers may make application for the certificates, provided they are employed by an agency which participates in the POST program. Any agency appointing an individual who does not already have a basic certificate as described in subdivision (a) and who is not eligible for a certificate, shall make application for proof of eligibility within 10 days of appointment. (Pen. Code, § 13510.1, subd. (d).)

Existing law gives POST the authority to suspend, revoke, or cancel any certification. (Pen. Code, § 13510.1, subd. (f).)

Existing law authorizes POST to suspend or revoke the certification of a peace officer if the person has been terminated for cause from employment as a peace officer for, or has, while employed as a peace officer, otherwise engaged in, any serious misconduct, as described. (Pen. Code, § 13510.8, subd. (a)(2).)

Existing law requires POST to adopt by regulation a definition of “serious misconduct” that shall serve as the criteria for consideration for ineligibility for, or revocation of, certification of a peace officer. The definition shall include all of the following:

- Dishonesty relating to the reporting, investigation, or prosecution of a crime, or relating to the reporting of, or investigation of misconduct by, a peace officer or custodial officer, including, but not limited to, false statements, intentionally filing false reports, tampering with, falsifying, destroying, or concealing evidence, perjury, and tampering with data recorded by a body-worn camera or other recording device for purposes of concealing misconduct.
- Abuse of power, including, but not limited to, intimidating witnesses, knowingly obtaining a false confession, and knowingly making a false arrest.
- Physical abuse, including, but not limited to, the excessive or unreasonable use of force.
- Sexual assault.
- Demonstrating bias on the basis of race, national origin, religion, gender identity or expression, housing status, sexual orientation, mental or physical disability, or other protected status in violation of law or department policy or inconsistent with a peace officer’s obligation to carry out their duties in a fair and unbiased manner. This paragraph does not limit an employee’s rights under the First Amendment to the United States Constitution.
- Acts that violate the law and are sufficiently egregious or repeated as to be inconsistent with a peace officer’s obligation to uphold the law or respect the rights of members of the public, as determined by POST.

- Participation in a law enforcement gang.
- Failure to cooperate with an investigation into potential police misconduct.
- Failure to interceded when present and observing another officer using force that is clearly beyond what is necessary, as determined by an objectively reasonable officer under the circumstances, taking into account the possibility that other officers may have additional information regarding the threat posed by a subject. (Pen. Code, § 13510.8, subd. (b).)

Existing law establishes within POST a Peace Officer Standards Accountability Division (POSAD) whose primary responsibility is to review investigations conducted by law enforcement agencies or any other investigative authority and to conduct additional investigations, as necessary, into serious misconduct that may provide grounds for suspension or revocation of a peace officer's certification, present findings and recommendations to the board and commission, and bring proceedings seeking the suspension or revocation of certification of peace officers as directed by the Peace Officer Standards Accountability Advisory Board and POST. (Pen. Code, §13509.5.)

Existing law requires POSAD to promptly review any grounds for decertification received from an agency and grants the division the authority to review any agency or other investigative authority file, as well as conduct additional investigation, if necessary, and provides that POSAD shall only have authority to review and investigate allegations for purposes of decertification. (Pen. Code, § 13510.8, subd. (c)(2).)

Existing law authorizes POSAD, in its discretion, to investigate without the request of the commission or board any potential grounds for revocation of certification of a peace officer. (Pen. Code, § 13510.8, subd. (c)(3)(C).)

Existing law requires law enforcement agencies to report to POST within 10 days any of the following information:

- The employment, appointment, or termination or separation from employment or appointment, by that agency, of any peace officer. Separation from employment or appointment includes any involuntary termination, resignation, or retirement;
- Any complaint, charge, or allegation of conduct against a peace officer employed by that agency that could render a peace officer subject to suspension or revocation of certification by POST;
- Any finding or recommendation by a civilian oversight entity, including a civilian review board, civilian police commission, police chief, or civilian inspector general, that a peace officer employed by that agency engaged in conduct that could render a peace officer subject to suspension or revocation of certification by POST;
- The final disposition of any investigation that determines a peace officer engaged in conduct that could render a peace officer subject to suspension or revocation of certification by POST, regardless of the discipline imposed; and,

- Any civil judgment or court finding against a peace officer based on conduct, or settlement of a civil claim against a peace officer or an agency based on allegations of officer conduct that could render a peace officer subject to suspension or revocation of certification by POST. (Pen. Code, § 13510.9, subd. (a).)

Existing law requires the Department of Justice (DOJ) to maintain state summary criminal history information, as defined, and to furnish this information to various state and local government officers, officials, and other prescribed entities, if needed in the course of their duties. (Pen. Code, §11105, subds. (a)-(b).)

Existing law requires criminal justice agencies, as defined, to collect criminal justice record information, as defined, and report that information to the DOJ, as specified. (Pen. Code, §§ 13100 – 13370.)

Existing law defines “state summary criminal history information” to mean the master record of information compiled by the Attorney General pertaining to the identification and criminal history of a person, such as name, date of birth, physical description, fingerprints, photographs, dates of arrests, arresting agencies and booking numbers, charges, dispositions, sentencing information, and similar data about the person. (Pen. Code, §11105, subd. (a)(2)(A).)

Existing law establishes the Legislature’s intent to provide an efficient law enforcement communications network available to all public agencies of law enforcement, and that such a network be established and maintained in a condition adequate to the needs of law enforcement. (Gov. Code, §15151).

Existing law requires the DOJ to maintain a statewide telecommunications system of communication for the use of law enforcement agencies (CLETS), and provides that CLETS shall be under the direction of the Attorney General, and shall be used exclusively for the official business of the state and any city, county, city and county, or other public agency. (Gov. Code, §§15152, 15153).

Existing law provides that no subscribers to the system shall use information other than criminal history information transmitted through the system for immigration enforcement purposes, as defined. (Gov. Code, § 15160, subd. (b)(1).)

Existing law requires any inquiry for information other than criminal history information submitted through the system to include a reason for the initiation of the inquiry. (Gov. Code, § 15160, subd. (b)(2).)

This bill provides that POST, or other specified designated persons who have been background checked and whose duties require access, may inspect or duplicate any information derived from CLETS when POST deems the information necessary to fulfill its duties.

This bill provides that notwithstanding any other law, POST is authorized to inspect and duplicate any criminal history information, criminal offender record information, or criminal justice information, including information contained in or derived from the CLETS or any other sensitive, confidential or privileged information if the commission determines that the information is needed in the course of the commission’s duties.

This bill states the intent of the Legislature in enacting the above provision to recognize that POST is considered a “criminal justice agency” pursuant to existing law and may have access to information derived from criminal justice databases.

This bill provides that POST employees, prospective employees, appointees, volunteers, contractors, and subcontractors, whose job duties require access to criminal offender record information, state summary criminal history information, or information derived from CLETS, shall undergo a fingerprint-based state and national criminal history background check.

This bill provides that POST shall submit to the DOJ fingerprint images and related information for individuals specified in the above provision who are subject to a state and national criminal history background check, and that the DOJ shall provide a state or federal level response, as specified.

This bill authorizes POSAD to inspect or duplicate any criminal history information, criminal offender record information, or criminal justice information, including information contained in or derived from CLETS and any other information that would otherwise be confidential, privileged, or subject to any other restriction on disclosure when that information is included as part of an investigation involving a matter within the commission’s jurisdiction.

This bill is an urgency statute, and sets forth the following facts constituting the necessity of an urgency clause:

- In addition to determining the fitness of an individual to serve as a peace officer, the Commission on Peace Officer Standards and Training is also tasked with investigating and suspending or decertifying a peace officer if serious misconduct has occurred. These amendments are urgently needed to ensure and reinforce the commission's duties, including the information it may access to perform those duties.

COMMENTS

1. Need for This Bill

According to the Author:

As the author of AB 354, I believe strongly in the need for meaningful accountability within law enforcement — not only to protect public trust, but to ensure the highest professional standards are upheld by those sworn to serve our communities. This bill is about strengthening California’s ability to decertify peace officers who engage in serious misconduct. Decertification is one of the most critical tools we have to ensure that officers who abuse their authority — whether through excessive force, dishonesty, bias, or participation in law enforcement gangs — are held accountable and removed from positions of public trust. With this access, POST can more effectively investigate allegations of misconduct and make timely, informed decisions about an officer’s eligibility to serve. AB 354 ensures that accountability follows misconduct — not just within an agency, but across the state. This bill reflects our commitment to responsible policing, transparency, and public safety. I am proud to carry this legislation and look forward to working with my colleagues, community stakeholders, and law enforcement partners to see it through.

2. Criminal Records and CLETS

Existing California law requires local criminal justice agencies¹ to store criminal offender record information (CORI) in the form of a long list of specific data elements, including an offender's personal identifying information and nearly every discrete action that could be taken related to their criminal case.² Further, existing law requires criminal justice agencies to report these data elements as well as other information, including arrest information, reasons for the disposition of a case by a superior court, and admission and release dates from detention facilities to the DOJ in a specified manner.³ The DOJ, in turn is required to maintain CORI in a statewide repository, which is known as state summary criminal history information, and constitutes the master record of information compiled by DOJ pertaining to the identification and criminal history of any person, including their name, date of birth, physical description, fingerprints, photographs, dates of arrest, and other information.⁴ Existing law requires the DOJ to provide state summary criminal history information to a variety of government and nonprofit entities as needed for the performance of their duties.⁵

Access to person's summary criminal history information is generally prohibited and only allowed to be disseminated if specifically authorized in statute, and any agency wishing to submit fingerprint-based requests for CORI must have express statutory authority.⁶ Existing law provides that the Attorney General is responsible for the security of CORI and must establish regulations to that effect. Courts have also weighed in on the sensitivity of such information. "The state constitutional right of privacy extends to protect defendants from unauthorized disclosure of criminal history records. These records are compiled without the consent of the subjects and disseminated without their knowledge. Therefore, custodians of the records, have a duty to 'resist attempts at unauthorized disclosure and the person who is the subject of the record is entitled to expect that his right will be thus asserted.'"⁷

Implemented in the 1970's, the California Law Enforcement Telecommunications System (CLETS) is a data interchange network administered by the DOJ. CLETS provides law enforcement and criminal justice agencies access to databases maintained by state and federal agencies, and allows for the exchange of administrative messages to agencies within California, other states, and Canada. Its primary function is to provide law enforcement with individuals' criminal records, often in real time as officers conduct investigations and respond to calls in the field. CLETS also provides information on restraining orders, warrants, drivers' license and vehicle registration data, and can access other state and national databases sponsored by the Federal Bureau of Investigation.

Given the sensitivity of the information contained in its databases, access to and use of CLETS is heavily regulated and restricted. Several provisions of existing law impose penalties for misuse of CLETS information – the DOJ's manual on CLETS Policies, Practices and Procedures (PPP)

¹ Defined as "agencies at all levels of government which perform as their principal function activities which either relate to the apprehension, prosecution, adjudication, incarceration, or correction of criminal offenders or to the collection, storage, dissemination or usage of criminal offender record information. See Pen. Code § 13101.

² Pen. Code, § 13125

³ Pen. Code, §§ 13150 – 13177.

⁴ Pen. Code, § 11105, subd. (a).

⁵ Pen. Code, § 11105, subd. (b).

⁶ Pen. Code §11076; Public Law 92-544.

⁷ *Westbrook v. County of Los Angeles* (1994) 27 Cal.App.4th 157, 165-66; Pen. Code, § 11077.

defines system misuse as “CLETS information obtained or provided outside the course of official business; a ‘right to know’ and the ‘need to know’ must be established. The ‘right to know’ is defined as ‘authorized access to such records by statute’ and the ‘need to know’ is defined as ‘the information is required for the performance of official duties or functions.’”⁸ Although authorized agencies may submit subpoenas for CORI to the DOJ and receive certified copies of requested records, CLETS improves efficiency by offering subscribing agencies ready access to such records. However, access to CLETS is only authorized for persons who have undergone a background security clearance, which includes, at minimum, the required state and federal fingerprint-based criminal offender record information search.

3. POST, Peace Officer Decertification and Effect of This Bill

The Commission on Peace Officer Standards and Training, or POST, was established by the Legislature in 1959 and currently has a staff of over 130 and functions under an executive director that is appointed by the full commission. POST exists within the Department of Justice and consists of 15 members appointed by the Governor in consultation with the Attorney General.⁹ Existing law sets forth the basic criteria individuals must meet in order to be appointed as a peace officer, and gives POST authority to set minimum training and selection standards for peace officers employed by agencies that participate in the POST program.¹⁰

In 2021, the Legislature passed sweeping legislation requiring POST to create a new, mandatory certification process for peace officers (SB 2, Bradford, Ch. 409, Stats. of 2021.) Under SB 2, POST was directed to create a certification program for peace officers, who must receive a proof of eligibility and a basic certificate in order to serve in that capacity.¹¹ Additionally, SB 2 provided a new mechanism by which POST may investigate and review allegations of “serious misconduct” against an officer. The measure empowered POST to make a determination on whether, at the conclusion of that investigation, to suspend or revoke the officer’s certification. SB 2 also created two new entities within POST: the Peace Officer Standards Accountability Division (POSAD) which is tasked with conducting and reviewing investigations into serious misconduct and bringing proceedings seeking revocation or suspension of certifications, and the Peace Officer Standards Accountability Advisory Board, which is tasked with making recommendations on the decertification of peace officers to the POST Commission.¹² Under existing law, POSAD is authorized to review any agency or other investigative authority file, and may conduct additional investigation if necessary.¹³

According to the Author, POST’s lack of access to CLETS represents a significant obstacle to the timely resolution of decertification cases: “Currently, POST’s ability to investigate and decertify officers is hindered by fragmented or delayed access to criminal justice data. [CLETS] is a vital resource used by law enforcement agencies to access criminal history records, warrants, protective orders, and other sensitive data. However, POST’s access to CLETS is limited, despite its growing responsibilities related to peace officer oversight and decertification.”

⁸ “CLETS Policies, Procedures and Practices – Ch. 1.10.1,” p. 44. [CAC Approved CLETS Policies Practices and Procedures dated 12/2019](#) ; Penal Code §§ 11141-11143 and 13302-13304 set forth the penalties for misuse of state and local summary criminal history information. Gov. Code § 6200 sets forth the felony penalties for misuse of CLETS information.

⁹ Pen. Code, § 13500.

¹⁰ Gov. Code, § 1029; Pen. Code, § 13510, subd. (a).

¹¹ Pen. Code § 13510.1; for more information on certification, see <https://post.ca.gov/Certification>

¹² Pen. Code §§ 13509.5, 13509.6

¹³ Pen. Code, § 13510.8 subd. (c)(2)

Accordingly, this bill grants POST employees, prospective employees, appointees, volunteers, contractors, and subcontractors, whose job duties require access to CORI, state summary criminal history information, or information obtained from CLETS authority to inspect or duplicate any such information derived from CLETS when POST deems the information necessary to fulfill its duties. However, under the bill, any such individual seeking to access the CLETS system must first undergo a fingerprint-based state and national criminal history background check, and the bill includes specific language requiring POST to submit fingerprint images and related information to DOJ to ensure compliance with existing state and federal background check requirements.¹⁴ Additionally, the bill specifically gives POSAD similar authority to inspect or duplicate CORI and related criminal information, including information contained in or derived from CLETS. The bill gives both POST and POSAD authority to inspect or duplicate any other information that would otherwise be confidential, privileged or subject to any other restriction on disclosure when that information is included as part of an investigation involving a matter within the either entity's jurisdiction.

The specific language used in the bill raises several questions that the Author and Committee should consider. Specifically, the bill includes three separate provisions authorizing POST to access information contained in and derived from CLETS, two of which authorize POST to access other criminal history information, CORI or criminal justice information. What is the need for several provisions enacting the same authorization? Further, of these 3 provisions granting CLETS access to POST, two of them (as well as another provision granting POSAD access to CLETS and other criminal information) authorize POST (and POSAD) to access "any other information that would otherwise be confidential, privileged, or subject to any other restriction on disclosure." The need for and intent behind such a broad provision granting access to such information is unclear, and given sensitivity of the information, the Author and Committee may wish to consider limiting the circumstances under which POST may be granted access to it.

4. Urgency

This bill contains an urgency clause, requiring a 2/3 vote should it reach the Senate Floor. The bill sets forth the following facts constituting the necessity of the urgency clause:

In addition to determining the fitness of an individual to serve as a peace officer, the Commission on Peace Officer Standards and Training is also tasked with investigating and suspending or decertifying a peace officer if serious misconduct has occurred. These amendments are urgently needed to ensure and reinforce the commission's duties, including the information it may access to perform those duties.

According to materials received by the Committee from POST, that entity, conducts many investigations involving misconduct in which CLETS information is an essential element, and prior to August 2024, POST had routinely received such information. However, on August 22, 2024, the DOJ issued a statewide bulletin instructing all law enforcement agencies to refuse to permit POST to access to materials derived from CLETS. According to the bulletin:

We understand that non-criminal justice agencies, such as the California Commission on Peace Officer Standards and Training (POST) and local civilian oversight boards, may send requests to law enforcement agencies for unredacted CLETS information,

¹⁴ See Pen. Code, § 11105, subd.(u).

which may include an individual's confidential state or federal criminal history information and other protected data. However, police oversight agencies, such as POST and local civilian oversight boards, are neither a law enforcement agency, nor a criminal justice agency, as defined under state and federal authorities. Thus, they do not currently meet the conditions for accessing CLETS and CLETS-derived information upon request. If California law enforcement agencies fail to comply with federal statutes, regulations, and policy, the FBI has the authority to ban all California law enforcement agencies from accessing federal criminal justice information. Notwithstanding the above, POST and local civilian oversight boards may access CLETS and CLETS-derived information through a validly issued subpoena or other court order.

5. Argument in Support

According to ACLU California Action:

In 2021, the Legislature passed SB 2 (Bradford, 2021), which created a multilayer process to decertify or suspend officers who have committed serious misconduct. This decertification process is channeled through POST and the Peace Officers Standards Accountability Division. AB 354 would help ensure that both entities are able to review all relevant information when determining if an officer should be decertified by allowing the entities to inspect and duplicate criminal history information. As such, AB 354 will help keep the officers who are sworn to protect our communities accountable to those same communities.

-- END --