
SENATE COMMITTEE ON PUBLIC SAFETY

Senator Aisha Wahab, Chair

2023 - 2024 Regular

Bill No: SB 1489 **Hearing Date:** April 9, 2024
Author: McGuire
Version: March 20, 2024
Urgency: No **Fiscal:** Yes
Consultant: JD

Subject: *Peace officers: Peace Officer Standards Accountability Advisory Board*

HISTORY

Source: Author

Prior Legislation: SB 2 (Bradford), Ch. 409, Stats. of 2021

Support: Unknown

Opposition: None known

PURPOSE

The purpose of this bill is to establish a deadline of February 1 of each year for annual report produced by the Peace Officer Standards Accountability Advisory Board of the Commission on Peace Officer Standards and Training (POST)

Existing law establishes the Commission on Peace Officer Standards and Training (POST) 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.

Authorizes POST to cancel a certificate that was awarded in error or fraudulently obtained; however, POST is prohibited from canceling a properly-issued certificate. (Penal Code Sections 830-832.10 and 13500 *et seq.*)

Existing law provides that no later than January 1, 2023, the Governor shall establish the Peace Officer Standards Accountability Advisory Board (the “Board.”) (Penal Code §13509.6(a).)

Existing law establishes the Board’s purpose, member composition, term length and limits, and compensation. (Penal Code §13509.6(b) – (h).)

Existing law requires all members of the Board to complete a 40-hour decertification training course, as developed by POST, which shall include, but not be limited to, subjects regarding the decertification process, internal investigations, evidentiary standards, use of force standards and training, and local disciplinary processes. (Penal Code § 13509.6(i).)

Existing law requires POST to revoke the certification of a certified peace officer if the officer is proven to participate in serious misconduct or conduct that deems that officer ineligible to retain their certification. (Penal Code § 13510.8)

Existing law allows POST to suspend the certification of a certified peace officer that is being investigated for serious misconduct. (Penal Code § 13510.8)

Existing law requires the Peace Officer Standards Accountability Division (the “division”) to notify a peace officer when an investigation finds reasonable grounds to revoke or suspend a peace officer’s certification, and allows the formerly certified peace officer, within 30 days of receiving notification of their decertification, to file a request for a review of the determination by POST and the Board. (Penal Code § 13510.85)

Existing law requires agencies that employ peace officers to report to POST specified events relating to:

- employment, appointment, or termination or separation from employment or appointment of any peace officer;
- allegations or grounds for suspension or revocation of certification;
- any finding or recommendation by a civilian oversight entity that finds a peace officer engaged in conduct that could be grounds for suspension or revocation of certification;
- the final disposition of any investigation based on conduct that could be grounds for suspension or revocation of certification;
- any civil judgement or court finding against a peace officer based on conduct, or settlement of a civil claim. (Penal Code § 13510.9 (a)(1-5))

Existing law requires POST to prepare an annual report detailing their adherence to standards set forth by existing law that govern the commission, board, division, and subject agencies regarding the peace officer certification program, the decertification process, and staffing levels of the division. (Penal Code § 13512)

This bill requires that the Board’s annual report required under existing law be prepared no later than February 1 of each year.

COMMENTS

1. Need for This Bill

According to the Author:

Under Senate Bill 2 (Bradford & Atkins), the Peace Officer Standards and Training Commission is required to annually report the activities of the Commission, board, division, and subject agencies regarding peace officer certification.

In the 2022-23, and the 2023-24 Budget Acts, the Legislature approved positions and resources, both ongoing and limited-term funding, for the POST Commission on implementation of SB 2, based on POST's initial staffing workload estimates.

Although these workload estimates have been significant, it is unclear whether these estimates will change as implementation moves forward.

In order to allow the Legislature, including the Senate Budget Committee, sufficient time to review these issues and to anticipate the timeline of its annual report, SB 1489 specifies that the POST SB 2's annual report be due in February.

2. POST Certification and Senate Bill 2

The Legislature created POST in 1959 to set minimum selection and training standards for California law enforcement. Today, it employs over 260 staff members and functions under an executive director that is appointed by the full commission. POST is funded through the general and the state penalty funds, the latter of which receives money from penalty assessments on criminal and traffic fines. Existing law sets forth the basic criteria individuals must meet in order to be appointed as a peace officer, and gives authority to POST to set minimum training and selection standards for peace officers employed by agencies that participate in the POST program.¹

In 2021, the Legislature passed sweeping legislation requiring POST to create a new, mandatory certification process for peace officers (Senate Bill 2, Bradford, Ch. 409, Stats. of 2021.) SB 2 directed POST 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.² 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.

In 2024, twenty peace officers have had their certifications permanently revoked by POST and fourteen have had their certifications temporarily suspended.³ SB 2 also created two new entities within POST: the Peace Officer Standards Accountability Division (the "Division"), 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 (the "Board"), which is tasked with making recommendations on the decertification of peace officers to the POST Commission.⁴

As mandated by SB 2, POST is already required to compile an annual report that includes information regarding the peace officer certification program, the peace officer decertification process, and the staffing levels of the division (Penal Code § 13512). However, existing law provides no timeframe for the completion of this report. This bill would add a specification into the code section mandating this report be made available no later than February 1st of each year.

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¹ Gov't Code § 1029; Penal Code §13510(a).

² Penal Code § 13510.1; for more information on certification, see <https://post.ca.gov/Certification>

³ [Peace Officer Certification Actions](#), *Commission on Peace Officer Standards and Training*

⁴ Penal Code §§ 13509.5, 13509.6