



Roll Call Training Bulletin

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Katherine Lester, Chief of Police
Volume 125

Senate Bill 2: Peace Officers Certification

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INTRODUCTION

Effective January 1st, 2023, Senate Bill 2 requires all law enforcement agencies within the State of California to report allegations of serious misconduct to the California Commission on Peace Officers Standards and Training (POST). Notifications must be made within 10 days of the agency becoming aware of the serious misconduct allegation. This bill will make all records related to the revocation of a peace officer's certification public and would require that records of the investigation be retained by POST for 30 years.

DEFINITIONS

[California Penal Code section 13510.8](#) defines the categories of serious misconduct (click hyperlink for full details):

- (1) Dishonesty
- (2) Abuse of power
- (3) Physical abuse
- (4) Sexual assault
- (5) Demonstrating bias
- (6) Acts that violate the law
- (7) Participation in a law enforcement gang.
- (8) Failure to cooperate with an investigation
- (9) Failure to intercede

AGENCY REPORTING REQUIREMENTS

All allegations of serious misconduct must be reported to POST within 10 days of the agency becoming aware of the serious misconduct allegation. Senate Bill 2 is retroactive to January 1st, 2020, which requires agencies to notify POST of any allegations that meets the serious misconduct definition.

At the conclusion of the department's investigation, agencies are required to notify POST of their findings (ex. exonerated, not sustained, sustained, or unfounded).

After being notified of the agency's findings, POST has the option to request a copy of the investigation for their review. POST may conduct further investigation if necessary. Agencies will not proactively send completed cases to POST without them being requested.

All law enforcement agencies will utilize POST's Mark 43 online platform to make entries regarding serious misconduct allegations.

PEACE OFFICER DECERTIFICATION WORKFLOW (from POST website)

1. Allegations of Serious Misconduct:

- Reported to POST by employing agency within 10 days
- Citizen complaint made to POST
- POST initiated case



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2. **Agency Investigation**

- Disciplinary investigation completed by agency
- Agency forwards completed investigation to POST for decertification investigation

3. **POST Investigation**

- POST reviews agency investigation
- POST conducts further investigation, if necessary
- POST determines if serious misconduct occurred

4. **POST Recommendation**

- If serious misconduct did not occur, POST notifies the agency and closes case with no further action taken
- If serious misconduct did occur, POST makes recommendation to decertify peace officer

5. **Decertification Action**

- POST notifies the agency of intent to decertify
- Peace officer has 30 days to request review of recommended action before the Peace Officer Accountability Advisory Board

6. **Decertification Action (continued)**

- If peace officer does not request a review, the recommendation to decertify by POST stands without further proceedings
- If review is requested, POST schedules hearing before the Board

7. **Peace Officer Standard Accountability Advisory Board Review**

- Board conducts public hearing on the decertification case
- Board reviews POST investigation findings and decertification recommendation
- Board makes written recommendation to the Commission by majority vote on what action should be taken against the peace officer

8. **Commission on Peace Officer Standards and Training**

- Reviews recommendation made by the Board
- The Commission's decision to adopt a recommendation by the Board to seek revocation shall be made by a two-thirds vote of the Commissioners present
- Commission returns decision to POST

9. **Administrative Law Judge**

- If the Commission moves to take action, POST initiates proceedings for a formal hearing before an Administrative Law Judge
- If the Commission rejects the recommendation, no further action is taken unless additional investigation is requested

10. **Commission Final**

- The Commission moves to accept or reject the decision of the Administrative Law Judge
- The Commission makes the final decision and required notifications are made

ADDITIONAL INFORMATION

Additional information regarding Senate Bill 2 can be located on the POST website: <https://post.ca.gov/sb-2>

SB2 also affects [California Penal Code section 832.7](#) and [California Government Code section 1029](#).