

**State of California
Office of Administrative Law**

In re:
**Commission on Peace Officer Standards and
Training**

Regulatory Action:

Title 11, California Code of Regulations

Amend sections: 1201

**NOTICE OF APPROVAL OF REGULATORY
ACTION**

Government Code Section 11349.3

OAL Matter Number: 2023-1018-05

OAL Matter Type: Regular Resubmittal (SR)

This action by the Commission on Peace Officer Standards and Training adds definitions related to peace officer certification.

OAL approves this regulatory action pursuant to section 11349.3 of the Government Code. This regulatory action becomes effective on 1/1/2024.

Date: November 17, 2023



**Stephen P. Mehlert
Senior Attorney**

**For: Kenneth J. Pogue
Director**

**Original: Manuel Alvarez, Jr., Executive
Director**

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Article 4. Peace Officer Certification.

§ 1201. Definitions Related to Peace Officer Certification.

- (1) "Acceptable College Education" is:
 - (a) Courses or degrees provided by a community college, college, or university which have been accepted by a community college, college or university accredited by a recognized national or regional accrediting body.
 - (b) Courses or degrees provided by a community college, college, or university accredited by a recognized national or regional accrediting body.

- ~~(2)~~ (3) "Active" means a peace officer's certification is not currently suspended, revoked, or voluntarily surrendered, and the peace officer:
 - (a) Possesses a Proof of Eligibility or Basic Certificate and is currently employed by a law enforcement agency, or
 - (b) Possesses a Basic Certificate and has not been separated from employment by a law enforcement agency for more than three years.

- ~~(2)~~(3) "Administrative Law Judge" refers to a judge and trier of fact who presides over administrative hearings.

- ~~(3)~~(4) "Affidavit of Separation" refers to POST form 2-357, incorporated by reference in Commission Regulation 1003(a)(1)(B), used to provide written notification to POST a peace officer has been separated from service, in accordance with Penal Code Section 13510.9.

- ~~(4)~~(5) "Business Days" refers to days that state agencies are open for business and do not include weekends and/or holidays.

- ~~(5)~~(6) "Certificate Programs" are programs in which the Commission applies specific criteria for awards of certificates as a means of recognizing achievements in education, training, and experience and for the purpose of raising the level of competence of law enforcement officers. Requirements for professional certificates for peace officers are set forth in Commission Regulation 1202.

- ~~(6)~~(7) "Certification" is a valid and unexpired Basic Certificate or Proof of Eligibility issued by the commission pursuant to Commission Regulation 1202 and Penal Code Section 13510.1.

- ~~(7)~~(8) "Commission" when used with an upper case "C," refers to one or more members for the Commission on Peace Officer Standards and Training.

- ~~(8)~~(9) "commission" when used with a lower case "c," refers to staff of the Commission on Peace Officer Standards and Training.

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~~(9)~~(10) “Convicted” or “Conviction of a Crime” means any entry of a plea of guilty or nolo contendere to, or upon being found guilty of a trier of fact of, a felony offense including an offense that may be charged as a misdemeanor or felony and that was charged as a felony at the time of conviction.

~~(10)~~(11) “Days” means calendar days unless otherwise indicated.

~~(11)~~(12) “Executive Position” is a position above the middle management position, up to and including department head, for which commensurate pay is authorized, and is responsible principally for command assignments and the supervision of subordinate middle management and supervisory positions. The executive position is most commonly the rank of captain or higher.

~~(12)~~(13) “First-level Supervisory Position” is the supervisory peace officer position between the operational level and the “middle management position” responsible for the direct supervision of subordinates. The first-level supervisory position does not encompass positions with limited or intermittent supervisory responsibilities, i.e., quasi-supervisory positions. The first-level supervisory position is most commonly the rank of sergeant.

(14) “Immediate Temporary Suspension” is the immediate suspension of a peace officer’s certification pursuant to Penal Code section 13510.8(d). When a peace officer is arrested or indicted for any crime described in Government Code section 1029, is discharged from any law enforcement agency for grounds set forth in Penal Code section 13510.8(a), or has separated from employment as a peace officer during a pending investigation into allegations of serious misconduct, Penal Code section 13510.8(d) requires the executive director of POST to issue an immediate temporary suspension when it is determined to be in the best interest of the health, safety, or welfare of the public. The suspension is deemed “temporary” in that it remains in effect until a final decision on the imposition of discipline is reached by the Commission or the executive director withdraws the immediate temporary suspension.

(15) “Inactive” means a peace officer’s certification is not currently suspended, revoked, or voluntarily surrendered, and the peace officer:

(a) Does not possess a Basic Certificate and is not currently employed by a law enforcement agency, or

(b) Possesses a Basic Certificate and has been separated from employment by a law enforcement agency for more than three years.

(16) “Ineligible” indicates an individual has been disqualified from eligibility to be a peace officer pursuant to Government Code section 1029.

~~(13)~~(17) “Middle Management Position” is the management peace officer position between the first-level supervisory position and the department head position

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responsible for management and/or command duties. The middle management position is most commonly the rank of lieutenant or higher.

~~(14)~~[\(18\)](#) “Peace Officer” as it relates specifically to Article 4 – Peace Officer Certification, refers to any current or former peace officer.

~~(15)~~[\(19\)](#) “Peace Officer Standards Accountability Advisory Board,” hereafter referred to as “board,” refers to the nine-member board established to review findings of serious misconduct after an investigation made by the division and make recommendations to the Commission pursuant to Penal Code ~~S~~[§](#)section 13509.6.

~~(16)~~[\(20\)](#) “Peace Officer Standards Accountability Division,” hereafter referred to as “division,” is the division within POST responsible for the certification of California peace officers pursuant to Penal Code ~~S~~[§](#)section 13509.5.

~~(17)~~[\(21\)](#) “Quasi-supervisory Position” is the peace officer position above the operational level which is assigned limited responsibility for the supervision of subordinates, or intermittently is assigned the responsibility of first-level supervision. The quasi-supervisory position is a rank below sergeant.

~~(18)~~[\(22\)](#) “Voluntary Surrender” refers to the process by which a person who holds a certificate issued by the commission, knowingly and willingly, returns the certificate to the commission forfeiting all rights and privileges associated with that certificate.

Note: Authority cited: Sections 13506 and 13510.3, Penal Code. Reference: Section 1029, Government Code; Sections 830.1, 13503, 13507, [13509.5](#), 13510, 13510.1, 13510.3, 13510.5, [13510.8](#) and 13523, Penal Code.