Per California Code of Regulations, title 2, section 548.5, the following information will be posted to CalHR's Career Executive Assignment Action Proposals website for 30 calendar days when departments propose new CEA concepts or major revisions to existing CEA concepts. Presence of the department-submitted CEA Action Proposal information on CalHR's website does not indicate CalHR support for the proposal.

### A. GENERAL INFORMATION

<table>
<thead>
<tr>
<th>1. Date</th>
<th>2. Department</th>
</tr>
</thead>
<tbody>
<tr>
<td>May 24, 2022</td>
<td>Commission on Peace Officer Standards and Training (POST)</td>
</tr>
</tbody>
</table>

3. Organizational Placement (Division/Branch/Office Name)

- Executive Office, POST

4. CEA Position Title

- Chief Counsel - Legal Affairs Bureau (CEA B)

5. Summary of proposed position description and how it relates to the program's mission or purpose. (2-3 sentences)

A POST Budget Change Proposal (BCP), titled "Peace Officer Certification (SB 2)," is pending and being addressed by the Legislature. Should the BCP be approved and incorporated into the Fiscal Year 2022-23 Budget Act, POST will gain a new permanent CEA B position for a Chief Counsel effective July 1, 2022. The Chief Counsel will supervise seven staff attorneys; one Staff Services Manager I (SSM I); four Staff Services Analysts (SSAs)/Associate Governmental Program Analysts (AGPAs); and one Office Technician (OT), all of which are also new positions enumerated in the BCP. The BCP includes 127 new positions for POST. The salary range for the Chief Counsel, per the BCP, is $13,999 - $16,379/month.

6. Reports to: (Class Title/Level)

- Excluded - Executive Director

7. Relationship with Department Director (Select one)

- [ ] Member of department's Executive Management Team, and has frequent contact with director on a wide range of department-wide issues.
- [ ] Not a member of department's Executive Management Team but has frequent contact with the Executive Management Team on policy issues.

(Explain): This CEA will be one of five CEA positions at POST, all of which are assigned to the Executive Office. The Chief Counsel position will be a direct report to the Executive Director.

8. Organizational Level (Select one)

- [ ] 1st
- [ ] 2nd
- [ ] 3rd
- [ ] 4th
- [ ] 5th (mega departments only - 17,001+ allocated positions)
9. What are the duties and responsibilities of the CEA position? Be specific and provide examples.

The role of this CEA position in making and implementing policy decisions is significant and has statewide impact. This CEA, the Chief Counsel, will serve as a direct report to the Executive Director. The Chief Counsel will manage thirteen personnel in the new Legal Affairs Bureau, as follows:

- 2 - Attorney IV
- 4 - Attorney III
- 1 - Attorney
- 1 - Staff Services Manager I (SSM I)
- 4 - Staff Services Analyst (SSA)/Associate Governmental Program Analyst (AGPA)
- 1 - Office Technician (OT)

The Legal Affairs Bureau will be responsible for addressing all POST legal issues, including, but not limited to the following:

1. Review individual cases for peace officer decertification;
2. Coordination and presentation of decertification evidentiary information to Administrative Law Judges;
3. Serve as counsel for POST litigation matters;
4. Coordinate legal representation with the Department of Justice, as necessary;
5. Assist POST Human Resources staff with Equal Employment Opportunity matters, Reasonable Accommodation requests, labor issues, etc.;
6. Assist POST staff in the processing of Public Records Act requests;
7. Assist the Executive Office with internal investigations; and
8. Serve as counsel to the POST Commission.
10. How critical is the program's mission or purpose to the department's mission as a whole? Include a description of the degree to which the program is critical to the department's mission.

- Program is directly related to department's primary mission and is critical to achieving the department's goals.
- Program is indirectly related to department's primary mission.
- Program plays a supporting role in achieving department's mission (i.e., budget, personnel, other admin functions).

**Description:**
The Commission was established in 1959 pursuant to Penal Code section 13500. The Commission consists of 15 members appointed by the Governor, two members appointed by the Legislature, and one ex-officio member position for the Attorney General. The POST Executive Director is appointed and serves at the pleasure of the Commission. Should the pending BCP be approved, the POST staffing model will consist of 262.8 full-time positions, five of which will be CEAs.

The decades-old documented mission of POST reads as follows:

“The mission of the California Commission on Peace Officer Standards and Training is to continually enhance the professionalism of California law enforcement in serving its communities.”

The Chief Counsel will be in a direct position to assist with certification and decertification of peace officers, as well as to interpret and enforce existing standards and training regulations. This CEA will be in a direct position to address legal matters impacting POST.
B. SUMMARY OF REQUEST (continued)

11. Describe what has changed that makes this request necessary. Explain how the change justifies the current request. Be specific and provide examples.

On September 30, 2021, Governor Gavin Newsom signed SB 2 into law, which will become effective on January 1, 2023. SB 2, among other things, creates a licensing program for peace officers, and most significantly creates an entirely new mandate that POST review and investigate allegations of peace officer misconduct, receive complaints from the public, and certify and revoke peace officer certificates. SB 2 mandates the creation an entirely new division within POST called the "Peace Officer Standards Accountability Division," and creates Penal Code 13509.5 to read as follows:

"(a) There is within the commission a Peace Officer Standards Accountability Division, hereafter referred to in this chapter as the division.

(b) The primary responsibilities of the division shall be 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 board and commission pursuant to this chapter.

(c) The division shall be staffed with a sufficient number of experienced and able employees that are capable of handling the most complex and varied types of decertification investigations, prosecutions, and administrative proceedings against peace officers.”

In regard to the extensive requirements of SB 2, POST has requested 127 new positions in the pending BCP. The Chief Counsel, coupled with the 13 new positions for a Legal Affairs Bureau, will position POST to further the directives in SB 2.

In view of the above, POST requests the creation of a new CEA B position, Chief Counsel, with a salary range of $13,999 - $16,379/month.
C. ROLE IN POLICY INFLUENCE

12. Provide 3-5 specific examples of policy areas over which the CEA position will be the principle policy maker. Each example should cite a policy that would have an identifiable impact. Include a description of the statewide impact of the assigned program.

The following are examples of the policy impact this CEA position will have on California law enforcement professionals:

1. Statewide Decertification of Peace Officers:

The Chief Counsel and his/her staff will work with staff and the Office of Administrative Law for the purpose of codifying regulations related to peace officer decertification. The Chief Counsel will be responsible for the review of POST investigation of peace officers, and will serve as part of the final decision making team on whether to process a peace officer for lifetime decertification. The Chief Counsel will be responsible for all coordination with assigned Administrative Law Judges who, pursuant to SB 2, will hold evidentiary hearings on individual peace officer decertification matters.

2. Drafting and enforcement of POST policies:

POST currently has over 80 internal policies. The policies are reviewed and updated on a yearly basis. The Chief Counsel will play an integral part in drafting, reviewing, and enforcing internal policies.

3. Litigation and Public Records Act Requests:

The Chief Counsel and his/her staff will be responsible for all litigation matters involving POST. The Chief Counsel and his/her staff will be responsible for reviewing and approving complex requests for information under the California Public Records Act.

Disapproval of this CEA would be detrimental. On September 30, 2021, Governor Newsom signed Senate Bill 2. The bill creates the Peace Officer Standards Accountability Division which shall be required "to review investigations conducted by law enforcement agencies and to conduct additional investigations into serious misconduct that may provide grounds for suspension or revocation of a peace officer's certification, as specified." Failure to hire this CEA would result in an inability to effectively implement Senate Bill 2, as required by California Law.
C. ROLE IN POLICY INFLUENCE (continued)

13. What is the CEA position’s scope and nature of decision-making authority?

The Chief Counsel will have decision-making authority for the following programs:

1. Peace Officer Decertification

The Chief Counsel and his/her staff will work with staff and the Office of Administrative Law for the purpose of codifying regulations related to peace officer decertification. The Chief Counsel will be responsible for the review of POST investigation of peace officers, and will serve as part of the final decision making team on whether to process a peace officer for lifetime decertification. The Chief Counsel will be responsible for all coordination with assigned Administrative Law Judges who, pursuant to SB 2, will hold evidentiary hearings on individual peace officer decertification matters.

2. Litigation

The Chief Counsel and their staff will be responsible for all litigation matters involving POST.

3. Public Records Act Requests

The Chief Counsel and their staff will be responsible for reviewing and approving complex requests for information under the California Public Records Act.

14. Will the CEA position be developing and implementing new policy, or interpreting and implementing existing policy? How?

The Chief Counsel, as a routine practice, will assist in the development of statewide regulations related to standards and training of peace officers and public safety dispatchers, as well as decertification of peace officers. The POST Commission meets quarterly, and at each meeting the Chief Counsel will provide legal counsel to the Commission on proposed regulations for implementation by California law enforcement agencies. The Chief Counsel will also be responsible for hosting closed sessions of the Commission.

In summary, the Chief Counsel will be required to create, implement, and interpret policy and regulations impacting over 90,000 full-time peace officers and public safety dispatchers at 608 California law enforcement agencies.