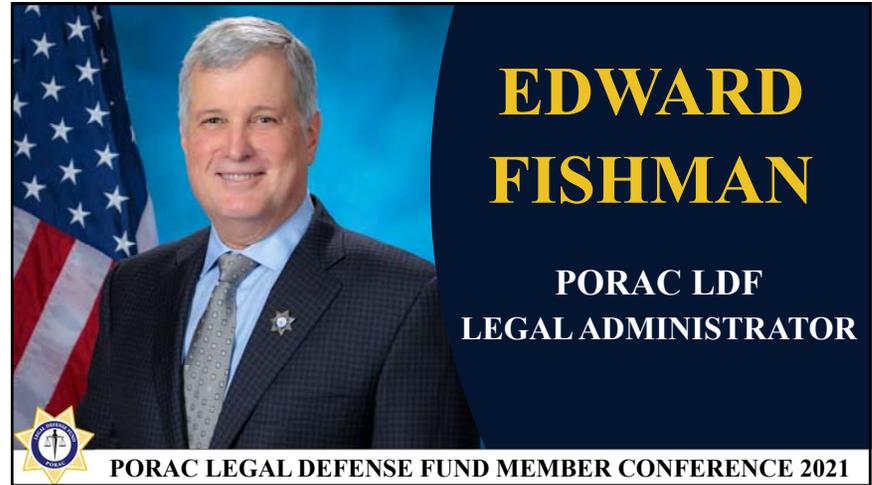




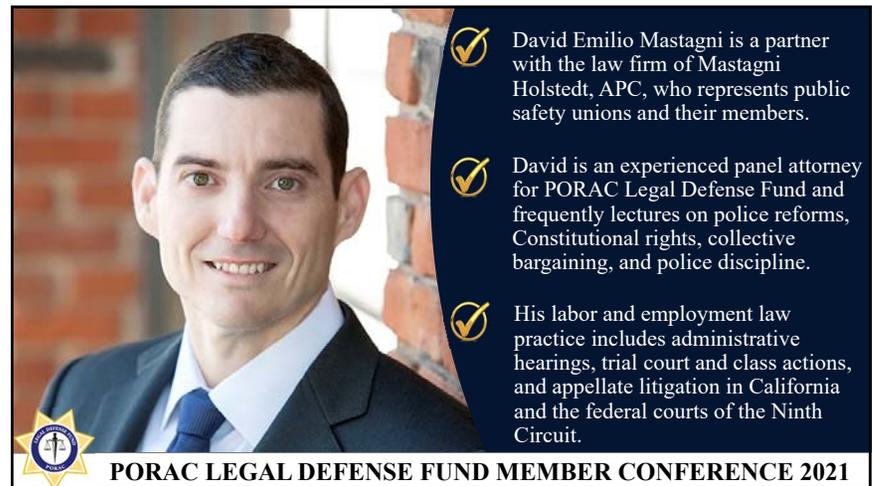
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4

PEACE OFFICER LICENSING AND DECERTIFICATION: THE FIGHT FOR DUE PROCESS



Presented by David E. Mastagni

Keep updated on these issues by signing up at our blog:
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California Public Safety Labor Blog



OVERVIEW

- National Standards for Peace Officer Decertification
- California's Radical Approach in S.B. 2: A New National Standard?
- S.B. 2: The Devil Is in the Details:
 - Bane Act Amendments: California's Response to Qualified Immunity?
 - Establish a Decertification Program Controlled by Advisory Board
- National Models for a Successful Program

5

6

POLL QUESTION

How many states currently DO NOT have a procedure for decertifying peace officers who have engaged in serious misconduct?

- A) None
- B) Less than 5 states
- C) Less than 10 states
- D) More than 10 states

7

How many states currently DO NOT have a procedure for decertifying peace officers who have engaged in serious misconduct?



Source: <https://fo.cvent.com/polling/v1/api/polls/spo5u9wp>

8

POLICE DECERTIFICATION NATIONALLY

- **46 States have the power to revoke a peace officer's certification.**

- **3 states do not have the power to decertify a peace officer:**

- California
- Rhode Island
- New Jersey

* Massachusetts recently created the Municipal Police Training Committee

** Hawaii's power is very limited and their board has not received funding since its inception in 2019.



9

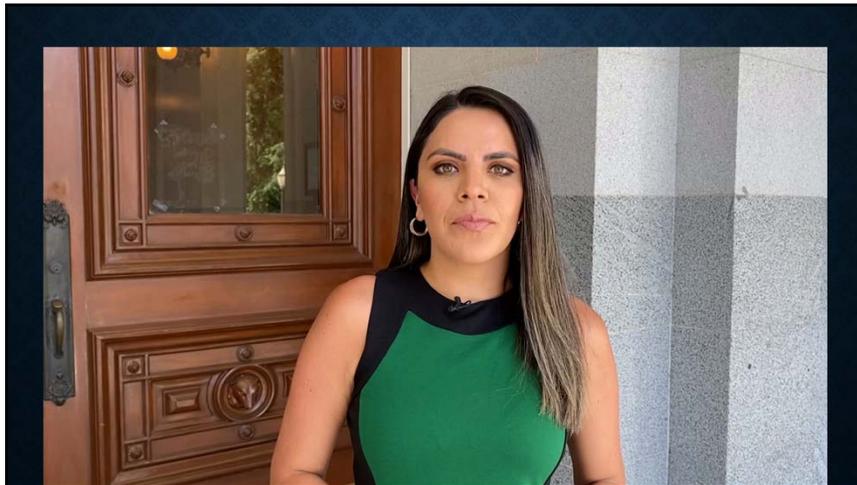
SEN. STEVEN BRADFORD INTRODUCED SB 2, "THE KENNETH ROSS JR. POLICE DECERTIFICATION ACT OF 2021"



- Massively expands peace officer civil liability in response Qualified Immunity.
- Establishes decertification program lacking basic Due Process and Fairness.
 - ❖ "We've seen for 150 years that police can't police themselves"
 - ❖ "They have their knee on the neck of this Legislature just like they had their knee on the neck of George Floyd"

Police reform bill to strip bad cops of badges stuck on who should decide, by Alexei Koseff, SF Chronical, June 8, 2021.

10



11

CALIFORNIA LAW ENFORCEMENT SUPPORTS A FAIR DECERTIFICATION PROCESS

"PORAC supports the spirit and intent of a licensure program reflected in Bradford's SB 2 – we cannot allow officers who demonstrate gross misconduct to continue to be members of the law enforcement profession; their licenses must be revoked. However, SB 2 reaches far beyond the police licensing process and includes policies that would be incredibly burdensome on cities and counties that employ peace officers, and would potentially penalize even the most respectful officers for placing themselves in harm's way to keep our families and communities safe."

- Brian Marvel, President of the Peace Officers Research Association of California (PORAC)

12

POLICE LICENSURE PROGRAM

- Competing Legislation pending to create the Police Licensure Program, which includes the ability to revoke an officer's license for specific instances of proven officer misconduct.
- Assemblymen Cooper and Salas introduced A.B. 60.
 - A.B. 60 is balanced and supported by law enforcement.
 - A.B. 60 would likely pass on the floor, but the Democratic Party leadership will not let it advance out of the public safety committee.
- S.B. 2 or nothing.



13

S.B. 2 & QUALIFIED IMMUNITY

Unable to repeal qualified immunity directly, S.B.2 seeks to eliminate certain immunities (only for police officers) and massively expand liability (including attorney fees) for officers and their agencies by eliminating the specific intent requirement for civil rights claims under the Bane Act.

14

POLL QUESTION

True or False: Qualified Immunity shields officers from civil rights lawsuits in state court.

15

True or False: Qualified Immunity shields officers from civil rights lawsuits in state court.



Source: <https://io.cvent.com/polling/v1/api/polls/spvoc20>

16

QUALIFIED IMMUNITY: POLICY CONSIDERATIONS

- **Answer: Qualified Immunity (QI) does not apply to state law claims, such as the Bane Act** (Cal. Civ. Code section 52.1).
 - QI protects public officials when they respond to circumstances where the law is unclear or unsettled.
 - QI is a legal immunity that “balances two important interests—the need to hold public officials accountable when they exercise power irresponsibly and the need to shield officials from harassment, distraction, and liability when they perform their duties reasonably.” (*Pearson v. Callahan*)
 - *Graham v. Conner* is Legal Standard for determining force liability.

17

QUALIFIED IMMUNITY: THE BASICS

- 42 U.S.C. Section 1983 provides a cause of action for “the deprivation of any rights, privileges, or immunities secured by the Constitution and laws.”
 - QI shields a public officer from damages under a 1983 lawsuit, unless the officer has violated a *clearly established* constitutional right.
- The Plaintiff must identify federal appellate authority holding that precisely the same conduct under the same circumstances is illegal or unconstitutional.
- The right's contours must be sufficiently definite that any reasonable officer in the defendant's shoes would have understood that he was violating it. *Kisela v. Hughes* (2018) 138 S.Ct. 1148

18

H.R. 7120: GEORGE FLOYD JUSTICE IN POLICING ACT OF 2020 REP. BASS, KAREN [D-CA-37] (INTRODUCED 06/08/2020)



- Eliminates Section 1983 Defenses and Qualified Immunity:
 - Eliminates Defense Officer Acting in Good Faith
 - Eliminates Defense the Requirement the Right Allegedly Violated Was Clearly Established
- Lowers Federal Criminal Intent Standard from Willful to Knowing or Reckless to Convict Officer
- Criminalizes Officer's Failure to Intervene
- Authorizes DOJ to issue Subpoenas in Investigations of Departments for Pattern or Practice of Discrimination
- Sets up a National Registry of Police Misconduct

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SB 2: AMENDMENTS TO THE THOMAS BANE CIVIL RIGHTS ACT SUPPORTED BY TRIAL ATTORNEYS



20

THOMAS BANE CIVIL RIGHTS ACT (CIVIL CODE SECTION 52.1): THE BASICS

- The Bane Act was enacted to address hate crimes and to provide a civil cause of action for intentional violations of state or federal civil rights committed by threats, intimidation, or coercion.
 - Specific Intent Required
 - Negligence Insufficient.
- Qualified immunity is not available. (*Reese v. County of Sacramento* (9th Cir. 2018) 888 F.3d 1030)
- No wrongful death claims.
- Liability not limited to peace officers.

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SB 2: 5 MAJOR AMENDMENTS TO BANE ACT

1. Eliminates Bane's specific intent requirement, making attorney's fees available for negligence.
2. Amends Civil Code 52.1(n) to deny peace officers 3 state law immunities:
 - Malicious prosecution
 - Injuries by and to prisoners
 - Medical care for prisoners
3. Establishes a wrongful death cause of action "for the death of a person caused by a violation of the act." (§ 52.1(c)(2))
4. Requires public entities employing officers to indemnify officers (and all public employees) for any Bane Act claims.

22

SPECIFIC INTENT

The mere intention to use force that a jury ultimately finds unreasonable, i.e. general criminal intent, is insufficient. The officer must have intended not only the force, but its unreasonableness, i.e. its character as "more than necessary under the circumstances."

23

BANE ACT: ATTORNEY'S FEES

- Attorney's fees, including a fee multiplier. THE BIG MOTIVATION!
- Can pursue same claims through tort statutes (Battery, Assault, Negligence, Intentional Infliction of emotional distress, False arrest, False imprisonment, Malicious prosecution, Negligent training, hiring, retention), but each side bears own fees and costs.



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SB2: COLLATERAL DAMAGE

- The proposed amendments will harm all public employees, not just Peace Officers. Much of the Bane Act case law involves teachers conduct and social workers who intentionally remove kids from abusive situations, without specifically intending to violate civil rights.
 - *K.T. v. Pittsburg Unified School District* (N.D. Cal. 2016) - Autistic student alleged under Bane that abuse denied her equal access to education.
 - *McCue v. South Fork Union Elementary School* (E.D. Cal. 2011) – Teacher sued under Bane Act for not maintaining a nut-free environment. Escaped liability b/c no intent to expose student to nut products.
 - *Mann v. County of San Diego* (S.D. Cal. 2015) – liability under Bane Act if intended to retaliate against Plaintiffs by acting to remove their children.
- Ironically, several unions representing teachers and social workers actively support this bill as part of labor's new "Social Justice" agenda

25

SB 2 BARELY SURVIVES JUDICIARY COMMITTEE HEARING ON APRIL 27, 2021

- David E. Mastagni testified on behalf of PORAC at the hearing, explaining that eliminating specific intent would open liability flood gates any time a public employee makes a mistake.
- Committee chairman Tom Umberg expressed concerns over the expansive increase in liability, describing the Bill as not "fully cooked." Umberg opposed lowering the existing intent bar from "specific" to "general", but was open to allowing liability for deliberate indifference and reckless disregard of civil rights.
- Bradford had refused Umberg's attempts to broker compromise amendments.
- The Bill was put on call for over 6 hours until Bradford relented and agreed to amend the section eliminating specific intent. The bill passed out 7-2, but multiple senators warned they would oppose the bill on the floor without the amendments. SB 2 advanced to the fiscal committee.

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BANE ACT SECTIONS AMENDED ON MAY 20, 2021

After being sent to appropriations, Bradford's own caucus forced significant revisions to the Bane Act sections of S.B. 2:

- Specific Intent Requirement retained.
- Limited wrongful death claims, "if the conduct on which the claim is based constitutes a crime of violence or a crime of moral turpitude."
- 3 state immunities eliminated.
- Duty to indemnify employees.

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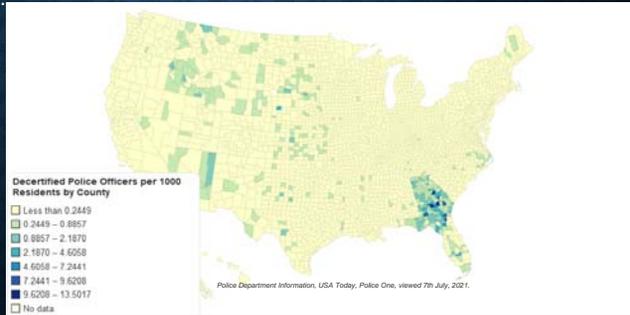
PEACE OFFICER DECERTIFICATION PROGRAMS

The Fight For Due Process

28

POLICE DECERTIFICATION NATIONALLY

- State decertification requirements vary significantly regarding the grounds for decertification, the qualifications of the decisionmakers, investigatory powers, and due process rights.
- While States do have the power to decertify peace officers, the reality is that the power is rarely exercised in most states.



29

THREE CRITICAL ASPECTS TO A FAIR PROCESS: S.B. 2 FAILS ALL THREE

1. **Definitions of serious misconduct (and grounds for decertification) should have clear legal definitions.**
2. **The composition of any licensing board/panel must be impartial and possess subject matter expertise.**
3. **The decertification process must afford meaningful due process and not subject officers to re-litigation of identical issues and incompatible legal determinations.**

30

GROUNDS FOR DECERTIFICATION

States vary radically on what requires peace officer decertification. Common grounds for decertification are:

1. Providing false information in order to receive or maintain certification.
2. Felony convictions.
3. Termination for statements or activity involving dishonesty or moral turpitude.

31

CRITERIA FOR DECERTIFICATION

Beyond the automatic grounds, many states grant the licensing Board or Commission discretion to decertify other serious misconduct, including:

- Substance abuse
 - Inability to possess a firearm
 - Misdemeanor convictions
 - Sexual Misconduct
 - Unauthorized use of force
 - Failure to Cooperate with investigation
 - Physically or mentally deficient
 - Multiple offenses before Board/Commission
 - Interference with investigation
 - Harassment
 - Pattern of jeopardizing public trust
 - Professional malfeasance
 - Professional nonfeasance
 - Excessive force
 - Misuse of official position
 - Discriminatory conduct
 - Unlawful disclosure of information
 - Inappropriate relationships with victims, defendants, or witnesses
 - Termination in other state
 - Decertification in other state
- And more to be added at a later time...

32

S.B. 2: GROUNDS FOR DECERTIFICATION

1. Ineligible based on GC § 1029 (Felony convictions);
2. Terminated for cause for engaging in serious misconduct; or
3. Otherwise engaged in “serious misconduct” while employed as a peace officer.

33

S.B. 2'S DEFINITIONS OF “SERIOUS MISCONDUCT” ARE SUBJECTIVE AND OVERLY BROAD

- Disingenuously vests the POST commission with authority to define serious misconduct, but include an extensive list of minimum definitions.
- Definitions in SB 2 do not follow clear legal standards or definition:
 - Examples: Unauthorized use of force & Physical abuse
- Many definitions are overly vague and subjective:
 - Examples: Failure to cooperate in an investigation & Abuse of power

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S.B. 2: “SERIOUS MISCONDUCT” MINIMALLY INCLUDES:

- Work-related dishonesty, including tampering with recording devices to conceal misconduct
- “Acts of abuse of power, including but not limited to, intimidating witnesses, knowingly obtaining a false confessions, and knowingly making a false arrest”
- “Acts of physical abuse, including but not limited to, the unauthorized use of force.”
- Sex assault as described in PC § 832.7(b)
- Acts demonstrating bias based on protected class
- “Acts that violate the law and are sufficiently egregious or repeated as to be inconsistent with an officer’s obligation to uphold the law or respect the rights of members of the public.”
- Participation in a law enforcement gang that engages in rogue on-duty behavior that violates the law
- Failure to cooperate with an investigation into potential misconduct, including investigations by Division

35

COMPOSITION OF THE LICENSING/DECERTIFICATION BOARD

- A committee empowered to make license or certification revocation decisions or recommendations should minimally have 2 qualifications:
 - A. Expertise in the subject matter; and
 - B. Impartiality.
- Would doctors appoint a disgruntled patient on a medical board to review a surgery?

36

BOARD COMPOSITION: NATIONAL STANDARDS

- The large majority of State Boards/Commissions have at minimum 4 law enforcement, either current or former, serving on the Board, whether they be deputies, sheriffs, police chiefs, etc.
- Percentage-wise this could mean that law enforcement makes up between 35%-87% of the Board/Commission. But even at the low end there is still 5-7 law enforcement individuals on a board of 20+ individuals.
- Many Boards will have public officials on the Board/Commission such as the Attorney General, Senate members, House members, Directors of State Agencies, etc.
- Some Board/Commissions allow some "members at large" or "public members" that can be any non-law enforcement. States range from 0-5 of these members, with the larger boards permitting 4-5.

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THEN THERE IS CALIFORNIA'S S.B. 2

Creates "Peace Officer Standards Accountability Division"

- Review potential grounds for decertification (i.e. Agency Investigations)
- Conduct investigations into serious misconduct (i.e. Independent/parallel Investigations)
- Bring proceedings seeking certification revocation

Division establishes a politically charged "Peace Officer Standards Accountability Advisory Board"

- Presents findings & recommendations to POST Commission

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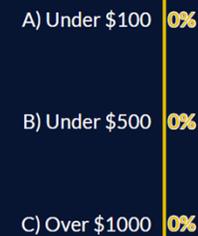
POLL QUESTION

How much do Ferragamo shoes cost?

- Under \$100
- Under \$500
- Over \$1000

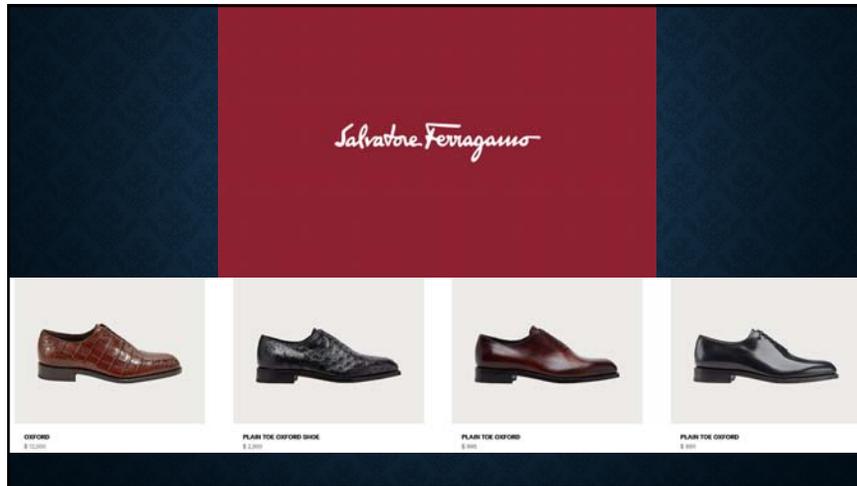
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How much do Ferragamo shoes cost?



Source: <https://io.cvent.com/polling/v1/api/polls/sp-skisny>

40



41



42

S.B. 2: ADVISORY BOARD VESTED WITH UNFETTERED CONTROL

➤ **POST has no meaningful oversight b/c MUST adopt the recommendations in nearly every instance, regardless of if they disagree.**

- 13510.85(a) (5) The commission shall review all recommendations made by the board and shall adopt the board's recommendation **unless it is without a reasonable basis**. In any case in which the commission reaches a different determination than the board's recommendation, it shall set forth its analysis and reasons for reaching a different determination in writing.

➤ Reasonable basis is likely satisfied by simply agreeing with the accuser.

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S.B. 2: POLITICALLY CHARGED ADVISORY BOARD LACKS IMPARTIALITY & SUBJECT MATTER EXPERTISE

- Peace officer/former with substantial experience at command rank.
- Peace officer/former with substantial experience at management rank in IA.
- 2 members of public, not former LEO, who have substantial experience working at nonprofit or academic institutions on issues related to police misconduct.
- 2 members of public, not former LEO, with substantial experience working at community-based organizations on issues related to police misconduct.
- 2 members of public, not former LEO, who have been subject to wrongful use of force likely to cause death or SBI by a peace officer, or who are surviving family members of a person killed by the wrongful use of deadly force by peace officer.
- Attorney, not former LEO, with substantial professional experience involving oversight of peace officers.

44

POLL QUESTION

Would you trust your ability to earn a living with this **"Peace Officer Standards Accountability Advisory Board"**?

45

Would you trust your ability to earn a living with this **"Peace Officer Standards Accountability Advisory Board"**?



46

S.B. 2'S POLITICALLY CHARGED PANEL: SURVIVING FAMILY MEMBERS OF PERSON WRONGFUL KILLED BY PEACE OFFICER



47

S.B. 2'S POLITICALLY CHARGED PANEL: SUBSTANTIAL EXPERIENCE AT COMMUNITY-BASED ORGANIZATIONS ON ISSUES RELATED TO POLICE MISCONDUCT



48

S.B. 2'S POLITICALLY CHARGED PANEL: SUBSTANTIAL EXPERIENCE AT ACADEMIC INSTITUTIONS OR NON-PROFITS ON ISSUES RELATED TO POLICE MISCONDUCT.



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S.B. 2'S POLITICALLY CHARGED PANEL: ATTORNEY WITH L.E. OVERSIGHT



50

S.B. 2'S POLITICALLY CHARGED PANEL: ONLY LAW ENFORCEMENT ALLOWED IS COMMAND RANK & MANAGEMENT RANK IN IA



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CRITICAL FACTORS FOR FAIR DUE PROCESS

- The decertification process must uphold basic principle of the Rule of Law.
 - Officers should not be subject to double jeopardy (i.e. concurrent or consecutive re-litigation of identical factual or legal issues).
 - Meaningful appeal of decertification decision (including the independence of the fact finder).
- The quantum of proof required to revoke certification.
- Parallel Investigations by Employing Agency & Licensing Board

52

STANDARD OF PROOF

Although many state policies are silent on the quantum or standard of proof, the licensing body generally bears the burden of proof. Typically, either:

- "Preponderance of the evidence" means a judgment the evidence has more convincing force than that opposed to it.
- "Clear and Convincing Evidence" is a higher level of burden of persuasion than "preponderance of the evidence," but less than "beyond reasonable doubt."
 - Standard used in California for most license revocation hearings. Based on belief that a higher standard should apply when depriving an individual of the ability to work in a profession.
 - The evidence presented must be highly and substantially more probable to be true than not and the trier of fact must have a firm belief or conviction in its factuality.

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S.B.2'S STANDARD OF PROOF: IS IT REALLY CLEAR AND CONVINCING?

- SB2 states: "The board shall only recommend revocation if the factual basis for revocation is established by clear and convincing evidence."
- However, the advisory board has no meaningful checks on its purported findings of clear and convincing evidence.
- The statute is artfully drafted to require to the POST Commission to adopt the Board's recommendation "unless it is without a reasonable basis."
 - Reasonable basis is lowest standard and review and easily satisfied in almost any case.
 - The POST Commission has no ability to exercise its independent judgement regarding whether the allegations were proven by clear and convincing evidence.
 - This deceptive ploy allows the Advisory Board to camouflage politically charged revocations under the credibility of the POST Commission.

54

RIGHT TO APPEAL REVOCATION NATIONALLY

- At a minimum a peace officer should be afforded a hearing by an impartial fact finder that can actually make a meaningful ruling and appeal process in case of prejudice.
- However, appeal rights vary greatly throughout the nation. Some states provide little to no due process in decertifying peace officers
 - States such as Ohio and Minnesota do not allow a hearing.
 - Many states that do offer hearings do not provide an opportunity to appeal the fact finders decision.
 - In most states, the fact-finder's decision is not binding on the Board/Commission and is solely for the Board/Commission's consideration but they are free to revoke certification regardless of the hearing's outcome.

55

RIGHT TO APPEAL REVOCATION NATIONALLY

- Utah & Washington both provide good frameworks for adequate due process.
 - ❖ Peace officers have the right to a hearing.
 - ❖ The decision made by the fact-finder is binding on the Board/Commission
 - ❖ Peace officers have the right to an appeal to a superior or district court.
 - ❖ Utah is superior to Washington in that Utah uses an independent ALJ as opposed to a panel of 5 board members.

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According to Senator Bradford, S.B. 2 establishes a simple process for decertification that upholds Due Process rights for peace officers with 6 layers of review.

Not convinced? Here is Bradford's infographic. →

SB 2 & Due Process: Six Layers of Review

POST sets grounds for decertification. Before any officer is decertified, SB 2 requires that "serious misconduct" that warrants decertification is set through legislation by POST – an entity dominated by law enforcement officers. For officers using commission and staff hours. SB 2 also allows officers, SB 2 leaves the final rules on what constitutes grounds for revocation to a body of professionals in the field.

- Step 1. POST initiates review/Investigation.** Based on information such as an agency's report of an officer's alleged misconduct, POST's internal complaint review board (ICRB) initiates an investigation or a preliminary investigation. POST's ICRB also initiates an investigation or a preliminary investigation.
- Step 2. POST Investigation.** POST's investigation division reviews agency investigations and if necessary, conducts further investigations. It also may initiate an investigation or a preliminary investigation. POST's ICRB also initiates an investigation or a preliminary investigation. POST's ICRB also initiates an investigation or a preliminary investigation.
- Step 3. Advisory Board.** POST's advisory board of 12 law enforcement officers, 3 public members, and 3 public members reviews POST's investigation and decides whether to recommend that POST take disciplinary action. The board of public safety members also provides input as to whether that action should be decertification or suspension by POST.
- Step 4. Review by Full POST Commission.** The full POST Commission of 12 law enforcement officers and 12 public members reviews the POST's investigation and the Board's recommendation to take disciplinary action and decides whether to decertify, suspend, or revoke an officer's license. If warranted, the Commission may also recommend that the officer be decertified, suspended, or revoked.
- Step 5. Full Administrative Hearing.** If the full POST Commission decides to decertify, suspend, or revoke an officer's license, the officer has the right to a full administrative hearing before an administrative law judge conducted by an administrative law judge.
- Step 6. Judicial Review.** As in any formal agency adjudication, the Administrative Law Judge's decision is subject to judicial review by the Superior Court.

OFFICER IS DECERTIFIED

Bottom line: SB 2 provides officers six layers of review before they can be decertified – two by POST investigations, one by the community Advisory Board, one by the full POST Commission, one by an administrative law judge, and one by a superior court – all at a heightened "clear and convincing" standard. SB 2 provides strong due process protections for officers.

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S.B. 2 FAILS TO PROVIDE A FAIR PROCESS

S.B. 2 permits the Advisory Board to substitute its opinions for the judgment of the courts, civil service boards, employing agency and prosecutors. The Board's recommendations are not subject to issue preclusion.

- ❖ "An action by an agency or decision resulting from an appeal of an agency's action does not preclude action by the commission to investigate, suspend, or revoke an officer's certification pursuant to this section." (PC 13510.8(c)(6).)
- ❖ Reverse O.J. Simson Rule: Board can revoke a license based on its finding that dishonesty was established by clear and convincing evidence, despite a court or civil service board having overturned an allegation of dishonesty under the preponderance standard.



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S.B. 2 FAILS TO PROVIDE A FAIR PROCESS

- Officer can only appeal to the Advisory Board prior to decertification. The nature of the hearing is unclear but does not appear to be evidentiary.
 - Officer can contest the Board recommendations at Board meetings held at least 4 times per year.
- Officer has no direct appeal to the POST Commission, which essentially is a rubber stamp on the Panel findings.
- Officer can then appeal Commission decision to an ALJ, consistent with the Administrative Procedures Act. This appeal is the first meaningful appeal provided to a California Peace Officer of his or her revocation.

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FAILS TO PROVIDE A FAIR PROCESS

- Unanswered legal questions:
 - ❖ The statute is silent regarding whether the APA decision is binding, so is the APA decisions advisory to the Commission.
 - ❖ How are conflicts between the Advisory Board recommendation and the APA recommendation resolved?
 - ❖ Does the Commission have to reject an APA recommendation to reinstate the officer's license if a rational basis for the Board recommendation exists?
- Final appeal is a writ to superior court.
 - ❖ Burden of proof shifts to officer on appeal.

60

S.B.2 INVESTIGATORY POWERS

- While some states allow their board to launch independent investigations, many require that a peace officer first be convicted of a felony crime before investigating.
- Under SB2, the Peace Officer Standards Accountability Division has the power BOTH to review IA Investigations and to conduct its own independent investigation.
 - Officers must cooperate with the investigation.
 - No (*Lybarger*) right to invoke right to remain silent?
 - Officers afforded no POBR rights in Division investigations?

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S.B. 2: DISCLOSURES OF PERSONNEL RECORDS

- Proceedings and findings from Licensure hearings to be public records (PC 1310.85(b)&(c).)
 - *“Notwithstanding Section 832.7, the hearings of the board and the review by the commission under this section, administrative adjudications held ... and any records introduced during those proceedings, shall be public.”*
 - *“The commission shall publish the names of any peace officer whose certification is suspended or revoked and the basis for the suspension or revocation and shall notify the National Decertification Index of the International Association of Directors of Law Enforcement Standards and Training of the suspension or revocation.*

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S.B. 2: POOR NATIONAL MODEL

- Utah provides a good example of a fair decertification process:
 - A hearing in front of an ALJ (independent fact-finder)
 - The ALJ's decision is binding on the Board
 - Officers may appeal the decision to the courts.
 - Any decision to decertify must be by clear and convincing evidence.
 - Utah's Board make-up is at minimum 9/17 (53%) law enforcement and 4 public members are not required to be anti-police.

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UTAH: A GOOD NATIONAL MODEL

- Utah's POST Council is also limited in their authority to issue a Letter of Caution, or suspend or revoke certification.
 - Falsify information to obtain certification
 - Physical/mental disability that affects ability to perform duties
 - State or federal criminal offense, but not including traffic offense that is Class C misdemeanor or infraction
 - Refusal to respond or untruthful response after *Garrity* admonition.
 - Sex on duty
 - Unable to possess firearm
 - Dishonesty or deception
 - Discrimination against protected class

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QUESTIONS?

Keep updated on these issues by signing up at our blog: <http://mastagnilaw.blogspot.com/>

California Public Safety Labor Blog



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PORAC LEGAL DEFENSE FUND MEMBER CONFERENCE 2021

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