



California Chief Investigators

July 16, 2021

The Honorable Joyce Dudley, Chair
Commission on Peace Officer Standards and Training
860 Stillwater Road, Suite 100
West Sacramento, CA. 95605

Re: Changes to POST requirements for District Attorney Investigators

Dear Chair Dudley,

We the undersigned District Attorney Chief Investigators and Inspectors, want to take this opportunity to voice our collective objection to the recent changes to the training requirements for sworn District Attorney Investigators which the Commission on Peace Officer Standards and Training has approved, as outlined in Commission Regulation 1005(1).

To be effective, District Attorney Investigators must be intimately familiar with state laws and state prosecution. They are subject matter experts in their respective areas of investigative focus, and fulfill a unique need within the law enforcement community not found within other agencies. Commission Regulation 1005(1) would significantly decrease the number of appropriately qualified candidates necessary to support and maintain the prosecutorial efforts of District Attorney offices throughout the State of California.

Specifically, the Specialized Investigator Basic Course (SIBC) is designed for peace officer specialists, those generally limited-authority peace officers who have a very narrow scope of investigation. The title of the course explicitly states that it is intended for a *specialized investigator*, and not an investigative generalist. District Attorney Investigators *are* generalists who do additional investigations on all types of cases, the vast majority of which are submitted by police and sheriffs' departments. In order to adequately perform further and more detailed investigation on the variety of case types that are submitted, a DA Investigator must have generalized training and generalized experience akin to a police officer or sheriff's deputy.

Further, one of the paramount duties of the District Attorney Investigator is the investigation of peace officer misconduct, in-custody deaths, and officer involved shootings. As such, the District Attorney Investigator *must* have knowledge of police and custody procedures. Necessary courses in patrol techniques and custody are not included in the curriculum of the SIBC. Similarly, District Attorney Investigators are legislatively required to investigate certain crimes, such as child abduction and recovery, and missing persons. These necessary blocks of training are absent from the SIBC curriculum.



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Perhaps the most critical component of the DA Investigator is their duality as both an investigator and as a full-authority (830.1 PC) county peace officer; they represent the enforcement component of each county's top law enforcement official, the elected District Attorneys. As evidenced by the events of last year, DA Investigators can be pressed into service as mutual aid to handle everything from general patrol functions, to emergency operations and the rendering of aid to smaller departments. They are also equipped to handle major criminal investigations for smaller police departments that lack investigative resources, and are able to assist these same agencies in a cohesive, effective response to civil unrest.

The expectation is that as peace officers with the authority granted by 830.1 PC, they have received the necessary training to effectively, legally, and safely perform these duties and functions. The SIBC omits a number of knowledge realms which are crucial for the performance of these functions, including but not limited to patrol techniques, handling disputes and crowd control, and vehicle pull-overs. Regarding vehicle code enforcement and traffic-related crimes, District Attorney Investigators are called upon to conduct investigations relating to Felony DUI and vehicular homicides, which are also excluded from SIBC curriculum.

Lastly, Section 832.4(b) of the California Penal Code requires that all peace officers listed in subdivision (a) of Section 830.1, including District Attorney Investigators, obtain the POST Basic Certificate upon completion of probation, but no later than 24 months after employment, in order to continue to exercise the powers of a peace officer. This requirement is unique to full authority law enforcement generalists, and there exists no similar section for other peace officer classifications. There is no exception that allows for obtaining a specialized basic certificate to meet this legal requirement, and it would require a legislative amendment to 832.4(b) PC for a change of this nature in the POST minimum standards to take effect.

In closing, we the undersigned implore you to reverse this decision regarding POST Commission Regulation 1005(1). As you are keenly aware, this proposal is not new; it was placed before POST for consideration within the last decade, and failed as a result of the research conducted at that time. We urge you to revisit those findings, and understand that any attempt to lower these training standards will ultimately undermine public safety efforts in our communities. Only a swift rejection of this regulation from POST will ensure the preservation of the District Attorney Investigator classification and their effectiveness, holding them to the highest possible standard of investigative excellence among law enforcement professionals. If reversing this policy is not a possibility, then we would ask for a public hearing to convey our concerns and discuss this matter further.

Very truly yours,



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