

## AGENDA ITEM REPORT

**Title: REPORT ON ADOPTION OF PROPOSED COMMISSION REGULATION 1215 - ADDRESS OF RECORD**

### REPORT PROFILE

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|---|---|----------------------|
| <b>MEETING DATE</b><br>06/08/2023       | <b>BUREAU SUBMITTING THE REPORT</b><br>Certification Bureau |                      |
| <b>RESEARCHED BY</b><br>Michelle Weiler | <b>REVIEWED BY</b>  |                      |
| <b>REPORT DATE</b>                      | <b>APPROVED BY</b>  | <b>DATE APPROVED</b> |
| <b>PURPOSE</b>                          | <b>FINANCIAL IMPACT</b><br>No                               |                      |

### ISSUE, BACKGROUND, ANALYSIS, & RECOMMENDATION

**ISSUE:** Currently, POST does not collect an Address of Record (AOR) from individual peace officers. However, it is required as part of the due process afforded to peace officers who are facing decertification, that POST mail an accusation to revoke a peace officer's certification to the peace officer's identified address of record on file with POST.

**BACKGROUND:** Currently, POST does not collect an Address of Record (AOR) from individual peace officers. However, Government Code section 11505(c) stipulates that registered mail shall be effective only if a statute or agency rule requires one to file their address of record with the agency and to notify the agency of any changes.

**ANALYSIS:** Government Code section 11505(c) states,

"The accusation or District Statement of Reduction in Force and all accompanying information may be sent to the respondent by any means selected by the agency, but no order adversely affecting the rights of the respondent shall be made by the agency in any case unless the respondent has been served personally or by registered mail as provided herein, or has filed a notice of defense, or, as applicable, notice of participation, or otherwise appeared. Service may be proved in the manner authorized in civil actions. **Service by registered mail shall be effective if a statute or agency rule requires the respondent to file the respondent's address with the agency and to notify the agency of any change, and if a registered letter containing the accusation or**

**District Statement of Reduction in Force and accompanying material is mailed, addressed to the respondent at the latest address on file with the agency."**

This item was originally presented before the Commission on March 22, 2023. At this meeting, the Commission expressed concerns about the proposed regulation and requested staff to amend the proposed text to more clearly indicate that a peace officer may designate the address of their employing agency as their AOR and address the amount of time a peace officer must maintain their AOR after separation from service. Additionally, the Commission requested staff remove the proposal that applications for professional certificates would not be approved if the applicant peace officer's AOR was not current.

POST staff have taken the Commission's concerns into consideration and propose revised regulatory language. It is proposed the Commission adopt amended regulatory language requiring specified peace officers to create a POST PASS account to provide and maintain a physical address of record for the purpose of correspondence regarding a peace officer's certification. They would be provided with the option to designate their current employing agency as their AOR or designate an alternate address. Peace officers would be required to update their AOR as needed, if there is a change of address or employing agency.

The AOR must be maintained for the duration of a peace officer's career and for at least 3 years after their separation from service as a peace officer, in the event a licensing action must be taken against their certification after their separation. This is a reduction from the previously proposed duration of 10 years. Establishing the duration of 3 years after their separation from service aligns with the duration a peace officer's certification remains active after they separate from service as a peace officer.

Additionally, POST staff have researched the service of certified mail and found that certified mail can be served to a Post Office Box (P.O. Box). The recipient would receive notice in their P.O. Box they have received certified mail that must be retrieved in person at the service counter of the Post Office or other provider of the P.O. Box. As such, peace officers will be permitted to designate a P.O. Box as their official AOR, should they choose to do so.

**RECOMMENDATION:**

Currently, POST does not collect an Address of Record (AOR) from individual peace officers. However, it is required as part of the due process afforded to peace officers who are facing

decertification, that POST mail an accusation to revoke a peace officer's certification to the peace officer's identified address of record on file with POST.

If the Commission concurs, the appropriate action would be a **MOTION** to approve the adoption of the regulation specified in this report.

**ATTACHMENT(S):**

[1215\\_Address\\_of\\_Record.v5.pdf](#)

[AOR\\_Acknowledgement.PNG](#)