

**Commission on Peace Officer Standards and Training**

1601 Alhambra Blvd
Sacramento, CA 95816-7083
www.post.ca.gov

Date: October 21, 2005

Bulletin: No. 2005-17

Subject: **Notice of Proposed Regulatory Action – Management Course Prerequisite Waiver Process for Attending the Executive Development Course**

At its April 21, 2005 meeting, the Commission approved proposed amendments that would allow California chief executives, with comparable training, education, and experience, to apply for a waiver of the Management Course prerequisite for attending the Executive Development Course.

As stated in the attached notice, the granting of a waiver of the prerequisite to complete the Management Course before attending the Executive Development Course will apply only to chief executives who have a wealth of management training, education and experience. The waiver will not be extended to newly-promoted sworn law enforcement managers. In addition, this waiver process does not constitute an equivalency of the Management Course.

Pursuant to the provisions of the Administrative Procedures Act, the Commission invites written input on this proposal. POST must receive any written comments related to the [proposed actions](#) no later than December 5, 2005.

No public hearing is scheduled. Pursuant to Government Code Section 11346.8, any interested persons or duly authorized representative may request in writing that a public hearing be held. POST must receive the written request no later than 15 days prior to the close of the public comment period.

Please direct any inquiries concerning this proposed regulatory action to Associate Analyst Patricia Cassidy, 1601 Alhambra Boulevard, Sacramento, CA, 95816-7083, by email at Pat.Cassidy@post.ca.gov or by telephone at 916.227.4847. If Patricia is unavailable, please contact Senior Consultant Gary Sorg by email at Gary.Sorg@post.ca.gov or by telephone at 916.227.2822.

KENNETH J. O'BRIEN
Executive Director

NOTICE OF PROPOSED REGULATORY ACTION

Management Course Prerequisite Waiver Process for Attending the Executive Development Course – Regulation 1005(c) and Procedures D-4 and D-15 (new)

Notice is hereby given that the Commission on Peace Officer Standards and Training (POST) proposes to amend regulations in Chapter 2 of Title 11 of the California Code of Regulations. This proposal is made pursuant to the authority vested by Penal Code sections 13503 (powers of the Commission on POST) and 13506 (Commission on POST authority to adopt regulations). This proposal is intended to interpret, implement and make specific Penal Code section 13503(e) (Commission on POST authority to develop and implement programs to increase the effectiveness of law enforcement, including programs involving training and education courses).

Informative Digest/Policy Statement Overview

The Executive Development Course (EDC) was developed by POST to further the education and professional abilities of law enforcement chief executives. Law enforcement upper management and junior executives are also allowed to attend the course.

In 1974, the Commission adopted into regulation the Management Course, or its equivalent as a prerequisite to the Executive Development Course (EDC). By 1981, the equivalency language had been dropped from the regulation, but the Management Course prerequisite remained. At its April 21, 2005 meeting, the POST Commission voted unanimously to create a waiver process for the prerequisite, which only applies to the current law enforcement executives.

The framers of the prerequisite three decades ago were concerned about the ability of a student who did not have the background of the Supervisory and Management Courses to properly and fully benefit from the Executive Development Course. A student without these previous training experiences might not only have difficulty comprehending more advanced concepts, but might actually detract from the experience of other appropriately trained students. It was regarded that the normal progressive path of training should be from Basic, to Supervisory, to Management, to Executive. Equivalency was eventually dropped due to the difficulty of attempting to match previous experience and training to the detailed and specific curriculum in the post Management Course.

These precepts, now 20 to 30 years old, do not take into account the mobility and diversity of today's law enforcement executives. For a very long time our chiefs and sheriffs generally promoted through the ranks and were mostly Californians. However, in recent years it is not unusual for a law enforcement executive to come from another state with a wealth of experience, training, education, and knowledge. Some, who have served as executives of larger agencies employing hundreds or even thousands of officers, would find the Management Course content elementary and of little benefit, as well as a misuse of the valuable training time of all who are involved.

Also in recent years, officers and supervisors, with considerable law enforcement training and experience, move directly to the position of sheriff or chief of police. Some of these executives, particularly those who were supervisors with small agencies, performed in the capacity of a manager or assistant executive for many years prior to achieving the executive position. In such cases, it might be unreasonable and inappropriate to apply the prerequisite. However, in other cases, it would be very appropriate for the new executive to acquire both supervisory and management training before attending the EDC. An individual approach to applying the prerequisite, taking into account the prior training and experience would seem the most prudent course and in the best interest of California law enforcement. While we see ourselves as the national leader in standards and training, we must recognize that a "one size fits all" approach has its limitations.

At the October 21, 2004 meeting, the Commission requested staff research the appropriate criteria for granting a waiver of the Management Course as a prerequisite to attend the EDC. At the March 8, 2005 Long Range Planning Committee meeting, staff provided a report with the proposed regulatory language specifying the criteria and procedure to apply for such a waiver. The report included the Management Course Instructional Goals to which an applicant's previous training, education and experience would be compared.

The specific major topics for the POST Management Course are now included in Commission Procedure D-4 along with the broad topics already listed, for consistency with action taken by the Commission in meetings on April 27, 2000, and April 21, 2005. At the April 2000 meeting these topics were identified in the Agenda Item approved by the Commission which increased the Management Course length to a total of 104 hours. At the April 2005 meeting the Commission approved a prerequisite waiver process that adopted the updated version of these specific topics and the related instructional goals to be used in the evaluation of previous training, education, and experience.

It should be noted that the granting of a waiver of the Management Course prerequisite to attend the EDC does not waive the requirement for newly promoted sworn law enforcement managers to attend the Management Course. In addition, this waiver process does not constitute an equivalency of the Management Course. The waiver process is only intended to facilitate attendance of the EDC by law enforcement chief executives who have a wealth of management training, education and experience.

Upon adoption of the proposed amendments, chief executives with sufficient experience, training and education may be granted a waiver of the Management Course prerequisite for attending the Executive Development Course.

Public Comment

The Commission hereby requests written comments on the proposed actions. *All written comments must be received at POST no later than 5:00 p.m. on December 5, 2005.* Written comments should be directed to Kenneth J. O'Brien, Executive Director, Commission on Peace Officer Standards and Training, 1601 Alhambra Boulevard, Sacramento, CA, 95816-7083, or by fax at 916.227.2801.

A public hearing is not scheduled. Pursuant to Government Code Section 11346.8, any interested person, or his or her duly authorized representative, may request in writing no later than 15 days prior to the close of the public comment period that a public hearing be held.

Adoption of Proposed Regulations

Following the close of the public comment period, the Commission may adopt the proposal substantially as set forth without further notice or the Commission may modify the proposal if such modifications remain sufficiently related to the text as described in the Informative Digest. If the Commission makes changes to the language before the date of adoption, the text of any modified language, clearly indicated, will be made available, at least 15 days before adoption, to all persons whose comments were received by POST during the public comment period, and to all persons who request notification from POST of the availability of such changes. A request for the modified text should be addressed to the agency official designated in this notice. The Commission will accept written comments on the modified text for 15 days after the date on which the revised text is made available.

Text of Proposal, Rulemaking File, and Internet Access

The following information regarding the proposed regulatory action is provided on the POST website at <http://www.post.ca.gov/RegulationNotices/RegulationNotices.asp>:

- POST bulletin and Notice of Proposed Regulatory Action
- Text of Proposed Regulatory Action
- Initial Statement of Reasons.

Anyone who does not have Internet access may request a copy of the documents listed above by calling 916.227.4847 or by submitting a written request to the contact person listed below. Please refer to POST Bulletin 2005-17. The rulemaking file contains the above-mentioned documents and all information upon which this proposal is based. The file will be maintained for inspection during the Commission's normal business hours (Monday through Friday, 8: a.m. to 5 p.m.).

The Final Statement of Reasons will be prepared after the close of the public comment period. A copy may be requested via the above phone number, by writing to the address under Contact Persons at the end of this notice, or by viewing the document on the POST Internet website at the address cited above.

Estimate of Economic Impact

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Non-Discretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Costs to any Local Agency or School District for which Government Code Section 17561 Requires Reimbursement: None

Significant Statewide Adverse Economic Impact Directly Affecting California Businesses, including Small Business: The Commission on Peace Officer Standards and Training has made an initial determination that the amended regulations will not have a significant statewide adverse economic impact directly affecting California businesses, including the ability to compete with businesses in other states. The Commission on Peace Officer Standards and Training has found that the proposed amendments will have no effect on California businesses, including small businesses, because the Commission sets selection and training standards for law enforcement and does not have an impact on California businesses, including small businesses.

Cost Impacts on Representative Private Persons or Businesses: The Commission on Peace Officer Standards and Training is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs: The Commission on Peace Officer Standards and Training has made an initial determination that the proposed regulation would have no effect on housing costs.

Assessment

The adoption of the proposed regulation amendments will neither create nor eliminate jobs in the state of California, and will not result in the elimination of existing businesses or create or expand businesses in the state of California.

Consideration of Alternatives

To take this action, the Commission must determine that no reasonable alternative considered by the Commission, or otherwise identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective as and less burdensome to effected private persons than the proposed action.

Contact Persons

Please direct any inquiries or comments pertaining to the proposed action to Patricia Cassidy, Commission on POST, 1601 Alhambra Boulevard, Sacramento, CA, 95816-7083, by telephone at 916.227.4847, by FAX at 916.227.5271, or by email at Pat.Cassidy@post.ca.gov. The back-up contact person is Senior Consultant Gary Sorg. He may be reached by telephone at 916.227.2822 or by email at Gary.Sorg@post.ca.gov.