

**Commission on Peace Officer Standards and Training**

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

Date: September 1, 2006

Bulletin: No. 2006-14

Subject: Notice of Proposed Regulatory Action - Update *Training and Testing Specifications for Peace Officer Basic Courses* - Regulations 1005, 1007, and 1080, and Commission Procedures D-1 and H-3

At its July 2006 meeting, the Commission approved proposed amendments to update the *Training and Testing Specifications for Peace Officer Basic Courses* publications, and make related changes in Commission Regulations 1005, 1007, 1008, and 1080, and Procedures D-1 and H-3 as follows:

- Re-distribute hours throughout the learning domains (LDs) training and testing specifications.
- Add *Examination Review* and *Scenario Demonstration* to each testable domain.
- Establish Learning Domain #43, *Emergency Management*.
- Combine the current two-part Level III Module into a single component.
- Update LDs #12, Controlled Substances; #28, Traffic Enforcement; and #4, Hazardous Materials Awareness.

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

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

Pursuant to provisions in the Administrative Procedure Act, the Commission invites written input on this proposal. POST must receive all written comments related to the proposed actions no later than October 16, 2006; see the attached notice for information about making written comments, under "Public Comment."

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

Please direct inquiries about this proposed regulatory action to Patricia Cassidy, Commission on Peace Officer Standards and Training, 1601 Alhambra Boulevard, Sacramento, CA 95816-7083, by email to Pat.Cassidy@post.ca.gov or by telephone at 916.227.4847. If she is unavailable, please contact Julie Hemphill by email at Julie.Hemphill@post.ca.gov or by telephone at 916.227.0544.

KENNETH J. O'BRIEN
Executive Director

Attachment: Notice of Proposed Regulatory Action

NOTICE OF PROPOSED REGULATORY ACTION
Regulations 1005, 1007, and 1080, and Procedures D-1 and H-3
Amend *Training and Testing Specifications for Peace Officer Basic Courses*

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 sections 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), 13510 (Commission on POST authority to adopt and amend rules establishing minimum standards for California local law enforcement officers) and 13510.5 (Commission on POST authority to adopt and amend standards for certain other designated California peace officers).

Informative Digest/Policy Statement Overview

Academies and training presenters use the *Training and Testing Specifications for Peace Officer Basic Courses* publication, incorporated by reference into POST Regulations, to teach and test the POST mandated instruction and testing for basic training courses.

All changes to basic academy curriculum begin with recommendations from law enforcement practitioners, or in some cases, via legislative mandates. POST then facilitates meetings with curriculum advisors and subject matter experts (SMEs) who recommend changes to existing academy curriculum. The Standing Alignment Committee (SAC), which is comprised of academy directors and coordinators, reviews these recommendations. All academies review the SAC-approved recommendations at the quarterly Basic Course Consortium meetings facilitated by POST. Once approved by majority vote of all academies, the recommendations are forwarded to a Test Review Panel, also comprised of academy administrators that identify testing questions and pass point thresholds for the new curriculum. The POST Commission reviews the completed work of all committees for approval.

The proposed changes include the following:

- Re-distribute course hours between learning domains to ensure adequate time for each topic
- Make additional curriculum updates, as part of an ongoing curriculum review, in Learning Domains #12, Controlled Substances; #28, Traffic Enforcement; and #41, Hazardous Materials.
- Establish examination review and scenario demonstration definitions and requirements
- Revise the current two-part Level III Module course into a single component
- Add Learning Domain 43, Emergency Management, to comply with state and federal training requirements.

The Consortium approved these proposed changes at its June 14, 2006 meeting and the Commission approved them at its July 20, 2006 Commission meeting, subject to the Notice of Proposed Regulatory Action process. Upon adoption of the proposed amendments, academies and course presenters will be required to teach and test to the updated curriculum. The proposed effective date is January 1, 2007.

Re-distribute course hours and make additional curriculum updates

In 2002, the Basic Training Bureau embarked on a complete review of the Regular Basic Course (RBC) to integrate Leadership, Ethics, and Community Policing into the curriculum. As a result, POST removed redundant material from Learning Domains (LDs), moved some learning objectives from one LD to another, moved some learning objectives to the Field Training Program, and eliminated other outdated learning objectives. These content changes went into effect on January 1, 2006, with no changes to the minimum hourly requirement for each LD. This gave training presenters an opportunity to work with the new curriculum and recommend the number of hours needed to deliver instruction in each LD.

Feedback from the course presenters demonstrated the need to create a new hourly distribution; therefore, the Standing Alignment Committee developed a revised hourly distribution, which the Basic Course Consortium approved in June 2006. Staff applied the revised hourly distribution to the learning domains in all basic course formats. The total minimum hourly requirements for each course remain the same. In the context of re-distributed the hours, several learning objects were incorporated and deleted to apply the revised hourly distribution to the appropriate level of training in the Modular Format.

As part of the ongoing curriculum review, additional proposed revisions either reflect emerging training needs, improve student learning and evaluation, or to comply with legislative mandates in the following domains: LD 12, Controlled Substances; LD 28, Traffic Enforcement; and LD 41, Hazardous Materials Awareness. In addition to amending the learning domains for the aforementioned reasons, the SMEs also propose non-substantial changes at the same time to improve clarity and readability of the domains.

Establish Examination Review and Scenario Demonstration Definitions and Requirements

New language defines and requires a time for examination review. The Basic Course requires students to gain competency in 42 Learning Domains. To demonstrate the possession of this knowledge, students must take and pass 27 high-stakes written knowledge examinations. Following the examinations, presenters review the results with students as a method of enhancing their understanding of the material. Heretofore, the time needed for reviewing test results has not been included in the minimum hours required for delivery of the Learning Domain curricula. Including examination review in the minimum hours ensures that appropriate time will be devoted to this process.

Job simulation testing, known as Scenario Testing, is the assessment method utilized to determine whether students have acquired the necessary peace officer competencies and to what degree. These tests require students to participate in graded activities designed to simulate actual on-the-job incidents, and require them to perform acceptably in a variety of critical, life-like situations. The proposed 18-hours of Scenario Demonstration time provides students with the opportunity to practice and receive mentoring in the acquisition of the needed competencies through problem-based learning methods.

Revise the Current Two-Part Level III Module into a Single Component

In the process of developing a revised hourly distribution, several issues were identified in its application to the Modular Format. The Consortium approved the recommended hourly distribution, in principle, and asked POST staff to review the changes in relation to the Modular Format. An issue that became problematic, during the review, was the relationship of the PC 832 Course to the Modular Format. Powers of arrest training (PC 832) is required for all peace officers prior to the exercise of peace officer powers. The PC 832 Course serves as a stand alone entry-level of instruction for limited authority peace officers. The Regular Basic Course and the Specialized Investigators' Basic Course meet the powers of arrest training requirement by including PC 832 material within the respective courses. The Modular Format includes the PC 832 Course as a component (Part 1 of the two-part Level III Module) in order to accommodate training for reserve officers.

Attempts by the SAC to apply the new hourly distribution to the Modular Format, in its present configuration, indicated that it would be necessary to change the PC 832 Course. Because the PC 832 Course is the basic training course for numerous categories of peace officers, it would be impractical to revise it for the sole purpose of accommodating reserve officer training. After review by the SAC and POST staff, it has been determined that the best alternative would be to revise the current two-part Level III Module into a single component that includes powers of arrest training in the same manner as the RBC and SIBC.

The new Level III Module would incorporate all of the material covered in the two-part format with the same minimum required hours. The PC 832 Course would remain unchanged and would continue to be a

stand-alone course. This allows course presenters to apply the proposed new hourly distribution to the Modular Format without changing the minimum hourly requirement for any of the components.

Add Learning Domain 43, Emergency Management

New learning domain LD 43, *Emergency Management*, complies with the state requirement for 8 hours of training in Law Enforcement Response to Terrorism (LERT) and the federal mandate for 8 hours of training in the National Incident Management System (NIMS). Penal Code section 13519.12(b) requires the Commission to expedite the delivery of LERT training to law enforcement through maximum use of its local and regional delivery systems. The federal training in NIMS is required for all public employees who may be tasked, directed, or called upon to respond for an emergency.

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 available, at least 15 days before adoption, to all persons whose comments POST received during the public comment period, and to all persons who request notification from POST of the availability of such changes. Address any requests for the modified text 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 available.

Text of Proposal, Rulemaking File, and Internet Access

The following information regarding the proposed regulatory action is located on the POST website at 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 above documents by calling 916.227.4847 or by submitting a written request to the **Contact Persons** listed below. Please refer to POST Bulletin 2006-14. The rulemaking file contains the above-mentioned documents and all information considered for this proposal. The Commission will maintain the file 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. To request a copy, contact POST via the above phone number, or by writing to the address under **Contact Persons** (see below) in this notice.

Public Comment

The Commission hereby requests written comments related to the proposed actions. Please direct all comments to Executive Director Kenneth J. O'Brien. POST must receive all written comments before 5:00 p.m. on October 16, 2006, by fax 916.227.527 or by U.S. Mail addressed to the Commission on Peace Officer Standards and Training, 1601 Alhambra Boulevard, Sacramento, CA 95816-7083.

A public hearing is not scheduled. Pursuant to Government Code Section 11346.8, any interested person, or his/her duly authorized representative may request that POST hold a public hearing. POST must receive the written request no later than 15 days prior to the close of the public comment period.

Contact Persons

Please direct any inquiries or comments pertaining to the proposed action to Patricia Cassidy, Associate Analyst, 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 for this proposal is Julie Hemphill, Associate Analyst; she may be reached by telephone at 916.227.0544, or by email at Julie.Hemphill@post.ca.gov.

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 this 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 affected private persons than the proposed action.