



Commission on Peace Officer Standards and Training

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

Date: April 11, 2008

Bulletin: No. 2008-05

Subject: Notice of Proposed Regulatory Action – Airport Peace Officer Basic Training, Regulation 1005

In February 2004, the Commission approved a technical change to Regulation 1005 of the *POST Administrative Manual (PAM)*, adding aviation security training (required by California Penal Code Section 832.1) as Regulation 1005(a) (6). The minimum content for this legislatively mandated course, as specified in Regulation 1081(a), would remain unchanged.

The proposed amendment to Regulation 1005(a) will specify clearly in regulation that airport peace officers must complete two basic training requirements – Aviation Security and the Regular Basic Course (RBC). Adoption of the proposed changes will clarify the entry-level training standard for airport peace officers in the regulation section which addresses entry-level training standards.

The attached notice describes the proposed changes and includes an invitation for written comment on this proposal, the deadline for written comments, and information about requesting a public hearing. The following, related information is available 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

Please direct inquiries about this proposed regulatory action to Patricia Cassidy, Commission on POST, 1601 Alhambra Boulevard, Sacramento, CA 95816-7083, by email at Patricia.Cassidy@post.ca.gov, by telephone at 916.227.4847, or by FAX at 916.227.5271. John Hardester is the back-up contact person for this proposal. John is available by telephone at 916.227.3935, or by email at John.Hardester@post.ca.gov.

PAUL A. CAPPITTELLI
Executive Director

Attachment: Notice of Proposed Regulatory Action

NOTICE OF PROPOSED REGULATORY ACTION

Airport Police Basic Training Requirement, Regulation 1005, 1081

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

Public Comments Due by May 26, 2008, at 5:00 PM

Notice is also given that any interested person, or authorized representative, may submit written comments relevant to the proposed regulatory action by fax at 916.227.5271 or by letter to the:

Commission on POST
Attention: Rulemaking
1601 Alhambra Boulevard
Sacramento, CA 95816-7083

Following the close of the public comment period, the Commission may adopt the proposal substantially as described below or may modify the original proposal with sufficiently related changes. With the exception of technical or grammatical changes, the full text of a modified proposal will be available for 15 days prior to its adoption from the person designated in this notice as the contact person. The Commission will also mail the full text to persons who submit written comments related to the proposal or who have requested notification of any changes to the proposal.

Authority and Reference

This proposal is made pursuant to the authority vested by Penal Code §13503 – POST powers and §13506 - POST authority to adopt regulations. This proposal is intended to interpret, implement, and make specific Penal Code §13503 (e), which authorizes POST to develop and implement programs to increase the effectiveness of law enforcement, including programs involving training and education courses. This proposal is also intended to interpret, implement, and make specific Penal Code §832.1, which authorizes POST to approve the course of training that an airport peace officer must complete within 90 days after becoming employed as an airport peace officer.

Informative Digest/Policy Statement Overview

Effective in July 1973, the California legislature enacted Penal Code § 832.1, which mandated completion of a POST-approved airport security training for airport peace officers within 90 days of the officer's appointment. The language also stated that an airport peace officer who does not complete the Aviation Security course within the 90-day time-period shall not continue to have peace officer powers until the officer satisfactorily completes the course.

In response, the Commission approved a 20-hour course curriculum for the Aviation Security course and, in 2001, approved an increase to 40 hours and an updating of the course curriculum. The course curriculum for the Aviation Security course currently appears in Regulation 1081 (a); however, POST never established the training mandate for airport peace officers in its regulations.

POST Regulation 1005 (a) prescribes minimum entry-level standards of training for California peace officers. Regulation 1005 (a) (1) specifies that every peace officer, with certain exceptions, must attend a Regular Basic Course (RBC) before the officer is assigned duties that include the exercise of peace officer powers. Pursuant to California Penal Code § 830.33(d), an airport law enforcement officer is defined as a peace officer and, consequently, must complete the RBC in addition to the Aviation Security course.

NOTICE OF PROPOSED REGULATORY ACTION

Airport Police Basic Training Requirement, Regulation 1005, 1081

Therefore, POST is proposing to amend Regulation 1005(a) to specify clearly in regulation that airport peace officers must complete two basic training requirements – Aviation Security and the Regular Basic Course (RBC). New language confirms and clarifies that a peace officer who is employed by an airport police department must complete a POST-certified Aviation Security course within 90 days of the date of first appointment in addition to the Regular Basic Course requirement set forth in Regulation 1005 (a)(1). Section numbers in the subsequent two sections are changes to keep consistency in the outline format.

As a matter of practice, POST does check for completion of the Regular Basic Course and the Aviation Security course when performing compliance checks of POST program departments that employ airport peace officers. Staff has determined that as a means of clarification for entry-level peace officers assigned to airport security, the required aviation security training should be included in Regulation 1005(a). This amendment was presented and approved at the February 4, 2004, Commission meeting. Adoption of the changes proposed here will formally express and clarify the two entry-level training requirements for airport peace officers within POST regulation 1005 (a). This regulation addresses entry-level training standards.

Local Mandate

This proposal does not impose a mandate on local agencies or school districts.

Fiscal Impact Estimates

This proposal does not impose costs on any local agency or school district for which reimbursement would be required pursuant to Part 7 (commencing with §17500) of the Government Code, Division 4. This proposal does not impose other nondiscretionary cost or savings on local agencies. This proposal does not result in any cost or savings in federal funding to the state.

Costs or Savings to State Agencies

POST anticipates no additional costs or savings to state agencies.

Business Impact/Small Businesses

The Commission has made an initial determination that this regulatory proposal would have no significant statewide adverse economic impact directly affecting California businesses, including the ability of California businesses to compete with businesses in other states. The proposal does not affect small businesses, as defined by Government Code §11342.610, because the Commission sets selection and training standards for law enforcement and does not have an impact on California businesses, including small businesses.

Assessment Regarding Effect on Jobs/Businesses

The Commission has determined that this regulatory proposal will not have any impact on the creation or elimination of jobs and will not result in the elimination of existing businesses or the creation or expansion of businesses in the State of California.

Cost Impacts on Representative Private Persons or Businesses

The Commission is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

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Effect on Housing Costs

None

Alternatives

The Commission must determine that no reasonable alternative considered by the agency, or otherwise identified and brought to the agency's attention, 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.

Contact Persons

Please direct inquiries or written comments about the proposed regulatory action to the following:

Patricia Cassidy Commission on POST 1601 Alhambra Boulevard Sacramento, CA 95816-7083 916.227.4847 or Patricia.Cassidy@post.ca.gov 916.227.5271 (FAX)	<i>or</i>	John Hardester Commission on POST 1601 Alhambra Boulevard Sacramento, CA 95816-7083 916.227.3935 or John.Hardester@post.ca.gov
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Text of Proposal

Individuals may request copies of the exact language of the proposed regulations and of the initial statement of reasons, and the information the proposal is based upon, from the Commission on POST at 1601 Alhambra Boulevard, Sacramento, CA 95816. These documents are also located on the POST website at: <http://www.post.ca.gov/RegulationNotices/RegulationNotices.asp>.

Availability and Location of the Rulemaking File and the Final Statement of Reasons

The rulemaking file contains all information upon which POST is basing this proposal and is available for public inspection by contacting the person(s) named above.

To request a copy of the Final Statement of Reasons once it has been prepared, submit a written request to the contact person(s) name above.