



Commission on Peace Officer Standards and Training

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

Date: July 4, 2008

Bulletin: No. 2008-08

Subject: Notice of Proposed Regulatory Action – Child Safety When a Caretaker Parent or Guardian is Arrested, Regulation 1081

In response to Penal Code §13517.7, the Commission on POST proposes to adopt course curriculum that addresses child safety when a caretaker parent or guardian is arrested. Added in 2006 by Senate Bill 1942 (Nava), Penal Code §13517.7 directs the Commission to develop guidelines and training for use by state and local law enforcement officers to include six topics in both the guidelines and the training. This proposal addresses only the course curriculum related to child safety when a caretaker parent or guardian is arrested.

The attached notice describes the proposed changes and includes an invitation for written input 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 Dave Spisak, Commission on POST, 1601 Alhambra Boulevard, Sacramento, CA 95816-7083, by email at Dave.Spisak@post.ca.gov, by telephone at 916.227.0539, or by FAX at 916.227.5271. Michael Hooper is the back-up contact person for this proposal. Michael is available by telephone at 916.227.2820, or by email at Michael.Hooper@post.ca.gov.

PAUL A. CAPPITELLI
Executive Director

Attachment: Notice of Proposed Regulatory Action

NOTICE OF PROPOSED REGULATORY ACTION
Regulation 1081
Child Safety When a Caretaker Parent or Guardian is Arrested

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 August 18, 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: Dave Spisak
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 for increasing the effectiveness of law enforcement, including programs involving training and education courses; and Penal Code §13517.7 which authorizes POST to develop guidelines and training for use by state and local law enforcement officers to address issues related to child safety when a caretaker parent or guardian is arrested.

Informative Digest/Policy Statement Overview

In response to Penal Code §13517.7, the Commission on POST proposes to adopt course curriculum that addresses child safety when a caretaker parent or guardian is arrested. Added in 2006 by Senate Bill 1942 (Nava), Penal Code §13517.7 directs the Commission to develop guidelines and training for use by state and local law enforcement officers to include six topics in both the guidelines and the training.

This proposal addresses only the course curriculum related to child safety when a caretaker parent or guardian is arrested.

POST worked closely with a diverse group of subject matter experts (SME) to develop the curriculum and the guidelines, and to produce a telecourse for comprehensive training on this topic. The SME group included involved stakeholders who represented law enforcement, county child welfare agencies, and child safety advocates. Upon completion, POST will distribute the telecourse to all California state and local law enforcement agencies, for use in training officers in addressing the issue of child safety when caretaker parent or guardian is arrested.

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The six topics specified for coverage in Penal Code §13517.7 have been included in the guidelines and in the course curriculum that is proposed for adoption in Regulation 1081 of the POST Administrative Manual (PAM). As a matter of routine practice, POST adopts legislative mandates in the appropriate regulations within PAM.

At its January 2008 meeting, the Commission approved the proposal to adopt the training curriculum, subject to successful completion of the rule making process. Adoption of the new curriculum requirements in POST regulation 1081 will comply with the legislative mandate to provide resources to local law enforcement for addressing child safety when a custodial parent or guardian is arrested.

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.

Effect on Housing Costs

None

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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:

Dave Spisak
Commission on POST
1601 Alhambra Boulevard
Sacramento, CA 95816-7083
916.227.0539 or Dave.Spisak@post.ca.gov
916.227.5271 (FAX)

or

Michael Hooper
Commission on POST
1601 Alhambra Boulevard
Sacramento, CA 95816-7083
916.227.2820 or Michael.Hooper@post.ca.gov

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.