



**Commission on Peace Officer Standards and Training**

860 Stillwater Road, Suite 100  
West Sacramento, CA 95605-1630  
[www.post.ca.gov](http://www.post.ca.gov)

Date: October 28, 2016

Bulletin: No. 2016-18

Subject: ***Notice of Proposed Regulatory Action – Amend Commission Regulations 1001, 1005, and 1008; Minimum Standards for Training, and Basic Course Waiver and Requalification Requirement – Jail Deputies***

At the June 23, 2016 meeting, the Commission approved proposed amendments to the POST Administrative Manual (PAM), Section B - Regulation sections 1001, 1005, and 1008, which upon approval of the Office of Administrative Law will implement the provisions of Assembly Bill (AB) 1168 *Peace Officers: Basic Training Requirements*.

Assembly Bill 1168 was signed by the Governor on August 13, 2015 and became effective on January 1, 2016. The bill amended Penal Code section 832.3 by adding two years to the requalification time period for sheriff's deputies (Jail Deputies) appointed to perform duties exclusively or initially relating to custodial assignments pursuant to Penal Code section 830.1(c).

The amended language provides a definition of jail deputy (JDEP), clarifies entry level and in-service training requirements, and adds an exception to the three-year requalification requirement for JDEPs under conditions specified by the legislation.

The attached notice describes the proposed changes, 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 <http://www.post.ca.gov/regulatory-actions.aspx>.

- POST Bulletin and Notice of Proposed Regulatory Action
- Text of Proposed Regulatory Action
- Initial Statement of Reasons
- Assembly Bill 1168

Questions regarding this proposed regulatory action may be directed to Valerie Tanguay, Commission on POST, 860 Stillwater Road, Suite 100, West Sacramento, CA 95605-1630 or at [valerie.tanguay@post.ca.gov](mailto:valerie.tanguay@post.ca.gov). General questions regarding the regulatory process may be directed to Brian Clark at [brian.clark@post.ca.gov](mailto:brian.clark@post.ca.gov), (916) 227-4847, or FAX (916) 227-5271.

MANUEL ALVAREZ, Jr.  
Executive Director

Attachment: Notice of Proposed Regulatory Action

**NOTICE OF PROPOSED REGULATORY ACTION**  
**Amend Definitions, Minimum Standards for Training, and Basic Course Waiver and**  
**Requalification Requirements – Jail Deputies**  
**Regulation(s) 1001, 1005, and 1008**

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Notice is hereby given that the Commission on Peace Officer Standards and Training (POST) proposes to amend regulations in Division 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 Section 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 December 12, 2016, 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:

Commission on POST  
Attention: Valerie Tanguay  
860 Stillwater Road, Suite 100  
West Sacramento, CA 95605-1630

**Authority and Reference**

This proposal is made pursuant to the authority vested by Penal Code Section 13503 (authority of the Commission on POST) and Penal Code Section 13506 (POST authority to adopt regulations). This proposal is intended to interpret, implement, and make specific Penal Code Section 13503(e), which authorizes POST to develop and implement programs to increase the effectiveness of law enforcement, including programs involving training and education courses.

**Informative Digest/Policy Statement Overview**

At the June 23, 2016 meeting, the Commission approved proposed amendments to the POST Administrative Manual (PAM), Section B – Regulations 1001 Definitions, 1005 Minimum Standards for Training and 1008 Basic Course Waiver and Requalification Requirement, which upon approval of the Office of Administrative Law will implement the provisions of Assembly Bill (AB) 1168 *Peace Officers: Basic Training Requirements*.

Assembly Bill 1168 was signed by the Governor on August 13, 2015 and became effective on January 1, 2016. The bill amended Penal Code section 832.3 by adding two years to the existing three year requalification time period (for a total of five years) for sheriff's deputies that have completed the Regular Basic Course and are appointed to perform duties exclusively or initially relating to custodial assignments pursuant to Penal Code section 830.1(c) (referred to as "Jail Deputies").

The proposed regulatory revisions are intended to make POST regulations consistent with the dictates of Penal Code sections 830.1(c) and 832.3 (including the amendments to section 832.3(e)(3) dictated by Assembly Bill 1168). The regulatory revisions create a definition for the Jail Deputy classification (Penal Code section 830.1(c), clarify entry level training requirements (Penal Code section 832.3(e)(2)), specify the type of training that meets the Continuing Professional Training (CPT) required for Jail Deputies and delineate the Jail Deputy requalification exemption requirements (Assembly Bill 1168).

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The specific benefits anticipated by the proposed changes to the regulations will be to provide clarity on the jail deputy classification and entry level and in-service training requirements, delineate the eligibility requirements for the jail deputy exemption from the three-year requalification requirement, and establish a retention period for written documentation of the basis for an exemption. This amendment will reduce delays by keeping the reassignment decision at the agency level (subject to review by the Commission). There would be no effect to benefits in regard to public health and safety, worker safety, or the environment, the prevention of discrimination, and the increase in openness and transparency in business and government.

During the process of developing these regulations and amendments, the Commission on Peace Officer Standards and Training has conducted a search of any similar regulations on this topic and has concluded that these regulations are neither inconsistent nor incompatible with existing State regulations.

**Adoption of Proposed Regulations**

Following 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 that the revised text is made available.

**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 Sections 17500 - 17630 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 not affect California businesses, including small businesses, because the Commission sets selection and training standards for law enforcement which does not impact California businesses, including small businesses.

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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.

#### **Results of Economic Impact Assessment per Gov. Code sec. 11346.3(b)**

The adoption of the proposed amendments of regulations will neither create nor eliminate jobs in the State of California, nor result in the elimination of existing businesses or create or expand businesses in the State of California.

The benefits of the proposed amendments of regulations to the health and welfare of California residents would be to provide a definition of the custodial peace officer (JDEP) classification, clarify entry level and in-service training requirements for JDEPs, and delineate the requirements to qualify for the Jail Deputy Exemption to the requalification requirement as specified in Assembly Bill 1168. There would be no impact that would affect worker safety or the State's environment.

#### **Consideration of Alternatives**

In accordance with Government Code section 11346.5, subdivision (a)(13), the Commission must determine that no reasonable alternative it considered, or that has otherwise been identified and brought to the attention of the Commission would be more effective in carrying out the purpose for which the action is proposed, would be as effective, and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provisions of the law.

#### **Contact Persons**

Questions regarding this proposed regulatory action may be directed to Valerie Tanguay, Commission on POST, 860 Stillwater Road, Suite 100, West Sacramento, CA 95605-1630, at [valerie.tanguay@post.ca.gov](mailto:valerie.tanguay@post.ca.gov) or (916) 227-0472. The backup contact is Jeff Dunn at [jeff.dunn@post.ca.gov](mailto:jeff.dunn@post.ca.gov) or (916) 227-4552. General questions regarding the regulatory process may be directed to Brian Clark at [brian.clark@post.ca.gov](mailto:brian.clark@post.ca.gov), (916) 227-4847, or FAX (916) 227-5271.

#### **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 Brian Clark at [brian.clark@post.ca.gov](mailto:brian.clark@post.ca.gov), (916) 227-4847, or FAX (916) 227-5271.

To request a copy of the Final Statement of Reasons once it has been approved, submit a written request to Brian Clark, Commission on POST, 860 Stillwater Road, Suite 100, West Sacramento, CA 95605-1630.

#### **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

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