



Commission on Peace Officer Standards and Training

860 Stillwater Road, Suite 100
West Sacramento, CA 95605-1630
www.post.ca.gov

Date: March 2, 2018

Bulletin: No. 2018-04

Subject: **Notice of Proposed Regulatory Action – Amend Commission Regulations 1005, 1007, 1008, and the Training and Testing Specifications for Peace Officer Basic Courses.**

At the February 08, 2018 meeting, the Commission approved proposed amendments to Commission Regulations 1005, 1007, 1008, and the Training and Testing Specifications for Peace Officer Basic Courses.

The proposed changes include:

- Discontinuing testing of Learning Domain 2 (Criminal Justice System)
- Discontinuing testing of Learning Domain 3 (Policing the Community)
- Discontinuing testing of Learning Domain 26 (Unusual Occurrences)
- Discontinuing testing of Learning Domain 31 (Custody)
- Discontinuing testing of Learning Domain 36 (Information Systems)
- Discontinuing testing of Learning Domain 43 (Emergency Management)

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](#).

- Text of Proposed Regulatory Action
- Initial Statement of Reasons
- Training and Testing Specifications for Peace Officer Basic Courses

Questions regarding this proposed regulatory action may be directed to Windy Kaiser, Commission on POST, 860 Stillwater Road, Suite 100, West Sacramento, CA 95605-1630 or at windy.kaiser@post.ca.gov, or (916) 227-4537. General questions regarding the regulatory process may be directed to Christy Correa at christy.correa@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
**POST Training and Testing Specifications for Peace Officer Basic Courses
Regulations 1005, 1007, and 1008**

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 by April 23, 2018, 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) 227-4547, or by letter to:

Commission on POST
Attention: Rulemaking
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

Penal Code § 832.3(b) requires that POST develop a testing program, to include standardized tests, which enables comparison between presenters of the training and assessment of trainee achievement.

On June 23, 2016, the Commission approved a more innovative methodology for testing. The required written tests changed from 24 Individual Learning Domain tests to three multi-dimensional Learning Objective tests to prepare students for scenario testing in the basic courses and subsequent field training.

At the May 2017 consortium, the POST Test Review Panel brought forward a recommendation to discontinue testing Learning Domains:

- 2 (Criminal Justice Systems)
- 3 (Policing the Community)
- 26 (Unusual Occurrences)
- 31 (Custody)
- 36 (Information Systems)
- 43 (Emergency Management)

The proposed regulations will eliminate the duplication of testing for these learning domain objectives while keeping existing, related learning objectives that will be evaluated through the multi-dimensional learning objective tests. The recommendation to eliminate these learning objectives from the written tests was based on several factors. The Test Review Panel looked at where objectives from these domains were covered elsewhere within the regular basic courses, and within the multi-dimensional Learning Objectives tests in more comprehensive vignettes, as well as

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scenario based testing and other required learning activities. Previously, these individual tested learning domains were merely knowledge based, and important objectives from these domains are covered extensively within the multi-dimensional Learning Objective tests. For example, objectives covered in Learning Domain 2 (Criminal Justice System) covering the 4th, 5th, 6th and 14th Amendments are thoroughly covered in educational objectives from Learning Domains 15 (Laws of Arrest) and 16 (Search and Seizure). There are one or more required learning activities for each of these domains throughout the regular basic courses, as well as several hours of classroom instruction.

The benefits anticipated by the proposed amendments to the regulations will be to ensure the tests administered in the basic courses adequately assesses student learning in the classroom, which will increase the effectiveness of law enforcement standards for peace officers in preserving peace, protection of public health and safety, and welfare of California.

During the process of developing these regulations and amendments, POST has conducted a search of any similar regulations on this topic and has concluded that these regulations are the only regulations concerning basic course testing. Therefore, the proposed regulations are neither inconsistent nor incompatible with existing state regulations.

Document Incorporated by Reference: *POST Training and Testing Specifications for Peace Officer Basic Courses July 1, 2018*

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 of California businesses to compete with businesses in other states. The Commission on Peace Officer Standards and

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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.

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 section 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 have successful students expected to perform at a level indicating readiness to enter a field training program after graduating from the basic course. There would be no impact that would affect worker safety or the State's environment.

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, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law than the proposed action.

Contact Persons

Questions regarding this proposed regulatory action may be directed to Windy Kaiser, Commission on POST, 860 Stillwater Road, Suite 100, West Sacramento, CA 95605-1630, at windy.kaiser@post.ca.gov, or (916) 227-4537. General questions regarding the regulatory process may be directed to Christy Correa at Christy.correa@post.ca.gov or (916) 227-4847.

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 860 Stillwater Road, Suite 100, West Sacramento, CA 95605-1630. These documents are also located on the POST Website at: <http://www.post.ca.gov/regulatory-actions.aspx>.

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 approved, submit a written request to the contact person(s) named above.

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