

INITIAL STATEMENT OF REASONS

Amend Minimum Standards for Training and Minimum Standards for Legislatively Mandated Courses

Regulations 1005 and 1081

At the October 22, 2015 meeting, the Commission approved proposed amendments to the POST Administrative Manual (PAM), Section B – Regulation 1005 Minimum Standards for Training and Regulation 1081 Minimum Standards for Legislatively Mandated Courses.

POST is proposing changes to expand Regulation 1005 to include Rifle and Shotgun Training and update Regulation 1081 by adding Long Barrel term to the language.

Justification for Proposed Revisions

Police officers who possess short and long barrel rifles and shotguns in the course of their duties are required by Penal Code and Commission Regulation 1081 to complete POST-certified courses of training in the use of these weapons. The training requirement was enacted by the Legislature by way of Senate Bill 359 and was effective July 1999.

The bill revised the exemption in Penal Code (PC) section 12020(b) that allows peace officers to possess short-barrel rifles and shotguns to complete a course in the use of these weapons, certified by POST, in order to possess them. PC section 12020(b) has since become PC section 33220(b).

A review of available courses in 1999, determined that there were no standardized courses that met this requirement. The shotgun training requirement could be met by completion of the Regular Basic Course, Module II of the Regular Basic Course – Modular Format, Reserve Module B, or the Specialized Investigator's Basic Course. Rifle training was not included in any of the above listed courses.

POST assembled a committee to assist in the development of the necessary course and the outcome was a two-part training course. The Part I course meets the training requirements to possess both long and short barrel shotguns, and the Part II course covers long and short barrel rifle training. Both courses are a minimum of 16 hours in length. The Commission approved the two-part training in October 1999.

There have been misunderstandings, or possible lack of knowledge, of rifle training by some agencies. Even though the course titles state "Long/Short Barrel", the interpretation is not clear because the Penal Code section cited in the title only listed short barrel rifles and shotguns and does not refer to the Commission requirement. In addition, the POST Bulletin No. 99-19 listed the training requirement for short barrel rifles and shotguns and only included the Penal Code section requirement. Another misunderstanding involves the Legislative Training Mandate Requirements on the POST Website which did not include the Commission requirements. Frequent staff changes within agencies, in particular training managers, has allowed the loss of knowledge on this requirement.

A number of steps have been taken by POST to enhance awareness of the legislative mandate and the Commission requirements. They include amending the Specialized Training Requirements segment in the Legislative Mandated Training requirements on the website; staff working with presenters to bring them into compliance; a standard statement, that better defines the training requirement being added to the course description for all rifle courses that meet the mandate; and a standardized course outline and hourly distribution being made available to agencies requesting to certify a 16-hour course(s). Additionally, Regulations 1005 and 1081 will be updated to more clearly define the training required for both long and short barrel rifles and shotguns.

POST will continue to review all currently certified courses to include analysis of the course outline, instructor resumes, hourly distribution, and other documentation to bring them into compliance.

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Priority will be given to requests for the certification of new rifle courses from agencies and training presenters.

Justification for Amendments to Regulation 1005 Minimum Standards for Training

Section B – Regulations

Regulation 1005. Minimum Standards for Training

[1005 (a) through 1005(h)(2) continued]

Added section (i) Rifle and Shotgun Training to the Regulations to clarify the requirements for training for long and short barrel rifle.

(i) Rifle and Shotgun Training

(1) Every peace officer shall satisfactorily complete the POST-certified 16 hour minimum Rifle Course in order to possess a long or short barrel rifle in the course and scope of their duties. Requirements for the Rifle Course are set forth in Regulation 1081.

(2) Every peace officer shall satisfactorily complete the POST-certified 16 hour minimum Shotgun Course or the Regular Basic Course - Standard Format, Regular Basic Course - Modular Format, Modules III and II, the Specialized Investigators' Basic Course, or Reserve Modules A, B, and C in order to possess a long or short barrel shotgun in the course and scope of their duties. Requirements for the Shotgun Course are set forth in Regulation 1081.

[PAM Section D-1-1.... Continued to end]

Authority cited: Sections 831.4, 12002(f), 12403.5, 13503, 13506, 13510, 13511.3, 13515, 13517.7, 13519(f), 13519.4, 13519.8, 13519.12, 13519.14 and 13778, Penal Code.

Reference: Sections 830.33, 832, 832.1, 832.2, 832.3, 832.6, 872(b), 12002(f), 12403, 12403.5, 13503(e), 13510, 13510.5, 13511.3, 13515, 13515.25, 13515.55, 13516, 13517, 13517.7, 13519, 13519(e), 13519.1, 13519.2, 13519.3, 13519.4, 13519.6, 13519.8, 13519.12, 13519.14 and 13778, Penal Code; Sections 40600 and 40802, Vehicle Code; Section 25755, Business and Professions Code; Section 1797.187, Health and Safety Code; and Section 14502, California Corporations Code.

Regulations 1081. Minimum Standards for Legislatively-Mandated Courses

[1081(a) through “Reserve Peace Officer” continued]

Delete “Part II –” as no longer applicable. Deleted “Long” which is added after “33220(b)”. Delete “***” because “**Prerequisite...” is no longer applicable. Added words “, Long Barrel, Commission Regulation 1005(i)]” to the end of the title to clarify the reference to the long barrel training requirement.

Rifle Course - ~~Part II~~ - 16 Hours [Long/Short Barrel, Penal Code section 33220(b)]**, Long Barrel, Commission Regulation 1005(i)]

- (1) Law Update
- (2) Review of Use of Force Issues, Agency Policies, and Mission
- (3) Safety Issues

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- (4) Nomenclature, Specifications, and Capabilities
- (5) Firearm Care, Breakdown, and Cleaning
- (6) Tactical Considerations
- (7) Skill Development and Qualification

Delete Prerequisite for the Rifle Course – Part II to allow for flexibility to include the training in the Regular Basic Course.

~~**Prerequisite: Completion of the Regular Basic Course – Standard Format, Regular Basic Course – Modular Format, Modules III and II, the Specialized Investigators' Basic Course, or Reserve Modules A, B, and C.~~

[**“Sexual Assault Investigation”** through **“Sexual Harassment”** continued]

Deleted “Part I -” as no longer applicable. Deleted “Long/” which is added after “33220(b)”. Moving “[*” to the end of the title. Added words “Long Barrel, Commission Regulation 1005(i)” to the end of the title to clarify the reference to the long barrel training requirement.

Shotgun Course – Part I–16 Hours [~~Long/Short Barrel, Penal Code section 33220(b)~~]*, Long Barrel, Commission Regulation 1005(i)*

- (1) Law Update
- (2) Review of Use of Force Issues, Agency Policies, and Mission
- (3) Safety Issues
- (4) Nomenclature, Specifications, and Capabilities
- (5) Firearm Care, Breakdown, and Cleaning
- (6) Tactical Considerations
- (7) Skill Development and Qualification

*This training requirement can be satisfied by completing the Regular Basic Course – Standard Format, Regular Basic Course – Modular Format, Modules III and II, the Specialized Investigators' Basic Course, or Reserve Modules A, B, and C which contained POST-certified shotgun training.

[**“Stalking Course”** continued to end]

Authority cited: Sections 831.4, 12002(f), 12403.5, 13503, 13506, 13510, 13511.3, 13515, 13517.7, 13519(f), 13519.4, 13519.8, 13519.12, 13519.14 and 13778, Penal Code.

Reference: Sections 830.33, 832, 832.1, 832.2, 832.3, 832.6, 872(b), 12002(f), 12403, 12403.5, 13503(e), 13510, 13510.5, 13511.3, 13515, 13515.25, 13515.55, 13516, 13517, 13517.7, 13519, 13519(e), 13519.1, 13519.2, 13519.3, 13519.4, 13519.6, 13519.8, 13519.12, 13519.14 and 13778, Penal Code; Sections 40600 and 40802, Vehicle Code; Section 25755, Business and Professions Code; Section 1797.187, Health and Safety Code; and Section 14502, California Corporations Code.

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 section 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.

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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 this proposed action.

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, 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.

Economic Impact Analysis

Impact of Jobs/New Business:

Because the Commission on Peace Officer Standards and Training sets selection and training standards for law enforcement, 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.

Assessment:

The adoption of the proposed amendments to the regulation will neither create nor eliminate jobs in the State of California. This will not result in the elimination, creation, or expansion of new or existing businesses in the State of California.

Benefits of the Regulation:

The benefits of the proposed amendments would add the long barrel training requirement to Regulation 1005. The revision of Regulation 1081 would provide better descriptions of both courses, eliminate prerequisite of completion of specified basic courses prior to attending the Rifle Course and provide a reference to the long barrel training requirement in Regulation 1005. Thus, the law enforcement standards are maintained and effective in preserving peace, protection of public health and safety; and welfare of California residents. The proposed amendments will not benefit the worker safety or the State's environment.