Commission on Peace Officer Standards and Training
1601 Alhambra Blvd
Sacramento, CA 95816-7083
www.post.ca.gov

Date: June 9, 2006

Bulletin: No. 2006 - 09

Subject: **Notice of Proposed Regulatory Action – Public Safety Communications Terrorism Training Courses- Regulations 1070, 1081, and 1082**

At its April 27, 2006 meeting, the Commission approved a proposal to amend Commission Regulations 1070, 1081, and 1082 to implement the requirements of Penal Code §13519.12, which requires POST to develop a training course addressing the responsibilities of first responders to terrorism incidents and a training course for instructors of the topic.

As a result, the eight-hour Public Safety Communications Terrorism Awareness Course (PSC-TAC) will become the standardized course for public safety communications personnel statewide. Instructors will be required to complete the 24-hour Public Safety Communications Terrorism Awareness Instructor Course (PSC-TAIC) prior to delivery or presentation of the 8-hour awareness course. The regulation amendments also identify the minimum curriculum content that must be included in both the awareness and instructor courses.

The documents listed below provide information about the proposed regulatory action and are 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.

Pursuant to provisions in the Administrative Procedures Act, the Commission invites written input on this proposal. POST must receive written comments related to the proposed actions no later than July 24, 2006.

No public hearing is scheduled. Pursuant to Government Code Section 11346.8, any interested persons or duly authorized representatives may request that POST hold a public hearing. POST must receive the written request for a public hearing no later than 15 days prior to the close of the public comment period.

Please direct any inquiries regarding this proposed regulatory action by mail to Patricia Cassidy, Commission on POST, 1601 Alhambra Boulevard, Sacramento, CA 95816-7083, by email at Pat.Cassidy@post.ca.gov, or by telephone at 916.227.4847. Donald Lane is the back-up contact person for this proposal; he is available by email at Donald.Lane@post.ca.gov, or by telephone at 916.227.3916.

KENNETH J. O'BRIEN
Executive Director

Attachment: Notice of Proposed Regulatory Action

NOTICE OF PROPOSED REGULATORY ACTION
Regulations 1070, 1081, and 1082
Public Safety Communications Terrorism Training Courses

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. This proposal is made pursuant to the authority vested by Penal Code §13503 - powers of the Commission on POST, and §13506 - Commission on POST authority to adopt regulations. This proposal is intended to interpret, implement, and make specific Penal Code §13503 (e) - Commission on POST authority to develop and implement programs to increase the effectiveness of law enforcement, including programs involving training and educations courses, §13519.12 - Commission on POST authority to establish training standards involving the responsibilities of first responders to terrorism incidents and training standards for related instruction.

Informative Digest/Policy Statement Overview

Senate Bill 1350 (McPherson), signed into law and enacted in Penal Code §13519.12, requires POST to:

1. Establish training standards for and develop a course of instruction to address the responsibilities of first responders to terrorism incidents that:

    - Includes criteria for the curriculum content recommended by the Emergency Response Training Advisory Committee (ERTAC).
    - Covers the training needs of peace officers at a managerial or supervisory level and below who are assigned to field duties.
    - Is developed in consultation with the Department of Justice and subject matter experts.

2. Use a variety of formats to develop a course of instruction to train trainers and first responders for the purpose of maximizing the availability and delivery of this training.

Therefore, POST has developed the eight-hour Public Safety Communications Terrorism Awareness Course (PSC-TAC) and the twenty-four hour Public Safety Communications Terrorism Awareness Instructor Course (PSC-TAIC). Both courses meet or exceed the content requirements identified in SB 1350 and the law enforcement tasks identified by the Office of Grants and Training (G&T). Approval for both courses was given by the POST Commission in April 2006. The courses have been approved by the federal Office of Grants and Training (G&T) as to conforming to federal training requirements for public safety communications personnel.

The proposed changes to Regulations 1070, 1081, and 1082 would:

- Provide standardized delivery of first responder to terrorism training statewide
- Require instructors to complete the POST-certified twenty-four-hour trainer course prior to the delivery or presentation of the eight-hour awareness course
- Specify the curriculum content for both courses.

As indicated in Penal Code §13519.12, each law enforcement agency executive may determine the members of their agency to receive the emergency response to terrorism incidents training. The persons to be trained may include, but are not limited to, peace officers who perform general law enforcement duties at a managerial or supervisory level or below and who are assigned to field duties. Public Safety communications personnel are part of the emergency response system in California and need to be trained in many of the core elements of the training received by their sworn counterparts. Federal training requirements and tasks for communications personnel are included in the Federal Training Plan.

Public Comment

The Commission hereby requests written comments on the proposed actions. POST must receive all written comments no later than 5:00 p.m. on July 24, 2006. Please direct any written comments to Kenneth J. O'Brien, Executive Director, Commission on Peace Officer Standards and Training, 1601 Alhambra Boulevard, Sacramento, CA 95816-7083, or by fax at 916.227.2801.

A public hearing is not scheduled. Pursuant to Government Code Section 11346.8, any interested person or his or her duly authorized representative may request that a public hearing be held. The request must be in writing and received by POST no later than 15 days prior to the close of the public comment period.

Adoption of Proposed Regulations

Following the close of 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 on which the revised text is made available.

Text of Proposal, Rulemaking File, and Internet Access

Information regarding the proposed regulatory action can be found on the POST website at www.post.ca.gov/RegulationNotices/RegulationNotices.asp as follows:

- POST bulletin and Notice of Proposed Regulatory Action
- Text of Proposed Regulatory Action
- Initial Statement of Reasons.

Anyone who does not have Internet access may request a copy of the documents listed above by calling 916.227.4847 or by submitting a written request to the contact person listed below. Please refer to POST Bulletin 2006-09**.** The rulemaking file contains the above-mentioned documents and all information upon which this proposal is based. The file will be maintained for inspection during the Commission's normal business hours (Monday through Friday, 8 a.m. to 5 p.m.).

The Final Statement of Reasons will be prepared after the close of the public comment period. A copy may be requested via the above phone number, or by writing to the address under Contact Persons at the end of this notice, or by viewing the document on the POST website at the address cited above.

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 Section 17561 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 have no affect on California businesses, including small businesses, because the Commission sets selection and training standards for law enforcement and 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 affect on housing costs.

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, or would be as effective as and less burdensome to affected private persons than the proposed action.

Contact Persons

Please direct any inquiries or comments pertaining to the proposed action to Patricia Cassidy, Associate Analyst, 1601 Alhambra Boulevard, Sacramento, CA 95816-7083, by telephone at 916.227.4847, by FAX at 916.227.5271, or by email at Pat.Cassidy@post.ca.gov. The back-up contact person for this proposal is Donald Lane, Senior Consultant, Homeland Security Training Program at POST. He may be reached by telephone at 916.227.3916, or by email at Donald.Lane@post.ca.gov.