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

Date: September 28, 2010

Bulletin: No. 2010-11

Subject: **Notice of Proposed Regulatory Action –** *Amend Regulations 1005, 1060, and Procedure D-2-3* to Grant Continuing Professional Training Credit for Verifying Successful Completion of Specified Non-POST-Certified Course.

At the February 25, 2010 meeting, the Commission approved proposed amendments to the POST Administrative Manual (PAM), Section B – Regulations 1005, 1060, and Procedure D-2-3. POST is proposing to allow Continuing Professional Training (CPT) Credit for Verifying Successful Completion of specified Non-POST-Certified course(s). In addition, proposed amendments to POST form 2-213, POST Non-Certified Training Notification, will allow trainees to request CPT credit for this non-POST-certified training. The Commission approved the proposed amendments subject to the results of the Notice of Proposed Regulatory Action and approval by the Office of Administrative Law.

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 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.

Please direct inquiries about this proposed regulatory action to Ken Whitman, Commission on POST, 1601 Alhambra Boulevard, Sacramento, CA 95816-7083, by email at Ken.Whitman@post.ca.gov, or by telephone at (916) 227-5561. Patti Kaida is the contact person for questions on the regulatory process. Ms. Kaida is available by email at Patti.Kaida@post.ca.gov, by telephone at (916) 227-4847, or by FAX at (916) 227-5271.

PAUL A. CAPPITELLI
Executive Director

Attachment: Notice of Proposed Regulatory Action

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 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 November 15, 2010, 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: Rulemaking
1601 Alhambra Boulevard
Sacramento, CA 95816-7081

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 present, POST recognizes specific non-certified training courses presented out-of-state and by out-of-state training providers in California for the purposes of satisfying the Continuing Professional Training (CPT) requirement. These specified courses are identified on the POST Non-Certified Training Notification form, POST-2-213, and in Procedure D-2-3.

This proposal would amend Commission Procedure D-2-3 and POST Form 2-213 to permit successful completion of additional non-POST-certified courses solely to satisfy the Continuing Professional Training (CPT) requirement. These courses would remain non-reimbursable by POST and limited solely to satisfying CPT requirements. Regulations 1005 and 1060 would be amended to reflect the proposed revision dates. Each attendee who successfully completes any of the courses would receive credit towards meeting the CPT requirement in addition to completing important job-related training.

The proposed amendments add language to include specified training courses to the Alternative Method of Satisfying CPT requirements. There are also non-substantive changes to reflect correct presenter and course information and for clarity, consistency, and correct grammar. Form 2-213 has been revised to include all of the approved information and grammatical changes.

Various non-POST-certified training courses available to California peace officers over the past three decades have addressed highly critical and specialized training needs. They have advanced the professionalism of law enforcement, improved officer safety, and provided contemporary insight and solutions to the challenges and issues confronting law enforcement today.

Documentation of training is crucial for law enforcement personnel. The proposed amendments give POST the ability to document the successful completion of these training courses in a central database, recognizes the quality training programs that have been presented, and provides an administrative process by which to submit documentation and receive credit towards the CPT requirements.

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.

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.

Affect 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 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.

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 inquiries about this proposed regulatory action to Ken Whitman, Commission on POST, 1601 Alhambra Boulevard, Sacramento, CA 95816-7083, by email at Ken.Whitman@post.ca.gov, or by telephone at (916) 227-5561. Patti Kaida is the contact person for questions on the regulatory process. Patti is available by email at Patti.Kaida@post.ca.gov, by telephone at (916) 227-4847, or by FAX at (916) 227-5271.

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/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.