



**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: March 15, 2016

Bulletin: No. 2016-05

Subject: **Notice of Proposed Regulatory Action – Approve Forms, POST Approved Training Application 2-229, Request for Reissuance of POST Certificate 2-250, and Certificate Application – Reserve Peace Officer 2-256 Cited in Regulations 1004 and 1011**

At the February 25, 2016 meeting, the Commission approved proposed forms POST Approved Training Application 2-229, Request for Reissuance of POST Certificate 2-250, and Certificate Application – Reserve Peace Officer 2-256.

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

Questions regarding this proposed regulatory action may be directed to Patti Kaida, Commission on POST, 860 Stillwater Road, Suite 100, West Sacramento, CA 95605-1630 or at [patti.kaida@post.ca.gov](mailto:patti.kaida@post.ca.gov). General questions regarding the regulatory process may be directed to Patti Kaida at [patti.kaida@post.ca.gov](mailto:patti.kaida@post.ca.gov), (916) 227-4847, or FAX (916) 227-5271.

ROBERT A. STRESAK  
Executive Director

Attachment: Notice of Proposed Regulatory Action

NOTICE OF PROPOSED REGULATORY ACTION  
**POST Approved Training Application 2-229, Request for Reissuance of POST Certificate 2-250, and Certificate Application – Reserve Peace Officer 2-256 Regulations 1014 and 1011**

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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 by May 9, 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: 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**

While reviewing forms cited in POST regulations, it was found that a form had failed to reach the Commission for approval. Because of this, the Office of Administrative Law (OAL) considers this a new form which requires Commission approval prior to resubmission to OAL. This search led to a full review of forms found in POST Regulations. Out of 14 forms cited, three were found in need of Commission approval. These are the forms that were approved by the Commission, *POST Approved Training Application 2-229, Request for Reissuance of POST Certificate 2-250, and Certificate Application – Reserve Peace Officer 2-256*; cited in Regulations 1004 and 1011.

Penal Code §13503(e) requires POST to develop and implement programs to increase the effectiveness of law enforcement. Penal Code §13510 requires that POST establish rules for minimum training standards for peace officers. Current regulations require any department which employs peace officers and/or Level I Reserve peace officers to have a POST-approved Field Training Program. Request for approval of a department's Field Training program or a request for an exemption shall be submitted on a *POST-Approved Field Training Program (FTP) or Police Training Program (PTP) Application, POST 2-229 (12/2012)*. Under Regulation 1011 Certificates, a reserve peace officer applicant (or and applicant's employing department) shall submit a completed *Certificate Application – Reserve Peace Officer, POST 2-256 (10/2010)* to apply for a certificate. This form ensures a reserve peace officer meets the education and training requirements which will benefit public safety. Individuals who have lost or misplaced a professional certificate or who possess a damaged professional certificate may request a replacement and shall submit a *Request for Reissuance of POST Certificate, POST 2-250 (06/2014)*. The proposed action will incorporate by reference the three forms into regulations. The Commission has approved these forms which

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provide the information to meet regulation requirements for the field training program and certificates. The forms provide certification of a department's or individual's adherence to regulation requirements which will lead to officers who will be able to better protect California's citizens. The Commission is now taking it through the formal rulemaking process.

The specific benefits anticipated by the proposed changes to the regulations will be to provide better trained peace officer to protect and serve the public. This will also allow the three forms to continue towards the approval process by the Office of Administrative Law. There would be no effect to benefits in regard to worker safety, 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.

**Forms Incorporated by Reference**

- Attachment B - POST-Approved Field Training Program (FTP) or Police Training Program (PTP) Application, POST 2-229 (12/2012)
- Attachment C - Request for Reissuance of POST Certificate, POST 2-250 (06/2014)
- Attachment D - Certificate Application – Reserve Peace Officer, POST 2-256 (10/2010).

**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

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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 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 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 ensure minimum approval requirements for a department's Field Training Program and to certify reserve peace officers have the necessary education and training to effectively perform their duties. The proposed amendments will providing better trained peace officers to protect and serve the public. 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 Patti Kaida, Commission on POST, 860 Stillwater Road, Suite 100, West Sacramento, CA 95605-1630, at [patti.kaida@post.ca.gov](mailto:patti.kaida@post.ca.gov), or (916) 227-4847. The backup contact is Darla Engler at [darla.engler@post.ca.gov](mailto:darla.engler@post.ca.gov) or (916) 227-3907. General questions regarding the regulatory process may be directed to Patti Kaida at [patti.kaida@post.ca.gov](mailto:patti.kaida@post.ca.gov), (916) 227-4847, or FAX (916) 227-5271.

**Availability and Location of the Rulemaking File and the Final Statement of Reasons**

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Certificate 2-250, and Certificate Application – Reserve Peace Officer 2-256  
Regulations 1014 and 1011**

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The rulemaking file contains all information upon which POST is basing this proposal and is available for public inspection by contacting Patti Kaida at [patti.kaida@post.ca.gov](mailto:patti.kaida@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 Patti Kaida, 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 POST, 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>.