Commission on Peace Officer Standards and Training
860 Stillwater Road, Suite 100
West Sacramento, CA 95605-1630
www.post.ca.gov

Date: April 24, 2017

Bulletin: No. 2017- 20

Subject: **Update to Field Training Officer Course and the Field Training**

On November 22, 2016, the Office of Administrative Law approved the attached changes to Commission Regulation 1005, amending the Field Training Program Minimum Content, and Field Training Officer Course Minimum Requirements, incorporated by reference into POST Regulation 1005.

The revisions include making updates to the Field Training Program Minimum Content, and Field Training Officer Course Minimum Requirements per Senate Bill 29 (Beall). The approved text is available on the POST Website.

Questions regarding this revision may be directed to Philip Caporale at (916) 227-3915 or Philip.Caporale@post.ca.gov.

MANUEL ALVAREZ, JR.
Executive Director

State of California
Office of Administrative Law

In re: **Commission on Peace Officer Standards and Training**	**NOTICE OF APPROVAL OF REGULATORY ACTION**
Regulatory Action:	**Government Code Section 11349.3**
Title 11, California Code of Regulations	**OAL Matter Number: 2016-1011-04**
Adopt sections: **Amend sections: 1005** **Repeal sections:**	**OAL Matter Type: Regular (S)**

This regulatory action by the Commission on Peace Officer Standards and Training amends section 1005 of title 11 of the California Code of Regulations to include new training officer course curriculum requirements regarding interaction with persons with mental illness or intellectual disability.

OAL approves this regulatory action pursuant to section 11349.3 of the Government Code. This regulatory action becomes effective on 11/22/2016.

Date: November 22, 2016

Eric Partington
Senior Attorney

For: Debra M. Cornez
Director

Original: Manuel Alvarez, Jr.
Copy: Phil Caporale

Scott (Bc) has file

STATE OF CALIFORNIA
DEPARTMENT OF JUSTICE

EDMUND G. BROWN JR., *Governor*
KAMALA D. HARRIS, *Attorney General*

Commission on Peace Officer Standards and Training
860 Stillwater Road, Suite 100
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OAL approval 11/22/16

- need Approval Notice from OAL
- " Info. Bulletin

Date: August 25, 2016

Bulletin: No. 2016-17

Subject: **Notice of Proposed Regulatory Action – *Field Training Officer Course and the Field Training Program,* Regulation 1005 and Commission Procedure D-13**

At the February 25, 2016 meeting, the Commission approved proposed amendments to the Field Training program Minimum Content Requirements and the Field Training Officer Course Minimum Requirements, incorporated by reference into POST Regulations 1005.

The proposed changes include making updates to the Field Training Program and Field Training Officer Course Minimum Requirements as per Senate Bill 29 (Beall).

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 at 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 Phil Caporale, Commission on POST, 860 Stillwater Road, Suite 100, West Sacramento, CA 95605-1630, by email at philip.caporale@post.ca.gov, by telephone at (916) 227-3915, or by FAX at (916) 227-6932. General questions regarding the regulatory process may be directed to Brian Clark at (916) 227-4847, brian.clark@post.ca.gov, or by FAX at (916) 227-4547.

STEPHANIE C. SCOFIELD
Interim Executive Director

Attachment: Notice of Proposed Regulatory Action

NOTICE OF PROPOSED REGULATORY ACTION
Amend and Update the Field Training Officer Course and Field Training Program, Regulation 1005 and Commission Procedure D-13

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 §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 October 10, 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) 227-6932 or by letter to:

Commission on POST
Attn: Phil Caporale
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 §13503 (authority of Commission on POST) and Penal Code §13506 (POST authority to adopt regulations). This proposal is intended to interpret, implement, and make specific Penal Code §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

On October 3, 2015, Governor Brown, signed into law Senate Bill 29 (Beall), which mandated additional mental health response training for law enforcement officers.

Senate Bill 29 added Penal Code § 13515.29, requiring POST to include at least four hours of instruction on how to interact with person with mental illness or intellectual disability to the existing 40-hour Field Training Officer (FTO) course. The new mandate requires that the training address how to interact with persons having a mental illness or intellectual disability, including at least four hours of classroom instruction and instructor-led active learning, such as scenario-based training, which shall address issues related to stigma, and shall be culturally relevant and appropriate. The proposed additions to Commission Procedure D-13-4 will make the FTO course compliant with the requirements of Penal Code § 13515.29

Senate Bill 29 also added Penal Code § 13515.295, requiring POST to conduct a review and evaluation of the required competencies of the Field Training Program (FTP) and Police Training Program (PTP) to identify areas where additional training is necessary to better prepare law enforcement officers to effectively address incidents involving persons with mental illness or intellectual disability. The proposed additions to Procedure D-13-3 will effectuate the requirements of Penal Code § 13515.295 by requiring training for effectively addressing incidents involving persons with a mental illness or intellectual disability.

The proposed revision to Regulation 1005 revises the effective date of Commission Procedure D-13 for historical accuracy and to ensure that obsolete editions are not utilized.

The benefit anticipated by the proposed amendments to the regulations will be to update course content for the Field Training Program and the Police Training Program, 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 neither inconsistent nor incompatible with existing state regulations.

All changes to curriculum begin with recommendations from law enforcement practitioners or in some cases via legislative mandates. POST then facilitates meetings attended by curriculum advisors and subject matter experts who provide recommended changes to existing curriculum. The completed work of all committees is presented to the POST Commission for final review and adoption. Upon adoption of the proposed amendments, course presenters will be required to teach and test the updated curriculum. The proposed effective date is November 23, 2016.

Document Incorporated by Reference

Commission Procedure D-13 (revised 11-23-16)

Adoption of Proposed Regulations

Following the public comment period, the Commission may adopt the proposal substantially as set forth without further notice, or may modify the proposal if such modifications remain sufficiently related to the text as described in the Informative Digests. 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 Affecting Government Code § 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 regulations would have no affect on housing costs.

Results of Economic Impact Assessment per Government Code § 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 proposed amendments of the regulations will increase the effectiveness of law enforcement standards for peace officers in preserving peace, protection of public health and safety, and welfare of California. Additionally, the proposed amendments make the regulations compliant with Penal Code § 13515.29 and § 13515.295. There would be no impact that would affect worker safety or the state's environment.

Cost Impact on Representative Private Persons or Businesses

The Commission is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

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 Commission, would be more effective in carrying out the purpose for which the action is proposed; or 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 provision of law than the proposed action.

Contact Person

Questions regarding this proposed regulatory action may be directed to Phil Caporale, Commission on POST, 860 Stillwater Road, Suite 100, West Sacramento, CA 95605-1630, at philip.caporale@post.ca.gov, or (916) 227-3915. The alternate contact is Scott Loggins at (916) 227-4261. General questions regarding the regulatory process may be directed to Brian Clark at brian.clark@post.ca.gov, (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 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 prepared, submit a written request to the contact person(s) named above.