



Commission on Peace Officer Standards and Training

860 Stillwater Road, Suite 100
West Sacramento, CA 95605-1630
www.post.ca.gov

Date: March 16, 2018

Bulletin: No. 2018-05

Subject: **Notice of Proposed Regulatory Action – Amendment to Supervisory and Management Course requirements - POST Regulation 1005**

At the October 26, 2017 meeting, the Commission approved a proposed amendment to Regulation 1005.

The proposal to amend regulation 1005(b) and (c) provides clarification to the language in regard to the timelines for attending the Supervisory and Management courses, making the original intent of the regulation timelines more easily understood to ensure the regulation interpretation is consistent with the values of the law enforcement profession and community expectations of peace officers.

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](#).

- 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 Melissa Bell, Commission on POST, 860 Stillwater Road, Suite 100, West Sacramento, CA 95605-1630. The backup contact is Christy Correa at (916) 227-4847. General questions regarding the regulatory process may be directed to Christy Correa at Christy.correa@post.ca.gov or (916) 227-4847.

MANUEL ALVAREZ, JR.
Executive Director

Attachment: Notice of Proposed Regulatory Action

NOTICE OF PROPOSED REGULATORY ACTION

Amendment to the Supervisory and Management Course Requirements

Regulation 1005

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 April 30, 2018, 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) 227-4547 or emailing them to Melissa.bell@post.ca.gov or by letter:

Commission on POST
Attention: Melissa Bell
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

At the October 26, 2017 meeting, the Commission approved a proposed amendment to POST Regulation 1005 to amend the regulatory language to reflect current practice with respect to evaluation of Regulation 1005(b) and (c), and to ensure the regulation interpretation is consistent with the values of the law enforcement profession and community expectations of peace officers, which, upon approval of the Office of Administrative Law, will become effective July 1, 2018.

Current regulations specify that peace officers being promoted to supervisor or manager complete the required respective course “prior to promotion or within 12 months after the initial promotion...” As such, the regulation sections have been misconstrued causing some agency training personnel to believe that peace officers may attend the supervisor or management course at any time prior to the promotion, or within 12 months after it. The result of the misinterpretation is that some agencies are sending peace officer promotional candidates to the courses several years prior to the officers actually being promoted. The proposed regulatory revisions are intended to clarify the language of POST Regulation 1005 (b) and (c) related to the timelines for attending the Supervisory and Management courses, making the original intent of the regulation timelines more easily understood and reducing future misinterpretations. These proposed changes will also ensure that the required supervisory and managerial training is contemporaneous to the officers’ promotions.

The specific benefits anticipated by the proposed changes to the regulation will maximize adult learning concepts due to the timely delivery of information, allowing the promoted officer an increased opportunity to realize the nexus between the training concepts and the actual

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assignment, better preparing him/her to put the training concepts into action. Peace officers promoted well after taking such training may not have the opportunity to incorporate the training into their daily activities due to lack of immediate exposure to experiences and situations where the training concepts can be of use. Timely delivery of course information can better enhance an officer's transition to supervisor or manager. This amendment will allow staff to efficiently meet the needs of POST agencies and stakeholders by clearly defining the timeline requirements for completion of the Supervisory and Management courses.

The benefits of the proposed amendments of regulations to the health and welfare of California residents would be to provide a better process for the newly promoted officers. Thus, the law enforcement standards are maintained and effective in preserving peace, protection of public health, safety, and welfare in California. There would be no impact that would affect worker safety or the State's environment.

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.

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.

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 business, 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 do not impact 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 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 Section 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 provide a better process for the newly promoted officers. Thus, the law enforcement standards are maintained and effective in preserving peace, protection of public health, safety, and welfare in California. 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), to take this action the Commission must determine that no reasonable alternative it considered by the Commission, 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, 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 provisions of the law.

Availability of Modified Text

Following the written comment period, and the hearing if one is held, the department may adopt the proposed regulations substantially as described in this notice. If modifications are made which are sufficiently related to the originally proposed text, the fully modified text of this regulation, with changes clearly indicated, pursuant to Section 11346.8, shall be made available to the public for at least 15 days prior to the date on which the department adopts, amends, or repeals the resulting regulations. Requests for copies of any modified regulations should be addressed to the department contact person in this notice. The department will accept written comment on the modified regulation for 15 days after the date on which they're first made available to the public.

Contact Persons

Questions regarding this proposed regulatory action may be directed to Melissa Bell, Analyst at Commission on POST, 860 Stillwater Road, Suite 100, West Sacramento, CA 95605-1630, or by email at Melissa.bell@post.ca.gov, or (916) 227-5426. The alternate contact is Christy Correa, Analyst at Commission on POST, at Christy.correa@post.ca.gov, or (916) 227-4847.

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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>.

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 Christy Correa at christy.correa@post.ca.gov, or by phone at (916) 227-4847.

To request a copy of the Final Statement of Reasons once it has been prepared, submit a written request to:

Christy Correa, Commission on POST, 860 Stillwater Road, Suite 100, West Sacramento, CA 95605-1630.