



Commission on Peace Officer Standards and Training

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

Date: May 1, 2018

Bulletin: No. 2018-12

Subject: **Notice of Proposed Regulatory Action** – Amend Investigation and Trial Preparation Course, Commission Procedure D – 14, and Regulations 1005 and 1015

At the February 8, 2018 meeting, the Commission approved proposed amendments to Commission Procedure D – 14, Regulation 1005 and 1015 to reflect changes to specifications for the Investigation and Trial Preparation Course to ensure the training provided contemporary training to the generalist populations of District Attorney Investigators. The changes and realignment of the training resulted in a recommendation to reduce course from 80 hours to 40 hours.

The amended language provides clarification to the training required for District Attorney Investigators and will be renamed to District Attorney Investigator Transition Course to provide a smooth transition to specialized criminal investigation covered in the existing Robert Presley Institute of Criminal Investigation.

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 Janna Munk, Commission on POST, 860 Stillwater Road, Suite 100, West Sacramento, CA 95605-1630 or at Janna.Munk@post.ca.gov. 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
Amend Investigation and Trial Preparation Course
PAM Procedure D-14, and
Regulations 1005 and 1015

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 July 2, 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 emailing them to Janna.Munk@post.ca.gov or by letter to:

Commission on POST
Attention: Janna Munk
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 February 8, 2018 meeting, the Commission approved a proposal to amend Commission Procedure D -14 and Regulations 1005 and 1015, modifying the regulatory language to better serve and educate incoming District Attorney Investigators. All changes to Regulations begin with recommendations from law enforcement practitioners/course presenters, along with recommendations from POST staff to eliminate outdated content and assist with recruitment of new hires without prior investigative experience. Evaluation of the 80-hour course revealed the existing course was too long and repetitive for seasoned investigators.

Conversely, the existing course was identified as being too short and lacking in sufficient depth for new investigators. Upon review a new strategy was adopted to create a course specifically addressing the needs of District Attorney (DA) Investigators. Learning Domains essential to the performance of all newly appointed DA Investigators were reviewed, retained, updated and reorganized.

Current laws provide for an 80-hour course for training in investigation and Trial Preparation Course for District Attorney (DA) Investigators. This proposed regulation would amend this course to provide for updated training in the various areas investigators will need in the performance of their jobs, such as, Crimes Committed by Public Officials, Officer Involved Incident Investigations, and Trial Preparation and DA specific Investigations, etc.

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The specific benefits anticipated by the proposed changes to the regulation will bring regulations into alignment with current practices, and to allow the needs of POST agencies and stakeholders to be met.

There would be no effect to benefits in regard to public health and safety, worker safety, or 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. The proposed changes, when approved, will go into effect October 1, 2018.

Documents Incorporated by Reference: D-14 – Commission Procedures: District Attorney Investigator Transition Course, October 1, 2018.

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 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 does 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 proposed regulations would benefit the health and welfare of California residents because the new course for DA Investigators would lead to better trained law enforcement officials which ultimately benefits the welfare and safety for California residents.

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 Janna Munk, Bureau Chief, at Commission on POST, 860 Stillwater Road, Suite 100, West Sacramento, CA 95605-1630, or by email at Janna.Munk@post.ca.gov or at (916) 227-4829. General questions regarding the regulatory process may be directed to Christy Correa (916) 227-4847.

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.

Text of Proposal

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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>.