



Commission on Peace Officer Standards and Training

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

Date: July 12, 2019

Bulletin: 2019-21

Subject: **Notice of Proposed Regulatory Action – Amend Commission Regulation 1052 Requirements for Course Certification**

Commission Regulation 1052 requires that presenters of POST-certified courses involving manipulative skills training implement a formal written safety policy. Presenters are referred to the *POST Guidelines for Student Safety in Certified Courses 2007*, incorporated in the regulation by reference, for clarification and requirements.

The [POST Guidelines for Student Safety in Certified Courses](#) were originally published in 1992 and last revised in 2007. POST staff recently completed a comprehensive update and revision of these guidelines, producing the [POST Guidelines for Student Safety in Certified Courses 2019](#).

The proposed changes to Commission Regulation 1052 will replace all reference to the *POST Guidelines for Student Safety in Certified Courses 2007* with *POST Guidelines for Student Safety in Certified Courses 2019*. This will ensure that presenters of POST-certified courses involving manipulative skills training are referring to the current version of the *POST Guidelines for Student Safety in Certified Courses* when preparing their formal written safety policies.

The attached notice includes the proposed changes, 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 [Robert “R.C.” Smith](#), Commission on POST, 860 Stillwater Road, Suite 100, West Sacramento, CA 95605, at (916) 227-4864. General questions regarding the regulatory process may be directed to [Heidi Hernandez](#) at (916) 227-4261.

MANUEL ALVAREZ, JR.
Executive Director

MA:rcs
Attachment: Notice of Proposed Regulatory Action

NOTICE OF PROPOSED REGULATORY ACTION

Amend Commission Regulation 1052 – Requirements for Course Certification

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 August 26, 2019

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, by email to [Robert "RC" Smith](mailto:Robert@RC.Smith), or by letter to:

Commission on POST
Attn: Robert "R.C." Smith
860 Stillwater Road, Suite 100
West Sacramento, CA 95605-1630
RC.Smith@post.ca.gov

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

Commission Regulation 1052 requires that presenters of POST-certified courses involving the manipulative skills training implement a formal written safety policy. Presenters are referred to the *POST Guidelines for Student Safety in Certified Courses 2007*, incorporated in the regulation by reference, for clarification and requirements.

The *POST Guidelines for Student Safety in Certified Courses* were originally published in 1992 and last revised in 2007. POST staff recently completed a comprehensive update and revision of these guidelines, producing the *POST Guidelines for Student Safety in Certified Courses 2019*. This revised edition is the collective effort of fourteen POST Consultants who worked to integrate feedback obtained from a POST survey regarding the safety guidelines (with a total of 129 respondents) as well as the on-going input POST receives from presenters and instructors on a regular basis. A draft of this document was then submitted to various course presenters, including the membership of the California Academy Directors Association, for their review and comment.

The guidelines have been revised to include:

- A restructured format that is more "user friendly"
- The elimination of duplicative information from chapter to chapter
- Updated statutory and regulatory references
- An added chapter on Unmanned Aerial Vehicles training
- An "Assessing Instructor-to-Student Ratios" guide
- Sample safety policies for Arrest & Control, Firearms, and Driver Training courses

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The proposed changes in Regulation 1052 will replace all reference to the *POST Guidelines for Student Safety in Certified Courses 2007 with POST Guidelines for Student Safety in Certified Courses 2019*. This will ensure that presenters of POST-certified courses involving manipulative skills training are referring to the current version of the *POST Guidelines for Student Safety in Certified Courses when preparing their formal written safety policy*.

The Commission has determined that this proposed regulation change is not inconsistent or incompatible with existing regulations. After conducting a review for any regulations that would relate to or affect this area, the Commission has concluded that these are the only regulations that concern the Guidelines for Student Safety in Certified Courses 2019.

Anticipated Benefits

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. There would be no impact that would affect worker safety or the state's environment.

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 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.

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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 regulations would have no effect 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. There would be no impact that would affect worker safety or the state's environment.

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 [Robert "RC" Smith](#), Commission on POST, 860 Stillwater Road, Suite 100, West Sacramento, CA 95605-1630 at (916) 227-4864. General questions regarding the regulatory process may be directed to [Heidi Hernandez](#) at (916) 227-4261.

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](#).

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 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 named above.