



Commission on Peace Officer Standards and Training

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

Date: August 21, 2019

Bulletin: No. 2019-27

Subject: **Notice of Proposed Regulatory Action – Regulations 1005, 1007, and Commission Procedure D-1**

At the May 30, 2019 meeting, the Commission approved proposed amendments to Training Procedures - Section D – Commission Procedure D-1 for RBC, Module I, SIBC, and Requalification, incorporated by reference into POST Regulations 1005 and 1007.

The proposed changes involve making updates to curriculum as part of an ongoing review and updates to the incorporation by reference statements in Sections 1005, 1007, and Commission Procedure D-1.

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 [Steve Harding](#), Commission on POST, 860 Stillwater Road, Suite 100, West Sacramento, CA 95605-1630, by telephone at (916) 227-2816. General questions regarding the regulatory process may be directed to [Heidi Hernandez](#) at (916) 227-4261.

MANUEL ALVAREZ, JR.
Executive Director

MA:sh

NOTICE OF PROPOSED REGULATORY ACTION
Amend and Update the Training Procedures Section D - Commission Procedure D-1for
Peace Officer Basic Courses
Regulations 1005, 1007, and Commission Procedure D-1

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 21, 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) 227-6932, by email to [Steve Harding](mailto:Steve.Harding@post.ca.gov), or by letter to:

Commission on POST
Attn: Steve Harding
860 Stillwater Road, Suite 100
West Sacramento, CA 95605-1630
Steve.Harding@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

As part of an ongoing process, staff reviews regulations and procedures related to basic courses to determine if revisions are necessary.

Basic Course presenters provide training and testing to numerous trainees. Many of the trainees are attending a Basic Course administered by a presenter that is not their employing agency. Currently, the course presenters are not required to notify the employing agencies when a trainee fails a POST mandated test. A trainee's agency should have the opportunity to provide remedial training or counseling to a trainee prior to the presenter administering the retest. Thus, POST recommends regulation requiring presenters to notify a trainee's employing agency prior to the presenter administering a retest.

Additionally, the Basic Training Bureau has experienced situations when presenters have administered POST mandated tests and had numerous initial test failures. The presenter then conducted remedial training and administered a retest. At the conclusion of the retest an unusually high number of students have failed the retest, therefore being dismissed from a Basic Course. There have been incidents where it has later been determined the presenter has not administered the test appropriately. Had the presenter contacted the Basic Training Bureau after the initial test failure, POST could have potentially determined the test was not administered properly and invalidated the test.

NOTICE OF PROPOSED REGULATORY ACTION
Amend and Update the Training Procedures Section D - Commission Procedure D-1for
Peace Officer Basic Courses
Regulations 1005, 1007, and Commission Procedure D-1

Thus, a recommendation would be prior to retesting, the presenter shall notify the POST Basic Training Bureau if an abnormal number of students pass or fail any required POST scenario test or exercise test. The presenter shall also notify the POST Basic Training Bureau if an abnormal number of students pass or fail a scenario retest or exercise retest. The proposed effective date is January 1, 2020.

Document Incorporated by Reference

Section D – Commission Procedure D-1 revised 01/01/2020.

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 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 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.

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.

NOTICE OF PROPOSED REGULATORY ACTION
Amend and Update the Training Procedures Section D - Commission Procedure D-1for
Peace Officer Basic Courses
Regulations 1005, 1007, and Commission Procedure D-1

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 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.

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 [Steve Harding](#), Commission on POST, 860 Stillwater Road, Suite 100, West Sacramento, CA 95605-1630 at (916) 227-2816. General questions regarding the regulatory process may be directed to [Heidi Hernandez](#) at (916) 227-4261, 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](#).

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.