



**Commission on Peace Officer Standards and Training**

860 Stillwater Road, Suite 100  
West Sacramento, CA 95605-1630  
[post.ca.gov](http://post.ca.gov)

Date: July 17, 2020

Bulletin: No. 2020-33

Subject: **Notice of Proposed Regulatory Action** – *Amend Regulation 1056, Annual Recertification*

At the June 18, 2020 meeting, the Commission approved proposed amendments to Regulation 1056 – Annual Recertification, which upon approval of the Office of Administrative Law will amend the language of the regulation to reflect technological advances in POST-certified course review and will add a requirement that POST-certified courses be reviewed and recertified on a bi-annual basis. Courses will be recertified on odd and even years based on the original year of certification. This amendment will not apply to the Basic Courses or POST-developed multimedia training courses.

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 [Michelle Weiler](#), Commission on POST, 860 Stillwater Road, Suite 100, West Sacramento, CA 95605-1630 at (916) 227-4870. General questions regarding the regulatory process may be directed to [Katie Strickland](#) at (916) 227-2802.

MANUEL ALVAREZ, JR.  
Executive Director

MA:mw  
Attachment: Notice of Proposed Regulatory Action

**NOTICE OF PROPOSED REGULATORY ACTION**  
**AMEND ANNUAL RECERTIFICATION**  
**Regulation 1056**

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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 by August 31, 2020.**

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 [Michelle Weiler](mailto:Michelle.Weiler@post.ca.gov), or by letter to:

Commission on POST  
Attention: Rulemaking  
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**

Regulation 1056 – Annual Certification stipulates that POST is responsible for reviewing courses for recertification prior to the start of each fiscal year. There are two proposed amendments to this regulation. One amendment updates the language to reflect the current practice of using of the Electronic Data Interchange (EDI) for POST-course review, certification, modification, and re-certification. The second amendment establishes a process for the annual recertification process through the EDI.

Past practice required POST staff to provide a Course Certification Report to presenters prior to the start of the Fiscal Year. The reports were to be reviewed and signed by the presenter or presenter’s designee and returned to POST for recertification for the following fiscal year. However, this process was streamlined to an electronic process when POST transitioned to the use of the EDI for course certification in January 2007. The amendment revises Regulation 1056 to accurately reflect the current practice of using the EDI for course certifications, modifications, and re-certifications.

Currently, the EDI automatically recertifies courses at the beginning of each Fiscal Year. However, this process does not guarantee that course content was properly reviewed and updated by the presenter throughout the prior Fiscal Year. The amended regulation allows POST staff to utilize the EDI to automatically submit courses for modification rather than

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automatic re-certification. This process will cause presenters and POST staff to actively review and update course content for course re-certification to be approved. POST staff will review the course to evaluate the continuing need for the course, relevance of curriculum, and adherence to the requirements for course certification and course presentation requirements per Regulations 1052 and 1055, respectively.

The amended regulation will further stipulate that this process shall begin with each Fiscal Year on July 1. POST staff will utilize the EDI to cause courses to be reviewed in odd and even years based on the original year of POST-course certification. Courses first certified in odd years will be recertified in odd years. Courses first certified in even years will be recertified in even years.

POST-developed multimedia training courses are automatically recertified and will not be subject to annual review. Basic courses, as defined in PAM sections D-1 and D-10 may be modified by the Commission biannually based on those sections. They are not subject to annual review under Regulation 1056.

The specific benefits anticipated by the proposed regulatory changes to the health and welfare of California residents will be the ability to ensure the relevance of training content, best practices in training standards and delivery, and currency of instructors' subject matter expertise. Thus, these changes to the regulatory action will provide effective law enforcement standards that will create peace, and protection of public health and safety, and worker safety. There would be no impact to the environment, prevention of discrimination, promotion of fairness or social equity, and the increase in 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.

### **Forms Incorporated by Reference**

There are no forms incorporated by reference.

### **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: 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 of California businesses to compete with businesses in other states.

Small Business Determination: The Commission on Peace Officer Standards and Training has found that the proposed amendments will not affect small business because the regulation addresses the updating of language to reflect the use of the Electronic Data Interchange (EDI) for POST-course review and re-certification and revising the course re-certification process to utilize the EDI to automatically submit courses for modification rather than automatic re-certification.

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 regulations will increase the efficiency of the state of California in delivering services to stakeholders. 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**

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To take this action, the Commission must determine that no reasonable alternative considered by the Commission, or otherwise 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 as 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 Persons**

Questions regarding this proposed regulatory action may be directed to [Michelle Weiler](#), Commission on POST, 860 Stillwater Road, Suite 100, West Sacramento, CA 95605-1630 at (916) 227-4870. General questions regarding the regulatory process may be directed to [Katie Strickland](#) at (916) 227-2802.

**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 approved, submit a written request to the contact person(s) named above.