



Commission on Peace Officer Standards and Training

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Date: July 09, 2020
Bulletin: No. 2020-37
Subject: **POST Course Certification for Webinars**

Due to the COVID-19 pandemic of 2020, the Training Delivery and Compliance (TDC) Bureau has received a substantial increase in requests to convert classroom-based courses to webinars (instructor-led online training). Commission Regulation 1052 allows POST-certified training to be conducted in person or online. Section 1052(e) specifically addresses the requirements for the certification of courses in the webinar format.

There have been a number of questions related to the requirements for the certification of webinars. In an effort to assist POST course presenters with understanding the requirements of Regulation 1052(e), POST has developed various resources. These include a *Webinar Course Certification Guide and Checklist* and an exemplar ECO showing the conversion of the two-hour course, *Legislative Update: AB 392 Peace Officers: Deadly Force* to a webinar format.

POST course presenters are reminded that live webinars are instructor-led and eligible for Continuing Professional Training (CPT) credit. Recorded webinars do not provide the ability to verify attendance and active learning or provide the trainee with instructor interaction. Therefore, they are not eligible for CPT credit.

Questions regarding Regulation 1052(e) may be directed to your [POST Regional Consultant](#) or [Michelle Weiler](#) at (916) 227-4870.

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Executive Director

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Attachments: Webinar Course Certification Guide and Checklist
[Legislative Update: AB 392 \(Weber\) Peace Officers: Deadly Force \(Webinar\)](#)



Webinar Course Certification Guide and Checklist

During the COVID-19 pandemic of 2020, the Training Delivery and Compliance (TDC) Bureau received a substantial increase in webinar (instructor-led online training) course conversion requests. This guide will assist POST-certified presenters with a framework to create new or convert existing POST-certified courses in a webinar format. Although, POST provides certification for self-paced learning as well, this guide will only address instructor-led webinars.

Presenters shall obtain POST approval for a webinar format before advertising and/or presenting their course in that format. Courses certified for in-person presentation are not automatically certified for remote presentation.

Per POST regulation 1055(d), a modification or new course request shall be submitted to POST via the Electronic Data Interchange (EDI) System at least 30 calendar days prior to the planned course presentation.

Requests for webinar format courses will only be considered when the presenter intends to present the course more than one time per fiscal year.

Regulation 1052 provides the framework for instructor-led training, including webinars. Section 1052(e) describes a webinar as "synchronously facilitated training that is delivered via the Internet. It is considered an instructor-led course for the purposes of certification through EDI."

An important note to consider: taped webinars will not be certified for Continuing Professional Training (CPT) because there is no ability to verify attendance and active learning or provide trainee interaction with the instruction.

If you have a currently-certified course and you want to convert it to a webinar format, you should first consider whether the course is appropriate for online learning (i.e., a classroom-based course versus a psychomotor skill such as arrest and control or firearms). If your course is a candidate for a webinar, then you will need to put the course into modification and select the "variable format" option. This will allow you to create another format that you should title "webinar" or other wording that distinguishes it from the classroom-based training. You will need to submit a new expanded course outline (ECO) and hourly distribution schedule specific to the webinar format. The ECO, learning activities, and methods of assessing learning will be different in a webinar than those found in a live classroom-based course presentation.



Webinar Course Certification Guide and Checklist

The following checklist will help keep your webinar course development on track. Your Regional Consultant is always available with questions regarding course certification.

Regulation	Topic	Consideration	Complete
1052 (e)(1)(A)	Method of tracking or measuring trainee attendance and course completion	How will you accomplish this? <ul style="list-style-type: none"> • Online registration - access code • Audio or text (chat area) interaction • Video transmission (Zoom, Teams, GoToMeeting, etc.) 	_____ _____ _____
1052 (e)(1)(B)	Method of measuring trainee interaction with instructor with questions or exercises	How will you accomplish this? <ul style="list-style-type: none"> • Audio or text (chat area) interaction • Video transmission (Zoom, Teams, GoToMeeting, etc.) • Trainee engagement <ul style="list-style-type: none"> • Will you provide handouts before or during the training? • Will there be learning activities or breakout sessions? 	_____ _____ _____ _____
1052 (e)(1)(C)	Method to evaluate trainee's performance and verify learning took place	How will you accomplish this? <ul style="list-style-type: none"> • Assessment activity <ul style="list-style-type: none"> • Will there be a test or submitted written assignment? • Will there be a final project or other evaluated activity? 	_____ _____

Additional considerations:

- Do you have the necessary Internet speeds and technology infrastructure to support your course?
- How will you ensure that your trainees have the adequate technology?
- How will you monitor the trainees' attention while the instructor is busy facilitating?
- What are your minimum technology requirements for trainees to ensure receive the entire presentation (computer capability, Internet speed, etc.)?

Legislative Update: AB 392 (Weber) Peace Officers: Deadly Force (Webinar)

CCN: 33888 | POST Certification II | Reimbursement Plan I | 2 hours

Course Purpose

The purpose of this course is to provide peace officers with the legal updates relating to the use of deadly force in Assembly Bill 392 (Weber), signed into law by Governor Newsom on August 19, 2019. The law takes effect on January 1, 2020. This course shall be used in conjunction with the POST-developed training video available on the POST Learning Portal.

Regulation 1052(e) Statement

The webinar format for this course will be held in a live, interactive format using ([insert online platform here](#)). Students will be required to pre-register for the course. To maintain proper student engagement, class size will be limited to 15 students. Prior to the course, registered students will be provided with a link and meeting ID, if applicable. Students will be required to have access to their own computer with video and audio capabilities for their participation in the course. The video feature must be activated at all times. Students may mute their audio when not required to verbally participate.

During the presentation, an additional instructor or support staff ([select the appropriate personnel](#)) will be online with the primary instructor throughout the course to assist in verifying student attendance, and student participation in the chat. When logging in, students will be held in a waiting room until admitted by the instructor(s) or staff. Student learning will be verified through use of facilitated discussion with the instructor ([longer courses may incorporate the use of small groups in breakout sessions, learning activities, and student presentations](#)).

Learning Outcome

When responding to calls for service or upon viewing activity, students completing this course will understand the legal changes to Penal Code Sections 196 and 835a and comprehend the circumstances when a peace officer is authorized to use deadly force.

I. Registration, Introduction, and Course Overview

- A. Registration – **1052(e)(1)(A)** – Roster will be completed by Course Coordinator based on [confirmed student login and participation](#). Students will be reminded to [keep their video enabled throughout the course](#).
 1. Roster completion
 2. A separate roster for this course must be submitted for separate credit in EDI and Plan I reimbursement eligibility
- B. Introduction and course overview – **1052(e)(1)(B)** – Students will be advised that the [chat box will be monitored for student questions and responses provided by secondary instructor throughout the course](#).
 1. Show POST video, *AB: 392: California's Use of Force Standard, What You Need to Know*
 2. Provide a brief overview
 - a. The changes in the penal code more clearly define a peace officer's role and responsibilities when exercising different force options, especially deadly force, while providing for more latitude when making the decision to use force.
 - b. Objective reasonableness remains the standard for evaluating the use of force and will be reviewed in more detail further into the course.

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- c. New language explicitly states the use of force shall be evaluated without the benefit of hindsight.

1052(e)(1)(B) – Secondary instructor will review questions asked in the chat during this segment and ensure student understanding.

II. Penal Code Section 196

A. Justifiable Homicide

1. Definition revised to rely more heavily on PC 835a
2. PC 196 identifies the circumstances when a peace officer is justified to commit a homicide
 - a. In obedience to any judgment of a competent court order
 - b. When the homicide results from a peace officer's use of force that complies with Penal Code Section 835a

B. What changed?

1. Removed "When necessarily committed in overcoming actual resistance to the execution of some legal process or in the discharge of any other legal duty"
2. Removed "When necessarily committed in retaking felons who have been rescued or have escaped, or when necessarily committed in arresting persons charged with felony and who are fleeing from justice or resisting such arrest."

1052(e)(1)(B) – Secondary instructor will review questions asked in the chat during this segment and ensure student understanding.

III. Penal Code Section 835a

A. PC 835a (a)

1. The Legislature finds and declares:
 - a. Peace officers must understand that the authority to use physical force is a serious responsibility that shall be exercised judiciously and with respect for human rights and the dignity and the sanctity of every human life
 - b. The Legislature finds and declares that every person has a right to be free from excessive use of force by peace officers acting under the color of law
2. It is the intent of the Legislature that peace officers use deadly force only when necessary in defense of human life
 - a. Peace officers shall evaluate each situation in light of the particular circumstance of each case and shall use other available resources and techniques if reasonably safe and feasible to an objectively reasonable officer
 - b. The standard changed with the addition of the word "*objectively*" reasonable officer
3. Peace officers shall carefully and thoroughly evaluate the decision to use force in a manner that reflects the gravity of that authority and the serious consequences of the use of force, to ensure that officers use force consistent with law and agency policies
 - a. Facilitate a discussion of agency policies relating to use of force

1052(e)(1)(B) – Instructor will facilitate a discussion by asking questions to the class and reading out loud the student responses in the chat. Students may be called upon to elaborate on their responses.
 - b. These should be aligned with the revisions to PC 196 and PC 835

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4. The decision by a peace officer to use force shall be evaluated from the perspective of a reasonable officer in the same situation
 - a. Based on the totality of circumstances known to or perceived by the officer at the time
 - b. Without the benefit of hindsight
 - c. The totality of circumstances shall account for occasions when officers may be forced to make quick judgments about using force
 5. Peace officers must understand that individuals with physical, mental health, developmental, or intellectual disabilities are significantly more likely to experience greater levels of physical force during police interactions
 - a. One's disability may affect their ability to understand or comply with commands from peace officers
 - b. Estimates show that individuals with disabilities are involved in between one-third and one-half of all fatal encounters with law enforcement
 - i. Individuals with disabilities may be impaired by the use, misuse, or discontinued use of medications or controlled substances that create further disruptions to compliance
 - ii. An individual's disability(ies) may impair the ability to understand and comply with a peace officer's commands
 - c. Discuss how officers should approach situations involving people with disabilities.
1052(e)(1)(B) – Instructor will facilitate a discussion by asking the following questions to the class and reading out loud the student responses in the chat. Students may be called upon to elaborate on their responses.
 - i. What might cause an individual with a disability to have difficulty understanding or following directions from a peace officer?
 - ii. What is your agency's policy regarding uses of force involving people with disabilities?
 - iii. What are some tactics officers can use to try to determine if the subject has a disability and to gain compliance?
 - iv. What are some examples of use of force situations involving people with disabilities?
- B. PC 835a (b)
1. Any peace officer who has reasonable cause to believe that the person to be arrested has committed a public offense may use objectively reasonable force to effect the arrest, to prevent escape, or to overcome resistance.
 2. The standard has changed from "reasonable" to "objectively reasonable."
 3. **Facilitated Class Discussion:** Facilitate a whole class discussion using the following scenario.
1052(e)(1)(C) – Instructor will facilitate a discussion to assess student learning by providing the following scenario, asking questions to the class, and reading out loud the student responses in the chat. Students may be called upon to elaborate on their responses.
 - A call comes out that there is man with a knife in front of a school that is in session. Officers arrive to observe the subject is youthful looking, possibly a juvenile and may be a student at the school. Responding officers determine the subject is a juvenile and identify the weapon as a machete. The subject is wearing a backpack and moving towards the office.
 - o Ask the class to provide possible actions to be taken by responding officers

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- Ask the class to provide possible reasons the subject may be running to school with what appears to be a machete
 - Possible reasons are not limited to but may include the following:
 - Is it a prop for a school play?
 - Is it Halloween?
 - Is the subject mentally ill?
 - Does the subject have a developmental disability?
 - Is the subject seeking revenge?
- Ask how an objectively reasonable officer might proceed in any of these circumstances

1052(e)(1)(B) – Secondary instructor will review questions asked in the chat during this segment and ensure student understanding.

C. PC 835a (c) (1)

1. A peace officer is justified in using deadly force upon another person only when the officer reasonably believes, based on the totality of the circumstances that such force is necessary for either of the following reasons:
 - a. To defend against an imminent threat of death or serious bodily injury to the officer or another person
 - b. To apprehend a fleeing person for any felony that threatened or resulted in death or serious bodily injury, if the officer reasonably believes that the person will cause death or serious bodily injury to another unless immediately apprehended.
 - i. Where feasible, a peace officer shall, before the use of force, make reasonable efforts to identify themselves as a peace officer and
 - ii. warn that deadly force may be used, unless the officer has objectively reasonable grounds to believe the person is aware of those facts
2. Discuss how this aligns with your agency's policy

1052(e)(1)(B) – Students may be called upon to discuss their agency's policy.

3. Facilitated Class Discussion:

1052(e)(1)(C) – Instructor will facilitate a discussion to assess student learning by providing the following scenario, asking questions to the class, and reading out loud the student responses in the chat. Students may be called upon to elaborate on their responses.

Return to previous scenario – it has now escalated to a potential use of deadly force

- Responding officers identify themselves and engage the subject. They determine he is a threat to campus safety. Officers attempt to de-escalate the situation by using verbal commands to try to disarm the suspect. The suspect refuses to comply and continues to brandish the machete and proceed towards the school office.
- Ask how an objectively reasonable officer might proceed in this circumstance.

D. PC 835a (c) (2)

1. A peace officer shall not use deadly force against a person based on the danger that person poses to themselves if an objectively reasonable officer would believe the person does not pose an imminent threat of death or serious bodily injury to the peace officer or to another person.
2. Discuss your agency policy in responding to solo suicidal subjects.

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1052(e)(1)(B) – Students may be called upon to discuss their agency's policy.

E. PC 835a (d)

1. A peace officer who makes or attempts to make an arrest need not retreat or desist from their efforts by reason of the resistance or threatened resistance of the person being arrested
2. A peace officer shall not be deemed an aggressor or lose the right to self-defense by the use of objectively reasonable force in compliance with subdivisions of 835a to effect the arrest or to prevent escape or to overcome resistance. The term "retreat" does not mean tactical repositioning or other de-escalation tactics.
 - a. Discuss the meaning of "retreat"
1052(e)(1)(B) – Students may be called upon to define "retreat." Instructor(s) will facilitate the dialogue to ensure the class stays on topic.
 - b. Show examples of "retreat" available on the public domain

F. PC 835a (e)

1. This section defines key terms related to use of force
2. For the purposes of 835a, the following terms apply:
 - a. "Deadly force" means any use of force that creates a substantial risk of causing death or serious bodily injury, including, but not limited to, the discharge of a firearm
 - b. A threat of death or serious bodily injury is "imminent" when, based on the totality of the circumstances, a reasonable officer in the same situation would believe that a person has the present ability, opportunity, and apparent intent to immediately cause death or serious bodily injury to the peace officer or another person
 - i. An imminent harm is not merely a fear of future harm, no matter how great the fear and no matter how great the likelihood of the harm, but is one that, from appearances, must be instantly confronted and addressed
 - ii. Discuss the difference between an imminent threat of death or serious bodily injury and imminent harm

1052(e)(1)(B) – Secondary instructor will review questions asked in the chat during this segment and ensure student understanding.

G. Review of agency Use of Force policy

1. "Totality of the circumstances" means all facts known to the peace officer at the time, including the conduct of the officer and the subject leading up to the use of deadly force.
2. Discuss how your agency's policy may have changed relative to AB 392.
1052(e)(1)(B) – Students may be called upon to discuss their agency's policy.