



**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 24, 2020

Bulletin: No. 2020-39

Subject: **Notice of Proposed Regulatory Action – Regulation 1005, Minimum Standards for Training**

At the June 18, 2020 meeting, the Commission approved the proposed amendment to Minimum Standards of Training, which upon approval of the Office of Administrative Law, will allow the Executive Director the authority to identify POST-constructed informational videos of high priority or urgency due to their impact on the law enforcement community.

The amended language provides the POST Executive Director the authority to identify POST-constructed informational videos of high priority, or urgency due to their impact on the law enforcement community and incentivize the viewing of the video by providing a minimum of one-hour Continued Professional Training (CPT).

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 [Brad NewMyer](#), Commission on POST, 860 Stillwater Road, Suite 100, West Sacramento, CA 95605-1630 at (916) 227-3893. General questions regarding the regulatory process may be directed to [Katie Strickland](#) at (916) 227-2802.

MANUEL ALVAREZ, JR.  
Executive Director

MA:bn  
Attachment: Notice of Proposed Regulatory Action

NOTICE OF PROPOSED REGULATORY ACTION  
**Minimum Standards for Training  
Regulation 1005**

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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 September 8, 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) 227-2801, by email to [Brad NewMyer](mailto:Brad.NewMyer@post.ca.gov) or by letter to:

Commission on POST  
Attention: Brad NewMyer  
860 Stillwater Road, Suite 100  
West Sacramento, CA 95605-1630  
[Brad.NewMyer@post.ca.gov](mailto:Brad.NewMyer@post.ca.gov)

**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**

Currently, the POST Executive Director, or designee, does not have the ability to identify POST constructed videos of high priority or urgency, due to their impact on the law enforcement community, and provide CPT credit for viewing the video. POST regulation 1005(d) identifies the purpose of CPT is to “maintain, update, expand, and/or enhance an individual’s knowledge and/or skills.” POST staff believe these videos, produced by POST and identified as being of high priority or urgency, qualify as CPT and the Executive Director, or designee, should have the regulatory authority to grant CPT for viewing the video.

One recent example of a POST constructed video that would qualify for CPT credit is titled “AB 392: California’s New Use of Force Standards: What You Need to Know.” The video was created in response to a substantial legislative change in the use of force standards for California law enforcement. The POST Executive Director, or designee, was unable to incentivize the viewing of this video to maintain, update, expand or enhance law enforcement officers knowledge on the topic by providing CPT credit for viewing the video. This regulatory change provides the POST Executive Director, or designee, that authority.

**Benefits Anticipated**

The benefits of proposed amendments to the regulation 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 of California. The proposed amendments will have no impact on worker safety or the State’s environment.

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During the process of developing these regulations and amendments, POST 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.

**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 language will not affect small business because the amended language will provide the POST Executive Director the authority to identify POST-constructed informational videos of high priority, or urgency due to their impact on the law enforcement community and incentivize the viewing of the video by providing a minimum of one-hour Continued Professional Training (CPT).

Additionally, the Commission's main function to select and maintain training standards for law enforcement has no effect financially on small businesses.

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.

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**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**

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 [Brad NewMyer](#), Commission on POST, 860 Stillwater Road, Suite 100, West Sacramento, CA 95605-1630 at (916) 227-3893. 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.