



**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: August 4, 2020

Bulletin: No. 2020-44

Subject: Notice of Proposed Regulatory Action – **Amend Commission Regulations 1001, 1051, 1052, 1055, 1056, 1057, 1058, 1070, 1081 and 1082**  
**Add new Commission Regulation 1059**

At the June 18, 2020 meeting, the Commission approved proposed amendments to Commission Regulations 1001, 1051, 1052, 1055, 1056, 1057, 1058, 1070, 1081, and 1082. In addition to these amendments, the Commission approved the addition of Commission Regulation 1059.

The proposed changes involve updating the basic course certification process, moving the regulations governing that process to Commission Regulation 1059, and adding an experience requirement for scenario managers and evaluators.

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 [Jennifer Hardesty](#), Commission on POST, 860 Stillwater Road, Suite 100, West Sacramento, CA 95605-1630, by telephone at [\(916\) 227-3917](tel:9162273917). General questions regarding the regulatory process may be directed to [Katie Strickland](#) at [\(916\) 227-2802](tel:9162272802).

MANUEL ALVAREZ, JR.  
Executive Director

MA:jh

Attachment: Notice of Proposed Regulatory Action

NOTICE OF PROPOSED REGULATORY ACTION  
**Amend Commission Regulations 1001, 1051, 1052, 1055, 1056, 1057, 1058,  
1070, 1081 and 1082**  
**Add new Commission Regulation 1059**

---

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 28, 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 [Jennifer Hardesty](mailto:Jennifer.Hardesty@post.ca.gov), or by letter to:

Commission on POST  
Attention: Jennifer Hardesty  
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**

Penal Code § 13510 requires that POST develop guidelines and a course of instruction and training for law enforcement officers who are employed as peace officers, or who are not yet employed as a peace officer but are enrolled in a training academy for law enforcement officers. This proposed action will modify the certification process for the training course, move those certification requirements to their own Commission Regulation section and add an experience requirement for individuals managing and evaluating the scenario testing process component of the required training course.

Certification Process

The current certification process is very cumbersome for both the presenters and POST staff. Currently, presenters are required to reformat the current training and testing specification content into an expanded course outline and submit for POST review. A significant amount of time is spent on the presenter side to develop this document and on the POST side to review this document. Additionally, presenters are required to develop and submit a proposed schedule outlining how they intend to present this material to their recruits. This current process offers no guarantee the course materials are being presented to recruits as certified.

NOTICE OF PROPOSED REGULATORY ACTION  
**Amend Commission Regulations 1001, 1051, 1052, 1055, 1056, 1057, 1058,  
1070, 1081 and 1082**  
**Add new Commission Regulation 1059**

---

The current process for certifying basic courses resides in Commission Regulation 1052(f). This location makes them very difficult to locate and oftentimes they are confused with the certification requirements for all other POST-certified courses. Moving the certification process for basic courses to a new Commission Regulation section would eliminate this confusion and ensure ease of access for presenters and POST staff.

Scenario Testing Process

Currently, presenters are required to designate scenario managers who oversee the scenario testing process and scenario evaluators who evaluate student performance of the required scenario tests. There is no qualification standard outlined in regulation for either of these academy positions. POST has identified through an academy review process, there are individuals either overseeing the testing process or evaluating student performance who have either never completed the scenario testing process themselves or have never completed a probationary period with an agency. The proposed changes will require a scenario manager or evaluator have sworn, full-time law enforcement experience and be in possession of their POST Basic Certificate which can only be obtained after successful completion of an agency's probationary period.

The benefits anticipated by the proposed amendments to the regulations will be a more streamlined certification process allowing presenters more time to focus on ensuring the training and testing specification content is being presented to recruits as required. The updated process will also allow POST staff more time to work with presenters to anticipate and correct deficiencies in the training before training is complete, which will increase the effectiveness of law enforcement standards for peace officers in preserving peace, protection of public health and safety, and welfare of California. Requiring sworn, full-time law enforcement experience and a POST Basic Certificate for those individuals managing the scenario testing process and evaluating student performance will benefit academies, POST and the recruits attending these courses. It is one more step to ensuring the highest level of student success through the basic course training process and it will allow academies and POST staff to ensure students are not inappropriately passing or failing these tests.

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.

The framework for these changes was developed by a committee of basic course directors/coordinator participating in a course certification update workshop. The proposed changes were developed from this framework and presented to the POST Commission for final review and adoption. Upon adoption of the proposed changes, academies and course presenters will be required modify the process for certifying basic courses. The proposed effective date is April 1, 2021.

NOTICE OF PROPOSED REGULATORY ACTION  
**Amend Commission Regulations 1001, 1051, 1052, 1055, 1056, 1057, 1058,  
1070, 1081 and 1082**  
**Add new Commission Regulation 1059**

---

### **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 Fiscal Impact**

Fiscal impact on Public Agencies including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Cost impacts on a representative private person or business: POST is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

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 California businesses, including small businesses, because the regulatory action addresses the following: 1) basic course presenters will be able to use existing staff when completing the certification documentation for basic courses, 2) the restructured process does not require any additional training, nor does it eliminate the time and work needed to develop these documents. Additionally, the Commission's main function to select and maintain training standards for law enforcement has no effect financially on small businesses.

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.

NOTICE OF PROPOSED REGULATORY ACTION  
**Amend Commission Regulations 1001, 1051, 1052, 1055, 1056, 1057, 1058,  
1070, 1081 and 1082  
Add new Commission Regulation 1059**

---

**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.

**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 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 [Jennifer Hardesty](#), Commission on POST, 860 Stillwater Road, Suite 100, West Sacramento, CA 95605-1630 at (916) 227-3917. 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.

NOTICE OF PROPOSED REGULATORY ACTION  
**Amend Commission Regulations 1001, 1051, 1052, 1055, 1056, 1057, 1058,  
1070, 1081 and 1082**  
**Add new Commission Regulation 1059**

---

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.