

TEXT OF PROPOSED REGULATORY ACTION

Commission Regulations 1001, 1006, 1007, 1052, 1055, 1070, 1071, 1950, 1951, and Commission Procedures D-1, D-10, and D-11

1001. Definitions

["Academy Coordinator" - "Cheating" continued***]

"Cheating in Basic Courses" is any attempt or act by a peace officer trainee to gain an unfair advantage or give an unfair advantage to another peace officer trainee or group of trainees taking a POST-mandated basic course examination.

["Commission" - "POST Administrative Manual (PAM)" continued***]

"Peace Officer Trainee" is an applicant for a basic course examination who has not been hired by a department or agency and has not been sworn as a peace officer.

["POST-certified Course" or "Certified Course" - "Web-Based Training (WBT)"]

1006. Extension of Time Limit for Course Completion

- (a) The Commission will grant an extension of time for completion of any course required by Regulations 1005, 1007, or 1018 of the Regulations upon presentation of satisfactory evidence by a department that a trainee, peace officer trainee, peace officer, reserve peace officer, or dispatcher is unable to complete the required course within the time limit prescribed because of illness, injury, military service, or special duty assignment required and made in the public interest of the concerned jurisdiction; or upon presentation of evidence by a department that a trainee, peace officer trainee, peace officer, reserve peace officer, or dispatcher is unable to complete the required course within the time prescribed. Time extensions granted under this subsection shall not exceed that which is reasonable, bearing in mind each individual circumstance.
- (b) In the event that a department in the Regular Program does not require an individual to complete the applicable training by the end of the extension period, such department shall not be eligible for the reimbursement of any expenses which are incurred as a result of the training when it finally occurs; in the event that an agency in the Specialized Program does not require an individual to complete the applicable training by the end of the extension period, such agency shall not be eligible for participation in the Specialized Law Enforcement Certification Program.

1007. Reserve Officer Minimum Training Standards

[(a) - (b) continued***]

(c) Every school police reserve officer appointed by a community college police department on or after January 1, 2004, in addition to the entry level training requirement set forth in (a) of this section shall complete the POST-certified Campus Law Enforcement Course [regulation 1081(a)] within two years of the date of first appointment.

(ed) To be eligible for the award of the Reserve Officer Certificate, a reserve peace officer shall be currently appointed or deputized as a reserve peace officer as described in Penal Code section 830.6(a), meet the selection requirements for Level I reserve peace officer assignment as described in paragraph (a), and have completed the training and general law enforcement

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experience as described in paragraph (b)(1), PAM Sections H-3-2 or H-3-3(a) or (c), and Section B 1011(a)(12).

1052. Requirements for Course Certification

[(a) – (c)(12) continued***]

(13) Each academy/presenter shall establish and comply with ~~the a~~ Test Administration and Security Policy, as specified in the POST Basic Courses Test Management and Security Protocols 20124.

[(d) – (i)(4)]

Authority cited: Sections 13503 and 13506, Penal Code. Reference: Section 13503(e), Penal Code.

1055. Requirements for Course Presentation

[(a) – (e) continued***]

(f) Cheating

As defined in Regulation 1001, cheating and cheating in basic courses shall not be tolerated in any POST-certified course. Students, trainees, peace officer trainees, course presenters, and employee/volunteers (e.g., proctors or agents of POST) who engage in cheating will be subject to sanctions which may include dismissal and possible civil ~~and/or criminal~~ prosecution.

All incidents of “cheating” and “cheating in basic courses” will be investigated by the training presenter and reported to the Commission for review within 10 calendar days of discovery of the incident.

The report of the incident investigation shall include the:

- (1) Course Certification Number
- (2) Certified Course Title
- (3) Course presenter
- (4) The name(s) of the individual(s) involved
- (5) Date, time and location
- (6) Circumstances
- (7) Results of the investigation
- (8) Disposition

[(g)– (h)]

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1070. Minimum Training Standards for Instructors of POST-Certified Specialized Training

[(a) - (C) continued*]**

(b) Specialized Subjects and Training Course Requirement

The specialized subjects listed in the left column may be the subject of a stand-alone course or a specialized subject taught within a larger course.

To satisfy the training course requirement, a POST-certified course must be a foundational-type instructor course and must meet the minimum content requirements specified in Regulation 1082 [unless exempted by subsection 1082(c)]. For example, an “advanced” or “update” course will not satisfy the requirement. Generally, the POST-certified course must be the same title as the instructor course title listed in the “Training Course” column.

The minimum content requirements for the training courses listed in the right column below are specified in Regulation 1082.

Specialized Subject	Training Course (must meet minimum content requirements specified in Regulation 1082.)
Arrest and Control Techniques	Arrest and Control Instructor or Defensive Tactics Instructor
Baton/Impact Weapons	Baton/Impact Weapons Instructor or Defensive Tactics Instructor
Chemical Agents	Chemical Agents Instructor
Defensive Tactics	Defensive Tactics Instructor or Arrest and Control Instructor
Diversionsary Devices	Diversionsary Devices Instructor
Driver Training (perishable skills program)	Driver Training Instructor and Driver Awareness Instructor
Driver Training (performance driving, code 3, pursuit)	Driver Awareness Instructor and Driver Training Instructor
Driver Training (basic courses)	Driver Awareness Instructor and Driver Training Instructor
Driver Training-Simulator	Driver Awareness Instructor , Driver Training Simulation -Instructor and Driver Training Simulation Instructor
Electronic Weapons	Electronic Weapons Instructor
Firearms (all firearms types)	Firearms Instructor (corresponding firearm type)
First Aid/CPR	First Aid/CPR Instructor
Force Options Simulator	Force Options Simulator Instructor
Hazardous Materials	Hazardous Materials Train-the-Trainer
Institute of Criminal Investigation	Institute of Criminal Investigation Instructor
Less Lethal Weapons	Less Lethal Force Instructor
Motorcycle Training	Motorcycle Training Instructor
Physical Training (B b asic C c ourse)	Physical Training Instructor

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Supervisory Course	Supervisory Course Instructor Training
Supervisory Leadership Institute	Supervisory Leadership Institute Instructor
Racial Profiling	Racial Profiling Instructor
Terrorism & Weapons of Mass Destruction (WMD) Awareness	Basic Course for Response Personnel (SEMS/NIMS/ICS)
Terrorism & Weapons of Mass Destruction (WMD) Awareness	ICS 300 & 400 Train-the-Trainer (SEMS/NIMS/ICS)
Terrorism & Weapons of Mass Destruction (WMD) Awareness	Law Enforcement Response to Terrorism (LERT) Instructor
Terrorism & Weapons of Mass Destruction (WMD) Awareness	Public Safety Communications Terrorism Awareness Course Instructor (PSC-TAC)

[(c) - (3)]

1071. Minimum Training Standards for Regular Basic Course Academy Directors, Coordinators, Recruit Training Officers and Scenario Manager and Evaluator, ~~and Recruit Training Officers~~

- (a) **Minimum Training Standards** – Academy Director or Academy Coordinator appointed after July 1, 2002 or Modular Format Coordinator appointed after January 1, 2011, to one of the staff positions of any Regular Basic Course format or the Specialized Investigators’ Basic Course shall complete, within one year from the date of appointment, the minimum training standard specified below:

Staff Position	Training Standard (Content for the following courses is in Regulation 1083)
Academy Director	Academy Director/Coordinator/Course*
Academy Coordinator	Academy Director/Coordinator/Course*
Modular Format Coordinator	Academy Director/Coordinator/Course*
*Attendance at the Academy Director/Coordinator Course is not required of the director, if the Academy Director has attended as a coordinator within three years prior to appointment as the Academy Director.	

- (b) **Minimum Training Standards** – Academy Recruit Training Officers appointed after January 1, 2011 shall complete the minimum training standard specified below:

<u>Staff Position</u>	<u>Training Standard</u> (Content for the following courses is in Regulation 1083)
<u>Part-time Recruit Training Officer</u>	<u>Recruit Training Officer Orientation Program</u>
<u>Full-time Recruit Training Officer</u>	<u>Recruit Training Officer Orientation Program and Recruit Training Officer Course**</u>
<u>**Completion of the Recruit Training Officer Orientation Program is a prerequisite to attending the Recruit Training Officer Course.</u>	

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(1) Part-time Recruit Training Officer

- (A) Completion of the Post-developed Recruit Training Officer Orientation Program training Course prior to performing the duties of a Recruit Training Officer.

(2) Full-time* Recruit Training Officer

- (A) Completion of the POST-developed Recruit Training Officer Orientation Program training course prior to performing the duties of a Recruit Training Officer; and
- (B) Completion of the Recruit Training Officer Course within one year of appointment to the position.

** Full-time is defined in Regulation 1001

(c) **Minimum Training Standards** – Scenario Manager and Scenario Evaluator

(1) Scenario Manager

- (A) Completion of the Scenario Manager Course prior to managing scenario testing.

(2) Scenario Evaluator

- (A) Completion of the Scenario Evaluator Course prior to evaluating scenario testing.

<u>Staff Position</u>	<u>Training Standard (Content for the following courses is in Regulation 1083)</u>
<u>Scenario Manager</u>	<u>Scenario Manager Course</u>
<u>Scenario Evaluator</u>	<u>Scenario Evaluator Course</u>

(d) **Documentation**

Directors and Modular Format Coordinators shall maintain documentation that demonstrates satisfaction of the minimum training standards as required for the staff positions indicated above in subsections (a), (b), and (c). Documentation shall be a certificate of course completion issued by the training presenter of the required training standard in (a), (b), and (c) above, or a POST training record that confirms completion of the training standard. All documentation that demonstrates satisfaction of the minimum training standards is subject to POST inspection upon request.

1950. Peace Officer Selection Requirements

(a) **Peace Officer Selection Requirements**

The purpose of these regulations is to implement the minimum peace officer selection standards set forth in California Government Code section 1031 and as authorized by California Penal Code section 13510. Peace officer training requirements are addressed separately in Commission Regulations 1005 and 1007. All POST documents and forms mentioned in these regulations are available on the POST Website.

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(1) Every POST-participating department and/or agency (hereinafter referred to as "department") shall ensure that every "peace officer candidate," as defined in subsection 1950(b), satisfies all minimum selection requirements specified in the following regulations unless waived by the Commission on a case by case basis. Statutory requirements in these regulations cannot be waived by the Commission.

- Reading and Writing Ability Assessment (Regulation 1951)
- Oral Interview (Regulation 1952)
- Background Investigation (Regulation 1953)
- Medical Evaluation (Regulation 1954)
- Psychological Evaluation (Regulation 1955)

(2) All requirements specified in these regulations shall be satisfied **prior to the date of employment**. For purposes of these regulations, "date of employment" is defined as date of appointment as a peace officer or, at the department's discretion, the date the candidate is hired as a ~~peace officer~~-trainee and enrolled in a POST-certified ~~B~~basic ~~C~~course.

[(b) - (d)]

Procedure D-1, Basic Training

[(1-1) – (1-3)(7)(B) continued***]

(8) **Test** An evaluation of the extent to which students have achieved one or more learning objectives. The required tests are specified in the *Training and Testing Specifications for Peace Officer Basic Courses*. Any practice/preparation for exercise and scenario tests must be conducted using the same conditions as required for testing. These tests are:

[(A) - (E) continued***]

(F) **Exercise Test** Any test other than a POST-constructed knowledge test, POST-constructed comprehensive test, scenario test, report writing test, or work sample test battery that measures the acquisition of knowledge, ~~and/or~~skills and/orthe competencies required to achieve one or more learning objectives.

(G) Report Writing Test. A test that requires demonstration of the knowledge and skills and/or competencies necessary when preparing an investigative report.

(H) Physical Skills Pilot Tests In cooperation with academies, POST conducts pilot testing of proposed or modified exercise tests and evaluation instruments for research purposes. This may include exercise testing for arrest and control, firearms and chemical agents, vehicle operations, Work Sample Test Battery, pre-academy physical fitness, or other physical skills.

(9) **Test-Use and Security Agreement** An accepted agreement between a training presenter and POST that identifies the terms and conditions under which a presenter may acquire and use specific POST-constructed knowledge, comprehensive, scenario, report writing test videos and exercise tests. Failure to comply with the terms and conditions of such agreement is grounds for decertification in accordance with Commission Regulation 1057.

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- (10) **Test Administration and Security Policy** Written procedures established by each presenter as specified in the POST Basic Courses Test Management and Security Protocols, 2012⁴. In accordance with Regulation 1057, the failure to establish written procedures consistent with and/or to comply with the requirements of these protocols is grounds for decertification.

[(11) - (d)(2)(C)(2) continued***]

(D) Exercise, ~~and~~ Scenario and Report Writing Tests

1. **Proficiency** Academies shall require each student to demonstrate proficiency in the competencies required by each scenario test, report writing test and/or exercise test. Each student must demonstrate a pattern of overall proficiency in each competency required by these tests. Proficiency means the student performed at a level that demonstrated acceptable preparation for entry into a field training program. The determination of proficiency shall be made by the academy.

[(E) - (G)(2) continued***]

(H) Retests

Academies shall provide the following to students who fail a required test on the first attempt:

1. **Written, ~~and~~ Scenario and Report Writing Tests**
 - a. An opportunity to review their test results in a manner that does not compromise test security.
 - b. A reasonable amount of time to prepare for a retest, as determined by the academy.
 - c. An opportunity to be retested with an alternate form of the same test. If the student fails the second test, the student fails the course.

[(2) - (e)(3)(C) continued***]

(D) Report Writing Test

1. Proficiency

Academies presenting Module I shall require each student to demonstrate proficiency in the competencies required by each ~~report writing~~ test. Students must demonstrate a pattern of overall proficiency in each competency required by these tests. Proficiency means the student performed at a level that demonstrated acceptable preparation for entry into a field training program. The determination of proficiency shall be made by the academy.

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(DE) Scenario Tests

1. Proficiency

Academies presenting Module I shall require each student to demonstrate proficiency in the competencies required by each scenario test. Students must demonstrate a pattern of overall proficiency in each competency required by these tests. Proficiency means the student performed at a level that demonstrated acceptable preparation for entry into a field training program. The determination of proficiency shall be made by the academy.

(EF) Administrative Test Review

A presenter's administrative review of any POST-constructed test for the purpose of assessing validity and accuracy. A test review shall only be conducted **after** the block of instruction is complete and the written test has been administered.

(FG) Learning Objective Review

Following a written test administration, the presenter shall conduct a review for all students. The review is proctored, conducted and limited to identifying learning objectives in a manner consistent with POST test security protocols. During this review, students are allowed to record **only** the failed learning objectives. A learning objective review is not remedial training.

(GH) Work Sample Test Battery

1. Test Administration

At the conclusion of the POST Basic Academy Physical Conditioning Program, academies shall require each student to complete the POST-developed WSTB or a POST-approved alternative physical ability test, as described in the Work Sample Test Battery Proctor Manual.

2. Alternative Physical Ability Tests

The use of alternative tests to the POST-developed Work Sample Test Battery is subject to approval by POST. Academies seeking POST approval to use alternative tests shall present evidence that the alternative tests were developed in accordance with recognized professional standards and that the alternative tests are equivalent to the POST-developed tests with respect to validity and reliability. A description of the method(s) used to establish the proposed alternative test's minimum passing score is also required.

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(H) Physical Skills Pilot Testing

Academies shall administer a POST-developed physical skills test for research purposes.

(J) Retests

Academies/presenters shall provide the following to students who fail a required test on the first attempt:

[(1) – (1-4)(a)(6)(D) continued***]

(E) **Exercise Test** Any test other than a POST-constructed knowledge test, POST-constructed comprehensive test, scenario test, or report writing test, that measures the acquisition of knowledge, ~~and/or~~ skills and/or the competencies required to achieve one or more learning objectives.

(F) **Report Writing Test.** A test that requires demonstration of the knowledge and skills and/or competencies necessary when preparing an investigative report.

(FG) **Physical Skills Pilot Tests** In cooperation with academies, POST conducts pilot testing of proposed or modified exercise tests and evaluation instruments for research purposes. This may include exercise testing for arrest and control, firearms and chemical agents, vehicle operations, Work Sample Test Battery, pre-academy physical fitness, or other physical skills.

(7) **Test-Use and Security Agreement** An accepted agreement between a training presenter and POST that identifies the terms and conditions under which a presenter may acquire and use specific POST-constructed knowledge, comprehensive, scenario, report writing test videos and exercise tests. Failure to comply with the terms and conditions of such agreement is grounds for decertification in accordance with Commission Regulation 1057.

(8) **Test Administration and Security Policy** Written procedures established by each presenter as specified in the POST Basic Courses Test Management and Security Protocols, 201~~2~~4. In accordance with Regulation 1057, the failure to establish written procedures consistent with and/or to comply with the requirements of these protocols is grounds for decertification.

[(9) – (d)(2)(C)(2) continued***]

(D) Exercise, ~~and~~ Scenario and Report Writing Tests

1. Proficiency

Presenters shall require each student to demonstrate proficiency in the competencies required by each scenario test, report writing test and/or exercise test. Each student must demonstrate a pattern of overall proficiency in each competency required by these tests. Proficiency means the student performed at a level acceptable to the presenter.

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[(E) – (G) continued***]

(H) Retests

Presenters shall provide the following to students who fail a required test on the first attempt:

1. Written and Scenario Tests

- a. An opportunity to review their test results in a manner that does not compromise test security.
- b. A reasonable amount of time to prepare for a retest, as determined by the presenter.
- c. An opportunity to be retested with an alternate form of the same test. If the student fails the second test, the student fails the course.

[(2) – (1-7)(a)(5)(B)(2) continued***]

(6) Test-Use and Security Agreement

An accepted agreement between a training presenter and POST that identifies the terms and conditions under which a presenter may acquire and use specific POST-constructed ~~knowledge, comprehensive, scenario,~~ and exercise tests. Failure to comply with the terms and conditions of such agreement is grounds for decertification in accordance with Commission Regulation 1057.

(7) Test Administration and Security Policy

Written procedures established by each presenter as specified in the POST Basic Courses Test Management and Security Protocols 2012⁴. In accordance with Regulation 1057, the failure to establish written procedures consistent with and/or to comply with the requirements of these protocols is grounds for decertification.

[(8) – (d)(3)]

Procedure D-10 Requalification Course

[(10-1) – (10-2)(a)(5)(B) continued***]

(6) Test-Use and Security Agreement

An accepted agreement between a training presenter and POST that identifies the terms and conditions under which a presenter may acquire and use specific POST-constructed ~~knowledge, comprehensive, scenario,~~ and exercise tests. Failure to comply with the terms and conditions of such agreement is grounds for decertification in accordance with Commission Regulation 1057.

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(7) Test Administration and Security Policy

Written procedures established by each presenter as specified in the POST Basic Courses Test Management and Security Protocols 201~~2~~⁴. In accordance with Regulation 1057, the failure to establish written procedures consistent with and/or to comply with the requirements of these protocols is grounds for decertification.

[(8) – (d)(4)]

Procedure D-11 Basic Course Waiver Process

Purpose

11-1 Establishes Guidelines This Commission procedure establishes the guidelines for determining whether or not an individual's prior law enforcement training is sufficient for a waiver of attendance of a POST-certified Regular Basic Course (RBC) or Specialized Investigators' Basic Course (SIBC). The prescribed course of training appropriate to the individual's assignment is determined by the Commission and is specified in Regulations 1005(a) or 1007(a). The requirements for the Regular Basic Course and Specialized Investigators' Basic Course are specified in POST Administrative Manual (PAM) Section D-1. A waiver of attendance of a POST-certified basic course is authorized by Regulation 1008.

A waiver of attendance of a POST-certified Regular or Specialized Investigators' Basic Course shall be determined through an assessment process, including evaluation and ~~examination~~testing. The assessment process assists an agency in determining whether or not an individual should be required to attend a POST-certified Regular or Specialized Investigators' Basic Course, and does not propose to determine whether or not the individual should be hired.

~~Evaluation, Examination, and Reexamination~~ and Test Fee

11-2 Fee A fee to cover administrative costs of evaluation, ~~examination~~initial test, and ~~reexamination~~re-test, if applicable, shall be charged by the Commission and/or training presenter. The appropriate fee must accompany the request for evaluation, ~~examination~~initial test, and ~~reexamination~~re-test. The appropriate fee shall be determined by the Commission and/or training presenter and shall be based on actual expenditures related to this procedure.

The evaluation fee shall be exempted by the Commission for individuals who are hired by an agency prior to the date the agency enters the POST program.

Eligibility

[11-3 - 11-7 continued***]

~~Reexamination~~Retest

11-8 ~~Reexamination~~Retest A ~~reexamination~~retest date will be determined by the Requalification Course presenter or POST Testing Center no later than 180 days from the original examination date. The ~~reexamination~~retest fee shall be submitted directly to the POST-certified Requalification Course presenter or POST Testing Center. Failure to complete a needed ~~reexamination~~retest within the 180 days will result in closure of the application process. After that deadline, the

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individual shall be required to file a new application and shall be subject to the training standards, testing, and fee requirements in effect at the time of submission of the new application.

- (a) The written ~~reexamination~~ retest shall be allowed one time only. Arrangements for the written ~~reexamination~~ retest must be made directly with the same POST-certified Requalification Course presenter or POST Testing Center at which the written examination was originally taken. An individual who fails the written ~~reexamination~~ retest must, before exercising peace officer powers, successfully complete a POST-certified basic course.
- (b) ~~Reexamination~~ Retest of one or more modules of the skills component shall be allowed one time only. Arrangements for the skills ~~reexamination~~ retest must be made directly with the same POST-certified Requalification Course presenter or POST Testing Center in which the skills examination was originally taken. An individual who does not pass the failed module(s) of the skills ~~reexamination~~ retest must, before exercising peace officer powers, successfully complete a POST-certified basic course.

Issuance of Waiver

11.9 Waiver of Attendance Upon successful completion of the assessment process, a Waiver of Attendance of a POST-certified basic course will be granted by POST.