

## **INITIAL STATEMENT OF REASONS**

### **Amendment to Extension of Time Limit for Course Completion**

### **Regulation 1006**

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At the October 27, 2016 meeting, the Commission approved the proposed amendment to Regulation Section 1006- Extension of Time Limit for Course Completion.

POST is proposing a regulatory amendment to add the stipulation that individuals seeking an extension of time for completion of any course pursuant to this regulation are ineligible if the reason for the inability to complete the course was dismissal due to sustained allegations of misconduct with respect to their participation as students in the course.

The specific benefits anticipated by this proposed change to ensure the regulation interpretation is consistent with the values of the law enforcement profession and community expectations of peace officers. Regulation 1006 as currently written does not specifically address matters of dismissal due to sustained student misconduct allegations; rather it specifies, "time extensions granted under this subsection shall not exceed that which is reasonable, bearing in mind each individual circumstance". This amendment to the Regulation would clarify the course extension time limits for students dismissed for student misconduct.

#### **Justification for Proposed Revisions**

##### **Regulation 1006**

The proposed regulatory revision is intended to make the regulatory language reflect current practice with respect to evaluation of Regulation 1006. The spirit of the Regulation allows for students who have encountered challenges through no fault of their own, the opportunity to re-enter the course, including an RBC or SIBC, without starting from the beginning, which would require repeating of previously taught curriculum and mastered competencies.

Occasionally, presenters of courses dismiss students due to misconduct, particularly in areas that involve behavior inconsistent with the law enforcement profession. Cheating, as defined by POST, in a law enforcement academy is taken very serious because of the high standard of moral character and integrity expected from law enforcement professionals who are training to serve the public in a trusted capacity. The Law Enforcement Code of Ethics and CA Penal Code Section 13510.4 require honest conduct by peace officer trainees. Events of misconduct are investigated by POST presenters in collaboration with POST consultants in order to ensure due process is afforded in each instance.

POST current practice is to disapprove Regulation 1006 exemption requests for former students who have been unable to complete the required course within the time prescribed due to dismissal as a result of a sustained allegations of misconduct with respect to their participation as a student in the course.

Nothing in the proposed Regulation amendment will preclude students, even those dismissed due to sustained allegations of misconduct with respect to their participation as a student in the course, from re-applying to attend a POST course from the beginning.

#### **Business Impact/Small Businesses**

The Commission has made an initial determination that this regulatory proposal would have no significant statewide adverse economic impact directly affecting California businesses, including the ability of California businesses to compete with businesses in other states. The proposal does not affect small businesses, as defined by Government Code section 11342.610, because the

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Commission sets selection and training standards for governmental law enforcement agencies. The proposed regulation pertains exclusively to extensions of the time limit for course completion by students dismissed from law enforcement courses for misconduct and do not have an impact on California businesses, including 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 this proposed action.

#### **Assessment**

The adoption of the proposed regulation amendment will neither create nor eliminate jobs in the State of California and will not result in the elimination of existing businesses or create or expand businesses in the State of California.

#### **Consideration of Alternatives**

The Commission has determined that no reasonable alternative considered by the Commission or that has otherwise been identified and brought to the attention of the Commission would be more effective in carrying out the purpose for which the action is proposed, would be as effective, and less burdensome to affected private persons that the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provisions of the law.

#### **Benefits Anticipated**

The benefits of proposed amendments to the regulation will consistent with current practice, clear and concise, and meet the needs of POST's clients.

The specific benefits anticipated by the proposed amendments to the regulations will be to increase the effectiveness of law enforcement standards for peace officers in preserving peace, protection of public health and safety, and welfare of California. There would be no effect in regards to the environment, the prevention of discrimination, and the increase in openness and transparency in business and government.

Thus, the law enforcement standards of POST preserve peace, protection of public health, safety, and the welfare of California. The proposed amendments will not benefit the worker safety or the State's environment.

#### **Economic Impact Analysis**

##### *Impact of Jobs/New Business:*

The Commission on Peace Officer Standards and Training sets selection and training standards for governmental law enforcement agencies that are POST members. The proposed revisions pertain to dismissal for misconduct by a student and this regulation change is relevant, comprehensive, and consistent to the needs of POST stakeholders. Accordingly, adoption of the proposed regulatory revisions 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.

##### *Assessment:*

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The proposed revisions pertain solely to training requirements and exemptions solely utilized by governmental law enforcement agencies that are POST members. As a result, the adoption of the proposed regulation amendments will neither create nor eliminate jobs in the State of California and will not result in the elimination of existing businesses or create or expand businesses in the State of California.