

## **INITIAL STATEMENT OF REASONS**

### **Amendment to Regulation 1008**

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At the October 27, 2016 meeting, the Commission approved the proposed amendment to Regulation Section 1008 - Basic Course Waiver and Requalification Requirement

POST is proposing a regulatory amendment to Regulation 1008(b)(3) as part of an ongoing process procedures to determine if they are consistent with current practice, clear and concise, and meet the needs of POST's clients.

A review was conducted of Regulation 1008, in relation to the exemptions from the requalification requirement for certain California peace officers who have a three-year-or-longer break from the last date of qualifying peace officer service.

The specific benefits anticipated by this proposed change are; better service to law enforcement agencies by improving internal processes specifically related to exemptions to requalification requirements, lending to improving hiring practices for agencies that have high vacancy rates, and reduce the time and labor for POST staff to process exemptions.

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

#### **Regulation 1008(b) Requalification Requirement for the Regular Basic Course (RBC) –**

#### **Regulation 1008(b)(3) Exemptions**

The proposed changes are necessary because current standards of level one peace officer rankings for reserve and non-reserve officers are the same and have the same requalification requirements and the requalification process requires specific updates to meet industry standards.

The proposed regulatory revision is intended to reflect current and more efficient practices, and to be consistent in the submission of requests for exemptions, based on this staff requested Commission approval for the following amendments to Regulation 1008:

- Requiring the request for exemption to be made by the prospective hiring agency, description of the intended job classification and duty assignments, and any required documentation of prior employment, training, and education and the dates completed as applicable to the criteria outlined in subsection 1008 (3)(a)(1-5);
- Eliminating paragraph 3 established in 1996 pertaining to the grandfathering of A, B, and C trained reserve officers. This section is no longer necessary; and
- Clarification was added that the exemption is granted to the specific agency requesting the exemption, and it is for the position described in the request for exemption.

It is necessary to repeal subdivision (b)(3)(A)3 because this section is no longer relevant, as it was created to assist existing reserve peace officers, whose level of training was different than that of regular officers at that time. It would provide that they would not be compelled to take another academy after the training standards had been changed. Effective, July 1, 1999, all new level I reserve officers must meet the same entry level training standards as regular peace officers, therefore the repeal of subdivision (b)(3)(A)3 is outdated.

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#### **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 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 than 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 be 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 specific internal functions of POST in granting exemptions to the requalification requirements for RBC courses and SIBC and this regulation change is relevant, comprehensive, and consistent to

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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:*

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.