

INITIAL STATEMENT OF REASONS
BASIC COURSE REQUALIFICATION AND BASIC COURSE WAIVER REQUIREMENTS
REGULATIONS 1001, 1005, 1008

Justification for Proposed Revisions

At the October 26, 2017 meeting, the Commission approved the proposed revisions to Commission Regulations 1001, 1005, 1008 and Procedures D-10 and D-11, Requalification and Basic Course Waiver Requirements. Problems with the wording and format of the current regulations have led to confusion for the Commission and POST staff, leading to disparate interpretations of their content and intent. Editorial revisions to these requirements are intended to increase clarity, readability and interpretability. However, the proposed revisions are editorial in nature and do not impact their intended meaning or substance.

In addition to providing clearer explanatory language, the proposed revisions reorganize these requirements so that all information on a given topic is contained in one location. Specifically, Commission Procedures D-10 (Requalification) was positioned as Regulation 1008(F), save for the Requalification Course Terminology (D-10-2[a]), which were woven into Regulation 1001: Definitions. The Basic Course Waiver requirements – including Regulation 1008(a) and Procedure D-11: Basic Course Waiver Process - were merged into Regulation 1005(a): Minimum Standards for Training.POST. Hyperlinks will be added throughout the proposed regulations will further allow easy access to documents referenced within the requirements.

Due to the extent of editorial and formatting changes, the Text of Proposed Regulatory Action is presented in two separate documents: the current regulations are presented in strike-out format, and the proposed regulations are presented in underlined format.

Regulation § 1008 Basic Course Requalification Requirements

Justification by Proposed Revisions by Section:

(A) Purpose of Requalification.

The first two paragraphs of 1008(a) are new. They are intended to provide an introductory context and framework for the ensuing regulations.

The third paragraph, *“For the purposes of this regulation, ‘qualifying employment’ is defined as service in a position for which the RBC or SIBC is required, as appropriate,”* is relocated from its current location as a footnote in Regulation 1008(b)(1)(A) and (B) in order to provide more prominence to this definition, since it is referred to several times throughout the regulation.

(A) Requalification Requirements and (C) Time Limits Following Completion of Requalification.

Regulation 1008 (b) and (c) replace Regulation 1008(b)(1): Three-Year Requalification and Regulation 1008(b)(2): Requalification Methods. These sections caused the most confusion, due to the multiple, semi-overlapping conditional time frames mentioned. The section titles: “Three-Year Requalification” (1008(b)(1) and “Six-Year Exception” (1008(b)((2)(B)(1) only served to exacerbate this confusion. To mitigate this problem, proposed Regulation 1008(B): Requalification Requirements, clearly articulates the conditions and time limits before a requalification course is required, and proposed Regulation 1008(c): Time Limits Following Completion of Requalification, provides separate time limits following requalification for each circumstance after which either requalification or the entire Basic Course must be repeated before in the individual can seek qualifying employment.

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Regulation 1008(b)(2)(C) was established to permit the California Highway Patrol (CHP) to operate an alternative, POST-approved requalification course. This is no longer the case; therefore, 1008(b)(2)(C) has been removed.

(D) Exemptions

The version of proposed subsection 1008(D) submitted to the Commission limited the decision for granting exemptions to the POST Executive Director. At the October 26, 2017 meeting, the Commission voted to retain the current requirement which shares the authority for granting exemptions with both the Executive Director and the Commission, as reflected in the submitted version. Any other revisions to current subsection 1008(b)(3) are minor and editorial.

(E) Jail Deputy Exemption

In this subsection, the few, minor editorial changes to Regulation 1008(b)(4) are intended to further aid clarity and consistency with the larger set of § 1008 requirements.

(F) Requalification Course Requirements.

This new subsection to Regulation 1008 imports Commission Procedure D-10-2(b) – D-10-4: Requalification Course. Procedure D-10-2(a):Terminology, is imported into Regulation 1001: Definitions. Merging Procedure D-10 into Regulation 1008 supports the effort to simply the requalification requirements by situating all relevant requirements in one location.

Specifics of the incorporation of Procedure D-10 to Regulation 1008 are as follows:

Procedure D-10-1: Requalification Course and the introductory sentence of D-10-2: Requalification Course Terminology and Requirements, are incorporated into the first paragraph of 1008(F).

Procedure D-10(2)(b): Single Presenter and D-10(2)(c): Minimum Standards, are incorporated into the second paragraph of 1008(F).

Regulation 1008(F)(1): Requalification Course Eligibility, incorporates Procedure D-10(2)(d)(1): Eligibility.

Regulation 1008(F)(2)(a): Hourly Requirements, incorporates Procedure D-10(4): Hourly Requirements.

Regulation 1008(F)(2)(b): Learning Objectives, incorporates Procedure D-10(d)(2)(A): Learning Objectives.

Regulation 1008(F)(2)(c): Learning Activities, incorporates Procedure D-10(d)(2)(B): Learning Activities.

Regulation 1008(F)(2)(d): Remedial Training, incorporates Procedure D-10(d)(2)(C): Remedial Training.

Regulation 1008(F)(3): Testing Requirements, incorporates Procedure D-10(d)(3): Testing Requirements.

Regulation 1008(F)(4): Retests, incorporates Procedure D-10(d)(3)(C): Retests.

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(G) Requalification Requirements for the Regular Basic Course – Module III

This subsection replaces Regulation 1008(c): Requalification for the Regulation Basic Course – Modular Format, Modular III. The editorial revisions in this subsection – including the title - serve to update and simplify the current requirements. Revisions to this section parallel the editorial revisions included in Basic Course Requalification Requirements in proposed Regulation 1008(B) and (C).

The first paragraph of proposed Regulation 1008(G) incorporates the astericked provision in Regulation 1008(c)(1) that defines components of Module III of the Regular Basic Course to reduce the likelihood that it will be overlooked.

Proposed Regulation 1008(G)(1): Requalification Methods, replaces Regulation 1008(c)(2): Requalification Methods, and includes minor editorial changes to simplify wording.

Proposed Regulation 1008(G)(2): Requalification Eligibility Requirements, simplifies and incorporates the Three-Year Requalification Requirement provisions in 1008(c)(1).

Proposed Regulation 1008(G)(3): Requalification Time Limits, in parallel with proposed Regulation 1008(c), provides the time limits following completion of requalification after which either requalification or the entire Regular Basic Course– Module III must be repeated if an individual seeks reemployment. The second paragraph of proposed subsection 1008(G)(3) incorporates and clarifies 1008(c)(2)(B)(1): Six-Year Exception, in parallel with changes to Regulation 1008(b)((2)(B)(1).

Proposed Regulation 1008(G)(4): Requalification Testing Process, simplifies and incorporates Regulation 1008(c)(4): Module III Requalification Testing Process. Subsection (a): Application Requirements, incorporates Regulation 1008(c)(4)(A): Application. Item 2 is intended to provide applicants with flexibility in documenting the completion of Module III, which can now be verified in POST electronic records. Item 3 incorporates Regulation 1008(c)(4)(B). Item 4 incorporates the information astericked in Regulation 1008(c)(4)(A). The final three paragraphs in proposed Regulation 1008(G)(4)(a) (beginning with “*Applicants shall receive written notification...*”) relocates Regulation 1008(c)(3) to the more appropriate Application Requirements subsection.

Proposed Regulation 1008(G)(4)(b): Test Administration Requirements, incorporates Regulation 1008(c)(4)(C): Requirements for Administering the Requalification Tests, with very minor editorial changes to ensure consistency with the proposed regulation.

Proposed Regulation 1008(G)(4)(c): Requalification Retesting incorporates Regulation 1008(c)(4)(D): Requalification Retesting and includes formatting changes to enhance readability.

(H) Requalification Requirements for the Regular Basic Course – Module II

Current Regulation 1008(d): Requalification Requirement for the Regular Basic Course – Modular Format, Modular II, largely mirrors Regulation 1008(c): Requalification Requirements for the Regular Basic Course - Modular Format, Modular III. Accordingly, proposed Regulation 1008(H): Requalification Requirements for the Regular Basic Course – Module II largely mirrors the proposed revisions in Regulation 1008(G): Requalification Requirements for the Regular Basic Course – Module III. As with the proposed changes in Regulation 1008(G), these changes are intended to

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update and simplify the current requirements.

Proposed Regulation 1008(H)(1): Requalification Methods, replaces Regulation 1008(d)(2): Requalification Methods, with minor editorial changes to simplify wording.

Proposed Regulation 1008(H)(2): Requalification Eligibility Requirements, simplifies and incorporates the Three-Year Requalification Requirement provisions in Regulation 1008(d)(1).

Proposed Regulation 1008(H)(3): Requalification Time Limits, in parallel with proposed Regulation 1008(C), provides the time limits following completion of requalification after which either requalification or the entire Regular Basic Course– Module II must be repeated. The second paragraph of proposed subsection 1008(H)(3) incorporates and clarifies 1008(d)(2)(B)(1): Six-Year Exception, in parallel with the changes in proposed Regulation 1008(b)(2)(B)(1).

Proposed Regulation 1008(H)(4): Requalification Testing Process, simplifies and incorporates Regulation 1008(d)(4): Module II Requalification Testing Process. Subsection (a): Application Requirements, incorporates Regulation 1008(d)(4)(A): Application. Item 2 in that subsection provides applicants greater flexibility in documenting completion of Module II, since the information can now be verified in POST digital records. Item 3 incorporates Regulation 1008(d)(4)(B). Item 4 incorporates the information in asterisks following Regulation 1008(d)(4) to reduce the likelihood that the information will be overlooked. The final three paragraphs of Regulation 1008(d)(3): Eligibility for the Module II Requalification Testing Process (beginning with “*Applicants shall receive written notification...*”) are relocated within the Application Requirements subsection 1008(H)(4)(a).

Proposed Regulation 1008(H)(4)(b): Test Administration Requirements, incorporates Regulation 1008(d)(4)(C): Requirements for Administering the Requalification Tests, with very minor editorial changes to ensure consistency with the proposed regulation.

Proposed Regulation 1008(H)(4)(c): Requalification Retesting, which incorporates Regulation 1008(d)(4)(D): Requalification Retesting, includes formatting changes to enhance readability.

Justification for Proposed Revisions to Regulation § 1005(a) Minimum Entry-Level Training Standards (Required)

Proposed Regulation 1005(a)(1)(C) Basic Course Waiver relocates Regulation 1008(a) Basic Course Waiver and imports Commission Procedure D-11: Basic Course Waiver Process. Merging Regulation 1008(a) and Procedure D-11 into proposed Regulation 1005 simplifies the requalification requirements by situating all Basic Course Waiver (BCW) requirements into the Basic Course regulation.

Justification by Proposed Revisions by Section:

Proposed Regulation 1005(a)(1)(C): Basic Course Waiver

The first paragraph of proposed Regulation 1005(a)(1)(C) Basic Course Waiver (BCW) serves to introduce and provide a context for the Basic Course Waiver process. It also makes it clear that individuals from another state with no prior California law enforcement experience are eligible to apply for a BCW, as established in Procedure D-11-4(c)(1) and (2), which states that an individual’s law enforcement training must have been at a California POST-*certified* or approved training course. POST only certifies its own, California-based training.

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The second sentence of proposed Regulation 1005(a)(1)(C) imports requirements from Procedure D-11-1: Basic Course Waiver Process Purpose. The second paragraph of proposed Regulation 1005(a)(1)(C) imports the requirements specified in the second paragraph Procedure D-11-1.

The third paragraph of proposed Regulation 1005(a)(1)(C) imports the 3-year time limit for which a BCW is valid as specified in Regulation 1008(a)(1)(A). It also serves to clarify that individuals may not apply for another BCW after that 3-year period has elapsed without qualifying appointment.

The fourth and final paragraph of proposed Regulation 1005(a)(1)(C) imports Regulation 1008(a)(1)(B).

Proposed Regulation 1005(a)(1)(C)(1): Eligibility

Proposed Regulation 1005(a)(1)(C)(1) imports the BCW eligibility requirements for the Regular and Specialized Investigator Course stipulated in Procedure D-11-4(c) in a more readable format.

Consistent with the effort to include all relevant information in one location, the BCW eligibility requirements Regulation 1005(a)(1)(C)(1)(a) and (b) include the hourly requirements stipulated in Procedure D-1-3(d) and D-1-4(d) for the Regular Basic Course (664 hours) and the Specialized Investigator Basic Course (591 hours), respectively.

Proposed Regulation 1005(a)(1)(C)(2) Basic Course Waiver Process

Proposed Regulation 1005(a)(1)(C)(2): Basic Course Waiver Process, provides a clearer 4-step specification of the BCW Process. The proposed regulation imports the requirements stipulated in Procedure D-11 and the instructions for completing the Basic Course Waiver Application, [POST Form 2-267](#), in keeping with the goal of including all information on the Basic Course Application process in one location and incorporating those instructions into regulation.

Specifically:

- Proposed Step 1: BCW Application/Self-Assessment and Documentation and Fee Requirements imports Procedure D-11-4: Preliminary Evaluation of Completed Training) and D-11-2: Evaluation and Test Fee.
- Proposed Step 2: POST Training Evaluation imports Procedure D-11-5: POST Evaluation Process, and provides more explanatory information.
- Proposed Step 3: Basic Course Waiver Assessment Process imports Procedure D-11-6: Completion of the BCW Process and Procedure D-11-8: Retest, and clarifies the available assessment methods and retest requirements.
- Proposed Step 4: Issuance of Waiver/Waiver of Attendance repeats Procedure 11-8: Waiver of Attendance. It also imports the admonition in Procedure D-11-1 that the hiring agency has discretion in accepting the waiver as a substitute for the BCW.

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Justification for Proposed additions to Regulation 1001: Definitions

The seven definitions proposed for insertion into Regulation 1001 are taken verbatim from Procedure D-10-2(a) Requalification Course Terminology. Since these terms are mentioned in other POST requirements, they are more appropriately located with the larger set of POST definitions.

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 regulations pertain exclusively to Field Training Officer training exemptions of CPTs 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 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.

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.

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. As the proposed changes are editorial (i.e., not substantive) in nature, they 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.

Benefits of the Regulation:

The proposed revisions will provide a more interpretable version of the existing regulations, resulting in less ambiguity and therefore misinterpretation as to their meaning and intent. It also benefits the reader by housing all requirements related to requalification training and basic course waivers in one location, and relocating terms used in other regulations into the definition section of POST requirements.