



Commission on Peace Officer Standards and Training

860 Stillwater Road
West Sacramento, CA 95605-1603
www.post.ca.gov

Notice of Availability of 15-Day Language and Addition of Document and Information to Rulemaking File

Modifications to the Text of Proposed Regulation and Addition of Document and Information to Rulemaking File for Regulation 1005 Minimum Standards for Training (OAL Notice File Number Z-2018-0920-01S and POST Bulletin Number 2018-22)

Date: July 10, 2019

Pursuant to the requirements of Government Code section 11346.8(c), and section 44 of Title 1 of the California Code of Regulations, the Commission on Peace Officer Standards and Training (POST) is providing notice of changes made to the proposed regulation section 1005. The changes include amending the following document incorporated by reference: Basic Course Waiver Application POST Form 2-267 (Rev. 10/2019).

Additionally, pursuant to the requirements of Government Code sections 11346.8(d), 11346.9(a)(1) and 11347.1, POST is providing notice that a document and other information which the agency has relied upon in adopting the proposed regulations has been added to the rulemaking file and is available for public inspection and comment. The document and information added to the rulemaking file is the Addendum-Initial Statement of Reasons (ISOR). This document is available for public inspection and comment at POST's office located at 860 Stillwater Road, Suite 100, West Sacramento, 95605 from July 10, 2019 through July 25, 2019, between the hours of 8:00 a.m. and 5:00 p.m.

If you have any comments regarding the proposed changes or the Addendum-ISOR, POST will accept written comments between July 10, 2019 and July 25, 2019. All written comments must be submitted to POST by **July 25, 2019**, and addressed to:

[Cheryl Smith](mailto:Cheryl.Smith@post.ca.gov), Staff Services Manager I
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All written comments received by **July 25, 2019**, which pertain to the indicated changes and the Addendum-ISOR will be reviewed and responded to by POST staff as part of the compilation of the rulemaking file. Regarding the modified regulation text please limit your comments to the changes indicated in double-underline and double-strikeout.

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§ 1005. Minimum Standards for Training (Refer to Regulation 1007 and PAM Section H for *reserve peace officer* training standards).

(a) Minimum Entry-Level Training Standards (Required)

(1) Basic Course Requirement

Every peace officer, except Reserve Levels II and III, those peace officers listed in subsections 1005(a)(3) [peace officers whose primary duties are investigative], 1005(a)(4) [coroners or deputy coroners], and 1005(a)(7) [jail deputies], shall complete the Regular Basic Course before being assigned duties which include the exercise of peace officer powers. Requirements for the Regular Basic Course are set forth in PAM Section D-1-3.

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(C) Basic Course Waiver

A Basic Course Waiver (BCW) provides an exemption from the Regular Basic Course (RBC) or Specialized Investigator Basic Course (SIBC) training requirements and is granted to individuals from another state, with no prior California law enforcement experience, whose law enforcement training, experience and education are deemed by POST to demonstrate sufficient law enforcement knowledge, skill and proficiency. The prescribed course of training appropriate to the individual's appointment is determined by the Commission and is specified in sections 1005(a) or 1007(a). The requirements for the RBC and SIBC are specified in POST Administrative Manual (PAM) Section D-1.

Acceptance of the BCW in lieu of successful completion of a RBC or SIBC is at the discretion of the employing agency. The BCW does not determine an individual's employability, nor is it a means of requalifying training. Individuals with prior California law enforcement experience are not eligible for the BCW and must complete requalification as defined in Regulation 1008.

A BCW is valid for three years from the date it is granted. After three years, the requirements for requalification or attendance in a RBC or SIBC attach, as specified in Regulation 1008. Individuals may not apply for a second BCW.

A waiver of attendance for the RBC will satisfy attendance at SIBC. However, a waiver of attendance for SIBC training does not satisfy the RBC training requirement.

1. Eligibility

a. Regular Basic Course Waiver

To be eligible for a waiver of the RBC, an individual must meet the following training, education and experience requirements:

i. Successful completion of a 200 hour minimum basic general law enforcement training course certified or approved by California POST or a similar standards agency of another state, or a federal agency general law enforcement basic course, and

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- ii. At least 664 hours of general law enforcement training, which includes the basic course requirement listed in Regulation 1005(a)(1)(A) and
- iii. Legislatively mandated training included in the POST-certified RBC, and
- iv. At least one year of out-of-state [full-time](#) general law enforcement experience as defined in Regulation 1001. Experience must have been acquired subsequent to the completion of basic training.

b. Specialized Investigators' Basic Course (SIBC) Waiver

To be eligible for a waiver of the SIBC, an individual must meet the following training, education and experience requirements:

- i. Successful completion of a basic investigative course similar in content to the SIBC, certified or approved by California POST or a similar standards agency of another state, or a federal agency general or investigative basic course.
- ii. At least 591 hours of investigative or general law enforcement training, which includes the basic course requirement listed in Regulation 1005(a)(1)(a), and
- iii. Legislatively mandated training included in the POST-certified SIBC, and
- iv. At least one year of out-of-state [full-time](#) investigative or general law enforcement experience. Experience must have been acquired subsequent to the completion of basic training and, as determined by POST, commensurate with law enforcement duties of California investigative agencies.

2. Basic Course Waiver Process

A Basic Course Waiver shall be determined through a four-step process: (1) Application/Self-Assessment, Documentation, and Fee Requirements; (2) POST Training Evaluation; (3) Basic Course Waiver Assessment; and (4) Waiver Issuance.

Step 1: Basic Course Waiver Application/Self-Assessment and Documentation and Fee Requirements

- a. Self-Assessment: Prior to submitting an application for a Basic Course Waiver, an individual must conduct a self-assessment to verify successful completion of the requirements listed in the applicable section above.
- b. Documentation Requirements: The BCW Application, POST 2-267(Rev. ~~04/2015~~ ~~06/2018~~ [10/2019](#)), [which is hereby incorporated by reference](#), must be submitted together with the supporting training, education, and experience documentation described below. The application form must be signed by the individual and the department head, when appropriate. Each application must be accompanied by the following supporting documentation:

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- i. Basic Course: A certificate of completion and copy of the course curriculum that outlines course content and hours that is consistent with the date of completion on the certificate.
- ii. Other Training: Certificates of completion, training records, or similar documentation of related training.
- iii. Education: Official transcripts. One semester unit shall be equivalent to a maximum of 20 training hours and one quarter unit shall be equivalent to a maximum of 14 training hours.
- iv. Experience: Written verification of experience shall be listed on agency letterhead from the department head, training manager, or personnel department for which the applicant was employed. The document must specifically state that the applicant completed at least one year of full-time general law enforcement following completion of basic training (or investigative experience, if appropriate). The letter must be accompanied by a duty statement for the position held by the applicant.
- v. Fee: Certified check, ~~or~~ money order or electronic payment, payable to the Commission on POST, in the amount specified on the Basic Course Waiver Application (POST 2-267) (Rev. ~~04/2015~~ 10/2019).

Incomplete application packets will not be considered for review and will be returned to the applicant.

Step 2: POST Training Evaluation

Upon receipt of the completed BCW Application POST 2-267 (Rev. ~~04/2015~~ 10/2019), all supporting documents and the appropriate fee, POST will evaluate the individual's prior training, education and experience.

Individuals will be notified if additional supporting documents are necessary and/or if application is deficient in one or more areas. An individual shall have up to 180 days from date of notification to provide additional verification without the payment of an additional evaluation fee. Failure to provide the additional verification within that time period will result in closure of the application process. Once closed, a new application (including training certification information) must be filed, subject to the training standards, testing, and fee requirements in effect at the time of submission of the new application.

The individual and the agency, when appropriate, will be notified of the results of the evaluation. If the application is approved, the individual will be eligible to complete the BCW Assessment Process.

Step 3: Basic Course Waiver Assessment Process

a. Assessment Methods

There are two methods by which the BCW assessment can be accomplished:

- (1) Attendance and successful completion of a POST-certified Requalification Course; or

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(2) Successful completion of the BCW Testing Process. The BCW Testing Process is only available to individuals who have less than a three year break from the last date of service as a peace officer. Once an assessment method is chosen, an individual may not switch to the other option. The BCW assessment process must be successfully completed within one hundred eighty days of notification by POST of approval of the evaluation.

Assessment Method 1: POST-Certified Requalification Course.

- i. The one hundred thirty six hour Requalification Course must be taken through a qualified presenter.
- ii. Course content and testing requirements can be found in the POST Training and Testing Specifications.

Assessment Method 2: Basic Course Waiver Testing Process.

The testing process consists of the two components identical to the Requalification Course examinations:

- i. A comprehensive test designed to evaluate an individual's knowledge of basic course content.
- ii. Exercise tests designed to evaluate an individual's manipulative skills acquired in the basic course.
- iii. The testing process is to be administered through a POST Testing Center. Both components are graded pass/fail and must be successfully completed.

b. Retest

- i. A comprehensive retest shall be allowed one time only. Arrangements for the comprehensive retest must be made directly with the same POST-certified Requalification Course presenter or POST Testing Center at which the initial comprehensive test was taken. Retesting must take place within ninety days of the initial test. An individual who fails the retest must, before exercising peace officer powers, successfully complete the appropriate POST-certified basic course.
- ii. Retest of one or more modules of the exercise shall be allowed one time only. Arrangements for the skills 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. Retesting must take place within ninety days of the initial test. An individual who does not pass the failed module(s) of the skills retest must, before exercising peace officer powers, successfully complete the appropriate POST-certified basic course (RBC or SIBC).

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- iv. If the testing requirement is not met due to non-completion or failure of the initial test and retest, the individual is no longer eligible for a waiver and will be required to complete the appropriate POST-certified basic course.

Step 4: Issuance of Waiver/Waiver of Attendance

- a. Upon successful completion of the waiver process, a Waiver of Attendance of the appropriate POST-certified basic course will be granted by POST.
- b. Acceptance of a waiver for meeting the appropriate Basic Course training standard shall be at the discretion of the employing agency.

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Note: Authority cited: Sections 832.1, 832.3, 832.6, 13503, 13506, 13510, 13510.3, 13510.5, 13515.26 and 13519.8, Penal Code. Reference: Sections 830.33, 832, 832.1, 832.3, 832.6, 13506, 13510, 13510.3, 13510.5, 13511, 13513, 13514, 13515.29, 13515.295, 13516, 13517, 13519.8, 13520 and 13523, Penal Code.