

## **INITIAL STATEMENT OF REASONS**

### **Amend Commission Regulation 1052**

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The Commission on Peace Officer Standards and Training (POST) proposes to amend Regulation 1052 Requirements for Course Certification to address the following changes;

- Reduce the amount of time and work required to obtain course certification by eliminating the requirement for information that is not necessary to, and has no impact on, certification of the course.
- Expand the types of certified professional training available to California law enforcement by allowing the submission of courses previously excluded.
- Provide flexibility in the delivery of adult centered learning by eliminating rigid hourly constraints and allowing for the submission of learning objectives and minimum topics as an expanded course outline.
- Clarify presenters' responsibilities for student and instructor safety.

The Commission approved amendments to Regulation 1052, at the June 21, 2018 Commission meeting.

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

The current POST course certification process has been identified as unnecessarily long and rigid, reducing the amount of certified training opportunities and delaying the delivery of certified training to California law enforcement. Proposed changes to Regulation 1052 are based on recommendations from law enforcement practitioners, course presenters, training managers, and POST staff. The changes will ensure law enforcement agencies and individuals have timely access to a variety of current POST certified training courses.

#### Regulation 1052. Requirements for Course Certification

(a)(3)-The proposed revision is necessary to create two types of certified course outlines (Certification I and Certification II). Two types of certification will expand the types of courses certified, remove the requirement for information (for certain types of courses) not necessary to, and that has no impact on, certification of the course, and increase flexibility in the delivery of adult centered training.

(a)(9)- The proposed revision is necessary to indicate that the need to include learning activities in a presenter's certification package is based on the certification type requested.

(a)(10)- The proposed revision is necessary to indicate that the need to include a method for assessing student learning in a presenter's certification package is based on the certification type requested.

(b)- The proposed revision is necessary to reflect the change from one certification process to the two different types of certification now offered to presenters and to clarify the types of courses that qualify for each certification type.

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(b)(1)(F)(1.)-The proposed revision is necessary to ensure a) presenter compliance with requirements by having presenters indicate the reimbursement plan and b) consistency when changes are made to Regulation 1015(c) without major changes being required across multiple Regulation sections if POST modifies the types of reimbursement plans offered.

(b)(2)(C)(5.-7.) -The proposed revision is necessary to ensure the certification process is less cumbersome by no longer requesting information that is not necessary to, and has no impact on, certification of the course.

(b)(2)(C)(8.) – The proposed revision is necessary to eliminate redundancy with Regulation 1052(b)(2)(E) which requests the same information.

(b)(2)(C)- The proposed revision is necessary to reflect the renumbering of existing provisions as a result of the deletion of subsections (5.-8.).

(b)(2)(F)(2.)- The proposed revision is necessary to remove information related to the basic course certification process which is now reflected in Regulation 1052(f).

(b)(3)(A-C) - The proposed revision is necessary to clarify the Expanded Course Outline requirements based on the type of certification requested.

(b)(4)- The proposed revision is necessary to ensure the certification process is less cumbersome by no longer requesting information that is not necessary to, and has no impact on, certification of the course, by reducing the amount of detail required in the hourly distribution.

(b)(5)(A)- The proposed revision is necessary to ensure course presenter agreement to a safety attestation for courses requiring a safety policy. The safety attestation clarifies presenter responsibilities for the safety and welfare of students and instructors during the presentation of courses that require safety policies.

(b)(6)- The proposed revision is necessary to reduce the amount of information that is not necessary to, and has no impact on, certification of the course. The changes in requirements for submitting a budget reduce the number of courses that require a budget submission.

(e)(1)(A-C)- The proposed revision is necessary for consistency in the formatting of the regulations.

(f)(1) and (2)- The proposed revision is necessary to reflect that the existing course certification process will still apply to POST-certified basic courses only. The revision reflects the transition of the existing requirements located in 1052(a) and (b) to this section. 1052 (c) and (d) are still applicable to the certification of basic courses and are referenced in the introductory paragraph of 1052(f) along with a reference to each basic course covered by these sections.

(f)(3-13)- The proposed revision is necessary to reflect the renumbering of existing provisions as a result of the addition of subsections (1 and 2).

(i)- The proposed revision is correcting the spelling of the word.

(k)(2)- The proposed revision is necessary to reflect the change in expanded course outline requirements from the third level of detail to the second, as outlined in 1052(b).

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(k)(3)- The proposed revision is necessary to allow presenters to certify panel discussions, thereby increasing the number of training opportunities available to California law enforcement.

(k)(3-4)- The proposed revision is necessary to reflect the renumbering of existing provisions as a result of the deletion of subsection (3).

(l)(1)- The proposed revision is necessary to remove the 2-hour minimum time restriction previously required to certify individual workshops, thereby increasing the number of training opportunities available to California law enforcement.

(l)(1-3)- The proposed revision is necessary to reflect the renumbering of existing provisions as a result of the deletion of subsection (1).

(l)(2)- The proposed revision is necessary to ensure consistency with proposed Regulation 1052(b) by removing the Hourly Distribution requirement and clarifying the expanded course outline content will change from the third level of detail to the second.

#### **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 law enforcement, which are government entities, and does 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 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

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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 specific benefits anticipated by the proposed amendments to the regulations will be a streamlined course certification process for presenters, the ability for presenters to conduct in-house training for their agency's employees where this has not always been possible, and improved effectiveness of the training by improving the student learning outcomes.

#### **Economic Impact Analysis**

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

The Commission on Peace Officer Standards and Training (POST) sets law enforcement selection and training standards for its member law enforcement agencies. Participation in POST programs, and adherence to POST regulations, is voluntary and limited to law enforcement agencies that are governmental entities. The proposed regulatory revisions pertain exclusively to testing protocols and training standards and, accordingly, 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 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 benefits of proposed amendments to the regulation will increase the efficiency of the state of California in delivering services to stakeholders. Thus, the law enforcement standards are maintained and effective in preserving peace, protection of public health, safety, and welfare of California. The proposed amendments will have no impact on worker safety or the State's environment.