

INITIAL STATEMENT OF REASONS

Amend Commission Regulation 1052- Requirements for Course Certification

At the June 23, 2018 meeting, the commission authorized staff to develop, and submit for public comment, proposed changes to Regulation 1052(g) regarding pilot programs.

The Commission on Peace Officer Standards and Training (POST) is proposing changes that will assist POST staff and course presenters by outlining the process for implementing a pilot program. Additionally, the proposed changes will provide flexibility in developing a pilot program to meet stakeholder needs.

Justification for Proposed Revisions

Currently, Regulation 1052(g), does not outline a clear process for pilot program implementation. To better serve law enforcement, the community, and stay ahead of emerging and contemporary issues, POST is proposing changes to the regulation that will clarify the process for implementing a pilot program.

1052(g) - The proposed changes are necessary to clarify the process for implementing a pilot program and will allow POST's Executive Director, and the Commission, to authorize a Pilot Program. If authorized, a pilot program could involve various changes to regulation, course content, and/or hours, to determine if the proposed changes would be effective and beneficial to the field. The Executive Director will provide the initial approval with the Commission providing the final approval. The proposed changes are applicable to all POST-certified courses.

- The removal of the terms "later", "newly adopted", and "retroactive" are necessary to ensure students receive credit for completion of the Pilot Program regardless of implementation.
- The current pilot language does not include changes to the course certification process. The addition of course certification is necessary for POST to test new methods of course certification as part of a Pilot Program prior to implementation.
- Including the term "any additional", in reference to Regulations 1052-1057, is necessary to ensure all requirements, current or proposed, are met during any portion of the Pilot Program. For example, if POST is piloting the removal of the expanded course outline currently required for course certification, there are additional course certification document requirements listed under Regulation 1052 needing to be fulfilled to certify a course under the Pilot Program.
- The removal of the term "trainee" is necessary to ensure all students attending a course conducted under the Pilot Program receive credit whether employed by a department or not. "Trainee" is currently defined as an employee of a department who attends a POST-certified course." Often individuals attending a POST-certified course are not employees of a department but are self-sponsored individuals attending training to gain employment.
- The current pilot language is unclear, and not specific, in outlining the process for requesting, approving and implementing a pilot program. The need to implement a pilot program can be determined by many methods; a request from the field or stakeholders, the result of a work group/workshop, or an internal review of current process which reveals the need for change, etc. Current language also does not outline who is affected, the length of time allowed, or the final Commission approval process.

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- All requests for a pilot program shall be submitted, in writing, to the Executive Director. The addition of the process steps is necessary to ensure consistency in requests received by the Executive Director and Commission and clarify who approves those requests, the length of time allowed for the pilot, and what is presented to the Commission when requesting implementation of the pilot components. The reason for each component is as follows:
 - Requiring the purpose of the project in the request is necessary to ensure the pilot is being conducted to serve a purpose or meet a need whether it be internal or external.
 - Including the fiscal impact in the request is necessary to ensure there is funding available to conduct the pilot. This allows POST to be fiscally responsible while doing all possible to meet the needs of stakeholders.
 - The desired outcome component of the request is necessary to ensure the desired outcome can still be reached even if adjustments/changes are made to any part of the process over the course of the pilot. It also allows for flexibility in improving curriculum or training.
 - The implementation plan impacts other components of the request (desired outcome, fiscal impact) and is necessary to ensure all components of have been appropriately vetted through those involved in the pilot.
 - The evaluation method of the pilot request is necessary to ensure feedback will be received from those involved in, or impacted by, the pilot to determine if the purpose and desired outcome were met.
 - Clarifying the pilot program approval process is necessary to ensure both the Executive Director and Commission are aware of stakeholder needs and the required steps POST staff will take to meet those needs.
 - When a pilot program request is received, the Executive Director and designated POST staff will evaluate the request in conjunction with stakeholders if needed. This step in the process is necessary to ensure the pilot program is relevant to the state and not tailored to one specific group.
 - POST will not require any presenter, agency, or other stakeholder group mandatory participation in any pilot program. Participation is purely voluntary which is necessary to ensure the success of any pilot program process. Establishing the allotted timeframe for a pilot program is a necessary step toward ensuring they are conducted in a timely manner which also affects the overall cost of the pilot.
 - Establishing the requirement that all data collected be presented to the Commission is necessary to ensure they have received all pertinent information prior to adopting or rejecting proposed amendments.

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

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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.

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 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 the proposed amendments to the regulations 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 in California. There would be no impact that would affect worker safety or the State's environment.

During the process of developing these regulations and amendments, the Commission on Peace Officer Standards and Training has conducted a search of any similar regulations on this topic and has concluded these regulations are neither inconsistent nor incompatible with existing State regulations.

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 training standards (both certification and presentation) 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,

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.