

## **INITIAL STATEMENT OF REASONS**

### **Amend Commission Regulation 1005**

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At the October 18, 2018 meeting, the Commission approved proposed changes to Regulation 1005 (d)(4), removing language relating to “individuals assigned to patrol, traffic, or investigation who routinely effect the physical arrest of criminal suspects” for completion of Perishable Skills and Communications training.

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

The proposed changes to Commission Regulation 1005 (d)(4) will clarify the language related to the assignment of the peace officer and the word “routinely.” This modification will remove the ambiguity of the word “routine” and make it easier for an agency and POST staff to correctly interpret the regulation and apply the section to those individuals within the organization that it was meant for.

The regulation also lists three specific assignments of patrol, traffic or investigation, which creates questions as to why just those three assignments are specifically mentioned. Wording also currently allows those individuals to be exempted from all PSP’s, including driver training, tactical firearms, and communication, not solely the arrest and control component of perishable skills.

Agencies will still be allowed to ask for specific exemptions in writing based on job duties as the current practice is today. POST staff will no longer be required to interpret this section, resulting in a more consistent application across the state.

#### Regulation 1005. Minimum Standards for Training

(d)(4) – The proposed revision is necessary to add clarity to the regulation as it was originally intended.

#### **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.

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### **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 specific benefits anticipated by the proposed amendment to the regulations will be clarity to regulation and prevent POST staff to clarify whether certain individuals can be exempt from PSP requirements.

### **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 perishable skills, 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.