

**INITIAL STATEMENT OF REASONS**  
**Amend Commission Regulations 1005, 1007, and Commission Procedure D-1**

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As part of an ongoing process, staff reviews regulations and procedures related to basic courses to determine if revisions are necessary. The Commission on Peace Officer Standards and Training (POST) proposes to amend Regulations 1005, 1007, and Commission Procedure D-1, to address test failure notification issues between basic course presenters, agencies and POST. The Commission approved the amendments at the May 30, 2019, Commission meeting, subject to the Notice of Proposed Regulatory Action process.

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**Justification – Regulation 1005 and 1007**

New effective date updates the incorporation by reference statements for historical accuracy.

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**Justification – Commission Procedure D-1, Basic Training**

Penal Code Section 13510.5 specifies the Commission will “adopt, and may, from time to time amend, rules establishing minimum standards for training of peace officers”.

Basic Course presenters provide training and testing to numerous trainees. Many of the trainees are attending a Basic Course administered by a presenter that is not their employing agency. Currently, the course presenters are not required to notify the employing agencies when a trainee fails a POST mandated test which leads to the agency being notified of an issue only after the trainee has failed the course.

The proposed amendment is necessary to ensure presenters notify a trainee's employing agency prior to the presenter administering a retest allowing the trainee's agency the opportunity to provide remedial training or counseling to that trainee prior to the presenter administering the retest.

Additionally, the Basic Training Bureau has experienced situations when presenters have administered POST mandated tests and had numerous initial test failures. The presenter then conducted remedial training, administered the retest, and at the conclusion of the retest, an unusually high number of students failed. Failure of a retest requires dismissal from the Basic Course yet, there have been instances where it was later determined the presenter did not administer the test appropriately. Had the presenter contacted the Basic Training Bureau after the initial test failure, POST could have reviewed the testing process and determined validity of the process prior to the administration of the retest.

The proposed amendment is necessary to ensure POST has the opportunity to review, and determine the validity of, a testing process when a significant number of trainees fail. This process is a necessary step in ensuring consistency in testing processes across all basic course presenters statewide.

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**Significant Statewide Adverse Economic Impact Directly Affecting California Businesses, Including Small Businesses**

The Commission on Peace Officer Standards and Training has made a determination that the amended regulation will not have a significant statewide adverse economic impact directly affecting California businesses, including the ability to compete with businesses in other states. The Commission on Peace Officer Standards and Training has found that the proposed amendments will have no effect on California businesses, including small businesses, because the Commission sets selection and training standards for law enforcement and does not impact California businesses, including small businesses.

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**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.

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**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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**Considerations of Alternatives**

The Commission determined that there were no reasonable alternatives to the proposed regulation.

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**Benefits Anticipated**

The specific benefits anticipated by the proposed amendments to the regulations will be to increase the effectiveness of law enforcement standards for peace officers in preserving peace, protection of public health and safety, and welfare of California. There would be no effect in regard to the environment, the prevention of discrimination, and the increase in openness and transparency in business and government.

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**Economic Impact Analysis**

*Impact of Jobs/New Business:*

The Commission on Peace Officer Standards and Training has found that the proposed amendments will have no effect on California businesses, including small businesses, because the Commission sets selection and training standards for law enforcement and does not impact California businesses, including small businesses.

*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. These proposed regulations will set standards for consistency in testing processes across the State.

*Benefits of Proposed Regulation:*

The proposed amendments of regulations will increase the effectiveness of law enforcement standards for peace officers in preserving peace, protection of public health and safety, and welfare of California.