

INITIAL STATEMENT OF REASONS

Amend Commission Regulation 1052

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

- Emphasize presenters' responsibilities for student and instructor safety with a requirement to agree to a Safety Policy Attestation.
- Clarification on when a course budget is required.

Proposed changes will be presented to POST Commission on October 24, 2019 for approval.

Justification for Proposed Revisions

Current POST certified courses with specific manipulative skills requirements (e.g. firearms, arrest & control techniques, less-lethal munition, and tactical operations training) pose a potential risk of harm to students, instructors, or bystanders. To eliminate or minimize this risk to the extent possible, course presenters must ensure that the course is taught in accordance with all required safety policies and procedures, and in any event, is conducted in a manner designed to minimize the risk of injury. The proposed amendments and use of a Safety Policy Attestation will help ensure training activities involving a risk for injury agree when in accordance with safety policies and procedures and to ensure course staff and instructors are aware of and follow these policies and procedures during every course administration. The Safety Attestation emphasizes to the presenter its role in ensuring continuing compliance with safety policies and procedures by instructors and staff in each administration of a course.

The proposed revision also clarifies when a budget is required during the course certification process. The amendment would allow POST to hold course presenters accountable when a training course and/or student is largely funded by POST. It also allows POST to review course budget to ensure appropriate tuition cost to POST agencies when a presenter requests \$126/day student tuition or higher.

Regulation 1052. Requirements for Course Certification

(a)(9)(D)1.- The proposed revision is necessary to create the POST Safety Policy Attestation for course presenter to agree when a course involves manipulative skills, learning activity or manipulative skills testing.

(a)(9)(D)1.a.- The proposed revision is necessary to ensure course presenter will include adequate provisions for student safety and will adhere to those standards during instruction and training.

(a)(9)(D)1.b.- The proposed revision is necessary to ensure training is at all times conducted in a manner designed to minimize the risk of injury.

(a)(9)(D)1.c.- The proposed revision is necessary to ensure the course presenter's instructors, staff and students have the requisite understanding of course safety policy and procedures.

(a)(9)(D)1.d.- The proposed revision is necessary to ensure POST will be properly informed when an injury requiring more than basic first aid had occurred during a POST certified course.

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(a)(9)(D)1.e.- The proposed revision is necessary to ensure course presenter will adhere to all statutes and regulations governing workplace safety beyond Commission Regulations.

(b)(6)- The proposed revision is necessary to streamline the course certification process for presenters and POST personnel when the course tuition costs are \$125 per student per day or less and POST reimbursement is limited to subsistence, commuter lunch and travel by bypassing the budget submission requirement. POST has determined the rate of \$125 per student per day as fair and equitable tuition based on the current tuition rate for State government training courses and peace officer training courses presented in the State of California. Commission Regulation 1015 governs the reimbursement costs of subsistence, commuter lunch, and travel that students may claim, so these costs are known and do not need to be reviewed in the certification process.

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 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.

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Benefits Anticipated

The specific benefits anticipated by the proposed amendments to the regulations will be to help ensure courses posing a risk of injury will be conducted in a manner that minimizes the risk of injury, thus preventing injury, minimizing lost work time, reducing medical expenses, and minimizing liability risks. Requiring the presenter sign a Safety Attestation helps emphasize the importance of the requirement to the presenters, and more clearly puts the presenter on notice of the obligation to develop proper safety procedures, and ensure instructors, staff, and students are aware of their respective obligations during each initial and subsequent administration of the course. The proposed amendments also allow POST to hold course presenters more accountable on course expenditures when the State funds the course.

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.