

## INITIAL STATEMENT OF REASONS

### Commission Regulations 1005, 1007, and 1008 Amend *Training and Testing Specifications for Peace Officer Basic Courses*

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The Commission on Peace Officer Standards and Training (POST) proposes to amend Regulations 1005, 1007, and 1008, and sections of the document *Training and Testing Specifications for Peace Officer Basic Courses* (rev 4/1/2020) to address the following changes:

- Make additional updates to curriculum as part of an ongoing review

All changes to basic academy curriculum begin with recommendations from law enforcement practitioners or, in some cases, via legislative mandates. POST then facilitates meetings with curriculum advisors and subject matter experts (SMEs) who recommend changes to existing academy curriculum. The Commission approved the proposed changes at the October 18, 2018, Commission meeting, subject to the Notice of Proposed Regulatory Action process.

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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”.

As part of the ongoing curriculum review, the following learning domains have been revised to either reflect emerging training needs, improve student learning and evaluation, or to comply with legislative mandates:

- LD 26, *Unusual Occurrences*
- LD 32, *Lifetime Fitness*
- LD 41, *Hazardous Materials Awareness*
- LD 43, *Emergency Management*

Changes were made to improve instructional sequencing of topical content and condense material under a domain title consistent with entry-level peace officer tasks related to emergency management and response. Changes made to 26, 41, and 43 were made to align the curriculum with guidelines and terms utilized by organizations within the national industry (Department of Homeland Security [DHS], Federal Emergency Management Agency [FEMA] e.g., state and local governments, law enforcement, and other first responders).

Entry-level peace officers are expected to be competent with a basic awareness of the intelligence system, terrorism threats, suspicious activity reporting process and the importance of critical infrastructure protection.

The revised curriculum was affirmed by Subject Matter Experts that included intelligence officers from Federal and State agencies, intelligence analysts, members of the Security and the California State Threat Assessment System, local government Terrorism Liaison Officers, first responders and academy instructors.

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#### **Justification – Regulation 1005, 1007 and 1008**

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

#### **Justification – Learning Domain 26- *Unusual Occurrences***

##### Page 26-1:

Title change- The change from “unusual occurrence” to “critical incident” is necessary for consistency with state and federal safety professional terminology when describing the types of events or incidents peace officers respond to. The term “critical incident” designates a certain type of response.

Date Change- The change is necessary to reflect the proposed effective date for the proposed changes.

I(A-B)- The addition of the learning need and objectives is necessary to ensure officers understand emergency management and how they are impacted in their role as a Disaster Service Worker. Officers are expected to work in an all threats environment, and they must be aware of the others working around them such as those volunteers and other agencies classed as Disaster Service Workers including themselves.

I(C)- The additional content is necessary for officers to know what is expected of them as a Disaster Service Worker pursuant to Government Code section 3100. Officers are expected to work in an all threats environment, and they must be aware of the others working around them such as those volunteers and other agencies classed as Disaster Service Workers including themselves.

II- The proposed revision is necessary to reflect the renumbering of existing Learning Needs as a result of the addition of a new Learning Need I. The change from “unusual occurrence” to “critical incident” is necessary for consistency with state and federal terminology when describing the types of events or incidents peace officers respond to. The term “critical incident” designates a certain type of response.

II(A-B)- The change from “unusual occurrence” to “critical incident” is necessary for consistency with state and federal safety professional terminology when describing the types of events or incidents peace officers respond to. The term “critical incident” designates a certain type of response.

##### Pages 26-1 and 26-2:

II(C)- The change from “unusual occurrence” to “critical incident” is necessary for consistency with state and federal safety professional terminology when describing the types of events or incidents peace officers respond to. The term “critical incident” designates a certain type of response. The proposed revision to change the order of the subcategories is necessary to clarify the typical order of tasks/responsibilities when an officer is on the scene of a critical incident.

II(C)(1)- The proposed revision is necessary so officers understand the threat or hazard may not always be readily apparent when responding to a critical incident and it may be their responsibility to locate.

II(C)(2)- The proposed revision is necessary to clarify a critical incident can also involve a threat to personal or public safety (e.g., active shooter, bridge collapse.)

II(C)(3)- The proposed addition is necessary so officers understand they have a responsibility to protect human life if it can be accomplished safely.

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II(C)(4)- The proposed addition is necessary to clarify for officers that they may establish or assume command. Command must always be established before it can be assumed.

II(C)(5)- The proposed removal is necessary to reflect the language is no longer needed with clarification of the command component.

II(D)- The proposed addition is language moved from Learning Domain 41 (III)(D) in its entirety. The deletion of the original language is necessary to eliminate unnecessary redundancy with learning objectives that are being moved from Learning Domain 43 (VI)(A, C, D, E, and F) into Learning Need (III)(A-E.)

#### Pages 26-2 and 26-3

III- The proposed revision is necessary to reflect the renumbering of existing Learning Needs as a result of the addition of a new Learning Need I. The proposed addition is language moved from Learning Domain 43 (VI) in its entirety.

III(A-E)- The proposed addition is language moved from Learning Domain 43 (VI)(A, C, D, E, and F) in its entirety.

IV- The proposed revision is necessary to reflect the renumbering of existing Learning Needs as a result of the addition of a new Learning Need I. The proposed addition is language moved from Learning Domain 41 (I) in its entirety.

IV(A-D)- The proposed addition is language moved from Learning Domain 41 (I)(A-D) in its entirety.

#### Page 26-4

IV(E)- The proposed addition is language moved from Learning Domain 41 (I)(E) with the exception of the term “contacting” which implies physical contact. The proposed removal of the term “contacting” is necessary to clarify that contact can happen in many ways, not just physical. Removal of this term will allow instructors to identify for students the many ways to protect themselves.

V- The proposed revision is necessary to reflect the renumbering of existing Learning Needs as a result of the addition of a new Learning Need I. The proposed addition is language moved from Learning Domain 41 (II) in its entirety.

V(A-B)- The proposed addition is language moved from Learning Domain 41 (II)(A-B) in its entirety.

VI- The proposed revision is necessary to reflect the renumbering of existing Learning Needs as a result of the addition of a new Learning Need I. The proposed addition is language moved from Learning Domain 41 (III) in its entirety.

#### Page 26-5

VI(A)- The proposed addition is language moved from Learning Domain 41 (III)(A) in its entirety.

VI(B)- The proposed addition is language moved from Learning Domain 43 (V)(C)(1-4) in its entirety.

VI(C)- The proposed addition is language moved from Learning Domain 41 (III)(B) in its entirety.

VI(D)- The proposed addition is language moved from Learning Domain 41 (III)(C)(1-3) in its entirety. The addition of the terms “hot,” “warm,” and “cold” is necessary to ensure officers are familiar with these critical terms used when referencing zones at an incident

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and is consistent with national response requirements, Incident Command Systems, national, state, and local directives, Industry best practices and terms.

VI(E)- The proposed addition is language moved from Learning Domain 41 (III)(E) in its entirety.

VII- The proposed revision is necessary to reflect the renumbering of existing Learning Needs as a result of the addition of a new Learning Need I. The proposed addition is language moved from Learning Domain 43 (V) in its entirety.

VII(A)- The proposed addition is language moved from Learning Domain 43 (V)(A) in its entirety.

VII(B)- The proposed addition is language moved from Learning Domain 43 (V)(B) with the exception of “and the assessment of exposure.” The removal of this language is necessary to not only eliminate redundancy in that objective but clarify the language. The assessment process takes place during the identification process which is covered under the previous learning objective.

VII(C)(1-5)- The proposed revision is language moved from Learning Domain 43 (V)(D-I, and L). The restructuring of the language moved from Learning Domain 43, and the addition of the B.N.I.C.E. acronym, is necessary to eliminate redundancy and reflect that B.N.I.C.E. is a WMD acronym used for identification purposes and is consistent with Industry and Trade accepted language and practice.

#### Page 26-6

VII(D)- The proposed addition is language moved from Learning Domain 43 (V)(J) in its entirety.

VII(E)- The proposed addition is language moved from Learning Domain 43 (V)(M) in its entirety.

VII(F)- The proposed addition is language moved from Learning Domain 43 (V)(N) in its entirety.

VII(G)- The proposed addition is language moved from Learning Domain 43 (V)(K and O). The change from decontamination issues and considerations to contamination issues and considerations is necessary to clarify that the type and level of contamination determines the type of Personal Protection Equipment needed.

VIII- The proposed revision is necessary to reflect the renumbering of existing Learning Needs as a result of the addition of a new Learning Need I. The change from “unusual occurrence” to “critical incident” is necessary for consistency with state and federal safety professional terminology when describing the types of events or incidents peace officers respond to. The term “critical incident” designates a certain type of response.

VIII(B)- The additional language is necessary for consistency with contemporary fire incidents and must meet the statewide applicability requirement (e.g., vegetation fire vs. structure fire).

#### Page 26-7

VIII(H)- The proposed addition is necessary to consolidate and clean up language from the previous Learning Need III(A and B) by adding aircraft or transportation anomalies into the list of incidents.

Previous III(A and B)- The proposed deletion is necessary to reflect the consolidation of this information into VIII(H). III(A) only referenced aircraft crashes however, there are other types of transportation incidents an officer will need to respond to and be familiar with.

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#### Page 26-8

IX Required Tests- The proposed revision is necessary to reflect the renumbering of existing Learning Needs as a result of the addition of a new Learning Need I.

X Required Learning Activities- The proposed revision is necessary to reflect the renumbering of previous Learning Needs as a result of the addition of a new Learning Need I.

X(A)- The proposed revision is necessary to make the activity more contemporary and get the students more involved in the necessary response to a critical incident. The public safety world today requires that agencies reach across disciplines to manage and assure success in the mitigation of incidents. Interoperability of public safety is key to this success. Relationships and networks of professionals before an incident, along with a trusted working relationship, yield success when an incident happens. The more prepared they are before, the better the incident outcome.

#### Page 26-9

X(B)- The proposed addition is necessary to further expand on the learning objectives being presented to students and build the necessary knowledge, awareness, and consistency of practice for success.

X(C)- The proposed addition is language moved from Learning Domain 43 (VIII)(B) in its entirety.

X(D)- The proposed addition is language moved from Learning Domain 41 (V)(A) in its entirety.

X(E)- The proposed addition is language moved from Learning Domain 41 (V)(B) in its entirety.

XI Hourly Requirements- The proposed revision is necessary to reflect the renumbering of existing Learning Needs as a result of the addition of a new Learning Need I. The change from “unusual occurrence” to “critical incident” is necessary for consistency with state and federal safety professional terminology when describing the types of events or incidents peace officers respond to. The term “critical incident” designates a certain type of response. The proposed increase in hours is necessary to provide sufficient time for presenters to instruct on the additional content moved from Learning Domains 41 and 43.

#### Page 26-10

XII- The proposed revision is necessary to reflect the renumbering of existing Learning Needs as a result of the addition of a new Learning Need I.

XIII- The proposed revision is necessary to reflect the renumbering of existing Learning Needs as a result of the addition of a new Learning Need I and reflect the proposed effective date for the proposed changes.

#### **Justification – Learning Domain 32- *Lifetime Fitness***

An additional four hours was added to the learning domain. The additional hours are necessary for presenters to complete all the required content (instructional content, testing, and required learning activities to include the 36 session physical training program.)

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#### **Justification – Learning Domain 41- *Hazardous Materials Awareness***

##### Page 41-1

I(A-D)- The proposed change is necessary to reflect the move of this content to Learning Domain 26 IV(A-D) in its entirety.

I(E)- The proposed change is necessary to reflect the move of this content, with the exception of the term “contacting” to Learning Domain 26 IV(E) Justification for the removal of the term is located under the Learning Domain 26 IV(E) justification.

##### Page 41-2

II(A and B)- The proposed change is necessary to reflect the move of this content to Learning Domain 26 V(A-B) in its entirety.

III(A-E)- The proposed change is necessary to reflect the move of this content to Learning Domain 26 VI(A-E) in its entirety.

##### Page 41-3

IV- The proposed removal of the required tests reference is necessary to reflect the move of the entire contents from this learning domain to other learning domains.

V Required Learning Activities (A and B)- The proposed change is necessary to reflect the move of this content to Learning Domain 26 X(D and E) in its entirety.

##### Page 41-4

VI- The proposed removal of the hourly requirements reference is necessary to reflect the move of the entire contents and hours from this learning domain to other learning domains. The proposed removal of the instructor certification requirement is necessary as the inclusion of an instructor certification requirement is not consistent with all other learning domain hourly requirement language. POST currently outlines specialized topic instructor training requirements under Commission Regulation 1070 to include the hazardous materials content in this learning domain. For consistency with all other courses that have an instructor training requirement, it is necessary to remove this language to ensure presenters are verifying completion of any training required under Commission Regulation 1070.

VII- The proposed removal of the origination date reference is necessary to reflect the move of the entire contents from this learning domain to other learning domains.

VIII- The proposed removal of the revision date reference is necessary to reflect the move of the entire contents from this learning domain to other learning domains.

#### **Justification – Learning Domain 43- *Emergency Management***

##### Page 43-1

Title change- The change is necessary to ensure peace officers understand they need to be at the terrorism awareness level. The world has changed, and public safety professionals are on the frontline of our homeland security. As such officers need to have greater awareness than just specific criminal matters as they are the eyes and ears of the safety of our communities.

Date Change- The change is necessary to reflect the proposed effective date for the proposed changes.

I(B)- The proposed change is necessary to ensure terminology used is contemporary and consistent with terms used by other organizations (e.g., Federal Directives, Industry and Trade Language.)

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I(C-E)- Terrorism terms and designated terrorist groups are identified by the US Government and other nations. The proposed change is necessary to ensure terms are consistent with those recognized in the intelligence world.

II- The proposed change is necessary to ensure new officers are familiar with their role and the expectation they have situational awareness when it comes to these concepts.

#### Page 43-2

II(A)- The proposed change is necessary to reflect the correct name of the system used for identification purposes.

II(B)- The proposed change is necessary to ensure terminology used is contemporary and consistent with terms used by other organizations (e.g., Federal Directives, Industry and Trade Language.)

III (A-C)- The proposed change is necessary to ensure entry-level officers know they are responsible for recognizing critical infrastructures but are not responsible for conducting assessments. It's necessary and a priority that officers are aware of, and understand, what a critical infrastructure site is in the communities they serve. Any attacks or vandalism suffered as a result of these sites creates major community issues. Awareness for officers is the priority, not doing assessments at the entry-level.

IV- The proposed change is necessary to reflect an entry-level officer only needs to have a basic knowledge of the intelligence cycle and resources available to them going into a field training program. A comprehensive knowledge will be developed over time following basic training.

#### Page 43-3

IV(C)- The proposed change is necessary to ensure officers understand the importance of their role in preventing and deterring terrorism by being a good reporter of suspicious activity.

Previous V- The proposed change is language moved to Learning Domain 26 VII in its entirety.

Previous V(A)- The proposed revision is language moved to Learning Domain 26 VII(A) in its entirety.

Previous V(B)- The proposed revision is language moved to Learning Domain 26 VII(B) with the exception of "and the assessment of exposure." The removal of this language is necessary to not only eliminate redundancy in that objective but clarify the language.

The assessment process takes place during the identification process which is covered under the previous learning objective.

Previous V(C)(1-4)- The proposed revision is language moved to Learning Domain 26 VI(B)(1-4) in its entirety.

Previous V(D-I)-The proposed revision is language moved to Learning Domain 26 VII(C)(1-5). The restructuring of the language moved to Learning Domain 26, and the addition of the B.N.I.C.E. acronym, is necessary to eliminate redundancy, condense all related items under one objective, and reflect that B.N.I.C.E. is a WMD acronym used for identification purposes and is consistent with Industry and Trade accepted language and practice.

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Previous V(J)- The proposed revision is language moved to Learning Domain 26 VII(D)(1-2) in its entirety.

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Previous V(K and O)- The proposed revision is language moved to Learning Domain 26 VII(G). The language change from decontamination issues and considerations to contamination issues and considerations is necessary to clarify that the type and level of contamination determines the type of Personal Protection Equipment needed.

Previous V(L)- The proposed removal is necessary as the identification of WMD phases is beyond the scope of knowledge required by entry-level peace officers attending a basic course. Descriptive content of the phases was summarized and moved to Learning Domain 26 - Critical Incidents, Learning Need VII. The relocation was necessary for educational clarity and to reflect WMD minimum knowledge at the awareness level and response action by peace officers.

Previous V(M)- The proposed revision is language moved to Learning Domain 26 VII(E) in its entirety.

Previous V(N)- The proposed revision is language moved to Learning Domain 26 VII(F) in its entirety.

#### Page 43-5

Previous VI(A, C, D, E, and F)- The proposed change is necessary to reflect the move of this content to Learning Domain 26 III(A-E) in its entirety.

Previous VI(B)- The proposed change is necessary to reflect that students must know the current features as they will be working with the system. The history of ICS will now be reflected in the student workbooks.

V Required Tests- The proposed revision is necessary to reflect the renumbering of existing Learning Needs as a result of the deletion of Learning Needs V and VI.

VI Required Learning Activities- The proposed change is necessary to ensure entry-level officers are familiar with the elements and beliefs of terrorism and terrorist organizations. The world has changed, and public safety professionals are on the frontline of our homeland security. As such officers need to have greater awareness than just specific criminal matters as they are the eyes and ears of the safety of our communities.

#### Page 43-6

Previous VIII(B)- The proposed revision is language moved to Learning Domain 26 X(C) in its entirety.

VI(B)- The proposed addition is necessary to enhance the contents and concepts or the learning objectives. The world has changed, and public safety professionals are on the frontline of our homeland security. As such officers need to have greater awareness than just specific criminal matters as they are the eyes and ears of the safety of our communities.

VII Hourly Requirements- The proposed revision is necessary to reflect the renumbering of existing Learning Needs as a result of the deletion of Learning Needs V and VI and ensure peace officers understand they need to be at the terrorism awareness level. The world has changed, and public safety professionals are on the frontline of our homeland security. As such officers need to have greater awareness than just specific criminal matters as they are the eyes and ears of the safety of our communities. The reduction in required hours is necessary to reflect the removal of content presented under this learning domain being moved to Learning Domain 26. Additional hours have been added to Learning Domain 26 and are necessary to provide sufficient time for presenters to instruct on the additional content.

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VIII Origination Date- The proposed revision is necessary to reflect the renumbering of existing Learning Needs as a result of the deletion of Learning Needs V and VI and reflect the proposed effective date for the proposed changes.

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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 regulations 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 basic training standards for entry-level law enforcement officers 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 on POST 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 amended regulations will not have a significant statewide adverse economic impact directly

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affecting California businesses, including small businesses, including the ability to compete with businesses in other states.

#### ***Assessment***

The Commission on Peace Officer Standards and Training has found that the proposed amendments will have no effect on California businesses, including small businesses, nor will the changes impact the elimination or creation of jobs because Presenters will be able to use existing instructors to present this material. The restructured learning domain content does not require an instructor to attend specialized training prior to presenting this material to students attending a basic course. Current instructors would have the ability to attend training on their own however, it is highly unlikely with no training requirement in place.

#### ***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.