State of California
Office of Administrative Law

In re:
Commission on Peace Officer Standards and Training

Regulatory Action:

Title 11, California Code of Regulations

Adopt sections:
Amend sections: 1005, 1007, 1008
Repeal sections:

NOTICE OF APPROVAL OF REGULATORY ACTION

Government Code Section 11349.3

OAL Matter Number: 2020-0702-07

OAL Matter Type: Regular (S)

This rulemaking action by the Commission on Peace Officer Standards and Training updates the document incorporated by reference entitled "Training and Testing Specifications for Peace Officer Basic Courses" to modify the training and testing specifications in Learning Domain 20.

OAL approves this regulatory action pursuant to section 11349.3 of the Government Code. This regulatory action becomes effective on 10/1/2020.

Date: August 13, 2020

Lindsey S. McNeill
Attorney

For: Kenneth J. Pogue
Director

Original: Manuel Alvarez, Jr., Executive Director
Copy: Anita Finner

FINAL TEXT OF PROPOSED REGULATION ACTION
Amend the Training and Testing Specifications for Peace Officer Basic Courses
Commission Regulations 1005, 1007, and 1008

---

§ 1005. Minimum Standards for Training (Refer to Regulation 1007 and Commission Procedure Section H for *reserve peace officer* training standards).

[(a) Minimum Entry-Level Training Standards (Required) – The document, *Training Specifications*…is herein incorporated by reference….. remains unchanged]

The document, *Training and Testing Specifications for Peace Officer Basic Courses*, adopted effective January 1, 2001, and amended effective October 1, 2001, January 1, 2002, July 1, 2002, January 1, 2003, January 1, 2004, August 15, 2004, September 15, 2004, July 1, 2005, January 1, 2006, January 19, 2007, July 1, 2007, August 8, 2007, January 1, 2008, July 1, 2008, January 1, 2009, July 1, 2009, January 1, 2010, July 1, 2010, July 1, 2011, January 1, 2012, July 1, 2012, January 1, 2013, August 1, 2013, February 1, 2014, August 1, 2014, August 1, 2015, February 1, 2016, August 1, 2016, February 1, 2017, February 15, 2017, August 1, 2017, July 1, 2018, April 1, 2020, July 1, 2020, and October 1, 2020, is herein incorporated by reference.

[The document, *Instructor's Guide* – the end…. remains unchanged]

Note: Authority cited: Sections 832.1, 832.3, 832.6, 13503, 13506, 13510, 13510.3, 13510.5, 13515.26 and 13519.8, Penal Code. Reference: Sections 830.33, 832, 832.1, 832.3, 832.6, 835a, 13506, 13510, 13510.3, 13510.5, 13511, 13513, 13514, 13515.29, 13515.295, 13516, 13517, 13519.8, 13519.10, 13520 and 13523, Penal Code.

---

§ 1007. Reserve Officer Minimum Training Standards.

[(a) Every reserve peace officer – PAM Section H-4 …. remains unchanged]

The document, *Training and Testing Specifications for Peace Officer Basic Courses*, adopted effective January 1, 2001, and amended effective October 1, 2001, January 1, 2002, July 1, 2002, January 1, 2003, January 1, 2004, August 15, 2004, September 15, 2004, July 1, 2005, January 1, 2006, January 19, 2007, July 1, 2007, August 8, 2007, January 1, 2008, July 1, 2008, January 1, 2009, July 1, 2010, July 1, 2011, January 1, 2012, July 1, 2012, January 1, 2013, August 1, 2013, February 1, 2014, August 1, 2014, August 1, 2015, February 1, 2016, August 1, 2016, February 1, 2017, February 15, 2017, August 1, 2017, July 1, 2018, April 1, 2020, July 1, 2020, and October 1, 2020, is herein incorporated by reference.

[The document, *Instructor's Guide* – the end…. remains unchanged]

Note: Authority cited: Sections 832.3, 832.6, 13503, 13506, 13510 and 13515.26, Penal Code. Reference: Sections 832.2, 832.3, 832.6, 835a, 13503, 13506, 13510, 13510.5, 13512 and 13519.10, Penal Code; Section 48412, Education Code; and Section 1031(d), Government Code.

---

§ 1008. Basic Course Requalification Requirements.

[(a) Purpose of Requalification – (i) Requalification Requirement for the Regular Basic Course - Module I…the requalification requirements specified in sections 1008 (a)-(g) apply to these individuals…. remains unchanged]

The document, *Training and Testing Specifications for Peace Officer Basic Courses*, adopted effective January 1, 2001 and amended effective October 1, 2001, January 1, 2002, April 26, 2002, September 15, 2004, July 1, 2005, January 1, 2006, July 1, 2007, August 8, 2007, January 1, 2008, July 1, 2008, January 1, 2009, July 1, 2009, January 1, 2010, July 1, 2010, July 1, 2011, January 1, 2012, July 1, 2012, January 1, 2013, August 1, 2013, February 1, 2014, August 1, 2014, August 1, 2015, February 1, 2016, August 1, 2016, February 1, 2017, February 15, 2017, August 1, 2017, July 1, 2018, April 1, 2020, July 1, 2020, and October 1, 2020, is herein incorporated by reference.

[The document, *Instructor's Guide* – the end…. remains unchanged]

Note: Authority cited: Sections 832.3, 13503, 13506, 13510 and 13515.26, Penal Code. Reference: Sections 832.3, 835a, 13505, 13506, 13510, 13510.5, 13511 and 13519.10, Penal Code.

TRAINING AND TESTING
SPECIFICATIONS FOR LEARNING DOMAIN #20
USE OF FORCE/DEESCALATION

~~April~~ October 1, 2020

RBC	Other Basic Courses					Requal		
	832	III	II	I	SIBC			
							I.	LEARNING NEED
								Peace officers must recognize that they have the authority to use objectively reasonable force to effect an arrest, to prevent escape, or to overcome resistance as authorized by the California Penal Code. For their safety, and for the safety and well-being of fellow officers, it is critical that peace officers know the laws governing the use of force.
								LEARNING OBJECTIVES
X	X	X			X	X	A.	Discuss objectively reasonable force as stated by law
X	X	X			X	X	B.	Discuss the components of the Fourth Amendment standard for determining objective reasonableness as determined by the U.S. Supreme Court
X	X	X			X	X	C.	Explain the legal framework establishing a peace officer's authority during a legal arrest, including:
X	X	X			X	X		1. A subject's requirement to submit to arrest without resistance
X	X	X			X	X		2. Peace officer's authority to use objectively reasonable force during a detention or arrest
X	X	X			X	X	D.	Identify the circumstances set forth in the California Penal Code when a peace officer has the authority to use force
X	X	X			X	X	E.	Discuss the level of authority agency policies have regarding the use of force by a peace officer
							II.	LEARNING NEED
								Peace officers must understand how the principles of deescalation can enhance contacts with the public and may result in improved decision-making, reduction in situational intensity, and opportunities for outcomes with greater voluntary compliance.

RBC	Other Basic Courses					Requal
	832	III	II	I	SIBC	
X		X			X	X
X		X			X	X
X		X			X	X
X		X			X	X
X		X			X	X
X		X			X	X
X		X			X	X
X		X			X	X
X		X			X	X
X		X			X	X
X		X			X	X
X		X			X	X
X		X			X	X
X		X			X	X
X		X			X	X
X		X			X	X
X		X			X	X
X		X			X	X

LEARNING OBJECTIVES

A. Define deescalation

1. Deescalation is the process of using strategies and techniques intended to decrease the intensity of the situation
2. Recognize common misconceptions and benefits of deescalation
3. Understand the history of deescalation

B. Recognize the four core concepts of deescalation, to include:

1. Self-control
2. Effective communication
3. Scene assessment and management
4. Force options

C. Understand the components of a Critical Decision-making Model including:

1. Collect information
2. Assess situation, threats, and risks
3. Law and policy
4. Plan
5. Act, review, and reassess

D. Recognize how tactical methods that use time, distance, cover, and concealment assist in deescalation

E. Recognize how strategic communication may enhance deescalation

III. LEARNING NEED

Peace officers must recognize that they have a range of force options available to them. However, in all cases the use of force must be objectively reasonable compared to the threat, resistance, and other circumstances known to the officer at the time the force was used.

RBC	Other Basic Courses					Requal
	832	III	II	I	SIBC	
X	X	X	X		X	X
X	X	X	X		X	X
X	X	X	X		X	X
X		X	X		X	X
X		X	X		X	X
X	X	X	X	X	X	X
X	X	X	X	X	X	X
X	X	X	X	X	X	X
X	X	X	X	X	X	X

LEARNING OBJECTIVES

A. Define the term “force option”

B. Identify that the objective of using force is to overcome resistance to gain control of an individual and the situation

C. Recognize force options and the amount of force peace officers may use based on the subject’s resistance

D. Explain the importance of training and ongoing practice when responding to potentially dangerous situations that may require the use of force

E. Discuss the importance of effective communication when using force

IV. LEARNING NEED

Peace officers must fully comprehend their authority, responsibility, and liability regarding the use of deadly force as authorized by law.

LEARNING OBJECTIVES

A. Identify the legal standard for the use of deadly force

B. Identify the factors required to establish sufficiency of fear for the use of deadly force

C. Recognize facts an officer should consider when determining whether or not to use deadly force

D. Discuss the role of agency policies regarding the use of deadly force

RBC	Other Basic Courses					Requal
	832	III	II	I	SIBC	
X	X	X	X	X	X	X
X	X	X	X		X	X
X	X	X	X		X	X
X	X	X	X		X	X
X	X	X	X		X	X
X		X	X		X	X
X		X	X		X	X
X		X	X		X	X
X	X	X	X		X	X
X	X	X	X		X	X
X	X	X	X		X	X
X	X	X	X		X	X
X	X	X	X		X	X

E. Recognize the law regarding justifiable homicide by a peace officer and the circumstances under which the homicide is considered justifiable

V. LEARNING NEED

When a force option has been employed, peace officers' reports must include the critical information to ensure that the chronology, specifics of the events, and the people involved are properly documented.

LEARNING OBJECTIVES

A. Describe why complete documentation of the use of force is critical to the peace officer and the peace officer's agency, to include:

1. Justification for using force
2. Relevant factors and detail
3. Deescalation strategies and techniques utilized

B. Supervisor responsibilities

1. Use of force review and analysis

C. State required reporting

VI. LEARNING NEED

Peace officers must be ready to, and capable of, safely taking control of a dangerous situation.

LEARNING OBJECTIVES

A. Discuss factors that can affect a peace officer's response when threatened with danger, to include:
1. Fear
   a. Reasonable
   b. Unreasonable
2. Anger

RBC	Other Basic Courses					Requal
	832	III	II	I	SIBC	
X	X	X	X		X	X
X	X	X	X		X	X
X	X	X	X		X	X
X		X	X		X	X
X		X	X		X	X
X	X	X	X		X	X
X	X	X	X		X	X
X		X	X		X	X
X						

3. Indecision and hesitation

B. Give examples of acceptable techniques for managing anger

C. Describe the benefits of ongoing physical and mental training for peace officers involving the use of force

VII. LEARNING NEED

Peace officers must recognize the consequences of using unreasonable force, and their legal and ethical responsibilities to intervene if the force being used by another peace officer is inappropriate or unlawful.

LEARNING OBJECTIVES

A. Explain the legal and administrative consequences associated with the use of unreasonable force

B. Explain an agency's potential liability associated with the use of unreasonable force

C. Explain the consequences of an officer's failure to intervene when unreasonable force is used by another peace officer

D. Discuss immediate and delayed intervention techniques

E. Discuss factors that may inhibit a peace officer from intervening in a situation where a fellow officer may be applying unreasonable force

VIII. REQUIRED TESTS

A. The POST-Constructed Comprehensive RBC Test 1.

RBC	Other Basic Courses					Requal
	832	III	II	I	SIBC	
X						
X						
					X	
					X	
					X	
	X					
		X				
			X			
				X		
						X
X				X	X	
X				X	X	
X				X	X	

B. The POST-Constructed Comprehensive RBC Test 2.

C. The POST-Constructed Comprehensive RBC Test 3.

D. The POST-Constructed Comprehensive SIBC Test 1.

E. The POST-Constructed Comprehensive SIBC 2.

F. The POST-Constructed Comprehensive SIBC Test 3.

G. The POST-Constructed Comprehensive PC832 Test.

H. The POST-Constructed Comprehensive Module III Test.

I. The POST-Constructed Comprehensive Module II Test.

J. The POST-Constructed Comprehensive Module I Test.

K. The POST-Constructed Comprehensive Requalification Test.

L. A scenario test that requires the student to demonstrate proficiency in the use of force. The test must result in the student making a deadly force option decision.

The student is required to demonstrate proficiency in the following competencies:

1. Use of Force – The ability to distinguish and apply objectively reasonable force options in given circumstances.

RBC	Other Basic Courses					Requal
	832	III	II	I	SIBC	
X				X	X	
X				X	X	
X				X	X	
X				X	X	
X				X	X	
X				X	X	
X				X	X	
X				X	X	
X				X	X	
X				X	X	
X				X	X	
X				X	X	
X				X	X	
X				X	X	

2. Problem Solving/Decision-Making – Analyzing situations and implementing plans to solve problems in a timely manner. Using verbal or physical skills to determine the appropriate resolution to a situation.
3. Legal Authority/Individual Rights – The identification of laws and constitutional rights governing consensual encounters, detentions, and arrests.
4. Officer Safety – The demonstration of situational and tactical awareness and appropriate response.
5. Communication – The use of effective verbal and non-verbal skills to convey intended meaning and establish understanding.
6. Ethics - Using accepted principles of conduct that govern decisions and actions based on professional values and expectations.
7. Stress Tolerance and Emotional Regulation - maintaining self-control and making timely, rational decisions in stressful situations.

Presenters must use the POST-developed Scenario Test and the POST Scenario Competency Evaluation and Grading Test Forms or presenter-developed forms approved by POST, which minimally include the performance dimensions used for this scenario test.

M. A scenario test that requires the student to demonstrate proficiency in the use of effective communication, command presence, and appropriate physical control when using a presenter approved ~~impact weapon techniques~~ non-deadly force option or options (e.g., deescalation, baton, control hold, chemical agent, taser) ~~in a force on force simulation against an instructor who is dressed in a protective suit~~.

The test must simulate the physical and mental stress that would be imposed by an actual ~~street~~ encounter where the student would be required to use a non-deadly force option or options to ~~n impact weapon to~~ control a suspect and, if necessary, effect an arrest.

The student is required to demonstrate proficiency in the following competencies:

1. Use of Force – The ability to distinguish and apply objectively reasonable force options in given circumstances.
2. Problem Solving/Decision-Making – Analyzing situations and implementing plans to solve problems in a timely manner. Using verbal or physical skills to determine the appropriate resolution to a situation.
3. Legal Authority/Individual Rights – The identification of laws and constitutional rights governing consensual encounters, detentions, and arrests.

RBC	Other Basic Courses					Requal
	832	III	II	I	SIBC	
X				X	X	
X				X	X	
X				X	X	
X				X	X	
~~X~~				~~X~~	~~X~~	
~~X~~				~~X~~	~~X~~	
~~X~~				~~X~~	~~X~~	
~~X~~				~~X~~	~~X~~	
~~X~~				~~X~~	~~X~~	
~~X~~				~~X~~	~~X~~	
~~X~~				~~X~~	~~X~~	
~~X~~				~~X~~	~~X~~	
~~X~~				~~X~~	~~X~~	
~~X~~				~~X~~	~~X~~	
~~X~~				~~X~~	~~X~~	

4. Officer Safety – The demonstration of situational and tactical awareness and appropriate response.
5. Communication– The use of effective verbal and non-verbal skills to convey intended meaning and establish understanding.
6. Ethics - Using accepted principles of conduct that govern decisions and actions based on professional values and expectations.
7. Stress Tolerance and Emotional Regulation - maintaining self-control and making timely, rational decisions in stressful situations.

Presenters must use the POST-developed Scenario Test and the POST Scenario Competency Evaluation and Grading Test Forms or presenter-developed forms approved by POST, which minimally include the performance dimensions used for this scenario test.

~~N. A scenario test that requires the student to demonstrate proficiency in the use of effective communication, command presence, and appropriate physical control during the detention of a verbally uncooperative individual.~~

~~The student is required to demonstrate proficiency in the following competencies:~~

~~1. Use of Force – The ability to distinguish and apply objectively reasonable force options in given circumstances.~~
~~2. Problem Solving/Decision Making – Analyzing situations and implementing plans to solve problems in a timely manner. Using verbal or physical skills to determine the appropriate resolution to a situation.~~
~~3. Legal Authority/Individual Rights – The identification of laws and constitutional rights governing consensual encounters, detentions, and arrests.~~
~~4. Officer Safety – The demonstration of situational and tactical awareness and appropriate response.~~
~~5. Communication – The use of effective verbal and non-verbal skills to convey intended meaning and establish understanding.~~
~~6. Ethics – Using accepted principles of conduct that govern decisions and actions based on professional values and expectations.~~
~~7. Stress Tolerance and Emotional Regulation - maintaining self-control and making timely, rational decisions in stressful situations.~~

RBC	Other Basic Courses					Requal
	832	III	II	I	SIBC	
X		X	X		X	X
X		X	X		X	X
X		X	X		X	X
X		X	X		X	X
X		X	X		X	X
X		X	X		X	X
16	3	9	6	4	16	8

~~Presenters must use the POST-developed Scenario Test and the POST Scenario Competency Evaluation and Grading Test Forms or presenter-developed forms approved by POST, which minimally include the performance dimensions used for this scenario test.~~

IX. REQUIRED LEARNING ACTIVITIES

A. The student will participate in one or more learning activities from the POST-developed *Instructor's Guide to Learning Activities for Leadership, Ethics and Community Policing (December 2005)* or other comparable sources regarding use of force. At a minimum, each activity, or combination of activities must address the following topics:

1. Exercise of leadership in the application of objectively reasonable force
2. Impact of ethical decision-making on the selection of appropriate force options
3. Evaluation of the effectiveness of force option choices
4. Consequences for the use of unreasonable force on the officer, community perception and public trust

B. The student will participate in a learning activity that will include a use of force scenario that will include simulations of low-frequency, high-risk situations and calls for service, shoot-or-don't shoot situations, and real time force option decision making.

X. HOURLY REQUIREMENTS

Students shall be provided with a minimum number of instructional hours on the use of force.

XI. ORIGINATION DATE

January 1, 2001

XII. REVISION DATE

January 1, 2002	January 1, 2006	July 1, 2010	February 15, 2017
January 1, 2004	January 19, 2007	July 1, 2012	April 1, 2020
September 15, 2004	July 1, 2008	August 1, 2015	October 1, 2020
July 1, 2005	July 1, 2009	February 1, 2017	