

INITIAL STATEMENT OF REASONS
Commission Regulations 1005, 1007, and 1008 Amend *Training and Testing Specifications for Peace Officer Basic Courses*

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 1/1/21) to address the following changes:

- Removal of the training in the use of the Carotid Restraint Control Hold

In response to current events and to ensure the safety of the public, POST is recommending the removal of the training in the use of the Carotid Restraint Control Hold. The Commission approved them at the June 18, 2020, Commission meeting, subject to the Notice of Proposed Regulatory Action process.

Additional Curriculum Updates

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

LD 33, *Arrest and Control*

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” for the “purpose of maintaining the level of competence of state law enforcement officers.” The proposed changes, maintain the level of competence of state law enforcement officers by modifying required minimum training standards to levels corresponding to current industry standards in regards to specific legal terminology and law.

The changes to LD 33 include the removal of the training in the use of the Carotid Restraint Control Hold.

The tragic death of Mr. George Floyd during a law enforcement action with the Minneapolis, Minnesota Police Department on May 25, 2020, has stemmed global public outcry and heated debate over the safety concern of law enforcement “chokeholds.” This debate has included law enforcement’s use of the Carotid Restraint Control Hold.

Since June 1, 2020, the following California law enforcement agencies have banned the use of the Carotid Restraint Control Hold, just to name a few: Santa Cruz Sheriff’s Department, all city and county law enforcement agencies in San Diego County, Davis Police Department, Mountain View Police Department, Pasadena Police Department, Sacramento Police Department, and Watsonville Police Department. Several other California law enforcement agencies had already banned the Carotid Restraint Control Hold prior to the public outcry, such as the San Francisco Police Department and the California Highway Patrol.

On June 4, 2020, California Assembly member Mike Gipson introduced Assembly Bill 1196, which if passed will eliminate the use of the Carotid Restraint Control Hold by California law enforcement.

On June 5, 2020, an article published in the LA Times alleged the following: “*A Times analysis of California Department of Justice data found that law enforcement around the state reported officers seriously injuring 103 people while using carotid neck restraints from 2016 through 2018, the most recent years for which data are available. Two people were killed and 91 were left unconscious. Black people, who compose about 6.5% of California’s population, made up*

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23% of people injured by neck restraints. White people accounted for 33% of the incidents and Latinos 38%.”

On June 5, 2020, Governor Gavin Newsom held a press conference and stated he was directing that POST stop training law enforcement on the Carotid Restraint Control Hold. Governor Newsom simultaneously applauded Assembly Bill 1196 and stated he would sign it. On June 8, 2020, the U.S. House of Representatives introduced H.R. 1957, which if passed, will among other things, eliminate national law enforcement use of the Carotid Restraint Control Hold.

Justification – Regulation 1005, 1007 and 1008

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

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 because the proposed action address the removal of the training on the use of Carotid Restraint Hold. 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.

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.

Considerations of Alternatives

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

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 regards 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 proposed action addresses the removal of the training on the use of Carotid Restraint Hold by public sector agencies, and also 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, because the proposed action addresses the removal of the training on the use of Carotid Restraint Hold. These proposed regulations will set standards for consistency 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.