



Commission on Peace Officer Standards and Training

860 Stillwater Road, Suite 100
West Sacramento, CA 95605-1630
post.ca.gov

Date: November 15, 2019

Bulletin: No. 2019-39

Subject: **Notice of Proposed Regulatory Action – Amend Regulation 1052 – Requirements Of Course Certification**

At the October 24, 2019 meeting, the Commission approved proposed amendments to Regulation 1052 - Requirements for Course Certification, which upon the approval of the Office of Administrative Law will add a requirement to report injuries to POST; will add a requirement to include a revision date in Expanded Course Outlines (ECOs); will add a requirement to include contact information for each training site for both in-service and basic courses; will add the requirement for the Academy Director and Academy Coordinator have sworn, full-time, first level supervisory experience; will add the requirement any Recruit Training Officer shall have full-time law enforcement experience; and will require that the three positions listed above are independent positions held by separate individuals.

The attached notice includes the proposed changes, an invitation for written input on this proposal, the deadline for written comments, and information about requesting a public hearing. The following related information is available on the [POST Website](#).

- POST Bulletin and Notice of Proposed Regulatory Action
- Text of Proposed Regulatory Action
- Initial Statement of Reasons

Questions regarding this proposed regulatory action may be directed to [Melanie Dunn](#), Commission on POST, 860 Stillwater Road, Suite 100, West Sacramento, CA 95605-1630 at (916) 227-4866. General questions regarding the regulatory process may be directed to [Katie Strickland](#) at (916) 227-2802.

MANUEL ALVAREZ, JR.
Executive Director

MA:md
Attachment: Notice of Proposed Regulatory Action

NOTICE OF PROPOSED REGULATORY ACTION
Amend Requirements Of Course Certification
Regulation 1052

Notice is hereby given that the Commission on Peace Officer Standards and Training (POST) proposes to amend regulations in Division 2 of Title 11 of the California Code of Regulations as described below in the Informative Digest. A public hearing is not scheduled. Pursuant to Government Code section 11346.8, any interested person, or his/her duly authorized representative, may request a public hearing. POST must receive the written request no later than 15 days prior to the close of the public comment period.

Public Comments Due by January 13, 2020

Notice is also given that any interested person, or authorized representative, may submit written comments relevant to the proposed regulatory action by fax at (916) 227-4823, by email to [Melanie Dunn](mailto:Melanie.Dunn@post.ca.gov), or by letter to:

Commission on POST
Attention: Rulemaking
860 Stillwater Road, Suite 100
West Sacramento, CA 95605-1630

Authority and Reference

This proposal is made pursuant to the authority vested by Penal Code Section 13503 (authority of the Commission on POST) and Penal Code section 13506 (POST authority to adopt regulations). This proposal is intended to interpret, implement, and make specific Penal Code section 13503(e), which authorizes POST to develop and implement programs to increase the effectiveness of law enforcement, including programs involving training and education.

Informative Digest/Policy Statement Overview

Regulation 1052 – Requirements for Course Certification, lists the requirements to obtain course certification. There are multiple proposed changes in this regulation.

In a course involving manipulative skills, the course shall include a formal written safety policy. The amended regulation language will ensure training at all times will be conducted in a manner designed to minimize the risk of injury and to promote safety; and ensure a POST Regional Consultant is properly notified in writing within five (5) business days when an injury requiring more than basic first aid has occurred. This information will also provide POST staff with all information for evaluating injury reports and identifying possible related trends.

The Expanded Course Outline (ECO) document requires specific information such as presenter name and number, course title, and page number(s). Staff recommends that presenters add a revision date as best practice, but there is often hesitation or resistance because there is no requirement to do so. This can present a problem when there are questions about the correctness of contemporary nature of the content in the ECO. Also, the lack of revision date information can be problematic in court and when responding to California Public Records Act (CPRA) requests. The amended language will add a requirement to include a revision date in each ECO in the footer, near the page number.

Both in-service and academy course(s) safety policies must include the name, location, and phone number of the nearest emergency medical facility; however, there is no requirement for the inclusion of the address, phone number, and contact person for each of the training sites listed in the safety policy. By requiring this information, it would reinforce the importance of student safety, proper documentation, and timely injury reporting. It also allows POST staff to identify possible discrepancies between locations listed in the course certification materials and in the course safety policy.

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Currently, the Academy Director, Academy Coordinator, and Recruit Training Officers are not required to have full-time sworn law enforcement experience; the Academy Director and Academy Coordinator are also not currently required to not have management or supervisory experience. In addition, a single individual may currently be assigned to the responsibilities of all three roles. The proposed regulation amendment will add qualifications to the positions of Academy Director and Academy Coordinator to require first-level supervisory experience; require the Academy Director, Academy Coordinator, and Recruit Training Officers to have full-time law enforcement experience, and require the three positions be assigned to separate individuals with clearly defined roles.

The specific benefits anticipated by the proposed regulatory changes will contribute to the health and welfare of California residents by providing clarity to our law enforcement presenters.

During the process of developing these regulations and amendments, the Commission on POST has conducted a search of any similar regulations on this topic and has concluded that these regulations are neither inconsistent nor incompatible with existing State regulations.

Adoption of Proposed Regulations

Following the public comment period, the Commission may adopt the proposal substantially as set forth without further notice, or the Commission may modify the proposal if such modifications remain sufficiently related to the text as described in the Informative Digest. If the Commission makes changes to the language before the date of adoption, the text of any modified language, clearly indicated, will be made available at least 15 days before adoption to all persons whose comments were received by POST during the public comment period and to all persons who request notification from POST of the availability of such changes. A request for the modified text should be addressed to the agency official designated in this notice. The Commission will accept written comments on the modified text for 15 days after the date that the revised text is made available.

Estimate of Economic Impact

Fiscal impact on Public Agencies including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Non-Discretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Costs to any Local Agency or School District for which Government Code sections 17500 - 17630 requires reimbursement: None

Significant Statewide Adverse Economic Impact Directly Affecting California Businesses, including Small Business: The Commission on POST has made an initial determination that the amended regulations will not have a significant statewide adverse economic impact directly affecting California businesses, including the ability of California businesses to compete with businesses in other states. The Commission on POST has found that the proposed amendments will not affect California businesses, including small businesses, because the Commission sets selection and training standards for law enforcement which does not impact California businesses, including small businesses. Cost Impacts on Representative Private Persons or Businesses: The Commission on POST is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

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Effect on Housing Costs: The Commission on POST has made an initial determination that the proposed regulation would have no effect on housing costs.

Results of Economic Impact Assessment per Gov. Code section 11346.3(b)

The adoption of the proposed amendments of regulations 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.

The benefits of the proposed amendments of regulations to the regulations 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 in California. There would be no impact that would affect worker safety or the state's environment.

Consideration of Alternatives

To take this action, the Commission must determine that no reasonable alternative considered by the Commission, or otherwise identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective as 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 provision of law than the proposed action.

Contact Persons

Questions regarding this proposed regulatory action may be directed to [Melanie Dunn](#), Commission on POST, 860 Stillwater Road, Suite 100, West Sacramento, CA 95605-1630 at (916) 227-4866. General questions regarding the regulatory process may be directed to [Katie Strickland](#) at (916) 227-2802.

Text of Proposal

Individuals may request copies of the exact language of the proposed regulations and of the initial statement of reasons, and the information the proposal is based upon, from the Commission on POST at 860 Stillwater Road, Suite 100, West Sacramento, CA 95605-1630. These documents are also located on the [POST Website](#).

Availability and Location of the Rulemaking File and the Final Statement of Reasons

The rulemaking file contains all information upon which POST is basing this proposal and is available for public inspection by contacting the person(s) named above.

To request a copy of the Final Statement of Reasons once it has been approved, submit a written request to the contact person(s) named above.