



Commission on Peace Officer Standards and Training

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

Date: November 16, 2018

Bulletin: No. 2018-34

Subject: **Notice of Proposed Regulatory Action – Amend Commission Regulation 1005; Minimum Standards for Training**

At the October 18, 2018 meeting, the Commission approved proposed changes to Regulation 1005 (d)(4), removing language relating to “individuals assigned to patrol, traffic, or investigation who routinely effect the physical arrest of criminal suspects” for completion of Perishable Skills and Communications training.

The proposed changes to Commission Regulation 1005 (d)(4) will clarify the language related to the assignment of the peace officer and the word “routinely.” This modification will remove the ambiguity of the word “routine” and make it easier for an agency and POST staff to correctly interpret the regulation and apply the section to those individuals within the organization that it was meant for.

The attached notice describes the proposed changes, includes 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 [Ralph Brown](#), Commission on POST, 860 Stillwater Road, Suite 100, West Sacramento, CA 95605-1630 at (916) 227-4552. General questions regarding the regulatory process may be directed to [Heidi Hernandez](#) at (916) 227-2801.

MANUEL ALVAREZ, JR.
Executive Director

MA:md
Attachment: Notice of Proposed Regulatory Action

NOTICE OF PROPOSED REGULATORY ACTION
Amend Commission Regulation 1005

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 December 31, 2018, at 5:00 PM

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 [Ralph Brown](#), 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 courses.

Informative Digest/Policy Statement Overview

Regulation 1005(d)(4) was enacted to ensure that specific classifications of peace officers would be required to complete manipulative skills training with the Perishable Skills Program (PSP). The section is clear as to the rank and individuals this applies to; however, specific language dealing with the assignment of the officer and the wording of "routinely" has created confusion in the field.

The regulation has been subject to interpretation, causing some agencies to opine that specific classifications of peace officers are not required to attend PSP training based solely on assignment, and not the nature of the job those individuals perform.

The regulation also lists three specific assignments of patrol, traffic or investigation, which creates questions as to why just those three assignments are specifically mentioned. Wording also currently allows those individuals to be exempted from all PSP's, including driver training, tactical firearms, and communication, not solely the arrest and control component of perishable skills.

This proposed regulatory action will require all levels of peace officers below the rank of middle management to complete all portions of the PSP requirements, as staff believe was the original intent of this regulation. The proposed regulation will also clarify the use of the word 'routinely' as applied to the officers required to take the training. The specific benefits anticipated by the proposed action will be an increased proficiency of State of California law enforcement officers required manipulative skills due to the clarified regulatory language.

During the process of developing these regulations and amendments, the Commission on Peace Officer Standards and Training 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 Peace Officer Standards and Training 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 Peace Officer Standards and Training 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 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 the proposed action.

Effect on Housing Costs: The Commission on Peace Officer Standards and Training 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 [Ralph Brown](#), Commission on POST, 860 Stillwater Road, Suite 100, West Sacramento, CA 95605-1630 at (916) 227-4552. General questions regarding the regulatory process may be directed to [Heidi Hernandez](#) 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.