

INITIAL STATEMENT OF REASONS

Electronic Weapons Instructor Course Requirement and Course Content Regulations 1070 and 1082

The Commission on Peace Officer Standards and Training (POST) proposes to adopt instructor standards, in the form of minimum hours and standardized curriculum topics, for teaching the standardized electronic weapons course. Electronic weapons instructor training would be mandatory for all instructors of electronic weapons in POST-certified courses. The proposed minimum content requirements will ensure that instructor training addresses all critical issues.

Use of force experts agree, both in conjunction with POST and independently on a national level, that electronic weapons represent a specialized subject area. POST maintains an expectation that persons who instruct in certain specialized training courses should complete a POST-certified instructor development course on the related subject. Since July 1, 2002, POST has regulated a growing number of specialized subject areas that include baton/impact weapons, chemical agents, and firearms training.

The Commission on POST recognized Electronic Weapons as a specialized training subject by unanimously adopting minimum curriculum requirements for electronic weapons (operators) training courses at its October 2005 meeting. The standardized content POST adopted for the Electronic Weapons Training Course appears in Regulation 1084 (a).

POST staff, in conjunction with subject matter experts (SMEs), developed a proposal to set minimum standards for electronic weapons operator training courses. In developing the minimum content requirements and course duration, the SMEs considered relevant materials and publications. These included the PERF (Police Executive Research Forum) CED (conducted energy device) guidelines, the IACP (International Association of Chiefs of Police) Training Key #575 (Electronic Control Weapons: Update), manufacturer recommendations, and an analysis of existing electronic weapons instructor training courses (non-certified; developed or presented by vendors). Training presenters also support the minimum training standards and content requirements for Electronic Weapons Course instructors, as reflected in the guidelines drafted by the POST Electronic Weapons Instructors Subject Matter Experts Committee in November 2005.

POST believes establishing establish minimum content for the specialized instructor-training requires for electronic weapons instructor training will ensure focused attention, standardize instructor training, and appropriately distinguish electronic weapons from flash bangs, beanbag rounds, PepperBall® launchers, and other “less lethal” devices. At its April 2006 meeting, the Commission approved proposed amendments to require standardized instructor training prior to teaching electronic weapons courses.

Proposed Amendments to Regulation 1070 (b)

“Electronic Weapons,” inserted under the “Specialized Subject” title, confirms the intention to designate it as a specialized subject for purposes of mandating an instructor-training standard. Correspondingly, the addition of “Electronic Weapons Instructor” under “Training Course” identifies the course that an instructor must complete before teaching electronic weapons, as specified in Regulation 1082.

Proposed Amendments to Regulation 1082 (d)

“Electronics Weapons Instructor,” inserted for alphabetical consistency and followed by the minimum course hours and minimum content requirements, specifies the course that meets the minimum requirements for teaching this topic. Non-substantive changes delete the numbering of course titles throughout 1082 (d), to eliminate the need to renumber existing content when POST adds a new course title. This change is consistent with the recent change to Regulation 1001, which also contains an alphabetical list of topics. In the footnote under “Academy Instructor Certification Course, non-substantive grammar and punctuation changes increase sentence accuracy and clarity.

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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 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 selection and training standards for law enforcement and does not have an impact on 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.

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 effected private persons than the proposed action.