

INITIAL STATEMENT OF REASONS

Commission Regulation 1081 and *California Law Enforcement Vehicle Pursuit Guidelines* Legislatively Mandated Vehicle Pursuit Training Requirements

Penal Code §13519.8 was added in 1993 by Senate Bill 601 (Marks) and required the Commission on POST to create vehicle pursuit guidelines and training specifications. Staff brought together subject matter experts, developed the guidelines and training specifications as required, and made them available in 1995. Vehicle Code §17004.7, established in 1988, stated that an agency merely had to have a policy that addressed the pursuit guidelines in place to have immunity from civil liability. Under this original law, for example, if peace officers legally pursued an actual or suspected violator of the law and in the course of a vehicular pursuit a third party was injured or killed, the agency that employed the officers would be immune from civil liability as long as they had a pursuit policy in place.

The passage of Senate Bill 719 (Romero), signed into law by Governor Schwarzenegger in October 2005 made changes to Penal Code §13519.8 and Vehicle Code §17004.7, requiring changes in POST guidelines and training specifications. POST staff again brought together a panel of subject matter experts that worked to revise the guidelines and training. Vehicle Code §17004.7 changes that are effective July 1, 2007 require agencies authorized by law to conduct vehicular pursuits to have in place a pursuit policy that addresses the pursuit guidelines created by POST, and to train their peace officers on the policy annually to qualify for immunity. For example, agency peace officers legally pursue an actual or suspected violator of the law and a third party is injured or killed in the course of a vehicular pursuit. Under the new law, the agency that employs the officers will be immune from civil liability if the agency has a pursuit policy in place that addresses the guidelines established by POST, and they agency has annually trained their peace officers on their vehicle pursuit policy.

The original law only required that the policy exist. The new law requires that all peace officers of the agency receive annual training on the agency's vehicle pursuit policy.

Justification for Proposed Revisions

The original pursuit training specifications, §§1081(a) (22) and (23), made distinctions between different peace officer types and different, in accordance with SB 601 and Penal Code §13519.8. The original pursuit training specified in Regulations §1081(a) (22) and (23) referenced the "basic training requirement (Reg. 1005) prior to July 15, 1995." POST incorporated this "one time" training requirement into the basic training course (Learning Domain #19 – Vehicle Operations, currently 24 hours. Officers trained prior to July 15, 1995 need to compete "supplemental training" because their basic training did not cover the fifteen (15) pursuit guidelines. The original pursuit training specifications, in Regulations 1081(a) (22) and (23), referenced two (2) hours of training and one (1) hour of training, respectively.

SB 719 changes to Vehicle Code §17004.7 now include all peace officers (regardless of rank or function) of an agency "authorized by law to conduct vehicular pursuits." The changes in the law also specify annual training on the agency's specific pursuit policy. As a result, POST has collapsed the aforementioned two (2) training specifications into one (1) training specification that applies to all California peace officers employed by an agency authorized by law to conduct vehicular pursuits. The changes in the law require annual, agency specific "supplemental" training. Therefore, the date of basic training is irrelevant, as "all California peace officers" are now required to have this "supplemental" training annually. Additionally, the pursuit guidelines will remain a part of basic training. From 95 on, includes in basic training. The new, single training specification references a "1 hour minimum." This change is because this training is supplemental and recurring (annually). This requirement is supplemental to the basic training requirement (although some agency-based academies may combine their initial and supplemental training for new employees). The expectation is that peace officers receiving this supplemental training (on agency specific pursuit policy) will have already received basic training on vehicle pursuits.

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Justification for Amendments to Regulation 1081 (a)

Reorganization of the titles in existing sections (15) through (37) establishes an alphabetical order and removes the numbering of the titles. These changes make course titles easier to find, simplifies future changes to this section, and is consistent with the recent changes to Regulations 1001 and 1082(d), which also contain an alphabetical list of topics.

Amendments to High Speed Vehicle Pursuit Training, existing section 1081(a) (22), reflect “all peace officers of an agency authorized by law to conduct vehicular pursuits,” requires annual training (as specified by the new legislation) that must minimally be one (1) hour in duration. Finally, the amendments note that, in addition to an agency’s specific pursuit policy, any or all related POST materials (publication: *California Law Enforcement Vehicle Pursuit Guidelines*; video: *Pursuit Telecourse*; training DVD: *Pursuits Line-up Training*) can be used to satisfy the training requirement (with additional training hours necessarily implied). Proposed changes also delete the “I” identifier as this course will be the training standard for all peace officers within an agency, and applies to all ranks. Added after Commission approval of the regulation text, the non-substantive language, Note: POST videos typically require 2-5 training hours.), adds clarity and assists agencies with their training planning. The publication *California Law Enforcement Vehicle Pursuit Guideline*, incorporated by reference, has been updated to reflect changes to Vehicle Code §17004.7 and Penal Code §13519.8 and to provide web-friendly access.

High Speed Vehicle Pursuit Training II, existing section 1081(a)(23), is deleted in favor of one (1) training standard for all peace officers as required by the changes to Vehicle Code §17004.7.

In the process of transferring courses to their correct alphabetical location, proposed grammar or format changes correct or add clarity in section (a) and existing sections (1) through (37).

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 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.

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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.