Commission on Peace Officer Standards and Training
860 Stillwater Road, Suite 100
West Sacramento, CA 95605-1630
www.post.ca.gov

Date: April 17, 2017

Bulletin: No. 2017-17

Subject: **Notice of Proposed Regulatory Action –** *Amendment to Basic Course Waiver and Requalification Requirements - POST Regulation 1008*

At the October 27, 2016 meeting, the Commission approved a proposed amendment to Regulation 1008.

The proposal to amend regulation 1008(b)(3) provides clarification to the language in regards to extension of time limits for course completion to insure the Regulation interpretation is consistent with the values of the law enforcement profession and community expectations of peace officers.

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 Christy Correa, Commission on POST, 860 Stillwater Road, Suite 100, West Sacramento, CA 95605-1630. The backup contact is Dave Althausen at (916) 227-2804. General questions regarding the regulatory process may be directed to Christy Correa at Christy.correa@post.ca.gov or (916) 227-4847.

MANUEL ALVAREZ, JR.
Executive Director

Attachment: Notice of Proposed Regulatory Action

NOTICE OF PROPOSED REGULATORY ACTION
Amendment to the Basic Course Waiver and Requalification Requirements
Regulation 1008

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 June 12, 2017, 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) 227-4547 or emailing them to christy.correa@post.ca.gov or by letter:

Commission on POST
Attention: Christy Correa
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

At the October 27, 2016 meeting, the Commission approved proposed an amendment to POST Regulation 1008 to amend the regulatory language to reflect current practice with respect to evaluation of Regulation 1008(b)(3), and to ensure the regulation interpretation is consistent with the values of the law enforcement profession and community expectations of peace officers, which upon approval of the Office of Administrative Law will become effective July 1, 2017.

Current regulations specify the exemptions for requalification of peace officers seeking to return to active law enforcement duty. A review was conducted of Regulation 1008 in relation to exemptions of requalification requirements. The proposed regulatory revisions are intended to make POST Regulation 1008 consistent with current practice, clear and concise, and meet the needs of POST's clients.

The specific benefits anticipated by the proposed changes to the regulation will bring the regulation into alignment with current practices. This amendment will allow staff to efficiently meet the needs of POST agencies and stakeholders by requiring relevant job classification descriptions and records, lending to improve hiring practices for agencies.

There would be no effect to benefits in regard to public health and safety, worker safety, or the environment, the prevention of discrimination, and the increase in openness and transparency in business and government.

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 business, 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 health and welfare of California residents would be to provide a better process for the exemption for requalification for peace officers. There would be no impact that would affect worker safety or the State's environment.

Consideration of Alternatives

In accordance with Government Code section 11346.5, subdivision (a)(13), the Commission must determine that no reasonable alternative it considered, or that has otherwise been identified and brought to the attention of the Commission would be more effective in carrying out the purpose for which the action is proposed, would be as effective, 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 provisions of the law.

Contact Persons

Questions regarding this proposed regulatory action may be directed to Christy Correa, regulations Analyst at Commission on POST, 860 Stillwater Road, Suite 100, West Sacramento, CA 95605-1630, or by email at christy.correa@post.ca.gov. The alternate contact is Dave Althausen (PIO) at dave.althausen@post.ca.gov or (916) 227-2804. General questions regarding the regulatory process may be directed to Christy Correa (916) 227-4847.

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 Christy Correa at christy.correa@post.ca.gov, or by phone at (916) 227-4847.

To request a copy of the Final Statement of Reasons once it has been prepared, submit a written request to:

> Christy Correa, Commission on POST, 860 Stillwater Road, Suite 100, West Sacramento, CA 95605-1630.

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, 860 Stillwater Road, Suite 100, West Sacramento, CA 95605-1630. These documents are also located on the POST Website at: http://www.post.ca.gov/regulatory-actions.aspx.