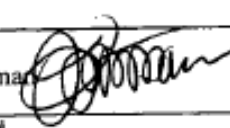



COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

COMMISSION AGENDA ITEM REPORT			
Agenda Item Title Report on Proposal to Modify Regulation 1081 to Establish POST Training Requirements for Rifles and Shotguns		Meeting Date October 28, 1999	
Bureau Basic Training Bureau	Reviewed By Ken Whitman 	Researched By Mario Rodriguez	
Executive Director Approval 	Date of Approval 10-8-99	Date of Report September 27, 1999	
Purpose <input checked="" type="checkbox"/> Decision Requested <input type="checkbox"/> Information Only <input type="checkbox"/> Status Report		Financial Impact: <input type="checkbox"/> Yes (See Analysis for details) <input type="checkbox"/> No	
In the space provided below, briefly describe the ISSUE, BACKGROUND, ANALYSIS, and RECOMMENDATION. Use additional sheets if required.			
<p><u>ISSUE</u></p> <p>Should the Commission adopt, subject to public review process, amendments to Commission Regulation 1081 (a) (28) concerning General Purpose Rifle and Shotgun training for law enforcement officers as required by P.C. 12020 (b)(1)?</p> <p><u>BACKGROUND</u></p> <p>Senate Bill 359 was passed as urgency legislation effective July 13, 1999. The bill included provisions intended to exempt Level I and Level II reserve officers regarding the possession of short-barreled rifles and shotguns. The effect of this provision is to impose a new training requirement upon all peace officers including reserve officers. Current law (P.C. 12020) prohibits the possession of defined firearms (rifles with a barrel length less than 16" and shotguns with a barrel length less than 18" or either with an overall length less than 26") unless a specific exemption is provided. The new Penal Code Section 12020 (b)(1) is enclosed (Attachment A).</p> <p>According to many law enforcement agencies and a committee of subject matter experts, a significant number of California law enforcement agencies have developed training and issued rifles to their patrol personnel over the last two years. In February 1997, during the North Hollywood bank robbery incident, it was demonstrated that the issued police weapons were not sufficient to counteract the massive firepower displayed by the two bank robbery suspects.</p> <p>As a result of that highly-publicized incident many agencies in California and nationwide adopted patrol rifles and placed them in patrol vehicles. The subject matter experts also believe that California law enforcement agencies who have incorporated the use of rifles in patrol since the North Hollywood incident have developed policies and guidelines on their use, provided extensive training, repetition/drill, and weapon qualification as part of this transition to the use of the rifle by line personnel. Most of the agencies that have moved to issuing line level officers these rifles have developed the training course at the local level and have not sought to have it POST-certified. It is estimated that as many as 150-200 agencies statewide have provided training to the personnel using these rifles.</p>			

ANALYSIS

To establish this training requirement, the attached Proposed Regulatory Action (Attachment B) provides language for the addition of Subsection (a) (28) to Section 1081 and includes a two-part training course – Part I is for shotgun training (both long and short barrel), and Part II is for rifles (both long and short barrels). Peace Officers would complete only the part that is applicable as to the firearms issued to them.

Part I shotgun training can be satisfied by completing the Regular Basic Course, Reserve Modules I or II, or prior training from Reserve Modules A,B,C, or D. Virtually all law enforcement agencies that use shotguns have issued short-barreled versions in order to fit into patrol vehicles. Therefore, POST has for many years taken this into consideration in its training requirements for the Regular Basic Course and reserve officer training.

Part II rifle training is designed to be presented as POST-certified training either as a separate stand-alone rifle course or as part of a larger firearms course. Most attendees will be peace officers working in special assignments where the use of the rifle is part of their duties, or peace officers that are assigned to field functions where agency policy allows the use of rifles. The proposed course is a minimum 16 hours of specified content that includes required skill development and qualification with the weapon.

Attachment C is an expanded course outline for the proposed Rifle Training Course. An analysis of existing POST-certified rifle courses reveals that all of them would satisfy the short-barrel training requirements outlined in the legislation. It is also proposed that completion of the Regular Basic Course, Reserve Training Modules I or II, or Reserve Modules A, B, C, and D be a prerequisite for the Part II rifle course.

In developing the proposed training course, input was received from firearms subject matter experts and the California Department of Justice (See Attachment D). Because of the urgency for implementation, an abbreviated public notice process is proposed.

Penal Code Section 12020 (b) (1) requires that this training be POST-certified. This poses a problem for the law enforcement agencies who have already invested a large amount of time and resources developing comprehensive policies and training programs at the local level that were not POST-certified. POST is prepared to review previously completed training and consider it for certification. The review process will include analysis of the course outline, instructor resumes, rosters, hourly distribution, and other documentation to ensure that it meets the Commission training requirements outlined in Regulation 1081.

Proposed changes to Regulation 1081 (a) (28) must be adopted pursuant to the Administrative Procedures Act and it is proposed that the Notice of Proposed Regulatory Action process be used. These changes would become effective immediately upon approval of the Office of Administrative Law.

RECOMMENDATION

It is recommended that the Commission approve, subject the Notice of Proposed Regulatory Action process, the proposed amendments to Commission Regulation 1081 (a) (28).