

ATTACHMENT E

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

COMMISSION AGENDA ITEM REPORT

Agenda Item Title Proposed Changes to Basic Course Requalification Process		Meeting Date January 21, 1999
Bureau Basic Training Bureau	Reviewed By Ken Whitman <i>[Signature]</i>	Researched By Chris Carey-Flores
Executive Director Approval <i>[Signature: Kenneth J. O'Brien]</i>	Date of Approval 12-30-98	Date of Report October 30, 1998
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.

ISSUE

Should the Commission approve, subject to a public review process, amendments to Regulation 1008 (b) and Procedure D-11, and enacting Procedure D-10 that would: (1) separate the Basic Course Requalification Course (BCRP) from the Basic Course Waiver Process (BCWP); (2) establish more restrictive eligibility requirements for the BCRP; (3) specify the hourly and curriculum requirements for the Requalification Course in Procedure D-10, and (4) make other technical changes to the regulations?

BACKGROUND

Penal Code Section 13511 requires the Commission to establish a process for testing individuals with prior equivalent law enforcement training. In 1988, the Commission amended Regulation 1008 to add a requalification process for individuals with a three-year break in service. The requalification process and course are also included in Procedure D-11, which relates to the BCWP. See Attachment A for a copy of POST Regulation 1008 and Procedure D-11.

The current POST Requalification Process and course were developed in 1988 to facilitate employment or reemployment of:

1. Open-enrollment students who completed the Regular Basic Course but were not hired within three years;
2. Previously-employed peace officers with a three-year or longer break in service; and,
3. Out-of-state peace officers who needed the course to either complete or prepare for the BCWP.

Under the current process, individuals who have received a POST Basic Certificate, received a waiver of attendance at a POST-certified academy through the BCWP, or have successfully completed a POST-certified basic course and have not served in a law enforcement position after a three-year time period, are eligible to participate in the BCRP. The Requalification Course is also used as part of the BCWP for out-of-state candidates to meet training requirements and legislative mandates. Individuals now apply directly to one of the POST-certified Requalification Course presenters to attend the 136-hour course. Upon completion, they are eligible, for a period of three years, to seek appointment or reappointment to a law enforcement position.

The Requalification Course was designed to sharpen critical manipulative skills and to provide updated instruction for portions of basic course curricula which were likely to have changed, particularly those involving officer safety or potential liability.

From July 1, 1990 through June 30, 1998 2,067 individuals attended a requalification course and 2,013 successfully completed the training program. The breakdown shows that 980 already had been awarded the POST Basic Certificate and 1,087 had no basic certificate. Of those attending the requalification training during this time period 799 have returned to law enforcement and 1,268 have not been appointed or reappointed to a law enforcement position. During these years a total of 73 individuals repeated the requalification training at least once.

ANALYSIS

A committee of training presenters, agency and association representatives was formed to secure input on the BCRP and BCWP. Attachment B contains a list of the committee members. Staff conducted a survey and gathered information from other POST programs nationwide. The survey questions dealt both with individuals who are already trained and seeking to reenter law enforcement after a break in service, and out-of-state applicants. While conducting the research it was learned that several states are experiencing many of the same problems with their respective processes, and are in the process of identifying ways to streamline them while protecting and upholding quality training standards and requirements. After reviewing all of the available information, a decision was made to focus immediate efforts on the BCRP for California-trained persons who wish to re-enter law enforcement. The BCWP will require legislative changes to address a number of the issues and future staff work beginning in 1999.

The first issue outlined in this report is to create two separate procedures: one for the Basic Course Requalification Process (BCRP) and one for the Basic Course Waiver Process (BCWP). They are currently merged together in Regulation 1008 and Procedure D-11. This has created confusion about what process should be applied to individuals wishing to be appointed or reappointed to a California law enforcement agency. The Basic Course Requalification Process (BCRP) would primarily address those individuals with prior California law enforcement training after either a three-year break in law enforcement or a three-year break in time after completion of a California POST-certified basic course or academy.

The Basic Course Waiver Process (BCWP) would continue to address those individuals with prior out-of-state law enforcement training.

The BCRP includes provisions for several exemptions that allow the Executive Director or the Commission to waive the requalification testing and/or retraining for individuals applying for appointment or reappointment to a position in law enforcement. The existing exemption process has allowed individuals who have been out of law enforcement for extended periods of time to return to an agency without any commensurate training.

The second issue concerns time frames allowed by the current process. While there is a three-year time limit on the initial process, there are no other limitations (i.e. an upper-end time frame) to the BCRP. Substantial concern was expressed about individuals who have been out of law enforcement for such a period of time that their skill levels may be diminished and their knowledge of current laws and procedures should require additional training over and above the 136-hour Requalification course currently mandated by the Commission. Recently there have been several applications to enter the BCRP after an absence of up to 20 years from California law enforcement. There has also been a marked increase in trainees injured during this training. At one recent session four persons sustained injuries during the manipulative skills part of the training. The certified presenters of the Requalification Course limit the number of participants to 24 trainees per session to allow for sufficient time to cover all of the mandated topics.

The presenters are reporting that an inordinate amount of time is required to bring the trainees up to both a cognitive and skill level prior to testing and skills evaluation. This is particularly noted in trainees that have been out of the law enforcement community for long periods of time and of trainees that have never obtained a position in law enforcement and been given an opportunity to practice and maintain their manipulative skills. Changes to the law and procedures also require additional time to present in order to bring those participating in the requalification course up to a level necessary for them to pass both the cognitive and the skills testing..

It is proposed that individuals who have never served in a position for which a Regular Basic Course training standard is required be allowed to participate in the BCRP one time within six years of completion of the Regular Basic Course, or its equivalents. After the six years, these individuals would be required to complete the Regular Basic Course. The ad hoc committee recommended that these changes be made and incorporated into Commission regulations.

During our survey of other POST agencies most if not all had some regulations that had both a lower and upper time limit in place for persons wishing to reenter law enforcement after initial training and appointment. The average low end was 3 years and the upper end was 10 years. The Ad Hoc Committee strongly recommended further study on an upper limit for those trainees with a POST Basic Certificate returning to active law enforcement after a substantial absence.

The Commission originally approved an 80-hour Requalification Course in 1988 and later expanded the course to 120 hours in 1990. Course content was modified to include legislatively-mandated subject matter and reflect other content changes effective January 1, 1991. The course was updated, modified, and expanded from 120 hours to 136 hours in July 1993. Additional modifications to course content were done in 1995 that incorporated legislative mandates regarding hate crimes, sexual harassment, and vehicle pursuits. Additionally, the Commission added a variety of critical subjects to the Regular Basic Course as a result of Training Issues Symposia recommendations.

The 136-hour Requalification Course as approved by the Commission contains topics in Course Administration, Human Relations, Legal Update, Preliminary Investigation, Field Tactics, and Force and Weaponry. The proposed regulatory changes would codify previously approved Commission actions.

Proposed regulatory language for Regulation 1008(b) and Procedures D-10 and D-11 are included as Attachment C. Proposed changes must be adopted pursuant to the Administrative Procedures Act and it is proposed that the Notice of Proposed Action Process be used. These changes would become effective July 1, 1999.

RECOMMENDATION

If the Commission concurs, it is recommended the Commission approve, subject to the public review process, amendments to Regulation 1008(b), Procedure D-11, and enacting new Procedure D-10 that would: (1) separate the Basic Course Requalification Course from the Basic Course Waiver Process, (2) establish more restrictive eligibility requirements for the requalification process, (3) specify the 136-hour Requalification Course in Procedure D-10, and (4) make other technical changes to the regulations pursuant to the Administrative Procedures Act and the Notice of Proposed Regulatory Action Process.