



Commission on Peace Officer Standards and Training

860 Stillwater Road, Suite 100
West Sacramento, CA 95605-1630
www.post.ca.gov

Date: June 9, 2020

Bulletin: No. 2020-29

Subject: **Notice of Emergency Rulemaking – Regulations 1005, 1007, and 1008; Training and Testing Specifications for Peace Officer Basic Courses**

The Commission on Peace Officer Standards and Training is proposing amendments to Learning Domain 33 – *Arrest and Control* in the document Training and Testing Specifications for Peace Officer Basic Courses, incorporated by reference into Commission Regulations 1005, 1007, and 1008. The Commission will be presented the proposed changes at the June 18, 2020, Commission meeting, following publication of the Notice of Emergency Rulemaking.

The proposed changes involve removing the training in the use of the Carotid Restraint Control Hold and updates to the incorporation by reference statements in Sections 1005, 1007, and 1008.

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 Emergency Rulemaking
- Text of Proposed Regulatory Action

Questions regarding this proposed regulatory action may be directed to [Cheryl Smith](#), Commission on POST, 860 Stillwater Road, Suite 100, West Sacramento, CA 95605-1630, by telephone at (916) 227-0544. General questions regarding the regulatory process may be directed to [Katie Strickland](#) at (916) 227-2802.

MANUEL ALVAREZ, JR.
Executive Director

MA:cs
Attachment: Notice of Emergency Rulemaking

NOTICE OF EMERGENCY RULEMAKING

Amend and Update the Training and Testing Specifications for Peace Officer Basic Courses Regulations 1005, 1007, and 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.

Statement of California Code of Regulations, Title 1, Section 48

Government Code section 11346.1(a)(2) requires that, at least five working days prior to submission of the proposed emergency action to the Office of Administrative Law, the adopting agency provide a notice of the proposed emergency action to every person who has filed a request for notice of regulatory action with the agency. After submission of the proposed emergency action to the Office of Administrative Law, the Office of Administrative Law shall allow interested persons five calendar days to submit comments on the proposed emergency regulations as set forth in Government Code section 11349.6.

Justification of Emergency

The Commission on Peace Officer Standards and Training (POST) finds an emergency exists and that this proposed emergency regulation is necessary to address a situation that calls for immediate action to avoid serious harm to the public peace, health and safety, and the general welfare.

In response to current events and to ensure the safety of the public. POST is recommending the removal of the training in the use of the Carotid Restraint Control Hold in Learning Domain 33 *Arrest and Control* in the basic courses.

The tragic death of Mr. George Floyd during a law enforcement action with the Minneapolis, Minnesota Police Department on May 25, 2020, has stemmed global public outcry and heated debate over the safety concern of law enforcement “chokeholds.” This debate has included law enforcement’s use of the Carotid Restraint Control Hold.

On June 4, 2020, California Assembly member Mike Gipson introduced Assembly Bill 1196, which if passed will eliminate the use of the Carotid Restraint Control Hold by California law enforcement.

On June 5, 2020, an article published in the LA Times alleged the following: “*A Times analysis of California Department of Justice data found that law enforcement around the state reported officers seriously injuring 103 people while using carotid neck restraints from 2016 through 2018, the most recent years for which data are available. Two people were killed and 91 were left unconscious. Black people, who compose about 6.5% of California’s population, made up 23% of people injured by neck restraints. White people accounted for 33% of the incidents and Latinos 38%.*”

On June 5, 2020, Governor Gavin Newsom held a press conference and stated he was directing that POST stop training law enforcement on the Carotid Restraint Control Hold. Governor Newsom simultaneously applauded Assembly Bill 1196 and stated he would sign it.

On June 8, 2020, the U.S. House of Representatives introduced H.R. 1957, which if passed, will among other things, eliminate national law enforcement use of the Carotid Restraint Control Hold.

Since June 1, 2020, the following California law enforcement agencies have banned the use of the Carotid Restraint Control Hold, just to name a few: Santa Cruz Sheriff’s Department, all city and county law enforcement agencies in San Diego County, Davis Police Department, Mountain View Police Department, Pasadena Police Department, Sacramento Police Department, and Watsonville

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Police Department. Several other California law enforcement agencies had already banned the Carotid Restraint Control Hold prior to the public outcry, such as the San Francisco Police Department and the California Highway Patrol.

Therefore, POST is seeking a proposed emergency regulation to remove training in the use of the Carotid Restraint Control Hold in Learning Domain 33 *Arrest and Control* in the basic courses.

Authority and Reference

This proposal is made pursuant to the authority vested by Penal Code §13503 (authority of Commission on POST) and Penal Code §13506 (POST authority to adopt regulations). This proposal is intended to interpret, implement, and make specific Penal Code §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

Penal Code §13510 requires that POST develop guidelines and a course of instruction and training for law enforcement officers who are employed as peace officers, or who are not yet employed as a peace officer but are enrolled in a training academy for law enforcement officers. This proposed action will update the incorporated by reference document, Training and Testing Specifications for Peace Officer Basic Courses (revised Effective on Filing with the Secretary of State), to include the removal of the training in the use of the Carotid Restraint Control Hold. Additionally, the incorporation by reference statements in POST Regulations sections 1005, 1007, and 1008 will be revised to reflect the updated revised date for the Training and Testing Specifications for Peace Officer Basic Courses.

The benefit anticipated by the proposed amendments to the regulations will be to update the training specifications for Peace Officer Basic Courses, which will increase the effectiveness of law enforcement standards for peace officers in preserving peace, protection of public health and safety, and welfare of California.

During the process of developing these regulations and amendments, POST 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.

All changes to curriculum begin with recommendations from law enforcement practitioners or in some cases via legislative mandates. Upon adoption of the proposed amendments, academies and course presenters will be required to teach and test the updated curriculum. The proposed effective date will be Effective on Filing with the Secretary of State.

Document Incorporated by Reference

Training and Testing Specifications for Peace Officer Basic Courses, revised Effective on Filing with the Secretary of State.

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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 Affecting Government Code § 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.

Affect on Housing Costs: The Commission on Peace Officer Standards and Training has made an initial determination that the proposed regulations would have no affect on housing costs.

Results of Economic Impact Assessment per Government Code § 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 proposed amendments of regulations will increase the effectiveness of law enforcement standards for peace officers in preserving peace, protection of public health and safety, and welfare of California. There would be no impact that would affect worker safety or the state's environment.

Cost Impact on Representative Private Persons or Businesses

The Commission is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Contact Person

Questions regarding this proposed regulatory action may be directed to [Cheryl Smith](#), Commission on POST, 860 Stillwater Road, Suite 100, West Sacramento, CA 95605-1630 at (916) 227-0544. General questions regarding the regulatory process may be directed to [Katie Strickland](#) at (916) 227-2802, or by FAX at (916) 227-5271.