

**TITLE 16. BUREAU OF SECURITY AND INVESTIGATIVE SERVICES  
DEPARTMENT OF CONSUMER AFFAIRS**

**INITIAL STATEMENT OF REASONS**

**Hearing Date:** No hearing date has been scheduled for the proposed action.

**Subject Matter of Proposed Regulations:** Power to Arrest (PTA) and Appropriate Use of Force Training

**Section(s) Affected:** Section 628, 631, 633, 635, 643, 645, and [New] 646 of Division 7 of Title 16 of the California Code of Regulations (CCR)

**1. Background and Statement of the Problem:**

The Bureau of Security and Investigative Services (BSIS or Bureau) issues licenses, registrations, certificates, and permits to businesses and individuals carrying out activities relating to alarm systems, locks, private investigation, private security, repossession, and firearm and baton training. There are currently over 433,000 BSIS licenses held by about 350,000 business and individuals in California.

The Bureau oversees a total of six practice Acts, including:

- Collateral Recovery Act (Bus. & Prof. Code, § 7500, et seq.);
- Private Investigator Act (Bus. & Prof. Code, § 7512, et seq.);
- Proprietary Security Services Act (Bus. & Prof. Code, § 7574, et seq.);
- Private Security Services Act (Bus. & Prof. Code, § 7580, et seq.);
- Alarm Company Act (Bus. & Prof. Code, § 7590, et seq.);
- Locksmith Act (Bus. & Prof. Code, § 6980, et seq.).

The Bureau and Director of Consumer Affairs are authorized to establish necessary rules and regulations for the enforcement of the Acts and the laws subject to its jurisdiction. (Bus. & Prof. Code, §§ 6980.7, 7501.6, 7515, 7574.05, 7581, 7591.6.)

Existing California law mandates that licensee categories regulated by the BSIS complete specified training. For example, proprietary private security officers must complete a course in security officer skills that includes PTA training pursuant to the California Business & Profession Code (BPC) section 7574.18(a) and (b). Alarm agents, security guards, and private investigators must complete a course of training in the

carrying and usage of firearms in order to obtain a BSIS firearms permit, pursuant to BPC sections 7583.23, 7596(a), and 7542(a)(1).

Effective July 1, 2023, Assembly Bill (AB) 229 (Holden, Chapter 697, Statutes of 2021) and AB 2515 (Holden, Chapter 287, Statutes of 2022), require the Bureau to expand PTA training to include appropriate use of force topics for applicants and licensees.

As relevant to this proposal, AB 229 and AB 2515 amend the BPC to:

- Require a private investigator licensee or qualified manager of a licensee who, in the course of their employment or business, carries a deadly weapon to complete a training course in the appropriate use of force. (Bus. & Prof. Code, § 7585, subd. (h).)
- Require the training in security skills for a proprietary private security officer (PPSO) includes the appropriate use of force. (Bus. & Prof. Code, § 7574.18, subd. (b)(2).)
- Require a security guard or patrolperson, who in the course of their employment or business carries a firearm, to complete a course of training in the appropriate use of force. (Bus. & Prof. Code § 7583.7, subd. (a).)
- Direct the Bureau to develop an outline for the course and curriculum for the skills trainings in consultation with the Commission on Peace Officer Standards and Training (POST) and requires the training to include specified topics. (Bus. & Prof. Code, § 7583.6, subd. (j)(2).)
- Require the appropriate use of force training to be conducted through traditional classroom instruction, which means instruction where the instructor is physically present with students in a classroom and is available to answer students' questions while providing the required training. In this setting, the instruction provides demonstrations and hands-on instruction in order to establish each student's proficiency as to the course content. (Bus. & Prof. Code, § 7583.7, subd. (b)(2).)
- Require alarm company licensees or agents, who in the course of their employment carry a firearm, to complete a course in the appropriate use of force. (Bus. & Prof. Code, § 7598.2, subd. (a).)

This proposal will implement AB 229 and AB 2515 by adding appropriate use of force topics to Title 16, of the California Code of Regulations (CCR), at sections 635 (addressing required training for an initial firearms permit) and 643 (addressing training for security guards and PPSOs) of the CCR and repealing weapons of mass destruction (WMD) and terrorism awareness from the training curriculum, where applicable.

This proposal will expand the PTA training course length in section 643 for PPSOs from

four (4) hours to eight (8) hours and the continuing education hours from two (2) to eight (8) hours.

This proposal will create a new section 646, which will provide the required PTA training for alarm agents.

This proposal will revise section 635, the “Course of Fire” firearms training, to add a course of fire outline for semi-automatic firearms as existing requirements are geared toward qualification with a revolver.

This proposal will amend the practice rounds required prior to the range qualification in section 635, and instead require them at the discretion of the firearms training instructor.

This proposal will outline a list of permissible calibers in section 635 that applicants may qualify with for the purposes of obtaining a Bureau-issued firearms permit and require the firearms instructor to issue the student a certificate of proficiency deeming them proficient in the handling and use of a firearm.

The proposal would also make other minor, technical non-substantive changes to address consistency with statutory authority.

### **Anticipated Benefits**

BPC section 7583.6(a) requires security personnel (“security personnel” meaning a security guard or a proprietary private security officer in CCR section 643, and including alarm agents in CCR section 646) to complete PTA training prior to being assigned to security guard duties, or “standing post.” BPC section 7583.7 mandates PTA training include appropriate use of force topics so security personnel are better equipped when handling situations with members of the public that may require a level of force be administered. Additionally, BPC section 7585 requires appropriate use of force topics be included in firearms training for security personnel who carry firearms while on duty.

Expanding the PTA training to include appropriate use of force topics will enhance public safety and consumer protection by providing security personnel with the knowledge and skills necessary to act appropriately within the scope of their duties. The expansion of training topics better reflects the climate of the evolving industry, and through expanded training, these professionals will be better equipped to make good decisions, intervene effectively, prevent conflict, achieve resolutions, and confidence.

Increasing the length of PTA training from four (4) hours to eight (8) hours for PPSOs will enhance public safety because PPSOs also interact with the public daily and face many of the same situations as other security personnel. Because of this interaction, it

is imperative that PPSOs receive adequate training to improve interactions and outcomes.

Amending the firearms course of fire in section 635 required for all Bureau firearms holders to include a firing schedule designed for semi-automatic firearms will benefit students utilizing different weapons and provide proper training for the weapon they will be employing while on duty. Semi-automatic firearms are more widely used by the licensing population and this proposal ensures permit holders are trained on a schedule most appropriate for the type of firearm they will be carrying in the course of their duties.

Making practice rounds optional in section 635 and at the discretion of the student and firearms training instructor will reduce costs for applicants who already have experience with firearms and do not require additional practice in order to qualify. Additionally, adding a list of permissible calibers ensures permit holders are carrying appropriate firearms while carrying out their duties. Requiring the firearms instructor to issue the students certificates of proficiency will enable the student to demonstrate their proficiency for potential employers and will help ensure employers comply with BPC section 7583.2(e).

Adding a regulation specific to alarm agents will also enhance public safety by requiring alarm agents to take a Power to Arrest and Appropriate Use of Force training.

**Specific purpose of, and rationale for, each adoption, amendment, or repeal:**

**Amend Section 628, Training in Exercising the Power to Arrest, Division 7, Title 16 of the CCR**

**Title of Regulation**

The Bureau proposes to add “and Appropriate Use of Force” to the title of the regulation, and to remove plural phrasing of “Powers” to “Power”.

This amendment is necessary to reflect the appropriate use of force topics covered, as well as be consistent with statutory language and pluralization required by BPC sections 7583.7(c)(2) and 7585(b).

**Subdivision (b)**

The Bureau proposes to update the name and date of the Power to Arrest and Appropriate Use of Force Training Manual (Manual) and clarify that the Manual is exempt from the Administrative Procedures Act (APA, Gov’t Code Section 11340 et seq.) pursuant to BPC section 7583.7(c)(2).

This amendment is necessary to identify the training manual required for the training for private patrol operators (BPC section 7583.7) and alarm agents (BPC section 7598.1). Use of the manual is required to ensure Bureau-approved facilities meet training standards set forth in BPC section 7585.6.

**Subdivision (c)**

The Bureau proposes to update the name and date of the Manual in subdivision (c).

This amendment is necessary for consistency with statutory language and pluralization required by BPC section 7583.7 and BPC section 7598.1.

**Subdivision (d)**

The Bureau proposes to delete subdivision (d).

This amendment is necessary to remove outdated language pertaining to security personnel working on temporary licenses because the Bureau no longer has the authority to issue temporary guard licenses. BPC section 7583.6(a) requires security personnel to complete the training before obtaining licensure and BPC section 7583.3(a) requires a security guard be licensed before being assigned to work.

**Authority and Reference Sections**

The Bureau adds BPC section 7583.7 to the authority section as this section exempts the Power to Arrest and Appropriate Use of Force Manual” from the APA.

The Bureau deletes BPC section 7596.1 from the authority section because this section does not exist.

The Bureau deletes BPC section 7542 because it does not provide authority for the instant regulation, and Private Investigators are no longer subject to the provisions in this regulation.

The Bureau is deleting Penal Code section 26030 from the reference section because it exempts private security professionals from the crime of carrying a loaded firearm in public.

**Amend Section 631, Definitions, Division 7, Title 16, of the CCR**

**Subdivision (h)**

The Bureau proposes to add a new subdivision (h) to provide a definition for “cultural competency” as “an awareness of cultural differences and the ability to provide security services in a manner that acknowledges such differences.”

This definition is necessary to provide private security professionals with an understanding of the terms used in the training. The Bureau formulated this definition after reviewing the California Commission on Peace Officer Standards and Training (POST) training materials on cultural competency provided to law enforcement in the State of California and applying the material to private security. The Bureau seeks to ensure security professionals understand, appreciate, and adjust their behavior if necessary to account for potential encounters with California’s diverse population. Per POST <https://post.ca.gov/cultural-diversity>, cultural diversity/competency covers such topics as hate crimes, racial profiling, and tools for tolerance, all of which are skills and knowledge that security personnel must also develop, be aware of, and be sensitive to when responding to an incident as these skills and knowledge can better guide a more productive response when such incidents occur.

### **Subdivision (i)**

The Bureau proposes to add a new subdivision (i) to provide a definition for “diverse” or “diversity” as “the existence of variations of different characteristics in a group of people including race, color, ethnicity, age, disability, gender, gender identity or expression, nationality, religion, socioeconomic status, and sexual orientation.”

This definition is necessary to provide private security professionals with an understanding of the terms used in the training. The Bureau adopted this definition after consulting with its subject matter experts (SMEs) and reviewing various definitions currently used by other governmental agencies. The Bureau seeks to ensure security professionals understand, appreciate, and adjust their behavior if necessary to account for California’s diverse population. Per POST, cultural diversity/competency covers such topics as hate crimes, racial profiling, and tools for tolerance, all of which are skills and knowledge that security personnel must also develop, be aware of, and be sensitive to when responding to an incident as these skills and knowledge can better guide a more productive response to such incidents.

### **Subdivision (j)**

The Bureau proposes to add a new subdivision (j) to provide a definition for “disability” as “a mental or physical disability and has the meanings set forth in sections 12926 and 12926.1 of the Government Code. Additionally, a mental disability can be any condition of the mind that has a long-term effect on a person’s normal day-to-day activity.”

This definition is necessary to provide private security professionals with an understanding of the terms used in the training and how to respond when a situation involving someone with a disability occurs. While physical disabilities are usually visible, mental disabilities, substance use disabilities, and intellectual/developmental disabilities are not as easily visible. Including the definition in the training will help security professionals identify potential disabilities and adjust their behavior accordingly, thereby safely managing encounters between them and a member of the disabled community. The Bureau incorporated this definition after reviewing the Government Code, POST training materials, and existing definitions currently being used by other government agencies because of its ease of applicability to situations faced by security guards.

**Subdivision (k)**

The Bureau proposes to add a new subdivision (k) to provide a definition for “behavioral health issues” as “as the scientific study of the emotions, behaviors and biology relating to a person’s mental well-being, their ability to function in everyday life, and their concept of self.”

This definition is necessary to provide security professionals with an understanding of the terms used in the training and how to respond when a situation involving someone with a behavioral health issue occurs. While physical disabilities are usually visible, behavioral health issues that are manifested in public are often more difficult to identify. Including the definition in the training will help security professionals identify and adjust their behavior accordingly, thereby safely managing encounters between them and an individual experiencing a behavioral health issue. The Bureau formulated this definition after reviewing the Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition (DSM V) and the POST training materials that are provided to law enforcement in the State of California, as the DSM V is considered the standard for identifying and classifying mental disorders in the United States.

**Subdivision (l)**

The Bureau proposes to add a new subdivision (l) to provide a definition for “mental illness” as “any mental health disorder as identified in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders as a syndrome characterized by clinically significant disturbance in an individual's cognition, emotion regulation, or behavior that reflects a dysfunction in the psychological, biological, or development processes underlying mental functioning.”

Page 94 of the POST People with Disabilities workbook shares there are two types of mental illness, thought disorders and mood disorders, and clarifies peace officers (in

this case, private security professionals) should not attempt to diagnose mental illness. The Bureau is defining “mental illness” by utilizing the DSM V’s definition, as the DSM V is considered the standard for identifying and classifying mental disorders in the United States: “A mental disorder is a syndrome characterized by clinically significant disturbance in an individual's cognition, emotion regulation, or behavior that reflects a dysfunction in the psychological, biological, or development processes underlying mental functioning.” Additionally, the POST People with Disabilities workbook describes various indicators of mental illness, including, fearfulness, inappropriate behavior, extreme rigidity or inflexibility, hallucinations, etc. (page 95). Lastly, pages 105-106 of POST’s People with Disabilities workbook provide appropriate actions for peace officers to take, including requesting backup, stabilizing the scene, calming the situation, communicating, etc. It is necessary to discuss this topic and the aforementioned material because private security professionals do not have the same level of responsibility as peace officers. It is necessary for private security personnel to be aware of the indicators of mental illness so they are more cognizant of when law enforcement should be called, for instance, in cases where a person is armed and exhibiting signs of psychosis.

### **Authority and Reference sections**

The Bureau adds Sections 13519.4 and 1385 of the Penal Code and Sections 12926 and 12926.1 of the Government Code, to provide further content and detail for the definitions provided in section 631.

### **Amend Section 633, Biennial Renewal of Firearms Permit, Division 7, Title 16 of the CCR**

#### **Subdivision (b)**

The Bureau proposes to add “in accordance with the schedules listed in subdivisions (b)(5) or (b)(6), as applicable” to subdivision (b).

This amendment is necessary to provide the range qualification must be carried out in accordance with the appropriate firing schedule designed for the type of firearm being used. Specifically, applicants qualifying with a revolver will need to use the schedule specified in subdivision (b)(5) and those qualifying with a semi-automatic would need to follow the schedule specified in subdivision (b)(6). Revolvers and semi-automatic handguns have different ammunition capacities and require different techniques for loading and reloading. The course of fire schedule that currently exists in sections 633 and 635 provides a firing schedule specific to revolvers, which requires the student to fire in increments of 6 because a revolver has an ammunition capacity of 6 rounds. The firing schedule proposed in (b)(6) will be specifically outlined for semi-automatic



handguns which have an ammunition capacity of 10 and students will be required to fire in increments of 10. These changes will provide an adequate firing schedule for both types of firearms.

### **Subdivision (b)(5)**

The Bureau proposes to add a new subdivision (b)(5) to provide “A permit holder qualifying using a revolver handgun shall complete the course of fire, using one silhouette target as specified in section 635.1, according to the following schedule:”

Additionally, the Bureau proposes to make minor technical amendments to the existing Course of Fire schedule to clarify what is required in each stage.

The Bureau adds the cross-reference to section 635.1 to clarify that the course of fire must be made in accordance with section 635.1.

This amendment is necessary because revolvers and semi-automatic handguns have different ammunition capacities and require different techniques for loading and reloading. The course of fire schedule that currently exists in this section is specific to revolvers, which requires the student to fire in increments of 6 because a revolver has an ammunition capacity of 6 rounds. The firing schedule proposed in (b)(6) will be specifically outlined for semi-automatic handguns which have an ammunition capacity of 10 and students will be required to fire in increments of 10. These changes will provide an adequate firing schedule for both types of firearms.

### **Course of Fire (Revolver)**

In stage 2, the Bureau proposes to add additional instructions on how to complete this stage. Existing language requires 2 reloads, and then specifies “load 6, 6 and 2.” This proposal will clarify what “load 6, 6 and 2” means by adding the word “reload” between sections so the instructions read “load 6, reload 6 and reload 2.” In this stage of qualification shooting, it is important for students to fire all 6 rounds and then reload the revolver to shoot another 6 rounds followed up by 2 final rounds within the time allotted. This drill teaches the students proper techniques for loading and reloading the firearm quickly and accurately. This builds muscle memory so that students can successfully reload their weapon under pressure if needed.

In stage 4, the Bureau proposes to add additional instructions on how to complete this stage. Existing language requires a reload and provides “load 6 and 6.” This proposal will clarify what “load 6 and 6” means by adding the word “reload” between sections so the instructions read “load 6, and reload 6.” It will clarify the intention is for the student to fire 6 rounds then reload another 6 rounds to continue firing. Additionally, the Bureau

proposes to change the instructions from “6 strong hand unsupported” and “6 weak hand unsupported” to “6 rounds dominant hand” and “6 rounds non-dominant hand” to clarify what the concept entails. The proposed language more clearly states what the student needs to do: shoot 6 rounds with their dominant hand and 6 rounds with their non-dominant hand. Dominant and non-dominant hand terminology is more widely understood by people who use firearms because it differentiates between the individual’s right hand or left hand, depending on which hand is the individual’s dominant hand. It is important for students to demonstrate efficiency by firing from both hands because in real life situations, they may be put in a situation where they must fire with their non-dominant hand if injured or unable to use their dominant hand.

These amendments are necessary because the original Course of Fire schedule for BSIS firearm permit applicants dates back to the mid-1990s when revolvers were more widely used within the private security and law enforcement fields. The existing Course of Fire schedule is designed for revolver qualification with the stages and rounds being in increments of 6, which is the capacity of standard revolvers. It is necessary to differentiate this Course of Fire schedule as revolver qualification as the Bureau intends to propose a separate Course of Fire schedule for those qualifying with a semi-automatic firearm that has a different capacity. Additionally, it is necessary to update the language to be more specific as to what is expected of students within each stage. The proposed language is more up-to-date and provides better clarification of the instructions on how to complete each stage of the course of fire.

**Subdivision (b)(6)**

The Bureau proposes to add a new subdivision (b)(6) to provide “A permit holder qualifying using a semi-automatic handgun shall complete the course of fire, using one silhouette target as specified in section 635.1, according to the following schedule.” This addition is to introduce a course of fire schedule designed for semi-automatic firearms. Additionally, the Bureau proposes to add a Course of Fire schedule specific to semi-automatic firearms.

The Bureau adds the cross-reference to section 635.1 to clarify that the course of fire must be made in accordance with section 635.1.

This amendment is necessary to provide the range qualification must be carried out in accordance with the appropriate firing schedule designed for a semi-automatic handgun. Revolvers and semi-automatic handguns have different ammunition capacities and require different techniques for loading and reloading. The Course of Fire schedule that currently exists in sections 633 and 635 provides a firing schedule specific to revolvers, which requires the student to fire in increments of 6 because a revolver has an ammunition capacity of 6 rounds. The firing schedule proposed in this subdivision

will be specifically outlined for semi-automatic handguns, which have an ammunition capacity of 10 rounds and students will be required to fire in increments of 10. These changes will provide an adequate firing schedule for both types of firearms.

### **Course of Fire (Semi-automatic)**

In Stage 1, the Bureau proposes the first course of fire be from 15 yards and the student must fire 5 rounds in 30 seconds. In this stage, the number of rounds is less than capacity of the magazine because the student is firing from the furthest distance, and aim and precision are necessary to achieve a scorable shot. The student is allotted 30 seconds to complete this stage because achieving a scorable hit on the target from 15 yards requires aim and precision. To master this level of precision, the student must control their breathing and aim appropriately and accurately for each shot. This stage is designed to teach proper aim and precision within a set amount of time and increase muscle memory and build consistency.

In Stage 2, the Bureau proposes the second course of fire be from 10 yards and the student must fire 20 rounds in 30 seconds, including one reload. In this second stage, the student is closer to the target and is firing at a faster pace than stage 1. Additionally, the student will need to drop the magazine and load another magazine to continue firing. This stage is designed to increase muscle memory by firing a full magazine consistently and accurately, dropping and reloading a new magazine quickly and firing another full magazine within the time allotted. This requires both speed and accuracy and a level of comfort in reloading the firearm that is essential for students to learn to be safe and proficient with their chosen firearm.

In Stage 3, the Bureau proposes the third course of fire be from 7 yards and the student must fire 10 rounds in 20 seconds. At this distance, the target is closer and aim and precision are not as necessary as accuracy and muscle memory. In this stage, the student will fire 5 rounds with their dominant hand and then switch to their non-dominant hand to fire the remaining 5 rounds. This is an important training requirement because in life threatening situations, the assailant is generally closer and there is no guarantee the student will be able to use their dominant hand to defend themselves. Firing from both hands builds muscle memory making this an important qualifying factor.

In Stage 4, the Bureau proposes the fourth course of fire be from 5 yards and the student must fire 10 rounds in 30 seconds, however, they must fire 5 rounds, pause, and then fire the remaining 5 rounds. This stage teaches restraint, as well as accuracy because from 5 yards, the student is drawing the weapon without taking their eyes off the target. From 5 yards, the student is not focused on aiming as much as on the fundamentals of drawing the firearm from the holster and focusing the barrel downrange.

In Stage 5, the Bureau proposes the fifth course of fire to be from 3 yards and the student fires 5 rounds in 8 seconds. This is a crucial self-defense tactic that is important for students to learn. In most self-defense scenarios, the assailant is within close range and in order to defend oneself with a firearm, they must be able to draw the firearm and fire quickly and accurately. This course of fire from close range is faster than previous courses of fire because the goal is to acquire speed and accuracy as muscle memory.

This amendment is necessary because semi-automatic firearms differ in both design and functionality from standard revolvers. The existing course of fire was designed for revolver qualification where the firearm capacity is 6 rounds and reloading takes longer than it does with a semi-automatic firearm. This course of fire schedule for semi-automatic firearms aligns similarly with POST standards for firearm qualifications as outlined in POST's Training and Testing Specifications for Learning Domain #35: Firearms/Chemical Agents, and reflects the capacity and speed achievable with a semi-automatic firearm. The Bureau also consulted industry SMEs in developing this proposed course of fire schedule for BSIS applicants and permit holders. It differs slightly from the revolver course of fire schedule in that it better reflects the abilities and capacity of a semi-automatic firearm.

### **Subdivision (b)(7)**

The Bureau proposes to add a new subdivision (b)(7) to provide "Permit holders shall use the following shooting stances: isosceles, weaver, modified weaver, and one-handed as defined in section 635(c)."

#### **Isosceles Stance**

The characteristics of this stance are that the shooter is facing the target, shoulders are squared and both arms forward and straight where the shoulders and arms form an isosceles triangle.

#### **Weaver Stance**

The characteristics of the Weaver stance are that the shooter stands in a position of interview at a 45-degree angle to the silhouette target with the support hand forward, wedged toward the target and the shooting elbow is slightly bent.

#### **Modified Weaver Stance**

The characteristics of the Modified Weaver stance are that the shooter stands in a position of interview at a 45-degree angle to the silhouette target with the support hand forward, wedged towards the target and the primary arm is locked at the elbow.

### **One-handed Stance**

The characteristic of a one-handed stance is that the shooter holds the handgun with one hand.

These amendments are necessary to provide an appropriate list of acceptable shooting stances for students to ensure they are firing a handgun in a safe and correct manner. These stances enhance accuracy and help control the firearm against recoil and allow the student to continue firing without having to adjust their body or take new aim at the assailant. These stances are all customary and widely accepted within the law enforcement and private security fields and provide students with varying options based on their own individual needs. Utilizing one or more of these stances when completing the course of fire schedules will ensure students are safely and accurately firing their weapons. The Bureau consulted POST's Basic Course Workbook Series, Learning Domain 35 Firearms/Chemical Agents Version 2.5 and industry SMEs when determining these stances as appropriate for Bureau applicants and permit holders.

### **Subdivision (b)(8)**

The Bureau proposes to add a new subdivision (b)(8) to list the allowable calibers for completing the courses of fire enumerated in the regulation.

BPC section 7583.2(e) requires a private security employer to maintain evidence of proficiency to include specified caliber that the permit holder has qualified with and is listed on their firearms permit. Additionally, existing law prohibits the permit holder from carrying calibers not approved by the Bureau (BPC section 7583.37(b)(6)). However, the law is silent on what calibers the Bureau can approve. The course of training for applicants seeking a BSIS-issued firearms permit is specific to revolver and semi-automatic handguns and not having a list of authorized calibers has created confusion throughout the industry. The Bureau proposes to authorize the following calibers:

- .357
- .38
- .45
- 9 mm
- 10 mm
- .40

- .380

This amendment is necessary because these are the most commonly used calibers for private security professionals and those seeking a BSIS firearms permit. This list includes both revolver and semi-automatic handgun calibers, all of which are widely available and enable applicants and permit holders to complete the firearms training and range qualifications in accordance with existing laws and regulations. Providing a list of approved calibers reduces confusion and ensures that permit holders are qualifying with and carrying appropriate firearms while performing private security services.

**Amend Section 635, Course of Firearm Training, Division 7, Title 16 of the CCR**

**Subdivision (a), Firearms Training Outline (FTO), deletion of Items II. B and II. C**

The Bureau proposes to repeal Items B and C under section II. Moral and Legal Aspects of the FTO (II. B and II. C).

Amended BPC section 7583.7 requires training to include various use of force topics, including legal standards for the use of force, the use of objectively reasonable force, and de-escalation. (Bus. & Prof. Code, § 7583.7, subds. (a)(10)(A), (C), (F), & (H).) Accordingly, the Bureau strikes Items II. B and II. C to avoid redundancy with the new appropriate use of force topics it proposes to add in Roman Numeral IV. of the FTO.

**Subdivision (a), FTO, renumbering and amendment of Items II. D and II. E**

The Bureau proposes to renumber existing Items D and E under section II. Moral and Legal Aspects (II. D and II. E), to B and C, respectively, and to amend the course length of the Shooting Incidents item from one hour to a half hour.

These amendments are necessary to reorganize the regulation based on the deletion of items II. B and II. C, and to reduce the required length of the Shooting Incidents item to provide more classroom time for instruction on appropriate use of force topics. The entire class instruction is limited to eight hours pursuant to BPC section 7585.6(a). As such, the Bureau must reduce the allotted time for some topics in order to accommodate the mandated appropriate use of force topics required by BPC section 7585(h). The content outlined by newly proposed item II. B, for Shooting Incidents, can be covered in a reduced time allotted because classroom discussion on this topic is not as subjective or interactive as the use of force topics that will be covered in subsequent sections.

**Subdivision (a), FTO, deletion of existing Roman Numeral IV**

The Bureau proposes to delete the content of Roman Numeral IV “Weapon Handling and Shooting Fundamentals” and relocate the content to the Range Training Outline provided in subdivision (b).

This amendment is necessary to accommodate the new appropriate use of force topics and ensure the new content can be included in the classroom training within the time allotted. The content outlined in this section will be relocated to the Range Training Outline in subdivision (b).

**Subdivision (a), FTO, addition of new Roman Numeral IV.**

The Bureau proposes to add a new section titled Appropriate Use of Force (Classroom) to outline the required content in the firearms training and in to comply with BPC section 7583.7(a)(10).

These amendments are necessary because BPC section 7585 requires a course of training in the carrying and usage of firearms to include training on the appropriate use of force and section 7583.7(a)(10) requires these topics to be included in the training. (Bus. and Prof. Code, §§ 7585(h) and 7583.7, subd. (a)(10).)

The time allotted for the appropriate use of force topics will be 3.5 hours to accommodate the required content. BPC section 7583.7 requires the course of training to be approximately eight hours in length, and the topics already in regulation (Administration, Laws and regulations for issuing a firearms permit, Laws regarding possession and carrying of firearms, Shooting incidents, Effects of firearms use, The revolver and semi-automatic, ammunition, parts and nomenclature, and Firearms safety, general) add up to 4.5 hours, which leaves 3.5 hours for Appropriate Use of Force.

A. Legal standards for use of force

This topic is required by BPC section 7583.7(a)(10)(A) and will include subtopics related to statutes, licensee and client contractual obligations, and civil and criminal liability.

1. Statutes

This section is necessary to identify legal statutes governing use of force so students and potential permitholders understand the limitations of using force and the possible legal consequences of using force. It is important for licensees to understand where the law authorizes security personnel to use force, including deadly force, and where their actions could result in criminal or civil liability.

## 2. Licensee and client contractual obligations

This section is necessary because permitholders need to be aware of the limitations of their role as armed security personnel. Contractual agreements may be different from client to client. Some contracts may authorize or be silent on security personnel's ability to use force while on duty whereas other contracts may prohibit any use of force. Contractual obligations guide private security personnel on what they can and cannot do on specific assignments.

## 3. Civil and criminal liability

Civil and criminal liability are important topics for security personnel to be aware of because they can be held both civilly and criminally liable for damages resulting from a situation where force was used, especially if expressly prohibited by statute, or if the private security professional acts outside of their employer's contractual agreement with the client.

### B. Objectively reasonable force

This topic is required by BPC section 7583.7(a)(10)(C) and will include subtopics related to objectively reasonable standards, restraint techniques and their implications, force options and real-life scenarios. Under California law, "a person may use objectively reasonable force to defend life and limb against excessive force." (*People v. Curtis* (1969) 70 Cal.2d 347.)

#### 1. Objectively reasonable standard

It is necessary for private security personnel in California to know what legal standard applies and to ensure adherence to the appropriate legal standard. This will result in a uniform approach to use of force throughout the state and help encourage private security personnel to act within the allowable scope. This is likely to result in increased transparency with the public and improving trust and community relations overall.

#### 2. Restraint techniques and their implications

It is necessary for instructors to discuss "restraint techniques and their implications" so private security personnel understand which techniques are appropriate in various situations. Further, it is necessary to discuss the implication of specified restraint techniques, so private security personnel are more aware of what happens when using each technique, the impact on the restrained individual, and are more likely to use appropriate levels of force.



### 3. Force options

It is necessary for instructors to discuss force options so students understand there are many appropriate force options available. Guards may use force which is reasonable and necessary to deter or stop a threat, and may only use deadly force where there is an immediate risk of death or serious bodily harm. These options are to be determined on a case-by-case basis and instructors need to discuss with students what force options are appropriate in certain situations. For instance, it is inappropriate and potentially illegal to use deadly force on an unarmed shoplifter or trespasser, but it may be properly used if a suspect is shooting at a guard.

### 4. Real-life scenarios

It is necessary for instructors to discuss real-life scenarios so students can be familiarized with real-life situations they will encounter on the job and have an opportunity to critically think about and analyze these situations. Students will have the chance to apply the skill set and information learned in training, ensuring proficiency and effectiveness by putting what they have learned into context.

#### C. Duty to intercede

This topic is required by BPC section 7583.7(a)(10)(B). It is necessary for instructors to provide guidance on a security personnel's duty to act or intercede while providing private security services. The roles and responsibilities of security personnel vary depending on client contractual obligations and limitations in law. It is important for security personnel to understand the limits of their role and authority while providing security services, because they may be held civilly and/or criminally liable if they step outside the limits of allowable actions in their contract, or if they violate the law while performing guard duties.

#### D. Supervisory responsibilities

This topic is required by BPC section 7583.7(a)(10)(D). This section is necessary because instructors need to provide information on the roles and responsibilities of supervisors in the private security profession. If supervisors do not follow appropriate rules and regulations, violations of the law can result in fines and/or revocation of a license. For instance, if an incident involving physical force occurs with a citizen, the supervisor must report it to the Bureau within 7 business days per BPC section 7583.2 (f)(2), or the company will be fined \$5,000 pursuant to BPC section 7587.8(c).

#### 1. Incident reporting requirements pursuant to 7583.2 and 7583.4 of the Business and Professions Code

It is necessary for instructors to educate students and potential permitholders on the reporting requirements that pertain to security personnel. Existing law requires security personnel to report incidents involving use of force as well as firearm discharges to their employers. Additionally, supervisors and security employers are required to report all firearm discharges to the Bureau within 7 business days per BPC section 7583.2(f)(1), or the company will be fined \$5,000 pursuant to BPC section 7587.8(c).

E. Use of force review and analysis

This topic is required by BPC section 7583.7(a)(10)(E). This section is necessary to ensure instructors discuss with students the various types of force used within the profession and analyze the appropriateness of using force on a member of the public. For example, in some instances, a client will request removal of trespassers, and allow the guards to use reasonable force to do so. Other clients may request no physical contact between their guards and the trespassers. In both situations, the guards must be aware of the allowable types of force as well as the applicable state and/or municipal laws governing use of force. If a guard violates the contractual obligations or the law, they may face civil and/or criminal liability.

1. Real-life scenarios

It is necessary for instructors to discuss real-life scenarios so the students can be familiarized with real-life situations they will encounter on the job and have an opportunity to critically think about and analyze these situations. Students will have the chance to apply the skill set and information learned in training, ensuring proficiency and effectiveness by putting what they have learned into context.

F. De-escalation and interpersonal communication, including tactical methods that use time, distance, cover, and concealment to avoid escalating situations that lead to violence

This topic is required by BPC section 7583.7(a)(10)(F). This amendment is necessary to provide students with information on de-escalating situations including tactical methods, avoiding escalating situations and avoiding violence. Additionally, the amendment will have subtopics that include common misconceptions and benefits of de-escalation, the four concepts of de-escalation and real-life scenarios. The ideal outcome of a potentially violent encounter between a guard and a member of the public is to de-escalate the situation until all threats of violence subside and cooperation occurs.

De-escalation reduces the potential for excessive use of force, which reduces individual and company liability as well as potential harm to members of the public. Additionally,

utilizing de-escalation techniques can have a positive impact on public trust, reduce danger to private security professionals and the public, improve community cooperation, and have a positive impact on private security professionals' wellness, while violent encounters will have the opposite effect.

### 1. Common misconceptions and benefits of de-escalation

It is necessary for instructors to discuss common misconceptions of de-escalation, like one de-escalation technique works in every situation or the belief de-escalation is too difficult to apply in rapidly changing situations. De-escalation reduces the chance of excessive use of force, which reduces individual and company liability as well as the chance of harm to members of the public. As in the section above, utilizing de-escalation techniques can enhance public trust, reduce danger to private security professionals and the public, improve community cooperation, and have a positive impact on private security professionals' wellness.

### 2. Four concepts of de-escalation

POST's Use of Force/De-escalation workbook identifies the four core concepts of de-escalation as self-control, effective communication, scene assessment and management, and force options. It is necessary for students to be educated regarding these concepts because they may assist in decreasing the situational intensity of a situation and enable one to gain voluntary compliance. It is necessary to discuss the concepts of de-escalation so private security professionals have the knowledge and skillset necessary to effectively deal with aggression from members of the public without unnecessary injuries to the public or security personnel.

#### a. Self-control

Self-control is maintaining composure to make sound judgments and decisions and reflects one's confidence in their skills and abilities, which can be improved through training, practice and expertise. It is necessary for students to understand the importance of self-control and discuss how their actions can contribute to escalating situations or de-escalating situations based on the totality of the circumstances.

#### b. Effective communication

Effective communication can enable security professionals to gain cooperation and voluntary compliance in stressful situations and is a basic element of the use of force. A major goal of security personnel is to gain voluntary compliance without resorting to physical force. The use of effective communication can aid in diffusing a potentially volatile incident and avoid the need to use force against an individual. It is necessary for

students to understand the importance of effective communication and discuss strategies and techniques that can result in improved safety.

c. Scene assessment and management

At times, security personnel may need to intervene in response to a situation that may require de-escalation. In these situations, it is important for security personnel to evaluate their area and actively try to manage the situation and surroundings. It is necessary for students to understand how to manage a situation and discuss scenarios and strategies for assessing and managing their surroundings.

d. Force options

Force options are choices available in any given situation to overcome resistance, to effect an arrest, to prevent escape, in the defense of self and others, and to gain control of the situation. It is necessary for security personnel to understand force options and to discuss what is reasonable based on the totality of the circumstances.

3. Real-life scenarios

It is necessary for instructors to discuss real-life scenarios so students are familiarized with real-life situations they will encounter on the job and have an opportunity to critically think about and analyze these situations. Students will have the chance to apply the skill set and information learned in training, ensuring proficiency and effectiveness by putting what they have learned into context.

G. Implicit and explicit bias and cultural competency as defined in section 631

This topic is required by BPC section 7583.7(a)(10)(G). This amendment is necessary to educate students on implicit and explicit bias and cultural competency, as different cultures will respond in different ways to stressful situations and authority figures. Security personnel must also be made aware of any internal biases they may have when dealing with cultures other than their own to ensure a productive, non-violent encounter occurs.

1. Define and explain:

a. Implicit bias

Page 110 of POST's Basic Course Workbook Series, Student Materials, Learning Domain 3, Principled Policing in the Community, Version 5.1 (hereafter referred to as "POST Use of Principled Policing in the Community workbook") defines implicit bias as

“unconscious thoughts and feelings about people that may influence actions.” It is necessary to discuss this topic because people can be unaware of their implicit biases and personal awareness of biases is a strategy toward reducing biases in decision-making. This is important for private security professionals especially since they encounter members of the public from various cultural backgrounds.

b. Explicit bias

Page 110 of POST’s Basic Course Workbook Series, Student Materials, Learning Domain 3, Principled Policing in the Community, Version 5.1 (hereafter referred to as “POST Use of Principled Policing in the Community workbook”) defines explicit bias as “conscious thoughts and feelings that influence perceptions, decisions, and actions.” Security personnel need to understand how explicit biases can impact their role as private security. It is necessary to discuss these topics because personal awareness of biases is a strategy toward reducing biases in decision-making.

c. Cultural competency

It is necessary for security personnel to understand, appreciate, and adjust their behavior if necessary to account for California’s diverse population. Cultural competency training encourages security personnel to be aware and respectful of differences in behavior, attitude, and engagement with authority figures due to different cultural norms and expectations. Specifically, cultural diversity/competency covers such topics as hate crimes, racial profiling, and tools for tolerance, all of which are skills and knowledge that security personnel must also develop, be aware of, and sensitive to when responding to an incident. Awareness of cultural differences will guide and aid the security personnel to the best way(s) to de-escalate and manage potentially violent situations peacefully.

2. Strategies for effective communication within a diverse community

It is necessary to include “strategies for effective communication within a diverse community” so that private security professionals have the skillset to establish trust with and positively interact with members of the public. Discussion of specific strategies will provide private security personnel with actionable skills they can apply in the field, which is especially important when working with culturally diverse individuals.

3. Real-life scenarios

It is necessary for instructors to discuss real-life scenarios so students can be familiarized with real-life situations they will encounter on the job and have an opportunity to critically think about and analyze these situations. Students will have the

chance to apply the skill set and information learned in training, ensuring proficiency and effectiveness by putting what they have learned into context.

H. Skills, including de-escalation techniques, to effectively, safely, and respectfully interact with people with disabilities or behavioral health issues.

This topic is required by BPC section 7583.7(a)(10)(H). These amendments are necessary to educate students on how to safely and effectively interact and de-escalate situations with individuals with disabilities or behavioral health issues

1. Strategies for identifying and effectively communicating and de-escalating a situation with an individual with a disability or behavioral health issues

As outlined supra (section 631(j)), the Bureau defines “disability” as “a mental or physical disability and has the meanings set forth in Sections 12926 and 12926.1 of the Government Code. Additionally, a mental disability can be any condition of the mind that has a long-term effect on a person’s normal day-to-day activity.”

Page 19 of the POST People with Disabilities workbook teaches it is not the peace officer’s (in this case, private security professional’s) duty to attempt to diagnose a person’s disability, rather, their role is to recognize cues and other indicators in order to make necessary decisions regarding the appropriate intervention strategy. It is necessary to train private security personnel regarding these concepts because if they notice cues indicative of a disability, they will understand their role in that scenario, which may prevent a situation from escalating before law enforcement arrives (when necessary). Education in this topic is a public safety precaution for the private security personnel, member(s) of the public, and the individual presenting with a disability.

2. Real-life scenarios

It is necessary for instructors to discuss real-life scenarios so students can be familiarized with real-life situations they will encounter on the job and have an opportunity to critically think about and analyze these situations. Students will have the chance to apply the skill set and information learned in training, ensuring proficiency and effectiveness by putting what they have learned into context.

I. Use of force scenarios, including simulations of low-frequency, high-risk situations and calls for service, shoot-or-don’t-shoot situations, and real time force option decision making

This topic is required by BPC section 7583.7(a)(10)(I). These amendments are necessary to discuss factors that can impact a private security professional’s response

when threatened with danger and factors to consider before using force, as they relate to specific scenarios, including low-frequency, high-risk situations and calls for service, and shoot-or-don't-shoot situations. It is necessary for private security personnel to understand these factors as they may be faced with situations where they must consider using force.

1. Factors that can affect an individual's response when threatened with danger

It is necessary to discuss factors that can impact a private security personnel's response when threatened with danger. Page 41 of the POST Basic Course Workbook Series, Student Materials, PC 832 Student Workbook, Volume Four: Use of Force/De-escalation, Version 5.4 (hereafter referred to as "POST PC 832 workbook") teaches the decision of whether to use deadly force may be influenced by various things, including, training and experience, judgment, mental alertness, existing facts and circumstances, and understanding of the law. It is important for security personnel to understand how these factors can affect their decision making.

2. Factors to consider before using force

It is necessary to discuss factors to consider before using force, as they relate to specific scenarios, including high-risk situations and shoot-or-don't-shoot situations. A private security professional is likely to find themselves in these types of situations at some point in their career. It is imperative that they are trained on which factors they need to consider before acting since those factors can impact their perception of a situation and influence the action taken to optimize public safety.

3. Real-life scenarios

It is necessary for instructors to discuss real-life scenarios so students can be familiarized with real-life situations they will encounter on the job and have an opportunity to critically think about and analyze these situations. Students will have the chance to apply the skill set and information learned in training, ensuring proficiency and effectiveness by putting what they have learned into context.

J. Mental health and policing of the public, including bias and stigma

This topic is required by BPC section 7583.7(a)(10)(J). It is necessary to discuss the concept of mental health, and how security personnel must be aware of mental health issues and challenges when dealing with the public. Because security personnel are often required to deal with transients or other members of the public associated with certain stigmas, it is necessary for students to understand the concepts, including definitions, biases, and stigmas, and how they apply to the role of a private security

professional when interacting with individuals in public. Identifying someone suffering from mental health issues and utilizing their training to come up with a workable solution will be a key factor in how security personnel will interact and react to potentially combative members of the public, and will allow for a more productive encounter.

### 1. Categories of mental illness as defined in section 631

Page 94 of the POST People with Disabilities workbook teaches there are two types of mental illness, thought disorders and mood disorders and clarifies peace officers (in this case, private security professionals) should not attempt to diagnose mental illness. The Bureau is defining “mental illness” by utilizing DSM V’s definition, as the DSM V is considered the standard for identifying and classifying mental disorders in the United States: “A mental disorder is a syndrome characterized by clinically significant disturbance in an individual's cognition, emotion regulation, or behavior that reflects a dysfunction in the psychological, biological, or development processes underlying mental functioning.” Additionally, the POST People with Disabilities workbook describes various indicators of mental illness, including, fearfulness, inappropriate behavior, extreme rigidity or inflexibility, hallucinations, etc. (page 95).

Lastly, pages 105-106 provide appropriate actions for peace officers to take, including requesting backup, stabilizing the scene, calming the situation, communicating, etc. It is necessary to discuss this topic and the aforementioned material because private security professionals do not have the same level of responsibility as peace officers. It is necessary for private security personnel to be aware of the indicators of mental illness so they are more cognizant of when law enforcement should be called, for instance, in cases where a person is armed and exhibiting signs of psychosis.

### 2. Biases and stigmas surrounding mental illness

It is necessary to discuss biases and stigmas surrounding mental illness because those biases or stigmas may result in inappropriate action on behalf of the private security professional. If private security personnel are made aware of and discuss biases and stigmas, it is less likely they will adversely influence behavior.

### 3. Real-life scenarios

It is necessary for instructors to discuss real-life scenarios so students can be familiarized with real-life situations they will encounter on the job and have an opportunity to critically think about and analyze these situations. Students will have the chance to apply the skill set and information learned in training, ensuring proficiency and effectiveness by putting what they have learned into context.



## K. Active shooter situations

This topic is required by BPC section 7583.7(a)(10)(K). This amendment is necessary to provide private security professionals with information regarding their roles and responsibilities in an active shooter situation. For instance, the training would cover not just how to react in this situation, but also what legal and contractual obligations might a security professional have on site if an active shooting occurs. Members of the public are likely to look to private security professionals in an active shooter situation, and with the unfortunate increase in this type of situation, security personnel must be well prepared to meet this unique threat. This is because, in an active shooter situation, it is likely that customers and/or clients will be looking to these professionals for guidance and/or protection to either escape the shooter or mitigate the situation.

### 1. Recognizing an active shooter situation

Page 4 of the U.S. Department of Homeland Security's Active Shooter: How to Respond publication states it is important to remember customers and clients are likely to follow the lead of employees and managers during an active shooter situation, further detailing response tactics as: evacuate, hide out and, as a last resort, take action against an active shooter. For instance, students must understand not only how to identify an active shooter situation, but also the roles and responsibilities of a private security professional. This is because, as mentioned above, in an active shooter situation, it is likely that customers and/or clients will be looking to these professionals for guidance and/or protection to either escape the shooter or mitigate the situation.

### 2. Roles and responsibilities of a private security professional

It is necessary for private security personnel to be aware of company policy, contractual obligations, and overall awareness of what needs to occur in the case of an active shooter situation, most importantly, contacting appropriate law enforcement or responding entity. For instance, some companies may want their security to do nothing except call law enforcement, while others may want their security to be more proactive. How an active shooter situation unfolds is an important component to how a guard might react to this threat, and the options available to them to react, which may include shooting the gunman, or shepherding members of the public to a safe space while calling law enforcement.

### 3. Real-life scenarios

It is necessary for instructors to discuss real-life scenarios so students can be familiarized with real-life situations they will encounter on the job and have an opportunity to critically think about and analyze these situations. Students will have the

chance to apply the skill set and information learned in training, ensuring proficiency and effectiveness by putting what they have learned into context.

**Subdivision (a), FTO, section V. amendment of time for examination**

The Bureau proposes to delete “1 hour” and add “As needed to achieve a passing score.”

This proposed amendment is necessary to remove the prescribed time allotted just for taking the written examination to accommodate the additional 3.5 hours of Appropriate Use of Force content being added to the curriculum. Students still must take and pass the examination with a minimum passing score, regardless of the amount of time prescribed. Removing this additional 1 hour requirement accommodates the Appropriate Use of Force content and keeps the prescribed classroom training at 8 hours.

**Subdivision (b)**

The Bureau proposes adding “or shooting range” to the end of subdivision (b).

This amendment is necessary because the content outlined in subdivision (b) is specific to hands-on range training where the students are present with their firearm and going through practical application and demonstration of their proficiency in handling the firearm. Not all licensed firearm training facilities have their own firing range and instead use public ranges to qualify their students. This additional language authorizes firearm instructors to conduct the range portion of the training at their local shooting range under the supervision of the licensed firearms training instructor.

**Subdivision (b), Range Training Outline (RTO), addition of Roman Numeral VI**

The Bureau proposes to add Roman Numeral VI to relocate the section on Weapons Handling and Shooting Fundamentals from its previous location in subdivision (a).

As explained supra, this amendment is necessary to relocate this section in the RTO from subdivision (a) to subdivision (b) because this section is specific to the hands-on use of a firearm and can be accomplished at the firearm range. This proposed language is existing language and is only being relocated to subdivision (b).

**Subdivision (b), RTO, renumbering of Roman Numeral VI and VII, and deletion of “(Classroom)”**

The Bureau proposes to renumber Roman Numeral VI as VII, VII as VIII, and delete

“(Classroom)” from the title.

This amendment is necessary to reorganize the regulation based on the insertion of a new Roman Numeral VI and move the Range Preparation section of the training from the classroom portion to the range training to allow students to complete range preparation training at the shooting range. Deleting the word “Classroom” from the title removes the requirements that the Range Preparation section be taught in the classroom only. This proposed language is existing language and is only being relocated to subdivision (b).

### **Subdivision (c)**

The Bureau proposes to add a new subdivision (b)(8) to list the allowable calibers for completing the courses of fire enumerated in the regulation.

BPC section 7583.2(e) requires a private security employer to maintain evidence of proficiency to include specified caliber that the permitholder has qualified with and is listed on their firearms permit. Additionally, existing law prohibits the permitholder from carrying calibers not approved by the Bureau (BPC section 7583.37(b)(6)). However, the law is silent on what calibers the Bureau can approve. The course of training for applicants seeking a BSIS-issued firearms permit is specific to revolver and semi-automatic handguns and not having a list of authorized calibers has created confusion throughout the industry. The Bureau proposes to authorize the following calibers:

- .357
- .38
- .45
- 9 mm
- 10 mm
- .40
- .380

This amendment is necessary because these are the most commonly used calibers for private security professionals and those seeking a BSIS firearms permit. This list includes both revolver and semi-automatic handgun calibers, all of which are widely available and enable applicants and permitholders to complete the firearms training and range qualifications in accordance with existing laws and regulations. Providing a list of approved calibers reduces confusion and ensures that permitholders are qualifying with and carrying appropriate firearms while performing private security services.

### **Subdivision (c), amendment of Range Qualification (RQ) title and objective**

The Bureau proposes to add “as specified below,” strike numeral “VIII” and replace the word “individual” with “applicant.”

This amendment is necessary to establish the Range Qualification as a separate section not incorporated in the FTO. The addition of “as specified below” will specify that the range qualification is to be completed in accordance with the requirements outlined in the Range Qualification. Replacing the word “individual” with “applicant” clarifies the course content is specific to firearm permit applicants.

### **Subdivision (c), RQ, addition of new section A**

The Bureau proposes to add a new section A. to provide “Stance: Permit holders shall use one of the following stances during their course of fire training:” and provide a list of shooting stances with descriptions of the characteristics of each stance.

These amendments are needed to provide an appropriate list of acceptable shooting stances for students to ensure they are firing a handgun in a safe and correct manner. These stances enhance accuracy and help control the firearm against recoil and allow the student to continue firing without having to adjust their body or take new aim at the assailant. These stances are all customary and widely accepted in the law enforcement and private security fields and provide students with varying options based on their own individual needs.

Utilizing one or more of these stances when completing the course of fire schedules will ensure students are safely and accurately firing their weapons. The Bureau consulted POST’s Basic Course Workbook Series, Learning Domain 35 Firearms/Chemical Agents Version 2.5 and industry SMEs when determining these stances as appropriate for Bureau applicants and permitholders.

#### **Isosceles Stance**

The characteristics of this stance are that the shooter is facing the target, shoulders are squared and both arms forward and straight where the shoulders and arms form an isosceles triangle.

#### **Weaver Stance**

The characteristics of the Weaver stance are that the shooter stands in a position of interview at a 45-degree angle to the silhouette target with the support hand forward, wedged toward the target and the shooting elbow is slightly bent.

### **Modified Weaver Stance**

The characteristics of the Modified Weaver stance are that the shooter stands in a position of interview at a 45-degree angle to the silhouette target with the support hand forward, wedged towards the target and the primary arm is locked at the elbow.

### **One-handed Stance**

The characteristic of a one-handed stance is that the shooter holds the handgun with one hand.

### **Subdivision (c), amendment of existing section A as B**

The Bureau proposes to renumber the section presently identified as section A as section B based on the addition of new section A and delete the title ‘Course of Fire.’ Additionally, the Bureau proposes to amend existing language to add that “An applicant may request and if requested, shall be permitted to participate in a practice course prior to the range qualification. A practice round may also be required at the discretion of the instructor. If a practice course is conducted, the number of rounds discharged in a practice course shall be determined by the instructor and applicant. After completing a practice course, if applicable, each individual shall discharge 50 rounds for scoring purposes, using one silhouette target as specified in section 635.1, and according to one of the following applicable schedules below.”

These amendments to revise the current scoring requirements in existing section B of section VIII. Range Qualification, and establish new requirements for applicants and instructors are necessary to address the decreasing number of applicants due to the financial barrier preventing applicants from applying for and obtaining a firearms permit. Existing law in section 635 requires applicants fire 50 rounds for practice and 50 rounds for scoring for each caliber they seek to qualify with. With the rising cost of ammunition and availability shortages, this requirement has made obtaining a firearms permit cost prohibitive for many applicants.

These amendments will allow the applicant to request a practice course of fire if they need it to prepare for their qualifying round. Many applicants are already proficient in the use of firearms and can complete the required qualification shooting without needing to complete the 50 rounds for practice.

This change will give firearm instructors, who are certifying the applicant as proficient in the handling of a firearm, the discretion to evaluate the applicant’s skills and proficiency and determine if practice rounds are necessary for the student. The firearm instructor will be physically present with the applicant on the firing range, and may require the

applicant to complete a practice round if the applicant's experience and proficiency level suggest it is necessary. This change is also consistent with the requalification requirements in CCR 633 that require the permit holder to complete the necessary 50 rounds for score only.

These amendments also clarify the applicant fire 50 rounds for scoring purposes using a silhouette target as defined in section 635.1 and in accordance with one of the applicable firing schedules. These amendments are necessary to further guide applicants and instructors on the target requirements specified in section 635.1 that mandate silhouette targets be used that meet the required dimensions provided in existing regulation. As explained below, the Bureau proposes separate firing schedules for revolver qualification and semi-automatic handgun qualifications.

### **Subdivision (c), section B(1)**

The Bureau proposes to add a new subdivision (B)(1) titled "Revolver Course of Fire (for applicants using a revolver to qualify for their permit)" to differentiate the existing course of fire schedule and make minor technical amendments to the existing Course of Fire schedule in order to clarify the requirements in each stage of training.

This amendment is necessary to provide the range qualification must be carried out in accordance with the appropriate firing schedule designed for the type of firearm being used. Specifically, applicants qualifying with a revolver will need to use the schedule specified in subdivision (B)(1) and those qualifying with a semi-automatic would need to follow the schedule specified in subdivision (B)(2). Revolvers and semi-automatic handguns have different ammunition capacities and require different techniques for loading and reloading. The course of fire schedule that currently exists in sections 633 and 635 provides a firing schedule specific to revolvers, which requires the student to fire in increments of 6 because a revolver has an ammunition capacity of 6 rounds. The firing schedule proposed in (B)(2) will be specifically outlined for semi-automatic handguns which have an ammunition capacity of 10 and students will be required to fire in increments of 10. These amendments will provide an appropriate firing schedule for both types of firearms.

### **Course of Fire (Revolver)**

In stage 2, the Bureau proposes to add additional instructions on how to complete this stage. Existing language requires 2 reloads, and then specifies "load 6, 6 and 2." This proposal will clarify what "load 6, 6 and 2" means by adding the word "reload" between sections so the instructions read "load 6, reload 6 and reload 2." In this stage of qualification shooting, it is important for students to fire all 6 rounds and then reload the revolver to shoot another 6 rounds followed up by 2 final rounds within the time allotted.

This drill teaches the students proper techniques for loading and reloading the firearm quickly and accurately. This builds muscle memory so that students can successfully reload their weapon under pressure if needed.

In stage 4, the Bureau proposes to add additional instructions on how to complete this stage. Existing language requires a reload and provides “load 6 and 6.” This proposal will clarify what “load 6 and 6” means by adding the word “reload” between sections so the instructions read “load 6, and reload 6.” It will clarify the intention is for the student to fire 6 rounds then reload another 6 rounds to continue firing. Additionally, the Bureau proposes to change the instructions from “6 strong hand unsupported” and “6 weak hand unsupported” to “6 rounds dominant hand” and “6 rounds non-dominant hand” to clarify what the concept entails. The proposed language more clearly states what the student needs to do: shoot 6 rounds with their dominant hand and 6 rounds with their non-dominant hand. Dominant and non-dominant hand terminology is more widely understood by people who use firearms because it differentiates between the individual’s right hand or left hand, depending on which hand is the individual’s dominant hand. It is important for students to demonstrate efficiency by firing from both hands because in real life situations, they may be put in a situation where they must fire with their non-dominant hand if injured or unable to use their dominant hand.

These amendments are necessary because the original Course of Fire schedule for BSIS firearm permit applicants dates back to the mid-1990s when revolvers were more widely used within the private security and law enforcement fields. The existing Course of Fire schedule is designed for revolver qualification with the stages and rounds being in increments of 6, which is the capacity of standard revolvers. It is necessary to differentiate this Course of Fire schedule as revolver qualification as the Bureau intends to propose a separate Course of Fire schedule for those qualifying with a semi-automatic firearm that has a different capacity. Additionally, it is necessary to update the language to be more specific as to what is expected of students within each stage. The proposed language is more up-to-date and provides better clarification of the instructions on how to complete each stage of the course of fire.

### **Subdivision (B)(2)**

The Bureau proposes to add a new subdivision (B)(2) titled “Semi-Automatic Handgun Course of Fire (for applicants using a semi-automatic handgun to qualify for their permit)” to provide a Course of Fire schedule specific to semi-automatic firearms.

This amendment is necessary because semi-automatic firearms differ in both design and functionality from standard revolvers. The existing course of fire was designed for revolver qualification where the firearm capacity is 6 rounds, and reloading takes longer than it does with a semi-automatic firearm. This course of fire schedule for semi-

automatic firearms aligns similarly with POST standards for firearm qualifications as outlined in POST's Training and Testing Specifications for Learning Domain #35: Firearms/Chemical Agents and reflects the capacity and speed achievable with a semi-automatic firearm. The Bureau also consulted industry subject matter experts in developing this proposed course of fire schedule for BSIS applicants and permitholders. It differs slightly from the revolver course of fire schedule in that it better reflects the abilities and capacity of a semi-automatic firearm.

### **Course of Fire (Semi-automatic)**

In Stage 1, the Bureau proposes the first course of fire be from 15 yards and the student must fire 5 rounds in 30 seconds. In this stage, the number of rounds is less than capacity of the magazine because the student is firing from the furthest distance, and aim and precision are necessary to achieve a scorable shot. The student is allotted 30 seconds to complete this stage because achieving a scorable hit on the target from 15 yards requires aim and precision. To master this level of precision, the student must control their breathing and aim appropriately and accurately for each shot. This stage is designed to teach proper aim and precision within a set amount of time and increase muscle memory and build consistency.

In Stage 2, the Bureau proposes the second course of fire be from 10 yards and the student must fire 20 rounds in 30 seconds, including one reload. In this second stage, the student is closer to the target and is firing at a faster pace than stage 1. Additionally, the student will need to drop the magazine and load another magazine to continue firing. This stage is designed to increase muscle memory by firing a full magazine consistently and accurately, dropping and reloading a new magazine quickly and firing another full magazine within the time allotted. This requires both speed and accuracy and a level of comfort in reloading the firearm that is essential for students to learn to be safe and proficient with their chosen firearm.

In Stage 3, the Bureau proposes the third course of fire be from 7 yards and the student must fire 10 rounds in 20 seconds. At this distance, the target is closer and aim and precision are not as necessary as accuracy and muscle memory. In this stage, the student will fire 5 rounds with their dominant hand and then switch to their non-dominant hand to fire the remaining 5 rounds. This is an important training requirement because in life threatening situations, the assailant is generally closer and there is no guarantee the student will be able to use their dominant hand to defend themselves. Firing from both hands builds muscle memory making this an important qualifying factor.

In Stage 4, the Bureau proposes the fourth course of fire be from 5 yards and the student must fire 10 rounds in 30 seconds, however they must fire 5 rounds, pause, and then fire the remaining 5 rounds. This stage teaches restraint, as well as accuracy



because from 5 yards, the student is drawing the weapon without taking their eyes off the target. From 5 yards, the student is not focused on aiming as much as on the fundamentals of drawing the firearm from the holster and focusing the barrel downrange.

In Stage 5, the Bureau proposes the fifth course of fire to be from 3 yards and the student fires 5 rounds in 8 seconds. This is a crucial self-defense tactic that is important for students to learn. In most self-defense scenarios, the assailant is within close range and in order to defend oneself with a firearm, they must be able to draw the firearm and fire quickly and accurately. This course of fire from close range is faster than previous courses of fire because the goal is to acquire speed and accuracy as muscle memory.

### **Subdivision (c), Section C**

The Bureau proposes to delete existing section B and renumber the section as C, and delete “The first course of 50 rounds discharged shall be considered practice. The second course of 50 rounds discharged shall be used for scoring,” and adding “For the purposes of this section, the following scoring requirements shall be met:”

These amendments are necessary to eliminate redundancy and inconsistency with the amendments made in section B, supra. The Bureau proposes making the firing of practice rounds be at the discretion of the instructor and applicant based on the applicant’s skill and proficiency level, as discussed above.

### **Subdivision (d)**

The Bureau proposes to add “The Firearms Training Instructor certifying the applicant’s completion of training shall issue the applicant a Certificate of Proficiency that includes all of the following” and the requirements.

These amendments are necessary because BPC section 7583.2(e) requires private patrol operators to ascertain that employees are proficient in the use of each weapon they carry while standing post. For firearms, BPC section 7583.2(e) states “evidence of proficiency shall include a certificate from a firearm training facility approved by the director certifying that the employee is proficient in the use of that specified caliber of firearm.” These amendments will require the training instructor who completes the training and qualifications to issue the applicant a certificate of proficiency that can be provided to the private patrol operator employer as evidence of the employee’s proficiency in the use of the weapon. In addition, the amendment will also require the following information be contained in the certificate of proficiency:

“(1) a statement that the applicant has completed the required hours of firearms

training;”

This amendment is necessary to show the applicant completed the required hours of firearms training. The instructor is required to provide certifying documentation to the applicant, and the documentation is then submitted to the Bureau as part of the initial firearms permit application. This will also provide the applicant with certification they can provide to their employer.

“(2) a statement that the Firearms Training Instructor has deemed the applicant proficient in the handling and use of a firearm; and”

This amendment is necessary to require the firearms instructor to certify in writing that the applicant is proficient in the handling and use of a firearm. The instructor is responsible for training and qualifying applicants, and it is crucial that instructors ensure applicants are properly trained and proficient in the use of the weapon before certifying them proficient for licensure. Private patrol operators who employ armed security guards are required to have and maintain evidence of proficiency before placing an armed security guard on post pursuant to BPC section 7583.2(e). This amendment requires training instructors to provide documented evidence of proficiency so that private patrol operators have adequate documentation on file to comply with BPC 7583.2(e).

“(3) certifies that the applicant is proficient in each specified caliber of firearm in which the applicant qualified with on the firearms range.”

This amendment is necessary because applicants must complete the range qualification by shooting 50 rounds of ammunition with their chosen caliber. Applicants may choose to qualify with multiple calibers. The instructor signs off on the qualification documents that indicate the calibers the applicant qualified with. This amendment will require the instructors to include the qualifying calibers on the certificate of proficiency they can provide to their employer in accordance with BPC section 7583.2(e).

### **Reference Sections**

The Bureau adds BPC sections 7583.7 and 7585 to the reference section because it is implementing these statutes in this regulation.

### **Amend Section 643, Skills Training Course for Security Guards, Division 7, Title 16 of the CCR**

#### **Title**

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BSIS  
16 CCR 628, 631, 633, 635, 643,  
and 646

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The Bureau proposes to amend the title of the regulation from “Skills Training Course for Security Guards” to “Skills Training Course for Security Guards and Proprietary Private Security Officers” to include PPSOs.

This amendment is necessary because the training requirements outlined in this section will apply to both security guards and PPSOs.

### **Subdivision (a)**

The Bureau proposes to delete “The course of skills training for registered security guards shall follow the standards prescribed by section 7583.6(b) of the Code,” delete “maximum,” add “minimum,” and add “For the purposes of this section, “security personnel” means a security guard or a proprietary private security officer.”

It is necessary to delete the first sentence of subdivision (a) because the training requirements will be expanded to include proprietary private security officers.

The Bureau is deleting the word “maximum” and adding the word “minimum” because BPC section 7583.6(b) specifies that licensees must meet a certain number of hours of training.

Finally, the Bureau is adding “for the purposes of this section, “security personnel” means a security guard or a proprietary private security officer.” This amendment is necessary because the training materials use the term “security personnel” to capture both security guards and PPSOs. While a security guard and a PPSO are different licenses, the training is applicable to both, and this amendment clarifies the content is applicable to both license types.

### **Subdivision (b)**

The Bureau proposes to add “including continuing education courses,” “and Proprietary Private Security Officers,” and “An institution or company providing the training shall maintain the Certificates of Completion for a period of no less than two years.”

Subdivision (b) requires the institutions or companies who provide training to issue a certificate of completion to registrants who complete a training course. This amendment will require those institutions or companies to also issue a certificate of completion for the continuing education courses required by BPC section 7583.6(e). This amendment is necessary to ensure training institutions provide registrants with training certificates when they complete continuing education because BPC section 7583.6(g)(1) requires registrants to maintain their certificates of completion for each training they receive, including continuing education.

This amendment will also update the name of the training listed in subdivision (b) to include PPSOs to align with the changes to the title of the regulation. This amendment is necessary to provide a consistent reference to the training.

This amendment also requires an institution or company providing the training to maintain the certificates of completion for a period of no less than two years. This amendment is necessary to ensure the institutions or companies who provide the training maintain copies of the certificates in case of a Bureau audit.

**Subdivision (c)**

The Bureau proposes to add “the skills training course and administration of the examination shall only be given by the following:” to provide who is authorized to provide the trainings.

“(1) Any organization or school approved by the Bureau pursuant to Business and Professions Code subdivision 7583.6.”

BPC section 7583.6(f)(3) authorizes the Bureau to approve any organization or school to administer the trainings. This amendment is necessary to include these organizations or schools in the list of who is authorized to provide the training.

“(2) Any firearms training facility licensed pursuant to 7585.4 of the Business and Professions Code.”

BPC section 7583.6(f)(2) authorizes any training facility certified pursuant to chapter 11.5 of the BPC to provide the trainings. The proposed “Appropriate Use of Force” topics are included in both the initial PTA Training and the BSIS Firearms Training. As such, there is crossover of content and firearm training facilities are better equipped to conduct the PTA and Appropriate Use of Force training as well as the security officer skills training.

“(3) A private patrol operator or a designated employee of a private patrol operator provided they are qualified in the power to arrest and appropriate use of force topics as set forth in this section. A private patrol operator shall only provide the training to their direct employees.”

BPC section 7583.6(f)(1) authorizes any licensee to provide the training. This amendment will authorize a designated employee of a private patrol operator who is qualified in the PTA and appropriate use of force topics to provide the training on behalf of the private patrol operator. This is necessary because, as the employer of the guard,

the private patrol operator is responsible for the conduct of the guard and assumes liability when placing a guard on post. This will ensure that the person conducting the training on behalf of the private patrol operator is knowledgeable regarding the course content and can provide appropriate instruction. This amendment also specifies that the private patrol operator can only provide the training to their direct employees. This is necessary because the private patrol operator is responsible for the conduct of their own employees and not another company's employees. Since private patrol operators are solely responsible for the conduct of their own employees, it is appropriate to limit their training authority to their own employees.

“(4) A proprietary security employer or a designated employee of a proprietary security employer provided they are qualified in the power to arrest and appropriate use of force topics as set forth in this section. A proprietary security employer shall only provide the training to their direct employees.”

BPC section 7574.18 authorizes proprietary security employers to administer training to proprietary security officers they employ. This amendment will authorize a designated employee of a proprietary security employer who is qualified in the power to arrest and appropriate use of force topics to provide the training on behalf of the proprietary security employer. This is necessary because, as the employer, the proprietary security employer is responsible for the conduct of the security officer and assumes liability when employing a proprietary private security officer. This will ensure that the person conducting the training on behalf of the proprietary security employer is knowledgeable regarding the course content and can provide appropriate instruction. This amendment also specifies that the proprietary security employer can only provide the training to their direct employees. This is necessary because the proprietary security employer is responsible for the conduct of their own employees and not another company's employees. Since proprietary security employers are solely responsible for the conduct of their own employees, it is important to limit their training authority to their own employees.

### **Subdivision (d)**

The Bureau proposes to add “Entities providing the skills training course and administration of the examination shall retain the examination results on Bureau-approved answer sheets for a period of not less than two years or until after receipt of completion of a Bureau inspection, whichever occurs first.”

This amendment is necessary to require the entities who provide the training to maintain the examination results for a period of at least 2 years or upon completion of a Bureau inspection, because Bureau staff will request records going back two years during an inspection or investigation by the Bureau and verify that proper training was held within

the time period of a license issued by the Bureau.

The “two years” requirement is the length of employee licenses issued by the Bureau, and results show the mandated training and associated testing has occurred. Proper training, as shown by a passing examination score, and the maintenance of the exam results are necessary to show that the security personnel know and are familiar with best practices to ensure productive encounters between themselves and members of the public.

### **Authority and Reference Sections**

The Bureau adds BPC section 7574.05 to the authority section because it provides for the adoption of regulations.

The Bureau adds BPC section 7574.18 to the reference section because it specifies requirements for PPSO training.

### **Appendix I**

The Bureau proposes to add “and Appropriate Use of Force” to the title of Roman Numeral I. and the introductory sentence. It also proposes to delete “four (4),” add “eight (8),” and delete “both of” from the introduction.

These amendments are necessary to reflect the addition of required appropriate use of force topics to the required training course for security guards and proprietary private security officers. (Bus. & Prof. Code, §§ 7574.18 & 7583.7.)

It is necessary to extend the course length of the PTA and Appropriate Use of Force from four (4) to eight (8) hours pursuant to BPC section 7583.6. BPC section 7583.7(a)(10) provides the required additional topics. BPC section 7583.7(a)(11) provides the training may include any additional topics deemed appropriate by the Bureau, “excluding Weapons of Mass Destruction and Terrorism Awareness,” which may be an elective topic only.

Existing Section 643 specifies that weapons of mass destruction (WMD) training shall consist of 4 hours of training. Since the Bureau proposes to strike WMD training, it is necessary to reallocate the four (4) hours currently dedicated to that topic. The four hours will be included in the total length of time for the PTA and Appropriate Use of Force course, allowing a total of eight (8) hours to cover the appropriate use of force topics required by BPC section 7583.6.

### **Appendix I. A – Power to Arrest**

The Bureau proposes to amend the required number of training hours for Power to Arrest from 4 to 3 hours. The Bureau reduces the PTA portion of the course by one (1) hour to allow adequate time for instruction on appropriate use of force topics. The Bureau consulted SMEs during the AB 229 regulatory workshop, and the SMEs agreed that the PTA topics could be covered in three (3) hours instead of four (4).

In the Objective section, the Bureau proposes to add “and Appropriate Use of Force” and the date of July 2023 to require the training to use the specified Manual.

For item 1, the Bureau removes the pluralization of “Powers” and adds “and Appropriate Use of Force Training” to match the revised title of the Manual.

The Bureau proposes to delete existing items 2 through 6 and replace them with new items 2 through 10 to align the topics with the required subject matter areas set forth in BPC section 7583.7(a)(1) through (9).

1. Overview of Power to Arrest and Appropriate Use of Force Manual and subject matter.

A comprehensive overview of the Manual and its associated contents will allow both the student and teacher to find and follow with ease the subjects being taught during the training and be more easily able to refer back to the appropriate training portion of the manual in case of future questions.

2. Responsibilities and ethics in citizen arrest and types of encounters.

This topic is required by BPC section 7583.7(a)(1). It is necessary for students to understand the responsibilities of security personnel when it comes to making a citizen’s arrest pursuant to Penal Code sections 834 and 837. Security personnel may be enlisted by their employer to place individuals under citizen’s arrest. It is necessary for students to understand when the law authorizes security personnel to place individuals under citizen’s arrest and where the law limits the authority to place individuals under citizen’s arrest. It is also important for security personnel to understand the types of encounters they may have with citizens and what constitutes a consensual encounter versus a detention or citizen’s arrest so their actions are appropriate and comply with the law.

3. Relationship between security personnel and a peace officer in making an arrest.

This topic is required by BPC section 7583.7(a)(2). It is necessary for students to understand the relationship between security personnel and peace officers when it

comes to making a citizen's arrest. While security personnel may detain or place people under citizen's arrest, upon responding, peace officers have the final say regarding taking individuals into custody. It is important for security personnel to know their roles in these situations so they can act appropriately in the interest of their safety and public safety.

4. Limitations on security personnel power to arrest, and security personnel's role

This topic is required by BPC section 7583.7(a)(3). It is necessary to discuss the limitations on security personnel's PTA and how an individual should interpret their role while on duty, as stepping outside these limitations may result in criminal or civil liability for the guard and/or their employer.

a. Background on private security industry

It is necessary to provide security personnel with information on the history and background of the private security profession, so they have an understanding of what private security is, how it has evolved over time, and their role in public safety.

b. Contractual obligations

It is necessary for security personnel to understand the importance of contractual obligations so they fully understand their role as security, what is expected of them while standing post, and their limitations when interacting with the public while providing security services. Some security companies require guards to only monitor situations, while other companies, depending on contractual obligations, require their guards to deploy more hands-on methods, so it is vital that security professionals understand their internal responsibilities.

c. Company policies

It is necessary for security professionals to understand the importance of company policies and how they dictate their role as security, especially when it comes to making a citizen's arrest. Following company policies helps protect the employees and the company from adverse actions or possible civil or criminal liability.

5. Restrictions on searches and seizures.

This topic is required by BPC section 7583.7(a)(4). It is necessary for security personnel to understand the restrictions on searches and seizures. Security personnel are not peace officers and have limited authority to search persons. As such, it is important for security personnel to understand when a search is authorized by law and the



appropriate steps to take when carrying out a search.

6. Criminal and civil liabilities, including both of the following:

This topic is required by BPC section 7583.7(a)(5). It is necessary for security personnel to understand criminal and civil liability and how it applies to the security field so they act as safely as possible without violating the law.

a. Personal liability

It is necessary for security personnel to understand that they can be held personally liable for their actions, especially in situations where they falsely place someone under citizen's arrest or improperly use excessive force.

b. Employer liability

It is necessary for security personnel to understand how their actions can also cause employer liability if company policies are not followed or they act outside of the scope of their contractual obligations. The company can be sued for the conduct of its employees if employees do not follow laws.

7. Trespass law:

This topic is required by BPC section 7583.7(a)(6). It is necessary for security personnel to understand laws surrounding trespass because citizen trespassing is a common situation that security personnel must manage. This content will equip security personnel with an understanding of what constitutes the crime of trespassing and what action security personnel may take on behalf of the client when a citizen trespasses.

8. Ethics and communications.

This topic is required by BPC section 7583.7(a)(7). It is necessary for security personnel to understand what constitutes ethical communication and how it is important in their role as private security. The content will emphasize professionalism and honesty and inform students how their behavior reflects on their employer and the client.

9. Emergency situation response, including response to medical emergencies.

This topic is required by BPC section 7583.7(a)(8). It is necessary for security personnel to understand their role in emergency situations and the appropriate steps to take. This role can include contacting law enforcement and emergency services, possibly securing the area, not interfering with law enforcement or emergency services, reporting events

to and possibly assisting personnel and/or administering first aid.

10. Security officer safety.

This topic is required by BPC section 7583.7(a)(9). It is necessary for instructors to discuss security officer safety. Security personnel protect persons and property, so it is important for students to discuss actual strategies for maintaining safety while standing post.

**Appendix I. B – Appropriate Use of Force**

The Bureau proposes to add a new section I.B. in Section 643 that covers Appropriate Use of Force training required by BPC section 7583.7(a)(10). Under the proposed regulations, the Bureau requires private security guards/PPSOs to take 5 hours of Use of Force training. BPC section 7583.7(a)(10) does not specify the exact amount of time required for each subject, so the Bureau worked with POST and SMEs to set the appropriate length of time for this training.

This new section on Use of Force training replaces the existing section on Weapons of Mass Destruction and Terrorism Awareness, a four-hour course. Private security guards/PPSOs require more time for use of training than alarm agents because they are more likely to interact with the public in a confrontational setting and at a higher risk of danger, which is why 5 hours of training is an appropriate amount of time.

This training will teach the topics listed below and includes the legal use of force and standards; what an objectively reasonable use of force looks like; whether a guard has a duty to intercede in a dispute; and de-escalation and communication tactics.

Some of these topics have been mandated to be in person, as notated below, because online classes cannot capture nor illustrate properly the proper technique for restraining a suspect, for instance.

The Bureau defines “in person” as “training conducted through traditional classroom instruction as defined in Section 7583.7 of the Business and Professions Code.” This definition is necessary because BPC section 7583.7(b)(2) requires the appropriate use of force topics to be taught through “traditional classroom instruction” which is defined as “instruction where the instructor is physically present with students in a classroom for a minimum of 50 percent of the course and is available at all times, including during instruction provided through distance learning or remote platforms, to answer students’ questions while providing the required training. In this setting, the instructor provides demonstrations and hands-on instruction in order to establish each student’s proficiency as to the course content.” This definition will specifically apply to the topics outlined in

this section in accordance with BPC section 7583.7(b)(2).

The new appropriate use of force topics are set forth below.

1. Legal standards for use of force

This topic is required by BPC section 7583.7(a)(10)(A) and will include subtopics related to statutes, licensee and client contractual obligations, and civil and criminal liability.

a. Statutes

This section is necessary to identify legal statutes governing use of force so students understand the limitations of using force and the possible legal consequences of using force. It is important for licensees to understand where the law authorizes security personnel to use force, including deadly force, and where their actions could result in criminal or civil liability.

b. Licensee and client contractual obligations

This section is necessary because students need to be aware of the limitations of their role as armed security personnel. Contractual agreements may be different from client to client. Some contracts may authorize or be silent on security personnel's ability to use force while on duty whereas other contracts may prohibit any use of force. Contractual obligations guide private security personnel on what they can and cannot do on specific assignments.

c. Civil and criminal liability

Civil and criminal liability are important topics for security personnel to be aware of because they can be held both civilly and criminally liable for damages resulting from a situation where force was used, especially if expressly prohibited by statute, or if the private security professional acts outside of their employer's contractual agreement with the client.

2. The use of objectively reasonable force (In-person)

This topic is required by BPC section 7583.7(a)(10)(C) and will include subtopics related to objectively reasonable standards, restraint techniques and their implications, force options and real-life scenarios. Under the law, "a person may use objectively reasonable force to defend life and limb against excessive force." (*People v. Curtis* (1969) 70 Cal.2d 347.)

a. Objectively reasonable standard

These amendments are necessary because security personnel in California know what is expected of them and to ensure adherence to the appropriate legal standard. This will result in a uniform approach throughout the state and help prevent security personnel from acting outside of the scope of what is allowable. This is likely to result in increased transparency with and trust from the public and improving community relations overall.

b. Restraint techniques and their implications

It is necessary for instructors to discuss “restraint techniques and their implications” so security personnel understand which techniques are appropriate in various situations and within their profession. Further, it is necessary to discuss the implication of specified restraint techniques, so they are more aware of what happens when using each technique, and the impact on the restrained individual.

c. Force options

It is necessary for instructors to discuss force options so students understand there are many appropriate force options available. Guards may use force which is reasonable and necessary to deter or stop a threat, and may only use deadly force where there is an immediate risk of death or serious bodily harm. These options are to be determined on a case-by-case basis and instructors need to discuss with students what force options are appropriate in certain situations. For instance, it is inappropriate and potentially illegal to use deadly force on a shoplifter or trespasser, but it may be properly used if a suspect is shooting at a guard.

d. Real-life scenarios

It is necessary for instructors to discuss real-life scenarios so students can be familiarized with real-life situations they will encounter on the job and have an opportunity to critically think about and analyze these situations. Students will have the chance to apply the skill set and information learned in training, ensuring proficiency and effectiveness by putting what they have learned into context.

3. Duty to intercede

This topic is required by BPC section 7583.7(a)(10)(B). It is necessary for instructors to provide guidance on a security personnel’s duty to act or intercede while providing private security services. The roles and responsibilities of security personnel vary depending on client contractual obligations, and limitations in law. It is important for security personnel to understand the limits of their role and authority while providing

security services, because they may be held civilly and/or criminally liable if they step outside the limits of allowable actions in their contract, or if they violate the law while performing guard duties.

#### 4. Supervisory responsibilities

This topic is required by BPC section 7583.7(a)(10)(D). This section is necessary because instructors need to provide information on the roles and responsibilities of supervisors in the private security profession. If supervisors do not follow appropriate rules and regulations, violations of the law can result in fines and/or revocation of license. For instance, if an incident involving physical force occurs with a citizen, the supervisor must report it to the Bureau within 7 business days per BPC section 7583.2(f)(2), or the company will be fined \$5,000 pursuant to BPC section 7587.8(c).

#### 2. Incident reporting requirements pursuant to 7583.2, 7583.4, and 7574.37 of the Business and Professions Code

It is necessary for instructors to educate students and potential permitholders on the reporting requirements that pertain to security personnel. Existing law requires security personnel to report incidents involving use of force as well as firearm discharges to their employers. Additionally, supervisors and security employers are required to report all firearm discharges to the Bureau within 7 business days per BPC section 7583.2(f)(1), or the company will be fined \$5,000 pursuant to BPC section 7587.8(c). (See also, Bus. & Prof. Code, § 7583.37 [requiring proprietary private security employers to deliver a written report describing the circumstances surrounding any physical altercation by a registered proprietary private security officer with a member of the public while on duty and while acting within the course and scope of their employment within seven business days after the qualifying incident].)

#### 5. Use of force review and analysis – (In-person)

Use of force review and analysis is required by BPC section 7583.7(a)(10)(E). Instructors will discuss the various types of force used within the profession, and analyze the appropriateness of using force on a member of the public and that interactions consider public safety. For example, in some instances, a client will request removal of trespassers, and allow the guards to use reasonable force to do so. Other clients may request no physical contact between their guards and the trespassers. In both situations, the guards must be aware of the allowable types of force as well as the applicable state and/or municipal laws governing use of force. If a guard violates the contractual obligations or the law, they may face civil and/or criminal liability.

#### 2. Real-life scenarios

It is necessary for instructors to discuss real-life scenarios so the students can be familiarized with real-life situations they will encounter on the job and have an opportunity to critically think about and analyze these situations. Students will have the chance to apply the skill set and information learned in training, ensuring proficiency and effectiveness by putting what they have learned into context.

6. De-escalation and interpersonal communication, including tactical methods that use time, distance, cover, and concealment to avoid escalating situations that lead to violence – (In-person)

This topic is required by BPC section 7583.7(a)(10)(I). This amendment is necessary to provide students with information on de-escalating situations including tactical methods, avoiding escalating situations and avoiding violence. Additionally, the amendment will have subtopics that include common misconceptions and benefits of de-escalation, the four concepts of de-escalation and real-life scenarios. The ideal outcome of a potentially violent encounter between a guard and a member of the public is to de-escalate the situation until all threats of violence subside and cooperation occurs.

De-escalation reduces the chance of excessive use of force, which reduces individual and company liability as well as the chance of harm to members of the public. Additionally, utilizing de-escalation techniques can have a positive impact on public trust, reduce danger to security professionals and the public, improve community cooperation, and have a positive impact on private security professionals' wellness, while violent encounters will have the opposite effect.

a. Common misconceptions and benefits of de-escalation

It is necessary for instructors to discuss common misconceptions of de-escalation, like one de-escalation technique works in every situation or the belief de-escalation is too difficult to apply in rapidly changing situations. De-escalation reduces the chance of excessive use of force, which reduces individual and company liability as well as the chance of harm to members of the public. As in the section above, utilizing de-escalation techniques can enhance public trust, reduce danger to private security professionals and the public, improve community cooperation, and have a positive impact on private security professionals' wellness.

b. Four concepts of de-escalation

POST's Use of Force/De-escalation workbook identifies the four core concepts of de-escalation as self-control, effective communication, scene assessment and management, and force options. It is necessary for students to be educated regarding

these concepts because they may assist in decreasing the situational intensity of a situation and enable one to gain voluntary compliance. It is necessary to discuss the concepts of de-escalation so private security professionals have the knowledge and skillset necessary to effectively deal with aggression from members of the public without unnecessary injuries to the public or security personnel.

#### 1. Self-control

Self-control is maintaining composure to make sound judgments and decisions and reflects one's confidence in their skills and abilities which can be improved through training, practice and expertise. It is necessary for students to understand the importance of self-control and discuss how their actions can contribute to escalating situations or de-escalating situations based on the totality of the circumstances.

#### 2. Effective communication

Effective communication can enable security professionals to gain cooperation and voluntary compliance in stressful situations and is a basic element of the use of force. A major goal of security personnel is to gain voluntary compliance without resorting to physical force. The use of effective communication can aid in diffusing a potentially volatile incident and avoid the need to use force against an individual. It is necessary for students to understand the importance of effective communication and discuss strategies and techniques that can result in improved safety.

#### 3. Scene assessment and management

At times, security personnel may need to intervene in response to a situation that may require de-escalation. In these situations, it is important for security personnel to evaluate their area and actively try to manage the situation and surroundings. It is necessary for students to understand how to manage a situation and discuss scenarios and strategies for assessing and managing their surroundings.

#### 4. Force options

Force options are choices available in any given situation to overcome resistance, to effect an arrest, to prevent escape, in the defense of self and others, and to gain control of the situation. It is necessary for security personnel to understand force options and to discuss what is reasonable based on the totality of the circumstances.

#### c. Real-life scenarios

It is necessary for instructors to discuss real-life scenarios so students are familiarized

with real-life situations they will encounter on the job and have an opportunity to critically think about and analyze these situations. Students will have the chance to apply the skill set and information learned in training, ensuring proficiency and effectiveness by putting what they have learned into context.

7. Implicit and explicit bias and cultural competency as defined in section 631

This topic is required by BPC section 7583.7(a)(10)(G). This amendment is necessary to educate students on implicit and explicit bias and cultural competency, as different cultures will respond in different ways to stressful situations and authority figures. Security personnel must also be made aware of any internal biases they may have when dealing with cultures other than their own to ensure a productive, non-violent encounter occurs.

4. Define and explain:

1. Implicit bias

Page 110 of POST’s Basic Course Workbook Series, Student Materials, Learning Domain 3, Principled Policing in the Community, Version 5.1 (hereafter referred to as “POST Use of Principled Policing in the Community workbook”) defines implicit bias as “unconscious thoughts and feelings about people that may influence actions.” It is necessary to discuss this topic because people can be unaware of their implicit biases and personal awareness of biases is a strategy toward reducing biases in decision-making. This is important for private security professionals especially since they encounter members of the public from various cultural backgrounds.

2. Explicit bias

Page 110 of POST’s Basic Course Workbook Series, Student Materials, Learning Domain 3, Principled Policing in the Community, Version 5.1 (hereafter referred to as “POST Use of Principled Policing in the Community workbook”) defines explicit bias as “conscious thoughts and feelings that influence perceptions, decisions, and actions.” Security personnel need to understand how explicit biases can impact their role as private security. It is necessary to discuss these topics because personal awareness of biases is a strategy toward reducing biases in decision-making.

3. Cultural competency

It is necessary for security personnel to understand, appreciate, and adjust their behavior if necessary to account for California’s diverse population. Cultural competency training encourages security personnel to be aware and respectful of



differences in behavior, attitude, and engagement with authority figures due to different cultural norms and expectations. Specifically, cultural diversity/competency covers such topics as hate crimes, racial profiling, and tools for tolerance, all of which are skills and knowledge that security personnel must also develop, be aware of, and sensitive to when responding to an incident. Awareness of cultural differences will guide and aid the security personnel to the best way(s) to de-escalate and manage potentially violent situations peacefully.

b. Strategies for effective communication within a diverse community

It is necessary to include “strategies for effective communication within a diverse community” so that private security professionals have the skillset to establish trust with and positively interact with members of the public. Discussion of specific strategies will provide private security personnel with actionable skills they can apply in the field, which is especially important when working with culturally diverse individuals.

c. Real-life scenarios

It is necessary for instructors to discuss real-life scenarios so students can be familiarized with real-life situations they will encounter on the job and have an opportunity to critically think about and analyze these situations. Students will have the chance to apply the skill set and information learned in training, ensuring proficiency and effectiveness by putting what they have learned into context.

8. Skills, including de-escalation techniques, to effectively, safely, and respectfully interact with people with disabilities or behavioral health issues.

This topic is required by BPC section 7583.7(a)(10)(H). These amendments are necessary to educate students on how to safely and effectively interact and de-escalate situations with individuals with disabilities or behavioral health issues.

a. Strategies for identifying and effectively communicating and de-escalating a situation with an individual with a disability or behavioral health issues

As outlined supra (section 631(j)), the Bureau defines “disability” as “a mental or physical disability and has the meanings set forth in Sections 12926 and 12926.1 of the Government Code. Additionally, a mental disability can be any condition of the mind that has a long-term effect on a person’s normal day-to-day activity.”

Page 19 of the POST People with Disabilities workbook teaches it is not the peace officer’s (in this case, private security professional’s) duty to attempt to diagnose a person’s disability, rather, their role is to recognize cues and other indicators in order to

make necessary decisions regarding the appropriate intervention strategy. It is necessary to train private security personnel regarding these concepts because if they notice cues indicative of a disability, they will understand their role in that scenario, which may prevent a situation from escalating unnecessarily before law enforcement arrives (when necessary). Education in this topic is a public safety precaution for the private security personnel, member(s) of the public, and the individual presenting with a disability.

b. Real-life scenarios

It is necessary for instructors to discuss real-life scenarios so students can be familiarized with real-life situations they will encounter on the job and have an opportunity to critically think about and analyze these situations. Students will have the chance to apply the skill set and information learned in training, ensuring proficiency and effectiveness by putting what they have learned into context.

9. Use of force scenarios, including simulations of low-frequency, high-risk situations and calls for service, shoot-or-don't-shoot situations, and real time force option decision making - (In-person)

Use of force scenario training is required by BPC section 7583.7(a)(10)(I). These amendments are necessary to discuss factors that can impact a private security professional's response when threatened with danger and factors to consider before using force, as they relate to specific scenarios, including low-frequency, high-risk situations and calls for service, and shoot-or-don't-shoot situations. It is necessary for private security personnel to understand these factors as they may be faced with situations where they must consider using force.

a. Factors that can affect an individual's response when threatened with danger

It is necessary to discuss factors that can impact a security personnel's response when threatened with danger. Page 41 of the POST Basic Course Workbook Series, Student Materials, PC 832 Student Workbook, Volume Four: Use of Force/De-escalation, Version 5.4 (hereafter referred to as "POST PC 832 workbook") teaches the decision of whether to use deadly force may be influenced by various things, including, training and experience, judgment, mental alertness, existing facts and circumstances, and understanding of the law. It is important for security personnel to understand how these factors can affect their decision making.

b. Factors to consider before using force

It is necessary to discuss factors to consider before using force, as they relate to

specific scenarios, including high-risk situations and shoot-or-don't-shoot situations. A private security professional is likely to find themselves in these types of situations at some point in their career. It is imperative that they are trained on which factors they need to consider before acting since those factors can impact their perception of a situation and influence the action taken.

c. Real-life scenarios

It is necessary for instructors to discuss real-life scenarios so students can be familiarized with real-life situations they will encounter on the job and have an opportunity to critically think about and analyze these situations. Students will have the chance to apply the skill set and information learned in training, ensuring proficiency and effectiveness by putting what they have learned into context.

10. Mental health and policing of the public, including bias and stigma

This topic is required by BPC section 7583.7(a)(10)(J). It is necessary to discuss how security personnel must be aware of mental health issues and challenges when dealing with the public. Because security personnel are often required to deal with transients, it is necessary for students to understand the concepts, including definitions, biases, and stigmas, and how they apply to the role of a private security professional when interacting with individuals in public. Identifying someone suffering from mental health issues and utilizing their training to come up with a workable solution will be a key factor in how security personnel will interact and react to potentially combative members of the public, and will allow for a more productive encounter.

a. Categories of mental illness as defined in section 631

Page 94 of the POST People with Disabilities workbook teaches there are two types of mental illness, thought disorders and mood disorders and clarifies peace officers (in this case, private security professionals) should not attempt to diagnose mental illness. The Bureau is defining "mental illness" by utilizing DSM V's definition, as the DSM V is considered the standard for identifying and classifying mental disorders in the United States: "A mental disorder is a syndrome characterized by clinically significant disturbance in an individual's cognition, emotion regulation, or behavior that reflects a dysfunction in the psychological, biological, or development processes underlying mental functioning." Additionally, the POST People with Disabilities workbook describes various indicators of mental illness, including, fearfulness, inappropriate behavior, extreme rigidity or inflexibility, hallucinations, etc. (page 95).

Lastly, pages 105-106 provide appropriate actions for peace officers to take, including requesting backup, stabilizing the scene, calming the situation, communicating, etc. It is

necessary to discuss this topic and the aforementioned material because security professionals do not have the same level of responsibility as peace officers. It is necessary for private security personnel to be aware of the indicators of mental illness so they are more cognizant of when law enforcement should be called, for instance, in cases where a person is armed and exhibiting signs of psychosis.

b. Biases and stigmas surrounding mental illness

It is necessary to discuss biases and stigmas surrounding mental illness because those biases or stigmas may result in inappropriate action on behalf of the private security professional. If private security personnel are made aware of and discuss biases and stigmas, it is less likely they will adversely influence behavior.

c. Real-life scenarios

It is necessary for instructors to discuss real-life scenarios so students can be familiarized with real-life situations they will encounter on the job and have an opportunity to critically think about and analyze these situations. Students will have the chance to apply the skill set and information learned in training, ensuring proficiency and effectiveness by putting what they have learned into context.

11. Active shooter situations – (In-person)

This topic is required by BPC section 7583.7(a)(10)(K). This amendment is necessary to provide security professionals with information regarding their roles and responsibilities in an active shooter situation. For instance, the training would cover not just how to react in this situation, but also what legal and contractual obligations might a security professional have on site if an active shooting occurs. Members of the public are likely to look to private security professionals in an active shooter situation, and with the unfortunate increase in this type of situation, security personnel must be well prepared to meet this unique threat. This is because, in an active shooter situation, it is likely that customers and/or clients will be looking to these professionals for guidance and/or protection to either escape the shooter or mitigate the situation.

a. Recognizing an active shooter situation

Page 4 of the U.S. Department of Homeland Security's Active Shooter: How to Respond publication states it is important to remember customers and clients are likely to follow the lead of employees and managers during an active shooter situation, further detailing response tactics as: evacuate, hide out and, as a last resort, take action against an active shooter. For instance, students must understand not only how to identify an active shooter situation, but also the roles and responsibilities of a private security

professional. This is because, as mentioned above, in an active shooter situation, it is likely that customers and/or clients will be looking to these professionals for guidance and/or protection to either escape the shooter or mitigate the situation.

b. Roles and responsibilities of a private security professional

It is necessary for private security personnel to be aware of company policy, contractual obligations, and overall awareness of what needs to occur in the case of an active shooter situation, most importantly, contacting appropriate law enforcement or responding entity. For instance, some companies may want their security to do nothing except call law enforcement, while others may want their security to be more proactive. How an active shooter situation unfolds is an important component to how a guard might react to this threat, and the options available to them to react, which may include shooting the gunman, or shepherding members of the public to a safe space while calling law enforcement.

c. Real-life scenarios

It is necessary for instructors to discuss real-life scenarios so students can be familiarized with real-life situations they will encounter on the job and have an opportunity to critically think about and analyze these situations. Students will have the chance to apply the skill set and information learned in training, ensuring proficiency and effectiveness by putting what they have learned into context.

**Appendix I.C - Examination**

The Bureau proposes to add a new section C stating: “Individuals required to take the Power to Arrest and Appropriate Use of Force Training shall take and pass an examination as provided in the Manual with a score of 100% in order to have successfully completed said training.”

It is necessary to establish an examination requirement to ensure students understand and are proficient at the curriculum.

**Appendix, deletion of existing section I.B**

The Bureau proposes to delete existing section B. on "Weapons of Mass Destruction (WMD) & Terrorism Awareness" to reflect this training is now elective only. (BPC section 7583.7, subd. (a)(11).)

**Appendix II – Mandatory Outline of Courses**

The Bureau proposes to delete “guard” and replace it with “personnel.” This amendment is necessary because this section will apply to both security guards and proprietary private security officers.

**Appendix II, Section D.4.**

The Bureau proposes to delete “guard” and replace it with “personnel.” This amendment is necessary because this section will apply to both security guards and proprietary private security officers.

**Appendix III – Elective Course Outlines**

This proposed amendment will delete “The hours listed are the maximum number of hours that will be accepted as part of the 16 hours of elective training mandated by the BPC section 7583.6. Every newly licensed security guard shall complete a minimum of eight (8) hours of elective courses within thirty (30) days from the day the security guard's registration card is issued or the day the guard begins employment. An additional eight (8) hours of elective courses shall be completed within the first six (6) months from the day the security guard's registration card is issued or the day the guard begins employment” to avoid redundancy with statute.

The proposed amendments are necessary because the timelines for these trainings are currently set forth in statute. (Bus. & Prof. Code, §§ 7574.18 (a) and 7583.6 (b).)

**Appendix IV – Continuing Education**

This proposed amendment will delete “To provide additional or remedial instruction in private security subject matter. The continuing education requirement, of an additional 8 hours annually pursuant to Section 7583.6(e) of the Code, commenced on January 5, 2005. The annual training may be provided by an independent training entity or may be provided by the employer. Employer provided training must be supported by evaluation of the licensed guards' skills. The annual training may repeat previous course(s) or may provide additional course(s) on topics applicable to private security work. The Mandatory and Elective courses with 4-hour maximum time limitations for the initial Skills Training Course For Security Guards may be expanded in depth to 8 hour courses, with the exception of the WMD and Terrorism Awareness, to meet the annual training hours. Additionally, training in use of specific types of batons or a four (4) hour refresher course every other year may also be utilized to meet the continuing education requirements. For each course completed, the training entity or company providing the training shall issue a Certificate of Completion to the individual completing the course in compliance with the appearance requirements stated in Title 16, California Code of Regulations, Section 643(b).”

The Bureau proposes to replace this paragraph with “To provide additional or remedial instruction in private security subject matter to meet the annual continuing education requirement, pursuant to Section sections 7583.6(e) and 7574.18 of the Business and Professions Code. The annual training shall be eight (8) hours and must include a minimum of two (2) hours of review of the appropriate use of force topics as set forth in section I.B. of the Appendix. Mandatory and Elective courses shall be used to meet the remaining annual training hours,” to clarify the duration of the training and what must be taught during the training.

These amendments are necessary because BPC section 7583.7 requires private security professionals receive training on appropriate use of force topics. Topics delineated under the appropriate use of force section, BPC section 7583.7(a)(10), are perishable skills which need routine refreshing. As such, the Bureau will require continued education training to include a review of the appropriate use of force topics.

**Repeal section 645 of Article 1 of Division 7 of Title 16 of the CCR (Skills Training Course for Proprietary Private Security Officers)**

**Repeal Section 645 Skills Training Course of Proprietary Private Security Officers**

This amendment is necessary because PPSOs will be required to complete the PTA and appropriate use of force training provided in amended section 643(a).

**Add section 646, Training for Alarm Agents, Division 7, Title 16 of the CCR**

The Bureau proposes to add section 646 to Division 7, Title 16, of the CCR, with the title, “Training for Alarm Agents.”

BPC section 7598.1(a) requires every person entering the employ of a licensee, performing the function of an alarm agent who responds to alarm systems to complete a course in the exercise of the PTA and the appropriate use of force, prior to being assigned to a duty location responding to an alarm system.

**Title**

The Bureau proposes to title this new section “Training for Alarm Agents” because the training requirements, including hours required for each section, is detailed therein.

**Subdivision (a)**

The Bureau adds subdivision (a) to provide “The training course for alarm agents shall follow the standards prescribed by Section 7598.2 of the Business and Professions Code. The attached Appendix sets forth the subjects that shall be taught and the minimum number of hours that shall be allowed towards meeting required training. For the purposes of this section, “security personnel” includes alarm agents.”

This section is necessary to provide trainers, training facilities, and alarm company employees (alarm agents or ACEs) with detailed information on the structure of the new PTA and Appropriate Use of Force topics, as required by BPC section 7598.2 (a)(6). This section sets forth a uniform, standardized template for training facilities to follow, and provides guidance to applicants and licensees regarding what to expect at training. The required topics are set forth in BPC section 7598.2(a), and minimum hours have been determined by the Bureau through its collaboration with POST as the amount of time needed to impart a basic level of understanding of the topic and training requirements.

BPC section 7598.1(a) requires alarm agents who respond to alarm systems to complete a PTA course. BPC section 7598.1(a) expands the course requirement to include the appropriate use of force, effective July 1, 2023. Appropriate Use of Force training is necessary to train applicants and licensees on the proper techniques and how to perform them safely, which will minimize further conflict and harm on both the security professional and the member of the public.

Alarm agents are the only category of Bureau registrants who are required to take the PTA course who do not have a regulatory section outlining the course curriculum. Accordingly, this proposal aligns alarm agents training requirements with security guards and PPSOs, providing clarity and consistency across license types.

The Bureau adds “The attached Appendix sets forth the subjects that shall be taught and the minimum number of hours that shall be allowed towards meeting required training.” This makes the training consistent with CCR Section 643, and BPC section 7598.2 specifies that licensees must meet a certain number of hours of training.

Finally, the Bureau is adding “for the purposes of this section, “security personnel” includes alarm agents.” This amendment is necessary because the training materials use the term “security personnel” to capture many types of licenses, including alarm agents, as the training content is applicable to security-related license types.

### **Subdivision (b)**

The Bureau proposes to adopt subdivision (b) to provide “The training shall consist of Power to Arrest and Appropriate Use of Force topics and shall consist of a minimum of



four (4) hours of training. The training shall utilize the Power to Arrest and Appropriate Use of Force Training Manual dated July 2023 referenced in section 643, and may include lecture, discussion, exercises, and roleplaying.”

This section is necessary to provide trainers, training facilities, and alarm agents with detailed information on the structure of the new PTA and Appropriate Use of Force topics, as required by BPC Section 7598.2(a)(6). This section sets forth a uniform, standardized template for training facilities to follow while allowing applicants and licensees guidance on what to expect. The Bureau determined the minimum required hours through its collaboration with POST and the Bureau’s SMEs as the amount of time needed to impart a basic level of understanding of the topic and training requirements.

BPC section 7598.2 previously required the PTA course be approximately two (2) hours in length. Effective July 1, 2023, the length of the training will be increased to four (4) hours for both PTA and Appropriate Use of Force pursuant to AB 229’s and AB 2515’s amendments to BPC Section 7598.2(a).

The hours required for ACEs to complete their PTA and Appropriate Use of Force training is four (4) versus eight (8) for private security guards and PPSOs. ACEs do not need as many hours of PTA and Appropriate Use of Force training because ACEs service alarm systems and usually contract with a third party or security guard companies to answer calls rather than routinely responding to calls themselves, thus they do not regularly interact with the public in a confrontational setting. However, they still occasionally act in the capacity of security professionals and require a minimum understanding of the same topics as security guards and PPSOs.

In consultation with the Bureau’s SMEs and POST, the Bureau determined ACEs may complete a shortened training program that covers the topics mandated by BPC section 7598.2 and can be completed in four (4) hours instead of eight (8) hours. Subjects that are not applicable to ACEs and have been removed from ACE training include: the background of the private security industry; ethics and communications; emergency situation response, including response to medical emergencies; and security officer safety. Again, these topics have been removed because of the rarity in which ACEs respond to emergency calls.

The Bureau is proposing to include the other topics in ACE training, including responsibilities and ethics in citizen arrests; the relationship between alarm agents and peace officers in making an arrest; limitations on alarm agents' power to arrest; restrictions on searches and seizures; criminal and civil liabilities; and trespass law. These topics were chosen as mandatory for ACEs because these are key principles that must be understood by all California security professionals, and violating any of

them can expose the guard and their employer to civil and criminal liability, including fines, citations, and even jail time.

The Bureau utilizes its Manual for this mandatory training, because the Manual delves in-depth into the topics set forth in the curriculum outline. The Manual is used by all Bureau registrants required to complete the training. Utilization of the Manual ensures the knowledge provided to private security professionals, including ACEs, is consistent and aligned with the law and best practices.

Lastly, subdivision (b) will provide the course material may be provided via lecture, discussion, exercises, and role playing. Course providers have some discretion of method, as incorporating a variety of instruction modalities ensures a deeper understanding of the material being presented rather than mere rote learning.

### **Subdivision (c)**

The Bureau proposes to adopt subdivision (c) to provide “The skills training course and administration of the examination shall only be given by the following:”

“(1) Any organization or school approved by the Bureau pursuant to 7598.2 of the Business and Professions Code.”

BPC section 7598.2(a) authorizes the Bureau to approve any organization or school to administer the trainings. This amendment is necessary to include these organizations or schools in the list of who is authorized to provide the training.

“(2) Any training facility certified pursuant to 7585.4 of the Business and Professions Code.”

BPC section 7585.4 authorizes any training facility certified pursuant to chapter 11.5 of the BPC to provide the trainings. This amendment is necessary to specify that firearm training facilities are authorized to provide the trainings. The proposed appropriate use of force topics are included in both the initial PTA training and the BSIS firearms training. Accordingly, there is crossover of content and firearm training facilities are better equipped to provide the PTA and Appropriate Use of Force training as well as the security officer skills training.

“(3) An alarm company operator or a designated employee of an alarm company operator provided they are qualified in the power to arrest and appropriate use of force topics as set forth in this section. An alarm company operator shall only provide the training to their direct employees.”

BPC section 7598.2(a) authorizes any licensee to provide the training. This amendment is necessary to specify that a Bureau-approved licensee is authorized to administer the training. This amendment authorizes a designated employee of an alarm company operator (ACO) who is qualified in the PTA and appropriate use of force topics to provide the training on behalf of the ACO. This is necessary because, as the employer of the ACE, the ACO is responsible for the conduct of its employees and assumes liability when assigning duties to an ACE. This will ensure that the person conducting the training on behalf of the ACO is knowledgeable of the course content and can provide appropriate instruction. This amendment also provides the ACO can only provide the training to their direct employees, which is necessary because the ACO is responsible for the conduct of their own employees and not another company's. Since ACOs are solely responsible for the conduct of their own employees, it is important to limit their training authority to their own employees.

**Subdivision (d)**

The Bureau proposes to add subdivision (d) to provide “Entities providing the skills training course and administration of the examination shall retain the examination results on Bureau-approved answer sheets for a period of not less than two years or until audited by the Bureau, whichever occurs first.”

This amendment requires training providers to maintain the examination results for a period of at least 2 years or upon completion of a Bureau inspection. This amendment is necessary so entities maintain examination results in case the Bureau needs to conduct an audit or view examination results as part of a Bureau investigation. It provides tangible proof the applicant/licensee met the training requirements, and entities providing the courses will be required to retain those records, pursuant to BPC section 7598.1(b), effective July 1, 2023.

**Subdivision (e)**

The Bureau proposes to add subdivision (e) to provide “The entity providing the training shall issue a Certificate of Completion to the individual completing the course. The certificate shall identify the type of course taken, the number of hours of training provided, identification of the issuing entity, name of the individual taking the course, the instructor administering the course, and the date the course was administered and completed. The Certificate of Completion must also state the course complies with the Power to Arrest and Appropriate Use of Force Training Course for Alarm Agents. The certificate shall be serially numbered for tracking purposes. The entity providing the training shall maintain the Certificates of Completion for a period of no less than two years.”

Subdivision (e) requires institutions or companies who provide training to issue a certificate of completion to registrants who complete a training course. This new section is necessary to ensure training institutions provide registrants with training certificates when they complete continuing education because BPC section 7598.1(b) requires registrants to maintain their certificates of completion for the training they receive. The new section allows licensees to properly refer back to the correct training and date if needed, maintain an organized system, and requires training entities to maintain a detailed record.

The Bureau specifies “two years” in this language because when Bureau enforcement audits a location they ask for a maximum of two years’ records. Additionally, the “two years” guideline is consistent with those set forth in CCR sections 628(c) and 634.

**Add Section 646, Appendix I.**

The Bureau proposes to title Roman Numeral I, “Power to Arrest and Appropriate Use of Force Course Outline.”

This language introduces the topics required to be covered in the training, and requires a test for completion of the course, as follows: “Individuals required to take the Power to Arrest and Appropriate Use of Force Training shall take and pass an examination as provided in the Manual with a score of 100% in order to have successfully completed said training.”

This is necessary because alarm agents are authorized under BPC section 7590.1(b) to respond to emergency calls from an alarm system, and the alarm agents are authorized to carry firearms under Article 7 of Chapter 11.6. As armed responders, alarm agents need appropriate training to help facilitate productive encounters between themselves and the public.

The Bureau also proposes to add “The Power to Arrest and Appropriate Use of Force Course consists of four (4) hours of training covering the following two (2) subjects:”

The first section provides trainers, training facilities, and alarm agents with detailed information on the structure of the new PTA and appropriate use of force topics, as required by BPC section 7598.2 (a)(6). This section sets forth a uniform, standardized template for training facilities to follow while allowing applicants and licensees guidance on what to expect, and how it fits within the overall training subject matter.

Additionally, it is important to test knowledge at the end of the course(s) to ensure competency and a basic retention of the information conveyed during the training.

Lastly, it is necessary to have the course lengths outlined in regulation for consistency, clarity, and to align with BPC section 7598.2.

The Bureau proposes to add the second sentence to clarify how long the training will be, and the topics to be covered. The required topics are set forth in BPC section 7598.2 and minimum hours have been determined by the Bureau through its collaboration with POST as the amount of time needed to impart a basic level of understanding of the topic and training requirements.

### **Appendix I.A.**

The Bureau proposes to add: "A. Power to Arrest – 2 Hour Minimum"

This addition is necessary to establish the organization of the training, its objective, and the time that must be spent on the section.

The PTA training is shorter for alarm agents compared to private security guards/PPSOs, as alarm agents rarely respond in person to an alarm call and are less likely to be in a dangerous situation where they may need to make an arrest. Rather, the market trend in the last decade has been for an alarm company to contract with a third-party security guard company to answer and respond to alarm calls. The Bureau also consulted with the Bureau's SMEs and POST to determine that alarm agents do not require as lengthy a training as the one for private security guards.

BPC section 7598.2(a) previously required the PTA course to be approximately two (2) hours in length. AB 229 and AB 2515 amended BPC section 7598.2(a) to increase the length of the training to four (4) hours and combine PTA with appropriate use of force topics. Further, the training topics delineated in the proposed objective are consistent with BPC section 7598.2(a)(1) through (5) and are required by statute.

### **Appendix I, Section A – Power to Arrest**

The Bureau proposes to add the following topics:

#### **1. Overview of Power to Arrest and Appropriate Use of Force Training Manual and subject matter**

A comprehensive overview of the manual and its associated contents will allow both the student and teacher to find and follow with ease the subjects being taught during the training and be more easily able to refer back to the appropriate training portion of the manual in case of future questions.

## 2. Responsibilities and ethics in citizen arrest, and types of encounters

This topic is required by BPC section 7598.2(a)(1). It is necessary for students to understand the responsibilities of alarm agents when it comes to making a citizen's arrest pursuant to Penal Code sections 834 and 837. Alarm agents may be enlisted by their employer to place individuals under citizen's arrest. It is necessary for students to understand when the law authorizes alarm agents to place individuals under citizen's arrest and where the law limits the authority to place individuals under citizen's arrest. It is also important for alarm agents to understand the types of encounters they may have with citizens and what constitutes a consensual encounter versus a detention or citizen's arrest, so their actions are appropriate and comply with the law.

## 3. Relationship between alarm agents and peace officers in making an arrest

This topic is required by BPC section 7598.2(a)(2). It is necessary for students to understand the relationship between alarm agents and peace officers when it comes to making a citizen's arrest. While alarm agents may detain or place people under citizen's arrest, upon responding, peace officers have the final say regarding taking individuals into custody. It is important for alarm agents to know their roles in these situations so they can act appropriately and in the interest of their safety and public safety.

## 4. Limitations on security personnel power to arrest, and security personnel's role including:

This topic is required by BPC section 7598.2(a)(3). It is necessary to discuss the limitations on security personnel and their role, for alarm agents to understand the limitations of their position as security personnel and discuss how an individual should interpret their role while on duty. Stepping outside these limitations may result in criminal or civil liability for the guard and/or its employer.

### a. Contractual obligations

It is necessary for alarm agents to understand the importance of contractual obligations, so they fully understand their role as security, what is expected of them while standing post, and their limitations when interacting with the public while providing security services. Some security alarm companies require alarm agents to only monitor situations, while other companies, depending on contractual obligations, require their alarm agents to deploy more hands-on methods, so it is vital that security professionals understand their internal responsibilities.

### b. Company policies

It is necessary for alarm agents to understand the importance of company policies and how they dictate their role as security, especially when it comes to making a citizen's arrest. Following company policies helps protect the employees and the company from adverse actions or possible civil or criminal liability.

#### 5. Restrictions on searches and seizures

This topic is required by BPC section 7598.2(a)(4). It is necessary for alarm agents to understand the restrictions on searches and seizures. Alarm agents are not peace officers and have limited authority to search persons. As such, it is important for alarm agents to understand when a search is authorized by law and the appropriate steps to take when carrying out a search.

#### 6. Criminal and civil liabilities, including both of the following:

This topic is required by BPC section 7598.2(a)(5). It is necessary for alarm agents to understand criminal and civil liability and how it applies to the security field because they can be held both civilly and criminally liable for their actions if they violate any applicable laws.

##### a. Personal liability

This topic is required by BPC section 7598.2(a)(5)(A). It is necessary for alarm agents to understand that they can be held personally liable for their actions, especially in situations where they falsely place someone under citizen's arrest or use excessive force.

##### b. Employer liability

This topic is required by BPC section 7598.2(a)(5)(B). It is necessary for alarm agents to understand how their actions can also cause employer liability if company policies are not followed or they act outside of the scope of their contractual obligations. The company can be sued for the conduct of its employees if laws are not followed.

#### 7. Trespass law

It is necessary for alarm agents to understand laws surrounding trespass because citizens trespassing is a common situation that alarm agents encounter and must quickly determine the appropriate use of force. This content will equip alarm agents with an understanding of what constitutes the crime of trespassing and what action alarm agents may take on behalf of the client.

## **Appendix I, Section B – Appropriate Use of Force**

This section is necessary to ensure instructors discuss with students the various types of force used within the profession, and analyze the appropriateness of using force on a member of the public. For example, in some instances, a client will request removal of trespassers, and allow the alarm agents to use reasonable force to do so. Other clients may request no physical contact between their security and the trespassers. In both situations, the alarm agents must be aware of the allowable types of force as well as the applicable state and/or municipal laws governing use of force. If an alarm agent violates the contractual obligations or the law, they may face civil and/or criminal liability.

The Bureau consulted with its SMEs and POST to determine that alarm agents may complete a shortened training program of two (2) hours that sufficiently covers the topics mandated by BPC section 7598.2.

The Bureau proposes to add the following topics:

### 1. Legal standards for use of force

This topic is required by BPC section 7598.2(a)(6)(A). This topic will include subtopics related to statutes, licensee and client contractual obligations and civil and criminal liability.

#### a. Statutes

This section is necessary to identify legal statutes governing use of force so students and potential permitholders understand the limitations of using force and the possible consequences of using force. It is important for licensees to understand where the law authorizes alarm agents to use force, including deadly force, and where their actions could result in criminal or civil liability.

#### b. Licensee and client contractual obligations

This section is necessary because permitholders need to be aware of the limitations of their role as armed alarm agents. Contractual agreements may be different from client to client. Some contracts may authorize or be silent on an alarm agent's ability to use force while on duty whereas other contracts may prohibit any use of force. Contractual obligations guide alarm agents on what they can and cannot do on specific assignments.

#### c. Civil and criminal liability



Civil and criminal liability are important topics for alarm agents to be aware of because they can be held both civilly and criminally liable for damages resulting from a situation where force was used, especially if expressly prohibited by statute, or if the alarm agent acts outside of their employer’s contractual agreement with the client.

2. Use of objectively reasonable force – (In person)

This topic is required by BPC section 7598.2(a)(6)(C). This topic will include subtopics related to objectively reasonable standards, restraint techniques and their implications, force options and real-life scenarios. Under the law, “a person may use objectively reasonable force to defend life and limb against excessive force.” (*People v. Curtis* (1969) 70 Cal.2d 347.)

a. Objectively reasonable standard

These amendments are necessary because alarm agents in California must know their job duties to ensure adherence to the industry standard. This will result in a uniform approach throughout the state and help prevent alarm agents from acting outside of the scope of what is allowable. This is likely to result in increased transparency with and trust from the public and improving community relations overall.

b. Restraint techniques and their implications

It is necessary for instructors to discuss “restraint techniques and their implications” so alarm agents understand which techniques are appropriate in various situations and within their profession. Further, it is necessary to discuss the implication of specified restraint techniques, so they are more aware of what happens when using each technique, and the impact on the restrained individual.

c. Force options

It is necessary for instructors to discuss force options so students understand there are many appropriate force options available. Alarm agents may use force which is reasonable and necessary to deter or stop a threat, and may only use deadly force where there is an immediate risk of death or serious bodily harm. These options are to be determined on a case-by-case basis and instructors need to discuss with students what force options are appropriate in certain situations. For instance, it is inappropriate and potentially illegal to use deadly force on a shoplifter or trespasser, but it may be used if a suspect is shooting at an alarm agent.

d. Real-life scenarios including potential consequences

It is necessary for instructors to discuss real-life scenarios so students can be familiarized with actual situations they will encounter on the job, and have an opportunity to critically think about and analyze these situations. Students will have the chance to apply the skill set and information learned in training, ensuring proficiency and effectiveness by putting what they have learned into context.

### 3. Duty to Intercede

This topic is required by BPC section 7598.2(a)(6)(B). The proposed amendment is necessary so instructors provide guidance on an alarm agent's duty to act or intercede while providing private security services. The roles and responsibilities of alarm agents vary depending on client contractual obligations and limitations in law. It is important for alarm agents to understand the limits of their role and authority, because they may be held civilly and/or criminally liable if they step outside the limits of allowable actions in their contract, or if they violate the law while performing their duties.

### 4. Supervisory responsibilities

This topic is required by BPC section 7598.2(a)(6)(D). This section is necessary because instructors need to provide information on the roles and responsibilities of supervisors in the private security industry. If supervisors do not follow appropriate rules and regulations, violations of the law can result in fines and/or revocation of license.

#### a. Incident reporting requirements pursuant to 7599.42 of the Business and Professions Code

It is necessary for instructors to educate students on the reporting requirements that pertain to alarm agents. Existing law requires alarm professionals to report incidents involving use of force as well as firearm discharges to their employers. Specifically, BPC section 7599.42 requires an alarm company operator, qualified manager, or employee (alarm agent), to report any violent incident to Bureau within seven (7) days.

### 5. Use of force review and analysis

This topic is required by BPC section 7598.2(a)(6)(E). This section is necessary to ensure instructors discuss with students the various types of force used within the profession and analyze the appropriateness of using force on a member of the public.

#### a. Real-life scenarios

It is necessary for instructors to discuss real-life scenarios so the students can be familiarized with real-life situations they will encounter on the job and have an

opportunity to critically think about and analyze these situations. Students will have the chance to apply the skill set and information learned in training, ensuring proficiency and effectiveness by putting what they have learned into context.

6. De-escalation and interpersonal communication training, including tactical methods that use time, distance, cover, and concealment to avoid escalating situations that lead to violence

This topic is required by BPC section 7598.2(a)(6)(F). This amendment is necessary to provide students with information on de-escalating situations including tactical methods, avoiding escalating situations and avoiding violence. Additionally, the amendment will have subtopics that include common misconceptions and benefits of de-escalation, the four concepts of de-escalation and real-life scenarios.

7. Implicit and explicit bias and cultural competency as defined in Section 631

This topic is required by BPC section 7598.2(a)(6)(G). This amendment is necessary to educate students on implicit and explicit bias and cultural competency as they relate to their role as alarm agents.

a. Define and explain:

1. Implicit bias

Page 110 of POST's Basic Course Workbook Series, Student Materials, Learning Domain 3, Principled Policing in the Community, Version 5.1 (hereafter referred to as "POST Use of Principled Policing in the Community workbook") defines implicit bias as "unconscious thoughts and feelings about people that may influence actions." It is necessary to discuss this topic because people can be unaware of their implicit biases and personal awareness of biases is a strategy toward reducing biases in decision-making. This is important for alarm agents especially since they encounter members of the public from various cultural backgrounds.

2. Explicit bias

Page 110 of POST's Basic Course Workbook Series, Student Materials, Learning Domain 3, Principled Policing in the Community, Version 5.1 (hereafter referred to as "POST Use of Principled Policing in the Community workbook") defines explicit bias as "conscious thoughts and feelings that influence perceptions, decisions, and actions." Alarm agents need to understand how explicit biases can impact their role in the private security industry. It is necessary to discuss these topics because personal awareness of biases is a strategy toward reducing biases in decision-making.

### 3. Cultural competency

It is necessary for alarm agents to understand, appreciate, and adjust their behavior if necessary to account for California's diverse population. Cultural competency training encourages alarm agents to be aware and respectful of differences in behavior, attitude, and engagement with authority figures due to different cultural norms and expectations. Specifically, cultural diversity/competency covers such topics as hate crimes, racial profiling, and tools for tolerance, all of which are skills and knowledge that security personnel must also develop, be aware of, and sensitive to when responding to an incident. Awareness of cultural differences will guide and aid the alarm agent in the best way(s) to de-escalate and manage potentially violent situations peacefully.

#### b. Strategies for effective communication within a diverse community

It is necessary to include this topic so alarm agents have the skillset to establish trust with and positively interact with members of the public. Discussion of specific strategies will provide alarm agents with actionable skills they can apply in the field, which is especially important when working with culturally diverse individuals.

#### c. Real-life scenarios

It is necessary for instructors to discuss real-life scenarios so students can be familiarized with real-life situations they will encounter on the job and have an opportunity to critically think about and analyze these situations. Students will have the chance to apply the skill set and information learned in training, ensuring proficiency and effectiveness by putting what they have learned into context.

### 8. Skills, including de-escalation techniques, to effectively, safely, and respectfully interact with people with disabilities or behavioral health issues.

This topic is required by BPC section 7598.2(a)(6)(H). This topic is necessary to educate students on how to safely and effectively interact and de-escalate individuals with disabilities or behavioral health issues.

#### a. Strategies for identifying and effectively communicating and de-escalating a situation with an individual with a disability or behavioral health issue

Page 17 of POST's Basic Course Workbook Series, Student Materials, Learning Domain 37, People with Disabilities, Version 6.0 (hereafter referred to as "POST People with Disabilities workbook") states that "A disability may be physical, cognitive, mental, sensory, emotional, developmental, or some combination of these...." Further, page 19

of the POST People with Disabilities workbook shares that it is not the peace officer's (in this case, alarm agent's) duty to attempt to diagnose a person's disability, rather, their role is to recognize cues and other indicators in order to make necessary decisions regarding the appropriate intervention strategy. It is necessary to discuss this with alarm agents because if they notice cues indicative of a disability, they will understand their role in that scenario, which may prevent a situation from escalating unnecessarily before law enforcement arrives (when necessary). Education in this topic is a public safety precaution for the alarm agent, member(s) of the public, and the individual presenting with a disability.

b. Real-life scenarios

It is necessary for instructors to discuss real-life scenarios so the students can be familiarized with real-life situations they will encounter on the job and have an opportunity to critically think about and analyze these situations. Students will have the chance to apply the skill set and information learned in training, ensuring proficiency and effectiveness by putting what they have learned into context.

9. Use of force scenario training, including simulations of low-frequency, high-risk situations and calls for service, shoot-or-don't-shoot situations, and real time force option decision making

This topic is required by BPC section 7598.2(a)(6)(l). These amendments are necessary to discuss factors that can impact an alarm agent's response when threatened with danger and factors to consider before using force, as they relate to specific scenarios, including low-frequency, high-risk situations and calls for service, and shoot-or-don't-shoot situations. It is necessary for alarm agents to understand these factors as they may be faced with situations where they must consider using force.

a. Factors that can affect an individual's response when threatened with danger

It is necessary to discuss factors that can impact an alarm agent's response when threatened with danger. Page 41 of the POST Basic Course Workbook Series, Student Materials, PC 832 Student Workbook, Volume Four: Use of Force/De-escalation, Version 5.4 (hereafter referred to as "POST PC 832 workbook") shares the decision of whether to use deadly force may be influenced by various things, including, training and experience, judgment, mental alertness, existing facts and circumstances, and understanding of the law. It is important for alarm agents to understand how these factors can affect their decision making.

b. Factors to consider before using force

It is necessary to discuss factors to consider before using force, as they relate to specific scenarios, including high-risk situations and shoot-or-don't-shoot situations. A private security professional is likely to find themselves in these types of situations at some point in their career. It is imperative they are trained on which factors they need to consider before acting since those factors can impact their perception of a situation and influence the action taken.

c. Real-life scenarios

It is necessary for instructors to discuss real-life scenarios so students can be familiarized with real-life situations they will encounter on the job and have an opportunity to critically think about and analyze these situations. Students will have the chance to apply the skill set and information learned in training, ensuring proficiency and effectiveness by putting what they have learned into context.

10. Mental health and policing, including bias and stigma

This topic is required by BPC section 7598.2(a)(6)(J). This topic is necessary because alarm agents must be aware of mental health issues and challenges when dealing with the public. Because alarm agents are often required to deal with transients, it is necessary for students to understand the concepts, including definitions, biases, and stigmas, and how they apply to the role of an alarm agent when interacting with individuals in public. Identifying someone suffering from mental health issues and then utilizing their training to come up with a workable solution will be a key factor in how alarm agents will interact and react to potentially combative members of the public, and will allow for a more productive encounter.

a. Categories of mental illness as defined in section 631

Page 94 of the POST People with Disabilities workbook teaches there are two types of mental illness, thought disorders and mood disorders and clarifies peace officers (in this case, alarm agents) should not attempt to diagnose mental illness. The Bureau is defining "mental illness" by taking DSM V's definition, as the DSM V is considered the standard for identifying and classifying mental disorders in the United States: "A mental disorder is a syndrome characterized by clinically significant disturbance in an individual's cognition, emotion regulation, or behavior that reflects a dysfunction in the psychological, biological, or development processes underlying mental functioning."

Additionally, the POST People with Disabilities workbook describes various indicators of mental illness, including, fearfulness, inappropriate behavior, extreme rigidity or inflexibility, hallucinations, etc. (page 95). Lastly, pages 105-106 provide appropriate actions for peace officers to take, including requesting backup, stabilizing the scene,

calming the situation, communicating, etc. It is necessary to discuss this topic and the aforementioned material because alarm agents do not have the same level of responsibility as peace officers. It is necessary for alarm agents to be aware of the indicators of mental illness so they are more cognizant of when law enforcement should be called, for instance, in cases where a person is armed and exhibiting signs of psychosis.

b. Biases and stigmas surrounding mental illness

It is necessary to discuss biases and stigmas surrounding mental illness because those biases or stigmas may result in inappropriate action on behalf of the alarm agent. If alarm agents are made aware of and discuss biases and stigmas, it is less likely they will adversely influence behavior.

c. Real-life scenarios

It is necessary for instructors to discuss “real-life scenarios” so students can be familiarized with real-life situations they will encounter on the job and have an opportunity to critically think about and analyze these situations. Students will have the chance to apply the skill set and information learned in training, ensuring proficiency and effectiveness by putting what they have learned into context.

11. Active shooter situations

This topic is required by BPC section 7598.2(a)(6)(K). This amendment is necessary to provide alarm agents with information regarding their roles and responsibilities in an active shooter situation. For instance, the training would cover not just how to react in this situation, but also what legal and contractual obligations an alarm agent might have on site if an active shooting occurs. Members of the public will be looking to alarm agents for guidance and/or protection to either escape the shooter or mitigate the situation.

a. Recognizing an active shooter situation

Page 4 of the U.S. Department of Homeland Security’s Active Shooter: How to Respond publication states it is important to remember customers and clients are likely to follow the lead of employees and managers during an active shooter situation, further detailing response tactics as: evacuate, hide out and, as a last resort, take action against an active shooter. For instance, students must understand not only how to identify an active shooter situation, but also the roles and responsibilities of an alarm agent. This is because, in an active shooter situation, it is likely that customers and/or clients will be looking to these professionals for guidance and/or protection to either escape the

shooter or mitigate the situation.

b. Roles and responsibilities of an alarm agent

It is necessary for alarm agents to be aware of company policy, contractual obligation, and overall awareness of what needs to occur in the case of an active shooter situation, most importantly contacting the appropriate law enforcement or responding entity. For instance, some companies may want their security to do nothing except call law enforcement, while others may want their security to be more proactive. How an active shooter situation unfolds is an important component to how an alarm agent might react to this threat, and the options available to them to react, which may include shooting the gunman, or shepherding members of the public to a safe space while calling law enforcement.

c. Real-life scenarios

It is necessary for instructors to discuss real-life scenarios so students can be familiarized with real-life situations they will encounter on the job and have an opportunity to critically think about and analyze these situations. Students will have the chance to apply the skill set and information learned in training, ensuring proficiency and effectiveness by putting what they have learned into context.

**Underlying Data**

1. AB 229 (Holden, Chapter 697, Statutes of 2021)
2. Senate Committee on Public Safety Analysis for AB 229 dated July 13, 2021
3. AB 229 Use of Force Regulatory Workshop Agenda and accompanying meeting minutes from November 15, 2021
4. California Commission on Peace Officer Standards and Training, Basic Course Workbook Series, Student Materials, Learning Domain 37, People with Disabilities, Version 6.0
5. California Commission on Peace Officer Standards and Training, Basic Course Workbook Series, Student Materials, Learning Domain 20, Use of Force/De-escalation, Version 5.4
6. California Commission on Peace Officer Standards and Training, Basic Course Workbook Series, Student Materials, Learning Domain 3, Principled Policing in the Community, Version 5.1
7. California Commission on Peace Officer Standards and Training, Basic Course Workbook Series, Student Materials, PC 832 Student Workbook, Volume Four: Use of Force/Deescalation, Version 5.4
8. U.S. Department of Homeland Security, Active Shooter: How to Respond, October 2008



9. AB 2515 (Holden, Chapter 287, Statutes of 2022)
10. Ammunition Purchase Authorization Program Frequent Asked Questions, California Office of the Attorney General
11. N1 Outdoors, Skyrocketing Prices! [Why Is Ammo So Expensive?], April 12, 2022, <https://n1outdoors.com/why-is-ammo-so-expensive/#:~:text=Record%2Dbreaking%20gun%20sales%20and,can%20purchase%20at%20a%20time>
12. Samuel Stebbins, How the Price of Ammunition Has Changed Each Year Since the 1970s, 24/7 Wall St, January 24, 2023, <https://247wallst.com/special-report/2023/01/24/how-the-price-of-ammunition-has-changed-each-year-since-the-1970s/#:~:text=Small%20arms%20ammunition%20prices%20shot,ammunition%20costs%20more%20than%20%2430>
13. BSIS Firearms Permits Qualification Applications by fiscal year (2015-2023)

**Business Impact:**

The Bureau has made the initial determination that the proposed regulations will not have a significant statewide adverse economic impact directly affecting businesses including the inability of California businesses to compete with businesses in other States. The regulations better align the Bureau’s regulations with current law and existing professional standards and practice. As a result, any impacts are a result of current law.

This initial determination is based on the following facts/evidence/documents/testimony or other evidence:

The coursework and training modules outlined in this proposal are currently readily available consistent with POST standards. As a result, businesses opting to provide these courses are anticipated to be able to incorporate them into existing programming without incurring significant start-up costs.

Additionally, the regulations do not require training providers to comply with the regulations. Because providing the training and courses, as specified, is optional, no additional costs are being reported for these entities choosing to provide these courses.

**Economic Impact Assessment:**

The Bureau has determined that this regulatory proposal will have the following effects:

- It will not create or eliminate jobs within the State of California because the training modules currently exist and individuals can already take the required

coursework, as specified.

- It will not affect the expansion of businesses currently doing business within the State of California because the training modules currently exist and individuals can already take the required coursework, as specified.
- This regulatory proposal benefits the health and welfare of California residents because the Bureau has determined that this regulatory adds appropriate use of force topics to the required trainings which will increase the level of training for private security professionals.
- This regulatory proposal benefits worker safety by ensuring modern professional training standards are maintained.
- This regulatory proposal does not affect the state's environment because this proposal does not relate to, nor does it impact the environment.

### **Specific Technologies or Equipment**

This proposal does not require the use of specific technologies or equipment.

### **Consideration of Alternatives**

The Bureau initially determined no reasonable alternative to the regulatory proposal would be either more effective in carrying out the purpose for which the action is proposed or would be as effective or less burdensome to affected private persons and equally effective in achieving the purposes of the regulation in a manner that ensures full compliance with the law being implemented or made specific.

Set forth below are the alternatives which were considered and the reasons each alternative was rejected:

Alternative No. 1: Do not pursue regulations. This is not feasible because the new use of force topics are statutorily mandated by BPC section 7583.7 and BPC section 7598.1.

### **Description of reasonable alternatives to the regulation that would lessen any adverse impact on small business:**

No such alternatives have been proposed, however the Board welcomes comments from the public.