

Notice of Availability of 15-Day Language

Modifications to Text of Proposed Regulations for *Peace Officer Selection Standards*

December 29, 2008

Pursuant to the requirements of Government Code section 11346.8(c), and section 44 of Title 1 of the California Code of Regulations, the Commission on Peace Officer Standards and Training (POST) is providing notice of changes made to the proposed regulation text for peace officer selection standards (Regulation Sections 9050-9055), which was originally published on February 22, 2008. The original notice documents are available at <http://www.post.ca.gov/RegulationNotices/RegulationNotices.asp>.

The proposed regulations were the subject of a public hearing scheduled in conjunction with the April 2008 Commission meeting. Public comment was received, and the Commission made a decision to defer the approval of the proposed regulations until additional stakeholders could be convened to discuss the selection standards for reinstated peace officers. Stakeholder meetings were held and Regulation 9050 was modified as a result. Further modifications to Regulations 9051, 9053, 9054, and 9055 are sufficiently related to the initial 45-day notice and the public hearing, or are pursuant to new legislation, specifically Government Code sections 1031(e) and (new) 1031.2, which become effective January 1, 2009.

The changes are as follows:

Regulation 9050(b) – This section has been modified to clarify that all peace officer candidates are subject to these regulations. Removes reference to reappointed officers – officers who voluntarily leave, then return to the agency – as there was confusion between those individuals and officers who are reinstated to their positions.

Regulation 9050(c) – This section has been modified to provide clarity as to who is exempt from these selection requirements. In particular, and pursuant to input from stakeholders, language regarding reinstated officers – officers who involuntarily leave a department and subsequently ordered to return – has been added.

Regulation 9050(d) – This section removes the parenthetical reference to specific examples of additional assessments, out of concern that the examples provided would be misinterpreted as exhaustive.

Regulation 9051(a)(1) – This section has been modified to provide additional clarification regarding the reading and writing assessment requirements; specifically that the assessment must meet professional standards with respect to its development and validation. The term “job-related” has been deleted to remove any implication that the content of the test must contain peace officer-specific terminology.

Regulation 9053(c) – This section has been modified to accurately reflect the proper form date.

Regulation 9053(d) – This section has been modified to reflect the addition of Government Code Section 1031.2 (effective January 1, 2009) which explicitly sanctions the conduct of substantial portions of the peace officer background investigation after a conditional offer of employment.

Regulation 9053(e)(1) – This section has been modified by removing “U.S. passport” as proof of U.S. citizenship. A U.S. national (e.g., an individual from a U.S. territory) can have a U.S. passport, but not be a U.S. citizen.

Regulation 9053(e)(5) – This section has been modified to reflect the changes to Government Code section 1031(e) (effective January 1, 2009) which broadens the criteria for the educational requirements for peace officers.

Regulation 9053(f)(1)(A)(1) – This section has been modified as some language is unnecessarily redundant. Peace officers cannot be reappointed if they haven’t separated from the agency.

Regulation 9053(f)(2)(C) – This section has been modified for clarity.

Regulation 9054(b), (d), and (e); and 9055(b), (c), (d) and (e) – These sections have been modified for readability and clarity.

POST will accept written comments regarding the proposed changes that are the topic of this 15-day notice between December 29, 2008 and January 15, 2009 at 5:00 p.m., inclusive. Submit all written comments to Melani Singley via FAX at (916) 227-0476, by email to melani.singley@post.ca.gov, or via U.S. mail to:

Melani Singley, Associate Analyst
Commission on Peace Officer Standards and Training
1601 Alhambra Boulevard
Sacramento, CA 95816-7083

Shelley Spilberg is the back-up contact for this notice, as well as the person to receive inquiries concerning the substance of the proposed modifications. Shelley is available by email at sspilberg@post.ca.gov or by telephone at (916) 227-4824.

All written comments received by **5:00 p.m. on January 15, 2009**, which pertain to the indicated changes will be reviewed and responded to by POST as part of the compilation of the rulemaking file. Please limit your comments to the modifications of the text.

Attachment

Commission on Peace Officer Standards and Training

TITLE 11, CALIFORNIA CODE OF REGULATIONS
ADOPT SECTIONS 9050-9055 REGARDING PEACE OFFICER SELECTION STANDARDS

Text proposed to be added for the 45-day comment period is displayed in underline type.

Text proposed to be added for the 15-day comment period is displayed in double underline type.

Text proposed to be deleted for the 15-day comment period is displayed in ~~double-strikeout~~ type.

Commission on Peace Officer Standards and Training

Regulation 9050 Peace Officer Selection Requirements

§ 9050 (a) The purpose of these regulations is to implement the minimum peace officer selection standards set forth in California Government Code Section 1031 and as authorized by California Penal Code Section 13510. Peace officer training requirements are addressed separately in Commission Regulations 1005 and 1007.

(1) Every POST-participating department and/or agency (hereinafter referred to as "department") shall ensure that every "peace officer candidate," as defined in subsection 9050(b), satisfies all minimum selection requirements specified in the following regulations unless waived by the Commission:

- Reading and Writing Ability Assessment (Regulation 9051)
- Oral Interview (Regulation 9052)
- Background Investigation (Regulation 9053)
- Medical Evaluation (Regulation 9054)
- Psychological Evaluation (Regulation 9055)

(2) All requirements specified in these regulations shall be satisfied **prior to the date of employment**. For purposes of these regulations, "date of employment" is defined as date of appointment as a peace officer or, at the department's discretion, the date the candidate is hired as a peace officer trainee and enrolled in a POST-certified Basic Course.

§ 9050 (b) Peace Officer Candidate Definition

For purposes of ~~the~~ these regulations, a "peace officer candidate" is any individual, regardless of rank or Penal Code classification, who:

~~(1) Applies for a peace officer position with a POST-participating department, regardless of the individual's prior law enforcement experience, or~~

~~(2) Is being reappointed as a peace officer after a separation from the same POST-participating department. A separation occurs upon the department's submittal to POST of a Notice of Appointment/Termination (NOAT) indicating that the individual has been terminated; conversely, a reappointment occurs upon the department's submittal to POST of an NOAT indicating a new appointment.~~

~~(3) Applies for a peace officer position with either at that department or at a different POST-participating department within the same city, county, state or district.~~

§ 9050 (c) Exceptions

For purposes of these regulations, peace officers described in this section are not considered "candidates" and are therefore exempted from Regulations 9051-9055.

(1) The department has sole responsibility for determining what if any assessments are necessary for the discretion to impose any or all of these selection requirements for a peace officer who:

~~(a) Changes peace officer classifications, such as from reserve officer to regular officer, within the same POST-participating department if:~~

~~1. Documentation is available for inspection verifying that all current minimum selection requirements were previously met, and~~

~~2. The peace officer has worked continuously for the department since the time of initial appointment, or~~

~~(b) B. Is employed by a department that, through reorganization, is absorbed by merged with another department within the same city, county, state or district, if documentation is available for inspection verifying that the candidate officer was hired in accordance with the POST requirements in effect at the time of hire.~~

~~(2) For a peace officer who has been mandatorily reinstated, the department shall:~~

~~A. Report the reinstatement to POST through the submittal of a "Notice of Appointment/Termination" form 2-114, indicating a correction to record, along with a copy of the official reinstatement documentation [Commission Regulation 9040(b)(2)];~~

~~B. Resubmit the officer's fingerprints to the California Department of Justice (DOJ) and the Federal Bureau of Investigation (FBI) to verify legal eligibility for a peace officer position (California Government Code Section 1029 and 1030) and to determine eligibility to possess a firearm [Penal Code Section 12021(c) and U.S. Code Title 18 § 922(d)(9)]. Fingerprints do not need to be resubmitted if the officer was never removed from the department's peace officer files of the DOJ or FBI;~~

~~C. Obtain evidence of U.S. citizenship if the officer was not a United States citizen at the date of initial appointment and three or more years has elapsed since that date of appointment (California Government Code Section 1031.5);~~

~~D. Perform a records check of the California Department of Motor Vehicles (California Vehicle Code Section 12500).~~

~~(23) Peace officers who are publicly elected peace officers rather than appointed by the department (e.g., sheriffs, county marshals) are not subject to POST selection requirements.~~

§ 9050 (d) Adoption of Additional Requirements and/or Higher Standards

The requirements described herein serve as minimum selection requirements. Per [Government Code Section 1031\(g\) and Penal Code Section 13510\(d\)](#), the adoption of more rigorous requirements, higher standards, additional assessments (e.g., a physical ability test, detection of deception examination) or more in-depth evaluations than those stated in these regulations is at the discretion of the employing department.

Regulation 9051 Peace Officer Reading and Writing Ability Assessment

§ 9051 (a) Every peace officer candidate shall be able to read and write at the levels necessary to perform the job of a peace officer. Satisfactory completion of this requirement may occur at any time prior to date of employment. Reading and writing ability shall be demonstrated by one of the following:

(1) Completion of the [POST Entry-Level Law Enforcement Test Battery](#) or other professionally developed and validated job-related test of reading and writing ability. Tests can be administered by either the department or another entity, with a score deemed acceptable by the department.

(2) Proof of successful completion of the Regular Basic Course or the Specialized Investigators' Basic Course.

(3) Proof of possession of a Basic Course Waiver.

§ 9051 (b) A department that uses the POST Entry-Level Law Enforcement Test Battery must have a current Test Use and Security Agreement, herein incorporated by reference, on file with POST.

Regulation 9052 Peace Officer Oral Interview

§ 9052 (a) Every peace officer candidate shall participate in an oral interview to determine suitability to perform the duties of a peace officer. The interview shall take place prior to making a conditional offer of employment.

§ 9052 (b) The interview shall be conducted by the department head, one or more representatives of the department, the appointing authority or designee, or an oral panel consisting of at least one department employee.

§ 9052 (c) The POST documentⁱ, [Interviewing Peace Officer Candidates: Hiring Interview Guidelines \(2003\)](#), provides assistance in conducting the oral interview. The use of the manual is discretionary; however, oral interviews shall address, at a minimum, the six POST Interview Factors described in the manual (i.e., Experience, Problem Solving Ability, Communication Skills, Interest/Motivation, Interpersonal Skills, and Community Involvement/Awareness).

Regulation 9053 Peace Officer Background Investigation

§ 9053 (a) Government Code Mandate

Every peace officer candidate shall be the subject of a thorough background investigation to verify good moral character and the absence of past behavior indicative of unsuitability to perform the duties of a peace officer [[Government Code § 1031\(d\)](#)].

§ 9053 (b) Background Investigation Evaluation Criteria

The POST document, [Background Investigation Manual: Guidelines for the Investigator \(2006\)](#) provides assistance in conducting background investigations. The use of the manual is discretionary; however, the POST Background Investigation Dimensions described in the manual (i.e., Integrity, Impulse Control/Attention to Safety, Substance Abuse and Other Risk-Taking Behavior, Stress Tolerance, Confronting and Overcoming Problems, Obstacles, and Adversity, Conscientiousness, Interpersonal Skills, Decision-Making and Judgment, Learning Ability, and Communication Skills) shall be considered in the conduct of every peace officer background investigation.

§ 9053 (c) Personal History Statements

Every peace officer candidate shall complete, sign, and date a [Personal History Statement – Peace Officer, POST 2-251 \(rev. 0208/06\)](#), or an alternative form at the beginning of the background investigation. If using an alternative personal history statement, it shall include inquiries related to the following areas of investigation: personal identifying information, relatives and references contact information, education history, residence history, experience and employment history, military history, financial history, legal history, driving history, and other topics related to moral character.

§ 9053 (d) Collection of Background Information: Pre and Post Conditional Offer of Employment-(COE).

(1) ~~Pre Offer.~~ The background investigation shall be conducted prior to a conditional offer of employment, except as noted in 9053(d)(2) below. ~~At the pre offer stage, no inquiries shall be made that are deemed medical or otherwise prohibited by the federal Americans with Disabilities Act (ADA) or the California Fair Employment and Housing Act (FEHA).~~ Nonmedical or nonpsychological background information may be

collected after a conditional offer of employment (COE) is issued if it could not have reasonably been collected prior to the COE (Government Code Section 1031.2). This may include:

(A) official documents that cannot be obtained and evaluated in a timely manner during the pre-offer period, and

(B) information derived from contacts and interviews with references. ~~Any such information volunteered by or about the candidate prior to a COE should be forwarded to those conducting the medical and/or psychological evaluation as, and when, appropriate.~~

(2) ~~Post Offer~~ Background information that cannot be legally or practicably obtained prior to a COE may be acquired and evaluated after a COE has been made to determine candidate suitability. At the post-offer stage, background investigators, examining physicians, examining psychologists, and others involved in the hiring decision shall work cooperatively to ensure that each has the information necessary to conduct their respective investigations and/or assessments of the candidate.

§ 9053 (e) Areas of Investigation

(1) Citizenship Verification

A. Every peace officer candidate, except those applying to the California Highway Patrol, shall be either a United States citizen or a permanent resident alien who is eligible for and has applied for citizenship on or within three years before the date of appointment as a peace officer ([Government Code § 1031\(a\) and 1031.5](#)).

B. Every peace officer candidate for the California Highway Patrol shall be a United States citizen at time of appointment as a peace officer ([Vehicle Code § 2267](#)).

C. Proof of U.S. citizenship shall consist of an official government-issued birth certificate, naturalization documentation, ~~U.S. passport~~, or other citizenship documentation deemed acceptable by POST. The document shall be an original, a certified copy, or a copy that includes a notation by the investigator that the original or certified copy was reviewed.

(2) Age Verification

A. Every peace officer candidate shall be minimally 18 years of age on or before the date of appointment as a peace officer.

B. Proof of age shall be satisfied by any document accepted for citizenship.

(3) Criminal Record Checks - Local, State, and National

Every peace officer candidate shall be the subject of a criminal record search at the local, state, and national levels to determine legal eligibility for peace officer employment [[Government Code § 1029\(a\)\(1\), 1030 and 1031\(c\)](#)], eligibility to carry a firearm [[Penal Code § 12021\(c\); U.S. Code Title 18, § 922\(d\)\(9\)](#)], and to assess moral character [[Government Code § 1031\(d\)](#)].

(A) **Local searches** shall include inquiries with local law enforcement departments where the candidate has lived, worked, attended school, or frequently visited.

Proof of local searches shall be documented by a letter or other written documentation from each department contacted. If a contacted department does not provide written documentation, the request for information shall be noted.

- (B) A **state search** shall include forwarding the candidate's fingerprints to the California Department of Justice (DOJ) to establish the candidate's legal eligibility for employment ([Government Code § 1029](#)) and eligibility to possess a firearm [[Penal Code § 12021\(c\)](#); [U.S. Code Title 18 § 922\(d\)\(9\)](#)].

Proof of a state search shall be documentation issued by the DOJ consisting of an official clearance return and an authorization to possess and carry firearms. The authorization shall be relevant to the peace officer position and shall have been generated no more than one year prior to the date of employment.

- (C) A **national search** shall include forwarding the candidate's fingerprints to the Federal Bureau of Investigation (FBI).

Proof of a national search shall consist of an official clearance from the FBI. The clearance shall be relevant to the peace officer position and shall have been generated no more than one year prior to the date of employment.

(4) Driving Record Check

- (A) Every peace officer candidate's driving history, if any, shall be checked to assess behaviors consistent with the safe and appropriate operation of a motor vehicle and adherence to the law.

- (B) Proof of the driving history check shall consist of a written driving record history from the Department of Motor Vehicles or other official driving record. The record shall be dated no more than one year prior to the date of employment.

(5) Education Verification

- (A) Every peace officer candidate shall meet one of the following minimum education requirements pursuant to [Government Code § 1031\(e\)](#):

1. Be a ~~h~~High school graduate of one of the following:

- a. A U.S. public ~~high school that has met the standards of the state in which it is located,~~ or
- b. An accredited U.S. Department of Defense ~~H~~igh ~~S~~chool, or
- c. An ~~non-public high school-~~accredited or approved public or nonpublic high school by an ~~association recognized by the Secretary of the United States Department of Education.~~

2. Passage of the General Education Development (GED) test indicating high school graduation level,

3. Passage of the California High School Proficiency Examination, or

4. ~~Graduate possessing~~Have attained a degree from a two-year, or four-year, or advanced degree from an accredited college or university ~~accredited by an association recognized by the Secretary of the United States Department of Education.~~

Any accreditation or approval shall be from a state or local government educational agency using local or state government approved accreditation, licensing, registration, or other approval standards, a regional accrediting association holding full membership in the National Council for Private School Accreditation (NCPSA), an organization holding full membership in the Commission on International and Trans-Regional Accreditation (CITA), an organization holding full membership in the Council for American Private Education (CAPE), or an accrediting association recognized by the National Federation of Nonpublic School State Accrediting Associations (NFNSSAA).

(B) Proof shall consist of an official transcript or other means of verifying satisfactory completion of educational requirements deemed acceptable by POST. The document shall be an original, a certified copy, or a copy that includes a notation by the investigator that the original or certified copy was reviewed.

(6) Employment History Checks

(A) Every peace officer candidate shall be the subject of employment history checks through contacts with all past and current employers over a period of at least ten years, as listed on the Personal History Statement.

(B) Proof of the employment history check shall be documented by a written account of the information provided and source of that information for each place of employment contacted. All information requests shall be documented.

(7) Relatives/Personal References Checks

(A) Every peace officer candidate shall be the subject of reference checks through contacts and interviews with relatives, including former spouses, and personal references listed on the Personal History Statement. Additional references, provided by the initial contacts, shall also be contacted and interviewed to determine whether the applicant has exhibited behavior incompatible with the position sought. Sufficient information shall be collected and reviewed to determine candidate suitability.

(B) Proof of reference checks shall be documented by written information showing that relatives and personal references identified by the candidate were interviewed. Documentation shall include the identity of each individual contacted, the contact's relationship to the candidate, and an account of the information provided by the contact. All requests for information shall be documented.

(8) Dissolution of Marriage Check

(A) Every peace officer candidate who indicates one or more marriage dissolutions on the Personal History Statement shall have his/her court issued dissolution documents and legal separation decrees reviewed as an indication of personal integrity, financial responsibility, and other relevant aspects of candidate suitability.

(B) Proof of the dissolution/separation of marriage check shall be documented by a copy of all final court-issued dissolution documents and legal separation decrees.

(9) Neighborhood Checks

- (A) Every peace officer candidate shall be the subject of contacts and interviews with current and, where practicable, previous neighbors to determine whether the candidate has exhibited behavior incompatible with the position sought.
- (B) Proof of neighborhood checks shall be documented by written information showing the identity of each neighbor contacted, the neighbor's relationship to the candidate, and an account of the information provided by the individual. All requests for information shall be documented.

(10) Military History Check

- (A) When applicable, a candidate shall be required to present proof of selective service registration or military service records.
- (B) Proof of a military history check shall consist of written verification of selective service registration, except women or any man born between 4/15/1957 and 12/31/1959, or, for any candidate who indicates military history on the Personal History Statement, an official copy of their DD-214 long form or equivalent documentation of foreign military service, if available.

(11) Credit Records Check

- (A) Every peace officer candidate shall be the subject of a credit record search with a bona fide credit reporting agency (e.g., Experian, TransUnion, Equifax) to determine the candidate's credit standing with lenders, as an indication of the candidate's dependability and integrity.
- (B) Proof of a credit record check shall be documented by an official credit report returned by one of the bona fide credit reporting agencies. The report shall have been created no more than one year prior to the date of employment.

§ 9053 (f) Background Investigation Updates

(1) Eligibility

- (A) If a peace officer candidate was initially investigated in accordance with all current requirements and the results are available for review, a background investigation update, as opposed to a complete new background investigation, may be conducted for either of the following circumstances:
 1. The peace officer candidate is being reappointed ~~after a separation from~~ to the same POST-participating department, or
 2. The peace officer candidate is transferring, without a separation, to a different department; however, the new department is within the same city, county, state or district that maintains a centralized personnel and background investigation support division.

(2) Update Requirements

- (A) A new Personal History Statement ~~(or alternative form)~~ [Regulation 9053(c)] with updated information covering the period from the last Personal History Statement to the current date shall be completed by the peace officer candidate.
- (B) The department shall conduct investigations of all new information reported by the candidate on the new Personal History Statement.

1. For candidates reappointed to the same department per Regulation 9053(f)(1)(A)(1), the new background investigation shall cover the period since the candidate separated from the department.
 2. For candidates transferring, without a separation, to a different department within the same city, county or district per Regulation 9053(f)(1)(A)(2), the new background investigation shall cover the period since the date the previous background investigation was completed.
- (C) Any area of investigation for which there is updated information shall be addressed in the updated background investigation. This shall minimally include a new: 1) Local Criminal Record Check, 2) State and National Criminal Check, unless there is written attestation that the candidate was never removed from the department's peace officer files or those of the DOJ or the FBI, 3) Driving Record Check, and 4) Credit Record Check.
- (D) Updated background investigation documentation shall be maintained with the initial background investigation documents.
- (E) If the original background investigation was conducted within one year from the date of reappointment, it is not necessary to update criminal record checks, driving record check, or credit check.

§ 9053 (g) Documentation and Reporting

- (1) **Background Narrative Report.** The background investigator shall summarize the background investigation results in a narrative report that includes sufficient information for the reviewing authority to extend, as appropriate, a conditional offer of employment. The report, along with all supporting documentation obtained during the course of the background investigation, shall be included in the candidate's background investigation file. The supporting documents shall be originals or true, current and accurate copies as attested to by the background investigator. The background investigation file shall be made available during POST compliance inspections.
- (2) **Retention.** The background narrative report and supporting documentation shall be retained in the individual's background investigation file for as long as the individual remains in the department's employ. Additional record retention requirements are described in [Government Code § 12946](#).
- (3) **Information Access.** The information shall be shared with others involved in the hiring process, such as the screening physicians and psychologists, if it is relevant to their respective evaluations. There is a duty and/or legal obligation to furnish this information to those conducting background investigations of peace officer candidates on behalf of other law enforcement departments except as specifically provided by statute (GC 1031.1, GC 6250, LC 1050, LC 1054, O'Shea v. General Telephone Co. 193 Cal. App 3d 1040). This information shall only be utilized for investigative leads and the information shall be independently verified by the prospective department to determine the suitability of the peace officer candidate.

Regulation 9054 Peace Officer Medical Evaluation

§ 9054 (a) Government Code Mandate/Evaluator Requirements

Every peace officer candidate shall be evaluated by a licensed physician and surgeon to determine if the candidate is free from any physical (i.e., medical) condition that might adversely affect the ability to exercise peace officer powers [[Government Code § 1031\(f\)](#)]. The physician shall act as an agent of the employer and conduct the evaluation on behalf of and for the benefit of the employing department.

§ 9054 (b) Timing of the Medical Evaluation

The medical evaluation shall commence only after the department has extended a conditional offer of employment to the peace officer candidate. The medical evaluation must be completed within one year prior to date of employment. A candidate reappointed to the same department after a separation must undergo a new medical evaluation, unless the previous evaluation occurred within one year prior to the date of reappointment. A new medical evaluation shall be conducted on peace officer candidates reappointed to the same department, unless the prior evaluation occurred within one year of the date of reappointment.

§ 9054 (c) Medical Screening Procedures and Evaluation Criteria

The medical screening procedures and evaluation criteria used in the conduct of the medical evaluation shall be based on the peace officer duties, powers, demands, and working conditions as defined by the department. This information shall be provided to the physician, along with any other information (e.g., risk management considerations) that will allow the physician to make a medical suitability determination. The POST [Medical Screening Manual for California Law Enforcement \(2004\)](#) provides medical examination and evaluation protocols that are based on patrol officer job demands and working conditions. These protocols may be adopted or adapted for use by the department, if and as appropriate. However, the use of the manual is discretionary.

§ 9054 (d) Required Sources of Information for the Medical Evaluation

The ~~department shall ensure that the~~ medical evaluation shall include a review by the screening physician of the following sources of information prior to making a determination about the candidate's medical suitability.

- (1) **Job Information.** Job information shall consist of the peace officer duties, powers, demands, and working conditions provided by the department per Regulation 9054(c).
- (2) **Medical History Statement.** Prior to the medical evaluation, every peace officer candidate shall complete, sign and date a medical history statement. The POST [Medical History Statement – Peace Officer, POST 2-252 \(rev. 02/04/08\)](#) can be used for this purpose, or an alternative form that includes inquiries about past and current medical conditions and procedures, physical symptoms, limitations, restrictions, and the use of medications and drugs.
- (3) **Medical Records.** Medical records shall be obtained from the candidate's treating physician or other relevant health professional, if ~~clinically indicated, warranted and practicable~~ obtainable. This information may be provided ~~directly to the screening physician~~ by the candidate or, with written authorization from the candidate ([Civil Code § 56.20](#)), may be obtained directly from the health professional.

§ 9054 (e) Medical Evaluation Report

- (1) The evaluating physician shall submit a medical evaluation report to the department that shall include the following information:
 - (A) The ~~evaluating~~ physician's contact information and medical license number,
 - (B) The candidate's name,
 - (C) The date the evaluation was completed, and

- (D) A statement, signed by the physician, affirming that the candidate was evaluated in accordance with Commission Regulation 9054. The statement shall include a determination of the candidate's medical suitability for exercising the powers of a peace officer.
- (2) The department shall maintain the medical evaluation report in the candidate's background investigation file; the report shall be available to POST during compliance inspections.
- (3) Any additional information reported by the physician to the department shall be limited to that which is necessary and appropriate, such as the candidate's job-relevant functional limitations, reasonable accommodation requirements, and potential risks posed by detected medical conditions. All information deemed medical in nature shall be maintained as a confidential medical record, separate from the background investigation file.
- (4) The POST [Medical Examination Report – Peace Officer, POST 2-253 \(rev. 02/04/08\)](#) is available for use in reporting this information; however, its use is discretionary.
- (5) Information from the medical evaluation may be provided to others involved in the hiring process, if it is relevant to their respective determinations of candidate suitability.

§ 9054 (f) Second Opinions

A candidate who is found medically unsuitable has the right to submit an independent evaluation for consideration before a final determination of disqualification is made [[2 CCR § 7294.0\(d\)\(2\)](#)]. When a candidate notifies the department that s/he is seeking an independent opinion, the department shall make available the peace officer duties, powers, demands, and working conditions and the medical screening requirements specified in Commission Regulation 9054. Other information, such as specific procedures or findings from the initial evaluation, may be shared with the second-opinion evaluator at the discretion of the department. The means for resolving discrepancies in evaluations is at the discretion of the department, consistent with local personnel policies and/or rules.

Regulation 9055 Peace Officer Psychological Evaluation

§ 9055 (a) Government Code Mandate/Evaluator Requirements

Every peace officer candidate shall be evaluated to determine if the candidate is free from any emotional or mental condition that might adversely affect the exercise of the powers of a peace officer [[Government Code § 1031\(f\)](#)], and to otherwise ensure that the candidate is capable of withstanding the psychological demands of the position.

- (1) The psychological evaluation shall be conducted by either of the following:
- (A) A physician and surgeon who holds a valid California license to practice medicine, has successfully completed a postgraduate medical residency education program in psychiatry accredited by the Accreditation Council for Graduate Medical Education, and has at least the equivalent of five full-time years of experience in the diagnosis and treatment of emotional and mental disorders, including the equivalent of three full-time years accrued after completion of the psychiatric residency program.
- (B) A psychologist licensed by the California Board of Psychology who has at least the equivalent of five full-time years of experience in the diagnosis and treatment of emotional and mental disorders, including the equivalent of three full-time years accrued post-doctorate.

- (2) The evaluator shall be in compliance with any current POST education and training requirements developed for the conduct of pre-employment psychological screening of peace officers. Evaluators shall also be familiar with the research literature available on pre-employment psychological screening of peace officers, and with state and federal fair employment statutes relevant to this area of practice.
- (3) The evaluator shall act as an agent of the employer and conduct the examination on behalf of and for the benefit of the employing department.

§ 9055 (b) Timing of the Psychological Evaluation

The psychological evaluation shall commence only after a conditional offer of employment has been extended to the peace officer candidate. The psychological evaluation must be completed within one year prior to date of employment. ~~A candidate reappointed to the same department after a separation must undergo a new psychological evaluation, unless the previous evaluation occurred within one year of the date of reappointment.~~ A new psychological evaluation shall be conducted on peace officer candidates returning to the same department, unless the prior evaluation occurred within one year of the date of reappointment.

§ 9055 (c) Psychological Screening Procedures and Evaluation Criteria

- (1) The psychological screening procedures and evaluation criteria used in the conduct of the psychological evaluation shall be based on the peace officer duties, powers, demands, and working conditions as defined by the department. This information shall be provided to the evaluator, along with any other information (e.g., risk management consideration) that will allow the evaluator to make a psychological suitability determination.
- (2) Every peace officer candidate shall be evaluated, at a minimum, against job-related psychological constructs as defined in the POST [Peace Officer Psychological Screening Dimensions \(2005\)](#)ⁱⁱ (i.e., Social Competence, Teamwork, Adaptability/Flexibility, Conscientiousness/Dependability, Impulse Control, Integrity/Ethics, Emotional Regulation/Stress Tolerance, Decision Making/Judgment, Assertiveness/Persuasiveness, and Avoiding Substance Abuse and Other Risk-Taking Behavior).

§ 9055 (d) Required Sources of Information for the Psychological Evaluation

The department shall ensure that the psychological evaluation includes a review by the evaluator of the following sources of information prior to making a determination about the candidate's psychological suitability.

- (1) **Job Information.** Job information shall consist of the peace officer duties, powers, demands, and working conditions provided by the department per Regulation 9055(c).
- (2) **Written Assessments.** Written assessments shall consist of a minimum of two written, objective psychological instruments ~~inventories administered to assess the candidate's psychological suitability as a peace officer. At least one~~ One of these instruments shall be designed and validated to identify patterns of abnormal behavior; the other instrument shall be designed and validated to assess normal ~~and/or abnormal~~ behavior. Both instruments shall have documented evidence of their relevance for evaluating peace officer suitability. Together, the instruments shall provide information about each candidate related to: (1) freedom from emotional and/or mental conditions that might adversely affect the exercise of the powers of a peace officer, and (2) psychological suitability per the POST Psychological Screening Dimensions [Regulation 9055(c)(2)].

The psychological assessments shall be interpreted using appropriate, authorized test publisher scoring keys. If mail-order, internet-based, or computerized test interpretations are used, the evaluator shall verify and interpret the individual results.

- (3) **Personal History Information.** Personal history information includes the candidate's relevant work, life and developmental history based on information collected during the background investigation and/or from responses on a personal history questionnaire collected as part of the psychological evaluation.
- (4) **Clinical Psychological Interview.** A clinical psychological interview shall be administered to each peace officer candidate subsequent to a review and evaluation of the results of the written assessments [Regulation 9055(d)(2)] and the candidate's personal history information [Regulation 9055(d)(3)]. Sufficient interview time shall be allotted to address all issues arising from the reviewed information and other issues that may arise during the interview.
- (5) **Psychological Records.** Psychological records and relevant medical records shall be obtained from the candidate's treating mental health professional, if clinically indicated, warranted and practicable obtainable. This information may be provided directly to the evaluator by the candidate, or, with written authorization from the candidate (Civil Code § 56.20), may be obtained directly from the mental health professional.

§ 9055 (e) Psychological Evaluation Report

- (1) Data from all sources of information shall be considered; the evaluator's determination shall not be based on one single data source unless clinically justified.
- (2) The evaluator shall submit a psychological evaluation report to the department that shall include the following information:
 - (A) The responsible evaluator's contact information and professional license number.
 - (B) The name of the candidate.
 - (C) The date the evaluation was completed, and
 - (D) A statement, signed by the evaluator, affirming that the candidate was evaluated in accordance with Commission Regulation 9055. The statement shall include a determination of the candidate's psychological suitability for exercising the powers of a peace officer.
- (3) The department shall maintain the psychological evaluation report in the candidate's background investigation file; the report shall be available to POST during compliance inspections.
- (4) Any additional information reported by the evaluator to the department shall be limited to that which is necessary and appropriate, such as the candidate's job-relevant functional limitations, reasonable accommodation requirements, and the nature and seriousness of the potential risks posed by the candidate. All information deemed medical in nature shall be maintained as a confidential record, separate from the background investigation file.
- (5) Information from the psychological evaluation may be provided to others involved in the hiring process, if it is relevant to their respective determinations of candidate suitability.

§ 9055 (f) Second Opinions

A candidate who is found psychologically unsuitable has the right to submit an independent evaluation for consideration before a final determination of disqualification is made [2 CCR § 7294.0(d)(2)]. When a candidate notifies the department that s/he is seeking an independent opinion, the department shall make available the peace officer duties, powers, demands, and working conditions and the requirements specified in Commission Regulation 9055. Other information, such as specific procedures or findings from the initial evaluation, may be shared with the second-opinion evaluator at the discretion of the department. The means for resolving discrepancies in evaluations is at the discretion of the department, consistent with local personnel policies and/or rules.

ⁱ All POST documents and forms mentioned in these requirements are available on the POST website (www.post.ca.gov).

ⁱⁱ The [Peace Officer Psychological Screening Dimensions \(2005\)](http://www.post.ca.gov/selection/psy-dimensions.asp) are available on the POST website at <http://www.post.ca.gov/selection/psy-dimensions.asp>.