

# INITIAL STATEMENT OF REASONS

## Peace Officer Psychological Evaluation

### Regulation 1955

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At its October 25, 2012 meeting, the Commission approved proposed amendments to the POST Administrative Manual (PAM), Section C – Regulation 1955 (formerly 9055): Peace Officer Psychological Evaluation to add a continuing professional education (CPE) requirement for those who conduct these evaluations. POST is proposing that Regulation 1955 be amended to require psychological screening evaluators to complete a minimum of 12 hours of POST-approved continuing professional education (CPE) biennially.

#### Justification for Proposed Revisions

Government Code section 1031(f) and Regulation 1955 currently stipulate that those who conduct peace officer psychological screening evaluations be either:

- “(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. (or)*
- (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.”*

Per GC 1031(f), evaluators must also meet “any applicable education and training procedures set forth by the California Commission on Peace Officer Standards and Training designed for the conduct of pre-employment screening of peace officers.” However, to date, POST has not had explicit education and training requirements for pre-employment peace officer psychological screening evaluators. The proposed amendment will require evaluators to obtain a minimum of 12 hours of continuing professional education in areas specific to peace officer pre-employment psychological screening.

Psychologists are required to obtain 36 hours of Board of Psychology (BOP) approved continuing education (CE) biennially to maintain their professional license. The proposed regulation would require psychologists who are performing pre-employment psychological evaluations of peace officers to dedicate 12 of their 36 hours to education and training that is specific to pre-employment screening. To be approved by POST, a CE course must meet two criteria: (1) have been recognized as meeting the requirements of the California Board of Psychology; and (2) be of direct relevance to peace officer pre-employment evaluations as determined by a POST review committee. The committee will base its determination on the extent to which the course addresses one or more of the POST Peace Officer Psychological Evaluator Competencies.

#### REGULATION 1955 (a)

##### 1955(a) Government Code Mandate/Evaluator Requirements

[1955(a)(1) ... continued]

- (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 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.~~ The psychological evaluator (hereinafter referred to as “evaluator”) shall be competent in the conduct of preemployment psychological screening of peace officers. The required areas of competence, as defined in the POST Peace Officer Psychological Evaluator Competencies (Competencies), are herein incorporated by reference.

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*[Deleted language no longer necessary, in light of the new requirements. Language is added to establish a set of core competencies to be used in both defining the evaluator's capabilities and criteria for determining course relevance to the pre-employment psychological screening of peace officers.]*

- (3) The evaluator must complete a minimum of 12 hours biennially of POST-approved continuing professional education per Commission Regulation 1955(b).

*[New language added to establish the education and training requirements for evaluators in compliance with Government Code section 1031(f).]*

- (4) The evaluator shall conduct the examination on behalf of and for the benefit of the employing department.

#### **1955(b) Continuing Professional Education (CPE)**

##### (1) CPE Course Requirement

POST approval will be granted to CPE courses that:

- (A) Have been determined by POST to have direct relevance and applicability to preemployment psychological assessment, by providing instruction and training in one or more of the Competencies [Regulation 1955(a)(2)], and
- (B) Are recognized and accepted by the California Board of Psychology for continuing education credit [16 CCR section 1397.61(c)(1)].

*[New language clarifies that the approval of courses will be contingent upon their relevance to pre-employment psychological screening of peace officers. Course quality will be assured by requiring courses to have been accepted for CE credit by the California Board of Psychology.]*

##### (2) CPE Course Approval

POST approval shall be granted to courses that meet the requirements outlined in 1955(b)(1). To be considered for POST approval, a course approval request must be submitted to POST via the electronic CPE Tracking System. The request may be submitted by a course instructor, provider, sponsor, law enforcement agency, or an individual who has taken or is considering taking a course.

Requests for POST approval must include the following information:

- (A) Course provider
- (B) Course instructor
- (C) Course title and description
- (D) Approving association
- (E) Course topics and hourly distribution
- (F) Learning objectives
- (G) Method(s) of instruction (e.g., workshop, webinar, independent learning)

A list of POST-approved CPE courses are maintained on the POST website ([www.post.ca.gov](http://www.post.ca.gov)).

*[New language specifies the information required for POST review and approval of continuing professional education (CPE) courses.]*

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#### (3) Evaluator CPE Requirement

(A) The evaluator must complete 12 hours of POST-approved instruction over a two-year period, which shall run concurrently with the evaluator's two-year license renewal cycle. The POST CPE requirement must be met no later than the evaluator's license renewal date. Additional CPE hours above the 12 hour minimum do not count toward the next two-year cycle.

(B) Prior to May 1, 2014, all evaluators must complete a minimum of six (6) hours of CPE. The POST-approved CPE must have been completed between May 1, 2012 and April 30, 2014.

After May 1, 2014, the 12-hour two-year CPE requirement will begin. CPE hours will be prorated at .5 hours per month, based on the evaluator's license renewal cycle. For example, if the evaluator's license renewal date is October 31, 2014, by that date the evaluator must complete .5 hours of CPE for each of the six months that elapsed since May 1, 2014 (i.e., 3 hours). Thereafter, the evaluator must meet the regular 12 hours of CPE for every two-year cycle per Regulation 1955(a)(3).

(C) The evaluator may satisfy no more than 75% (up to 9 hours) of the POST CPE requirement through independent learning that meets Regulation 1955(b)(1). Independent learning includes, but is not limited to, courses delivered via the Internet, CD-ROM, satellite downlink, correspondence, and home study.

***[This new language clarifies the specific number of continuing professional education (CPE) hours required, and the time period during which these hours need to be accrued. This time period is individualized to coincide with the evaluator's BOP license renewal cycle. The proposed requirement includes an initial "break in" period and a proration of hours subsequent to that break- in period. The limit on the number of independent learning courses that can be taken to meet this requirement parallel's requirements of the California Board of Psychology.]***

#### (4) Verification of Course Completion

To verify compliance with Regulation 1955(a)(3), the evaluator must submit a psychological evaluator approval request to POST via the electronic CPE Tracking System. The request for approval may be submitted any time during the two-year cycle.

Requests must include the following information:

(A) Evaluator Information [name and contact information; license # and renewal date; and additional information (curriculum vitae, professional website URL), if available], and

(B) Course Information (course title, date completed, and CPE hours)

The request must be accompanied by official documentation of course completion, such as completion certificate, roster, and/or other official education or training records.

A list of evaluators and their contact information is available on the POST website ([www.post.ca.gov](http://www.post.ca.gov)).

***[This language establishes and identifies the information and documentation required of evaluators who submit information on completed POST-approved courses.]***

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#### **1955(b)(c) Timing of the Psychological Evaluation**

[... continued]

#### **1955(e)(d) Psychological Screening Procedures and Evaluation Criteria**

[1955(d)(1)-(2) ... continued]

#### **1955(d)(e) Required Sources of Information for the Psychological Evaluation**

[1955(e)(1) ... continued]

##### (2) Written Assessments

Written assessments shall consist of a minimum of two written psychological instruments. 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 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(e)(d)(2)].

##### (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. This information may be augmented by and/or from responses on a personal history questionnaire collected as part of the psychological evaluation.

##### (4) Psychological Interview

A 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)(e)(2)] and the candidate's personal history information [Regulation 9055(d)(e)(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.

***[Language modified for clarification.]***

[1955(e)(5) ... continued]

#### **1955(e)(f) Psychological Evaluation Report**

[1955(f)(1)-(5) ... continued]

#### **1955(f)(g) Second Opinions**

[1955(g) ... continued]

### **Business Impact/Small Businesses**

The Commission has made an initial determination that this regulatory proposal would have

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no significant statewide adverse economic impact directly affecting California businesses, including the ability of California businesses to compete with businesses in other states. The proposal does not affect small businesses, as defined by Government Code section 11342.610, because the Commission sets selection and training standards for law enforcement and does not have an impact on California businesses, including small businesses.

#### **Cost Impacts on Representative Private Persons or Businesses**

The Commission on Peace Officer Standards and Training is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with this proposed action.

#### **Assessment**

The adoption of the proposed regulation amendments will neither create nor eliminate jobs in the State of California, and will not result in the elimination of existing businesses or create or expand businesses in the State of California.

#### **Consideration of Alternatives**

To take this action, the Commission must determine that no reasonable alternative considered by the Commission, or otherwise identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective as and less burdensome to effected private persons than the proposed action.

#### **Benefits Anticipated**

The benefits anticipated by the proposed amendments to the regulation will ensure that the regulatory language is clear and consistent with the statute. The proposed regulation may have benefit to the protection of public health and safety by ensuring that individuals who ultimately may be given peace officer powers are psychologically evaluated by professionals who are both effective and competent in conducting these types of evaluations.

#### **Economic Impact Analysis**

Because the Commission on Peace Officer Standards and Training sets selection and training standards for law enforcement, adoption of the proposed amendments of regulations will neither create nor eliminate jobs in the state of California nor result in the elimination of existing businesses or create or expand businesses in the state of California.

The benefits of the proposed amendments of regulations to the health and welfare of California residents would be to ensure that peace officer applicants are being psychologically evaluated by professionals who have the education and training necessary to perform this function both effectively and competently. There would be no impact which would affect worker safety or the states' environment.