

Chapter 2. Feasibility Studies

90201019. Peace Officer Feasibility Study Requirements

(a) Feasibility Study Requirement

Pursuant to Penal Code sections 13540-13542, ~~a request for the Commission to undertake a feasibility study shall be made before any additions or changes to peace officer designation can be considered.~~ any person(s) desiring peace officer status or a change in peace officer designation or status shall request the Commission on POST to undertake a feasibility study regarding such change.

(b) Feasibility Study Request

(1) Written Request

A written request for a feasibility study shall be made by the following:

- (A) Any person(s) not currently a peace officer, desiring peace officer status under Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code, or
- (B) Any person(s) designated as a peace officer(s) under Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code, desiring a change in peace officer designation or status.

(2) Content of Request

The written request for the study shall include a statement that the person(s) or entity making the request acknowledges that a fee shall apply ~~agrees to pay the actual cost for~~ conducting the study and ~~to~~ will provide POST with the necessary information to conduct the study.

(3) Study Fee

POST shall charge a fee to conduct the feasibility study based upon actual direct costs for completing the study and indirect costs determined in accordance with State Administrative Manual sections 8752 and 8752.1. Upon payment of the study fee by the requestor(s), the completed feasibility study and its recommendations shall be released to the requestor(s). A copy of that study and the recommendation by POST shall also be submitted to the Legislature.

~~(3)~~(4) Employing Jurisdiction Acknowledgement of Request

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The department head of the jurisdiction employing the person(s) requesting the feasibility study shall acknowledge the request in writing.

(c) **Feasibility Study Scope of Work**

~~(1)~~ **Scope**

~~(1)~~ The Commission shall conduct all feasibility studies within the scope specified in Penal Code §section 13541.

~~(2)~~ The scope of a study shall include, but not be limited to, the current and proposed duties and responsibilities and the field law enforcement duties and responsibilities of the study's requestor(s).

~~(3)~~ A study involving a change in peace officer designation shall consider the extent to which the requestor's current duties and responsibilities require additional peace officer powers and authority. ~~A~~ The study shall include on-site visitations to verify these duties and responsibilities.

~~(2)~~ ~~(A)~~ **Solicitation of Comments**

During the conduct of a study, written comments will be solicited from the employing jurisdiction's chief administrator, the concerned department head, and other interested parties.

~~(4)~~ ~~(B)~~ **Commencement of Work on the Study**

The study shall commence after the mutual acceptance of a contract between the requesting person(s) or their representing entity and the Commission.

~~(3)~~ ~~Study Fee~~ Moved to 1019(b)(3)

~~POST shall charge a fee to conduct the feasibility study based upon actual direct costs for completing the study and indirect costs determined in accordance with State Administrative Manual sections 8752 and 8752.1. Upon payment of the study fee by the requestor(s), the completed feasibility study and its recommendations shall be released to the requestor(s). A copy of that study and the recommendation by POST shall also be submitted to the Legislature.~~

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(d) **Favorable Study Recommendations**

~~Each certificate applicant, except the applicant for a Reserve Peace Officer Certificate, shall satisfy the following requirements:~~ Any study recommendations in support of peace officer status or a change in peace officer designation or status shall be made in accordance with Penal Code Section 13542 and shall minimally include the following:

(1) **New Peace Officer Designation**

(A) Supervisory Structure

The person or persons desiring the designation change shall be employed by a department with a supervisory structure that includes a chief law enforcement officer.

(B) Training Requirements

The employing department shall agree to comply with the training requirements set forth in Penal Code ~~§~~section 832.

(C) Funding Restriction

The employing department shall be subject to the funding restriction set forth in Penal Code ~~§~~section 13526.

(2) **Change in Peace Officer Designation or Status**

(A) POST Program Participation

The person(s) desiring the change in peace officer designation or status shall be employed by a department currently participating in the POST program.

(B) Certificate Requirement

If the designation change is moving the person(s) into Penal Code ~~§~~section 830.1, the person(s) shall obtain the POST Basic Certificate as set forth in Penal Code ~~§~~section 832.4.

(e) **Time Limits for Completion of the Study**

(1) **New Peace Officer Designation**

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The study and its recommendations shall be issued to the requesting person(s) or entity within 18 months of the mutual acceptance of a contract between the requestor(s) and the Commission. A copy of the study and recommendations shall also be submitted to the Legislature via the Legislative Counsel.

(2) Change in Peace Officer Designation or Status

The study and its recommendations shall be issued to the requesting person(s) or entity within 12 months of the mutual acceptance of a contract between the requestor(s) and the Commission, or as soon as possible thereafter if the Commission ~~determines shows~~ good cause as to the need for an extension of the 12-month time period. A copy of the study and recommendations shall also be submitted to the Legislature via the Legislative Counsel.

(f) Appeals

(1) Procedures for Appeal of Findings

If there is disagreement with the study recommendations, the person(s) or entity requesting the feasibility study, or the employing jurisdiction, may appeal in writing to the Commission.

(2) Written Acknowledgement

Requests for appeals will be acknowledged in writing.

(3) Time Limits

Initial appeals will be heard within four months, after the date the request for appeal is received by the Commission, and a decision on the appeal shall be rendered within six months of receipt of the appeal.

Authority cited: Sections 13503, 13506, and 13540, Penal Code.

Reference: Sections 13540, 13541, 13542, and 13543, Penal Code.