



Commission on Peace Officer Standards and Training

1601 Alhambra Blvd
Sacramento, CA 95816-7083
www.post.ca.gov

Date: December 27, 2011

Bulletin: No. 2011-22

Subject: **Notice of Proposed Regulatory Action – Amend the POST Basic Courses Test Administration and Security Guidelines-2009 and the POST Administrative Manual (PAM), Section B and D.**

At the October 20, 2011 meeting, the Commission approved proposed amendments to the *POST Basic Courses Test Administration and Security Guidelines- 2009*, which upon approval of the Office of Administrative Law will be re-titled the *POST Basic Courses Test Management and Security Protocols- 2012*, the POST Administrative Manual (PAM), Section B – Regulations 1001 and 1055 and Section D - Procedures D-1 and D-10. POST is proposing these changes in response to a major testing compromise that took place in 2010 and resulted in the loss of 500 test questions that cover 82 required POST-developed Learning Domain, Mid-Term and Final test forms. The investigation into the compromise and the continuing process of rebuilding the test item bank has been very costly for POST.

The amended language strengthens the sanctions for failure to follow these regulations. POST must protect its tests in order to maintain the integrity of POST-certified basic courses while assisting academies in following these regulations.

The attached notice describes the proposed changes and includes an invitation for written input on this proposal, the deadline for written comments and information about requesting a public hearing. The following related information is available on the POST website <http://www.post.ca.gov/regulatory-actions.aspx>.

- POST Bulletin and Notice of Proposed Regulatory Action
- Text of Proposed Regulatory Action
- Initial Statement of Reasons.

Please direct inquiries about this proposed regulatory action to Jennifer Imlay, Commission on POST, 1601 Alhambra Boulevard, Sacramento, CA 95816-7083, by email at Jennifer.Imlay@post.ca.gov, or by telephone at (916) 227-3917. Patti Kaida is the contact person for questions on the regulatory process. Ms. Kaida is available by email at Patti.Kaida@post.ca.gov, by telephone at (916) 227-4847, or by FAX at (916) 227-5271.

PAUL A. CAPPITELLI
Executive Director

Attachment: Notice of Proposed Regulatory Action

NOTICE OF PROPOSED REGULATORY ACTION
**POST Basic Courses Test Administration and Security Guidelines
Regulations 1001, 1005, 1007, 1008, 1052, and 1055 and Procedures D-1 and D-10**

Notice is hereby given that the Commission on Peace Officer Standards and Training (POST) proposes to amend regulations in Chapter 2 of Title 11 of the California Code of Regulations as described below in the Informative Digest. A public hearing is not scheduled. Pursuant to Government Code Section 11346.8, any interested person, or his/her duly authorized representative, may request a public hearing. POST must receive the written request no later than 15 days prior to the close of the public comment period.

Public Comments Due by February 20, 2012, at 5:00 PM

Notice is also given that any interested person, or authorized representative, may submit written comments relevant to the proposed regulatory action by fax at (916) 227-5271, or by letter to:

Commission on POST
Attention: Rulemaking
1601 Alhambra Boulevard
Sacramento, CA 95816-7081

Authority and Reference

This proposal is made pursuant to the authority vested by Penal Code Section 13503 (authority of the Commission on POST) and Penal Code Section 13506 (POST authority to adopt regulations). This proposal is intended to interpret, implement, and make specific Penal Code Section 13503(e), which authorizes POST to develop and implement programs to increase the effectiveness of law enforcement, including programs involving training and education courses.

Informative Digest/Policy Statement Overview

POST is responsible for the development of test questions, creation of test forms, management of, and security requirements for 82 Learning Domain, Mid-Term, and Final Tests. These tests are required for successful completion of the Regular Basic and Modular Format Courses, Specialized Investigators' Basic Course, Requalification Course, and PC832 Laws of Arrest Course. The development and management processes involves the use of subject matter resource groups to ensure the accuracy and validity of the material being tested and POST staff to ensure statewide applicability. This work is costly, time consuming, and labor intensive. The security of the test material is especially important. If one test is compromised it affects all tests for each course and requires new questions to be developed and validated.

In January of 2009, the Commission on Peace Officer Standards and Training (POST) implemented the *POST Basic Courses Test Administration and Security Guidelines- 2009*, which requires each presenter to create written policies and procedures regarding test administration and test security. Due to recent compromises of test material, changes that are being proposed are designed to strengthen testing policy content requirements. One notable change is the document currently titled the *POST Basic Courses Test Administration and Security Guidelines- 2009* will be re-titled to the *POST Basic Courses Test Management and Security Protocols- 2012*. This change was made to alleviate confusion about the content of the document.

The implementation of these changes will greatly reduce the likelihood of test materials being compromised or misused by assuring that all presenters have an understanding of the sanctions related to cheating and compromising test material. These changes will help to ensure the continued integrity of entry-level law enforcement training and testing.

NOTICE OF PROPOSED REGULATORY ACTION
POST Basic Courses Test Administration and Security Guidelines
Regulations 1001, 1005, 1007, 1008, 1052, and 1055 and Procedures D-1 and D-10

The specific benefits anticipated by the proposed changes to the regulations will be to promote fairness for all individuals taking POST Basic Course tests through stronger test management and security protocols. There would be no affect to benefits in regard to public health and safety, worker safety, or the environment, the prevention of discrimination, and the increase in openness and transparency in business and government.

An evaluation has found that the proposed changes to regulation are consistent or compatible with existing state regulations.

Adoption of Proposed Regulations

Following the public comment period, the Commission may adopt the proposal substantially as set forth without further notice, or the Commission may modify the proposal if such modifications remain sufficiently related to the text as described in the Informative Digest. If the Commission makes changes to the language before the date of adoption, the text of any modified language, clearly indicated, will be made available at least 15 days before adoption to all persons whose comments were received by POST during the public comment period and to all persons who request notification from POST of the availability of such changes. A request for the modified text should be addressed to the agency official designated in this notice. The Commission will accept written comments on the modified text for 15 days after the date that the revised text is made available.

Estimate of Economic Impact

Fiscal impact on Public Agencies including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Non-Discretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Costs to any Local Agency or School District for which Government Code Sections 17500 - 17630 requires reimbursement: None

Significant Statewide Adverse Economic Impact Directly Affecting California Businesses, including Small Business: The Commission on Peace Officer Standards and Training has made an initial determination that the amended regulations will not have a significant statewide adverse economic impact directly affecting California businesses, including the ability to compete with businesses in other states. The Commission on Peace Officer Standards and Training has found that the proposed amendments will not affect California businesses, including small businesses, because the Commission sets selection and training standards for law enforcement which does not impact California businesses, including small businesses.

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 the proposed action.

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

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Assessment

The adoption of the proposed amendments of regulations will neither create nor eliminate jobs in the state of California, nor result in the elimination of existing businesses or create or expand businesses in the state of California.

The benefits of the proposed amendments of regulations to the health and welfare of California residents would be to hold accountable those individuals involved in cheating who compromise the security of POST test materials and ensure the integrity of entry-level law enforcement training and testing. There would be no impact which would affect worker safety or the states' environment.

Consideration of Alternatives

To take this action, the Commission must determine that no reasonable alternative considered by the Commission or that has otherwise been identified and brought to the attention of the Commission would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

Contact Persons

Please direct inquiries about this proposed regulatory action to Jennifer Imlay, Commission on POST, 1601 Alhambra Boulevard, Sacramento, CA 95816-7083, by email at Jennifer.Imlay@post.ca.gov, or by telephone at (916) 227-3917. Patti Kaida is the contact person for questions on the regulatory process. Ms. Kaida is available by email at Patti.Kaida@post.ca.gov, by telephone at (916) 227-4847, or by FAX at (916) 227-5271.

Text of Proposal

Individuals may request copies of the exact language of the proposed regulations and of the initial statement of reasons, and the information the proposal is based upon, from the Commission on POST at 1601 Alhambra Boulevard, Sacramento, CA 95816. These documents are also located on the POST website at: <http://www.post.ca.gov/regulatory-actions.aspx>.

Availability and Location of the Rulemaking File and the Final Statement of Reasons

The rulemaking file contains all information upon which POST is basing this proposal and is available for public inspection by contacting the person(s) named above.

To request a copy of the Final Statement of Reasons once it has been approved, submit a written request to the contact person(s) named above.