



Commission on Peace Officer Standards and Training

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

Date: February 7, 2012

Bulletin: No. 2012-02

Subject: **Notice of Proposed Regulatory Action** – Revise Peace Officer Feasibility Study Requirements for Clarity and Consistency with Statute, Regulation 9020

At the June 23, 2011 meeting, the Commission approved proposed amendments to the POST Administrative Manual (PAM), Section B – Regulation 9020. POST is proposing revisions to Regulation 9020 to ensure the regulatory language is clear and consistent with statute. Changes to structure and format are also proposed. The Commission approved the proposed amendments subject to the results of the Notice of Proposed Regulatory Action and approval by the Office of Administrative Law. Subsequent to the Commission meeting, a non-substantive change to revert the regulation to its original numbering convention (Regulation 1019) was also proposed.

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 Associate Analyst Kathy Hobson, Commission on POST, 1601 Alhambra Boulevard, Sacramento, CA 95816-7083, by email at Kathy.Hobson@post.ca.gov, or by telephone at (916) 227-3911. 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
Peace Officer Feasibility Study Requirements
Regulation 9020

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 April 2, 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

Commission Regulation 9020 specifies the requirements for feasibility studies for peace officer status/designation requests. When adopted in 1990, Regulation 9020 (formerly Regulation 1019) applied only to new peace officer designation pursuant to Penal Code Section 13540. It was revised in 2001 when Penal Code Section 13540 was amended to extend the feasibility study requirement to changes in peace officer designation or status. It was revised and renumbered to Regulation 9020 in 2007 in accordance with POST Strategic Plan 2006, Objective C-4 ("revise the POST Administrative Manual").

The specific benefits anticipated by the proposed amendments to the regulation will ensure the regulatory language is clear and consistent with statute. There would be no affect to benefits in regard to public health and safety, worker safety, or environment, the prevention of discrimination, and the increase in openness and transparency in business and government. Minor changes to the structure and format, including reverting the regulation back to its original numbering convention of Regulation 1019, are also proposed.

An evaluation has found that the proposed regulation amendments 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

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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.

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 clarify the requirements for a peace officer feasibility study. There would be no impact which would affect worker safety or the states' environment.

Consideration of Alternatives

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

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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 Associate Analyst Kathy Hobson, Commission on POST, 1601 Alhambra Boulevard, Sacramento, CA 95816-7083, by email at Kathy.Hobson@post.ca.gov, or by telephone at (916) 227-3911. 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.