



Commission on Peace Officer Standards and Training

860 Stillwater Road, Suite 100
West Sacramento, CA 95605-1630
www.post.ca.gov

Date: August 4, 2016

Bulletin: No. 2016-14

Subject: **Notice of Proposed Regulatory Action – Amend Peace Officer Selection Standards - Regulations 1950 and 1953**

At the June 23, 2016 meeting, the Commission proposed and approved amendments to the Peace Officer Selection Standards, including Commission Regulations 1950 and 1953. The proposed amendments allow POST-participating departments the discretion to determine the appropriate assessments, if any, for peace officers returning to the same department within a 180 day voluntary separation.

The attached notice describes the proposed changes, 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

Questions regarding this proposed regulatory action may be directed to Melani Singley, Commission on POST, 860 Stillwater Road, Suite 100, West Sacramento, CA 95605-1630 or at melani.singley@post.ca.gov. General questions regarding the regulatory process may be directed to Brian Clark at brian.clark@post.ca.gov, (916) 227-4847, or FAX (916) 227-5271.

STEPHANIE C. SCOFIELD
Interim Executive Director

Attachment: Notice of Proposed Regulatory Action

NOTICE OF PROPOSED REGULATORY ACTION
POST Peace Officer Selection Standards
Regulations 1950 and 1953

Notice is hereby given that the Commission on Peace Officer Standards and Training (POST) proposes to amend regulations in Division 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 September 19, 2016, 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
860 Stillwater Road, Suite 100
West Sacramento, CA 95605-1630

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

The POST Peace Officer Selection Requirements are contained in Commission Regulations 1950-1955. Current regulations require that a peace officer who returns to a department after a break in service of any length must undergo, at a minimum, an updated background investigation and new medical and psychological evaluations prior to rehire.

The proposed regulations would remove POST-imposed screening requirements for peace officers who return to their department within 180 days of a voluntary separation. The proposed changes will allow law enforcement hiring authorities, who have extensive, first-hand knowledge of their recently-separated officers, to determine for themselves what if any assessments are necessary to ensure that those officers meet the minimum standards imposed by California Government Code 1031. Enacting this change will therefore relieve agencies of unnecessary, costly screening burdens and hiring delays for officers rehired in temporary, part-time positions and for voluntarily separated officers who are returning to the same agency after a minimal break in service.

The specific benefits anticipated by the proposed changes to the regulations will be to provide economic relief to departments by providing them discretion to determine the appropriate assessments for returning officers. It may also serve to allow departments to be more responsive and efficient in responding to staffing shortages, which could provide a benefit to public health and safety. There would be no perceived effect to benefits in worker safety, or the environment, the prevention of discrimination, and the increase in openness and transparency in business and government.

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During the process of developing these regulations and amendments, the Commission on Peace Officer Standards and Training has conducted a search of any similar regulations on this topic and has concluded that these regulations are neither inconsistent nor incompatible 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.

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

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Results of Economic Impact Assessment per Gov. Code sec. 11346.3(b)

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 provide economic relief to departments who are rehiring peace officers within a specified time frame after a voluntary separation from the department. There would be no impact that would affect worker safety or the State's environment.

Consideration of Alternatives

In accordance with Government Code section 11346.5, subdivision (a)(13), the Commission must determine that no reasonable alternative it considered, 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 provisions of the law.

Contact Persons

Questions regarding this proposed regulatory action may be directed to Melani Singley, Commission on POST, 860 Stillwater Road, Suite 100, West Sacramento, CA 95605-1630, at melani.singley@post.ca.gov, or (916) 227-4258. The backup contact is Dave Cornejo at (916) 227-2809. General questions regarding the regulatory process may be directed to Brian Clark at brian.clark@post.ca.gov, (916) 227-4847, or FAX (916) 227-5271.

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 Brian Clark at brian.clark@post.ca.gov, (916) 227-4847, or FAX (916) 227-5271.

To request a copy of the Final Statement of Reasons once it has been approved, submit a written request to Brian Clark, Commission on POST, 860 Stillwater Road, Suite 100, West Sacramento, CA 95605-1630.

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, 860 Stillwater Road, Suite 100, West Sacramento, CA 95605-1630. These documents are also located on the POST Website at: <http://www.post.ca.gov/regulatory-actions.aspx>.