



**Commission on Peace Officer Standards and Training**

860 Stillwater Road, Suite 100  
West Sacramento, CA 95605-1630  
[www.post.ca.gov](http://www.post.ca.gov)

Date: July 19, 2018

Bulletin: No. 2018-23

Subject: **Notice of Proposed Regulatory Action – Amend Peace Officer Selection Standards - Regulations 1953 and 1955**

At the June 21, 2018 meeting, the Commission approved proposed amendments to the Peace Officer Selection Standards. Changes to Commission Regulation 1953: Background Investigation clarify the update background requirements for interim chiefs of police. Proposed changes to Commission Regulation 1955: Psychological Evaluation will require specific continuing professional education (CPE) training to be completed by peace officer psychological evaluators, as provided for in Government Code section 1031(f).

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](#).

- 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, by email at [melani.singley@post.ca.gov](mailto:melani.singley@post.ca.gov) or by telephone at (916) 227-4258. The back-up contact person is Phil Caporale who may be reached at [phil.caporale@post.ca.gov](mailto:phil.caporale@post.ca.gov) or (916) 227-4832.

MANUEL ALVAREZ, JR.  
Executive Director

Attachment: Notice of Proposed Regulatory Action

NOTICE OF PROPOSED REGULATORY ACTION  
**Peace Officer Selection Standards  
Regulation(s) 1953 and 1955**

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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 10, 2018, 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 email at [melani.singley@post.ca.gov](mailto:melani.singley@post.ca.gov), by fax at (916) 227-0476, or by letter to:

Commission on POST  
Attention: Melani Singley  
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. Proposed changes to the regulations provide clarification and consistency with current requirements and those outlined in Government Code section 1031(f). The proposed changes to Regulation 1953 (Background Investigation) and 1955 (Psychological Evaluation) clarify the requirements for conducting an interim chief background investigation update and provide specific continuing professional education (CPE) training requirements for peace officer psychological evaluators.

Currently, POST regulations provide for updated background investigations for interim chiefs of police when certain requirements are met. However, there is no specific definition as to what the update should include. The proposed regulation will clarify that the update includes investigating any new background information from the time of the last complete background investigation for the interim chief to the current date of hire. The update must also minimally include criminal history, DMV and credit checks.

Government Code section 1031(f) requires that peace officer screening psychologists adhere to POST education and training requirements. To meet this mandate, in 2013 POST implemented a continuing professional education (CPE) requirement. Currently, psychologists are required to complete six hours of POST-approved CPE prior to conducting evaluations and subsequently complete 12 hours of CPE every license renewal cycle (i.e. every 24 months). However, there are no specific courses that psychologists are required to complete. Rather, they can select from any of the courses on the POST-approved CPE list ranging from courses on specific assessments (i.e. MMPI) to those offering training on second opinion evaluations. The proposed change would require that psychologists complete a

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specific training course developed by POST. The proposal would replace the initial six (6) hour CPE requirement with the POST-developed Peace Officer Psychological Screening Manual book-based (on-line) exam. Completion of this requirement provides the psychologist with eight hours of POST CPE, which can also be used to fulfill their continuing education (CE) hours required for licensure, as POST is an approved provider with the California Psychological Association (CPA). To offset the cost of Learning Portal system maintenance fees and California Psychological Association (CPA) provider fees, which allows POST to provide CE units to psychologists, POST charges a \$75 fee for the book-based exam. As a comparison, similar book-based exams offered for CE credit through the American Psychological Association cost between \$120-\$200. The POST fee is consistent with and, in general, below the cost of CE units required for licensure. Psychologists are required to complete 36 hours of CE during their two-year license cycle. This course and any subsequent POST-developed training will provide CE credit, in addition to fulfilling POST's CPE requirements. The on-line course must be passed with a minimum score of 80% (40 out of 50 questions correct) and psychologists are given two attempts to pass the exam. Roughly half of the psychologists on the POST evaluators list have already taken and passed the exam. The remaining psychologists will need to meet this requirement by July 1, 2019. New psychologists must fulfill this requirement prior to conducting any peace officer psychological evaluation.

Requiring this specific training will help ensure that all psychologists who conduct these types of evaluations have foundational knowledge of POST requirements and associated guidance on how to conduct peace officer psychological evaluations. They could then further enhance their training through other relevant, and perhaps broader, courses approved for CPE credit. The additional proposed requirements would be for psychologists to complete any POST-developed update training, as/when necessary. This will further ensure that psychologists remain familiar with any new POST regulations, the law and/or guidance in conducting peace officer evaluations. As with the book-based exam, any update training developed by POST would be offered on-line to ensure that it is readily available to all psychologists.

The specific benefits anticipated by the proposed changes to the regulations will be to provide economic relief to departments by allowing them to conduct updated background investigations for interim chiefs of police. It would also serve to allow departments to be more responsive and efficient in responding to shortages of their command staff, which could provide a benefit to public health and safety. Further, it will benefit departments by ensuring that their psychological evaluators are knowledgeable of State law and POST regulations prior to conducting preemployment screening of peace officers. 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.

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

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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 of California businesses 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.

**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 service. 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.

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**Contact Persons**

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**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](#).

**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 prepared, submit a written request to the contact person(s) named above.