

**INITIAL STATEMENT OF REASONS
Participation in the POST Program
Regulation 1010 Replaced by Regulations 9030 and 9031**

Title 11, Division 9. Commission on Peace Officer Standards and Training
Chapter 3. Participation

9030. POST Program Participation

~~1010.~~

(a) ~~POST Program Participation in the POST Program~~

(a1) Eligibility:

To be eligible for participation in the POST Program, a department shall agree to comply with and continue to adhere to minimum selection and training standards and all Commission Regulations ~~as specified in the POST Administrative Manual (Section B) and the California Code of Regulations, Title 11, Division 2.~~

Reason: Title change is non-substantive. Deletion of section references in the POST Administrative Manual were made because this text is no longer consistent with the PAM reformatting project and the references are not necessary here.

(e2) Requests to Participate in POST Program:

Participation in the POST Program is voluntary. A department desiring to participate in the POST Program shall present the Commission with a letter of request to participate, and if eligible, a request to receive aid. If the department also desires its public safety dispatchers to participate in the Public Safety Dispatcher Program, this shall also be included in the letter of request. The letter shall be accompanied by a certified copy of an ordinance, or in instances where an ordinance is not appropriate, a resolution or letter of intent adopted by ~~the~~ the governing body of the requesting department. The document, e.g., ordinance, shall state that while participating in the POST Program, the department will adhere to minimum selection and training standards and Commission Regulations.

Reason: The added sentence provides clarity to let departments know that they can make two requests with one letter. The other changes are for clarity.

(b3) Inspection of Records:

Participation in ~~any~~ the POST program requires that the department/dispatch center allow the Commission to make inquiries and inspect records as may be necessary to verify claims for reimbursement or to confirm whether the department or dispatch center is, ~~in fact,~~ adhering to Commission Regulations.

Reason: The changes are grammatical and non-substantive.

(4) Mergers Occurring After Initial Request to Participate

If a group of peace officers becomes a part of a department via a merger or through ~~new~~ legislation, e.g., coroner's merging with a sheriff's department, and this group of officers ~~were~~ was not included in the initial request to participate, an additional request and accompanying documents shall be required as described in section 9030(a)(3) above.

Reason: For consistency at title was added to this section. The deleted words are not necessary. The word "were" was changed to "was" to correct the grammar. The section was added to make this format more user-friendly and it also provides an electronic link to the section.

(45) Initial Compliance:

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When a department has notified the Commission of its intent to participate, POST staff will work with the department to ensure officers are compliant. Incumbent officers' records ~~will be~~ are reviewed to determine compliance with minimum selection and training standards specified in the Penal, Government, ~~Education~~, or Vehicle Codes that were applicable at the time of each officer's appointment. Officers hired on or after the date an agency enters the POST Program shall be required to meet Commission Regulations, which may be the same or higher standards than the standards in the aforementioned codes.

Reason: The first amendment is grammatical. The word "Education" was deleted for accuracy, because the Education code does not provide for minimum selection and training standards.

~~(26)~~ **Basic Certificate Compliance:**

A participating department shall require every peace officer, appointed on or after the department's entry into the POST Program, to acquire the POST Basic Certificate as specified in Regulation 9070(e) ~~upon completion of probation, but not later than 24 months after appointment to a peace officer position, (except when the department's probation period is 24 months, an additional three months shall be allowed).~~

Reason: To reduce redundancy the latter part of this paragraph has been deleted and replaced with the reference section that details the requirement for the POST Basic Certificate. This amendment is linked to the appropriate section making the regulations more user friendly.

~~(27)~~ **Commission Confirmation:**

When the department is in full compliance as described in section 9030(a)(5) ~~above~~ ~~(4)~~, participation of the department will be confirmed by the Executive Director and an effective date of entry established. Eligibility for Approval of a department's participation in the POST Reimbursement Program will also be determined ~~confirmed~~.

Reason: Amendments are made to correct the text to show the appropriate reference and to improve clarity.

~~(b) (e)~~ Non-compliance and Ineligibility to Receive Services and Benefits

~~(1)~~ **Failure to Adhere to Commission Regulations:**

~~If it appears to the Commission~~ determines that a department has failed to adhere to Commission Regulations, including but not limited to the inspection of records, the Commission shall notify the department of its concern and of the department's possible removal from the Program(s). The Commission shall request that the department correct the problems causing non-compliance with the Regulations.

Reason: Added a section title for consistency. Amendments to paragraph improve readability and clarity and are non-substantive.

~~(2)~~ **Appeal Process:**

In the event that the department disagrees with the Commission's findings of non-compliance, the Commission shall afford the affected department the opportunity to appear before the Commission and present appropriate evidence or testimony.

~~(3)~~ **Denial of Services/Benefits**

If the Commission finds that the Regulations have not been adhered to, it shall, beginning with a date determined by the Commission, reject all of the department's requests for services and benefits (reference Penal Code section 13523). A department may be reinstated in the program and again become eligible for services and benefits, when, in the opinion of the Commission, the department has demonstrated, to the satisfaction of the Commission, that it will adhere to the prescribed Regulations. The

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period during which the department shall remain ineligible for services and benefits shall be determined by the Commission.

Reason: The amendments improve readability and clarity and are non-substantive.

All sections have been relettered and renumbered for accuracy.

9031. POST Public Safety Dispatcher Program Participation

~~1010. (d)~~

(a) POST Public Safety Dispatcher Program Participation

(1) Eligibility:

~~A dispatch center of a local law enforcement department or an independent communication service agency [i.e., an agency that employs dispatchers who primarily provide services to both fire and police and fire and/or fire and emergency medical services (EMS) and which is not a part of a local law enforcement department], i.e., independent communication service agencies, may apply to participate in the POST Public Safety Dispatcher Program. To be eligible for participation in the POST Public Safety Dispatcher Program, the dispatch center of a local law enforcement department or an independent communication service agency (as described above) shall agree to comply with and continue to adhere to minimum selection and training standards and other applicable Commission Regulations for its public safety dispatchers.~~

Reason: Beginning with the old subsection 1010(d), the text is being reformatted into a separate regulation. A section title was added for consistency. The text of the first sentence was amended to improve clarity. The last sentence was added for consistency with the format used in Regulation 9030 and was moved from the old section (d) below (last sentence). The last sentence was amended to improve clarity.

(e2) Requests to Participate in POST Public Safety Dispatcher Program

~~Participation in the POST Public Safety Dispatcher Program is voluntary. A department or independent dispatch center desiring to participate in the POST Public Safety Dispatcher Program shall present the Commission with a letter of request to participate, and if eligible, a request to receive aid. The letter shall be accompanied by a certified copy of an ordinance; or in instances where an ordinance is not appropriate, a resolution or letter of intent adopted by ~~its~~ the governing body of the requesting department. The document, e.g., ordinance, shall state that while participating in the POST Public Safety Dispatcher Program, the department/agency will adhere to the minimum selection and training standards and other Commission requirements specified for public safety dispatchers, specified in Regulation 1018. A dispatch center employing dispatchers who primarily provide services to both fire and police and which is not a part of a local law enforcement department, i.e., independent communication service agencies, may apply to participate in the POST Public Safety Dispatcher Program.~~

Reason: A section title was added for consistency. The word “POST” was added to the first sentence for consistency with the title of this regulation. The text “or independent dispatch center” was added for clarity. The remaining amendments were made to improve clarity. The deleted sentence is moved to the last sentence of section 9031(a)(1).

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(3) Inspection of Records

Reference Regulation 9030(a)(2).

Reason: This section was added to reduce redundancy. The section is linked to improve user-friendliness of these regulations.

(44) Initial Compliance:

Incumbent public safety dispatchers will not be required to meet selection and entry-level training standards. Dispatchers hired after the agency enters the Public Safety Dispatcher Program shall meet the requirements applicable to dispatchers as specified in Commission Regulations. ~~Incumbent dispatchers will not be required to meet selection and entry-level training standards.~~ Any incumbent dispatcher who transfers to another participating department will be considered a new hire and shall be required to meet selection and training standards.

Reason: This is a non-substantive change. The sentence was moved from the position of second sentence to first sentence. The addition of the word “as” in the second sentence is grammatical.

(25) Commission Confirmation:

Participation of the dispatch center of a local law enforcement department or an independent communication service agency department will be confirmed by the Executive Director and an effective date of entry established. Eligibility for Approval of a department's dispatch center's participation in the POST Reimbursement Program will also be ~~determined~~confirmed.

Reason: Amendments were made to improve readability and clarity.

(6) Noncompliance and Ineligibility to Receive Services and Benefits

Reference Regulation 9030(b)(1)-(3).

Reason: This section was added to reduce redundancy and to improve user-friendliness of these regulation by linking the referenced section.

Authority cited : Sections 13503 and 13506, Penal Code.

Reference: Sections 13503(c)-(g), 13520, 13521, 13522, 13523, 13524, 13525, 13526, 13526.1 and 13526.2, Penal Code.

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 have no effect on California businesses, including small businesses, because the Commission sets selection and training standards for law enforcement and 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 this proposed action.

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Assessment

The adoption of the proposed regulation amendments will neither create nor eliminate jobs in the state of California, and will not result in the elimination of existing businesses or create or expand businesses in the State of California.

Consideration of Alternatives

To take this action, the Commission must determine that no reasonable alternative considered by the Commission, or otherwise identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective as and less burdensome to effected private persons than the proposed action.