

INITIAL STATEMENT OF REASONS

Peace Officer Feasibility Study Requirements

Regulation 9020

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”).

Revisions are proposed to ensure the regulatory language is clear and consistent with statute. Minor changes to the structure and format, including reverting the regulation back to its original numbering convention of Regulation 1019, are also proposed.

Justification for Proposed Revisions

To assist in reviewing these changes, the justification is presented in a legend format.

Chapter 2. Feasibility Studies, Regulation 9020 – Renumbered to Regulation 1019.

1019(a) – Defines feasibility study requirement as specified in Penal Code section 13540.

1019(b)(2) – Clarifies acknowledgement of applicable fee for study and acknowledgement that requesting person(s) or entity will provide POST with the necessary information to conduct the study.

1019(b)(3) – Relocation of text from 1019(c)(3) for consistency; no changes to text.

1019(b)(4) – Renumbered.

1019(c) – Title modified for clarity.

(Former) 1019(c)(1) – Deleted as now reflected in modified title to 1019(c).

1019(c)(1) through (3) – Renumbered. Non-substantive grammar/punctuation change to 1019(c)(1) and (c)(3).

(Former) 1019(c)(3) – Relocated to 1019(b)(3).

1019(d) – Title modified for clarity. Eliminated reference to Reserve Peace Officer Certificate which was previously included in error and does not relate to regulation. Added introductory clarifying text.

1019(d)(1)(B) and (C) – Non-substantive grammar/punctuation changes.

1019(d)(2)(B) – Non-substantive grammar/punctuation changes.

1019(e)(1) – Clarifies that a copy of the study and recommendations shall be submitted to the Legislature via the Legislative Counsel.

1019(e)(2) – Clarifies condition for extension to 12-month time period for issuance of study. Clarifies that a copy of the study and recommendations shall be submitted to the Legislature via the Legislative Counsel.

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1019(f)(3) – Non-substantive grammar/punctuation change. Clarifies reference to decision as applying to the appeal.

Business Impact/Small Businesses

The Commission has made an initial determination that this regulatory proposal would have no significant statewide adverse economic impact directly affecting California businesses, including the ability of California businesses to compete with businesses in other states. The proposal does not affect small businesses, as defined by Government Code section 11342.610, because the Commission sets selection and training standards for law enforcement and does not have an impact on 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.

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.

Economic Impact Analysis/Assessment

Because the Commission on Peace Officer Standards and Training sets selection and training standards for law enforcement, 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.

There would be no benefits of the proposed amendments of regulations to the health and welfare of California residents or any impact which would affect worker safety or the states' environment.

Benefits Anticipated

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 heath 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.