State of California
Office of Administrative Law

In re:
Commission on Peace Officer Standards and Training

Regulatory Action:

Title 11, California Code of Regulations

Amend sections: 1950, 1953

NOTICE OF APPROVAL OF REGULATORY ACTION

Government Code Section 11349.3

OAL Matter Number: 2016-0920-01S

OAL Matter Type: Regular (S)

In this regular rulemaking, the Commission on Peace Officer Standards and Training ("POST") is amending sections 1950 and 1953 in title 11 of the California Code of Regulations. The changes remove POST-imposed screening requirements for peace officers who return to their department within 180 days of a voluntary separation. However, law enforcement hiring authorities will still be permitted to determine what, if any, assessments are necessary to ensure that these officers still meet the minimum standards imposed by Government Code section 1031.

OAL approves this regulatory action pursuant to section 11349.3 of the Government Code. This regulatory action becomes effective on 1/1/2017.

Date: October 31, 2016

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Attorney

For: Debra M. Cornez
Director

Original: Manuel Alvarez, Jr.
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TEXT OF PROPOSED REGULATORY ACTION
Peace Officer Selection Standards
Regulation(s) 1950 and 1953

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§ 1950. Peace Officer Selection Requirements

(a) **Peace Officer Selection Requirements**

The purpose of these regulations is to implement the minimum peace officer selection standards set forth in California Government Code section 1031 and as authorized by California Penal Code section 13510. Peace officer training requirements are addressed separately in Commission Regulations 1005 and 1007. All POST documents and forms mentioned in these regulations are available on the POST Website.

(1) Every POST-participating department and/or agency (hereinafter referred to as "department") shall ensure that every "peace officer candidate," as defined in subsection 1950(b), satisfies all minimum selection requirements specified in the following regulations unless waived by the Commission on a case by case basis. Statutory requirements in these regulations cannot be waived by the Commission.

- Reading and Writing Ability Assessment (Regulation 1951)
- Oral Interview (Regulation 1952)
- Background Investigation (Regulation 1953)
- Medical Evaluation (Regulation 1954)
- Psychological Evaluation (Regulation 1955)

(2) All requirements specified in these regulations shall be satisfied **prior to the date of employment**. For purposes of these regulations, "date of employment" is defined as date of appointment as a peace officer or, at the department's discretion, the date the candidate is hired as a trainee and enrolled in a POST-certified basic course.

(b) **Peace Officer Candidate Definition**

For purposes of these regulations, a "peace officer candidate" is any individual, regardless of rank or Penal Code classification, who applies for a peace officer position with a POST-participating department, regardless of the individual's prior law enforcement experience either at that department or at a different department within the same city, county, state, or district.

(c) **Exceptions**

For purposes of these regulations, peace officers described in this section are not considered "candidates" and are therefore exempted from Regulations 1951-1955.

(1) The department has sole responsibility for determining what, if any, assessments are necessary for a peace officer who:

(A) Changes peace officer classifications, such as from reserve officer to regular officer, within the same POST-participating department if documentation is available for inspection verifying that all current minimum selection requirements were previously met, and the peace officer has worked continuously for the department since the time of initial appointment.

(B) Is employed by a department that, through reorganization, is merged with another department within the same city, county, state, or district, if documentation is available for inspection verifying that the officer was hired in accordance with the POST requirements in effect at the time of hire.

(C) Is reappointed to the same POST-participating department within 180 days of voluntary separation.

[1950(c)(2) – 1950(d) … continued]

§ 1953. Peace Officer Background Investigation

[1953(a) – 1953(e) … continued]

(f) **Background Investigation Updates**

(1) **Eligibility**

(A) If a peace officer candidate was initially investigated in accordance with all current requirements and the results are available for review, a background investigation update, as opposed to a complete new background investigation, may be conducted for either of the following circumstances:

1. The peace officer candidate is being reappointed to the same POST-participating department. Per Regulation 1950(c)1, a background investigation update on a peace officer who is reappointed within 180 days of voluntary separation is at the discretion of the hiring authority. ~~or~~

2. The peace officer candidate is transferring, without a separation, to a different department; however, the new department is within the same city, county, state, or district that maintains a centralized personnel and background investigation support division.

(2) **Update Requirements**

(A) A new personal history statement [Regulation 1953(c)] with updated information covering the period from the last personal history statement to the current date shall be completed by the peace officer candidate.

(B) The department shall conduct investigations of all new information reported by the candidate on the new personal history statement.

1. For candidates reappointed to the same department per Regulation 1953(f)(1)(A)1., the new background investigation shall cover the period since the candidate separated from the department.

2. For candidates transferring, without a separation, to a different department within the same city, county, state, or district per Regulation 1953(f)(1)(A)2., the new background investigation shall cover the period since the date the previous background investigation was completed.

(C) Any area of investigation for which there is updated information shall be addressed in the updated background investigation. This shall minimally include a new: 1) Local Criminal Record Check, 2) State and National Criminal Check, unless there is written attestation that the candidate was never removed from the department's peace officer files of the DOJ or FBI, 3) Driving Record Check, and 4) Credit Record Check.

(D) Updated background investigation documentation shall be maintained with the initial background investigation documents.

(E) If the original background investigation was conducted within one year from the date of reappointment, it is not necessary to update criminal record checks, driving record check, or credit check.

[1953(g) through 1955... continued]