

INITIAL STATEMENT OF REASONS

POST Basic Courses Test Management and Security Protocols

Regulations 1005, 1007, 1008, and 1052

At the October 26, 2017 meeting, the Commission approved proposed amendments to the POST Administrative Manual (PAM), Section B - Regulations 1005, 1007, 1008, and 1052, and the POST Basic Courses Test Management and Security Protocols.

The Commission on Peace Officer Standards and Training (POST) is aware the use of body-worn cameras (BWCs) in the training environment is becoming more prevalent for acclimating students to their use and function. Basic course presenters already have, or are preparing to have, students and some staff members wearing BWCs throughout each training day.

At times training days include the administration of confidential POST-developed test materials and the proposed changes will both assist presenters in maintaining the confidentiality of these test materials and in providing information to their agency or the agencies who send students through their basic courses.

Justification for these changes is described below. To assist in reviewing these changes, the justification is presented in a legend format.

Justification for Proposed Revisions

All changes to Regulations begin with recommendations from law enforcement practitioners, recommendations from POST staff for methods to mitigate a compromise of test material, or in some cases as the result of a compromise of test material. POST then facilitates the presentation of recommended changes to existing Regulations. These recommendations, related to test security, are submitted for review by all presenters at the Basic Course Consortium meetings facilitated by POST. The Commission approved these changes at the October 26, 2017 Commission meeting, subject to the Notice of Proposed Regulatory Action process.

Regulation 1005

Incorporation by Reference Statement

- The proposed revision is necessary to update the incorporation by reference statements for historical accuracy and to ensure utilization of only the most recent PAM.

Regulation 1007

Incorporation by Reference Statement

- The proposed revision is necessary to update the incorporation by reference statements for historical accuracy and to ensure utilization of only the most recent PAM.

Regulation 1008

Incorporation by Reference Statement

- The proposed revision is necessary to update the incorporation by reference statements for historical accuracy and to ensure utilization of only the most recent PAM sections.

INITIAL STATEMENT OF REASONS

POST Basic Courses Test Management and Security Protocols

Regulations 1005, 1007, 1008, and 1052

Regulation 1052

Incorporation by Reference Statement

- The proposed revision is necessary to update the incorporation by reference statements for historical accuracy and to ensure utilization of only the most recent PAM sections.

Test Management and Security Protocols

Guideline 3.0- Modified language to clarify that the acquisition process needs to be covered for the other POST-required tests and not just the scenario tests.

Guideline 3.2- The current language applies only to printed scenario test materials. The POST-provided boot devices, while not printed test materials, do house the testing program and must be kept secured. Language was added to ensure each presenter includes in their policy the process for securely storing the boot devices.

Guideline 4.2-

- While POST does allow presenters to record scenario test sessions under certain circumstances, body-worn cameras are not an acceptable method. Language was added to ensure presenters are aware of the requirement they be removed prior to testing and that their policy covers that requirement.
- There are times an agency or representative will ask to review the recording of a scenario test session. Most often this request is made when the agency is sponsoring that student through the academy. Language was added to ensure presenters include in their policy the requirement that those individuals, who will view the recording, read the security agreement, sign the attachment, and comply with its requirements to maintain confidentiality of the materials, prior to said viewing.

Guideline 4.4- The current language implies that no individual who teaches a learning domain(s) evaluated on a comprehensive test can proctor a comprehensive test. That was not the intent when this language was added. To assist presenters in the presentation of the basic course(s) the language is being modified to clarify that the restriction applies only to the comprehensive test(s) evaluating the learning domain(s) that an individual teaches.

- For example: Learning Domain (LD) 34, First Aid, CPR, and AED is a stand-alone comprehensive test. Clarifying this language will allow the LD 34 instructor to proctor the RBC 1, RBC 2, and RBC 3 tests if they are not teaching another learning domain being evaluated by one of those tests.

Security Agreement- Page 16- The current language implies that no individual who teaches a learning domain(s) evaluated on a comprehensive test can proctor a comprehensive test. That was not the intent when this language was added. To assist presenters in the presentation of the basic course(s) the language is being modified to clarify that the restriction applies only to the comprehensive test(s) evaluating the learning domain(s) that individual teaches.

- For example: Learning Domain (LD) 34, First Aid, CPR, and AED is a stand-alone comprehensive test. Clarifying this language will allow the LD 34 instructor to proctor the RBC 1, RBC 2, and RBC 3 tests if they are not teaching another learning domain being evaluated by one of those tests.

Security Agreement- Page 19- (F)(3)(1)- Removing a typo.

INITIAL STATEMENT OF REASONS

POST Basic Courses Test Management and Security Protocols

Regulations 1005, 1007, 1008, and 1052

Security Agreement- Page 20-

- (F)(4)(d)- While POST does allow presenters to record scenario test sessions under certain circumstances, body-worn cameras are not an acceptable method. Current language only restricts the recording of a comprehensive test session by any method but there is no language specifically restricting the use of body-worn cameras for recording scenario test sessions. Language was added to clarify the restriction and assist in the continued confidentiality of POST-developed test material.
- (F)(4)(f)- Scenario Evaluators do not have access to the point values associated with each performance activity which maintains the standardization of the testing process. For this reason, there can be no debrief/discussion/review with a student about their performance on a scenario test until it has been graded/scored to ensure only accurate results are provided to the student. Language has been modified to clarify this process.
- (F)(4)(2)- Scenario tests are job-simulation tests and there are no test questions for a student to challenge. Language has been removed for clarification and accuracy.

Security Agreement- Page 21- Body-worn camera recordings typically upload into a cloud-based repository which is accessible by numerous individuals, most of which would have no need/reason to access test sessions that involve POST-developed test material. POST has added language in other areas to clarify the use of body-worn cameras for recording test sessions involving confidential POST-developed test material. Language has been added to this section to specifically name individuals that shall not be provided access to confidential POST-developed test materials.

Exhibit 3- Page 28- Scenario Evaluators do not have access to the point values associated with each performance activity which maintains the standardization of the testing process. For this reason, there can be no debrief/discussion/review with a student about their performance on a scenario test until it has been graded/scored to ensure only accurate results are provided to the student. Language has been modified to clarify this process.

Exhibit 4- Page 30- With the use of body-worn cameras (BWCs) in the training environment, it's important to ensure any possible scenario that could compromise confidential POST-developed test material is covered. The language has been modified to ensure the contract language covers staff wearing BWCs and to clarify the staff restriction for making or publishing recordings of confidential POST-developed test material.

Security Compliance Statement- Page 35- POST currently requires presenters to utilize a boot device (secure thumb drive) for testing which allows presenters to use the testing computers for other functions (e.g., report writing.) Some presenters have network systems that do not allow the use of the boot devices and for those presenters, exemptions have been made to the boot device requirement. The security compliance statement required presenters to maintain security patches and upgrades on the system for continued protection of the test materials. Presenters who utilize the boot devices do not have to meet that same requirement as POST has built all of that in to each boot device. Modifications were made to the language to clarify which requirements pertain to those utilizing the boot devices and which do not.

**INITIAL STATEMENT OF REASONS
POST Basic Courses Test Management and Security Protocols
Regulations 1005, 1007, 1008, and 1052**

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, which are government entities, 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

The Commission determined that no reasonable alternative considered by the Commission 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 that 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.

Economic Impact Analysis

Impact of Jobs/New Business:

The Commission on Peace Officer Standards and Training (POST) sets law enforcement selection and training standards for its member law enforcement agencies. Participation in POST programs, and adherence to POST regulations, is voluntary and limited to law enforcement agencies that are governmental entities. The proposed regulatory revisions pertain exclusively to testing protocols and training standards and, accordingly, 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,

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.

INITIAL STATEMENT OF REASONS
POST Basic Courses Test Management and Security Protocols
Regulations 1005, 1007, 1008, and 1052

Benefits of the Regulation:

The benefits of proposed amendments to the regulation will increase the security of POST-developed test materials and hold accountable those individuals involved in cheating or otherwise compromising these materials. Thus, the law enforcement standards are maintained and effective in preserving peace, protection of public health, safety, and welfare of California. The proposed amendments will have no impact on worker safety or the State's environment.