

INITIAL STATEMENT OF REASONS

POST Basic Courses Test Management and Security Protocols

Regulations 1005, 1007, 1008, and 1052

At the February 8, 2018 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 proposing changes that will assist basic course presenters not only in better serving their agency, but the agencies who hire individuals who have graduated their certified basic course while still maintaining the security of the test material and validity of the testing process.

Justification for the proposed changes is described below.

Justification for Proposed Revisions

All changes to Regulations begin with recommendations from law enforcement practitioners/basic course presenters, along with 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 basic course presenters at the Basic Course Consortium meetings, facilitated by POST. Subsequently, the Commission approved these changes at the February 8, 2018 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.

Regulation 1052

Incorporation by Reference Statement

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Test Management and Security Protocols

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- The proposed terminology change from guideline to requirement is necessary to ensure the terminology is consistent with the requirement that presenters develop a test security policy and include information required by each section.
- Presenters are required to read and sign a contract, prior to being provided access to the secure web browser for testing purposes. The proposed exhibit addition is necessary to reflect the addition of this contract.
- The proposed page number changes are necessary to reflect proposed changes within the document.

Pages 5 & 6- The proposed terminology change from guideline to requirement is necessary to ensure the terminology is consistent with the requirement that presenters develop a test security policy and include information required by each section.

Page 7-

- The proposed terminology change from guideline to requirement is necessary to ensure the terminology is consistent with the requirement that presenters develop a test security policy and include information required by each section.
- The scenario matrix contains valuable information for an agency to be able to review for background and field training purposes. Currently POST requires the matrix be destroyed within 10 days of the conclusion of the course, as it is a controlled document that contains scoring values for each scenario. However, destroying the matrix removes the value offered to agencies. The proposed change is necessary to allow agencies access to this information, while still maintaining the materials in a secure manner.
- POST allows the recording of scenario test sessions and requires the recordings be treated as secure test material. For this reason, recordings must be destroyed within 10 days of the conclusion of the course where the recordings were made. POST currently has an exemption allowing presenters to maintain certain materials in the event a student appeals failure of the course. The proposed change is necessary to allow the presenter to securely maintain the recordings for an extended time to respond to the appeal.

Page 9- The proposed terminology change from guideline to requirement is necessary to ensure the terminology is consistent with the requirement that presenters develop a test security policy and include information required by each section.

Pages 10 & 11- The proposed terminology change from guideline to requirement is necessary to ensure the terminology is consistent with the requirement that presenters develop a test security policy and include information required by each section.

Page 12- The proposed terminology change from guideline to requirement is necessary to ensure the terminology is consistent with the requirement that presenters develop a test security policy and include information required by each section.

Page 18- POST allows the recording of scenario test sessions and requires the recordings be treated as secure test material. The proposed change is necessary to ensure the presenter securely maintains the recording(s), and uses the recordings only for scenario testing purposes.

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Page 32- The proposed change is necessary to clarify whose signature is required as the basic course representative.

Page 34- For years POST allowed presenters to administer tests in either a paper-and-pencil format or an online format. If a presenter wanted to administer tests online, POST required the computers be used only for testing purposes. Presenters wanted to use their computers for other functions other than testing (e.g., report writing, workbook access) so in 2013, a thumb (boot) drive option was developed which maintained the security of the testing process while providing presenters the flexibility to use the computers for other functions. This became very costly and cumbersome for both the presenters and POST as POST was purchasing the boot drives, many staff hours were invested in troubleshooting compatibility issues, and control of the serialized thumb drives is required before, during, and after completion of each test session. To address this issue, CSB developed a secure web browser option which requires an application be installed on each computer, and secures the testing process by locking down the computer during the test session and does not allow the student access to outside resources. The proposed changes are necessary to eliminate the opportunity for a compromise of test material resulting from a lost or stolen thumb drive, and to eliminate the extensive cost and staff hours associated with the thumb drives.

Page 35- The proposed revision is necessary to reflect the renumbering of exhibits due to the addition of the secure web browser contract.

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.

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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

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:

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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.