

INITIAL STATEMENT OF REASONS

Amend Commission Procedure G-1, Guidelines for Counseling Services Regulation 1016

At the October 18, 2018 meeting, the Commission approved the proposed amendments to Commission Procedure G-1, *Guidelines for Counseling Services* - Regulation Section 1016.

POST is proposing regulatory changes related to language clarification for the POST Management Studies by replacing the word “surveys” with “studies,” removing any reference to the Peace Officer Training Fund (which is POST’s former funding source, and is no longer in use), and implementing the charging of fees for select services.

Justification for Proposed Revisions

Commission Procedure G-1, Guidelines for Counseling Service

The proposed regulatory revisions are intended to more accurately reflect the Management Counseling services available to the law enforcement profession. Special and General studies include preliminary evaluations for a scope of work, an analysis of surveys, processes, and functions, and an extensive review of the administration, operation, and service provided by a local law enforcement agency. These studies conclude with a written report and recommendations for improvement. Charging the requesting agency a fee for POST staff time to conduct a study will allow POST to continue to provide these services on an ongoing basis regardless of reductions to POST’s budget. By paying for POST staff time, the agencies would still generally obtain studies at costs less than those provided by private contractors, and may be more apt to evaluate and/or implement recommendations for improvement.

The proposed change is necessary because it will likely create improved community/police relations and enhanced police processes and operations through the enactment of the study recommendations. Thus, law enforcement standards and the mission of the organizations are maintained and will be effective in preserving peace, safety, and welfare in California.

Commission Procedure G-1-6, Selected Counseling

Added a line to clarify that there is no cost for selected counseling services that do not rise to a Special or General Study.

Commission Procedure G-1-10, POST Consultants

Updated regulation to include charging for studies. The Penalty Assessment Fund is the primary source for POST funding. In April 2018, at the request of the Joint Legislative Audit Committee, the California State Auditor presented report #2017-126 concerning the Penalty Assessment Fund. The report concludes that this model of funding state programs proven problematic for agencies that rely on those funds.

The report states “*The penalty and fee revenue collected is trending downward, contributing to declining fund balances for many programs.*” It specifically noted that the Commission on POST incurred a 19% decrease in penalty fund revenue from fiscal year 2014–15 to 2016–17.

Among the report’s recommendations is that the Legislature “*...should consider requiring the affected department to identify other funding sources or reduce the program’s scope of services.*”

By instituting a low-cost fee to our constituents, POST will maintain the capacity to conduct these general studies that will provide a written report detailing an extensive review and appropriate

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analysis with recommendations of the administration, operation and service provided by the local law enforcement agency.

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 proposed regulation pertains exclusively to POST participating agencies 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 has 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, or would be as effective and less burdensome to affected private persons.

Economic Impact Analysis

Impact of Jobs/New Business:

The Commission on Peace Officer Standards and Training sets selection and training standards for POST-participating governmental law enforcement agencies. The proposed revisions are solely applicable to law enforcement agencies. Accordingly, adoption of the proposed regulatory revisions 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 proposed revisions pertain solely to Special Studies and General Studies offered by POST Management Counseling to be utilized by POST-participating law enforcement agencies. As a result, 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.

Benefits of the Regulation:

The benefits of the proposed amendments to the regulation will be the enhancement of police processes and operations through the enactment of study recommendations. Thus, California law enforcement agencies can adequately maintain their standards to preserve peace; protect public

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health, safety, and welfare; and interact in a positive manner with their communities. The proposed amendments will not benefit nor harm worker safety or the State's environment.