



**Commission on Peace Officer Standards and Training**

860 Stillwater Road, Suite 100  
West Sacramento, CA 95605-1630

**Notice of 15-Day Modified Text and Availability of Addition of Documents and Information to Rulemaking File**

**Modifications to the Text of Proposed Regulations and Addition of Documents and Information to Rulemaking File for Regulation 1016 Services Provided by the Commission – Guidelines for Counseling Services (OAL File Number 2019-0215-01S and POST Bulletin Number 2018-37)**

Date: November 8, 2019

Pursuant to the requirements of Government Code section 11346.8 (c) and section 44 of Title 1 of the California Code of Regulations, the Commission on Peace Officer Standards and Training (POST) is providing notice of modifications to the proposed regulation.

Additionally, pursuant to the requirements of Government Code sections 11346.8(d) and 11347.1, POST is providing notice that documents and other information which POST is relying upon in adopting the proposed regulation has been added to the rulemaking file and is available for public inspection and comment. The documents and information added to the rulemaking file is the Attachment to Economic and Fiscal Impact Statement and the Addendum to the Initial Statement of Reasons. These documents are available for public inspection at POST's office located at 860 Stillwater Road, Suite 100, West Sacramento, CA from November 8, 2019 through November 23, 2019 between the hours of 8:00 a.m. and 5:00 p.m.

POST will accept written comments regarding all proposed modifications outlined in this 15-day notice from November 8, 2019 until November 23, 2019. Submit all written comments to [Heidi Hernandez](#) or via U.S. Mail to:

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Commission on Peace Officer Standards and Training  
860 Stillwater Road, Suite 100  
West Sacramento, CA 95605-1630  
[Heidi.Hernandez@post.ca.gov](mailto:Heidi.Hernandez@post.ca.gov)

All written comments received by **November 23, 2019**, which pertain to the indicated modifications or to the documents and other information added to the file will be reviewed, responded to, and included as part of the rulemaking file.

The modified text is reflected as follows:

Originally proposed text is shown with single underline and single ~~strikethrough~~ type.

Modifications to the originally proposed text are shown with highlighted double underline and ~~double strikethrough~~ type for the 15-day comment period.

**TEXT OF PROPOSED REGULATION ACTION**  
**Commission Procedure G-1 – Guidelines for Counseling Services**  
**Regulation 1016**

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**§ 1016. Services Provided by the Commission.**

Counseling services are provided only to a local jurisdiction and only upon request for the purpose of improving its administration, management, and operations. Aid may also be given to such agencies in implementing recommended procedures or practices. [See Commission Procedure G-1, See PAM Section G](#)

Note: Authority cited: Section 13506, Penal Code. Reference: Sections 13503 and 13513, Penal Code.

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**Commission Procedure G-1, Guidelines for Counseling Service**

**Purpose**

**1-1. Management Counseling**

1-2. This Commission procedure implements the link to Management Counseling and Projects homepage program established in [Regulation 1016](#), which provides that in accordance with [Penal Code section 13513](#) upon the request of a local jurisdiction, the Commission shall provide a counseling service to such local jurisdiction for the purpose of improving the administration, management or operations of a police agency and may aid such jurisdiction in implementing improved practices and techniques. Such service shall be in accordance with Commission policy and guidelines for counseling services as provided in this Commission procedure. Management counseling services shall be provided only to local law enforcement agencies.

**Types of Services**

**1-2. Services Provided**

Upon request, the Commission may provide the following types of counseling service:

- (a) Preliminary evaluation
- (b) Special [Survey Study](#)
- (c) General [Survey Study](#)
- (d) Selected Counseling
- (e) Implementation Assistance

**1-3. Preliminary Evaluation**

A preliminary evaluation is conducted by POST consultants who determine and make recommendations as to the extent and scope of the counseling services proposed.

**1-4. Special [Survey Study](#)**

A special [survey study](#) includes appropriate analysis of a single or limited number of functions within a local law enforcement department, such as an analysis and written report with recommendations covering one or more of the following:

- (a) Organization
- (b) Direction and Control
- (c) Operations
  - Patrol
  - Traffic
  - Investigations
- (d) Administration
  - Personnel
  - Training
  - Research and Development

**TEXT OF PROPOSED REGULATION ACTION**  
**Commission Procedure G-1 – Guidelines for Counseling Services**  
**Regulation 1016**

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- Community Relations
- Crime Prevention
- (e) Services
  - Communications
  - Records
  - Warrants
  - Property/Evidence Control
  - Jail
  - Civil and Bailiff

**1-5. General Survey Study**

A general survey study includes extensive review and appropriate analysis of the administration, operation and service provided by a local law enforcement department and a written report of the analysis with recommendations. All requests for general surveys studies are subject to approval by the Commission.

(a) A general survey study considers the entire local law enforcement department's operation. It examines the role of the agency and its relationship to other functions of local, state and federal government; its administrative, organizational and personnel procedures; its staff and line operations; information systems; communications; equipment; and facilities.

(b) The purpose of the general survey study is to analyze an entire local law enforcement operation and, where appropriate, recommend new or advanced systems, procedures, techniques, and methods to improve the capability of the agency to effectively perform its mission.

**1-6. Selected Counseling**

Selected counseling consists of formal or informal discussions or conferences between administrators of a department and POST staff in order to provide advice. The counseling may be provided with or without preparation of a formal report. High priority for this service will normally be assigned to meet the special or emergency needs of a law enforcement agency. Selected counseling services will be provided to requesting agencies at no cost.

**1-7. Implementation Assistance**

Implementation assistance is designed to provide staff assistance in carrying out recommendations provided in POST surveys studies or management counseling services. This service may include review of preliminary planning, identifying resource materials needed, actual field testing of systems designed, as well as onsite study of existing systems by key personnel for field management training.

**Consultants**

**1-8. Consultants Assigned**

Normally, POST consultants are assigned to conduct surveys studies and provide implementation assistance. The Commission may, from time to time, utilize the services of qualified special consultants who are not members of POST staff. ~~The Peace Officers' Training Fund, however, shall not be used to provide subsidies to local agencies for the employment of private consultants.~~

**Requests for Service**

**1-9. Written Counseling Services Requests**

Counseling services must be requested electronically of the Commission to POST in writing. In addition to the chief law enforcement officer, requests must be ~~signed~~ approved by the city manager/administrator or mayor of a municipality.

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**Costs**

**1-10. POST Consultants**

~~When counseling is provided by the POST staff, there is no charge.~~ POST shall charge a fee to conduct general or special studies and POST will receive reimbursement for actual time spent by the Law Enforcement Consultant (LEC) on the project. This reimbursement will cover face-to-face meeting time at the agency, research, and document preparation, but will not include travel time. The cost would be charged at the current straight hour rate of pay plus benefits of the Law Enforcement Consultant, plus 8 percent of the cost to compensate for administrative expenditures.

Example: A Law Enforcement Consultant, at the rate of \$83.64 per hour, conducts a study that takes 104 hours to complete. The total hourly cost for the LEC is \$8,698.56. The 8 percent additional cost is \$695.89, for a total of \$9,394.45 to complete the study.

Upon payment of the study fee by the requestor(s), the completed study and its recommendations shall be released to the requestor(s). There is no cost to the requesting agency if the request is for POST selected counseling services only.

For situations that may arise where POST determines there will be a financial hardship to a requesting agency, and a general or special study is necessary due to some exigent or critical circumstance, the Executive Director or his/her designee may waive any or all charges in order to assist the requesting agency and provide POST study services. The waiver waiving of charges will be considered only in rare circumstances, and on a case-by-case basis.

**1-11. Special Consultants**

If part-time special consultants are required, costs of the special consultants' official travel, per diem, and fees may be provided for by written agreement.

**Follow-up**

**1-12. Assistance Available**

Staff follow-up assistance is available regarding the implementation of a survey study or counseling recommendations and to evaluate a department's efforts of implementation.