

## **INITIAL STATEMENT OF REASONS**

### **Code of Ethics**

#### **Commission Regulation 1013**

At the February 21, 2019 and May 30, 2019 meetings, the Commission approved amendments to Commission Regulation 1013 and Procedure C-3. Specifically, the Commission voted to remove the term “mankind” from the Law Enforcement Code of Ethics at the February meeting, and remove the term “men” from the Law Enforcement Code of Ethics at the May meeting.

Further research by the Office of Administrative Law (OAL) revealed that Commission Procedure C-3 was never formally incorporated by reference into Regulation in years past. Therefore, at the October 24, 2019 meeting, the Commission approved an amendment to the proposed changes to the Law Enforcement Code of Ethics by codifying the previously approved text of the Law Enforcement Code of Ethics into Commission Regulation 1013, thus eliminating the need to formally incorporate Procedure C-3 by reference.

Accordingly, POST desires to place the Commission-approved Law Enforcement Code of Ethics language into Regulation 1013.

#### **Justification for Proposed Revisions**

The Law Enforcement Code of Ethics is described in Commission Regulation 1013 as well as subordinate Procedure C-3, which was later determined to have never been formally incorporated by reference into Regulation. The Code of Ethics has been required to be administered either during the academy or at the time of peace officer appointment for several decades. Most commonly, the Code of Ethics has been administered in a group setting where peace officer recruits/trainees are required to recite the Code, word for word, during the basic academy.

The proposed changes will formally incorporate the text of the Code of Ethics into Regulation to ensure that it is properly codified and therefore formally part of Regulation. Further, the proposed changes codify the text of the Law Enforcement Code of Ethics into Commission Regulation 1013, obviating the need to formally incorporate the language in a subordinate Procedure. Maintaining the Code of Ethics as a required activity is the specific intent of the Commission, as reflected in recent and past Commission meetings, and doing so will ensure the desired outcome of the Commission is enforceable by regulation.

#### **Justification – Regulation 1013: Code of Ethics**

The challenges for contemporary law enforcement officers are extraordinarily high and demanding. The responsibly each officer bears, requires a commitment to the highest ethical standards, that are above reproach. Community expectations demand that peace officer candidates are of the highest caliber, are responsive to public service and committed to procedural justice.

The Law Enforcement Code of Ethics, which has been administered to both academy students and newly appointed peace officers, affirms that officers will serve their communities while protecting the Constitutional rights of all, will act in a manner consistent with law and departmental policies, and will do so ethically and without undue influence.

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The Code of Ethics is to be administered either during the academy or at the time of peace officer appointment. The Code of Ethics is relevant and inclusive of those who serve in law enforcement, as well as all who are served by California law enforcement.

Regulation 1013 - Proposed changes will formally incorporate the text of the Code of Ethics into Regulation to ensure that it is properly codified and therefore formally part of Regulation. Further, the proposed changes codify the text of the Law Enforcement Code of Ethics into Commission Regulation 1013, obviating the need to formally incorporate the language in a subordinate Procedure. Maintaining the Code of Ethics as a required activity is the specific intent of the Commission, as reflected in recent and past Commission meetings, and doing so will ensure the desired outcome of the Commission is enforceable by regulation.

The Commission is statutorily authorized to implement the Law Enforcement Code of Ethics. Penal Code Sections 13510 (a) relates that, "For the purpose of raising the level of competence of local law enforcement officers, the commission shall adopt, and may from time to time amend, rules establishing minimum standards relating to physical, mental, and moral fitness that shall govern the recruitment of any city police officers, peace officer members of a county sheriff's office..." and, "The commission also shall adopt, and may from time to time amend, rules establishing minimum standards for training of city police officers, peace officer members of county sheriff's offices..."

#### **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 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, would be as effective, and less burdensome to affected private persons than the proposed action, or would

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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:*

Because the Commission on Peace Officer Standards and Training sets selection and training standards for law enforcement, adoption of the proposed amendments of regulations 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.

##### *Benefits of the Regulation:*

The benefits of the proposed amendments to the regulations will ensure that those who serve and are served by California law enforcement adhere to a Code of Ethics that is relevant and inclusive of all. This could potentially assist departments with being more effective in preserving peace, protection of public health, safety, and welfare of California. The proposed amendments will not benefit the worker safety or the State's environment.