

INITIAL STATEMENT OF REASONS

Amend Regulation 1016

At the February 13, 2020 meeting, the Commission approved the proposed amendments to Regulation 1016 – Services Provided by the Commission on POST.

The Commission on POST is proposing regulatory changes related to language clarification for POST Management Studies by replacing the word “surveys” with “studies”, removing reference to “PAM Section G”, removing any reference to “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

The wording “See PAM Section G” was removed as PAM no longer exists.

The number sequence is justified to duplicate the format of other Regulations.

Former section **1-1 Management Counseling** was moved over verbatim and is now renumbered (a).

Former section **1-2** removed the verbiage “This Commission procedure implements the link to Management Counseling and Projects homepage program established in Regulation 1016, which provides that” to be more consistent and is now renumbered (a) (1).

Former section **1-2 Services Provided** was moved over verbatim and is now renumbered (b).

Former section 1-2 (a) was moved over verbatim and is now renumbered (b) (1) (A).

Former section 1-2 (b) the word “Survey” was changed to “Study” as POST does not only conduct surveys, but rather studies to benefit an agency for the purpose of improving the administration, management or operations and aid such agency in implementing improved practices and techniques, and is now renumbered (b) (1) (B).

Former section 1-2 (c) the word “Survey” was changed to “Study” as POST does not only conduct surveys, but rather studies to benefit an agency for the purpose of improving the administration, management or operations and aid such agency in implementing improved practices and techniques and is now renumbered (b) (1) (C).

Former section 1-2 (d) was moved over verbatim and is now renumbered (b) (1) (D).

Former section 1-2 (e) was moved over verbatim and is now renumbered (b) (1) (E).

Former section **1-3 Preliminary Evaluation** was moved over verbatim and is now renumbered (c) and (c) (1).

Former section **1-4 Special Survey** the word “Survey” was changed to “Study” as POST does not only conduct surveys, but rather studies to benefit an agency for the purpose of improving the administration, management or operations and aid such agency in implementing improved practices and techniques and is now renumbered (d) and (d) (1).

INITIAL STATEMENT OF REASONS

Amend Regulation 1016

Former sections 1-4 (a) – (e) were moved over verbatim and are now renumbered (d) (1) (A) – (E).

Former section **1-5 General Survey** the word “Survey” was changed to “Study” as POST does not only conduct surveys, but rather studies to benefit an agency for the purpose of improving the administration, management or operations and aid such agency in implementing improved practices and techniques and is now renumbered (e).

Former sections 1-5 (a) and 1-5 (b) the word “survey” was changed to “study” as POST does not only conduct surveys, but rather studies to benefit an agency for the purpose of improving the administration, management or operations and aid such agency in implementing improved practices and techniques and is now renumbered (e) (1). These two paragraphs were combined to avoid confusion.

Former section **1-6 Selected Counseling** was moved over verbatim and the following sentence was added at the end “Selected counseling services will be provided to requesting agencies at no cost.”, and now renumbered (f) and (f) (1).

Former section **1-7 Implementation Assistance** the word “surveys” was changed to “studies” as POST does not only conduct surveys, but rather studies to benefit an agency for the purpose of improving the administration, management or operations and aid such agency in implementing improved practices and techniques and is now renumbered (g) and (g) (1).

Former section **1-8 Consultants Assigned** the word “surveys” was changed to “studies” as POST does not only conduct surveys, but rather studies to benefit an agency for the purpose of improving the administration, management or operations and aid such agency in implementing improved practices and techniques.

The last sentence “The Peace Officers' Training Fund, however, shall not be used to provide subsidies to local agencies for the employment of private consultants” was removed as the Peace Officers' Training Fund was POST's former funding source, and is no longer in use. This is now renumbered (h) and (h) (1).

Former section **1-9 Written Requests** (renumbered/renamed (i) Request for Service).

Removed the word “written” and added the words “counseling service” as this eliminates the need to send in written requests.

The word “electronically” was added for the ease of agencies to email their needed requests to POST.

The words “of the Commission” was removed and replaced with “to POST” to eliminate any confusion with POST Commissioners.

The words “in writing” was removed for the ease of agencies to email their needed requests to POST.

The word “signed” was removed and replaced with “approved” to eliminate any delays in approving request. Now section (1).

INITIAL STATEMENT OF REASONS

Amend Regulation 1016

The sentence “As a matter of standard practice, POST will not conduct any requested study(ies) where there is active state, local, or federal investigation pending” was added to protect POST against liability, now numbered (i) (2).

Former section **1-10 POST Consultants** the wording “When counseling is provided by the POST staff, there is no charge” was removed. This was removed as POST is now charging for this service.

The following paragraphs were added:

- (1) POST shall charge a fee to conduct general or special studies. Reimbursement to POST for actual time spent by the Law Enforcement Consultant (LEC) on the project will cover face-to-face meeting time at the agency, research, and document preparation, and will not include travel time. The cost would be charged at the current straight hour rate of pay of the Law Enforcement Consultant current wage, plus 8 percent of the cost to compensate for administrative expenditures.
- (2) 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.
- (3) 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 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 at no cost/charge. The waiving of charges will be considered only in rare circumstances, and on a case-by-case basis.

The justification and the need for POST to charge for studies is that POST conducts several studies annually for agencies. The costs associated with studies varies greatly depending on type and depth. For example, a Property and Evidence study may take a POST Law Enforcement Consultant (LEC) 120 hours of time to travel, research and draft a report. In addition to the 120 hours for a Property and Evidence study, additional POST staff members are used to edit and approve the final the report.

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.

INITIAL STATEMENT OF REASONS

Amend Regulation 1016

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.

Business Impact/Small Businesses

The Commission on POST 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 on POST has determined that no reasonable alternative considered by POST, or that has otherwise been identified and brought to the attention of POST, 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 POST 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.

INITIAL STATEMENT OF REASONS
Amend Regulation 1016

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 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.