



Commission on Peace Officer Standards and Training

1601 Alhambra Blvd
Sacramento, CA 95816-7083
www.post.ca.gov

Date: December 14, 2012

Bulletin: No. 2012-18

Subject: **Notice of Proposed Regulatory Action** – Amend Regulation 1955: Peace Officer Psychological Evaluation

At its October 25, 2012 meeting, the Commission approved the proposed amendments to Regulation 1955 (formerly 9055): Peace Officer Psychological Evaluation. The proposed amendments will require peace officer psychological screening evaluators to complete a minimum of 12 hours of POST-approved continuing professional education (CPE) biennially.

POST approval of CPE courses will be contingent on (1) previous approval by the American Psychological Association or other accrediting body authorized by the California Board of Psychology; and (2) relevance of course content. To be considered relevant, course topics must focus on one or more of the POST Peace Officer Psychological Evaluator Competencies that were developed in conjunction with this regulatory amendment. In addition to serving as course content review criteria, the Competencies provide a defined, standardized set of psychological evaluator capabilities useful to both psychologists and law enforcement agencies.

The attached notice describes the proposed changes and includes an invitation for written input on this proposal, the deadline for written comments, and information about requesting a public hearing. The following related information is available on the POST website <http://www.post.ca.gov/regulatory-actions.aspx>.

- POST Bulletin and Notice of Proposed Regulatory Action
- Text of Proposed Regulatory Action
- Initial Statement of Reasons
- POST Peace Officer Psychological Evaluator Competencies

Please direct inquiries about this proposed regulatory action to Melani Singley, Commission on POST, 1601 Alhambra Boulevard, Sacramento, CA 95816-7083, by email at melani.singley@post.ca.gov, or by telephone at (916) 227-4258. Patti Kaida is the contact person for questions on the regulatory process. Ms. Kaida is available by email at Patti.Kaida@post.ca.gov, by telephone at (916) 227-4847, or by FAX at (916) 227-5271.

ROBERT A. STRESAK
Interim Executive Director

Attachment: Notice of Proposed Regulatory Action

NOTICE OF PROPOSED REGULATORY ACTION
Peace Officer Psychological Evaluation
Regulation 1955

Notice is hereby given that the Commission on Peace Officer Standards and Training (POST) proposes to amend regulations in Chapter 2 of Title 11 of the California Code of Regulations as described below in the Informative Digest. A public hearing is not scheduled. Pursuant to Government Code Section 11346.8, any interested person, or his/her duly authorized representative, may request a public hearing. POST must receive the written request no later than 15 days prior to the close of the public comment period.

Public Comments Due by January 28, 2013, at 5:00 PM

Notice is also given that any interested person, or authorized representative, may submit written comments relevant to the proposed regulatory action by fax at (916) 227-5271, or by letter to:

Commission on POST
Attention: Rulemaking
1601 Alhambra Boulevard
Sacramento, CA 95816-7081

Authority and Reference

This proposal is made pursuant to the authority vested by Penal Code Section 13503 (authority of the Commission on POST) and Penal Code Section 13506 (POST authority to adopt regulations). This proposal is intended to interpret, implement, and make specific Government Code 1031(f), which authorizes POST to develop education and training procedures for peace officer pre-employment screening evaluators.

Informative Digest/Policy Statement Overview

Government Code 1031(f) stipulates that those who conduct peace officer psychological evaluations must meet “any applicable education and training procedures set forth by the California Commission on Peace Officer Standards and Training designed for the conduct of pre-employment screening of peace officers.” To implement this statute, Commission Regulation 1955: Peace Officer Psychological Evaluation is being amended to include a continuing professional education (CPE) requirement.

Currently, California psychologists must complete 36 hours of continuing education (CE) biennially to maintain their professional license. However, the range of topics covered in CE courses sanctioned by the California Board of Psychology varies widely, and there is no assurance that those responsible for conducting peace officer pre-employment psychological evaluations will enroll in courses of specific relevance to this function. The proposed requirement is intended to ensure that those who conduct these evaluations devote 12 of their 36 required CE hours toward courses directly related to that function.

POST approval of CPE courses will be contingent on (1) previous accreditation by the American Psychological Association or other accrediting body authorized by the California Board of Psychology; and (2) relevance of course content. To be considered relevant, course topics must focus on one or more of the POST Peace Officer Psychological Evaluator Competencies developed in conjunction with this regulatory amendment. These competencies serve both as course content review criteria, and provide a defined, standardized set of evaluator capabilities useful to both psychologists and law enforcement agencies.

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The objective of the proposed regulation is to implement Government Code section 1031(f) by ensuring that those conducting pre-employment psychological screening of peace officer applicants have sufficient education and training necessary to perform this function. The proposed regulation may benefit the protection of public health and safety by ensuring that individuals who are vested with peace officer powers have been deemed psychologically competent as the result of complete, job-relevant, professionally-administered evaluation.

An evaluation has found that the proposed changes to regulation are consistent or compatible with existing state regulations.

Adoption of Proposed Regulations

Following the public comment period, the Commission may adopt the proposal substantially as set forth without further notice, or the Commission may modify the proposal if such modifications remain sufficiently related to the text as described in the Informative Digest. If the Commission makes changes to the language before the date of adoption, the text of any modified language, clearly indicated, will be made available at least 15 days before adoption to all persons whose comments were received by POST during the public comment period and to all persons who request notification from POST of the availability of such changes. A request for the modified text should be addressed to the agency official designated in this notice. The Commission will accept written comments on the modified text for 15 days after the date that the revised text is made available.

Estimate of Economic Impact

Fiscal impact on Public Agencies including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Non-Discretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Costs to any Local Agency or School District for which Government Code Sections 17500 - 17630 requires reimbursement: None

Significant Statewide Adverse Economic Impact Directly Affecting California Businesses, including Small Business: The Commission on Peace Officer Standards and Training has made an initial determination that the amended regulations will not have a significant statewide adverse economic impact directly affecting California businesses, including the ability to compete with businesses in other states. The Commission on Peace Officer Standards and Training has found that the proposed amendments will not affect California businesses, including small businesses, because the Commission sets selection and training standards for law enforcement which does not impact 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 the proposed action.

Affect on Housing Costs: The Commission on Peace Officer Standards and Training has made an initial determination that the proposed regulation would have no affect on housing costs.

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Results of Economic Impact Assessment per Gov. Code sec. 11346.3(b)

The 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.

The benefits of the proposed amendments of regulations to the health and welfare of California residents would be to ensure that applicants who may ultimately be given peace officer powers are being psychologically evaluated by professionals who have the education and training necessary to perform this function both effectively and competently. There would be no impact which would affect worker safety or the states' environment.

Consideration of Alternatives

To take this action, the Commission must determine that no reasonable alternative considered by the Commission, or otherwise 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 as and less burdensome to affected private persons or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law than the proposed action.

Contact Persons

Please direct inquiries about this proposed regulatory action to Melani Singley, Commission on POST, 1601 Alhambra Boulevard, Sacramento, CA 95816-7083, by email at melani.singley@post.ca.gov, or by telephone at (916) 227-4258. Patti Kaida is the contact person for questions on the regulatory process. Ms. Kaida is available by email at Patti.Kaida@post.ca.gov, by telephone at (916) 227-4847, or by FAX at (916) 227-3895.

Text of Proposal

Individuals may request copies of the exact language of the proposed regulations and of the initial statement of reasons, and the information the proposal is based upon, from the Commission on POST at 1601 Alhambra Boulevard, Sacramento, CA 95816. These documents are also located on the POST website at: <http://www.post.ca.gov/regulatory-actions.aspx>.

Availability and Location of the Rulemaking File and the Final Statement of Reasons

The rulemaking file contains all information upon which POST is basing this proposal and is available for public inspection by contacting the person(s) named above.

To request a copy of the Final Statement of Reasons once it has been approved, submit a written request to the contact person(s) named above.