



Commission on Peace Officer Standards and Training

860 Stillwater Road, Suite 100
West Sacramento, CA 95605-1630
www.post.ca.gov

Date: November 23, 2018

Bulletin: No. 2018-37

Subject: **Notice of Proposed Regulatory Action – Amendment to Commission Procedure G-1, Guidelines for Counseling Services - POST Regulation 1016**

At the October 18, 2018 meeting, the Commission approved a proposed amendment to Commission Procedure G-1.

The proposal is to amend Commission Procedure G-1 reflecting the current procedure, replacing “survey” with “study,” removing references to the Peace Officer Training Fund (which is POST’s former funding source, and is no longer in use), and inserting language on charging for select POST services.

The attached notice describes the proposed changes, 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](#).

- POST Bulletin and Notice of Proposed Regulatory Action
- Text of Proposed Regulatory Action
- Initial Statement of Reasons

Questions regarding this proposed regulatory action may be directed to [Andrew Wyant](#), Commission on POST, 860 Stillwater Road, Suite 100, West Sacramento, CA 95605-1630. General questions regarding the regulatory process may be directed to [Heidi Hernandez](#) at (916) 227-2802.

MANUEL ALVAREZ, JR.
Executive Director

MA:aw
Attachment: Notice of Proposed Regulatory Action

NOTICE OF PROPOSED REGULATORY ACTION

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

Notice is hereby given that the Commission on Peace Officer Standards and Training (POST) proposes to amend regulations in Division 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 January 7, 2019, 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) 227-4547, or by letter to:

Commission on POST
Attention: Andrew Wyant
860 Stillwater Road, Suite 100
West Sacramento, CA 95605-1630

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 Penal Code Section 13503(e), which authorizes POST to develop and implement programs to increase the effectiveness of law enforcement, including programs involving training and education courses.

Informative Digest/Policy Statement Overview

At the October 18, 2018 meeting, the Commission approved a proposed amendment to POST Commission Procedure G-1. This amendment was proposed in order to modify the regulation to reflect a change from the currently worded "survey" to the more accurately defined "study." In addition, the proposed amendment requests removal of any references to the "Peace Officer Training Fund" which is no longer in existence. The amendment also requests the implementation of the referenced fee schedule for conducting future management studies pursuant to Penal Code 13513.

Current Commission Procedure G-1, Guidelines for Counseling Service, references "Special Survey" and "General Survey" as services provided; however, the scope of work involved in these processes is beyond that of a simple survey. The service provided is more inclusive of interpreting agency-generated data and providing local law enforcement agencies counseling services/recommendations to improve their administration, management, or law enforcement operations, and increase efficiency or effectiveness.

Commission Procedure G-1-8, Consultants Assigned, currently refers to the "Peace Officers' Training Fund;" however, that fund is no longer in existence, and reference to it shall be removed.

NOTICE OF PROPOSED REGULATORY ACTION

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

Commission Procedure G-1-10, POST Consultants, states that there is no charge for counseling services provided by POST staff. These services require a considerable amount of staff time and resources resulting in an increased financial impact to POST's budget. POST intends to mitigate this financial impact by charging a fee to conduct general or special studies based upon actual direct costs for completing the study and indirect costs determined in accordance with State Administrative Manual section 8752 and 8752.1.

The specific benefits anticipated by the proposed changes to the POST Guidelines for Counseling Services will be a more accurate reflection of 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 department. The 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 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 neither benefit nor harm worker safety or the State's environment.

Evaluation of Inconsistency/Incompatibility with Existing State Regulations

POST has determined that this proposed regulation is not inconsistent or incompatible with existing regulations. After conducting a review for any regulations that would relate to or affect this area, POST has concluded that these are the only regulations that concerns Training and Testing Specifications.

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.

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: Minimal -- Agencies to be charged for time and indirect costs for select POST employees conducting the study. It is estimated the cost per study could be between \$3,000 - \$5,000 for studies with a smaller scope of work, and may extend up to \$10,000 for lengthy or involved studies at larger agencies. If cost is an issue there is a caveat to allow the POST

NOTICE OF PROPOSED REGULATORY ACTION

Amendment to Commission Procedure G-1, Guidelines for Counseling Services

Regulation 1016

Executive Director to authorize a study free of charge on a case-by-case basis depending on the needs of the agency.

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 business, including the ability of California businesses 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 has determined that there should be little to no cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. POST currently does not charge for these services; however, the cost POST is proposing to charge is for staff time and will still generally be less than the same or similar work provided by private contractors.

POST is not aware of any cost impact that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

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

Results of Economic Impact Assessment per Gov. Code Section 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 improved community/police relations and enhanced police processes and operations by the enactment of the study recommendations. Thus, the law enforcement standards and mission of the organizations are maintained and will be effective in preserving peace, safety, and welfare in California. There would be no impact that would affect worker safety or the State's environment.

Consideration of Alternatives

In accordance with Government Code section 11346.5, subdivision (a)(13), to take this action the Commission must determine that no reasonable alternative it considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, would be more

NOTICE OF PROPOSED REGULATORY ACTION

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

effective in carrying out the purpose for which the action is proposed, or would be as effective, and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provisions of the law.

Availability of Modified Text

Following the written comment period, and the hearing if one is held, the department may adopt the proposed regulations substantially as described in this notice. If modifications are made which are sufficiently related to the originally proposed text, the fully modified text of this regulation, with changes clearly indicated, pursuant to Section 11346.8, shall be made available to the public for at least 15 days prior to the date on which the department adopts, amends, or repeals the resulting regulations. Requests for copies of any modified regulations should be addressed to the department contact person in this notice. The department will accept written comment on the modified regulation for 15 days after the date on which they're first made available to the public.

Contact Persons

Questions regarding this proposed regulatory action may be directed to [Andrew Wyant](#), Commission on POST, 860 Stillwater Road, Suite 100, West Sacramento, CA 95605-1630. General questions regarding the regulatory process may be directed to [Heidi Hernandez](#) at (916) 227-2802.

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, 860 Stillwater Road, Suite 100, West Sacramento, CA 95605-1630. 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 prepared, submit a written request to the contact person(s) named above.