



Commission on Peace Officer Standards and Training

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

Date: December 19, 2019

Bulletin: No. 2019-41 (amended 12/19/19)

Subject: **Notice of Proposed Regulatory Action – Amend Law Enforcement Code of Ethics –
Commission Regulation 1013**

At the February 21 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. The proposed changes provide for more generic language to ensure that the Code of Ethics remains relevant and inclusive of those who serve and all who are served by California law enforcement.

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.

This could potentially assist departments with being 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.

The attached notice includes the proposed changes, 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 [Scott Loggins](#), Commission on POST, 860 Stillwater Road, Suite 100, West Sacramento, CA 95605-1630 at (916) 227-2807. General questions regarding the regulatory process may be directed to [Katie Strickland](#) at (916) 227-2802.

MANUEL ALVAREZ, JR.
Executive Director

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NOTICE OF PROPOSED REGULATORY ACTION

Code of Ethics

Commission Regulation 1013

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 by February 3, 2020

Notice is also given that any interested person, or authorized representative, may submit written comments relevant to the proposed regulatory action by email to [Scott Loggins](mailto:Scott.Loggins@post.ca.gov), by fax at (916) 227-2801, or by letter to:

Commission on POST
Attention: Scott Loggins
860 Stillwater Road, Suite 100
West Sacramento, CA 95605-1630
Scott.Loggins@post.ca.gov

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

The Law Enforcement Code of Ethics is contained in Commission Regulation 1013 and Procedure C-3. (Incidental to the preparation of this rulemaking package, OAL determined that Procedure C-3 was never formally incorporated by reference into Regulation in years past).

The Code of Ethics is required to be administered either during the academy or at the time of appointment. Most commonly, the Code of Ethics is 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.

The text of the Law Enforcement Code of Ethics will be codified into Commission Regulation 1013, eliminating the need to formally incorporate the language into a subordinate Procedure by reference.

The specific benefit anticipated by the proposed change to the regulation will be to ensure that the Code of Ethics serves to reinforce the commitment each peace officer candidate must make to public service as well as the US and CA Constitutions, to be relevant and inclusive of all peace officers and

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the community they serve regardless of gender, and to streamline the regulatory mandate by including the entire text in one singular regulation.

During the process of developing these regulations and amendments, the Commission on Peace Officer Standards and Training has conducted a search of any similar regulations on this topic and has concluded that these regulations are neither inconsistent nor incompatible 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 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 is not aware of any cost impacts 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 sec. 11346.3(b)

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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 all peace officers who subscribe to the Code of Ethics are doing so for the benefit of the entire community regardless of gender or religion. 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), the Commission must determine that no reasonable alternative it considered, 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 be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provisions of the law.

Contact Persons

Questions regarding this proposed regulatory action may be directed to [Scott Loggins](#), Commission on POST, 860 Stillwater Road, Suite 100, West Sacramento, CA 95605-1630 at (916) 227-2807. General questions regarding the regulatory process may be directed to [Katie Strickland](#) 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](#).

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.