



Commission on Peace Officer Standards and Training

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

Notice of Availability of 15-Day Language

**Modifications to Text of Proposed Regulations for
*Revision of Peace Officer Psychological Evaluation***

May 1, 2013

The Commission on Peace Officer Standards and Training (POST) has revised the proposed regulations for Peace Officer Psychological Evaluation (Regulation 1955). The original notice of proposed regulatory action for this topic was published on December 14, 2012; all related documents are available at <http://www.post.ca.gov/regulatory-actions.aspx>.

The attached changes to the regulation text will accomplish the following:

- clarify that course approval is a two-step process involving both quality and content,
- provide specific references to the associations accepted by the California Board of Psychology as continuing education (CE) course providers,
- recognize training provided by other organizations/associations, if applicable,
- extend the implementation date of the initial six (6)-hour continuing professional education (CPE) requirement, and
- provide a date reference on the POST Peace Officer Psychological Evaluator Competencies.

All written comments that POST receives by **5:00 p.m. on May 16, 2013**, which pertain to the indicated change or re-identified documents, will be reviewed, responded to, and included as part the rulemaking file. Submit all written comments to Melani Singley via FAX at (916) 227-0476, by email to melani.singley@post.ca.gov, or via U.S. mail to:

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Please limit your comments to the attached text modifications which appear as double underlines or strikeouts to indicate changes to the proposed peace officer psychological evaluation requirements. Single knockout or underline symbols indicate originally proposed text changes.

Attachments

TEXT

Text proposed to be added for the 45-day comment period is displayed in underline type.

Text proposed to be added for the 15-day comment period is displayed in double underline type.

Text proposed to be deleted for the 15-day comment period is displayed in double strikethrough type.

1955. Peace Officer Psychological Evaluation

(a) Government Code Mandate/Evaluator Requirements

Every peace officer candidate shall be evaluated to determine if the candidate is free from any emotional or mental condition that might adversely affect the exercise of the powers of a peace officer [Government Code section 1031(f)], and to otherwise ensure that the candidate is capable of withstanding the psychological demands of the position.

(1) The psychological evaluation shall be conducted by either of the following:

(A) A physician and surgeon who holds a valid California license to practice medicine, has successfully completed a postgraduate medical residency education program in psychiatry accredited by the Accreditation Council for Graduate Medical Education, and has at least the equivalent of five full-time years of experience in the diagnosis and treatment of emotional and mental disorders, including the equivalent of three full-time years accrued after completion of the psychiatric residency program.

(B) A psychologist licensed by the California Board of Psychology who has at least the equivalent of five full-time years of experience in the diagnosis and treatment of emotional and mental disorders, including the equivalent of three full-time years accrued post-doctorate.

~~(2) The evaluator shall be in compliance with any current POST education and training requirements developed for the conduct of pre-employment psychological screening of peace officers. Evaluators shall also be familiar the research literature available on pre-employment psychological screening of peace officers, and with state and federal fair employment statutes relevant to this area of practice. The psychological evaluator (hereinafter referred to as "evaluator") shall be competent in the conduct of preemployment psychological screening of peace officers. The required areas of competence, as defined in the *POST Peace Officer Psychological Evaluator Competencies (2013)* (Competencies), are herein incorporated by reference.~~

~~(3) The evaluator must complete a minimum of 12 hours biennially of POST-approved continuing professional education per Commission Regulation 1955(b).~~

~~(4) The evaluator shall conduct the examination on behalf of and for the benefit of the employing department.~~

(b) Continuing Professional Education (CPE)

(1) CPE Course Requirement

POST approval will be granted to CPE courses that meet the following requirements for both course quality and relevance:

(A) Course Quality

~~(B) Course quality is satisfied by any course~~ ~~Are~~ recognized and accepted by the California Board of Psychology for continuing education credit [16 CCR section 1397.61(c)(1)] including:

1. courses provided by American Psychological Association (APA), or its approved sponsors; or
2. continuing medical education (CME) courses specifically applicable and pertinent to the practice of psychology and that are accredited by the California Medical Association (CMA) or the Accreditation Council for Continuing Medical Education (ACCME); or
3. courses provided by the California Psychological Association, or its approved sponsors; or
4. courses approved by an accrediting agency for continuing education courses taken prior to January 1, 2013, pursuant to 16 CCR section 1397.61 as it existed prior to January 1, 2013.

The quality of courses recognized and accepted by other accrediting bodies, associations, or organizations will be considered on a case by case basis.

(B) Course Relevance

~~(A) As have been~~ determined by POST, ~~to~~ courses must have direct relevance and applicability to preemployment psychological assessment, by providing instruction and training in one or more of the Competencies [Regulation 1955(a)(2)] ~~and~~.

(2) CPE Course Approval

POST approval shall be granted to courses that meet the requirements outlined in Regulation 1955(b)(1). To be considered for POST approval, a course approval request must be submitted to POST via the electronic CPE Tracking System. The request may be submitted by a course instructor, provider, sponsor, law enforcement agency, or an individual who has taken or is considering taking a course.

Requests for POST approval must include the following information:

- (A) Course provider
- (B) Course instructor
- (C) Course title and description
- (D) Approving association
- (E) Course topics and hourly distribution
- (F) Learning objectives
- (G) Method(s) of instruction (e.g., workshop, webinar, independent learning)

A list of POST-approved CPE courses are maintained on the POST website (www.post.ca.gov).

(3) Evaluator CPE Requirement

(A) The evaluator must complete 12 hours of POST-approved instruction over a two-year period, which shall run concurrently with the evaluator's two-year license renewal cycle. The POST CPE requirement must be met no later than the evaluator's license renewal date. Additional CPE hours above the 12 hour minimum do not count toward the next two-year cycle.

(B) Prior to ~~May~~ September 1, 2014, all evaluators must complete a minimum of six (6) hours of CPE. The POST-approved CPE must have been completed between May 1, 2012 and ~~April~~ August 30, 2014. After ~~May~~ September 1, 2014, the 12-hour two-year CPE requirement will begin. CPE hours will be prorated at .5 hours per month, based on the evaluator's license renewal cycle. For example, if the evaluator's license renewal date is ~~October 31, 2014~~ February 28, 2015, by that date the evaluator must complete .5 hours of CPE for each of the six months that elapsed since ~~May~~ September 1, 2014 (i.e., three hours). Thereafter, the evaluator must meet the regular 12 hours of CPE for every two-year cycle per Regulation 1955(a)(3).

(C) The evaluator may satisfy no more than 75% (up to nine (9) hours) of the POST CPE requirement through independent learning that meets Regulation 1955(b)(1). Independent learning includes, but is not limited to, courses delivered via the Internet, CD-ROM, satellite downlink, correspondence, and home study.

(4) Verification of Course Completion

To verify compliance with Regulation 1955(a)(3), the evaluator must submit a psychological evaluator approval request to POST via the electronic CPE Tracking System. The request for approval may be submitted any time during the two-year cycle.

Requests must include the following information:

(A) Evaluator Information [name and contact information; license # and renewal date; and additional information (curriculum vitae, professional website URL), if available], and

(B) Course Information (course title, date completed, and CPE hours)

The request must be accompanied by official documentation of course completion, such as completion certificate, roster, and/or other official education or training records.

A list of evaluators and their contact information is available on the POST website (www.post.ca.gov).

1955(b)(c)** Timing of the Psychological Evaluation**

[... continued]

1955(c)(d)** Psychological Screening Procedures and Evaluation Criteria**

[1955(d)(1)-(2) ... continued]

1955(d)(e)** Required Sources of Information for the Psychological Evaluation**

[1955(e)(1) ... continued]

(2) Written Assessments

Written assessments shall consist of a minimum of two written psychological instruments. One of these instruments shall be designed and validated to identify patterns of abnormal behavior; the other instrument shall be designed and validated to assess normal behavior. Both instruments shall have documented evidence of their relevance for evaluating peace officer suitability. Together, the instruments shall provide information about each candidate related to: (1) freedom from emotional and/or mental conditions that might adversely affect the exercise of the powers of a peace officer, and (2) psychological suitability per the POST Psychological Screening ~~Manual~~ Dimensions [Regulation 1955**(c)(d)(2)**].

The psychological assessments shall be interpreted using appropriate, authorized test publisher scoring keys. If mail-order, Internet-based, or computerized test interpretations are used, the evaluator shall verify and interpret the individual results.

(3) Personal History Information

Personal history information includes the candidate's relevant work, life and developmental history based on information collected during the background investigation. This information may be augmented by and/or ~~from~~ responses on a personal history questionnaire collected as part of the psychological evaluation.

(4) Psychological Interview

A psychological interview shall be administered to each peace officer candidate subsequent to a review and evaluation of the results of the written assessments [Regulation 1955(~~d~~)(e)(2)] and the candidate's personal history information [Regulation 1955(~~d~~)(e)(3)]. Sufficient interview time shall be allotted to address all issues arising from the reviewed information and other issues that may arise during the interview.

[1955(e)(5) ... continued]

1955(~~e~~)(f) Psychological Evaluation Report

[1955(f)(1)-(5) ... continued]

1955(~~f~~)(g) Second Opinions

[1955(g) ... continued]

Authority cited: Section 1031, Government Code; Sections 13503, 13506, and 13510, Penal Code
Reference: Section 56.11, Civil Code; Section 1031, Government Code; and Section 13510, Penal Code

California Commission on Peace Officer Standards and Training
PEACE OFFICER PSYCHOLOGICAL EVALUATOR COMPETENCIES (2013)

Competence	Definition
<i>Assessment</i>	Ability to properly gather, analyze and integrate the full range of pertinent assessment data (e.g., personal health records, background investigation and other personal history information, psychological testing, clinical interview and observations) to reach a determination of psychological suitability for exercising the powers of <u>a</u> peace officer.
<i>Clinical</i>	Ability to assess the impact of a candidate's emotional or mental condition, and normal and abnormal personality traits and adaptation, on peace officer psychological suitability.
<i>Communication</i>	Ability to communicate the necessary and appropriate findings, conclusions, and recommendations in a manner that is clear and useful to the hiring agency and others involved in the candidate screening process, and conforms to POST requirements.
<i>Jurisprudence</i>	Knowledge and application of federal and state statutes, regulations, and case law pertinent to peace officer psychological screening, including but not limited to, the Americans with Disabilities Act, California Fair Employment & Housing Act, and the Genetic Information Nondiscrimination Act.
<i>Occupational</i>	Knowledge of peace officer essential job functions, working conditions, and chain of command, and the psychological demands and stressors inherent in the peace officer position.
<i>Procedural</i>	Knowledge and application of peace officer psychological screening procedures and criteria that are in compliance with POST requirements and are responsive to the needs and considerations of the hiring authority.
<i>Psychometric</i>	Understanding of psychological test properties, including test validity, reliability, base rates, test norms and group differences, and the ability to select appropriate tests for evaluating peace officer psychological suitability and to make proper, accurate inferences from test score results.
<i>Standards</i>	Knowledge and application of ethical principles and standards, and professional standards and guidelines, pertinent to peace officer psychological screening (e.g., privacy, confidentiality, informed consent, disclosure).