

**INITIAL STATEMENT OF REASONS  
Peace Officer Feasibility Study Requirements  
Regulation 1019 Replaced by Regulation 9020**

(The reasons appear in bold font following each section)

Regulation 9020 Peace Officer Feasibility Study Requirements

§ 1019 9020 (a) ~~Feasibility Studies Requirement for Peace Officer Status/Designation Requests~~

Pursuant to Penal Code sections 13540-42, a request for the Commission to undertake a feasibility study shall be made before any additions or changes to peace officer designation can be considered.

~~(a) Request for Feasibility Study~~

This paragraph establishes the legal reference for the feasibility study requirement and is included for clarity. The section title was amended to a more appropriate title that describes the content of what follows.

§ 9020 (b) Feasibility Study Request

(1) **Written Request**

A written request for a feasibility study shall be made by the following:

- ~~(4A) Any person(s) or persons, not currently a peace officer, desiring peace officer status under Chapter 4.5 (commencing with Section 830) of Title 3 of Part 4 2 of the Penal Code, who, on January 1, 1990, were not entitled to be designated as peace officers under chapter 4.5, shall request in writing that the Commission undertake a feasibility study regarding designating that person or persons as peace officers. Or~~

This section revises existing language for clarity and format. The deleted language, "who on January 1, 1990, were not entitled to be designated as peace officers under this chapter 4.5, is replaced with the text "not currently a peace officer." provides a simpler way of saying the same thing and is in plain English. The date is no longer significant.

- ~~(2B) Any person(s) or persons who is/are designated as peace officer(s) under Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code, desiring a change in peace officer designation or status shall request in writing that the Commission undertake a feasibility study to assess the need for the change.~~

This section revises existing language for clarity and format.

(32) **Content of Request**

The written request for the study shall include a statement that the person(s), ~~persons~~ or entity making the request agrees to pay the actual cost for conducting the study and to provide POST with necessary information to conduct the study.

(43) **Employing Jurisdiction Acknowledgement of Request**

The department head of the jurisdiction employing the person(s) ~~or persons~~ requesting the feasibility study shall acknowledge the request in writing.

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The above two sections revise existing language for clarity and format.

§ 9020 (c)

Feasibility Study

(1) **Scope**

The Commission shall conduct all feasibility studies within the scope specified in Penal Code Section 13541. The scope of a study shall include, but not be limited to, the current and proposed duties and responsibilities and the field law enforcement duties and responsibilities of the study's requestor(s). A study involving a change in peace officer designation shall consider the extent to which the requestor's current duties and responsibilities require additional peace officer powers and authority. A study shall include on-site visitations to verify duties and responsibilities.

This section is included to provide clarity as to the provisions of Penal Code Section 13541. Language from Commission Regulation 1019(d)(2) has been moved to this section for clarity and consistency.

~~(b) Determining actual study costs~~

~~(1) A fee will be charged to conduct all studies. The fee will be based upon actual direct costs for completing the study, and indirect costs determined in accordance with sections 8752 and 8752.1 of the State Administrative Manual.~~

~~(c) Payment of fees~~

~~(1) Fees shall be paid upon completion of the feasibility study and before the report and recommendations are released to the person, persons or entity who requested the study.~~

This language was deleted as study costs and payment of fees are now addressed in proposed Regulation 9020(c)(3). The revision was made for reasons of clarity and reformatting.

~~(d) Studies shall be conducted in accordance with P. C. section 13541.~~

This section is now addressed in proposed Regulation 9020(c)(1). The revision was made for clarity and format.

~~(1)-(2) **Solicitation of Comments**~~

~~During the conduct of a studyes, written comments will be solicited from the employing jurisdiction's chief administrator, and from the concerned department head, and other interested parties.~~

POST has conducted numerous peace officer feasibility studies since the original regulation was adopted. During that time, POST has received many requests from the public to allow interested parties the opportunity to provide comments. The proposed language was added in response to this request. Penal Code section 13506 provides POST the authority to implement Regulations to carry out the purpose of the chapter, which this does.

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(2) Conduct of studies shall include on-site visitations to verify duties and responsibilities.

This section is now addressed in proposed Regulation 9020(c)(1). The revision was made for clarity and format.

(3) **Study Fee**

POST shall charge a fee to conduct the feasibility study based upon actual direct costs for completing the study and indirect costs determined in accordance with State Administrative Manual sections 8752 and 8752.1. Upon payment of the study fee by the requestor(s), the completed feasibility study and its recommendations shall be released to the requestor(s). A copy of that study and POST's recommendation shall also be submitted to the Legislature.

Language from Commission Regulation 1019(b) and (c) has been edited and moved to this section for clarity and format. Language was added to clarify that a copy of the study and recommendations shall also be submitted to the Legislature pursuant to Penal Code Section 13542(a).

(4) **Commencement of Work on the Study**

The study shall commence after the mutual acceptance of a contract between the requesting person(s) or their representing entity and the Commission.

The contract requirement is provided for in Penal Code sections 13542(a) and (b)(3) and is referenced here for clarity.

§ 9020 (ed)

Favorable Study Recommendations

Favorable A recommendations for in support of peace officer status or a change in designation or status shall be made in accordance with Penal Code Section 13542, and shall minimally include the following:

(1) **New Peace Officer Designation**

(A) **Supervisory Structure**

The person or persons desiring the designation change shall be employed by a department with a supervisory structure that includes a chief law enforcement officer.

(B) **Training Requirements**

The employing department shall agree to comply with the training requirements set forth in Penal Code Section 832.

(C) **Funding Restriction**

The employing department shall be subject to the funding restriction set forth in Penal Code Section 13526.

(2) **Change in Peace Officer Designation or Status**

(A) **POST Program Participation**

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The person(s) desiring the change in peace officer designation or status shall be employed by a department currently participating in the POST program.

(B) Certificate Requirement

If the designation change is moving the person(s) into Penal Code Section 830.1, the person(s) shall obtain the POST Basic Certificate as set forth in Penal Code Section 832.4.

Language was added to include the provisions of Penal Code Section 13542. This redundancy is necessary for clarity and consistency.

§ 9020 (fe) ~~The Time Limits for eCompletion of Study~~

(1) **New Peace Officer Designation**

~~and issuance of~~ The study report and its recommendations shall be issued to the requesting person(s) or entity within 18 months of the mutual acceptance of a contract between the requestor(s) and the Commission in accordance with Penal Code section 13542.

(2) **Change in Peace Officer Designation or Status**

The study and its recommendations shall be issued to the requesting person(s) or entity within 12 months of the mutual acceptance of a contract between the requestor(s) and the Commission, or as soon as possible thereafter if the Commission shows good cause as to the need for an extension of the 12-month time period.

Language was added to include the provisions of Penal Code Section 13542. This redundancy is necessary for clarity and consistency. Text was amended for clarity and format.

(g) ~~The time limitation for completion and issuance of the feasibility study request for the Los Angeles Unified School District Police Department will be in accordance with Penal Code Section 13543. This subsection will be deleted as of January 1, 2002 unless extended by legislation.~~

This section was deleted as the effecting legislation was repealed by its own terms effective January 1, 2002.

§ 9020 (hf) Appeals

(1) **Procedures for a Appeal of fFindings-**

(2) If there is disagreement with the study recommendations, the person(s); ~~persons~~ or entity requesting the feasibility study, or the employing jurisdiction, may appeal in writing to the ~~collective members of the~~ Commission.

Text was amended for clarity and format. The deleted text, "collective members of the" is not necessary and is inconsistent with the way the

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Commission is described in other regulations.

(3) **Written Acknowledgement**

~~(2)~~ Requests for appeals will be acknowledged in writing.

(4) **Time Limits**

~~(3)~~ Initial appeals will be heard within four months, after the date the request for appeal is received by the Commission, and a decision shall be rendered within six months of receipt of the appeal.

Text was amended for clarity and format.

**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 have no effect on California businesses, including small businesses, because the Commission sets selection and training standards for law enforcement and 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 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**

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 effected private persons than the proposed action.