

INITIAL STATEMENT OF REASONS

Peace Officer Selection Standards

Regulation(s) 1950 and 1953

At the June 23, 2016 meeting, the Commission proposed and approved amendments to the POST Administrative Manual (PAM), Section C – Peace Officer Selection Standards with regard to officers returning to the same POST-participating department after a voluntary separation.

Justification for Proposed Revisions

Current regulations require that a peace officer returning to the same POST-participating law enforcement agencies undergo, at a minimum, an updated background investigation, and new medical and psychological evaluations regardless of the length of break in service from their employing law enforcement agency. The proposed changes to Commission Regulations 1950 and 1953 are necessary to allow law enforcement agencies discretion in determining the appropriate assessments for peace officers returning to the same agency within 180 days of voluntary separation. This proposal provides relief from unnecessary, costly screening burdens and hiring delays to law enforcement agencies that rehire peace officers as temporary, part-time employees and for law enforcement agencies that rehire peace officers after a minimal break in service.

Justification – Regulation 1950 Peace Officer Selection Requirements

1950(c) Language is added to clarify that peace officers returning to the same department within a specific period of time are exempt from POST requirements. It further clarifies that the department is responsible for determining the appropriate assessments, if any. This proposed change is necessary to make clear to the hiring authority that they have the authority to determine appropriate screening assessments for peace officers returning to their department after a separation period of no more than 180 days. The proposed revision provides law enforcement agencies discretion in determining appropriate rehiring assessments and relief from unnecessary, costly screening burdens and rehiring delays.

Justification – Regulation 1953 Peace Officer Background Investigation

1953(f)(1) Background Investigation Update Eligibility

Language is added to clarify that an updated background may also be conducted for those peace officers hired within 180 days, at the department's discretion. This change is necessary to further clarify that the update eligibility can also be applied to limited separation returning officers, not just those who return after the 180 days. Without this addition, it may be implied that those agencies who choose to screen their limited separation rehires would have to conduct a complete background investigation. The proposed revision provides law enforcement agencies discretion in determining the appropriate rehiring assessments and relief from unnecessary, costly screening burdens and rehiring delays.

Business Impact/Small Businesses

The Commission has made an initial determination that this regulatory proposal would have no significant statewide adverse economic impact directly affecting California businesses, including the ability of California businesses to compete with businesses in other states. The proposal does not affect small businesses, as defined by Government Code section 11342.610, because the Commission sets selection and training standards for law enforcement and does not have an impact on California businesses, including small businesses.

Cost Impacts on Representative Private Persons or Businesses

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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

The Commission must determine that no reasonable alternative considered by the Commission 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.

Economic Impact Analysis

Impact of Jobs/New Business:

The Commission on Peace Officer Standards and Training sets selection and training standards for governmental law enforcement agencies that are POST members. The proposed revisions pertain solely to peace officer screening assessments utilized by governmental law enforcement agencies. Accordingly, adoption of the proposed regulatory revisions 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.

Assessment:

The proposed revisions pertain solely to peace officer screening assessments utilized by governmental law enforcement agencies that are POST members. 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.

Benefits of the Regulation:

The benefits of proposed amendments to the regulations will provide the hiring department authority in determining the appropriate assessments for their returning officers, resulting in potential cost savings to the department and elimination of unnecessary time delays in the re-hiring process. The hiring authority would ensure that standards are maintained and effective in preserving peace, protection of public health, safety, and welfare of California. The proposed amendments will have no impact on worker safety or the State's environment.