

PROPOSED REVISIONS TO COMMISSION REGULATIONS 1951, 1953, 1954, and 1955

1951. Peace Officer Reading and Writing Ability Assessment

- (a) Every peace officer candidate shall be able to read and write at the levels necessary to perform the job of a peace officer. Satisfactory completion of this requirement may occur at any time prior to date of employment. Reading and writing ability shall be demonstrated by one of the following:
- (1) Achievement of a score deemed acceptable by the hiring department on the POST Entry-Level Law Enforcement Test Battery or other professionally developed and validated test of reading and writing ability. The test can be administered by either the department or another entity.
 - (2) Proof of successful completion of the Regular Basic Course or the Specialized Investigators' Basic Course.
 - (3) Proof of possession of a Basic Course Waiver.
- (b) A department that uses the POST Entry-Level Law Enforcement Test Battery must have a current Test Use and Security Agreement (~~03/2010~~), herein incorporated by reference, on file with POST.
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§ 1953. Peace Officer Background Investigation

(a) Government Code Mandate

Every peace officer candidate shall be the subject of a thorough background investigation to verify good moral character and the absence of past behavior indicative of unsuitability to perform the duties of a peace officer [Government Code section 1031(d)].

(b) Background Investigation Evaluation Criteria

The POST *Background Investigation Manual: Guidelines for the Investigator* (2012~~3~~) provides assistance in conducting background investigations. The use of the manual is discretionary; except the POST Background Investigation Dimensions herein incorporated by reference described in the manual - Integrity, Impulse Control/Attention to Safety, Substance Abuse and Other Risk-Taking Behavior, Stress Tolerance, Confronting and Overcoming Problems, Obstacles, and Adversity, Conscientiousness, Interpersonal Skills, Decision-Making and Judgment, Learning Ability, and Communication Skills - shall be considered in the conduct of every peace officer background investigation.

(c) Personal History Statements

Every peace officer candidate shall complete, sign, and date a personal history statement at the onset of the background investigation. A personal history statement can be either the *Personal History Statement - Peace Officer* form, POST 2-251 (Rev 02/2012~~3~~) or an

alternative personal history statement. An alternative personal history statement shall include inquiries related to the following areas of investigation: personal identifying information, relatives and references contact information, education history, residence history, experience and employment history, military history, financial history, legal history, driving history, and other topics related to moral character.

(d) Collection of Background Information: Pre and Post Conditional Offer of Employment

- (1) Nonmedical or nonpsychological background information may be collected after a conditional offer of employment (COE) is issued if it could not have reasonably been collected prior to the COE (Government Code section 1031.2). This may include:
 - (A) Official documents that cannot be obtained and evaluated in a timely manner during the pre-offer period, and
 - (B) Information derived from contacts and interviews with references.
- (2) At the post-offer stage, background investigators, examining physicians, examining psychologists, and others involved in the hiring decision shall work cooperatively to ensure that each has the information necessary to conduct their respective investigations and/or assessments of the candidate.

(e) Areas of Investigation

(1) Citizenship Verification

- (A) Every peace officer candidate, except those applying to the California Highway Patrol, shall be either a United States citizen or a permanent resident alien who is eligible for and has applied for citizenship on or within three years before the date of appointment as a peace officer (Government Code sections 1031(a) and 1031.5).
- (B) Every peace officer candidate for the California Highway Patrol shall be a United States citizen at time of appointment as a peace officer (Vehicle Code section 2267).
- (C) Proof of U.S. citizenship shall consist of an official government-issued birth certificate, naturalization documentation, or other citizenship documentation deemed acceptable by POST. The document shall be an original, a certified copy, or a copy that includes a notation by the investigator that the original or certified copy was reviewed.

(2) Age Verification

- (A) Every peace officer candidate shall be minimally 18 years of age on or before the date of appointment as a peace officer.
- (B) Proof of age shall be satisfied by any document accepted for proof of citizenship.

(3) Criminal Record Checks - Local, State, and National

Every peace officer candidate shall be the subject of a criminal record search at the local, state, and national levels to determine legal eligibility for peace officer employment [Government Code sections 1029(a)(1), 1030 and 1031(c)], eligibility to carry a firearm [Penal Code section 29805; U.S. Code Title 18, section 922(d)(9)], and to assess moral character [Government Code section 1031(d)].

- (A) Local searches shall include inquiries with local law enforcement departments where the candidate has lived, worked, attended school, or frequently visited.

Proof of local searches shall be documented by a letter or other written documentation from each department contacted. If a contacted department does not provide written documentation, the request for information shall be noted.

- (B) A state search shall include forwarding the candidate's fingerprints to the California Department of Justice (DOJ) to establish the candidate's legal eligibility for employment (Government Code section 1029) and eligibility to possess a firearm [Penal Code section 29805; U.S. Code Title 18 section 922(d)(9)].

Proof of a state search shall be documentation issued by the DOJ consisting of an official clearance return and an authorization to possess and carry firearms. The authorization shall be relevant to the peace officer position and shall have been generated no more than one year prior to the date of employment.

- (C) A national search shall include forwarding the candidate's fingerprints to the Federal Bureau of Investigation (FBI).

Proof of a national search shall consist of an official clearance from the FBI. The clearance shall be relevant to the peace officer position and shall have been generated no more than one year prior to the date of employment.

(4) Driving Record Check

- (A) Every peace officer candidate's driving history, if any, shall be checked to assess behaviors consistent with the safe and appropriate operation of a motor vehicle and adherence to the law.
- (B) Proof of the driving history check shall consist of a written driving record history from the Department of Motor Vehicles or other official driving record. The record shall be dated no more than one year prior to the date of employment.

(5) Education Verification

- (A) Every peace officer candidate shall meet one of the following minimum education requirements pursuant to Government Code section 1031(e):

1. Be a high school graduate of one of the following:

a. A U.S. public school, or

- b. An accredited U.S. Department of Defense high school, or
 - c. An accredited or approved public or nonpublic high school.
2. Pass the General Education Development (GED) test or other high school equivalency test approved by the State Department of Education that indicates ~~indicating~~ high school graduation level.
 3. Pass the California High School Proficiency Examination, or
 4. Have attained a two-year, four-year, or advanced degree from an accredited college or university.

Any accreditation or approval shall be from a state or local government educational agency using local or state government approved accreditation, licensing, registration, or other approval standards, a regional accrediting association, an accrediting association recognized by the Secretary of the United States Department of Education, an accrediting association holding full membership in the National Council for Private School Accreditation (NCPSA), an organization holding full membership in AdvancED ~~the Commission on International and Trans-Regional Accreditation (CITA)~~, an organization holding full membership in the Council for American Private Education (CAPE), or an accrediting association recognized by the National Federation of Nonpublic School State Accrediting Associations (NFSSAA).

- (B) Proof shall consist of an official transcript or other means of verifying satisfactory completion of educational requirements deemed acceptable by POST. The document shall be an original, a certified copy, or a copy that includes a notation by the investigator that the original or certified copy was reviewed.

(6) Employment History Checks

- (A) Every peace officer candidate shall be the subject of employment history checks through contacts with all past and current employers over a period of at least ten years, as listed on the candidate's personal history statement.
- (B) Proof of the employment history check shall be documented by a written account of the information provided and source of that information for each place of employment contacted. All information requests shall be documented.

(7) Relatives/Personal References Checks

- (A) Every peace officer candidate shall be the subject of reference checks through contacts and interviews with relatives, including former spouses, and personal references listed on the candidate's personal history statement. Additional references, provided by the initial contacts, shall also be contacted and interviewed to determine whether the candidate has exhibited behavior incompatible with the position sought. Sufficient information shall be collected and reviewed to determine candidate suitability.

- (B) Proof of reference checks shall be documented by written information showing that relatives and personal references identified by the candidate were interviewed. Documentation shall include the identity of each individual contacted, the contact's relationship to the candidate, and an account of the information provided by the contact. All requests for information shall be documented.

(8) Dissolution of Marriage Check

- (A) Every peace officer candidate who indicates one or more marriage dissolutions on the personal history statement shall have his/her court issued dissolution documents and legal separation decrees reviewed as an indication of personal integrity, financial responsibility, and other relevant aspects of candidate suitability.
- (B) Proof of the dissolution/separation of marriage check shall be documented by a copy of all final court-issued dissolution documents and legal separation decrees.

(9) Neighborhood Checks

- (A) Every peace officer candidate shall be the subject of contacts and interviews with current and, where practicable, previous neighbors to determine whether the candidate has exhibited behavior incompatible with the position sought.
- (B) Proof of neighborhood checks shall be documented by written information showing the identity of each neighbor contacted, the neighbor's relationship to the candidate, and an account of the information provided by the individual. All requests for information shall be documented.

(10) Military History Check

- (A) When applicable, a candidate shall be required to present proof of Selective Service registration or military service records.
- (B) Proof of a military history check shall consist of written verification of Selective Service registration, except for women or any man born prior to January 1, 1960. For any candidate who indicates military history on the personal history statement, proof shall consist of an official copy of their DD-214 long form or equivalent documentation of foreign military service, if available.

(11) Credit Records Check

- (A) Every peace officer candidate shall be the subject of a credit record search with a bona fide credit reporting agency (i.e., Experian, TransUnion, Equifax) to determine the candidate's credit standing with lenders, as an indication of the candidate's dependability and integrity.
- (B) Proof of a credit record check shall be documented by an official credit report returned by one of the bona fide credit reporting agencies. The report shall have been created no more than one year prior to the date of employment.

(f) Background Investigation Updates

(1) Eligibility

(A) If a peace officer candidate was initially investigated in accordance with all current requirements and the results are available for review, a background investigation update, as opposed to a complete new background investigation, may be conducted for either of the following circumstances:

1. The peace officer candidate is being reappointed to the same POST-participating department, or
2. The peace officer candidate is transferring, without a separation, to a different department; however, the new department is within the same city, county, state or district that maintains a centralized personnel and background investigation support division.

(2) Update Requirements

(A) A new personal history statement [Regulation 1953(c)] with updated information covering the period from the last personal history statement to the current date shall be completed by the peace officer candidate.

(B) The department shall conduct investigations of all new information reported by the candidate on the new personal history statement.

1. For candidates reappointed to the same department per Regulation 1953(f)(1)(A)1., the new background investigation shall cover the period since the candidate separated from the department.
2. For candidates transferring, without a separation, to a different department within the same city, county, state or district per Regulation 1953(f)(1)(A)2., the new background investigation shall cover the period since the date the previous background investigation was completed.

(C) Any area of investigation for which there is updated information shall be addressed in the updated background investigation. This shall minimally include a new: 1) Local Criminal Record Check, 2) State and National Criminal Check, unless there is written attestation that the candidate was never removed from the department's peace officer files of the DOJ or FBI, 3) Driving Record Check, and 4) Credit Record Check.

(D) Updated background investigation documentation shall be maintained with the initial background investigation documents.

(E) If the original background investigation was conducted within one year from the date of reappointment, it is not necessary to update criminal record checks, driving record check, or credit check.

(g) Documentation and Reporting

(1) Background Narrative Report

The background investigator shall summarize the background investigation results in a narrative report that includes sufficient information for the reviewing authority to extend, as appropriate, a conditional offer of employment. The report, along with all supporting documentation obtained during the course of the background investigation, shall be included in the candidate's background investigation file. The supporting documents shall be originals or true, current and accurate copies as attested to by the background investigator. The background investigation file shall be made available during POST compliance inspections.

(2) Retention

The background narrative report and supporting documentation shall be retained in the individual's background investigation file for as long as the individual remains in the department's employ. Additional record retention requirements are described in Government Code section 12946.

(3) Information Access

~~The information~~ narrative report and any other relevant background information shall be shared with the psychological evaluator [Regulation 1955(e)(3)]. This information shall also be shared with others involved in the hiring process, if it is relevant to their respective evaluations.

~~There is also a duty and/or legal obligation to furnish~~ This information must be furnished to those conducting background investigations of peace officer candidates on behalf of other law enforcement departments except as specifically provided by statute (Government Code section 1031.1, Government Code section 6250 et seq, Labor Code section 1050, Labor Code section 1054, O'Shea v. General Telephone Co. (1987) 193 Cal. App 3d 1040). This information shall only be utilized for investigative leads and the information shall be independently verified by the prospective department to determine the suitability of the peace officer candidate.

Note: Authority cited: Sections 1030, 1031, 1031.2, and 1031.5, Government Code; Section 2267, Vehicle Code; and Sections 13503, 13506, and 13510, Penal Code. Reference: Sections 1029, 1030, 1031, 1031.2, 1031.5, and 12900 et seq., Government Code; Sections 2267 and 12500, Vehicle Code; Sections 13510 and 29805, Penal Code; and Title 18 Section 922(d)(9), US Code.

§ 1954. Peace Officer Medical Evaluation

(a) Government Code Mandate/Evaluator Requirements

Every peace officer candidate shall be evaluated by a licensed physician and surgeon (hereinafter referred to as "physician") to determine if the candidate is free from any physical (i.e., medical) condition that might adversely affect the ability to exercise peace

officer powers [Government Code section 1031(f)]. The physician shall conduct the evaluation on behalf of and for the benefit of the employing department.

(b) Timing of the Medical Evaluation

The medical evaluation shall commence only after the department has extended a conditional offer of employment to the peace officer candidate [Americans with Disabilities Act (42 U.S. Code section 12101 et seq); California Fair Employment and Housing Act (Government Code, section 12940 et seq)]. The medical evaluation must be completed within one year prior to date of employment. A new medical evaluation shall be conducted on peace officer candidates reappointed to the same department, unless the prior evaluation occurred within one year of the date of reappointment.

(c) Medical Screening Procedures and Evaluation Criteria

The medical screening procedures and evaluation criteria used in the conduct of the medical evaluation shall be based on the peace officer duties, powers, demands, and working conditions as defined by the department. This information shall be provided to the physician, along with any other information (e.g., risk management considerations) that will allow the physician to make a medical suitability determination. The *POST Medical Screening Manual for California Law Enforcement (20145)* provides medical examination and evaluation protocols that are based on patrol officer job demands and working conditions. These protocols may be adopted or adapted for use by the department, if and as appropriate. However, the use of the manual is discretionary.

(d) Required Sources of Information for the Medical Evaluation

The medical evaluation shall include a review by the screening physician of the following sources of information prior to making a determination about the candidate's medical suitability.

- (1) Job Information. Job information shall consist of the peace officer duties, powers, demands, and working conditions provided by the department per Regulation 1954(c).
- (2) Medical History Statement. Prior to the medical evaluation, every peace officer candidate shall complete, sign and date a medical history statement. The *POST Medical History Statement - Peace Officer* form, POST 2-252 (12/2011 Rev 02/2013) can be used for this purpose, or an alternative form that includes inquiries about past and current medical conditions and procedures, physical symptoms, limitations, restrictions, and the use of medications and drugs.
- (3) Medical Records. Medical records shall be obtained from the candidate's treating physician or other relevant health professional, if warranted and obtainable. This information may be provided by the candidate or, with written authorization from the candidate (Civil Code section 56.11), may be obtained directly from the health professional.

(e) Medical Evaluation Report

- (1) The evaluating physician shall submit a medical evaluation report to the department that shall include the following information:

- (A) The physician's contact information and medical license number,
 - (B) The candidate's name,
 - (C) The date the evaluation was completed, and
 - (D) A statement, signed by the physician, affirming that the candidate was evaluated in accordance with Commission Regulation 1954. The statement shall include a determination of the candidate's medical suitability for exercising the powers of a peace officer. Prior to appointment as a peace officer, the candidate must be determined to be medically suitable.
- (2) The department shall maintain the medical evaluation report in the candidate's background investigation file; the report shall be available to POST during compliance inspections.
 - (3) The physician shall provide any additional information to the department that is necessary and appropriate for the hiring department, such as the candidate's job-relevant functional limitations, reasonable accommodation requirements, and potential risks posed by detected medical conditions. All information deemed medical in nature shall be maintained as a confidential medical record, separate from the background investigation file.
 - (4) The POST Medical Examination Report - Peace Officer, POST 2-253 (~~06/09~~Rev 12/2012) is available for use in reporting this information; however, its use is discretionary.
 - (5) Information from the medical evaluation may be provided to others involved in the hiring process, if it is relevant to their respective determinations of candidate suitability.

(f) Second Opinions

- (1) A candidate who is found medically unsuitable has the right to submit an independent evaluation for consideration before a final determination of disqualification is made [2 California Code of Regulations section 11071(b)(2)].
- (2) When a candidate notifies the department that s/he is seeking an independent opinion, the department shall make available the peace officer duties, powers, demands, and working conditions and the medical screening requirements specified in Commission Regulation 1954. Other information, such as specific procedures or findings from the initial evaluation, may be shared with the second-opinion evaluator at the discretion of the department. The means for resolving discrepancies in evaluations is at the discretion of the department, consistent with local personnel policies and/or rules.

Note: 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.

§ 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 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 (2014)-(Competencies), are herein incorporated by reference. The Competencies are contained and defined in the *POST Peace Officer Psychological Screening Manual*.

(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 courses that meet the following requirements for both course quality and relevance:

(A) Course Quality

Course quality is satisfied by any course 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

As determined by POST, 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)].

(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 September 1, 2014, all evaluators must have completed a minimum of six (6) hours of CPE. The POST-approved CPE must have been completed between May 1, 2012 and August 30, 2014.

After September 1, 2014, the 12-hour two-year CPE requirement ~~will begin~~ commenced. CPE hours ~~will be~~ were prorated at .5 hours per month, based on the evaluator's license renewal cycle. For example, if the evaluator's license renewal date is was February 28, 2015, by that date the evaluator must have completed .5 hours of CPE for each of the six months that elapsed since 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~~ profile request to POST via the electronic CPE Tracking System and provide verification of course completion.

(A) Evaluator Information

The profile request ~~for approval may be submitted any time during the two-year cycle.~~

~~Requests must include the following information:~~

~~[evaluator's 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)~~

Once the profile is approved, the evaluator can request approval of CPE course completion through the on-line CPE Tracking System. 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).

(c) Timing of the Psychological Evaluation

The psychological evaluation shall commence only after a conditional offer of employment has been extended to the peace officer candidate [Americans with Disabilities Act (42 U.S. Code section 12101 et seq); California Fair Employment and Housing Act (Government Code section 12940 et seq)]. The psychological evaluation must be completed within one year prior to date of employment. A new psychological evaluation shall be conducted on peace officer candidates reappointed to the same department, unless the prior evaluation occurred within one year of the date of reappointment.

(d) Psychological Screening Procedures and Evaluation Criteria

- (1) The psychological screening procedures and evaluation criteria used in the conduct of the psychological evaluation shall be based on the peace officer duties, powers, demands, and working conditions as defined by the department. This information shall be provided to the evaluator, along with any other information (e.g., risk management considerations) that will allow the evaluator to make a psychological suitability determination.
- (2) Every peace officer candidate shall be evaluated, at a minimum, against job-related psychological constructs herein incorporated by reference ~~contained and defined in~~ the POST Peace Officer Psychological Screening Dimensions (2005): Social Competence, Teamwork, Adaptability/Flexibility, Conscientiousness/Dependability, Impulse Control, Integrity/Ethics, Emotional Regulation/Stress Tolerance, Decision Making/Judgment, Assertiveness/Persuasiveness, and Avoiding Substance Abuse and Other Risk-Taking Behavior. The Dimensions are contained and defined in the POST Peace Officer Psychological Screening Manual
- (3) The POST Peace Officer Psychological Screening Manual provides guidance in the evaluation of peace officer candidates. The use of the Manual is discretionary with the exception of the required Psychological Evaluator Competencies and the Psychological Screening Dimensions outlined in Regulations 1955(a)(2) and 1955(d)(2), respectively.

(e) Required Sources of Information for the Psychological Evaluation

The psychological evaluation shall include a review by the evaluator of the following sources of information prior to making a determination about the candidate's psychological suitability.

(1) Job Information

Job information shall consist of the peace officer duties, powers, demands, and working conditions provided by the department per Regulation 1955~~(e)~~(d)(1).

(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 Dimensions [Regulation 1955(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 [Regulation 1953(g)(3)]. This information may be augmented by 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(e)(2)] and the candidate's personal history information [Regulation 1955(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.

(5) Psychological Records

Psychological records and relevant medical records shall be obtained from the candidate's treating health professional, if warranted and obtainable. This information may be provided by the candidate, or, with written authorization from the candidate (Civil Code section 56.11), may be obtained directly from the health professional.

(f) **Psychological Evaluation Report**

- (1) Data from all sources of information shall be considered; the evaluator's determination shall not be based on one single data source unless clinically justified.
- (2) The evaluator shall submit a psychological evaluation report to the department that shall include the following information:
 - (A) The evaluator's contact information and professional license number,
 - (B) The name of the candidate,
 - (C) The date the evaluation was completed, and

(D) A statement, signed by the evaluator, affirming that the candidate was evaluated in accordance with Commission Regulation 1955. The statement shall include a determination of the candidate's psychological suitability for exercising the powers of a peace officer. Prior to appointment as a peace officer, the candidate must be determined to be psychologically suitable.

(3) The department shall maintain the psychological evaluation report in the candidate's background investigation file; the report shall be available to POST during compliance inspections.

(4) Any additional information reported by the evaluator to the department shall be limited to that which is necessary and appropriate, such as the candidate's job-relevant functional limitations, reasonable accommodation requirements, and the nature and seriousness of the potential risks posed by the candidate. All information deemed medical in nature shall be maintained as a confidential record, separate from the background investigation file.

(5) Information from the psychological evaluation may be provided to others involved in the hiring process, if it is relevant to their respective determinations of candidate suitability.

(g) Second Opinions

(1) A candidate who is found psychologically unsuitable has the right to submit an independent evaluation for consideration before a final determination of disqualification is made [2 California Code of Regulations section 11071(b)(2)]. Consideration should include determining whether the second opinion evaluator meets the requirements set forth in Government Code section 1031(f) and Regulation 1955(b).

(2) When a candidate notifies the department that s/he is seeking an independent opinion, the department shall make available the peace officer duties, powers, demands, and working conditions and the requirements specified in Commission Regulation 1955. Other information, such as specific procedures or findings from the initial evaluation, may be shared with the second-opinion evaluator at the discretion of the department. The means for resolving discrepancies in evaluations is at the discretion of the department, consistent with local personnel policies and/or rules.

Note: 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.