

COST-BENEFIT ANALYSIS

In performing a cost-benefit analysis, each rulemaking entity must provide the information requested for the cost-benefit analysis to be considered a good faith effort. The cost-benefit analysis must be submitted to the Office of Policy, Research and Regulatory Reform at least ten (10) days before the administrative hearing on the proposed rule and posted on your agency's web site. For all questions, please attach all underlying data that supports the statements or figures stated in this cost-benefit analysis.

DEPARTMENT: Dept of Law – Criminal Justice **AGENCY:** Peace Officer Standards & Training

CCR: 4 CCR 901-1 **DATE:** 11/16/15

RULE TITLE OR SUBJECT: **RULE 29 – HIRING STANDARDS**

Per the provisions of 24-1-103(2.5)(a), Colorado Revised Statutes, the cost-benefit analysis must include the following:

1. The reason for the rule or amendment;

Rule 29 was created to outline minimum recommended hiring standards for Basic, Provisional, or Reserve officers and officers renewing their Basic certification, upon appointment to an agency, to include background investigation and to require physical and psychological examinations and submission of affirmation (Form 6) to POST for any new appointment to an agency. The statute requiring those examinations is unclear; it says that the examinations are required "prior to the date of appointment."

2. The anticipated economic benefits of the rule or amendment, which shall include economic growth, the creation of new jobs, and increased economic competitiveness;

POST had required these examinations only for the first hire in Colorado, but the language does not support that limitation and the better practice in law enforcement is to require examinations for any new appointment to an agency. The statute does not state "prior to the date of initial appointment," so the statutory language does not support the previous interpretation. Psychological assessment is necessary to screen out candidates who may not be able to carry out their responsibilities, or endure the uniquely stressful working conditions, or who are not emotionally stable. Requiring more frequent physical/psychological exams would serve Colorado communities by increasing safety as well as making communities more attractive to residents and potential residents.

3. The anticipated costs of the rule or amendment, which shall include the direct costs to the government to administer the rule or amendment and the direct and indirect costs to business and other entities required to comply with the rule or amendment;

Administration of Rule 29 would take approximately four-five http://www.coloradoattorneygeneral.gov/departments/criminal_justice/post_board <http://www.coloradoattorneygeneral.gov> (4-5) additional hours per week for POST staff, at approximately \$29.00/hour.

Psychological exams vary in cost from \$200-\$375 total per candidate. Some psych exams are Job Suitability Assessments conditional job offer being tendered. Others are performed post-conditional job offer for final candidates. Some professionals process providing a pre- and post-conditional job offer. Cost to an agency would be dependent on the number of positions h agency chooses to interview either as pre-conditional job offer and/or post-conditional job offer.

Physical exams vary in cost, and are frequently covered by an individual's health insurance.

4. Any adverse effects on the economy, consumers, private markets, small businesses, job creation, and economic competitiveness; and

Financial impact will be to agencies hiring any officer, as POST will require a physical and psychological exam anytime an officer is appointed to a new agency, whether holding a Basic, Provisional or Reserve certification. The cost of these examinations is typically covered by the hiring agency, some of which already require these exams upon hiring, while many agencies, particularly smaller agencies, do not. The cost of the examinations may be a burden to some smaller or less well-funded agencies.

5. At least two alternatives to the proposed rule or amendment that can be identified by the submitting agency or a member of the public, including the costs and benefits of pursuing each of the alternatives identified.
 - 1 Rule 29 could be withdrawn and agencies would be required to obtain physical/psychological exams for officers only for their first hire in Colorado, as is the practice now. This would have no impact on cost, which would remain the same as at present. Each agency would bear the cost of the physical/psychological exams for a new hire who had not previously worked at a law enforcement agency in Colorado.
 - 2 Rule 29 could be revised to require a physical/psychological exam for any new Colorado hire, and for any new hire who has not received a physical/psychological exam within 5 years. The cost would be borne by the agency, but the exams would be less frequent, and cost would therefore be reduced.