

POST COMMISSION MEETING

**Courtyard Marriott Hotel
1782 Tribute Road
Sacramento, CA 95815
(916) 929-7900**

Thursday, October 22, 2009

ACTION SUMMARY

CALL TO ORDER - 10:00 A.M.

Chair Michael Sobek called the meeting to order at 10 a.m.

COLOR GUARD AND FLAG SALUTE

The Color Guard was provided by the Citrus Heights Police Department. The flag salute was led by Chair Sobek.

MOMENT OF SILENCE HONORING THE OFFICER WHO LOST HIS LIFE IN THE LINE OF DUTY SINCE THE LAST MEETING

There was a moment of silence honoring Sergeant Steve May of the Modesto Police Department who lost his life since the last meeting.

ROLL CALL OF COMMISSION MEMBERS

Members Present:

Mike Sobek, Chair
Lai Lai Bui
Collene Campbell
Robert T. Doyle
Bonnie Dumanis
Deborah Linden
Ron Lowenberg
Jeff Lundgren
John McGinness
Laurie Smith
Rick Lopes

Members Absent:

Anthony Batts
Floyd Hayhurst
Henry Perea

INTRODUCTION OF POST ADVISORY COMMITTEE CHAIR, POST LEGAL COUNSEL, AND THE EXECUTIVE DIRECTOR

Chair Mike Sobek introduced POST Advisory Committee Chair Nicki Woods and POST Executive Director Paul Cappitelli.

AUDIENCE INTRODUCTIONS

The following members of the audience introduced themselves:

Rolfe Appel, Yuba College
Ramon Barboa, Office of Homeland Security
Alex Bernard, POST Advisory Committee (Public Member)
Jim Bock, POST Advisory Committee (California Specialized Law Enforcement)
Skip Carter, California Highway Patrol
Ron Cottingham (PORAC)
Joe Flanagan, POST Advisory Committee (PORAC)
Richard Lindstrom, POST Advisory Committee Member (CADA)
Laura Lorman, POST Advisory Committee (WPOA)
Jackye McClure, San Jose State University Administration of Justice
Jeff Miller, POST Advisory Committee (CPCA)
Brent Newman, POST Advisory Committee (CHP)
R.C. Smith, Sacramento County Sheriff's Department
Tim Willmore, Tulare County District Attorney's Office
Nicki Woods, California Organization of Police and Sheriffs (COPS)

POST Staff Present:

Marie Bouvia, Executive Secretary, Executive Office
Jan Bullard, LEC II, Training Delivery Services Bureau
Paul Cappitelli, Executive Director, Executive Office
Ron Crook, Director, Television Communications Center, Specialist, Training Program Services Bureau
Frank Decker, Bureau Chief, Basic Training Bureau
Mike DiMiceli, Assistant Executive Director, Executive Office
John Dineen, Bureau Chief, Center for Leadership Development Bureau
Karen Hightower, Administrative Assistant, Executive Office
Diane Hrepich, Personnel Selection II, Standards & Evaluation Services Bureau
Michael Hooper, Bureau Chief, Training Program Services Bureau
Jennifer Imlay, Staff Services Analyst, Standards & Evaluation Services Bureau
Patti Kaida, Staff Services Analyst, Information Services Bureau
Ken Krueger, Bureau Chief, Standards and Evaluation Services Bureau
Thomas Liddicoat, Bureau Chief, Administrative Services Bureau
Karen Lozito, LEC II, Center for Leadership Development Bureau
Connie Paoli, Associate Governmental Program Analyst, Information Services Bureau
Edmund Pecinovskiy, Bureau Chief, Training Delivery and Compliance Services Bureau

Dick Reed, Assistant Executive Director, Executive Office
Dave Spisak, Bureau Chief, Information Services Bureau
Bob Stresak, Bureau Chief/Legislative Liaison, Executive Office
Kenneth L. Whitman, POST Consultant
Ron Wood, Bureau Chief, Management Counseling Services Bureau

WELCOMING ADDRESS

Deputy Commissioner Skip Carter of the California Highway Patrol gave the welcoming address.

PUBLIC COMMENT

Chair Sobek advised the audience of the following:

He noted that this was the time on the agenda for public comment. This was time set aside for members of the public to comment on either items on the Commission agenda or issues not on the agenda but pertaining to POST Commission business. He advised that members of the public who wished to speak were asked to limit their remarks to no more than five minutes each. He advised that the Commission could not take action on items not on the agenda.

No comments were made by the public.

APPROVAL OF MINUTES

A. Approval of the minutes of the Thursday, July 23, 2009, Commission meeting held at the Courtyard Marriott Hotel in Sacramento, CA 95815.

MOTION – Doyle, Second – Bui, carried unanimously to approve the minutes of the Thursday, July 23, 2009, Commission meeting.

CONSENT

B.1 Course Certification/Decertification Report

In approving the Consent Calendar, the Commission received the report.

B.2 Quarterly Progress Report on the POST Strategic Plan Implementation

This was a status report on the POST Strategic Plan. This report was provided to the Commission following review by the Advisory Committee. The report summarized the progress in researching and implementing the Strategic Plan since the last quarterly meeting.

Of the 31 objectives, staff reported that:

- 24-- Are in progress of being researched and/or implemented
- 8-- Previously deleted by Commission action (deleted from total)
- 0 -- Recommended for deletion
- 3 – On hold
- 4 -- Not addressed at this time
- 31-- Total

An update on the status of each objective was attached.

In approving the Consent Calendar, the Commission accepted the quarterly status report of the Strategic Plan.

B.3 POST Reimbursable Program New Agency

The Sierra College Police Department was seeking entry into the POST Reimbursable Program.

B.4 POST Public Safety Dispatcher Reimbursable Program New Agency

The California State University Sacramento Public Safety Dispatchers was seeking entry into the POST Public Safety Dispatcher Reimbursable Program.

B.5 Report on Strategic Plan Objective A.3.02 Regarding Research and Development of Physical Abilities Assessment for Entry Into Basic Academies

Earlier research on a pre-academy assessment validated a battery of three physical ability tests (maximum push-ups, one-minute sit-ups, and 1½ mile run times) as predictors of successful performance on physically-demanding elements of the Basic Course. However, as reported in April 2009, academies vary greatly in conducting the POST-required standardized academy physical conditioning program both in level of difficulty and in content. This variance makes setting a uniform passing score problematic. Consequently, work to develop defensible pre-academy physical ability tests was stopped. Staff will, instead, evaluate the feasibility of revising the physical conditioning and testing program to improve compliance and reduce variance in program difficulty and content between academies. Staff recently completed a series of regional workshops in which groups of academy managers and instructors identified their needs and reasons academies vary from the standardized program. Most agreed that a physical conditioning program update should be given the highest priority among other Lifetime Fitness Learning Domain needs. Staff is currently reviewing modern, scientifically-supported training techniques and published standards of acceptable practice in support of such a revision.

This report was provided for information only, and no action was required.

B.6 Report on Strategic Plan Objective B.10 - Enhance and Continue the Study of Driver Training Methods and Vehicle-Related, High-Risk Activities to Improve Training, Enhance Safety, and Reduce Preventable Collisions and Injuries

The Vehicle Operations Training Advisory Council (VOTAC) was first convened in March 2008 to inform efforts responsive to Strategic Plan Objective (SPO) B.10 - “Enhance and Continue the Study of Driver Training Methods and Vehicle-Related High-Risk Activities to Improve Training, Enhance Safety, and Reduce Preventable Collisions and Injuries.” The VOTAC has now met five times—most recently in August 2009.

An expanded research team (RT) was assembled in May 2009 to address priorities relative to training and field operations (i.e., pilot programs) and future research. These priorities were first identified in the *Driver Training Study: Volume I* (approved by the Commission in October 2008) and further refined by the VOTAC in February 2009. The RT had its first meeting with the VOTAC in August 2009. Research and pilot program designs were vetted with the VOTAC and consensus was reached for next steps (e.g., surveys and data collection, program assessment, and agency/presenter access needs). Discussions relative to potential agencies and training presenters for participation in the studies and pilots were introduced. Challenges were identified, as were key steps to address concerns. The RT is now prepared to move forward pending the availability of seed funding approved by the Commission at its July 2009 meeting. The VOTAC and RT are tentatively scheduled to meet again in February 2010.

This item is presented for information only, and no action is required.

B.7 Report on Acquisition of Law Enforcement Driving Simulators

During August, the POST Specification/Evaluation Team reviewed, evaluated, and reached consensus scoring on the product demonstrations by the three bidders. Cost bids were opened in late August and were factored into scores from the demonstrations. The Intent to Award to the winning bidder was announced by the Department of General Services in late September. The company named to receive the award was FAAC. However, immediately following the announcement of the Intent to Award, the other two companies that participated in the competitive bid process announced their intent to protest the award. This put the process on hold while a review of the protests took place.

This report was submitted for information, and no action was required.

B.8 Report on Strategic Plan Objectives C.5 and C.12 Regarding the Provision of Automated Scoring Procedures for Academy Scenario Testing and FTO/PTO Program Evaluation

Strategic Plan Objectives C.5.06 and C.12.08 are both intended to provide automated scoring for POST client agencies via enhancements to the Testing Management and Assessment System (TMAS) that POST uses in its Basic Course written test program. Objective C.5.06 seeks to provide automated scoring for the Basic Course scenario tests; while Objective C.12.08 seeks to do the same for the evaluation component of the Field Training Officer/Police Officer Training (FTO/PTO) programs. TMAS is a commercial

off-the-shelf, Internet-based software product that the vendor provides on a per site license basis. POST has purchased a license for each Basic Course presenter in California.

At the time the Commission approved Objectives C.5.06 and C.12.08, staff was satisfied with both the TMAS software and the performance of the vendor. Since that time, however, staff has experienced problems with both the TMAS product and its vendor and is now actively conducting market research to identify other software providers who may better serve the needs of POST and its clients. Work on these two objectives will not proceed until the market research has been completed.

This item was provided for information only, and no action was required.

B.9 Report on Strategic Plan Objective A.4.02 - Standardize Skills Testing for the Basic Course

POST Strategic Plan Objective A.4.02 directs staff to establish standardized Basic Course skills tests in three areas: firearms, vehicle operations, and defensive tactics. This objective has nearly been completed.

Skills competency test forms have been developed and validated for each area. Each test and the associated Training and Testing Specifications for Learning Domains #19 (Vehicle Operations), #33 (Arrest Methods), #35 (Firearms), and the PC 832 Course have been approved by the Commission and are available on the POST website. The use of all forms became a requirement as of July 2009.

Except for the Defensive Tactics, all train-the-trainer sessions have been completed and work has begun to produce online proctor training for each test. The skills evaluation forms have been well received by the academies, and many police and sheriff departments intend to use the forms for documentation of perishable skills training requirements.

This item was provided for information only, and no action was required.

B.10 Resolution

The following individual was presented a resolution:

- Ken Krueger, retiring Bureau Chief of the Standards and Evaluation Services Bureau

MOTION – McGinness, Second – Lowenberg, carried unanimously to approve the Consent Calendar as presented.

ADMINISTRATIVE SERVICES BUREAU

C. Contract Request for Internal Control Audit

State Administrative Manual (SAM) Section 20000 et seq. details the State's Financial Integrity and State Manager's Accountability (FISMA) requirements to ensure the adequacy of the internal controls in place for each state agency. SAM Section 20060 requires all state entities to submit a biennial report in December in odd-numbered years.

Commission Policy E-2, POST Internal Audits states that: For purposes of maintaining sound fiscal controls, staff will cause the review of the internal control structure of the organization on a biennial (every two years) basis. These audits will normally be conducted by the State Department of Finance (DOF), under a contractual agreement.

MOTION –Linden, Second – Doyle, carried unanimously by **ROLL CALL VOTE** to authorize the Executive Director to enter into an interagency agreement with the Department of Finance, Office of State Audits and Evaluations, or the State Controller's Office in an amount not to exceed \$35,000 for the purpose of conducting an internal control audit.

TRAINING PROGRAM SERVICES BUREAU

Note:

Chair of the Advisory Committee Nicki Woods reported that Advisory Committee members, at the meeting the previous day, recommended that Items D. through H. be approved by the Commission as presented in the staff reports.

Chair Mike Sobek asked for a motion, a second, and approval of Agenda Items D. through H.

MOTION – McGinness, Second – Campbell, carried unanimously by **ROLL CALL VOTE** to recommend approval of Agenda Items D. through H. as presented in the staff reports.

Commissioner Lowenberg stated that, for the benefit of members of the audience, Commissioners had received and reviewed the materials prior to the meeting. He complimented staff for thorough preparation. Commissioner Linden agreed with Commissioner Lowenberg's observations.

D. Report on Acceptance and Use of FY 2009/2010 Federal Stimulus Funds

At the July 2009 Commission meeting, the Commission authorized the Executive Director to accept the one-time grant funds of \$400,000 (including \$100,000 of POST in-kind match) of federal stimulus monies from the California Emergency Management Agency (CalEMA) to deliver training to peace officers and dispatchers in the area of tribal domestic violence and other crimes against women. This program is the Law Enforcement Training Recovery Act Program in which POST will develop a DVD telecourse, develop a domestic violence and sexual assault course, and conduct at least six course presentations focused on

tribal domestic violence and sexual assault crimes committed against women. The grant period is from October 1, 2009, through September 30, 2010.

Staff plans to contract with the University of California, Irvine (UCI) Distance Learning Center production team to develop and produce the DVD telecourse. The production costs are anticipated to be \$180,000. Additionally, staff plans to contract with the SDRTC to assist in the development of the course, present the course, and provide a part-time Grant Coordinator/Project Facilitator to handle the day-to-day grant coordination responsibilities and reporting to CalEMA for \$91,514.

MOTION - McGinness, Second – Campbell carried unanimously by ROLL CALL VOTE to authorize the Executive Director to: 1) contract with the University of California Irvine (UCI) or another public entity for the development of a telecourse training program and related video services in an amount not to exceed \$180,000, 2) contract with the San Diego Regional Training Center (SDRTC) or another public entity for the development and delivery of training about tribal domestic violence and other crimes against women in an amount not to exceed \$67,178, 3) contract with the SDRTC or another public entity for a part-time Grant Coordinator/Project Facilitator to coordinate the day-to-day activities associated with the grant in an amount not to exceed \$24,336, and 4) contract with the State Controller's Office to audit the expenditures of the grant in an amount not to exceed \$10,200.

E. Report on Acceptance and Use of CalEPA Grant Funding for Environmental Crimes Training

Pursuant to Penal Code Section 14314(a), the Local Environmental Enforcement and Training Programs statute directs CalEPA to grant POST up to \$100,000 annually. These funds are to be used for the development of environmental crimes training for local and state peace officers. The amount of the grant received depends on the balance in the account as of September 30. As of August 1, 2009, the amount of the fund is such that POST will receive at least \$72,000 for FY 2009/2010. This amount may increase if the fund increases by September 30, 2009.

Survey responses from the field, and input from the Learning Portal Advisory Committee, indicate a strong interest in self-paced courses on the POST Learning Portal that meet mandated training requirements. In discussions with stakeholders at CalEPA, it was determined that an online course on hazardous materials refresher training at the awareness level would be an appropriate use of the CalEPA grant funds. The existing POST CD-ROM titled, *HazMat Awareness Refresher Training* is outdated and could be replaced with an online version.

Funding for this course would come from the CalEPA grant.

MOTION – McGinness, Second – Campbell, carried unanimously by ROLL CALL VOTE to authorize the Executive Director to accept CalEPA grant funds in an amount not

to exceed \$100,000 and to contract with an entity for the development of an online course on environmental crimes.

F. Report on Request to Contract for Presentation of Computer Crime Investigation Training

Penal Code §13519.9, *Criminal investigators; advanced training; specialty assignments*, was added in 1994, and directed the Commission to establish the Robert Presley Institute of Criminal Investigation (ICI) by January 1, 1995, which would make available to criminal investigators of law enforcement agencies an advanced training program to meet the needs of investigators working in specialty assignments. Since the inception of the ICI Program, a core investigative course and 13 foundation specialty courses have been developed. Instructors for all ICI courses are required to successfully complete a 40-hour instructor training course specific to the ICI experience-based teaching methods.

In 1995, a *Computer Crime Investigation* training course created by the SEARCH Group was designated as an ICI foundation specialty and certified by POST as such under Reimbursement Plan III. This course is currently the only general investigative course in its field, and the only available POST-ICI-certified presenter of this course is the SEARCH Group (a non-profit organization that provides a service to governmental entities). By transitioning this course to a contract course, the \$446 non-reimbursable tuition fee would be eliminated for students attending from POST-reimbursable agencies. A tuition-free course would provide an increased attendance opportunity for those whose budgets do not permit such expenditures. The contract for three course offerings annually will be in an amount not to exceed \$45,000. This funding is available from a FY 2009/2010 budget reduction of a current contracted ICI presenter.

MOTION – McGinness, Second – Campbell, carried unanimously by **ROLL CALL VOTE** to authorize the Executive Director to enter into a contract with SEARCH Group or another entity to provide Computer Crime Investigation training in an amount not to exceed \$45,000.

G. Report on Request to Contract to Develop Online Courses and Related Resources

In July 2008, the Commission approved the submission of a Budget Change Proposal (BCP) to fund online training delivered via the POST Learning Portal using \$425,000 from its reserve. Staff recommends that these funds be used to contract for the development of two online courses or tools that meet legislative or regulatory training mandates or that address other training needs.

MOTION – McGinness, Second - Campbell, carried unanimously by **ROLL CALL VOTE** to authorize the Executive Director to: 1) enter into contracts to develop online courses that address identified training needs in an amount not to exceed \$425,000, and 2) apply any remaining funds to develop resources for and/or support of the Learning Portal.

H. Report on Acceptance and Recommended Use of FY 2009/10 Grant Funds to Develop Training on Human Trafficking of Minors

The California Emergency Management Agency (CalEMA) has solicited a Request for Proposal (RFP) for the Human Trafficking of Minors (HM), Law Enforcement Training Program. POST submitted an RFP and anticipates receiving funding. Approximately \$400,000 is available to train law enforcement and other first responders on how to identify, investigate, and respond to cases of human trafficking of minors. The funding for this program is a three-year cycle beginning January 1, 2010, and ending December 31, 2012, and has no in-kind match requirement.

The HM program includes nine components: 1) convene an expert panel of subject matter experts to guide the development of the training curriculum, 2) develop curriculum for one training course, 3) train the trainers in the first year of operation, 4) present at least 12 regional training sessions to law enforcement and other first responders during the second and third year of operation, 5) provide POST continuing education credits, 6) require use of participant course evaluations, 7) develop and use an evaluation tool to measure the impact of training on a participants' job performances six months after training, 8) develop an officer pocket guide or web download on human trafficking to be distributed to law enforcement officers and agencies, and 9) develop a two-hour training DVD telecourse to be distributed by the end of the third year of operation.

MOTION – McGinness, Second – Campbell, carried unanimously by **ROLL CALL VOTE** to authorize the Executive Director to: 1) accept the grant of \$400,000 for the Human Trafficking of Minors, Law Enforcement Training Program, and 2) contract with an entity for the development and delivery of the training described in the RFP.

COMMITTEE REPORTS

I. Long Range Planning Committee

Commission Chair Mike Sobek reported that the Long Range Planning Committee meeting scheduled for Thursday, September 24, 2009, was canceled.

J. Finance Committee

In the absence of Henry Perea, Finance Committee Chair, Commissioner McGinness reported that at the meeting held on Wednesday, October 21, 2009, in Sacramento, that the consensus of the group was to recommend that the Commission approve all items as presented.

K. Advisory Committee

Nicki Woods, Chair of the POST Advisory Committee, reported on the results of the Advisory Committee meeting held on Wednesday, October 21, 2009, in Sacramento.

Chair Woods said that a discussion ensued regarding the *O.J. "Bud" Hawkins Exceptional Service Award* and the *POST Excellence in Training Award*; members agreed that it would be beneficial for staff to provide website links for easy access and distribution of information for constituents who are interested in nominating an individual or an organization for these prestigious awards. To date, POST has received minimal nominations for the awards.

Ms. Woods reported that there were presentations regarding on-line training of Users of POST-developed Tests and Use of an Internet-based Video Player to Enhance training. She said that the presentations demonstrated phenomenal use of technology.

Chair Woods said that a motion was made by Alex Bernard and a second made by Ed Bonner and carried unanimously to approve the action summary and minutes of the Wednesday, July 22, 2009, Advisory Committee Meeting.

Ms. Woods stated that the elections of the Advisory Chair and Vice-Chair took place. Brent Newman was elected Chair, and Laura Lorman was elected Vice-Chair. Their terms will become effective at the February 2010 meeting.

Commissioner Lowenberg commended staff for hosting a booth at COPSWest to disseminate POST information.

L. Legislative Review Committee

Lai Lai Bui, Chair of the Legislative Review Committee, reported on the results of the Legislative Review Committee meeting held on Thursday, October 22, 2009, in Sacramento. Commissioner Bui reported the following:

- **AB 297 (Solorio)** – Peace Officer Candidate Background Investigations - The Commission took a SUPPORT position on this bill which has been signed into law.
- **Proposed Legislation - Technical Changes to PC 13540 et seq.** – This Penal Code Section authorizes the Commission on Peace Officer Standards and Training to conduct a feasibility study when requested by any person or persons desiring peace officer status under Chapter 4.5 of Title 3 or Part 2 who, on January 1, 1990, were not entitled to be designated as peace officers. Penal Code Section 13540 was chaptered in 1989 and requires minor technical changes to maintain its currency.

MOTION – Linden, Second – Campbell, carried unanimously to support legislation to effect minor technical changes to Penal Code Section 13540 et. seq.

- **AB 988 (Brownley)** – **Peace Officer Training, U Visa** - This bill would require the Commission, upon the next regularly scheduled review of a training module related to human trafficking, to create and make available

training content on the U Visa as specified. The U Visa is intended to encourage immigrant victims to report violent crimes to law enforcement officers without fear of deportation. Immigrants meeting the criteria for the issuance of a U Visa are eligible to remain in the United States for up to four years. U Visa content is relevant to the Human Trafficking and Domestic Violence POST-certified courses. It was recommended that the Commission take a NEUTRAL position on this bill. No motion was made on this legislation, but the Commission supported the Executive Director's suggestion to disseminate information to the field via a bulletin.

Executive Director Cappitelli reported that Bob Stresak participated in a BART debriefing at the behest of a couple of assembly members, and all went well.

- **AB 1286 (Huber) - Firearms: Purchasing Restriction -**
Commissioner Bui advised that AB 1286 has been signed into law.

Chair Sobek commended Bob Stresak on his service as POST's legislative Liaison. He advised that Mr. Stresak would be transferring to the Standards and Evaluation Services Bureau as Bureau Chief.

Mr. Stresak introduced Consultant Karen Lozito who will fill the position of Public Information Officer/Legislative Liaison in the Executive Office.

M. Correspondence

- A letter from Paul Cappitelli, Executive Director, expressing sympathy to Interim Chief Mike Harden of the Modesto Police Department over the tragic, on-duty death of Sergeant Steve May of his department.
- A letter from Ron Cottingham, President of PORAC, to Executive Director Cappitelli and POST Commissioners, commending the POST Commission on its accomplishments and, in particular, complimenting the Executive Director on his approachable style of leadership.

N. Old Business

No old business was discussed.

O. New Business

Executive Director Cappitelli provided an update on the efforts of the Vehicle Operations Training Advisory Council (VOTAC).

Mr. Cappitelli advised that POST has developed a resolution for retiring Chief Melekian who has accepted employment as the head of the COPS office in Washington, D.C.

Mr. Cappitelli said he will present the resolution to Chief Melekian at his retirement on November 5.

Executive Director Cappitelli announced that Karen Hightower will retire at the end of the year. He stated that she will work as an annuitant during the transitional phase to assist the person selected to fill the vacant position.

NEXT LONG RANGE PLANNING COMMITTEE MEETING

The date of the next Long Range Planning Committee meeting will be on Thursday, January 21, 2010. The meeting will be hosted at POST for those who wish to attend; it will also be available via conference call.

FUTURE COMMISSION DATES

February 24-25, 2010 – Hilton, Irvine/Orange County Airport

June 23-24, 2010 – Courtyard Marriott, Sacramento

October 27-28, 2010 – Courtyard Marriott, Sacramento

ADJOURNMENT – 10:45 a.m.

Respectfully submitted,

Karen Hightower
Administrative Assistant