STATE OF CALIFORNIA
COMMISSION ON
PEACE OFFICERS STANDARDS AND TRAINING

POST COMMISSION MEETING

TIME: 10:00 a.m.

DATE: Thursday, June 24, 2010

PLACE: Courtyard Marriott Hotel
1782 Tribute Road
Sacramento, California

REPORTER'S TRANSCRIPT OF PROCEEDINGS

Reported by:
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A P P E A R A N C E S

COMMISSIONERS PRESENT

MICHAEL SOBEK
(Commission Chair)
San Leandro Police Department

ROBERT T. DOYLE
(Commission Vice-Chair)
Marin County Sheriff's Department

WALTER ALLEN
Covina City Council

GEORGE ANDERSON
for JERRY BROWN
Attorney General's Office

ANTHONY BATTS
Oakland Police Department

LAI LAI BUI
Sacramento Police Department

COLLENE CAMPBELL
Memory of Victims Everywhere

ROBERT COOKE
California Narcotics Officers' Association

BONNIE DUMANIS
San Diego County District Attorney

FLOYD HAYHURST
Los Angeles County Sheriff's Department

DEBORAH LINDEN
San Luis Obispo Police Department

RONALD LOWENBERG
Golden West College Criminal Justice Training Center

JOHN McGINNESS
Sacramento County Sheriff's Department

A P P E A R A N C E S

COMMISSIONERS PRESENT
continued

LAURIE SMITH
Santa Clara County Sheriff's Department

LINDA SOUBIROUS
Public Member

POST ADVISORY COMMITTEE MEMBERS PRESENT

BRENT NEWMAN
Committee Chair
California Highway Patrol

LAURA LORMAN
Committee Vice-Chair
Women Peace Officers Association of California

JIM BOCK
California Specialized Law Enforcement

MARIO CASAS
California Coalition of Law Enforcement Associations

JOE FLANNAGAN
Peace Officers' Research Association of California

RICHARD LINDSTROM
California Academy Directors Association

JEFF MILLER
California Police Chiefs Association

NICKI WOODS
California Organization of Police and Sheriffs

A P P E A R A N C E S

POST STAFF PRESENT

PAUL CAPPITELLI
Executive Director
Executive Office

AHLHAM ALHWEITI
Senior Instructional Systems Engineer
Learning Technology Resources

CATHERINE M. BACON
Training Program Services Bureau

JODY BUNA
Training Program Services Bureau

JAN BULLARD
Chief
Learning Technology Resources

TRICIA CHISUM
Senior Consultant
Training Delivery and Compliance Bureau

RON CROOK
Multimedia Specialist
Learning Technology Resources

ALAN DEAL
Assistant Executive Director
Executive Office
Standards and Development

FRANK DECKER
Bureau Chief
Basic Training Bureau

MICHAEL DiMICELI
Assistant Executive Director
Executive Office
Field Services Division

KELLI DUGANRUT
Staff Services Analyst
Information Services Bureau

A P P E A R A N C E S

POST STAFF PRESENT
Continued

BRYON GUSTAFSON
Senior Consultant
Training Program Services Bureau

MICHAEL HOOPER
Bureau Chief
Training Program Services Bureau

REBECCA IRIZARRY
Administrative Services Bureau

PATRICE KAIDA
Staff Services Analyst
Information Services Bureau

WINDY KAISER

THOMAS LIDDICOAT
Bureau Chief
Administrative Services Bureau

KAREN LOZITO
Senior Consultant
Executive Office

PAULA MENDENHALL
Basic Training Bureau

JAN MYYRA
Supervisor
Learning Technology Resource Center

CONNIE PAOLI
Administrative Assistant
Executive Office

EDMUND PECINOVSKY
Bureau Chief
Training Delivery and Compliance Services Bureau

TRISH PIELENZ

A P P E A R A N C E S

POST STAFF PRESENT
continued

RICHARD REED
Assistant Executive Director
Executive Office
Administrative Services Division

VINCE SCALLY
Legal Counsel

STEPHANIE SCOFIELD
Management Counseling Bureau

CHERYL SMITH
Basic Training Bureau

GARY SORG
Training Program Services Bureau

DEANNA TAKAHASHI
Publication and Forms Manager
Information Services Bureau

DAVE SPISAK
Bureau Chief
Information Services Bureau

BOB STRESAK
Bureau Chief/Legislative Liaison
Executive Office

PUBLIC MEMBERS

ROLFE APPEL
Yuba College

RICHARD BELL
Escondido Reserve Police Officer

ROBERT BURNHAM
Alameda County

A P P E A R A N C E S

PUBLIC MEMBERS
Continued

GEORGE CALLOW
San Bernardino Sheriff's Department EVOC

RON COTTINGHAM
President
Peace Officers' Research Association of California
(Welcome Address)

STEPHEN DORSEY
San Bernardino Sheriff's Department EVOC

MICHAEL DURANT
Vice President
Peace Officers' Research Association of California

TONY FARRAR
Rialto Sheriff's Department
(*POST Excellence In Training, Individual*, Awardee)

JAMES H. FRASER
Fraser and Associates
(O.J. Bud Hawkins Exceptional Service Awardee)

JODY FRASER

MICHAEL GRAY
San Diego Regional Training Center

JOHN MIGIAOLO
San Bernardino Sheriff's Department EVOC
(POST Excellence in Training, Organization, Awardee)

JACKY PARKS
Fresno Police Officers Association

GLEN PRATT
San Bernardino Sheriff's Department EVOC

BRIAN RAFFISH
Los Angeles Police Department

A P P E A R A N C E S

PUBLIC MEMBERS
Continued

SUSIE RIVERA
Folsom Police Department

CHLOE RUTLEDGE

DEVALLIS RUTLEDGE
Special Counsel for Los Angeles County District Attorney
(POST Excellence in Training for Lifetime Achievement Awardee)

D.J. RUTLEDGE

EVAN RUTLEDGE

RICHARD RUTLEDGE

RYAN RUTLEDGE

VICTORIA RUTLEDGE

GLEN SYLVESTER
San Francisco Police Department

VALERIE TANGUAY
San Bernardino Sheriff's Department EVOC

MICHELLE THOMPSON
San Diego Regional Training Center

DANE WYGAL
digital OutPost

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Deputy Ken Collier
San Diego County Sheriff's Department

Officer Javier Bejar
Reedley Police Department

Officer Daniel Benavides
California Highway Patrol

Officer Thomas Coleman
California Highway Patrol

Officer Phillip Ortiz
California Highway Patrol

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Thursday, June 24, 2010, 10:00 a.m.

Sacramento, California

CHAIR SOBEK: Welcome, everybody.

I'd like to call this meeting to order.

And it would be my honor and privilege to introduce the California Highway Patrol Honor Guard to present the colors.

Would everybody please stand?

(The Color Guard presented the flag.)

CHAIR SOBEK: Please join me in the Pledge of Allegiance.

(The Pledge of Allegiance was recited.)

CHAIR SOBEK: If I can have a few moments, a moment of silence in honoring the officers who lost their lives in the line of duty since our last meeting.

Sergeant Ira G. Essoe, Jr., of the Orange County Sheriff's Department.

Deputy Joel Wahlenmaier from the Fresno County Sheriff's Department.

Deputy Ken Collier of the San Diego County Sheriff's Department.

Officer Javier Bejar from the Reedley Police Department.

Officer Daniel Benavides of the California Highway

Patrol.

Officer Thomas Coleman of the California Highway Patrol.

And Officer Phillip Ortiz from the California Highway Patrol.

(Moment of silence was observed.)

CHAIR SOBEK: Thank you.

(The Color Guard exited the room.)

CHAIR SOBEK: Please join me in thanking the California Highway Patrol.

(Applause)

CHAIR SOBEK: You may be seated.

Okay, welcome, everybody. I'm Commissioner Mike Sobek, Chair of the Commission.

And I'd like to have Connie do roll call of the commissioners, please.

MS. PAOLI: Mike Sobek?

CHAIR SOBEK: Here.

MS. PAOLI: Allen?

COMMISSIONER ALLEN: Present.

MS. PAOLI: Batts?

COMMISSIONER BATTS: Here.

MS. PAOLI: Bui?

COMMISSIONER BUI: Here.

MS. PAOLI: Campbell?

COMMISSIONER CAMPBELL: Here.

MS. PAOLI: Cooke?

COMMISSIONER COOKE: Here.

MS. PAOLI: Doyle?

VICE-CHAIR DOYLE: Here.

MS. PAOLI: Dumanis?

COMMISSIONER DUMANIS: Here.

MS. PAOLI: Hayhurst?

COMMISSIONER HAYHURST: Here.

MS. PAOLI: Linden?

COMMISSIONER LINDEN: Here.

MS. PAOLI: Lowenberg?

COMMISSIONER LOWENBERG: Here.

MS. PAOLI: Lundgren?

(No response)

MS. PAOLI: McGinness?

COMMISSIONER McGINNESS: Here.

MS. PAOLI: Smith?

COMMISSIONER SMITH: Here.

MS. PAOLI: Soubirous?

COMMISSIONER SOUBIROUS: Here.

MS. PAOLI: Anderson?

COMMISSIONER ANDERSON: Here.

CHAIR SOBEK: Everybody’s present. That’s awesome. Thank you.

I would like to introduce the people to my right and left.

On my right is our Executive Director, Paul Cappitelli, and on my left is our POST Advisory Committee Chair, Brent Newman from the Highway Patrol.

Thank you, guys.

If I could start with Jeff, audience introductions.

Chief, please.

MR. MILLER: Jeff Miller, POST Advisory Committee representing the California Police Chiefs Association.

MS. WOODS: Nicki Woods, POST Advisory Committee, representing California Organization of Police and Sheriffs.

MR. FLANNAGAN: Joe Flannagan, Advisory Committee, representing PORAC.

MR. CASAS: Mario Casas, Advisory Committee, representing California Coalition of Law Enforcement Association.

MR. RUTLEDGE: Devallis Rutledge, special counsel for Los Angeles County District Attorney Steve Cooley.

MS. RUTLEDGE: Victoria Rutledge.

CHLOE RUTLEDGE: Chloe Rutledge.

D.J. RUTLEDGE: D.J. Rutledge.

RICHARD RUTLEDGE: Richard Rutledge.

EVAN RUTLEDGE: Evan Rutledge.

RYAN RUTLEDGE: Ryan Rutledge.

MR. MIGAIOLO: John Migaiolo, San Bernardino Sheriff.

MR. PRATT: Glen Pratt, San Bernardino Sheriff.

MR. DORSEY: Steve Dorsey, San Bernardino Sheriff.

MS. TANGUAY: Valerie Tanguay, San Bernardino Sheriff.

MR. LINDSTROM: Richard Lindstrom, Advisory Committee, representing California Academy Directors Association.

MR. BOCK: Jim Bock, Advisory Committee, representing Specialized Law Enforcement.

MS. LORMAN: Laura Lorman, Advisory Committee, representing Women Peace Officers Association of California.

MS. PIELENZ: Trish Pielenz, POST staff.

MS. BACON: Catherine Bacon, POST staff.

MS. ALHWEITI: Ahlam Alhweiti, POST staff.

MS. MYYRA: Jan Myyra, POST staff.

MS. BULLARD: Jan Bullard, POST Staff.

MR. DECKER: Frank Decker, POST staff.

MR. DEAL: Alan Deal, POST staff.

MR. DURANT: Mike Durant, Vice President of PORAC, Santa Barbara Sheriff’s Department.

MR. FARRAR: Tony Farrar, Captain, from Rialto

Police Department.

MS. FARRAR: Cathy Farrar.

MR. LIDDICOAT: Tom Liddicoat, POST staff.

MR. DiMICELI: Mike DiMiceli, POST staff.

MR. BUNA: Jody Buna POST staff.

MR. WYGAL: Dane Wygal, Digital Outpost.

MR. PECINOVSKY: Ed Pecinovsky, POST staff.

MS. SCOFIELD: Stephanie Scofield, POST staff.

MR. REED: Dick Reed, POST staff.

MR. COTTINGHAM: Ron Cottingham, President of PORAC.

MR. GRAY: Mike Gray, San Diego Regional Training Center.

MS. THOMPSON: Michelle Thompson, San Diego Regional Training Center.

MR. SYLVESTER: Glen Sylvester, San Francisco PD.

MR. FRASER: Jim Fraser, San Diego Regional Training Center.

MS. FRASER: Jody Fraser.

MR. STRESAK: Bob Stresak, POST staff.

MS. LOZITO: Karen Lozito, POST staff.

MS. DUGANRUT: Kelly Duganrut, POST staff.

MS. TAKAHASHI: Deanna Takahashi, POST staff.

MR. APPEL: Rolfe Appel, Yuba College.

MR. GUSTAFSON: Bryon Gustafson, POST staff.

MS. RIVERA: Susie Rivera, Folsom Police.

MR. SORG: Gary Sorg.

MS. MENDENHALL: Paula Mendenhall, POST staff.

MS. KAISER: Windy Kaiser, POST staff.

MS. IRIZARRY: Rebecca Irizarry, POST staff.

MS. SMITH: Cheryl Smith, POST staff.

MR. RAFFISH: I'm Brian Raffish, LAPD.

MR. BELL: Richard Bell, Escondido reserve police officer.

MR. BURNHAM: Bob Burnham, Alameda County Sheriff's Office, retired.

MR. HOOPER: Mike Hooper, POST staff.

MR. SPISAK: Dave Spisak, POST staff.

MR. PARKS: Jacky Parks, president, Fresno Police Officers Association.

CHAIR SOBEK: Welcome, everyone. I think that's everybody.

It's my pleasure to introduce our keynote speaker, for lack of a better word today. He has been a friend for a long time. He's the president of the Peace Officers' Research Association of California. And I'd like to bring up Ron Cottingham.

(Applause)

MR. COTTINGHAM: Good morning. I'd like to thank Chairman Sobek, the commissioners, and Executive Director Paul Cappitelli for inviting me to speak before the

Commission today and deliver the opening remarks.

This is quite a privilege and an honor and, as I understand, the first time that a labor organization has been allowed to address the Commission. So I thank you again for that.

The partnership between PORAC and POST goes back many decades. In fact, at the beginning of POST and even prior to the beginning of POST, some of the leaders of PORAC, one of particular note, Gene Muehleisen, believed that professionalism and standardization of training was the way to enhance the image of police and peace officers throughout California.

In a PORAC conference in 1958, they came together and created what they called the "Law Enforcement Training Act," which in 1959 became AB 1448, which was carried by a former marshal of San Diego, George Crawford.

What may not be known –- and I know a lot was talked about this this year, this being POST's 50th anniversary -- is that this bill had a tough time making it out. The American Legion actually opposed the bill because they thought it was a communist plot to try to influence the minds of young police officers.

And the bill actually died in what would have been Appropriations Committee. And a person that many of you,

if you're of significant age, may remember, Jesse Unruh actually came to the rescue of the bill and got it passed, got it out. It was signed by Governor Pat Brown. And that became POST.

Gene Muehleisen, at that time president of PORAC, was appointed to the first POST Commission; and within a few months, he actually became what has been considered the first executive director of POST.

So, again, POST and PORAC go back a long, long way. We've had a good relationship. And I think things can only get better as we go forward.

It's been a proud heritage and a proud history because POST has become -- very shortly after the creation, became the leader in the nation, not just in California in training. A lot of states emulate what POST has done.

In my travels around the state, in attending various commission meetings and other committee meetings, such as AIRTAC, I'm always proud to see what POST has brought to the table in the training, especially in the area of homeland security and antiterrorism.

And I would think, if you look at the training list that Cal EMA has put together, that probably about 85 percent of it has been created and blessed by POST. And I think that's a good thing, not just for California

but for the nation, and especially for peace officers that have this type of training available to them. And that training is available to them because of the work that the Commission does and also the Advisory Committee, because I don't think they should be left out of this, either, because they're a good adjunct to the Commission.

So with that, I'd like to congratulate POST and the Commission for the good work you've done, for the way you represent public safety. Again, not just in California and throughout the nation.

And thank you for this opportunity to address this august Commission.

Thank you.

CHAIR SOBEK: Thank you, Ron.

(Applause)

CHAIR SOBEK: Okay, now, for the fun stuff.

On behalf of the entire Commission, it is my pleasure to honor several people who have distinguished themselves by demonstrating a commitment to exceptional service or excellence in training.

Each year, the Commission recognizes people in an organization that have greatly contributed to the success and effectiveness of the law-enforcement community.

Assisting me in handing out these awards is going to be Brent Newman, the Chair of the Commission Advisory

Committee, which is the Advisory Committee reviews the nominations and recommends to the Commission of the recipients of these awards.

Also, assisting me will be our Executive Director, Paul Cappitelli.

At this time, I would like the award recipients to come forward to be recognized.

The first award is the 2009 *O.J. "Bud" Hawkins Exceptional Service Award*.

The first award, this award, is dedicated to the memory of Bud Hawkins, a long-term representative to the POST Commission for five attorney generals.

Nominees for this award can be a member of POST staff, a subject-matter resource, a POST Advisory Committee member, or a POST Commission member who has made significant contributions that reflect dedication, perseverance, and exceptional service to improving the professionalism of California law enforcement.

The recipient of the *O.J. "Bud" Hawkins Exceptional Service Award* for 2009 is James H. "Jim" Fraser of Fraser and Associates.

(Applause)

MR. PECINOVSKY: Jim Fraser has been described as the ultimate instructor. He has trained thousands of instructors in California and throughout the nation.

He is acknowledged as the father -- some may say "godfather" -- of the Master Instructor Development Program. He's known for his ability to take students to the brink, bring them back, and then push them farther. I know that from personal experience.

He has a tremendous ability to reach across lines between officers and executives. He brings out the very best in people. He has distinguished himself as having trained seven previous winners of the Governor's award, including one of our winners today.

Jim Fraser is the winner of the *2009 O.J. "Bud" Hawkins Exceptional Service Award*.

(Applause)

MR. FRASER: Thank you very much, Ed.

This is really an honor. I want to thank the Commission and the POST staff for the support they've had of instructor development. That's the kind of business I've really been in for the last 20 years.

Originally, I got into the program after a vetting by Don Mora. And if you've gone through that, you know that that's a vetting process that is second to none. But the real thing we want to do is move from having things we've just covered in class, to things that are actually learned. So I thought we'd take this opportunity to break up the Commission into small groups.

(Applause)

MR. FRASER: I've got the Marriott staff to bring out some flipcharts…

Just jesting, obviously. But that's one of the staples of our trade, the small-group process and how you really can learn. We're all about learning, not about just presenting it. And that's what the programs are really all about.

I can't recognize everybody in the POST staff who has been part of this for me. It's been a wonderful journey for the last 20 or so years, and I can't thank you enough for the kind of support that I've been given in this program.

I have to recognize my wife. She's in the back. Of course, one of the things I realized early in my career is that I needed professional help, and she's a licensed social worker, so I've been able to get that on a routine basis and save lots of dollars, so it's been very helpful.

And, Jody, thank you very much for all the support you've given.

And also the San Diego Regional Training Center, Michelle Thompson and Mike Gray and their staff and all the things they've done for me over the years. And the confidence they've had in me, allowing me to do the kind

of programs I've been allowed to do.

And thank you all from the Advisory Committee. And everybody else, thank you very much. I appreciate it.

(Applause)

COMMISSIONER SOBEK: The POST *Excellence in Training* Award was established in 1994 to encourage innovation, quality, and effectiveness of peace officers training in order to recognize the best of the best.

There are three categories of the POST *Excellence in Training* Award: Individual achievement, organizational achievement, and lifetime achievement.

The Commission is proud to offer these annual awards which symbolize California's national status of being in the forefront of law enforcement training.

There were 20 nominees for the three award categories. The recipients were selected through a rigorous screening process conducted by the 15-member POST Advisory Committee and approved by this Commission.

In addition to the trophies given to the recipients today, their names will be inscribed on a plaque that is permanently located at POST in Sacramento.

The recipient of the POST *Excellence in Training Individual Achievement Award* for 2009 is Captain Tony Farrar of the Rialto Police Department.

(Applause)

MR. PECINOVSKY: Tony is known for his commitment to continually seeking ways to improve the way things are done. He is well-known for his successes in program development and implementation.

Tony implemented a 360-degree performance evaluation. He published many articles in professional journals. He has developed operational manuals for several programs, training courses, supervisor development programs, and electronic databases.

Tony attended Homeland Security training in Israel. He teaches at the National Tactical Officers Association and the California Association of Tactical Officers annual conferences. He holds membership in several law-enforcement professional associations. He is noted for working with many professional organizations and with nationally recognized experts in various fields.

Tony Farrar is the winner of the *2009 POST Excellence in Training Award for Individual Achievement.*

(Applause)

MR. FARRAR: Well, it's hard to always come behind Jim when he talks, so I don't know if I'll be able to make you laugh like he does.

But I'd really like to thank POST for giving me the opportunity to be here, and I really appreciate the fact that you've taken your time to recognize some of the

things that we've done over the past year.

A couple other things that I'd just like to mention is that there's always reasons for people's success. And for me, really, it goes back to learning what I didn't know when I went through Jim's Master Instructor program, where I thought I knew everything about training, but I found out that I really didn't. I had a lot to learn and a long way to go. And after that, I really felt very confident about what I was able to do.

Second is, I have a very supportive police department, a police chief, and a staff that's willing to let me leave to go out and do some teaching, do some training, but also do some learning. Because for me, you're not a top-notch trainer if you're not out there seeking to learn and be able to share that information.

And lastly, of course, because I'm gone all the time, doing a lot of the training, the teaching and the learning, would be the fact that my wife lets me out of the house to go do that. And I don't take too much flak for that, but I certainly appreciate the fact that she lets me go out there to do the thing I love to do, which is training.

Thank you very much.

(Applause)

COMMISSIONER SOBEK: The recipient for the POST

Excellence in Training Organization Achievement Award for 2009 is the San Bernardino Sheriff's Department Emergency Vehicle Operations Center.

Accepting the award on behalf of the San Bernardino Sheriff's Department Emergency Vehicle Operations Center is John Migaiolo, training manager.

(Applause)

MR. PECINOVSKY: The San Bernardino Sheriff's Department Emergency Vehicle Operations Center, EVOC, is recognized for its creation of the team survival driving course in conjunction with the San Bernardino County Juvenile Traffic Court as a way to interdict poor driving practices of local youth.

The San Bernardino EVOC is known for providing a high-quality motorcycle update course. They are recognized for the willingness of its members to travel to other venues in order to provide training to requesting agencies.

Their training has shown a reduction in officer accidents even though the miles driven has increased. Their reputation has resulted in more agencies using their driver training services. They are also recognized for the quality of their basic and advanced driver training courses.

The San Bernardino EVOC is known as an outstanding

organization for its modern, high-quality training facility.

The San Bernardino Sheriff's Department Emergency Vehicle Operations Center is the winner of the 2009 POST *Excellence in Training Award for Organizational Achievement.*

(Applause)

MR. MIGAIOLO: Thank you, Ed.

On behalf of the Sheriff's Department, Rod Hoops, and the executive staff, I'd like to thank POST and the Commission for the recognition of this award.

We really appreciate all the support and guidance that Director Cappitelli has provided throughout all the associations, VOTAC, the successful campaign of the Safe Driver Campaign Committee. With all the efforts, hopefully, we can make all our officers safe out there on the streets.

On behalf of our department that is here with me today is Assistant Sheriff Glen Pratt, Captain Valerie Tanguay, Lieutenant Steve Dorsey, and my driving instructor, George Callow in the back.

Thank you, George.

With all of our commitment, hopefully we can truly make all the officers safe out there. And that's our common goal.

Thank you very much.

(Applause)

CHAIR SOBEK: The recipient for the POST *Excellence in Training Lifetime Achievement Award* for 2009 is Devallis Rutledge, special counsel to the Los Angeles County District Attorney's office.

(Applause)

MR. PECINOVKSY: Devallis Rutledge is known for consistently applying leading edge technology to delivery training.

From 1979 to the present, he has authored 12 books on important law-enforcement subjects. He has authored over 182 articles. He's presented almost 1,200 roll-call video programs. He has written over a thousand law-enforcement training bulletins.

He's highly regarded and recognized by state, national, and international organizations for his work in law enforcement and other related areas.

Devallis has received many awards, recognizing his continuing contributions to the law-enforcement profession.

As a former POST commissioner, Devallis understands the value of training.

Devallis Rutledge is the winner of the 2009 POST *Excellence in Training Award for Lifetime Achievement.*

(Applause)

CHAIR SOBEK: I'm going to go off-script a little bit because one of the commissioners would like to speak. And I think a lot of commissioners would always like to say a lot of things about the recipients. But when this certain commissioner asks for something, quite frankly, I'm afraid of her, so I won't say no.

But Collene Campbell, if you'd come up, please, Commissioner Campbell.

COMMISSIONER CAMPBELL: You know, we all honor Devallis for his professionalism. But I just had to stand up because I've known Devallis since 1983, when my son disappeared, and he was in Orange County.

He is not just a professional when he's getting paid. He is a wonderful man when somebody needs him.

Boy, what I didn't want is for you guys to see me in tears.

See what you do to me? It's all your fault.

But, anyway, this man, during overturned trials, during second murders in my family, this guy was there. He is just a wonderful friend on-the-duty and off-the-duty. And he has a heart of gold.

And, Devallis, I want to thank you on behalf of so many victims who have been hit really hard.

I love you -- and it's okay with your wife that I

love you.

Thank you so much.

(Applause)

MR. RUTLEDGE: Thank you, Collene. That's very sweet. I appreciate it.

Thank you, Mike, Ed.

You know, a few weeks ago, when I learned I had been selected to receive this award, I went home after work, I told my wife the good news.

And she said, "It sounds like one of those good-news/bad-news things."

I said, "Well, what do you mean?"

She said, "Well, it's good news you're getting an award, being recognized. But 'lifetime achievement,' doesn't that mean that now it's official, you're really, really old?"

Her comments made me think of one of those courtroom transcripts that floats around the Internet.

A lawyer has a witness on the stand and says: "Now, sir, you live here in the county?"

"Sure do."

"Have you lived here all your life?"

The witness says, "Well, not yet."

I'm hoping that receiving a lifetime achievement award doesn't mean your lifetime is over yet, or that

your ability to achieve anything is at an end yet because particularly in my case, though I'm 66 years old, the youngest of my five children is only 9, so I've got miles to go before I sleep.

Thank you, Commissioners. Thank you, Members of the Advisory Committee, and POST staff for considering me and especially for selecting me for this honor which I deeply appreciate.

I'm also grateful to my boss, L.A. County Steve Cooley for nominating me. And not just the nomination, but he's enthusiastically supported all of my POST-certified training that I've done over the years that I've worked for him. He is extremely supportive of law enforcement and law-enforcement training.

As we all know, nobody achieves anything without the support of his or her family. And in that regard, I have been richly blessed. My family has always been there for me. They are here with me: My wonderful wife and photographer of 17 years, Victoria; sons Ryan, Evan, Richard, and D.J. and daughter Chloe.

Did I leave anybody out?

Thank you all for being here.

It's been my privilege over the last 35 years or so to play a small part in the training of our heroic law-enforcement officers who do this critically important

work while trying to secure justice for crime victims and their families and protecting the public safety. I'll always treasure this recognition of my training efforts.

Thanks to all of you for putting up with me over all of these years. And, now, if you'll excuse me, I have to go and ponder how it feels to be officially really, really old.

Thank you.

(Applause)

CHAIR SOBEK: Now, to the business at hand.

This is the time for public comment. And excluding the agendized items at the end where we have a couple of speakers that want to speak today for a special issue, this is the time for the public comment.

This is the time set aside for the 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.

Members of the public who wish to speak are asked to limit their remarks to no more than five minutes each. Please be advised that the Commission cannot take action on items not on the agenda.

Do I have anybody here in the audience that would like to speak to the Commission?

(No response)

CHAIR SOBEK: Okay, easy.

The next item is approval of the minutes for the February Commission meeting.

COMMISSIONER LOWENBERG: Move it.

VICE-CHAIR DOYLE: Second.

COMMISSIONER HAYHURST: Second.

CHAIR SOBEK: We've got a motion by whom?

COMMISSIONER LOWENBERG: *(Indicating.)*

CHAIR SOBEK: Commissioner Lowenberg.

And a second by --

VICE-CHAIR DOYLE: Doyle.

CHAIR SOBEK: -- Commissioner Doyle.

All right, all in favor, say "aye."

(A chorus of "ayes" was heard.)

CHAIR SOBEK: Opposed?

(No response)

CHAIR SOBEK: The motion carries.

On consent, B.1, Course Certification/ Decertification report.

Do we have a report? Do we need a report?

COMMISSIONER LOWENBERG: I'll move on the consent calendar.

COMMISSIONER LINDEN: I'll second.

CHAIR SOBEK: Motion by Lowenberg, and a second by --

COMMISSIONER LINDEN: Linden.

CHAIR SOBEK: -- Linden.

Make sure you guys mention your names so that our court reporter knows who it is. Thank you.

All in favor, say "aye."

(A chorus of "ayes" was heard.)

CHAIR SOBEK: Any opposed?

(No response)

CHAIR SOBEK: The motion carries.

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

Do we need a report?

COMMISSIONER LINDEN: I think we just approved the whole consent.

MR. CAPPITELLI: Mr. Chairman, I believe you just approved the whole consent calendar.

CHAIR SOBEK: Oh, yes. Okay. Sorry.

We just approved the whole Consent?

MR. CAPPITELLI: Yes, we did.

CHAIR SOBEK: I'm doing great. Here we go.

COMMISSIONER LINDEN: One more meeting, Mr. Chair.

CHAIR SOBEK: You know, I've followed some people who've made mistakes. So I'm not too worried about it.

COMMISSIONER LINDEN: It should be over soon.

MR. CAPPITELLI: Mr. Chairman, we have resolutions

also that we need to do.

Where are they --

COMMISSIONER LINDEN: They were on the consent.

MR. CAPPITELLI: Oh, on the consent. I'm sorry.

It's the last item on the consent. So we need to move them forward.

CHAIR SOBEK: All right, I would like to have Jody Buna and Gary Sorg up, please.

MR. CAPPITELLI: Members of the Commission and for the audience, this is our opportunity to recognize two of our consultants who have retired this year. And both Jody Buna and Gary Sorg have made significant contributions to POST on behalf of the Commission and to the profession in and of itself.

Most recently, just to name a few things, Gary Sorg, prior to his retirement this past year, was the person who was responsible for ensuring the entire procurement process and evaluation process that led to the purchase of our law-enforcement driver simulation.

And as you well know, that was a multimillion-dollar program that had a lot of very intricate moving parts to it. And we had a couple of moments throughout that process where we were concerned about our funding being at risk. And Gary always stepped forward, kept us apprised, and fought the good, hard fight for us, with

all of those that challenges that came our way. And clearly, we were successful. But that is really as a result of Gary's efforts.

And so Gary, we congratulate you on your retirement.

(Applause)

MR. CAPPITELLI: And Jody Buna, who most notably in the last many years of his career, was responsible for the ongoing development of all of our training DVDs and training materials and scenarios and everything related to that, and worked to -- right before he departed, he was working on a project which is still in progress right now, which will take all of our multimedia resources that we've had for a number of years, that have been available on first -- on the first-generation VHS and then DVD, and now we're transferring them electronically. That was Jody's idea and concept.

The ball is rolling on that so that all of our resources, all of our videos and everything will be available online using an incredible tool that you'll be able to go and not only watch them, but to be able to trim them and save them to use them in presentation settings. And so that's just a very small snapshot of Jody's accomplishment.

And both of these gentlemen here served in law-enforcement capacities prior to working at POST, both

for mainstream law-enforcement officers in their respective departments, and have well over 30 years each in the business.

And so we congratulate you, Jody. And we congratulate you both on your contribution.

Thank you.

(Applause)

CHAIR SOBEK: Okay, under Administrative Services Bureau, the Report on Unexpended Reimbursement Funds. This will be a roll-call vote, so I would ask for a report.

MR. CAPPITELLI: Mr. Chairman, Tom Liddicoat, Bureau Chief, will be coming forward to assist with that presentation.

MR. LIDDICOAT: Good morning, Mr. Chairman, Commissioners. This is Agenda Item C in your binder.

This is a recommendation to the Commission to reinstate backfill, reinstate commuter lunch, and increase basic course subsistence, reimbursement from $46 to $50 for fiscal year 2010-11 effective July 1st, 2010.

As you know, with the current economy and budget reductions, we've seen a trend in reimbursable training, a tremendous decrease.

Earlier in the year, I projected about 64,000

trainees. Back in February, I projected a downturn, down to 46,000 trainees. At the Finance Committee meeting yesterday, I made a report that said we'll be lucky to get 40,000 trainees this current year. We're about 41 percent down on training.

As a result, the good news is, I guess, that we're going to have additional savings.

As you recall, back in February, because of the downturn in the reimbursable trainees, the Commission authorized and staff completed the administrative process to transfer $3 million from reimbursements, billable reimbursement funds to funding -- or a down payment, if you will, for the down payment for the law-enforcement Driver Simulator program.

That meant that we reduced the amount that we were going to have to finance by $3 million.

Because of the additional downturn in reimbursable trainees that I just mentioned, we have an additional $3 million estimated to be available in this year.

If action is not taken to utilize these available funds, as you know, what happens is, they'll revert to POST's reserve, which is currently approximately $17 million.

This was vetted through the Long-Range Planning Committee meeting a month ago, and recommendations were

made for both the current year, 2009, and 2010-11 available funds.

The Long-Range Planning Committee made a recommendation. Staff then took that and decided, however, that it would not be possible to make any retroactive adjustments in the current year to utilize current-year funds. It was just not feasible to do so for a variety of reasons.

Only actions for 2010-11 can be implemented, and that's what we're proposing today.

Basically, the Long-Range Planning Committee, and yesterday at the Finance Committee, recommends approval of increasing backfill reimbursement, commuter lunch, and the basic-course subsistence.

Estimated cost of these increases is about $1.4 million for backfill reimbursement, $800,000 for the commuter-lunch reimbursement, and about $100,000 for the basic-course subsistence increase.

There is an Attachment A, if you'd like to refer to that. Basically, it just reflects the reimbursements by trainees and training reimbursement for the past 12 years: Ten years actual, two years estimated.

And you can see there's a variety of things that have happened over those years, from a high of in 2007-08 where we reimbursed over 68,000 trainees at an expense

of over $24 million, down to what we're projecting for the next year of 50,000 trainees at only $17 million.

I'd be happy to answer any questions.

If not, the appropriate action would be a motion to authorize the Executive Director to reinstate backfill reimbursement, reinstate commuter lunch, and increase basic-course subsistence from $46 to $50 for fiscal year '10-11 for July 1st, 2010.

CHAIR SOBEK: Before --

COMMISSIONER McGINNESS: So moved.

CHAIR SOBEK: Before -- I'm sorry, Commissioner.

Before that, our Executive Director would like to say a few words.

MR. CAPPITELLI: Yes, just briefly.

Members of the Commission -- thank you, Mr. Chair -- this is another example of how, at the eleventh hour here, despite our efforts to try to determine some way to expend these funds, we believe that on a go-forward basis, this would give us the opportunity to allow more people to be able to attend training from the law-enforcement community throughout the year.

And it is staff's recommendation at this point that you adopt this.

Thank you, sir.

CHAIR SOBEK: We have a motion by Commissioner

McGinness.

COMMISSIONER ALLEN: Second.

CHAIR SOBEK: Second by Commissioner Allen.

All in favor, say "aye."

(A chorus of "ayes" was heard.)

CHAIR SOBEK: Sorry, it's a roll call.

I knew that, too.

Okay, Connie?

COMMISSIONER HAYHURST: Mr. Batts used to do that all the time.

CHAIR SOBEK: Yes. So did Commissioner Linden, as I recall.

COMMISSIONER DUMANIS: Every Chair.

MS. PAOLI: Sobek?

CHAIR SOBEK: Aye.

MS. PAOLI: Allen?

COMMISSIONER ALLEN: Aye.

MS. PAOLI: Batts?

COMMISSIONER BATTS: Aye.

MS. PAOLI: Bui?

COMMISSIONER BUI: Yes.

MS. PAOLI: Campbell?

COMMISSIONER CAMPBELL: Yes.

MS. PAOLI: Cooke?

COMMISSIONER COOKE: Yes.

MS. PAOLI: Doyle?

VICE-CHAIR DOYLE: Yes.

MS. PAOLI: Dumanis?

COMMISSIONER DUMANIS: Yes.

MS. PAOLI: Hayhurst?

COMMISSIONER HAYHURST: Yes.

MS. PAOLI: Linden?

COMMISSIONER LINDEN: Yes.

MS. PAOLI: Lowenberg?

COMMISSIONER LOWENBERG: Yes.

MS. PAOLI: Lundgren?

(No response)

MS. PAOLI: McGinness?

COMMISSIONER McGINNESS: Yes.

MS. PAOLI: Smith?

COMMISSIONER SMITH: Yes.

MS. PAOLI: Soubirous?

COMMISSIONER SOUBIROUS: Yes.

MS. PAOLI: Anderson?

COMMISSIONER ANDERSON: Yes.

CHAIR SOBEK: The motion passes.

Thank you.

COMMISSIONER LINDEN: Mr. Chair?

CHAIR SOBEK: Yes?

COMMISSIONER LINDEN: I just want to thank our

Executive Director and staff on behalf of the field. This will bring us much needed relief, especially the backfill, which is one of the things that absolutely has prohibited us from sending personnel to training, to advanced officer training.

MR. CAPPITELLI: Thank you, Commissioner.

CHAIR SOBEK: Okay, moving on to the Basic Training Bureau, Item D, the Report on Revision to Commission Regulation in Relation to the Delivery of Basic Training.

Do we need a report?

(No response)

CHAIR SOBEK: I need a motion.

COMMISSIONER DUMANIS: Motion to approve.

VICE-CHAIR DOYLE: Second.

COMMISSIONER DUMANIS: Dumanis.

CHAIR SOBEK: Motion to approve by Dumanis, second --

VICE-CHAIR DOYLE: Doyle.

CHAIR SOBEK: -- Doyle.

All in favor, say "aye."

(A chorus of "ayes" was heard.)

CHAIR SOBEK: Any opposed?

(No response)

CHAIR SOBEK: The motion carries.

Item E, Contract Request and Report on the Status of

Implementing a Pilot Study of Academy Basic Driver Training.

This is a roll-call vote so I will take a report from staff, please.

MR. DECKER: Good morning, Mr. Chair, Commissioners.

CHAIR SOBEK: Good morning.

MR. DECKER: This report is on the pilot study proposed for LD 19, the vehicle operations portion of the regular basic course.

As a result of the VOTAC study and the Driver Training Volume 1, the Commission directed that elements should be added to LD 19 to include the use of law-enforcement driving simulators, a speed component, night driving, and use of interference vehicles.

We have reviewed material currently in the training and testing specifications, reviewed material currently presented by the academies, and we have selected seven academies to serve as pilot sites.

We are currently bringing all the material together. As of July 26th, we will be bringing a committee together of subject-matter experts and pilot academies to review the content for the proposed pilot.

As part of this, due to limited staff resources, there is a need to contract for outside expertise. So the request is for $50,000 to secure the services of

Dr. Ron Tarr of the University of Central Florida, who is an expert in simulation training, and other experts.

CHAIR SOBEK: Thank you, Frank.

Roll-call vote, please.

CHAIR SOBEK: Do we have any -– actually do we need a motion?

COMMISSIONER HAYHURST: Do we have a motion?

VICE-CHAIR DOYLE: Move.

COMMISSIONER HAYHURST: Motion. Hayhurst.

COMMISSIONER SMITH: Second.

CHAIR SOBEK: Motion by Doyle, second by –-

COMMISSIONER SMITH: Smith.

CHAIR SOBEK: -- by Smith.

MS. PAOLI: Sobek?

CHAIR SOBEK: Yes.

MS. PAOLI: Allen?

COMMISSIONER ALLEN: Aye.

MS. PAOLI: Batts?

COMMISSIONER BATTS: Yes.

MS. PAOLI: Bui?

COMMISSIONER BUI: Yes.

MS. PAOLI: Campbell?

COMMISSIONER CAMPBELL: Yes.

MS. PAOLI: Cooke?

COMMISSIONER COOKE: Yes.

MS. PAOLI: Doyle?

VICE-CHAIR DOYLE: Yes.

MS. PAOLI: Dumanis?

COMMISSIONER DUMANIS: Yes.

MS. PAOLI: Hayhurst?

COMMISSIONER HAYHURST: Yes.

MS. PAOLI: Linden?

COMMISSIONER LINDEN: Yes.

MS. PAOLI: Lowenberg?

COMMISSIONER LOWENBERG: Yes.

MS. PAOLI: Lundgren?

(No response)

MS. PAOLI: McGinness?

COMMISSIONER McGINNESS: Yes.

MS. PAOLI: Smith?

COMMISSIONER SMITH: Yes.

MS. PAOLI: Soubirous?

COMMISSIONER SOUBIROUS: Yes.

MS. PAOLI: Anderson?

COMMISSIONER ANDERSON: Yes.

CHAIR SOBEK: The motion carries.

Thank you.

Item F is from the Center for Leadership Development, and it’s a Request to Augment the Fiscal Year 2010-11 Command College Contract, which also calls

for a roll-call vote.

Do we need a report on this from anybody?

COMMISSIONER LOWENBERG: Move on the recommendation. Lowenberg.

COMMISSIONER McGINNESS: Second. McGinness.

COMMISSIONER DUMANIS: Second. Dumanis.

CHAIR SOBEK: Second, McGinness.

COMMISSIONER McGINNESS: For the record, third, Dumanis.

CHAIR SOBEK: Go ahead, Connie.

MS. PAOLI: Sobek?

CHAIR SOBEK: Yes.

MS. PAOLI: Allen?

COMMISSIONER ALLEN: Aye.

MS. PAOLI: Batts?

COMMISSIONER BATTS: Yes.

MS. PAOLI: Bui?

COMMISSIONER BUI: Yes.

MS. PAOLI: Campbell?

COMMISSIONER CAMPBELL: Yes.

MS. PAOLI: Cooke?

COMMISSIONER COOKE: Yes.

MS. PAOLI: Doyle?

VICE-CHAIR DOYLE: Yes.

MS. PAOLI: Dumanis?

COMMISSIONER DUMANIS: Yes.

MS. PAOLI: Hayhurst?

COMMISSIONER HAYHURST: Yes.

MS. PAOLI: Linden?

COMMISSIONER LINDEN: Yes.

MS. PAOLI: Lowenberg?

COMMISSIONER LOWENBERG: Yes.

MS. PAOLI: Lundgren?

(No response)

MS. PAOLI: McGinness?

COMMISSIONER McGINNESS: Yes.

MS. PAOLI: Smith?

COMMISSIONER SMITH: Yes.

MS. PAOLI: Soubirous?

COMMISSIONER SOUBIROUS: Yes.

MS. PAOLI: Anderson?

COMMISSIONER ANDERSON: Yes.

CHAIR SOBEK: The motion carries. Thank you.

Under Item G, Request for Approval to Initiate a Competitive Solicitation for a Video for the Supervisory course. Also a roll-call vote.

Would the commissioners like a report?

COMMISSIONER DUMANIS: So moved, a motion to authorize. Dumanis.

CHAIR SOBEK: Motion, Dumanis.

COMMISSIONER BUI: Bui. Second.

VICE-CHAIR DOYLE: Second. Doyle.

COMMISSIONER DUMANIS: You can have the third.

CHAIR SOBEK: I'll go with Commissioner Bui.

MS. PAOLI: Sobek?

CHAIR SOBEK: Yes.

MS. PAOLI: Allen?

COMMISSIONER ALLEN: Yes.

MS. PAOLI: Batts?

COMMISSIONER BATTS: Yes.

MS. PAOLI: Bui?

COMMISSIONER BUI: Yes.

MS. PAOLI: Campbell?

COMMISSIONER CAMPBELL: Yes.

MS. PAOLI: Cooke?

COMMISSIONER COOKE: Yes.

MS. PAOLI: Doyle?

VICE-CHAIR DOYLE: Yes.

MS. PAOLI: Dumanis?

COMMISSIONER DUMANIS: Yes.

MS. PAOLI: Hayhurst?

COMMISSIONER HAYHURST: Yes.

MS. PAOLI: Linden?

COMMISSIONER LINDEN: Yes.

MS. PAOLI: Lowenberg?

COMMISSIONER LOWENBERG: Yes.

MS. PAOLI: Lundgren?

(No response)

MS. PAOLI: McGinness?

COMMISSIONER McGINNESS: Yes.

MS. PAOLI: Smith?

COMMISSIONER SMITH: Yes.

MS. PAOLI: Soubirous?

COMMISSIONER SOUBIROUS: Yes.

MS. PAOLI: Anderson?

COMMISSIONER ANDERSON: Yes.

CHAIR SOBEK: The motion carries. Thank you.

On to the Executive Office category, under H, the Report on the Composition of the POST Advisory Committee.

COMMISSIONER LINDEN: I'd like a presentation on this one.

MR. CAPPITELLI: The esteemed Assistant Executive Director Alan Deal will be making this presentation.

MR. DEAL: Mr. Chairman, Commissioners, I would react to the "esteemed," but…

As you're aware from our previous meeting, we currently have a vacancy that exists in one of the public-member positions. This generated interest on the part of the Commission to have a report to deal with some of the background and history associated with the

composition of the Advisory Committee; and a report has been prepared for you under Tab H of the Advisory -- or, I'm sorry, the Long-Range Planning Committee met in May and reviewed various alternatives that are described in the report under the tab.

And as a result of their review, made a recommendation -- or approved a decision based upon their review and assessment of two things, two areas: One was that we appoint someone to the vacant public-member position; and that a public-safety dispatcher position be added to the Advisory Committee.

As you are probably aware from reviewing the agenda item, since 1987, the Commission has had statutory responsibility to address issues associated with public-safety dispatchers in their selection and training; however, they have not had representation on the Advisory Committee. And it was staff's recommendation that that be considered as part of the review that the Commission undertake.

There are a significant number of law-enforcement agencies that have a dispatch function. The numbers are provided for you in the attachment, and there are well over 7,000 dispatchers, dispatch supervisors, and dispatch managers that are in agencies that are part of the POST program.

As you review the recommendation to the Commission, I've noted, based upon some good input on the part of the Advisory Committee that we specify in a more clear way as to the type of nomination that should be accepted.

And, obviously, the discussion yesterday by the Advisory Committee was the importance of having someone who is within an agency that is part of the POST program. One of the things that is an important consideration is that for the past year and a half, there has been substantial work on the part of POST staff in trying to address a lot of the needs of basic training for dispatchers. A number of regional meetings have been conducted to draw in dispatchers to be more mainstream in terms of the type of support that we provide to them. And, frankly, the committee that has been established, if you look at the attachment that is provided to you, you can see that the advisory council that has been established by staff is very representative of the entire state as it relates to the dispatch function in support of law enforcement.

There are 24 members of that body; and our additional recommendation that goes along with the recommendation from the Long-Range Planning Committee was consideration of allowing that body to determine, through a process that would be established by them, a person

that would be nominated if you choose to establish an Advisory Committee position for public safety dispatcher. That would be staff's recommendation.

CHAIR SOBEK: I'm going to defer to our Advisory Committee Chair, Brent Newman, to give us a report on what they did yesterday.

MR. NEWMAN: Certainly. I'll start with the end and offer a few comments.

There was a motion that was seconded and passed unanimously to adopt the recommendation in Item H here that the Commission appoint someone to the vacant public-member position and add a public-safety dispatcher position to the Advisory Committee.

The discussion leading up to that was along two lines:

One, with respect to the dispatch position, public-safety dispatcher. It's exactly as Mr. Deal said, that there was concern that that person would come from a POST member agency and not one of the many different kinds of companies -- for example, a private ambulance company or something like that.

I think it was absolutely non-controversial on the Advisory Committee that a representation from a public-safety dispatcher would be welcomed and is needed, and is probably a long time in coming.

With respect to the public member, it was also non-controversial that that type of input, that membership would be most welcome and helpful.

There was a brief discussion, notwithstanding those two positions, about what would happen if we went up from 15 to 16 members. And within the Committee -- for example, if it came to a tie vote or something, but we also discussed that we would, most assuredly, be able to address that issue within the Committee.

We did not specifically address or recommend any person or persons or agencies, fully deferring that to this Commission.

And like I said, it was fairly non-controversial. From an Advisory Committee standpoint, we would welcome the representatives from those two stakeholder positions.

CHAIR SOBEK: Thank you, Brent.

MR. DEAL: Mr. Chairman, in consideration of the discussion that the Advisory Committee had, staff is recommending that, along with the existing motion that is contained in your binder, that a sentence be added that the nominee must be employed by an agency that is a participant in the POST public-safety dispatcher program. And that would acknowledge both those agencies that are in the reimbursable and non-reimbursable programs.

CHAIR SOBEK: Thank you, Alan.

MR. CAPPITELLI: Mr. Chair, Members of the Commission, one issue that's somewhat related to this is, I think the Commission -- staff believes that the Commission should take into consideration if you're going to appoint a public member. There were a couple of ancillary issues that aren't contained necessarily here in the written report, but I think are important for you to think about before you make your decision.

One is that, historically, we've had public members who have served us well and then wanted to continue to serve. So what the Commission should consider is whether or not you want, as a group, to have different representation each time or whether you want the same person to serve for continuity purposes.

And related to that, the Commission should consider whether or not having a public member who had a prior law-enforcement experience is, in fact, a true public member; whether you believe that somebody who is a member of the public who has never been a law-enforcement officer could perhaps bring something different to the table.

Clearly, that is no reflection on any of the individuals who are serving or have served in this capacity. It's just merely something for you to consider as you move forward and you evaluate this policy item and

have a discussion on that.

I just wanted to mention that to you.

CHAIR SOBEK: Okay.

COMMISSIONER BUI: Is there a time-line for which we need to make this nomination?

MR. CAPPITELLI: The position is vacant now, Commissioner.

COMMISSIONER BUI: Okay.

MR. CAPPITELLI: It's up to you, though, whatever you want.

CHAIR SOBEK: Should I mention the letters of support?

MR. CAPPITELLI: Yes, you could draw attention to that.

CHAIR SOBEK: Just to let the commissioners know, I received about seven letters of support for Alex Bernard to reappoint him. I haven't seen or heard of any other nominations.

Does anybody have any other nominations or make a recommendation at this time?

COMMISSIONER LOWENBERG: Mr. Chair, it's fairly clear to me, and maybe I'm outside the loop here, we have two distinctive issues here: One is the public-safety appointment, and the other is the public member.

Could I be so bold as to suggest we deal with one

at a time? Could we possibly deal with the public-safety one first as a recommendation, and then have a discussion about -- because my sense is that there's going to be more of a discussion about the public-member vacancy than maybe the public-safety one, based on what I heard happened yesterday.

CHAIR SOBEK: You're talking about the dispatcher one, correct?

COMMISSIONER LOWENBERG: Correct.

CHAIR SOBEK: Yes, that's -- that's fine with me.

And then we can revisit it -- are you talking about revisiting it at the next meeting?

COMMISSIONER LOWENBERG: No, I think we should have a discussion here.

CHAIR SOBEK: Okay.

COMMISSIONER LOWENBERG: If you get a direction from the majority of the Commission they want to roll this decision over regarding a public member to the next meeting, that's fine with me. I'm prepared to make a decision at this meeting, but I don't know about anybody else. I don't want to speak for my fellow commissioners.

CHAIR SOBEK: Well, I'm prepared to take a nomination. We just haven't --

COMMISSIONER LOWENBERG: Well, I think -- my point is that maybe before we actually take a nomination, we

have to have -- I would appreciate a discussion amongst my fellow commissioners about what the Executive Director just said, and that is that the policy decision or the principle behind do we truly want a public member or don't we care too much about the fact that we've had a history where we've had former law-enforcement people that have been public members, so…

CHAIR SOBEK: Do you have an opinion?

COMMISSIONER LOWENBERG: I'm sorry?

CHAIR SOBEK: Do you have an opinion, Commissioner?

COMMISSIONER LOWENBERG: I have an opinion.

CHAIR SOBEK: Okay.

COMMISSIONER LOWENBERG: My opinion is -- and I'm really torn here between two separate positions.

One is, I respect the letters we received; and I respect Mr. Bernard's service to the Advisory Committee. But something tells me that if, in fact, this is a public-member position, then it probably should be a truly public-member position.

And the example I use is my good friend, Collene Campbell, who has no law-enforcement experience but has brought, for the past almost 20 years, I believe, has brought a special -- I'll use the word "special" --

COMMISSIONER CAMPBELL: Thank you.

COMMISSIONER LOWENBERG: -- a special dynamic to

this circle.

So if, using her as an example, as just one example, then I think there's a value in seriously considering appointing someone that is truly a public member.

CHAIR SOBEK: Okay, anybody else?

COMMISSIONER LINDEN: Mr. Chair, I actually -- I completely agree with Commissioner Lowenberg on the need to have this discussion; but I really like his idea of splitting the issue because I think we are dealing with two very separate issues. And I'd be prepared to move that we add a public-safety dispatcher position to the Advisory Committee; that we authorize that members of the POST Public Safety Dispatcher Advisory Council select from its members a representative to be nominated to the public-safety dispatcher member position, with the caveat that that nominated member be employed by an agency that's currently enrolled in the POST public safety dispatcher position.

COMMISSIONER BUI: Bui. Second.

CHAIR SOBEK: Okay, does everybody understand the motion and the second?

(No response)

CHAIR SOBEK: Great.

All in favor, say "aye."

(A chorus of "ayes" was heard.)

CHAIR SOBEK: Any opposed?

(No response)

CHAIR SOBEK: Motion carries for that.

COMMISSIONER HAYHURST: I would argue, if I may, bringing about the public-member spot, the person that does -- according to the documents here, in the recent past, most of the public members of the Advisory Committee have been a retired law-enforcement officer.

Most of us sitting around the table and some of the more tenured ones have always had some kind of association with law enforcement one way or the other or else they would not even be around to talk to POST in any way, shape, or form.

If they don't have an interest in it, they would not be coming forth to be involved with POST in any way, shape, or manner.

Collene, obviously, a public member, actively involved with a lot of things in her community. The same way with Linda down there. They are involved with POST because of law-enforcement contact and what they want to give back and what they want to do to see law enforcement continue to give to the public.

So I think it's, in all the professions that are at this table, they've had some type of law-enforcement connection from the onset. And to say, like, a person

that I'm going to nominate on there was a law-enforcement officer, he's retired. Many of the people that we want on our staff personnel for POST are retired peace officers, okay. So to say that a public member shouldn't really be part of it, I think that kind of goes against what POST is all about.

We bring in people in the law-enforcement community and family because we know what the needs are throughout the entire community because everybody brings something different that has been involved with it.

That's my opinion. I don't see how saying it's strictly a public member, it has to be a janitor or a store owner or a businessman in the community.

CHAIR SOBEK: Any other comment?

VICE-CHAIR DOYLE: I support Ron's position. And if flavor is not, then we should call it an open position and not a public member. Because I think a "public member" connotates someone that's not from law enforcement and someone that's going to bring something else to the table.

CHAIR SOBEK: That has a different perspective?

VICE-CHAIR DOYLE: Yes.

COMMISSIONER LINDEN: Mr. Chair, I agree, and I totally understand what Commissioner Hayhurst is saying. But I can think of several really qualified people, even

in my own community, that are not from law enforcement as a profession but definitely have connections and ties and affiliations and knowledge of the profession that bring a very valuable outside perspective.

And I think it's really easy at whatever level we are in law enforcement, or retired law enforcement, to sort of occasionally be a bit closed in our perspective. And so I think that having those other voices, both at the Commission level and at our Advisory Committee level, is important.

Absolutely no commentary about Alex Bernard. I mean, this has nothing to do with the personalities involved.

But I know that I haven't had a chance to really consider or talk to people that, in my community, that potentially would be valuable public members or open members for the Advisory Committee. And maybe one way to deal with this would be to defer the decision on the open seat for the next meeting, and then the commissioners can bring back or notify the Commission in advance of other public members that might be interested.

And there may or may not be any, and they could come from varied backgrounds or different backgrounds.

COMMISSIONER HAYHURST: If I may, I will also add that there are numerous letters in here for support for

more than just one person in here. And we know when these positions are coming available. There's people in the audience that come regularly if they're interested. They have been able to address the Commission.

If you are truly interested in getting involved with POST in any way, shape, or form, you know the dates are posted. To put things off to another meeting so people could go out and recruit or try to find somebody else, I think they've had the opportunity. They know of this vacancy, what the terms are.

It is clearly calendared where people know when they are. They have it, if they're interested. They should be allowed to submit when everybody else is. And to put it off is changing, as far as I'm concerned, the way we have done business in the past.

COMMISSIONER BUI: Mr. Chair?

CHAIR SOBEK: Commissioner Bui.

COMMISSIONER BUI: I don't think that we necessarily need to close the position off to any specific group, whether that person be a retired officer or, you know, a true public member. I mean, if the person is well-rounded in their perspective and their experience, I think they should be considered, no matter, you know, whether or not they've been previously sworn.

CHAIR SOBEK: Mr. Newman?

MR. NEWMAN: Just very briefly.

If I understand my role as the chair, it is to simply facilitate a discussion of the Advisory Committee to try to generate the best discussion and get the best wisdom out of that group to aid you in the tasks that you have.

And I have no strong feeling or position on this. And I would say simply, from a procedural standpoint, whatever you decide to do really, if you could keep that the foremost in your mind. Because I think ultimately it's going to serve this body very well. The greater the diversity of opinion, the greater the difference among the backgrounds. It does generate that type of discussion that I think really gets to the issues and performs that vital service that you all have the Advisory Committee for.

So that's my comment.

CHAIR SOBEK: Thank you.

COMMISSIONER McGINNESS: Mr. Chairman, if the goal is to have a truly public member, would it make sense for this body to move forward with that in mind and select a public member but maybe not necessarily restrict further selections from any particular group? Because as time goes on, things become topical and a critical need that this body may have in the future could very well be

represented by somebody who is a retired law enforcement. So we might be limiting our options unnecessarily.

Nevertheless, I think we're well advised to comply with what has to be the original intent, to have truly a public member as we make selections.

COMMISSIONER HAYHURST: I would also argue a retired peace officer is no longer a peace officer working, actually. He is a public member. He is out in the community. He isn't recognized as a peace officer or a woman that has worked in law enforcement, so…

COMMISSIONER LINDEN: Mr. Chair, may I ask a discussion of the staff?

CHAIR SOBEK: Yes.

COMMISSIONER LINDEN: Paul, if we wanted to consider nominations for the public member for the open seat at our next meeting, what's the process in between now and then? Are those nominations vetted with our Advisory Committee itself, or do they come straight to the Commission? Or how does that work and what's the timing on it?

MR. CAPPITELLI: I'm going to defer to Mr. Deal.

MR. DEAL: They would come straight to the Commission. And as identified in the agenda item, you'll note that you'll have the second public-member position also coming up for consideration at the October meeting.

So, in fact, you would have two.

But the three positions that are part of the Commission's responsibility to actually nominate and select are the two public members and then the specialized law enforcement.

The remaining individuals are all represented by either an organization or an association as specified in the composition of the Advisory Committee.

MR. CAPPITELLI: Mr. Chair?

CHAIR SOBEK: Yes.

MR. CAPPITELLI: In light of Commissioner Linden's comments, what you may want to consider is, I realize that it's a good idea to try to get this done because we have it in front of us; but in light of what Mr. Deal just said about us having two vacancies, if you want to expand the field of candidates so that the Commission can have a broader choice, then staff would be willing to make a posting on the Web site and do what we can between now and the October meeting to try to see if there are any other interested candidates.

You would have those candidates -- the names of those candidates and any recommendations, letters, et cetera, that could be added to the recommendations for Mr. Bernard to be considered. And then the Commission could actually make two selections from that

list of candidates, and that might make your decision a little bit easier. But that's just a suggestion that I would make.

CHAIR SOBEK: If we did that, I would ask -- and I know this is a little bit staff working -- but we would get their nominations, their letters, and be able to vet them internally before we go to the next meeting, so that we have an idea, as commissioners, who those people would be.

MR. CAPPITELLI: Well, I would say, Mr. Chair -- and I would probably have to defer to counsel for a parliamentarian view, but I believe that any assessment you would have as a body would probably have to take place in this setting or you could vet that through the Long-Range Planning Committee. I'm not so sure that it would be procedurally correct.

Mr. Deal, do you have a comment?

MR. DEAL: You would have, as is required, two weeks before the Commission meeting, the correspondence or a form that we might post on the Web site. So you would have information on which to review that and make an assessment before you meet two weeks prior to the meeting.

COMMISSIONER LINDEN: And we're making those nominations of people?

MR. DEAL: Correct.

COMMISSIONER LINDE: The commissioners?

MR. DEAL: Yes.

COMMISSIONER LINDEN: Mr. Chair, I'm prepared to make a motion.

CHAIR SOBEK: Okay.

COMMISSIONER LINDEN: I would move that we defer the appointment of the open public-member seat on the Advisory Committee to the next POST Commission meeting; that it be considered with the second public-member position that will be coming open between now and then, and that we're not restricting any sort of background or experience of that public-member position.

CHAIR SOBEK: So, it could possibly be a retired peace officer?

COMMISSIONER LINDEN: Absolutely, yes.

CHAIR SOBEK: Good.

COMMISSIONER LINDEN: And commissioners can make nominations in advance of that meeting so that they're appropriately included in the packet agenda.

COMMISSIONER ALLEN: I'll second that motion.

CHAIR SOBEK: Okay.

COMMISSIONER HAYHURST: Further discussion and a second motion, I'd like to make a motion on it.

Do we need to do it, so it's out there for the

second one?

COMMISSIONER LINDEN: We have to consider the first motion first, right?

CHAIR SOBEK: We have to consider the first one. We definitely have to consider the first one.

Point of order by anybody?

COMMISSIONER HAYHURST: For further comment, I would also say then -- so there's going to be a second motion on here -- is that we go ahead and deal with the one that it is; and if we want to make the changes for the upcoming one in October, do so then. But leave the one that it is, as it is currently, as based on --

CHAIR SOBEK: I don't think we're changing. I don't think we're changing -- according to Commissioner Linden's motion, we're not changing what is entitled to that public-safety person. We're not changing it to just --

COMMISSIONER HAYHURST: We're shifting the filling of the position for another meeting.

CHAIR SOBEK: Yes, but we're not changing what that person's qualifications should be.

COMMISSIONER LINDEN: We're just changing the date.

The motion on the floor --

Commissioner, are you requesting that I modify my motion? Because we have a motion on the floor.

CHAIR SOBEK: Right. No, we have a motion on the floor, we have a second.

Any further discussion?

COMMISSIONER ALLEN: Can I mention this? Based upon your motion, I don't see any changes.

CHAIR SOBEK: Correct.

COMMISSIONER ALLEN: There's no changes except the process.

COMMISSIONER LINDEN: Correct, yes. I'm not suggesting changing -- and if there's anybody, you know, currently, including Mr. Bernard, that's interested, they could certainly be brought forth at the subsequent meeting. I'm not suggesting any restrictions on the position; merely, to defer the decision to the next meeting to be considered with the second public-member position.

CHAIR SOBEK: Did everybody understand that?

(No response)

CHAIR SOBEK: Any further discussion?

COMMISSIONER DUMANIS: I'm ready to vote today. So I don't know why we have to defer it.

CHAIR SOBEK: Well, we have a motion. We have a second.

COMMISSIONER DUMANIS: And that's just my comment, that's all.

CHAIR SOBEK: Okay, you got it.

COMMISSIONER DUMANIS: I get to talk, too, I think.

CHAIR SOBEK: Well, as the D.A., yes, it's obvious.

Thank you, Commissioner.

All in favor, say "aye."

(A chorus of "ayes" was heard.)

CHAIR SOBEK: Any opposed?

COMMISSIONER HAYHURST: Hayhurst.

COMMISSIONER DUMANIS: No.

CHAIR SOBEK: Hayhurst.

COMMISSIONER DUMANIS: Dumanis.

CHAIR SOBEK: And Dumanis.

The motion carries.

Anything else on this issue? I don't think so.

(No response)

CHAIR SOBEK: Okay, Item I, Report on Recommendation to Delay the Update of the POST Strategic Plan.

MR. CAPPITELLI: Mr. Chair, may I make a brief comment?

CHAIR SOBEK: Yes.

MR. CAPPITELLI: Mr. Chair, Members of the Commission, I'll have Mr. Deal available if you'd like a staff report. But in short, staff's recommendation here is that rather than having us move forward with a very costly and labor-intensive process of trying to develop

more Strategic Plan Objectives, staff is recommending that the Commission allow us to delay that for another year. And in lieu of that, staff would begin working on, internally, a plan to reorganize and restructure and assess our viability or some of our current structure within POST, so that we could better serve our community.

That would be the recommendation.

VICE-CHAIR DOYLE: So moved.

CHAIR SOBEK: A motion by Commissioner Doyle.

COMMISSIONER McGINNESS: Second. McGinness.

CHAIR SOBEK: Second by Commissioner McGinness.

All in favor, say "aye."

(A chorus of "ayes" was heard.)

CHAIR SOBEK: Opposed?

(No response)

CHAIR SOBEK: The motion carries.

On to J, is a Request to Apply for and Accept the Federal Homeland Security Grant Funds for the fiscal year '10 and '11.

Every time we accept money, I don't think we need a report, but…

COMMISSIONER McGINNESS: So moved. McGinness.

COMMISSIONER SOUBIROUS: Second. Soubirous.

CHAIR SOBEK: Second, Soubirous.

All in favor, say "aye."

(A chorus of "ayes" was heard.)

CHAIR SOBEK: Any opposed?

(No response)

CHAIR SOBEK: The motion carries.

On to the Learning Technology Resources Bureau, on Item K, Report on Request to Redirect Funds Related to the Telecourse Program.

This is an amount not to exceed $4 million. So I think we should get a report on this.

MR. CAPPITELLI: Mr. Chair, Members of the Commissioner, before Bureau Chief Bullard speaks, just in short and in total, this is a cost-neutral recommendation. But it's in keeping with the Commission's direction and staff's new direction to try to enhance what we provide through Learning Technology.

And so with that, Ms. Bullard?

MS. BULLARD: Good morning, Mr. Chairman, Commissioners. The purpose of this agenda item is to advise the Commission of proposed changes in our training programs in LTR, and then to proffer forward our strategy for funding this.

The creation of a new bureau prompted us to review all of our training contracts that were in existence, and to evaluate our programs.

We wanted to ensure that we were expending our funds

effectively and that we were truly meeting the needs of the field.

In order to define what the needs of the field were, we conducted an extensive survey. And it would have been of all the training managers, the training video coordinators, and all of the Learning-Portal users. There is a summary of that survey in Attachment A.

From reviewing that material, what we would like to propose is adding some of the Web-based courses. We would also like, since our videos have always been defined as “facilitator-led training,” and because of this, we would like to reformat those videos and have them include the facilitation materials and resources.

And lastly, we would like to look at a new program which would be 30- to 60-second informational videos that would be on the portal. These could be officer safety tips. We could highlight the VOTAC information from their study. We could link to other training sites. It would be very relevant and very good information that, in and of itself, may not warrant an entire course.

As for the funding, in January 2009, the Commission approved a three-year contract with UC Irvine. And that would be for solely the telecourse program.

When we were reviewing that contract, we realized that we could have a substantial savings in just the

administration fees if we went to a vendor-direct competitive-bid contract. Because of that, we amended that three-year contract. It will terminate in January 2011. And that will leave us that $4 million unspent. And that's the $4 million that we would like to request be redirected to support all of the LTR programs that are listed in this agenda item for a period of two years.

There's an expenditure breakdown proposal in Attachment B.

So basically, what we're doing is taking funds from one program. We're asking to fund multiple programs. And these are programs that we are confident meet the needs of the field as a result of our survey.

COMMISSIONER DUMANIS: So moved.

CHAIR SOBEK: Thank you.

Second?

COMMISSIONER McGINNESS: Second. McGinness.

CHAIR SOBEK: Second, McGinness.

Any further comment, anybody?

(No response)

CHAIR SOBEK: All in favor, say "aye."

COMMSSIONER LINDEN: Roll call.

CHAIR SOBEK: Whoops, it's roll call. I knew it.

MS. PAOLI: Sobek?

CHAIR SOBEK: Yes.

MS. PAOLI: Allen?

COMMISSIONER ALLEN: Yes.

MS. PAOLI: Batts?

COMMISSIONER BATTS: Yes.

MS. PAOLI: Bui?

COMMISSIONER BUI: Yes.

MS. PAOLI: Campbell?

COMMISSIONER CAMPBELL: Yes.

MS. PAOLI: Cooke?

COMMISSIONER COOKE: Yes.

MS. PAOLI: Doyle?

VICE-CHAIR DOYLE: Yes.

MS. PAOLI: Dumanis?

COMMISSIONER DUMANIS: Yes.

MS. PAOLI: Hayhurst?

COMMISSIONER HAYHURST: Yes.

MS. PAOLI: Linden?

COMMISSIONER LINDEN: Yes.

MS. PAOLI: Lowenberg?

COMMISSIONER LOWENBERG: Yes.

MS. PAOLI: Lundgren?

(No response)

MS. PAOLI: McGinness?

COMMISSIONER McGINNESS: Yes.

MS. PAOLI: Smith?

COMMISSIONER SMITH: Yes.

MS. PAOLI: Soubirous?

COMMISSIONER SOUBIROUS: Yes.

MS. PAOLI: Anderson?

COMMISSIONER ANDERSON: Yes.

CHAIR SOBEK: The motion carries.

Commissioner Lowenberg, do you have a comment?

COMMISSIONER LOWENBERG: A comment, please. Thank you, Mr. Chair.

This is another opportunity for us to -- or at least for me to thank staff.

I had the occasion to attend the instructor symposium in San Diego earlier this month, and it was highlighted at one of the workshops there, the consolidation of our technical experts at POST. And I got to tell you, the enthusiasm in the folks that participated in that was obvious to me that POST has yet done another great thing through an initiative from staff, executive staff, in consolidating those resources. And so this is yet another example of being able to better-serve the field by incorporating these resources in the same place, and then better-serving the field. So especially in this highly technical area.

So, again, thanks to staff and thanks to you,

Mr. Director, for this initiative.

MR. CAPPITELLI: Thank you, Commissioner.

Thank you, staff.

MS. BULLARD: Thank you.

MR. CAPPITELLI: Thank you, Jan. Great report.

CHAIR SOBEK: Under Standards and Evaluation Bureau, this is a roll-call vote, but do we need a report on Strategic Plan Objective C.5 on the TMAS Feasibility Study?

(No response)

CHAIR SOBEK: Do we need a report?

We don't need a report?

It doesn't look like it.

COMMISSIONER McGINNESS: I'm prepared to move.

CHAIR SOBEK: Okay. We -- thanks, Bob.

VICE-CHAIR DOYLE: I'll second.

CHAIR SOBEK: I've got a motion by McGinness to move this and a second by Commissioner Doyle.

Roll-call vote, please.

MS. PAOLI: Sobek?

CHAIR SOBEK: Yes.

MS. PAOLI: Allen?

COMMISSIONER ALLEN: Yes.

MS. PAOLI: Batts?

COMMISSIONER BATTS: Yes.

MS. PAOLI: Bui?

COMMISSIONER BUI: Yes.

MS. PAOLI: Campbell?

COMMISSIONER CAMPBELL: Yes.

MS. PAOLI: Cooke?

COMMISSIONER COOKE: Yes.

MS. PAOLI: Doyle?

VICE-CHAIR DOYLE: Yes.

MS. PAOLI: Dumanis?

COMMISSIONER DUMANIS: Yes.

MS. PAOLI: Hayhurst?

COMMISSIONER HAYHURST: Yes.

MS. PAOLI: Linden?

COMMISSIONER LINDEN: Yes.

MS. PAOLI: Lowenberg?

COMMISSIONER LOWENBERG: Yes.

MS. PAOLI: Lundgren?

(No response)

MS. PAOLI: McGinness?

COMMISSIONER McGINNESS: Yes.

MS. PAOLI: Smith?

COMMISSIONER SMITH: Yes.

MS. PAOLI: Soubirous?

COMMISSIONER SOUBIROUS: Yes.

MS. PAOLI: Anderson?

COMMISSIONER ANDERSON: Yes.

CHAIR SOBEK: The motion carries. Thank you.

The next item on the agenda is the Training Program Services Bureau, under M, which is a Contract Renewal for the California Highway Patrol Attendance at the Museum of Tolerance Training for Fiscal Year '10 and '11. And this is a roll-call vote.

Do we need a report?

COMMISSIONER McGINNESS: Prepared to move without a report.

COMMISSIONER SOUBIROUS: Second. Soubirous.

CHAIR SOBEK: Motion by McGinness, second by Commissioner Soubirous.

MS. PAOLI: Sobek?

CHAIR SOBEK: Yes.

MS. PAOLI: Allen?

COMMISSIONER ALLEN: Yes.

MS. PAOLI: Batts?

COMMISSIONER BATTS: Yes.

MS. PAOLI: Bui?

COMMISSIONER BUI: Yes.

MS. PAOLI: Campbell?

COMMISSIONER CAMPBELL: Yes.

MS. PAOLI: Cooke?

COMMISSIONER COOKE: Yes.

MS. PAOLI: Doyle?

VICE-CHAIR DOYLE: Yes.

MS. PAOLI: Dumanis?

COMMISSIONER DUMANIS: Yes.

MS. PAOLI: Hayhurst?

COMMISSIONER HAYHURST: Yes.

MS. PAOLI: Linden?

COMMISSIONER LINDEN: Yes.

MS. PAOLI: Lowenberg?

COMMISSIONER LOWENBERG: Yes.

MS. PAOLI: Lundgren?

(No response)

MS. PAOLI: McGinness?

COMMISSIONER McGINNESS: Yes.

MS. PAOLI: Smith?

COMMISSIONER SMITH: Yes.

MS. PAOLI: Soubirous?

COMMISSIONER SOUBIROUS: Yes.

MS. PAOLI: Anderson?

COMMISSIONER ANDERSON: Yes.

CHAIR SOBEK: The motion carries. Thank you.

Under Item N, Report on Recommendation to Address Replacement of Law-Enforcement Force-Option Simulators.

And I believe this is just a motion.

Do we need a report?

COMMISSIONER McGINNESS: So moved. McGinness.

COMMISSIONER DUMANIS: Second. Dumanis.

CHAIR SOBEK: Motion by McGinness, second by Commissioner Dumanis.

Any comment?

(No response)

CHAIR SOBEK: All in favor, say "aye."

(A chorus of "ayes" was heard.)

CHAIR SOBEK: Any opposed?

(No response)

CHAIR SOBEK: The motion carries.

Under Item O, Contract Amendment to Address Unanticipated LEDS Installation Costs.

And we had a discussion on this. And I don't know if we need a report.

Does everybody understand this one?

(No response)

CHAIR SOBEK: Okay. This is a roll-call vote.

Do we have a motion?

COMMISSIONER McGINNESS: So moved. McGinness.

COMMISSIONER LINDEN: Second. Linden.

CHAIR SOBEK: Okay, don't everybody speak at once.

MS. PAOLI: Sobek?

CHAIR SOBEK: Yes.

MS. PAOLI: Allen?

COMMISSIONER ALLEN: Yes.

MS. PAOLI: Batts?

COMMISSIONER BATTS: Yes.

MS. PAOLI: Bui?

COMMISSIONER BUI: Yes.

MS. PAOLI: Campbell?

COMMISSIONER CAMPBELL: Yes.

MS. PAOLI: Cooke?

COMMISSIONER COOKE: Yes.

MS. PAOLI: Doyle?

VICE-CHAIR DOYLE: Yes.

MS. PAOLI: Dumanis?

COMMISSIONER DUMANIS: Yes.

MS. PAOLI: Hayhurst?

COMMISSIONER HAYHURST: Yes.

MS. PAOLI: Linden?

COMMISSIONER LINDEN: Yes.

MS. PAOLI: Lowenberg?

COMMISSIONER LOWENBERG: Yes.

MS. PAOLI: Lundgren?

(No response)

MS. PAOLI: McGinness?

COMMISSIONER McGINNESS: Yes.

MS. PAOLI: Smith?

COMMISSIONER SMITH: Yes.

MS. PAOLI: Soubirous?

COMMISSIONER SOUBIROUS: Yes.

MS. PAOLI: Anderson?

COMMISSIONER ANDERSON: Yes.

CHAIR SOBEK: The motion carries. Thank you.

Under Item P, the Report on Acceptance of Fiscal Year 2010-11 VAWA Grant Funds. Also a roll-call vote.

Would the Commission like a report?

COMMISSIONER DUMANIS: So moved. Dumanis.

CHAIR SOBEK: Motion by Commissioner Dumanis.

VICE-CHAIR DOYLE: Second.

CHAIR SOBEK: Second by Commissioner Doyle.

MS. PAOLI: Sobek?

CHAIR SOBEK: Yes.

MS. PAOLI: Allen?

COMMISSIONER ALLEN: Yes.

MS. PAOLI: Batts?

COMMISSIONER BATTS: Yes.

MS. PAOLI: Bui?

COMMISSIONER BUI: Yes.

MS. PAOLI: Campbell?

COMMISSIONER CAMPBELL: Yes.

MS. PAOLI: Cooke?

COMMISSIONER COOKE: Yes.

MS. PAOLI: Doyle?

VICE-CHAIR DOYLE: Yes.

MS. PAOLI: Dumanis?

COMMISSIONER DUMANIS: Yes.

MS. PAOLI: Hayhurst?

COMMISSIONER HAYHURST: Yes.

MS. PAOLI: Linden?

COMMISSIONER LINDEN: Yes.

MS. PAOLI: Lowenberg?

COMMISSIONER LOWENBERG: Yes.

MS. PAOLI: Lundgren?

(No response)

MS. PAOLI: McGinness?

COMMISSIONER McGINNESS: Yes.

MS. PAOLI: Smith?

COMMISSIONER SMITH: Yes.

MS. PAOLI: Soubirous?

COMMISSIONER SOUBIROUS: Yes.

MS. PAOLI: Anderson?

COMMISSIONER ANDERSON: Yes.

CHAIR SOBEK: The motion carries. Thank you.

Before I get to the next one, which is Report on Contract to Conduct Fatigue and Distraction Research Related to the Driver Training Study, our Executive Director would like to say something.

MR. CAPPITELLI: Thank you, Mr. Chairman, Members of

the Commission. Before you consider this or have further discussion, I just want to call attention to the fact that as you can see, there are several items that we have on this agenda that relate directly to our ongoing effort to improve the safety and to enhance the skills of our officers.

This piece here, we had hoped that we would have received that federal funding to fund this piece. However, as a result of not being successful there, that doesn't deter us at all from our quest to try to continue the research and continue to work because we believe it's very viable and pertinent.

So what we're asking for your consideration today is that you approve this expenditure here so that we can continue to move forward with all of the elements that are coming out of our research and our VOTAC and everything else relative to safe driving and driver training.

Thank you.

COMMISSIONER ALLEN: This is a very important area of concern, and I move it.

CHAIR SOBEK: Thank you, Commissioner Allen.

COMMISSIONER LINDEN: I'll second, with a quick comment, Mr. Chair. Linden.

CHAIR SOBEK: Go ahead.

COMMISSIONER LINDEN: I just want to emphasize -- and I know that it was pointed out in the staff report but especially for members of the audience -- that the study is not intended to attempt to influence schedules, patrol schedules, length of schedules, 12-plan, 10-plan, whatever it may be. Because I know early on, when this was in discussion, even at our level, there was nervousness around that.

This is really just to get some better data about the effect of fatigue on driving so that at least we have some information about it. And so I just want to emphasize that, and I appreciate staff pointing that out in the report.

MR. CAPPITELLI: Thank you, Commissioner.

COMMISSIONER SMITH: Another comment.

I know that this is something already in progress, but in the future I would hope that you would consider Stanford University. They're probably one of the top sleep-research universities in the nation. And they do a real good job and they're in California -- and I know you're moving forward with that. But we've worked a lot with them in the past.

MR. CAPPITELLI: Thank you, Commissioner.

CHAIR SOBEK: Okay, any further comment?

MS. PAOLI: Sobek?

CHAIR SOBEK: Yes.

MS. PAOLI: Allen?

COMMISSIONER ALLEN: Yes.

MS. PAOLI: Batts?

COMMISSIONER BATTS: Yes.

MS. PAOLI: Bui?

COMMISSIONER BUI: Yes.

MS. PAOLI: Campbell?

COMMISSIONER CAMPBELL: Yes.

MS. PAOLI: Cooke?

COMMISSIONER COOKE: Yes.

MS. PAOLI: Doyle?

VICE-CHAIR DOYLE: Yes.

MS. PAOLI: Dumanis?

COMMISSIONER DUMANIS: Yes.

MS. PAOLI: Hayhurst?

COMMISSIONER HAYHURST: Yes.

MS. PAOLI: Linden?

COMMISSIONER LINDEN: Yes.

MS. PAOLI: Lowenberg?

COMMISSIONER LOWENBERG: Yes.

MS. PAOLI: Lundgren?

(No response)

MS. PAOLI: McGinness?

COMMISSIONER McGINNESS: Yes.

MS. PAOLI: Smith?

COMMISSIONER SMITH: Yes.

MS. PAOLI: Soubirous?

COMMISSIONER SOUBIROUS: Yes.

MS. PAOLI: Anderson?

COMMISSIONER ANDERSON: Yes.

CHAIR SOBEK: Okay, the motion carries. Thank you.

COMMISSIONER BUI: I have a question.

CHAIR SOBEK: Yes.

COMMISSIONER BUI: On a lighter note, will the Executive Director be including himself in this little research?

Anybody who has ridden with him before knows about the driving distractions.

MR. CAPPITELLI: Thank you for putting that on the record, Commissioner.

CHAIR SOBEK: Okay. We have decided that this is a time to take a break so we can go into closed session because we have counsel here, and the counsel needs to leave.

COMMISSIONER CAMPBELL: I would like to make a comment, and I hope I'm not out of line. But as it was pointed out very clearly today, that I come from a little bit different prospect than most of you. Even though my father was a law-enforcement officer, I come from being a

crime victim, which nobody ever thinks they're going to be.

I have felt very strongly that there are a lot of crime victims in this state, in this nation, that could help more if they had some kind of direction after a homicide. I'm talking about violent-crime victims. And I've had the opportunity to work with a wonderful person here, Ron Crook, who has worked very hard, and all the staff members to get some direction out to victims of violent crime, how to better work with law-enforcement officers; how to not make the mistakes that we victims do, and to save time for law-enforcement officers by putting together a DVD.

Well, it finally -- after many years, it's finally up on the Web now, where people can get to it.

And I wanted to share with you, if I could do this. I got a call this last week from the leader of the Parents of Murdered Children. And she says, "I'm exhausted." At the same time, I had just been informed that this DVD went up on the Web site.

And I said, "I've got some good news for you." I said, "I can send a Web site to you that will help with you, how to tell your Parents of Murdered Children how to better work with law enforcement."

She says, "Can you do it right now?"

So I sent it to her.

Two hours later, I got a phone call from her, and she was in tears.

She says, “Oh, my God.” She says, “I’ve got three new Parents of Murdered Children; and they’ve all been after me so much because they didn’t know what to do, they didn’t know what to do to help.” And she says, “I’m exhausted, trying to explain it because I really didn’t know all that was on that DVD.”

And she was just sobbing. She says, “Do you know how many people this is going to help work better with law enforcement?”

And she believes, too, as I do, that a lot more cases will be solved.

Anyway, long story short, I want to thank the staff members here, the Commission for endorsing this. I think it’s going to make a huge difference across the nation.

I’m going to try to get it to the national Parents of Murdered Children. So when those people walk in the door, that they have an opportunity to learn what they can do to help law enforcement to not make the mistakes, to know that they have to be accurate, to know they have to write things down.

And I guarantee you, we’re going to have a lot more prosecutions that are successful after victims start

learning how to better work with law enforcement.

And I thank Ron Crook, I thank the staff for working with this, and you're going to change the nation.

Thank you.

MR. CAPPITELLI: Thank you, Commissioner.

CHAIR SOBEK: Commissioner Lowenberg?

COMMISSIONER LOWENBERG: As a related matter, I know all the commissioners received this letter from this young lady that took the time, Jacqueline McClure from the Center for Justice Research Policy and Training at San José State University.

And we all know that Collene is always quick to thank staff and other folks, but she's been a champion of this issue for a number of years, longer than some of us have been alive, I think.

Not myself. Not myself included.

CHAIR SOBEK: What are you trying to say, Ron?

COMMISSIONER LOWENBERG: But, again, just for the record, I want to make sure that -- I know all the commissioners have seen this, but we want to make this available to the public, if that's possible.

This is a great letter, thanking Collene for her efforts, and most recently an example of the impact that she's having.

To have 300 cops give Collene a standing ovation at

a training event, we know how difficult it is to train cops. So if Collene Campbell got a standing ovation from 300 cops, she did something right, so…

(Applause)

COMMISSIONER CAMPBELL: By the way, I didn't see this letter.

(Applause)

CHAIR SOBEK: They were probably afraid of her, too.

So for the public members -- or for the public, we have to break for a closed session here. That will give us time to take a short break as commissioners.

We'll be back in five minutes.

(Closed Executive Session was held from 11:37 a.m. to 12:08 p.m.)

CHAIR SOBEK: All right, we'll come back to our open meeting.

And we are now on to --

MR. CAPPITELLI: Mr. Chairman, just briefly, for the record, we want it to be noted that the Commission met in closed session with Counsel, Vince Scally, and got some advice on what is potential litigation.

Is that enough?

MR. SCALLY: Yes.

MR. CAPPITELLI: Thank you, sir.

CHAIR SOBEK: On to Committee Reports.

As the chair of the Long-Range Planning Committee, I'm not going to go through the whole meeting that we had.

On May 20th, we met in Sacramento, on video conference. And I will tell you, our next meeting will be September 2nd at 10:00 a.m., if anybody wants to know about the meeting -- if anybody does. We've talked about it already at length.

Finance Committee?

The sheriff is not here. The chair of the Finance Committee is not here.

The Advisory Committee, my chair of the advisory committee is not here.

There he is. All right.

MR. CAPPITELLI: And I think your Finance Committee chair will be back shortly. He'll be back in a minute, sir.

COMMISSIONER DUMANIS: See what you started, Ron?

MR. NEWMAN: Item T, Advisory Committee report? We're in session?

All right, thank you.

We moved through our agenda, which was primarily to review your agenda yesterday, and essentially, most of the items were very non-controversial. There were a few comments of support on a variety of items. And the one

that generated the most discussion I've already commented on earlier. So I don't really have anything else to offer on that.

The next meeting is the day before your next meeting, which is October 27th, right here.

CHAIR SOBEK: That's great.

MR. NEWMAN: Thank you for keeping me on my toes, Mr. Chair.

CHAIR SOBEK: Thanks.

Okay, Legislative Review.

Our chair of the Legislative Review, Commissioner Lundgren is not here. Commissioner Bui sat in, and she has the report.

COMMISSIONER BUI: We took action on four bills this morning, recommending neutral positions on all four of them, including AB 1899, which addresses state agencies: information, Internet Web site; SB 1190, which is the Animal Control officers; illegal dumping enforcement officers and baton training; as well as SB 1296, peace-officer training, traumatic brain-injury: post-traumatic stress disorder. And the last one is AB 33, which is Commission on POST Missing Children training.

There was a lot of discussion regarding SB 1296, which is the training regarding veterans that are coming

back from the war which have post-traumatic stress. We weren't opposed to this training. We felt that the training would be actually beneficial for officers, from an officer's standpoint -- or an officer safety standpoint as well as for, you know, your civilian victims.

I think -- yes, we were introduced to ten other bills in an oral report. We did not take any position on those.

CHAIR SOBEK: Commissioner, do we need a motion?

COMMISSIONER BUI: Unless somebody wants a report on any one of those, I think they were --

CHAIR SOBEK: Do we need a motion on the bills that are moving forward, for the Commission?

COMMISSIONER LINDEN: Mr. Chair, I'll move that the Commission take a neutral position on AB 1899, SB 1190, SB 1296, and SB 33.

COMMISSIONER COOKE: Second.

CHAIR SOBEK: Second by Commissioner Cooke.

Any further discussion?

(No response)

CHAIR SOBEK: All in favor, say "aye."

(A chorus of "ayes" was heard.)

CHAIR SOBEK: Any opposed?

COMMISSIONER DUMANIS: Will the record reflect that

I'm abstaining on, I think it's the Missing Child one -- AB 33?

COMMISSIONER BUI: 33.

COMMISSIONER DUMANIS: I've written and testified in support.

CHAIR SOBEK: Very good. An abstention from Commissioner Dumanis.

The motion carries.

Thank you.

And I have our Chair of the Finance Committee.

COMMISSIONER McGINNESS: Yes. Generally, we've got very good news, and I think kudos are in order for Mr. Dick Reed as well as Tom Liddicoat for their good work. Notwithstanding a 6 percent reduction in revenue, the operational budget is in good shape. In fact, everything that was suggested out of the -- recommended out of the Finance Committee was ratified today by the full Commission.

A very wise decision was made to pay down debt on simulators with some of the excess money, and I think it represents very wise and prudent fiscal planning. And I think the gentlemen are here to respond to any questions that the Commission may have.

CHAIR SOBEK: We have -- well, we're going to need a motion to spend this money, which is about seven, almost

eight million: $7,813,068.

Well, we've done that already, actually.

Everything has passed.

COMMISSIONER McGINNESS: Yes, all the recommendations have been ratified by the Commission.

CHAIR SOBEK: Absolutely.

Anything further on this report?

(No response)

COMMISSIONER McGINNESS: Thank you.

CHAIR SOBEK: Do we have a motion to approve?

VICE-CHAIR DOYLE: So moved.

COMMISSIONER DUMANIS: Second.

CHAIR SOBEK: Any further discussion?

(No response)

CHAIR SOBEK: All in favor, say "aye."

(A chorus of "ayes" was heard.)

CHAIR SOBEK: The motion carries.

Several correspondence, I'm not going to go through all of them. I think you have them in your books.

We actually gave letters out to the different organizations who lost officers in the line of duty.

We'll go to Old Business, and the Reserve Peace Officer Program review regarding the L.A. County Sheriff's Department.

MR. CAPPITELLI: Mr. Chair, Members of the

Commission, just in brief, you have been presented with an executive summary of that issue. I also forwarded to all the commissioners a full copy of the report. Should you choose, there are a number of elements of that report that are not for full public disclosure.

As a footnote or an aside, I want to say that Sheriff Lee Baca has been exceptional in his commitment to work with us, to remedy these issues. And when I presented him with the final report and made a suggestion to him that it was probably in his best interest to ensure that his staff not be willing to or want to try to take on the elements of this report because that would probably not prove to be any value in the long-term, the Sheriff agreed and said, “We want to put it behind us. It is what it is. And I’ll make sure that my folks address the issues in the report.”

So I want to commend the Sheriff for his leadership in stepping forward. It was a very difficult situation.

Staff worked very intensely many, many, many hundreds of hours to work on this report.

And I’ll be glad to answer any questions that you have; but I believe most of what’s already been presented to you and/or we’ve already had discussion about is probably about as much as there is to know.

CHAIR SOBEK: Okay, thank you.

New Business?

And I would be remiss and embarrassed if I don't mention, because I didn't earlier on, our new commissioner, and welcome Linda Soubirous to the Commission.

(Applause)

COMMISSIONER SOUBIROUS: I am very honored to be here, and I look forward to working with all of you.

And I really support law enforcement. I have a lot of history in my family. My father retired from the Orange County sheriff's after 30 years. I'm a widow of Deputy Kent Hintergardt who was with the Riverside Sheriff's Department, who was killed 17 years ago.

I'm currently married to Lieutenant Mike Soubirous with the California Highway Patrol. And my brother is also with the Riverside Sheriff's Department.

So I thank all of you and I look forward to working with all of you.

CHAIR SOBEK: Thank you.

COMMISSIONER SOUBIROUS: You're welcome.

CHAIR SOBEK: Okay, also under New Business, we have the appointments of members to the Advisory Committee. I think --

MR. NEWMAN: We've already addressed that.

CHAIR SOBEK: We've addressed it.

COMMISSIONER LINDEN: Yes.

CHAIR SOBEK: It's all been done?

COMMISSIONER LINDEN: Deferred.

CHAIR SOBEK: Elections of new officers for the fiscal year of '10-11.

COMMISSIONER LINDEN: Yes, poor guy.

CHAIR SOBEK: I think we have -- we have our Vice-Chair set, and that's Commissioner Doyle.

And do we have a motion for the replacement of Commissioner Doyle as vice-chair for '10-11?

COMMISSIONER SMITH: Do you usually do a committee that makes a recommendation? Is that how you --

COMMISSIONER DUMANIS: I want to start a recall election…

VICE-CHAIR DOYLE: Yes, that's okay.

MR. CAPPITELLI: I thank you for reminding me. And I would ask Mike DiMiceli to come forward.

Procedurally, did we not have a committee that we normally would use to vet this? I think that's what we did last time.

MR. DiMICELI: Typically, the Commission has created a nominating committee to work out the details of the nomination and come forward with the names for the chair and the vice-chair. But that's not the only way to do that and it's not written as a requirement. So the

Commission can essentially accept nominations from the floor, if you will, for one or both of those positions and then act accordingly.

VICE-CHAIR DOYLE: Mr. Chair, we sort of did that last time. It was a little different way, but we did.

And so I'm prepared to nominate Lai Lai Bui for the Vice-Chair.

COMMISSIONER SMITH: Second.

CHAIR SOBEK: Commissioner Bui has been nominated to be Vice Chair for '10-11; and I have a second by Commissioner Smith.

Any further discussion?

COMMISSIONER CAMPBELL: I see her shaking her head "no."

COMMISSIONER LINDEN: That was a "yes." You just missed that. It was a "yes." It was clearly a "yes."

CHAIR SOBEK: I actually think that's a nervous tic.

COMMISSIONER BUI: It is a nervous tic. Thank you very much.

MR. CAPPITELLI: That's happiness manifesting itself.

COMMISSIONER SMITH: She just got back from her honeymoon.

CHAIR SOBEK: All in favor, say "aye."

(A chorus of "ayes" was heard.)

CHAIR SOBEK: Opposed?

(No response)

CHAIR SOBEK: Motion carries.

Thanks. That's easy, Mike.

MR. CAPPITELLI: Congratulations.

(Applause)

COMMISSIONER BUI: Thank you for your confidence. I hope to serve you well.

COMMISSIONER LINDEN: We do need another nomination, though.

I will nominate Commissioner Doyle to move from the Vice-Chair to the Chair position.

COMMISSIONER LOWENBERG: Second.

CHAIR SOBEK: All right. We've got a motion by Commissioner Linden, second by Commissioner Lowenberg.

Any further discussion?

(No response)

CHAIR SOBEK: All in favor, say "aye."

(A chorus of "ayes" was heard.)

CHAIR SOBEK: Any opposed?

(No response)

CHAIR SOBEK: The motion carries.

(Applause)

VICE-CHAIR DOYLE: The only reason I accepted, Mr. President, is Collene, the influence that she has

over all of us.

COMMISSIONER CAMPBELL: What was that?

CHAIR SOBEK: She scared you.

VICE-CHAIR DOYLE: I was a-scared.

COMMISSIONER SMITH: It was fear.

CHAIR SOBEK: Are you here for the review and discussion of the Leadership Team Offsite Meeting?

MR. CAPPITELLI: I could cover that briefly.

MR. DEAL: No, sir.

If you go back under the Old/New Business, you have the -- under “New Business,” the appointment of members to the Advisory Committee, and you have seven members that need to be reappointed.

CHAIR SOBEK: I was told --

COMMISSIONER LINDEN: This is the agency rep forms, right?

CHAIR SOBEK: Just for the record, I was correct; but I got bad advice.

Okay, I have nominations for the Advisory Committee. I’m going to give you the names.

Jim Bock -- can I give you the names, please?

COMMISSIONER DUMANIS: Aren’t they listed?

CHAIR SOBEK: Ed Bonner, Mario Casas, Ted Willmore, Joe Flannagan, and Richard Lindstrom.

I have a motion by Commissioner Dumanis.

COMMISSIONER McGINNESS: Second.

CHAIR SOBEK: Second by McGinness.

Any further discussion?

(No response)

CHAIR SOBE: All in favor, say "aye."

(A chorus of "ayes" was heard.)

CHAIR SOBEK: Any opposed?

(No response)

CHAIR SOBEK: The motion carries.

Thank you, Alan.

CHAIR SOBEK: Review and discussion of the Leadership Team Offsite Meeting.

MR. CAPPITELLI: Thank you, Mr. Chair, Members of the Commission.

Recently, staff hired a consultant, Dr. Paul Whisenand, to guide us through what was the second offsite two-day workshop of our leadership team. It included myself, the three assistant executive directors, and all of our bureau chiefs.

We had a very productive meeting. We got a lot of things out for discussion. And just, in short, I want to let you know that we believe that we continue to work as a cohesive team.

I'm very proud of the leadership team that we've assembled and what they bring to the table. And they

gave me some very direct and very candid feedback on some of the ways that I could continue to do my job to better serve them as the director.

So I encourage you, any of you, if you hear anything or see anything that you'd like me to incorporate into what we do on a daily basis, please feel free to present that to me.

But internally speaking, we believe we had a very productive off-site meeting. And there is actually a report or an assessment that's available. If you would like it, I could give it to you upon request, but it really is just kind of details of what we went through -- the process we went through to get to, where we ultimately ended up, which I believe is a better working team.

So that concludes my report on that.

CHAIR SOBEK: Thank you.

Okay, that's it, unless there's any more New Business.

We'll go to Item Y, which is Receiving Information Concerning the Basic Training of Mr. Richard Bell.

Are we going to have -- Mr. DiMiceli, are you going to speak first?

MR. CAPPITELLI: Yes. Mike DiMiceli, Assistant Executive Director, will kind of set the stage for what

the issue is about. And Reserve Officer Bell is here to also present some information to the Commission today.

MR. DiMICELI: Under the tab at Y, you have a seven-page staff report, together with probably another dozen pages of attachments. And it would be my intention to briefly summarize the staff report and to allow Mr. Bell to present to you his position and the additional information that he believes pertinent to the staff decision involving this situation.

The crux of the staff's review of this is the requirement that a Level I reserve officer satisfy all of the Regular Basic Course training requirements.

Going back to 1999, prior to that time, reserve training in the modular format was structured in modules which were described as A, B, C and D.

Completion of those modules, A through D, satisfied or was the equivalent of the Regular Basic Course of training that was necessary for a Level I reserve. Those modules had to be satisfied in succession, and entirely had to be consistent with whatever the training and testing specifications were in effect at that time.

As the report points out, essentially at the end of 1999 and 2000, as a result of a variety of legal changes, the entire Basic Training -- Reserve Basic Training structure and the modular structure was changed. And it

took on the configuration of what we know today as Module III, II, and I.

It's significant that A through D did not become a one-for-one transfer from -- into III, II, I, in the modules. This is not version, like the software, Version A.1.

As you see from attachment, I think, D in the report, Modules A, B, and C consists of 222 hours, and Modules III and II consisted of 390 hours. So one cannot look at just the numbers or the configuration of those modules and say, "Well, A, B, C is equivalent to III and II. It's clear, just from the numbers, that there were major changes.

Although A, B, and C went away in 2000, we continued to certify and to allow Module D to be presented in order to allow folks who were in the pipeline, who had previously completed A, B, and C, to satisfy the training requirement by going to D. And that went on for essentially two full years. And in January 2002, as a result of legislation, Module D went away.

And after that time, anybody who was left with completing A, B, and C but not D, who desired to be a Level I reserve, had to go back to the beginning and go through Module III, Module II, and Module I.

And we knew that there would be some people,

somewhere, who might get caught. But we went for a period of two years trying to clean out the pipeline. And then we came to a place where, if you wanted to be a Level I reserve, regardless of prior training, you had to start at the new Module III and progress through Module I.

Mr. Bell is one of those folks. According to records on file at POST, he completed in 1999 Module A, B, and C; but did not, subsequent to that, complete Module D.

In 2007, Mr. Bell was accepted by Southwestern College into Module I and completed that module as they presented it.

When Module D went away, staff from 2002 until the current time very consistently reminded and told the various academies who presented the modular reserve training, that you should not -- you may not admit to Module I people who have previously completed Modules A, B, and C, because Modules A, B, and C, as the report points out, are not a satisfactory prerequisite to Module I.

Southwestern College admitted Mr. Bell in 2007 to Module I. And according to the information that he has provided and the records that we have at POST, he satisfactorily completed the material that was presented

to him by Southwestern College in Module I.

Unfortunately, and coincidentally, staff of the Basic Training Bureau discovered that Southwestern College had problems, if you will, in the presentation of a variety of the Basic Training courses that were certified to them, including the Reserve Training courses. And in some, those problems were that they had not updated the various courses as necessary, as the training and testing specifications change annually.

And so based on the research that POST staff has done, we've concluded that while Mr. Bell satisfactorily completed whatever was presented to him by Southwestern College, the unfortunate part is that Southwestern did not present the complete Module I as required in 2007 by the training and testing specifications. It's not his fault.

And as the report also points out, those of us who are students will never know when we sit in a class whether what we're getting is what we're supposed to be getting.

When this came to light, we asked staff in the Training Delivery Bureau, the area consultant staff in the Basic Training Bureau, to do an extensive evaluation and review of everything that we have.

Mr. Bell, to the best information that we have, has

been performing satisfactorily as a reserve for the Escondido Police Department throughout this period of time.

We had a variety of long and pretty arduous discussions in staff involving all three of the assistant directors, at least two bureau chiefs, and various of the consultant staff who were involved in the review.

At the end of that period of time, as the conclusion of the report suggests, we concluded that, unfortunately, training that Mr. Bell has completed does not satisfy the requirements for the regular basic course that were in effect in 2007.

The Executive Director delivered to Mr. Bell and to the Chief of Police of Escondido a letter informing them of that. And Mr. Bell appropriately asked, I think, "What can I do now?," and was offered the opportunity to present the best information that he could collect to the Commission to allow you to consider this unusual situation and his condition.

The report that you have concludes, by offering or suggesting some alternatives for -- potentially for resolving this situation. There are three that are pointed out in the report. There may be others that will occur to you as you go through the discussion and the questions.

Mr. Bell will talk to you about his position. And, of course, we're available to answer questions that you will have from now on.

CHAIR SOBEK: I have one question.

Did we determine -- I don't know -- I read the report. I don't remember seeing. Did we determine how many hours he needs to -- I know the report says he needs to go back to an academy to satisfy what you're saying. But does it show how many hours he's missing?

MR. DiMICELI: We have not done, if you will, an LD hour and topic side-by-side comparison just because of the complexity and the difficulty of trying to decide what's here now versus what wasn't there or -- and, of course, as you recall and can appreciate, the entire delivery of the Basic Course has changed, in that topics are not presented as discrete units, but there are learning activities and there are examinations that are woven throughout the Basic Course that cover these learning domains and the exams.

What the report points out is that by going through A, B, and C, and then eight years later jumping to Module I, what happens, is that some material that wasn't originally presented in A, B, and C, in the ensuing years, was taken out of Module I and put into II and III. And because of the way in which that training

accumulated, some things just flat are missed. They weren't presented here, and today they're not presented here, and so they've fallen into the cracks.

We haven't looked, as I say, at a line-by-line comparison to decide what specifically those are and how many hours are involved in that. And, very frankly, it would be difficult to go back and say, "Okay, you've got to get half an hour of this and an hour and a half of that in the course of the basic training."

CHAIR SOBEK: And I know we're going to give you an opportunity to speak.

My next question would be, we recommended -- or we have a position, and it would be Number 2, which would be to accept his -- Mr. Bell's position.

Where does the liability land if we allowed that as a commission to do that? Is it on -- you know, if something came up where Mr. Bell theoretically got in trouble and somebody goes back and sees that he did not satisfy POST's training, does the liability land on the Commission or does the liability land on the city that he works for?

MR. DiMICELI: Well, that may be something that eventually Mr. Scally will answer.

My view is that if the Commission were to decide that, "Thank you, staff, but we think you're mistaken;

that his training does satisfy those standards," I think that's probably the end of the discussion, but for someone who would want to prove somehow that there were deficiencies in his training. And I don't know how that would ever come out.

MR. SCALLY: I would agree with that.

CHAIR SOBEK: Thank you.

Commissioner Bui?

COMMISSIONER BUI: Do we know how many other people have been caught in the same position, and how many of them have actually gone back and done the whole course?

MR. DiMICELI: Well, the report points out that in the roster that we received for the Module I course, there were two names: Mr. Bell at Escondido and Deputy Caslava who was employed by San Diego County. Deputy Caslava is now in the regular Basic Course and is due to graduate next month.

There are other people who are in kind of similar but different positions as a result of attending Southwestern College, not in this dire a position, but there is some training with a number of those folks that they will have to repeat in some manner.

And I don't recall off the top of my head, I can ask Bureau Chief Frank Decker how many there were in those numbers.

We started with a big group and found that, on further review, these folks are okay, and a smaller group, and a smaller group. And these people need some training and different levels. But nobody in this -- there are two people in this radical position, and one of them has gone back through the regular intensive academy.

CHAIR SOBEK: Commissioner Linden?

COMMISSIONER LINDEN: Thank you, Mr. Chair.

I think, if I understand Commissioner Bui's question, for folks like -- for officers like Mr. Bell who, way back, say in this case, '99, went through the old A, B, C, stayed at Level II, did not go through D, but then missed that two-year window, where D was offered --

MR. DiMICELI: Yes.

COMMISSIONER LINDEN: -- are there reserve officers, Level II, that then wanted a Level I but had to go now back through the entire III, II, I, process? So forget Southwestern for a second. But those Level II reserves who missed that window that they could still go through Module D; and after that, I presume that they would have been turned away by providers for going through the new Module I, did they have to go all the way back through?

MR. DiMICELI: We don't know that, and we would not know that. I mean, that's not a separate piece of

information that we would know.

If we looked at a record, we would recognize that, yes, Mr. Smith went to A, B, and C in '99 and then, according to the record, he went to III, II, and I or he went to regular academy in 2007.

COMMISSIONER LINDEN: But they would have had to have the provider -- I guess what I'm getting at, had Mr. Bell gotten good information from the provider, he would have been turned away and had to go back through III, II, I; is that correct?

MR. DiMICELI: Correct, that's what would have happened. And between our area consultant and academy staff, a department training manager reading the regulations, something should have tipped. And for most people, would have tipped, and they would have said, "Mike DiMiceli, I'm very sorry, but the only way for you to get there is to start in III and work through it."

MR. CAPPITELLI: Mr. Chair?

CHAIR SOBEK: Yes?

MR. CAPPITELLI: As Mr. DiMiceli said, we probably have no hard data on that. But just by sheer numbers and the amount of time that has lapsed, I think we could probably make an assumption that there are probably a number of people who had missed the window of opportunity to go back to the training. And if they were to decide

today that they wanted to get to that Level I, they would have to go back to the beginning. But for whatever reason, we don't know how many or whatever, but there are probably a number of people that have looked at that and said, "I'm not going to start over; I'm just going to stay where I am."

So we just don't know what that number might be, but there probably are a number of people who have done that.

CHAIR SOBEK: Let's let Mr. Bell talk to us.

MR. BELL: All right. I want to thank everybody for giving me this time. I know the meeting is going a little longer than usual.

And as I was walking in the meeting this morning, the first thing I see on the sign is the rooms that we're meeting in, A, B, and C. And D is back there.

So I'm not sure how that's going to play out. But, anyway…

I want to thank Director Cappitelli also. Most of you probably don't know that he flew down to personally deliver that letter to me and to Deputy Caslava. So going way out of his way to give me bad news.

Anyway, thank you for doing that. I know it meant a lot to both of us.

Deputy Caslava, by the way, interesting, him and I went through the first academy in 1999. And in 2007,

both of us ended up -- neither one having talked to each other for about seven or eight years. Both of us ended up showing up at Southwestern Academy, taking the test.

I'm taking the test, the entrance exam; and this guy walks in, and I look at him, and I go, "What are you doing here?" and he says, "The same thing."

So both of us kind of got directed into the same position. But he decided to go full-time and I decided to stay in my day job and hopefully continue to work as just a reserve.

So, anyway, I wanted to go over just a few things and, again, thank the Commission for allowing me to present my request to you.

One of the things that did impress me in 1999, when I went through the first academy, was how professional POST was. I didn't really know who POST was at the time. But the professionalism of becoming a police officer, whether it was a reserve or a full-time officer, and I was very impressed with that. Coming from a financial background and being in the financial industry, I kept thinking, "Why don't we do things this way? Why don't we do things this way?" And lo and behold, now everybody says maybe we should have. But that's a whole different issue.

So, anyway, I'm very thankful for what a great job

you do.

My request today is not to change the academies, the processes or the policies. And I tried to, in doing this, is to put myself in the place of the POST staff and the Commission to be able to address any questions that you may have, and to honestly ask, what would I do if it was me in your situation?

I've done a significant amount of research on Southwestern Academy, POST, the Penal Code, and the POST Administrative Manual known as "PAM." I want to be as informed and accurate as possible in my presentation to the Commission.

And I understand Director Cappitelli's decision. However, I think that there's an amount of differences of opinion based upon many different factors. And I know even within the organization as they were talking about, there's different opinions and trying to put those together as best they can.

So I just want to spend a couple minutes and summarize as best as I can from my perspective about the issues and the things that I see.

There's three specific issues that are related to my situation that I'd like to summarize, as well as some legal perspective from the Penal Code and also from the POST Administrative Manual, although most of those things

are duplicate from the Penal Code.

But the first question about the actual academy class I took at Southwestern was on page 3 of 7, in the item report from Mr. DiMiceli. He stated that POST became aware of significant problems with presentation of Reserve Basic Training. And he said after an extensive investigation, they identified problems with content, and it was determined to be incomplete.

In April of this year, in reference to some of the other officers that were involved who had gone through this, one of my classmates had sent me an e-mail that he had received back from Sheriff Gore, and basically it had allowed him to go back into full-time or full-service duty.

And the e-mail says:

"Dear Sheriff Gore:

"As you probably recall, I recently brought to your attention that there were irregularities with the Peace Officer Basic Course curriculum presented to officers working as a California peace officer. I'm pleased to report to you that we've completed our review of the curriculum presented by Southwestern College, and have concluded that you may consider the officers listed above as having

received compliant basic-academy training. This means that any question about their basic academy are resolved, and they may be returned to full duty status as you see fit.

"Although there were irregularities with Southwestern academy curriculum and the total hours, we have concluded that the irregularities were overcome by the following three conditions:

"Number one, none of the irregularities caused the students to miss more than the maximum allowed of 5 percent of total academy hours.

"Number two, all students passed the required POST proficiency exams, indicating that even if the curriculum did not mention the content, they clearly had received it and acquired the necessary knowledge.

"And, number three, the course curriculum contained all legislative mandates.

"Thank you for your patience and support through the review process."

These officers were in the same class, the same academy that I was. And I understand that there is some bigger pictures. But as far as the academy information,

the academy class content, I was right there with those people in that same academy class.

The second question is the question of the A, B, C, D format, which was retired in July of 1999. I graduated in June of 1999, and at that time, I was not aware of or told upon entering the academy that my training would be obsolete when I graduated from the academy.

I was not familiar with any other professional organization that would disqualify the training that they required, or that it would become obsolete upon graduation.

After graduation, in June of ‘99, I took the next year to complete my FTO program of 450 hours, and it took some time because due to scheduling.

After a couple years as a Level I reserve, I checked into becoming -- I’m sorry, as a Level II reserve, I checked into becoming a Level I reserve. Unfortunately, at that point, there were two problems, as Mr. DiMiceli said:

In 2002, Module D was decommissioned. And starting at about 2001, there really was no other academies within any area that would offer the Module D to do that. And so there was no possible option of moving forward at that point. So I continued to work as a reserve officer for the next six or seven years.

Let's see -- last fall, after I was notified -- and, Chairman Sobek, you asked this question about the hours -- but after I was notified last fall by Southwestern Academy that my certificate was not valid according to POST, I tried to do that comparison of my prior academy, and asked POST in Palomar Academy, which was my first academy, to do the same.

Unfortunately, neither of us were able to do that because the hours from Palomar Academy were not on record, and neither POST nor Palomar Academy nor myself had those hours to go back and do that.

So in reference to the question that was asked earlier, as far as I know, that data is not available to go back and do that which, obviously, I'd like to be able to do.

The third question is in reference to my hours. And as you can see, on page 4 of 7, I've more than completed the necessary hours in the academy format and field training.

In Mr. DiMiceli's report, he said the basis for my appeal is that I focused entirely on the hours of training and the appearance that training was complete and proper sequence.

I don't want you -- and I know he didn't mean it this way -- I don't want you to think that I was trying

to equate those as actually straight across the board because they're not.

The fact is that the academy hours that I did were done in a way that I thought were being done according to POST. And, in fact, I was having come across Mr. Decker at our reserve meetings every other year, I've gotten to know him a little bit, and I was actually pretty excited to tell him that, "Hey, I had done this, and I had done it the right way, and this was exactly the way it was supposed to be done."

So I was excited to actually talk to Mr. Decker and share with him that I was all done with this. But, unfortunately, I find in hindsight that it wasn't done the way it should have been.

But, anyway, back to my total hours in academy and FTO training hours are 1218 hours. And this does not include the hundreds of additional hours of documented professional training that I've received, both from our department and our required 24 hours every other year of professional training, the total of which is almost 2,000 hours of professional training.

Now, I understand that the formats may have changed and some of the content may have changed. However, going through the two academies and then also being involved in several other people going into law enforcement over the

last several years and being instrumental in helping them to get through the academies, I have a pretty good basis and a pretty good understanding of what it takes to go through the academy and what a lot of the content is.

And the last thing I just want to mention is, in doing the research for this issue, I came across a few significant -- what I think are significant Penal Codes and POST Administrative Manual statutes that I believe pertain to this situation.

One that I'd like to share with you. I think, from what I understand, the basis for a lot of what POST does and, obviously, as police officers, come from the Penal Code, 830 through 832.

And in 832.6, it further defines -- the Reserve Officers section. And in 832.6, there's two sections that I thought were interesting.

Under subsection (c), it says, "In carrying out this section, the Commission, (1), may use proficiency testing to satisfy reserve training standards." And under section (c)(3), it says, "They shall establish a professional certificate for reserves," which, of course, you've done.

And then under (4) -- and this is really kind of the crux of what I think is very important -- it says -- this is the Commission, "They shall facilitate the voluntary

transition of reserve officers to regular officers with no unnecessary redundancy between the training required for Level I and Level II reserve officers."

So I guess the other thing, in summary, is, I don't see any need to change POST or change the formats or anything like that because I think it's phenomenal. I really do. But I think that, as Mr. DiMiceli has said, that I'm one of those situations where I've fallen through the cracks.

But I do feel like, based on training and experience, that I've got that training and experience having operated for almost three years as a Level I reserve on the street, with very high reviews from both my staff above me and my peers, that I'm very capable of continuing to operate in that way.

And then last and final is, from the Commission standpoint, I, again, I appreciate the opportunity just to come up here and get to see how you operate, but also talk to you and present my case to you.

And as Director Cappitelli has said and Mr. DiMiceli and the options, there's basically three options at the end of the report. And, obviously, I would be most excited and most appreciative if you voted for Number 2. But, anyway, thank you for your time. And I'm open to any questions you might have.

CHAIR SOBEK: Thank you, Mr. Bell.

Do we have any questions?

COMMISSIONER McGINNESS: Mr. Bell, I'm just curious, is it your intention to become a permanent professional peace officer at some point, or is this a --

MR. BELL: Yes. I go out and help people in my community and get the opportunity to -- as all of you know, to be in those tough places when a son gets -- I just had that situation with a family member who was killed in Escondido last year and became very involved with that family, so…

I'm happy as a reserve.

Thank you.

CHAIR SOBEK: Any other questions?

COMMISSIONER ALLEN: Now, how many years have you been doing Level I?

MR. BELL: Since 2007.

COMMISSIONER ALLEN: How many hours are you working -- how many hours were you working a week or --

MR. BELL: I put in approximately one shift every week. And I'll do between eight and 12 hours. But generally, between eight and ten hours.

COMMISSIONER HAYHURST: What is the minimum requirement for your department for a reserve? How many hours?

MR. BELL: For a Level I, it's 30 hours, and for a Level II, it's 20 hours, and for a Level III, it's 16 hours.

COMMISSIONER LOWENBERG: Mr. Chairman, could I ask POST staff to maybe respond to this question?

Mr. Bell brings up an interesting concept or idea about the 5 percent rule.

Have we thought about doing a quick comparison between the evidence that we have at hand, that he's deficient in particular areas as it relates to total academy time? And, you know, do we believe making an informed judgment that he's missed more than 5 percent?

Do you follow my --

MR. CAPPITELLI: Yes, I believe I understand.

That would be, if you will, one part of the equation.

Mr. DiMiceli, do you have a thought on that?

MR. DiMICELI: I assume what you're talking about is 5 percent of the minimum 664, and making some judgment as to -- for example, going to, I guess, it's page 6 of the report, where it says, "A, B, and C in Module I didn't contain the following domains and whether the accumulated hours of those amount to more or less than 5 percent of the minimum hours." We have not done that.

COMMISSIONER LOWENBERG: It would probably be

almost impossible to do that, considering the amount of time that has passed, the number of instructors.

I mean, the question came up earlier about doing an evaluation of hour-to-hour, of hourly distribution. That would -- I mean, even if we could do that, it would be so staff-intensive, that it would almost be impossible to accomplish.

MR. DiMICELI: It's very difficult to do.

And we have not, as a matter of considered judgment, did not lay that out in the interest of avoiding misapprehension that -- let me go back.

One of the examples that is laid out in the report is laws of arrest. That's not specified by title in A, B, and C, but was presented in A and B -- or in A because that, at that time, was part of the 832 requirement.

What's occurred since is that it is presented by title in Module III, but it's more hours than was required in '99. And it's not presented in its entirety in the A, B, C, Module I framework that Mr. Bell went through.

The difference is probably, as I recall, is about five hours.

It's difficult to tease that out of records from 2007 as compared with records against '99, as diligent as

the staff has always been about having to lay out those changes. But it's difficult to do that.

So while there were some elements of some learning domains that were presented in some pieces in 1999, we just have not attempted to try and connect all of those wires together over the course of the eight years to make sure that we knew exactly what that amounted to.

CHAIR SOBEK: Mr. Bell?

MR. BELL: Yes, sir.

CHAIR SOBEK: Does your department require you to continue your advanced officers courses as they do the full-time officers through POST?

MR. BELL: As far as our continuing training?

CHAIR SOBEK: Yes.

MR. BELL: Yes, we do.

CHAIR SOBEK: And you've gone through all that?

MR. BELL: Yes.

COMMISSIONER LINDEN: Mr. Chair, let me take a stab at my thoughts.

First of all, Mr. Bell, I think I can speak for all of the commissioners. Thank you for your voluntary service as a reserve. This has nothing to do with the quality of your service, of your dedication, which is incredible. You're a really nice guy, and we hate even having to have this discussion. So please just know

that.

But here are kind of my concerns as I have thought through this and thought through this about what in the world do we do with this, is that -- and the reason I kind of asked the question in the beginning was, you know, for me, the brunt of the blame is really on Southwestern, is you should never have been allowed into the module course in the first place. Absolutely no fault of your own. And I think we all understand that and appreciate that.

But if we were to go back in 2007, had you been denied appropriately by Southwestern of entry into the module, you would have then had to go back and taken the new Module III, II, and eventually I, in sequence, as I think our Executive Director pointed out, others have done because you missed the window, that two-year window, to get Module D based on your own course.

The decision to do that was made back in ‘99, when the old format was decertified.

So the Commission at that point, actually the law, the Legislature, I think, made the decision that, “Hey, if Level II reserves have sort of gone part of the way and had the old A, B, C, and if they don’t get D within this two-year window, and then they want to become a Level I, they’ve got to go back through the new format.”

So that decision was in place long before you were admitted into the Southwestern program, Module I program. And that decision has applied to others that would have been in the same boat, you know, after 2002, after that window closed.

So when I looked at what's been the harm to you in Southwestern admitting to you, to me, that harm was really you going through Module I, 400 hours of training, about, that basically doesn't count at this point. And, in fact, I think even the content of Module I, if I'm not mistaken, was found to be deficient by today's standards for Module I. So even the content you got in that training wasn't adequate according to what was supposed to be in that Module I.

Had you never been admitted, we wouldn't even be having this discussion because you would have had to go through III, II, and I, anyway. So, in essence, you sort of went through I, when you shouldn't have been. And that was certainly a whole lot of time on your part that you shouldn't have had to go through.

But to me, the remedy for that is not necessarily now waiving that Module III and II requirement that you would have had to go through, anyway, had Southwestern turned you away at the door -- which they should have. No fault of your own.

And for me, it's not an hours issue. It's really the missed curriculum issue. Because we had this switch in formats, now, we have key -- we have curriculum. We have modules or Learning Domains that you didn't get in the old A, B, C, or you got part of or piecemeal or in a different way and that you didn't get in the new Module I, so there's this gap in some really critical training.

And I understand the comments of the liability. I am concerned about liability, and not necessarily for the Commission -- I'm always concerned about that -- but for you and your department, because I think a number of us have, in our careers, have seen lawsuits that it absolutely hinges on training. And part of the action that's brought against the officer and the department, and in this case potentially the state or potentially the Commission, is deficient training.

And I think if there's this gap, and you and your department are sued for an incident and they can show that you never had the training in A, B, C, and I, because of the change in curriculum, I'm really concerned about that. I'm mostly concerned for you and your department in that situation, less so than our Commission.

So -- and I'm also concerned that others have sort

of been in the same boat that haven't come before the Commission but certainly the rules have been in place now for a long time. So any reserve, any Level II reserve that sought to become a Level I between 2002 and today in that eight-year period already has had to go back and go through that same training. So that's kind of where -- those are my concerns.

And I hope you understand it's nothing personal.

MR. BELL: No, no.

CHAIR SOBEK: Let me get to Commissioner Dumanis first and then Commissioner Campbell.

COMMISSIONER DUMANIS: Always want be consistent, since we've dealt with some of these issues before.

Here's my thinking.

Number one, we're punishing Mr. Bell for a mistake of a third party that he wasn't responsible for. We wouldn't have found it but for some issues that arose, and he'd still be doing what he's doing. He's been doing it for three years, and doing it quite well. He's updated himself, as he's supposed to do, for a long period of time.

And even if the classes have changed, there are still people that are out there doing what he's doing now that didn't go through the I, II, and III, or went through the previous classes and are doing quite well.

So there's a phrase that we use as lawyers, "substantial compliance." And it seems to me that Officer Bell has substantially complied. And if you're worried about some of his deficiencies, then test him to see if there are areas that he needs. Test him with a written test or some kind of test to see if he needs some additional work. But I, for one, think that he's done what everybody's wanted him to do, and done it quite well.

And I would make a motion that we do Number 2 and accept Mr. Bell's position and declare the training to be sufficient. And I think that doing that, overcomes any liability issues.

The Chief of Police of his department is saying he thinks he's okay and ought to be certified. And so he's willing to say, "I think there aren't any issues here." So that would be my motion.

COMMISSIONER HAYHURST: I'll second it.

CHAIR SOBEK: When I started in 1984, we only did 12 weeks, so…

COMMISSIONER DUMANIS: Ask Bob how long his was.

CHAIR SOBEK: Was it two weeks, Bob?

They gave you the gun and the horse and said, "Go out there."

VICE-CHAIR DOYLE: You know, what happens in Marin

stays in Marin.

CHAIR SOBEK: Commissioner Campbell?

COMMISSIONER CAMPBELL: There's a motion and a second on the floor. However, I would like, before we take the vote on that, I'd also like to call attention to the fact that in the three years that he's been there, he's probably put in more than a thousand hours of training that a lot of people don't get while they're in the training session.

I certainly think that -- and I'd be the first one to say, "Hey, don't let somebody on board that can't do the job." But I imagine he's better trained than the people that went through everything.

And I think in this particular situation, that I will certainly go along with the motion.

MR. DiMICELI: Chairman Sobek, if I could, since we're in the comment period.

As you consider the motion, there are a couple other alternatives that did not get to the report that may be worthwhile for the Commission to consider.

Of course, the obvious alternative, Number 4, is to suggest that Mr. Bell, although it's out of sequence, complete III and II to satisfy the new format of training.

The fifth alternative that the Commission may want

to consider would be either attendance and completion of the re-qualification course, which is 136 hours, and testing through that process, which is based upon the totality of the Basic Academy training, together with the physical, psychomotor, manipulative, and firearms examinations that go into that process.

Staff, from our perspective, is not a fan of either/or of those alternatives, but they do exist and are within the realm of the Commission's ability to resolve this situation.

CHAIR SOBEK: Mr. Allen, do you have a comment?

COMMISSIONER ALLEN: Well, I was going to say, first of all, Mike, excellent job that your staff did on this report.

And I do like that alternative, if that's a possibility. But I want to say that I'm fully supportive of the comments regarding letting him continue what he's doing. I think he's pretty much proven that he has the capability of carrying out his duties as a Level I.

In addition to that, not only that, he's a Medal of Valor recipient that I think has gone well beyond what you see reserves doing out there.

So I'm in favor of Number 2, but would support Number 5 if the Commission were interested in that.

CHAIR SOBEK: We would have to change the motion.

COMMISSIONER DUMANIS: No, I'm not willing to change it.

CHAIR SOBEK: Commissioner Bui?

COMMISSIONER BUI: I have a question actually. Maybe I need some clarification on the motion.

I know that you mentioned something about a competency test.

Is that included in that motion or --

COMMISSIONER DUMANIS: No.

COMMISSIONER BUI: -- are we taking Number 2 at face value?

COMMISSIONER DUMANIS: Number 2 at face value.

COMMISSIONER CAMPBELL: Call for the question.

CHAIR SOBEK: Okay, no further comment?

I have a motion to accept Mr. Bell's position and declare the training to be sufficient to satisfy the basic training requirement for appointment to Level I reserve officer position.

All in favor, say "aye."

(A chorus of "ayes" was heard.)

CHAIR SOBEK: Any opposed?

COMMISSIONER LINDEN: No.

COMMISSIONER LOWENBERG: No.

COMMISSIONER McGINNESS: Nay.

CHAIR SOBEK: Okay, who do we have?

We have three: Commissioner Linden, Commissioner McGinness, and Commissioner Lowenberg.

The motion carries.

COMMISSIONER COOKE: Congratulations.

COMMISSIONER LINDEN: That's good news for you.

He looks a little stunned.

MR. BELL: I don't want to start crying, so that's…

COMMISSIONER CAMPBELL: That's my job.

MR. BELL: Thank you. You all know how much it means. Thank you.

CHAIR SOBEK: Yes, I think, you know, to possibly set a precedent to us, but I think if we take it as a case-by-case basis, we'll be okay.

COMMISSIONER DUMANIS: Exactly.

COMMISSIONER LINDEN: And please know that our dissenting votes, absolutely nothing personal.

MR. BELL: Everything you have said, I have thought through and agreed with those questions, too.

CHAIR SOBEK: Keep doing a great job out there. We appreciate it.

MR. CAPPITELLI: Just for consistency, I want to point out that when I met with Mr. Caslava, I offered him the same opportunity to come and talk to the Commission as was afforded with Mr. Bell.

With the time-line involved, because Mr. Caslava was

already involved in the academy, he said, "By July 6th, I'm going to be out." So I'm going to his graduation in a couple weeks to see him graduate.

COMMISSIONER HAYHURST: I'd also like to comment that we do have a possible 99 more reserves coming before us in the very near future.

Don't laugh, I'm serious, it could happen.

CHAIR SOBEK: All right, thank you.

MS. PAOLI: Who was the second of that last motion?

CHAIR SOBEK: Commissioner Smith.

COMMISSIONER HAYHURST: No, I thought it was me.

COMMISSIONER SMITH: Hayhurst.

CHAIR SOBEK: I mean, Commissioner Hayhurst.

MR. DiMICELI: It was Dumanis and Hayhurst.

CHAIR SOBEK: Okay. The next Long-Range Planning Committee meeting will be Thursday, September 2nd.

Our next Commission meeting is at the Courtyard Marriott in Sacramento, right here, October 27th -- 28th.

And if we have nothing else, move to adjourn.

The meeting concluded at 1:12 p.m.)

REPORTER'S CERTIFICATE

I hereby certify:

That the foregoing proceedings were duly reported by me at the time and place herein specified; and

That the proceedings were reported by me, a duly certified shorthand reporter and a disinterested person, and was thereafter transcribed into typewriting.

In witness whereof, I have hereunto set my hand on July 15th, 2010.

_____

Daniel P. Feldhaus
California CSR #6949
Registered Diplomate Reporter
Certified Realtime Reporter