

STATE OF CALIFORNIA
COMMISSION ON
PEACE OFFICERS STANDARDS AND TRAINING

POST COMMISSION MEETING



TIME: 10:00 a.m.

DATE: Thursday, October 28, 2010

PLACE: Courtyard Marriott Hotel
1782 Tribute Road
Sacramento, California



REPORTER'S TRANSCRIPT OF PROCEEDINGS



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POST Commission Meeting, October 28, 2010

A P P E A R A N C E S

COMMISSIONERS PRESENT

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

LAI LAI BUI
(Commission Vice-Chair)
Sacramento Police Department

WALTER ALLEN
Covina City Council

GEORGE ANDERSON
for JERRY BROWN
Attorney General's Office

COLLENE CAMPBELL
Memory of Victims Everywhere

ROBERT COOKE
California Narcotics Officers' Association

FLOYD HAYHURST
Los Angeles County Sheriff's Department

DEBORAH LINDEN
San Luis Obispo Police Department

JEFFREY LUNDGREN
Riverside County Sheriff's Department

JOHN MCGINNESS
Sacramento County Sheriff's Department

LAURIE SMITH
Santa Clara County Sheriff's Department

MICHAEL SOBEK
San Leandro Police Department

LINDA SOUBIROUS
Public Member

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A P P E A R A N C E S

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

JOE FLANNAGAN
Peace Officers' Research Association of California

RICHARD LINDSTROM
California Academy Directors Association

JEFF MILLER
California Police Chiefs Association



POST STAFF PRESENT

PAUL CAPPITELLI
Executive Director
Executive Office

MARK BERNAL
Programmer Analyst
Computer Services Bureau

JAN BULLARD
Chief
Learning Technology Resources Center

KAREN CRAMER
Budget Officer
Administrative Services Bureau

RON CROOK
Multimedia Specialist
Learning Technology Resources Center

A P P E A R A N C E S

POST STAFF PRESENT

Continued

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

JOHN DINEEN
Bureau Chief
Management Counseling Services

DARLA ENGLER
Acting Bureau Chief
Administrative Services Bureau

XENIA GUIDO
Systems Analyst
Computer Services Bureau

MICHAEL HONG
Systems Analyst
Computer Services Bureau

THOMAS LIDDICOAT
Bureau Chief
Information Services Bureau

KAREN LOZITO
Senior Consultant
Executive Office

JAN MYYRA
Systems Analyst
Learning Technology Resource Center

A P P E A R A N C E S

POST STAFF PRESENT

Continued

CONNIE PAOLI
Administrative Assistant
Executive Office

EDMUND PECINOVSKY
Bureau Chief
Training Program Services

ALAN PELL
Graphics Artist
Information Services Bureau

RICHARD REED
Assistant Executive Director
Executive Office
Administrative Services Division

DAVE SPISAK
Bureau Chief
Training Delivery & Compliance Bureau

BOB STRESAK
Bureau Chief
Standards and Evaluation Bureau



PUBLIC MEMBERS

ROLFE APPEL
Yuba College

TOM ARMSTRONG
El Monte Police Department

GARY CAMPBELL
M.O.V.E.

ROBERT COOKE
Santa Clara County Sheriff's Department

A P P E A R A N C E S

PUBLIC MEMBERS

Continued

SAM GONG
Los Angeles Police Department

JERRY LANCE
PMW & Associates

TED MARTINEZ, JR.
Rio Hondo College

CHARLES MONTOYA
Glendora Police Department

JACKY PARKS
Fresno Police Officers Association

SCOTT PICKWITH
LaVerne Police Department

JOHN PAUL SANSONE
Appleby & Co.

TODD SPITZER
(former 71st District California Assembly Member)
Marsy's Law for All

MICHELE THOMPSON
San Diego Regional Training Center

MICHELLE VEENSTRA
Los Angeles Police Department



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POST Commission Meeting, October 28, 2010

1 **Thursday, October 28, 2010, 10:00 a.m.**

2 **Sacramento, California**



4 CHAIR DOYLE: Good morning, ladies and gentlemen;
5 and welcome to the October 28th meeting of the Commission
6 on Peace Officer Standards and Training.

7 Please rise for the hosting of the colors by the
8 Sacramento County Sheriff's office.

9 *(The Color Guard presented the flag.)*

10 CHAIR DOYLE: Please join me in the Pledge of
11 Allegiance.

12 *(The Pledge of Allegiance was recited.)*

13 CHAIR DOYLE: Please join me in recognizing the
14 Honor Guard for their fine work.

15 *(Applause.)*

16 CHAIR DOYLE: Please remain standing for a moment in
17 silence, honoring those officers who died in the line of
18 duty since our last Commission meeting:

19 Officer Justin McGrory, California Highway Patrol.

20 Officer Phillip Ortiz, California Highway Patrol.

21 Officer Brett Oswald, California Highway Patrol.

22 *And all of those who have died in the line of duty.*

23 *(Moment of silence.)*

24 CHAIR DOYLE: Thank you.

25 Please be seated.

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1 MR. CAPPITELLI: Mr. Chair, Members of the
2 Commission, members of the audience, it is with sadness
3 that we also announce that, this morning, we're getting
4 details -- preliminary details about a San Diego PD
5 officer who was killed in the line of duty. We have no
6 further information other than that he was shot and
7 killed, apparently serving a search warrant this morning.
8 So we'll give you more information if we get it before
9 the end of the Commission meeting.

10 CHAIR DOYLE: Roll call of Commission members,
11 please.

12 MS. PAOLI: Allen?

13 COMMISSIONER ALLEN: Present.

14 MS. PAOLI: Batts?

15 *(No response.)*

16 MS. PAOLI: Bui?

17 VICE CHAIR BUI: Here.

18 MS. PAOLI: Campbell?

19 COMMISSIONER CAMPBELL: Here.

20 MS. PAOLI: Cooke?

21 COMMISSIONER COOKE: Here.

22 MS. PAOLI: Doyle?

23 CHAIR DOYLE: Here.

24 MS. PAOLI: Dumanis?

25 *(No response.)*

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1 MS. PAOLI: Hayhurst?

2 COMMISSIONER HAYHURST: Here.

3 MS. PAOLI: Linden?

4 COMMISSIONER LINDEN: Here.

5 MS. PAOLI: Lowenberg?

6 *(No response.)*

7 MS. PAOLI: Lundgren?

8 COMMISSIONER LUNDGREN: Here.

9 MS. PAOLI: McGinness?

10 COMMISSIONER MCGINNESS: Here.

11 MS. PAOLI: Smith?

12 COMMISSIONER SMITH: Here.

13 MS. PAOLI: Sobek?

14 COMMISSIONER SOBEK: Here.

15 MS. PAOLI: Soubirous?

16 COMMISSIONER SOUBIROUS: Here.

17 MS. PAOLI: Anderson?

18 COMMISSIONER ANDERSON: Here.

19 CHAIR DOYLE: Thank you.

20 Do we have a quorum?

21 MS. PAOLI: We do.

22 CHAIR DOYLE: I'd like to introduce Brent Newman,
23 the Advisory Committee chair, and Paul Cappitelli, POST
24 Executive Director.

25 And I'd introduce Vince, if he were here, but Vince

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1 is not here.

2 The introduction of the audience members.

3 I'll start on your right, my left.

4 That's you.

5 MR. FLANNAGAN: Yes. Joe Flannagan, PORAC.

6 MR. ARMSTRONG: Tom Armstrong, El Monte Chief.

7 MR. MONTOYA: Chuck Montoya, Glendora Chief.

8 MR. PICKWITH: Scott Pickwith, Chief of Police,
9 Laverne PD.

10 MR. HONG: Mike Hong, POST staff.

11 MS. GUIDO: Xenia Guido from POST.

12 MR. BERNAL: Mike Bernal, POST.

13 MR. STRESAK: Bob Stresak, POST staff.

14 MS. ENGLER: Darla Engler, POST staff.

15 MS. CRAMER: Karen Cramer, POST staff.

16 MR. LIDDICOAT: Tom Liddicoat, POST staff.

17 MR. DECKER: Frank Decker, POST staff.

18 MR. PELL: Alan Pell, POST staff.

19 MR. REED: Dick Reed, POST staff.

20 MS. BULLARD: Jan Bullard, POST staff.

21 MS. LOZITO: Karen Lozito, POST staff.

22 MR. DINEEN: John Dineen, POST staff.

23 MR. SANSONE: John Paul Sansone, Appleby.

24 MR. APPEL: Rolfe Appel, Yuba College.

25 MS. THOMPSON: Michele Thompson, San Diego Regional

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1 Training Center.

2 MR. MARTINEZ: Ted Martinez, Rio Hondo College.

3 MR. DiMICELI: Mike DiMiceli, POST staff.

4 MS. VEENSTRA: Michelle Veenstra, LAPD.

5 MR. GONG: Sam Gong, LAPD.

6 MR. LANCE: Jerry Lance, retired chief of Long

7 Beach, for PMW & Associates.

8 MR. SPITZER: Good morning. Todd Spitzer, former

9 member of the Assembly, Marsy's Law for All.

10 MR. CAMPBELL: Gary Campbell, interested observer.

11 MR. DEAL: Alan Deal, POST staff.

12 MS. PECINOVSKY Ed Pecinovsky, POST staff.

13 CHAIR DOYLE: We have a tendency to do things
14 differently in Marin County, so I didn't want to leave
15 you guys out, in the front row, on my right, so please.

16 MR. LINDSTROM: Richard Lindstrom. I represent
17 California Academy Directors Association on the Advisory
18 Committee.

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

21 MR. BOCK: Jim Bock, POST Advisory, representing
22 Specialized Law Enforcement.

23 MS. LORMAN: Laura Lorman, POST Advisory,
24 representing the Women Peace Officers Association of
25 California.

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1 CHAIR DOYLE: Thank you and welcome.

2 Now, I'd like to introduce a fellow Commission
3 member, our friend, Sheriff John McGinness from
4 Sacramento County Sheriff's office, who is going to give
5 us the welcoming address.

6 COMMISSIONER MCGINNESS: Thank you, Mr. Chairman.

7 And thank you all, colleagues, and POST staff,
8 members of the audience for being here.

9 Our business, of course, has been, I think, in a
10 state of perpetual evolution since day one. But it
11 occurs to me where we are right now, there is a -- I'm
12 looking at the end of my journey, my professional
13 journey, just being weeks away from my retirement. And
14 this week alone, I've had occasion to talk to 30 people
15 who I've known throughout my 31 years in law enforcement
16 that are leaving the business.

17 We're in an unusual period of time in which we've
18 dealt with layoffs. Fortunately, here in Sacramento
19 County, we're getting some restoration from federal
20 grants and other programs. Things are looking a little
21 more promising. But this element of change, if you look
22 at the leadership and the practitioners in the field of
23 law enforcement that are in place right now, those
24 positions are going to look vastly different in the next
25 12 months to 24 months. Vastly different. And I think

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1 it's imperative that this group recognize the role that
2 we play in that, in terms of maintaining California's
3 high law-enforcement standards, and recognize the fact
4 that the combination of people leaving and new people
5 coming in and people leaving -- jumping from one
6 organization to the next because of the budget concerns,
7 people are being laid off and reinstated, the ability and
8 need for POST to maintain the excellence in terms of
9 standards and law enforcement has never been greater.

10 And as we look several years forward, I believe that
11 the extent to which this group can rise to the occasion
12 and hold that standard high will have a significant
13 impact on how law enforcement functions, the efficacy of
14 the profession, and the manner in which it's viewed.

15 So a very heartfelt thanks to those who I've had the
16 pleasure to work with, and those of you here today, still
17 fighting the hard fight, and recognizing that, again, our
18 future, I think, will be significantly impacted,
19 hopefully, and I believe for the better because of the
20 efforts of the people represented in this room today.

21 So thank you all very much, and welcome to
22 Sacramento.

23 CHAIR DOYLE: Thank you, John.

24 *(Applause)*

25 CHAIR DOYLE: The next item is Public Comment, for

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1 the public to comment on anything that's on the agenda or
2 not on the agenda.

3 And please step forward, and welcome and introduce
4 yourself, Todd.

5 MR. SPITZER: Thank you very much, sir.

6 Good morning, Mr. Chairman and Commissioners. In
7 front of you, you have a letter, hopefully in front of
8 you, that I've provided this morning from Marsy's Law for
9 All.

10 My name is Todd Spitzer. I'm a former member of the
11 California State Legislature. And I was the campaign
12 chairman for Marsy's Law, Proposition 9. And I want to
13 thank a lot of you in this room for your support on that
14 very important initiative that was passed by the voters
15 in November of 2008.

16 Marsy's Law has almost been in effect for two years
17 and it has dramatically changed the landscape about how
18 crime victims are dealing with the criminal justice
19 system. I mean, we all know because we've been in this
20 business a long time, I was LAPD level I reserve for ten
21 years, that crime victims [sic] have the Fourth Amendment
22 right against search and seizure -- I'll talk to talk
23 slowly because you're transcribing this -- a Fifth
24 Amendment right against self-incrimination, a Sixth
25 Amendment right to counsel, and yet crime victims

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1 historically have had very few rights, if any. Maybe the
2 right to restitution under Article I, Section 28.

3 When the voters amended Article I, Section 28, in
4 November of 2008, they added 16 rights that are now
5 enforceable. And judges all over the state now are
6 dealing with victims actually appearing in courts of law
7 and representing themselves or through attorneys.

8 District Attorneys -- I was a former assistant
9 district attorney in Orange County. We're not, as you
10 know, the victim's lawyer. But now victims have a right
11 to hire their own lawyers, retain a lawyer, or represent
12 themselves.

13 Today, on your agenda -- and I'm here in support of
14 Item D, under Basic Training amendments, LD 4.

15 When I was in the academy in 1990, LD 4, which is
16 entitled "Victimology and Crisis Intervention," is
17 basically the same as it was 20 years ago when I attended
18 LAPD academy.

19 Today, you're being asked to support two changes.
20 One is the addition of Marsy's Law training to the Basic
21 Core POST academy training, and also a section with
22 respect to victims' compensation.

23 I'm here to address -- support both but obviously
24 address the Marsy's Law component.

25 Under the California Constitution now, all peace

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1 officers in the state of California are required to give
2 a victim, whenever it's practical -- so obviously not
3 while they're trying to contain the crime scene, but as
4 soon as practical -- they're required to give a victim
5 information about their rights.

6 We put that in there because we know that when
7 victims are well informed about a system that they were
8 not invited to but found themselves a part of, that the
9 system works so much better for those of us in law
10 enforcement when a victim actually understands what they
11 have now gotten themselves into. It helps with the
12 prosecution, it helps with the investigation, it helps
13 with sentencing, and it helps with parole. And so we're
14 very excited that the POST Commission is considering
15 adopting Marsy's Law training.

16 I want to especially recognize Mr. Robert Ziglar,
17 the senior consultant for basic training who has worked
18 with us to bring this amendment forward today. And in
19 November, we'll be meeting with him, and we wish him a
20 successful shoulder surgery. That when he comes back to
21 work, we will start having discussions about how Marsy's
22 Law for All can be helpful.

23 And just in closing, Dr. Henry Nicholas' sister,
24 Marsy Nicholas, was murdered in 1983 when she was a
25 student at UC Santa Barbara. And, of course, he went on

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1 to be a very successful entrepreneur, having founded
2 Broadcom with Dr. Henry Samueli. And today, because of
3 his wealth, you know, he has been very active. He was
4 very active in the Prop. 66 campaign, to the Prop. 66
5 that would have watered down Three Strikes; and then, of
6 course, this initiative.

7 And we want to be helpful. We want to partner with
8 POST to ensure that all peace officers are trained about
9 victims' rights.

10 And even though she doesn't want me to, I'm going to
11 shout her out a little bit. And I would like to
12 acknowledge Commissioner Campbell because without the
13 hard work of this victims' advocate, Marsy's Law would
14 not have been successful and the public would not have
15 understood just how important it is to make sure that
16 victims have rights.

17 As I think all the commissioners know,
18 Commissioner Campbell and her husband Gary, who is here
19 in the audience today, were forced to sit outside on a
20 hardwood bench while they faced prosecutions of people in
21 their life, their loved ones. And they were treated like
22 second-class citizens.

23 Marsy's Law says that victims cannot be excluded
24 from the courtroom. That's one of the major advances of
25 Marsy's Law. That was an important advance for all crime

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1 victims.

2 So we're trying to level the playing field, but we
3 need POST's cooperation. And we look forward to anything
4 we can do to support you in your efforts.

5 Thank you, Mr. Chairman, and thank you,
6 Commissioners.

7 CHAIR DOYLE: Thank you.

8 Commissioner Campbell, did you --

9 COMMISSIONER CAMPBELL: No. I just want to thank
10 Todd. There is so much going on right now, that if crime
11 victims are better informed, they can help law
12 enforcement so much and save so much time.

13 And I'm so grateful for the DVD that POST put out
14 that's trying to train victims.

15 I know in our murder cases in our own family, had my
16 father not been a police officer, none of those cases
17 would have been solved because I just had a little bit of
18 background, and my husband and I worked to make it
19 happen.

20 Victims could be very helpful. They know more about
21 their family than anybody else. And when they can't even
22 be in the courtroom to catch the lies the defense are
23 saying, it's very difficult, and it makes a huge
24 difference in Marsy's Law. And I thank Todd for being
25 here and Dr. Nicholas.

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1 Thank you, Todd.

2 MR. SPITZER: Thank you, Commissioner.

3 COMMISSIONER CAMPBELL: But I'm not responsible for
4 it. I want you to know that.

5 CHAIR DOYLE: Okay. Is there anybody else in the
6 audience that would like to address the Commission?

7 Welcome. Please state your name.

8 MR. PICKWITH: Good morning, Mr. Chairman,
9 Commissioners. My name is Scott Pickwith. I'm the
10 police chief in the City of Laverne. I'm also the
11 president of the LA Police Chiefs Association. I'm here
12 today representing the police chiefs of the 45
13 independent cities in LA County. This is in regards to
14 the POST investigation of the Rio Hondo Police Academy.

15 We're here today to -- I'm here today to offer the
16 support of the LA County Chiefs. As you know, we're
17 affiliated with the college and the academy. We support
18 the investigation that's being conducted.

19 We deeply appreciate the expedient manner in which
20 it's being handled, in particular, getting the remaining
21 recruits, the 60 recruits that were suspended from the
22 academy and finding them another home with the LA County
23 Sheriff to finish their academy in eight weeks.

24 As you imagine, the amount of stress that these
25 students were going through, not knowing if they'd be

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1 able to complete or be certified. And so we deeply
2 appreciate the manner in which that's been handled.

3 We look forward to working with POST and with the
4 Rio Hondo College to resolve this issue. And we do
5 support the investigation, and we do thank you for what's
6 being done.

7 CHAIR DOYLE: Thank you.

8 COMMISSIONER CAMPBELL: Mr. Chairman, I do have one
9 more thing that I just want to -- since we got on the
10 victim rights.

11 I do want to call to your attention, for the first
12 time in the history of our nation, the National Parents
13 of Murdered Children has sent a letter out thanking law
14 enforcement for helping victims to understand what they
15 should do in violent crimes.

16 There is a letter in the back of our book. I
17 understand that the Commission got a letter also, but
18 I don't see it here. But it's the national chairman of
19 Parents of Murdered Children, that we've put out the DVD,
20 that right here the DVD was made to train victims of
21 crime how to better work with law-enforcement officers.

22 I have gotten so many e-mails back again, thanking
23 this commission, POST, for being thoughtful enough to
24 know that just because you're a victim doesn't make you
25 brain-dead. But nobody's trained to be a victim of

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1 crime.

2 And the letters came back -- the e-mails that I got
3 was, "Gee, if I would have only known five years ago, I
4 could have been so much more helpful in the case. I did
5 not know. Thank you." There's all that kind of stuff.

6 But this is nationally. POST has hit Parents of
7 Murdered Children nationally. And they get 100,000
8 requests a year for help. And it came out of this
9 commission right here.

10 And I want to say on behalf of victims of crime that
11 have struggled to have the knowledge how to move forward
12 to work with law enforcement and prosecutors all the way
13 down, I thank you for doing it. It's going to make a
14 difference. There's going to be more convictions, and
15 people are going to be more proud of themselves, and I'm
16 grateful.

17 Thank you.

18 CHAIR DOYLE: Welcome.

19 MR. MARTINEZ: Good morning. My name is Ted
20 Martinez. I'm president of Rio Hondo College, and I'm
21 here to join in Chief Pickwith's expression of
22 appreciation for the POST -- the POST staff has been very
23 professional and cooperative in their investigation.

24 I wanted to express to the POST Commission my
25 commitment as president of Rio Hondo College and the

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1 board of trustees to ensure the integrity of our police
2 academy. So I'm here to express that appreciation in
3 support of our students.

4 As you mentioned our priority, and we appreciate the
5 support we've gotten to find a place for them to complete
6 their program. So thank you so much for your support.

7 CHAIR DOYLE: Thank you.

8 For the Commissioners, when you make a motion or
9 second, please follow it with your name for clarity.

10 The next item is Approval of Minutes from the
11 June meeting.

12 Is there a motion?

13 COMMISSIONER MCGINNESS: So moved. McGinness.

14 COMMISSIONER SOBEK: Second. Sobek.

15 CHAIR DOYLE: All those in favor?

16 *(A chorus of "ayes" was heard.)*

17 CHAIR DOYLE: Consent -- excuse me?

18 COMMISSIONER LUNDGREN: Mr. Chair, I'm going to
19 abstain on that since I wasn't here, just for the record.

20 That would be Lundgren.

21 CHAIR DOYLE: Consent B.1 through B.7. I know B.7
22 will be a presentation. But if the Commission does want
23 to pull something off that agenda.

24 Is there a motion?

25 COMMISSIONER LINDEN: I'll move the consent agenda,

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1 Mr. Chair. Linden.

2 COMMISSIONER MCGINNESS: Second. McGinness.

3 CHAIR DOYLE: All those in favor?

4 *(A chorus of "ayes" was heard.)*

5 CHAIR DOYLE: Thomas Liddicoat.

6 Where are you, Tom?

7 MR. CAPPITELLI: Mr. Chair, Members of the
8 Commission, it's with great pleasure today that we honor
9 Tom Liddicoat, who is going to be retiring here in a
10 matter of a little over a month.

11 And Tom has served at the State of California in
12 state service for decades. And we'd like to present him
13 with a special token of our appreciation on behalf of the
14 Commission.

15 And I'll try not to read all the whereases and
16 everything for you. But I think there's a couple things
17 that are really worth noting about Tom.

18 Tom not only has served the state for a number of
19 years -- since 1981 at POST, particularly, he started
20 with the state in 1975 -- but prior to that, Tom served
21 and retired honorably as a lieutenant colonel in the U.S.
22 Army.

23 So we're thankful for Tom's service. And we want to
24 tell you a little bit about Tom's contribution,
25 especially in the last couple of years, through what is

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1 clearly the most difficult of economic times.

2 And Tom and his staff and the leadership he has
3 provided have maneuvered us through these very murky
4 waters over the last few years, and got us to a point
5 where we've managed to hold on to as many of the ducats
6 that we can, within our coffers.

7 So, Tom, we want to thank you and congratulate you
8 on your upcoming retirement.

9 And on behalf of the Commission and the Chair, I
10 want to present you with this resolution.

11 And good luck to you, sir.

12 MR. LIDDICOAT: Thank you very much.

13 *(Applause)*

14 MR. CAPPITELLI: Members of the Commission, we're
15 going to pass around a roster while we're going through.
16 If you could just take a look and verify your personal
17 information on there is correct.

18 CHAIR DOYLE: Administrative Services Bureau.

19 What I'm going to do, what we've done in the past,
20 unless a commissioner wants a report or someone from the
21 audience wants to speak on the matter, we'll just call
22 for the motion.

23 So the first is the Report on Recommendations to
24 Revise the Certificate Application Attestations.

25 Commissioner Linden?

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1 COMMISSIONER LINDEN: Mr. Chair, I don't necessarily
2 need a report; but I do have some concerns about the
3 language on this that I'd like to bring up to the
4 Commission.

5 I'm not -- so, as I was looking at this item, to me,
6 the application for certificate is a purely objective
7 administrative application. So in other words, our
8 officers and dispatchers are eligible to apply for
9 certificates upon meeting certain very objective training
10 requirements, education requirements, experience
11 requirements.

12 I am a huge supporter of the Law Enforcement Code of
13 Ethics, and I'm a huge supporter of infusing the Code of
14 Ethics and the spirit behind the Code of Ethics in
15 everything we do from a training perspective to a policy
16 perspective to a practical perspective, and how we
17 operate our police and sheriffs' departments. But I'm
18 not seeing a place for the language as part of the
19 attestation on the application.

20 To me, it doesn't -- this is not a subjective
21 application. There is no ability for POST to deny a
22 certificate if we have an employee that chooses not to
23 sign an attestation because, for whatever reason. They
24 may not have reviewed the Code of Ethics or choose not to
25 review or don't agree with the Code of Ethics and yet

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1 they could be a stellar employee. And it seems to be
2 putting in place something that I just -- and maybe I'm
3 missing something, and maybe staff can help or fellow
4 commissioners that were part of the Long-Range Planning
5 discussion -- but I'm just not seeing that there's a
6 relationship between the Code of Ethics and an
7 attestation on the application for certificate for our
8 employees, where really the attestation is simply saying,
9 "Hey, everything I put in the application is true and
10 correct," and that the person applying is attesting to
11 that effect.

12 So I'm struggling with the inclusion in the Code of
13 Ethics language in that attestation.

14 CHAIR DOYLE: Commissioner Allen?

15 COMMISSIONER ALLEN: Yes, in Long-Range Planning,
16 this was a heated discussion. And from my standpoint,
17 and a couple of other folks, we felt that the Code of
18 Ethics should remain for peace officers, the original
19 peace officers. But dispatchers, it's one thing. But
20 personally, I feel that it's important to -- this is
21 something that really reflects what we're all about in
22 California, and I think it is important that that is
23 emphasized. So that's my own personal opinion.

24 COMMISSIONER LINDEN: My understanding is the
25 reference to the Code of Ethics was not in the previous

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1 attestations.

2 MR. REED: Yes, that's always been there.

3 COMMISSIONER ALLEN: It's always been there.

4 MR. REED: Yes, it's always been there, and also --

5 COMMISSIONER LINDEN: Well, why is it showing as an
6 addition? That it's showing that as an addition to the
7 language, not a remaining -- not that the language is
8 remaining?

9 So I'm not --

10 COMMISSIONER ALLEN: If you look at the actual
11 application -- I think there's copies in here. I'm
12 looking at --

13 COMMISSIONER LINDEN: Right, I am. I'm looking at
14 Attachment A.

15 MR. REED: Commissioner Linden is referring to the
16 fact that the Law Enforcement Code of Ethics is
17 underlined in that statement. For whatever reason,
18 that's always been there for probably as long as POST has
19 been in existence.

20 COMMISSIONER LINDEN: Okay, so maybe that's where I
21 was looking.

22 MR. REED: And the only thing we took out, we took
23 out the Law Enforcement Code of Ethics reference in the
24 dispatchers' certificate because basically they're not
25 peace officers.

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1 And what we did here, of course, as the language
2 indicates, is we tried to make the language consistent
3 throughout all of the applications, whether they're for
4 records supervisors, dispatchers, law enforcement.

5 And just for clarification, all peace officers do
6 attest to uphold the Law Enforcement Code of Ethics in
7 the Basic Course. That's in the ethics portion.

8 COMMISSIONER LINDEN: Right.

9 MR. REED: So for them to decide at this point they
10 don't want to do that anymore to us seems incongruous,
11 for that reason. But basically, we're cleaning up
12 language basically for consistency. That has already
13 been there.

14 The thing that was different that did generate
15 discussion at Long-Range Planning was the fact that
16 chiefs and sheriffs were caused to testify to a
17 candidate's moral character, which, of course, they
18 probably have little control of that outside of --
19 outside the workplace. So that was the issue that
20 stirred the most discussion in the Long-Range Planning,
21 actually.

22 COMMISSIONER LINDEN: Okay, that's helpful, because
23 it looked -- because it was underlined, I thought the
24 language was actually being added in lieu of the removing
25 of the chief having or the sheriff having to sign about

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1 the moral character for the officer. So I think that
2 helps explain it.

3 CHAIR DOYLE: Mr. Cappitelli?

4 MR. CAPPITELLI: Yes, thank you.

5 Well, just for clarification, this issue was brought
6 to my attention by a chief who was in a situation where
7 the previous wording, he didn't feel comfortable signing
8 it because they didn't believe the person for which they
9 would be signing, attesting to whatever the language was
10 in regards to good moral character, whatever, they didn't
11 believe that the person, based on recent events,
12 disciplinary action, that they felt they met that
13 criteria.

14 That said, they asked us to look at the language.
15 Staff's recommendation that went to Long-Range Planning,
16 is that the process here is more for verification of
17 somebody's education and training that would be requisite
18 to them getting a certificate, and really had less to do
19 with the chief executive making some type of judgment
20 call about an individual.

21 But as Dick pointed out, the language that is there
22 right now was previously there. So it is brought forward
23 for -- staff is willing to do whatever is the will of the
24 Commission with respect to this; but that's the genesis
25 of how we got there.

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1 COMMISSIONER LINDEN: Okay, I appreciate that
2 clarification.

3 CHAIR DOYLE: Is there a motion to Item C?

4 COMMISSIONER ALLEN: I'll move it.

5 CHAIR DOYLE: Commissioner Allen.

6 COMMISSIONER ALLEN: Allen.

7 CHAIR DOYLE: Is there a second?

8 COMMISSIONER CAMPBELL: Second. Campbell.

9 CHAIR DOYLE: All those in favor?

10 *(A chorus of "ayes" was heard.)*

11 CHAIR DOYLE: Item D, Report on Proposed Changes to
12 the Training and Testing Specification for Peace Officer
13 Basic Courses.

14 Does any Commissioner want a report?

15 *(No response)*

16 CHAIR DOYLE: No?

17 Is there a motion?

18 COMMISSIONER MCGINNESS: So moved. McGinness.

19 COMMISSIONER ALLEN: Can I make a correction?

20 CHAIR DOYLE: Sure, Commissioner Allen.

21 COMMISSIONER ALLEN: Yes, on Learning Domain No. 2,
22 on page 2-2, under Roman numeral IV, it indicated the
23 California Youth and Adult Correctional Agency is now
24 the Department of Corrections and Rehabilitation. And
25 that was just a minor point.

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1 That's it.

2 MR. CAPPITELLI: We can make that change.

3 CHAIR DOYLE: We can make that change? Okay.

4 We have a motion, and we didn't have a second,
5 though.

6 COMMISSIONER LINDEN: I'll second. Linden.

7 CHAIR DOYLE: All those in favor?

8 *(A chorus of "ayes" was heard.)*

9 CHAIR DOYLE: Item E, Report of Proposed Changes to
10 Training Specifications for Public Safety Dispatchers'
11 Basic Course.

12 Report required?

13 *(No response)*

14 CHAIR DOYLE: No?

15 Is there a motion?

16 COMMISSIONER SOBEK: Motion to move.

17 CHAIR DOYLE: Sobek.

18 COMMISSIONER SOBEK: Sobek.

19 COMMISSIONER LUNDGREN: Second. Lundgren.

20 CHAIR DOYLE: All those in favor?

21 *(A chorus of "ayes" was heard.)*

22 CHAIR DOYLE: Item D, Basic Training Bureau, Report
23 on Proposed Changes to the Training and Testing
24 Specifications for Peace Officer Basic Course.

25 COMMISSIONER LINDEN: A quick question, Mr. Chair.

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1 CHAIR DOYLE: Commissioner Linden.

2 COMMISSIONER LINDEN: One thing that the report
3 didn't indicate, is this money that we currently have in
4 the POST budget?

5 MR. CAPPITELLI: I will defer to Mr. Deal, if you
6 would come forward.

7 MR. DEAL: Item F is obviously a request to secure
8 additional assistance in order to be able to move the
9 Driver Training Study along and create the consistency
10 we've been able to do.

11 We do have sufficient funding to cover this. At the
12 Finance Committee, the various items that you have before
13 you today, the fiscal issue reflects that there is
14 sufficient funds to cover this.

15 COMMISSIONER SOBEK: And I'll have a Financial
16 report for you.

17 COMMISSIONER LINDEN: Yes, but we've got to vote on
18 it.

19 CHAIR DOYLE: Commissioner Hayhurst?

20 COMMISSIONER HAYHURST: Mr. Deal, a question on
21 that. The next one down is -- well, as I'm told, under
22 L, is the Learning Domain 19, is this management fellow
23 going to be also operating and working with us on this,
24 too?

25 MR. DEAL: Yes, both items are related, in that we

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1 would be contracting with the University of Central
2 Florida and Dr. Tarr as part of Item F.

3 Item L is where we would have a management fellow
4 that would work with Dr. Tarr and POST staff to provide
5 consistency and be able to support Dr. Tarr's work
6 because what we don't have is sufficient resources and
7 human staff to keep this project going at a pace that
8 we'd all like to see occur.

9 COMMISSIONER HAYHURST: Part of the question -- I
10 was going to outline it, so that he's not going to come
11 back with an additional contract saying, "Now, because
12 I'm part of Learning Domain 19, that I need an additional
13 contract cost on this one." So I just wanted to make
14 sure it's all-inclusive.

15 MR. DEAL: I'm not quite sure that I follow the
16 question.

17 I think what we have is a couple of phases
18 associated with the full implementation of the pilot
19 study. The first phase was where Dr. Tarr came out and
20 spent considerable time with us to become familiar with
21 the environment in which we deliver basic training,
22 driver training.

23 He has worked with our VOTAC committee since its
24 inception. That first phase is effectively completed.
25 This is a phase where we've now developed the curriculum

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1 through a validated process that incorporates technology
2 into the entire Learning Domain 19, as well as developing
3 benchmarks, methods of data collection, using our job
4 analysis to tie all of the learning objectives that will
5 be developed.

6 He will use an instruction design methodology as
7 part of that process.

8 My belief is that there will be further phases later
9 that will get to the FTO program, so that when officers
10 leave the basic training environment, that the field
11 training officers will have been prepared to understand
12 the changes in training relative to driving, and to
13 further enhance the field training program, which is
14 really inadequate today, to address what they need to be
15 exposed to, once they get into the field.

16 Additionally, we will track the data that we collect
17 for at least 18 months beyond the graduation from the
18 academy, so that we have some baseline in which to be
19 able to assess whether or not we truly impacted an
20 improvement in driving, so that we've seen a reduction.
21 That's what our hope would be.

22 COMMISSIONER HAYHURST: Great. Thank you.

23 CHAIR DOYLE: Is there a motion?

24 COMMISSIONER MCGINNESS: Move to approve.

25 McGinness.

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1 COMMISSIONER HAYHURST: Second. Hayhurst.
2 CHAIR DOYLE: Roll call?
3 MS. PAOLI: Allen?
4 COMMISSIONER ALLEN: Yes.
5 MS. PAOLI: Batts?
6 *(No response)*
7 MS. PAOLI: Bui?
8 VICE CHAIR BUI: Yes.
9 MS. PAOLI: Campbell?
10 COMMISSIONER CAMPBELL: Yes.
11 MS. PAOLI: Cooke?
12 COMMISSIONER COOKE: Yes.
13 MS. PAOLI: Doyle?
14 CHAIR DOYLE: Yes.
15 MS. PAOLI: Dumanis?
16 *(No response)*
17 MS. PAOLI: Hayhurst?
18 COMMISSIONER HAYHURST: Yes.
19 MS. PAOLI: Linden?
20 COMMISSIONER LINDEN: Yes.
21 MS. PAOLI: Lowenberg?
22 *(No response)*
23 MS. PAOLI: Lundgren?
24 COMMISSIONER LUNDGREN: Yes.
25 MS. PAOLI: McGinness?

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1 COMMISSIONER MCGINNESS: Yes.

2 MS. PAOLI: Smith?

3 COMMISSIONER SMITH: Yes.

4 MS. PAOLI: Sobek?

5 COMMISSIONER SOBEK: Yes.

6 MS. PAOLI: Soubirous?

7 COMMISSIONER SOUBIROUS: Yes.

8 MS. PAOLI: Anderson?

9 COMMISSIONER ANDERSON: Yes.

10 CHAIR DOYLE: The motion passes.

11 Item G, a Request for Approval to Apply for Federal
12 Homeland Security Grant Funds for Fiscal Year 2010/2011.

13 Does any commissioner request a report?

14 *(No response)*

15 CHAIR DOYLE: Is there a motion?

16 COMMISSIONER LUNDGREN: Motion to approve.

17 Lundgren.

18 COMMISSIONER SOUBIROUS: Second. Soubirous.

19 CHAIR DOYLE: A motion and a second.

20 All those in favor?

21 *(A chorus of "ayes" was heard.)*

22 CHAIR DOYLE: The motion passes.

23 Item H is a Contract Request for Management Fellow
24 in Support of the Video Training Program.

25 Commissioners?

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1 Is there a motion?

2 COMMISSIONER LUNDGREN: I have a question on this.

3 Wow, that mike is loud.

4 Yesterday, during the Advisory Committee, we learned
5 all the -- we listened to all of the facts.

6 Would this be a good point to go out to an RFP to
7 kind of redo the whole thing? Or are we just going to
8 take this contract from UCI, push it over here? And how
9 long is that going to happen? Or am I in the wrong area
10 here?

11 MS. BULLARD: This is a separate item, sir.

12 COMMISSIONER LUNDGREN: Okay, I'm on the wrong one.
13 Sorry.

14 CHAIR DOYLE: That's okay.

15 COMMISSIONER LUNDGREN: We'll have that discussion
16 in a minute.

17 MR. CAPPITELLI: Don't go away, Jan.

18 MS. BULLARD: I'll be here if you need me. I'll be
19 here all week. Tip your waitress.

20 COMMISSIONER LINDEN: Jeff, we'll just have Dan
21 repeat back, just read back for the next item.

22 COMMISSIONER LUNDGREN: Very well.

23 CHAIR DOYLE: So that being said, is there a motion?

24 COMMISSIONER HAYHURST: So moved.

25 COMMISSIONER ALLEN: Second. Allen.

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1 CHAIR DOYLE: All those in favor -- excuse me,
2 excuse me.

3 Roll call.

4 MS. PAOLI: Who was the motion?

5 CHAIR DOYLE: Hayhurst.

6 Now, the roll call.

7 MS. PAOLI: Allen?

8 COMMISSIONER ALLEN: Yes.

9 MS. PAOLI: Batts?

10 (No response)

11 MS. PAOLI: Bui?

12 VICE CHAIR BUI: Yes.

13 MS. PAOLI: Campbell?

14 COMMISSIONER CAMPBELL: Yes.

15 MS. PAOLI: Cooke?

16 COMMISSIONER COOKE: Yes.

17 MS. PAOLI: Doyle?

18 CHAIR DOYLE: Yes.

19 MS. PAOLI: Dumanis?

20 (No response)

21 MS. PAOLI: Hayhurst?

22 COMMISSIONER HAYHURST: Yes.

23 MS. PAOLI: Linden?

24 COMMISSIONER LINDEN: Yes.

25 MS. PAOLI: Lowenberg?

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1 (No response)

2 MS. PAOLI: Lundgren?

3 COMMISSIONER LUNDGREN: Yes.

4 MS. PAOLI: McGinness?

5 COMMISSIONER MCGINNESS: Yes.

6 MS. PAOLI: Smith?

7 COMMISSIONER SMITH: Yes.

8 MS. PAOLI: Sobek?

9 COMMISSIONER SOBEK: Yes.

10 MS. PAOLI: Soubirous?

11 COMMISSIONER SOUBIROUS: Yes.

12 MS. PAOLI: Anderson?

13 COMMISSIONER ANDERSON: Yes.

14 CHAIR DOYLE: The motion passes.

15 Item I, Report on Strategic Plan Objective B.14 to
16 Study the Feasibility of Expanding the Use of Blended
17 Learning to Increase Distance-Learning Opportunities.

18 COMMISSIONER SOBEK: Motion.

19 CHAIR DOYLE: Is there a second?

20 COMMISSIONER SOBEK: Sobek. That was Sobek.

21 COMMISSIONER MCGINNESS: Second. McGinness.

22 CHAIR DOYLE: McGinness is second.

23 All those in favor?

24 (*A chorus of "ayes" was heard.*)

25 CHAIR DOYLE: Now, we're at J. And that's the

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1 Augmentation of Existing Contract to Support Development
2 of 2011 *Legal Update* Training.

3 MS. BULLARD: Good morning, Mr. Chair and
4 Commissioners.

5 The request for augmentation on this contract has
6 two purposes.

7 The first is to allow us to produce the 2011 *Legal*
8 *Update* training video and resource material. Since 1989,
9 POST has produced a *Legal Update* video annually as part
10 of our regular training video contract. We are currently
11 going through a competitive bid process and have not been
12 able to award the new contract at this time.

13 We, at the beginning of the year, did a training-
14 needs assessment survey, and the *Legal Update* came out in
15 the top five topics that the field wanted us to cover.
16 For that purpose, we were looking for a different method
17 in which to deliver this training.

18 We have an existing contract with Golden West
19 College who currently does our *Case Law Today* series.
20 By augmenting this existing contract, it will allow us to
21 do the 2011 *Legal Update* video without missing a year or
22 skipping a year.

23 The second purpose is to add some additional funds
24 in order for us to convert the *Legal Update* and the next
25 12 months of the *Case Law Today* series into a format that

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1 will allow the users an option if they would like to
2 download the video assets onto their mobile devices,
3 which means basically they could review them on their
4 iPads or their Droids or their BlackBerries, and take it
5 into the field with them as a resource.

6 We are really excited about this idea because I
7 think it's going to give us a very good look at whether
8 this is going to be a popular mode of delivery of some of
9 our training materials; and we will be watching and
10 studying this by logging the downloads on both of these
11 assets.

12 This is a cost-neutral proposal. We are going to
13 be using funds from -- unspent training funds from a
14 contract. And the breakdown for these costs is
15 Attachment A to your agenda items.

16 COMMISSIONER LINDEN: Mr. Chair, I'll move Item J.
17 Linden.

18 CHAIR DOYLE: Is there a second?

19 COMMISSIONER LUNDGREN: Second. Lundgren.

20 CHAIR DOYLE: Roll call.

21 MS. PAOLI: Okay, so we've got Allen?

22 COMMISSIONER ALLEN: Yes.

23 MS. PAOLI: Batts?

24 *(No response)*

25 MS. PAOLI: Bui?

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1 VICE CHAIR BUI: Yes.

2 MS. PAOLI: Campbell?

3 COMMISSIONER CAMPBELL: Yes.

4 MS. PAOLI: Cooke?

5 COMMISSIONER COOKE: Yes.

6 MS. PAOLI: Doyle?

7 CHAIR DOYLE: Yes.

8 MS. PAOLI: Dumanis?

9 *(No response)*

10 MS. PAOLI: Hayhurst?

11 COMMISSIONER HAYHURST: Yes.

12 MS. PAOLI: Linden?

13 COMMISSIONER LINDEN: Yes.

14 MS. PAOLI: Lowenberg?

15 *(No response)*

16 MS. PAOLI: Lundgren?

17 COMMISSIONER LUNDGREN: Yes.

18 MS. PAOLI: McGinness?

19 COMMISSIONER MCGINNESS: Yes.

20 MS. PAOLI: Smith?

21 COMMISSIONER SMITH: Yes.

22 MS. PAOLI: Sobek?

23 COMMISSIONER SOBEK: Yes.

24 MS. PAOLI: Soubirous?

25 COMMISSIONER SOUBIROUS: Yes.

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1 MS. PAOLI: Anderson?

2 COMMISSIONER ANDERSON: Yes.

3 CHAIR DOYLE: The motion passes.

4 Item K, Report on Acceptance and Use of CalEPA Grant
5 Funds for Environmental Crimes Training.

6 MS. BULLARD: I just needed to go back.

7 CHAIR DOYLE: Does any commissioner request to
8 report?

9 MS. BULLARD: Request for report?

10 CHAIR DOYLE: No?

11 MS. BULLARD: Okay.

12 CHAIR DOYLE: Is there a motion?

13 VICE CHAIR BUI: Motion. Bui.

14 CHAIR DOYLE: Second?

15 COMMISSIONER SOUBIROUS: Second. Soubirous.

16 CHAIR DOYLE: Roll call.

17 MS. PAOLI: Allen?

18 COMMISSIONER ALLEN: Yes.

19 MS. PAOLI: Batts?

20 *(No response)*

21 MS. PAOLI: Bui?

22 VICE CHAIR BUI: Yes.

23 MS. PAOLI: Campbell?

24 COMMISSIONER CAMPBELL: Yes.

25 MS. PAOLI: Cooke?

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1 COMMISSIONER COOKE: Yes.

2 MS. PAOLI: Doyle?

3 CHAIR DOYLE: Yes.

4 MS. PAOLI: Dumanis?

5 *(No response)*

6 MS. PAOLI: Hayhurst?

7 COMMISSIONER HAYHURST: Yes.

8 MS. PAOLI: Linden?

9 COMMISSIONER LINDEN: Yes.

10 MS. PAOLI: Lowenberg?

11 *(No response)*

12 MS. PAOLI: Lundgren?

13 COMMISSIONER LUNDGREN: Yes.

14 MS. PAOLI: McGinness?

15 COMMISSIONER MCGINNESS: Yes.

16 MS. PAOLI: Smith?

17 COMMISSIONER SMITH: Yes.

18 MS. PAOLI: Sobek?

19 COMMISSIONER SOBEK: Yes.

20 MS. PAOLI: Soubirous?

21 COMMISSIONER SOUBIROUS: Yes.

22 MS. PAOLI: Anderson?

23 COMMISSIONER ANDERSON: Yes.

24 CHAIR DOYLE: The motion passes.

25 Item L, Contract Request to Develop and Validate the

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1 Incorporation of Technology into the LD 19 Pilot Training
2 Study.

3 COMMISSIONER HAYHURST: Motion.

4 CHAIR DOYLE: Hayhurst.

5 Second?

6 COMMISSIONER MCGINNESS: McGinness.

7 CHAIR DOYLE: Roll call.

8 MS. PAOLI: Allen?

9 COMMISSIONER ALLEN: Yes.

10 MS. PAOLI: Batts?

11 *(No response)*

12 MS. PAOLI: Bui?

13 VICE CHAIR BUI: Yes.

14 MS. PAOLI: Campbell?

15 COMMISSIONER CAMPBELL: Yes.

16 MS. PAOLI: Cooke?

17 COMMISSIONER COOKE: Yes.

18 MS. PAOLI: Doyle?

19 CHAIR DOYLE: Yes.

20 MS. PAOLI: Dumanis?

21 *(No response)*

22 MS. PAOLI: Hayhurst?

23 COMMISSIONER HAYHURST: Yes.

24 MS. PAOLI: Linden?

25 COMMISSIONER LINDEN: Yes.

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1 MS. PAOLI: Lowenberg?

2 *(No response)*

3 MS. PAOLI: Lundgren?

4 COMMISSIONER LUNDGREN: Yes.

5 MS. PAOLI: McGinness?

6 COMMISSIONER MCGINNESS: Yes.

7 MS. PAOLI: Smith?

8 COMMISSIONER SMITH: Yes.

9 MS. PAOLI: Sobek?

10 COMMISSIONER SOBEK: Yes.

11 MS. PAOLI: Soubirous?

12 COMMISSIONER SOUBIROUS: Yes.

13 MS. PAOLI: Anderson?

14 COMMISSIONER ANDERSON: Yes.

15 CHAIR DOYLE: The motion passes.

16 Item M, Report on Proposed Amendment to POST

17 Administrative Manual Regulation 1054.

18 Is there a motion?

19 COMMISSIONER MCGINNESS: So moved. McGinness.

20 COMMISSIONER LINDEN: Second. Linden.

21 CHAIR DOYLE: All those in favor?

22 *(A chorus of "ayes" was heard.)*

23 CHAIR DOYLE: Item N, Contract Augmentation for Law

24 Enforcement Driver and Force Option Simulator Training.

25 Require a report?

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1 (No response)

2 CHAIR DOYLE: Is there a motion?

3 COMMISSIONER SOBEK: Sobek.

4 CHAIR DOYLE: A second?

5 VICE CHAIR BUI: Bui.

6 CHAIR DOYLE: Roll call.

7 MS. PAOLI: Allen?

8 COMMISSIONER ALLEN: Yes.

9 MS. PAOLI: Batts?

10 (No response)

11 MS. PAOLI: Bui?

12 VICE CHAIR BUI: Yes.

13 MS. PAOLI: Campbell?

14 COMMISSIONER CAMPBELL: Yes.

15 MS. PAOLI: Cooke?

16 COMMISSIONER COOKE: Yes.

17 MS. PAOLI: Doyle?

18 CHAIR DOYLE: Yes.

19 MS. PAOLI: Dumanis?

20 (No response)

21 MS. PAOLI: Hayhurst?

22 COMMISSIONER HAYHURST: Yes.

23 MS. PAOLI: Linden?

24 COMMISSIONER LINDEN: Yes.

25 MS. PAOLI: Lowenberg?

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1 *(No response)*

2 MS. PAOLI: Lundgren?

3 COMMISSIONER LUNDGREN: Yes.

4 MS. PAOLI: McGinness?

5 COMMISSIONER MCGINNESS: Yes.

6 MS. PAOLI: Smith?

7 COMMISSIONER SMITH: Yes.

8 MS. PAOLI: Sobek?

9 COMMISSIONER SOBEK: Yes.

10 MS. PAOLI: Soubirous?

11 COMMISSIONER SOUBIROUS: Yes.

12 MS. PAOLI: Anderson?

13 COMMISSIONER ANDERSON: Yes.

14 CHAIR DOYLE: The motion passes.

15 Item 0, Request to Accept Additional VAWA Grant

16 Funds from Cal EMA.

17 COMMISSIONER MCGINNESS: So moved. McGinness.

18 COMMISSIONER SOBEK: Second. Sobek.

19 CHAIR DOYLE: Roll call.

20 MS. PAOLI: Allen?

21 COMMISSIONER ALLEN: Yes.

22 MS. PAOLI: Batts?

23 *(No response)*

24 MS. PAOLI: Bui?

25 VICE CHAIR BUI: Yes.

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1 MS. PAOLI: Campbell?
2 COMMISSIONER CAMPBELL: Yes.
3 MS. PAOLI: Cooke?
4 COMMISSIONER COOKE: Yes.
5 MS. PAOLI: Doyle?
6 CHAIR DOYLE: Yes.
7 MS. PAOLI: Dumanis?
8 *(No response)*
9 MS. PAOLI: Hayhurst?
10 COMMISSIONER HAYHURST: Yes.
11 MS. PAOLI: Linden?
12 COMMISSIONER LINDEN: Yes.
13 MS. PAOLI: Lowenberg?
14 *(No response)*
15 MS. PAOLI: Lundgren?
16 COMMISSIONER LUNDGREN: Yes.
17 MS. PAOLI: McGinness?
18 COMMISSIONER MCGINNESS: Yes.
19 MS. PAOLI: Smith?
20 COMMISSIONER SMITH: Yes.
21 MS. PAOLI: Sobek?
22 COMMISSIONER SOBEK: Yes.
23 MS. PAOLI: Soubirous?
24 COMMISSIONER SOUBIROUS: Yes.
25 MS. PAOLI: Anderson?

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1 COMMISSIONER ANDERSON: Yes.

2 CHAIR DOYLE: The motion passes.

3 Committee reports, Item P, Long-Range Planning
4 Committee.

5 I'd love to give a report; however, I was absent.

6 MR. CAPPITELLI: The report is in the folder if you
7 need anything beyond it.

8 CHAIR DOYLE: Do we need a motion?

9 MR. CAPPITELLI: I don't think you do. Just a
10 report.

11 CHAIR DOYLE: Do we have any questions about the
12 report? Item P?

13 *(No response)*

14 CHAIR DOYLE: No?

15 Finance Committee, Item Q. Commissioner Sobek sat
16 in for Commissioner McGinness.

17 COMMISSIONER SOBEK: I did.

18 We had a Finance Committee meeting yesterday,
19 Mr. Chair. And we were given the financial report for
20 the fourth quarter year of 2009-10.

21 It was reported that revenues were higher than the
22 amount received in the previous year but slightly less
23 than the amount projected for this year.

24 The report reflects that the number of reimbursable
25 trainees and their training reimbursement was

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1 significantly less, 29 percent and 26 percent,
2 respectively, than 2008-09. And staff attributes these
3 decreases to the continuing downturn of the economy and
4 the imposition of the 40-hour cap in reimbursable
5 training.

6 We talked about contracts entered during the fiscal
7 year of 2009-10. And we had a report on expenditures for
8 2009-10.

9 It was pointed out that even though an additional
10 \$6 million was made available for the purchase of the
11 driving simulators and local agency reimbursements were
12 continued into the month of July, the year still ended
13 with over \$930,000 in savings. And that was
14 automatically added to the POST reserve.

15 We had a report on the expenditure projections for
16 2010-11. And it was just recently signed. The staff
17 first reported on the status of POST's budget. The
18 entire budget of \$61.4 million, or \$59.4 million from the
19 Peace Officers Training Fund was left intact without any
20 budget or resource reduction.

21 So we have to give kudos to staff and their
22 relationship with the Governor's office and the budget
23 people over at the Governor's office for keeping that
24 money intact. And I want to give kudos to them for that.
25 They did a great job.

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1 I think that would be about it. We passed
2 everything else. So that would be our report.

3 CHAIR DOYLE: Is there something that requires a
4 motion to approve the Finance report?

5 MR. CAPPITELLI: I believe so.

6 CHAIR DOYLE: Is there a motion to approve the
7 Finance report?

8 COMMISSIONER LUNDGREN: So moved. Lundgren.

9 CHAIR DOYLE: Is there a second?

10 COMMISSIONER CAMPBELL: Second.

11 COMMISSIONER SOUBIROUS: Second --

12 COMMISSIONER CAMPBELL: Second. Campbell.

13 CHAIR DOYLE: Campbell.

14 I assume it's a roll call?

15 MS. PAOLI: No.

16 CHAIR DOYLE: No? Okay.

17 All those in favor?

18 *(A chorus of "ayes" was heard.)*

19 CHAIR DOYLE: The motion passes.

20 Item R, Advisory Committee.

21 Brent?

22 MR. NEWMAN: Thank you.

23 On the Advisory Committee yesterday, we were able to
24 receive a presentation regarding the search warrant tool
25 that you all have become familiar with it. And it wasn't

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1 so much on the tool; it was on the fact that POST has
2 innovated, by providing a commercial or an advertisement.
3 And they provided that in a number of different formats
4 to essentially market what the tools are available. And
5 there were a couple items that you already covered in
6 your agenda dealing with online or blended learning.
7 We've talked about that in the Strategic Plan.

8 And yet as these tools become available and there is
9 investment in them, unless the message gets out to the
10 officers and they're actually using the tool or they're
11 aware of the tool, then it's not money well spent.

12 So we saw a very effective commercial yesterday, and
13 all those tools are available, I found out, on the POST
14 Web site, and particularly in the "What's New." And I
15 found myself surfing late last night. And a very, very
16 impressive Web site in development.

17 We also had the election of the Advisory Committee
18 chair and vice chair. For 2011, the new chair will be
19 Laura Lorman, who represents the Women Peace Officers
20 Association of California.

21 Congratulations to Laura.

22 And the vice chair will be Sandra Spagnoli, who
23 represents CPOA.

24 And I will hold the rest of my comments for a later
25 time.

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1 Thank you.

2 CHAIR DOYLE: Thank you.

3 Item S, Leg. Committee report.

4 COMMISSIONER Lundgren?

5 COMMISSIONER LUNDGREN: We met this morning.

6 There's really no new legislation that POST took a

7 direction on.

8 If any of the commissioners would like a report on

9 the past legislation, we'd be more than willing.

10 CHAIR DOYLE: Thank you.

11 COMMISSIONER LUNDGREN: That's it.

12 COMMISSIONER LINDEN: Mr. Chair?

13 CHAIR DOYLE: Yes, Commissioner Linden.

14 COMMISSIONER LINDEN: Can I ask a question? Maybe

15 this is more for the Executive Director, perhaps a

16 comment.

17 One of the things that sort of dawned on me after

18 six years, is that when items are coming to the

19 Commission for approval, they've already been considered

20 by Finance, Advisory, and Legislative committees, for

21 advisory position. So those committees are meeting the

22 day before our Commission meeting and the morning of, and

23 they're considering a lot of the action items on the

24 agenda and offering their advisory input to the

25 Commission, and yet we're approving items before we're

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1 actually getting to those committee reports.

2 So it seems like for -- especially for Advisory and
3 Finance, their committees already have recommendations
4 for us that we're not really hearing until after the
5 fact, unless the Chair happens to remember to ask them
6 related to a specific item. And we always forget that.

7 Would it be preferable to move the committee reports
8 up to the beginning of the agenda before we actually get
9 to our action items, just so that we can hear from those
10 committees that, you know, they recommend approval on
11 Items X, Y, Z, or have concerns about the following
12 items, so that we can consider that as we're taking
13 action on items?

14 MR. CAPPITELLI: Yes, we can do that.

15 My recommendation would be maybe a variation from
16 that, which would be perhaps we should move the Finance
17 Committee report to the beginning of the meeting, so that
18 the Commission has a sense of, you know, the state of the
19 state at that moment.

20 And then instead of moving the Advisory report to
21 the beginning of the agenda, perhaps we could just say,
22 routinely, that as a matter of practice, when we go
23 through the agenda items, we should defer to the Advisory
24 Committee chair.

25 And I think we've done that at some time. We've

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1 probably been inconsistent in this regard.

2 But we'll make sure for the next meeting and for
3 future meetings, if that be the will of the Commission,
4 that we have that opportunity for the Advisory Committee
5 to weigh in on those issues.

6 Would that be acceptable?

7 COMMISSIONER LINDEN: That would be great, I think.
8 Yes.

9 CHAIR DOYLE: Although when you ask to make
10 comments, we were going to say "no."

11 I'm just kidding.

12 COMMISSIONER LINDEN: I understand.

13 CHAIR DOYLE: Item T, Correspondence. You'll find
14 that on pages 15 and 16.

15 And Item U is Old Business and it's Nomination of
16 Public Members to the Advisory Committee.

17 And you all received a packet in advance. You also
18 received one more.

19 COMMISSIONER SOBEK: We have one more?

20 COMMISSIONER LINDEN: It should have been at your
21 place --

22 CHAIR DOYLE: Yes, it was at your place. It's
23 Edward Barry.

24 COMMISSIONER SOBEK: Okay, got it.

25 CHAIR DOYLE: And there's one more --

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1 MR. CAPPITELLI: Mr. Chair, Members of the
2 Commission: Probably because this is a new process for
3 us, where we're expanding the manner and the method in
4 which we make these nominations, we got a little confused
5 in a couple of areas on this particular issue.

6 Yesterday, at Advisory Committee, it was pointed out
7 to me -- and I think appropriately -- that the Advisory
8 Committee probably should have had an opportunity to at
9 least know the nominees, for the sake of consistency,
10 because previously the Advisory Committee has known the
11 name of other nominees for the Advisory Committee as part
12 of the packet. So that's something that we were remiss
13 on.

14 But probably more importantly, is the fact that, as
15 you recall at the last Commission meeting, we had a lot
16 of discussion about the nature and scope of the member
17 itself, whether that should be a public member,
18 et cetera, whether that person should have a law-
19 enforcement affiliation, or whatever.

20 In that -- when we refer back to notes of the last
21 Commission meeting, we believe it was the will of the
22 Commission that Alex Bernard or any other members who
23 were put forward as nominees from the last Commission
24 meeting should be carried forward to this one.

25 Mr. Bernard was not asked to, and probably did not

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1 realize that he was supposed to submit an application.

2 What I'm throwing out to you is, would it be your
3 will that Mr. Bernard be considered as part of that?

4 I don't want that to get lost in the shuffle. Or do you
5 believe that the new process is application only?

6 COMMISSIONER HAYHURST: Commissioner Hayhurst.

7 It's absolutely my recommendation that we include
8 Mr. Bernard. He has shown interest. He has been -- he
9 would still be on, had his term not ended. He is still
10 desirous of being considered, and I would make a motion
11 that we include him.

12 COMMISSIONER LINDEN: Did he think that he didn't
13 have to submit an application? Was that a
14 misunderstanding?

15 COMMISSIONER HAYHURST: He was never told that he
16 needed to submit one.

17 MR. CAPPITELLI: That would be my guess.

18 COMMISSIONER LINDEN: Okay.

19 VICE CHAIR BUI: Bui. I second that.

20 CHAIR DOYLE: Okay, so we'll add him to the list.

21 COMMISSIONER LUNDGREN: Is there a motion?

22 VICE CHAIR BUI: Yes, to add him as a candidate.

23 CHAIR DOYLE: Now, how do we want to approach -- we
24 have six applicants and we have two vacancies.

25 MR. CAPPITELLI: Yes.

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1 CHAIR DOYLE: And what's the pleasure of how we --

2 VICE CHAIR BUI: I'm sorry, I just wanted to
3 clarify. And that's just to include him as a nominee?

4 CHAIR DOYLE: Yes.

5 VICE CHAIR BUI: Okay.

6 CHAIR DOYLE: So how would we like to move forward
7 in selecting two members of the six?

8 COMMISSIONER LINDEN: This is new to all of us.

9 COMMISSIONER HAYHURST: Well, it's my understanding
10 that we've already expanded what's going to be a
11 dispatcher representative. So we have to select one from
12 there, correct?

13 CHAIR DOYLE: Mr. Deal will clarify.

14 MR. DEAL: Now, what you have before you under the
15 correspondence, is two positions that are identified for
16 the POST Advisory Committee.

17 The first one is to reappointment Sandra Spagnoli as
18 a representative of CPOA.

19 The second one is for the new position that is
20 approved previously by the Commission for the public
21 safety dispatcher position to be added to the Advisory
22 Committee.

23 CHAIR DOYLE: Which is under New Business?

24 MR. DEAL: Which is, both of those are under New
25 Business.

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1 So this is separate and apart. The only thing we're
2 dealing with right now are the two vacancies associated
3 with the public member.

4 COMMISSIONER LINDEN: With the public members.

5 Do you want to just take thoughts and comments on
6 any of the nominations that might have struck us or...

7 MR. CAPPITELLI: I believe what Mr. Deal is saying
8 is, we probably jumped ahead a little bit.

9 Is that correct?

10 MR. DEAL: Yes.

11 COMMISSIONER LINDEN: No, for the public -- for the
12 public nominations.

13 CHAIR DOYLE: The public nominations are under Old
14 Business.

15 COMMISSIONER LINDEN: We have to get down from six,
16 to two, right?

17 COMMISSIONER MCGINNESS: If I may, Mr. Chair, I'm in
18 a unique position. I know a significant number of these
19 people. In fact, I think every one of these folks I have
20 some familiarity with.

21 And I don't know if it's appropriate at this
22 juncture to point out the fact that one in particular
23 stands out from my personal interaction with him over the
24 years.

25 Elmo Banning is a retired Sac PD sergeant --

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1 COMMISSIONER ALLEN: Absolutely.

2 COMMISSIONER MCGINNESS: -- and educator and
3 trainer. And he's just a phenomenal police officer. A
4 great partner to work with, on various efforts and
5 projects.

6 His heart still remains very much in law
7 enforcement. I think he'd be a great addition.

8 COMMISSIONER ALLEN: He's at the top of my list.

9 VICE CHAIR BUI: Absolutely.

10 COMMISSIONER SOBEK: Can you make a motion to
11 nominate him right now?

12 COMMISSIONER MCGINNESS: That did sound like a
13 motion.

14 COMMISSIONER ANDERSON: We have a motion that was
15 not voted on yet on Mr. Bernard.

16 VICE CHAIR BUI: To include him as a nominee.
17 That's correct.

18 CHAIR DOYLE: Just to include him.

19 COMMISSIONER ANDERSON: Right, right. But we didn't
20 get a group vote.

21 CHAIR DOYLE: Oh, I'm sorry.

22 COMMISSIONER ANDERSON: That's okay.

23 CHAIR DOYLE: Okay, so we had a motion and a second.

24 All in favor?

25 *(A chorus of "ayes" was heard.)*

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1 CHAIR DOYLE: Now, who wants to make a motion on
2 him?

3 COMMISSIONER MCGINNESS: I'll move --

4 COMMISSIONER ALLEN: Second.

5 COMMISSIONER MCGINNESS: Can I say my name first?

6 McGinness moves to appoint Elmo Banning.

7 CHAIR DOYLE: And second?

8 COMMISSIONER ALLEN: Alan will second that.

9 CHAIR DOYLE: Any discussion?

10 All those in favor?

11 *(A chorus of "ayes" was heard.)*

12 CHAIR DOYLE: We have one position left.

13 COMMISSIONER HAYHURST: I'll make a motion for Alex
14 Bernard.

15 COMMISSIONER SMITH: Second.

16 CHAIR DOYLE: Motion for Alex Bernard.

17 And second by --

18 COMMISSIONER SMITH: Smith.

19 CHAIR DOYLE: -- Smith.

20 Any discussion?

21 *(No response)*

22 CHAIR DOYLE: All those in favor?

23 *(A chorus of "ayes" was heard.)*

24 CHAIR DOYLE: Item V is New Business.

25 And you have a handout. And the first item is

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1 Nomination of Public Safety Dispatcher and CPOA members.

2 If you go back to page 15, on page 15 there's a
3 letter from the CPOA recommending that Sandra Spagnoli be
4 reappointed.

5 And there's a letter from the acting chairperson of
6 POST Dispatch Advisory Council. I don't know if he is
7 the representative, recommending Alan McFadon.

8 Any discussion?

9 *(No response)*

10 CHAIR DOYLE: Is there a motion to approve those
11 recommendations?

12 COMMISSIONER LUNDGREN: Motion. Lundgren.

13 CHAIR DOYLE: Is there a second?

14 COMMISSIONER HAYHURST: Second. Hayhurst.

15 CHAIR DOYLE: All those in favor?

16 *(A chorus of "ayes" was heard.)*

17 CHAIR DOYLE: Number 2, a report on Long-Range
18 Planning by Executive Director.

19 MR. CAPPITELLI: Thank you.

20 MR. Chair, Members of the Commission, at the last
21 Long-Range Planning Committee meeting -- or after last
22 Long-Range Planning Committee meeting, I should say --
23 I was approached by Commissioner Lowenberg wanting to
24 have a discussion about how the Long-Range Planning
25 Committee meeting fits into our entire process. And just

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1 the -- I'll try to be as brief and succinct as I can
2 about the conversation.

3 The term "Long-Range Planning" suggests that this is
4 something that is a group that needs to decide something
5 that's more of a strategic nature and it's down the road.
6 However, the process somehow has morphed into what is, in
7 essence, a vetting of a condensed portion of the agenda
8 by a handful of commissioners in advance of the
9 Commission meeting.

10 When Commissioner Lowenberg brought it to my
11 attention, he brought it to my attention more as a
12 concern about, "Why do we have this meeting, and is there
13 some other way we should be using the Long-Range Planning
14 process?"

15 The concern that I raise, which I think is probably
16 even a greater concern about that, is the fact that we
17 have -- staff creates -- or goes to work to create this
18 Long-Range Planning agenda, which is a lot of a
19 compilation of condensed versions of certain policy
20 items, and then that's pushed out to a handful of
21 Commission members who, in essence, have the first glance
22 at what is going to be a policy item for consideration.
23 And they can either alter the course of that or change
24 that at that juncture.

25 Instead, what I would recommend the Commission

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1 consider would be two things.

2 First of all, we could leave a Long-Range Planning
3 Committee in place. But the Long-Range Planning
4 Committee could perhaps be a group that meets maybe on an
5 annual basis to look at what we have in terms of the
6 Strategic Plan and new Strategic Plan objectives and/or
7 anything else that the Long-Range Planning Committee
8 wants to bring up for the long-term. That could also be
9 something that could be -- come to somebody throughout
10 the course of the year, you know, "We ought to look at
11 this down the road?" et cetera.

12 Simultaneously, within POST, we've created a group
13 of staff who represents everybody from the Executive
14 Office, all the way down to various members at the staff
15 level, at the analyst level, et cetera, to our looking at
16 taking Future Vision -- that's what we call it, the
17 "Future Vision Team," and looking at things similarly to
18 the way they look at through Command College: What's
19 going to be on the horizon?

20 So perhaps we could take items out of there and push
21 that down to the Long-Range Planning Committee.

22 In its place, I would recommend that instead of
23 having a Long-Range Planning Committee meeting a month in
24 advance of this Commission meeting, that we prepare a
25 point in time, perhaps, of two or three weeks out from

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1 the mail-out, where staff will provide the chair and the
2 vice chair, if it be your will, with a draft -- a final
3 draft of the agenda. And at that point, the chair and
4 the vice chair could look at that to see if there's
5 anything in there that they feel they want staff to
6 revise or whatever. In essence, it's a vetting process;
7 but it only involves two commissioners: The chair and
8 the vice chair. Once that's completed, then we can make
9 those final changes and then that becomes the final
10 agenda.

11 That would be in place of what we're doing right
12 now, which is having everybody get together -- or having
13 that group get together to really look at the condensed
14 version.

15 It will save staff time, and I think it will
16 expedite the process for us to be able to get the agenda
17 out to the members of the Commission.

18 So that would be the recommendation.

19 Yes, Commissioner Campbell?

20 COMMISSIONER CAMPBELL: Being on the Long-Range
21 Planning Committee, we've had a conversation -- I've had
22 a conversation with Ron, who I feel like he has a real
23 good handle on it. But Long-Range Planning to me means
24 thinking about new thoughts, new ideas -- planning
25 something that we may want to implement along the line;

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1 not just following up of making certain that the staff is
2 doing the certain things.

3 We felt that it's been a waste of time recently. I
4 know in private business, you try to plan out with new
5 thoughts: Is there anything way out there that we need
6 to see? And that is what -- that's my opinion of
7 Long-Range Planning, not approving something that staff
8 is doing that it ends up at the Commission meeting,
9 anyway.

10 And I think that when you're talking Long-Range
11 Planning, that it doesn't need to be by teleprompter that
12 you need to get together in a group and save money. I
13 certainly think it should be like following a Commission
14 meeting or something like that, if there was ever a
15 Long-Range Planning, start thinking about: Are there
16 some ideas that could help in law enforcement? Are there
17 new things going on, and not just go over the same thing
18 that we're going to go over here at the Commission
19 meeting.

20 I know that my pal here, Walter, was at the meeting.
21 I don't know if he has comments or not.

22 COMMISSIONER ALLEN: Yes, I would say that I was
23 very hopeful. And we talked about this -- Ron and I
24 talked about this. But the recommendation you have just
25 made is a worthy one.

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1 We know -- I know for a fact that staff networks
2 with the stakeholders out there on a daily basis. And
3 they have a real good feel of what's going on out there
4 in the different departments, at the county and city and
5 state level. And getting the Long-Range Planning group
6 together once a year and looking at what is coming out of
7 our cities and our counties, and then looking at what's
8 going on nationally would probably suffice from my point
9 of view.

10 CHAIR DOYLE: Commissioner Linden?

11 COMMISSIONER LINDEN: I completely agree. And I've
12 struggled with the same thing when I was on the
13 Long-Range Planning Committee about, you know, what's the
14 role. But I think the big difference in terms of what's
15 changed and perhaps what led to the change in the
16 perceived role of the Long-Range Planning Committee is
17 the strategic planning process that you've implemented
18 with POST, which -- or maybe made more robust, I should
19 say, with POST -- which really is very, very
20 comprehensive.

21 And I know that you do -- and we've considered the
22 timing for Strategic Plan updates.

23 And I'm really wondering whether or not we really
24 need a Long-Range Planning Committee; or, instead of
25 that, when you -- I think you update the Strategic Plan

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1 every few years, and that's quite a process to do that,
2 where you really are vetting, not only with your staff
3 but stakeholders in the field.

4 How about instead of having a Long-Range Planning
5 Committee, we simply involve a cross-section of
6 commissioners in that strategic planning process; so that
7 when it comes time -- let's say it's 2011, that you're
8 going to be looking at a comprehensive update to the
9 Strategic Plan of 2012 -- is that included in that
10 process, are a committee of commissioners chosen by the
11 Commission at the meeting before to be part of that
12 process? And in that way, we're weaving our perceptions
13 and thoughts and views, from the Commission's
14 perspective, into your more comprehensive strategic
15 planning process, rather than it being separate from.

16 And I think that that's the appropriate role. It
17 would be great to have input into that process, but it
18 should be under -- I think under the structure of that
19 process, because it is so comprehensive, and it's
20 workload for staff as well. It's not creating an
21 additional sort of parallel process with the Commission.

22 MR. CAPPITELLI: Right. And what you just
23 mentioned, Commissioner Linden, that somewhat mirrors
24 what Commission Lowenberg mentioned.

25 The only caveat that I would have would be, I'd like

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1 to see that involvement of the commissioners perhaps be
2 something that occurs after we convene the stakeholder
3 groups.

4 I wouldn't recommend -- I think it would not
5 probably be prudent to have commissioners themselves go
6 to the SME work groups where they actually sit in the
7 room. It might inhibit the process.

8 COMMISSIONER LINDEN: No, that's fine, and I wasn't
9 suggesting that.

10 MR. CAPPITELLI: Yes.

11 COMMISSIONER LINDEN: Yes, so at whatever point in
12 the strategic planning process you feel it would be
13 appropriate to involve a committee of commissioners, I
14 think that's preferable than the way the Long-Range
15 Planning Committee is operating now.

16 So I would almost -- I'm wondering if we actually
17 need the committee anymore, or do we just want to make it
18 part of our -- our input part of the strategic planning
19 process?

20 MR. CAPPITELLI: We may not. And perhaps what we
21 could do is after -- if the Commission is in concurrence
22 that -- at least to agree that the Long-Range Planning
23 Committee and the current process that we have should be
24 shelved, and that if there's a need for some type of
25 Strategic Plan evaluation process which involves

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1 commissioners, we could go back and develop something to
2 bring to the next meeting for you to look at as a model.

3 The other part of that is, I was probably a little
4 bit remiss -- and I apologize to the Advisory
5 Committee -- but the Advisory Committee member or chair
6 sits on currently what is the Long-Range Planning
7 Committee meeting, and has an opportunity to see that
8 agenda.

9 Perhaps instead of maybe the chair and vice chair,
10 maybe it should be the chair of the Commission and the
11 chair of the Advisory Committee who are part of that --
12 we'll call it the "Agenda Review Committee" instead of
13 the "Long-Range Planning Committee"; and staff will
14 determine the appropriate time, the interval that that
15 should be inserted into the process. That's probably
16 better than having the chair and vice chair. That way,
17 we could include the Advisory Committee.

18 COMMISSIONER CAMPBELL: May I make one more
19 suggestion? I would very much like you to also
20 communicate with Ron Lowenberg. I thought he had some
21 great ideas in putting this together.

22 MR. CAPPITELLI: Yes, I actually went down,
23 Commissioner Campbell, and I met personally and discussed
24 this with him.

25 COMMISSIONER CAMPBELL: Great, great.

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1 CHAIR DOYLE: Okay. The next item is a report by
2 the Executive Director on the investigation of Rio Hondo.

3 MR. CAPPITELLI: Before we get to that, just so I'm
4 clear, is it the Commission's will then that we develop
5 an agenda review process based on the model that I've
6 just set forth, and that's what staff will go forward
7 with, correct?

8 Okay, thank you.

9 Mr. Chair, Members of the Commission: As you know,
10 we have been very busy over the last several weeks
11 working with this test-security issue that began
12 somewhere around Rio Hondo Academy. And Bureau Chief Bob
13 Stresak has been the point person on this, and is the
14 person most knowledgeable and has been leading the
15 investigation. And he is going to provide you with an
16 overview of the investigation to date.

17 Certainly there will be an opportunity for questions
18 and answers after Bob provides his presentation. But
19 I will tell you that staff has gone to great lengths to
20 try to provide the information that Bob is going to give
21 you in such a way that it doesn't jeopardize any other
22 portion of the investigation.

23 So when we get to that point where there is a
24 question-and-answer for Bob, I would like to allow Bob to
25 say, "At this time, that probably is not a good idea for

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1 me to answer that question in an open forum," if that
2 would be acceptable to you.

3 At a later time, there will be a full report that
4 will come back to the Commission along with
5 recommendations on what to do. This is just kind of an
6 update and an overview of where we're at.

7 So with that, Bob?

8 COMMISSIONER LUNDGREN: Excuse me. Mr. Chair, would
9 this be a good time to take a break? Because I think all
10 of us want to be here, and people may want to leave the
11 table to get some coffee.

12 CHAIR DOYLE: Okay, sure.

13 Let's take a ten-minute break. It's ten after
14 11:00. We start at 11:20.

15 *(Recess taken from 11:10 a.m. to 11:21 a.m.)*

16 CHAIR DOYLE: I'm going to call the meeting back to
17 order. Please be seated.

18 Okay, Bob, would you please continue?

19 MR. STRESAK: I will. Thank you.

20 Mr. Chair, Honorable Commissioners, and
21 distinguished guests. For the record, my name is Bob
22 Stresak. I'm the bureau chief at the Standards and
23 Evaluations.

24 What I'm going to provide to you is primarily for
25 information only, to give you an idea of the scope of

1 this investigation and the event itself, and the efforts
2 we've made, and the efforts we are going to continue to
3 make in trying to resolve this issue.

4 In August of 2010, a student in progress at Rio
5 Hondo College brought a study guide forward to an
6 instructor, and asked the instructor to review it for
7 accuracy. The study guide contained a volume of test
8 questions.

9 In the course of reviewing the study guide for
10 accuracy, the instructor identified what was not only
11 just practice questions, but were actual POST final
12 exam -- or exam test questions.

13 At that point, the Academy did take some swift
14 action to stem the flow of the study guide. Files were
15 deleted off of personal laptops. Any kind of hard copies
16 of the study guide were collected at that time to the
17 best of their ability.

18 POST received one copy, one CD copy of this study
19 guide. And we began to evaluate the content.

20 To give you an idea of the content, this is a
21 printout of the study guide. It contains six PowerPoints
22 per page, double-sided. And it's fairly extensive. It
23 covers the entire content of the academy curriculum.

24 When we finished our analysis of the study guide,
25 we found out that 23 out of our 26 secured tests had been

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1 compromised. Over 350 actual test questions existed on
2 the study guide, comma for comma, word for word, even
3 down to the naming conventions that we use based on the
4 Library of Congress rules.

5 At that point, it appeared that this is more
6 extensive than just the study guide.

7 Its genesis appears to be a -- and it started kind
8 of innocuously -- about ten years ago, when the Office of
9 Public Safety, which was now a defunct organization in
10 Los Angeles County, would send its cadets to Rio Hondo
11 College. At that time, there was a captain at the Office
12 of Public Safety who conducted study groups, off duty, on
13 his own time, pro bono, for the cadets -- the OPS cadets
14 that were going through Rio Hondo College.

15 And at that time, he had content -- curriculum
16 content and practice questions in the study guide.

17 The study guide eventually evolved over a period
18 of time to its current morph, if you will, that contains
19 all these test questions.

20 Its distribution we've identified as far as Texas
21 and Tennessee, just to give you an idea. We have
22 discovered portions of it in other academies in the
23 Southern California area. Fullerton College has
24 identified some portions, Golden West College has
25 identified some portions, and Orange County has

1 identified some portions of the study guide. And I'll
2 talk about that a little later.

3 It appears with the study guide that there are two
4 iterations of the study guide. And I have yet to
5 determine which ones have been distributed as far as they
6 can be distributed or as far as we know they're
7 distributed.

8 One iteration is what I refer to as the "innocent
9 iteration," which contains regular course content and
10 practice test questions.

11 The other iteration would be the one that's not so
12 innocent, that contains course material, practice
13 questions, and 350 actual test questions on it.

14 Based on that finding, we responded to Rio Hondo
15 College and conducted some preliminary interviews of the
16 cadets. And what we would find out is that this study
17 guide, as part of the, for lack of a better term,
18 tradition, was passed on from each outgoing class to each
19 incoming class. And it's gone back many years. So
20 Class 195 received it from 194, 193, et cetera,
21 et cetera. And that would be the trail of the study
22 guide.

23 As we were determining that, we also determined that
24 we received information from another Southern California
25 academy, that a student was in possession of an 832 test,

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1 a 40-hour 832 Laws of Arrest test. When we evaluated
2 that test, that test was determined to be the actual
3 832 test in its entirety.

4 The student identified receiving that test from an
5 instructor at Rio Hondo College, named him, and
6 identified the photograph of the instructor.

7 Given that information, we had to make a
8 determination of what to do. Obviously, we wanted to
9 stem this and to stop the progress -- any further
10 progress of the existence of the study guide.

11 We had two choices to make at that point: Number
12 one, the more severe choice, to decertify Rio Hondo
13 College, which would forbade them, if you will, from
14 presenting any types of POST-certified courses; or to
15 suspend Rio Hondo from delivering any POST-certified
16 courses that require the testing process.

17 The decision was made to suspend Rio Hondo; and we
18 went to the college and advised the college
19 administration and the academy of suspension.

20 At that time, we suspended one intensive academy
21 class, a class of 60 individuals, who were in their 13th
22 week. The requalification class was suspended that
23 actually just finished testing. An extended academy
24 format of 62 further cadets was suspended and an 832
25 presentation was also suspended at that time.

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1 A key objective was how did 350 questions show up on
2 the study guide? How did they get transferred into a
3 PowerPoint format, consistent with the rest of the study
4 guide, and who is culpable for that?

5 The other primary objectives were to determine the
6 complicity of class members attending Rio Hondo in the
7 intensive, extensive, and modular courses to determine
8 their complicity in perhaps cheating.

9 We needed to determine the accountability of academy
10 staff and administration in the failure to provide
11 sufficient testing of administration security, if that
12 was the case.

13 We needed to determine the extent of distribution of
14 the study guide and try to stem its distribution. And we
15 needed to determine the resolution of the suspended
16 classes.

17 And in addition to that, this whole investigation
18 became an interesting hybrid of crossover between POBR
19 rights, as we found that some of the instructors at the
20 academy were sworn personnel, some of the -- well, we had
21 crossover, kind of a bleed of sworn personnel involved
22 versus academy of non-sworn staff. And we had to work
23 through some of the legal issues caused by that.

24 Efforts to date: So far, we've conducted over
25 100 interviews in an effort to answer that question:

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1 How did those 350 questions get there?

2 We have resolved the status of Class 195. We've
3 compared existing curriculum of what they had completed
4 and what needs to be completed in order to establish a
5 legally sufficient curriculum. We've compared apples to
6 apples, and with the cooperation of Los Angeles County
7 Sheriff's Department, that class will be reinstated.
8 They are beginning orientation on November 2nd of next
9 week, and with a target date of trying to enter the rest
10 of their academy matriculation by November 15th. That is
11 the time-line.

12 Next week, we will be interviewing the extended
13 class, which is really a modular I class, to determine
14 the same thing, to make a determination of their status
15 and their complicity in the possession of the study
16 guide.

17 What we did determine with the intensive class, was
18 that it was almost to a "T." And how we did this was, we
19 brought together a test, as far as investigators, to
20 conduct 60 interviews in one day, at one location. And
21 Class 195, obviously, was fully cooperative to show up.
22 And at the end of the day, the investigators, some of
23 whom had 30-plus years on down, concluded that it was the
24 perception of Class 195 that this study guide was
25 sanctioned, condoned, authorized, and okayed to be used

1 on academy grounds. And they were able to articulate the
2 reasons why.

3 And some of the reasons are, number one, that the
4 study guide was passed during academy hours from one
5 class to the next.

6 The study guide was allowed to be posted on an
7 academy-authorized Web site, which was accessed by
8 academy personnel from time to time.

9 And so they said, you know, given the environment,
10 when we're told how fast to run, how high to jump, and
11 how shiny to polish, someone told us to get a study
12 guide, and we went and got the study guide. And that
13 made sense to us.

14 So given that assessment, was the primary reason why
15 we moved forward with the reinstatement of 195.

16 So we've conducted the interviews.

17 We've distributed a memo to academy directors,
18 alerting them to the existence of the study guide, and
19 asked them to conduct independent audits and to look for
20 its potential distribution on social-networking systems.

21 And we've communicated our progress in this
22 investigation to those Los Angeles County area agencies
23 that have been affected by this disruption. There were
24 19 students in the intensive class, representing nine
25 agencies that had pending job offers.

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1 In terms of interagency cooperation, we owe an
2 incredible debt of gratitude to the Office of the
3 President of Rio Hondo and to the following police
4 departments -- they came forth immediately and provided
5 resources to assist us; and I think without them, I'd
6 still be interviewing Class 195, probably through the
7 year 2012: Arcadia Police Department, Whittier,
8 El Monte, Los Angeles Unified School District, Montebello
9 Police Department, Los Angeles County Sheriff's, Orange
10 County Sheriff's Department, the San Bernardino County
11 Sheriff's Department, Irvine Police Department, and the
12 Los Angeles County Chiefs Association.

13 Some issues that have surfaced because of this:
14 Just to inform you that normal test replacement costs run
15 the average for us about \$25,000 to \$50,000 per test.
16 That entails bringing subject-matter experts together,
17 comprising or composing test items. They have to be
18 statistically validated. And there's kind of a lengthy
19 process to create these tests, at a minimum of \$25,000
20 per test times 23 tests, the math is significant at this
21 point.

22 Another issue we have to consider is drafting
23 sufficient resources from the Los Angeles -- or law
24 enforcement community to rewrite this test material. We
25 were exploring the possibility of a test rewrite task

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1 force so that we can compress the timeline and get out a
2 more secure test quickly.

3 TMAS, our testing system, our Testing Management
4 Administration System, we identified as having
5 vulnerabilities early in the year. This Commission took
6 action on doing that -- thank you for doing that -- in
7 allowing us to begin the initiation of a feasibility
8 study to look for a TMAS replacement because of the
9 identified vulnerabilities. And this only further
10 magnifies the issue.

11 We also looked at Basic Course certification
12 protocols. One thing we need to ensure in the future is
13 that when we review an academy, that the office of the
14 president at the college receives information timely,
15 receives copies of our basic course certification review
16 as quickly as possible.

17 One thing I've noticed, which I find a little
18 disturbing, is -- and my recommendation will be to
19 integrate an instructor ethics component into the academy
20 instructor certification course. That really needs to be
21 revisited. It doesn't need to be a separate course, but
22 I think we need to put the components into the instructor
23 course to refresh instructors in the role in teaching
24 young officers.

25 And then lastly, this has forced us to kind of

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1 rethink our existing business processes. Primarily our
2 test security, we put an incredible amount of effort into
3 maintaining test security. A lot of it depends on the
4 trust of the institution. But if you think about it, to
5 be a beautician in the state of California, you take one
6 test. To be a realtor, one test. An attorney and a
7 contractor. And I can cite other examples.

8 But perhaps we could look at our own business
9 processes. And rather than to try to maintain 26 tests,
10 perhaps we maintain a midterm and a final to be
11 administered in a secure fashion at a testing location or
12 testing centers; and allow the academies to administer
13 the other 23 tests as quizzes or other learning domain
14 types of evaluations.

15 That concludes my presentation. I'm available for
16 questions, if you have any.

17 COMMISSIONER CAMPBELL: Great presentation, Bob.

18 COMMISSIONER SOBEK: Yes.

19 I've got a question, Bob; and you may have answered
20 it. You gave us a lot of great information. You did a
21 great job.

22 MR. STRESAK: Thank you.

23 COMMISSIONER SOBEK: How far back -- I mean, if this
24 thing is the norm to the students in that class, in that
25 academy class, or in that year of students, how far back

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1 are we going to go to see if this has gone on with the
2 kids that have already graduated and are now out there in
3 the field?

4 MR. STRESAK: Well, part of the objectives of the
5 investigation would be to backtrack on that trail of
6 hand-off from class to class. It appears there might be
7 a point of diminishing return to try to assess each and
8 every --

9 COMMISSIONER SOBEK: That's a problem.

10 MR. STRESAK: -- each and every student that
11 graduated from the academy, especially in light of the
12 fact that they may be performing quite well on the job
13 for the last ten years, five years.

14 So to answer your question, I'm assuming there would
15 be a cutoff point where we have sufficient information.

16 Yes?

17 COMMISSIONER SMITH: I know that you're not done
18 with your investigation, but does it seem at this point
19 to be Southern California only? Or is it still too early
20 to tell?

21 COMMISSIONER CAMPBELL: No.

22 MR. STRESAK: By all indications, it appears to be
23 concentrated in the Southern California area, with the
24 exception of Texas and Tennessee, which really obviously
25 aren't issues.

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1 Some of those LDs were constitutional law, things
2 that affect law enforcement on a national basis. But in
3 terms of the actual test questions, that seemed to be an
4 issue in Southern California, primarily.

5 COMMISSIONER SMITH: Okay.

6 CHAIR DOYLE: Any other questions?

7 *(No response)*

8 CHAIR DOYLE: Thank you very much, Bob.

9 MR. STRESAK: Thank you, sir.

10 COMMISSIONER LINDEN: Thank you, Bob.

11 MR. CAPPITELLI: Thank you.

12 Also under New Business, I have a couple of things
13 to mention.

14 First of all, I want to remind everybody, I'm sure
15 you've received many notices and correspondence from us.
16 But the funeral services for former executive director
17 Ken O'Brien are going to be held this Saturday, and then
18 also -- this Saturday in Roseville, and then the
19 following Saturday in San Diego. And I plan on attending
20 both of those services. And all the information about
21 the service location and everything is posted on our
22 Web site.

23 We also, with sadness, have now one of our SLI
24 facilitators pass away, over the last couple of months,
25 Gil Aguilar. We want to thank him for his service.

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1 And sadly, LAPD lost an officer who is serving in
2 Afghanistan, Officer Joshua Collins, this past week.

3 And we have now identified the San Diego PD officer
4 who was killed this morning. That is Officer Christopher
5 Wilson. He was a 17-year veteran of San Diego PD.

6 And so trying to go more upbeat here, I want to
7 mention a couple of things.

8 First of all, I apologize, we were remiss, something
9 slipped through the cracks over the last several months,
10 and we didn't track it as closely. And because of the
11 individual involved, it wasn't likely that she was going
12 to tell us about this. But our very own commissioner,
13 Deborah Linden, was recognized this past year by Cuesta
14 College for the *Woman of Distinction Award*.

15 And so we want to congratulate, Commissioner Linden.

16 *(Applause)*

17 MR. CAPPITELLI: And also Michele Thompson -- are
18 you still here? Michele?

19 Oh, yes, please stand up.

20 Michele, who has been the director at San Diego
21 Regional Training Center for quite some time, is going to
22 be retiring. And so we want to -- you will notice that
23 she has attended probably just about every Commission
24 meeting that we've had. So always taking an active
25 interest. Always been a good partner with us.

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1 So, Michele, congratulations on your retirement.
2 And there will be several of us coming down there to wish
3 you well. Congratulations.

4 MS. THOMPSON: Thank you very much.

5 *(Applause)*

6 MR. CAPPITELLI: Did I forget anything?

7 That's all I have, Mr. Chair.

8 CHAIR DOYLE: We can disregard the date for the
9 Long-Range Planning Committee.

10 MR. CAPPITELLI: Yes.

11 CHAIR DOYLE: One less meeting to attend.

12 So for those of you that wish to attend, it is
13 January 6th.

14 Future Commission dates.

15 And the last item, we're going to go into closed
16 session on a personnel matter for commissioners only and
17 the representative from PMW Associates. And then we will
18 report back for adjournment.

19 So we'll take a few minutes for everyone to exit the
20 room.

21 *(The Commission met in executive closed*
22 *Session from 11:56 to 1:11 p.m.)*

23 CHAIR DOYLE: Okay, we're back on the record.

24 COMMISSIONER HAYHURST: Motion to adjourn.

25 COMMISSIONER SMITH: Second. Smith.

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1 CHAIR DOYLE: I want to report that we met in closed
2 session about a personnel matter, and there is nothing to
3 report. And so if someone would like to make a motion to
4 adjourn --

5 COMMISSIONER HAYHURST: Motion to adjourn.

6 CHAIR DOYLE: Okay, Hayhurst.

7 COMMISSIONER SMITH: Second. Smith.

8 CHAIR DOYLE: Smith.

9 All those in favor?

10 *(A chorus of "ayes" was heard.)*

11 CHAIR DOYLE: Adjourned.

12 *(The gavel was sounded.)*

13 *(The meeting concluded at 1:12 p.m.)*

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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 November 17th, 2010.

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