

STATE OF CALIFORNIA
COMMISSION ON
PEACE OFFICERS STANDARDS AND TRAINING

POST COMMISSION MEETING



TIME: 10:00 a.m.

DATE: Thursday, October 20, 2011

PLACE: Marriott San Francisco Airport Waterfront
1800 Old Bayshore Highway
Burlingame, California



REPORTER'S TRANSCRIPT OF PROCEEDINGS



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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/New Chair)
Sacramento Police Department

WALTER ALLEN III
Covina City Council

THOMAS ANDERSON
Public Member

ROBERT COOKE
California Narcotics Officers' Association

RONALD E. LOWENBERG
Golden West College Criminal Justice Training Center

JEFFREY LUNDGREN
Riverside County Sheriff's Department

JAMES McDONNELL
Long Beach Police Department

LAURIE SMITH
Santa Clara County Sheriff's Department

MICHAEL SOBEK
San Leandro Police Department

LARRY J. WALLACE
for KAMALA HARRIS
Attorney General's Office



A P P E A R A N C E S

POST ADVISORY COMMITTEE MEMBERS PRESENT

SANDRA SPAGNOLI
Committee Vice-Chair
California Peace Officers' Association

ELMO BANNING
Public Member

ALEX BERNARD
Public Member

JIM BOCK
California Specialized Law Enforcement

MARIO A. CASAS
California Coalition of Law Enforcement Associations

JOE FLANNAGAN
Peace Officers' Research Association of California

RICHARD LINDSTROM
California Academy Directors Association

ALAN McFADON
Public Safety Dispatcher Advisory Council

JEFFREY MILLER
California Police Chiefs' Association

TIM WILLMORE
California Association of Police Training Officers

BRADLEY YOUNG
California Association of Administration of
Justice Educators



A P P E A R A N C E S

POST STAFF PRESENT

PAUL CAPPITELLI
Executive Director
Executive Office

ALAN DEAL
Assistant Executive Director
Executive Office
Standards and Development

RICHARD REED
Assistant Executive Director
Executive Office
Administrative Services Division

MARIE BOUVIA
Executive Secretary
Executive Office

JAN BULLARD
Chief
Learning Technology Resource Center

RON CROOK
Multimedia Specialist
Learning Technology Resource Center

FRANK DECKER
Bureau Chief
Basic Training Bureau

MICHAEL DiMICELI
Assistant Executive Director
Executive Office
Field Services Division

JOHN DINEEN
Bureau Chief
Management Counseling Services

A P P E A R A N C E S

POST STAFF PRESENT

Continued

DARLA ENGLER
Bureau Chief
Administrative Services Bureau

BRYON GUSTAFSON
Senior Consultant
Training Program Services

KATHERINE HOBSON
Program Analyst
Management Counseling Services Bureau

MIKE HOOPER
Bureau Chief
Center for Leadership Development

KAREN LOZITO
Senior Consultant
Executive Office

EDMUND PECINOVSKY
Bureau Chief
Training Program Services

VINCE SCALLY
POST Legal Counsel

DAVE SPISAK
Bureau Chief
Training and Delivery Bureau

BOB STRESAK
Bureau Chief
Standards and Evaluation Bureau



A P P E A R A N C E S

PUBLIC MEMBERS

GEORGE BEITEY
Instructor Standards Advisory Committee
San Diego Regional

GREG MUNKS
Sheriff
San Mateo County
(Welcome Address)

BRIAN RAFFISH
Los Angeles Police Department



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POST Commission Meeting, October 20, 2011

1 Thursday, October 20, 2011, 10:00 a.m.

2 Burlingame, California



4 CHAIR DOYLE: Good morning, ladies and gentlemen.
5 I'd like to call the meeting to order.

6 Would you please rise for the presentation of the
7 colors by the San Mateo County Sheriff's Honor Guard?

8 *(The Honor Guard presented the flags.)*

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

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

12 CHAIR DOYLE: Please remain standing for a moment
13 of silence, honoring those officers who died in the line
14 of duty between the last meeting and this meeting:

15 Officer Ryan Stringer from the Alhambra Police
16 Department.

17 Officer Jeremy Henwood from the San Diego Police
18 Department.

19 *(Moment of silence)*

20 CHAIR DOYLE: Thank you.

21 *(The Honor Guard exited the meeting room.)*

22 CHAIR DOYLE: And a round of applause for the Honor
23 Guard.

24 *(Applause)*

25 CHAIR DOYLE: Thank you. Please be seated.

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1 Roll call of Commission members, please?
2 MS. HOBSON: Allen?
3 COMMISSIONER ALLEN: Present.
4 MS. HOBSON: Anderson?
5 COMMISSIONER ANDERSON: Here.
6 MS. HOBSON: Bui.
7 VICE-CHAIR BUI: Here.
8 MS. HOBSON: Cooke?
9 COMMISSIONER COOKE: Here.
10 MS. HOBSON: Doyle?
11 CHAIR DOYLE: Here.
12 MS. HOBSON: Hayhurst?
13 *(No response)*
14 MS. HOBSON: Lowenberg?
15 COMMISSIONER LOWENBERG: Here.
16 MS. HOBSON: Lundgren?
17 COMMISSIONER LUNDGREN: Here.
18 MS. HOBSON: McDonnell?
19 COMMISSIONER McDONNELL: Here.
20 MS. HOBSON: McGinness?
21 *(No response)*
22 MS. HOBSON: Smith?
23 COMMISSIONER SMITH: Here.
24 MS. HOBSON: Sobek?
25 COMMISSIONER SOBEK: Here.

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1 MS. HOBSON: Wallace?

2 COMMISSIONER WALLACE: Here.

3 CHAIR DOYLE: Thank you.

4 We have a quorum.

5 And I'd like to introduce POST Legal Counsel Vince
6 Scally and Advisory Chair Sandra Spagnoli.

7 And on my right, which I don't get to -- being from
8 Marin County, I don't get to refer to that often --
9 Executive Director Paul Cappitelli.

10 And I'm going to take out of order, we're going to
11 move to election of new officers for 2011 and 2012.

12 MR. CAPPITELLI: Do you want the Sheriff to come
13 forward, sir?

14 CHAIR DOYLE: I thought you said you were taking
15 that up.

16 MR. CAPPITELLI: Okay.

17 CHAIR DOYLE: Okay, we'll do that.

18 So election of new officers. As you know, we have a
19 vice-chair, and we also have to elect the new vice-chair,
20 because the vice-chair becomes the chair.

21 So I guess we open it up for nominations.

22 MR. CAPPITELLI: I think that's how you would do it.

23 CHAIR DOYLE: Okay. So is there a nomination for
24 our new chair?

25 Well, she can't make it herself, Mike, so...

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1 COMMISSIONER LUNDGREN: I'd like to nominate our
2 current vice-chair, Lai Lai Bui.

3 COMMISSIONER SMITH: I second.

4 CHAIR DOYLE: Is there a second?

5 COMMISSIONER SMITH: Second. Smith.

6 CHAIR DOYLE: All those in favor?

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

8 CHAIR DOYLE: Is there a nomination for vice-chair?

9 COMMISSIONER BUI: You didn't ask if there were any
10 opposed.

11 CHAIR DOYLE: I did -- well, no, because there's
12 not. I mean, it was an overwhelming deal here, Lai Lai.

13 COMMISSIONER SOBEK: I nominate Commissioner Smith.

14 CHAIR DOYLE: Okay, is there a second?

15 COMMISSIONER LUNDGREN: I'll second. Lundgren.

16 CHAIR DOYLE: All those in favor?

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

18 CHAIR DOYLE: Are there any opposed?

19 *(No response)*

20 CHAIR DOYLE: No.

21 So that concludes my term.

22 And so I'd like to welcome our new chair, Lai Lai
23 Bui.

24 CHAIR BUI: Well, thank you.

25 MR. CAPPITELLI: Thank you for your leadership, sir.

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1 CHAIR BUI: Yes, Bob, thank you for your leadership.
2 PAST CHAIR DOYLE: Congratulations.
3 CHAIR BUI: Thank you.
4 *(Applause)*
5 CHAIR BUI: Thank you, Sheriff Doyle, for being such
6 a great chair.
7 And thank you for all of your votes. I appreciate
8 the confidence.
9 So let's welcome Sheriff Greg Munks from San Mateo
10 County to provide us with our opening remarks.
11 SHERIFF MUNKS: Thank you, Madam Chairwoman and
12 Sheriff Doyle, Sheriff Smith, Honorable Commission
13 Members -- and Bob Cooke.
14 I'm sorry, I couldn't resist.
15 I just want to welcome you to sunny San Mateo
16 County. I appreciate you choosing our county for your
17 important business. I also want to take the opportunity
18 to thank you for what you do for all of us front-line law
19 enforcement, especially during these difficult times.
20 I would like to also publicly acknowledge Paul
21 Cappitelli and the POST staff. We, here in San Mateo,
22 have gone through some unusual things in the last year.
23 As you may know, two of our city police departments have
24 essentially gone out of business due to these tough
25 economic times. The City of San Carlos, the City of Half

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1 Moon Bay. We're in discussions right now with the City
2 of Millbrae, in a similar situation. These very
3 difficult economic times are hitting cities particularly
4 hard.

5 I know Commissioner Spagnoli probably had a little
6 sadness with San Carlos, but we're taking good care of
7 the folks there.

8 But Paul and his staff have really helped us out
9 during that kind of new ground for us. And we've been
10 fortunate enough to be able to hire all those personnel
11 and bring them into the Sheriff's office. And so that
12 was a good thing.

13 And the transition in each case has gone extremely
14 well; but a lot of complicated things that needed to
15 occur.

16 So, Paul, thank you very much for your support
17 throughout that process.

18 MR. CAPPITELLI: Thank you, Sheriff.

19 SHERIFF MUNKS: So, anyway, I wish you well with
20 your meetings.

21 Again, welcome to San Mateo County. Thanks for all
22 your support, and I appreciate the work you do.

23 Thank you.

24 CHAIR BUI: Thank you.

25 *(Applause)*

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1 CHAIR BUI: Okay, so this is the time on the agenda
2 for Public Comment.

3 This is the time set aside for members of the public
4 to comment on either items on the Commission agenda or
5 issues not on the agenda but pertaining to POST
6 Commission business.

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

11 Do we have anybody who would like to come up and
12 speak?

13 *(No response)*

14 CHAIR BUI: Okay, thank you.

15 All right, moving on to Item A, Approval of Minutes
16 from the February *[sic]* Commission meeting.

17 COMMISSIONER LOWENBERG: Move it. Lowenberg.

18 COMMISSIONER McDONNELL: Second.

19 CHAIR BUI: Thank you.

20 All in favor?

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

22 MS. HOBSON: Who was the second?

23 COMMISSIONER McDONNELL: Jim McDonnell.

24 CHAIR BUI: McDonnell.

25 Just a reminder, if you could all say your names for

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1 our reporter.

2 Thank you.

3 I'm sorry, all in favor?

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

5 CHAIR BUI: Opposed?

6 *(No response)*

7 CHAIR BUI: All right, abstentions?

8 *(No response)*

9 CHAIR BUI: Great.

10 The consent calendar. Are there any items here that
11 commissioners would like to be pulled for a report?

12 I know I'd like to get a brief update on Item B.10.

13 PAST CHAIR DOYLE: Except for Item B.10, I'll move.

14 CHAIR BUI: Okay, Doyle.

15 Second?

16 COMMISSIONER LUNDGREN: Lundgren. Second.

17 CHAIR BUI: Okay, all in favor?

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

19 CHAIR BUI: Any objections?

20 *(No response)*

21 CHAIR BUI: All right.

22 Can we get a presentation?

23 MR. CAPPITELLI: Yes. Madam Chair, the report that
24 is contained within the agenda provides an overview of
25 this issue. And due to other related items, we are going

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1 to take this up in closed session later.

2 CHAIR BUI: Okay. All right, Item C, Finance
3 Committee. We did not have a quorum for that committee
4 meeting, so it was moved to the Advisory Committee.

5 Can we have Chief Spagnoli give us an update on
6 that?

7 MS. SPAGNOLI: Sure. We reviewed the items on the
8 agenda and the recommendations from staff, and recommend
9 that you approve recommendations from staff.

10 Some of the dialogue occurred around Item J, Report
11 of Strategic Plan Objective C.5 regarding testing system
12 replacement project.

13 There was just a comment from one of our members
14 regarding being able to go and continue the pen-and-paper
15 process for an accommodation until they're able to meet
16 that standard at some of the police academies.

17 There was -- let's see -- yes, outside of that, we
18 support staff's recommendation on the Finance report.

19 CHAIR BUI: Okay, any other questions? Comments?

20 *(No response)*

21 CHAIR BUI: Can I get a motion?

22 COMMISSIONER SOBEK: Motion. Sobek.

23 CHAIR BUI: Sobek.

24 Second?

25 COMMISSIONER McDONNELL: Second. McDonnell.

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1 CHAIR BUI: All in favor?

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

3 CHAIR BUI: Any opposed?

4 *(No response)*

5 CHAIR BUI: All right, the motion passes.

6 Okay, on to Item D, Report on Proposed Changes to
7 the Training and Testing Specifications for Peace
8 Officers Basic Courses.

9 Do we need a presentation on this?

10 *(No response)*

11 CHAIR BUI: Okay, with that one, then I will
12 entertain a motion.

13 COMMISSIONER LOWENBERG: Move to approve.
14 Lowenberg.

15 CHAIR BUI: Second?

16 COMMISSIONER COOKE: Second. Cooke.

17 CHAIR BUI: Second, Cooke.

18 All in favor?

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

20 CHAIR BUI: Any opposed?

21 *(No response)*

22 CHAIR BUI: All right.

23 Item E, Report on Proposed Changes to the Field
24 Training Officer Course.

25 Any presentation needed?

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1 (No response)

2 CHAIR BUI: Okay.

3 COMMISSIONER LOWENBERG: Just a comment, please.

4 CHAIR BUI: Yes, sir.

5 COMMISSIONER LOWENBERG: As usual, staff did a great
6 job with this, once again; and we all know how critical
7 the issue of field training officers are and how they
8 impact our local agencies.

9 I just want to go on record again to try to
10 influence the folks that are involved in these projects,
11 that at some point in time in the hopefully
12 not-too-distant future, we'd have a more serious
13 discussion about how we weave -- and I know there's been
14 preliminary discussions -- but how we weave character
15 development and ethics issues maybe more specifically
16 into the FTO program. And so I just want to make that
17 comment.

18 And I know, Paul, you're aware of my concerns on
19 that.

20 CHAIR BUI: Thank you, Commissioner Lowenberg.

21 MR. CAPPITELLI: Thank you, Commissioner.

22 CHAIR BUI: All right, so can we get a motion,
23 please, to approve staff's recommendation?

24 PAST CHAIR DOYLE: So moved. Doyle.

25 CHAIR BUI: Doyle.

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Second?

COMMISSIONER LUNDGREN: Second. Lundgren.

CHAIR BUI: Second, Lundgren.

All right, all in favor?

(A chorus of "ayes" was heard.)

CHAIR BUI: Any opposed?

(No response)

CHAIR BUI: Okay, we're moving along quite fast.

If I forget to announce roll-call vote, please, don't everybody yell at me at one time, because I am capable of either crying or raging. So you guys can pick.

Thank you, Paul, for finding that very funny.

MR. CAPPITELLI: I'm sorry, I had something caught in my throat.

CHAIR BUI: Okay, Executive Office, Item F, Report on Contracting Procedures.

There was quite a bit of discussion on this in the Advisory Committee.

Could you maybe give us a little bit of the Advisory's opinions on this?

MS. SPAGNOLI: Sure.

So we listened to a presentation from staff regarding the contracting procedures. And we had some questions regarding the process. And staff was able to

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1 answer the questions very well.

2 And after a discussion, we felt that the process
3 that POST and the state has in place right now is working
4 very well. And there didn't seem to be much of a reason
5 to change the current process and provide more
6 bureaucracy in the contracting of services, especially
7 when it comes to something critical like training.

8 So our recommendation is to continue with the
9 existing process and the recommendations in Option 1,
10 which is to add the posting of training, or RFPs onto
11 their Web site, so it creates more transparency in the
12 contracting process.

13 CHAIR BUI: Okay, do we have any questions from any
14 of the commissioners or comments on this matter?

15 Yes, Commissioner Lundgren?

16 COMMISSIONER LUNDGREN: Thank you, Madam Chair.

17 Option 1 -- in looking over this, Option 1, I agree
18 with them. But would it be better for staff if a local
19 entity wasn't able to provide the training, to be able to
20 have a mechanism where you could go to a private entity?
21 In other words, all these resources, they can't provide
22 it, then you could go to another entity to provide that
23 training?

24 MR. CAPPITELLI: I'm going to ask Assistant Director
25 Reed to come forward and speak to this issue.

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1 MR. REED: Thank you.

2 That vehicle already exists, Commissioner. As a
3 matter of practice, we always default to government
4 agencies. The State Contracting Manual and regulations
5 allow us to seek presenters without going to competitive
6 bid if we're dealing with a university or a college that
7 is a state agency, or any law-enforcement agency, or a
8 JPA, as we discussed yesterday. And failing to find a
9 presenter among those, we would then put out a
10 competitive bid. So we already have that flexibility.

11 We normally -- if you look at the list of contracts
12 that we presented at the last Commission meeting -- we
13 discussed one also yesterday for last year's -- or
14 yesterday's meeting for last year's contracts. The
15 overwhelming majority of our contracts do go to public
16 entities to avoid the protracted process of contracting.
17 However, we do have a number of presenters that are
18 already contracted. But to avoid the appeal process and
19 the lengthy delay of getting training to the field, we
20 opt for going with the state regulations and finding our
21 presenters.

22 So what you're suggesting, we already do if we have
23 to.

24 CHAIR BUI: Okay.

25 COMMISSIONER LUNDGREN: And I agree, that's good to

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1 know. I just didn't see it in Option 1. Therefore, I
2 didn't know if it should be clarified in writing to make
3 sure that we don't have these discussions down the road.

4 MR. CAPPITELLI: We'll clarify it.

5 MR. REED: Do you want staff to modify the language,
6 to make sure that that's clarified in there?

7 It would do no harm to do that, if that's your
8 desire. But it's implied but not written in this case.

9 COMMISSIONER LUNDGREN: I think that the issue that
10 we spoke about it -- and it's going to be in written form
11 and approved in minutes, I think that should suffice, if
12 everyone agrees.

13 MR. REED: Okay, no change to existing language
14 then? Just clarify that for staff when you take your
15 vote.

16 CHAIR BUI: Any other --

17 COMMISSIONER ALLEN: I'll move it.

18 CHAIR BUI: Thank you.

19 And can I get a second?

20 COMMISSIONER SOBEK: Second. Sobek.

21 CHAIR BUI: Okay.

22 COMMISSIONER SMITH: Can I ask a question? Is that
23 to go with Option 1, is the motion then?

24 CHAIR BUI: That is correct.

25 COMMISSIONER SMITH: Okay.

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1 COMMISSIONER ANDERSON: Is that what we're going
2 off, is whether we go with Option 1?

3 CHAIR BUI: Right, yes, with Option 1. That would
4 be status quo.

5 Any other questions, or do you need more
6 clarification?

7 COMMISSIONER ANDERSON: It was just a bit confusing
8 for me, maybe because it's all new.

9 So has there been discussion on Option 1 then? And
10 is that over?

11 CHAIR BUI: There was some detailed discussion at
12 the last Commission meeting, because there were concerns
13 about whether or not certain entities were given proper
14 notification of the availability of these contracts. So
15 a lot of this discussion was taking place during the
16 Advisory Committee meeting.

17 If you would like for staff to maybe go over these
18 options a little bit more for you, we can do that,
19 because not everybody was at the Advisory Committee
20 meeting yesterday.

21 COMMISSIONER ANDERSON: No, I have got a pretty good
22 understanding of the options. I was just trying to
23 figure out where we were in relation to the options.

24 CHAIR BUI: Well, right now, we have functioned
25 under Option 1 all along. It's just a matter of whether

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1 or not we want to switch over to Option 2 or 3, or just
2 remain as we are.

3 And from what I understand, the motion and the
4 second has been to maintain status quo.

5 COMMISSIONER ANDERSON: Okay, got it.

6 CHAIR BUI: Any other concerns? Questions?

7 *(No response)*

8 CHAIR BUI: All right, all in favor?

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

10 CHAIR BUI: Any objections?

11 Or opposed? I'm sorry.

12 *(No response)*

13 CHAIR BUI: All right, the motion passes.

14 Item G, Request for Approval to Submit Homeland
15 Security Grant Application.

16 Do we need a presentation?

17 COMMISSIONER SOBEK: I will make a motion to accept
18 it -- to move forward, to allow the Executive Director to
19 submit a grant application.

20 CHAIR BUI: Okay, can I get a second?

21 PAST CHAIR DOYLE: Second. Doyle.

22 CHAIR BUI: All right, all in favor?

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

24 CHAIR BUI: Any opposed?

25 *(No response)*

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1 CHAIR BUI: All right, the motion passes.

2 On to Learning Technology Resources Bureau, Item H.
3 Report on Proposed Changes to POST Regulation 1052(b),
4 Certification of Self-Paced Training.

5 Do we need a presentation?

6 *(No response)*

7 CHAIR BUI: All right, I'll entertain a motion.

8 COMMISSIONER LUNDGREN: Motion to approve.

9 Lundgren.

10 CHAIR BUI: Okay. Do we have a second?

11 COMMISSIONER ALLEN: Second. Allen.

12 CHAIR BUI: All in favor?

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

14 CHAIR BUI: Any opposed?

15 *(No response)*

16 CHAIR BUI: The motion passes.

17 Standards and Evaluation Services Bureau, Item I,
18 Report on POST Regulation Changes to Test Administration
19 and Security Guidelines.

20 I think we should have a short presentation on this
21 one.

22 Is it Bob?

23 MR. CAPPITELLI: Certainly, yes.

24 CHAIR BUI: Okay.

25 MR. STRESAK: Good morning, Madam Chair.

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1 CHAIR BUI: Good morning.

2 MR. STRESAK: Your comment about tears or fear or
3 rage kind of concerned me.

4 Honorable Commissioners, in 2006 and 2008, the
5 Commission approved changes to the test administration
6 security guidelines in response to increased incidence of
7 test compromise.

8 Following Rio Hondo, a basic course test force was
9 created composed of directors and coordinators.

10 Before you are the recommended changes that
11 strengthen consequences for compromising test material,
12 guidelines to create policy, and staff and student
13 contracts.

14 The term "guideline" has been replaced with
15 "protocols" to minimize independent interpretation of
16 POST intent.

17 The highlights of these changes include
18 clarification of the definition of "remedial training,"
19 more concise language defining "cheating," clarification
20 of the differences between test review for staff and
21 review for students, limiting instructor access to test
22 material only after a test has been administered,
23 contacting POST before a test item is excluded, and
24 tighter policy regarding social networking.

25 Are there any questions?

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1 COMMISSIONER SOBEK: Bob, does this go into effect
2 as soon as we approve it?

3 MR. STRESAK: I believe this will become effective
4 January 1st, 2012.

5 COMMISSIONER SOBEK: Thank you.

6 CHAIR BUI: Any other questions or concerns?

7 *(No response)*

8 CHAIR BUI: All right, can I get a motion?

9 COMMISSIONER McDONNELL: I make a motion.

10 COMMISSIONER LOWENBERG: Moved.

11 MS. HOBSON: Which one?

12 CHAIR BUI: Commissioner McDonnell.

13 COMMISSIONER LOWENBERG: Chief McDonnell moved, and
14 I seconded. Lowenberg.

15 CHAIR BUI: All in favor?

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

17 CHAIR BUI: Any opposed?

18 *(No response)*

19 CHAIR BUI: The motion passes.

20 Yes, sir?

21 MR. CAPPITELLI: Madam Chairman, could I ask for the
22 next item that Bob Stresak remain? I think it's
23 important to give just a high-level overview of where
24 we're at with this item.

25 CHAIR BUI: Absolutely.

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1 Item J, Report on Strategic Plan Objection C.5,
2 Testing System Replacement Project.

3 Bob?

4 MR. STRESAK: Again, thank you.

5 The June 2010 Commission approved the expenditure of
6 funds to complete the first step in the replacement
7 acquisition of our testing process. That first step was
8 the Feasibility Study Report.

9 The Feasibility Study Report also requires the
10 submission of a formal Information Technology Procurement
11 Plan, an ITPP, and a software acquisition process known
12 as a "request for proposal."

13 These requirements are delineated in sections 4920
14 through 42 of the State Administrative Manual.

15 The FSR, the Feasibility Study Report, was completed
16 on time and submitted to the Department of Finance and
17 the California Technology Agency in July 2011.

18 The request for proposal provides specific
19 information to potential vendors for bidding purposes.

20 Should the Commission agree on the estimated
21 \$150,000 expenditure over the next 12 months, that is
22 required to advance our replacement efforts to the next
23 step towards product acquisition of our testing
24 materials.

25 Are there any questions?

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1 MR. CAPPITELLI: If I might add to that, staff has
2 been working on this quite diligently, and I'm sure you
3 can appreciate the importance of this, given the test
4 security breach that we had this past year. And most
5 recently, because of some bureaucratic difficulties with
6 the way that the money is flowing in and out of state
7 government right now, we thought that our ability to
8 continue to fund this project was at risk.

9 I'm happy to tell you that, right now, we have been
10 told that we will be able to fund the project using our
11 own resources and our own funds because it is part of our
12 mission. And so I felt it important to bring that up,
13 and so that everybody on the Commission is aware that
14 we're moving forward very aggressively with this project,
15 as fast as bureaucracy will let us move. But we're
16 moving as quickly as we can to get to the new generation
17 of testing -- of a testing system.

18 CHAIR BUI: Okay, any other questions?

19 *(No response)*

20 CHAIR BUI: Can I get a motion?

21 PAST CHAIR DOYLE: So moved. Doyle.

22 MR. CAPPITELLI: This is a roll-call vote,
23 Madam Chair.

24 CHAIR BUI: Yes, thank you. I appreciate that not
25 everybody said it at one time.

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1 Did we get a second?

2 COMMISSIONER McDONNELL: I'll second. McDonnell.

3 CHAIR BUI: Okay, Commissioner McDonnell.

4 MS. HOBSON: Who made the motion?

5 CHAIR BUI: Commissioner Doyle.

6 Roll-call vote.

7 MS. HOBSON: Allen?

8 COMMISSIONER ALLEN: Yes.

9 MS. HOBSON: Anderson?

10 COMMISSIONER ANDERSON: Yes.

11 MS. HOBSON: Bui?

12 CHAIR BUI: Yes.

13 MS. HOBSON: Cooke?

14 COMMISSIONER COOKE: Yes.

15 MS. HOBSON: Doyle?

16 PAST CHAIR DOYLE: Yes.

17 MS. HOBSON: Hayhurst?

18 *(No response)*

19 MS. HOBSON: Lowenberg?

20 COMMISSIONER LOWENBERG: Yes.

21 MS. HOBSON: Lundgren?

22 COMMISSIONER LUNDGREN: Yes.

23 MS. HOBSON: McDonnell?

24 COMMISSIONER McDONNELL: Yes.

25 MS. HOBSON: McGinness?

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1 (No response)

2 MS. HOBSON: Smith?

3 COMMISSIONER SMITH: Yes.

4 MS. HOBSON: Sobek?

5 COMMISSIONER SOBEK: Yes.

6 MS. HOBSON: Wallace?

7 COMMISSIONER WALLACE: Yes.

8 CHAIR BUI: All right, the motion passes.

9 Item K, Contract to Update the POST Medical
10 Screening Manual.

11 Would anybody like a report on this item?

12 (No response)

13 CHAIR BUI: Okay, I'll take a motion.

14 COMMISSIONER LOWENBERG: I'll move to approve.
15 Lowenberg.

16 COMMISSIONER SOBEK: Sobek. Second.

17 CHAIR BUI: Okay, this is a roll-call vote.

18 MS. HOBSON: Allen?

19 COMMISSIONER ALLEN: Yes.

20 MS. HOBSON: Anderson?

21 COMMISSIONER ANDERSON: Yes.

22 MS. HOBSON: Bui?

23 CHAIR BUI: Yes.

24 MS. HOBSON: Cooke?

25 COMMISSIONER COOKE: Yes.

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1 MS. HOBSON: Doyle?

2 PAST CHAIR DOYLE: Yes.

3 MS. HOBSON: Hayhurst?

4 *(No response)*

5 MS. HOBSON: Lowenberg?

6 COMMISSIONER LOWENBERG: Yes.

7 MS. HOBSON: Lundgren?

8 COMMISSIONER LUNDGREN: Yes.

9 MS. HOBSON: McDonnell?

10 COMMISSIONER McDONNELL: Yes.

11 MS. HOBSON: McGinness?

12 *(No response)*

13 MS. HOBSON: Smith?

14 COMMISSIONER SMITH: Yes.

15 MS. HOBSON: Sobek?

16 COMMISSIONER SOBEK: Yes.

17 MS. HOBSON: Wallace?

18 COMMISSIONER WALLACE: Yes.

19 CHAIR BUI: The motion passes.

20 Item L, Contract Request for Basic Course Physical

21 Conditioning Program Support.

22 Would anybody like a presentation on this item?

23 *(No response)*

24 CHAIR BUI: Okay, is there a motion?

25 COMMISSIONER COOKE: I'll move.

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1 COMMISSIONER ALLEN: Second. Allen.
2 CHAIR BUI: All in favor?
3 *(A chorus of "ayes" was heard.)*
4 CHAIR BUI: I'm sorry, roll call. Thank you.
5 Roll-call vote. Sorry.
6 MS. HOBSON: Thank you.
7 Allen?
8 COMMISSIONER Allen: Yes.
9 MS. HOBSON: Anderson?
10 COMMISSIONER ANDERSON: Yes.
11 MS. HOBSON: Bui?
12 CHAIR BUI: Yes.
13 MS. HOBSON: Cooke?
14 COMMISSIONER COOKE: Yes.
15 MS. HOBSON: Doyle?
16 PAST CHAIR DOYLE: Yes.
17 MS. HOBSON: Hayhurst?
18 *(No response)*
19 MS. HOBSON: Lowenberg?
20 COMMISSIONER LOWENBERG: Yes.
21 MS. HOBSON: Lundgren?
22 COMMISSIONER LUNDGREN: Yes.
23 MS. HOBSON: McDonnell?
24 COMMISSIONER McDONNELL: Yes.
25 MS. HOBSON: McGinness?

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1 (No response)

2 MS. HOBSON: Smith?

3 COMMISSIONER SMITH: Yes.

4 MS. HOBSON: Sobek?

5 COMMISSIONER SOBEK: Yes.

6 MS. HOBSON: Wallace?

7 COMMISSIONER WALLACE: Yes.

8 CHAIR BUI: The motion passes.

9 Thank you.

10 Item M, Contract Amendment for Basic Course

11 Competency Test Development Evaluation and Training.

12 Would anybody like a report?

13 (No response)

14 CHAIR BUI: Okay, this is also a roll-call vote.

15 Can I get a motion?

16 COMMISSIONER LUNDGREN: Motion. Lundgren.

17 COMMISSIONER McDONNELL: Second. McDonnell.

18 CHAIR BUI: Second, Commissioner McDonnell.

19 MS. HOBSON: Thank you.

20 Allen?

21 COMMISSIONER ALLEN: Yes.

22 MS. HOBSON: Anderson?

23 COMMISSIONER ANDERSON: Yes.

24 MS. HOBSON: Bui?

25 CHAIR BUI: Yes.

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1 MS. HOBSON: Cooke?
2 COMMISSIONER COOKE: Yes.
3 MS. HOBSON: Doyle?
4 PAST CHAIR DOYLE: Yes.
5 MS. HOBSON: Hayhurst?
6 *(No response)*
7 MS. HOBSON: Lowenberg?
8 COMMISSIONER LOWENBERG: Yes.
9 MS. HOBSON: Lundgren?
10 COMMISSIONER LUNDGREN: Yes.
11 MS. HOBSON: McDonnell?
12 COMMISSIONER McDONNELL: Yes.
13 MS. HOBSON: McGinness?
14 *(No response)*
15 MS. HOBSON: Smith?
16 COMMISSIONER SMITH: Yes.
17 MS. HOBSON: Sobek?
18 COMMISSIONER SOBEK: Yes.
19 MS. HOBSON: Wallace?
20 COMMISSIONER WALLACE: Yes.
21 CHAIR BUI: The motion passes.
22 On Training Program Services Bureau, Item N,
23 Acceptance and Use of CalEPA Grant Funds for
24 Environmental Crimes Training.
25 Would anybody like a report?

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1 *(No response)*

2 CHAIR BUI: Okay, this is a roll-call vote.

3 COMMISSIONER SOBEK: You need a motion, right?

4 CHAIR BUI: Yes. Can I get a motion?

5 COMMISSIONER SOBEK: Sobek. Motion.

6 CHAIR BUI: Second?

7 PAST CHAIR DOYLE: Doyle.

8 COMMISSIONER SMITH: Second. Smith.

9 CHAIR BUI: All right.

10 MS. HOBSON: Sobek and Doyle.

11 PAST CHAIR DOYLE: Give it to Smith.

12 MS. HOBSON: Okay.

13 All right, Allen?

14 COMMISSIONER ALLEN: Yes.

15 MS. HOBSON: Anderson?

16 COMMISSIONER ALLEN: Yes.

17 MS. HOBSON: Bui?

18 CHAIR BUI: Yes.

19 MS. HOBSON: Cooke?

20 COMMISSIONER COOKE: Yes.

21 MS. HOBSON: Doyle?

22 PAST CHAIR DOYLE: Yes.

23 MS. HOBSON: Hayhurst?

24 *(No response)*

25 MS. HOBSON: Lowenberg?

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1 COMMISSIONER LOWENBERG: Yes.

2 MS. HOBSON: Lundgren?

3 COMMISSIONER LUNDGREN: Yes.

4 MS. HOBSON: McDonnell?

5 COMMISSIONER McDONNELL: Yes.

6 MS. HOBSON: McGinness?

7 *(No response)*

8 MS. HOBSON: Smith?

9 COMMISSIONER SMITH: Yes.

10 MS. HOBSON: Sobek?

11 COMMISSIONER SOBEK: Yes.

12 MS. HOBSON: Wallace?

13 COMMISSIONER WALLACE: Yes.

14 CHAIR BUI: Okay, on to Committee Reports.

15 Chief Spagnoli, can you give us the update from the
16 Advisory Committee?

17 MS. SPAGNOLI: I sure can, I think.

18 So anything that we haven't covered, I think one of
19 the things that we had some discussion on that wasn't
20 covered, is that I think as a group, the Committee wanted
21 to commend staff in the work they're doing with the
22 seat-belt safety campaign.

23 I think Paul Cappitelli said it best when he
24 reported the study on seat-belt usage amongst regular
25 people above 90 percent; and then when they get into the

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1 business, all of a sudden that percentage certainly
2 drops.

3 So we had a presentation on the short training clip.
4 And, again, I think we overwhelmingly wanted to commend
5 staff for the work that they're doing in that.

6 The other work that did come up at the end of the
7 meeting was a request to have POST assist with some of
8 the PPE requirements that are coming down from I think it
9 was OSHA. And we had some informational item that they
10 are in the process of seeing how POST would fit into
11 assisting agencies with that requirement.

12 And at this point, that's all I have to report.

13 CHAIR BUI: Wonderful.

14 Thank you.

15 Commissioner Lundgren, if you can give us the update
16 from the Leg. Committee, from this morning.

17 COMMISSIONER LUNDGREN: Thank you, Madam Chair.

18 The Leg. Committee met this morning. I'm happy to
19 report there are no bills for Commission position.

20 There are some bills of interest. If you would like
21 a report on that, I'd like to ask POST staff, Karen
22 Lozito, to come up.

23 CHAIR BUI: Does anybody need a report on the old
24 bills?

25 *(No response)*

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1 CHAIR BUI: Okay, thank you, sir.

2 All right, Item R, Old Business. Report on the
3 Suspension of a Portion of Regulation 1054.

4 MR. CAPPITELLI: It's Mr. DiMiceli.

5 CHAIR BUI: Thank you, Mike.

6 MR. DiMICELI: This is an issue that we presented to
7 the Commission.

8 As you will recall, we changed some of the
9 conditions for the budget involved in the certification
10 of a course, and put in some language that we believed --
11 I think I described it as a good idea at the time, which
12 language would prohibit an agency from collecting, in a
13 certified course, the instructor's salary, if the
14 instructor was teaching on duty.

15 After that was passed and approved by the Office of
16 Administrative Law, we realized that, to some degree,
17 that language shifted the cost of the training, the
18 burden of presenting the training, in large part, to the
19 agency, and did not allow them to ask, if you will, the
20 participants in the training from sharing the cost of
21 instruction.

22 And so we ask the Commission to suspend enforcement
23 of that particular provision in the regulation while we
24 did some more work.

25 And we anticipated that we would present the results

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1 of our further research and some modification of the
2 regulation to you at this time.

3 We're not prepared to do that. And so we're asking
4 that you give us additional time to finish that work and
5 prepare the regulatory language which we will present to
6 you in February.

7 CHAIR BUI: Any questions?

8 Thank you, Mike.

9 On to New Business.

10 Our Executive Director does have one item for us.

11 MR. CAPPITELLI: Thank you, Madam Chair, Members of
12 the Commission.

13 At the last Commission meeting in June, as you
14 recall, you approved a policy item for staff to move
15 forward in concept with the use of \$1 million in funds to
16 pursue technology relative to training in the virtual
17 world. And we had a presentation at the Advisory
18 Committee. And so I wanted to just give you a little
19 update on that.

20 There's been a very slight change in what we had
21 envisioned at the beginning. We are working in concert
22 with a couple of academic institutions -- one in
23 California and the other in Florida -- that seem to have
24 the best head start on this as a result of some work
25 they've already done for the military.

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1 As we move forward and we try to get through the
2 bureaucratic process, the funds that we had hoped to
3 capture or try to encumber before the end of the last
4 fiscal year have now reverted to our reserve.

5 So we are going to continue to move forward and
6 pursue the project.

7 We've also run into a little bit of a snag with
8 respect to how we're going to provide the staff support
9 to do that. But we've had a discussion internally. And
10 as a result of a couple of options we have, one involves
11 taking an existing vacant position and converting it,
12 and the other involves contracting through an outside
13 provider. We're going to continue to keep that moving
14 forward.

15 So we will come back to the Commission at a future
16 date with a report and an item to give you a full idea of
17 exactly what we plan to do, and the funds that we'll be
18 utilizing will likely come from this fiscal year as
19 opposed to last fiscal year.

20 In terms of dollars, we see it as a wash. The money
21 that we would have spent went to our reserve. Granted,
22 because of the process that's involved to try to get
23 money out of the reserve, the money will come back to us
24 in another form.

25 And so dollar for dollar, it's a wash. But I just

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1 wanted to update you on that, so you know we're still
2 moving forward. But the funds that we'll be using will
3 likely be coming out of this fiscal year. But you'll
4 have a full report on that at the next Commission
5 meeting.

6 CHAIR BUI: All right, any questions?

7 *(No response)*

8 CHAIR BUI: All right, the next commission meeting
9 is scheduled for February 22nd, 23rd, 2012, Doubletree
10 Mission Valley in San Diego.

11 I'll probably have a one-month old at the time, so
12 Commissioner Smith, it might be all yours.

13 COMMISSIONER SMITH: The one-month-old?

14 COMMISSIONER SOBEK: The one-month-old.

15 CHAIR BUI: Then again, these guys will have the
16 lighthearted --

17 COMMISSIONER SMITH: The one-month-old will be mine?

18 CHAIR BUI: And some of these guys have
19 lightheartedly said, you know, "Go bigger or stay home."

20 So anyhow, we will have to go into closed session
21 here.

22 MR. CAPPITELLI: Yes.

23 May I ask -- I'm sorry?

24 MS. HOBSON: Do you want to talk about B.10? Do you
25 want to address B.10?

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1 CHAIR BUI: Oh, that's supposed to be in closed
2 session.

3 MS. HOBSON: Oh, is that closed session? Okay,
4 thank you.

5 MR. CAPPITELLI: Also, I wanted to ask members of
6 staff that are here, please return back to the meeting
7 room at the conclusion of our closed session. We'll
8 reconvene for an important announcement.

9 CHAIR BUI: Oh, and one last thing before we leave
10 here.

11 Dave Spisak is not here today, but there is a
12 resolution for him. And I'd like to recognize his
13 service -- his 55 years of service to the law-enforcement
14 profession.

15 So I thank you, Dave.

16 Hopefully, he'll have a great time in retirement.

17 MR. CAPPITELLI: Yes, right.

18 COMMISSIONER SOBEK: Do we need the Advisory Chair
19 to come back out also?

20 MR. CAPPITELLI: Pardon?

21 COMMISSIONER SOBEK: Do you need the Advisory Chair
22 to come back?

23 MR. CAPPITELLI: No, you don't need to come back
24 after.

25 Thank you.

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1 CHAIR BUI: All right, thank you, folks.

2 *(The Commission met in closed executive session*
3 *from 10:37 a.m. to 11:59 a.m.)*

4 CHAIR BUI: Welcome back, folks. Thank you so much
5 for being patient with us.

6 In closed session, we had some discussion about some
7 pending litigation. And we just did that in closed
8 session.

9 Paul has a couple of things he would like to
10 announce.

11 MR. CAPPITELLI: Thank you, Madam Chair, Members of
12 the Commission, and members of the audience, in
13 particular, POST staff.

14 It's with mixed emotion that I announce today that
15 sometime before the end of the year, Mike DiMiceli has
16 announced his retirement. And so, clearly, we are going
17 to have a big void within our organization. We're going
18 to miss him in every way. But we wish him well in his
19 future endeavors. And we know it was a tough decision
20 for him, but he's been an outstanding member of the POST
21 staff and POST family. So please welcome me in
22 congratulating Michael on his retirement.

23 *(Applause and standing ovation.)*

24 MR. CAPPITELLI: That's all I have, Madam Chair.

25 CHAIR BUI: Well, thank you.

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 9th, 2010.

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