STATE OF CALIFORNIA
COMMISSION ON
PEACE OFFICERS STANDARDS AND TRAINING

POST COMMISSION MEETING

TIME: 10:00 a.m.

DATE: Thursday, February 24, 2011

PLACE: Hilton La Jolla Torrey Pines
10950 North Torrey Pines Road
La Jolla, California

REPORTER’S TRANSCRIPT OF PROCEEDINGS

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APPEARANCES

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 KAMALA HARRIS
Attorney General’s Office

THOMAS ANDERSON
Public Member

ROBERT COOKE
California Narcotics Officers’ Association

BONNIE DUMANIS
San Diego County District Attorney

FLOYD HAYHURST
Los Angeles County Sheriff’s Department

RONALD 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
APPEARANCES

COMMISSIONERS PRESENT

continued

LINDA SOUBIROUS
Public Member

POST ADVISORY COMMITTEE MEMBERS PRESENT

LAURA LORMAN
Committee Chair
Women Peace Officers Association of California

ELMO BANNING
Public Member

ALEX BERNARD
Public Member

JIM BOCK
California Specialized Law Enforcement

EDWARD BONNER
California State Sheriffs’ Association

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

JEFF MILLER
California Police Chiefs' Association

BRENT NEWMAN
California Highway Patrol
APPEARANCES

POST ADVISORY COMMITTEE MEMBERS PRESENT

TIM WILMORE
California Association of Police Training Officers

POST STAFF PRESENT

PAUL CAPPITELLI
Executive Director
Executive Office

MARIE BOUVIA
Executive Secretary
Executive Office

JAN BULLARD
Chief
Learning Technology Resource Center

KAREN CRAMER
Budget Officer
Administrative Services Bureau

RON CROOK
Multimedia Specialist
Learning Technology Resource Center

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
POST STAFF PRESENT

Continued

JOHN DINEEN
Bureau Chief
Management Counseling Services

DARLA ENGLER
Acting Bureau Chief
Administrative Services Bureau

BRYON GUSTAFSON
Senior Consultant
Training Program Services

MIKE HOOPER
Bureau Chief
Center for Leadership Development

KAREN LOZITO
Senior Consultant
Executive Office

CONNIE PAOLI
Administrative Assistant
Executive Office

EDMUND PECINOVSKY
Bureau Chief
Training Program Services

RICHARD REED
Assistant Executive Director
Executive Office
Administrative Services Division

BOB STRESAK
Bureau Chief
Standards and Evaluation Bureau
APPARANCES

PUBLIC MEMBERS

GREG BLOCK
Self Defense Firearms Training

JOEL DAVIS
Irvine Police Department

YGNACIO FLORES
Rio Hondo Community College

JOANN GOYA
Los Angeles Police Department

EUGENE OSKO

LUANN PANNELL
Los Angeles Police Department

JULIE SCHUPAK
Self Defense Firearms Training

JANICE SIMONE

JOHN STANDISH
Consultant
SAS Institute

DIANA TODARO
University of Phoenix

DANE WYGAL
digital OutPost
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(The gavel was sounded.)

CHAIR DOYLE: Good morning, everybody.

I'd like to call the meeting to order of the Peace Officer Standards and Training on Thursday, February 24th.

Would you please rise for the posting of the colors by the San Diego County Sheriff's Honor Guard?

(The Honor Guard presented the colors.)

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

(The Pledge of Allegiance was recited.)

CHAIR DOYLE: Please remain standing for a moment of silence honoring the officers who have lost their lives in the line of duty since our last meeting:

Officer Christopher Wilson, San Diego Police Department.

Cadet Randy Atchison, California Highway Patrol.

Officer Ryan Bonaminio, Riverside Police Department.

And Officer Tom Adams, California Highway Patrol.

(Moment of silence.)

CHAIR DOYLE: Thank you.

(The Honor Guard exited the meeting room.)
CHAIR DOYLE: Let's recognize the Honor Guard.

Thank you very much.

(Applause)

CHAIR DOYLE: Please have the roll call of Commission members.

MS. PAOLI: Allen?

COMMISSIONER ALLEN: Present.

MS. PAOLI: Tom Anderson?

COMMISSIONER THOMAS ANDERSON: Here.

MS. PAOLI: Bui?

VICE CHAIR BUI: Here.

MS. PAOLI: Cooke?

(No response)

MS. PAOLI: Doyle?

CHAIR DOYLE: Here.

MS. PAOLI: Dumanis?

COMMISSIONER DUMANIS: Here.

MS. PAOLI: Hayhurst?

COMMISSIONER HAYHURST: Here.

MS. PAOLI: Linden?

(No response)

MS. PAOLI: Lowenberg?

COMMISSIONER LOWENBERG: Here.

MS. PAOLI: Lundgren?

COMMISSIONER LUNDGREN: Here.
MS. PAOLI:  McDonnell?
COMMISSIONER McDONNELL:  Here.

MS. PAOLI:  McGinness?

(No response)

MS. PAOLI:  Smith?
COMMISSIONER SMITH:  Here.

MS. PAOLI:  Sobek?
COMMISSIONER SOBEK:  Here.

MS. PAOLI:  Soubirous?
COMMISSIONER SOUBIROUS:  Here.

MS. PAOLI:  George Anderson?
COMMISSIONER GEORGE ANDERSON:  Here.

CHAIR DOYLE:  I'd like to recognize our two new commission members:  A long-time friend, Tom Anderson, from Sonoma County; and Jim McDonnell, Police Chief, Long Beach. Welcome.

(Applause)

CHAIR DOYLE:  Also for those that don't know:  Paul Cappitelli, Executive Director of POST; Vince Scally, POST Legal Counsel; and Laura Lorman who is the POST Advisory Chair.

Now, I'd like to introduce San Diego County Sheriff Bill Gore, who is going to welcome our audience and the POST Commission.
SHERIFF GORE: Welcome.

CHAIR DOYLE: That was great, Bill.

(Applause)

SHERIFF GORE: On behalf of your Commission member, Bonnie Dumanis, District Attorney, and myself, we welcome you to San Diego. It's really a pleasure to have you all here: So many chiefs and my fellow sheriffs around the state.

Thanks to Paul, your Executive Director, a good partner of ours. And we're doing a lot of good things together with POST. So it's especially nice to have you here in San Diego.

I understand this is a one-day, you're out of here? You're not here tomorrow?

Because the rain is supposed to start, I think, tonight or tomorrow, and it's supposed to be maybe one of the coldest days in 50 years, if you can believe that.

But for talking to Bob from Northern California, I think it's going to be a high of 50 or something like that. So it's not going to be too dastardly. But it's a great location you find yourself in here.

As you know, Torrey Pines Golf Course out here, I had the humbling experience of playing with a member guest with one of your former members, John Standish, here, when he was with CPOA. John's about, what, a 5 or
a 6 handicap, and I'm about a 19 or a 20 handicap. So working around that course was quite a challenge.

But it's too bad, hopefully maybe some of you will have a chance to get out and play it. A little expensive if you're not a city resident. But it's a great location here, and this is probably the gem of San Diego County, right up here in La Jolla Torrey Pines; so make the most of it.

I hope if you do stay over, you get a chance to see some of our fine city. Obviously, there's a lot of things to offer. I would caution you to go to Old Town in San Diego and do all the Mexican restaurants there and buy all the Mexican souvenirs and stay out of Tijuana.

Not that anybody is going to target you, but the chance of getting caught in some kind of a crossfire down there I think is pretty bad. So we encourage people to stay on this side of the border.

If you are going to go down there, I'm serious, we offer this to you -- if you are going to go down there for something, check in with our comm. center, the main sheriff's number, and let them know you're going down there and check in with them when you get back. And that's just a way of keeping track of people if you feel like you must go down there, anyway.

Again, welcome to San Diego. We're honored to have
you here. I hope you enjoy your stay, and stay dry while you're here. And I know it will be a productive conference as I look around this room.

And it's challenging times we find ourselves in, up and down the state with our budget crisis and the shortfalls and realignment issues which we're all dealing with. So I know this will be a productive meeting. And we thank you for all you do in POST.

So with that, welcome to San Diego.

(Applause)

MR. CAPPITELLI: Excuse me, Mr. Chair.

Sheriff Gore, I just wanted to recognize you and the efforts that you and your department centered around the issue of providing a safe environment for your deputies in driving. I believe you have a model program here in this county, and we're using that to hold up the travel across the state, across the country.

So thank you for your efforts, and we commend you.

Thank you.

SHERIFF GORE: Thank you. Thanks for your help.

CHAIR DOYLE: Just some housekeeping matters for Commissioners. I'm passing around a roster, a registry, and also update on addresses and e-mails; so if you could please look at that and fill that out.

Next is Public Comment. This is the time set aside
for members of the public to comment on items on the agenda or not on the agenda.

If you do wish to speak, please limit your comments to five minutes.

Is there anyone in the audience who would like to address the Commission?

MR. OSKO: Yes.

CHAIR DOYLE: Please come to forward.

Please state your name.

MR. OSKO: My name is Eugene Osko. I'm a former judge in California and also a settlement judge for the State Supreme Court in Nevada.

I live in Glendora, California. And many of the officers there attended Rio Hondo for their training. I'm here today not just because of the fact of living in Glendora and the officers go to Rio Hondo, but I'm here because of learning of why the academy was closed down.

Now, I was contacted by some current and former staff and given a lot of information.

Well, I've passed the information on to the folks at Rio Hondo through their attorneys, and I hope it got through to the board. I also presented a copy of the letter to Mr. DiMiceli. And I assume that that's been made a part of your package here.

I can say without reservation that a judge's
concern, when officers appear before them, is their
training, to make sure they're adequately trained to do
the job they're supposed to do, trained properly with
firearms, and trained to be able to complete any
examinations on their own without any help or being given
exams prior to the examination and help with the answers.

It appears to me that if the allegations set forth
in my letter to Rio Hondo and to Mr. DiMiceli for the
purposes of the board are true -- any of them or all of
them -- that perhaps the best thing to do here is to
refer the matter of Rio Hondo and what happened there to
the U.S. Attorney in the Central District for review
prior to any decision on whether or not Rio Hondo may
resume training.

I'm told that there's several of the staff still
there that may be guilty of the violations I set forth in
the February 3rd letter. If that were to be true, one
thing for sure must occur, that these same people are not
there anymore.

I learned of Rio Hondo from the newspaper. I'm
retired now fully. I don't practice law and I don't do
anything as a judge. So I do do things periodically of a
public-interest nature. And when I saw that the academy
had been shut down, I was quite sure that the Commission
didn't do so without careful thought about what they were
And then as I began to hear different accounts, short accounts in the newspaper from the dean, Mr. Santoro, I had thoughts in my mind that what I was reading in the papers could not be the extent of the problem. And as a taxpayer, I was concerned that Mr. Santoro was being paid $12,000 or $13,000 a month to stay at home. That simply, to me, was not a proper use of taxpayer funds.

I took a look at the information provided me; and as far as I can see, any dean in the position of Dean Santoro is limited to being paid -- or limited to being accrued 22 days a year for leave; and that if the dean doesn't use it, he loses it.

So now we have Dean Santoro, if he is still your dean as he has indicating in some public statements, he has accrued some eight months of personal leave that he is using now for -- well, he has used it since November, and will use it through July, at which time he is going to retire.

I can't help but doubt that those, all of this time was accrued as Mr. Santoro indicates it is.

I'm also concerned that --

CHAIR DOYLE: Excuse me, you have one minute left.

MR. OSKO: Excuse me?
CHAIR DOYLE: You have one minute.

MR. OSKO: That's a quick five minutes. Sorry about that.

I can't help but be concerned, too, as a taxpayer that hundreds of thousands -- actually, millions of dollars went into building this academy, staffing it, and it's sitting empty.

So perhaps after the proper reviews are done, in order to get the academy going as expediently as possible, if the legal maneuvering will allow it, perhaps the Sheriff of Los Angeles County could totally staff that police academy so we can minimize the losses to the taxpayers and expedite the training of new officers.

I appreciate your time. I wish I had more time there for you.

CHAIR DOYLE: Thank you for your comments.

MR. OSKO: Thank you.

CHAIR DOYLE: Item A, approval of meeting minutes of the October meeting.

Is there a motion?

COMMISSIONER LUNDGREN: Motion. Lundgren.

COMMISSIONER SOBEK: Second. Sobek.

CHAIR DOYLE: All those in favor?

(A chorus of "ayes" was heard.)

CHAIR DOYLE: Item B, Items B.1 through B.15 on the
consent calendar.

I'll entertain a motion, unless a Commissioner would like to pull one for discussion.

(No response)

CHAIR DOYLE: Is there a motion?

COMMISSIONER SOBEK: Sobek. Motion.


CHAIR DOYLE: All those in favor?

(A chorus of "ayes" was heard.)

CHAIR DOYLE: Item C, Finance Committee.

I understand Commissioner McGinness is not here.

Commission Sobek?

COMMISSIONER SOBEK: Yes. I've got to find it -- I had it here.

Okay, yesterday, I was asked to sit in for Mr. McGinness -- Commissioner McGinness -- as the Finance chair. And we had a meeting yesterday.

And, you know, as we all know, I think the biggest issue is the budget.

Commissioner Dumanis, I didn't see you here.

And in regards to the financial report, revenue is down because training is down. And the big issue in our finances here is our agencies are not sending officers to training, probably because of their individual budget problems. And it's giving us a surplus in revenue. And
that's a concern to us, obviously, to the POST staff, because with a surplus, if the State sees that surplus, guess what they're going to want to do with it?

So staff has some ideas. I'm going to let Executive Director Cappitelli talk about those issues here in a second.

But that's a huge concern. We have to look at that, and I know POST staff is going to look at that hard and see what we can do to spend that money -- that surplus money that we have.

And my thought is, you know, we need to get -- we need to find a vehicle to get our information out there to the individual associations -- cities and counties -- to say, "Hey, what can we do to get you guys to send your people to training?" And that's something that staff's going to work on.

So I'm going to let Executive Director Cappitelli talk about those ideas to the full commission here, if you would.

MR. CAPPITELLI: Great.

Thank you, Commissioner Sobek.

Members of the Commission, we did have a discussion yesterday with respect to the -- and I don't like to characterize it as a "surplus," because these are funds that were encumbered or allocated to us for use
throughout the fiscal year. We find ourselves in a position right now as we move halfway through the fiscal year that there are funds that we thought would have been expended by now.

So I don't want to give the misimpression that this was extra money. These are funds that were allocated or earmarked to us to be able to provide reimbursement and provide training.

So with that said, what staff is considering are a number of options that would allow us to make changes to our business practices and the amount of reimbursement that we provide, so that we could push out more funds to the agencies to encourage them to send more people to training.

Understand that the way our model is set up, every year we encumber a large amount of funds in anticipation of a certain number of trainees.

And if you look in the financial report, you'll see that the number of trainees on average fluctuates somewhere between the $50,000 to $65,000 range.

Well, last year we saw the decline, and we dealt with that towards the end of the fiscal year. This year, we're seeing a decline even greater. And so we're trying to get ahead of the curve by discussing this now.

So some of the options being considered would be:
Some enhancements to the Learning Portal and courses we offer through the Learning Portal.

Some increased reimbursement amounts for travel and mileage for individual officers that attend training.

Some additional projects and some additional research relative to our efforts surrounding driver training and driver safety.

Some other projects that may be on the horizon for funding, such as the replacement of the testing administration system, the force-option simulation, and some other items that have come up recently.

The need to work on replacing all the test material that was compromised as a result of the Rio Hondo situation.

Perhaps some additional course offerings based on the volume, and some analysis that we conduct.

Perhaps expand the number of backfill eligible courses that we offer. Staff would like to do some analysis in that regard to see if there's some merit.

And then lastly, and probably most importantly, we want to spend a lot of time communicating directly with chiefs and sheriffs about exactly what it is that they view from their vantage point that POST can do different with respect to reimbursement to enable them to send more people to training. And that process would start almost
immediately.

I'll be attending the California Police Chiefs Conference this coming week, and I'll have an opportunity to sit at the table with the board of directors, and that will start the process. And we'll do that similarly with the State Sheriffs at their conference next month and in other groups that we spend time with.

So with that said, what staff was hoping for as a result of this discussion, is to see if the Commission would be willing to empower staff to look at these different areas that I just discussed, and perhaps a few more; try to see if there's a way that we can take the existing funds and disburse them more evenly across the fewer number of trainees that we have, and come back to the Commission in June with a full report on that. And hopefully by then, we'll have been able to expend some of these funds, to spread them out more to the available courses that we have.

COMMISSIONER SOBEK: Do you need direction by a motion?

MR. CAPPITELLI: I don't know if it would call for a motion. Just that was staff's intent, is to do that. This is more of an updated report. But I am interested in your comments and your feedback.

COMMISSIONER SOBEK: Well, I mean, from my
experience in our agency, one of the biggest things is getting us to training. And you always hear, you know, "We don't have the money, we'd have to pay overtime money."

And, you know, I would say -- my suggestion would be in some of the plan documents that don't backfill, maybe look at those documents -- those plans and say, "Okay, let's put some more money into those plans so that we can get officers trained and get the money back to the cities or counties to do it that way." And I think that's something that you guys are going to do, anyway.

MR. CAPPITELLI: That would be one of the options, yes.

CHAIR DOYLE: Other comments?

COMMISSIONER SOBEK: Thank you.

MR. CAPPITELLI: Thank you.

COMMISSIONER SOBEK: Just a couple of numbers that I want to go through, and then we're going to have to vote on what we recommended as the committee.

Revenue is down $1.6 million, and that doesn't include January and February.

Reimbursable training is at about 50 percent of last year.

And reimbursement expenditures are -- they're pretty far down, at $3.7 million. And if they stayed on track,
it would probably be about $10 million.

So those are some of the numbers that POST is looking at and are concerned.

If you look at the agenda items, H through Q, for new expenditures, just so you know, the committee recommended approval of those items. We're going to need a motion for full approval of those items.

CHAIR DOYLE: Is there a motion to approve the financial report?

VICE CHAIR BUI: Motion.

CHAIR DOYLE: Second?


CHAIR DOYLE: All those in favor?

COMMISSIONER LOWENBERG: Mr. Chair, before you vote on that, are we including the contracts that were part of the report?

COMMISSIONER SOBEK: Yes, that was my next -- I was going to --

The motion I need for this is the agenda items for the new expenditures; and we have another motion for the proposed contracts.

COMMISSIONER LOWENBERG: Okay. Thank you for the clarification.

MR. CAPPITELLI: Mr. Chair, perhaps Assistant Director Reed could come forward and help us through the
MR. REED: Good morning, Mr. Chair, Commissioners.

As Commissioner Sobek indicated, the Committee did, in fact, approve Items H through Q on the regular agenda. I think probably the most proper thing is, we'll do a roll-call vote on those because they are expenditure items. However, the committee did, in fact, approve all of those items. It recommends that the Commission consider those for approval.

The other items on the agenda were the proposed budget for this year. So far, so good.

The Governor's proposed budget, including all of our revenues, such as VAWA grant money, Homeland Security, et cetera, is roughly $61 million. From POTF funds we will derive $59 million. So far, they are not under attack. So we take the "So far, so good" philosophy on those.

We'll see what happens with the May Revise or if the Governor has to modify his stance on anything as a result of his fiscal dilemma that we all know he's facing.

Then the next thing that we considered was the proposed contracts, the recurring contracts, as we call them. The committee yesterday also reviewed those and recommended that the Commission approve all of the recurring contracts which are, I believe, included in
your manual.

So that concluded the business and the recommendations from the Committee yesterday, I believe.

Is that accurate, Mr. Sobek?

COMMISSIONER SOBEK: Yes.

CHAIR DOYLE: So we have a motion to approve through "Q," excluding the contracts.

COMMISSIONER SOBEK: Yes. There are two different -- we have the agenda items for the new expenditure items, and then we have the proposed contracts.

CHAIR DOYLE: Right. So on the expenditures, we have a motion and a second.

COMMISSIONER SOBEK: But you think that's a roll-call vote?

MR. REED: It will be a roll-call vote. And you should hear the item before you vote to approve it. However, just prospectively, when you hear these items, as they come up, you should know that the committee has approved all of those, so that should weigh in your decision.

MR. CAPPITELLI: Mr. Chair, let me clarify the confusion here.

As you recall, we moved the Finance report to a different part of the agenda because we recognized at the
last meeting that its placement in the report was out of
order. And so this discussion really here is to approve
the Finance report, to know that the Finance Committee
has recommended to approve the recommendation -- the
actual policy vote is for the Commission when the item
comes up.

Does that clarify it?

Is that correct, Mr. Reed?

MR. REED: Excellent save, Boss. Thank you.

MR. CAPPITELLI: Thank you, sir.

CHAIR DOYLE: Okay, there's a motion and a second.

All those in favor?

(A chorus of "ayes" was heard.)

COMMISSIONER SMITH: Just for clarification, we will
get to each item individually, correct?

CHAIR DOYLE: Yes.

COMMISSIONER SMITH: Got it. Thank you.

CHAIR DOYLE: Commissioner Sobek, the contracts?

COMMISSIONER SOBEK: Do you want to talk about the
contracts?

CHAIR DOYLE: It's a separate motion, and I'm
assuming --

COMMISSIONER SOBEK: Yes, we reviewed the contracts
as a committee, approved the recommendation to the full
Commission to approve those contracts.
CHAIR DOYLE: We need a motion for that as well?

COMMISSIONER SOBEK: No, we just need a motion for the Finance report, and we're good.

End of my report. Thank you.

MR. CAPPITELLI: Thank you, Mr. Reed.

CHAIR DOYLE: Item D, Report on Proposed Changes to the Field Training Officer Update Course.

Any commissioner requesting the report?

(No response)

CHAIR DOYLE: Is there a motion to approve?

COMMISSIONER LUNDGREN: Motion. Lundgren.

COMMISSIONER DUMANIS: Second. Dumanis.

CHAIR DOYLE: All those in favor?

(A chorus of "ayes" was heard.)


Does any commissioner want a report?

(No response)

CHAIR DOYLE: Seeing none, is there a motion?

COMMISSIONER ALLEN: I'll move it. Allen.

CHAIR DOYLE: Second?


CHAIR DOYLE: All those in favor?

(A chorus of "ayes" was heard.)

CHAIR DOYLE: Item F, Report on Tuition for Sherman
Block Supervisory Leadership Institute.

Is there a motion?

COMMISSIONER GEORGE ANDERSON: Anderson. Move.

COMMISSIONER DUMANIS: Dumanis. Second.

CHAIR DOYLE: This requires a roll-call vote.

MS. PAOLI: Allen?

COMMISSIONER ALLEN: Yes.

MS. PAOLI: Tom Anderson?

COMMISSIONER THOMAS ANDERSON: I abstain at this point.

MS. PAOLI: Bui?

VICE CHAIR BUI: Yes.

MS. PAOLI: Cooke?

(No response)

MS. PAOLI: Doyle?

CHAIR DOYLE: Yes.

MS. PAOLI: Dumanis?

COMMISSIONER DUMANIS: Yes.

MS. PAOLI: Hayhurst?

COMMISSIONER HAYHURST: Yes.

MS. PAOLI: Linden?

(No response)

MS. PAOLI: Lowenberg?

COMMISSIONER LOWENBERG: Yes.

MS. PAOLI: Lundgren?
COMMISSIONER LUNDGREN: Yes.

MS. PAOLI: McDonnell?

COMMISSIONER McDONNELL: Yes.

MS. PAOLI: McGinness?

(No response)

MS. PAOLI: Smith?

COMMISSIONER SMITH: Yes.

MS. PAOLI: Sobek?

COMMISSIONER SOBEK: Yes.

MS. PAOLI: Soubirous?

COMMISSIONER SOUBIROUS: Yes.

MS. PAOLI: George Anderson?

COMMISSIONER GEORGE ANDERSON: Yes.


Does any commissioner request a report?

(No response)

CHAIR DOYLE: Is there a motion?

COMMISSIONER SOBEK: Sobek. Motion.


CHAIR DOYLE: This also requires a roll call.

MS. PAOLI: Allen?

COMMISSIONER ALLEN: Yes.

MS. PAOLI: Tom Anderson?

COMMISSIONER THOMAS ANDERSON: Yes.
MS. PAOLI: Bui?

VICE CHAIR BUI: Yes.

MS. PAOLI: Cooke?

(No response)

MS. PAOLI: Doyle?

CHAIR DOYLE: Yes.

MS. PAOLI: Dumanis?

COMMISSIONER DUMANIS: Yes.

MS. PAOLI: Hayhurst?

COMMISSIONER HAYHURST: Yes.

MS. PAOLI: Linden?

(No response)

MS. PAOLI: Lowenberg?

COMMISSIONER LOWENBERG: Yes.

MS. PAOLI: Lundgren?

COMMISSIONER LUNDGREN: Yes.

MS. PAOLI: McDonnell?

COMMISSIONER McDONNELL: Yes.

MS. PAOLI: McGinness?

(No response)

MS. PAOLI: Smith?

COMMISSIONER SMITH: Yes.

MS. PAOLI: Sobek?

COMMISSIONER SOBEK: Yes.

MS. PAOLI: Soubirous?
COMMISSIONER SOUBIROUS: Yes.

MS. PAOLI: George Anderson?

COMMISSIONER GEORGE ANDERSON: Yes.


Is any commissioner requesting a report?

(No response)

CHAIR DOYLE: Is there a motion?

COMMISSIONER HAYHURST: So moved. Hayhurst.


CHAIR DOYLE: All those in favor?

(A chorus of "ayes" was heard.)

MS. PAOLI: Roll call?

CHAIR DOYLE: Roll call. Yes.

MS. PAOLI: Allen?

COMMISSIONER ALLEN: Yes.

MS. PAOLI: Tom Anderson?

COMMISSIONER THOMAS ANDERSON: Yes.

MS. PAOLI: Bui?

VICE CHAIR BUI: Yes.

MS. PAOLI: Cooke?

(No response)

MS. PAOLI: Dumanis?

COMMISSIONER DUMANIS: Yes.
MS. PAOLI: Doyle?

CHAIR DOYLE: Yes.

MS. PAOLI: Hayhurst?

COMMISSIONER HAYHURST: Yes.

MS. PAOLI: Linden?

(No response)

MS. PAOLI: Lowenberg?

COMMISSIONER LOWENBERG: Yes.

MS. PAOLI: Lundgren?

COMMISSIONER LUNDGREN: Yes.

MS. PAOLI: McDonnell?

COMMISSIONER McDonnell: Yes.

MS. PAOLI: McGinness?

(No response)

MS. PAOLI: Smith?

COMMISSIONER SMITH: Yes.

MS. PAOLI: Sobek?

COMMISSIONER SOBEK: Yes.

MS. PAOLI: Soubirous?

COMMISSIONER SOUBIROUS: Yes.

MS. PAOLI: George Anderson?

COMMISSIONER GEORGE ANDERSON: Yes.

CHAIR DOYLE: Item I, Report on Request to Accept Federal Fiscal Year 2011 Homeland Security Grant Funds. Does anyone request a report?
(No response)

CHAIR DOYLE: Is there motion?

COMMISSIONER LOWENBERG: Lowenberg. Move to approve.

COMMISSIONER DUMANIS: Dumanis. Second.

CHAIR DOYLE: All those in favor?

(A chorus of "ayes" was heard.)

MS. PAOLI: Roll call?

CHAIR DOYLE: Excuse me. Yes, roll call.

MS. PAOLI: Allen?

COMMISSIONER ALLEN: Yes.

MS. PAOLI: Tom Anderson?

COMMISSIONER THOMAS ANDERSON: Yes.

MS. PAOLI: Bui?

VICE CHAIR BUI: Yes.

MS. PAOLI: Cooke?

(No response)

MS. PAOLI: Doyle?

CHAIR DOYLE: Yes.

MS. PAOLI: Dumanis?

COMMISSIONER DUMANIS: Yes.

MS. PAOLI: Hayhurst?

COMMISSIONER HAYHURST: Yes.

MS. PAOLI: Linden?

(No response)
MS. PAOLI: Lowenberg?
COMMISSIONER LOWENBERG: Yes.
MS. PAOLI: Lundgren?
COMMISSIONER LUNDGREN: Yes.
MS. PAOLI: McDonnell?
COMMISSIONER McDONNELL: Yes.
MS. PAOLI: McGinness?
(No response)
MS. PAOLI: Smith?
COMMISSIONER SMITH: Yes.
MS. PAOLI: Sobek?
COMMISSIONER SOBEK: Yes.
MS. PAOLI: Soubirous?
COMMISSIONER SOUBIROUS: Yes.
MS. PAOLI: George Anderson?
COMMISSIONER GEORGE ANDERSON: Yes.
MS. PAOLI: Thank you.
Does any commissioner request a report?
(No response)
CHAIR DOYLE: Is there a motion?
VICE CHAIR BUI: Motion.
COMMISSIONER LUNDGREN: Second. Lundgren.
CHAIR DOYLE: Roll call --
COMMISSIONER LOWENBERG: Excuse me, Mr. Chair, could I ask if staff maybe could help me what to decide? I need to know if I need to -- I'm certainly in favor of this motion, but I need to know if I should abstain based on a potential partnership between Golden West College Media Center, and these kinds of activities. And maybe there's somebody on staff that could tell me if this is at all related --

MS. BULLARD: I don't believe this would include a project with Golden West, sir.

COMMISSIONER LOWENBERG: I will abstain.

CHAIR DOYLE: Roll call.

MS. PAOLI: Allen?

COMMISSIONER ALLEN: Yes.

MS. PAOLI: Tom Anderson?

COMMISSIONER THOMAS ANDERSON: Yes.

MS. PAOLI: Bui?

VICE CHAIR BUI: Yes.

MS. PAOLI: Cooke?

(No response)

MS. PAOLI: Doyle?

CHAIR DOYLE: Yes.

MS. PAOLI: Dumanis?

COMMISSIONER DUMANIS: Yes.

MS. PAOLI: Hayhurst?
COMMISSIONER HAYHURST: Yes.

MS. PAOLI: Linden?

(No response)

MS. PAOLI: Lowenberg?

COMMISSIONER LOWENBERG: Abstain.

MS. PAOLI: Lundgren?

COMMISSIONER LUNDGREN: Yes.

MS. PAOLI: McDonnell?

COMMISSIONER McDonnell: Yes.

MS. PAOLI: McGinness?

(No response)

MS. PAOLI: Smith?

COMMISSIONER SMITH: Yes.

MS. PAOLI: Sobek?

COMMISSIONER SOBEK: Yes.

MS. PAOLI: Soubirous?

COMMISSIONER SOUBIROUS: Yes.

MS. PAOLI: George Anderson?

COMMISSIONER GEORGE ANDERSON: Yes.

CHAIR DOYLE: Thank you.

Item K, Authorization to Pursue Legislation Change to Allow POST the Option to Accept or Decline the Environmental Crimes Training Funds.

Commissioner Lundgren, would you make a comment about the Leg. Committee's discussion?
COMMISSIONER LUNDGREN: We discussed this in Legislative Committee this morning. And I would defer this to staff.

Easy out. I practiced that.

MS. BULLARD: Good morning, Mr. Chairman. Good morning Commissioners.

Penal Code section 13314 currently mandates that POST receive a percentage of the environmental enforcement and training account annually in order to develop environmental crimes training for law enforcement.

What we are asking is the Commission to give us approval for the Executive Director to seek an amendment to this legislation, which will allow us the option to either accept or decline those funds based on an evaluation of a training need, and also the funds that are available by POST and staffing by POST that is required whenever we develop this type of training.

With our past awards, we have developed a self-paced course which is currently on the Learning Portal. We customize that course for the Cal EPA investigators. We produced and distributed 1,600 copies of a training video. And we have created an eight-hour facilitated course on advanced investigation techniques which is currently offered through San Diego Regional Training...
So both Cal EPA and POST staff are of the opinion that there currently is a sufficient amount of training available to law enforcement on this topic. Without the ability to be able to decline these funds, we are destined to continue to create and develop training which is not only expensive but now is redundant.

Whenever we do develop this type of training, there is a substantial financial commitment by POST because the amount of the award that we are getting has certainly decreased extensively over the last few years.

This year's award is $17,557. If we do another training video, that's $116,000. Another self-paced course is $250,000. And this is the difference that POST has to make up.

What is also of importance to me is that it forces us to defer our staff, which is very limited, away from other programs that may have a higher priority or be time-sensitive.

We have had open discussions with Cal EPA and CDAA who were the co-authors of the original legislation, and they are supporting our efforts to look for this amendment to the legislation. It will allow them some options because they will be able to now use those funds to reimburse attendees at their training conferences,
which is something that POST is not able to do because of our regulation.

COMMISSIONER DUMANIS: So moved.

CHAIR DOYLE: Questions?

COMMISSIONER SOBEK: Second.

CHAIR DOYLE: There's a motion and a second.

All those in favor?

(A chorus of "ayes" was heard.)

CHAIR DOYLE: Thank you.

MS. PAOLI: Who made the motion?

CHAIR DOYLE: Dumanis and Sobek.

Item L, Request for Approval to Enter into a Contract with South Bay Regional Public Safety Training Consortium to Present ICI Training.

Before we get to that, if you look at the item in our package, the third paragraph after "Executive Director enters into a contract with SBRPSTC," insert "or another entity."

Is there any Commissioner that would like to --

COMMISSIONER SMITH: I would like a presentation, please.

CHAIR DOYLE: -- interested?

What did you want?

COMMISSIONER SMITH: A presentation.

CHAIR DOYLE: Come on up, Alan.
MR. DEAL: Good morning, Mr. Chair, Commissioners.

This was an item that was generated as a result of a failure of performance on the part of the California State University, San José, who has been a partner with POST for many, many years. There has been significant effort expended on the part of POST to address some of the performance deficiencies. And after three years of trying to resolve those issues, the decision was made to move the various contracts and plan courses that had previously been handled by the State University, San José.

One of the things that we did was gather a number of our staff who are our regional consultants and other members of POST who have responsibility for networking with and working with the field. And the decision was made that notification would occur to the various presidents of the chief associations within the three counties that are affected by the impact of moving the various contract courses and the plan courses.

As a result of that and additionally, there were also other meetings that took place of some of the -- LETMA, which are the training managers for the various regions, to inform them as to the decision of moving various contracts.

The contract that affects my division is the one
that deals with the Institute of Criminal Investigation course, which is one presenter. There are several presenters around the state that offer the core course, as well as some of the specialty courses associated with investigations.

Contact was made with the South Bay Regional Public Safety Training Center that staff has worked with over the years and has provided many, many kinds of different training approved by this Commission and asked whether or not they would be in a position to take on the ICI course and several specialties that are identified in the agenda item. And they have accepted and indicated a willingness to do so.

One of the issues for us when the decision was made not to renew the contracts with San José State, was a letter that was generated to them, indicating that we wished to sever the relationship at the end of the current fiscal year. In discussions that I had with the dean at the college, he indicated that they wished to sever the relationship at the end of February.

So for some of our courses, that creates a hardship. For the ICI-related courses, the request before you is to request specifically the new fiscal year of training relative to the core course and the specialty courses that would be offered through South Bay.
COMMISSIONER HAYHURST: Commissioner Hayhurst.

Just a clarification.

That's to begin a brand-new contract with them, or is that to finish out this fiscal year only?

MR. DEAL: For the ICI course, that would be -- for all of the courses that are listed under this agenda item, this would be for the new fiscal year.

So many of the courses have already been canceled by San José State so that there will be little or no impact because they canceled due to a lack of -- or sufficient numbers of people. And also in anticipation that we were not going to retain the contract with them.

COMMISSIONER HAYHURST: Another question.

Was there any other entity contacted? Was it put out to bid?

MR. DEAL: This was not a bid issue.

Through the state rules, we have the ability to go to an entity, a JPA, a governmental entity, which includes colleges, universities. And we were able to contract directly with those.

All of that information, all of that -- what we negotiated in the way of a contract has to go through the various control agencies that follow state rules.

And so they were the first entity that was contacted relative to this specific contract that's before you.
And they indicated their willingness to take on the responsibility offering the various courses that are described under this agenda item.

COMMISSIONER HAYHURST: Was there any other entity asked?

MR. DEAL: No.

CHAIR DOYLE: Commissioner Smith?

COMMISSIONER SMITH: This is a huge contract. This is for more than a half million dollars.

And in hearing how the contract went -- and I understand that there were problems with San José State, and this is a new contract. So basically what we're doing is we're awarding a new entity, this more than a half a million dollars.

My thoughts on contracting generally is, I find it very onerous to follow the county rules or government rules because it does take a lot of time; but this is public money that we're spending.

I believe that the contracting principles that we all abide by are for a purpose. And the purpose is that it's fair, it's objective. We've looked at the best agency that can provide the service.

Anytime there is a competitive process, I believe that it ensures a quality product; I believe that it also may have agencies reevaluate what it is that we're asking
for, how much money they're asking for. Because they know it's going to be in a competitive manner.

Open government is very important. Transparency is absolutely the most important.

We, as a commission, have a huge responsibility to abide by those contracting principles.

I was surprised to learn that POST can actually reach out and identify an agency that they wish to give the contract to.

Now, it does say in here to negotiate with South Bay or any other entity. But we were told yesterday, that's put in everything just in case something falls through with South Bay. But I get the impression that they're going to move forward -- actually not the impression, it was stated yesterday that they're going to move forward with this contract with South Bay.

Yes, going out to bid is too cumbersome.

Does it make our public life miserable sometimes? Absolutely.

Is it a slow process? Yes.

But it assures that we are taking the best care of public money.

There may be many other presenters who would offer a quality product, who would offer a quality product at a lower price.
The problems that I have with this yesterday -- and it was discussed briefly at Finance and at the Advisory -- is, this is a single provider. And when you're looking at a sum that's over a half a million dollars, to say that -- first of all, it says they've reached out to find potential providers. This is the first I learned that they did not contact other people.

So staff met with one entity to discuss the possibility of becoming a presenter and the willingness to adhere to ICI training requirements. And the presenter of the POST-certified class is aware of the requirements and has agreed to accept responsibility to do it.

I don't think that that's how we should be spending over a half a million dollars, asking someone verbally, "Can you present this class?"

Certainly they will, and there's been a dollar amount assigned. I don't know where there is the impetus to reduce the money.

I believe that the contracting principles that we all adhere to really have a purpose.

Another problem that I have with this is there is no date for this period in this staff report.

I think as a commission, we need to be more cautious for how POST reaches out and selects agencies to be the
That's all.

CHAIR DOYLE: Correct me if I'm wrong, Alan, in your presentation, I thought I heard you say that you contacted all the stakeholders in the region, right?

MR. DEAL: There was notification to the chairs or presidents of the three associations, in the three counties: Alameda, Contra Costa, and Santa Clara County. There was also some follow-up with some of the training manager associations, where information was provided, the array of contracts that had previously been the responsibility of San José State.

CHAIR DOYLE: Commissioner Sobek?

COMMISSIONER SOBEK: What would happen if this Commission did not approve this contract today? How bad would that be as far as training -- the suspension of training?

MR. DEAL: It would have an impact, but that impact would occur in the next fiscal year, related specifically to the ICI core course and the specialty courses that would be made available to the region.

It would mean that the trainees who need the training would have to go to other locations outside of the region in order to get that training, because there are other presenters of the core course and the specialty
COMMISSIONER SMITH: I didn't want to personalize this based on our agency, but because I have the experience is why yesterday I made some phone calls to find out what happened.

When we found out that San José State was no longer going to provide it, we met at the Sheriff's office administratively to discuss if this is -- because it is a large project, if it's something that we could take on.

We then contacted POST via e-mail, and the Executive Director says that, yes, he has a copy of our e-mail. We said that we would like to have the opportunity to bid on this, or whatever the process would be, or whatever the words were; and we didn't receive any reply from POST.

And then at a subsequent training manager meeting -- which is a mid-level management meeting -- we were told by POST, "It's too late. It's going to South Bay, and it's going to go before the Commission."

So if that is reaching out to other agencies, we did express an interest.

MR. CAPPITELLI: Members of the Commission, I'd like to clarify. And I understand, Commissioner Smith, your concerns.

I can assure you that all of the rules and all the
guidelines and laws applicable to this process have been adhered to. So I want to make that clear.

I understand your concern about the staff's inability at the moment to reach out to all of the available presenters. But understand that our goal is to try to ensure continuity of training. And this was the most expeditious way to be able to facilitate that.

If there is a concern of the Commission as to the manner in which we procure providers of training on a go-forward basis, certainly we'd be willing to look at that. But the policy question today for you is whether or not you want to approve this change.

If you do not, what that will mean is that there are a number of courses that are listed here that will not be able to be hosted at the beginning of the fiscal year.

And so I am certainly open to you. I report to you. If you want us to evaluate the processes by which we determine who provides training for us, I'll be glad to do that. But for today's meeting, we really need to know whether or not we'll approve this policy item.

If not, then we'll have to start another process to move forward, which will require us to make notifications.

COMMISSIONER LOWENBERG: Mr. Chair?

CHAIR DOYLE: Commissioner Lowenberg?
COMMISSIONER LOWENBERG: I don't disagree with what Commissioner Smith indicated, as it relates to open government and transparency. And then she also admitted that often the bureaucratic process that we have to go through -- I mean, I wish I had a buck for every time I heard someone say, "Well, it went to the lowest bidder." But that's not really what we're talking about here, I don't think -- I hope not.

But as one commissioner, I have to believe and have faith in staff's ability to examine the issue, to identify the problem, and to try to fix it in the most expeditious manner possible, making sure -- and we've been assured by the Executive Director that the rules have been followed.

And the little bit that I know about it, as a commissioner and as a presenter, I've got to believe that staff reached out to this particular vendor because of their working relationship with them and their ability to do probably an almost-seamless transition. And so I would be in support of this particular action as recommended by staff.

That being said, I would be more than happy to support Commissioner Smith's concerns about maybe her agency wanting to be involved. Although I have to tell you, with all due respect, I'm a little bit concerned
that we start mixing our roles as sheriff with commissioner. And I know in my interaction with Commissioner Smith in the past, that she respects that. It just so happens in this particular case, her agency apparently is in a position to maybe have an interest in this particular contract.

So I would be interested in what other commissioners have to say. But, again, for whatever it's worth, I'm prepared to support this particular motion.

CHAIR DOYLE: Are there other comments?

Commissioner Sobek?

COMMISSIONER SOBEK: Yes, I agree with Commissioner Lowenberg.

If this is a one-year contract for this fiscal year, I would be supportive of it. But I would like to see -- and I'm not directing -- I would not want to direct staff to do this as a commission. Just to kind of look at how we go after these contracts, and maybe there's a better way to do it that's more transparent.

But, you know, if that is cost-effective -- or not cost-effective and cumbersome and all those things, that maybe it's not just feasible to do it that way. But at least report back to us and say, "Hey, these are the ideas that we have come up with, and these are the reasons why it's this way or it's this way," and then we
decide if that's how we want to continue with our contracts.

CHAIR DOYLE: Any other comments by Commissioners?

Is there a motion on Item L?

COMMISSIONER LOWENBERG: Move to approve.

CHAIR DOYLE: Commission Lowenberg.

COMMISSIONER SOBEK: Second.

CHAIR DOYLE: Second. Sobek.

This requires a roll call.

MS. PAOLI: Allen?

COMMISSIONER ALLEN: Yes.

MS. PAOLI: Tom Anderson?

COMMISSIONER THOMAS ANDERSON: Yes.

MS. PAOLI: Bui?

VICE CHAIR BUI: Yes.

MS. PAOLI: Cooke?

(No response)

MS. PAOLI: Doyle?

CHAIR DOYLE: Yes.

MS. PAOLI: Dumanis?

COMMISSIONER DUMANIS: No.

MS. PAOLI: Hayhurst?

COMMISSIONER HAYHURST: No.

MS. PAOLI: Linden?

(No response)
MS. PAOLI: Lowenberg?

COMMISSIONER LOWENBERG: Yes.

MS. PAOLI: Lundgren?

COMMISSIONER LUNDGREN: No.

MS. PAOLI: McDonnell?

COMMISSIONER McDONNELL: No.

MS. PAOLI: McGinness?

(No response)

MS. PAOLI: Smith?

COMMISSIONER SMITH: My vote is no, unless counsel believes that I should abstain.

MR. SCALLY: I don't see the need to abstain.

COMMISSIONER SMITH: I'm sorry?

MR. SCALLY: I don't think you need to abstain.

COMMISSIONER SMITH: No.

MS. PAOLI: Sobek?

COMMISSIONER SOBEK: I made the motion so -- I mean, or second the motion, so I'll say yes.

MS. PAOLI: Soubirous?

COMMISSIONER SOUBIROUS: Yes.

MS. PAOLI: George Anderson?

COMMISSIONER GEORGE ANDERSON: Yes.

CHAIR DOYLE: So it passes? The motion passes?

Okay, thank you.

Item M, Committee Reports --
COMMISSIONER SMITH: May I make a comment for the record?

I'm only challenging the process. If you would like me to be -- this is not about our agency. Because we were involved, I just had more information on this about what the outreach was. So I apologize if you think that this was done for personal reasons for us. It's the process, and we all believe in process in government.

CHAIR DOYLE: Yes, Commissioner Lowenberg?

COMMISSIONER LOWENBERG: Yes. Thank you, Commissioner Smith.

I hope nothing I said indicated that I have nothing but the greatest respect for Commissioner Smith.

I do -- if, in fact -- and I have no reason to believe it didn't occur as Commissioner Smith indicated with her department and her lack of response from POST; if that did, in fact, happen, I have enough faith in you, Mr. Director, that that particular issue will be rectified.

MR. CAPPITELLI: Yes, Commissioner, I will look into that aspect. But I can tell you, the entire process did not occur in a vacuum. There were a number of people consulted.

Perhaps it didn't play out the way that some of the members of the Commission had hoped; but I can assure you
that staff did everything it could at the time to ensure that we could provide the seamless training. But I will definitely look into that.

COMMISSIONER LOWENBERG: And I'm also, I think, smart enough to figure out that as a result of this split vote, there is some work that staff needs to do to help us all feel comfortable that -- and I'll use the example in my conversation with a couple of our new commissioners this morning. And I think I can say this with some experience, and some -- I hate to use the word "expertise" because none of us in this room are necessarily experts in that area, but it's all about relationships.

And I've got to believe that this is one of the best commissions I have had -- that the present makeup of the Commission is one of the best commissions I've ever had the privilege working with over the number of terms that I've had the privilege of serving on this Commission. So it seems to me, anytime we have a split vote, there's work to be had on the part of staff to make sure that we do our part to reduce the number of split votes.

Thank you.

CHAIR DOYLE: Thank you.

COMMISSIONER ALLEN: I was going to say -- I should have said this before the vote -- but my concern was to
get the training out to the people that need it. And to
delay this, no matter what the reason, would be harmful.
So I think transparency is always something we could all
work on, particularly in light of what's been happening
in the state. But we need to get the training to the
officers. So that's my opinion.

CHAIR DOYLE: Any other comments?

COMMISSIONER SOUBIROUS: I'd like to echo
Commissioner Allen's comments, too. That's how I felt
with the vote.

CHAIR DOYLE: Good.

Okay, Committee Reports.

Advisory Committee. Laura?

MS. LORMAN: Well, there was -- on the agenda, there
were two items that we did discuss and that took some
time.

One of them was the previous item that was just
voted on, and that discussion was also dealing with
transparency.

Then the other item was the campus law enforcement
item. There was discussion there, predominantly from me,
since I'm previous campus law enforcement, and one of our
Advisory Committee members who is a current officer of
campus law enforcement.

And we had brought up some issues and concerns
regarding the length of the training module for rising at the 32 hours; and some issues regarding dealing with the training with sworn personnel versus non-sworn personnel, security, K through 12 versus college. And there was a lot of -- I had taken the previous course, because I had a lot of complaints from my officers. And I was not happy with the course, and I still felt that there were issues in this course that did not solve the problem when it came to the amount of time and amount of dead time there is in the course for sworn officers. Because a lot of the issues were towards K through 12, which is totally separate. They're apples and oranges.

And then one of the other Advisory Committee members brought up the fact that when he took it, I mean, there were instructors that really had no knowledge in the educational arena when it came to educational law enforcement, and that presented a problem.

So that was a discussion that we had on those two major issues.

CHAIR DOYLE: Thank you.

Item N, Legislative Review Committee.

Commissioner Lundgren?

COMMISSIONER LUNDGREN: Yes, sir. Thank you.

This morning, the Legislative Committee met. We discussed the bill that we discussed in Item K.
We also looked at bills for Commission position and bills of interest.

The Commission position, AB 308; and I'd be best served if I'd ask Karen to brief the Commission on that.

MS. LOZITO: Mr. Chair, Commissioners. Just the one bill, AB 308. The Commission has voted twice to oppose this bill in 2006 and 2007.

It's back in a similar form. And what it requires is the Department of Justice, POST, and specified entities to put together procedures for eyewitness and line-up procedures for peace officers. And all peace officers in the state are going to have to comply with this new policy.

But what it includes is double-blind identification procedures, sequential presentation of photographs instead of a photo array. And it also would require that live line-up and photo displays are preserved on videotape.

And this is based on the recommendation by the California Commission on the Fair Administration of Justice. The Legislative Review Committee recommended that the Commission oppose that bill.

COMMISSIONER LUNDGREN: And then the other two bills we spoke about are just bills of interest, and they have to do with public retirement, that being SB 27, SB 28.
The Commission took no action on those. Those were just, again, bills of interest.

CHAIR DOYLE: Is there a motion to accept the Legislative Committee report?

COMMISSIONER DUMANIS: So moved.

CHAIR DOYLE: Dumanis.

Second?

COMMISSIONER McDonnell: Second.


All those in favor?

(A chorus of "ayes" was heard.)

CHAIR DOYLE: Thank you.

Item O is correspondence, which is in all of your packets.


Director?

MR. CAPPITELLI: Thank you.

Mr. Chair, Members of the Commission.

At this time I'd like to ask Bureau Chief Bob Stresak to come forward to provide us with an update on this issue.

MR. STRESAK: Good morning, Mr. Chair, Honorable Commissioner members, distinguished guests. My name is Bob Stresak. I'm the Bureau Chief of Standards and
This presentation will be for information only, to give you some current updates on the status of the Rio Hondo investigation. And I think perhaps for the benefit of new commissioners and those who weren't aware of the initial incident, I'll give you a very, very brief overlay of that.

To take you back about a year ago, the Department of Finance in the State of California asked the Commission on POST to identify some of its internal risk. And in that report, the priority risk was testing security that we identified. And we believe that the testing system was somewhat antiquated and vulnerable.

Fast-forward to August of 2010, our fears came true when an incident was discovered at Rio Hondo Academy. A student had brought forward a CD study guide and asked an instructor to verify its accuracy. The instructor immediately recognized the study guide to contain actual test questions, verbatim test questions.

The Academy appropriately notified POST. We reviewed the study guide. And when the research was completed, over 350 actual test questions were contained on that study guide, including one test, Learning Domain 42, that had just been updated in May of 2010. That test was on the study guide in its entirety.
A further follow-up investigation would reveal another 150 questions from a second study guide, for a total of 500 questions, compromising 23 out of 26 POST high-stakes tests. At that point, we initiated our investigation.

The current status, Rio Hondo remains on suspension at this time. The investigation is deescalating and transitioning its focus now to rehabilitating the college academy.

Information continues to trickle in, is being addressed.

And at this time, I'd like to take an opportunity to thank Captain Brent Newman for his efforts in helping us garner some computer forensics resources that were needed.

After five months of investigative effort, no smoking gun was ever found that could conclusively point to any individual that may have been culpable. However, sufficient evidence exists to conclude that the test compromise was no single failure of responsibility, but a collective or cumulative result of leadership failure.

As a result of this incident, numerous personnel actions have been taken by the office of the president. And it's important to note that POST has remained neutral in any type of personnel actions taken by Rio Hondo.
College. Our primary focus has been the test security and the extent to which that study guide was disseminated.

Two classes at the time were suspended as a result of this investigation. Class 195 was reconstituted. And thanks to Sheriff Baca and his academy staff, Class 195 graduated on January 21st at the Los Angeles County Sheriff's Academy. Mr. Paul Cappitelli was the keynote speaker at that graduation ceremony.

The other class in modular format is still in session. And, again, thanks are in order to Sheriff Baca and his academy staff.

Rehabilitating these classes have forwarded a unique opportunity to receive feedback from students who are now in a position to compare one academy delivery system to another. Stark contrasts were clearly emphasized by the students.

But POST staff continues to remain actively engaged in discussion with the office of the president, and has met with the president of the Los Angeles County Chiefs Association to further coordinate communication and efforts to rehabilitate this academy.

Recently, Rio Hondo has been asked to identify an implementation team to respond to POST on March 15th for an eight-hour orientation to ensure that a full breadth
and scope of responsibilities needed to reconstitute their academy on a probationary status is clearly understood. We have also asked that representatives from the Los Angeles County Chiefs Association attend to provide coordination.

POST continues to remain neutral in the personnel selection of these issues.

At next month's instructor standards advisory committee -- I'm sorry, these are other issues from the balcony. That covers basically the status of the investigation.

But in the course of evaluating this investigation and evaluating our business processes, there's been what I would deem other issues seen from the balcony here.

At next month's instructor standards advisory committee, we will discuss the need to incorporate a stronger emphasis on ethical instructor performance. While students in POST programs are taught ethical lessons, the majority of recent test compromises have been caused by the actions of instructors.

Included in this discussion will be identifying methods to ensure incompetent instructors cannot recirculate in the POST instructional network.

Due to the state's fiscal environment, the current trend of academy class composition appears to be that
over 80 percent of current classes are non-affiliated students.

At present, our ability to apply peace officer hiring standards to college students attending our academies that teach law enforcement operations and the ability to use deadly force is incongruent. Future dialogue is needed on this issue. Perhaps legislative remedies are in order.

This week, POST convened its first meeting of a test task force to evaluate the effectiveness of our test security agreements and levels of accountability needed to shore our test system integrity. Its focus has been not on the quality of existing test questions but on the integrity of the testing process.

And in January of this year, we executed a contract with a consulting firm to begin the initial phases of a search for a testing system replacement. They are expected to complete this report by June 30th of this year.

And lastly, further dialogue is needed to discuss the implications of replacing 26 separate tests with one mid-term and one final. POST has presented this concept to the test task force to evaluate the feasibility of this concept.

Pros and cons include improved test security,
reduced remediation cost, compressed testing schedules, potential for video- and audio-based questions, reduced learn and purge, and increased accountability of academies and instructional delivery.

Cons include the disruption of the status quo, possible increased student attrition, and scheduling and makeup conflicts.

And lastly, it appears that in 2011, the long-standing tradition of paper-and-pencil tests needs to be evaluated in light of today's technological developments and the speed at which today's students adapt technical applications.

This concludes my presentation. I am available for questions.

CHAIR DOYLE: Commissioners, any questions of Bob?

COMMISSIONER ALLEN: Timeline?

MR. STRESAK: Timeline for academy rehabilitation, test replacement?

COMMISSIONER ALLEN: Yes, just curious. I know it's hard to really get kind of a ballpark; but I was just curious what you might be looking at.

MR. STRESAK: That would be difficult to approximate. If you asked me to speculate, probably no earlier than September of this year could that academy be rehabilitated on a probationary status period.
COMMISSIONER LUNDGREN: Just a comment.

It's interesting that this college created a major problem; and all the other academies may have to pay for that, that are doing things right. And then it impacts our budget over $500,000 because of this one entity.

Is there any penalties that come along with this type of activity that we can recoup at least some of that? Aren't they responsible for covering the cost of redeveloping these tests?

MR. STRESAK: In the test security agreement that is required to be signed by all test administrators, if you will, there is a clause that states the costs to recoup or reconstruct a test is anywhere from $25,000 to $50,000. However, we sought legal opinion whether that clause had any kind of standing, where we could actually take action; and there is no legal standing with that clause to take action at this point.

We have explored the possibility under Penal Code 502, which deals with the theft of intellectual property. It clearly addresses the parameters within statewide organizations, or state organizations that criminal penalties could be pursued in violation of the theft of intellectual material.

COMMISSIONER LUNDGREN: Thank you.

COMMISSIONER HAYHURST: Commissioner Hayhurst. I
have a question of Mr. Stresak. I'm trying to figure out a nice way to say this.

   So basically, the integrity and stuff of the instructors there have been compromised, and there's nothing that POST can do to see or make sure that, in the future, these same instructors will not be reinstated and be back to training potential peace officers?

   I mean, it's a sad day when we have to worry about the potential of this type of integrity being jeopardized to upcoming new peace officers that are being trained every day, and there's nothing that we can do at this point to say, "You guys are not allowed them to train anymore"?

   MR. STRESAK: Thank you for your comments.

   It's my understanding that we have very limited ability to influence personnel selection.

   CHAIR DOYLE: Any other comments? Questions?

   COMMISSIONER ALLEN: Good overview.

   CHAIR DOYLE: Thank you, Bob.

   MR. STRESAK: Thank you.

   CHAIR DOYLE: We're going to take a ten-minute break because I understand the next agenda items will take a little while.

   So 11:25.

   (Recess taken from 11:14 a.m. to 11:28 a.m.)
CHAIR DOYLE: Item Q, New Business, to report on the recommendation by the Advisory Committee of a variety of awards and the recipients.

And I'll call on the Advisory Committee chair.

MS. LORMAN: Okay. We got together the day before yesterday to discuss the awards, and who we felt we would recommend to the Commission as the winner and runner-up.

And for the O.J. "Bud" Hawkins Exceptional Service Award there were no applications, no nominations. So that is one that is not going to be awarded this year.

The POST recommended Excellence in Training Award -- oh, and previous to me reading this, I want to give kudos to Tim Willmore and Joe Flannagan for helping. They were the scribes. And Joe typed this up, and he says it took him, like, three hours.

So thank you, Joe.

The winner that we are going to recommend to the Commission, is Teresa Irvin. She is a detective from the Los Angeles Police Department. And we really felt that she took something that was totally out of the box and just ran with it and has helped law enforcement and victims quite a bit.

Beginning in 2008, Detective Irvin, she started reviewing critical incidents involving barricaded suspects, hostage standoffs, attempted suicides,
et cetera, and recognized that there was a void of information relating to persons who had been involved in the incidents and how they reacted to first-responders during the crisis.

She started doing a lot of research. And during her research, she found that there was an increase of critical incidents involving our returning veterans who had been deployed to the war.

Specifically, she addressed -- then she specifically addressed the returning-veteran issue, and connected with the Veterans Administration in Palo Alto, California, which houses the National Center for Post-Traumatic Stress Disorder Dissemination Unit.

The impact of her research and then started doing the training, she took the information she gained from research and incorporated it into LAPD's Crisis Communications course. She has provided PTSD training to countless first responders and crisis negotiators. First responders now have invaluable information that helps them deescalate the crisis and bring the incident to a peaceful solution if possible.

Detective Irvin also has conducted several seminars and targeted school violence in an attempt to help schools deal with students with critical incidents on school campuses.
She holds a bachelor of science degree in criminal justice and a master's degree in emergency services. She is a state and federally recognized expert on the areas of crisis management, critical incidents involving mentally disturbed individuals and hostage negotiations. She is an instructor for the federally funded emergency management training program, and she was a keynote speaker at the annual AICP conference.

She has been selected as a specialized response law enforcement mental health learning site by the Council of the State Governments Justice Center and Bureau of Justice Assistance.

Her research in critical incidents with the mentally ill has no doubt saved countless suspects, victims, and first responders from further serious injury or death. And her experience and training in dealing with the mentally ill continue to play a great role in the training of first responders now and long into the future.

So she was who we recommended as far as the winner.

Runner-up was Britton Schaefer, a senior Investigator. It was actually a duo. Britton Schaefer, a senior investigator, and Daewon Kim, acting supervising investigator for the Los Angeles County District Attorney Bureau of Investigations. They came in as a duo.
And if you want, I can read the runner-up. Or do you want me just to go with who we selected as the winner?

CHAIR DOYLE: Unless a commissioner would like to hear the same narrative on the runner-up, we can just move on.

COMMISSIONER DUMANIS: No, thank you.

CHAIR DOYLE: Does that require a motion to approve?

MR. CAPPITELLI: Yes, I believe so. The Commission has to approve the nomination.

Mr. Deal, are you here? Is that correct?

MR. DEAL: Yes, it does. It requires a vote of the Commission.

MR. CAPPITELLI: Individually or the two or three?

MR. DEAL: You can do it either way. It doesn't require a roll call. It's merely an approval by the Commission.

CHAIR DOYLE: Then we'll do them all at one time, if that's okay.

COMMISSIONER ALLEN: All of them?

CHAIR DOYLE: We're going to do it all at once.

MS. LORMAN: So then the next one is the POST recommended Excellence in Training Award Lifetime Achievement. And the Advisory Committee selected Richard C. Wemmer, captain-retired, from the Justice
Training Center of Golden West College.

He is considered, in some fields, the grandfather of scenario-incident training.

While at LAPD, one of the major areas that Captain Wemmer focused his attention to was analyzing how and why of law-enforcement murders. Captain Wemmer began one of the first programs to interview suspects and officers, and using that information to film reenactments of the incidents to officers, so officers can learn from any of the mistakes the officers might have made.

Captain Wemmer is a recognized subject-matter expert on officer-safety tactics, and has used his experiences to implement best-practices philosophy within the LAPD and law-enforcement training community.

He has also been instrumental in developing officer safety training scenarios for POST and has been a LEOKA committee member for over 30 years.

Captain Wemmer has spent a lifetime dedicating himself to training thousands of peace officers in the safe but effective use of force and how they can survive a critical assault. With the information of scenario-based training, he has been able to reduce the number of officers killed and assaulted.

His impact, Captain Wemmer's training experience as a peace officer instructor has, without a doubt, played a
vital role in the officer survival skills training of
hundreds of basic recruits and senior in-service advanced
officers.

   During his training presentations, Captain Wemmer
has included the contents of leadership, ethics,
decision-making, and community policing, which is not an
easy task considering the impact that any law enforcement
use of force may have on an agency or community.

   He's had over 40 years of specialized law
enforcement experience, 30 years with LAPD. He was the
officer in charge of the anti-terrorism investigation
units during the 1984 Olympics in Los Angeles. He's a
recognized pioneer in the fields of officer safety and
tactics trainings. He has authored several articles
relating to the murders of police officers. He has
received commendations throughout the United States for
his training methods in preventing peace officer deaths.
And many others -- and too many others to mention. The
list is long and far-reaching.

   So that is Captain Wemmer.

   Runner-up was Jody Buna, the senior law enforcement
consultant, retired, Commission on POST.

   And then the POST recommended Excellence in Training
Award Organizational Achievement, we selected California
Narcotics Officers' Association, CNOA.
The CNOA is a nonprofit organization that has conducted the training-needs assessment for law enforcement throughout the state. These assessments assist the CNOA in tailoring its narcotics-related training to address local needs.

The CNOA offers 43 POST-certified courses ranging from eight hours to 40 hours. And the CNOA annually conducts a training conference that provides training to over 2,300 officers. It has a statewide and national impact through its offerings of unique, specialized law-enforcement training, and it provides over 1,400 individual classes with attendance of over 110,000 officers, for a total of 1.5 million training hours.

Local, state, and federal agencies have recognized and acknowledged the impact of CNOA in providing high-quality, contemporary training to law enforcement. POST has recognized CNOA and has currently approved 43 certified courses for presentation throughout the state.

Courts have recognized the high level of training developed and provided by CNOA to law-enforcement officers.

And then the runner-up was the Los Angeles Police Department Multiple Assault Counterterrorism Action...
Capabilities, or "MACTAC."

CHAIR DOYLE: Any comments on the nominations?

COMMISSIONER DUMANIS: So moved.

CHAIR DOYLE: Motion by Commissioner Dumanis.


CHAIR DOYLE: Second by Allen.

All those in favor?

(A chorus of "ayes" was heard.)

CHAIR DOYLE: The motion passes.

Advisory Committee.

Paul?

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

We find ourselves in a situation that probably doesn't occur very often. A member of the Advisory Committee was representing the organization of COPS, California Organization of Police and Sheriffs. They have no longer -- or are no longer an organization under that banner. And Nicki Woods, who has been a representative from that organization, called me up recently, and wanted to pass on to the Commission that that change had occurred.

So the question for the Commission is whether or not you just allow that position to remain vacant or give us further direction or what to do.
Staff's recommendation at this point would be, since COPS is no longer an organization and we seem to have a cadre of qualified people to serve on the Advisory Committee representing a number of our stakeholders, that that position be eliminated at least until if there's a suitable replacement organization sometime you want to reconsider.

COMMISSIONER HAYHURST: Commissioner Hayhurst.

I would like to make as a recommendation that that position be filled, as a recommendation, by the California Coalition of Law Enforcement. They represent the rank and file from all the way up to Eureka, down to San Diego, throughout the entire state.

PORAC has two people, appointments in that position.

If you are a representative of the rank and file, you can be a member of the California Coalition of Law Enforcement. That's critical. It encompasses just about every group out there, and they have the ability to be presented to the board to us.

CHAIR DOYLE: So they don't go any further north than Eureka?

I'm just kidding.

COMMISSIONER SOBEK: Is there a reason why they haven't been on the Advisory Committee?

COMMISSIONER HAYHURST: There is one spot. Right
now, Mario currently is on it.

COMMISSIONER SOBEK: So you want two spots?

COMMISSIONER HAYHURST: Well, they also have all these other -- like, FOP is also a part of it. I know FOP would be interested in it.

I don't know who else.

Jeff, do you know who else is out there that's interested?

California Narcotics Officers, all of them can be a part of the organization.

The prison guards. I mean, it's -- if you are a labor representative and --

COMMISSIONER SOBEK: But we have -- you're represented now, right, on the Advisory Committee?

MR. CASAS: I'm one of them, yes.

MS. LORMAN: I would make a suggestion, and some of you who know me well know exactly what my suggestion is going to be, the CCUPCA, which is California Colleges and Universities Police Chiefs Association. The chiefs, they do not have representation at POST. They are not allowed to be members of the state chiefs association. They're not even allowed to be members of most of their county chiefs associations. And so they are an entity that is impacted by POST but has no say at POST at all. So I would like to see them get a spot.
And I know people think, well, because I'm a prior chief and I bring up their stuff. But I'm not going to be here forever, and I don't really represent them.

So that's my say.

CHAIR DOYLE: How about, if this is okay with staff, that we agendize this for the next meeting and give other groups an opportunity to apply or however you make notice to the Commission to be on the Advisory, rather than try to do this on the fly.

George?

COMMISSIONER GEORGE ANDERSON: Yes, I would agree with you, Mr. Chair.

I think maybe staff could do a report, look at the potential. I think I'd like to know the makeup of the Advisory board as well.

MR. CAPPITELLI: Mr. Chair, Members of the Commission, we'd be glad to do that.

I have to tell you that it sounds like a monumental task because I'm not sure which organizations to reach out to. There's a lot of crossover. I'm not sure how that process would look, and et cetera, et cetera.

I'd be glad to do whatever you'd like; but that particular suggestion, maybe we can modify it in such a way that maybe it is a little less labor-intensive.

CHAIR DOYLE: Commissioner Lowenberg?
COMMISSIONER LOWENBERG: It seems like, if my recollection serves me correctly, that this issue, membership on the Advisory Committee and who makes up the Advisory Committee, if staff has done one report, they've done a dozen over the years. And I know things change and issues change and the terrain changes, the landscape changes. And I'm not so sure that this would solve the problem; but instead of asking staff to prepare yet another report about the Advisory Committee, is maybe give the issue back to the Advisory Committee. And, of course, I don't know if we're doing them any favors by doing that; but, you know, give it back to the Advisory Committee, have them come up with a recommendation for the full commission.

But we're not going to make -- I, as one commissioner, I am not going to make a decision today. So, anyway, that would be my recommendation.

CHAIR DOYLE: Any other comments?

MR. CAPPITELLI: Mr. Deal has a comment, sir.

CHAIR DOYLE: Yes?

MR. DEAL: Just to muddy the water.

As you know, you have an advisory liaison committee. It is comprised of, I believe, three commissioners. In the past, when we have dealt with issues associated with adding other positions or considering
either to leave vacant or the issue that's before you, that entity has been convened to do that. So you have that as an additional option.

CHAIR DOYLE: Okay. And that just so happens to be Commissioners Hayhurst, Lundgren, and Smith.

COMMISSIONER LUNDGREN: I think that's a poor idea.

CHAIR DOYLE: A poor idea?

Well, I guess just as Paul said, whoever takes this on is going to have the same task and the same difficulty on how do you reach out, you know, to all of the appropriate agencies that could potentially be on the Advisory Committee.

COMMISSIONER HAYHURST: Commissioner Lundgren just was sharing with me yesterday that he does not have enough to do and he would be happy to help.

COMMISSIONER LUNDGREN: You know, I would like to suggest that we make it an application process, much like the awards that we just gave out. If people are interested, we make it available to them, and then we review those, and we should be able to come to a conclusion from that.

We put the work on them and not on us.

CHAIR DOYLE: But I guess that -- well, I won't speak for Paul, but I'm sure Paul would say the same thing is, who do you reach out to, and how do you reach
out to all of these organizations that potentially would have an interest?

COMMISSIONER LOWENBERG: You know, if you were asking me to vote today, I would say go with staff recommendation to let the position go away. So whoever is going to deal with this, if anybody's going to deal with it, is to -- it seems to me, we made it kind of a quantum leap from vacancy versus -- or going away, and having some kind of process to decide who is going to be on the Advisory Committee.

I personally think the Advisory Committee is big enough. We don't need another person on the Advisory Committee. But I'm just one commissioner.

CHAIR DOYLE: Sure.

COMMISSIONER LOWENBERG: So it seems to me the completed staff study should include the fact that we don't replace the position. But I'll leave that to you guys.

CHAIR DOYLE: Okay. What's the interest of the Commission?

COMMISSIONER HAYHURST: I already spoke. I believe it should be a position --

COMMISSIONER LOWENBERG: Mr. Chair, for the sake of the order here, I'm going to make a motion that the Advisory position -- or the position of the Advisory
Committee that had been designated -- excuse me -- that
had been designated as the one that just went vacant,
COPS, that we do not replace that position.

CHAIR DOYLE: Okay, there's a motion on the floor.

Is there a second?

COMMISSIONER LOWENBERG: I tried.

CHAIR DOYLE: The motion dies for lack of a second.

Please indulge me.

Is there a motion to do something else other than
just eliminate --

COMMISSIONER SOBEK: Motion to table this until the
next meeting so some of us can decide how we want to
handle it.

CHAIR DOYLE: Okay, there's a motion to table the
issue.

Is there a second?

COMMISSIONER LOWENBERG: I'll second that.

Lowenberg.

CHAIR DOYLE: Okay, Lowenberg, second.

Having a motion and a second, all those in favor?

(A chorus of "ayes" was heard.)

CHAIR DOYLE: Okay, the motion carries.

MR. CAPPITELLI: Mr. Chair, a question for staff.

You discussed a number of things here, just so I'm clear.

Is there anything you want staff to do in advance of the
next meeting? Or just put it on the agenda for an open
discussion?

    CHAIR DOYLE: The latter.

    MR. CAPPITELLI: Thank you, sir.

    CHAIR DOYLE: The next item, Contracts.

    MR. CAPPITELLI: Darla or Dick, would you please
come forward and tell the committee, what is this we're
voting on? This is Item Q.

    MR. REED: Mr. Chairman, Commissioners again, Mike
DiMiceli may want to join me to chime in, in case I leave
out something. This is basically his item.

    Item Q was placed on the agenda because we sent our
book out some time back, to get all the agendas printed
up.

    We're in the process of transitioning to the
electronic version of this in the future, as you know.
And the issue on San José State came to us rather late.
And among the array of courses that we have to find new
homes for, are basically courses in the operational side,
which Mr. DiMiceli runs.

    And so Item Q is basically an add-on that we put
into the book, kind of out of sequence, but it involves
contracts for basically the rest of this fiscal year to
fill the void left by classes that San José State
indicated that they were no longer interested in
presenting. Those are the management course, the executive development course, command college, and executive seminars.

So for a total of $498,000, rather than just find someplace else autonomously, we thought it was important that the Commission hear the fact that, though we do intend to continue presenting these courses, that they are going to have to live somewhere else. And because of the dollar amount involved, we needed the Commission to hear what we're planning on doing.

And unless I misstate, we haven't found a home for these courses yet. We just wanted to let the Commission know that we want to do this, and spend this money if we can before the end of the fiscal year. We may not be able to find someone qualified to transplant these so that we can finish the courses.

We have students in progress. Some of these courses involve intersession, of course; so we're interested in not breaking the sequence of the presentation. I think it was previously alluded to in part of Mr. Deal's presentation.

So what we're asking for is for approval to seek out someone to fill the obligations to these students for the balance of the fiscal year, encumber this money.

It's not new money. It's just money that will be
taken from items -- I think it's 2, 3, 4, and 6 on the continuous contracts, and find someplace else so that we can meet the students' needs.

Let me defer to Mike to see if he'd like to add anything else.

MR. DiMICELI: Well, this is the other part of the situation from San José. The earlier discussion referred to the new contract for fiscal year starting in July.

These contracts that were in place were approved for this fiscal year. And what we're looking at, is continuing these courses -- or presentations that are already filled and scheduled for the balance of this fiscal year, between 1 March and June 30th.

We're talking about somewhere in the neighborhood of 450 officers who were involved in various kinds of training, like the management course that's required, the command college, which we're in the middle of, with a couple of classes; the executive development course, which is required for the executive certificate.

And they're already scheduled, they're filled. They have committed student bodies. But San José told us that they will do nothing more for the balance of the year. So the alternative is to scurry around and find somebody else to fill the gap for four months, or to shut these things down and throw these people into some kind of a
confused state.

The money was already approved by the Commission more than a year ago. The contracts were approved by the Commission more than a year ago.

What we're talking about is a modification of the contract to identify a different presenter of this course for essentially three months, to the end of June.

And so because the amount of the modification exceeds the Executive Director's delegated authority, the contract modification needs to have the approval of this Commission to do that.

Referring to the earlier discussion, we have some sense of where we believe these contracts can live for three months. We have not gone to bid.

And I will tell you, very frankly, that were we to go to RFP post and bid today, they would shut these down. And they would sometime in the fall or winter of this year, we would resume these courses.

So the staff recommendation and request is that the Commission enable the Executive Director to modify these contracts, to name a presenter not yet identified.

CHAIR DOYLE: Commissioners?

COMMISSIONER DUMANIS: Does this take -- Dumanis.

Does this take a vote to approve this? How much money are we talking about?
COMMISSIONER SOBEK: $419,000.

MR. DiMICELI: Yes, we're talking about, yes -- with the individual course --

COMMISSIONER DUMANIS: Is this the same half million we were talking about before?

COMMISSIONER SMITH: No, this is a different one, for the three months --

MR. DiMICELI: This is different money because it's different specific years. And you've already approved this amount of money. The reason we're talking about it now is, the modification --

COMMISSIONER DUMANIS: I got that part.

MR. DiMICELI: -- of the contract is beyond 12,500.

COMMISSIONER DUMANIS: I see.

CHAIR DOYLE: Mr. Allen?

COMMISSIONER ALLEN: No, go ahead. I'll defer to the Sheriff.

COMMISSIONER SMITH: Item L didn't specify the period of time.

The problem I have with this -- and it's my fault for not reading all of the documents -- but when you look at the agenda, all it says on the agenda under "Q," under New Business, is "Contracts." And this is another half a million dollars.

Yes, contracting is difficult; but what we approved
earlier, was for the next fiscal year. That would give you four months to do an RFP or to go out for bid, or do whatever process. And that's probably a very tight time frame, but it's doable.

Now, at a recent training managers meeting in Santa Clara County, it was stated -- and I think by the POST representative -- that this was going to South Bay also. And I don't -- perhaps that's not true, but that's what was represented. And the minutes are not out yet.

I understand the urgency in this one. I don't understand the urgency on the one earlier.

And, again, we've got another half a million dollars that was just listed on the agenda as "Contracts."

MR. DiMICELI: The management course, we've identified South Bay Regional as a presenter for the management course through the end of this fiscal year in order to keep that course in the region.

The other three courses -- the executive development course, the command college contract, and the executive seminars, which is the contract that supports the county or area chiefs and sheriffs association meeting once a year -- those will not go to South Bay. In all likelihood, the command college contract will go to CSU Long Beach Foundation, which manages the much larger SLI contract without any problem.
I don't recall offhand what the suggestions have been or the discussion have been for the executive development course or the executive seminars; but those are the least, or the smaller of the four contracts. But it's that kind of thing.

We have talked to these folks -- at least let me talk about Long Beach. We've gone to them and said, "For four months, max, can you handle this additional workload?" It's primarily an administrative service that they're providing and logistics service to get the people and the books and the materials from one place to another. And they've said, "Yes, for three or four months we can do that, if you can get the contract approved." And that's where we are.

CHAIR DOYLE: Any other comments by commissioners?

(No response)

CHAIR DOYLE: Is there a motion to approve the request?

COMMISSIONER ALLEN: I'll make the motion.

CHAIR DOYLE: Mr. Allen.

Is there a second?

COMMISSIONER LUNDGREN: I'll second. Lundgren.

CHAIR DOYLE: Lundgren, okay.

A motion and a second.

All those in favor?
MR. CAPPITELLI: Roll call.

CHAIR DOYLE: Oh, excuse me, roll call.

MS. PAOLI: Allen?

COMMISSIONER ALLEN: Yes.

MS. PAOLI: Tom Anderson?

COMMISSIONER THOMAS ANDERSON: Yes.

MS. PAOLI: Lai Lai Bui?

VICE CHAIR BUI: Yes.

MS. PAOLI: Cooke?

(No response)

MS. PAOLI: Doyle?

CHAIR DOYLE: Yes.

MS. PAOLI: Dumanis?

COMMISSIONER DUMANIS: Yes.

MS. PAOLI: Hayhurst?

COMMISSIONER HAYHURST: Yes.

MS. PAOLI: Linden?

(No response)

MS. PAOLI: Lowenberg?

COMMISSIONER LOWENBERG: Yes.

MS. PAOLI: Lundgren?

COMMISSIONER LUNDGREN: Yes.

MS. PAOLI: McDonnell?

COMMISSIONER McDONNELL: Yes.

MS. PAOLI: McGinness?
(No response)

MS. PAOLI: Smith?

COMMISSIONER SMITH: Yes.

MS. PAOLI: Sobek?

COMMISSIONER SOBEK: Yes.

MS. PAOLI: Soubirous?

COMMISSIONER SOUBIROUS: Yes.

MS. PAOLI: George Anderson?

COMMISSIONER GEORGE ANDERSON: Yes.

CHAIR DOYLE: Okay, thank you.

Commissioner Hayhurst, you had something for New Business?

COMMISSIONER HAYHURST: Yes, I do.

I'd like to make the recommendation to the Commission that we move the agenda items of the Advisory Committee to after Public Comment. That would give us all a chance to hear the concerns of the Advisory Committee on agendized items, what they have some concerns and thoughts and input about, prior to us going down to each item. It would just provide additional information.

We seem to get the Advisory Committee's report after we have already made our decisions on the agenda. And I think they offer a lot of information that we should possibly hear before the agenda takes off.
MR. CAPPITELLI: Mr. Chairman, I seem to recall that the way that we have been doing it -- and perhaps we deviated this time -- but the way that we've been doing it historically is, as an item comes up for the policy vote, we defer to the chair of the Advisory Committee to see how the Advisory Committee weighed in on that on an individual basis.

I'm not sure logistically -- I understand the concern, I support the need for that input, but I'm not so sure logistically how having the report at the beginning would play out, especially if there are items that you agree, disagree with. You would say, "Well, we agree with Q, we don't agree with P."

We're probably better off going back to -- at least staff could probably build into the agenda here the opportunity for the Advisory Committee to weigh in on all of the items that are as they come up for discussion. That would be my suggestion, to modify what you said.

COMMISSIONER HAYHURST: My thought on this, Mr. Cappitelli, is that if there's some items that we have some concern on and if Advisory tells us what they have on it, we may not need to pull this item. They may be able to provide information of the same questions we would have just for the sake of redundancy, they might be able to provide that information and be done with it.
CHAIR DOYLE: I'm going to make a suggestion -- since it's not on the agenda, we can't vote on it, but to agendize it for the next meeting.

Is that okay with everybody?

COMMISSIONER LUNDGREN: The suggestion might be to follow Mr. Cappitelli's recommendation at the next meeting, agendize it, and see how it flies.

MR. CAPPITELLI: Staff can come back with a recommendation as to how to best insert the input from the Advisory Committee into the agenda.

Would that be sufficient?

COMMISSIONER HAYHURST: I'd go for that.

MR. CAPPITELLI: Okay. Thank you.

CHAIR DOYLE: Okay. Future Commission dates are in your packet.

And we're now going to adjourn and go into closed session.

So I would ask everyone to -- it's not a nice way to put this, but to leave if you're not on the Commission.

(The Commission met in closed executive session from 12:00 noon through 12:28 p.m.)

CHAIR DOYLE: We're back in session again.

We've been in closed session. We've discussed a number of items of potential litigation. There's nothing to report out.
So the meeting is adjourned.
(The gavel was sounded.)
(The POST Commission meeting concluded at 12:28 p.m.)
REPORTER’S CERTIFICATE

I hereby certify:

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

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

In witness whereof, I have hereunto set my hand on March 16th, 2010.

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