

## **POST COMMISSION MEETING**

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

**Thursday, July 23, 2009**

### **ACTION SUMMARY**

#### **CALL TO ORDER**

Chair Michael Sobek called the meeting to order at 10:05 a.m.

#### **COLOR GUARD AND FLAG SALUTE**

The Color Guard was provided by the Folsom Police Department. The pledge of allegiance was led by Chair Mike Sobek.

#### **MOMENT OF SILENCE HONORING PEACE OFFICERS KILLED IN THE LINE OF DUTY**

A moment of silence was held in honor of those peace officers who have been killed in the line of duty.

#### **AUDIENCE INTRODUCTIONS**

The following members of the audience introduced themselves:

Rolfe Appel, Yuba College  
Ramon Barboa, Office of Homeland Security  
Alex Bernard, POST Advisory Committee (Public Member)  
Jim Bock, POST Advisory Committee (California Specialized Law Enforcement)  
Edward Bonner, Placer County Sheriff's Department (CSSA)  
Mario A. Casas, Irvine Police Department (CCLEA)  
Richard P. Clark, Nevada POST  
Michael Durant, (PORAC)  
Lisa Elliott, San Diego Regional Training Center  
Joe Flannagan, POST Advisory Committee (PORAC)  
Richard Lindstrom, POST Advisory Committee Member (CADA)  
Laura Lorman, POST Advisory Committee (WPOA)  
Jackye McClure, San Jose State University Administration of Justice

Dan Merkle, Lexipol  
Jeff Miller, POST Advisory Committee (CPCA)  
Brent Newman, POST Advisory Committee (CHP)  
Matthew Rainey, Emergency Medical Services Authority (EMSA)  
Daniel Smiley, Emergency Medical Services Authority (EMSA)  
Joe Stilinovich, Long Beach Police Department  
Rick Sullivan, Isleton Police Department  
Michelle Thompson, San Diego Regional Training Center  
Kevin Trutna, Yuba College  
Tim Willmore, Tulare County District Attorney's Office  
Nicki Woods, California Organization of Police and Sheriffs (COPS)

**POST Staff Present:**

Catherine Bacon, Senior Instructional Designer, Training Program Services Bureau  
Marie Bouvia, Executive Secretary, Executive Office  
Jan Bullard, LEC II, Training Delivery Services Bureau  
Paul Cappitelli, Executive Director, Executive Office  
Ron Crook, Director, Television Communications Center, Specialist, Training Program Services Bureau  
Alan Deal, Assistant Executive Director, Executive Office  
Frank Decker, Bureau Chief, Basic Training Bureau  
Mike DiMiceli, Assistant Executive Director, Executive Office  
John Dineen, Bureau Chief, Center for Leadership Development  
Kelli Dugranrut, Secretary, Basic Training Services Bureau  
Rich Dunn, Senior Instructional Systems Engineer, Training Program Services Bureau  
Bryon, Gustafson, LEC II, Training Program Services Bureau  
Karen Hightower, Administrative Assistant, Executive Office  
Michael Hooper, Bureau Chief, Training Program Services Bureau  
Ken Krueger, Bureau Chief, Standards and Evaluation Services Bureau  
Thomas Liddicoat, Bureau Chief, Administrative Services Bureau  
Maryanne Palmer, Management Counseling Services Bureau  
Edmund Pecinovsky, Bureau Chief, Training Delivery and Compliance Services Bureau  
Dick Reed, Assistant Executive Director, Executive Office  
Dave Spisak, Bureau Chief, Information Services Bureau  
Bob Stresak, Bureau Chief/Legislative Liaison, Executive Office  
Kenneth L. Whitman, POST Consultant  
Ron Wood, Bureau Chief, Management Counseling Services Bureau

**ROLL CALL OF COMMISSION MEMBERS**

**PRESENT**

Mike Sobek, Chair  
Anthony Batts  
Lai Lai Bui  
Collene Campbell  
Robert Doyle  
Floyd Hayhurst  
Deborah Linden  
Ron Lowenberg  
Jeff Lundgren  
John McGinness  
Henry T. Perea  
Laurie Smith  
Gil Van Attenhoven  
George Anderson

**ABSENT**

Bonnie Dumanis

A calling of the roll indicated a quorum was present.

**INTRODUCTION OF POST ADVISORY COMMITTEE CHAIR AND POST LEGAL COUNSEL**

Chair Sobek introduced POST Advisory Committee Chair Nicki Woods, POST Legal Counsel Vince Scally, and Executive Director Paul Cappitelli.

**WELCOMING ADDRESS**

Chief Sam Spiegel of the Folsom Police Department provided the welcoming address.

**PUBLIC COMMENT PERIOD**

Chair Sobek read the public comment script.

The following individuals made public comment:

Chief Richard Sullivan of the Isleton Police Department referred to Item I. (on the agenda) - Request to End the Suspension of the Isleton Police Department from the POST Reimbursable Program. Chief Sullivan requested that the suspension of the Isleton Police Department be lifted.

Dan Smiley, Chief Deputy Director of the California Emergency Medical Services Authority (EMSA) referred to Item G. (on the agenda) - Approval of Tactical Medicine

Guidelines and Modification to Regulation 1084. Mr. Smiley requested that the Commission approve the guidelines.

**APPROVAL OF MINUTES**

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

**MOTION** - McGinness, Second - Doyle, carried to approve the minutes of the Thursday, April 23, 2009, POST Commission meeting. (Abstain - Hayhurst)

**CONSENT**

B.1 Course Certification/Decertification Report

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

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

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

Of the 34 objectives, staff was reporting that:

- 26-- Are in progress or being researched and/or implemented
- 3 -- Recommended for deletion
- 5 -- Not addressed at that time
- 34-- Total

Three objectives (A.5, B.9, and D.3) were recommended for deletion.

In approving the Consent Calendar, the Commission accepted the quarterly status report of the Strategic Plan and approved deletion of Strategic Plan Objectives *A.5 -Develop a guideline manual describing the process for law enforcement to integrate POST's selection guidelines and standards, B.9 - Increase the availability of online courses and performance support tools available on the POST Learning Portal, and D.3 - Enhance the use of digital media.*

B.3 POST Reimbursable Program New Agency

The Sacramento Regional Parks Department Park Rangers were seeking entry into the POST Reimbursable Regular Program.

B.4 POST Public Safety Dispatcher Reimbursable Program New Agencies

- The Farmersville Police Department was seeking entry into the POST Public Safety Dispatcher Reimbursable Program.
- The West Covina Police Department was seeking entry into the POST Public Safety Dispatcher Reimbursable Program.

B.5 Report on the Guideline Manual Describing the Integration of POST Selection Guidelines and Standards (Strategic Plan Objective A.5)

The revised POST Selection Standards for Peace Officers and Public Safety Dispatchers were approved by the Commission at the January 2009 meeting. The revised standards, which were subsequently approved by the Office of Administrative Law, went into effect on July 1, 2009. Commission Regulations 9050-9055 (peace officer) and 9056-9060 (public safety dispatcher) together replace Commission Regulations 1002, 1018 (c), and Procedures C-1 and C-2.

In the course of revising these standards, many ideas and suggestions arose that, although very important, were either too detailed or permissive in nature to be included in regulation. It was decided that these comments should be incorporated into a companion document that provides additional, practical information on the application of these requirements. Discussions during the Long Range Planning Committee (LRPC), Advisory Committee, and Commission meetings reinforced the need for such a document.

A separate "Selection Requirements – Frequently Asked Questions (FAQ)" document has been developed for peace officers and public safety dispatchers. These documents serve to satisfy POST Strategic Plan Objective A.5 - *Develop a guideline manual describing the process for law enforcement to integrate POST selection guidelines and standards.* They are written in a FAQ format to enhance readability and allow for the easy addition or modification of questions and answers as necessary.

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

B.6 Report on Strategic Plan Objective B.2 - *Establish a Searchable Database in Order to Share "Best Practices" and Successes in Training that Emanate From Nominations for the POST Excellence in Training Award*

Strategic Plan Objective B.2 requires staff to "*Establish a searchable database in order to share 'best practices' and successes in training that emanate from nominations for the POST Excellence in Training Award.*" A location for the database has been identified within the POST Learning Portal and will leverage existing functionality to minimize costs. Staff will be able to enter records

describing each best practice and will be able to attach associated files for Portal users to download.

Staff has already reviewed all nominations submitted during the years 2005-2007 and selected those topics which would be of greatest interest to law enforcement agencies. Respective nominees were contacted regarding their willingness and ability to participate in the database program and have begun to submit their concept details and contact information for input. Review and selection of practices for inclusion in the database will be ongoing.

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

#### B.7 Informational Report on LEDS Revitalization

This was a report on efforts to replace and add more Law Enforcement Driving Simulators (LEDS). In October 2008, the Commission authorized staff to “Immediately reactivate efforts to repair and/or purchase LEDS equipment.”

At the January 2009 meeting, the Commission approved a plan to purchase 108 driving simulators. Staff has been working in concert with the Department of General Services to develop and facilitate the process to complete this transaction. Additionally, POST staff and a small group of subject matter experts have made significant progress in attaining this goal.

Based on the current projected timelines, it is anticipated that the acquisition of the LEDS may be completed by September 2010. Since this will be a phased-in

process, some sites could be fully operational as early as December 2009.

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

#### B.8 Report on Strategic Plan Objective C.1 - Develop a Training Evaluator Program to Supplement POST's Efforts to Maintain Course Quality

In the past, POST had personnel dedicated to audits and review of certified courses to ensure course quality. Loss of these positions, increased service demands, and reallocation of resources have resulted in less oversight and inspection in this critical area. Monitoring course quality is now a secondary, tertiary, or lower-level additional duty for POST’s consultants. In order to bolster this important aspect of training standards, Strategic Plan Objective C.1—*Develop a Training Evaluator Program to Supplement POST’s Efforts to Maintain Course Quality*—was developed.

In conjunction with the Instructor Development Institute (IDI), a process is being piloted with students in the Master level (MICC) to partially address the need in conjunction with students’ internship/practicum requirement(s). The pilot project

has focused on assessment of instructor development courses, specifically, Academy Instructor Certification Courses (AICC). If deemed viable, future assessments will expand to other POST-certified courses.

The pilot process involves each MICC candidate being assigned to assess one class. This includes review of the lesson material, observation of a portion of the course, a debriefing with the Course Coordinator to report observations, and preparation of a short, but complete, classroom assessment report.

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

**B.9 Report on Strategic Plan Objective C.11 - Continue to Expand the Development and use of Technology in Selection and Training**

This was an informational report on the status of Strategic Plan C.11.08 regarding the continuous process to expand the development and the use of technology in selection and training.

An ad hoc internal Technology Evaluation Committee has been organized to pursue this objective. The initial committee meeting, held in May, resulted in a Needs Analysis approach through which staff in each bureau is inventorying the technologies/software products that POST has previously acquired, the manner in which these products are being used, the degree to which they are considered to be effective, and the extent to which new technology is becoming available. The overall intent is to document the technologies that POST currently uses, evaluate how well they meet client agencies' needs, and to systematically search and review new products relevant to the selection and training of California law enforcement officers.

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

**MOTION** - Linden, Second - Perea, carried unanimously to approve the Consent Calendar as presented.

**BASIC TRAINING BUREAU**

**C. Report on Modifying the Training & Testing Specifications for Peace Officer Basic Courses**

As part of an ongoing review of Peace Officer Basic Course content, POST staff and curriculum consultants (academy instructors and other subject matter experts) thoroughly review learning domain (LD) content to determine if revisions are necessary. The Training and Testing Specifications and supporting materials for the learning domains have been updated to reflect emerging training needs, compliance with legislatively mandated subject matter, changes in the law, or improvements for student learning and evaluation.

The proposed changes affect the following learning domains:

LD 11, Juvenile Law and Procedures  
LD 12, Controlled Substances  
LD 35, Firearms/Chemical Agents

**MOTION** - Doyle, Second - McGinness, carried unanimously to approve the changes as described in the staff report. If no one requests a public hearing, the changes will become effective January 1, 2010.

### **EXECUTIVE OFFICE**

D. Report on Recommendation to Delay the Biennial Update of the POST Strategic Plan

This report recommends that the Commission delay the biennial update of the POST Strategic Plan. The Commission approved its first Strategic Plan in 1996. Since that time, the plan has been updated every two years. Although all state agencies are required to have a strategic plan, the frequency of updating the plan is at the discretion of each agency.

Staff is proposing that the Commission delay the biennial update of the plan for at least the next year (until the fall of 2010). Fiscal considerations, the amount of work required of staff to perform the update process, the likely limited availability of external stakeholders to actively participate in the process, and the implications of the of down-turn in the economy combined support the staff recommendation to delay the update of the Strategic Plan.

Both the Advisory and Long Range Planning Committees have reviewed the staff proposal and support the recommendation to delay the biennial update of the plan for at least a year.

**MOTION** - Lowenberg, Second - Campbell, carried unanimously to approve the staff recommendation to delay, by one year, the biennial update of the Strategic Plan.

E. Authorize Use of AB 587 Terrorism Training Funds to Develop and Present Training for FY 2009/2010

Governor Schwarzenegger signed chapter 392 Statutes of 2007 on October 10, 2007. Monies have been accumulating in the state Anti-Terrorism Fund since 2002 and had never been allocated for terrorism training. AB 587 appropriated \$2.5M to POST for the development and presentation of anti-terrorism training for Fiscal Years 2007/2010. Annual revenues to this fund are estimated at approximately \$1.3M annually.

The AB 587 funding has been used to supplement, but not replace, existing federal grant funds and has allowed POST to support training and resource needs for course development and delivery that were not allowable under federal grant guidelines. To date approximately \$1.1 million of the funds have been expended. These funds have provided for the development of three telecourses, development of needed training programs and courses to fill in the critical gaps, support for the revision and modification of the Terrorism Liaison Officer (TLO) program, and enhancements to our online training courses.

A comprehensive training plan for Fiscal Years 2009/2010 has been developed. The agenda item under this tab outlined the projects and programs. The AB 587 funds will provide for the development of three new telecourses, an eight-hour Public Health Emergencies/Pandemic course on the Learning Portal, continuation of several projects and programs from FY 2008/2009, additional NIMS/SEMS/ICS training to meet ongoing federal training requirements, additional LERT instructor course presentations for LD 43, the continuation of the Terrorism Concepts for Patrol course, and a new advanced course for Tactical Medicine.

Henry Perea, Chair of the Finance Committee, reported that the committee supported this item and recommended approval by the Commission.

**MOTION** - Linden, Second - Lundgren, carried by **ROLL CALL VOTE** to authorize the Executive Director to enter into contracts and/or Interagency Agreements with: 1) UC-Irvine in an amount not to exceed \$573,000, 2) Willdan Homeland Solutions in an amount not to exceed \$120,000, and 3) other public or private presenters as necessary for the development, delivery, and reimbursement of terrorism-related training in an amount not to exceed \$707,000 for FY 2009/2010. (Abstain - Anderson and Van Attenhoven)

F. Acceptance of Federal Homeland Security Grant Funds and Approval of Contracts for Training and Equipment

Since March 2004, POST has been part of a training partnership that consists of representatives from the California Emergency Management Agency (Cal EMA), the California Military Department, the State Fire Marshal's Office (SFM), and the Emergency Medical Services Authority (EMSA) to address the training needs of first responders statewide.

Each year the CMD has provided POST and all members of the training partnership with an Interagency Agreement in the amount of \$250,000 to support our participation in the training partnership. The Cal EMA and CMD has notified POST that it will receive at least \$275,000 to pay for administrative support and specified terrorism-related training courses for state agency personnel in FY 2009/2010. The funds come from the state's share of federal homeland security funds. The final amount of grant funding is being negotiated and awaiting final

details on the new grant award process that has been established for FY 2009-2010 and may include funds to support development of additional training programs.

The CMD recently augmented the FY 2008/2009 contract to add an additional \$18,500 to provide for the presentation of the 24-hour Emergency Operations Center (EOC) course to sworn members of the California Highway Patrol (CHP). This course is presented under contract by Willdan Homeland Solutions. It is also anticipated that the CMD will be further augmenting this contract by approximately \$100,000 to provide for the purchase of training aids and equipment for the Tactical Medicine course presented by the Palm Springs Police Department.

Henry Perea, Chair of the Finance Committee, reported that the committee unanimously supported this item and recommended that the Commission approve the item as proposed.

**MOTION** - Smith, Second - Perea carried unanimously by **ROLL CALL VOTE** to authorize the Executive Director to: 1) apply for and accept federal homeland security grant funds from Cal EMA in the amount of \$275,000, 2) sign the amended Interagency Agreement accepting \$118,500 in federal grant funds for FY 2008/2009, 3) enter into a contract with Willdan Homeland Solutions in an amount not to exceed \$18,500 for the CHP training course, 4) enter into contracts or Interagency Agreements as necessary for the administration, development, and presentation of training for law enforcement personnel in an amount not to exceed \$275,000, and 5) authorize the purchase and acquisition of training aids and equipment in an amount not to exceed \$100,000.

G. Approval of *Tactical Medicine Guidelines* and Modifications to Regulation 1084

At the April 2005 meeting, the Commission approved the *SWAT Guidelines* and Training Recommendations pursuant to requirements contained in Penal code 13514.1. The law directed the Commission to develop and disseminate guidelines and standardized training recommendations. Those guidelines and training recommendations were made available to the field in July 2005.

*SWAT Operational Guidelines and Standardized Training Recommendations (2005)* identify the need for tactical medicine as an integral part of the law enforcement tactical team. Under Chapter 5 – Planning it states:

*5.5 ... SWAT teams should incorporate medical emergency contingency planning as part of the SWAT operational plan.*

*Where resources allow, consideration should be given to integrating Tactical Emergency Medical Support (TEMS) personnel within the structure of the SWAT team.*

At the November 2006 meeting of the Governor's Emergency Response Training Advisory Committee (ERTAC), staff from POST and the Emergency Medical Services Authority (EMSA) proposed the development of statewide guidelines and training recommendations for tactical medical support for SWAT. The proposal was supported by the ERTAC.

An 80-hour Tactical Medicine course had already been developed and in existence since 1996. The course was originally developed and presented by Heckler & Koch and since 2005 has been presented by the Palm Springs Police Department and the International School of Tactical Medicine.

In September 2007, POST and EMSA assembled a statewide stakeholder committee to begin the process of developing operational guidelines and standardized training recommendations. The development process concluded in January 2009 with the draft of the *Tactical Medicine Operational Programs and Standardized Training Recommendations* document included under this agenda tab.

Also included in this agenda item were proposed modifications to Regulation 1084 – Standardized POST Training Curriculum. The modifications identify minimum training hours for both tactical medicine courses and standardized curricula topics that are included in each course. Proposed regulatory text for the modifications is attached to the agenda item. It is also proposed to use the Notice of Regulatory Action to implement the proposed changes.

**MOTION** - Lowenberg, Second - Hayhurst, carried unanimously to:

1) approve and release the *Tactical Medicine Operational Programs and Standardized Training Recommendations* document, and 2) approve the amendments to Regulation 1084 pursuant to the rulemaking process.

## **INFORMATION SERVICES BUREAU**

**Note:** This agenda item was pulled by staff.

### H. Revision and Reformatting of Regulation 1003 - Notice of Appointment/ Termination

At the April 2007 Commission meeting, the Commission approved the reformatting and revision of Commission Regulations 9040 and 9041. As part of the ongoing review of the *POST Administrative Manual*, amendments are now proposed to provide clarity to existing language. Regulation 9040 will show reserve peace officer as a separate status for clarification purposes. Regulation 9041 distinguishes between current and former peace officer status when a law enforcement agency reports felony convictions specified in Government Code Section 1029.

To effect this recommended action, it is necessary to modify POST Regulations 9040 and 9041 - Employment Status Notifications.

## **TRAINING DELIVERY SERVICES BUREAU**

### **I. Request to End the Suspension of the Isleton Police Department from the POST Reimbursable Program**

On March 21, 2005, Isleton Police Chief Shane Dillar submitted a letter to the Commission voluntarily withdrawing the Isleton Police Department from the POST Program. This was the culmination of several years of consistent non-compliance with the established minimum selection and training standards.

In April 2007, Isleton Police Chief Ron Jole requested, by letter, that the Isleton Police Department be allowed to re-enter the POST Program. Staff reviewed four peace officer personnel files. None of the files documented compliance with the selection standards because the background investigations were incomplete.

At the January 2008 Commission meeting, Assistant Chief Sullivan addressed the Commission. He stated the previous compliance problems had been corrected and that it was important to the Isleton Police Department that they participate in the POST program. The Commission accepted the Isleton Police Department into the POST Reimbursable Program, effective February 1, 2008. As a condition of admission to the POST Program, Assistant Chief Sullivan agreed that POST staff would review all background investigations prior to the appointment of a new peace officer and entry of that officer into POST records via the Electronic Data Interchange (EDI).

In July 2008, POST staff discovered that newly-appointed officers had been entered into the database without POST review and that other officers had been hired who were not entered in the database. Chief Jole stated that he had not agreed to a POST review prior to appointment, that he was not aware that Assistant Chief Sullivan made the agreement, and that he was not bound by that agreement.

In July 2008, POST staff conducted the annual compliance check and reviewed four personnel files. In each file, the background investigation was incomplete. POST staff and Chief Jole agreed to September 30, 2008, to complete the investigations. On that date, the files were still incomplete. As a result of the consistent inability of the department to comply with the applicable selection standards and the failure to comply with the terms and conditions of entry into the POST Program, the Isleton Police Department was suspended from participation effective October 1, 2008.

In November 2008, Chief Jole requested the suspension be lifted. In the follow-up review, one file was not in compliance, and the single sergeant in the department had not completed the Supervisory Course within one year of being promoted as required by Commission Regulation 1005(b). A re-inspection on February 23, 2009, determined the department had complied with the applicable selection and training standards.

In May 2009, POST staff learned that Chief Jole left the Isleton Police Department, and Assistant Chief Richard Sullivan was appointed Interim Chief of Police. Interim Chief Sullivan agreed to appear at the July 2009 meeting to support the request to the Commission to end the suspension.

The Commission has three options in response to the request to end the suspension of the Isleton Police Department:

1. Defer a decision and continue the suspension until a permanent chief of police is appointed.
2. End the suspension, effective August 1, 2009, with the following conditions:
  - a. Interim Chief Sullivan commits the Isleton Police Department to continuing and consistent compliance with the minimum selection and training standards;
  - b. Interim Chief Sullivan agrees to permit POST staff to review compliance with selection standards prior to the appointment of a peace officer and entry of the officer into the POST database; and
  - c. Such review to continue for at least two years or until such time as the department demonstrates consistent and continued compliance with the applicable selection and training standards.
3. End the suspension, effective August 1, 2009, without conditions.

This report was provided for discussion and a decision.

Assistant Executive Director Mike DiMiceli gave a presentation on the item. Nicki Woods, Chair of the Advisory committee, said the committee discussed this issue at length and agreed that Option #2 be adopted and approved by the Commission.

**MOTION** - Linden, Second - Van Attenhoven, carried unanimously to approve Option #2 as indicated.

### **TRAINING PROGRAM SERVICES BUREAU**

#### **J. Report on Anti-Reproductive Rights Crimes Guidelines**

Penal Code §13519.15, *Guidelines for Investigation and Reporting Cases Involving Anti-Reproductive-Rights Crimes*, was added in 2009 by SB 1770 (Senator Padilla) and directed the Commission to develop guidelines for use by law enforcement officers to establish standard procedures in the investigation and reporting of cases involving anti-reproductive-rights crimes.

It was the intent of the Legislature to encourage law enforcement to follow established standard procedures and to reinforce the existing Reproductive Rights Law Enforcement Act which requires local law enforcement agencies to report anti-reproductive-rights crimes to the Department of Justice. POST has worked closely with a diverse group of subject matter experts in preparing guidelines to address this topic.

**MOTION** - Doyle, Second - Hayhurst, carried unanimously to approve the *Anti-Reproductive Rights Crimes Guidelines*.

K. Request to Contract for Learning Portal Hosting, Support, and Maintenance (Years 2010-2012)

Current contracts for hosting, supporting, and maintaining the POST Learning Portal expire December 31, 2009. As the access point for online POST training and resources, the Learning Portal has become an indispensable resource for law enforcement training in California. Currently, there are over 27,000 registered users and more than 32,000 course completions. Use of the Learning Portal by California law enforcement continues to grow. This growth and POST's plans for expanding its online training directly affect the requirements for hosting, supporting, and maintaining the Portal.

In the past, POST has approached the Commission and Department of General Services (DGS) with separate contracts for each of these services and ad hoc enhancements. DGS has strongly advised that these contracts be consolidated into a single, multi-year contract or risk future contract submissions being denied.

A three-year contract for Portal hosting, support, and maintenance is estimated to cost \$420,724; this figure is considerate of projected growth over the next three years. An additional sum of \$11,600 will be needed to provide for training of POST staff. This training is intended to develop expertise that will enable staff to perform certain technical modifications independent of a contractor which should ultimately result in savings.

Henry Perea, Chair of the Finance Committee, reported that the committee unanimously supported this item and recommended that the Commission approve the item as proposed.

**MOTION** - Campbell, Second - Lundgren, carried by **ROLL CALL VOTE** to authorize the Executive Director to enter into a three-year contract with an entity to provide hosting, support, and maintenance services, as well as technical training, for the POST Learning Portal in an amount not to exceed \$432,324.

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

The Vehicle Operations Training Advisory Council (VOTAC) was first convened in March 2008 to inform efforts responsive to Strategic Plan Objective (SPO) B.10 - *Enhance and Continue the Study of Driver Training Methods and Vehicle-Related High-Risk Activities to Improve Training, Enhance Safety, and Reduce Preventable Collisions and Injuries*. The VOTAC has now met four times and, prior to its most recent meeting in February 2009, has published the *Driver Training Study: Volume I*.

Subsequent to the VOTAC's February 2009 meeting, an expanded Research Team was assembled to address priorities relative to training and field operations (i.e., pilot programs) and future research. The Team had its first meeting in May 2009. Funding and resource needs were identified, a conceptual timeline was developed, and "next steps" were drafted. To this point, Team members have been generously volunteering their time. In order to provide stipends and minimal essentials for ongoing Team operations, an amount not exceeding \$50,000 in initial funding is requested from the recurring Law Enforcement Driving Simulator (LEDS) allotment. This funding request is envisioned as "seed money" to enable the Team to initiate surveys and designs of research and pilots. It seems unlikely that POST, by itself, will be able to fully fund a robust conceptualization of this research/pilot program effort. Depending on the scope (of both case studies and pilots), cost estimates range anywhere from \$500,000–2,800,000. Several promising funding sources are being considered, ranging from a Budget Change Proposal, standard grants, to federal earmarks. Thus, at this juncture staff seeks approval to expend seed money for the Team in anticipation of additional funding from other sources.

Henry Perea, Chair of the Finance Committee, reported that the committee unanimously supported this item and recommended that the Commission approve the item as proposed.

**MOTION** - Linden, Second - Bui, carried unanimously to issue a resolution in support of the Driver Training Study and authorize the Executive Director to expend an amount not to exceed \$50,000 from the recurring LEDS allotment to serve as seed funding for further research and pilot programming to enhance driver training and safety.

M. Report on Strategic Plan Objective C.3 - Develop a Comprehensive Plan for POST's Role in Addressing Law Enforcement Recruitment Issues

During 2005-2006, POST conducted three recruitment conferences that addressed law enforcement recruitment. A survey of law enforcement executives was subsequently conducted. It was determined from the survey that recruitment

continues to be problematic for law enforcement agencies statewide. A final report was developed which recommended agencies prepare a recruitment strategic plan. In light of the need for planning guidance, a *Recruitment Strategic Planning Guide* has been created. The guide is designed to assist law enforcement agencies to fashion an agency-specific recruitment strategic plan.

Staff has determined that there is a potential reservoir of peace officer applicants—discharged military personnel. With this in mind, staff has evaluated the POST website to determine ways to develop simple, easy-to-navigate functions that will allow overseas and returning veterans to search for law enforcement job information. Action steps and concepts identified to date include: 1) collaborating with key military entities to establish links to the POST website, 2) placing a military banner on the POST home page that when activated brings up a page specifically for military personnel, 3) creating a candidate background form that could be completed online by job seekers, and 4) identifying and linking peace officer mentors, comprised of recently discharged veterans now employed by agencies, who would mentor individuals considering a career in law enforcement.

Henry Perea, Chair of the Finance Committee, reported that the committee unanimously supported this item and recommended that the Commission approve the item as proposed.

**MOTION** - Perea, Second - Bui, carried unanimously to approve the *Recruitment Strategic Planning Guide* contents and to support creation of a web page specially configured for military personnel.

N. Report on Revised FY 2009/2010 VAWA Grant Funding

At the April 2009 Commission meeting, staff anticipated receiving the same amount of VAWA funding for FY 2009/2010 as was received from the Office of Emergency Services (now California Emergency Management Agency or Cal EMA) for FY 2008/2009. This amount was \$631,437, which included an in-kind match in the amount of \$157,859, met in staff hours, equipment purchases and upgrades, and training reimbursements.

In May, Cal EMA awarded POST an amount that was less than anticipated. The reduced amount was \$576,268, which was inclusive of an in-kind match of \$144,067. However in June 2009 Cal EMA offered POST additional funds in the amount of \$61,315 to augment the FY 2009/2010 grant. With the augmentation, the new grant totals \$637,583 (which is inclusive of an in-kind match of \$159,396). The new grant amount provides for: 1) presentation of one additional Domestic Violence Hostage Negotiator course and presentation of one additional Domestic Violence for First Responders course, and 2) an increased role of the Grant Coordinator from half-time to three-quarter-time.

Henry Perea, Chair of the Finance Committee, reported that the committee supported this item with a two to one vote and recommended that the Commission approve the item as proposed.

**MOTION** - Linden, Second - Doyle, carried by **ROLL CALL VOTE** to authorize the Executive Director to: 1) accept the additional funds for FY 2009/2010 in the amount of \$61,315 from Cal EMA, 2) amend the agreement with the San Diego Regional Training Center (SDRTC) to facilitate courses in domestic violence and sexual assault for law enforcement officers and public safety dispatchers for a total amount not to exceed \$330,436, and 3) amend the agreement with the SDRTC for the salary for the Grant Coordinator to increase from half-time to three-quarter time, for a total amount not to exceed \$73,008. (Oppose - Hayhurst)

O. Report on Acceptance and Recommended use of FY 2009/2010 Federal Stimulus Package Funds

The California Emergency Management Agency (Cal EMA) has advised POST that they will be sending a Request for Application (RFA) to deliver training to peace officers and dispatchers in the area of tribal domestic violence and other crimes against women. This one-time grant of \$400,000 is being funded through the Federal Stimulus Package, which includes a POST in-kind match of \$100,000. The grant period is from September 1, 2009, through August 31, 2010. The release of the funds is associated with a Budget Change Proposal (BCP) currently pending in the Legislature.

Henry Perea, Chair of the Finance Committee, reported that the committee supported this item with a two to one vote and recommended that the Commission approve the item as proposed.

After presentation by Bureau Chief Ed Pecinovsky of the Training Program Services Bureau, the following occurred:

**MOTION** - Lowenberg, Second - Perea carried by **ROLL CALL VOTE** to: 1) authorize the Executive Director to accept the grant of \$300,000 of Federal Stimulus funds, and 2) contract with an entity for the development and delivery of the training identified in the RFA. (Oppose - Hayhurst)

**COMMITTEE REPORTS**

Q. Long Range Planning Committee

Commissioner Deborah Linden reported that items on the Commission agenda were discussed at the Long Range Planning Committee meeting held on June 11, 2009, at POST, 1601 Alhambra Boulevard, Sacramento, CA 95816.

R. Finance Committee

The Chair of the Finance Committee asked staff to report on the results of the Committee meeting held on Wednesday, July 22, 2009, in Sacramento. Commissioner Perea asked staff to provide an update on the Financial Report, the Governor's budget, and the BCPs which were submitted to Finance. Tom Liddicoat, Bureau Chief of the Administrative Services Bureau, gave the report.

S. Advisory Committee

Nicki Woods, Chair of the POST Advisory Committee, had no further report than the recommendation agreed upon by the Advisory Committee (Wednesday, July 22, 2009) on Agenda Item I. - *Request to End the Suspension of the Isleton Police Department from the POST Reimbursable Program.*

T. Legislative Review Committee

Lai Lai Bui, Chair of the Legislative Review Committee, reported on the results of the Legislative Review Committee meeting held on Thursday, July 23, 2009, in Sacramento.

- AB 297 (Solorio) - Criminal History Information: Law Enforcement Employee. The committee recommended a "support" position on this bill.
- AB 504 (Furutani) - Kirpan: Peace Office Training. The Commission previously had position of "oppose, unless amended." The bill was amended, and the committee voted to take a "neutral" position on the bill.

**MOTION** - Linden, Second - Campbell, carried unanimously to take a "neutral" position on AB 504.

- AB 988 (Brownley) - U Visa, Human trafficking. The committee recommended a "neutral" position on this bill.
- SB 5 (Maldonado) - Peace Officers: Certified Bomb Technicians. Information only. No action required.
- SB 174 (Strickland) - Office of Inspector General. Information only. No action required.

U. Correspondence

**General**

- Letter to Deborah Linden, Chair, from Suzanna Aguilera-Marrero requesting consideration for the reappointment of Laura Lorman to the POST Advisory Committee.
- Letter to Executive Director Paul Cappitelli from K. Hardesty of the San Jose Police Department thanking Connie Paoli, Julie Hemphill, Jennifer Imlay, and Patricia Noda for providing information to the police department in time for the trial of Officer Fontana's murderer.

**Lexipol**

Email to Executive Director Paul Cappitelli Regarding Lexipol from:

- Chief Jack L. Van Etten, Burlingame Police Department, asking for POST to recognize the Lexipol DTBs for CPT credit.
- Chief John Derohan, Morro Bay Police Department, recommending POST strongly reconsider allowing CPT credit for Lexipol Daily Training Bulletins.

Letters to Executive Director Paul Cappitelli regarding Lexipol from:

- Sheriff Steven L. Durfor, Yuba County Sheriff's Department, in support of Lexipol.
- Chief John T. Schaefer, San Marino Police Department, requesting reconsideration of Lexipol's Daily Training Bulletin for CPT credit.

Letter personally addressed to each Commissioner, one sample attached, from;

- Chief John T. Schaefer, San Marino Police Department, repeating verbatim the language of the letter to the Executive Director.

V. Old Business

There was no discussion under Old Business.

W. New Business

- Request for approval to reappoint Laura Lorman to the POST Advisory Committee for another term, representing the Women Peace Officers' Association (WPOA).

**MOTION** - Perea, Second - Batts, carried unanimously to approve the reappointment of Laura Lorman for another term to the POST Advisory Committee.

- Discuss location of future Commission meetings

Executive Director Paul Cappitelli said that POST staff was recommending that the Commission meet three times a year rather than four. He noted that Mr. Scally, POST Legal Counsel, confirmed that the regulations do not require the Commission to meet quarterly but, rather, to meet regularly. Mr. Cappitelli advised that, if approved, the meetings would take place in Southern California in February, and in Sacramento in June, and October. He said that implementing this change would save time and money.

- Discuss format for future Long Range Planning Committee meetings

Executive Director Cappitelli proposed that Long Range Planning Committee meetings be conducted by conference call. He said anyone interested in physically attending the meeting at POST would be welcome to do so. Materials would be mailed to committee members prior to the meeting and noticed on the POST Website. He stated that the meetings would take place one month prior to the Commission meetings.

**MOTION** - Lowenberg, Second - Campbell, carried unanimously to approve the staff proposals to conduct Commission meetings in February, June, and October and the Long Range Planning Committee meetings be conducted via conference call.

- Commissioner Gil Van Attenhoven said this would be his last meeting as he is retiring from the Department of Justice. He said serving on the Commission has been the highlight of his career and a great privilege. He thanked POST staff and others for their efforts and assistance.

### **APPEAL HEARING FOR LEXIPOL:**

Chair Sobek read the guidelines for the hearing.

#### **P. Report on Appeal of Lexipol to POST Commission**

This was a report on the appeal to the Commission from Lexipol regarding the staff decision to deny certification of Lexipol's Daily Training Bulletins (DTB). Since approximately 2004, Lexipol has requested certification of DTBs as *self-paced training* consistent with Commission Regulations 1052(b). Each time, staff has reviewed the DTBs and, based on the failure of the bulletins to satisfy the criteria established in the regulation, declined to approve certification.

On June 4, 2009, Lexipol requested an appeal to the Commission of the denial of the certification by the Executive Director pursuant to Commission Regulation 1058(b) (Appeals Process).

Lexipol had the right to present evidence at the hearing. Staff notified Mr. Dan Merkle, CEO of Lexipol of the date and location of the meeting and the hearing. Staff understood that representatives of Lexipol would appear to present the appeal.

A staff report, under this tab, provided background information, the history of certification requests from Lexipol, an analysis of the sufficiency of the Daily Training Bulletins and other training media to meet the criteria for certification, and additional information for the Commission to consider. Staff concluded that the Daily Training Bulletins are not suitable for certification as self-paced training because: 1) the bulletins do not satisfy the criteria for certification established in Commission Regulations, 2) the bulletins provide information as a printed page but cannot provide evidence of changes in knowledge, skill, or attitude, and 3) the bulletins are a wholly proprietary product that are available only to subscribers to Lexipol's business services and not available to non-customers of Lexipol services.

The appropriate action for the Commission was to conduct the hearing and render its decision according to the requirements described in Commission Regulation 1058(b).

Mr. Merkle, CEO of Lexipol, testified in support of POST-certification of the Daily Training Bulletins. Assistant Executive Director Alan Deal gave a presentation on the issue. Commissioner McGinness asked for clarification on issues of conflict. Assistant Executive Director Mike DiMiceli clarified the issues of conflict for the Commission. The Commission convened to Closed Session. (Bui absent at noon.) (Anderson and Van Attenhoven recused themselves from the Closed Session)

**CLOSED SESSION** -12:35 p.m.

Following the appeal hearing on Item P., the Commission met in Closed Session to deliberate pursuant to Government Code Section 11126 (c) (3).

**RECONVENE** - 12:55 p.m.

Chair Sobek advised that the Executive Director, on behalf of the Commission, would notify Lexipol of its decision regarding the appeal within ten days.

**NEXT LONG RANGE PLANNING COMMITTEE MEETING**

The next Long Range Planning Committee meeting scheduled for Thursday, September 3, 2009, at POST, will be changed to avoid calendar conflicts.

**FUTURE COMMISSION DATES**

October 22, 2009 - Courtyard Marriott, Sacramento  
February, June, and October 2010 dates and locations to be determined

**ADJOURNMENT** - 12:56 p.m.

Respectfully submitted,

Karen Hightower  
Administrative Assistant