

POST COMMISSION MEETING

**Embassy Suites
150 Anza Boulevard
Burlingame, CA 94010
(650) 342-4600**

Thursday, July 24, 2008

ACTION SUMMARY

CALL TO ORDER - 10 A.M.

Chair Deborah Linden called the meeting to order at 10 a.m.

COLOR GUARD AND FLAG SALUTE

The Color Guard was provided by the San Mateo County Sheriff's Department. Those present applauded the Color Guard for their moving performance.

MOMENT OF SILENCE HONORING THE OFFICERS WHO LOST THEIR LIVES IN THE LINE OF DUTY

A moment of silence was held in honor of the following officers who lost their lives in the line of duty.

- Deputy James Throne, Kern County Sheriff's Department
- Deputy Jose Antonio Diaz, Yolo County Sheriff's Department
- Special Agent Aaron Garcia, Union Pacific Railroad Police Department
- Supervising Investigator Laura Cleaves, Santa Barbara County District Attorney's Office

WELCOME NEW COMMISSIONER

Chair Linden introduced and welcomed newly appointed Commissioner Jeff Lundgren to the Commission.

ROLL CALL OF COMMISSION MEMBERS

A calling of the roll indicated that a quorum was present.

Members Present:

Deborah Linden	Scott Himelstein
Mike Sobek	Ron Lowenberg
Anthony Batts	Jeff Lundgren
Lai Lai Bui	John McGinness
Collene Campbell	Henry Perea
Robert Doyle	Laurie Smith
Bonnie Dumanis	Rick Lopes
Floyd Hayhurst	

Members Absent:

Gil Van Attenhoven

AUDIENCE INTRODUCTIONS

Executive Director Cappitelli introduced Dan Feldhaus, Certified Shorthand Reporter, who would take verbatim notes of the Commission meeting.

The following members of the audience introduced themselves:

Ramon Barboa, Office of Homeland Security
Jim Bock, POST Advisory Committee Member, (Specialized Law Enforcement)
Carlos G. Bolanos, San Mateo County Sheriff's Department
Mario Casas, POST Advisory Committee Member (CCLEA)
Ron Cottingham, Peace Officers' Research Association of California
Toby Darden, POST Legal Counsel
Michael Durant, Peace Officers' Research Association of California
Joe Flannagan, POST Advisory Committee Member (PORAC)
John Hughmanick, Stanford University Department of Public Safety
Laura Lorman, POST Advisory Committee Member (WPOA)
Debora McGlynn, San Mateo Public Safety Commission
Jeff Miller, POST Advisory Committee Member (CPCA)
Brent Newman, POST Advisory Committee Member (CHP)
Jacky Parks, Fresno Police Officers' Association
Lucia Robles, POST Advisory Committee Member (Chancellor's Office)
Sandra Spagnoli, POST Advisory Committee Member (CPOA)
Bradley Young, POST Advisory Committee Member (CAAJE)
Richard Zavala, Jr., Interested Party

POST Staff Present:

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
John Dineen, Bureau Chief, Center for Leadership Development
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
Edmund Pecinovsky, Bureau Chief, Training Delivery and Compliance Services Bureau
Dick Reed, Assistant Executive Director, Executive Office
Daria Rowert, Executive Secretary, Executive Office
Dave Spisak, Bureau Chief, Information Services Bureau
Bob Stresak, Bureau Chief/Legislative Liaison, Executive Office
Ron Wood, Bureau Chief, Management Counseling Services Bureau

WELCOMING ADDRESS

Chair Linden welcomed and introduced Carlos G. Bolanos, Undersheriff of San Mateo County, who gave the welcoming address on behalf of Sheriff Greg Munks who had other commitments and was unable to be present.

PUBLIC COMMENT

Chair Deborah Linden asked if anyone would like to make comments on any items not on the agenda.

Dispatcher Debora McGlynn of the San Mateo Public Safety Commission asked that the Commission consider having dispatcher representation (an experienced non-sworn dispatch professional) to serve on the Advisory Committee in the specialized slot when a vacancy occurs on the Committee. She also asked about the possibility of adding a position to the Committee specifically for dispatchers.

APPROVAL OF MINUTES

- A. Approval of the minutes of the Thursday, April 24, 2008, Commission meeting held at the Crowne Plaza Anaheim Resort, 12021 Harbor Boulevard, Garden Grove, California.

MOTION - Lowenberg, Second - Campbell, carried to approve the April 24, 2008, Commission meeting minutes. (Abstain - Lundgren)

CONSENT

B.1 Course Certification/Decertification Report

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

B.2 Agency Sought Entry Into the POST Reimbursable Program

- Huntington Beach Union High School District Police Department

B.3 Agency Sought Entry Into the POST Reimbursable Public Safety Dispatcher Program

- Alpine County Sheriff's Department

B.4 Agency Sought Entry Into the POST Non-Reimbursable Program

- Napa Valley Railroad Police Department

B.5 Quarterly Report on the Status of the Strategic Plan Implementation

This was the first status report of the 2008 POST Strategic Plan update approved by the Commission at its April meeting. The report was provided to the Commission following review by the Long Range Planning Committee and the Advisory Committee. The report describes the progress made in researching and implementing the POST Strategic Plan since the last meeting.

Of the 36 objectives, staff reported that:

- 24 – Are in progress (being researched and/or implemented)
- 1 – Recommended for deletion
- 11 – Not addressed at this time (these are new objectives added during the April meeting)
- 36 – Total

Assistant Executive Director Alan Deal gave a presentation on this item.

B.6 Resolution

- The following individual received her resolution in another venue:

Jeanie Nelson, Ph.D., Executive Director, Oklahoma Commission on Law Enforcement Education and Training (CLEET), on the occasion of her retirement, as a professional courtesy. The resolution will be presented by members of the CLEET staff at a dinner honoring Dr. Nelson.

MOTION - McGinness, 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 to improve student learning and evaluation.

The proposed changes affect the following learning domains:

- LD 7, Crimes Against Persons/Death Investigation*
- LD 9, Crimes Against Children*
- LD 17, Presentation of Evidence*
- LD 33, Arrest Methods/Defensive Tactics*
- LD 35, Firearms/Chemical Agents*

No presentation was requested on this item.

MOTION - Sobek, Second - Bui, 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, 2009.

CENTER FOR LEADERSHIP DEVELOPMENT

D. Request for Augmentation to the Contract for Fiscal Year 2007/08 Executive Development Course

The Commission approved an \$184,151 contract for the Executive Development Course (EDC) for Fiscal Year 2007/08. The course had been held exclusively in Santa Rosa for eight years. Beginning in September 2006, the EDC was relocated to be more accessible to chiefs of police, sheriffs, and senior managers throughout the state. During Fiscal Year 2007/08, three sessions were held in San Mateo, two in Burbank, and one in Pismo Beach. Additional and unbudgeted expenses, including higher audio-visual and meeting room costs, and lodging/per diem and travel expenses for the course manager and instructors were subsequently incurred.

No presentation was requested on this item.

MOTION - Dumanis, Second - Smith, carried unanimously by **ROLL CALL VOTE** to approve the augmentation and amendment to the EDC Fiscal Year 2007/08 contract with San Jose State University Foundation in an amount not to exceed \$31,791.46 for a total contract amount of \$215,942.46.

EXECUTIVE OFFICE

E. Report on Adding Objectives to the POST Strategic Plan

At its March 2008 Leadership Team Building Workshop, the Team reviewed several suggestions by POST staff to revise the Strategic Plan. The Leadership Team had previously deferred several staff recommendations in order to more fully consider whether they were appropriate additions to the Strategic Plan.

The Leadership Team reviewed 13 items and classified them as: *strategic* (i.e., appropriate for recommending they be added to the Strategic Plan), *operational* (i.e., could be done as an operational matter), assign to the *Focus Group* (i.e., a committee of staff members who assess workplace issues that may enhance the effectiveness of staff), or *defer* (i.e., be considered in the future).

Commissioner Lowenberg commended staff for initiating changes to the Strategic Plan, particularly, reevaluation of the BCCR process.

After presentation by Assistant Executive Director Alan Deal, the following occurred:

MOTION - McGinness, Second - Doyle, carried unanimously to approve the three new objectives and add them to the 2008 POST Strategic Plan.

F. Acceptance of Federal Homeland Security Grant Funds to Support Anti-Terrorism Training Programs

Since March 2004, POST has been part of a training partnership that consists of representatives from the California Military Department (CMD), the State Fire Marshal's Office (SFM), the Emergency Medical Services Authority (EMSA), the Governor's Office of Emergency Services (OES/CSTI), the Department of Health Services (DHS), and the California Joint Firefighter Apprenticeship Council (CJFAC) to address the training needs of first responders.

Each year, the OHS and CMD have provided POST, and the other members of the training partnership, with an Interagency Agreement in the amount of \$250,000 to support POST's participation in the training partnership. The \$250,000 comes from the state's share of federal grant funds. To date, POST has received \$1M in federal funds that have been used for administrative and support services. The CMD has notified POST that it will receive \$250,000 for Fiscal Year 2008/09 to continue this successful program.

At the January 2005 meeting, the Commission authorized an expenditure of \$395,000 to develop an online version of the *Law Enforcement Response to Terrorism (LERT)* course that was developed to meet the training requirements contained in Penal Code 13519.12. The online course has been completed, is being used regularly, and staff has applied for reimbursement for the costs from the OHS. On April 20, 2008, the request for reimbursement was approved by OHS Director Matt Bettenhausen. The \$395,000 will be received and expended during Fiscal Year 2008/09.

POST staff recently completed development of the *Extradition Procedure/Law Enforcement Officer (LEO) Flying Armed* telecourse and released it to the field for use. This telecourse meets the federal training requirements under the Code of Federal Regulation CFR 1544.219 that enables peace officers to carry firearms onto public conveyances while in the course of their official duties. All law enforcement personnel must complete this federal training requirement before they can carry a firearm on an airplane. A request for reimbursement of the development costs for this telecourse has been sent to the OHS.

The development costs for this telecourse came from the UC-Irvine Foundation annual contract. The total cost of this telecourse was \$149,200. It is proposed that the annual UC-Irvine contract be amended in an amount not to exceed \$149,200 utilizing AB 587 terrorism training funds until OHS makes a decision on federal reimbursement.

No presentation was requested on this item.

MOTION - Perea, Second - Dumanis, carried by **ROLL CALL VOTE** to authorize the Executive Director to: 1) sign the Interagency Agreement(s) to accept the \$645,000 in federal funds from the California Military Department, 2) enter into training contracts or interagency agreements as necessary for the administration, development, and presentation of training for law enforcement personnel in an amount not to exceed \$645,000, and 3) amend the University of California-Irvine Foundation contract using AB 587 funds in an amount not to exceed \$149,200. (Abstain - Lopes)

INFORMATION SERVICES BUREAU

G. Request for a Contract Augmentation for Journal/Magazine Subscriptions

The Commission approved a \$48,500 contract for journal/magazine subscriptions with EBSCO Information Services for the period January 1, 2007, through December 31, 2008. This contract provides the Library with a single point of

contact for purchasing journals/magazines instead of dealing with more than 90 individual publishers throughout the United States and Europe. Staff was requesting an augmentation to the existing contract to cover the cost of \$2,500 for new journals/magazines requested by staff for POST projects, price increases of subscriptions by publishers, and increased postal costs.

No presentation was requested on this item.

MOTION - Doyle, Second - Batts, carried unanimously by **ROLL CALL VOTE** to authorize the Executive Director to augment and amend the 2006/07 contract with EBSCO Information Services by \$2,500 in an amount not to exceed \$51,000.

H. Request for Two-Year Contract Renewal to Continue Library Subscription Services Provided by EBSCO Information Services for Calendar Years 2009 and 2010

POST has contracted out its subscription purchases and renewals since the late 1970s. This service provides the POST Library with a single point of contact for purchasing journals and magazines rather than dealing with more than 90 individual publishers from the United States and Europe. The vendor for these services, EBSCO, is also used to procure electronic access to the full text of these publications, as available, as well as being the agent to obtain missing issues of these magazine and journals.

This two-year contract renewal request increases the annual cost of this service by \$10,000 per year. Increased costs are due to the increased cost of the publications, increased postage costs, expanded electronic access for more publications, and the continued addition of new materials requested by POST staff and law enforcement clients. New materials are primarily related to homeland security issues and new projects assigned to POST staff. EBSCO is a non-competitive-bid company having been granted an exclusion from the competitive bid requirement due to its unique services. This contract request, for calendar years January 1, 2008, through December 31, 2010, is for \$66,000 -- an increase from \$51,000.

After presentation by Dave Spisak, Bureau Chief of the Information Services Bureau, the following occurred:

MOTION - McGinness, Second - Bui, carried unanimously by **ROLL CALL VOTE** to authorize the Executive Director to enter into a contract with EBSCO for journal subscription services in an amount not to exceed \$66,000 for calendar years 2009 and 2010.

STANDARDS AND EVALUATION SERVICES BUREAU

I. Report on Strategic Plan Objective A.6.06 Regarding a Comparison of POST's Selection and Training Standards to the *IADLEST Sourcebook*

Strategic Plan Objective A.6.06 (formerly A.11) requires staff to “Compare POST’s selection and training standards to those in other states as articulated in the *IADLEST Sourcebook* for the purpose of identifying potential improvements.” To that end, staff carefully reviewed the *Sourcebook* and prepared a report which was presented and accepted at the March 2008 Long Range Planning Committee meeting and was approved on the consent calendar at the April 2008 Commission meeting.

The results of the report found that no California standards could be specifically identified as needing improvement. However, in an expanded examination of the *IADLEST Sourcebook*, staff identified two areas of potential improvement, namely Continuing Professional Training (CPT) and Driver Training.

Upon closer examination of these two training areas, staff has determined that extensive research has and is being conducted at POST on both CPT and Driver Training with four active strategic plan objectives designed to address these complex issues.

After presentation by Assistant Executive Director Alan Deal, the following occurred:

MOTION - Doyle, Second - McGinness, carried unanimously to delete Strategic Plan Objective A.6.06 as completed.

TRAINING PROGRAM SERVICES BUREAU

J. Request to Contract to Develop an Online Gangs Course and Related Resources

POST staff recommends development of an online Gangs Course and related resources. An October 2007 survey of registered POST Learning Portal users reflected that an online course on gangs, as well as resources to provide information about gang activity, is of particular interest. It ranked fourth out of a list of 15, behind Officer Safety, Investigations, and ID Theft. (These three topics are being addressed by separate courses currently in development.)

The \$230,000 required for this project will be allocated from a recent reimbursement of \$395,000 from the Office of Homeland Security (OHS). The OHS reimbursement is for funds POST expended to produce an online training course entitled “Law Enforcement Response to Terrorism.”

MOTION - Sobek, Second - Dumanis, carried unanimously by **ROLL CALL VOTE** to authorize the Executive Director to contract with an entity to develop an online Gangs Course and resources in an amount not to exceed \$230,000.

K. Report on the Study of Driver Training

This is a status report on the study to identify the most effective methods of driver training and determine the manner in which the Commission should expend its resources to reduce officer deaths and injuries from collisions.

At its April 2008 meeting, the Commission approved the scope and direction of the design of the Driver Training Study. To date, seven of the eight objectives of the study have been addressed through in-depth literature review and surveying. The one objective remaining to be addressed is the correlation of officers' POST training records with their respective collision histories, as recorded by DMV. Due to reprioritization of projects within DMV, the preparation of a combined POST/DMV data set was delayed until late June 2008.

Preliminary findings pertinent to the seven objectives addressed to date were reviewed by the Vehicle Operations Training Advisory Council (VOTAC) at its June meeting. The VOTAC consensus was that training emphasis should be on developing a mindset that fosters sound judgment within a realistic context (e.g., high-speed, interference vehicles, and nighttime conditions).

The Long Range Planning Committee (LRPC) received a briefing on progress to date at its June 2008 meeting. The LRPC was supportive of the methodology (i.e., wide-ranging and data-driven) being employed in the study, both for the importance of identifying the optimal training for California's peace officers and the potential for study findings to be applied nationally. The LRPC consensus was that it is paramount the study be done well, even if more time than originally estimated for completion is required.

Assistant Executive Director Alan Deal updated the Commission on the status of this item.

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

COMMITTEE REPORTS

L. Long Range Planning Committee

Deborah Linden, Chair of the Long Range Planning Committee, reported on issues discussed at the Long Range Planning Committee meeting held on June 6, 2008, at POST in Sacramento.

M. Finance Committee

Henry Perea, Chair of the Finance Committee, reported on the results of the Committee meeting held on Wednesday, July 23, 2008, in Burlingame.

After presentation by Assistant Executive Director Dick Reed, the following occurred:

MOTION - Perea, Second - Himelstein, carried by **ROLL CALL VOTE** to approve staff preparing the Budget Change Proposals (1-5) for the Department of Finance as presented and to approve the 2008/09 budget as proposed.
(Abstain - Lopes)

RECESS - 11:37 a.m. to 11:51 a.m.

N. Advisory Committee

Mario Casas, Chair of the POST Advisory Committee, reported on the results of the Advisory Committee meeting held on Wednesday, July 23, 2008, in Burlingame.

O. Legislative Review Committee

Commissioner Bui, Chair of the Legislative Review Committee, reported on the results of the Legislative Review Committee meeting held on Thursday, July 24, 2008, in Burlingame.

Chair Bui thanked Bob Stresak for his work on legislation and the amendments that he sought which went into effect. She said she also appreciated Bob interpreting the bills and making them more palatable for Commissioners.

P. Correspondence

From POST to:

- Donny Youngblood, Sheriff-Coroner of the Kern County Sheriff's Department, expressing sympathy over the tragic, on-duty death of Deputy James Throne.
- Ed Prieto, Sheriff-Coroner, Yolo County Sheriff's Department, expressing sympathy over the tragic, on-duty death of Deputy Tony Diaz.

To POST from:

- Diane Woodruff, Ed.D., Chancellor of California Community Colleges, to Chair Deborah Linden, requesting the reappointment of Ms. Lucia F. Robles to the POST Advisory Committee.

No comments were made on the correspondence.

Q. Old/New Business

- Discussion by POST Legal Counsel regarding Peace Officer Selection Standards

POST Legal Counsel Toby Darden gave an update on peace officer selection standards for those peace officers who have been restored/reinstated.

After discussion, the following occurred:

MOTION - Lowenberg, Second - Sobek, carried to have the Commission direct staff to meet with POST legal Counsel and explore various regulatory options with stakeholders. Stakeholder meeting results will be presented at the January 2009 meeting. (Oppose - Dumanis, Hayhurst, Perea)

- Reappointment of Lucia F. Robles to the POST Advisory Committee, representing the California Community Colleges Chancellor's Office.

MOTION - Lowenberg, Second - Sobek, carried unanimously to reappoint Lucia F. Robles to the POST Advisory Committee.

- Executive Director Cappitelli Gave an Update on POST's 50th Anniversary

Executive Director Cappitelli advised that the 50th anniversary celebration would be held in conjunction with the July 2009 Commission meeting at the Marriott - Cal Expo in Sacramento.

- Executive Director Cappitelli Gave a Verbal Report on the Status of the Image Coalition

Mr. Cappitelli gave an update on the Image Coalition.

After presentation by Mr. Cappitelli, the consensus of the group was that staff would provide a report for the next meeting and Commission members will answer a policy question as to whether or not the Commission wants to continue with this effort.

- Regular Evaluations of the Executive Director

Chair Linden said the Commission discussed the necessity of providing regular, annual evaluations to the Executive Director.

After discussion, the consensus of the group was that the Commission direct staff to prepare a report with options for the Executive Director Evaluation for the October 2008 meeting. It was agreed that whenever the evaluation takes place, it would be in a closed session.

- Commissioner Notification Policy Regarding Significant Matters

Commissioner Hayhurst requested that, in light of the situation involving the deficiencies in the presentation of the regular basic course by the Los Angeles County Sheriff's Department, that Commissioner notification policy regarding significant matters be added to the October 2008 agenda.

MOTION - Hayhurst, Second - Perea, carried for staff to present the existing notification policy for review at the October 2008 Commission meeting. (Oppose - Doyle, Absent - Hayhurst).

NEXT LONG RANGE PLANNING COMMITTEE MEETING

The next Long Range Planning Committee meeting will be held on Friday, September 12, 2008, at 10:30 a.m., at POST. Note: Location was changed to the Doubletree San Diego/Del Mar.

FUTURE COMMISSION DATES

January 22, 2009 - Courtyard Marriott, Sacramento
April 23, 2009 - Courtyard Marriott, Sacramento
July 23, 2009 - Courtyard Marriott, Sacramento
October 22, 2009 - Courtyard Marriott, Sacramento

ADJOURNMENT - 12:57 p.m.

Respectfully submitted,

Karen Hightower
Administrative Assistant