

STATE OF CALIFORNIA
COMMISSION ON
PEACE OFFICERS STANDARDS AND TRAINING

POST COMMISSION MEETING



TIME: 10:00 a.m.

DATE: Thursday, July 24, 2008

PLACE: Embassy Suites
150 Anza Boulevard
Burlingame, California



REPORTER'S TRANSCRIPT OF PROCEEDINGS



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A P P E A R A N C E S

COMMISSIONERS PRESENT

DEBORAH LINDEN
(Commission Chair)
City of San Luis Obispo

MICHAEL SOBEK
(Commission Vice Chair)
San Leandro Police Department

ANTHONY BATTIS
Long Beach Police Department

LAI LAI BUI
Special Investigations Division
Sacramento Police Department

COLLENE CAMPBELL
Memory of Victims Everywhere

ROBERT T. DOYLE
Marin County Sheriff's Department

BONNIE DUMANIS
San Diego County District Attorney

FLOYD HAYHURST
Los Angeles County Sheriff's Department

SCOTT HIMELSTEIN
William D. Lynch Foundation for Children

RICK LOPES
On Behalf of George Anderson
Attorney General's Office

RONALD LOWENBERG
Golden West College Criminal Justice Training Center

JEFFREY LUNDGREN
Riverside County Sheriff's Department

JOHN MCGINNESS
Sacramento County Sheriff's Department

A P P E A R A N C E S

COMMISSIONERS PRESENT

HENRY PEREA
Fresno City Council

LAURIE SMITH
Santa Clara County Sheriff's Department



POST ADVISORY COMMITTEE MEMBERS PRESENT

MARIO CASAS
Committee Chair
California Coalition of Law Enforcement Associations

JIM BOCK
California Specialized Law Enforcement

JOE FLANNAGAN
Peace Officers' Research Association of California

LAURA LORMAN
Women Peace Officers' Association of California

JEFF MILLER
California Police Chiefs' Association

BRENT NEWMAN
California Highway Patrol

LUCIA ROBLES
California Community Colleges - Chancellor's Office

SANDRA SPAGNOLI
California Peace Officers' Association

BRAD YOUNG
California Association of Administration of
Justice Educators



A P P E A R A N C E S

POST STAFF PRESENT

PAUL CAPPITELLI
Executive Director
Executive Office

ALAN DEAL
Assistant Executive Director
Standards and Development Division

RON CROOK
Production Manager
Training Program Services Bureau

TOBY DARDEN
Legal Counsel

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

JAN MYYRA
Supervisor
Learning Technology Resource Center

A P P E A R A N C E S

POST STAFF PRESENT

Continued

EDMUND PECINOVSKY
Bureau Chief
Training Delivery and Compliance Services Bureau

RICHARD REED
Assistant Executive Director
Administrative Services Division

DARIA ROWERT
Executive Secretary
Executive Office

DAVE SPISAK
Bureau Chief
Information Services Bureau

BOB STRESAK
Bureau Chief/Legislative Liaison
Executive Office

ELIZABETH WISNIA
Personnel Selection Consultant
Standards and Evaluation Services Bureau

RON WOOD
Bureau Chief
Management Counseling Services Bureau



OTHER PERSONS PRESENT

CARLOS G. BOLANOS
Undersheriff
San Mateo County

RON COTTINGHAM
Peace Officers' Research Association of California

MICHAEL DURANT
Peace Officers' Research Association of California

A P P E A R A N C E S

OTHER PERSONS PRESENT

Continued

JOHN HUGHMANICK
Department of Public Safety
Stanford University

DEBORA McGLYNN
San Mateo Public Safety Commission

JACKY PARKS
Fresno Police Officers Association

RICHARD ZAVALA, JR.
North Central Texas Council of Governments
Regional Police Academy
Arlington, Texas



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1 **Thursday, July 24, 2008, 10:00 a.m.**

2 **Burlingame, California**

3 --o0o--

4 CHAIR LINDEN: Good morning, everyone. I'm Deborah
5 Linden, your chair for this year. And I'm pleased to call
6 the POST Commission meeting of -- well, today, July 24th.

8 Heck of a way to start the meeting, huh? Of July 24th
9 to order.

10 And would you all please rise so we can welcome our
11 Color Guard from San Mateo County Sheriff's Department?

12 *(The Color Guard entered the meeting room.)*

13 CHAIR LINDEN: Please join me in the Pledge of
14 Allegiance.

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

16 CHAIR LINDEN: Please join me in a moment of silence
17 for those that have lost their lives in the line of duty
18 since our last meeting:

19 Deputy James Throne from the Kern County Sheriff's
20 Department.

21 Deputy Jose Antonio Diaz from the Yolo County
22 Sheriff's Department.

23 Supervising Investigator Laura Cleaves from the Santa
24 Barbara County District Attorney's office.

25 And Special Agent Aaron Garcia from the Union Pacific

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1 Pacific Railroad police.

2 Thank you.

3 *(The Color Guard exited the meeting room.)*

4 CHAIR LINDEN: And how about a big hand for the Honor
5 Guard?

6 *(Applause)*

7 CHAIR LINDEN: Karen, may we have the roll call of our
8 commissioners?

9 MS. HIGHTOWER: Linden?

10 CHAIR LINDEN: Here.

11 MS. HIGHTOWER: Batts?

12 COMMISSIONER BATTIS: Here.

13 MS. HIGHTOWER: Bui?

14 COMMISSIONER BUI: Here.

15 MS. HIGHTOWER: Campbell?

16 COMMISSIONER CAMPBELL: Here.

17 MS. HIGHTOWER: Doyle?

18 COMMISSIONER DOYLE: Here.

19 MS. HIGHTOWER: Dumanis?

20 COMMISSIONER DUMANIS: Here.

21 MS. HIGHTOWER: Hayhurst?

22 COMMISSIONER HAYHURST: Here.

23 MS. HIGHTOWER: Himelstein?

24 COMMISSIONER HIMELSTEIN: Here.

25 MS. HIGHTOWER: Lowenberg?

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1 COMMISSIONER LOWENBERG: Here.

2 MS. HIGHTOWER: Lundgren?

3 COMMISSIONER LUNDGREN: Here.

4 MS. HIGHTOWER: McGinness?

5 COMMISSIONER MCGINNESS: Here.

6 MS. HIGHTOWER: Perea?

7 COMMISSIONER PEREA: Here.

8 MS. HIGHTOWER: Smith?

9 COMMISSIONER SMITH: Here.

10 MS. HIGHTOWER: Sobek?

11 COMMISSIONER SOBEK: Here.

12 MS. HIGHTOWER: Van Attenhoven?

13 *(No response)*

14 MS. HIGHTOWER: Lopes?

15 COMMISSIONER LOPES: Here.

16 CHAIR LINDEN: Thank you.

17 And I'm very pleased to welcome our newest
18 commissioner, Jeff Lundgren.

19 Jeff, welcome to the Commission.

20 And would you please just take a minute and tell us
21 about yourself?

22 COMMISSIONER LUNDGREN: Jeff Lundgren. I've been a
23 deputy sheriff for 20 years. It seems like a long time to
24 be a deputy. I passed up a couple of promotions to stay on
25 the bomb squad, which I've been a member of for about nine

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1 about nine years. I've been an active member of my
2 association, Riverside Sheriffs' Association, for about ten
3 years. And I currently serve as the vice president.

4 Thank you.

5 CHAIR LINDEN: Thank you, Jeff, and welcome.

6 *(Applause)*

7 CHAIR LINDEN: And if we could have members of our
8 audience please stand and introduce yourselves, starting on
9 this end.

10 Daria?

11 MS. ROWERT: Daria Rowert, POST staff.

12 MS. ROBLES: Lucia Robles, representing the Community
13 Colleges - Chancellor's office.

14 MR. BOCK: Jim Bock, POST Advisory, representing
15 specialized law enforcement.

16 MS. LORMAN: Laura Lorman, POST advisory, representing
17 Women's Peace Officers Association of California.

19 MR. NEWMAN: Brent Newman, Advisory Committee,
20 representing the CHP.

21 MR. FLANNAGAN: Joe Flannagan, Advisory Committee,
22 representing PORAC.

23 MR. MILLER: Jeff Miller, Advisory Committee,
24 representing the California Police Chiefs Association.

25 MR. YOUNG: Brad Young, Advisory Committee,

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1 representing the Administration of Justice Educators.

2 MS. SPAGNOLI: Sandra Spagnoli, Advisory member,
3 representing California Peace Officers Association.

4 MR. DECKER: Frank Decker, POST staff.

5 MR. REED: Dick Reed, POST staff.

6 MR. COTTINGHAM: Ron Cottingham, President, PORAC.

7 MR. DURANT: Mike Durant, vice president of PORAC.

8 MR. PARKS: Jacky Parks, president, Fresno Police
9 Officers Association.

10 MR. BOLANOS: Carlos Bolanos, Undersheriff, San Mateo
11 County.

12 MR. ZAVALA: Richard Zavala. I'm the manager of the
13 regional police academy out of the Dallas-Fort Worth,
14 Texas, area. I retired from the Dallas Police Department.

15
16 I'm on vacation. I saw your meeting, and I thought
17 I'd come in.

18 CHAIR LINDEN: That's a heck of a vacation.

19 MR. CAPPITELLI: Welcome.

20 MR. DEAL: Alan Deal, POST staff.

21 CHAIR LINDEN: There are better things to do in this
22 area. I can tell you that.

23 COMMISSIONER LOWENBERG: He'll know that after he sits
24 through the meeting.

25 MR. KRUEGER: Ken Krueger, POST staff.

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1 MS. McGLYNN: Debora McGlynn, San Mateo County Public
2 Safety, Communications.

3 MR. HOOPER: Mike Hooper, POST staff.

4 MR. LIDDICOAT: Tom Liddicoat, POST staff.

5 MR. DINEEN: John Dineen, POST staff.

6 MR. WOOD: Ron Wood, POST staff.

7 MR. STRESAK: Bob Stresak, POST staff.

8 MR. HUGHMANICK: John Hughmanick, Stanford University,
9 Department of Public Safety, just back from vacation.

11 MR. SPISAK: Dave Spisak, POST staff.

12 MR. PECINOVSKY: Finally, Ed Pecinovsky, POST staff.

13 CHAIR LINDEN: Great. Thank you. And welcome to
14 everyone, especially our visitors from afar.

15 Paul, did you want to welcome our newest addition?

16 MR. CAPPITELLI: Thank you, Madam Chair.

17 Good morning, everybody. I wanted to mention -- as
18 you recall from our last commission meeting, you authorized
19 us to now have a transcriber to take the minutes. And as
20 you can see from the smiling face of Karen Hightower, our
21 former note-taker, she is very pleased with this policy
22 direction.

23 But I want to welcome our transcriber, it's Daniel
24 Feldhaus. And Daniel had worked with me on the Governor's
25 Post-Employment Benefit Commission last year, and did a

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1 and did a fantastic job for all of the months of those
2 proceedings. We managed to be able to procure him for
3 this. We're hopeful that he'll be able to stay on with us.

4

5 And he also, in our discussion this morning, mentioned
6 to us that he's not only just a transcriber, but he's
7 actually an award-winning transcriber. He's twice received
8 California's state award for his speed in transcription.
9 He came in sixth nationally, I believe. So we want to
10 welcome Daniel.

11 Thank you.

12 *(Applause)*

13 CHAIR LINDEN: And I'm very pleased to introduce
14 Undersheriff Carlos Bolanos from the San Mateo County
15 Sheriff's Department, who is here to give us our welcoming
16 address.

17 Undersheriff?

18 MR. BOLANOS: Thank you very much.

19 First of all, on behalf of Sheriff Greg Munks, we
20 welcome the POST Commission to San Mateo County. We are
21 truly honored to have you here today and hope you enjoy
22 your stay.

23 I know that everybody, I think, is leaving after
24 today; but if you happen to stay in our beautiful county,
25 please know that the San Mateo County Sheriff's office is

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1 here to help make your stay as enjoyable as possible.

2 I also want to add that in my 28 years of law
3 enforcement, I have personally benefitted and also seen the
4 professionalism that California law enforcement enjoys
5 because of the outstanding work that the POST Commission
6 does. And I wanted to take this opportunity to thank all
7 of you for everything that you do for our law enforcement.

8

9 Thank you very much and enjoy your stay.

10 CHAIR LINDEN: Thank you, Undersheriff.

11 *(Applause)*

12 CHAIR LINDEN: Are there any members of the public
13 that would like to address the Commission on items not on
14 the agenda?

15 Certainly.

16 MS. McGLYNN: Indulge me with my notes here.

17 Good morning. My name is Debora McGlynn. I've been a
18 public safety dispatcher in San Mateo County for the past
19 20 years, and had the great privilege of spending 11 of
20 those years in a training unit. As a member of several
21 local and state training committees, I have worked closely
22 with POST on a number of significant projects that have
23 enhanced the profession of public safety dispatching and
24 helped to advance its standing in the field of law
25 enforcement.

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1 I appreciate this opportunity to speak with you this
2 morning on behalf of not only the public safety dispatchers
3 of San Mateo County, but for all of California's 6,600
4 dispatchers.

5 We know that the POST Advisory Committee has
6 established -- quote, established a public safety dispatch
7 program for the purpose of raising the level of competency
8 for public safety dispatchers whose primary responsibility
9 is providing that dispatch service for local law
10 enforcement agencies, as listed in the Penal Code.

12 The Advisory Committee has also recognized the
13 differences in the training needs of dispatchers as
14 compared to peace officers, and given their non-sworn
15 status and unique skill-sets.

16 As a result, they are assigned separate personnel
17 classifications, separate appointment dates, and that call
18 for different CPTs, different anniversary reports, cycles,
19 and requirements.

20 Yet despite all these differences and the explosion of
21 growth in the profession, public safety dispatchers have
22 never had an official representation on the POST Advisory
23 Commission, whose primary responsibility is to address all
24 of our specific needs and unique needs.

25 Presently, we know that the Advisory Committee is

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1 composed of 15 positions, 12 of those that are dedicated to
2 professional associations. Unfortunately, there is no
3 professional organization of dispatchers in the state at
4 this point in time. We are aware of that lacking, and
5 we're trying to move forward on that.

6 Three of the positions of the 15, however, are public
7 members, and one is a specialized law enforcement. These
8 are not currently affiliated with any professional
9 association or group of which the nominations have been
10 made from.

11 The Commission's policy affects the responsibility of
12 nominating the public members' positions with the
13 Commission, but there is no written policy that we were
14 able to find regarding the nomination of a specialized law
15 enforcement slot. And while the Committee staff has
16 already identified a candidate for that position, it is our
17 understanding that only sworn applicants were being
18 examined and considered at that time.

19 I'm here to request your support in selecting an
20 experienced non-sworn dispatch professional to fill the
21 specialized law enforcement vacancy when it becomes vacant,
22 or possibly even add an additional member to the Advisory
23 Committee specific to public safety dispatchers. This will
24 give the public safety dispatchers of California a
25 representation and a standing they greatly need and deserve

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1 need and deserve on the POST Commission.

2 As our profession continues to evolve and our training
3 needs become more specialized and complex, having this
4 ongoing representation on the Commission will ensure us
5 that POST evolves with us and that, together, we can
6 continue to set a standard for our industry.

7 I might add that the dispatchers statewide are
8 beginning to notice that there's positive changes of
9 inclusion and discussing our needs under the new leadership
10 of POST. Recently, POST Executive Director Paul Cappitelli
11 came to our San Mateo County communications managers'
12 monthly meeting to listen to our concerns and to begin a
13 dialogue. This is the first time in over 20 years that any
14 representative from POST has come to and attended our
15 meetings.

16 Needless to say, this made quite a positive
17 impression, that change is possible and inclusion is
18 coming. A member of the public safety profession
19 participating on the Advisory Committee will further assist
20 in these changes.

21 Thank you for your time and consideration today and
22 your continual support for public safety dispatchers.

23 CHAIR LINDEN: Thank you.

24 Any questions or comments for our speaker?

25 *(No response)*

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1 CHAIR LINDEN: Thank you.

2 Any other public comment on items either on or off the
3 agenda?

4 COMMISSIONER BATTIS: Can I make a comment for a
5 second?

6 CHAIR LINDEN: Sure, Mr. Batts.

7 COMMISSIONER BATTIS: She had the opportunity to share
8 her points.

9 Do we need to agendize that or somehow talk about that
10 or follow up on what she presented at some other point in
11 time, so it just doesn't fall...

12 CHAIR LINDEN: I don't believe we currently have an
13 opening on the Advisory Committee.

14 MR. CASAS: Not at this time.

15 CHAIR LINDEN: So all the slots are filled, including
16 the specialized law enforcement.

17 MR. CASAS: That's my understanding, yes.

18 COMMISSIONER BATTIS: But how will we go about it the
19 next time or next opportunity? Is there research that
20 needs to be done on how to make that happen?

21 CHAIR LINDEN: Alan?

22 MR. DEAL: Madam Chair, Commissioners, good morning.

23 This is an issue that would need to be agendized to come
24 back, regardless of what position we would identify as an
25 alternative. If we were going to add a new position,

1 add a new position, clearly that would have to be something
2 approved by the Commission.

3 And so what I would propose is that staff develop an
4 agenda item and bring that back for the Commission to
5 consider in making a determination as to whether or not to
6 add a new position or give consideration to, as our last
7 speaker mentioned, to incorporate that as a potential area
8 from which the specialized law enforcement position could
9 be filled.

10 As you recall, about a year ago we did a
11 comprehensive review of the Advisory Committee makeup. And
12 there was a lot of discussion about whether or not to
13 expand the Advisory Committee, whether or not it was
14 appropriate to consider removing some of the positions,
15 and I believe a subcommittee of the Commission actually
16 worked on that. And at that time the decision was made not
17 to change the composition.

18 We also did some follow-up as it related to some of
19 the concerns around how the specialized law enforcement
20 position is filled. And there was considerable discussion
21 about that issue relative to the final decision and who to
22 select for that position, which occurred I think two
23 meetings before.

24 Anyway, we'll put together an agenda item and bring
25 that back for consideration by the Commission.

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1 CHAIR LINDEN: Alan, is the specialized law
2 enforcement position currently defined as sworn-only, or is
3 it currently open to a non-sworn representative?

4 MR. DEAL: In its history, it has always been a peace
5 officer from a specialized law enforcement position.

7 CHAIR LINDEN: So I guess two issues: Is there a
8 majority interest of the Commission to bring this back on a
9 future agenda to do one of two things: Either redefine
10 "specialty law enforcement position" so that non-sworn
11 representatives could be eligible for nomination, or add
12 another position to the Advisory Committee?

13 Commissioner Lowenberg?

14 COMMISSIONER LOWENBERG: It seems to me that the
15 research and data is relatively fresh. But, of course, if
16 the majority of the Commission wishes additional staff time
17 to be spent on this, so be it.

18 But if you recall this last go-around -- and I'm not
19 sure how to fix it because there's lots of interest from
20 the field to be represented on the Advisory Committee. And
21 this last go-around, if my memory serves me correctly, was
22 the ongoing debate regarding university and college police
23 being represented on the advisory board.

25 So I'm not sure how we solve this problem because it

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1 it seems to me, for we who have been on the Commission for
2 any length of time at all, this issue comes up on a regular
3 basis, and we haven't been able to solve the problem in the
4 past. So I'm not so sure we're going to be able to solve
5 it this time. But just my comment, an observation, and I'd
6 certainly leave it up to a majority of the Commission's
7 needs.

8 CHAIR LINDEN: Commissioner Sobek?

9 COMMISSIONER SOBEK: If I heard the guest speaker
10 correctly, they don't have a statewide organization for
11 public safety dispatchers. So I think -- I mean, I'm
12 totally for a representative; but for, you know, the way
13 the meetings are held and how you're going to pick
14 somebody, I think there needs to be an appropriate
15 organization that they have, so that they can have a body
16 to pick from, and then represent themselves through that
17 body. So I think the onus is on them to come up with an
18 organization and build that organization first, and then
19 come back and say, you know, "We'd like to be represented
20 to the Advisory Committee." And I think that's the proper
21 way to do it.

22 MR. CAPPITELLI: Madam Chair, Members of the
23 Commission, I had a conversation yesterday with Ms. McGlynn
24 about this topic and the fact that there currently is not a
25 statewide organization of dispatchers. My suggestion to

1 My suggestion to her -- and I told her I would follow up,
2 too; and it's fortuitous we have Vice President Spagnoli of
3 CPOA here also in the audience, also a member of the
4 Advisory Committee. I suggested to Ms. McGlynn that we
5 explore through CPOA perhaps that CPOA could be the conduit
6 to make or build this connection or this network of all the
7 statewide public safety dispatchers. And certainly POST
8 would benefit from that, too, because it would be an avenue
9 for us to be able to have direct contact with that
10 profession.

11 So we suggested that we go in that direction. I'm
12 going to follow through, and I think Chief Spagnoli would
13 be able to do that, too.

14 And I'm going to bring it up at the CPOA board of
15 directors meeting here in a couple of weeks, of which I sit
16 on that board by nature of my role as POST Executive
17 Director, and so we'll have an opportunity to discuss it
18 then. And perhaps we could come back at the next meeting
19 and see whether or not there is an interest with that
20 group.

21 My sense is that they will follow through with taking
22 that on.

23 CHAIR LINDEN: Is the preference of the Commission to
24 let that play out and see if it's appropriate to come back?
25

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1 I'm seeing heads nodding in consensus.

2 So thank you, Alan, we will not need this agendized at
3 this point.

4 Okay, moving on to Item A, approval of the minutes
5 from the meeting --

6 COMMISSIONER LOWENBERG: So moved.

7 CHAIR LINDEN: -- on April 24th.

8 COMMISSIONER CAMPBELL: Second.

9 CHAIR LINDEN: Moved for approval by Commissioner
10 Lowenberg, seconded by Commissioner Campbell.

11 Is that correct?

12 Any discussion on the motion?

13 *(No response)*

14 CHAIR LINDEN: All in favor, please say "aye."
15 *(A chorus of "ayes" was heard.)*

16 CHAIR LINDEN: Any opposition?

17 *(No response)*

18 CHAIR LINDEN: Any abstentions?

19 COMMISSIONER LUNDGREN: Abstention.

20 CHAIR LINDEN: Show an abstention by Commissioner
21 Lundgren who was not present.

22 MR. CAPPITELLI: Madam Chair, a quick comment, and I
23 think it warrants a little discussion. We will have a
24 slightly different process that we'll need to develop or
25 entertain next time. Now that we'll have a transcription,

1 transcription, there will be a transcription that will be
2 available by the Commission meeting after. However, it's
3 our intent to, without delay following this meeting, to
4 take, in essence, the agenda and insert the motions and the
5 action taken within the agenda so that the members of our
6 audience and our constituency will know immediately what's
7 available.

8 And so what will probably be coming back to you next
9 time for the purpose of approval in minutes will be what we
10 had already pushed out after this meeting, and then the
11 transcription which will have come back from in this case
12 Mr. Feldhaus. I just want to mention that.

13 CHAIR LINDEN: Thank you.

14 Moving on to the consent agenda, we have five items on
15 the consent agenda, one of which staff does have a desire
16 to make a presentation. And that will be B.5.

17 So I would ask before we approve the consent agenda,
18 we hear a presentation on B.5, which is the quarterly
19 report on the status of the Strategic Plan implementation.
20

21 Do the Commissioners wish any other discussion or any
22 of the other consent items to be pulled?

23 *(No response)*

24 CHAIR LINDEN: Okay, Alan.

25 MR. DEAL: Good morning again. This is your quarterly

1 quarterly report on the Strategic Plan. This is the first
2 status report since the Commission approved the revision or
3 update of the 2008 Strategic Plan. There are currently 36
4 objectives, 24 which are in progress, being researched or
5 implemented. One is recommended for deletion, and 11 are
6 not being addressed at this time.

7 But there is one item, it is Strategic Plan Objective
8 A.6 that is recommended for deletion, that is contained
9 under Tab I. This is an objective that deals with
10 selection and training standards associated with the
11 IADLEST Sourcebook. IADLEST members are POST organizations
12 from throughout the United States, all of which have
13 membership in the organization. And every five years
14 IADLEST does a survey of all of their stakeholders on
15 critical areas that include some areas that do not
16 interface with POST, like corrections.

17 But in this particular instance, the objective was to
18 address whether or not there are substantial differences
19 between POST and some of the other POST organizations as it
20 relates to selection and training. There was a
21 considerable amount of research that was conducted by staff
22 in looking through the sourcebook and comparing where we
23 are relative to selection and training. And as a result of
24 that, there was a report done previously that indicated
25 that there were no substantial areas that we were out of

1 substantial areas that we were out of sync with the rest of
2 the country. In fact, in many instances, we were ahead of
3 the country.

4 Further research identified two areas specific to
5 Continuing Professional Training and the amount of
6 professional training that officers get in-service.

7 And then the other issue was driver training as it
8 relates to the academy, basic training that you get when
9 you go through an academy program.

10 The reason staff is suggesting that this particular
11 objective, A.6, be classified as appropriate for deletion,
12 is that there have been additional Strategic Plan
13 objectives added that will go into much greater detail in
14 researching both the CPT issue, and now we've incorporated
15 evaluating perishable skills as well to determine whether
16 or not those are having the desired effect; and how
17 frequently update training in the perishable skills needs
18 to be addressed.

19 But also three specific objectives have been added
20 that deal with the issue of driver training. And most
21 recently, of great interest to the Commission and to the
22 field is the driver training study that we are undertaking.

23 One of the issues in that study is to do a very
24 comprehensive evaluation of all of the academy programs
25 throughout the country to determine where the differences

1 differences are.

2 So basically a gap analysis to identify whether or not
3 there are areas that we are not adequately addressing in
4 our training, or whether we are addressing areas that other
5 parts of the country are not addressing.

6 So for that reason, staff is recommending that this
7 objective be deleted as being effectively redistributed
8 within other Strategic Plan objectives.

9 CHAIR LINDEN: Thank you, Alan.

10 Any questions for Alan or comments on this issue?

11 *(No response)*

12 CHAIR LINDEN: Any other comments on Items B.1
13 through B.6?

14 *(No response)*

15 CHAIR LINDEN: And if not --

16 COMMISSIONER MCGINNESS: Move to approve.

17 COMMISSIONER PEREA: Second.

18 CHAIR LINDEN: Commissioner McGinness moved the
19 consent calendar, seconded by Commissioner Perea.

20 Any discussion on the motion?

21 *(No response)*

22 CHAIR LINDEN: All in favor, please indicate "aye."

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

24 CHAIR LINDEN: Any opposed?

25 *(No response)*

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1 CHAIR LINDEN: Any abstentions?

2 *(No response)*

3 CHAIR LINDEN: Thank you.

4 Moving on to Item C, this is the Report on Training
5 and Testing Specifications for Peace Officer Basic Courses.

6

7 Do any commissioners wish a presentation on this item?

8

9 *(No response)*

10 CHAIR LINDEN: Any questions or discussions on it?

11 *(No response)*

12 CHAIR LINDEN: If so, this does require commissioner
13 action by regular vote.

14 COMMISSIONER SOBEK: Moved.

15 CHAIR LINDEN: Moved by Commissioner Sobek.

16 Do I have a second?

17 COMMISSIONER BUI: Second.

18 CHAIR LINDEN: Seconded by Commissioner Bui.

19 Any discussion on the motion?

20 *(No response)*

21 CHAIR LINDEN: All in favor, please say "aye."

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

23 CHAIR LINDEN: Any opposition or abstentions?

24 *(No response)*

25 CHAIR LINDEN: Thank you.

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1 Item D is a Request for Augmentation to the Contract
2 for Fiscal Year 2007-08 Executive Development Course.

3 This was an item that was discussed at both the Finance
4 and Advisory committees.

5 Do any commissioners want a presentation on this item
6 before we hear from both Finance and Advisory?

7 *(No response)*

8 CHAIR LINDEN: Okay, Finance, Commissioner Perea?

9 COMMISSIONER PEREA: The Finance Committee had an
10 opportunity to discuss and recommended approval.

11 CHAIR LINDEN: Thank you.

12 And Advisory, Mr. Casas?

13 MR. CASAS: We did discuss it, and also we had a
14 motion to pass it, and we had unanimous support to pass it.

16 CHAIR LINDEN: Recommend approval?

17 MR. CASAS: Yes.

18 CHAIR LINDEN: Okay, any further discussion by the
19 Commission?

20 *(No response)*

21 CHAIR LINDEN: Then do we have a motion to approve
22 Item D?

23 COMMISSIONER DUMANIS: So moved.

24 COMMISSIONER SMITH: Second.

25 CHAIR LINDEN: Moved by Commissioner Dumanis and

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1 seconded by Commissioner Smith.
2 Any discussion on the motion?
3 *(No response)*
4 CHAIR LINDEN: I guess we're moving too quick.
5 All in favor, please say "aye."
6 *(A chorus of "ayes" was heard.)*
7 MR. CAPPITELLI: You need a roll call.
8 CHAIR LINDEN: Oh, gosh. You all were waiting. I saw
9 that. You guys were waiting.
10 Karen?
11 MS. HIGHTOWER: Linden?
12 CHAIR LINDEN: Yes.
13 MS. HIGHTOWER: Batts?
14 COMMISSIONER BATTIS: Yes.
15 MS. HIGHTOWER: Bui?
16 COMMISSIONER BUI: Yes.
17 MS. HIGHTOWER: Campbell?
18 COMMISSIONER CAMPBELL: Yes.
19 MS. HIGHTOWER: Doyle?
20 COMMISSIONER DOYLE: Yes.
21 MS. HIGHTOWER: Dumanis?
22 COMMISSIONER DUMANIS: Yes.
23 MS. HIGHTOWER: Hayhurst?
24 COMMISSIONER HAYHURST: Yes.
25 MS. HIGHTOWER: Himelstein?

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1 COMMISSIONER HIMELSTEIN: Yes.

2 MS. HIGHTOWER: Lowenberg?

3 COMMISSIONER LOWENBERG: Yes.

4 MS. HIGHTOWER: Lundgren?

5 COMMISSIONER LUNDGREN: Yes.

6 MS. HIGHTOWER: McGinness?

7 COMMISSIONER MCGINNESS: Yes.

8 MS. HIGHTOWER: Perea?

9 COMMISSIONER PEREA: Aye.

10 MS. HIGHTOWER: Smith?

11 COMMISSIONER SMITH: Yes.

12 MS. HIGHTOWER: Sobek?

13 COMMISSIONER SOBEK: Yes.

14 MS. HIGHTOWER: Van Attenhoven?

15 *(No response)*

16 MS. HIGHTOWER: Lopes?

17 COMMISSIONER LOPES: Aye.

18 MS. HIGHTOWER: Thank you.

19 CHAIR LINDEN: The next item is item E, a report on
20 adding objectives to the POST Strategic Plan.

21 Just so you know, there are a few items that when I
22 did the agenda review with our Executive Director, that he
23 felt a short presentation was very appropriate because of
24 the significance of the item. And this is one of them.

1 So, Alan, if you would give us a presentation on this
2 item.

3 MR. DEAL: Madam Chair, in March of this year there
4 was a leadership team off-site that took place at this
5 hotel to do some team-building. And during the course of
6 that team-building effort, there was also discussion about
7 13 items that had been proposed by POST staff when we went
8 through the initial process of revising, updating the
9 Strategic Plan.

10 And so our leadership team went through and reviewed
11 all of those items. They classified them into,
12 effectively, four categories.

13 And if I might have you turn to Tab E, I'll describe
14 for you the three objectives that the leadership team
15 concurred were appropriate to recommend to the Commission
16 that they be added to our 2008 Strategic Plan.

17 Under the analysis, the first one is, "Continue to
18 expand the development and use of technology in selection
19 and training."

20 As everyone appreciates, POST, like any other state
21 agency, is required to have a strategic plan. And one of
22 the important components of that Strategic Plan is that
23 when we do budget change proposals in support of major
24 programs, it is always important for us to be able to say,
25 as we go through Finance and the control agencies, through

1 through the Legislature, that the Commission feels that
2 something is important, and important enough that we
3 support it within our Strategic Plan when we ask for a
4 budget change proposal.

5 So from the perspective of expanding our efforts to
6 increase the use of technology and training so that we can
7 reduce some of the other direct costs to our law
8 enforcement partners, we think this is an important
9 objective to have contained within the Strategic Plan.

10 The second item is study the feasibility of providing
11 automated evaluation for POST field training officer/police
12 training officer, or the FTO/PTO Program using the testing,
13 management, and assessment system.

14 As you are aware, one of the important things relative
15 to basic training is that you have the academy component.
16 And then basic training doesn't really stop until you've
17 completed a minimum of ten weeks of the field-training
18 program. And so in combination, that is really your basic
19 training.

20 One of the things that POST staff feels would be
21 important, would be to be able to capture more information
22 as it relates to the field-training program and the PTO, or
23 the police-training program, so that we get a better
24 picture of success rates and where officers are having
25 difficulties relative to basic training that we could

1 we could either adjust our training or determine what some
2 of the causal factors are if there are specific problematic
3 areas.

4 What's important, though, is to provide a resource to
5 the field so that when they're evaluating the performance
6 on the part of the individuals that are going through their
7 FTO program, that there is a database into which they can
8 input that information so that it would be usable to them
9 relative to the progress being made by that trainee but
10 would be useful to POST staff, so that we can enhance our
11 programs in basic training.

12 The last one, to study the feasibility of revising
13 core certification requirements and training reimbursement
14 plans and rates. This is probably an area that is equally
15 confusing to some members of POST staff, as it is to the
16 field when it comes to certification requirements and when
17 there is a determination made as to what plan a particular
18 training course should be certified. It is our belief that
19 it is an opportune time for staff to go through a review
20 process and see if there are ways that we can either
21 streamline or make more consistent the application of our
22 rules in both of those areas.

24 CHAIR LINDEN: Thank you, Alan.

25 Any questions for Alan?

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1 Yes, Commissioner Lowenberg?

2 COMMISSIONER LOWENBERG: I just wanted to comment on
3 the last one.

4 First of all, I want to commend staff for trying to, I
5 believe, move in a direction that you've heard me mention
6 before, that I think is very important, and that is to look
7 at process over substance. And I think what happens
8 sometimes in our endeavor to make sure we're doing what
9 we're supposed to be doing, that process gets in the way of
10 substance.

11 But kudos to staff for reevaluating the BCCR process.

12 I think we're making great inroads there, especially when
13 many of the folks in the field -- some folks in the field
14 are still reeling from the problems with EDI. But I think
15 anytime we can make the process simpler and more
16 user-friendly, I've got to believe that time and energy is
17 well spent. So kudos to staff for recognizing that and for
18 moving even closer to placing a high value on making sure
19 that not only staff understands what we're supposed to be
20 doing, but when we push it out to the field, that we make
21 it as user-friendly. So just a comment.

23 CHAIR LINDEN: Thank you.

24 Any other questions or comments?

25 *(No response)*

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1 CHAIR LINDEN: Thank you, Alan.

2 And do I have a motion to approve "E," Report on
3 Adding Objectives to the POST Strategic Plan?

4 COMMISSIONER MCGINNESS: So moved.

5 CHAIR LINDEN: I'm sorry, who?

6 COMMISSIONER MCGINNESS: McGinness.

7 CHAIR LINDEN: Moved by McGinness.

8 COMMISSIONER DOYLE: Second.

9 CHAIR LINDEN: Second by Commissioner Doyle.

10 Any discussion on the motion?

11 *(No response)*

12 CHAIR LINDEN: All those in favor, please say "aye."

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

14 CHAIR LINDEN: Any opposed?

15 *(No response)*

16 CHAIR LINDEN: Any abstentions?

17 *(No response)*

18 CHAIR LINDEN: Thank you.

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

21 This was considered by the Finance Committee.

22 Commissioner Perea?

23 COMMISSIONER PEREA: We voted to recommend approval.

24 CHAIR LINDEN: Thank you.

25 Does anybody wish a presentation on this item?

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1 *(No response)*

2 CHAIR LINDEN: Thank you.

3 I have it noted, actually, and highlighted.

4 Would anybody like to make a motion to approve "F"?

5 COMMISSIONER PEREA: So moved.

6 CHAIR LINDEN: So moved by Commissioner Perea.

7 COMMISSIONER DUMANIS: Second.

8 CHAIR LINDEN: Seconded by Commissioner Dumanis.

9 Any discussion on the motion?

10 *(No response)*

11 CHAIR LINDEN: This is a roll-call vote, Karen.

12 MS. HIGHTOWER: Linden?

13 CHAIR LINDEN: Yes.

14 MS. HIGHTOWER: Batts?

15 COMMISSIONER BATTIS: Yes.

16 MS. HIGHTOWER: Bui?

17 COMMISSIONER BUI: Yes.

18 MS. HIGHTOWER: Campbell?

19 COMMISSIONER CAMPBELL: Yes.

20 MS. HIGHTOWER: Doyle?

21 COMMISSIONER DOYLE: Yes.

22 MS. HIGHTOWER: Dumanis?

23 COMMISSIONER DUMANIS: Yes.

24 MS. HIGHTOWER: Hayhurst?

25 COMMISSIONER HAYHURST: Yes.

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1 MS. HIGHTOWER: Himelstein?

2 COMMISSIONER HIMELSTEIN: Yes.

3 MS. HIGHTOWER: Lowenberg?

4 COMMISSIONER LOWENBERG: Yes.

5 MS. HIGHTOWER: Lundgren?

6 COMMISSIONER LUNDGREN: Yes.

7 MS. HIGHTOWER: McGinness?

8 COMMISSIONER MCGINNESS: Yes.

9 MS. HIGHTOWER: Perea?

10 COMMISSIONER PEREA: Yes.

11 MS. HIGHTOWER: Smith?

12 COMMISSIONER SMITH: Yes.

13 MS. HIGHTOWER: Sobek?

14 COMMISSIONER SOBEK: Yes.

15 MS. HIGHTOWER: Van Attenhoven?

16 *(No response)*

17 CHAIR LINDEN: Lopes?

18 COMMISSIONER LOPES: I'll abstain on that one.

19 CHAIR LINDEN: Thank you. The item passes.

20 Moving on to Item G, this is a Request for a Contract
21 Augmentation for Journal and Magazine Subscriptions.

23 Would any commissioner like a presentation on this
24 item?

25 *(No response)*

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1 CHAIR LINDEN: And Commissioner Perea, I believe the
2 Finance Committee also considered this item?

3 COMMISSIONER PEREA: We did. And we did recommend
4 approval.

5 CHAIR LINDEN: Thank you.

6 This will also require a roll-call vote.

7 Do I have a motion to approve Item G?

8 COMMISSIONER DOYLE: So moved.

9 CHAIR LINDEN: Doyle? Thank you.

10 COMMISSIONER BATTS: Second by Batts.

11 CHAIR LINDEN: Thank you.

12 Moved by Doyle and seconded by Batts.

13 Any discussion on the motion?

14 *(No response)*

15 CHAIR LINDEN: All in favor, please say "aye."

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

17 CHAIR LINDEN: I'm sorry, this is roll call. Sorry.
18 Karen?

19 MS. HIGHTOWER: Linden?

20 CHAIR LINDEN: Yes.

21 MS. HIGHTOWER: Batts?

22 COMMISSIONER BATTS: Yes.

23 MS. HIGHTOWER: Bui?

24 COMMISSIONER BUI: Yes.

25 MS. HIGHTOWER: Campbell?

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1 COMMISSIONER CAMPBELL: Yes.

2 MS. HIGHTOWER: Doyle?

3 COMMISSIONER DOYLE: Yes.

4 MS. HIGHTOWER: Dumanis?

5 COMMISSIONER DUMANIS: Yes.

6 MS. HIGHTOWER: Hayhurst?

7 COMMISSIONER HAYHURST: Yes.

8 MS. HIGHTOWER: Himelstein?

9 COMMISSIONER HIMELSTEIN: Yes.

10 MS. HIGHTOWER: Lowenberg?

11 COMMISSIONER LOWENBERG: Yes.

12 MS. HIGHTOWER: Lundgren?

13 COMMISSIONER LUNDGREN: Yes.

14 MS. HIGHTOWER: McGinness?

15 COMMISSIONER MCGINNESS: Yes.

16 MS. HIGHTOWER: Perea?

17 COMMISSIONER PEREA: Yes.

18 MS. HIGHTOWER: Smith?

19 COMMISSIONER SMITH: Yes.

20 MS. HIGHTOWER: Sobek?

21 COMMISSIONER SOBEK: Yes.

22 MS. HIGHTOWER: Van Attenhoven?

23 *(No response)*

24 CHAIR LINDEN: Lopes?

25 COMMISSIONER LOPES: Yes.

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1 CHAIR LINDEN: He's testing you.

2 Thank you.

3 Moving on to Item H, this is a Request for Two-Year
4 Contract Renewal to Continue Library Subscription Services
5 Provided by EBSCO Informational Services for Calendar Years
6 2009-2010.

7 And our Executive Director has requested that the
8 Commission hear a short presentation by Dave Spisak about
9 the value of the service and the actual availability, not
10 only to commissioners, but to field personnel.

11 So, Dave?

12 MR. SPISAK: Thank you. This service provides 90
13 journals that we have in our library of our collection of
14 160 professional journals. So by one-stop shopping,
15 needless to say, that saves a lot of staff time.

16 In addition, there are online services that are
17 available to both staff and we're finding now students of
18 our major programs. So one of the consequences of this
19 particular item is that you can expect to see some push-out
20 of information to both our staff and students, for example,
21 in the Command College, master instructor SLI on materials
22 that might be useful for them as they pursue their studies.

23

24 So we're kind of excited that not only are we renewing
25 this contract, but also we're finding new ways to make

1 to make greater use of that material, both in walk-in and
2 online, 24/7.

3 CHAIR LINDEN: Dave, how will you be letting the field
4 know, the different agencies and perhaps associations, that
5 this is available to them?

6 MR. SPISAK: Well, one of the advantages of working in
7 this environment in 2008 is that all of you are connected.

8 So there are a variety of ways, specialized blogs or
9 wikis, the RSS. But we're also looking for greater
10 connections to program managers for some of our major
11 programs.

12 And our library staff, we're up to full staff now, we
13 have an exciting new employee who has a lot of background
14 working, for example, at the specialized library at
15 Lawrence Livermore with scientists. And she spent a good
16 deal of time training the old scientists on how to use the
17 new electronic library. So she has a lot of experience.

19 So you can expect us to push out both electronically,
20 by redesigning the material as it's available on our Web
21 site, looking for new tools to push out such as the wikis,
22 the RSS feeds; greater connections with program managers
23 and major programs where students could use this; and also
24 our attendance of library staff at professional
25 associations to get the word out.

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1 We're really excited about this potential.

2 CHAIR LINDEN: All right, thank you.

3 Any questions for Dave or comments by Commissioners?

4 *(No response)*

5 CHAIR LINDEN: This will require a roll-call vote.

6 But do I have a motion to approve Item H?

7 COMMISSIONER MCGINNESS: So moved.

8 CHAIR LINDEN: By Commissioner McGinness.

9 And second?

10 COMMISSIONER BUI: Second.

11 CHAIR LINDEN: Commissioner Bui.

12 Any discussion on the motion?

13 *(No response)*

14 CHAIR LINDEN: Karen, do you want to call roll?

15 MS. HIGHTOWER: Linden?

16 CHAIR LINDEN: Yes.

17 MS. HIGHTOWER: Batts?

18 COMMISSIONER BATTIS: Yes.

19 MS. HIGHTOWER: Bui?

20 COMMISSIONER BUI: Yes.

21 MS. HIGHTOWER: Campbell?

22 COMMISSIONER CAMPBELL: Yes.

23 MS. HIGHTOWER: Doyle?

24 COMMISSIONER DOYLE: Yes.

25 MS. HIGHTOWER: Dumanis?

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1 COMMISSIONER DUMANIS: Yes.

2 MS. HIGHTOWER: Hayhurst?

3 COMMISSIONER HAYHURST: Yes.

4 MS. HIGHTOWER: Himelstein?

5 COMMISSIONER HIMELSTEIN: Yes.

6 MS. HIGHTOWER: Lowenberg?

7 COMMISSIONER LOWENBERG: Yes.

8 MS. HIGHTOWER: Lundgren?

9 COMMISSIONER LUNDGREN: Yes.

10 MS. HIGHTOWER: McGinness?

11 COMMISSIONER MCGINNESS: Yes.

12 MS. HIGHTOWER: Perea?

13 COMMISSIONER PEREA: Yes.

14 MS. HIGHTOWER: Smith?

15 COMMISSIONER SMITH: Yes.

16 MS. HIGHTOWER: Sobek?

17 COMMISSIONER SOBEK: Yes.

18 MS. HIGHTOWER: Van Attenhoven?

19 *(No response)*

20 CHAIR LINDEN: Lopes?

21 COMMISSIONER LOPES: Yes.

22 CHAIR LINDEN: Commissioner Perea, my apologies. I
23 had forgotten that Finance did take a position --

24 COMMISSIONER PEREA: That's okay. We actually voted
25 to recommend approval of all the items of the report.

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1 CHAIR LINDEN: Perfect. Thank you.

2 Moving on to Item I, this is a report of Strategic
3 Planning Objective A.6, recommending the deletion of this
4 objective. And I think this was covered in the
5 presentation under B.5.

6 Do any commissioners require any additional
7 information or comment or questions on this?

8 COMMISSIONER SOBEK: Didn't we actually take action on
9 this already?

10 CHAIR LINDEN: We took action on B.5, which was to
11 approve the Strategic Plan. This is specifically to delete
12 this objective, and so this would require a regular vote.

14 COMMISSIONER BATTS: One question, Madam Chair.

15 CHAIR LINDEN: Yes, Commissioner Batts?

16 COMMISSIONER BATTS: This piece that deals with
17 driver's training, that has been pushed out to another
18 piece; is that correct?

19 CHAIR LINDEN: Alan?

20 MR. DEAL: Yes, Commissioner. Thank you. There are
21 several different items that would address that.

22 Let me refer you then to Item I of the agenda. And
23 what will occur is that we have B.10, which addresses the
24 driver training study as a Strategic Plan objective. There
25 is Objective A.4, which deals with the issue of

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1 standardized testing. And, as you know, driver training is
2 one of those areas that we're looking at. And then B.3
3 deals with providing updated driver training and force-
4 option simulation, which is obviously the genesis of moving
5 into studying the whole area of driver training.

7 COMMISSIONER BATTIS: Thank you very much. I
8 appreciate it.

9 CHAIR LINDEN: Any further questions -- Alan, you
10 might as well stay there -- questions for Alan or
11 discussion?

12 *(No response)*

13 CHAIR LINDEN: Do I have a motion to pass Item I,
14 the deletion of this particular strategic objective?

15 COMMISSIONER DOYLE: So moved.

16 CHAIR LINDEN: I'm sorry?

17 COMMISSIONER DOYLE: Doyle.

18 CHAIR LINDEN: Doyle. Thank you.

19 COMMISSIONER MCGINNESS: Second.

20 CHAIR LINDEN: Seconded by McGinness.

21 COMMISSIONER MCGINNESS: I get paid by the motion.
22 Tony, do you feel like a traffic cop over there?

23 CHAIR LINDEN: Moved and seconded.

24 Any discussion on the motion?

25 *(No response)*

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1 CHAIR LINDEN: All in favor, please say "aye."

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

3 CHAIR LINDEN: All opposed?

4 *(No response)*

5 CHAIR LINDEN: Any abstentions?

6 *(No response)*

7 CHAIR LINDEN: Thank you.

8 The next item is item J, which is a request to
9 contract to develop a new online Gangs course and related
10 resources.

11 Staff, does it have a short presentation, Alan?

12 No?

13 Would any commissioners like a presentation on this
14 issue?

15 COMMISSIONER SOBEK: I'm going to make a motion to go
16 with this. I think this is long overdue. I mean, I think
17 every agency around probably has gang issues, and it's
18 starting to become a big deal in some places that don't
19 have gang issues or haven't had gang issues in a while so..

21 COMMISSIONER DUMANIS: Second.

22 Were you done yet?

23 COMMISSIONER SOBEK: I'm done.

24 CHAIR LINDEN: We have a motion by Commissioner Sobek

25 --

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1 COMMISSIONER SOBEK: That's a good way to shut me up.

3 CHAIR LINDEN: -- and a second by Commissioner
4 Dumanis.

5 We do have a motion on the floor.

6 And Chairman Casas?

7 MR. CASAS: I was just going to mention that this did
8 come up at our level as well. And it was very obvious to
9 us that this was a needed process that needs to take place,
10 especially since it can affect so many people down in the
11 rank and file, as well as management. But, yes, we did also
12 support this.

13 CHAIR LINDEN: And I believe it was supported by
14 Finance as well?

15 COMMISSIONER PEREA: Yes.

16 CHAIR LINDEN: Okay, any other discussion on the
17 motion?

18 Yes, Commissioner Smith?

19 COMMISSIONER SMITH: It doesn't really apply
20 necessarily to this, but if we're going to be moving to the
21 direction of more online, at what point do we stop
22 contracting for the services and actually look at in-house
23 employees, specialized employees that could be doing this
24 type of work?

25 And that's --

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1 CHAIR LINDEN: Alan?

2 MR. CAPPITELLI: That would be an Alan question.

3 CHAIR LINDEN: I told you, you should have just
4 stayed.

5 COMMISSIONER SMITH: And that may be more rhetorical
6 than anything else.

7 MR. DEAL: It has always been our desire to do
8 projects in-house. Unfortunately, the size of the unit
9 that does this type of specialized work to develop online
10 courses is very small. It is the same size -- in fact,
11 it's actually one person smaller on our table of authorized
12 string than it was when this unit was first established
13 many years ago.

14 One of the things that has evolved is in order to be
15 able to work on multiple projects simultaneously, we have
16 to leverage the limited staff that we have that have the
17 expertise to effectively be contract managers. And it's
18 not what we would wish, but they do a heck of a job. And
19 if I had more of them, I think we would probably leverage
20 even more activity. But their hope had always been to be
21 hands-on because this is their love. They are
22 instructional designers or engineers. And, unfortunately,
23 the only way that we are able to deliver the projects is
24 through contracting out and having our people ride herd on
25 the contracts. And they really hold them accountable.

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1 them accountable. That's a tough, tough group that you
2 have that's representing you as it relates to working with
3 these various vendors that produce these courses for us.

5 COMMISSIONER LOWENBERG: Madam Chair?

6 CHAIR LINDEN: Yes, Commissioner Lowenberg?

7 COMMISSIONER LOWENBERG: A comment. The issue of
8 delivering online instruction can get very complicated.
9 And in order to design and then produce and then push out
10 the training to the field is very complex.

11 And staff, with Ron Crooks and Jody Buna, they do an
12 outstanding job. And I think, as Alan pointed out, with
13 all of the technology that's needed, all of the systems and
14 resources that are available in this state through learning
15 institutions that do this on a daily basis, to me, as one
16 commissioner, I believe it's more cost-effective and more
17 practical to do it the way we're doing it.

19 With all due respect to Commissioner Smith's point of
20 view, under normal circumstances, it probably would be a
21 good thing to at least look at, you know, producing
22 in-house. But I think with the system in place in
23 California, it makes more sense to use the existing -- and
24 I don't say this just because we have distance learning at
25 Golden West, but I think leave it up to the experts is the

1 experts is the way to go, and why invest in the capital and
2 the equipment when that stuff already exists?

3 CHAIR LINDEN: Thank you.

4 MR. CAPPITELLI: Yes, if I may add to this, this is
5 probably a good opportunity for me to kind of give you a
6 glimpse of some of the vision that we have with staff with
7 respect to online training in this whole area.

8 There are a number of areas that are under discussion,
9 review, and analysis right now, one of which is something
10 that you have already approved as a commission that we're
11 piloting, which is the access fees which creates a revenue
12 stream.

13 Now, we have a number of subscribers right now to that.

14

15 What is the number? I'm sorry.

16 MR. DEAL: It's currently fairly small. It's 190, I
17 think, through -- they're TLO-type folks. They're
18 analysts. And this is through a contract that's sponsored
19 by the federal government. And then we're in negotiation
20 with a couple of other states that expressed interest.

22 Florida has expressed interest. And we're letting
23 them take a look at what we have available.

24 MR. CAPPITELLI: Yes. Thank you, Alan.

25 So we have some providing access already. And the

1 revenue stream is in the lower thousands of dollars.
2 However, over time, if that continues to expand -- what we
3 want to do is create this revenue stream, which will allow
4 us to put additional money back into the infrastructure.

6 We're also looking at the blended learning approach.
7 We have a meeting in about two weeks with some other
8 representatives, one of which is from San José State
9 University. We recently met with Golden West College to
10 look at what they're doing. And we're trying to
11 incorporate some of what is already out there and being
12 used in academia into what we do at POST. And so that we
13 envision that perhaps you might have online facilitated
14 courses for the field, and that would create an opportunity
15 for that. And we could expand that to not just include the
16 California audience, which would be part of that, but
17 provide people from outside California, they pay an access
18 fee, and they also become part of that, too.

20 So this is an area that we see really expanding and
21 growing. It is our goal. Eventually, we would love to
22 have an entire staff resources dedicated to that. But
23 right now, the Learning Portal is primarily one person and
24 some other support staff. Jan Myyra in Bureau Chief
25 Hooper's shop, and Jody Buna and Ron Crook provide the

1 other side with the development of the videos, and we're
2 trying to blend and integrate that. So there are a number
3 of things going on. But there's so many complexities that
4 it wouldn't be feasible at this time.

5 CHAIR LINDEN: Thank you.

6 COMMISSIONER LOWENBERG: Can I share one quick story?
7 This is fascinating stuff.

8 We presently have a contract with the United States
9 Navy, and we have the submarine corps. And we know when
10 they're submerged because they have their own PDAs, and
11 they communicate with us and do their course work. And,
12 you know -- of course, maybe this is not a good thing to
13 discuss in public, maybe the enemy will figure out by
14 checking the stream between the submarine corps and them
15 doing their coursework. But it's fascinating, when they
16 come up, that's when we have all the activity. When
17 they're submerged, we have no activity for a while. So
18 it's fascinating stuff. Really fascinating.

19 CHAIR LINDEN: Thank you.

20 We do have a motion on the floor plan.

21 Any other discussion on the motion?

22 *(No response)*

23 CHAIR LINDEN: This does require a roll-call vote.

24 Karen?

25 MS. HIGHTOWER: Linden?

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1 CHAIR LINDEN: Yes.

2 MS. HIGHTOWER: Batts?

3 COMMISSIONER BATTIS: Yes.

4 MS. HIGHTOWER: Bui?

5 COMMISSIONER BUI: Yes.

6 MS. HIGHTOWER: Campbell?

7 COMMISSIONER CAMPBELL: Yes.

8 MS. HIGHTOWER: Doyle?

9 COMMISSIONER DOYLE: Yes.

10 MS. HIGHTOWER: Dumanis?

11 COMMISSIONER DUMANIS: Yes.

12 MS. HIGHTOWER: Hayhurst?

13 COMMISSIONER HAYHURST: Yes.

14 MS. HIGHTOWER: Himelstein?

15 COMMISSIONER HIMELSTEIN: Yes.

16 MS. HIGHTOWER: Lowenberg?

17 COMMISSIONER LOWENBERG: Yes.

18 MS. HIGHTOWER: Lundgren?

19 COMMISSIONER LUNDGREN: Yes.

20 MS. HIGHTOWER: McGinness?

21 COMMISSIONER MCGINNESS: Yes.

22 MS. HIGHTOWER: Perea?

23 COMMISSIONER PEREA: Yes.

24 MS. HIGHTOWER: Smith?

25 COMMISSIONER SMITH: Yes.

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1 MS. HIGHTOWER: Sobek?

2 COMMISSIONER SOBEK: Yes.

3 MS. HIGHTOWER: Van Attenhoven?

4 *(No response)*

5 MS. HIGHTOWER: Lopes?

6 COMMISSIONER LOPES: Yes.

7 CHAIR LINDEN: Thank you.

8 Thank you, Alan.

9 The next item is Item K, a Report on the Study of
10 Driver Training. This is an information item.

11 And is it Alan or Mike?

12 MR. DEAL: Yes.

13 CHAIR LINDEN: Alan?

14 MR. DEAL: Yes.

15 CHAIR LINDEN: Both?

16 MR. DEAL: Under your tab Item K, you have a report
17 that describes the eight objectives. Those have been
18 summarized below in the agenda itself. And some work has
19 been done in every one of those areas.

20 The only delay has been the receipt of the DMV data in
21 which to begin the correlation study between training,
22 which obviously we have that data, and then accident rates
23 that DMV has.

24 I'm happy to report that we finally have that data in
25 hand. And our professor from Fullerton University has

1 begun crunching the numbers. And it's very interesting,
2 he's very excited about some of the preliminary
3 information. And we'll share a little glimpse of that in a
4 few minutes.

5 As most of you know, there was an extensive
6 presentation or an information report done yesterday at the
7 Advisory Committee.

8 Before you, you have a couple of pieces of paper, one
9 of which describes all of the members of the Vehicle
10 Operations Training Advisory Council that we have been
11 working with. We've had two meetings to date. We have
12 another one planned early this fall to review some of the
13 additional work that has been done.

14 Additionally, you have a document that is a table of
15 contents. And you see "draft" all over it because the
16 amount of documentation under each of those headings will
17 significantly expand as a result of a lot of the work done
18 from the data analysis. It will give us further direction,
19 it will give us an insight into areas that we're trying to
20 expand in terms of identifying agencies that have effective
21 programs, they have successful best practices, where the
22 data is actually showing us where they are, so that we can
23 work with them and try to find out what it is they're doing
24 relative to reducing their accidents.

1 As you go through the table of contents, one of the
2 things that was very important to us, because it was the
3 only data that we had available initially, was to look at
4 the fatalities associated with driving that is contained in
5 the LEOKA report. And I believe each of you received a
6 copy of that today.

7 In going through that, we identified a number of
8 things that were of interest to us, not the least of which,
9 when you get into the demographics area, under Number 4 in
10 the table of contents, we looked at age and experience
11 level. And, of course, California would have to be
12 different throughout the rest of the country. And
13 typically, our own conventional wisdom has been those
14 officers with limited experience and less time on earth, we
15 would all feel that they tend to be the ones that
16 contribute the most to the accident rates. And in
17 California, that's not true. In other parts of the
18 country, that seems to be fairly consistent, that it is
19 true.

20 The average age in the five -- or in the three sets of
21 data that we evaluated, that are contained in the LEOKA
22 studies over the years that LEOKA has been in existence,
23 reflects that the average age is 32 years and that the
24 average time on the job ranges from six-and-a-half to
25 eight years. And so for us, that was somewhat surprising.

1 somewhat surprising.

2 Some of the other information, though, that came out
3 relative to the demographics and situational analysis was
4 the issue of whether or not officers were responding to
5 calls. There seemed to be some evidence that, in many
6 instances, they were responding to calls. But we don't
7 have the finite detail to say, was that self-initiated or
8 were they actually calls for service?

9 We also isolated the deaths that were associated with
10 collisions that specifically involved another vehicle. And
11 surprisingly, more often than not, there is not another
12 vehicle involved. In fact, 60 percent of the time it's a
13 rollover or hitting a fixed object or something of that
14 nature. So 40 percent of the time the collisions involve
15 another vehicle.

16 Speed was a contributor in a high incidence of the
17 fatalities in the LEOKA study. Unfortunately, we found
18 that we do not break out speed sufficiently. And I think
19 this is probably a part of the way the traffic accident
20 reports are completed to know exactly what that means.
21 Because speed has a number of connotations in terms of, you
22 know, was it unsafe for the conditions because it was a
23 rainy night or whether it was an oil-slick road or it was
24 dark. So sometimes speed can be the issue of prima facie
25 speed, which is obviously an enforcement issue. But for

1 But for our purposes, we'd like to have more clear
2 indicators or data as to what type of speed issues we're
3 dealing with from the training perspective.

4 The other issue is the area of seat belts. There was
5 a great deal of discussion yesterday at the Advisory
6 Committee about this issue. And many of us were surprised
7 to find out in the study that not all agencies require
8 their officers to wear seat belts and that there is some
9 interpretation that can effectively be made in the Vehicle
10 Code that allows for some public safety agencies to deviate
11 from that requirement.

12 Interestingly, though, in our study, the dominant
13 number of deaths, the officers were, in fact, wearing their
14 seat belts. But this is an area that we want to expand as
15 part of the study to take a look at those agencies, and
16 whether or not when we expand to look at the injuries,
17 injury accidents as opposed to just the fatalities, whether
18 there is some significance associated with the lack of
19 using seat belts.

20 Relative to the area of causes of law enforcement
21 vehicle collisions, the study so far looks, again, at the
22 issue of speed and how it contributes to the accidents.
23 There is a lot of concern relative to the high incidence of
24 accidents take place in intersections. That doesn't
25 surprise anybody here because it really doesn't matter

1 whether you're driving a law enforcement vehicle or you're
2 driving your own personal vehicle, intersections have a lot
3 more potential for accidents.

4 And then the other issue is the distractions. We all
5 appreciate, we keep adding equipment to the inside of those
6 black and whites; and we're even at the point of now with
7 Bluetooth so that you can be even more connected with your
8 cell phone, all of the other array that goes in those black
9 and whites is an area that we would look at as part of the
10 study.

11 We have surveyed the 80 presenters that put on all of
12 the vehicle-related training certified by POST. So we're
13 looking at the academy trainers, we're looking at some of
14 the specialized types of driver training, and we're looking
15 at training associated with the instructor development who
16 train, obviously, the other folks that go through their
17 courses.

18 We don't have 100 percent response. I know our
19 Executive Director is working behind the scenes to ensure
20 that we get 100 percent response because obviously the
21 richer the database is in a survey of this nature, the more
22 comprehensive we can be in trying to identify where the
23 gaps are in terms of training needs.

24 Relative to entry-level driver training, our
25 preliminary review of our current training and testing

1 specifications reflect that all the academies do it a
2 little bit differently, and yet they still satisfy the
3 training and testing specifications. And whether or not
4 the Commission should be more directive in terms of what
5 the requirements are in the basic course I think is a
6 subject for further study and further consideration.

7 We have also, as part of the study, will do a national
8 and international survey to try to identify both best
9 practices as well as training that is being done, but also
10 whether or not there is empirical research that we can use
11 to compare some of the outcomes that we hope to get out of
12 our data analysis.

13 Our hope also is at some point to be able to come up
14 with some best practices, to assist agencies in some of the
15 decision-making they do.

16 And I'm going to ask Mike if he would deal with some
17 of the information that we've received so far that's very
18 preliminary from the analysis done at Fullerton University.

20 MR. HOOPER: Sure. We just received that data
21 recently from DMV, and so it's been married up now with the
22 POST data, which we had developed some time ago. So that
23 has gone to a professor, Jim Lasley at Cal State Fullerton,
24 who is very good at statistical analysis. And he has got
25 some very preliminary findings, some things that have

1 that have jumped out at him.

2 First of all, the DMV data only is available from 1980
3 until 2006. So we have six years of data -- nine years of
4 data -- nine years of data.

5 We sent to DMV data from 1985, but they only go back
6 to '98. So we're working with nine years of data.

7 Within that nine-year period, it looks like we've had
8 52,000 reportable accidents by peace officers. 52,000
9 accidents committed by -- or pardon, with the involvement
10 of 40,000 officers. So some have been repetitive.

11 We've had two that actually had ten accidents within
12 that period. So there's been a bit of skewing, I take it.

13 But anyway, not really significant skewing.

14 But what he can tell preliminarily -- and this is real
15 preliminary, and these things have jumped out to him -- is
16 that it appears that there is a bit of clustering that has
17 occurred.

18 For those who do crash -- and, actually, about one out
19 of three officers seem to have had a crash in this
20 nine-year period. For those who do end up in a collision,
21 the first accident seems to occur within three years of
22 their appointment as officers. And he said there's another
23 cluster that's appearing for the second crash, for those
24 who have a second accident.

25 So that's jumping out at us -- at him right now. But

1 But he is going to get some really good correlations, we
2 think, here as he adjusts -- or gets into the data a little
3 better.

4 Just for your information, the data elements that we
5 sent to DMV, that have now been married up with theirs, we
6 sent DOB for all officers receiving training from 1985 on,
7 gender, race, agency, employment date.

8 And I only mention this because of two other items,
9 two other data elements are crucial: That is, the date
10 that they took a training course, and the nature of that
11 course.

12 We want to make sure, too, that he pays attention to
13 sequencing. We don't want to have some type of outcome
14 here where it looks like there's a correlation between
15 training and accidents.

16 So he needs to -- you know, our understanding is that
17 a lot of agencies send people for training maybe after they
18 crash.

19 So, anyway, those are important things. So we do have
20 both the dates they attend the training, and the course and
21 the dates of the accident. And he understands there's a
22 sequencing piece that's important there.

23 And then DMV elements are injuries, deaths, vehicle
24 license, party at fault, date/time of collision. And so
25 once he processes all these, we're going to see some

1 interesting correlations, I think.

2 MR. DEAL: Our hope, obviously, is to have sufficient
3 information so that the Commission will be able to make
4 some important decisions relative to policy matters.

6 One of the things that Brent Newman, who is on the
7 Advisory Committee and also on the VOTAC committee in my
8 dealings yesterday, is that there is another element that
9 goes beyond the training and, obviously, the accident rates
10 and all the other things that we'll look at, and that's the
11 policy within the organization, and how much the
12 organization holds officers accountable to adherence to
13 that policy.

14 And so some of the things that we will be assessing,
15 hopefully from the data sets, is the identification of
16 agencies that seem to have very low accident rates. Our
17 hope is to go back and look at not only what they're doing
18 in training, but what they do in terms of accountability
19 and what they deal with relative to their risk managers,
20 requirements to keep people trained but also hold people
21 accountable. So that's another issue that I think is part
22 of the three prongs that we're hoping to approach in being
23 able to provide some recommendations to the Commission
24 about where our resources should be expended in addressing
25 this critical area.

1 area.

2 Referring you back to the agenda item, our immediate
3 next steps is to complete the compilation of the data that
4 I talked about briefly; obtain the information that we need
5 from the correlation study to be able to develop some
6 policy recommendations or identify further study areas that
7 are rich for us to look at; and then to look at the
8 relationships between different training outcomes, as
9 evidenced by collisions and the training inventory, or
10 different courses and different presenters.

11 In the first part of next month, we will be bringing
12 together all of the law enforcement driving simulator folks
13 that work at the Regional Skills Training Center. And we
14 will conduct the same type of meeting that we've been doing
15 with the VOTAC group, the purpose being to gather their
16 insight, their input, make sure that we haven't overlooked
17 some things that are important relative to insuring that we
18 have a complete study. They're highly motivated because
19 they'd sure like to see some replacement occur of their
20 simulation equipment.

21 The other thing that was really important, when we
22 met with the VOTAC group the last time, they identified a
23 number of areas that they felt needed to be expanded in the
24 preliminary study that was being undertaken. Those are
25 listed under the eight items at the bottom of page 2 of the

1 of the agenda report. And I won't spend any time on those
2 unless you feel that you'd like a briefing on those areas.

3

4 We had a great discussion at the last Long-Range
5 Planning Committee meeting in June. The Long-Range
6 Planning Committee is very supportive of the methodology
7 that's being undertaken.

8 Sheriff Smith talked about the paramount importance of
9 the study, that it be done well. And her emphasis was on
10 even if it requires more time, to ensure that it is done
11 right and it is done well as important as this issue is.

13 Our hope relative to the findings of the research is
14 that the Commission will be provided with the kind of
15 resources and information on which to base some policy
16 decisions and resource utilization at its next meeting in
17 October.

18 Do you have any questions?

19 CHAIR LINDEN: Commissioner Batts?

20 COMMISSIONER BATTIS: A quick statement.

21 When you're talking about the further research on the
22 discipline and accountability edge, just a suggestion:
23 Look at the culture of organization and their dependence on
24 response time, if they push response time priority 1 as a
25 big issue, which is a driver in a second piece; officers

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1 second piece; officers per square mile, how much distance
2 do they have to cover per agency.

3 Just thoughts.

4 CHAIR LINDEN: Any other questions for Alan or Mike or
5 comments by Commissioners?

6 *(No response)*

7 CHAIR LINDEN: Okay, thank you, gentlemen.

8 This was for information only. It does not require
9 any Commission action.

10 The next item is Item L, report of the Long-Range
11 Planning Committee. The Long-Range Planning Committee did
12 meet on June 6th in Sacramento. And this actually was a
13 fairly significant topic of discussion. And I think Alan
14 recapped it well.

15 So staff provided us an update on this, and we sort of
16 provided them with our feedback as they go forward with the
17 study. And the remainder of our Long-Range Planning
18 discussion is in your minutes under Tab L, and it centered
19 around just a couple of other items that we've already
20 taken action on, on this agenda.

21 But any additional comments by Long-Range Planning
22 Committee members?

23 *(No response)*

24 CHAIR LINDEN: Okay. Finance Committee?

25 COMMISSIONER PEREA: Well, we had an opportunity to

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1 discuss much of what we talked about yesterday and voting
2 on the agenda items. But there is one item that I'd like
3 to just briefly talk about, and that is the Governor's
4 budget as it relates to POST. For those of you that may
5 not know, I understand that a Conference Committee had come
6 together and recommended that there be a \$2 million
7 reduction in POST's budget for FY 2008-2009, which would
8 bring us to around \$61 million, I believe.

9 But in addition to that, the Conference Committee is
10 also recommending that they reduce the amount POST would
11 receive from the Driver Training Penalty Assessment Fund by
12 \$6 million, which would take it from \$14 million to
13 \$8 million. So we are seeing that POST is definitely being
14 affected by what's happening in Sacramento.

15 But what I'd like to do is maybe ask staff to just
16 briefly talk about, you know, where we see -- or where
17 staff sees making reductions to meet the anticipated
18 reduced level of funding.

19 We talked about this for some time yesterday in
20 Finance.

21 MR. REED: Madam Chair, Commissioners, last week, you
22 should have gotten an e-mail copy of our Bulletin 2008-11.

23
24 As you recall, at the April meeting, the Commission
25 empowered the Executive Director to make any one of nine --

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1 nine -- or any one or a combination of nine proposed
2 reductions.

3 We didn't know at that time what the impact of the
4 conferences were going to be. We met extensively with
5 Finance, the LAO's office. We had some people even walking
6 the halls and talking about the importance of maintaining
7 POST's budget.

8 As it ended up, as Commissioner Perea says, we were
9 told on June 20th that we were going to receive a \$6
10 million reduction, but that only \$2 million was going to
11 work against our spending authority. So basically, we are
12 reduced from actually \$60,313,000, to \$58,313,000 this
13 year.

14 Not a lot of money. We've had to deal with worse in
15 the past. However, we did have to employ about five of the
16 issues that we discussed with you before. And basically,
17 the things that we're going to do to adjust are, we're
18 going to hold all the contracts from last year, to last
19 year's level. So we'll try to have no contract increases.
20

21 We have so many contracts and there's so many
22 important contracts pending. The Executive Director may
23 make exceptions on those if they're necessary to move
24 things ahead, for instance, in the LTRC, some of the very
25 important things that we've talked about here today.

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1 Backfill reimbursement was a very high priority for
2 us. Your new Executive Director has said that many times,
3 he wants to reinstitute that. And we had actually cobbled
4 out a way to make that happen until this came upon us. So
5 we're going to suspend that until we get the resources to
6 actually reinstitute backfill.

7 Reimbursable training. As you recall, I believe it
8 was the April meeting last year when the Commission
9 approved us increasing reimbursement, travel reimbursement.

10 Even though we had no additional funds from Finance, we
11 did have the resources to provide for high-cost lodging in
12 areas such as this.

13 We're going to have to roll that back because there
14 was never any new infusion of funds to sustain that. And I
15 believe we discussed that at the time. So now, with this
16 situation, we're going to have to roll that back. And the
17 dollar amounts are included in the bulletin that we gave to
18 you.

19 Then in the past, in '98-99, when we had a similar
20 situation, we had an ADR cap on training, on reimbursable
21 training. So I have to say that our recollection is that
22 the results of that were rather negligible because, number
23 one, it didn't last very long; and number two, 80 hours is
24 like three times what your bi-annual retraining requirement
25 is, anyway. So we just basically said, cut back, that most

1 back, that most agencies were getting reimbursed for way
2 more than that but less than the 80 hours.

3 So this year, we opted to go with a 40-hour cap.
4 You'll recall that the requirement is for 24 hours
5 bi-annually. So you're still allowed almost twice what the
6 bi-annual requirement is.

7 There's three pages of exceptions that we attached
8 that allow for things like mandated training, supervisory
9 courses, several things that will require somebody to go
10 over the 40-hour cap. So there are a number of exceptions.

11
12 Because we have so many courses, almost 2,000
13 certified courses, we probably didn't get them all. If
14 there's an issue that comes up from any of our chiefs or
15 sheriffs where they absolutely need to go over that and
16 it's not included in the three pages, we'd expect you to
17 contact your area representative, and the Executive
18 Director should be empowered to waive those in those
19 exceptional situations.

20 And then lastly, we're suspending commuter lunch,
21 that's \$8 for people that commute to training. We had
22 suspended that for one-day training, anyway. But if
23 someone has to go to, like, five days of training and
24 you're just around the corner from it, we're going to
25 suspend that. And each of these dollar items add up to

1 what we think will be about \$2 million we need to save.

2 However, bear in mind that the information came to us
3 so late in the year, we didn't get word to even start
4 looking at this until the 20th. We were kind of crossing
5 our fingers. So we couldn't get word to the field in time
6 to get a full 12-month yield on this.

7 So we got the announcement out late. And we always
8 give the field -- we try to give the field 45 days' notice
9 to adjust, in case you have training in the pipe. And so
10 we're going to see what happens with about a ten-month
11 recovery time on what we've implemented.

12 We may have to do something a little more to effect
13 the savings needed because we can't go over the
14 \$58,313,000. So that's where we are on it.

15 And our decision-making process was basically how can
16 we get to where we need to go without, number one, killing
17 programs; number two, with minimal impact on the field.
18 So I think everybody is going to feel this a little bit,
19 but it doesn't cause us to actually scuttle any programs
20 that we think are worthwhile.

21 And remember also, when we talk about "why don't we
22 stop this program, that program," we're going to get calls
23 from the field to everybody to which those programs
24 are important. Every one of the classes that we present
25 are important to somebody, or we wouldn't have them

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1 certified. And they all have enough attendance to sustain
2 them, or else we would decertify them. Each year we review
3 all the classes. So that's where we are with our training
4 right now. And we hope that we get \$2 million out of what
5 we've done.

6 Questions?

7 CHAIR LINDEN: And, Dick, my understanding is we need
8 to take action today on the proposed budget and the budget
9 change proposals; is that correct?

10 MR. REED: Yes, BCPs was the last item on the agenda
11 that we discussed.

12 Mr. Perea is coming to that.

13 COMMISSIONER PEREA: I'm sorry?

14 MR. REED: You're going to include budget change
15 proposals in your presentation. The Finance Committee
16 reviewed budget change proposals and recommended approval
17 of all of those.

18 BCPs, however, as we told the Finance Committee,
19 Finance has told us that they're not going to approve any
20 BCPs, budget change proposals -- that's how we get new
21 programs in our budget -- until our expenditures are in
22 line with our revenues.

23 Nonetheless -- and that's not our case right now
24 because our reserve has been so big. We've floated other
25 projects. And quite frankly, their agreement to let us

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1 have additional simulator money is an example of them
2 allowing us to go beyond that point.

3 But now they're saying until we're back to that point,
4 where we have a total balance, they won't approve BCPs.
5 However, we've got about a million dollars' worth of BCPs
6 that the Finance Committee reviewed yesterday. We want to
7 put that before Finance because we think it's important
8 that we tell them what we think we need to do in order to
9 move ahead in certain areas.

10 So we've got five BCPs that we will be carrying ahead.

12 COMMISSIONER PEREA: And does the full commission need
13 to vote on those BCPs, or is that just for Finance?

14 CHAIR LINDEN: No, we would need to --

15 MR. REED: The Commission needs to approve that.

16 CHAIR LINDEN: Yes.

17 So, Dick, can you just tell us briefly where in the
18 packet the BCPs are and do a quick review?

19 MR. REED: They'll be the very last page.

20 CHAIR LINDEN: And also maybe within that, let's do a
21 quick review of the five-year fiscal forecast on the back
22 side.

23 MR. REED: Sure.

24 CHAIR LINDEN: Thank you.

25 MR. REED: The five BCPs are on the last page --

1 actually, the very last page is a synopsis of our fund
2 condition.

3 The second-to-the-last page, the flip side of that
4 page is entitled "Preliminary BCP Summary." And those are
5 the five BCPs.

6 The first one is in administration and calls for us to
7 continue the increased number of audits that we have from
8 the State Controller's Office. Remember, we approved this
9 last year. The Controller's Office allowed us to increase
10 the number of audits. And we will owe them a report at the
11 end of this year on the effect of -- or the Commission will
12 report at the end of this year on the result of that
13 increased number of audits.

14 Every time we audit, we generally find mistakes that
15 have been made in reimbursement. So, in many cases, we
16 recover reimbursement funds from the agencies that we
17 audit.

18 So we've increased the audits from about ten per year
19 to about 30 per year. And we will do a report to the
20 Commission at the end of this year indicating the yield on
21 that increased number of audits.

22 Number 2 and 3 are for Computer Services Bureau.
23 These are programs that we feel are necessary, upgrading
24 our course catalog so it's easier to navigate. It's
25 basically some old computer language. And we have some more

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1 more streamlined ways of presenting this to our users.

2 Number 3 is a management and security office. We want
3 to do a one-stop shopping so that agencies that call for
4 POST service don't get bounced around. And we want to have
5 a cadre of people, two or three people trained, so that
6 when one calls for information on POST, saying, "How do I
7 find a three-year-old POST catalog," or "How do you
8 reimburse ABC," those kinds of questions that we'd get,
9 that we have a one-stop place for them to get those answers
10 without being transferred around, lost on the transfer,
11 maybe not getting anybody, anyway. So it's an important
12 service to the field that we think we need to pursue.

14 Number 4 is for Learning Technology Resource Center,
15 an additional instructional systems design engineer. And
16 this is basically to expand the Learning Portal, as we've
17 talked about here before.

18 And Number 5 is funding for delivering two years to
19 continue to develop continuing programs in the Learning
20 Portal. And so if we get the systems design engineer, we
21 want to expand the capability of the Learning Portal to
22 better serve the field.

23 And the total of those items is \$1,160,000.

24 Questions on the BCPs?

25 COMMISSIONER PEREA: Chair, if I could just say, the

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1 Finance Committee did recommend approval of the five. So
2 unless there is discussion on any one particular, I'd make
3 a motion to approve, to move forward on the five BCPs.

5 CHAIR LINDEN: And what the action would be is to
6 authorize staff to submit the budget change proposals?

7 COMMISSIONER PEREA: Right.

8 CHAIR LINDEN: So we do have a motion by Commissioner
9 Perea to authorize staff.

10 COMMISSIONER HIMELSTEIN: Second.

11 CHAIR LINDEN: Second by Commissioner Himelstein.

12 COMMISSIONER SMITH: I just have a comment.

13 Did you just say that this is to have staff do the
14 BCPs?

15 CHAIR LINDEN: Submit them.

16 COMMISSIONER SMITH: So we won't see them in the form
17 that we usually see them for approval?

18 COMMISSIONER PEREA: Right. That's my understanding.

19
20 The Governor -- the Finance Committee is going to
21 authorize these BCPs, one way or another; is that correct?
22

23 MR. REED: Right. If the Commissioner approves these
24 forward, we will then prepare the budget change proposals
25 for Finance. And as I stated yesterday, we're not overly

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1 not overly optimistic about them approving us and granting
2 this, that this would be their signal that the Commission
3 approves it.

4 So you're not approving money today. You are just
5 telling staff to move ahead with these projects.

6 COMMISSIONER SMITH: But we're also not seeing the
7 actual BCPs?

8 MR. REED: No.

9 COMMISSIONER SMITH: We're just seeing it in this form
10 instead of how we usually see it?

11 MR. REED: Correct. You'll see an agenda item if we
12 get to the point if we're approved to develop these, then
13 they will result in an agenda item later on in '09, '09-10.
14 Fiscal year '09-10.

15 COMMISSIONER SMITH: One other question to you.

16 You talked about changes in reimbursement, how
17 agencies will not be being reimbursed for certain things.

18 Is that in this? After Tab M, is that documented
19 here?

20 MR. REED: Do you mean in the change of the amount of
21 reimbursement for travel training?

22 CHAIR LINDEN: Yes, in the proposed budget, which
23 is -- which handout, Dick?

24 COMMISSIONER SMITH: Is that the one handed out
25 yesterday?

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1 CHAIR LINDEN: Yes, it's page 2 of -- does everybody
2 have this, the proposed budget?

3 It's the handout that says, "Commission on POST fiscal
4 year '07-08 Budget Expenditure Summary." And then the
5 second page, it says, "Fiscal Year '08-09 Budget
6 Expenditure Summary," which is the second action we'll need
7 to take after we dispense with the motion on the floor.
8 But the reductions, the cost-cutting operations are
9 reflected in the proposed '08-09 fiscal year budget.

10 COMMISSIONER SMITH: Did our agencies receive
11 something that explained this more? That explained what
12 you just told us verbally?

13 MR. REED: Yes, your agency received our bulletin last
14 week, last Friday.

15 COMMISSIONER SMITH: Okay.

16 MR. REED: You received it electronically, and it's at
17 the Office of State Printing right now.

18 And the effective dates are July 1st, for the first
19 three items, and September 1st for the last two items. The
20 cost reductions for your travel -- your trainees that are
21 going to be traveling begins September 1st. That's 45
22 days' notice that I referenced earlier.

23 CHAIR LINDEN: Dick, as part of the discussion on the
24 motion to move the BCPs forward, could you explain how, if
25 the BCPs are approved, what that does? Because that's

1 that's money out of the reserve, it's not new money from
2 the State. Could you explain how that would impact or
3 weave into the five-year fiscal forecast that's on the back
4 side of that handbook?

5 MR. REED: Sure. Should we flip to the back side
6 right now?

7 CHAIR LINDEN: Yes, that would be great. Thank you.

8 MR. REED: It kind of adds additional complexity to
9 the discussion.

10 You'll see, on the back side, this is what we'll call
11 our Fund Condition Statement. And it starts with '07-08 on
12 the left column. And that's kind of where we are this
13 year. And then -- or last year.

14 '08-09 is the fiscal year that we're in now. And we
15 have been reduced, as you can see, to 58,312, down the
16 third line from the bottom.

17 About midway through the page, you'll see the 24.10
18 money, the \$14 million figure. And then it reduces to
19 \$8 million. \$8 million is where we are for this year.
20 That's a reduction that we're having.

21 And our reserve actually dropped with this move from
22 \$25.6 million last year, to \$17,900,000 this year, and will
23 drop to \$15,118,000

24 If the BCPs are approved, they are funded out of our
25 reserve. Finance releases those funds to us to pay for our

1 our BCPs.

2 And next year, you'll see, if you go back up to the
3 \$14 million line, we are hoping that we get our money
4 restored. And the \$15 million in reserve next year assumes
5 that the \$14 million is restored.

6 And, of course, we discussed yesterday that that's
7 hopeful. We don't have a crystal ball. We don't know that
8 that will happen, but we're going to be moving in that
9 direction.

10 If that doesn't happen, then our reserve will drop by
11 about another \$4 million. So, actually, instead of
12 \$15,118,000, it will be down to \$11,118,000.

13 So our reserve will drop more precipitously if, in
14 fact, the Legislature decides to do the same thing next
15 year as they did this year. So that's the speculative side
16 of our budget change proposals because there's a line item
17 on here for the BCP impact.

18 The BCPs would be an additional \$1,160,000 off of
19 that. So next year, if we didn't get the \$14 million that
20 we wanted, instead of \$11 million, our reserve would drop
21 by another million.

22 MR. CAPPITELLI: If I may make a comment. And the
23 Chair and I talked a little bit about this on the sidebar
24 before we came to the group for discussion. A couple of
25 things to consider.

1 Yes, if you were to approve at all the BCPs and, yes,
2 if all the BCPs were to be approved by Finance and, yes, if
3 they were to take \$8 million more next year, yes, yes, yes,
4 we would continue to see decline in our reserve.
5 Absolutely correct.

6 But before we get too overly concerned or paranoid
7 about that, let me back up and break down these BCPs one by
8 one.

9 First of all, let me direct your attention to the
10 bottom of the page of the BCP page, and it's Attachment
11 Number 3. If you look at each one of these five items, and
12 you look at what -- down here, it says, "The one-time cost"
13 and "the ongoing cost." There are greater than half of
14 these that are only one-time costs, so they won't be
15 subsequent-year costs. What reduces or continues to reduce
16 the annual reserve are those that are ongoing costs. And
17 with that, you'll notice that the ongoing costs are only
18 relative to Items 1, 3, and 4, which means you could
19 actually look at this and say, "Well, next year, we could
20 decide that we weren't going to do audits." So that would
21 take \$275,000 out of that, and so the amount would be
22 lower.

23 Bear in mind that the decision that we make today
24 doesn't mean that we're locked into doing everything
25 absolutely down to the penny so that we will drain our

1 reserve.

2 I got concerned after we walked away from the last two
3 discussions yesterday, that perhaps there was this
4 growing -- this evolution that "Oh, POST is driving itself
5 into the ground and we're not going to have any money."
6 That is absolutely not the case. We've always been good
7 stewards of the money, and we will not allow the money to
8 go to the point where we won't be able to have any money to
9 spend.

10 So my recommendation, Madam Chair, and to the members
11 of the Commission, is look at these BCPs. My
12 recommendation would be that you would follow the Finance
13 Committee and the Advisory Committee's recommendation to
14 approve them, let them move forward. Let's see if Finance
15 tells us which ones we can and can't do. Then we can come
16 back to the Commission and look at that and see where we're
17 at, and also maybe take the temperature of where we're
18 going to be in the future before we get a little too
19 paranoid or a little overly paranoid about our expenditures
20 for the future.

21 CHAIR LINDEN: Thank you.

22 Commissioner Smith?

23 COMMISSIONER SMITH: Just one more comment, and I hate
24 to belabor the point, but yesterday in the Finance
25 Committee, we spent a lot of time talking about changing

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1 the contract for an additional \$31,000. And it was one of
2 our agenda items in here. And I think it was on the
3 executive leadership training. And so now we're looking at
4 documents where one of the items, there's a three-line
5 explanation, and you're asking for \$425,000.

6 I just think that this should be not in this kind of a
7 format, where it's a bigger group, but where we actually
8 really have the item broken out, where we can consider it
9 instead of just looking at the three lines.

10 I'll support the recommendation, but I'm concerned
11 with the format.

12 CHAIR LINDEN: In the future, you want more
13 information? More detail?

14 COMMISSIONER SMITH: How we normally consider these.

15 MR. REED: Which three-line explanation are you
16 concerned with, Commissioner?

17 COMMISSIONER SMITH: Number 5.

18 CHAIR LINDEN: BCP 5.

19 COMMISSIONER SMITH: And I'm not concerned necessarily
20 about the content. I'm concerned about the lack of
21 information, how it's a huge amount of money, over a
22 million dollars for all five of them, that's just part of a
23 Finance document recommendation instead of really looking
24 at how you normally present these to us.

25 Does that make any sense?

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1 MR. CAPPITELLI: We'll be glad to do that.

2 And certainly I want to point out that you would see a
3 complete staff report and a greater breakdown in the future
4 before you actually approve that item.

5 All we're asking for today is the authorization to
6 move forward to discuss it with the Department of Finance.

8 COMMISSIONER SMITH: I see.

9 MR. CAPPITELLI: So if it's your desire that we break
10 this out into greater detail right now in terms of -- or at
11 this point, in terms of what the BCPs are, then we can
12 certainly do that.

13 COMMISSIONER SMITH: No. As long as we're going to
14 see it at a later time, that's fine.

15 If Finance says "okay," does that mean it still comes
16 back here for consideration?

17 COMMISSIONER PEREA: Yes.

18 COMMISSIONER SMITH: I understand. I apologize, yes.

19

20 MR. REED: I would add one other thing. This is a
21 synopsis of our BCPs. To each one of these, we have
22 lengthy descriptions of the nature that you have requested,
23 internally, that we preened through before we brought these
24 to you.

25 COMMISSIONER SMITH: Okay.

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1 MR. REED: Each of our bureau chiefs and their
2 subordinates have to do lengthy research. And then in this
3 case, as I explained yesterday, the Executive Director and
4 the Executive team reviewed 11 BCP requests from our bureau
5 chiefs. These are the five that made it to you. But we
6 have voluminous documentation already on this. It's just
7 about ready to go to Finance. If you approve it, that's
8 what they would get.

9 Now, if you're saying that the Commission needs to see
10 those sooner, we could have just as easily included it in
11 this book, and we would do so in the past. But
12 traditionally, the way we've done this is just to bring you
13 a synopsis of our recommendations. But if you want to see
14 more at this level at this time, we could certainly do
15 that.

16 COMMISSIONER SMITH: No, not as long as I know that it
17 is coming back then, if Finance approves it.

18 CHAIR LINDEN: Okay, Commissioner Dumanis?

19 COMMISSIONER DUMANIS: Call the question.

20 CHAIR LINDEN: A call for the question.

21 Any further discussion?

22 *(No response)*

23 CHAIR LINDEN: Seeing none, this is a roll-call vote
24 to submit these -- roll call? -- to submit the BCPs to
25 Finance, so 1 through 5.

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1 MR. CAPPITELLI: To approve the entire -

2 MR. REED: You don't really need a roll-call vote
3 because you're not spending it. You're just telling us to
4 go ahead with the study that results in the request.

5 CHAIR LINDEN: No, hang on a second.

6 The existing motion is only to move the BCPs.

7 Does the motion-maker want to modify the motion to
8 include approval of the proposed '08-09 budget as well?

9 COMMISSIONER PEREA: Sure, yes.

10 What was the second?

11 CHAIR LINDEN: The second was Himelstein.

12 COMMISSIONER PEREA: Are you okay with that?

13 CHAIR LINDEN: Do you concur with the amendment?

14 So the motion is to approve the '08-09 proposed budget
15 and to move the BCPs to Finance.

16 And does that require a roll call, Dick, for approving
17 the budget?

18 MR. REED: Not the BCPs.

19 CHAIR LINDEN: But it's one motion now.

20 MR. REED: For the budget.

21 CHAIR LINDEN: For the budget and the BCPs. So that
22 should.

23 MR. REED: That would make it clean.

24 CHAIR LINDEN: Any discussion on the new motion?

25 *(No response)*

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1 CHAIR LINDEN: Okay, Karen.
2 MS. HIGHTOWER: Linden?
3 MS. LINDEN: Yes.
4 MS. HIGHTOWER: Batts?
5 COMMISSIONER BATTIS: Yes.
6 MS. HIGHTOWER: Bui?
7 COMMISSIONER BUI: Yes.
8 MS. HIGHTOWER: Campbell?
9 COMMISSIONER CAMPBELL: Yes.
10 MS. HIGHTOWER: Doyle?
11 COMMISSIONER DOYLE: Yes.
12 MS. HIGHTOWER: Dumanis?
13 COMMISSIONER DUMANIS: Yes.
14 MS. HIGHTOWER: Hayhurst?
15 COMMISSIONER HAYHURST: Yes.
16 MS. HIGHTOWER: Himelstein?
17 COMMISSIONER HIMELSTEIN: Yes.
18 MS. HIGHTOWER: Lowenberg?
19 COMMISSIONER LOWENBERG: Yes.
20 MS. HIGHTOWER: Lundgren?
21 COMMISSIONER LUNDGREN: Yes.
22 MS. HIGHTOWER: McGinness?
23 COMMISSIONER MCGINNESS: Yes.
24 MS. HIGHTOWER: Perea?
25 COMMISSIONER PEREA: Yes.

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1 MS. HIGHTOWER: Smith?

2 COMMISSIONER SMITH: Yes.

3 MS. HIGHTOWER: Sobek?

4 COMMISSIONER SOBEK: Yes.

5 MS. HIGHTOWER: Van Attenhoven?

6 *(No response)*

7 MS. HIGHTOWER: Lopes?

8 COMMISSIONER LOPES: Abstain.

9 CHAIR LINDEN: Okay, we do have an item coming up
10 that's going to occupy some time. Why don't we take a
11 short break?

12 What's your pleasure? Five minutes?

13 *(Recess taken from 11:37 a.m. to 11:51 a.m.)*

14 *(The gavel was sounded.)*

15 CHAIR LINDEN: Okay, we will reconvene the meeting.
16 And our next item is item N, which is the report from the
17 Advisory Committee.

18 Chairperson Casas?

19 MR. CASAS: Thank you, Madam Chairman.

20 Very briefly, I just want to say that we're pretty
21 proud to have a couple of our Advisory Committee on the
22 VOTAC board, which, you know, Brent Newman and Richard
23 Lindstrom are representing us. And Brent and I think Alan
24 covered most of it where he talked about the important
25 issues about what this complex study is hopefully going to

1 hopefully going to achieve for us.

2 We're also hoping, too, that there was a mention that
3 Commissioner Lundgren participated in our conversation, and
4 mentioned that it would be nice if we could actually take
5 the study, once it's completed and so forth, and actually
6 go to the manufacturers of the vehicles, and there's a very
7 small group of them that manufacture police cars, and
8 actually talk about issues about seat belts. Because one
9 of the major problems that we see is that the seat belts
10 are not really performing to the amount of the uniform or
11 the equipment that we carry. It makes it very difficult to
12 put the seat belt -- to connect up and then have to
13 release it, especially in a very hot-call type of
14 situation.

15 So we're hoping that it might have that kind of design
16 to it. It would be nice to get the manufacturers to comply
17 as well and say, "Let's configure a seat belt situation
18 that's a little bit more conforming to what our needs are."
19

20 In addition to that, the only other item that I want
21 to comment on, is we had a series of three presentations,
22 one of which is extremely enlightening and very, very
23 exciting about where we're going with report-writing.

24 There was a software contractor that was here who
25 actually discussed and went over briefly what the program

1 is going to offer report-writing once it's completed. And
2 it's probably the first, I would say, process that POST has
3 taken as far as getting into the gaming industry, yet with
4 a different format. So it was really, really nice and
5 exciting to see how we're now entering the 21st century
6 here with similar type of software that's going to
7 accommodate what our needs are and to train people,
8 especially at the foundational levels, as to how to write
9 reports, so we could hopefully decrease the level of
10 problems we're having with having to release people that
11 just simply can't write reports for us.

12 Other than that, we really had a good meeting. It was
13 long, but we got a lot of work done, and that was it.

14 CHAIR LINDEN: Great. Thank you.

15 Questions?

16 Mr. Cappitelli, our Executive Director.

17 MR. CAPPITELLI: Just as a point of clarification, we
18 have done some other work in the past with the use of
19 gaming; but it's primarily been in the arena of instructor
20 development and/or in some classroom settings in different
21 cases for in-service training. And so we've done some work
22 in this area, but this is the first time we've done it in
23 report-writing.

24 And thank you for your comments and support of that
25 project. A lot of our folks worked hard on that project.

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1 Thank you.

2 CHAIR LINDEN: Any questions or comments by
3 Commissioners?

4 *(No response)*

5 CHAIR LINDEN: Thank you, Mario.

6 Legislative Review Committee.

7 Commissioner Bui, Chair?

8 COMMISSIONER BUI: No hair-raising bills this morning,
9 so no action was taken.

10 COMMISSIONER SOBEK: Where's Bob?

11 COMMISSIONER BUI: Sorry, Chief.

12 Just to recap, SB 1019, Romero's bill, which addresses
13 peace officer's records confidentiality, it looks like that
14 thing's on life support, so it's nothing to worry about.

15 1582, Ocean Rangers, that bill is basically dead.

16 2028, Peace Officer Hiring, that one, we are supporting
17 that one. We've already voted on that. It eases some of
18 the roadblocks in our background -- in our background
19 process, excuse me.
20

21 And then in the last one, 2038, Persons with
22 Disabilities, we originally had a position of -- an opposed
23 position, unless amended. And they've made the amendment
24 so now we have no position.

25 And we had a couple of other bills that we discussed.

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1 discussed. And, again, we did not take any action on those
2 bills.

3 MR. STRESAK: Very good, Commissioner. Thank you.

4 Madam Chair, there's no other Commission action
5 required on any pending legislation right now.

6 CHAIR LINDEN: Okay.

7 COMMISSIONER HAYHURST: Just a comment on SB 1019,
8 good, ol' Senator Gloria Romero. Although some people
9 might feel that it's on life support, she has brought it
10 back twice now. It's not a dead issue. She still has
11 another year and a half. She is not law-
12 enforcement-friendly. And I would just like to make sure
13 that --

14 COMMISSIONER SMITH: Really?

15 COMMISSIONER HAYHURST: Let's just be mindful that she
16 will try to bring this back before she leaves the Senate,
17 and oppose these and make sure we take a stance to support
18 law enforcement, on being able to recruit the law
19 enforcement people throughout the nation.

20 And some of this dangerous language that she's trying
21 to propose will prevent us from hiring qualified officers
22 in the future. So that's just a personal comment.

24 CHAIR LINDEN: Thank you, Commissioners.

25 And I think one thing that was mentioned at Finance

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1 that I think is worthy of mentioning to the whole
2 Commission is just kudos for Bob and the work he has done
3 with the Legislature. He has really worked very, very hard
4 on a number of bills to express the concerns of the
5 Commission and the stance of the Commission, and has been
6 extremely successful in getting the amendments that we
7 sought in exchange for a change of our position and
8 tracking other important billings. So great job.

9 MR. STRESAK: Thank you.

10 COMMISSIONER BUI: And may I? I'd like to thank Bob
11 Stresak, again, for helping massage many of these bills to
12 make them more palatable for us.

13 MR. STRESAK: Thank you.

14 CHAIR LINDEN: It's not easy work.

15 COMMISSIONER LOWENBERG: I have one question, though.

16
17 I wonder if Bob shares all those jokes he used to tell
18 at the consortium with the Legislature?

19 MR. STRESAK: You know, Commissioner, I kind of pulled
20 back on a lot of that.

21 CHAIR LINDEN: Okay, thank you, Bob.

22 We won't ask about that one.

23 Item P was Correspondence. You'll see, POST sent two
24 letters of condolences to the executives of the departments
25 who lost officers. And we did receive one letter that is

1 letter that is related to an action item under Item Q that
2 is coming up.

3 Any questions or comments on Correspondence?

4 *(No response)*

5 CHAIR LINDEN: Thank you.

6 Moving on to Q, we don't have a tab on this. This is
7 a discussion by our POST legal counsel, who is Toby Darden.

8 And if you recall at one of our last commission meetings,
9 we directed our Deputy Attorney General and Legal Counsel
10 to do some additional research regarding the Commission's
11 legal authority to promulgate regulation related to the
12 retesting of the officers who have been reinstated by a
13 court-ordered process after termination.

14 So, Toby?

15 MR. DARDEN: Thank you.

16 It's been about a year since I've been here. It's
17 nice to see you all again.

18 The Attorney General's office was asked to do some
19 research and opine on a relatively narrow question, and the
20 relatively narrow question was whether or not POST, as a
21 commission, had the legal authority to promulgate
22 regulations to mandate that POST-participating agencies
23 ensure that officers who are reinstating to peace officer
24 positions following disciplinary termination comply with
25 the requirements of Government Code section 1031 which, of

1 of course, is the section that requires that peace officers
2 be of good moral character and be mentally, emotionally,
3 and physically fit for employment.

4 Vince Scally did the research on this. I've read his
5 memo, and also independently researched the issue as well,
6 and read the cases and authorities upon which he based his
7 opinion.

8 I don't know if the legal memo, which was submitted to
9 POST, was given to the commissioners or not, but I'm happy
10 to discuss in as much or as little detail as the Commission
11 wants our ultimate conclusion.

12 With respect to that narrow question of whether or not
13 the Commission has the authority to regulate this issue, we
14 believe the best answer to that question is that, yes, it
15 does. That is not to say this is not a difficult legal
16 issue. It is a difficult legal issue. But we think, with
17 respect to the threshold issue of whether or not we have
18 the authority to regulate, the answer to that question is
19 yes.

20 Very briefly, there are, in addition to the Government
21 Code section -- which obviously the Commission is
22 authorized to interpret and to promulgate regulations to
23 ensure that peace officers in California meet those minimum
24 standards -- there's also a section in the Penal Code that
25 gives the Commission explicit authority to promulgate

1 promulgate regulations. That section of the Penal Code
2 provides that POST can promulgate regulations with respect
3 to recruitment and with respect to training.

4 There is potentially some room for argument that a
5 litigant might try to raise down the road, to say that that
6 statutory authority might not be broad enough, in a
7 circumstance where a peace officer has been terminated but
8 now has been ordered reinstated by either a court or
9 arbitrator or some administrative law judge, for example.

10 However, again, we believe, having fully analyzed the
11 authorities, analyzed the statute, analyzed the cases
12 interpreting the statute, that we have the better of those
13 arguments.

14 The more difficult question is one which we really
15 aren't going to get to today, and that is that should the
16 Commission decide to ask staff to look at the question of
17 imposing regulation in this area, what are the confines or
18 parameters of ultimately any such regulation which may be
19 promulgated? That's a little bit more of a difficult
20 question. And I can discuss that if you would like,
21 although perhaps it's premature at this point.

22 The Commission may or may not be aware -- the
23 commissioners may or may not be aware that there have been
24 some cases in California, some published cases, some
25 unpublished cases, and cases arising from the State

1 Personnel Board, cases arising also in trial courts that
2 have made their way up to the courts of appeal that have
3 been hostile to the idea that agencies have the authority
4 in the face of a reinstatement order -- in other words, a
5 circumstance where an officer has been terminated and then
6 a judge has ordered that officer to be reinstated, and then
7 the department will say, "Well, before we're going to let
8 you come back, we're going to mandate that a background be
9 done."

10 In those cases, there are decisions which you may be
11 aware of -- and I'm happy to discuss any of them if you'd
12 like -- which are hostile to that and which have come down
13 basically on the side of the officer, and made the
14 determination that in certain factual circumstances, the
15 department did not have the authority to deny reinstatement
16 pending background.

17 However, in having researched those cases, one of
18 them, in fact, in which Mr. Scally was down in Los Angeles
19 this morning, arguing the case in Los Angeles Superior
20 Court, arising out of, I believe, Hermosa Beach where this
21 very issue was being litigated. And at the trial court in
22 its tentative ruling this morning, was also again hostile
23 to the idea that the department had the authority to
24 mandate a background investigation prior to permitting
25 reinstatement.

1 However, in all of those cases, we believe that the
2 largest driving force behind those opinions was the fact
3 that there currently is no POST regulation on this point.

4 If there had been a POST regulation on that point, it's
5 quite possible that all of these cases may have come out --
6 or some of these cases, at least -- may have come out
7 differently.

8 So I say that in the event that any of you are
9 familiar with some of the appellate cases -- the *Hulings*
10 case, for example. That case, a relatively recent case out
11 of, I believe, the Third District Court of Appeal.
12 However, that case arose in the context of a little bit of
13 a different situation from the one we're talking about.
14 That case arose in the context of mandatory reinstatement
15 under the Government Code provisions that provide basically
16 for a civil-service bump-back in the context of State
17 service. If you go to one position and then you don't make
18 your probation and then you have a mandatory civil
19 servant's right to reinstatement.

20 The Court in *Hulings* decided that there was no right
21 based on the wording of the Government Code provision that
22 permits the bump-backs. There was no writing in those
23 circumstances for a background to be conducted, and that
24 there was a ministerial duty to go ahead and reinstate that
25 individual.

1 Some of these cases, in the arbitrator's opinions,
2 have held that they understand that there are reasons that
3 a department might want to do the background; but it
4 basically said, you know, in those circumstances, we're not
5 saying that the departments are without any recourse.
6 There is possible recourse if they become aware of the fact
7 under certain circumstances that this person is unfit, then
8 they can do what they would normally do. However, again,
9 we believe that since the underpinning behind most of these
10 cases that have come out that way, the underpinning is that
11 there is no existing POST regulation. And if there was an
12 existing POST regulation, again, we think that those cases
13 may -- may -- potentially have been decided differently.

14
15 So just to briefly summarize, with respect to the
16 narrow issue that we were asked to opine on, which is
17 whether or not POST has the legal authority to promulgate
18 regulations in this area, we believe the answer to that
19 question is yes, that it does have the authority to
20 regulate. And we'd obviously be happy to work with POST
21 staff, should the Commission decide to go this way.

22 With respect to assisting and promulgating
23 regulations, if this is the Commission's desire, that that
24 would be effective and that would meet the standards of
25 law.

1 You know, obviously there are two questions here, and
2 I've addressed really only the first. The first question
3 is do we have the authority to regulate.

4 The second is if we do have the authority to regulate,
5 what scope of regulation would be legally permissible.

7 And that raises some complicated issues. I'd like to
8 be able to talk about them if anybody would like me to. It
9 raises some complicated issues. But, again, if it's the
10 Commission's desire to do that, we'd be happy to work with
11 staff to the extent they needed the help, to ensure that
12 any regulation along that line could be defined in a way
13 that would give it the best possible chance of surviving
14 any legal challenge.

15 MR. CAPPITELLI: Thank you.

16 Members of the Commission, knowing that we were going
17 to have today a presentation from counsel in response to
18 the question that was posed, it is staff's recommendation
19 that now that we have counsel's opinion that we can, in
20 fact, promulgate the regulation, because we have a large
21 number of stakeholders that are genuinely interested in
22 this issue and it is a complex issue and one that could
23 potentially be contentious, it's staff's recommendation
24 that now that we know that we can proceed with a
25 regulation, staff would like to go back and to develop a

1 develop a series of options or have discussions with
2 counsel about how we could perhaps put regulations together
3 that would address the issue; and with counsel's input,
4 based on the recent decisions and based on previous
5 discussions of input and feedback that we've had. That
6 way, we can agendaize it and come back, and others will have
7 an opportunity to weigh in if they have a thought or
8 concern or a question regarding any proposed regulations.
9 But for us today to try to answer the question of the
10 regulation that was previously discussed, I don't think
11 that we would be able to get to that today.

12 So that would be our recommendation, to direct staff
13 to go back and develop some new regulation, potential,
14 prospective regulations, but a host, a series of options
15 that we could entertain along the way.

16 CHAIR LINDEN: Paul, I think there's been discussion
17 about this -- extensive discussion at the Advisory
18 Committee, extensive discussion at prior Commission
19 meetings with a variety of very significant stakeholders,
20 not the least of which are labor representatives, PORAC, as
21 well as chief executives, kind of on both ends of the
22 spectrum in this matter. And some of the discussion has
23 been around, as you know, if we regulate it, then what, and
24 how far should the regulation go?

25 And just a quick recap, I know that much of the

1 discussion was that everybody agreed that perhaps some
2 level of regulation was appropriate; that if somebody was
3 separated, let's say, for two years, that some measure of
4 looking into what were they doing in that two years to
5 ensure they weren't engaged in criminal behavior was
6 appropriate; but there were significant concerns about some
7 of the testing involved, such as, you know, ordering
8 another psychological examination and so sort of breaking
9 down the different components of what would that regulation
10 really mean.

11 So that's my question, Paul, in going forward, now
12 that the legal opinion is that the Commission has the
13 authority to regulate, in developing potential regulatory
14 options for the Commission, would that include sitting down
15 with key stakeholders such as PORAC, such as chief
16 executives through perhaps Cal Chiefs or CSSA, and really
17 sort of talking about the discussion that's already ensued
18 and getting their perspectives on it? Or how would you
19 envision that process go forward to make sure we're getting
20 those perspectives?

21 MR. CAPPITELLI: Well, I think I'd like to defer to
22 Alan at this point, because...

23 CHAIR LINDEN: Poor Alan.

24 MR. CAPPITELLI: I don't want or intend to throw you
25 under the bus.

1 But Alan has a clearer idea of how we would proceed at
2 this point.

3 And perhaps you could map that out.

4 MR. DEAL: I think what's important is to be able to
5 provide the Commission with options and alternatives, but
6 to have an understanding of potential baggage for each of
7 those options and alternatives, or the strengths and
8 weaknesses associated with those.

9 And from that perspective, staff would make a
10 recommendation to you in terms of how we should proceed
11 relative to any one of those recommendations.

12 My belief that what will come of this is either the
13 Commission would concur with the staff's recommendation and
14 say, "Go forth and do that.."; on the other hand, the
15 Commission may come up with an acceptable alternative that
16 was not staff's recommendation. Or the other possibility
17 is a hybrid that staff didn't consider.

18 I think all of the issues associated with any one of
19 those recommendations includes discussion with
20 stakeholders. But I think at this juncture, is to have
21 some feel for where the Commission would direct staff. The
22 rest of that would be the follow-up work that we would
23 typically do to ensure that the stakeholders do have the
24 kind of input that is essential so that you can make the
25 best possible decision.

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1 COMMISSIONER LOWENBERG: Chair?

2 CHAIR LINDEN: Commissioner Lowenberg?

3 COMMISSIONER LOWENBERG: As one commissioner, I would
4 appreciate that staff, as Alan pointed out, in working with
5 the stakeholders, do whatever we can to reduce the rancor
6 that may occur. And if this is possible, when the
7 recommendations come back to the full commission, that we
8 don't have 14 or 15 people waiting in the audience to
9 contest the recommendations. We may have some of that,
10 anyway. But it seems to me that we decrease our chances of
11 that happening if we reach out to the stakeholders that
12 we've really -- I mean, we've waited this long on this
13 issue. You know, what's another six months?

15 Because, again, it's potentially contentious. And so
16 anything that we can do to allow folks to voice their
17 concerns and to move closer to recommendations that the
18 full commission can consider with the least amount of pain
19 I think is the right thing to do.

20 CHAIR LINDEN: And perhaps find a solution that could
21 actually be acceptable to all of the stakeholders, all the
22 key stakeholders, if that is out there somewhere.

23 MR. CAPPITELLI: And just a quick discussion about
24 timing.

25 If it's your direction that we go back and we prepare

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1 prepare this to come back to the October Commission
2 meeting, I can assure you that with everything else that's
3 going to be on that agenda, that will be a very long
4 meeting, if that's what you want to do.

5 I think my recommendation would be that if we were to
6 give it a little more time and that would give staff more
7 time also to prepare the information, reach out to the
8 stakeholders, kind of vet it out more, and then perhaps in
9 January, at the January meeting, be able to have something
10 actually agendized for a more meaningful discussion.

12 CHAIR LINDEN: And bring back options.

13 Commissioner Perea?

14 COMMISSIONER PEREA: So are you asking today then that
15 we vote to authorize staff to move forward on this?

16 CHAIR LINDEN: I think that an appropriate motion to
17 consider would be that we direct staff between now and the
18 January meeting, direct staff to meet with stakeholders, to
19 involve stakeholders, and to develop potential regulatory
20 options for the Commission to consider at the
21 January meeting.

22 COMMISSIONER LOWENBERG: So moved.

23 COMMISSIONER SOBEK: Second.

24 CHAIR LINDEN: I'm sorry, who was the second on that?

1 Lowenberg moved? Sobek was second?

2 COMMISSIONER LOWENBERG: That would, of course,
3 include advice from legal counsel.

4 CHAIR LINDEN: So noted.

5 And I would just really want to emphasize, we know
6 that there's passionate feelings from every angle on this,
7 and valid viewpoints from every angle, and we've had those
8 discussions in the past. I think it's really, really
9 important that staff bring those stakeholders together for
10 some discussion to see where are we and how can we
11 hopefully marry those views with it and bring options.

13 So we do have a motion on the floor.

14 We have a signal from an audience member that wishes
15 to comment?

16 MR. FLANNAGAN: Madam Chair, for the record, I'm Joe
17 Flannagan from PORAC.

18 When this issue was first vetted, the issue of the
19 background wasn't the major issue; it was that you had two
20 prongs: The updated medical and the updated psych. So
21 there's obviously going to be a lot of work done.

22 But if I understand counsel's comments, does this deal
23 with just the background, your opinion, or does it also
24 deal with the medical and the psychological retesting?

1 MR. DARDEN: Correct. Yes. We haven't gotten yet to
2 the nitty-gritty question of assuming that POST wants to
3 promulgate a regulation, to what extent would it be
4 permissible should this be challenged to require each step
5 of what might traditionally be considered background
6 process. So, for example, to articulate a little bit more,
7 many background checks, depending on whether or not it's a
8 full background check or an updated background check or
9 whatever it might be that ultimately comes out of the
10 regulations, there could, for example, be a requirement for
11 a polygraph examination, which could potentially in this
12 context raise issues under the Peace Officers Bill of
13 Rights, or updated financial disclosures which also could
14 potentially raise issues under the Peace Officers Bill of
15 Rights.

16 Also with respect to updated medical or psychiatric
17 examinations that would be required, that could potentially
18 raise obviously issues with respect to the officers' rights
19 of privacy and whether or not there was a sufficient
20 compelling interest to justify that.

21 So to answer the question, I mean, I think as legal
22 counsel, we recognize that as a regulation is being
23 developed, there might be many things that could be
24 considered that might be a part of ultimately a regulatory
25 scheme, and that is whether or not it's appropriate to

1 appropriate to require a polygraph, whether or not it's
2 appropriate to require updated financial disclosures,
3 whether or not it's appropriate to require a medical or
4 psychiatric evaluation. Each of those would have to be
5 analyzed based on the nature of the proposed regulation,
6 and I think the factual context in which the reinstatement
7 situation might arise. And that's because it could be a
8 difficult or thorny question at any point as to whether or
9 not a terminated officer who has been ordered reinstated
10 is, in fact, a public safety officer that would be subject
11 to the statutory scheme and to what extent these various
12 privacy interests might shake out.

13 So I guess what I could say is obviously we recognize
14 that those are issues, but we're not at the point yet of
15 opining with respect to whether or not it's permissible,
16 because no such regulation has been posed to us for
17 comment.

18 MR. FLANNAGAN: One last comment, Ms. Chairman, is
19 that you have an Advisory Committee that could vet this.
20 And if we can't come to an agreement or a proposal, it
21 would be very difficult for the Commission to come to one.

22 So I'd ask that this be given, at your discretion, to the
23 Advisory Committee to do the vetting on this, along with
24 staff because that has all the stakeholder groups, or the
25 majority of the stakeholder groups.

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1 CHAIR LINDEN: And I think we're really operating on
2 two prongs, which is as Toby said, the point-by-point
3 legalities of a potential regulation, and then the policy
4 question behind those point-by-point issues. So even if
5 the legal opinion is that, yes, a psychological exam is
6 legal, then it would be a policy question for this board as
7 to whether or not we want that in a regulation.

8 So, I mean, there's very different levels of this that
9 is operating.

10 But Commissioner Lowenberg had a comment.

11 COMMISSIONER LOWENBERG: Yes, I'd like just to
12 emphasize that point. I would beg the stakeholders in the
13 room today not to go back to your respective organizations
14 and say, "Well, the legal opinion is that POST can
15 promulgate all these provisions." And that's not what the
16 decision said. I mean, you know, we just -- now, we decide
17 if we're going to or not. We have the ability to, but now
18 do we do it?

19 And before we --

20 COMMISSIONER DUMANIS: Do it.

21 COMMISSIONER LOWENBERG: Before we say to the field
22 we're going to do it, we need to have this vetting process.

23

24 So, Joe, I appreciate your comments.

25 CHAIR LINDEN: Yes, Mr. Casas.

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1 MR. CASAS: Madam Chair, I had a quick question.

2 Part of that question or that discussion also involved
3 the managing heads of each department to find out if they
4 don't know already. And I don't know if Mr. Darden would
5 be involved in that, too -- is whether or not they had the
6 ability to do that themselves from their own agency
7 standpoint.

8 So that also, I think, is a major component as to
9 whether or not we should pursue support with something like
10 this when we really don't have to because the agency does
11 have the right to do that, regardless.

12 CHAIR LINDEN: What I heard is that that's one of the
13 things that is becoming problematic, when the agency is
14 ordering this, and then it's being challenged in court as
15 the lack of regulation for the agency to point to, which,
16 you know, obviously I think, in my opinion, puts some onus
17 on the Commission to provide agencies with something that
18 they can point back to legally.

19 MR. DARDEN: You're absolutely correct. Again, in our
20 review of the cases that have determined that it was
21 inappropriate for agencies to not reinstate, pending a
22 background, the theoretical underpinnings behind many of
23 those opinions have been the fact that there is no existing
24 POST regulation.

25 CHAIR LINDEN: And, Joe, I appreciate your comments

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1 because I think that it points to where there could be some
2 commonality in the discussion. And I think that those
3 discussions need to happen at a number of levels. And I
4 think the motion that is on the floor before us makes it
5 clear what the expectations of staff would be in working
6 with, really, the key stakeholders on a -- this is a pretty
7 difficult issue.

8 COMMISSIONER HAYHURST: One more comment on this.

9 CHAIR LINDEN: Commissioner Hayhurst?

10 COMMISSIONER HAYHURST: The question I have on this
11 is, in the past, POST has not been a party to it, where
12 they could turn around and the lawsuit would be opened up
13 against POST.

14 What's the nexus between the department terminating
15 somebody being reinstated, which turned around and now POST
16 got involved because they were terminated but reinstated,
17 they would have never had that authority had the wrongful
18 termination never took place.

19 This is going to be very costly, costly down the road,
20 which some agency and some officer that's terminated, we're
21 setting ourselves up as POST for lawsuits.

23 I can tell you right now, being the largest agency out
24 there for deputy sheriffs, it's going to happen.

25 Absolutely I can guarantee you, it's going to happen. We

1 get officers or deputies reinstated on a regular basis, and
2 we never had a problem with POST not complying or saying
3 that, "No, a judge couldn't do that." Now, we're going to
4 turn around and throw this into the mix. I think we ought
5 to be very cautious as to exactly how far and why we want
6 to proceed with this.

7 CHAIR LINDEN: Well, one of the options that I think
8 certainly the Commission will have is to take no action, is
9 not to promulgate a regulation. So I think there will be
10 an opportunity during an agendaized discussion to consider
11 that option.

12 So we currently have a motion on the floor to direct
13 staff to work closely with stakeholders and our legal
14 counsel and to bring options back to the Commission for a
15 potential regulation in this area at the January 2009
16 meeting.

17 Commissioner Lowenberg was the motion-maker and
18 seconded by Commissioner Sobek.

19 Any further discussion on the motion?

20 Yes, Commissioner?

21 COMMISSIONER LUNDGREN: We're saying this is a
22 two-prong approach now. And the thing that concerns me is
23 that in the motion we're saying "potential regulation."
24 And I think that we need to relook at that motion to say
25 "explore the option." Because when you say "potential

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1 "potential regulation," that's leading people down the path
2 that this is something that POST wants to do. And what I'm
3 hearing is, is POST wants to explore all avenues before
4 they make that.

5 CHAIR LINDEN: Motion-maker, do you want to amend your
6 motion?

7 COMMISSIONER LOWENBERG: Absolutely. That's an
8 excellent point.

9 CHAIR LINDEN: And how do you want to word it?

10 COMMISSIONER LOWENBERG: Just as he said, "explore the
11 options."

12 CHAIR LINDEN: Okay, so direct staff to work with
13 stakeholders and to explore the regulatory options to
14 present to the Commission at the January 2009 meeting?

15 COMMISSIONER LUNDGREN: Yes.

16 CHAIR LINDEN: Good point.

17 Okay, any further discussion on the amended motion?

18 *(No response)*

19 CHAIR LINDEN: Commissioner Sobek, do you second the
20 amended motion?

21 COMMISSIONER SOBEK: I do.

22 CHAIR LINDEN: Thank you.

23 All in favor, please say "aye."

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

25 CHAIR LINDEN: Any opposed?

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1 COMMISSIONER DUMANIS: I'm opposed.

2 CHAIR LINDEN: Two oppositions from Commissioner
3 Hayhurst -- three, Commissioner Perea and Commissioner
4 Dumanis?

5 And any abstentions?

6 *(No response)*

7 CHAIR LINDEN: The motion carries. Thank you.

8 Our next item is the reappointment of Lucia Robles to
9 the POST Advisory Committee representing the California
10 Community Colleges. And this does require a vote.

12 And Ms. Robles is here; is that correct?

13 Welcome.

14 COMMISSIONER LOWENBERG: So moved.

15 COMMISSIONER SOBEK: Second.

16 CHAIR LINDEN: Moved by Commissioner Lowenberg,
17 seconded by Commissioner Sobek.

18 Any discussion on the motion?

19 *(No response)*

20 CHAIR LINDEN: All those in favor, please say "aye."

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

22 CHAIR LINDEN: Any opposed?

23 *(No response)*

24 CHAIR LINDEN: Any abstentions?

25 *(No response)*

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1 CHAIR LINDEN: Lowenberg and Sobek; is that right?
2 Congratulations.

3 MS. ROBLES: Thank you.

4 CHAIR LINDEN: The next item under Old/New Business is
5 POST's 50th anniversary.

6 Paul?

7 MR. CAPPITELLI: Thank you.

8 Just briefly -

9 COMMISSIONER CAMPBELL: It's the 60th now. We just
10 passed it.

11 MR. CAPPITELLI: Duly noted.

12 Staff has been meeting internally to brainstorm and
13 discuss some of the things we could do. As you recall,
14 July of next year marks the 50th anniversary. And we felt
15 it important to try to commemorate that.

16 So just so that you know some of the ideas that are
17 floating. First of all, it will be at the Commission
18 meeting. And we're looking at -- that's going to be at the
19 Marriott Cal Expo in Sacramento. So there will be great
20 involvement, interaction between staff and Commission, and
21 then also opportunities to go to POST's office and to
22 interact there. We're looking at some presentations,
23 multimedia, perhaps inviting some of the past directors.
24 We've got a lot of history. We looked around the building,
25 and we may have one or two people that were here when it

1 that were here when it first started.

2 No, that was a joke. I'm just kidding.

3 But we do have people who are around, who are still
4 very closely associated with POST, who are -

5 CHAIR LINDEN: Dick took offense to that.

6 MR. CAPPITELLI: -- who are still around and very
7 close to us at arm's reach. And we will reach out to them
8 to try to get their input.

9 One of the components I think you might find of
10 interest, is that we are entertaining the thought of a
11 reception at the hotel that would be sponsored by the
12 various stakeholder associations and members that are
13 throughout the state. I've already talked to PORAC.
14 We've already talked to CNOA. They've got a tentative
15 commitment to be a part of that. And I am confident that
16 as we reach out to the other groups, CPOA, WPOA, State
17 Sheriffs, et cetera.

18 So what we want to do is try to bring the law
19 enforcement community in with the Commission to commemorate
20 the 50 years. It's just also another opportunity for us
21 all to get together and spend more time getting to know
22 each other.

23 But we have a group that's been formed. Dick Reed is
24 chairing that effort, along with some of our other POST
25 staff. We will continue to keep you updated as we move

1 move forward.

2 We're developing a commemorative pin. We're going to
3 modify the stationary for next year, for the new supply
4 that commemorates 50 years. And so we're going to do some
5 things with the Web. And it's also kind of a springboard
6 for us to look at revisiting or maybe launch some more of
7 the online programs and things of that nature. So
8 everything will tie together. So that's where we're at
9 with the effort.

10 CHAIR LINDEN: Good. Thank you, Paul.

11 Any comments by commissioners or questions?

12 *(No response)*

13 CHAIR LINDEN: The next item is an update from our
14 Executive Director on the status of the Image Coalition.

15 MR. CAPPITELLI: Yes, briefly.

16 As you recall at the previous commission meeting,
17 staff was asked to come back to the Commission on the
18 status of the law enforcement Image Coalition. Some of us
19 have been involved in that effort in the past. I had
20 personally. The evolution of that, as you know, it came
21 just slightly after Rodney King. It was well intended.
22 And over the years, quite honestly, the interest in that
23 effort has really fallen off, so much so, that we're even
24 having difficulty getting previous and people who are
25 currently members on the roster to respond back to us to

1 provide feedback. We've only received a few. So the
2 effort has taken longer than we thought.

3 It's our goal to try to provide a more comprehensive,
4 detailed report with the input of those other folks. But
5 we're having trouble getting that data so that we can come
6 back to you.

7 So what I would ask at this time -- or suggest -- is
8 that at the next Commission meeting, we'll have an item to
9 discuss it. At that time, there will be a policy question
10 to you as to whether or not you want us to continue to move
11 forward with that effort. And we could have some
12 discussion about its merits based on more input from the
13 field and some of our previous stakeholders.

14 CHAIR LINDEN: Is everybody okay with that?

15 Okay. One additional item, under old business, as you
16 recall, before -- or when we were in the process of hiring
17 the new Executive Director, we had some discussion at a
18 previous Commission meeting about the need to provide
19 regular evaluations to the Executive Director on an annual
20 basis.

21 Currently, the structure to -- or the oversight for
22 that is an Executive Director Evaluation Committee, which
23 is the current chair, the former chair, and the current
24 vice-chair to direct that process.

25 In some discussions just with Toby, going back to

1 that, I don't think we actually decided on what process to
2 use. We had some discussion of different options about,
3 you know, perhaps actually hiring a third-party consultant
4 to conduct that, the need to get broad-based input for the
5 Executive Director evaluation, not only from staff at POST,
6 from Commissioners, but also key external stakeholders that
7 the Executive Director deals with. And it's likely to be a
8 fairly -- and should be an in-depth and thorough process.

10 So my suggestion -- this is not agendized for formal
11 action today, but my suggestion, I guess I'm asking for
12 your input and perhaps concurrence is that we set an item
13 for the next agenda to have open discussion as an agenda
14 item about what process we should use for the Executive
15 Director evaluation: So should we try to do it in-house,
16 should we explore hiring, you know, once a year an outside
17 consultant to do that, as many of our city councils do for
18 their evaluations of their city managers, and to discuss
19 some of the options associated with that. We could
20 also ask Karen to pull the minutes of our previous
21 discussions to see sort of where they led with this.

23 And then at our next meeting, we actually decide what
24 process we're going to use, and then set the
25 January meeting every year, a closed-session item, to

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1 actually present that evaluation to the Executive Director.
2 And whatever process that we choose, it can be guided by
3 your evaluation committee on that.
4 So I just wanted to throw that out and get your
5 thoughts on it.
6 COMMISSIONER SOBEK: Yes, I think we should put it on
7 the agenda and take a look at that. And in the meantime,
8 everybody can look at what maybe they have or talk to
9 people that are experienced in that.
10 CHAIR LINDEN: Get some options?
11 COMMISSIONER SOBEK: Get some options, yes.
12 CHAIR LINDEN: Okay, and staff can actually present
13 some options as well, yes? --
14 MR. CAPPITELLI: Yes.
15 CHAIR LINDEN: -- in October, about different options.
16
17 And I think there's an existing document somewhere
18 that says how it has occurred in the past. And so maybe we
19 could consider that at our October meeting as well.
20 So take action on deciding the process in October.
21 And that would be an open discussion. The actual
22 evaluation would be appropriate for closed session.
23 Does that sound okay? Okay.
24 MR. CAPPITELLI: Good.
25 CHAIR LINDEN: Okay, so we'll get that on the agenda

1 in October?

2 MR. CAPPITELLI: Yes, absolutely.

3 CHAIR LINDEN: Great.

4 Are there any other issues that any commissioners want
5 to bring up under old or new business?

6 Commissioner Hayhurst?

7 COMMISSIONER HAYHURST: I'd like to have it agendized
8 to discuss, too, also if you guys aren't aware, all the
9 commissioners should be aware of it -- and it's no
10 reflection upon the staff or the Executive Director -- but
11 I have some concern about commissioner notification
12 regarding the academies that maybe have some deficiencies,
13 and they're non-cooperative. And those are the key words
14 that I really want to focus on, that they have -- they're
15 either non-compliant and non-cooperative of notifying the
16 commissioner or commissioners that might have some concerns
17 about it.

18 I realize there is -- it becomes of the public forum,
19 where the public might be notified on it -- or they will at
20 some point in time.

21 But if you guys don't know, one of our largest
22 Sheriffs' Association had some deficiencies, and they were
23 non-compliant, for the most part. And it did become known
24 to the public. And I started getting bombarded by phone
25 calls from the press the day that I received notification

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1 notification by the POST staff. And I'd like to talk about
2 it, what we might be able to do in the future for it.

4 Again, the issue is only about non-compliant or
5 non-cooperative. If they're cooperative, I personally
6 don't care to ever hear about it. But like I said, I was
7 blindsided, and I'd like to have it agendized to discuss
8 where this Commission would like to go with it in the
9 future.

10 CHAIR LINDEN: I think it would take a majority of
11 commissioners to agree to put something on a future agenda.

12
13 So, first of all, any discussion or questions to
14 Commissioner Hayhurst on this issue?

15 COMMISSIONER PEREA: If that's a motion, I'll second
16 it.

17 COMMISSIONER BATTS: I have a question.

18 CHAIR LINDEN: Mr. Batts?

19 COMMISSIONER BATTS: Because I don't have the
20 chronology, I'd like to ask the Executive Director what
21 happened on that because at some point in time, I received
22 notification. I don't know how that plays into
23 Commissioner Hayhurst's statements, so I just want to know
24 what happened.

25 MR. CAPPITELLI: First of all, the existing procedure,

1 procedure, as it's been, on an ongoing basis, there are
2 always academy reviews and agency compliance inspections
3 that take place. And on a regular basis, staff becomes
4 aware that law enforcement agencies and academies
5 throughout the state, of which there are 40, 41 of them,
6 could be out of compliance.

7 Under the current process we go through, and it takes
8 several months for us to do the site visit, to evaluate the
9 deficiencies, to come back with a draft report, then we go
10 back to the academy, prepare the draft report. They have
11 an opportunity to see if there is anything in there that we
12 may have misrepresented from their viewpoint, et cetera.
13 So there's a constant process that goes back and forth,
14 that usually takes about six months. And also in that,
15 involves a meeting with the chief executive.

17 Now, I think we need to realize that if we start to go
18 down this road, you are going to do a number of things.

20 First of all, you mentioned two words that I do not
21 believe are synonymous, the words "non-compliant" and
22 "non-cooperative."

23 Participation in the POST program, as you know, is
24 voluntary. And so we reach a point when we're dealing with
25 academies or agencies, where we say, "This is the

1 regulation. This is where you're out of compliance. If
2 you choose not to be in compliance, then you're not in the
3 POST program."

4 I would like to go on the record as saying that the
5 agency in question that you're talking about, the
6 Los Angeles Sheriff's Department, was never
7 non-cooperative. They were never non-cooperative. There
8 was a point where there wasn't the compliance with the
9 time-line that we had hoped. So the two are not
10 synonymous.

11 If we decide that we want to start doing this, then
12 what that means is, we will start publicizing. And
13 remember, everything that you receive as a commission then
14 becomes public, and perhaps further adds to or hampers
15 POST's ability to gain the compliance with that particular
16 agency.

17 Now, in the case involving Los Angeles Sheriff's
18 Department, staff, through me, was in constant
19 communication with the chair. And each step of the way,
20 through those several months, we determined whether or not
21 this was -- we were at a point where we should notify the
22 full commission of what was involved.

23 We finally did reach that point when we went out for
24 the subsequent site visit, and there were still the
25 critical deficiencies, and we were at a point where we had

1 had sent a letter -- going to send a letter to that agency
2 telling them that if they did not correct those
3 deficiencies, that we would withdraw their certification.

4 That was the point that you, as a commission, would
5 receive notification and that's exactly what took place.

6 If I hear correctly, what I think you're suggesting is
7 that earlier on in the process, when we actually went out
8 and determined that they were out of compliance, that you
9 would receive notification as a commission. If you were to
10 decide to adopt that type of direction, it would complicate
11 and make staff's ability to work on remedying the issues
12 much more difficult.

13 So perhaps there's a way that we could build in maybe
14 a little more of a check-and-balance between staff, through
15 me, through the chair, to determine at what point we should
16 have that notification.

17 In my view -- and I know we didn't necessarily have a
18 difference of opinion on this -- but in my view, we made
19 the appropriate notification to the full commission at the
20 appropriate time with the given circumstances.

21 So from my perspective as Executive Director, I
22 believe that what we are doing is working very well. If we
23 were to start including the Commission too soon in that
24 process, I think it would hamper our ability to gain the
25 compliance that we need.

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1 CHAIR LINDEN: Commissioner Smith?

2 COMMISSIONER SMITH: Just one comment.

3 I personally like the way it is because, again, a lot
4 of times, you're able to work it out. I think the
5 notification, I think in your case -- because you're
6 talking about the agency that you represent, the rank and
7 file -- I think it should have been the obligation of the
8 sheriff to notify you of that, knowing that you would be
9 getting hit by the media.

10 COMMISSIONER HAYHURST: Well, to be quite honest with
11 you, that's how I got notified.

12 COMMISSIONER SMITH: By the sheriff?

13 COMMISSIONER HAYHURST: And I had no knowledge of it
14 whatsoever. And that was -- like I said, that was kind of
15 being blindsided.

16 COMMISSIONER SMITH: By the media or the sheriff?

17 COMMISSIONER HAYHURST: By the sheriff, to start
18 off with - actually, it was the undersheriff, Larry Waldie,
19 and then by the media, all within about 20 minutes.

21 CHAIR LINDEN: Commissioner Lowenberg?

22 COMMISSIONER LOWENBERG: Well, I was chair during that
23 period of time. And I personally think we handled it
24 appropriately.

25 But that being said, I think anytime a commissioner

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1 has an issue that he would like addressed, I would hate to
2 think that we, as the majority of the Commission, would
3 have a chilling effect on that person's ability to bring an
4 issue forward. So if Commissioner Hayhurst was to make a
5 motion and it was to be seconded by Commissioner Perea, I
6 would vote for it. Because I think anytime there's a
7 concern by any commissioner to have an issue addressed, I
8 think we ought to address it.

9 And it kind of goes back to my discussion at the last
10 meeting that several people talked to me about, and that
11 was, we as individual commissioners should not be directing
12 POST staff work. And it needs to come to the full
13 commission. So this falls into the same category. If a
14 commissioner -- I don't care which commissioner it is --
15 has a concern about the way we process information or we do
16 our business, I think that commissioner has the right to
17 make a motion and have it voted on and determine if, in
18 fact, we should bring it back to another meeting.

19 CHAIR LINDEN: Commissioners, any other comments?

20 COMMISSIONER SOBEK: Just one comment with this. And
21 I understand, Floyd, completely, you know, we are on a
22 commission. But we have to remember, too, you're not
23 representing ALADS, I'm not representing PORAC, to an
24 extent. We're representing labor under the Penal Code.
25 And so our position is what's best for the whole state, you

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1 you know, all peace officers that are under the guidelines
2 of POST.

3 But I certainly understand the embarrassment that you
4 are a commissioner on POST and you didn't get the
5 information. I would be pretty upset with that, too.

6 I don't know what the remedy is. Because I don't want
7 us to get involved in -- you know, we talked about, Madam
8 Chair, that we are the end body of -- the things come to us
9 at the end, and we're going to decide at some point, if we
10 need to, that we have to take action.

11 CHAIR LINDEN: We are the appellate authority.

12 COMMISSIONER SOBEK: Yes, the appellate authority, and
13 if -- that's why you're the chief and I'm just the
14 sergeant.

15 COMMISSIONER LOWENBERG: Did you get that on the
16 record?

17 COMMISSIONER SOBEK: You know, if we start getting
18 involved in these things too prematurely, then it could
19 cause some problems within the Commission. And that's
20 where I have a problem with that. But I certainly
21 understand what you're saying, I agree with that. But we
22 have to understand why we're here, why we were appointed,
23 who we represent. And, you know, I don't think that we
24 need to go in there as commissioners if the president of
25 PORAC has a problem with me, or with the Commission. You

1 know, if it affects labor or if it affects the state as a
2 whole, then I look at it and, you know, I have my opinion.

3 But I think that's where it lays. And then we come to the
4 full commission and decide what we're going to do. And I
5 just wanted to make that comment.

6 COMMISSIONER HAYHURST: I'll come full circle and get
7 with it. It has nothing to do with the staff and the
8 Executive Director's authority. It wasn't to try to
9 circumvent it to get involved. It was just the
10 notification, I think it was a little lacking personally.
11 But like I said before, if they are trying to work with
12 POST staff and to get the deficiencies corrected, I would
13 never want to hear about it.

14 But I have been fortunate enough -- or unfortunate,
15 however you want to say it -- to see some of the
16 correspondence between POST staff and the executives in our
17 department. And I would not really call that compliant or
18 cooperative, some of the letters. They were pretty nasty.

19 Very unprofessional on behalf of my department and
20 actually quite embarrassing, if you want to know the truth.

21 It was beyond belief the way that some representatives
22 from my department would ever address Mr. Cappitelli and
23 his staff. I was totally embarrassed with it. So that's
24 what I didn't want to get hit with, and that's kind of like
25 what I did. So that's where I'm at with this still. So I

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1 where I'm at with this still. So I appreciate your time.

2 CHAIR LINDEN: Commissioner Batts, did you have a
3 comment?

4 COMMISSIONER BATTIS: I'll defer.

5 CHAIR LINDEN: Commissioner Himelstein?

6 COMMISSIONER HIMELSTEIN: Just so I understand
7 clearly, I think what you're saying -- I think what I'm
8 hearing is that your interest is in having the Commission
9 define some criteria as to when information like this is
10 passed on to the Commission as a whole; correct?

11 COMMISSIONER HAYHURST: That is correct, sir.

12 COMMISSIONER MCGINNESS: How is it that it got to the
13 media before it got out to -- because as I understand, it's
14 a work-in-progress dealing with that particular training
15 academy. And my concern is if you get it -- if there are
16 issues that need to be resolved, that can best happen with
17 the flow of communication, and not pull the big, red handle
18 just because things need to be adjusted. If that's going
19 to take place and it's going to go public, I think you
20 minimize the likelihood of effective communication and
21 repairing problems at the lowest level. That's my concern.

22
23 Was there a leak that got it out to the media or was
24 it disseminated publicly? If that's the case, then I
25 think -

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1 COMMISSIONER HAYHURST: I don't know if POST -- did
2 you guys do a press release?

3 MR. CAPPITELLI: I would submit to you that the
4 information came to you as a commissioner and all the other
5 commissioners prior to the media.

6 COMMISSIONER HAYHURST: Yes, it did.

7 MR. CAPPITELLI: Yes, it did. And so the sequence of
8 events that you're describing, the reason that they're that
9 same day or whatever, is because it was pushed out to the
10 commissioners by way of e-mail as an informational item,
11 simultaneously as it went to the agency head and
12 simultaneously as there was an announcement that the agency
13 head was going to voluntarily not move forward with their
14 academy operations pending further review.

15 So there was no leak, from our perspective. There was
16 publicity that came as a result of it, because once the
17 notification was made, and then we also had a
18 public-records request --

19 CHAIR LINDEN: That's the key.

20 MR. CAPPITELLI: -- from the Los Angeles Times, which
21 as an ancillary matter, we also have a public-records
22 request from two days ago that we're currently compiling
23 the data for from the Los Angeles Times for BCCR and audit
24 reports from other sheriff's departments within Southern
25 California and the state of California. And that is a

1 California. And that is a matter of public record.

2 And so this really speaks to the fact that if you
3 provide an opportunity for there to be more controversy or
4 more question about the operations with any academies and
5 police departments and sheriff's departments, publicize
6 them during the process, where you're trying to work to get
7 them in compliance, then you will see a greater interest
8 from the public and the media with respect to all of the
9 elements of day-to-day operations of police departments and
10 academies. So that's why it came around at the same time.

12 CHAIR LINDEN: Commissioner Batts?

13 COMMISSIONER BATTIS: Two things. The first one, I
14 think what Commissioner Hayhurst is saying, and maybe a
15 compromise to it, is that he wanted information earlier.

16 I think there's a need for Commissioners as a whole to
17 find out information, but if there's another commissioner
18 that has a greater sensitivity because they may be
19 connected.

20 Once the Chair is notified, perhaps the Chair could
21 identify that need and make that phone call, in this case
22 to Commissioner Hayhurst, earlier than the other
23 commissioners need to know, and that may solve that
24 problem. And I think that's the issue. He didn't know and
25 got caught off-guard.

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1 The other thing is, is there a way for us to find out
2 what PRA's are coming from to POST? Maybe not to send that
3 out to everybody that has it, but push it out through
4 e-mails, so we are aware of issues that may be popping up
5 in the news also so we don't get impacted?

6 MR. CAPPITELLI: We can, but we receive a number of
7 them on a daily basis.

8 COMMISSIONER BATTS: So do I, so I understand.

9 MR. CAPPITELLI: So I'd be glad to do whatever you'd
10 like. But what we try to do now, Commissioner, is when
11 there is a request that comes that we think might be --
12 where it becomes obvious -- not obvious, but where we
13 believe our sense is going to be that it's going to impact
14 a particular area -- in this case, if the Los Angeles Times
15 is requesting a public records request on academies in the
16 general area after a recent one from the Los Angeles
17 Sheriff's Department, then that is something that you would
18 want to know.

19 COMMISSIONER BATTS: I appreciate it.

20 COMMISSIONER HAYHURST: That's what I'm looking for,
21 Commissioner.

22 CHAIR LINDEN: So the issue before -- there's no
23 formal motion on the floor, but were a motion to be made,
24 it sounded like it would be to bring this issue back to the
25 Commission, you know, to consider developing guidelines

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1 guidelines around commissioner notification about this
2 issue. We can't do anything on those guidelines today.

3 COMMISSIONER SMITH: I think there was a motion;
4 right, and a second?

5 CHAIR LINDEN: Well, no. What it --

6 COMMISSIONER HAYHURST: I'll modify my motion to
7 exactly what you said, Madam Chair.

8 MR. CAPPITELLI: A question or clarification. Is this
9 just with respect to basic course certification reviews, or
10 is this with respect to all agency, potential
11 non-compliance of POST issues?

12 CHAIR LINDEN: A much bigger issue.

13 MR. CAPPITELLI: I just want a clarification.

14 COMMISSIONER HAYHURST: I would say it should be for
15 all, because there's chiefs and sheriffs in here that those
16 issues might be very important to them.

17 CHAIR LINDEN: And our current process is that it's
18 considered on a case-by-case basis between the Executive
19 Director and the Chair of the Commission to determine when
20 the entire Commission should be notified on these issues.

22 The motion would, in essence, bring that process back
23 to the Commission to consider changing that process.

24 Is that consistent --

25 COMMISSIONER HAYHURST: Or at least clarifying, giving

1 giving them a little more direction on when we would like
2 to be notified.

3 CHAIR LINDEN: Okay.

4 COMMISSIONER LUNDGREN: I think the question here --
5 and correct me if I'm wrong -- I think the initial motion
6 was to place this on agenda for the next meeting. And then
7 from that, we got in -- through discussion, we got into a
8 lengthy discussion.

9 I think that the original motion would be beneficial
10 for us to think about it, come up with some ideas, and then
11 be able to vet this at the next meeting.

12 MR. CAPPITELLI: Madam Chair, I understand that. What
13 I'm trying to do is get clarification on what it is that
14 you would like us to clarify, whether it's regarding
15 specifically this, is it all notifications, is it all
16 issues, is it academies? I'm just trying to find out so
17 that we can do that staff work because I'm not clear right
18 now.

19 CHAIR LINDEN: Yes, I think that is the motion, was to
20 agendize it for discussion or future meeting. But staff
21 needs to bring us something to discuss. So presumably,
22 they would bring us a report on how are these situations
23 currently dealt with, what are perhaps some options for us
24 to consider.

25 And I think the clarification question was, are we

1 just talking about when there's significant deficiencies
2 for academies that are perceived as uncooperative; or what
3 if the deficiency is with a particular agency in their
4 compliance with POST regulations. How far do we want --
5 what's the scope of the discussion.

6 And so the motion-maker has asked that the scope of
7 that discussion extend to serious deficiencies with any of
8 the agencies that POST regulates.

9 COMMISSIONER LUNDGREN: Was that seconded?

10 CHAIR LINDEN: Yes. So that is the motion on the
11 floor.

12 Any further discussion on the motion?

13 COMMISSIONER DOYLE: Well, not to belabor this, but
14 I'm under the assumption, maybe a false assumption, that
15 these are the kinds of things that we delegate to staff.
16 So is this motion to reexamine what we delegate? I mean,
17 if we're going to reexamine what we're going to tell each
18 person, I mean, all of us might have different interests.
19 So I guess we'll just wait for the -- I mean, I --

20 CHAIR LINDEN: I think it's to reexamine at what point
21 the Commission or Commissioners are notified when these
22 things are going on.

23 COMMISSIONER DOYLE: That's what I needed to know.

24 CHAIR LINDEN: It's notification procedures about
25 these.

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1 COMMISSIONER BATTIS: Can I submit more blunt force
2 trauma to this equine here?

3 I think I tried to submit a compromise, because I
4 think what Commissioner Hayhurst was saying is when you
5 have a specific sensitivity to an issue, that a person or
6 any commissioner gets a call early. And he said that hit
7 the target. So that may solve the problem, and so we don't
8 have to have a motion and recalendar; is that if the Chair
9 gets notified of something, and one of us, being me of the
10 Long Beach Police Department, that that may hit me, then
11 let's get a call early so that person knows. And I think
12 that will solve the problem.

13 Does that make any sense or -

14 COMMISSIONER CAMPBELL: Perfect.

15 COMMISSIONER BATTIS: Does that make sense?

16 COMMISSIONER HAYHURST: It's not that easy.

17 COMMISSIONER BATTIS: Oh, okay, well, I'm sorry.

18 CHAIR LINDEN: It does make sense, yes. And it will
19 be up to --

20 COMMISSIONER HAYHURST: We'll discuss it later then.

21 COMMISSIONER LOWENBERG: I mean, would you want a call
22 from Sheriff Baca that you released the information early
23 to one of his lieutenants, who's a senior member of an
24 association? Why did you notify him and you didn't notify
25 the other commissioners?

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1 You don't have to answer that, Tony.

2 COMMISSIONER BATTIS: I guess just for dialogue -- and
3 if I'm out of order, I'm sorry, please correct me -- what
4 it is, our chair -- in this case, it was you -- you were
5 notified, the sheriff has been notified. And then I guess
6 if a commissioner has that sensitivity, you maybe connected
7 that, then you make a call to that commissioner, too, after
8 the department head, and let the department head know that
9 you're making that phone call because that is a
10 commissioner. That's what I'm thinking.

12 CHAIR LINDEN: I guess -

13 COMMISSIONER BATTIS: That may be a problem. I'm
14 sorry, Ron, your body language is telling me that's not a
15 good idea.

16 CHAIR LINDEN: Well, I guess as current chair that
17 would have to deal with that, I really do subscribe to the
18 idea that if one commissioner is notified about an official
19 action, all commissioners need to be notified about the
20 official action, I mean, just out of the sense -- and there
21 may be -- you know, in this case it's clear that
22 Commissioner Hayhurst was very connected to this; but there
23 may be other commissioners that have other connections, and
24 how far does that go.

25 And I'm not sure I want that monkey on my back, you

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1 know, frankly, to be blunt, for the minutes.

2 So we do have a motion and a second.

3 COMMISSIONER DUMANIS: I'm calling the question.

4 CHAIR LINDEN: We have a call for the question.

5 So the motion is to agendize this.

6 MR. CAPPITELLI: Madam Chair, I'm sorry, I hate to
7 keep going back, but as we walk away, I will be unclear as
8 to what you want staff to bring back because we've kind of
9 gone all over the page here.

10 COMMISSIONER HAYHURST: Let me try what I'd like to
11 see.

12 MR. CAPPITELLI: Okay.

13 COMMISSIONER HAYHURST: Have staff and yourself
14 research what the actual policy is on it; and if there
15 could be something done for notification on a case-by-case
16 basis, if it is something that might be of concern to one
17 or all of the commissioners, they be notified just for
18 information.

19 Did I give you some direction there?

20 MR. CAPPITELLI: I still am unclear as to whether it's
21 for all issues relative to what we do or just the BCCR?

23 CHAIR LINDEN: Commissioner Himelstein?

24 COMMISSIONER HIMELSTEIN: I'm going with Commissioner
25 Lundgren here. I personally can't support something that

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1 something that talks about just bringing this back for an
2 agenda item.

3 Commissioner Hayhurst, I'm generally supportive of
4 that. But when you -

5 COMMISSIONER DUMANIS: Open it up.

6 COMMISSIONER HIMELSTEIN: -- start getting it into
7 more of the specifics, that's where I'd have some problems.

8
9 So I think it's fine being agendized, it's fine
10 bringing back what the policy is now. All of us, in our
11 own minds, can think about what it is we'd like to see,
12 that's the purpose of the discussion.

13 COMMISSIONER MCGINNESS: Would it be too simple to
14 suggest that staff create a proposed plan for timely
15 communication for commissioners on sensitive issues?

16 COMMISSIONER HAYHURST: I've got another way we can go.
17 Why don't you take the policy, as it exists today, for us
18 to take a look at?

19 MR. CAPPITELLI: That, I would understand, sir. Then
20 I know what to bring back.

21 CHAIR LINDEN: So we have an amended motion on the
22 floor for staff to present the existing notification policy
23 regarding these issues.

24 Do we have an amended second?

25 COMMISSIONER PEREA: Yes.

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1 CHAIR LINDEN: Seconded by Commissioner Perea.

2 All those in favor -

3 COMMISSIONER HAYHURST: Wait, wait.

4 MR. CAPPITELLI: Now I know what to bring back,

5 Commissioners. Before, I did not know what to bring back.

6 Now, I know what to bring back.

7 CHAIR LINDEN: All those in favor, please say "aye."

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

9 CHAIR LINDEN: Any opposed?

10 COMMISSIONER DOYLE: Opposed.

11 CHAIR LINDEN: Any abstentions?

12 Who's opposed?

13 Commissioner Doyle?

14 COMMISSIONER DOYLE: Yes.

15 CHAIR LINDEN: Okay, there is opposition.

16 And Commissioner Smith opposed, or no?

17 COMMISSIONER SMITH: No, I voted on it.

18 CHAIR LINDEN: Okay. So Commissioner Doyle is

19 opposed.

20 *(Commissioner Perea left the meeting room*

21 *for the day.)*

22 CHAIR LINDEN: Thank you.

23 You have your future dates of meetings on the agenda.

24

25 Any other issues for the good of the order?

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(No response)

CHAIR LINDEN: Thank you. We are adjourned.

Travel safely.

(The gavel was sounded.)

(The meeting concluded at 12:57 p.m.)

--oOo--

REPORTER'S CERTIFICATE

I hereby certify that the foregoing proceedings were duly reported by me at the time and place herein specified;

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 September 3, 2008.

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