STATE OF CALIFORNIA
COMMISSION ON
PEACE OFFICERS STANDARDS AND TRAINING

POST COMMISSION MEETING

TIME: 10:00 a.m.

DATE: Thursday, July 23, 2009

PLACE: Courtyard Marriott Hotel
1782 Tribute Road
Sacramento, California

REPORTER'S TRANSCRIPT OF PROCEEDINGS

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A P P E A R A N C E S

COMMISSIONERS PRESENT

MICHAEL SOBEK
(Commission Chair)
San Leandro Police Department

ROBERT T. DOYLE
(Commission Vice-Chair)
Marin County Sheriff's Department

GEORGE ANDERSON
for JERRY BROWN
Attorney General's Office

ANTHONY BATTS
Long Beach Police Department

LAI LAI BUI
Special Investigations Division
Sacramento Police Department

COLLENE CAMPBELL
Memory of Victims Everywhere

DEBORAH LINDEN
City of San Luis Obispo

RONALD LOWENBERG
Golden West College Criminal Justice Training Center

JEFFREY LUNDGREN
Riverside County Sheriff's Department

JOHN McGINNESS
Sacramento County Sheriff's Department

HENRY PEREA
Fresno City Council

LAURIE SMITH
Santa Clara County Sheriff's Department

GIL VAN ATTENHOVEN
California Narcotic Officers' Association

A P P E A R A N C E S

POST ADVISORY COMMITTEE MEMBERS PRESENT

NICKI WOODS
(POST Advisory Committee Chair)
California Organization of Police and Sheriffs

BRENT NEWMAN
(POST Advisory Committee Vice-Chair)
California Highway Patrol

ALEX BERNARD
Public Member

JIM BOCK
California Specialized Law Enforcement

ED BONNER
California State Sheriffs' Association

MARIO A. CASAS
California Coalition of Law Enforcement Associations

JOE FLANNAGAN
Peace Officers' Research Association of California

RICHARD LINDSTROM
California Academy Directors Association

LAURA LORMAN
Women Peace Officers' Association of California

JEFF MILLER
California Police Chiefs' Association

TIM WILLMORE
California Association of Police Training Officers

A P P E A R A N C E S

POST STAFF PRESENT

PAUL CAPPITELLI
Executive Director
Executive Office

CATHERINE BACON
Training Program Services Bureau

MARIE BOUVIA
Executive Secretary
Executive Office

JAN BULLARD
Training Delivery and Compliance Bureau

RON CROOK
Director, Television Communications Center
Specialist, Training Program Services Bureau

ALAN DEAL
Assistant Executive Director
Standards and Development Division

FRANK DECKER
Bureau Chief
Basic Training Bureau

MICHAEL DiMICELI
Assistant Executive Director
Field Services Division

JOHN DINEEN
Bureau Chief
Center for Leadership Development

RICHARD DUNN
Training Program Services Bureau

KELLI DUGRANRUT
Basic Training Services Bureau

BRYON GUSTAFSON
Training Program Services Bureau

A P P E A R A N C E S

POST STAFF PRESENT
Continued

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

MARYANN PALMER
Management Counseling Services Bureau

EDMUND PECINOVSKY
Bureau Chief
Training Delivery and Compliance Services Bureau

DICK REED
Assistant Executive Director
Administrative Services Division

VINCENT SCALLY
Legal Counsel

DAVE SPISAK
Bureau Chief
Information Services Bureau

BOB STRESAK
Bureau Chief/Legislative Liaison
Executive Office

KENNETH WHITMAN
Special Consultant
Executive Office

A P P E A R A N C E S

AUDIENCE MEMBERS PRESENT

ROLFE APPEL
Yuba College

RAMON BARBOA
California Emergency Management Agency

RICHARD CLARK
Executive Director, Nevada POST Commission
Second Vice President, IADLEST

MIKE DURANT
Vice President
Peace Officers' Research Association of California

LISA ELLIOTT
San Diego Regional Training Center

JACKYE MCCLURE
San José State University

DAN MERKLE
CEO
Lexipol

MATTHEW RAMEY
California Emergency Medical Services Authority

DAN SMILEY
Chief Deputy Director
California Emergency Medical Services Authority

SAM SPIEGEL
Chief
Folsom Police Department

JOE STILINOVICH
Long Beach Police Department

RICK SULLIVAN
Chief
Isleton Police Department

A P P E A R A N C E S

AUDIENCE MEMBERS PRESENT
continued

MICHELLE THOMPSON
San Diego Regional Training Center

KEVIN TRUTNA
Vice President
Yuba College

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Thursday, July 23, 2009, 10:03 a.m.

Sacramento, California

CHAIR SOBEK: Welcome, everybody. I'm going to call this meeting to order.

(Gavel sounded)

CHAIR SOBEK: I'm Michael Sobek from the San Leandro Police Department. This is my first meeting as chair, as most of you know, so…

(Applause)

CHAIR SOBEK: I'd like to start with welcoming the Folsom Police Department Honor Guard to present the colors.

If we could all stand for the presentation of the colors.

(The Color Guard presented the flag.)

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

(The Pledge of Allegiance was recited.)

CHAIR SOBEK: Please join me in a moment of silence for all the service men and women who have been killed in the line of the duty and peace officers throughout this country who have been killed in the line of duty.

(Observance of Moment of Silence)

CHAIR SOBEK: Thank you.

(The Color Guard exited the room.)

CHAIR SOBEK: I'd like to acknowledge Commissioner Deborah Linden who has a comment on a fellow officer who has passed away.

COMMISSIONER LINDEN: Thank you, Mr. Chair. I'd like to acknowledge, after our moment of silence, former Seal Beach Police Chief Bill Stearns, who was near and dear to many of us in this room. Bill was the driving coordinator, EVOC coordinator for the Allan Hancock Law Enforcement Academy in Santa Maria. He was a former chief of police of Seal Beach, and he was a leading expert throughout the state in peace-officer driver training which, as our commission certainly knows, is a primary focus of some of our work that's going on right now.

Bill passed away in June of this year, just about a month ago, from esophageal cancer. He had just been diagnosed about three months prior to his death. And certainly it is a significant loss to our training programs, and certainly to our driver-training programs. So I just wanted to acknowledge him during this meeting.

Thank you.

CHAIR SOBEK: Thank you very much.

I'd like to thank the Folsom Honor Guard for their presentation of the flag today. So let's give them a

hand.

(Applause)

CHAIR SOBEK: Please be seated.

To my left, I'd like to introduce Nicki Woods, who is our Advisory Committee chair; and Vince Scally, who is our legal advisor from the Attorney General's office; and Paul Cappitelli, our executive director.

Before I start, I wanted to say a few words, especially I want to say "*thank you*" to Commissioner Deborah Linden for her leadership and support over this past year. She did a great job. I think we all agree on that. So let's give Deborah a hand.

(Applause)

CHAIR SOBEK: And to my fellow commissioners, I think you're all crazy, putting me up here; but I thank you for your support over this next year.

Let's start with Audience Introductions.

If we could start to the left, in the first row.

MR. LINDSTROM: Richard Lindstrom. I'm on the Advisory Committee and representing the California Academy Directors' Association.

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

MR. BONNER: Placer County Sheriff Ed Bonner, representing the California State Sheriffs, on the

Advisory Committee.

MR. CASAS: Advisory Committee Member Mario Casas, representing CCLEA.

MR. BOCK: Jim Bock, Advisory Committee, representing Specialized Law Enforcement.

MR. BERNARD: Alex Bernard, POST Advisory Committee, public member.

MS. LORMAN: Laura Lorman, on the POST Advisory Committee, and representing the Women's Peace Officers Association of California.

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

MR. WILLMORE: Tim Willmore, Advisory Committee, representing CAPTO.

MR. BARBOA: Ramon Barboa from the California Emergency Management Agency.

MS. MCCLURE: Hello, I'm Jackye McClure from San José State University, Administration of Justice.

MS. THOMPSON: Michelle Thompson, San Diego Regional Training Center.

MR. DURANT: Mike Durant, vice president of PORAC. And we're very proud of Mike Sobek today.

CHAIR SOBEK: Thanks, Mike.

MR. DECKER: Frank Decker, POST staff.

MR. CLARK: Dick Clark, executive director, Nevada

POST Commission, and also the second vice president of IADLEST.

And I want to thank you for the invitation to help celebrate your 50th. And we want to congratulate you, and we're really glad to be part of it.

I also just wanted to say that I was lucky enough to be one of the people who got a California POST certificate in 1965. So it's got a low number as well. So we're glad to be here. This is my first opportunity to actually sit in on a California POST Commission meeting. So thank you very much, and congratulations.

CHAIR SOBEK: Welcome to California.

MR. CAPPITELLI: Thank you for being here, Dick.

MR. CLARK: Thank you.

MR. REED: Dick Reed, POST staff.

MS. GRAMMAR: Kelly Grammar, POST staff.

MS. PALMER: Mary Ann Palmer, POST staff.

MR. PECINOVSKY: Ed Pecinovsky, POST staff.

MR. DEAL: Alan Deal, POST staff.

MR. LIDDICOAT: Tom Liddicoat, POST staff.

MR. KRUEGER: Ken Krueger, POST staff.

MR. WHITMAN: Ken Whitman, POST staff.

MS. DINEEN: John Dineen, POST staff.

MR. GUSTAFSON: Bryon Gustafson, POST staff.

MR. SPISAK: Dave Spisak, POST Training Delivery.

And I also got my certificate in 1965. I didn't think about the number. I'll have to look at it now.

MR. HOOPER: Mike Hooper, POST staff.

And good seeing you again today.

MR. DUNN: Chris Dunn, POST staff.

MR. MERKLE: Dan Merkle, CEO of Lexipol.

MR. APPEL: Rolfe Appel from Yuba College.

MR. TRUTNA: Kevin Trutna, vice president, from Yuba College.

MR. STILINOVICH: Joe Stilinovich, Long Beach PD.

MR. SMILEY: Dan Smiley, chief deputy director, California Emergency Medical Services Authority.

MR. RAMEY: Matt Ramey, EMS Authority.

MS. BACON: Catherine Bacon, POST staff.

MS. BULLARD: Jan Bullard, POST staff.

CHIEF SULLIVAN: Rick Sullivan, Chief of the Isleton Police Department.

MR. DiMICELI: Mike DiMiceli, POST staff.

MR. STRESAK: Bob Stresak, POST staff.

And Dick was my PT instructor in the academy. You still scare me.

MR. NEWMAN: Brent Newman, Advisory Committee, CHP.

MS. BOUVIA: Marie Bouvia, POST staff.

CHAIR SOBEK: Welcome, all.

One more thing we have to do is the roll call of

commissioners.

Karen?

MS. HIGHTOWER: Sobek?

CHAIR SOBEK: Here.

MS. HIGHTOWER: Batts?

COMMISSIONER BATTS: Here.

MS. HIGHTOWER: Bui?

COMMISSIONER BUI: Here.

MS. HIGHTOWER: Campbell?

COMMISSIONER CAMPBELL: Here.

MS. HIGHTOWER: Doyle?

VICE-CHAIR DOYLE: Here.

MS. HIGHTOWER: Dumanis?

(No response)

MS. HIGHTOWER: Hayhurst?

COMMISSIONER HAYHURST: Here.

MS. HIGHTOWER: Linden?

COMMISSIONER LINDEN: Here.

MS. HIGHTOWER: Lowenberg?

COMMISSIONER LOWENBERG: Here.

MS. HIGHTOWER: Lundgren?

COMMISSIONER LUNDGREN: Here.

MS. HIGHTOWER: McGinness?

COMMISSIONER McGINNESS: Here.

MS. HIGHTOWER: Perea?

COMMISSIONER PEREA: Here.

MS. HIGHTOWER: Smith?

COMMISSIONER SMITH: Here.

MS. HIGHTOWER: Van Attenhoven?

COMMISSIONER VAN ATTENHOVEN: Here.

MS. HIGHTOWER: Anderson?

COMMISSIONER ANDERSON: Here.

COMMISSIONER McGINNESS: We have a quorum.

CHAIR SOBEK: Great. Thank you.

I'd like to welcome the Chief of Police of the Folsom Police Department, Chief Sam Spiegel.

And I don't know if it's a coincidence or not, but the Folsom Police Department is the first law enforcement agency in POST in 1960. So, apropos for today.

But welcome, Chief. I know you have a few words for us.

CHIEF SPIEGEL: Thank you, Mr. Chair. And I'm sure it was not a coincidence, knowing your executive director. I'm sure it was orchestrated from the beginning with his vast knowledge of the history of everybody's department in the state.

It is an honor to address you this morning, and I'd like to welcome you to the, we'll say, the Greater Folsom Region of the Sacramento area.

You know, it's close to Folsom, also referred to by

some as the "local cop ghetto." And adding more by the day, as I understand.

On this 50th anniversary, it's great to welcome you here. And for those of you that were here last night, I hope you enjoyed your stay.

I want to particularly acknowledge not only the work of the Commission but, in particular, the POST Advisory Committee, having served on it for over six years, and knowing the volume of work that they do in an effort to support the Commission. I think it's often not as acknowledged as it should be. So this is my one pitch and opportunity to do that without being self-serving. So to them, I thank them for all of their work.

There's a whole lot to be proud of this 50th anniversary. Obviously, all of the accomplishments of POST. And last night, I got to experience a chaining of the history, which I thought was very unique.

I would like to add a couple thoughts or comments from my perspective with last night's presentation, and that is that POST has always set itself apart from all of the other training organizations throughout the nation and their ability to be visionary. And in doing so, I recalled Hal Snow last night, talking about the strategic plan. And I remember being very much a part of those strategic planning sessions. And while I know

there's an action item on your agenda today that the Commission will take a look at, I can't stress enough how important it is for this organization in the direction of law enforcement to stay visionary and to keep the parameters open to where we're not bound by certain limitations or paradigms that we think in today, always with our eye on the future, of what can be and should be for law enforcement.

The saying that the "Future is now" couldn't be more appropriate in these tough fiscal times. In the creativity of the collective thought of law enforcement agencies, POST staff and tutelage will certainly carry us into the future to ensure professionalism and the quality of training that's provided to the top cops in the nation. These are the cops that everybody looks to. We're the ones that set the pace for the nation. And with POST's guiding hand for standards, we'll continue to do that. I welcome you to the Sacramento region.

CHAIR SOBEK: Thank you, Chief.

(Applause)

CHAIR SOBEK: I, too, want to commend POST staff, especially on behalf of the commissioners, the POST 50th Anniversary Committee for an excellent, excellent celebration last night. I know they worked tirelessly on the whole project. And Dick Reed and his staff did a

great job. So let's give them a hand.

(Applause)

COMMISSIONER LINDEN: Mr. Chair, if I might.

CHAIR SOBEK: Yes.

COMMISSIONER LINDEN: I think this might be an apropos time to acknowledge the work on these wonderful posters that were produced by POST staff. And I paid a nice sum to COPS last night for one that -- the poster that has me as chair. And I do believe that there's a new signed poster with Mr. Sobek as chair that was also signed by the Attorney General. So I think it only appropriate that, you know, perhaps our new chair would like to make a donation to COPS for the signed poster as well.

(Applause)

CHAIR SOBEK: Would that be a motion?

COMMISSIONER LINDEN: I will make that a motion.

CHAIR SOBEK: On the record, I will make the same amount that she paid for hers. How's that?

COMMISSIONER LINDEN: Six-hundred-some-odd dollars, wasn't it? That's my recollection. Yes, absolutely.

MR. CAPPITELLI: There you go. And I will match that amount.

COMMISSIONER LINDEN: Thank you.

MR. CAPPITELLI: There you go.

COMMISSIONER LINDEN: Wow. Well, yes, since you were the shill who bid me up, I think it's only appropriate.

CHAIR SOBEK: That's an excellent idea.

COMMISSIONER LINDEN: Thank you.

CHAIR SOBEK: Okay, under Public Comment, I'm going to read something to you.

This is the time in the agenda for Public Comment. This is the time set aside for members of the public to comment on either items of the Commission agenda or issues not on the agenda pertaining to POST Commission business.

Members of the public who wish to speak are asked to limit their remarks, and please be advised that the Commission cannot take action on items not on the agenda.

In consideration of those persons who are present to speak on agenda Item P, the appeal of Lexipol, comments on that issue will be accepted at this time.

Following comments on Item P, other public comments will be received. Each public speaker is asked to state their name, agency, affiliation, and the issue to which the comments are directed.

So does anybody have any comments?

You can come up to the table, please.

MR. CAPPITELLI: Come up to the table, Chief.

CHIEF SULLIVAN: Yes, my name is Richard Sullivan. I'm the newly appointed chief of police of the City of Isleton. Obviously, we have something on the agenda, like, two pages. Pages 10 and 11, to be exact.

I've addressed this body maybe a year and a half ago in San Diego, maybe some of you recall, prior to me being chief.

My purpose at that time was to bring -- to do all the background investigations for the City of Isleton, at the direction of the Grand Jury, and to bring everybody up to speed so we could be readmitted to POST.

After a year of work, I've accomplished that and then I left the department. Well, I still remained as a reserve, but I left the department. And while I was away, I guess things went back to business as usual. In other words, we got everything up to speed; and then after I left, they started bringing people on without properly doing the backgrounds as well as they should. And so we were, once again, suspended. I found out about this not too long ago myself.

However, I think I've -- well, I know I've remedied the problem. Basically, those issues have been addressed, and that's all been taken care of prior to me becoming chief. However, it's very important to me, it's always been my pet project that we be a member of POST

and stay in POST. And it's very important, obviously, to our organization.

Obviously, I personally know how important it is for us to maintain those standards and develop our credibility as a police department, which has been lacking for a lot of years. And so I'm in the process of trying to polish up that image, and let everybody know that we wish to be -- you know, that we're working towards that goal.

Now, of the three different options that are in the agenda, they talk about: Option Number 1 is, you don't let us into POST. Option Number 2 is that we do comply with all the requirements of POST and do what we can to do that which we are doing; and in light of that, you would be looking at our background investigations, maybe up to a two-year period, to make sure -- prior to us appointing anybody, making sure that, you know, everything meets requirements as far as the background process. I have no problem with that. I didn't have a problem with it before, when I agreed to it. And I did pass that on to the previous chief, and I don't know what happened after that. But I do know that the solution to the situation is that the Madera Group International, which they do background investigations for like 70 police agencies in Northern California, including

Woodland, Lincoln, Galt, Elk Grove. They're very well respected. I know the owner of the company personally. He's a retired highway patrol officer on a disability. A real sharp group.

My plan is, I've already got an agreement with the city manager to add to our budget at least $5,000 a year for having our backgrounds done on the outside, by an outside independent group such as the Madera Group International, and not doing anymore in-house background investigations. And based on their reputation and the fact that I would feel very comfortable with them doing our backgrounds from this point on, I think that will remedy the problem completely.

Therefore, the third option would be: No restrictions and reinstated to POST August 1st. That's my goal. I think we'll meet that and exceed that.

I'm already getting positive feedback from the community about the change of posture by the officers; you know, setting this -- what I expect them to do and what I won't tolerate, and that kind of thing. And we're already receiving positive feedback from that, as far as setting the tone for this department. And that will continue.

And I do have a good group of officers that just need some guidance and maybe a little bit of retraining,

or what I call "CHP 101." You know, kind of having people leave with that warm and fuzzy feeling even after an encounter, whether it's a ticket or an arrest or what-not. Treating people with some dignity and respect, and that kind of thing. It goes a long way. So those kinds of things are in place with the department.

I have a different philosophy on things. I'm more of a person that likes to look at the spirit of the law and not necessarily the letter of the law. However, the letter of the law can definitely be applied if necessary and appropriate.

So based on that, I'll just limit that and just say that there's a new guy in town that's going to do the right thing. And that, I'll give you the promise from myself to you.

Thank you for your time.

CHAIR SOBEK: Thank you.

COMMISSIONER LINDEN: Chief, before you leave, our report indicates that you are interim.

Are you now permanent?

CHIEF SULLIVAN: Yes. I was sworn in yesterday, officially.

COMMISSIONER LINDEN: Thank you, and congratulations.

CHAIR SOBEK: Thank you, Chief.

CHIEF SULLIVAN: Thank you.

CHAIR SOBEK: Any other comment?

MR. SMILEY: Good morning. I'm Dan Smiley. I'm the chief deputy director for the State of California Emergency Medical Services Authority. And later today, you're going to have on your agenda Item G, which is approval of the tactical medicine guidelines and regulations, and associated regulations. And I just wanted to let you know that the California Emergency Medical Services Authority has been very pleased to be part of really an extraordinary collaborative effort over the last two years to create these tactical medicine guidelines.

You know, I think that what these guidelines do are build upon the 2005 SWAT guidelines that this Commission created. And, really, it outlined -- those guidelines outlined the need for tactical medicine programs, medical planning and threat assessment, and tactical EMS in the environment that we now live in.

Just as we would not send -- or just as we would send a medic along with a squad into a combat zone, these tactical medical standards really create a template for a unique partnership between EMS and law enforcement, something that I think is absolutely critical in this environment.

The collaboration that we've been working on for the last two years really has brought together law enforcement, EMS medical directors, EMS administrators, the fire chiefs, ambulance services, really across the state to create this consensus document.

And I think that, ultimately, it will be very protective and really create a standard of care for both officers, as well as situations that may occur as a result of special operations.

I want to just let you know, this is really the first of its kind nationally. And so I think we really have a lot to be proud of. The State of California has done a great job in bringing together this collaborative effort.

In today's asymmetric environment, we never know what's going to happen. We recognize that medics from both private companies as well as fire departments, as well as full-time law-enforcement officers are going to be called into a situation where they may need to provide medical care in a less than completely safe environment. These guidelines and the training standards that are created I think have that blend between the medical and the tactical that's really necessary to create a standard-of-care model that we can all be proud of.

Really, I think what I'm asking for today is your

Commission's positive approval, positive outlook on these tactical medicine guidelines, as I think that they really bring together, from a statewide perspective, the sort of care that we need in the law-enforcement special operations environment.

CHAIR SOBEK: Thank you.

Any questions?

(No response)

CHAIR SOBEK: Okay. Any other public comments?

(No response)

CHAIR SOBEK: I don't see any.

COMMISSIONER BATTS: Chair, just a question for clarification. On Public Comments, is there a time-line or time period that they have? Can people speak as long as they want, or is it three minutes, five minutes? Or is that clarified?

CHAIR SOBEK: We have it as no more than five minutes.

MR. CAPPITELLI: Commissioner, it's under the Public Comments section here.

COMMISSIONER BATTS: Thank you so very much.

MR. CAPPITELLI: Sorry, Commissioner.

CHAIR SOBEK: Approval of the minutes?

COMMISSIONER McGINNESS: So moved.

CHAIR SOBEK: I've got a motion by Commissioner

McGinness.

VICE-CHAIR DOYLE: Second.

CHAIR SOBEK: Second by Commissioner Doyle.

All in favor, say "aye."

(A chorus of "ayes" was heard.)

CHAIR SOBEK: Any opposed?

(No response)

CHAIR SOBEK: It passes.

COMMISSIONER HAYHURST: I'll abstain. I wasn't here the last meeting.

CHAIR SOBEK: Commissioner Hayhurst abstains.

And remember on motions, please state your name for our esteemed reporter.

Okay, on the Consent Calendar, are there any commissioners who want an item discussed by staff on the consent calendar?

(No response)

CHAIR SOBEK: Let's do this: Let's go with B.1, Course Certification/Decertification Report.

Do we need a staff report on this?

COMMISSIONER LINDEN: Mr. Chair, I'll move the consent calendar.

CHAIR SOBEK: Move the consent calendar?

I've got a motion by --

COMMISSIONER LINDEN: Linden.

COMMISSIONER PEREA: Second.

CHAIR SOBEK: Second by Perea to move the consent calendar.

All in favor, say "aye."

(A chorus of "ayes" was heard.)

CHAIR SOBEK: Any opposed?

(No response)

CHAIR SOBEK: The motion passes. Very good.

Basic training bureau. Is there any need for a staff report on the Basic Training Bureau? That is Item C.

VICE-CHAIR DOYLE: So moved. Doyle.

CHAIR SOBEK: We have a motion by Commissioner Doyle.

COMMISSIONER McGINNESS: Second. McGinness.

CHAIR SOBEK: Second by Commissioner McGinness.

All in favor, say "aye."

(A chorus of "ayes" was heard.)

CHAIR SOBEK: Any opposed?

(No response)

CHAIR SOBEK: Motion passes.

Under Item D, Executive Office. The Report on the Recommendation to Delay the Biennial Update of the POST Strategic Plan.

Do we need a staff report on this?

COMMISSIONER LOWENBERG: Move to approve. Lowenberg.

COMMISSIONER CAMPBELL: Second. Campbell.

CHAIR SOBEK: Motion by Commissioner Lowenberg, second by Commissioner Campbell.

All in favor, say "aye."

(A chorus of "ayes" was heard.)

CHAIR SOBEK: Any opposed?

(No response)

CHAIR SOBEK: Motion passes.

Item E is a roll-call vote. It's Authorize Use of AB 587 Terrorism Training Funds to Develop and Present Training for the Fiscal Year 2009-10.

Do we need a staff report on this?

(No response)

CHAIR SOBEK: Do I have a motion?

COMMISSIONER PEREA: Just a comment. The Finance Committee has had a chance to take a look at this; and we voted to support, to make a recommendation that the Commission support this unanimously.

CHAIR SOBEK: Thank you, Commissioner Perea.

Does that change anybody's need for a staff report?

(No response)

CHAIR SOBEK: Do I have a motion?

COMMISSIONER LINDEN: I'll move the staff

recommendation. Linden.

CHAIR SOBEK: Commissioner Linden has a motion.

Do I have a second?

COMMISSIONER: Second. Lundgren.

CHAIR SOBEK: I have a second.

All in favor, say "aye."

(A chorus of "ayes" was heard.)

COMMISSIONER LINDEN: This is roll call.

CHAIR SOBEK: Oh, I knew I'd do it. Already.

COMMISSIONER LINDEN: Yes, but it's out of the way.

CHAIR SOBEK: Unbelievable. I know it, and I said it right beforehand.

We need a roll-call vote.

MS. HIGHTOWER: Sobek?

CHAIR SOBEK: Yes.

MS. HIGHTOWER: Batts?

COMMISSIONER BATTS: Yes.

MS. HIGHTOWER: Bui?

COMMISSIONER BUI: Yes.

MS. HIGHTOWER: Campbell?

COMMISSIONER CAMPBELL: Yes.

MS. HIGHTOWER: Doyle?

VICE-CHAIR DOYLE: Yes.

MS. HIGHTOWER: Dumanis?

(No response)

MS. HIGHTOWER: Hayhurst?

COMMISSIONER HAYHURST: Yes.

MS. HIGHTOWER: Lowenberg?

COMMISSIONER LOWENBERG: Yes.

MS. HIGHTOWER: Linden?

COMMISSIONER LINDEN: Yes.

MS. HIGHTOWER: Lundgren?

COMMISSIONER LUNDGREN: Yes.

MS. HIGHTOWER: McGinness?

COMMISSIONER McGINNESS: Yes.

MS. HIGHTOWER: Perea?

COMMISSIONER PEREA: Yes.

MS. HIGHTOWER: Smith?

COMMISSIONER SMITH: Yes.

MS. HIGHTOWER: Van Attenhoven?

COMMISSIONER VAN ATTENHOVEN: I'll have to abstain since my office would receive funding from this.

MS. HIGHTOWER: Anderson?

COMMISSIONER ANDERSON: Abstain. The same reason.

MS. HIGHTOWER: Thank you.

CHAIR SOBEK: It passes. Okay. Good.

All right, here we go. Item F on the agenda is also a roll-call vote. I will tell you that in the beginning. Acceptance of Homeland Security Grant Funds and Approval of Contracts for Training and Equipment.

Do we need a staff report for this?

(No response)

COMMISSIONER SMITH: So moved, Smith.

CHAIR SOBEK: We need a second on that.

COMMISSIONER PEREA: I'll second, and just also mention that the Finance Committee also took a look at this, and make the same recommendation by unanimous vote.

CHAIR SOBEK: Okay, it's a roll-call vote.

MS. HIGHTOWER: Sobek?

CHAIR SOBEK: Yes.

MS. HIGHTOWER: Batts?

COMMISSIONER BATTS: Yes.

MS. HIGHTOWER: Bui?

COMMISSIONER BUI: Yes.

MS. HIGHTOWER: Campbell?

COMMISSIONER CAMPBELL: Yes.

MS. HIGHTOWER: Doyle?

VICE-CHAIR DOYLE: Yes.

MS. HIGHTOWER: Dumanis?

(No response)

MS. HIGHTOWER: Hayhurst?

COMMISSIONER HAYHURST: Yes.

MS. HIGHTOWER: Linden?

COMMISSIONER LINDEN: Yes.

MS. HIGHTOWER: Lowenberg?

COMMISSIONER LOWENBERG: Yes.

MS. HIGHTOWER: Lundgren?

COMMISSIONER LUNDGREN: Yes.

MS. HIGHTOWER: McGinness?

COMMISSIONER McGINNESS: Yes.

MS. HIGHTOWER: Perea?

COMMISSIONER PEREA: Yes.

MS. HIGHTOWER: Smith?

COMMISSIONER SMITH: Yes.

MS. HIGHTOWER: Van Attenhoven?

COMMISSIONER VAN ATTENHOVEN: Yes.

MS. HIGHTOWER: Anderson?

COMMISSIONER ANDERSON: Yes.

MS. HIGHTOWER: Thank you.

CHAIR SOBEK: The motion passes.

Item G is Approval of Tactical Medicine Guidelines and Modification of Regulation 1084.

Do I have a motion -- do we need a staff report for this?

COMMISSIONER LINDEN: I would like a staff report.

CHAIR SOBEK: Commissioner Linden.

Mr. DiMiceli, thank you.

MR. DiMICELI: Yes, good morning. The SWAT guidelines that the Commission approved and were mandated for development by legislation in 2004-2005 included a

suggestion contained in the report that consideration should be given to integrating a tactical medical capability within SWAT or tactical operations. That led to the development over the last couple of years of the document that you have in the report, which provides essentially a template for not only the creation of a tactical medical capability -- that is, a trained EMT paramedic person or team to operate with a SWAT team in a tactical operation to provide immediate medical assistance, both to officers and other individuals who may be involved in that tactical situation.

POST staff worked -- as you heard from Dan Smiley, worked closely with the Emergency Medical Services Authority, which authority is responsible for assessing and providing certification of the level of practice for the variety of paramedic-EMT personnel who may be involved with and assigned to these SWAT operations.

In addition to the template, if you will, for establishing this capability, there are, contained in the document that you have and contained in the revised regulation, recommendations for the training of these various kinds of personnel, specifically the medical personnel that would be deployed with a SWAT team.

That training relies, to a large degree, on what the Emergency Medical Services Authority requires for

those medical personnel, whether they are full-time or part-time; and integrates them with tactical operations, so that they are familiar with –- not just their specialty, but also familiar with and, to some degree, comfortable with operating in a highly unusual situation, that being a tactical situation.

The basic-training vehicle for these people, both officers who are in SWAT teams as well as the emergency medical personnel, is a series of courses we generally consider to be an 80-hour course. The tactical medicine course is currently certified to the Palm Springs Police Department. That course can be taken in 80 hours in two modules for SWAT personnel who have completed the basic SWAT course. They can go into the second half of the tactical-medicine course, which is the actual integration through very intensive simulations. That course involves essentially some real tactical operations in realistic buildings and other kinds of environments, and is supported by grant funds from what was the Office of Homeland Security, is now Cal EMA, and is supported by EMSA and a variety of other agencies and practitioners.

CHAIR SOBEK: Mike, if I could interrupt?

I just want to clarify. You're not saying at that course that a SWAT guy or gal goes to the school and

learns to be an EMT. You're saying that the EMT or the medic goes to the school and learns about SWAT tactics?

MR. DiMICELI: Correct. That's the primary focus --

CHAIR SOBEK: Thank you.

MR. DiMICELI: -- is to get them comfortable in what we would understand as essentially a live fire situation, with confined spaces, serious traumatic injuries. And in working with the tactical folks, the SWAT folks, and providing a protective space for them to work and being able to rescue injured officers and to pull them to a place where they can provide immediate care versus waiting until the North Hollywood shootout is over, until you try and get somebody out of the area when it's entirely secure.

CHAIR SOBEK: Now, as a past member of our SWAT team, we've had -- there's a fundamental issue of who pays for the training monthly and who pays for the training for that medic or EMT to go to that school.

Is it the police department? Is it the fire department? In our case, our fire department is county, we're contracted. And we tried this, and the County said, "We're not paying for it, it's your team." And we're saying, "We can't afford to take on that burden." So the language in here is not a mandate. And I see that it's "if resources are available"; correct? Is that

correct?

MR. DiMICELI: That's correct.

CHAIR SOBEK: Now, if that language is in here and there's a problem out in the field, can somebody -- the liability I'm looking at is, okay, you should have had somebody on the team because POST is saying you should have somebody on that team.

Do we see an issue with that as an individual city or county?

MR. DiMICELI: We do not see this as any different than other kinds of training, where you should do this. If you didn't do this or you didn't do it recently, that there's any particular liability that extends to the Commission. And, of course, there is no way that a local agency can avoid the usual liability for all those kinds of things.

Whoever pays for this is whoever is responsible for the folks that go through the training. In the case of the 80-hour course that currently goes on, the SWAT guys that go through the course pay the tuition; they're reimbursed by POST for the certified training in the usual fashion. The fire department, the EMTs, paramedics who go through the training, tuition is paid by whatever agency, local agency either employs them or has agreed to pay for it. And the Commission is not committed to

reimbursing for those non-peace officer personnel.

CHAIR SOBEK: No, I wasn't talking about the Commission, the liability. I'm looking at, if the city has a problem and they didn't use an EMT or medic on their team and something happens, and POST has already said, "You should have one on your team," I see a little bit of a liability issue there. I may be wrong, but I'm looking at that and saying, you know, if something comes up and we go to court as an entity and saying, "You know, we should have had that system."

MR. DiMICELI: I agree, Commissioner, there is some potential. But going back to the original SWAT guidelines, they make some recommendations about training kinds of things for part-time teams and full-time teams. And the same issue exists there.

CHAIR SOBEK: Okay.

MR. DiMICELI: If your operation is a little bit off of what the guidelines suggest is appropriate, maybe you have your neck out a bit.

CHAIR SOBEK: Commissioner Batts?

COMMISSIONER BATTS: Yes, I have several questions.

Actually, I'd like to applaud the members who put this together. And much like you, running a SWAT team for about three or four years in my organization, we integrated EMT on the SWAT team itself. And I think

having professionals is a good idea. But I have a number of questions on this particular thing before I think it needs to be vetted out.

As I look at the participants on the first page, which is -- if I could put my glasses on -- I see an array of ambulance associations, tactical officers from California, fire chiefs, highway patrol, medical directors, Huntington Beach Police, et cetera, sheriffs, Palm Springs. I don't see Cal Chiefs or any chief-level organization that has participated in this or vetted it or taken a look at it.

Those questions that you're bringing up, those raise a number of liability questions for me, from a chief's standpoint. I think as I perused it, it talks about someone, if they wanted to be armed in this situation, does that mean that this person is Level 1, Level 2, Level 3? Does it go through the arson investigators? Because I think they're legally able to do that. The liabilities, when you come to a shooting scenario like that, where does that fall? Who has liability under those circumstances?

I think the concept is dynamite. I would just like to recommend that we vet this through some chiefs' organization to also take a look at it and make sure they're okay from that standpoint.

MR. DiMICELI: While it may not be clear, Commissioner, that has been done. I'm not sure that Cal Chiefs, for example, as an organization, has a position on this document. But there have been representatives -- I see from looking at the list, that there have been discussions with other folks. For example, we've had extensive discussions -- or the group has -- with a variety of folks from the Los Angeles County Sheriff's Department in the SWAT operation. So, much of that vetting has been done. But if there's something else that you think we need to do that gives you more comfort, we can do that.

COMMISSIONER BATTS: Well, my question is very clear, that those things that I was trying to point out, I'm sure you've talked to SWAT tacticians, and it's clear, Huntington Beach is very honorable, LA County Sheriff's, all of these are very well known organizations, tactically and from a SWAT perspective. I was asking from an administrative chief's perspective. And I don't know the answers to it because I don't know how it's been vetted, so that's a question I'm asking.

I know Bernie -- Bernard Melekian from Pasadena who now sits in that position, has worked with you guys a lot in a number of committees. And I just have wondered, has that had a connectivity. Now, if you want to move

forward, that's okay. I'm just pointing out, I think there are some issues out there that you may want to take a look at.

CHAIR SOBEK: Commissioner Linden?

COMMISSIONER LINDEN: A couple things.

First of all, I'm very supportive of the guidelines. I think they're well thought out.

I have one brief question, Mike, on just one little part of it.

But, Mr. Chair, back to what you were saying: I think what this is saying is that if you look at, on page 1 of the introductions, that SWAT teams should incorporate medical emergency contingency planning, that's the general recommendation. So even if you don't have SWAT medics, I think it's an absolutely essential statement that if you're going to have a SWAT team, part of the planning, just like the tactical planning, needs to be medical emergency planning as well, just like we do for search warrants, et cetera.

CHAIR SOBEK: That should be done, anyway, yes.

COMMISSIONER LINDEN: Exactly. And then when you look at page 3, what it talks about is that -- or as you go along, what it talks about is that if you are going to have a tactical emergency medical program, then this is what you should do. So this is the training you

should have, this is the oversight you should have, and provides appropriate guidelines, just like the SWAT executive -- or the SWAT guidelines that we adopted a couple years back.

You know, so I'm not concerned about liability if we don't have a medic program, as long as we're fulfilling what we should be doing with the emergency medical planning.

You know, the other issue that came up -- and, actually, I had a conversation with Mike for our own SWAT team, was the issue that Chief Batts raised about most of these medics are coming from fire departments, about their being armed, and I think we were able to clarify that, and I think it's well clarified in the guidelines that there has to be a legal basis for arming them. And that has been an issue. Because right now, the only legal way that -- for example, as a chief -- that I can arm a firefighter is if they're a reserve, and there's training requirements for that, or if they meet some other section of the Penal Code that already allows a firefighter to be armed, such as if they're an arson investigator.

I do know that Fremont Police Department Chief Steckler, who has had eyes all over this, is working with a legislator to introduce a bill -- I think it will come

around next session -- that would modify the section of the Penal Code that allows arson investigators to be armed with 832 training, to also include firefighter SWAT medics, so that, just like arson investigators, they could be armed and open-carry when they're actually operational and when they're under our supervision. And so I think that that will be the next phase with it.

But I just think this is a long time coming. I think there are a lot of teams that are either -- they're not adequately incorporating the medical aspect or they may have SWAT medics or they may have this or that; but there's really no guidelines -- there's good training. TEMS is excellent training, but I think this really gives us concrete guidelines of how do we do this. And that's an oversight component that we've been lacking.

You know, I'd doubt there's any county -- or many cities and counties that actually have EMSA involved in the oversight of their –- or a physician involved in the oversight of their program. So I think they're good.

Mike, I have one technical question on page 5 of the guidelines, section 2. On the very first, 2.1(a), (b)(1) where it says that: A law enforcement agency with a tactical medicine program should provide tactical emergency medical support, as necessary, to the law enforcement agency on a continuous 24-hours-per-day

basis, unless otherwise determined jointly.

I didn't understand. Does that mean on-call with the SWAT team? I don't get that statement at all.

MR. DiMICELI: Yes, what it's suggesting is, you should have that capability available whenever the SWAT team rolls out. That's their seven-day, 24-hour --

COMMISSIONER LINDEN: It almost sounded like it should just be there, even absent --

MR. DiMICELI: It does not contemplate having those people sort of sitting in the ready room and waiting for the phone to ring. It contemplates that when there is a tactical operation, that you should have that medical capability available at that time.

COMMISSIONER LINDEN: Maybe that could be clarified a little bit. That was just really unclear in there.

MR. DiMICELI: Sure.

COMMISSIONER LINDEN: Okay, thank you.

That's all I had.

CHAIR SOBEK: Any other comments from the commissioners?

COMMISSIONER HAYHURST: One other –- one more question for Mike.

Is Palm Springs the -- am I reading this right, is it the only POST-certified facility that has this training or that will be --

MR. DiMICELI: That's correct.

CHAIR SOBEK: Commissioner Smith?

COMMISSIONER SMITH: Palm Springs, I think, has a certification, but we recently hosted a class using that organization at our office. And I think there was another one in Northern California somewhere, too. So we'll take it on the road?

COMMISSIONER SMITH: Yes.

MR. DiMICELI: They took it on the road.

And I think, Commissioner, that's just because at this stage of the game, we haven't been asked by anybody else. Clearly, your operation, L.A. County Sheriff does more training than most but have been historically satisfied with doing what they need for themselves and not worrying about getting it POST-certified. And that's not uncommon, and certainly is not a criticism. It's just that this one was picked up, is housed now in Palm Springs. The presenter brought their certified training to Santa Clara County, at the sheriff's request. They essentially took it on the road in the usual fashion. There are other folks who are interested in devoting the significant resources that are required, as you can appreciate, to putting on training that meets what we think would be the high standard, an additional certification or more is possible. But that's not a big

line at the door at this stage of the game.

COMMISSIONER HAYHURST: Well, you answered the question -- or actually, Commission Smith did -- that if they're willing to take it on the road, there's a lot of small agencies that can't afford to send all their people all the way to Palm Springs. But if they came up to Northern California and, collectively, some of the smaller agencies could attend. That resolves the problem there.

MR. DiMICELI: Understood.

COMMISSIONER HAYHURST: Thank you, Mike.

MR. DiMICELI: And one of the things that happens with this, this course is -- I suppose we could even say internationally known and sought. One of the requirements of certification is, you take care of the California cops first. To the extent you have seats left over, then you can bring in these other folks.

CHAIR SOBEK: Any other comments from the commissioners?

(No response)

CHAIR SOBEK: Thank you, Mike.

Just to remind the audience members, we don't allow comments after public comments while we are on agenda. So I apologize to anybody who is trying to say a few words out there.

Do I have a motion for Item G as written?

COMMISSIONER LOWENBERG: Move the staff recommendation. Lowenberg.

COMMISSIONER HAYHURST: Second.

COMMISSIONER BUI: Second. Bui.

CHAIR SOBEK: Second to Hayhurst. I heard Floyd first.

We have a second.

All in favor, say "aye."

(A chorus of "ayes" was heard.)

CHAIR SOBEK: Any opposed?

(No response)

CHAIR SOBEK: The motion passes for Item G.

We'll move on to Item H, under Information Services Bureau. The Revision and Reformatting of Regulation 1003, Notice of Appointment/Termination. I believe this one has to do with the reserve police officers.

MR. DEAL: Mr. Chair, that was pulled by staff, and I omitted informing you of that.

CHAIR SOBEK: Okay, great. Thank you.

MR. DEAL: Sorry.

CHAIR SOBEK: It's omitted.

Let's move on to Item I, Training Delivery and Compliance Services Bureau. Request to End the Suspension of the Isleton Police Department from the

POST Reimbursable Program.

And I know that Commissioner Perea has some words for that, I'm sure.

COMMISSIONER PEREA: No.

CHAIR SOBEK: Okay, I thought you did.

COMMISSIONER LINDEN: Can we get a staff presentation, please?

CHAIR SOBEK: Staff presentation, please.

MR. DiMICELI: I think the Commission is, by and large, familiar with this issue since it was less than two years ago that we had this discussion. But to summarize what's in the report, following the appearance of then-Assistant-Chief Sullivan at the Commission, requesting reentry into the program after they had voluntarily withdrawn, as the report indicates, we had continuing contact with the department. And a discussion which, from our perspective, was unsatisfactory with the then-chief of the department who, as the report points out very clearly, indicated that he was not aware of the commitment to allow close review of the personnel packages of new hires and he did not intend to extend himself to permit that to occur. And at the same time, staff discovered that not only were there some new hires with incomplete packages in terms of meeting the selection standards, but there was also the sergeant in

the department was well beyond the period of time when the requirement for basic supervisory training should have been met. And the culmination of all of that was, as you will recall, the action by the executive director, informing the department that they were suspended from the program until such time as they can clean up the deficiencies and indicate that they are prepared to move forward, consistent with the requirements and the standards, both in the selection and training.

Jan Bullard, who is the senior consultant that deals directly with Isleton Police Department, has been in their hip pocket for several months. And as you understand, they've had a change of administration in the department. And as of yesterday, they have a permanent chief of police who spoke to you during the Public Comments section, Chief Sullivan. All indications are that as of today, they are, in all respects, compliant with the selection and training standards. The sergeant has been to school. The packages of what few new hires have been made are all complete in every respect, and they are in a position today to ask for the suspension to be lifted and the restoration of their full standing as they participate in the program.

Very frankly, staff does not have a position. The report, as you understand, offers potentially three

different decisions that you may make. Staff is prepared to respond to any of those decisions, the first being to leave them in a suspension status until some future, unspecified date.

The second option is to return them -- lift the suspension, return them to participating status with conditions. And the staff report provides the three conditions. Others clearly are possible within your discretion.

And, of course, the final option in the report is to just remove the suspension without conditions and see what the future holds.

The Advisory Committee was, as Chair Woods I'm sure will report, extremely interested and pretty adamant that, at the very least, they thought the second option was appropriate. The staff recommendation -- or the staff report is for your information, in support of the request of the Isleton Police Department to have the suspension lifted; and it merely chronicles the current status.

So we await your decision.

CHAIR SOBEK: Why don't we talk to the chair, or have the chair, Nicki Woods, from the Advisory Committee say a few words on this.

MS. WOODS: Sure. Yes, the Advisory Committee did

have a pretty hearty discussion on this topic, and there were several concerns that were brought up and discussed, including the issue of the improper backgrounds, training for the officers that are there, reimbursements, and covering reimbursements for training if Isleton fails to make the probationary period, how much money has been spent, et cetera. And also, the continuing changing of administrations and the policies of the department seeming to flip-flop a little bit based on the regular changing of administration.

So based on all of that and through our discussion, we do recommend Option No. 2 with at least the two-year review period. Based on the size of the department and the amount of hiring that's happening in our current economy, felt that at least a two-year period would give some opportunity to view what is occurring in the department at that time and to ensure that they've kind of gotten themselves on the right track.

So we do recommend Number 2, Option No. 2 for the Isleton Police Department, to allow them back into the POST program.

CHAIR SOBEK: I appreciate it.

Any other questions or comments from the Commission?

(No response)

CHAIR SOBEK: Do I have a motion at all for Item I

of the agenda?

COMMISSIONER LINDEN: Mr. Chair, I will move Option No. 2 to end the suspension with the continued monitoring.

I would like to say, I appreciate very much Chief Sullivan's comments, and willing to allow that with POST staff. It would be lovely to see him actually here in two years, when this comes back. But I really agree with the Advisory Committee that, with absolutely no offense meant to the now-Chief Sullivan, that based on the track record, I think some continued oversight is appropriate, so I'll move Option 2.

CHIEF SULLIVAN: No offense taken.

COMMISSIONER PEREA: Second -- this is 2.c?

CHAIR SOBEK: This is 2, actually 2 --

COMMISSIONER LINDEN: No, Option 2 has three components.

CHAIR SOBEK: Three components to it.

COMMISSIONER LINDEN: All of which would be incorporated, yes.

CHAIR SOBEK: And I have a second by Commissioner Van Attenhoven.

COMMISSIONER VAN ATTENHOVEN: Yes, and I'd like to add, I've worked with Chief Sullivan in the past when he was with the Highway Patrol. And I'm pleased -- and

would like to congratulate you on your permanent employment.

I'm confident that they will meet all the standards; but I would defer and go with the recommendation of the Advisory group also.

CHAIR SOBEK: And we have a question by Commissioner Perea.

COMMISSIONER PEREA: Just a quick question for staff.

Why is there no recommendation from staff?

MR. DiMICELI: It's essentially your decision, Commissioner, as to what you'd like to do.

COMMISSIONER LINDEN: Policy call.

COMMISSIONER PEREA: Right, but typically these policy calls come from some kind of a recommendation from staff. Typically -- I mean, yes, you recommend something for everything.

I think this is the first time in my term as a commissioner when there hasn't been a recommendation attached to an action. So I'm just kind of curious…

COMMISSIONER LINDEN: Once in a while, we have to think for ourselves.

COMMISSIONER PEREA: I'm just kind of curious as to -- I mean, I don't always follow your recommendations, but I'm interested in as to knowing why there's no

recommendation this time.

MR. DiMICELI: Over the course of dealing with this, very frankly, the staff is sympathetic, with reservations; and I think it was essentially my feeling that we would lay out the things that -- Item 2 is what staff generally feels that we can live with. But in this kind of a situation, which is highly unusual, the sense was that the Commission ought to feel free to do what it chooses, without having to be concerned about either agreeing with or bucking a staff recommendation.

It was also to see if you were reading.

COMMISSIONER McGINNESS: Mr. Chairman?

COMMISSIONER PEREA: Okay, well, let me finish by saying I appreciate -– I think I read between the lines in your answer there, at least in my mind, and I appreciate that. But knowing that staff hasn’t taken an official position and likes Option 2, where the Advisory Committee is headed -- I mean, I was headed in that direction, anyway; but I was just curious as to why our professional staff at POST, that we pay the big bucks to, didn’t actually weigh in on this issue.

So thank you.

COMMISSIONER HAYHURST: They took three days away from them. They don’t want to make that decision.

MR. DiMICELI: Three days.

CHAIR SOBEK: Commissioner McGinness?

COMMISSIONER McGINNESS: Just if I may, I have an extensive history with the City of Isleton, and it's a very colorful city, a lot of challenges along the way. Frankly, if I may be so bold, there's been some corruption in the city, and significant problems, to say the very least.

I do also know the reputation of Chief Sullivan and hold him in high regard. I do believe that he is personally well equipped and prepared to do a very effective job, the challenges that he has, that will continue to be with the City of Isleton. So I think this motion represents the best course of action for this body.

CHAIR SOBEK: Our executive director –- Commissioner Hayhurst?

COMMISSIONER HAYHURST: Could I ask Chief Sullivan, how long do you think your contract is for with Isleton?

CHIEF SULLIVAN: I've signed a two-year contract.

COMMISSIONER HAYHURST: Okay. Thank you.

CHAIR SOBEK: Executive Director Cappitelli would like to say a few things.

MR. CAPPITELLI: Just a quick comment, and I think Mike put it very succinctly in terms of staff's position. But it occurs to us that each time that there's been an

issue, it really speaks to the issue of leadership or a lack thereof. And I think that should be the cornerstone of your decision here as to whether or not you have confidence in the leadership to provide the guidance.

I would hate to see the men and women of the police department who want to be part of a fine organization suffer as a result of the misgivings of failed leadership in the past.

CHAIR SOBEK: I think we have enough said on that item.

Do we have a motion for --

COMMISSIONER LINDEN: We do have a motion and a second on the floor.

CHAIR SOBEK: We have a motion and a second on the floor.

Call for the question.

All in favor, say "aye."

(A chorus of "ayes" was heard.)

CHAIR SOBEK: Any opposed?

(No response)

CHAIR SOBEK: The motion passes.

Good luck to you, sir.

MR. CAPPITELLI: Good luck, Chief.

CHIEF SULLIVAN: Thank you.

CHAIR SOBEK: Moving on to Training Program Services

Bureau, Item J, Report on Anti-Reproductive-Rights Crime Guidelines.

Do we need a staff report for that?

(No response)

CHAIR SOBEK: Do I have a motion on the table?

VICE-CHAIR DOYLE: So moved. Doyle.

CHAIR SOBEK: Commissioner Doyle.

Do I have a second?

COMMISSIONER HAYHURST: Second. Hayhurst.

CHAIR SOBEK: Commissioner Hayhurst.

All in favor on the motion, say "aye."

(A chorus of "ayes" was heard.)

CHAIR SOBEK: Any opposed?

(No response)

CHAIR SOBEK: The motion passes.

Item K is a roll-call vote. It's Request to Contract for Learning Portal Hosting, Support, and Maintenance for the years 2010-2012.

What I failed to do the last time, but I'd like to do if it's a roll call and it's a cost issue, I would like to give you the staff's recommendation to authorize the executive director to enter into a three-year contract with an entity to provide hosting, support, and maintenance services, as well as technical training for the POST Learning Portal in the amount not to exceed

$432,324.

Do we need a staff report on this?

(No response)

CHAIR SOBEK: Do I have a motion for this?

I'm sorry?

COMMISSIONER PEREA: Just a comment that the Finance Committee heard it, and we agree with the staff recommendation that we approve this contract.

COMMISSIONER CAMPBELL: So moved. Campbell.

CHAIR SOBEK: Campbell is the motion.

Do I have second?

COMMISSIONER LOWENBERG: Second.

CHAIR SOBEK: Do we have a roll-call vote on this?

MS. HIGHTOWER: Sobek?

CHAIR SOBEK: Yes.

MS. HIGHTOWER: Batts?

COMMISSIONER BATTS: Yes.

MS. HIGHTOWER: Bui?

COMMISSIONER BUI: Yes.

MS. HIGHTOWER: Campbell?

COMMISSIONER CAMPBELL: Yes.

MS. HIGHTOWER: Doyle?

COMMISSIONER DOYLE: Yes.

MS. HIGHTOWER: Dumanis?

(No response)

MS. HIGHTOWER: Hayhurst?

COMMISSIONER HAYHURST: Yes.

MS. HIGHTOWER: Linden?

COMMISSIONER LINDEN: Yes.

MS. HIGHTOWER: Lowenberg?

COMMISSIONER LOWENBERG: Yes.

MS. HIGHTOWER: Lundgren?

COMMISSIONER LUNDGREN: Yes.

MS. HIGHTOWER: McGinness?

COMMISSIONER McGINNESS: Yes.

MS. HIGHTOWER: Perea?

COMMISSIONER PEREA: Yes.

MS. HIGHTOWER: Smith?

COMMISSIONER SMITH: Yes.

MS. HIGHTOWER: Van Attenhoven?

COMMISSIONER VAN ATTENHOVEN: Yes.

MS. HIGHTOWER: Anderson?

COMMISSIONER ANDERSON: Yes.

CHAIR SOBEK: The motion passes.

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

If the Commission concurs, the resolution in support

of the Driver Training Study and authorize executive director to expend an amount not to exceed $50,000 from the recurring LEDS allotment to service seed funding for further research and pilot programming to enhance driver training and safety.

And before we make that motion, Mr. Cappitelli?

MR. CAPPITELLI: Yes. Just a quick comment, and if you'd like the report, we can provide one; but this is obviously an issue you're all very familiar with. I will tell you that, as an update, we're all very hopeful that some of the work we're doing right now as a result of Senior Consultant Gustafson being assigned to this primarily full-time, will hopefully bear some fruit in terms of some alternative funding sources. So my hope or our hope is that at some point down the road we don't have to keep coming back to the Commission to underwrite the cost of this study. We're hopeful that we will be able to secure some type of alternative funding source through grants or perhaps some other areas. So at the next Commission meeting, hopefully we'll have something more substantive to report. But this is just enough to get us moving forward. And all the details of where this money will be spent are contained in the staff report.

Thank you, Mr. Chair.

COMMISSIONER HAYHURST: Mr. Chair?

CHAIR SOBEK: Commissioner Hayhurst?

COMMISSIONER HAYHURST: Although this is a very worthwhile cause and I am supportive of it, we do need to be cognizant in the future because some of these studies, it can reach between half a million to $2.8 million. So we need to be watching how much money and how far into this we go for the results that we're looking for.

CHAIR SOBEK: Any other comments?

COMMISSIONER PEREA: Just that the Finance Committee has taken a look at it and we recommend approval.

CHAIR SOBEK: If you haven't heard, the Finance Committee has recommended approval on this.

I want to just say, driver training, to me, is an important -- really important subject to me. We've had a number of officers in our department get into some pretty major crashes in the years that I've served.

And I want to thank Mr. Gustafson for his hard work. That's going to be a tough -- I mean, it's a tough road now. It's going to be tougher as you go along, in getting this stuff together. You're doing an excellent job so far, and I appreciate your work on behalf of the Commission.

COMMISSIONER LUNDGREN: I just want, for the record, the Advisory Committee action on this.

What was your recommendation?

MS. WOODS: We did not make a recommendation on this.

COMMISSIONER LINDEN: Mr. Chair, I'll move the staff recommendation for the expenditure. And I really want to thank and commend the experts who are volunteering their time also to serve on the committee for this.

CHAIR SOBEK: Absolutely.

COMMISSIONER BUI: Second. Bui.

CHAIR SOBEK: I have a motion by --

COMMISSIONER LINDEN: I'm sorry, Linden.

CHAIR SOBEK: -- Linden, and a second by Bui.

This is a roll-call vote.

MS. HIGHTOWER: Sobek?

CHAIR SOBEK: Yes.

MS. HIGHTOWER: Batts?

COMMISSIONER BATTS: Yes.

MS. HIGHTOWER: Bui?

COMMISSIONER BUI: Yes.

MS. HIGHTOWER: Campbell?

COMMISSIONER CAMPBELL: Yes.

MS. HIGHTOWER: Doyle?

COMMISSIONER DOYLE: Yes.

MS. HIGHTOWER: Dumanis?

(No response)

MS. HIGHTOWER: Hayhurst?

COMMISSIONER HAYHURST: Yes.

MS. HIGHTOWER: Linden?

COMMISSIONER LINDEN: Yes.

MS. HIGHTOWER: Lowenberg?

COMMISSIONER LOWENBERG: Yes.

MS. HIGHTOWER: Lundgren?

COMMISSIONER LUNDGREN: Yes.

MS. HIGHTOWER: McGinness?

COMMISSIONER McGINNESS: Yes.

MS. HIGHTOWER: Perea?

COMMISSIONER PEREA: Yes.

MS. HIGHTOWER: Smith?

COMMISSIONER SMITH: Yes.

MS. HIGHTOWER: Van Attenhoven?

COMMISSIONER VAN ATTENHOVEN: Yes.

MS. HIGHTOWER: Anderson?

COMMISSIONER ANDERSON: Yes.

MS. HIGHTOWER: Thank you.

CHAIR SOBEK: The motion passes.

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

Do we need a staff report on this?

(No response)

CHAIR SOBEK: Do I have a motion on the table?

COMMISSIONER LINDEN: I don't think this requires any action. It's just information.

COMMISSIONER PEREA: Yes, it does. It says "motion."

COMMISSIONER LINDEN: On "M"?

COMMISSIONER PEREA: Yes. On page 14.

CHAIR SOBEK: Yes, it says -- it's the motion to approve the *Recruitment Strategic Planning Guide* contents and to support creation of a Web page, specifically configured for military personnel.

Do I have a motion?

COMMISSIONER PEREA: So moved.

CHAIR SOBEK: We have a motion by Perea.

COMMISSIONER BUI: Second. Bui.

CHAIR SOBEK: Second by Bui.

All in favor, say "aye."

(A chorus of "ayes" was heard.)

CHAIR SOBEK: Any opposed?

(No response)

CHAIR SOBEK: The motion passes.

COMMISSIONER LOWENBERG: Mr. Chair, could I take the liberty to inform the Commission on a project that has been met with great success with our institution?

In recognizing that the importance of capturing this resource of young men and women that have now served

their country, that can now serve our communities, we initiated a Returning Combat Veterans Scholarship Program for our academy program. And we've been doing it now for a little over a year. And so we've had three academy classes. And in each one of those classes, we've had recipients of that scholarship. And every one of those young marine sailors and soldiers in those three academies has successfully completed the program on the scholarship and has been hired by local agencies. And in the latest report, they're working out very well.

So I'm encouraged -- if anybody has any questions or interest in the other academies in your area that might have an interest in this kind of a program, no use in reinventing the wheel if somebody's already done it. And our experience was that there's lots of people in the community that want to participate in donating resources, and uniform vendors and the like. So if anybody has any additional questions, feel free to contact our office at Golden West College, Criminal Justice Training Center. But I can't emphasize enough how successful this program is. So that's just for information.

CHAIR SOBEK: Thank you, Commissioner Lowenberg.

Commissioner Smith?

COMMISSIONER SMITH: The one thing that we've done in the past in our department is, when we have people who

are already police officers that get deployed for a period of time, we have in the past done kind of a reorientation or reacclimation back, and that's been successful, and that may be something that agencies consider.

CHAIR SOBEK: That's great.

Where are we on this? I forget.

COMMISSIONER LINDEN: "N."

CHAIR SOBEK: "N"? Okay.

So we already had the vote.

COMMISSIONER LOWENBERG: Yes.

CHAIR SOBEK: This is a roll-call vote. Report on Revised Fiscal Year 2009-10 VAWA Grant Funding.

If we concur with this, the appropriate action would be to authorize the executive director to: (1) accept the additional funds for fiscal year 2009-10 in the amount of $61,315 from Cal EMA; (2) amend the agreement with the San Diego Regional Training Center to facilitate courses in domestic violence and sexual assault for law-enforcement officers and public-safety dispatchers for a total amount not to exceed $330,436; and (3) amend the agreement with the San Diego Regional Training Center for the salary for the grant coordinator to increase from half-time to three-quarter time, for a total amount not to exceed $73,008.

So this is -- if I'm reading this correctly -- we're combining all of that funding; correct? We're receiving all of that funding?

MR. CAPPITELLI: Alan, would you like to --

CHAIR SOBEK: Alan? Is this a combined amount that we are spending?

MR. DEAL: If you go to the attachment under the tab, Item N, at the last Commission meeting, the Commission approved funding at a certain level. And that level was not what was actually received thereafter. So then a month later, we received an increase that was over and above what the Commission had previously approved. And so what you have is a listing in the attachment that reflects a combination of all of those funds that both were previously approved, as well as the new items with the $61,000 increase.

CHAIR SOBEK: Got it. Thank you.

Do I have a motion?

COMMISSIONER LINDEN: So moved.

CHAIR SOBEK: Motion by Commissioner Linden.

VICE-CHAIR DOYLE: Second. Doyle.

CHAIR SOBEK: Second by Commissioner Doyle.

Questions?

COMMISSIONER PEREA: The Finance Committee did hear this.

CHAIR SOBEK: Thank you, Alan.

COMMISSIONER PEREA: And while we do recommend approval, there was a lot of discussion, and it was actually a split vote to recommend approval of this item.

CHAIR SOBEK: Thank you, Commissioner Perea.

Roll-call vote.

MS. HIGHTOWER: Sobek?

CHAIR SOBEK: Yes.

MS. HIGHTOWER: Batts?

COMMISSIONER BATTS: Yes.

MS. HIGHTOWER: Bui?

COMMISSIONER BUI: Yes.

MS. HIGHTOWER: Campbell?

COMMISSIONER CAMPBELL: Yes. I need to probably declare, though, that I just spoke with the Senate Judiciary on this item. It had nothing to do with POST.

MS. HIGHTOWER: Doyle?

COMMISSIONER DOYLE: Yes.

MS. HIGHTOWER: Dumanis?

(No response)

MS. HIGHTOWER: Hayhurst?

COMMISSIONER HAYHURST: No.

MS. HIGHTOWER: Linden?

COMMISSIONER LINDEN: Yes.

MS. HIGHTOWER: Lowenberg?

COMMISSIONER LOWENBERG: Yes.

MS. HIGHTOWER: Lundgren?

COMMISSIONER LUNDGREN: Yes.

MS. HIGHTOWER: McGinness?

COMMISSIONER McGINNESS: Yes.

MS. HIGHTOWER: Perea?

COMMISSIONER PEREA: Yes.

MS. HIGHTOWER: Smith?

COMMISSIONER SMITH: Yes.

MS. HIGHTOWER: Van Attenhoven?

COMMISSIONER VAN ATTENHOVEN: Yes.

MS. HIGHTOWER: Anderson?

COMMISSIONER ANDERSON: Yes.

MS. HIGHTOWER: Thank you.

CHAIR SOBEK: The motion passes.

Another roll-call vote would be Item O, Report on Acceptance and Recommended use of Fiscal Year 2009-10 Federal Stimulus Package Funds.

If we authorize this, the appropriate action would be to authorize the executive director to accept the grant of $300,000 of Federal Stimulus funds and contract with an entity for the development and delivery of the training identified in the RFA.

Do I have a motion?

COMMISSIONER LINDEN: I actually have some questions

for staff.

CHAIR SOBEK: Okay, staff, please.

Nice tie, Ed.

COMMISSIONER LINDEN: Ed, so this is -- I mean, this would be, I presume would be training specific to agencies that would have either contracts with a jurisdiction over tribal residences dealing with domestic violence issues. I mean, is this a specific tribal domestic violence; right?

MR. PECINOVSKY: Correct. Mr. Chair and Commissioner Linden, the grant program description as provided in the request for award --

COMMISSIONER LINDEN: We didn't get the RFA.

MR. PECINOVSKY: No, it came to us very late and didn't make it into your package.

COMMISSIONER LINDEN: Okay.

MR. PECINOVSKY: And, in fact, we got it about a week ago. And we're meeting a deadline to get that grant submitted by the end of next week.

But the language of the program description says to provide enforcement officers in California with training on improving responses to female tribal victims of domestic violence, dating violence, sexual assault, stalking, and on Public Law PL-280. And the request for award asks us to do it in two different ways. One of

them is to provide a DVD training that would be available beyond some particular classroom training. And in addition to that, provide on-site training in at least four different areas of the state, specifically San Diego, Riverside, Mono-Inyo, and Siskiyou, at a minimum. And so those are the grant guidelines under which we're operating.

COMMISSIONER LINDEN: Okay, so I guess my question is that a number of the tribes have tribal police, their own police department, federal -- you know, they are a different jurisdiction. So how many peace officers and dispatchers would this be focused on? I mean, do you have an approximate number?

And let me tell you why I'm asking. My concern is that, you know, just with staff workloads, POST staff workloads, budget cuts, all of the above, you know, we've got $100,000 in-kind match from POST, which I'm assuming is staff time. And, you know, so I guess I'm just wondering, "Is it worth it?" kind of a thing for the buck, and I'm trying to get a sense of how many California local peace officers and dispatchers are responsible for responding to federal tribal lands for tribal domestic violence.

MR. PECINOVSKY: Well, the number of officers involved, I wouldn't know directly, and the number of

tribes that are in those jurisdictions identified are probably the dominant in those areas.

Cal EMA came to us to request us to do this because of our expertise in doing the VAWA training in the past. They know we have a track record in doing this. When they established the grant-award guidelines, they're the ones that set the parameters for where they wanted to focus training.

And as a partner with Cal EMA in doing these kinds of grants, we thought it would be our appropriate responsibility to work with them. And in this limited area, it's a small focus, we understand that. We understand that the number of folks that are going to attend these classes might be relatively small. Cal EMA understands that some of these classes of actual California peace officers may be smaller than we would typically accept from regular classes, and they're okay with that. But they wanted to make sure that this kind of training got to those areas. And they were focused on serving populations that are underserved or unserved in the past. And those are the kinds of conversations we had with Cal EMA as they were asking us if we'd be interested in carrying the grant. And they submitted it to us, and we're submitting our grant request award by the end of next week.

COMMISSIONER LINDEN: And why is tribal domestic violence training being treated differently than domestic violence training?

MR. PECINOVSKY: That's a question that should be directed to the grant folks and the folks that are submitting it from Cal EMA. Those are their grant guidelines.

MR. CAPPITELLI: If I may, Commissioner and Members of the Commission. Staff has been working diligently over the last couple of months to reinvigorate and strengthen our partnership with the California Emergency Management Agency grant-funding arm. In addition to VAWA, there are a number of other grant opportunities that we believe are on the horizon. And so this is one way that staff feels that we could step up to the plate and provide our resources.

I recognize that it is a rather large amount, seemingly, for this type of effort for the number of audience that we serve. However, it's one of those areas where I believe the dividend that it may pay in the future for us in being willing to step forward and be part of this will bolster our place within that arena, so that hopefully we can increase our funding for other areas.

And in respect to your question about tribal, it's

our sense that that probably trickles down from the federal level, and then the California Emergency Management Agency being passed through for those funds, has to look for people to develop this. And, quite honestly, we were pleased -- we saw this as progress, that they asked us to step forward and be part of this.

So we believe it's positive and in the best interests of the Commission and the profession. But clearly, the policy decision is up to you.

COMMISSIONER LINDEN: Thank you.

CHAIR SOBEK: Commissioner Perea?

COMMISSIONER PEREA: Just a quick comment and a question.

The comment is that the Finance Committee does recommend approval on a split vote, 2-to-1 vote. There was a lengthy discussion around that. But just a quick question.

Staff, you mentioned a certain number of tribes.

Are those the only tribes that will be eligible for this funding?

MR. PECINOVSKY: No, the grant awards just says that, at a minimum, those four areas must be covered. And they have asked us to present six classes that covers four areas. And I know that there is some representation in the Central Valley that would probably also benefit

from the training.

COMMISSIONER PEREA: Yes, how would those tribes go about benefiting from this information? They just call POST directly? Or who would --

MR. PECINOVSKY: The training is focused for the California peace officers that serve those areas, like the deputy sheriffs and police chiefs in the cities in those areas that serve them. And the tribal police wouldn't be prohibited from attending the course, but they wouldn't be -– they aren't the focus of our training. The focus of our training would be the California peace officers and dispatchers.

COMMISSIONER PEREA: Okay, great.

But so those peace officers would call POST?

MR. PECINOVSKY: We would -- we're going to develop the courses, and we'll advertise them in the normal course of business. And they'll be advertised in the area and people will sign up for them like they do all our other VAWA courses that are available.

COMMISSIONER PEREA: Good. Thank you.

COMMISSIONER LUNDGREN: Mr. Chair?

CHAIR SOBEK: Commissioner Lundgren?

COMMISSIONER LUNDGREN: Working in an area that's described in this, Riverside County, this is a major problem for law enforcement in that area.

Just trying to understand Public Law 280 in itself is a matter of litigation. You may or may not know, we've had some issues with one of the tribal lands down there within our county and its access into the tribal land itself. And then dealing with their needs and the way they do business compared to the way the law enforcement needs to do it. And I think that the law enforcement represented in Riverside County along with San Diego County and San Bernardino County can benefit from this type of training, to learn how to deal with those issues because a lot of it may have to do with, you know, just the way that they do things. And we need to understand that so we can work better with them.

CHAIR SOBEK: Commissioner Batts?

COMMISSIONER BATTS: Commissioner Perea, is it apropos to ask why there was a split vote or is that something that shouldn't be discussed?

COMMISSIONER PEREA: No, no. For the very same reasons as the previous item, and that is, I think the argument at that time was kind of a slippery slope if we keep accepting grant funds and expanding programs that we can't afford to pay for later. I think the issue was sustainability.

CHAIR SOBEK: Any other questions or comments?

COMMISSIONER LOWENBERG: Move on the staff

recommendations. Lowenberg.

CHAIR SOBEK: Motion by Lowenberg.

Do I have a second?

COMMISSIONER PEREA: Second.

CHAIR SOBEK: Second by Commissioner Perea.

This is a roll-call vote.

MS. HIGHTOWER: Sobek?

CHAIR SOBEK: Yes.

MS. HIGHTOWER: Batts?

COMMISSIONER BATTS: Yes.

MS. HIGHTOWER: Bui?

COMMISSIONER BUI: Yes.

MS. HIGHTOWER: Campbell?

COMMISSIONER CAMPBELL: Yes.

MS. HIGHTOWER: Doyle?

COMMISSIONER DOYLE: Yes.

MS. HIGHTOWER: Dumanis?

(No response)

MS. HIGHTOWER: Hayhurst?

COMMISSIONER HAYHURST: No.

MS. HIGHTOWER: Linden?

COMMISSIONER LINDEN: Yes.

MS. HIGHTOWER: Lowenberg?

COMMISSIONER LOWENBERG: Yes.

MS. HIGHTOWER: Lundgren?

COMMISSIONER LUNDGREN: Yes.

MS. HIGHTOWER: McGinness?

COMMISSIONER McGINNESS: Yes.

MS. HIGHTOWER: Perea?

COMMISSIONER PEREA: Yes.

MS. HIGHTOWER: Smith?

COMMISSIONER SMITH: Yes.

MS. HIGHTOWER: Van Attenhoven?

COMMISSIONER VAN ATTENHOVEN: Yes.

MS. HIGHTOWER: Anderson?

COMMISSIONER ANDERSON: Yes.

CHAIR SOBEK: The motion passes.

Right now is a very good time to take a five-minute break. So let's do that.

Let's make it prompt, please. Five minutes.

Thank you.

(Recess taken from 11:25 a.m. to 11:33 a.m.)

CHAIR SOBEK: We're going to start again. We're going to skip Item agenda P, for obvious reasons.

So we're going to go to Committee reports, and start with Item Q, the Long-Range Planning Committee.

Commissioner Linden, she's going to report on the Long-Range Planning Committee, held on June 11th.

COMMISSIONER LINDEN: Oh, yes. Sorry. Just threw me off here.

We did meet in June. We had our June meeting. And I think that we've actually gone through most of the items that we made recommendations on. I didn't see anything that's outstanding.

CHAIR SOBEK: Okay, thank you.

COMMISSIONER LINDEN: As you can tell, I forgot that I was supposed to report on this item.

CHAIR SOBEK: That's all right. You don't need to stumble any further.

COMMISSIONER LINDEN: So I'm trying to do a fast take here, but --

CHAIR SOBEK: That's okay. We'll go to Item R, Finance Committee.

COMMISSIONER LINDEN: Thank you.

CHAIR SOBEK: The chair of the Finance Committee is Commissioner Perea.

COMMISSIONER PEREA: Yes, just quickly. We've already taken action on many of the items that we've discussed yesterday at our meeting.

But what I would like to do is just ask staff to briefly give us an update on the financial report as well as the Governor's budget. I think, of our meeting, those are probably the two -- and our expenditure projections. Those are probably the three that this body would like to hear.

So, Mr. Liddicoat or Mr. Reed?

MR. REED: Mr. Reed and Tom Liddicoat reporting.

CHAIR SOBEK: Okay, Tom, in the interest of the agenda that we have to deal with, too -- and I don't want to keep everybody here forever -- but I don't know if you can condense it just a little bit, I'd appreciate it.

MR. REED: The Reader's Digest version?

CHAIR SOBEK: Please.

MR. LIDDICOAT: Well, it will be tough, but I'll try.

Yes, the Finance Committee met yesterday morning, reviewed the financial report for the fourth quarter.

The first item on the agenda was the revenue report. It was just reported that we ended the year with about $953,000 less than the projected amount for revenue. Also we went over the reports on the trainees and expenditures. Trainees were down about 6,000 trainees less, for a total of 62,000. Reimbursements were down about six-point -- $5.7 million. Again, this is a reflection based on that 2007-08 figures were higher for two reasons: One a carryover of June '07, and also an expenditure of $3.4 million of LEDS funds in the prior year.

We went over the yearend report. Even though the yearend accounting books have not closed, the good news

is, we're going to have about a $1.1 million reserve balance at the end of the year, which will immediately go into our reserve funds to be used for subsequent fiscal years.

We reviewed the contracts that were entered into last year. We reviewed the 2009-10 Governor's budget. It was reported that our budget is $61.8 million. A variety of funding sources. Good news is that the Driver Training Penalty Assessment Fund revenues was restored. As you know, in the past year, it was reduced from $14 million, down to $8 million. It has been restored in the budget back to the $14 million amount. And we do have that projected revenue balance or a fund balance at the end of next year of about $14.5 million.

Did you want me to go over any more detail on the budget?

CHAIR SOBEK: That's fine, I think, unless the commissioners have an issue with --

MR. REED: I would just add one thing. The reason we ended up with $1.1 million or $1.2 million left this year is the fact that the Governor's executive order caused us to freeze contract distributions for about the last quarter, retroactive to March. So we did some calculations. And so we weren't allowed to spend that. That is the reason.

We normally have our expenditures pretty well -- a finer point than that. So we don't like that kind of reserve, but it was forced savings this year.

COMMISSIONER McGINNESS: Did that also contribute to the revenue decline?

MR. REED: No, I don't think they're related. I think that's just the general economy.

CHAIR SOBEK: Great.

MR. REED: Anything further?

MR. LIDDICOAT: We went over it –- just quickly -- on one of the handouts that I passed out on the '09-10 expenditure projections, all things being equal, we're projecting a slight increase in the training volume, in the reimbursements.

There is a slight reduction that we have to take for next year on the 50 percent cost-reduction plan that was submitted to the Department of Finance. That being said, thought, we're still going to end with about $260,000 to the good.

The Commission has taken action on contract items. To date, of those, $113,000 is applied to next year, so there's about $147,000 towards additional fiscal items, contracts, and such.

And the last item that was on the agenda, I'll just basically state that we reviewed four budget-change

proposals that staff recommends to the Commission. I believe the Finance Committee recommended approval to the full commission to support staff's submission of those bulletin change proposals to the Finance Committee. Those BCPs equate to two new positions at about $1.2 million.

And that concludes the report. Are there any questions?

CHAIR SOBEK: I would like to defer to Commissioner Perea on what the Finance Committee recommended.

COMMISSIONER PEREA: The Finance Committee did recommend approval.

CHAIR SOBEK: Any questions or comments?

(No response)

CHAIR SOBEK: Thank you, guys, very much.

Do I have a motion on the table?

No, I don't need to. That's right.

The Advisory Committee.

Chair Nicki Woods on the Advisory Committee.

MS. WOODS: Yes, we met yesterday and we moved through the agenda fairly quickly, except for we did have a lengthy discussion about Isleton Police Department and their request to be allowed back into POST. And we did not discuss the appeal of Lexipol. That was not appropriate for us to discuss that one.

And then we moved through, we had very few member reports. And one report that we did have mentioned the Women Leaders in Law Enforcement Conference, which will be in Burlingame November 2nd through 4th. If anybody plans to attend or send anybody, I've heard wonderful things about that conference.

And I know this is rather unusual, but I'd like to call on Richard Lindstrom back in the audience who would like to give a shout out to one of your commissioners.

CHAIR SOBEK: Please, sir, just briefly please.

MR. LINDSTROM: Thank you, Nicki. And it will be brief but very important.

CHAIR SOBEK: I do agree with you.

MR. LINDSTROM: I'm a member of the Advisory Committee, and I do represent the California Academy Directors Association. And I'd like to direct the Commission's attention to the last POST update that was circulated. And in that update, it mentioned one of our very own academy directors, Commissioner Ron Lowenberg. And I know he probably doesn't think it's a big deal, but he was recognized as the manager of the year at Golden West College for the scholarships that he spoke about earlier, for his collaboration with Homeland Security, and bringing several different grants and monies into the college.

And I would just like to acknowledge that the California Academy Directors are very proud of him. And I just wanted to let the Commission know.

(Applause)

CHAIR SOBEK: From the Pope to the academies, boy, I'll tell you.

I don't know if that's -- where's that going?

Congratulations, Ron.

Leg. Review Committee?

Oh, I'm sorry, Paul has a comment.

MR. CAPPITELLI: Yes, thank you, Mr. Chair.

Just a quick comment. Back to the Advisory Committee and Chair Woods' statement about Item P on the agenda. That appeal is an appeal to the Commission. And it was staff's direction and advice to the Advisory Committee that the Commission should be unencumbered by any other position other than the evidence presented or the material presented in the appeal hearing itself. And so that's why the Advisory Committee did not vet the appeal. The appeal is to the Commission, not to the Advisory Committee.

I just wanted to make that known.

CHAIR SOBEK: Thank you.

Okay, Leg. Review Committee?

COMMISSIONER BUI: We met this morning and discussed

a couple of bills, including 297, which addresses the criminal history information. We decided to continue our support of this bill.

We also discussed the bill that addresses the *kirpan*. We discussed this at the last meeting.

Our official -- our original position was "Oppose unless amended." And they have amended that to our satisfaction, so we have changed our position to "Neutral."

The one that was of interest this morning was the human trafficking one, AB 988. It discusses the U visa. And in our committee, nobody had heard of a U visa. So that was kind of interesting.

I guess this bill here would direct POST to help make law enforcement more aware of these U visas. And these U visas are given to immigrants to encourage them to report violent crimes to law enforcement without fear of deportation. It also encourages them to help law-enforcement investigation of certain type of cases. It also allows them to stay in the United States for four more years. And it also gives them the opportunity to apply for an application for permanent residency and to be able to sponsor other family members to come to the United States. And so I think that was very interesting.

CHAIR SOBEK: Just to clarify, though, they're not

immigrants. I think they're human-trafficking victims; correct?

COMMISSIONER BUI: Correct, but it also addresses --

CHAIR SOBEK: Is it immigrants also?

COMMISSIONER BUI: -- undocumented as well as undocumented immigrants; correct?

MR. STRESAK: Mr. Chairman, Commissioners, it's expanded to also include victims of violent crimes.

CHAIR SOBEK: Great. Thank you.

COMMISSIONER BUI: And there are four bills here, if anybody wants an oral report on AB 960, which is the body armor; 1286, which addresses firearm purchasing restrictions. Bob has some additional information, if anybody needs to hear more about these other ones.

Let's see, SB 5, which is the certified bomb technicians; and then SB 174, which addresses the office of Inspector General. Those are just oral reports, if anybody wants to hear anything else.

COMMISSIONER LINDEN: Bob, do you need Commission action on AB 504, approving the change in position on that one?

MR. STRESAK: I do, because we had moved from "Opposed unless amended" to "Neutral," Commission action is recommended.

COMMISSIONER LINDEN: Mr. Chair, I'll move that the

Commission authorize the changing of our position on AB 504, the *kirpan* bill, from "Oppose unless amended" to "Neutral" since the author has accepted our suggested amendment.

COMMISSIONER CAMPBELL: Second. Campbell.

CHAIR SOBEK: I have a motion by Commissioner Linden and a second by Commissioner Campbell.

All in favor, say "aye."

(A chorus of "ayes" was heard.)

CHAIR SOBEK: Any opposed?

(No response)

CHAIR SOBEK: The motion passes.

Thank you, Commissioner Bui, for that.

Item U is Correspondence. And I don't want to get into all the things like that are there, because of time, so there are some letters if you read your book on that.

Item V, Old Business. Any old business to be taken care of?

COMMISSIONER LINDEN: Do we need to approve the reappointment to the POST Advisory of Laura Lorman?

CHAIR SOBEK: Yes, that's in New Business, and I'm going to do that right now.

COMMISSIONER LINDEN: Oh, it is?

CHAIR SOBEK: Yes.

COMMISSIONER LINDEN: Oh, correct, sorry. I was

looking at "Correspondence."

COMMISSIONER McGINNESS: Strike that.

CHAIR SOBEK: That's the difference between a chief and a sergeant.

All right, New Business. The first thing we're going to talk about is the reappointment of Laura Lorman to the POST Advisory Committee representing the Women's Peace Officers Association.

I do need a motion on that.

COMMISSIONER PEREA: So moved.

CHAIR SOBEK: Motion by Commissioner Perea.

COMMISSIONER BATTS: Second. Batts.

CHAIR SOBEK: Second by Commissioner Batts.

All in favor, say "aye."

(A chorus of "ayes" was heard.)

CHAIR SOBEK: Any opposed?

(No response)

CHAIR SOBEK: The motion passes.

And I'm going to defer the next two items under New Business to our executive director, Paul Cappitelli.

MR. CAPPITELLI: Thank you, Mr. Chair.

Members of the Commission, as you recall from our prior meeting, we were directed to conduct some research about weighing the pros and cons of staying here in the Sacramento Region versus getting out and moving our

meetings out throughout the state.

Since that time, a number of things have happened, most significant of which is that we have been imposed now for a total of three months, three days a month of furloughs, as a result of the executive order.

Staff is recommending for your consideration the prospect of us paring down the number of annual meetings from four to three per year. And if I may just walk you through how that would play out for us, we would, for the sake of simplicity, I'll try to explain how it will work from now, forward.

We would move that we would keep the October meeting dates intact. But the other two meetings would then be spaced apart at four-month intervals. So we would go from -- meetings would be October, and then February, and then June for your Commission dates.

To that end, we would recommend that we have two of the three meetings here in Sacramento, either at this venue or a venue to be determined. And the third meeting, which we would recommend being the meeting in the wintertime or the February meeting, should probably be held in another part of the state where the climate would be a little bit better due to travel concerns in the winter, getting in and out of Sacramento and the like.

I had spoken with our reporter, Mr. Feldhaus. He's indicated that he's able to make that adjustment if necessary.

What that would do as far as staff, now that we have 36 fewer workdays per year, that would help us to have a little more time to prepare the agendas in between the meetings. We would envision the Long-Range Planning meetings taking place one month prior to the Commission meetings themselves, similar to the way they are right now, they would just be held on a different month. And we'd like to apply a distance technology model to the Long-Range Planning. And it will look something like this: If you choose to come to Sacramento, to come to the Long-Range Planning Committee meeting, by all means you could come and sit in the room. But we'll hold the Long-Range Planning meetings at the office with staff. We'll notice them as such. We'll have the opportunity for the public to come in and have a seat. We'll have a conference-call table, and staff will be present in that room and any other commissioners that want to participate. All the materials will be mailed to you in advance. If there's a need for some type of presentation, we can do it through technology, via the Internet, to go to the meeting or the like. And we believe that we can conduct the Long-Range Planning

meetings with minimal impact.

So the bottom line to all of this is, staff believes that this is a good cost-cutting measure, at a time where we're all forced to cut back; but it also gives us a little bit of a breather in between.

The only real downside that we can see is that there might be times -- the June meeting, for example, where we're going to do our awards, annual awards presentation, the meeting on that day may be a little bit longer than normal. And so in that case, we would just make our travel plans accordingly.

But more than one of the commissioners indicated to me this last go-around, when we were trying to identify committee assignments, that the time commitment was becoming very problematic for them to be able to get here on the dates. So I think this is a good means of being able to do this.

We discussed this with counsel. Our regulatory requirement is that the Commission meet regularly. And so it's apparent to us that that can be determined by the Commission. So I throw that proposal out to you. I'd be glad to answer any questions that you may have about that.

COMMISSIONER LINDEN: Paul, could the meetings start -- since our agendas are obviously going to be

longer -- maybe start up at 9:00? I mean, Leg. Committee never takes us up until 10:00. You could still do Leg. at 8:00 and, you know, Commission at 9:00. And that way, we're not extending too far for people that have to drive or fly.

MR. CAPPITELLI: Absolutely. We could do that.

Also, if you decide to go with this -- I forgot to mention -- we would recommend that we keep the October meeting intact for this year. And we would start this cycle starting in February 2010.

Do you have a question?

COMMISSIONER CAMPBELL: The only problem is that for us coming from the south, if the meetings are too early, we have to come in the night before.

MR. CAPPITELLI: That's correct.

COMMISSIONER CAMPBELL: So we'll need to work around that, too.

MR. CAPPITELLI: I understand.

CHAIR SOBEK: Any other questions or comments?

COMMISSIONER CAMPBELL: It's a good idea. Good idea.

CHAIR SOBEK: Does anybody want to -- I think we may need a motion to change the schedule.

COMMISSIONER LOWENBERG: Move on the staff recommendation. Lowenberg.

COMMISSIONER CAMPBELL: Second. Campbell.

CHAIR SOBEK: You got that?

THE REPORTER: Yes.

CHAIR SOBEK: All in favor, say "aye."

(A chorus of "ayes" was heard.)

CHAIR SOBEK: Anybody opposed to it?

(No response)

CHAIR SOBEK: Okay, the motion passes.

MR. CAPPITELLI: And one other thing to that end. We will make sure that, like I said, the October meeting will remain intact. Staff will start working on the schedule for next year and how that looks. And we'll put that information out to you electronically, and we'll post it on the Internet within the next couple weeks.

Thank you very much.

CHAIR SOBEK: One of the best things about this commission is the people you meet, and it's my pleasure to say -- well, my pleasure to have known Gil -- it's Commissioner Van Attenhoven's last Commission meeting.

And it's been my pleasure to know you, Gil. And we appreciate your work and the things that you're doing. And I want to say, "Good luck" to you on your future endeavors.

I know Gil has something to say, so I give him the floor.

COMMISSIONER VAN ATTENHOVEN: Thank you, Chairman Sobek.

I just wanted to take a moment -– I know you're on a time schedule -- but I think a lot of you -- most of you know, that I will be -- I hate to use the word "retirement," because I'm not really retiring. But I will be retiring from the Department of Justice on August 12th.

And I just wanted to say, first of all, it has been an absolute honor and a privilege to serve as a commissioner on POST. It's definitely one of the highlights of my career.

When I was appointed to the Commission, it was my full intention to serve my three-year term. However, as everyone knows, things happen. And I was presented with a wonderful opportunity with a training group in the private sector. And I don't think the offer would be on the table a year from now, a year and a half from now. So I just had to -- the timing was right, and I just had to make a move.

But I just wanted to say, my compliments to the POST staff. Every time I've called the office and spoken with Daria Rowert or Karen Hightower, they have been extremely responsive and very helpful.

Over the last few years, I've had an opportunity to

work with Frank Decker, Jan Bullard, and recently, Ken Whitman. Jan has been our consultant for the Department of Justice in the Advanced Training Center, and just an absolute wonderful person to work with. Very, very helpful. And I just wanted to make that comment.

My compliments to all the committees. I know it's a tremendous amount of work that you put in. And you're all volunteers. And I've seen the results of the work that the Long-Range Planning Committee has done, the Advisory Committee, and Chairwoman Nicki Woods, you're doing an outstanding job. And just keep up the good work.

In my role with the California Department of Justice Advanced Training Center and the California Narcotic Officers Association, I've had the opportunity to travel throughout the country and meet officers from numerous states and provide training to these officers. And I can say emphatically, without a doubt, California law-enforcement officers -- and I know I'm preaching to the choir -- but California law-enforcement officers are the most highly trained and most professional officers in the country. And that is due to a direct result of POST. You're just doing a fantastic job.

And my compliments to Executive Director Paul Cappitelli. I've only had a chance to work with you for

about a little bit more than a year and a half. We met each other going through the POST Academy Directors' course. But I was so pleased when I heard that you were appointed as the POST Executive Director. You're doing a fantastic job.

And with that, I would just like to say, thank you and keep up the great work. And again, it's just been an absolute honor.

Oh, lastly, I would like to thank Commissioner Anderson, who is my director for the Division of Law Enforcement, for all the support that he's allowed for me to have through CNOA and through POST. So thanks again, and best of luck to all of you.

(Applause)

CHAIR SOBEK: Okay, we're going to move back to Item P on the agenda. And I'm going to read from this, so I don't mess it all up.

This is agenda Item P. And at this time the Commission will consider the appeal of the Lexipol company from the denial of certification. Lexipol requested POST certification of the Daily Training Bulletins produced by the company and delivered online to clients on a fee-for-service subscription basis.

POST staff and the executive director declined to certify the bulletins.

Pursuant to Commission Regulation 1058, Lexipol is appealing to the Commission to overturn the decision of the executive director. The regulation requires the executive director to inform Lexipol of the Commission's decision within ten calendar days of this hearing.

The Commission will receive a presentation from representatives of Lexipol who are present today. Following the Lexipol presentation, the Commission will hear the staff report.

The Commission will not accept comments from the public during this hearing. The comments concerning this issue that were made during the Public Comment period, at the beginning of the meeting, will be sufficient for this hearing.

After the presentations, the Commission may ask questions and discuss the information presented. Following the discussion, the Commission will return to the regular agenda, which is almost done.

When the agenda is completed, the Commission will adjourn to closed session pursuant to Government Code section 11126(c)(3), as announced in the agenda. Following the closed session, the Commission will reconvene to direct the executive director to notify Lexipol of the decision concerning the appeal as required by Commission Regulation 1058.

There will be no further action by this commission at this time. We will adjourn the meeting after that.

So I believe we have somebody here from Lexipol.

COMMISSIONER BUI: Mr. Chair, before you start, I do apologize, I have a previous appointment that I have to meet; okay?

CHAIR SOBEK: Okay, you're dismissed, Commissioner Bui.

(Commissioner Bui left the room for the day.)

CHAIR SOBEK: Sir?

MR. MERKLE: Hello, and I appreciate taking your valuable time today.

Staff had informed me I had 20 minutes to make a presentation. I will not take that long. I'd like to make sure that we've got some time for questions and answers. And I suspect that there may be some.

I want to thank each of you for what you do for California.

THE REPORTER: Could you state your name, please?

MR. MERKLE: I'm sorry. My name is Dan Merkle, M-E-R-K-L-E. I'm the CEO of Lexipol.

Our great state works because people become involved. And your serving on this commission attributes a great deal of diversity of opinions, perspectives, the geography, the large and small agencies, and the

different things that you run into. So we appreciate your contributions.

I'm going to ask you to indulge me for about ten seconds. And if you could follow directions, I would really appreciate it.

Please take your right hand and touch your left elbow. Please, everyone. Right hand, left elbow.

And your left hand, right ear, please.

The simple exercise it took ten seconds to accommodate tells us from learning objectives and current modern learning theory that for the next 30 minutes, you will have approximately a 70 percent higher retention of knowledge, and you will remember those things. And for me, that might be a disadvantage. So I thank you for your indulgence.

We're learning a great deal now about how we learn, and that the world is changing in how we learn. And the comments from Chief Spiegel at the beginning of this, I think, were very appropriate; and that is, please be paying attention to the evolution of what we're doing about learning, how we communicate, and particularly the next generation and how they're looking for guidance.

I think it would be appropriate to just give you a quick background on Lexipol. And since I'm over 50 years old, I do need these *(indicating eyeglasses).*

The company is owned by three individuals only: Myself, Bruce Praet, and my other partner, Gordon Graham.

Bruce's background, in case any of you do not know him, Bruce was the youngest officer in California when he was sworn in. We remind him that was probably 114 years ago. But he was a very young lad at that time. He became a street cop in Southern California, a noted canine officer, and went back to law school.

Twenty years ago, he founded the firm of Ferguson, Praet and Sherman, that does nothing but defend law-enforcement agencies in this state along the West Coast. Bruce has become a go-to guy when agencies are sued in a lot of different situations.

Approximately 15 years ago, he noticed a trend in the plaintiffs' bar, and that was, if they couldn't win on the facts of a case against an agency, they would go after their training records, their policy manuals, their procedure records. And it was a very effective strategy. Agencies who had good shootings were being compromised because of their administrative tasks were not up-to-date.

He pledged to take away that tactic from the plaintiff's attorneys, and began writing a policy manual content for some of his clients.

In the first part of that decade, he had around

50 agencies in California that were his clients, using that set of content to help themselves out, mostly smaller agencies.

Gordon Graham, many of you know, 33 years of law-enforcement experience, a master's in risk management from USC, a law degree, and founded the first office of risk management for a law-enforcement agency in America for the California Highway Patrol. That launched him on a path that allowed him to be sharing that knowledge on looking in advance of impact as opposed to afterwards. And the commissioners, the highway patrol, and the governors over the last 30 years have allowed him to share that message around the country very, very effectively.

He built a system of risk management specifically for public-safety agencies, built around what he calls the five pillars of success: People, policy, training, supervision, and discipline. Those are the fundamental ingredients of our entire system. And it was his vision of integrating those things together and sharing common information in an easy-to-use platform that guides the company that we have today.

Gordon was also the first recipient of the Governor's award from this commission for *Excellence in Training*, for precisely the program that we're bringing

you today. That was implemented for the CHP back in the mid-nineties. And the program we're bringing you for certification today is the one you acknowledged as the first recipient for the first Governor's *Award for Excellence in Training*.

Today, Lexipol is active in ten states. In California alone, over 92 percent of all agencies in the state use our policy system. That includes sheriff's departments, police departments, state agencies -- there's about seven state agencies, including the California Department of Justice -- campus police, we do all of the UC campuses, most of the Cal State campuses, several junior colleges, and specialty: Port police, all kinds of different folks. If you are an authorized agency and have sworn officers, that is all we deal with. It is our specialty.

Our approach is through a collaboration effort. We believe that several folks contributing get to ultimately better content and better understanding of the issues that we're driving. Small agencies, large agencies. And it's not uncommon that a sergeant in a small agency is one that comes up with some of the best information we get. It is derived from motivation, not necessarily resources.

We currently collaborate with those that we think

are vested in raising the professionalism of law enforcement. In many states, that's the sheriffs' or chiefs' association combined. In some states, it's state accreditation groups. Most always, every time, it is the risk-management authorities or the insurance pools. In California, about 70 percent of our agencies have our fees paid for by their insurance pool. And they're doing that because the information and the actuarial data says that they have reduced claims and claims paid more by our program than any other program they've had in 20 years.

We work with state attorney generals, who have been contributors to our content, and state POST agencies as well.

We've built a system that is reflective of today's environment, which is rapidly changing. Current learning research indicates that four elements will drive understanding and ability to apply learning. That is: Relevancy, credibility, focused, and applied. And that is the content in the system that we have developed.

As far as relevancy, each one of our Daily Training Bulletins is a scenario-based environment. It is something that the officer has seen or is highly likely to see. We focus on high-risk, low-frequency events. It is the knowledge that they can gain through training to apply that.

My partner, Gordon, was so excited the day that Captain Sullenberger announced why he was able to do what he did. Sullenberger's comment is, "Every day I deposited a small amount of knowledge into my memory bank, knowing that someday I would make a massive and instantaneous withdrawal." And he set that aircraft down in the Hudson River very successfully, and he saved a friend of mine.

Relevancy is very important for officers to understand. It has to be current, it has to be something that they're likely to see and they can apply.

Credibility is very important. Each of the Daily Training Bulletins are a reference to that agency's policy manual. It is also supported by Lexipol staff.

And I should mention basically who they have access to. A call into Lexipol for support accesses an individual that has the minimum qualifications of 20 years' law-enforcement experience, command-staff experience, policy-development experience, and collaboration experience, meaning, that they've served on a task force where decisions were made, not in a hierarchical manner but in a collaborative manner.

Our law enforcement staff, a little over 40 percent of them also have law degrees, and over 60 percent of them have been to the FBI National Academy. This is the

individual that you get at the lowest level of an organization for us in your support when you call in for support.

Quite frankly, that could not have been accomplished without the retirement system in California at 3-at-50. It's been extremely beneficial for our recruitment efforts.

It has to be focused. We identify one learning objective, and it takes no more than five or six minutes every day. That is because our society that we're dealing with now lives on short bursts of information.

And lastly, it's applied. It has to be interpretative and it has to be reinforced.

I'd like to address for just a moment the POST staff's rejection basis and some of the things they brought up. The rejection was based upon really four areas.

They noted that there was an absence of learning objectives, feedback, or application of knowledge.

We dispute that. In fact, every Daily Training Bulletin is derived from one learning objective. We go through all policy, we have a very vibrant set of contributors, and every Daily Training Bulletin begins with one learning objective.

The analysis of this does not recognize that

applying from scenario to reference to policy and then applied is, in fact, the application and the feedback system. It is absolutely how we learn. Taking information, understanding how to apply it to a situation we'll see, and being reinforced on that is absolutely the premise of learning, and that's how the system works.

And lastly, every day has one test. One test question. And so it is confirmed through the test question.

Now, we have a little bit of a unique and difference of opinion with POST staff on learning on test questions, and that comes from my partner, Bruce's experience in the courtroom. If the individual answers inaccurately in our system the test question, they are immediately remediated to try again until they are getting to a correct answer. Our system will only record an accurate answer. And the reason for that is because when the agency is sued -- and they all will be, we believe -- the courts are looking for two standards of care: One is that they have current compliant policy in effect, and has it been communicated effectively to the field.

Assertions of deliberate indifference and failure to adequately train are rampant in every federal case being filed. Training records are discoverable. And we have seen numerous times in court cases where plaintiff's

attorneys are able to find documentation in training records where an individual answered unsuccessfully or inaccurately in training. It's used to bludgeon them, that they don't understand what the subject is, and that perhaps that failure in training led to damage or impact on their client. We will not ever intentionally create a plaintiff's tool against our agencies.

The second concern by POST staff is brevity. We have been told over the last five years, when we've been working with POST staff over this issue, that they will not accept any training less than two hours in content. That just simply does not reflect the reality today, where we get training in shorter bursts. Not only that, but current POST online courses, "*Keeping Your Edge*" is advertised on the Web site as a 90- to 120-minute requirement, and it receives two hours of CPT credit. "*Officer Safety: Hot or Not*" is advertised on the Web site as 30 to 60 minutes by POST, and it receives one hour of credit. Clearly, that criteria does not apply to the courses that POST is putting online as well.

Furthermore, the system allows an officer -- this is the POST system, the online system -- allows an officer to log in and off at their discretion. In fact, we tested the system, and you can log in for one minute off and do that an innumerable amount of times. And

so the actual amount of class online could be substantially less for the online portal that POST puts on than what our system does. So we don't understand the criticism of brevity when the system that they're producing is less than that.

We've also been told that the POST system will not register less than one-hour or two-hour blocks of time. We've run into this with other POST agencies in other states, and what we've successfully done is bundled, let's say, ten of the Daily Training Bulletins that deal with the same topic: Use of force, search, pursuit -- whatever that topic is, combine that, so it is reportable in one-hour chunks. And that's an accommodation we've made to several other agencies, and are most happy to do so here, if it's a logistics issue.

The third area was need. And they said that there was no defined need for what we're providing. California agencies do not currently have access to a training system that links directly with the agency's policy manual. And we know substantially that officers are looking for what they are trying to be guided on from their policy.

The format is usable, without scheduled breaks, on a five- or six-minute. It's typically not a backfill pay issue. And it is a timely response to issues that arise.

As an example, the Supreme Court had two decisions recently in May, the *Gant* decision and the *Hayes* decision. Both of those impacts and the changes in training were on our system in June, within 30 days of the Supreme Court decisions. No system currently available in California has that level of responsiveness or analysis associated.

CHAIR SOBEK: Mr. Merkle, four more minutes, please.

MR. MERKLE: Thank you. I will wrap up.

And lastly is economics. We are in tough times, and agencies are looking for ways to be more efficient about their administrative services.

Lastly, the complaint was that it is a proprietary system and that all California agencies don't have access to it. That is just not true. All agencies have access to it as a subscriber, and most of them are actually -- their fees are paid through their insurance pools.

If it is this Commission's intention that no one in the private sector can supply services to California agencies through this, then we just need to understand that. But it seems that there is a review process that we don't understand that.

There are several inaccuracies in the staff report. And I won't go through them because of the limited time. But let me state one that's very important, and that is

that we do not have relationships with POST agencies in other states. That's just flat-out not accurate.

I would put on the record that they could contact Deputy Director Doug Blair of the Washington Criminal Justice Training Commission, Coordinator Steve Winegar, Supervisor Debbie Graves of California -- or excuse me, Oregon DPSST, John Parmann at Idaho; Tim Braaten at TCLOSE in Texas.

And I would also mention that the report says we have no relationship with Nevada POST. Here's the reality: Nevada POST is now administering a contract for every agency in the State of Nevada with every service that we supply for four years. And Director Dick Clark is in the audience, and he can confirm that for you.

So the inaccuracies in the report we just don't understand.

In summary, let me just say that the world changed in September 2001. We became aware of new and emerging threats that we had previously not addressed. It prompted collaboration and the ability for law enforcement at all levels to work together to find innovative and common areas of interest that we've not had before. We believe that we are currently in a crisis as well. We have a pervasive economic crisis.

Bill Gross, CEO of PIMCO, the largest bond fund

trader in the world, has mentioned last week, that he personally believes and their fund believes that this economic crisis' impacts will last a generation. We're not through this, we can't just budget our way out of this for a year or two. That is a pervasive and long-lasting reassessment of how we spend our dollars and getting more effectiveness.

At the same time, we have a generation shift that's creating different needs and different ways of learning that we have to train. We have limited resources, we have accelerating retirements, and so institutional knowledge is fleeing from our agencies at a rapid pace. And we have an evolving criminal element that is using tactics that we had never been able to anticipate. Collaboration and mutual support are critical among the vested interests. Sheriffs' and chiefs' associations, standard-setting communities, state POST agencies, and the insurance pools are highly motivated for controlling risk due to economics, are the folks that we have continually worked with.

We have created the integrated technology platform unmatched in the country. We provide a facility and an environment where those collaborative efforts can be applied to small agencies, large agencies, and everyone.

I appeal to you to consider not closing the door

to innovation, and those who want to partner with you in achieving your goals. We're not the bad guys here. We are working collaboratively to help provide the services that are needed out there. We find it just not feasible that the only online or DVD programs that California POST staff has approved are the ones that California POST staff has created. To believe that they are the only ones out there capable and have the skill-set to contribute to the needs of the enforcement agencies is just not realistic.

CHAIR SOBEK: Mr. Merkle, your time is up. Thank you.

MR. MERKLE: Thank you.

Would you like me to sit for questions now?

CHAIR SOBEK: I actually have a couple of questions.

MR. MERKLE: Yes, sir.

CHAIR SOBEK: Have you read -- and with all due respect -- understand the POST PAM regarding certification?

MR. MERKLE: We believe we do.

CHAIR SOBEK: So are you trying to have this commission change how we certify training?

MR. MERKLE: We believe that we are in compliance with the guidelines that this commission has, as far as certifying online training. We believe that the

discrepancy comes with how POST staff has interpreted that. And we just don't understand some of the statements in there. They're inaccurate and they're not reflective of what we believe is the situation.

CHAIR SOBEK: My thought, as I was listening to you, is, it doesn't sound like the issue is to take a position on certifying your training, from what I'm hearing, that's part of it. But the issue, I think, is that the Commission should, with POST staff, look at our training techniques and revise, through the Commission, if necessary. I think that's more of -- you're talking about the five-minute burst of training as opposed to our two-hour minimum. That may be right, that may be wrong, but that's something that staff needs to look at. I don't think that's something that we can make a decision on now as to how we just arbitrarily change how training is done.

MR. MERKLE: Well, but we're not asking you to arbitrarily train. We haven't found anywhere within the POST guidelines that you have a two-hour requirement.

There has been some patterns of practice. But those patterns of practice are not being followed today in what you offer with one-hour courses.

So I believe the challenge was a logistics one from POST being able to track one-hour or two-hour sorts of

blocks of time. We're more than willing to accommodate some even blocks of times to have that reporting come in. We have those technology tools to make it very easy for you, and have offered those. So we're not asking you to change your guidelines or your process. We just simply believe that the interpretation by staff is not incorporating what I think the intent is here, and that is to get training available to our officers, and get it effective and meaningful.

CHAIR SOBEK: Does anybody have any questions?

(No response)

CHAIR SOBEK: Thank you, sir.

I'm going to bring up Alan Deal.

If you would come up, Alan, and highlight some of the reports, the POST report's issues, please.

MR. DEAL: Mr. Chairman and Members, we have a complete agenda item under Tab P that goes to the staff report. We actually did the report in two parts. The part that I'll address deals with the regulation that describes or defines the types of training that POST does certify, and the standards by which we use in evaluating training that is offered to us as meeting one of the different kinds of training that we have available.

The Commission is a standard-setting body for

law-enforcement training, which is clear to everyone in this room. It has a rich history of improving both the quality and the delivery of training and its responsiveness over the years in providing training to law enforcement. It sets high standards in defining training. And there are two types of training that POST looks at for purposes of certification. One is the instructor- or facilitator-led type of training; and the other is the self-paced training to which Lexipol has requested certification.

What are the differences?

Instructor- or facilitator-led is an interaction in feedback by an instructor among students, that allows the instructor to assess whether or not learning is transpiring during the course of a presentation. And it allows the instructor to make adjustments as part of that presentation as necessary to ensure that learning is taking place.

Self-paced training is different. The training is designed in a way that it has to anticipate the student needs because there is no instructor in the classroom to assist them and guide them if they are not getting the training. The course has to be self-contained, and it has to be able to ensure that training has occurred at the appropriate level through some verification.

The issue before the Commission is, do the Lexipol Daily Training Bulletins satisfy Commission requirements to be certified as self-paced training? That's the one issue before you.

Staff evaluates training in three areas; and those are contained in Attachment A, 1052(b)(8), (9), and (10). We look at course objectives, learning activities, and the evaluation component.

The course objectives are, obviously, the expected outcomes, once the training has been completed. And the learning activities provide a means by which students are able to interact with the material and perform activities that help them practice and model the desired change in either a skill or knowledge. The evaluation verifies that the learning objectives have been met.

The standard by which staff assesses self-based training is based upon sound instructional methodology. You can refer to Attachment G that gives you some descriptions of the Bloom Taxonomy and the Anderson and Krathwohl taxonomies.

Staff review of the Daily Training Bulletin product was limited to whether the Daily Training Bulletins meet the Commission's certification requirements for self-paced training. The staff conclusion is that they do not meet Commission regulation for self-paced

training.

The Daily Training Bulletins include written material, materials specific to individual agency policy and procedures. It is reading. You answer one true-and-false question. And in answering those questions, oftentimes you can answer them without having read the material and do so correctly.

The type of training that is being offered here is no different than providing a written copy of a general order, and requiring an officer to sign a receipt that they have received the document, read it, and they understand it.

It is a reading activity just like when you read a law-enforcement professional journal, case law, or a textbook. And if you refer to Attachment H, you have an opportunity to look at a comparison of different types of readings.

The Daily Training Bulletins contain written information that is provided to you through the Internet. And that is the component that gives it that online feel. Again, it is still reading.

Staff describes this type of presentation as “Click and read.” Material is provided to you, and you click and you read the material, and click to the next page.

Do these Daily Training Bulletins satisfy Commission

regulations that describe self-paced training? They do not, for a number of reasons.

There is no clearly identified learning objective, there is no learning activity, there is no credible evaluation. And probably most importantly is, there is no formal feedback mechanism to the agency or to the officer that learning has taken place at the desired level.

Attachment I, page 2, provides a breakdown, and does some additional comparisons of Daily Training Bulletins and a POST course in applying the three criteria that has been described to you.

Over the years, many vendors and producers of both online and CD-based commercially available products have asked POST to certify their training as self-paced. In every instance, they have fallen short in meeting one or more of the selection criteria. Again, if you refer to Attachment I, you see a comparison that shows those three elements in terms of deficiency.

If the Commission grants the appeal, among other things, the current Commission regulation regarding self-paced training would be negated. The standard by which staff evaluates self-paced training would be eliminated. Flood gates would open to training that is of lesser quality than provided for in Commission

regulation. The annual review of the Daily Training Bulletin product would not occur, and staff would have to create a mechanism or a system by which to capture the training provided by Lexipol, so that it could be entered into officers' training records.

For these reasons and additional reasons that are contained in the staff recommendation in the staff report, staff recommends that the Commission deny the appeal of Lexipol.

CHAIR SOBEK: Any questions by commissioners?

Commissioner Hayhurst?

COMMISSIONER HAYHURST: Yes, Mr. Deal, has the staff done any evaluations from participants of the Lexipol program, to see if they have retained the knowledge that they have read, and that they are understanding what they're reading?

MR. DEAL: We have not done any of the research that you've described, Commissioner.

CHAIR SOBEK: Any other questions?

COMMISSIONER McGINNESS: If I may.

Just specific assertions by Mr. Merkle regarding conflicts in the staff report of the relationship with other out-of-state agencies, and so forth.

Perhaps Mr. DiMiceli is here.

MR. DiMICELI: May I answer that? Because that has

been my comment and those have been my conversations.

We are aware and have seen the statements in the attachments that you have, that all of these agencies approve Lexipol Daily Training Bulletins. And the suggestion is, at least to us, that they each have gone through a review process in a manner similar to what we do, and have made a considered decision at the POST level that they will accept that for training.

I had a personal conversation in June in Nevada, at the annual conference of the Association of Directors of Law Enforcement Standards and Training. I talked with Dr. Michael Parsons, the director of Washington, whom you may recall was a candidate for the executive director's job when you interviewed nearly two years ago.

John Minnis, the executive director of Oregon POST, who said to me, "Mike, you know that we won't certify training in Oregon."

I talked to Tim Braaten from Texas, who was there. It is laid out in your report.

The uniform comment from each of the executive directors of each of those states, with the exception of Idaho and Illinois, was: We are merely the recipient of the name and hours of training submitted to us by the employing agency. We don't question what that training was, we don't question who provided it. We merely get

a record that says, from Smith to Jones, six hours of training, four hours to meet the mandate.

Only in Texas, does Texas POST have the ability to go back to the agency and say, “Prove this. Show me who did it, show me what the topic was, show me when it was delivered.” The other states, as the director in Utah told me, “We’re just a repository of names and numbers. I don’t know what they did, but the department decided they wanted to do it for training. They sent us the information, and we accept it.” That’s what I put in the beginning of the report.

The second point that’s made by Lexipol is that they have worked collaboratively with all of the POST organizations to overcome the logistical challenge of accumulating the information and putting it in their records. As Tim Braaten, the former chief of police of Victoria, Texas, and now the executive director of what is called TCLOSE –- Texas’s POST -- told me, “We don’t do any of that stuff.” He said, “We haven’t talked to them about how it gets into the system. We require the agency to tell us how much training they’ve done and what kind of training it was and how it’s associated with the individual officers. And if we have any question, we go back to the agency and say, ‘*Show me*.’”

So in my experience, in my personal face-to-face

conversations, we have reported to you in the report both the comments of those agencies with regard to certifying the training of Lexipol and with regard to overcoming collaboratively the logistical challenges of accumulating that information.

CHAIR SOBEK: Okay, now is the time when we are going to go into closed session. So I will ask the public to --

COMMISSIONER BATTS: Can I ask a quick question?

CHAIR SOBEK: Oh, I'm sorry.

COMMISSIONER BATTS: Is there a compromise part or piece that both entities can reach that will facilitate this? Or am I missing something?

MR. CAPPITELLI: Under the existing regulation, Commissioner, the answer is no.

CHAIR SOBEK: We're going to go into closed session. So I appreciate non-commissioners to leave.

(*The Commission met in closed session from 12:32 p.m. to 12:52 p.m.*)

CHAIR SOBEK: We're off our closed session, and back into open session.

And just to let you know, under our regulations, Lexipol will be notified within ten days of the decision. And we have no further action on that today.

The next Long-Range Planning Committee meeting, I

just found out from Commission Lowenberg, we may have a conflict on that date. The POST Consortium is that date, so we may change that.

MR. CAPPITELLI: Yes, I'll work on that with staff.

CHAIR SOBEK: The October 22nd Commission meeting date is the same. And the January 21st is obviously going to be changed based on our approval of changing Commission meetings from four meetings a year to three. Staff will get back to us as to that date for the meeting after October 22nd. So October 22nd will be exactly the same. And then disregard the January 21st date and the April 22nd date, because those will definitely change.

And if it nobody has anything else --

MR. CAPPITELLI: I have one other announcement.

Commissioners Van Attenhoven and Anderson recused themselves from being part of the closed session due to what they believe was a conflict of interest for the record.

CHAIR SOBEK: The meeting is adjourned.

Thank you very much.

(The meeting concluded at 12:53 p.m.)

REPORTER'S CERTIFICATE

I hereby certify:

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

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

In witness whereof, I have hereunto set my hand on August 7th, 2009.

_____

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