

## **POST COMMISSION MEETING**

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

**Thursday, October 22, 2009**

### **AGENDA**

#### **CALL TO ORDER - 10:00 A.M.**

Chair Michael Sobek will call the meeting to order.

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

The Color Guard will be provided by the Citrus Heights Police Department.

#### **MOMENT OF SILENCE HONORING THE OFFICER WHO LOST HIS LIFE IN THE LINE OF DUTY SINCE THE LAST MEETING**

Sergeant Steve May, Modesto Police Department

#### **ROLL CALL OF COMMISSION MEMBERS**

#### **INTRODUCTION OF POST ADVISORY COMMITTEE CHAIR, POST LEGAL COUNSEL, AND THE EXECUTIVE DIRECTOR**

Chair Sobek will introduce the POST Advisory Committee Chair, POST Legal Counsel, and the Executive Director.

#### **AUDIENCE INTRODUCTIONS**

Members of the audience will introduce themselves.

#### **WELCOMING ADDRESS**

Chief Christopher W. Boyd of the Citrus Heights Police Department will give the welcoming address.

## **PUBLIC COMMENT**

Chair Sobek will advise the audience of the following:

This is the time on the agenda for public comment. This is time set aside for members of the public to comment on either items on the Commission agenda or issues not on the agenda but pertaining to POST Commission business. Members of the public who wish to speak are asked to limit their remarks to no more than five minutes each. Please be advised that the Commission cannot take action on items not on the agenda.

## **APPROVAL OF MINUTES**

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

## **CONSENT**

### **B.1 Course Certification/Decertification Report**

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

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

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

Of the 31 objectives, staff is reporting that:

24 -- Are in progress of being researched and/or implemented  
8 -- Previously deleted by Commission action (deleted from total)  
0 -- Recommended for deletion  
3 -- On-hold  
4 -- Not addressed at this time  
31 -- Total

An update on the status of each objective is attached.

In approving the Consent Calendar, the Commission accepts the quarterly status report of the Strategic Plan.

### **B.3 POST Reimbursable Program New Agency**

The Sierra College Police Department is seeking entry into the POST Reimbursable Program.

B.4 POST Public Safety Dispatcher Reimbursable Program New Agencies

The California State University Sacramento Public Safety Dispatchers are seeking entry into the POST Public Safety Dispatcher Reimbursable Program.

B.5 Report on Strategic Plan Objective A.3.02 Regarding Research and Development of Physical Abilities Assessment for Entry Into Basic Academies

Earlier research on a pre-academy assessment validated a battery of three physical ability tests (maximum push-ups, one-minute sit-ups, and 1½ mile run times) as predictors of successful performance on physically-demanding elements of the Basic Course. However, as reported in April 2009, academies vary greatly in conducting the POST-required standardized academy physical conditioning program both in level of difficulty and in content. This variance makes setting a uniform passing score problematic. Consequently, work to develop defensible pre-academy physical ability tests was stopped. Staff will, instead, evaluate the feasibility of revising the physical conditioning and testing program to improve compliance and reduce variance in program difficulty and content between academies. Staff recently completed a series of regional workshops in which groups of academy managers and instructors identified their needs and reasons academies vary from the standardized program. Most agreed that a physical conditioning program update should be given the highest priority among other Lifetime Fitness Learning Domain needs. Staff is currently reviewing modern, scientifically-supported training techniques and published standards of acceptable practice in support of such a revision.

This report is provided for information only, and no action is required.

B.6 Report on Strategic Plan Objective B.10 - Enhance and Continue the Study of Driver Training Methods and Vehicle-Related, High-Risk Activities to Improve Training, Enhance Safety, and Reduce Preventable Collisions and Injuries

The Vehicle Operations Training Advisory Council (VOTAC) was first convened in March 2008 to inform efforts responsive to Strategic Plan Objective (SPO) B.10 - “Enhance and Continue the Study of Driver Training Methods and Vehicle-Related High-Risk Activities to Improve Training, Enhance Safety, and Reduce Preventable Collisions and Injuries.” The VOTAC has now met five times—most recently in August 2009.

An expanded research team (RT) was assembled in May 2009 to address priorities relative to training and field operations (i.e., pilot programs) and future research. These priorities were first identified in the *Driver Training Study: Volume I* (approved by the Commission in October 2008) and further refined by the VOTAC in February 2009. The RT had its first meeting with the VOTAC in August 2009. Research and pilot program designs were vetted with the VOTAC and consensus

was reached for next steps (e.g., surveys and data collection, program assessment, and agency/presenter access needs). Discussions relative to potential agencies and training presenters for participation in the studies and pilots were introduced. Challenges were identified, as were key steps to address concerns. The RT is now prepared to move forward pending the availability of seed funding approved by the Commission at its July 2009 meeting. The VOTAC and RT are tentatively scheduled to meet again in February 2010.

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

**B.7 Report on Acquisition of Law Enforcement Driving Simulators**

During August, the POST Specification/Evaluation Team reviewed, evaluated, and reached consensus scoring on the product demonstrations by the three bidders. Cost bids were opened in late August and were factored into scores from the demonstrations. The Intent to Award to the winning bidder was announced by the Department of General Services in late September. The company named to receive the award was FAAC. However, immediately following the announcement of the Intent to Award, the other two companies that participated in the competitive bid process announced their intent to protest the award. This puts the process on hold while a review of the protests takes place.

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

**B.8 Report on Strategic Plan Objectives C.5 and C.12 Regarding the Provision of Automated Scoring Procedures for Academy Scenario Testing and FTO/PTO Program Evaluation**

Strategic Plan Objectives C.5.06 and C.12.08 are both intended to provide automated scoring for POST client agencies via enhancements to the Testing Management and Assessment System (TMAS) that POST uses in its Basic Course written test program. Objective C.5.06 seeks to provide automated scoring for the Basic Course scenario tests; while Objective C.12.08 seeks to do the same for the evaluation component of the Field Training Officer/Police Officer Training (FTO/PTO) programs. TMAS is a commercial off-the-shelf, Internet-based software product that the vendor provides on a per site license basis. POST has purchased a license for each Basic Course presenter in California.

At the time the Commission approved Objectives C.5.06 and C.12.08, staff was satisfied with both the TMAS software and the performance of the vendor. Since that time, however, staff has experienced problems with both the TMAS product and its vendor and is now actively conducting market research to identify other software providers who may better serve the needs of POST and its clients. Work

on these two objectives will not proceed until the market research has been completed.

This item is provided for information only, and no action is required.

B.9 Report on Strategic Plan Objective A.4.02 - Standardize Skills Testing for the Basic Course

POST Strategic Plan Objective A.4.02 directs staff to establish standardized Basic Course skills tests in three areas: firearms, vehicle operations, and defensive tactics. This objective has nearly been completed.

Skills competency test forms have been developed and validated for each area. Each test and the associated Training and Testing Specifications for Learning Domains #19 (Vehicle Operations), #33 (Arrest Methods), #35 (Firearms), and the PC 832 Course have been approved by the Commission and are available on the POST website. The use of all forms became a requirement as of July 2009.

Except for the Defensive Tactics, all train-the-trainer sessions have been completed and work has begun to produce online proctor training for each test. The skills evaluation forms have been well received by the academies, and many police and sheriff departments intend to use the forms for documentation of perishable skills training requirements.

This item is provided for information only, and no action is required.

B.10 Resolution

The following individual will receive a resolution:

- Ken Krueger, retiring Bureau Chief of the Standards and Evaluation Services Bureau

**ADMINISTRATIVE SERVICES BUREAU**

C. Contract Request for Internal Control Audit

*State Administrative Manual (SAM) Section 20000 et seq. details the State's Financial Integrity and State Manager's Accountability (FISMA) requirements to ensure the adequacy of the internal controls in place for each state agency. SAM Section 20060 requires all state entities to submit a biennial report in December in odd-numbered years.*

*Commission Policy E-2, POST Internal Audits states that: For purposes of maintaining sound fiscal controls, staff will cause the review of the internal control structure of the organization on a biennial (every two years) basis. These audits*

*will normally be conducted by the State Department of Finance (DOF), under a contractual agreement.*

If the Commission concurs, the appropriate action would be a **MOTION** to authorize the Executive Director to enter into an interagency agreement with the Department of Finance, Office of State Audits and Evaluations, or the State Controller's Office in an amount not to exceed \$35,000 for the purpose of conducting an internal control audit.

**(ROLL CALL VOTE)**

### **TRAINING PROGRAM SERVICES BUREAU**

#### **D. Report on Acceptance and Use of FY 2009/2010 Federal Stimulus Funds**

At the July 2009 Commission meeting, the Commission authorized the Executive Director to accept the one-time grant funds of \$400,000 (including \$100,000 of POST in-kind match) of federal stimulus monies from the California Emergency Management Agency (Cal EMA) to deliver training to peace officers and dispatchers in the area of tribal domestic violence and other crimes against women. This program is the Law Enforcement Training Recovery Act Program in which POST will develop a DVD telecourse, develop a domestic violence and sexual assault course, and conduct at least six course presentations focused on tribal domestic violence and sexual assault crimes committed against women. The grant period is from October 1, 2009, through September 30, 2010.

Staff plans to contract with the University of California, Irvine (UCI) Distance Learning Center production team to develop and produce the DVD telecourse. The production costs are anticipated to be \$180,000. Additionally, staff plans to contract with the San Diego Regional Training Center (SDRTC) to assist in the development of the course, presentation of the course, and facilitation of the day-to-day grant coordination responsibilities by providing a part-time Grant Coordinator/Project Facilitator for \$91,514.

If the Commission concurs, the appropriate action would be a **MOTION** to authorize the Executive Director to: 1) contract with the University of California-Irvine (UCI) or another public entity for the development of a telecourse training program and related video services in an amount not to exceed \$180,000, 2) contract with the San Diego Regional Training Center (SDRTC), or another public entity, for the development and delivery of training about tribal domestic violence and other crimes against women in an amount not to exceed \$67,178, 3) contract with the SDRTC, or another public entity, for a part-time Grant Coordinator/Project Facilitator to coordinate the day-to-day activities associated with the grant in an amount not to exceed \$24,336, and 4) contract with the State Controller's Office to audit the expenditures of the grant in an amount not to exceed \$10,200.

**(ROLL CALL VOTE)**

E. Report on Acceptance and Use of CalEPA Grant Funding for Environmental Crimes Training

Pursuant to Penal Code Section 14314(a), the Local Environmental Enforcement and Training Programs statute directs CalEPA to grant POST up to \$100,000 annually. These funds are to be used for the development of environmental crimes training for local and state peace officers. The amount of the grant received depends on the balance in the account as of September 30. As of August 1, 2009, the amount of the fund is such that POST will receive at least \$72,000 for FY 2009/2010. This amount may increase if the fund increases by September 30, 2009.

Survey responses from the field, and input from the Learning Portal Advisory Committee, indicate a strong interest in self-paced courses on the POST Learning Portal that meet mandated training requirements. In discussions with stakeholders at CalEPA, it was determined that an online course on hazardous materials refresher training at the awareness level would be an appropriate use of the CalEPA grant funds. The existing POST CD-ROM titled, *HazMat Awareness Refresher Training* is outdated and could be replaced with an online version.

Funding for this course would come from the CalEPA grant.

If the Commission concurs, the appropriate action would be a **MOTION** to authorize the Executive Director to accept CalEPA grant funds in an amount not to exceed \$100,000 and to contract with an entity for the development of an online course on environmental crimes.

**(ROLL CALL VOTE)**

F. Report on Request to Contract for Presentation of Computer Crime Investigation Training

Penal Code §13519.9, *Criminal investigators; advanced training; specialty assignments*, was added in 1994, and directed the Commission to establish the Robert Presley Institute of Criminal Investigation (ICI) by January 1, 1995, which would make available to criminal investigators of law enforcement agencies an advanced training program to meet the needs of investigators working in specialty assignments. Since the inception of the ICI Program, a core investigative course and 13 foundation specialty courses have been developed. Instructors for all ICI courses are required to successfully complete a 40-hour instructor training course specific to the ICI experience-based teaching methods.

In 1995, a *Computer Crime Investigation* training course created by the SEARCH Group was designated as an ICI foundation specialty and certified by POST as such under Reimbursement Plan III. This course is currently the only general investigative course in its field, and the only available and POST ICI certified presenter of this course is the SEARCH Group (a non-profit organization that

provides a service to governmental entities). By transitioning this course to a contract course, the \$446 non-reimbursable tuition fee would be eliminated for students attending from POST-reimbursable agencies. A tuition-free course would provide an increased attendance opportunity for those whose budgets do not permit such expenditures. The contract for three course offerings annually will be in an amount not to exceed \$45,000. This funding is available from a FY 2009/2010 budget reduction of a current contracted ICI presenter.

If the Commission concurs, the appropriate action would be a **MOTION** to authorize the Executive Director to enter into a contract with SEARCH Group or another entity to provide Computer Crime Investigation training in an amount not to exceed \$45,000.

**(ROLL CALL VOTE)**

G. Report on Request to Contract to Develop Online Courses and Related Resources

In July 2008, the Commission approved the submission of a Budget Change Proposal (BCP) to fund online training delivered via the POST Learning Portal using \$425,000 from its reserve. Staff recommends that these funds be used to contract for the development of two online courses or tools that meet legislative or regulatory training mandates or that address other training needs.

If the Commission concurs, the appropriate action would be a **MOTION** to authorize the Executive Director to: 1) enter into contracts to develop online courses that address identified training needs in an amount not to exceed \$425,000, and 2) apply any remaining funds to develop resources for and/or support of the Learning Portal.

**(ROLL CALL VOTE)**

H. Report on Acceptance and Recommended Use of FY 2009/10 Grant Funds to Develop Training on Human Trafficking of Minors

The California Emergency Management Agency (CalEMA) has solicited a Request for Proposal (RFP) for the Human Trafficking of Minors (HM), Law Enforcement Training Program. POST submitted an RFP and anticipates receiving funding. Approximately \$400,000 is available to train law enforcement and other first responders on how to identify, investigate, and respond to cases of human trafficking of minors. The funding for this program is a three-year cycle beginning January 1, 2010, and ending December 31, 2012, and has no in-kind match requirement.

The HM program includes nine components: 1) convene an expert panel of subject matter experts to guide the development of the training curriculum, 2) develop curriculum for one training course, 3) train the trainers in the first year of operation, 4) present at least 12 regional training sessions to law enforcement and other first

responders during the second and third year of operation, 5) provide POST continuing education credits, 6) require use of participant course evaluations, 7) develop and use an evaluation tool to measure the impact of training on a participants' job performances six months after training, 8) develop an officer pocket guide or web download on human trafficking to be distributed to law enforcement officers and agencies, and 9) develop a two-hour training DVD telecourse to be distributed by the end of the third year of operation.

If the Commission concurs, the appropriate action would be a **MOTION** to authorize the Executive Director to: 1) accept the grant of \$400,000 for the Human Trafficking of Minors, Law Enforcement Training Program, and 2) contract with an entity for the development and delivery of the training described in the RFP. **(ROLL CALL VOTE)**

## **COMMITTEE REPORTS**

### I. Long Range Planning Committee

Commission Chair Mike Sobek will report that the September 24, 2009, Long Range Planning Committee meeting scheduled for Thursday, September 24, 2009, was canceled.

### J. Finance Committee

Henry Perea, Chair of the Finance Committee, will report on the results of the Committee meeting held on Wednesday, October 21, 2009, in Sacramento.

### K. Advisory Committee

Nicki Woods, Chair of the POST Advisory Committee, will report on the results of the Advisory Committee meeting held on Wednesday, October 21, 2009, in Sacramento.

### L. Legislative Review Committee

Lai Lai Bui, Chair of the Legislative Review Committee, will report on the results of the Legislative Review Committee meeting held on Thursday, October 22, 2009, in Sacramento.

### M. Correspondence

- A letter from Paul Cappitelli, Executive Director, expressing sympathy to Interim Chief Mike Harden of the Modesto Police Department over the tragic, on-duty death of Sergeant Steve May of his department.

- A letter from Ron Cottingham, President of PORAC, to Executive Director Cappitelli and POST Commissioners, commending the POST Commission on its accomplishments and, in particular, complimenting the Executive Director on his approachable style of leadership.

N. Old Business

O. New Business

### **NEXT LONG RANGE PLANNING COMMITTEE MEETING**

The date of the next Long Range Planning Committee meeting will be determined at this meeting.

### **FUTURE COMMISSION DATES**

February 24-25, 2010 – Hilton, Irvine/Orange County Airport

June 23-24, 2010 – Courtyard Marriott, Sacramento

October 27-28, 2010 – Courtyard Marriott, Sacramento

**ADJOURNMENT -**