

STATE OF CALIFORNIA
COMMISSION ON
PEACE OFFICERS STANDARDS AND TRAINING

POST COMMISSION MEETING



TIME: 10:00 a.m.

DATE: Thursday, February 24, 2011

PLACE: Hilton La Jolla Torrey Pines
10950 North Torrey Pines Road
La Jolla, California



REPORTER'S TRANSCRIPT OF PROCEEDINGS



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POST Commission Meeting, February 24, 2011

A P P E A R A N C E S

COMMISSIONERS PRESENT

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

LAI LAI BUI
(Commission Vice-Chair)
Sacramento Police Department

WALTER ALLEN
Covina City Council

GEORGE ANDERSON
for KAMALA HARRIS
Attorney General's Office

THOMAS ANDERSON
Public Member

ROBERT COOKE
California Narcotics Officers' Association

BONNIE DUMANIS
San Diego County District Attorney

FLOYD HAYHURST
Los Angeles County Sheriff's Department

RONALD LOWENBERG
Golden West College Criminal Justice Training Center

JEFFREY LUNDGREN
Riverside County Sheriff's Department

JAMES McDONNELL
Long Beach Police Department

LAURIE SMITH
Santa Clara County Sheriff's Department

MICHAEL SOBEK
San Leandro Police Department

A P P E A R A N C E S

COMMISSIONERS PRESENT

continued

LINDA SOUBIROUS
Public Member



POST ADVISORY COMMITTEE MEMBERS PRESENT

LAURA LORMAN
Committee Chair
Women Peace Officers Association of California

ELMO BANNING
Public Member

ALEX BERNARD
Public Member

JIM BOCK
California Specialized Law Enforcement

EDWARD 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

ALAN McFADON
Public Safety Dispatcher Advisory Council

JEFF MILLER
California Police Chiefs' Association

BRENT NEWMAN
California Highway Patrol

A P P E A R A N C E S

POST ADVISORY COMMITTEE MEMBERS PRESENT

continued

TIM WILLMORE
California Association of Police Training Officers



POST STAFF PRESENT

PAUL CAPPITELLI
Executive Director
Executive Office

MARIE BOUVIA
Executive Secretary
Executive Office

JAN BULLARD
Chief
Learning Technology Resource Center

KAREN CRAMER
Budget Officer
Administrative Services Bureau

RON CROOK
Multimedia Specialist
Learning Technology Resource Center

ALAN DEAL
Assistant Executive Director
Executive Office
Standards and Development

FRANK DECKER
Bureau Chief
Basic Training Bureau

MICHAEL DiMICELI
Assistant Executive Director
Executive Office
Field Services Division

A P P E A R A N C E S

POST STAFF PRESENT

Continued

JOHN DINEEN
Bureau Chief
Management Counseling Services

DARLA ENGLER
Acting Bureau Chief
Administrative Services Bureau

BRYON GUSTAFSON
Senior Consultant
Training Program Services

MIKE HOOPER
Bureau Chief
Center for Leadership Development

KAREN LOZITO
Senior Consultant
Executive Office

CONNIE PAOLI
Administrative Assistant
Executive Office

EDMUND PECINOVSKY
Bureau Chief
Training Program Services

RICHARD REED
Assistant Executive Director
Executive Office
Administrative Services Division

BOB STRESAK
Bureau Chief
Standards and Evaluation Bureau



A P P E A R A N C E S

PUBLIC MEMBERS

GREG BLOCK
Self Defense Firearms Training

JOEL DAVIS
Irvine Police Department

YGNACIO FLORES
Rio Hondo Community College

JOANN GOYA
Los Angeles Police Department

EUGENE OSKO

LUANN PANNELL
Los Angeles Police Department

JULIE SCHUPAK
Self Defense Firearms Training

JANICE SIMONE

JOHN STANDISH
Consultant
SAS Institute

DIANA TODARO
University of Phoenix

DANE WYGAL
digital OutPost



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Thursday, February 24, 2011, 10:03 a.m.

La Jolla, California



(The gavel was sounded.)

CHAIR DOYLE: Good morning, everybody.

I'd like to call the meeting to order of the Peace Officer Standards and Training on Thursday, February 24th.

Would you please rise for the posting of the colors by the San Diego County Sheriff's Honor Guard?

(The Honor Guard presented the colors.)

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

(The Pledge of Allegiance was recited.)

CHAIR DOYLE: Please remain standing for a moment of silence honoring the officers who have lost their lives in the line of duty since our last meeting:

Officer Christopher Wilson, San Diego Police Department.

Cadet Randy Atchison, California Highway Patrol.

Officer Ryan Bonaminio, Riverside Police Department.

And Officer Tom Adams, California Highway Patrol.

(Moment of silence.)

CHAIR DOYLE: Thank you.

(The Honor Guard exited the meeting room.)

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1 CHAIR DOYLE: Let's recognize the Honor Guard.
2 Thank you very much.
3 *(Applause)*
4 CHAIR DOYLE: Please have the roll call of
5 Commission members.
6 MS. PAOLI: Allen?
7 COMMISSIONER ALLEN: Present.
8 MS. PAOLI: Tom Anderson?
9 COMMISSIONER THOMAS ANDERSON: Here.
10 MS. PAOLI: Bui?
11 VICE CHAIR BUI: Here.
12 MS. PAOLI: Cooke?
13 *(No response)*
14 MS. PAOLI: Doyle?
15 CHAIR DOYLE: Here.
16 MS. PAOLI: Dumanis?
17 COMMISSIONER DUMANIS: Here.
18 MS. PAOLI: Hayhurst?
19 COMMISSIONER HAYHURST: Here.
20 MS. PAOLI: Linden?
21 *(No response)*
22 MS. PAOLI: Lowenberg?
23 COMMISSIONER LOWENBERG: Here.
24 MS. PAOLI: Lundgren?
25 COMMISSIONER LUNDGREN: Here.

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1 MS. PAOLI: McDonnell?

2 COMMISSIONER McDONNELL: Here.

3 MS. PAOLI: McGinness?

4 *(No response)*

5 MS. PAOLI: Smith?

6 COMMISSIONER SMITH: Here.

7 MS. PAOLI: Sobek?

8 COMMISSIONER SOBEK: Here.

9 MS. PAOLI: Soubirous?

10 COMMISSIONER SOUBIROUS: Here.

11 MS. PAOLI: George Anderson?

12 COMMISSIONER GEORGE ANDERSON: Here.

13 CHAIR DOYLE: I'd like to recognize our two new
14 commission members: A long-time friend, Tom Anderson,
15 from Sonoma County; and Jim McDonnell, Police Chief, Long
16 Beach.

17 Welcome.

18 *(Applause)*

19 CHAIR DOYLE: Also for those that don't know: Paul
20 Cappitelli, Executive Director of POST; Vince Scally,
21 POST Legal Counsel; and Laura Lorman who is the POST
22 Advisory Chair.

23 Now, I'd like to introduce San Diego County Sheriff
24 Bill Gore, who is going to welcome our audience and the
25 POST Commission.

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1 SHERIFF GORE: Welcome.

2 CHAIR DOYLE: That was great, Bill.

3 *(Applause)*

4 SHERIFF GORE: On behalf of your Commission member,
5 Bonnie Dumanis, District Attorney, and myself, we welcome
6 you to San Diego. It's really a pleasure to have you all
7 here: So many chiefs and my fellow sheriffs around the
8 state.

9 Thanks to Paul, your Executive Director, a good
10 partner of ours. And we're doing a lot of good things
11 together with POST. So it's especially nice to have you
12 here in San Diego.

13 I understand this is a one-day, you're out of here?
14 You're not here tomorrow?

15 Because the rain is supposed to start, I think,
16 tonight or tomorrow, and it's supposed to be maybe one of
17 the coldest days in 50 years, if you can believe that.

18 But for talking to Bob from Northern California, I
19 think it's going to be a high of 50 or something like
20 that. So it's not going to be too dastardly. But it's a
21 great location you find yourself in here.

22 As you know, Torrey Pines Golf Course out here, I
23 had the humbling experience of playing with a member
24 guest with one of your former members, John Standish,
25 here, when he was with CPOA. John's about, what, a 5 or

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1 a 6 handicap, and I'm about a 19 or a 20 handicap. So
2 working around that course was quite a challenge.

3 But it's too bad, hopefully maybe some of you will
4 have a chance to get out and play it. A little expensive
5 if you're not a city resident. But it's a great location
6 here, and this is probably the gem of San Diego County,
7 right up here in La Jolla Torrey Pines; so make the most
8 of it.

9 I hope if you do stay over, you get a chance to see
10 some of our fine city. Obviously, there's a lot of
11 things to offer. I would caution you to go to Old Town
12 in San Diego and do all the Mexican restaurants there and
13 buy all the Mexican souvenirs and stay out of Tijuana.

14 Not that anybody is going to target you, but the
15 chance of getting caught in some kind of a crossfire down
16 there I think is pretty bad. So we encourage people to
17 stay on this side of the border.

18 If you are going to go down there, I'm serious, we
19 offer this to you -- if you are going to go down there
20 for something, check in with our comm. center, the main
21 sheriff's number, and let them know you're going down
22 there and check in with them when you get back. And
23 that's just a way of keeping track of people if you feel
24 like you must go down there, anyway.

25 Again, welcome to San Diego. We're honored to have

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1 you here. I hope you enjoy your stay, and stay dry while
2 you're here. And I know it will be a productive
3 conference as I look around this room.

4 And it's challenging times we find ourselves in, up
5 and down the state with our budget crisis and the
6 shortfalls and realignment issues which we're all dealing
7 with. So I know this will be a productive meeting. And
8 we thank you for all you do in POST.

9 So with that, welcome to San Diego.

10 *(Applause)*

11 MR. CAPPITELLI: Excuse me, Mr. Chair.

12 Sheriff Gore, I just wanted to recognize you and the
13 efforts that you and your department centered around the
14 issue of providing a safe environment for your deputies
15 in driving. I believe you have a model program here in
16 this county, and we're using that to hold up the travel
17 across the state, across the country.

18 So thank you for your efforts, and we commend you.
19 Thank you.

20 SHERIFF GORE: Thank you. Thanks for your help.

21 CHAIR DOYLE: Just some housekeeping matters for
22 Commissioners. I'm passing around a roster, a registry,
23 and also update on addresses and e-mails; so if you could
24 please look at that and fill that out.

25 Next is Public Comment. This is the time set aside

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1 for members of the public to comment on items on the
2 agenda or not on the agenda.

3 If you do wish to speak, please limit your comments
4 to five minutes.

5 Is there anyone in the audience who would like to
6 address the Commission?

7 MR. OSKO: Yes.

8 CHAIR DOYLE: Please come to forward.

9 Please state your name.

10 MR. OSKO: My name is Eugene Osko. I'm a former
11 judge in California and also a settlement judge for the
12 State Supreme Court in Nevada.

13 I live in Glendora, California. And many of the
14 officers there attended Rio Hondo for their training.
15 I'm here today not just because of the fact of living in
16 Glendora and the officers go to Rio Hondo, but I'm here
17 because of learning of why the academy was closed down.

18 Now, I was contacted by some current and former
19 staff and given a lot of information.

20 Well, I've passed the information on to the folks at
21 Rio Hondo through their attorneys, and I hope it got
22 through to the board. I also presented a copy of the
23 letter to Mr. DiMiceli. And I assume that that's been
24 made a part of your package here.

25 I can say without reservation that a judge's

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1 concern, when officers appear before them, is their
2 training, to make sure they're adequately trained to do
3 the job they're supposed to do, trained properly with
4 firearms, and trained to be able to complete any
5 examinations on their own without any help or being given
6 exams prior to the examination and help with the answers.

7 It appears to me that if the allegations set forth
8 in my letter to Rio Hondo and to Mr. DiMiceli for the
9 purposes of the board are true -- any of them or all of
10 them -- that perhaps the best thing to do here is to
11 refer the matter of Rio Hondo and what happened there to
12 the U.S. Attorney in the Central District for review
13 prior to any decision on whether or not Rio Hondo may
14 resume training.

15 I'm told that there's several of the staff still
16 there that may be guilty of the violations I set forth in
17 the February 3rd letter. If that were to be true, one
18 thing for sure must occur, that these same people are not
19 there anymore.

20 I learned of Rio Hondo from the newspaper. I'm
21 retired now fully. I don't practice law and I don't do
22 anything as a judge. So I do do things periodically of a
23 public-interest nature. And when I saw that the academy
24 had been shut down, I was quite sure that the Commission
25 didn't do so without careful thought about what they were

1 doing.

2 And then as I began to hear different accounts,
3 short accounts in the newspaper from the dean,
4 Mr. Santoro, I had thoughts in my mind that what I was
5 reading in the papers could not be the extent of the
6 problem. And as a taxpayer, I was concerned that
7 Mr. Santoro was being paid \$12,000 or \$13,000 a month to
8 stay at home. That simply, to me, was not a proper use
9 of taxpayer funds.

10 I took a look at the information provided me; and as
11 far as I can see, any dean in the position of Dean
12 Santoro is limited to being paid -- or limited to being
13 accrued 22 days a year for leave; and that if the dean
14 doesn't use it, he loses it.

15 So now we have Dean Santoro, if he is still your
16 dean as he has indicating in some public statements, he
17 has accrued some eight months of personal leave that he
18 is using now for -- well, he has used it since November,
19 and will use it through July, at which time he is going
20 to retire.

21 I can't help but doubt that those, all of this time
22 was accrued as Mr. Santoro indicates it is.

23 I'm also concerned that --

24 CHAIR DOYLE: Excuse me, you have one minute left.

25 MR. OSKO: Excuse me?

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1 CHAIR DOYLE: You have one minute.

2 MR. OSKO: That's a quick five minutes. Sorry about
3 that.

4 I can't help but be concerned, too, as a taxpayer
5 that hundreds of thousands -- actually, millions
6 of dollars went into building this academy, staffing it,
7 and it's sitting empty.

8 So perhaps after the proper reviews are done, in
9 order to get the academy going as expediently as
10 possible, if the legal maneuvering will allow it, perhaps
11 the Sheriff of Los Angeles County could totally staff
12 that police academy so we can minimize the losses to the
13 taxpayers and expedite the training of new officers.

14 I appreciate your time. I wish I had more time
15 there for you.

16 CHAIR DOYLE: Thank you for your comments.

17 MR. OSKO: Thank you.

18 CHAIR DOYLE: Item A, approval of meeting minutes of
19 the October meeting.

20 Is there a motion?

21 COMMISSIONER LUNDGREN: Motion. Lundgren.

22 COMMISSIONER SOBEK: Second. Sobek.

23 CHAIR DOYLE: All those in favor?

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

25 CHAIR DOYLE: Item B, Items B.1 through B.15 on the

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1 consent calendar.

2 I'll entertain a motion, unless a Commissioner would
3 like to pull one for discussion.

4 *(No response)*

5 CHAIR DOYLE: Is there a motion?

6 COMMISSIONER SOBEK: Sobek. Motion.

7 VICE CHAIR BUI: Second. Bui.

8 CHAIR DOYLE: All those in favor?

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

10 CHAIR DOYLE: Item C, Finance Committee.

11 I understand Commissioner McGinness is not here.

12 Commission Sobek?

13 COMMISSIONER SOBEK: Yes. I've got to find it -- I
14 had it here.

15 Okay, yesterday, I was asked to sit in for
16 Mr. McGinness -- Commissioner McGinness -- as the Finance
17 chair. And we had a meeting yesterday.

18 And, you know, as we all know, I think the biggest
19 issue is the budget.

20 Commissioner Dumanis, I didn't see you here.

21 And in regards to the financial report, revenue is
22 down because training is down. And the big issue in our
23 finances here is our agencies are not sending officers to
24 training, probably because of their individual budget
25 problems. And it's giving us a surplus in revenue. And

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1 that's a concern to us, obviously, to the POST staff,
2 because with a surplus, if the State sees that surplus,
3 guess what they're going to want to do with it?

4 So staff has some ideas. I'm going to let Executive
5 Director Cappitelli talk about those issues here in a
6 second.

7 But that's a huge concern. We have to look at that,
8 and I know POST staff is going to look at that hard and
9 see what we can do to spend that money -- that surplus
10 money that we have.

11 And my thought is, you know, we need to get -- we
12 need to find a vehicle to get our information out there
13 to the individual associations -- cities and counties --
14 to say, "Hey, what can we do to get you guys to send your
15 people to training?" And that's something that staff's
16 going to work on.

17 So I'm going to let Executive Director Cappitelli
18 talk about those ideas to the full commission here, if
19 you would.

20 MR. CAPPITELLI: Great.

21 Thank you, Commissioner Sobek.

22 Members of the Commission, we did have a discussion
23 yesterday with respect to the -- and I don't like to
24 characterize it as a "surplus," because these are funds
25 that were encumbered or allocated to us for use

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1 throughout the fiscal year. We find ourselves in a
2 position right now as we move halfway through the fiscal
3 year that there are funds that we thought would have been
4 expended by now.

5 So I don't want to give the misimpression that this
6 was extra money. These are funds that were allocated or
7 earmarked to us to be able to provide reimbursement and
8 provide training.

9 So with that said, what staff is considering are a
10 number of options that would allow us to make changes to
11 our business practices and the amount of reimbursement
12 that we provide, so that we could push out more funds to
13 the agencies to encourage them to send more people to
14 training.

15 Understand that the way our model is set up, every
16 year we encumber a large amount of funds in anticipation
17 of a certain number of trainees.

18 And if you look in the financial report, you'll see
19 that the number of trainees on average fluctuates
20 somewhere between the \$50,000 to \$65,000 range.

21 Well, last year we saw the decline, and we dealt
22 with that towards the end of the fiscal year. This year,
23 we're seeing a decline even greater. And so we're trying
24 to get ahead of the curve by discussing this now.

25 So some of the options being considered would be:

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1 Some enhancements to the Learning Portal and courses
2 we offer through the Learning Portal.

3 Some increased reimbursement amounts for travel and
4 mileage for individual officers that attend training.

5 Some additional projects and some additional
6 research relative to our efforts surrounding driver
7 training and driver safety.

8 Some other projects that may be on the horizon for
9 funding, such as the replacement of the testing
10 administration system, the force-option simulation, and
11 some other items that have come up recently.

12 The need to work on replacing all the test material
13 that was compromised as a result of the Rio Hondo
14 situation.

15 Perhaps some additional course offerings based on
16 the volume, and some analysis that we conduct.

17 Perhaps expand the number of backfill eligible
18 courses that we offer. Staff would like to do some
19 analysis in that regard to see if there's some merit.

20 And then lastly, and probably most importantly, we
21 want to spend a lot of time communicating directly with
22 chiefs and sheriffs about exactly what it is that they
23 view from their vantage point that POST can do different
24 with respect to reimbursement to enable them to send more
25 people to training. And that process would start almost

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1 immediately.

2 I'll be attending the California Police Chiefs
3 Conference this coming week, and I'll have an opportunity
4 to sit at the table with the board of directors, and that
5 will start the process. And we'll do that similarly with
6 the State Sheriffs at their conference next month and in
7 other groups that we spend time with.

8 So with that said, what staff was hoping for as a
9 result of this discussion, is to see if the Commission
10 would be willing to empower staff to look at these
11 different areas that I just discussed, and perhaps a few
12 more; try to see if there's a way that we can take the
13 existing funds and disburse them more evenly across the
14 fewer number of trainees that we have, and come back to
15 the Commission in June with a full report on that. And
16 hopefully by then, we'll have been able to expend some of
17 these funds, to spread them out more to the available
18 courses that we have.

19 COMMISSIONER SOBEK: Do you need direction by a
20 motion?

21 MR. CAPPITELLI: I don't know if it would call for a
22 motion. Just that was staff's intent, is to do that.

23 This is more of an updated report. But I am
24 interested in your comments and your feedback.

25 COMMISSIONER SOBEK: Well, I mean, from my

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1 experience in our agency, one of the biggest things is
2 getting us to training. And you always hear, you know,
3 "We don't have the money, we'd have to pay overtime
4 money."

5 And, you know, I would say -- my suggestion would be
6 in some of the plan documents that don't backfill, maybe
7 look at those documents -- those plans and say, "Okay,
8 let's put some more money into those plans so that we can
9 get officers trained and get the money back to the cities
10 or counties to do it that way." And I think that's
11 something that you guys are going to do, anyway.

12 MR. CAPPITELLI: That would be one of the options,
13 yes.

14 CHAIR DOYLE: Other comments?

15 COMMISSIONER SOBEK: Thank you.

16 MR. CAPPITELLI: Thank you.

17 COMMISSIONER SOBEK: Just a couple of numbers that
18 I want to go through, and then we're going to have to
19 vote on what we recommended as the committee.

20 Revenue is down \$1.6 million, and that doesn't
21 include January and February.

22 Reimbursable training is at about 50 percent of last
23 year.

24 And reimbursement expenditures are -- they're pretty
25 far down, at \$3.7 million. And if they stayed on track,

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1 it would probably be about \$10 million.

2 So those are some of the numbers that POST is
3 looking at and are concerned.

4 If you look at the agenda items, H through Q, for
5 new expenditures, just so you know, the committee
6 recommended approval of those items. We're going to need
7 a motion for full approval of those items.

8 CHAIR DOYLE: Is there a motion to approve the
9 financial report?

10 VICE CHAIR BUI: Motion.

11 CHAIR DOYLE: Second?

12 COMMISSIONER SOUBIROUS: Second. Soubirous.

13 CHAIR DOYLE: All those in favor?

14 COMMISSIONER LOWENBERG: Mr. Chair, before you vote
15 on that, are we including the contracts that were part of
16 the report?

17 COMMISSIONER SOBEK: Yes, that was my next -- I was
18 going to --

19 The motion I need for this is the agenda items for
20 the new expenditures; and we have another motion for the
21 proposed contracts.

22 COMMISSIONER LOWENBERG: Okay. Thank you for the
23 clarification.

24 MR. CAPPITELLI: Mr. Chair, perhaps Assistant
25 Director Reed could come forward and help us through the

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1 next step.

2 MR. REED: Good morning, Mr. Chair, Commissioners.

3 As Commissioner Sobek indicated, the Committee did,
4 in fact, approve Items H through Q on the regular agenda.
5 I think probably the most proper thing is, we'll do a
6 roll-call vote on those because they are expenditure
7 items. However, the committee did, in fact, approve all
8 of those items. It recommends that the Commission
9 consider those for approval.

10 The other items on the agenda were the proposed
11 budget for this year. So far, so good.

12 The Governor's proposed budget, including all of our
13 revenues, such as VAWA grant money, Homeland Security,
14 et cetera, is roughly \$61 million. From POTF funds we
15 will derive \$59 million. So far, they are not under
16 attack. So we take the "So far, so good" philosophy on
17 those.

18 We'll see what happens with the May Revise or if the
19 Governor has to modify his stance on anything as a result
20 of his fiscal dilemma that we all know he's facing.

21 Then the next thing that we considered was the
22 proposed contracts, the recurring contracts, as we call
23 them. The committee yesterday also reviewed those and
24 recommended that the Commission approve all of the
25 recurring contracts which are, I believe, included in

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1 your manual.

2 So that concluded the business and the
3 recommendations from the Committee yesterday, I believe.

4 Is that accurate, Mr. Sobek?

5 COMMISSIONER SOBEK: Yes.

6 CHAIR DOYLE: So we have a motion to approve through
7 "Q," excluding the contracts.

8 COMMISSIONER SOBEK: Yes. There are two
9 different -- we have the agenda items for the new
10 expenditure items, and then we have the proposed
11 contracts.

12 CHAIR DOYLE: Right. So on the expenditures, we
13 have a motion and a second.

14 COMMISSIONER SOBEK: But you think that's a
15 roll-call vote?

16 MR. REED: It will be a roll-call vote. And you
17 should hear the item before you vote to approve it.
18 However, just prospectively, when you hear these items,
19 as they come up, you should know that the committee has
20 approved all of those, so that should weigh in your
21 decision.

22 MR. CAPPITELLI: Mr. Chair, let me clarify the
23 confusion here.

24 As you recall, we moved the Finance report to a
25 different part of the agenda because we recognized at the

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1 last meeting that its placement in the report was out of
2 order. And so this discussion really here is to approve
3 the Finance report, to know that the Finance Committee
4 has recommended to approve the recommendation -- the
5 actual policy vote is for the Commission when the item
6 comes up.

7 Does that clarify it?

8 Is that correct, Mr. Reed?

9 MR. REED: Excellent save, Boss. Thank you.

10 MR. CAPPITELLI: Thank you, sir.

11 CHAIR DOYLE: Okay, there's a motion and a second.

12 All those in favor?

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

14 COMMISSIONER SMITH: Just for clarification, we will
15 get to each item individually, correct?

16 CHAIR DOYLE: Yes.

17 COMMISSIONER SMITH: Got it. Thank you.

18 CHAIR DOYLE: Commissioner Sobek, the contracts?

19 COMMISSIONER SOBEK: Do you want to talk about the
20 contracts?

21 CHAIR DOYLE: It's a separate motion, and I'm
22 assuming --

23 COMMISSIONER SOBEK: Yes, we reviewed the contracts
24 as a committee, approved the recommendation to the full
25 Commission to approve those contracts.

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1 CHAIR DOYLE: We need a motion for that as well?

2 COMMISSIONER SOBEK: No, we just need a motion for
3 the Finance report, and we're good.

4 End of my report. Thank you.

5 MR. CAPPITELLI: Thank you, Mr. Reed.

6 CHAIR DOYLE: Item D, Report on Proposed Changes to
7 the Field Training Officer Update Course.

8 Any commissioner requesting the report?

9 *(No response)*

10 CHAIR DOYLE: Is there a motion to approve?

11 COMMISSIONER LUNDGREN: Motion. Lundgren.

12 COMMISSIONER DUMANIS: Second. Dumanis.

13 CHAIR DOYLE: All those in favor?

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

15 CHAIR DOYLE: Item E, Report on Proposed Changes to
16 Campus Law Enforcement Course.

17 Does any commissioner want a report?

18 *(No response)*

19 CHAIR DOYLE: Seeing none, is there a motion?

20 COMMISSIONER ALLEN: I'll move it. Allen.

21 CHAIR DOYLE: Second?

22 VICE CHAIR BUI: Bui. Second.

23 CHAIR DOYLE: All those in favor?

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

25 CHAIR DOYLE: Item F, Report on Tuition for Sherman

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1 Block Supervisory Leadership Institute.

2 Is there a motion?

3 COMMISSIONER GEORGE ANDERSON: Anderson. Move.

4 COMMISSIONER DUMANIS: Dumanis. Second.

5 CHAIR DOYLE: This requires a roll-call vote.

6 MS. PAOLI: Allen?

7 COMMISSIONER ALLEN: Yes.

8 MS. PAOLI: Tom Anderson?

9 COMMISSIONER THOMAS ANDERSON: I abstain at this
10 point.

11 MS. PAOLI: Bui?

12 VICE CHAIR BUI: Yes.

13 MS. PAOLI: Cooke?

14 *(No response)*

15 MS. PAOLI: Doyle?

16 CHAIR DOYLE: Yes.

17 MS. PAOLI: Dumanis?

18 COMMISSIONER DUMANIS: Yes.

19 MS. PAOLI: Hayhurst?

20 COMMISSIONER HAYHURST: Yes.

21 MS. PAOLI: Linden?

22 *(No response)*

23 MS. PAOLI: Lowenberg?

24 COMMISSIONER LOWENBERG: Yes.

25 MS. PAOLI: Lundgren?

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1 COMMISSIONER LUNDGREN: Yes.

2 MS. PAOLI: McDonnell?

3 COMMISSIONER McDONNELL: Yes.

4 MS. PAOLI: McGinness?

5 *(No response)*

6 MS. PAOLI: Smith?

7 COMMISSIONER SMITH: Yes.

8 MS. PAOLI: Sobek?

9 COMMISSIONER SOBEK: Yes.

10 MS. PAOLI: Soubirous?

11 COMMISSIONER SOUBIROUS: Yes.

12 MS. PAOLI: George Anderson?

13 COMMISSIONER GEORGE ANDERSON: Yes.

14 CHAIR DOYLE: Item G, Report on Tuition for Law

15 Enforcement Command College.

16 Does any commissioner request a report?

17 *(No response)*

18 CHAIR DOYLE: Is there a motion?

19 COMMISSIONER SOBEK: Sobek. Motion.

20 COMMISSIONER ALLEN: Allen. Second.

21 CHAIR DOYLE: This also requires a roll call.

22 MS. PAOLI: Allen?

23 COMMISSIONER ALLEN: Yes.

24 MS. PAOLI: Tom Anderson?

25 COMMISSIONER THOMAS ANDERSON: Yes.

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1 MS. PAOLI: Bui?
2 VICE CHAIR BUI: Yes.
3 MS. PAOLI: Cooke?
4 *(No response)*
5 MS. PAOLI: Doyle?
6 CHAIR DOYLE: Yes.
7 MS. PAOLI: Dumanis?
8 COMMISSIONER DUMANIS: Yes.
9 MS. PAOLI: Hayhurst?
10 COMMISSIONER HAYHURST: Yes.
11 MS. PAOLI: Linden?
12 *(No response)*
13 MS. PAOLI: Lowenberg?
14 COMMISSIONER LOWENBERG: Yes.
15 MS. PAOLI: Lundgren?
16 COMMISSIONER LUNDGREN: Yes.
17 MS. PAOLI: McDonnell?
18 COMMISSIONER McDONNELL: Yes.
19 MS. PAOLI: McGinness?
20 *(No response)*
21 MS. PAOLI: Smith?
22 COMMISSIONER SMITH: Yes.
23 MS. PAOLI: Sobek?
24 COMMISSIONER SOBEK: Yes.
25 MS. PAOLI: Soubirous?

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1 COMMISSIONER SOUBIROUS: Yes.

2 MS. PAOLI: George Anderson?

3 COMMISSIONER GEORGE ANDERSON: Yes.

4 CHAIR DOYLE: Item H, Request to Contract for
5 Development of Additional Homeland Security training
6 Telecourse Programs for Online Suite.

7 Is any commissioner requesting a report?

8 *(No response)*

9 CHAIR DOYLE: Is there a motion?

10 COMMISSIONER HAYHURST: So moved. Hayhurst.

11 COMMISSIONER SOUBIROUS: Second. Soubirous.

12 CHAIR DOYLE: All those in favor?

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

14 MS. PAOLI: Roll call?

15 CHAIR DOYLE: Roll call. Yes.

16 MS. PAOLI: Allen?

17 COMMISSIONER ALLEN: Yes.

18 MS. PAOLI: Tom Anderson?

19 COMMISSIONER THOMAS ANDERSON: Yes.

20 MS. PAOLI: Bui?

21 VICE CHAIR BUI: Yes.

22 MS. PAOLI: Cooke?

23 *(No response)*

24 MS. PAOLI: Dumanis?

25 COMMISSIONER DUMANIS: Yes.

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1 MS. PAOLI: Doyle?

2 CHAIR DOYLE: Yes.

3 MS. PAOLI: Hayhurst?

4 COMMISSIONER HAYHURST: Yes.

5 MS. PAOLI: Linden?

6 *(No response)*

7 MS. PAOLI: Lowenberg?

8 COMMISSIONER LOWENBERG: Yes.

9 MS. PAOLI: Lundgren?

10 COMMISSIONER LUNDGREN: Yes.

11 MS. PAOLI: McDonnell?

12 COMMISSIONER McDONNELL: Yes.

13 MS. PAOLI: McGinness?

14 *(No response)*

15 MS. PAOLI: Smith?

16 COMMISSIONER SMITH: Yes.

17 MS. PAOLI: Sobek?

18 COMMISSIONER SOBEK: Yes.

19 MS. PAOLI: Soubirous?

20 COMMISSIONER SOUBIROUS: Yes.

21 MS. PAOLI: George Anderson?

22 COMMISSIONER GEORGE ANDERSON: Yes.

23 CHAIR DOYLE: Item I, Report on Request to Accept

24 Federal Fiscal Year 2011 Homeland Security Grant Funds.

25 Does anyone request a report?

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1 *(No response)*

2 CHAIR DOYLE: Is there motion?

3 COMMISSIONER LOWENBERG: Lowenberg. Move to
4 approve.

5 COMMISSIONER DUMANIS: Dumanis. Second.

6 CHAIR DOYLE: All those in favor?

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

8 MS. PAOLI: Roll call?

9 CHAIR DOYLE: Excuse me. Yes, roll call.

10 MS. PAOLI: Allen?

11 COMMISSIONER ALLEN: Yes.

12 MS. PAOLI: Tom Anderson?

13 COMMISSIONER THOMAS ANDERSON: Yes.

14 MS. PAOLI: Bui?

15 VICE CHAIR BUI: Yes.

16 MS. PAOLI: Cooke?

17 *(No response)*

18 MS. PAOLI: Doyle?

19 CHAIR DOYLE: Yes.

20 MS. PAOLI: Dumanis?

21 COMMISSIONER DUMANIS: Yes.

22 MS. PAOLI: Hayhurst?

23 COMMISSIONER HAYHURST: Yes.

24 MS. PAOLI: Linden?

25 *(No response)*

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1 MS. PAOLI: Lowenberg?

2 COMMISSIONER LOWENBERG: Yes.

3 MS. PAOLI: Lundgren?

4 COMMISSIONER LUNDGREN: Yes.

5 MS. PAOLI: McDonnell?

6 COMMISSIONER McDONNELL: Yes.

7 MS. PAOLI: McGinness?

8 *(No response)*

9 MS. PAOLI: Smith?

10 COMMISSIONER SMITH: Yes.

11 MS. PAOLI: Sobek?

12 COMMISSIONER SOBEK: Yes.

13 MS. PAOLI: Soubirous?

14 COMMISSIONER SOUBIROUS: Yes.

15 MS. PAOLI: George Anderson?

16 COMMISSIONER GEORGE ANDERSON: Yes.

17 MS. PAOLI: Thank you.

18 CHAIR DOYLE: Item J, Contract Request to Secure a

19 Structural Design Support.

20 Does any commissioner request a report?

21 *(No response)*

22 CHAIR DOYLE: Is there a motion?

23 VICE CHAIR BUI: Motion.

24 COMMISSIONER LUNDGREN: Second. Lundgren.

25 CHAIR DOYLE: Roll call --

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1 COMMISSIONER LOWENBERG: Excuse me, Mr. Chair, could
2 I ask if staff maybe could help me what to decide?

3 I need to know if I need to -- I'm certainly in
4 favor of this motion, but I need to know if I should
5 abstain based on a potential partnership between Golden
6 West College Media Center, and these kinds of activities.
7 And maybe there's somebody on staff that could tell me if
8 this is at all related --

9 MS. BULLARD: I don't believe this would include a
10 project with Golden West, sir.

11 COMMISSIONER LOWENBERG: I will abstain.

12 CHAIR DOYLE: Roll call.

13 MS. PAOLI: Allen?

14 COMMISSIONER ALLEN: Yes.

15 MS. PAOLI: Tom Anderson?

16 COMMISSIONER THOMAS ANDERSON: Yes.

17 MS. PAOLI: Bui?

18 VICE CHAIR BUI: Yes.

19 MS. PAOLI: Cooke?

20 *(No response)*

21 MS. PAOLI: Doyle?

22 CHAIR DOYLE: Yes.

23 MS. PAOLI: Dumanis?

24 COMMISSIONER DUMANIS: Yes.

25 MS. PAOLI: Hayhurst?

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1 COMMISSIONER HAYHURST: Yes.

2 MS. PAOLI: Linden?

3 *(No response)*

4 MS. PAOLI: Lowenberg?

5 COMMISSIONER LOWENBERG: Abstain.

6 MS. PAOLI: Lundgren?

7 COMMISSIONER LUNDGREN: Yes.

8 MS. PAOLI: McDonnell?

9 COMMISSIONER McDONNELL: Yes.

10 MS. PAOLI: McGinness?

11 *(No response)*

12 MS. PAOLI: Smith?

13 COMMISSIONER SMITH: Yes.

14 MS. PAOLI: Sobek?

15 COMMISSIONER SOBEK: Yes.

16 MS. PAOLI: Soubirous?

17 COMMISSIONER SOUBIROUS: Yes.

18 MS. PAOLI: George Anderson?

19 COMMISSIONER GEORGE ANDERSON: Yes.

20 CHAIR DOYLE: Thank you.

21 Item K, Authorization to Pursue Legislation Change
22 to Allow POST the Option to Accept or Decline the
23 Environmental Crimes Training Funds.

24 Commissioner Lundgren, would you make a comment
25 about the Leg. Committee's discussion?

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1 COMMISSIONER LUNDGREN: We discussed this in
2 Legislative Committee this morning. And I would defer
3 this to staff.

4 Easy out. I practiced that.

5 MS. BULLARD: Good morning, Mr. Chairman. Good
6 morning Commissioners.

7 Penal Code section 13314 currently mandates that
8 POST receive a percentage of the environmental
9 enforcement and training account annually in order to
10 develop environmental crimes training for law
11 enforcement.

12 What we are asking is the Commission to give us
13 approval for the Executive Director to seek an amendment
14 to this legislation, which will allow us the option to
15 either accept or decline those funds based on an
16 evaluation of a training need, and also the funds that
17 are available by POST and staffing by POST that is
18 required whenever we develop this type of training.

19 With our past awards, we have developed a self-paced
20 course which is currently on the Learning Portal. We
21 customize that course for the Cal EPA investigators. We
22 produced and distributed 1,600 copies of a training
23 video. And we have created an eight-hour facilitated
24 course on advanced investigation techniques which is
25 currently offered through San Diego Regional Training

1 Center.

2 So both Cal EPA and POST staff are of the opinion
3 that there currently is a sufficient amount of training
4 available to law enforcement on this topic. Without the
5 ability to be able to decline these funds, we are
6 destined to continue to create and develop training which
7 is not only expensive but now is redundant.

8 Whenever we do develop this type of training, there
9 is a substantial financial commitment by POST because the
10 amount of the award that we are getting has certainly
11 decreased extensively over the last few years.

12 This year's award is \$17,557. If we do another
13 training video, that's \$116,000. Another self-paced
14 course is \$250,000. And this is the difference that POST
15 has to make up.

16 What is also of importance to me is that it forces
17 us to defer our staff, which is very limited, away from
18 other programs that may have a higher priority or be
19 time-sensitive.

20 We have had open discussions with Cal EPA and CDAA
21 who were the co-authors of the original legislation, and
22 they are supporting our efforts to look for this
23 amendment to the legislation. It will allow them some
24 options because they will be able to now use those funds
25 to reimburse attendees at their training conferences,

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1 which is something that POST is not able to do because of
2 our regulation.

3 COMMISSIONER DUMANIS: So moved.

4 CHAIR DOYLE: Questions?

5 COMMISSIONER SOBEK: Second.

6 CHAIR DOYLE: There's a motion and a second.

7 All those in favor?

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

9 CHAIR DOYLE: Thank you.

10 MS. PAOLI: Who made the motion?

11 CHAIR DOYLE: Dumanis and Sobek.

12 Item L, Request for Approval to Enter into a
13 Contract with South Bay Regional Public Safety Training
14 Consortium to Present ICI Training.

15 Before we get to that, if you look at the item in
16 our package, the third paragraph after *"Executive*
17 *Director enters into a contract with SBRPSTC,"* insert *"or*
18 *another entity."*

19 Is there any Commissioner that would like to --

20 COMMISSIONER SMITH: I would like a presentation,
21 please.

22 CHAIR DOYLE: -- interested?

23 What did you want?

24 COMMISSIONER SMITH: A presentation.

25 CHAIR DOYLE: Come on up, Alan.

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1 MR. DEAL: Good morning, Mr. Chair, Commissioners.

2 This was an item that was generated as a result of
3 a failure of performance on the part of the California
4 State University, San José, who has been a partner with
5 POST for many, many years. There has been significant
6 effort expended on the part of POST to address some of
7 the performance deficiencies. And after three years of
8 trying to resolve those issues, the decision was made to
9 move the various contracts and plan courses that had
10 previously been handled by the State University,
11 San José.

12 One of the things that we did was gather a number of
13 our staff who are our regional consultants and other
14 members of POST who have responsibility for networking
15 with and working with the field. And the decision was
16 made that notification would occur to the various
17 presidents of the chief associations within the three
18 counties that are affected by the impact of moving the
19 various contract courses and the plan courses.

20 As a result of that and additionally, there were
21 also other meetings that took place of some of the --
22 LETMA, which are the training managers for the various
23 regions, to inform them as to the decision of moving
24 various contracts.

25 The contract that affects my division is the one

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1 that deals with the Institute of Criminal Investigation
2 course, which is one presenter. There are several
3 presenters around the state that offer the core course,
4 as well as some of the specialty courses associated with
5 investigations.

6 Contact was made with the South Bay Regional Public
7 Safety Training Center that staff has worked with over
8 the years and has provided many, many kinds of different
9 training approved by this Commission and asked whether or
10 not they would be in a position to take on the ICI course
11 and several specialties that are identified in the agenda
12 item. And they have accepted and indicated a willingness
13 to do so.

14 One of the issues for us when the decision was made
15 not to renew the contracts with San José State, was a
16 letter that was generated to them, indicating that we
17 wished to sever the relationship at the end of the
18 current fiscal year. In discussions that I had with the
19 dean at the college, he indicated that they wished to
20 sever the relationship at the end of February.

21 So for some of our courses, that creates a hardship.
22 For the ICI-related courses, the request before you is to
23 request specifically the new fiscal year of training
24 relative to the core course and the specialty courses
25 that would be offered through South Bay.

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1 COMMISSIONER HAYHURST: Commissioner Hayhurst.
2 Just a clarification.

3 That's to begin a brand-new contract with them, or
4 is that to finish out this fiscal year only?

5 MR. DEAL: For the ICI course, that would be -- for
6 all of the courses that are listed under this agenda
7 item, this would be for the new fiscal year.

8 So many of the courses have already been canceled by
9 San José State so that there will be little or no impact
10 because they canceled due to a lack of -- or sufficient
11 numbers of people. And also in anticipation that we were
12 not going to retain the contract with them.

13 COMMISSIONER HAYHURST: Another question.

14 Was there any other entity contacted? Was it put
15 out to bid?

16 MR. DEAL: This was not a bid issue.

17 Through the state rules, we have the ability to go
18 to an entity, a JPA, a governmental entity, which
19 includes colleges, universities. And we were able to
20 contract directly with those.

21 All of that information, all of that -- what we
22 negotiated in the way of a contract has to go through the
23 various control agencies that follow state rules.

24 And so they were the first entity that was contacted
25 relative to this specific contract that's before you.

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1 And they indicated their willingness to take on the
2 responsibility offering the various courses that are
3 described under this agenda item.

4 COMMISSIONER HAYHURST: Was there any other entity
5 asked?

6 MR. DEAL: No.

7 CHAIR DOYLE: Commissioner Smith?

8 COMMISSIONER SMITH: This is a huge contract. This
9 is for more than a half million dollars.

10 And in hearing how the contract went -- and I
11 understand that there were problems with San José State,
12 and this is a new contract. So basically what we're
13 doing is we're awarding a new entity, this more than a
14 half a million dollars.

15 My thoughts on contracting generally is, I find it
16 very onerous to follow the county rules or government
17 rules because it does take a lot of time; but this is
18 public money that we're spending.

19 I believe that the contracting principles that we
20 all abide by are for a purpose. And the purpose is that
21 it's fair, it's objective. We've looked at the best
22 agency that can provide the service.

23 Anytime there is a competitive process, I believe
24 that it ensures a quality product; I believe that it also
25 may have agencies reevaluate what it is that we're asking

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1 for, how much money they're asking for. Because they
2 know it's going to be in a competitive manner.

3 Open government is very important. Transparency is
4 absolutely the most important.

5 We, as a commission, have a huge responsibility to
6 abide by those contracting principles.

7 I was surprised to learn that POST can actually
8 reach out and identify an agency that they wish to give
9 the contract to.

10 Now, it does say in here to negotiate with South Bay
11 or any other entity. But we were told yesterday, that's
12 put in everything just in case something falls through
13 with South Bay. But I get the impression that they're
14 going to move forward -- actually not the impression, it
15 was stated yesterday that they're going to move forward
16 with this contract with South Bay.

17 Yes, going out to bid is too cumbersome.

18 Does it make our public life miserable sometimes?
19 Absolutely.

20 Is it a slow process? Yes.

21 But it assures that we are taking the best care of
22 public money.

23 There may be many other presenters who would offer a
24 quality product, who would offer a quality product at a
25 lower price.

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1 The problems that I have with this yesterday -- and
2 it was discussed briefly at Finance and at the
3 Advisory -- is, this is a single provider. And when
4 you're looking at a sum that's over a half a million
5 dollars, to say that -- first of all, it says they've
6 reached out to find potential providers. This is the
7 first I learned that they did not contact other people.

8 So staff met with one entity to discuss the
9 possibility of becoming a presenter and the willingness
10 to adhere to ICI training requirements. And the
11 presenter of the POST-certified class is aware of the
12 requirements and has agreed to accept responsibility to
13 do it.

14 I don't think that that's how we should be spending
15 over a half a million dollars, asking someone verbally,
16 "Can you present this class?"

17 Certainly they will, and there's been a dollar
18 amount assigned. I don't know where there is the impetus
19 to reduce the money.

20 I believe that the contracting principles that we
21 all adhere to really have a purpose.

22 Another problem that I have with this is there is no
23 date for this period in this staff report.

24 I think as a commission, we need to be more cautious
25 for how POST reaches out and selects agencies to be the

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1 contract entity, the sole contract entity.

2 That's all.

3 CHAIR DOYLE: Correct me if I'm wrong, Alan, in your
4 presentation, I thought I heard you say that you
5 contacted all the stakeholders in the region, right?

6 MR. DEAL: There was notification to the chairs or
7 presidents of the three associations, in the three
8 counties: Alameda, Contra Costa, and Santa Clara County.
9 There was also some follow-up with some of the training
10 manager associations, where information was provided, the
11 array of contracts that had previously been the
12 responsibility of San José State.

13 CHAIR DOYLE: Commissioner Sobek?

14 COMMISSIONER SOBEK: What would happen if this
15 Commission did not approve this contract today? How bad
16 would that be as far as training -- the suspension of
17 training?

18 MR. DEAL: It would have an impact, but that impact
19 would occur in the next fiscal year, related specifically
20 to the ICI core course and the specialty courses that
21 would be made available to the region.

22 It would mean that the trainees who need the
23 training would have to go to other locations outside of
24 the region in order to get that training, because there
25 are other presenters of the core course and the specialty

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1 courses.

2 COMMISSIONER SMITH: I didn't want to personalize
3 this based on our agency, but because I have the
4 experience is why yesterday I made some phone calls to
5 find out what happened.

6 When we found out that San José State was no longer
7 going to provide it, we met at the Sheriff's office
8 administratively to discuss if this is -- because it is a
9 large project, if it's something that we could take on.

10 We then contacted POST via e-mail, and the Executive
11 Director says that, yes, he has a copy of our e-mail.
12 We said that we would like to have the opportunity to bid
13 on this, or whatever the process would be, or whatever
14 the words were; and we didn't receive any reply from
15 POST.

16 And then at a subsequent training manager meeting --
17 which is a mid-level management meeting -- we were told
18 by POST, "It's too late. It's going to South Bay, and
19 it's going to go before the Commission."

20 So if that is reaching out to other agencies, we did
21 express an interest.

22 MR. CAPPITELLI: Members of the Commission, I'd like
23 to clarify. And I understand, Commissioner Smith, your
24 concerns.

25 I can assure you that all of the rules and all the

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1 guidelines and laws applicable to this process have been
2 adhered to. So I want to make that clear.

3 I understand your concern about the staff's
4 inability at the moment to reach out to all of the
5 available presenters. But understand that our goal is to
6 try to ensure continuity of training. And this was the
7 most expeditious way to be able to facilitate that.

8 If there is a concern of the Commission as to the
9 manner in which we procure providers of training on a
10 go-forward basis, certainly we'd be willing to look at
11 that. But the policy question today for you is whether
12 or not you want to approve this change.

13 If you do not, what that will mean is that there are
14 a number of courses that are listed here that will not be
15 able to be hosted at the beginning of the fiscal year.

16 And so I am certainly open to you. I report to you.
17 If you want us to evaluate the processes by which we
18 determine who provides training for us, I'll be glad to
19 do that. But for today's meeting, we really need to know
20 whether or not we'll approve this policy item.

21 If not, then we'll have to start another process to
22 move forward, which will require us to make
23 notifications.

24 COMMISSIONER LOWENBERG: Mr. Chair?

25 CHAIR DOYLE: Commissioner Lowenberg?

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1 COMMISSIONER LOWENBERG: I don't disagree with what
2 Commissioner Smith indicated, as it relates to open
3 government and transparency. And then she also admitted
4 that often the bureaucratic process that we have to go
5 through -- I mean, I wish I had a buck for every time I
6 heard someone say, "Well, it went to the lowest bidder."
7 But that's not really what we're talking about here, I
8 don't think -- I hope not.

9 But as one commissioner, I have to believe and have
10 faith in staff's ability to examine the issue, to
11 identify the problem, and to try to fix it in the most
12 expeditious manner possible, making sure -- and we've
13 been assured by the Executive Director that the rules
14 have been followed.

15 And the little bit that I know about it, as a
16 commissioner and as a presenter, I've got to believe that
17 staff reached out to this particular vendor because of
18 their working relationship with them and their ability to
19 do probably an almost-seamless transition. And so I
20 would be in support of this particular action as
21 recommended by staff.

22 That being said, I would be more than happy to
23 support Commissioner Smith's concerns about maybe her
24 agency wanting to be involved. Although I have to tell
25 you, with all due respect, I'm a little bit concerned

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1 that we start mixing our roles as sheriff with
2 commissioner. And I know in my interaction with
3 Commissioner Smith in the past, that she respects that.
4 It just so happens in this particular case, her agency
5 apparently is in a position to maybe have an interest in
6 this particular contract.

7 So I would be interested in what other commissioners
8 have to say. But, again, for whatever it's worth, I'm
9 prepared to support this particular motion.

10 CHAIR DOYLE: Are there other comments?
11 Commissioner Sobek?

12 COMMISSIONER SOBEK: Yes, I agree with Commissioner
13 Lowenberg.

14 If this is a one-year contract for this fiscal year,
15 I would be supportive of it. But I would like to see --
16 and I'm not directing -- I would not want to direct staff
17 to do this as a commission. Just to kind of look at how
18 we go after these contracts, and maybe there's a better
19 way to do it that's more transparent.

20 But, you know, if that is cost-effective -- or not
21 cost-effective and cumbersome and all those things, that
22 maybe it's not just feasible to do it that way. But at
23 least report back to us and say, "Hey, these are the
24 ideas that we have come up with, and these are the
25 reasons why it's this way or it's this way," and then we

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1 decide if that's how we want to continue with our
2 contracts.

3 CHAIR DOYLE: Any other comments by Commissioners?

4 Is there a motion on Item L?

5 COMMISSIONER LOWENBERG: Move to approve.

6 CHAIR DOYLE: Commission Lowenberg.

7 COMMISSIONER SOBEK: Second.

8 CHAIR DOYLE: Second. Sobek.

9 This requires a roll call.

10 MS. PAOLI: Allen?

11 COMMISSIONER ALLEN: Yes.

12 MS. PAOLI: Tom Anderson?

13 COMMISSIONER THOMAS ANDERSON: Yes.

14 MS. PAOLI: Bui?

15 VICE CHAIR BUI: Yes.

16 MS. PAOLI: Cooke?

17 *(No response)*

18 MS. PAOLI: Doyle?

19 CHAIR DOYLE: Yes.

20 MS. PAOLI: Dumanis?

21 COMMISSIONER DUMANIS: No.

22 MS. PAOLI: Hayhurst?

23 COMMISSIONER HAYHURST: No.

24 MS. PAOLI: Linden?

25 *(No response)*

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1 MS. PAOLI: Lowenberg?

2 COMMISSIONER LOWENBERG: Yes.

3 MS. PAOLI: Lundgren?

4 COMMISSIONER LUNDGREN: No.

5 MS. PAOLI: McDonnell?

6 COMMISSIONER McDONNELL: No.

7 MS. PAOLI: McGinness?

8 *(No response)*

9 MS. PAOLI: Smith?

10 COMMISSIONER SMITH: My vote is no, unless counsel
11 believes that I should abstain.

12 MR. SCALLY: I don't see the need to abstain.

13 COMMISSIONER SMITH: I'm sorry?

14 MR. SCALLY: I don't think you need to abstain.

15 COMMISSIONER SMITH: No.

16 MS. PAOLI: Sobek?

17 COMMISSIONER SOBEK: I made the motion so -- I mean,
18 or second the motion, so I'll say yes.

19 MS. PAOLI: Soubirous?

20 COMMISSIONER SOUBIROUS: Yes.

21 MS. PAOLI: George Anderson?

22 COMMISSIONER GEORGE ANDERSON: Yes.

23 CHAIR DOYLE: So it passes? The motion passes?

24 Okay, thank you.

25 Item M, Committee Reports --

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1 COMMISSIONER SMITH: May I make a comment for the
2 record?

3 I'm only challenging the process. If you would like
4 me to be -- this is not about our agency. Because we
5 were involved, I just had more information on this about
6 what the outreach was. So I apologize if you think that
7 this was done for personal reasons for us. It's the
8 process, and we all believe in process in government.

9 CHAIR DOYLE: Yes, Commissioner Lowenberg?

10 COMMISSIONER LOWENBERG: Yes. Thank you,
11 Commissioner Smith.

12 I hope nothing I said indicated that I have nothing
13 but the greatest respect for Commissioner Smith.

14 I do -- if, in fact -- and I have no reason to
15 believe it didn't occur as Commissioner Smith indicated
16 with her department and her lack of response from POST;
17 if that did, in fact, happen, I have enough faith in you,
18 Mr. Director, that that particular issue will be
19 rectified.

20 MR. CAPPITELLI: Yes, Commissioner, I will look into
21 that aspect. But I can tell you, the entire process did
22 not occur in a vacuum. There were a number of people
23 consulted.

24 Perhaps it didn't play out the way that some of the
25 members of the Commission had hoped; but I can assure you

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1 that staff did everything it could at the time to ensure
2 that we could provide the seamless training. But I will
3 definitely look into that.

4 COMMISSIONER LOWENBERG: And I'm also, I think,
5 smart enough to figure out that as a result of this split
6 vote, there is some work that staff needs to do to help
7 us all feel comfortable that -- and I'll use the example
8 in my conversation with a couple of our new commissioners
9 this morning. And I think I can say this with some
10 experience, and some -- I hate to use the word
11 "expertise" because none of us in this room are
12 necessarily experts in that area, but it's all about
13 relationships.

14 And I've got to believe that this is one of the best
15 commissions I have had -- that the present makeup of the
16 Commission is one of the best commissions I've ever had
17 the privilege working with over the number of terms that
18 I've had the privilege of serving on this Commission. So
19 it seems to me, anytime we have a split vote, there's
20 work to be had on the part of staff to make sure that we
21 do our part to reduce the number of split votes.

22 Thank you.

23 CHAIR DOYLE: Thank you.

24 COMMISSIONER ALLEN: I was going to say -- I should
25 have said this before the vote -- but my concern was to

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1 get the training out to the people that need it. And to
2 delay this, no matter what the reason, would be harmful.
3 So I think transparency is always something we could all
4 work on, particularly in light of what's been happening
5 in the state. But we need to get the training to the
6 officers. So that's my opinion.

7 CHAIR DOYLE: Any other comments?

8 COMMISSIONER SOUBIROUS: I'd like to echo
9 Commissioner Allen's comments, too. That's how I felt
10 with the vote.

11 CHAIR DOYLE: Good.

12 Okay, Committee Reports.

13 Advisory Committee. Laura?

14 MS. LORMAN: Well, there was -- on the agenda, there
15 were two items that we did discuss and that took some
16 time.

17 One of them was the previous item that was just
18 voted on, and that discussion was also dealing with
19 transparency.

20 Then the other item was the campus law enforcement
21 item. There was discussion there, predominantly from me,
22 since I'm previous campus law enforcement, and one of our
23 Advisory Committee members who is a current officer of
24 campus law enforcement.

25 And we had brought up some issues and concerns

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1 regarding the length of the training module for rising at
2 the 32 hours; and some issues regarding dealing with the
3 training with sworn personnel versus non-sworn personnel,
4 security, K through 12 versus college. And there was a
5 lot of -- I had taken the previous course, because I had
6 a lot of complaints from my officers. And I was not
7 happy with the course, and I still felt that there were
8 issues in this course that did not solve the problem when
9 it came to the amount of time and amount of dead time
10 there is in the course for sworn officers. Because a lot
11 of the issues were towards K through 12, which is totally
12 separate. They're apples and oranges.

13 And then one of the other Advisory Committee members
14 brought up the fact that when he took it, I mean, there
15 were instructors that really had no knowledge in the
16 educational arena when it came to educational law
17 enforcement, and that presented a problem.

18 So that was a discussion that we had on those two
19 major issues.

20 CHAIR DOYLE: Thank you.

21 Item N, Legislative Review Committee.

22 Commissioner Lundgren?

23 COMMISSIONER LUNDGREN: Yes, sir. Thank you.

24 This morning, the Legislative Committee met. We
25 discussed the bill that we discussed in Item K.

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1 We also looked at bills for Commission position and
2 bills of interest.

3 The Commission position, AB 308; and I'd be best
4 served if I'd ask Karen to brief the Commission on that.

5 MS. LOZITO: Mr. Chair, Commissioners. Just the one
6 bill, AB 308. The Commission has voted twice to oppose
7 this bill in 2006 and 2007.

8 It's back in a similar form. And what it requires
9 is the Department of Justice, POST, and specified
10 entities to put together procedures for eyewitness and
11 line-up procedures for peace officers. And all peace
12 officers in the state are going to have to comply with
13 this new policy.

14 But what it includes is double-blind identification
15 procedures, sequential presentation of photographs
16 instead of a photo array. And it also would require that
17 live line-up and photo displays are preserved on
18 videotape.

19 And this is based on the recommendation by the
20 California Commission on the Fair Administration of
21 Justice. The Legislative Review Committee recommended
22 that the Commission oppose that bill.

23 COMMISSIONER LUNDGREN: And then the other two bills
24 we spoke about are just bills of interest, and they have
25 to do with public retirement, that being SB 27, SB 28.

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1 The Commission took no action on those. Those were
2 just, again, bills of interest.

3 CHAIR DOYLE: Is there a motion to accept the
4 Legislative Committee report?

5 COMMISSIONER DUMANIS: So moved.

6 CHAIR DOYLE: Dumanis.

7 Second?

8 COMMISSIONER McDONNELL: Second.

9 CHAIR DOYLE: Second. McDonnell.

10 All those in favor?

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

12 CHAIR DOYLE: Thank you.

13 Item O is correspondence, which is in all of your
14 packets.

15 Item P is Old Business, Report on the Test Security
16 Breach of Rio Hondo College Academy.

17 Director?

18 MR. CAPPITELLI: Thank you.

19 Mr. Chair, Members of the Commission.

20 At this time I'd like to ask Bureau Chief Bob
21 Stresak to come forward to provide us with an update on
22 this issue.

23 MR. STRESAK: Good morning, Mr. Chair, Honorable
24 Commissioner members, distinguished guests. My name is
25 Bob Stresak. I'm the Bureau Chief of Standards and

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1 Evaluations Bureau at POST.

2 This presentation will be for information only, to
3 give you some current updates on the status of the
4 Rio Hondo investigation. And I think perhaps for the
5 benefit of new commissioners and those who weren't aware
6 of the initial incident, I'll give you a very, very brief
7 overlay of that.

8 To take you back about a year ago, the Department of
9 Finance in the State of California asked the Commission
10 on POST to identify some of its internal risk. And in
11 that report, the priority risk was testing security that
12 we identified. And we believe that the testing system
13 was somewhat antiquated and vulnerable.

14 Fast-forward to August of 2010, our fears came true
15 when an incident was discovered at Rio Hondo Academy. A
16 student had brought forward a CD study guide and asked an
17 instructor to verify its accuracy. The instructor
18 immediately recognized the study guide to contain actual
19 test questions, verbatim test questions.

20 The Academy appropriately notified POST. We
21 reviewed the study guide. And when the research was
22 completed, over 350 actual test questions were contained
23 on that study guide, including one test, Learning
24 Domain 42, that had just been updated in May of 2010.
25 That test was on the study guide in its entirety.

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1 A further follow-up investigation would reveal
2 another 150 questions from a second study guide, for a
3 total of 500 questions, compromising 23 out of 26 POST
4 high-stakes tests. At that point, we initiated our
5 investigation.

6 The current status, Rio Hondo remains on suspension
7 at this time. The investigation is deescalating and
8 transitioning its focus now to rehabilitating the college
9 academy.

10 Information continues to trickle in, is being
11 addressed.

12 And at this time, I'd like to take an opportunity to
13 thank Captain Brent Newman for his efforts in helping us
14 garner some computer forensics resources that were
15 needed.

16 After five months of investigative effort, no
17 smoking gun was ever found that could conclusively point
18 to any individual that may have been culpable. However,
19 sufficient evidence exists to conclude that the test
20 compromise was no single failure of responsibility, but
21 a collective or cumulative result of leadership failure.

22 As a result of this incident, numerous personnel
23 actions have been taken by the office of the president.
24 And it's important to note that POST has remained neutral
25 in any type of personnel actions taken by Rio Hondo

1 College. Our primary focus has been the test security
2 and the extent to which that study guide was
3 disseminated.

4 Two classes at the time were suspended as a result
5 of this investigation. Class 195 was reconstituted. And
6 thanks to Sheriff Baca and his academy staff, Class 195
7 graduated on January 21st at the Los Angeles County
8 Sheriff's Academy. Mr. Paul Cappitelli was the keynote
9 speaker at that graduation ceremony.

10 The other class in modular format is still in
11 session. And, again, thanks are in order to Sheriff Baca
12 and his academy staff.

13 Rehabilitating these classes have forwarded a unique
14 opportunity to receive feedback from students who are now
15 in a position to compare one academy delivery system to
16 another. Stark contrasts were clearly emphasized by the
17 students.

18 But POST staff continues to remain actively engaged
19 in discussion with the office of the president, and has
20 met with the president of the Los Angeles County Chiefs
21 Association to further coordinate communication and
22 efforts to rehabilitate this academy.

23 Recently, Rio Hondo has been asked to identify an
24 implementation team to respond to POST on March 15th for
25 an eight-hour orientation to ensure that a full breadth

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1 and scope of responsibilities needed to reconstitute
2 their academy on a probationary status is clearly
3 understood. We have also asked that representatives from
4 the Los Angeles County Chiefs Association attend to
5 provide coordination.

6 POST continues to remain neutral in the personnel
7 selection of these issues.

8 At next month's instructor standards advisory
9 committee -- I'm sorry, these are other issues from the
10 balcony. That covers basically the status of the
11 investigation.

12 But in the course of evaluating this investigation
13 and evaluating our business processes, there's been what
14 I would deem other issues seen from the balcony here.

15 At next month's instructor standards advisory
16 committee, we will discuss the need to incorporate a
17 stronger emphasis on ethical instructor performance.
18 While students in POST programs are taught ethical
19 lessons, the majority of recent test compromises have
20 been caused by the actions of instructors.

21 Included in this discussion will be identifying
22 methods to ensure incompetent instructors cannot
23 recirculate in the POST instructional network.

24 Due to the state's fiscal environment, the current
25 trend of academy class composition appears to be that

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1 over 80 percent of current classes are non-affiliated
2 students.

3 At present, our ability to apply peace officer
4 hiring standards to college students attending our
5 academies that teach law enforcement operations and the
6 ability to use deadly force is incongruent. Future
7 dialogue is needed on this issue. Perhaps legislative
8 remedies are in order.

9 This week, POST convened its first meeting of a test
10 task force to evaluate the effectiveness of our test
11 security agreements and levels of accountability needed
12 to shore our test system integrity. Its focus has been
13 not on the quality of existing test questions but on the
14 integrity of the testing process.

15 And in January of this year, we executed a contract
16 with a consulting firm to begin the initial phases of a
17 search for a testing system replacement. They are
18 expected to complete this report by June 30th of this
19 year.

20 And lastly, further dialogue is needed to discuss
21 the implications of replacing 26 separate tests with one
22 mid-term and one final. POST has presented this concept
23 to the test task force to evaluate the feasibility of
24 this concept.

25 Pros and cons include improved test security,

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1 reduced remediation cost, compressed testing schedules,
2 potential for video- and audio-based questions, reduced
3 learn and purge, and increased accountability of
4 academies and instructional delivery.

5 Cons include the disruption of the status quo,
6 possible increased student attrition, and scheduling and
7 makeup conflicts.

8 And lastly, it appears that in 2011, the
9 long-standing tradition of paper-and-pencil tests needs
10 to be evaluated in light of today's technological
11 developments and the speed at which today's students
12 adapt technical applications.

13 This concludes my presentation. I am available for
14 questions.

15 CHAIR DOYLE: Commissioners, any questions of Bob?

16 COMMISSIONER ALLEN: Timeline?

17 MR. STRESAK: Timeline for academy rehabilitation,
18 test replacement?

19 COMMISSIONER ALLEN: Yes, just curious. I know it's
20 hard to really get kind of a ballpark; but I was just
21 curious what you might be looking at.

22 MR. STRESAK: That would be difficult to
23 approximate. If you asked me to speculate, probably no
24 earlier than September of this year could that academy be
25 rehabilitated on a probationary status period.

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1 COMMISSIONER LUNDGREN: Just a comment.

2 It's interesting that this college created a major
3 problem; and all the other academies may have to pay for
4 that, that are doing things right. And then it impacts
5 our budget over \$500,000 because of this one entity.

6 Is there any penalties that come along with this
7 type of activity that we can recoup at least some of
8 that? Aren't they responsible for covering the cost of
9 redeveloping these tests?

10 MR. STRESAK: In the test security agreement that is
11 required to be signed by all test administrators, if you
12 will, there is a clause that states the costs to recoup
13 or reconstruct a test is anywhere from \$25,000 to
14 \$50,000. However, we sought legal opinion whether that
15 clause had any kind of standing, where we could actually
16 take action; and there is no legal standing with that
17 clause to take action at this point.

18 We have explored the possibility under Penal Code
19 502, which deals with the theft of intellectual property.
20 It clearly addresses the parameters within statewide
21 organizations, or state organizations that criminal
22 penalties could be pursued in violation of the theft of
23 intellectual material.

24 COMMISSIONER LUNDGREN: Thank you.

25 COMMISSIONER HAYHURST: Commissioner Hayhurst. I

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1 have a question of Mr. Stresak. I'm trying to figure out
2 a nice way to say this.

3 So basically, the integrity and stuff of the
4 instructors there have been compromised, and there's
5 nothing that POST can do to see or make sure that, in the
6 future, these same instructors will not be reinstated and
7 be back to training potential peace officers?

8 I mean, it's a sad day when we have to worry about
9 the potential of this type of integrity being jeopardized
10 to upcoming new peace officers that are being trained
11 every day, and there's nothing that we can do at this
12 point to say, "You guys are not allowed them to train
13 anymore"?

14 MR. STRESAK: Thank you for your comments.

15 It's my understanding that we have very limited
16 ability to influence personnel selection.

17 CHAIR DOYLE: Any other comments? Questions?

18 COMMISSIONER ALLEN: Good overview.

19 CHAIR DOYLE: Thank you, Bob.

20 MR. STRESAK: Thank you.

21 CHAIR DOYLE: We're going to take a ten-minute break
22 because I understand the next agenda items will take a
23 little while.

24 So 11:25.

25 *(Recess taken from 11:14 a.m. to 11:28 a.m.)*

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1 CHAIR DOYLE: Item Q, New Business, to report on the
2 recommendation by the Advisory Committee of a variety of
3 awards and the recipients.

4 And I'll call on the Advisory Committee chair.

5 MS. LORMAN: Okay. We got together the day before
6 yesterday to discuss the awards, and who we felt we would
7 recommend to the Commission as the winner and runner-up.

8 And for the *O.J. "Bud" Hawkins Exceptional Service*
9 *Award* there were no applications, no nominations. So
10 that is one that is not going to be awarded this year.

11 The POST recommended *Excellence in Training Award* --
12 oh, and previous to me reading this, I want to give kudos
13 to Tim Willmore and Joe Flannagan for helping. They were
14 the scribes. And Joe typed this up, and he says it took
15 him, like, three hours.

16 So thank you, Joe.

17 The winner that we are going to recommend to the
18 Commission, is Teresa Irvin. She is a detective from the
19 Los Angeles Police Department. And we really felt that
20 she took something that was totally out of the box and
21 just ran with it and has helped law enforcement and
22 victims quite a bit.

23 Beginning in 2008, Detective Irvin, she started
24 reviewing critical incidents involving barricaded
25 suspects, hostage standoffs, attempted suicides,

1 et cetera, and recognized that there was a void of
2 information relating to persons who had been involved in
3 the incidents and how they reacted to first-responders
4 during the crisis.

5 She started doing a lot of research. And during her
6 research, she found that there was an increase of
7 critical incidents involving our returning veterans who
8 had been deployed to the war.

9 Specifically, she addressed -- then she specifically
10 addressed the returning-veteran issue, and connected with
11 the Veterans Administration in Palo Alto, California,
12 which houses the National Center for Post-Traumatic
13 Stress Disorder Dissemination Unit.

14 The impact of her research and then started doing
15 the training, she took the information she gained from
16 research and incorporated it into LAPD's Crisis
17 Communications course. She has provided PTSD training to
18 countless first responders and crisis negotiators. First
19 responders now have invaluable information that helps
20 them deescalate the crisis and bring the incident to a
21 peaceful solution if possible.

22 Detective Irvin also has conducted several seminars
23 and targeted school violence in an attempt to help
24 schools deal with students with critical incidents on
25 school campuses.

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1 She holds a bachelor of science degree in criminal
2 justice and a master's degree in emergency services. She
3 is a state and federally recognized expert on the areas
4 of crisis management, critical incidents involving
5 mentally disturbed individuals and hostage negotiations.
6 She is an instructor for the federally funded emergency
7 management training program, and she was a keynote
8 speaker at the annual AICP conference.

9 She has been selected as a specialized response law
10 enforcement mental health learning site by the Council of
11 the State Governments Justice Center and Bureau of
12 Justice Assistance.

13 Her research in critical incidents with the mentally
14 ill has no doubt saved countless suspects, victims, and
15 first responders from further serious injury or death.
16 And her experience and training in dealing with the
17 mentally ill continue to play a great role in the
18 training of first responders now and long into the
19 future.

20 So she was who we recommended as far as the winner.

21 Runner-up was Britton Schaefer, a senior
22 Investigator. It was actually a duo. Britton Schaefer,
23 a senior investigator, and Daewon Kim, acting supervising
24 investigator for the Los Angeles County District Attorney
25 Bureau of Investigations. They came in as a duo.

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1 And if you want, I can read the runner-up. Or do
2 you want me just to go with who we selected as the
3 winner?

4 CHAIR DOYLE: Unless a commissioner would like to
5 hear the same narrative on the runner-up, we can just
6 move on.

7 COMMISSIONER DUMANIS: No, thank you.

8 CHAIR DOYLE: Does that require a motion to approve?

9 MR. CAPPITELLI: Yes, I believe so. The Commission
10 has to approve the nomination.

11 Mr. Deal, are you here? Is that correct?

12 MR. DEAL: Yes, it does. It requires a vote of the
13 Commission.

14 MR. CAPPITELLI: Individually or the two or three?

15 MR. DEAL: You can do it either way. It doesn't
16 require a roll call. It's merely an approval by the
17 Commission.

18 CHAIR DOYLE: Then we'll do them all at one time, if
19 that's okay.

20 COMMISSIONER ALLEN: All of them?

21 CHAIR DOYLE: We're going to do it all at once.

22 MS. LORMAN: So then the next one is the POST
23 recommended *Excellence in Training Award Lifetime*
24 *Achievement*. And the Advisory Committee selected
25 Richard C. Wemmer, captain-retired, from the Justice

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1 Training Center of Golden West College.

2 He is considered, in some fields, the grandfather of
3 scenario-incident training.

4 While at LAPD, one of the major areas that Captain
5 Wemmer focused his attention to was analyzing how and why
6 of law-enforcement murders. Captain Wemmer began one of
7 the first programs to interview suspects and officers,
8 and using that information to film reenactments of the
9 incidents to officers, so officers can learn from any of
10 the mistakes the officers might have made.

11 Captain Wemmer is a recognized subject-matter expert
12 on officer-safety tactics, and has used his experiences
13 to implement best-practices philosophy within the LAPD
14 and law-enforcement training community.

15 He has also been instrumental in developing
16 officer safety training scenarios for POST and has been a
17 LEOKA committee member for over 30 years.

18 Captain Wemmer has spent a lifetime dedicating
19 himself to training thousands of peace officers in the
20 safe but effective use of force and how they can survive
21 a critical assault. With the information of scenario-
22 based training, he has been able to reduce the number of
23 officers killed and assaulted.

24 His impact, Captain Wemmer's training experience as
25 a peace officer instructor has, without a doubt, played a

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1 vital role in the officer survival skills training of
2 hundreds of basic recruits and senior in-service advanced
3 officers.

4 During his training presentations, Captain Wemmer
5 has included the contents of leadership, ethics,
6 decision-making, and community policing, which is not an
7 easy task considering the impact that any law enforcement
8 use of force may have on an agency or community.

9 He's had over 40 years of specialized law
10 enforcement experience, 30 years with LAPD. He was the
11 officer in charge of the anti-terrorism investigation
12 units during the 1984 Olympics in Los Angeles. He's a
13 recognized pioneer in the fields of officer safety and
14 tactics trainings. He has authored several articles
15 relating to the murders of police officers. He has
16 received commendations throughout the United States for
17 his training methods in preventing peace officer deaths.
18 And many others -- and too many others to mention. The
19 list is long and far-reaching.

20 So that is Captain Wemmer.

21 Runner-up was Jody Buna, the senior law enforcement
22 consultant, retired, Commission on POST.

23 And then the POST recommended *Excellence in Training*
24 *Award Organizational Achievement*, we selected California
25 Narcotics Officers' Association, CNOA.

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1 The CNOA is a nonprofit organization that has
2 conducted the training-needs assessment for law
3 enforcement throughout the state. These assessments
4 assist the CNOA in tailoring its narcotics-related
5 training to address local needs.

6 The CNOA offers 43 POST-certified courses ranging
7 from eight hours to 40 hours. And the CNOA annually
8 conducts a training conference that provides training
9 to over 2,300 officers. It has a statewide and
10 national impact through its offerings of unique,
11 specialized law-enforcement training, and it provides
12 over 1,400 individual classes with attendance of over
13 110,000 officers, for a total of 1.5 million training
14 hours.

15 Local, state, and federal agencies have recognized
16 and acknowledged the impact of CNOA in providing
17 high-quality, contemporary training to law enforcement.
18 POST has recognized CNOA and has currently approved
19 43 certified courses for presentation throughout the
20 state.

21 Courts have recognized the high level of training
22 developed and provided by CNOA to law-enforcement
23 officers.

24 And then the runner-up was the Los Angeles Police
25 Department Multiple Assault Counterterrorism Action

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1 Capabilities, or "MACTAC."

2 CHAIR DOYLE: Any comments on the nominations?

3 COMMISSIONER DUMANIS: So moved.

4 CHAIR DOYLE: Motion by Commissioner Dumanis.

5 COMMISSIONER ALLEN: Second. Allen.

6 CHAIR DOYLE: Second by Allen.

7 *All those in favor?*

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

9 CHAIR DOYLE: The motion passes.

10 Advisory Committee.

11 Paul?

12 MR. CAPPITELLI: Yes. Thank you, Mr. Chairman,
13 Members of the Commission.

14 We find ourselves in a situation that probably
15 doesn't occur very often. A member of the Advisory
16 Committee was representing the organization of COPS,
17 California Organization of Police and Sheriffs. They
18 have no longer -- or are no longer an organization under
19 that banner. And Nicki Woods, who has been a
20 representative from that organization, called me up
21 recently, and wanted to pass on to the Commission that
22 that change had occurred.

23 So the question for the Commission is whether or not
24 you just allow that position to remain vacant or give us
25 further direction or what to do.

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1 Staff's recommendation at this point would be, since
2 COPS is no longer an organization and we seem to have a
3 cadre of qualified people to serve on the Advisory
4 Committee representing a number of our stakeholders, that
5 that position be eliminated at least until if there's a
6 suitable replacement organization sometime you want to
7 reconsider.

8 COMMISSIONER HAYHURST: Commissioner Hayhurst.

9 I would like to make as a recommendation that that
10 position be filled, as a recommendation, by the
11 California Coalition of Law Enforcement. They represent
12 the rank and file from all the way up to Eureka, down to
13 San Diego, throughout the entire state.

14 PORAC has two people, appointments in that position.

15 If you are a representative of the rank and file,
16 you can be a member of the California Coalition of Law
17 Enforcement. That's critical. It encompasses just about
18 every group out there, and they have the ability to be
19 presented to the board to us.

20 CHAIR DOYLE: So they don't go any further north
21 than Eureka?

22 I'm just kidding.

23 COMMISSIONER SOBEK: Is there a reason why they
24 haven't been on the Advisory Committee?

25 COMMISSIONER HAYHURST: There is one spot. Right

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1 now, Mario currently is on it.

2 COMMISSIONER SOBEK: So you want two spots?

3 COMMISSIONER HAYHURST: Well, they also have all
4 these other -- like, FOP is also a part of it. I know
5 FOP would be interested in it.

6 I don't know who else.

7 Jeff, do you know who else is out there that's
8 interested?

9 California Narcotics Officers, all of them can be a
10 part of the organization.

11 The prison guards. I mean, it's -- if you are a
12 labor representative and --

13 COMMISSIONER SOBEK: But we have -- you're
14 represented now, right, on the Advisory Committee?

15 MR. CASAS: I'm one of them, yes.

16 MS. LORMAN: I would make a suggestion, and some of
17 you who know me well know exactly what my suggestion is
18 going to be, the CCUPCA, which is California Colleges and
19 Universities Police Chiefs Association. The chiefs, they
20 do not have representation at POST. They are not allowed
21 to be members of the state chiefs association. They're
22 not even allowed to be members of most of their county
23 chiefs associations. And so they are an entity that is
24 impacted by POST but has no say at POST at all. So I
25 would like to see them get a spot.

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1 And I know people think, well, because I'm a prior
2 chief and I bring up their stuff. But I'm not going to
3 be here forever, and I don't really represent them.

4 So that's my say.

5 CHAIR DOYLE: How about, if this is okay with staff,
6 that we agendize this for the next meeting and give other
7 groups an opportunity to apply or however you make notice
8 to the Commission to be on the Advisory, rather than try
9 to do this on the fly.

10 George?

11 COMMISSIONER GEORGE ANDERSON: Yes, I would agree
12 with you, Mr. Chair.

13 I think maybe staff could do a report, look at the
14 potential. I think I'd like to know the makeup of the
15 Advisory board as well.

16 MR. CAPPITELLI: Mr. Chair, Members of the
17 Commission, we'd be glad to do that.

18 I have to tell you that it sounds like a monumental
19 task because I'm not sure which organizations to reach
20 out to. There's a lot of crossover. I'm not sure how
21 that process would look, and et cetera, et cetera.

22 I'd be glad to do whatever you'd like; but that
23 particular suggestion, maybe we can modify it in such a
24 way that maybe it is a little less labor-intensive.

25 CHAIR DOYLE: Commissioner Lowenberg?

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1 COMMISSIONER LOWENBERG: It seems like, if my
2 recollection serves me correctly, that this issue,
3 membership on the Advisory Committee and who makes up the
4 Advisory Committee, if staff has done one report, they've
5 done a dozen over the years. And I know things change
6 and issues change and the terrain changes, the landscape
7 changes. And I'm not so sure that this would solve the
8 problem; but instead of asking staff to prepare yet
9 another report about the Advisory Committee, is maybe
10 give the issue back to the Advisory Committee. And, of
11 course, I don't know if we're doing them any favors by
12 doing that; but, you know, give it back to the Advisory
13 Committee, have them come up with a recommendation for
14 the full commission.

15 But we're not going to make -- I, as one
16 commissioner, I am not going to make a decision today.
17 So, anyway, that would be my recommendation.

18 CHAIR DOYLE: Any other comments?

19 MR. CAPPITELLI: Mr. Deal has a comment, sir.

20 CHAIR DOYLE: Yes?

21 MR. DEAL: Just to muddy the water.

22 As you know, you have an advisory liaison committee.
23 It is comprised of, I believe, three commissioners.

24 In the past, when we have dealt with issues
25 associated with adding other positions or considering

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1 whether to leave vacant or the issue that's before you,
2 that entity has been convened to do that. So you have
3 that as an additional option.

4 CHAIR DOYLE: Okay. And that just so happens to be
5 Commissioners Hayhurst, Lundgren, and Smith.

6 COMMISSIONER LUNDGREN: I think that's a poor idea.

7 CHAIR DOYLE: A poor idea?

8 Well, I guess just as Paul said, whoever takes this
9 on is going to have the same task and the same difficulty
10 on how do you reach out, you know, to all of the
11 appropriate agencies that could potentially be on the
12 Advisory Committee.

13 COMMISSIONER HAYHURST: Commissioner Lundgren just
14 was sharing with me yesterday that he does not have
15 enough to do and he would be happy to help.

16 COMMISSIONER LUNDGREN: You know, I would like to
17 suggest that we make it an application process, much like
18 the awards that we just gave out. If people are
19 interested, we make it available to them, and then we
20 review those, and we should be able to come to a
21 conclusion from that.

22 We put the work on them and not on us.

23 CHAIR DOYLE: But I guess that -- well, I won't
24 speak for Paul, but I'm sure Paul would say the same
25 thing is, who do you reach out to, and how do you reach

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1 out to all of these organizations that potentially would
2 have an interest?

3 COMMISSIONER LOWENBERG: You know, if you were
4 asking me to vote today, I would say go with staff
5 recommendation to let the position go away. So whoever
6 is going to deal with this, if anybody's going to deal
7 with it, is to -- it seems to me, we made it kind of a
8 quantum leap from vacancy versus -- or going away, and
9 having some kind of process to decide who is going to be
10 on the Advisory Committee.

11 I personally think the Advisory Committee is big
12 enough. We don't need another person on the Advisory
13 Committee. But I'm just one commissioner.

14 CHAIR DOYLE: Sure.

15 COMMISSIONER LOWENBERG: So it seems to me the
16 completed staff study should include the fact that we
17 don't replace the position. But I'll leave that to you
18 guys.

19 CHAIR DOYLE: Okay. What's the interest of the
20 Commission?

21 COMMISSIONER HAYHURST: I already spoke. I believe
22 it should be a position --

23 COMMISSIONER LOWENBERG: Mr. Chair, for the sake of
24 the order here, I'm going to make a motion that the
25 Advisory position -- or the position of the Advisory

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1 Committee that had been designated -- excuse me -- that
2 had been designated as the one that just went vacant,
3 COPS, that we do not replace that position.

4 CHAIR DOYLE: Okay, there's a motion on the floor.
5 Is there a second?

6 COMMISSIONER LOWENBERG: I tried.

7 CHAIR DOYLE: The motion dies for lack of a second.
8 Please indulge me.

9 Is there a motion to do something else other than
10 just eliminate --

11 COMMISSIONER SOBEK: Motion to table this until the
12 next meeting so some of us can decide how we want to
13 handle it.

14 CHAIR DOYLE: Okay, there's a motion to table the
15 issue.

16 Is there a second?

17 COMMISSIONER LOWENBERG: I'll second that.
18 Lowenberg.

19 CHAIR DOYLE: Okay, Lowenberg, second.
20 Having a motion and a second, all those in favor?
21 *(A chorus of "ayes" was heard.)*

22 CHAIR DOYLE: Okay, the motion carries.

23 MR. CAPPITELLI: Mr. Chair, a question for staff.
24 You discussed a number of things here, just so I'm clear.
25 Is there anything you want staff to do in advance of the

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1 next meeting? Or just put it on the agenda for an open
2 discussion?

3 CHAIR DOYLE: The latter.

4 MR. CAPPITELLI: Thank you, sir.

5 CHAIR DOYLE: The next item, Contracts.

6 MR. CAPPITELLI: Darla or Dick, would you please
7 come forward and tell the committee, what is this we're
8 voting on? This is Item Q.

9 MR. REED: Mr. Chairman, Commissioners again, Mike
10 DiMiceli may want to join me to chime in, in case I leave
11 out something. This is basically his item.

12 Item Q was placed on the agenda because we sent our
13 book out some time back, to get all the agendas printed
14 up.

15 We're in the process of transitioning to the
16 electronic version of this in the future, as you know.
17 And the issue on San José State came to us rather late.
18 And among the array of courses that we have to find new
19 homes for, are basically courses in the operational side,
20 which Mr. DiMiceli runs.

21 And so Item Q is basically an add-on that we put
22 into the book, kind of out of sequence, but it involves
23 contracts for basically the rest of this fiscal year to
24 fill the void left by classes that San José State
25 indicated that they were no longer interested in

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1 presenting. Those are the management course, the
2 executive development course, command college, and
3 executive seminars.

4 So for a total of \$498,000, rather than just find
5 someplace else autonomously, we thought it was important
6 that the Commission hear the fact that, though we do
7 intend to continue presenting these courses, that they
8 are going to have to live somewhere else. And because of
9 the dollar amount involved, we needed the Commission to
10 hear what we're planning on doing.

11 And unless I misstate, we haven't found a home for
12 these courses yet. We just wanted to let the Commission
13 know that we want to do this, and spend this money if we
14 can before the end of the fiscal year. We may not be
15 able to find someone qualified to transplant these so
16 that we can finish the courses.

17 We have students in progress. Some of these courses
18 involve intersession, of course; so we're interested in
19 not breaking the sequence of the presentation. I think
20 it was previously alluded to in part of Mr. Deal's
21 presentation.

22 So what we're asking for is for approval to seek out
23 someone to fill the obligations to these students for the
24 balance of the fiscal year, encumber this money.

25 It's not new money. It's just money that will be

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1 taken from items -- I think it's 2, 3, 4, and 6 on the
2 continuous contracts, and find someplace else so that we
3 can meet the students' needs.

4 Let me defer to Mike to see if he'd like to add
5 anything else.

6 MR. DiMICELI: Well, this is the other part of the
7 situation from San José. The earlier discussion referred
8 to the new contract for fiscal year starting in July.

9 These contracts that were in place were approved for
10 this fiscal year. And what we're looking at, is
11 continuing these courses -- or presentations that are
12 already filled and scheduled for the balance of this
13 fiscal year, between 1 March and June 30th.

14 We're talking about somewhere in the neighborhood
15 of 450 officers who were involved in various kinds of
16 training, like the management course that's required, the
17 command college, which we're in the middle of, with a
18 couple of classes; the executive development course,
19 which is required for the executive certificate.

20 And they're already scheduled, they're filled. They
21 have committed student bodies. But San José told us that
22 they will do nothing more for the balance of the year.
23 So the alternative is to scurry around and find somebody
24 else to fill the gap for four months, or to shut these
25 things down and throw these people into some kind of a

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1 confused state.

2 The money was already approved by the Commission
3 more than a year ago. The contracts were approved by the
4 Commission more than a year ago.

5 What we're talking about is a modification of the
6 contract to identify a different presenter of this course
7 for essentially three months, to the end of June.

8 And so because the amount of the modification
9 exceeds the Executive Director's delegated authority, the
10 contract modification needs to have the approval of this
11 Commission to do that.

12 Referring to the earlier discussion, we have some
13 sense of where we believe these contracts can live for
14 three months. We have not gone to bid.

15 And I will tell you, very frankly, that were we to
16 go to RFP post and bid today, they would shut these down.
17 And they would sometime in the fall or winter of this
18 year, we would resume these courses.

19 So the staff recommendation and request is that the
20 Commission enable the Executive Director to modify these
21 contracts, to name a presenter not yet identified.

22 CHAIR DOYLE: Commissioners?

23 COMMISSIONER DUMANIS: Does this take -- Dumanis.

24 Does this take a vote to approve this? How much
25 money are we talking about?

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1 COMMISSIONER SOBEK: \$419,000.

2 MR. DiMICELI: Yes, we're talking about, yes -- with
3 the individual course --

4 COMMISSIONER DUMANIS: Is this the same half million
5 we were talking about before?

6 COMMISSIONER SMITH: No, this is a different one,
7 for the three months --

8 MR. DiMICELI: This is different money because it's
9 different specific years. And you've already approved
10 this amount of money. The reason we're talking about it
11 now is, the modification --

12 COMMISSIONER DUMANIS: I got that part.

13 MR. DiMICELI: -- of the contract is beyond 12,500.

14 COMMISSIONER DUMANIS: I see.

15 CHAIR DOYLE: Mr. Allen?

16 COMMISSIONER ALLEN: No, go ahead. I'll defer to
17 the Sheriff.

18 COMMISSIONER SMITH: Item L didn't specify the
19 period of time.

20 The problem I have with this -- and it's my fault
21 for not reading all of the documents -- but when you look
22 at the agenda, all it says on the agenda under "Q," under
23 New Business, is "Contracts." And this is another half a
24 million dollars.

25 Yes, contracting is difficult; but what we approved

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1 earlier, was for the next fiscal year. That would give
2 you four months to do an RFP or to go out for bid, or do
3 whatever process. And that's probably a very tight time
4 frame, but it's doable.

5 Now, at a recent training managers meeting in
6 Santa Clara County, it was stated -- and I think by the
7 POST representative -- that this was going to South Bay
8 also. And I don't -- perhaps that's not true, but that's
9 what was represented. And the minutes are not out yet.

10 I understand the urgency in this one. I don't
11 understand the urgency on the one earlier.

12 And, again, we've got another half a million dollars
13 that was just listed on the agenda as "Contracts."

14 MR. DiMICELI: The management course, we've
15 identified South Bay Regional as a presenter for the
16 management course through the end of this fiscal year in
17 order to keep that course in the region.

18 The other three courses -- the executive development
19 course, the command college contract, and the executive
20 seminars, which is the contract that supports the county
21 or area chiefs and sheriffs association meeting once a
22 year -- those will not go to South Bay. In all
23 likelihood, the command college contract will go to CSU
24 Long Beach Foundation, which manages the much larger
25 SLI contract without any problem.

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1 I don't recall offhand what the suggestions have
2 been or the discussion have been for the executive
3 development course or the executive seminars; but those
4 are the least, or the smaller of the four contracts.
5 But it's that kind of thing.

6 We have talked to these folks -- at least let me
7 talk about Long Beach. We've gone to them and said, "For
8 four months, max, can you handle this additional
9 workload?" It's primarily an administrative service that
10 they're providing and logistics service to get the people
11 and the books and the materials from one place to
12 another. And they've said, "Yes, for three or four
13 months we can do that, if you can get the contract
14 approved." And that's where we are.

15 CHAIR DOYLE: Any other comments by commissioners?

16 *(No response)*

17 CHAIR DOYLE: Is there a motion to approve the
18 request?

19 COMMISSIONER ALLEN: I'll make the motion.

20 CHAIR DOYLE: Mr. Allen.

21 Is there a second?

22 COMMISSIONER LUNDGREN: I'll second. Lundgren.

23 CHAIR DOYLE: Lundgren, okay.

24 A motion and a second.

25 All those in favor?

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1 MR. CAPPITELLI: Roll call.
2 CHAIR DOYLE: Oh, excuse me, roll call.
3 MS. PAOLI: Allen?
4 COMMISSIONER ALLEN: Yes.
5 MS. PAOLI: Tom Anderson?
6 COMMISSIONER THOMAS ANDERSON: Yes.
7 MS. PAOLI: Lai Lai Bui?
8 VICE CHAIR BUI: Yes.
9 MS. PAOLI: Cooke?
10 *(No response)*
11 MS. PAOLI: Doyle?
12 CHAIR DOYLE: Yes.
13 MS. PAOLI: Dumanis?
14 COMMISSIONER DUMANIS: Yes.
15 MS. PAOLI: Hayhurst?
16 COMMISSIONER HAYHURST: Yes.
17 MS. PAOLI: Linden?
18 *(No response)*
19 MS. PAOLI: Lowenberg?
20 COMMISSIONER LOWENBERG: Yes.
21 MS. PAOLI: Lundgren?
22 COMMISSIONER LUNDGREN: Yes.
23 MS. PAOLI: McDonnell?
24 COMMISSIONER McDONNELL: Yes.
25 MS. PAOLI: McGinness?

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1 (No response)

2 MS. PAOLI: Smith?

3 COMMISSIONER SMITH: Yes.

4 MS. PAOLI: Sobek?

5 COMMISSIONER SOBEK: Yes.

6 MS. PAOLI: Soubirous?

7 COMMISSIONER SOUBIROUS: Yes.

8 MS. PAOLI: George Anderson?

9 COMMISSIONER GEORGE ANDERSON: Yes.

10 CHAIR DOYLE: Okay, thank you.

11 Commissioner Hayhurst, you had something for New
12 Business?

13 COMMISSIONER HAYHURST: Yes, I do.

14 I'd like to make the recommendation to the
15 Commission that we move the agenda items of the Advisory
16 Committee to after Public Comment. That would give us
17 all a chance to hear the concerns of the Advisory
18 Committee on agendized items, what they have some
19 concerns and thoughts and input about, prior to us going
20 down to each item. It would just provide additional
21 information.

22 We seem to get the Advisory Committee's report after
23 we have already made our decisions on the agenda. And
24 I think they offer a lot of information that we should
25 possibly hear before the agenda takes off.

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1 MR. CAPPITELLI: Mr. Chairman, I seem to recall
2 that the way that we have been doing it -- and perhaps we
3 deviated this time -- but the way that we've been doing
4 it historically is, as an item comes up for the policy
5 vote, we defer to the chair of the Advisory Committee to
6 see how the Advisory Committee weighed in on that on an
7 individual basis.

8 I'm not sure logistically -- I understand the
9 concern, I support the need for that input, but I'm not
10 so sure logistically how having the report at the
11 beginning would play out, especially if there are items
12 that you agree, disagree with. You would say, "Well, we
13 agree with Q, we don't agree with P."

14 We're probably better off going back to -- at least
15 staff could probably build into the agenda here the
16 opportunity for the Advisory Committee to weigh in on all
17 of the items that are as they come up for discussion.
18 That would be my suggestion, to modify what you said.

19 COMMISSIONER HAYHURST: My thought on this,
20 Mr. Cappitelli, is that if there's some items that we
21 have some concern on and if Advisory tells us what they
22 have on it, we may not need to pull this item. They may
23 be able to provide information of the same questions we
24 would have just for the sake of redundancy, they might be
25 able to provide that information and be done with it.

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1 CHAIR DOYLE: I'm going to make a suggestion --
2 since it's not on the agenda, we can't vote on it, but to
3 agendize it for the next meeting.

4 Is that okay with everybody?

5 COMMISSIONER LUNDGREN: The suggestion might be to
6 follow Mr. Cappitelli's recommendation at the next
7 meeting, agendize it, and see how it flies.

8 MR. CAPPITELLI: Staff can come back with a
9 recommendation as to how to best insert the input from
10 the Advisory Committee into the agenda.

11 Would that be sufficient?

12 COMMISSIONER HAYHURST: I'd go for that.

13 MR. CAPPITELLI: Okay. Thank you.

14 CHAIR DOYLE: Okay. Future Commission dates are in
15 your packet.

16 And we're now going to adjourn and go into closed
17 session.

18 So I would ask everyone to -- it's not a nice way to
19 put this, but to leave if you're not on the Commission.

20 *(The Commission met in closed executive*
21 *session from 12:00 noon through 12:28 p.m.)*

22 CHAIR DOYLE: We're back in session again.

23 We've been in closed session. We've discussed a
24 number of items of potential litigation. There's nothing
25 to report out.

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So the meeting is adjourned.

(The gavel was sounded.)

*(The POST Commission meeting concluded
at 12:28 p.m.)*

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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 March 16th, 2010.

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