

STATE OF CALIFORNIA
COMMISSION ON
PEACE OFFICERS STANDARDS AND TRAINING

POST COMMISSION MEETING

OPEN SESSION



TIME: 10:00 a.m.

DATE: Thursday, February 28, 2013

PLACE: Sheraton Garden Grove, Anaheim South
12221 Harbor Boulevard
Garden Grove, California 92840



REPORTER'S TRANSCRIPT OF PROCEEDINGS



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POST Commission Meeting, February 28, 2013

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A P P E A R A N C E S

POST COMMISSIONERS PRESENT

JAMES P. McDONNELL
Chief
Long Beach Police Department

LAI LAI BUI
Sergeant
Sacramento Police Department

ROBERT COOKE
California Narcotics Officers' Association

ROBERT T. DOYLE
Sheriff
Marin County

SANDRA HUTCHENS
Sheriff-Coroner
Orange County

RONALD LOWENBERG
Director
Criminal Justice Training Center

SYLVIA MOIR
Chief
El Cerrito Police Department

LAURIE SMITH
Sheriff
Santa Clara County

MICHAEL SOBEK
Sergeant
San Leandro Police Department



A P P E A R A N C E S

POST ADVISORY COMMITTEE MEMBERS PRESENT

per participation and sign-in sheet

MARIO A. CASAS
Committee Chair
California Coalition of Law Enforcement Associations

ELMO BANNING
Public Member

GEORGE BEITEY
State Chancellor's Community College Office

JOE FLANNAGAN
Peace Officers' Research Association of California

RICHARD J. LINDSTROM
California Academy Directors' Association

MITCHELL MUELLER
California Highway Patrol

TIM WILLMORE
California Association of Police Training Officers



POST STAFF PRESENT

per participation and sign-in sheet

BOB STRESAK
Interim Executive Director
Executive Office

POST Commission Meeting, February 28, 2013

WILLIAM "TOBY" DARDEN
POST Commission Counsel
Department of Justice
Office of the Attorney General

ALAN DEAL
Assistant Executive Director
Executive Office
Field Services Bureau

A P P E A R A N C E S

POST STAFF PRESENT

*per participation and sign-in sheet
continued*

RICHARD REED
Assistant Executive Director
Executive Office
Administrative Services Division

MARIE BOUVIA
Executive Assistant
Executive Office

ANNE BREWER
Bureau Chief
Training Program Services Bureau

JANICE BULLARD
Chief
Learning Technology Resource Bureau

RON CROOK
Multimedia Specialist
Learning Technology Resource Bureau

FRANK DECKER
Bureau Chief
Basic Training Bureau

LARRY ELLSWORTH

POST Commission Meeting, February 28, 2013

Senior Consultant
Training Program Services Bureau

DARLA ENGLER
Bureau Chief
Administrative Services Bureau

BRYON GUSTAFSON
Bureau Chief
Standards and Evaluation Services Bureau

MIKE HOOPER
Bureau Chief
Center for Leadership Development

A P P E A R A N C E S

POST STAFF PRESENT

*per participation and sign-in sheet
continued*

COLIN O'KEEFE
Bureau Chief
Computer Services Bureau

CONNIE PAOLI
Administrative Assistant
Executive Office

RAYANNE ROGERS
Senior Instructional Designer
Learning Technology Resources

DORTHA RONAN
Special Consultant
Basic Training Bureau

STEPHANIE SCOFIELD
Bureau Chief
Training Delivery and Compliance Bureau

QUAC ALEX VOONG

POST Commission Meeting, February 28, 2013

Help Desk Support
Computer Services Bureau

ROBET ZIGLAR
Senior Consultant
Computer Services Bureau

ALSO PRESENT

per participation and sign-in sheet

MARTIN BAEZA
Los Angeles Police Department

PAUL CAPPITELLI
(Former POST Executive Director)

WESLEY CHANG
Plager Schack LLP

A P P E A R A N C E S

ALSO PRESENT

*per participation and sign-in sheet
continued*

RON COCHRAN
San Bernardino Sheriff's Office

MICHAEL GRAY
San Diego Regional Training Center
Association

RANDY WALTZ
Fresno County District Attorneys
and CAPTO

PAUL M. WEBER
Los Angeles Police Department

TRAVIS WHITMAN

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Captain
Garden Grove Police Department
(Welcome Address)

ROBERT WICKUM
San Bernardino Sheriff's Office



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Riverside Police Department

Detective Jeremiah MacKay
San Bernardino County Sheriff's
Department

Detective Elizabeth Butler
Santa Cruz Police Department

Sergeant Butch Baker
Santa Cruz Police Department

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Thursday, February 28, 2013, 10:00 a.m.

Garden Grove, California

--o0o--

CHAIR McDONNELL: Okay, I'd like to call the meeting to order.

And I'd ask if you would stand for the flag salute.

(The Garden Grove Police Department Honor Guard entered the meeting room, flag salute.)

CHAIR McDONNELL: If you would join me...

(The Pledge of Allegiance was recited.)

(The Garden Grove Police Department Honor Guard exited the meeting room.)

CHAIR McDONNELL: If you would join me in a round of applause for the Garden Grove Police Department Honor Guard.

(Applause)

CHAIR McDONNELL: If you would remain standing, please, for a moment of silence.

In the past 24 days, we have lost four officers and several have been hospitalized, all from felonious assaults.

Our thoughts and prayers go out to the family,

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1 friends, and agencies that have incurred these tragic
2 losses.

3 I'd like to now mention the officers who have died
4 in the line of duty since the last meeting:

5 Officer Kevin Tonn from the Galt Police Department.

6 Officer Michael Crain from the Riverside Police
7 Department.

8 Detective Jeremiah MacKay from the San Bernardino
9 County Sheriff's Department.

10 And then tragically, from the Santa Cruz Police
11 Department, yesterday we were notified of Detective
12 Elizabeth Butler and Sergeant Butch Baker, who also lost
13 their lives in the line of duty.

14 If we could have a moment of silence.

15 *(Observance of moment of silence.)*

16 CHAIR McDONNELL: Thank you very much.

17 Please be seated.

18 If I could call for the roll call of Commission
19 members, please.

20 MS. PAOLI: Bui?

21 COMMISSIONER BUI: Here.

22 MS. PAOLI: Cooke?

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1 COMMISSIONER COOKE: Here.

2 MS. PAOLI: Doyle?

3 COMMISSIONER DOYLE: Here.

4 MS. PAOLI: Hutchens?

5 COMMISSIONER HUTCHENS: Here.

6 MS. PAOLI: Kurylowicz?

7 *(No response)*

8 MS. PAOLI: Lowenberg?

9 COMMISSIONER LOWENBERG: Here.

10 MS. PAOLI: McDonnell?

11 CHAIR McDONNELL: Here.

12 MS. PAOLI: Moir?

13 COMMISSIONER MOIR: Here.

14 MS. PAOLI: Smith?

15 COMMISSIONER SMITH: Here.

16 MS. PAOLI: Sobek?

17 COMMISSIONER SOBEK: Here.

18 MS. PAOLI: Wallace?

19 *(No response)*

20 CHAIR McDONNELL: And I'd like to welcome our new
21 members to the Commission -- or our veteran members who
22 are back again, Sheriff Laurie Smith, thank you, and

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1 also Sheriff Bob Doyle.

2 Thank you for your continued time, effort,
3 involvement, and dedication to the mission of POST.

4 I'm sorry, and Mike Sobek as well.

5 Mike, thank you.

6 There we go. I'm getting interference in my
7 earpiece here.

8 And our new member, non-returning but brand-new,
9 Chief Sylvia Moir from El Cerrito Police Department in
10 Northern California.

11 Thank you for joining us.

12 I've known Sylvia for quite some time and her
13 involvement with the California Peace Officers'
14 Association and her leadership throughout the business.

15 So welcome, and thank you.

16 COMMISSIONER MOIR: Thank you. It's an honor.

17 COMMISSIONER SOBEK: I told her she had a singer
18 for a college fight song.

19 CHAIR McDONNELL: We'll hold off on that.

20 I'd also like to introduce at this point the POST
21 Advisory Committee chair, which is Mario Casas.

22 Thank you, Mario.

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1 MR. CASAS: Thank you.

2 CHAIR McDONNELL: And our POST legal counsel,
3 William Toby Darden.

4 And also the Executive Director or Acting Executive
5 Director at this point, Bob Stresak.

6 I'd like to now ask Captain Travis Whitman from the
7 Garden Grove Police Department to join us for a
8 welcoming address.

9 Thank you for joining us today, Captain.

10 CAPTAIN WHITMAN: Good morning, everyone.

11 My name is Captain Travis Whitman. I'm with the
12 Garden Grove Police Department, and it is my honor and
13 privilege to welcome you here today to Garden Grove to
14 the first POST Commission meeting of the year.

15 I know you have a full and busy agenda, and I know
16 that some of you have traveled a significant distance to
17 come to the meeting today.

18 You know, it's not easy to be a police officer
19 today. Just consider the shrinking resources and the
20 double-digital crime rate that most of our jurisdictions
21 have experienced in the last year. Now, add the violent
22 attacks on law enforcement in Southern California, just

1 in the last month; and now, in Santa Cruz.

2 You know, when the men and women of law enforcement
3 are faced with challenges, they revert back to their
4 training -- quality training that has been an
5 internationally recognized hallmark and tradition of
6 professional California law enforcement for decades.

7 And the tradition stands because of people like
8 you, people who are willing to commit, to give their
9 time to make a difference. It is because of your
10 leadership that begins with decisions made at meetings
11 like this that will ensure that our law-enforcement
12 family are prepared for the next challenge they face.

13 So without further delay, I again want to welcome
14 you. And thank you for your volunteerism and your
15 leadership, and your commitment to maintain the high
16 standards that defines California professional law
17 enforcement.

18 Now, I apologize, I must rush out. I have another
19 appointment to make. I have a group of first graders
20 that I'm going to be reading Dr. Seuss to, because it's
21 Read Across America Day.

22 So enjoy the meeting.

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1 *(Applause)*

2 CHAIR McDONNELL: Thank you, Captain, for your
3 hospitality here. And if you would, again, pass along
4 our thanks to your Honor Guard there for this morning.

5 Thank you.

6 Now at this time, I'd like to open it up for public
7 comment.

8 I'd remind any speakers we have, we'd like to limit
9 it to three minutes. But we'd like to hear from whoever
10 has an interest in addressing the Commission.

11 *(No response)*

12 CHAIR McDONNELL: Seeing no interest, I will move
13 on.

14 I'd like to give an opportunity now for our Acting
15 Executive Director, Bob Stresak, to talk about his
16 vision for POST, and that's probably a five- to
17 eight-minute presentation. I believe he's got some
18 slides for us as well.

19 Bob?

20 MR. STRESAK: Thank you, Mr. Chair, Honorable
21 Commissioners, honored guests.

22 I want to begin by telling the Commission, thank

1 you for the opportunity I've had for the last couple
2 months to serve as Interim Executive Director. It's
3 been a pretty exciting time, a busy time; but I've
4 enjoyed every moment. And I owe all my appreciation to
5 the confidence you put in me, at least for these last
6 few months.

7 I also want to thank Alan and Dick for being very
8 supportive; and the entire POST staff, they've also been
9 incredibly supportive of this moment of transition.

10 So thank you to staff.

11 This is a great slide. I really like this slide.
12 This kind of introduces, "How I think," and it was kind
13 of a nice juxtaposition, but I kind of like it. But
14 more importantly -- thank goodness for technology.

15 So more than importantly, this a reflection of how
16 I think sometimes. This is also a reflection of how
17 each and every one of us in our organizations confronts
18 a problem. Problems are often not very simple, and
19 they have complex components. But I think if we take
20 the time to look, we always can find one variable in a
21 formula that affects the entire equation. And the
22 challenge is just to look for it.

1 And there's multiple examples that we could apply
2 to POST as I look at our business practices and our
3 complexity of how we deliver service, identifying that
4 one variable sometimes could be the key to kind of
5 keeping us current.

6 Before I get into some of the issues of POST, I
7 want to put my comments into context. And I'm going to
8 begin by giving you three numbers: 75, 33, 45.

9 Does anybody recognize 75, 33, and 45? Some heads
10 are nodding.

11 They are that record speeds, musical record speeds.
12 75 rpm, 33 $\frac{1}{2}$ rpm, and 45 rpm.

13 But if you look at that as the beginning of an
14 evolution, if you look at the 78 begat the 33, the 33
15 begat the 45, the 45 begat the 8-track, the 8-track
16 begat the cassette, the cassette begat the CD, the CD
17 begat the iPod, and the iPod begat the digital download.

18 And using that as a small example of how we've
19 progressed over the last 40, 50, 60 years, that's
20 indicative of how the world is moving.

21 And more importantly, if you look at the path of
22 those records, it ultimately put the record industry on

1 its ear. It actually destroyed the distribution process
2 because now distribution is decentralized, we can go
3 home on our own computers and download music.

4 I want to list a couple other examples.

5 The United States Post Office. The United States
6 Post Office failed to recognize the threats posed by
7 Fed Ex, Emery, and UPS. But more significantly, Fed Ex,
8 Emery, and UPS recognized the challenges and
9 opportunities they had to challenge an existing
10 structure, the United States Post Office. And you're
11 fully aware of the dire straits they're in right now.

12 And my best example is Kodak, "Big Yellow." I want
13 to talk about Kodak for a second.

14 Kodak was a company with a 120-year history. At
15 one time, at its peak, it had 144,000 employees; and one
16 time at its peak in the 1980s, its stock was \$85 a
17 share.

18 I know that doesn't sounded like much today, but
19 30, 40 years ago, \$85 a share was pretty significant.

20 But more significantly, Kodak failed to
21 recognize -- or they did recognize the threat of digital
22 photography. In the eighties, they recognized the

1 threat. And their board of directors concluded that
2 their product, film, was of such high quality, that the
3 grainy introductory digital photography would never
4 challenge their organization. And so they recognized
5 the threat, but they adhered to old standards and
6 principles and failed to change and flex.

7 Kodak's stock as of yesterday was 21¢ a share.
8 They filed for bankruptcy. They're disbanded. And I'll
9 let that illustration stand for itself.

10 But if you look at bookstores, libraries,
11 newspapers, publishing houses; if you look at Yale,
12 Harvard, and Cambridge, iconic representations of
13 education, they're all moving and they're all being
14 toppled or pushed or maneuvered by technology in the
15 world today. So I ask you to keep that in mind.

16 So what is my point?

17 My point is that if we all agree that POST is in
18 the information delivery business -- which we are, I
19 believe -- we just call it training, but it's in the
20 information delivery business -- we need to be aware of
21 our competitive forces in the delivery of information.
22 We need to maintain a healthy awareness that if major

1 industries are vulnerable to the pace and change and
2 have, in fact, toppled, any organization -- including
3 POST -- has exposed flanks.

4 So our challenges. So one of my concerns is our
5 organizational agility, that that topic will come up
6 today, in today's agenda. And my concern is that as a
7 government entity, we must adhere to bureaucratic
8 control, review, and regulation. But the Fed Ex's, the
9 Emery's, and the UPS's of information delivery don't.
10 They have the ability to move much quicker than we do.

11 The Fed Ex's, the Emery's, and UPS's only have to
12 go to Fry's to buy software. And I'm being figurative
13 on that. But you understand, all they have to do is
14 walk around the corner and purchase software. And we
15 have to adhere to strict regulatory language to allow us
16 to move.

17 So the question is, from time to time, we are
18 coming to a marathon as a three-legged sack race. I'm
19 not sure, but points to consider.

20 POST has been in existence for 53 years. Our
21 legislation, our enabling legislation has been in
22 existence for 53 years. 53 years ago, the 33½ rpm was

1 transitioning to a 45.

2 So in terms of strategic planning, I think it is
3 incumbent for us to look organizationally where we
4 really need to be in the long-term. I think we also
5 have to develop a legislative strategic plan, something
6 that I've been giving some thought to in terms of
7 looking at our enabling legislation: Is it current, is
8 it flexible enough, does it give us the ability to
9 deliver to our stakeholders? And, of course,
10 significant strategic planning and technology.

11 Other thoughts are, we need to work towards
12 increasing the component of critical thinking in our
13 training programs. And in short, we just need a clear
14 road map for our future.

15 So strategic thinking: A couple concerns. How do
16 we collaborate effectively with our competition? And I
17 don't mean that in a negative way. I just mean in
18 reality that, as information moves, we need to move.

19 Where can we better leverage our relationships with
20 our stakeholders? Legacy institutions, such as CPOA,
21 Cal Sheriffs, Cal Chiefs, how about, can we leverage
22 that relationship to the benefit of law enforcement?

1 Grant management: You'll hear some discussions
2 today about grant management. And we need to consider
3 looking at grant management as a viable option to break
4 the cyclic contract-renewal process that we're in right
5 now.

6 And perhaps sacrilegious, but the question is: Do
7 we need to continue to adhere to the highest possible
8 standards of quality, much like Kodak, while the world
9 moves at light speed with an increased tolerance for
10 lesser quality and information delivery?

11 Is it realistic to continue to expect ten employees
12 to effectively manage 5,620 courses? Are 5,620 courses
13 manageable?

14 How well do we respond to governmental shifts such
15 as realignment and the residual impact on
16 law-enforcement training needs? And what are our
17 organizational integration practices?

18 And most importantly, what is our vulnerability
19 with dependence on contracts as a primary vehicle of
20 training delivery? In other words, what variables in
21 the equation can we isolate to change the outcome?

22 So my last slide is a roll of Kodak film.

1 And we are passing out to the commissioners a box
2 of Kodak film. If you open it up for a second and take
3 a look inside.

4 CHAIR McDONNELL: Pretty creative there, Bob.

5 MR. STRESAK: Now, inside you'll find a chip.

6 That chip, roughly about \$2, contains the
7 equivalent of 36 rolls of Kodak film.

8 So in conclusion, I ask the question: Does the
9 term "Kodak moment" now hold a new meaning for you? Is
10 this our Kodak moment? I hope not.

11 It is my hope that the future of POST captures
12 memories of progress, agility, and timely response to
13 the future needs of our officers, our profession.

14 The agenda before you reflects some steps towards
15 solutions to these issues, steps I see as positive and
16 in the right direction.

17 I ask for your consideration and support as we move
18 forward.

19 Thank you.

20 CHAIR McDONNELL: Thank you very much, Bob.

21 And I think it resonates with all of us the need to
22 be flexible. The examples you've shown over the years,

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1 how some of the giants in the various industries
2 collapsed because they refused to be flexible, for
3 whatever reason.

4 I now need to move to the approval of the minutes,
5 the action summary, and the approval of the meeting
6 minutes.

7 I will need a motion on that.

8 COMMISSIONER LOWENBERG: Move it. Lowenberg.

9 CHAIR McDONNELL: Second?

10 COMMISSIONER BUI: Second. Bui.

11 CHAIR McDONNELL: Thank you.

12 All in favor?

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

14 CHAIR McDONNELL: Opposed?

15 *(No response)*

16 CHAIR McDONNELL: Thank you.

17 Moving on to the consent calendar.

18 I'd like to draw -- before I ask, if anybody wants
19 to pull any items, I draw your attention to a couple --
20 Items 6 and 7. You'll see the report of agency
21 requesting removal from the POST program, San Anselmo
22 Police Department, and then also Twin Cities Police

1 Authority for information. They're going to be going to
2 a joint powers agreement; and so the configuration will
3 be different. But that's just a little explanation on
4 what's going on there.

5 And then on Item 16, the Report on the SAFE Driving
6 Campaign, something that I think we really need to take
7 a minute just to reflect on, the state of California
8 did not lose a single officer in a vehicle-related
9 line-of-duty death during 2012. That is a first. That
10 milestone is an encouraging sign that the collective
11 efforts associated with the SAFE driving campaign are
12 making a difference.

13 It's impossible to determine how many line-of-duty
14 deaths or career-ending injuries could have been or have
15 been averted. But unquestionably, the issue of safe
16 driving is at the forefront like never before.

17 And so for the first time that we're aware of, we
18 were able to end the year in that fashion. So I think
19 something that all of your efforts, all of the efforts
20 of everybody engaged in this profession throughout the
21 state have made with a big difference.

22 I know Paul Cappitelli in his five years here, that

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1 was something near and dear to his heart. So a legacy,
2 if you will, that he leaves behind on the cultural
3 change that's so critical when you look at the names on
4 the wall in Washington, D.C., or in the State Capitol,
5 and look at how many of those are due to vehicle-related
6 line-of-duty deaths. This is something that is truly a
7 milestone for police.

8 Let me ask now, does anybody want to pull any items
9 on the consent calendar for discussion?

10 *(No response)*

11 CHAIR McDONNELL: Seeing none, I'll need a motion
12 to accept the consent calendar as constituted.

13 COMMISSIONER DOYLE: So moved.

14 COMMISSIONER COOKE: Second.

15 CHAIR McDONNELL: Doyle and Cooke.

16 Okay, all in favor?

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

18 CHAIR McDONNELL: Opposed?

19 *(No response)*

20 CHAIR McDONNELL: Okay, the item moves along.

21 As part of that, we have a couple of resolutions.

22 One for Paul Cappitelli who retired recently from

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1 POST. He received his resolution at his retirement on
2 December 19th. So we thank Paul for his service, his
3 five years with POST, and his service to the law-
4 enforcement community in the many years prior to that.

5 But with us today is Mike Hooper, who is retiring
6 from POST.

7 Mike is kind of an understated all-star.

8 A little bit about Mike's career. From 1970 to
9 1994, 24 years he spent with the Los Angeles Police
10 Department.

11 Upon retiring there, he became a professor at Penn
12 State University, from 1994 until 1999.

13 And then in 2000, began his next career with POST;
14 and has been in that position, or various positions
15 within POST for the last 13 years.

16 He is responsible for leadership of the future
17 vision, which is the foundation for the agenda item of
18 the Strategic Plan, which we'll go into a little bit
19 more here.

20 So, Mike, we would like to present you with a
21 resolution.

22 If you'd come forward.

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1 *(A photograph was taken of Chair McDonnell and*
2 *Mike Hooper)*

3 MR. HOOPER: It's been great being with POST. It's
4 great to be a staff member of the best POST in the
5 country.

6 And what else can I say?

7 *(Applause)*

8 CHAIR McDONNELL: And if I could ask Paul
9 Cappitelli, who I have just been notified is in the
10 audience as well.

11 Paul, if you'd stand.

12 Paul, a sincere thank-you in front of the
13 Commission.

14 *(Applause)*

15 CHAIR McDONNELL: If you had brought your
16 resolution, we could present it again, Paul; but I don't
17 see it.

18 But thank you for your five years of service and
19 your leadership to POST and to the State of California
20 and all the men and women in law enforcement for the
21 past five years here, and for the 30 years prior to that
22 in San Bernardino. You've left your mark. And we wish

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1 you all the best in your future as well.

2 MR. CAPPITELLI: Thank you.

3 CHAIR McDONNELL: Thank you, Paul.

4 MR. STRESAK: Paul, by the way, has been suffering
5 through Caribbean cruises, walks on the beach, leisurely
6 coffee in the morning. His life is tough.

7 Good for you.

8 CHAIR McDONNELL: Okay, we'll move on.

9 Yesterday, the Finance Committee and the Advisory
10 Committee met.

11 I'd ask now for the Finance report.

12 Ron Lowenberg, if you could give us just a brief
13 rundown.

14 COMMISSIONER LOWENBERG: Absolutely.

15 It was a very productive meeting.

16 Staff was able to report that the financial
17 situation for POST is very positive. In fact, we will
18 end this year with a fund balance, if we keep tracking
19 the way we're going, of \$570,000. That, plus a
20 carryover of \$4 million from this present year, will
21 give us a very healthy budget.

22 But probably more importantly, at least from the

1 Committee's perspective, and I think the full
2 Commission's perspective, is that the number of trainees
3 reimbursed this year over last year is tracking at twice
4 the number. So it looks like we're back on track with
5 the ability -- for the agencies having the ability to
6 send their folks to training.

7 And in the reimbursement expense category, again,
8 over twice the amount of funds being reimbursed. But I
9 think one that at least reached out and grabbed me was
10 based on some discussions we've had over the last couple
11 of years, is the backfill salary reimbursements, went
12 from fiscal year 2011-2012 from \$568,000, to July,
13 December of 2012-13, \$1.5 million. So that is good
14 news.

15 If the Commission has any specific questions, of
16 course, staff is here to report out; and we'll need to
17 take action on the Committee's recommendation to approve
18 all of the contracts before the Commission today.

19 So whatever the pleasure of our Chairman, we can
20 either take that action now or later.

21 I would suspect it would probably be a good time to
22 take the action now.

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1 And then our Executive Director needs to report out
2 on an issue that is pending regarding the Department of
3 General Services, and their apparent inability to move
4 forward in reimbursement on many of our present
5 contracts.

6 CHAIR McDONNELL: Do you want to address that
7 question?

8 MR. STRESAK: Sure.

9 CHAIR McDONNELL: We'll ask Mr. Stresak to address
10 that first.

11 MR. STRESAK: Thank you, Mr. Chair.

12 What I'm about to say, I briefed the Finance
13 Committee and the Leg. Committee -- the Finance and
14 Advisory Committees yesterday.

15 As you are probably aware, our primary vehicle for
16 training delivery has been the contract over many, many
17 years. And it's evolved as our most convenient way and
18 effective way of delivering training.

19 At any given moment, we have about 104 contracts in
20 orbit. Before you, on today's agenda, you approved the
21 renewal of 23 of these contracts.

22 Some of these contracts are legacy contracts.

1 Supervisory Leadership Institute, EVOC training for the
2 basic course, ICI on the investigative side, and
3 perishable skills training for all in-service, just to
4 name a few.

5 And for years -- and I'll stick with SLI as an
6 example right now -- for years, even decades, the
7 reputation and the success of those programs have
8 carried the momentum of contract renewal; so that when
9 those contracts have come up for renewal -- for example,
10 the last 19 years with SLI -- they were, for the most
11 part, reviewed and renewed, and we moved on with
12 business.

13 If we turn the page, and we approach a new chapter
14 with the Department of General Services, which is our
15 control agency that reviews the accuracy of the
16 contract, there's a new sheriff in town and there's new
17 policies in town. And these new policies have kind of
18 led to a much higher level threshold of critical review,
19 and much higher level of threshold for acceptance.

20 Which leads me to our SLI contract. We've been
21 attempting to negotiate and facilitate that SLI contract
22 for months and months and months now, and it has been a

1 ping-pong process. I won't point fingers at anybody;
2 just the fact is, it's been a ping-pong process of
3 review.

4 But in the course of doing that, the SLI program
5 delivered by very many competent, confident people and
6 committed individuals to that course have been working
7 without a contract. And within a matter of months, we
8 are \$300,000 in arrears in that contract. In short,
9 these people were working for nothing.

10 We met with the Department of General Services to
11 meet with their chief counsel, to see if there's any
12 kind of resolution, any kind of options we could effect
13 to facilitate this contract. And we were told: "Do not
14 cancel the contract, do not suspend the course. Move
15 forward. We'll ensure that the contract is executed."

16 At my last count, the SLI was \$487,000 in arrears
17 that we owed the facilitators, instructors, and
18 coordinators.

19 The situation is untenable. And this is just one
20 example -- SLI is one example. However, there's
21 multiple contracts out there that will fall to the same
22 fate if we do not take some action.

1 So it would be my recommendation to suspend those
2 courses until this untenable situation is resolved. I
3 just have a major concern about people working for
4 nothing. Obviously, I have a major concern about the
5 reputation of our organization to deliver training. I
6 have a concern about the reputation of reliability of
7 this organization to deliver training to the law
8 enforcement community.

9 So the question begs: What have we done? So we
10 have begun to pursue legislative remedy. Trying to find
11 some way -- perhaps we could modify existing law to give
12 us a little more latitude. I'm not sure of the
13 feasibility of that, but the door is open. We have a
14 spot bill at the Capitol waiting for us -- wording, if
15 need be.

16 We are proffering the Department of Finance an
17 economic argument: To establish that our instructors
18 deliver a product with sufficient subject-matter
19 expertise at a much lower cost than a state employee --
20 you know, their benefit package and all the economic
21 accruals to that issue.

22 Before you today, also requests for the increase of

1 the Executive Director's ability to execute contracts
2 without Commission approval. I'll explain that in a
3 while. But hopefully, that will compress some of the
4 time-line.

5 We've had additional meetings with the Department
6 of General Services and the Governor's office to try to
7 resolve this.

8 And, of course, lastly, we have to look at our own
9 internal processes. We have to look at the
10 vulnerability that this has illuminated to the
11 organization and to our ability to deliver. So we are
12 focusing on looking internally to see what we can do
13 better, what we can do more effectively, and perhaps
14 what are the options we can pursue.

15 So while the research is in the works, we continue
16 to look for the variables in the formula.

17 I've briefed Cal Sheriffs on this, I've briefed Cal
18 Chiefs on that. And we, to this date, are still waiting
19 for a thaw in the process to move these contracts
20 forward.

21 So with those comments, I'd be interested in
22 hearing your comments.

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1 And I will hand this back over to the Chair.

2 CHAIR McDONNELL: Sylvia, please, Commissioner?

3 COMMISSIONER MOIR: I would like to address this,
4 because this has presented us with a very significant
5 issue. And for clarity, when our Director is talking
6 about being in arrears and not compensating our
7 facilitators for providing training, there is another
8 component to this which the individual cost to our
9 professional facilitators is significant. Not just cost
10 in terms of the money that they outlay for travel, for
11 per diem, but the cost when DGS's response is that they
12 could file a claim as a victim.

13 And while we say that, "DGS, this is an
14 impediment," I think this is -- and they require a new
15 critical review because there is a new sheriff in town,
16 I think what we are being told is that this is an
17 excruciating addition to a bureaucracy that has human
18 cost, and a very significant and deep cost to our
19 profession and to the individuals that provide
20 absolutely essential leadership training to sergeants
21 across the state of California.

22 And to state the urgency and the importance of us

1 taking action to end the impediment and have DGS and
2 their critical reviewers act as those who can facilitate
3 a contract, professionalize the contract, and make it
4 legally sound, it's important for them to do that. It
5 is absolutely unacceptable for them to be an impediment
6 to this degree.

7 If we were to poll the individual facilitators who
8 are providing training, and have been providing training
9 to sergeants in the state of California through the
10 Sherman Block Supervisory Leadership Institute course,
11 if we were to poll them and ask them, what individual
12 cost, in terms of money, have they paid just to travel
13 three days per month to provide training, and then we
14 were to lay on top of that the salaries that they have
15 counted on, that they've been guaranteed, and they have
16 not been paid, I would guess -- and I would ask POST to
17 compile some data on the individual costs -- that
18 there's some that are suffering \$30,000 and more in
19 individual costs because of this impediment.

20 And I find it, in addition, a bureaucracy that's
21 completely unacceptable; and we need to take very firm
22 and decisive action.

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1 Thank you.

2 CHAIR McDONNELL: Okay, thanks.

3 MR. STRESAK: Thank you, Commissioner.

4 And we have done a spreadsheet, if you will, on
5 some of the costs; and those costs range from thousands
6 to tens of thousands of dollars in arrears to
7 individuals.

8 CHAIR McDONNELL: Commissioner?

9 COMMISSIONER SMITH: I have a question, and I know
10 you said it: Who advised you to continue providing the
11 service, even though you didn't have a contract, did you
12 say?

13 MR. STRESAK: The head attorney at the Department
14 of General Services.

15 COMMISSIONER SMITH: Really?

16 MR. STRESAK: Yes.

17 COMMISSIONER SMITH: First of all, I think people
18 should be paid; but if you don't have a contract, I'm
19 actually surprised of that recommendation, because you
20 cannot leave people without pay.

21 Is the contract-renewal process -- I understand
22 it's probably cumbersome -- is it in progress right now

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1 with the State?

2 MR. STRESAK: Yes, it is. As a matter of fact,
3 we're receiving e-mail updates, if you will, as we
4 speak, on the progress that they're making towards the
5 completion of this contract.

6 Is that a guarantee that additional contracts will
7 not suffer the same fate? No, if that makes sense.

8 Yes?

9 CHAIR McDONNELL: Please.

10 COMMISSIONER DOYLE: What are our options?

11 CHAIR McDONNELL: I think the option in front of
12 us, is to suspend putting on SLI classes until we get
13 some resolution on our ability to be able to reimburse.

14 The classes that are already in progress will, in
15 all likelihood, continue. I don't know that it's fair
16 to stop them at this point.

17 COMMISSIONER MOIR: Mr. Chair?

18 CHAIR McDONNELL: Please.

19 COMMISSIONER MOIR: Go ahead.

20 COMMISSIONER LOWENBERG: Mr. Chair, I guess the
21 other question would be, have we communicated with the
22 providers? I mean, I understand the need to pay these

1 folks, and I also can support the suspension of the
2 questions that are scheduled until this can be resolved.
3 But I'm wondering if, in a way, this is -- and I don't
4 want to call it a knee-jerk reaction -- but a reaction
5 that we may regret later based on the logistics of
6 starting up the course again and getting the people
7 rescheduled, the students rescheduled, and so on.

8 So I would like someone who knows -- maybe a staff
9 member -- that could tell us, have we communicated the
10 potential for suspension of courses? And if so, what's
11 been the reaction from the providers?

12 MR. STRESAK: We have communicated, as of last
13 week, an e-mail to staff involving SLI.

14 Your question regarding response -- Al, can I call
15 you up? Are you aware of any responses?

16 Assistant Executive Director Al Deal.

17 MR. DEAL: Mr. Chairman, Alan Deal with POST staff.

18 The Supervisor Leadership Institute coordinator has
19 made a recommendation that we suspend at least until the
20 following month.

21 We did anticipate beginning a couple of courses in
22 March. But we're going to push that to April,

1 regardless. Our hope is by then, we would have resolved
2 this issue.

3 The other problem, though, that we have is clearly
4 some of the folks are coming very close to the end of
5 their training in SLI. And that would be delayed.
6 Because even when they graduate -- which I believe we
7 had three graduations scheduled in March -- they would
8 be impacted.

9 The coordinator that we have, our staff, Kevin
10 Hart, has a plan in mind in the event that we have to
11 stop, and how we would reinstitute that.

12 So we're prepared, regardless of what decision is
13 made.

14 It's just a delaying action. Part of the problem,
15 as the Interim Director commented on, is that we, for
16 the 19 years that SLI has been in operation, have always
17 been able to count on the fact that the contracts would
18 be there. And there was no indication that there would
19 be anything different.

20 However, there was a significant difference. The
21 one thing that has assisted us is, the problem didn't
22 begin July 1st, like so many of the contracts do.

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1 Because of the delays that have often occurred in the
2 State, we have actually pushed the implementation date
3 for the different fiscal year that actually starts
4 November 1st for the implementation of the contracts as
5 it relates to SLI.

6 So we had a significant amount of time in which we
7 could get things through the process, but then the game
8 changed.

9 COMMISSIONER LOWENBERG: Thank you.

10 CHAIR McDONNELL: Commissioner?

11 COMMISSIONER HUTCHENS: This would probably be a
12 question for the Executive Director. Is there hope that
13 if we are now in a position where we cannot provide
14 necessary training to our first-line supervisors in this
15 case, that that will apply some pressure on the
16 bureaucratic process that's prohibiting us from getting
17 this contract through?

18 MR. STRESAK: Yes.

19 COMMISSIONER HUTCHENS: Okay.

20 MR. STRESAK: And I'd like to make you one other
21 supplemental comment on the threshold of review. The
22 highest threshold that we have to meet is that in our

1 contractual obligations, we have to establish and prove,
2 sometimes it often seems like beyond a reasonable doubt,
3 that we are not displacing existing state employees.

4 And our argument has been that the people we hire
5 have specific expertise in supervisory training and
6 facilitator training and law-enforcement experience,
7 et cetera, et cetera.

8 And as you're aware, within the field of state
9 employees, that's a limited menu, if you will. And the
10 irony is that we do draw upon the California Highway
11 Patrol to provide instruction, and we do draw upon the
12 Department of Justice to provide instruction, and we do
13 draw upon ABC and other state agencies when appropriate.
14 But yet this threshold still has to be established.

15 In simple terms, it's a policy of one cookie cutter
16 fits all. And I don't know if this is an unintended
17 consequence; just factually, this is where we are.

18 CHAIR McDONNELL: Thank you.

19 Commissioner Sobek?

20 COMMISSIONER SOBEK: Yes, I would argue -- and we
21 have an Advisory Committee of stakeholders for a
22 specific reason, and one of those reasons is for the

1 stakeholders to go back to their respective associations
2 for things specifically for this.

3 This is a bureaucratic roadblock, and that's really
4 all it is. And I would say, instead of suspending it --
5 because I don't think we need to suspend this. I can
6 guarantee you that if our stakeholders went back to
7 their associations and went back to their respective
8 lobbyists, this can get fixed very quickly.

9 So I would tell my colleagues here that maybe we
10 could hold this off for the next meeting, until those
11 stakeholders go back to their associations and get some
12 help as to fixing or removing this roadblock. Because
13 I don't think this is going to be a big deal for us, for
14 POST, once our stakeholders get involved in this
15 process.

16 Because that's a big deal, suspending SLI and
17 suspending any of these major programs that we have.
18 So I would just look at that and go back to the Chair,
19 Mario Casas, of the Advisory, and say, "Let's get our
20 stakeholders out there, and let's get them involved in
21 the process.

22 MR. STRESAK: That's a long wait.

1 COMMISSIONER SMITH: I would also support putting
2 it off just because I need to learn more about what it
3 is.

4 In our business, we all have bureaucratic
5 roadblocks. The buzz word lately is "transparency."
6 And it is public money.

7 Certainly, what you've written here shows that we
8 would put a cap on it. But I think that whatever we do,
9 I hope, would still comport with state regulations on
10 contracting principles and purchasing and stuff like
11 that. So I'm hoping this isn't a way around what the
12 State has in place, as cumbersome as we all believe it
13 is.

14 MR. DARDEN: I would also advise the Commission,
15 instead of attempting to take a vote today, since it
16 wasn't agendized, that we push this off to the next
17 meeting; and that there be a complete report on this, so
18 that the Commission can understand it.

19 It's a complicated issue. We're going to talk
20 about it a little bit in closed session as well. But we
21 can also talk about it here, to the extent that there
22 are any questions about the legal obstacles.

1 I think the reality is that a practice had
2 developed over a course of years with respect to how
3 POST got its job done with respect to these particular
4 deliverables. And with the transition of some new
5 counsel at the Department of General Services, they've
6 started to be a little bit stricter in their application
7 of the State contracting manual requirements.

8 And that really is what it boils down to. It's a
9 question from the perspective of DGS -- and they don't
10 view themselves as our advocates. They are to ensure
11 that the State guidelines are being met. And so there
12 are questions or problems that are being raised with
13 respect to almost the fundamental structure of the
14 contracting process.

15 So I think we're looking at this from the
16 perspective of a multi-layered approach. And one is
17 working with DGS so that they can better understand what
18 it is that POST is doing, so that they can hopefully see
19 and understand that the contracts really should not
20 properly be viewed as improper pass-through contracts.
21 They should not properly be viewed as running afoul of
22 the personal contract service requirements in state law.

1 If we can't do that, or maybe even if we can, then
2 another possibility is to do a legislative fix, so that
3 POST's authority is a little bit greater -- I'm sorry,
4 is clearer that POST has the authority to engage in
5 these particular types of contracts without running
6 afoul of these State contracting law requirements.

7 So, anyway, my legal recommendation to the
8 Commission would be to set aside any action, for
9 example, moving to suspend until it could be further
10 briefed and agendized for the next session.

11 It is my understanding, though, that with respect
12 to these contracts, that although there is a delay --
13 and I agree that the delay is not at all good and these
14 people should be paid -- that I don't think DGS is
15 telling us that they are not going to approve any of the
16 contracts, in which case hopefully these individuals
17 will be paid, there's just going to be a delay. But
18 that delay itself is not acceptable, and that's
19 something that the Commission needs to work on.

20 MR. STRESAK: Commissioner Smith, just a point of
21 clarification. It would not be my intent to circumvent
22 any of the process. We welcome the review and the

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1 validation of our contracts. And at the same time, it
2 would not be our intent to disfranchise any State
3 employees that are worthy of consideration. So we're
4 trying to work diplomatically through this.

5 COMMISSIONER SMITH: I hope I wasn't suggesting
6 that. I just know it's a very delicate topic.

7 MR. STRESAK: Thank you.

8 CHAIR McDONNELL: Yes, Commissioner Sobek?

9 COMMISSIONER SOBEK: Mr. Darden, I understand what
10 you're saying.

11 Do you think we should hold off? Because my advice
12 to my fellow commissioners would be to have the Advisory
13 chair go back to the Advisory Committee and have them go
14 out and try to get some help with this.

15 Do you want that to hold off until you can resolve
16 this through your channels first?

17 MR. DARDEN: I don't know what you think. I don't
18 really see any problem with that, if it's just a matter
19 of --

20 CHAIR McDONNELL: Relationships?

21 MR. DARDEN: Relationships, and having the Advisory
22 Committee attempt to help us in this process. Because,

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1 really, what we're trying to do now, is to identify
2 those interests; identify what statutory fixes, if any,
3 are necessary; and to try to understand and push through
4 the obstacles that are being put in POST's way by DGS.

5 So if that can be assisted by the work of the
6 Advisory Committee, I don't see a problem with that.

7 COMMISSIONER SOBEK: So I would make a motion to
8 have Mario, the Advisory chair, reach out to the
9 Advisory Council -- or to the Advisory Committee, excuse
10 me -- to get their stakeholders involved in this as much
11 as possible.

12 CHAIR McDONNELL: Commissioner Hutchens?

13 COMMISSIONER HUTCHENS: Perhaps if you agree,
14 Commissioner Sobek, if we could add on, I think that it
15 would be prudent for us to start to look at a
16 legislative fix. Because based on what you've said, I'm
17 not sure we fit in that cookie-cutter approach that they
18 have. We are different. We have different needs based
19 on expertise outside of the State family. So time is of
20 the essence.

21 So would it -- and maybe this is a question for
22 counsel: Would it be appropriate for us to start to

1 look at a potential -- have staff look at a potential
2 legislative fix for this?

3 MR. DARDEN: Yes, Commissioner. And, in fact, we
4 are doing that. We have reached out within the Attorney
5 General's offices, in addition to myself. We've also
6 looked for deputies that are more familiar with the
7 State contracting rules and laws. And we made
8 arrangements as early as next week to have a meeting
9 with POST staff and those members of our legal team, so
10 that we can better understand what the deliverables are
11 in these contracts, what the DGS objections are to them
12 from the standpoint of the state contracting manual
13 guidelines, and then determine what the appropriate
14 legislative language fixes might be.

15 And it's my understanding as well that a spot bill
16 has been reserved. So if necessary, we could try to get
17 that language forward sooner rather than later.

18 So all those pieces are in motion.

19 COMMISSIONER HUTCHENS: I believe this fits with
20 your motion, because the Advisory group members can have
21 some definite influence on that.

22 COMMISSIONER SOBEK: I'll add that language to the

1 motion.

2 So the motion would basically be, for the
3 commissioners to direct the Chair of the Advisory
4 Committee to have their stakeholders reach out with help
5 on this issue, and to get together and talk about a
6 legislative change to curtail or to stop this from
7 further happening in the future.

8 COMMISSIONER LOWENBERG: Lowenberg is second.

9 For the purposes of discussion, Mr. Chair: Would
10 Commissioner Sobek be so kind as to help us or help me
11 better understand what the Advisory group, the
12 stakeholders are going to say? Because I think if we
13 approach it from the standpoint of, "We're pissed off
14 with this process, and it's a bureaucratic roadblock" --
15 which I understand it is -- but approach it based on
16 counsel's advice, and couch it as, "Please help us with
17 the timing. We understand the responsibility we have to
18 apply the standards. We're going to look at maybe some
19 legislative remedies to help streamline those. But for
20 the time being, because this training is ongoing, could
21 we please ask our stakeholders to advise their contacts
22 that at this point we're just asking that the process be

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1 helped along?" That it be more timely, I guess is what
2 I'm looking for.

3 COMMISSIONER SOBEK: I think -- excuse me,
4 Commissioner.

5 COMMISSIONER MOIR: Please.

6 COMMISSIONER SOBEK: I think Chair Casas could
7 bring that up when you send your e-mails to everybody,
8 right?

9 I assume that's what you will do, right?

10 MR. CASAS: Absolutely. Not only that, confer
11 counsel with individuals at this table also to make sure
12 that the proper message gets conveyed, and through all
13 organizations.

14 I agree, Commissioner Lowenberg, that message needs
15 to be delivered correctly, and as quickly as possible.

16 CHAIR McDONNELL: Great. Thank you.

17 Commissioner Moir?

18 COMMISSIONER MOIR: Yes, as a book-end to my
19 initial, very emotional statement that had no question
20 in it, it was a statement, I would like to -- I really
21 need to commend POST staff. Because POST staff is in
22 the middle of this, trying to balance both sides. And

1 they are trying to encourage our facilitators, our
2 contracted facilitators to keep the faith at a difficult
3 time, while trying to comply with the DGS contract
4 guidelines.

5 I think it makes sense for us to ask POST staff to
6 give us a very clear picture to dive in a little bit
7 deeper. And what I mean by that is, I think it makes
8 sense for us to know how many classes are in session
9 right now. With 24 students per class and two
10 facilitators per class, how many human beings are
11 affected, and what is the basic cost of that effect?
12 And that will give us some real data and real picture to
13 the depth and the breadth of the issue.

14 And I would appreciate that from POST staff.

15 CHAIR McDONNELL: Are you looking for it at the
16 next meeting or --

17 MR. MOIR: Yes.

18 CHAIR McDONNELL: -- prior to?

19 COMMISSIONER MOIR: Thank you.

20 CHAIR McDONNELL: If anybody else would want to be
21 heard on the issue?

22 *(No response)*

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1 CHAIR McDONNELL: All right, then the motion, as I
2 understand it, is that we would hold off on the
3 suspension of SLI or any other courses at this time;
4 direct the Advisory chair to follow up after having
5 crafted an appropriate message to the contacts for those
6 members of the Advisory board; and then also to explore
7 a legislative fix in whatever fashion is most
8 appropriate so that we avoid going through this again
9 and again.

10 And that's a Sobek motion?

11 COMMISSIONER SOBEK: Yes.

12 CHAIR McDONNELL: And seconded by Ron Lowenberg.

13 Okay, all in favor?

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

15 CHAIR McDONNELL: Opposed?

16 *(No response)*

17 CHAIR McDONNELL: All right, the motion carries.

18 Thank you for that.

19 And let me kick it back, Commissioner Lowenberg,
20 thank you for the report on the Finance Committee.

21 It sounds like finally we've turned the corner from
22 that aspect. So very, very encouraging results there.

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1 And thank you for taking over the Chair of the
2 Finance Committee and for your leadership there. We
3 greatly appreciate that.

4 You had mentioned, too, as a matter of course, that
5 we have some contracts we need to put before the Board
6 here to be able to get closure on those as well.

7 COMMISSIONER LOWENBERG: Yes, thank you, Mr. Chair.
8 We have 23 contracts before us.

9 As your chair of the Finance Committee, I will move
10 that the Commission take into consideration the Finance
11 Committee's recommendation to approve all 23 contracts.

12 COMMISSIONER SOBEK: Second. Sobek.

13 CHAIR McDONNELL: Sobek, second.

14 All in favor?

15 COMMISSIONER LOWENBERG: I think that is a -- is
16 that a roll-call vote?

17 CHAIR McDONNELL: You're right. That is a roll-
18 call vote.

19 No, it is a motion.

20 COMMISSIONER LOWENBERG: Yes. And could I please
21 make a clarification for the record?

22 I will be abstaining on 1, 4, and 13.

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1 CHAIR McDONNELL: Okay.

2 CHAIR McDONNELL: Any other abstentions?

3 *(No response)*

4 CHAIR McDONNELL: All in favor, again?

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

6 CHAIR McDONNELL: Opposed?

7 *(No response)*

8 CHAIR McDONNELL: Okay, thank you.

9 Basic Training Bureau, we have Frank Decker to
10 report on that.

11 Anybody want to pull any item other than "F," which
12 I'll ask for? And if -- I'm sorry, that's the following
13 one.

14 No, does anybody want to pull any item under the
15 Basic Training Bureau?

16 *(No response)*

17 CHAIR McDONNELL: Okay.

18 COMMISSIONER LOWENBERG: You're looking for a
19 motion to approve "D"?

20 CHAIR McDONNELL: Yes, can I have a motion on "D"?

21 COMMISSIONER LOWENBERG: So moved. Lowenberg.

22 COMMISSIONER DOYLE: Second. Doyle.

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1 CHAIR McDONNELL: So it's been seconded.

2 All in favor?

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

4 CHAIR McDONNELL: Opposed?

5 *(No response)*

6 CHAIR McDONNELL: Okay. I'm sorry, we have two
7 motions needed for this one. And then to approve the
8 waiver process to allow academies on a case-by-case
9 basis up to additional six months after the proposed
10 implementation date to meet the new specifications.

11 Do I have a motion on that one?

12 COMMISSIONER HUTCHENS: Hutchens.

13 CHAIR McDONNELL: Hutchens?

14 And a second?

15 COMMISSIONER MOIR: Second. Moir.

16 CHAIR McDONNELL: Second, Moir.

17 Okay, all in favor?

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

19 CHAIR McDONNELL: Opposed?

20 *(No response)*

21 CHAIR McDONNELL: The motion carries.

22 Center For Leadership Development, Mike Hooper.

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1 Mike already got his plaque, so hopefully he is not
2 out the door.

3 But, Mike, if you could address for us -- we'll hit
4 Item E first.

5 Does anybody want a report on "E"?

6 *(No response)*

7 CHAIR McDONNELL: Okay, if we could get a motion to
8 authorize the Executive Director to augment the existing
9 contract with the SDRTC in an amount not to exceed
10 \$62,040.

11 And that would be a roll-call vote.

12 MR. COOKE: Motion. Cooke.

13 COMMISSIONER BUI: Second. Bui.

14 CHAIR McDONNELL: Okay. And if we could call for a
15 roll-call vote.

16 MS. PAOLI: Bui?

17 COMMISSIONER BUI: Yes.

18 MS. PAOLI: Cooke?

19 COMMISSIONER COOKE: Yes.

20 MS. PAOLI: Doyle?

21 COMMISSIONER DOYLE: Yes.

22 MS. PAOLI: Hutchens?

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1 COMMISSIONER HUTCHENS: Yes.

2 MS. PAOLI: Kurylowicz?

3 *(No response)*

4 MS. PAOLI: Lowenberg?

5 COMMISSIONER LOWENBERG: Yes.

6 MS. PAOLI: McDonnell?

7 CHAIR McDONNELL: Yes.

8 MS. PAOLI: Moir?

9 COMMISSIONER MOIR: Yes.

10 MS. PAOLI: Smith?

11 COMMISSIONER SMITH: Yes.

12 MS. PAOLI: Sobek?

13 COMMISSIONER SOBEK: Yes.

14 MS. PAOLI: Wallace?

15 *(No response.)*

16 CHAIR McDONNELL: Thank you very much.

17 The motion carries.

18 Item F, report on the development of a process to
19 update the Commission's Strategic Plan.

20 Mike Hooper, if I could ask you just to address
21 this briefly for the Commission, just for some
22 background. And then we will...

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1 MR. HOOPER: Good morning, Chair and Commission
2 Members.

3 CHAIR McDONNELL: Good morning.

4 MR. HOOPER: Mike Hooper, Center For Leadership
5 Development.

6 This developed -- the Strategic Plan objective
7 developed in recognition that, really, I guess in all
8 candor, we don't really have a strategic plan as one
9 would be traditionally viewed at POST. We kind of have
10 a project sheet, but it's been very effective for us.
11 But we thought it was time to really come up with a more
12 appropriate strategic plan.

13 So what we did was, we interviewed people who have
14 a great deal of expertise in the area of strategic
15 planning. We interviewed four people, one of whom is
16 the person that has written a book on the subject for a
17 community college -- and, anyway, several experts.

18 And given the outcome of those conversations, we
19 were able to cobble together what we believe to be is
20 the appropriate process for fashioning our next
21 strategic plan. And the agenda item actually lists the
22 various steps that would be included there.

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1 We'll probably -- what we seek to do, is to
2 contract with someone to be a facilitator, someone with
3 a great deal of expertise to facilitate the process.
4 And we estimate that process to be under \$132,000.
5 Probably less than that.

6 We looked at some excellent strategic plans, and
7 contacted the people who had prepared those, and got a
8 sense for how much they cost. And we think the amount
9 of money we're requesting is plenty to cover our
10 endeavor.

11 So I don't know if you have any specific questions
12 about the process.

13 CHAIR McDONNELL: Commissioners, any questions?

14 *(No response)*

15 CHAIR McDONNELL: Okay, I'd now like to entertain a
16 motion to authorize the Executive Director to enter into
17 a contract with an entity to facilitate updating the
18 POST Strategic Plan in an amount not to exceed \$132,250.

19 And that's a roll-call vote.

20 COMMISSIONER DOYLE: So moved. Doyle.

21 CHAIR McDONNELL: Doyle moved.

22 And second?

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1 COMMISSIONER HUTCHENS: Second. Hutchens.
2 CHAIR McDONNELL: Hutchens.
3 And if I could call for the roll call.
4 MS. PAOLI: Bui?
5 COMMISSIONER BUI: Yes.
6 MS. PAOLI: Cooke?
7 COMMISSIONER COOKE: Yes.
8 MS. PAOLI: Doyle?
9 COMMISSIONER DOYLE: Yes.
10 MS. PAOLI: Hutchens?
11 COMMISSIONER HUTCHENS: Yes.
12 MS. PAOLI: Kurylowicz?
13 *(No response)*
14 MS. PAOLI: Lowenberg?
15 COMMISSIONER LOWENBERG: Yes.
16 MS. PAOLI: McDonnell?
17 CHAIR McDONNELL: Yes.
18 MS. PAOLI: Moir?
19 COMMISSIONER MOIR: Yes.
20 MS. PAOLI: Smith?
21 COMMISSIONER SMITH: Yes.
22 MS. PAOLI: Sobek?

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1 COMMISSIONER SOBEK: Yes.

2 MS. PAOLI: Wallace?

3 *(No response)*

4 CHAIR McDONNELL: Okay, thank you.

5 We didn't call previously -- Finance Report Item C,
6 we didn't call for a roll-call vote. But when we looked
7 at the grand total, it's over \$18 million in
8 expenditures. So at the advice of counsel, we are going
9 to redo that as a roll-call vote, please.

10 MS. PAOLI: Item C, we have a motion by Lowenberg,
11 a second by Sobek.

12 Bui?

13 COMMISSIONER BUI: Yes.

14 MS. PAOLI: Cooke?

15 COMMISSIONER COOKE: Yes.

16 MS. PAOLI: Doyle?

17 COMMISSIONER DOYLE: Yes.

18 MS. PAOLI: Hutchens?

19 COMMISSIONER HUTCHENS: Yes.

20 MS. PAOLI: Kurylowicz?

21 *(No response)*

22 MS. PAOLI: Lowenberg?

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1 COMMISSIONER LOWENBERG: Yes.

2 MS. PAOLI: McDonnell?

3 CHAIR McDONNELL: Yes.

4 MS. PAOLI: Moir?

5 COMMISSIONER MOIR: Yes.

6 MS. PAOLI: Smith?

7 COMMISSIONER SMITH: Yes.

8 MS. PAOLI: Sobek?

9 COMMISSIONER SOBEK: Yes.

10 MS. PAOLI: Wallace?

11 *(No response)*

12 CHAIR McDONNELL: Thank you.

13 Okay, Executive Office, a report on the request to
14 amend Commission Policy A.3.

15 If I could ask our Interim Executive Director Bob
16 Stresak to address that for us.

17 MR. STRESAK: Thank you, Mr. Chair, Commissioners.

18 Before you is an item that would increase the
19 Executive Director's authority to execute contracts
20 beyond the existing threshold of \$50,000.

21 I intentionally left this open for your decision
22 because I did not want to take any liberties or give the

1 perception that I was taking liberties with this Board
2 to increase spending authority. However, this is part
3 of the multi-faceted strategy, if you will, to help us
4 alleviate some of our contractual complications that we
5 have right now.

6 CHAIR McDONNELL: Thank you for that.

7 MR. STRESAK: While this is not any kind of attempt
8 to circumvent contract review, the benefit to increasing
9 the spending authority would basically cut a four-month
10 interview off the waiting time to have the Commission
11 review and seek approval for a contract as we move
12 forward. So in a way, it would shorten our process by
13 about 120 days.

14 The current existing ceiling right now is
15 authorizing \$50,000. When we spoke with legislators and
16 chiefs of staff in the Capitol, a couple comments were
17 made: Why is your spending authority so low? \$50,000
18 won't buy a car nowadays.

19 I was surprised to find out that some agency heads
20 have authority up to half a million dollars or higher to
21 execute contracts. I'm not seeking that. I'm not
22 recommending that.

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1 Your point of reference would be that the average
2 contract that we execute is about \$172,000. So my
3 recommendation for your consideration would be somewhere
4 between \$150,000 and \$175,000, perhaps taking into
5 account inflationary growth and future inflation.

6 So point number one, I would ask you to consider
7 somewhere between \$150,000 and \$175,000 for authority.

8 And then for contract amendment, to increase that
9 from \$12,500 to \$25,000.

10 CHAIR McDONNELL: Commissioner Smith?

11 COMMISSIONER SMITH: If you do amend or extend
12 these contracts, will we be provided with a list of
13 those at some point, or will they ever come before the
14 Commission to see what they are?

15 MR. STRESAK: No, they would still be presented to
16 the Commission for review.

17 COMMISSIONER SMITH: Okay.

18 MR. STRESAK: And they would still be subject to
19 Department of General Services' review.

20 COMMISSIONER SMITH: Okay, thank you.

21 MR. STRESAK: Yes.

22 COMMISSIONER HUTCHENS: I would make a motion to

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1 increase on the contract side \$175,000, with
2 modifications to \$25,000.

3 COMMISSIONER DOYLE: Second. Doyle.

4 CHAIR McDONNELL: Okay, we have a motion and a
5 second.

6 MS. PAOLI: Who was the second?

7 CHAIR McDONNELL: Doyle.

8 MS. PAOLI: And what was the recommendation dollar
9 amounts?

10 CHAIR McDONNELL: \$175,000 and \$25,000.

11 Okay, all in favor?

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

13 CHAIR McDONNELL: Opposed?

14 *(No response)*

15 CHAIR McDONNELL: The motion carries.

16 Standards Evaluation and Research Bureau.

17 Anybody want to pull Item H?

18 *(No response)*

19 CHAIR McDONNELL: Okay, the motion would authorize

20 the Executive Director to revise regulations

21 Sections 1070 and 1082 of the POST Administrative Manual

22 to include an instructor course requiring for

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1 report-writing instructors pursuant to the Office of
2 Administrative Law rulemaking process.

3 Can we get a motion?

4 COMMISSIONER BUI: Motion. Bui.

5 CHAIR McDONNELL: Bui?

6 Second?

7 MR. COOKE: Second.

8 CHAIR McDONNELL: Cooke.

9 All in favor?

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

11 CHAIR McDONNELL: Opposed?

12 *(No response)*

13 CHAIR McDONNELL: Motion carries.

14 Training Program Services Bureau. The motion here
15 would authorize the Executive Director to enter into a
16 contract with Napa Valley College or another entity to
17 provide critical-thinking training for public safety in
18 an amount not to exceed \$150,000.

19 And that's the pilot course, right, for Oakland?

20 MR. STRESAK: Yes.

21 CHAIR McDONNELL: Correct?

22 MR. STRESAK: Yes.

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1 CHAIR McDONNELL: Yes, that would be a pilot
2 program with the Oakland Police Department.

3 Fairly innovative -- we kicked this around quite a
4 bit yesterday -- as to developing measurable or
5 quantifiable outcomes on that.

6 So this would be something that I think we would
7 look to, to see, is it replicatable statewide for those
8 purposes.

9 So the motion here would be, as I stated, to
10 provide that training not to exceed \$150,000. And we
11 need a roll-call vote on that.

12 COMMISSIONER LOWENBERG: Mr. Chair, I found this
13 topic fascinating yesterday at our Finance Committee
14 meeting, and I understand it was discussed at the
15 Advisory Committee meeting.

16 I personally think it would be beneficial for all
17 of our commissioners to hear just a brief report on
18 this.

19 CHAIR McDONNELL: Okay.

20 COMMISSIONER LOWENBERG: One of the things that we
21 did request, and staff agreed to do, is since this is --
22 I don't want to say a controversial issue, but an issue

1 that is contemporary and of great concern by many of us
2 in this profession, and in my present profession in the
3 institutions of higher learning, so maybe just a quick
4 report would be most appropriate.

5 CHAIR McDONNELL: Sure.

6 If I could ask POST staff member Anne Brewer to
7 join us.

8 And give us a description, if you would, Anne,
9 please.

10 MR. STRESAK: Before Anne begins, I would like to
11 make some introductory comments on this issue itself.

12 We have had in-house discussions on the topic of
13 critical thinking. And one of the significant issues is
14 that critical thinking, when you talk to people in a
15 group, is a concept looking for a definition. We all
16 have a different perspective on critical thinking and
17 what should be applied.

18 So the pilot would help to sort out, ferret out
19 some of those issues. But more significantly, at every
20 meeting that's been attended to discuss critical
21 thinking, it is a consensus that this is a significant
22 beneficial component to law-enforcement training for the

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1 future development of our officers.

2 With that, Anne, I'll hand it over to you.

3 Thank you.

4 MS. BREWER: Good morning, Chair and Commissioners.

5 CHAIR McDONNELL: Good morning.

6 MS. BREWER: Anne Brewer, POST staff.

7 And this is a report on a requested contract for
8 critical-thinking training course project for the
9 Oakland Police Department.

10 As you're probably already aware, the Oakland
11 Police Department has been faced with many challenges,
12 including large protests, strained staffing levels,
13 spikes in violence, and high-profile crimes, and police
14 force incidents. They are committed to ensuring their
15 instructors focus on increasing the critical-thinking
16 abilities and skills of their staff and trainees, and
17 have identified this training and a needs assessment for
18 their department.

19 For the past six years, the Instructor Development
20 Institute, or IDI, has incorporated the essential
21 elements of critical thinking as both an instructional
22 methodology and as a specific instructor development

1 course.

2 The IDI critical-thinking courses have been offered
3 as both an eight-hour and a 24-hour module within the
4 intermediate level of IDI. And although currently
5 stand-alone courses, critical thinking is increasingly
6 being incorporated into instructor development training
7 at all levels.

8 IDI staff recently met with Oakland Police
9 Department executives to examine the possibility of
10 collaborating with them to develop and facilitate a
11 critical-thinking curriculum for their agency. This is
12 a pilot project that will also provide for training
13 and the development of an Oakland Police Department
14 critical-thinking instructional team that will be able
15 to sustain critical-thinking training as an ongoing
16 curriculum throughout their organization.

17 The Oakland Police Department instructors will
18 focus on increasing critical-thinking abilities to
19 ensure these skills are used with the public, and
20 salient points are captured and adequately articulated
21 in police reports.

22 Infusing critical thinking within a teaching

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1 curriculum has the potential of being a highly valuable
2 and effective method toward enhancing the overall
3 thinking skills of our public safety professionals.

4 This pilot project will be assessed by POST for
5 its quality and effectiveness, and thereafter, analyzed
6 to determine the value and feasibility of infusing
7 critical-thinking training throughout public safety
8 curricula statewide.

9 Oakland Police Department has agreed to match
10 funding for the expense necessary to sustain a budget
11 for this pilot project.

12 CHAIR McDONNELL: Thank you.

13 Any questions?

14 COMMISSIONER LOWENBERG: It's my pleasure to move
15 this staff recommendation on this particular item.

16 COMMISSIONER DOYLE: Second.

17 CHAIR McDONNELL: Thank you.

18 We have a motion and a second.

19 And this is a roll-call vote, if you would, please.

20 MS. PAOLI: Bui?

21 COMMISSIONER BUI: Yes.

22 MS. PAOLI: Cooke?

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1 COMMISSIONER COOKE: Yes.

2 MS. PAOLI: Doyle?

3 COMMISSIONER DOYLE: Yes.

4 MS. PAOLI: Hutchens?

5 COMMISSIONER HUTCHENS: Yes.

6 MS. PAOLI: Kurylowicz?

7 *(No response)*

8 MS. PAOLI: Lowenberg?

9 COMMISSIONER LOWENBERG: Yes.

10 MS. PAOLI: McDonnell?

11 CHAIR McDONNELL: Yes.

12 MS. PAOLI: Moir?

13 COMMISSIONER MOIR: Yes.

14 MS. PAOLI: Smith?

15 COMMISSIONER SMITH: Yes.

16 MS. PAOLI: Sobek?

17 COMMISSIONER SOBEK: Yes.

18 MS. PAOLI: Wallace?

19 *(No response)*

20 CHAIR McDONNELL: Thank you.

21 Okay, moving on to Committee reports.

22 Our Advisory Committee, Mario Casas is the chair.

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1 The meeting was held yesterday here in Garden Grove.

2 Mario?

3 MR. CASAS: Thank you, Mr. Chairman.

4 Let me start off by saying that I really appreciate
5 all my colleagues that came out to help, go through the
6 nominations and go through the painstaking process of
7 having to decide which individuals will receive the
8 award and the runners-up. It is always tough because a
9 lot of the nominations are extremely well put together,
10 and there is a lot of good work being done out there by
11 a lot of our stakeholders.

12 So let me go over the winners and the runners-up
13 that have been decided by the Advisory Committee -- or
14 subcommittees.

15 As far as the *Individual* award, the subcommittee
16 chose to give that award to Officer Todd Maxson with the
17 Highway Patrol, California Highway Patrol.

18 Very quickly, he has been very innovative in having
19 to put together an active-shooter program, which is
20 referred to as the "LASER Program." He is the primary
21 instructor. And based on his work with that program,
22 Officer Maxson was able to guide the implementation of

1 the program throughout the state of California.

2 He was instrumental on all the train-the-trainer
3 courses, directed instruction on more stringent
4 protocols than what was required with the LASER
5 scenarios.

6 As far as impact was concerned, he reached over
7 300 officers within the surrounding L.A. agencies in the
8 area. And due to his efforts, training is now being
9 offered to local and state agencies on a monthly basis.

10 Officer Maxson has been responsible for writing
11 grants obtained by the Highway Patrol in order to
12 augment whatever equipment and costs that are incurred
13 by putting on the program so often.

14 Officer Maxson put together involved tactics of
15 scenario training as a part of the program. He also was
16 recognized for his instruction and skills by the Highway
17 Patrol.

18 He continues to actively manage the LASER course
19 program statewide, and establish a strong relationship
20 with CalEMA, as well as the university, LSU, and the
21 instructors.

22 He has become a strong resource and asset to the

1 LASER Program.

2 And that's a real snapshot as to why this
3 individual was selected for winning the *Individual POST*
4 *Excellence Award*.

5 So runner-up for that category was given to
6 Sergeant Michael Rodriguez of the Los Angeles County
7 Sheriff's Department. Again, another outstanding
8 individual. He is a homicide instructor and coordinator
9 for the homicide school for the last two years. He has
10 taught over 200 students in the field of specialized
11 homicide investigations. He has also taught numerous
12 students from 30 different law-enforcement agencies.

13 The courses that Sergeant Rodriguez has taught have
14 been recognized across the state. And he seeks out the
15 most knowledgeable persons to help teach the course with
16 him. So he also finds his own subject-matter experts.

17 So for that reason, he was selected as the
18 runner-up for the *Individual* category.

19 Moving to the *Lifetime* category, the subcommittee
20 chose John Pokorny, also known as "JP," who is a retired
21 sergeant with San Diego County Sheriff's Department.

22 I think, along with me, there's quite a few people

1 who know John. He has been in the business a very long
2 time. And I think we would all agree that he certainly
3 deserves this award.

4 He is a 30-year veteran, the training officer and
5 coordinator for the San Diego County Sheriff's
6 Department. He was a chief chemical-agent instructor
7 and chief less-lethal instructor for the program. He
8 served POST firearms and POST chemical agents -- he
9 served on those committees that actually had some
10 decisions on the training itself throughout statewide.

11 Has 20 years in the Sheriff's SWAT team, which
12 helped him to emphasize effective tactics that worked in
13 the real world, as he put it.

14 The impact this gentleman had was with over
15 2,000 law-enforcement personnel in the use of chemical
16 agents, tactics, all of which he was very instrumental
17 in teaching these individuals one-on-one.

18 JP has trained over a thousand deputy sheriffs,
19 police officers in the use of less-lethal weapons, which
20 includes PepperBall, bean bags, and TASERS.

21 He has served as one of the primary instructors of
22 the Sheriff's SWAT Academy, which was attended by over

1 750 students from local, state, and federal agencies and
2 members of the U.S. Armed Forces.

3 His recognition extends to the board of directors
4 for the California Association of Tactical Officers,
5 CATO. They recognized him for his work.

6 He also received a lifetime achievement award from
7 the CATO organization for his service and dedication to
8 their organization, as well as the tactical community
9 for the last 30 years.

10 JP's contribution to tactical training has had a
11 significant impact on the Sheriff's office; and he is
12 known as being more -- has contributed more in the
13 training realm than any other deputy in the history of
14 the Sheriff's Department.

15 So I think you would all agree that he was an easy
16 pick for this category. So he is our recommended winner
17 of the *Lifetime* award.

18 His runner-up was given to John Sanford who is a
19 recruit training officer for the Los Angeles County
20 Sheriff's Department.

21 Deputy Sanford's duties included teaching in the
22 academy Learning Domains: physical fitness, defensive

1 tactics, scenario-based training, and report-writing
2 activities.

3 Deputy Sanford has also been a recruit training
4 officer for 17 years, and has instructed over 40 recruit
5 classes.

6 He successfully produced the Los Angeles Sheriff's
7 Department force-option chart, which is a visual aid to
8 assist department members in easily identifying
9 appropriate force options based on a suspect's actions.

10 And this force-options chart is still being
11 currently used today, not just within the Sheriff's
12 Department, but outside of that as well, with other
13 allied agencies.

14 He has developed outlines and curricula for the
15 most daunting and time-consuming subjects, and his
16 outlines and curricula have been utilized by training
17 staff for the past several years.

18 He has been noted as being in exceptional physical
19 fitness condition and thereby being a very strong role
20 model for the recruits that have been going through his
21 training academy.

22 So he was selected as the runner-up for the

1 *Lifetime.*

2 Moving to the *Organizational* category. I think
3 this was the one that had the most nominations and was a
4 bit difficult, but we got the job done.

5 The subcommittee has recommended that the winner
6 for this category be given to the Los Angeles Sheriff's
7 Department Parks Bureau. The Parks Bureau has been
8 patrolling 177 county parks throughout the L.A. County
9 area since 2009.

10 And based on the National Center For Missing and
11 Exploited Children statistics, 25 percent of all
12 stranger abductions occurred in the parks or wooded
13 areas. And this was the basis for them to move forward
14 with a new program that has reached several
15 stakeholders, not just in our profession. And that is
16 what's very unique about this program, which they refer
17 to as "Rad Kids."

18 The Rad Kids training program provides hands-on
19 activities-based, physical-skills type training to
20 Sheriff's Department's sworn personnel, Park Bureau
21 personnel, Parks and Recreation staff, and the general
22 public, specifically targeting parents and their

1 children.

2 And the training program is the first of its kind,
3 conducted within the L.A. County area, in order to
4 combat the crimes against children that are
5 unfortunately on a constant rise.

6 The impact: The Rad Kids program was implemented
7 on May 1st, 2012. And to date, 21 Rad Kids classes have
8 been completed.

9 The program has provided instruction and
10 information for over 276 children and parents.

11 And to date, all of the L.A. County Parks and
12 Recreation park staff, L.A. County lifeguards, L.A.
13 County Sheriff's Department personnel have completed the
14 sexual-predator courses offered through Rad Kids. And,
15 therefore, everybody is really trained up on the same
16 sheet of notes, which makes this program very effective.

17 The Rad Kids program has been well received by L.A.
18 County Board of Supervisors, Parks Bureau personnel,
19 residents of the L.A. County area. And due to the
20 popularity of the Rad Kids program, several other
21 surrounding cities and county parks and recreation
22 agencies have requested information to develop similar

1 programs.

2 So not only is it just successful within their own
3 arena, it's also being looked at by other cities and
4 counties to implement a similar program.

5 And that was the basis for selection for the
6 Los Angeles Sheriff's Department Parks Bureau for the
7 *Organizational* award.

8 The runner-up for that category was chosen as the
9 Highway Patrol, California Highway Patrol Advanced
10 Officer Training unit. The CHP AOT training unit
11 developed a program to provide life-saving tactics
12 referred to as the "Advanced Officer Safety Training,"
13 AOST, program.

14 After reviewing a similar program for the LSU, the
15 AOT unit for the CHP decided to develop an active-
16 shooter course called Law-Enforcement Active-Shooter
17 Emergency Response, which is the LASER program.

18 By way of a grant written by a member of the AOT
19 unit, CHP was able to augment the purchase of new
20 equipment and additional needed supplies in order to
21 make the course available to all agencies.

22 Due to the successful LASER program, CHP has

1 successfully trained not only their own personnel, but
2 over 300 officers in various agencies.

3 And if you haven't been able to put the two
4 together yet, Officer Maxson played a role in providing
5 this unit with that training. So there is a correlation
6 here.

7 And they were selected as the runner-up for this
8 category.

9 Last, but not least, the *O.J. "Bud" Hawkins*
10 *Exceptional Service Award* is being recommended to be
11 given to Lou Madeira.

12 Special consultant to Commission on POST, Lou, I
13 think, has touched a lot of people here. Lou Madeira.

14 And those of you -- I personally attended class,
15 like I'm sure a lot of you have, and you've known Lou
16 for many years, and you know the kind of passion he
17 exudes when it comes to training, and the fact that he
18 really wants to make sure that you succeed in whatever
19 endeavors that you go through. And Lou has always been
20 a passionate individual when it's come to that.

21 Lou has been basically -- he has recognized the
22 need for more public safety dispatch related training as

1 well. And, therefore, he has developed workshops for
2 dispatchers in order to determine training needs and
3 developing such training. He has also taken part in
4 developing complete course packages to assist
5 dispatchers in developing their own training and making
6 the material available on the POST Learning Portal.

7 He has also involved -- he was involved in updating
8 dispatcher job specifications, the basic dispatcher
9 academy curriculum, and the communications training
10 officer program as well.

11 He has also provided continuous professional
12 training, CPT training for over 600 dispatchers. He has
13 constantly encouraged and facilitated the creation of
14 the dispatcher supervisors course.

15 He was also involved in developing and presenting
16 the dispatcher-focused Instructor Development Institute,
17 IDI, and the Academy Instructor Certification Course,
18 the AICC, comparable courses.

19 He established the 25-member POST Public Safety
20 Dispatcher Advisory Council that reflects statewide
21 representation of members of the public safety
22 dispatcher community.

1 He was also involved in the development of the
2 40-hour training course to provide law-enforcement
3 chaplains the tools needed to support law-enforcement
4 personnel during times of crises.

5 Lou was noted for his passion in training. He was
6 a tireless mentor to his students. He cared about
7 making each instructor he mentored the best they can be.
8 Lou is well-known for being one of the most organized
9 persons in his approach to everything that he did in
10 life.

11 With tireless energy, he was continually in pursuit
12 of excellence.

13 When Lou had a workshop, at the end of the day, he
14 released the working group and went to his room where
15 he would typically spend hours developing and editing
16 the written work in order to have it ready for the
17 participants to continue their efforts the following
18 day. Lou was passionate about his work at POST.

19 His entire career was dedicated towards improving
20 training and education. He was energetic, inquisitive,
21 and resourceful when developing and piloting training.
22 He explored new approaches to classroom training and

1 encouraged students to try new ideas.

2 Justification, legacy evidence, and contributions
3 for this nomination: Lou Madeira's law-enforcement
4 career spanned more than 40 years. He began as a
5 volunteer with the Alameda County Sheriff's Department
6 in 1972. He joined the Cal State University Hayward
7 Police Department, and served as a patrolman, sergeant,
8 and lieutenant.

9 In 1976, he became a police officer with
10 San Leandro Police Department and became a sergeant in
11 1981. He served as the agency's training manager and as
12 president of the California Association of Police
13 Training Officers, CAPTO, North Division.

14 In 1987, Lou joined the POST family as a law
15 enforcement consultant. His work at POST included such
16 notable accomplishments as development of a training
17 manager's guide to assist local agency training
18 managers, completion of the master instructor
19 development course, the first POST consultant to do so.
20 Coordinator of the basic academies while assigned to
21 Basic Training Bureau. Completion of the bachelor's and
22 master's degree in emergency services administration.

1 He also volunteered with the Red Cross to assist in
2 disaster work following the Hurricane Katrina tragedy.
3 He led the POST effort to identify, secure, and develop
4 training in response to the terrorist attacks of
5 September 11th, 2001, which included leading the process
6 to recognize, interdict, and respond to terrorist
7 events, identifying federally funded Homeland Security
8 programs, and bringing them to California to train local
9 law enforcement, facilitate and development of numerous
10 terrorism-related training courses. Instructed in many
11 of the courses himself. And bringing vendors of safety
12 equipment together to assist law-enforcement agencies to
13 identify equipment needs, and feel confident about the
14 quality of the items offered.

15 Lou, bottom line, reenergized people, igniting
16 their desire to be better and to do better.

17 And I think nobody -- I can't even think of anybody
18 would even come close to deserving this award more than
19 Lou Madeira.

20 And with that, Mr. Chairman, I recommend -- I
21 respectfully submit to you the award recipients in hopes
22 that the Commission accepts them as well.

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1 CHAIR McDONNELL: Can I get the motion?

2 Mike?

3 COMMISSIONER SOBEK: First off, I'd like to make a
4 comment.

5 Coming from the small department of San Leandro, I
6 am very honored that Lou Madeira is going to receive,
7 hopefully, from this Commission, this award.

8 I never worked with him, but I knew him when I
9 became a POST commissioner; and he confronted me on his
10 happiness that a San Leandro officer became a
11 commissioner. And we talked for quite a bit. And after
12 talking to him and talking to some of my fellow
13 dinosaurs in my police department back then, he was a
14 great man, and very passionate with training and his
15 professionalism was above par.

16 And with that, I'm honored to make a motion for Lou
17 Madeira and the other two recipients for these awards,
18 and hopefully get a second and an approval from the
19 Commission.

20 CHAIR McDONNELL: Do we have a motion?

21 MR. COOKE: Second. Cooke.

22 CHAIR McDONNELL: Second, Cooke?

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1 All in favor?

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

3 CHAIR McDONNELL: Opposed?

4 *(No response)*

5 CHAIR McDONNELL: Motion carries.

6 Thank you.

7 And thank you to you and your team for all the work
8 that went into putting that together.

9 MR. CASAS: Thank you.

10 CHAIR McDONNELL: We appreciate it very much.

11 Legislative Review Committee, Mike Sobek,
12 Commissioner and Chair of the Legislative Review
13 Committee, will report on the results of their meeting,
14 actually held this morning.

15 COMMISSIONER SOBEK: Thank you, Mr. Chair.

16 Just a couple of action items that we need to deal
17 with.

18 The Committee met this morning. And we talked
19 about one particular item, which is proposed legislation
20 regarding Joint Powers Agency for the cities of -- or
21 the town of the Corte Madera and the City of Larkspur
22 has created what they call the "Twin Cities Police

1 Authority" in 1980. It was working very well, and has
2 worked very well. But in 2009, the San Anselmo Police
3 Department agreed to temporarily house the dispatch unit
4 of the Twin Cities Police Authority. And they were
5 doing a great job and everything went well.

6 Since then, they became -- the joint powers
7 authority, which is a unit of local government
8 authorized under the Government Code, created to jointly
9 administer a shared power under the terms of a joint
10 exercise of powers agreement adopted by the member
11 agencies.

12 We are asking that the Commission recommend to the
13 Executive Director to pursue legislation to add Penal
14 Code section 13507.1 to define "*joint powers agency*" and
15 13526.3 to provide access to the Peace Officers Training
16 Fund, or the POTF, by joint powers agencies in the POST
17 reimbursable program. So basically, bringing them on to
18 the POST reimbursable program under their joint powers
19 authority.

20 So I'm asking for a motion to do that.

21 COMMISSIONER DOYLE: (*Pointing.*)

22 MR. DARDEN: Can I just clarify?

1 This issue came to our attention when we were
2 working through some of the issues involving the
3 application of the Penal Code statutes to this new Marin
4 authority, which is going to be created after Twin
5 Cities is disbanded and it joins with, I think it's
6 San Anselmo.

7 What became clear in trying to apply the existing
8 statutes to this new joint powers authority, is that,
9 over time, as the Legislature had amended the various
10 statutes that give agencies the authority to apply to
11 POST for aid, and then POST the authority to award aid
12 to agencies.

13 That with respect to joint powers authorities, it
14 was clear to me, in looking at legislative history of
15 several amendments to all those statutes, I think the
16 Legislature thought it had fully brought JPAs into the
17 fold, but it had not. And so several of the key
18 statutes that actually permit cities, counties,
19 districts to apply to POST, POST to then give
20 reimbursement to those agencies, and then several other
21 statutes in that statutory scheme, it certainly was
22 apparent that the Legislature intended that any new JPA,

1 like the new central Marin, should be entitled to do
2 that. But the statutes weren't clear.

3 So, really, the intent behind the language that
4 we've come up with is to simply clarify in the Penal
5 Code, and make it clear that any JPA, including the new
6 central Marin, but as this becomes perhaps a new way of
7 policing and more agencies move towards the JPA model,
8 that both in this instance and then also in the future,
9 it's clear as a matter of statute that those agencies,
10 those police departments can apply to POST, POST can
11 then give them aid, notwithstanding the various
12 statutory language.

13 COMMISSIONER SOBEK: All right, do we have a
14 motion?

15 Oh, sorry, Mr. Chair. That's up to you.

16 COMMISSIONER DOYLE: So moved.

17 CHAIR McDONNELL: Okay, in light of that legal
18 advice, we have a motion.

19 Mike?

20 COMMISSIONER DOYLE: So moved.

21 CHAIR McDONNELL: All right, Doyle.

22 Second?

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1 COMMISSIONER SMITH: Second. Smith.

2 CHAIR McDONNELL: Smith? Thank you.

3 All in favor?

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

5 CHAIR McDONNELL: Opposed?

6 *(No response)*

7 CHAIR McDONNELL: The motion carries.

8 Thank you, Mike.

9 Anything more?

10 COMMISSIONER SOBEK: Yes, one more thing that we
11 have. And I think this was an action item -- right, on
12 the social media? Or was that just information?

13 The next one is AB 25, under Campos, written by
14 Campos, regarding social media. And basically, as it
15 exists now, the law prohibits a private employer from
16 requiring or requesting an employee or applicant for
17 employment to disclose a user name or password for the
18 purpose of accessing personal social media, to access
19 personal social media in the presence of the law, of the
20 employer, or to divulge any personal social media. You
21 can't do it.

22 This bill is basically going to add public

1 employees as well.

2 When we talked about it this morning, I made -- I
3 don't think I made the motion, but the motion was made
4 to move it forward to oppose this bill because it would
5 prohibit us from getting into the files of new employees
6 that we wanted to hire. And we thought that was a bad
7 idea.

8 But after doing some research -- and this is just
9 my opinion from me -- this could cause some issues with
10 laterals, and their privacies, if they are already a
11 police officer somewhere else and they want to get a job
12 with another agency. Do we allow them to -- do we allow
13 those agencies to get into their personal social media
14 files? You may say yes; you may say no.

15 With that, I just wanted to bring that up. I think
16 I'm going to abstain on this until I talk to others and
17 get more clarification on the language and what we can
18 do about it.

19 But we need a motion to -- the recommendation from
20 the Legislative Review Committee was to oppose this
21 bill. And so we are letting the full commission know
22 that was a recommendation to you from the Legislative

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1 Review Committee to oppose this bill as written.

2 COMMISSIONER LOWENBERG: Move the recommendation.

3 Lowenberg.

4 COMMISSIONER DOYLE: Second. Doyle.

5 CHAIR McDONNELL: Okay, all in favor?

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

7 CHAIR McDONNELL: Opposed?

8 COMMISSIONER SOBEK: One abstention.

9 CHAIR McDONNELL: One abstention. Okay. Thank
10 you.

11 COMMISSIONER BUI: Two.

12 CHAIR McDONNELL: Two abstentions? Thank you.

13 All right, anything further, Mike?

14 You're good?

15 COMMISSIONER SOBEK: No, that's it.

16 CHAIR McDONNELL: All right, thank you.

17 On correspondence, POST sent correspondence to
18 Chief William Bowen from the Galt Police Department,
19 expressing deepest sympathy over the tragic on-duty
20 death of Officer Kevin Tonn; to Chief Sergio Diaz of the
21 Riverside Police Department, expressing deepest sympathy
22 over the tragic on-duty death of Officer Michael Crain;

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1 and to Sheriff John McMahon from the San Bernardino
2 County Sheriff's Department, again, expressing deepest
3 sympathy over the tragic on-duty death of Detective
4 Jeremiah MacKay. And we received correspondence from
5 the California Academy Directors' Association members
6 who unanimously agreed to formally endorse Interim
7 Executive Director Robert Stresak as the permanent
8 Executive Director of POST.

9 Any old business?

10 *(No response)*

11 CHAIR McDONNELL: Seeing none, new business?

12 *(No response)*

13 CHAIR McDONNELL: None from here.

14 *(No response)*

15 CHAIR McDONNELL: Does anybody have additional?

16 *(No response)*

17 CHAIR McDONNELL: Okay, the future Commission dates
18 are June 26th and 27th, 2013, at the Courtyard by Marriott
19 at Cal Expo in Sacramento; and October 23 and 24 at the
20 Embassy Suites in Burlingame.

21 Any additional from anybody before we adjourn?

22 *(No response)*

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1 CHAIR McDONNELL: Okay, this meeting is adjourned,
2 and we'll move into closed session.

3 Thank you, all.

4 MR. DARDEN: One note for the record, before we do
5 go off the record.

6 In addition to the agenda items in the closed
7 session, we're going to be discussing two other matters:
8 Another litigation matter involving *Kipp v. POST*, L.A.
9 Superior, Case NC058217; and also an SPB 121107, *Coppin*.

10 CHAIR McDONNELL: The open session meeting is
11 adjourned.

12 Thank you all.

13 *(The open session of the Commission meeting*
14 *concluded at 11:42 a.m.)*

15 //

16 *(The Commission met in executive closed session*
17 *from 11:54 a.m. to 12:51 p.m.)*

18 CHAIR McDONNELL: We'll open back up.

19 The Commission met in closed session, discussed a
20 number of issues, litigation issues, and then also as
21 importantly, or more so to all of us, appointed an
22 executive director formally.

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1 So congratulations to Bob Stresak, who is now
2 official.

3 And would you like to say a few words?

4 *(Applause)*

5 MR. STRESAK: A standing ovation? Thank you.

6 Briefly and to the point, I am honored, I am
7 humbled, and I will work hard to keep us united, keep us
8 focused, and to keep our officers safe out in the field.
9 I will do everything within my power to achieve those
10 objectives.

11 So thank you very much.

12 I want to thank Paul for all his support, all his
13 backing, and each and every one of you that have
14 supported me.

15 Once again, to Alan and Dick and this Commission
16 and the entire POST staff. So just thanks. I
17 appreciate it.

18 CHAIR McDONNELL: Great. Thank you, Bob.

19 And does anybody have any additional before we
20 adjourn?

21 COMMISSIONER BUI: I do.

22 CHAIR McCONNELL: Yes, Lai Lai.

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1 COMMISSIONER BUI: I have just one last issue, and
2 it's short.

3 Two meetings ago, we voted Walt Allen in as our
4 Vice-Chair, but he was not reelected.

5 So I'm hoping that maybe at our next meeting, the
6 Nominations Committee will have a couple of nominees.
7 I think maybe we should probably nominate our next chair
8 and vice-chair all at the same time.

9 What do you think? Since it will be your last
10 meeting as chair.

11 CHAIR McDONNELL: Yes.

12 COMMISSIONER BUI: Okay. We'll do that at the next
13 meeting.

14 Thank you.

15 CHAIR McDONNELL: Very good. Thank you.

16 Any additional?

17 *(No response)*

18 CHAIR McDONNELL: All right, thank you all for
19 coming.

20 We'll stand adjourned --

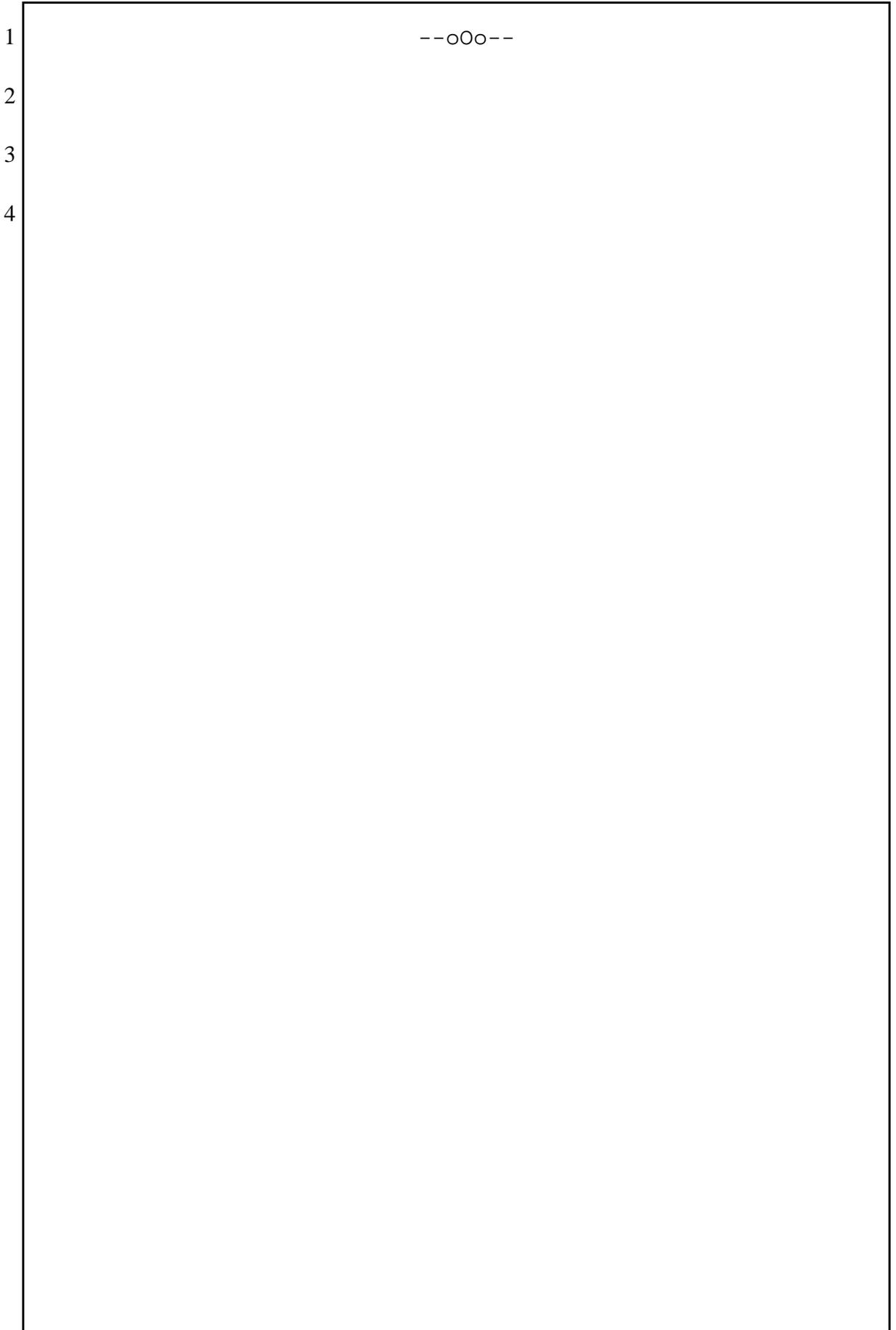
21 COMMISSIONER SOBEK: I'm sorry.

22 CHAIR McDONNELL: Oh, I'm sorry. Before we close.

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1 COMMISSIONER SOBEK: I almost forgot this.
2 Charles would have killed me.
3 And I don't know if we can do this now that we
4 don't have a quorum.
5 AB 25, we voted to oppose AB 25, but he wanted the
6 amendment to be "oppose" -- he wanted the motion to be
7 amended to "oppose, unless amended."
8 Can we technically do that?
9 CHAIR McDONNELL: Do we need a quorum to do that?
10 MR. STRESAK: Do you amend the motion --
11 COMMISSIONER MOIR: Well, it's an official
12 position.
13 MR. DARDEN: Well, why don't you just express the
14 will of the Commission? We'll do it that way.
15 COMMISSIONER SOBEK: There you go.
16 Does the Commission -- is the Commission okay with
17 that?
18 Thank you.
19 CHAIR McDONNELL: Yes, thank you.
20 Okay, seeing no other, we'll stand adjourned.
21 Thank you, all.
22 *(The Commission meeting concluded at 12:54 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 20th, 2013.

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