STATE OF CALIFORNIA

COMMISSION ON

PEACE OFFICER STANDARDS AND TRAINING

POST COMMISSION MEETING

OPEN SESSION

TIME:  9:30 a.m.

DATE:  Thursday, February 23, 2017

PLACE:  Majestic Garden Hotel
        Kensington North Meeting Room
        900 Disneyland Drive
        Anaheim, California

REPORTER’S TRANSCRIPT OF PROCEEDINGS

Reported by:
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A P P E A R A N C E S

COMMISSION ON POST
COMMISSIONERS PRESENT

JOYCE DUDLEY
(Chair of the Commission)
Santa Barbara District Attorney
Santa Barbara County

RICK BRAZIEL
(Vice Chair of the Commission)
Educator
Humboldt State University

LAI LAI BUI
Sergeant
Sacramento Police Department

THOMAS CHAPLIN
Chief
Walnut Creek Police Department

RICHARD DELAROSA
Mayor
City of Colton

SANDRA HUTCHENS
Sheriff-Coroner
Orange County

LAREN LEICHLITER
Sheriff
San Bernardino County Sheriff’s Department

STEPHEN LINDLEY
for XAVIER BECERRA, Attorney General
Department of Justice

GEOFF LONG
Public Member
(Chair, Finance Committee)

JETHROE MOORE II
Public Member
APPEARANCES

COMMISSION ON POST

COMMISSIONERS PRESENT

continued

BATINE RAMIREZ
Deputy Sheriff
Placer County Sheriff’s Department

LAURIE SMITH
Sheriff
Santa Clara County Sheriff’s Department

WALTER VASQUEZ
Chief
La Mesa Police Department

POST COMMISSION LEGAL COUNSEL

WILLIAM “TOBY” DARDEN
Department of Justice
Office of the Attorney General

POST COMMISSION ADVISORY COMMITTEE CHAIR

MARCELO BLANCO
California Coalition of Law Enforcement Associations

COMMISSION ON POST STAFF PRESENT

(participating staff)

MANUEL ALVAREZ, JR.
Executive Director
Executive Office

DAVID CORNEJO
Assistant Executive Director
(Administrative Services Division)
Executive Office

DAVE ALTHAUSEN
Public Information/
Legislative Liaison
Executive Office
A P P E A R A N C E S

COMMISSION ON POST STAFF PRESENT
(participating staff)

HEIDI HERNANDEZ
Executive Assistant
Executive Office

SCOTT LOGGINS
Chief
Basic Training Bureau

ANDREW MENDONSA
Senior Consultant
Management Counseling Services Bureau
and POST IMPACT Team Member

JANNA MUNK
Senior Consultant
Training Program Services

JAN MYYRA
Acting Bureau Chief
Learning Technology Resources

CONNIE PAOLI
Administrative Assistant II
Executive Office

DON SHINGARA
Chief
Management Counseling/Leadership Development Bureau

Also Present

DONNA CAYSON
Lieutenant, Sierra Madre Police Department
(Re Appeal for Grant Cadzow)

JOHN GEISSBERGER
Lieutenant, Albany Police Department
(Presentation re Emerging Trends)
Also Present

JOHN INCONTRO
Chief, San Marino Police Department
(Re Appeal for Kevin Cordischi)

DAVID ORTIZ
(Re Appeal for David Ortiz)

DANE WYGAL
digital OutPost
(Presentation: Did You Know? Procedural Justice)
# Index

**Proceedings**

<table>
<thead>
<tr>
<th>Call to Order</th>
<th>12</th>
</tr>
</thead>
<tbody>
<tr>
<td>Color Guard and Flag Salute</td>
<td>12</td>
</tr>
<tr>
<td>Anaheim Police Department</td>
<td></td>
</tr>
<tr>
<td>Moment of Silence Honoring the Officers Who Lost Their Lives in the Line of Duty Since the Last Meeting</td>
<td>12</td>
</tr>
</tbody>
</table>
| Sergeant Rod Lucas
Fresno County Sheriff’s Department |
| Deputy Dennis Wallace
Stanislaus County Sheriff’s Department |
| Officer Gerardo Silva
Redwood City Police Department |
| Officer Keith Boyer
Whittier Police Department |
| Officer Lucas Chellew
California Highway Patrol |
| Roll Call of Commission Members | 13 |
| Introduction of POST Advisory Committee Chair, POST Legal Counsel, and the Executive Director and New Commissioners | 14 |
| Welcoming Address |
| Sandra Hutchens, Sheriff
Orange County (for Raul Quezada, Chief, Anaheim Police Department) | 15 |
| Public Comment | 28 |
## INDEX

<table>
<thead>
<tr>
<th>Proceedings</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Approval of Action Summaries and Minutes</strong></td>
<td></td>
</tr>
<tr>
<td>A. Approval of Action Summary and Minutes for the following meetings: October 27, 2016, Commission meeting, and October 27, 2016, Strategic Plan and Organizational Development Committee</td>
<td>29</td>
</tr>
<tr>
<td><strong>Emerging Trends</strong></td>
<td></td>
</tr>
<tr>
<td>B. Emerging Trends</td>
<td></td>
</tr>
<tr>
<td>1. Reporting on Emerging Trends in Law Enforcement</td>
<td>29</td>
</tr>
<tr>
<td><strong>Consent:</strong></td>
<td></td>
</tr>
<tr>
<td>C. Consent Items</td>
<td></td>
</tr>
<tr>
<td>1. Report on Course Certification Statistics from 9/1/16 to 12/31/16</td>
<td>63</td>
</tr>
<tr>
<td>4. Report on the Course Certification Project</td>
<td>64</td>
</tr>
<tr>
<td>5. Report on the Status to Implement Commission Direction Related to Training Presented by the California Association of Tactical Trainers, Formerly International Training Resources</td>
<td>63</td>
</tr>
<tr>
<td>6. Report on the Status of Proposition 64 Efforts</td>
<td>76</td>
</tr>
</tbody>
</table>
## INDEX

**Proceedings**

<table>
<thead>
<tr>
<th>Consent:</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>7. Report on Legislative Updates</td>
<td>77</td>
</tr>
<tr>
<td>8. Commission Resolutions</td>
<td>80</td>
</tr>
</tbody>
</table>

Larry Wallace, Executive Director  
*(Retired)*, Law Enforcement Division,  
Department of Justice

Jim McDonnell, former Commissioner,  
Sheriff, Los Angeles County Sheriff's  
Department

Ed Bonner, Sheriff, Placer County  
Sheriff’s Department

**Finance Committee**

D. Financial Report from Finance Committee  
Meeting held February 22, 2017 -  
Finance Committee Chair Long | 81

**Administrative Services Bureau**

E. Report on Proposed Changes to Commission  
Regulation 1015, Reimbursements | 121

**Basic Training Bureau**

F. Report on Report on Proposed Changes to  
The Training and Testing Specifications  
for Peace Officer Basic Courses | 122

G. Report on Proposed Changes to Commission  
Regulation 1009, Academy Instructor  
Certificate Program (AICP) | 139

**Training Program Services Bureau**

H. Report on Request to Contract for Law  
Enforcement Driving Simulator Replacement  
Project | 140
INDEX

Proceedings

Commission Appeal Hearings ........................................... 144

I. Report on Appeal to Commission by
San Marino Police Department
regarding Kevin Cordischi ........................................ 147

J. Report on Appeal to Commission by
Sierra Madre Police Department
regarding Grant Cadzow ........................................... 169

K. Report on Appeal to Commission by
David Ortiz .................................................................. 179

Committee Reports

L. Advisory Committee, Finance Committee Chair Blanco ........ 196

Correspondence

M. Correspondence sent from POST ................................. 200

From POST to:

Shelly Zimmerman, Chief, San Diego Police Department, expressing sympathy over the tragic on-duty death of Officer Jonathan DeGuzman

Margaret Mims, Sheriff, Fresno County Sheriff's Department, expressing sympathy over the tragic on-duty death of Sergeant Rod Lucas

Adam Christianson, Sheriff, Stanislaus County Sheriff's Department, expressing sympathy over the tragic on-duty death of Deputy Dennis Wallace

J.R. Gamez, Chief, Redwood City Police Department, expressing sympathy over the Untimely on-duty death of Officer Gerardo Silva

Daniel P. Feldhaus, CSR, Inc. 916.682.9482
## Index

<table>
<thead>
<tr>
<th>Proceedings</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Old Business</strong></td>
<td></td>
</tr>
<tr>
<td>N. Old Business – None</td>
<td>200</td>
</tr>
<tr>
<td><strong>New Business</strong></td>
<td></td>
</tr>
<tr>
<td>O. New Business –</td>
<td></td>
</tr>
<tr>
<td>Presentation – “Did You Know – Procedural Justice”</td>
<td>201</td>
</tr>
<tr>
<td><strong>Future Commission Dates</strong></td>
<td></td>
</tr>
<tr>
<td>P. Upcoming Commission Meeting Dates</td>
<td>211</td>
</tr>
<tr>
<td><strong>Closed Session</strong></td>
<td></td>
</tr>
<tr>
<td>Q. Closed Executive Session</td>
<td>212</td>
</tr>
<tr>
<td>1. Conference with Legal Counsel re Existing Litigation</td>
<td></td>
</tr>
<tr>
<td>a. Knowledge and Intelligence Professional Programs v POST, Los Angeles Superior Court, Case #NC058217, #NC053503</td>
<td></td>
</tr>
<tr>
<td>b. Meniooh v State of California, N.D. Cal., Case #C-16-0715-CRB</td>
<td></td>
</tr>
<tr>
<td>c. Tamara Evans v POST, Sacramento County Superior Court, Case #34-2014-00164423; Eastern District of California, Case #2:15-cv-01951</td>
<td></td>
</tr>
<tr>
<td>2. Conference with Legal Counsel re Existing/Potential Litigation</td>
<td></td>
</tr>
<tr>
<td>a. Matters before the EEOC Charge #555-2015-001150 and Charge #555-2016-00829</td>
<td></td>
</tr>
<tr>
<td>3. Deliberations on the Appeal of Kevin Cordischi</td>
<td></td>
</tr>
</tbody>
</table>
### Index

**Proceedings**

<table>
<thead>
<tr>
<th>Proceedings</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Closed Session</td>
<td></td>
</tr>
<tr>
<td>Q. Closed Executive Session <strong>continued</strong></td>
<td></td>
</tr>
<tr>
<td>4. Deliberations on the Appeal of Grant Cadzow</td>
<td></td>
</tr>
<tr>
<td>5. Deliberations on the Appeal of David Ortiz</td>
<td></td>
</tr>
<tr>
<td>Report from closed executive session</td>
<td>212</td>
</tr>
<tr>
<td>Adjournment</td>
<td>213</td>
</tr>
<tr>
<td>Reporter’s Certificate</td>
<td>214</td>
</tr>
</tbody>
</table>
Thursday, February 23, 2017, 9:31 a.m.
Anaheim, California

COMMISSION CHAIR DUDLEY: Good morning.

Please stand for the presentation of the colors of the Anaheim Police Department.

(The Anaheim Police Department Color Guard entered the meeting room, flag salute.)

COMMISSION CHAIR DUDLEY: Please join me in the Pledge.

(The Pledge of Allegiance was recited.)

COMMISSION CHAIR DUDLEY: Please remain standing for a moment of silence, honoring the officers who lost their lives in the line of duty since the last meeting.

Sergeant Rod Lucas, Fresno County Sheriff’s Department.
Deputy Dennis Wallace, Stanislaus County Sheriff’s Department.
Officer Gerardo Silva, Redwood City Police Department.
Officer Keith Boyer, Whittier Police Department.
And last night, Officer Lucas Chellew, California Highway Patrol.

(Moment of silence.)

COMMISSION CHAIR DUDLEY: Thank you.
(The Anaheim Police Department Color Guard exited the meeting room.)

COMMISSION CHAIR DUDLEY: Please join me in thanking the Anaheim Police Department.

(Appause)

COMMISSION CHAIR DUDLEY: Again, please take your seats.

Once again, good morning, everyone. I’m Joyce Dudley, the chairperson of POST.

And I’m now going to ask Ms. Paoli to please take the roll call.

MS. PAOLI: Braziel?

COMMISSION VICE CHAIR BRAZIEL: Here.

MS. PAOLI: Bui?

COMMISSIONER BUI: Here.

MS. PAOLI: Chaplin?

COMMISSIONER CHAPLIN: Here.

MS. PAOLI: DelaRosa?

COMMISSIONER DELAROSA: Here.

MS. PAOLI: Doyle?

(No response)

MS. PAOLI: Dudley?

COMMISSION CHAIR DUDLEY: Here.

MS. PAOLI: Hutchens?

COMMISSIONER HUTCHENS: Here.
MS. PAOLI: Leichliter?

COMMISSIONER LEICHLITER: Here.

MS. PAOLI: Lindley?

COMMISSIONER LINDLEY: Here.

MS. PAOLI: Long?

COMMISSIONER LONG: Here.

MS. PAOLI: Moore?

COMMISSIONER MOORE: Here.

MS. PAOLI: Ramirez?

COMMISSIONER RAMIREZ: Here.

MS. PAOLI: Smith?

COMMISSIONER SMITH: Here.

MS. PAOLI: Vasquez?

COMMISSIONER VASQUEZ: Here.

COMMISSION CHAIR DUDLEY: Thank you.

And it is my pleasure to introduce some of my favorite people.

Our POST Advisory Committee Chair, Marcelo Blanco.

ADVISORY COMMITTEE CHAIR BLANCO: I just made it.

COMMISSION CHAIR DUDLEY: You were here right on time.

And to my left is POST Legal Counsel, Toby Darden; and to my right is the POST Executive Director, Manny Alvarez.

And, now, I’d like to ask, dear friend, to please
welcome us; and that’s Sheriff Sandra Hutchens.

COMMISSIONER HUTCHENS: Well, thank you.

Chief Raul Quezada from Anaheim Police Department has a press conference this morning. There was a bit of a disturbance in the city last night. So he called me last night and asked me, on his behalf, to welcome you to the fair city of Anaheim. I’ve already talked to a few of you who will remain unnamed, who have visited the Mouse, “The Happiest Place on the Earth.” So thank you. He appreciates that. He just wishes that you have a great time while you’re here in Anaheim. And he wanted me to tell you that he appreciates the work of both POST staff and the Commission on furthering the professionalism of law enforcement in the State of California.

And on my behalf, now in my role as Orange County Sheriff: Welcome to the great County of Orange.

Thank you.

COMMISSION CHAIR DUDLEY: Thank you, Sheriff Hutchens.

Okay, now, I’m going to ask you to join me in listening to our Executive Director -- POST Executive Director Alvarez, as he gives his welcoming address.

EXECUTIVE DIRECTOR ALVAREZ: Thank you, Madam Chair. I appreciate the time to speak.
First of all, I’d like to welcome the two new commissioners to the Commission.

Welcome. Thank you for serving.

I’d like to just take a few moments to let you know where we’ve been since the last commission meeting; some of the topics I discussed yesterday in brief.

But, first of all, as you know, we’ve had some personnel changes over the course of the last four months. Our staffing is down to about -- we’re down 11 percent, which isn’t out of the norm. It’s not that big a deal or that unmanageable. However, we have had some departures of some of the leadership at POST; and that will continue to challenge us for the next four to six months, until we get everybody in place. Our goal is to replace the leaders first, and then start filling the lower-rank positions as we move along.

I also mentioned at the last meeting that kicking off in February, we were going to a new testing process for the 39 law-enforcement academies across the state. That kicked into gear a few weeks ago. We had our first test without a safety net last Thursday.

Just to give you some of the results, since there has been some trepidation in the law-enforcement community and throughout the academies as to how it’s going to work. And you all are already aware of the new
process, so I won’t go into that.

But last week, we had the first test on Thursday. We had a total of 57 students go through the new testing process. The cut score that POST has established at least for the first six months is 70 percent. That presenter set their own cut score at 75 percent.

The average score for that academy session was 81.33 percent. Two of the students that failed were above our POST cut score of 70 percent but were below the presenter’s 75 percent. And there are actually only two students that were below the 70 percent cut score.

So that was encouraging for us. We will continue to monitor it very, very closely. You know, one, we’re concerned; and two, obviously people outside of POST are concerned that it is the right testing that we’re doing.

Second, I’d like to hit on the reorg. study that you all approved and Commissioner Braziel helped us with last summer.

We sent the original bid invitation -- invitation for bid on 11/28 of last year to four small businesses on the CMAS list. We had a lot of phone inquiries; but we actually had no responses to that bid.

We put out a second bid on January 4th to three additional small businesses on the CMAS list. Again, a lot of phone conversation and a lot of feedback.
We decided to redo the bid in early February, based on their feedback. And we anticipate that new RFP going out very, very shortly, in the next few weeks, to a number of small businesses. To six -- the ones we sent to before, plus six additional new small businesses.

In terms of budget, we talked in great detail yesterday at Advisory and at Finance; so I won’t go into great detail into that. But as you all know, we have had some budget constraints or issues. We issued a bulletin on January 4th to reduce the number of courses that we actually reimburse for.

We have approximately 3900 courses on the POST-certified training list. Of those, prior to the January 4th bulletin coming out, we were reimbursing for about 900 courses. We have cut that down to 280.

Our goal, again, is to try to keep that list intact for next fiscal year and not have further reductions.

As it is now, all of the mandated courses -- the courses that are mandated by POST, mandated by the Legislature -- we have kept on that list for full reimbursement. We’ve also kept some of the leadership courses, where we have existing contracts on the list, such as Command College and SLI. Those are optional courses.

We’ve also kept on the list some of the core
training classes, such as the ICI courses that we know are very popular throughout the state. One, because we have contracts; and we don’t want to pay on contracts and not reimburse agencies for folks to go through.

So we will continue to monitor that.

You’re going to hear more today about course-certification reviews. I believe Janna Munk is going to speak shortly.

Just so you are aware, we’ve been working on this since October. We’ve had one external SME workshop in January. We had a second workshop in-house two or three weeks ago.

We’ve put out two separate surveys. I checked the numbers yesterday. The first survey went out to experts, so to speak, training-manager types. We had 17 folks -- or agencies complete those surveys.

We’ve now sent out a survey at the beginning of February -- or, actually, a week and a half ago, two weeks ago, to the greater law-enforcement community. It closes this week. As of yesterday, we’ve had 364 responses to those surveys.

We expect to have a framework for you by the next commission meeting as to where we’re going to go. And I know Janna intends to speak to that in greater detail today.
We’ve also embarked in the last month and a half on automation of our travel-reimbursement requests. Right now, it’s a paper process. It is very labor-intensive for us; it’s labor-intensive for agencies; and then it doesn’t allow us to put them into the system until we have money. So in the next six to eight months, we anticipate having the first of two phases to have that automation done. It will help us budget, and it will eliminate some of the labor on our end, as well as labor on those agencies that are submitting TRRs.

And then lastly, I’d like to talk a little bit about “Procedural Justice.” I know we’ve been talking about that quite a bit. We’ve already started the process of including the tenets of our procedural justice and implicit bias into our basic training academy.

We held our first SME workshop about a month ago to update some of the learning domains. We had 22 participants, primarily from law enforcement; but we’ve also included in that workshop, and they provided tremendous help to us from the Museum of Tolerance, from the ACLU, from LULAC, from the NAACP, from the Immigrant Legal Resource Center, and from the Assembly Public Safety Committee. An eclectic group of folks; but they actually worked very, very hard over the course of two days to update the language in the LDs. And it was
very, very productive.

And my hat’s off to the Basic Training Bureau for including and being transparent with those groups.

Then lastly, I’d like to just talk on a personal note. You know, yesterday we talked, again, in great detail about the budget. And although the budget issues are a challenge for us, I think it is important that they not define where we are as an agency. They concern me less than us staying at the forefront of progressive law-enforcement training and serving our stakeholders. We do not want to get detracted or distracted, dejected; and we do not want to crawl under the proverbial rock.

We want to come out better out of all this. We’ve been preaching that at POST. This is an opportunity for us to improve on what we do.

You’ve heard me speak to some of the great things we are doing. You’re going to hear more today from some of my POST colleagues about what we’re doing.

Although I would love to personally take credit for all of this stuff, I can’t. As you guys -- for the few that were -- the folks that were here yesterday, you saw me, for the most part, speak quietly here or sit quietly here. And it’s a testament to the POST folks that are pushing these things forward, whether it’s course certifications, whether it’s the body-cam and
police-report writing topic.

I’m not doing all that; they are. I appreciate them supporting us and moving the ball forward. And hopefully, we’ll continue to serve the state the best way possible.

So thank you for allowing me to speak. Thank you.

COMMISSION CHAIR DUDLEY: Thank you, Executive Director Alvarez for both your words and your wisdom. We all deeply appreciate the work that you’ve been doing at POST.

EXECUTIVE DIRECTOR ALVAREZ: Thank you.

COMMISSION CHAIR DUDLEY: A couple of housekeeping matters -- well, I’m not even sure I want to call this a housekeeping matter.

I want to zealously celebrate the reappointment of Lai Lai Bui and Batine Ramirez, who I think will be -- were you officially notified yet, or is that coming out on Friday?

COMMISSIONER BUI: We’ve been notified.

COMMISSION CHAIR DUDLEY: Yay. Welcome back.

COMMISSIONER BUI: Yes, thank you.

COMMISSION CHAIR DUDLEY: And to welcome two of our new commissioners.

And then to put you on the spot and ask you to tell us a little bit about yourselves.
So Police Chief Vasquez from El Cajon [sic], why don’t you tell us a little bit about yourself?

COMMISSIONER VASQUEZ: Well, good morning, everyone; and thank you. It’s an honor to serve on the POST Commission. I’m very happy to be here.

I’ll keep this very brief.

I’m the chief over at the La Mesa Police Department, which is a smaller city within San Diego County. I’ve been there a little less than two years. Before that, I retired as an assistant chief with the San Diego Police Department, after 28 and a half years.

Again, I’m very honored to be here, and I hope I can contribute to POST; and I’ve always had a passion for training.

So thank you very much. I appreciate it.

COMMISSION CHAIR DUDLEY: Commissioner Vasquez, so glad to hear you’re also the Chief of La Mesa.

Just being the chief of El Cajon, obviously, just wasn’t quite enough. But there was a typo, and I take responsibility for that.

And now I’d like to ask Thomas Edward Chaplin, the Police Chief of, I hope, Walnut Creek, to now address us.

COMMISSIONER CHAPLIN: I’ve done this once before in June. But I was reappointed after a short stint.

COMMISSION CHAIR DUDLEY: Thank you. Good work.
COMMISSIONER CHAPLIN: Tom Chaplin. Glad to be back. I’m the Police Chief of the Walnut Creek Police Department. Have been, it will be four years in July, and have had the good fortune of working with Retired Chief Rick Braziel, fellow commissioner, for 12 years at the Sacramento Police Department. Served for five at the California Department of Justice, where I met Commissioner Lindley, and then seven years at Citrus Heights.

So I’ll be happy to introduce myself at each of the meetings, if you would like.

COMMISSION CHAIR DUDLEY: You know, only politicians want to do that.

But I do want to ask that Steve Lindley from the Attorney General’s office introduce himself because he is sitting next to Commissioner Chaplin.

COMMISSIONER LINDLEY: Good morning. I’ll keep it brief as well, even though I’m sitting next to Commissioner Chaplin.

I know better than to make any jokes with him.

Steve Lindley. I started with the National City Police Department down in San Diego County, did about ten years there, left as a sergeant. Came to DOJ. Been at DOJ for the last 16 years. The last seven of it has been chief of the Bureau of Firearms; and I’ve been the
director of DLE, Division of Law Enforcement, for the 
past three months.

So thank you.

COMMISSION CHAIR DUDLEY: And welcome.

Also, just briefly, I want to discuss the 
committees; but I’m going to ask Executive Director 
Alvarez for his wisdom on moving forward on the 
committees.

EXECUTIVE DIRECTOR ALVAREZ: So we are hoping to 
have each commissioner either be on the Finance Committee 
or the Advisory Committee.

I believe we have some individuals that have come 
onto the Commission that have not had a committee 
assignment yet.

If I can go down the list, Connie, which ones are we 
missing?

COMMISSION CHAIR DUDLEY: I can tell you who’s on 
the committee; and if you don’t hear your name, please 
volunteer to be on a committee.

So on the Advisory Committee, we have Commissioner 
Hutchens, Commissioner Chaplin, Commissioner DelaRosa, 
Commissioner Smith.

On the Finance Committee, Commissioner Long, 
Commissioner Hutchens, Commissioner Leichliter, and 
Commissioner Ramirez.
So if you are not on a committee -- and that probably means you were previously on a different committee -- if you could tell me what committee you’d like to be on.

So we’ll start with -- let’s see, Chaplin.

Commissioner Chaplin, what committee would you like to be on?

COMMISSIONER CHAPLIN: I’ll stick with the Advisory. I think I’m listed there.

COMMISSION CHAIR DUDLEY: You want to stay there?

Okay.

And Commissioner Lindley?

COMMISSIONER LINDLEY: I’ll take the Finance Committee.

COMMISSION CHAIR DUDLEY: Okay.

COMMISSIONER LONG: Do I have to accept that? Lindley?

COMMISSION CHAIR DUDLEY: And if anybody who I just quickly passed wants to switch committees, please let me know.

Okay, Commissioner Vasquez?

COMMISSIONER VASQUEZ: The Advisory Committee, please.

COMMISSION CHAIR DUDLEY: Okay, and Commissioner DelaRosa, you’re already on one.
And, Commissioner Smith, you want to stay there?

COMMISSIONER SMITH: Yes.

COMMISSION CHAIR DUDLEY: And Commissioner Braziel?

COMMISSION VICE CHAIR BRAZIEL: Finance.

COMMISSION CHAIR DUDLEY: Okay.

COMMISSION VICE CHAIR BRAZIEL: I can be both on the evaluation, can I stay on that one, but also assist on Finance.

COMMISSION CHAIR DUDLEY: Excellent.

Okay, and I will join the Advisory Committee.

Anybody else need a committee?

Down here. Okay, Lai Lai?

COMMISSIONER BUI: Advisory, please.

COMMISSIONER MOORE: Advisory.

COMMISSION CHAIR DUDLEY: Okay, that’s it.

Moore, Commissioner Moore, you said Advisory?

COMMISSIONER MOORE: (Nodding head.)

COMMISSION CHAIR DUDLEY: And Commissioner Bui said Advisory; right?

COMMISSIONER BUI: Yes, please.

COMMISSION CHAIR DUDLEY: Okay, great. Thank you.

Okay, now, lunch. We’re going to be working through lunch.

COMMISSIONER LEICHLITER: All righty. That was fast.
COMMISSION CHAIR DUDLEY: Who has to catch a train?
And so here’s your choices. You can choose between
turkey, ham, or a vegetarian sandwich, chips, and drinks.
Please fill this out now so that we can get that
going. And someone will come around and pick it up. And
it will be delivered around twelve o’clock. So we’ll
just keep meeting through.

Probably what we’ll do is we’ll break and then go
into closed session.

Also, 11 dollars.

EXECUTIVE DIRECTOR ALVAREZ: Thank you.

COMMISSION CHAIR DUDLEY: Thank you.

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

Members of the public who wish to speak are asked to
limit their remarks to no more than five minutes each.

Please be advised that the Commission cannot take
action on items not on the agenda.

Is there anybody here who would like to speak from
the public?

(No response)

COMMISSION CHAIR DUDLEY: Seeing no one, we’ll now
go on to the approval of the minutes.

Our first item is the approval of the action summary and meeting minutes from the October 27th, 2016, Commission meeting and the Strategic Plan and Organizational Development Committee.

Is there a motion to approve these minutes?

COMMISSIONER LONG: So moved.

COMMISSION CHAIR DUDLEY: Commissioner Long.

Second?


COMMISSION CHAIR DUDLEY: Okay. All in favor?

(A chorus of “ayes” was heard.)

COMMISSION CHAIR DUDLEY: And opposed?

(No response)

COMMISSION CHAIR DUDLEY: And anybody who needs to abstain?

COMMISSIONER CHAPLIN: I will abstain, having been absent for that meeting.

COMMISSION CHAIR DUDLEY: Thank you.

Okay, motion passes.

At this time, I’d like to call on POST Law-Enforcement Consultant Andrew Mendonsa and Lieutenant John Geissberger from the Albany Police Department.

Those of us who were here yesterday got to hear the beginning of this and --
MR. MENDONSA: And I promise to speak slower today.

COMMISSION CHAIR DUDLEY: I appreciate that. But also the topic is very interesting; and that’s why I slowed you down yesterday.

MR. MENDONSA: Good morning, Madam Chair. Good morning, Members of the Commission. My name is Andrew Mendonsa. I’m a law-enforcement consultant with POST, and I’m also a member of the IMPACT Team.

I’m joined today by Lt. John Geissberger of the Albany Police Department.

I’ve been asked to speak to you today in response to a request during the last commission meeting asking POST to examine and report on emerging issues in law enforcement. My intent is to speak for about ten minutes regarding the research that we’ve done. Hopefully have time at the end to answer questions or dig more deeply into any areas of interest.

What I’m providing is a fairly broad overview of many of the topics we’ve looked at a little bit more deeply. And so I’m certainly happy to talk about those in more depth if anyone is interested.

The project began with a meta analysis by IMPACT staff members into current and recently completed research projects completed by participants in POST’s Command College.
For those who are not familiar with Command College, it is an intensive 18-month program where law-enforcement leaders are challenged and tasked with identifying a futures issues relevant to law enforcement in the coming decade.

There is a fairly good POST video on Command College. If you’re not familiar with it and you’re interested in seeing that, let me know and we can do that at the end.

Choosing a Command College project allowed us to tap into emerging issues which were most directly impacting practitioners in law enforcement and it gave us a starting point for the current project.

What I’d like to do now is introduce Lieutenant Geissberger from Albany Police. It was actually his Command College project that sort of started the ball rolling for us on this.

Once he’s done, I’ll talk a little bit about how we picked that up and started looking at the implications for the various POST bureaus based on what he did.

LT. GEISSBERGER: Great. Thank you. Good morning, Commission. Thank you for having me here.

I’m a recent graduate of Command College, Class 59, from last September. We started in May of 2015.

I base my research for Command College on the
question of “How will the public’s demand for accountability impact the report-writing process in California by 2023?” And I selected this topic because, as we all recall back in 2014 and 2015, law enforcement was working through the fallout of Ferguson, the deaths of Freddie Gray and Eric Garner. And there was a lot of lack of public trust in law enforcement. So law enforcement was trying to work through that and regain public trust by reestablishing community-oriented policing and building the trust factor with the communities.

I think that’s the best thing we can do to build public trust, is have those one-on-one relationships. But I also thought we needed to look at other aspects of our jobs that we do, where we’re vulnerable to people making accusations of corruption or false police reports or excessive force.

So I looked at one of our core tasks, which is writing reports. And that documents everything we do on a daily basis and helps to justify the actions we take. And so I felt if we put something in place where you couldn’t attack that program, it would help to build our trust within the community.

So as I looked through my S.T.E.E.P. analysis, when you go to Command College, you look at your project from
a Social point of view, a Technological point of view, an Economical point of view, an Environmental point of view, and a Political point of view.

And in examining report-writing, it’s really changed over the years to make it easier to document reports. We went from handwritten reports, to dictating reports; and now, they’re computer-generated reports. It makes it a lot easier. But we never really looked at making them more accurate or more defensible. And so that’s how I kind of got into trying to bring body-camera video into making reports a little bit more legitimate.

My police department has deployed body cameras on all our police officers since September of 2013. And while we were rolling the program out over a very quick period of time, I saw the value in the videos that officers were coming in with; and they really helped paint a picture for the viewer to see what was happening in the incident.

And so after doing my research for Command College, I’ve kind of come to the belief that we’re moving in a direction where we can eventually replace the written report with the video from the body camera. And I think eventually technology will be there, where we’ll be able to have multiple cameras on an officer to help capture what happened in an incident. An officer will be able to
go back to the station, download a video. There will be
an original encrypted video stored, that can’t be
altered. And then they’ll have the ability to have
another video that they can alter and put their narrative
together for the incident. They’d be able to download
dispatch tapes to it, 9-1-1 calls, and make a really
short video of what happened.

Now, there’s going to be times where you still may
have to write a small police report because let’s say in
a use-of-force of incident, a lot of your emotions or
your frame of thinking isn’t going to be captured on the
video. All the action will, but the thought process
won’t be. So officers may still have to write down a
small report.

I think if we move in this direction, there are
several benefits that we may see from this.

One, we’ll have more accurate police reports.
They’ll be less susceptible to people saying the officer
falsified a police report.

Officers will be able to be out on the street more,
engaging the community, helping to build that public
trust. And they’ll also be available to help deter
crime.

We will also, I believe, see better prosecution
rates, possibly more plea deals before going to trial.
And then I think one of the kind of side benefit factors is that we may actually open up our candidate pool. I’ve run our field training program for several years; and we have had some fantastic, qualified people come through our training program who have really good sense for crime, the great soft skills to deal with people; but they just can’t write a police report. And unfortunately, if you can’t write a police report, you can’t be a police officer because there’s so much responsibility in being able to tell the story about what happened, to somebody.

So I think moving forward in this topic, I think if we want to move in this direction, I think we need to bring some key stakeholders together, talk with camera manufacturers, district attorneys, police unions, civil-rights groups. Find out what concerns and issues they may see with moving forward with this and try to work those issues out ahead of time, and so we can move in this direction.

Thank you.

MR. MENDONSA: So John’s project for us sort of was the starting point. We thought it was interesting, because it highlighted the importance of the intersection of policy, practice, technology, and training. And so for POST, this became an issue when we started looking
at: Do we need to modify our report-writing process?
Are there some other things?

Unlike much of the previous work, which is focused largely on accountability and policy, this report considers other issues. Most of the body-worn camera video has been simply additive. Recordings of events that are attached as evidence, used to hold officers and citizens accountable.

This report takes a different trajectory. And our research question was focused specifically on the implications and influence of the use of cameras in the operations of law enforcement, including incorporation into training, evaluation of report-writing.

This report will cover two overlapping --

COMMISSION CHAIR DUDLEY: Excuse me, Mr. Mendonsa, when you read, you speed up.

MR. MENDONSA: Okay, got it.

This report will cover two overlapping areas: At the macro level, evaluation of the influence on organizations and external partners; and at the micro level, on the influence on individual officers, their training, and report-writing.

I will highlight issues and questions identified; but more detailed explanation would require more time.

So we looked at -- we basically identified seven
kind of broad issues that we think are going to be
important moving forward. These are not the only issues.
And as I explained to the group yesterday, I’ll sort of
take the academic out, that more research is needed in
these areas. What we found is, we had a lot more
questions than answers at the end of this.

The first question was whether or not cameras could
influence the fidelity and efficiency of police reports.
The fidelity, I will come back to, because I think
that’s an important piece on whether or not we can make
the reports better.

The efficiency aspect is actually something that
we found interesting because there was sort of a
double-edged sword. For organizations that were, in
fact, using cameras to help write their reports, there
was sort of a split, even amongst their own personnel,
on how they were being used. For some of the employees,
they were completely reviewing the video after each
incident -- and this is not unique to critical incidents,
this is for all of them -- they were either reviewing the
video in its entirety, while they were writing the
reports, which, as you can imagine, added significantly
to the amount of time it took them to complete their
reports; or they were simply narrating in their report to
refer to the video, which I would imagine as a prosecutor
is not particularly helpful.

And so one of the questions that came up is, is there a way to sort of start to meld those two things together. Whether or not the officers are allowed to view the video before writing the report is not something we got into. It’s an important consideration but not one that we looked at as part of our research. But it does bring up some interesting questions about if we know that video provides sort of a different view of an incident -- and I’m not speaking specifically of critical incidents, just of any incident -- if we know that video provides a different view, if the officers are not reviewing all of their video before each of their reports and there are discrepancies between the two, how much is sort of an acceptable level of discrepancy? How much would we expect to see, and how much is an area that’s possibly getting into issues of Brady? So that was an area that sort of came up as a question that we don’t have a solid answer to.

So as far as efficiency, we know that report-writing can be fairly time-consuming. One of the things we thought was really interesting about John’s project was whether or not there’s a way to incorporate the video into the narrative writing that allowed for increased efficiency of the report-writing process.
So if you have fairly mundane crime reports, is there a way to sort of annotate the video as a substitute for writing. And this is an area that, as far as we can tell so far, organizations haven’t been able to really explore. It’s primarily treated just as a piece of evidence that gets attached at the end.

That had some important implications for POST specifically, from my bureau, because one of the things we’re often asked is: How can we do more with less? Is there a way to make our officers more efficient?

The second question we looked at is whether or not video can influence arrest and prosecution; specifically, the speed and outcome of prosecutions.

There was at least one piece of research done that looked at post test and pre test with the implementation of video; and they found that when cameras were present, there was significantly more likely to be an arrest, to have charges filed, to have the cases proceed further to result in a guilty plea and result in a guilty verdict.

And so one of the things that we started to explore was whether or not there could be some unintended consequences of sort of a widespread roll-out of video, whether you might see more arrests than you would have otherwise; and whether or not having video has an influence on officer discretion, and whether they’re
making the same decisions they would otherwise make, knowing that they have this sort of piece of equipment. Discretion is absolutely critical to what we ask our officers to do; and I’ll come back to that because I think it’s an important point.

The third question was whether or not video could help influence procedural justice. Looking primarily at behavior -- and we know that the relationship between attitudes, behavior, and outcome is fairly complicated, that people may believe one thing, but they don’t always necessarily act in that way. And so one of the questions that collectively we had as a group, was whether or not the video could help influence training, and specifically, POST recommendations regarding training.

For example, I’m not aware of any research -- and I started to look at this sort of late into the project -- I’m not aware of any research that has looked empirically at whether or not what we’re teaching in de-escalation is effective, or whether or not there’s certain pieces of what we’re teaching in de-escalation is effective. So one of the questions that we had is: What works? If we’re teaching de-escalation, do we know that certain things work better than others?

And there very well may be some sound research
that’s part of that, I just didn’t see that as part of my
review for body-worn video.

And one of the things that I’ve sort of had some
exposure to is, are there situations where we have
averted officer-involved shootings. So are there
situations where otherwise officers are legally justified
in engaging in the use of force, a firearm discharge, or
whatever else; and yet they don’t. And what is it about
that situation that it didn’t come to that point? Is
that something that’s repeatable?

Methodologically, that’s really difficult because
it’s hard to sort of recreate incidents and control for
every variable, except the one that you’re testing for.
But that is one of the questions that came up while we
were sort of talking about the ways to use body-worn
cameras during our training process.

The fourth question, as they become more prevalent,
does their use need to be included in Basic training?
So this came up for us. We had some discussions with
some members from academies, that just physical
manipulative skills -- operating your radio, grabbing
your OC, grabbing your Taser -- as body-worn cameras
become more common, does that need to be included in
Basic training? Just the physical skill of operating it.

Question 5 for us was, as they become more
prevalent, what are the likely influences on officer
discretion? And, again, there’s a quote by a man named
Lipsky that I like, that says, “Discretion is how policy
is translated into practice and how citizens explicitly
experience the government that they’ve created.”

So how our officers are using their discretion is
absolutely critical to how they do their jobs. And I’m
curious from sort of a research standpoint as to how the
incorporation of video may or may not influence officers’
discretion.

Question 6, did body-worn video change some of
the -- or does body-worn video change some of the
fundamental elements of narrative report-writing? So
certainly coming up through my law-enforcement career,
reports were seen in many ways as being objective. So
I was always taught to write reports sort of from a third
party looking at the scene. And if we now have video of
the scene, does that replace some of the objective
elements of the report-writing?

This is an area that John brought up that I thought
was really interesting. Does the video replace some of
the objective factors, and do we need to be training our
folks to focus more on the subjective factors -- what
they felt about the incident, what they knew about the
incident going in -- and whether those need to be a
little bit more explicit in the report-writing process.

Final question: Do body-worn cameras increase the competency of officers in report-writing? So can they be used to assist in the report-writing process, maybe for people who are struggling? As a field training officer, like John, I had employees who were otherwise really good at their work, but had difficulty translating that into something meaningful when it came to report-writing.

The other question that we had was whether or not body-worn cameras can equalize the quality of reports. And this comes back to prosecutions. One of the criticisms of a focus group of prosecutors -- and I’ll just read it here because I thought it was fairly eloquently put -- was that they noted the difficulty in prosecution due to reports that were often unreliable, incomplete, or irrelevant, which they attributed to the inadequacy of investigative skills and motivation on the officer’s behalf.

And so one of the questions is: Is there a way to incorporate the video to equalize? I think we’ve probably all worked with people who were better report-writers than others. Is there a way to sort of bring those two things together and help make better report-writing officers?

So those are the questions that we looked at.
I would throw out the caveat, we don’t necessarily have an answer to a lot of these questions. These were areas that came up of interest; and this was largely driven by the work that John did.

So at this point, I would be happy to answer any questions.

COMMISSION CHAIR DUDLEY: Let me first ask the Commissioners.

Yes, Commissioner Hutchens?

COMMISSIONER HUTCHENS: First, John, this is really exciting research. I think it’s really stepping forward, beyond -- you know, we’re all looking at the body-worn camera. We’ve stepped beyond that, and look, there’s a very positive way we can incorporate that into our report-writing.

I like the fact that there’s discussion about reaching out to the various interested parties, special-interest groups to get some feedback. But just initially, I know we need to take a closer look. But to me, it’s incorporating both the written and the video. Because I think in some instances, there’s a place, certainly, for officer’s state of mind. And they may want to articulate what they perceived when they come upon a scene. You know, it’s not going to be the burglary call; it’s going to be something else. But I’m
really excited about -- this is really a glimpse into the future, I think.

So thank you for your work.

LT. GEISSBERGER: Thank you.

MR. MENDONSA: Yes, one of the things I appreciated that John did was, looking at technical issues is sort of low-hanging fruit like people are often talking about technology. But I thought John did a really good job of bridging that into actually what we’re trying to do. And that’s why we chose his project moving forward.

COMMISSION CHAIR DUDLEY: Other commissioners?

Yes, Commissioner Braziel.

COMMISSION VICE CHAIR BRAZIEL: If I can, I want to take it a little bit bigger than this one project.

So, gentlemen, in Command College, did you guys brainstorm emerging issues and people picked -- were some thrown out at you?

LT. GEISSBERGER: You mean, like, how did I pick my topic?

COMMISSION VICE CHAIR BRAZIEL: Right. It’s been a long time since I went to Command College.

LT. GEISSBERGER: Sure, sure. It’s easier now than probably when you went because I’ve heard they changed the model.

COMMISSION VICE CHAIR BRAZIEL: Everybody says that.
Everybody says that. It’s like the academy and everything else. Walk uphill both ways to school.

LT. GEISSBERGER: So kind of how I came up with my topic was with current events going on, but also while not tech-savvy, I’m very interested and amazed at how fast technology is moving and it interests me a lot.

So in talking to people who had gone to Command College, they said kind of get an idea of what you want to work on. And so I had originally gone in with kind of the idea of having body-worn cameras that would have biometrics involved in them, so you would actually see what the body was going through, to help confirm that the officer was in fear for their life. And so I kind of started at that point.

And then as the Command College process came down, they kind of explained more what we were looking for. So that’s kind of how I narrowed it down to my topic.

COMMISSION VICE CHAIR BRAZIEL: Okay, because it’s -- one more philosophical statement. You know, we produce a lot of projects in Command College, for the many years we’ve had Command College, and haven’t availed ourselves as much as we should have as to that research and where it goes and how we use it in the business. And it goes to the conversations we’ve had here at the Commission of, historically, law enforcement is a
profession that’s been playing checkers: Something happens, we respond; something happens, we respond. It’s just a checkers game. Now we’re trying to figure out how to play chess.

So I think there’s some tremendous opportunities to -- through the Commission, through the Executive Director, and through Command College, looking at some of those emerging issues to actually not encourage people to take a topic, but take a topic that may be there that somebody might have an interest in, with not just the goal of the paper, but the goal of how do we create change in the business, just like we’re doing in L.A. I’ve got to commend both of you for this, because this is what Command College is supposed to be about, and we haven’t been doing that for decades.

What I’d also propose is -- and we were chatting yesterday -- you’re a fellow, I’m an executive fellow at the Police Foundation. There’s a lot of research groups out there that are nonprofits that maybe we might want to consider as an agency partnering with. Because they’re doing research similar or they’ve got availability to grants through BJA that may kind of merge with the research you’ve done to actually jumpstart this even more than what we could do just with staff.

So I think there’s some opportunities out there when
we start having these conversations, because we talk about budgets and all the things are - basically, what’s in front of us. But what are we looking at, 10, 15 years down the road, that those unintended consequences are huge. I mean, just the little things that nobody is thinking about. It’s all about the budget. You know, how much money do we spend on data storage on video? What are the policies on when do we turn it on, when do we turn it off? Is it consensual, not consensual? How do we get -- all of these things. But we’re not looking -- that’s the checkers part of it -- we’re not looking for the chess game down the road.

So kudos to both of you. I mean, this is huge. But I think this is a great opportunity for us beyond this project to look at how we, as POST, look at the bigger picture and utilize resources that are already available to us and include people more in the project.

So thanks for listening to me.

I only had half a cup, by the way. I want to warn everybody. The other half is going down here pretty quick.

COMMISSION CHAIR DUDLEY: Commissioner Braziel, I couldn’t agree with you more. I think it’s critical that we use this institution that we have established that is so superior. And I also like the idea that commissioners
come up with things that interest them; but that these
students, that it sparks interest in the student or it’s
something that the student has been thinking about,
anyway. Using that is a great idea. So thank you for
that suggestion. And I’ll talk to the Executive Director
about how we might want to implement that.

I also want to bring up a couple of things in terms
of the camera.

Santa Maria Police Department has instant download;
so when the law enforcement cars come into the garage,
it instantly downloads all the recorders, which has made
a big difference in terms dealing with that.

The problem with, when I sit around with the other
district attorneys in the state and we discuss body-worn
cameras, of course, it’s going to be the perspective.
And if it’s on your glasses, that’s one perspective. On
your lapel, another. On your car, another. So we’re
always kind of limited by the perspective and the
duration of the videotape.

Additionally, we also have malfunctioning cameras.
And that’s part of -- we can’t say from now on, all
cameras will work, because they won’t.

We also have law-enforcement officers who engage in
casual conversations, and that gets on the video. And
that can hurt the credibility of the investigation.
People forget that the camera is running.

Data storage is the biggest problem, which is why in Santa Barbara County we have not moved forward, because we have no idea how to put it all in the cloud and get it down.

Editing is another problem. Someone will roll out a domestic-violence case, and that person doesn’t want that picture in there forever. How do we edit out -- and I appreciate what you’re saying about keep a master and then edit from there. Very costly.

And then the final issue I’d like you to think about is the law-enforcement officers that are carrying their own personal body-cams because they want to protect themselves against civil-rights actions. And I understand that, too. But then how are we, as a law-enforcement agency, how are we as POST going to address that? So even if the agency itself doesn’t have cameras, what if someone does have it, and does that become evidence?

So I think this is very fertile field. And whenever you discuss it with district attorneys across the state, we all end up just pausing.

So thank you very much for your work. We’re, obviously, going to keep on doing that because our communities are crying out for it.
Any other questions or comments from --

COMMISSIONER BUI: Madam Chair?

COMMISSION CHAIR DUDLEY: Yes?

COMMISSIONER BUI: I truly appreciate the direction that we’re going with this. I believe that we are all experts in our profession. And I am glad to see folks in the field leading this, and I guess they call it “pracademics” in some circles, where our folks are actually not just being involved in the research, but leading the research that will, I think, help us all in law enforcement. So I appreciate what you’re doing.

COMMISSIONER MOORE: Madam Chair, I also second what Bui said. I’m very proud to see this, coming from an officer in the field. And I’d actually encourage you to continue looking for future ways that technology is going to affect police departments and police officers in general, and how we can apply it to all officers in the field.

Thank you.

COMMISSIONER DELAROSA: Madam Chair?

COMMISSION CHAIR DUDLEY: Yes?

COMMISSIONER DELAROSA: Within your research, you’re going to continue this research; correct?

MR. MENDONSA: As much as I can, within the resources I have, yes.
COMMISSIONER DELAROSA: Well, within your seven components of the main issues, did you plan on, or are you moving into an area of cost to cities or agencies? Because, you know, as the mayor of a city, we look at how to best budget for these type of emerging trends. But within your research and your components, can you kind of look into the cost, and who is going to bear the cost and who should bear the cost?

MR. MENDONSA: So we did not specifically, as part of the research. I tried to limit my research. This is an area that, very quickly, sort of blossoms in a lot of different directions. And so I really -- I tried to limit the research in such a way, so that it was ways in which POST was impacted, and ways that we might change training or the influence that it might have on basic training.

There are a lot of other issues about body-worn video that we didn’t get into.

Cost is huge. Storage is huge. But I don’t know that POST necessarily has a role in -- and I may be speaking out of turn -- I don’t know where our role would be in helping organizations or cities manage the cost. That would be highly subjective to the individual agencies, how many officers they have, how they intend to use it, how long they intend to store it. Those are
things likely to influence the cost.

COMMISSIONER DELAROSA: Okay, but I think your research and your information could be used as a springboard to police agencies like where I come from, where we can look at that as a way of the future budgeting.

MR. MENDONSA: Agreed. And so one of the things that came up was whether or not body-worn video, as a way to increase efficiency in officers -- and so there would be a cost savings there -- whether or not it increased the speed and outcome of prosecutions. So if we have D.A.’s offices who are, for example, not having to do as many preliminary hearings because they have video and they’re able to get guilty pleas earlier, that has some unintended consequences.

I came from a sheriff’s office. I would expect that if you have more people getting arrested and more guilty pleas and more people in custody, there are some knock-on effects from that. And I don’t yet know what that’s going to look like if this gets rolled out throughout the state.

COMMISSION CHAIR DUDLEY: I think he’s just suggesting the D.A.’s office pay for it.

MR. MENDONSA: Exactly.

COMMISSION CHAIR DUDLEY: I understand.
And I’m going to suggest the federal government.

COMMISSIONER DELAROSA: Thank you.

COMMISSIONER CHAPLIN: Madam Chair, a couple comments, if I may.

First off, gentlemen, thank you for the thorough presentation. Very informative.

There was something you mentioned regarding de-escalation. And I always appreciate hearing the term as if it’s new; however, it’s not. Officers in law enforcement and deputies have been using de-escalation techniques for years. Some very successfully.

And I think what would be very nice to hear as part of this deeper dive you take on this topic is the implications for POST in terms of delivering best practices and training to our customers. Essentially, if there’s people that do this better than others or some good examples, we unfortunately seem to always learn from poor examples that are captured on body-worn cameras -- or at least controversial. But something for us to consider is a way to deliver the good results, the excellent de-escalation techniques, and the fine police work that’s exercised every day, so that people can then learn from one another.

So I think that would bring this, even in a greater capacity, into our efforts to provide exceptional
training and help move the industry forward.

Thanks.

COMMISSION CHAIR DUDLEY: Thank you.

Anyone else?

ADVISORY COMMITTEE CHAIR BLANCO: Madam Chair?

COMMISSION CHAIR DUDLEY: Yes?

ADVISORY COMMITTEE CHAIR BLANCO: And to go to Commissioner DelaRosa’s question, this was brought up at the Advisory, the issue of cost. And I realize that that’s not something POST is looking into; but it’s something that’s real to the law-enforcement agencies that utilize this product, just like my agency does. And you have the storage. And one of the other unintended sides that no one considered, as the Chairwoman mentioned, was the editing. Now, you have a D.A.’s office or you have a public defender or you have somebody requesting the video. You have to now get a body to sit there, go through that video, block out everybody’s face, block out if you happen to walk into an ER, or wherever it was that you went. Anybody that doesn’t want to have their face shown, which we can’t go back out in the field and find all those people and get waivers from them to send the video through.

So cost is a huge factor. And I think the easiest example is, we wait for the state to mandate it as a
state-mandated program and then hopefully they’ll divert
monies from some other project to give to us to fund it;
but I doubt that’s going to happen.

So, you know, that’s kind of one of those areas.
But that is in the forefront of the Advisory and your
stakeholders to look at, to say, “This is great research.
And we’re seeing some of the good byproduct that’s coming
out of it.” But also the cost, I know, is going to be
one of those biggest concerns.

MR. MENDONSA: Could I address that issue really
quickly?

So one of the things we are finding, technology-
wise, is that artificial-intelligence programs are
getting better at processing video. And one of the
things they’re getting better at is making video
searchable. So it’s not that I don’t think it’s
important. My gut feeling is that there will be a
technological solution to that, that maybe alleviates
some of those concerns. It may still be costly. But,
you know, for agencies that are having to essentially
park somebody at a video terminal to edit out video,
that’s a significant concern.

ADVISORY COMMITTEE CHAIR BLANCO: Yes.

MR. MENDONSA: But my sense is, from being involved
in this, my sense is that there’s a technological
solution to that. It’s not here yet, but it’s coming.

COMMISSION CHAIR DUDLEY: Yes, Commissioner Long?

COMMISSIONER LONG: Just to Commissioner Braziel’s comments and other comments here, I just wonder, in terms of using Command College research more broadly and trying to plug it in more practically, to what extent is there an effort made to seek, you know, kind of third-party validation of the various things that the Command College does with the various -- the think tanks that Commissioner Braziel referenced, maybe academia, and so forth, is that built in? Is that something that you already do? For example, the research you’re talking about here sounds very interesting. To what extent is there third-party validation of this, or to what extent does it kind of stand alone?

MR. MENDONSA: I’m probably not in the best position to answer that only because I’ve been never been to Command College and I’m fairly new to POST, so I don’t know.

EXECUTIVE DIRECTOR ALVAREZ: Don, can you -- Bureau Chief Don Shingara, can you come up and address that?

MR. SHINGARA: Hello, Commissioners. I’m Don Shingara. I’m the Bureau Chief of Management Counseling, Leadership Development Bureau at POST.

Now, maybe John can speak to this a little better.
I, myself, have also never been to Command College; however, I see a few things here. Generally, what I believe is that, while the students may come to Command College with certain ideas, as the projects are laid out with the thought of looking towards the future, as John did, looking down the road, they refine their projects, some for publication and then it gets out there into the world. But to actually validate -- the research is validated by other research that they’re doing. It’s a candidate at Command College writing a paper for law enforcement thought as a whole, just for thought at this point. And I think that’s what we’re trying to do here.

What we took out of this from the last commission, was that our charge was to present to you all some report on emerging trends. It was left wide open. So we thought, in Management Counseling Bureau, since we had the IMPACT Team, which is a small team at POST comprised of other folks who have primary duties but come together to look at these types of things, and the IMPACT team’s goal is to find information and put it with departments or entities that can use it and then see what happens. It’s just starting to get rolling. This is one of the biggest advances forward since we’ve initiated it.

So a long answer to that question that was posed is, about the third-party validation, I would say not so much
at this time. It’s validated through the research that
the candidate has completed. However, now, it’s out
there to think on and to move forward for all of law
enforcement, if I’m correct, sir.

LT. GEISSBERGER: Yes, that’s correct.

I don’t know if it will help to explain a little bit
of the Command College process. But part of it, we do
interviews with -- like, I interviewed somebody from the
ACLU about this; and they kind of agreed that this was
going to be an emerging issue that was coming up. And I
don’t think they’ve really kind of settled their opinion
on it.

But we also hold what they call like a brain-writing
session. And so like in my group, I had an attorney, a
retired police captain; I had a CFO and founder of a tech
company; and I had a general business owner. And we sat
down and talked about events and trends that were on the
horizon and how law enforcement would be impacted with
this topic in mind. So you got that feedback from real
people, who were giving you that. So you got a little bit
more basis of your research. But, yeah, there’s not a --
it doesn’t get like a third-party person who looks at it.

COMMISSION CHAIR DUDLEY: Thank you, Executive
Director Alvarez.

EXECUTIVE DIRECTOR ALVAREZ: And if I may -- and,
Don, I apologize for calling you from the back of the room by surprise.

MR. SHINGARA: No, that’s fine.

EXECUTIVE DIRECTOR ALVAREZ: Yes, I don’t think there’s necessarily any kind of third-party validation to any of this. Command College is a very popular topic amongst law-enforcement executives. When we were going through the budget issues, that’s one of the things they talked to us about, do not cut, because it’s that good.

As we were going into this emerging-trend discussion, it was very purposeful what we did today in terms of leveraging Command College. We knew there is research out there that we should be capitalizing on. Obviously, Command College costs us money to put on; and we should be utilizing that.

We sat through a series of meetings to pick one of the topics. We went through, I believe, the last three Command College sessions and looked at all the papers just to see which ones would be appropriate for us. So there were some validation on our part as to what they had done and how we could incorporate that into POST.

But in terms of going out and having a third party come and look at Command College and see how good it is, I don’t think we’ve done that. I mean, it’s something we can do; but, obviously, it’s going to cost time and
money.

COMMISSION CHAIR DUDLEY: Commissioner Long, did you have something else to say?

COMMISSIONER LONG: No.

COMMISSION CHAIR DUDLEY: Okay, that was it?

COMMISSIONER LONG: No, and it wasn’t a criticism of not having third-party validation, you know, with everyone’s enthusiasm about this type of research, saying let’s figure out a way how to get third-party validation. When there’s something that everyone kind of agrees it’s something we should move forward on, to speed it up basically, yes.

EXECUTIVE DIRECTOR ALVAREZ: Yes, sir.

COMMISSION CHAIR DUDLEY: And there are always institutions of higher learning. I know Stanford has gotten engaged in that and several other universities. So there may be graduate students who might be interested.

Joan Petersilia at Stanford will often take up issues and have her graduate students look into it. So that’s something else for us to consider that would not cost any money.

COMMISSIONER LONG: Exactly. And once Petersilia gets her hands on it, the thing tends to take some root in the Legislature and the Administration and so forth.
And when you’ve got the diamond in the rough, let’s polish it up.

EXECUTIVE DIRECTOR ALVAREZ: Yes, absolutely.

COMMISSION CHAIR DUDLEY: Thank you.

Anything else on this subject?

MR. SHINGARA: May I say something in closing, ma’am?

COMMISSION CHAIR DUDLEY: Please.

MR. SHINGARA: Thank you.

I just wanted to say thank you to you all and to the POST Director here for giving us more open range here to be the think tank that we have a lot of talent here at POST to put forth to this.

Our hands weren’t tied. Director Alvarez did not come and say, “Don, you must do A, B, and C.” He said, “Here’s what we’re charged with. Work with the IMPACT Team. Get this done.” That allowed me to be free to go to Andrew and the IMPACT team and say, “Here’s what we need. Here’s what we’re charged with. Can we put our heads together and get this done?”

That let Andrew then say, “Well, why don’t we use something already currently out in the field?” and went back to Director Alvarez, “Why don’t we do something that’s already out in the field? This is not coming from POST. It’s coming from the field.” And that led us to
find John, and so on and so forth.

So when we have the resources and the time, we can
do the critical thinking and the forward thinking that
I think is going to be beneficial to all of law
enforcement. And I’d like to thank John and Andrew, the
IMPACT Team, MCLD, the Commission, and Director Alvarez
for giving us the freedom to bring this report forward to
you today.

Thank you.

COMMISSION CHAIR DUDLEY: Thank you. Thank you very
much.

LT. GEISSBERGER: Thank you.

COMMISSION CHAIR DUDLEY: Okay, we’re going to move
on to the consent agenda items. There are seven.

Let me just ask the Commissioners, if you could just
take a moment to look at those seven; and then I will
just briefly call and see if you would like to get a
report on any one of them.

EXECUTIVE DIRECTOR ALVAREZ: I would like to do
Number 4.

COMMISSIONER BUI: Commissioner Bui here. Can I get
a report on Number 7, Legislative Updates?

COMMISSION CHAIR DUDLEY: Okay, I’m hearing Number 4
from Executive Director Alvarez.

Number 7.
Anybody else want to pull any of the other things from consent?

COMMISSIONER DELAROSA: Just a brief discussion on Item 6.

COMMISSION CHAIR DUDLEY: 6?

So we have 4, 6, and 7.

And so we’ll call first 4; and that will be from Bureau Chief -- whose name I can’t read.

EXECUTIVE DIRECTOR ALVAREZ: It’s actually Law Enforcement Consultant Janna Munk.

COMMISSION CHAIR DUDLEY: Thank you. Janna Munk.

EXECUTIVE DIRECTOR ALVAREZ: If you could come up first.

MS. MUNK: Good morning. Thank you for giving me the opportunity to give you an update on the course-certification project. I’m going to go through it pretty quickly. I know you have a full agenda today.

So what have we done since you last heard about us undertaking this project? I figure you want something to look at besides my face, so I gave you a little PowerPoint there. I did take out the emojis, though. I thought it might not be serious enough for this group.

So we put together two subject-matter resource groups. We’ve gone out in the field and we’ve identified approximately 25 people from Eureka to San Diego; from
POST Commission Meeting, February 23, 2017

agencies, regional training centers, and associations, to participate with us in a collaborative way, over the next five months, they’ve all committed to continue to come in and help us work on the course certification.

We’ve also identified people internal to POST, from every bureau, to participate in looking at how can we rebuild our organizational structure to support change that’s coming with the course-certification process. To start communicating across the bureaus in how we do course certification; identify our internal challenges, like why is it where it’s at and how do we remove those changes to make it a better process; and developing a common vision for a course certification.

So what have I done with those two groups so far, you’re probably asking.

First of all, with the help of Dr. Shelley Spilberg, we put together a very brief survey to beta test, like, what is it that people are really frustrated with? We think we know what they’re frustrated with; but we really want to know what they are truly frustrated with. And the people that have agreed to collaboratively work with us went ahead and took the survey. And then last month, we met in a workshop. We went through the questions and we went through the results; and we revamped the questions to get better results. Like, they didn’t feel
like we had quite hit the mark. So we reworked all of
the questions.

And nine days ago, we sent the survey out statewide.
We sent it -- I sent it out to the regional consultants,
who sent it out to all of their training managers. And
then we harvested all of the e-mail addresses out of EDI
and since slow-fed them out to all of the e-mail
addresses there.

We got a great response. I checked this morning.
We have almost 400 responses in nine days. So we’re
going to saturation point. We’re not getting anything
new coming in; and we’ll close out the survey tomorrow.

With the internal group, we met to talk about the
course-certification process and what our internal roles
and responsibilities will be moving forward, working
collaboratively.

The survey itself -- and I would imagine there was
some curiosity there -- was comprised of 22 questions.
We hit 10 categories. And as I said this morning, we had
383 respondents.

There’s a list up there of the categories that we
brushed over in the survey. And we were trying to
measure a lot of things: What was the experience of the
people taking the survey? How do we participate in the
course-certification process? How well do we advertise
our resources, support the field with training? How 
user-friendly is our technology? How do they feel about
our timelines? What about our training-needs 
assessments? Should we be doing them, should they be
doing them, should we be looking at them differently?
How’s our customer service? Do you like our forums?
Expanded course outline and hourly distribution
schedules, are they really capturing learning content the 
way they should? How about our budgets, are they 
contemporary?

I think the most important thing we did, though, 
was, with almost every question, we gave people blank 
comment fields to elaborate their feelings and their 
thoughts about the process. And we got some really 
hearty things in there; stuff that we didn’t quite hit 
with the survey questions because every survey is flawed. 
And we also got some really great feedback in terms of, 
“Thank you very much for doing this. We really 
appreciate the outreach,” and “Here’s some creative ideas 
that we have to help you change.”

The very last question that was asking for content 
was our way of doing a real quick gauge of where the 
field was at. What we did was we did a laundry list of 
16 items, and said, “What would you most like to see 
changed?” and asked them to address it quantitatively,
from “very important” to “not at all important.” This is not an ideal system, but at least it gives us a quick look at what people think is most important.

And here’s what we got.

The first one surprised me: Instructor resumés. The thing that irritates our clients the most is not being able to input instructor resumés easily into EDI and moving them around. That’s an easy one. We can address that with technology very easily. So I’m very relieved that their number-one priority is going to come off our plate, probably next week.

Number two, course certification, shorter time frames. No surprise there.

Number three, improve consistency between consultants. Now, you know, I love the collaborative process because we each approach things from our own perspective. And when people first told me, “Well, we’re really frustrated with the inconsistency between consultants,” I immediately thought, “Okay, so the regional consultants aren’t doing things consistently.” But in going through the survey -- not that this was said -- I realized, it’s not that the regional consultants are being inconsistent; we’re being inconsistent across the board and across bureaus, in how we approach course certification. And that’s why
the internal group is so important, is that we have a common vision, they were giving people the same customer service, and it’s equitable and fair in a way that we deliver our course certification.

Number four, course modification, shorter time frames.

And number five, A process to resolve challenges during course certification. This was, in the comment field, a big frustration for people. They didn’t feel like, “Hey, if I’m not agreeing with my regional consultant, I have no recourse. There’s no one for me to reach out and have a conversation with about this.”

So these were the quick-glance items.

Folks, you could tell how passionate they are because they really used those comment fields. They filled out a lot of information. And when I kind of drilled down into the comments, I found that, apart from what they could quantitatively put down, there were some qualitative areas in which people were very emotionally frustrated with POST.

And by the comments, these are the three areas that I felt they were most frustrated with us.

The training-needs assessment. And it’s kind of small up there, but I put a couple of the comments that came in, or statements that came in on the survey.
There’s currently no standard. It changes with the wind. Why do you need a training-needs assessment if I want to train my own personnel?

Another one, inconsistency between consultants. Talk to three different consultants, and you’ll get three different answers.

Is there an option to the left of “very important,” like, “verrrrry important”?

And I want to stop here for just a moment.

Our consultants work really hard to do a good job for the field. And their inconsistencies, it’s not that they’re doing the wrong thing. We, as an organization, have not supported them well. We haven’t given them the training that they need. We haven’t kind of brought -- we just haven’t given them the structure to function in the same way. So our folks are working really hard. We just need to have healthier internal structures to support them and to kind of bring them into alignment.

Budgets was the third one. “Unless a course is being paid by POST, POST should not care what it’s charged.”

“Absurd document. For the most part, it could be removed.”

And, “There are often relevant training costs that are not accepted to the budget process.”
These are some of the more benign statements that I included here.

I’ve never -- it is very emotional, a lot of the statements.

So what I kind of took away from that in a broader perspective is, what makes people most frustrated with our course-certification process is the feeling that it’s not fair and it’s not consistent. You know, “Hey, we’re American. Darn it, we’re all equal; and we should be treated equally.”

So I think, again, that’s a really important thing that we have to address is the emotional feeling, like, “Are we being treated fairly? Are we being treated consistently?”

So what am I going to do with all this information? Starting next week, I have monthly workshops planned for both our internal stakeholders to meet together. They’ll be all in West Sacramento. And we’ll start to -- actually, the first one starts next week; and on the very first day, we’re going to spend the day just grinding through all of the information that we got. I think all of us, together, can extract some really substantial things out of that. And we’re going to address instructor resumés right off the bat. Because we can. It will be easy. If we only fix that one thing, people
will be happy. And we have so many things we can fix, which is what’s exciting about this.

The internal meetings will continue to be also progressively every month, so that we can continue to work on our internal structures. And there’s lots of things we can do with that as well.

By June, I hope to have identified a good portion of the changes that need to be made. Many of them will be moving forward. And I hope to bring to the Commission some different options. There might be reg changes that we want to request, and hope to bring to you several selections. Like, “Here’s the things people put out. What would you like us to do with them?”

By December of 2017, most of our work should be completed on this process. Manny has committed our Bureau of Technology to work on this. They have some other things, like he mentioned the eTRRs that they’re also going to be working with. Most of our processes internally should be set up and ready to go. And hopefully, we will be able to make the folks out in the field a lot happier about our course-certification process.

Our ultimate vision with this -- and this was when I first got this project, I asked Manny, “What do you want from me? What do you want from this project?”
And his response was, “I want it streamlined, I want it user-friendly, and I want it lasting. Don’t put a Band-Aid on this.”

Here’s one of the comments that came in from the survey: “It’s very promising to be asked to provide this feedback, and I hope that it is incorporated moving forward. We’re all working toward the same goal; and it would be wonderful to see less friction, more collaboration, and cohesiveness.”

We are confident that because we’ve reached out to the field and we’re going to make these changes based on the feedback the field has expressed to us, that at the end of this process, our clients will be a lot happier with course certification.

Does anybody have any questions for me?

COMMISSION CHAIR DUDLEY: Let me just start off with a comment.

Thank you so much for the presentation, Consultant Munk. Nobody in this room is surprised that there were hearty responses in the comment box. I think whenever any of the commissioners are out in the field and we say we’re commissioners, the first thing they say is, “How about that course certification?”

So we’re very happy that you’re dealing with that. And I also really appreciate the time-line. At our last
meeting, I asked for a time-line, and there it is. I think it’s going to be one thing to be able to say to the field, “We’re working on it,” and another to say, “We have a time-line; and it’s being handled very well by a consultant who has both an interest and a passion in making sure this problem gets solved.”

Let me just ask now for questions from the other commissioners.

COMMISSIONER HUTCHENS: Just a comment.

COMMISSION CHAIR DUDLEY: Yes.

COMMISSIONER HUTCHENS: I can tell you have a passion for this; and I’m really happy to hear that you see some quick fixes that will bring about a lot of change in attitude out there and about what POST is trying to do. So thank you for that.

It’s a very succinct time-line. I’m glad you’re getting input. So great job. And it’s really, really good.

MS. MUNK: Thank you. I appreciate that.

COMMISSION CHAIR DUDLEY: Any other comments?

Yes.

COMMISSION VICE CHAIR BRAZIEL: Thank you, by the way, both of you and the staff. Because this is what we’ve been looking for for a long time; and now it’s going, and it’s going extremely well. And I think you
will see some connections, you talk about budgets and how this all plays.

I had to chuckle, and you caught me smiling over here. Because -- for the audience, so I fill the training position on POST, so I’m the trainer, I do a lot of training with POST. I’ve just sent in my 18-millionth instructor resumé that hasn’t changed, it’s been on file. And I chuckled last week when I sent it, going, “This is on file everywhere. How come we don’t automate this?” and just it’s there once for all the courses that are taught.

So I got caught over here with a big smile on my face when you mentioned that. So I came forward, I self-disclosed; and I will shut up now.

COMMISSION CHAIR DUDLEY: Feel free to smile anytime during the meeting.

MS. MUNK: Yes, yes.

COMMISSION VICE CHAIR BRAZIEL: Highly encouraged.

COMMISSION CHAIR DUDLEY: Commissioner Smith?

COMMISSIONER SMITH: I just wanted to comment that before coming down to this meeting, our training people talked to me and said they’ve already seen a huge change.

COMMISSION CHAIR DUDLEY: Wow.

COMMISSIONER SMITH: So in addition to what you’ve got going, our people recognized and asked if I would --
and I have expressed that to the Executive Director. So I don’t know what it is you’re doing, but there’s a lot of people that are enthusiastic about the project, and even the progress you’ve made so far. So, thank you.

COMMISSION CHAIR DUDLEY: Thank you, Commissioner Smith.

Anyone else, questions, comments?

(No response)

COMMISSION CHAIR DUDLEY: Okay, thank you, Consultant Munk.

MS. MUNK: You’re welcome.

Thank you.

COMMISSION CHAIR DUDLEY: Okay, the next one being pulled is Number 6, please.

COMMISSIONER DELAROSA: I asked to comment on that. I don’t need a full presentation, unless the rest of the commissioners would like.

But the comment I’d like to make is, I’m pleased with the Executive Director and the staff for prioritizing and using the high/medium approach, and sometimes low prioritization to bring forward this Proposition 64 issues that may -- or will come to the Commission and to police agencies.

So thank you for the prioritization. And I hope you use that as a rule of thumb on other projects that you
do, so that way, the commissioners are always understanding and ready to see where your priorities are on each subject.

So I don’t need a presentation.

COMMISSION CHAIR DUDLEY: Okay. And I think in our discussions, we were all very happy to see that before Proposition 64 passed, POST was already taking the lead in saying, “If it passes, what are we going to do, how are we going to be ready?” And I agree that it would be terrific to continue to have that foresight.

COMMISSIONER DELAROSA: Thank you.

COMMISSION CHAIR DUDLEY: And with that said, we can go on to 7 for a legislative update.

COMMISSIONER BUI: Madam Chair, Bui here.

I asked for that. And unless all the other commissioners want a full report, I just was curious about AB 282, McCarty’s bill.

COMMISSION CHAIR DUDLEY: Okay, let me find out. Does anyone want a full report or just focus on the one that Commissioner Bui mentioned?

(No response)

COMMISSION CHAIR DUDLEY: Okay, would you just focus on the one that Commissioner Bui mentioned, please?

MR. ALTHAUSEN: Good morning, Madam Chair, Commissioners. Dave Althausen, the Legislative
Consultant and PIO for POST. It’s a privilege and an honor to be here.

Thank you, Commissioner Bui, for your question.

Specifically, Assembly Bill 282 by Assembly Member McCarty at this point in time is what’s termed a “spot bill.” The bill speaks to two things: Body-worn cameras and officer-involved shootings.

The bill basically states, it is the intent of the Legislature to bring transparency to the issue. However, at this time, and until amended, we do not have specificity on what the bill seeks to address. We assume that that will happen as soon as the bill is amended, either in committee or shortly thereafter.

COMMISSIONER BUI: Thank you.

COMMISSION CHAIR DUDLEY: Any follow-up questions?

(No response)

COMMISSION CHAIR DUDLEY: Okay, thank you.

MR. ALTHAUSEN: Thank you.

COMMISSION CHAIR DUDLEY: So now I am seeking -- unless somebody wants something pulled from consent that they haven’t previously mentioned, I’m seeking a motion to approve the consent items.

COMMISSIONER DELAROSA: I’ll motion that.

COMMISSIONER CHAPLIN: Second.

COMMISSION CHAIR DUDLEY: All in favor?
(A chorus of “ayes” was heard.)

COMMISSION CHAIR DUDLEY: Oppose?

(No response)

MS. PAOLI: I’m sorry, who was the second? Chaplin was second?

COMMISSIONER CHAPLIN: Yes, ma’am.

MS. PAOLI: Who was the motion?

COMMISSIONER DELAROSA: The motion, DelaRosa; and second --

COMMISSIONER CHAPLIN: Second, Chaplin.

COMMISSION CHAIR DUDLEY: I think it helps if you do say your name when you say “first” or “second.” And then Connie doesn’t have to lift her head. She can just keep writing. And it also helps our reporter.

So is anyone opposed?

(No response)

COMMISSION CHAIR DUDLEY: Does anyone need to, want to abstain?

(No response)

COMMISSION CHAIR DUDLEY: Okay, that motion passes.

Now, let’s see. At this point, I’d like to call up Executive Director Alvarez to make a presentation of the Commission resolutions.

EXECUTIVE DIRECTOR ALVAREZ: Can I do it from here?

COMMISSION CHAIR DUDLEY: Sure.
EXECUTIVE DIRECTOR ALVAREZ: Thank you, Madam Chair.

We presented a resolution to former Commissioner Larry Wallace from the Attorney General’s office on January 14th at his retirement function. So he has moved on; and, obviously, we weren’t able to present it at the Commission meeting.

We also intended to present a resolution today to Sheriff Jim McDonnell from Los Angeles County. Unfortunately, he wasn’t able to make it. He is here in Anaheim. His schedule ran late, so we will present that to him down the road for his service as a commissioner on the POST Commission.

Lastly, last week, myself and Commissioner Ramirez presented Sheriff Ed Bonner with a resolution for his time as one of the members of the Advisory Committee.

So thank you, Commissioner Ramirez, for doing that with me.

We had a little bit of a hiccup when we did it, so we have to re-present it. There were a couple of typos in it in terms of his name, his middle initial. So I apologized to him for that.

But we served those three. Thank you.

COMMISSION CHAIR DUDLEY: Thank you.

On to the Finance Committee.

Commissioner Long will now provide the Finance
Committee report, please.

FINANCE COMMITTEE CHAIR LONG: Thank you.

Dave Cornejo has provided -- I asked that everyone to be provided a hard copy of a nice PowerPoint that we went through in some detail yesterday. But we’ll try to -- I’ll run through it very quickly here. Not the whole PowerPoint. But if you look at the first slide of the PowerPoint, it’s just the proposed budget.

And we don’t need to put it up, Connie.

The proposed budget, though, if you look at it, without getting into a lot of detail, it looks like there’s about a 13-million-dollar cut from year to year. And it’s not really that accurate. You have to take out the $5 million for the procedural justice, which gets you down to the area of about 9, 9 and a half million dollars or so, that --

COMMISSION CHAIR DUDLEY: Commissioner Long, let me interrupt for a second.

We should put it up there, so the people in the audience...

We all have our copies.

FINANCE COMMITTEE CHAIR LONG: Okay, but the problem is, you can’t read it up there; it’s so small.

But go ahead and put up the first slide, if someone has it.
COMMISSION CHAIR DUDLEY: Can you get that up there?

FINANCE COMMITTEE CHAIR LONG: But it’s very small.

COMMISSION CHAIR DUDLEY: We will make every attempt to do so.

Please keep going.

FINANCE COMMITTEE CHAIR LONG: Okay. What it shows on the bottom line is the difference from $63 million to $58 million, year to year, in the budget, leading folks to believe that there’s a 13-and-a half-million-dollar differential. When you take out the one-time $5 million for the Procedural Justice funding, it really gets you down into the area between $9 million and $10 million. So there is your basic problem definition for POST’s budget.

Now, there’s two ways to look at that problem. Part of that is because the declining funds in the State Penalty Fund which has long been the primary -- let’s leave it here right now, because that shows you the real reason for the 9- to 10-million-dollar hit to POST, is the declining annual revenue from the State Penalty Fund. It’s been dropping every year.

Now, from a legislative and administrative perspective, the reason it’s been dropping is because of the very large penalty assessments and the fact that a lot of judges aren’t levying the fines as they used to,
and because a lot of people aren’t paying the fines as they used to. Jail is generally not a threat at this point.

And so you can see the State Penalty Fund has dropped precipitously and will continue to drop, making that ongoing funding the biggest challenge for POST.

So looking at problem definition of the budget going forward, it’s kind of a double-edged sword.

Special-funded departments, for years, have lived without kind of the scrutiny that a lot of the General Fund departments have received by the Legislature and Administration. With all the struggles with the General Fund over the past decade or two, now, all of a sudden, the Special Fund agencies are getting a lot of scrutiny because those funds are heavily, heavily sought after.

Now, the nine- to ten-million-dollar difference here is encouraging and discouraging.

The Administration has taken a look at the State Penalty Fund and said, “POST really reserves a bigger cut of it.” So it’s gone from basically a straight 24 percent, they’ve bumped it up by about seven and a half million dollars. I think that’s a reason for optimism, because there’s a lot of pressure right now in the Legislature and in the Administration, the Department of Finance, to say “People should compete for
the State Penalty Fund revenue. It shouldn’t just be allocated out by percentage, year in, year out, regardless of the performance of departments, and so forth.” So I think it’s a real opportunity for POST here to continue to shine and get even a larger increase from the State Penalty Fund.

On the other hand, the down side of that is, there is competition; and special funds are not kind of the golden egg that they used to be.

Now, the solution -- the partial solution I’d like to ask our Executive Director to address it briefly, as you’ve all heard from the Executive Director’s bulletin, we discussed at some length yesterday, is the decrease in reimbursements and the effect it may have on the field. And that basically covers the $9 million delta with some other adjustments. But basically, covering that problem is going to be done by reducing reimbursements.

So Executive Director, if you would say just a few words to us about kind of what you’re hearing from the field, from the entities, from the agencies. Obviously, one of the concerns we discussed at length yesterday was the impact this would have on kind of disincentivizing training, particularly for smaller entities. I think we talked about it yesterday: Incentivizing training should be really one of the goals of POST. And this
Unfortunately kind of flies right in the face of creating incentives for training, is decreasing reimbursements.

EXECUTIVE DIRECTOR ALVAREZ: Thank you, Commissioner Long. You said that it was both encouraging and discouraging; and I think that’s a good way to put it.

We are encouraged by the fact that this money is not as questionable, as the money we’ve been getting previously. It’s not guaranteed money; but there’s some more certainty to it, which gives us some -- it makes us feel a lot better that we feel like we’re going to get the cash this year to operate.

It’s discouraging, obviously, that we are taking a little bit of a budget cut. But frankly speaking, if we are able to get the almost $50 million that is proposed in the Governor’s budget for next year, we think we can operate efficiently. Maybe not at the same level that we were at last year, because we are going to go into it with the same reimbursement list that we put out in January. So we will have to continue, you know, tapering it back, or keeping that same list.

As I mentioned yesterday, we’re operating at about -- for agency reimbursements, which is the big budget cut, that’s really the only cut that we took, the significant cut of the three-legged stool, as we keep putting it, are agencies reimbursements. We’re operating
at about $1.2 million a year -- or a month; and agency
reimbursements are about 14 million. The proposed budget
is about 10 million for next year. So, obviously, that’s
significantly less.

We do think we are going to be able to capitalize on
some savings on contracts that this next budget cycle
allows us to move money over a little bit easier to
reimburse agencies.

So it is encouraging and it’s also discouraging.
Some of the courses that we cut we think are very
valuable courses. You know, we do have a lot of extra
courses that we have been reimbursing over time that are
kind of nice to have courses; but there are also some
really important courses that we have cut, like domestic-
vioence training, animal-cruelty investigations
training. You know, some things that we need to continue
to do. And those courses will be out there, we just
can’t reimburse for them.

The impact, as I mentioned yesterday, is primarily
going to be -- I personally feel -- personally -- to the
smaller agencies that don’t have the systems in place to
train their officers. There’s a lot of small agencies
throughout the state of California that have ten officers
or less, or five officers. They have to travel for all
their training. They’re already having budgetary issues.
And I suspect they’re going to be impacted the most by some of these cuts. And I presume they’ll do the minimum training standards or the minimum training requirements that are necessary to keep up with our regulations.

It will be challenging times. But hopefully -- hopefully, we’ll be able to save some money in other areas to move over.

FINANCE COMMITTEE CHAIR LONG: It’s going to continue being a challenging time. We talked yesterday about there’s a great deal of uncertainty in state budgets right now, largely due to what’s going down in Washington. A great amount of the uncertainty due to what’s going to happen with the ACA and how much the State chooses to backfill Medi-Cal, Medicaid, and do some of the things that the State has embarked on.

So I think we’ll see great changes in the budget, frankly, in the May Revision.

I don’t have any sense -- and I don’t think anyone does -- that they’ll back off on the increase in the State Penalty Fund allocation to POST; but there will be continuing pressure going forward. There’s been a lot of people who have suggested that maybe State Penalty Fund should basically be treated as General Fund, and agencies should have to compete for it.

So the challenge for us is to shine, frankly; and
that’s why I think basically the way to look at the problem is that last year, POST was bailed out to the extent of about 16 and a half million dollars from the General Fund. The General Fund is not really available this year; so they increased the State Penalty Fund allocation by seven and a half million. There’s your nine-million-dollar problem basically which POST and Finance has decided to deal with through a cut in reimbursements.

So, in short, that’s the long discussion we had at the Finance Committee yesterday.

EXECUTIVE DIRECTOR ALVAREZ: Commissioner Long, may I -- and Madam Chair, may I add one more thing?

COMMISSION CHAIR DUDLEY: Please.

FINANCE COMMITTEE CHAIR LONG: Add several.

EXECUTIVE DIRECTOR ALVAREZ: One of the other topics or the discussion points, as we’ve talked to agencies around the state about the budget issues, there is a very, very -- there’s very clear direction from them in terms of our training to make sure that it is consistently good quality training that has the POST stamp of approval.

You just heard from Ms. Munk this morning about the course-certification process and the hoops that we go through and that agencies have to go through to make sure
that that training is quality training that can stand up in court. That costs us money, time, labor.

We’re going to continue to do that. There’s been some discussion about, you know, “Hey, just open up your courses, like other states; and you can take online training, take a YouTube -- watch a YouTube video and get credit for it.” The resounding response from the law-enforcement community has been, “Do not do that. Keep those high standards. Keep going through those courses. Make sure that those people that submit resumés are good quality instructors.” And that’s our intent; and, obviously, that’s going to take some time and money. But we will continue to do that.

FINANCE COMMITTEE CHAIR LONG: And, Madam Chair, I note that under Financial Report, D, it says that, also to discuss basically what the Finance Committee said about renewing the contracts.

And, in short, the Finance Committee approved the extension of the contracts en masse; but we did talk about whether there was some way for POST staff to basically look at -- a concern that affects all departments, not just POST -- has been, you know, as long as people have looked at budgets is, how do we ensure that we’re getting the kind of innovation and creativity out of new people out there, instead of just
kind of to doing the old-boy network. And all
deptments have this problem: “Well, we’ve been giving
this guy a contract for 20 years. Everybody likes him.”
Which kind of -- you know, to what extent does that keep
down innovation and creativity from other folks? So is
there some way -- the Department of General Services,
the Department of Finance does not tend to look at what
didn’t get put out there as an alternative. So what we
asked about, whether there was some way to maybe even
pick a few of these contracts and just take a look
informally as to, are we doing everything we can to
encourage innovation and creativity, as opposed to kind
of stifling someone who may say, “How am I going to break
through this?” These eight entities have had these POST
contracts for 20 years. They know every law-enforcement
official in the state, all of which may be good. But
that would be the only concern. And I think that’s an
area of oversight that often doesn’t get applied. So if
there’s some way -- and our Executive Director agreed --
to maybe take a look at a few of the contracts, look at
the issue just in general, to see -- make sure we’re not
stifling kind of innovation and creativity in contracts.

COMMISSION CHAIR DUDLEY: Would you respond to that?

EXECUTIVE DIRECTOR ALVAREZ: Frankly, I think it’s a
great idea. I think anything that we -- or any entity
that we’ve had a contract with for more than three or five years, whatever the limit is, we should be looking at it, to make sure that the process is fair, and that we’re asking and getting what we’re supposed to be getting.

It’s not just an issue of fairness and innovation; but if it is a good-old-boy contract setup, then we’re not getting the biggest bang for our buck, either.

So I think it’s a fair -- a fair thing to look at; and we will definitely have some discussion when we get back as to how we can do that. And we’ll report back in June.

FINANCE COMMITTEE CHAIR LONG: And so with that discussion, the Finance Committee was fine with adopting and extending all the contracts.

COMMISSION CHAIR DUDLEY: So the excellent point that you did raise yesterday and then raise again today, there will be a report back in June, and we’ll get to hear the work that POST has done on that issue.

Thank you.

COMMISSIONER HUTCHENS: Madam Chair?

COMMISSION VICE CHAIR BRAZIEL: Madam Chair -- I’m sorry.

COMMISSIONER HUTCHENS: Go ahead.

COMMISSION VICE CHAIR BRAZIEL: After you.
COMMISSIONER HUTCHENS: It was mentioned yesterday that we’re in competition for the State Penalty Assessment Fund. I think it’s important for us to hear who we’re in competition with.

EXECUTIVE DIRECTOR ALVAREZ: Okay. Maybe I can have Assistant Executive Director Dave Cornejo come up and mention the other seven agencies that are part of the Penalty Fund, because I know I’m going to butcher it.

Thanks, Dave.

MR. CORNEJO: Yes. So the State Penalty Fund used to fund 12 programs. And I wish I knew all 12 they used to fund. I don’t know the 12. However, of the eight that were funded, I can tell you, of the $90 million they anticipate we, of course, are getting 46, 46 and a half in there. The Board of Community Corrections is in there. You’ve got some funding for the Department of Education. You have some funding for the Office of Emergency Services that’s still in there. I believe there’s a small, little program on child abuse.

I can report back at the next meeting on what those programs are, but --

COMMISSIONER LONG: There’s training, like, D.A. training.

MR. CORNEJO: Yes.

COMMISSIONER LONG: There’s small amounts for
MR. CORNEJO: Small amounts, yes.

But, by far, the write-up at the Department of Finance prepared on behalf of the Governor talked about prioritization, and their priority to make law-enforcement training from the State Penalty Fund is clear. And so we were listed first, which is important, because in the past, you know, when we received some of the State Penalty Fund, especially through the Driver Training, we were listed last. And so it’s good information for us.

But right now, yeah, we, by far, have the biggest chunk. And I don’t remember the small dollar amounts; but it was surprising, because I really did expect a couple of those entities to come in much higher than they did.

I can let you know that of the departments that were listed, in the eight that made the final cut, there were reductions all throughout the eight. It wasn’t like they got to keep, so it wasn’t just us. But those who did receive funding were also asked to cut their budgets.

But in our discussions with the Department of Finance, they believe this is something that they would like to see as a baseline. So the July 1st, as Commissioner Long knows, the Budget Act of 2017 is the
starting point for the out-years. And so Finance anticipates that they will continue to build off of that baseline for years to come. And this is not -- they have not characterized this as a one-year fix, but a multiyear fix.

COMMISSION CHAIR DUDLEY: Okay, Commissioner Hutchens, any follow-up questions on that?

COMMISSIONER HUTCHENS: I just think it’s important for us to keep that out there. We may have fared well, given the other agencies this time. But as we discussed yesterday, increasingly more mandates -- more training mandates are being put on law enforcement, it’s going to require more training and more time.

So I just think that we have to continue to make our voices heard on this. And it’s important to know who else is in the mix, because I’m sure they’re going to make their voices heard as well. They have priorities, just as we do. But I think this is a critical time for law enforcement, given all the requirements that are coming down from the Legislature.

COMMISSION CHAIR DUDLEY: And that keep coming down.

COMMISSIONER HUTCHENS: Yes.

COMMISSIONER LONG: And I think it will be a particularly critical year, as we talked about as being a double-edged sword; and I think that the new light that
will be shining on POST will be largely the Procedural
Justice funding and how that’s handled.

And the other big thing that’s been coming out of
the Legislature and Administration is the mental-health
stuff. So that really shines a light on POST. And to
the extent that the Administration and Legislature sees
that POST is shining on those, I think there will be
more -- a bigger willingness to safeguard, if not grow,
the State Penalty Fund commitment to POST.

COMMISSION CHAIR DUDLEY: Thank you.

Commissioner Braziel?

COMMISSION VICE CHAIR BRAZIEL: Yes, can we pull up
Slide 11? Is that all right?

And, David, stay there.

So every year, for years, even prior to my time on
the Commission, coming here as a consumer of POST
products, every year we talk about we need to stabilize
the revenue side -- the fluctuations in the budget, we
talk about the revenue. I don’t think we spend enough
time looking on the expenditure side to try to figure out
how we stabilize that.

So if you look at our most stable -- and jump in
if I’m out of whack on this one -- our most stable
expenditure is our personnel, the personnel side; right?
As far as predictability. And I’m talking about “stable”
as predictability.

   Our least predictable is our reimbursements. Like was discussed yesterday in the committee hearing, we don’t know which agencies are going to ask for reimbursement, when they’re going to ask for it. We’re trying to put limits on it. So we don’t know year-to-year -- we can’t even predict or can’t even project how much we owe of reimbursements based on how we structure things.

   So peeling back the onion a little bit -- I’ve been thinking about talking with agencies we reimburse for the mandated programs -- legally mandated, which is appropriate. We have scaled back reimbursements to 280 courses that we think are, in addition to the mandated ones, but also the ones that we think are important for people to have.

   And so the reason we reimburse is for training, because we’re sending people places. That’s the purpose of the reimbursements, is because people have to leave their jurisdictions to go. I think we need to look at -- and I’m taking aside the legacy classes, the ones that you have to limit your offerings just because of the nature of the course -- and it keys into what the survey was on the certification of courses, we have to look at what are those courses that -- not necessarily we don’t
reimburse on, we flip the perspective and we increase the offerings. Because we’re worried about de-incentivizing training by reducing reimbursements. I suggest that we look at doing the opposite. We incentivize training by increasing offerings. And we use networks that are already established out there. Every county has -- San Francisco is a little bit unique, but the other 57 counties has a chiefs and sheriff association that meets regularly. That we start working with them and finding out through the survey that we’re identifying courses, what courses do you want in that county, how often do you want them so that your people can actually attend training where they work, and not have to send them somewhere where we have to turn around and reimburse?

So I’m suggesting we flip the budget around a little bit, and identify, how do we take money out of the reimbursement side and put it more in the instruction side, the contract side, to increase the amount of opportunities we have, not restrict our opportunities because of certifications, and push more training out at the local level.

Now, with that said, I think we also have to look at there are certain counties that can’t do that because of the size. They just don’t have a lot of people. And I
suggest we come up with an alternative way of reimbursing them, similar to maybe what STC does, where they get vouchers for training so they can travel.

So if I’m a police chief in a county that’s got sufficient resources, and I decide -- I’m just going to pick a county -- let’s pick San Mateo, and we have classes here; but I really want to send somebody -- the same class is offered in San Mateo, but I’d really like them to just go down to San Diego because I think it would be a good experience, that’s on the agency’s dime. We offer the training in the county. They can go to the training in the county. It’s not reimbursed because it is offered frequently, and now they want to go to a different county because they just want that experience. That’s fine, but we shouldn’t be reimbursing that.

So I think when we look at -- we tend to focus a lot on the revenue side. I think we need to look at the expenditure side, and try to stabilize that reimbursement budget, and actually reprogram it to provide more training, not de-incentivize training because people can’t afford to go because they need the reimbursement money.

And then also take those small counties that just would be strapped by that kind of a system, and figure out a way to incentivize them to go to training in a
POST Commission Meeting, February 23, 2017

completely different way. That also stops the Finance
side of POST from going, “Who is going to ask for a
reimbursement next that we’re going to have to say ‘no’
to because we just don’t have the funding this year
because it’s so inconsistent?”

So I just think, when we get to budgets, that’s the
most important thing that we’ve been talking about for
years and years and years, that maybe it shows that we’re
being more progressive, and it shows kind of what Geoff’s
talking about, how POST is shining because we’re doing
things differently. That we actually look at things in
a completely different way, and actually have more
offerings, not less offerings; less reimbursement because
we have more offerings that are unique and customized to
the counties and the agencies in those counties.

COMMISSION CHAIR DUDLEY: And I have an excellent
example of that in terms of the way POST is now moving
forward in terms of customer service-oriented and getting
the buy-in and the training. Santa Barbara County
decided they wanted the Humane Society to train in
animal-abuse investigations. So an e-mail went out to
all the CLEC members, and said, “Who is interested in
that?” Let them know so that they can communicate to
POST that there is an interest. Everybody on the list
said they were extremely interested in that issue.
And then our local academy, which is at Hancock College said, “As a matter of fact, I’ll host it free.”

So you have the buy-in, you have the other CLEC representatives saying “This is important to us, too.” And then when POST gets the package, it has the buy-in, customer response, and a location.

So more of that.

COMMISSION VICE CHAIR BRAZIEL: And I think what also happens -- we just got done talking about the contractors who have been doing it for years and how do we evaluate them.

COMMISSION CHAIR DUDLEY: Yes.

COMMISSION VICE CHAIR BRAZIEL: Well, if we push that evaluation, we basically say, “As a chiefs and sheriffs association, here’s all the training that you want to do. We’ll help with getting the course curriculum. Here’s what other people have done. Why reinvent the wheel? And, by the way, we’d like you to evaluate the people who are doing the training and let us know.” Because they’re the consumer, they’re the customer. And if they say somebody who has had a contract for twenty years is doing a great job and we love their training, they stay. Somebody has had a contract for one year, “Um, not so good,” well, then maybe they’re not going into the next county over to do
the training.

COMMISSION CHAIR DUDLEY: Okay.

COMMISSION VICE CHAIR BRAZIEL: So I think there’s some built-in things if we reapproach it that actually help out in a lot of different areas we’ve taken as silos, we put them all together as a program.

COMMISSION CHAIR DUDLEY: Thank you.

Anything else on Finance?

Yes?

COMMISSIONER LEICHLITER: Yes, Dave, I think I asked you this yesterday.

MR. CORNEJO: Sure.

COMMISSIONER LEICHLITER: But I want to reask, because I’m not sure -- either I didn’t like the answer or I don’t remember it.

If you can go back to Slide 5, which is -- and my concern is the overall budget for POST, not just reimbursements.

We’re getting the $49 million out of this alleged fund, right here. And my question yesterday was, as you can see, it’s going down, down, down, down, down. Is that $49 million a flat rate, or is it a percentage of whatever happens to come in? And, again, is that going to fluctuate, which is going to put you and your staff, Manny, in a bind, trying to -- not just reimbursements,
but trying to figure out how to pay staff, contracts, and
things like that.

If all of a sudden, it’s “Whoops. Sorry, it’s
38 million, not 49.”

So my question is, what is that 49 based on? Is it
a flat rate or a percentage of whatever happens to come
in on this fund?

MR. CORNEJO: Commissioner Leichliter, it’s a flat
rate. So it’s an appropriation. Of course, as always,
it’s dependent on the cash behind it.

So, as you would imagine, the 95 million won’t be
available there July 1st, because money continues to come
in. However, it isn’t a percentage. So unlike years
past where you got a percentage, if there was less cash,
you didn’t know what -- you know, percentage of what it
was; it has a dollar amount.

And so I’ve had conversations with Commissioner Long
and some others, saying, “What rules will the Department
of Finance have?” Because as the money starts coming in
July, August, September, obviously, if we go after and
pay a bunch of reimbursements July, August, September,
and we pay all of our bills and we reimburse training,
then some of the other departments who are looking to pay
payroll, you know, they’re going to want their money,
too.
And so it is an appropriation -- a specific dollar appropriation. There are no more percentages because there are no longer any subsidiary funds being operated from the State Penalty Fund like POTF was. And I would like to go back to the other -- the programs that are getting money from the State Penalty Fund. And I want to thank Acting Assistant Executive Director Ralph Brown for this little bit of technology here.

So I mentioned that the Board of State Community Corrections, OES, Victims Witness, you know, was getting some money. The Department of Education was getting some funds. Obviously, POST is getting some funds.

In addition, the other $10 million, out of the 90 that are being -- that’s being appropriated, there’s money going to the Victims Compensation Board for restitution; Department of Justice has a witness relocation program; Fish and Wildlife, for their preservation fund; and Rehabilitation for a traumatic brain injury program. So small dollar amounts; but those other state programs are being funded from the State Penalty Fund.

COMMISSIONER LONG: And I think the main competition there is going to be the restitution fund. That’s your main one; but the fact that we got a straight appropriation as opposed to the percentage, I think, is
real reason for optimism. But we’ve got to build on that.

And under the adage that “The best defense is a good offense,” Commissioner Braziel’s point is right on. I think Finance is going to be looking to see what type of creativity POST can come up with. That’s going to go a long ways. They don’t tend to like people that sit back and say, “Hey, we’ve always done it this way.” It doesn’t win hearts or minds.

COMMISSIONER CHAPLIN: Madam Chair -- were you going again?

COMMISSIONER LEICHLITER: No, I’m good. Thank you.

COMMISSION CHAIR DUDLEY: Commissioner Chaplin?

COMMISSIONER CHAPLIN: A couple thoughts here.

First, I would be interested in learning, perhaps at a meeting down the road, if there really is some evidence that shows that with reduced reimbursements, there’s a substantial reduction in training, I would be interested to see what the historical view of that is.

And, of course, we have this new issue in front of us, to kind of track that. Because in some agencies, you know, there’s a training budget that’s assigned. And any reimbursements really just go back to that city’s general fund. So unless you’ve got a great deal going with your city manager, it really doesn’t enhance the amount of
training that is allocated or you get. And it doesn’t have a diminishing effect on that training.

So I’d be interested in knowing what those numbers really look like, because that could be part of the situation here.

As Commissioner Braziel said, this really is about location. And as we get north of Sacramento -- and I speak as chair of the Cal Chiefs Training Committee -- it’s generally not a lack of desire, it is simply a matter of resource management and not being able to send people, you know, three or four hours away. So I do think the more we can decentralize some of the training, or at least send it to areas of need, that could help our smaller agencies.

And then I’m just wondering if there’s a way to look at this, where there’s perhaps a sweet spot between that, and looking at what amount of reimbursement is really required to ensure that we don’t have diminishing returns on attendance and see if we could reframe this in that way.

COMMISSION CHAIR DUDLEY: Thank you.

Anything else on the Finance Committee?

COMMISSIONER MOORE: I was just going to say, Commissioner Braziel’s idea, is there any way that we could look at forming that into a policy for POST, to set
it up that way? Or how would we go about that?

COMMISSION VICE CHAIR BRAZIEL: Yes, I would offer
the Executive Director, I could work with staff and kind
of formulate some -- or report back to the Commission for
the next meeting if that’s what the direction is based on
those conversations, if you’d like.

EXECUTIVE DIRECTOR ALVAREZ: If I may?

So we are looking at all of the things that you
brought up, Commissioner Braziel. We’ve had a lot of
discussions about it. We’ve had discussions with you,
with other members on the Commission, and obviously with
agency heads, up and down the state. That is something
they’re asking for. We are definitely looking into it.

There is -- I don’t want to say resistance -- to
doing it; there’s just a question of being able to manage
it and making sure that we don’t increase competition, so
to speak, so much, with so many courses out there, that
a lot of them are going to fail because we’re taking
students away from certain classes, to put them in a
different class, now this class is going to fail. Had a
lot of discussion about that.

Some of the survey questions that Ms. Munk asked in
the survey relate to those issues.

I think, personally, I think we’re going to have to
open up training a lot more, so that folks don’t have to
travel as much.

The agency heads that I’ve spoken to have all said, “I’d rather train my own folks than to have to ship them, you know, three hours away.” And personally, again, I think we have to allow for that to happen.

In terms of policies and requirements in some of the discussions we’ve had with the eTRR have also been very purposeful for us to be able to manage that. How much do we want to be big brother and manage where people go for training classes? But that’s kind of what got us going on the eTRR process, so that we would know where people are going and make sure that they’re going to the right places for training, as long as there’s training locally.

I think what we can do, is by the June Commission meeting, have a very good idea for you where we want to go, have the framework established, find out if there are certain policies or regulations that we need to change to make that all happen. Give us a few more months, I think we’ll be there. Hopefully, you guys can let us know how you feel about it.

COMMISSION CHAIR DUDLEY: Anything else on Finance?

(No response)

COMMISSION CHAIR DUDLEY: Okay, is there a motion to approve the report?

COMMISSIONER BUI: Motion. Bui.

COMMISSION CHAIR DUDLEY: All in favor?

(A chorus of “ayes” was heard.)

COMMISSION CHAIR DUDLEY: Oppose?

(No response)

COMMISSION CHAIR DUDLEY: Abstain?

(No response)

MR. DARDEN: Roll call of the individual commissioners.

COMMISSION CHAIR DUDLEY: Oh, roll call? Okay.

MR. DARDEN: It’s okay. You can approve the report, in general; but then the contracts have to be by roll-call vote, by group of contracts.

COMMISSION CHAIR DUDLEY: I wasn’t on that yet.

MR. DARDEN: Okay, sorry.

COMMISSION CHAIR DUDLEY: I was on the Finance Committee report.

MR. DARDEN: Okay, great.

COMMISSION CHAIR DUDLEY: But moving right along --

MR. DARDEN: There you go.

COMMISSION CHAIR DUDLEY: Have we now -- the motion passed to accept the Finance Committee report.

Are we all on the same page?

MR. DARDEN: Yes.

COMMISSION CHAIR DUDLEY: Okay. Now, we’re going on
to the contracts.

What I’d like you to do is take a moment to look at those contracts; because the question is going to be if you need to abstain from any of those contracts, for whatever reason.

So what we’re going to do, I suggest -- and you can tell me if this is acceptable -- is to do a roll call. And if there is one that you need to abstain from, then please articulate that you want to abstain from that.

So let’s do the roll call.

Why don’t you tell us what your vote is: In favor, oppose, or abstain?

Does that sound fair?

MR. DARDEN: Sure. And I don’t know how big the groups are of contracts. Generally, what we’ve done in the past is put them up on the screen by group.

COMMISSION CHAIR DUDLEY: Great.

MR. DARDEN: The idea is that each commissioner obviously has the opportunity or the ability to either vote nay or abstain on any individual contract.

Now, we could obviously do it contract by contract, which we’d be here until next Tuesday, if we did that. So, generally, if we do it by groups, that’s a good way to do it.

So as we do roll call, each commissioner could vote
“aye” on the entire group or could indicate that there is a particular contract within the group that he or she wished to either abstain from or to vote “nay” on and otherwise, vote “aye” on the remainder.

Is that clear?

And that’s just a way to expedite approval of the contracts by voice vote.

COMMISSION CHAIR DUDLEY: Excellent. Thank you.

So do you suggest that I then call out the name, whether we do it during the roll call? Or how do you suggest we do that?

MR. DARDEN: What’s the initial group of contracts that you want to put up for a vote? Would it be this group?

MR. CORNEJO: Madam Chair, what I would suggest is if we can group them by bureau, so Management Consulting would be the first grouping, and then we would move down to the other four groupings.

MR. DARDEN: So, Dave, are you suggesting then that the first group is the first five, under Management, Counseling, Leadership Development, 1 through 5?

MR. CORNEJO: Please.

COMMISSION CHAIR DUDLEY: So go ahead, you start.

MR. DARDEN: All right, so it sounds like we’re asking for a vote then, by roll-call vote, on the first
five contracts that are listed under, “Management Counseling, Leadership Development.”

The vote then would be by a voice vote. Each commissioner could vote “aye” on the entire group or could indicate if there’s any particular contract.

When you are called, then please indicate which contract you either vote “nay” on or you abstain from. Otherwise, if you vote “aye” on the entire group, you could simply say so.

Connie, you would then need to keep track of each contract to ensure if there were any that were voted down or to make sure there’s a sufficient number of votes.

Does that make sense?

MS. PAOLI: Yes, sir.

MR. DARDEN: So I think we’d probably need a motion to approve the first group.

COMMISSIONER DELAROSA: I’ll make the motion to approve Items 1 through 5.

MR. DARDEN: And a second?

COMMISSIONER HUTCHENS: Hutchens. Second.

MR. DARDEN: Okay, and then a roll-call vote.

MS. PAOLI: Braziel?

COMMISSION VICE CHAIR BRAZIEL: I’m abstaining from Number 3, Presenter - Humboldt State. There’s multiple presenters in that group. So I’m abstaining from that
group because Humboldt State is in there.

MS. PAOLI: Bui?

COMMISSIONER BUI: Aye, on all five.

MR. DARDEN: Commissioner Braziel, other than your abstention, do you vote “aye” on --

COMMISSION VICE CHAIR BRAZIEL: Aye, on all the other items and the other presenters. I’m abstaining from the one presenter. Sorry.

MS. PAOLI: No, that’s fine. Thank you.

Chaplin?

COMMISSIONER CHAPLIN: Yes, to all.

MS. PAOLI: DelaRosa?

COMMISSIONER DELAROSA: Yes.

MS. PAOLI: Doyle?

(No response)

MS. PAOLI: Dudley?

COMMISSIONER CHAIR DUDLEY: All, yes.

MS. PAOLI: Hutchens?

COMMISSIONER HUTCHENS: Yes, all.

MS. PAOLI: Leichliter?

COMMISSIONER LEICHLITER: Yes, all.

MS. PAOLI: Lindley?

COMMISSIONER LINDLEY: Yes, to all.

MS. PAOLI: Long?

COMMISSIONER LONG: Aye, to all.
MS. PAOLI: Moore?

COMMISSIONER MOORE: Aye, all.

MS. PAOLI: Ramirez?

COMMISSIONER RAMIREZ: Aye, all.

MS. PAOLI: Smith?

COMMISSIONER SMITH: Aye, all.

MS. PAOLI: Vasquez?

COMMISSIONER VASQUEZ: Aye, all.

COMMISSION CHAIR DUDLEY: Okay, so that motion passes.

MR. DARDEN: Yes, the contracts are approved.

COMMISSION CHAIR DUDLEY: Okay, the contracts are approved.

Now, as to the next area.

MR. DARDEN: Yes, now, Dave, do you want to go to Training Delivery and Compliance, which are the next two?

MR. CORNEJO: Please.

MR. DARDEN: All right, and so this is for approval of the two listed under Training Delivery and Compliance, Items 6 and 7. We need a motion to approve and a second.

COMMISSION CHAIR DUDLEY: Motion?

COMMISSIONER LONG: Motion by Long.

COMMISSION CHAIR DUDLEY: Second?

COMMISSIONER SMITH: Second. Smith.

COMMISSION CHAIR DUDLEY: Thank you.
MR. DARDEN: And then a roll-call vote.

MS. PAOLI: Braziel?

COMMISSION VICE CHAIR BRAZIEL: Aye, all.

MS. PAOLI: Bui?

COMMISSIONER BUI: Aye, all.

MS. PAOLI: Chaplin?

COMMISSIONER CHAPLIN: Aye, all.

MS. PAOLI: DelaRosa?

COMMISSIONER DELAROSA: Aye, all.

MS. PAOLI: Doyle?

(No response)

MS. PAOLI: Dudley?

COMMISSIONER CHAIR DUDLEY: Aye, all.

MS. PAOLI: Hutchens?

COMMISSIONER HUTCHENS: Yes, all.

MS. PAOLI: Leichliter?

COMMISSIONER LEICHLITER: Yes.

MS. PAOLI: Lindley?

COMMISSIONER LINDLEY: I should abstain.

MS. PAOLI: Long?

COMMISSIONER LONG: Aye, all.

MS. PAOLI: Moore?

COMMISSIONER MOORE: Aye, all.

MS. PAOLI: Ramirez?

COMMISSIONER RAMIREZ: Aye, all.
MS. PAOLI: Smith?

COMMISSIONER SMITH: Aye.

MS. PAOLI: Vasquez?

COMMISSIONER VASQUEZ: Aye, all.

COMMISSION CHAIR DUDLEY: Okay, that motion passes. And next?

MR. DARDEN: Next would be the Training Program Services. So the contracts listed, 8 through 11, we’d need a motion and a second.

COMMISSION CHAIR DUDLEY: I need a motion.

COMMISSIONER LEICHLITER: I’ll motion. Leichliter.

COMMISSION CHAIR DUDLEY: Second?

COMMISSIONER CHAPLIN: Chaplin. Second.

COMMISSION CHAIR DUDLEY: Thank you.

Roll call please.

MS. PAOLI: Braziel?

COMMISSION VICE CHAIR BRAZIEL: Aye, all.

MS. PAOLI: Bui?

COMMISSIONER BUI: Aye, all.

MS. PAOLI: Chaplin?

COMMISSIONER CHAPLIN: Yes to all.

MS. PAOLI: DelaRosa?

COMMISSIONER DELAROSA: Yes to all.

MS. PAOLI: Doyle?

(No response)
MS. PAOLI: Dudley?

COMMISSIONER CHAIR DUDLEY: Aye, all.

MS. PAOLI: Hutchens?

COMMISSIONER HUTCHENS: Yes, all.

MS. PAOLI: Leichliter?

COMMISSIONER LEICHLITER: Yes, all.

MS. PAOLI: Lindley?

COMMISSIONER LINDLEY: Aye.

MS. PAOLI: Long?

COMMISSIONER LONG: Aye, all.

MS. PAOLI: Moore?

COMMISSIONER MOORE: Aye, all.

MS. PAOLI: Ramirez?

COMMISSIONER RAMIREZ: Aye, all.

MS. PAOLI: Smith?

COMMISSIONER SMITH: Aye.

MS. PAOLI: Vasquez?

COMMISSIONER VASQUEZ: Aye, all.

COMMISSION CHAIR DUDLEY: Okay, motion passes.

Next?


And we need a motion and a second.

COMMISSION VICE CHAIR BRAZIEL: Move. Braziel.

COMMISSIONER LONG: Second. Long.
MR. DARDEN: Roll call.

MS. PAOLI: Braziel?

COMMISSION VICE CHAIR BRAZIEL: Aye, all.

MS. PAOLI: Bui?

COMMISSIONER BUI: Aye, all.

MS. PAOLI: Chaplin?

COMMISSIONER CHAPLIN: Aye to all.

MS. PAOLI: DelaRosa?

COMMISSIONER DELAROSA: Yes to all.

MS. PAOLI: Doyle?

(No response)

MS. PAOLI: Dudley?

COMMISSIONER CHAIR DUDLEY: Aye, all.

MS. PAOLI: Hutchens?

COMMISSIONER HUTCHENS: Yes, all.

MS. PAOLI: Leichliter?

COMMISSIONER LEICHLITER: Yes, all.

MS. PAOLI: Lindley?

COMMISSIONER LINDLEY: Aye, all.

MS. PAOLI: Long?

COMMISSIONER LONG: Aye to all.

MS. PAOLI: Moore?

COMMISSIONER MOORE: Aye, all.

MS. PAOLI: Ramirez?

COMMISSIONER RAMIREZ: Aye, all.
MS. PAOLI: Smith?

COMMISSIONER SMITH: Aye.

MS. PAOLI: Vasquez?

COMMISSIONER VASQUEZ: Aye, all.

COMMISSION CHAIR DUDLEY: The motion passes.

Next?

MR. DARDEN: Training Program Services, Item 14.

COMMISSIONER CHAPLIN: So moved. Chaplin.

COMMISSIONER LEICHLITER: Second. Leichliter.

COMMISSION CHAIR DUDLEY: Roll call?

MS. PAOLI: Braziel?

COMMISSION VICE CHAIR BRAZIEL: Yes.

MS. PAOLI: Bui?

COMMISSIONER BUI: Aye, all.

MS. PAOLI: Chaplin?

COMMISSIONER CHAPLIN: Yes.

MS. PAOLI: DelaRosa?

COMMISSIONER DELAROSA: Yes.

MS. PAOLI: Doyle?

(No response)

MS. PAOLI: Dudley?

COMMISSIONER CHAIR DUDLEY: Aye, all.

MS. PAOLI: Hutchens?

COMMISSIONER HUTCHENS: Yes, all.

MS. PAOLI: Leichliter?
COMMISSIONER LEICHLITER: Yes.

MS. PAOLI: Lindley?

COMMISSIONER LINDLEY: Abstain.

MS. PAOLI: Long?

COMMISSIONER LONG: Aye.

MS. PAOLI: Moore?

COMMISSIONER MOORE: Aye.

MS. PAOLI: Ramirez?

COMMISSIONER RAMIREZ: Aye.

MS. PAOLI: Smith?

COMMISSIONER SMITH: Aye.

MS. PAOLI: Vasquez?

COMMISSIONER VASQUEZ: Aye.

COMMISSION CHAIR DUDLEY: Motion passes.

Next?

MR. DARDEN: Administrative Services Bureau,

Item 15.

A motion and a second, please?

COMMISSIONER DELAROSA: Move. DelaRosa.


COMMISSION CHAIR DUDLEY: Roll call, please.

MS. PAOLI: Braziel?

COMMISSION VICE CHAIR BRAZIEL: Aye.

MS. PAOLI: Bui?

COMMISSIONER BUI: Aye.
MS. PAOLI: Chaplin?
COMMISSIONER CHAPLIN: Yes.

MS. PAOLI: DelaRosa?
COMMISSIONER DELAROSA: Yes.

MS. PAOLI: Doyle?

(No response)

MS. PAOLI: Dudley?

COMMISSIONER CHAIR DUDLEY: Aye, all.

MS. PAOLI: Hutchens?
COMMISSIONER HUTCHENS: Yes.

MS. PAOLI: Leichliter?
COMMISSIONER LEICHLITER: Yes.

MS. PAOLI: Lindley?
COMMISSIONER LINDLEY: Aye.

MS. PAOLI: Long?
COMMISSIONER LONG: Aye.

MS. PAOLI: Moore?
COMMISSIONER MOORE: Aye.

MS. PAOLI: Ramirez?
COMMISSIONER RAMIREZ: Aye.

MS. PAOLI: Smith?
COMMISSIONER SMITH: Aye.

MS. PAOLI: Vasquez?
COMMISSIONER VASQUEZ: Aye.

COMMISSION CHAIR DUDLEY: Motion passes.
MR. DARDEN: Is that all the contracts, Dave? Are there any more?

MR. CORNEJO: That’s it.

COMMISSION CHAIR DUDLEY: Excellent. Thank you.

Okay, Administrative Services Bureau.

Item E is a Report on Proposed Changes to Commission Regulation 1015, to require agencies to submit training reimbursement requests the same fiscal year as the training took place.

Would any member like a report on this item?

FINANCE COMMITTEE CHAIR LONG: Madam Chair?

COMMISSION CHAIR DUDLEY: Yes?

FINANCE COMMITTEE CHAIR LONG: I would just note in the Finance Committee yesterday, we did ask the Executive Director, in his conversations with the field on the reductions to reimbursements, if this would be adding insult to injury to any of the smaller departments and so forth. His report back to us was that that was not a concern that he had heard.

So the Finance Committee, at least at any rate, was okay with going forward with the proposal.

COMMISSION CHAIR DUDLEY: Thank you.

And from the Advisory Committee?

ADVISORY COMMITTEE CHAIR BLANCO: We discussed this issue and felt that there was no concerns; and we can
move forward.

COMMISSION CHAIR DUDLEY: Then I need a motion to approve.

COMMISSIONER HUTCHENS: Hutchens. Move.


COMMISSION CHAIR DUDLEY: All in favor?

(A chorus of “ayes” was heard.)

COMMISSION CHAIR DUDLEY: Oppose?

(No response)

COMMISSION CHAIR DUDLEY: Abstain?

(No response)

MR. CORNEJO: Thank you.

COMMISSION CHAIR DUDLEY: Okay. Item F is a Report on Regular Proposed Changes to the Training and Testing Specifications for Peace Officer Basic Courses. Would any member like a report on this item?

COMMISSIONER LONG: I have a couple of questions at some point.

COMMISSION CHAIR DUDLEY: Okay, that would be Bureau Chief Scott Loggins.

Thank you.

COMMISSIONER LONG: Mr. Loggins and I have discussed this. My questions were in Learning Domain 20. The first one is more of a comment but kind of a question, which was -- let’s see, Scott, where is it?
MR. LOGGINS: It’s in LD-20.

Good morning, Madam Chair, Commissioners.

Commissioner Long is referring to LD-20, which is the Use-of-Force domain. And if I’m not mistaken, Commissioner Long, he had two specific questions.

One was regarding the reference to law with respect to justifiable homicide by a peace officer, as well as there was another line that changed the word “must” to “should.”

COMMISSIONER LONG: Well, let’s stick with -- the first was D under Learning Domain 23 -- and I don’t know if we can get it up there or not; but it just changes -- it refers back to a Penal Code section. My concern here was that it refers back to a Penal Code section that hasn’t been amended in 150 years, it’s antiquated, it’s likely to be changed, probably this year. It talks about basically a justifiable homicide by a -- correct me if I’m wrong, Scott -- justifiable homicide by a peace officer, even -- and one of the things, for example, it talks about is in process-serving, for example, that type of thing. It’s very old.

My question to POST and to Scott was essentially: Do we want to go through the cost and the time of OAL and all that it entails of making a reg change without even checking in with folks who may be preparing to change
the underlying statute? This is very much an antiquated statute.

Now, on the other hand, it goes back to, as Scott says, “It’s so antiquated, we don’t use it, anyway. We use case law.” So maybe it doesn’t matter.

But my question was just, to what extent should the Commission and the staff consider relying on these antiquated statutes when we make regulation changes? That’s all.

The second one, I actually have a problem with the wording; but this one was more of just a process issue, to what extent. It takes time and energy. And then once the -- if the Legislature makes the law change, then you’ve got to start the whole thing over again; right?

COMMISSION CHAIR DUDLEY: Commissioner Long, the problem I see with that -- and help me understand it -- is, you’re assuming something is going to happen in the Legislature; right?

COMMISSIONER LONG: Or assuming that it could, yes.

COMMISSION CHAIR DUDLEY: Okay, so do we wait and see if it does? That’s where the pause is.

COMMISSIONER LONG: Right. And that’s my pause as well. As I said to Scott, do we even check in with folks on this; or do we just go ahead and say, “Well, what the heck? If they change it, then we have to adjust.”
Because then you’ve got to go back -- if I understand it right, you have to go back and change it again next year, and go through the OAL process again if the underlying statute changes; right?

MR. LOGGINS: If the statute changes, we would have to reflect it in our regs and the Training and Testing Specs; correct.

COMMISSION CHAIR DUDLEY: I think the problem with checking in is, if you check in with a few people that say one thing, and you check in with a few others -- and you would know this better than any of us.

COMMISSIONER LONG: Absolutely.

COMMISSION CHAIR DUDLEY: So that’s my concern, that we’d end up relying upon someone and then not taking an action which we should take now, instead of being responsive to the legislative rules.

COMMISSIONER LONG: Yes, yes. And that’s kind of what -- after our conversations, I concluded, I guess, was, absent actually an extreme situation where a statute is so obviously antiquated and so obviously not even consistent with case law, maybe we just have to go ahead and ignore it and trust that no one will fix the underlying problem.

COMMISSION CHAIR DUDLEY: I had such a law -- three years ago, they told me, “Oh, it’s never going to be an
issue.” Three years later, they finally fixed it.

So you know that rule --

COMMISSIONER LONG: Yes.

MR. LOGGINS: If I may offer a comment here that may afford you a modicum of comfort; that is an antiquated law. It’s a hundred thirty-plus years old. Nevertheless, it has withstood the time and test of state courts, the Ninth Circuit Court, and the United States Supreme Court as well.

And in addition to you referencing statutory law, peace officers are mandated to follow the guidelines of case law. Specifically, the Garner decision, which significantly fine-tuned the specific circumstances of which an officer can implement a deadly force decision.

COMMISSIONER LONG: And my concern on this one was greatly alleviated by the --

COMMISSION CHAIR DUDLEY: Let me just ask, Commissioner Long, are you okay with that or do you want to proceed?

COMMISSIONER Long: Yes. As I said, our conversation --

COMMISSION CHAIR DUDLEY: The second one, please?

COMMISSIONER LONG: -- it was not alleviated by the conversation. Although we did talk about maybe, Scott, whether there was an opportunity for compromise language
on this.

Do you want to -- you talked about it yesterday in the Advisory Commission, so maybe you could bring it up now.

MR. LOGGINS: If I may bring to the Commissioners’ attention, there is a specific line in the Training and Testing Specifications. It talks about when an officer uses force and later has to report it, our group of subject-matter experts, which were from a variety of disciplines, including a city attorney, an attorney who defends law-enforcement officers down in the Los Angeles area, as well as subject-matter experts from the law-enforcement realm, as well as people who testify in both state and federal court, they changed the word from “should” -- or from “must” --

COMMISSIONER LONG: From “must” to “should.”

MR. LOGGINS: -- to “should,” with respect to talking about when an officer reports on a use-of-force incident, how to report it within the constraints of their particular report.

The concern the subject-matter experts had is with that term that is all-encompassing, it’s one of those words of obligation of “must,” particularly in reference to the two gentlemen were talking about body cameras, it’s a matter of the perspective.
Historically, when an officer is involved in a significant use of force, a lot of times, when they’re being interviewed by the appropriate investigative staff or they’re writing their report a few hours later, if it was a significant use of force, it’s simple science. There’s that factor, that phenomenon called “memory distortion.” In a significant event, it’s not uncommon for officers to not recall exactly how many shots they fired, and it’s not a matter of them deliberately trying to manipulate the findings of an investigation or be less than truthful. The fact of the matter is it’s the brain’s way of compromising and reconciling what was a traumatic event for the officer as well.

So the concern the subject-matter experts had was if you utilize that term that says “must,” it will apply that every particular fact pattern that led up to that use of force, if an officer fails to document that in the report, when it’s later found out during the implementation of testimony in court, they’re going to find that necessary disconnect between what was written or reported hours after an incident -- you know, months, years later in court. And that discrepancy could be capitalized upon by those who were representing the plaintiffs to try to prove that the officer was less than truthful.
COMMISSIONER LONG: Just as changing it from “must” to “should” opens the door extremely wide in terms of the defense position here.

I personally just think moving it from “must” to “should” is far too wide a gate for my comfort level. You know, how you could say that a report should include some stuff; but, you know, it doesn’t have to, I mean, that just seems subjective to the extreme.

We talked about maybe even modifying the language with some reference back to your phenomenon. But I just wanted to state for the Commission, that I think that’s far too open-ended to tell officers that they should include the facts and circumstances that influenced their decision to use force, but they don’t have to.

COMMISSIONER HUTCHENS: Madam Chair?

COMMISSION CHAIR DUDLEY: Yes, any other comments on this?

COMMISSIONER HUTCHENS: Yes, if I may?

COMMISSION CHAIR DUDLEY: Yes, please.

COMMISSIONER HUTCHENS: Having been in one of those incidents, I can tell you that you do not recall everything at once. So I think if we weigh in on the side of the officer and protection for that officer, I can tell you, you don’t know how many rounds you fired, you don’t know what the people around you did; and it may
be several hours or several days until you figure that
all out, when you have other comments made by other
people involved in the incident.

Not only have I experienced; but I’ve seen in my now
37 years, other officers and deputies experience that.
So I think to put that language in there really locks
them down in an area that we really need to give them the
benefit of what that situation put them through and their
memory at that time, and the impact.

I can tell you, we try and put a lot of the public
through our “Shoot/Don’t Shoot,” and it really changes
their mind about what you perceive and how you perceive
it and how you react. So I feel very strongly about this
language.

COMMISSIONER LONG: And the only other thing I would
add is, we did talk about a reference back to the
phenomenon of memory distortion. And I believe -- I
don’t want to, Scott, put words in your mouth -- but you
thought that the subject-matter expert group would be
okay with that, with a reference back?

MR. LOGGINS: What I did offer to the commissioners,
this clearly is a concern, as a public member of the
Commission, and clearly if it’s a concern to you, it may
be a concern to many of our stakeholders throughout the
state.
What we can offer is, when we go and have the next
group of subject-matter experts meet, maybe more clearly
define this phenomenon or this fact-pattern when we
create this wording, so it does add a level of comfort
for those who are not from a law-enforcement background,
because we do need to be receptive to those stakeholders
that are not from a law-enforcement background as well.

COMMISSION CHAIR DUDLEY: So we have three options.
We can -- correct me if I’m wrong -- we can do as the
bureau chief just suggested, take it back to the SMEs,
and we can reagenda this; or we can move today to pass
it or not pass it.

Does that sound about right?

MR. DARDEN: Yes.

COMMISSION CHAIR DUDLEY: Okay, so let’s have a
little more discussion.

Are people ready to make a motion and a second; or
would people like to have it go back to the SMEs?

COMMISSIONER LONG: Well, I would make a motion to
go back and take another look at it to see if we could
find some more compromise language that fits with
additional stakeholders, other than essentially law
enforcement on this one.

COMMISSION CHAIR DUDLEY: And before -- thank you
for that motion.
Does anyone second it?

COMMISSIONER MOORE: Second it.

COMMISSION CHAIR DUDLEY: One of the things, is time of the essence, in terms of moving this down to June?

MR. LOGGINS: No, and thank you for asking.

This is not predicated by any legislative movement or anything to that effect. So time is absolutely and completely on our side, and it is not absolute criticality that we move forward with this today.

COMMISSION CHAIR DUDLEY: Okay, and I interrupted.

You made a motion; someone made a second.

COMMISSIONER LEICHLITER: Moore did.

COMMISSION VICE CHAIR BRAZIEL: And a comment before a vote?

COMMISSION CHAIR DUDLEY: Yes, please.

COMMISSION VICE CHAIR BRAZIEL: And I see where this is all going in the language; and I think there’s a couple of things when it goes back to the SMEs, that they might want to consider. So if you look at it, it’s taken from the “must” to “should,” and I think we’re looking at the facts and we’re assuming that there’s facts that may not be known to the peace officer at the time, and, therefore, facts in there may be an issue, versus circumstances is more subjective to what they are observing the circumstances that cause them the use of
force.

I’ll throw in another issue. There’s a significant difference in how officer-involved shootings are handled throughout the state in whether officers invoke. So that convolutes this a little bit more. And then you say a “must,” but then the officer invokes, doesn’t give a statement, doesn’t relate their facts, other than the core statement in IA. So that there’s another conundrum we’ve created when we start talking about this. So it’s not as simple as, “Are they going to put it in a report or not put it in a report?” For general uses of force, it gets more complicated when we get into deadly uses of force in some agencies invoking, other agencies not.

So I don’t mean to complicate it more, but I think there’s other things in here that may complicate this.

MR. LOGGINS: And I appreciate that, Commissioner. You’re talking about -- I think you’re referencing the “Garrity waiver.” For those not from a law-enforcement background, there is specific protocol after significant use of force; and there’s some issues regarding Peace Officers Bill of Rights that come into play. And I don’t know if we need to entertain that at this particular forum or how would it impact those findings or those later-on investigations.

COMMISSION CHAIR DUDLEY: Okay. So we have a motion
and we have a second, and we had some discussion from
Commissioner Braziel.

Would anyone else like to comment before we move?

COMMISSIONER LEICHLITER: Yes. Commissioner
Leichliter.

I was hoping not to open that can of worms, Rick; but I do believe that has to be taken into account because of those rights. I mean, you’re going to get into a lot of hate and discontent when you start dealing with peace-officer unions and such because that’s rights that are set already. So I think if you’re going to look at it overall, you need to take that into account as well.

COMMISSION CHAIR DUDLEY: Is there someone, your SME that could address that concern? If not, you may consider bringing in someone else.

MR. LOGGINS: I would probably bring someone else. The SME we use exclusively defends peace officers in allegations of excessive force. And, of course, it was a city attorney. But given the direction of the Commission, we’ll go back and expand our --

COMMISSION CHAIR DUDLEY: Well, the Commission hasn’t given you direction yet. Stand by. It’s about to, I think.

MR. LOGGINS: I’ll be standing -- I’ll be seated and
standing by.

COMMISSION CHAIR DUDLEY: Stand seated.

Any more discussion before we have a response to that motion?

COMMISSIONER CHAPLIN: Just a comment here. And I think what makes this convoluted is that this use-of-force training refers to something like the use of pepper-spray, all the way to an officer-involved shooting. So there can be some differences in how those are treated. For example, an officer involved in an OIS is generally not preparing a report, yet being interviewed. So there’s just some nuances here; and I don’t know if that’s something to consider in the preparation of this or not. If an officer uses pepper-spray, an expectation from the chief executive or their boss is, “You will write a report, and tell me why you used that, what led up to that.” It’s an absolute expectation. So there are some differences.

And, Scott, I don’t know if that is something that can be addressed or if it should be looked at closely.

COMMISSION CHAIR DUDLEY: Any other comments?

COMMISSIONER LONG: Just as the maker of the motion, I concur with all the comments that my colleagues here have said, which is why I’m just concerned about the nuance of the language, and thought that it could maybe
be more carefully drafted is all.

COMMISSION CHAIR DUDLEY: Okay. Anything else?

(No response)

COMMISSION CHAIR DUDLEY: Okay, so all in favor?

(A chorus of “ayes” was heard.)

COMMISSION CHAIR DUDLEY: Oppose?

COMMISSIONER HUTCHENS: Oppose.

MS. PAOLI: Who made the motion?

MR. DARDEN: First, what was the motion?

COMMISSION CHAIR DUDLEY: I’m sorry. The motion was, as I recall -- and then we can have it read back if necessary -- that we delay in moving on this language; and that the bureau chief take it back to the SME, as well as potentially union representatives; and come back and make the same or a different recommendation at the June meeting.

That is what I understood your motion to be.

COMMISSIONER LONG: Correct.

COMMISSION CHAIR DUDLEY: So let me start everything again to make sure we’re all on the same page.

You moved, and it was seconded --

COMMISSIONER MOORE: By Moore.

COMMISSION CHAIR DUDLEY: Okay, by Moore.

Any discussion?

(No response)
COMMISSION CHAIR DUDLEY: Okay, all in favor?

(A chorus of “ayes” was heard.)

COMMISSION CHAIR DUDLEY: Oppose?

COMMISSIONER HUTCHENS: Oppose.

COMMISSIONER RAMIREZ: Oppose.

COMMISSIONER VASQUEZ: Oppose.

COMMISSION CHAIR DUDLEY: Okay, so let’s get the opposed. So opposed was Hutchens and Vasquez and --

COMMISSIONER RAMIREZ: Ramirez.

COMMISSION CHAIR DUDLEY: Okay, so 1, 2, 3.

Anybody else opposing?

MS. PAOLI: Could I get a point of clarification?

So this has two learning domains in it. So are we approving LD 12 as they are submitted?

COMMISSIONER LONG: The motion was only affecting LD-20, yes.

MS. PAOLI: So can we get a motion on LD 12 then as the one part?

COMMISSION CHAIR DUDLEY: Let me take LD 12 after we finish this.

MS. PAOLI: Okay.

COMMISSION CHAIR DUDLEY: I understand why you want to go in that order; but I don’t want to interrupt this process now.

I want to ask again, we’ve now had three
commissioners who are opposed. And I want to make sure
every Commissioner has had an opportunity to state
whether they want to be in favor of this, opposed, or
abstain.

Anybody else want to change?

(No response)

COMMISSION CHAIR DUDLEY: Okay, so we have three
commissioners who opposed, and we have nobody who has
abstained.

And so the motion carries.

MS. PAOLI: Can I get the third?

I have Hutchens and I have Vasquez as both opposing.
Can I get the third?

COMMISSIONER RAMIREZ: Ramirez.

COMMISSION CHAIR DUDLEY: Ramirez also.

MS. PAOLI: Thank you.

And could I get the second?

COMMISSIONER MOORE: Moore.

COMMISSION CHAIR DUDLEY: Moore was the second.

MS. PAOLI: And who was the motion?

COMMISSION CHAIR DUDLEY: The motion was Long.

MS. PAOLI: Thank you.

COMMISSION CHAIR DUDLEY: Okay, so that motion
passed.

Now, let’s go to LD 12. That’s the controlled
Is that what we’re talking about now?

So can we have a motion to change the language of controlled substance?

Motion to approve?

COMMISSIONER DELAROSA: Motion to approve.

DelaRosa.


COMMISSIONER HUTCHENS: Hutchens. Second.

COMMISSION CHAIR DUDLEY: Any discussion about that?

(No response)

COMMISSION CHAIR DUDLEY: Anybody abstain?

(No response)

COMMISSION CHAIR DUDLEY: Okay, all in favor?

(A chorus of “ayes” was heard.)

COMMISSION CHAIR DUDLEY: That motion passes.

MS. PAOLI: Thank you, everyone.

COMMISSION CHAIR DUDLEY: Nobody opposed?

(No response)

COMMISSION CHAIR DUDLEY: Okay, well, we’re getting close to the noon hour. Let me see if you want to take a break.

How about Item G? It’s a Report on Proposed Changes to Commission Regulation 1009, to update and clarify the Academy Instructor Certification Program in the Regular
Basic Course.

Would any member like a report on this item?

(No response)

COMMISSION CHAIR DUDLEY: Did the Advisory Committee have a discussion on this item?

ADVISORY COMMITTEE CHAIR BLANCO: We did not.

COMMISSION CHAIR DUDLEY: Okay, is there a motion to approve?

COMMISSIONER LONG: So moved. Long.

COMMISSIONER RAMIREZ: Ramirez. Second.

COMMISSION CHAIR DUDLEY: Any opposed?

(No response)

COMMISSION CHAIR DUDLEY: Any discussion?

ADVISORY COMMITTEE CHAIR BLANCO: We did have discussion. I was just noticing, there was no concerns.

COMMISSION CHAIR DUDLEY: There was discussion about no concerns?

ADVISORY COMMITTEE CHAIR BLANCO: Correct.

COMMISSION CHAIR DUDLEY: Okay. All in favor?

(A chorus of “ayes” was heard.)

COMMISSION CHAIR DUDLEY: The motion passes.

Okay, let me just take a quick look at where we are to see whether we want to take a break.

Let’s do one more and then take a break, okay.

So this would be Item H, is a Report on the Request
to Contract for Replacement of the Law Enforcement Driving Simulators.

Would any member like a report on this item?

(No response)

COMMISSION CHAIR DUDLEY: Did the Advisory Committee have a discussion on this item?

ADVISORY COMMITTEE CHAIR BLANCO: We did not; and we don’t see a problem.

COMMISSION CHAIR DUDLEY: How about the Finance Committee?

FINANCE COMMITTEE CHAIR LONG: We did have a discussion on it. The discussion was supportive. The only caveat was to raise a concern that the Motor Vehicle Account may not actually apply to this. Some concerns, and I think they’ve been raised in the Administration. And it may be that we have to -- that could even change in May. But the Finance Committee was very supportive of the funding.

COMMISSION CHAIR DUDLEY: So the Governor supported it.

FINANCE COMMITTEE CHAIR LONG: Correct.

COMMISSION CHAIR DUDLEY: And so I think what you’re saying is, if the money doesn’t come through, you want to make sure that we’re not obligating ourselves to move forward? That’s my understanding as well.
FINANCE COMMITTEE CHAIR LONG: No, it was just a cautionary note. We fully support the Governor’s budget at this point, yes.

COMMISSION CHAIR DUDLEY: Sure. You and I have spent too much time in the Legislature.

Thank you. I understand.

Okay, so we need a motion to approve.

COMMISSIONER CHAPLIN: So moved. Chaplin.

COMMISSIONER LEICHLITER: Second. Leichliter.

COMMISSION CHAIR DUDLEY: Any oppose?

(No response)

COMMISSION CHAIR DUDLEY: All in favor?

MR. DARDEN: It’s a roll call.

COMMISSION CHAIR DUDLEY: Sorry, it’s a roll call.

Thank you, Ms. Paoli.

MS. PAOLI: Braziel?

COMMISSION VICE CHAIR BRAZIEL: Yes.

MS. PAOLI: Bui?

COMMISSIONER BUI: Yes.

MS. PAOLI: Chaplin?

COMMISSIONER CHAPLIN: Aye.

MS. PAOLI: DelaRosa?

COMMISSIONER DELAROSA: Yes.

MS. PAOLI: Doyle?

(No response)
MS. PAOLI: Dudley?

COMMISSIONER CHAIR DUDLEY: Yes.

MS. PAOLI: Hutchens?

COMMISSIONER HUTCHENS: Yes.

MS. PAOLI: Leichliter?

COMMISSIONER LEICHLITER: Yes.

MS. PAOLI: Lindley?

COMMISSIONER LINDLEY: Aye.

MS. PAOLI: Long?

COMMISSIONER LONG: Aye.

MS. PAOLI: Moore?

COMMISSIONER MOORE: Aye.

MS. PAOLI: Ramirez?

COMMISSIONER RAMIREZ: Aye.

MS. PAOLI: Smith?

COMMISSIONER SMITH: Aye.

MS. PAOLI: Vasquez?

COMMISSIONER VASQUEZ: Aye.

COMMISSION CHAIR DUDLEY: Okay, that motion passes. It’s now 11:55.

We have yet to move on to the morning portion, which is the Commission appeal hearings.

Let me ask you to please come back at 12:10, which is 14 minutes.

Thank you.
(Recess from 11:56 a.m. to 12:12 p.m.)

COMMISSION CHAIR DUDLEY: Okay, let’s please go back on the record.

Next, we’ll hear three appeals regarding POST Regulation 1008.

POST Counsel, Mr. William Darden, will now provide direction on how the appeals will be heard.

MR. DARDEN: The Commission has historically, in these appeals, used the same appeals procedure, which is used in circumstances of denial of certification, suspension, or decertification of training courses.

The appeals process is D-16, which is published, in which all of the appellants and staff should be aware of.

I will not read the entire regulation. Presumably, we are all aware of it. But very briefly, at the hearing, the burden is on the appellant to demonstrate to the Commission that error was committed by POST staff in its decision.

The appellant goes first, presents its appeal; that’s followed by a presentation by POST staff. The appellant, or the appellant’s representative, is permitted to reserve time from their 30-minute presentation to use in rebuttal. Staff is permitted to reserve time as well.

So we would ask each appellant, as they come
forward, if they do wish any time out of their 30 minutes to use in rebuttal, they should notify us at the beginning.

Connie, you will keep track of the 30 minutes.

MS. PAOLI: Yes, sir.

MR. DARDEN: And if someone wishes to reserve ten minutes, for instance, then please let me know as they’re approaching 20, and let them know when their time is up.

Each side does have 30 minutes. It’s not necessary, obviously, to take the whole 30 minutes. The commissioners, I’m sure, have read the materials.

The commissioners may ask questions during the appeals process; and that would be included within the 30 minutes. Additional time can be requested and granted by the Chair, in her sole discretion, if the Chair believes it’s appropriate and warranted.

The formal presentation is normally a presentation or summary of the party’s evidence and argument as to the application of the evidence to the appropriate standard and a request for a particular decision by the Commission.

Following the presentation by the parties, upon submission of the matter to the Commission for deliberation, the Commission will deliberate in closed
session and will determine whether the decision of staff and the Executive Director will be affirmed, reversed, or modified. When the Commission has finalized its deliberations, it will issue a written decision within 15 business days.

And with that, we should move to the first appeal.

COMMISSION CHAIR DUDLEY: Mr. Darden, let me ask you, based on your experience, is it better for commissioners to hold their questions until after the presentation, or interrupt the presentation with their questions?

MR. DARDEN: It can actually be done either way. I personally find it, to make more sense, that while an issue is on the table and being discussed, for questions to be raised at that time. But at the same time, it can potentially interrupt the flow of a presentation by the appellant or by staff. But really, I think the commissioners, since they’re going to be making the decisions, they should feel free to ask a question as it comes up if they wish to do so.

COMMISSION CHAIR DUDLEY: Okay, so you can feel free to do either: Either interrupt during the presentation or save your questions until the end. And I’ll certainly be asking for questions.

The first appeal is by the San Marino Police
Department and Mr. Kevin Cordischi.

As a reminder, you will have 30 minutes.

State your appeal.

Thank you.

CHIEF INCONTRO:  Good morning.  And I’d like to reserve time for rebuttal.

MR. DARDEN:  How much time would you like to reserve, sir?

CHIEF INCONTRO:  Let’s see how much time I use.

MR. DARDEN: Okay. Connie, would you keep track?

MS. PAOLI:  Yes, sir.

CHIEF INCONTRO:  Good morning, Commissioners and staff. I am John Incontro, the Chief of Police for the City of San Marino. I’m here requesting a waiver of the six-year exception of POST Commission Regulation 1008(b)(2), six-year rule of the Recruit Basic Course for Kevin Cordischi.

Kevin is with us today in the audience.

First of all, I want to thank Executive Director Manuel Alvarez, Jr.; Scott Loggins, Basic Course Bureau Chief; Charles Sandoval, POST Senior Consultant; and all the POST staff personnel who have been exceptional during this process.

Specifically, I want to thank Mr. Alvarez for calling me directly to explain the process and the reason
for the denial of our initial request. His personal
attention to this matter illustrates his exceptional
leadership at POST and to the law enforcement of the
state of California.

The City of San Marino is a small department with
28 sworn and 10 civilian personnel, providing police
service to just over 14,500 people. The department’s
operating budget is slightly over $6.6 million for fiscal
year 2016-17. Currently, we have four police-officer
vacancies and two officers in the field training program.

For small departments, the cost of hiring police
officers from recruitment to training is a costly process
and labor intensive. The vacancies have caused us to
remove one officer from our detective unit and to stop
our two-person motorcycle course program.

One less officer in a department our size has
considerable impact on our ability to provide the
exceptional service our community demands and we wish
to provide.

Our motto is “Pride in Service.” We provide
personalized service to our residents and small business
community. Our officers are well-known to the community,
the schools, and the businesses. The majority of the
community knows us by our first names and trusts us to
provide exceptional service.
This is important to remember as I discuss the reasons why I feel Kevin Cordischi should be reinstated and why I am requesting the appeal of the six-year rule.

I think it’s also important to provide you a brief description of my background in law enforcement. This background I believe is one of the reasons why I believe Kevin Cordischi is well-trained, well-skilled, and able police officer.

I have served as chief of police for the City of San Marino for 26 months. Prior to that, I served with the Los Angeles Police Department for 35 years, retiring as a captain. My assignments relating to the hiring, selection, and training of police officers with the LAPD include adjunct recruit; tactics instructor while assigned to SWAT; background-investigation supervisor, where I was involved in evaluating and recommending the hiring of police officer candidates. As a patrol lieutenant, I was a patrol division field training program coordinator, overseeing the field training for our probationary officers and the training provided by the field training officers themselves.

Finally, as a captain, I was a commanding officer of training division from 2006 to 2010. I was responsible for the recruitment and in-service training, curriculum development, and other training development aspects for
the 13,000 employees of the Los Angeles Police
Department. This also included the Recruit Basic Course.
And during this time, the department underwent a
recertification of our Recruit Basic Course.

The facts of this matter as described in your staff report and letter of appeal are simple: Kevin Cordischi completed the Recruit Basic Course of February 18th, 2010, at Rio Hondo Academy. December 18th, 2015, he completed the 136-hour requalification course at the Orange County Sheriff’s Department academy. He was hired by San Marino Police Department on March 7th, 2016.

My math gives it 17 days, not the 20 days in the staff report. And that was after the six-year rule expired.

Throughout his training, he continued to excel as a patrol officer until the time of the POST audit, where it was determined that he did not meet the requirements of the six-year rule. Based upon that audit, on October 19th, 2016, he was removed from his position as a police officer and reassigned as a police recruit, until he was placed into Recruit Basic Course. He entered the Los Angeles Sheriff’s Department Academy Class Number 420 on December 15th of 2016. We removed him from the academy due to an injury on January 31st, 2017. Since that time, he’s been assigned to our detective unit as a police recruit, doing detective -- assisting detectives
and doing staff work as I requested on audits and statistical data.

    We were not aware of the six-year rule. That’s no excuse. And without intent or attempt to deceive did we violate that rule when we hired Kevin. I believe that his recertification provided him an additional time.

    I now know that’s incorrect. On March 7, 2016, Kevin Cordischi became a police officer for our city. He completed his POST academy training, and did well with his training. He was respectful, clearly demonstrated the skills he learned in both the RBC and the recertification course.

    His contacts with the public were excellent. He participated in several community events and was integrating himself into the San Marino community. At one point he was extended for two weeks due to an issue with the timeliness of his report-writing and initiative. These are two areas that officers in the field training program have difficulty.

    At San Marino Police Department we stress report-writing, as all departments do. But since our officers are not only the first responders to calls for service, but they are also the initial investigators at our crime scenes. On substantial crimes, when our detectives handle the investigations, they are partners
with them in all aspects of the investigation.

Officer Cordischi completed the two-week extension without incident. He showed a marked improvement in our areas of concern and was then working alone. During his training program, he was commended for two specific incidents. The first was an observation arrest of male theft suspects, a crime that plagues our city more than others. And the second was assisting two other officers with a rescue and evacuation of three residents, including the family cat, from their burning home.

Throughout his training, I reviewed his evaluations, met with his field training officers, and with Kevin himself, evaluating his progress.

At San Marino, I meet with the FTO sergeants and our patrol division commander on a regular basis to evaluate and determine the progress of our officers undergoing training. I utilized my experience, skills, and knowledge, along with my staff’s recommendation to evaluate the progress of our officers in training, including the work of their field training officers.

In our opinion, Kevin was progressing very well and would be an outstanding police officer for our community.

I clearly understand that the six-year rule was put in place because, prior to the rule, trainers observed that those with a longer gap of time were not able to
meet the cognitive and skill levels to be successful during testing and skills examination. Additionally,
that while in those field -- with the field, those with the longer gaps between academy training and the hiring had increased injuries due to lower skills.
Additionally, their ability to perform these skills were stale.

In my opinion, Kevin Cordischi clearly exhibited his ability to retain his training skills in knowledge from the RBC and the recertification course, despite the minimal time extension between the training and the hire dates. He demonstrated his ability to be a police officer through his outstanding interactions with the community and dedication to our profession. He exhibited strong adherence to constitutional policing, treating others with respect; and his actions illustrated a strong foundation for an outstanding career in policing.

Throughout this entire process, Kevin has had an outstanding attitude, drive, and a desire to assume his position with the department as a police officer.

While waiting for this hearing, Kevin has completed several online POST training courses to continue building his knowledge for a return to the field as a police officer.

Our department strongly desires that POST support
our appeal and allow us to reinstate him to the department as a police officer.

Thank you very much for listening to me; and I’m available for any questions.

COMMISSION CHAIR DUDLEY: Thank you so much.

Questions?

COMMISSIONER BUI: Yes, I’m sorry, one question.

What date did he complete his academy?

CHIEF INCONTRO: The first class, his RBC was in 2010.

COMMISSIONER BUI: Oh, I’m sorry, that’s what I needed. Thank you.

COMMISSION CHAIR DUDLEY: Thank you.

MR. DARDEN: Chief, I do have one question that I wanted to ask the department.

CHIEF INCONTRO: Sure.

MR. DARDEN: And I’ll be talking to staff about this as well, for purposes of the Commission understanding the regulatory issues and the relief that’s being requested.

There are three different ways in which requalification is permissible under the regulations.

One of them involves a mechanism of obtaining approval of job requalification procedures. And one of the requirements, for purposes of that regulation, is that the department will verify that the individual is
currently proficient and meets or exceeds the minimum performance standards established by the Commission.

So I don’t know if your department of San Marino is able to verify that the officer at this point is currently proficient in terms of his peace-officer training, and that he meets or exceeds the minimum standards that the Commission has established?

CHIEF INCONTRO: We certainly can; and I think during the audit that Mr. Sandoval completed, he had access to all of the field training material, all of his evaluations that clearly showed him to meet or exceed the standards. So based upon that, I clearly believe that he is able; and he demonstrated in the field, even as he was working alone, to be able to do this job properly.

MR. DARDEN: Thank you.

COMMISSION CHAIR DUDLEY: Thank you.

Any other questions?

(No response)

COMMISSION CHAIR DUDLEY: Thank you.

Do you want to know how much time you reserved?

MS. PAOLI: 20 minutes.

CHIEF INCONTRO: Thank you.

COMMISSION CHAIR DUDLEY: Thank you very much.

Is there anything from POST staff?
Not that you need me to remind you, but no longer than 30 minutes.

MR. LOGGINS: Good afternoon, Madam Chair. Good afternoon, Commissioners. Thank you, Chief Incontro.

With respect to Mr. Cordischi and the City of San Marino, POST Regulation 1008 is a very robust standard. It was specifically designed to address those people who have left law enforcement and needed to come back after a certain modicum of being away from law enforcement.

In 1988, this Commission required the three-year requalification requirement, that mandated if you’ve been out of the law-enforcement realm for three years or more, you had to go to the requalification course.

Fast-forward ten years later, back into the late nineteen-nineties, this Commission created a panel of subject-matter experts that looked into the requalification course. And at that time, they determined that they needed to fine-tune the regulations. Specifically, they determined that people who had never been in a law-enforcement capacity, had possibly had their skill-sets become stale, and there was a greater need to ensure that their training was contemporary and met the current needs of law enforcement. It was for that reason that this Commission created the six-year
exception. And the specific reason they did so, was to ensure that there was continuity in the training, it was contemporary, and that it kept up to speed with case law.

There was one thing that is unique with respect to this particular appeal, also with respect to the following appeal: None of the concerns that were recognized during that consortium of subject-matter experts actually apply in this case. In this case, it is true that Mr. Cordischi did exceed the six-year time limit. In hindsight, it was actually 18 days or 17 days. My math was wrong. It’s not 20 days. But whether it’s 20 days or 18 days, it’s rather non-substantive. Mr. Cordischi missed the mark by a smattering of a few days as a matter of technicality.

The ultimate outcome that POST looks for with respect to the adherence to the six-year rule is, is that person contemporary in their training and skill-sets, has anything become stale? And in this particular case, it does not appear to be so.

So the other thing I will bring up with San Marino and the next appeal, Chief Incontro, they were honest brokers in this matter. They fully disclosed the error on their part. They fully disclosed that there was a simple oversight by the agency, not of Mr. Cordischi’s volition.
It is pretty apparent in hindsight that when Mr. Cordischi went to the requal course, they made a presumption, albeit in error, that restart of that three-year clock. And they moved forward in hiring him, believing that everything was status quo; and he was good to go to be hired.

So with respect to that, I think the appropriate remedies, as counsel has said, are essentially threefold: Have him be required to go to an entire new full Basic Course, or have him go through a secondary or a third mechanism that is articulated in 1008. And that’s where we’re seeking guidance from the particular Commission.

Staff looked at it, our executive staff looked at it, our Executive Director looked at it; and we felt that it was beyond the authority of us to make that determination because 1008 is very specific with respect to who can make that particular decision, whether or not to override 1008 and give them some latitude or not.

So that’s where we are here today, requesting guidance from the Commission to see which direction they want to go. And as counsel has alluded to -- and I’ll seek guidance from you, Toby -- I don’t know whether or not the Commission can make the decision whether or not to allow an exception to the six-year rule, or maybe seek to use a section of 1008 that would allow a presenter to
provide an alternate requalification modicum -- or policy
to verify Mr. Cordischi’s competencies and then move
forward from there.

With that, I’d be more than happy to entertain any
questions.

COMMISSION CHAIR DUDLEY: Let me ask that we
entertain the questions first, and then I will ask
Mr. Darden to respond to your last part.

Any other -- any questions?

COMMISSIONER DELAROSA: I do.

COMMISSION CHAIR DUDLEY: Yes, Commissioner
DelaRosa?

COMMISSIONER DELAROSA: What is the -- and maybe --
well, maybe you can answer it -- the past practice of
these appeals with POST administration, do all these
appeals have to come back to the Commission, or is
there -- in the past, has there been requests by officers
to allow them to obtain their full peace-officer status?

MR. LOGGINS: The answer to your question is
twofold. For the most part, we look at a strict
interpretation of regulation, and we deny those
applications. Having said that, this particular case
is an anomaly. In five years, I’ve never seen this
particular instance. I’ve never seen an instance such
as this, or the following appeal, where, retroactively,
they’re asking for an exemption to 1008 because of a
technical oversight by an agency; whereas an officer was
hired, went through the most strenuous and robust field
training program in the nation. And then after the fact,
they determined that there was a technical violation
because they missed the mark by a few days. So we’re
navigating through some new waters at this point with
respect to the 1008.

COMMISSIONER DELAROSA: So only the appeals have to
come to the Commission?

MR. LOGGINS: No, no. The appeals stop at the
Executive Director’s level. And to this point, we’ve
denied all of them. And it’s been an entirely different
fact pattern. So we’ve never really -- at least in my
five years, we’ve never encountered a situation where
somebody was inadvertently hired by an oversight by the
agency and actually gone through the field training
program and performed as a solo law-enforcement officer.

COMMISSION CHAIR DUDLEY: And, Commissioner
DelaRosa, I believe that Mr. Darden can tell you more
about that. He’ll make it a little clearer to all of us.

Explain the process, if you would, please, in the
law.

MR. DARDEN: Sure.

So there is a regulation, 1008. And the regulation
sets forth, pretty clearly, methods by which individuals may requalify, when requalification is required. And it also provides mechanisms for -- alternative mechanisms for requalification. There are also specific methods laid out in the statute for the Executive Director or the Commission in response to a showing of good cause to exempt individuals from those requirements.

Broadly, one set of those exemptions has to do with the situation where an individual has been appointed to a peace-officer position, and then there’s a break in service, and then that individual is trying to come back after a break in service. That’s not what would happen in this appeal or the next ones.

There is a mechanism there for the Executive Director alone to grant an exemption. For example, if someone is reentering law enforcement and going into a middle-management position. But that’s not what we’re talking about here.

So as I see these appeals -- and I do have a question for you, Mr. Loggins, with respect to staff interpretation of the regulation.

So this regulation says, under 1008(b)(2), methods by which individuals may requalify if requalification is required.

And, Mr. Loggins, correct me if I’m wrong, as I read
the regulation, an individual, after they go through the
Basic Academy, they have three years to be appointed.
After the three years, that’s when regulation would say
that a requalification is required.

So, I take it, in this case there is no question
that certainly a requalification was required for
Mr. Cordischi because it was more than three years since
his basic academy; correct?

MR. LOGGINS: That is correct.

MR. DARDEN: All right, so the regulation sets forth
three different methods by which an individual may
requalify.

First is repeating the Basic Course.

Two is completing the POST requalification course;
and that’s subject to the six-year exception; correct?

MR. LOGGINS: That is correct.

MR. DARDEN: All right.

The third method is successfully completing a
POST-approved alternative job-related requalification
procedure, conducted by a presenter of a POST-certified
RBC. And under those circumstances, the individual
seeking the requalification must have previously
satisfied the RBC requirements, is for the first time
obtaining law-enforcement employment after a three-year
or longer break since completion of the RBC, and the
department has obtained prior written approval from POST for the use of that alternative procedure, and the department verifies that the individual is currently proficient and meets or exceeds the minimum performance standards.

So those are the three ways as I see them.

Is that correct?

MR. LOGGINS: Correct.

MR. DARDEN: All right. Now, I understand that staff has interpreted the rule in a certain way. And I want to make sure that the Commission understands it before we go into closed-session deliberations, so we understand the Commission’s interpretation of the statute or the regulation.

Now, as I understand it, staff’s position is that an individual must both take the RBC and be appointed to a peace-officer position before the expiration of the six years. Is that correct?

MR. LOGGINS: That is correct.

MR. DARDEN: All right. Now, when I read the regulation, though, it’s not clear to me that the regulation reads that way precisely.

So what I see in 1008(b)(2), it says, “Upon successful requalification, individuals eligible for up to three years to be appointed or reappointed as a peace
officer.” That would lead to at least an argument, a regulatory argument, that the individual may take the requalification course sometime within the second three-year period. And then upon requalification, which could technically be at the end of the six-year period, that person would then be eligible for another three years. I’m not saying that’s the way it should be interpreted; but there’s a possible interpretation that it could be. But I understand staff is taking the position that that’s not the case.

Is that correct?

MR. LOGGINS: You’re correct. We take the position that the six-year time limit is locked solid.

MR. DARDEN: All right, and it’s not just that the person must take the RBC within the six years; it’s that they must take the RBC and be appointed to a peace officer position; is that right?

MR. LOGGINS: You’re correct.

MR. DARDEN: Now, I didn’t see the appointment language within the six-year exception language, either. Where does that come from? The requirement that the individual must not only take the course but must also be appointed to a peace officer position.

MR. LOGGINS: I believe that’s actually a flaw in regulation, because it doesn’t necessarily use that
MR. DARDEN: All right, but that was the intent, and the Commission has historically applied it that way?

MR. LOGGINS: I believe so, and that’s the way staff has applied it for a number of years.

MR. DARDEN: Okay. And then for purposes of the third requalification method; and that is, that basically says, “If the individual is obtaining law-enforcement employment after a three-year or longer break.” I don’t see the six-year exemption there.

So does that subsection also have the six-year exemption within it, or is that another subsection that basically gives the Commission discretion for any three-year or longer break, as long as there is a determination that the individual is proficient and meets or exceeds the performance standards?

MR. LOGGINS: I’ll throw out this disclaimer: I wasn’t there when the policy was created, so I don’t have personal knowledge. Our interpretation is that that third component is outside of the six-year exception.

MR. DARDEN: Okay.

MR. LOGGINS: We believe it most likely was created by this Commission to give the board or the governing body the latitude, flexibility, and leverage to deal with these unique circumstances as they may arise.
I’ve never seen this one utilized.

MR. DARDEN: All right. And has the Commission examined the qualifications of Officer Cordischi and determined whether or not he is currently proficient and meets or exceeds the Commission’s minimum performance standards?

MR. LOGGINS: Yes, we have; and we are satisfied that he is.

MR. DARDEN: Okay, all right. That’s all the questions I have.

COMMISSION CHAIR DUDLEY: Thank you.

Any -- yes, Commissioner Smith?

COMMISSIONER SMITH: So the way I understand it, is that a recertification is really a recertification of your Basic, Intermediate, or Advanced POST certificate.

Is there a period of time, after the academy is completed, that then the person has to complete FTO and get their Basic POST certification, does that have to happen prior to -- I’m not sure this question is making any sense -- but does someone have to obtain a Basic POST certification then to be able to be recertified? Because I understand the recertification is of the certificate and not of the academy training.

MR. DARDEN: Well, actually, I understood it to be just the opposite.
Scott, do you want to address that?

MR. LOGGINS: It is the opposite, Commissioner.

COMMISSIONER SMITH: It is? Okay.

MR. LOGGINS: It is recertification of your certification of completion from an academy.

COMMISSIONER SMITH: Okay.

MR. LOGGINS: Basic certificate component doesn’t come into play until you become an employee. And at that point, you have to go through the field training program if you’re in general law enforcement, and then you get the Basic certificate after you’re off your probationary status.

COMMISSIONER SMITH: Okay.

COMMISSION CHAIR DUDLEY: Yes, Commissioner Vasquez?

COMMISSIONER VASQUEZ: Madam Chair, I have a -- really, well, two questions. It’s probably most appropriate for the chief.

In addition to the two weeks of field training, what was the total time frame of field training until he graduated from field training? And how many FTOs were able to evaluate him during the field training?

CHIEF INCONTRO: His field training consisted of 22 weeks. Four training officers, I believe. And each time, he met or exceeded the standards for each of the evaluation periods.
COMMISSIONER VASQUEZ: And they were daily evaluations?

CHIEF INCONTRO: Initially, yes, they were; and then they became weekly. And then once he was on his own, he would have had a monthly.

COMMISSIONER VASQUEZ: Okay, thank you, Chief.

COMMISSION CHAIR DUDLEY: Do you have another question? I thought you said two. No?

COMMISSIONER VASQUEZ: No, it was the time frame, and how many field training officers actually evaluated him.

COMMISSION CHAIR DUDLEY: Okay, thank you.

Any other questions for either party?

MR. DARDEN: Then you can just submit it.

COMMISSION CHAIR DUDLEY: Would you like to -- you reserved some time, Chief. Would you like to say something else?

CHIEF INCONTRO: Very quickly.

First of all, thank you again; and I appreciate the questions and the information that I’m learning during this meeting.

The key seems to be three different ways that we can certify that he is able to be a police officer; he meets or exceeds the requirements. And looking at it, and listening to the questions, listening to the comments of
counsel, he has. He did complete the RBC. He then
completed the recertification course.

And then for a third one, where, because it’s not
delineated or specified within the regulations, his third
one was, he passed a 22-week training course in the
field, and did so successfully, to the point where I felt
he was able to work in the field by himself.

So for me, I believe we have met those three
requirements; and he has clearly demonstrated his ability
to meet or exceed the standards to be a police officer in
the state of California.

Thank you.

COMMISSION CHAIR DUDLEY: Any other comments from
POST?

MR. LOGGINS: No, we have none. Thank you.

COMMISSION CHAIR DUDLEY: Okay, thank you, both,
very much.

CHIEF INCONTRO: Thank you so much.

COMMISSION CHAIR DUDLEY: The next appeal we will
hear is from Sierra Madre Police Department and Mr. Grant
Cadzow.

MR. LOGGINS: It’s actually going to be Lieutenant
Donna Cayson who is representing Sierra Madre Department.

COMMISSION CHAIR DUDLEY: Thank you, Lieutenant;
and welcome.
I’m also going to remind you about that 30-minute rule.

Thank you.

LT. CAYSON: Good afternoon, Madam Chair, Commissioners. And I will reserve some time for rebuttal, if need be.

So, again, my name is Donna Cayson; and I am a lieutenant with Sierra Madre Police Department.

So I’m here this afternoon to request a waiver from POST, a certified Regular Basic Course and recertification requirements under section B, Regulation 1008(a)(1)(A).

Our current employee, Police Officer Grant Cadzow, who is here with us today in the back, completed his POST-certified Regular Basic Course on March 20th, 2008. And he was originally hired as a Level 2 reserve police officer for the Glendora Police Department.

Grant was with the Glendora Police Department from November of 2009 to January of 2012. He volunteered approximately 20 to 30 hours per week. He went through their full-time police-officer FTO training when he was with Glendora. He responded to a multiple variety of calls for service and investigations. He did traffic collisions, DUI traffic collisions, bomb threats, arsons, assault -- a litany of crimes. And I won’t read them all
to you. You have this in your packet.

Auxiliary duties: He did collection and processing, booking of evidence. He did court testimony.

Again, he went through the full-time police training academy FTO program, bimonthly scenario and force options, active shooter, barricade suspect.

In 2011, Officer Cadzow took a job with Claremont Colleges as a campus safety officer. He worked there from 2011 to 2013. As a campus safety officer, they also operated under an MOU agreement with the City of Claremont Police Department that allowed Claremont safety officers to respond and investigate Part 1 crimes occurring on campus. Officer Cadzow produced investigative reports, was subject to testimony in court, and did other patrol duties. He did monthly scenario and force-options training, including arrest-and-control tactics, active shooter, and critical first-responder training.

So in -- back up here, just a minute here.

On January 19th, 2015, the Sierra Madre Police Department hired Officer Cadzow as a Level 1 reserve officer. Shortly thereafter, the Sierra Madre Police Department offered Grant a full-time police-officer position; and he was sworn in on February 23rd of 2015.

Officer Cadzow is in good standing with the Sierra
Madre Police Department. He completed his field-training program, which was from March 15th to September 15th; and he successfully completed his 18-month probationary period on August 21st of 2016.

Officer Cadzow has been an exemplary police officer. Due to his performance, the Sierra Madre Police Department decided to make him a field training officer; and he successfully completed the POST FTO training course on May 19th, 2016, and is currently training one of our new officers when we learned of his status from our POST training coordinator Charles Sandoval on October 20th, 2016.

This mistake by the Sierra Madre Police Department was not intentional or in any way to undercut POST regulations. The Sierra Madre Police Department truly believed that since we hired Officer Cadzow as a Level 1 police officer on January 19th of 2015, we were within the three-year window of his separation date from the Glendora Police Department. We thought we were in compliance with POST standards and guidelines.

The City of Sierra Madre is severely understaffed. Having to reassign Officer Cadzow to dispatch duties until this matter can be resolved has compounded our problem. We are not only short another officer in the field, but also a field training officer.
So I’m here today, requesting that POST Commission grant a waiver of the POST-certified Regular Basic Course training requirement for Officer Cadzow pursuant to Section B, Regulation 1008(a)(1)(A), and allow Officer Cadzow to return to full-time police-officer status so he can return to the field.

In aid of this, I also request that the Commission grant an exemption from the requalification requirement when a break in service longer than three years has occurred, pursuant to Section B, Regulation 1008(b)(3)(B) because: Number one, Officer Cadzow has satisfied the Regular Basic Course training requirement, had become employed as a peace officer prior to the three-year or longer break in service, and has undergone an additional seven-month period of POST FTO training with a level of proficiency qualifying him to provide this very training for our new officers.

For all these reasons, I request that you find there is good cause to waive any requirement that Officer Cadzow repeat the POST Regulation Basic Course training and the three-week recertification course.

Our department and city needs Officer Cadzow back in sworn service as soon as possible.

I thank you again for your time.

And I also wanted to thank -- I forgot to do this in
the beginning -- the POST staff, who has been very helpful with this appeal.

And if you have any questions, I’d be happy to answer them.

COMMISSION CHAIR DUDLEY: Thank you, Lieutenant. Any questions?

(No response)

COMMISSION CHAIR DUDLEY: And I believe your question that you asked the Chief, was addressed in the comments by the Lieutenant, in terms of being in good standing.

MR. DARDEN: Yes. I had understood, actually, that you were planning on putting him through the requalification course. However, you’re asking for a waiver of the requalification as well?

LT. CAYSON: We are.

MR. DARDEN: All right. And has there been any attempt by the department to compare his training with the Commission’s minimum standards to determine whether or not he is, in fact, qualified and meets the minimum standards, even without taking the RBC?

LT. CAYSON: We had our POST audit, Charles Sandoval was out in November; and Grant is current and up-to-date on all those, the POST requirements. He did again just complete FTO training as to be an FTO trainer in May.
And while he has been off since October working in dispatch, he’s completed numerous online POST training.

MR. DARDEN: Okay, thank you.

COMMISSION CHAIR DUDLEY: Any other questions?

(No response)

COMMISSION CHAIR DUDLEY: Thank you.

Please stand by. I think you’ve got 15 minutes left if there are any comments back.

LT. CAYSON: Okay.

COMMISSION CHAIR DUDLEY: But we’ll get the exact count if we need it.

LT. CAYSON: All right, thank you.

COMMISSION CHAIR DUDLEY: Thank you.

And if I could ask Bureau Chief Scott Loggins again.

MR. LOGGINS: Good afternoon.

This incident is very similar to the prior case. Mr. Cadzow did go to a Regular Basic Course, I believe, in 2008. He did miss the window of opportunity outside of the six-year window by ten months. Having said that, there are some unique nuances with respect to his employment history that can perhaps shed some light for the Commission.

Subsequent to going to the Regular Basic Course and successfully graduating, he became employed in the capacity as a Level 2 reserve for Glendora PD. In that
capacity, he actually did a lot of general law
enforcement, quite similar to that of a Level 1 officer. The only significant difference is, he had a modicum of supervision that’s required by statute when you’re a Level 2 officer.

Coincidentally or ironically, whichever the correct term is, had he actually been appointed as a Level 1, even for a singular day and been terminated, he would have been locked outside of that six-year window and he would have been absolutely eligible to simply take a requal, and we would not be here today.

But having said that, he did successfully work as a Level 2 for Glendora, then went into the private sector, not serving in a peace-officer capacity, but doing security-related enforcement for a private college.

This PD as well, they were honest brokers. They fully disclosed the fact that it was an oversight by staff, not intentional. It was an inadvertent oversight. In hindsight, it’s clear that they did believe that he was within the parameters of the three-year window because of his employment as a Level 2 officer.

As with the prior case, now, the conundrum we have is, how do we deal with this individual?

The fact of the matter is, he did complete a very robust and strenuous field training program; and
performed so well, in fact, that he was selected to be a leader among leaders in field training officer.

So our staff believes that the intent, when this Commission created the six-year exception, was to address those folks whose skill-sets have become stale, whose knowledge of case law and statutory law is no longer contemporary. Those situations are not addressed with respect to this matter.

So with that, I’d be willing to entertain any questions the Commission may have.

COMMISSION CHAIR DUDLEY: Thank you.

Any questions?

(No response)

COMMISSION CHAIR DUDLEY: Lieutenant, would you like to make any final statements?

LT. CAYSON: I think I said it all the first time.

COMMISSION CHAIR DUDLEY: Okay, thank you so much.

LT. CAYSON: Thank you.

MR. DARDEN: I actually do have a quick question for Chief Loggins.

Is the Commission’s position that taking a requalification course would be appropriate here?

MR. LOGGINS: Just to clarify, you’re asking the Commission’s position or staff’s position?

MR. DARDEN: Well, that’s for staff. I apologize,
staff’s position. Your position as the presenter.

MR. LOGGINS: My position is both of these individuals have demonstrated they have the requisite skills to work the streets, based on the fact that they have worked on the streets, not only by passing the most strenuous and robust field training program within the state of California. This particular individual was actually selected to be a field training officer for those individuals entering law enforcement. Quite honestly, I think it would be counterintuitive and counterproductive and overly redundant to compel Mr. Cadzow to go to the requal course.

MR. DARDEN: All right. And so the Commission staff is confident that he is proficient and meets or exceeds the minimum performance standards established by the Commission?

MR. LOGGINS: Yes, we are.

MR. DARDEN: All right, thank you.

MR. LOGGINS: Thank you.

COMMISSION CHAIR DUDLEY: And the staff feels that way without him taking the recertification class?

MR. LOGGINS: Yes.

COMMISSION CHAIR DUDLEY: Thank you.

Anything else?

(No response)
COMMISSION CHAIR DUDLEY: I thank you both.

LT. CAYSON: Thank you.

MR. LOGGINS: Okay.

COMMISSION CHAIR DUDLEY: The next appeal we will hear is from Mr. David Ortiz.

Mr. Ortiz?

And just as a reminder, you do have that 30 minutes. Thank you.

MR. ORTIZ: Good afternoon, Madam Chair, Commissioners, and Advisory Committee, Mr. Loggins, and Executive Director. Thank you very much.

I’m humbled to be here.

COMMISSION CHAIR DUDLEY: Mr. Ortiz, let me ask you to move that microphone a little closer to you.

We don’t want to miss a word. Thank you.

MR. ORTIZ: Thank you.

My situation is much, much more different. And my situation is -- I’ve never been a police officer here in California. I was a former Guam police officer for ten years.

In 2002, I completed an RBC. And shortly after, I was deployed to the Middle East. After 9/11, everything really ramped up, so we were deployed.

I returned back in 2007. We returned back to the U.S. And I started -- I wanted to become a police
officer, a police reserve officer. So I contacted POST. I think I spoke to Ms. Luanne Vasquez regarding my wanting to find out how can I certify to become a police officer. And she had -- there was no records existed at all on me completing RBC. No records at all.

So it took several years. I started asking -- driving people crazy at POST, asking, “What happened to my certificate? What happened to all my training records?” It took a couple years to get all that information back from the Regional Training Center -- Alameda County Regional Training Center. But I thought that happened -- I was in contact with Mr. Don Lane up there at POST. I explained to him the situation and just about everyone at POST, explaining to them what had occurred, my records being lost.

Finally, everything was entered into the system. I guess it’s called the EDI system. I spoke to Mr. Don Lane. I was in contact with him quite a bit, telephone calls and e-mails. And he’s not sure what occurred. He sent me an e-mail, and he informed me that he was -- he’s going to approve for me to go to the requalification course; and he sent me an e-mail as well.

And if you don’t mind, if I can read it, Madam Chair.

COMMISSION CHAIR DUDLEY: Please give us the date of
that e-mail, please.

MR. ORTIZ: The date of the e-mail, I believe, was July 31st, 2012.

And he basically just says, “I analyzed your case. I’m going to tolling of the statute -- run of the statute.” Which at that time, I was interpreting that the statute would be the soldier’s SCRA, which states that no computing -- if I’m active duty military, I’m not going to -- the statute or the time is not going to be computed at all.

And in his own words, he basically said, “I’m going for a tolling of the run of the statute during your active-duty deployment, and hopeful the time will work out for your waiver. Deployments, notwithstanding, figuring the dates from the time you graduated from the academy and the months prior to deployment and the months since your return comes out to 66 months,” yadda, yadda. “If the regulation is tolled for that particular situation, you will still have the time to take the requalification course prior to hitting the 72-month deadline before you have to take the academy all over again.”

And he was going to check with his legal beagles, which is what he called them at POST, to see if it’s possible.
I went down to Evergreen Valley College, South Bay, and met with Mr. Jasina [phonetic] down there. And he, too, also stated he was going to get approval through POST for me to attend -- go ahead and pay -- go ahead and pay at the front desk and start the academy. And they gave me the whole packet.

So I volunteered as a class commander at the time. Finished the whole requal course. Went through the entire background investigation with the San Francisco University Police Department at the time. Passed everything. Went through with no problem.

Unfortunately, my battalion commander at the time says, “We’re deploying again, so you won’t be able to take that job at the university police department.” I was set with a swear-in date and all. So I said, “Okay, not a problem.”

I contacted POST again, and let them know what happened. And to my surprise, Luanne Vasquez tells me again that, “Oh, you weren’t supposed to go to the requal course -- requalification course. Your certificate is null and void” at the time. So, of course, I was freaking out, having to explain to my wife how I just blew through $2,000 going through the requal course, and it doesn’t mean anything.

So I’ve been driving Mr. Loggins crazy up there at
POST, and Don Lane and so forth, trying to figure out what went wrong. I’m sure it may have been on my part, misinterpretation somewhat.

Through this time, though, I know it was stated in their agenda report that I’ve been not trained for the last ten years or so; but I’ve put together a program, DSCA -- it’s called “DSCA,” Defense Support of Civil Authorities. And I’ve been keeping up my training with the UPD by doing training with them quarterly. My perishable skills, shotgun training, and DTAC, things like that.

And, as a matter of fact, while we’re at the 95th CST with Colonel John Haramalis, I’ve got documentation that shows we have to upkeep our training because we were a Civil Support Team and we need to know exactly what the civil agencies do, including the sheriff’s department.

MR. DARDEN: You said, that training was with UPD?
MR. ORTIZ: Yes, South San Francisco University Police Department, sir.

MR. DARDEN: Oh, okay.

COMMISSION CHAIR DUDLEY: One moment, please.

MR. DARDEN: Is that document in the record, or is that another document that you’d like to introduce to the Commission for its consideration?
MR. ORTIZ: I do not have that, sir. I don’t have that training. But I could produce that from the chief of police there at SFU.

COMMISSION CHAIR DUDLEY: I wasn’t sure. You appeared to have a document in your hand that you put down. Is that a new document?

MR. ORTIZ: Oh, yes, yes. I’m sorry. Yes, this is the one from the 95th Civil Support Team. This is a DOD document, it shows here, POST -- our training. And we get evaluated on that.

COMMISSION CHAIR DUDLEY: So, my only question is, is that already in the record, or would you like to add that to the record?

MR. ORTIZ: I’d like to add it to the record if I may, Madam Chair.

COMMISSION CHAIR DUDLEY: Okay. Thank you. Just leave a copy of that, and we’ll take care of copying it for you.

MR. ORTIZ: Sure.

COMMISSION CHAIR DUDLEY: Thank you.

MR. ORTIZ: I’d also -- how much time do I have?

COMMISSION CHAIR DUDLEY: No, you’re on. You’re still on.

MR. ORTIZ: I’d also like to bring up to your attention, I was going through the agenda report prior
to coming here. And, I’m sorry, I’m not really well
prepared. We had a lot of call-ups lately, the dam that
broke and things like that. So there’s been a lot of
call-ups lately, so I was very unprepared.

But it states, POST mentioned on August 2\textsuperscript{nd}, 2012,
POST Senior Consultant Don Lane granted Mr. Ortiz
permission to attend a requal course, based on his
misinterpretation of this December 5\textsuperscript{th}, 2001, regulatory
interpretation document that pertained to previously
employed peace officers who required a break in service
for active duty.

I went through that. And Don Lane never mentioned
to me anything through an e-mail, through telephone
conversation, any regulatory 2001. In fact, I went
through, looking through the OAL sites and just about
anything on Google, I couldn’t find that. And I did a
printout as well. I couldn’t find anything pertaining to
that piece. So I’m not sure if it’s out there somewhere.
It would have helped if he would have mentioned it to me
at the time.

Let’s see -- so Don Lane, he -- I noticed, he tolled
the statute which -- if you don’t mind, Madam Chair, if
I can go ahead and read that to you, “The regulatory” --

COMMISSION CHAIR DUDLEY: Just read it slowly so
that we can copy it down.
MR. ORTIZ: Okay, sorry about that.

The federal statute that Don Lane may have tolled -- which he’s a prior service himself, probably still serving -- is Title 50, USC 3936, War and National Defense. It’s codified in section 526, “Statute of Limitations.” It just basically states the period of a servicemember’s military service may not be included in computing any period limited by law, regulation, or order or bringing of any action or proceeding in court, a bureau, or a commission.

So he may have been tolling that one rather than the statutory one that was brought up in Tab J of the agenda report. So it’s a possibility that may have happened.

In 2008, I passed -- I surpassed that six-year window. In 2002, I finished the academy. But that three-year hit for me, when I was in-country; I was in the Middle East. So I don’t think there’s any regulation out there that actually covers for soldiers that are actually on the war front in-country at all.

So in 2002, I finished the academy. The three-year mark hit when I was still in-country; and in 2008, I was basically back, but gone off on a humanitarian mission as well. And I’ve included that in the packet as well.

So there’s a lot of deployments, a lot of humanitarian missions after getting back after 9/11.
So that’s basically all I have, pending any questions you may have.

COMMISSION CHAIR DUDLEY: Thank you very much.

MR. ORTIZ: Thank you.

COMMISSION CHAIR DUDLEY: I was just thanking you. And now I’m going to ask about the questions.

Any questions of Mr. Ortiz?

(No response)

COMMISSION CHAIR DUDLEY: I keep forgetting to look down my left here.

(No response)

COMMISSION CHAIR DUDLEY: Okay, thank you.

MR. ORTIZ: Thank you.

COMMISSION CHAIR DUDLEY: And is there a representative from POST?

You can stay there, Mr. Ortiz, if you’d like to.

MR. LOGGINS: Thank you, Madam Chair. Thank you, Commissioners. Thank you, Mr. Ortiz.

I will preface with this, this is simply a matter of determining whether or not somebody meets the minimum qualifications. It’s not a statement on military service. In fact, anybody in law enforcement, I think we consider them our brothers in arms, so we share an area of commonality.

But with respect to Mr. Ortiz, POST regulations
address training standards to ensure law-enforcement
candidates have the capacity, the skill-sets to not
only -- to demonstrate the competencies to serve the
communities that they’re employed by, but also make those
critical life-and-death decisions.

As I mentioned earlier, in 1988, this Commission
created the requalification requirement, and implemented
the six-year rule. Subsequently, ten years later, they
created the six-year exception. And that was
specifically to address people whose skill-sets had
become stale due to the fact that case law, statutory
law, tactics, and emerging trends are constantly
evolving. The fact of the matter is, the law enforcement
realm we entered in 20, 25 years ago, or even 10 years
ago, is significantly different. It was for this reason
that the Commission created the six-year rule, so that
people whose skill-sets have become stale are addressed.

And, quite honestly, it was for examples exactly
like that, regarding Mr. Ortiz, that this Commission
created the six-year rule.

I will offer a counter-opinion with regard to some
of the statutes that Mr. Ortiz has brought up that POST
staff have looked at; and we’ve actually brought in
outside counsel from Cal HR to look at as well.

Mr. Ortiz asserts that three federal statutes and
his military activation during times of disaster declared
by the Governor, exempt him from minimum training
mandates. The statutes are as follows -- and I will say
them slowly -- the Uniform Services Employment and
Reemployment Rights Act, or USERRA; the Servicemembers
Civil Relief Act, also known as SCRA; as well as Assembly
Bill 1588 of 2012, which added section 114.3 to the
California Business and Professions Code. These
statutes, although they apply federally to those members
of the military, have no bearing on California mandates
or regulatory statutes with respect to law-enforcement
training. And they don’t apply in this realm whatsoever.

Specifically, with respect to the USERRA, the
Uniform Services Employment and Reemployment Act, that
law provides certain rights for employees. Specifically,
it prohibits an employer from denying an employee certain
rights and privileges because of military status. The
Act specifically defines an employer as any person,
institution, organization, or other entity that pays
salary or wages for work performed or that has control
over employment.

This is clearly a statute addressing relations
between employee and an employer. Mr. Ortiz is not an
employee of the California Commission on Peace Officer
Standards and Training.
This is not simply the opinion of members of POST staff. We actually sought counsel from Cal HR attorneys who agreed with our opinion with regard to the application of USERRA -- or the non-application of USERRA to POST regulations.

With respect to SCRA, the Servicemembers Civil Relief Act, which addresses tolling, this statute is designed to address relief for military members from civil actions with respect to items such as outstanding credit-card debt, mortgage payments, pending trials, taxes, and termination of leases.

POST has no fiduciary agreement with Mr. Ortiz. It’s not an institution that has loaned him money, nor are we his landlord. None of these have any applicable conditions that exist; and, therefore, they don’t apply to any regulatory mandate with respect to minimum standards.

Regarding the Department of Consumer Affairs law, specifically, Assembly Bill 1588 of 2012 which added section 114.3 of the Business and Professions Code, this law addresses servicemembers, but it’s designed to address the Department of Consumer Affairs; and it requires the Department of Consumer Affairs to waive renewal fees, waive continuing-education requirements, and other requirements regarding specific licensing or
registrants that fall within the confines of the Department of Consumer Affairs.

POST is not part of the Department of Consumer Affairs, nor do we license anybody to become a peace officer in the state of California. Peace-officer authority is driven by the appointment from the specific jurisdiction that hires a person.

With regard to the application of military -- or peace-officer status for members of the National Guard, Mr. Ortiz is correct, if you’re a member of the National Guard, the Governor of the State of California does have the authority to provide you with peace-officer authority temporarily during times of disaster.

Mr. Ortiz, through his prior attorney, did show us some hyperlinks that indicated that he was activated as a member of the National Guard. I’ve not personally seen those orders; but I have no reason to believe that he was activated. I’m certain if he was a member of the military the past quarter century, I’m absolutely certain he was activated on numerous occasions.

Having said that, it is true that statutorily you can be appointed as a peace officer by the State of California; but that is not the same level of peace-officer status as mandated by POST regulation. In order to be appointed as a peace officer temporarily by the
State of California, through the Governor’s authority, the only requirement is technically you’re a member of the National Guard.

With respect to the six-year exception, the six-year rule we’re talking about, the appointment as a peace officer for which the RBC is required by law is the only mechanism that stops that clock. Therefore, activation as a peace officer through the mechanism of the Governor’s appointment, temporarily through the National Guard, is not applicable in this situation.

POST independently looked into California law to see if there’s any reciprocal laws similar to that of USERRA. And we found that there are specific sections in the California Government Code. And they pretty much mirror that of the federal statutes. Specifically, Government Code sections 19780 through 19786 address reinstatement and return rights for military members if the member is a permanent employee or an exempt employee in California.

As I mentioned, in reference to the federal statutes, Mr. Ortiz is not an employee of the state of California, he’s not an employee of any law-enforcement agency, nor is he an employee of the California Commission on POST.

So our opinion is that any of those statutes that
address issues of employee or employee relations have no bearing on application of minimum standards.

POST has conservatively invested hundreds, if not approaching a thousand hours, looking at this particular case. And while we sympathize with Mr. Ortiz’s situation and certainly appreciate his service to our country in the military, it is our opinion that it has no bearing on whether or not -- the fact of the matter, is he qualified to serve as a peace officer.

The bottom line is, this is a matter of: Is his training contemporary, is it current, and does it fall within the mandates of what our regulation requires?

I’ll bring this to your attention. Since 2002, when he last went to an academy, a significant amount of change has occurred in California law enforcement. A few years ago, the Ninth Circuit Court of Appeals strenuously restricted the capability of law-enforcement officers to rescue children in harmful situations. It was not too long ago that possession of a baggie of marijuana would land you in jail. If someone were to be doing it today, that would simply be a citation, at best. If not, it could be completely legal.

Years ago, when Mr. Ortiz went to the academy, a law-enforcement officer could simply pull out a cell phone and go through it on a vehicle stop. The Supreme
Court has made that very clear, that there’s some strict changes with respect to that.

When Mr. Ortiz went to the academy, there was no such thing as an in-car camera, there was no such thing as a body camera. A significant amount of changes has occurred, not only statutorily but tactically, operationally, and in case-law-wise. And it is our opinion that his skill-set has gone stale. And the only recommended -- or the only remedy for that situation that would be in the best interests of not only him, but the people he would potentially serve, would be to go to a full basic academy.

With that, I’d be more than willing to entertain any questions you may have.

COMMISSION CHAIR DUDLEY: Thank you.

One moment.

Are there any questions?

(No response)

COMMISSION CHAIR DUDLEY: Mr. Ortiz, would you like to make some final statements?

MR. ORTIZ: The final statement I have, ma’am, yes, in reference to the credit card. That’s actually Title 50 -- that’s actually under Title 50, that if the soldier is deployed, credit-card debt, that’s under Title 50, section 527, it doesn’t have anything to do
with 526, which is the tolling of the statutes.

And I did go through the requal in 2012; and I have actually been doing training with UPD -- SFUPD, and also the SFPD as well, through the DSCA program, which I spearheaded myself through my unit.

That’s all I have, pending any questions, ma’am.

COMMISSION CHAIR DUDLEY: Okay. Anything else for Mr. Ortiz?

(No response)

COMMISSION CHAIR DUDLEY: Okay, well, thank you for your statements, and thank you for your service.

MR. ORTIZ: Thank you, ma’am.

MR. LOGGINS: Thank you.

COMMISSION CHAIR DUDLEY: We’re going to take a five-minute break now; and then we’ll proceed with the agenda.

(Recess taken from 1:16 p.m. to 1:22 p.m.)

COMMISSION CHAIR DUDLEY: Okay, back on the record. Let me give you a preview how this is going to go.

We’re going to next handle the committee report from the Advisory Committee, and Correspondence, Old Business, New Business. And then, for a treat, we’re going to have a three-minute video, titled “Procedural Justice.”

All of that will take place in the next few minutes; and then we’ll go into closed session.
Now, from the Advisory Committee Chair, Mr. Marcelo Blanco, he’s going to report on the Advisory Committee meeting held yesterday. Now, it’s possible for him to go into great detail on each of the recommendations, and tell you why, in each case. Or, he’s offering us the opportunity to hear a couple of snippets about each person.

Is there anybody that wants to hear more than a couple of snippets?

(No response)

COMMISSION CHAIR DUDLEY: What do you know?

Okay, please.

ADVISORY COMMITTEE CHAIR BLANCO: Okay, so we had a wonderful meeting yesterday. Thank you for that. I have the notes written down as we were going through to make sure this is short.

We were tasked with reviewing the Excellence in Training Awards for Individual, Organizational Achievement, Lifetime Achievement, and then the “Bud” Hawkins Award.

So what we did is, we broke up into groups, and we came up with the different recommendations for the Commission to decide if that’s the direction you guys want to go in.

As far as for the Individual Award, it was Sergeant
Casey Bokavich from the Redding Police Department. And what he did was, he took a use-of-force program and, in a sense, put it down to the level of the community, had the community get involved and, as such, created greater understanding from the community as to decision-making and things that get involved when officers are using force on a subject.

So that program is being looked at by other agencies, again, to improve community relations as well as create a greater understanding and transparency of use of force.

For Organizational Achievement, the CHP was selected. They created a program which they instituted into their recruit academy to reduce cadet attrition at the academy, provide coping skills that can be applied during the entire program, and improving employee health overall. Their overall outcome, obviously, is they had less students drop the program. They were able to make better decisions and promoted a sense of team concept.

The runner-up for the Organizational Achievement Award was a program by the San Bernardino County Sheriff’s Department.

Now, for the -- and I’ll backpedal for just a second.

On the Individual Award, there was no runner up.
The Committee didn’t -- any of the other folks that
applied didn’t think it rose to the level of having a
runner-up, so there was none mentioned.

For *Lifetime Achievement*, Mr. Gordon Sievert from
the South Bay Public Safety Consortium was selected. He
has, obviously, an extensive background in training, and
has provided with that, a great deal of training pretty
much to folks in the state and outside of our state.
Hence, his selection.

And finally, for the *Bud Hawkins Exceptional Service
Award*, we selected Virginia Tomek of the Oakland Police
Department. She is a retired dispatcher. And, in a
sense, based on her innovative work, when she started,
there was no academy or no dispatcher training. She was
instrumental in creating a 40-hour program. That program
going to 80 hours, and then to 120 hours, as far as
creating those manuals.

She continues to teach and be an integral part of
a dispatcher’s life throughout the state of California,
even though she’s been retired for two decades now.

So that was what the Committee recommended to the
Commission for those awards.

Unless anybody has any questions, that will conclude
my report.

**COMMISSION CHAIR DUDLEY:** Questions?
POST Commission Meeting, February 23, 2017

(No response)

COMMISSION CHAIR DUDLEY: Okay, we actually need two separate motions. We’ll need a motion for approval of the recommendation of the winner of Excellence in Training Awards: The Individual Award, the Organizational Award, the Lifetime Achievement Award.

Is there a motion to approve?

COMMISSIONER MOORE: So moved.

COMMISSION CHAIR DUDLEY: Name?

COMMISSIONER MOORE: Moore.

COMMISSION CHAIR DUDLEY: Thank you.

COMMISSIONER LEICHLITER: Second. Leichliter.

COMMISSION CHAIR DUDLEY: Thank you.

All in favor?

(A chorus of “ayes” was heard.)

COMMISSION CHAIR DUDLEY: Any opposition?

(No response)

COMMISSION CHAIR DUDLEY: Abstain?

(No response)

COMMISSION CHAIR DUDLEY: So approved.

Now, we need a motion for approval of recommendation of the winner of the O.J. “Bud” Hawkins Award.

COMMISSIONER HUTCHENS: Hutchens. Motion.

COMMISSIONER DELAROSA: DelaRosa. Second.

COMMISSION CHAIR DUDLEY: All in favor?
(A chorus of “ayes” was heard.)

COMMISSION CHAIR DUDLEY: Abstain?

(No response)

COMMISSION CHAIR DUDLEY: And that motion is also approved.

Thank you.

Now, in terms of correspondence, the following correspondence was sent by POST.

To Margaret Mims, Sheriff, Fresno County Sheriff’s Department, expressing sympathy over the tragic on-duty death of Sergeant Rod Lucas.

To Adam Christianson, Sheriff, Stanislaus County Sheriff’s Department, expressing sympathy over the tragic on-duty death of Deputy Dennis Wallace.

To J.R. Gamez, Chief, Redwood City Police Department, expressing sympathy over the untimely on-duty death of Officer Gerardo Silva.

Were any other correspondence sent?

Okay, thank you.

To Jeff Piper, Chief of Whittier Police Department, expressing sympathy over the tragic on-duty death of Officer Keith Boyer.

And, of course, we’ll be sending another one next month.

Is there any old business?
POST Commission Meeting, February 23, 2017

(No response)

COMMISSION CHAIR DUDLEY: Any new business?

(No response)

COMMISSION CHAIR DUDLEY: Then how about a fabulous video?

Would you like to say a little bit about this video?

MS. MYYRA: Sure.

COMMISSION CHAIR DUDLEY: Thank you.

MS. MYYRA: This is one of the latest "Did you Knows," and it’s on procedural justice as related to the topic.

COMMISSION CHAIR DUDLEY: And this video was created...?

MS. MYYRA: Created by our video production vendor, digital OutPost in Carlsbad, California.

You can see the extraordinary work that they do.

COMMISSION CHAIR DUDLEY: Yes.

And, Dane, you’re here today, aren’t you?

MR. WYGAL: Yes, I am.

COMMISSION CHAIR DUDLEY: Just take a moment and tell us about yourself and what digital OutPost is.

MR. WYGAL: Sure. I don’t think you can hear me from way back there.

Can you hear me now?

CHORUS: We can hear you now.
MR. WYGAL: Yes, thank you for taking the time to take a look at this. I won’t take much of your time. But my company is digital OutPost in Carlsbad. We’ve produced about upwards of 130 video-based training programs for the Commission. Over the last 14 or so years, we’ve done about twenty-some “Did You Know” programs in this genre, the short, high-impact programs. This is our latest. I will say, usually the last one is my favorite. This is, without a doubt, my favorite, and for so many reasons. And I’m excited to have you see it. But it’s become kind of a pet project of mine as well.

They all do, to a certain level; but this one is special. I just can’t let go. So with that, let’s take a look.

COMMISSION CHAIR DUDLEY: Dane, thank you for the work that you’ve been doing for POST over the last 14 years. It’s been excellent.

MR. WYGAL: Thank you, Joyce.

(The “Procedural Justice” “Did you Know?” video presentation:

Scene opens with a woman and man, and other patrons, in a coffee shop witnessing, through the glass storefront, that an SUV is getting pulled over by a patrol car, right in
front of the coffee shop.

Scene changes to reveal that the SUV driver is a young African-American man wearing a hoodie. The Caucasian police officer exits his patrol car. The woman in the coffee shop uses her cell phone to record video of the event while other patrons in the coffee shop are watching the interaction between the SUV driver and the police officer, just outside of the coffee shop.

Scene changes to the SUV driver and the police officer sitting across from each other at a small table in the coffee shop and conversing:

   DRIVER: You know, I knew I was going to get pulled over.

   POLICE OFFICER: What do you mean?

   DRIVER: I mean, I’ve been working all day. I’m just trying to get to the store, go home.

   POLICE OFFICER: But...?

   DRIVER: I’m a Black man. I’m wearing a hoodie, and I knew I was screwed.

   POLICE OFFICER: I didn’t know you were Black when I stopped you. I was right across
the intersection from you and you rolled through the STOP sign.

    DRIVER: Yeah, well, a lot of people do; but I feel like I’m the one who gets stopped all the time.

    POLICE OFFICER: I’m sorry you feel that way. I don’t know why you may have been stopped before; but I can only tell you why I stopped you tonight. It’s because you ran the STOP sign. Nothing else.

    DRIVER: Do you understand how scared I am when I get pulled over?

    POLICE OFFICER: Tell me why you’re scared.

    DRIVER: Cops get nervous when they pull over a Black guy. And I don’t know how this is going to end. I just don’t want to get shot.

    POLICE OFFICER: Okay, I get it. Been a lot of things causing mistrust; but I never know what’s going to happen, either, when I make a traffic stop.

    I want you to be able to trust the police, to trust me. I don’t want you to be scared.

    DRIVER: You’re the first cop I’ve talked to that understands there’s problems; and I
think that maybe if I could talk to other
 cops like this -- I don’t know -- I’d be less
 afraid.

   POLICE OFFICER:  If we could all talk like
 this, maybe everyone would be less afraid.

   DRIVER:  Will you remember this
 conversation when you come to my car?

   It matters.

   POLICE OFFICER:  (Nodding head.)

   DRIVER:  More than you know.

   Scene changes back to earlier scene and
 picks up where the police officer exits his
 patrol car. Police officer uses a flashlight
 to check the SUV as he approaches the driver;
 there is a young boy in the back seat.

   POLICE OFFICER (to young boy):  What’s up, 
buddy?

   (To driver)  Good evening, sir.

   DRIVER:  Good evening.

   Screenshot: “Voice, neutrality, respect, 
trustworthiness.”

   Screenshot: “Procedural Justice.”

   Screenshot: “California Commission on 
Peace Officer Standards and Training.”

   POST Logo.
“IP.post.ca.gov/procedural-justice.”

(Applause)

COMMISSION CHAIR DUDLEY: How do you watch that and not get a lump in your throat?

Well done, again.

MR. WYGAL: Thank you.

So if I may, we posted that -- or it’s been available since mid-December. And we stream it, it’s on our server, so we can track that side of things.

We also delivered downloadable versions of those to POST. So I don’t know how those have gone out. But as of February 15th, there were almost 12,000 hits on the streaming version of that video.

And I’ve reached out to a lot of our former subject-matter expert groups and gotten the word out to them about it. I reach out to them personally and send them e-mails and send them the links to it.

So, you know, my hope is to get it out to as many eyeballs as possible, and really start the conversation. To me, it’s starting the conversation.

And I’m happy to talk about this -- I’ve wasted a lot of time sitting here, talking about that video with you. But I know you have a lot to deal with, so...

COMMISSION CHAIR DUDLEY: Dane, would you just stay there for a moment?
Marcel?

ADVISORY COMMITTEE CHAIR BLANCO: You kind of hit the nail on the head there for the minute.

I’m currently attending our POST management school. So thank you for not cutting the funding there.

And while we were discussing procedural justice, I remember having watched this or got the link to it and, you know, shared it with the instructor. And we brought it up. And, of course, most of the folks that were there, they’re all at the same level, lieutenant or captain, got the information down for their department.

I’ve used it in my own briefings with my personnel. Again, just like you said, to start the conversation.

I think officers are a little confused or afraid of the -- you know, procedural justice, this big term. And this breaks it down to the point where, you know, it’s in bullets that you can talk about, and make them at ease, to say, “Look, this is not this huge monster. It’s something we’ve always been doing; and this is all it is.”

And so thank you. It made a great impact.

MR. WYGAL: Thank you.

COMMISSION CHAIR DUDLEY: One moment.

Yes?

COMMISSIONER MOORE: I just want to say, the most --
for me, what I want everyone to reflect on is the little boy in the back seat and the fact that this might have been his first encounter with a peace officer, and how he treated his father. So that crosses a generation.

And the problem in the community, most of the time, is that the generation that sits in the back seat, what you don’t notice, he sees the disrespect or whatever might have happened with his father, he carries that for the rest of his life.

This is this kid’s first experience with an officer stopping his father. He will carry that experience, and it becomes a more positive experience that will help transition, or transcend -- that breaks through in the community, from growing up under -- only having relationships with police when they’re arresting someone or they’re grabbing someone. So you’re developing something else.

And I really wanted everyone to focus on that kid in the back seat, and how he looked, and how he took and internalized the conversation with his father and the police officer. And I think that goes a long way.

And I just wanted to say, that was very good, very touching.

MR. WYGAL: Thank you. Thank you.

One other quick thing I just wanted to add.
COMMISSION CHAIR DUDLEY: Commissioner Moore, thank you for your comments.

Yes, go ahead.

MR. WYGAL: I just wanted to add, I got a call between the meetings yesterday from Dr. Eberhardt from Stanford University. I guess they’re a part of the eight-hour Procedural Justice and Implicit Bias course. And she wanted to talk about how she could put that into her course. So she’s going to put it into Module 5; and then she’s going to specifically ask for feedback with regard to the video and how it’s being used in the class and how effective it would be with the ongoing course. So we’re real excited to hear back from them in a couple months on that.

COMMISSION CHAIR DUDLEY: Okay, before you leave, any other questions?

COMMISSIONER CHAPLIN: I have a comment. And I know you’ve been trying to get out of that chair for a minute. But you’re just going to have to sit there for a minute because I’ve just got to tell you, I received this via standard e-mail, you know, from POST. Right when it came out, I watched it and I was instantly moved. Very few video segments hit the marks like that does. It was thought-provoking. It made me exceedingly proud to be able to serve on the POST Commission. It was just
extremely well done.

So thank you, and kudos.

MR. WYGAL: Thank you very much.

COMMISSION CHAIR DUDLEY: Yes, Commissioner Smith?

COMMISSIONER SMITH: Briefly.

Exceptional. Thank you.

COMMISSION CHAIR DUDLEY: And on a personal note, I have to tell you, that I have a child of color; and I showed that to him, and he said, “That’s exactly the way I feel, Mom.” So I think you touched everybody with that video. Thank you.

MR. WYGAL: Thank you, much.

And there’s a lot of credit to go around. But, you know, I won’t have a chance to do that with everyone.

But POST staff -- several people from POST came to me, Consultant Larry Ellsworth, Jan Bullard as well. And it was an idea. It was like, “Hey, we want that -- we want this driver and this officer in this traffic stop, to suddenly sit down and have this discussion.

And going from that initial conversation to what we have on the screen is why I do what I do. And thank you for allowing me to do it for law enforcement, which makes it even more special.

Thank you.

COMMISSION CHAIR DUDLEY: Which is why I wanted to
show that, to remind us all what we do -- what we do, and
why we’re all here, even though we’re into our fourth
hour. We’re proud to be a part of POST.

Thank you.

I just want to make sure, for the record, that we
did cover that there is no old business?

And that was new business.

Is there any more new business?

(No response)

COMMISSION CHAIR DUDLEY: Okay, the future
Commission dates: We are going to be having the
remainder, the next five meetings, in West Sacramento
because of its sheer beauty. That’s the only reason we
chose West Sacramento.

And the dates are June 21st through 22nd, October 25th
through 26th. And those are in 2017. Then in 2018:
February 7 through 8th; June 20th through 21st; and
October 17 through 18th.

And we’re now going to adjourn to closed session.

We ask all attendees to exit the room.

And we will reconvene in general session at the
conclusion of the closed session.

Aren’t there some magic words I should read now?

MR. DARDEN: No. All you have to say is, we’re
adjourned into closed session.
COMMISSION CHAIR DUDLEY: Okay, we’re adjourned into closed session.

(Marcelo Blanco left the meeting for the day.)

(Recess from 1:40 p.m. to 1:48 p.m.)

(The Commission met in closed executive session from 1:48 p.m. to 2:48 p.m.)

(The Commission returned to open session at 2:49 p.m.)

COMMISSION CHAIR DUDLEY: All right, we are now in open session and back on the record.

Let’s see, this meeting is now back in general session; And Mr. Darden will report on Items 1 and 2 as listed in the agenda.

MR. DARDEN: The Commission discussed litigation matters in closed session and also conducted deliberations on the three appeals; and there were voice votes rendered on the appeals. The Commission will issue a written decision within 15 business days.

The voice votes were as follows:

On the Cordischi appeal, the Commission voted unanimously to grant the appeal.

In the Cadzow matter, the Commission voted unanimously, with one dissent, to grant the appeal and to remand the item to staff for further action under subsection (c) of the regulations.
And the Commission voted unanimously to deny the Ortiz appeal.

COMMISSION CHAIR DUDLEY: Is there anything else?

(No response)

COMMISSION CHAIR DUDLEY: Okay, this meeting is adjourned.

(The Commission meeting concluded at 2:50 p.m.)
REPORTER’S CERTIFICATE

I hereby certify:

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

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

In witness whereof, I have hereunto set my hand on March 14th, 2017.

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