STATE OF CALIFORNIA

COMMISSION ON

PEACE OFFICER STANDARDS AND TRAINING

POST COMMISSION MEETING

OPEN SESSION

TIME: 9:30 a.m.

DATE: Thursday, October 26, 2017

PLACE: Commission on Peace Officer Standards
and Training
860 Stillwater Road, Suite 100
West Sacramento, California

REPORTER’S TRANSCRIPT OF PROCEEDINGS

 Reported by:
 Daniel P. Feldhaus
 California Certified Shorthand Reporter #6949
 Registered Diplomate Reporter, Certified Realtime Reporter

_________________________________________
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APPEARANCES

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

BARRY DONELAN
Sergeant
Oakland Police Department

ROBERT DOYLE
Sheriff
Marin County Sheriff’s Department

SANDRA HUTCHENS
Sheriff-Coroner
Orange County

LAREN LEICHLITER
Deputy Sheriff
San Bernardino County Sheriff’s Department

STEPHEN LINDLEY
for XAVIER BECERRA, Attorney General
Department of Justice
APPEARANCES

COMMISSION ON POST
COMMISSIONERS PRESENT
continued

GEOFF LONG
Public Member
(Chair, Finance Committee)

JOHN McMAHON
Sheriff
San Bernardino County Sheriff’s Department

JETHROE MOORE II
Public Member

JAMES O’ROURKE
Sergeant
California Highway Patrol

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

RANDALL WALTZ
California Association of Police Training
Officers (CAPTO)
APPARENTANCES

COMMISSION ON POST STAFF PRESENT
(participating staff)

MANUEL ALVAREZ, JR.
Executive Director
Executive Office

SCOTT LOGGINS
Assistant Executive Director
Standards and Evaluation Division

MARIA SANDOVAL
Assistant Executive Director
Field Services Division

CATHERINE BACON-DAVIS
Senior Information Systems Analyst
Learning Technology Resources Bureau

ALLEN BENITEZ
Senior Consultant
Training Program Services Bureau

PHILIP CAPORALE
Bureau Chief
Standards, Evaluation & Research Bureau

DAVID CHENG
Analyst
Training Program Services Bureau

LARRY ELLSWORTH
Bureau Chief
Learning Technology Resources Bureau

JULIE GORWOOD
Senior Consultant
Basic Training Bureau

CONNIE PAOLI
Administrative Assistant II
Executive Office

JOE G. SAMPSON
Senior Consultant
Management Counseling Services Bureau
APPARANCES

COMMISSION ON POST STAFF PRESENT
(participating staff)

R.C. SMITH
Bureau Chief
Basic Training Bureau

SHELLEY SPILBERG
Standards & Evaluations Manager
Standards, Evaluation & Research Bureau

Also Present

JOHN CARLI
Chief
Vacaville Police Department
(Opening Remarks)

MICHAEL HEARN
Mission Consulting

ROSETTE NGUYEN
Mission Consulting
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October 17 and 18, 2018
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### Closed Session

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1. Conference with Legal Counsel
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      b) Tamara Evans v. POST
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         Case No. 2:15-cv-01951.

      c) People v. Garcia
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         Case No. CC800985

      d) In re Claim of North Orange County
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### Closed Session

R. Closed Executive Session *continued*

2) Conference with Legal Counsel – Existing/Potential Litigation:

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Thursday, October 26, 2017, 9:35 a.m.

West Sacramento, California

COMMISSION CHAIR DUDLEY: And now please stand for the presentation of the colors by Vacaville Police Department.

(Presentation of the Colors by the Vacaville Police Department Color Guard.)

COMMISSION CHAIR DUDLEY: And please remain standing for the Pledge of Allegiance.

(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 our last meeting:

Deputy Robert Rumfelt, Lake County Sheriff’s Department.

Deputy Robert French, Sacramento County Sheriff’s Department.

(Moment of silence)

COMMISSION CHAIR DUDLEY: Thank you.

Please join me in thanking the Vacaville Police Department Color Guard.

(Applause)

COMMISSION CHAIR DUDLEY: And please take your seats.
As a reminder, please make sure to review the commissioner roster to make any adjustments to your contact information.

Please also sign the orange attendance sheet.

Lastly, lunch forms have been placed at each of your seats. If you have preplaced an order, please review it for any changes. If you’ve not filled out the order but would like to, please fill in the form now.

Lunch has been priced at $10 each, the cost assessed with the coverage of coffee, water, cookies and muffins covered by the staff for the meeting yesterday and today. Staff will be coming by to collect lunch orders and money. Lunch is scheduled to arrive a little before noon.

Okay, Ms. Paoli, will you take the roll call?

MS. PAOLI: Braziel.

COMMISSION VICE CHAIR BRAZIEL: Here.

MS. PAOLI: Lai Lai Bui.

COMMISSIONER BUI: Here.

MS. PAOLI: Chaplin.

COMMISSIONER CHAPLIN: Here.

MS. PAOLI: DeLaRosa.

COMMISSIONER DELAROSA: Here.

MS. PAOLI: Donelan.

COMMISSIONER DONELAN: Here.
MS. PAOLI: Doyle.

COMMISSIONER DOYLE: Here.

MS. PAOLI: Dudley.

COMMISSION CHAIR DUDLEY: Here.

MS. PAOLI: Leichliter.

COMMISSIONER LEICHLITER: Here.

MS. PAOLI: Lindley.

COMMISSIONER LINDLEY: Here.

MS. PAOLI: Long.

COMMISSIONER LONG: Here.

MS. PAOLI: McMahon.

COMMISSIONER MCMAHON: Here.

MS. PAOLI: Moore.

COMMISSIONER MOORE: Here.

MS. PAOLI: O’Rourke.

COMMISSIONER O’ROURKE: Here.

MS. PAOLI: Ramirez.

COMMISSIONER RAMIREZ: Here.

MS. PAOLI: Smith.

COMMISSIONER SMITH: Here.

MS. PAOLI: Vasquez.

COMMISSIONER VASQUEZ: Present.

COMMISSION CHAIR DUDLEY: Thank you.

Now, I’d like to introduce our newest commissioners, Barry Donelan and John McMahon.
Commissioner Donelan is a sergeant with the Oakland Police Department.

Where are you?

COMMISSIONER DONELAN: I’m right over here.

COMMISSION CHAIR DUDLEY: Oh, there you are. You’re blending.

COMMISSIONER DONELAN: Yes.

COMMISSION CHAIR DUDLEY: And would you like to say a little bit about yourself?

COMMISSIONER DONELAN: I’m with the Oakland Police Department. I’ve been serving, actually, as the union president there for the last six years. Served in patrol, investigations, and currently hold the rank of sergeant there.

COMMISSION CHAIR DUDLEY: Okay, thank you.

Commissioner McMahon is the Sheriff of San Bernardino County.

And would you like to say a little bit about yourself?

COMMISSIONER McMAHON: Good morning.

COMMISSION CHAIR DUDLEY: Good morning.

COMMISSIONER McMAHON: Thanks for having me on this board. I’m looking forward to it.

It has a fairly good-sized footprint in the training world; and in our county, Regional Training Center
trained not only the folks in San Bernardino County, but surrounding our county as well. So it’s my honor to be here.

COMMISSION CHAIR DUDLEY: Thank you.

And to my left is POST Advisory Committee Chair Randy Waltz.

This is your first meeting.

ADVISORY COMMITTEE CHAIR WALTZ: Yes, it is. Thank you.

COMMISSION CHAIR DUDLEY: You’re doing beautifully so far.

And to my immediate left is the legal counsel, Toby Darden.

Nice to see you again.

And to my right is POST Executive Director Manny Alvarez, doing a fabulous job, I might add.

Now, please join me in welcoming Chief John Carli of Vacaville Police Department who will provide welcoming remarks.

Thank you, Chief.

CHIEF CARLI: Well, good morning. And thank you for allowing me to come before you today. It’s really an honor to spend this morning with you, with some opening remarks.

A red-eye flight from Philadelphia last night, so a
few cups of coffee. But it’s East Coast time, so that
should help me, and be in my favor.

A few things that come to my mind when I had the
opportunity to think about what would I share to the
Commission and to those who are in attendance today; and
it started with a few questions, and that is, you know,
individually and why you’re here representing POST:
What do you want your legacy to be, when you think about
that personally and professionally, and when you think of
that as a commission for California POST? It’s an
awesome responsibility, and I think it’s one that we
often will think about, especially in our profession.

I also think about the idea of what it means to have
influence and how will we use our influence at a time
when it matters most? There is so much that we’re
focusing on today as a nation.

Two words that come to my mind also are this thought
of being consistent, but also changing. But I’ll get
back to that.

I want to take you back a year ago. It was the week
of July 4th, 2016. We celebrated America’s history on
one day; and yet the very next day, we’re struggling as
a nation, watching what occurred with one fatal shooting
in one state, to another fatal shooting in another state.
I can’t get that out of my mind because two days later,
it was Dallas.

I was actually on an airplane, flying back from the East Coast. Live television, modern technology, flying over the state of Texas. And, like so many of us, I was overcome with emotion. There really was a sadness, a righteous anger, a feeling that I just was trying to come to grips with. And I started writing.

This country was feeling this earthquake, whether it was in our profession, whether it was in our culture, whether it was in our communities. And what I felt was that there is a lot that still needed to be done; and it caused me to begin to challenge myself as a leader.

The very next week, I was actually teaching for the Napa Police Academy. It was Leadership, Professionalism, and Ethics, LD 1 -- something very familiar to this POST Commission, and for anyone who has learned what it means to be a police officer in California. Maybe more so in the modern age, because maybe back when I started, we weren’t taught that particular LD, but we understand it as leaders.

Strangely enough, that day was a unique day for me because, you see, the next day I was turning 50. And I received an urgent request that said, “Please meet with the President of the United States. It’s urgent. Tomorrow, can you be at the White House?”
So I thought, really -- I thought I had staff punking me, thinking I could probably retire that day because I was turning 50. I quickly realized that it wasn’t and it was real; and I found myself in a four-hour meeting with President Obama and other stakeholders from around the country. Those from Minnesota, from Louisiana -- mayors, governors. And I’ll tell you, I don’t have anything in front of me today; but that day I did. I had a notepad; and all I could do is write on the top of that, “Why am I here?” What could I possibly add to this conversation when I looked around the room in the audience that I was in?

And as I listened over the hours, I realized: I know why I’m here. It was clear. Not for what was wrong in America, but for what was right in policing in places of America, and what we can do and what I could share. And so when the President asked what can I share, what do I have to offer, I simply explained a few things from my perspective from California. And that was, the three things that were a clear take-away, that the audience had not heard -- the stakeholders were very much roiled with emotion -- was hiring, training, and engagement.

I told him, for me, one of the most responsible areas that, as a chief, I could do, is to hire the right people, that we have to focus on emotionally engaged and
equip them, they have to be educated. We have to look at what we’re bringing into the profession and what we can do.

But for you, I want you to know that we focused on some time specific to training. You see, what I realize is -- and it’s a story that I shared with him -- is that not all training is the same. And there is a lot that we can do as a profession. But this is what I believe we do well in California.

But make no mistake about it, it wasn’t simply about that; it was the fact that we also have a lot of programs in California where we engage. We engage our communities through technology, through social media, through community policing practices, and the expectation of leadership.

Well, it didn’t end there. But the reality is, is I thought: What did this group need to hear from me? It wasn’t about what we’re doing right; only, that was the reason why I was there.

But here came the challenges: What can we do as leaders in the profession, especially if we’re charged with what we’re seeing across the nation and how we see it in California? And I couldn’t help but share a few thoughts, including: Why is it okay that in this country today, that we don’t have a national standard?
For those of you as a commission, we think about the standards that we have. But where do we fit as a national standard? There is no one national standard. Every state has its autonomy and rules; but the reality is that we swear to an oath to the Constitution of one nation.

I said, right or wrong, we don’t have an accreditation that’s standardized that creates licensing. There’s nothing that says that you’re certified as a professional, as a licensed police officer. Maybe some states do. It can actually be revoked in the State of Arizona.

There is actually agencies today that don’t have any advanced training beyond the position of a POST commission within a state.

The City of New York, their training program today is just two recruits that are paired up together on a street corner. That’s not a standardized system that allows for the very best of what we can do.

So the question is, is what will you use your influence and leadership as a commission, looking at the items other than the things that we’re dealing with today, as leaders?

And I know what’s on your agenda: Items such as Principled Policing today and how that fits in the
academy, and how that makes the workforce more relevant in the future. And I charge each of you to think about what it is that’s in our training; but also what we can do as a state and what we do and what you do as a commission to advance some of the policies and practices that make us better because that’s the focus.

Make no mistake, I didn’t just say these things were right and these things were wrong. I very much felt passionate in that meeting, that there was a reason for me to be there. And one of the things is, if we’re going to have the conversation about how police can do better, can be better, and we have good programs and we can replicate what’s going on in good communities and not just focus on the ones that are bad, we need to have the conversation as a society about what we’re willing to tolerate. We can’t have one conversation without the other. And we don’t need those protests for us as leaders to understand it. We need to silence some of the emotion and allow the leadership to step up.

So those two words that I said at the beginning of this were the idea of “consistency” and “change.”

Well, the third piece of that is the word in between, and that’s “courage.” I believe that California POST, in my tenure, has consistently looked for what is the very best in what training should be, but the
willingness to adapt and to change. The challenge for
all of you is to have the courage to see what it can be
in the policies, but also the overall issue of what it
means to be a professional. Because there is all these
big things; and if we don’t begin to speak up on those
issues, we’ll be good at what we do, but there’s some
things that we can do that will be great as well.

So thank you.

COMMISSION CHAIR DUDLEY: Thank you, Chief. I
appreciate your words.

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 items on the Commission agenda or
issues not on the agenda but pertaining to POST
Commission business.

Members of the public who wish to speak are asked
to limit their remarks to no more than five minutes.
Please be advised that the Commission cannot take any
action on items not on the agenda.

Is there anyone here that would like to address us?

(No response)

COMMISSION CHAIR DUDLEY: Hearing no one, at this
time the Executive Director would like to address the
Commission.

Executive Director Alvarez.
EXECUTIVE DIRECTOR ALVAREZ: Thank you, Madam Chair.

Welcome, everybody, back to POST; and welcome to those that it’s their first time to POST.

I’m not going to go into the specifics of the agenda items because I think they speak for themselves, and I know we’re going to have a discussion and debate about them. I hope you appreciate the fact that we are trying to change and adapt and create flexibility for some of our stakeholders, so I won’t go into those things.

But at the last commission meeting, I mentioned a number of things that we were going to be working on in between commission meetings. And I’d like to give you an update on those. They’re more administrative things within POST that we’re working on.

So at the last meeting, we talked -- or I spoke briefly about recruitment, retention, and upward mobility, and the issues that we’re having staffing POST. We currently have about 10 percent of our positions vacant, and we’re working diligently to staff them. And we’re also working on developing processes to create upward mobility for our staff.

So I’d just like to give you an idea of some of the things that we’ve done since the last commission meeting.

So as of July -- and if I may say, before I even start, we intend to roll this out to our staff on
Tuesday, in great detail. So I’m just going to hit just some cursory points on them so I don’t get out in front of our administrative folks when they roll it out on Tuesday.

But as of July, we started participating in the Cal HR statewide exam list for generalist classifications. We weren’t able to do so before because of the expense of it all. The State changed the rules somewhat and allowed us to participate. So we’re now participating in that statewide exam list.

To give you an idea, an SSM-1 position that we recently posted, which is a front-line supervisor position, we had over 60 candidates because of that statewide list. And we think that, in the future, we’re going to have even more candidates.

We have a recruiting booth at COPSWEST next week. We have a number of our staff going there with brochures and applications. And I believe we have some of those brochures. If you would like to see them, we have them, I believe, up here.

We designated an internal training manager in August for our staff.

We established a standardized performance appraisal process. This will include self-assessments, it will ensure employees receive annual reviews, and it will
ensure job-duty statements are updated every year.

   In September, we implemented what the State calls “continuous exams” for bureau chiefs. So, previously, you would get on the list, and we’d work off of a list for a year or two. Now, that list is open. Constantly, people are putting in, and the list is refreshing essentially daily, or as we process those applications. So we’re not working off lists that are a year or two old. We did that already for our law-enforcement consultants. We completed that project in March of this year. They are also now on continuous exams.

   We’ve drafted a voluntary transfer policy or process for our staff to increase our capacity, to help with staff development, and for aid in succession planning.

   We also are instituting a career and hiring panel to ensure fairness, objectivity, and selection of the most qualified candidates when hiring and promoting employees.

   We had a quasi approach with our last promotion, using that process; and we should finalize it by next Tuesday.

   We have a meeting next week with Cal HR executives to discuss the LEC position that we have -- the law enforcement consultant position -- specifically, to enhance that job series.
I also spoke a little bit about uniformity across POST bureaus and how different bureaus do things differently within POST; and we’re trying to standardize things. So in October, we started implementing SharePoint so that we can collaborate across bureaus and standardize forms. And we also completed a project on workshop expenditures, to ensure that everybody in POST is addressing workshops in the same way, and we’re expensing them in the same ways.

I also spoke about the police academies and how we certify courses at the police academies and that we are going to move it over to the Basic Training Bureau, and remove that from the responsibility of the Training Delivery consultants; because there’s ten of them, and there’s some disparity in how those things were being done. And they’re also not the experts in the academy structure or the courses.

So in July, we transitioned all RBC and SIBC courses to the Basic Training Bureau. We hired an LEC for the Basic Training Bureau in August to take over that responsibility. We still have to move over the modular courses, as well as the 832 courses. We don’t have a time frame for those, but we will be moving those over as well.

I also talked about subject-matter experts, and
using contemporary subject-matter experts and not the
same old folks, so to speak, subject-matter experts.
We are still working on that. We’re not as far as long
on that as we anticipated, but we will get to that.

So between now and the next commission meeting,
internally, what I expect that we’re going to be working
on and that will take a significant amount of our time,
is establishing operational budgets for each of our
bureaus. We have a soft internal deadline to get that
done between now and January. And I know we’re six
months into the year already, but it’s kind of a -- I
don’t want to say it’s a first-time approach for us, but
it’s something fairly new. At least fairly new to the
current staff.

We’re going to continue to address how we reimburse
courses. That is a constant discussion point. I know
there’s an agenda item on that. We have a video
conference on Monday with some of our presenters to
address some of those courses. And we’re also taking
various steps in how we review our contracts. We had
a lengthy discussion yesterday at the Finance Committee
meeting about how we review our contracts and our
approach.

Hopefully, if we can make it all happen between now
and the next February Commission meeting, as most of you
know, that is the point where we bring contracts to you all for approval. So our goal is to have an internal discussion with our executives and our bureau chiefs about each and every contract, and whether that contract is a worthy contract, whether we need to try to renew a contract, whether we need to cut it back. And then put it out for bid if we have time. Make sure that we have a wide swath of entities and individuals that we’re reaching out to, to bid on those contracts. Bring that back to you all with the results, make a recommendation, and tell you what we’ve done, and see if you approve those contracts.

Before, the process was, we would come to you and say, “We want a contract for a hundred thousand dollars for such-and-such. We’ll go out and find a vendor, and we’ll do that after the February meeting.” Our hope is to bring that to you before, so you see what we’ve done, and then you can either approve or disapprove the contract.

I don’t know if we’re going to be able to get all that done by now and February, because, as you know, that process for receiving bids takes a while. But that is our hope.

We’ve had a lot of work just in the last four months with all this administrative stuff. And I want to thank
all the staff that have just been killing themselves, so
to speak, on all this stuff. I know it doesn’t come into
the agenda items; but they have worked so hard to make
it happen; and I really appreciate -- we all greatly
appreciate that.

Also, I want to thank a few of the bureau chiefs
that are out there. Some of these folks have stepped up
and taken cuts to their own programs, or taken steps
back with their own bureaus to help the greater good of
POST. I think those bureau chiefs know who they are, and
I appreciate them doing that as opposed to hunkering down
and building an empire. They’ve made some hard
decisions, so I appreciate that.

And, lastly, I hope you appreciate the agenda items.
They are strictly up for your decision-making. Some of
them are informational, and some of them can be modified.
Some of them you may not like.

As we spoke with our internal staff prior to sending
them to OAL, as long as it’s in the minutes, we can push
it through. So I appreciate the healthy debate on some
of those.

Thank you for the time, Madam Chair.

COMMISSION CHAIR DUDLEY: Thank you. Thank you,
Manny.

That is a very impressive list of accomplishments
already. And given the breadth and depth of the agenda today, it’s very clear that you and your staff have worked very, very hard. So thanks for all your Herculean efforts. It’s terrific.

EXECUTIVE DIRECTOR ALVAREZ: We thank you.

COMMISSION CHAIR DUDLEY: Okay, so our first item is Approval of the Action Summary and Meeting Minutes from June 22nd, 2017.

Are there any corrections to the minutes?

(No response)

COMMISSION CHAIR DUDLEY: Discussion, questions?

(No response)

COMMISSION CHAIR DUDLEY: Is there a motion to approve the minutes?

COMMISSIONER BUI: Bui will make that motion to approve.

COMMISSION CHAIR DUDLEY: I need a second.

COMMISSIONER DOYLE: Doyle. Second.

COMMISSION CHAIR DUDLEY: Any discussion or questions?

(No response)

COMMISSION CHAIR DUDLEY: Those in favor?

(A chorus of “ayes” was heard.)

COMMISSION CHAIR DUDLEY: Opposed?

(No response)
COMMISSION CHAIR DUDLEY: The “ayes” have it, and the motion passes. Thank you.

Okay, now, we have something on Emerging Trends.

At this time, I’d like to call on POST Senior Information Systems Analyst Catherine Bacon-Davis to provide us with an update on how the IMPACT Team will continue to provide Emerging Trends reports to the Commission.

Thank you. Good to see you.

MS. BACON-DAVIS: Good to see you, too.

Good morning. Good morning, Madam Chair, Commissioners.

For those of you who are new to the Commission, the IMPACT Team at POST, IMPACT is “Investigating/Mitigating Progressive and Critical Trends.” We are a group of six, who look into the field and explore and find emerging trends that we can then report back to the Commission.

For this commission meeting, we went out to the executive level. We spoke with representatives from Cal Sheriffs and Chiefs, to ask them about what is going on at their level as far as emerging trends are concerned.

I spoke with Chief Eric Nuñez of Los Alamitos PD for the California Police Chiefs Association. He informed me
that there is a police futuring group that, similar to Command College, takes a five-, seven-, eight-year look ahead at what’s emerging for executives. They also have an evidence-based policing working group headed by Rod Jones from San José PD.

And Chief Nuñez is chairing a group that will be addressing the national narrative about law enforcement and working in partnership with related entities and interested stakeholders to help develop strategies for helping that.

One of the emerging issues that -- well, one of the issues that has been a constant, and it continues to be, is recruiting. Specifically, background: finding candidates who can pass the background. So that continues to be a struggle, as well as retention: holding onto officers who might go lateral to other agencies for various reasons, geographic or cost of living.

And also for succession planning. They’re working on succession planning for seconds-in-command that will put them in more -- give them more responsibility so they can develop their skills.

I spoke with Cory Salzillo. He is the legislative director for the California State Sheriffs’ Association. He is their legislative director.
So his focus is on legislation, and particularly, as he stated, the emerging trends that may result in unfunded mandates, whether that be for training or for just mandates that require resources, training, staff time. So that would include things such as agencies needing to release personnel records to the public, the work involved there, use-of-force reports, racial profiling. So they are paying attention to those.

And we spoke a bit about those unfunded mandates as far as POST. And from both Cory and Chief Nuñez, they made a very strong comment about POST and how important POST is with all of their emerging issues, to help them meet their needs.

And funding for POST is of concern to them; and they were very interested in doing whatever they could to help POST secure different or better or more funding. And they just said that POST provides the accountability and the promise made to the community; and it’s really a strong partner for them.

And with that, I open it for questions.

COMMISSION CHAIR DUDLEY: Thank you.

Are there any questions for Ms. Bacon-Davis?

(No response)

COMMISSION CHAIR DUDLEY: Thank you so much.

MS. BACON-DAVIS: Thank you.
COMMISSION CHAIR DUDLEY: Okay, so we’re going to be having presentations on the Consent Items 5, 7, 8, and 12. I’m sure those of you who have reviewed your agenda beforehand, if there’s anything else -- any other consent items that you want discussed, you can let me know ahead of time or at the time that we’re going through them. But we will, again, be discussing Items 5, 7, 8, and 12.

Commissioner Long, did you have something to say?

COMMISSIONER LONG: Well, I was going to say, do you want to know now or do you want to take them in seriatim?

COMMISSION CHAIR DUDLEY: No, if you have it now, that would be terrific.

COMMISSIONER LONG: I would like just a brief conversation about Number 11, Principled Policing.

COMMISSION CHAIR DUDLEY: Okay, so I will add Number 11.

Anybody else have one you already know you want to add?

COMMISSIONER LONG: And I have a question on 13, so I’d like to ask for a little bit --

COMMISSION CHAIR DUDLEY: Okay, let’s do 13, too.

COMMISSIONER LONG: If we could do 13, on the D.A. investigators, yes.

COMMISSION CHAIR DUDLEY: Okay, then I’m adding 11
Is there anything else?

(No response)

COMMISSION CHAIR DUDLEY: Okay, thank you, Commissioner Long.

Let’s see. So we’re going to start then with 5, which means we’ve quickly gone through 4.

All right, 5 would be a report on the proposal to remove first-aid training from the Basic Training Academy curriculum requirements.

And I’d like to call upon Law Enforcement Consultant Julie Gorwood and Assistant Executive Director Maria Sandoval to provide a presentation on this item.

Thank you.

Good to see you both.

MS. GORWOOD: Good morning, Madam Chairman and Members of the Commission. Thank you for the opportunity to provide this report.

In August, I was tasked with, to conduct a study to determine if requiring public safety first-aid and CPR training as a prerequisite to attending the Basic Academy is feasible.

The study included a review of compliance with the California Code of Regulations requirements, assessing a potential modification to existing law and regulations.
for a prerequisite approach, and an outline of the consequences of both processes.

Based on my extensive research, there is no specific language in POST regulations or the law that prohibits the removal of LD 34 from the Basic Academy and the potential of making it a prerequisite or a post graduation requirement, such as jail operations are done now.

Currently, the State Fire Marshal requires first-aid/CPR training or higher as a prerequisite to attending their Fire Academy.

Current law requires peace officers to have training in public safety first-aid with a refresher course every two years in accordance with the standards prescribed by EMSA, which is the Emergency Medical Services Authority.

The initial hourly training requirement is a minimum of 21 hours of instruction, and is currently taught in the Basic Academy as Learning Domain Number 34.

The Penal Code, Health and Safety Code, and the California Code of Regulations all govern first-aid training for peace officers, with EMSA as the overall authority to set statewide medical standards and certification of courses. They alter curriculum after review of best practices, which requires POST to modify existing courses; and our new course would have to be
reviewed and approved by EMSA.

In summary, the Code of Regulations, Title 22, requires regularly employed peace officers to complete initial first-aid training of 21 hours within one year of initial employment or prior to assumption of regular duty.

The Health and Safety Code states that the peace officers shall meet the training standards for first-aid training prescribed by EMSA, and to complete the initial training as soon as practical or within one year of employment.

The Penal Code requires peace officers to meet the training standards for first-aid training set by EMSA, outlined in Title 22, and completed as a course of training leading to a Basic Certificate issued by the Commission.

In my research, I found three states in the country that require first-aid/CPR training as a prerequisite to attending their police academies. Those are Michigan, Nebraska, and New Mexico. There are also two police departments I found that already require first-aid/CPR certification as a part of their hiring process.

There are other professions that are required to obtain first-aid/CPR training, such as those who work or run a licensed child-care center. They’re required to
have 15 hours of pediatric health and safety training
by an EMSA-approved vendor to obtain their license.

The removal of LD 34 from the Basic Course would
allow the existing 21 hours of minimum course content to
be replaced with other essential training topics such as
Principled Policing and Deescalation Training, as well
as Rifle Instruction.

Basic Training Bureau has been working to infuse
Principled Policing and Deescalation Training into
various existing learning domains, and through this
process, has arrived at the conclusion that there is
compelling need to create a stand-alone learning domain
for this topic. By creating this learning domain, POST
is trying to be proactive with infusion of Procedural
Justice before it is mandated.

Staff have also identified the need to add Rifle
Instruction to LD 35, Firearms course. POST recently
surveyed academies and agencies regarding the use of
patrol rifles, shotguns, and related training needs.
There were 221 respondents for police agencies.
Ninety-nine percent of those responding agencies stated
they use patrol rifles. Eighty-five percent stated they
use shotguns as well. Fifteen percent have replaced
their shotguns with less-lethal. And another 15 percent
of agencies have eliminated shotguns from patrol.
Ninety percent of responding academies stated that they have received requests for rifle training to be included in their academy instruction. A hundred percent of the academies reported agencies with rifles in patrol operations.

In the changing trends of equipment used in the field, the addition of Rifle Instruction in LD 35 would benefit all agencies.

There are more public safety first-aid courses available in multiple formats and variable affordability than there are 16-hour rifle courses, which have a limited amount of offerings; and in some places, not enough instructors or availability to teach it.

POST recommends the removal of LD 34 from the Basic Course, and require it to be an academy prerequisite or a post academy training requirement; replace the 21 hours of minimum course content with a new learning domain for Principled Policing and Deescalation Training, and to add Rifle Instruction to LD 35, Firearms.

At this point, I can take any questions you might have in regards to this topic; and we would appreciate any feedback you might have.

COMMISSION CHAIR DUDLEY: Commissioners, any questions?

(No response)
COMMISSION CHAIR DUDLEY: Yes, Commissioner Chaplin.

COMMISSIONER CHAPLIN: Thank you, Madam Chair.

And thank you for the excellent work you put behind that staff report and the information.

I have received unsolicited feedback from the field on this matter; in fact, from a contract chief. So an executive from a sheriff’s department. I want to paraphrase what he shared with me regarding his concern about this movement.

One of the best learning points of Learning Domain 34 is for the students to understand what the role of law enforcement is in performing first-aid. This is lost when you allow it to be taught by an outside entity. By incorporating all of the materials the students have learned into the academy, the students get a better understanding of the impact of narcotics, mental illness, and shock on the body, and how it impacts our victims and witnesses.

The POST LD gives us a standardized foundation for all law-enforcement first-aid instruction. Our instruction also meets the federal requirements for training in communicable diseases under OSHA regulations, again, cutting the follow-up on cost to police agencies. With the changes in first-aid, it is not a wise decision to transfer this to third-party groups.
Additionally, recruits seem to pay more attention in class, at least in the academy setting, than your average perhaps citizen or college student. This implies that they are retaining more information and that it’s fairly important that they do so in this subject matter.

So in listening to the conversation and the presentation of what I’ve learned from colleagues in the field, I think the intention to create space for additional learning domains, especially involving Principled Policing, Rifles, and whatever else we’re going to put in there, is certainly noble and something that we should do. The concern is whether or not sacrificing LD 34 is the right move to make that happen.

Thank you.

COMMISSION CHAIR DUDLEY: Thank you, Commissioner Chaplin.

This is on for information only; but if anybody else has any additional feedback on that issue, I think it would be a good time to discuss it.

Anyone else that wants to make any points about that?

Mr. Waltz.

ADVISORY COMMITTEE CHAIR WALTZ: Madam Chair, Randy Waltz, Advisory Committee Chair.

We had some substantial discussion on this item at
our meeting yesterday afternoon; and concern was voiced
that this would have the potential of shifting the
responsibility of providing the first-aid/CPR course to
the hiring agencies, since that training requirement
still exists for the Basic Certificate. And it was
voiced that this would have a greater impact on smaller
agencies as the trickle-down effect is already being felt
more by the smaller agencies from reimbursement.

And that pretty much covers the conversations that
we had in the Advisory Committee.

COMMISSION CHAIR DUDLEY: Thank you.

Anything else?

Yes, Commissioner Long.

COMMISSIONER LONG: Just a quick question to the
presenters.

Have you identified, roughly, how you’d break down
the 21-hour shift between Rifles and Deescalation and
Principled Policing? Is there some type of a breakdown,
rough, at all?

MS. SANDOVAL: We’re looking at an eight-hour
Principled Policing stand-alone course, a four-hour
Deescalation, and then a 16-hour Rifle Course.

COMMISSIONER LONG: Thanks.

MS. SANDOVAL: One of the things that we’ve been
talking about with POST personnel, as well as the
Association of Academy Directors, is with the first-aid and CPR, we constantly seem to be chasing our tails as far as, like, the last one that we had to do, which was the infusion of AEDs. We had to build a bridge course. And it seems like we’re always trying to follow through with what EMSA wants. It’s very difficult for us as a group to try and keep up with those requirements.

I was looking at -- from some of the discussion yesterday, I looked at one county in particular who was concerned about disparaging maybe lower social-income individuals away from the academy. And I looked at the day-care worker salary in that particular area, and it’s about $9.53 per hour for a day-care provider and they have to come and maintain their CPR certification. The same thing with the deputy sheriff in that same area, they’re making $25 an hour. So I’m having a little bit of difficulty trying to understand the money part of it.

My concern -- and, again, this is information, and we’ll do whatever you guys want us to do -- is I am concerned about trying to always maintain those standards. And it seems that with, like, the fire department coming in with EMT training, it takes us out of the medical group. And what we’re trying to do at POST, is be proactive. And with the infusion of Principled Policing and the other requirements -- this
is not a required course, first-aid and CPR. So we were trying to be proactive, and look at a way that we can maybe substitute one for the other, where we’ll be swapping out one for the other.

So however you want us to do, we would like direction on this. We’ve put a lot of time and effort into this; but if you feel like we’re chasing our tail and this is not a good way to go, then that’s up to you. We can also have people come to the academy as a prerequisite prior to going into the academy, and therefore it puts the onus on the recruit coming into the academy; or during the academy; or prior to actually walking in the first day of a department.

COMMISSION CHAIR DUDLEY: I certainly have some concern about a law-enforcement officer being out in the street without having had this training.

Is one of the alternatives that either they present that they have been to that training before they come to the academy, and that we eliminate the possibility of them doing it within the second year?

MS. SANDOVAL: Absolutely.

COMMISSION CHAIR DUDLEY: Okay.

Yes.

COMMISSIONER MOORE: I was just thinking, as we look to the future trends in policing, Deescalation Training
is going to be of utmost importance. I think as we bring in new people through the system, Deescalation is important, as well as first-aid. But there are other avenues that they can get the training for first-aid before, after, and during training to stay current.

I, myself, have to go through first-aid training on my own. I do it with the Red Cross, which also puts me out in the community to meet more people from the community. And I think it would also give our cadets more opportunity to be in the community, to meet other community members in which they will be working. So there’s a chance to build relationships as well. But I would highly recommend that we look at Deescalation Training to be the add-on.

COMMISSION CHAIR DUDLEY: Thank you, Commissioner.

COMMISSIONER DOYLE: Chair?

COMMISSION CHAIR DUDLEY: Yes.

COMMISSIONER DOYLE: You know, I agree, Commissioner Dudley. However, you know, we’re a smaller agency. We don’t have our own academy; and so some people go from the street to a police academy, which would require agencies to provide first-aid training before they’re hired. So that would be difficult.

I like the idea of pre or post, and doing it after they graduate from the academy.
MS. SANDOVAL: We have had some discussion with the regional training community colleges, where they are willing to actually have a course prior to or after, as an add-on. So it would be just once they graduate, they go right into first-aid/CPR training; and it would be funded by FTEs versus agencies or out-of-pockets.

COMMISSION CHAIR DUDLEY: Would that then avoid the possibility of a law-enforcement officer not having the training and being on the street?

MS. SANDOVAL: Correct.

COMMISSION CHAIR DUDLEY: Anything else?

Yes, Commissioner Ramirez?

COMMISSIONER RAMIREZ: I was just going to say, to be a paramedic, you have to have EMT first. To be an EMT, you have to have first-aid. So I don’t understand why these people can’t get the training prior, especially -- I know we’re talking about financial. If they don’t have the money, they usually can get some sort of waiver for school. It kind of takes it off of us.

The rifle concern I think is a huge issue, too. Because that would put a lot of pressure on agencies to get the rifle training; and if they can get some in the academy, it would really help offset a lot of the costs for the smaller agencies.

COMMISSION CHAIR DUDLEY: Thank you, Commissioner.
Yes, Commissioner DeLaRosa.

COMMISSIONER DeLaRosa: Is there an increase or decrease in cost to POST in shifting these two or three training methods? Is there a cost?

MS. SANDOVAL: I don’t have that answer. However, with us having to build out a bridge course recently for the new EMSA requirements, again, we spent a lot of manpower, SMEs coming into the building to try and facilitate those courses. So I would just say yes. I just don’t have a firm number for you.

But as far as swapping out first-aid compared to the rifle training, I don’t know that answer.

COMMISSIONER DeLaRosa: Can we get that answer for the next meeting --

MS. SANDOVAL: Certainly.

COMMISSIONER DeLaRosa: -- of the fiscal impact, either up or down?

COMMISSION CHAIR DUDLEY: We may even have it right now.

Executive Director Alvarez.

EXECUTIVE DIRECTOR ALVAREZ: I have a partial answer.

So what we’ve always tried to do, historically, is maintain the academy at 664 hours of training. We reimburse based on those 664 hours of training. So by
doing a swap like this, it will be a neutral cost for us. There won’t be an added cost; but there will be some costs associated with building out a Procedural Justice course or a Deescalation Learning Domain. There will be some costs. But in terms of reimbursements and overall greater costs, it should be neutral.

Is that correct?

MS. SANDOVAL: I would think so, yes.

EXECUTIVE DIRECTOR ALVAREZ: Okay.

COMMISSIONER DeLaROSA: But you’ll get those impacts on the next meeting, when you bring this back?

MS. SANDOVAL: I will have that for you.

COMMISSIONER DeLaROSA: Okay, and I’d like to support Commissioner Moore’s Deescalation and Policing as an added training method that it’s very important, not only now, but in the future.

Thank you.

COMMISSION CHAIR DUDLEY: Thank you.

Anything else from any of the other commissioners?

(No response)

COMMISSION CHAIR DUDLEY: I always hate admitting my son is a firefighter; but my son is a firefighter. And certainly, every firefighter does have to get that training before they arrive, and I think it is consistent. And we have day-care providers and a number
of other people to the list; we wouldn’t be unique in expecting that in any way.

MS. SANDOVAL: Correct.

COMMISSION CHAIR DUDLEY: Thank you.

Yes, was there another comment?

Commissioner Chaplin.

COMMISSIONER CHAPLIN: Just a follow-up question to the Executive Director.

You mentioned, I think, 664 hours. It’s interesting because I think the question here asked, is whether or not Learning Domain 34 should be removed.

The question is certainly not, should we advance Principled Policing classes or Rifle classes, and are we locked in at 664? Because I think what we could easily do is lose sight of the instant question based on what its replacement would be. And certainly nobody would argue that we must advance our efforts in those areas.

So is this an ether/or question?

EXECUTIVE DIRECTOR ALVAREZ: I think there potentially are some creative ways to add additional hours and be able to reimburse for those hours. Money has driven those 664 hours, to a certain respect, because that is what we reimburse departments for affiliated students. I believe it’s, like, $5,500 per cadet.

Most departments, I think, were averaging
approximately 850 hours at each academy. Some academies are well -- there’s several of them that are well over a thousand hours.

Yesterday, we spoke about some academies providing instruction on canine deployments, on use of radar -- you name it -- and that adds hours. We don’t reimburse for those.

There’s also a concern that we keep adding hours and making the academy longer and longer -- a longer experience for these folks. And that obviously costs money to the departments who are having to pay their salaries, and obviously costs to the academies to keep adding stuff on for them.

So, I mean, there are some ways that can -- I mean, if we throw some more money at them and say, “Hey, we’re going to add another hundred hours and we’re going to sweeten the pot by a thousand dollars per student,” I mean, in theory, we could do that. I suspect we’d get some pushback about saying, “You’re throwing more at us.”

COMMISSIONER CHAPLIN:  Thank you.

COMMISSION CHAIR DUDLEY:  Anything else?

Yes.

COMMISSIONER DONELAN:  And, Madam Chair, I think the vocation has real problems with hiring; and adding another certification really makes it more of a challenge
to hire people.

The analogy to the fire department, I don’t think, holds true. If you have an open fire test, and they’re required to bring the certification, all of them will have gone and gotten their EMT certificate, they would have got their cooking courses done ahead of time, and they’ll be there.

With us, our challenge is getting people even to take the test. And I’m concerned we’re creating another barrier to people actually joining the vocation, when we’re already having the challenges that we have.

COMMISSION CHAIR DUDLEY: Thank you, Commissioner Donelan.

Anything else?

Yes, Commissioner Long.

COMMISSIONER LONG: I’d just like to add one thing to the mix, which is -- and I appreciate Chief Chaplin’s remarks -- but I think we’re going to be looking at this either way. I mean, I think there’s every reason to believe that this stuff is going to be mandated by the Legislature. I think that’s what’s coming down the pike. And so I think it’s incumbent upon the Commission to figure out how we’re going to make room for that type of Deescalation and Principled Police training. Maybe it’s not LD 34. But I would recommend and I would urge the
Commission and POST to stay on top of this. Because I think it’s better for POST to drive this than the Legislature, frankly. And I think you’re going to see mandates like this coming down, whether they’ll be successful this year or next year, it’s what we’re going to see. So we need to be prepared for it. And the discussion of what to move aside or whether to add to the 664 is really crucial. But I would like to see POST and the Commission, you know, drive this as opposed to respond to it.

COMMISSION CHAIR DUDLEY: Thank you, Commissioner.

Anything else?

COMMISSIONER McMAHON: I would like to just add.

COMMISSION CHAIR DUDLEY: Yes, Commissioner McMahon.

COMMISSIONER McMAHON: Our academy is 920 hours, currently; and our plan is not to take first-aid out of it. We’re going to leave it in there because it’s in addition to the 664 that’s the mandate from POST. So we can fit it in.

The rifle training certainly is problematic for us at this point because there just isn’t quite enough time. But I think as we get more of these mandates from the Legislature, I think it’s important to think about extending the academy length and providing reimbursement for that.
We do get some reimbursement from the college because we’re sponsored through the college, so we do get some FTEs, if you will. But I think it would be important as we continue to increase the mandates in the Basic Academy to provide some funding to extend that academy to accomplish all that we need to accomplish.

COMMISSION CHAIR DUDLEY: Thank you, Commissioner McMahon.

Anything else?

(No response)

COMMISSION CHAIR DUDLEY: Okay, anything else?

(No response)

COMMISSION CHAIR DUDLEY: No? Thank you very much. Okay, now on to Item 7. Item 7 is a report on attendees of college-credit earning graduate-level college credits for successfully completing Command College. And I’d like to call upon Executive Director Alvarez to tell us more about that.

EXECUTIVE DIRECTOR ALVAREZ: Thank you, Madam Chair. And I’m going to kind of kick the can down the road, so to speak, and put this on the agenda again in February. The speaker for this is Dr. Fritzvold from the University of San Diego; and he became ill a couple of days ago and could not make it. And they want to be the ones to present what they are doing in terms of their
relationship with students that graduate from Command College. So I’ll kick the can down the road.

But in short, I think I mentioned to a few of you that we had a series of meetings with the University of San Diego. And, frankly, we’ll have it with any university that wants to accredit Command College for college credits.

So the University of San Diego, in July of this year, got approval from their dean to accept Command College graduates from 2009, forward, and provide them with 12 graduate-level college credits for a master’s in law-enforcement leadership. So what that will entail is, for the students, it will be an arm’s-length transaction between them and the university. They will provide their record that they graduated from Command College. The university will be tracking the instruction that we do at Command College. They won’t have an input in it. But the student -- or the graduate will supply, I believe it’s $945 for the application fee. They will get 12 college credits, and they’ll have 19 more to go that are done online with the capstone at the very end of the year.

The courses that they’ll have to take online are: organizational theory and change, organizational leadership, communication for law-enforcement leaders,
conflict resolution and decision-making, community assessment on organizations, community assessment on crime and criminal justice, public safety law, budget and finance for law-enforcement leaders, community engagement, critical issues in public safety, and law enforcement, and then the capstone.

When we started the discussions with them, there was some back and forth as to whether they would have an ability to influence us in how we do the Command College. We told them we weren’t receptive to that whatsoever; and then they came around and said, “Look, we were happy with what you do at Command College” -- they’ve been tracking it for a number of years -- “and we’re going to go ahead and provide this.”

We said, as long as it’s between you and the student, and if we have another university that approaches us with the same proposal, we will do the exact same thing.

So they’re going to come in in February and go over what this master’s course is that they’re offering for Command College students; and I hope they make it then.

COMMISSION CHAIR DUDLEY: Any questions about that so far?

(No response)

COMMISSION CHAIR DUDLEY: Okay, so we’re expecting
the University of San Diego person at the February meeting?

EXECUTIVE DIRECTOR ALVAREZ: Correct. They’re going to say how they’re integrating the Command College credits into their existing master’s program.

COMMISSION CHAIR DUDLEY: Okay, thank you.

Anything else?

COMMISSIONER CHAPLIN: Yes. Just a quick clarification.

COMMISSION CHAIR DUDLEY: Yes, Commissioner Chaplin.

COMMISSIONER CHAPLIN: Graduated in 2009, or started the program in 2009?

EXECUTIVE DIRECTOR ALVAREZ: I’m sure they have exemptions and waivers. I don’t know.

I’ll tell you what it says. It says --

COMMISSIONER CHAPLIN: This might sound personal; and there’s a reason for that.

EXECUTIVE DIRECTOR ALVAREZ: “Graduated from Command College after 2009.”

COMMISSIONER CHAPLIN: I guess it’s not appropriate to make a motion to...

We’ll talk next time. Thank you.

COMMISSION CHAIR DUDLEY: It is not.

Anything else?

(No response)
COMMISSION CHAIR DUDLEY: Okay, now, on to Item Number 8. Item 8 is a report on the progress made thus far in the Organizational Analysis Project.

I’d like to call upon Law Enforcement Consultant Joe Sampson, Mr. Mike Hearn, and Ms. Rosette Nguyen of Mission Consulting to provide a presentation on this item.

And welcome, all of you.

MR. SAMPSON: Good morning. And thank you, Madam Chair.

Good morning, Commissioners and guests.

We’d like to give you a brief update on the Organizational Analysis Project that’s in progress right now.

Some of you that have been on the Commission for a little bit will remember back in June 2015 when you approved the POST Strategic Plan. One of the things that I thought was brilliant about our plan -- not because I was the project manager, mind you -- but that we had a implementation component to that plan. And essentially, POST leadership has tied the projects and the work that you’re hearing about going on at the organization, back into objectives of the Strategic Plan. And I’m sure you’ve had some report-outs on that.

With that thought in mind, this particular
Organizational Analysis Project was bid out.

Mission Consulting is here today to talk a little bit about it. The lead for Mission Consulting is Michael -- where are you? -- Michael Hearn; and our project person, beside me today, is Rosette Nguyen. And they will be doing most of the talking.

So, off we go.

COMMISSION CHAIR DUDLEY: Thank you.

MS. NGUYEN: Good morning, Madam Chair. Good morning, Commissioners. My name is Rosette Nguyen. I’m from Mission Consulting; and today I will talk to you about the status of the Organizational Analysis Project, including the project background, the project status, and a look ahead.

So in June, you did get a very brief update by Executive Director Alvarez. And at that time, we had just started, so it was more a kind of a look-ahead comment and description of the project. I’m going to go into more detail right now.

The impetus for this project is the 2015 Strategic Plan, specifically, the Objective B.3 recommended that POST evaluate organizational systems, structures, and processes, to ensure efficiency, effectiveness, and productivity. And that is why we are here today.

Mission Consulting was contracted, and we have been
in business for over 25 years. We are a business management consulting firm right here in Sacramento. The project time frame goes from June 2017 through February -- and if -- and, as needed, March 2018.

We did, like I said before, talk about this project at the June Commission meeting. In July, we had the all-staff kickoff here.

And then our budget for the project is at $97,500, with a cap of 780 hours, which goes by very fast.

In terms of the scope of the project, Mission Consulting, we’re doing research and interviews. So what does that really entail? So we are looking at documents -- internal documents, some external documents, documents that have been prepared by third parties, all the way back to even 1999. There was a 1999 organizational study; and, of course, the 2015 Strategic Plan that we’ve already talked about, that was also developed and helped with a third party.

Interviews. We’ve done a lot of interviews. A lot of interviews with commissioners, with external parties, with staff.

External outreach. We’ve provided external stakeholders opportunities to provide feedback through a focus group, but also through an electronic survey. So we have had contact with heads of stakeholder
organizations; we’ve had contact with sheriffs, police chiefs, dispatchers, training presenters, academy directors. All varieties of roles that play day-to-day with POST in terms of getting POST’s mission objectives accomplished.

In terms of comparison with other states, we are contracted to reach out to up to four different states. And the purpose of that is to really obtain from other states, you know, what are their duties, what are their responsibilities, what are their lessons learned, and what best practices had they learned and applied? And, really, what is applicable to California? Because really, as you all know, California is such a different state from any other states and also these four other states that we are interviewing.

Evaluation of current external processes and work flow. What does that mean? Really, we are looking at documents, but also at every meeting that we have with each bureau. So we have a total of the eight bureaus, and we have meetings with them. But also some — like, for example, the Administrative Services Bureau, there are unique activities done by different units. So we’re meeting with them, too. And when we meet with them, we always go through, at the beginning of the meeting, basically how did we take in work and how does the work
flow through their staff members and their current processes and their structure.

Review and analysis of existing mandated programs and services, duplicative work, workload distribution. So we are reviewing the Penal Codes and making sure that, you know, the work that POST does -- and is it all mandated? What’s mandated? What’s elective? And with the goal of helping POST prioritize resources, time with the budget that exists.

Duplicative work and workload distribution. We always ask that question in both the electronic survey and in all of our meetings of staff and of external stakeholders. You know, if they are familiar and can identify areas where there is duplicative work, so that POST can be more efficient in making sure that less of that is done.

And development and presentation of the final report. So we will be synthesizing and analyzing all of the information that we’ve received. And thus far, we’ve had about -- we have about 90 percent of the data collection completed. We’ll be synthesizing that; and then also putting that information into a report that will be presented. And I will talk about that in the next few slides in terms of what to expect.

The team. So the Organizational Analysis Team
consists of three POST members and two Mission Consulting staff members. On the POST side, we have Don Shingara, bureau chief sponsor who is here today; Joe, who has already spoken; Jennifer Imlay-Hardesty, who is right behind me as well. And they have been very helpful in supporting us as we move through the interviews, the research, the meetings, the focus group.

And then there’s Mission Consulting, myself and Michael.

Every slide that we have our name up there, whether we’re talking to external stakeholders or staff, we always put our contact information, including our mobile phone numbers.

And as Executive Director Alvarez has expressed to the commissioners, who were commissioners at that time, back in the summer, in an e-mail saying, “This is what’s happening. Please contact Michael and Rosette as needed,” we’ve always included our e-mail and our cell phone number, so we want to let you know that you’re always welcome to contact us.

And then for the next few slides, we’re going to talk about where we’re at and what we’re looking forward to.

In terms of project status, I’ve had the real sincere pleasure of meeting with the majority of you in
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your home city and/or in Sacramento. That has been a real pleasure for me. And just to note, that is not on POST’s dime.

We’ve also conducted a focus group with Cal Chiefs, Cal Sheriffs, CPOA, PORAC, CCHUG [phonetic], Cal D.A. Investigators. We’ve conducted 30 in-person, one-on-one interviews with staff. And just to note, all 118 staff members have been given the opportunity to provide feedback to us, whether through electronic survey or in an in-person meeting.

So some of them are through 101 interviews. But all staff have been and/or will be given the opportunity to meet in a group meeting.

We have conducted six interbureau group meetings; and that consists of basically attendees from different bureaus who are either all supervisors or all non-managers, so that they feel comfortable to speak about where they’re at and what — in terms of what role they have.

And as I said before, we always have done 11 intrabureau group meetings so that each bureau has an opportunity to talk about improvements within their own bureau.

We’ve received electronic surveys from the staff and external stakeholders. So that latter part there with
the external stakeholders, this is above and beyond the
original scope of work, because it was identified during
an interview that we should really be talking to external
stakeholders, not only representatives where their
executives of the organization are at the table, but also
with staff who are working day-to-day with POST staff
members.

We’ve reviewed and we plan to review POST laws,
regulations, policies, and procedures.

And then the four states we’re interviewing are
Arizona, Nevada, Oregon, and Washington. I have also
looked at the organizational structures of other states’
POSTs as well, and looked at various different states,
not just these four. But these are the four that we are
talking to.

And in terms of the scope of the project, we have
780 hours, as I mentioned. We have used approximately
half of that, and a little more than half remain for the
work that we have ahead, which I will be discussing right
now.

Like I say, we’ve collected quite a bit of the data.
But there’s just a couple more states who we need to
still reach -- still need them to contact us and call us
back, as well as one or two other meetings. But we will
have collected everything by mid-November.
And we are starting and will do most of the analysis and validation of the findings in November and December. It’s critical that we talk to external stakeholders and staff, management, executives, staff, support staff. That what we have as a finding is validated and does hold true because we want, at the end, with the final report, that the recommendations and findings are taken and that are valid and doable for POST.

And then we’ll have draft findings and recommendations presented to the Executive Office in early January, and then to all staff in the latter part of January, and then to the commissioners in February.

So with that, Joe and I are available for questions right now.

COMMISSION CHAIR DUDLEY: Questions?

COMMISSIONER HUTCHENS: I have a question.

COMMISSION CHAIR DUDLEY: Thank you.

COMMISSIONER HUTCHENS: And not to take away from the thunder of your final report; but I’m just curious if you found anything to the level of POST in the other states, in terms of structure and focus on regulations for law enforcement?

MS. NGUYEN: So, we have reached out to the other states starting in September; and I’ve left voice mails, sending e-mails at least three or four times. And the
only state that’s actually reached out back to us and
given us information is Washington. And so I’m still
waiting to hear back from Oregon, Arizona, and Nevada.

And in Washington, it is very interesting; and one
of my questions for all the states that I have planned
is, you know, of the things that you do and other things
that work really well and the lesson learned and the best
practices, what do you think is applicable to California?
And so there are quite a few things that I think
Washington does very well in terms of having a very
simple set of courses, academies, campuses.

But I ask -- you know, we ask the question, is it
applicable to California?

So I don’t have a lot of -- that’s why we’re still
waiting until mid-November for them to call us back. But
I do have a few e-mails and voice mails left with them.

COMMISSION CHAIR DUDLEY: Ms. Nguyen, let me make
a suggestion.

First of all, they should be calling you back, and
it’s wrong that they’re not calling you back. But you
might want to talk to Executive Director Alvarez, and
maybe one of us calling a colleague in one of those
states may make that difference for you.

MS. NGUYEN: Yes. And I have had some help already.
But additional help would be, of course, very much
appreciated.

COMMISSION CHAIR DUDLEY: Well, if you would work through Executive Director Alvarez, he’ll know which of us to reach out to; and we’d be glad to do it.

MS. NGUYEN: Thank you so much.

COMMISSION CHAIR DUDLEY: Other questions?

(No response)

COMMISSION CHAIR DUDLEY: Well, many of us did have the pleasure of being interviewed by you; and it was a great experience. And I appreciate the work that you’re doing, and all the commissioners do.

Anything else?

MS. NGUYEN: Thank you.

COMMISSION CHAIR DUDLEY: Thank you.

MR. SAMPSON: Thank you.

COMMISSION CHAIR DUDLEY: Okay, we are going to take a ten-minute break now, which means that we will start up again at five to 11:00. Please be on time.

Thank you.

(Recess from 10:45 a.m. to 10:55 a.m.)

COMMISSION CHAIR DUDLEY: Okay, thank you.

And Commissioner Long asked that we pull 11, the report on Principled Policing.

And if I could ask the bureau chief, R.C. Smith, who will make that report.
R.C. SMITH: Good morning, Madam Chair, Members of the Commission. It’s kind of nice to come back up when everybody has had a chance to be relieved and refreshed from the break.

The purpose of this report is to update the Commission on efforts that POST has been making to advance the concepts of Principled Policing, Procedural Justice, and Implicit Bias across the board in different POST courses and programs.

In 2015, the President’s Task Force on 21st Century Policing stressed, and I quote, that “Law-enforcement agencies should adopt Procedural Justice as the guiding principle for internal and external policies and practices, to guide their interactions with rank-and-file officers and with the citizens they serve; and the need for expanded and more effective training has become critical.”

Well, POST took this direction and these recommendations to heart. And working in collaboration with the Attorney General’s office, Stanford University’s SPARQ Center -- the Social Psychological Answers to Real-World Questions -- and the Stockton and Oakland Police Departments, we developed a course on Principled Policing for in-service officers that focuses on the four core tenets of Procedural Justice. Those four
tenets being: respect, treating people with dignity; neutrality, making decisions fairly and objectively; voice, giving people a chance to tell their side of the story; and trust, acting in a way that encourages community members to believe that they will be treated with goodwill.

In support of this, in July of 2016, the State Department of Finance authorized an appropriation of $5 million for POST to use to continue the development and presentation of these training programs. And these funds are available for encumbrance and expenditure through June of 2021.

Just a quick financial update on that.

In fiscal year 2016-17, a total of $151,000 from these funds was spent. I do not have the current fiscal year’s expenditures to date because of the State’s transition to the new Fi$Cal accounting system. I will hopefully have them soon.

But we do expect that the expenditures will increase exponentially with the expansion of the program, as we get a stronger cadré of instructors trained up and more agencies are certified to put on this course.

So a little bit about the course. It’s an eight-hour course on Principled Policing; and it’s designed to help officers overcome the barriers to
neutral policing and build these relationships of trust that we’re talking about.

It’s constructed in five modules:

The first module discusses the interactive nature of Legitimacy, Procedural Justice, Implicit Bias, and their goals.

The second one talks about expectations: Community expectations and law-enforcement expectations, and their connection to Legitimacy.

The third focus is on Procedural Justice.

The fourth dives into historical and generational effects of policing, recognizing that the police officer today is policing on the shoulders of the history of multiple generations of policing that preceded them, both good and bad.

And the fifth goes into Implicit Bias. Now, there have been concerns as we’ve been putting out the course on the Implicit Bias module of a lack of consistency. So one of the things that we’re in the process of doing, is working with Dr. Jennifer Eberhardt with the Stanford SPARQ Center, to develop a series of videos. Because Dr. Eberhardt is really, truly the expert in this area. And she puts on a wonderful course; but she can’t be there to teach every class. So we’re putting together a series of videotapes of Dr. Eberhardt that are designed
specifically to be facilitated. So we’ll get the best of both worlds for that module. We will have the consistency and the ability to dive into the nuances of Implicit Bias that Dr. Eberhardt can present, along with the value of an in-class facilitated interaction.

There are currently 13 presenters statewide that are certified to put on this course; and there’s an additional five agencies that are in the certification process.

And since the time I finalized the report that you have in your agenda, the numbers have increased because we have to submit the report, obviously, early. So we now have a total of 1,640 students who have completed this course to date.

To develop the cadré of instructors, we have a 16-hour Train-the-Trainer course. It’s designed to enable officers to gain the necessary skills and knowledge to effectively present these concepts. They are nuanced and they are complex.

There are currently four presenters certified to offer this course; and we have now had a total of 221 graduates who are now certified to instruct the course statewide.

In support of the course, we also have several other components in place.
We have a facilitators assessment workshop; and this is intended for instructors who have already through the Train-the-Trainer course, to further refine their ability and the skill to facilitate, like I said, the nuances of the course in presenting the five modules.

Additionally, we have a mentoring program. And the mentors are trainers who were involved in the development of the course and currently facilitate the Train-the-Trainer course. And they are available to provide one-on-one coaching and mentoring for a department and their instructors, in assisting them in supporting the presentation of the course.

Additional support of the program: We’re working at finalizing a contract with the Stanford SPARQ Center to further expand and develop their Policing and Implicit Bias Tool-kit Web site. This is the information and materials that provide resources to improve the instructor’s ability to present the course and the course materials.

Additionally, beyond this course, I think at the last Commission meeting, you had the opportunity to see the “Did You Know? Procedural Justice” video produced by POST. I don’t know if at that time it had already had done so, but it has received two Emmy Awards. Very excellent video.
It has been viewed on the POST Web site 5,562 times. But the real important piece is, it has been downloaded 567 times. So that means that agencies are downloading this and they’re showing it internally. And there’s no way to quantify how broad that reach is; but I would suggest we can infer that it’s significant.

Our Learning Technology Resources Bureau is also in the process of developing an additional “Did You Know?” video that’s going to look at Principled Policing specifically in how it develops and builds trust and increase in law enforcement’s ability to serve refugee communities. And that’s in progress right now.

We’re looking at strategic communications. Many in this room may remember the old “Verbal Judo”; and that transitioned and evolved to “Tactical Communications.” Well, strategic communications is kind of Verbal Judo, you know, 3.0, so to speak. And we’re looking at, this is a consistent, with the principles of Procedural Justice; and it’s more specific tools -- less conceptual and more specific tools that officers can directly apply in assisting them in communicating and gaining voluntary compliance in professional interactions with the community.

We’re looking at ways that we can further introduce these concepts of strategic communications from the Basic
Course academy and FTO, all the way through Supervisory and Management Courses.

Speaking of the Basic Academy, next month, we will hold the second in a series of workshops that we’re conducting with different subject-matter experts as well as key stakeholders, such as the NAACP, the ACLU, and LULAC -- the League of United Latin American Citizens -- as well as the Museum of Tolerance. And this is looking at the specific learning domains in the Basic Academy, and how to better infuse Procedural Justice concepts throughout the Basic Course, to ensure that our new recruits really get immunized.

And as you heard earlier in the first-aid presentation, we are also looking at ways that we can build options to have a stand-alone introductory component of Procedural Justice, in which -- you know, that would be the inoculation. And then this infusion through the rest of the learning domains would be the booster shot, so to speak.

We’re also working at the Public Safety Dispatch Basic Course to also look at a similar infusion.

In the spring of this coming year, the Supervisory Course is going to have a similar workshop with, again, key stakeholders to look at how we can infuse Principled Policing and Procedural Justice in the Supervisory
course.

And these concepts have already been well-integrated in the Executive Development course. They’re woven throughout and specifically detailed in two class sessions: One, Contemporary Organizational Issues -- this is taught by Jackie Gomez Whitely, the former chief of police for the cities of Cypress and Alhambra; and she has been certified through our Train-the-Trainer program -- as well as the Ethics and Values portion, where they specifically get into the fragility of trust. And this is taught by Art Cribbs, who is a former television journalist, pastor, and a long-time Executive Development instructor.

Lastly, we’re taking Principled Policing; and we’re implementing it as an evaluative component in our management studies. External legitimacy between an agency and the community begins internally, with a commitment by leadership to adhere to the tenets of Principled Justice -- Procedural Justice within the organization. It’s basically, you know, if you model Procedural Justice in how you teach those you work with and those who work for you, they’re more inclined to go out into the community and, in turn, serve in that capacity.

So in our management studies, we’re making an
evaluative component to assist agencies in looking internally how they can better model those principles.

    That’s my overview; and I’m happy to entertain any questions or comments.

    COMMISSION CHAIR DUDLEY: Thank you.

    Commissioner Long.

    COMMISSIONER LONG: How long -- you know, the 1640 or 1650 officers -- I’m sure somebody here knows what the context of that is -- like, how many officers are there in the state; and how long would it take with our current infrastructure to run everyone through an eight-hour course?

    R.C. SMITH: Well, that infrastructure is increasing rapidly. Again, I feel like we’ve just come out of the starting blocks on this, now that we’re getting a stronger cadré of instructors available and a stronger number of agencies that have been certified. Of course, I really expect those to increase exponentially.

    We anticipate this fiscal year there would be approximately 48 course offerings. If you figure that maybe the average course is incurring 30 students -- I’m terrible at math in my head -- and that gives you a sense there.

    We are also looking at this fiscal year of approximately 16 additional offerings of the Train-the-
Trainer course. So, again, I think that by next fiscal year, we’re going to see a very rapid exponential increase in the number of students going through.

COMMISSIONER LONG: Have you tracked at all --

R.C. SMITH: And I --

COMMISSIONER LONG: I’m sorry. I’m sorry, I interrupted.

R.C. SMITH: No, go ahead, please.

COMMISSIONER LONG: Have you tracked at all like who the 1640 -- do we have some idea -- are they disproportionately from different agencies or different parts of the state, or sheriff’s departments or police departments or, you know, Stockton PD sent their whole gang? Do we have some idea of how that breaks out?

R.C. SMITH: There’s been a number of agencies that have been very committed to it.

Clearly, both the Stockton and Oakland Police Departments, they were our pioneers. They were the pilots. So they are going to have a greater percentage of their officers trained.

And, in fact, just an anecdotal response at a different program I was at, I was speaking to a sergeant with the Stockton Police Department who happens to be one of their instructors. And I was asking him how it was going in their agency and how it was being accepted; and
he had some very positive reports. But, really, the
great example he gave me, he said that their officers are
starting to come back, and they’ll come back after a
scene or a particular interaction they’ve handled, and
they’ll come back to the sergeant and say, “Hey, Sarge,
I really PJ’ed the heck out of that person.” It’s
becoming part of the banter in the agency, which to me
is a very positive sign of how it’s being accepted and
how it’s being employed within the agency.

COMMISSIONER LONG: I think, Commissioner Braziel,
I think you asked in the last meeting for some type of
updates on who has gone through the training. I would
certainly defer to you guys in law enforcement to talk
about how best might we keep a handle on who is going
through the training, and kind of what the breakdown is
statewide, I guess.

COMMISSION VICE CHAIR BRAZIEL: You kind of leave
that to POST as far as who is going through it. But I
share with you that if we don’t drive this train faster,
it’s going to be driven for us.

COMMISSIONER LONG: Yes.

COMMISSION VICE CHAIR BRAZIEL: How many? R.C., how
many? 1600?

R.C. SMITH: 1640.

COMMISSION VICE CHAIR BRAZIEL: Yes, that’s -- if
you combine the two agencies that are vested, that’s probably where they’re at. And you get a significant number that have -- I mean, you’ve got LA Sheriff’s is ten times that amount by themselves.

R.C. SMITH: Right.

COMMISSION VICE CHAIR BRAZIEL: So we’re not even out of the starting blocks, from my perspective. We’re just kind of still tinkering around with it. And if we’re not careful, it’s going to come back to haunt us that we haven’t been more aggressive in pushing the courses out and/or getting them into CPT or something.

COMMISSION CHAIR DUDLEY: Yes?

COMMISSIONER BUI: I have a comment.

COMMISSION CHAIR DUDLEY: Yes.

COMMISSIONER BUI: I think, from the line level, it’s important for these officers to be able to actually absorb the content.

I was given an opportunity to sit in on that Principled Policing Train-the-Trainer course and listened to the Stanford professor speak. Charles Evans and I spoke about this. The content was just so academic and cerebral, that it was hard for me to absorb; and I think that you guys are already starting to modify that content, and including that in that video she was making; right? So I would hope that you present that or preview
it with, like, a line-level audience, to see if they can actually understand it before we actually push it out and make it part of the curriculum.

COMMISSION CHAIR DUDLEY: Thank you, Commissioner.

Anything else?

Yes, Commissioner Ramirez?

COMMISSIONER RAMIREZ: I just want to make a comment about the video that, you know, POST did such a good job on it. The one thing that I recommended to our department was, you know, when applicants come in and they do an essay before they actually come for their interview -- and the essay is usually on leadership or something like that -- so my suggestion was, show them the video, then have them write a paper on it. And you kind of get the -- you can wash some of those things out before they even walk in the door. So that was just a comment I wanted to make on that.

COMMISSION CHAIR DUDLEY: Thank you.

Anything else?

(No response)

COMMISSION CHAIR DUDLEY: I have just a couple of comments, okay.

I think the concept of infusion is critical, especially in this area. So I very much appreciate the fact that you’re looking towards infusing it throughout
the curriculum.

And the other piece is, I have put it on the Santa Barbara County District Attorney Web site, the “Did You Know?” and the people in the community are seeing it, so beyond law enforcement; and I think it’s having an effect on people in the community as well. So it really is having a wide effect. And it is a fantastic video.

Yes, Commissioner Long.

COMMISSIONER LONG: Well, I was just going to say, as I said earlier, I think that this is coming down the pike and will be mandated at some point. And I think that -- I think we need to be prepared, one, to talk about, as Commissioner Braziel said: What’s the plan for getting this beyond this 1,600? How can we do this exponentially? Is it even possible? And what would it take, and how would we do it?

And then just finally, this thing that I think the AG’s office put this out some time ago; but I’ve shown this to a number of people, I’d come back to the whole notion of some type of third-party validation. POST is doing some good stuff and some interesting stuff. When you even have a little pamphlet like this to show people, it shuts a lot of people up, it blows a lot of people away.

I would like to see more of an effort -- and maybe
we can do an update of this from SPARQ or something like this -- but the number of people that have come to me to talk about -- say, in the Legislature and others -- and they say, “What’s POST doing on this? Da, da, da,” I can pull something like this out, and show, you know, Eberhardt’s in here, and you’ve got some statistics and some surveys; it’s very effective.

I think we need to keep an eye on ongoing third-party validation. If there’s some type of update we could do of this to have on hand, I think it would serve us well in the Legislature and in the Administration and with other interest groups.

COMMISSION CHAIR DUDLEY: Commissioner Long, just for the record, what is the document you held up?

COMMISSIONER LONG: This is -- and I think the DOJ might have done that -- was behind this, largely. But it’s “Principled Policing, Procedural Justice, Implicit Bias Training.” And it kind of goes through the early iteration of what POST has done.

COMMISSION CHAIR DUDLEY: Okay.

COMMISSIONER LONG: And it’s got a number of -- it’s short; but it also shows that there’s some creative thinking going on, that actual work is going on, there’s a response, there’s surveys and so forth, and there’s contact numbers.
R.C. SMITH: I certainly appreciate all the feedback from the Commission. It’s all very well taken.

Just a point, getting into the numbers, from the time I finalized this report to have it properly noticed to the public, between then, when I finalized the report, and now, there was a 400 -- so the original report had a student completion rate of 1,249. So there were basically 400 additional students in that short period of time. So that is what I’m getting at is, there’s being an exponential increase in the number of students as we’re building capacity to push it out further.

COMMISSION CHAIR DUDLEY: Thank you.

Anything else on this item?

(No response)

COMMISSION CHAIR DUDLEY: Thank you so much.

R.C. SMITH: Thank you.

COMMISSIONER LONG: Thank you.

COMMISSION CHAIR DUDLEY: Now, moving on to Item 12. Item 12 is a report on the proposed realignment of the current POST training reimbursement plans.

I’d like to call upon Assistant Executive Director Scott Loggins to provide a presentation on this item.

MR. LOGGINS: Good morning, Madam Chair.

Good morning, Commissioners.
Madam Chair, if I may, can I make a quick point that would help illustrate some of the true numbers for the people we’re training with regard to Procedural Justice?

COMMISSION CHAIR DUDLEY: Please.

MR. LOGGINS: Specifically, to address Commissioner Long’s questions.

This is more so than simply the 1,600. Starting last year, we infused this throughout the entirety of the Basic Academy, and we’re infusing it through the entire fabric of everything that we teach. So even though the vast majority of cops are not immediately getting the full 16 hours of training or eight hours of training, the fact that we’re infusing it in all of our legacy courses means that a lot more cops are getting that training.

As an example, we push out between three and five thousand students in the RBC every year, which means, through attrition, we’re probably adding another 2,500 peace officers in the state of California. So if you factor in those numbers on a year-by-year basis, and also given the fact, through attrition, we have a considerable number of people that inevitably get promoted to sergeant, and upwards into the management levels, they are compelled to take specific courses which we’re infusing Procedural Justice concepts; I think, conservatively, it’s realistic to come into play that
probably 50,000-plus of the 90,000 cops in the state of California will have at least touched upon this training or have been exposed to it within a matter of just a few years.

So we are making more headway than just simply the raw numbers of 1,600. I hope that helps further illustrate the work that we’re definitely trying to do.

COMMISSION CHAIR DUDLEY: Thank you.

Commissioner Long, any questions on that?

COMMISSIONER LONG: No.

COMMISSION CHAIR DUDLEY: Okay, thank you.

MR. LOGGINS: Very well. Thank you for your time this morning.

On to the actual -- the matter at hand, we’re here to talk about our plan to realign some of the reimbursement plans within the programs we do.

As with many of you that are in local government, the Commission on POST is facing some significant fiscal challenges as we sit here today.

A lot of these challenges are often cyclical in nature: they go up and down with the economy. This is nothing new to the majority of you and our stakeholders. We’ve all experienced the necessity of having to reduce our expenditures commensurate with the funding that’s come in.
Tightening the belt in times of severe fiscal crisis is nothing new, and it’s just simply the way of doing business when you’re in government and you’re tied to whatever funding source you get.

Beginning in 2014, POST implemented several temporary budget-reduction measures in the form of bulletins that are listed in attachments to the agenda item that you see today. We’ve continued these budget-reduction plans, essentially kicking the can down the road, with a suspension of reimbursement, a suspension of backfill for the better part of five years for almost every one of our courses, except for those that are associated with a mandate, either regulatory mandate or a legislative mandate, or one of our legacy courses.

This most recent bulletin that we issued with a budget-reduction measure is scheduled to expire January 1, 2018, which is coming up pretty quickly.

In today’s environment, unlike prior cycles, or even decades, this current ongoing pattern has shown a steady period of decline in revenues due to circumstances that are beyond this commission’s control, and has created a new sense of urgency for us to get some stability with regard to our expenditures, to make sure they’re commensurate with the revenues that we’re
receiving.

Just last year -- or, actually, in this current year, fiscal year 2017-18, we realized an approximate 21 percent reduction in our funding to our allocated budget.

Further exacerbating it is the fact that the actual revenues that we anticipated failed to meet our schedules. So that actual 21 percent reduction is significantly higher, perhaps almost double of that.

Making ends meet in California to serve a cadré of 90,000 cops -- almost 100,000 cops, has created a new normal for us, essentially doing more with a whole heck of a lot less.

So essentially, as I mentioned, where we’re kicking the can down the road, as our Executive Director referenced in his opening remarks, has created a new sense of urgency for us to more efficiently manage our expenditures to make sure that we can provide that necessary critical training, while perhaps setting aside some of those elective courses until times are better economically or we can find alternative funding sources.

As we stand today, this commission has created five different plans for reimbursement. You’re all well aware of them, Plans I through V. Some of them are extremely generous. They pay for per diem, travel, and tuition.
Some are less generous, and only pay for a modicum of that. And then we also have what we call a "Plan NA," which doesn’t pay for anything.

Since each one of these courses was developed independently and certified at different times in POST history, there’s a vast array of differences between the plans. A lot of these plans that were giving the more generous levels reimbursement were done in times when we had a significant amount of revenue coming in.

It wasn’t too long ago that this agency had almost $31 million in reserve. Fast-forward to where we are today, we’re nowhere near that. In fact, we’re in deficit; and we’re desperately trying to make sure we can make our ends meet, to make sure we properly serve our stakeholders.

One of the attempts we are doing to get a better grasp -- get a better sense of stability with regard our budget, is to address the significant variation in reimbursement plans and to closely monitor our expenditures as we move forward.

This realignment plan that you’ve seen in the agenda item is simply consistent with our current practices.

As we speak today, POST consultants regularly adjust plans accordingly in order to meet their consumer needs and make sure it falls within our budget.
The only difference we’re doing today is we’re looking at the entirety of the plans, all 3,900 of our courses, so that we can share that there’s some consistency, some sense of normalcy, and make sure it’s a fair and equitable distribution of the monies; so that that training that’s necessary follow the proverbial “boots on the ground” is met.

Given the fact that there’s tremendous variables that -- again, there’s a high sense of urgency. We need to absolutely do this as we speak.

Quite frankly, this is our perfect opportunity to capitalize on this opportunity and take better control of our finances. There’s a perception that we are arbitrarily scrubbing down reimbursement and making decisions on the fly. Believe me, this is taken with a great amount of discussion, a great amount of concentration; and we’re mindful of the fact that this will have an adverse impact on some of our presenters who present very good, very meaningful training, but nevertheless, it’s training that is elective in nature and not mandatory. This is also simply adhering to the specific direction that we’ve gotten from the Legislature. When they created POST back in the late fifties and developed Penal Codes to address it, they specified in the appropriate Penal Code that this
commission will allocate monies at intervals specified by the Commission to each county, city, and district for which we have authority, in an amount determined by the Commission pursuant to standards set forth in its regulations.

In support of that, this commission actually created a regulatory act specifically to address reimbursement. And it specifically states, “Reimbursement is based upon fund availability as approved by the Commission and subject to available funds.”

This realignment process that we’re moving forward with is simply an allocation of reimbursement monies to ensure that we’re capable of providing the best possible return on the investment for our stakeholders, get a better sense of stability with regard to outgoing expenditures, to make sure our books are clean, and so that we can serve the needs of those 90,000-plus law-enforcement officers who are pushing beat cars 24/7.

We’ve had a significant amount of discussion with a number of our stakeholders, the members of the Executive Office and some of our bureau chiefs have gone around the state and met with your counterparts: The chiefs of police, the labor organizations, the sheriffs. And we’ve bent their ear. And the common theme they’ve told us is, they’re mindful of the fact that we are encountering
budget challenges; and they want those proverbial “boots on the ground,” the first responders, to get that necessary training.

At the top of their list are those things that are required by law; the top of the list are those things that are required by regulation; and the top of that list are things that they deem to be mission-essential for our law-enforcement professionals to do the job that they do each and every day.

With that, I’d be more than glad to entertain any questions you may have.

COMMISSION CHAIR DUDLEY: Any questions?

COMMISSIONER HUTCHENS: I just have a comment.

COMMISSION CHAIR DUDLEY: Thank you.

COMMISSIONER HUTCHENS: Great report.

And while I think it’s very prudent for us to, if you will, look at our own house, clean our own house, as I think was mentioned yesterday, things change over time. You know, needs for training changed over time, times change. However, I think that we do need to keep -- as the Governor’s commission, I think we need to keep the Governor’s office informed as to at some point, if mandates continue and we have to discontinue necessary training -- or not discontinue, or agencies are -- we’re relying on agencies to provide it and they may or may not
be able to afford it, particularly the smaller agencies, it’s going to have a negative impact on law enforcement in this state.

So I would just ask -- I’m leaving the Commission; but I would ask the Commission just to keep that in mind. I think this is the right course of action, don’t get me wrong. I think we always have to take a look at what we’ve been providing, what we need to continue to provide, and make sure we’re on solid ground on what we have out there, what we’re reimbursing for.

But I do -- I can’t leave without saying I have some concern when the funding goes away; and particularly at this time, when many, many more demands are being placed on law enforcement, and there’s much concern about much relationships between law enforcement and the community. And we all know that training is so important to maintaining not only the trust, but the efficiency of our law enforcement.

MR. LOGGINS: I appreciate those comments.

We had a considerable amount of discussion here. And as you know from running a large organization, you’ve encountered budget cuts like this as well. You know, in the law enforcement sector, when you’re encountering a deficit, there’s only so much money you can save on paper clips or a new copier lease or driving a car another
10,000 miles to get more out of that particular lease. There comes a time where you just simply have to cut service delivery; and this is our service delivery. And it’s difficult, because our goal is to get every cop on the street, every supervisor, every manager the necessary training, the necessary tools so they can reinvest it in serving us all.

COMMISSION CHAIR DUDLEY: Thank you.

Commissioner Braziel.

COMMISSION VICE CHAIR BRAZIEL: Yes, and we’ve had this discussion before; and might I suggest that maybe the Commission actually have a workshop to look at this. Because if you look at all the categories except for NA, everyone has per diem and travel; and our goal is to provide training. So maybe we look at it from a different perspective other than the legacy classes. Let’s figure out a way to eliminate per diem and travel, to where we’re spending our money wisely and taking the training to the students, not the students to the training.

And I think there is a way to look at that when we start breaking it down, just looking at the courses, just even the Plan IV and the NA, the volume there is huge. We’re working off an old model that people have to go to the training, versus us customizing the training
based on the county or the region, based on what the
sheriffs and the chiefs want. And so we reduce those
costs.

And I think once we start looking from that
perspective, we’re actually maybe spending our
limited dollars more wisely and actually increasing the
amount of training, bringing the trainers to the
students, versus the students to the trainers. I think
it’s worthy of a workshop. Not just a 15-minute
conversation, but a dedicated workshop, maybe a half
day, where we just brainstorm ways based on Mission
Consulting’s findings and what this group knows; and
basically, just kind of changing what we do completely.

COMMISSION CHAIR DUDLEY: Thank you, Commissioner
Braziel; and I just want to comment also, Commissioner
Hutchens, we all very much appreciate your thoughtful
comments. Thank you. We will embrace them.

COMMISSIONER HUTCHENS: Thank you.

COMMISSION CHAIR DUDLEY: Yes.

MR. LOGGINS: Your points are well-taken.

And some of the other corollary issues we’re looking
at is perhaps putting a cap on travel. We want people
to go to training. We want officers to get training; but
it does not make economic sense to fly somebody from
Sacramento to San Diego, or conversely. Sometimes it’s
necessary to criss-cross the state. But perhaps there’s
a means where we could more effectively produce training,
or bringing -- it’s a lot cheaper to pay up some money to
pony up instructors and send them to the site to reduce
that travel.

We’re looking at several different areas, whether
it’s a cap on travel, whether it’s a mileage cap or a
region cap, or perhaps looking at allowing people to
go to training but putting a cap on whatever the least
expensive reimbursement rate is in the state of
California; so that if an officer does go to training
that is significantly out of the region, they’re still
getting a modicum of reimbursement; but not completely
fleshed out, so that the full generosity of a Plan
Level III or something to that effect.

But ideally, we could use this as a jump-start to
actually get people more training by being more prudent
with our expenditures.

COMMISSION VICE CHAIR BRAZIEL: Yes, and I would
also -- I don’t want people to think there is
one-size-fits-all. Because training in San Bernardino,
for example, is going to be completely different with
just the numbers of law enforcement they have in that
region, versus where you get into Siskiyou or Alpine,
where you are going to have to have a completely
different model to facilitate what those -- and maybe an
STC model for them, with vouchers, is better than -- you
know, because when you have only a couple deputies you
can release at one time, it doesn’t fill a class. So I
think that workshop helps flesh out all the little
nuances of that.

MR. LOGGINS: Yes. And we’ve heard that from some
of our smaller agencies. You bring up a good point.
For Sacramento P.D. to send 20 people to an FTO course,
that’s easy. But if you’re working up in one of our
smaller regions, you take one deputy sheriff off the
streets, somebody has got to handle calls for service
for an entire week. So we’re mindful of that struggle.
And our executive director’s position is, if we could
actually find a way to ensure those people that are
struggling more financially, those people can capitalize
on the resources as well. We want everybody to get the
necessary training.

Executive Director, you were going to make some
comments?

EXECUTIVE DIRECTOR ALVREZ: Yes, if I could.
I completely agree with Commissioner Braziel in
bringing training regionally.

I think the new plans and the financial constraints
that we have are causing some of that to happen already,
where we’re approving courses where, historically, we
might not because there is a competing course next door.
I think we need to do a lot more of that, personally
speaking.

The other topic of discussion that we’ve had are
the plans -- the reimbursement plans that we have,
Plans I through V and NA -- are they applicable still?
I mean, do we have any real need for a Plan I and a II?
Should there be a new plan? Should -- and Maria and
Scott have heard this ad nauseam from me, but should
there be a new plan where we pay a portion of it? So we
incentivize training, but departments have some skin in
the game; whether we reimburse, you know, a portion of
their travel or we reimburse the registration fees. But
they have to incur the travel costs because, let’s face
it, I mean, all training is good training. The courses
that we have, we feel all of them are good courses. So
how do we incentivize it but not foot the entire bill?

So those are things -- I mean, we’ve had so many
discussions about how best to do that. We have not held
a workshop in that regard, sir; but that’s something that
we can definitely take to heart and have a discussion
about.

COMMISSION CHAIR DUDLEY: And just to add to that,
in my office, we send all the Deputy District Attorneys
to training. But if they want to go to a subsequent
training, then they have to pay for a portion of it. So
it’s not just the agency, but the individual. There may
be different ways to include that in that workshop that
we’re discussing.

Thank you.

Anything else on this subject?

Yes, Commissioner Chaplin.

COMMISSIONER CHAPLIN: I just have a couple of
thoughts. I do concur with Commissioner Braziel. I
think there’s a lot to discuss, especially at this time
because we are looking at things in this instant where,
if we look out a couple years, there’s a PERS bill coming
that’s going to have a tremendous impact on municipal
departments throughout the state. And I have a terrible
fear that that’s going to greatly impact the ability to
provide training. And I think that workshop, whether
it’s a half day or longer, should really consider other
ways to deliver training.

I will tell you, in that four-minute “Did You Know?”
video, that was probably a couple hours’ worth of
training and discussion because it was immediate, it was
impactful, and it was very effective. And we have to
start finding ways to both train, reach, and communicate
to a group of incoming personnel that came up differently
than we did. They’re digital natives. They’ve been online their entire life, and they learn in different ways. And what we need to do is be strategic about how we can capture that and find ways to more effectively provide training and perhaps more effectively and less expensive.

The other thing, I think the idea of a Plan I or Plan II and this unicorn known as “backfill reimbursement,” I think the time has come that rather than continuing to put it off, why not just eliminate it? I realize there’s going to be burdens on some departments; but like it was discussed yesterday during the Advisory Committee meeting, generally agencies get a training budget as part of their budget. And any reimbursements really don’t come back to the department, they go in a general fund. So there could be an impact to revenues received by the city’s general fund. But I think there’s opportunities there to streamline, make that less complex, and find ways to share costs that aren’t so deleterious that you push off on people coming to training but, again, doesn’t have the financial impact that is currently incurred by POST specifically.

COMMISSION CHAIR DUDLEY: Thank you.

But I think we also have to consider, with the Millennials and the post Millennials and the virtual
training, that they are already so involved with their phone, and being -- and learning in a very isolated way. What we’re asking our law-enforcement officials and officers to do on the street is to relate to people. And so there are some things you lose when you have a virtual course; and I think it’s incumbent upon us to find that balance.

COMMISSIONER CHAPLIN: Correct. I’m not quite talking about a hologram delivering the training.

COMMISSION CHAIR DUDLEY: Right. Good.

COMMISSIONER CHAPLIN: However --

COMMISSION CHAIR DUDLEY: No, I understand. I understand.

COMMISSIONER CHAPLIN: -- you never know.

COMMISSION CHAIR DUDLEY: This generation, they’re having trouble relating to people.

Thank you.

Any other comments?

(No response)

COMMISSION CHAIR DUDLEY: Okay, thank you.

MR. LOGGINS: Thank you, Madam Chair. Thank you.

COMMISSION CHAIR DUDLEY: Okay, our last consent item is Item 13 is the report on the proposed changes to Regulation 1005 and Procedure D-14 regarding District Attorney Training.
And I’d like to call upon Law Enforcement Consultant Al Benitez to make a presentation.

MR. BENITEZ: Good morning, Madam Chair and Commission Members.

As you know, current Commission Regulation 1005 sets the minimum training standards for District Attorney investigators. Currently, that is the completion of the Regular Basic Course and completion of an 80-hour Investigation and Trial Preparation course within their first year of employment.

Commission Procedure D-14 sets the requirements for that 80-hour course. That course has been revised a number of times over the years and has remained at 80 hours. The content gets changed and adjusted; but the course has remained at 80 hours. And we consistently, over time, receive very, very similar feedback that says it either is -- elements of that course are either too basic and a waste of time for seasoned investigators; and yet, at the same time, it doesn’t provide enough for some of the other investigators who wish the course was longer.

We propose at this time to adjust the way that we revise this course by separating the components of the 80-hour course that are truly investigative in nature, investigative experience in nature, from those that are
specific to the unique duties of a district attorney investigator.

In the past, D.A.'s offices had the luxury of selecting D.A. investigators from a pool of very experienced law-enforcement detectives. That pool over time has dwindled; and so the hiring pool now consists of some new D.A. investigators who may have come from patrol, custody, or another specialty assignment, and not have an extensive investigative background.

And so while the specific duties of a D.A. investigator, separate from what a law-enforcement investigator might do, are important, we'd like to distill the investigator, the required class down to a 40-hour class, strictly focused on the specific duties of the D.A. investigator; and then use the Commission's Robert Presley Institute of Criminal Investigation Courses, all of the investigative courses, for those D.A. investigators that need specific training in either core investigations, our 80-hour core course, or any of the 16 specialty areas of investigation: homicide, sexual assault, domestic violence, et cetera.

And so we are preparing that process for the February Commission meeting. We have convened a group of subject-matter experts from the various D.A.s offices up and down the state, who have agreed to the concept and
have completed a review of the learning domains that are applicable specifically to the unique duties of a D.A. investigator; and we hope to have all that finalized in the next month or so.

COMMISSION CHAIR DUDLEY: Thank you.

Any questions? Comments?

(No response)

COMMISSION CHAIR DUDLEY: Yes, Commissioner Long?

COMMISSIONER LONG: I asked this to come off, just for one quick comment; and I’m not sure it’s applicable. But in assembling the subject-matter experts, I just noticed they were all district attorney investigators, like 12 of 12. And that may be fine, and I don’t know whether we should includemaybe members of the defense bar or some other experts, maybe from sheriffs’ departments, police departments, whatever. I think when you have all SMEs from one trough, you’re going to get, oftentimes, a fairly predictable -- I mean, if you asked -- if we were the subject-matter experts and they asked us if we wanted 40 hours of training to be POST commissioners, I’d think we could project where that would go. Not well.

So I just wondered whether or not there were other people that might be germane to this discussion in terms of subject-matter experts. I mentioned it to Scott.
It’s just a question as to whether or not there are others who might have some input here other than just a bevy of D.A. investigators.

MR. BENITEZ: So we did include on the --

COMMISSIONER LONG: There was one D.A., I think.

MR. BENITEZ: Well, so we have representing CDAA, the California District Attorneys Association was their lead and also their training chair. So we had the input from CDAA as well. The training chair is also the sitting D.A. of Yuba County, so it’s the District Attorney that’s there.

COMMISSIONER LONG: Right, it’s one D.A.

MR. BENITEZ: We strive to include all of the components up and down the state because we have rather large D.A.’s offices, and then a number of smaller ones as well, each of them with their own challenges for hiring, retention, and training. Some have the advantage of large in-house training capability and others don’t.

So we take your comment to heart that a broad and diverse group might provide a larger contingency of input. And so we’re working the best we can, trying to get the greatest exposure to what are the requirements that are needed for D.A. investigators.

COMMISSIONER LONG: Well, for example -- if I may, Madam Chair? -- maybe somebody, a representative, a
subject-matter expert from the defense bar, for example, the people who interact with these investigators on a daily basis, I would just feel more comfortable if I didn’t see a completely homogeneous group of subject-matter experts. That’s all.

So it’s just a general comment about subject-matter experts.

COMMISSION CHAIR DUDLEY: Commissioner Long, if you have anybody specifically that you might be interested, perhaps you could let Executive Director Alvarez -- let him know about that.

I can tell you, as a district attorney, I really appreciate the idea of you cutting this down to 40 hours. It’s a burden, it’s repetitive, it’s redundant. We do hire people who have been experienced law-enforcement officers for a long time. It’s difficult to get the training accomplished and get them on board quickly. So from the selfish position of being a D.A., I appreciate this very much. And I think it’s good for communities in general. So thank you.

Any other comments?

(No response)

COMMISSION CHAIR DUDLEY: All right, thank you so much.

Okay, as that was the last item on the consent
agenda, did anybody rethink this and decide they want to
hear another presentation?

(No response)

COMMISSION CHAIR DUDLEY: Okay, is there a motion to
approve the consent items before we move to viewing of a
video?

COMMISSION VICE CHAIR BRAZIEL: Moved. Braziel.
COMMISSION CHAIR DUDLEY: Thank you.

Any discussion? Questions?

(No response)

COMMISSION CHAIR DUDLEY: Those in favor?

(A chorus of “ayes” was heard.)

COMMISSION CHAIR DUDLEY: Opposed?

(No response)

COMMISSION CHAIR DUDLEY: The “ayes” have it.
And now we’re going to have the pleasure of a video;
correct?

EXECUTIVE DIRECTOR ALVAREZ: Correct.
COMMISSION CHAIR DUDLEY: Great.
EXECUTIVE DIRECTOR ALVAREZ: Thank you.

I cut off my presentation a little short; and I
forgot to hand it off to somebody else, so I will do that
here shortly.

Also, I was just reminded by Connie that we would
like to take a group photo because every commissioner is here today. So during the break, right before lunch, we’ll take a group photo.

We presented a -- or produced a brand-new “Did You Know?” video. I’ll let our bureau chief, Larry, speak to it. But our hope is -- this video is not yet publicly available. It’s complete; but we’re hoping to do some kind of a press event with this video, using the chair of the Commission to roll it out in some fashion. We’ve already bantered about some ideas. It is a video on fentanyl, and how fentanyl affects law enforcement.

So without further ado, Larry.

MR. ELLSWORTH: Good morning. And it is still morning, but just barely.

Thank you for the opportunity to be here this morning and to showcase our most recent released video from the Learning Technology Resources Bureau. This video is on a rather timely subject, and it’s entitled “Fentanyl.”

I think most of us in the room know fentanyl is a synthetic opioid, oftentimes -- or, rather, estimated to be 100 times more powerful than heroin, and also believed by many to be the source of much of the opioid deaths across the nation. So this is very timely.

I would like to provide just a short context for
you on what this video is before showing it and also to clarify that this is in our “Did You Know?” video series. It is brief. Those are designed to be between two and four minutes.

And the goal of these videos is not necessarily to train, although sometimes they do; but, rather, it’s to spark an interest within the law-enforcement professionals who are viewers, to want to go deeper, to want to learn more about this subject.

Ultimately, our goal is to try and create a visceral reaction within these people to seek more knowledge. And you will see that at the end of this video, where it highlights a location, a Web site where you can find more information about that.

So I’d like to show that video, if we’re ready.

Thank you, David.

(Video presentation: “Did You Know? Fentanyl”)

EXECUTIVE DIRECTOR ALVAREZ: Thank you, Larry.

Anything else?

MR. ELLSWORTH: I just wanted to thank the members of my bureau for the assistance with this one, and also the group of subject-matter experts I had from across the state: Evidence technicians, evidence processing, Department of Justice, and, of course, law enforcement. And also, the production company, Digital Outpost, is the
same company that did do the *Procedural Justice* video that you’re all familiar with.

And if anybody has any questions, I’d be more than willing and happy to hear any comments you might have as well. But I also know it’s close to lunch.

COMMISSIONER BUI: I’d just like to say, fantastic video. Great job.

MR. ELLSWORTH: Thank you very much.

COMMISSIONER HUTCHENS: Ditto.

MR. ELLSWORTH: Thank you.

COMMISSIONER HUTCHENS: Outstanding video.

And I did share with the Executive Director yesterday, after seeing this during the Advisory council, I had the opportunity to address a group of hospital administrators in Orange County, and we were talking about fentanyl and the dangers; and I don’t think that they’re aware. And so they’re encountering some of the same people we are, in the ERs. So I think this would be the opportunity for POST to reach out to other emergency responder groups -- ambulance, drivers, fire, emergency room, those individuals -- to kind of give them a kick-start on starting their own training program.

Excellent, excellent video.

MR. ELLSWORTH: Thank you. And that’s an excellent suggestion. Thank you.
COMMISSION CHAIR DUDLEY: Anything else?

(No response)

COMMISSION CHAIR DUDLEY: Yes, I agree.

Does anyone remember the name of the drug -- I just learned about this, and I forgot the name, that’s supposed to be a hundred times stronger than fentanyl?

COMMISSIONER HUTCHENS: Carfentanil.

COMMISSION CHAIR DUDLEY: Okay, so is there any plans to address that in any way or…?

MR. ELLSWORTH: That was discussed in our meeting to create this; and there are many different opioids that can cause this type of reaction. We felt it more appropriate, since fentanyl was the main one, to just kind of keep that the focus right now.

I would like to add, though, it is our desire next year in the next video contract to make this a long format video that will, in fact, cover training. And those issues will be addressed there.

COMMISSION CHAIR DUDLEY: Okay, thank you.

Anything else?

(No response)

COMMISSION CHAIR DUDLEY: Okay, thank you so much.

MR. ELLSWORTH: Thank you.

COMMISSION CHAIR DUDLEY: Okay, the plan for the next couple of hours is we’re going to do presentations
and then take a break and then resume.

   And I think all of you were told that we might be going until five o’clock. That may be true.

   I’m getting looks like “We weren’t told that,” but it’s going to be a long meeting, and if we can get out before 5:00, we certainly will.

   So let’s move things along.

   And at this time, I will call on Manny to make some presentations.

   Manny?

   EXECUTIVE DIRECTOR ALVAREZ: Okay, thank you.

   If I could have Diane Hrepich -- please come on up, Diane.

   Come on. We’re going to hand you the microphone at the end.


   EXECUTIVE DIRECTOR ALVAREZ: Many of you know Diane, and some of you don’t. But her son is up there raising his hand.

   Diane recently retired from POST after many, many, many years. I’ll read it in the resolution that we’re going to present you.

   Diane is also the person responsible for the new testing that we’ve talked about so much over the last
year, the TMAS testing with the vignettes. That’s been
my experience and relationship with Diane, is over the
course of the last year. But she has been at the
forefront of dealing with law enforcement. If you talk
to folks across the state, they all have had some kind of
dealing with Diane over the course of time with POST.

So, Diane, we miss you already.

But let me read this before I go forward.

All right, “Whereas” -- this is a resolution from
the Chair of the Commission and from me.

Whereas, Diane Hrepich began her distinguished state
career with the Department of Motor Vehicles in
November of 1967, transferring through several state
agencies before moving to the Commission on Peace Officer
Standards and Training in June of ‘81, where she remained
until her retirement from service as a personnel
selection consultant II in October of 2017;

Whereas, Diane Hrepich was a pioneer in test
development, assisting in the creation of the latest
delivery systems that have served California law
enforcement well for several decades;

Whereas, Diane Hrepich developed testing processes
that are being used in law-enforcement academies
throughout the state of California;

Whereas, Diane has been at the forefront of law-
enforcement test development and administration, always striving to better serve the peace officers of California and the communities they protect.

Diane’s contribution to law-enforcement training and testing has personally impacted the majority of California peace officers working today.

Diane has been a great leader throughout her career, with a passion to serve the law-enforcement training community.

Diane has been a mentor to countless POST staff members, contributing to their professional growth and development.

Diane has worked for the State of California for the past 42 years, and is recognized as a premier expert in law-enforcement testing.

Diane’s contribution to law enforcement has left a lasting legacy that will be realized for years to come.

So now, therefore, be it resolved, the Commission bestows its deepest gratitude and sincerest wishes for a long, happy, and well-deserved retirement to Diane Hrepich.

It is in this spirit of gratitude and appreciation that the California Commission on POST presents this resolution and remains eternally thankful for all that you have contributed and for all that you have
accomplished.

So thank you, Diane.

I’ll set that down here.

(Applause)

EXECUTIVE DIRECTOR ALVAREZ: Don’t tear up yet, Diane. We’re not done. There is more.

COMMISSION CHAIR DUDLEY: Could I hold that for you?

EXECUTIVE DIRECTOR ALVAREZ: Sure. Thank you.

And this one I have not seen, so I’m going to mess this one up even more.

This is from the Senate.

Diane established a remarkable career in public service that spans nearly five decades; and in this endeavor, concurrently made immeasurable contributions to the State of California, dedicating a great portion of her life to efforts that enhance the public safety of all residents.

Ms. Hrepich currently serves as personnel selection consultant at the Commission on Peace Officers Standards and Training, and is retiring on October 1st, 2017, after 48 years of dedicated service to the State of California.

Throughout her career, Ms. Hrepich excelled in many capacities and served various agencies and departments, including the Department of Motor Vehicles, the State of California Department of Justice, the Employment
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Development Department, the Office of Criminal Justice, the Planning Department, and the Commission on POST.

Whereas, considered a pioneer in testing,

Ms. Hrepich was a major contributor in the creation of a system on test delivery, which also tracks the success rates of students, referred to as “POST Track,” full utilization of which began in 1980.

Ms. Hrepich paved the way for the installation and implementation of the POST Track system in 13 other states, and spent countless hours ensuring the system was efficiently utilized and implemented.

Whereas, always looking to make positive contributions to her field, Ms. Hrepich developed and authored the item-writing guidelines for the questions used in the testing by all 39 law-enforcement academies in the State of California.

Additionally, she was involved in numerous feasibility studies and software program testing to ensure the integrity and applicability of testing in law-enforcement academies throughout the state. To safeguard the integrity of testing, Ms. Hrepich authorized the security agreements for use of POST testing software and test elements, and was the creator and primary person in the development of a new testing system, TMAS II, that focuses on the development of
student critical thinking, making it more difficult for any student to cheat on an exam.

Ms. Hrepich was also directly involved in the creation and successful passing of legislation, making it a criminal and civil offense to cheat on police state exams.

A dedicated member of the community, Ms. Hrepich has conducted fundraising activities at POST for hurricane and earthquake relief and has assisted in strategies for law enforcement to assist the homeless.

Diane’s contributions are worthy of much recognition, and the residents of the state of California are fortunate to have been served by an individual of her caliber.

Now, therefore, it be proclaimed that Senator Janet Nguyen of California’s 34th District does hereby honor Diane Hrepich for her immeasurable contributions to the State of California; commend her for her exemplary record of public service; and extends her sincere best wishes for a happy, healthy, and fulfilling retirement.

Congratulations.

(Applause)

MS. HREPICH: Well, I’ve said a lot of words when I retired, so I’ll just say, thank you very much for the acknowledgment.
You know, sometimes we get ourselves involved in things; and we forget who we actually impact. And my whole goal -- really, my whole career, was just let’s do better for law-enforcement cadets.

And I think that staff, without them, of course, and without the test panel members, it would never have happened. But with your support, it has. And I’m pleased that it’s going to be carrying on.

And I have to tell you, the day I retired, my official retirement day, I woke up and realized that I didn’t have to worry about all those cadets in California anymore. And it was a relief.

So thank you.

(Applause)

(Photograph taken of Executive Director Alvarez and Diane Hrepich)

EXECUTIVE DIRECTOR ALVAREZ: So the next one is Sheriff Hutchens.

If we could have you come up here.

So as many of you know, Sheriff Hutchens is leaving the Commission after this meeting. You’ll see how long she’s been on the Commission and some of her law-enforcement accomplishments.

But I just want to thank you personally. Every time that I have a conversation with you, it’s always
so pleasant and insightful; and every time that you are here, you provide remarks and comments and suggestions to all of us, that you don’t just sit there silently and not provide that. And you do it in such a way that it’s not offensive, and you get your point across. And I greatly appreciate that personally.

COMMISSIONER HUTCHENS: Thank you.

EXECUTIVE DIRECTOR ALVAREZ: Also, I think you’re an inspiration for women in law enforcement to show them how high up you can go. And I just -- I appreciate you for what you are and what you do. So thank you.

If I may read this resolution. I’ll try not to butcher it.

Whereas, Sandra S. Hutchens began her distinguished law-enforcement career in 1976 as a secretary with the County of Los Angeles Sheriff’s Department.

Sheriff Hutchens attended the Basic Academy and was sworn in as a deputy sheriff in 1978, later assigned to the Sybil Brand Institute, the Lynwood Station, and Metropolitan Bureau.

Sheriff Hutchens was subsequently promoted to sergeant in 1986, and then lieutenant in 1994, serving both custody and field assignments.

Sheriff Hutchens was subsequently promoted to captain in 1999, leading the Norwalk Station.
Sheriff Hutchens was promoted to serve as commander in 2001, and later as chief in 2003, serving as the Sheriff’s Executive Assistant, Chief of the Office of Homeland Security, and the Commander for Field Operations Region II.

Sheriff Hutchens, in her capacity as a leader in the LA Sheriff’s Department, commanded over 1,000 personnel, including 40 contract cities, Aero Bureau, SWAT, K-9, as well as Search and Rescue, and Transit Services.

Sheriff Hutchens retired from the LA Sheriff’s Department in 2007, and was appointed the twelfth sheriff of the Orange County Sheriff’s Department by the Board of Supervisors in 2008.

Sheriff Hutchens was elected the Sheriff of Orange County in November 2010 -- I think that’s accurate; I’m not sure -- and has led -- June. June, I remember you saying that yesterday -- June of 2010, and has led one of California’s largest sheriff’s departments, with over 3,800 personnel.

Sheriff Hutchens has served on the Commission on Peace Officer Standards and Training since 2012, serving as the chair of the Commission from October 2014 to October 2015.

Sheriff Hutchens has honorably served the citizens
of California with distinction for 41 years and has
created a lasting legacy of leadership, selfless
dedication to others and public service.

Now, therefore, be it resolved that Commissioner
Sandra S. Hutchens has devoted her career to the
profession of California law enforcement and has provided
sage and insightful guidance to POST.

It is in the spirit of gratitude and appreciation
that the California Commission on POST presents this
resolution, and remains eternally thankful.

Thank you, Sheriff Hutchens.

(Applause)

COMMISSIONER HUTCHENS: Thank you very much, Manny.

And I’m most proud that I was able to serve on this
commission when we made the wise decision to hire our
new executive director, who has done a wonderful job for
us in challenging times, needless to say.

It’s been an honor to serve on the POST Commission
with all of you. I’ve learned something from everyone
here. And I go away knowing that this commission is
in good hands. Everybody here, regardless of what
discipline you come from, have in your primary focus
what’s best for law enforcement in the state of
California. And I am very proud. I think we do it best
in the state of California, and I know we will continue
to do that.

So thank you very much. It’s been an honor.

(Applause)

(Photograph taken of Commission Chair Dudley, Executive Director Alvarez, and Sandra Hutchens)

EXECUTIVE DIRECTOR ALVAREZ: Mr. Durant, will you please come on up?

Hopefully, you all know Mike. But Mr. Durant is the President of PORAC, Santa Barbara County Sheriff’s Deputy. Will be potentially retiring, I believe -- I don’t know if I can say that.

Is that official?

MR. DURANT: Yes, early next year.

EXECUTIVE DIRECTOR ALVAREZ: Okay, very good.

Well, Mike -- I don’t know if it’s premature for me to say that or not; but Mike has always been a very big advocate of law enforcement. He’s been to POST a number of times, and brought some very pointed questions in that regard in our meetings. And I’ve also witnessed Mike standing up for the law-enforcement profession and for POST in general at meetings that was unsolicited, where I wasn’t present. You mentioned me by name, and some of the things that we were trying to do at POST. And we really appreciate everything you’ve done for -- not POST, we don’t need people to just be advocates of POST; but
what you’ve done for law enforcement, and pushing things forward.

So thank you, Mike.

And if I may read this resolution from POST, I really appreciate what you’ve done.

Whereas, Michael G. Durant attended and completed the Basic Course at the Tulare-Kings Counties Basic Peace Officer Training Academy in 1984.

Mr. Durant began his distinguished law-enforcement career in 1984 with the Porterville Police Department, serving as a reserve police officer.

Mr. Durant became a deputy sheriff for the Santa Barbara County Sheriff’s Department in 1987, serving in a variety of assignments, including custody, patrol, investigations, and K-9.

Mr. Durant began service to the men and women of law enforcement in 2003 as a member of the board of directors for the Peace Officer Research Association of California, PORAC, empowering and representing the interests of rank-and-file peace officers.

Mr. Durant served as the PORAC treasurer from 2005 to 2006, and as vice president from 2006 to 2013.

Mr. Durant became the president of PORAC in 2013, continuing his education to promote awareness to foster better collaboration between the public and law
enforcement.

Mr. Durant, in his capacity as a leader in PORAC, served as a tireless advocate for development and maintenance of the highest standards for California’s peace officers, as well as the Commission on Peace Officer Standards and Training.

Mr. Durant selflessly dedicated himself to serving the men and women working in one of society’s most challenging and dangerous jobs, with the hope of ensuring public safety for California’s communities.

Mr. Durant has honorably served the citizens of California with distinction as a peace officer for over three decades, and has created a lasting legacy of leadership, dedication to others, and public service.

Now, therefore, be it resolved that Michael G. Durant has devoted his career to the professionalism of California law enforcement, and has provided guidance, service, and unwavering support to POST and the stakeholders it serves.

It is in the spirit of gratitude and appreciation that the California Commission on POST presents this resolution and remains eternally thankful.

Thank you, Mike.

MR. DURANT: Thank you very much.

(Applause)
MR. DURANT: Thank you. Thank you very much, Manny.

To Chairman Dudley, thank you very much, in my own county.

I want to thank -- I have two executive board members from PORAC on the POST Commission, Laren Leichliter and Barry Donelan, and also two other members, Batine Ramirez and Lai Lai Bui.

It’s an honor for me to be the president of PORAC. And at no time have I ever been approached by anybody -- Bob Stresak, Manny Alvarez, any POST commissioner -- to advocate on behalf of POST. But I sit on many different commissions and boards, including the latest, the RIPA Board, where it’s essential that we in law enforcement throughout the state of California continue to get the training that is necessary to do the vast majority and training of all of our jobs, not just facets of that job.

So PORAC will, and always has been, an advocate for POST. I hope my successors will do the same. There is no doubt in my mind that PORAC will continue to advocate on the importance of funding for law enforcement.

When the POST budget gets zeroed out, and at the same time we’re sitting in a RIPA meeting, discussing how it’s very imperative that we get further training, I fully agree with that. But we also need to have the funding to do that training. And I can assure you,
PORAC will always be there to stand with POST and advocate on behalf of funding -- full funding for training of the best law-enforcement officers in the country.

Thank you very much.

(Applause)

(Photograph taken of Commission Chair Dudley, Executive Director Alvarez, and Mike Durant)

EXECUTIVE DIRECTOR ALVAREZ: Sheriff Leichliter, come on up.

COMMISSIONER LEICHLITER: Ten minutes is nine and a half minutes too long.

EXECUTIVE DIRECTOR ALVAREZ: Thank you for coming up.

This is also Commissioner Leichliter’s last meeting.

COMMISSIONER LEICHLITER: You can say it about me. I’m not like Mike; I’m retired.

EXECUTIVE DIRECTOR ALVAREZ: No, but I thank you as well. You have been very vocal in giving your opinions, and they’re appreciated.

As I would read newspaper articles and such, I would see your name on a lot of those in regards to use of force and other issues. You were very, very vocal about that with the media and the community in general.

COMMISSIONER LEICHLITER: We’re not giving this mike
to my sheriff, are we?

COMMISSIONER McMAHON: I’ll take it.

EXECUTIVE DIRECTOR ALVAREZ: So, no, I appreciate what you’ve done for law enforcement.

I think a lot of the stuff that you’ve done outside of the Commission to further the job of law enforcement and the difficulties that law enforcement has across the state and across the nation, you probably didn’t have to do, but you always did.

I don’t know if you’ve done a Google search on all the stuff that you have written or put out there; but it’s out there. I didn’t see anything bad, but…

COMMISSIONER LEICHLITER: Then you didn’t do a complete search.

EXECUTIVE DIRECTOR ALVAREZ: Oh, no.

COMMISSIONER DONELAN: You wrote something, Laren?

EXECUTIVE DIRECTOR ALVAREZ: I’m not going there.

All right, if I may. This is a resolution from the Commission again.

Whereas, Laren Jess Leichliter, Jr., completed the San Bernardino County Sheriff’s Department Academy on August 17, 1994.

Commissioner Leichliter was sworn in as a deputy for the San Bernardino County Sheriff’s Department on August 17th, 1994.
Commissioner Leichliter was elected and served as the Highland Station director for the Sheriff’s Employees’ Benefit Association, San Bernardino County, from 2003 to 2010.

Commissioner Leichliter was appointed as the secretary of the board for the Sheriff’s Employees’ Benefit Association, San Bernardino County, from 2010 to 2011.

Commissioner Leichliter was elected and served as the president for the Sheriff’s Employees’ Benefit Association, San Bernardino County, from 2011 to 2017.

Commissioner Leichliter was appointed in November 2012 as a director at large and executive member for the Peace Officers Research Association of California.

Commissioner Leichliter was appointed by Governor Edmund G. Brown, Jr., to the California Commission on Peace Officer Standards and Training on October 15, 2013.

Commissioner Leichliter served as vice chair of the California Commission on Peace Officer Standards and Training from October 23rd, 2014, to October 22nd, 2015.

Commissioner Leichliter served as the chair of the California Commission on Peace Officer Standards and Training from October 22nd, 2015, to September 6th, 2016.

Whereas, Laren Jess Leichliter, Jr., has honorably served the citizens of California with distinction for
over 23 years and has created a legacy of leadership, selfless dedication to others in public service.

Now, therefore, be it resolved that Commissioner Laren Jess Leichliter has devoted his career to the professionalism of California law enforcement, and has provided sage and insightful guidance to POST.

It is in the spirit of gratitude and appreciation that the California Commission on Peace Officer Standards and Training presents this resolution and remains forever thankful.

Thank you, Laren.

(Applause)

COMMISSIONER LEICHLITER: I was told I get 30 seconds, so I’ll make it short.

I agree with Commissioner Hutchens. It’s been an honor to serve here. I would like to thank all of the POST staff, because anytime I had a question, I called, I got the answer. It makes us look good when we’re over here. So I’d like to thank the entire POST Commission staff for that.

And my fellow commissioners. Anytime I had a question from them, like Commissioner Hutchens said, I learned a lot from them. There’s a lot of everything here: Management, line staff, people from the public, as well as people from legislation, like Geoff. And so
you get a lot when you’re in this commission that you get to take back. And for a POA president, you get to present that to your members so that they have a full understanding of what actually happens at POST, and why it’s important to remain up-to-date on your training.

So that’s all I have. My 30 seconds is up.

And thank you very much.

(Photograph taken of Commission Chair Dudley, Executive Director Alvarez, and Laren Leichliter)

EXECUTIVE DIRECTOR ALVAREZ: We also presented a resolution about three weeks ago to former Commissioner Joe Farrow from the California Highway Patrol. We presented it to him personally on the day of his celebration, from leaving the Highway Patrol. I did that before they actually did the presentation. So we provided that to him.

He was always a very big, staunch supporter of law enforcement, as many of you know, and a staunch supporter of everything that happens around POST. And really, for me personally, he was one person that I could use as a sounding board on questions and issues and coming into this job. And we’re really appreciative of everything he has done.

He has now moved on to UC Davis as their Chief of Police, so we did provide him with a resolution also.
And that concludes the presentations, Madam Chair.

COMMISSION CHAIR DUDLEY: Thank you, Manny.

Okay, it is now 12:17. So we’ll start again at 12:45.

Have a good break.

(Group photograph of full POST Commission)

(Midday recess from 12:17 p.m. to 12:48 p.m.)

COMMISSION CHAIR DUDLEY: Okay, thank you, all.

Commissioner Long will now provide the Finance Committee report.

FINANCE COMMITTEE CHAIR LONG: Thank you.

We can be fairly brief, as this is essentially a status-quo report from where we were in June, in terms of the budget. But I would like to kind of focus on what we talked about yesterday as being kind of a pending alarm -- so this is the 2017-18 enacted budget that you’re looking at. The bottom right corner shows total expenditures of about $50 million. You’ll see it’s down from about $62 million that it states from fiscal year 2016-17. But that’s somewhat erroneous.

In fact, the expenditures for 2016-17 were just slightly under the $50 million that are proposed for 2017-18. That number includes the $5 million for Procedural Justice; and it includes some of the funding that was cut for reimbursements. So, actually, the
expenditures are very similar.

   But the number I’d like to draw your attention to, is the $46 million, the third line from the bottom. Essentially, the complete funding source for POST, the $46.5 million dollars from the State Penalty Fund. This is a big change from last year. It is a very positive change. Instead of getting basically a 24 percent draw from the fund, POST received basically slightly more than half of the entire amount.

   But if you could go to the next slide, Dave. This is what we need to focus on, is the State Penalty Fund. Even though we got a set amount from it, you can see how it’s continuing to decline.

   I would expect that it would continue to decline even in 2017-18, possibly even creating a deficit situation. I think you can pretty much count on it decreasing maybe up to another 10 percent for the 2018-19 budget.

   And as Sheriff McMahon and I were just talking about, there’s a number of -- there’s legislation that would lead to potentially additional reduction in manpower, and fewer citations and so forth.

   And there’s a considerable number of legislators who think that the assessments now are too high. So on top of the kind of natural 10 percent decline, I think
it could be even higher. So what we’re really facing going forward in 2018-19, is protecting that $46 million base, and then trying to figure out if there’s any way to grow it.

It’s also important to remember that some of the other agencies that used to get money draws from the State Penalty Fund, such as the Restitution Fund, Correctional Training Fund, and the others, they were largely shut out. They may or may not continue to go quietly. There could be some competition there as well.

I always worry about the Restitution Fund, in particular, because it does have quite a bit of clout. They’ve just had some good reserves in past years.

So going forward, I think that what we really need to do is keep our eye on the State Penalty Fund, and, frankly, impress Finance. And I think the efforts at POST have been very, very constructive in that regard in the past six, eight months. I think they seem to me, from my discussions, to be quite happy with what POST is doing.

A couple things that I think we need to keep our eye on are contracts. And Executive Director Alvarez addressed that a little bit this morning, how we’ll be going forward on really using a fine-toothed comb on the contracts. But getting our fiscal house in order and
showing transparency is very important for 2018-19; because the other issue I’d like to reference, we talked about yesterday, is we’ll have a new governor, one way or the other, after the next budget year. POST, I think, enjoys some pretty good stature with the current administration and people in Finance; and it’s important to keep that stable as we head into a new governor, particularly with the Department of Finance. There is never as much change-over in Finance as there is in a governor’s staff.

So if we have those relationships and have shown that we’re doing everything we can to take care of the current budget, and doing our best with our current resources, it puts us in the best position to not only safeguard what we’re getting now, but to try to make a claim for perhaps growing in the out-years.

So that was the gist of the Finance Committee report.

Any questions?

(No response)

COMMISSIONER LONG: Merrill Domondon did this chart for us.

Merrill, are you back there?

Merrill is our new chart guy and our new fiscal guy, kind of replacing some of the stuff that Dave Cornejo did
before he went back to PERS.

So that is, in essence, what we talked about.

Any questions or comments?

COMMISSION CHAIR DUDLEY: Yes.

EXECUTIVE DIRECTOR ALVAREZ: May I, Commissioner Long and Chair Dudley?

I think it’s important for everybody to know -- I think we’ve perhaps hit on it in the past; but we’ve been articulating it as best we can within POST, is this is spending authority. If there is no money behind it, it doesn’t matter.

So just to give you an idea, you saw the chart. It said $62 million for 2016-2017, but, actually coming into POST is $55 million. That’s what we got, including the General Fund money. The Peace Officer Training Fund monies, I believe, totaled about $33 million; and then when you put the $21 million on from the General Fund, it’s at $55 million.

So if we continue to spend at a rate of $62 million, by the end of the year, we’re $7 million in the hole. And that’s what has caused us to be in debt over the course of time.

We continue to spend just below the spending authority, but the money hasn’t come in behind it.

So we’re trying to be very cognizant of that now.
One, obviously, we’re trying to dig out from the years that money hasn’t come in; and we’re trying to reduce our expenditures knowing that that money may not come in, even though now it’s a little bit more guaranteed. But at least for us internally, it’s important for us to know, it is spending authority. It’s not a bank of money that is there all the time.

COMMISSION CHAIR DUDLEY: Any questions about that?

(No response)

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

COMMISSIONER CHAPLIN: So moved. Chaplin.

COMMISSIONER LEICHLITER: Second. Leichliter.

COMMISSION CHAIR DUDLEY: Discussion?

(No response)

COMMISSION CHAIR DUDLEY: Those in favor?

(A chorus of “ayes” was heard.)

COMMISSION CHAIR DUDLEY: Opposed?

(No response)

COMMISSION CHAIR DUDLEY: The “ayes” have it and the motion is passed.

Item E is a report on the proposed changes to Regulations 1001, 1005, 1008, and Procedures D-10 and D-11, regarding requalification and the Basic Course Waiver requirements.
At this time, I’d like to call on POST Research Supervisor Dr. Shelley Spilberg to provide us with a presentation.

Welcome.

DR. SPILBERG: Thank you. Good afternoon.

Over the past several years, as I probably don’t have to tell most of you, the Commission has spent quite a lot of time hearing appeals of the requalification requirements. A lot of that time was spent trying to interpret what those regulations actually say. Even POST staff acknowledged that those regulations are rather obtuse. This item presents a proposed rewrite of those requirements, with the goal that all readers will come away with the same accurate interpretation as to their intent.

I was chosen for this task for a couple of reasons. First of all, over my many years at POST, I’ve had extensive experience writing and rewriting Government Codes, POST regulations, guidance documents, et cetera. However, most of that work, perhaps all of that work, has been in the area of selection and screening. I had no prior experience with requalification. In fact, Assistant Director Sandoval chose me for this task, especially for that reason, so that I could not rely on any prior knowledge when trying to derive the meaning of
these regulations.

Contrary, nevertheless, to my expectations, I found this task quite challenging, so much so, I couldn’t do it alone. Fortunately, I didn’t have to. I had the help of a number of people -- somewhere at this table, Toby and Assistant Director Sandoval; but I especially have to acknowledge the help of my colleagues, Melani Singley and Jennifer Imlay-Hardesty.

So in this revision, which was in Attachment A, in addition to clarifying and simplifying the wording, we also repackaged these requirements. All the requirements associated with requalification are in 1008, including Procedure D-10. And then all the requirements associated with Basic Course waiver were included into Regulation 1005, Basic Training, and that includes Procedure D-11.

It’s important to note that this rewrite is editorial. There were no substantive changes made, with one exception: In this proposed version, the authority for granting exemptions to the requalification requirements rests solely with the POST executive director. This change is intended to save time of both the Commission and POST staff.

Note also that this rewrite represents Step 1 of a two-step process.

In Step 2, the actual substance of these
requirements will be reviewed to determine if changes and
updates are needed. This effort will involve POST staff;
yourselves, the Commission; and stakeholders.

I’ll be happy to answer any questions. And if not,
thank you for your time.

COMMISSION CHAIR DUDLEY: Questions or comments?
(No response)

COMMISSION CHAIR DUDLEY: Thank you.

Yes.

COMMISSIONER BUI: With the clarification in the
content of this regulation, I think that would alleviate
a lot of the confusion to where I don’t think that we’ll
be seeing the number of appeals that we’ve had in the
past. And now this section in here related to providing
the Executive Director the authority alone to hear these
appeals, and it says in here, the reason is because of
the time spent by the Commission hearing these appeals.
I, for one, am not opposed to listening to these. So
if it’s being done because you don’t want to burden us
because of the time spent on these -- I don’t know how
the other commissioners feel -- but that’s not an issue
for me.

MR. LOGGINS: Okay.

COMMISSION CHAIR DUDLEY: Do any other commissioners
want to weigh in on that?
COMMISSIONER LONG: I certainly agree with Commissioner Bui. I’ve only been on the Commission for a couple of years, but I think we’ve had only five appeals that I can think of. I think two, if I recall right -- Scott, I think two were different from the recommendations. So that’s actually that’s kind of a 40 percent flip rate, even though I think one of them was due -- I think we talked about staff errors or something on that. But five doesn’t seem to me to be overburdensome. And with the correction to the -- all the clarifications to the regs, my assumption would be that would clear up a lot; or it should at least give us the opportunity to see if that clears up a lot of it.

I just -- I think I side with Commissioner Bui here in wondering why we would need to formally and explicitly put in the regs that the sole authority for appeal is to the Director and not remain silent.

COMMISSION CHAIR DUDLEY: Other comments?

Yes.

ADVISORY COMMITTEE CHAIR WALTZ: The Advisory Committee received this presentation also yesterday. And it was actually following the meeting, we had a lively discussion about that. Even though it wasn’t in the core of our meeting, I think it was notable enough to bring up
here. And, yes, that same point was brought up that the
clarifications in the regulations itself will decrease
the number of appeals. And so we thought that the
Commission should consider keeping that authority to
grant the exemptions.

MR. DARDEN: May I?

COMMISSION CHAIR DUDLEY: Yes, please.

MR. DARDEN: So as the attorney that has been trying
to give you, the Commission, advice as these appeals have
come up, one of the problems that I saw in the regulation
was that the staff was attempting to give some sort of
a venue, an opportunity for these officers who wanted an
exemption to the requalification requirement to have an
appeal; but there really wasn’t anything in regulation
that granted them the authority to use section 1058.

Section 1058, which is the section that we have been
using, I think staff just sort of shoehorned these into
1058. 1058 is the section of the regulation that
basically says if the course certification -- if there’s
been a decision on course certification, denial of
certification of a course, then there’s an appeals
process, which we have developed.

Since when these instances came up where an
individual wanted to challenge this -- and that is,
whether or not they would need to go back to the academy
or not, or have an exemption from requalification --
staff basically just shoehorned those appeals into 1058.

So as the attorney for the Commission, one of the
things that I see on this issue is that, you know, if the
Commission -- as I looked at the language of the law a
number of years ago when we had a somewhat contentious
appeal of a decertification decision, you know, the law
basically says due process is a flexible concept; right?
It’s how bad is the deprivation; and if it’s a very bad
deprivation, then you have to give a lot of due process.
If the deprivation isn’t that bad, then a lot less
process is required.

So one thing that we might want to consider is that
if we do want to have an appeals process in an instance
where any given individual officer wants an exemption and
doesn’t want to have to go to the academy again, do we
want to use 1058, or do we want to have a separate
appeals process that looks a little different, perhaps?
In other words, it doesn’t have to be exactly the appeals
process that we use in the case of denial of
certifications -- it can be, if that’s what the
Commission wants to do. But that’s just -- I just wanted
to throw that in.

I don’t know if you looked at that or not, Shelley,
in terms of, you know, whether or not we would continue
to use 1058 and that process if, in fact, it was not to
go to the executive director. But that’s one of the
things that I think we should consider; and that is, if
the Commission wants to keep it, then the question is
going to be, what is that going to look like? Are we
just going to continue to use 1058? And if so, maybe we
should also modify 1058 to make it explicit that it’s not
just for certification/denomination; it’s also for
these instances where someone wants to appeal the
exemption process. So that’s the point I wanted to make.

DR. SPIBERG: Yes, a good point.

I will, at the risk of repeating myself, I will say
that the intent of this item was to clarify the existing
regulation.

So, in all honesty, we really didn’t look at
substantive changes. We really had -- I had enough on
my plate trying to figure out what it was supposed to
say. But your point is well taken, and again, in Step 2,
that needs to be done.

COMMISSION CHAIR DUDLEY: Thank you.

Yes.

COMMISSIONER CHAPLIN: Not to come off as a
contrarian; but I do think by being very precise from a
letter-of-the-law standpoint, especially when it comes to
who is eligible to become a police officer or a deputy,
at a time when, you know, the environment is changing so rapidly and we have new layers of training that are put on us. We talked about that a lot today. We recently experienced CIT training in these last several years. I have no problem; and, in fact, I support the language, and I do prefer that the person that knows the business best, the executive director, weigh in on the decisions. I just wonder if there is a desire from the Commission to have an ability to hear appeals, that perhaps an appeal to his -- to the executive director’s decision might just come in writing.

I, for one, am okay with it, as to how it’s written, so...

COMMISSION CHAIR DUDLEY: Any other comments?

(No response)

COMMISSION CHAIR DUDLEY: I think what I’m hearing is that we’re now in this stage where we have some clarity about the three-year and the six-year rule. And I think there’s some hope that with that clarity, there will be less appeals and because of the letter of the law.

So it sounds to me that what I’m hearing the commissioners say -- and please tell me I’m wrong -- is you’d like to leave the power with the Commissioners and hope that there are less because the law is now clear, or
at least the provisions are now clear.

Scott, it looked like you were leaning in.

MR. LOGGINS: Surprise.

I apologize for indulging you, the Executive Office, Mr. Alvarez and Ms. Sandoval, we had a sidebar this morning. They asked if I could illustrate the complexity of completing these investigations in dealing with these appeals.

When they talked about the labor intensity as it applies to the Commission, they were actually relating to internally of staff as well. And the reason I came up here to help illustrate the gravity of the situation is to explain, it’s not just the time of each of the individual commissioners, it is time-intensive for POST staff.

I led the way for, in fact, every one of those appeals. Quite honestly, some of them take probably upwards to about 80 hours’ worth of research.

Last year, we had an appeal where I had to do -- become almost a subject-matter expert in federal guidelines as they apply to military veterans. I had to look into financial protections for military veterans. This included consultations and conferences with Mr. Darden’s counterparts at Cal HR, which was, of course, was an expense to POST in order to make sure we
had all of our ducks in a row.

In addition to that, it involves a modicum of researching case law, hand researching the initial intent of regulatory matters that were created by this commission decades ago, if not, some of them probably occurred before I was even born, and even researching Attorney Generals’ opinions.

And fast-forward to the last appeal that this Commission heard, that took approximately 80 hours of labor.

And, you know, albeit that’s time that I’m paid for to do as a public servant; that is time away from the mission of POST. That’s 80 hours that the staff that work for me, that was running the largest consortium of academies in the entire country, failed to have a bureau chief there to assist in their endeavors. That’s 80 hours’ worth of projects that are mission-critical to get those other 90,000 police officers the necessary training that we had to deviate from.

So the concern was, I heard the mention of “due process.” And Mr. Darden brought it up very eloquently. He’s obviously an attorney. The current mechanism does afford every appellant a modicum of due process. It’s first addressed by the consultant, it’s addressed by a bureau chief, and finally at the Executive Office level.
So our intent is not to just arbitrarily preclude people from having the opportunity to go before the Commission, but this is consistent and commensurate with any other entity, albeit a public entity or a governmental entity. Where, for example, in law enforcement, if a citizen has an initial complaint, that generally will be handled at the supervisory level, and then as a matter of appeal to the internal affairs bureau or division, and finally maybe up to the agency head.

In its current pattern, without regulatory clarity, this would be like any citizen taking a personal beef regarding the performance of a police officer straight to city council, or taking a complaint against a deputy sheriff and asking the board of supervisors to conduct that requisite investigation.

So I hope that illustrates the fact that it’s very labor-intensive.

If we were to move forward and have this number of appeals in the future, very likely, we’d have to put forward a budget change proposal and actually get a staff of a couple of people to do nothing but research on these appeals.

MR. DARDEN: And I would point out as well that the individuals would still continue to have the right, even if the power stayed with the executive director, after
the executive director made the final determination, then the individual would still have a right to take it to court. They would file a petition for writ of mandate, a traditional writ, and basically challenge the executive director’s decision; and then it would be litigated by the lawyers.

So the individual would continue to have those appellate rights in terms of the court, it just wouldn’t be to this body.

MR. LOGGINS: Correct.

COMMISSION CHAIR DUDLEY: Thank you, both.

Commissioner Braziel.

COMMISSION VICE CHAIR BRAZIEL: One, thanks for your comments. But I would hope that you would do the same amount of research, whether it was coming to the board or coming to the executive director. So I don’t see the workload changing if it went to that. Regardless, that amount of work still should continue.

I’m hoping that the language change will make it so we have very few, if any. Because part of it was, if you go back and look at the appeals, the appeals actually prompted the change, because the executive directors had not sided with the appellant in a couple of cases. But we saw the flaws when it was presented, and it was fixed. So to me, that means the appeal process works and
identified flaws in our system that were not caught with the prior executive director.

So I support that we allow the appeals to continue to the Commission, knowing that we’re going to have significantly reduced numbers. Because with the clarity, I think, that we’ll see more resolutions when somebody challenges the executive director -- because if I recall correctly, it does go to the executive director to say, “Well, no, it either is or isn’t in compliance,” and either we’re going to fix it or we’re not. And the ones that were not would then come to the Commission.

I probably just totally confused everybody on that one.

But I do agree that there needs to be the ability for folks to come to a commission to challenge a ruling that significantly could potentially impact their livelihood. I think that’s appropriate. And I think the numbers will significantly be reduced with the language change.

And good work on the language change.

DR. SPILBERG: Thank you.

COMMISSION VICE CHAIR BRAZIEL: Because it was confusing everybody, so...

MR. LOGGINS: Commissioner Braziel, I appreciate that. Could I offer this to you for your consideration
and your guidance: One of the options we considered was a middle ground, maybe a supreme court model, where if an appellant was dissatisfied with the decision made by the executive director, it could be brought forward to this body for your initial review. And at that time, you could undertake it and make a decision whether you would allow them to move forward at the subsequent commission meeting. That way, you would have a level of triage to say, “Yes, this merits further review,” or, “No, we’re going to leave it in the hands of the Executive Director.”

COMMISSION CHAIR DUDLEY: Executive Director Alvarez?

EXECUTIVE DIRECTOR ALVAREZ: Okay, thank you. And if I may, what Scott just mentioned, maybe I could pass to Toby at the end here; but that was our initial discussion, was having a separate body look at these -- a separate body of commissioners.

And, Toby, you can address the legalities of that. I think what we’re looking for is just some clear direction from you all. We’re not married to any one way, or other way to do it; but we do think that the policy should state what is available to each individual. I think it’s better than leaving it blank and shoehorning it, as Toby mentioned earlier.
Again, the only thing that allows for an appeal to the Commission right now -- at least in writing -- is a course certification. And we’ve just kind of been jerry-rigging this and saying, “Well, if you don’t like it, go to the Commission.”

We’re making decisions almost -- not almost -- we’re making decisions daily; and some of them are not popular decisions.

I mentioned to one of the commissioners one of the questions that was posed to me by a chief of police; and he’s not going to like the answer that I’m going to have to give him about perishable skills training. Do we tell that person, well, you have the opportunity to go to the Commission?

Perhaps it’s just with this, with 1008; and that language should be in the reg change.

Also, I think it’s important for us from a POST perspective, I think the prior decisions that were reversed, they weren’t because -- at least the one that I’m thinking of, right off the top of my head, it’s not because POST made an error in judgment applying the regulation; there was one, if you recall, with the three-year and the six-year rule, that the individual was six years and 17 days. And we adhered to the letter of that regulation: It is six years. And it was painful
for us to tell that individual that they were out of compliance, so to speak.

The Commission reversed that on the totality of the circumstances, but not because of an error that POST made. We do not have the wiggle room to go around the regulations that you all put in place. Perhaps it can be written in such a way that POST has the ultimate decision on whether it’s in compliance or out of compliance, and then perhaps address it to the Commission on the totality of the circumstances around that individual.

We’ve gone back and forth on this; and we really are open. We’re not married to any one thing. But personally, I think we should put something in that regulation that says you can appeal to the Commission or you cannot appeal to the Commission.

COMMISSION CHAIR DUDLEY: Other thoughts? Discussion?

EXECUTIVE DIRECTOR ALVAREZ: And, Toby, would you speak to having a subcommittee of commissioners to hear these appeals that we talked -- that we spoke about previously, as to if we can do that or not?

MR. DARDEN: Sure, yes, absolutely.

And the answer is, I don’t see any problem with that at all.

So basically, how these are looked at by the courts,
if there was a legal challenge, they’re always looked at based upon the facts of the particular case that comes before the court. So the court would look at, in this case, the existing POST regulations, they would look at the nature of the deprivation, or what the individual is claiming was the deprivation; and then they would look at the level of process that POST was providing to determine if, in fact, it was sufficient in light of the deprivation.

And as I’ve said, if you are depriving someone, for example, of the right to pursue an occupation, then that would be a heavier burden; and there would be more of a requirement of an evidentiary hearing, even up to and including potentially, you know, having a judge, having a formal presentation of evidence, and formal rulings and that sort of thing.

This, I think, at least arguably, what we’re looking at here, it’s less a question of depriving someone of the right to be in law enforcement. You’re simply saying that your training is stale, and you need to go through a full academy again in order to assure that you are properly trained.

And so my guess is, having looked at a number of cases in this area, that the level of process even of simply having the internal appeal process going to Manny,
Manny having the say, and then the person having the right to go to court, that that would be sufficient.

Having said that, certainly I think the procedure in 1058 was sufficient -- again, this is my view -- a court could always disagree with me and say, no, even more an extensive panoply of due process is required. But my guess is, that wouldn’t be the case.

So certainly, I think 1058, I would argue strongly, would be sufficient. And in my view, if the Commission wanted to create another procedure, a more streamlined procedure to take away some of the burden on the full commission and delegate it to a subcommittee, I would think that would be completely appropriate. It’s just a matter of what the Commission wants to do in terms of the delegation of these decisions.

COMMISSION CHAIR DUDLEY: Thank you.

Dr. Spilberg, did you want to say something else?

DR. SPILBERG: Well, certainly, obviously, I echo what Director -- what Manny said, is that we’re looking to you to make a determination at this point in time whether the Commission would hear appeals.

It seems to me, there are just a few options.

One is, accept the wording of the proposed regulation, which would take the Commission out of the picture.
The second option would be to keep the existing wording, as it is in 1008(b)(3)(B), okay, and not change it. But even that option, to me, doesn’t mean that this issue won’t be looked at more carefully in the very near future when we do that substantive review and include the input that Toby said.

So what I’m feeling -- and remember, I came in this with no experience in requal -- is that this is an area that we need to really more carefully consider exactly how it should go and how it should be worded. But the intent of this iteration was just to clarify the existing regulation.

So, there you go.

COMMISSION CHAIR DUDLEY: Okay, Scott, did you want to say anything else?

MR. LOGGINS: Well, I’m good, unless any of the commissioners have any questions for me.

COMMISSION CHAIR DUDLEY: Yes, Commissioner Doyle.

COMMISSIONER DOYLE: I share with some of my colleagues. I don’t see this as a burden to hear the appeals, and hopefully the language will clear it up and we won’t have as many. And I believe the process as it is now, the people should be able to appeal to the full Commission.

COMMISSION CHAIR DUDLEY: Would you like to make a
motion?

COMMISSIONER DOYLE: Well, I don’t want to steal the thunder from Geoff.

COMMISSIONER LONG: Please, Sheriff.

COMMISSIONER DOYLE: Sure, I’ll make that motion.

DR. SPILBERG: May I interrupt?

I understand what your motion will be. And just for the record, if you agree, we can go ahead with this version to the Office of Administrative Law. I just want to make sure that it’s clear that what you might be proposing is that the existing wording of 1008(b)(3) stands the way it is, not in the proposed version, or something like that. That’s all. I just want to make sure that OAL is happy.

COMMISSIONER DOYLE: Okay.

EXECUTIVE DIRECTOR ALVAREZ: And to strike that language -- the one last sentence about the Executive Director’s is the final approver. That we would strike that.

DR. SPILBERG: And we would eliminate that one sentence about the decision of the executive director is final and binding; appeals will not be heard by the Commission.

And then we have one other semantic change, changing “the authority of the hiring agency” to “the hiring
authority.” That’s just a little more clarity when it’s not the chief that’s making the decision, sometimes it’s the human resource department or whatever.

So, sorry, I didn’t mean to...

COMMISSIONER DOYLE: No, that’s okay.

DR. SPILBERG: I just want to make sure this goes through to OAL, if you approve.

MR. LOGGINS: Then I do have a question. Are we -- just so we have clarity, are we moving forward and looking at an alternative mechanism, like Mr. Darden was discussing? Or just keeping the status quo?

COMMISSIONER DOYLE: That wasn’t my motion, an alternative.

COMMISSION CHAIR DUDLEY: I think that we don’t have a clear motion right now.

So do you want to say something with full sentences?

COMMISSIONER DOYLE: Me? Oh, sure.

COMMISSION CHAIR DUDLEY: Because you were interrupted a number of times.

COMMISSIONER DOYLE: You know, I’m good with clarifying the language of training becoming stale. And the intent of my motion is that executive director decisions can be appealed to the full Commission.

COMMISSION CHAIR DUDLEY: Okay, I’m going to turn to our attorney and ask him to clarify a possible motion,
because I do think there are a few things that are
dangling.

MR. DARDEN: Well, so let me ask this: I suppose
one possibility would be that if Shelley, as you
suggested, the motion would be to accept your changes
as is, with the exception that those two sentences would
be removed, that could be a specific motion.

Then what that would do is, it would continue our
final practice, for now, at least, of sort of shoehorning
the appeals into 1058 and doing them under that. We’ve
done them in the past, and we can continue to do it until
the next meeting. And then perhaps if the Commission
wants this, maybe one thing that we could do is look at
an agenda item for the next meeting of a variety of
different mechanisms by which the appeals could be heard,
and bring that to you to decide which one you want to do.
Or perhaps in the future, if you just want to keep the
existing process, staff could just present the next time
a revision to 1058, which includes these appeals within
the context of 1058, which currently applies to
certification or decertification.

So I wouldn’t presume to make a motion unless I knew
what the Commission wanted. But it sounds like maybe
where we need to go is just a motion that accepts the
existing language absent those two sentences; and then
we’d put off to the next meeting a decision on whether
or not we wanted to amend 1058 or come up with some new
process or procedure.

Does that make sense?

COMMISSION CHAIR DUDLEY: Yes. Let’s do one thing
at a time.

So the motion is? Sorry, I keep going back to you,
Commissioner Doyle.

COMMISSIONER DOYLE: The motion is to accept the
language absent the sentences that Shelley mentioned.

COMMISSION CHAIR DUDLEY: Okay, now, just to be
clear on that, Shelley, would you now articulate those
two sentences that we’re saying should be absent?

DR. SPILBERG: The sentences that we will revoke
read: “The decision of the executive director is final
and binding. Appeals will not be heard by the
Commission.”

I just need to add, there is an existing paragraph
in 1008(b)(3), the exemption paragraph. It is
paragraph (B) that -- I won’t read you the whole thing --
but it says, “The Commission may, in response to a
written request or on its motion, upon showing good
cause, exempt an individual from the completion of the
requal requirement.”

Now, that is not in the proposed version. And I
just want to make sure that -- and maybe Mr. Darden --

COMMISSION CHAIR DUDLEY: Okay, let’s have Toby weigh in on this --

DR. SPILBERG: Exactly.

COMMISSION CHAIR DUDLEY: -- because the record has to be super clear, or we’re going to be back here.

MR. DARDEN: Right.

Okay, so, Shelley, what’s the page where that stricken language is located? Do you have that?

DR. SPILBERG: It’s in the existing Regulation 1008(b)(3)(B).

And I’m not sure all our pages are identical, that’s why, so let’s…

MR. DARDEN: I see. Okay, so in other words --

DR. SPILBERG: It would be my third page of that.

MR. DARDEN: Yes, okay. So perhaps what we need to do then -- so it sounds like if we’re talking about the motion, it would be to remove those two sentences, and to insert back into it this language (pointing).

Is that the idea?

DR. SPILBERG: Whatever the Commission desires.

MR. DARDEN: All right, and so what she’s saying then -- this is the language which the proposal would be to reinsert it into this new regulation after we take out the two sentences about the executive director. And it
would read as follows:

"The Commission may, in response to a written request or on its own motion, upon a showing of good cause and based upon an individual’s employment, proficiency, training, and education, exempt an individual from completion of the Basic Course requalification requirement. The individual shall: 1, have satisfied the Regular Basic Course training requirement; 2, become reemployed as a peace officer after a three-year or longer break in service; and 3, not be described or included in subsection 1008(b)(3)(A)(1) through (5)."

I don’t know. Now, did those change? Did those sections change with your new --

DR. SPILBERG: You know, even if they did, I don’t think OAL would have a problem with us updating that.

MR. DARDEN: Yes, you would just make a conforming change?

DR. SPILBERG: Exactly.

MR. DARDEN: All right. So then as I understand the motion, it would be to approve the language as is, with the following changes: The language in the proposed new Regulation 1008(d), the two sentences would be stricken that say, “The decision of the Executive Director is
final and binding. Appeals will not be heard by the Commission.” In its place, would be placed the language that I just read, which is in the existing regulation, that permits the Commission, in response to its own request or on its own motion, exempt an individual from completion of the requirement as specified and, again, with the understanding that Shelley would make conforming changes to the numbering.

DR. SPILBERG: Absolutely.

COMMISSION CHAIR DUDLEY: Okay, one moment.

Commissioner Doyle, is that acceptable to you? Is that your motion?

COMMISSIONER DOYLE: Yes, it is.

COMMISSION CHAIR DUDLEY: Okay. A second, please?

COMMISSIONER LONG: Second. Long.

COMMISSION CHAIR DUDLEY: Any discussion?

(No response)

COMMISSION CHAIR DUDLEY: All in favor?

(A chorus of “ayes” was heard.)

COMMISSION CHAIR DUDLEY: Any opposed?

COMMISSIONER CHAPLIN: No -- yes, opposed.

COMMISSION CHAIR DUDLEY: Yes, got that.

That’s opposition from --

COMMISSIONER CHAPLIN: Chaplin.

COMMISSION CHAIR DUDLEY: Anybody else?
All in favor?

(A chorus of “ayes” was heard.)

COMMISSION CHAIR DUDLEY: Opposed? No?

COMMISSIONER CHAPLIN: No.

COMMISSION CHAIR DUDLEY: And the motion carries.

And thank you.

Thank you very much.

Good work.

COMMISSION CHAIR DUDLEY: Okay, now, Item F is a report on the proposed changes to the POST Administrative Manual.

Would anyone like a presentation on this item, just for the sheer fun of it?

(No response)

COMMISSION CHAIR DUDLEY: No?

Okay, so we do need a motion.

If the Commission concurs, then the appropriate action would be a motion to approve direct reference of POST regulation to the California Code of Regulations.

Do I have such a motion?

COMMISSIONER LEICHLITER: Motion. Leichliter.

COMMISSION CHAIR DUDLEY: Second?

COMMISSIONER DONELAN: Donelan.

COMMISSION CHAIR DUDLEY: Discussion?

(No response)
COMMISSION CHAIR DUDLEY: All in favor?

(A chorus of “ayes” was heard.)

COMMISSION CHAIR DUDLEY: Opposed?

(No response)

COMMISSION CHAIR DUDLEY: The motion carries.

Okay, Item G is Report of Proposed Changes to Regulation 1009, regarding the Academy Instructor Certificate Program.

At this time, I would like to call upon Assistant Executive Director Maria Sandoval to make a presentation.

Thank you.

MS. SANDOVAL: Thank you.

Currently, in order for somebody to teach in the Basic Police Academy, they must attend the Academy Instructor Certificate Program, which is Regulation 1009. That’s a 40-hour course; and it teaches everybody how to basically behave and teach in an academy setting.

The other portion of that is, every three years, they must be recertified as an academy instructor. They must have 24 hours of teaching; and they must have eight hours of unspecified professional development, which we are not quite sure how that is tracked at this point. And it is -- we’re not sure if it even is tracked.

Failure to meet these requirements, the individual must attend an IDI course, which is the first level of
Instructor Development Course and they are removed from the academy cadré.

What we’re asking to do is remove the triennial recertification, which is going to put us more in line with the rest of the 1070 regulations; and just once you’ve attended this class, you’re a one-and-done.

COMMISSION CHAIR DUDLEY: Any questions?

(No response)

COMMISSIONER SMITH: I’d like to make a motion.

COMMISSIONER DOYLE: I’ll second it. Doyle.

COMMISSION CHAIR DUDLEY: Discussion?

(No response)

COMMISSION CHAIR DUDLEY: All in favor?

(A chorus of “ayes” was heard.)

COMMISSION CHAIR DUDLEY: Opposed?

(No response)

COMMISSION CHAIR DUDLEY: Motion carries. Thank you.

Item H is a report on the proposed changes to the Regulation 1005 regarding attendance at Supervisory and Management Courses.

Would anyone like a presentation on this item?

(No response)

COMMISSION CHAIR DUDLEY: If the Commission concurs, the appropriate action would be a motion to approve the
proposed changes to 1005 regarding attendance.

Is there such a motion?

COMMISSIONER BUI:  Bui.  Motion.


COMMISSION CHAIR DUDLEY:  Discussion?

(No response)

COMMISSION CHAIR DUDLEY:  All in favor?

(A chorus of “ayes” was heard.)

COMMISSION CHAIR DUDLEY:  Opposed?

(No response)

COMMISSION CHAIR DUDLEY:  Motion carries.

COMMISSION CHAIR DUDLEY:  Item I is a report on the proposed changes to Regulation 1953, regarding Peace Officer Selection Standards for Interim Police Chiefs.

At this time, I would like to call upon Bureau Chief Phil Caporale to make a presentation.

Thank you.

MR. CAPORALE:  Good afternoon, Madam Chair and Members of the Commission.

The agenda item before you this afternoon deals with a very specific category in terms of background investigations. Specifically, it deals with the interim police chief positions throughout California. POST has collaborated with the Police Chiefs Association to craft the proposed regulatory change that’s in front of you
this afternoon. There’s some very strict criteria that
must be applied in order for this exception to occur.
Specifically, there had to have been a POST-approved
background conducted on the applicant within the past
five years; he or she must have served as an interim
chief within the prior two years; and the subsequent
hiring authority -- in other words, if I was an interim
police chief at Agency A, Agency B would have the option
to review it and accept the prior full background
investigation and conduct an updated background
investigation for that time frame, from when that was
carried out to the current time. Or if they were not
satisfied with that initial background investigation,
then they could conduct a full background investigation
on their behalf prior to a job offer.

That’s the essence of the proposed change.

COMMISSION CHAIR DUDLEY: Okay, let me check to see
if the Advisory Committee had any discussion on this, and
then I’ll open it up to everybody.

Did you?

ADVISORY COMMITTEE CHAIR WALTZ: Yes. The Advisory
Committee did have discussion on this item. Our
committee representative from Cal Chiefs conveyed support
of that association. There were others from our
committee brought concern that the interim chiefs should
undergo a complete background that any other police officer or deputy sheriff is required. So it was also discussed that the length of appointment of an interim chief is not clearly defined. There are some interim chiefs that serve many years in that capacity.

Commissioner Chaplin did speak to our committee, and he said that he believed there should be some assurance that the complete background that was done by another agency was approved by a POST consultant as meeting standards; and it has actually been reviewed and is incorporated with the update, should the update be done, rather than a complete background.

That concludes the discussion that the Advisory Committee had on this item.

COMMISSION CHAIR DUDLEY: Okay. Other thoughts, discussion, questions?

Commissioner Chaplin, did you want to say anything more about that?

COMMISSIONER CHAPLIN: Yes. Thank you, Madam Chair. Having had an opportunity to review backgrounds on several different levels, including for the state and for two municipal police departments, I can tell you that not all backgrounds are created equally. And I will tell you that is perhaps even more problematic when dealing with the position of police chief.
During a police chief background, they’re not exactly interviewing second-grade teachers like they do for entry-level law-enforcement officers.

My concern is that any background that’s going to be relied upon should have been reviewed by POST to ensure that it does meet standards; that it is, in fact, complete and thorough.

And I know that, though the intention of POST is to audit backgrounds annually, I know that also some of them are found lacking; and there’s proposed changes or additions are requested. So if there’s a way to build into the safeguards that POST has already approved that, I think that would be beneficial.

I understand the spirit of this. I was present when Cal Chiefs weighed in on it; and I do support the item in principle.

I do think there is one other fly in the ointment here, and that is with regards to the retention of all background investigation records, including the initial and updated, will be the responsibility of the hiring authority. That implies to me that that background would change hands. I can tell you, that won’t happen. If we have a background in our department, no other agency is going to take that background with them, period, because we can control the information. And it’s rare that you
would even allow somebody to prepare copies of a background. Perhaps in this specific instance, there’s a middle ground; but I see that as just necessitating a clarification as well.

Thank you.

COMMISSION CHAIR DUDLEY: Thank you.

Go ahead.

MR. CAPORALE: I appreciate those comments, sir.

Let me address the last comment first.

We had a significant amount of discussion about the retention and passing of information from Agency A to Agency B. And I think it’s very clear that if Agency A, for whatever reason, decides not to share that information, then a full background would be warranted.

The intent, from our perspective, was to ensure that if there was audit, that they would have a full package, so to speak, to audit, as opposed to just an updated background that Agency B conducted. They would be responsible to have both agencies’ background packages to assess the completeness and ensure that it’s within POST regulation.

As to your first comment, I think we tried to address that in section 2(b), as in “boy,” where we say, A, that hiring authority has discretion; but more importantly, the interim police chief was investigated by
a California POST-participating department in accordance with all current requirements. So if any of those statements were found to be untrue, then it would be a flawed background on its face.

So we tried to build in some safeguards to ensure that, as you say, not all backgrounds are alike. We try to build in those safeguards to say that that initial background has to be in compliance with whatever the Commission has currently established as the criteria.

COMMISSION CHAIR DUDLEY: Thank you.

Other questions or comments?

COMMISSIONER DOYLE: Well, I appreciate that not all backgrounds are created equal; but it would seem to me that it’s up to the employer to make sure he or she sees an acceptable background before that person becomes the interim police chief, so…

And if they don’t see one, then they have to do one.

COMMISSION CHAIR DUDLEY: Other comments?

Yes.

COMMISSIONER LONG: Just quickly. I appreciated the Advisory Committee’s robust discussion on this yesterday. And for what it’s worth, I’d benefit more from discussion here from some of the chiefs and sheriffs. But I thought Vice Chair Spagnoli kind of carried the day, even though
she disagreed with her association, and said, “I don’t see what the overarching reason for the change is.” And I don’t, either.

COMMISSIONER DOYLE: Well, again, if the city disagrees, they can do a background when they employ somebody, so...

COMMISSIONER LONG: Well, all entities are not created equal, either.

MR. CAPORALE: I think the -- Madam Chair, if I may? -- the impetus for this was the fact that many of these interim agencies move from agency to agency to agency. And by virtue of the fact that they’re only serving a very short period, it creates a gap in leadership for these agencies when they have to conduct a full background when an interim chief may perhaps only work a period of three to four months.

To do a complete background, as you’re well aware, it takes a long time. So they have this gap in leadership. In the meantime, they’re recruiting for a more permanent solution.

So this was to address that issue and give those hiring authorities the flexibility to accept Agency A’s background or not, and conduct a full background if they so choose.

It does not impact any other part of the process in
terms of psychological evaluation and other assessment
criteria, only specifically to backgrounds.

COMMISSION CHAIR DUDLEY: Thank you.

And as an employer, I appreciate your comments. And
that space in leadership is really a problem for us when
we have to wait months and months for a background,
especially when one was just done.

Other comments?

(No response)

COMMISSION CHAIR DUDLEY: Okay, I think we need a
motion then.

COMMISSIONER DOYLE: I’ll make a motion that we
approve the recommendation.


COMMISSION CHAIR DUDLEY: Okay. Any further
discussion?

All in favor?

(A chorus of “ayes” was heard.)

COMMISSION CHAIR DUDLEY: Opposed?

COMMISSIONER LONG: Long.

COMMISSIONER LINDLEY: Lindley.

COMMISSION CHAIR DUDLEY: Okay. So the opposition
is Long and --

COMMISSIONER LINDLEY: Lindley.

COMMISSION CHAIR DUDLEY: Okay, the motion carries.
Thank you.

COMMISSION CHAIR DUDLEY: Okay, thank you very much.

Item J is a report of proposed amendments to the Basic Course Test Management and Security Protocols 2017, and Commission Regulations 1005, 1007, 1008, and 1052.

Would anyone like a presentation on this motion?

(No response)

COMMISSION CHAIR DUDLEY: Is there a motion to approve?

COMMISSIONER DONELAN: Donelan. Make a motion to approve.

COMMISSION CHAIR DUDLEY: Is there a second?

COMMISSIONER LEICHLITER: Second. Leichliter.

COMMISSION CHAIR DUDLEY: Discussion?

All in favor?

(A chorus of “ayes” was heard.)

COMMISSION CHAIR DUDLEY: Opposed?

(No response)

COMMISSION CHAIR DUDLEY: The motion carries.

Item K is Report on the Proposed Changes to Peace Officer and Public Safety Dispatch Selection Standards.

Would anyone like a presentation on this item?

(No response)

COMMISSION CHAIR DUDLEY: Is there a motion to approve?
COMMISSIONER CHAPLIN: So moved. Chaplin.

COMMISSION CHAIR DUDLEY: Second?

COMMISSIONER LINDLEY: Second. Lindley.

COMMISSION CHAIR DUDLEY: Discussion?

(No response)

COMMISSION CHAIR DUDLEY: All in favor?

(A chorus of “ayes” was heard.)

COMMISSION CHAIR DUDLEY: Opposed?

(No response)

COMMISSION CHAIR DUDLEY: The motion carries.

Item L is a report on the Proposed Changes to Regulation 1011 regarding Professional Certificate Requirements for Supervisors and Managers.

Would anyone like a presentation on this?

(No response)

COMMISSION CHAIR DUDLEY: Is there a motion to approve?

COMMISSIONER DOYLE: Doyle.

COMMISSION CHAIR DUDLEY: Second?

COMMISSIONER LONG: Long.

COMMISSION CHAIR DUDLEY: Discussion?

(No response)

COMMISSION CHAIR DUDLEY: All in favor?

(A chorus of “ayes” was heard.)

COMMISSION CHAIR DUDLEY: Opposed?
COMMISSION CHAIR DUDLEY: The motion carries.

Okay, that is it for motions.

And now Committee Report.

The Advisory Committee Chair, Mr. Randy Waltz, will report on the Advisory Committee meeting held yesterday.

Please do so.

ADVISORY COMMITTEE CHAIR WALTZ: Thank you.

Other than the input I’ve had in the agenda items that I’ve spoken to, the Advisory Committee moved to support the rest of the agenda as written.

COMMISSION CHAIR DUDLEY: Thank you.

Is there a motion to accept the Advisory Committee report?

COMMISSIONER CHAPLIN: So moved. Chaplin.

COMMISSIONER MOORE: Moore.

COMMISSION CHAIR DUDLEY: Thank you.

Discussion?

(No response)

COMMISSION CHAIR DUDLEY: All in favor?

(A chorus of “ayes” was heard.)

COMMISSION CHAIR DUDLEY: Opposed?

(No response)

COMMISSION CHAIR DUDLEY: The motion carries.

Okay, the following correspondence were sent from
POST to:

The first, to Laurie Wood, attorney, Southern Poverty Law Center, expressing sympathy over the untimely death of the Sarah Viets, subject-matter expert, Southern Poverty Law Center.

The second was to Brian Martin, Sheriff, Lake County Sheriff’s Department, expressing sympathy over the tragic on-duty death of Deputy Robert Rumfelt.

And the third was to Scott Jones, Sheriff, Sacramento County Sheriff’s Department, expressing sympathy over the tragic on-duty death of Deputy Robert French.

There is no old business to consider.

Is there any new business?

Yes?

COMMISSION VICE CHAIR BRAZIEL: I’d like to see if maybe at our next meeting we could get a list of kind of our Leadership Development courses, and then who is eligible to attend, who they recommend, both mandated and optional.

Over the last several decades, we’ve civilianized a lot of positions and put more importance on civilian supervisors and managers in our organizations; but yet, there’s times we prohibit them from going to courses. Particularly, I’d like to look at dispatch eligibility
for SLI and some of those.

You know, we exclude them when, in fact, we give them leadership roles. And there’s evidence folks, and depending on the civilianization level of the organization, I think we’re excluding some of our civilian supervisors and leaders, and we need to be more inclusive.

COMMISSION CHAIR DUDLEY: And I think several of us have seen how that plays out with dispatch, and that they do feel continuously like the stepchild, when we desperately need their professionalism.

COMMISSION VICE CHAIR BRAZIEL: Absolutely.

COMMISSION CHAIR DUDLEY: I agree.

Any other new business?

(No response)

COMMISSION CHAIR DUDLEY: Yes.

COMMISSIONER CHAPLIN: In the past year, we have heard from two separate chiefs, as they’ve addressed the Commission. One was retiring Chief Bob Lehner from Elk Grove, who served in Oregon and also in Arizona; and then today, from Chief John Carli. And in both instances, those chiefs brought up the concept of decertifying people that have been certificated by POST. I think it’s a topic we should take up.

And you’ll have to forgive me if it’s come up in
the past, I’m not aware of that. But I do think it’s something to discuss.

And an article I noted recently where they compared decertification processes in Minnesota and Oregon, the crux of the article was, I think we’re an anomaly as a state. I think some states do this well. And I think it would be a topic that we should take up. I think it would be a strong message from the regulatory body that monitors and provides for training for certification for hiring, for all that POST does, to strongly come out when there’s a crime against moral turpitude or it’s an ethical violation or if it’s something that we said they’re no longer an officer and no agency in this state is going to be able to hire them and such.

So I would like to see us take that up as a body at some point in the near future.

COMMISSION CHAIR DUDLEY: Okay, let me just ask Executive Director Alvarez.

You heard the comments from Commissioner Braziel, the comments from Commissioner Chaplin.

Do you have any questions about what they’re requesting?

EXECUTIVE DIRECTOR ALVAREZ: No. We will have that ready for you, in informational agenda items on both.

COMMISSION CHAIR DUDLEY: Thank you.
Any other new business?

(No response)

COMMISSION CHAIR DUDLEY: Well, I’ll tell you about the upcoming Commission meetings. We’re going to be down in Southern California next time, on February 7th through 8th, 2018, at The Westin, at LAX in Los Angeles. Then back up here June 20th through 21st at POST in West Sacramento. And then next October, 17th through 18th, back up again at POST in West Sacramento.

Now, I’m going to ask that we adjourn to closed session.

We ask that all attendees exit the room; and we will reconvene in general session at the conclusion of closed session.

So just to empty the room and give everybody a little bit of a break, we’ll come back again in seven minutes, at five to 2:00.

MR. DARDEN: In addition to the matters that are agendized, we will be discussing some personnel issues. However, I don’t believe it should take very long.

COMMISSION CHAIR DUDLEY: Thank you.

(Recess from 1:46 p.m. to 1:52 p.m.)

(The Commission met in closed executive session from 1:52 p.m. to 2:10 p.m.)

(Recess from 2:10 p.m. to 2:14 p.m.)
(The Commission returned to open session at 2:14 p.m.)

COMMISSION CHAIR DUDLEY: This meeting is now back in general session.

Mr. Darden will report on items listed on the agenda and discussed in closed session.

MR. DARDEN: And during the closed session, we discussed litigation and personnel matters.

COMMISSION CHAIR DUDLEY: Well said. Okay. Commissioners, is there anything else?

(No response)

COMMISSION CHAIR DUDLEY: Okay, well, again, I’m just saying, how much we’re going to miss a couple of our commissioners who are here.

And you’ve been a real mentor to me -- both of you have. Both of you were chair before I was, and watching you, listening to you, seeking your guidance, and I appreciate you very much. And we’re all going to miss you very much.

With that, we’ll close today’s session. Thank you.

COMMISSIONER HUTCHENS: Thank you.

COMMISSIONER LEICHLITER: Thank you.

(The Commission meeting concluded at 2:15 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 November 14\textsuperscript{th}, 2017.

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