STATE OF CALIFORNIA
COMMISSION ON
PEACE OFFICERS STANDARDS AND TRAINING

POST COMMISSION MEETING

TIME: 10:04 a.m.

DATE: Thursday, January 22, 2009

PLACE: Courtyard Marriott Hotel
1782 Tribute Road
Sacramento, California

REPORTER'S TRANSCRIPT OF PROCEEDINGS

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A P P E A R A N C E S

COMMISSIONERS PRESENT

DEBORAH LINDEN
(Commission Chair)
City of San Luis Obispo

MICHAEL SOBEK
(Commission Vice-Chair)
San Leandro Police Department

GEORGE ANDERSON
Attorney General's Office

LAI LAI BUI
Special Investigations Division
Sacramento Police Department

COLLENE CAMPBELL
Memory of Victims Everywhere

ROBERT T. DOYLE
Marin County Sheriff's Department

BONNIE DUMANIS
San Diego County District Attorney

FLOYD HAYHURST
Los Angeles County Sheriff's Department

RONALD LOWENBERG
Golden West College Criminal Justice Training Center

JEFFREY LUNDGREN
Riverside County Sheriff's Department

JOHN McGINNESS
Sacramento County Sheriff's Department

HENRY PEREA
Fresno City Council

LAURIE SMITH
Santa Clara County Sheriff's Department

A P P E A R A N C E S

COMMISSIONERS PRESENT
Continued

GIL VAN ATTENHOVEN
California Narcotic Officers' Association

POST STAFF PRESENT

PAUL CAPPITELLI
Executive Director
Executive Office

TAMMURA BROWN
Test Validation and Development Specialist

KAREN CRAMER
Budget Officer
Administrative Services Bureau

RON CROOK
Director, Television Communications Center
Specialist, Training Program Services Bureau

ALAN DEAL
Assistant Executive Director
Standards and Development Division

FRANK DECKER
Bureau Chief
Basic Training Bureau

MICHAEL DiMICELI
Assistant Executive Director
Field Services Division

JOHN DINEEN
Bureau Chief
Center for Leadership Development

TAMI EVANS
Senior Consultant
Basic Training Bureau

A P P E A R A N C E S

POST STAFF PRESENT

Continued

BRYON GUSTAFSON
Law Enforcement Consultant
Training Program Services Bureau

KAREN HIGHTOWER
Administrative Assistant
Executive Office

MICHAEL HOOPER
Bureau Chief
Training Program Services Bureau

KEN KRUEGER
Bureau Chief
Standards and Evaluation Services Bureau

THOMAS LIDDICOAT
Bureau Chief
Administrative Services Bureau

SUE OLIVIERA
Special Consultant
Training Program Services Bureau

EDMUND PECINOVSKY
Bureau Chief
Training Delivery and Compliance Services Bureau

DICK REED
Assistant Executive Director
Administrative Services Division

DARIA ROWERT
Executive Secretary
Executive Office

VINCENT SCALLY, JR.
Legal Counsel

TOM SCHEIDECKER
Senior Consultant
Management Counseling Services Bureau

A P P E A R A N C E S

POST STAFF PRESENT

continued

STEPHANIE SCOFIELD
Law Enforcement Consultant
Management Counseling Services Bureau

DON SHINGARA
Basic Training Bureau

MELANI SINGLEY
Associate Analyst
Standards and Evaluation Bureau

CHERYL SMITH
Office Technician
Training Program Services Bureau

GARY SORG
Law Enforcement Consultant
Training Program Services Bureau

SHELLEY SPILBERG
Supervising Personnel Selection Consultant
Standards and Evaluation Services Bureau

DAVE SPISAK
Bureau Chief
Information Services Bureau

BOB STRESAK
Bureau Chief/Legislative Liaison
Executive Office

ELIZABETH WISNIA
Personnel Selection Consultant
Standards and Evaluation Services Bureau

RON WOOD
Bureau Chief
Management Counseling Services Bureau

A P P E A R A N C E S

AUDIENCE MEMBERS PRESENT

RAMON BARBOA
California Emergency Management Agency

ALEX BERNARD
POST Advisory Committee Member
Public Member

JIM BOCK
POST Advisory Committee Member
California Specialized Law Enforcement

ED BONNER
POST Advisory Committee Member
California State Sheriffs' Association

RICK BRAZIEL
Chief
Sacramento City Police Department

RON COTTINGHAM
Peace Officers' Research Association of California

JOE FLANNAGAN
POST Advisory Committee Member
Peace Officers' Research Association of California

MARK KEENEY
Fresno Police Department

RICHARD LINDSTROM
POST Advisory Committee Member
California Academy Directors Association

LAURA LORMAN
POST Advisory Committee Member
Women Peace Officers' Association of California

JEFF MILLER
POST Advisory Committee Member
California Police Chiefs' Association

BRENT NEWMAN
POST Advisory Committee Member
California Highway Patrol

A P P E A R A N C E S

AUDIENCE MEMBERS PRESENT

Continued

JACKY PARKS
Fresno Police Officers Association

MICHAEL SCHACK
Attorney at Law
Plager Schack LLP
for Knowledge and Intelligence Practice Professionals

ANDREA SCHARFFER
Finance Budget Analyst
Department of Finance

JOE STILINOVICH
Long Beach Police Department

MICHELLE THOMPSON
San Diego Regional Training Center

NICKI WOODS
POST Advisory Committee Chair
California Organization of Police and Sheriffs

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--o0o--

1 **Thursday, January 22, 2009, 10:04 a.m.**

2 **Sacramento, California**

3 --o0o--

4 CHAIR LINDEN: Good morning, everyone. It's my
5 pleasure to call the meeting of January 22nd, 2009, to
6 order. I'm Deborah Linden, the Chair of the Commission.
7 If you all could please rise for the *Color Guard*
8 *and Flag Salute.*
9 *(The Color Guard presented the flag.)*
10 *(The Pledge of Allegiance was recited.)*
11 CHAIR LINDEN: Please remain standing while we
12 acknowledge the officers that have lost their lives in
13 the line of duty since our last meeting:
14 Deputy Lawrence Canfield of the Sacramento
15 Sheriff's Department. And our deepest condolences go out
16 to our own commissioner who is the sheriff of that
17 department.
18 Deputy Randy Hamson of the Los Angeles County
19 Sheriff's Department.
20 Officer Paul Sanders of the California Highway
21 Patrol, Santa Fe Springs Area.
22 *(Moment of silence)*
23 CHAIR LINDEN: Thank you. And remain standing for
24 the retreat of the colors.
25 *(Retreat of Colors)*

1 CHAIR LINDEN: And please be seated.
2 We'll begin with the roll call of Commission
3 members.
4 Karen?
5 MS. HIGHTOWER: Linden?
6 CHAIR LINDEN: Here.
7 MS. HIGHTOWER: Batts?
8 *(No response)*
9 MS. HIGHTOWER: Bui?
10 COMMISSIONER BUI: Here.
11 MS. HIGHTOWER: Campbell?
12 COMMISSIONER CAMPBELL: Here.
13 MS. HIGHTOWER: Doyle?
14 COMMISSIONER DOYLE: Here.
15 MS. HIGHTOWER: Dumanis?
16 COMMISSIONER DUMANIS: Here.
17 MS. HIGHTOWER: Hayhurst?
18 COMMISSIONER HAYHURST: Here.
19 MS. HIGHTOWER: Lowenberg?
20 COMMISSIONER LOWENBERG: Here.
21 MS. HIGHTOWER: Lundgren?
22 COMMISSIONER LUNDGREN: Here.
23 MS. HIGHTOWER: McGinness?
24 COMMISSIONER McGINNESS: Here.
25 MS. HIGHTOWER: Perea?

1 COMMISSIONER PEREA: Here.
2 MS. HIGHTOWER: Smith?
3 COMMISSIONER SMITH: Here.
4 MS. HIGHTOWER: Sobek?
5 VICE-CHAIR SOBEK: Here.
6 MS. HIGHTOWER: Van Attenhoven?
7 COMMISSIONER VAN ATTENHOVEN: Here.
8 MS. HIGHTOWER: Anderson?
9 COMMISSIONER ANDERSON: Here.
10 MS. HIGHTOWER: We have a quorum.
11 CHAIR LINDEN: Thank you.
12 And if we can have members of the audience
13 introduce themselves.
14 Joe, do you want to begin?
15 MS. FLANNAGAN: Good morning. Joe Flannagan, POST
16 Advisory Committee.
17 MR. COTTINGHAM: Ron Cottingham, president of Peace
18 Officers' Research Association of California.
19 MS. LORMAN: Laura Lorman, POST Advisory Committee.
20 MR. BOCK: Jim Bock, POST Advisory Committee.
21 MR. NEWMAN: Brent Newman, POST Advisory Committee.
22 MS. ROWERT: Daria Rowert, POST staff.
23 MR. DiMICELI: Mike DiMiceli, POST staff.
24 MR. PECINOVSKY: Ed Pecinovsky, POST staff.
25 MR. LIDDICOAT: Tom Liddicoat, POST staff.

1 MS. SCHARFFER: Andrea Scharffer, Department of
2 Finance.
3 MS. CRAMER: Karen Cramer, POST staff.
4 MR. DEAL: Alan Deal, POST staff.
5 MR. STILINOVICH: Joe Stilinovich, Long Beach PD.
6 MS. EVANS: Tami Evans, POST staff.
7 MR. REED: Dick Reed, POST staff.
8 MS. WISNIA: Elizabeth Wisnia, POST staff.
9 MS. BROWN: Tammura Brown, POST staff.
10 MR. SCHACK: Michael Schack with the law firm of
11 Plager Schack.
12 MR. SHINGARA: Don Shingara, POST staff.
13 CHERYL SMITH: Cheryl Smith, POST staff.
14 MR. KEENEY: Mark Keeney, Fresno PD.
15 MR. GUSTAFSON: Bryon Gustafson, POST staff.
16 MS. OLIVIERA: Sue Oliviera, POST staff.
17 MR. SORG: Gary Sorg, POST staff.
18 MR. PARKS: Jacky Parks, president of Fresno Police
19 Officers Association.
20 MR. HOOPER: Mike Hooper, POST staff.
21 MS. SINGLEY: Melani Singley, POST staff.
22 MR. DINEEN: John Dineen, POST staff.
23 MR. STRESAK: Bob Stresak, POST staff.
24 MR. KRUEGER: Ken Krueger, POST staff.
25 MR. DECKER: Frank Decker, POST staff.

1 MR. BARBOA: Ramon Barboa from the California
2 Emergency Management Agency.
3 MS. THOMPSON: Michelle Thompson, San Diego
4 Regional Training Center.
5 MR. WOOD: Ron Wood, POST staff.
6 MS. SCOFIELD: Stephanie Scofield, POST staff.
7 MR. SCHEIDECKER: Tom Scheidecker, POST staff.
8 MR. LINDSTROM: Richard Lindstrom, POST Advisory
9 Committee and representing CADA, California Academy
10 Directors' Association.
11 MR. BERNARD: Alex Bernard, POST Advisory
12 Committee.
13 MR. MILLER: Jeff Miller, POST Advisory Committee,
14 representing the California State Police Chiefs'
15 Association.
16 CHAIR LINDEN: Thank you.
17 It's my pleasure to introduce and welcome Chief
18 Rick Braziel from the Sacramento Police Department.
19 Chief Braziel?
20 CHIEF BRAZIEL: Thank you. Good morning.
21 I want to welcome you to Sacramento. We ordered
22 sunshine up everyone. Unfortunately, we didn't have it
23 in our budget to pay for it, so we don't have sunshine.
24 And they say, misery loves company. And as we talk
25 about budgets, everyone in the room is being hit by it.

1 So if I can -- and I just left a State of the
2 Downtown address that we do annually, and our mayor spoke
3 and we talked about the economic downturn -- but if I
4 can, in the welcoming, very quickly, just kind of share a
5 couple stories about the significance of training and how
6 not just POST training we receive at all levels of the
7 organization affects us as law enforcement agencies, but
8 how it's being recognized out both in the private and
9 public sector.
10 And if I can tell just a couple quick stories.
11 I had lunch with a professor at CSUS, Sac State.
12 And he is a gentleman who entered education late in his
13 career. He came from the private sector where he made
14 lots of money and decided to give back and chose to
15 teach. And he asked if I would come present at a
16 leadership training -- private-sector leadership training
17 for Sutter Health.
18 Sutter Health is a major health-care provider in
19 California. And they are training their future leaders.
20 These are physicians, chief executives in HR. And they
21 do kind of a -- I call it "command college." When you
22 look at their curriculum, it looks just like Command
23 College. And I wasn't asked to speak or present and sit
24 on a panel because of my rank or classification. It's
25 because he heard me present at another forum where I

1 talked about Command College and futures forecasting and
2 how you need to go out and do things proactively in
3 leading a law enforcement agency. And he felt that that
4 was applicable to the private sector as well.
5 And so we're seeing the education we get in POST,
6 not just within the organization, but being recognized in
7 the private sector as well.
8 One additional story, if I may indulge the
9 Commission -- and I hope no one takes this the wrong way,
10 like firefighters and some of the folks that were
11 referenced. But we're struggling with significant
12 budgets issues. And in meeting with my bosses, the city
13 managers, it was pointed out and asked, why is it that
14 the police department as a whole -- the Sacramento Police
15 Department as a whole -- and all classifications, whether
16 sergeants, lieutenants, officers tend to look for
17 creative solutions to problems, tend to be the ones out
18 there leading the charge in how do we solve the issues
19 related to our community -- not just public safety
20 issues, but how do we change life in our city?
21 And it was an easy answer, to the question was
22 posed to me. It was a very easy answer. I said, you
23 have to look at the education the employees in law
24 enforcement get, both mandated and optional. The fact
25 that all of our brand-new supervisors go through the

1 weeks of training, our brand-new lieutenants and the
2 managers in the organization go through weeks of
3 training, the Command College, the executive development
4 courses, all these are either required and/or optional
5 and taken up by leaders in law enforcement.
6 And local government is now starting to see the
7 void between those that have that type of leadership
8 training and those that have not had the opportunity to
9 receive it. And times of crisis illustrate that.
10 So as we start going through budgets and start
11 looking for answers to solutions and look for money that
12 it doesn't exist, I think it's really critical that the
13 mission that the POST Commission has taken continue
14 forward, that if there needs to be more attention given
15 to the Governor's office on cuts and how critical that
16 is -- because it's not just critical to law enforcement
17 and public safety but critical of our community. Because
18 nowhere else in government, local or state government, is
19 there training afforded to leaders of government like
20 there is in POST.
21 So I hope those two stories resonate. I know it
22 resonates in this room, but just as we start to look
23 around and say, "How do we deal with all the budget
24 cuts?" so we remember what the ultimate goal is at the
25 end of the day, and that is to protect our communities.

1 And POST does a phenomenal job in the training afforded
2 to that, to provide protection for our community.
3 So I just want to welcome you to Sacramento. I'm
4 glad we have the rain, by the way. It's much-needed.
5 And if you need anything while you're here, if
6 you're from out of town and need anything while you're
7 here, I have the sheriff's cell phone number. And I'd be
8 more than happy to give that out to you.
9 And thank you for affording me the opportunity to
10 come speak.
11 CHAIR LINDEN: Thank you, Chief. We appreciate it.
12 MR. CAPPITELLI: Thank you, Chief.
13 *(Applause)*
14 CHIEF BRAZIEL: And if you don't mind, I'm late for
15 another meeting. If I may? Is that okay, if that's all
16 right?
17 CHAIR LINDEN: Absolutely, yes.
18 CHIEF BRAZIEL: Thank you.
19 CHAIR LINDEN: This is the time on the agenda for
20 *Public Comment*.
21 This is time set aside for members of the public to
22 comment on either items on the Commission agenda or
23 issues not on the agenda but pertaining to POST
24 Commission business.
25 I'd ask members of the public who wish to speak to

1 please limit their remarks to less than five minutes.
2 And please be advised that the Commission cannot legally
3 discuss or take action on items not on the agenda.
4 Are there any members of the public that wish to
5 address the Commission?
6 Yes, sir. Please step forward and have a seat at
7 the table.
8 And if you would, please tell us who you are.
9 MR. SCHACK: Good morning. My name is Michael
10 Schack, S-C-H-A-C-K. I am counsel for a company called
11 Knowledge and Intelligence Practice Professionals. And
12 its owner is Hal Kempfer, K-E-M-P-F-E-R.
13 I want to thank the Commission for allowing me the
14 opportunity to present a matter that is of concern to my
15 client, Hal Kempfer and Knowledge and Intelligence
16 Practice Professionals, which goes by the acronym KIPP.
17 It's a little easier to say "KIPP" than it is to go
18 through the whole name which is rather lengthy.
19 I'm here to address the Commission this morning
20 regarding Item 1 -- or Item B.1 on the consent calendar
21 regarding certification and decertification of courses
22 and the report.
23 I have some prepared remarks, and I'm going to try
24 very hard to be observant of the five-minute limit.
25 But this morning, I was just coincidentally surfing

1 the Internet, and I did a search for the term "terrorism
2 liaison officer."
3 KIPP provides terrorism liaison officer training
4 throughout the state of California, and has done so for a
5 number of years, along with providing that training out
6 of state. And this morning, when I did this Google
7 search for "terrorism liaison officer," it came up with
8 a reference to or a link to the California Office of
9 Emergency Services Web site, and a description of the
10 very course which is at the heart of my comments today,
11 which is a three-day, 24-hour course for terrorism
12 liaison officer training.
13 And I think it's important to note what the state
14 of California Office of Emergency Services says about
15 this course.
16 Quote, "It is essential that every law enforcement
17 agency have on its staff at least one individual who has
18 a basic understanding of the issues faced today and who
19 can act as an information resource for members of the
20 department. The terrorism liaison officer course, TLO,
21 is designed to prepare individuals to carry out that
22 role."
23 "The topics include role of the terrorism liaison
24 officer, threat of terrorism today, weapons of mass
25 destruction, comprehensive threat assessment,

1 intelligence operations, investigation and prosecution
2 of terrorist acts, responding to terrorist threats and
3 incidents, agency roles and responsibilities, interagency
4 coordination, consequence management, resources available
5 to the TLO."
6 I was somewhat taken with the comments by the chief
7 of the Sacramento police that you just heard, because he
8 emphasized the importance of education for peace officers
9 on the ground that, day-in and day-out, are here to
10 protect the citizens of the state of California.
11 These guys need, are entitled to, deserve, and want
12 training. And right now, this TLO training has been
13 suspended under the auspices of POST.
14 I'm not sure, to be quite candid with you, that
15 this Commission as a whole is aware of what's going on,
16 which is the reason why I'm here today.
17 To give you a very brief time-line, between 2004
18 and 2007, KIPP worked with CSTI developing and giving a
19 five-day course for TLO. It was determined at some point
20 during that three-year period that the five-day course
21 was too long; it needed to be reduced to three days.
22 And so in 2007 KIPP, along with CSTI, worked to
23 shorten that five-day course to a three-day course. That
24 three-day course was submitted to the United States
25 Department of Homeland Security for certification. From

1 November 2007 to March 2008, KIPP advertised that course
2 nationally. And those ads were done with the knowledge,
3 approval, and input of Tony Lukin at CSTI, and Ken
4 Whitman, who I understand is a special consultant to
5 POST.
6 In January and February of 2008, the US Department
7 of Homeland Security approved that three-day course for
8 grant funding and placed the course in the DHS state
9 catalog, listing the Office of Homeland Security in
10 California as the point of contact.
11 So you know, as of January, February of 2008, one
12 year ago, a course that is certified by Department of
13 Homeland Security.
14 Make no mistake, getting that certification is not
15 easy and it takes quite a bit of time.
16 In April of 2008, POST had a newsletter that went
17 out that promoted the TLO course.
18 From January to May 2008, KIPP was providing this
19 TLO course, this certified DHS three-day course, working
20 with CSTI, contracting directly with local agencies and
21 with POST, to provide this training to the Regional
22 Terrorism Threat Assessment Centers, also known as
23 RTTACs.
24 CSTI was supposed to be coordinating with the
25 RTTACs as well. It appears that there was a problem

1 there. The problem came to a head in May of 2008. At
2 that point in time, the locals in the Los Angeles Joint
3 Regional Intelligence Center, JRIC, found themselves
4 unable to get CSTI to coordinate training for them. Fed
5 up with the situation, they went to KIPP directly and
6 said, "Give us the training. We want this training. We
7 need this training. Our people need this training. Give
8 it to us. We will deal with POST. You guys are
9 qualified. You've already been given the training.
10 We've been getting paid for it through OHS using DHS
11 grant funding. We will take care of anything regarding
12 certification with POST."
13 And from May through September of this past year,
14 the locals were repeatedly submitting materials to POST
15 to get payment and certification for this course that
16 they were taking from KIPP.
17 All of those submissions were categorically
18 ignored. In other words, they were taking the course,
19 getting the payment from OHS from May to September, so
20 that the money was coming through and covering the
21 training, but they weren't being allowed to get credit
22 for it.
23 And this is credit for a certified course from an
24 educator who everybody considered to be qualified.
25 CHAIR LINDEN: Mr. Schack, if you could start

1 wrapping up, please. You're running out of time.
2 Thank you.
3 MR. SCHACK: Yes, I will. Absolutely. I'm near
4 the close my remarks. Thank you.
5 Between February and May -- or, I'm sorry, prior
6 to February, my client, KIPP, and Hal Kempfer was asked
7 by POST and CSTI to submit all the leads from its
8 advertising that had been approved and acknowledged by
9 CSTI and POST. They were supposed to submit all the
10 leads from the out-of-state personnel that were
11 contacting them, to POST and CSTI. They did so. They
12 saw this relationship as one of cooperation. They wanted
13 to cooperate.
14 They were also told in February to stop
15 advertising. So they stopped advertising at the request
16 of the people they thought they were working with.
17 Eventually, in September, around September 12th of
18 2008, KIPP questioned, "Why did we have to submit those
19 leads? That's for out-of-state work. It should have
20 nothing to do with California."
21 The day that they had that conversation with Curry
22 Mayer at CSTI, they received -- a letter was sent out
23 from POST saying that the training -- the three-day TLO
24 course was being suspended and there was going to be a
25 moratorium, and KIPP was no longer going to be permitted

1 to teach this course. They were to remove any
2 advertising, stop teaching it, stop contracting to teach
3 it -- basically stop.
4 In October of 2008, there was a meeting with the LA
5 JRIC and TLO managers. And they all said, "We want this
6 training."
7 They were told by Tony Lukin: They can't have the
8 training, there's a moratorium. If you have a problem,
9 sue POST.
10 Now, you have on the ground people who want
11 training. They're asking for training, and they're told,
12 "Sue POST." Nobody wants to sue POST here, but that's
13 not the way to go about getting training to these people.
14 Currently, KIPP has contracts with the Orange
15 County Sheriff's Department, 85 percent of which of that
16 contract can't be taught because of this moratorium.
17 They have an open contract with the LA JRIC agencies
18 which they can't perform because of the moratorium. The
19 problem is that the moratorium prevents OHS from
20 authorizing funding.
21 Here's what we would like this Commission to do:
22 Number one, there are officers out there who have
23 taken this course and are not being given credit. Give
24 them credit for the course that they've taken from
25 qualified instructors. It's a DHS-certified course.

1 They deserve the credit.

2 Number two, lift this moratorium and reverse the

3 statements that were in that September 15th letter --

4 CHAIR LINDEN: Mr. Schack, you need to wrap up now,

5 please.

6 MR. SCHACK: Okay.

7 Lift the moratorium, let the people get the

8 training, get somebody who is disinterested to allow the

9 training to go forward now.

10 If they want -- I understand there's a move to get

11 a new course up and running. Fine. Don't take the gun

12 away from the officers on the ground while you're working

13 on a new gun. Let them do the training that's certified;

14 and then when you get a new course, put that into place.

15 But in the meantime, let the trainers who are qualified

16 provide this course to your officers.

17 Thank you.

18 CHAIR LINDEN: Thank you, Mr. Schack.

19 Are there any other members of the public that

20 would like to address the Commission during the public

21 comment period?

22 *(No response)*

23 CHAIR LINDEN: Seeing none, we'll move on to

24 approval of minutes from the Thursday, October 23rd,

25 meeting.

1 Have the Commissioners had a chance to review
2 minutes and do we have a motion to approve?
3 COMMISSIONER DOYLE: Moved.
4 COMMISSIONER CAMPBELL: Second.
5 CHAIR LINDEN: And if you would, please, for our
6 reporter, when you are a motion-maker or a second, please
7 state your name beforehand.
8 That was Commissioner Doyle and seconded by
9 Commissioner Campbell.
10 Any discussion on the motion?
11 *(No response)*
12 CHAIR LINDEN: All in favor, please say "aye."
13 *(A chorus of "ayes" was heard.)*
14 CHAIR LINDEN: Any opposed?
15 *(No response)*
16 CHAIR LINDEN: Any abstentions?
17 *(No response)*
18 CHAIR LINDEN: Thank you.
19 The motion carries.
20 Moving on to consent, I would like to note that the
21 course that Mr. Schack mentioned, the TLO course, is not
22 one of the courses that pertains to Item B.1. So it is
23 not a decertified course.
24 We do have one amendment on the consent agenda, and
25 that is under B.11, the resolution acknowledging retired

1 POST employee Gregory Murphy. That is being pulled to
2 the April meeting. Mr. Murphy would like to be present
3 to receive that resolution, and he was not able to make
4 it today. And I believe that's been the only amendment
5 that I've been notified.
6 Are there any commissioners that would like any
7 items pulled from the consent agenda?
8 COMMISSIONER LOWENBERG: Move the consent calendar.
9 Lowenberg.
10 COMMISSIONER PEREA: Second.
11 CHAIR LINDEN: It was a motion by Lowenberg, second
12 by Commissioner Perea.
13 Any discussion on the motion?
14 *(No response)*
15 CHAIR LINDEN: All in favor, please say "aye."
16 *(A chorus of "ayes" was heard.)*
17 CHAIR LINDEN: Any opposed?
18 *(No response)*
19 CHAIR LINDEN: Any abstentions?
20 *(No response)*
21 CHAIR LINDEN: Thank you.
22 Moving on to Item C, this is *Report on Proposed*
23 *Changes to the Training and Testing Specifications for*
24 *Peace Officer Basic Courses.*
25 Mr. Executive Director, do you desire a

1 presentation or do any of the commissioners want a
2 presentation on Item C?
3 MR. CAPPITELLI: Madam Chairman, I would defer to
4 the commissioners. If they would like a report, we can
5 provide one. Otherwise, call for the question.
6 CHAIR LINDEN: Do any commissioners have questions
7 for staff on Item C or wish a presentation on this?
8 *(No response)*
9 CHAIR LINDEN: Seeing none, an appropriate motion
10 would be to approve the changes as described in the staff
11 report. Do we have such a motion?
12 COMMISSIONER DUMANIS: So moved. Dumanis.
13 CHAIR LINDEN: Thank you.
14 VICE-CHAIR SOBEK: Second. Sobek.
15 CHAIR LINDEN: Thank you.
16 Any discussion on the motion?
17 *(No response)*
18 CHAIR LINDEN: All in favor, please say "aye."
19 *(A chorus of "ayes" was heard.)*
20 CHAIR LINDEN: Any opposed?
21 *(No response)*
22 CHAIR LINDEN: Any abstentions?
23 *(No response)*
24 CHAIR LINDEN: Item D is a report on Strategic Plan
25 Objective B.6.08, to study the feasibility of upgrading

1 the present basic course certification review process.
2 And the recommendation from staff is to delete the
3 strategic plan objective and to mark it as having been
4 completed.
5 Is there a desire of a presentation on this or
6 other questions by commissioners?
7 COMMISSIONER LOWENBERG: I have a couple of
8 comments, if I might, Madam Chair.
9 CHAIR LINDEN: Please, Commissioner Lowenberg.
10 COMMISSIONER LOWENBERG: Madam Chair. It's tough
11 for me, I have a cold.
12 CHAIR LINDEN: You have a cold, I understand.
13 COMMISSIONER LOWENBERG: Some things change, some
14 things don't.
15 You know, you've heard me say this before, but I
16 feel obligated to say it again, staff has done a yeomen's
17 job on this project. And, you know, I think most of you
18 appreciate how much work goes into these kinds of things.
19 But on behalf of staff, I'd love to draw your
20 attention to the user's manual that's in front of you,
21 and the standards-based academy review evaluation form,
22 in its draft form. It is this form *(pointing)*.
23 You should be able to, just by glancing at that,
24 realize how much work has gone into this. And if you
25 recall, I was one of the most boisterous ones about

1 process over substance, and yet another example of POST
2 listening to the field and coming up with an instrument
3 and a process that is user-friendly but gets to the
4 point. And so, again, I just wanted the Commission to
5 know, at least on one Commissioner's part, as one of my
6 jobs as an academy director, I'm here to tell you, they
7 did an outstanding job. So I just wanted the time to -
8 take a few moments to share with my fellow Commissioners
9 that I thought staff did a very valuable job and that
10 I was involved in the project, from the beginning, again,
11 for whatever that's worth.
12 Thank you.
13 CHAIR LINDEN: Thank you, Ron.
14 COMMISSIONER DUMANIS: I can second that emotion.
15 COMMISSIONER LOWENBERG: That is a motion by
16 Lowenberg and a second by Dumanis, right?
17 CHAIR LINDEN: Great. Any further discussion on
18 the motion?
19 *(No response)*
20 CHAIR LINDEN: And that would be to delete
21 strategic plan objective B.6.08 as completed.
22 All in favor, please say "aye."
23 *(A chorus of "ayes" was heard.)*
24 CHAIR LINDEN: Any opposed or abstentions?
25 *(No response)*

1 CHAIR LINDEN: Thank you.
2 The motion carries.
3 COMMISSIONER LOWENBERG: And, by the way, could I
4 just mention two names?
5 Frank Decker and Tami Evans, thank you.
6 Thank you.
7 CHAIR LINDEN: Great. Thank you.
8 Item E is *Revision to Peace Officer Selection*
9 *Standards*. This has been the subject of prior Advisory
10 Committee and Commission meetings and something that's
11 been worked on very diligently for a long time.
12 Staff would like to make a brief presentation on
13 this item. I think Alan Deal is prepared. And then we
14 do have at least one person who would like to comment on
15 it.
16 So, Alan?
17 MR. DEAL: Madam Chair, Commissioners, good
18 morning.
19 As you know, this has been a long process. It has
20 involved several meetings, a lot of discussion, a lot of
21 angst. But at every point, a lot of interest relative
22 to the value that the selection standards that POST will
23 provide to the field in assisting them in the entire
24 selection process.
25 We began this effort in October of 2007, as far as

1 naming the first addition of the selection standards to
2 the Commission.
3 We set for public hearing in April of '08, an
4 opportunity to discuss the item, all of the selection
5 standards that have been revised. And clearly, there was
6 an issue that was a thorny issue of concern, both to
7 labor and to management, and that was the issue of
8 reinstatement of officers who have been terminated from
9 the Department and returned.
10 The Commission, on its advice, and through legal
11 advice of this attorney, recommended that staff convene
12 several stakeholder meetings in order to address that
13 issue. Three stakeholder meetings were conducted, and a
14 consensus was achieved. There was a lot of give and take
15 on the part of all the parties that participated in that
16 process.
17 As you recall, the substance or the outcome of
18 those stakeholder meetings were vetted with the Advisory
19 Committee at its last meeting in October, where there was
20 support expressed for the manner in which the issue of
21 reinstatement would, in fact, be handled.
22 And so what you have before you under Tab E is the
23 entire revision to the selection standards of which one
24 aspect of that is the issue of reinstatement.
25 So I'm prepared to respond to any questions that

1 you might have.
2 CHAIR LINDEN: Any questions for Mr. Deal?
3 Commissioners?
4 *(No response)*
5 CHAIR LINDEN: I believe Nicki Woods, the chair of
6 our Advisory Committee, is here.
7 And I believe you have a recommendation from the
8 Advisory Committee, Nicki.
9 MS. WOODS: We do.
10 We had very little discussion on this issue
11 yesterday because of all the hard work that had gone into
12 coming to a great conclusion, I think, for all sides.
13 And it just goes to show what everybody can do when we
14 put our minds together and work together on an issue.
15 We did elect to unanimously recommend that the
16 Commission approve the revised selection standards.
17 CHAIR LINDEN: Great. Thank you.
18 And we do have a request from Jacky Parks, the
19 president of the City of Fresno Police Officers
20 Association, who wanted to address the Commission on
21 this.
22 Jacky?
23 MR. PARKS: Thank you, Chair Linden, for allowing
24 me this opportunity to address the Commission this
25 morning. And I'll keep it brief. I just wanted to have

1 an opportunity to address all of you in person.
2 Back in September, as this process began to kick
3 off, I was very skeptical of the whole process. And I
4 authored a letter to the Commission on this process that
5 was taking place. And I just wanted to come back to the
6 Commission.
7 We often see in our business, folks who are
8 unhappy, can't wait to tell somebody about it; but when
9 they're happy, you never hear from them.
10 Well, I wanted to take this opportunity to let all
11 of you know staff's performance was overwhelmingly
12 helpful, they were very professional. Some of the
13 meetings were very difficult at times. And I want to
14 just let you know that the process went through very
15 smooth.
16 Shelley Spilberg did an excellent job through the
17 whole process. She took a lot of heat from both sides
18 during this process; and at times, it was very difficult
19 for, I'm sure, many in the room, trying to keep the peace
20 and keep the mission of those stakeholder meetings going
21 forward.
22 I also would like to thank Dick Reed and Alan and
23 Melani Singley for all just being wonderful resources
24 during these stakeholder meetings and through the entire
25 process. And I was very impressed. And I am certainly

1 sharing that with my friends out in the law enforcement
2 community.
3 So thank you all very much.
4 CHAIR LINDEN: Great. Thank you. We appreciate
5 those comments.
6 And I think we really do need to acknowledge Alan
7 and Ken Krueger and especially Shelley Spilberg, who we
8 have just heard nothing but fantastic feedback about as
9 well.
10 And, Ron, president of PORAC, welcome, Ron.
11 MR. COTTINGHAM: Ron Cottingham, president of
12 PORAC. I'm also happy.
13 CHAIR LINDEN: We like that.
14 COMMISSIONER LOWENBERG: Savor this moment.
15 CHAIR LINDEN: Can we bank that for future issues,
16 Ron?
17 MR. COTTINGHAM: I don't know how much collateral
18 that will carry beyond this.
19 But, you know, this -- Jacky spoke very well and
20 thanked the people that I would like to thank also for
21 the collaborative effort.
22 But this was a truly -- it's a word that's
23 overused, but a collaborative effort of labor,
24 management. We brought in our legal defense attorneys to
25 explain how the process affects our members when things

1 like this happen to them, when they're cleared through
2 court action, through arbitration of wrongdoing and
3 reinstated, and the hassle that they go through because
4 this regulation did not exist. So it was good to have
5 this process as vetting out, the airing out among all the
6 members and coming to this resolution.
7 At this point, it's almost still overdue. We have
8 members that we're still working that have been cleared
9 in court that their departments are still putting them
10 through the hoops, not wanting to reinstatement them
11 because this regulation does not exist yet.
12 And so I hope that with this in mind, and I believe
13 that with the recommendation of the Advisory Committee,
14 that you will pass this today and it will be in the best
15 interest of POST and all law enforcement.
16 So I thank everybody for their effort and for
17 coming together and seeing that the wisdom of bringing
18 these working groups together to work, to come up to a
19 resolution, the regulation that everybody can agree on
20 and work with. It was a fantastic process. So thank
21 you.
22 CHAIR LINDEN: Great. Thank you, Ron.
23 COMMISSIONER LOWENBERG: Madam Chair?
24 CHAIR LINDEN: Mr. Lowenberg?
25 COMMISSIONER LOWENBERG: In the spirit of mutual

1 admiration and self-disclosure, I've got to tell you,
2 I would also like to thank the folks that just spoke
3 because over a decade ago, when this issue first came up,
4 in my prior life on the Commission, if you would have
5 asked me at that point in time, would we ever get to this
6 point, I would have said you were wrong. And as recent
7 as a year ago, I told a couple of people that I'd thought
8 we'd never resolve this issue.
9 Savor this moment. I'm admitting I was wrong.
10 CHAIR LINDEN: Wow. Did you get that, Mr. Court
11 Reporter?
12 MR. FELDHAUS: Yes.
13 COMMISSIONER LOWENBERG: I was wrong. Mostly
14 because of the collaboration and everybody putting their
15 nose to the grindstone and working out a significant
16 issue in a relatively short period of time.
17 So thank you to the labor groups, thanks to POST
18 staff, thanks to everyone for getting us to this point
19 because, again, I didn't think it was going to happen in
20 my lifetime, and I really appreciate the people that have
21 worked hard on this.
22 Thank you.
23 CHAIR LINDEN: Thank you.
24 COMMISSIONER DUMANIS: So moved.
25 CHAIR LINDEN: Commissioner Dumanis.

1 And the appropriate motion would be to approve,
2 subject to the rulemaking process, the proposed revisions
3 to the peace officer selection standards.
4 Would that be your motion?
5 COMMISSIONER DUMANIS: Yes.
6 VICE-CHAIR SOBEK: Second. Sobek.
7 CHAIR LINDEN: Seconded by Commissioner Sobek.
8 Any further discussion on the motion?
9 *(No response)*
10 CHAIR LINDEN: All in favor, please say "aye."
11 *(A chorus of "ayes" was heard.)*
12 CHAIR LINDEN: Any opposed?
13 *(No response)*
14 CHAIR LINDEN: Any abstentions?
15 *(No response)*
16 CHAIR LINDEN: Thank you.
17 The motion carries.
18 Thank you both for your comments, Jacky and Ron.
19 COMMISSIONER DUMANIS: We have them recorded, too.
20 CHAIR LINDEN: The next item is Item Number F,
21 *Revision to Public Safety Dispatcher Selection Standards.*
22 Alan?
23 MR. DEAL: Yes, Madam Chair and Commissioners, this
24 one coattailed on the peace officer selection standards.
25 And it, too, reflects a comprehensive effort in terms of

1 revising, updating the selection standards for public
2 safety dispatchers.
3 At the same time that all of the effort was
4 undertaken to deal with the reinstatement issue, this
5 item was pulled to also examine the same issue as it
6 related to dispatchers.
7 Following the various stakeholder meetings that
8 we recently had with the dispatchers relative to a number
9 of strategic plan objectives that involved dispatchers
10 specifically, we vetted the changes and the selection
11 standards to several selected members of the public
12 safety dispatcher community. So it, too, has had an
13 opportunity to be vetted and reviewed by them.
14 CHAIR LINDEN: Great.
15 Any questions for staff about this item?
16 *(No response)*
17 CHAIR LINDEN: Any comments from commissioners?
18 *(No response)*
19 CHAIR LINDEN: Do we have a motion to approve
20 subject to the rulemaking process the proposed revisions
21 to the public safety dispatcher selection standards?
22 COMMISSIONER McGINNESS: So moved. McGinness.
23 CHAIR LINDEN: Thank you, Commissioner McGinness.
24 COMMISSIONER DOYLE: Second.
25 CHAIR LINDEN: I'm sorry. Was that Doyle?

1 Thank you, Commissioner.
2 Any discussion on the motion?
3 *(No response)*
4 CHAIR LINDEN: All in favor, please say "aye."
5 *(A chorus of "ayes" was heard.)*
6 CHAIR LINDEN: Any opposed?
7 *(No response)*
8 CHAIR LINDEN: Any abstentions?
9 *(No response)*
10 CHAIR LINDEN: Thank you.
11 Item G is a *Report on Law Enforcement Driving*
12 *Simulator Revitalization*, a project near and dear to all
13 of our hearts.
14 And, Executive Director?
15 MR. CAPPITELLI: Yes, Madam Chair and Members of
16 the Commission, if you desire staff to go into greater
17 detail, the report is in the agenda, as well as the map
18 that lays out the plan that we're moving forward with.
19 If you would like Mr. Deal to give a report and
20 give you more information, we'll be glad to do that.
21 VICE-CHAIR SOBEK: Move it.
22 CHAIR LINDEN: Okay, and I know you meant that that
23 was a motion to approve the plan for driving-simulator
24 acquisition and placement as detailed in the staff
25 report; is that correct?

1 VICE-CHAIR SOBEK: Yes.
2 CHAIR LINDEN: Moved by Commissioner Sobek.
3 COMMISSIONER HAYHURST: Second.
4 CHAIR LINDEN: Seconded by --
5 COMMISSIONER HAYHURST: Hayhurst.
6 CHAIR LINDEN: -- Commissioner Hayhurst.
7 Thank you.
8 Any discussion on the motion?
9 *(No response)*
10 CHAIR LINDEN: All in favor, please, say "aye."
11 *(A chorus of "ayes" was heard.)*
12 CHAIR LINDEN: Any opposed?
13 *(No response)*
14 CHAIR LINDEN: Any abstentions?
15 *(No response)*
16 CHAIR LINDEN: Thank you.
17 The motion carries.
18 And I have to apologize to our chair of the
19 Advisory Committee, you guys are too quick. And the
20 Advisory Committee did have recommendations on both the
21 past two items, and I forgot to call on her.
22 And those recommendations, I believe were --
23 MS. WOODS: To move approval.
24 CHAIR LINDEN: -- for approval.
25 Thankfully, they weren't the opposite.

1 My apologies.
2 MS. WOODS: We did. So we're good.
3 CHAIR LINDEN: I even had a note saying "Advisory."
4 Okay, Item H is a *Request to Contract for Further*
5 *Data Analysis for the Driver Training Study.*
6 And I believe this was also considered by the
7 Finance Committee yesterday.
8 VICE-CHAIR SOBEK: That's correct.
9 CHAIR LINDEN: Yes, Commissioner Sobek?
10 VICE-CHAIR SOBEK: If I may? We talked about this
11 yesterday, and one of my astute colleagues, Floyd
12 Hayhurst, asked a very intelligent question as to why
13 we would continue to pay to allow money to go to this
14 when we have done the study, and completed the study
15 when, in fact, we've got an answer to that.
16 And this is going to be a continuous study. I
17 think POST and the State of California are going to be
18 on the forefront of driver training studies.
19 And so as we continue along, I think it behooves us
20 as the POST commissioners to continue cooperating with
21 this study and to see where we end up.
22 I think it's going to be nothing but great for
23 POST, great for the officers out on the streets, and at
24 some point, considerably lower the fatality record that
25 we have now with the police officers.

1 So my suggestion as the acting chair of the Finance
2 Committee was to approve this, along with the Committee,
3 so that we could continue the great work that POST is
4 doing to continue studying driver-training issues in
5 relation to police officers throughout the state. So
6 I kind of wanted to pass that on and let everybody know
7 that.
8 CHAIR LINDEN: And was that the vote of the Finance
9 Committee?
10 VICE-CHAIR SOBEK: That was, to approve it.
11 CHAIR LINDEN: And I think the $23,000 is coming
12 out of the $2-million appropriation for the simulators.
13 VICE-CHAIR SOBEK: That is correct.
14 CHAIR LINDEN: Not out of the sort of POST general
15 funding, if you will.
16 MR. CAPPITELLI: That's correct.
17 COMMISSIONER LOWENBERG: I'd second that motion.
18 Lowenberg.
19 CHAIR LINDEN: Okay, was there a motion?
20 VICE-CHAIR SOBEK: There wasn't a motion. I made a
21 comment.
22 COMMISSIONER CAMPBELL: I'll second Lowenberg's
23 motion.
24 COMMISSIONER LOWENBERG: No, no. Let Commissioner
25 Sobek make the motion.

1 VICE-CHAIR SOBEK: I make a motion to approve --
2 it's going to be a roll-call vote, but I make a motion to
3 approve the $23,000 -- let me do this right -- to enter
4 into a contract with the individual entity to perform
5 specified data analysis in the amount not to exceed
6 $23,000.
7 CHAIR LINDEN: Well stated.
8 COMMISSIONER LOWENBERG: And a second by Campbell.
9 CHAIR LINDEN: And do we have a second to the
10 motion?
11 COMMISSIONER LOWENBERG: Second by Campbell.
12 COMMISSONER CAMPBELL: Second, and a dual second by
13 Lowenberg.
14 CHAIR LINDEN: Seconded by Commissioner Campbell.
15 Any discussion on the motion? Any other
16 commissioner comments?
17 Commissioner Hayhurst?
18 COMMISSIONER LOWENBERG: Just one observation --
19 CHAIR LINDEN: Commissioner Hayhurst?
20 COMMISSIONER LOWENBERG: Oh, I'm sorry. Go ahead,
21 Floyd.
22 COMMISSIONER HAYHURST: I'm good.
23 CHAIR LINDEN: You're good?
24 COMMISSIONER LOWENBERG: One observation. Since
25 our last commission meeting, the national Officers Killed

1 in the Line of Duty statistics came out, and clearly the
2 number of officers that are losing their lives in the
3 line of duty is the result of traffic incidents.
4 CHAIR LINDEN: Yes. And there were some really -
5 several very tragic ones just since our last meeting in
6 our own state of officers into each other and other ones
7 as well. So, yes.
8 I don't know about my fellow commissioners, but
9 when I now look at those, read about those stories, it's
10 in a bit of a different context, knowing what we know
11 from the study preliminarily.
12 Commissioner Hayhurst?
13 COMMISSIONER HAYHURST: One comment that wasn't
14 made was they're also going to, I believe in the future,
15 gather data regarding motors, too. And if you don't
16 think motors have -- motors against motors TCs, we had
17 one with our department a year and a half ago, where both
18 deputies finally returned to work, but they're still with
19 limited duty.
20 So motors on motors is probably pretty unique, but
21 it does happen. There's probably some good data out on
22 that, too.
23 CHAIR LINDEN: Thank you.
24 Any other comments on the motion or questions?
25 *(No response)*

1 CHAIR LINDEN: We have a motion on the floor. This
2 is a roll-call vote.
3 Karen?
4 MS. HIGHTOWER: Linden?
5 CHAIR LINDEN: Yes.
6 MS. HIGHTOWER: Batts?
7 *(No response)*
8 MS. HIGHTOWER: Bui?
9 COMMISSIONER BUI: Yes.
10 MS. HIGHTOWER: Campbell?
11 COMMISSIONER CAMPBELL: Yes.
12 MS. HIGHTOWER: Doyle?
13 COMMISSIONER DOYLE: Yes.
14 MS. HIGHTOWER: Dumanis?
15 COMMISSIONER DUMANIS: Yes.
16 MS. HIGHTOWER: Hayhurst?
17 COMMISSIONER HAYHURST: Yes.
18 MS. HIGHTOWER: Lowenberg?
19 COMMISSIONER LOWENBERG: Yes.
20 MS. HIGHTOWER: Lundgren?
21 COMMISSIONER LUNDGREN: Yes.
22 MS. HIGHTOWER: McGinness?
23 COMMISSIONER McGINNESS: Yes.
24 MS. HIGHTOWER: Perea?
25 COMMISSIONER PEREA: Yes.

1 MS. HIGHTOWER: Smith?
2 COMMISSIONER SMITH: Yes.
3 MS. HIGHTOWER: Sobek?
4 VICE-CHAIR SOBEK: Yes.
5 MS. HIGHTOWER: Van Attenhoven?
6 COMMISSIONER VAN ATTENHOVEN: Yes.
7 MS. HIGHTOWER: Anderson?
8 COMMISSIONER ANDERSON: Yes.
9 CHAIR LINDEN: Thank you.
10 The motion carries.
11 Item I is the *Report on Strategic Plan Objective*
12 *C.4 Regarding the Feasibility of Awarding College Credit*
13 *for POST Training Courses.* And the staff recommendation
14 is to approve the concepts detailed in the staff progress
15 report on awarding college credit for POST training
16 courses.
17 Would any of the Commissioners like a presentation
18 on this item or have questions of staff?
19 *(No response)*
20 CHAIR LINDEN: Okay, do we have a motion?
21 COMMISSIONER PEREA: So moved.
22 CHAIR LINDEN: Thank you, from Commissioner Perea.
23 Do we have a second?
24 COMMISSIONER VAN ATTENHOVEN: Van Attenhoven.
25 Second.

1 CHAIR LINDEN: Second from Commissioner
2 Van Attenhoven.
3 Any discussion on the motion?
4 *(No response)*
5 CHAIR LINDEN: All in favor, please say "aye."
6 *(A chorus of "ayes" was heard.)*
7 CHAIR LINDEN: Any opposed?
8 *(No response)*
9 CHAIR LINDEN: Any abstentions?
10 *(No response)*
11 CHAIR LINDEN: Thank you.
12 Item J is a *Report on Acceptance of Cal/EPA Grant*.
13 And, Commissioner Sobek, I believe that the Finance
14 Committee also discussed this.
15 VICE-CHAIR SOBEK: We did. And we approved this
16 for the Commission.
17 CHAIR LINDEN: And the staff recommendation is to
18 authorize the Executive Director to accept up to $100,000
19 of Cal/EPA grant funding for the 2009-10 fiscal year and
20 to contract with an entity for continued development and
21 delivery of training related to environmental crimes and
22 regulatory enforcement.
23 I know that there is a significant chance that it
24 won't be $100,000, based on this year's allotment from
25 Cal/EPA. So staff will adjust accordingly, whatever the

1 amount is?

2 MR. CAPPITELLI: Yes, that's correct. That's

3 correct, Madam Chair.

4 CHAIR LINDEN: Okay, any questions for staff?

5 Yes, Commissioner Smith?

6 COMMISSIONER SMITH: Will the full amount go to

7 this provider, depending on what the amount is? Or will

8 it be reduced and POST gets -- if you don't get $100,000,

9 will POST have to pay the other money that equals the

10 balance of the $100,000?

11 MR. CAPPITELLI: I'll defer to Mr. Deal, if he can

12 answer that question.

13 MR. DEAL: Commissioner Smith, we have been working

14 for some time on curriculum that Cal/EPA and the various

15 agencies, generally state agencies but some of the local

16 agencies that do enforcement of this nature. We have the

17 curriculum completed. So this money will go towards the

18 actual development of the online course in making it

19 available. That was one of the stumbling blocks a couple

20 of years ago, was convening large gatherings for training

21 purposes. We find that many of these individuals or

22 entities that work for these smaller agencies don't have

23 the ability to travel. And so we finally solved that

24 problem by saying that if we do this in a way that is

25 online, then obviously people can get the training.

1 So this would merely go towards a continuing
2 project that we've been working on to complete the
3 delivery of the training online. So we may have to come
4 back to the Commission for a small amount, but we think
5 we're pretty close.
6 COMMISSIONER SMITH: Was that a "yes" or "no"?
7 MR. DEAL: That's a maybe.
8 COMMISSIONER SMITH: Does it appear that $100,000
9 is what it will take to complete it?
10 MR. DEAL: No.
11 COMMISSIONER SMITH: And if it's a lower amount --
12 MR. DEAL: As you may recall in the past, we have
13 actually used a significant amount of this to cover the
14 cost of a staff position, a management fellow. And we've
15 done that through a VAWA grant, as well as the Cal/EPA
16 Grant.
17 With that no longer available to us, we won't be
18 funding that component. So the only piece that will be
19 funded will be the actual completion of the training
20 course.
21 CHAIR LINDEN: So no management fellow?
22 MR. DEAL: I'm sorry?
23 CHAIR LINDEN: No management fellow with this?
24 MR. DEAL: No.
25 CHAIR LINDEN: Okay, so we won't have to worry

about supplementing --

MR. DEAL: Correct.

COMMISSIONER SMITH: Thank you.

CHAIR LINDEN: Thank you, Alan.

Any other questions for staff on this item?

(No response)

CHAIR LINDEN: Do we have a motion --

VICE-CHAIR SOBEK: Roll call.

CHAIR LINDEN: We need a motion first.

Do we have a motion to accept up to $100,000 of Cal/EPA grant funding for 2009-10 and contract with an entity for continued deployment and delivery of training related to environmental crimes and regulatory enforcement?

COMMISSIONER DOYLE: So moved. Doyle.

And I would say it exactly the way you did, but I won't repeat it.

CHAIR LINDEN: Thank you. I knew you would.

COMMISSIONER BUI: Bui. Second.

CHAIR LINDEN: Okay, we have a motion by Doyle, and second by Commissioner Bui.

Any discussion on the motion?

(No response)

CHAIR LINDEN: All in favor, please say "aye"?

I'm sorry, roll-call vote.

1 You jinxed it.
2 Karen?
3 MS. HIGHTOWER: Linden?
4 CHAIR LINDEN: Yes.
5 MS. HIGHTOWER: Batts?
6 *(No response)*
7 MS. HIGHTOWER: Bui?
8 COMMISSIONER BUI: Yes.
9 MS. HIGHTOWER: Campbell?
10 COMMISSIONER CAMPBELL: Yes.
11 MS. HIGHTOWER: Doyle?
12 COMMISSIONER DOYLE: Yes.
13 MS. HIGHTOWER: Dumanis?
14 COMMISSIONER DUMANIS: Yes.
15 MS. HIGHTOWER: Hayhurst?
16 COMMISSIONER HAYHURST: Yes.
17 MS. HIGHTOWER: Lowenberg?
18 COMMISSIONER LOWENBERG: Yes.
19 MS. HIGHTOWER: Lundgren?
20 COMMISSIONER LUNDGREN: Yes.
21 MS. HIGHTOWER: McGinness?
22 COMMISSIONER McGINNESS: Yes.
23 MS. HIGHTOWER: Perea?
24 COMMISSIONER PEREA: Yes.
25 MS. HIGHTOWER: Smith?

1 COMMISSIONER SMITH: Yes.
2 MS. HIGHTOWER: Sobek?
3 VICE-CHAIR SOBEK: Yes.
4 MS. HIGHTOWER: Van Attenhoven?
5 COMMISSIONER VAN ATTENHOVEN: Yes.
6 MS. HIGHTOWER: Anderson?
7 COMMISSIONER ANDERSON: Yes.
8 CHAIR LINDEN: Thank you. The motion carries.
9 Item K is the *Contract Extension for Learning*
10 *Portal Support and Maintenance*.
11 And, Commissioner Sobek, Finance Committee.
12 VICE-CHAIR SOBEK: Yes, a quick comment. We
13 recommended this for approval to the full Commission.
14 One of the things discussed on this, actually,
15 Madam Chairman, I think you brought this up, was how do
16 we publicize this better? How do we get guys and gals
17 to go onto the computer and work --
18 CHAIR LINDEN: I think it was Commissioner
19 Lundgren.
20 VICE-CHAIR SOBEK: I'm sorry.
21 CHAIR LINDEN: We are easily confused. I can see
22 that.
23 VICE-CHAIR SOBEK: To get this going -- and now
24 you've got me all flustered. Jeff's going to kill me
25 later.

1 And it dawned on me, why don't we come put together
2 a training video, like we do the POST training videos
3 that we have for line-ups, and use that as a line-up tool
4 to get the officers to look at it and maybe have somebody
5 online or on a DVD talk about how it works and what it
6 does, and let them know -- I mean, we're strange
7 bedfellows, what's in it for us -- that you get credit
8 for it. And the ease of -- the easiness of it, how easy
9 it is to use, and get that put out to all the officers
10 out in the state. And I think that would probably get
11 people to go online more and use it more effectively.
12 That would cost some money, I know, but…
13 MR. CAPPITELLI: Commissioner Sobek, we concur
14 wholeheartedly. What I would ask is perhaps before we
15 took that approach, if we could explore some of the other
16 options that we discussed yesterday. That is, we're
17 working diligently on pushing out the information via
18 e-mail.
19 One of the things that we need to do is to figure
20 out a manner or method in which we notify all of our
21 client audiences on the way to sign up for RSS feeds off
22 the Web sites so that they get what's the information
23 that's -- information that's new, it's in the "what's
24 new" section.
25 Commissioner Lundgren and I had a conversation

about this.

The very first step is getting our training managers to do it, and then our hope is that that will filter down to the others.

So we concur that would be a good method.

As you mentioned, cost is an issue. When we say, develop a video production, there's a big dollar amount attached to that. So if we could put that on the list of options, if that would be okay with you, and then let us try and entertain some others.

VICE-CHAIR SOBEK: That was certainly just a suggestion.

MR. CAPPITELLI: Thank you, sir. Thank you.

CHAIR LINDEN: Comments, Jeff? Are you good?

COMMISSIONER LUNDGREN: Yes.

CHAIR LINDEN: Any other questions for staff on Item K?

(No response)

CHAIR LINDEN: And do we have a motion?

COMMISSIONER LUNDGREN: Motion. Lundgren.

CHAIR LINDEN: Okay, that would be to authorize the Executive Director to extend the current support and maintenance contract with Allen Communications Learning Services to December 31st, 2009, in an amount not to exceed $12,000.

1 COMMISSIONER LUNDGREN: Exactly.
2 COMMISSIONER HAYHURST: Second by Hayhurst.
3 CHAIR LINDEN: Thank you.
4 Any discussion on the motion?
5 *(No response)*
6 CHAIR LINDEN: This is a roll-call vote.
7 Karen?
8 MS. HIGHTOWER: Linden?
9 CHAIR LINDEN: Yes.
10 MS. HIGHTOWER: Batts?
11 *(No response)*
12 MS. HIGHTOWER: Bui?
13 COMMISSIONER BUI: Yes.
14 MS. HIGHTOWER: Campbell?
15 COMMISSIONER CAMPBELL: Yes.
16 MS. HIGHTOWER: Doyle?
17 COMMISSIONER DOYLE: Yes.
18 MS. HIGHTOWER: Dumanis?
19 COMMISSIONER DUMANIS: Yes.
20 MS. HIGHTOWER: Hayhurst?
21 COMMISSIONER HAYHURST: Yes.
22 MS. HIGHTOWER: Lowenberg?
23 COMMISSIONER LOWENBERG: Yes.
24 MS. HIGHTOWER: Lundgren?
25 COMMISSIONER LUNDGREN: Yes.

1 MS. HIGHTOWER: McGinness?
2 COMMISSIONER McGINNESS: Yes.
3 MS. HIGHTOWER: Perea?
4 COMMISSIONER PEREA: Yes.
5 MS. HIGHTOWER: Smith?
6 COMMISSIONER SMITH: Yes.
7 MS. HIGHTOWER: Sobek?
8 VICE-CHAIR SOBEK: Yes.
9 MS. HIGHTOWER: Van Attenhoven?
10 COMMISSIONER VAN ATTENHOVEN: Yes.
11 MS. HIGHTOWER: Anderson?
12 COMMISSIONER ANDERSON: Yes.
13 CHAIR LINDEN: Thank you.
14 The motion carries.
15 The next item is Item L, *Proposed Regulation on*
16 *SWAT Training Courses.*
17 And this item is to revise or amend the PAM manual,
18 PAM section 1081, pursuant to the rulemaking process, so
19 that the courses that were developed for the SWAT manual
20 are consistent in the PAM manual.
21 Is that correct?
22 MR. CAPPITELLI: Yes, I believe that's correct,
23 Madam Chair.
24 CHAIR LINDEN: Do any Commissioners request a staff
25 presentation or have questions of staff on this item?

1 *(No response)*
2 CHAIR LINDEN: Okay, do we have a motion?
3 COMMISSIONER DUMANIS: So moved. Dumanis.
4 COMMISSIONER McGINNESS: Second. McGinness.
5 CHAIR LINDEN: Thank you.
6 Any discussion on the motion?
7 *(No response)*
8 CHAIR LINDEN: All in favor, please say "aye."
9 *(A chorus of "ayes" was heard.)*
10 CHAIR LINDEN: Opposed?
11 *(No response)*
12 CHAIR LINDEN: And abstentions?
13 *(No response)*
14 CHAIR LINDEN: Thank you.
15 Item M, *Contract Modification for Management*
16 *Fellow,* has been pulled by staff for deletion. So we can
17 delete Item M.
18 Item N, as in Nora, is a *Report on the Acceptance*
19 *of Homeland Security Funds for State and National*
20 *Delivery of Telecourses.*
21 And the staff recommendation would be to accept
22 $150,000 of AB 587 anti-terrorism training funds to
23 facilitate the delivery of 12 Homeland Security
24 telecourses, via the California POST Learning Portal and
25 to authorize the executive director to augment an

1 existing agreement with the University of California,
2 Irvine, to manage the terrorism telecourse delivery on
3 behalf of POST in an amount not to exceed $150,000.
4 And so this is the terrorism money; correct?
5 MR. CAPPITELLI: That's correct.
6 And, Madam Chair, if I may, just an additional
7 comment. This is the beginning of what will become a
8 larger project for us to expand the manner and method in
9 which we push online streaming video out to the field.
10 This helps us to create, develop a video training
11 on-demand system for the Homeland Security items, which
12 later will evolve into the ability to use that for much
13 greater things. So this is the beginning and the basis
14 for this.
15 VICE-CHAIR SOBEK: Finance Committee, Madam Chair,
16 if I may, approved to the full Commission to pass this.
17 CHAIR LINDEN: Okay, so there is a recommendation
18 from the Finance Committee.
19 Any questions from staff by Commissioners?
20 *(No response)*
21 CHAIR LINDEN: Okay, do we have a motion, as I
22 read?
23 COMMISSIONER McGINNESS: So moved. McGinness.
24 CHAIR LINDEN: Thank you, Commissioner.
25 COMMISSIONER DUMANIS: Second. Dumanis.

1 COMMISSIONER DOYLE: Second. Doyle.
2 CHAIR LINDEN: Seconded by Commissioner Dumanis.
3 This is a roll-call vote.
4 Karen?
5 MS. HIGHTOWER: Linden?
6 CHAIR LINDEN: Yes.
7 MS. HIGHTOWER: Batts?
8 *(No response)*
9 MS. HIGHTOWER: Bui?
10 COMMISSIONER BUI: Yes.
11 MS. HIGHTOWER: Campbell?
12 COMMISSIONER CAMPBELL: Yes.
13 MS. HIGHTOWER: Doyle?
14 COMMISSIONER DOYLE: Yes.
15 MS. HIGHTOWER: Dumanis?
16 COMMISSIONER DUMANIS: Yes.
17 MS. HIGHTOWER: Hayhurst?
18 COMMISSIONER HAYHURST: Yes.
19 MS. HIGHTOWER: Lowenberg?
20 COMMISSIONER LOWENBERG: Yes.
21 MS. HIGHTOWER: Lundgren?
22 COMMISSIONER LUNDGREN: Yes.
23 MS. HIGHTOWER: McGinness?
24 COMMISSIONER McGINNESS: Yes.
25 MS. HIGHTOWER: Perea?

1 COMMISSIONER PEREA: Yes.
2 MS. HIGHTOWER: Smith?
3 COMMISSIONER SMITH: Yes.
4 MS. HIGHTOWER: Sobek?
5 VICE-CHAIR SOBEK: Yes.
6 MS. HIGHTOWER: Van Attenhoven?
7 COMMISSIONER VAN ATTENHOVEN: Yes.
8 MS. HIGHTOWER: Anderson?
9 COMMISSIONER ANDERSON: Yes.
10 CHAIR LINDEN: Thank you.
11 The motion carries.
12 Item O is a report from the Long-Range Planning
13 Committee. You have a written report in your binders.
14 We basically discussed a number of the items that we've
15 already considered on the agenda.
16 And unless anybody has questions about Long-Range
17 Planning, we'll move on.
18 *(No response)*
19 CHAIR LINDEN: Item P is the Finance Committee
20 report. And I think we do have an action item on
21 proposed contracts. But I believe staff will make a
22 presentation on our budget this year and proposed budget
23 for the next fiscal year.
24 Is that correct?
25 MR. CAPPITELLI: I believe that's correct.

1 CHAIR LINDEN: Okay, who is presenting for that?
2 MR. CAPPITELLI: Tom Liddicoat.
3 CHAIR LINDEN: Tom?
4 MR. CAPPITELLI: Dick Reed.
5 CHAIR LINDEN: Dick?
6 CHAIR LINDEN: Tom and Dick -- and Harry?
7 MR. CAPPITELLI: You're a runner-up? I'm sorry.
8 MR. LIDDICOAT: I think they took me off the hook.
9 So I guess that's good.
10 MR. REED: Both my hands firmly attached to my
11 wrists, no notes.
12 I'll defer first to Acting Chair Mike Sobek, who
13 was our chair yesterday, in Mr. Perea's absence.
14 VICE-CHAIR SOBEK: Thanks to Commissioner Perea
15 again.
16 Really quick, and I'm going to give it back to
17 Dick, is that -- and I just wanted to say, our budget
18 for 2009-10 will be $61,802,000, which consists of
19 $59,543,000 from the Peace Officers Training Fund and
20 $1,259,000 in reimbursements. $1 million for
21 anti-terrorism training pursuant to AB 587.
22 It's more than the revised budget by approximately
23 $1 million. The difference is an increase from the
24 Web-based training budget change proposal, a BCP for the
25 redesign of the POST course catalog and an increase from

1 miscellaneous baseline adjustments, price increase
2 retirement rate adjustments, and other things.
3 So, you know -- and I want to give kudos out to our
4 staff again, as we always do. They have done a great job
5 with balancing our budget.
6 We have a pretty -- well, I'm not going to say a
7 healthy reserve, but it's a pretty nice reserve that --
8 yeah, that we have based on how well our staff does with
9 the budget.
10 So I'm going to send it back to Dick to talk about
11 the $5 million and a couple other things that you have in
12 mind.
13 MR. REED: Yes.
14 CHAIR LINDEN: Dick, before you start, I don't
15 think the Commissioners have gotten the budget handouts
16 that were passed out in Finance Committee yesterday. I
17 don't see them in our pile of material. And they were
18 not in our binder. They were handed out yesterday, I
19 think.
20 VICE-CHAIR SOBEK: Are you talking about the
21 Finance report?
22 MR. REED: You're the only one that gets that at
23 this point, Commissioners.
24 VICE-CHAIR SOBEK: All right, thank you.
25 MR. REED: And if there are other budget -- if

there's other budget documents we forgot to get, Tom and Karen will provide those before we leave today.

One thing I would like to address, of course, Commissioner Sobek mentioned the $5 million loan, the Administration informed us that we would be loaning them $5 million to apply to the $40-billion proposed deficit that seems to be growing by the day. Anyway, our agency is going to be providing $5 million of that.

And our representative from the Department of Finance is with us today. Andrea came over, and she clarifies that per the executive director's request, that is to be a loan and that interest will accrue and it is to be paid back, unlike the last $5 million we lost six or eight years ago that just went to another department and was just taken from our reserves.

Anyway, but that is out of this year's money.

So far, Finance has recommended that our 24.10 money be left intact this year. Last year, we lost $6 million of the 24.10 money and that resulted in us having to reduce reimbursement and such.

Our spending authority remains the same as it was last year. However, it was curtailed by $2 million. And so we'll have the same essential spending authority.

And we intend to be on balance with this year's budget. We are on track to come within budget for the

1 number of students that Tom has projected we'll
2 reimburse.
3 So the reduction of reimbursements actually has
4 paid off. We're on track with that. And by next year,
5 we anticipate finishing the fiscal year with
6 approximately a $277,000 reserve, or under-expenditure.
7 CHAIR LINDEN: Any questions for staff -- don't go
8 away, Dick -- on the financial report?
9 And I think it's coming around to you, the actual
10 numbers right now.
11 Yes, Commissioner Smith?
12 COMMISSIONER SMITH: Is the loan to the State
13 mandatory?
14 MR. REED: Yes.
15 CHAIR LINDEN: They either borrow it or take it, I
16 think, are the two choices?
17 MR. REED: But I'm sure the Commission is happy to
18 help.
19 CHAIR LINDEN: That would be "loan" in quotes,
20 right?
21 MR. CAPPITELLI: Just -- if I may -- to speak to
22 what Commissioner Smith said.
23 They don't come to us and say, "Would you be
24 willing to" and we say, "We'll get back to you." They
25 just --

However, it's important to note that even though I think there's a degree of skepticism about the term "loan," it is important to note that in the previous budget year, the money was taken, and that was not considered a loan.

So for this to be couched in such a way that it's considered a loan, I suppose the optimist in me says that's an improvement.

CHAIR LINDEN: Any other questions on the budget?

(No response)

CHAIR LINDEN: Thank you.

We do have an action item under the Finance tab, which is to review and approve the list of proposed contracts for fiscal year 2009-10. You'll see a summary of those contracts under your tab. And then each proposed contract actually has a staff report with a recommendation to execute those contracts for fiscal year 2009-10.

And I believe the Executive Director wanted to make some comments about that.

MR. CAPPITELLI: Thank you, Madam Chair.

Commissioners, as you look through and you evaluate all of these recurring contracts, please note a couple of things. First of all, at any moment, if something were to change in our budget outlook and we had the need to go

1 back and revise these amounts, we could do so. And we
2 have 30-day cancellation clauses, and so we can make
3 changes when necessary, if needed.
4 So I would encourage you to consider that and not
5 be too alarmed at the numbers as it relates to the larger
6 picture.
7 And the other thing I want to note today is that
8 with the approval of these recurring contracts, that just
9 enables us to continue to move forward.
10 If any member of the Commission has a concern about
11 a particular contract and you want to address it with
12 staff or in this forum, please feel free to do so. We
13 will be glad to do that. But the approval of this just
14 allows us to continue forward in the manner that we are,
15 give us the funding. Nothing says that at some point in
16 time we can't come back and say, "There's been a change,
17 and we need to make a change," so for your consideration.
18 Thank you.
19 CHAIR LINDEN: Thank you.
20 Any questions for our Executive Director?
21 Yes, Dick.
22 MR. REED: Lastly, I would like to thank Andrea
23 from the Department of Finance for coming to our meeting.
24 We strongly encourage all the control agencies to find
25 out as much as they can about our business because we are

1 something of an amorphous group. In fact, the head of
2 DPA didn't even know who we were until our Executive
3 Director had a meeting with him a couple of years ago.
4 So we thank Andrea for coming and working so closely with
5 Karen Cramer.
6 Karen works with Tom.
7 Karen, would you please stand up?
8 Karen is our budget officer --
9 MS. SCHARFFER: She's working right now.
10 MR. REED: Oh, is she? It's not possible. Okay.
11 Karen is in the room, and Karen works very closely
12 with Andrea. Karen, Andrea, and Tom are basically what
13 bring our budget together. Barring any unforeseen
14 surprises from the Budget Committee, the Assembly or the
15 Senate, we expect that we'll be in good shape for what we
16 have to do next year.
17 We're hoping we don't get our 24.10 money reduced
18 again. And Andrea is recommending that it be left
19 intact. So we want to thank them for that.
20 CHAIR LINDEN: Great. Thank you.
21 Any questions for staff?
22 *(No response)*
23 CHAIR LINDEN: If not, then the appropriate -- I
24 think we can take all of these with one motion.
25 So the appropriate motion would be to approve the

1 proposed recurring contracts as presented for fiscal year
2 2009-10.
3 Do we have such a motion?
4 COMMISSIONER McGINNESS: So moved. McGinness.
5 COMMISSIONER SMITH: Second.
6 CHAIR LINDEN: Commissioner McGinness, thank you.
7 Seconded by Commissioner Smith?
8 COMMISSIONER SMITH: Yes.
9 CHAIR LINDEN: Any discussion on the motion?
10 COMMISSIONER LOWENBERG: Madam Chair, I'd like the
11 record to indicate that I must abstain on A.2, Management
12 Course, California State University at Long Beach and the
13 San Diego Regional Training Center.
14 CHAIR LINDEN: Okay.
15 COMMISSIONER LOWENBERG: Item 6, Supervisory
16 Course.
17 CHAIR LINDEN: A.6.
18 COMMISSIONER LOWENBERG: And Item 18, Case Law
19 Update Video Productions.
20 CHAIR LINDEN: Okay, so Item A.2, A.6, and A.18,
21 Commissioner Lowenberg is abstaining.
22 MR. VAN ATTENHOVEN: Madam Chair, I think I'll have
23 to abstain on A.11.
24 CHAIR LINDEN: And Commissioner Van Attenhoven on
25 A.11.

1 MR. VAN ATTENHOVEN: For the agreement between POST
2 and the Department of Justice Advanced Training Center.
3 CHAIR LINDEN: Okay.
4 COMMISSIONER ANDERSON: Anderson, I'll abstain
5 also.
6 CHAIR LINDEN: From A.11 also?
7 COMMISSIONER ANDERSON: Yes.
8 CHAIR LINDEN: Any other needs to abstain for
9 conflict?
10 *(No response)*
11 CHAIR LINDEN: With those abstentions noted, all
12 in favor of the motion on the floor, please say "aye."
13 *(A chorus of "ayes" was heard.)*
14 CHAIR LINDEN: Any opposed?
15 *(No response)*
16 CHAIR LINDEN: Any additional abstentions, other
17 than those noted?
18 *(No response)*
19 CHAIR LINDEN: Thank you. The motion carries.
20 Item Q is a report from our chair of the Advisory
21 Committee.
22 Please note that there is additional action that
23 the Advisory Committee considered under our *New Business*
24 Tab Item U, which would be considered the two pending
25 awards. And we'll take those under Item U.

1 So, Ms. Woods?

2 MS. WOODS: All right. Your meeting seems to be a

3 little bit more lively than ours was.

4 Other than the issues that we already --

5 CHAIR LINDEN: That I forgot to call on her about.

6 MS. WOODS: -- where the Advisory Committee made

7 recommendations for approval, things that happened in our

8 meeting were the recommendations for the training and

9 service awards.

10 Also, we had a wonderful presentation by POST staff

11 on the officer safety course "Hot or Not." It's a course

12 that's available on the Learning Portal. And it is

13 basically a course where officers can click onto the

14 Portal and then click into situations and make

15 split-second decisions on whether or not there are some

16 officer-safety issues that they need to be aware of.

17 And it gave great feedback and everything. So it's a

18 wonderful tool if we can get all the officers using it.

19 And I know that that was discussed here already.

20 So in addition to that and the awards, we had an

21 announcement that Bill Dooley has resigned as the CAPTO

22 representative to the Advisory Committee, and that CAPTO

23 is making a request that Tim Willmore be appointed. So

24 that will come before you today, I expect.

25 CHAIR LINDEN: Under *New Business*, yes.

1 MS. WOODS: Okay, great.
2 And also, we received an announcement that Daria
3 Rowert has received a promotion and will be leaving us.
4 CHAIR LINDEN: Not leaving-leaving.
5 MS. WOODS: Not leaving POST.
6 MR. CAPPITELLI: She'll be leaving the Executive
7 Office. She is not leaving the building. Unlike Elvis.
8 CHAIR LINDEN: What is Daria's new position?
9 MR. CAPPITELLI: Daria will be an analyst working
10 on Web design. And so we're glad to have her in-house.
11 We're going to miss her in the Executive Office, and
12 we're going to be recruiting for her replacement.
13 CHAIR LINDEN: Is that a promotion, Daria?
14 MS. ROWERT: Yes.
15 CHAIR LINDEN: Congratulations.
16 MS. WOODS: And the Advisory Committee will miss
17 her greatly. She's been wonderful.
18 That concludes my report. And we'll save the rest
19 for later.
20 CHAIR LINDEN: Great. Thank you.
21 Any questions for Chairperson Woods, or comments?
22 *(No response)*
23 CHAIR LINDEN: Thank you.
24 Item R is our Legislative Review Committee. There
25 are two items that do require Commission action. And

1 I believe Commissioner Bui chaired that committee and has
2 a report for us.
3 COMMISSIONER BUI: We originally didn't have
4 anything on the agenda to talk about, but Bob has a
5 couple of things that he brought forward yesterday for
6 us.
7 So if you'd like to come up here, Bob.
8 The first order, though, I'd like to congratulate
9 Sheriff McGinness, Mr. Gil Van Attenhoven on your
10 appointments, without opposition. Congratulations.
11 COMMISSIONER McGINNESS: You should have done a
12 background.
13 COMMISSIONER BUI: But your confirmations are due
14 in two weeks; right?
15 Let's see here, the first thing, we received a
16 letter from Julie Basco with the A.G.'s office, which
17 confirms the terms of agreement between POST and DOJ,
18 which would allow -- well, the DOJ agrees to forward any
19 information about felony convictions for peace officers
20 within the first ten working days of each month.
21 This will allow POST to amend our records in a
22 timely manner.
23 Is there anything to add on that one?
24 MR. STRESAK: You did well. Thank you.
25 COMMISSIONER BUI: Thank you.

1 CHAIR LINDEN: And I believe, Commissioners, you do
2 have these reports in front of you in your pile, and
3 copies of these letters.
4 COMMISSIONER BUI: It should be under your binder.
5 The second one is going to require action. It's
6 AB 2327. It addresses officers' responsibilities to
7 victims as it relates to perimeter control during natural
8 disasters.
9 We're asking to, I guess, add a paragraph amending
10 this, which basically talks about officers' sensitivity
11 towards these victims as they need to leave their homes,
12 as they flee their homes without their IDs or other
13 information which will allow them to come back in.
14 I think that was the gist of it, right, just to
15 address the sensitivity towards victims?
16 MR. STRESAK: Correct. And specifically, it
17 addresses low-income individuals, seniors, and persons
18 with disabilities.
19 CHAIR LINDEN: And so, Bob, the recommendation is
20 to incorporate the recommendation regarding AB 2327 into
21 the basic academy workbook; correct?
22 MR. STRESAK: That's correct. Yes, to incorporate
23 that into learning domain, Unusual Occurrences. I
24 believe it's 25. Don't quote me on that. But the
25 learning domain entitled "Unusual Occurrences," we would

1 add a paragraph that points out officers' awareness of
2 AB 2337 and the content of it.
3 CHAIR LINDEN: Okay, regarding perimeter control
4 during disasters and the entrance of people?
5 MR. STRESAK: That's correct.
6 And I point out, too, that AB 2327 also implies,
7 "Nothing in this subdivision shall prevent public
8 employees from taking reasonable steps to protect the
9 health and safety of evacuees."
10 So it still authorizes officers to take appropriate
11 action, when necessary.
12 CHAIR LINDEN: Okay, any questions -- I'm sorry.
13 COMMISSIONER BUI: That's okay.
14 CHAIR LINDEN: Questions from Commissioners about
15 incorporating the paragraph of information into the basic
16 academy workbook regarding AB 2327?
17 *(No response)*
18 CHAIR LINDEN: And the recommendation is --
19 COMMISSIONER BUI: The committee did recommend that
20 we support this.
21 CHAIR LINDEN: Okay, do we have a motion to that
22 effect?
23 COMMISSIONER DUMANIS: So moved. Dumanis.
24 CHAIR LINDEN: Commissioner Dumanis.
25 Do we have a second?

1 MR. VAN ATTENHOVEN: Van Attenhoven. Second.
2 CHAIR LINDEN: Thank you.
3 Any discussion on the motion?
4 *(No response)*
5 CHAIR LINDEN: All in favor, please say "aye."
6 *(A chorus of "ayes" was heard.)*
7 COMMISSIONER LUNDGREN: I'm sorry.
8 CHAIR LINDEN: I'm sorry, I didn't get to you quick
9 enough.
10 Commissioner Lundgren?
11 COMMISSIONER LUNDGREN: I'm sorry, I'm going to
12 find it hard to -- and I should having have gone to the
13 Legislative Committee, it's my understanding there was no
14 action -- but I haven't had a chance to review this and
15 understand how it impacts the guys on the ground. And,
16 you know, law enforcement -- I understand we want
17 victims' rights. But, you know, recently, in Southern
18 California, we had mass fires. And in talking to our
19 people that were on the ground, they're literally pulling
20 people out of houses as the fire is consuming the back of
21 their house. And so how would this affect that poor law
22 enforcement officer, I mean, that's trying to pull the
23 guy out of the house, and he has now a right to go in and
24 get his wallet?
25 And so I would really like time to digest this and

1 see where I stand on it.

2 CHAIR LINDEN: And keep in mind, this is chaptered

3 legislation, so it's not taking a position on a bill.

4 This passed and we knew nothing about it. I don't know

5 if any of you had heard about it, but it really flew

6 under the radar.

7 But, Bob, our understanding from Finance Committee

8 this morning is that it would not affect the actions of

9 those officers.

10 Can you elaborate, since you're that familiar with

11 it? I'm sorry, Leg. Committee.

12 MR. STRESAK: And good morning to everybody. Good

13 morning, Madam Chair and Commissioners. My apologies.

14 MR. CAPPITELLI: Good morning, Bob.

15 MR. STRESAK: And, Commissioner, your concerns are

16 valid. However, this one was not on our radar screen and

17 made no references to POST, made no oblique references to

18 peace-officer training issues. It was chaptered. And we

19 were notified at the beginning of this legislative

20 session, after it had been chaptered, of the concerns of

21 this bill.

22 I met with the legislators. I did explain the

23 challenges that officers meet on perimeter control. I

24 explained the ramifications of 409.5 in closed areas,

25 closed to disasters.

1 I explained also that officers on perimeter control
2 are often challenged by sifting people with nefarious
3 intent from those who want to volunteer. So all these
4 conditions are -- all these challenges are posed to an
5 officer during chaotic times such as natural disasters or
6 other unusual events.
7 And I explained that it was unreasonable for them
8 to preempt every individual or allow every individual
9 into an evacuation center, keeping in mind that this
10 could allow sex offenders, identity theft, all kinds of
11 other criminal behavior to occur within an evacuation
12 center or within a perimeter.
13 Given that, it was my decision at the time, because
14 I didn't have the opportunity to meet with the Commission
15 prior to, to offer a defining paragraph in the student
16 workbooks, so that new officers could be aware of the
17 content of AB 2327.
18 The good news is, this would not be a mandated
19 topic. However, it would be an informative topic in the
20 workbook.
21 AB 2337 also states that, "Each department,
22 division, bureau, board, commission, officer, employee of
23 this state shall render all possible assistance to the
24 Governor and to the Director of the Office of Emergency
25 Services in carrying out the provisions of this chapter."

1 So I felt there was a reasonable compromise at
2 this point, given the obligations enumerated in the
3 legislation, and that the legislators I believe
4 reasonably understood the challenges posed by the
5 evacuees and officers who have to sift through all that
6 information.
7 Does that help?
8 CHAIR LINDEN: So the legislation doesn't -- it
9 doesn't impact an officer's ability, or ability to
10 appropriately invoke the Penal Code, close a zone, and
11 to screen people to keep them out of that zone; correct?
12 MR. STRESAK: That is correct. It does not preempt
13 any authority to save lives or protect property --
14 CHAIR LINDEN: And to order evacuation and things
15 like that?
16 MR. STRESAK: Yes.
17 COMMISSIONER LUNDGREN: We just need to be more
18 sensitive to that.
19 MR. STRESAK: Thank you. Very well.
20 COMMISSIONER SMITH: Yes.
21 CHAIR LINDEN: We do have a motion and a second.
22 A motion on the floor.
23 Any other discussion on the motion?
24 *(No response)*
25 CHAIR LINDEN: Seeing none, all in favor, please

1 say "aye."
2 *(A chorus of "ayes" was heard.)*
3 CHAIR LINDEN: Any opposed?
4 *(No response)*
5 CHAIR LINDEN: Any abstentions?
6 *(No response)*
7 CHAIR LINDEN: Thank you, Bob.
8 And our second item of business, Commissioner Bui?
9 COMMISSIONER BUI: Well, the next item is a
10 proposed measure. I think this came out of Sonoma
11 County, a family that's notorious in the area, I believe,
12 where they would like to see creation of a law
13 enforcement state licensing board, which requires all
14 law enforcement officers to be licensed. That would also
15 require officers to pay a $400 licensing fee annually.
16 Just from initial observation, this will obviously
17 be a tremendous fiscal impact. And just to mention that,
18 in my opinion, it's absolutely unnecessary. But, anyhow,
19 from my understanding, it has no legs, it doesn't have
20 any real support. However, the concern is that it may
21 gain some support from somebody with money. At that
22 point, we would want to monitor it a lot more closely.
23 Bob Stresak has already agreed to keep us informed
24 on the direction this is going.
25 MR. STRESAK: Correct. This was the public safety

1 initiative that raised some concerns by the law
2 enforcement community. It would -- its intent was to
3 create a commission that would license officers, review
4 all questionable incidents in the field, and preclude,
5 preempt, and prevent any law enforcement individual from
6 sitting on the board in representation of those cases.
7 Because it raised significant concerns and, quite
8 frankly, hit POST right in the ten ring because it was
9 creating a commission that already exists, we provided
10 information to the Legislative Analyst's office
11 identifying existing laws and enumerating our
12 responsibilities and regulations.
13 The good news was that the LAO had taken all the
14 information that we had delivered to them and used that
15 as a major portion of their argument against this
16 initiative.
17 And by all indications at this point, it indicates
18 that this initiative will not gain traction.
19 That's not to close the door completely on the
20 issue. But for formal routes of evaluation, it's been
21 deemed not to gain much traction.
22 CHAIR LINDEN: So we just have a watch on it right
23 now?
24 MR. STRESAK: That's correct.
25 CHAIR LINDEN: Commissioner Sobek?

1 VICE-CHAIR SOBEK: Bob, who is steering this whole
2 thing?
3 MR. STRESAK: This is generated by a family known
4 as the Sampsons. The Sampsons are well-known in the
5 Bay Area community as being…
6 VICE-CHAIR SOBEK: Got it. Thank you.
7 COMMISSIONER LUNDGREN: Can you repeat that? Does
8 that have an AB number?
9 MR. STRESAK: No, it's an initiative number. And
10 it's called the public safety initiative. And I think
11 it's 08-117.
12 COMMISSIONER BUI: Excuse me, it's 08-0017.
13 MR. STRESAK: I'm sorry, 0017.
14 MR. CAPPITELLI: I was just going to mention, this
15 is one of many voter initiatives, initiatives of
16 referendum that come every year. And we will watch this
17 very closely, as others will.
18 There are deadlines that come and go as far as the
19 requirements that will be necessary to qualify these for
20 the ballot signatures and the like.
21 When those deadlines have passed, we will notify
22 the Commission of the status of this particular
23 initiative because it's of great interest to us. So
24 we'll keep you posted.
25 COMMISSIONER BUI: Okay, the last item is going to

1 require some action. It's a proposal to amend Government
2 Code 1031, which will require DOJ to release information
3 on peace officer applicants.
4 This will allow our background investigators to tap
5 into the information -- the application information prior
6 to a job offer.
7 I believe there is -- there was some discussion
8 this morning amongst some of the commissioners.
9 CHAIR LINDEN: Bob, did you want to elaborate or do
10 a brief presentation on that?
11 MR. STRESAK: Yes, please. Thank you.
12 In the October 2008 Commission, we had posed this
13 concept to you for proposal for legislation. The genesis
14 was the California Background Investigator' Association,
15 who felt that this was a critical issue that they've been
16 trying to resolve for many, many years.
17 At the time that it was presented to the
18 Commission, it was the Commission's direction to explore
19 the feasibility of this proposed legislation.
20 Since that period of time, I met with the
21 Background Investigators Association; I presented this
22 issue to the Attorney General's office; I presented this
23 issue to the Department of Justice staff, PORAC, Cal
24 Sheriff's and Cal Chiefs, and the Legislative Counsel.
25 And no concerns were raised, including the Department of

1 Justice went so far as to the extent of cooperation to
2 draft wording for the proposed legislation for us, to
3 facilitate it. It was a win-win because it would help
4 them place it where they would like to see it and help
5 background investigators.
6 So at this point, it was also approved by the
7 Governor's office to go forward with the legislation.
8 So the motion would be to support proposed
9 legislation to be sponsored by the Commission on POST,
10 and to amend Penal Code 11105 to require the Department
11 of Justice to release all prior law enforcement
12 applications of peace officer applicants, and non-sworn
13 applicants, for employment with the California law
14 enforcement agency.
15 So in a nutshell, to remind you of what we
16 discussed last time, was that if an applicant has
17 multiple law enforcement applications on a DOJ rap sheet,
18 the background investigator today is not privy to that
19 information.
20 And assuming that the applicant is not forthcoming
21 with this information, this is critical information for
22 the background investigator.
23 If the applicant has voluntarily withdrawn
24 application from multiple agencies, that's one issue.
25 But if the applicant has applied to multiple agencies

1 and been disqualified, that's another critical piece of
2 information that a background investigator would like to
3 have.
4 Questions?
5 COMMISSIONER McGINNESS: So the information goes
6 beyond the mere fact that they applied? Is there
7 background information, per se, that would be included
8 in a personal history statement that would be released
9 then to other agencies? Or is it just the fact that they
10 applied?
11 MR. STRESAK: Just the fact that they applied.
12 So it lists the application date and the agency to which
13 they applied. It would be incumbent upon the background
14 investigator to pursue that information to determine the
15 results of the entry.
16 CHAIR LINDEN: So it's to point the background
17 investigator in the right direction, to then use the
18 appropriate waivers from the candidate to pursue the
19 additional information with the agency directly?
20 MR. STRESAK: Correct.
21 COMMISSIONER McGINNESS: And currently, that would
22 only be available if the applicant was fingerprinted; is
23 that accurate?
24 COMMISSIONER BUI: No.
25 COMMISSIONER McGINNESS: Was there printed --

1 MR. STRESAK: That's the problem, Commissioner, is
2 when the fingerprint is submitted to the Department of
3 Justice, they will only release criminal history and no
4 other prior applicant information. They've since, based
5 on our discussions, agreed to work with us, to allow that
6 to be released, for peace officer applicants only.
7 CHAIR LINDEN: So, Bob, if I'm an applicant and
8 I'm fresh out of the academy and I apply to six different
9 agencies and one of them pursues me and I'm going to go
10 with them and I pull my apps or contact the agencies
11 saying I don't want to go any further, I was never
12 fingerprinted with those agencies, then that information
13 DOJ doesn't have? It has to go beyond the fingerprint
14 stage then?
15 MR. STRESAK: My understanding is, if there's no
16 fingerprints, no entry.
17 CHAIR LINDEN: Okay.
18 COMMISSIONER BUI: Question, Madam Chair?
19 CHAIR LINDEN: Yes, I'm sorry.
20 COMMISSIONER BUI: My understanding is that this
21 only applies to new candidates; right? Or does this also
22 apply to laterals?
23 MR. STRESAK: That's a question I can't answer.
24 That's a good question. I could find out for you.
25 MR. CAPPITELLI: Just a comment. Without this type

1 of legislation, without this type of change, somebody
2 could go somewhere knowing that they had been
3 disqualified or perhaps even, you know, terminated from
4 another agency. If they didn't disclose that, then there
5 would be a chance that it might fall through the cracks.
6 So this gives the agency that's looking at a candidate
7 the opportunity to see what agencies they've applied
8 for, and marry that up with the disclosure information
9 that that applicant had to provide as part of their
10 application process. So this just kind of fills a hole
11 that's in the system.
12 CHAIR LINDEN: Commissioner Hayhurst?
13 COMMISSIONER HAYHURST: Just a brief comment on it.
14 There is some concern that I'm quite aware of by
15 the Southern Cal agencies down there, the associations,
16 exactly how the language will be written. It's kind of
17 vague. There's questions that haven't really been
18 answered on it. So there may be some opposition from
19 larger organizations down in the Southern California
20 area.
21 So I do have some concerns, myself, as far as
22 exactly, like, what Lai Lai was talking and McGinness,
23 that how far this will reach and where the line will be
24 drawn.
25 So we do have some concerns. We'd like to do some

1 more research on it, at least with our association down
2 in Southern California. And I know that we've been in
3 direct contact with the LAPPL -- Los Angeles Police
4 Protective League, they have some concerns -- and the
5 Riverside Sheriffs' Association also does.
6 CHAIR LINDEN: Bob, the action you're requesting,
7 staff's requesting today, is that just to approve you
8 moving forward to draft legislative language --
9 MR. STRESAK: That's correct.
10 CHAIR LINDEN: -- so we will be able to see exactly
11 what it would look like?
12 MR. STRESAK: Your action today would allow this to
13 move forward from the author's office to legislative
14 counsel to meet the legislative deadline of January 31st,
15 to get this as a proposed piece of legislation.
16 CHAIR LINDEN: And with the language, actually. So
17 then we would actually see how it would be crafted or
18 what the amendments would be?
19 MR. STRESAK: Correct.
20 CHAIR LINDEN: Commissioner Bui?
21 COMMISSIONER BUI: Madam Chair, I understand where
22 we're trying to go with this. It will help us prevent
23 some folks from slipping through the cracks.
24 And as far as laterals, I mean, once they apply for
25 another agency, they have to sign a waiver, anyway,

1 allowing that next agency to go through their background,
2 and to allow the background investigators to contact
3 their folks to get further information.
4 So either way, I think that the information will be
5 released, whether it's a new candidate or a lateral
6 officer.
7 CHAIR LINDEN: This would be to just ensure they're
8 revealing the information upon that application?
9 COMMISSIONER BUI: Right.
10 CHAIR LINDEN: Yes, Commissioner Lundgren?
11 COMMISSIONER LUNDGREN: This falls into a case
12 that went to Supreme Court here, where an officer was
13 terminated because he did not meet probation. And it
14 was a situation where the sheriff's department absorbed
15 a smaller city. And so this person, the absolutely end
16 date that he was supposed to be on probation, they pulled
17 him in and terminated him. He didn't know why, just
18 "Boom."
19 This went all the way to the Supreme Court because
20 of other factors -- double record-keeping, things like
21 that. And so, you know, I may not be opposed to this
22 portion of it, but it has far-reaching consequences that
23 I think there are some concerns that we need to iron out
24 before we can really sign off.
25 And I know the folks that I know down there would

1 not be supportive of this at this time.
2 CHAIR LINDEN: Commissioner Perea?
3 COMMISSIONER PEREA: Just in terms of process, if
4 we were to move forward today and you draft the language,
5 and, obviously, you're going to work it and talk to folks
6 that have concerns, would it have to come back to the
7 Commission for approval before we actually submit it?
8 MR. STRESAK: No. To meet the deadline, it would
9 have to be submitted to leg. counsel.
10 But keep in mind, in the legislative process, there
11 is more than ample opportunity to amend and to state your
12 opposition. So we could meet the deadline and keep this
13 alive based on the determination of this Commission.
14 That's an option.
15 COMMISSIONER PEREA: Sure. I would just hate to
16 move forward on something, and then down the road the
17 Commission is split. You know, even though we may have
18 voted to move forward on it, then you see Commission
19 members split on this issue. I mean, I would much rather
20 go down a track of working those kinks out before trying
21 to meet this deadline and rushing it through. But that's
22 just my two cents.
23 COMMISSIONER HAYHURST: If I may, I'm kind of
24 speaking on both sides of it here, I would make a
25 recommendation we move forward on it.

1 There is, as Bob says, there's always time to kill
2 it, pull it, amend it, where the deadline has to be done
3 by the 31st of this month, which is about ten days out,
4 11 days out, or thereabouts. So even though I would
5 probably at this point be opposed to it, I would say I
6 think we should move forward with it and make the
7 appropriate amendments if need be on it.
8 CHAIR LINDEN: And is that a motion?
9 COMMISSIONER HAYHURST: That would be my motion.
10 CHAIR LINDEN: Hayhurst.
11 COMMISSIONER DOYLE: Doyle. Second.
12 CHAIR LINDEN: We have a first by Commissioner
13 Hayhurst, seconded by Commissioner Doyle to approve
14 staff to move forward with the proposed legislation to
15 meet the deadline, but then continual review of the
16 specific language with the Commission or stakeholders.
17 Is that correct?
18 COMMISSIONER HAYHURST: That is correct.
19 CHAIR LINDEN: Okay, is that acceptable, Bob? Is
20 that doable?
21 COMMISSIONER DOYLE: That's acceptable to me.
22 CHAIR LINDEN: Any further discussion on the
23 motion?
24 *(No response)*
25 CHAIR LINDEN: All in favor, please say "aye."

1 *(A chorus of "ayes" was heard.)*
2 CHAIR LINDEN: Any opposed?
3 *(No response)*
4 CHAIR LINDEN: Any abstentions?
5 *(No response)*
6 CHAIR LINDEN: Thank you. Thank you, Commissioner
7 Hayhurst.
8 COMMISSIONER BUI: Yes, It went from nothing to
9 talk about, to 40 minutes of discussion.
10 CHAIR LINDEN: So, Bob, we'll look forward to an
11 update at our April meeting?
12 MR. STRESAK: I think what I'd recommend under
13 these circumstances, is that once the legislation has
14 been drafted, to distribute that as quickly as possible
15 for review.
16 CHAIR LINDEN: Okay, so staff will take care of
17 that?
18 MR. CAPPITELLI: Yes, we'll take care of that.
19 MR. STRESAK: My concern would be that this
20 legislation would move, and then Commission would only
21 have the next opportunity in April to view it. And it
22 may have moved far down the legislative track at that
23 point. It might become more complicated.
24 CHAIR LINDEN: So staff can work with stakeholders,
25 knowing that there are potentially concerns, especially

1 from our labor stakeholders, regarding the specific
2 language and the breadth of the legislation?
3 MR. STRESAK: Correct.
4 MR. CAPPITELLI: Just a point of order, Madam
5 Chair. We'll ensure that we get with the stakeholders,
6 get the input, to make sure that it gets through the
7 vetting process. But we will not disseminate information
8 to the Commission for some type of policy decision in
9 between Commission meetings. That would not be proper.
10 CHAIR LINDEN: Okay, thank you.
11 Thank you, Bob.
12 MR. STRESAK: Thank you.
13 CHAIR LINDEN: Anything else from Leg. Committee?
14 COMMISSIONER BUI: That's it.
15 CHAIR LINDEN: Thank you.
16 Tab S is *Correspondence*.
17 Again, Sheriff McGinness, our greatest condolences
18 for the loss of your deputy. It kind of hit home, since
19 you're on the Commission.
20 COMMISSIONER McGINNESS: Thank you.
21 CHAIR LINDEN: The correspondence that's been
22 received is in your binders.
23 Any questions or any need for discussion on any of
24 the correspondence?
25 *(No response)*

1 CHAIR LINDEN: Okay, seeing none, we'll move to
2 Tab T, which is *Old Business*.
3 And I believe just a staff report on a gaming
4 project contract update.
5 MR. CAPPITELLI: Yes. Mr. Deal will give you some
6 information.
7 MR. DEAL: Madam Chair, Commissioners. As you can
8 see by the bulleted item, you will recall a couple of
9 meetings back, there was a presentation by the vendor
10 that we were using to help us develop gaming software to
11 improve report-writing. And as we all appreciate, that
12 has been a significant problem in law enforcement for a
13 number of years.
14 We had a medium-length honeymoon before it became
15 obvious to us that they did not have the technical skills
16 to complete the project. They did an excellent job in
17 terms of the learning objectives and identifying those
18 and fleshing them out. But unfortunately, as we got
19 closer to the technical development and the technical
20 delivery, there seemed to be a disconnect in terms of
21 focusing their energies in some of the strategies and
22 methodologies that our Learning Technology Resource
23 Center applies whenever developing online training
24 programs.
25 For that reason, we dealt with them on a couple of

1 different levels as far as communications. I've met
2 with their CEO and their chief financial officer, and had
3 conversation with them to see whether or not we could get
4 them back on track and that they would be able to deliver
5 the product.
6 It was clear when they responded back to us with
7 a substantial package of material, much of which was
8 the same material they had given us when the original
9 contract was approved to go with this company. And,
10 unfortunately, it was clear to our staff, who has been
11 working closely with them, that they were not in a
12 position to complete it to our satisfaction.
13 To date, we have spent a little over $96,000, and
14 paid them for the various deliverables that they did
15 complete. However, at this juncture, there remains
16 nearly $197,000 left in that fund.
17 There is some question as to how quickly we have to
18 spend that. We are in a process of trying to identify
19 another vendor. We've had a favorable response from one,
20 who we may be able to contract with. And so we're
21 working diligently to try to accomplish that.
22 If we are able to do so and expend funds before the
23 end of this fiscal year, then we will use funds that you
24 had previously authorized out of this $196,000.
25 If we come somewhat short of that, then we may need

1 to come back after the new fiscal year and seek some
2 additional funding to complete it. But our hope would be
3 that we can expend and get resources that we're hoping to
4 get in the contract out of the money that has already
5 been earmarked.
6 CHAIR LINDEN: Thank you, Alan.
7 Any questions of Alan?
8 *(No response)*
9 CHAIR LINDEN: Comments by Commissioners?
10 *(No response)*
11 CHAIR LINDEN: Okay, thank you.
12 Under *New Business*, we have actually five items.
13 The first is -- and then I'll turn this over to our
14 Advisory Committee chair for action -- on the
15 recommendation by the Advisory Committee for the
16 recipient of the 2008 O.J. *"Bud" Hawkins Exceptional*
17 *Service Award*.
18 MS. WOODS: Thank you, Madam Chair.
19 For the "Bud" Hawkins Award, we received two
20 nominations. And this is the second year that the award
21 has been given. So I don't know if that's going to be
22 the normal number or right about the normal number of
23 nominations that we get. It's a very -- probably a tough
24 award to consider someone for.
25 So we have had two nominations. And our Advisory

1 Committee would like to recommend for the Commission the
2 winner, James "Jim" Fraser.
3 The reasons that we selected Mr. Fraser is that he
4 has enhanced the professionalism of California law
5 enforcement in serving the communities through training.
6 He designed, developed, and delivered several POST
7 instructor programs, including the Master Instructor
8 Development Program, MIDP; the Robert Presley Institute
9 of Criminal Investigation, ICI instructor's course; and
10 the instructor development Institute, IDI.
11 His passion for training is evident in his 20-year
12 commitment to POST, which has had a tremendous impact on
13 the standards of training for law enforcement. Thousands
14 of officers have been trained in the courses James Fraser
15 has developed and presented.
16 CHAIR LINDEN: Okay, questions for Advisory
17 Committee Chair?
18 Commissioner Dumanis?
19 COMMISSIONER DUMANIS: I would like to offer
20 another alternative to that recommendation. I understand
21 that the Advisory Committee is recommending this, but as
22 I understand, it is advisory.
23 Sheriff Smith -- Commissioner Smith submitted --
24 and I joined in that submission, a nomination for Sheriff
25 Bill Kolender. And I would like to offer to all of

1 you -- perhaps I didn't do a good job in filling out all
2 the information about him and not knowing that this was a
3 decision until now. I've sort of made some rough notes.
4 But many of you here probably know Sheriff
5 Kolender, but he has served in the law enforcement
6 community for more than 52 years. He has announced that
7 he is not running the next election cycle, so he is at
8 the end of his, at least, law enforcement career.
9 He was in the San Diego Police Department for many
10 years, serving as the president of the San Diego POA,
11 serving as a line officer all the way up through chief
12 of police. He was one of the youngest chiefs of police,
13 I think, in the nation.
14 When he came to San Diego Police Department, he was
15 instrumental in diversity, in bringing women on board,
16 as well as minorities, outreaching to the community,
17 initiated community-oriented policing, PERT, and was
18 active in training on all different levels in terms of
19 mental-health issues and officer safety and all kinds of
20 things.
21 And I apologize that I'm not being a little bit
22 more in depth about this because I wasn't expecting it.
23 He served as the chief of police of San Diego for,
24 I think it was 14 years, has done numerous things within
25 the community to make officers' lives better, and line

1 on the streets better in terms of getting funding and
2 handling issues at that level.
3 He also was the head of the California Youth
4 Authority for several years, and then was actually
5 recruited to run for sheriff of San Diego County because
6 of problems that existed before in the Department. And
7 he ran, and has been, I think, 14 years now the sheriff
8 as well. It might be 16 years, I'm not sure.
9 And in his time as sheriff, he has served as
10 president of the California State Sheriffs' Association.
11 He united the office that he was the sheriff of, and has
12 had a great relationship with the Deputy Sheriffs'
13 Association, is very supportive of them as well.
14 He was a POST Commissioner for many years. Served
15 as the chair of the Commission, and has been a leader in
16 the San Diego area, but not just in San Diego. He has
17 been a leader in the state and a leader in the nation.
18 In terms of advising governors, each governor from Jerry
19 Brown, on, he has been advisor to. He has been
20 instrumental in legislation for the law enforcement
21 community. He has received numerous awards. He has been
22 involved in -- we were talking about disaster and
23 handling the fires. He's been involved and a leader in
24 the area of the shootings that happened in the schools in
25 San Diego, Santana High School and another one of the

1 high schools, Heaven's Gate, the PSA crash, the Cedar
2 fires. He was a leader in that area.
3 He's on the mental-health commission that the
4 Governor has. He's been a fierce advocate for getting
5 funding to the sheriff's departments and law enforcement
6 for mental-health issues, because certainly one of his
7 expressions is that his department is the biggest mental
8 health facility in the County of San Diego, because most
9 of them are arrested. And he's a very big supporter of
10 treatment and programs within the jail.
11 He brought to -- as a result of these disasters --
12 psychological employee assistance programs to the
13 officers, so that they had somebody that was not going
14 to be reporting back to him or management for disasters;
15 and it has been used on numerous occasions for something
16 like 800 calls per year, that kind of thing.
17 He brought in chaplains to all of his departments,
18 started various other things. And I could go on and on.
19 But Commissioner Smith and I proposed that. I
20 appreciate and now understand what the Advisory
21 Committee's recommendation was.
22 And I would recommend that we offer both of these
23 individuals the *"Bud" Hawkins Exceptional Service Award.*
24 CHAIR LINDEN: Could I ask Alan -- where are you?
25 Could you come up and maybe just remind us of

1 what's the criteria for the award and what is the process
2 that was used by our Advisory Committee to make the
3 recommendation?
4 MR. DEAL: We provide to each of the Advisory
5 Committee members a packet of material of all the
6 nominations that have been submitted to us. It includes
7 a comprehensive set of things that they should look at,
8 things that they should weigh and consider.
9 We break them up into groups.
10 Typically, because of the large number of special
11 categories that are part of the *Training Excellence*
12 *Award*. And then the entire group considers the
13 nominations for *"Bud" Hawkins* as a total, or as a whole
14 group.
15 They receive all the nominations so that they can
16 go through them and review them.
17 And it was clear by some of the questions, some of
18 the phone calls we got from members, where they felt
19 there was a page missing, or whether there was some
20 additional information or they were looking on the Web
21 site for the criteria by which the nominator would
22 complete the forms.
23 And so we convened them a day before the Finance
24 and Advisory Committee meeting in the afternoon of the
25 preceding day. And they go through a process by which

1 they vet and discuss what their recommendations are. And
2 in this case, it has followed that pattern or that
3 practice for, I'd say, the 16 years that we've had the
4 exceptional -- or the *Training Excellence Award* or
5 Governor's Award prior to that.
6 And when we developed the criteria, the methodology
7 for the *"Bud" Hawkins Award*, it mirrors very closely the
8 same standards or the same practice that we used for the
9 *Training Excellence*.
10 When we completed that process, where the
11 methodology was developed by the Advisory Committee, that
12 was provided to the Commission for approval to authorize
13 that that would be the method that we would employ.
14 And at this juncture, the way the standard is laid
15 out, we do not provide for a runner-up category in the
16 *"Bud" Hawkins Award*. So it is typically one award or the
17 Commission has the authority to not recommend anyone.
18 CHAIR LINDEN: And what's the criteria for the
19 *"Bud" Hawkins Award*?
20 MR. DEAL: I didn't bring that with me in terms of
21 the actual breakdown. But what you receive in terms of
22 the form set or the packet, it is broken down in a way
23 where all of that information is available to you, where
24 it's a fillable form, so that you have the criteria and
25 you can insert the information into that fillable form

1 that addresses each of the criteria that are laid out.
2 CHAIR LINDEN: Because it's an award focused on
3 service to POST; correct? Versus the *Excellence in*
4 *Training*?
5 MR. CAPPITELLI: He has the criteria.
6 MR. DEAL: Well, let me give you the selection
7 criteria. Daria was -- again, we are going to miss her.
8 CHAIR LINDEN: Yay, Daria. Woo-hoo.
9 MR. DEAL: "The selection criteria focuses on
10 individuals' contributions, legacy, dedication and
11 exceptional service." And then it goes further. It
12 talks about contributions and breaks that down.
13 "The individual shall have a significant
14 contribution or contributions in furtherance of POST's
15 mission and goals."
16 "Legacy. The contributions shall have made a
17 sustained impact on POST and California law enforcement."
18 "Dedication. There shall be evidence of individual
19 dedication, perseverance, overcoming obstacles for
20 collaborative efforts with law enforcement and/or
21 training community."
22 "Exceptional service. There shall be evidence that
23 these contributions represent exceptional service."
24 And this is the packet of material that is provided
25 to all of the Advisory Committee members, along with all

1 of the nomination forms that they would consider.
2 CHAIR LINDEN: Okay, thank you.
3 Commissioner Smith?
4 COMMISSIONER SMITH: To add to Commissioner
5 Dumanis, Sheriff Kolender has also had a long term on
6 the POST Commission. I don't remember what years, but
7 I think he served under Boehm, and certainly under
8 Mr. O'Brien. And I really think he fits the criteria.
9 He is recognized for the quality of training they provide
10 in San Diego, their training facilities; and I think he
11 truly is an exceptional candidate for lifetime
12 achievement.
13 VICE-CHAIR SOBEK: Madam Chair?
14 CHAIR LINDEN: Commissioner Sobek.
15 VICE-CHAIR SOBEK: Just an order of clarification
16 for me. We can choose somebody other than what the
17 Advisory Committee has chosen; correct? That's just an
18 advisory -- a position from the Advisory Board; correct?
19 MR. DEAL: Correct. That is correct.
20 CHAIR LINDEN: Yes, Commissioner McGinness?
21 COMMISSIONER McGINNESS: Just by way of background,
22 I know both these gentlemen, Jim Fraser and Sheriff
23 Kolender both very well. I consider them both friends.
24 I hold them both in very high regard. But in all candor,
25 there's no comparison between the two. Sheriff Kolender

1 has been in the law enforcement business in this state
2 for 52 years. He has run not one, but two of
3 California's major law enforcement agencies, served
4 extensively on the POST Commission. And I think he
5 really, truly embodies everything that the *"Bud" Hawkins*
6 *Award* was intended for.
7 So with all due respect to Commissioner Dumanis, I
8 would recommend not two recipients, but I would be
9 inclined to make a motion that this body advance Sheriff
10 Kolender for the *"Bud" Hawkins Award*.
11 COMMISSIONER DUMANIS: Well, I would second that.
12 I was just suggesting that as a compromise. But I
13 would never want to see Bill Kolender be a runner-up. He
14 is a star. He is heads-and-shoulders above everyone,
15 and I think we should recognize that.
16 MR. CAPPITELLI: Madam Chair, if I may?
17 CHAIR LINDEN: Yes.
18 MR. CAPPITELLI: Just a comment. Certainly, as a
19 Commission, it's your decision to approve or not to
20 approve.
21 I would just mention that by doing so in this
22 manner, at this time, in essence, it undermines the
23 process that's in place that got us to this juncture.
24 And I completely concur that both Sheriff Kolender and
25 Mr. Fraser are both uniquely qualified to get this. But

1 I revert to the process involved and how we got to this
2 point.
3 If it's your recommendation -- and I discussed this
4 briefly with the Chair on the sidebar -- if it's your
5 recommendation to approve or not to approve this, then
6 I suppose you could ask to have the Committee reconvene
7 and consider new information, if that be your decision.
8 But I would say, to have the Commission make the
9 decision, when it's actually the Advisory Committee by
10 process that makes that decision, would undermine the
11 process itself.
12 COMMISSIONER DUMANIS: Well, but isn't that why
13 it's an advisory opinion, basically, for us to consider
14 based on the information?
15 You know, with all due respect, I didn't realize
16 that it was happening the day before. I know that the
17 reason why I knew about the *"Bud" Hawkins Award* was
18 because I received an e-mail. I didn't receive an e-mail
19 about the process. I didn't receive the e-mail about
20 when people were going to meet. I didn't realize that
21 the forms weren't filled out effusively enough, and where
22 two commissioners have submitted this as a nomination,
23 I would have had hoped that somebody would have notified
24 us that if there were things that were lacking, and also
25 to be present during that process.

1 So I do think -- I'm sorry that it had to be this
2 way, in a public way, to talk about two people that are
3 very good; but I think that we're not doing the sheriff
4 very well by not considering it. And so I think where
5 it does permit us to make that decision, we should
6 consider it, we should evaluate it. And I have no
7 problem with having the Committee reconvene. But I think
8 that most people here know Sheriff Bill Kolender because
9 he is so well regarded, because of his years of service.
10 CHAIR LINDEN: Thank you, Commissioner.
11 We do have a motion on the floor by Commissioner
12 McGinness.
13 I have heard in our discussion on the motion a
14 potential alternative put forward by our Executive
15 Director and one that was just whispered to me by our
16 Advisory Committee Chair, and perhaps Commissioner
17 McGinness would consider either one of these -- which
18 is, number one, to not necessarily act on approving or
19 not approving the nominee put forward by the Advisory
20 Committee or the alternate, and suggested that to refer
21 it back to the Advisory Committee for further
22 consideration based on the information presented today
23 in discussion.
24 The other alternative that our Chairperson of
25 Advisory just put forward would be for our Advisory

1 Committee Chair to forward all of the information they
2 received on both nominees to the Commissioners for a
3 selection -- a final selection at our next meeting, since
4 we don't have that information in front of us.
5 I don't know Jim Fraser. I know Sheriff Kolender,
6 but I don't have a basis to make a personal judgment on
7 which one deserves it.
8 We do have a motion on the floor. It will be
9 incumbent on the motion-maker if he wishes to revise his
10 motion, or if not, we'll take action on the action on the
11 floor.
12 COMMISSIONER McGINNESS: I'd be willing to withdraw
13 my motion and move that the information about both
14 candidates be shared with the entire Commission for the
15 purpose of making a final decision at the next meeting.
16 Is that --
17 CHAIR LINDEN: That was one of the alternatives.
18 First of all, we have a motion on the floor.
19 Do we have a second to that motion?
20 COMMISSIONER LUNDGREN: The original second, are
21 they going to agree with that?
22 COMMISSIONER McGINNESS: Dumanis seconded the
23 original.
24 COMMISSIONER DUMANIS: I accept the amendment.
25 Sure.

1 CHAIR LINDEN: I think if the motion-maker amends
2 it, I don't think the original second --
3 So we have a new motion on the floor for all the
4 Commissioners to receive the nominating information for
5 both candidates and for the Commission itself to make a
6 final decision on the *"Bud" Hawkins Award* at our
7 April meeting.
8 Discussion on the motion?
9 Commissioner Sobek?
10 VICE-CHAIR SOBEK: I think you had your hand up
11 first.
12 CHAIR LINDEN: I'm sorry, Commissioner Smith?
13 COMMISSIONER SMITH: I'd like, with the caveat that
14 we are able to provide additional information on Sheriff
15 Kolender because I understand that part of it was the
16 manner in which they were written up. You know, one was
17 more extensive than the other. And I apologize for that.
18 But I think that we probably need to be able to provide
19 everybody with the full picture, other than what they've
20 just verbally received here.
21 If it's the quality of the write-up, I think we
22 need to look at the quality of the person and the career.
23 And that certainly is nothing against the other
24 applicant. I'm sure that he is very well deserving, too.
25 CHAIR LINDEN: Would we invite both applicants or

1 both nominees -- I understand. But would the person who
2 nominated Mr. Fraser be able to submit additional
3 information as well?
4 COMMISSIONER SMITH: Absolutely.
5 CHAIR LINDEN: Both? Okay.
6 Commissioner, would you like to amend your motion
7 based on that?
8 COMMISSIONER DUMANIS: To allow --
9 COMMISSIONER McGINNESS: Yes, I would. Just what
10 she said.
11 CHAIR LINDEN: This is all coming back to you.
12 COMMISSIONER McGINNESS: Yes.
13 CHAIR LINDEN: Commissioner Sobek?
14 VICE-CHAIR SOBEK: With all due respect to everyone
15 here, we are still tweaking the process and putting it
16 into our hands as the Commission. And, you know, I'm not
17 so sure I'm fine with that. But, you know, we have to
18 have great respect for the Advisory Committee.
19 And I think -- well, I'm going to speak on the
20 motion. I still think that puts it into our hands and
21 changes the process, just to let everybody know that
22 that's my concern.
23 And I'll leave it at that.
24 CHAIR LINDEN: Okay, thank you.
25 Yes?

1 MR. CAPPITELLI: Yes, Madam Chair, just a
2 consideration. If you decide to do this, please
3 understand that this throws the timetable off for the
4 acknowledgment of the recipients themselves, because --
5 Alan, can you tell us what the plan is, or it was for the
6 recipients to receive the awards? When and where and
7 everything?
8 MR. DEAL: Yes. As you recall, a year ago, at
9 the April Commission meeting, we bring in a lot of our
10 sound stage materials and setup. We invite the
11 nominator, the recipients of the *Excellence Award*, and
12 obviously the *"Bud" Hawkins Award*. And they bring
13 members of their staff to participate in it. And it is
14 a significant presentation that takes place. And that
15 was -- we do it that way because that was the
16 direction of the Commission, to acknowledge people who
17 have done a tremendous amount of work.
18 A lot of the work that we do is behind the scenes
19 in terms of taking the awards themselves and getting the
20 engraving completed, and then the setup and preparation
21 that Ron typically provides for us and does an excellent
22 job, and all the logistics of getting the recipients
23 there. So it would have an impact.
24 CHAIR LINDEN: Okay, thank you.
25 COMMISSIONER McGINNESS: And that would be

1 scheduled for the next Commission meeting?
2 MR. DEAL: That's correct. April is when we do
3 that.
4 CHAIR LINDEN: Individuals can be resubmitted in
5 subsequent years; correct?
6 MR. DEAL: That's correct.
7 CHAIR LINDEN: Okay, yes, Commissioner Doyle?
8 COMMISSIONER DOYLE: I guess I have a question
9 about process. I understand that this is the Advisory
10 Committee's role, to do this. But the agenda item says
11 "action on recommendation."
12 CHAIR LINDEN: Right.
13 COMMISSIONER DOYLE: So it would seem to me, if
14 that's their recommendation, that the full board has the
15 authority to change that.
16 CHAIR LINDEN: Right. That's my understanding, and
17 I think Bob affirms that.
18 COMMISSIONER DOYLE: Okay, I was sort of troubled
19 by Paul's remarks, that we were doing something out of
20 process or out of policy.
21 MR. CAPPITELLI: No, please don't misunderstand
22 me, Commissioner. What I was saying is, if you decide
23 to do this, it undermines the process that's in place.
24 It takes it to a different point. This is unprecedented.
25 We have not done this before.

1 COMMISSIONER DUMANIS: Well, we've only done it two
2 times, though; right?
3 MR. CAPPITELLI: Well, that's true.
4 Yes, I'm not suggesting that it does something
5 different. It's not been done before this way.
6 COMMISSIONER McGINNESS: Okay, I understand.
7 Madam Chair, with all apologies to the gentleman
8 trying to keep notes on this meeting, I am inclined to
9 withdraw my second motion and go back to my first, given
10 the information provided by Alan as to the April meeting.
11 With all due respect to the process and the good
12 intentions of all parties involved, I feel compelled to
13 share my observations and give others the opportunity to
14 do the same, and respect the final outcome, whatever it
15 might be.
16 With that in mind, I'm inclined to move that
17 Sheriff Bill Kolender be the recipient of the *"Bud"*
18 *Hawkins Award*.
19 CHAIR LINDEN: Thank you. So now we have a new
20 motion on the floor.
21 COMMISSIONER DUMANIS: A new second.
22 CHAIR LINDEN: Second by Commissioner Dumanis.
23 Discussion on the motion?
24 Commissioner Hayhurst?
25 COMMISSIONER HAYHURST: Further comment.

1 Again, I'll have to kind of defer out to our
2 Executive Director that I think it really will send a
3 very bad message to our Advisory Committee. It basically
4 has told them that although we appreciate what they do,
5 we choose to do something different. If they want to,
6 the Advisory Committee wants to reconsider, by sending
7 it back to them, I would think that's maybe a better
8 alternative way to do it.
9 I don't know Mr. -- I know the sheriff, he's a good
10 man. I agree with it wholeheartedly that he is very
11 deserving of the award. However, this is not the last
12 award that will be given out. There's always next year.
13 I just have some heartache with undermining the
14 Advisory Committee. I think that sends a very bad
15 message to the people that work hard to advise us, that
16 do a lot of the legwork, do a lot of research and stuff.
17 It's a tough decision under the best-case scenario. And
18 for us to do this, it's sending a bad message to them.
19 Thank you.
20 CHAIR LINDEN: Thank you, Commissioner.
21 Yes, Commission Smith?
22 COMMISSIONER SMITH: I have all the respect in the
23 world for the Advisory Board. I believe they do a good
24 job.
25 Their role is advisory. And I think that since

1 I've been a commissioner both times, I think we've always
2 accepted the recommendation of the Advisory Board because
3 we hold them in such esteem. But they still are
4 advisory. And if we look at -- if we go against one of
5 their decisions, who really is making the decisions for
6 POST? Is it the Advisory Board or the Commission?
7 CHAIR LINDEN: Thank you.
8 Yes, Commissioner Lundgren?
9 COMMISSIONER LUNDGREN: Thank you, ma'am.
10 My only issue here is that I haven't had the
11 opportunity to review in detail what the Advisory
12 Committee has of both individuals, and they both sound
13 like outstanding individuals. And I would support to
14 bifurcate the award. I mean, that's really a position
15 I do -- but I don't agree with that.
16 And so it would be very difficult for me to make a
17 vote either way based on a 15-minute conversation in this
18 committee on who I would want to give this prestigious
19 award to.
20 And so I would have to recommend maybe we send it
21 back to Advisory, so that we keep the same process in
22 mind, and let them vet it out and then bring it back to
23 us. And at that time, we'll have a better understanding.
24 The problem is, we are under a time hack. Can we
25 move that back to the 50th anniversary and maybe present

1 it there? I don't know. I just -- it's a very
2 uncomfortable decision on a 15-minute conversation.
3 CHAIR LINDEN: Thank you.
4 And I believe the time-line can be moved. I mean,
5 that's -- yes.
6 Let's see, Commissioner Van Attenhoven?
7 COMMISSIONER VAN ATTENHOVEN: I just have two
8 questions. One was, could we move it to the 50th
9 Anniversary? That would be kind of a nice time to
10 present the award.
11 But just for my own information, was the first
12 recipient Ken O'Brien last year?
13 COMMISSIONER DUMANIS: Bill Kolender was here for
14 that process, to hire him.
15 MR. VAN ATTENHOVEN: Right.
16 CHAIR LINDEN: I had a hand over here.
17 Commissioner Perea?
18 COMMISSIONER PEREA: I don't know either one of the
19 individuals that are up for this award, but I think
20 moving it to the 50th anniversary would give us
21 sufficient time to actually work with the Advisory
22 Committee to get this done. I mean, I like the second
23 motion, I was prepared to vote for the second motion.
24 I'm still prepared to vote for that.
25 But I guess what I'd hate to see is this go

1 forward, and if it doesn't have the votes to go, hearing
2 the high regard that so many people have for this
3 sheriff, I'd hate for word to get back to him that he
4 was, you know, a vote or two shy of making this go.
5 So I think just to keep the peace and make this move
6 forward, I'd rather have us move it for the 50th
7 anniversary and have enough time for the Advisory
8 Committee to get together.
9 CHAIR LINDEN: So you're suggesting an alternative
10 motion or a follow-up motion, should the motion on the
11 floor not pass, of returning it to the Advisory Committee
12 with additional information for reconsideration?
13 COMMISSIONER PEREA: Or at least the second motion
14 having each Commissioner having had the opportunity to
15 review each candidate so that we can make that decision
16 with a little more information.
17 CHAIR LINDEN: Okay. Other comments?
18 I have one, but I'll defer.
19 Yes, Commissioner Bui?
20 COMMISSIONER BUI: I don't know, maybe this is a
21 good idea, maybe it's a bad idea. But would it be
22 possible to -- I mean, would it be possible to maybe take
23 a 10-, 15-minute break and maybe have the Advisory Board
24 meet for a couple of minutes and have them discuss this?
25 CHAIR LINDEN: I don't think they're all here, is

1 the problem. And I don't think that would be fair to our
2 Advisory Committee members who are not present.
3 Are we missing some members?
4 MS. WOODS: We are missing a number.
5 COMMISSIONER DUMANIS: That was a good idea,
6 though.
7 COMMISSIONER BUI: Thanks.
8 CHAIR LINDEN: Well, let me just make a quick
9 comment.
10 I feel very much between a rock and a hard place,
11 as I'm sure a few of us do, because I know Sheriff
12 Kolender, and I have absolutely tremendous respect.
13 But I do go back to the process, and that was that
14 nominations were submitted. And I kind of think of it
15 like a grant. If you submit it well the first time, then
16 you have a shot at getting funded; if you don't, and
17 based on the information submitted, you don't get funded,
18 there's no second bite at the apple if you weren't
19 complete on the submission.
20 So I'm really struggling between respecting the
21 process and respecting the Advisory Committee's
22 recommendation based on the information they have, they
23 had at the time, and personally knowing how deserving
24 Sheriff Kolender is.
25 And I'm also saying this in the context of knowing

1 my name is going to be first up on the roll-call vote.
2 So maybe if we could reorder that really quick.
3 But, you know, I think -- and the reason I sort of
4 confirm with Bob is, I think our Advisory Committee is
5 having to base their recommendations on the information
6 that was submitted, that they had at hand, whether it was
7 complete or not, whether it was accurate or not. And
8 people can be resubmitted, if not selected the first time
9 around. And so that's just kind of sharing my thoughts
10 about it.
11 That being said, we do have a motion on the floor,
12 unless the motion-maker would like to amend again.
13 *(No response)*
14 CHAIR LINDEN: Not seeing him say anything, so we
15 have a motion on the floor for the Commission to award
16 the *O.J. "Bud" Hawkins Award* to Sheriff Bill Kolender
17 from San Diego County. And we have a second by
18 Commissioner Dumanis.
19 Any further discussion on the motion?
20 *(No response)*
21 CHAIR LINDEN: If not, I think we'd better do this
22 by roll call, since I have a feeling this is --
23 COMMISSIONER CAMPBELL: This is really a tough
24 vote, Madam Chairman. Because we're voting against a guy
25 that we'd like to see, or we're voting for a guy we'd

like to see, when the information wasn't there. I don't like to be put in this spot.

CHAIR LINDEN: I completely understand.

We do have a motion on the floor. If people don't agree, and don't want to be put on the spot, and if the motion does not carry, let's put it that way, then somebody could certainly put forward an alternative motion. But we do need to take action on the motion on the floor, given no further discussion.

So with that, Karen, would you call for the roll call?

MS. HIGHTOWER: Linden?

CHAIR LINDEN: No.

MS. HIGHTOWER: Batts?

(No response)

MS. HIGHTOWER: Bui?

COMMISSIONER BUI: No.

MS. HIGHTOWER: Campbell?

COMMISSIONER CAMPBELL: God-dang it. I can't abstain. I'm going to vote yes.

MS. HIGHTOWER: Doyle?

COMMISSIONER DOYLE: Yes.

MS. HIGHTOWER: Dumanis?

COMMISSIONER DUMANIS: Yes.

MS. HIGHTOWER: Hayhurst?

1 COMMISSIONER HAYHURST: No.
2 MS. HIGHTOWER: Lowenberg?
3 COMMISSIONER LOWENBERG: Yes.
4 MS. HIGHTOWER: Lundgren?
5 COMMISSIONER LUNDGREN: No.
6 MS. HIGHTOWER: McGinness?
7 COMMISSIONER McGINNESS: Yes.
8 MS. HIGHTOWER: Perea?
9 COMMISSIONER PEREA: Yes.
10 MS. HIGHTOWER: Smith?
11 COMMISSIONER SMITH: Yes.
12 MS. HIGHTOWER: Sobek?
13 VICE-CHAIR SOBEK: Yes.
14 MS. HIGHTOWER: Van Attenhoven?
15 COMMISSIONER VAN ATTENHOVEN: Yes.
16 MS. HIGHTOWER: Anderson?
17 COMMISSIONER ANDERSON: Yes.
18 CHAIR LINDEN: I have it as, motion carries by a
19 vote of 10 to 4 noes.
20 Is that correct, Karen? Is that what you have?
21 MS. HIGHTOWER: Yes.
22 CHAIR LINDEN: Thank you.
23 And if I may, please don't misinterpret -- and I'm
24 sure there's four of us that feel this way -- that our
25 "no" vote isn't any commentary on whether or not Sheriff

1 Kolender is deserving. For me, it was all about process
2 and about the recommendation based on the information
3 that our Advisory Committee, who I know is very diligent,
4 had at the time and what was submitted. And I tend to
5 lean towards process.
6 COMMISSIONER DUMANIS: I don't think anyone took it
7 otherwise, on anyone's account.
8 CHAIR LINDEN: Good.
9 COMMISSIONER DUMANIS: And I do want to say for the
10 record, that I do value the Advisory Committee. And as
11 Commissioner Smith said, I mean, we have generally gone
12 along. But I do think we have to exercise independent
13 judgment. And I do appreciate, though, what you do.
14 So please don't take that as anything other than a
15 difference of opinion.
16 CHAIR LINDEN: Perhaps our chair can encourage
17 Mr. Fraser to be -- whoever nominated him -- to perhaps
18 resubmit for a subsequent year, next year.
19 MS. WOODS: Sure, sure.
20 CHAIR LINDEN: Thank you.
21 Whew -- god, I hope the next one goes a little
22 faster and smoother. We'll just keep Commissioner
23 McGinness out of this one.
24 The next is action on the recommendation of the
25 Advisory Committee for the recipients of the 2008 *POST*

1 *Excellence in Training Award.*
2 Madam Chair?
3 MS. WOODS: Oh, here we go again.
4 All right, for the *POST Excellence in Training*
5 *Award*, individual achievement, we decided on a runner-up
6 as Tony Farrar, captain, Rialto Police Department. We
7 had 14 nominations for the individual achievement award,
8 so these were not easy decisions.
9 Again, we would like to -- well, I'll explain to
10 you why we selected him as the runner-up. He has
11 developed and presented critical incident training using
12 many methods of training, including online activities,
13 scenario-debriefing, decision-making, and humor. He's a
14 trainer in eight different disciplines. He has created
15 curriculum for the Advanced SWAT Commanders Course and
16 published numerous training manuals and bulletins. He
17 has dedicated his professional career to be the best he
18 can be by constantly seeking ways to deliver training.
19 Tony Farrar attended the MIDP and has maintained
20 currency in his subject matter by networking with other
21 subject-matter experts.
22 And that was our runner-up.
23 We would like to recommend as the winner of the
24 individual achievement award Gail Jones who is a senior
25 community services liaison at College Hospital. Gail

1 Jones has been innovative in the development and
2 delivery of issue-oriented training on mental illness and
3 suicide-by-COP. The training she has provided has had a
4 great impact on a number of departments. She coordinated
5 numerous training seminars throughout Los Angeles County
6 and Orange County. Gail Jones is not a peace officer;
7 however, her training has benefitted law enforcement and
8 other agencies that have had to deal with serious
9 societal issues.
10 CHAIR LINDEN: Okay, so we have a nomination for
11 the winner Gail Jones and a runner-up.
12 Any questions for our Advisory Committee chair or
13 comments?
14 VICE-CHAIR SOBEK: Motion to approve.
15 COMMISSIONER McGINNESS: Motion to approve.
16 CHAIR LINDEN: You just beat him out, Mike.
17 Moved by Commissioner Sobek, seconded by
18 Commissioner McGinness.
19 Any discussion on the motion? I'm not even going
20 to ask for alternate motions.
21 *(No response)*
22 CHAIR LINDEN: Seeing none, all in favor, please
23 say "aye."
24 *(A chorus of "ayes" was heard.)*
25 CHAIR LINDEN: Any opposed?

1 *(No response)*

2 CHAIR LINDEN: Any abstentions?

3 *(No response)*

4 CHAIR LINDEN: Thank you.

5 Our next order of business is, we have a

6 communication from CAPTO.

7 MS. WOODS: Wait, wait, wait. We have two more

8 awards.

9 MR. CAPPITELLI: Different categories. Another

10 category.

11 CHAIR LINDEN: Oh, I'm sorry. My apologies.

12 MS. WOODS: That's okay. But we should probably

13 just take them one at a time because we don't ever know.

14 CHAIR LINDEN: I'm sorry, we had organizational

15 achievement and lifetime. My apologies.

16 MS. WOODS: For organizational achievement, the

17 Advisory Committee would like to put forward as a

18 runner-up Fairfield Police Department.

19 The Fairfield Police Department developed a

20 state-of-the-art training facility designed to

21 accommodate regional training needs, including state

22 agencies. The Department has reached out to a wide range

23 of agencies in order to become a regional provider of

24 training. The Fairfield Police Department is recognized

25 for its outreach efforts and for providing high-end

1 enforcement services and training.
2 And the winner that we would like to recommend for
3 the organizational achievement is Rio Hondo College
4 Regional Law Enforcement Training Center. The Rio Hondo
5 Training Center offers update and continuous
6 collaborations with chiefs advisory panels. The Training
7 Center provides basic and advanced courses to a variety
8 of officers throughout the Los Angeles and Orange County
9 area. Rio Hondo has an excellent reputation and history
10 of training law enforcement's finest from a multitude of
11 agencies. The Training Center continually strives to
12 remain state-of-the-art in its programs. For example,
13 the Training Center has secured Homeland Security funds
14 to develop facilities to be a regional presenter of
15 terrorism training.
16 COMMISSIONER LOWENBERG: Move on the
17 recommendation.
18 COMMISSIONER PEREA: Second.
19 CHAIR LINDEN: Okay, the motion on the floor is to
20 approve Rio Hondo Training Center to receive the
21 organizational achievement award and runner-up of
22 Fairfield Police Department.
23 Any discussion on the motion?
24 *(No response)*
25 CHAIR LINDEN: The motion was by Commissioner

1 Lowenberg, second by Commissioner Perea.
2 All in favor, please say "aye."
3 *(A chorus of "ayes" was heard.)*
4 CHAIR LINDEN: Any opposed?
5 *(No response)*
6 CHAIR LINDEN: Any abstentions?
7 *(No response)*
8 CHAIR LINDEN: Thank you.
9 And lastly, is lifetime achievement.
10 MS. WOODS: Right.
11 I also want to mention, there were only three
12 nominations for the organizational achievement.
13 There are nine nominations for the lifetime
14 achievement.
15 We chose as runner-up Alan Green, who is a sergeant
16 with the Los Angeles Police Department. Alan Green has
17 been involved in a major revision of the Drug Abuse
18 Resistance Education curriculum known as DARE, which has
19 been recognized nationally and internationally. He has
20 provided DARE training to many officers and thousands of
21 youth.
22 Alan Green has had a positive effect on the lives
23 of many young people and has been recognized in thousands
24 of letters of appreciation and by two U.S. First Ladies
25 for his important contribution to the DARE program.

1 And as a winner, we selected Gordon Graham from
2 Cavenaugh and Associates. Gordon Graham provides solid,
3 realistic, ongoing, and verifiable training to thousands
4 of officers, and has created a Web site for law
5 enforcement safety training. He is affiliated with a
6 company that strives to standardize training nationwide.
7 Gordon Graham is nationally and internationally
8 recognized as one of the top trainers and contributors
9 to law enforcement.
10 Those are the recommendations from the Advisory
11 Committee.
12 COMMISSIONER McGINNESS: Moved.
13 COMMISSIONER DUMANIS: Second.
14 CHAIR LINDEN: Okay, moved by Commissioner
15 McGinness, seconded by Commissioner Dumanis.
16 Is that correct?
17 COMMISSIONER DUMANIS: Yes.
18 CHAIR LINDEN: For Gordon Graham to receive a
19 lifetime achievement award with a runner-up of Alan Green
20 from the Los Angeles Police Department.
21 Any discussion on the motion?
22 *(No response)*
23 CHAIR LINDEN: All in favor, please say "aye."
24 *(A chorus of "ayes" was heard.)*
25 CHAIR LINDEN: Any opposed?

1 *(No response)*

2 CHAIR LINDEN: Any abstentions?

3 *(No response)*

4 CHAIR LINDEN: Thank you.

5 Thank you, Madam Chair.

6 Our next order of business is, we've been informed

7 by CAPTO that their representative to the Advisory

8 Committee, Bill Dooley, has resigned his position due to

9 a change in assignment. They are nominating Tim Willmore

10 to fill the unexpired term of Mr. Dooley on the POST

11 Advisory Committee on behalf of CAPTO.

12 Any questions about that nomination?

13 *(No response)*

14 CHAIR LINDEN: Do we have a motion?

15 COMMISSIONER LUNDGREN: Move to approve.

16 CHAIR LINDEN: Moved by Commissioner Lundgren.

17 Second?

18 COMMISSIONER McGINNESS: Second, McGinness.

19 CHAIR LINDEN: Second by Commissioner McGinness.

20 Any discussion on the motion?

21 *(No response)*

22 CHAIR LINDEN: All in favor, please say "aye."

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

24 CHAIR LINDEN: Any opposed?

25 *(No response)*

1 CHAIR LINDEN: Any abstentions?
2 *(No response)*
3 CHAIR LINDEN: Thank you.
4 Two just very quick items before we adjourn to
5 closed session. It is the time to select the nominating
6 committee -- or for the Chair to select the nominating
7 committee to nominate the incoming chair and vice-chair
8 for 2009-10 term. Traditionally, it has been the
9 nominating committee has comprised of the existing
10 Commission chair, the immediate past chair which is
11 Commissioner Lowenberg. And I've asked Commissioner
12 Perea and Commissioner Van Attenhoven to serve on that
13 committee, and they have both indicated that they accept.
14 So the four of us will convene by conference call
15 within the next several weeks and bring back at our
16 April meeting the committee recommendations for chair and
17 vice-chair for the incoming year.
18 Any objections to that?
19 *(No response)*
20 CHAIR LINDEN: Thank you.
21 And finally, our Executive Director has information
22 about the great pin I'm wearing.
23 MR. CAPPITELLI: Thank you, Madam Chair, Members of
24 the Commission. We are moving forward with our plans for
25 the 50th anniversary recognition. And with that, you'll

1 have in front of you here -- you should have a letter
2 outlining all of the specific information about the
3 event, which is slated to be held here at this location.
4 If something changes on the venue, we'll let you know.
5 But at this moment, that's where it's slated to be held
6 in conjunction with our July meeting.
7 Also, we have worked -- staff has worked with one
8 of the vendors to develop a pin that I would like to
9 ceremoniously pass around the table for each one of you
10 to take. And this is a pin which is commemorating our
11 50th. And our motto, our theme, as you well know, is
12 "*Honor the past, shape the future.*" And that was a
13 contest we had in the office and one of our employees.
14 You have your pins? Do you all have your pins?
15 You ceremoniously took them off the table before --
16 no, we handed them out? Okay, great. Thank you.
17 I have one last item.
18 CHAIR LINDEN: Yes.
19 MR. CAPPITELLI: Okay, very briefly. We're going
20 to send out a survey to all of you about the method and
21 manner in which we develop and distribute these binders
22 and materials to all of you. And you'll have some
23 choices to be -- we don't need to discuss it here.
24 You'll have some choices.
25 I will say at the front end of this, if you choose

1 to continue to receive the binder in the method and
2 manner in which you have, that's fine, we'll continue to
3 do that. But any other adjustments that we can make to
4 minimize the amount of staff time, we'd like to do.
5 So we'll send out an e-mail to all of you outlining
6 the process -- for feedback, and then hopefully by the
7 next meeting we'll have an idea of what we'd like to do
8 to save a little staff time, and maybe save some trees.
9 That's all I have, Madam Chair.
10 CHAIR LINDEN: Great. Thank you.
11 We do have a very important closed session. So
12 Commissioners, please stay.
13 We will adjourn the regular meeting, take a
14 five-minute restroom break really quick, and then the
15 room will be cleared for closed session.
16 Thank you, all
17 *(The Commission met in executive closed session*
18 *from 12:23 p.m. to 1:04 p.m.)*
19 CHAIR LINDEN: We will reconvene the regular POST
20 Commission meeting of January 22nd. We're reconvening
21 from closed session.
22 And, Mr. Scally, do we have any report from
23 closed-session?
24 MR. SCALLY: We'll make the report, we provided
25 information to the Commission regarding potential

1 litigation. And our recommendation is that the staff and
2 legal counsel attempt to resolve this matter working with
3 the party and their counsel to resolve the dispute.
4 CHAIR LINDEN: Do you want to say the name in that
5 report?
6 MR. SCALLY: No. I'm happy to report that on the
7 closed session, our recommendation is to attempt to
8 pursue informal discussions to attempt to resolve the
9 dispute.
10 CHAIR LINDEN: Okay, thank you.
11 No further action was taken by the Commission.
12 With which, we'll adjourn the POST Commission
13 meeting of January 22nd.
14 Thank you.
15 *(The meeting concluded at 1:05 p.m.)*
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REPORTER'S CERTIFICATE

I hereby certify:

That the foregoing proceedings were duly reported by me at the time and place herein specified; and

That the proceedings were reported by me, a duly certified shorthand reporter and a disinterested person, and was thereafter transcribed into typewriting.

In witness whereof, I have hereunto set my hand on February 10, 2009.

Daniel P. Feldhaus

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