

COMMISSION ON
PEACE OFFICER STANDARDS AND TRAINING

POST COMMISSION MEETING

**The Westin – Los Angeles Airport
5400 W. Century Blvd.
Los Angeles, CA 90045**

Thursday, February 8, 2018

ACTION SUMMARY



EDMUND G. BROWN JR.
GOVERNOR

XAVIER BECERRA
ATTORNEY GENERAL

CALL TO ORDER

Commission Chair Joyce Dudley called the meeting to order.

COLOR GUARD AND FLAG SALUTE

The Color Guard was provided by the Torrance Police Department. The pledge of allegiance was led by Commissioner Dudley.

MOMENT OF SILENCE HONORING THE OFFICERS KILLED IN THE LINE OF DUTY

A moment of silence was held in honor of those peace officers who have been killed in the line of duty since the last regular Commission Meeting.

- Officer Andrew Camilleri, California Highway Patrol

ROLL CALL OF COMMISSION MEMBERS

PRESENT

Lai Lai Bui-Little
Thomas Chaplin
Barry Donelan
Joyce Dudley
Kevin Gardner
Geoff Long

PRESENT

John McMahon
Jethroe Moore II
James O'Rourke
Batine Ramirez
Walter Vasquez

ABSENT

Rick Braziel
Richard DeLaRosa
Robert Doyle
Laurie Smith

A calling of the roll reflected a quorum was present.

INTRODUCTION OF POST ADVISORY COMMITTEE CHAIR, AND EXECUTIVE DIRECTOR

Commissioner Dudley introduced the POST Advisory Committee Chair Randy Waltz, and Executive Director Manny Alvarez.

WELCOMING ADDRESS

Eve Irvine, Chief, Torrance Police Department, made welcoming remarks.

EXECUTIVE DIRECTOR COMMENTS

Commissioner Dudley introduced Executive Director Manny Alvarez who addressed the Commission. The Executive Director Comments were heard prior to the Public Comment period.

The Executive Director covered the following items during his presentation:

- Organizational analysis – Management team meeting (March)
- Budget hearings – Senate and Assembly – State Capitol (March and April)
- Setting POST priorities – After re-organization (April and May)
- Finalize re-organization (May and June)
- Review of services provided to the field (July)

Updates to Automation –

- Redesign of POST website – roll out in a few weeks
- Instructor Resume Builder – will be beta tested in a few weeks
- Electronic Training Reimbursement Request (eTRR) is still in development
- PELLETB will be beta tested in the Spring

Training Reimbursements -

- In the last 12 months, POST has reimbursed between \$10 and \$15 million
- Currently processing reimbursement requests for September 2016

PUBLIC COMMENT PERIOD

Commissioner Dudley opened the floor for public comment. The following individuals addressed the Commission:

- Jeff Ohlfs, retired United States Park Police, requested he be recognized as a California Peace Officer.
- Valerie Tanquay, retired POST Law Enforcement Consultant, expressed support of the Sherman Block Supervisory Leadership Institute (SLI) training program, and suggested POST not cut funding for SLI.

Commissioner Welcome

Commissioner Dudley welcomed Kevin Gardner, Chief, Division of Law Enforcement, Department of Justice, who replaced Bureau Chief Stephen Lindley as the Attorney General's representative on the Commission.

APPROVAL OF ACTION SUMMARIES AND MINUTES

A. Approval of the action summaries and minutes of the following meetings:

- Action Summary – October 26, 2017
- Meeting Minutes – October 26, 2017

MOTION – McMahon, Second – Moore, and carried unanimously to approve the action summary and meeting minutes of the October 26, 2017 Commission Meeting.

EMERGING TRENDS

Commissioner Dudley called for a report on Emerging Trends.

B. Report on Emerging Trends from Command College Projects

Andrew Mendonsa, Law Enforcement Consultant, Management Counseling Leadership Development Bureau, and Alisa Buckley, Captain, Sacramento Police Department provided a presentation on emotional intelligence training in the workplace.

CONSENT

C. Approval of the Consent Agenda

Commissioner Dudley announced there would be presentations on Consent Items: 3, 4, 5, 6, 7, and 10. She then asked if the Commission would like presentations on any of the other Consent Items. There were no additional requests.

Item 1. Report on POST Reimbursable Program – Obsolete Agency – Mountain View Emergency Communications

No presentation was requested or heard on this item.

Item 2. Report on the Course Certification Statistics from 9/1/17 to 12/31/17

No presentation was requested or heard on this item.

Item 3. Report on Graduate Level College Credit for POST Command College

Commissioner Dudley called upon Joe Sampson, Law Enforcement Consultant, Management Counseling Leadership Development Bureau, and Dr. Erik Fritsvold, Professor and Program Chair, Law Enforcement Public Safety Leadership Program, University of San Diego to provide a presentation.

Joe Sampson introduced Dr. Fritsvold who provided an overview of the program.

Item 4. Report on Supervisory and Leadership Courses for Public Safety Dispatch Supervisors

Commissioner Dudley called upon Andrew Mendonsa, Law Enforcement Consultant, Management Counseling Leadership Development Bureau, to provide a presentation.

Item 5. Report on Requirements for Becoming a Public Safety Dispatcher

Commissioner Dudley called upon Phil Caporale, Bureau Chief, Standards Evaluation Research Bureau, to provide a presentation.

Item 6. Report on Peace Officer Ineligibility for Appointment in California Law Enforcement (PC 13510.7)

Commissioner Dudley called upon Jennifer Van, Analyst, Executive Office, and Dave Althausen, Legislative Manager, Executive Office, to provide a presentation.

The Commission previously asked staff to research licensing/decertification of peace officers, as described in the staff report.

Item 7. Report on Suspension of Management Studies (PC 13513)

Commissioner Dudley called upon Maria Sandoval, Assistant Executive Director, Executive Office, to provide a presentation.

Commissioner Long asked if POST had the ability to charge for management studies. He requested staff research the proposal and report at the June Commission meeting.

Item 8. Report on the Course Certification Pilot Project

No presentation was requested or heard on this item.

Item 9. Report on Principled Policing

No presentation was requested or heard on this item.

Item 10. Report on Request to Approve the Organizational Analysis Project

Commissioner Dudley called upon Joe Sampson, Law Enforcement Consultant, Management Counseling Leadership Development Bureau, and Ms. Rosette Nguyen and Mr. Michael Hearn, Mission Consulting, to provide a presentation on the final report on the Organizational Analysis Project.

Commissioners Long and Moore commended the report.

Item 11. Report on POST Proposed Regulatory Actions/Status

No presentation was requested or heard on this item.

Item 12. Report on Legislative Updates

Commissioner Long asked staff to periodically provide Commissioners a list or more comprehensive report of proposed and enacted legislation which may affect POST.

The Commission heard presentations and held discussions on the items. At the conclusion of the presentations, Commissioner Dudley called for a **MOTION** to approve the Consent Agenda.

MOTION – Long, Second – Bui-Little, carried unanimously to approve the Consent Agenda.

Commissioner Dudley called for a **MOTION** to approve the final report on the Organizational Analysis.

MOTION – Chaplin, Second – Moore, carried unanimously to approve the final report on the Organizational Analysis.

Break: 11:02

Reconvene: 11:15

FINANCE COMMITTEE MEETING

D. Financial Report

Commissioner Long provided a brief overview of the Finance Committee meeting held on February 7, 2018 in Los Angeles.

Commissioner Long shared a graph from the Finance Committee and called upon Marie Del Real, Staff Services Manager I, and Brenda Lusk, Staff Services Manager I, Administrative Services Bureau, to make a presentation to the Commission.

Commissioners discussed the presentation and proposed changes within POST.

Commissioner Dudley called for a **MOTION** to approve the Finance Committee report.

MOTION – McMahon, Second – O'Rourke, carried unanimously to approve the Finance Committee Report.

Commissioner Dudley explained the Commission would participate in a **ROLL CALL VOTE**, to approved proposed recurring contracts. A roll call vote was conducted for each bureau's group of contracts.

The following **MOTIONS** and **ROLL CALL VOTES** took place.

Learning Technology Resources Bureau

MOTION – Long, Second – Vasquez, carried unanimously by **ROLL CALL VOTE** to approve the bureau’s recurring contract.

Management Counseling, Leadership Development Bureau

MOTION – Chaplin, Second – Gardner, carried unanimously by **ROLL CALL VOTE** to approve the bureau’s recurring contracts.

Training Delivery and Compliance Bureau

MOTION – Moore, Second – Chaplin, carried unanimously by **ROLL CALL VOTE** to approve the bureau’s recurring contracts.

Training Program Services Bureau

MOTION – Chaplin, Second – Moore, carried unanimously by **ROLL CALL VOTE** to approve the bureau’s recurring contracts.

EXECUTIVE OFFICE

E. Report on Proposed Revision to Regulation 1009, Academy Instructor Certificate Program

As part of the ongoing process, current regulations and procedures related to curriculum delivery in POST training courses are periodically reviewed and determine if they are consistent with current practice, clear and concise, and meet the needs of POST’s clients.

In 1998, the Commission implemented a Pilot Program to institute a voluntary instructor certification course for the Basic Academy. The program which was codified into regulation as the Academy Instructor Certificate Program (AICP), includes the foundational Academy Instructor Certification Course (AICC) and became mandatory in 2008 for academies, and mandatory for all modular Regular Basic Course (RBC) presenters in 2011. Currently, all instructors must meet AICP requirements prior to providing instruction.

Although the regulatory intent of AICP was to train academy instructors, due to the excellent level of training it evolved into one the most desired instructor development courses for many non-academy California law enforcement training programs, even becoming a pre-requisite for appointment as an instructor by training organizations. As a result, the costs for presentation have exceeded the capacity of POST’s budget to support non-academy AICP training, necessitating a reduction in POST reimbursement for AICP. Due to the reductions in reimbursement, RBC presenters have expressed concern over meeting pre-service training mandates regarding AICP, as well as operational difficulties meeting the specific requirements of the mandatory program.

POST staff recommend a modification to Regulation 1009, to remove the pre-service AICP mandate and instead implement a requirement that the instructor complete AICP within 12 months of appointment as an RBC instructor, or as an alternative, return AICP to a voluntary program as it was originally designed.

The Commission discussed this item and made the following motions.

Commissioner Dudley called for a **MOTION** to approve the proposed changes to Regulation 1009, Revisions to the Academy Instructor Certificate Program, Option 1.

MOTION – Donelan, Second – Long, carried unanimously to authorize the Executive Director to pursue Option 1 changes to POST Regulation 1009: Academy Instructor Certificate Program, through the Office of Administrative Law process. If there is no request for a public hearing, the changes will become effective July 1, 2018.

Break: 12:36

Reconvene: 12:55

Commissioners Bui-Little and Ramirez departed the meeting at the break. The meeting reconvened with nine members present for the remainder of the meeting.

F. Report on Proposed Changes to POST Regulation 1015 and Procedure E-1, Reimbursement Plans

Funding for the Commission on Peace Officer Standards and Training (POST) was created in the State Treasury by enabling legislation, California Penal Code (PC) 13520, for the costs of administration and for grants to local governments. The reimbursement program is structured in five different plans that provide reimbursement to local jurisdictions for a combination of costs (e.g. per diem, travel, tuition, and backfill) associated with training, which can only be adjusted by formal authorization of the Commission and Office of Administrative Law (OAL). There is also a Plan (Plan NA) that does not provide any reimbursement, but which allows a presenter to offer a course to meet specific needs.

Pursuant to existing regulation the Executive Director or his designee cannot adjust reimbursement commensurate with fluctuating budget allocations and revenues, which have occurred in recent fiscal years. To address this challenge POST staff are developing a new series of Reimbursement Plans that will ensure staff have the capability to ensure consistency in distribution of monies to the field, allow for reimbursement levels to be more flexible to address future fluctuation in revenue, and provide staff with a better opportunity to address unique training needs and hardships for specific stakeholders and regions.

This process is consistent with the direction of the legislature in PC 13523, as well as Regulation 1015 and Procedure E - 1, which codifies Reimbursement is based upon fund availability as approved by the Commission.

Audience members requested the opportunity to address the Commission on the proposed changes. Three individuals representing the California Peace Officers Association (CPOA) addressed the Commission and expressed concern over the proposed changes.

The Commission heard a presentation, then discussed this item and made the following motions:

Commissioner Dudley called for a **MOTION** to approve the proposed changes to Regulation 1015 and Procedure E -1, Reimbursement Plans.

MOTION – Donelan, Second – Moore, carried unanimously to authorize the Executive Director to conduct further research and meet with stakeholders regarding the proposed changes and instructed staff to re-submit the proposed changes at the June 2018 Commission meeting.

G. Report on Request to Conduct a Basic Course Pilot Program

POST proposed a pilot program to determine if changes to the basic course certification and course presentation processes are feasible. The pilot will enhance training by including blocks of instruction on Procedural Justice, Tactical Medicine, Rifle Training and De-escalation Techniques. Students will be required to obtain EMSA approved First Aid/CPR/AED training prior to the start of the Basic Course or prior to Basic Course completion, as Learning Domain 34, First Aid/CPR/AED, will be removed under the pilot.

The Commission heard a presentation, then discussed this item and made the following motions: Commissioner Dudley called for a **MOTION** to approve a pilot in the Basic Course Program for one-year, beginning in August 2018, and requested staff provide a status report at future Commission meetings.

MOTION – Donelan, Second – Chaplin, carried unanimously to authorize the Executive Director to pursue a pilot of the Basic Course program and provide an update at future Commission meetings.

STANDARDS, EVALUATIONS, AND RESEARCH BUREAU

H. Report on Proposed Changes to Commission Regulations 1005, 1007, 1008 and the Training and Testing Specifications for Peace Officer Basic Courses

POST has experienced two large compromises of POST-developed test material in its recent history. The first occurred in 2003, and the second in 2010. Since 2010, POST incurred a cost of approximately \$3.5 million to replace the compromised test material. The basic academies test development and management processes involve the use of subject matter expert groups to ensure the accuracy and validity of the material being tested, and POST staff to ensure statewide applicability.

In June of 2016 the Commission approved a more innovative methodology for testing in the basic courses. The changes eliminated written testing of specific, individual learning domains that are more extensively covered throughout the new multi-dimensional Learning Objective tests and basic course required scenario tests and learning activities. While POST does not directly test these learning domains, they do contain foundational information built upon by the learning domains that are being tested in the multi-dimensional Learning Objective tests.

The Commission did not request a presentation on this item.

Commissioner Dudley called for a **MOTION** to approve the proposed changes to Commission Regulations 1005, 1007, 1008, and the Training and Testing Specifications for Peace Officer Basic Courses. If no one requests a public hearing, the changes will become effective July 1, 2018.

MOTION – Long, Second – Vasquez, carried unanimously to authorize the Executive Director to pursue the proposed changes to Commission Regulations 1005, 1007, 1008, and the Training and Testing Specifications for Peace Officer Basic Courses. If no one requests a public hearing, the changes will become effective July 1, 2018.

I. Report on an Amendment of the Basic Course Test Management and Security Protocols 2017, and Commission Regulations 1005, 1007, 1008, and 1052

As part of an ongoing process, current regulations and procedures related to basic courses are reviewed to determine if revisions are necessary.

In order to ensure the continued confidentiality of POST-developed test material during the online testing process, allow access to the completed scenario test matrix documents, and clarification of security policy development terms, revisions have been made to Commission Regulations 1005, 1007, 1008, 1052, and the Test Management and Security Protocols 2018.

Revision examples include:

- Changing the term "guideline" to "requirement" for security policy development purposes
- Removing the requirement presenters destroy completed scenario matrix documents within 10 days of the conclusion of the course
- Adding a secure web browser option for online testing

The Commission did not request a presentation on this item.

Commissioner Dudley called for a **MOTION** to approve the proposed changes to the Basic Courses Test Management and Security Protocols 2018, and Commission Regulations 1005, 1007, 1008, and 1052.

MOTION – Long, Second – Gardner, carried unanimously to authorize the Executive Director to pursue changes to the Basic Courses Test Management and Security Protocols 2018, and Commission Regulations 1005, 1007, 1008, and 1052 through the Office of Administrative Law process, if no public comment is requested the changes will be effective July 1, 2018.

TRAINING PROGRAM SERVICES BUREAU

J. Report on the Proposed Changes to Regulations 1005 and 1015 – District Attorney Investigator Transition Course

POST Regulation 1005(a)(2) requires each newly appointed District Attorney Investigator to complete the Investigation and Trial Preparation course within 12-months of hire. The requirements for the course are outlined in PAM Section D-14, including the title of the course, testing on the learning objectives in specific Learning Domains, and a minimum course length of 80 hours.

A review of the course content by Subject Matter Experts has determined the minimum course length should be reduced to 40 hours, tested learning objectives should transition to different Learning Domains based on the reduction of content, and the course retitled "District Attorney Investigator Transition Course" to more accurately reflect course content.

The Commission did not request a presentation on this item.

Commissioner Dudley called for a **MOTION** to approve the proposed changes to the Proposed Changes to Regulations 1005 and 1015 – District Attorney Investigator Transition Course.

MOTION – Doyle, Second – Long, carried unanimously to authorize the Executive Director to pursue the proposed changes to Regulations 1005 and 1015 through the Office of Administrative Law process. If no public comment is requested, the proposed regulations will become effective July 1, 2018.

COMMITTEE REPORTS

K. Advisory Committee

Randy Waltz, Chair of the Advisory Committee, provided a report on the results of the Advisory Committee meeting held on Wednesday, February 7, 2018, in Los Angeles, CA.

Advisory Chair Waltz shared the items discussed at the Advisory Committee and the committee moved to support the Commission agenda.

Commissioner Dudley asked for a **MOTION** to approve the Advisory Committee Report.

MOTION – Moore, Second – Chaplin, carried unanimously to approve the Advisory Committee's report.

Nominations for the Excellence in Training and O. J. "Bud" Hawkins Awards

Randy Waltz, Chair of the Advisory Committee provided the Committee recommendations for recipients for the Excellence in Training and O. J. "Bud" Hawkins Awards.

The recommendations were as follows:

Excellence in Training Awards:

Individual Winner: Matthew O'Dean
Runner-up: None selected

Organizational Winner: San Jose Police Department, Training Unit, Instructor School – Force Option Simulator (FOS)

Runner-up: None selected

Lifetime Achievement Winner: Shelley Spilberg

Runner-up: None selected

O. J. “Bud” Hawkins Award:

Winner: Wayne Windman

Runner up: Shelly Spilberg was recommended for the Excellence in Training Award - Lifetime Achievement

The Commission heard a presentation on the award recommendations.

After discussion the Commission, Commissioner Dudley called for a **MOTION** to approve the nomination recommends made by the Advisory Committee.

MOTION – Moore, Second – O’Rourke, carried unanimously to approve the nomination recommendations of the Advisory Committee for the Excellence in Training Awards for Individual and Organizational Awards and the O. J. “Bud” Hawkins.

MOTION – McMahon, Second – Vasquez, carried unanimously to approve the recommendation of the Advisory Committee for the Excellence in Training Awards for Lifetime Achievement.

CORRESPONDENCE

L. Correspondence

Commissioner Dudley reviewed the correspondence to and from POST.

OLD BUSINESS

M. Old Business

Commissioner Dudley called for any Old Business for discussion.

No Old Business items were brought forward.

NEW BUSINESS

N. New Business

Commissioner Dudley announced a New Business item regarding the re-appointment of Advisory Committee member George Beitey will be moved to the agenda of the June 2018 Commission meeting.

Commissioner Dudley asked the Commission to consider abolishing the Advisory Liaison Committee. After discussion, the Commission decided to abolish the Committee.

FUTURE COMMISSION DATES

O. Future Commission Meetings will be held:

- June 20 – 21, 2018, POST, West Sacramento
- October 17 – 18, 2018, POST, West Sacramento

CLOSED SESSION

P. Closed Executive Session

Commissioner Dudley announced, POST Legal Counsel, William Darden, was not able to attend the meeting and the Commission would not be meeting in closed session.

ADJOURNMENT – 2:13 p.m.

Respectfully Submitted,

Connie Paoli
Administrative Assistant to the Executive Director