

COMMISSION ON
PEACE OFFICER STANDARDS AND TRAINING

POST COMMISSION MEETING

**860 Stillwater Road, Suite 100
West Sacramento, CA 95605**

Thursday, May 30, 2019

ACTION SUMMARY



GAVIN NEWSOM
GOVERNOR

XAVIER BECERRA
ATTORNEY GENERAL

CALL TO ORDER

Commission Chair Joyce Dudley called the meeting to order at 09:35 a.m.

COLOR GUARD AND FLAG SALUTE

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

MOMENT OF SILENCE HONORING OFFICERS KILLED IN THE LINE OF DUTY

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

- Sergeant Steve Licon, California Highway Patrol
- Officer Kenneth Utsinger, Montebello Police Department

ROLL CALL OF COMMISSION MEMBERS

PRESENT

Alan Barcelona
Lai Lai Bui-Little
Barry Donelan
Joyce Dudley - Chair
John Marsh
Jethroe Moore, II
Laurie Smith

PRESENT

Rick Braziel – Vice Chair
Thomas Chaplin
Robert Doyle
Geoff Long
John McMahon
James O'Rourke
Walter Vasquez

ABSENT

Batine Ramirez

A calling of the roll reflected a quorum was present.

INTRODUCTION OF POST ADVISORY COMMITTEE CHAIR, POST LEGAL COUNSEL AND EXECUTIVE DIRECTOR

Commissioner Dudley introduced the POST Advisory Committee Acting Chair Randy Waltz, POST Legal Counsel William “Toby” Darden, and Executive Director Manny Alvarez.

OPENING REMARKS

Sheriff Erik Apperson, Del Norte County Sheriff’s Office, provided opening remarks.

AWARDS PRESENTATIONS

Commissioner Dudley called for the presentation of the Excellence in Training and O.J. “Bud” Hawkins awards.

Break: 10:21

Reconvened: 10:30

PUBLIC COMMENT PERIOD

Commissioner Dudley opened the floor for public comment. Chief Jerel Haley of the Atascadero Police Department came forward to request modifications be made to Regulation 1008.

EXECUTIVE DIRECTOR COMMENTS

Commissioner Dudley introduced Executive Director Manny Alvarez who addressed the Commission.

APPROVAL OF ACTION SUMMARIES AND MINUTES

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

- Action Summary – February 21, 2019
- Meeting Minutes – February 21, 2019

MOTION – McMahon, Second – Moore, and carried unanimously to approve the action summary and meeting minutes of the February 21, 2019, Commission Meeting.

EMERGING TRENDS

Commissioner Dudley called for a report on Emerging Trends.

B. Report on Emerging Trends on Self-Paced Training for Law Enforcement on POST Learning Portal and Callers in Crisis Training

Report on Self-Paced Training for Law Enforcement on POST Learning Portal.

POST Information Technology Specialists, Catherine Bacon-Davis and Rayanne Rogers, of the Learning Technology Resources Bureau; provided a report on trends in self-paced training for Law Enforcement; provided a demonstration on the “Callers in Crisis” online training and introduced Shay Peoples, Yolo 911 Dispatcher. Ms. Peoples spoke of her experience with the training and how she applied it to a 911 call.

This report was provided for information only. There was no action required.

CONSENT

C. Approval of the Consent Agenda

Commissioner Dudley announced there would be presentations on Consent Items: 4, and 6. 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 Course Certification Statistics from 1/1/19 to 4/30/19.

No presentation was requested or heard on this item.

Item 2. Report on POST Non-Reimbursable Obsolete Agency – Los Angeles City Department of General Services.

No presentation was requested or heard on this item.

Item 3. Report on POST Reimbursable Obsolete Agency – Los Angeles City Housing Authority

No presentation was requested or heard on this item.

Item 4. Report on Dispatch Supervisor Pilot Program in Sherman Block Supervisory Leadership Institute.

Commissioner Dudley called upon Jim Katapodis, Law Enforcement Consultant, Training Program Services Bureau, to provide a presentation.

Item 5. Report on POST Regulatory Actions/Status

No presentation was requested or heard on this item.

Item 6. Report on Legislative Updates

Commissioner Dudley called upon Meagan Catafi, Legislative Liaison / Public Information Officer, Executive Office, to provide a presentation.

At conclusion of the presentations, Commissioner Dudley called for a **MOTION** to approve the Consent Agenda.

MOTION – Long, Second – McMahon, carried unanimously to approve the Consent Agenda.

Break: 11:57 a.m.

Reconvene: 12:20 p.m.

FINANCE COMMITTEE MEETING

D. Financial Report – Please NOTE that the Financial Report was provided after ALL Bureau reports had been given.

Commissioner Long provided a brief overview of the Finance Committee meeting held on May 29, 2019, in West Sacramento. Commissioner Long shared the 2018-19 and 2019-20 budget breakdown and projections, as well as requests for additional contract funding.

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

MOTION – McMahon, Second – Doyle, carried unanimously to approve the Finance Committee report.

Commissioner Dudley explained the Commission would participate in a **ROLL CALL VOTE**, to approve proposed additional funding for contracts. A roll call vote was conducted for POST bureau contracts.

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

Training Program Services Bureau, Item R – Line Entries 1 and 7

MOTION – McMahon, Second – Doyle, Abstain – Braziel, carried unanimously by **ROLL CALL VOTE** to approve request for additional funding.

Management, Counseling and Projects Bureau, Item N – Line Entry 11

MOTION – Braziel, Second – McMahon, carried unanimously by **ROLL CALL VOTE** to approve recurring contracts.

Basic Training Bureau, Item I – Line Entry 15

MOTION – Braziel, Second – Doyle, Abstain – Bui, McMahon, and Smith, carried unanimously by **ROLL CALL VOTE** to approve the recurring contracts.

BASIC TRAINING BUREAU

E. Report on Status of the Basic Course Pilot Project

This is a report on the status of the Basic Course Pilot project. The work involved in the project included identifying academies willing to participate in a pilot. Three academies agreed to participate in the project. The work involved in developing and evaluating the revised training included:

- Establishing subject matter and other technical experts
- Developing and revising Training and Testing Specifications to include Principled Policing, De-escalation, and Tac-Med
- Updating Student Workbooks
- Assessing the amount of time required to complete the training

Commissioner Dudley asked if the Commission would like to hear a presentation on the item.

Hearing no request for a presentation, Commissioner Dudley proceeded to the next agenda item.

F. Report on Proposed Changes to the Training and Testing Specifications for Peace Officers Basic Courses

As part of an ongoing review of Peace Officer Basic Course content, POST staff and curriculum consultants (academy instructors and other subject matter experts) thoroughly review Learning Domain (LD) content to determine if revisions are necessary. The Training and Testing Specifications and supporting materials for the Learning Domains have been updated to reflect emerging training needs, compliance with legislatively mandated subject matter, changes in the law, or to improve student learning and evaluation.

Commissioner Dudley called for a **MOTION** to approve the proposed changes to the Training and Testing Specifications for Peace Officer Basic Courses.

MOTION – Doyle, Second – Braziel, carried unanimously to approve the proposed changes to the Training and Testing Specifications for Peace Officer Basic Courses.

G. Report on Revision to Commission Regulation Procedure D-1

As part of an ongoing process, staff reviews regulations and procedures related to basic courses to determine if revisions are necessary. POST staff revised Commission Regulation Procedure D-1 to mandate presenters notify POST when there is an abnormal amount of test failures. In addition, presenters are required to notify a trainee's agency of an initial test failure.

Commissioner Dudley called upon Law Enforcement Consultant, Steven Harding, Basic Training Bureau, to provide a report on this item.

The Commission discussed this item and made the following motions.

Commissioner Dudley called for a **MOTION** to approve the specified changes to Regulation Procedure D-1.

MOTION – Chaplin, Second – Bui, carried unanimously to approve the specified changes to Regulation Procedure D-1.

H. Report on Proposed Changes to the Basic Course Waiver Application and Regulation 1005

Proposed changes to the Basic Course Waiver application and Regulation 1005 *Minimum Standards for Training*. If no one requests a public hearing, the changes will become effective October 1, 2019.

There were no requests for a report on this item.

Commissioner Dudley called for a **MOTION** to approve the changes to the Basic Course Waiver application and Regulation 1005 as described in the staff report.

MOTION – Doyle, Second – Braziel, carried unanimously to the changes to the Basic Course Waiver application and Regulation 1005 as described in the staff report. The changes will become effective October 1, 2019.

I. Report on Request to Add and Increase Contacts for Basic Academy Driver Training (EVOC)

Request to add and increase contracts for Basic Academy Driver Training (EVOC).

Commissioner Dudley called upon Staff Services Manager, Cheryl Smith, Basic Training Bureau, to provide a report on this item.

Commissioner Dudley pended a Roll Call Vote on this time until the Finance Report was provided after all Bureau reports were given.

EXECUTIVE OFFICE

J. Request to Modify Language in Law Enforcement Code of Ethics

The Law Enforcement Code of Ethics, which is administered to both academy students and newly appointed peace officers, affirms that officers will serve their communities while protecting the Constitutional rights of all, and will act in a manner consistent with law and departmental policies and do so ethically and without undue influence. The matter was discussed at the October 18, 2018 and February 1, 2019 meetings.

Analysis of the February 2019 meeting minutes reveals the Commission formally voted to remove the term "mankind" and to retain the term "before God," but no vote was taken on the term "men." Therefore, the Commission needs to formally vote on removal of the word "men" to properly remove that specific term, if it so desires, and this agenda item addresses the need for a follow-up formal vote.

POST staff are position neutral on this matter, and therefore neither supports nor does not support this consideration.

Commissioner Dudley called upon Assistant Executive Director, Scott Loggins, to a report on this item.

The Commission discussed this item and made the following motions.

Commissioner Dudley called for a **MOTION** to approve the specified changes to the Law Enforcement Code of Ethics.

MOTION – Moore, Second – Bui, carried unanimously by **ROLL CALL VOTE** to remove the term "men" from the Law Enforcement Code of Ethics.

LEARNING TECHNOLOGY RESOURCES BUREAU

K. Report to Request to Enter into Vendor Contracts for Development of Learning Portal Courses and Tools

In 2017, the Commission authorized the Executive Director to enter into contracts with various qualified vendors for the development of Learning Portal courses and tools in an amount not to exceed \$1.8 million. The Learning Technology Resources Bureau is requesting to renew the authorization for another two-year period in an amount not to exceed \$1.8 million.

Commissioner Dudley called upon Learning Technology Resources Bureau Chief, Larry Ellsworth, to provide a report on this item.

The Commission heard a presentation, then discussed this item and made the following motion.

Commissioner Dudley called for a **MOTION** to approve entering into various qualified vendor contracts for the development of Learning Portal courses and tools.

MOTION – Chaplin, Second – Vasquez, carried unanimously by **ROLL CALL VOTE** to approve entering into vendor contracts for the development of Learning Portal courses and tools.

MANAGEMENT, COUNSELING AND PROJECTS BUREAU

L. Report on the Innovative Grant Program

The Innovative Grant Program is designed to grant funds on a competitive basis to qualified public and private entities for the purpose of fostering innovations in training and procedures for law enforcement officers with the goal of reducing the number of officer involved shootings statewide.

Commissioner Dudley called upon Law Enforcement Consultant, Andrew Mendonsa, Management, Counseling and Projects Bureau, to provide a presentation on this item.

This report was presented for information only. No action was required.

M. Report on Commission Discussion on Civilian Oversight Training

This item, requested by Vice Chair Rick Braziel, requests a discussion by the POST Commission regarding the potential creation of a course to educate parties assigned to a civilian oversight position by agencies which have civilian oversight.

Should the Commission concur, the correct action would be a **MOTION** to assign staff to perform further research and recommendations.

Commissioner Dudley called upon Law Enforcement Consultant, Brad NewMyer, Management Counseling and Projects Bureau, to provide a report on civilian oversight.

The Commission had a discussion and then made the following motion.

Commissioner Dudley called for a **MOTION** to approve further research into potential development of a course on civilian oversight.

MOTION – Moore, Second – Bui, carried with twelve votes to approve further research into the need to develop a new course for civilian oversight.

N. Report on the Request to Increase Requested FY 2019-20 Contract with the Orange County Sheriff's Department for Coroner Training

POST has a contract with the Orange County Sheriff's Department to provide Coroner training courses and an annual Coroner symposium. This contract is funded through revenue received under § 103680 of the Health and Safety Code.

The FY 2017-18 State Budget eliminated the statutory formulas dictating how State Penalty Fund revenues are distributed and appropriated revenues directly to certain programs. POST spending authority was transferred from the Peace Officer Training Fund to the State Penalty Fund. There

was a shift in the POST funding. Source revenue received under §103680 H&S to become inaccessible to POST.

Assembly Bill 1812, Public safety omnibus (2017-2018), approved June 27, 2018, resolved this issue but approximately \$187,387 - \$244,853 in surplus §103680 H&S revenue was identified. POST is seeking to add any confirmed surplus revenue received under § 103680 H&S to the FY 2019-20 requested contractual agreement with the Orange County Sheriff's Department for Coroner Training to a total amount not to exceed \$413,224.

Commissioner Dudley called upon Law Enforcement Consultant, R.C. Smith, Management Counseling and Projects Bureau, to provide a report on this item.

Commissioner Dudley pended a Roll Call Vote on this time until the Finance Report was provided after all Bureau reports were given.

O. Report on Proposed Revision to POST Guidelines for Student Safety in Certified Courses and Change to Commission Regulation 1052 for the same.

Regulation 1052 requires that presenters of POST-certified courses involving the manipulative skills training implement a formal written safety policy. Presenters are referred to the *POST Guidelines for Student Safety in Certified Courses 2007*, incorporated in the regulation by reference, for clarification and requirements.

POST Guidelines for Student Safety in Certified Courses were originally published in 1992 and last revised in 2007. POST staff recently completed a comprehensive update and revision of these guidelines producing the *POST Guidelines for Student Safety in Certified Courses 2019*.

POST is recommending that all references to these guidelines in Regulation 1052 be changed to reflect the updated version.

Commissioner Dudley called upon Law Enforcement Consultant, R.C. Smith, Management Counseling and Projects Bureau, to provide a report on this item.

The Commission had a discussion and then made the following motions.

Commissioner Dudley called for a **MOTION** to approve updated POST Guidelines for Student Safety in Certified Courses 2019.

MOTION – McMahon, Second – Chaplin, carried unanimously to approve the updated POST Guidelines for Student Safety in Certified Courses 2019.

Commissioner Dudley called for a **MOTION** to approve all references to these guidelines in Regulation 1052 be changed to reflect the 2019 version of the Guidelines.

MOTION – McMahon, Second – O’Rourke, carried unanimously to approve all references to these guidelines in Regulation 1052 be changed to reflect the 2019 version of the Guidelines.

P. Report on Request to Enter into a Contract with the Government Training Agency/San Diego Regional Training Center for a De-Escalation Best Practices Project

POST would like to enter into a contract with the Government Training Agency/San Diego Regional Training Center (GTA) to move forward on a project in which we will research, explore, and codify best practices in de-escalation which will be catalogued in a POST publication on de-escalation best practices for Dispatchers, Law Enforcement Officers/Supervisors, and Law Enforcement Managers/Executives.

Commissioner Dudley called upon Bureau Chief, Don Shingara, and Law Enforcement Consultant, R.C. Smith, both of Management Counseling and Projects Bureau, to provide a report on this item.

The Commission heard the presentation, had a discussion and made the following motion.

Commissioner Dudley called for a **MOTION** to approve entering into a contract with GTA/SDRTC for a De-Escalation Best Practices Project.

MOTION – Vasquez, Second – Bui, carried unanimously by a Roll Call Vote to approve the updated POST Guidelines for Student Safety in Certified Courses 2019.

Q. Report on the Exploration of Perishable Skills Title Change From Tactical Communication to De-Escalation Through Strategic Communication

POST would like the Commission to authorize an exploration of a Perishable Skills title change from “Tactical Communications” to “De-Escalation through Strategic Communications.”

Commissioner Dudley called upon Bureau Chief, Don Shingara, and Law Enforcement Consultant, R.C. Smith, both of Management Counseling and Projects Bureau, to provide a report on this item.

The Commission heard the presentation, had a discussion and made the following motion.

Commissioner Dudley called for a **MOTION** to approve title change from Tactical Communication to De-Escalation Through Strategic Communication.

MOTION – Braziel, Second – Long, carried unanimously to approve the Perishable Skills title change.

TRAINING PROGRAM SERVICES BUREAU

R. Report on Request to Increase Course Funding for the Robert Presley Institute of Criminal Investigation Contracts

In 1994, Penal Code 13519.9 created the Robert Presley Institute of Criminal Investigation (ICI), to make available to criminal investigators of California's law enforcement agencies an advanced training program to meet the needs of working investigators.

ICI focuses on providing the investigator knowledge, skills, and tools to deliver training using methods that maximize understanding and retention. These skills are coupled with cutting-edge courses and a developmental process which is necessary for keeping abreast of rapidly changing criminality. The end goal is a highly trained and competent investigator who is able to meet the investigative challenges of the future.

ICI has significantly enhanced the quality of law enforcement investigations across California and is therefore is a highly coveted program. Accordingly, POST staff have identified the need for additional course offerings to meet the demands of California law enforcement.

Commissioner Dudley called upon POST Executive Director Manny Alvarez; CDCR Executive Guillermo Vierarosa; and POST Training Program Services Law Enforcement Consultant, Charles Evans; to provide us with a report on this item.

CDCR member, David Fernandez, represented Guillermo Vierarosa in his absence.

The Commission heard a presentation and held a discussion.

Commissioner Dudley pended a Roll Call Vote on this time until the Finance Report which was provided after all Bureau reports were given.

AT THIS POINT IN THE MEETING, THE FINANCE REPORT WAS PROVIDED INCLUDING ALL PENDED ROLL CALL VOTES.

S. Advisory Committee

Randy Waltz, Acting Vice Chair of the Advisory Committee, provided a report on the results of the Advisory Committee meeting held on Wednesday, May 29, 2019, in West Sacramento, CA.

Acting Vice 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 – Doyle, Second – Braziel, carried unanimously to approve the Advisory Committee report.

CORRESPONDENCE

T. Correspondence

Commissioner Dudley reviewed the correspondence to and from POST.

OLD BUSINESS

U. Old Business

Commissioner Dudley explained this item was a request for appointment to the Advisory Committee.

- Request to appoint Professor Kathy Oborn to the POST Advisory Committee as replacement representative for Bradley J. Young.

The Commission discussed this item and made the following motions.

Commissioner Dudley called for a **MOTION** to appoint Professor Kathy Oborn to the Advisory Committee as replacement representative for Bradley J. Young.

MOTION – Long, Second – Doyle, carried unanimously to appoint Professor Kathy Oborn to the Advisory Committee.

NEW BUSINESS

V. New Business

Commissioner Dudley called upon POST Executive Director Manny Alvarez to discuss New Business items. After the discussion, the Commission made the following motions.

Commissioner Dudley called for a **MOTION** to extend the Advisory Committee Members' terms through the October 24, 2019, Commission Meeting, at which time appointments would be determined and voted.

MOTION – Doyle, Second – Smith, carried with ten votes to extend the Advisory Committee Members' terms through the October 2019 meeting.

Commissioner Dudley called for a **MOTION** to approve the Advisory Committee Members' terms as recommended and noted in the agenda.

MOTION – O'Rourke, Second – Donelan, did not pass with a vote of four to approve the Advisory Committee Members' terms as recommended and noted in the agenda.

FUTURE COMMISSION DATES

W. Future Commission Dates

Commissioner Dudley read the future Commission Meeting dates.

- October 23 - 24, 2019 - POST, West Sacramento
- February 12 - 13, 2020 - San Diego, California
- June 3 - 4, 2020 - POST, West Sacramento
- October 21 - 22, 2020 - POST, West Sacramento

Break: 2:06 p.m.

Reconvene to Closed Session: 2:10 p.m.

CLOSED SESSION

Commissioner Dudley departed at the start of the Closed Session and Vice Chair Braziel took over the meeting.

X. Closed Executive Session – 2:10 p.m. – 2:27 p.m.

1) Conference with Legal Counsel - Existing Litigation: Pursuant to Government Code Section 11126(e)(1), the Commission hereby provides public notice that the following pending litigation matters may be considered and acted upon, as necessary and appropriate, in closed session.

a) Alice Cotti and Vladimir Serdyukov v. California Department of Social Services et al, United States District Court, Northern District, Case No. 5:18-CV-02980 BLF.

b) Jeremy Maurer v. Commission on Peace Officer Standards and Training, Sacramento Superior Court, Case No 34-2018-80002807.

c) Knowledge and Intelligence Professional Programs v. POST, Los Angeles Superior Court, Case No. NC058217, NC053503 and related appeals, Second Appellate District, Case No's B266376 and B278820.

d) Tamara Evans v. POST, Sacramento Superior Court, Case No. 34-2014-00164423; Eastern District of California, Case No. 2:15-cv-01951.

2) Executive Director Performance Review

- a) Results of Sub-Committee review of Executive Director Performance Review

Reconvened to General Session – 2:27 p.m.

Commissioner Braziel reconvened the meeting to general session and asked for any comments from the Commissioners.

There were no additional comments.

Commissioner Braziel called for a **MOTION** to adjourn the meeting.

MOTION – Doyle, Second Chaplin - carried unanimously to adjourn the meeting.

ADJOURNMENT – 2:28 p.m.

Respectfully Submitted,

Elena Fernandez
Associate Governmental Program Analyst
Administrative Assistant to the Executive Director