

COMMISSION ON
PEACE OFFICER STANDARDS AND TRAINING

POST COMMISSION MEETING

Commission on POST
860 Stillwater Road, Suite 100
West Sacramento, CA 95605

Thursday, June 23, 2016

ACTION SUMMARY



EDMUND G. BROWN JR.
GOVERNOR

KAMALA D. HARRIS
ATTORNEY GENERAL

CALL TO ORDER

Commissioner Joyce Dudley called the meeting to order.

HONOR GUARD AND FLAG SALUTE

The Honor Guard was provided by the Elk Grove Police Department. The pledge of allegiance was led by Commissioner Joyce 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 Nathan Taylor, California Highway Patrol
- Officer Michael Katherman, San Jose Police Department

POST Commission Support Staff Present:

Stephanie Scofield, Interim Executive Director, Executive Office
Janice Bullard, Assistant Executive Director, Executive Office
Dave Cornejo, Assistant Executive Director, Executive Office
Ralph Brown, Legislative Liaison, Executive Office
Connie Paoli, Administrative Assistant, Executive Office
Marie Bouvia, Executive Secretary, Executive Office

ROLL CALL OF COMMISSION MEMBERS

PRESENT

Rick Braziel
Lai Lai Bui
Thomas Chaplin
Robert Doyle
Joyce Dudley

ABSENT

Richard DeLaRosa
Sandra Hutchens
Laren Lechlitter

Peter Kurylowicz
Geoff Long
Jim McDonnell
Jethroe Moore II
Batine Ramirez
Laurie Smith
Larry Wallace

A calling of the roll reflected a quorum was present.

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

Commissioner Dudley introduced the POST Advisory Committee Chair Mario Casas, POST Legal Counsel William “Toby” Darden, and Interim Executive Director Stephanie Scofield.

Interim Executive Director Stephanie Scofield welcomed New Commissioner Thomas Chaplin to the Commission. Ms. Scofield also made opening remarks to the Commission regarding recent POST accomplishments.

WELCOMING ADDRESS

Robert Lehner, Chief, Elk Grove Police Department provided the welcoming remarks.

AWARDS PRESENTATION

Awards were presented to the winners of the 2015 POST Excellence in Training Awards.

- Individual Achievement - Anthony Moore, Deputy Sheriff, Los Angeles County Sheriff's Department
- Organizational Achievement – Orange Police Department, Mental Health Program
- Lifetime Achievement – Mildred “Missy” K. O’Linn, Partner, Manning & Kass, Ellrod, Ramirez, Trester LLP

BREAK: 10:37 a.m.

RECONVENE: 10:45 a.m.

PUBLIC COMMENT PERIOD

Commissioner Dudley read the public comment script. No public comment was requested.

APPROVAL OF ACTION SUMMARIES AND MINUTES

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

- Action Summary - February 25, 2016

- Action Summary – March 28, 2016
- Action Summary – May 16, 2016
- Meeting Minutes – February 25, 2016
- Meeting Minutes – March 28, 2016
- Meeting Minutes – May 16, 2016

MOTION – Kurylowicz, Second – Doyle, Abstain – Chaplin, carried unanimously to approve the action summaries and meeting minutes of the February 25, 2016, March 18, 2016, and May 16, 2016, Commission Meetings.

CONSENT

B. Approval of the Consent Agenda

Commissioner Dudley asked if the Commission would like presentations on any Consent Items.

Commissioner Braziel requested additional information on Consent Item 1, Commissioner Braziel requested that in future, staff provide a more in-depth summary of the courses that are certified, decertified, blended, or merged. He asked that course titles also be included.

MOTION – Doyle, Second – Wallace, carried unanimously to approve the Consent Agenda.

Commission Recognition

Commissioner Dudley called upon Interim Executive Director Stephanie Scofield to present a Commission Certificate of Recognition to:

Mario Casas, POST Advisory Committee Member (Retired)

Commission Resolutions

Commissioner Dudley call upon Interim Executive Director Stephanie Scofield to present Commission Resolutions to:

- Paula Mendenhall, Staff Services Manager, Basic Training Bureau, POST
- Frank Decker, Bureau Chief (Retired), Training Delivery and Compliance Bureau, POST

Ms. Scofield announced, a Commission Resolution had been presented to Retired Executive Director Robert Stresak, by Commissioner Bui, at his retirement dinner on May 12, 2016. Ms. Scofield asked Mr. Stresak to come forward. Mr. Stresak briefly addressed the Commission.

FINANCE COMMITTEE MEETING

C. Financial Report

Commissioner Kurylowicz provided a brief overview of the Finance Committee meeting and called upon Assistant Executive Director Dave Cornejo.

Mr. Cornejo provided an update on agenda items 1 through 7 of the Finance Committee meeting, held on Wednesday, June 22, 2016, in West Sacramento, CA.

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

MOTION – Long, Second – McDonnell, carried unanimously to approve the Finance Committee Report.

ADMINISTRATIVE SERVICES BUREAU

- D. Report on Amendment of Commission Regulations 1001 Definitions, 1052 Requirements for Course Certification, and 1053 Requirements for Self-paced Course Certification

MOTION – Ramirez, Second – Kurylowicz, carried unanimously to authorize the Executive Director to pursue changes, through the Office of Administrative Law (OAL) process to Commission Regulations 1001 Definitions, 1052 Requirements for Course Certification and 1053 Requirements for Self-paced Course Certification. If no public hearing is requested the changes will be effective October 1, 2016.

BASIC TRAINING BUREAU

- E. Report on Proposed Changes to the Training and Testing Specifications for Peace Officer Basic Courses

MOTION – Moore, Second – Bui, carried unanimously to authorize the Executive Director to pursue changes through the Office of Administrative Law (OAL) process, to the Training and Testing Specifications for Peace Officer Basic Courses. If no public hearing is requested the changes will be effective February 1, 2017.

MANAGEMENT COUNSELING, LEADERSHIP DEVELOPMENT BUREAU

- F. Report on Request to Contract for a POST Internal Organizational Study

The Commission called for a report on the agenda item. Assistant Executive Director Jan Bullard provided a report.

The Commission directed staff to pursue the contract through the Department of General Services contract process to identify an appropriate vendor. The Commission further directed staff to contact stakeholders to ascertain areas of improvement or any unmet need.

MOTION – Brazier, Second – Moore, carried by **Roll Call Vote** to authorize the Interim Executive Director to enter into a contract with an entity to conduct a stakeholder survey to identify systems and practices and then develop a scope of work to be brought before the Commission at its next meeting.

Legal Counsel Darden asked to revisit the Organizational Study agenda item. Mr. Darden clarified the motion as approving the Executive Director to enter into a contract with a vendor, in an amount not to exceed \$75,000 to engage in a study of POST with external stakeholders in which the finding might be used in the future, potentially, with another contract, to determine organizational changes.

MOTION – Braziel, Second – Doyle, carried by Roll Call Vote to authorize the Interim Executive Director to enter in a contract with an entity to in an amount not to exceed \$75,000 to engage in a study of POST with external stakeholders in which the finding might be used in the future, potentially, with another contract, to determine organizational changes.

The Commission agreed that Commissioner Braziel will act as an advisor to POST staff in the organizational study after a vendor has been selected.

Commissioner Bui suggested staff also begin work on identifying potential vendors through the Department of General Services (DGS) process for the completion of the internal audit. The Commission agreed and no other motion was heard on this item.

Assistant Executive Director Jan Bullard asked to readdress the Commission to clarify that the Commission directed staff to approach the organizational study contract in two phases:

- Phase One: Outreach to stakeholders to ascertain areas that require improvement, and
- Phase Two: (Upon approval of Phase One) Conduct internal focus in light of the findings of Phase One.

MOTION – Braziel, Second – Chaplin, carried by **ROLL CALL VOTE**, to authorize the Interim Executive Director to enter into a contract with an appropriate entity for a two phase organizational study that will include outreach to POST's stakeholders in an amount not to exceed \$75,000.

STANDARDS, EVALUATIONS, AND RESEARCH BUREAU

- G. Report on Proposed Changes to Commission Regulations 1001, 1005, 1007, 1008, 1009, 1080, 1083, Procedures D-1, D-10, D-11, the Training and Testing Specifications for Peace Officer Basic Courses, and the Basic Courses Test Management and Security Protocols 2016

MOTION – Braziel, Second – McDonnell, carried unanimously to authorize the Executive Director to pursue changes of Commission Regulations 1001, 1005, 1007, 1008, 1009, 1080, 1083, Procedures D-1, D-10, D-11, the Training and Testing Specifications for Peace Officers Basic Courses, and the Basic Courses Test Management and Security Protocols 2016 through the Office of Administrative Law (OAL) process, if no public hearing is requested the changes will be effective February 15, 2017.

BREAK: 11:37 a.m.

RECONVENE: 11:48 a.m.

TRAINING DELIVERY AND COMPLIANCE BUREAU

- H. Report on Proposed Revisions to Commission Regulations 1001, 1005, and 1008 in Relation to Assembly Bill 1168 (Peace Officer: Basic Training Requirements)

MOTION - Chaplin, Second – Bui, carried unanimously to authorize the Interim Executive Director to pursue the proposed changes to Commission Regulations 1001, 1005, and 1008 through the Office of Administrative Law (OAL) process, if no public hearing is requested the changes will be effective January 1, 2017.

TRAINING PROGRAM SERVICES BUREAU

- I. Report on Proposed Revisions to Commission Regulations 1081 and 1004 and Commission Procedure D-13 in Relation to Mental Health Training

MOTION – Kurylowicz, Second – Wallace, carried unanimously to authorize the Interim Executive Director to pursue the proposed changes to Commission Regulations 1081, 1004 and Commission Procedure D-13 through the Office of Administrative Law (OAL) process, if not public hearing is requested the changes will be effective January 1, 2017.

- J. Report on the POST MOTORS Operational Guidelines and Standardized Training Recommendations

MOTION – Bui, Second – Moore, carried unanimously to approve the MOTORS Operational Guidelines and Standardized Training Recommendations.

COMMISSION APPEAL HEARINGS

- K. Report on Appeal to Commission by Vikas Kurian

Commissioner Dudley called upon legal counsel for Mr. Kurian. Ms. Danielle Little of Estelle and Kennedy APLC was provided instructions regarding time limits and asked to address the Commission regarding the appeal by Mr. Vikas Kurian.

The Commission heard testimony and rebuttals from Ms. Little, Interim Executive Director Stephanie Scofield and Scott Loggins, Bureau Chief, Basic Training Bureau.

The Commission asked several questions and announced they would deliberate in Executive Closed Session and render a decision at the conclusion of Closed Session.

COMMITTEE REPORTS

- L. Advisory Committee

Mario Casas, Chair of the Advisory Committee, provided a report on the results of the Advisory Committee meeting held on Wednesday, June 22, 2016, in West Sacramento, CA.

Advisory Chair Casas announced the Committee had elected a new Chair, Marcelo Blanco and Vice Chair Randy Waltz.

Commissioner Dudley called for a **MOTION** to accept the report of the Advisory Committee.

MOTION – Braziel, Second – Wallace, carried unanimously to accept the Advisory Committee report and recommendations on the New Committee Chair, Committee Vice-Chair and Commission Agenda.

M. Legislative Review Committee

Jethroe Moore, Chair of the Legislative Review Committee, provided a report on the results of the Legislative Review Committee meeting held on Thursday, June 23, 2016, in West Sacramento, CA.

Commissioner Moore announced that Commissioner Braziel has recommended the Legislative Review Committee be disbanded and the Committee members be repurposed to other causes, such as; POST Organizational Study or a Strategic Plan Committee. The Committee suggested a legislative update could be provided to the Commission as part of the regular Commission meeting agenda.

Commissioner Dudley called for a **MOTION** to accept the recommendations of the Legislative Review Committee to disband and repurpose for other causes.

MOTION – Moore, Second – Bui, carried unanimously to disband and repurpose the Legislative Review Committee effective immediately.

Commissioner Dudley called for a **MOTION** to accept the report of the Legislative Review Committee.

MOTION – Doyle, Second – Wallace, carried unanimously to accept the Legislative Review Committee report.

N. Executive Director Recruitment Advisory Committee

Joyce Dudley, Chair, Executive Director Recruitment Advisory Committee, provided an update on the Committee meeting held on June 22, 2016, in West Sacramento.

Commissioner Dudley announced the Committee met and discussed the Executive Director position and will discuss it further in Closed Session.

Commissioner Dudley called for a **MOTION** to approve the report of the Executive Director Recruitment Advisory Committee.

MOTION – Chaplin, Second – McDonnell, carried unanimously to accept the report of the Executive Director Recruitment Advisory Committee meeting.

O. Correspondence

Commissioner Dudley reviewed the correspondence to and from POST.

P. Old Business

Report on POST Screening Requirements for Retired Peace Officers Returning as Retired Annuitants

Dr. Shelley Spilberg, and Melani Singley, Personnel Selection Consultant, provided a report to the Commission.

The Commission discussed a regulatory language change allowing agencies the discretion of conducting a background investigation update on peace officers re-appointed to an agency with 180 days of voluntary separation.

The Commission moved to have Commissioner Robert Doyle appointed to implement the direction of the regulation language change regarding a 180 day break in service. The direction of the Commission was to proceed with the Office of Administrative Law process prior to the October 2016 meeting.

Commissioner Dudley called for a **MOTION** on the report under Old Business.

MOTION – Brazier, Second Smith, carried unanimously to authorize Commissioner Robert Doyle to review and approve changes to Commission regulations changes regarding reappointment requirements for Retired Annuitants and pursue the proposed changes through the Office of Administrative Law (OAL) process.

Q. Nominations to Reappointment to the Advisory Committee

Commissioner Dudley read the recommendations for reappointment to the Advisory Committee.

After reading all the recommendations, Commissioner Dudley call for a **MOTION** to approve all the recommended reappointments to the Advisory Committee.

MOTION – Moore, Second – Wallace to approve all recommendations for reappointment to the Advisory Committee as listed in the agenda item.

R. Nominations of Replacements to the Advisory Committee

Commissioner Dudley asked for a **MOTION** to approve Lanny Brown, President, California Academy Directors Association (CADA), as the CADA representative replacement on the POST Advisory Committee.

MOTION – Doyle, Second – Kurylowicz, carried unanimously to accept Lanny Brown as the CADA representative replacement on the Advisory Committee.

Commissioner Dudley asked for a **MOTION** to approve Jamie Young, Director, California Public Safety Dispatcher Advisory Council (CPSDAC), as the CPSDAC representative replacement on the POST Advisory Committee.

MOTION – Ramirez, Second – Braziel, carried unanimously to accept Jamie Young as the CPSDAC representative replacement on the POST Advisory Committee.

Commissioner Dudley asked for a **MOTION** to approve Artin Baron, Orange County Senior Deputy Coroner, as the California Coalition of Law Enforcement Associations (CCLEA) representative replacement on the POST Advisory Committee.

MOTION – Bui, Second – Moore, carried unanimously to accept Artin Baron as the CCLEA representative replacement on the POST Advisory Committee.

P. Nominations for New Commission Chair and Vice Chair

Commissioner Dudley announced the Commission heard in the Legislative Review Committee meeting that the Assembly and Senate approved the Governor's Trailer Bill language authorizing the Governor the power to appoint the Commission Chair.

MOTION – Moore, Second – Ramirez, carried unanimously to delay action on this agenda item at the October 2016 Commission meeting.

FUTURE COMMISSION DATES

O. Future Commission Meetings will be held:

- October 26 – 27, 2016, POST, West Sacramento
- February 22 – 23, 2017, Majestic Hotel, Anaheim
- June 21 – 22, 2017, POST, West Sacramento
- October 25 – 26, 2017, POST, West Sacramento

Commission Dudley announced the Commission would meet in Closed Session after a break.

BREAK – 1:51 p.m.

CLOSED SESSION – 1:58 p.m.

RECONVENE – 2:52 p.m.

Commissioner Dudley called the meeting to order in open session and asked Mr. Darden to brief attendees on the items discussed in Closed Session.

Mr. Darden explained the Commission was briefed and discussed personnel issues, pending litigation matters, the Appeal of Mr. Vikas Kurian, and considered the selection process for an Interim Executive Director of POST and had two votes.

The first, after deliberation, the Commission voted to permit Mr. Kurian to take the requalification course within six months and denied payment of his attorney fees. The Chair and Mr. Darden will create the opinion that will be sent out within 15 business days. The Commission agreed that Commissioner Dudley has the authority to sign a formal letter to Mr. Kurian.

The second was the Commission decided to hold Interim Executive Director selection interviews on July 13, 2016 at POST beginning at 10:00 a.m. He said, Stephanie Scofield will be one of the individual's interviewed for the Interim Executive Director position.

Commissioner Dudley called upon Assistant Executive Director Dave Cornejo to explain some to the additional discussion held in closed session.

Mr. Cornejo explained the Commission discussed the possibility of POST certified course instructors earning training credit for teaching the course. The Commission also discussed the possibility of increasing flexibility in POST course outlines.

Commissioner Dudley explained the Commission discussed the desire to have more diversity on the Advisory Committee. The Commissioner would like more consideration be given to diversity of the Advisory Committee in 2017. They suggested informal conversation occur with the Associations represented on the Advisory Committee.

ADJOURNMENT – 2:56 p.m.

Respectfully Submitted,

Connie Paoli
Administrative Assistant to the Executive Director