

STATE OF CALIFORNIA  
COMMISSION ON  
PEACE OFFICER STANDARDS AND TRAINING  
  
**POST COMMISSION MEETING**  
**OPEN SESSION**



TIME: 10:00 a.m.

DATE: Thursday, June 23, 2016

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



REPORTER'S TRANSCRIPT OF PROCEEDINGS



Reported by:

Daniel P. Feldhaus

California Certified Shorthand Reporter #6949

Registered Diplomate Reporter, Certified Realtime Reporter

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A P P E A R A N C E S

POST COMMISSIONERS PRESENT

JOYCE DUDLEY  
*(Acting Chair of the Commission)*  
Santa Barbara District Attorney  
Santa Barbara County  
*(Acting Chair, Executive Director Recruitment  
Advisory Committee)*

RICK BRAZIEL  
Educator  
Humboldt State University

LAI LAI BUI  
Sergeant  
Sacramento Police Department

THOMAS CHAPLIN  
Chief  
Walnut Creek Police Department

ROBERT DOYLE  
Sheriff  
Marin County

PETER KURYLOWICZ, JR.  
Deputy Sheriff  
Riverside County Sheriff's Department  
*(Chair, Finance Committee)*

GEOFF LONG  
Public Member

JIM McDONNELL  
Sheriff  
Los Angeles County Sheriff's Department

JETHROE MOORE II  
Public Member  
*(Chair, Legislative Review Committee)*

BATINE RAMIREZ  
Deputy Sheriff  
Placer County Sheriff's Department

A P P E A R A N C E S

POST COMMISSIONERS PRESENT

*continued*

LAURIE SMITH  
Sheriff  
Santa Clara County Sheriff's Department

LARRY J. WALLACE  
for KAMALA D. HARRIS, Attorney General  
Department of Justice



COMMISSION ON POST STAFF PRESENT

*(participating staff)*

STEPHANIE SCOFIELD  
Interim Executive Director  
Executive Office

WILLIAM "TOBY" DARDEN  
POST Commission Counsel  
Department of Justice  
Office of the Attorney General

DAVID CORNEJO  
Assistant Executive Director  
*(Administrative Services Division)*  
Executive Office

JANICE BULLARD  
Assistant Executive Director  
*(Standards and Development Division)*  
Executive Office

DAVID CHENG  
Analyst  
Training Program Service Bureau

JEFF DUNN  
Bureau Chief  
Training Delivery and Compliance Bureau

A P P E A R A N C E S

COMMISSION ON STAFF PRESENT

*(participating staff)*  
*continued*

DIANE HREPICH  
Personnel Selection Consultant  
Standards, Evaluation & Research Bureau

SCOTT LOGGINS  
Bureau Chief  
Basic Training Bureau

CONNIE PAOLI  
Administrative Assistant II  
Executive Office

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

MELANI SINGLEY  
Personnel Selection Consultant  
Standards, Evaluation & Research Bureau



Also Present

MARIO A. CASAS  
*(POST Advisory Committee Chair)*  
California Coalition of Law Enforcement Associations

ARTIN BARON  
California Coalition of Law Enforcement Associations

VIKAS KURIAN  
Appellant

ROBERT LEHNER  
Chief  
Elk Grove Police Department

DANIELLE K. LITTLE  
Estelle & Kennedy, APLC

**A P P E A R A N C E S**

**Also Present**

JEANNINE LOUCKS  
St. Joseph's Hospital

DAVE NICHOLS  
Captain, Orange Police Department



**Excellence in Training Award Recipients**

ANTHONY MOORE  
Deputy, Los Angeles Police Department

TOM KISELA  
Chief, Orange Police Department

ROBERT GUSTAFSON  
Retired Chief, Orange Police Department

MILDRED "Missy" O'LINN  
Attorney  
Manning & Kass, Ellrod, Ramirez, Trester, LLP



**Commission on POST Commendation Recipients**

ROBERT STRESAK  
Executive Director (Retired)

FRANK DECKER  
Retired Bureau Chief (Retired)  
Training Delivery & Compliance Bureau

PAULA MENDENHALL  
Staff Services Manager (Retired)  
Basic Training Bureau



I N D E X

<u>Proceedings</u>	<u>Page</u>
Call to Order . . . . .	15
Color Guard and Flag Salute . . . . .	15
Elk Grove Police Department	
Moment of Silence . . . . .	15
Officer Nathan Taylor	
California Highway Patrol	
Officer Michael Katherman	
San Jose Police Department	
Roll Call of Commission Members . . . . .	16
Introduction of POST Advisory Committee Chair, POST Legal Counsel, and the Executive Director and New Commissioners . . .	17
Welcoming Address	
Robert Lehner, Chief	
Elk Grove Police Department . . . . .	19
Awards Presentation	
POST Excellence in Training Awards . . . . .	25
<u>Individual Achievement:</u>	
Deputy Anthony Moore	
Los Angeles Police Department . . . . .	26
<u>Organizational Achievement:</u>	
Orange Police Department	
Mental Health Program . . . . .	30
<u>Lifetime Achievement:</u>	
Mildred "Missy" O'Linn	
Manning & Kass, Ellrod, Ramirez,	
Trester, LLP . . . . .	35

I N D E X

<u>Proceedings</u>	<u>Page</u>
Public Comment . . . . .	41
 <b>Approval of Action Summaries and Minutes</b>	
A. Approval of Action Summary and Minutes for the following Commission meetings: February 25, 2016; March 28, 2016; and May 16, 2016 . . . . .	41
 <b>Consent:</b>	
B. Consent Items	
1. Report on Course Certification Statistics from 1/1/16 to 4/30/16 . . . . .	45
2. Report on Change in Program Status Of the Monterey Regional Airport District Police Department . . . . .	48
3. Report on New Agency Admission to the POST Program - Sonoma-Marin Area Rail Transit Department of Public Safety . . . . .	48
4. Report on International Interest in POST Specialty Courses . . . . .	48
5. Report on the Progress of the Cognitive Task Analysis to Improve Officer Decision-Making Skills . . . . .	49
6. Commission Recognition:	
Mario A. Casas POST Advisory Committee Member . . . . .	49
7. Commission Resolutions . . . . .	53
Frank Decker Bureau Chief (Retired) Training Delivery & Compliance Bureau, Commission on POST . . . . .	55

I N D E X

Proceedings

Page

**Consent:**

B. Consent Items

7. Commission Resolution *continued*

Robert Stresak  
Executive Director (Retired)  
Commission on POST . . . . . 59

Paula Mendenhall  
Staff Services Manager  
Basic Training Bureau  
Commission on POST . . . . . 53

**Finance Committee**

C. Financial Report from Finance  
Committee Meeting held June 22,  
2016, Kurylowicz/Cornejo . . . . . 61

**Administrative Services Bureau**

D. Report on Amendment to Commission  
Regulations 1001 Definitions, 1052  
Requirements for Course Certification,  
and 1053 Self-Paced Course Certification . 64

**Basic Training Bureau**

E. Report on Proposed Changes to the  
Training and Testing Specifications  
for Peace Officer Basic Courses . . . . . 65

**Training Delivery and Compliance Bureau**

F. Report on Request to Contract for a  
POST Internal Organizational Study . . 65, 86



I N D E X

Proceedings

Page

**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 . . . . . 82

**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) . . 84

**Training Program Services Bureau**

- I. Report on Proposed Revisions to Commission Regulation 1081 and 1004 and Commission Procedure D-13 in Relation to Mental-Health Training . . . . . 85
- J. Report on the POST MOTORS Operational Guidelines and Standardized Training Recommendations . . . . . 85

**Commission Appeal Hearings**

- K. Report on Appeal to Commission by Vikas Kurian . . . . . 100

**Committee Reports**

- L. Advisory Committee, Casas . . . . . 146
- M. Legislative Review Committee, Moore . . . 149
- N. Executive Director Recruitment Advisory Committee (EDRAC), Dudley . . . . . 154

I N D E X

Proceedings

Page

**Correspondence**

O. Correspondence from POST and to POST . . 155

From POST to:

Joseph Farrow, Commissioner,  
California Highway Patrol, expressing  
sympathy over the tragic on-duty death of  
Officer Nathan Taylor . . . . . 155

Edgardo Garcia, Chief of San José Police  
Department, expressing sympathy over the  
tragic on-duty death of Officer  
Michael Katherman . . . . . 155

To POST from:

Laura Perry, Executive Director,  
California Association of Police Training  
Officers (CAPTO), requesting the  
reappointment of Randy Waltz as their  
representative to the Advisory Committee . . 155

Ken Corney, President, California Police  
Chiefs Association (CPCA), requesting the  
reappointment of Greg Garner, Chief,  
Selma Police Department, as their  
representative to the Advisory Committee . . 155

Alex Bernard, Advisory Committee member,  
requesting reappointment to the Advisory  
Committee as a public member . . . . . 155

Lanny Brown, President, California Academy  
Directors Association (CADA), requesting  
appointment to the Advisory Committee as the  
representative for CADA . . . . . 155

Michael Durant, President,  
Peace Officers Research Association of  
California (PORAC), expressing support of  
the reappointment of Jim Bock, California  
Specialized Law Enforcement (CSLE)  
representative to the Advisory Committee . . 155

Michael Durant, President, Peace Officers  
Research Association of California (PORAC),  
requesting the reappointment of Marcelo Blanco  
as their representative to the Advisory  
Committee . . . . . 155

I N D E X

Proceedings

Page

**Correspondence**

O. Correspondence from POST and to POST . . 155

To POST from:

Donny Youngblood, President,  
California State Sheriffs Association (CSSA),  
requesting the reappointment of Ed Bonner,  
Sheriff, Placer County as their  
representative to the Advisory Committee . . 155

Carol Leveroni, Executive Director,  
California Peace Officers Association  
(CPOA), requesting the reappointment of  
Sandra Spagnoli as their representative to  
the Advisory Committee . . . . . 155

Rosanna McKinney, Coordinator,  
California Public Safety Dispatcher Advisory  
Council (CPSDAC), requesting the appointment  
of Jaime Young, Director of CPSDAC as the  
representative to the Advisory Committee . . 155

Stephen James, California Coalition of Law  
Enforcement Associations (CCLEA) requesting  
The appointment of Artin Baron, Orange County  
Senior Deputy Coroner as the representative  
to the Advisory Committee . . . . . 155

Elmo Banning, Advisory Committee Member,  
requesting reappointment to the Advisory  
Committee as a public member . . . . . 155

To the California Governor's Office from:

Randy Perry, Legislative Advocate,  
Aaron Read and Associates, LLC., representing  
the Peace Officers Research Association of  
California (PORAC), opposing the Governor's  
Trailer language regarding the Governor's  
appointment of the Chair of the Commission . 155

I N D E X

Proceedings

Page

**Old Business**

P. Old Business

Report on POST Screening Requirements for Retired Peace Officers Returning as Retired Annuitants . . . . .	161
--	-----

**New Business**

Q. Nominations for Reappointment to the Advisory Committee . . . . .	196
---	-----

1. CAPTO Executive Director Laura Perry recommends that Advisory Committee Representative, Randy Waltz, be reappointed to the POST Advisory Committee . . . . .	196
--	-----

2. CPCA President Ken Corney recommends that Advisory Committee Representative, Greg Garner, be reappointed to the POST Advisory Committee . . . . .	196
---	-----

3. Public Member Alex Bernard requests that he be reappointed to the POST Advisory Committee . . . . .	196
--	-----

4. Public Member, Elmo Banning, requests that he be reappointed to the POST Advisory Committee . . . . .	197
--	-----

5. PORAC President Michael Durant recommends that Advisory Committee representative, Marcelo Blanco, be reappointed to the POST Advisory Committee . . . . .	197
---	-----

6. PORAC President Michael Durant recommends that Advisory Committee California Specialized Law Enforcement (CSLE) representative, Jim Bock, be reappointed to the POST Advisory Committee . . . . .	197
--	-----

7. CPOA Executive Director Carol Leveroni recommends that Advisory Committee Representative Sandra Spagnoli be reappointed to the POST Advisory Committee	197
--	-----

I N D E X

Proceedings

Page

**New Business**

Q. Nominations for Reappointment to the  
Advisory Committee

8. CSSA President Donny Youngblood  
recommends that Advisory Committee  
California State Sheriff's Association  
(CSSA) representative, Ed Bonner, be  
reappointed to the POST Advisory  
Committee . . . . . 156, 197

R. Nominations of Replacement for Advisory  
Committee Member

1. Richard Lindstrom, Director, State Center  
Regional Training Facility, representing  
CADA on the POST Advisory Committee.  
CADA President Lanny Brown recommends  
himself as the CADA replacement appointee  
on the POST Advisory Committee . . . . . 157
2. Rosanna McKinney, Coordinator,  
Public Safety Dispatcher Advisory Council  
(CPSDAC), recommends that Jaime Young,  
Director, CPSDAC, replace representative  
Alan McFadon on the POST Advisory  
Committee . . . . . 159
3. Stephen James, President,  
California Coalition of Law Enforcement  
Associations (CCLEA), recommends that  
Artin Baron, Orange County Senior  
Deputy Coroner, replace representative  
Mario Casas on the POST Advisory  
Committee . . . . . 159

S. Nominations for New Commission Chair  
and Vice Chair . . . . . 160

**Future Commission Dates**

T. Upcoming Commission Meeting Dates . . . . . 202

I N D E X

<u>Proceedings</u>	<u>Page</u>
<b>Closed Session</b>	
U. Closed Executive Session . . . . .	198
1. Conference with Legal Counsel re Existing Litigation	
a. <i>Knowledge and Intelligence</i> <i>Professional Programs v POST</i> , Los Angeles Superior Court, Case #NC058217, #NC053503	
b. <i>Meniooh v State of California</i> , N.D. Cal., Case #C-16-0715-CRB	
c. <i>Tamara Evans v POST</i> , Sacramento County Superior Court, Case #34-2014-00164423; Eastern District of California, Case #2:15-cv-01951	
2. Deliberations on the Appeal of Vikas Kurian	
3. Conference with Legal Counsel re Existing/Potential Litigation	
a. Matters related to the course certification issue involving the presentation of the Regular Basic Course - Extended Format by Fullerton College	
b. Matters before the EEOC Charge #555-2015-001150 and Charge #555-2016-00829	
4. Conference with Legal Counsel - Executive Director Recruitment Discussion	
Report from closed executive session . . . . .	199
Adjournment . . . . .	202
Reporter's Certificate . . . . .	203

**POST Commission Meeting, June 23, 2016**

**Thursday, June 23, 2016, 10:03 a.m.**

**West Sacramento, California**



ACTING CHAIR DUDLEY: Please stand for the presentation of the colors by the Elk Grove Police Department.

*(The Elk Grove Police Department Color Guard entered the meeting room.)*

ACTING CHAIR DUDLEY: Please join me in the Pledge.

*(The Pledge of Allegiance was recited.)*

ACTING CHAIR DUDLEY: Please remain standing for a moment of silence in honoring the officers who lost their lives in the line of duty since the last meeting:

Officer Nathan Taylor, California Highway Patrol.

Officer Michael Katherman, San José Police Department.

*(Moment of silence)*

ACTING CHAIR DUDLEY: Thank you.

*(The Elk Grove Police Department Color Guard exited the meeting room.)*

ACTING CHAIR DUDLEY: Please take this time to thank the Elk Grove Police Department.

*(Applause)*

ACTING CHAIR DUDLEY: And please be seated.

**POST Commission Meeting, June 23, 2016**

1 Ms. Paoli, would you please take the roll call?  
2 MS. PAOLI: Braziel?  
3 COMMISSIONER BRAZIEL: Here.  
4 MS. PAOLI: Bui?  
5 COMMISSIONER BUI: Here.  
6 MS. PAOLI: Chaplin?  
7 COMMISSIONER CHAPLIN: Here.  
8 MS. PAOLI: DeLaRosa?  
9 *(No response)*  
10 MS. PAOLI: Doyle?  
11 COMMISSIONER DOYLE: Here.  
12 MS. PAOLI: Dudley?  
13 ACTING CHAIR DUDLEY: Here.  
14 MS. PAOLI: Hutchens?  
15 *(No response)*  
16 MS. PAOLI: Kurylowicz?  
17 COMMISSIONER KURYLOWICZ: Here.  
18 MS. PAOLI: Leichliter?  
19 *(No response)*  
20 MS. PAOLI: Long?  
21 COMMISSIONER LONG: Here.  
22 MS. PAOLI: McDonnell?  
23 COMMISSIONER MCDONNELL: Here.  
24 MS. PAOLI: Moore?  
25 COMMISSIONER MOORE: Here.



**POST Commission Meeting, June 23, 2016**

1 MS. PAOLI: Ramirez?

2 COMMISSIONER RAMIREZ: Here.

3 MS. PAOLI: Smith?

4 COMMISSIONER SMITH: Here.

5 MS. PAOLI: Wallace?

6 COMMISSIONER WALLACE: Here.

7 ACTING CHAIR DUDLEY: Thank you.

8 Good morning. Thank you all for coming.

9 I'd like to introduce the POST Advisory Committee  
10 Chair, Mario Casas.

11 ADVISORY COMMITTEE CHAIR CASAS: Thank you,  
12 Madam Chairman.

13 ACTING CHAIR DUDLEY: And POST Legal Counsel, Toby  
14 Darden.

15 MR. DARDEN: Good morning.

16 ACTING CHAIR DUDLEY: And Executive Director,  
17 Stephanie Scofield.

18 INTERIM EXECUTIVE DIRECTOR SCOFIELD: Good morning.

19 ACTING CHAIR DUDLEY: And, Ms. Scofield, would you  
20 please introduce the new commissioner?

21 INTERIM EXECUTIVE DIRECTOR SCOFIELD: I'd like to  
22 welcome Tom Chaplin to our commission. Tom is the chief  
23 at the Walnut Creek Police Department.

24 Welcome.

25 COMMISSIONER CHAPLIN: Thank you very much.

**POST Commission Meeting, June 23, 2016**

1           And I will say that the Executive Director asked me  
2           to briefly introduce myself.

3           I started my career with the Sacramento Police  
4           Department in 1989, and worked there for just under  
5           12 years. And then went to the California Department of  
6           Justice, and worked there for five years, leaving as a  
7           special agent in charge of the Professional Standards  
8           Group, Litigation Unit, and Background Investigation  
9           Unit. And then went to the Citrus Heights Police  
10          Department in 2006 as part of their start-up team. And  
11          left there as a commander, and joined the Walnut Creek  
12          Police Department, as a police chief.

13          I'm also on the California Police Chiefs  
14          Association's board of directors. I just resigned from  
15          their legislative committee, and also co-chair of their  
16          training committee.

17          I'm extremely delighted to join the Commission and  
18          look forward to participating.

19          Thank you.

20          ACTING CHAIR DUDLEY: Thank you, and welcome. We  
21          are delighted to have you here. And as you will soon  
22          see, it is an honor to serve POST.

23          I'd now I'd like to introduce Chief Robert Lehner  
24          from the Elk Grove Police Department who will provide  
25          opening remarks.

**POST Commission Meeting, June 23, 2016**

1 CHIEF LEHNER: Madam Chair, Madam Executive  
2 Director -- where is he? -- Mr. Former Director --  
3 Members of the Commission.

4 My name is Bob Lehner. I'm the police chief in  
5 Elk Grove, have been for almost eight years now. I  
6 realize it's not as long as many people in this room, but  
7 it's probably longer than most people in this room. I've  
8 been a commissioned police officer for almost 38 years.  
9 My first 25 were spent in Tucson, Arizona. I left Tucson  
10 as the senior assistant chief and second in command. And  
11 became the chief in Eugene, Oregon, where I spent almost  
12 five years.

13 And then before taking over as the second-ever chief  
14 of the Elk Grove Police Department, where I've now been  
15 almost eight years.

16 Like Tom, I do serve on the board of directors, the  
17 California Police Chiefs Association.

18 Thank you for representing us, Tom.

19 And it gives me another interesting perspective on  
20 the world of policing and police-chieving in the state  
21 of California.

22 One perspective I may have that others may not, or  
23 at least not to the degree that my experience has, is  
24 I've been certified in three different states as a  
25 commissioned police officer. I made the transition to

1 two different states: Obviously, Oregon; and most  
2 recently California. And so I experienced both what it  
3 means to be certified in each of the three states, the  
4 manner in which that certification occurs, and how one  
5 goes about making that transition.

6 California POST -- I'm not telling you anything you  
7 don't already know -- but I can tell you from my own  
8 professional experiences, not only in the three states  
9 in which I've worked, but the travels I've been on  
10 nationally, is the gold standard of police training and  
11 certification in the United States, probably the world.  
12 But you all know that. I have to say that because my  
13 experience certainly bears that out.

14 And what this body does for law enforcement  
15 generally and for law enforcement in the state of  
16 California specifically cannot be understated. It's just  
17 that critical and that important.

18 California POST, our training guidelines,  
19 regulations, standards, are held up as a model all over  
20 the United States.

21 That said, it now gets into my own little experience  
22 in how I transitioned, particularly from Oregon to  
23 California. California is notoriously difficult to make  
24 that kind of transition as a police chief. I understand  
25 that law that exists, I even understand where it came

1 from, and I understand the person's name that it is  
2 sometimes referred to, having watched that from another  
3 state when it happened.

4 Now, I think it's a good and important thing that  
5 there are standards for transitions; but there's one  
6 piece of it, I think, that could stand a little bit of  
7 improvement, so I wanted to relate that to you.

8 I do think it's critically important that police  
9 officers be able to demonstrate comparable training and  
10 background when they come to another state, when they  
11 make that transition.

12 In my case, when I came to California, my stuff was  
13 30 years old. I'm one of those -- I'll leave out the  
14 adjective -- people who keeps everything; and so I was  
15 actually able to cough up my academy syllabuses and  
16 notebooks from 30 years prior. I coughed them up as  
17 scanned copies. The originals were mimeographed, for  
18 those of you who can even remember what those were.

19 Luckily, and in my case, it meant that I was able  
20 to show comparable training to California basic standards  
21 almost completely. There were two exceptions, and those  
22 two exceptions, I think, get at where I think there might  
23 be an opportunity for some improvement.

24 In my case, the two exceptions were, while I was  
25 able to show I had a chemical agents class, complete with

1 all of the chemical agents to which we were going to be  
2 learning about, and how they are used, and the policies  
3 under which they are used, the syllabus that I was able  
4 to cough up from 30 years ago failed to mention that,  
5 "Oh, by the way, you will be exposed to these chemicals  
6 in the course of this training." Thirty years later,  
7 I couldn't prove that I was; and so I dutifully put  
8 myself into a situation, thanks to the Sacramento County  
9 Sheriff's Department Academy going on at the time, where  
10 I was exposed to both gas and OC spray again, which is  
11 a remarkably different experience when you are fifty-plus  
12 years old as opposed to when you are twenty-plus years  
13 old.

14 The other thing I had -- and the two will ultimately  
15 relate -- the other deficiency I had, when I became  
16 originally certified as a police officer, there was --  
17 the term "domestic violence" existed. There was no DV  
18 law, per se, that differentiated the behavior of a  
19 spouse-on-spouse or a domestic relation versus anybody  
20 else. There was no law for mandatory arrest that  
21 ultimately all the states now have. And while I was able  
22 to show an initial training in -- we called them "family  
23 disputes" at the time -- what I wasn't able to show was  
24 a basic training class in the basic response to an  
25 investigation, domestic violence.

1           Never mind that I had had obviously some very  
2       advanced training over the course of my career, including  
3       in Arizona, serving on the Arizona Governor's commission  
4       as her co-chairperson for the Commission to Prevent  
5       Violence against Women, and where we rewrote the  
6       standards in the State of Arizona for everything from the  
7       legislation, to training, to treatment, and everything  
8       else. And I would have hoped that -- and I also served  
9       on the Arizona State Supreme Court's Commission for the  
10      Impact of Domestic Violence on the Courts. In Oregon,  
11      I served on the Attorney General's Commission for the  
12      Implementation of Crime Victims' Rights. And I would  
13      have hoped that somewhere in all of that, there would  
14      have been credit given that maybe I knew the basic  
15      concepts of domestic violence of what it meant to  
16      respond.

17           That didn't work.

18           I attended a basic domestic-violence class, also at  
19      the Sheriff's Department academy, to complete that basic  
20      requirement. But I'm here to tell you that all of that  
21      turned out to be a very positive experience because as  
22      a result of that, I think you know at the time police  
23      agencies weren't hiring very many people, and people  
24      were going to academy classes and not having jobs at the  
25      other end of it. I was able to hire two officers into

1 Elk Grove PD that are my officers today, that would not  
2 be, had it not been for those experiences. So those are  
3 good things.

4 One last thing about the interagency experience -  
5 interstate experience that I think is relevant -- and I  
6 know this is really controversial, but I have to say it:  
7 Having been both in Arizona and Oregon, and watched other  
8 states, where this works, and for a state that really  
9 does have the gold standard in standards and training,  
10 it is honestly, from afar, remarkable that California  
11 does not have the ability to revoke a police-officer  
12 certification.

13 I know that's controversial. I know it would  
14 require law changes, regulation changes, and all kinds of  
15 things. But somewhere down the road, I hope you all have  
16 the conversation about that exact thing.

17 I can tell you, as a police chief, frankly, even as  
18 a police officer, we all knew there were some police  
19 officers we were working with that should not be police  
20 officers. And that needs to be officially recognized,  
21 the fact that there is a licensing agency in a state that  
22 doesn't have the ability to remove that license seems  
23 kind of backwards to me. But I think there is an area  
24 where even the gold standard can be improved a little  
25 bit.



**POST Commission Meeting, June 23, 2016**

1           So I talked a lot longer than I wanted to.

2           Thank you for having me. Welcome and have a  
3       productive meeting.

4           ACTING CHAIR DUDLEY: Thank you for your thoughtful  
5       comments.

6           *(Applause)*

7           ACTING CHAIR DUDLEY: Okay, so we're now going to  
8       begin the Commission awards ceremony presentation.

9           I am Santa Barbara County's District Attorney. My  
10       name is Joyce Dudley. I am vice chair of the POST  
11       Commission.

12           Each year, the Commission recognizes individuals in  
13       an organization that have greatly contributed to the  
14       success and effectiveness of the law-enforcement  
15       community.

16           On behalf of the entire commission, it is my  
17       pleasure to honor this year's recipients who have  
18       distinguished themselves by demonstrating a commitment  
19       to exceptional service or excellence in training.

20           Assisting me today in this ceremony is Mario Casas,  
21       Chair of the Commission Advisory Committee, and Stephanie  
22       Scofield, Executive Director of POST.

23           At this time, I would like to ask the award  
24       recipients to come forward to be recognized.

25           *(Applause)*

POST Commission Meeting, June 23, 2016

1           ACTING CHAIR DUDLEY: Thank you.

2           The Commission is proud to offer these annual awards  
3 that affirm California's national reputation of being in  
4 the forefront of the law-enforcement training, or as we  
5 just heard, the gold standard.

6           This year, there were 26 nominees for three award  
7 categories. The 14-member Advisory Committee reviewed  
8 all submissions; and after a rigorous screening process,  
9 provided their recommendations to the Commission for  
10 approval. In addition to the trophies that will be given  
11 to the recipients today, their names will be inscribed on  
12 a perpetual plaque located at POST headquarters.

13           We begin this with the individual achievement.

14           The recipient of *POST Excellence in Training*  
15 *Individual Achievement Award* for 2015 is Deputy Anthony  
16 Moore, Los Angeles County Sheriff's Department.

17           Deputy Moore, would you move to the center of the  
18 stage?

19           Thank you.

20           (*Applause*)

21           MS. BULLARD: Deputy Anthony Moore is an 18-year  
22 veteran of the Los Angeles County Sheriff's Department.  
23 He served in several assignments, including Information  
24 Bureau, and currently in the Criminal Intelligence  
25 Bureau.

1           For years, Deputy Moore has been honing his  
2           expertise in the cyber world and is a recognized expert  
3           on social-media investigations, cryptocurrency, and  
4           emerging Internet trends.

5           Deputy Moore quickly realized the opportunities  
6           that were available for law enforcement utilizing social  
7           media and the Internet. He introduced new technology in  
8           the form of geographically mapping data, self-contained  
9           networks, and the use of deep Web technologies to  
10          investigate crimes and create uses for existing  
11          technology.

12          Through this, he has shown members of law  
13          enforcement a better way to conduct investigations on  
14          cyber and social-media-related crimes. Deputy Moore has  
15          brought a unique perspective and creative approach to  
16          the training that he provides the Los Angeles Sheriff's  
17          Department and agencies across the state.

18          His training allowed the Sheriff's Department to  
19          develop a social-media monitoring program. This  
20          monitoring program became an important part of the  
21          Department's strategy during the protests related to  
22          Occupy Wall Street and Occupy Los Angeles; and he  
23          received the LASD Exemplary Service Award for this  
24          endeavor.

25          Through a social-media campaign, No Laughing Matter,

1 Deputy Moore's training proved an invaluable tool in  
2 providing information to the public, and reducing the  
3 illegal sales of the party drug nitrous oxide.

4 Deputy Moore has developed and instructed courses  
5 on social media, public information, Internet  
6 investigations, and computer forensics via the California  
7 Department of Justice. He also instructs basic  
8 cybercrime investigation at the USC Viterbi School of  
9 Engineering.

10 Deputy Moore has lectured and been on panels at  
11 numerous conferences, including the International  
12 Association of Chiefs of Police Conference; Social Media,  
13 the Internet, and Law Enforcement Conference; and the  
14 California POST Detective Symposium. He is also a member  
15 of the Microsoft Southern California Law Enforcement  
16 Group. His training has been directly related to an  
17 increase in the rate of successful prosecutions of  
18 social-media and cyber-related crime.

19 For these reasons, Deputy Anthony Moore is the  
20 winner of the *2015 POST Excellence in Training Award for*  
21 *Individual Achievement.*

22 (Applause)

23 (Photograph taken of Acting Commission Chair Dudley,  
24 Interim Executive Director Scofield, Advisory  
25 Committee Chair Mario Casas, and Anthony Moore)

**POST Commission Meeting, June 23, 2016**

1           ANTHONY MOORE: I just wanted to say a few words.

2           Thank you to the POST Commission. Thank you to the  
3           selection committee, and thank you to the members that  
4           traveled with me here today. They're instrumental in a  
5           lot of what I've done. And I didn't know that much was  
6           going to be said. But when you look at it, it's like,  
7           "Man, okay, I was kind of busy for the past three years."

8           But that's just to say that I had the opportunity to  
9           work for an awesome law-enforcement agency.

10          I am proud to wear this badge, and I'm proud to put  
11          this uniform on every single day. When you join the  
12          academy, 18 years ago, you don't think that you're going  
13          to be an instructor later, down the road. You just put  
14          on the uniform to go do, you know, the Lord's work and  
15          take care of business and protect the communities that  
16          you want to serve. And you never think that I'm going to  
17          train down the road.

18          But I will have to say that this has been one of  
19          my most rewarding positions, is to train other  
20          law-enforcement officers and to let them know the dangers  
21          within the cyberworld. But more importantly, it's when  
22          you get the feedback from them that they're able to  
23          successfully solve cases, to gain digital evidence.  
24          That's rewarding to me as an instructor, to know that I  
25          had a hand in that.

**POST Commission Meeting, June 23, 2016**

1           I just want to wrap up by saying this: I'm in the  
2           position I'm in because I have executives in my  
3           department that realize and understand and say, "We have  
4           a deputy that has talents that can be used to the better  
5           of our communities, and not only that, to the state of  
6           California." So a lot of what I've accomplished, I've  
7           owed to executives and supervisors that are here with me  
8           today. And more importantly, a sheriff that values  
9           education, information, and training deputies in law  
10          enforcement throughout the state of California and the  
11          country.

12          So I'm very fortunate to have those people recognize  
13          those things and recognize great officers.

14          So thank you again, Commission, for allowing me to  
15          be here, and for awarding me this award -- and the  
16          committee. And thank you.

17          *(Applause)*

18          ACTING CHAIR DUDLEY: Thank you.

19          The recipient of the *POST Excellence in Training*  
20          *Organizational Achievement Award* for 2015 is the Orange  
21          Police Department, Mental Health Program.

22          Accepting the award on behalf of the Orange Police  
23          Department is Chief Tom Kisela and retired Chief Robert  
24          Gustafson.

25          *(Applause)*

1 MS. BULLARD: Law-enforcement interaction, in  
2 response to individuals with mental-health issues, has  
3 been at the forefront of public concern, both within  
4 California and nationwide. Police officers are  
5 increasingly called upon to serve persons impacted by  
6 mental illness and/or homelessness.

7 In 2008, in an effort to find a better way to serve  
8 these community members, the Orange Police Department  
9 staff joined the board of directors of the Mental Health  
10 Association of Orange County. By 2009, the Orange Police  
11 Department began to co-host the annual Meeting of the  
12 Minds Conference that brings medical and mental-health  
13 professionals together with community groups and law  
14 enforcement. Drawing from the experiences of individuals  
15 who personally faced a mental illness, the group  
16 facilitates dynamic training on these issues.

17 The steering committee formed by the Orange Police  
18 and Mental Health Association worked to develop new  
19 alliances, increase cultural sensitivity, and improve  
20 the quality of life for persons impacted by mental  
21 illness. Their efforts led to the development of a video  
22 training suite to enhance officers' skills in responding  
23 to and deescalating these contacts.

24 In June 2013, the Orange Police Department formed  
25 the Homeless Engagement Assistance and Resource Team, or

1 HEART, to serve the City of Orange. HEART was developed  
2 and implemented to provide long-term, innovative  
3 strategies for responding to transient-related calls.  
4 Utilizing HEART, officers on calls involving the homeless  
5 population and individuals with mental illness has eased  
6 the demand on patrol resources. The Department has  
7 realized a 35 percent reduction in time required to  
8 resolve mental-health encounters. This, a direct result  
9 of the additional training, increased officer expertise,  
10 and the familiarity that HEART officers have with the  
11 mental-health system and resources.

12 The partnership with Mental Health Association of  
13 Orange County has resulted in the assignment of licensed  
14 clinicians to ride along with HEART officers. A great  
15 benefit of this is the ability to have firsthand on-site  
16 diagnosis that helps to quickly direct individuals to an  
17 appropriate treatment facility.

18 Partnering with St. Joseph Hospital board's  
19 certified psychiatric mental-health medical staff, the  
20 Orange Police Department developed lesson plans for a  
21 24-hour training series for all Orange police officers.  
22 The Orange Police Department has received widespread  
23 recognition for their mental-health training videos, and  
24 continues to receive requests to distribute them  
25 throughout the nation. The 24-hour mental-health



1 trainings curriculum has been shared with agencies  
2 throughout California and the United States; and HEART  
3 has been widely recognized as a successful model that has  
4 directly led to more compassionate and comprehensive  
5 assistance to this very special population.

6 For these reasons, the Orange Police Department  
7 Mental Health Program is the winner of the 2015 POST  
8 *Excellence in Training Award, Organizational Achievement.*

9 *(Applause)*

10 *(Photograph taken of Acting Commission Chair Dudley,*  
11 *Interim Executive Director Scofield, Advisory*  
12 *Committee Chair Mario Casas, and Chief Kisela and*  
13 *Chief Gustafson on behalf of award recipient*  
14 *Orange Police Department Mental Health Program)*

15 CHIEF KISELA: Well, good morning, Commissioners,  
16 ladies and gentlemen. I want to begin by congratulating  
17 the other recipients. It's an honor for me to be up here  
18 with you, and congratulations.

19 On behalf of the men and women of the Orange Police  
20 Department, it's an honor and a privilege for me to be  
21 up here and accept this award on their behalf.

22 But I don't deserve the credit. The gentleman next  
23 to me, Chief Gustafson, who just retired after 41 years  
24 of policing, is the one that started this program and  
25 is the one that deserves the honor.

**POST Commission Meeting, June 23, 2016**

1           So rather than me come up here and talk, I'd like to  
2           give him a minute or so for him to just say a few words.

3           Chief?

4           CHIEF GUSTAFSON: Thank you, Chief.

5           Thank you very much. We're honored to be recognized  
6           by the Commission; and it's certainly a pleasure to be  
7           here before you today.

8           A few brief comments.

9           One of the wonderful things about this program is  
10          all the collaboration that we had with community groups,  
11          the mental-health community, and consumers themselves,  
12          as well as Rotary of Orange, which has helped fund our  
13          videos that have gone out, as mentioned, nationally.

14          It's been a pleasure that we've been aligned with  
15          St. Joseph's Hospital but, more importantly, with their  
16          behavioral nurse expert in the area in the field of  
17          mental health. And that's Jeannine Loucks. And she's  
18          here with us today.

19          Jeannine, stand up, please.

20          *(Applause)*

21          CHIEF GUSTAFSON: Jeannine is a faculty member at  
22          UCI in their nursing program. She has been recognized by  
23          the American Psychiatric Nurses Association repeatedly.  
24          And this year, she is the award winner for the leadership  
25          and media for her production of those videos that we've

1 discussed.

2 In addition, she was responsible for putting  
3 together our lesson plan, curriculum, and instructing the  
4 majority of those 24 hours. An extremely comprehensive  
5 and successful program that's resulted in the Department  
6 receiving a number of comments from the community itself  
7 relative to our officers' interaction with the mentally  
8 ill and their families. And it's been a great growth  
9 experience for all of us involved, and in particular our  
10 officers. And I want to thank Jeanine for that.

11 Also today, Dave Nichols.

12 Dave, stand. He's a captain with Orange PD. Give  
13 him a big hand.

14 (Applause)

15 CHIEF GUSTAFSON: He was also one of the authors and  
16 the participants in the program that was just fantastic,  
17 all his contributions.

18 Thank you, Dave.

19 And to the new chief, thank you. He's already  
20 pushing the program to greater heights.

21 And with that, thank you very much, Commission.  
22 Thank you.

23 (Applause)

24 ACTING CHAIR DUDLEY: Thank you, Chiefs.

25 The recipient of the *POST Excellence in Training*

1     *Lifetime Achievement Award* for 2015 is Ms. Mildred  
2     "Missy" O'Linn.

3             *(Applause)*

4             MS. BULLARD: Missy O'Linn is a partner with Manning  
5     & Kass, Ellrod, Ramirez, Trester, LLP. She is one of  
6     the leaders of their governmental entity liability team.  
7     Ms. O'Linn has an unparalleled background as an attorney  
8     and technical expert in law-enforcement civil liability  
9     and peace-officer training and tactics. She brings a  
10    wealth of experience to her position as advisor,  
11    instructor, mentor, and litigator.

12            Ms. O'Linn was a peace officer for eight years at  
13    Kent State University Police Department, where she became  
14    a trainer for basic and in-service officers in  
15    self-defense, PR-24 and baton, TASER, physical fitness,  
16    and use of force.

17            She has served as a member of the California POST  
18    Use-of-Force Committee, and as a member of the California  
19    Peace Officers Association Committee, assisting in the  
20    development of a model use-of-force policy.

21            Ms. O'Linn is frequently asked to serve as a  
22    featured speaker and presenter at statewide symposiums  
23    and training conferences, such as the California POST  
24    Crowd Management Symposium, POST Instructor Development  
25    Symposium, POST Training Managers workshop, supervisory

1 skills course, and numerous conferences for risk  
2 managers, city managers, city attorneys, county counsel,  
3 and law-enforcement executives.

4 As a recognized expert in the use of force,  
5 Ms. O'Linn has served as an expert witness in civil  
6 litigation, and has been called upon by numerous agencies  
7 across the country to serve as a consultant on police  
8 training issues, procedure and policy formation, and to  
9 review high-profile incidents.

10 Ms. O'Linn has received awards and acknowledgments  
11 for her exceptional contributions to the defense of the  
12 law-enforcement community. She's been the recipient of  
13 the Los Angeles County Deputy Sheriffs Association Award  
14 for Civilian Leadership, a Meritorious Service Award for  
15 the City of Gretna. She was recognized several times as  
16 the Southern California Super Lawyer, an award that goes  
17 only to the top 5 percent of attorneys in L.A. and Orange  
18 County.

19 Accolades, accolades.

20 *(Laughter)*

21 MS. BULLARD: And she was accepted as a member of  
22 the Distinguished American Board of Trial Advocates and  
23 was inducted into the Litigation Counsel of America, an  
24 invitation-only trial-lawyer honorary society, just to  
25 name a few.

**POST Commission Meeting, June 23, 2016**

1           To say that Missy has absolutely dedicated a  
2       lifetime of promoting the professionalism of law  
3       enforcement is an understatement. Her friends have said  
4       that her mission in life is to ensure that all officers  
5       do what is right, what is ethical, and what is safe.  
6       Her work over the past several years has directly  
7       improved the safety of peace officers in California and  
8       nationally, and it has been the catalyst of improving  
9       the relationships between law-enforcement agencies and  
10      the communities that they serve.

11          For these reasons, Ms. Mildred "Missy" O'Linn is the  
12      recipient of the POST Training in Excellence Award for  
13      Lifetime Achievement.

14           *(Applause)*

15           *(Photograph taken of Acting Commission Chair Dudley,*  
16           *Interim Executive Director Scofield, Advisory*  
17           *Committee Chair Mario Casas, and Missy O'Linn)*

18      MS. O'LINN: Thank you, is how I have to start.

19          "Lifetime Achievement Award" sounds like I'm old.  
20      I can assure you that I am nowhere close to done. And  
21      I want to thank the Commission for this award, and the  
22      people at POST that I am so honored and privileged to  
23      work with on a regular basis.

24          The chance to make a difference in law-enforcement  
25      officers' lives, whether I'm standing in front of a jury,

1 defending them; or I'm standing, like I was last week,  
2 here speaking, is something that I can never repay the  
3 law-enforcement community for.

4 I have to echo what Deputy Moore said. In 1981,  
5 my chief of police reached out and touched me on the  
6 shoulder and said, "You're going to be our defensive  
7 tactics instructor." I was eight months out of a police  
8 academy, and I had a brown belt. Wow.

9 And he expressed such confidence in me, that I found  
10 a life, I found a career, I found a profession in doing  
11 what I do. And I am very honored.

12 I have to thank Chief Mark -- well, now City  
13 Manager, Mark Yokoyama from Alhambra; and Adam Dudash  
14 who, along with Cathy Scherer, lieutenant from Irvine  
15 Police Department, were instrumental in nominating me  
16 for this award and the Chiefs of police and Sheriff from  
17 L.A. County. I'm very honored to do what I want to do.

18 I want to share with you a perspective that I think  
19 is absolutely critical for all of us at training to  
20 understand. Training is forever relevant for a peace  
21 officer. Training is forever relevant. And it's forever  
22 admissible. When they stand in front of a jury and try  
23 to explain why they made a decision, every bit of their  
24 training, from the beginning to the end, to that moment  
25 they made that decision, is relevant and admissible.

POST Commission Meeting, June 23, 2016

1 And we need to take that very seriously.

2 And I'm very proud to work with a lot of folks in  
3 this room, from the CHP, to L.A. Sheriff's Department,  
4 Irvine -- a number of different agencies --  
5 San Bernardino, to the betterment of those people that  
6 go out there and protect and serve our communities.

7 Thank you so much for this honor.

8 And I'm here for you for at least another probably  
9 12 years, maybe 15 -- and so lifetime achievement, I'm  
10 not done.

11 Thank you so much.

12 *(Applause)*

13 ACTING CHAIR DUDLEY: You are all extraordinary. We  
14 in law enforcement are blessed to know all of you and to  
15 be here today and honor you.

16 Please join me, once again, in recognizing the  
17 outstanding contributions of our award recipients.

18 *(Applause)*

19 MS. BULLARD: Ladies and gentlemen, this concludes  
20 our training in excellence ceremony. Thank you all for  
21 coming.

22 *(Photograph taken of Acting Commission Chair Dudley,*  
23 *Interim Executive Director Scofield, Advisory*  
24 *Committee Chair Mario Casas, and 2015 recipients*  
25 *of POST Excellence in Training awards)*



**POST Commission Meeting, June 23, 2016**

1           ACTING CHAIR DUDLEY: Thank you.

2           We're now going to take a three-minute break, and  
3 begin, once again, at 10:40.

4           Thank you.

5           *(Recess from 10:37 a.m. to 10:45 a.m.)*

6           ACTING CHAIR DUDLEY: This is the time on the agenda  
7 for public comment. This is time set aside for members  
8 of the public to comment on either items on the  
9 Commission agenda or issues not on the agenda but  
10 pertaining to POST Commission business.

11           Members of the public who wish to speak are asked  
12 to limit their remarks to no more than five minutes.

13           Please be advised that the Commission cannot take  
14 action on items not on the agenda.

15           Is there anybody interested in speaking?

16           *(No response)*

17           ACTING CHAIR DUDLEY: I always like to say the word  
18 "agenda" because my New York accent comes through ever  
19 so gently. "Agenda." Thank you.

20           Okay, now, we're going to go on to the approval.

21           Do any members have any questions or comments  
22 regarding the action summary or minutes from the last  
23 three meetings?

24           *(No response)*

25           ACTING CHAIR DUDLEY: I know a few who will probably

**POST Commission Meeting, June 23, 2016**

1 want to abstain. So let me ask, how many -- all in  
2 favor? How many are in favor? Say "aye."

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

4 ACTING CHAIR DUDLEY: Any opposed?

5 *(No response)*

6 ACTING CHAIR DUDLEY: Anybody want to abstain?

7 *(No response)*

8 ACTING CHAIR DUDLEY: Thank you.

9 COMMISSIONER CHAPLIN: Chaplin abstains.

10 ACTING CHAIR DUDLEY: Yes.

11 Okay, and who would like to make that motion?

12 COMMISSIONER KURYLOWICZ: Kurylowicz makes the  
13 motion to accept the action summary and minutes.

14 COMMISSIONER DOYLE: Doyle. Second.

15 ACTING CHAIR DUDLEY: Thank you.

16 Let's start that again.

17 How many want to -- all in favor?

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

19 ACTING CHAIR DUDLEY: Opposed?

20 *(No response)*

21 ACTING CHAIR DUDLEY: Abstain?

22 COMMISSIONER CHAPLIN: Chaplin.

23 ACTING CHAIR DUDLEY: Thank you.

24 Okay, prior to beginning the agenda, Executive  
25 Director Scofield would like to address the Commission.

**POST Commission Meeting, June 23, 2016**

1 INTERIM EXECUTIVE DIRECTOR SCOFIELD: Thank you,  
2 Madam Chair.

3 POST is clearly in a time of transition. Transition  
4 creates opportunity for this organization. And I would  
5 like to highlight some opportunity that we've recently  
6 capitalized on in meeting our objectives in our Strategic  
7 Plan.

8 We have filled critical staffing vacancies in our  
9 organization. We have successfully worked with the  
10 Department of Finance in our efforts to stabilize our  
11 funding. We have made significant strides in  
12 basic-course testing processes. Significant research is  
13 being conducted in the area of cognitive decision-making,  
14 as was reported yesterday at the Advisory Committee. We  
15 have clarified key commission regulation in efforts to  
16 better assist our clients. And internally, we have  
17 created an implementation plan team, comprised of a  
18 cross section of POST staff for accountability and  
19 transparency in meeting the objectives of our Strategic  
20 Plan.

21 Also internally, we have established an impact team  
22 that is working to identify emerging trends that could  
23 influence law-enforcement training and technology.

24 As staff awaits Commission decision for a path  
25 forward in the selection of an executive director, we

1 continue to move forward with the objectives of our  
2 Strategic Plan, and have a significant agenda for you  
3 today to move forward with those objectives.

4 While California POST has been the leader in  
5 law-enforcement selection and training, both nationally  
6 and internationally, it is incumbent to ask ourselves:  
7 How can we be better?

8 I appreciated Chief Lehner's remarks. This begins  
9 by taking a critical look at our organization, through  
10 an organizational study of which we are requesting  
11 approval today. This study will assist us in redefining  
12 our organization, and ultimately, a more effective  
13 service delivery to our clients.

14 Efficiency, consistency, and relevancy are the goals  
15 and efforts to continue to enhance the professionalism of  
16 California law enforcement.

17 I want to thank you for the opportunity to serve in  
18 this capacity; and I'm proud to be serving with the men  
19 and women of this organization.

20 Thank you.

21 ACTING CHAIR DUDLEY: Thank you, Executive Director  
22 Scofield.

23 Okay, there are five consent items submitted.

24 Would anyone like a report on any of those items?

25 COMMISSIONER BRAZIEL: I'd like Item 1 pulled.

1     Braziel.

2             ACTING CHAIR DUDLEY:   Okay.

3             INTERIM EXECUTIVE DIRECTOR SCOFIELD:   Item 1 is the  
4     Report on Course Certification.

5             And Bureau Chief Jeff Dunn.

6             COMMISSIONER BRAZIEL:   And I have just a couple  
7     questions, and there may be a request for future reports  
8     as well.

9             So for the Commission's benefit, would you be able  
10    to kind of describe reasons why courses might be  
11    decertified?   More of a background?

12            MR. DUNN:   The primary reason that courses get  
13    decertified is lack of presentation.   Maybe it's a topic  
14    that is no longer needed, or it has been rolled into  
15    something else.   Sometimes we see courses get merged  
16    into either an RBC or they get added to another topic.  
17    So that stand-alone course is no longer needed or is  
18    inefficient use of training staff and time.   So it would  
19    get decertified to that for that reason or for a lack of  
20    presentation, are the most common.

21            COMMISSIONER BRAZIEL:   And then a request for future  
22    meetings.   If we can have more detail on which ones --  
23    just in this report, which ones were actually  
24    decertified, added, how they're blended, merged, so we  
25    get more of a global picture of how we're kind of

**POST Commission Meeting, June 23, 2016**

1 managing those, it would be great. We don't need it for  
2 this one; otherwise we'd be here for another -- well  
3 beyond what we need to be here.

4 MR. DUNN: Correct.

5 COMMISSIONER BRAZIEL: But in future reports, it  
6 would be of benefit to at least me.

7 So thank you.

8 MR. DUNN: So as regards to the ones that are  
9 specifically decertified?

10 COMMISSIONER BRAZIEL: No, just in general.

11 MR. DUNN: In general.

12 COMMISSIONER BRAZIEL: So the ones that we certify,  
13 the new ones. Because we're starting to merge courses,  
14 blend courses, looking for an impartial policing. So  
15 it would be to give us a broader perspective on where  
16 we're adding, where we're removing, deleting, merging.  
17 Just kind of give us a better picture.

18 ACTING CHAIR DUDLEY: Thank you, Commissioner  
19 Braziel.

20 Any other questions related to Item 1?

21 COMMISSIONER LONG: I have a quick question that  
22 I'm sure most of you can answer. But what essentially is  
23 the difference between a decertified course and an  
24 inactive course? How is that distinction made?

25 MR. DUNN: Well, we don't want to be too quick to

1 decertify a course, because once we've decertified it  
2 and taken it off the books, it is a little more labor  
3 intensive for the presenter to bring back.

4 So inactive courses are kind of the precursor to  
5 being decertified. They go inactive. They haven't been  
6 presented.

7 Usually, we look at about a two-year range. So if  
8 they just didn't present something for one year, it may  
9 list as inactive. Two years, it may list it as inactive.  
10 We start rounding that two-year, heading further on, then  
11 we really start looking at, you know, is there going to  
12 be a lack of interest in presenting this?

13 We have some courses that could be the proverbial  
14 "one-hit wonder," where somebody came up with an idea on  
15 a specific topic, and they wanted a POST-certified  
16 course, and we allowed that; and then it just didn't  
17 catch the need of other agencies to continue presenting  
18 it.

19 So it goes through kind of the inactive status, and  
20 then it goes to decertification, and once we see that  
21 it either has been blended with something else or it is  
22 just not going to be a course that's going to be  
23 presented.

24 It's a way of cleaning up the course catalog, so  
25 that we don't wind up with thousands more courses listed

**POST Commission Meeting, June 23, 2016**

1       that a prospective agency or a student may be looking  
2       for, and get frustrated when they can't find a presenter  
3       because it's on the course catalog; but in reality, it's  
4       never going to be presented again.

5               COMMISSIONER LONG:   Thank you.

6               ACTING CHAIR DUDLEY:   Any further questions?

7       Commissioner Long?

8               *(No response)*

9               ACTING CHAIR DUDLEY:   No?

10              Any other questions as to agenda Item 1?

11              *(No response)*

12              ACTING CHAIR DUDLEY:   Okay, thank you.

13              MR. DUNN:   Thank you.

14              ACTING CHAIR DUDLEY:   Now, any other questions as  
15       to any of the other four consent items submitted?

16              *(No response)*

17              ACTING CHAIR DUDLEY:   Okay, well, we're going to  
18       need a motion to approve the five consent items in just  
19       a moment.   But to remind you what they were, or are:  
20       Report on Course Certification Statistics from 1/1/16 to  
21       4/30/16, the report we just heard; Report on Change in  
22       Program Status of the Monterey Regional Airport District  
23       Police Department; a Report on New Agency Admission to  
24       the POST Program, Sonoma-Marin Area Rail Transit  
25       Department of Public Safety; Report on International



**POST Commission Meeting, June 23, 2016**

1 Interest in POST Specialty Courses; and finally, Report  
2 on the Progress of the Cognitive Task Analysis to Improve  
3 Officer Decision-Making Skills.

4 If the Commission concurs, the appropriate action  
5 now would be a motion to approve the consent agenda  
6 items.

7 COMMISSIONER DOYLE: So moved

8 COMMISSIONER McDONNELL: Second.

9 COMMISSIONER WALLACE: Second. Wallace.

10 ACTING CHAIR DUDLEY: Thank you.

11 All those in favor?

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

13 ACTING CHAIR DUDLEY: Opposed?

14 *(No response)*

15 ACTING CHAIR DUDLEY: Abstain?

16 *(No response)*

17 ACTING CHAIR DUDLEY: Okay, at this time, Executive  
18 Director Scofield will make a few presentations.

19 INTERIM EXECUTIVE DIRECTOR SCOFIELD: Good morning.

20 Can I have Mario Casas come up, please?

21 *(Applause)*

22 INTERIM EXECUTIVE DIRECTOR SCOFIELD: Don't look at  
23 me like I'm going to ambush you or something like that;  
24 okay?

25 Ladies and gentlemen, this is Mario Casas. Mario

**POST Commission Meeting, June 23, 2016**

1 serves -- had his last meeting as the chair of our POST  
2 Advisory Committee.

3 Mario has served law enforcement for 31 years,  
4 25 with the Irvine Police Department.

5 It was my pleasure to work with him through the  
6 Orange County Training Managers Association when I was  
7 originally a consultant in Orange County.

8 One of the things I'd like to point out about Mario  
9 is, it seems that every meeting I went to throughout the  
10 state when Mario was the president of the Orange County  
11 Training Managers Association, he was at that same  
12 meeting. His mission was to network with all the other  
13 training managers within the state, and realize that  
14 we're all in this together. And that was one of his  
15 passions that he pushed forward.

16 Serving on our POST Advisory Commission for  
17 13 years, I want to thank you for your guidance that  
18 you've provided to staff, as well as our commission over  
19 the years. You have been invaluable to the service of  
20 our Advisory Committee.

21 I'd like to recognize you -- the certificate of  
22 appreciation:

23 On behalf of the Commission on POST, we honor Mario  
24 Casas with the Irvine Police Department, retired, for  
25 31 years of distinguished service for California law

**POST Commission Meeting, June 23, 2016**

1 enforcement. And the Commission expresses their sincere  
2 gratitude for Mario's thoughtful deliberation and  
3 guidance on issues related to selection and training  
4 during his 13 years of service as a member of the POST  
5 Advisory Committee.

6 His extraordinary effort of commitment and  
7 dedication to the organization of the California  
8 Coalition of Law Enforcement Associations has positively  
9 impacted POST constituents.

10 And the Commission wishes him continued success in  
11 his future endeavors.

12 Congratulations, Mario.

13 *(Applause)*

14 *(Photograph taken of Acting Commission Chair*  
15 *Dudley, Interim Executive Director Scofield,*  
16 *and Mario Casas)*

17 MR. CASAS: Wow. What a way to exit. This -- this  
18 really means a lot.

19 Thirty-one years in a profession that I never  
20 thought I'd actually be in, to be honest with you, being  
21 just a kid, raised in East Los Angeles. But to work  
22 31 years in this profession, 26 years as a drill  
23 instructor for a police academy, and to cap it all,  
24 13 years with the golden group here, which is recognized  
25 worldwide, is actually the cap for me. It's the icing

1 on the cake. And I can't tell you, it's one thing to  
2 work for a great agency like the Irvine Police Department  
3 and finish off my career there; but it's another to have  
4 an opportunity to work with the leadership that I have  
5 been able and honored to work with.

6 I mean, I can't see any other forum where I would be  
7 able to help raise the training standards and maintain  
8 the training standards that POST has established over the  
9 years, and sit here with all of these experts and leaders  
10 that I would never come in contact with any other way.  
11 So this really is -- it completes my career. Absolutely.  
12 And it was the best 13 years of my career, along with my  
13 being a police officer, which I love dearly. But this  
14 one, it really caps it.

15 So I appreciate the opportunity that the California  
16 Coalition of Law Enforcement Associations gave me back  
17 in 2003. And they believed in me. I had a passion for  
18 this. Training has been a passion for many, many, many  
19 years, and still is.

20 Having the opportunity to work with people like  
21 Missy O'Linn and Kerri Egan -- Sergeant Kerri Egan and so  
22 forth at Irvine, it's just fantastic.

23 So I'm going to leave here today with a feeling of,  
24 "Wow, I did the best I could do, and I was allowed  
25 opportunities that no one else usually gets."

**POST Commission Meeting, June 23, 2016**

1           So thank you all for that. Thank you for working  
2 with me over the years.

3           And as the chief so eloquently put it earlier, from  
4 Elk Grove, this is the gold standard, absolutely; and  
5 I'm very, very honored and proud to be a part of it.

6           So thank you very much for this award.

7           *(Applause)*

8           INTERIM EXECUTIVE DIRECTOR SCOFIELD: Can I have  
9 Paula Mendenhall come up?

10          *(Applause)*

11          INTERIM EXECUTIVE DIRECTOR SCOFIELD: No, you're not  
12 in the principal's office. It's okay.

13          Ladies and gentlemen, this is Paula Mendenhall. She  
14 is a manager with our department here at POST.

15          I cannot tell you the years of service that she has  
16 provided POST; and it has been all behind the scenes.  
17 She has provided guidance to all of us at POST. A  
18 significant history and institutional knowledge is  
19 walking out the door with Paula's retirement.

20          I have a story that I'd like to relate that Paula  
21 tells.

22          Paula started her career with the Department of  
23 Consumer Affairs and then came over to POST in 1999.  
24 However, she thought she was applying with the Post  
25 Office. So when she came in, she realized she doesn't

**POST Commission Meeting, June 23, 2016**

1 have to deliver mail or sort through any mail.

2 So thank you very much. Thanks for that mistake.  
3 We really appreciate it.

4 MS. MENDENHALL: There have been many more.

5 INTERIM EXECUTIVE DIRECTOR SCOFIELD: Paula, I'd  
6 like to present you with a Commission resolution. And we  
7 will go through this.

8 Paula Mendenhall began her distinguished career with  
9 the State of California in 1989 as an office assistant  
10 for the Department of Consumer Affairs. She then came to  
11 the Commission on POST in 1999, to the Training Delivery  
12 Bureau. She promoted to program tech III, and later  
13 promoted to staff services analyst, in which she managed  
14 over 43 bureau contracts. She moved to the POST Basic  
15 Training Bureau in 2005 and promoted to associate  
16 governmental program analyst in May of 2008. She  
17 promoted to the first managerial position in the Basic  
18 Training Bureau in 2012.

19 Throughout the course of her career, Paula  
20 Mendenhall performed with distinction in all of her  
21 assignments, and she was literally the informal field  
22 training officer for a number of us at POST. Her advice  
23 and guidance has been invaluable over the years.

24 Paula has dedicated her professional life to the  
25 mission of law-enforcement training, ensuring future

1 generations of law-enforcement officers have the best  
2 level of skills possible. Paula Mendenhall's  
3 contribution to law enforcement has left a lasting legacy  
4 that will be realized for years to come.

5 In 2016, Paula will retire from the California  
6 Commission on POST, after 27 years of honorable service  
7 to the State of California.

8 Thank you, Paula. And congratulations.

9 *(Applause)*

10 *(Photograph taken of Acting Commission Chair*  
11 *Dudley, Interim Executive Director Scofield,*  
12 *and Paula Mendenhall)*

13 MS. MENDENHALL: I'd just I'd like to say, I'm  
14 grateful to have had the opportunities at POST that I've  
15 had, and to work with such phenomenal people over my  
16 17 years, not only inside POST, where I do a lot of the  
17 work; but going out into the field, the subject-matter  
18 experts that we've used, law-enforcement community that  
19 I've met. It has been such an honor and so rewarding and  
20 something I will always hold in my heart.

21 And thank you.

22 *(Applause)*

23 INTERIM EXECUTIVE DIRECTOR SCOFIELD: Can I have  
24 Frank Decker come up, please?

25 *(Applause)*

**POST Commission Meeting, June 23, 2016**

1 INTERIM EXECUTIVE DIRECTOR SCOFIELD: So just by a  
2 show of hands, briefly, how many of you have ever asked  
3 Frank Decker a question, and he's able to cite regulation  
4 like that?

5 *(Show of hands.)*

6 INTERIM EXECUTIVE DIRECTOR SCOFIELD: Come up here,  
7 sir.

8 Frank has retired effective in March. And not only  
9 did he serve with the Los Angeles County Sheriff's  
10 Department for 26 years, he came to POST in 1999 because  
11 that wasn't enough service to California law enforcement.

12 The California Reserve Peace Officer Program  
13 wouldn't exist without Frank Decker. He completely  
14 revamped the program into what it is today. He is the  
15 key mentor, and has been the key mentor at POST over the  
16 years.

17 I would not be here without you personally. Thank  
18 you for all of your mentorship you've given me over the  
19 years.

20 Frank is a consummate professional, humble, and will  
21 always stop what he is doing to help you. Whatever he  
22 is working on, he is going to stop and assist you in  
23 whatever you need.

24 We are going to miss you tremendously.

25 Just a quick story. Myself and Executive Jan



**POST Commission Meeting, June 23, 2016**

1 Bullard just hit him up in the hallway two days ago.

2 What was the history on that, Frank?

3 Because he knows it all.

4 So I want to present you with this Commission  
5 resolution.

6 Frank Decker has served his country in the National  
7 Guard and Army Reserve for seven years while he attended  
8 the California Military Academy, and reached the rank  
9 of first lieutenant. Frank spent 26 years with the  
10 Los Angeles County Sheriff's Department, where he served  
11 in many positions, including eight years in the Training  
12 Bureau, where he is responsible for the coordination of  
13 43 reserve units.

14 From 1998 to 1999, Frank was a management fellow  
15 for POST, where he was responsible for revamping the  
16 Reserve Peace Officer Program. Frank was hired full-time  
17 at POST in December 1999 as a law-enforcement consultant  
18 in the Basic Training Bureau, and Training Delivery and  
19 Compliance Bureau, managing several projects, including  
20 the revamp of the campus law enforcement and trial  
21 preparation courses.

22 Frank was promoted to bureau chief in 2004, and  
23 spent nine years in the Basic Training Bureau, three  
24 years in the Training Delivery and Compliance Bureau.

25 Frank has received numerous letters of commendation

**POST Commission Meeting, June 23, 2016**

1 and appreciation, including from the California Reserve  
2 Peace Officer Association.

3 Frank has mentored many POST employees throughout  
4 their career. And more importantly, Frank has been  
5 married to his wife for 51 years.

6 So now you can enjoy your retirement.

7 *(Applause)*

8 INTERIM EXECUTIVE DIRECTOR SCOFIELD: Thank you,  
9 Frank. Congratulations.

10 *(Photograph taken of Acting Commission Chair*  
11 *Dudley, Interim Executive Director Scofield,*  
12 *and Frank Decker)*

13 MR. DECKER: Well, thank you, Stephanie. It's  
14 been forty-three years. It's been an honor and a  
15 privilege to serve as a peace officer in the state of  
16 California, and to serve the Commission on POST, which  
17 has been said many times, and is totally true, you know,  
18 we are the gold standard. When you interact with  
19 agencies in other states, their POST commissions and so  
20 on, POST is really looked to as the leader.

21 For me personally, it's been a great opportunity,  
22 one, to serve the public; and, two, to be able to come  
23 back -- come to POST and be able to pay back some to the  
24 profession.

25 So thank you so very much.

**POST Commission Meeting, June 23, 2016**

1           *(Applause)*

2           INTERIM EXECUTIVE DIRECTOR SCOFIELD: One final  
3 recognition.

4           May I have Bob Stresak come up, please?

5           *(Applause)*

6           INTERIM EXECUTIVE DIRECTOR SCOFIELD: So I'm going  
7 to throw you under the bus right now with the POST  
8 Commission because you're officially retired.

9           But Bob forgot to bring his resolution for us to  
10 present to him, so I'm just going to blame it on you.

11           We actually -- Commissioner Bui presented Bob's  
12 resolution at his retirement party several weeks ago.

13           I want to say thank you for your mentorship, your  
14 vision, and your leadership. You've been a part of my  
15 growth in my new role, and I will never forget that.  
16 You have had a tremendous impact on California law  
17 enforcement as the executive director, and I think all  
18 of us here are grateful for your leadership.

19           I wish you peace and happiness in your retirement,  
20 and your beard looks very nice.

21           *(Applause)*

22           MR. STRESAK: Steph asked if I wanted to say a few  
23 words. Are you kidding me?

24           It's been an interesting day today. So I stepped  
25 out of the shower in my bathing suit -- my birthday suit,

1 and then put on a business suit, and I'll end the day in  
2 a bathing suit. So it's a good day for me.

3 My congratulations to all the recipients.

4 Well-deserved, well-earned, well-committed,  
5 well-contributed to law enforcement.

6 A couple quick words.

7 You've heard multiple times today that California  
8 does maintain the gold standard in training. And,  
9 nationally and internationally, many people have spoken  
10 and used those terms today.

11 The issue has always been maintaining those  
12 selection and training standards to maintain that gold  
13 standard; and at the same time, try to balance creating  
14 some kind of elasticity in the year 2016, so that we can  
15 work with the field, and to sometimes adjust with those  
16 regulations.

17 So I encourage you to continue to work in that  
18 direction. But it's imperative for me to warn you that  
19 there is a compromise when we integrate too much  
20 elasticity in those regulatory terms. In short, that  
21 it does compromise some of our selection and training  
22 standards, and ultimately, works towards eroding who  
23 we are, who we've been, and our history for the last  
24 60 years.

25 So continue your good work, with that said. And

**POST Commission Meeting, June 23, 2016**

1     thank you so much for the recognition. Thank you for the  
2     honor.

3             *(Applause)*

4             *(Photograph taken of Acting Commission Chair*  
5             *Dudley, Interim Executive Director Scofield,*  
6             *and Robert Stresak)*

7             ACTING CHAIR DUDLEY: No break? You guys good?  
8     Keep going?

9             Okay, Commissioner Kurylowicz will now provide the  
10    Finance Committee report.

11            FINANCE COMMITTEE CHAIR KURYLOWICZ: Thank you,  
12    Madam Vice-Chair.

13            At this time, I'd like to have Dave Cornejo actually  
14    come up and help me with this report, and give a brief  
15    overview of it.

16            Thank you, sir. I appreciate it.

17            MR. CORNEJO: Okay, so yesterday we met in the  
18    Finance Committee. And the Committee heard reports on  
19    expenditures, revenue, the budget. And we also had a  
20    presentation on the org. study and law-enforcement  
21    consultant.

22            A couple of highlights from the Finance Committee.  
23    We did receive a couple of late augmentations to our  
24    budget during the May Revise process. We received an  
25    additional three and a half million dollars General Fund;

1 and then during the conference committee process, we  
2 received an additional \$5 million in order to assist a  
3 local government training of procedural justice, implicit  
4 bias.

5 In all, our budget is going up to \$63.8 million in  
6 2016-17, a 5 percent increase.

7 In the last couple of months, we successfully  
8 defended our budget-change proposals. And so we moved  
9 forward in the budget year with a little bit -- in a  
10 little bit better position than the 2015-16. And we'll  
11 continue to strive to work on that.

12 If anyone has any questions, I respectfully request  
13 your approval of my report.

14 ACTING CHAIR DUDLEY: Yes?

15 COMMISSIONER LONG: Just a quick question, Dave.

16 MR. CORNEJO: Yes.

17 COMMISSIONER LONG: If you could elaborate just a  
18 bit on the \$5 million for the implicit bias and  
19 procedural justice, which is somewhat unexpected in a  
20 push, exactly how you intend to use those dollars,  
21 whether there is any mandated training that comes out of  
22 that, and how that would be apportioned over the next  
23 X-number of years. Because I don't believe there's any  
24 required additional training; right?

25 MR. CORNEJO: So the control language that is

**POST Commission Meeting, June 23, 2016**

1 included in the Budget Act is enabling language that  
2 allows us to expend and/or encumber funds through  
3 June 30, 2017.

4 And so while there is no language mandating that  
5 this training happen, it does allow the Commission to  
6 complete and prepare all the curriculum. We will be  
7 allowed to have train-the-trainer courses. We'll be able  
8 to go out and contract. Potentially, we're looking at  
9 having self-paced courses, and maybe a "Did you know?"  
10 video. We're not sure yet. We just received the funding  
11 two weeks ago. And so we're working closely with the  
12 Department of Justice.

13 I don't know if Commissioner Wallace would like to  
14 elaborate on the proposal. But we continue to  
15 collaborate with DOJ to work a plan to move forward with  
16 the funding.

17 But in answer to your question, there is nothing in  
18 the Budget Act that states that this training is mandated  
19 of peace officers.

20 COMMISSIONER WALLACE: And you expressed that  
21 accurately.

22 ACTING CHAIR DUDLEY: Any other questions?

23 *(No response)*

24 ACTING CHAIR DUDLEY: Thank you.

25 Is there a motion to approve this report?

**POST Commission Meeting, June 23, 2016**

1 COMMISSIONER LONG: So moved. Long.

2 ACTING CHAIR DUDLEY: Thank you.

3 COMMISSIONER McDONNELL: Second. McDonnell.

4 ACTING CHAIR DUDLEY: Okay. All in favor?

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

6 ACTING CHAIR DUDLEY: Opposed?

7 *(No response)*

8 ACTING CHAIR DUDLEY: Abstain?

9 *(No response)*

10 ACTING CHAIR DUDLEY: Okay. On to the next report.

11 Item D is a Report on Amendment of Commission  
12 Regulations 1001 Definitions, 1052 Requirements for  
13 Course Certification, and 1053 Requirements for  
14 Self-Paced Course Certification.

15 Would any member like a staff report on this item?

16 *(No response)*

17 ACTING CHAIR DUDLEY: Hearing none, is there a  
18 motion to approve?

19 COMMISSIONER RAMIREZ: Motion. Ramirez.

20 COMMISSIONER KURYLOWICZ: Second. Kurylowicz.

21 ACTING CHAIR DUDLEY: Okay, all in favor?

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

23 ACTING CHAIR DUDLEY: Opposed?

24 *(No response)*

25 ACTING CHAIR DUDLEY: Abstain?



**POST Commission Meeting, June 23, 2016**

1           *(No response)*

2           ACTING CHAIR DUDLEY: Motion passes.

3           Okay, next is Basic Training Bureau. Item E is a  
4 Report on Proposed Changes to the Training and Testing  
5 Specifications for Peace Officer Basic Courses.

6           Would any member like a staff report?

7           *(No response)*

8           ACTING CHAIR DUDLEY: Hearing none, can I get a  
9 motion to approve?

10          COMMISSIONER MOORE: Move to approve. Moore.

11          COMMISSIONER BUI: Bui will second that.

12          ACTING CHAIR DUDLEY: All in favor?

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

14          ACTING CHAIR DUDLEY: Opposed?

15          *(No response)*

16          ACTING CHAIR DUDLEY: Abstain?

17          *(No response)*

18          ACTING CHAIR DUDLEY: Okay, finally -- well, not  
19 finally -- but Management Counseling, Leadership  
20 Development Bureau, Item F is a Report on Request to  
21 Contract for a POST Internal Organizational Study.

22          Would any member like a staff report on this item?

23          COMMISSIONER BUI: I would, please. Thank you.

24          ACTING CHAIR DUDLEY: Okay.

25          INTERIM EXECUTIVE DIRECTOR SCOFIELD: Assistant

**POST Commission Meeting, June 23, 2016**

1 Executive Director Jan Bullard will provide a report.

2 MS. BULLARD: Good morning, Madam Chair and Members  
3 of the Commission.

4 ACTING CHAIR DUDLEY: Good morning.

5 MS. BULLARD: In February 2013, the Commission did  
6 approve that the Executive Director to enter into a  
7 contract for the purposes of updating our POST Strategic  
8 Plan. For 18 months, we worked with the California State  
9 University, Sacramento, Center for Collaborative Policy,  
10 our internal staff, members of our Advisory Committee,  
11 members of our Commission, and representatives from our  
12 internal stakeholders, in order to develop the 2015  
13 Strategic Plan and an implementation plan document.  
14 In June of 2015, the Commission approved both of these  
15 documents, which were designed to give direction  
16 to our organization for the next three to five years.

17 One of the main goals that was identified in the  
18 Strategic Plan was to increase the efficiency of POST  
19 systems and operations. And under that goal, was  
20 Strategy B.3.1, which was to complete an organizational  
21 and workload study utilizing POST's internal staff.

22 In subsequent discussions, it was determined that this  
23 project could better be completed with collaboration of  
24 an outside expert in order to bring an impartial and more  
25 global perspective to this study.

**POST Commission Meeting, June 23, 2016**

1           If the Commission approves this item, we will  
2       proceed with trying to locate a qualified vendor  
3       following our state procedures, keeping in mind that the  
4       state process can take from four to five months.

5           Once we identify and we execute a contract, we will  
6       have the vendor reach out to members of our Commission  
7       and to our executive staff for the purposes of setting  
8       the parameters, and determining what the desired outcomes  
9       will be for this study.

10          We intend to focus on all of our processes,  
11       including our course-certification process, our workload  
12       distribution; and we'll ask them to identify any  
13       potential risks.

14          The vendor will be working in partnership with  
15       identified POST staff, who has an expertise in doing  
16       management studies and workload-distribution studies,  
17       and is extremely familiar with our Strategic Plan, as he  
18       was the project manager on the Strategic Plan project.  
19       We expect this to take approximately a year to complete.  
20       And working with POST staff, it should not exceed more  
21       than 75,000.

22           May I answer any questions?

23           ACTING CHAIR DUDLEY: Are there any other questions?

24           COMMISSIONER BRAZIEL: I have no comment, but I have  
25       a comment and discussion.

**POST Commission Meeting, June 23, 2016**

1           ACTING CHAIR DUDLEY:   Please.

2           COMMISSIONER BRAZIEL:   So we've had multiple  
3           conversations over the last several months about the  
4           opinion of POST from our major customers:   Cal Chiefs,  
5           Cal Sheriffs, CPOA, and the fact that they're not  
6           satisfied with our services.

7           So if we're going to do an internal workload study  
8           on a process -- a system that is not appreciated by our  
9           customers -- then we might be really efficient at a poor  
10          product, versus doing, first, a sampling of our customers  
11          to find out what they like and dislike about us, and  
12          where we perform really well.

13          I love the gold standard.   I'd like it to be  
14          platinum and up it a little.   And identify what systems  
15          they value and which ones that they would like us to  
16          change before we do a workload study, so we're not just  
17          being more efficient at a product that's not serving us  
18          in the best manner.

19          MS. BULLARD:   Commissioner Braziel, I can -- oh,  
20          I'm sorry.

21          COMMISSIONER BRAZIEL:   So I think it's -- and we  
22          had conversation -- I'm jumping ahead, and I've got to  
23          wait for the report on the Legislative Committee -- but  
24          I think this may be one of those we might want to table  
25          until the next meeting, to find out what direction we're

1 going, and then consider looking into a stakeholder  
2 engagement first, and then identifying -- then doing an  
3 efficiency study and based on the stakeholder results of  
4 the survey -- the results of the stakeholder survey.

5 Those are just my thoughts.

6 And again, it's --

7 ACTING CHAIR DUDLEY: Okay, it sounded like you were  
8 going to respond.

9 MS. BULLARD: Yes, I'm sorry to have interrupted.

10 What we intend to do is have our vendor reach out  
11 to our stakeholders as a part of this. It's not simply  
12 a workload distribution; it is an organizational study  
13 of how we are performing in all of our processes. As  
14 part of that, we will be writing into the scope of work,  
15 which is more detailed than the high-step task, what we  
16 want the vendor to do. And that is exactly what you  
17 have mentioned: We need to reach out to our external  
18 stakeholders, we need to know what, in their eyes, we  
19 are doing right and what we are doing wrong, so that  
20 these processes can be improved. And that is the sole  
21 purpose of having to complete this study.

22 COMMISSIONER BRAZIEL: Okay, because that wasn't  
23 what I was hearing. I was hearing, looking internally at  
24 systems. So if we design a scope of work around going  
25 out to our stakeholders and saying, "What do you value?"

1 I think then there is probably an additional study beyond  
2 that. Because that's a lot of work to go engage all the  
3 stakeholders and the different organizations.

4 So, again, I didn't hear that, I didn't read it in  
5 the staff report, I didn't hear it in the presentation.  
6 It was more internally based versus externally based.  
7 So I believe that --

8 ACTING CHAIR DUDLEY: What are your thoughts, having  
9 heard that?

10 COMMISSIONER BRAZIEL: It's not in the staff report.  
11 I mean, it doesn't say that we're doing an external  
12 customer service survey, to go talk to our customers and  
13 find out what we do well at POST, because we do some  
14 phenomenal things, and where we can improve. Then based  
15 on that, then I think it needs to come back to the  
16 Commission, based on those findings, before we do an  
17 internal study. So it's -- I wasn't reading that in the  
18 document or in the scope of work.

19 ACTING CHAIR DUDLEY: So before we go on to  
20 Commissioner Long, you're asking that the things that  
21 Ms. Bullard said would be things we had written in the  
22 staff reports that you could see that, versus the verbal  
23 presentation today; is that where the vision is?

24 COMMISSIONER BRAZIEL: Yes, or if -- and, again,  
25 it kind of dovetails into the conversation we had in the

1 Leg. Committee, is ensuring that the scope of work  
2 includes -- that the primary scope of work would then  
3 be engaging our external stakeholders and providers, to  
4 find out -- again, do a survey of what the expectation is  
5 of them, of us. And then based on that, then you design  
6 your internal work study, based on what that feedback  
7 comes.

8 But, again, I think it needs to come back to the  
9 Commission before we do the internal work, based on what  
10 we find from our external stakeholders, as to what they  
11 value we do and where we need to improve.

12 ACTING CHAIR DUDLEY: Okay, thank you.

13 Commissioner Long?

14 COMMISSIONER LONG: Yes, I just want to echo Chief  
15 Braziel on that. A slightly different way of looking at  
16 it was, the staff report talks about prioritizing the  
17 efforts and resources of POST, and then identifying how  
18 POST can improve its service to the field. But none of  
19 the tasks tie back to those particular -- to that  
20 particular vision. So it seemed to me that the tasks  
21 were getting a little bit of ahead of the goals. That  
22 was -- so a similar concern.

23 ACTING CHAIR DUDLEY: Okay. Other questions or  
24 comments from other commissioners?

25 Commissioner Ramirez?

**POST Commission Meeting, June 23, 2016**

1           COMMISSIONER RAMIREZ: I was just wondering how  
2 often we'll be updated on the progress?

3           MS. BULLARD: We can update you on the progress at  
4 every one of our meetings; or if you would like to assign  
5 a Commission member, we can keep in constant contact with  
6 them.

7           We can also offer that the Commission review the  
8 scope of work that we write up for the contract, before  
9 the contract is executed, to ensure that all of those  
10 tasks and what Commissioner Braziel would like to have in  
11 there is covered. We certainly would be glad to do that.

12          ACTING CHAIR DUDLEY: Other comments or questions  
13 about this issue?

14          Yes, Commissioner Bui?

15          COMMISSIONER BUI: I do have a concern about, you  
16 know, the four-month process to actually find a  
17 contractor. So, in my opinion, I'd like to get this  
18 started sooner than later. Okay, so to delay this to the  
19 next Commission meeting I think would not be a good idea,  
20 in my opinion.

21          MS. BULLARD: One of the reasons that we chose to  
22 bring it to you at this time is because of the process  
23 that we have to follow through the state, which is a  
24 competitive bid process that is overseen by the  
25 Department of General Services. This -- before we even



**POST Commission Meeting, June 23, 2016**

1 get to the contract and are able to then present the  
2 contract to Department of General Services, is with the  
3 five months, again, if we got it done, it will take us  
4 well into the time where we're assuming a new executive  
5 director would be in place, and be able to oversee this  
6 process when it starts.

7 ACTING CHAIR DUDLEY: Any other comments, any other  
8 commissioners?

9 Yes, Commissioner Doyle?

10 COMMISSIONER DOYLE: It would seem to me that if  
11 part of this is the external part, that somehow the  
12 Commission ought to know about that before it goes  
13 forward internally. And I don't know how we'd do that;  
14 but that just, to me, would be an important piece.

15 ACTING CHAIR DUDLEY: And what is the part that you  
16 want to know about?

17 COMMISSIONER DOYLE: Well, Commissioners Long and  
18 Braziel talked about the external process and that being  
19 important before you can look within.

20 ACTING CHAIR DUDLEY: Right.

21 COMMISSIONER DOYLE: It would be somehow -- I think  
22 that ought to be presented to the Commission, you know,  
23 what those concerns and what the stakeholders had to say.

24 ACTING CHAIR DUDLEY: Okay, thank you.

25 Any other comments?

1 Yes, Commissioner Chaplin?

2 COMMISSIONER CHAPLIN: First, I'd like to say,  
3 thanks for the staff report and for the work into this.

4 I do have some concern that there are several  
5 different components being discussed and incorporated  
6 into this one fell swoop. Because part of the solution  
7 here, there seems to be some enterprise resource planning  
8 and some technological solutions within the structure  
9 that would help make things more efficient. But to echo  
10 what Commissioner Braziel and my other colleagues have  
11 stated, there's a couple other things here that we might  
12 miss, some of the process, if we focus on one over the  
13 other.

14 So my only concern is that in moving forward, we  
15 might not be able to precisely hit all the different  
16 needs that are being asked here. I think some of them  
17 are really larger -- real change-management for over the  
18 years, especially in considering some of the emerging  
19 issues we're dealing with and some of the stakeholder  
20 needs, which are changing almost daily.

21 So that's my only concern, is if we have this  
22 narrowed down, and something that we can hit the  
23 milestones to show this part is completed but we still  
24 have a lot more to do.

25 That's my comments.

**POST Commission Meeting, June 23, 2016**

1           ACTING CHAIR DUDLEY: Thank you.

2           Commissioner Moore?

3           COMMISSIONER MOORE: I'd just chime in with the rest  
4 of the group. I would also agree that I think we need  
5 to do more of an external study to make sure that we're  
6 hitting the points.

7           There have been some concerns from our constituents  
8 out in the community or out in the external part of what  
9 we're doing in-house. So to make it better and  
10 well-rounded, I think we do need to take a look at it  
11 externally.

12          ACTING CHAIR DUDLEY: Thank you, Commissioner Moore.

13          Anybody else?

14          Commissioner Bui?

15          COMMISSIONER BUI: Wouldn't it be the point that  
16 this contractor would be doing that for us, once they're  
17 chosen?

18          ACTING CHAIR DUDLEY: I believe that that was the  
19 point that was made by --

20          MS. BULLARD: That is our intent. Yes, that is our  
21 intent. We intend for our vendor, along with our staff  
22 person, to do all of that external research, and to do  
23 the surveys and to do the interviews, and to come back  
24 and compile that information so that it can be applied  
25 in whatever direction that we determine -- that the

1 Commission determines that the organization needs to move  
2 forward.

3 ACTING CHAIR DUDLEY: Let me ask you, Commissioner  
4 Braziel, since you first brought up this issue: How did  
5 you expect the external survey to be done? What were  
6 you thinking? What was your thinking about that?  
7 Because if we are going to delay in order to have an  
8 external survey, did you view it as something to be done  
9 by an organization of choosing, informal, or what was  
10 your thinking?

11 COMMISSIONER BRAZIEL: My thought would be that  
12 basically take this contract -- and this contract is  
13 focused on the concept -- the contract is focused on  
14 going out and surveying our stakeholders, to identify  
15 what are the best practices that we perform and what are  
16 the areas that we need to review.

17 ACTING CHAIR DUDLEY: Right.

18 COMMISSIONER BRAZIEL: Then once that portion or  
19 that survey is its own stand-alone, is then it comes back  
20 to the Commission with, "Here's what our stakeholders are  
21 telling us. Now, as a Commission, what do you want us to  
22 do?"

23 ACTING CHAIR DUDLEY: Right. I understand that.  
24 But who did you think would be performing the external  
25 survey?

**POST Commission Meeting, June 23, 2016**

1           COMMISSIONER BRAZIEL: A consultant of some type.  
2           So in this case, if that's the makeup, it would be  
3           whoever is gone out to bid. But when you look at the  
4           scope of the work, the scope of the work doesn't describe  
5           that. It looks strictly internal. And an expertise,  
6           there may be somebody really good at internal reviews  
7           or systems approaches, versus going out and surveying  
8           Cal Chiefs, Cal Sheriffs, PORAC, CPOA. Those are our  
9           providers.

10          ACTING CHAIR DUDLEY: Right.

11          COMMISSIONER BRAZIEL: So it doesn't -- when you  
12          look at the scope of work, it's very specific internal.  
13          So I'm not sure, going out to bid on a contract, showing  
14          that, is going to get us the best vendor for somebody  
15          looking external.

16          I agree with Commissioner Bui, we need to move, we  
17          can't keep stalling things. But doing an internal  
18          assessment without doing a true deep-dive external  
19          assessment, we're going to end up with the same product.

20          ACTING CHAIR DUDLEY: I understand that.

21          And now we're going to go to process.

22          There is a roll-call vote that needs to be taken on  
23          securing this report.

24          Do you want to amend the roll-call vote to just ask  
25          for an external report and to report back in October?

**POST Commission Meeting, June 23, 2016**

1 Are you asking that this whole decision be deferred until  
2 October?

3 COMMISSIONER BRAZIEL: No, if a friendly amendment  
4 could be made to the report, basically saying that we  
5 would first survey our external stakeholders, do a  
6 deep-dive on our external stakeholders, and report back  
7 to the Commission with a plan on then what to evaluate  
8 internal systems. I think that basically we're doing it  
9 in the correct order.

10 ACTING CHAIR DUDLEY: Okay, why don't you make your  
11 motion, and then discuss with counsel whether it would  
12 then be a roll call or another motion.

13 INTERIM EXECUTIVE DIRECTOR SCOFIELD: May I provide  
14 some history, Madam Chair?

15 ACTING CHAIR DUDLEY: Please.

16 INTERIM EXECUTIVE DIRECTOR SCOFIELD: One of the  
17 processes that we did for the creation of our Strategic  
18 Plan when we partnered with Cal State Sacramento, was  
19 significant outreach to our stakeholders, as well as our  
20 internal stakeholders. That developed our goals of our  
21 Strategic Plan that you see in the 2015 plan.

22 So this objective is building on that survey of  
23 external stakeholders, where we've identified the four  
24 main goals of our strategic plan to include course  
25 certification, identify emerging trends and needs in the

1 community. So this is building on that.

2 ACTING CHAIR DUDLEY: Right.

3 MS. BULLARD: And to clarify, Commissioner, the  
4 tasks that are listed in here are high-level steps. It  
5 is not what we would write up in a scope of work for a  
6 contract that actually details what we expect of the  
7 vendor, that they get and they sign. So, again, we  
8 could certainly offer, when we write up our scope of  
9 work, to present it to the Commission or to a member  
10 designated by the Commission to oversee; and they could  
11 approve that that scope of work meets your concerns  
12 before it actually goes out and the work begins. Because  
13 all of this is part and parcel of the entire  
14 organizational study. To separate it out might mean we  
15 would have to enter into two separate contracts, which  
16 would, again, also delay our process.

17 Every step along the way, we will bring it to and  
18 show it to the Commission.

19 ACTING CHAIR DUDLEY: What motion would you like to  
20 make at this point?

21 COMMISSIONER BRAZIEL: I would like to make a  
22 motion that this contract that we're -- that the scope  
23 of work for this contract be focused on our external  
24 stakeholders, to identify systems and practices that they  
25 would wish POST to develop and/or continue; and then that

**POST Commission Meeting, June 23, 2016**

1 report, that scope of work -- the results of that scope  
2 of work be brought back to the Commission for additional  
3 consideration prior to an internal workload assessment.

4 ACTING CHAIR DUDLEY: Before I take a roll call on  
5 that, are there any questions or comments as to the  
6 motion?

7 Yes?

8 COMMISSIONER MOORE: I second the motion.

9 ACTING CHAIR DUDLEY: Okay, you're ready?

10 But we've taken a tour; and I want to make sure that  
11 everybody is on the same page.

12 There's been a motion. There's been a second.

13 Okay, now, we'll need to do roll call.

14 MS. PAOLI: Braziel?

15 COMMISSIONER BRAZIEL: Aye.

16 MS. PAOLI: Bui?

17 COMMISSIONER BUI: Yes.

18 MS. PAOLI: Chaplin?

19 COMMISSIONER CHAPLIN: Aye.

20 MS. PAOLI: DeLaRosa?

21 *(No response)*

22 MS. PAOLI: Doyle?

23 COMMISSIONER DOYLE: Yes.

24 MS. PAOLI: Dudley?

25 ACTING CHAIR DUDLEY: Yes, aye.



**POST Commission Meeting, June 23, 2016**

1 MS. PAOLI: Hutchens?

2 (No response)

3 MS. PAOLI: Kurylowicz?

4 COMMISSIONER KURYLOWICZ: Aye.

5 MS. PAOLI: Leichliter?

6 (No response)

7 MS. PAOLI: Long?

8 COMMISSIONER LONG: Aye.

9 MS. PAOLI: McDonnell?

10 COMMISSIONER McDONNELL: Aye.

11 MS. PAOLI: Moore?

12 COMMISSIONER MOORE: Aye.

13 MS. PAOLI: Ramirez?

14 COMMISSIONER RAMIREZ: Aye.

15 MS. PAOLI: Smith?

16 COMMISSIONER SMITH: Aye.

17 MS. PAOLI: Wallace?

18 COMMISSIONER WALLACE: Aye.

19 ACTING CHAIR DUDLEY: Okay, the motion passes.

20 Thank you.

21 MR. DARDEN: So as I see it, I think what the intent  
22 was at the last roll-call vote, was effectively to amend  
23 the action item, to ensure that when the Commission votes  
24 to approve the expenditure, the \$75,000, that the scope  
25 of work includes the work that was just stated in terms

1 of the external outreach.

2 If that's the case, then I think we would now need  
3 a motion to actually approve the contract as amended.

4 ACTING CHAIR DUDLEY: I think the second part of  
5 that was -- and correct me if I'm wrong, Commissioner  
6 Braziel -- was that you didn't want to take action on the  
7 second part of that until there was a report back on the  
8 stakeholders; is that correct?

9 MR. DARDEN: Is that correct?

10 COMMISSIONER BRAZIEL: Correct. That's correct.

11 ACTING CHAIR DUDLEY: Was that everybody's  
12 understanding?

13 *(A chorus of affirmative responses.)*

14 ACTING CHAIR DUDLEY: Okay, how should we proceed?

15 MR. DARDEN: All right. The motion was not to  
16 approve the contract as amended, it was simply to have  
17 the external stakeholder study now; is that correct?

18 COMMISSIONER BRAZIEL: Correct.

19 MR. DARDEN: Okay, all right, then we're fine.

20 ACTING CHAIR DUDLEY: Thank you.

21 You have a question?

22 MS. BULLARD: No. We'll figure it out.

23 Thank you so much.

24 ACTING CHAIR DUDLEY: Okay. Now, we're at the  
25 Standards Evaluation and Research Bureau. Item G is a

**POST Commission Meeting, June 23, 2016**

1 Report on Proposed Changes to Commission Regulations  
2 1001, 1005, 1007, 1008, 1009, 1080, 1083; Procedures D-1,  
3 D-10, D-11, the Training and Testing Specifications for  
4 Peace Officer Basic Courses, and the Basic Course Test  
5 Management and Security Protocols for 2016.

6 Would any member like a staff report on this item?

7 Okay, Commissioner Braziel, you're smiling.

8 COMMISSIONER BRAZIEL: No, no, no. You looked at me  
9 like I was going to pull it. No.

10 ACTING CHAIR DUDLEY: Would you like to make a  
11 motion to approve?

12 COMMISSIONER BRAZIEL: I would like to move to  
13 approve.

14 ACTING CHAIR DUDLEY: Thank you.

15 COMMISSIONER McDONNELL: Second. McDonnell.

16 ACTING CHAIR DUDLEY: Okay. All in favor?

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

18 ACTING CHAIR DUDLEY: Opposed?

19 *(No response)*

20 ACTING CHAIR DUDLEY: Abstain?

21 *(No response)*

22 ACTING CHAIR DUDLEY: All right. On to Training  
23 Delivery and Compliance Bureau.

24 INTERIM EXECUTIVE DIRECTOR SCOFIELD: Madam Chair,  
25 may I acknowledge a staff member in the audience?

**POST Commission Meeting, June 23, 2016**

1           ACTING CHAIR DUDLEY:   Yes.

2           INTERIM EXECUTIVE DIRECTOR SCOFIELD:   Diane Hrepich,  
3   could you please stand?

4           *(Applause)*

5           INTERIM EXECUTIVE DIRECTOR SCOFIELD:   The motion  
6   that you just made has really been a lifetime of her work  
7   here at POST.

8           And I want to thank you.

9           Diane has dedicated her life to basic course testing  
10   here at POST; and I want to thank you for the approval of  
11   that item.

12          ACTING CHAIR DUDLEY:   And the lack of discussion.  
13   Congratulations.

14          *(Applause)*

15          ACTING CHAIR DUDLEY:   Okay, on to Training Delivery  
16   and Compliance Bureau.   Item H is a Report on Proposed  
17   Revisions to Commission Regulations 1001, 1005, and 1008  
18   in Relation to Assembly Bill 1168, Peace Officers: Basic  
19   Training Requirements.

20          Would any member like a staff report on that item?

21          *(No response)*

22          ACTING CHAIR DUDLEY:   Is there a motion?

23          COMMISSIONER CHAPLIN:   So moved.   Chaplin.

24          COMMISSIONER BUI:   Bui.   Second.

25          ACTING CHAIR DUDLEY:   All in favor?

**POST Commission Meeting, June 23, 2016**

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

2           ACTING CHAIR DUDLEY:   Opposed?

3           *(No response)*

4           ACTING CHAIR DUDLEY:   Abstain?

5           *(No response)*

6           ACTING CHAIR DUDLEY:   Okay, on to Training Program  
7   Service Bureau.   Item I is a Report on Proposed Revisions  
8   to Commission Regulations 1081, 1004, and Commission  
9   Procedure D-13, in Relation to Mental-Health Training.

10          Would any member like a staff report on this item?

11          *(No response)*

12          ACTING CHAIR DUDLEY:   Okay, is there a motion?

13          COMMISSIONER KURYLOWICZ:   Motion.   Kurylowicz.

14          COMMISSIONER WALLACE:   Second.   Wallace.

15          ACTING CHAIR DUDLEY:   All in favor?

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

17          ACTING CHAIR DUDLEY:   Opposed?

18          *(No response)*

19          ACTING CHAIR DUDLEY:   Abstain?

20          *(No response)*

21          ACTING CHAIR DUDLEY:   Okay, on to Item J.

22          Item J is a report on the POST MOTORS Operational  
23   Guidelines and Standardized Training Recommendations.

24          Would any member like a staff report on this item?

25          *(No response)*

**POST Commission Meeting, June 23, 2016**

1           ACTING CHAIR DUDLEY: Is there a motion?

2           COMMISSIONER BUI: Bui. Motion.

3           COMMISSIONER MOORE: Second.

4           ACTING CHAIR DUDLEY: Motion to approve.

5           COMMISSIONER MOORE: Second. Moore.

6           ACTING CHAIR DUDLEY: All in favor?

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

8           ACTING CHAIR DUDLEY: Opposed?

9           *(No response)*

10          ACTING CHAIR DUDLEY: Okay, we're about to get into  
11 an appeal hearing process.

12          Would people like a short break?

13          *(A chorus of affirmative responses was heard.)*

14          ACTING CHAIR DUDLEY: Okay, let's take a five-minute  
15 break. And that would be at 11:42.

16          *(Recess from 11:37 a.m. to 11:48 a.m.)*

17          ACTING CHAIR DUDLEY: Okay, there was still a little  
18 bit of confusion about the discussion. So I think I'm  
19 going to ask Mr. Darden to state where we are.

20          We're probably going to need another roll-call vote  
21 on that.

22          MR. DARDEN: So I think there was some confusion.

23 I just want to make sure that the record is clear with  
24 respect to the last vote of the Commission, the intent of  
25 the Commission, and staff's direction in terms of moving

1 forward.

2 I thought there were two ways that it could proceed.  
3 The first is that, effectively, there could have been an  
4 amendment so that the existing \$75,000, the Commission  
5 would approve staff to spend that amount of money in  
6 order to achieve the goals that were set forth either in  
7 the staff report, or alternatively, some amendment to  
8 that.

9 I'm not sure it was clear, and I think there was  
10 some confusion with respect to what the extent of the  
11 Commission was in the roll-call vote that was taken.  
12 In some discussions I understand that the Commission's  
13 intent -- but we need to clarify this, and I think we  
14 should have another roll-call vote -- was that staff is  
15 given the authority and the Commission is voting to  
16 approve the expenditure of up to \$75,000 for the purpose  
17 of engaging a vendor to enter into a study with external  
18 stakeholders to achieve the purposes that are set forth  
19 in the motion: The study of the POST Commission, what  
20 it's doing well, what it can improve, and that sort of  
21 thing.

22 I'm not certain that was clear from the record.  
23 So I think that it would be a good idea if there's some  
24 additional discussion if I'm wrong. If I'm correct, then  
25 I think we should have a vote to make clear what that is,

**POST Commission Meeting, June 23, 2016**

1 have that seconded, and then have a roll call.

2 ACTING CHAIR DUDLEY: The only thing I think that's  
3 missing from your description, if I understood  
4 Commissioner Braziel, is that he just wants the  
5 stakeholder portion of that done before the next meeting,  
6 and then a report back.

7 COMMISSIONER BRAZIEL: Correct.

8 ACTING CHAIR DUDLEY: Okay, any questions or  
9 comments?

10 *(No response)*

11 ACTING CHAIR DUDLEY: Then we will need another  
12 roll-call vote.

13 COMMISSIONER CHAPLIN: One comment.

14 ACTING CHAIR DUDLEY: Yes.

15 COMMISSIONER CHAPLIN: Part of these discussions  
16 consider the assigning of a commissioner to kind of be  
17 involved, it sounded like, and perhaps a generation of  
18 questions or just to oversee the process. I believe that  
19 came up a couple times.

20 Does that need to be embedded in this motion, or can  
21 that be handled afterwards, or away from this meeting?

22 ACTING CHAIR DUDLEY: Let me ask Ms. Bullard to  
23 come back up again, because you actually raised that as  
24 a possibility in terms of communicating.

25 Did you hear the question or the thought?



**POST Commission Meeting, June 23, 2016**

1 MS. BULLARD: As far as Commission oversight  
2 involvement?

3 COMMISSIONER CHAPLIN: Yes.

4 MS. BULLARD: We will absolutely be collaborative  
5 and transparent with an assigned member of the Commission  
6 who would like to be in constant contact with us, to make  
7 sure that as we are moving along, we are accomplishing  
8 the intent of the Commission.

9 I'm not sure that a member of the Commission wants  
10 to be involved in the absolute day-to-day moving of the  
11 surveys and the interviews; but we can certainly have  
12 constant contact with a person who has been designated  
13 by the Commission.

14 MR. DARDEN: Or, alternatively, Commissioner  
15 Braziel, I understood that there may be discussion later  
16 in the meeting with respect to the establishment of an  
17 organizational change subcommittee or something along  
18 those lines, and that that committee could then serve  
19 that purpose of interaction with staff for purposes of  
20 the contract?

21 Am I stating that correctly?

22 COMMISSIONER BRAZIEL: Correct.

23 MR. DARDEN: Okay.

24 ACTING CHAIR DUDLEY: So now there are three  
25 possibilities.

**POST Commission Meeting, June 23, 2016**

1 MR. DARDEN: Right.

2 ACTING CHAIR DUDLEY: Committee, no oversight, or  
3 oversight of an individual person.

4 How shall we proceed? I'll need a motion.

5 COMMISSIONER BRAZIEL: I guess the question is, is  
6 it required to have a motion to have one Commissioner  
7 designated? It doesn't, does it? Does it require --

8 ACTING CHAIR DUDLEY: Let's just do the roll call on  
9 the procedure, and then we can talk about the oversight  
10 component of it.

11 MS. BULLARD: Madam Chair, may I make one real quick  
12 comment that this would not be able to be completed by  
13 the October committee meeting because we are going to  
14 have to do extensive outreach. And if we are going to  
15 contract in order to do that extensive outreach, again,  
16 we are still looking at a, you know, state competitive  
17 bid process. So we would not be able to bring our  
18 findings back to the Commission in October.

19 INTERIM EXECUTIVE DIRECTOR SCOFIELD: So perhaps if  
20 there is a member of the Commission assigned, we could  
21 keep him or her informed of our progress with the  
22 contract.

23 ACTING CHAIR DUDLEY: Okay, let's, again, take this  
24 from the roll call, as to the procedure, the points that  
25 Mr. Darden made; and then we can talk about how we want

**POST Commission Meeting, June 23, 2016**

1 to proceed in terms of keeping the Commission involved in  
2 the process.

3 So roll call, please.

4 MS. PAOLI: Are we having a motion?

5 MR. DARDEN: Yes, there should actually be a motion  
6 and a second.

7 ACTING CHAIR DUDLEY: Okay.

8 MR. DARDEN: And then the motion and the second  
9 would be --

10 COMMISSIONER SMITH: I think we need clarification  
11 of the motion.

12 COMMISSIONER WALLACE: Can we just -- yes, say what  
13 we are voting on.

14 MR. DARDEN: Right. So I think -- I can't make it,  
15 but I can advise what I think it is.

16 COMMISSIONER WALLACE: And we can vote on what we  
17 think it is as well.

18 MR. DARDEN: I believe that the motion is that the  
19 Commission is approving staff to expend up to \$75,000  
20 for purposes of entering into a contract with the vendor  
21 to engage in a study with external stakeholders for the  
22 purposes of determining what the Commission is doing  
23 well, what the Commission is not doing well, and what  
24 the opportunities for improvement are.

25 The intent is that that would then be used down the

**POST Commission Meeting, June 23, 2016**

1 line, potentially, with another contract, in terms of  
2 determining any organizational changes.

3 But at this point, the approval is simply of \$75,000  
4 to engage the vendor in order to do a study with external  
5 stakeholders on what POST is doing well and what the  
6 opportunities for improvement are.

7 Did I say that right, Commissioner?

8 COMMISSIONER BRAZIEL: That's the motion I make.

9 MR. DARDEN: Okay.

10 ACTING CHAIR DUDLEY: The only change I'd want to  
11 make is "up to 75,000" --

12 COMMISSIONER BRAZIEL: Up to 75,000.

13 ACTING CHAIR DUDLEY: -- because the idea of \$75,000  
14 for that sole purpose seems high to me.

15 COMMISSIONER BRAZIEL: Right, "up to \$75,000."

16 ACTING CHAIR DUDLEY: Thank you.

17 COMMISSIONER BRAZIEL: "Not to exceed." I think  
18 that's all.

19 COMMISSIONER DOYLE: Second. Doyle.

20 ACTING CHAIR DUDLEY: Okay, roll call.

21 MS. PAOLI: I didn't get the first, the motion.

22 COMMISSIONER BRAZIEL: Braziel. Motion.

23 MS. PAOLI: Oh, of course.

24 COMMISSIONER BRAZIEL: So if we're all late, I guess  
25 I'm buying dinner. Is that the deal?

**POST Commission Meeting, June 23, 2016**

1 MS. PAOLI: Braziel?  
2 COMMISSIONER BRAZIEL: Aye.  
3 MS. PAOLI: Bui?  
4 COMMISSIONER BUI: Aye.  
5 MS. PAOLI: Chaplin?  
6 COMMISSIONER CHAPLIN: Aye.  
7 MS. PAOLI: DeLaRosa?  
8 *(No response)*  
9 MS. PAOLI: Doyle?  
10 COMMISSIONER DOYLE: Yes.  
11 MS. PAOLI: Dudley?  
12 ACTING CHAIR DUDLEY: Aye.  
13 MS. PAOLI: Hutchens?  
14 *(No response)*  
15 MS. PAOLI: Kurylowicz?  
16 COMMISSIONER KURYLOWICZ: Aye.  
17 MS. PAOLI: Leichliter?  
18 *(No response)*  
19 MS. PAOLI: Long?  
20 COMMISSIONER LONG: Aye.  
21 MS. PAOLI: McDonnell?  
22 COMMISSIONER McDONNELL: Aye.  
23 MS. PAOLI: Moore?  
24 COMMISSIONER MOORE: Aye.  
25 MS. PAOLI: Ramirez?

**POST Commission Meeting, June 23, 2016**

1 COMMISSIONER RAMIREZ: Aye.

2 MS. PAOLI: Smith?

3 COMMISSIONER SMITH: Yes.

4 MS. PAOLI: Wallace?

5 COMMISSIONER WALLACE: Aye.

6 ACTING CHAIR DUDLEY: Okay, motion passes.

7 Now, this becomes a little trickier, because in  
8 terms of the oversight, we can certainly designate that  
9 there be a meeting at the next Commission meeting, but  
10 that isn't until October.

11 So if somebody wanted to be involved in the  
12 oversight of this between now and October, then an  
13 individual could do that.

14 Now, if we extended that to multiple individuals,  
15 we'd have all kinds of issues in terms of a group. So  
16 given that information -- can we have three? Or how many  
17 can we have without violating a meeting rule?

18 MR. DARDEN: Well, so, the question really is, is  
19 the Commission delegating substantive authority to any  
20 individual or to any group, if it's necessary, in  
21 connection with the scope of work or the selection of  
22 the vendor, that sort of thing. Does the Commission  
23 feel that's necessary? Or what sort of involvement or  
24 oversight is needed.

25 If there are two --

**POST Commission Meeting, June 23, 2016**

1           ACTING CHAIR DUDLEY: That's a good question.

2           Okay, that's question one.

3           MR. DARDEN: Right.

4           ACTING CHAIR DUDLEY: Does the Commission -- how  
5 involved do you want a commissioner -- or the  
6 commissioner to be, in terms of this process?

7           Commissioner Chaplin, you're the one who raised the  
8 issue.

9           COMMISSIONER CHAPLIN: Well, I would defer to the  
10 maker of the motion, who would be my recommendation to  
11 oversee this because -- and that is --

12          COMMISSIONER RAMIREZ: I second that. I second it.

13          COMMISSIONER CHAPLIN: And I don't mean to certainly  
14 create additional work for Commissioner Braziel.  
15 However, he had very thoughtful comments about the  
16 direction and, really, the question we're trying to  
17 answer here, in a way that, you know, involves the  
18 direction and the request from Jan and from POST.

19          So that would be my not, you know, inelegant way of  
20 saying I think we have a candidate right here that could  
21 serve that Commission extremely well. And, you know, as  
22 the maker of the motion, perhaps he could opine as to  
23 whether he'd be interested.

24          ACTING CHAIR DUDLEY: And a key point was, he didn't  
25 want to create additional work for him.

**POST Commission Meeting, June 23, 2016**

1 COMMISSIONER CHAPLIN: Precisely.

2 ACTING CHAIR DUDLEY: So, with that said...

3 MR. DARDEN: Well, perhaps as a point of order:  
4 Jan, so basically what you'll need to do is get the  
5 paperwork set up, arrange the scope of work, send it to  
6 DGS, get approval of the contract, send it out for bid.  
7 Then a vendor would need to be selected.

8 Are those the sorts of things that the Commission  
9 is thinking that there needs involvement in? Or are you  
10 thinking after a vendor is selected, then in terms of  
11 sort of designing what the process of working with the  
12 stakeholder would look like? Those are two different  
13 things.

14 COMMISSIONER WALLACE: The latter.

15 COMMISSIONER BRAZIEL: I am totally available, since  
16 I'm confusing everybody on everything.

17 So if Jan said, "Hey, is this what you -- is this  
18 the direction that you were looking for?" -- you know,  
19 answering the phone and doing that kind of stuff or  
20 stopping by -- because I'm in Sacramento, it makes it  
21 really, really easy.

22 I'm not suggesting that a commissioner needs to  
23 direct the project, but more act as a resource, and  
24 potentially liaison to the different associations and  
25 kind of someone you could bounce an idea off of without



**POST Commission Meeting, June 23, 2016**

1       having to go back to the full commission.

2               ACTING CHAIR DUDLEY:   So then the question becomes  
3       power.

4               MR. DARDEN:   Right.

5               ACTING CHAIR DUDLEY:   Is it just an advisory role  
6       without any power, or is this Commission giving  
7       Commissioner Braziel some other power that he didn't have  
8       before now?

9               MR. DARDEN:   Yes, in other words, is there a  
10       delegation of the full Commission to the Commissioner to  
11       make decisions on behalf of the Commission in connection  
12       with the project?

13              ACTING CHAIR DUDLEY:   Exactly.

14              MR. DARDEN:   And if so, what's the scope or extent  
15       of that authority?  Or is it merely advisory, and then  
16       Commissioner Braziel would then report back to the full  
17       Commission at the next hearing?

18              ACTING CHAIR DUDLEY:   What were you thinking,  
19       Commissioner Braziel?

20              COMMISSIONER BRAZIEL:   Strictly advisory.

21              ACTING CHAIR DUDLEY:   Okay, so if it's strictly  
22       advisory --

23              COMMISSIONER BRAZIEL:   And we may want to take  
24       Item M out of order, that might facilitate this as well.

25              ACTING CHAIR DUDLEY:   Okay, so just as to that

**POST Commission Meeting, June 23, 2016**

1 issue, if it's strictly advisory, I don't think we need a  
2 motion.

3 COMMISSIONER BRAZIEL: Right.

4 ACTING CHAIR DUDLEY: You're just going to  
5 volunteer.

6 COMMISSIONER BRAZIEL: I'm just a resource.

7 ACTING CHAIR DUDLEY: Okay.

8 COMMISSIONER BRAZIEL: I'm an old retired guy that  
9 can volunteer some extra time for this. I have extra  
10 capacity, apparently.

11 COMMISSIONER CHAPLIN: I apologize.

12 ACTING CHAIR DUDLEY: Apparently.

13 COMMISSIONER CHAPLIN: That will never happen again

14 COMMISSIONER BRAZIEL: Was this payback from the  
15 Narcotics days, years ago? Is that was it was?

16 That's good delegating. That's good.

17 ACTING CHAIR DUDLEY: Commissioner Braziel, we will  
18 get to that. We're going to need to go forward with the  
19 appeal at this time.

20 COMMISSIONER BRAZIEL: Okay, no worries.

21 ACTING CHAIR DUDLEY: Okay, so at this time, the  
22 Commission will consider the appeal of Vikas Kurian  
23 concerning the decision by POST --

24 COMMISSIONER BUI: Madam Chair, I'm sorry. I'm  
25 sorry to interrupt. Bui here.

1 I just wanted to circle back for just another minute  
2 and not try to extend this too much. Come back to the  
3 internal organizational study.

4 I understand that we want to reach out to our  
5 stakeholders first, to determine where they feel our  
6 weaknesses are. But I do think that we also need to  
7 start the process of looking internally. And I'd hate  
8 to wait until our next meeting to then decide on -- make  
9 a decision on hiring a vendor for that process. And  
10 that's going to take another four to five months to find  
11 that vendor before we can proceed with our internal  
12 assessment.

13 So is there a way to maybe accept that we're going  
14 to have this external -- this vendor do the external  
15 assessment, but then also proceed with maybe finding a  
16 vendor who will look internally? And that would be based  
17 on what the reactions are from the outside.

18 MS. BULLARD: Could I make a suggestion that we look  
19 at this from a two-step process? So we may only have to  
20 go out and look at a vendor for one overarching project.  
21 So we would start it with the perspective of Phase 1,  
22 which would be the external information, the survey, the  
23 reaching out, and generating that report.

24 That report would then be brought back to the  
25 Commission for approval before we could enter into

**POST Commission Meeting, June 23, 2016**

1 Phase 2, which would be the application of our external  
2 findings having been approved by the Commission, and  
3 applying them then in Phase 2, to our internal.

4 We might be able to do that with one contract, and  
5 just break it down. And if there is no approval of  
6 Phase 1, we can put off entering into Phase 2 until we  
7 could bring the Commission what they were looking for.

8 ACTING CHAIR DUDLEY: Any problem with that?

9 *(No response)*

10 ACTING CHAIR DUDLEY: Does that require another  
11 motion?

12 MR. DARDEN: No, I don't believe so.

13 ACTING CHAIR DUDLEY: Okay, all right. Thank you.

14 Thank you, Commissioner Bui.

15 COMMISSIONER BUI: Thank you.

16 ACTING CHAIR DUDLEY: Okay.

17 Thank you, Jan.

18 COMMISSIONER BUI: Thank you.

19 ACTING CHAIR DUDLEY: Back to the appeal.

20 At this time, the Commission will consider the  
21 appeal of Vikas Kurian considering the decision by POST  
22 to deny his request for an exemption permitting him to  
23 take the requalification course.

24 Mr. Kurian originally wrote to the Executive  
25 Director on July 23<sup>rd</sup>, 2015, requesting permission to

1 take the requalification course after his dismissal from  
2 South Bay Regional Academy regular basic course on or  
3 about June 30<sup>th</sup>, 2015, following his failure to  
4 satisfactorily demonstrate "search incident to arrest"  
5 techniques.

6 Mr. Kurian's request was denied by Executive  
7 Director Stresak on August 6<sup>th</sup>, 2015. Stresak explained  
8 that pursuant to POST's Regulation 1008(b)(2)(B)(1), the  
9 six-year window for Kurian to take the requalification  
10 course expired on December 9<sup>th</sup>, 2014, and no mechanism  
11 existed in regulation to grant his request for an  
12 extension.

13 Mr. Kurian responded with another letter, stating  
14 that he was unaware of the six-year rule, and stating  
15 that if he had known of it, he would have taken the  
16 requalification course instead of the basic academy.

17 On August 25<sup>th</sup>, 2015, Director Stresak again advised  
18 him that he was ineligible to take the requalification  
19 course. In several additional communications with POST,  
20 Mr. Kurian advised that communications from POST staff,  
21 prior to the expiration of the six-year window, did not  
22 reference the six-year rule, and led him to believe he  
23 was required to take the RBC.

24 On September 8<sup>th</sup>, 2015, the Executive Director  
25 advised Mr. Kurian of his appeal rights pursuant to

**POST Commission Meeting, June 23, 2016**

1 Commission Regulation 1058. Mr. Kurian has appealed to  
2 the full Commission and the matter is now on for the  
3 hearing of that appeal.

4 The Commission will receive a presentation from  
5 representatives of Mr. Kurian, who are present today.  
6 Following the presentation by Mr. Kurian, the Commission  
7 will hear the staff report.

8 Each presentation is expected to not exceed  
9 30 minutes. However, upon request from the Commission,  
10 Chair may grant additional time beyond 30 minutes, if the  
11 Chair believes the request is appropriate and warranted.

12 Questions from commissioners and each party's  
13 response to the questions will not count against the  
14 30 minutes initially allotted to each party.

15 Commissioners are encouraged, if possible, to hold  
16 questions until the end of each party presentation.

17 The Commission will not accept at this time any  
18 additional comments from the public, as the public-  
19 comment period has already occurred. Any public comments  
20 previously made concerning the issue, if any, will be  
21 given due consideration by the Commission during  
22 deliberation in closed session.

23 Following the presentation by Mr. Kurian and POST  
24 staff and the completion of questioning of each party  
25 of the Commission, the Commission will return to and

**POST Commission Meeting, June 23, 2016**

1 complete the regular agenda.

2 The commissioners' deliberations on the appeal will  
3 take place in closed session pursuant to Government Code  
4 section 11126(c)(3), as announced in the agenda. After  
5 deliberation completion of the closed session, the  
6 Commission will reconvene and adjourn.

7 Pursuant to Commission Regulation 1058, the  
8 Executive Director will be asked to notify ITR of the  
9 Commission's decision concerning the appeal within  
10 15 business days.

11 So let us begin with the presentation by Mr. Kurian.

12 Good morning.

13 MS. LITTLE: Good morning, Madam Chair. Thank you  
14 very much for having us.

15 Thank you, Executive Committee and the POST  
16 Commission staff.

17 ACTING CHAIR DUDLEY: Let me ask you a question  
18 before we even start.

19 You have 30 minutes. Would you like to reserve some  
20 of that for rebuttal statements?

21 MS. LITTLE: Yes.

22 ACTING CHAIR DUDLEY: Okay, about how much time  
23 would you like to reserve?

24 MS. LITTLE: Approximately ten minutes.

25 ACTING CHAIR DUDLEY: Okay, so 20 minutes for your

1 initial presentation and ten for that?

2 MS. LITTLE: Yes.

3 ACTING CHAIR DUDLEY: And I'm going to ask you,  
4 Ms. Paoli, to let us know when those 20 minutes pass.

5 Okay, thank you again.

6 We'll start now.

7 THE REPORTER: Could you state your name, please?

8 MS. LITTLE: Yes. My name is Danielle K. Little,  
9 L-I-T-T-L-E. And I'm from Estelle & Kennedy, APLC,  
10 Upland, California. And my client is with me, Mr. Vikas  
11 Kurian, K-U-R-I-A-N.

12 So I wanted to begin my presentation by focusing on  
13 what the primary issue here is. It has nothing to do  
14 with the substantive issues of the requalification  
15 courses or the other course that he took after 2015.  
16 This purely has to do with the procedures and whether or  
17 not POST is going to adhere to its own procedures, and  
18 actually implement fundamental fairness.

19 One of the concerns that POST has previously  
20 indicated is that they don't believe that there is a  
21 mechanism to allow Mr. Kurian to have an extension or an  
22 exception to the regulation, 1008. And I would  
23 respectfully submit to all of you, that we do have that  
24 mechanism. And the mechanism is actually standing right  
25 in front of us. It comes from the United States



1 Constitution, under the due-process clause; and  
2 it also comes from the California Constitution, as well  
3 under the due-process clause.

4 So one of the things that we want to look at, is  
5 that even according to POST and their time-line, we all  
6 agree on the facts here. And the facts are that in 2008  
7 POST granted a basic-course waiver to Mr. Kurian under  
8 Regulation 1008. And pursuant to that regulation, the  
9 waiver lasted for three years.

10 However, also pursuant to that same regulation,  
11 Mr. Kurian was able to take a requalification course  
12 within six years. Unfortunately, Mr. Kurian was not  
13 advised of that fact. And in 2011 -- in 2011, the  
14 basic-course waiver, under Regulation 1008, expired, and  
15 he was not informed of that fact. And then we  
16 fast-forward to several years, in 2014.

17 In 2014, he began the application process for ABC.  
18 And in June 2014, as we all understand and agree,  
19 Mr. Kurian, as well as ABC, another state agency,  
20 contacted POST and asked whether or not Mr. Kurian had  
21 to take a requalification course or another full course.  
22 Unfortunately, he was given incorrect information by  
23 POST. And so what we have here is whether or not POST  
24 can be held accountable, unfortunately, for the mistake  
25 that it made and caused not just Mr. Kurian, but another

1 state agency to rely upon.

2 So as we go through, we see that POST simply cannot  
3 benefit by its own incorrect mistake. And I think that  
4 certainly under the due-process considerations and under  
5 well-established California law, they essentially would  
6 be estopped from telling Mr. Kurian, as well as another  
7 state agency, one thing that he's not eligible to have  
8 the full six years that he was entitled to for the  
9 basic-course waiver course, and then use that against  
10 him.

11 And I would actually cite to the Commission, as well  
12 as to the executive committee, California Supreme Court  
13 precedent on this point dealing specifically with  
14 estoppel issues as it relates to government entities.  
15 And that is *City of Long Beach v Mansell*, M-A-N-S-E-L-L.  
16 It's a 1970 case, located at 3 California 3d 462.

17 And what that case stands for, by the California  
18 Supreme Court, is where the words of a government entity  
19 willfully cause another person to rely on the information  
20 that it's provided, that government entity cannot then  
21 turn around, change course, and use that misinformation  
22 to do harm upon another person.

23 And respectfully, I would submit, that that is  
24 precisely what's happened here.

25 Mr. Kurian, when he received the basic-course

1 waiver, it was valid -- or it was valid for the three  
2 years, but he also was entitled to take another  
3 requalification course, which is only three weeks. I  
4 would submit that he had a vested right under the POST  
5 regulations to utilize that entire six years.

6       However, because POST, in about six months before  
7 that period was about to expire, gave incorrect  
8 information to Mr. Kurian and ABC, they essentially  
9 deprived him of being able to utilize that vested  
10 six-month window that he still had available to him.  
11 And, in fact, we see the manifest injustice here, because  
12 his deadline -- or the six-year deadline was December  
13 2014. He actually wasn't hired with ABC until January  
14 2015. And so I think it's reasonable, since ABC earlier,  
15 six months earlier, contacted them and said, "Hey, does  
16 he need to take the requalification course or another  
17 full course?" they certainly were interested in hiring  
18 him. They certainly were engaged in the application  
19 process. But because they didn't get the correct  
20 information, it was stretched out and elongated. And

21 I think, arguably, and reasonably so, we would know that  
22 had he been given the correct information, he could have  
23 taken the requalification course in July, August,  
24 September. ABC likely would have expedited that  
25 application. He would have been hired, and we wouldn't

1 be here today.

2 Estoppel also concerns an issue of fundamental  
3 injustice. And, again, we've listened to a lot of  
4 presentations today about POST being the gold standard;  
5 and certainly one would want to agree with that. But  
6 I think this particular case really puts that issue to  
7 the test.

8 POST rules do not exist in a vacuum. They have to  
9 exist as every rule in organization exists under the  
10 fundamental laws that we have. And where someone  
11 obtains a license or certificate or any other type of  
12 vested right, it is incumbent upon the organization to  
13 make sure that that right is fully realized. And where  
14 the organization makes a mistake, especially a  
15 law-enforcement agency whose job it is to uphold the law,  
16 and not just the letter of the law, but certainly the  
17 spirit of the law, where they're supposed to do that,  
18 they have to make the situation right. And if they make  
19 a mistake, the honorable thing to do, the lawful thing  
20 to do, is to acknowledge that mistake and say, "What can  
21 we do to make it better?"

22 Mr. Kurian is not asking for anything that he is  
23 not entitled to. This isn't a situation where someone  
24 actually slept on their rights. This is a situation  
25 where he actively sought employment, he had an agency

1 willing to employ him, that agency then contacted POST,  
2 and both he and the agency were given incorrect  
3 information. And now POST, through its decision to deny  
4 him the opportunity to take that requalification course,  
5 says, "Oh, we're sorry. We discovered too late and  
6 belatedly, that we were mistaken. You actually did have  
7 several more months on your time. But because we  
8 discovered it six months later, we're going to penalize  
9 you."

10 And certainly any organization that prides itself  
11 on the gold standard that we kept hearing all throughout  
12 the morning, the Federal Constitution, the State  
13 Constitution surely can't have that kind of rule that  
14 uses it as a sword against people who are out-of-state  
15 applicants, which Mr. Kurian was. He was a peace officer  
16 in Illinois. He attempted to follow the rules to become  
17 a peace officer in California.

18 POST has promulgated rules that allow for that type.  
19 I believe we had a police chief earlier this morning  
20 explaining that he was such a beneficiary of such a rule.  
21 POST has to be fundamentally fair here.

22 ACTING CHAIR DUDLEY: Thank you.

23 I'm now going to ask for POST staff to speak and  
24 then we can get to questions.

25 MS. LITTLE: Should we --

**POST Commission Meeting, June 23, 2016**

1           ACTING CHAIR DUDLEY: Yes, you can -- I think you'll  
2 have to vacate the table for POST staff to respond; but  
3 we'll invite you back.

4           INTERIM EXECUTIVE DIRECTOR SCOFIELD: Thank you,  
5 Madam Chair.

6           I'll be providing testimony today, along with my  
7 colleague, Bureau Chief Scott Loggins of the Basic  
8 Training Bureau.

9           We've submitted extensive narrative to you with  
10 attachments.

11           I'd like to direct your attention to Attachment M.  
12 That will be our sole focus today to walk you through  
13 the time-line of Mr. Kurian's situation.

14           It's incumbent that we understand the basis of these  
15 regulations. I will keep this at a high level for you as  
16 we work through this.

17           I'm going to start on the upper left-hand side for  
18 you.

19           On 12/19/2008, Mr. Kurian received a basic-course  
20 waiver from POST. As you are aware, in order to be  
21 appointed a peace officer in California, a candidate must  
22 complete a POST-certified basic course which we're going  
23 to refer to as the "Academy" throughout this testimony.

24           The Academy consists of 664 hours and 42 learning  
25 domains. Students are tested on curriculum and a series

1 of written tests and exercise tests. If a candidate from  
2 out-of-state, such as Mr. Kurian, has completed training  
3 comparable to California's Academy training and has  
4 served as a peace officer in another state, the candidate  
5 can participate in a basic-course waiver process per  
6 Commission Regulation 1008.

7 This basic-course waiver process involves the  
8 candidate submitting a self-assessment of the training,  
9 POST staff conducting a training evaluation of that  
10 material; and if the curricula is redeemed satisfactory,  
11 that they can then enter into what is called a  
12 "basic-course waiver examination." This examination  
13 can be satisfied in one of two ways: By successfully  
14 completing the 136-hour requalification course, as was  
15 stated by Ms. Little; or by testing out, in which an  
16 individual can pass and -- can complete a comprehensive  
17 multiple-choice exam, and pass an exercise test in the  
18 use of firearms and arrest-control techniques.

19 Just touching on the requalification course slightly  
20 here: The content includes learning domains from the  
21 full academy, which continuously change, address critical  
22 manipulative skills related to officer safety or civil  
23 liability in areas which persons are most likely to  
24 experience reduced proficiency and addresses related  
25 critical subjects.

1           Upon successful completion of a requalification  
2           course or the test-out method, the individual is granted  
3           the waiver by POST, which is valid for three years.

4           It's important to note that this process constitutes  
5           a waiver of attendance to California's Academy, not a  
6           waiver of training requirements; and, once granted,  
7           allows the individual to apply for a peace-officer  
8           position in California. Once that is granted, the  
9           individual has three years to become employed as a peace  
10          officer.

11          Referring back to the Attachment M, you can see on  
12          the far left-hand side, Mr. Kurian was granted the waiver  
13          in 2008. And in the middle, where the red arrow is, his  
14          basic-course waiver eligibility ended in December -- on  
15          December 19<sup>th</sup>, 2011. That's what we call the "three-year  
16          rule."

17          If after three years the individual has not been  
18          employed as a peace officer, he or she is eligible to  
19          complete the requalification course one more time within  
20          six years of the date of issuance of the original  
21          basic-course waiver.

22          So to clarify, an individual can complete the  
23          requalification course in Year 3½, Year 4, Year 5.  
24          However, under this regulation, the individual must  
25          complete the requalification a second time and become



1 employed as a peace officer within six years of that date  
2 of issuance.

3 If after the six-year time frame the individual  
4 still has not been employed as a peace officer, he or  
5 she must complete the full academy in order to continue  
6 to seek employment.

7 So redirecting your attention to the time-line here:  
8 The center red arrow is when Mr. Kurian's basic-course  
9 waiver eligibility ended. His six-year time-line ended  
10 at the far right-hand side, which ended in 12/19/2014.  
11 That is the six-year rule that he was eligible to  
12 complete the requalification course a second time.

13 The top bullet point on June 23<sup>rd</sup>, 2014, when POST  
14 told ABC that Mr. Kurian must take an RBC, will be  
15 discussed in more detail.

16 And I'm going to refer now to Scott Loggins.

17 MR. LOGGINS: Thank you, Executive Director  
18 Scofield.

19 Madam Chair, Members of the Commission, good  
20 morning. My name is Scott Loggins. I'm the bureau chief  
21 of the Basic Training Bureau. I have the privilege of  
22 overseeing the academies throughout the state of  
23 California.

24 I'll continue on with the time-line. I'll address  
25 some of our differences of opinion with respect to

1 Ms. Little's briefs. And then finalize it with some --  
2 expressing some concerns with respect to this matter as  
3 far as it applies to regulation.

4 First of all, I'd like to point out to the  
5 time-line, the bottom section there. There actually is  
6 a clerical issue. It's cosmetic. It's exclusively my  
7 oversight. If you see at the bottom, where it says,  
8 "July 2<sup>nd</sup> of 2015, I should have made that "July 23<sup>rd</sup>."  
9 That was exclusively me. My clerical error is only  
10 cosmetic. It doesn't change the fact pattern by any  
11 stretch of the imagination.

12 Continuing with the time-line, in March of 2015,  
13 Mr. Kurian was hired by the Department of ABC as a  
14 special agent trainee. He began attending the Regular  
15 Basic Course, which I'll just refer to as the "Academy,"  
16 offered by the South Bay Regional Training Consortium.

17 Fast-forwarding to mid-May, Mr. Kurian failed an  
18 arrest-and-control skills test, which is the hands-on  
19 assessment of a student's ability. He was subsequently  
20 provided remedial training in the areas where he was  
21 deficient. And on June 30<sup>th</sup>, he was given then the  
22 opportunity to retest in this particular area, but he  
23 was unable to demonstrate the necessary competencies  
24 satisfactorily, and was subsequently dismissed from the  
25 Academy.

1 All of these steps were consistent and commensurate  
2 with POST regulation.

3 Mr. Kurian later sent a letter -- or, actually, an  
4 e-mail to Senior Consultant Mike Barnes to appeal the  
5 dismissal from the Academy. Pursuant to POST policy,  
6 POST reviewed the complaint and referred the matter to  
7 the Academy director.

8 The Academy director provided detailed written  
9 analysis of the circumstances surrounding this course of  
10 events and with respect to this particular situation.  
11 After careful evaluation of the circumstances, POST  
12 determined that the initial arrest-and-control test,  
13 as well as the remedial training and retest, were  
14 administered properly, within regulation; and the entire  
15 process was conducted by qualified instructors as well  
16 as Academy staff.

17 On July 23<sup>rd</sup>, which is the mid-point of the lower  
18 section of the time-line, is the first date when  
19 Mr. Kurian sent a formal letter of appeal directly to  
20 the POST Commission to request an exception to the  
21 six-year rule in order to attend a requal course instead  
22 of a Regular Basic Course.

23 It's important to realize, at that time it should  
24 be noted that over six months had occurred since the  
25 expiration of that window of opportunity for Mr. Kurian

1 to have attended a requalification course. In other  
2 words, we found out about this matter formally after the  
3 fact.

4 The fact pattern of Mr. Kurian's case was thoroughly  
5 investigated and researched by staff to determine if  
6 there was any potential remedy available, given his  
7 circumstances, that would also ensure that he was given  
8 fair and equitable treatment and it was consistent with  
9 regulation. After careful thought and consideration and  
10 analysis of the situation, POST formally denied that  
11 request.

12 Mr. Kurian subsequently sent follow-up letters  
13 requesting additional appeals. And it wasn't until late  
14 August, almost nine months after the expiration of the  
15 six-year window of opportunity, that Mr. Kurian provided  
16 us with a copy of an e-mail exchange between ABC and  
17 Senior Consultant Karen Lozito, who works here for the  
18 Commission on POST.

19 POST staff conducted further investigation into  
20 this newly discovered material. But, once again, after  
21 careful consideration, determined that the remedy  
22 Mr. Kurian sought was beyond the authority of regulation;  
23 and as with any matter of law, it's complicated.

24 And with respect to Mr. Kurian's appeal, I would  
25 like to address a few issues that were mentioned in

1 Ms. Little's brief to counter-argue and show our premise  
2 regarding this matter.

3 First, to address the titled "perceived  
4 misrepresentation by POST with regard to time limits on  
5 the waiver," this is a classic apples-to-oranges  
6 comparison with respect to regulation. It appears  
7 there's a misunderstanding by Mr. Kurian and his counsel  
8 of two separate regulatory subsections, specifically the  
9 difference between subsection (a) and subsection (b),  
10 both from Regulation 1008.

11 In his initial letter from POST in 2008, authorizing  
12 a waiver for three years, that is absolutely correct; and  
13 it was based on regulation 1008(a)(1)(A), which expressly  
14 states: "A basic-course waiver is valid for three years  
15 from the date it was granted. After three years, the  
16 requirements for requalification apply as specified in  
17 subsection (b)."

18 Further, the letter referencing the six-year  
19 exception are correct as well, in that an individual,  
20 Mr. Kurian's circumstances, must successfully complete  
21 the appropriate basic course either an SIBC or a Regular  
22 Basic Course in order to requalify, regardless of when  
23 the requalification course was completed.

24 Subsection (a) addresses the length of the waiver  
25 process; so the initial letters were accurate, while

1 subsection (b) mentions the manner of requalification as  
2 well as a six-year exception to the three-year rule.

3 Second, to address Ms. Little's perceived conflict  
4 with the content in the LD-33 student workbook versus  
5 the instruction at the Academy, and the characterization  
6 that the Academy dismissed Mr. Kurian on a questionable  
7 technicality, pursuant to Procedure D: Academy shall  
8 require each student to demonstrate proficiency in the  
9 competencies required by each scenario, report-writing  
10 test, and exercise test. Further, each student must  
11 demonstrate a pattern of overall proficiency in each  
12 competency required by these tests.

13 "Proficiency" means the student performed at a level  
14 that demonstrated acceptable preparation for entry into  
15 a field-training program. That determination of  
16 proficiency is made by the presenter.

17 Also pursuant to D-1, academies are permitted to  
18 exceed minimum standards or require higher performance  
19 standards than those mandated by POST. Academies and  
20 presenters are permitted to exceed those minimum  
21 standards where local conditions may justify additional  
22 training requirements or higher performance standards  
23 than those that are established by POST. This includes,  
24 but is not limited to, the use of higher minimum passing  
25 scores on any POST test.

1 Further, the mandated components in the Regular  
2 Basic Course each student is required to pass are in a  
3 document known as the "Training and Testing  
4 Specifications," not the student workbooks. The student  
5 workbook content is supplemental only, and is provided  
6 as an aid to supplement the students in their training.  
7 This information is specifically articulated in each  
8 workbook forward, in each book, that states, "Each  
9 workbook is intended to be a supplement, not a  
10 substitute, for classroom instruction."

11 The third component regarding Senior Consultant  
12 Lozito's answer regarding the inquiry between her and  
13 the e-mail exchange between her and ABC, whether or not  
14 he needed to attend a Regular Basic Course or  
15 requalification course, this was clearly an oversight  
16 by POST, albeit inadvertent and certainly unintentional,  
17 and POST clearly erred. With thousands of inquiries  
18 reviewed by POST consultants, the complexity and numerous  
19 variables in many regulatory matters and with the attempt  
20 to provide guidance to the field in a timely manner, this  
21 oversight simply occurred. In hindsight, it would have  
22 been prudent if Ms. Lozito had conducted further inquiry  
23 into the investigation before replying; but nevertheless,  
24 further inquiry by POST would have certainly provided  
25 more clarity.

1 I can assure you, this was done with the best of  
2 intentions; and by no stretch of the imagination, was  
3 done so with the intent to misrepresent POST regulatory  
4 matters.

5 In reference to case law, I can assure you, this was  
6 absolutely not wrong information that was done in any  
7 willful manner.

8 Fourth, regarding the suggestion in the brief that  
9 Mr. Kurian would have been successful if he had been able  
10 to attend a requalification course, POST has no way to  
11 assess an individual's capacity to pass a course until  
12 they've done so. So our assertion is that it's merely  
13 speculative whether or not he would have passed a  
14 requalification course and would have been successful in  
15 his endeavor.

16 To summarize our concerns, POST Commission  
17 Regulation 1008 has a very robust history of addressing  
18 training standards to ensure law-enforcement candidates  
19 have the necessary demonstrated proficiencies, not only  
20 to best serve California communities, but to demonstrate  
21 they have the necessary skills to make critical  
22 life-and-death decisions that not only could impact  
23 citizens they encounter, but could make the difference  
24 between whether the officers survive the challenges they  
25 will inevitably face.



1           It's also important to take into account the history  
2 of Regulation 1008 to get a better perspective of our  
3 thought process in this case:

4           In 1988, this Commission amended Regulation 1008 to  
5 require the requalification course for individuals with  
6 a three-year break in service. This course was designed  
7 to sharpen critical manipulative skills and provide  
8 updated instruction for portions of the basic course  
9 which are likely to have changed, particularly those  
10 involving officer safety or potential liability.

11           During later research in the nineteen-nineties, a  
12 committee of POST subject-matter experts from a variety  
13 of disciplines identified substantial areas of concern  
14 about individuals who have been out of law enforcement  
15 for an extensive period of time, causing their skill  
16 levels to be potentially diminished and their knowledge  
17 of current laws and procedures to have been stale. This  
18 committee also identified concerns regarding a marked  
19 increase in injured trainees during their requalification  
20 courses.

21           If I may take an exact excerpt from the language  
22 that this Commission considered in that agenda item, that  
23 this Commission later approved -- and I quote exactly --  
24 *"Substantial concern was expressed about individuals who*  
25 *have been out of law enforcement for such a period of*

1     *time that their skill levels may have been diminished and*  
2     *their knowledge of current laws and procedures should*  
3     *require additional training over and above the 136-hour*  
4     *regualification course."*

5           It was for that reason that this Commission created  
6     the six-year exception codified in Regulation 1008,  
7     requiring that an individual who passed the basic course  
8     or obtained a basic-course waiver, but who had never  
9     served in the capacity of a California peace officer,  
10    must be hired within a six-year time frame window of  
11    opportunity, regardless of when they took the basic  
12    course or regualification course or had a basic-course  
13    waiver, much like Mr. Kurian did.

14          Law enforcement is a continuously evolving and  
15    ever-challenging profession. Keeping up with case-law  
16    changes and statutory law, as well as emerging challenges  
17    and trends and manipulative skills are of paramount  
18    importance for public service as well as officer safety.

19          Mr. Kurian's basic-course waiver which was approved  
20    in 2008 was primarily based on his completion of an  
21    academy in Illinois in 2005. It has now been over a  
22    decade since his successful academy completion and almost  
23    that long since he was a peace officer in that particular  
24    state. In that time, law-enforcement training and the  
25    profession have significantly evolved. We also believe

1 that allowing an individual to enter such a challenging  
2 profession where he will likely be called to place  
3 himself in harm's way without the necessary skills or  
4 even skills that may have diminished would be a  
5 tremendous disservice to Mr. Kurian himself.

6 As Missy O'Linn referenced after she received her  
7 lifetime achievement award, training is absolutely  
8 relevant. And as Mr. Stresak referenced, we set  
9 standards, we need to build in the capacity to have  
10 elasticity and deal in a reasonable manner, but  
11 nevertheless we can never compromise these minimum  
12 standards.

13 We're mindful of the impact that this had on  
14 Mr. Kurian, as well as appreciative of his passion for  
15 law enforcement. Particularly in this day and age, when  
16 it is such a challenging profession at recruiting people  
17 who are genuinely interested in entering this most  
18 challenging profession, it's most admirable.

19 Nevertheless, given the circumstances, given the  
20 time since his law-enforcement experience, we believe  
21 Mr. Kurian's only reasonable remedy is to successfully  
22 complete a full Regular Basic Course.

23 And with that, I'd be more than happy to entertain  
24 any questions you may have.

25 ACTING CHAIR DUDLEY: Let me first ask Ms. Little

1 to come back for her rebuttal statements, and then we'll  
2 open up to questions from the Commission.

3 MR. LOGGINS: Thank you, Madam Chair.

4 ACTING CHAIR DUDLEY: Thank you.

5 Ms. Little, thank you for returning.

6 MS. LITTLE: Thank you again, Madam Chair.

7 Is it possible to lower the time-line a little bit?

8 ACTING CHAIR DUDLEY: Absolutely.

9 MS. LITTLE: Thank you.

10 And I want to focus it on what I believe is the  
11 only relevant date that concerns this appeal and the  
12 integrity of POST and its own regulations; and that is  
13 that June 23<sup>rd</sup>, 2014, date. That is the only issue that  
14 I think is particularly relevant here. And everything  
15 regarding that bottom line, while very interesting and  
16 no one is doubting the veracity of it, it's simply not  
17 relevant.

18 POST has created a regulation that says that someone  
19 who gets a basic waiver expires in three years, but  
20 they have up until another three years to obtain a  
21 requalification course. If POST gives someone incorrect  
22 information regarding that six-year period, that is what  
23 POST needs to concern itself about. And especially if  
24 we're talking about peace officers who are out on the  
25 street and out in the community, who are demanding that

1 community members hold themselves to rules and  
2 regulations, certainly, this body needs to hold itself  
3 to those very same rules.

4 Now, I'd like to go back to that June 23<sup>rd</sup>, 2014,  
5 e-mail that my predecessor actually just mentioned. The  
6 interesting thing about the e-mail, whether or not it was  
7 an oversight, it may or -- I've not suggested that it was  
8 malicious, but I definitely think it was willful. And  
9 I think if you look at the e-mail which POST itself has  
10 used as one of its exhibits, you see an e-mail exchange  
11 from ABC -- Jaime Taylor from ABC, who says, "We have a  
12 candidate that was a police officer in Illinois from 2005  
13 to 2007. He then moved to California. He took the POST  
14 requalification course in 2008 but was never hired on by  
15 law enforcement. Would he need to take the RBC, or can  
16 he take the requalification course again? In case it  
17 helps, his name is Vikas Kurian; and his date of birth is  
18 11/11/80."

19 Now, I understand that there is an attempt to say,  
20 perhaps there was some misinformation. But this e-mail  
21 is very clear. And certainly if POST had needed further  
22 information, such as a Social Security number or whatnot,  
23 they certainly could have e-mailed Mr. Taylor back. But  
24 certainly, Mr. Taylor provided more than sufficient  
25 information to POST, so that POST could have conducted

1 an adequate investigation.

2 And then if we go further, we see that the employee  
3 from POST says, "Hi, Jaime. I'll have to research this  
4 next week after I'm back in the office on Wednesday."

5 And then several days pass, perhaps -- it looks to be  
6 approximately a week passed, and we get a very simple,  
7 "He needs to take the RBC."

8 So where someone has been given at least a week to  
9 conduct the research that they've represented to another  
10 state agency that they're going to provide, one would  
11 expect that they actually are going to do the research.  
12 And whether that research is going to the actual  
13 regulation and looking up the rules, I certainly think  
14 that would be warranted. But certainly where you have  
15 the name and date of birth of someone, to type that  
16 information in and get information on that particular  
17 waiver, one would expect, and certainly insist, that the  
18 correct information be given.

19 So the issue becomes then, notwithstanding whatever  
20 happened after that six-year period extends, what would  
21 have reasonably happened if, instead of "Jaime, he needs  
22 to take the RBC" e-mail was sent, but the correct  
23 information was sent? Or even saying, "Hi, Jaime, I  
24 looked up Mr. Kurian's information. Thank you for  
25 providing it. He got a basic-course waiver in 2008; but

1 according to the regulations, he has until  
2 December 2014."

3 If you see that a government agency in June of 2014,  
4 on behalf of an applicant, is asking for information, we  
5 clearly know that that agency is interested in hiring  
6 him. So if the correct information was given in June,  
7 certainly between June 23<sup>rd</sup>, 2014, and December 11<sup>th</sup>,  
8 2014, the requalification course could have been taken.  
9 And I think that the focus really needs to be on what  
10 kind of accountability will POST have.

11 You know, I think of the analogy of myself. I'm  
12 an attorney; and I'm a foreign attorney, actually from  
13 New York, similar to Madam Chair. And if you're a  
14 foreign attorney in California, you get to only take the  
15 essay portion when you sit for the bar exam which, if  
16 you're a writer like me, is wonderful. The second day  
17 is a very grueling multistate, where it's just  
18 multiple-choice questions; and that really, you know,  
19 hams people up.

20 And I just imagine for myself, if there is a State  
21 Bar rule that says, "Because you have practiced in  
22 another jurisdiction, you only get to take two days; but  
23 wait a second, we've given you the wrong information,  
24 now we're going to force you to sit through another  
25 three days that is much more intense and much more

1 grueling, that doesn't take into account your legal  
2 background that you might have had in another  
3 jurisdiction," there is no fundamental fairness in that.

4 And again, I would submit to POST that, you know,  
5 we've sat through and POST actually, I think, made a  
6 motion earlier regarding this particular regulation,  
7 Regulation 1008.

8 If, for some reason, POST believes that a six-year  
9 window is too long, there's a procedure to change that.  
10 But the procedure that was in the place when Mr. Kurian  
11 sought to be hired and to get the information was that  
12 he had a full six years. And POST, by giving them the  
13 incorrect information, it clearly is willful, because  
14 willful just means you intended to say what you wanted  
15 to say. It doesn't necessarily imply any malintent or  
16 malicious heart, but it's clearly willful. We clearly  
17 see, though, that they deprived him of an additional  
18 six months that he was entitled to.

19 And one of the other things that we can consider is  
20 that the first time POST finally admits it, is in August  
21 of 2015. And again, we know that he is -- Mr. Kurian is  
22 trying to work with ABC, eventually gets hired by ABC.  
23 And he, yes, provides the information to POST in August  
24 2015 because that's when he gets this e-mail, in 2015.  
25 Certainly, it's not reasonable to think that internal



1 e-mails between POST and another state agency are going  
2 to routinely be given to applicants, unless something  
3 extraordinary happens.

4 So, again, I would like to reiterate the issue  
5 about the vested rights and, again, cite to just one  
6 additional -- one additional case. And yet again, it  
7 talks about the vested rights of all of us who seek  
8 positions in government, who seek licenses, how we're  
9 supposed to interpret these things.

10 And this is *Allen v Board of Administration*,  
11 34 Cal 3d 114, 1986. And that is a California Supreme  
12 Court case that cites the U.S. Supreme Court, in the  
13 *City of El Paso v Simmons*, a 1965 case, 379 US 497.  
14 And those cases make very clear that where the state  
15 provides you with a right, the state has to honor that  
16 right. And it cannot be arbitrarily taken away. And  
17 adopting other issues such as estoppel by saying the  
18 state can't give you wrong information about your rights,  
19 and before use it as a sword against you, is fundamental  
20 to our system of jurisprudence. It's simply anathema to  
21 allow POST to give incorrect information, to harm  
22 someone's employment chances, to be part of this  
23 peace-officer community which everyone would want to be  
24 a part of, and then say, "Well, we're not going to honor  
25 our rules, but we're going to try to find some

**POST Commission Meeting, June 23, 2016**

1 after-acquired information about you to continue to  
2 deprive you of that."

3 ACTING CHAIR DUDLEY: Thank you, Ms. Little.

4 Why don't you stay there? And when you approach,  
5 can you -- perhaps can you sit next to Dan; and we'll  
6 have you both -- so I can have both counsel -- I'm sorry,  
7 what is his name? Scott.

8 Why don't you grab a chair and sit next to Dan; and  
9 then any questions that the commissioners might have,  
10 they can direct at either one of you?

11 Thank you. Thank you both very much.

12 Questions from Commissioners for either party?

13 Commissioner Bui? No?

14 COMMISSIONER BUI: No. I was just thinking.

15 ACTING CHAIR DUDLEY: Okay.

16 COMMISSIONER DOYLE: I --

17 ACTING CHAIR DUDLEY: Commission Doyle.

18 COMMISSIONER DOYLE: So just cutting through the  
19 whole deal, your position is that because he wasn't  
20 notified in June that he had until December, that POST  
21 was incorrect?

22 MS. LITTLE: Not necessarily that he wasn't notified  
23 of it. That POST actually went a step further by giving  
24 incorrect information. And it was based on that  
25 incorrect information that both Mr. Kurian and ABC relied

1 on; and they took a course that neither needed to take,  
2 which was requiring this full academy course.

3 So had he been given the correct information, there  
4 wouldn't -- he wouldn't have changed course.

5 COMMISSIONER DOYLE: Well, I think that's my point.

6 So, in other words, because he wasn't given  
7 information or whatever that he had until December to  
8 take the 136 hours, your position is that POST is at  
9 fault?

10 MS. LITTLE: That he wasn't given the -- he wasn't  
11 given information that he only needed to take the  
12 requalification course, that is what the issue is.

13 He wasn't told that he had to -- he could only take --

14 COMMISSIONER DOYLE: Well, I -- maybe I'm not saying  
15 it right; but that's my -- that he had until 2014 is my  
16 point.

17 MS. LITTLE: Right. Thank you.

18 ACTING CHAIR DUDLEY: Commissioner Braziel, did you  
19 have a question?

20 COMMISSIONER BRAZIEL: Yes, I just wanted to  
21 confirm. ABC hired him, and he was an employee of ABC  
22 when he was going through the academy; is that correct?  
23 Or was he a non-affiliate?

24 MS. LITTLE: He was employed by ABC, yes.

25 COMMISSIONER BRAZIEL: So when he was in the

**POST Commission Meeting, June 23, 2016**

1 academy, he was an employee of ABC?

2 MS. LITTLE: Yes.

3 COMMISSIONER BRAZIEL: So ABC hired him, knowing  
4 that POST said he had to take a -- had to go through the  
5 RBC?

6 MS. LITTLE: Yes.

7 COMMISSIONER BRAZIEL: And they were sponsoring him,  
8 and sending him through the RBC?

9 MS. LITTLE: Yes. And I might have misspoken  
10 earlier. I believe I had mentioned that he was hired by  
11 ABC in January. But there was some issue about the  
12 application process and getting clearances, so it was in  
13 March.

14 COMMISSIONER BRAZIEL: Okay.

15 ACTING CHAIR DUDLEY: Any other questions by the  
16 commissioners?

17 Yes, Commissioner Smith.

18 COMMISSIONER SMITH: Just for clarification for me.

19 So basically, what the error seems to me to be, is  
20 that when he asked, "What do I have to do?" they said,  
21 "You've got to take the six-month course versus the  
22 three-week course; correct?"

23 MS. LITTLE: Yes.

24 COMMISSIONER SMITH: Okay, and so then it was the  
25 longer course that then he failed out of; correct?

**POST Commission Meeting, June 23, 2016**

1 MS. LITTLE: Yes.

2 COMMISSIONER SMITH: Okay. And during the period  
3 of time, when he could have taken -- he had six months  
4 remaining where he could have taken the three-week  
5 course, or whatever it is?

6 MS. LITTLE: Yes, that is correct.

7 COMMISSIONER SMITH: Okay, thank you.

8 ACTING CHAIR DUDLEY: Yes, Commissioner Bui?

9 COMMISSIONER BUI: Yes. And so during that time,  
10 then he was under the impression that he was no longer  
11 able to take that three-week course and so, therefore,  
12 he went through the basic academy?

13 MS. LITTLE: Yes, that is correct.

14 COMMISSIONER BUI: So what are you asking for? Are  
15 you asking for him to be allowed to take the three-week  
16 course?

17 MS. LITTLE: I believe that that would be an  
18 equitable result, to at least allow him the opportunity  
19 that we are arguing that he was actually deprived of for  
20 at least that six months, to allow him to take the course  
21 that he was legally entitled to take.

22 COMMISSIONER BUI: Is he asking for anything else?

23 MS. LITTLE: Well, essentially, to be allowed to  
24 take the requalification course.

25 COMMISSIONER BUI: Okay.

**POST Commission Meeting, June 23, 2016**

1           ACTING CHAIR DUDLEY: Yes, Commissioner Long.

2           COMMISSIONER LONG: Scott, do you have precedent for  
3 this type of decision you've made in this case?

4           MR. LOGGINS: We do have precedent. With full  
5 disclosure, not with respect to the fact that we clearly  
6 erred with that e-mail exchange. But we do have  
7 precedent. We have an ongoing flow of applicants who  
8 request an exemption to that six-year rule.

9           COMMISSIONER LONG: No. But is there a precedent,  
10 considering the error? Is there --

11          MR. LOGGINS: This is a new bridge we've crossed,  
12 Commissioner Long. So that I believe this is the first  
13 in recent history that we've encountered a -- ended ever  
14 like this, with such a complicated level of appeal.

15          COMMISSIONER LONG: I'm not clear on your discussion  
16 earlier, where you said that your admitted error was  
17 essentially immaterial to Mr. Kurian's goal.

18                I mean, you concede the error?

19          MR. LOGGINS: Oh, we absolutely concede the error.  
20 Our premise --

21          COMMISSIONER LONG: You thought you had said, you  
22 didn't -- you thought it was immaterial or not  
23 particularly relevant to his goal?

24          MR. LOGGINS: I think what I said, the premise that  
25 he would have successfully fully passed the

1        requalification course was speculative, which was the  
2        premise in that particular brief.

3                As a matter of clarification, the very same test  
4        that Mr. Kurian failed in the requalification course,  
5        I believe, is the very same test that he would have had  
6        to take in that particular requal course.

7                ACTING CHAIR DUDLEY: Any other questions?

8                Yes, Commissioner Smith.

9                COMMISSIONER SMITH: What is the authority of this  
10       body to grant? Or is that a question for closed session?

11               ACTING CHAIR DUDLEY: Closed session.

12               COMMISSIONER SMITH: Okay.

13               ACTING CHAIR DUDLEY: Other questions?

14               Yes?

15               COMMISSIONER KURYLOWICZ: Commissioner Kurylowicz.

16               If this turns out where we give Mr. Kurian the  
17       ability to go for the training again, does he have a  
18       position lined up somewhere, or is this just going to --  
19       where is he at in the process right now?

20               MS. LITTLE: It's my understanding that actually  
21       ABC, if he is able to take the requalification course  
22       again and pass it, that they will hire him.

23               And he actually works for ABC right now, but not as  
24       a law-enforcement officer. So it's my understanding  
25       they're very pleased with his work.

**POST Commission Meeting, June 23, 2016**

1 COMMISSIONER KURYLOWICZ: Okay. Thank you.

2 COMMISSIONER CHAPLIN: A quick question.

3 ACTING CHAIR DUDLEY: Yes, please, Commissioner  
4 Chaplin.

5 COMMISSIONER CHAPLIN: I'm curious, based on the  
6 information we have heard, particularly this six-year  
7 passage of time without serving as a peace officer and  
8 going through an abbreviated course. Were we to grant  
9 an extension, does POST incur or suffer any liability or  
10 cause for concern about perhaps sending somebody into the  
11 field beyond that six years that might not be capable or  
12 ready based on that passage of time?

13 ACTING CHAIR DUDLEY: That would be more  
14 appropriately discussed in closed session.

15 MR. DARDEN: You could discuss it in closed session.  
16 But you can ask the parties their views on that for  
17 purposes of their argument.

18 COMMISSIONER CHAPLIN: I would like to hear from  
19 you, ma'am, on your client's readiness to serve as a  
20 peace officer. We've talked about the changes, the  
21 bureau chief -- did I get that right?

22 MR. LOGGINS: Correct. Thank you, sir.

23 COMMISSIONER CHAPLIN: -- you know, spoke to the  
24 fact that we've talked letter and spirit of the law.

25 But, to me, the overarching premise is putting a person



1 in harm's way, and whether or not they are prepared to  
2 be put in harm's way.

3 I am absolutely concerned that there could be  
4 jeopardy by allowing somebody, after this passage of  
5 time, to, with a three-week refresher course, be put in  
6 the field.

7 Are there any concerns that perhaps though I  
8 certainly understand why you're asking and where the  
9 mistake was made, is there any concern about perhaps  
10 that's not good enough to prepare him to go out there and  
11 serve?

12 MS. LITTLE: The way I respond to that is thusly --  
13 and I mentioned this earlier before my presentation --  
14 POST has created the rule that says that one passing or  
15 obtaining this basic-course waiver would essentially have  
16 about six years in order to get hired on and take the  
17 requalification course.

18 So POST, I would submit to you, has already  
19 indicated that they feel that that type of passage of  
20 time isn't something that should be of much concern.  
21 And it would certainly be up to the hiring agency to  
22 decide and train, which we would anticipate ABC -- for  
23 instance, if he wanted to work with ABC again -- that  
24 they would ensure that he is properly trained before  
25 placing him out on the street or having the duties that

1 they would have.

2 But also, I think that the way the question is  
3 posed, is a little bit different. It really isn't  
4 accurate to talk about him not being a law-enforcement  
5 officer since 2005, if we're factoring in the fact that  
6 he lawfully and under POST regulations could have still  
7 become a peace officer through 2014.

8 So we're really only talking about a passage of time  
9 from 2014 until today. Because he could -- had he been  
10 given the correct information -- and I disagree with my  
11 colleague here that it would be speculative, because we  
12 already know that ABC wanted to hire him, and they have  
13 hired him, and I can represent that they've indicated  
14 that if he passed the course, they would definitely  
15 consider hiring him again -- that there wouldn't be that  
16 type of passage.

17 And certainly, one would also expect that Mr. Kurian  
18 would take all necessary steps before even endeavoring  
19 to take a requalification course, by studying and  
20 practicing and, you know, doing whatever law-enforcement  
21 officers do to certainly prepare, as well as having  
22 ongoing law-enforcement training as required by the  
23 agency that he's hired with.

24 COMMISSIONER McDONNELL: Just for a point of  
25 clarification, I think that what you said would be

1 speculative as to whether he would have passed the test  
2 given in the RBC -- or, I'm sorry, he didn't pass the  
3 test in the RBC. And you're saying it's the same test  
4 that would have been given in the abbreviated academy,  
5 the refresher?

6 MR. LOGGINS: I believe so. With the number of  
7 courses, I don't have every specific component memorized.  
8 We can look that up.

9 To my best knowledge, I believe the testing  
10 criteria, they are the same exercise tests.

11 Madam Chair, may I respond to Commissioner  
12 Chaplin's?

13 ACTING CHAIR DUDLEY: You may. And then we'll get  
14 back to you.

15 Go ahead.

16 MR. LOGGINS: With respect to what you said, Chief  
17 Chaplin -- and it's a tug of the heart strings -- every  
18 day you do send people into harm's way. There's several  
19 sheriffs and former chiefs of police -- you, too, Rick --  
20 Mr. Braziel.

21 Just a few miles from here, there's an ornament,  
22 there's a monument that has the names of a bunch of  
23 people whose names sit there in silent testimony to the  
24 dangers that the people you send into harm's way, the  
25 challenges they've had, the adversity they face, and the

1 ultimate sacrifice they've made.

2 Our premise is that Mr. Kurian's time-line, from  
3 the last time he was actually a peace officer, and the  
4 length of time that has incurred in that particular gap,  
5 it would be particularly unwise to send him out into the  
6 field with respect to his lack of training.

7 ACTING CHAIR DUDLEY: Thank you.

8 Ms. Little?

9 MS. LITTLE: I just wanted to do a clarification on  
10 the course and what he passed and what he didn't pass.

11 It's my understanding that he actually initially  
12 did pass the course that my colleague is actually  
13 referencing. He was actually tested several times; and  
14 it was only -- he passed, I believe, the first two?  
15 First --

16 MR. KURIAN: Seven out of eight tests.

17 MS. LITTLE: He has passed seven out of eight tests.  
18 So it was one test that wasn't passed.

19 And again, back to the analogy of being able to,  
20 you know, take courses where, you know, a state -- a  
21 body says that you only have to do a three-week  
22 requalification. If POST doesn't believe that that's  
23 sufficient, this body can change it, perhaps even at the  
24 next session. But they can't now retroactively go back  
25 and try to penalize him for trying to reasonably rely on

**POST Commission Meeting, June 23, 2016**

1 the rules that it set forth itself.

2 ACTING CHAIR DUDLEY: Any other questions,  
3 Commissioners?

4 COMMISSIONER MOORE: Yes, I have one.

5 ACTING CHAIR DUDLEY: Yes, Commissioner Moore.

6 COMMISSIONER MOORE: I was wondering -- he is  
7 currently employed with RBC -- in what capacity?

8 COMMISSIONER LONG: ABC.

9 ACTING CHAIR DUDLEY: ABC.

10 COMMISSIONER MOORE: ABC, in what capacity?

11 MS. LITTLE: I'm sorry, can you --

12 MR. KURIAN: Program technician. I process  
13 applications right now.

14 ACTING CHAIR DUDLEY: Any other questions?

15 COMMISSIONER BRAZIEL: I do.

16 ACTING CHAIR DUDLEY: Yes, Commissioner Braziel.

17 COMMISSIONER BRAZIEL: I don't like that we are  
18 speculating about whether it's the same test. So I'd  
19 like to -- is it possible I can turn to the lawyer to  
20 get that information while we're in closed session?

21 ACTING CHAIR DUDLEY: You want to know whether the  
22 Test 1 of 8 is the same test?

23 COMMISSIONER BRAZIEL: If the test that was  
24 administered that he failed, would have been the same  
25 test; and then secondly, to add to that, is South Bay

1 one of the facilities that allows the research -- was  
2 that one of the academies that does it, and is South Bay  
3 still doing those?

4 MR. LOGGINS: Chief Braziel, I can answer that  
5 question. We can actually pull it up on the Internet  
6 right now.

7 If the Chair would allow, I don't know if I could  
8 ask...

9 David, if you could try to pull up the Training and  
10 Testing Specifications for LD-33. I know we're putting  
11 you on the spot.

12 ACTING CHAIR DUDLEY: While we're doing that,  
13 Commissioner Ramirez?

14 COMMISSIONER RAMIREZ: I have a follow-up question.  
15 Would it have been the same instructors?

16 MR. LOGGINS: Not necessarily, if he had gone to a  
17 different requalification course. There's 39 Regular  
18 Basic Courses, and there's five presenters of the requal  
19 course, one of which is one and the same, South Bay  
20 Regional.

21 ACTING CHAIR DUDLEY: While we're getting that  
22 information, is there any other question?

23 COMMISSIONER RAMIREZ: How long -- is there an FTO  
24 program with ABC, and how long is it?

25 MR. KURIAN: From my understanding, it's about

1 three months in Sacramento, then I get additional  
2 training at the office I'm assigned to.

3 ACTING CHAIR DUDLEY: Would you speak up when you  
4 get the information you're looking for?

5 MR. CHENG: Of course.

6 ACTING CHAIR DUDLEY: Thank you.

7 Is there anything else?

8 MR. CHENG: Chief?

9 MR. LOGGINS: LD-33, please.

10 And when you get down there, if you could scroll  
11 down to the tail end of LD-33, it will say "Mandatory  
12 Tests."

13 For the Commissioners, what you'd be looking at,  
14 there's a chart there -- and as Mr. Cheng is pulling  
15 up the requisite testing material, on the right is a  
16 narrative of the test components as well as the  
17 competencies each student must satisfactorily pass in  
18 order to pass the course.

19 On the left, there's a series of X's. The first  
20 one, of course, is represented by the Regular Basic  
21 Course. At the far right, are those that are represented  
22 in the requalification course.

23 David, if you could scroll down a little bit, to  
24 where the tests are.

25 And he'll be coming up where it says, "Mandatory

**POST Commission Meeting, June 23, 2016**

1 Tests" - now, scroll back -- you'll be able to see the  
2 specific exercise tests that address arrest and control.

3 David, could you zoom in as well, please?

4 MR. CHENG: Of course.

5 MR. LOGGINS: You need to actually go up from that  
6 one.

7 MR. CHENG: Am I in the right section?

8 MR. LOGGINS: No, you need to go up further.

9 MR. CHENG: Roger.

10 MR. LOGGINS: Even further.

11 Even further. Keep going.

12 What we're looking for, David, is one that says,  
13 "Will demonstrate competency with respect to a search."

14 MR. CHENG: "Demonstrate competency"?

15 MR. LOGGINS: Correct. I believe that may be it.

16 If you could focus in on it.

17 Chief Braziel -- now, I'll ask you to go out so we  
18 can see the X's. That's the 832 section, unfortunately.

19 With respect to this, there's an entire set of  
20 criteria for the PC-832 course.

21 Now, we're getting close, David.

22 MR. CHENG: "Core competency."

23 Right here?

24 MR. LOGGINS: I need to approach the screen.

25 COMMISSIONER BRAZIEL: If you could go to the



1 computer, that would help. That way, you can scroll  
2 right to it.

3 MR. LOGGINS: Getting close.

4 If I may approach the screen, Commissioners. I  
5 can't see from up here.

6 This is the first in a series of exercise tests that  
7 every student has to successfully pass in order to not  
8 only pass the Regular Basic Course, which the X indicates  
9 on the far left corner, as well as the requal course.  
10 And I believe this is the one that Mr. Kurian was  
11 unsuccessful in. Specifically, it has the mandates that  
12 they have to demonstrate competency in conducting a  
13 search; and the specific components of the competencies  
14 that they have to master are listed right here.

15 And as you can clearly see, this particular test  
16 was not only required in the requalification course, it  
17 was the exact same test that would be required in the  
18 Regular Basic Course as well.

19 Did that provide some clarity, Chief?

20 COMMISSIONER BRAZIEL: *(Nodding head.)*

21 ACTING CHAIR DUDLEY: Any further questions from the  
22 commissioners?

23 *(No response)*

24 ACTING CHAIR DUDLEY: Okay, thank you both very  
25 much.

**POST Commission Meeting, June 23, 2016**

1 MS. LITTLE: Thank you.

2 ACTING CHAIR DUDLEY: The Commission's deliberations  
3 on the appeal will take place in closed session pursuant  
4 to Government Code section 11126(c)(3), as announced in  
5 the agenda. After deliberations and the completion of  
6 the closed session, the Commission will reconvene and  
7 adjourn. Pursuant to Commission Regulation 1058, the  
8 Executive Director will be asked to notify ITR of the  
9 Commission's decision concerning the appeal; and that  
10 will happen within 15 business days.

11 Thank you very much.

12 MR. KURIAN: Thank you.

13 COMMISSIONER WALLACE: Thank you.

14 ACTING CHAIR DUDLEY: Okay, we're now going to move  
15 on to the committee reports.

16 The Advisory Committee Chair, for the last time,  
17 Mr. Mario Casas will report on the Advisory Committee  
18 meeting held yesterday.

19 ADVISORY COMMITTEE CHAIR CASAS: Thank you, Madam  
20 Chair. Thank you.

21 And I respectfully submit that yesterday we met,  
22 had a great meeting, discussed a few -- a couple things.

23 One of the main items that we addressed is the  
24 election of the vice chair and chairman position, which  
25 I submit to the Commission to affirm. And that would --

**POST Commission Meeting, June 23, 2016**

1 we -- the nominations are made for the chair, which  
2 ultimately became Marcelo Blanco, who was accepted and  
3 passed to be the chairman of the Advisory Committee come  
4 October, effective October.

5 And for the vice chair, we selected Randy Waltz,  
6 who graciously stepped up, and will take the vice chair,  
7 effective also in October.

8 Both of them need to be affirmed by the Commission.

9 And the only reports from any of the Advisory  
10 Committee members, one was from Chief Spagnoli mentioning  
11 that the COPSWEST event will be taking place -- sponsored  
12 by CPOA -- on October 3<sup>rd</sup> through 6<sup>th</sup> in Sacramento.

13 And that was it for the member reports.

14 As far as my replacement, as much as it hurts me to  
15 say that --

16 ACTING CHAIR DUDLEY: I can tell.

17 You can't be replaced.

18 ADVISORY COMMITTEE CHAIR CASAS: Thank you, thank  
19 you.

20 But I've got to tell you, there is a gentleman who  
21 has been selected as an active member of the CCLEA; and  
22 he will be replacing me in October, effectively -- in  
23 October. And he is excellent for the job. I think he is  
24 going to be an outstanding representative for CCLEA.

25 And, Deputy Baron, are you here? Could you stand

1 please?

2 This is Mr. Artin Baron. He is a 19-year deputy  
3 with the Orange County Sheriff's Department; and he is  
4 currently assigned at the Coroner's office. And he's an  
5 investigator.

6 So welcome. And I hope -- I'm pretty sure that the  
7 rest of the Commission will be welcoming you as well.

8 So he'll be starting in October.

9 Other than that, we had a very good discussion also  
10 about the Consent Calendar Item Number 5. It referenced  
11 the cognitive task analysis to improve officer  
12 decision-making skills: Outstanding. And it's really  
13 nice to know that POST is moving in that direction to  
14 try to teach younger officers what the 12-, 13- or  
15 15-plus officers know. So the attempt to do that is  
16 fantastic.

17 Final words: I'm also extremely ecstatic to see  
18 personal friends, colleagues, and strong leaders reach  
19 the levels that they have reached.

20 I've worked both with Jan Bullard and Stephanie  
21 Scofield for some time, from the very time that they  
22 started. When I attended Jan's EDI courses -- well,  
23 I'm sure a lot of us did, and when I first came across  
24 her -- but to see them reach the levels they have reached  
25 is just really the -- for me to be on that Advisory

**POST Commission Meeting, June 23, 2016**

1 Committee when that happened is just overwhelming for me.  
2 So I'm really pleased to see that we have that kind of  
3 leadership in place now.

4 I mean, I'm completely confident Stephanie is going  
5 to do a phenomenal job. And I just couldn't be happier.  
6 And so I just wanted to make that clear to everyone, that  
7 I'm glad to see them reach there.

8 With that, I will see everyone when I see you,  
9 hopefully on the golf course and from time to time.  
10 Thank you very much for the opportunity. And thank you.

11 And that's the final of my report.

12 ACTING CHAIR DUDLEY: Ah. Emotional for all of us.  
13 We will miss you very much.

14 ADVISORY COMMITTEE CHAIR CASAS: Thank you.

15 ACTING CHAIR DUDLEY: Okay, we'll need a motion.

16 COMMISSIONER BRAZIEL: Move. Braziel.

17 COMMISSIONER WALLACE: Wallace. Second.

18 ACTING CHAIR DUDLEY: Okay, any opposition?

19 *(No response)*

20 ACTING CHAIR DUDLEY: Abstain?

21 *(No response)*

22 ACTING CHAIR DUDLEY: Moved to accept to approve the  
23 Advisory Committee meeting.

24 Okay, now, the Chair from the Leg. Review Committee,  
25 Commissioner Jethroe Moore, will report on the committee

1 meeting held this morning.

2 LEG. REVIEW COMMITTEE CHAIR MOORE: Good morning,  
3 everyone -- or good afternoon.

4 This morning, we heard details of 16 bills that  
5 could affect POST operations. Of most importance are the  
6 following:

7 SB 843 is trailer bill language that states "the  
8 Governor shall designate the chair of the POST commission  
9 among the members of the Commission. The person  
10 designated shall serve at the pleasure of the Governor."

11 POST also is watching the marijuana initiative that  
12 is headed to the ballot this November. It would legalize  
13 recreational use of marijuana. If it is passed by the  
14 voters, it would impact the basic course, FTO,  
15 backgrounds, and other aspects of POST operation.

16 Third: AB 2361, Santiago, it would make a person  
17 regularly employed as a security officer of the  
18 University of Southern California a peace officer during  
19 the course and within the scope of his or her employment  
20 within the University of Southern California. It will  
21 require the University of Southern California to enter  
22 into a memorandum of understanding with the local  
23 law-enforcement agency to implement the authority granted  
24 by this bill. The bill would require peace officers  
25 designated pursuant to its provisions to complete the

1 course of training described by the Commission on Peace  
2 Officers Standards and Training. The bill was referred  
3 to the Senate Public Safety and Appropriations Committee  
4 on 5/12/16. POST staff is collaborating with the staff  
5 of the author, office of the USC State Government  
6 Relations, to amend the bill to include the requirement  
7 of feasibility studies as required by section 13540 of  
8 the Penal Code.

9 Fourth, AB 2626, Jones and Sawyer. It would require  
10 the Commission to develop and disseminate training for  
11 peace officers on principled policing, which includes  
12 the subject of procedural justice and implicit bias as  
13 defined. It would also require this training for  
14 specified peace officers. The bill has been referred to  
15 Assembly Appropriations on 4/26/16.

16 SB 1337, Morrell. This bill would provide that  
17 members of fire departments or fire protection agencies  
18 who are designated by their employee and agency with the  
19 responsibility for investigating or preventing terrorism,  
20 are peace officers, may carry firearms if authorized  
21 under terms and conditions specified by their employing  
22 agencies. After collaboration with POST staff and  
23 several law enforcement partners, the author pulled the  
24 bill on 4/13/16.

25 During the Legislation -- or at the end of the

**POST Commission Meeting, June 23, 2016**

1 meeting, Commissioner Braziel recommended a motion to  
2 disband the Legislative Committee and that a legislative  
3 review to the October agenda and repurpose the  
4 Legislative Committee to another cause, such as POST  
5 Organizational Study or Strategic Plan Committee.

6 I'd like Rick to provide a further explanation on  
7 this, if possible.

8 Rick?

9 COMMISSIONER BRAZIEL: Sure. Certainly.

10 In years past, the Leg. Review Committee was formed  
11 when the committee actually took action. It was  
12 determined that POST commissioners cannot take action on  
13 legislation.

14 All of the items presented in the subcommittee are  
15 worthy of being presented and discussed in the full  
16 Commission hearing. So the recommendation was to  
17 basically discontinue the subcommittee, and basically do  
18 legislative updates in front of the full Commission, and  
19 then repurpose that subcommittee to assist POST in its  
20 organizational reassessment and kind of visioning.

21 So that was the recommendation made to that  
22 subcommittee.

23 ACTING CHAIR DUDLEY: Okay. If you'd like to  
24 proceed, we probably need two separate motions on that.  
25 Actually, we need three separate motions now.



**POST Commission Meeting, June 23, 2016**

1 But, Commissioner Moore, is there anything else?

2 LEG. REVIEW COMMITTEE CHAIR MOORE: No. That would  
3 do it.

4 But we'd really like to make the motion that the  
5 Legislative Committee -- or would you like for me to --

6 ACTING CHAIR DUDLEY: No, please, go ahead.

7 LEG. REVIEW COMMITTEE CHAIR MOORE: -- the  
8 Legislative Committee be decommissioned -- or whatever  
9 the word would be -- set aside and reestablished for such  
10 cause to study, or a Strategic Plan for the future  
11 references, to reorganize.

12 ACTING CHAIR DUDLEY: Okay, any discussion?

13 *(No response)*

14 ACTING CHAIR DUDLEY: Is there any second?

15 COMMISSIONER BUI: Bui. Second.

16 MS. PAOLI: I'm sorry, who was the first motion?

17 LEG. REVIEW COMMITTEE CHAIR MOORE: Moore. I made  
18 it.

19 ACTING CHAIR DUDLEY: All in favor?

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

21 ACTING CHAIR DUDLEY: Opposed?

22 *(No response)*

23 ACTING CHAIR DUDLEY: Abstain?

24 *(No response)*

25 ACTING CHAIR DUDLEY: Okay, thank you.

**POST Commission Meeting, June 23, 2016**

1           Are you through with your comments?

2           LEG. REVIEW COMMITTEE CHAIR MOORE: I'm through with  
3 my report.

4           ACTING CHAIR DUDLEY: Okay. If the Commission -- so  
5 now in terms of the Legislation -- if the Commission  
6 concurs, the appropriate action would be to approve the  
7 Legislative Review Committee report.

8           COMMISSIONER DOYLE: So moved. Doyle.

9           COMMISSIONER WALLACE: Second. Wallace.

10          ACTING CHAIR DUDLEY: All in favor?

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

12          ACTING CHAIR DUDLEY: Opposed?

13          *(No response)*

14          ACTING CHAIR DUDLEY: Abstain?

15          *(No response)*

16          ACTING CHAIR DUDLEY: Okay. Thank you very much,  
17 Commissioner Moore.

18          EDRAC CHAIR DUDLEY: The other committee -- let's  
19 see, we also had a meeting, there was the Executive  
20 Director Recruitment Advisory Committee. I chaired that.  
21 We met and discussed the Executive Director position; and  
22 we will have further discussions about that during closed  
23 session today.

24          ACTING CHAIR DUDLEY: I need a motion to approve the  
25 report that I just gave you.

**POST Commission Meeting, June 23, 2016**

1 COMMISSIONER CHAPLIN: So moved. Chaplin.

2 COMMISSIONER McDONNELL: Second. McDonnell.

3 ACTING CHAIR DUDLEY: Okay, all in favor?

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

5 ACTING CHAIR DUDLEY: Opposed?

6 *(No response)*

7 ACTING CHAIR DUDLEY: Abstain?

8 *(No response)*

9 ACTING CHAIR DUDLEY: Okay. Now, what I'm going to  
10 try to do is quickly go through correspondence. I would  
11 break now, but I know a number of people are concerned  
12 about getting on the road. So let's keep going.

13 I can always count on you, Commissioner Wallace,  
14 for the nod.

15 All right, so the following correspondence sent from  
16 POST, to POST:

17 Joseph Farrow, Commissioner, California Highway  
18 Patrol, expressing sympathy over the tragic on-duty death  
19 of Officer Nathan Taylor.

20 Edgardo Garcia, Chief of San José Police Department,  
21 expressing sympathy over the tragic on-duty death of  
22 Officer Michael Katherman.

23 To POST from, there were numerous correspondence  
24 were received as noted regarding requests for  
25 reappointment and new appointments to the Advisory

**POST Commission Meeting, June 23, 2016**

1 Committee.

2 You've all had that in front of you.

3 If the Commission concurs, the appropriate action  
4 would be a motion to approve Sandra -- I'm going to spell  
5 it for you -- S-P-A-G-N-O-L-I -- Spagnoli, CPOA  
6 representative, to reappoint to the POST Advisory  
7 Committee.

8 I need a motion.

9 COMMISSIONER BRAZIEL: Move. Braziel.

10 COMMISSIONER BUI: Second. Bui.

11 COMMISSIONER MOORE: Second.

12 ACTING CHAIR DUDLEY: All in favor?

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

14 ACTING CHAIR DUDLEY: Opposed?

15 *(No response)*

16 ACTING CHAIR DUDLEY: Abstain?

17 *(No response)*

18 ACTING CHAIR DUDLEY: CSSA President Danny  
19 Youngblood recommends that Advisory Committee California  
20 State Sheriffs' Association representative Ed Bonner be  
21 reappointed to the POST Advisory Committee.

22 If the Commission concurs, the appropriate action  
23 would be a motion to approve Ed Bonner, CSSA  
24 representative, be reappointed to the POST Advisory  
25 Committee.

**POST Commission Meeting, June 23, 2016**

1 COMMISSIONER RAMIREZ: Motion. Ramirez.

2 COMMISSIONER MOORE: Second. Moore.

3 ACTING CHAIR DUDLEY: All in favor?

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

5 ACTING CHAIR DUDLEY: Opposed?

6 *(No response)*

7 ACTING CHAIR DUDLEY: Abstain?

8 *(No response)*

9 ACTING CHAIR DUDLEY: Okay, now, we have nominations  
10 for replacement for the Advisory Committee member.

11 Item R is the nomination for replacement of new  
12 members for the Advisory Committee.

13 We're going to go through those individually.

14 Richard Lindstrom, L-I-N-D-S-T-R-O-M, Director of  
15 State Center Regional Training Facility, representing  
16 CADA on the POST Advisory Committee. CADA President  
17 Lanny Brown recommends himself as CADA replacement  
18 appointee on the POST Advisory Committee.

19 If the Commission concurs, the appropriate action  
20 would be a motion to approve Lanny Brown as CADA  
21 replacement appointee to the Advisory Committee.

22 COMMISSIONER BRAZIEL: Move. Braziel.

23 COMMISSIONER KURYLOWICZ: Second. Kurylowicz.

24 ACTING CHAIR DUDLEY: All in favor?

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

**POST Commission Meeting, June 23, 2016**

1           ACTING CHAIR DUDLEY:   Opposed?

2           COMMISSIONER KURYLOWICZ:   Madam Chair?

3           ACTING CHAIR DUDLEY:   Yes?

4           COMMISSIONER KURYLOWICZ:   As -- let's see, how can  
5 I say this?   Could we take R as a block consent?   And  
6 if anybody has any problems, pull the one out.   If not,  
7 I make a motion to approve R-1, -2, and -3 as a block.

8           ACTING CHAIR DUDLEY:   I was actually asked to go  
9 through them individually.

10          COMMISSIONER KURYLOWICZ:   Okay.

11          ACTING CHAIR DUDLEY:   As much as I would like to do  
12 what you're suggesting.

13          COMMISSIONER KURYLOWICZ:   Sure.

14          ACTING CHAIR DUDLEY:   Thank you.

15          COMMISSIONER BRAZIEL:   And I like that idea.

16          ACTING CHAIR DUDLEY:   So I got lost.

17          Did we approve Lanny Brown?

18          MS. PAOLI:   Yes.

19          ACTING CHAIR DUDLEY:   Yes.   Okay.

20          All in favor?

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

22          ACTING CHAIR DUDLEY:   Opposed?

23          *(No response)*

24          ACTING CHAIR DUDLEY:   Abstain?

25          *(No response)*

**POST Commission Meeting, June 23, 2016**

1           ACTING CHAIR DUDLEY:   Number 2, Rosanna McKinney,  
2           Coordinator, Public Safety Dispatcher Advisory Council,  
3           recommends that Jaime Young, Director of CPSDAC, replace  
4           representative Alan McFadon on the POST Advisory  
5           Committee.

6           If the Commission concurs, the appropriate action  
7           would be a motion to approve Jaime Young as the CPSDAC  
8           replacement appointee to the Advisory Committee.

9           COMMISSIONER RAMIREZ:   Motion.   Ramirez.

10          COMMISSIONER BRAZIEL:   Second.   Braziel.

11          ACTING CHAIR DUDLEY:   All in favor?

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

13          ACTING CHAIR DUDLEY:   Opposed?

14          *(No response)*

15          ACTING CHAIR DUDLEY:   Abstain?

16          *(No response)*

17          ACTING CHAIR DUDLEY:   Stephen James, President,  
18          California Coalition of Law Enforcement Associations,  
19          recommends that Artin Baron -- that's A-R-T-I-N -  
20          Orange County Senior Deputy Coroner, replace  
21          representative Mario Casas on the POST Advisory  
22          Committee.

23          If the Commission concurs, the appropriate action  
24          would be a motion to approve Artin Baron as the CCLEA  
25          replacement appointee to the Advisory Committee.

**POST Commission Meeting, June 23, 2016**

1 COMMISSIONER BUI: Motion. Bui.

2 COMMISSIONER MOORE: Second. Moore.

3 ACTING CHAIR DUDLEY: All in favor?

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

5 ACTING CHAIR DUDLEY: Opposed?

6 *(No response)*

7 ACTING CHAIR DUDLEY: Abstain?

8 *(No response)*

9 ACTING CHAIR DUDLEY: Okay, the next item is the  
10 nomination of a new Commission chair and vice chair.

11 We learned during our Legislative Committee meeting  
12 that both the Assembly and the Senate have signed off  
13 on this; and it's the Governor's trailer bill. And the  
14 language regarding the Governor's appointment of the  
15 chair of the committee, it's now on the Governor's desk.  
16 And I believe that there is going to be a motion from  
17 Commissioner Moore regarding taking this item and putting  
18 it onto the October Commission meeting.

19 COMMISSIONER MOORE: Yes.

20 ACTING CHAIR DUDLEY: Do you so move?

21 COMMISSIONER MOORE: So moved.

22 COMMISSIONER RAMIREZ: Second. Ramirez.

23 ACTING CHAIR DUDLEY: Okay, all in favor?

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

25 ACTING CHAIR DUDLEY: Opposed?



**POST Commission Meeting, June 23, 2016**

1           *(No response)*

2           ACTING CHAIR DUDLEY:   Abstain?

3           *(No response)*

4           ACTING CHAIR DUDLEY:   Okay, moving along.

5           Elmo Banning, Advisory Committee member, requesting  
6           reappointment to the Advisory Committee as a public  
7           member.

8           COMMISSIONER BRAZIEL:   Moved.   Braziel.

9           COMMISSIONER CHAPLIN:   Second.   Chaplin.

10          ACTING CHAIR DUDLEY:   All in favor?

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

12          ACTING CHAIR DUDLEY:   Opposed?

13          *(No response)*

14          ACTING CHAIR DUDLEY:   Abstain?

15          *(No response)*

16          ACTING CHAIR DUDLEY:   To the California Governor's  
17          office, from Randy Perry, Legislative Advocate, Aaron  
18          Read and Associates, LLC, representing Peace Officers  
19          Research Association of California, opposing the  
20          Governor's trailer bill language regarding the Governor's  
21          appointment of the chair of the Commission.

22          Okay, we don't need a motion on that.

23          So Old Business.

24          Item P is a Report on POST Screening Requirements  
25          for Retired Peace Officers Returning as Retired

**POST Commission Meeting, June 23, 2016**

1       Annuitants.

2               Would any member like a staff report?

3               *(No response)*

4               ACTING CHAIR DUDLEY:   Okay.

5               COMMISSIONER DOYLE:   Well, I read the staff report,  
6       and I don't agree with the staff report and the  
7       recommendations.   So if that means we should have a  
8       presentation; or I can just cut to --

9               ACTING CHAIR DUDLEY:   You could make a motion.

10              COMMISSIONER DOYLE:   I can make a motion.

11              ACTING CHAIR DUDLEY:   What is your motion?

12              COMMISSIONER DOYLE:   Well, that we not follow; and  
13       I have a recommendation based on the item being discussed  
14       last week -- or last February.   And this has to do with  
15       annuitants or extra hire, or whatever we want to call  
16       them, and break in service.

17              ACTING CHAIR DUDLEY:   So perhaps the best thing to  
18       do, would be to have a presentation by staff, and then  
19       you can question and respond.

20              Thank you.

21              Who is the staff person?

22              INTERIM EXECUTIVE DIRECTOR SCOFIELD:   Dr. Shelley  
23       Spilberg from our Standards, Evaluation, and Research  
24       Bureau.

25              ACTING CHAIR DUDLEY:   Thank you.

**POST Commission Meeting, June 23, 2016**

1           And thank you, Commissioner Doyle.

2           DR. SPILBERG: At the February meeting, the  
3 Commission had questions about Commission Regulation  
4 1950, which stipulates that any peace officer who  
5 experiences a break in service must undergo an updated  
6 background investigation and a new medical and  
7 psychological evaluation before returning to their home  
8 agency.

9           The Commission questioned the necessity of this  
10 requirement, specifically for officers who return upon  
11 retirement to serve as retired annuitants but who  
12 experience a break in service due solely to either  
13 state, county, or local retirement rules or procedures.

14          POST staff was, therefore, tasked with conducting  
15 research on this issue, and reporting back at the  
16 June meeting. That report is included in the Commission  
17 agenda under Old Business.

18          We conducted this research. And by "we," I mean,  
19 myself and Melani Singley, from many different  
20 perspectives. We analyzed POST EDI records for the past  
21 five years. We had discussions with our regional  
22 consultants, and we surveyed both stakeholders and  
23 IADLEST members.

24          For the sake of time, which I think is really  
25 important at this time, I will only discuss some of the

1 highlights of the research.

2 First, I'd like to direct your attention to Table 1,  
3 which is also there on the screen, which displays the  
4 EDI records for the past five years on the numbers and  
5 percentages of officers who return to their home agency  
6 after retirement. The data are broken up by lengths of  
7 break in service. And as you can see, there's a total  
8 of 1088 officers who fit this criteria.

9 So as you can also see the majority, and that is  
10 80 percent, had a break of service of less than two  
11 weeks. In fact, 78 percent had a break in service of  
12 three days or less. And that is, for all practical  
13 purposes, not a break in service. That's generally  
14 those two or three days were over a weekend, and even  
15 the longer periods more often over holiday periods.  
16 So it's really not a break in service, although in the  
17 EDI system, it's kind of reported as such. So it's more  
18 a function of problems in the way the information was  
19 reported in the EDI, and differences between agency  
20 records and POST information needs.

21 And I want to discuss that briefly in a minute.

22 Question two -- if you can scroll down, Connie --  
23 asked agencies, those agencies who hire retired  
24 annuitants, and 115 of them reported that they do, if  
25 they require a break in service. Less than one-third of

1 those said yes. So that small table, which is up on the  
2 screen, depicts agencies who responded "yes." Their  
3 responses to the question, how many days of a break in  
4 service is required?

5 So there are 33 agencies total. And we contacted  
6 them to find out the source, the basis of those required  
7 break in service. And then when we found them, we would  
8 review them in all possible cases.

9 To tell you the truth, it became something of a  
10 snipe hunt. Because as you can see, most of the  
11 agencies -- the 20 out of 33 -- reported as their  
12 authority for that break in service, the 180-day  
13 requirement of the 2013 California Public Employees  
14 Pension Reform Act, otherwise known as PEPRA.

15 However, it's very important to note that there is  
16 a specific exemption in PEPRA for public safety officers.  
17 No break is required in those instances.

18 It's also important to note that Article 7522.02 of  
19 PEPRA specifically stipulates that this law applies --  
20 the PEPRA applies to county and district retirement  
21 systems created pursuant to the County Employees  
22 Retirement Law of 1937, that they have to follow PEPRA.

23 There are two exceptions, though, to this exemption.  
24 Peace officers who receive a retirement incentive --  
25 golden handshake or otherwise -- are not exempt from the

1 180-day break rule. Also, officers who retire before  
2 normal retirement age must experience a 60-day wait  
3 period.

4 But we looked in the data, and we only found eight  
5 officers in this category over the past five years, and  
6 six of those had breaks in service in excess of 200 days.  
7 There was only one that really hovered around -- it was  
8 67 days. There was only one that might have been  
9 impacted.

10 The agencies that responded -- sorry, that reported  
11 a 30-day break in service, when asked, reported that  
12 they did so to allow for issuance of the first retirement  
13 check in order to avoid confusion for their payroll  
14 people. However, when we asked to look at that in  
15 writing, nobody could provide anything in writing. They  
16 said this was just the advice of their finance people.  
17 So we couldn't find anything written down.

18 So, again, it turns out the majority of these  
19 so-called breaks in service were based on  
20 misinterpretation of retirement rules or for the  
21 convenience of their accounting and personnel  
22 departments.

23 I have to tell you then that in many cases, we had  
24 discussions, the people we were talking to at the  
25 agencies thanked us for this clarifying information; and

1 said they were going to be discussing that with their  
2 relevant personnel or relevant people.

3 Question 3 of the survey -- if we can scroll down  
4 a little -- asked an opinion: If their agency believes  
5 that retired officers should be able to return to duty  
6 after a break in service without any rescreening. And  
7 the majority -- 58 percent -- responded "no."

8 For those who said "yes," that they should be able  
9 to, Question 4 asks further, "What length of service  
10 would be acceptable before rescreening is necessary?"  
11 And as you can see -- if we can scroll down, Connie, to  
12 that Table 2 -- there was really no consensus. The  
13 answers ranged from two weeks to one year.

14 So in conclusion, we feel that it's useful for this  
15 issue to be brought to our attention, because POST should  
16 really conduct outreach to personnel departments, first  
17 of all, regarding their own retirement rules, especially  
18 with respect to retired annuitants.

19 POST could also do more than they do to train  
20 agencies on the correct way to report in EDI the  
21 retiring officers who are going to be immediately -- or  
22 very soon returning as retired annuitants, keeping in  
23 mind that for POST's purposes, officers who continue on  
24 as retired annuitants, right after retirement, are more  
25 appropriately considered as experiencing an appointment

1 status change rather than a separation and reappointment.

2 I will stop there for the sake of time.

3 ACTING CHAIR DUDLEY: Okay, Commissioner Doyle?

4 COMMISSIONER DOYLE: But notwithstanding the report,  
5 I still believe that agencies need flexibility. And I'm  
6 kind of surprised at the number of people who responded  
7 because the majority of the sheriffs have said to me that  
8 this is an issue; and I think that Commissioner Braziel  
9 has some similar information with Cal Chiefs.

10 And one of the things it doesn't take into  
11 consideration is, for instance, those who don't have a  
12 reserve program and/or the employee who just says, "I'm  
13 going to retire and going to disappear for 60 days" -- or  
14 90 days or 120 days -- and then returns.

15 ACTING CHAIR DUDLEY: Right.

16 COMMISSIONER DOYLE: And so I just think that there  
17 needs to be flexibility into the system.

18 As I brought out at the last hearing, I've had  
19 people on disability for over a year; and the only thing  
20 that's required, is that their medical people say they're  
21 okay and the county's medical people say they're okay.  
22 And so I just believe there needs to be flexibility;  
23 and I'm willing to make a motion to that end.

24 ACTING CHAIR DUDLEY: Okay. Before we proceed with  
25 that motion, any other comments or questions regarding



**POST Commission Meeting, June 23, 2016**

1     either the report or Commissioner Doyle's comments, or  
2     perhaps if staff wants to respond to Commissioner Doyle?

3             DR. SPILBERG:   Well -- no, you, please.

4             COMMISSIONER BRAZIEL:   Two things.

5             One, when we look at EDI data, agencies are  
6     basically bogusing data so they don't report it in EDI,  
7     so they don't have to do backgrounds, understanding that  
8     most jurisdictions require a break in service.  I come  
9     from one.  And they left me in EDI, even though I had  
10    to separate service, and then put me back in as a  
11    reserve, left it as EDI and did a reclass; but basically,  
12    we were not complying with the regs.  And that was so  
13    you wouldn't have to do a background again as a reserve.

14            So our workarounds are basically violating our own  
15    rules so that we don't have to do a background,  
16    understanding that they probably don't need to do the  
17    background.

18            I spoke with Cal Chiefs.  They were flabbergasted  
19    at the results.  And some of them go, "We don't know what  
20    you're talking about because we never saw the survey,"  
21    so they're curious as to who and what agencies were  
22    talked to.  But the executive board of Cal Chiefs  
23    basically supports a motion that you're going to hear  
24    from the Sheriff in creating flexibility for those that  
25    were returning back to the agency with which they were

1 employed, leaving in good standing based on retirement  
2 or separation -- voluntary separation.

3 And so it's somewhat misleading when we look at the  
4 data when we're artificially doing workarounds within the  
5 data, so our data is not accurate.

6 ACTING CHAIR DUDLEY: Let me inquire -- or I'll let  
7 you respond.

8 DR. SPILBERG: Well, let me -- I do want to respond,  
9 that the survey was sent to all 600-plus agencies. Now,  
10 if they don't have a system that takes -- looks at our  
11 e-mails and our requests, I don't know what we can do,  
12 okay. Okay, so that we were not selective.

13 COMMISSIONER RAMIREZ: I have a comment on that,  
14 though.

15 When you're sending something to the personnel to  
16 get this information, are you actually sending it to --  
17 is the sheriff's office responding or is the county  
18 personnel responding?

19 DR. SPILBERG: No. It was --

20 COMMISSIONER RAMIREZ: So that there's a big  
21 difference.

22 DR. SPILBERG: I'm going to ask -- thank you --  
23 Melani to come up, because she was the one that did a lot  
24 of the legwork on this.

25 MS. SINGLEY: We actually sent it to chiefs and

1 sheriffs, and the majority of our responses came from the  
2 chiefs.

3 And I do have a list of the agencies and who  
4 responded to our survey.

5 DR. SPILBERG: But we did send it to the chiefs and  
6 sheriffs.

7 MS. SINGLEY: I mean, I have a list here. I can  
8 show it to you, I can give the flash drive to Connie and  
9 I can give you the data if you want to look  
10 at who actually responded and from what agencies.

11 COMMISSIONER BRAZIEL: I don't need it on the  
12 screen.

13 MS. SINGLEY: Okay.

14 DR. SPILBERG: And while she is looking, you know,  
15 I guess our task was just to do this research and report  
16 back to you; and we did it to the best of our ability  
17 within the time constraints we have. But, yes, we did  
18 venture some concluding remarks, because that's just the  
19 way I was schooled; but, you know, you might call it a  
20 workaround, but there is a difference in the information  
21 needs for POST than for the department.

22 Frankly, if someone is going to retire, but there  
23 is an understanding they're coming back as soon as  
24 allowable -- and that's a pretty short period of time.  
25 That's not 180 days. That's too long to go to be off the

1 radar, we feel, not to require any kind of rescreening.  
2 But if its a shorter period of time and there is an  
3 understanding when that individual retires, then for  
4 POST's purposes, I question whether that's truly a break  
5 in service. Clearly, when someone is appointed, they  
6 don't necessarily show up for work that same day.  
7 There's sometimes appointment and actually functionally  
8 being on duty, they're not the same date.

9 So we feel that within a short period of time, that  
10 really is legitimately an appointment status change,  
11 whether it's to reserve or whether it's to a part-time.  
12 It doesn't have to be reserve.

13 So that's just something we were considering.

14 ACTING CHAIR DUDLEY: Commissioner Smith?

15 COMMISSIONER SMITH: A comment, too, is that I agree  
16 with what the other commissioners have said. And you  
17 know what I think is important to note, that when someone  
18 retires, the decision to hire them back is weighed very  
19 carefully. We are only returning the people to work if  
20 they are someone that we know doesn't have disciplines,  
21 doesn't have bad background problems.

22 DR. SPILBERG: Sure, absolutely.

23 COMMISSIONER SMITH: So I think that they're to be  
24 rescreened again. I think that we are the screening  
25 people.

1 DR. SPILBERG: And we don't question -- okay, we  
2 don't disagree with that. It should be within the  
3 chief's purview, within a certain period of time, even if  
4 they're, quote, unquote, off the radar to make that  
5 determination.

6 We feel that Government Code 1031, though, requires  
7 that all peace officers must be free of any problem that  
8 might jeopardize their performance. And we feel that a  
9 period of six months, for example, of not knowing what  
10 is going on is with the individual not knowing.

11 There could be events and situations that might have  
12 occurred during that ensuing period that really flies in  
13 the face of 1031, not to do some type of updated  
14 background for that period of time that has ensued, as  
15 well as the new medical and psych.

16 COMMISSIONER DOYLE: So what kind of time do you  
17 think would be reasonable?

18 DR. SPILBERG: That's a really good question, and  
19 that's really something for the Commission -- you know,  
20 this is...

21 But I would say that no more than 30 days. I think  
22 after 30 days -- you know, again, our research shows  
23 that there aren't any -- we couldn't find a statute or a  
24 policy, except in those isolated situations, that  
25 required that. It was just a matter of payroll people

1 not wanting to confuse themselves with having retired and  
2 hired.

3 COMMISSIONER SMITH: Comment through the Chair  
4 again.

5 DR. SPILBERG: Yes.

6 COMMISSIONER SMITH: What we do in our agency,  
7 because of this regulation, is pretty much trying to  
8 circumvent the POST process. What we do is, they retire,  
9 we say, "Hey, sign up as a reserve or stay on our rolls.  
10 Because otherwise, we don't have to." So we're looking  
11 at a fix to something.

12 Also, I understand what your research has shown, and  
13 I appreciate it. And I know that sometimes when surveys  
14 are sent to me, they get lost in my muck. So I know that  
15 you tried. But you should be listening to the field.  
16 What is it the police chiefs want? What is it that the  
17 sheriffs want? Because we deal with these people every  
18 day.

19 DR. SPILBERG: Right.

20 COMMISSIONER SMITH: And we -- I think it's  
21 important to set that break in service, if one is  
22 determined, from what the field thinks.

23 DR. SPILBERG: Commissioner, you said that you deal  
24 with this.

25 So what type of break in service do you have?

**POST Commission Meeting, June 23, 2016**

1           COMMISSIONER SMITH: We don't have any. We -- they  
2 retire, and we put them back on the rolls, just so if we  
3 want to use them as extra help in the future.

4           DR. SPILBERG: And that is -- that is a problem?

5           COMMISSIONER SMITH: Well, it's not the right way.  
6 I mean, it's circumventing, really, what the intent is of  
7 the regulation. And that's why the regulation should  
8 comply with really what our practice should be instead  
9 of finding a fix to the regulation, if you will.

10          ACTING CHAIR DUDLEY: Thank you.

11          INTERIM EXECUTIVE DIRECTOR SCOFIELD: Commissioners,  
12 thank you for your comments.

13          Shelley, thank you for your research.

14          I think where we're struggling, staff-wise, is  
15 defining that flexibility. So if you could help us  
16 understand what it is that the chiefs and sheriffs need  
17 in terms of flexibility, that's where we're struggling.

18          ACTING CHAIR DUDLEY: Commissioner Doyle?

19          COMMISSIONER DOYLE: Well, I think they want the  
20 flexibility to bring someone back. And I give -- I mean,  
21 just an example, simplistic, you know, Deputy Jones  
22 says, "I'm going to come back in 90 days, and I'm going  
23 to Hawaii for 90 days." So they can't be reserve because  
24 they're not going to do their 16 hours a month, and  
25 there's a break in service. I mean, that's just a...

**POST Commission Meeting, June 23, 2016**

1           But I'm just looking at flexibility. And whatever  
2 motion I make, it's going to be that it's not required.  
3 But if an agency wants to do something, they can.

4           *(Commissioner Kurylowicz and Commissioner McDonnell*  
5 *have exited the meeting room.)*

6           ACTING CHAIR DUDLEY: So you're not suggesting a  
7 certain amount of time; you're saying, leave it to the  
8 discretion of the chief or the sheriff?

9           COMMISSIONER DOYLE: No, no, I'm prepared to do a  
10 period of time, but I'm flexible on that. That's why  
11 I asked. I mean, I think that 30 days is not nearly  
12 enough because there are some agencies where people --  
13 you know, they want to disappear for a while, or there's  
14 a requirement or whatever, so...

15          ACTING CHAIR DUDLEY: Right. So what amount of time  
16 do you think is appropriate?

17          COMMISSIONER DOYLE: I was -- my proposal was going  
18 to be 180 days.

19          ACTING CHAIR DUDLEY: Okay. Anything else?

20          INTERIM EXECUTIVE DIRECTOR SCOFIELD: No.

21          COMMISSIONER SMITH: Is that a motion, Bob?

22          ACTING CHAIR DUDLEY: Any other discussion?

23                 Otherwise, I think we're about to --

24          COMMISSIONER DOYLE: No, but I -- the motion I was  
25 going to make is no update is required -- required -- if



**POST Commission Meeting, June 23, 2016**

1 a peace officer candidate is being reappointed to the  
2 same POST participating department within 180 days of  
3 voluntary separation.

4 ACTING CHAIR DUDLEY: Okay, that's the motion.

5 DR. SPILBERG: So that would include both people who  
6 have either retired or voluntarily separated?

7 COMMISSIONER DOYLE: Yes.

8 COMMISSIONER SMITH: I'll second that motion.  
9 Smith.

10 ACTING CHAIR DUDLEY: Any further -- yes, do you  
11 have a comment?

12 Melani.

13 MS. SINGLEY: I'm just curious. So the motion is  
14 that we're creating a new regulation that says 180 days?

15 COMMISSIONER DOYLE: Well, or amending Regulation  
16 1953.

17 MS. SINGLEY: To 180. So no screening whatsoever  
18 for those --

19 COMMISSIONER DOYLE: It's not required. If an  
20 agency wants to do rescreening, then they can.

21 DR. SPILBERG: A point of clarification,  
22 Commissioner. When you say 1953, those are the  
23 background standards.

24 COMMISSIONER DOYLE: Well, whatever the standard is  
25 that creates the requirement to do all these things --

**POST Commission Meeting, June 23, 2016**

1 DR. SPILBERG: Okay, so you're talking 1950,  
2 because -- okay.

3 COMMISSIONER DOYLE: -- then amend that.

4 I didn't research the number and the --

5 DR. SPILBERG: No, no, no, because you were very  
6 specific; and I wanted to make sure that -- because it's  
7 updated background, as well as the medical and  
8 psychological.

9 INTERIM EXECUTIVE DIRECTOR SCOFIELD: I think what we  
10 can do in this situation is perhaps draft some language  
11 to bring back in October, to see if that meets your  
12 approval for regulation. Because we would need to update  
13 our regulation and bring it back to you in October for  
14 approval.

15 ACTING CHAIR DUDLEY: Commissioner Doyle, you're  
16 looking like you want to say something.

17 COMMISSIONER DOYLE: Well, I'm just looking because  
18 this was brought up in February, and now, you know,  
19 we're talking about time. And so now we're in October,  
20 before -- so that's why I was looking kind of forlorn,  
21 so...

22 ACTING CHAIR DUDLEY: Got it, got it.

23 Let me hear from our attorney.

24 MR. DARDEN: Yes, I understand the issue about the  
25 timing.

**POST Commission Meeting, June 23, 2016**

1           The problem, as I understand it, is that what you're  
2       talking about doing is amending the -- either adding a  
3       new regulation or amending an existing regulation. And  
4       the law would require that POST go through that legal  
5       process with respect to the amendment of the regulation.

6           INTERIM EXECUTIVE DIRECTOR SCOFIELD: Right.

7           MR. DARDEN: So you would have to tender the  
8       language, the language would have to be approved and  
9       through OAL.

10          INTERIM EXECUTIVE DIRECTOR SCOFIELD: Exactly, yes.

11          MR. DARDEN: And then after the public-comment  
12       period, that could become law.

13          So I think that's really the problem, is you're  
14       talking about changing the law, and that's got to go  
15       through the regulatory process.

16          COMMISSIONER LONG: We should do it now.

17          COMMISSIONER DOYLE: Okay.

18          ACTING CHAIR DUDLEY: I think what we can do at  
19       this point, is we can have a motion to go through that  
20       process, and a motion to reagendize this for our  
21       October meeting.

22          COMMISSIONER DOYLE: Yes.

23          DR. SPILBERG: Okay -- yes, just to clarify, the  
24       regulatory process, which this would require, is about a  
25       six-month process. That's just the way it is.

**POST Commission Meeting, June 23, 2016**

1 MS. SINGLEY: And we have to draft language to bring  
2 to the Commission before we can --

3 DR. SPILBERG: Right, that's just the process.

4 COMMISSIONER DOYLE: Well, okay. This is all new to  
5 me.

6 DR. SPILBERG: And that's what we'll do.

7 COMMISSIONER DOYLE: I'm not disputing that. I'm  
8 just new. I thought you'd make a motion, and so..

9 DR. SPILBERG: Wouldn't that be nice?

10 That's not the way it works.

11 COMMISSIONER DOYLE: I guess not.

12 ACTING CHAIR DUDLEY: I understand what Commissioner  
13 Doyle is saying.

14 And you brought up this idea, people are embracing  
15 the idea, we have to go through a certain process. I  
16 believe the process is as I had stated in the previous  
17 motion. So we need a motion.

18 COMMISSIONER LONG: Wouldn't, though -- wouldn't  
19 coming up with the language now carve -- save three  
20 months?

21 ACTING CHAIR DUDLEY: No. But we all have to get  
22 together again. We're not getting together for three  
23 months.

24 COMMISSIONER LONG: But wouldn't we have to get  
25 together in three months to talk about the language

1 that's being drafted, as opposed to drafting the  
2 language right now?

3 MS. SINGLEY: It's required by the Office of  
4 Administrative Law process. It's just required.

5 COMMISSIONER LONG: I understand that. But wouldn't  
6 it save time to agree on language right now to go to  
7 OAL?

8 DR. SPILBERG: We were going to ask for  
9 clarification on exactly what the Commission is  
10 suggesting -- wants in that regulation revision, what --  
11 I mean, are we talking -- what number of days -- what do  
12 you want it to say?

13 COMMISSIONER BRAZIEL: I believe that was in the  
14 motion.

15 COMMISSIONER DOYLE: That was in the motion.

16 DR. SPILBERG: Okay.

17 COMMISSIONER LONG: I think you do save three  
18 months. Just go to OAL with the language that's agreed  
19 to here.

20 ACTING CHAIR DUDLEY: So, as I understand it,  
21 Commissioner Doyle put forth some language. We want to  
22 move this as quickly as possible.

23 So the concern is, as Commissioner Long said, that  
24 he doesn't want to have to then take this up again in  
25 October, and then take it up again in Disneyland; right?

**POST Commission Meeting, June 23, 2016**

1 COMMISSIONER LONG: Right.

2 ACTING CHAIR DUDLEY: Thoughts?

3 MR. DARDEN: So I suppose then the question would  
4 be, can you take the language that was in the motion,  
5 and run that by OAL as part of the regulatory process?

6 MS. SINGLEY: Generally, it's normally a written  
7 regulation, underline, strike-out, that is taken to the  
8 Commission. The Commission then approves that.

9 MR. DARDEN: Sure, right.

10 MS. SINGLEY: And that's what goes towards OAL.

11 So I don't know that we can say we're -- unless you  
12 have a copy of the regulation, and you say, "We're  
13 striking out this. Underlining" -- I don't know. I've  
14 never had it where it's been --

15 COMMISSIONER BUI: So let's write it down.

16 DR. SPILBERG: What we can do is take your motion  
17 and create the package that you have to approve to go to  
18 the Office of Administrative Law; right?

19 MS. SINGLEY: Right. But we have to bring it to the  
20 Commission in October.

21 DR. SPILBERG: And that's what I'm saying, the  
22 Commission would get it in October to approve it as part  
23 of the required process.

24 INTERIM EXECUTIVE DIRECTOR SCOFIELD: What we'll do  
25 is, we will draft language regarding your motion. And

1 we will pursue it with the Office of Administrative Law.  
2 If there's any significant concern from the Office of  
3 Administrative Law, we'll have to bring it back to you in  
4 October.

5 COMMISSIONER LONG: Okay.

6 COMMISSIONER BRAZIEL: And I was looking at the  
7 regs, 1953, it's called "Background Investigation  
8 Updates." I think that's what we were talking.

9 You said 150, which --

10 DR. SPILBERG: Well, that's because right now,  
11 people who experience a break in service do need an  
12 updated background, which is 1953 --

13 COMMISSIONER BRAZIEL: Right.

14 DR. SPILBERG: -- but also need a new medical and  
15 a new psychological evaluation, which is 1954 and 1955,  
16 respectively.

17 COMMISSIONER BRAZIEL: So if, for example, if, in --  
18 so Regulation 1953, for the rest of the Commissioners,  
19 (f), it says, "Background Investigation Updates," then  
20 sub (1) is "Eligibility." If we added a new (a) that  
21 said, "No update is required" -- the same language that  
22 the Sheriff mentioned, "No update is required if a peace  
23 officer candidate is being reappointed to the same  
24 POST-participating department within 180 days of  
25 voluntary separation." That same language would then go

1       into each of the other -- there would be no medical  
2       background required -- you know, no medical would be  
3       required; it would have the same language, no psych would  
4       be required --

5             DR. SPILBERG: Well, Commissioner, with all due  
6       respect, I think what we need to do is take your motion  
7       back and work on just how effectively we can stipulate  
8       that in the regulation itself. But it would translate  
9       into exactly what you're saying.

10            COMMISSIONER BRAZIEL: Okay, within each one of  
11       those sub --

12            DR. SPILBERG: It might be in the -- in 1950, we  
13       would define who is subject to these requirements. And  
14       we have waivers there -- I mean, we have exceptions  
15       there. So, again, we just -- we just need to fix --  
16       work on that.

17            COMMISSIONER SMITH: This will be an exceptional  
18       test of POST's flexibility and ability to move things  
19       forward.

20            DR. SPILBERG: No, I don't think it's a big deal.  
21       I just --

22            INTERIM EXECUTIVE DIRECTOR SCOFIELD: And that's  
23       what we'll try and do, Commissioner, thank you. And we  
24       will work diligently, understanding we do have a state  
25       process we have to follow.



**POST Commission Meeting, June 23, 2016**

1 COMMISSIONER SMITH: Yes.

2 ACTING CHAIR DUDLEY: I think there's no question  
3 about what it is that Commissioner Doyle is suggesting.  
4 I think that our Executive Director understands that.  
5 And she will work with both of you, if there is any --  
6 and we're hoping that we can bring this all back in  
7 October, signed, sealed, and delivered. But if there  
8 needs to be further discussion, we'll have to have that  
9 in October.

10 COMMISSIONER DOYLE: And I apologize. I wasn't  
11 aware -- you know, I'm used to the board of supervisors,  
12 3-2, you move on. You know, so I apologize. I didn't  
13 realize it had to go through all of these processes.

14 ACTING CHAIR DUDLEY: Don't apologize. It's very  
15 important and it affects all of our agencies.

16 Thank you for bringing it up.

17 So we now need a motion, and --

18 COMMISSIONER DOYLE: I think there was a motion and  
19 a second.

20 ACTING CHAIR DUDLEY: But I think that motion was  
21 different than the motion that we're now suggesting.

22 So I think the motion should be -- do you have it in  
23 your mind?

24 MR. DARDEN: No, actually, I don't.

25 ACTING CHAIR DUDLEY: Okay. I think the motion

**POST Commission Meeting, June 23, 2016**

1 would be -- do you want me to take a crack at it?

2 COMMISSIONER DOYLE: Go ahead.

3 ACTING CHAIR DUDLEY: Okay, I think the motion is  
4 to reagendize this item for the October meeting; and  
5 that the Executive Director will work alongside the other  
6 members of POST, and try to get that legislative change  
7 into wording that we can then act on in October.

8 COMMISSIONER BRAZIEL: A clarifying: I assume what  
9 we're trying to do is, by October, be able to hold a  
10 public hearing with that proposed language; correct?  
11 Because we have to do a public -- otherwise we're at a  
12 public hearing in February. Because you have to have a  
13 public hearing; correct?

14 ACTING CHAIR DUDLEY: Assuming that we've got the  
15 language right --

16 COMMISSIONER BRAZIEL: Correct.

17 ACTING CHAIR DUDLEY: -- I think we could have the  
18 public hearing in October -- no?

19 DR. SPILBERG: No public hearing on this one.

20 MS. SINGLEY: You're not required to have a public  
21 hearing on this.

22 COMMISSIONER BRAZIEL: We don't? Okay.

23 MR. DARDEN: Yes. We don't do the public hearing.  
24 The public hearing is -- no, the public hearing is done  
25 as part of OAL.

**POST Commission Meeting, June 23, 2016**

1           Maybe you can explain the process with OAL.

2           MS. SINGLEY: A public hearing is just done if  
3 someone requests public hearing. It's not -- this is an  
4 open public meeting as it is.

5           COMMISSIONER BRAZIEL: Right.

6           MS. SINGLEY: So there's no public hearing unless  
7 someone requests a public hearing.

8           COMMISSIONER BRAZIEL: I'm used to local  
9 jurisdiction that actually has to have a public hearing.

10          DR. SPILBERG: That's why we're suggesting --

11          MS. SINGLEY: No. It's just it has to -- whatever  
12 language we have, has to go to the Commission. The  
13 Commission has to approve that exact language, and then  
14 it goes to OAL, and then it has to go out for a 45-day  
15 public-comment period, and then there's a 30-day --

16          COMMISSIONER LONG: But that's what we're trying to  
17 avoid, is having to come back in October to approve the  
18 exact language and then have it go to OAL. We're trying  
19 to agree to the language now, so we can go to OAL.

20          MS. SINGLEY: I would like you --

21          INTERIM EXECUTIVE DIRECTOR SCOFIELD: And that's  
22 exactly --

23          MS. SINGLEY: -- but I -- sorry.

24          INTERIM EXECUTIVE DIRECTOR SCOFIELD: That's exactly  
25 what we're trying to do.

1 MS. SINGLEY: Right.

2 INTERIM EXECUTIVE DIRECTOR SCOFIELD: We are trying  
3 to manage your request in moving forward, with the Office  
4 of Administrative Law.

5 And as I stated, if the Office of Administrative Law  
6 has concerns, we will have to bring it back in October.  
7 But we will try and move forward with the OAL process,  
8 if we can.

9 COMMISSIONER LONG: Okay.

10 MS. SINGLEY: And I would also like to make sure  
11 that whatever we put into our regulation is very clear,  
12 because you -- not only are you allowing people that  
13 you know that have been gone six months to come back,  
14 you also are allowing people that were maybe hired in the  
15 last six months that you -- or before you became chief.  
16 So if you became chief three months after this person  
17 left, they're coming back after six months.

18 Now, you can't ask for any -- or you could, I guess  
19 if we're putting that as you had the right to do that.  
20 But then why aren't you doing it for this other person  
21 that you know? If they've been out of -- if they've been  
22 out of your sight for six months, so they could have --  
23 I don't know, if they went to Hawaii, they could have had  
24 a sky-diving accident or something.

25 COMMISSIONER DOYLE: There's a lot of people out of

1 my sight. I've had people on disability for years, and  
2 they come back to work with a medical release; and so --

3 MS. SINGLEY: Right. But you don't have --

4 COMMISSIONER DOYLE: But -- and my motion is that  
5 it's not a have-to; but if the agency wants to do that,  
6 they can.

7 MS. SINGLEY: I just want to make sure that you  
8 guys all considered the risks involved in not having  
9 someone -- if they're removed from your database, which  
10 they generally are from the day-to-day database, you'll  
11 also have to have them undergo a firearms check, that  
12 sort of thing. But local agency checks? Not required.

13 So there are -- our regulations are in place for a  
14 reason. It's a risk management for you guys.

15 We can -- they're not our people, so we don't --  
16 you know, we'll do whatever you guys want us to do. But  
17 I want to make sure that you're taking into consideration  
18 all -- everything that will change for this.

19 This is huge. This isn't just, "I want to hire this  
20 guy because I've known him forever, and I want him to  
21 come back." It affects --

22 COMMISSIONER DOYLE: Okay, I think I speak for the  
23 rest -- yes, we have considered those things, okay.

24 MS. SINGLEY: Okay, that's fine. I just want to  
25 make sure that that's all considered, all those

**POST Commission Meeting, June 23, 2016**

1 risk-management issues, with medical, whatever it might  
2 be.

3 INTERIM EXECUTIVE DIRECTOR SCOFIELD: I appreciate  
4 staff's report on this. I appreciate staff's -- we've  
5 been --

6 DR. SPILBERG: May I make one more comment?

7 INTERIM EXECUTIVE DIRECTOR SCOFIELD: Our Commission  
8 has been extremely clear in the direction, and we will  
9 take your motion and we will work with the language and  
10 we would like to conclude this if the Commission doesn't  
11 have any further questions.

12 ACTING CHAIR DUDLEY: So now I think the motion is  
13 that we're just going to continue this until the  
14 October meeting. There are so many different parts going  
15 on, and I think that our Executive Director has a clear  
16 understanding of what it is you want; and she'll work  
17 with staff and make it happen.

18 COMMISSIONER BRAZIEL: I have a friendly amendment,  
19 if I may.

20 ACTING CHAIR DUDLEY: You what?

21 COMMISSIONER BRAZIEL: I have a friendly amendment  
22 to the motion: Is that we, with the permission of  
23 Sheriff Doyle, that we appoint him as the liaison for  
24 direction in the language. And if it meets his needs  
25 and language, that we bring it back for -- not just

**POST Commission Meeting, June 23, 2016**

1       revisit it, but it would be run through the -- what's the  
2       initials that I'm looking for?

3               COMMISSIONER LONG:   OAL.

4               MR. DARDEN:   OAL, Office of Administrative Law.  
5       OAL.

6               COMMISSIONER BRAZIEL:   Thank you.   OAL.

7               That it be run through OAL with the goal of getting  
8       it to the October meeting for a vote for approval.

9               ACTING CHAIR DUDLEY:   Yes.

10              And that's fine with you, Commissioner Doyle?

11              COMMISSIONER DOYLE:   That's fine.

12              MR. DARDEN:   All right.   So the intent -- just so  
13       that I understand that, so the intent then is that  
14       Commissioner Doyle is being delegated the authority by  
15       the Commission to work with staff, to come up with all  
16       of the appropriate changes to the regulatory language to  
17       implement the Commission's direction with the intent that  
18       the now-amended regulatory language would be brought to  
19       the Commission for approval, and then go to OAL?

20              COMMISSIONER BRAZIEL:   No.

21              COMMISSIONER LONG:    No.

22              COMMISSIONER SMITH:   Whatever process gets it done.

23              DR. SPILBERG:   Yes, we have to follow the process.  
24       And it does include, by requirement, coming to you for  
25       your approval.   And I believe we can -- we can do that

**POST Commission Meeting, June 23, 2016**

1 for your October meeting, okay. But that -- so we will  
2 follow the process as expeditiously as allowable.

3 COMMISSIONER BUI: Perfect.

4 COMMISSIONER BRAZIEL: My motion was to designate  
5 approval of the Commission to the Sheriff. That was my  
6 motion, my friendly amendment, so that it could go to  
7 OAL.

8 Did I get that right?

9 MR. DARDEN: With the intention that the Commission  
10 attempt to get the language drafted, take it to OAL, and  
11 at least start or get the process -- the regulatory  
12 process going before the next Commission meeting.

13 COMMISSIONER BRAZIEL: Correct.

14 MR. DARDEN: Okay, do you understand?

15 Okay, I just wanted to make sure it was clear.

16 ACTING CHAIR DUDLEY: Who wants to rephrase that?

17 Or do we have it?

18 *(No response)*

19 ACTING CHAIR DUDLEY: We're all getting exhausted.

20 So the way I understand it now, is there is a motion  
21 to put this on to the October agenda; and that you were  
22 volunteered, Commissioner Doyle, to be a liaison for  
23 POST, to working on the language.

24 COMMISSIONER DOYLE: Yes.

25 ACTING CHAIR DUDLEY: Was your friendly reminder in



POST Commission Meeting, June 23, 2016

1       there?

2               COMMISSIONER BRAZIEL: No. That he had the  
3 authority to approve the language to go to OAL on behalf  
4 of the Commission.

5               ACTING CHAIR DUDLEY: Okay.

6               COMMISSIONER SMITH: And I will still second.

7               ACTING CHAIR DUDLEY: Okay, all in favor?

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

9               MS. PAOLI: I'm sorry, I missed, who was the second?

10              COMMISSIONER SMITH: *(Indicating.)*

11              COMMISSIONER DOYLE: Smith.

12              MS. PAOLI: Thank you, Sheriff Smith.

13              ACTING CHAIR DUDLEY: Any opposed?

14              *(No response)*

15              ACTING CHAIR DUDLEY: Okay, any abstain?

16              *(No response)*

17              ACTING CHAIR DUDLEY: Thank you very much.

18              MS. SINGLEY: Thank you.

19              ACTING CHAIR DUDLEY: Now, believe it or not,  
20 assistant Director Jan Bullard is going to come back to  
21 revisit the other issue.

22              COMMISSIONER BRAZIEL: It's me confusing everybody.

23              MS. BULLARD: No, I got nods; but nods have to be  
24 motions, so I wanted to make sure. Because we had left  
25 off with a motion that was \$75,000 for the external only.

**POST Commission Meeting, June 23, 2016**

1 Commissioner Bui had said she was concerned that that  
2 would mean two contracts. I said that we would do one  
3 contract, two phases. The one phase being external, and  
4 it wouldn't move forward until we got the approval of the  
5 Commission that they were satisfied with the study and  
6 the findings. Then the second phase, the same contract  
7 could then be applied to internal studies. And everyone  
8 nodded. Unfortunately, we need a motion for it because  
9 the last motion was for external only. And that's on an  
10 amount.

11 COMMISSIONER BRAZIEL: I would move that we make it  
12 a two -- we modify the first motion and that we make it a  
13 two-step process as described by the assistant director.

14 COMMISSIONER CHAPLIN: I would second that motion.

15 ACTING CHAIR DUDLEY: All in favor?

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

17 MR. DARDEN: I'm sorry, roll call. Roll-call vote.  
18 I'm sorry.

19 ACTING CHAIR DUDLEY: I'm trying to make it fast.

20 COMMISSIONER BRAZIEL: No, thank you for clarifying  
21 all that.

22 ACTING CHAIR DUDLEY: But wait, there's still closed  
23 session. So let's keep going.

24 Roll-call vote, please.

25 MS. PAOLI: The motion by Braziel --

**POST Commission Meeting, June 23, 2016**

1 COMMISSIONER BRAZIEL: Yes.  
2 MS. PAOLI: -- the second by Chaplin?  
3 COMMISSIONER CHAPLIN: Yes, sorry.  
4 MS. PAOLI: Braziel?  
5 COMMISSIONER BRAZIEL: Aye.  
6 MS. PAOLI: Bui?  
7 COMMISSIONER BUI: Aye.  
8 MS. PAOLI: Chaplin?  
9 COMMISSIONER CHAPLIN: Aye.  
10 MS. PAOLI: DeLaRosa?  
11 *(No response)*  
12 MS. PAOLI: Doyle?  
13 COMMISSIONER DOYLE: Yes.  
14 MS. PAOLI: Dudley?  
15 ACTING CHAIR DUDLEY: Aye.  
16 MS. PAOLI: Hutchens?  
17 *(No response)*  
18 MS. PAOLI: Kurylowicz?  
19 *(No response)*  
20 MS. PAOLI: Leichliter?  
21 *(No response)*  
22 MS. PAOLI: Long?  
23 COMMISSIONER LONG: Aye.  
24 MS. PAOLI: McDonnell?  
25 *(No response)*

**POST Commission Meeting, June 23, 2016**

1 MS. PAOLI: Moore?

2 COMMISSIONER MOORE: Aye.

3 MS. PAOLI: Ramirez?

4 COMMISSIONER RAMIREZ: Aye.

5 MS. PAOLI: Smith?

6 COMMISSIONER SMITH: Aye.

7 MS. PAOLI: Wallace?

8 COMMISSIONER WALLACE: Aye.

9 ACTING CHAIR DUDLEY: Okay, motion has passed.

10 So now we're going -- we're going to do this by  
11 group. This is the nominations for reappointment to the  
12 Advisory Committee.

13 I'm going to list all of these people, and then I  
14 will entertain a motion to accept them all.

15 If there is any discussion about anybody we  
16 shouldn't accept, then I'll ask for a quick discussion  
17 before we move forward.

18 So number one: CAPTO Executive Director Laura Perry  
19 recommends Advisory Committee representative Randy Waltz  
20 be reappointed to the POST Advisory Commission.

21 Two: CPCA president Ken Corney recommends that  
22 Advisory Committee representative Greg Garner, be  
23 reappointed to the POST Advisory Committee.

24 Three: Public Member Alex Bernard requests that he  
25 be reappointed to the POST Advisory Committee.

**POST Commission Meeting, June 23, 2016**

1           Four: Public Member Elmo Banning requests that he  
2 be reappointed to the POST Advisory Committee.

3           Five: PORAC President Michael Durant recommends  
4 that the Advisory Committee representative Marcelo Blanco  
5 be reappointed to the POST Advisory Committee.

6           Six: PORAC President Michael Durant recommends that  
7 Advisory Committee California Specialized Law Enforcement  
8 representative Jim Bock be reappointed to the POST  
9 Advisory Committee.

10           Seven: CPOA Executive Director Carol Leveroni,  
11 L-E-V-E-R-O-N-I, recommends that Advisory Committee  
12 representative Sandy Spagnoli, S-P-A-G-N-O-L-I, be  
13 reappointed to the POST Advisory Committee.

14           Is there any discussion about any of them as  
15 individuals?

16           *(No response)*

17           ACTING CHAIR DUDLEY: If not, I'll entertain a  
18 motion to approve all of them.

19           COMMISSIONER BUI: Is there one more? Isn't  
20 number 8, Youngblood?

21           ACTING CHAIR DUDLEY: I don't have that in my notes.

22           INTERIM EXECUTIVE DIRECTOR SCOFIELD: Number 8 is  
23 CSAA President Donny Youngblood recommends the Advisory  
24 Committee California State Sheriffs' Association  
25 representative Ed Bonner be reappointed to the POST

**POST Commission Meeting, June 23, 2016**

1     Advisory Committee.

2             ACTING CHAIR DUDLEY: Thank you.

3             Is there any discussion?

4             Yes?

5             COMMISSIONER MOORE: Motion to vote them all in,  
6     yes.

7             COMMISSIONER WALLACE: Second. Wallace.

8             ACTING CHAIR DUDLEY: To do what?

9             MS. PAOLI: Vote them all in.

10            ACTING CHAIR DUDLEY: Okay. Second?

11            COMMISSIONER WALLACE: Wallace.

12            ACTING CHAIR DUDLEY: Okay, and all in favor?

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

14            ACTING CHAIR DUDLEY: Opposed?

15            *(No response)*

16            ACTING CHAIR DUDLEY: Abstain?

17            *(No response)*

18            ACTING CHAIR DUDLEY: Okay, that motion passes.

19            Now, everybody is going to have a five-minute break,  
20     and then we're going to go back into closed session.

21            So we'll start closed session at five to 2:00.

22            *(Recess from 1:51 p.m. to 1:58 a.m.)*

23            *(The Commission met in closed executive*  
24     *session from 1:58 p.m. to 2:50 p.m.)*

25            *(Recess from 2:50 p.m. to 2:52 a.m.)*

**POST Commission Meeting, June 23, 2016**

1           *(The Commission returned to open session*  
2           *at 2:52 p.m.)*

3           ACTING CHAIR DUDLEY: Okay, we're back on the record  
4           and we're now in open session.

5           MR. DARDEN: All right, so reporting back from  
6           closed session, the Commission discussed litigation  
7           matters. It had two votes, the first vote was after  
8           deliberation regarding the appeal on Vikas Kurian. The  
9           Commission voted to permit Mr. Kurian to take the regular  
10          course within six months, denying attorney's fees. It's  
11          delegated to the Chair and to myself to work out the  
12          opinion that will be sent out within 15 business days  
13          under the regulation.

14          The second was with respect to the Executive  
15          Director selection process, the Commission has decided  
16          that on July 13<sup>th</sup>, there will be interviews for  
17          candidates who are interested in the Interim Executive  
18          Director position.

19          The Commission has delegated to those commissioners  
20          who attend those interviews the ability to make the  
21          selection decision with respect to the Interim Executive  
22          Director. And, again, that will be held on July 13<sup>th</sup>,  
23          here at POST, at 10:00 a.m.

24          Did I miss anything?

25          ACTING CHAIR DUDLEY: Stephanie Scofield will be

1 one of the people who will be interviewed; and that the  
2 commissioners have decided that I have the authority to  
3 sign the letter --

4 MR. DARDEN: Yes.

5 ACTING CHAIR DUDLEY: -- in terms of the appeal.

6 Was there anything else?

7 There were some other issues brought up and other  
8 questions.

9 Dave, perhaps you could respond to some of the  
10 things we discussed, because they came as questions to  
11 you; but perhaps should not have been mentioned in closed  
12 session, but should be part of the open session, about  
13 things that you're going to investigating at the behest  
14 of the commissioners.

15 MR. CORNEJO: Yes. Okay, so we discussed a couple  
16 of items.

17 Number one, we discussed why instructors who  
18 instruct specific courses, give an example like an EVOC  
19 instructor, why the instructors are not eligible to  
20 receive training credit for that, similar to other  
21 professions, where if you teach a course, you get credit  
22 for attending a course.

23 And then secondly, we also -- there was one  
24 commissioner who brought up flexibility and increasing  
25 flexibility as it relates to when you create a course



1 outline and it doesn't follow POST's specific outline,  
2 that we provide more flexibility into how we evaluate  
3 that outline.

4 And research why, why it is we do that.

5 ACTING CHAIR DUDLEY: Was there anything else we  
6 discussed?

7 *(No response)*

8 ACTING CHAIR DUDLEY: I think we also discussed the  
9 diversity issue. That it was brought up by Commissioner  
10 Moore, as well as Commissioner Long, that in looking at  
11 the Advisory Committee, it appeared to be 99 percent  
12 white men; and it appears, there was one woman. And  
13 there is a concern that we are missing several kinds of  
14 people in our community as representatives.

15 So at this point, we talked about, since we already  
16 moved to move that Advisory to this year, thinking about  
17 that for next year and giving that some consideration,  
18 putting the bug in the ear of the various people who are  
19 making appointments, and just saying, "We're looking for  
20 some diversity," in the hopes that that will change  
21 things. If not, then we may have to go to a more formal  
22 way of expanding the organizations that are invited to  
23 send advisors.

24 Was there anything else?

25 COMMISSIONER DOYLE: Just what an excellent job,

**POST Commission Meeting, June 23, 2016**

1 despite the time, that you've done today.

2 (Applause)

3 ACTING CHAIR DUDLEY: Do you want to just stay?

4 COMMISSIONER DOYLE: If any one of us would do it,  
5 we'd be here until six o'clock.

6 COMMISSIONER CHAPLIN: We're in Stockholm Syndrome  
7 right now.

8 ACTING CHAIR DUDLEY: Thank you all for coming.  
9 I look forward to seeing all of you right back here on  
10 July 13<sup>th</sup> at ten o'clock.

11 COMMISSIONER BRAZIEL: Enjoy your vacation.

12 (Gavel sounded.)

13 (The Commission meeting concluded at 2:56 p.m.)



**REPORTER'S CERTIFICATE**

I hereby certify:

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

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

In witness whereof, I have hereunto set my hand on July 6<sup>th</sup>, 2016.

---

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