



## ADVISORY COMMITTEE MEETING

**March 6, 2024**  
**AGENDA**  
**2:00 PM**

Meetings of the Commission on Peace Officer Standards and Training (Commission) are governed by the Bagley-Keene Open Meetings Act (Bagley-Keene), Government Code sections 11120 et seq. Under Government Code section 11123(a), all meetings of a state body are open and public, and all persons are permitted to attend any meeting of a state body, except as otherwise provided in that article.

Public Comment is encouraged. Public comments will be limited in time at the discretion of the Commission Chair and must relate to items on the agenda or items within the Commission's jurisdiction. The Public Comment period will occur at the beginning of the meeting, preceding any voting items on the agenda. Members of the public who wish to participate during public comment may do so in person by attending the meeting or by submitting written comments as explained below.

Written public comments can be submitted by using one of the following methods: Email to [commissionpc@post.ca.gov](mailto:commissionpc@post.ca.gov) or mail to the Commission on Peace Officer Standards and Training, Attn: Public Comment, 860 Stillwater Road, West Sacramento, CA 95605 in accordance with the Comment Deadlines stated hereafter.

The Comment Deadline for this meeting is 5:00 p.m. on 03/01/2024. Written comments received at the Commission office by this deadline will be made available to Commissioners prior to the meeting. Written comments received after the comment deadline will not be included in the meeting materials or made available to Commissioners.

The Commission may take action on any item listed on the agenda, including items listed as discussion items. The Commission cannot act or deliberate on items not on the agenda but may discuss only to the extent necessary to determine whether the item should be made an agenda item at a future meeting. The Commission may respond briefly to statements or questions posed during public comment, request clarification, or refer the item to staff. Please note agenda items may be taken out of order and action (e.g., voting) may be taken on any agenda item.

Persons requesting disability-related accommodations or modifications may do so by contacting the Commission assistant at (916) 227-3909 (voice), [commissionpc@post.ca.gov](mailto:commissionpc@post.ca.gov) (email), or and Speech-to-Speech users may dial 7-1-1 for the California Relay Service to request special accommodations.

Please note: this meeting and all public meetings will be recorded. No weapons are allowed on the premises during public meetings.

## **CALL TO ORDER AND WELCOME**

### **COMMITTEE MEMBERS**

Walt Allen III  
Anthony Coronado  
Chela Cottrell  
Rick DiBasilio  
Kathy Oborn  
Jason Salazar - Chair  
Julie Spry - Vice Chair  
Brent Stalker  
Benjamin Therriault  
Juan Viramontes

### **MOMENT OF SILENCE HONORING THE OFFICERS WHO LOST THEIR LIVES IN THE LINE OF DUTY SINCE THE LAST MEETING**

The following officers died in the line of duty since the last meeting:

- Officer Tuan Le, Oakland Police Department

### **ROLL CALL OF COMMITTEE MEMBERS**

### **INTRODUCTION OF EXECUTIVE DIRECTOR AND ASSISTANT EXECUTIVE DIRECTOR**

### **PUBLIC COMMENT**

The Committee Chair will advise the audience of the following:

This is the time on the agenda for public comment. This is time set aside for members of the public to comment on either items on the agenda or issues not on the agenda but pertaining to POST Commission Advisory Committee business. Members of the public who wish to speak are asked to limit their remarks to no more than five minutes each.

#### **A. APPROVAL OF ACTION SUMMARY AND MEETING TRANSCRIPT**

Approval of Action Summary and Meeting Transcript from the previous Committee meeting held on November 29, 2023 in West Sacramento, CA.

##### **1. [Action Summary - November 29, 2023, West Sacramento, CA](#)**

If the Committee concurs, the appropriate action would be a **MOTION** to approve the Action Summary from the previous Committee meeting.

##### **2. [Meeting Transcript - November 29, 2023, West Sacramento, CA](#)**

If the Committee concurs, the appropriate action would be a **MOTION** to approve the Meeting Transcript from the previous Committee meeting.

#### **B. ANNOUNCEMENTS**

The Committee Chair will request Announcements.

#### **C. PRESENTATIONS**

**D. ADVISORY COMMITTEE MEMBER REPORTS**

The Committee Chair will ask for the Advisory Committee Member Reports.

**E. COMMISSIONER COMMENTS**

The Committee Chair will ask for Commissioner comments.

**F. OLD BUSINESS**

**G. NEW BUSINESS**

1. [New Advisory Committee Member Appointments:](#)

Request to appoint Tammie Murrell to, to the POST Advisory Committee, as a replacement to representative for Walter Allen for California Academy Directors Association (CADA).

**H. FUTURE MEETINGS**

Upcoming Committee Meetings will be held:

- June 12, 2024 - POST HQ, West Sacramento, CA
- November 20, 2024 - POST HQ, West Sacramento, CA

**ADJOURNMENT**

## AGENDA ITEM REPORT

Title: **ACTION SUMMARY - NOVEMBER 29, 2023, WEST SACRAMENTO, CA**;

### REPORT PROFILE

MEETING DATE 03/06/2024	BUREAU SUBMITTING THE REPORT Executive Office	
RESEARCHED BY	REVIEWED BY	
REPORT DATE	APPROVED BY	DATE APPROVED
PURPOSE	FINANCIAL IMPACT No	

### ISSUE, BACKGROUND, ANALYSIS, & RECOMMENDATION

#### ISSUE:

#### BACKGROUND:

#### ANALYSIS:

**RECOMMENDATION:** If the Committee concurs, the appropriate action would be a **MOTION** to approve the Action Summary from the previous Committee meeting.

#### ATTACHMENT(S):

[11.29.2023\\_Advisory\\_Action\\_Summary.pdf](#)

COMMISSION ON  
**PEACE OFFICER STANDARDS AND TRAINING**



GAVIN NEWSOM  
GOVERNOR

ROB BONTA  
ATTORNEY GENERAL

**POST COMMISSION MEETING**

**Commission on POST Headquarters**  
**860 Stillwater Rd, Ste. 100**  
**West Sacramento, CA 95605**

**November 29, 2023**

**ACTION SUMMARY**

**CALL TO ORDER**

Commission Chair Jason Salazar called the meeting to order at 1:02 p.m.

**FLAG SALUTE**

The pledge of allegiance was led by Advisory Chair Jason Salazar.

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

A moment of silence was held in honor of those peace officers who lost their life in the line of duty since the last Commission meeting.

- Deputy Ryan Clinkunbroomer, Los Angeles County Sheriff's Department
- Officer Chad Swanson, Manhattan Beach Police Department

**ROLL CALL OF COMMISSION MEMBERS**

**PRESENT**

Anthony Coronado  
Chela Cottrell  
Rick DiBasilio  
Jason Salazar – Chair  
Benjamin Therriault  
Randall Waltz

**ABSENT**

Walt Allen, III  
Elmo Banning  
Kathy Oborn  
Julie Spry  
Juan Viramontes

A calling of the roll reflected a quorum was present.

**INTRODUCTION OF POST ASSISTANT EXECUTIVE DIRECTOR AND THE EXECUTIVE DIRECTOR**

Chair Salazar introduced POST's Assistant Executive Director Jim Grottkau and Executive Director Manny Alvarez.

## **PUBLIC COMMENT PERIOD**

Chair Salazar opened the floor for public comment. No comments were made during the public comment period.

## **A. APPROVAL OF ACTION SUMMARY AND MINUTES**

### **A.1. Approval of the action summary and minutes of the following meetings:**

- Action Summary & Meeting Minutes – June 7, 2023

**MOTION** – DiBasilio, Second – Cottrell, and carried unanimously to approve the action summary and meeting minutes of the June 7, 2023, Advisory Committee meeting.

## **B. ANNOUNCEMENTS**

Chair Salazar called upon Assistant Executive Director Jim Grottkau to provide announcements.

Assistant Executive Director Jim Grottkau introduced the two new Advisory Committee members Chela Cottrell with the Citrus Heights Police Department and Benjamin Therriault with the Peace Officers Research Association of California.

## **C. PRESENTATIONS**

Assistant Executive Director Jim Grottkau announced there would be presentations on Consent Items: 1, 5, 6, 11, 14-16; Basic Training Bureau Items 1 and 2; Certification Bureau Items 1-3; and Peace Officer Standards and Accountability Division Item 1.

### **B.1. Report on Course Certification Statistics – 07/01/2023 to 10/31/2023**

Chair Salazar called upon Bureau Chief Thomas Chalk, Training Delivery and Compliance Bureau, to provide a report.

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

### **B.5. Report on Peace Officer Certification Statistics**

Chair Salazar called upon Bureau Chief Michelle Weiler, Certification Bureau, to provide a report.

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

### **B.6. Report on Peace Officer Revocations Based on Felony Convictions**

Chair Salazar called upon Assistant Executive Director Annemarie Del Mugnaio, Executive Office, to provide a report.

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

**B.11. Report on Compliance with POST Regulations Regarding Perishable Skills Program (PSP) and Continuing Professional Training (CPT)**

Chair Salazar called upon Assistant Executive Director, Jim Grottkau, Executive Office, to provide a report.

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

**B.13. Report on Case Status of Immediate Temporary Suspensions (ITS)**

Chair Salazar called upon Bureau Chief Michelle Weiler, Certification Bureau, to provide a report.

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

**B.14. Report of Certification and Decertification Case Processing**

Chair Salazar called upon Assistant Executive Director Annemarie Del Mugnaio, Executive Office, to provide a report.

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

**B.15. Report on Senate Bill 2 Update**

Chair Salazar called upon Assistant Executive Director Annemarie Del Mugnaio, Executive Office, to provide a report.

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

Break taken from 1:15 p.m. to 2:15 p.m. Chair Salazar called for a 10-minute break.

**B.16. Report on Legislative Update**

Chair Salazar called upon Staff Services Manager Meagan Poulos, Executive Office, to provide a report.

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

**D.1. Report on Amendments to the POST Guidelines for Student Safety in Certified Courses**

Chair Salazar called upon Staff Services Manager Jennifer Hardesty, Basic Training Bureau, and Bureau Chief Brian South, Professional Conduct Central Bureau, to provide a report on this item.

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

**D.2. Report on Proposed Changes to the Training and Testing Specifications for Peace Officer Basic Courses (Learning Domain 35 – Firearms/Chemical Agents)**

Chair Salazar called upon Staff Services Manager Jennifer Hardesty, Basic Training Bureau, to provide a report on this item.

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

**E.1. Report on Proposed Changes to Commission Regulation 1208 – Temporary Suspension of Certification**

Chair Salazar called upon Bureau Chief Michelle Weiler, Certification Bureau, to provide a report on this item.

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

**E.2. Report on Proposed Amendment to Commission Regulation 1202 - Peace Officer Certificates**

Chair Salazar called upon Bureau Chief Michelle Weiler, Certification Bureau, to provide a report on this item.

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

**E.3. Report on Adoption of Proposed Commission Regulation 1011 – Professional Certificates for Public Safety Dispatchers and Records Supervisor**

Chair Salazar called upon Bureau Chief Michelle Weiler, Certification Bureau, to provide a report on this item.

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

**F.1. Update on Review of Serious Misconduct Cases Related to Bias and Sexual Assault**

Chair Salazar called upon Assistant Executive Director Annemarie Del Mugnaio, Executive Office, to provide a report on this item.

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

**D. ADVISORY COMMITTEE MEMBER REPORTS**

Chair Salazar call for Committee Member reports.

- Member Therriault: No Report.
- Member Coronado: Chief Coronado started a group discussion around AB 89 being pushed through and the concern of the affect it will have on academies and officers going forward. Executive Director Manny Alvarez and Staff Services Manager Meagan Poulos joined the

discussion.

- Member Salazar: Chief Salazar's report was also going to discuss AB 89 and brought up the concerns from the California Police Chief Association and the timeline and language.
- Member Cottrell: No Report.
- Member DiBasilio: No Report.
- Member Waltz: California Association of Police Training Officers (CAPTO) has been rebranded as California Police Training Managers Association (CPTMA) with a statewide executive director and each chapter has their own leadership. This will be my last meeting as there will be an item before the Commission tomorrow to replace me with Lieutenant Brent Stalker. Chair Salazar thanked Member Waltz for his service and time on the Advisory Committee

## **E. COMMISSIONER COMMENTS**

Chair Salazar requested comments from Commissioners in attendance.

- No Commissioner comments were made at this meeting.

## **F. OLD BUSINESS**

There were no Old Business items for this meeting.

## **G. NEW BUSINESS**

### **G.1. New Advisory Committee Member Appointments:**

- Request to appoint Lieutenant Brent Stalker, to the POST Advisory Committee as a replacement for Randy Waltz.
- Request to appoint self-nominated Alan F. McFadon, to the POST Advisory Committee as a Public Member.

## **H. FUTURE MEETINGS**

### **H.1. Future Meetings Dates**

Chair Salazar read the future meeting dates

- March 6, 2024 – Greater Los Angeles Area

## **ADJOURNMENT** – 3:26 p.m.

Respectfully Submitted,

Chandler T. Knapp  
Staff Services Analyst

## AGENDA ITEM REPORT

Title: **MEETING TRANSCRIPT - NOVEMBER 29, 2023, WEST SACRAMENTO, CA**

### REPORT PROFILE

MEETING DATE 03/06/2024	BUREAU SUBMITTING THE REPORT Executive Office	
RESEARCHED BY	REVIEWED BY	
REPORT DATE	APPROVED BY	DATE APPROVED
PURPOSE	FINANCIAL IMPACT No	

### ISSUE, BACKGROUND, ANALYSIS, & RECOMMENDATION

#### ISSUE:

#### BACKGROUND:

#### ANALYSIS:

**RECOMMENDATION:** If the Committee concurs, the appropriate action would be a **MOTION** to approve the Meeting Transcript from the previous Committee meeting.

#### ATTACHMENT(S):

[11.29.23 Transcript\\_POST Advisory Committee Meeting.pdf](#)

STATE OF CALIFORNIA

COMMISSION ON  
PEACE OFFICER STANDARDS AND TRAINING

POST COMMISSION  
ADVISORY COMMITTEE MEETING

Wednesday, November 29, 2023

1:02 P.M.

MEETING HELD  
AT THE OFFICES OF  
COMMISSION ON POST  
860 STILLWATER ROAD, SUITE 100  
WEST SACRAMENTO, CALIFORNIA

REPORTER'S TRANSCRIPT OF PROCEEDINGS

STENOGRAPHICALLY REPORTED BY:  
Emily Samelson  
California Certified Shorthand Reporter #14043

1

KATHRYN S. SWANK, CSR, RPR (916) 390-7731

1 A P P E A R A N C E S

2 POST ADVISORY COMMITTEE MEMBERS PRESENT

3 JASON SALAZAR  
4 California Police Chiefs Association  
4 (Chairperson)

5 RANDALL WALTZ  
6 California Association of  
6 Police Training Officers

7 RICK DiBASILIO  
8 Calaveras County Sheriff's Office

9 CHELA COTTRELL  
9 Citrus Heights Police Department

10 ANTHONY CORONADO  
11 California Highway Patrol

12 BENJAMIN TERRIAULT  
12 Peace Officers Research Association  
13 of California

14 ----oo----

15 POST COMMISSION STAFF

16 MANUEL ALVAREZ JR.  
16 Executive Director  
17 Executive Office

18 ANNEMARIE DEL MUGNAIO  
18 Assistant Executive Director  
19 Peace Officer Standards  
19 Accountability Division  
20 Executive Office

21 JIM GROTTKAU  
21 Assistant Executive Director  
22 Standards & Development Division  
22 Executive Office

23 CHANDLER KNAPP  
24 Staff Services Manager  
24 Executive Office

25 ///

## A P P E A R A N C E S C O N T I N U E D

POST COMMISSION STAFF  
(CONTINUED)

KERI NUNEZ

## Associate Governmental Program Analyst Executive Office

THOMAS CHALK  
Bureau Chief

Training Delivery and Compliance Bureau

BRIAN SOUTH  
Bureau Chief

## Professional Conduct Bureau 4

MICHELLE WEILER

## Bureau Chief

## Certification Bureau

MEAGAN POULOS

son & Public Tr

Executive Office

JENNIFER HARDESTY

## Staff Services Manager Basic Training Bureau

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1                   Wednesday, November 29, 2023; 1:02 p.m.

2                   West Sacramento, California

3                   ----oo---

4                   CHAIRPERSON SALAZAR: All right. Good afternoon.

5                   I'm going to call the meeting of the POST Advisory  
6                   Committee to order.

7                   We're going to start with a flag salute. So please  
8                   stand and join me in the Pledge of Allegiance. Then  
9                   remain standing for a moment of silence.

10                  (Pledge of Allegiance recited in unison.)

11                  CHAIRPERSON SALAZAR: Please join me for a moment  
12                  of silence honoring the officers who have passed away  
13                  since the last meeting, Deputy Ryan Clinkunbroomer from  
14                  the Los Angeles County Sheriff's Department and Officer  
15                  Chad Swanson, Manhattan Beach Police Department.

16                  (Moment of silence observed.)

17                  CHAIRPERSON SALAZAR: Thank you. Please take your  
18                  seats.

19                  Mr. Knapp, will you please take roll call.

20                  MR. KNAPP: Absolutely. Good afternoon.

21                  Okay. Committee Member Allen.

22                  (No response.)

23                  MR. KNAPP: Committee Member Banning.

24                  (No response.)

25                  MR. KNAPP: Committee Member Coronado.

1 MEMBER CORONADO: Here.  
2 MR. KNAPP: Committee Member Cottrell.  
3 MEMBER COTTRELL: Present.  
4 MR. KNAPP: Committee Member DiBasilio.  
5 MEMBER DiBASILIO: Here.  
6 MR. KNAPP: Committee Member Oborn.  
7 (No response.)  
8 MR. KNAPP: Committee Member Salazar.  
9 CHAIRPERSON SALAZAR: Here.  
10 MR. KNAPP: Committee Member Spry.  
11 (No response.)  
12 MR. KNAPP: Committee Member Therriault.  
13 MEMBER THERRIAULT: Here.  
14 MR. KNAPP: Committee Member Viramontes.  
15 (No response.)  
16 MR. KNAPP: And Committee Member Waltz.  
17 MEMBER WALTZ: Here.  
18 MR. KNAPP: Thank you.  
19 CHAIRPERSON SALAZAR: All right. Thank you.  
20 I would now like to introduce Assistant Executive  
21 Director Jim Grottkau and POST Executive Director Manny  
22 Alvarez.  
23 MR. GROTTKAU: Thank you.  
24 CHAIRPERSON SALAZAR: Okay. We'll now move to  
25 public comment. This is time set aside for members of

1 the public to comment on items on the Commission agenda.  
2 Pursuant to Commission policy, the Commission Chair will  
3 manage the public comment period in deference to the  
4 Commission's workload and meeting time constraints.

5 Up to 15 minutes is allotted at the beginning of  
6 each Commission meeting for public comments on items on  
7 the agenda. Based on recent events, more people than  
8 usual may want to address the Commission. Therefore, if  
9 required, we will go longer than 15 minutes but may  
10 limit this period to no more than one hour, as we have  
11 many topics to cover on the agenda.

12 Members of the public who wish to speak are asked  
13 to limit their remarks to no more than five minutes  
14 each. If we have many people who wish to speak on the  
15 same topic, I, as the Chair, may intervene and will ask  
16 that you limit remarks to no more than one minute.

17 Pursuant to existing Commission policy, the Chair  
18 may conclude the public comment period if multiple  
19 speakers are voicing repetitive or similar statements  
20 and the 15-minute public comment period has expired.

21 Please be advised that the Commission cannot take  
22 action on items not on the agenda. And please remember  
23 that this meeting is being transcribed. So I may  
24 politely interrupt and ask you repeat or speak slowly  
25 and clearly so your comment can be correctly captured in

1 the transcript.

2       Is there anyone who would like to address the  
3 Advisory Committee during public comment? When it is  
4 your turn, if you wish, please state your name and  
5 organization.

6       (No response.)

7       CHAIRPERSON SALAZAR: Seeing no comments, we will  
8 move to the action items and approval of action summary  
9 and minutes.

10       Our first item is the approval of the action  
11 summary and meeting minutes from the June 7, 2023,  
12 Advisory Committee meeting.

13       Is there a motion to approve the minutes from the  
14 June 7, 2023, meeting?

15       MEMBER DiBASILIO: So moved.

16       CHAIRPERSON SALAZAR: Motion from DiBasilio.

17       Do I have a second?

18       MEMBER COTTRELL: I'll second.

19       CHAIRPERSON SALAZAR: Second from Cottrell.

20       All those in favor, say "aye."

21       (Ayes.)

22       CHAIRPERSON SALAZAR: Any opposed?

23       (No response.)

24       CHAIRPERSON SALAZAR: Any abstentions?

25       (No response.)

1 CHAIRPERSON SALAZAR: The motion passes  
2 unanimously.

3 And we'll now move on to announcements.

4 I will now call upon Assistant Executive Director  
5 Jim Grottkau to provide the announcements.

6 MR. GROTTKAU: Thank you, sir.

7 I would like to recognize two new Advisory members.

8 First one is Chela Cottrell. Chela is with the  
9 Citrus Heights Police Department, and she is filling a  
10 position for Public Safety Dispatcher.

11 So we want to welcome Chela and give you an  
12 opportunity to say anything.

13 MEMBER COTTRELL: Well, good afternoon, and thank  
14 you for this opportunity. Quite frankly, I'm humbled to  
15 be here, and I hope to do the profession proud by  
16 listening and learning and also giving some input where  
17 it's needed. POST has made some really great strides in  
18 the last couple of years to continue the profession of  
19 dispatch and bringing it into the future of where we  
20 need to be. Thank you.

21 MR. GROTTKAU: Thank you.

22 Our second new member is Benjamin Therriault. And  
23 Ben is from the PORAC. He's from Richmond Police  
24 Department and representing PORAC.

25 Welcome, Ben, and anything you would like to add.

1 MEMBER THERRIAULT: Thank you. Same applies to me.  
2 I'm humbled, happy to be here and to be a part of  
3 training and ensuring that police officers in the state  
4 of California have -- are the best and continue to be  
5 the best. Thank you.

6 MR. GROTTKAU: Thank you, both.

7 CHAIRPERSON SALAZAR: All right. Thank you. And  
8 welcome to both of you to the committee.

9 So we'll now move on to presentations, and  
10 Assistant Executive Director Jim Grottkau will announce  
11 the agenda items to be presented.

12 MR. GROTTKAU: Thank you again, Chairman.

13 At this time, we receive requests from Advisory  
14 Committee members to have presentations on the following  
15 agenda items: Consent Item B.1, B.5, B.6, B.11, B.14,  
16 B.15, B.16; as well as Basic Training Bureau Items D.1  
17 and D.2; Certification Bureau Items E.1, E.2, and E.3;  
18 and POSAD Item F.1.

19 CHAIRPERSON SALAZAR: Okay. At this time I will  
20 call upon Bureau Chief Thomas Chalk, Training Delivery  
21 and Compliance Bureau, to provide a report on course  
22 certification statistics for July 1 to October 31, 2023.

23 MR. CHALK: Chair Salazar, members of the  
24 committee, good afternoon. I'm Tom Chalk, Bureau Chief  
25 of the Training Delivery and Compliance Bureau, and I'm

1 here to report on course certification statistics,  
2 Item B.1. And this is a status report of courses which  
3 have been certified and decertified from July 1, 2023,  
4 to October 31st, 2023.

5 And during this time period, POST certified 11 new  
6 presenters, decertified 0 presenters. 204 new courses  
7 were certified. 145 courses were decertified. And  
8 there were 1,918 course modifications. And we had 5,575  
9 total active courses in our course catalog and 1,029  
10 presenters.

11 And this report is submitted to the Commission as  
12 information only. And I'm happy to answer any  
13 questions.

14 CHAIRPERSON SALAZAR: Are there any questions or  
15 comments from members of the committee on this item?

16 (No response.)

17 CHAIRPERSON SALAZAR: None? Okay. Thank you for  
18 your report.

19 MR. CHALK: Thank you, sir.

20 CHAIRPERSON SALAZAR: Okay. At this time I will  
21 call upon Bureau Chief Michelle Weiler, Certification  
22 Bureau, to provide a report on peace officer  
23 certification statistics.

24 MS. WEILER: Good afternoon. So our report on  
25 peace officer certification statistics -- are we able to

1 show those new numbers that we came up with yesterday?

2       The statistics that were originally included in the  
3 agenda item are actually slightly off when it comes to  
4 our 10- -- Government Code 1029 disqualifications and  
5 revocations, and I'll explain that when I get there. I  
6 just wanted to ask to have those new numbers up there  
7 for you.

8       So for our --

9       EXECUTIVE DIRECTOR ALVAREZ: Michelle, if we can  
10 interrupt. Just so we can put it on the screen, which  
11 one would you like up on the screen?

12       MS. NUNEZ: Is it the 1029 revocations?

13       MS. WEILER: Can we do the revocations? Because  
14 that's the bigger one.

15       EXECUTIVE DIRECTOR ALVAREZ: Thank you. Sorry I  
16 interrupted.

17       MS. WEILER: Sorry. So our reporting period for  
18 these statistics is September 1st through October 31st  
19 of 2023. During this time, these two months, we had  
20 approved 1,241 new notices of appointment.

21       So for our new members, those are the individuals  
22 that are newly appointed to an agency as a peace  
23 officer. They could be brand-new peace officers or they  
24 could be lateral peace officers from one agency to  
25 another, but it's still considered a new appointment.

1        We issued 939 Proofs of Eligibility. So those are  
2 individuals who do not yet have a Basic Certificate or  
3 their peace officer classification is not eligible for a  
4 Basic Certificate. So those would be your new academy  
5 graduates; so your probationary officers, possibly your  
6 jail deputies, your reserve officers who've never been a  
7 full-time peace officer.

8        We issued 607 Basic Certificates in those two  
9 months, and we received 1,167 affidavits of separation.  
10 So, again, those could be people who are retiring/  
11 resigning in good standing, but they could also be  
12 people who are resigning from their agency and then  
13 going to another agency. All agencies have to advise us  
14 that somebody is separating.

15        We currently have 103,236 active peace officer  
16 certifications. That does include retirees within the  
17 three-year window of separation.

18        And we have 154,133 inactive peace officer  
19 certifications. So that includes your retirees who are  
20 beyond their three years but also individuals who were  
21 issued Proofs of Eligibility, separated from their  
22 agency without ever receiving a Basic Certificate. So  
23 they would be inactive.

24        During this period, we issued seven Immediate  
25 Temporary Suspensions. So those are the suspensions of

1 peace officers at the discretion of our executive  
2 director under certain conditions.

3 Annemarie, are you going to review that?

4 MS. DEL MUGNAIO: Yeah.

5 MS. WEILER: Okay. And then we received two  
6 voluntary surrenders from officers. I believe they were  
7 in Southern California. Actually, no. These were from  
8 Central California. I'm sorry.

9 And then here, the numbers that were a little bit  
10 off, we had a little bit of a miscommunication when we  
11 were preparing this report. So some of the information  
12 we received got a little mixed up.

13 The number that's there shows that there were  
14 25 individuals during this reporting period who were  
15 disqualified based on Government 1029 felony conviction.  
16 Those were prior to January 1st of 2022. That number is  
17 actually 34 when we retallied the numbers for year to  
18 date.

19 And then we have listed on here six individuals who  
20 have had their certifications revoked based on  
21 Government Code 1029, felony conviction, after  
22 January 1st, 2022. And that number was actually ten  
23 after recalculating.

24 And then if you go down and look at the affidavits  
25 of separation that we received related to serious

1 misconduct, the majority of them were for dishonesty, at  
2 23. We received 7 related to abuse of power, 3 related  
3 to physical abuse, 5 related to sexual assault, 3  
4 related to demonstrating bias, 16 related to egregious  
5 and repeated acts that violate the law, 2 for  
6 involvement in a law enforcement gang, 6 for failure to  
7 cooperate with an investigation, and 1 for failure to  
8 intercede.

9 So for those of you who haven't heard this yet,  
10 these numbers can be slightly mis- -- I don't want to  
11 say misconstrued -- misrepresented, because an  
12 individual could have multiple allegations of misconduct  
13 and be terminated or resign for -- during an  
14 investigation or for the allegations. So somebody may  
15 be double-counted or triple-counted in these numbers.

16 And then just so that you guys can see, the correct  
17 listing of officers who were deemed ineligible to be a  
18 peace officer based on a 1029 conviction.

19 MS. NUNEZ: That was the one that was up a second  
20 ago; right?

21 MS. WEILER: Oh, that was up? Sorry. Maybe I  
22 missed that. Sorry. I guess that was already up there.  
23 I didn't see it.

24 So just in the interest of transparency, because we  
25 had one list, we didn't want to correct the other list

1 and then have people wonder what happened to other  
2 names. So we did a year-to-date.

3 This one is the individuals who will have their  
4 certifications revoked, once the Commission has heard  
5 this presentation tomorrow and has an opportunity to  
6 vote on that, based on a conviction after January 1st,  
7 2022. Hopefully, you don't know any of them.

8 Are there any questions about this presentation?

9 CHAIRPERSON SALAZAR: Any questions from the  
10 committee members? Comments?

11 (No response.)

12 CHAIRPERSON SALAZAR: I actually do have one  
13 question.

14 So with regards to the affidavits of separation  
15 related to serious misconduct, where they could be  
16 double- or triple-counted, do we have an actual count of  
17 how many officers are represented in that number?

18 MS. WEILER: We do not -- I do not have that  
19 currently available, but I can have something for our  
20 next meeting separated out so that you can have that  
21 more specific number.

22 CHAIRPERSON SALAZAR: Thank you.

23 MS. WEILER: Also, for future meetings, to avoid  
24 this kind of confusion, we are planning to provide  
25 year-to-date numbers as we go from meeting to meeting

1 rather than a reporting period. So in this case also,  
2 we combined multiple agenda items so that all the  
3 numbers are accurate.

4 MEMBER THERRIAULT: I have a question, Chair.

5 The seven intermediate -- sorry -- Immediate  
6 Temporary Suspensions, those are just from the past  
7 month?

8 MS. WEILER: From the past two months. Well, it  
9 does not include November. So it's September and  
10 October 2023.

11 MEMBER THERRIAULT: Okay. Thanks.

12 CHAIRPERSON SALAZAR: Any additional questions or  
13 comments?

14 (No response.)

15 CHAIRPERSON SALAZAR: All right. Thank you for the  
16 report.

17 Okay. We'll now move on to Item Number B.6. And  
18 at this time I will call upon Assistant Executive  
19 Director Annemarie Del Mugnaio, Executive Office, to  
20 provide a report on the peace officer revocations based  
21 on felony convictions.

22 MS. DEL MUGNAIO: Good afternoon, members of the  
23 committee and Chairperson.

24 Michelle just provided the revocation list based on  
25 1029 convictions. I think, Chair, if you would, I can

1 kind of go over something that is later on the agenda,  
2 if you would like, and cover the Immediate Temporary  
3 Suspension list under Item 13, if you care for me to do  
4 that now. Or I can wait. Up to you.

5 CHAIRPERSON SALAZAR: I'm fine with that. I  
6 assumed there were a number of these items on the agenda  
7 that are probably redundant to some degree. And some  
8 are action items for the Commission and some are  
9 reports. So yeah. I'm fine with that.

10 MS. DEL MUGNAIO: Okay. Okay. I think it speaks  
11 to the question you had, sir, about Immediate Temporary  
12 Suspensions.

13 There's 96 currently issued Immediate Temporary  
14 Suspensions. We've done 6 withdrawals. Those  
15 withdrawals have either been based on the fact that,  
16 after further review of the situation, the case does not  
17 warrant or meet the threshold for an Immediate Temporary  
18 Suspension.

19 If we can bring up Item 13. Thank you.

20 So this is going to be difficult for you to read,  
21 but this is a running total of all of the Immediate  
22 Temporary Suspensions. This is alphabetically for every  
23 officer that has been issued an Immediate Temporary  
24 Suspension since January 1st, 2023.

25 The reason why this is going before the Commission

1 is really just kind of a case status update. The law  
2 requires that, for Immediate Temporary Suspensions, that  
3 we promptly review these cases and that they move  
4 through the administrative process in an expedited  
5 fashion. Because, obviously, some of these officers are  
6 not working. Some are working and yet, right now, their  
7 certification is on hold.

8 I think what's notable about this is that  
9 56 percent of every Immediate Temporary Suspension that  
10 the executive director has issued has been as a result  
11 of a felony arrest or an indictment.

12 And so what that means -- obviously, most of you  
13 are aware -- that the case is somewhat tolled until  
14 there's an outcome for the criminal proceeding. So that  
15 means there may be a delay in proceeding with those  
16 cases based on the fact that it's, you know, proceeding  
17 through the criminal courts.

18 For those cases that are under investigation with  
19 POST, there are cases where the agency is still  
20 completing the internal affairs investigation. So there  
21 was some immediate action on the part of the agency to  
22 either terminate the officer or the officer resigned  
23 during a pending investigation.

24 Many of you know that as a result of Senate Bill 2,  
25 even if that is the case, the agency is still

1 responsible to complete the internal affairs  
2 investigation. Some of these cases, those IAs have not  
3 been completed. So they're pending an outcome of the IA  
4 from the agency.

5 I think what you should start to see as we move  
6 through many of these cases is the cases coming before  
7 the Peace Officer Standards Accountability Advisory  
8 Board and then forward to the Commission should be these  
9 ITS cases where the board and the Commission will have  
10 an opportunity to render a decision about whether to  
11 move forward with decertification or suspension.

12 Any questions regarding this?

13 MEMBER THERRIAULT: I have a question.

14 MS. DEL MUGNAIO: Yes.

15 MEMBER THERRIAULT: Are these cases -- before they  
16 go through the POST to the separate board on discipline,  
17 are they -- is POST waiting till, you know, like, the  
18 arbitration process or the full administrative process  
19 is completed, or does that happen simultaneously?

20 MS. DEL MUGNAIO: Both. There are times where,  
21 based on the nature of the case and the facts of the  
22 case and the timing, it makes sense for us to do that.  
23 We are not obligated to wait for the administrative  
24 review if there's an appeal at the agency level. We  
25 have to look at whether or not it is the most

1 responsible thing for POST to do to proceed with a case.

2 Obviously, we're always looking at the public  
3 welfare; right? If there's a health, welfare, and  
4 safety threat. For the most part, if they're under an  
5 ITS, that kind of mitigates some of the concern.

6 But I think it's a mixed. It's a mixed answer, if  
7 you will, in that there may be times where the officer  
8 is so close to arbitration at that point, it makes sense  
9 for POST to wait for that outcome. But I can tell you  
10 that we have proceeded with cases currently that we're  
11 working through right now that will go to the board and  
12 Commission where there are still pending arbitrations.

13 Yes.

14 MEMBER THERRIAULT: Okay.

15 MS. DEL MUGNAIO: Thank you for your question.

16 CHAIRPERSON SALAZAR: Any additional questions on  
17 either one of these items, B.6 or B.13?

18 And for clarification, B.6 is in regards to  
19 Government Code 1029. So those are felony convictions  
20 where they're ineligible just based on the conviction.

21 MS. DEL MUGNAIO: Yes.

22 CHAIRPERSON SALAZAR: So that wouldn't go before  
23 the police accountability board.

24 MS. DEL MUGNAIO: Correct. Correct.

25 CHAIRPERSON SALAZAR: And for Item 13, I believe we

1 do have another item that comes up that has to do with  
2 due process with regards to ITS.

3 MS. DEL MUGNAIO: And with regard to the revocation  
4 list that you guys saw earlier on 1029, as Chairman  
5 Salazar mentioned, there's a difference between the  
6 ineligibilities, which are cases that were prior to  
7 January 1st, 2022. It's a notation on their profile  
8 that they're ineligible to be a peace officer in  
9 California.

10 Anything post-January 1st, we actually take a more  
11 formative step, and that's the revocation. So the  
12 certification itself is revoked, and that's reported to  
13 the National Decertification Index. The Commission has  
14 to vote on revocations. So that's why they're parsed  
15 out in that fashion.

16 So I know it's a little confusing because we show  
17 this 1029 kind of global list. But for the purposes of  
18 those officers that have suffered a conviction after  
19 January 1st, 2022, that's an actual revocation of the  
20 certification. That's the distinction.

21 CHAIRPERSON SALAZAR: Okay.

22 EXECUTIVE DIRECTOR ALVAREZ: Annemarie, can you  
23 articulate the ineligibility? That was prior to SB 2.  
24 We were always mandated to do that, and that's the  
25 distinction.

1 MS. DEL MUGNAIO: Correct.

2 EXECUTIVE DIRECTOR ALVAREZ: That's why it's  
3 revocation or ineligible; right?

4 MS. DEL MUGNAIO: Yep.

5 EXECUTIVE DIRECTOR ALVAREZ: Is that correct?

6 MS. DEL MUGNAIO: Thank you.

7 EXECUTIVE DIRECTOR ALVAREZ: Thank you. Thanks.

8 MS. DEL MUGNAIO: Thanks.

9 CHAIRPERSON SALAZAR: Okay. If no additional  
10 questions or comments, thank you for the report.

11 And we'll now move to Item B.11 and at this time  
12 call upon Assistant Executive Director Jim Grottkau from  
13 the Executive Office to provide a report on compliance  
14 with POST regulations regarding Perishable Skills  
15 Program (PSP) and Continuing Professional Training.

16 MR. GROTTKAU: Thank you, Chairman and members of  
17 the committee.

18 At this September 2023 Commission meeting, POST  
19 staff facilitated a discussion regarding statewide  
20 percentage reports on regulatory compliance with  
21 Perishable Skills, known as PSPs, and Continuing  
22 Professional Training, known as CPT. At that time, the  
23 Commission directed staff to identify a means for  
24 transparent reporting of compliance with training  
25 mandates.

1       So under Commission Regulation 1005, it requires  
2 that every peace officer, other than a Level III  
3 Reserve, and every public safety dispatcher and public  
4 safety dispatch supervisor shall satisfactorily complete  
5 the CPT requirement of 24 or more hours of  
6 POST-qualifying training during every 2-year CPT cycle,  
7 based upon the statewide CPT anniversary dates.

8       Continuing Professional Training is training that  
9 exceeds the training required to meet and requalify  
10 entry-level minimum standards. It is required for  
11 certain peace officers and dispatch personnel employed  
12 by POST-participating agencies to maintain, update, and  
13 expand or enhance an individual's knowledge and skills.  
14 This includes the training required for Perishable  
15 Skills Program.

16       The Perishable Skills Program refers to the  
17 psychomotor and communications refresher training  
18 required to be completed by all peace officers below the  
19 level of middle management, which is normally known as,  
20 like, a lieutenant. The specific topics and hourly  
21 requirements of PSP are described in Commission  
22 Regulation 1005.

23       So POST does not currently have authority within  
24 the law to take action regarding an agency or its  
25 officers who fail to meet the 24-hour CPT or PSP

1 training requirements within the two-year cycle. POST  
2 staff propose the following options within the scope of  
3 our authority to address the concerns of the peace  
4 officers who failed to complete the mandated CPT and/or  
5 PSP training.

6 So if we can put Slide Number 1 of mine up, please.

7 So the first slide should depict the publishing of  
8 an ongoing report of compliance on the POST website, by  
9 agency, that identifies the total number and  
10 percentage -- the total number and percentage of  
11 officers currently in compliance with CPT and PSP  
12 mandates.

13 So we currently have the data warehouse, which we  
14 house forward-facing information to the public. So when  
15 the slide comes up, you'll see where we would list it by  
16 agency, agency name, and then it would be listed by CPT  
17 compliance, how many are required in an agency to do CPT  
18 and PSP, how many are required -- how many have  
19 completed it by numbers, and then percentages of both.

20 We are getting continuous CPRAs, Records Act  
21 requests, for this information currently, and we feel  
22 that posting it up there would make it public, where  
23 currently they have access to the information and we  
24 would be able to just allow them -- direct that to them  
25 to be able to get that information.

1 One moment while we --

2 (Sotto voce discussion.)

3 MR. GROTTKAU: Yeah, no problem. We'll give it  
4 just a minute.

5 So while they're looking for the slide, one of the  
6 things -- this is within the authority of POST  
7 currently, to actually do this. We don't -- we are not  
8 seeking permission from the Commission, per se, but  
9 direction about what they might like to see on this. So  
10 this is something that we have the ability to do and  
11 would be fairly easy.

12 Part of what you'll see with this is going to be  
13 that we would put a disclaimer within it to reflect the  
14 fact that it may not indicate any mitigating factors,  
15 such as people on military leave or on some kind of  
16 administrative or maybe maternity leave or something,  
17 that maybe prohibits them from being able to complete  
18 the training, but it would just give raw numbers for who  
19 has completed it.

20 When we go on to the second portion, we'll kind of  
21 talk about how we may be able to mitigate some of that.

22 So this may be a little bit hard to read, but this  
23 is a mock-up of what it will look like. I believe we  
24 have -- this is River City PD and River City Sheriff's  
25 Department.

1       And so, as I mentioned, it would reflect what the  
2 CPT cycle is. In this case, it's '21/'22. And they  
3 would also, as I mentioned before, list the total number  
4 of personnel who are required to attend CPT, the total  
5 number who have completed it so far -- and then PSP  
6 also, because the numbers are different for PSP and CPT,  
7 as we talked about -- and then the percentage of staff  
8 that have completed it.

9       So you would see early on in the cycle that the  
10 numbers will be low. And we would put reference to that  
11 in that higher document area, where we talked about the  
12 fact that it's going to be listed from the first day of  
13 the cycle, but then it would be updated on a regular  
14 basis by our computer services staff to reflect, as the  
15 two-year cycle goes on, that, in fact, it's what the  
16 compliance rates are.

17       Any questions on that particular one?

18       MEMBER COTTRELL: I do have some questions on that.

19       First of all, thank you for putting together the  
20 report and to POST for finding a method to impart the  
21 compliance information to both individual agencies and  
22 the engaged entities.

23       Just for clarification, on the first graphic which  
24 we had pulled up, it talked about the total number of  
25 peace officers, and then the next column was "CPT

1 Required."

2       And my question is that, on this graphic, those  
3 numbers seem to match, but in the report it talks about  
4 how there are other employees and other entities that  
5 are required to have CPT credits.

6       So I wanted to ask who was going to be represented  
7 under that CPT compliance number.

8       MR. GROTTKAU: That number currently, as we've had  
9 it, is on peace officers because that was the focus of  
10 what we were asked to do.

11       I think, if I'm reading what you're asking, are we  
12 also including dispatchers or other -- pretty much  
13 dispatch/dispatch supervisors in those numbers.

14       Those don't currently reflect that, but we  
15 certainly could do that if that was something that the  
16 Commission wanted us to do.

17       MEMBER COTTRELL: I think it's worthy of  
18 discussion. Because if we're trying to have  
19 transparency to the State about where we are with our  
20 compliance numbers, we want to make sure that the  
21 numbers for CPT compliance do reflect what the agencies'  
22 responsibility is, especially when we're talking about  
23 funding to ensure that the agencies are coming forward  
24 for the funding to supply training to their personnel.

25       And then if the CPT numbers and the PSP numbers

1 don't match, I think it's easily explainable that the  
2 PSP numbers are going to be different, as those only  
3 apply to peace officers.

4 And then as a follow-up question, do we know what  
5 date POST anticipates publishing this report to the  
6 website in relation to the end of the CPT cycle?

7 MR. GROTTKAU: We would probably get it going  
8 depending on what the Commission wanted. Again, we  
9 don't need a change of regulation. So there's not  
10 really a time constraint upon us. It would be something  
11 we could get early next year. We would be shooting for  
12 January, I believe, of this next year, to start having  
13 it be published on there. So --

14 MEMBER COTTRELL: Just as a thought of  
15 consideration, if there was a method, if we could use  
16 that CPC- -- what do we call it? We were calling it the  
17 CPRA tab, that we do notifications to the agencies when  
18 a report is required -- we might want to give those  
19 numbers to the agencies via that tab or a different tab,  
20 letting them know what numbers were going to be  
21 published so that the organization knew ahead of time  
22 and made any adjustments necessary before the numbers  
23 were published. And, also, that would loop in the exec  
24 staff of the individual agencies and not just the  
25 training managers to ensure that the numbers were

1 accurate for reporting.

2 MR. GROTTKAU: Can you clarify? You're saying that  
3 you would be suggesting that we do a report out to the  
4 agencies about their officers who have attended training  
5 or not, that we're going to be publishing it? Because  
6 that's going to be published. You're saying one time  
7 before we do it the first time?

8 MEMBER COTTRELL: Just to give them the  
9 notification. Because I do think the onus of the  
10 responsibility is on the agency to ensure compliance  
11 with our training.

12 But since we're going to be reporting on a public  
13 website what that compliance looks like, it may be a  
14 point of consideration to give the agencies a first look  
15 at that so we knew what was going to be published prior  
16 to it being published on the website for public  
17 dissemination.

18 MR. GROTTKAU: So we would do a bulletin before we  
19 release this. So that would go out to the field, just  
20 like most other updates we do. As far as publishing it  
21 ahead of time to the agencies, it's something we can  
22 consider, definitely.

23 EXECUTIVE DIRECTOR ALVAREZ: May I, Jim?

24 MR. GROTTKAU: Yeah. Absolutely.

25 EXECUTIVE DIRECTOR ALVAREZ: So the data is live

1 data. So the CPT cycle ends this -- next December;  
2 right? We're in the middle of the first CPT cycle.

3 So when the CPT cycle comes out, the very first  
4 one -- I think it's January of 2025 -- there's probably  
5 going to be like 100 percent noncompliance, because it  
6 literally will be live data. There won't be an update  
7 to it. It will change daily as officers get their --  
8 officers and dispatchers get their training.

9 So there will have to be some kind of note on there  
10 at the very bottom saying, "Hey, this covers this CPT  
11 cycle, and it's not complete until December 31 of  
12 such-and-such year." So it's live data.

13 So yeah. We would definitely put out a bulletin to  
14 give everybody a heads-up. I don't believe you can  
15 drill down to the individual department to see which  
16 peace officers and dispatchers are not compliant. It  
17 will just give an overall number. But it will be live  
18 data, I guess, is the main point.

19 MEMBER COTTRELL: That's helpful. Thank you.

20 EXECUTIVE DIRECTOR ALVAREZ: Yeah. Thank you.

21 MR. GROTTKAU: Thank you. I appreciate it.

22 So any other questions on that? Because there's a  
23 second step to this also that we are proposing we could  
24 do in response to the request.

25 MEMBER WALTZ: Are those figures populated as the

1       rosters are processed?

2           MR. GROTTKAU: Yeah. It would be autopopulated as  
3       the rosters are populated into EDI. So it would be, as  
4       Manny mentioned, as the executive director mentioned, it  
5       would be live numbers for the most part that will be  
6       uploaded daily.

7           MEMBER WALTZ: Thank you.

8           MR. GROTTKAU: Absolutely.

9           CHAIRPERSON SALAZAR: I do have a comment and  
10       question.

11          First, with regards to Ms. Cottrell's comment, I do  
12       believe it should include dispatchers as well. I think  
13       that's important. The agencies are also tracking the  
14       CPT for dispatch. So I think that is an excellent  
15       point.

16          Two, with regards to agencies being notified  
17       before, I had a comment with Mr. Grottkau. A POST  
18       bulletin, if it were to go out, if notifying agencies  
19       were to happen, agencies can also look it up on their  
20       own on the POST EDI. Like, we try to track that every  
21       month to see where we're at.

22          So we do probably include in the POST bulletin to  
23       remind agencies they can monitor their own numbers  
24       through EDI to make sure that they're staying in  
25       compliance and know where they're at.

1       And then my question had to do with because it's  
2 live numbers, and so the data would maybe reflect the  
3 statistics at the beginning of a cycle, which, like you  
4 said, would be 100 percent noncompliance, potentially.

5       Would POST also have any historic data, so at the  
6 conclusion of a cycle? So at the beginning, you would  
7 be starting a new cycle, but at the end of this last  
8 cycle, this is where these agencies lined up. To have  
9 some kind of final report, I suppose.

10      MR. GROTTKAU: So yeah. If you -- and I know it's  
11 not up on the screen anymore. But the idea would be --  
12 and this is still being -- this is mock-up, what you saw  
13 on the screen. So we're open to suggestions, without a  
14 doubt, on that.

15      So it would be where you should be able to look it  
16 up by cycle. So the current cycle that we're going  
17 through should remain up there, just so they can see a  
18 pattern of are agencies improving as a result of this  
19 being posted or are they staying consistent with what  
20 their numbers have been.

21      So you would be able to pull it up by cycle, would  
22 be the way we'd anticipate doing it, because we haven't  
23 actually built the actual system. That's still to be  
24 determined based upon recommendations.

25      CHAIRPERSON SALAZAR: Thank you.

1           MR. GROTTKAU: Absolutely. So it sounds like the  
2 consensus from -- or from your comments, Chief, would be  
3 that have those past cycles available also, at least as  
4 we move forward.

5           CHAIRPERSON SALAZAR: I think it gives a better  
6 picture to those that are looking at how an agency is  
7 complying. Because like you said, if they're coming in  
8 the middle of a cycle, there's a lot to explain to  
9 someone who just may not have familiarity with the  
10 process. So -- but if you have a concluding report that  
11 shows, at the end of this cycle, here's how these  
12 agencies were, that kind of gives a better picture of  
13 how agencies are complying.

14           MR. GROTTKAU: Absolutely. At our last -- at the  
15 last Commission meeting, we actually ran reports for the  
16 last three cycles, and we didn't include them in this  
17 one because we addressed it in the last one.

18           So we certainly have that data, and it would be  
19 very easy to populate that within there. Again, it  
20 excludes the dispatchers because that wasn't a focus.  
21 But I think it's a valid concern to make sure we include  
22 everybody subject to CPT cycles. So thank you.

23           EXECUTIVE DIRECTOR ALVAREZ: Jim, I'm sorry. I  
24 know they didn't have the benefit of the September  
25 meeting.

1       Just overall numbers -- can we just articulate kind  
2 of how we broke it down for the Commission by size of  
3 agency and what the averages were, just generally  
4 speaking, just so you guys have an idea of what the  
5 compliance rates are?

6       MR. GROTTKAU: Absolutely.

7       So we broke it down. We had to figure out a way to  
8 break it down by agency, because we do have everything  
9 from very small agencies to very large agencies in the  
10 state. So we broke it down into 5 different categories:  
11 agencies 1 through 30 in size, 31 through 100, 101  
12 through 250, 251 through 1,000, and 1,000-plus.

13       And what we saw in it was, for the CPT, we were --  
14 on the agencies that were 1 to 30, we had about a  
15 94 percent rate of attendance or completion; down as far  
16 as, to the agencies of 1,000 or above, we had about an  
17 86 percent.

18       And that was in the year -- the cycle 2017/’18,  
19 which was our last cycle before COVID, which is probably  
20 one of the more accurate cycles. Because during COVID  
21 there were struggles, and we saw that in the numbers to  
22 a degree, of agencies being able to get people to  
23 training. Because oftentimes training wasn't being put  
24 on or focuses were on just trying to deal with  
25 day-to-day operations.

1       So those numbers, when it came to PSPs, were lower.  
2 So the low -- so when it came to -- in that same cycle,  
3 2017 to '18, it was 82 percent compliance for PSP and  
4 73 compliance -- I'm sorry -- for agencies 1 through 30  
5 in size and 73 percent for agencies over 1,000 -- 1,000  
6 or over.

7       So that is, obviously, a concern to us. There was  
8 some conversation at the last Commission meeting about  
9 POST -- suggesting maybe POST should come up with a  
10 percentage that's acceptable.

11      And we truly believe that you can't set a  
12 percentage less than 100 percent that's acceptable.  
13 Because you can't have that one officer that is in that  
14 small agency that is within that percentage that gets  
15 into some kind of an incident and they say, "Well,  
16 they're within your compliance rate." And so the only  
17 compliance rate that we see that would be ultimately  
18 acceptable would be 100 percent compliance.

19      So if that helps. Does that cover what you want,  
20 sir?

21      EXECUTIVE DIRECTOR ALVAREZ: Yeah. Thank you.

22      MR. GROTTKAU: Okay. So that's the data we used  
23 before. And because we have all that data, it would be  
24 pretty easy to populate that for the historical right  
25 away.

1       So the second item, if we can put the slide up, is  
2 an amendment to Commission regulation and/or procedures  
3 that would require each POST-participating law  
4 enforcement agency to identify via the POST electronic  
5 data interchange (EDI) those officers who are not in  
6 compliance with CPT and/or Perishable Skills training  
7 requirements, list any mitigating factors.

8       So, again, this is a mock-up done by our computer  
9 services personnel of what it could look like and where  
10 the training manager or designee would be able to go in  
11 there and identify the individual that didn't get the  
12 training done.

13       And in this case, the example is military. They  
14 were deployed for two years for military training. And  
15 so they would be -- they would be listed as  
16 "mitigating." And then we would have a -- we could have  
17 a column that's listed as "Mitigation" so we could, in  
18 essence, be reducing down those percentages  
19 significantly, potentially, for someone that's on  
20 maternity leave or maybe extended leave, whatever the  
21 reason is.

22       The issue that we see -- there's a couple of them.  
23 One is we don't have access to your agency personnel  
24 files. So we don't know why somebody didn't complete  
25 training.

1       So we will oftentimes get asked the question "Well,  
2 do you think 90 percent is a good rate?" And we don't  
3 know if the 10 percent all happened to be on some kind  
4 of a leave or if they just didn't go to the training,  
5 because we're not privy to that information. But you  
6 are, as the agencies. And so that's something that  
7 would definitely have to be put back.

8       There was some concerns by -- voiced during the  
9 Commission meeting about the amount of work that would  
10 put on the agencies to do. And if you look at an agency  
11 that has, for instance, a 94 percent -- an agency with  
12 31 to 100 people with a 94 percent compliance rate,  
13 you're talking about just over 5 percent of the officers  
14 that would need to be mitigated. That's only 5  
15 officers. We don't believe that that's a huge lift.

16       And then if you go into the bigger agencies, over  
17 1,000 people, you're looking at a 14 percent in one  
18 case. You're talking 140 officers for some of the large  
19 agencies over 1,000.

20       So we believe that it has a value; so at least it  
21 can be mitigated. So when it's looked at, there's  
22 factors in there that will kind of lessen, that you're  
23 not, just, sending officers to training. There's  
24 reasons behind them not getting to the training that  
25 POST isn't privy to.

1       There are some factors that we identified  
2 throughout this process that are concerning, which is,  
3 because this information could be released to the  
4 public, you may be identifying some reasons why somebody  
5 is not available at training -- may be out of the  
6 country because of deployment -- that if a PRA occurred,  
7 somebody may have access to the information by name of  
8 an individual that didn't go to training and why they  
9 didn't go to training. That may be of concern for  
10 personnel-related issues.

11       So those are some factors that the Commission will  
12 need to consider as possible negative factors involved  
13 with listing an officer in EDI is not compliant by name.

14       So any --

15       EXECUTIVE DIRECTOR ALVAREZ: May I add some  
16 commentary --

17       MR. GROTTKAU: Absolutely.

18       EXECUTIVE DIRECTOR ALVAREZ: -- to what he said  
19 too, Jim?

20       So the first slide, we think, is important to get  
21 out there because the public wants to know. They're  
22 asking. The media is reporting on agency compliance.  
23 So we think it's important to get out there.

24       But if you don't include the mitigation, it's very  
25 problematic. Because they don't understand it and they

1 go, "Okay. You've got a department of ten officers, and  
2 four of them didn't complete it."

3 Well, one is on injury. One has been in the  
4 military. One has been, you know, on whatever. And  
5 they're only, you know, 40 percent or 60 percent  
6 compliant. So the numbers don't tell the whole story.  
7 Or they're working in the jail and they have different  
8 training requirements. So it throws it off  
9 significantly.

10 So without putting those mitigation factors in  
11 there or some mitigation statement to say "Hey, four of  
12 these people are mitigated," it doesn't give a true  
13 picture.

14 But then on the back end, as Jim pointed out that  
15 slide, it doesn't give -- like, tell us why they're sick  
16 or tell us why they're out. It just has a couple of  
17 dropdowns. But then it could become public; right?  
18 Somebody has been gone for two years on military leave.  
19 Do we want the public to know that, hey, their house is  
20 vacant for the last two years?

21 So it comes with some problems. There's no  
22 question. So we're just trying to noodle through it.  
23 But we do think the first slide, in some fashion, should  
24 be out there, as problematic as it can be for some  
25 departments. I'm sure, you know, they're going to get

1 some scrutiny. But we're getting the Public Records Act  
2 requests regularly. Other states are posting their  
3 information. We think, you know, whether we like it or  
4 not, it's the trend. So we think we should do  
5 something.

6 Mr. Waltz.

7 MEMBER WALTZ: Just a comment on the first part  
8 with the compliance percentage.

9 I think that the current training cycle is not as  
10 meaningful to the public view as it is to the agency.  
11 To the agency -- I mean, this is data that can be  
12 gleaned from EDI, anyway.

13 But to the public -- in my experience, a lot of  
14 agencies have a very low compliance percentage for the  
15 first 18 months of their cycle, and then all of a sudden  
16 it's scramble to get everything put together and that  
17 compliance rate comes up really quickly. But the public  
18 doesn't really understand that. The agencies can look  
19 at that as a general view of their agency progress.

20 But maybe more of an explanation in the text of  
21 that web page, as to this has to be completed by a  
22 certain date. I don't know. It's something that can be  
23 really skewed in the public eye.

24 EXECUTIVE DIRECTOR ALVAREZ: May I ask another  
25 question? I'm sorry.

1 MR. GROTTKAU: Yeah.

2 EXECUTIVE DIRECTOR ALVAREZ: So, Member Waltz, are  
3 you recommending -- I kind of think you are. I just  
4 want to clarify, which is maybe not a bad idea -- to  
5 just post historical information after the cycle is  
6 complete as opposed to the ongoing cycle? Is that what  
7 you're suggesting?

8 MEMBER WALTZ: I think the historical data is a lot  
9 more meaningful to the public, and it's a more accurate  
10 snapshot of what the agencies are doing.

11 Looking at an agency having 36 percent compliance  
12 after 8 months into the 24-month cycle really doesn't  
13 have a lot of meaning but is something that people can  
14 get pretty upset about.

15 CHAIRPERSON SALAZAR: Any other questions?

16 Mr. Coronado.

17 MEMBER CORONADO: I agree with that as well. I  
18 mean, you have an agency that's large, you know, over  
19 6,000 employees, we're not just talking 30. So that's a  
20 bigger lift to maintain and monitor.

21 And if we did post the after-fact, I think you  
22 would eliminate a lot of issues that may arise  
23 throughout the year or while the whole process of that  
24 two-year cycle is going on. Then that gives the agency  
25 a chance to not catch up but do a deficiency report and

1 then, those that didn't attend, why didn't they attend  
2 and then make sure that they're getting to that training  
3 without having the uproar of why aren't they doing it at  
4 month 8?

5 So just food for thought. I agree with that.

6 MEMBER DiBASILIO: Yeah. And I would agree with  
7 that. Because a smaller agency, it takes us sometimes  
8 longer to find the funding and the ability to send  
9 people to trainings. So if you're giving live data, I  
10 think that's going to skew what is actually happening  
11 within the department.

12 So I think that if you're given -- like what Randy  
13 is saying, that you give the information for the past  
14 two years or however the cycle wants to go, I think it's  
15 going to be a lot more accurate for the public to see  
16 what the agency is doing as opposed to what they're  
17 doing today. Because what they're doing today is not  
18 going to be accurate.

19 MEMBER THERRIAULT: I agree with all that. And I  
20 don't really understand why -- how is there going to be  
21 an identifier to individual officers? I kind of --  
22 sorry. That was a little bit confusing. There's  
23 mitigation, but there's not going to be something  
24 identifiable for the officers that are having mitigated  
25 issues?

1           MR. GROTTKAU: So it could be. So if there's a  
2 Public Records Act request for, for instance, your  
3 agency, the Richmond Police Department, that says "We  
4 would like to know everybody that attended the training  
5 and who didn't," that's public information.

6           So we would redact certain information from  
7 profiles, for instance, but we would be required to  
8 report that. And if you have mitigating factors that  
9 list the reason for mitigation, that would be something  
10 that may have to be released.

11           MEMBER THERRIAULT: Okay.

12           EXECUTIVE DIRECTOR ALVAREZ: So the intent of this,  
13 however, is agency specific. So it would be -- in this  
14 scenario, it would just be "Richmond Police Department,"  
15 and you couldn't drill down and see which individuals  
16 have completed and not completed.

17           But as Jim pointed out, we do get regular Public  
18 Records Act requests saying "Which officers did not  
19 complete" --

20           MEMBER THERRIAULT: Sure. And I agree that  
21 transparency is important. But I agree with everyone  
22 else that there's -- without that, by putting in  
23 historical -- by putting something ongoing, you know,  
24 people are doing PRAs, quite frankly, for news articles.  
25 That's what they will probably be doing them for, at

1 least some folks. And they're not going to paint that  
2 picture of "Okay" -- it's going to be like "Well, CHP  
3 has only done, you know, 25 percent of its training,"  
4 and that will be a story. And that's not the correct  
5 story.

6 And then that's the kind of, you know, really  
7 optics that I worry that are not really solving the  
8 issue, which is compliance. And, you know, that's the  
9 kind of, like, narrative that I would worry about as a  
10 result of that.

11 MR. GROTTKAU: I think those are valid points, and  
12 I think the question is do we do a live dashboard,  
13 essentially, which is what the suggestion is, or do we  
14 do a report after the fact, where an agency could look  
15 at it. And that information could still be requested  
16 anytime. We just wouldn't necessarily have -- it would  
17 be more raw data that would be released versus -- versus  
18 the after-the-fact.

19 So, again, we're open to the suggestions that will  
20 go forth to the Commission on your feelings. And I  
21 think it's pretty consistent, the feelings on it. And  
22 then we'll take the direction from the Commission  
23 tomorrow if there's something they want us to capture  
24 and make some changes to, definitely.

25 CHAIRPERSON SALAZAR: With regards to the EDI entry

1 for mitigating factors, I guess a question is to what  
2 degree of specificity does POST need to know what the  
3 mitigating factor is? Could there just be -- could  
4 there be a category? Mitigating factors would contain  
5 military leave, family leave, workers' comp? It could  
6 exist of a number of different categories and the agency  
7 is just reporting it's a mitigating factor; whereas POST  
8 may not know the specificity of it. And then it's not a  
9 PRA issue that would be released.

10 MR. GROTTKAU: So that's -- we talked about that as  
11 well as being an option, where we could just have them  
12 mitigate the fact that they were not able to train.

13 And any kind of request that comes in as a CPRA  
14 from media or somebody, whoever is interested, we would  
15 just be deferring them back to the agency to say they'll  
16 have to explain the reasons. And that could be as  
17 simple as their personnel, your own legal counsel, to  
18 say whether that's information that can be released or  
19 not.

20 So that's certainly a valid point that we also  
21 considered as an option to try to mitigate identifying  
22 that somebody is out sick or somebody is on  
23 administrative leave that's maybe pending getting  
24 terminated. And that's a personnel-related issue. It's  
25 not a public-related issue. So valid point, sir.

1 CHAIRPERSON SALAZAR: Okay. Any additional  
2 questions or comments on this item?

3 (No response.)

4 CHAIRPERSON SALAZAR: Okay. Thank you, sir.

5 MR. GROTTKAU: Thank you.

6 CHAIRPERSON SALAZAR: We'll now go to Item B.12,  
7 and at this time we'll call upon Bureau Chief Michelle  
8 Weiler, Certification Bureau, to provide a report on  
9 ineligible peace officers.

10 MS. WEILER: I'm back. This information was  
11 actually presented previously. It was combined with  
12 B.5. That was the -- 34 was the number of officers that  
13 are on the current ineligibility list. And, again, that  
14 is the individuals who were convicted of a felony prior  
15 to January 1st, 2022, individuals we're required to keep  
16 information on, as well as prior to the implementation  
17 of Senate Bill 2. So that's why the distinction between  
18 them.

19 CHAIRPERSON SALAZAR: Any other questions on that  
20 item, then?

21 (No response.)

22 CHAIRPERSON SALAZAR: If not, we will move to  
23 Number B.14 and Michelle Weiler again to provide a  
24 report on certification and decertification case  
25 processing.

1 MS. WEILER: That's you; right?

2 MS. DEL MUGNAIO: That's me.

3 MS. WEILER: I didn't think I was back yet.

4 CHAIRPERSON SALAZAR: Oh, it will be Annemarie Del  
5 Mugnaio, Executive Director.

6 MS. DEL MUGNAIO: Sorry about the musical chairs.

7 Okay. Chair Salazar, so this is -- and members of  
8 the Advisory Committee, this is a snapshot of what an  
9 annual report that's going to the legislature will look  
10 like with regard to all of the serious misconduct  
11 reports and allegations that have come into POST. It's  
12 a little difficult to read. What we were trying to do  
13 is give you the Penal Code Section, 13512, that requires  
14 POST to produce information annually to the legislature.

15 The goal of what we're doing here is to show you  
16 what we intend to put on the website as a wrap-up report  
17 that will be a live, forward-facing, you know, website  
18 report available to the public.

19 The information that I think is probably of  
20 interest to you folks and then will be of interest to  
21 the public -- and I want to highlight some things  
22 here -- is the number of complaints, charges, and  
23 allegations that have come into POST, which is different  
24 from the number of reports.

25 So there's 23,000, almost 24,000 allegations.

1 Again, a report may have multiple allegations. The  
2 legislature didn't ask us how many reports we've  
3 received. They've asked how many allegations we  
4 received. So there's going to be another report that  
5 I'm going to go over with you that is a little more  
6 linear in terms of actual reports from the law  
7 enforcement agencies.

8 Also what's notable is that, of those 23,868  
9 allegations that have been submitted by law enforcement  
10 agencies, there are final dispositions in 10,395 of  
11 those cases. That's agency disposition; right? So the  
12 agency had a finding. And here's where those  
13 findings -- this is kind of the result. So, again,  
14 unreasonable use of force or physical abuse,  
15 demonstrating bias, abuse of power, and then so on from  
16 there of the nine acts of serious misconduct.

17 So this really does give you a snapshot from the  
18 agency perspective, where they're seeing many of their  
19 violations.

20 And then if we scroll over to the right a little  
21 bit, my right, these 527 allegations, those are those  
22 1029 reports that we talked about. So some of those  
23 come from the Department of Justice, where we receive an  
24 ongoing list of felony convictions of peace officers.  
25 Some of them are as a result of a case.

1       So I'm going to take you back to that ITS report,  
2 that Immediate Temporary Suspension report, where I said  
3 56 percent of those ITSES are as a result of some sort  
4 of felony arrest -- right? -- or indictment. Some of  
5 those cases will ultimately become a 1029. When there's  
6 been a final judgment, they will move over to this  
7 bucket over here. So it's good to kind of tie those  
8 things together so you guys kind of get a feel where the  
9 volume is at.

10       The other thing that I think we want to talk about  
11 is, if we move down the chart a little bit -- I'm  
12 challenging our CSB folks here. You guys are doing  
13 really well. Thank you -- and over to the left.

14       So the division, which is the Peace Officer  
15 Standards Accountability Division, is currently  
16 reviewing 8,806 cases. So this is where we take a  
17 report from a law enforcement agency and we review it,  
18 and it becomes a case. Once it becomes a case, that's  
19 when we're doing our job; right? We're doing the review  
20 and investigation at the POST level. There are 9,862  
21 different misconduct and violations involved in those,  
22 in that 8,800 cases.

23       To date, on the administrative adjudication side --  
24 so this is once we've closed our investigation and we  
25 know what we're going to do with the cases -- we've

1 sent out seven notices of intent to revoke, which means  
2 we have the intent to move forward with some sort of  
3 decertification proceeding. Of those seven cases that  
4 we've sent out, we've had three requests for review. So  
5 that means the peace officer has appealed.

6 If they do not appeal within 30 days, those become  
7 default decisions and revocations. So that's that four  
8 you see over to the far right.

9 We are holding a board hearing. So down at the  
10 bottom of the screen and then over to the left, we start  
11 to kind of get into what we're doing from the  
12 administrative adjudication side at the board level.

13 There are two cases that are scheduled for review  
14 before the Peace Officer Standards Accountability  
15 Advisory Board on December 14th. So those two cases  
16 will be heard in a public forum. And then those cases  
17 will -- depending on the outcome or the recommendation  
18 of that board, would move forward to the Commission.

19 There have been six voluntary surrenders since  
20 January 1st, 2023.

21 And we have not had any ALJ hearings to date. So  
22 that's what that far right column represents.

23 The bottom is a website mock-up of what will  
24 hopefully appear by the end of the year on the POST  
25 website with respect to every agency.

1       And so if you can read that bottom display, it will  
2 have the agency identified; number of peace officers  
3 currently employed by the agency; number of serious  
4 misconduct reports the agency has submitted; the number  
5 of cases that have resulted from those reports, meaning  
6 POST has turned them into cases; of those cases, how  
7 many are pending with the agency and how many are  
8 pending with POST -- what that means is the agency is  
9 still doing the IA, and therefore, we can't move forward  
10 with it until we get the supplement from the agency --  
11 those cases, what's happened with them; how many ITS --  
12 how many ITSES have resulted in the review; how many  
13 cases have been closed; how many 1029 violations; how  
14 many voluntary surrenders; and then, of course, once we  
15 get to the revocations, how many revocations.

16       So every agency will have this drill -- you can  
17 drill down to all the data per agency of all the  
18 agencies reporting.

19       This came about at the September Commission  
20 meeting, when the Commission was interested in which  
21 agencies are reporting, which agencies aren't.

22       Very similar to the report you just heard, is  
23 there's reasons why some agencies may not have serious  
24 misconduct reports. We have agencies that have less  
25 than a dozen peace officers employed. They may not have

1 anything to report.

2 So we will also show -- you know, that's why we're  
3 showing the number of peace officers employed by the  
4 agency.

5 This is to encourage reporting, and this is to  
6 encourage transparency.

7 So open to questions. We're going to go into a  
8 more specific profile of the investigation side under  
9 the SB 2 report, but this is really just to show you  
10 what that annual report will entail.

11 CHAIRPERSON SALAZAR: Any questions or comments  
12 from the committee members?

13 (No response.)

14 CHAIRPERSON SALAZAR: I don't either. So thank you  
15 for the report.

16 MS. DEL MUGNAIO: You're welcome. Thank you.

17 CHAIRPERSON SALAZAR: I think we can move into  
18 Item B.15, which I believe is you as well.

19 MS. DEL MUGNAIO: It is.

20 CHAIRPERSON SALAZAR: Let's see. Professional --  
21 as well as Mike Radford, Bureau Chief.

22 MS. DEL MUGNAIO: Yeah. I'm going to go ahead and  
23 handle Mike Radford's portion of this report today.

24 So this is an update. We provide an update at  
25 every Commission meeting on kind of all things going on

1 with Senate Bill 2 and the work of the division, POST,  
2 et cetera.

3 So I'll briefly touch on some of the highlights  
4 under the Admin section of this report, which is really  
5 how are we doing on hiring, what are we doing with  
6 training, what's going on kind of divisionally with our  
7 staff.

8 So you can go ahead and scroll forward. Thanks.

9 So we have 103 total positions in the division. We  
10 have 52 permanent positions currently filled. So we're  
11 still working to, obviously, get a lot of these  
12 positions filled, and primarily with the law enforcement  
13 consultant positions.

14 So we have 13 full-time permanent law enforcement  
15 consultants. There's 30 total in the division. We have  
16 a new bureau chief starting that will be representing  
17 our northern bureau, and that bureau chief is  
18 starting -- not December 2nd. I apologize for that. It  
19 should be January.

20 We also are continuing to hire, in addition to the  
21 full-time permanent staff, retired annuitants. We have  
22 nine LEC, retired annuitants, that are currently working  
23 for the division, and we have more than three in process  
24 right now. So this changes daily because it's an  
25 ongoing recruitment.

1       The work of the RAs has been instrumental in  
2 helping us kind of get a leg up on the volume of cases.  
3 You saw 23,000. So that's a lot of cases for the number  
4 of staff that we have currently working on those  
5 investigations.

6       I think very notable is that we finally have a full  
7 board. So middle of November, as of the 16th, there  
8 were four new board members appointed to the Peace  
9 Officer Standards Accountability Advisory Board. There  
10 are nine members total.

11       So we will be providing training for all of the  
12 members on December 13th. We're going to expose these  
13 folks to things like use of force, deescalation,  
14 investigations, administrative discipline.

15       Many of these folks are civilians who would not  
16 necessarily have the benefit of understanding the type  
17 of training a law enforcement officer goes through to  
18 deal with these situations, these incidents as they  
19 unfold. So it's important that they have a perspective,  
20 and we hope to give them that perspective. Obviously,  
21 one training session is not going to do the job. We're  
22 going to have to revisit this multiple times.

23       Within that training session, though, what we are  
24 doing is trying to show them video that is use of force  
25 video or video of an incident unfolding and what the

1 reaction is from the officer, what the reaction is from  
2 an attending partner, what's happening on the scene. In  
3 some ways, we want to show them video where everything  
4 went right but it never looks like it went right. Use  
5 of force never looks good.

6       And there's always going to be someone that says,  
7 "Well, you could have, you should have, and why didn't  
8 you?" And so it's really important for us to give them  
9 that viewpoint as well. And I want to make that clear,  
10 that we're doing both. We're showing them when it goes  
11 right and when it doesn't go right and what happened.

12      We already reviewed these stats; so we can just  
13 glaze -- not glaze over it, but it's important. We have  
14 seven notices of intent to revoke. Two cases are going  
15 before the board. Four orders of revocation as a result  
16 of default; they didn't appeal.

17      We can move forward with the slides, please.

18      We have done some things internally to improve  
19 expediting these cases. We recognize that with this  
20 type of volume, it's going to be a year-plus before many  
21 of these cases see the public forum and that coming  
22 before a board.

23      So what we've tried to do is expedite how we get  
24 the case to the point where we know this case is  
25 something that should move forward with decertification.

1 There's a lot of peer review of these cases. So there's  
2 never one person making the decision, and there's  
3 multiple layers of review. And we've talked about that  
4 throughout the kind of development of the Senate Bill 2  
5 internal procedures.

6       But I think it's important to note that there are  
7 several bureau chiefs that get together and look at  
8 these cases and discuss whether or not we've met that  
9 threshold of clear and convincing evidence and the  
10 facts, the evidence support that something in one of  
11 those nine acts of serious misconduct has occurred. So  
12 we're working through expediting those internal review  
13 procedures.

14       We are also in the process of developing  
15 disciplinary guidelines. You guys would consider that  
16 maybe a bail schedule. It's if these factors are  
17 present, what is the imposition of discipline. What  
18 should we be looking for in order to seek revocation.  
19 What should we be looking for if we want to mitigate  
20 something and, really, suspension is more appropriate  
21 given the circumstances.

22       So, you know, in an effort to be consistent and  
23 also to give the administrative law judges some guidance  
24 in how to render decisions in these cases, we're working  
25 on developing those disciplinary guidelines. And those

1 will go before the Commission in March.

2        So Chair Salazar helped us in a video production  
3 that we've been working on for several months. We hope  
4 to have it released in early February/March. And what  
5 it's intended to do is speak to line staff officers --  
6 what is Senate Bill 2, what's really happening with  
7 these decertification reviews and proceedings -- kind of  
8 dispelling some of those myths and fallacies, hopefully  
9 speaking to some of the fears.

10       And so the interviews include line-level peace  
11 officers, academy directors, agency heads, internal  
12 affairs folks. Many POSAD staff participated in the  
13 videos. And there's going to be two separate videos.  
14 One is going to be for CPT, for peace officers that are  
15 currently in the field.

16       Others are -- the other video is going to be for  
17 recruits. So it's going to speak to new officers that  
18 are at the academy, recruits that are at the academy who  
19 really don't have an appreciation for who POST is. So  
20 let's start them early with an understanding of who POST  
21 is, why the relationship between the officer and POST is  
22 now more of a fact that they're going to have to be  
23 familiar with, and they're going to have to work with  
24 POST to get their certification and to retain their  
25 certification.

1       So as I mentioned, we hope to get those videos out  
2 early 2024. We think they're going to be impactful.

3       And I don't know, Chairman Salazar, if you have any  
4 comments to that effect.

5       CHAIRPERSON SALAZAR: No. I would just say a  
6 couple things. I appreciate the approach that you  
7 described, the training with the POSAAB board. I think  
8 that's important to make sure they have both kind of  
9 perspectives to those incidents.

10       But with regards to the video -- and I know we saw  
11 some brochures at a prior meeting as well -- I just  
12 think those two things are very important. And, really,  
13 the data that we've seen in the last two presentations  
14 are important for officers and deputies that are out  
15 there doing their work to have a clear sense of what is  
16 happening with SB 2.

17       That's a lot of cases. There's still a lot of work  
18 to do, I know, by the POST staff. But, you know, at  
19 this point, seven -- although we would like to see  
20 none -- but seven revocations. But I think  
21 understanding that there's good due process and that  
22 people reviewing these cases are doing it with that  
23 level of care is important.

24       So I think, hopefully, the video and the brochures  
25 and this information will be helpful to those that are

1 already in the field or those that we're trying to  
2 recruit to come into it who have some concerns. So I  
3 appreciate that.

4 MS. DEL MUGNAIO: Thank you for your support on the  
5 video as well.

6 In terms of training, it's not just the board  
7 members that need ongoing training. I think we all do.  
8 There has been some mention of who is actually doing  
9 these reviews? Who is doing these investigations?  
10 There were a number of officers that thought that they  
11 were laypersons that were looking at these cases.

12 And so it was important for us to -- you know, to  
13 recognize that that's a concern, that they need to know  
14 that these are former peace officers and those that are  
15 in law enforcement that are actually conducting the  
16 reviews.

17 To that end, we also want to make sure we're  
18 investing in that staff. So that staff, the law  
19 enforcement consultants as well as the other analysts  
20 that work in the division, are being afforded training  
21 with regard to interviewing and interrogation, what a  
22 complete investigation looks like, what should we --  
23 what should we require of ourselves in terms of how  
24 we're reporting out to the board and the Commission the  
25 findings, the investigations, the summaries.

1        We are also putting together a course or guidelines  
2 in the future for law enforcement community and  
3 profession regarding -- I would say not internal affairs  
4 but investigations, report writing, et cetera. So  
5 that's something that we're trying to do to standardize  
6 this to some degree.

7        We receive internal affairs reports in various  
8 forms, some extremely in depth. Some are very well  
9 written and there's a lot POST can do with them. There  
10 are some that leave a lot of gaps and a lot of room for  
11 further review and investigation. So we're hoping to  
12 standardize that to some degree.

13        We are also continuing to train law enforcement  
14 agencies with Mark43. We're doing some of that training  
15 online, and we're also continuing to do some of that  
16 training in person. This last month, I think we were  
17 down in Los Angeles and we did training at several  
18 agencies. So the need is still out there, and we will  
19 still meet that need in person if that comes to pass.

20        We can move forward.

21        All right. So here is what everyone is waiting  
22 for, statistics.

23        So in the last slide that we reported on  
24 statistics, it was really more what the legislature was  
25 interested in in terms of types of misconduct, types of

1 allegations that are being filed with POST.

2        This is just the volume. And this really takes  
3 into account public complaints. It takes into account  
4 what we consider agency supplemental reports. So the  
5 stats kind of speak for themselves. So once an agency  
6 submits their initial misconduct report, there's several  
7 supplements that may follow; right?

8        So that 26,000, the reason it doesn't align with  
9 the report you saw earlier is it includes all the  
10 supplements that the agency submits, if there's  
11 additional information that they have to submit after  
12 the initial report to POST.

13        The other thing that is notable here is that we've  
14 closed 5,500 cases. Many of these cases are retro,  
15 nonactionable cases. What that means is they were cases  
16 that occurred prior to January 1st, 2023, and they were  
17 not one of the three areas that we could move forward on  
18 with the lookback period, which was unreasonable use of  
19 force -- excuse me -- deadly use of force likely to  
20 cause SBI or death, sexual assault, or dishonesty.

21        If those cases did not involve one of those three  
22 acts of serious misconduct, POST could not act on those  
23 cases. However, we did require agencies to report those  
24 cases. There's somewhat of a repository of that  
25 information in the Mark43 database. And, again, these

1 are the top three areas of serious misconduct  
2 allegations reported by the law enforcement agencies.

3 Questions?

4 MEMBER CORONADO: I have a question on the -- for  
5 the video for the cadets or the recruits.

6 Do we anticipate that going into LD 1 or towards  
7 the end of the academy, before the cadets graduate to  
8 officer?

9 EXECUTIVE DIRECTOR ALVAREZ: We're talking about  
10 LD 1, being a part of LD 1, that they would receive the  
11 literature and they would have to watch the video in the  
12 class. Yeah.

13 And that would have to be -- obviously, the  
14 Commission would have to require that, but that's our  
15 intent. Yes.

16 MEMBER DiBASILIO: I want to go back to the board  
17 that's going to be reviewing the videos, the use of  
18 force videos, what's good and what's bad.

19 I would like to make a recommendation that they use  
20 a use-of-force simulator, actually get behind a gun and  
21 use a simulator, so they understand what we go through.  
22 I think it would give them a different perspective. And  
23 I would volunteer my staff and my simulators to do that.

24 I mean, you only have nine board members. I think  
25 that's something that they should look at.

1 MS. DEL MUGNAIO: We'll take that into  
2 consideration. Thank you.

3 There was some discussion of that early on, about  
4 having a simulator, and they would have to volunteer to  
5 do that. But yeah. I appreciate that.

6 MEMBER DiBASILIO: I make my board members go  
7 through that.

8 MS. DEL MUGNAIO: Yeah.

9 MEMBER DiBASILIO: It's an eye-opener.

10 MS. DEL MUGNAIO: I can imagine. Thank you.

11 CHAIRPERSON SALAZAR: Any more comments from the  
12 committee?

13 MEMBER COTTRELL: I had one more question. Thank  
14 you.

15 If we can go back to talking about the  
16 standardization of the IA process, are you looking to  
17 give each agency a template to follow or just a  
18 guideline of what elements you're looking to see in each  
19 IA report so that the SB 2 committee is set up for  
20 success?

21 MS. DEL MUGNAIO: That's a very good question. I  
22 think that's open for discussion, and that's why we're  
23 bringing together a group of subject matter experts.  
24 Does it make sense just to do guidelines, or does it  
25 make sense to be more prescriptive in the outcomes?

1       So a course is extremely detailed, and that would  
2 be very prescriptive. But maybe somewhere between  
3 guidelines with some sort of tangible outcomes that are  
4 adopted by regulation to provide a little more guidance  
5 and standardization to some of these internal affairs  
6 reports.

7       And, again, these -- we're starting these workshops  
8 early in 2024 and bringing in a group of subject matter  
9 experts to discuss just that, what makes sense and what  
10 would be, I think, more viable in terms of requiring  
11 this of all agencies.

12       CHAIRPERSON SALAZAR: Any additional questions or  
13 comments?

14       (No response.)

15       CHAIRPERSON SALAZAR: Okay. Thank you very much  
16 for that report, a lot of information.

17       Okay. At this time, in deference to our court  
18 reporter, we're going to take a short break.

19       Five or ten minutes okay?

20       We'll take ten minutes.

21       (Break taken.)

22       CHAIRPERSON SALAZAR: Okay. We are coming back  
23 from our break, if we can get everyone back to their  
24 seats. And we'll call the meeting back to order and  
25 move on to our next presentation item. That's going to

1 be Item Number B.16.

2       At this time we'll call upon Staff Services Manager  
3 Meagan Poulos, Executive Office, to provide a report on  
4 the legislative update.

5       MS. POULOS: Good afternoon. Before I get started  
6 with my update, I just want to give a disclaimer to some  
7 of our newer committee members.

8       So POST, as a governmental agency, is -- we do not  
9 take positions on legislation. We are neutral. Our  
10 role is really to provide information, technical  
11 assistance, and programmatic assistance as far as  
12 implementation goes for some of these bills.

13       So the legislative session ended on September 15th,  
14 and the Governor had until October 14th to sign or veto  
15 any legislation. And today I'm just going to go over a  
16 few bills that were signed this year that will affect  
17 POST. And there is a complete list of bills that POST  
18 monitored this last session in the Commission agenda  
19 packet.

20       So the first significant bill was Assembly Bill  
21 355. This is the bill to really fix the rifle training  
22 issue that we had in the academy. It allows recruits to  
23 possess the required firearm to receive necessary rifle  
24 training, where previously they had to graduate and then  
25 come back to do that training, because they had to be a

1 peace officer to possess that firearm.

2        And one significant piece of that bill is it only  
3 applies to sponsored recruits. It does not apply to  
4 those who are not currently hired. And the other piece  
5 of that is they have to be under supervision of a  
6 firearms instructor.

7        And that bill becomes effective on January 1 of  
8 2024.

9        Assembly Bill 360. This bill prohibits the use of  
10 the term "excited delirium" from being recognized as a  
11 valid medical term or cause of death. Coroners and  
12 medical examiners cannot state this as a reason for  
13 death on a death certificate, and peace officers are  
14 prohibited from using the term to describe an individual  
15 on an incident report. They may describe the  
16 characteristics of the individual, but they cannot  
17 describe it as "excited delirium."

18        And that law becomes effective on January 1 of  
19 2024, and I believe a bulletin from POST will be  
20 published soon.

21        Assembly Bill 443. This will require the POST  
22 Commission to define "biased conduct" and require law  
23 enforcement agencies to use that definition in any  
24 investigation into a bias-related complaint or incident.  
25 It would also require POST to develop more comprehensive

1 guidance for agencies on performing effective Internet  
2 and social media screenings of applicants. And this  
3 bill is a direct result of the State Auditor's report  
4 from 2022.

5 And that law has an implementation date of  
6 January 1, 2026.

7 I only have a few more.

8 Assembly Bill 449. This bill requires that all law  
9 enforcement agencies adopt a hate crimes policy using  
10 the content of the POST hate crime model policy  
11 framework. Right now it's only required if you update  
12 your current policy or develop a new one. Now it's --  
13 well, as of January 1 of 2024, it will be required, to  
14 update according to the POST policy framework.

15 In that bill, there were also requirements that  
16 policies and the required brochures be submitted to DOJ.  
17 There is a rollout period for that submission, but DOJ  
18 will be the agency that oversees and reviews those  
19 policies.

20 And POST has updated the guidelines according to  
21 the new -- or upcoming statutes, and that will be  
22 distributed to the field as well soon.

23 On the other side of the House, Senate Bill 449.  
24 So this was a bill to clean up some of the language in  
25 Senate Bill 2 for POST, mainly just to help us with

1 further implementation of the law.

2 And that bill becomes effective on January 1 of  
3 2024.

4 And then the last bill I want to discuss is Senate  
5 Bill 700.

6 So this bill was, in addition to -- I believe it's  
7 Assembly Bill 2188 from two years ago, this bill makes  
8 it unlawful for an employer to request information from  
9 an applicant relating to the applicant's prior use of  
10 cannabis. It also makes it unlawful for any employer to  
11 discriminate against a person in hiring, termination, or  
12 any term or condition of employment because of the  
13 person's use of cannabis off the job and away from the  
14 workplace. This bill does not affect an employer's  
15 ability to obtain and consider an applicant's criminal  
16 conviction history.

17 POST is sending out a bulletin by the end of next  
18 week on this topic because, obviously, we've gotten a  
19 lot of attention from this. And POST has already  
20 updated its personal history statement to reflect this  
21 law, and that is currently on the POST website.

22 But this law becomes effective on January 1 of  
23 2024.

24 So that completes all the bills I want to discuss.

25 This is the end of -- well, this last session was

1 the end of the two-year -- well, the end of the first  
2 year of the two-year cycle. So meaning that bills that  
3 were introduced and maybe didn't pass through this  
4 session still have the opportunity to come forward again  
5 next session. So some of the bills that we saw that  
6 failed this year can come back next year as is.

7 So the legislature is out until January 3rd. So  
8 until then, we'll see what happens.

9 And I'm happy to answer any questions.

10 CHAIRPERSON SALAZAR: Okay. Any questions or  
11 comments from the committee on this item, on the  
12 legislative update?

13 (No response.)

14 CHAIRPERSON SALAZAR: You answered my question with  
15 the updated PHS for SB 700. So thank you. Appreciate  
16 it.

17 Okay. The next item will be from the Basic  
18 Training Bureau, Item D.1. And at this time I will call  
19 upon Bureau Chief Brian South from the Professional  
20 Conduct Central Bureau and Staff Services Manager  
21 Jennifer Hardesty, Basic Training Bureau, who will  
22 provide a report on the proposed changes to the POST  
23 guidelines for student safety in certified courses.

24 MR. SOUTH: Good afternoon. So this is a  
25 presentation on the update to the POST guidelines for

1 student safety in certified courses.

2        Those guidelines were revised in June 2020 and  
3 incorporated by reference in Commission Regulation 1052,  
4 which is requirements for course certification, as well  
5 as Regulation 1059, which is requirements for Basic  
6 Course certification.

7        Regulation 1059 became operative in April 2021; so  
8 after that revision. So the current guidelines don't  
9 refer to Commission Regulation 1059.

10       The Basic Training Bureau also identified some  
11 areas in need of updating in regard to  
12 instructor-student ratios for regular Basic Course  
13 testing as well as certain "should" and "shall" language  
14 that was changed in the 2020 revision.

15       So POST staff, in consultation with subject matter  
16 experts, also identified, reviewed, and updated a  
17 limited number of other areas within the guidelines,  
18 including the areas of scenario training and event  
19 simulations, tactical operations training, and bicycle  
20 training.

21       And as a result of that, the proposed changes  
22 include adding references to Regulation 1059, the  
23 conversion of certain "should" and "shall" language, and  
24 instructor-student ratios related to student safety  
25 concerns, as well as an updated definition of the term

1 "instructor" in the guidelines.

2       Additional changes included updates to safety  
3 considerations for training that involve nonlethal  
4 training ammunition, safety considerations in the use of  
5 role-players and safety officers in scenario-based  
6 training and testing, as well as safety considerations  
7 relating to the use of virtual reality in training and  
8 bicycle training, specifically electric bicycles,  
9 commonly known as e-bikes.

10       We did receive two public comments related to those  
11 proposed updates, and those were included in your agenda  
12 material. One of the comments was nonsubstantive, just  
13 a change to correct the legal term for electric  
14 bicycles, and that has been reflected. That comment  
15 also supported the inclusion of a requirement that  
16 e-bikes used in training are compliant with the Vehicle  
17 Code. That requirement is in the updated guidelines and  
18 is consistent with the subject matter experts'  
19 recommendations.

20       The other public comment related to a suggestion  
21 that the guidelines not require e-bikes and law  
22 enforcement training to be compliant with the Vehicle  
23 Code due to a maximum of 750 watts for the electric  
24 motor that's outlined in the Vehicle Code.

25       The SMEs had concurred with the requirement to be

1 compliant with the Vehicle Code. So that is what is  
2 still reflected in the updated guidelines.

3 And POST staff felt that compliance with the  
4 Vehicle Code definition of an e-bike was prudent and  
5 that any changes to the Vehicle Code itself to allow a  
6 higher wattage motor would be outside of the POST  
7 purview.

8 So, in conclusion, the proposed changes to the  
9 guidelines will address areas of concern identified by  
10 the Basic Training Bureau and update several other areas  
11 within the guidelines.

12 If the Commission were to concur, the appropriate  
13 action for them would be to make a motion to approve the  
14 changes. And if that happens, the next step in the  
15 rulemaking process would be to submit final documents to  
16 the Office of Administrative Law, including our staff  
17 response to the public comments.

18 The Commission could also modify the proposed  
19 changes or take any other course of action they feel is  
20 appropriate.

21 That is my report. Any questions?

22 CHAIRPERSON SALAZAR: Thank you for that report.

23 Any questions or comments from the committee?

24 (No response.)

25 CHAIRPERSON SALAZAR: Okay. Seeing none, thank you

1 for the report.

2 MR. SOUTH: Thank you.

3 CHAIRPERSON SALAZAR: Okay. We will now move to  
4 Item D.2 under Basic Training Bureau. And at this time  
5 we'll call upon Staff Services Manager Jennifer Hardesty  
6 from the Basic Training Bureau to provide a report on  
7 the proposed changes to training and testing  
8 specifications of Learning Domain 35, Firearms and  
9 Chemical Agents.

10 MS. HARDESTY: Thank you. Good afternoon.

11 So in June of 2023, BTB, or Basic Training  
12 Bureau -- we submitted proposed changes for Commission  
13 consideration related to LD 35, Firearms and Chemical  
14 Agents. That was ultimately approved at the June 8th  
15 Commission meeting, and we started the rulemaking  
16 process, which led with the public comment period. One  
17 public comment was received, and that requires to be --  
18 resubmission back to the Commission for consideration.

19 So currently, the training and testing  
20 specifications do not require the use of only iron  
21 sights in training, nor do they require or restrict the  
22 use of pistol-mounted optics in Basic Courses. As PMOs  
23 become more prevalent, the subject matter experts felt  
24 it was important to address the need for students to  
25 effectively gain sight alignment using the primary

1 sighting system, whether that be iron sights or PMO.

2       The proposed change does not add the requirement or  
3 restriction for the type of primary sighting system to  
4 be utilized. So that will be left up to each presenter  
5 to determine if they will allow PMOs to be utilized in  
6 training or not.

7       The Commission will be presented with two options.  
8 The first would be to take no further action, and we  
9 will continue to proceed with the rulemaking process.  
10 The second option would be to rescind their original  
11 approval of the proposed change, and then there would be  
12 no change made to the training and testing  
13 specifications.

14       At this time I'm happy to answer any questions if  
15 you have any.

16       CHAIRPERSON SALAZAR: Any questions or comments  
17 related to this item?

18       (No response.)

19       CHAIRPERSON SALAZAR: I will say I was contacted by  
20 our local academy, who was in support of the proposed  
21 changes as presented by POST staff, and I would support  
22 that as well. And I think it's a good option and  
23 ultimately up to the agencies to make sure they qualify,  
24 as required by the agencies.

25       So thank you.

1 MS. HARDESTY: Absolutely. Thank you for your  
2 time.

3 CHAIRPERSON SALAZAR: Okay. At this time we will  
4 move on to the Certification Bureau and receive a  
5 presentation on Item E.1. And I will call upon Bureau  
6 Chief Michelle Weiler from the Certification Bureau to  
7 provide a report on the proposed changes to Commission  
8 Regulation 1208, Temporary Suspension of Certification.

9 MS. WEILER: Yes. Good afternoon.

10 So before you -- actually, if you have it in front  
11 of you, the original adopted version of Commission  
12 Regulation 1208 was pretty sparse in its language. It  
13 basically said that -- well, I'll just read it to you.

14 "Following an order of Immediate Temporary  
15 Suspension, pursuant to Penal Code Section 13510, the  
16 division shall take the following steps: Notify the  
17 involved peace officer and agency head in writing. The  
18 notification shall specify the basis of the executive  
19 director's determination. The Commission shall schedule  
20 proceedings in accordance with the Bagley-Keene Open  
21 Meeting Act." That's it.

22 And then once we started actually issuing these, we  
23 did get questions from officers: "How do I appeal  
24 this?" And we also -- at the same time, we're already  
25 kind of working on plans for providing them with

1 clarification on what their rights are to respond to  
2 this.

3 And so this item was originally approved by the  
4 Commission in the March meeting. And then after that  
5 approval, there were additional revisions for clarity  
6 that we added to the proposed amendments. So now  
7 there's a great deal more information in here for  
8 officers.

9 We provide them with information on, one, their  
10 right to respond to the Immediate Temporary Suspension,  
11 when that response must be submitted to POST, and how to  
12 submit that to POST.

13 We also incorporated an advisement that the officer  
14 can submit an appeal to the executive director. The  
15 executive director is obligated to take that appeal into  
16 consideration and can either act on that to withdraw --  
17 as Annemarie mentioned, we did have six withdrawals  
18 already this year -- or let the suspension stand until  
19 we can further review the case and make a determination  
20 on the case itself.

21 And we also adopted a subsection that includes the  
22 officers' rights and responsibilities to notify POST if  
23 and when the charges against them, if there were charges  
24 against them that led to the ITS, were dismissed.  
25 Because then we would no longer have grounds --

1 potentially no longer have grounds for that Immediate  
2 Temporary Suspension.

3 So that's the changes that we are proposing to  
4 Commission Regulation 1208. Gives it more meat, more  
5 information for the officers that are subject to ITSes.

6 Any questions on that?

7 CHAIRPERSON SALAZAR: Questions or comments on this  
8 item from the committee?

9 (No response.)

10 CHAIRPERSON SALAZAR: Again, I think having more  
11 information is good, and this just clarifies the process  
12 for officers as what to expect and what their role and  
13 due process is. So I think it's a good item, and thank  
14 you for your work on this.

15 Okay. We will move on to Item --

16 MEMBER THERRIAULT: I have a question, Chair.

17 Sorry.

18 CHAIRPERSON SALAZAR: Yes, sir.

19 MEMBER THERRIAULT: Just one question.

20 When this gets mailed, does this get mailed to the  
21 officer at the agency, or does it get sent to their home  
22 of record? How does that work?

23 MS. WEILER: So right now, a copy is being sent to  
24 their agency head. The officer is getting a copy mailed  
25 to them Priority Mail as well as Certified Mail to

1 whatever address we can currently find on record for  
2 them through the public searches that are available to  
3 us.

4       Commission Regulation 1215 just went into effect,  
5 where we are requiring peace officers in California to  
6 designate an official address of record to receive  
7 direct correspondence from POST, and that can be the  
8 address of their current employing agency or a personal  
9 address, a P.O. Box. And that personal address can be  
10 their own address, a family member that they trust to  
11 deliver their mail. It's their discretion there.

12       And just, I guess, larger agencies have asked us  
13 about whether -- so, for example, the CHP is a good  
14 example. You know, what we have on file as a mailing  
15 address for CHP would be up here in Sacramento, but  
16 somebody could be assigned to work in Los Angeles.

17       There is an option for them to select that same  
18 option, where they would select an alternate address of  
19 record. They could select that and, instead of putting  
20 a personal home address, they could put the address of  
21 the division where they're working; so in Los Angeles,  
22 for example.

23       MEMBER THERRIAULT: Is there -- what's the time  
24 amount that they have to respond by for this?

25       MS. WEILER: 35 days, I believe.

1 MEMBER THERRIAULT: 35 days.

2 MS. WEILER: I think 35 days.

3 MS. DEL MUGNAIO: Yes. 30 days. For the notice of  
4 intent to revoke?

5 MS. WEILER: ITS.

6 MS. DEL MUGNAIO: Oh. ITS is 35.

7 MS. WEILER: 35 days.

8 MEMBER THERRIAULT: Thank you.

9 MS. WEILER: Uh-huh.

10 EXECUTIVE DIRECTOR ALVAREZ: If I may, Mr. Chair.

11 A couple of things.

12 One, maybe we could touch on the address of record  
13 a little bit, in terms of it is a new thing, so to  
14 speak, that was addressed by the Commission. A bulletin  
15 went out probably two weeks ago saying "If you have a  
16 different address, give us a different address or it's  
17 going to the department."

18 I believe as of yesterday, we had like 2,500 of  
19 100,000 officers that have responded to that. They're  
20 not required to because it will default back to the  
21 department. But if they want a different address, they  
22 need to go into the system and provide that.

23 And then also, in regards to the first question,  
24 the letter, the ITS letter, notification letter also  
25 goes to the district attorney. So it's the DA, the

1 agency head, and the person; correct?

2 MS. WEILER: I'm sorry. Correction. There's  
3 14 days to respond to an Immediate Temporary Suspension.

4 MEMBER THERRIAULT: All right. Thank you.

5 MS. WEILER: We have so many deadlines.

6 MEMBER THERRIAULT: I see that.

7 CHAIRPERSON SALAZAR: Okay. Thank you for those  
8 clarifications. If nothing further, we'll move on to  
9 Item E.2, and that will also be Bureau Chief Michelle  
10 Weiler, to provide a report on proposed amendments to  
11 Commission Regulation 1202, Peace Officer Certificates.

12 MS. WEILER: Yes. So when we first implemented all  
13 of these new regulations for implementation of Senate  
14 Bill 2 requirements, we separated Commission  
15 Regulation 1011 out for dispatchers and records  
16 supervisors, which is the next item, and peace officer  
17 certification and their Professional Certificates.

18 So this is a lot of cleanup language to that  
19 initial proposed -- or initially adopted regulation. We  
20 made some changes to stipulate specifically for police  
21 chiefs. If they're coming from out of state, they won't  
22 necessarily have a Basic Certificate for California.  
23 They have some time to obtain that. And during that  
24 period, they would be issued a Proof of Eligibility  
25 until they meet the requirements to obtain that Basic

1 Certificate.

2        And then we also removed an exception that was in  
3 regulation for agencies who are not POST participating  
4 but required their officers to obtain POST Basic  
5 Certificates, because that's no longer applicable. All  
6 specified peace officers now in California have to have  
7 a Proof of Eligibility or Basic Certificate. So that  
8 exception is no longer necessary.

9        We made a little amendment to correct a reference.  
10 We incorrectly referenced Commission Regulation 1201,  
11 and it should have been 1205, related to serious  
12 misconduct.

13        We are proposing to make an amendment to include  
14 disqualifications related to Government Code  
15 Section 1029 as a reason not to approve an application  
16 for Professional Certificate.

17        And then we've had a lot of confusion with regard  
18 to Course Completion Certificates and the Professional  
19 Certificates or Basic Certificate. So we added some  
20 language to clarify that those are distinct  
21 certificates.

22        And then just some cleanup, renumbering, adding  
23 some clarity regarding education requirements.

24        And also spelling out that Proofs of Eligibility  
25 and Basic Certificates can also be canceled by POST for

1 specified reasons. Right now, it only states  
2 Professional Certificates. So we wanted to make sure  
3 that the officers out there also knew that it also  
4 applied to Basic Certificates and Proofs of Eligibility.  
5 And those specified reasons are providing false  
6 information, misrepresenting their credentials -- that  
7 sort of thing.

8 And those are all our proposed amendments to 1202.  
9 Any questions?

10 CHAIRPERSON SALAZAR: Questions or comments on this  
11 item?

12 (No response.)

13 CHAIRPERSON SALAZAR: Seeing none, thank you for  
14 that report.

15 And we will move on to Item E.3, which will be  
16 Bureau Chief Michelle Weiler again, to provide a report  
17 on the proposed amendment to Commission Regulation 1011,  
18 Professional Certificates for public safety dispatchers  
19 and records supervisor.

20 MS. WEILER: Again, so these proposed amendments  
21 are cleanup language changes again, being a little bit  
22 more specific on education requirements, correcting  
23 references to subsections that were removed or no longer  
24 exist after removing the peace officer certification  
25 information.

1       And also removing any references to qualifications  
2 for peace officer certificates. There were some that  
3 were still inadvertently left behind in Commission  
4 Regulation 1011. So cleanup language to remove those,  
5 as well as to specifically grandfather in dispatchers  
6 who received a Dispatcher Certificate. That is no  
7 longer being issued. Now it's a Dispatcher Basic  
8 Certificate.

9       So some of our newer analysts were not issuing or  
10 were denying applications for the Intermediate and  
11 Advanced Certificates because it didn't specifically say  
12 "Dispatcher Basic." So now we're clarifying that as  
13 well.

14       And also clarifying that you have to have the  
15 Dispatcher Basic in order to qualify for the  
16 Intermediate and Advanced Certificates. You can't just  
17 jump that and apply.

18       And then additional cleanup language related to  
19 certificates for records supervisors.

20       MEMBER COTTRELL: I'm sorry. Could you just repeat  
21 that last sentence?

22       MS. WEILER: Additional cleanup language as they  
23 relate to Records Supervisor Certificates.

24       MEMBER COTTRELL: Thank you.

25       MS. WEILER: And that's it. Any questions?

1 CHAIRPERSON SALAZAR: No questions or comments?

2 (No response.)

3 CHAIRPERSON SALAZAR: Okay. Thank you.

4 Okay. We will now move on to our final  
5 presentation, Item F.1. And at this time I'll call upon  
6 Assistant Executive Director Annemarie Del Mugnaio from  
7 the Executive Office, who will provide a report on the  
8 review of the serious misconduct cases related to bias  
9 and sexual assault.

10 MS. DEL MUGNAIO: Thank you. We can go ahead and  
11 pull up a presentation on this one.

12 So you probably noted in a couple of the earlier  
13 presentations demonstrating bias is the second most  
14 reported act of serious misconduct. Sexual assault  
15 also, there's a number of cases. And these two in  
16 particular have really caused the division to have to  
17 look at what types of cases were moving forward with  
18 decertification, again, looking at the fact that the  
19 legislature intended for POST to take decertification  
20 actions on serious misconduct, which is different than  
21 an infraction or perhaps a policy violation, that we  
22 really want to put some framework around sexual assault  
23 and demonstrating bias.

24 And so that's why these two have been called out,  
25 and we're asking the Commission for some additional

1 direction. And what I mean by that -- and I'll start  
2 with sexual assault.

3 Penal Code Section -- and we can go to the first  
4 slide, please.

5 Penal Code Section 832.7 defines what a sexual act  
6 is, a sexual assault in particular. And it includes  
7 "the propositioning for or commission of any sexual  
8 act." In 13510.8, the definition actually refers back  
9 to 832.7, as you can see up top there, Penal Code  
10 Section 13510.8 (b) (4) .

11 In our regulations, we did not touch that portion  
12 of the definition. However, we added that it extends to  
13 acts committed amongst members of any law enforcement  
14 agency. Therefore, these aren't just acts that are  
15 perpetuated on the public.

16 And what we've received now, in terms of types of  
17 cases, is where there is a consensual relationship  
18 between two people who work at the same agency who maybe  
19 have made a poor decision to act on that relationship  
20 while on duty, and then that gets reported to POST.

21 And there again is that the type of misconduct that  
22 the Commission would like POST to move forward with for  
23 decertification, recognizing that the agency itself has  
24 some role in that discipline and they violated agency  
25 policy, perhaps violated, you know, the recording of

1 their work time. But did they commit a serious  
2 infraction and serious misconduct.

3 So we're looking for guidance from the Commission  
4 that these acts that are a consensual relationship  
5 between two people of the same agency are not the type  
6 of serious misconduct the legislature intended for the  
7 purposes of decertification.

8 Any questions on that one before I move into bias,  
9 demonstrating bias? Comments?

10 (No response.)

11 MS. DEL MUGNAIO: Okay. So we can move to the next  
12 slide.

13 In terms of demonstrating bias, what becomes tricky  
14 in this definition is "demonstrating." What does that  
15 mean? What types of things demonstrate a bias that  
16 would render a peace officer perhaps unable to serve  
17 safely and efficaciously to all members of the public?

18 So we looked at the website definition as what is  
19 "demonstrating"? You can see the definition here is --  
20 does not go into the verb "demonstrating," in terms of  
21 what acts or actions must occur or must be part of the  
22 fact pattern in order for us to establish there's been  
23 some demonstration of bias.

24 Next slide, please.

25 So the Penal Code section -- excuse me -- 13510.8,

1 very broad.

2       What we also need to consider is recently, in this  
3 last legislative session, Assembly Bill 443 was passed.  
4 Assembly Bill 443 now requires POST to establish  
5 guidelines for agencies when they're conducting  
6 investigations related to conduct of bias.

7       So we have to take into consideration what is the  
8 "biased conduct" definition under AB 443 that now exists  
9 in Penal Code Section 13510.6, in addition to the Penal  
10 Code section that we have under the one -- one of the  
11 serious acts of misconduct.

12       So we've been grappling with this, what is  
13 demonstrating bias and how do we, in fact, not narrow  
14 the scope of the statute but get to the heart of what  
15 was intended in terms of the type of conduct that the  
16 Commission should act on.

17       So next slide, please.

18       One more. Sorry about that.

19       Okay. So the infinite wisdom that exists in our  
20 Legal Affairs Bureau. They put their heads together,  
21 and they've come up with a definition that we would like  
22 for the Commission to consider, and that is what is  
23 beneath existing 1205(a) (5), which is the same statutory  
24 definition of "demonstrating bias" in 13510.8, but what  
25 exists in bold would be new.

1       And so I'll give you an opportunity or I can read  
2 that into the record, whatever you would like for me to  
3 do.

4       I think what's important to point out here is we're  
5 talking about the types of, perhaps, acts or actions  
6 that the officer may have demonstrated and tying that to  
7 when such words, actions, or other conduct would lead a  
8 reasonable person to conclude that the officer has not  
9 fairly and impartially performed or will not fairly or  
10 impartially perform his or her law enforcement duties.

11       So I've been asked to provide some kind of maybe  
12 global examples. And I'm sure you're all aware of some  
13 of those examples that are out there now, where cases  
14 involved an exchange of text messages between two  
15 officers or an exchange of an off-color joke or some  
16 sort of meme, et cetera, that becomes part of an overall  
17 case. Is that in and of itself the demonstration of  
18 bias that was intended in 13510.8?

19       So what we were grappling with is was there some  
20 way that we could look at these cases and the totality  
21 of the circumstances to include the conduct of the  
22 officer related to the speech or related to some other  
23 underlying cause for someone to claim that the officer  
24 has demonstrated bias.

25       So this is what we were attempting to do with the

1 definition that Legal Affairs Bureau, Toby and his team,  
2 put together. It may not be in perfect form yet, but it  
3 should start the discussion and get folks thinking about  
4 how are we going to move forward with these cases and  
5 what are the challenges we're going to face, because  
6 there will be challenges.

7 So that's what the discussion is before the  
8 Commission tomorrow. We're going to ask for them to  
9 consider the definition, probably bring this back in  
10 March for a vote, unless they feel comfortable with  
11 doing something more formative tomorrow.

12 CHAIRPERSON SALAZAR: Okay. Any questions or  
13 comments from the committee members?

14 MEMBER THERRIAULT: I would just take issue with  
15 the term "closed-mindedness." It's very subjective. I  
16 don't know. These other words that are spread out  
17 through the paragraph, at least, are those that are  
18 understand- -- understood- -- understandable by folks  
19 that are doing this job: "prejudice" and "tolerance,"  
20 you know, "contempt." "Closed-mindedness" can be -- you  
21 can be closed-minded about a lot of things.

22 MS. DEL MUGNAIO: That's a very good point.

23 MEMBER THERRIAULT: And, you know, doesn't  
24 necessarily mean it's true.

25 MS. DEL MUGNAIO: Thank you.

1 MEMBER THERRIAULT: So that would be my only  
2 suggestion from the definition for the full Commission.

3 CHAIRPERSON SALAZAR: I think that's a good point  
4 as well.

5 Any other questions or comments from the committee?

6 (No response.)

7 CHAIRPERSON SALAZAR: I think aside from that one  
8 term, it's a better definition than what we've had. So  
9 it provides some clarification.

10 So any other? Anything else?

11 (No response.)

12 CHAIRPERSON SALAZAR: Okay. Thank you for that  
13 report.

14 All right. That concludes the presentations from  
15 staff.

16 And at this time we will move on to the Advisory  
17 Committee member reports. This is a time for Advisory  
18 Committee members to report on any items from their  
19 respective organizations to the -- for the Commission to  
20 either consider or for POST staff.

21 So, Benjamin, I'll start with you, from PORAC.

22 MEMBER THERRIAULT: Nothing to report at this time.

23 CHAIRPERSON SALAZAR: Chief?

24 MEMBER CORONADO: I don't have anything to really  
25 report, other than -- it's not necessarily a report.

1 I'm really not sure where to go about this, maybe for  
2 the good of the cause. But AB 89 was just signed or  
3 pushed through for the College Chancellor's, and how is  
4 that going to affect our academies moving forward and  
5 our officers moving forward at the same time.

6 And I know, sir, we already had a conversation  
7 outside. I was just throwing it out there for more the  
8 benefit of all. I'm not sure if this is the realm to do  
9 that in or not for the report. If not, then I have  
10 nothing to report.

11 EXECUTIVE DIRECTOR ALVAREZ: Would you like us to  
12 address AB 89 and the status?

13 Meagan, would you come up and help me with it,  
14 since we're both part of this? Would you like to start,  
15 Meagan, and then I will add to it if need be?

16 CHAIRPERSON SALAZAR: If I can -- so from my  
17 report, I was also going to talk about AB 89. So I'll  
18 jump in real quick so you have all of the information.  
19 So I'll take cuts in line, if you don't mind, Chela.

20 So our concerns from the California Police Chief  
21 Association in reviewing the AB 89 report, a few things  
22 that we were hoping to make sure happen, and I believe  
23 we've been in touch with POST and shared these.

24 But making sure that academy units do count towards  
25 the modern policing degree across the board. And then

1 some clarification with some "and"/"or" language, some  
2 concerns about whether it's the modern policing degree  
3 "and" a bachelor's degree or is it "or" a bachelor's  
4 degree.

5 And then just the realistic timeline of 2025 at  
6 this point and thinking, realistically, that needs to be  
7 extended. And it does have impacts. 2025 is very close  
8 and does have potential impacts on recruitment as we  
9 start getting closer to that date.

10 So -- and then I also had a question with -- on a  
11 different piece of it. But what happens to a police  
12 officer who doesn't attain the AB 89 requirements within  
13 the two years of being hired as a police officer? So  
14 does that then become a certification issue?

15 And if they don't attain that requirement, are they  
16 then not certified? Or what happens if we hire someone  
17 and then, within two years, they're supposed to complete  
18 that? Is that the agency's responsibility, or is that  
19 going to be POST that says they don't meet certification  
20 requirements?

21 EXECUTIVE DIRECTOR ALVAREZ: Would you like to  
22 start, Meagan, or would you like me to start?

23 MS. POULOS: I don't know where to start.

24 EXECUTIVE DIRECTOR ALVAREZ: Okay. I'll start.  
25 I'll start. I'll start. Thank you for coming up to

1 support me, Meagan.

2 MS. POULOS: Of course. Of course.

3 EXECUTIVE DIRECTOR ALVAREZ: Because Meagan is  
4 getting all the questions now. So I appreciate Meagan  
5 coming up here.

6 So just to give you guys a little background,  
7 myself and Carrie Hollar -- or Bureau Chief Carrie  
8 Hollar sat on the Chancellor's Office task force. I  
9 cochaired it with a professor from one of the colleges.  
10 The report is out. It took a good 15 months for the  
11 report to come out.

12 So the way AB 89 is written now, as the Chair has  
13 pointed out, it requires a modern policing degree, which  
14 is yet to be created by the community colleges, and a  
15 bachelor's degree.

16 Our understanding from the author of AB 89, his  
17 staff, that that word "and" is meant to be an "or," not  
18 an "and," but it reads an "and." And depending on how  
19 you read it, different people have different opinions as  
20 to whether it's truly an "and" or an "or."

21 So that is one of the issues in AB 89 that's  
22 causing some concern, aside from the modern policing  
23 degree not being developed yet and the 2025 deadline.

24 The other significant issue is it requires that you  
25 have the modern policing degree and the bachelor's

1 degree prior to appointment as a peace officer. That's  
2 the other sticking point.

3 So the Chancellor's Office, in their report, had a  
4 number of recommendations, including that credit be  
5 provided for certain portions of the academy training.  
6 So they went through the academy training and some of  
7 the constitutional law instruction and other things they  
8 feel is also covered during, you know, instruction  
9 during certain portions of AA degrees.

10 So part of the recommendation was that there should  
11 be some credit provided for going through the regular  
12 Basic Course. And I believe the discussion was that it  
13 should be, you know, in the 25-, 26-credit unit category  
14 for the 60 completion units for a modern policing  
15 degree. That was one of the recommendations.

16 The other recommendation was that it should be --  
17 that modern policing degree should be provided both in  
18 person and online in asynchronous fashion so that peace  
19 officers could get the training off duty or once they're  
20 done with their shift, if that's the case.

21 There was a lot of discussion about the prior to  
22 appointment as well as to prior to the Basic  
23 Certificate. I believe the discussion was that it  
24 should be prior to the Basic, but I don't believe that  
25 made it into the actual document, if I'm not mistaken.

1 But there was discussion about that.

2 There was a subsequent bill -- and I can't recall  
3 the bill number, Meagan, if you remember it -- that the  
4 same author proposed last year that had some significant  
5 changes, which I think were a little bit easier for  
6 everybody to execute.

7 So the significant changes were that it removed the  
8 word "and" and changed it to "or." It also changed the  
9 deadline, I believe, from 2025 to 2027, if I'm not  
10 mistaken. And it also changed the language to "prior to  
11 appointment" -- from "prior to appointment" to "prior to  
12 the Basic," which we also, you know, suggested to them  
13 during that process it shouldn't read "prior to Basic,"  
14 because not everybody is required to have a Basic, that  
15 it should be within the Basic or 24 months, which is  
16 required by law.

17 So that bill ended up dying. It was a  
18 gut-and-amend. The author had to pull it, explain that  
19 to us, that they were pulling it to create another bill  
20 for -- or create other language for another completely  
21 different -- I believe it was a DMV bill, if I'm not  
22 mistaken, that they gutted that bill for. But the  
23 indication that we got from the staff was that they were  
24 going to reintroduce it this year, that they wanted to  
25 clean it up.

1       That remains to be seen, if they're going to do  
2 that or not. But we hope that they do, because I think  
3 it will make it a little easier on us.

4       In terms of if it is prior to the Basic Certificate  
5 and how we're going to police that, so to speak, to  
6 answer the Chair's question, I believe -- let's  
7 hypothetically say that that does get changed and  
8 somebody is appointed without having a modern policing  
9 degree or a bachelor's degree. They're going to be  
10 issued a Proof of Eligibility once they're appointed.

11       And then when it's time for their Basic  
12 Certificate, because we've probably already gone and  
13 reviewed their file to make sure they were appointed  
14 properly, when they submit their request for a Basic  
15 Certificate, we're likely going to have to go back and  
16 check, not maybe physically go back and check but ensure  
17 that they've received the modern policing degree or the  
18 bachelor's degree prior to -- prior to the Basic being  
19 issued.

20       The question then is what happens if the person  
21 doesn't? Then, technically, they won't be issued the  
22 Basic and they can't work, you know, if they're beyond  
23 that 24-month window.

24       So that's the status. It's definitely causing some  
25 questions, some confusion, perhaps, out there. But our

1 responsibility really was to participate in the task  
2 force in terms of providing recommendations and  
3 guidance, which we did over the course of 15 months, and  
4 really now just to execute on the implementation of this  
5 minimum standard being increased. The other aspect was  
6 changing the age from 18 to 21, and that's already in  
7 place.

8       So we're kind of in a wait-and-see posture. I  
9 believe the Chancellor's Office -- they're, I assume,  
10 working frantically on building that course. Because  
11 right now everybody has got to have it by 2025, and  
12 we're getting close. It takes a while to get it.

13       So that's the status.

14       Did I miss anything, Meagan, or anything --

15       MS. POULOS: No. I just wanted to clarify one  
16 thing.

17       So the way that AB 89 reads is that POST has to  
18 adopt the educational requirements that come out of this  
19 report by the community colleges within two years of  
20 submission to the legislature. So they just submitted  
21 that report. So we're kind of going off November 1 of  
22 2025 for that reason.

23       I think there's been a little bit of confusion  
24 about the year and the date. So I just -- but the way  
25 that the bill and the law currently reads is it's two

1 years from that submission of the report that POST has  
2 to adopt the recommendations on the educational  
3 requirements.

4       But as Manny said, the legislative intent, and if  
5 you read through any of the analysis of AB 89 as it went  
6 through the process, was to be an "or." So we know that  
7 that was the intent. So, hopefully, that's something  
8 that they will fix. And my message has been we have  
9 time to fix it.

10      So that's all I have to add.

11      CHAIRPERSON SALAZAR: Any other questions or  
12 comments?

13      (No response.)

14      CHAIRPERSON SALAZAR: Thank you.

15      MEMBER CORONADO: Thank you. I don't as well.

16      MEMBER DiBASILIO: Quick question.

17      Seeing as how they're building this airplane while  
18 they're trying to fly it again, what is the time  
19 frame -- or what is the curriculum for this course that  
20 they're going to require? How long is it going to be?  
21 Is it going to be part of the POST Academy? Obviously  
22 not.

23      I mean, how long is this thing going to take for  
24 somebody to get this -- I call it a degree, I guess, at  
25 any point. Have they set some guidelines for that at

1 all?

2       EXECUTIVE DIRECTOR ALVAREZ: So I don't believe  
3 there's a time frame in AB 89 for them to actually  
4 develop and deploy the modern policing degree for the  
5 Chancellor's Office. It's the recommendations and then  
6 that they have to develop it. So there is no timing  
7 answer in that regard.

8       There was a lot of discussion during the task force  
9 meetings as to the way the law is written now. You have  
10 to have it prior to the Basic -- or I'm sorry -- prior  
11 to appointment. So do they go to the academy first and  
12 then they have to go to a community college before  
13 they're appointed, or do they go to the community  
14 college first and then go through the academy?

15       I think they were leaning towards the way it's  
16 written now is that they would have these credits in  
17 place before they go to the academy.

18       I think -- should the legislation change, I think  
19 the anticipation was they would go through the academy  
20 and then go back through and get the college credits.

21       MEMBER DiBASILIO: I guess that's kind of where I  
22 was leaning. Because we had this conversation quite a  
23 while back when this came up originally, is that you're  
24 going to take our pool of what we had and you're  
25 shrinking our pool of officers that are going to be able

1 to become officers at this point. Because if you  
2 require that before they go to the academy, they're  
3 going to find another direction of employment.

4 They're going to kill us. They need to really take  
5 a look at what they're -- how they're going to do this  
6 process, and that "and" absolutely is going to kill our  
7 pool of people to even get them employed. Because we're  
8 a small community. We're trying to get kids right out  
9 of high school to work in the jail for a couple years so  
10 that, when they turn 20 and a half, we can put them in  
11 the academy. When they turn 21, now they can carry a  
12 firearm. And you're taking that ability for us to get  
13 peace officers away.

14 They really need to look at this. This is -- I  
15 said it before and I'll say it again. I think it's a  
16 bad idea for them to have that. The police academy has  
17 been doing a great job for many, many years, and I think  
18 they're adding to -- the police academy is giving our  
19 officers and deputies enough knowledge to do the job.

20 I don't understand why the Chancellor's Office is  
21 coming in and saying they need more education. I would  
22 still like to see some statistics that show that  
23 somebody that has a college education is a better cop  
24 than somebody who doesn't.

25 I think they're killing us. They're absolutely

1 killing the small departments. I mean, even the AA  
2 that's been required by a lot of departments already  
3 shot their pools down. But to counties that don't have  
4 that ability, it's going to cause a problem.

5 And there was some other language in that AB 89 of  
6 disadvantaged communities, where they were going to be  
7 getting assistance and stuff. And I haven't looked at  
8 it lately. I don't know if that language is still in  
9 there or not. And you're nodding your head "yes," it  
10 is.

11 EXECUTIVE DIRECTOR ALVAREZ: It is.

12 MEMBER DiBASILIO: Now I again have people in my  
13 community that don't fit that criteria of disadvantaged  
14 community. So they're not going to be able to get any  
15 help. They're not going to be able to get employed.

16 So I will say it publicly. I think this whole  
17 chancellor's program is a bad idea. It's going to kill  
18 the pool for peace officers in the state of California  
19 as this progresses.

20 EXECUTIVE DIRECTOR ALVAREZ: If I may, just a  
21 couple of comments or opinions.

22 So the timing of it, obviously, is very  
23 challenging; right? In this day and age, when I think  
24 most law enforcement agencies are having recruiting  
25 challenges across the country and, really, across the

1 globe for law enforcement. So the timing of it makes it  
2 a challenge.

3 The bill was signed. So it's not a bill. It's a  
4 law. So it's up to us to kind of execute. Should the  
5 bill remain the same, I think one of the challenges for  
6 departments and for the individuals will be -- using,  
7 let's say, Calaveras County as an example.

8 If you have an individual who you want to hire who  
9 needs to have that modern policing degree or a  
10 bachelor's degree, you're probably not going to sponsor  
11 that person through an academy, because you're going to  
12 be paying their salary when they go through the RBC.  
13 And now they got to go and get the education, which may  
14 take, you know, probably a year -- six months or a year  
15 to get 30 extra credits. I don't think you're going to  
16 be wanting to pay their salary.

17 So you're probably not going to sponsor a lot of  
18 them, is my gut. You're going to tell them, "Hey, go  
19 get your college credits first and then come back,"  
20 which causes some, you know, additional challenges, so  
21 to speak.

22 But it is, right now, what it is. They've told us  
23 they're going to clean it up. I think -- personally  
24 speaking, I think if it does go back to the way they had  
25 it before, it will be much more palatable, where

1 somebody goes to an academy. Then they have two years  
2 to get 30 credits, and they can do them online and have  
3 their AA degree, which, also, the legislation requires  
4 that it kind of be transferable to a bachelor's degree,  
5 if they want to go get a bachelor's following that. But  
6 that kind of died on the vine. Yeah.

7 MEMBER DiBASILIO: Don't get me wrong. I'm not  
8 going after the messenger.

9 EXECUTIVE DIRECTOR ALVAREZ: We don't write the  
10 law.

11 MEMBER DiBASILIO: I'm not going after the  
12 messenger at all. I'm just saying that the process --  
13 if they can fix the process to where they can get their  
14 Basic and then have that two-year window to get that  
15 other degree, I think that's a better way to go.

16 We're still going to lose people, because you're  
17 going to have guys -- folks that are not going to do  
18 that process. But the problem is it goes back to the  
19 beginning. We're not going to get the applicants.  
20 Because they've already put this in place, we're not  
21 going to get the applicants that we would have in the  
22 past.

23 They've caused a lot of problems. And I think in  
24 the next five to ten years, you're going to realize a  
25 lot more problems, because we're not going to be able to

1 hire the cops. And, again, it goes back to what I told  
2 you before about my department.

3 We have education incentives. Now my education  
4 incentives -- I pay maybe a dozen cops out of almost 60  
5 cops that education incentive. Now my budget is going  
6 to go way through the roof, because now I'm going to  
7 have to give everybody that education incentive.

8 So it's not just the education part of it. It's  
9 everything else that goes along with it that I don't  
10 think it was thought out very well. That's my opinion.

11 EXECUTIVE DIRECTOR ALVAREZ: Thank you.

12 MEMBER THERRIAULT: I'll just add. I think this is  
13 up to us, especially between now and mid-February --  
14 whether it's with Cal Sheriffs, PORAC, or Cal Chiefs --  
15 to reach out to that initial author of the bill. And I  
16 think there's going to -- you know, my understanding is  
17 there's some opportunity for some cleanup.

18 And so at least for the intermediary and then for  
19 the purposes of POST, so that this does not all get  
20 gummed up, we should really push that a lot at our  
21 respective organizations. Because it's clearly a  
22 problem for CHP.

23 You know, that's what I plan to do, and I just  
24 think that's what we have to do, for the short term at  
25 least, to address it. Because it's -- again, the

1 description of building the airplane in the sky is  
2 perfect.

3 CHAIRPERSON SALAZAR: Okay. Any other questions or  
4 comments on that item?

5 (No response.)

6 CHAIRPERSON SALAZAR: All right. If not, we will  
7 return to committee member reports. And we left off  
8 with Dispatch, with Chela Cottrell.

9 MEMBER COTTRELL: I don't have anything at this  
10 time, but thank you.

11 CHAIRPERSON SALAZAR: Sheriff, anything from Cal  
12 Sheriffs?

13 MEMBER DiBASILIO: No more than I can talk about.

14 CHAIRPERSON SALAZAR: And Mr. Waltz from CAPTO?

15 MEMBER WALTZ: My report -- my organization that  
16 I've been representing, CAPTO, California Association of  
17 Police Training Officers, has been rebranded, refreshed,  
18 restructured to CPTMA, California Police Training  
19 Managers Association. There's a statewide executive  
20 director, and then each chapter has their leadership.

21 Right now, there are three very active chapters.  
22 There's the South Central San Joaquin Valley, the North  
23 San Joaquin Valley, and the Central Coast areas.

24 The meetings are being attended very well. They're  
25 including -- starting to include other people other than

1 training managers, including field training officers and  
2 people who have some training portion of specialized  
3 units.

4 And so you'll be hearing more about that later on,  
5 but you won't be hearing it from me because this will be  
6 my last meeting. There's an item before the Commission  
7 to replace me with Lieutenant Brent Stalker, who has  
8 over 30 years of law enforcement. He's currently  
9 commanding the training unit at Fresno Sheriff's Office,  
10 and he's an instructor in several Advanced Officer and  
11 Basic Academy courses.

12 So if he is approved, you will be seeing him in  
13 this place instead of me. And he's very, very  
14 competent, very good guy to -- very thoughtful and  
15 analytical. He'll be a good addition to this committee.

16 CHAIRPERSON SALAZAR: All right. Thank you. And  
17 thank you for your service and time on the Advisory  
18 Committee as well, Randy. We appreciate all you've done  
19 for our profession and your assistance here. So thank  
20 you.

21 MEMBER WALTZ: Thank you.

22 CHAIRPERSON SALAZAR: Okay. With that, we move on  
23 to commissioner comments. I believe I saw Commissioner  
24 O'Rourke and Long were present earlier. Any comments  
25 from commissioners?

1 (No response.)

2 CHAIRPERSON SALAZAR: No commissioner comments at  
3 this time.

4 Under old business, we have no old business for  
5 discussion.

6 And under new business, Assistant Executive  
7 Director Jim Grottkau will announce the nominations for  
8 new Advisory Committee members to be voted on in the  
9 Commission meeting tomorrow.

10 MR. GROTTKAU: Thank you, Chairman.

11 There are two. The first, as Member Waltz  
12 mentioned, is Lieutenant Brent Stalker, who currently  
13 serves as Commander with the Fresno County Sheriff's  
14 Office training unit. Lieutenant Stalker has over  
15 32 years of experience in law enforcement; 20 years  
16 teaching in police courses, overseeing Modules III, II,  
17 and I academies. And he teaches at the police academy  
18 currently, has served on POST committees, and is  
19 involved with the QAP program.

20 The second nomination is a self-nomination from  
21 Alan McFadon, who is a former member representing  
22 Dispatch, I think through 2016, and is now seeking a  
23 position as a public member.

24 And those two names will be forwarded to the  
25 Commission tomorrow for a vote.

1 And that's all.

2 CHAIRPERSON SALAZAR: Okay. Thank you.

3 Our future meetings, we have an upcoming Advisory  
4 Committee meeting that will be held March 6, 2024, in  
5 the Greater Los Angeles area, California.

6 And with that, we will adjourn today's meeting.

7 Thank you.

8 (Proceedings concluded at 3:26 p.m.)

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1 CERTIFICATE OF REPORTER  
23 I, EMILY SAMELSON, a Certified Shorthand Reporter of  
4 the State of California, do hereby certify:5 That I am a disinterested person herein; that the  
6 foregoing proceedings were reported, to the best of my  
7 ability, in shorthand by me, Emily Samelson, a Certified  
8 Shorthand Reporter of the State of California, and  
9 thereafter transcribed into typewriting.10 I further certify that I am not of counsel or  
11 attorney for any of the parties to said proceedings nor  
12 in any way interested in the outcome of said  
13 proceedings.14 IN WITNESS WHEREOF, I have hereunto set my hand  
15 this 13th of December, 2023.16  
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Certified Shorthand Reporter  
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## AGENDA ITEM REPORT

Title: **NEW ADVISORY COMMITTEE MEMBER APPOINTMENTS:**

### REPORT PROFILE

MEETING DATE 03/06/2024	BUREAU SUBMITTING THE REPORT Executive Office	
RESEARCHED BY	REVIEWED BY	
REPORT DATE	APPROVED BY	DATE APPROVED
PURPOSE	FINANCIAL IMPACT No	

### ISSUE, BACKGROUND, ANALYSIS, & RECOMMENDATION

#### ISSUE:

#### BACKGROUND:

#### ANALYSIS:

**RECOMMENDATION:** Request to appoint Tammie Murrell to, to the POST Advisory Committee, as a replacement to representative for Walter Allen for California Academy Directors Association (CADA).

#### ATTACHMENT(S):

[CADA Letter to Alvarez, M - Murrell Adv Committee 112823.pdf](#)



## CALIFORNIA ACADEMY DIRECTORS ASSOCIATION

November 28, 2023

Manuel Alvarez, Executive Director  
CA Commission on Peace Officers Standards and Training  
860 Stillwater Road, Suite 100  
West Sacramento, CA 95605

Dear Mr. Alvarez,

On January 1, 2024, per the California Academy Directors Association (CADA) Bylaws, there will be a number of changes to the Executive Committee of the association.

We are requesting Tammie Murrell, the immediate past Chairperson of the association, replace Walter Allen as the CADA Representative on the POST Advisory Commission.

The Executive Committee effective in March 2024 will be:

Tim Vu, Chairperson  
Vacant, Vice-Chairperson  
Steven Potter, Secretary  
Kenneth "Stan" Anderson, Treasurer

Per the CADA bylaws, Vice-Chairperson automatically ascends to the Chairperson position in even numbered years. We intend to hold elections for the positions of Vice-Chairperson, Secretary, and Treasurer at the Consortium CADA Meeting in March 2024.

In the meantime, we respectfully request you approve and move the appointment of Tammie Murrell to the POST Advisory Commission forward.

Sincerely,

A handwritten signature in blue ink, appearing to read "Tim Vu".

Tim Vu, Chairperson  
California Academy Directors Association