

DATE: November 9, 2017 **AGENDA ITEM:** B

TO: BSCC Chair and Members

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SUBJECT: Standards and Training For Corrections Compliance Report and Annual Update: **Information Only**

Summary

Each year the Standards and Training for Corrections Division submits an annual report to the Board on its activities. This report includes compliance findings for Fiscal Year 2016-17, as well as an update on the ongoing project to revise core training for Probation Officers, Juvenile Corrections Officers and Adult Corrections Officer.

Background

Pursuant to Article 2, Section 6035 of the Penal Code and Title 15, Sections 100-355 of the California Code of Regulations, the Board of State and Community Corrections is responsible for the development and implementation of selection and training standards for corrections (STC) personnel employed in local corrections agencies. The STC Division has carried out these responsibilities on the Board's behalf since 1980. STC is in the process of revising training standards to reflect job changes brought, in part, by advances in technology, changing demographics and California's adoption of public safety policies, most notably Public Safety Realignment.

This report provides an update on STC's long-term Program Improvement Project as well as program statistics and compliance findings for Fiscal Year 2016-17.

STC Program Improvement Project

In Fiscal Year 2012/13, the STC Division began a comprehensive, long-term program-improvement project. The project consists of four phases. Two phases are completed and two phases are currently underway:

- Phase 1: Program Policy and Regulation Revision (*completed in 2013*)
- Phase 2: Job Research and Analysis (*completed in 2015*)
- Phase 3: Selection and Training Standards Revision (*ongoing*)
- Phase 4: Learning Management System (LMS) Implementation (*ongoing*)

Phase 1, completed in 2013, was an assessment of the regulations, policies and procedures that guide the STC program, and the implementation of changes to streamline and improve

them. It was completed under the direction of an Executive Steering Committee, informed by a stakeholder survey, and approved by the Board. It resulted in numerous policy and regulation revisions and identified longer-term program improvement strategies. Those longer-term strategies formed Phases 2, 3 and 4.

Phase 2, completed in 2015, was an analysis of the jobs performed by Adult Corrections Officers, Juvenile Corrections Officers, Probation Officers, and their supervisors and managers and how those jobs have changed over time. The purpose of the analysis was to identify the tasks performed in these jobs and the knowledge, skills and abilities required to successfully perform those tasks. It is the foundation for revising the selection and training standards for those entry-level corrections positions. Job analysis is the legal and professional standard for developing selection and training standards.

Phase 3, currently underway, is the revision of the selection and training standards for corrections personnel to reflect the needs of the jobs as identified in Phase 2. Phase 3 was initiated in April 2015 with the formation of an Executive Steering Committee chaired by Board Member Michael Ertola, probation chief of Nevada County. The ESC met in August 2015 and reviewed STC's 14 selection and training standards. The ESC determined that three standards did not need revision and referred the remaining 11 for further analysis to workgroups of practitioners and experts. The ESC prioritized the standards, setting the highest priority for the entry-level training standards and the entry-level selection exam. STC has been working closely with the workgroups to revise and, where appropriate, align between classifications the entry-level training standards. STC will be bringing the workgroup recommendations to the ESC for consideration in early Spring 2018. Ultimately, the ESC-recommended revisions will be presented to the Board for approval and implementation.

Phase 4, also currently underway, is the design and implementation of a statewide, on-line Learning Management System (LMS). The web-based LMS will replace two electronic systems that are currently in place to certify courses and track funding. In addition, it will automate the current paper process involved in recording the completion of training, automate a portion of the annual compliance reviews, and provide a central statewide system for housing training records. The system will be phased in. The course certification feature was turned on in September 2016, and all training courses are now being certified through the new LMS system. The fiscal and training tracking systems are currently under design.

Program Statistics for Fiscal Year 2016-17

This section of the report provides an update on participating agencies, staff and training for FY 2016-17.

In Fiscal Year 2016-17, STC had voluntary participation from 161 Sheriff's Offices, Departments of Corrections, Probation Departments and Police Departments. The total also

includes seven modified community correctional facilities that STC supports under a contract with CDCR.

Attachment B-1 provides data reflecting the number of:

- participating agencies for FY 2016-17
- participating staff by category
- job applicants tested using BSCC's selection examinations by position
- training hours by type of training
- staff training hours received by job classification
- trainings delivered by STC

These tables also provide comparative data for FY 2015-16.

Compliance Findings for Fiscal Year 2016-17

In accordance with Penal Code Section 6035 and Title 15, Division 1, Chapter 1, Subchapter 1, Article 8, Section 318, STC is required to annually monitor participating agencies' adherence to the standards, policies and procedures of the STC Program. The purpose of this compliance-monitoring process is to ensure that each agency operates in accordance with its approved and funded Annual Training Plan (ATP), the program regulations, and the law. Of the 161 agencies that participated in the STC Program in 2016-17, 157 agencies were found to be In Compliance and four agencies were Out of Compliance in accordance with their ATPs and the STC regulations, policies, and procedures (Attachment B-2).

In Compliance – (157 agencies)

In Compliance is determined when an agency has met 100 percent of its training obligation, or if mitigating circumstances were identified that prevented an agency from meeting its training obligation. Each training file with a mitigating circumstance was evaluated, as required by BSCC policy. The impacted agencies provided the reasons staff members were not in full compliance with standards and described the actions taken to correct the problem. Staff then determined whether the agency was In Compliance by applying the policy adopted by the Board for In Compliance, which states:

Agencies can be found in compliance if staff fail to meet the training standard but meet the following criteria for approved mitigating circumstances:

- a. an employee's significant unanticipated leave at the end of the fiscal training year make it impractical to complete the required training;
- b. an employee was absent from work for 6 months or more within the fiscal training year;
- c. a personnel problem involving an employee but the participating department has taken positive steps to correct the problem;

- d. an innocent error (e.g., record keeping error, clerical error, computer data entry error, etc.); or
- e. the number of staff or the number of hours lacking for full compliance is insignificant compared to the agency's total training obligation, and this occurred despite the agency exercising due diligence in the management and oversight of the training program.

In addition to the above criteria, Field Representatives may consider other unforeseen or extraordinary circumstances such as cancellation or non-availability of core courses.

As a result of this review 157 agencies are In Compliance with the policy.

Out of Compliance – (4 agencies)

Out of Compliance is determined when an agency has not met 100 percent of its training obligation and does not have an approved mitigating circumstance. Four agencies were found to be Out of Compliance with the requirements of the STC Program. Each are in their first year of Out of Compliance.

Attachment B-3 contains a list of agencies that are Out of Compliance, the number of eligible staff, the minimum required training hours, and the number of staff that failed to meet the training standard. Attachment B-4 provides a compliance history for all participating agencies.

The following are the mandatory sanctions adopted by the Board for local agencies found to be out of compliance:

- First-Year: Notice to department head and respective county CAO; detailed ATP; corrective action plan; quarterly on-site technical review; regular quarterly allocation.
- Second-Year: Notice to department head and county CAO; detailed ATP; comprehensive corrective action plan; quarterly on-site STC monitoring; retroactive allocation of funds quarterly.
- Third-Year: Deny department participation in the STC Program for one year.

In accordance with STC policies and procedures, the three local agencies and one modified community correctional facility that were found to be out of compliance for FY 2016-17 are required to submit corrective action plans to remedy the problems in the succeeding fiscal year. Each has done so.

Attachments

B-1: FY 2016-17 Program Stats

B-2: FY 2016-17 Compliance Monitoring Findings

B-3: FY 2016-17 Out of Compliance Agencies

B-4: STC Compliance History