

**MEETING DATE:** November 8, 2018

**AGENDA ITEM:** D

**TO:** BSCC Chair and Members

**FROM:** Evonne Garner, Deputy Director, [evonne.garner@bscc.ca.gov](mailto:evonne.garner@bscc.ca.gov)

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

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### **Summary**

Section 318 of Title 15, of the California Code of Regulations directs the BSCC to annually monitor local correctional agency compliance with STC training standards. This agenda item provides program statistics and compliance findings for the Standards and Training for Corrections Division for Fiscal Year 2017-18.

### **Background**

#### Program Statistics for Fiscal Year 2017-18

In Fiscal Year 2017-18, STC had voluntary participation from 161 Sheriffs' 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 D-1 provides data reflecting the number of:

- participating agencies for FY 2017-18
- participating staff by category
- job applicants tested using the 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 2016-17.

#### Compliance Findings for Fiscal Year 2017-18

In accordance with Penal Code section 6035 and Title 15 of the California Code of Regulations, 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 2017-18, 152 agencies were found to be "In Compliance" and nine agencies were "Out of Compliance" with STC training requirements (Attachment D-2).

*In Compliance – (152 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 to determine whether it met the criteria required by policy and adopted by the Board, 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 STC determined, 152 agencies are In Compliance with the policy.

*Out of Compliance – (9 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. Nine agencies were found to be Out of Compliance with the requirements of the STC Program. Seven of those agencies are in their first year of Out of Compliance. Two agencies are in their second consecutive year of Out of Compliance.

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.

Attachment D-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 D-4 provides a compliance history for all participating agencies.

In accordance with STC policies and procedures, the nine local agencies that were found to be out of compliance for FY 2017-18 are required to submit corrective action plans to remedy the problems in the succeeding fiscal year. All have done so, and those plans are responsive to the out-of-compliance finding.

### **Attachments**

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- D-1: FY 2017-18 Program Stats
- D-2: FY 2017-18 Compliance Monitoring Findings
- D-3: FY 2017-18 Out of Compliance Agencies
- D-4: STC Compliance History