

MEETING DATE:**AGENDA ITEM: E****TO:** BSCC Chair and Members**FROM:** Evonne Garner, Deputy Director, evonne.garner@bscc.ca.gov**SUBJECT:** Standards and Training for Corrections Compliance Report and Annual Update: **Information Only**

Summary

Section 318 of Title 15 of the California Code of Regulations directs the BSCC to annually monitor local correctional agency compliance with Standards and Training for Corrections (STC) training standards. This agenda item provides program statistics and compliance findings for the STC Division for Fiscal Year 2019-20.

Background

Beginning in March 2020, training courses across the state were cancelled due to COVID-19. In further response to the pandemic, emergency stay at home orders, social distancing requirements, and other measures were implemented that interrupted operations and prevented in person training. The inability of agencies to train staff in the last quarter of the fiscal year severely impeded agency efforts to comply with STC training requirements. On March 12, 2020, BSCC issued a field memo instructing local corrections agencies that training that was not completed due to COVID-19 would not be considered an out of compliance finding for FY 19-20 (Attachment E-1).

Also due to COVID-19, STC conducted virtual compliance reviews. The method of the review was dependent upon the electronic capabilities of each agency. For most agencies, the review consisted of a video or telephone interview and the review of electronic training records or a visual inspection of those records through a video call. Per the March 12, 2020 direction, any training non-compliance issue due to COVID-19 was identified as a mitigating circumstance and did not result in an out-of-compliance finding. Across the state, there were 64 staff who did not receive required core training in FY 19/20 due to COVID-19 and 2,826 staff who may have received some but not all required annual training hours (Attachment E-2). In total, slightly fewer than 9% of corrections staff did not fully comply with STC training standards as a direct result of COVID-19.

Agencies that were unable to comply with STC training standards due to COVID-19 were required to document the barriers. Additionally, staff that did not complete core training due to COVID were documented so that STC staff can follow up to ensure that they receive the required training when COVID-19 measures allow training to resume. In the meantime, STC is encouraging and agencies are seeking alternative ways to provide job training to their staff. Some agencies have their own training departments and their county orders have allowed them to resume limited training. Others are relying more heavily on computer-based training and STC is maintaining a list of certified courses for agency reference. Still others are using

on the job training modules and delivering training on site. The barriers and available solutions are unique to each agency and county and STC is working closely with participating agencies to assist them.

Program Statistics for Fiscal Year 2019-20

In Fiscal Year 2019-20, 157 Sheriff's Offices, Departments of Corrections, Probation Departments and Police Departments participated in the STC program. The total also includes four modified community correctional facilities that STC supports under a contract with CDCR.

Participation in the program is voluntary. Agencies that choose to participate in the program receive access to selection and training standards that have been validated for correctional classifications, technical assistance and training to support their training programs, and funding to offset the costs of meeting the STC standards.

Attachment E-3 provides data reflecting the number of:

- participating agencies for FY 2019-20
- 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 2018-19.

Compliance Findings for Fiscal Year 2019-20

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, the program regulations, and the law. Of the 157 agencies that participated in the STC Program in 2019-20, 155 agencies were found to be "In Compliance" and two agencies were "Out of Compliance" with STC training requirements (Attachment E-4).

In Compliance – 155 agencies

An agency is "in compliance" when it has met 100 percent of its training obligation, or if mitigating circumstances were identified that prevented an agency from meeting its training obligation – including inability to train due to COVID-19. 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 training courses.

As a result of this review, 155 agencies are in compliance with the policy.

Out of Compliance – 2 agencies

An agency is "out of compliance" when it has not met 100 percent of its training obligation and does not have an approved mitigating circumstance. Two agencies were found to be out of compliance with the requirements of the STC Program. Both of those agencies are in their first year of out-of-compliance status. (Attachment E-5)

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 administrative officer (CAO); detailed Annual Training Plan; corrective action plan; quarterly on-site technical review; regular quarterly allocation.
- Second Year: Notice to department head and county CAO; detailed Annual Training Plan; 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-5 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 E-6 provides a compliance history for all participating agencies.

All agencies found to be out of compliance for FY 2019-20 have submitted responsive corrective actions plans, as required by the STC, to remedy the deficiencies in the subsequent fiscal year.

Recommendation/Action Needed

This is an information item and does not require Board action.

Attachments

- E-1: BSCC Memo to Field
- E-2: COVID-19 Counts
- E-3: FY 2019-20 Program Stats
- E-4: FY 2019-20 Compliance Monitoring Findings
- E-5: FY 2019-20 Out of Compliance Agencies
- E-6: STC Compliance History