

**DATE:** November 12, 2015 **AGENDA ITEM:** F

**TO:** BSCC Chair and Members

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

**SUBJECT:** Presentation of the Standards and Training for Corrections Annual Report:  
**Information Only**

## Summary

This agenda item provides the annual report for the Standards and Training for Corrections (STC) Division for Fiscal Year 2014/2015 including compliance findings.

## 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 (BSCC) is responsible for the development and implementation of selection and training standards for corrections personnel employed in local corrections agencies. The STC Division has carried out these responsibilities on the Board's behalf since 1980.

## Program Activities

This annual report provides information about the status of STC's Program Improvement Project, program statistics, and compliance findings for Fiscal Year 2014/2015.

### STC Program Improvement Project

Beginning in Fiscal Year 2012/13, the STC Division began a comprehensive long-term program-improvement project to determine how the STC program could best meet the needs of local corrections agency, particularly as impacted by the implementation of Public Safety Realignment. The project consists of four phases:

- Phase 1: Program Policy and Regulation Revision
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| { | Phase 2: Job Research and Analysis                 | } | <i>Local Selection and Training Standards Project</i> |
|   | Phase 3: Selection and Training Standards Revision |   |   |
- Phase 4: Learning Management System (LMS) Implementation

Phase 1 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 in 2013 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 was completed earlier this year. It 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 and as a result of Realignment. The purpose of the analysis was to identify the tasks performed by these jobs and the knowledge, skills and abilities required to successfully perform those tasks as a 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 is the revision of the selection and training standards for corrections personnel to reflect the needs of the job as identified in Phase 2. Together, Phases 2 and 3 form the Local Selection and Training Standards (LSATS) Project, a sub-project of the larger Program Improvement Project. Phase 3 was initiated in April 2015 with the formation of an Executive Steering Committee chaired by Board Member and Probation Chief Michael Ertola. The ESC met in August 2015 and reviewed 14 selection and training standards. The ESC referred 11 of those standards to workgroups of practitioners and experts for further analysis and determined that three standards did not need revision. The ESC then prioritized the standards to be reviewed by workgroups and set the highest priority for the entry-level training standards and testing and the entry-level selection. Workgroups are currently being formed to begin further analysis of those issues and to develop recommendations for revisions to those standards. Due to the complexity and scope of work being conducted under this phase, it is not expected to be fully completed until the end of 2017; however, revised standards will be implemented on a flow basis as they are completed.

Phase 4 is the design and implementation of a statewide 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 of 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 turned on in phases. The course certification feature will be turned on by the end of the year, with full functionality anticipated by June 2016.

#### Program Statistics for Fiscal Year 2014-15

In Fiscal Year 2014/15 there were 156 participating Sheriff's Offices, Departments of Corrections, Probation Departments and Police Departments. This is the same total number as last year and includes the addition of Bell Gardens Police Department and the withdrawal of Costa Mesa Police Department. The number of personnel covered by the STC program increased slightly again this year for the fourth consecutive year.

Attachment F-1 provides data reflecting the number of:

- participating agencies for FY 2013/2014
- 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 2013/2014.

### Compliance Findings for Fiscal Year 2014-15

In accordance with section 6035 of the Penal Code and Section 318 of the California Code of Regulations, STC is required to monitor participating agencies' adherence to standards and compliance with policies and procedures of the STC Program annually. The purpose of this compliance-monitoring process is to assure that each agency operates in accordance with its approved and funded Annual Training Plan (ATP), the program regulations, and the law. During FY 2014/2015, 156 agencies participated in the STC Program. In total, 148 agencies were found to be In Compliance, and eight agencies were Out of Compliance in accordance with their ATPs and the STC regulations, policies, and procedures (Attachment F-2).

#### *In Compliance*

In Compliance is determined when an agency has met its training obligation 100 percent, or if mitigating circumstances were identified that prevented an agency from meeting its training obligation. Each training file with a mitigating circumstance was evaluated on a case-by-case basis as required by the BSCC policy. The impacted agencies provided information regarding the reasons why staff were not in full compliance with standards and described the actions they took to correct the problem. Staff then identified whether the agency was In Compliance by applying the policy adopted by the BSCC 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, 148 agencies are recommended for In Compliance consideration under the policy.

### *Out of Compliance*

Out of Compliance is determined when an agency has not met its training obligation 100 percent and does not have an approved mitigating circumstance for that failure. Eight 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. One agency is in a second consecutive year of Out of Compliance.

Attachment F-3 contains a listing 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 F-4 provides a compliance history for all participating agencies. The fiscal years of 2003/2004-2005/2006 involved a period of no funding to the agencies, and annual reviews were conducted for that period by reporting the percentage of total staff that met training standards.

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 on a quarterly basis if the department is in compliance with their approved training plan.
- Third-Year: Deny department participation in the STC Program for one year.

In accordance with STC policies and procedures, the 8 local agencies that were found to be out of compliance for FY 2014/2015 are required to submit corrective action plans to remedy the problems in the succeeding fiscal year. All have done so.

### **Recommendation/Action Needed**

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None. This is an information item only.

### **Attachments**

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F-1: Participating Departments

F-2: FY 2014-2015 Compliance Monitoring Findings

F-3: Out of Compliance Departments FY 2014-15

F-4: STC Compliance History