

TO: BSCC Chair and Members **DATE:** November 13, 2014
SUBJECT: FY 2013/2014 STC Program Status **AGENDA ITEM:** L
Report and Compliance Monitoring
RESOURCE Evonne Garner **ACTION:**
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Summary:

This agenda item reports the Standards and Training for Corrections (STC) Division activities and statistics for Fiscal Year 2013/2014 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 personnel employed in local corrections agencies. The STC Division has carried out these responsibilities on the Board's behalf since 1980.

Discussion:

In Fiscal Year 2012/2013, the STC Division completed a comprehensive assessment of its regulations, policies and procedures to determine how the program could best meet the training needs of local corrections agencies. Under the direction of an Executive Steering Committee, informed by a stakeholder survey, and approved by the Board, numerous policy changes, regulation revisions, and program improvement strategies were adopted. In Fiscal Year 2013/2014 the STC Division focused on implementing the short-term changes and began work on the longer term strategies of revising the program standards, streamlining records and processes through a Learning Management System (LMS), and expanding the technical assistance, training and consulting services offered to local agencies.

In Fiscal Year 2013/2014, the STC Division provided increased technical assistance and training to support agencies as they implemented the policy and regulation changes approved by the Board. In response to an increased demand, the STC Division delivered 12 Instructor Development and 25 Lesson Plan Development courses to local agencies to improve their training design and delivery, nearly tripling the number of courses delivered in the previous year.

In 2013/2014, the STC Division continued working on the Local Selection and Training Standards Project which includes the following:

- **Job Analysis** – An analysis of the Adult Corrections Officer, Juvenile Corrections Officer and Probation Officer jobs to determine how they have changed over time and as a result of Realignment. The analysis will define the tasks that are performed by these positions and the knowledge, skills and abilities that are necessary for successful job performance. The job analysis will serve as the foundation for subsequent changes to selection and training standards.
- **How the Jobs Have Changed** – This study will focus on how the ACO, JCO and PO jobs, as well as the supervisory and managerial jobs for those positions, have changed since

Realignment. This study provides the ability to identify the training needs associated with Realignment.

- **Agency Specific Job Analysis Results** – Each agency that participates in the job analysis questionnaire will receive a report that compares its agency’s responses with the statewide findings as a tool for identifying agency specific training needs.
- **Interim Training Needs** – Interim training guidelines will be developed to meet the immediate training needs of Realignment while the core curriculum is updated.
- **Updated Core Training** – The core training curriculum and requirements for the ACO, JCO, PO, Supervisory and Manager jobs will be updated to reflect the findings of the job analysis.
- **Updated Selection Examination** – A single and updated entry-level written selection examination will be developed for the ACO, JCO and PO positions.

The STC program made significant progress in 2013/2014 on the job analysis and study of how the jobs of entry level corrections professionals have changed since the last analysis was conducted more than 12 years ago. Several workgroup meetings were held with administrators, supervisors, and job incumbents to identify areas of change, the tasks that are performed, and the knowledge, skills and abilities required for successful job performance. That data was compiled into a questionnaire that was completed by 4,750 staff from 150 Sheriff, Probation and Police agencies statewide – an amazing 80 percent rate of return.

In the current fiscal year, the STC program has held additional workgroups to review the survey results, link the tasks to the required knowledge and skills, and provide clarification on areas of significant change in the job. The final job analysis report, the study of how the job has changed, and the agency specific reports will be finalized by the end of December 2014. In February 2015 the STC Program will request the convening of an Executive Steering Committee to begin the standards revision process.

Program Statistics

In Fiscal Year 2013/14 there were 156 participating Sheriff’s Offices, Departments of Corrections, Probation Departments and Police Departments. This is three fewer than the previous year due to the withdrawals of one Police Department, the removal of one remaining Community Correctional Facility due to the contract with CDCR not being renewed, and the absorption of the Yuba/Sutter Juvenile Hall within the Yuba Probation Department. Although the number of participating agencies decreased, the number of personnel covered by the STC program increased slightly.

Attachment A 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

These tables also provide comparative data for FY 2012/2013.

Compliance Findings

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 on an annual basis. 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 2013/2014, 156 agencies participated in the STC Program. In total 145 agencies were found to be In Compliance and 11 agencies were Out of Compliance in accordance with their ATPs and the STC regulations, policies, and procedures (Attachment B).

These findings reflect new compliance categories that were approved by the Board last year. Beginning in Fiscal Year 2013/2014 the previous categories of Full Compliance and Substantial Compliance were combined into a single category of In Compliance. The criteria that were considered in determining a finding of Substantial Compliance are now included in determining a finding of In Compliance.

In Compliance

In Compliance is determined when an agency has met its training obligation 100 percent, or 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 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 six 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 or core courses.

As a result of this review, 145 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. Eleven agencies were

found to be Out of Compliance with the requirements of the STC Program. All of those agencies are in their first year of Out of Compliance.

Attachment C 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 D 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 eleven local agencies that were found to be out of compliance for FY 2013/2014 are required to submit corrective action plans to remedy the problems in the succeeding fiscal year. All have done so.

Recommendation/Action Needed:

1. None. This is an information item only.

Attachments:

- A. List of Participating Departments
- B. FY 2013-2014 Compliance Monitoring Findings
- C. List of Out of Compliance Departments
- D. STC Compliance History