

TO:	Chair and Members	DATE:	November 14, 2013
SUBJECT:	FY 2012/2013 STC Program Status Report and Compliance Monitoring	AGENDA ITEM:	M
RESOURCE PERSON:	Evonne Garner	ACTION: INFORMATION:	X

Summary:

This agenda item reports the Standards and Training for Corrections (STC) Program activities and statistics for fiscal year (FY) 2012/2013. It also requests approval of the compliance findings for 2012/2013 and new reporting categories beginning fiscal year 2013/14.

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 Program has carried out these responsibilities on the Board’s behalf since 1980

Discussion:

In Fiscal Year 2012/2013 the STC program 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.

Additionally, this year the STC Division began the Local Selection and Training Standards Project. This project spans two years and includes:

- **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.
- **Report - 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.
- **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 and PO 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.

Program Statistics

In Fiscal Year 2012/13 there were 159 participating Sheriff’s Offices, Probation Departments and Police Departments. This is five less than the previous year due to the withdrawals of four Police Departments due to closures or privatization 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 by 3.5% to 33,145

Attachment A provides data reflecting the number of:

- participating agencies for FY 2012/2013
- 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 2011/2012.

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 2012/2013, 159 agencies participated in the STC Program. Of those participating agencies, 158 are local agencies and one is a Community Corrections Facility (CCF) under contract to the California Department of Corrections and Rehabilitation (CDCR). In total, 78 agencies were found to be in Full Compliance, 75 were in Substantial Compliance, and 6 agencies were Out of Compliance in accordance with their ATPs and the STC regulations, policies, and procedures (Attachment B). That figure is split by local agencies and CCFs in the table below:

	Full Compliance	Substantial Compliance	Out of Compliance	TOTAL AGENCIES
Local Agencies	77	75	6	158
CCFs	1	0	0	1
TOTAL	78	75	6	159

CCFs are reviewed annually based on their contractual agreement with the CDCR. These facilities are not eligible for funding but are required to adhere to the selection and training standards established by the BSCC.

Full Compliance

Full Compliance is determined when an agency has met its training obligation 100 percent. STC policy does not require the BSCC Board to approve findings of Full Compliance. Seventy-eight agencies were found in Full Compliance.

Substantial Compliance

Substantial Compliance is determined when an agency has not met its training obligation 100 percent but mitigating circumstances have been identified. STC policy requires that the BSCC Board approve all findings of Substantial Compliance.

Each training file with a compliance issue 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 Substantial Compliance by applying the policy adopted by the CSA Board for Substantial Compliance, which states:

If an agency fails to meet full compliance with training and selection standards it may be found in substantial compliance based on the following criteria:

1. an employee's significant unanticipated leave at the end of the fiscal training year made it impractical to complete the required training;
2. an employee was absent from work for six months or more within the fiscal training year;
3. a personnel problem involving an employee but the participating agency has taken positive steps to correct the problem;
4. an innocent error (e.g., record keeping error, clerical error, computer data-entry error, etc.); or,
5. 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's exercising due diligence in the management and oversight of the training program.

In addition to the above criteria, other unforeseen or extraordinary circumstances can be considered such as the cancellation or non availability of core courses.

As a result of this review, 75 agencies are recommended for Substantial 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. STC policy does not require the BSCC Board to approve findings of Out of Compliance.

Six agencies were found to be Out of Compliance with the requirements of the STC Program. All of those agencies are in their first consecutive 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 an illustrative overview of 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 six local agencies that were found to be out of compliance for FY 2012/2013 are required to submit corrective action plans to remedy the problems in the succeeding fiscal year. All have done so.

New Reporting Categories Beginning FY 2014/15

Beginning in Fiscal Year 2014/2015 the STC program recommends that the categories of Full Compliance and Substantial Compliance be combined into a single category of In Compliance. The criteria that are currently considered in determining a finding of Substantial Compliance would be included in determining a finding of In Compliance.

The separate categories result in the perception that Full Compliance is somehow better than Substantial Compliance when in fact they both reflect the same thing – the Department has exercised due diligence in obtaining the required training for their staff and their training obligation has been reasonably met. In practice, the designation Full Compliance is a difficult one to reach for medium to large agencies due to the number of personnel. This change would level the playing field for all participating agencies.

Recommendation/Action Needed:

1. Staff recommends that the Board approve those agencies listed on Attachment B in Substantial Compliance as having met the Board's criteria for successful participation in the Standards and Training for Corrections Program.
2. Staff recommends that the Board approve the compliance categories of In Compliance and Out of Compliance beginning in fiscal year 2013/2014.