

MEETING DATE: November 17, 2022

AGENDA ITEM: G

TO: BSCC Chair and Members

FROM: Colleen Curtin, Deputy Director, colleen.curtin@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 the Standards and Training for Corrections (STC) Program. This agenda item provides compliance findings and program information for the STC Division for Fiscal Year 2021-22.

Background

The COVID-19 pandemic continued to impact training efforts during Fiscal Year 2021-22, though to a lesser degree than the previous two years. Over the course of the past two years, many STC training providers converted classroom courses to web-based platforms, offering live, virtual, instructor-led training. Agencies relied heavily on the new virtual training, and also took greater advantage of those providers that already offered self-paced online training, such as the National Institute for Corrections. For courses that could not be effectively delivered in a virtual setting, providers put into place safety precautions, such as vaccine and/or testing requirements and smaller class sizes.

Though there were many online options available for continuing training, known as *annual* training, this past year, those options were not as readily available for the initial officer training, known as *core* training. Due to the length and complexity of the STC core training programs, which are several weeks long and include many hands-on modules and behavioral skills demonstrations, virtual delivery can be difficult. And in-person training continued to be a challenge. STC saw agencies prohibited from traveling due to county-imposed travel restrictions, reduced in-person classroom capacity, cancelled classes due to illness and COVID-19 outbreaks at the jails. As a result, STC considered COVID-19 as a mitigating circumstance in most cases where agencies were unable to send newly hired staff to a core academy within one year of assignment.

On a positive note, one of STC's training providers, Yuba College, worked closely with STC to convert its Probation Officer core academy into a "hybrid" model. Within this model, three weeks of the course content is delivered in a computer-based virtual platform and the remaining one week—content that requires hands-on demonstration, such as defensive tactics—is delivered in-person. Offering this course in a hybrid format, where students can attend most of the training from their desks and not have to travel back and forth or stay in a hotel, keeps people at home and reduces the costs associated with travel and per diem. The hybrid Probation Officer core launched in Spring 2022 and 32 students from 28 probation

departments took advantage of the course in FY 2021-22, with an additional 32 students and four probation departments enrolled so far this year. Yuba College also offers the 80-hour Supervisor core academy in a 100 percent computer-based format. Since the launch of that course, 23 students from eleven probation departments and seven sheriffs' departments enrolled students in FY 2021-22, with an additional 16 students, six probation departments and one sheriff's department enrolled so far this year. The 80-hour Manager core academy is also offered in a 100 percent virtual format. There is a great demand for both the hybrid and online core training modules and STC will continue to work with its providers to expand those options.

While COVID-19 continued to impact the training efforts of local corrections agencies, STC training providers worked hard to minimize that impact. Many agencies have their own training departments and their county policies have allowed them to resume in-person training. Other agencies are relying more heavily on virtual 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 STC is working closely with participating agencies to assist them.

Program Statistics for Fiscal Year 2021-22

In Fiscal Year 2021-22, 150 Sheriff's Offices, Departments of Corrections, Probation Departments and Police Departments participated in the STC Program.

Participation in the STC program is voluntary. Agencies that choose to participate in the program receive access to selection exams that have been validated for correctional classifications and technical assistance to support their training programs. STC administers \$20.9 million annually for participating agencies to offset the cost of meeting STC standards.

Attachment G-1 provides data reflecting the number of:

- STC participating agencies for FY 2021-22;
- STC participating staff by job classification;
- Job applicants tested using BSCC's selection examinations by position;
- STC training hours by type of training; and
- STC staff training hours received by job classification.

These tables also provide comparative data for FY 2020-21.

Compliance Findings for Fiscal Year 2021-22

In accordance with Penal Code section 6035 and section 318 of Title 15 of the California Code of Regulations, 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.

Due to COVID-related travel restrictions, for the past two years STC conducted most of its compliance reviews virtually. This year, almost all STC compliance visits were conducted in person, at the agency.

Across the state, there were 12 staff who did not receive the required core training within one year of assignment and were found to be out of compliance and 120 staff who did not receive all of their required annual training and were found to be out of compliance. That represents less than one percent of local corrections personnel statewide who did not comply with STC policy. There were an additional 47 in the core category that claimed COVID exemptions, down from 60 claimed last year. In the annual training category, COVID exemptions decreased from 2,800 to zero. These low numbers reflect the successful innovations that have been adopted to make training more available despite the continuing effects of the pandemic. (Attachment G-2).

Agencies that were unable to comply with STC training standards due to COVID-19 are required to document the staff that did not complete core training as well as the barriers they encountered. In the current year review, STC also followed up on core training exemptions granted during last year's review. Because there were many more online training options available, agencies could not assert COVID-19 as a mitigating factor for training non-compliance except in limited circumstances. For 2022-2023, STC will not accept COVID-19 as a mitigating circumstance for training non-compliance except in extraordinary cases.

Of the 150 agencies that participated in the STC Program in 2021-22, 136 agencies were found to be "In Compliance" and 14 agencies were found to be "Out of Compliance" with STC training requirements (Attachment G-3).

In Compliance: 136 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 made 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 unavailability of training courses.

STC's annual review found 136 agencies to be in compliance with the policy.

Out of Compliance: 14 agencies

An agency is "out of compliance" when it has not met 100 percent of its training obligation and does not meet the criteria for an approved mitigating circumstance. Fourteen agencies were found to be out of compliance with the requirements of the STC Program. Thirteen of those agencies are in their first year of non-compliance status and one agency is out of compliance for a second consecutive year.

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) or city manager; detailed Annual Training Plan; corrective action plan; quarterly on-site technical review; regular quarterly allocation.
- Second Year: Notice to department head and county CAO or city manager; 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 G-4 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 G-5 provides a compliance history for all participating agencies.

All agencies found to be out of compliance for FY 2021-22 have submitted responsive corrective actions plans, as required by the STC, to remedy the deficiencies in the subsequent fiscal year.

STC Activities in the Field

In addition to monitoring local corrections agencies for compliance with training requirements, STC Field Representatives perform the following functions throughout the year:

- certify courses submitted by local agencies and providers;
- sit in and monitor STC-certified courses to ensure they meet STC standards; and
- provide technical assistance to agencies struggling to meet STC requirements.

STC also offers two in-house certified training courses: A Training Managers' Course (TMC) and an Instructor Development Course (IDC). The TMC is a two-day course offered at least four times per year, to new training managers and their staff, to familiarize them with STC policies and procedures, their agency's roles and responsibilities as a participant in the STC program, and funding, reimbursement and course certification processes. STC offered this course over Zoom the past two years but will now offer the course in both a virtual and in-person setting in the coming year. The IDC was suspended during the pandemic because it relies on role play, student/instructor interaction and small group exercises and therefore is not a course that can be taught effectively in a virtual setting. Prior to the end of FY 2021/22, however, STC relaunched the course and will now offer it up to eight times per year, as there is always a high demand for it among STC participating agencies.

Recommendation/Action Needed

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

Attachments

- G-1: FY 2021-22 STC Program Statistics
- G-2: COVID-19 Exemption Counts
- G-3: FY 2021-22 Compliance Monitoring Findings
- G-4: FY 2022-22 Out of Compliance Agencies
- G-5: STC Compliance History