

MEETING DATE: November 18, 2021

AGENDA ITEM: I

TO: BSCC Chair and Members

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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 compliance findings and program information for the STC Division for Fiscal Year 2020-21.

Background

From July 2020 through June 2021, the STC program continued to grapple with the effects of the COVID-19 pandemic on training. Travel was cancelled or limited, in person classroom capacity was reduced, classes were cancelled due to illness, and employee attendance was cancelled due to illness. As a result, agencies often struggled to deliver required training to their staff. As the pandemic wore on, practices and solutions began to be implemented to address those challenges and make training more available. Training providers began to pivot, offering more web-based training and putting in place safety precautions for courses that are most effectively delivered in person. Web-based delivery isn't widely available for most of the STC core training programs due to the size and complexity of the required training but work currently is being done to convert some of the core training to a hybrid delivery system where some content is web-based and other content is in person. The 80-hour Supervisor core has been converted and is currently available as a 100% computer-based option.

Hiring new employees has also been a challenge for agencies, especially delivering the written selection exam. The exam was designed for an in-person and proctored setting. This became very difficult for agencies during the pandemic and an option has recently been developed to allow online proctoring of the exam. This protects the integrity of the exam through live proctoring while offering candidates the ability to take it from their home, local library, or alternate location.

While COVID-19 continues to impact the selection and training efforts of local corrections agencies, there are many innovations being implemented to minimize those effects. Some agencies have their own training departments and their county policies 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 2020-21, 152 Sheriff's Offices, Departments of Corrections, Probation Departments and Police Departments participated in the STC program.

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. Additionally, the STC program administers \$20.9 million annually for participating agencies to offset their costs of meeting the STC standards.

Attachment I-1 provides data reflecting the number of:

- participating agencies for FY 2020-21
- 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 2019-20.

Compliance Findings for Fiscal Year 2020-21

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.

On March 12, 2020, BSCC issued a field memo informing local corrections agencies that training that was not completed due to COVID-19 would not be considered an out-of-compliance finding (Attachment I-2). That field memo is still active. Also due to COVID-19, STC conducted most of the compliance reviews virtually. Virtual compliance reviews 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. In some cases, in-person compliance reviews were conducted. The method of the review was dependent upon the electronic capabilities of each agency and the complexity of the review.

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 188 staff who did not receive required core training due to COVID-19 and 522 staff who did not receive required annual training. That represents less than 2 percent of corrections personnel statewide who did not receive required training due

to COVID-19. These low numbers reflect the successful innovations that have been adopted to make training more available despite the continuing effects of COVID-19.

Agencies that were unable to comply with STC training standards due to COVID-19 are required to document their barriers. Additionally, staff that did not complete core training due to COVID are documented. In the current year review, STC followed up on core training exemptions granted during last year's review.

Of the 152 agencies that participated in the STC Program in 2020-21, 148 agencies were found to be "In Compliance" and four agencies were "Out of Compliance" with STC training requirements (Attachment I-4).

In Compliance – 148 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 unavailability of training courses.

As a result of this review, 148 agencies are in compliance with the policy.

Out of Compliance – 4 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. Four agencies were found to be out of compliance with the requirements of the STC Program. Three of those agencies are in their first year of out-of-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); 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 I-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 I-6 provides a compliance history for all participating agencies.

All agencies found to be out of compliance for FY 2020-21 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

- I-1: FY 2020-21 Program Statistics
- I-2: BSCC Memo to Field
- I-3: COVID-19 Exemption Counts
- I-4: FY 2020-21 Compliance Monitoring Findings
- I-5: FY 2020-21 Out of Compliance Agencies
- I-6: STC Compliance History