



CPOST COMMISSION MEETING

ADVANCED LEARNING INSTITUTE
10000 GOETHE RD. SUITE A1, SACRAMENTO, CA 95827
Room 106 (Timber Creek)

AGENDA

October 17, 2019
10:00 a.m. – 3:00 p.m.

Teleconference Call-in Number: (916) 490-4379
Collaboration Code: 734992

COMMISSION MEMBERS

Robert Calderon, OPOS Correctional Administrator
Heather Bowlds, DJJ Director (A)
Connie Gipson, DAI Director
Brian Pinneo, CHCF Correctional Lt.
Josh Eustice, CDCR Parole Agent I
Harold Gee, CMC Correctional Officer

ALTERNATE MEMBERS

Jason Lowe, CTC Administrator
Teresa Perez, DJJ Associate Director
Tim Sheldon, KVSP Correctional Lt.

EXECUTIVE DIRECTOR

Annemarie Del Mugnaio

Agenda item VI.B/VI.C/VI.D/VI.E./ and VI.F taken out of order

I. CALL TO ORDER

A. Del Mugnaio

Executive Director, Annemarie Del Mugnaio called the meeting to order at 10:17AM.

II. Introductions

A. Del Mugnaio

ED Del Mugnaio conducted a roll call for attendance. All Commissioner and Alternates were present with the exception of Commissioner Gipson. Alternate Lowe will serve in Commissioner Gipson's seat. Alternate Commissioner Perez is also not present.

The audience introduced themselves on a voluntary basis.

III. PUBLIC COMMENT

No public comments.

IV. MEETING MINUTES

A. Del Mugnaio

ED Annemarie Del Mugnaio asked the Commissioners to review the meeting minutes from August meeting and noted that the meeting minutes for the September Strategic Planning Meeting will be presented at the December meeting. Commissioner Calderon

motioned to approve the August meeting minutes, Commissioner Lowe seconded the motion. A roll call vote was taken, all in favor, motion carries 6-0.

V. OLD BUSINESS

A. Apprenticeship Update

R. DeFehr

Staff Services Manager I Robin DeFehr gave an update on the statewide Apprenticeship Program (AP). The LAS compliance stands at 95%, 90%, and 95% for May, June and July respectively.

The Apprenticeship Coordinator's Office (ACO) quarterly audit for quarter 2 was sent out with 93 issues noted, 22 left to resolve. Quarter 3 ACO audit will go out this month. A steady decrease in open issues is being noted.

Apprenticeship Completion Evaluation results for January, February, and May of 2019 have been presented for Commission review. After sending out the reminder emails, the respondent numbers doubled and the ACO will continue to send the reminders.

The ACO Outreach visit scheduled for High Desert State Prison (HDSP) was cancelled and will be rescheduled when possible. There is an outreach visit scheduled for Sierra Conservation Center (SCC) on 10/23/2019.

The following classification audits were reported:

- CCI Quarterly audit- 94 appointments between 5/1 and 8/31. 24 open issues were noted
- DJJ Parole Agent I audit- 2 left to process from the 2018 audit and the 2019 audit has begun with results to be reported in December
- DJJ Casework Specialist audit has 1 open issue
- Fire Captain audit has been completed and all records are resolved
- Parole Agent I audit has launched with 1230 active PAI (s), 75% have been completed with 62 open records noted. Final audit results will be presented at the December meeting

The ACO has begun to draft a new Standards Package due to recent changes in Memorandum of Understanding (MOU) language and the elimination of the Medical Technician Assistant (MTA) classification. The ACO has sought recommendations for work process category updates. The ACO will visit all areas of the AP and all associated documents for the need of revision. The ACO intends to review and provide recommendation regarding the Operational Procedures to be presented at the December meeting. The goal is to submit the revised Standards Package in early 2020.

Implementation of the revised DAS 103 – is going smoothly with just general questions.

The ACO has reached out to Pelican Bay State Prison (PBSP) and Central California Women's Facility (CCWF) to garner recommendations on developing a statewide process for probationary reports to ensure consistent facilitation of probationary evaluations regardless of the number of apprentices.

The ACO received a box of 104s from the early 2000s and most appear to be unprocessed, from the timeframe of the 2014 records purge. The ACO will compile lists of the records corrections and continue to report the progress.

SSM I DeFehr gave a brief update on the Apprenticeship Evaluation Program (AEP) pilot. California Health Care Facility (CHCF) just certified eight new mentors certified on October 14 bringing the total to 45 certified mentors. Kern Valley State Prison (KVSP) has twenty additional mentors to be vetted and trained in November, bringing their total to 74 certified mentors. The focus for staff is on gathering data and finding the measurable outcomes to the mentoring program.

i. Additional Experience - Apprenticeship

R. DeFehr

SSM I Robin DeFehr presented an Issue Paper outlining a request for clarification from the field on the Additional Experience category tasks associated with the Apprenticeship Program. Recently, the Southern Regional Training Officer for the Division of Adult Parole Operations (DAPO) asked for ACO input on a Parole Agent I (PAI) apprentice documenting time spent at table negotiations as additional experience. The supervisor questioned whether the time should be counted as part of the AP since it was not on post.

Ms. DeFehr presented examples from classification job tasks that support the documentation of time at the table for negotiations as an additional experience category and recommended that the Commission issue a directive to clarify the limitations of serving as a Subject Matter Expert in this, or any, manner.

Commissioner Pinneo raised the question will there be a limit on the amount of time allocated to additional experience? Ms. DeFehr agreed that apprentices shouldn't be pulled away from their post for a period of time. Commissioner Eustice made the recommendation that 160 hours be the maximum and anything that exceeds the maximum would be subject to CPOST review. Ms. DeFehr commented that this type of issue will be addressed in the operational procedures in December.

Commissioner Bowlds motioned to approve the recommendations outlined in the issue paper with the suggested limitation verbiage. Commissioner Eustice seconded the motion. A roll call vote was taken, all in favor, motion carries 6-0.

Verbiage on additional experience limitations will be included in the Apprenticeship Operational Procedure revisions presented at the December

Commission meeting. All classification job task pamphlets will be updated accordingly.

B. CPS HR Project Update

J. Galvin

Associate Governmental Program Analyst (AGPA), Janette Galvin provided an update on Phase II including DAPO Parole Agents, DDJ Parole Agent, DJJ Casework Specialist, and Correctional Counselor Classifications. Surveys are scheduled to be sent out October 28th to all classifications. ED Del Mugnaio suggested that the joint memorandum issued during Phase I be used again to notice the classifications of the survey and the intention of the project.

AGPA Galvin updated the Commission on the intent to move forward with Phase III of the CPS HR Job Validation Study for Fire Chiefs and Fire Captains.

i. Adoption of Final Reports

Commissioner Gee motioned to approve the CO Job Validation Study, Commissioner Bowlds seconded the motion. A roll call vote was taken, all in favor, motion carries 6-0.

Commissioner Bowlds motioned to approve the YCO Job Study, Commissioner Calderon seconded the motion. A roll call vote was taken, all in favor, motion carries 6-0.

Commissioner Bowlds motioned to approve the YCC Job Study, Commissioner Gee Seconded the motion. A roll call vote taken, all in favor, motion carries 6-0.

C. 2020 Penal Code Legislative Amendments

A. Del Mugnaio

ED Del Mugnaio provided an overview of the Penal Code Legislative Amendments as drafted and presented at the September Strategic Planning Meeting. ED Del Mugnaio provided an update of the meeting between Labor and CPOST and the amendments stemming from the meeting.

The suggested verbiage is noted and agreed on by the Commission. Commissioner Eustice motioned to accept the 2020 Penal Code Legislative Amendments, as amended from discussion. Commissioner Calderon seconded the motion. A roll call vote was taken, all in favor, motion carries 6-0.

The drafted amendments will be forward to the Legislative Office for an appropriate vehicle and the verbiage will come back for Commission review.

VI. NEW BUSINESS

A. Draft Training Standards- Parole Agent I

i. Firearms Training N. Tran

Tabled to December

ii. Arrest and Control N. Tran

Tabled to December

iii. Casework Management N. Tran

Tabled to December

B. Courtroom Testimony/ Report Writing Recommendations A. Del Mugnaio

ED Del Mugnaio gave the Commissioners an update on the matter. A meeting was held to develop goals for a workgroup of District Attorneys and Deputy District Attorneys along with training staff for the development of curriculum regarding Courtroom Testimony/Report Writing/Miranda/Preservation of Evidence. The workgroup will meet in December to formulate recommendations on the matter.

C. Apprenticeship Waiver Request Medical Technical Assistant R. DeFehr

SSM I Robin DeFehr presented a request from CCPOA to waive the requirement for participation in the Apprenticeship Program for persons in the Medical Technician Assistant (MTA) classification affected by the elimination of the classification. Applicable policy is presented including 15 CCR § 6020, 8 CCR § 224, and 8 CCR § 208 which were discussed and a consensus on the requested waiver was not reached.

Concerns were raised that adopting a waiver for this instance could potentially undermine the integrity of the apprenticeship program and the need for a period of on-the-job training. Commissioner Eustice discussed the concern that the effected individuals are experiencing through no fault of their own and there needs to be an exception made. Department of Industrial Relations (DIR) representative Eric Elberg gave input that the decision was within CPOST’s authority and scope as program sponsor; but waiving the requirement for any term of apprenticeship would undermine the validity of the program.

Based on the review of the CPOST regulations and feedback from the Department of Industrial Relations (DIR), Division of Apprenticeship Standards, the Apprenticeship Coordinators Office (ACO) has an obligation to uphold an apprenticeship standard

and the Department of Industrial Relations (DIR) regulations which would establish a minimum term of apprenticeship of 6 months.

Chief Legal Counsel, Phillip Reiser, noted that the existing regulations have the force of law and supersede the Title 8 Department of Industrial Relations (DIR) regulations. He noted that further research is needed to establish if CPOST has legal standing to make any exceptions.

It appears that the issue is attempting to keep the employee whole in terms of journeymen pay and other negotiated benefits (seniority/bid rights). While CPOST cannot extend its authority to areas not outlined in the Penal Code, the Commission may vote to *not object to Management/Labor agreements* upon transfer from an eliminated classification, provided the agreement does not violate the minimum apprenticeship standards established by the Department of Industrial Relations (DIR).

The matter will be revisited during a November interim meeting for resolution.

D. Weapons Qualification Standards Research

M. Jones

Retired Annuitant (RA) Marty Jones gave an overview of research on various entities Weapons Qualifications Standards. The qualification requirements vary widely among law enforcement agencies; but the majority of these agencies qualify at least bi-annually. RA Jones also introduced a historical review commissioned by the former CPOST to evaluate the Department's weapons training. This evaluation was dated 2002 and recommended a consistent standard that did not distinguish between armed posts and unarmed posts.

Commissioner Gee noted that Penal Code states the need for quarterly qualification and this should be considered. This section is presented as informational and further updates will be given as more research is collected.

E. Sergeant's Mentoring Program

J. Brown

Lieutenant Jeremy Brown presented an overview of the Sergeant's Mentoring Program and statutory First-line Supervisor Training Mandates. Moving forward the eighty hour mandate will be split into Basic Supervision (40 Hours) and Principles of Supervision (40 Hours). These will be separate trainings that can be scheduled independently from one another.

Sergeants Academy training is in development and scheduled to rollout in early 2020. Sergeants Academy will be a requirement before taking post and will include: Basic Supervision, Sergeant's Academy, and Sergeant's Field Training, totaling three weeks of training followed by a year of mentoring at the home institution.

The program will be utilizing cohort hiring to group and schedule regular cohorts into the Sergeant's Academy training on a quarterly basis to ensure the training occurs before be assigned a post. ED Del Mugnaio noted that there have been some concerns about the on-going need Out-of-Class (OOC) positions to fill the need for Sergeant's in high turnover facilities. Lt. Brown responded that there is currently Sergeants in the appointed role for nearly a year before attending training; so the quarterly schedule would likely shorten the amount of time that individuals serve in an OOC Sergeant role without training.

After the three week training schedules, all new Sergeants will be enrolled into the Correctional Sergeant's Mentorship Program (CSMP). Lt. Brown gave an overview of the Correctional Sergeants Mentorship Program (CSMP) and outlined CPOST's role as part of the approval process for Correctional Sergeants Mentorship Program (CSMP) Mentors. Each sergeant will be in the program for a year. Mentors and coaches will go through a certification. Each mentor will have 5 mentees until the program expands and the ratio may grow as well. The program will begin sometime in the first quarter of 2020.

F. Assembly Bill 392 – Use of Force Policy Training

J. Moeckly

ED Del Mugnaio introduced the matter as a training to inform correctional staff about the impact of AB 392 on the Department's Use of Force policy. Capt. Josh Moeckly and Associate Warden, Dan Ross provided an overview of AB 392 language and the revised Title 15 language. Capt. Moeckly highlighted the most crucial impact on the criteria for use of deadly force, more significantly the removal of the verbiage of "to prevent escape" as a criteria for using deadly force.

A pilot was held with trainers who will be facilitating the training statewide. Capt. Moeckly outlined the revised criteria and key points in the training. He also covered some of the questions and areas of clarification that were raised at the pilot. Further discussion was held on the concerns of clearly outlining the criteria for use of any force. Capt. Moeckly pointed out that the training focuses on the need to articulate the factors leading up to the use of force when writing reports.

ED Del Mugnaio reminded the Commissioners that the policy is driven by legislative change and that impacts the training. Training may need further revision as the application of the revised policy rolls out.

Commissioner Eustice noted a significant concern on the training being too "black and white" when the reality is that the Department has not had a history of supporting officers that have used force. ED Del Mugnaio responded that the Department's reaction to the use of force is not within the scope of CPOST authority and our task today is to take a global policy change and interpret the change

through training. Commissioner Pinneo noted a concern for clarification in the training as well. Further discussion was held on the specific scenarios outlined in the training.

Alternate Commissioner Lowe noted that this change in policy and legislation does not change the inherent gray areas of the decision to use force; however, it will elevate the need to articulate the reasons leading up to the use of force moving forward. Commissioner Lowe compared this policy change to the addition of “imminent threat” in the past and noted the training concerns will be similar.

Training is being rolled out to the field in a one hour block. Two people from each institution as well as a representative from other units requiring the training have been trained. The intention is to have all custody staff trained by the end of December 2019. ED Del Mugnaio suggested collecting data on challenges during the rollout of training. Capt. Moeckly advised that he would institute a dedicated email chain/group to address concerns and the possible need for additional training.

ED Del Mugnaio asked for a vote on the training. Commissioner Eustice asked if the stakeholder group included any Labor representatives and made the recommendation that a Labor representative be included in stakeholder review.

Alternate Commissioner Lowe motioned to approve the training and Commissioner Gee seconded the motion. A roll call vote was taken, all in favor, motion carries 6-0.

Commissioner Eustice motioned that the Use of Force Standard be amended to include a clause for the review and adjustment of training hours if needed. The verbiage is noted and will be forwarded to Capt. Moeckly. Alternate Commissioner Lowe seconded the motion. A roll call vote was taken, all in favor, motion carries 6-0.

G. Exit Survey Questionnaire

A. Del Mugnaio

ED Del Mugnaio presented the draft Exit Survey Questionnaire that will move forward into a DAI/CPOST workgroup for further development. The use of an exit survey has been previously discussed for use in a larger project addressing attrition. Commissioner Gipson had previously suggested widening the scope of the project to include 5 years rather than the two year term of apprenticeship.

The workgroup efforts will come back to the Commission for updates. ED Del Mugnaio thanked Elizabeth Parino for her efforts in developing the exit evaluation and the end of year rollout document.

VII. NEXT MEETING AGENDA ITEMS

- A. CPOST Regulation Review
- B. Out of Class Assignments for Correctional Officers/Correctional Counselors
- C. Apprenticeship Program – Updated Standards Package
- D. 2020 Commission Meeting Schedule
- E. Parole Agent I Draft Standards
- F. Weapons Qualifications Research
- G. MTA Waiver of Apprenticeship

VIII. PUBLIC COMMENT

No public comment at this time.

IX. CLOSED SESSION – APPEALS

The Commission will convene in Closed Session Pursuant to Government Code Section 11126(a)(1), to discuss individual appeals regarding credit earned/granted toward an apprenticeship program.

No closed session appeals were noted at this meeting.

X. ADJOURNMENT

Meeting adjourned at 3:44PM.

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All items are held in public session unless otherwise noted. All items are subject to action by the Commission.

Correctional Peace Officer Standards and Training Commission

Meeting Minutes Approval Approval Alternate Text Page

Meeting Date: 10/17/2019

This page added to original minutes document to reflect scanned image of signature page (Page 11). The information below provides descriptive information for those unable to read or understand the content on Page 11.

/Original document signed and approved by Brian Pinneo, Vice Chairperson,

Commission on Correctional Peace Officer Standards and Training

/Original document signed and approved by Heather Bowlds, Vice Chairperson,

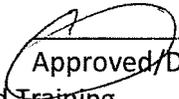
Commission on Correctional Peace Officer Standards and Training

**Correctional Peace Officer Standards and Training
Commission Meeting Minutes Approval**

Meeting Date: 10/17/2019



BRIAN PINNEO, Chairperson
Commission on Correctional Peace Officer Standards and Training
Correctional Lieutenant, California Health Care Facility



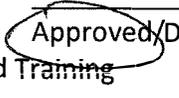
Approved/Disapproved

12-5-19

Date



HEATHER BOWLDS, Vice-Chairperson
Commission on Correctional Peace Officer Standards and Training
Deputy Director, Division of Juvenile Justice



Approved/Disapproved

12-5-19

Date