

OFFICE OF THE INSPECTOR GENERAL

MATTHEW L. CATE, INSPECTOR GENERAL



SPECIAL REVIEW
OF THE
COMMISSION ON CORRECTIONAL PEACE OFFICER
STANDARDS AND TRAINING

MAY 2005

STATE OF CALIFORNIA



May 4, 2005

Roderick Q. Hickman, Secretary
Youth and Adult Correctional Agency
1515 K Street, Suite 520
Sacramento, CA 95814

Dear Secretary Hickman:

Enclosed is the Office of the Inspector General's report on its special review of the Commission on Correctional Peace Officer Standards and Training.

As you know, Senate Bill 737 proposes to abolish the Commission on Correctional Peace Officer Standards and Training and to transfer the commission's responsibilities to a new entity known as the Corrections Standards Authority within a new Department of Corrections and Rehabilitation.

However, the enclosed report makes recommendations to the Youth and Adult Correctional Agency or its successor regardless of whether or not Senate Bill 737 becomes law. Accordingly, we would appreciate your written comments on the report and its recommendations by Wednesday, June 15, 2005.

The Office of the Inspector General appreciates your agency's cooperation during this special review. If you or your staff have any questions, please contact Deputy Inspector General, In-Charge Sam Cochran at (916) 830-3664.


Sincerely,

A handwritten signature in cursive script that reads "Matthew L. Cate".

MATTHEW L. CATE
Inspector General

MC:JL

Enclosure


Arnold Schwarzenegger, Governor



May 4, 2005

Michael Knowles, Chairman
Commission on Correctional Peace Officer Standards and Training
1515 S Street, Suite 207 North
Sacramento, CA 95814

Dear Mr. Knowles:

Enclosed is the Office of the Inspector General's report on its special review of the Commission on Correctional Peace Officer Standards and Training.

As you know, Senate Bill 737 proposes to abolish the Commission on Correctional Peace Officer Standards and Training and to transfer the commission's responsibilities to a new entity known as the Corrections Standards Authority within a new Department of Corrections and Rehabilitation.

Should Governor Schwarzenegger sign Senate Bill 737 into law, there is no need for the commission to respond to this report. However, should the commission continue to exist, please provide my office your written comments on the report and its recommendations by Wednesday, June 15, 2005.

The Office of the Inspector General appreciates the commission's cooperation during this special review. If you have any questions, please contact Deputy Inspector General, John Lassetter at (916) 830-3642.


Sincerely,

A handwritten signature in cursive script that reads "Matthew L. Cate".

MATTHEW L. CATE
Inspector General

MC:JL

Enclosure


Arnold Schwarzenegger, Governor

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EXECUTIVE SUMMARY

This report presents the results of a special review conducted by the Office of the Inspector General on the Commission on Correctional Peace Officer Standards and Training, known informally as C-POST. The purpose of the review was to assess whether the commission has been fulfilling its mission, which is to enhance the training and professionalism of state correctional peace officers by developing and monitoring training and selection standards. The review examined the commission's development of training standards, administration of the Correctional Peace Officer Apprenticeship Program, and other administrative functions.

The Office of the Inspector General found that since its inception in 1998 the Commission on Correctional Peace Officer Standards and Training has made only minimal progress in developing correctional peace officer training standards. The review found that the commission has developed training standards for only 7 of the 27 correctional peace officer classifications for which it is responsible and that it has yet to approve any of the standards that have been developed. The review also found that the apprenticeship program lacks key components essential to an apprenticeship program and is threatened with decertification for non-compliance with state and federal standards.

The review determined that the work of the commission has been hampered by budget cutbacks, lack of funding and personnel within the state's correctional departments for the development of training standards, and a persistent stalemate on the executive board between management and labor representatives. As an example of the latter, every one of the board's six roll-call votes between January 1, 2002 and July 24, 2003 resulted in a 3-3 tie, with labor and management evenly split. At present, the commission's work is at a near-standstill because of a commissioner vacancy and consequent refusal of labor commissioners to attend executive board meetings. As a result of the dispute, the executive board has not met since June 3, 2004 and the commission chairman has cancelled all future meetings because without the labor commissioners, the board lacks a quorum to conduct business.

In June 2004, the Corrections Independent Review Panel recommended that the Commission on Correctional Peace Officer Standards and Training be eliminated. Consistent with that recommendation, the governor has proposed that the commission be abolished and that its funding and functions be redirected to a new Corrections Standards Authority, yet to be established. The proposal is embodied in the governor's correctional reorganization plan, which was approved by the Legislature in April 2005 as an urgency measure and will take effect immediately upon enactment. Accordingly, this report both identifies deficiencies in the present commission and presents recommendations to enhance the development and monitoring of correctional peace officer training and selection standards regardless of the entity responsible for that function.

In summary, the Office of the Inspector General recommends that the administration provide to the state's correctional departments the resources needed for the development of correctional peace officer training standards, as well as the resources required to bring

the Correctional Peace Officer Apprenticeship Program into compliance with state and federal standards.

If the Commission on Correctional Peace Officer Standards and Training is not abolished, the Office of the Inspector General recommends that the administration and the Legislature resolve the commission's voting stalemate by either amending the California Penal Code to end the practice of appointing equal numbers of commissioners from labor and management or establishing an alternative mechanism for breaking voting deadlocks.

Additional recommendations are presented in the body of the report.

INTRODUCTION

This special review of the Commission on Correctional Peace Officer Standards and Training by the Office of the Inspector General was conducted between January 26, 2005 and April 21, 2005. The purpose of the review was to assess whether the commission is fulfilling its mission, which is to enhance the training and professionalism of state correctional peace officers by developing and monitoring training and selection standards. The review was performed pursuant to California Penal Code section 6126, which assigns the Office of the Inspector General responsibility for oversight of the Youth and Adult Correctional Agency and its subordinate entities. Under California Penal Code section 13600, the Commission on Correctional Peace Officer Standards and Training is located within the Youth and Adult Correctional Agency.

BACKGROUND

The mission of the Commission on Correctional Peace Officer Standards and Training is to enhance the training and professionalism of California's state correctional peace officers through the development of sound selection criteria and training standards. The commission received its initial funding in fiscal year 1998-99. California Penal Code sections 13600 through 13603 define the commission's structure, rules, duties, and responsibilities.

The Commission on Correctional Peace Officer Standards and Training is comprised of an executive board and a small commission staff headed by an executive director. The executive board is made up of six commissioners, each of whom are appointed for four-year terms. California Penal Code section 13600 requires that three commissioners represent management and three represent labor. Two of the three management commissioners are appointed by and represent the Department of Corrections and one is appointed by and represents the Department of the Youth Authority. The three labor commissioners are appointed by the governor upon the recommendation of the California Correctional Peace Officers Association. Two of the labor commissioners must be rank-and-file employees and one must be a supervisory employee. An alternate member is appointed for each commissioner to vote in place of the commissioner whenever the commissioner is absent. The commissioner positions are part-time and are not compensated by the commission. Generally, commissioners remain employed by the Department of Corrections or the Department of the Youth Authority and are allowed work time to perform their commissioner duties.

The commission's operating procedures require the executive board to meet at least every other month—six times a year—to vote on agenda items related to commission business, including approval or disapproval of staff recommendations.¹ A quorum consisting of at least two management commissioners and two labor commissioners is required for all executive board actions.

¹ *State of California Commission on Correctional Peace Officer Standards and Training Operating Procedures*, section 1.03A.

The commission appoints the executive director, who is responsible for the commission's daily operations.

The commission's core functions are the following:

- Developing selection and training standards for 27 correctional peace officer classifications of the Department of Corrections and the Department of the Youth Authority.²
- Monitoring the training academies of the Department of Corrections and the Department of the Youth Authority, as well as local training programs, such as those offered at state prisons, to ensure compliance with commission standards.
- Administering the Correctional Peace Officer Apprenticeship Program, which is intended to ensure that entry-level officers attain professional competence through structured on-the-job training in a variety of work assignments. Although the instruction occurs at the academies, prisons, and other sites, the commission staff provides consultation, training, and liaison to local apprenticeship subcommittees on behalf of the Division of Apprenticeship Standards of the Department of Industrial Relations.

To perform those functions, the commission established three advisory committees to perform staff work and make recommendations to the executive board:

- ***The Appeals and Grievances Committee.*** The purpose of the committee is to address appeals and grievances submitted by apprentices that cannot be addressed at the institution level and to review and make recommendations concerning apprenticeship time credit applications. The committee is made up of two labor commissioners and two management commissioners (one representing the Department of Corrections and one representing the Department of the Youth Authority).
- ***The Education Committee.*** The purpose of this committee is to function as a working group to develop curriculum projects and certificates and to liaison with the community college system, the California State University system, and the University of California system in the development of curricula. The committee also certifies and decertifies college courses for Commission on Correctional Peace Officer Standards and Training credit and grants equivalency credits for

² The California Penal Code originally required the commission to develop selection and training standards for all correctional peace officer classifications, including entry-level, advanced rank-and-file, and first- and second-line supervisory correctional peace officers. Senate Bill X1-25, signed by Governor Gray Davis on May 5, 2003, reduced the number of classifications subject to commission standards to 27 by limiting the commission's authority over Department of the Youth Authority classifications to entry-level classifications.

previous education and training. Committee membership consists of one educator, who serves as committee chair; one management commissioner and alternate; and one labor commissioner and alternate.

- ***The Curriculum Review Committee.*** The purpose of this committee has been to monitor compliance with training standards by reviewing department lesson plans for correctional peace officers. In the past, the committee has consisted of two non-commissioner labor representatives and two non-commissioner management representatives.

The commission's fiscal year 2004-05 budget is \$1,132,000 and includes 8.5 full-time positions, including a staff services manager I, a correctional consultant, and other administrative support staff. The commission was funded for \$2.3 million and 20 positions in fiscal year 2000-01, but has undergone cuts over the past three years, including a 50 percent reduction in fiscal year 2003-04.

The commission is slated for elimination as part of the reorganization of the state correctional system proposed by the governor and recently approved by the Legislature. Under the reorganization plan, the commission's funding and associated functions are to be transferred to a new Corrections Standards Authority.

OBJECTIVES, SCOPE AND METHODOLOGY

The purpose of this special review was to evaluate the commission's effectiveness in carrying out its mission. To that end, the Office of the Inspector General examined the commission's development and monitoring of training standards for correctional peace officers; its administration of the Correctional Peace Officer Apprenticeship Program; and other administrative functions. The review scope did not include evaluating the development of selection standards or the work of the commission's advisory committees.

During the course of the special review, the Office of the Inspector General performed the following procedures:

- Interviewed commissioners and administrative staff, including a former interim executive director, to gain an understanding of the commission's operations.
- Reviewed policies and procedures, reports, and other documents used in administering the commission's programs.
- Reviewed and analyzed budget and expenditure data, legislation, contracts, personnel documents, and other records.
- Reviewed the commission's meeting minutes and agendas from January 2002 to the present.

- Interviewed representatives from the Board of Corrections; the Division of Apprenticeship Standards of the Department of Industrial Relations; and the Corrections Independent Review Panel.
- Reviewed the report of the Corrections Independent Review Panel, *Reforming Corrections*, issued June 2004.
- Analyzed the information gathered and conducted testing as appropriate to formulate conclusions.

Throughout the special review, the Office of the Inspector General received excellent cooperation and assistance from the commission staff.

FINDING 1

The Office of the Inspector General found that the executive board of the Commission on Correctional Peace Officer Standards and Training has not met for nearly a year and the commission therefore is not performing its function of developing and monitoring training and selection standards for correctional peace officers.

The Office of the Inspector General found that the commission's executive board has not met since June 3, 2004 and that the commission chairman has cancelled all future board meetings because a dispute over an imbalance in board membership has left the board without the quorum needed to conduct business. As a result, the commission is not making the policy decisions necessary to carrying out the commission's business of developing and monitoring correctional peace officer training and selection standards; the commission's advisory committees have stopped meeting because the executive board cannot act upon the committees' work; and the commission staff is performing only limited administrative functions.

Board membership imbalance stems from an unfilled commissioner vacancy. In November 2002, the former board chairman—a designated labor commissioner—was appointed as the commission's interim executive director. Because the commissioner's alternate had recently retired and had not been replaced, the appointment left a commissioner vacancy on the board and a 3-2 imbalance between management and labor commissioners. The California Correctional Peace Officers Association did not nominate a replacement until 18 months later, on April 27, 2004, when it submitted a request to the governor's office that the position be filled. After that request, on May 4, 2004, the Youth and Adult Correctional Agency submitted a memorandum to the governor asking that the position not be filled "at this time." The position remained vacant at the time of the Office of the Inspector General's review.

Labor commissioners have subsequently refused to attend board meetings. During the last board meeting on June 3, 2004, the executive board voted 3-2 to abolish the Curriculum Review Committee, which was responsible for monitoring compliance with training standards by reviewing department lesson plans for correctional peace officers. The vote was split between management and labor, with all three management commissioners approving the motion and the two labor commissioners voting against it. On December 8, 2004, the California Correctional Peace Officers Association notified the commission that the labor commissioners would not participate in meetings until the management/labor imbalance was rectified. The commission chairman told the Office of the Inspector General that as a result, future meetings of the executive board have been cancelled because without the labor commissioners, the board lacks the necessary quorum to conduct business.

The executive board has not fulfilled meeting requirements for the past two years. Even before the decision of labor representatives to no longer attend meetings, the executive

board was not meeting the requirement provided in the commission's operating procedures to meet at least six times a year. The Office of the Inspector General found that the commission met only four times in 2003 and four times in 2004.

The commission cannot fulfill its mission without executive board action. The executive board is needed to vote on policy issues and to conduct other necessary business, and without board action the commission's work is at a standstill. The commission's committees are also affected by the lack of board action. For example, the Appeals and Grievances Committee, which is responsible for reviewing and granting apprenticeship time credit applications, is no longer meeting, and the Education Committee is not able to initiate new projects to develop correctional training curricula. As a result, the commission is limited to performing minor administrative functions that have minimal impact on training standards. Other problems stemming from the commission's membership structure — in particular, the effect on the commission's independence—are discussed in Finding 4 of this report.

RECOMMENDATIONS

If the Commission on Correctional Peace Officer Standards and Training is abolished—to avoid the structural problems described in Finding 1 and in Finding 4—the Office of the Inspector General recommends that its replacement entity either not be made up of equal numbers of representatives from labor and management or that an alternative mechanism be established to break voting deadlocks.

If the Commission on Correctional Peace Officer Standards and Training is not abolished, the Office of the Inspector General recommends that the following actions be taken:

- **The executive board should comply with the commission's operating procedures by meeting at least every other month to conduct business.**
- **The governor's office should review nominations to the commission and appoint commissioners in a timely manner.**

FINDING 2

The Office of the Inspector General found that the Commission on Correctional Peace Officer Standards and Training has made minimal progress in developing training standards and has inadequately monitored compliance with the few general curriculum standards that already existed.

The commission has developed training standards for only 7 (26 percent) of the 27 correctional peace officer classifications for which it is responsible and has yet to approve any of the standards that have been developed. The limited progress results

largely from a lack of funding and personnel in the Department of Corrections and the Department of the Youth Authority for the development of training standards. Meanwhile, monitoring of the few general curriculum standards that were already in existence has been limited to occasional evaluations by outside consultants. The last such evaluation, completed in September 2004, has not been acted upon because the executive board has not met since June 3, 2004.

Departments must complete job analyses before training standards can be developed.

Before the commission can develop training standards for correctional peace officer classifications, the state's correctional agencies must conduct job analyses, which are the court- and industry-approved method for establishing appropriate selection and training standards. The commission reported to the Legislature in September 1999 that it had adopted as its training model Instructional Systems Design, an extensive five-step process involving analysis, design, development, implementation, and valuation that is the accepted protocol for developing training standards. The analysis phase of the protocol requires a validation study—a job analysis—of the classifications. California Penal Code section 13601 requires the state's correctional departments to conduct validation studies of the classifications to support the development of training standards. The *Federal Uniform Guidelines on Employee Selection Procedures*, "Review of Validity Studies for Currency," notes that changes in the relevant labor market and the job should be considered in the determination of when a job analysis is outdated (41 CFR Section 60-3.5K)³.

The departments have not conducted the required job analyses. Despite these requirements, the Office of the Inspector General found that neither the Department of Corrections nor the Department of the Youth Authority has committed the resources needed to conduct the job analyses. When the commission submitted a budget change proposal in fiscal year 2002-03 for staffing to perform the job analyses, the funding was denied by the administration. As a result, the commission has contracted with outside consultants and the State Personnel Board to perform a limited number of analyses.

Departments have not committed the resources to complete the job analyses. The departments have not provided the State Personnel Board and the commission's outside consultants with the subject matter experts and resources needed to complete the job analyses. Beginning in 2002 and continuing through 2004, the commission contracted with a consultant to conduct job analyses for six Department of Corrections peace officer classifications, but the Department of Corrections refused to allow its expert staff to participate in the analyses without reimbursement for the costs associated with back-filling the positions redirected for the study. Because the commission lacked the resources to reimburse the department, the six job analyses were not completed.

³ *The Federal Uniform Guidelines on Employee Selection Procedures (29 CFR 1607)* require that selection processes be demonstrably related to the actual job requirements for which the selection procedures are used. If selection procedures result in adverse impact against any protected group, the employer is required by the uniform guidelines to show evidence of validity.

Similarly, from 2001 through 2004, a consultant contracted by the commission to conduct job analyses for six Department of the Youth Authority correctional peace officer classifications was able to complete only two of the analyses. According to the commission, the Department of the Youth Authority did not commit expert staff to the remaining four job analyses because of low employee morale due to facility closures.

Executive board has not approved any of the new training standards. The executive board is responsible for giving final approval to standards after they have been developed, but the board has yet to approve any of the seven standards developed to date. Five of the seven standards were presented to the board for approval, but the board asked that the departments and the union review the standards first. Although the departments did review the standards and provide feedback, the responses did not arrive in time to be acted upon before the board's last meeting on June 3, 2004. The union had not provided responses at the time of this review.

At the current pace, it could take the commission 20 years to complete the training standards for the 27 peace officer classifications for which it is responsible. Without the standards, the state's correctional peace officers may not be receiving training consistent with the current correctional environment and with numerous changes in laws, regulations, and technology having a significant impact on the profession.

Monitoring of existing training standards is also inadequate. The Office of the Inspector General also found that the commission's monitoring of compliance with the few general curriculum standards that were already in existence has been deficient. Required of the commission by California Penal Code sections 13601(a) and (d), monitoring is critical to ensuring that the departments have developed training academy curricula and lesson plans consistent with the training standards. The Office of the Inspector General found the following deficiencies in the commission's monitoring efforts:

- ***The executive board abolished the Curriculum Review Committee.*** At its last meeting, on June 3, 2004, the executive board abolished the Curriculum Review Committee, which had been a key component in the commission's monitoring of compliance with training standards. The committee was responsible for reviewing lesson plans to ensure that the materials complied with the commission's training standards. According to a commission spokesperson, the committee was abolished because of a perception by management commissioners that the committee was inefficient and ineffective and frequently delayed approval of proposed lesson plans due to minor technicalities, rather than to substantive issues. The two labor commissioners voted to retain the committee, but were out-numbered by the three management commissioners, who voted for abolishment.
- ***Training evaluations have had limited effectiveness.*** The commission has used outside consultants to monitor compliance with training standards through curriculum reviews and training evaluations. In recent years, the commission has contracted with

California State University, Sacramento to assist in evaluating the departments' training academies for compliance with training standards. California State University, Sacramento has completed three evaluations since February 2003, but the Office of the Inspector General found that only one academy has submitted a corrective action plan to address deficiencies identified by the evaluation. A second academy failed to submit a corrective action plan despite numerous deficiencies identified in a June 2003 evaluation report. A third evaluation, completed in September 2004, was to be presented to the commission's executive board on December 9, 2004, but the meeting was cancelled. Because the board has not met since June 3, 2004, the evaluations have had little impact on the commission's monitoring efforts.

RECOMMENDATIONS

If the Commission on Correctional Peace Officer Standards and Training is abolished and its functions are assumed by the Corrections Standards Authority or by another state agency, the Office of the Inspector General recommends the following:

- **The responsible entity should promptly conduct job analyses on all correctional peace officer classifications subject to the provisions of the *Federal Uniform Guidelines on Employee Selection Procedures*.**
- **The responsible entity should develop and monitor compliance with appropriate training standards based on completed job analyses.**

If the Commission on Correctional Peace Officer Standards and Training is not abolished, the Office of the Inspector General recommends that the following actions be taken:

- **The Department of Corrections and the Department of the Youth Authority should conduct job analyses for the purpose of developing training standards as required by state and federal regulations and to prepare updates when needed by changes affecting job tasks.**
- **The commission should promptly develop training standards upon receiving completed job analyses from the departments.**
- **The commission should consider re-establishing the Curriculum Review Committee and improve its efficiency and effectiveness by modifying its focus to address significant issues.**

FINDING 3

The Office of the Inspector General found that the apprenticeship program administered by the commission is inadequately monitored and faces possible decertification because of non-compliance with federal and state apprenticeship program standards.

The Office of the Inspector General found that the Correctional Peace Officer Apprenticeship Program administered by the commission is out of compliance with federal and state standards, lacks key elements required for a successful apprenticeship program, and is under threat of decertification by the Department of Industrial Relations. Because of severe reductions in its budget in recent years, the commission is providing minimal oversight and monitoring of apprenticeship programs operating at the Department of Corrections and the Department of the Youth Authority. According to the Corrections Independent Review Panel, stakeholders describe the program as a time-consuming “paper shuffle nightmare.”⁴

The Correctional Peace Officer Apprenticeship Program. The Commission on Correctional Peace Officer Standards and Training was assigned responsibility for the Correctional Peace Officer Apprenticeship Program in 1998 when the commission was created. The program was originally established as the Department of Corrections-Department of the Youth Authority Joint Apprenticeship Committee in 1988 through a collective bargaining agreement between the State of California and the California Correctional Peace Officers Association. The program is included in section 8.03 of the memorandum of understanding between the State of California and Bargaining Unit 6 employees represented by the California Correctional Peace Officers Association and is renewed through regular contract negotiations.

The purpose of the apprenticeship program is to provide entry-level correctional peace officers with on-the-job training and related classroom instruction. In fulfilling an apprenticeship, participants complete a specified number of on-the-job hours and related classroom training in a particular occupation. During the apprenticeship period, a correctional officer, for example, may work in several different areas of a correctional institution to obtain the knowledge, skill, and ability to perform the functions required of the position. The functions may include maintaining security, writing reports, and supervising, escorting and transporting inmates. Participants in the apprenticeship program are required to record the hours they spend in work or classroom training on forms developed by the Division of Apprenticeship Standards of the Department of Industrial Relations. Supervisors are responsible for reviewing and approving the forms to verify that the apprentice completed the required hours of training.

The Division of Apprenticeship Standards of the Department of Industrial Relations administers California’s apprenticeship law. The law and related regulations and standards are intended to ensure that apprenticeship programs provide high training

⁴ Corrections Independent Review Panel, *Reforming Corrections*, June 2004, p. 67.

standards, adequate working conditions and wages, and effective program monitoring. The Division of Apprenticeship Standards is responsible for monitoring compliance with apprenticeship standards and for providing consultative services to apprenticeship program sponsors.

The Correctional Peace Officer Apprenticeship Program is approved by the Division of Apprenticeship Standards to provide apprenticeship training for correctional peace officers, and the Commission on Correctional Peace Officer Standards and Training is designated by the division as sponsor and administrator of the program. As such, the commission is responsible for overall program administration; for ensuring that the program complies with applicable agreements, standards, rules, and regulations; and for approving indenturing agreements, requests for credit, training amendments, and requests for completion certificates. The commission's responsibilities include oversight and monitoring of apprenticeship programs operating at the Department of Corrections and the Department of the Youth Authority.

Key elements of an apprenticeship program. Based on state and federal standards, a senior consultant at the Division of Apprenticeship Standards cited the following as the key elements of an apprenticeship program:

- An apprenticeship committee to meet and provide oversight and monitoring of the program.
- Arrangement with a local education agency to review training materials for classroom instruction.
- An annual evaluation of the program to ensure compliance with apprenticeship standards.
- Ensuring that participants in the program rotate through a variety of work assignments and receive appropriate training in all aspects of the occupation.
- Systematic discipline of apprentices for failure to fulfill obligations on the job or in related instruction, including provisions for fair hearings.
- Systematic recording of each apprentice's progress in the program, including periodic review and evaluation of job performance.
- Progressive increases in wages, employee benefits, and other compensation during the apprenticeship period.

The commission's apprenticeship program lacks some of these elements. The Correctional Peace Officer Apprenticeship Program does include the last four elements, but, according to a senior apprenticeship consultant in the Division of Apprenticeship Standards, the commission's program lacks some of the other key components. The

consultant told the Office of the Inspector General that “the program has been out of compliance for three years” as a result of the deficiencies. The consultant reported and the Office of the Inspector General confirmed the following areas of non-compliance:

- ***Absence of an apprenticeship committee to oversee and monitor the program.*** The commission’s Appeals and Grievances Committee, the advisory body responsible for addressing appeals and grievances submitted by apprentices and for reviewing and making recommendations concerning time credit applications, has not met in nearly two years. The Office of the Inspector General found that the advisory committee last met on November 20, 2003. The chairman of the committee told the Office of the Inspector General that he has received time credit applications but cannot process them because the committee is no longer meeting. As a result, apprentices may not be receiving time credit to which they are entitled.
- ***Absence of a local education agency to review training materials.*** The Office of the Inspector General found that only the Department of the Youth Authority has an active agreement with an outside education agency to review training materials, as required. The Department of Corrections, which encompasses the majority of the apprenticeship program’s participants, does not have an agreement with an outside education agency to perform this function.
- ***Absence of program evaluation.*** Consistent with apprenticeship program standards, California Code of Regulations, Title 8, section 212 requires apprenticeship programs to complete and submit annual self-assessment reviews and program improvement plans to the Division of Apprenticeship Standards annually. The purpose of the review is to ensure that apprenticeship sponsors remain in compliance with apprenticeship standards. Although the requirement has been in regulation for several years, the commission staff informed the Office of the Inspector General that they were unaware of its existence.

Field audits have been discontinued because of budget cuts. In addition to the problems described above, the Office of the Inspector General found that the commission no longer conducts field audits to ensure compliance with apprenticeship program requirements. Field auditing is especially important to ensure that apprentices complete all required training and that supervisors monitor their performance. In recent years, the commission had begun performing field audits to ensure that the local apprenticeship programs were in compliance and were appropriately assigning apprentices to rotating job assignments. The commission was also modifying its audit procedures to improve monitoring efforts. But because of budget cuts, the commission halted all auditing efforts and no longer has the resources to perform this function.

Following the 50 percent cut in the commission’s budget in fiscal year 2003-04, the commission proposed eliminating the apprenticeship program, but a writ of mandate filed by the California Correctional Peace Officers Association forced the commission to reconsider. Ultimately, the commission compromised by voting to save the program, but

gave it limited administrative support. Although the program survived, the commission discontinued services such as field training and audits and delegated those functions to the local programs at the departments. Instead of five full-time positions dedicated to support the apprenticeship program, now only two positions provide full-time support services.

The apprenticeship program may be decertified. According to the senior consultant from the Division of Apprenticeship Standards, the division may decertify the commission's apprenticeship program for failure to meet federal and state apprenticeship standards. The consultant told the Office of the Inspector General that he plans to meet with the commission to discuss the seriousness of the compliance issues and possible suspension of the program. If decertification were to occur, the State would be out of compliance with the collective bargaining agreement with the California Correctional Peace Officers Association, which mandates a joint management and labor apprenticeship program. Therefore, even if the commission is eliminated through legislation, the State would still be required to either continue with the apprenticeship program or renegotiate the labor agreement.

RECOMMENDATIONS

Even if the commission is abolished, until the State of California modifies its agreement with the California Correctional Peace Officers Association, it will still be required to administer and support an apprenticeship program. Therefore, the Office of the Inspector General recommends that the agency take the following actions:

- **Obtain the required resources to bring the Correctional Peace Officer Apprenticeship Program into compliance with standards set by the Department of Industrial Relations, Division of Apprenticeship Standards.**
- **Ensure that the commission's Appeals and Grievances Committee, or a comparable apprenticeship program oversight body, meets as needed to address appeals, grievances, and time credit applications.**
- **Develop an effective audit function and conduct field audits to ensure compliance by local apprenticeship programs.**

FINDING 4

The Office of the Inspector General found that the commission's independence has been undermined by the influence of both the Youth and Adult Correctional Agency and the California Correctional Peace Officers Association and that its membership structure causes organizational paralysis.

The Commission on Correctional Peace Officer Standards and Training was established as an independent entity within the Youth and Adult Correctional Agency, but in practice, the agency and the union attempt to influence designated management and labor commissioners in virtually every important decision. At present, ongoing disagreements between management and labor have brought the commission's work to a standstill. Uncertainty over the commission's independence also hampers the ability of the commission to exercise authority over its own executive director.

Commission's reporting structure is unclear. The fiscal year 2000-01 Governor's Budget separated the commission's funding from that of the Youth and Adult Correctional Agency and described the commission as an "independent entity" reporting to the agency. The Office of the Inspector General found confusion and conflicting opinion over the commission's reporting structure, however. For example, the present interim executive director reports directly to the commission chair, but one of the commission's previous interim executive directors said she reported to the secretary of the Youth and Adult Correctional Agency.

Management and labor have influenced commission decisions. The Office of the Inspector General found that—as one might expect — commissioners have allowed both management and labor to influence their decisions rather than acting independently. According to a management commissioner, representatives of the previous administration contacted commissioners and told them how to vote on certain agenda items based on agreements made at the main bargaining table between management and labor. The commissioner said he was not required to follow the recommendations and that he voted according to his own analysis, but felt pressured to conform to the recommendations. The present administration has also asserted its influence over the commission. For example:

- On September 3, 2004, the Youth and Adult Correctional Agency submitted a directive to the commission forbidding any new contracts or personnel hires pending the outcome of the governor's proposed reorganization even though the plan had not been reviewed or approved by the Legislature. Although the directive allowed for exceptions to meet mandated statutory functions, contract requests submitted by the commission to the agency for services necessary to meet mandated functions were ultimately denied.
- As noted earlier in this report, on May 4, 2004, the Youth and Adult Correctional Agency submitted a memorandum to the governor's office requesting a delay in appointing labor commissioners to the commission, and the governor's office has not filled the vacancy.

Similarly, labor commissioners have been subjected to the influence of the California Correctional Peace Officers Association. For example:

- As described in Finding 1 of this report, the commission has not met since June 3, 2004 because the California Correctional Peace Officers Association has declared that

labor commissioners will not attend meetings until the management/labor imbalance on the commission is rectified.

The commission structure has often led to stalemate on important agenda items. The structure of the executive board—three management and three labor commissioners—often results in tie votes, with commissioners nearly always voting along management and labor lines. As a result, the commission takes little action on important agenda items. For a motion to be acted upon by the executive board, the commission must cast a majority vote with a minimum of two management commissioners and two labor commissioners present. A review by the Office of the Inspector General of eleven motions between January 2002 and June 2004 that required roll-call votes found that only 3 percent of the votes cast deviated from management and labor lines. Although the executive board did pass a number of non-roll call motions during the same period, most of those motions covered minor, routine issues, such as accepting previous meeting minutes. In contrast, six straight motions that were put to roll-call votes between January 1, 2002 and July 29, 2003 resulted in stalemate along labor-management lines. One of those motions was a proposal to modify the Curriculum Review Committee. It was not until March 4, 2004, when management commissioners outnumbered labor commissioners three to two, that a motion subject to roll-call vote passed.

The commission has never had a permanent executive director. Labor-management disagreements have prevented the commission from appointing a permanent executive director. Consequently, the executive director position has been filled by a series of interim executive directors loaned from other departments. The following chart shows the history of interim executive director appointments to the commission:

Tenure	Classification	Loaned From	Comments
July 1998 to June 1999	Retired Annuitant	Department of the Youth Authority	According to one commissioner, the person was fired by the agency.
June 1999 to October 1999	Assistant Executive Director	Peace Officer Standards and Training	Appointed by the agency to complete a September 1999 report to the Legislature.
October 1999 to October 2002	Deputy Inspector General In-Charge	Office of the Inspector General ⁵	Appointment request was submitted to governor in December 2000, but the employee resigned in October 2002 without receiving the appointment. ⁶
November 2002 to Present	Correctional Officer	California Department of Corrections	The executive board appointed former chair as interim executive director.

⁵ This person ceased working for the Office of the Inspector General in 2004 before this special review was initiated.

⁶ The executive board requested that the position be established as an exempt position. After a lengthy approval process, the position was established as exempt and as such, appointment to the position required approval from the governor's office.

The chair of the commission and other commissioners told the Office of the Inspector General that the current interim executive director was not selected by the commission, but rather was appointed as a result of an agreement between the Youth and Adult Correctional Agency and the California Correctional Peace Officers Association. The management commissioners said they were informed of the agreement by the agency and were told to make the interim appointment at the next commission meeting. According to the commission chair, there have been no efforts by the commission to appoint a permanent executive director since that agreement. The Office of the Inspector General found that the commission had attempted only once before to appoint a permanent executive director, but that the previous governor failed to act upon the recommendation for nearly two years and the employee eventually resigned. Because those in acting positions generally do not have the support and confidence that comes with a permanent appointment, the absence of a permanent executive director has contributed to a lack of strong, independent leadership on the part of the commission.

Lack of accountability over the executive director. Sound management practice requires supervision and accountability over all employees, including those in executive positions. Yet, commissioners are hampered in their ability to enforce accountability over the present interim executive director because of the circumstances of his appointment. The Office of the Inspector General found that one management commissioner submitted a series of memoranda dating back to June 2002 to the management of the Department of Corrections and the Youth and Adult Correctional Agency concerning accountability issues involving the executive director, but management has taken no action in response, and the commission itself has not acted. As a result of its own inquiry, the Office of the Inspector General found the following deficiencies related to the present interim executive director.

- The present interim executive director, who is on loan from the Department of Corrections, did not submit time sheets for more than three years, including the period during which he was the commission chair. Because of the executive director's acting status, the commissioners and the Department of Corrections personnel office hold differing opinions about whether the executive director is required to submit timesheets.
- The interim executive director has a history of poor attendance at commission meetings, missing five (50 percent) of the ten meetings over a two-year period.⁷
- At the time of the review by the Office of the Inspector General, the interim executive director was on medical leave without the knowledge of either the commission chairman or the Department of Corrections personnel office.

⁷ It should be noted that according to the meeting minutes, the interim executive director was out on medical leave for two of the five meetings.

California Penal Code section 13600, subdivision (f) clearly assigns the commission responsibility for appointing the executive director, making the chairman of the commission the person responsible for supervising and monitoring that position. Yet, management commissioners told the Office of the Inspector General that because the interim executive director was actually “placed in the position” through an agreement between the previous administration and the California Correctional Peace Officer Association, they believe that any action affecting the interim executive director requires agency approval.

Nonetheless, the commissioners reported that when the accountability issue was raised with the present administration, the new agency secretary told them to address the matter as they saw fit. The commissioners therefore placed the status of the executive director on the commission’s December 9, 2004 agenda. But commissioners representing the California Correctional Peace Officers Association failed to attend the meeting, and as a result the meeting was cancelled. The commission has not attempted to convene a meeting since that date.

RECOMMENDATIONS

If the commission is not abolished, the Office of the Inspector General recommends that the following actions be taken:

The administration and the Legislature should either amend the California Penal Code to end the practice of appointing equal numbers of commissioners from labor and management, which has resulted in a perpetual stalemate, or establish an alternative mechanism for breaking voting deadlocks.

- **Require commissioners to adopt a code of conduct that includes the ability to act independently in making commission decisions.**
- **As required by the California Penal Code, recruit and appoint a permanent executive director who will act independently in serving the commission.**
- **Provide a clear chain of command and hold all employees accountable for their time.**