

OFFICE OF THE INSPECTOR GENERAL

STEVE WHITE, INSPECTOR GENERAL

**INVESTIGATION
OF THE
RICHARD A. MCGEE CORRECTIONAL
TRAINING CENTER AND BASIC
CORRECTIONAL OFFICER ACADEMY**

CALIFORNIA DEPARTMENT OF CORRECTIONS

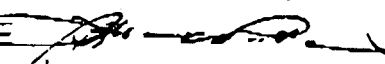


MAY 2000

OFFICE *of the* INSPECTOR GENERAL**CONFIDENTIAL**

DATE: April 21, 2000

TO: CAL TERHUNE, Director
California Department of Corrections


FROM: STEVE WHITE 
Inspector General

SUBJECT: RICHARD A. MCGEE CORRECTIONAL TRAINING CENTER

On April 12, 2000, the Office of the Inspector General staff made an unannounced inspection of the Richard A. McGee Correctional Training Center. The inspection was conducted to assess recent allegations of destroying test results, altering test scores, class overcrowding, retaliation practices, and favoritism. I would like to share with you a preliminary assessment of these issues. As our investigation is still in progress, please be advised that the assessment could be modified as additional data are gathered.

To date, the Office of the Inspector General's investigative effort has primarily focused on the initial basic cadet training class taught under an expanded ten-week format. Despite strong evidence suggesting that the courses were not fully developed and the training center was not prepared to administer the training, we determined that a management decision was made to proceed with the expanded ten-week curriculum. Our emerging findings include:

- Some training classes have not been approved by the Correctional Peace Officers' Standards and Training (C-POST). Other C-POST approved classes have been invalidated because the course contents were modified without C-POST's knowledge and approval.
- The training center arbitrarily lowered the test passing score from 85 percent to 80 percent. There is no documentation to justify the need or the basis for the change.
- Some of the test scores may have been altered. However, as the training center has destroyed all the test results, there is no conclusive evidence on the possible extent of this problem.

Gray Davis, Governor  Promoting Integrity

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April 21, 2000

Page 2

- The training center did not administer four of the seven tests that were prescribed in the course outline. Instead, some quizzes were developed and administered at the training site.
- The training center arbitrarily nullified the quiz results of the radio communication class for all cadets. The quiz scores in cadets' personnel files show a zero for all cadets in this class, as if no quiz had been given. In actuality, the training center administered the quiz twice. On the first quiz, 134 of the 349 cadets failed to achieve the passing score of 80 percent. Of the 134 cadets who took the quiz again, 36 did not attain a passing score.
- The instructors were not provided with sufficient lead-time to be familiar with the course content and to prepare for the classes. In some instances, the class outline and instructions were not given to the instructors until one day before the classes were to begin.
- Class handouts and instructional material were unavailable for some of the classes.
- Course staff-to-student ratios were not maintained as established by the lesson plans.
- There were no safety guidelines established for each class as required by C-POST regulations.

In light of the above conditions, the Office of the Inspector General has concerns about the adequacy of training received by the correctional officers in the first training class and the readiness of those officers to meet job requirements. We are in the process of quantifying the causes of the problems, assigning responsibility, and assessing the action needed to rectify the problems.

As mentioned earlier, we are still pursuing other issues--some of which may be referred to the Office of Internal Affairs.

SW:dl

cc: Robert Presley, Secretary, Youth and Adult Correctional Agency

budget process, the California Department of Corrections (CDC) obtained a \$5 million budget augmentation to expand the program into a ten-week course, effective January 2000. The ten-week curriculum required the development of 77 new lesson plans. The expanded ten-week course was taught for the first time in January 2000, and the second cadet class to be taught under the expanded format is currently in session.

Penal Code Section 13601(a) requires CPOST, which is within the Youth and Adult Correctional Agency, to "develop, approve, and monitor standards for the selection and training of state correctional peace officers." Penal Code Section 13602(b) requires each new cadet who attends a [correctional] academy after July 1, 2000, to complete the course of training pursuant to standards approved by CPOST before he or she may be assigned to a post or job as a peace officer.

To cover the period before July 1, 2000, CPOST established a curriculum subcommittee to review proposed correctional cadet training courses. All such courses are to be submitted to the CPOST curriculum subcommittee for provisional approval. In December 1998, the CPOST executive board also established standards for correctional cadet training course curricula. The CDC staff development center was assigned the responsibility of developing the 77 lesson plans and obtaining provisional approval of the plans from CPOST.

Standards for courses involving peace officer training (in contrast to *correctional* peace officer training), which include courses involving "manipulative skills," such as firearms and weaponless defense training, are established by the Commission on Peace Officer Standards and Training (POST).

FINDINGS AND ANALYSIS

1. Cadets are being trained under the expanded ten-week curriculum even though a significant number of the lesson plans have not been completed.

The CDC staff development center was unable to complete development of the required 77 new lesson plans before the start of the new ten-week curriculum. By January 17, 2000, when the first cadet class under the new curriculum was scheduled to begin, the staff development center had completed only 46 of the new lesson plans. Nonetheless, the Department of Corrections management decided to proceed with implementation of the new 10-week training curriculum.

In response, the staff development center attempted to develop the remaining lesson plans as the classes were being conducted. As a result, by the third week of the curriculum, instructors sometimes received class outlines and instructions only a day, or even an hour, before the scheduled class. In addition, some of the classroom props and other materials that were to have accompanied the lesson plans were unavailable. The effort to keep up with the development of lesson plans also was frustrated by the need of the training center to reschedule some of the planned lessons because of the limitations of the facility, causing some of the lessons to be taught out of sequence.

The catch-up effort by the staff development center to develop lesson plans as classes were being taught continued throughout the first ten-week cadet class and has now extended into the training of the second group of cadets to receive the 10-week curriculum.

2. Many of the lesson plans, including those for highly essential courses, have not received provisional approval from CPOST.

The academy began the 10-week training curriculum in January even though most of the lesson plans had not received provisional approval from CPOST. At the time the first ten-week cadet class began, only 23 of the lesson plans had been submitted to CPOST for provisional approval. Some of the plans submitted received provisional approval, while others were disapproved and sent back to the staff development center for revision. As late as April 20, 2000, the Office of the Inspector General found that many of the lesson plans — including those for essential courses such as emergency response simulation, physical training, and electrified fence training — had still not been provisionally approved by CPOST.

In several instances, the staff development center provided lesson plans to the training center that had been disapproved by C-POST and were undergoing revision. In other instances, the staff development center provided approved lesson plans, but as the lesson plans were put into use, instructors found it necessary to make changes. For the most part, those changes were not submitted to CPOST for approval. Because the courses were not conducted in accordance with the approved lesson plans, the CPOST approval may no longer be valid.

The training center executive staff confirmed to the Office of the Inspector General that the academy instructors generally are not teaching from the provisionally approved lesson plans and that because of changes in the lesson plans made by instructors, the Department of Corrections staff development center cannot determine what is being taught. None of the three entities involved — the training center, the Department of Corrections staff development center, or CPOST— is certain which lesson plans are being used by the academy staff in teaching the correctional officer training classes. Therefore, the extent of the problem cannot be determined.

3. The CDC staff development center and the training center staff failed to coordinate efforts in developing the lesson plans

The CDC staff development center apparently developed the lesson plans with little involvement from the staff at the training center. Training center staff members told the Office of the Inspector General that their suggestions were consistently ignored. Consequently, some of the CPOST-approved training plans were found by the training staff to be unacceptable and were significantly modified by the training center staff without the knowledge of the CDC staff development center or CPOST.

4. The training center did not maintain the instructor-to-cadet ratios specified in the approved lesson plans.

The training center did not maintain the instructor-to-cadet ratios specified in the lesson plans approved by CPOST. For example, the lesson plan for the course, “Application of Restraint Gear,” specifies one instructor for lectures and six instructors for actual application in a class of 40 cadets. An Office of the Inspector General investigator who attended this course noted that the class had two instructors for approximately 120 cadets during the application phase. According to the lesson plan, to accommodate 120 cadets, the course should have had 18 instructors. Similarly, the lesson plan for the “Use of Force” class calls for one instructor for every ten cadets. The Office of the Inspector General staff found that the training center used only five instructors to teach this course to a class of approximately 350 cadets. To maintain the instructor-to-cadet ratio specified in the lesson plan, the course should have had 35 instructors.

5. Guidelines for presenting lesson plans and administering tests have not been prepared.

No written guidelines have been developed for administering the lesson plans, presenting the lesson plans to a class, or evaluating the effectiveness of the lesson plans. Likewise, there are no written guidelines for administering and securing the tests associated with each lesson plan.

6. The academy's process for testing and certifying cadets under the ten-week curriculum is seriously flawed.

The Office of the Inspector General investigators found that the training center made a number of apparently arbitrary decisions that raise questions concerning the reliability and integrity of the cadet evaluation process. The problems noted include the following:

- **The minimum overall passing score for cadets was lowered from 85% to 80%.** Although the Department of Corrections Operations Manual, Section 32020.7.2 specifies that trainees must maintain a minimum overall score of 85% to graduate, the academy arbitrarily lowered the required overall score from 85% to 80%. The academy provided no justification for that action. A review by the Office of the Inspector General of previous cadet classes, found that between 1990 and 1999, the number of cadets who failed to achieve an overall passing score of 85% averaged only 2.4 students per class. In the first class under the new expanded curriculum, no students failed to graduate because of low grades.
- **Students are allowed to retake tests to increase scores.** The Department of Corrections Operations Manual, Section 32020.7.3 allows a cadet who fails to achieve a passing score on any written examination to retake the same, or a similar written examination, but makes no provision for allowing cadets to retake

a test more than once. On taking a test the second time, the highest score a cadet can receive is 80%.

The Office of the Inspector General found that although the academy apparently did not alter test scores, as charged in the original allegations, it has allowed some cadets to retake tests a third and even fourth time if they failed to achieve a passing grade after the second try. The academy also allowed cadets to receive a score higher than 80% on the retake. Some cadets who were in danger of not graduating because of failing grades were allowed to select particular tests to retake in order to raise their overall score. Still other cadets were not allowed to retake tests despite low scores.

- **The training center has not given cadets the comprehensive examinations required by the Department of Corrections Operations Manual.** Citing time constraints, the academy asked approval from the staff development center to administer "quizzes" to cadets instead of the examinations specified in lesson plans. The staff development center granted that approval, under the apparent misunderstanding that the training center would still administer the comprehensive examinations required by the Department of Corrections Operations Manual. Instead, the academy went beyond permission to give quizzes in lieu of written examinations by also failing to give cadets the required comprehensive examinations.
- **The training center nullified one quiz, apparently because of the large number of cadets who failed to achieve a passing score.** The personnel files for cadets in the first ten-week class show a quiz score of zero for all those in the radio communication class, as if no quiz had been given. In actuality, the training center administered the quiz twice. On the first quiz, 134 of the 349 cadets failed to achieve the 80% passing score. Of the 134 cadets who took the quiz again, 36 did not attain a passing score. Thereafter, the training center disregarded the quiz for the entire cadet class.
- **Test questions were changed without CPOST approval.** Some test questions generated with the new curriculum were changed by either the training center or the staff development center. Other test questions were discarded by the training center staff without the permission of the staff development center or of CPOST. As a result, cadet performance evaluations may be invalid.
- **Students who failed required firearms testing have been allowed to graduate.** POST guidelines require a cadet who fails to achieve a passing score on the Penal Code Section 832 firearms test to be permitted one retest. Cadets who again fail to achieve a passing score are required to attend the entire firearms portion of the Section 832 course again. The Office of the Inspector General found, however, that the academy allows cadets who fail to pass the firearms test to graduate and to later work with rangemasters to achieve a passing score. The academy does not require the cadets to retake the entire firearms course. The academy's failure to

adhere to POST guidelines brings into question the cadets' standing as peace officers.

- **Written evaluations of cadets by company commanders have been improper.** Evaluations by company commanders of individual cadets in the first 10-week class were identical for every graduating cadet, whereas evaluations are intended to be specific to each cadet.
- **Cadets have received disparate treatment.** During Skelly hearings, some cadets have been given the opportunity to repeat a test or quiz, or to engage in protracted remedial training at the firing range, while others in almost identical circumstances have not. Also, because there are no written disciplinary guidelines for company commanders to follow, some cadets have been disciplined differently from others committing similar offenses.

7. Except for the quiz on radio communications, test results had not been destroyed.

The staff at the training center's examination unit initially told the Office of the Inspector General that all test and quiz results had been destroyed upon the completion of the ten-week course. Upon further inquiry, however, other training center staff members were able to produce the results of the tests and quizzes except for those for the class on radio communications. According to the training center staff, the radio communication quiz results were destroyed because the quiz was nullified.

8. Instructor qualifications and class preparation time are deficient.

The investigation by the Office of the Inspector General also revealed questions about the quality of the instruction provided by the academy. Specific problems include the following:

- **Some of the academy instructors may not be qualified in the subjects they teach.** Certification of instructors teaching many of the subjects at the academy has not been evaluated by an objective certifying agency. Except for courses requiring manipulative skills training, all of the academy instructors are expected to be generalists and to be capable of teaching from any lesson plan on short notice. For many of the subjects, instructors are "certified" to teach a subject if they have sat through a class taught by a "certified" instructor.

Under Penal Code Section 832, instructors teaching the arrest and control and firearms courses are required to be certified by POST. The Office of the Inspector General found that the academy is violating legislative mandates and POST standards by not requiring instructors of those courses to be so certified. Again, the academy's failure to adhere to POST standards brings into question the cadets' standing as peace officers.

- **Preparation time for instructors is inadequate.** Instructors at the academy often teach 8-12 hours per day and often teach a variety of subjects during the week. Those conditions, together with the tardiness of the staff development center in supplying lesson plans, leaves instructors with inadequate opportunity to prepare to teach classes.
- **The academy does not have enough instructors.** The training center staff told the Office of the Inspector General that the instructor-to-cadet ratios specified in the lesson plans are unrealistic in relation to the number of available instructors at the center. The training center estimates that nine additional instructors are needed to effectively carry out the lesson plans.

RECOMMENDATIONS

- 1. Develop an action plan.** The CDC staff development center should, in consultation with the training center and CPOST, immediately develop an action plan to complete all lesson plans and to obtain CPOST approval by no later than June 15, 2000.
- 2. Provide approved lesson plans and written guidelines to academy instructors.** The CDC staff development center should immediately provide CPOST-approved lesson plans to the training center instructors, along with written guidelines for administering the lesson plans. The instructors should be directed to strictly adhere to the lesson plans and the written guidelines. The training center staff should immediately submit any problems related to the lesson plans and written guidelines to the CDC staff development center for rectification and approval by CPOST.
- 3. Follow prescribed guidelines in administering tests.** The training center should administer all tests strictly in accordance with prescribed guidelines. Any deviation from prescribed guidelines should be pre-approved in writing by the CDC executive office.
- 4. Ensure that instructors are fully qualified.** The training center, under CDC's direction, should re-assess its current policy with respect to requiring every instructor to be able to teach all courses on short notice. If a decision is made to continue with this policy, the training center should devise a plan to ensure that instructors are fully qualified in the subjects they are required to teach.
- 5. Determine the need for remedial training of cadets recently completing the new ten-week curriculum.** The CDC director's office should establish a task force to review the qualifications of the cadets from the first two ten-week classes whose test scores were marginal to determine whether remedial training is needed. If such training is deemed necessary, a plan should be prepared to ensure that such training is carried out.