
SENATE COMMITTEE ON PUBLIC SAFETY

Senator Loni Hancock, Chair

2015 - 2016 Regular

Bill No: SB 1127 **Hearing Date:** April 19, 2016
Author: Hancock
Version: April 6, 2016
Urgency: No **Fiscal:** Yes
Consultant: ML

Subject: *Commission on Correctional Peace Officer Standards and Training: Internet Web Site*

HISTORY

Source: Author

Prior Legislation: SB 85 – Budget Act of 2015 (Committee on Budget and Fiscal Review) –
Chaptered 26, Stats. 2015

Support: Unknown

Opposition: None known

PURPOSE

The purpose of this bill is to require the Commission on Correctional Peace Officer Standards and Training to establish and maintain a web site to be more transparent and accountable to California Department of Corrections and Rehabilitation employees and also the public.

Existing law establishes the Commission on Correctional Peace Officer Standards and Training (CPOST), which is composed of six voting members: three members representing the Department of Corrections and Rehabilitation where one shall be from the Division of Juvenile Justice or the Division of Juvenile Justice and three members appointed by the governor where two members shall be rank-and-file persons from State Bargaining Unit 6. (Penal Code §13600(A)-(D).)

Existing law establishes CPOST in order to develop, approve and monitor standards for the selection and training of state correctional peace officer apprentices. (Penal Code §13601(a).)

Existing law authorizes the Department of Corrections and Rehabilitation to design and deliver training programs, conduct validation studies, and provide program support, while the Commission on Correctional Peace Officer Standards and Training monitors the department's program compliance. (Penal Code §13601(g).)

This bill adds Section 13605 to the Penal Code, which requires the Commission on Correctional Peace Officer Standards and Training (CPOST) to establish and maintain an Internet Web site that will publish the following in order to promote transparency and accountability:

- Meeting minutes, agendas, and related supporting documents.
- An archive of past meeting minutes, agendas, and related supporting documents.
- Documents to provide employees and the public with greater access to professional development materials.

This bill requires that CPOST transmit live video and audio of its meetings via the internet and provide an archive of these recordings on its website.

RECEIVERSHIP/OVERCROWDING CRISIS AGGRAVATION

For the past several years this Committee has scrutinized legislation referred to its jurisdiction for any potential impact on prison overcrowding. Mindful of the United States Supreme Court ruling and federal court orders relating to the state's ability to provide a constitutional level of health care to its inmate population and the related issue of prison overcrowding, this Committee has applied its "ROCA" policy as a content-neutral, provisional measure necessary to ensure that the Legislature does not erode progress in reducing prison overcrowding.

On February 10, 2014, the federal court ordered California to reduce its in-state adult institution population to 137.5% of design capacity by February 28, 2016, as follows:

- 143% of design bed capacity by June 30, 2014;
- 141.5% of design bed capacity by February 28, 2015; and,
- 137.5% of design bed capacity by February 28, 2016.

In December of 2015 the administration reported that as "of December 9, 2015, 112,510 inmates were housed in the State's 34 adult institutions, which amounts to 136.0% of design bed capacity, and 5,264 inmates were housed in out-of-state facilities. The current population is 1,212 inmates below the final court-ordered population benchmark of 137.5% of design bed capacity, and has been under that benchmark since February 2015." (Defendants' December 2015 Status Report in Response to February 10, 2014 Order, 2:90-cv-00520 KJM DAD PC, 3-Judge Court, *Coleman v. Brown, Plata v. Brown* (fn. omitted).) One year ago, 115,826 inmates were housed in the State's 34 adult institutions, which amounted to 140.0% of design bed capacity, and 8,864 inmates were housed in out-of-state facilities. (Defendants' December 2014 Status Report in Response to February 10, 2014 Order, 2:90-cv-00520 KJM DAD PC, 3-Judge Court, *Coleman v. Brown, Plata v. Brown* (fn. omitted).)

While significant gains have been made in reducing the prison population, the state must stabilize these advances and demonstrate to the federal court that California has in place the "durable solution" to prison overcrowding "consistently demanded" by the court. (Opinion Re: Order Granting in Part and Denying in Part Defendants' Request For Extension of December 31, 2013 Deadline, NO. 2:90-cv-0520 LKK DAD (PC), 3-Judge Court, *Coleman v. Brown, Plata v. Brown* (2-10-14).) The Committee's consideration of bills that may impact the prison population therefore will be informed by the following questions:

- Whether a proposal erodes a measure which has contributed to reducing the prison population;
- Whether a proposal addresses a major area of public safety or criminal activity for which there is no other reasonable, appropriate remedy;

- Whether a proposal addresses a crime which is directly dangerous to the physical safety of others for which there is no other reasonably appropriate sanction;
- Whether a proposal corrects a constitutional problem or legislative drafting error; and
- Whether a proposal proposes penalties which are proportionate, and cannot be achieved through any other reasonably appropriate remedy.

COMMENTS

1. Need for This Bill

According to the author:

This bill will require the Commission on Correctional Peace Officer Standards and Training within the Department of Corrections and Rehabilitation to establish an Internet Web site, in order to promote transparency and accountability. The Web site will include meeting minutes, agendas, supporting documents and an archive of past meeting minutes, agendas, supporting documents, video and audio of past meetings. The bill would also require the commission to transmit live video and audio of all its meetings and include documents on the Web site to provide employees and the public with greater access to professional development materials.

Therefore this bill is intended to provide the career officer support necessary to create an excellent workforce under California Department of Corrections and Rehabilitation. In turn, this will increase employee wellness and professional satisfaction to create safer and more effective institutions, leading to inmate rehabilitation and reduced recidivism. Ultimately, all of this will lead to safer communities.

2. Background

Effective July 1, 2005, as part of the corrections agency consolidation, the Corrections Standards Authority (CSA) was created within the California Department of Corrections and Rehabilitation (CDCR) by bringing together the BOC and the Correctional Peace Officers Standards and Training (CPOST) Commission. The reorganization consolidated the duties and functions of the BOC and CPOST and entrusted the CSA with new responsibilities. Legislation associated with the 2011 Budget Act (Senate Bill 92) abolished the California Council on Criminal Justice and also the CSA, assigning their former duties to the newly created 12-member Board of State and Community Corrections that commenced on July 1, 2012. SB 92 also created the Commission on Correctional Peace Officer Standards and Training specifically to take over the CSA functions of developing, approving and monitoring standards for the selection and training of state correctional peace officers and apprentices.

Last year, the Senate took made the following changes to CPOST through the budget,

The budget reduces the length of the correctional officer training academy from 16 to 12 weeks and re-establishes the commission on Correctional Peace Officer Standards and Training (CPOST). CPOST is responsible for developing and monitoring standards for the selection and training of correctional officers and will be governed by six members (three from CDCR management and three from the correctional officers' union)

appointed by the Governor. In addition, the budget requires CPOST to regularly consult with experts in the area of correctional officer training.¹

3. Effect of Legislation

As discussed above, CPOST was reestablished last year. The CDCR web site currently has a section for CPOST—that section contains one meeting notice for April 14, 2016 and two agendas for the February 11, 2016 and December 10, 2015.² This bill requires CPOST to publish much more substantial meeting and training information online, including notes regarding what happens at these meetings, access to the meetings via live and archived video and audio meeting clips along with documents that highlight professional development training and techniques to current CDCR employees and other members of the public.

-- END --

¹ <http://sbud.senate.ca.gov/sites/sbud.senate.ca.gov/files/FAR/2015FinalActionReport.pdf>

² <http://www.cdcr.ca.gov/cpost/index.html>