

ASSEMBLY BILL

No. 489

Introduced by Assembly Member Cook

February 15, 2011

An act to amend Sections 13601, 13602, and 13603 of, to amend the heading of Title 4.5 (commencing with Section 13600) of Part 4 of, and to repeal and add Section 13600 of, the Penal Code, relating to corrections.

LEGISLATIVE COUNSEL'S DIGEST

AB 489, as introduced, Cook. Commission on Correctional Peace Officer Standards and Training.

Under existing law, the Corrections Standards Authority is responsible for developing, approving, and monitoring standards for the selection and training of state correctional peace officers and apprentices.

This bill would create the Commission on Correctional Peace Officer Standards and Training, which would succeed to those functions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The heading of Title 4.5 (commencing with
2 Section 13600) of Part 4 of the Penal Code is amended to read:

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4 TITLE 4.5. ~~CORRECTIONS STANDARDS AUTHORITY~~

5 COMMISSION ON CORRECTIONAL PEACE OFFICER

6 STANDARDS AND TRAINING

7

1 SEC. 2. Section 13600 of the Penal Code is repealed.

2 13600. ~~(a) Commencing July 1, 2005, any reference to the~~
3 ~~Commission on Correctional Peace Officer Standards and Training~~
4 ~~or “CPOST” shall refer to the Corrections Standards Authority~~
5 ~~established pursuant to Chapter 5 (commencing with Section 6024)~~
6 ~~of Title 7 of Part 3. As of that date, the Commission on~~
7 ~~Correctional Peace Officer Standards and Training is abolished.~~

8 (b) ~~The Legislature finds and declares that peace officers of the~~
9 ~~state correctional system, including youth and adult correctional~~
10 ~~facilities, fulfill responsibilities that require creation and application~~
11 ~~of sound selection criteria for applicants and standards for their~~
12 ~~training prior to assuming their duties. For the purposes of this~~
13 ~~section, correctional peace officers are peace officers as defined~~
14 ~~in Section 830.5 and employed or designated by the Department~~
15 ~~of Corrections and Rehabilitation.~~

16 ~~The Legislature further finds that sound applicant selection and~~
17 ~~training are essential to public safety and in carrying out the~~
18 ~~missions of the Department of Corrections and Rehabilitation in~~
19 ~~the custody and care of the state’s offender population. The greater~~
20 ~~degree of professionalism which will result from sound screening~~
21 ~~criteria and a significant training curriculum will greatly aid the~~
22 ~~department in maintaining smooth, efficient, and safe operations~~
23 ~~and effective programs in the department.~~

24 (c) ~~The Secretary of the Department of Corrections and~~
25 ~~Rehabilitation shall, with advice from the Corrections Standards~~
26 ~~Authority, appoint a subordinate officer to serve as executive~~
27 ~~director of the board. The subordinate officer shall serve at the~~
28 ~~pleasure of the secretary. The subordinate officer shall appoint~~
29 ~~staff as provided for in the annual Budget Act, beginning in the~~
30 ~~2005-06 fiscal year.~~

31 SEC. 3. Section 13600 is added to the Penal Code, to read:

32 13600. (a) (1) The Legislature finds and declares that peace
33 officers of the state correctional system, including youth and adult
34 correctional facilities, have a role in the criminal justice system
35 that has been previously ignored in terms of creation and
36 application of sound selection criteria for applicants and their
37 training prior to assuming their duties. For the purposes of this
38 section, correctional peace officers are peace officers as defined
39 in Section 830.5 and employed by the Department of Corrections
40 and Rehabilitation.

1 (2) The Legislature further finds that sound applicant selection
2 and training are essential to public safety and in carrying out the
3 missions of the department in the custody and care of the state's
4 offender population. The greater degree of professionalism which
5 will result from sound screening criteria and a significant training
6 curriculum will greatly aid the department in maintaining smooth,
7 efficient, and safe operations and effective programs in the
8 department.

9 (b) There is within the Department of Corrections and
10 Rehabilitation a Commission on Correctional Peace Officer
11 Standards and Training, hereafter referred to as CPOST.

12 (c) (1) The executive board of CPOST shall be composed of
13 seven voting members.

14 (A) Three members from, appointed by, and representing the
15 management of, the department.

16 (B) Three members from, appointed by, and representing the
17 membership of, the California Correctional Peace Officers'
18 Association. Two members shall be rank and file persons from
19 State Bargaining Unit 6 and one member shall be supervisory.

20 (C) One member with at least five years' experience in a higher
21 education environment providing instruction in either corrections
22 or employee training. This member shall be selected as follows:

23 (i) Within three months of appointment, the group of three
24 members appointed pursuant to subparagraph (A) and the group
25 of three members appointed pursuant to subparagraph (B) shall
26 each nominate five persons who are qualified to be appointed as
27 a member pursuant to subparagraph (C).

28 (ii) The group of three members appointed pursuant to
29 subparagraph (A) and the group of three members appointed
30 pursuant to subparagraph (B) shall alternatively strike one name
31 from the combined list of 10 nominees. The last name remaining
32 shall be the seventh member and shall serve a term of three years.
33 The order in which the group appointed pursuant to subparagraph
34 (A) and the group appointed pursuant to subparagraph (B) strike
35 names from the list shall initially be determined by lot.

36 (iii) Six months prior to the expiration of the seventh member's
37 term, the six members of the commission appointed pursuant to
38 subparagraphs (A) and (B) shall vote on whether to extend the
39 seventh member's term for an additional term of three years. If
40 the six voting members fail to extend the seventh member's term

1 by a majority vote, the commission shall replace that member with
2 a new member appointed pursuant to the initial procedure used to
3 appoint a seventh member.

4 (2) Each appointing authority shall appoint one alternate member
5 for each regular member whom they appoint pursuant to paragraph
6 (1). Every alternate member shall possess the same qualifications
7 as the regular member and shall substitute for, and vote in place
8 of, the regular member whenever he or she is absent.

9 (d) The rules for voting on the executive board of the CPOST
10 shall be as follows:

- 11 (1) Decisions shall be made by a majority vote.
- 12 (2) Proxy voting shall not be permitted.
- 13 (3) Tentative approval of a decision may be taken by a telephone
14 vote. The CPOST members' decision shall be documented in
15 writing and submitted to CPOST for confirmation at the next
16 scheduled CPOST meeting so as to become a part of the permanent
17 record.

18 (e) The executive board of CPOST shall adopt rules, as it deems
19 necessary, for efficient operations, including, but not limited to,
20 the appointment of advisory members for forming whatever
21 subcommittee it deems necessary to conduct its business. These
22 rules shall be in conformance with the rules and regulations of the
23 State Personnel Board and the Department of Personnel
24 Administration, and the provisions of the State Bargaining Unit 6
25 Memorandum of Understanding.

26 SEC. 4. Section 13601 of the Penal Code is amended to read:

27 13601. (a) ~~The Corrections Standards Authority~~ CPOST shall
28 develop, approve, and monitor standards for the selection and
29 training of state correctional peace officer apprentices. Any
30 standard for selection established under this subdivision shall be
31 subject to approval by the State Personnel Board. Using the
32 psychological and screening standards established by the State
33 Personnel Board, the State Personnel Board or the Department of
34 Corrections and ~~Rehabilitation, Division of Juvenile Facilities~~
35 *Rehabilitation* shall ensure that, prior to training, each applicant
36 who has otherwise qualified in all physical and other testing
37 requirements to be a peace officer in either a youth or adult
38 correctional facility, is determined to be free from emotional or
39 mental conditions that might adversely affect the exercise of his
40 or her duties and powers as a peace officer.

1 (b) ~~The authority~~ *CPOST* may approve standards for a course
2 in the carrying and use of firearms for correctional peace officers
3 that is different from that prescribed pursuant to Section 832. The
4 standards shall take into consideration the different circumstances
5 presented within the institutional setting from that presented to
6 other law enforcement agencies outside the correctional setting.

7 (c) Notwithstanding Section 3078 of the Labor Code, the length
8 of the probationary period for correctional peace officer apprentices
9 shall be determined by ~~the authority~~ *CPOST* subject to approval
10 by the State Personnel Board, pursuant to Section 19170 of the
11 Government Code.

12 (d) ~~The authority~~ *CPOST* shall develop, approve, and monitor
13 standards for advanced rank-and-file and supervisory state
14 correctional peace officer and training programs for the Department
15 of Corrections and Rehabilitation. When a correctional peace
16 officer is promoted within the department, he or she shall be
17 provided with and be required to complete these secondary training
18 experiences.

19 (e) ~~The authority~~ *CPOST* shall develop, approve, and monitor
20 standards for the training of state correctional peace officers in the
21 department in the handling of stress associated with their duties.

22 (f) Toward the accomplishment of the objectives of this act, ~~the~~
23 ~~authority~~ *CPOST* may confer with, and may avail itself of the
24 assistance and recommendations of, other state and local agencies,
25 boards, or commissions.

26 (g) Notwithstanding the authority of *CPOST*, ~~the authority, the~~
27 department shall design and deliver training programs, shall
28 conduct validation studies, and shall provide program support. ~~The~~
29 ~~authority~~ *CPOST* shall monitor program compliance by the
30 department.

31 (h) ~~The authority~~ *CPOST* may disapprove any training courses
32 created by the department pursuant to the standards developed by
33 ~~the authority~~ *CPOST* if it determines that the courses do not meet
34 the prescribed standards.

35 (i) ~~The authority~~ *CPOST* shall annually submit an estimate of
36 costs to conduct those inquiries and audits as may be necessary to
37 determine whether the department and each of its institutions and
38 parole regions are adhering to the standards developed by ~~the~~
39 ~~authority~~, *CPOST*, and shall conduct those inquiries and audits
40 consistent with the annual Budget Act.

1 (j) ~~The authority~~ *CPOST* shall establish and implement
2 procedures for reviewing and issuing decisions concerning
3 complaints or recommendations from interested parties regarding
4 ~~authority~~ *CPOST* rules, regulations, standards, or decisions.

5 SEC. 5. Section 13602 of the Penal Code is amended to read:

6 13602. (a) The Department of Corrections and Rehabilitation
7 may use the training academy at Galt or the training center in
8 Stockton. The academy at Galt shall be known as the Richard A.
9 McGee Academy. The training divisions, in using the funds, shall
10 endeavor to minimize costs of administration so that a maximum
11 amount of the funds will be used for providing training and support
12 to correctional peace officers while being trained by the
13 department.

14 (b) Each new cadet who attends an academy shall complete the
15 course of training, pursuant to standards approved by ~~the~~
16 ~~Corrections Standards Authority~~ *CPOST* before he or she may be
17 assigned to a post or job as a peace officer. Every newly appointed
18 first-line or second-line supervisor in the Department of Corrections
19 and Rehabilitation shall complete the course of training, pursuant
20 to standards approved by ~~the authority~~ *CPOST* for that position.

21 (c) The Department of Corrections and Rehabilitation shall
22 make every effort to provide training prior to commencement of
23 supervisory duties. If this training is not completed within six
24 months of appointment to that position, any first-line or second-line
25 supervisor shall not perform supervisory duties until the training
26 is completed.

27 SEC. 6. Section 13603 of the Penal Code is amended to read:

28 13603. (a) The Department of Corrections and Rehabilitation
29 shall provide 16 weeks of training to each correctional peace officer
30 cadet. Except as provided by subdivision (b), this training shall be
31 completed by the cadet prior to his or her assignment to a post or
32 position as a correctional peace officer.

33 (b) If an agreement is reached between the department and the
34 bargaining unit for the correctional peace officers that this
35 subdivision shall apply, and with the approval of ~~the Corrections~~
36 ~~Standards Authority~~ *CPOST* on how to implement the on-the-job
37 training requirements of this subdivision, the department shall
38 provide a total of 16 weeks of training to each correctional peace
39 officer cadet as follows:

1 (1) Twelve weeks of the training shall be at the department's
2 training academy. Cadets shall be sworn in as correctional peace
3 officers upon the completion of this initial 12 weeks.

4 (2) Four weeks shall be at the institution where the cadet is
5 assigned to a post or position.

6 (c) The department shall provide a minimum of two weeks of
7 training to each newly appointed first-line supervisor.

8 (d) Training standards previously established pursuant to this
9 section shall remain in effect until training requirements are
10 established by ~~the Corrections Standards Authority~~ *CPOST*
11 pursuant to Section 13602.