COMMISSION ON
CORRECTIONAL PEACE OFFICER STANDARDS AND TRAINING

Operational Procedures

I. Authority

The Commission on Correctional Peace Officer Standards and Training (CPOST) was established under the California Penal Code (PC) Sections 13600 through 13603, in July 2015. Pursuant to PC Section 13600(b), CPOST is within the California Department of Corrections and Rehabilitation (CDCR).

Additional authority for CPOST is within the Memorandum of Understanding (MOU) between the State of California and the California Correctional Peace Officers Association (CCPOA), State Bargaining Unit 6.

CPOST operates pursuant to the Federal Code of Regulations, Title 29, Sections 29 and 30; the California Labor Code, Chapter 4, Division 3; the California Code of Regulations (CCR), Title 8, Division 1, Chapter 2, Subchapter 1, Article 4; and the California Government Code (GC), Title 2, Division 3, Part 1, Chapter 1, Article 9.

The CPOST Commission shall adopt rules as it deems necessary for efficient operations, per PC, Section 13600(e). These rules shall conform to the State Personnel Board's rules and regulations, the Department of Human Resource's rules and regulations, and the provisions of the Bargaining Unit 6 MOU. CPOST operational rules and definitions shall be documented in section XI of this document.

II. Purpose

The purpose of the CPOST is to establish standards for the training and professional development of rank-and-file state correctional peace officers, as well as first-line and second-line supervisory state correctional peace officers. CPOST engages in these efforts to create a broader understanding of the functions and responsibilities of the state correctional peace officer.

In order to accomplish its purpose, the CPOST will:

a. Develop, approve, and monitor standards for the selection and training of state correctional peace officer apprentices.

b. Develop, approve, and monitor standards for the Apprenticeship Program across all applicable classifications, including establishing work processes for each classification and verifying the completion of work process hours by apprentices. The Apprenticeship Program Operating Procedures are hereby incorporated by reference.

c. Develop, approve, and monitor standards for first-line and second-line supervisory training.

d. Develop, approve, and monitor standards for supplemental training for correctional peace officer classifications.

e. Toward the accomplishment of these objectives, the CPOST may confer with, and avail itself of the assistance and recommendations of other state and local agencies, boards, or commissions, as well as subject matter experts.

f. The CDCR shall adhere to the training standards developed by CPOST at all locations where training is provided in accordance with Penal Code 13602(a).

III. Executive Director (ED)

a. The ED is responsible for daily operation and oversight of the CPOST support staff.

b. The ED is responsible for administration of policy and oversight functions for CDCR's Apprenticeship Program.

c. The ED is responsible for keeping the full CPOST commission informed throughout the year, when appropriate, as to occurrences and information that come to the CPOST office in-between meetings.

d. The ED works collaboratively with the CPOST Commission on the development, implementation, and maintenance of a cooperative labor/management approach to review training standards and materials subject to CPOST oversight.

e. The ED is responsible for developing the agenda for all Commission meetings, in addition to chairing the meetings. The agenda and a draft of the previous meeting's minutes will be distributed to the Commission in advance of the next meeting.

i. In the event the ED is not available, the CPOST Captain will assume the ED's duties during the meeting.

ii. Should the ED and the Captain be unavailable, the Commission shall designate one (1) of the CPOST Supervisory staff members to assume the ED's duties during the meeting.

f. The ED shall act as a neutral facilitator that encourages participants to add content to the topic being discussed.

g. The ED is a non-voting member of the CPOST.

IV. CPOST Governance

a. Commissioner Appointment, Resignation, and Vacancy

i. Appointment

A. The executive body of CPOST shall be composed of six (6) voting members, as follows:

1. Three (3) members representing the management of CDCR, one (1) of whom shall represent either the Division of Rehabilitative Programs or the Division of Adult Parole Operations and shall be appointed by the Secretary of CDCR.

2. Three (3) members representing the membership of CCPOA. Two (2) members shall represent rank-and-file persons from Bargaining Unit 6 and one (1) member shall be supervisory and shall be appointed by the Governor.

B. Appointments shall be for four (4) years, per PC Section 13600(c)(1)(C). To ensure a quorum can be established for each Commission meeting, appointments shall remain in place until a replacement has been identified, confirmed, and received Bagley-Keene Open Meeting Act training.

C. Promotion of a member of the CPOST may invalidate the appointment of that member and shall require the recommendation and appointment of a new member if the member was appointed from rank-and-file or as supervisory personnel and promoted out of their respective rank-and-file position or supervisory position during his or her term on the Commission, per PC Section 13600(c)(1)(D).

D. Any individual waiting for confirmation of his or her membership to the CPOST, must conform to, and abide by, the Bagley-

Keene Open Meeting Act, as though already confirmed (GC Section 11121.95). Specifically, each current and unconfirmed commissioner shall abide by GC Section 11122.5 and shall not participate in any *ex parte* communications.

ii. Resignation

A. CPOST commissioners serve a term of four (4) years, or:

1. Until succeeded by their respective organization, or

2. In the event of resignation.

B. Resigning CPOST commissioners will notice, in writing, the ED as well as their own sponsoring organization. Labor representatives shall also notify, in writing, the Governor's Office.

iii. Vacancy

Upon any vacancy, the CPOST shall revert to the appointment process as described in i(A)-i(C) above.

b. Commissioners

i. Each voting commissioner will ensure the CPOST operating procedures, regulations, selection and training standards, and Apprenticeship Program standards are met.

ii. Each voting commissioner will attend each regularly scheduled meeting and participate in-person.

c. Alternate Commissioners

i. CDCR and CCPOA may appoint one (1) alternate member for each voting member whom it appoints, pursuant to i(A)-i(C) above.

ii. Every alternate member shall possess the same qualifications as a voting member and shall substitute for, and vote in place of, a voting member who was appointed by the same appointing authority whenever the voting member is absent.

iii. Alternate commissioners will attend all meetings of the CPOST.

d. General acknowledgement of Official Business

A representative pursuant to the meeting from both management and CCPOA shall sign all formal Commission documentation including meeting minutes, correspondence, etc.

V. Responsibilities of CPOST Commissioners

a. Commissioners identify and advocate for issues of importance to elevate the wellness, resiliency and performance of the correctional peace officer through training.

b. It is critical individual Commissioners do not intervene or become involved in the day-to-day CPOST office operations. Commissioners may request CPOST office operations to research, report or develop standards on specific areas as deemed relevant. Those findings shall be delivered in the public meetings.

c. The voting commissioners of CPOST shall adopt rules as it deems necessary for efficient operations [PC Section 13600(e)].

d. Develop, approve, and monitor standards for:

i. The selection and training of state correctional peace officer apprentices, including psychological screening, physical fitness and other testing standards [PC Section 13601(a)(2)].

ii. Additional training for apprentices in the areas of mental health, rehabilitation, and the theory and history or corrections [PC Section 13601(a)(3)].

iii. The carrying and use of firearms for state correctional peace officers which shall take into consideration the different circumstances presented within the institutional setting [PC Section 13601(b)].

iv. The length of the probationary period for correctional peace officer apprentices [PC Section 13601(c)].

v. Advanced rank-and-file supervisory state correctional peace officer and training programs for the Department [PC Section 13601(d)].

vi. Training related to the handling of stress associated with the state correctional peace officer duties [PC Section 13601(e)].

e. Notwithstanding the authority of the CPOST, CDCR shall design and deliver training programs, conduct validation studies, and provide program support. The CPOST shall monitor CDCR's program compliance [PC Section 13601(g)].

f. The CPOST shall annually submit an estimate of costs to monitor and audit CDCR and its institutions and parole regions for adherence to training and program standards [PC Section 13601(i)].

g. The CPOST shall establish and implement procedures for reviewing and issuing decisions concerning complaints or recommendations from interested parties regarding the CPOST rules, regulations, standards, or decisions [PC Section 13601(j)].

h. The CPOST shall determine the on-the-job training requirements for state correctional peace officers [PC Section 13603(b)].

i. The CPOST shall direct the ED to establish subcommittees as necessary to research, analyze, and make recommendations or report findings to the Commission.

j. Pursuant to the BU6 MOU Section 8.03(K), any BU6 member who serves as a CPOST commissioner or alternate commissioner shall be released from their normal post to attend the CPOST commission meetings/business on official business (OB) time without loss of compensation. CPOST Commissioner(s) shall receive necessary and reasonable State Release Time (generally no more than eight [8] hours) without loss of compensation to review documents in preparation for future meetings.

VI. Advisory Committee

a. Pursuant to Memorandum of Understanding with Unit 6 (MOU), an advisory committee will have the power to review training and provide CPOST staff with guidance. The advisory committee will determine if there is a need for a full commission review. The results of these sessions will be presented at the regularly scheduled Commission meetings and voted on when required.

b. The advisory committee must only include one management, one labor, and one CPOST staff representative. The advisory committee may add other external subject matter experts that do not represent the Commission or CPOST staff.

VII. CPOST Staff

a. All CPOST staff shall operate in accordance with this Operational Procedure (OP), Government Code (GC), Penal Code (PC), the Apprenticeship Program OP, and all applicable rules and regulations.

b. Under the direction of the ED, all staff will ensure the maintenance of CPOST records and files for a minimum of five (5) years.

c. Ensure each Commissioner (voting and alternate) receives a completed onboarding process including an explanation of their role on the Commission, meeting responsibilities, curriculum review training, and Bagley-Keene Open Meeting Act training.

d. The Apprenticeship Coordinator's Office (ACO), under the auspices of CPOST, will maintain records of the members of all Local Apprenticeship Subcommittees (LAS) for a minimum of five (5) years.

e. CPOST staff is responsible for meeting preparation; including but not limited to; notification of agenda items to all stakeholders, preparation and dissemination of meeting materials, room set-up and tear down, recording of meeting minutes, and notification of stakeholders as to Commission votes.

f. CPOST staff shall adhere to the established meeting cycle processes and deadlines to ensure all meetings are held in accordance with Bagley-Keene Open Meeting Act.

g. CPOST staff will create draft training standards for review and approval of the CPOST Commission. All draft training standards will be vetted in the established stakeholder review process before final approval is given from the CPOST Commission.

h. CPOST staff assigned to the ACO will facilitate the CDCR statewide Apprenticeship Program (AP) in accordance with the approved AP Operational Procedures, Division of Apprenticeship Standards (DAS) regulations, MOU with Bargaining Unit 6, and state and federal apprenticeship regulation.

i. CPOST staff assigned to the review of training curriculum shall be scheduled to complete at least the California Commission on Peace Officer Standards and Training Instructor Development Institute Level I and Level II courses.

j. CPOST staff will remain current on national and international adult learning theory trends as it relates to law enforcement and Academy training and share resources with the Commissioners as deemed appropriate for their role.

VIII. Meetings

The CPOST shall conduct all meetings according to the Bagley-Keene Open Meeting Act, GC Sections 11120 through 11132. All meetings will also be in line with Robert's Rules of Order or applicable regulations, so long as this does not conflict with the Bagley-Keene Open Meeting Act.

a. Quorum

A quorum, consisting of at least two (2) management members and two (2) CCPOA members of the voting commissioners, is required to conduct a meeting.

b. Frequency

The CPOST shall meet bi-monthly or more often, as deemed necessary.

A. The date, time, and location of the meeting will be announced at least 30 calendar days in advance.

B. The finalized agenda will be announced at least 10 calendar days in advance.

c. Notification

i. CPOST Commissioners

A. Commissioners will vote on the date and times of the bi-monthly meetings on an annual basis.

B. An electronic announcement will be sent 30 calendar days in advance to the CPOST commissioners with the date, time, and location(s) for the next meeting.

ii. Public

CPOST is required to give at least 10 calendar days written notice of each board meeting held. The notice must include the name, address, and telephone number of a person who can provide further information prior to the meeting, include the agenda and a brief summary of each item, and must contain the website address where the notice can be accessed. The notice must be posted on the internet at least 10 calendar days before the meeting.

iii. Location(s)

A. The location of the meeting site shall be provided, along with any additional locations where CPOST members are telephonically participating in the meeting.

B. All location sites must be accessible to the public.

d. Voting

i. Rules

A. The six (6) voting commissioners, or in their absence, the designated alternate member(s), are the only voting members of CPOST.

B. A quorum, as defined above, is required to make a decision or call for a vote.

C. Decisions shall be made by majority vote.

D. Proxy voting shall not be permitted.

E. A designated alternate commissioner votes in the place of the member in their absence.

F. Tentative approval of a decision may be taken by a telephone vote. The decision shall be documented in writing and added to the meeting agenda for confirmation and a final vote executed at the next scheduled CPOST meeting, so as to become part of the permanent record.

G. Items requiring a vote must be pre-scheduled on the agenda. Failure to schedule an item will result in the item only being available for discussion. Voting shall be delayed until the following meeting.

H. Process

1. The ED will ask for a voting commissioner to make a motion.

2. Once a motion has been made, the ED will ask for another voting commissioner to second the motion.

3. If the motion is for a vote, then the ED will conduct a rollcall vote of the voting commissioners and announce the result for the record.

ii. Tie Vote

In the case of a tie vote, the following process shall be followed:

A. The voting commissioners shall discuss the issue further and determine if additional information would be useful.

B. If additional information can be obtained during the meeting, it shall be presented, and the vote re-taken.

C. If additional information can be obtained, but not quickly, and time is not of the essence, the issue can be tabled until the next regular meeting.

1. The voting commissioners may direct the CPOST staff to provide the required information within a specified number of business days and schedule a special session when the information shall be presented, and the vote re-taken.

2. The special session shall be documented, as required, and the result of the new vote shall be included on the agenda of the next regular meeting.

iii. Impasse

A. In the event of an impasse, the matter shall be directed via memorandum to the Secretary of CDCR and the President of CCPOA by the CPOST staff.

B. Final resolution shall be elevated to the Director of the California Department of Human Resources, if needed.

C. If the issue at hand is related to training which is already in place, training with the existing curriculum shall continue pending resolution.

e. Closed Session - Controversies

i. The CPOST may meet in closed session to discuss pending litigation, sensitive legal matters, review personnel documents pursuant to appeals, discuss an individual apprentice's employment history, make recommendations regarding an apprentice's pay step increase, or basic testing instruments, the public disclosure of which would jeopardize the testing process itself. The vote on these issues, however, must be done publicly, on the record.

ii. A closed session shall be attended by the voting commissioners; alternate commissioners, if serving for a voting member; the ED; a record keeper, as required; the complaining party, with or without a representative, if present; and, if required, legal counsel to the CPOST.

iii. The record keeper can be any CPOST staff member, as selected by the ED.

A. The record keeper will take minutes of the closed session in the designated ledger book, noting the date, those present, the start and end times for the session, and all discussion and decisions made by the Commissioners.

B. The ledger book shall be confidential and not part of public record, per GC Section 11126.1.

iv. At the end of the closed session, the CPOST will reconvene in public session and shall make any reports, provide any documentation, and make any other disclosures of action taken during the closed session, including voting, if necessary.

f. Materials

i. The bi-monthly meeting announcement shall be posted and/or sent electronically 30 calendar days in advance. A draft version of the agenda may be issued with the meeting announcement.

ii. The final bi-monthly meeting agenda shall be posted and/or sent electronically 10 calendar days in advance. A draft version of the previous meeting's minutes will be sent with the agenda to all Commissioners, as well.

iii. All meeting materials provided to the CPOST commissioners shall be made available to the public for review.

A. In the spirit of fiscal responsibility, CPOST staff will provide a minimum number of physical copies of materials at a meeting.

B. An Electronic Materials Request form shall be available at all meetings for any individual or organization to provide contact information to receive an electronic copy via email of any or all information provided to the CPOST commissioners.

C. This Request will not be treated as consent for CPOST, any of the commissioners or staff, to send updates and/or meeting announcements to any individual or organization, unless specifically requested by the recipient.

IX. Training Review

a. Submission

The CPOST is charged with establishing standards for the review of departmental training as compared to industry standards and best

practices. In order to facilitate thorough review, training must be submitted for review with sufficient time for a complete evaluation.

The creator of training, the timeline required for review, and the required materials for review are critical factors in establishing an efficient process for CPOST training review.

Creators can be any of the agency stakeholders and vendor training created by third parties tailored for CDCR.

1. A timeline of 90 days is required to review any proposed training, allowing sufficient time to research materials and schedule a presentation before the CPOST, as deemed necessary. For materials with a January 1st roll-out date, the Commission has established a September 1st submission deadline to ensure time for recommendations to be implemented and reviewed for approval before the required roll-out date.

    a) Exceptions to the 90-day requirement will be addressed on a case-by-case basis and should only be driven by extreme need including legislative, executive, or Penal Code directives.

    b) In these cases, CPOST reserves the right to provide provisional approval with the expectation of further review, to include in person audits and/or evaluation feedback, of the courses to ensure recommendations are implemented and the training meets established standards.

    c) Provisional approved training will require a return to the Executive Board for final approval after revisions are made. The CPOST Executive Board establishes the timeline for return and final approval.

2. Training materials shall include the following:

    a. Course Title Version, Frequency of the Training

    b. Hours of instruction

    c. Roll out date, requestor, and methods of course presentation.

    d. Learning activities (e.g., table-top exercises, role playing, scenarios) or other means of assessing student learning (e.g., cognitive or manipulative skills test)

e. Methods of assessing student learning (e.g., learning activities demonstrations, testing, teach backs)

f. Process for student evaluation of the course.

g. Instructor/trainee ratios

h. Provisions for student safety, if applicable

i. Instructor prerequisites

j. Instructional Design Unit (IDU) contact

k. Reason for development

l. Instructional goal

m. Similar or related courses

b. Review Process

1. Staff Review

The CPOST staff will review all materials submitted to ensure compliance with approved CPOST Training Standards in accordance with the established CPOST review process.

2. Commission Review

The CPOST Executive Director will work with the Executive Board to identify training to be brought before the Commission for formal review. Presentation will be scheduled at the next available opportunity.

3. Review Schedule

The CPOST shall review all training in accordance with established Departmental guidelines and schedules. Exigent circumstances may necessitate the need for review outside the established timeframe.

c. Approval/Disapproval

1. Approval

The CPOST review of training shall result in approval, disapproval, or approval with recommended revisions. Approval from the

CPOST signifies that the training reviewed complies with all applicable CPOST Training Standards.

2. Provisional Approval

Should there be changes recommended by the Commissioners to the curriculum to better align with CPOST standards, a provisional approval may be granted by vote. A provisional approval identifies the training will meet CPOST standards if specific recommendations are adopted. The provisional approval vote allows the training to move forward with the caveat that the recommendations are implemented prior to distribution.

Should training require recommendations to meet standards and a provisional approval is granted, CPOST staff shall bring the training back before the commission within six (6) months to confirm that the recommendations were implemented prior to distribution. Once the Commissioners have verified the recommendations were implemented, another vote is taken, and the curriculum can be moved from the status of provisional approval to (full) approval.

Should training require longer than six months to incorporate recommendations, it will remain a standing agenda item for every subsequent commission until approved or otherwise resolved.

3. Disapproval

Disapproval of training shall require a Commission vote and may occur when:

a. There is failure to comply with established CPOST Training Standards.

b. There is failure to comply with established training submission/review process.

c. There is missing or unclear content preventing the Commission from approving the training.

d. Stakeholders will be notified by email of the disapproval and recommendations for revision(s) will be noted in writing.

d. Appeal Process

Any disapproval of training may be appealed. The appeal and all relevant documentation the appellant believe supports the appeal, must be submitted digitally or in writing and received by the Executive Director within 45 calendar days of the notification of disapproval.

Appeals received at least 30 calendar days prior to the next scheduled Commission meeting will be heard at that meeting. Appeals received with less than 30 calendar days remaining prior to the next scheduled Commission meeting may be heard at a subsequent Commission meeting. The Commission shall notify the appellant of the date, time, and location of the meeting within 10 calendar days of the receipt of the appeal by the Commission.

The appeal shall be addressed as a regular agenda item and shall follow the established meeting processes.

X. Travel

a. Commission members will be reimbursed for travel expenses incurred while performing approved commission business in accordance with CDCR reimbursement criteria.

b. Travel arrangements, including hotel accommodations, flights, and/or rental cars, are made by the CPOST support staff through CDCR's designated travel program.

i. The support staff will provide each commissioner with confirmations for all travel reservations for their review and approval, prior to submission.

ii. In the event any reservations need to be cancelled or modified, the commissioner will notify the support staff as soon as possible.

c. All expenses must be claimed using CDCR's electronic travel claim program.

d. When possible, a state vehicle should be utilized for travel to and from commission meetings, instead of a personal or rental vehicle.

XI. Approval and Review

The CPOST Captain and Supervisory staff, in conjunction with the Executive Director, will review this Operational Procedure annually. A review for updates and amendments will be on an "as needed" basis. Changes to the OP shall require a review by the CPOST commissioners for approval and implementation.

XI. Operational Rules and Definitions:

a. Training required by litigation:

Should training become mandated as part of a court order, stipulation, abatement or any other litigation, CPOST will present the training to the Commissioners as in informational practice that does not require a

vote. This type of training is created in a litigation silo not always taking into consideration CPOST training standards. The training should be a “one off” schedule and have a definitive end date or train by date to satisfy the legal requirements. If the training is identified as needing a recurring schedule, then it shall be developed through IDU and presented to the Commission to garner a vote.

b**.** Regulation/Policy Change:

To ensure current and consistent training, CPOST will monitor policy and regulation changes to determine if previously CPOST approved training would need to be revised based on the updated departmental policy or regulation. CPOST will add those reviews to their regular duties, and present, as necessary, any findings to the Commission.

The CPOST Operational Procedure has been reviewed and approved by Commission vote on April 18, 2024.