



CCPOA WEEKLY UPDATE — JANUARY 20, 2012

CDC Update — By Chuck Helton, CDC VP

Well, here's another one for the "don't confuse us with the facts" file. In August 2011, CDCR mailed a letter to CCPOA members providing each person with their seniority scores (as of April 2011), broken into two categories — Unit 6 and state time. Unfortunately, many of these letters gave incorrect seniority data. And what's worse, this fact wasn't readily apparent to those receiving the letters — since the scores were already four months old and the data was presented in an extremely confusing manner. To add insult to injury, CDCR is using this incorrect seniority data as the basis for issuing layoff notices, meaning that they're likely to issue lay off notices to the wrong people!

Now the State's claiming that there's one way, and one way only, to correct this information in their system, and that is for each member to submit a challenge form to them within 30 days. Here's the catch — the 30-day window has already passed, and the handful of people that eventually DID realize that their data was wrong had no idea that they needed to submit a form.

And now, despite the fact that CDCR acknowledges that their data was incorrect, and that subsequently their layoff notices will go to the wrong people, they are refusing to correct the problem en mass. Talk about an employer acting in bad faith!!

However, there may be a solution.

The State has expressed willingness to check into seniority discrepancies on a person-by-person basis — assuming there's a means of getting this information from you, to them. We are working on getting them to provide us with a system for doing so. And you can bet we'll be on them like white on rice until they do so. Please stay tuned!

DJJ Update — By Daryl Lee, DJJ VP

Late last week we attended a Farrell court hearing in Oakland, where the Prison Law Office (PLO) attempted to hold DJJ in contempt for not fulfilling the orders of the consent decree. However, a settlement conference was held just prior to the hearing, and the issue is now being resolved.

Ironically, at the same time the PLO was trying to make these claims, the courts actually ruled that DJJ showed progress in ALL areas of the consent decree. So if we're successful in defeating the Governor's proposed elimination of DJJ, which we're working very hard to do, the Department could be released from court intervention in about a year and a half.

We also had an informal meeting with the DJJ Director, where we discussed the increase in assaults against staff and property at Ventura — including group attacks and the kicking down of doors — mainly on BTT units. The assailants (typically offenders under 18 years of age) have learned that the courts and probation will not

hold them accountable for their actions, so they act with impunity. They have no fear of consequences because they seldom, if ever, experience consequences for their actions, even violent ones. Per our meeting, the Department and courts have a tentative agreement to create so-called “Special BTT Units,” which will isolate both the most seriously violent offenders and/or those who organize the attacks from the rest of the population. This is expected to occur within the next 30-60 days.

I also wanted to provide an update on our efforts to help the three DJJ board coordinating parole agents facing potential layoff — the Department is currently working to identify compatible vacancies to offer to these staff members. More soon.

In addition, we’ve had some initial success contacting the probation and DA’s association, and other stakeholders, to schedule a juvenile justice summit in February to discuss how to keep DJJ intact, and the specific roles that state and local governments will play in juvenile justice in the future.

And finally, the Department has not yet announced a new Acting Director to replace Rios, who is retiring the first week of February, but we’ll keep you posted.

Labor Update — By Steve Weiss, Chief of Labor

We recently reached agreement on Reception Center conversions at Lancaster, and have been meeting pretty much non-stop on the impact of realignment.

Some of the issues raised in these meetings include providing caucus time for local chapters to prepare for negotiations, and specifying exactly what information chapter presidents are provided during negotiations. While we have tentative agreements on both, we need to hold off on implementation until we have sign off on the entire agreement — we’ll let you know as soon as that occurs.

Additionally, the Department issued an emergency revision of the January 2012 *Institution Activation Schedule (IAS)* at the same time it issued the *February 2012 IAS*. Please [click here](#) to view this important document.

Legislative Update — By Stephen Walker, Chief of Legislative Affairs

We're continuing our comprehensive candidate interview process in preparation for CCPOA's official endorsements in the 2012 election cycle. Our participation in these elections will help ensure that we have a State Legislature that understands our profession and the many challenges we face.

Speaking of elected officials, Gov. Brown delivered his State of the State address this week, where after only briefly mentioning realignment, he focused mostly on water, high-speed rail and balancing the state's budget. In case you missed it, we'll be posting his full speech at www.ccpoa.org.

Supervisory Update — By Kevin Raymond, Supervisory VP

We're continuing to meet with the State over the conversion of Reception Centers to general population, and are in the process of re-scheduling our meeting with the State to discuss supervisory seniority and other important issues, which had to be moved from Jan. 12. We'll keep you informed as these processes continue to move forward.

Legal Update — By Chief Counsel Dan Lindsay / Supervising Attorneys Shelley Lytle, Rudy Jansen, Janice Shaw

Our legal team has two items for your attention this week. First, for those who missed it, the 9th Circuit Court of Appeals heard arguments in the case of Officer Rob McGowan — a former CO at CIM who was accused of mistreatment by several inmates back in 2002 and is currently serving 51 months in federal prison.* While the 3-judge panel has not issued a ruling, they did agree to consider releasing McGowan on bail for the remainder of his appeal. The court's

decision could come down at any time, and CCPOA remains committed both to McGowan's bail and innocence.

Second, for those who want to obtain CCPOA legal representation at State Personnel Board hearings, the employee must receive approval from either the local chapter's Legal Defense Committee (LDC) or the Legal Defense Review Panel (LDRP). If the committee refuses to grant approval or if the employee desires to do so, he/she may represent himself/herself or retain, at his/her own expense, an attorney for representation. The member may appeal the decision of the Committee or Panel.

A chapter's Legal Defense Committee is comprised of three members of the chapter's Board of Directors, as designated by the Chapter President. The LDRP is comprised of three members of the CCPOA legal staff.

The purpose of the Committee or Panel is to review facts on the case and determine whether CCPOA legal funds will be utilized on the employee's behalf at the State Personnel Board hearing. The employee has the right to appeal the decision of the Committee or Panel. A chapter's LDC vote is appealable to the State LDC. The decision of the LDRP can be appealed to the Appellate Panel.

An employee disciplined for off-duty conduct is not eligible for, and will not be considered for, CCPOA legal representation unless the Chapter President petitions for representation. Please refer to the SOP, Chapter 5, Paragraph 7.

** Background: Ten years ago Officer McGowan was accused of mistreatment by several inmates, but was acquitted of all charges. However, in 2007 the 9th Circuit Court of Appeals overturned the acquittal and charged McGowan with two counts of deprivation of rights. McGowan has been serving time in a federal prison in Lexington, Kentucky ever since.*