



California Correctional
Peace Officers Association

Front Street



Fronting the Facts, Watching Your Back

March 2004

Message From Louie: Witch Hunt – the CYA Sequel

Vice President CYA

Warning to CCPOA members: the Legislature is ready to attack again as they have scheduled public hearings regarding problems at the California Youth Authority (CYA). It is likely that the politicians will point to CCPOA as the cause of corruption yet again. As with the legislative hearing called to sensationalize the Hagar report, you can expect to hear allegations combined with testimony from witnesses who lack objectivity.

CCPOA intends to act aggressively and decisively with regards to these hearings.

The most important point we will make is that CCPOA has been the loudest whistle blower when it comes to exposing the shortcomings of the CYA and calling for changes that protect wards and respect correctional officers. For the last three years, we've tried to work with the Davis administration to make changes, but former Director Jerry Harper refused to act. For the last year, we've highlighted the dangerous environment within facilities throughout the CYA system and made recommendations for improvement. Things got so bad that we had no choice but to call for former Director Harper's resignation.

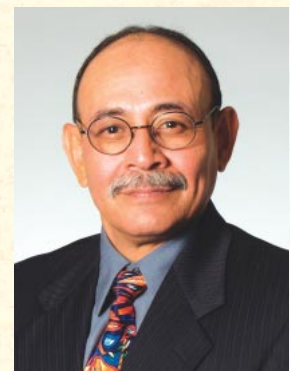
Now, the media and legislature are involved, and while we expect their attacks on CCPOA to continue, we stand ready to respond and champion efforts to reform CYA so we can do our jobs safely and effectively. We believe new CYA Director Walter Allen is genuine in his desire to take action, and we will continue to make recommendations that will result in safety, rehabilitation and successful treatment of wards.

As you will see in this edition of *Front Street*, our union finds itself under attack from a variety of sources. And while CCPOA is mentioned prominently in headlines across California, the news media fails to report the dangers we face each day protecting Californians from criminals.

In fact, you won't read about how many officers are attacked at prisons or CYA facilities. And you certainly will not read any articles that present the fact that CCPOA has been speaking out about the problems at CYA facilities for several years. You will, however, read stories that highlight the fact that a lack of management discipline has created an environment where wards know they will not be punished for dangerous behavior.

The good news is that CCPOA will not be silent or allow your service to go unnoticed by the politicians and special interests who believe that the rights of convicted criminals should be expanded at the expense of sworn officers.

We will be proud to attend the legislative hearings and deliver a comprehensive education about the contributions of Correctional Officers, the dangers you face on a daily basis and the many things you all do to keep California safe. ■



DEFENDING OUR HONOR AND PROFESSIONALISM: BATTLE READY!

MESSAGE FROM MIKE JIMENEZ - CCPOA PRESIDENT

The men and women of CCPOA who risk their lives daily to perform the most difficult public safety duties today find themselves under attack from a much different adversary. The combination of an incomplete federal report and opportunistic state politicians has created an assault on our profession unlike any other time in union history.

The sensational media, in its zeal to create a scandal, is a willing accomplice in this war on correctional peace officers. Countless stories have vilified our officers and CCPOA's work to protect members' right to due process, respect and a safe work environment.

Your CCPOA has a message to anyone who thinks we will accept this treatment or agree to any policy change that would put officers' lives at risk.

No politician or special interest will ever break this union or weaken our resolve to protect your honor and integrity. We will fight with every ounce of strength to set the record straight and defend your rights.

Much has been written about the recent legislative hearings, which centered on the federal Hagar report and incidents at Folsom Prison. **The media has reported extensively but curiously neglected to highlight several key points:**

■ **Although CCPOA was viciously attacked in the final report, we were never contacted by Mr. Hagar regarding his investigation.** His supposed "objective" analysis is really a trial in which the prosecution presents its case without any opportunity for the defense to make a presentation. After its release, CCPOA thoroughly reviewed the report and found numerous factual omissions and false assumptions designed to convict without evidence.

■ **Mr. Hagar cannot be considered completely impartial.** Despite coverage in hundreds of newspapers across California, only one media outlet has reported on Mr. Hagar's background. Buried deep within the article is the revelation that Mr. Hagar's background includes service as an ACLU activist. This is not to suggest that Mr. Hagar is dishonest, nor to impugn his position, but to point out that there may be a predisposition toward the conclusions in his report prior to conducting his incomplete review.

The most conclusive proof of this predisposition is the fact that Mr. Hagar included details of a CCPOA member's firing when the incident was unrelated to his investigation. **Incredibly, Mr. Hagar omitted the fact that the officer in question received a letter of commendation from his warden following an official state investigation.** Had that detail been included, it would have obviously been difficult to reach the conclusions that Mr. Hagar was predisposed to reach.

CCPOA members know the real story. We have led the fight to make changes at the Department of Corrections and the Department of the Youth Authority. We have publicized the lack of leadership and accountability by political appointees. We have pointed out constantly the fact that this lack of discipline and support for line officers and supervisors has created a climate in which inmates and wards feel empowered to violently attack officers because they know there will be no consequences to their violent actions.

CCPOA will continue to champion policy changes in California's correctional system. We will continue to try to work with the Governor and his team toward meaningful change that protects your integrity and ability to perform your duties. We all know that hundreds of millions can be saved without impacting our members' livelihood. We will continue to highlight the areas where cost savings can be formed immediately.

At the end of the day, you can be assured that your CCPOA executive team will never allow the politicians and special interests to forget the real issue: that we go to work everyday protecting Californians from the most dangerous and violent people on earth. Today as you read this, we know eight of our brothers and sisters will be attacked. But that doesn't deter us from performing our jobs with honor and dedication, and that is exactly why we will never stop fighting for you. ■

JUST THE FACTS

By Louie Adame, CYA Vice President

- CYA is under attack from the media as well as prisoners' rights groups that cite inhumane conditions of the wards who are in cages conducting their educational or recreational programs. Former Director Harper, who inherited the problem, only complied with changes from the last set of legislators. Years ago, CYA members were accused of staging fights of wards when they had their educational/recreational programs. The cages were created as a safe method to program and educate the violent wards.
- Former governors and legislators have been hacking away at the CYA budget since 1990 – at that time when the CYA was leading the nation in juvenile prevention and education. The line staff has been bearing the brunt of the budget cutbacks, but management seems to have a surplus of managers.

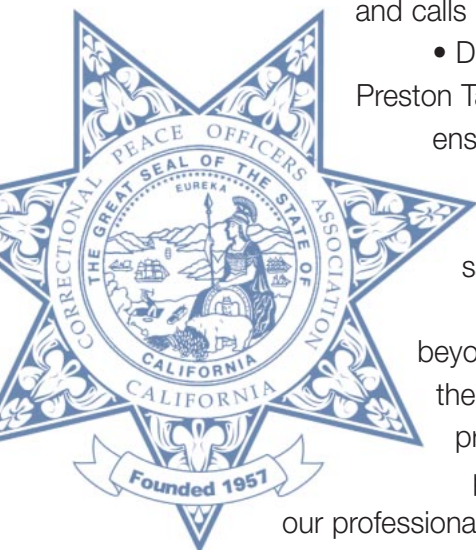
“Every Unit 6 member in the CYA does an outstanding job and goes above and beyond in his/her duty by trying to fulfill the programs mandated by the institution...”

- Here's another bad rap: the newspaper hacks cite that CCPOA Unit 6 staff as the financial burdens of the institutions! This is untrue! For every Unit 6 member, there is another two or three support members, whether it is secretaries, doctors, nurses, administrators, candlestick makers, etc. Although the Youth Authority is closing institutions due to the declining ward population, why is the CYA still maintaining administrative and/or positions created when the ward population was at 10,000 wards?
- The newspapers attack our sick leave but they fail to see how that process works. The department lumps child care federal mandated programs, paternal leave, IDL cases, etc. into one section and calls it all sick leave.

- Due to the recent Senate hearings and the subsequent CYA's reaction on the Preston Tamarack Lodge and discontinuation of cages at other institutions, I want to ensure every Unit 6 member: you are the core to rebuilding the CYA. CCPOA will be defending some of the finest officers in the Youth Authority. I call for your assistance to inform CCPOA of incidents relating to the changes to all safety agreements.

Every Unit 6 member in the CYA does an outstanding job and goes above and beyond in his/her duty by trying to fulfill the programs mandated by the institution via the Director, YACA, the Legislature, the Governor, youth law centers, ACLU and prisoners' rights groups. You should be commended and not insulted and portrayed as criminals. It's time to stand tall and go on the offense because all of our professional careers are being tarnished by one-sided Senate/newspapers kangaroo public forums.

It's time they hear your horror stories, the problems we share with the same incompetent management teams, addressing the problems of the Youth Authority. The problem is everyone at the top has his/her own agenda. This new director needs to straighten out the house and empty the old cobwebs, but that may be difficult since he has already been threatened about his confirmation at the Senate hearings. These problems did not start last year; this has been going on for several years! ■



SUPERVISORY UPDATE:

MESSAGE FROM ROBERT DEAN – SUPERVISORY VICE PRESIDENT



Contract Update – I have received several calls about the opening of the contract and how it will affect the Supervisors of CCPOA. As we all know, Supervisors are not covered under the BU6 MOU, but are supposed to receive benefits that are comparable. Most – if not all – of the benefits Supervisors receive come from direct negotiations at the table. For the last year and a half, I have been at the tables, and I have not received notice that the Governor would like to open the BU6 MOU. As always, we will fight hard to ensure it stays that way.

Re-directions/4.9% Vacancy Plan – While CCPOA does not support any salary savings plan for supervisors in the prison setting, progress was being made regarding the vacancy plan. While promising to work with CCPOA to map out how to implement the new plan, CDC management released a memo to the masses on December 22, 2003 that laid out a new and purportedly easy way to apply the 4.9% vacancy plan.

However, Gary Garnett, R.C. Garcia and I were bombarded by calls for an explanation on how to put this plan into place. Wanting to ensure Supervisors truly understood the new procedure and could benefit from the new plan, I had the memo put on CCPOA's website along with the method on how to implement it.

In less than two weeks, Chief Deputy Director of Field Operations, Cheryl Piler, withdrew the memo and told the managers to go back to the old 4.9% vacancy plan. Perhaps the new plan was too complicated to figure out? If CDC had consulted with us CCPOA Supervision Division, we could have brought our how-to-implement recommendations full scale. Evidently, Supervisors are important to the institutions until management wants to save money, which at that point, we are the first to be sacrificed.

CCPOA also has an arbitration filed on the impact to Rank and File when the institutions run any budgeted supervisory position as vacant. Gary has asked for any grievances from Rank and File, and while he has received some, he is looking for more. If you have examples, please send them to him at 755 Riverpoint Drive West Sacramento, CA 95605-1634 or fax to (916) 340-2944. It will also be helpful if any supervisors who have been noticed on late performance evaluations concerning the Rank and File send their grievances, for this will show impact as well.

12-hour Shifts – Recently, CSP-Corcoran was attempting to institute a 12-hour program for the Lieutenants and Sergeants. CSP-Corcoran staff did not support this plan and since CCPOA has many members at this facility, we stood by them in the fight. As of now this issue seems to be shelved, but we will continue to keep our eye on this matter.

CDC Academy – In mid-December, CDC management approached us regarding a temporary two-month closure of the Academy. It was management's intention to distribute all of the staff currently at the Academy to the surrounding institutions to save more money.

CCPOA has fought this because CDC could not provide us with a definitive plan other than an in-your-neck approach and showed no regard for our members. CCPOA was told this was not an option or negotiable. Frustrated over the time they made us waste, we discontinued any further discussions. While details of the meeting cannot be discussed, I will say that CCPOA will not forget the manner in which we and our members were treated.

We have since been noticed since late January that CDC intends to close the Basic Correctional Officer Academy (BCOA) and the earliest date for a new BCOA will be December 31, 2004. We will not forget the treatment of the Supervisory Staff the last time we met with CDC Office of Department Training Assistant Deputy Director Carlos Sanchez. Once again, CDC management continues to act like crack

CCPOA VOWS TO GO ON OFFENSE IN 2004: LEADERSHIP OUTLINES ANNUAL STRATEGY AT BOARD OF DIRECTORS MEETING

Vowing to fight for the rights of Correctional Officers and protect the profession, President Mike Jimenez addressed more than 100 leadership members at CCPOA's Board of Directors meeting in Sacramento on January 22, 2004.

"We have a tough road ahead," Jimenez said. "But it is our job to move this organization forward."

In addition to mapping out strategies regarding key Association issues like benefits and retirement packages, the California State budget and its influence on their contract, adequate healthcare and parole changes, Jimenez said that one of the most pressing issues is the public's perception of the Correctional Officer profession.

Recently, CCPOA has had to deal with the Association being painted in an unfavorable light due to the numerous negative reports about the profession. Jimenez reassured the Board and other leadership in attendance that CCPOA has fought hard to go on record numerous times to express its dissatisfaction with CDC and CYA leadership and its response to complaints and does not condone illegal actions within the profession.

"We are the backbone of California criminal justice," Jimenez said. "We must ensure that we are doing all we can to educate the legislature about the lengths we go to fight for the truth and accountability in our profession. We must also educate the public about the dangers we face on a daily basis to protect this state from hardened criminals."

One strategy Jimenez discussed was an aggressive statewide campaign to highlight the heroic efforts of Correctional Officers, both at work and in their private lives. Members in attendance agreed that Jimenez's suggestion to be proactive in the media is a good idea. Officers also think it is vital to provide the general public an unfiltered and accurate portrayal of what Correctional Officers face when they are at work.

"We need to do a better job of educating the public," CSP Solano Chapter President Danny Valtierra said. "They don't know what goes inside these walls."

San Quentin Chapter President Dusty Beach said that he would like to see visuals complement these raw and gritty stories.

"We need to show the battery, how we are exposed to diseases and the stress it causes the officers and their families," Beach said. "Until we incorporate that more into our communications, our work will mean nothing to the general public."

Jimenez wrapped up the meeting by reiterating to membership that the work they do to protect Californians is invaluable and they will stop at nothing to show that.

"We are going to take the fight for this profession wherever we must to deliver the respect and honor every CCPOA member deserves," Jimenez concluded. ■



Local chapter leadership listen intently to issues discussed at CCPOA's January Board of Directors Meeting.

addicts when it comes to saving a dime – even if that same dime costs a dollar to get!

CCPOA's first meeting was held on February 17, 2004 at CCPOA headquarters. Once again, CDC management came to us without the information requested. CDC still wants to go forward with the closure of the academy and cannot come up with a viable plan. This is the prime example of a shoot-from-the-hip philosophy. CDC continues to waste money with little or no regard on the effect on the employees and their families. It looks like we have a new Governor who is looking for a new way of doing business. He has shifted gears, but CDC is still stuck in stupid.

CCPOA has been through this before: we brought forward our concerns on the closure and suggestions on how to mitigate the impact to the Supervisory staff remaining at the academy. Why try to reinvent the wheel?

California Youth Authority – On the California Youth Authority (CYA) front, we currently have a Supervisor on all tables currently being negotiated. Most people in CYA know the problems we are having are the caused by the budget and ward population. The table on the closure of NYCRCC should have been a no-brainer; CCPOA has worked on two other closures and this should have been similar to the last two! We met with California Department of Personnel Administration (DPA) and CYA representatives until 11:00 p.m. a couple of weeks ago on the closure of NYCRCC. We are still trying to figure why DPA has to make things so difficult. At this time, we have no news that we can report as the table is still in progress. If any developments arise, we will let you know immediately.

Gold Shield – We are currently meeting with vendors in preparation for this year's tour. We have not established our calendar/schedule dates to visit the institutions. At this time, we hope to get started in mid-April and are eagerly looking forward to visiting each of our members at the institution.

On behalf of the CCPOA family, we are proud to represent the state's finest peace officers. Remember: Be careful and be safe! ■

“OUR DUTY TO DEFEND DUE PROCESS”: CCPOA OFFICIALLY RESPONDS TO THE HAGAR REPORT

By: Lance Corcoran, CCPOA Executive Vice President

CCPOA President Mike Jimenez faced State Senator Jackie Speier, Assemblywoman Gloria Romero and California media to defend the Correctional Officer profession and respond to allegations made in a federal report prepared by Special Master John Hagar. Although the report focused on State Department of Corrections' (CDC) operations and reached conclusions regarding CCPOA and its actions, the union was never contacted during the planning, research and development of the Hagar report.

Jimenez promised Speier and Romero a comprehensive analysis and official response to the Hagar report, and on February 10, 2004 the response was delivered. Titled “Our Duty to Defend Due Process,” the review revealed major deficiencies within the Hagar report which call into question the integrity of the report's findings. Moreover, Jimenez response underscores CCPOA's unwavering commitment to ensuring every single Unit 6 members' due process rights are respected.

Key issues raised in CCPOA's response included the following:

■ CCPOA denounces the “Code of Cowardice”: Correctional Officers attest to upholding the law and calling attention to any activities that undermine CDC or break the law. What some describe as a “Code of Silence,” CCPOA believes is a “Code of Cowardice.” Regardless of how one labels it, it is wrong and unacceptable to the union. Simply stated in CCPOA's response, Jimenez wrote, “We strongly desire and advocate that every CCPOA member live up to the oath given when sworn in as a Correctional Peace Officer.”



■ Hagar's omission of key details in the case of Pelican Bay State Prison Correctional Officer Dave Lewis: Hagar made no mention that a Shooting Review Board concluded Lewis's actions were consistent with CDC procedures and training or that Pelican Bay State Prison Warden Marshall told Correctional Officer Lewis, "I appreciate the difficulty of your job as a gunman and your ability to carry out your duties. Thank you for your professional job performance." Incredibly, the Hagar report also made no mention of the fact that an inmate was told by federal officials not to provide important information during testimony that would support Correctional Officer Lewis's case.

■ State's responsibility to defend its employees: Correctional Officers have one of the most difficult jobs in state government. Split second decisions are required to save lives. As the employer, the Youth and Adult Correctional Agency (YACA) and CDC have a responsibility to defend Correctional Officers when an investigation validates the officer's actions. Hagar's questioning of the policy demonstrates a lack of appreciation or understanding toward the unique demands of our job.

■ CCPOA's commitment to due process for all members: "Our members desire well trained investigators who are ethical and moral in their conduct," Jimenez writes. Hagar condemns CDC's ability to conduct investigations and CCPOA echoes that claim. The union's job is to ensure its members' rights are protected and this challenge becomes more difficult when investigatory policies and procedures are not followed.

■ CCPOA "whistleblowers" retaliated against by CDC: CCPOA Pelican Bay local representatives Chuck Alexander and Rick Newton stood up and complained about investigative practices at Pelican Bay State Prison. In return, CDC launched an internal affairs investigation in retaliation against them. CCPOA sued the state, won and the retaliatory findings were to be expunged. The Hagar report makes no mention whatsoever of the brave actions of CCPOA representatives Alexander and Newton.

■ Hagar cites flawed report and ignores California State Personnel Board (CSPB) and California Public Employment Relations Board (CPERB): On one hand, Hagar strongly asserts that YACA and CDC cannot conduct fair and thorough investigations, but at the same time he uses a flawed state investigation to make his case. In the case of CCPOA whistleblowers Alexander and Newton, Hagar relies on a CDC investigation called the "Knowles/Palmer" report; the Knowles/ Palmer report is the internal affairs investigation conducted on Alexander and Newton following their claims of CDC shortcomings. The CSPB as well as CPERB reviewed the information and publicly ordered the Knowles/Palmer expunged from Alexander's and Newton's personnel records, but Hagar ignored the order and relied on the flawed conclusions.

■ CCPOA's four point solution – fair investigations: CCPOA agrees that the process governing internal investigations must be reformed and has consistently called for change. Accordingly, the union is proposing a series of reforms, many of which it has been advocating for years:

■ Standards must be developed to ensure investigators are well trained and that they understand how to perform their jobs without violating the rights of Correctional Peace Officers.

■ The decision to launch an investigation must be governed by a consistent, clearly defined policy that applies equally to all prison staff in all cases.

■ Investigators should be required to submit reports that contain only facts, not speculation or personal opinions, and prospective investigators must be thoroughly screened.

■ Investigations must be timely, because the reputations and livelihood of officers are at stake.

From day one, CCPOA has led the charge for real reform at YACA, CDC and the Youth Authority. We will continue to focus on real solutions and make our case based upon facts. That is the only way we can be certain that our profession and every one of our officers can perform their duties on behalf of the people of California. ■

The Department of Personnel Administration (DPA) invoked CCPOA MOU Sideletter #10 on the NYCRC table negotiations on February 12, 2004.

This is another form of the impasse and meeting dates are to resume on March 2, 2004, (which by the way is when the institution will be closed). NYCRC staff will be gone by February 29, 2004. The circus has taken an ugly turn for staff. Officers with 10-15 years under their belt are being treated as if they are new recruits. The master scheduler did a wonderful job in assigning positions – not one benefit to veteran staff on their first day, working 16 hours at Preston. Good job, Major!

CYA is displaying how disorganized their management team has become with this closure. Management could not even provide correct and accurate seniority list choices for positions **one hour prior** for selection by NYCRC Unit 6 members. What happened?!

On the upswing, CDC recently toured Northern and Southern institutions affected by the budget cuts to offer applications to that department.

Please remember: if you apply to the CDC, everyone who enters the academy does so at a PIE status. While there are going to be some painful decisions being made by all members, please know that CCPOA is doing everything possible on your behalf. We are working on solutions to the immediate problems as well as issues on the horizon.

CYA Labor Notice:

Fred C. Nelles – Closure

Mt. Bullion – Closure

Paso de Robles Fire Camp – Closure

Tehachapi wards transferring to CYA

CCPOA will provide information regarding participants and locations of meeting dates and sites once it is available.

Thumbs Up 2004 planning underway:

Having fingerprinted more than 15,000 California kids, CCPOA's 2003 Thumbs Up Project was a huge success. And at the rate we are going, we anticipate even greater success for this year!

More than 55 Unit 6 volunteers came out to Sacramento at the Cal Expo fairgrounds for the first Thumbs Up event of the year where 2,500 kids were fingerprinted!



Planning for the Thumbs Up 2004 has already begun so chapters should immediately submit a tour request to Patti Padmore or Jim Martin! Important Reminder: Thumbs Up events are conducted inside buildings ONLY. Outside events are not permitted.

Ward population update:

With 4,351 wards in custody, approximately 30 percent of CYA capacity is vacant. CYA design capacity is 6,732 and we have 2,381 vacant beds. ■