



2007-2008 SANTA CLARA COUNTY CIVIL GRAND JURY REPORT

SOUTH BAY REGIONAL PUBLIC SAFETY TRAINING CONSORTIUM: A COLLABORATION FOR THE COMMON GOOD

Introduction

The 2007-2008 Santa Clara County Civil Grand Jury conducted an extensive investigation of the South Bay Regional Public Safety Training Consortium (South Bay) as a result of a complaint received alleging improprieties concerning four areas: 1) the relationship between South Bay and public safety agencies; 2) the Field Training Program (FTP); 3) college course compliance; and 4) the possible falsification of transcripts and/or hours of attendance. The mission of South Bay is to provide leadership and excellence in public safety training through regional and community partnerships. The training responds to the needs of more than 70 law enforcement agencies (police and sheriff), 50 fire departments, as well as dispatch, probation, corrections, hazardous materials, and paramedic personnel.

In 1994, South Bay was created by Evergreen Valley and Gavilan Colleges through a California Community College Chancellor's Office Grant in order to pool resources, reduce costs, and eliminate duplication of efforts while at the same time committing to deliver high-quality training. In 1995, a Joint Powers Agreement (JPA) was established to provide governance between South Bay and the member Community Colleges. This partnership has resulted in benefits to the colleges, the public safety agencies, and the taxpayers, as it has reduced costs by eliminating a duplication of efforts among the member districts offering the same programs. Presently, the member college districts include: College of San Mateo, Hartnell, Foothill/De Anza, Monterey Peninsula College, San Jose/Evergreen, and Ohlone. The administrative offices of South Bay, which are located on the Evergreen Valley College campus, serve approximately 160 agencies at multiple satellite sites within the five-county service regions from San Mateo to Monterey Counties.

The Community College system has evolved as the primary training provider for public safety professionals who, by the nature of their jobs and in accord with legal mandates, must receive ongoing, specific training. South Bay provides such training to several public agencies within the counties of Santa Clara, San Mateo, Santa Cruz, San Benito, Monterey, and Alameda. Currently, South Bay provides training to more than 25,000 students each year.

Through the JPA, the colleges work with The Commission on Peace Officer Standards and Training (POST) that was established by the California Legislature in 1959 to set minimum selection and training standards for California law enforcement. POST Commissioners are appointed by the Governor and are responsible for the oversight of training standards that are uniform throughout the state. POST certifies the peace officer training courses offered by South Bay in order to ensure that the minimum course standards are being met. Additionally, POST audits South Bay once every three years to ensure program quality and implementation. The Community Colleges, in turn, serve as vehicles to establish course content and credit, manage apportionment of funds amongst the participating agencies, and issue transcripts to the students.

Discussion

South Bay is unique in the State of California with regard to the training of law enforcement personnel. Presently, community colleges in other parts of the state are working to replicate the JPA model as established by South Bay. In the South Bay region, there are multiple community college districts serving a growing population with increasing demands for public safety training. Portions of the state, however, have only one community college district serving a large geographical area and therefore would not benefit from such a model. Over time, the growing recognition of the advantages offered by unification has led to regional expansions of South Bay's delivery area.

Governance

South Bay is administered through the JPA's Board of Directors consisting of one representative from each member Community College District. The JPA manages the enrollment of students in each participating college, provides fiscal oversight, is responsible for staffing, evaluates the program, and recommends curriculum to be reviewed and approved by the colleges as required. The Board of the JPA employs the Executive Director who reports to, and is periodically evaluated by, the Board. Additionally, the Board has the authority to contract with member districts for the employment of faculty or staff or to directly employ non-teaching staff.

The Executive Director provides overall leadership to the JPA in addition to serving as a liaison between South Bay and State of California certifying authorities, the California Community Colleges Chancellor's Office, and the public safety agencies. The Executive Director, in turn, works with a number of personnel including the Dean of Public Safety Training who is responsible for overseeing instructors, curriculum, and standards and the Registration Coordinator who is charged with reporting hours and grades to the colleges.

Funding

South Bay is funded by a commitment from each participating college to set aside a portion of their full-time equivalent students (FTES) apportionment funds. Community colleges in California are funded based on the number of FTES registered and classes attended. The State Legislature determines the amount of funding and the apportionment thereof. Only courses taught by certified instructors and which have been approved by the State Community College Board of Governors and meet the California Community College Curriculum Standards are eligible for funding and apportionment.

Funding/apportionment for in-service training courses for police, fire, corrections, and other criminal justice system occupations is calculated based on actual hours of attendance – commonly referred to as “positive attendance.” The actual hours of attendance are based on the count of enrolled students present at each class meeting.

South Bay’s revenue-sharing formula is best described in the recently approved Membership Prospectus for Monterey Peninsula College as approved by the South Bay Governing Board on Monday, August 27, 2007.

During April of each year, a member college specifies an amount of FTES they wish the Consortium to generate for them during the upcoming fiscal year, commencing July 1. Upon discussion of the requested amount, the Consortium and the college agree on the final amount to be generated by the JPA for that college. From July 1 to June 30, the FTES is developed for the college who then is reimbursed for the FTES by the State of California. During this time, the Consortium bears the recruitment costs, the administrative costs of enrolling and collecting fees for the college, the costs for providing the administrative staff to conduct and service the classes and all instructional costs, including faculty. For these services and functions relative to the FTES generated by the Consortium, the member college agrees to share with the Consortium FTES apportionment dollars equal to 55% of their previous year’s funded apportionment rate as described on Exhibit C of the P2 Apportionment notice. The member college retains the remaining 45% of apportionment dollars. In essence, the Consortium provides the majority of the work in producing each appointment dollar, but only collects 55 cents of each dollar.

South Bay contracts with two external auditing firms. One firm audits and reconciles accounts monthly, and the second conducts an annual financial audit. The monthly audit includes accounts payable and receivable, participant agency accounts, and special cost analysis projects such as the cost of ammunition. During interviews, the Grand Jury learned that South Bay has a revenue-sharing plan with participating public safety agencies wherein revenue that an agency earns is banked and can be used to offset future participation or can be withdrawn at any time. Participating agencies have access and can thus monitor these accounts.

South Bay's Dean of Public Safety Training and the Registrar work in tandem to monitor and reconcile the FTES on a monthly basis. At the end of each course, it is the Registrar's responsibility to "balance" the FTES. Once a student has completed a course, the Registrar transmits the information to the college, which then updates the student's academic record. The Grand Jury reviewed South Bay's documentation in an effort to determine if either transcripts or hours of credit generated had been falsified. No falsification was found.

Academic Programs

The focus of South Bay's program is the delivery of public safety training including the Basic Police Academy (BPA), which is regarded as the cornerstone of South Bay's operations. Many of the students who have graduated from the BPA return to their home agency to begin the Field Training Program (FTP). POST defines the FTP as "intended to facilitate a peace officer's transition from the academic setting or custody assignment to the performance of general law enforcement uniformed patrol duties of the employing agency." In essence, the new officers return to the home agency where the FTP provides additional "boots-on-the-ground" training working alongside experienced officers. POST requires agencies to provide a minimum 10-week FTP; however, some agencies require additional hours in training. The FTP exists in three areas (jails, courts, and patrol), and the number of credits assigned varies considerably between the programs due to the different demands in length of time training (with patrol being the longest).

Transcripts, however, do not distinguish between the FTP in these three areas, listing them all under the generic term, Field Training Program. Additionally, the Grand Jury was told that an FTP could show up multiple times as a result of: 1) lateral transfers, or 2) students repeating the same course if they were not successful the first time. Attendance in a course in which a student has previously received a grade may be repeated once for apportionment purposes.

The complaint submitted to the Grand Jury stated that students "never officially enrolled in the FTP college course and had no knowledge of a transcript with recorded units or grades." The Grand Jury found that past practice has been that one of South Bay's coordinators contacts the students prior to their graduation from the BPA to see if they are interested in obtaining academic credit for the FTP. If the answer is affirmative, students sign an enrollment form in advance. The rationale for the advance signature is that once the students are "in the field," they are working shifts and are not easy to contact. The aforementioned Coordinator then contacts the agencies to verify (via the social security number on the form) that the students are actually in the FTP. If the agency confirms that they are in the FTP, the enrollment forms are processed. If they are not, the enrollment forms are shredded. In spite of these procedures, the Grand Jury found that in the fall of 2007, five students from the Basic Academy Class #82 were registered in the FTP with their knowledge but without completing and signing a registration form. Further, it was stated that if the Coordinator does not receive an attestation from an agency indicating a successful completion of the program (via

phone, email, or hard copy), no grade/credit is assigned. The Coordinator is in contact with the Training Managers of the various agencies on an almost weekly basis and provided the Grand Jury with a list of FTP Agency Contacts. Subsequently, the Coordinator transmits information regarding course completion to the Registrar who forwards the information to the appropriate college.

The Grand Jury met individually with graduates of the BPA and concluded that each one of them had been satisfied with the quality of the training and preparation they received at the BPA. As a result of the aforementioned interviews, the complaint submitted to the Grand Jury, and through other anecdotal information, the Grand Jury determined that a significant source of confusion centered on the credits earned and the transcripts issued for the FTP. Additional confusion stemmed from several sources: 1) students' apparent lack of concern over the issue; 2) knowing which college issued the transcript; and 3) use of quarter or semester units and pass/fail credit as opposed to letter grades.

As a result of the interviews conducted, the Grand Jury came to the conclusion that the trainees (especially those who already had a four-year college degree) were not tracking their transcripts closely as they did not need the credits from the FTP training for advancement. Only when this matter was called to their attention did they seemingly become aware of it.

South Bay is not a degree-granting institution and thus does not issue transcripts or credits. Consequently, one or more of the member colleges issues the transcripts. The lack of a common transcript has caused some confusion, as has the fact that, depending on the college, credit may be reported as either semesters or quarters. Grading policies at the colleges also vary with some using pass/fail and others adhering to the A-F scale.

Status of Law Enforcement Agencies with South Bay

The initial and enthusiastic collaboration between the law enforcement community and South Bay was sundered in the early 2000s over the type of training and leadership that was being provided at the direction of the previous Executive Director. According to one source, South Bay entered into a "bumpy time." Grand Jury interviews with a number of interviewees indicated there was "historic concern over prior leadership." Some law enforcement agencies questioned the methods and leadership in place at the BPA and believed the previous Executive Director was not responsive to the needs of the clients who were seeking a more structured approach to the training. The Grand Jury learned through several interviews that the Executive Director of this organization must be able to bridge both the law enforcement and academic communities. As a result of this discord and other related issues, the Board of the JPA subsequently sought a change in leadership.

Morale and confidence at South Bay have shown marked improvement since the hiring of the current Executive Director in November 2006. During the investigative process, the Grand Jury interviewed administrators from several law enforcement agencies and member Community Colleges. Although they all indicated that while there had been issues during the previous administration, they now believe those issues have been corrected and are confident with the new direction. The Grand Jury also heard that the current Executive Director gave South Bay “instant credibility” and that “real change is under way.” In 2006, South Bay was one of the first agencies in the state to receive an award from the POST Commission for its progressive work in the area of Instructor Certification. Further, the FTES generated at South Bay increased by seven percent in FY 2006–2007.

Conclusion

South Bay is a complex agency that provides critical service to public safety agencies in an innovative and cost-efficient manner. The earlier period of questionable leadership has been transcended, and due to a change in leadership and direction, public safety agencies are returning to South Bay. As a result of this investigation, the Grand Jury concluded that: 1) there is no evidence of any falsification of records or wrongdoing by South Bay; and 2) South Bay is now providing an appropriate level of training that is meeting the needs of both public safety agencies and the officers in the field.

Findings and Recommendations

The findings were reviewed with the subject agency.

Finding 1

The revenue-sharing formula between South Bay and the participating community colleges as defined in the JPA Bylaws, (Section IV), has not changed since the inception of the program.

Recommendation 1

The South Bay Board should review its current funding formula to ensure that the split between South Bay and the participating member colleges is based on a fair, equitable distribution as it relates to responsibilities and services provided. Similarly, the Board should review the revenue-sharing plan with participating public safety agencies.

Finding 2

Misunderstandings about the revenue-sharing plan exist between South Bay and some agencies even though South Bay provides quarterly revenue-sharing statements to each agency.

Recommendation 2

Agencies with training accounts need to take responsibility and request a review of the status of their account when so desired.

Finding 3

There is confusion regarding the use of one course title for all FTP courses offered and the transcripts as related to these courses.

Recommendation 3

South Bay needs to eliminate the generic FTP program titles.

Finding 4

In the fall of 2007, South Bay staff bypassed their standard enrollment procedures and registered five students from the Basic Academy Class #82 in a Field Training Program. Although these students had verbally agreed to the enrollment, official registration forms were never completed or signed by the students as required.

Recommendation 4

South Bay must ensure that all students enrolled in any courses must personally complete the appropriate registration forms.

Finding 5

Students are initially enrolled in a given college but South Bay may ultimately assign the class to a different college for purposes of apportionment and credit. Sometimes this causes confusion when students request transcripts.

Recommendation 5

South Bay needs to explain clearly to the students that the initial enrollment may ultimately be assigned to a different college and inform students accordingly. It is also the responsibility of the students to determine which community college is assigning the final credit.

Finding 6

The Grand Jury did not find any evidence that either transcripts or hours of credit generated had been falsified.

Finding 7

The current Executive Director understands the training needs of public safety agencies and has been able to bridge the public safety and higher education cultures. He has created a new sense of confidence in South Bay, and as a result, agencies are returning to South Bay.

References

- California Commission on Peace Officer Standards & Training. www.post.ca.gov (accessed April 3, 2008).
- South Bay Regional Public Safety Training Consortium. *Bylaws*, revised: June 21, 2001.
- South Bay Regional Public Safety Training Consortium. *Governing Board Meeting Agenda*, August 27, 2007.
- South Bay Regional Public Safety Training Consortium. *Joint Powers Agreement*, revised: October 16, 1996.
- South Bay Regional Public Safety Training Consortium. *Membership Prospectus for Monterey Peninsula College*, Summer 2007.
- South Bay Regional Public Safety Training Consortium, Memorandum. *State of the South Bay Regional Public Safety Training Consortium*, August 15, 1996.

Interviews

December 19, 2007	Member, Office of the Sheriff, County of Santa Clara
January 29, 2008	Director and Officer, South Bay Regional Public Safety Training Consortium
February 6, 2008	Member, Office of the Sheriff, County of Santa Clara
February 6, 2008	Member, Office of the Sheriff, County of Santa Clara
February 6, 2008	Member, Office of the Sheriff, County of Santa Clara
February 6, 2008	Member, Office of the Sheriff, County of Santa Clara
February 6, 2008	Member, Office of the Sheriff, County of Santa Clara
February 6, 2008	Director and Officer, South Bay Regional Public Safety Training Consortium
February 13, 2008	Administrator, Santa Clara Police Department
February 13, 2008	Former Administrator, Gilroy Police Department
February 13, 2008	Administrator, San Jose Police Department
February 22, 2008	Staff, South Bay Regional Public Safety Training Consortium
February 22, 2008	Staff, South Bay Regional Public Safety Training Consortium
February 25, 2008	Former Member, Office of the Sheriff, County of Santa Clara
March 5, 2008	Administrator, Gavilan College
March 5, 2008	Administrator, San Jose/Evergreen Community College District
March 25, 2008	Independent Accountant

PASSED and **ADOPTED** by the Santa Clara County Civil Grand Jury on this 1st day of May, 2008.

Raymond A. Blockie, Jr.
Foreperson

Tim Cuneo
Foreperson pro tem

Kathryn C. Philp
Secretary