
SENATE COMMITTEE ON PUBLIC SAFETY

Senator Nancy Skinner, Chair
2019 - 2020 Regular

Bill No: AB 803 **Hearing Date:** July 2, 2019
Author: Gipson
Version: June 20, 2019
Urgency: No **Fiscal:** Yes
Consultant: SJ

Subject: *Peer Support Labor Management Committee*

HISTORY

Source: California Correctional Peace Officers Association
CCPOA Benefit Trust Fund

Prior Legislation: AB 1116 (Grayson), vetoed in 2018

Support: Californians for Safety and Justice; Steinberg Institute

Opposition: None known

Assembly Floor Vote: 78 - 0

PURPOSE

The purpose of this bill is to mandate that the California Department of Corrections and Rehabilitation (CDCR) establish a Peer Support Labor Management Committee tasked with creating and monitoring the implementation of a standardized statewide policy for the department's peer support program.

Existing law vests the supervision, management, and control of the state prisons in the Secretary of CDCR. (Pen. Code, § 5054.)

Existing law authorizes the Secretary of CDCR to prescribe and amend rules and regulations for the administration of the prisons. (Pen. Code, § 5058, subd. (a).)

This bill requires CDCR to establish a Peer Support Labor Management Committee tasked with crafting, updating, and monitoring the implementation of a standardized statewide policy for the department's peer support program.

This bill requires the committee to be composed of an equal number of representatives of the employer and the employees. Requires the members of the committee who are employees to be appointed by the employee organization that represents the majority of the participants in the peer support program.

This bill requires the policy to address, at minimum, the selection process for peer support team members, training of peer support team members, as approved by the Commission on Correctional Peace Officer Standards and Training, and guidelines for the types of

communication that will remain confidential within the peer support program. Requires the committee members to come to an agreement regarding an updated peer support policy.

This bill requires a copy of the policy to be accessible to members of the public upon request.

This bill requires members of the committee to be selected and hold their first meeting on or before July 1, 2020. Requires the committee to hold at least quarterly meetings until the initial policy is finalized and then requires the committee to meet at least annually to assess and update the policy as needed. Requires the developed policy to be fully implemented by January 1, 2022.

This bill requires CDCR to submit, beginning July 1, 2020, an annual report to the Legislature that contains data pertaining to the utilization rates of the peer support program statewide. Requires the report to be submitted in compliance with Government Code section 9795.

COMMENTS

1. Need for This Bill

According to the author:

California's correctional officers experience a variety of mental and physical traumas everyday as a result of their careers. Work-related experiences can result in post-traumatic stress injuries, as well as lead to unhealthy or dangerous outcomes, including substance abuse and other addictions, or tragically, even suicide. Having support from peers and individuals who understand exactly what they experience can be lifesaving. However, under current law there is no requirement that the California Department of Corrections and Rehabilitation develop standardized policies and procedures for peer support. AB 803 is necessary so that correctional officers receive crucial behavioral health assistance.

2. Existing Peer Support Program

CDCR's Peer Support Program was established "to ensure CDCR staff involved in work-related critical incidents are provided with intervention and available resources to cope with the immediate effects of a traumatic incident." (<https://www.cdcr.ca.gov/wellness/psp/>) The PSP "provides peers who are trained to listen and offer emotional and practical support to help an employee deal with his/her situation in a confidential environment." (*Id.*) CDCR reports it has over 1,200 employees throughout the state serving in a peer support role.

The Department Operations Manual (DOM) provides that "[e]mployee involvement in specific violent, work related situations may cause serious physical and/or emotional trauma to the employee" and that "[i]mmediate intervention and counseling has been shown to alleviate many trauma-related problems and to help the employee remain fully productive." (DOM § 31040.3.2.) The PSP is designed to minimize the effect of trauma by providing services including, specific intervention services and resources, as well as referrals for professional non-departmental counseling services. (*Id.*) The program is operated by a facility in conjunction with the Office of Employee Wellness (OEW), which provides PSP training, lesson plans, and curriculum. OEW coordinates with the Office of Training and Professional Development to ensure that all employees receive information annually at the local level about the program.

The DOM specifies how the current PSP is structured. The DOM requires that every CDCR facility administrator ensure that a local PSP program is available and used in the employee's and department's best interests, and the administrator is tasked with appointing all members of the PSP team and ensuring that they receive appropriate training. (DOM § 31040.3.2.7.) The PSP must include 10 or more staff, which is called a "team" and is required to be comprised of both male and female staff who have "appropriate interest and skills." (DOM § 31040.3.2.6.)

The DOM requires that a departmental PSP coordinator collect statistics and other pertinent data to monitor program effectiveness, and prepare an annual report summarizing the progress and effectiveness of the program. (DOM § 31040.3.2.8.)

3. Current Utilization of PSPs

A 2017 report summarized the results of a recent survey of conducted from March to May 2017 of a sample of 8,334 correctional officers and sworn staff working in the state's correctional facilities and parole offices. (Lerman, *Officer Health and Wellness: Results from the California Correctional Officer Survey* (Nov. 2017) <https://gspp.berkeley.edu/assets/uploads/research/pdf/executive_summary_08142018.pdf>.) The survey is a "large-scale effort to gather individual-level information on the thoughts, attitudes, and experiences of criminal justice personnel." When questioned about the utilization of CDCR's wellness resources, only three percent of responding employees reported utilizing PSPs. The report on the survey provides insight into the minimal use of PSPs:

The concerns officers raise about using the [Employee Assistant Program] help to explain these relatively low participation rates. Only 11% of officers say they do not need these resources, and only 7% say they do not believe that [Employee Assistant Program] would help.... In contrast, fully one-fifth of correctional officers express concern about confidentiality. Another 15% are concerned about the potential for negative consequences from management if they make use of these services. Specifically, 11% fear it would cause them to lose their job and 8% that it would result in loss of their [Concealed Weapons Permit]. Relatedly, 13% of officers say they worry about negative judgment from coworkers.

4. U.S. DOJ Report on Officer Mental Health

A recently published report by the U.S. Department of Justice analyzed current law enforcement mental health and wellness practices. (Spence et al., *Law Enforcement Mental Health and Wellness Act: Report to Congress* (Mar. 2019) <<https://ric-zai-inc.com/Publications/cops-p370-pub.pdf>>.) The report acknowledged that "[a]n officer's mental state affects his or her behavior in a variety of situations and can influence decision-making and judgment," but that "the current state of support for officer wellness nationally is disjointed and faces both cultural and logistical obstacles." (*Id.* at p. 1.) The report described peer support and mentoring programs as "critically important to officers' well-being." (*Id.* at p. 32.) However, the report also noted that the success of many support programs requires a balance between support from management and independence from management:

Command-level endorsement of the idea of taking care of yourself both physically and mentally is important, but it does not exceed the importance of the program being perceived as independent of management. Multiple interviewees noted that quiet but consistent support from senior leadership was critical to

program success but that care must be taken so that command staff are not seen to be the ones pushing or forcing employees to use the services. The drive to use services comes from peers or immediate supervisors. Modeling the use of services can be important for senior leaders to do, however, as part of the process of normalizing help-seeking behavior. (*Id.* at pp. 32-33.)

5. Effect of This Legislation

The sponsors of the bill argue that CDCR's peer support program needs to be standardized across all facilities. To that end, this bill requires CDCR to establish a Peer Support Labor Management Committee that would be responsible for creating and monitoring the implementation of a statewide policy for the department's peer support program.

The sponsors of the bill additionally assert that CDCR employees need an equal seat at the table alongside management in developing the peer support program policy. To accomplish this, the bill includes a number of structural requirements for the committee, including a requirement that the committee be made up of an equal number of representatives of the department and its employees. The bill additionally requires that the employee-members of the committee are appointed by the employee organization that represents the majority of the participants in the peer support program.

This bill includes requirements regarding the peer support program policy developed by the committee. This bill specifies how frequently the committee should meet, and requires the developed policy to be fully implemented by January 1, 2022. Finally, this bill requires CDCR to submit an annual report to the Legislature containing data pertaining to the utilization rates of the peer support program statewide beginning July 1, 2020.

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