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Keynotes



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STANDING STRONG TOGETHER



ART GONZALES
CCSO State President

As we begin this new season, there are many things I look forward to. With last year's State Board election results taking effect, CCSO has some new State Board members beginning their terms. You elected hardworking, smart and passionate members who share our organization's vision and goals and are tremendous assets to us. They are eager and enthusiastic about the direction the organization is going and the goals we have set for ourselves over the next few years.

I am pleased to announce our new app was just launched. The app provides the ability to access information from your iPad/tablet and smartphone. This capability allows us to share information in a rapid and convenient manner to which we've become accustomed. One component of the app will be a wellness section that will go live before the end of the year! Members will be able to

easily access wellness assistance for themselves as well as their institution and colleagues. Correctional fatigue and suicide are rampant in our institutions. We must do everything in our power to help our brothers and sisters when they're in need. We must do a better job of providing resources and training to identify the warning signs and change the stigma. Our goal is to provide an outside, independent source to members who will be strictly confidential. My hope is we can save lives. Oftentimes, we are so focused on providing for others that we don't take care of ourselves. Please know you are important — you matter to your family, co-workers, CCSO and so many others, and we are here for you to depend on.

We currently find ourselves in a very challenging time. Life as we know has suddenly changed with the onset of the coronavirus (COVID-19) pandemic. Our everyday routines have changed due to school and business closures, professional and collegiate sports season cancellations, and the shortage of toilet paper and hand sanitizer. New directives are disseminated daily by local and federal leaders and health officials. As I write this message, we seem to be in the early stages of this pandemic. I hope that by the time you receive this edition of *Keynotes*, we have gone through the worst, and this global crisis is behind us.

When I first took office, one of my main goals was to improve our technology and infrastructure. Luckily, you assisted me with the dues increase — which helped alleviate some of the

costs — and we were able to achieve those goals. This was especially helpful because we made some changes to our operations and events due to the severity of the COVID-19 pandemic. To abide by the Centers for Disease Control and Prevention recommendations, many of our staff now work remotely. As such, we have been able to continue providing services to our members timely and efficiently. My team has done an excellent job of keeping business as usual with minimal interruption. Postponing our annual conference was one of the most significant adjustments made to our event schedule. The CCSO 28th Annual Conference will now be held in October. As a result, our Chapter Presidents' Workshop has been moved to spring 2021. We hope these necessary changes don't pose an inconvenience.

I would like to end on a positive note. So far this year, CCSO has donated \$54,000 to many great causes and special events in various communities. We love to give back and strive to support our members; it is an essential function of our organization. I'm proud of our members who volunteer their time and help to fundraise for these events. CCSO has been regularly recognized for all the charity work we do, and people want to be a part of this great organization. Our membership is rapidly rising; evidence that we are providing great benefits and services. I'm proud to be your state president and to stand with all of you. Take care of yourself and your family and be safe out there. 🗝️



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Second Annual

SRN II SEMINAR RECAP



Mary Towe | CCSO Chief Financial Officer

The second annual CCSO SRN II Seminar began on Friday, February 28, with a welcome reception, bringing together several Supervising Registered Nurse IIs from throughout the state to celebrate and socialize. The seminar gives health care representatives an opportunity to network and share ideas and information with other medical professionals around the state. The event was hosted at the Universal Hilton, located atop the luxurious Hollywood Hills in Los Angeles. On Saturday, February 29, the Seminar took off with CCSO State President Art Gonzales welcoming attendees and reminding them of the power in numbers. He told attendees that in order for their issues to remain a priority in Sacramento, their support, participation and resolve are required to keep the momentum going.

CCSO Administrative Services Supervisor Nicole Rollins-Player and myself served as co-emcees of the Seminar. Nicole encouraged attendees to take full advantage of the platform provided by CCSO, to open up and have an honest conversation concerning the many issues facing their bargaining units throughout the state.

Attorney Terry Leoni of Leoni Law Firm was the



CCSO President Art Gonzales



Terry Leoni of Leoni Law Firm



*State Board Member Non-Designated
Deborah Ybarra*



*CCSO Administrative Services Supervisor
Nicole Rollins-Player*



CCSO Legislative Specialist Ford Canutt



Ladies of CCSO: Wendy, Tzitalali, Raquel, Nancy and Kathy

first presenter of the day. Terry discussed the practice of protecting yourself during an internal and external investigation. The seminar progressed to a brief discussion on the highlights of the paycheck protection plan by CLEA Plan Administrator Jerry Floyd. CCSO has built a groundbreaking 25-year relationship with the California Public Safety Administrators, and the CLEA Long-Term Disability Plan continues to be the most top-rated benefit offered to members. Gerry Hasson of LegalShield, one of our new plan benefits, presented several scenarios showcasing the usefulness of his legal protection plan. We also welcomed a new vendor, Paparazzi Jewelry, to the Seminar. Consultant Esmeralda Bratton staged fabulous



CCSO CFO/Exec. Asst. of Operations Mary Towe



Jerry Floyd of CLEA



PVSP SRN II Ashley Ross-Scheesley



CCSO Advisor Rich Tatum

jewelry pieces for Seminar attendees and offered a special discount and unbeatable prices.

CCSO State Board Member, Non-Designated, Deborah Ybarra and CVSP Chapter Board Member SRN II Stella O'Bannon brought awareness to the local issues at their institutions, such as shift swaps, overtime based on seniority, vacation time, vacant posts, work overload, and post and bid.

CCSO staff members Ford Canutt, Mike Stout and Gil Valenzuela addressed the specifics of the very same concerns facing SRN IIs and encouraged employee wellness.

The Seminar concluded with State President Art Gonzales thanking the attendees for contributing 488 hours to the CCSO Supervisory Release Time Bank, which had been suffering from a deficit of hours since 2019. He also offered a huge thanks to all the CCSO staff who contributed to the event's success.

The SRN II Seminar is always a pleasure to host and support. Nicole and I work diligently to ensure this forum is engaging and beneficial to the attendees. We welcome your involvement and feedback in hopes that your participation continues for years to come.

Until next time, take care and stay safe! 🔑



Gerry Hasson of Legal Shield



Ladies of CCSO: Kathy, Wendy, Mary, Nicole, Tzitali, Nancy and Raquel



SRN II CVSP Chapter Board Member Stella O'Bannon



SRN II CVSP Chapter Board Member Modrate Yogla-Ogbuehi



MEET THE 2020 CCSO STATE BOARD OF DIRECTORS



From left: State Secretary Samuel Robinson, State Board Member Non-Designated Deborah Ybarra, State Board Member Lt. Paul Fuller, State Board Member NPO Paul Gonzales Jr., State President Art Gonzales, State Vice President Josh Miller, State Treasurer Matthew McVay and State Board Member Sgt. Sabrina Harris



Donate Hours to the

CCSO SUPERVISOR TIME BANK!

If you would like to assist “Supervisors Representing Supervisors,” please donate hours to the CCSO Supervisory Release Time Bank. By providing the opportunity for executive officers, chapter presidents and members to attend the annual conference, workshops, board meetings, meet and confers, trainings and other important events, your contribution will go a long way toward ensuring that every supervisor has the opportunity to succeed.

As a token of appreciation for helping us add hours to the CCSO Time Bank, we will reward you with a gift card of your choice, ranging from \$100 for 8 hours to \$800 for 64 hours! Go to **ccsonet.org/stb** for more details.

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BUD HAWKINS AWARD

FORD CANUTT, THAT'S OUR GUY!

CCSO Staff

The source of power in the California Correctional Supervisors Organization (CCSO) has always been its members. But the foundation of this great organization is forever present in its incredible staff. This is no more apparent than in the career of CCSO Legislative Specialist Ford Canutt. For the last 28 years, he has been responsible for the legislation that affects CCSO managers and supervisors. This year, Ford was awarded the very prestigious O.J. "Bud" Hawkins award for significant legislative service to the law enforcement profession at the California Peace Officers' Association's (CPOA) 28th Annual Law Enforcement Legislative Summit held on March 3-4 in Sacramento. For our younger members, Ford was responsible for getting smoking banned from correctional facilities. That one piece of legislation probably saved many lives from secondhand smoke-related illnesses. Since CCSO's inception, Ford has sought changes in regulations and state laws that affect each member. The O.J. "Bud" Hawkins award is voted upon by the CPOA and the leadership of the primary sponsors of the Law Enforcement Legislative Summit, which include the California Police Chiefs Association, California State Sheriffs' Association,



California Narcotic Officers' Association and the California Highway Patrol.

Please take a moment to read for yourself the fascinating tale of Ford's life in corrections in his own words:

"I graduated high school (barely) in 1966 and went to work with Cal Fire as a firefighter. In 1968, I went into the Army and spent the next two years and two months in Vietnam. When I got back, I looked like I just got out of a concentration camp because two years of eating C-rations was great for weight loss.

"For two generations, my family worked as stuntmen in the movie industry. I did stunts in movies and TV for about three years, but I found I was making more money as a heavy equipment operator (HEO). I worked as an HEO until I was 34 years old, and then I got tired of working for a living. I wanted an easy job, like a sign holder for Caltrans. So, I went to take the test but went into the wrong room and ended up passing the test to be a correctional officer. There went my sign holder job. But I was assured that correctional officers had it easy, so I started at SCC in late 1982. When I first got to the yard, I said to myself, 'These are my type of people,' and I even liked some of the staff, too. I felt like I was home.

"Three years later, it seemed I was trying to get away from the



**Ford Daniel Canutt
Aka "Hardcore" 1968
Viet Nam**

work when I promoted to correctional sergeant. Then in March 1992, I promoted to lieutenant. On the same day, Richard Tatum and I, along with 23 other supervisors, started what would later become known as the California Correctional Supervisors Organization (CCSO). I thought I would not pass probation because I just helped start a supervisory organization, which the Department hated. But after learning to be slippery, slick and lie with a straight face like the inmates, I passed probation.

"During that time, I was a member of the Special Emergency Response Team (SERT) for 12 years. Late in my SERT career, I broke my leg and it set wrong. It was so crazy that I looked like I was walking sideways. Thus the nickname of 'Sidewinder' was put on me. The damage was so bad that a year later, I had to leave work to have it rebroke and reset again. That fixed the sidewinder deal, but one of the bones would not heal. So I kept working, and the bone had bolted up, too. I was working on the third yard when I was told that workers' comp said I could no longer be a peace officer because of my leg. It should be noted that I was the first chapter president for CCSO, and I have been giving the warden and the state the blues for years. They just smiled and waved at me, but I was not done with them.

"Months after I retired, and while working for CCSO, I was helping my son repair his truck. I was lying under the truck with

my legs hanging out when a truck came by and ran over my leg and broke it again. The driver did not stop, so I could not find out who was responsible. So I blamed the warden. But he said if he had done it, he would have backed over me a couple of times. I knew he was right, so it couldn't have been him. I never did find out who did it.

"While working in the office, I was on the CCSO State Board for a while. I felt that working as an employee of CCSO conflicted with being a Board member, so I never ran for office again. I became interested in legislation and wrote the tobacco bill, which passed, and that's why there is no tobacco in prisons today. So, if you are a smoker, just blame me, everybody else does. I have written many CCSO legislative bills, and have had several passed and signed into legislation by the governor. Today I have six bills in progress, and if the most essential ones pass, CCSO will change working conditions for excluded employees.

"Through the years, I know I have helped a lot of people, which is what I have always wanted to do. Although I'm getting pretty old, I'll hang in there until I start drooling on myself."

Ford Canutt has been nothing more than loyal, hardworking and genuine. His commitment to this organization and its members is the very reason he was selected to receive such an esteemed award. On behalf of all of us at CCSO, congratulations to the man, the myth, the legend, "Mr. Badass." We love you! 🔑

**"SINCE CCSO'S
INCEPTION, FORD HAS
SOUGHT CHANGES
IN REGULATIONS
AND STATE LAWS
THAT AFFECT EACH
MEMBER."**



HEALTH & WELLNESS

BREAKING THE STIGMA ON MENTAL HEALTH

CCSO Staff

In 2013, a report by the U.S. Department of Justice shed light on a growing issue in the corrections profession — the health and wellness of correctional officers. The report's introduction opened with: "One of the greatest threats to correctional officer (CO) wellness involves the stress they encounter as a result of their occupation."¹ The main stressors experienced by COs stemmed from inmate encounters, work environment, organizational/administrative failures and the psycho-social (fear, etc.).

Five years later, in 2018, a UC Berkeley study analyzing results from a survey of California COs bolstered findings from the DOJ's report, concluding that in addition to high rates of stress, officers are at a high risk for depression, PTSD and suicide.²

Based on these and many other reports and studies, it's evident that the issue of health and wellness has been an ongoing concern in the corrections profession. But little has been done to address the issue. For far too long, many corrections members have suffered in silence. CCSO wants to change that and create opportunities for members dealing with mental health issues to be heard and cared for. As President Art Gonzales mentioned in his President's Message, CCSO is taking lead on this issue by dedicating more time to developing mental health resources for correctional officers and supervisors. The goal is to break the stigma surrounding mental health in the profession and communicate to officers that it's OK to not be OK.

CCSO will be using *Keynotes* as a platform to share wellness-related content with members, starting with this article, which includes five ways to start taking care of your mental and physical well-being today.



Talk to Someone

If you feel yourself struggling emotionally or have concerns about your mental health, it's important to seek professional help immediately. Start with your primary care provider for preliminary mental-health screenings and referrals to mental-health specialists who can start you on treatment plan of therapy and medication, if needed. If you elect not to go through your primary care provider, research therapists and find the one whom you feel most comfortable with. Mental health help is not one size fits all, so whatever route you choose, seek the help *you* need. And note that if you are experiencing suicidal thoughts or any type of crisis, there are immediate resources available to you. Call the National Suicide Prevention Lifeline at (800) 273-TALK (8255) or text "HELLO" to the Crisis Text Line at 741741.

¹ Brower, Jamie. "Correctional Officer Health and Safety Literature Review," July 2013. <https://go.aws/2xpsw8E>.

² Lerman, Amy. "Officer Health and Wellness: Results from the California Correctional Officer Survey," November 2017. <https://bit.ly/2WMJnNe>.

Practice Mindfulness Meditation

Mindfulness meditation — the practice of focusing on the present by paying attention to your thoughts, emotions, bodily sensations and more — has become an increasingly popular way to reduce stress, achieve a clear mind and improve well-being. The practice has become an important part of wellness training for many law enforcement agencies, which have seen it help officers deal with stress and result in increased de-escalation of violent situations and improved community relations. Take a few minutes out of your day to meditate. Find a place where you can be alone, sit upright with your feet flat on the floor, close your eyes and rest your palms on your lap. Breathe slowly in and out, rest your mind and feel your stress melt away.

Get Moving

Regular exercise not only keeps you fit for duty, but also releases endorphins — powerful feel-good chemicals that lift our mood and help combat anxiety, stress, trauma, depression and much more. If it's been a while since you've worked out, worry not: You don't need to be an athlete or fitness enthusiast to reap the manifold benefits of exercise. Take a walk around your neighborhood, practice yoga in your living room, do a workout routine in your backyard. The possibilities are endless!

Don't Bring Work Home

Cultivating a life outside of work will help you draw a clear line between work and home, helping prevent you from bringing the stressors of the job into your personal life and negatively affecting relationships with your spouse, children or friends. To prevent yourself from ruminating on work events at home, schedule plans with your family and friends a few days/nights a week, sign up for volunteering, join a local sports league, read a book or take up baking. Also, don't forget to practice self-care. Treat yourself to a relaxing day at the spa and spend time unplugged from technology — those Facebook notifications can wait.

Go to Bed

Perhaps the easiest way to improve your wellness is getting a good night's rest; however, only a third of U.S. adults report getting the recommended seven hours of sleep each night, according to the Centers for Disease Control and Prevention. Sleep deprivation takes a toll on your body, increasing the likelihood of suffering from chronic diseases and conditions such as heart disease, type 2 diabetes, obesity and more. It also affects your mind. Lack of sleep is detrimental to your mood, causes memory issues, impairs thinking and concentration, and makes you more prone to accidents. Don't underestimate the power of sleep; it gives your body and brain a break, promotes healing and gives you more energy. 🔑



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INTERNAL AGENCY *BRADY* LISTS MAY BE SHARED WITH THE PROSECUTOR

Michael S. Selyem | Castillo Harper, APC, Associate Attorney

On August 26, 2019, the CA Supreme Court in *Association for Los Angeles Deputy Sheriffs (ALADS) v. Superior Court*, No. S243855, held that the Los Angeles County Sheriff's Department (LASD) may share the names of deputies from their agency that appear on internal *Brady* lists with prosecutorial agencies without first seeking a court order after a *Pitchess* motion has been granted. This decision directly affects all law enforcement agencies in California, including members of the California Correctional Supervisors Organization (CCSO). This article will summarize the court's ruling regarding current procedures required under *Pitchess v. Superior Court* (1974) 11 Cal.3d 531, and the recently passed SB 1421 that went into effect on January 1, 2019.

Under *Brady v. Maryland*, 373 U.S. 83 (1963), prosecutors nationwide are required and have a duty to disclose all exculpatory evidence, including impeachment evidence, of police officers and custodial officers that normally would be found in a police officer's or custodial officer's personnel file. However, much of what exists in a particular officer's personnel file may not be required to be disclosed pursuant to *Brady*, and if the defense seeks such information, they are required to file a *Pitchess* motion.

When a *Pitchess* motion is filed, there must be a showing of "good cause" that potential impeachment evidences existed in the officer's personnel file. If the court grants the motion, the next step would be an in-camera review by the court to determine if relevant evidence exists. If such evidence existed in an officer's file, the court would order that evidence be disclosed to the defense. Prosecutors generally file a "parallel *Pitchess* motion" to ensure they too would receive such information. The reason for the *Pitchess* requirements and finding of good cause is because of Penal Code Section 832.7, which affords confidential status to police personnel records and requires that agencies maintain this confidentiality. Unfortunately,

SB 1421 amended Section 832.7, and much of what used to be considered "confidential" no longer is.

This ruling was the result of the LASD administration's decision to compile their own *Brady* list, which consisted of names and police ID numbers of deputies who had sustained allegations of misconduct. The allegations usually dealt with either cases of dishonesty or moral turpitude. Once the LASD established the list, they would then disclose the list to DA's offices, but only if the LASD deputy was a witness listed in a pending criminal matter. The result was that the DA's office would then be on notice to either (1) file a *Pitchess* motion to obtain the information or (2) "alert" the defense to file the motion. It is important to note that under this LASD policy, any details of these investigations would still only be disclosed pursuant to a formal *Pitchess* motion and accompanying court order.

ALADS opposed this policy and filed a lawsuit seeking to prohibit the department from disclosing names on the list absent full compliance with *Pitchess*. The trial court issued a preliminary injunction prohibiting the LASD from disclosing the names on the list unless *Pitchess* was first complied with. The trial court made one exception to the *Pitchess* requirement, and that was if the deputy was a witness in a pending criminal matter, it allowed the LASD to make a *Brady* alert to the DA's office.

The Court of Appeal approved the trial court injunction but went one step further and ruled that the *Brady* alerts were improper absent full *Pitchess* compliance first. The victory for ALADS in the Court of Appeal was short-lived, however, as the CA Supreme Court reversed the decision.

The CA Supreme Court held that the confidentiality language in the *Pitchess* process allows for the LASD to share *Brady* alerts with prosecutors. In reaching this decision, the court evaluated the recently passed SB 1421, which allows for public inspection of many types of police personnel records absent compliance with *Pitchess*. Under SB 1421, any use of

force resulting in death or great bodily injury, any sustained finding of sexual assault by a peace officer or correctional officer, findings of dishonesty, perjury, false statements, filing of false reports, and destruction, concealing or falsifying of evidence *are all deemed non-confidential* and are subject to disclosure outside of the *Pitchess* process via the California Public Records Act (CPRA). This decision, however, apparently goes one step further than SB 1421.

The CA Supreme Court held that these *Brady* alerts may also involve confidential matters. The court stated that confidentiality does not mean complete secrecy and any information provided by the law enforcement agency via a *Brady* alert to prosecutor's offices would be made in confidence with the expectation that the prosecutor would then alert the defense to file a *Pitchess* motion if they wished to seek the information in the police officer's file. The court's ruling limits these "alerts" to witnesses on pending cases only with the expectation of facilitating law enforcement and district attorney's offices working together. The court did not address whether SB 1421 was applicable to police personnel records that exist prior to January 1, 2019.

This decision by the CA Supreme Court directly affects CCSO. SB 1421 amended CA Government Code Section 832.7 to generally require the disclosure of records and information under the CPRA. Because the court considered and evaluated SB 1421 in reaching their decision, all peace officers — including all correctional officers — are subject to their personnel records being made available for public inspection. Whenever a public records request is made regarding any California correctional officer for records relating to the report, investigation or findings involving the discharge of a firearm, any use of force resulting in death or great bodily injury, any sustained findings that a correctional officer engaged in sexual assault involving a member of the public, or any finding of dishonesty by a custodial officer that is directly related to findings of perjury, dishonesty, false statements, filing of false reports, or destruction, concealing or falsifying evidence, the California Department of Corrections would be obligated to release those records pursuant to the CPRA.

It is important for CCSO to understand that this is not a voluntary disclosure but rather a mandatory one that is not subject to negotiation. Previously, most of the documents mentioned that are subject to release under SB 1421 would have fallen within the definition of peace officer/correctional



officer personnel records under Penal Code Section 832.8 and therefore would have been protected from a CPRA disclosure by the *Pitchess* statutory scheme.

However, in amending Penal Code Section 832.7, SB 1421 now requires the release of all reports, photos, and video evidence, transcripts of recordings, autopsy reports, all materials compiled and presented for review to the district attorney for determination of whether to file criminal charges against any police or custodial officer in connection with an incident, or whether the police or custodial officer's actions were consistent with law and agency policy for purposes of discipline or administrative action or what discipline to impose or corrective action to take. This would include the release of any or all documents setting forth findings or recommended findings and copies of disciplinary records relating to the incident, including any letters of intent to impose discipline, any documents reflecting modifications of discipline due to the *Skelly* or grievance process, and letters indicating final imposition of discipline or other documentation reflecting implementation of corrective action. In sum, the statute now requires the full universe of disclosure of all documents related to the categories that are subject to it.

In addition, a second bill, Assembly Bill 748, went into effect on July 1, 2019. As with SB 1421, AB 748 contains new disclosure provisions, broadly allowing audio and video recordings of "critical incidents" to be released to the public. Critical incidents are defined as incidents involving the discharge of a firearm at a person by a peace officer or custodial officer, or an incident where the use of force by a peace officer or custodial officer against a person results in death or great bodily injury. Obviously, any and all uses of force by any CCSO employee resulting in death or great bodily injury would be subject to disclosure under both SB 1421 and AB 748.

About the Author

Michael S. Selyem is an associate attorney at Castillo Harper, APC. He practices all areas of criminal, employment and family law. 🔑

THE TOP 10 REASONS TO REVISIT YOUR ESTATE PLAN



Rafael Ruano, Esq. |
Goyette & Associates
Chief Administrative Officer
and Senior Attorney

Did you know that you should consider dusting off and revisiting your estate plan every three to five years at a *minimum*? Yes, we encourage all our clients to periodically review their estate plans to ensure alignment with current laws, family and financial status and more. Here are 10 of the many reasons why:

1. Make Sure Your Trust Is Properly Funded

This is the most important step after you have created your estate plan. Failure to properly fund your trust will result in probate matters for beneficiaries and defeat one of the main reasons to create an estate plan in the first place.

So what does it mean to fund your trust? Essentially, it just means that you have placed all your assets in the name of the trust, designated the trust as a beneficiary or you have designated other beneficiaries.

Examples of some of the assets you should check include your home, bank accounts (checking and savings), investment accounts (stocks, mutual funds, certificates of deposit, annuities, etc.), retirement accounts (IRAs, 401ks, etc.) and any business interests.

2. Have Your Assets and Liabilities Changed?

Over time, your assets and liabilities (or debts) change. If you bought a new house or acquired new bank or investment accounts, you should make sure you have properly titled your home in your trust or designated beneficiaries on all your accounts. If you lent someone money, you may want to be sure your estate will be repaid upon your death. In addition, your debts or liabilities may have changed, which may trigger different planning for distribution of your assets upon your death. If you acquired many new assets or your assets have increased significantly in value, you may want to consider some tax concerns related to your estate.

3. Make Specific Gifts

You may make specific gifts in your estate plan, meaning that you may distribute a certain item or amount of money to a specific person. One of the most contentious matters in trust and estate litigation is the ownership of various tangible personal property items. Some of the important items that should be designated to certain people include weddings rings, family heirlooms, antique furniture, valuable paintings or other antiques and jewelry.

However, the most overlooked items are those of sentimental value. Some items may have little to no monetary value but are used every holiday or during family dinners or vacations. These items should be designated to someone specific to avoid arguments over the item after your death.

4. Update Changes in Beneficiaries and Provisions for Grandchildren

Sometimes relationships change and you may want to revisit who you have listed in your trust or will as a beneficiary of your estate. On the other hand, your beneficiaries may be the same people, but you may want to change how the trustee distributes your assets to each beneficiary.

You can customize how each beneficiary receives his or her share of your trust. You may direct your trustee to distribute the beneficiary's share outright upon your death or in a sub-trust to be distributed to the beneficiary in age stages. You may also provide provisions for your trustee to have the discretion to make distributions to your beneficiaries for education, purchase of a home or for their health costs.

If your beneficiary predeceases you, that beneficiary's share may go to his or her children (e.g., your grandchildren). You may also provide provisions for how and when your grandchildren get their share distributed to them.

5. Update Beneficiary Designations on Retirement and Investment Accounts

If you have a retirement account or any other investment accounts held through your employer or a financial adviser, you should make sure you have properly identified beneficiaries on those accounts to avoid possible probate

proceedings after your death. A change to your beneficiaries may be triggered by a marriage, divorce, children reaching adulthood or a change in relationships in general.

Oftentimes your employer or financial adviser has specific forms you will need to fill out to designate beneficiaries on those accounts; we can help you fill these forms out.

6. Change in Trustees — Have Your Children Reached Adulthood?

Oftentimes when people create their trusts, their children are minors. However, once your children reach adulthood, you may want to designate your children to handle your financial or health-care decisions for you. On the other hand, if you do not have children, you may still want to change your trustees. Deciding when to make these changes is not “one size fits all” and needs to take into account your family’s unique circumstances.

7. Did You Refinance Your Home? You Should Check the Title of Your Home

If you refinanced your home, many mortgage companies will take the home out of the name of your trust in order to complete the refinance process. However, once your refinance is complete, many people forget to put their home back into their trust. The failure to put your home in your trust may trigger a probate matter upon your death. We can help you find the latest vesting deed to your home and make sure your home is properly titled in the name of the trust.

8. Your Advance Health-Care Directive Should Include a HIPAA Release

Health Insurance Portability and Accountability Act (HIPAA) provides protection for your confidential health information (42 U.S.C. § 1320d, 45 C.F.R. Parts 160 and 164). The purpose of HIPAA is to reduce health-care fraud and abuse, and provide the ability to transfer and continue health insurance coverage for employees and their families in between jobs. However, HIPAA may create issues for your advance health-care directive agent to be able to make the best health-care decisions because your agent may not have access to your health-care information. HIPAA may also create issues for your advance health-care directive agent to have access to your health insurance coverage and invoices that may need to be paid by your durable power of attorney agent, who has control over your finances. We include a HIPAA release in our advance health-care directives.

9. Make Sure Your Parents’ Estate Plan Is Also Updated

Even if your estate plan is properly funded and up to date, your parents’ estate plan may need to be revisited for the same reasons. You may be designated to handle someone else’s estate, financial or health decisions when that person cannot make decisions for him or herself. You should make sure that

person’s estate plan is also up to date so that you will be less likely to run into headaches while managing their affairs.

10. Make Sure All Your Wishes Are Protected With a General Review of Trust Language and Provisions

If you already have an estate plan, you may want us to review your plan and make sure you have addressed all of the concerns mentioned here. Over time, the laws change, and your estate plan may need to be updated to include new provisions or address new tax concerns.

We can address all of these concerns. As a trusted CCSO partner for over 25 years, Goyette & Associates always offers a *free estate planning consultation and a 30% discount on estate planning services* to CCSO members. (Just mention “Keynotes” when contacting us.)

Contact Rafael and Goyette & Associates at (888) 993-1600 or frontdesk@goyette-assoc.com. 

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WHAT HAPPENS IN VEGAS DOES *NOT* STAY IN VEGAS



Dan Thompson |
CCSO General Counsel

Whenever Vegas comes up in conversation, I often think of the 2009 movie *The Hangover*. It's a story about a group of friends that decide to unwind in Sin City for the weekend. They make a series of terrible (yet humorous) choices that lead them through a wild and not-likely-survivable series of events. At the end of it all, they come out of it (mostly) no worse for wear, closer as friends and return to their private lives leaving most of the chaos behind. Ah, Hollywood.

Most people in the real world don't have the luxury of so glibly escaping their own choices. CDCR employees are certainly no exception, and in fact, as professionals in a paramilitary organization, they are often held to a much higher standard than John Q. Citizen.

A few moments of unfortunate decisions/events on your RDOs can spell disaster and leave a permanent mark on your professional and personal life.

Let's consider some of the all-too-common mistakes: You have a few too many drinks at the bar in celebration of your friend's birthday and then make the decision to drive home — you get stopped for a DUI.

Or perhaps you don't get behind the wheel, but you end up in a verbal altercation, someone gets shoved and the cops are called. Maybe you don't go out at all, but you are at home with your significant other and, whether alcohol is involved or not, you get into a regrettable fight. Someone slaps someone and, in a moment of anger, one of you (or a friend/neighbor) calls the sheriff.

Or that one time you decide to go on a cruise in Mexico with a few of your work buddies. Somewhere in the night between the salsa music and palm trees, some guy you met named Joe suggests you all "bump a line." You haven't done



drugs since that one time in college, but who wants to be the third wheel? Next thing you know, Joe posts it on Facebook.

Incidents that result in an arrest and potential prosecution are particularly problematic for CDCR employees. Even incidents that are not criminal in nature may result in a complaint being filed by a third party, which the Department will almost always investigate or take action regarding. For those employees who qualify as peace officers, it is well established that anyone with that title is held to a "higher standard" and such off-duty conduct will be investigated, and it will, in most cases, be considered to "bring discredit to the department."

Peace officer employees are also at a greater risk in that even though they don't frequently carry or handle a firearm, all are required to maintain the ability to possess one. Certain domestic violence or 5150 mental claims will disqualify the individual from being able to own or possess a firearm and, by extension, will impact their job. The ability to possess a firearm is a minimum qualification of employment, so if an officer loses that ability, CDCR will be only too happy to issue a "non-punitive termination" on the basis that the employee is no longer qualified.

For non-peace officer employees, similar standards still apply, particularly to anyone who maintains a professional or medical license required for their position (think medical or psychiatric staff of any kind).

In those cases, the licensing entity within the State of California will be immediately notified of an off-duty arrest through their reporting systems. They will then

launch a separate investigation that will be conducted by a licensing board investigator and the employee's professional license will be potentially subject to discipline as well. Since the professional license is again likely to be a minimum job qualification, a suspension, restriction or revocation of that license will also immediately impact (if not end) the employee's job.

Another situation that may arise is if an employee who works transportation or outside patrol receives a DUI or other related conviction that simultaneously results in the suspension of their California driver's license. The Department would likely have no choice but to remove the employee from their position (which may impact their bid), and at best, place them in a light-duty or administrative job until such time as the suspension has been completed.

Bottom line: A few moments of poor decision-making can have long-lasting (if not permanent) impacts on a CDCR/CCHCS employee's career.

Consider this: One drunken decision off duty and you may be faced with (1) criminal charges, (2) a civil suit, (3) family law/custody proceedings, (4) an internal affairs investigation and/or (5) a professional licensing investigation and action.


Any number of these events could cost you thousands of dollars and result in losing your income, diminishing or losing your retirement contributions (if not vested), loss of lifetime medical, benefits and — perhaps most importantly — your career and reputation.

In spite of what may seem obvious, employees do find themselves in this nightmare.


A few moments of poor decision-making can have **long-lasting impacts** on a CDCR/CCHCS employee's career.

If that should be you or someone you know, seek qualified legal counsel immediately to guide you through the legal quagmire of issues. In many cases, these processes are interrelated and may have a significant impact on one another and are foreign or confusing to attorneys who are not well versed in what happens when Vegas follows you home. 🔑


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FROM ONE SUPERVISOR TO ANOTHER

Michael Maldonado | CAL Chapter President

R

ecently, there have been several situations that I feel the need to comment on to ensure that our membership is informed and aware of the resources available to them if they choose to use them.

Investigations

Supervisors/managers are all in the same situation when it comes to being placed under investigation, be it for our actions or someone else's actions. The case does not deviate regardless if your classification is non-custody or custody or whether you are assigned to Health Care, Food Service, Records, Plant Operations, etc. We are all in the same situation as supervisors. Many times, we are implemented into an investigation as the result of those we supervise.

Being under investigation is a very personal situation. It can be very unnerving or even frightening to some, and it will be stressful. As a member of CCSO, you have excellent representation, as you are never offered a "local field representative." You are always provided an attorney when you are a subject of alleged misconduct. Many are unaware that if you choose to utilize a local field representative, you are not protected by the same attorney-client privilege that you have with an attorney. So, it is possible that your representative could potentially be noticed and called in to testify to statements made by you. While this practice is not common, there is always a possibility depending on the factors of a specific case. Crazier things have happened.

OIA investigators are trained special agents who conduct investigations on a daily basis. That is their job. Field representatives, or institutional representatives, may provide representation if chosen by an employee, but generally only do it once in a while. Will they be any match for the trained OIA investigators? That is the reason why CCSO only utilizes attorneys for its members. Our attorneys are proficient in the law, administrative rules, Penal Code, Government Code and the Peace Officers' Bill of Rights. Protecting your rights during your interrogation is their utmost priority.

CCSO provides attorney representation if you are identified as a "subject" or "witness." Many members are not aware that

they should bring a representative when they are identified as a "witness." I highly recommend that anytime your conversation is recorded, you have proper representation. I am aware of many staff who were initially identified as a witness, but weeks later were being interviewed as a "subject" in the same investigation. You should always protect yourself.

As a CCSO member, CCSO has a permanent injunction (RCV 059013) that prohibits CDCR from proceeding with an interrogation of a correctional supervisor if the representative of their choice is unavailable, and they will be provided a minimum of five working days advance notice of the interrogation. No other organization has this injunction for its membership.

If you are "noticed" for an investigatory interview, contact CCSO Headquarters and send the Letter of Notice; you will be provided attorney representation. In addition, your local CCSO Board is here to help you. *Know your rights and protect yourself.*

Adverse Comments

Several years ago, the Department decided to start a process called "Direct Adverse." The investigative process is as follows: The warden requests an investigation of the alleged conduct. This request is then sent to the OIA Central Intake Unit. Central Intake evaluates the information, and if it deems there is sufficient evidence, it is sent back to the institution for "Adverse Action" because it is considered "substantiated" without any input or any evidence supporting the subject. The Hiring Authority then decides as to what penalty should be taken against the employee. When adverse action is taken, the employee gets all the information utilized in the process except those items deemed confidential.

When some other action short of formal discipline is taken (e.g., LOI, ECR or documented training), the employee is not provided with any evidence detailing their alleged wrongdoing other than the information provided in the corrective documentation they received. The employee then is unable to refute this information or does not have any information to say the information relied upon or alleged in the investigation was accurate or correct.

DOM section 33010.31.3 titled "Adverse Comments"

was the result of a court case litigated by CCSO. The section is also provided for in Government Code Sections 3305 and 3306 and the *Sacramento Police Officers Association et al v. Arturo Venegas Jr., Chief of Police et al.*, as well as other significant cases (e.g., *County of Riverside, supra*, 27, Cal. 4th 793, 118 Cal. Rptr.2d 167, 42 P.9d 1034).


This section enables the employee to request within 30 days the “adverse comments” used when formal discipline was not taken to refute the information utilized. The 30-day time period for request is mandated. So, if this occurs and you wish to deny these statements, please contact a local CCSO Board member or contact CCSO’s main office for assistance.

Organizational Expectations

As humans, we sometimes become creatures of habit. Because one classification gets something, we feel that we should also get it. This is not usually the case as we supervisors know. All supervisors are alike in this regard, despite their classification, job assignment or any other title. We are excluded employees, so we don’t have a “contract,” and that is what we share in common. However, the expectations don’t always change, and many times those expectations are not consistent with reality.

The CDCR has a monopoly when it comes to its supervisors. Unlike the rank and file, we are told what we are going to do and not asked. While there are processes in place to assist in these efforts, they are not as effective or do not have the same bite as a contract. However, these are just not realistic for supervisors regardless of the worksite. We have to work twice as hard as those we supervise and twice as long to get the “minimally equivalent” of what the rank and file has. Is this fair? No, it isn’t. That doesn’t change the fact that we still try to get to that point, whether it is at the local level or the state level. Just because you don’t hear about it or see it doesn’t mean it isn’t happening. We are always fighting for your rights and benefits.

To ensure fairness, it is essential to have knowledgeable, experienced and responsive personnel representing the interests of all supervisors. Your local CCSO Chapter Board does not get paid for its time and generally takes these positions because of a desire for supervisors to be treated equally. Don’t believe the “snake oil salesperson” and their promises because it is a fantasy. These positions are not “popularity” contests and usually require much research, time, determination and resolve to try to make better the constant challenges and opposition that your local board endures in trying to ensure fairness and equality in the workplace.

In conclusion, I want our CCSO membership to be informed and aware of their rights and how to protect themselves. 

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THE INFORMATION TECHNOLOGY FRONT




Joseph Mendez |
CCSO IT Representative

Technological innovation waits for no man; it moves in leaps and bounds, rapidly changing and evolving. The old saying “An ounce of prevention is worth a pound of cure” is especially true in today’s technological front. The saying rings true for most in information technology, who can see firsthand how small problems can rapidly evolve into bigger complications. However, by applying best practices, we can mitigate such instances.

Security threats, cybercrime and even government regulations are ever evolving. These forces can either act as a catalyst for your own readiness or as an instrument for great disaster to occur. Ransomware is a type of malware or virus that will encrypt data, drives and systems until a ransom is paid in money or bitcoin.

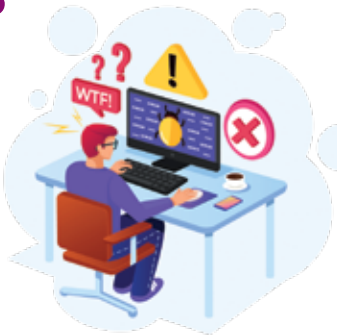
Oftentimes, even if the ransom is paid, it will go unanswered. Money is sent into the void with no way to rescue your affected systems or data. According to Pwne Express, 50% of 582 cybersecurity professionals who were surveyed do not believe their organization is prepared to repel a ransomware attack. (See the sidebar on page 25 for more statistics.)

Everyone wants to reap the fruits of discipline, but in order to do so, you must be consistently disciplined and purposeful in action. This is observed in adopting best practices, some of which include asset inventory, employee training, identity and access management (GDRP and HIPPA), patch management for software and systems, cybersecurity risk assessment and, most importantly, backups, backups, backups. The type of backup matters, the location of the backup matters and who can access the backups matter. How many of us have lost childhood pictures, entire libraries of music or documents that were needed at a precise moment? Your company or organization can claim to adopt best practices, but without disciplined implementation, they become little more than words on paper. 

RATE OF RANSOMWARE ATTACKS

- A new organization will fall victim to ransomware every 14 seconds in 2019, and every 11 seconds by 2021. (Source: Cyber Security Ventures)
- 1.5 million new phishing sites are created every month. (Source: webroot.com)
- Ransomware attacks have increased over 97% in the past two years. (Source: Phishme)
- A total of 850.97 million ransomware infections were detected by the Ponemon Institute in 2018.
- 34% of businesses hit with malware took a week or more to regain access to their data. (Source: Kaspersky)
- In 2019, ransomware from phishing emails increased 109% over 2017. (Source: PhishMe)

Statistics courtesy of **phoenixnap.com**.



INTRODUCING THE NEW CCSO APP



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LEGISLATION

GET INVOLVED AT THE LOCAL LEVEL




**Paul Curry (left)
and John Lovell |
CCSO Legislative Advocates**

It is no surprise that over the years, John and I have talked about being at the table or even on the menu when bills are sailing through the Legislature — even though the California Correctional Supervisors Organization (CCSO) has a significant legislative track record in Sacramento.

While CCSO State President Art Gonzales has taken those comments to heart, he can often be found at the Capitol talking with legislative leaders alongside John and me. Many times, these discussions will bring about a change in their thought processes to work in our favor. Having someone who is articulate and has many years of experience dealing with correctional issues is all it takes sometimes. Everyone has the same opportunity to reach

out to their local assemblymember or senator. Those personal contacts with you, or just you offering your assistance to help them understand how you work and the issues you face at your respective worksites on a daily basis, is extremely important.

Getting involved at the local level is very important to the statewide legislative success of CCSO. It is effortless for a legislator to tell John or me no. But it is tough for them to tell *you* no. In fact, they will go out of their way to say yes to you and mean it. Every CCSO member should also be a member of the legislative team. Get to know your local legislator and be sure to vote for legislators who support public safety. We need legislators who are tough on crime and support us while we are carrying out the laws they enact.

On behalf of John and I, we are honored to represent each of you. We are dedicated to ensuring that your voices are heard in the Legislature, state agencies and the Governor's Office. 

SAVE THE DATE!

SECOND ANNUAL CCSO CHARITY GOLF TOURNAMENT

October 9

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Registration information
coming soon at **ccsonet.org!**

CALLING ALL CCSO MEMBERS

Share your stories and photos in print!

- Do you have photos from a recent event held at your institution?
- Do you have an experience you want to share with fellow members?

Send us your updates to be published in *Keynotes*! For more information, contact Raquel Montoya at raquel.m@ccsonet.org.



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SAVE THE DATE!



28TH ANNUAL **CCSO CONFERENCE**

The annual CCSO Conference brings together members from our 45 chapters throughout California. At conference, members experience a sense of comradery to share ideas, network, garner support and socialize. It's an event you won't want to miss!



October 15-17 | Monterey



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Registration information
coming soon at [**ccsonet.org**](http://ccsonet.org)



SCHOLARSHIPS

The CCSO Scholarship Fund was established to recognize outstanding high school students who have a solid GPA, are active in the community and have a determination and drive for excellence. The CCSO scholarship program is open to the immediate families of CCSO members. If your child is a senior in high school and plans to attend college, please complete the CCSO application form and follow the instructions below for submitting your application.

Scholarship Awards:

CCSO awards one \$1,000 scholarship and three \$500 scholarships each year.

Required Applicant Qualifications:

- ☐ Child of a dues-paying CCSO member
- ☐ High school senior
- ☐ Unweighted/weighted GPA of 3.8 or higher in grades 9–12

Please Include the Following Information:

- ☐ Cover letter addressed to “CCSO Scholarship”
- ☐ Completed scholarship application form (*see reverse side of this page*)
- ☐ Brief essay about yourself

- ☐ Short narrative about why you plan to attend college
- ☐ Copy of sealed official high school transcript for grades 9–12
- ☐ Letters of recommendation from two teachers
- ☐ Letters from two personal friends

Application Deadline:

June 1 is the deadline to submit an application. Applications received by the CCSO office after this date will not be considered.

Send Completed Applications to:



California Correctional Supervisors Organization
1481 Ullrey Ave.
Escalon, CA 95320

CLEA Children's Scholarship Program

Each year, our long-term disability plan administrators, California Public Safety Administrators, Inc., donate \$2,000 in scholarships to the children of CLEA plan participants. Scholarship distribution consists of **four awards of \$500 each**. Three are awarded to high school seniors enrolling in a community college, university, or vocational or technical school. One is awarded to a student continuing at a community college, university, or vocational or technical school.

This is a valuable opportunity to provide your children with scholarship money in order to help them attain their higher education goals! The CLEA scholarship and eligibility information can be found at www.clea.org/scholarship. The deadline to submit an application is **May 1**.



\$1,000/\$500 SCHOLARSHIP APPLICATION FORM

(PLEASE PRINT or TYPE)

Applicant's name: _____

Birth date: _____

Last 4 digits of SSN: _____

Address: _____

City: _____

State: _____

ZIP: _____

Telephone number: _____

1. On a separate sheet of paper, write a brief essay about yourself.

2. College plans (include college, college major or vocation): _____

3. On a separate sheet of paper, explain why you plan to attend college.

4. List your extracurricular activities: _____

5. List your community activities: _____

6. List your honors and awards: _____

Qualifying CCSO Member Information

Applicant must be a child of a dues-paying member of CCSO, and a high school senior with an average unweighted/weighted GPA of 3.8 or higher in grades 9–12.

Name of qualifying CCSO member: _____

CCSO chapter: _____

SSN of CCSO member: _____

Relationship to applicant: _____

High School Information

High school: _____

High school telephone number: _____

Date of high school graduation: _____

SAT/ACT score (please provide a copy of scores): _____

High School Verification

(Include sealed official transcript from grades 9–12)

MUST BE COMPLETED BY A SCHOOL OFFICIAL ONLY

Cumulative unweighted GPA: _____

Cumulative weighted GPA: _____

School official name (print): _____

Position: _____

Signature: _____

Date: _____



SEND APPLICATIONS TO:

California Correctional Supervisors Organization
1481 Ullrey Ave. Escalon, CA 95320

Application Deadline: June 1

Applications received in the CCSO office after this date will not be considered. Applications must be received by close of business day.



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