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Keynotes

CALIFORNIA CORRECTIONAL SUPERVISORS ORGANIZATION

LOOKING AHEAD TO A **BRIGHT FUTURE**

CCSO sets its sights on new goals

**FIGHTING BACK
AT RJD**

See page 18

**YOUR RIGHT TO
REPRESENTATION**

See page 20



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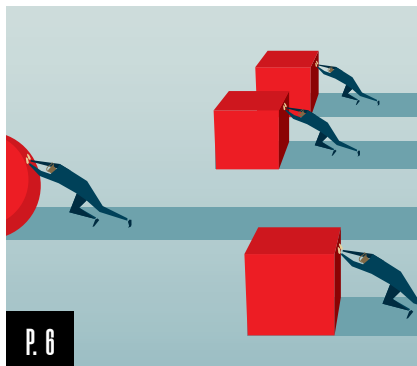
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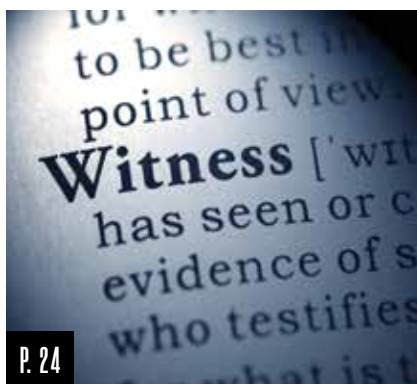
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A BRIGHT FUTURE AWAITS



ART GONZALES
CCSO State President

As we move into 2021, we continue to be stuck in the nightmare of 2020. Our organization's goals have been put in a holding pattern due to these challenging and daunting times. The pandemic has forever changed

our lives and the operations of our business. Although the road seems long, I do see light at the end. My vision for accomplishing our objectives and staying strong for our members has brightened.

The plan I have laid out for our organization is still close to my heart and I have faith in our success. A bump in the road will not discourage my hopes and aspirations. I am very proud of what we have accomplished thus far. Without forecasting the future, I prepared the organization by updating our infrastructure and computer technologies in order to provide services to our members remotely when necessary. Our prompt response time to issues and concerns has been commended and our customer service is at an all-time high.

Even though we stalled out this past year, I believe we still made great strides. We worked vigorously

I won't allow us to stop working toward our goals and objectives — no matter what hurdles lie ahead.

and fought for better working conditions and fair treatment of our members. We are moving in the right direction, even if the pace has slowed. You all worked hard and CCSO appreciates you. Those of you with boots on the ground, we applaud you. We look forward to seeing you as we start up our tours. Please make it a priority to talk with us when we visit; let us know what is important to you and how we can help to achieve your goals.

I had an agenda when I became your CCSO State president. We are constantly learning and evolving, and I always look for ways to advance. I want to get CCSO to that next level. Too often in the past, frustration sat in and minimal effort was placed on completing goals or accomplishing what we set out to achieve. I won't allow us to stop working toward our goals and objectives — no matter what hurdles lie ahead. We must learn from our failures and improve for our future. I thank you for being a CCSO member, and I look forward to many more accomplishments. Together, we work toward strengthening our organization — a bright future awaits. Take care of yourself, your family and, most of all, stay healthy. 🗝️

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?

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USC

SETTING OUR SIGHTS ON THE FUTURE



JOSH MILLER

CCSO State Vice President

As your CCSO State vice president, I have watched our organization grow tremendously. We've built on a foundation put into place by our founders and expanded on their mission of supporting supervisors. I am proud of our organization's drive and desire to help our members. As most of you know, I am not retired; I work at an institution and deal first-hand with the Department's decisions and their impact on our members. Those who know me well may say that being politically correct is not something I am good at (I'm working on it!). So what you will read in this column is my perspective — what I see and how I see it.

The year 2020 seemed to start off well for CCSO. We had moved forward on our State Board promises to our members, and we had started to strategize achieving new goals. Just

as we thought everything was looking up, our members faced what would turn out to be a disaster: COVID-19. At first, the Department began implementing telework for those who had the ability to do so. Many non-custody staff, medical supervisors, various management team members and even some custody positions were provided the opportunity to work from home. Unfortunately, that was short-lived, and the Department started requiring many of the staff to return back to their posts. While I understand that it is impossible to let everyone telework given the nature of our jobs, it seemed that money and convenience were chosen over the safety of employees and their families. Many units, including CCHCS, maintained

We are planning for the future and setting our sights on new goals, especially better working conditions for our members.

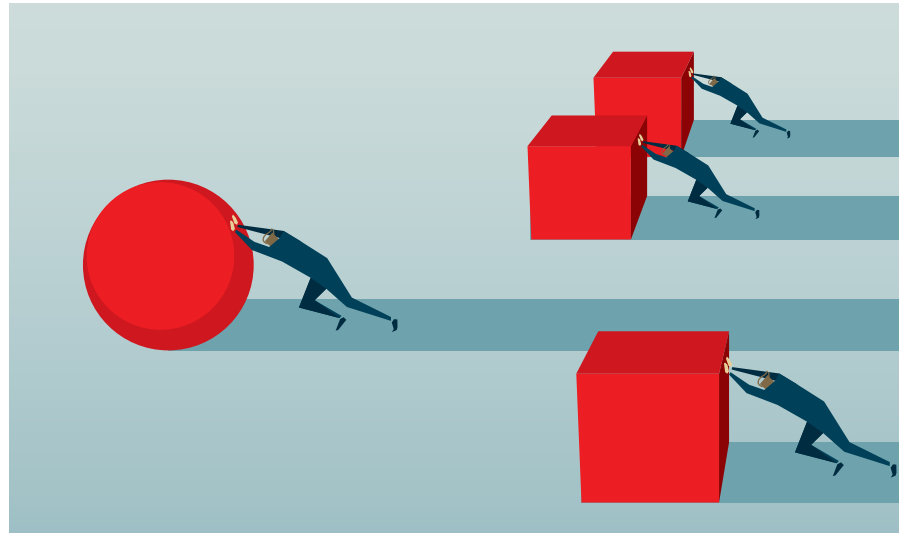
rotational schedules and telework opportunities, while DAI staff were directed to return to normal operations. Numerous staff ended up getting COVID because of returning to work, when they likely would not have if they had continued teleworking from the safety of their homes. Inmate movement was a frustrating ordeal as well throughout this pandemic. There were numerous inmate transfers that should not have happened. CCSO argued that limiting

inmate movement kept our members and inmates safe. Sadly, that request was disregarded and the transmission of COVID to our members and our colleagues skyrocketed. Staffing also suffered due to COVID-19, and custody supervisors were often redirected from their assignments to screen staff and take temperatures. CCSO felt that the redirect was inappropriate and had severe workload impact. We immediately reached out to CDCR's Office of Labor Relations (OLR) and explained our concerns. OLR took note of our issues and sought to clarify the roles and responsibilities of staff. Thankfully, not all hiring authorities redirected supervisors, and many agreed that taking staff temperatures was a medical function, where it remained.

On a positive note during all of this chaos, the Department rolled out the Correctional Sergeant Mentorship Program. CCSO representatives attended a meet and confer to learn more about the program and to ensure it would be beneficial. We support the program and look forward to its success. The goal of the program is to provide hands-on training to newly promoted sergeants to ensure they have the tools to prosper in their new role. There are many stresses and challenges that new sergeants face, and this program will hopefully eliminate some of that and improve their skill sets in order to become great supervisors.

I know this past year has not been great and it all seems like doom and gloom, but please know that CCSO is fighting the good

fight. Under our leadership, I have seen our organization achieve new heights. Our executives have worked diligently at meeting the goals we presented. We have improved our organization by leaps and bounds. We are planning for the future and setting our sights on new goals, especially better working conditions for our members. We have provided training for our chapter presidents and local boards and are working with our attorneys to provide legal trainings as well. We will continue to challenge the



Department on its shortcomings. Our chapter presidents have filed grievances and have successfully stopped the redirection of staff for COVID-related tasks. We move forward on our mission of working

with our chapter presidents and local boards to develop different strategies to address the various problems that arise. Every issue our members face is important, and we are here to listen. 🗝️

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TOGETHER WE WILL MAKE A DIFFERENCE



PAUL GONZALES JR.
CCSO State Board Member, NPO

I am frequently asked if CCSO is only for custody staff. While the majority of CCSO members are peace officers, CCSO is for all non-represented supervisors, managers, and exempt staff working for CDCR, CCHCS and DSH. We have many health-care and business services personnel as well as other non-custody classification members.

I have been a CCSO member for about 20 years and have seen firsthand the many accomplishments the organization has achieved for supervisors in all areas of the Department. CCSO has always been very supportive of me and has had my back in every situation. I have heard people say that CCSO only helps custody supervisors, and lately nursing staff. As the non-peace officer State Board member, who was recently re-elected for a new four-year term, my goal is to change that perception.


This year, I plan to work closely

with non-custody members in various areas to ensure their voices are heard and their issues are addressed. I can personally say that the CCSO State president and State Board hold all

I plan to work closely with non-custody members in various areas to ensure their voices are heard and their issues are addressed.

members in high regard. Our mission is to show all supervisors that you are supported and represented by this great organization. In order to fulfill

that promise, I'm requesting your help. I need non-peace officer supervisors from each CCSO Chapter who would be willing to be the eyes and ears in the field and report back to us. The first step in developing a plan for CCSO to better help our members is to be aware of what is going on at each facility and office. We can't help unless we know what you are dealing with.

I also encourage positive feedback. If there are good practices in place in your work area or solutions to problems you have dealt with in the past, please share that information with us so that we can pass it along to others who may be struggling with the same issues. If you are interested, please email me at paul.g@ccsonet.org .





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For any legal needs we do NOT cover we will still provide a free consultation and referral to qualified attorney.

DVI CLOSURE: WE WILL GET THROUGH THIS



SABRINA HARRIS-BRENNAN
CCSO State Board Member, Sgt.

I will never forget the first time I drove into Deuel Vocational Institution (DVI). It was a Sunday afternoon in 1996 and I was just 23 years old. I was checking out how far of a drive it would be for me since I had just accepted an offer to go there after the Academy. I remember thinking to myself, “What in the hell am I doing?” But almost 25 years later, I have made that same drive every day, and I look around and know I made the right choice.

DVI has been my work home for my entire career. Some people transfer around and promote all over, but I chose to always stay home. I have no regrets; I met my husband here (not an inmate, thank you very much) and have made lifelong friendships with so many people, and even consider some of them to be family. Being a smaller prison, you get to enjoy the benefits of what we call our “family in green.” This family has been with me through a lot of good, and unfortunately a lot of bad

as well. The key is they are with me; we take care of each other when it is needed, and we always make sure our brothers and sisters go home safe at the end of the day.

As I embarked on the last few years of my career, I had always seen myself retiring from DVI. I could picture my final exit interview, my walk through telling everyone goodbye for the last time and really walking away from my work home with pride, knowing I had worked there my entire career and was proud of it. A few months ago, the news of DVI being chosen as the first prison to close sent a shockwave through our institution, but personally rocked me to my core. The thought of having to leave this prison not on my own terms honestly hurt and still hurts to this day. The feelings of anger, disappointment and downright frustration have set in. Not

only are we faced with this uncertain time in life with COVID-19 and trying to keep ourselves and our families safe, but now we have to be worried about where we will all be working in less than a year. No one likes change — especially when it is forced upon you without understanding exactly why. Why are closures needed in the first place? I have seen this Department change so much over the almost 25 years I have been here, but never in my wildest dreams would I have pictured us closing. I also do not enjoy the fact that information has been slow to come forth. We feel abandoned in so many ways by so many people. I realize our Department has its marching orders, but what about us? Who is going to help us get through all of this?

I have never in my career felt like just a number more than I do today. I have staff calling on me for advice

about what they should do. I do not know what to tell them; I do not have answers. I do not even have answers for myself. I personally pride myself on being there for staff — in my job, I have to be. I have always tried to go above and beyond and give more than required, because at the end of the day, I truly care about our staff and what I can do to help them make things easier. So I ask these questions to those in charge of this Department: Who do you care about? What do you care about?



We feel abandoned in so many ways by so many people. I realize our Department has its marching orders, but what about us? Who is going to help us get through all of this?

I think I can speak for a great majority of the staff at DVI when I say they don't care about us. It's very hard to stay positive when you have given your life to this Department and then the people running it make life-altering decisions that affect you and your family and do not even reach out to show empathy. I may not have the answers, but I can say this with certainty — we will get through this closure. Many staff are leaving and moving on, understandably, but for those of us still here coming to work every day, we are making a difference, and I do not let that go unnoticed. Let us keep our heads up and keep DVI afloat until the end, because this is what we do.

I wish all of our staff at DVI, and all of the staff at other prisons statewide, a happy and healthy new year. Together, we can do the undoable; we can move mountains. Take care, everyone. 🗝️

SAVE THE DATE!

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CCSO MOURNS



THE PASSING OF LIEUTENANT CHRIS GOLD

It is with deep regret that CCSO was informed of the passing of longtime State Board member and friend, retired Correctional Lieutenant **Chris Gold**. Chris died on January 19 at the age of 55.

Chris began his career with the California Department of Corrections and Rehabilitation at the Richard A. McGee Training Center in August 1994. On October 7, 1994, Chris reported to CSP-SAC. While at CSP-SAC, Chris promoted to correctional sergeant on April 8, 1996, and then accepted a promotion to lieutenant at CDCR Headquarters on February 18, 2008, where he remained until his retirement on May 21, 2015.

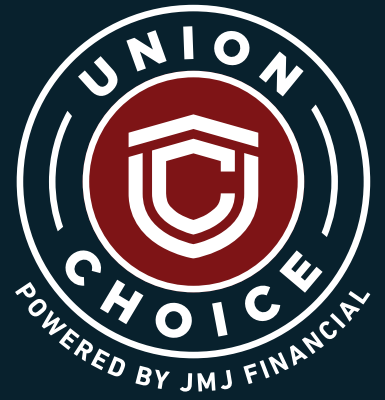
In 1998, Chris began his dedication to and kinship with CCSO, and ultimately moved up to become one of our most memorable State Board members for his great personality, sense of humor



and ability to lift spirits with laughter. The term “**CCSO strong**” was coined by Chris, and it is one that we still use to this very day. The term will forever represent Chris’s passion and devotion to our organization, as well as our love and remembrance of the wonderful man, father and dear friend he was.

We extend our deepest condolences to Chris’s family and friends during this difficult time. Funeral services, arrangements and other details will be available in the future. 🔑





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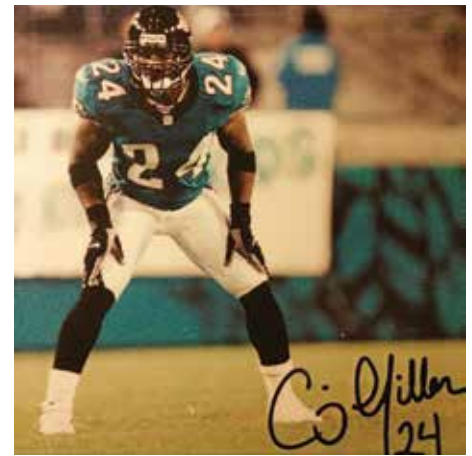


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BEHIND THE BADGE

MEET SERGEANT CRAIG MILLER

Sergeant Craig Miller has served as an instructor at the Correctional Training Center (CTC) for the past seven years. He is responsible for ensuring that all correctional officers meet the highest qualifications prior to their placement at various institutions throughout the state. CTC has facilitated the training of thousands of aspiring correctional officers over the past decades. Instructors instill the core disciplines, values and performance standards that correctional officers depend on every day in the field.

Miller found himself applying to CDCR after an early retirement as a safety in the National Football League (NFL). His dream football career came to an end after three years when he suffered a neck and spine injury. Faced with this unexpected detour,





Miller focused on recovery and securing a future where he could thrive. When interviewed, Miller shared, “Even though I had graduated college with a major in sociology and minor in psychology, I wanted to still be a part of a team.” Surprisingly, Miller was initially denied employment eligibility with CDCR due to his previous injury. But he was undeterred by this setback. Determined to reach his goals, Miller made the decision to rejoin the NFL to gain medical clearance, leading to his admission to CDCR’s Academy.

Miller’s passion for productive community has allowed him to excel through his career. Looking back at his almost 20 years of service, Miller attributes much of his success to his community of colleagues, both officers and supervisors. The culture of correctional work is demanding. While fulfilling the mission of protecting the public from crime and victimization, many in corrections carry the burden to their detriment. “If I can focus on self-improvement and encourage my teammates to do the same through positivity, the whole team is transformed,” Miller says. “My co-workers became like family to me. We spend time together, pushing each other to succeed.”

Miller is focused on enhancing the future of corrections through discipline, unity and team prosperity, both on and off the job. 🗝️





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 opposite 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:

April 30 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 **April 30**.



\$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: _____

Email: _____

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): _____



SEND APPLICATIONS TO:

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

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: _____

Application Deadline: April 30

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

LABOR

IT IS TIME TO FIGHT BACK AT RJD



**Ford Canutt | CCSO
Legislative Specialist**

In prior years, Richard J. Donovan Correctional Facility (RJD) was an excellent correctional facility, with happy staff and well-cared-for inmates. However, in the past year, it has turned into a nightmare for both staff and inmates.

This can be laid at the feet of the new RJD warden. CCSO has received numerous complaints from our members at RJD concerning unjust disciplinary actions, low morale, unsafe working conditions, poor management and a warden as the root cause of this situation.

Recently, the Office of the Inspector General (OIG) vetted Warden Marcus Pollard, when about 70% of custody staff and the medical management were against his confirmation. It is believed that the OIG did not want to confirm him, but

high-ups had other ideas. The OIG could not be that bad at its job, at least let us hope not.

It has been a tough year for all institutions due to COVID-19, but most have pulled together and there is a light at the end of the tunnel. Not so for RJD. Despite having good staff, this warden has broken down his employees' desire to carry on. Warden Pollard has no interpersonal skills and runs RJD with fear and threats. His narcissism and arrogance have poisoned his management team to be uncaring of staff and inmate concerns. This situation has caused some custody staff to work 20- to 22-hour shifts because many employees are calling in sick. Inmate programs are being operated with unsafe staffing levels, and without the proper staffing levels, many inmate services are delayed. This has caused medical and custody staff to be at odds with each other. This situation cannot get much worse without a tragedy happening.

Warden Pollard needs to go and be replaced with someone who possesses the interpersonal skills to inspire the staff,

Warden Pollard has no interpersonal skills and runs RJD with fear and threats. His narcissism and arrogance have poisoned his management team to be uncaring of staff and inmate concerns.

and who has the courage to do the right thing. CDCR has an abundance of candidates who would fit this bill, who are great managers who have the dedication, competence, personality and desire to be a good warden.

CCSO knows that CDCR Headquarters is aware of most of these issues surrounding Warden Pollard but has taken no action. We implore them to move Warden Pollard and send RJD's mid-level management to training in order to relearn interpersonal skills and effective management techniques.

We know that the RJD staff is crying out for help, and CCSO is doing its best to provide much-needed assistance and support. 🗝️

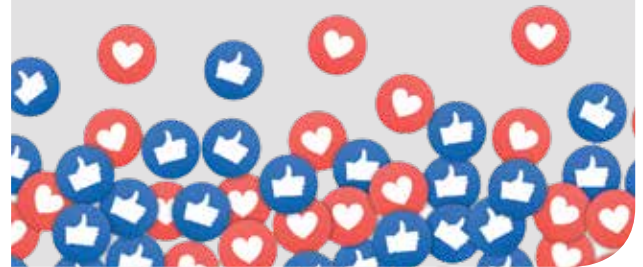
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MEMBERSHIP DUES BREAKDOWN FOR 2020

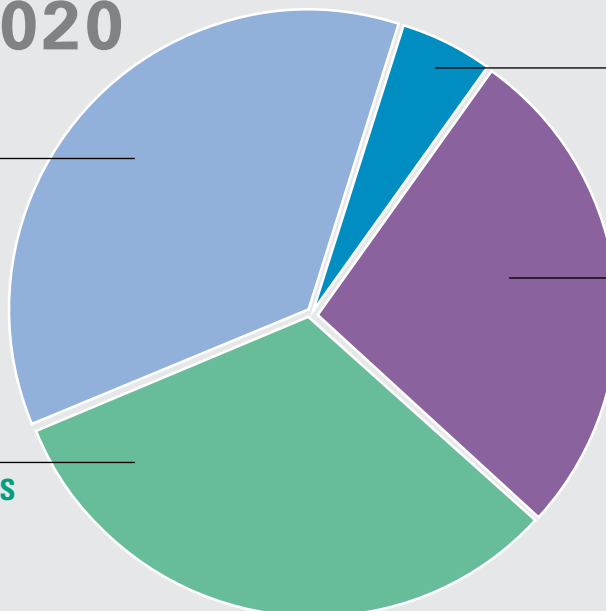
**TOTAL
EXPENSES**
\$4,149,900

LEGAL
\$1,467,814

OPERATIONS
\$1,340,642

POLITICAL
\$211,976

**MEMBERSHIP
SUPPORT**
\$1,129,468



YOUR WORDS MATTER: PRESERVING THE RIGHT TO YOUR REPRESENTATIVE OF CHOICE



Brandi L. Harper |
Castillo Harper, APC,
Managing Partner

How many of you have ever fought with your spouse ... not because of *what* you said, but *how* you said it? After a few of those fights, you start to figure out that how you say things matters, even if the words basically mean the same thing. The same is true in the law. That is why you must be sure to use the correct verbiage when you want to invoke your interrogation rights under the so-called “five-day rule” injunction for investigatory interviews.

What the Injunction Actually Says

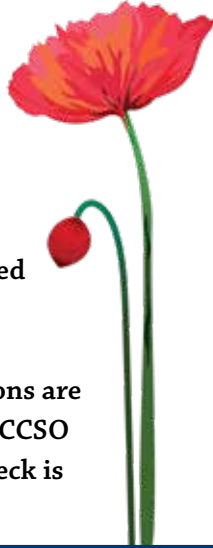
The “five-day rule,” or “permanent injunction” as it is usually referred to, comes from the permanent injunction stipulated to and issued on July 22, 2002, in *California Correctional Supervisors Organization et al v. California Department of Corrections*, San Bernardino Superior Court Case No. RCV 059013 (injunction). Under the injunction, the Department is prohibited from “proceeding with an interrogation of a correctional supervisor *if the representative of his or her choice is unavailable*, except that in any such case the one-year time period specified in Government Code §3304(d) automatically shall be tolled for the same amount of time the chosen

Continued on page 22

CCSO DEATH BENEFICIARY UPDATE

At enrollment, CCSO members actively employed with the Department receive a \$5,000 death benefit and retired members receive a \$1,000 death benefit. It is imperative that all members maintain an updated beneficiary card on file with the main office. There have been several occasions where an ex-spouse received the death benefit because a member neglected to update their card.

Out-of-date beneficiary designations are a common and costly mistake. Once CCSO is notified of a member's death, a check is



immediately cut to their designated beneficiary. Often it is too late to ensure those funds go directly to your intended recipients.

To ensure your wishes are honored, please update your card today.

Remember, the beneficiary must be 18 years of age or older. If under 18 years of age, a designated co-beneficiary must be listed.

A family member must contact the CCSO office within 60 days of the member's passing.

To update your death beneficiary card, visit ccsonet.org/member-benefits/death-benefit.

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YOUR WORDS MATTER

Continued from page 20

representative is unavailable without the necessity of a written stipulation when the correctional supervisor to be interviewed is provided a minimum of five (5) working days advanced notice of the interrogation at the time of service of the notice of interrogation” (emphasis added).

Legal Background

The injunction was modeled in part after California Government Code Section 3303(i) of the Public Safety Officers Procedural Bill of Rights Act (POBR), and quotes verbatim from that portion which provides the peace officer “shall have the right to be represented by a representative of his or her choice who may be present at all times during the interrogation.” At the time of the underlying lawsuit that led to the injunction, the Department took the same position it appears to be taking again now, in both interviews under the new Allegation Inquiry Management System (AIMS) protocol and OIA interrogations: that it need not provide more than 24 hours’ notice of an investigatory interview. On that basis, the statements of the Supervising Correctional Officers Rick Rote and Kelly Wood — the individual plaintiffs in the injunction lawsuit — were

The Department is not required to notify you of your rights. If you do not raise them at the appropriate time and in the appropriate manner, you may lose the right to assert them later.

suppressed. The judgment barred the Department from disciplining either of them because their interview statements were taken in violation of the POBR after the Department failed to provide them opportunity to secure their respective representatives of choice. In the 19 years since the injunction, the representation rights of officers have been clarified by the courts in a manner consistent with the injunction.

Government Code Section 3303(i) requires that “the officer must be given a reasonable opportunity to obtain a representative of his or her choice to be present at the scheduled



interrogation” (*Upland Police Officers Ass’n. v. City of Upland* [2003] 111 Cal. App 4th 1294, 1309). Consistent with, and in furtherance of, this requirement, the courts have also held that an officer must be given notice of the nature of an interrogation “reasonably prior” to it such that the officer has “sufficient time to meaningfully consult with any ‘representative’ he or she elects to have present during the interview” (*Ellins v. City of Sierra Madre* [2016] 244 Cal. App. 4th 445, 449). The *Ellins* court further determined that “the time necessary to do so may depend upon whether the officer has already retained a representative or instead *needs time to secure one . . .*” (*Id.* at p. 453) (emphasis added). Each of these requirements furthers the legislative purpose of the POBR, namely the “public interest in maintaining the efficiency and integrity of its police force” through “prompt, thorough, and fair investigation[s]” and the “personal interest” of the “officer under investigation” “in receiving fair treatment” (*Pasadena Police Officers Assn. v. Pasadena* [1990] 51 Cal. 3d 564, 568-569).

Taken as a whole, the reasonable opportunity an officer must be given to obtain and consult with the representative of his or her choice to be present at a scheduled interrogation “allows the officer and his or her representative to be ‘well-positioned to aid in a full and cogent presentation of the [officer’s] view of the matter, bringing to light justifications, explanations, extenuating circumstances, and other mitigating factors’” (*Ellins, supra*, 244 Cal. App. 4th at 454).

What That Means for You

The injunction *does not* automatically require the Department to give you five working days’ notice of an interview; the rights are more substantially more substantive than that. Rather, the injunction requires the Department to allow you time to secure the representative of your choice so that they can be present during the interview. *That often requires the right to have the interview rescheduled.*

The five working days' notice matters in this situation — often the Department schedules an interview with only 24 hours' notice. However, if, at the time the Department first notified you of the interview or interrogation, it gave you five working days' notice and you still need more time to secure the representative of your choice, the one-year statute of limitations by which the Department must complete its investigation and notify you of its intent to discipline (Govt. Code §3304[d]) is automatically extended by the additional time beyond the original five working days' notice that you need to find a representative and reschedule the interview. The point of this is to prevent substantial delays in rescheduling the interview from impacting the limited time within which the Department must complete its investigation under Section 3304(d) of the POBR.

Steps to Ensure You Are Using Your Rights Pursuant to the Injunction

This next section will assist you in ensuring your rights under the injunction and POBR are activated and preserved; they are not self-executing. This will require you to assert those rights, as the Department is not required to notify you of your rights. If you do not raise them at the appropriate time and in the appropriate manner — “how you say it” — you may lose the right to assert them later.

- 1. State that you are a member of CCSO.** The permanent injunction only applies to members of CCSO; it does not uniformly apply to all employees of CDCR. Therefore, the first thing you must do is identify yourself as a CCSO member.
- 2. Advisement that the injunction applies.** When you are given notice of an interview, you must advise that the interrogation and/or AIMS interview is subject to Government Code Section 3303(i) and the permanent injunction in CASE RCV 059013. Do not expect the Department to agree with you, and don't be rattled. CDCR may dispute that it applies, but you still must raise the issue to preserve your rights to be able to later challenge the interview and any statements you made.
- 3. Request a representative.** You *must* inform the Department that you need to arrange to have a representative present for your interview. If you fail to raise the issue of having a representative or choose not to have a representative, then the Department is not

required to give you additional time pursuant to the injunction.

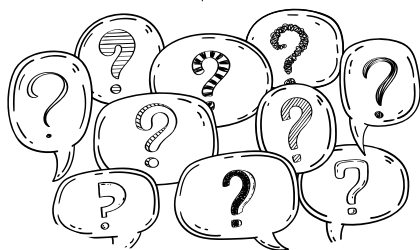
- 4. Immediately contact CCSO to secure the representative of your choice, if applicable.** Immediately contact CCSO and request your representative of choice. Your representative can then handle scheduling directly with the investigator.
- 5. Until the representative takes over, you must advise the Department that you have not been given sufficient notice pursuant to the permanent injunction to allow you to secure the representative of choice to be present.** You must raise the issue that you were denied adequate notice that would allow your representative to be present. Due to your request for a representative, and that representative's unavailability, additional time must be given, and the interview rescheduled.
- 6. If the Department refuses to provide additional time, you must attend the scheduled interview. During the interview, reassert your right to secure a representative and that any statement that you give is in violation of the permanent injunction and stipulated order in case RCV 059013 and is being given under threat of discipline and fear of being declared insubordinate.** Even if the Department does not

follow the requirements of the permanent injunction, you do not want to be insubordinate or subject yourself to further discipline. Make a record that you are providing the statement in order to prevent further discipline, but have been denied your right to a representative and opportunity to secure your representative of choice,

pursuant to the permanent injunction. By making a record, then you will have preserved the right to challenge the violation of your rights down the road.

It is likely that the injunction may always be a point of contention between CDCR and CCSO members. It is my hope that by arming you with knowledge of some of the background of the case and what you need to say to ensure the injunction applies to you, members will feel confident in exercising their rights.

Brandi L. Harper is the managing partner of Castillo Harper, APC. She has been a CCSO panel attorney since 2013. Beyond representing clients in CCSO matters, she also represents clients in civil litigation and family law matters. 🔑



ARE YOU *JUST* A WITNESS?



Dan Thompson |
CCSO General Counsel

T

he rights and concerns associated with being the subject of an investigation are fairly well understood, but what about those times when you are “just” a *witness*?

If you are a witness, whomever is on the other side of the table will be quick to tell you that you have nothing to worry about and how much they appreciate your “help” and cooperation. But what they will not ever do is assure you that your witness status will never change — in fact, if pressed on the point, they will probably admit in most cases that they cannot guarantee your status will not change. Witness statements are becoming more and more common — especially with the creation and introduction of the Allegation Inquiry Management System (AIMS) unit/ investigations.

Let’s get one thing straight: No one asking questions on the other side of the table is your friend. They are not there to just “clear things up” and help you on your way. They may not want to personally screw you over, but know that the system still will. You should always assume that even if it does end well, that any investigation you are a part of has the potential to result in consequences and ramifications to you personally. Unfortunately, though, even as a witness, your participation is not optional, and you will be required to answer the investigator’s questions. So what do you do?

When asked to participate in an interview as a witness, there are a few fundamental questions you should ask:

1. Have I been accused by any person of potentially violating policy?
2. Is it possible that any of your questions could result in a conclusion that I have violated law or policy?



3. Can you guarantee that I will not receive disciplinary action as a result of your questioning?

To be fair, most investigators probably cannot “guarantee” anything, and no investigator is going to assume you would do something like lie to them, but these questions will certainly put them on edge and should shake the tree just enough to trigger your right to representation.

For peace officers, the right to a representative is set forth in California Government Code 3303(i):

“Upon the filing of a formal written statement of charges, or whenever an interrogation focuses on matters that are likely to result in punitive action against any public safety officer, that officer, *at his or her request*, shall have the right to be represented by a representative of his or her choice who may be present at all times during the interrogation” (emphasis added).

In the case of *NLRB v. J. Weingarten, Inc.*, 420 U.S. 251 (1975), the court ruled that non-peace officer employees may also request representation during an investigatory interview.

If an employee has a reasonable belief that discipline or discharge may result from what he or she says, *the employee has the right to request union representation.*

An investigatory interview is one in which a supervisor questions an employee to obtain information that could be used as a basis for discipline or asks an employee to defend his/her conduct. If an employee has a reasonable belief that discipline or discharge may result from what he or she says, *the employee has the right to request union representation.* The investigator is not required to inform you of your rights, however, and it is incumbent upon the employee to assert their desire to have a representative present.

Ultimately, at the end of the day, it is critically important that you as the employee are your own best first line of defense. Know your rights, ask the questions and assert your desire to have representation, even if you are *just* a witness.

When in doubt, reach out to your chapter presidents and local boards, and get in touch with CCSO to be assigned legal representation whenever you are under interrogation. As always, we cannot fight the battles we don't know about, so please reach out for assistance whenever you feel it is needed — especially if you assert your right to a representative and are told “no.”

Together, we will continue to fight for CCSO members to preserve and protect their rights, jobs and futures. 🔑



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**WANT TO
GET
INVOLVED?**

VOTE IN THE CCSO CHAPTER ELECTIONS!



CCSO's odd-numbered chapters are currently in the election process. Ballots will go out to members on May 3. Please take the time to vote for your local CCSO representatives. Each Chapter Board position is a four-year term, from July 1, 2021, through June 31, 2025. **Election ballots are due in the CCSO office by close of business on June 1.**

Odd-Numbered Chapters

1	SCC	Sierra Conservation Center
3	PBSP	Pelican Bay State Prison
5	MCSP	Mule Creek State Prison
7	RJD	R.J. Donovan Correctional Facility
9	CCI	California Correctional Institution
11	NKSP	North Kern State Prison
13	CAL	Calipatria State Prison
15	CIW	California Institution for Women
17	PVSP	Pleasant Valley State Prison
19	WSP	Wasco State Prison
21	COR	California State Prison, Corcoran
23	SATF	California Substance Abuse Treatment Facility and State Prison, Corcoran
25	SVSP	Salinas Valley State Prison
27	CCWF	Central California Women's Facility
29	CTF	Correctional Training Facility
31	SQ	San Quentin State Prison
33	CVSP	Chuckawalla Valley State Prison
35	HDSP	High Desert State Prison
37	CHCF	California Health Care Facility
39	DSH/NSH	Department of State Hospitals — Napa State Hospital
41	CCC	California Correctional Center
43	DSH/CSH	Department of State Hospitals — Coalinga State Hospital
45	CCHCS HQ	California Correctional Health Care Services Headquarters

Vote today! The deadline is June 1!

SAVE THE DATE



CCSO WORKSHOP

The CCSO workshop brings together members from our 45 chapters throughout California. At the workshop, 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 2021 | Monterey



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coming soon at **ccsonet.org**.





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