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California is on Fire – Firefighters and Prisoners to the Rescue

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California is on Fire – Firefighters and Prisoners to the Rescue

California is burning at a **record high rate** and has seen unprecedented damage due to the increase of the severity of fires as well as the increase in the duration of fire season. However, many are unaware that inmates have been playing a very important role in mitigating these fires while serving their prison sentences by helping alongside employed firefighters in **battling these dangers**.

CDCR'S PROGRAM

The **California Department of Corrections and Rehabilitation** currently operates 43 different Conservation Camps (aka fire camps) in 27 counties in conjunction with the California Department of Forestry and Fire Protection (Cal Fire) and Los Angeles County Fire Department (LAC Fire). These minimum-security facilities house and train prescreened and qualified inmates to function as a fully-trained firefighters. Inmates are supervised 24 hours per day during trainings and while responding to emergencies. Training includes 29 hours of classroom instruction followed by field exercises. Cal Fire helps in maintaining the camps, supervises the work of the inmate fire crews, and maintains responsibility for inmate custody. Participation in these camps is fully voluntary, but in order to qualify, inmates must

have a low “classification score.” This score is based on a combination of their good behavior in prison, their conformity to prison rules, and participation in rehabilitative programming. Inmates convicted of sexual offenses, arson, or those with a history of escape with force or violence are automatically precluded.

Inmates are paid **\$1 per hour while fighting fires**, so the main incentive is the reduction in their sentences. Inmates receive two days off their sentence for every one day served as a firefighter. The program’s primary purpose is to provide a rehabilitative means for inmates to serve out their sentences, to earn some time off their sentences, learn new skills, and give back to the community. Since Cal Fire does the training, inmates may become firefighters with **Cal Fire**, US Forest Service, federal firefighting crews, and private municipal fire departments upon release from custody, as none of these require EMT certifications as a prerequisite for hire. However, as a friend of mine told me who works as an EMT in San Francisco and has many friends who are either currently employed as firefighters or are applying, not having an EMT certification almost eliminates one from consideration. An EMT certification may not be required, but it makes that applicant much less likely to get the job compared to other applicants who are EMT certified.



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EMT CERTIFICATION AND EMSA

Despite all of the training and first-hand experience, many inmates are unable to become employed firefighters because the California Emergency Medical Services Authority (**EMSA**) will not issue them an Emergency Medical Technician (EMT) Certificate, which is required for most, if not all, local county and city fire departments. According to **California Fire and Rescue Training Authority**, which is a fire academy that provides a certificate to verify completion of a California State Fire Marshal’s Accredited Regional Fire Academy, individuals seeking to become firefighters must have graduated from high school, be at least 18 years old, and completed EMT certification.

The National Registry of Emergency Medical Technicians (**NREMT**) explains the EMT Certification process as follows: (1) one must successfully complete a state-approved EMT course; (2) have current CPR-BLS (Cardiopulmonary Resuscitation-Basic Life Support) for “Healthcare Provider” or an equivalent credential; and (3) successfully pass the National Registry cognitive and psychomotor exams. After obtaining the EMPT National Registry Certificate, they must contact a local EMS agency and apply for the actual certification there. The local agency may give additional requirements, but all applicants must pass a background check prior to obtaining the EMT certificate itself. California requires that anyone providing EMT emergency medical services **must obtain a valid EMT certification** from a local emergency medical services authority.

EMSA has various blanket-bans of certain convictions that prevent individuals with certain criminal records from obtaining their EMT Certifications. Based on **statutory code**, medical directors who issue EMT certificates are required to automatically deny applicants who have two or more felonies, convicted/released from prison for drug-related crimes within five years, or convicted of two or more misdemeanors related to force, threat, violence,

intimidation, or theft within the past five years. With **many inmates** serving time for multiple counts and having minor, nonviolent misdemeanors within the past 5 years, the chances of those inmates falling into one of these categories are relatively high.

IN COMES AB 2147

Governor Newsom recognized the substantial yet ironic obstacle of trained firefighters not being able to get jobs when he signed **AB 2147** on September 11, 2020 and said “**Inmates who have stood on the frontlines, battling historic fires should not be denied the right to later become a professional firefighter.**” As of September 2020, California had around 3,700 inmates working at fire camps, and 2,600 of those inmates were fire-line qualified.

AB 2147 would give inmates the ability to petition the courts dismiss their convictions after completing their sentences, which in theory, would allow them to receive their EMT certifications and be eligible candidates for more firefighting jobs. It provides a process for expedited dismissals/expungements for formerly incarcerated firefighter-trained prisoners to expunge their records sooner than two years. Existing law allows individuals to make a plea of not guilty

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after two years after completion of their sentence and when they are released from all penalties resulting from the offense they were convicted for. This sooner relief would allow categories of fully-abled and trained people to start fighting fires sooner than waiting several years to apply.

AB 2147 will add **Section 1203.4b** to the **current Penal Code**, which will state that an individual who participated in the fire camp program or as a member of the hand crew and has been released from custody is eligible for relief. It still excludes the same inmates who are ineligible for fire camp. Inmates convicted for any of the following crimes are automatically ineligible for relief based on this section: murder, kidnapping, rape, lewd acts on a child under fourteen, felonies punishable by death or life imprisonment, offenses requiring registration as a sex offender, escape, or arson. Inmates already pass similar checks in being admitted to fire camp in the first place.

Former inmates filing a petition seeking relief are not required to complete the term of parole, probation or supervised release before seeking dismissal/expungement. Assuming the petition is approved, their criminal history will be expunged/dismissed, and they **wouldn't be required to disclose the conviction** for which 1203.4b expunged. Presumably, they would be allowed to use their skills outside of prison and not be automatically excluded from becoming firefighters. AB 2147's goal is to allow inmates who are trained as firefighters to apply for firefighting jobs, serving a dual purpose of giving them financial support outside of prison and bettering their lives. They will also be able to serve the community in a time when California needs people to battle the raging fires.

NOT AN EASY FIX

Although this bill has good intentions, it may fall short of solving the problem and serving its purpose of enabling inmate firefighters to be employed as firefighters upon release. For many different types of jobs, a PC 1203.4b dismissal/record expungement eliminates the appearance of convictions during background checks, so applicants with a criminal record would not need to disclose this information. However, employers such as schools, hospitals, and licensing boards have access to more in-depth background checks and still require applicants to disclose arrests or convictions. As a licensing agency, [EMSA uses LiveScan](#) for background checks, which provides a more in-depth analysis of an applicant's criminal history. [Expungement](#) simply "frees the convicted felon from certain 'penalties and disabilities' of a crime"; it doesn't completely eliminate arrests and convictions from a person's criminal record. Due to EMSA's statutory, blanket-bans described above, many former inmate firefighters would still be denied their EMT Certification even if they obtained a PC 1203.4b expungement via AB 2147.

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In a time when California is in dire need of resources, including well-trained people, to fight the growing number and severity of wildfires, bills such as AB 2147 are a step in the right direction. However, more needs to be done to directly address the shortcomings, as these wildfires won't wait for us to respond and be better prepared.

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