

Corrections Policy Committee

Minutes

August 9, 2016

The Corrections Policy Committee of the Board on Public Safety Standards and Training held a regular meeting on Tuesday, August 9, 2016, in the Governor Victor G. Atiyeh Boardroom at the Department of Public Safety Standards and Training located in Salem, Oregon. Chair Brian Burger called the meeting to order at 1:30 p.m.

Attendees:

Committee Members:

Brian Burger, Chair, AFSCME Rep/DOC
Jason Myers, Vice Chair, Oregon State Sheriff's Association
Rick Angelozzi, DOC Superintendent
Gary Bergerson, Non-Management Corrections Officer
Carol Dishion, Non-Management, DOC Coffee Creek
Matt English, Oregon State Sheriff's Association (Phone)
Jeanine Hohn, DOC Training Div.
Jeff Wheeler, Oregon Sheriff's Jail Command Council
Nadine Purington, Non-Management Parole & Probation-DCJ
Kristen Hanthorn, OACCD Rep – Clatsop County Sheriff's Office
Matthew Frohnert, Oregon Sheriff's Jail Command Council

Committee Members Absent:

Michael Gower, Designee for Director of Department of Corrections
Jeff Hernandez, Non-Management DOC – Oregon State Penitentiary
Donna Pettit, Non-Management Corrections Officer

Guests:

Jason Holton, DOC
Selina Holton
Jared Long, DOC

DPSST Staff:

Eriks Gabliks, Director
Linsay Hale, Professional Standards Division Director
Jennifer Howald, Administrative Rules Coordinator
Kristin Hibberds, Professional Standards Coordinator/Investigator



1. Minutes of May 10, 2016 Meeting

Approve the minutes of the May 10, 2016 Corrections Policy Committee meeting.

- Jason Myers moved that the committee adopt the May 10, 2016 Corrections Policy Committee meeting minutes with one minor typographical correction. Jeanine Hohn seconded the motion. The motion carried unanimously.

2. Quarterly Review of ODC BCC by DPSST Audit and Compliance Program

Presented by Linsay Hale

In 2009, the Legislature approved the Oregon Department of Corrections (DOC) to provide its own training as an alternative to the DPSST Basic Corrections Course, provided DPSST audited the program to ensure the program meets minimum training standards established by the Board. The Audit Unit provides the Corrections Policy Committee with quarterly updates of the DOC BCC. This reporting period: April through June 2016 shows that DOC BCC meets the minimum training standards approved by the Board for corrections officers employed by DOC.

3. *OAR 259-008-0010, 259-008-0011, 259-008-0075 and 259-008-0080 – Proposed Rule Change

Reporting of Arrests to DPSST - Presented by Jennifer Howald

This proposed rule language comes before the committee at the request of the Criminal Justice Denial/Revocation Workgroup. This rule removes the requirement that officers report convictions to their employing agency and implements the requirement that officers report all arrests to DPSST within five business days.

- *Jeanine Hohn moved to recommend to the Board filing the proposed language as presented with the Secretary of State as a proposed rule and a permanent rule if no comments are received. Jason Myers seconded the motion. The motion carried unanimously.*

By consensus it was determined by the committee that there is no significant fiscal impact on small businesses.

4. *OAR 259-008-0020 – Proposed Rule Change

Signatures on Personnel Action Reports - Presented by Jennifer Howald

This proposed rule change comes before the committee at the request of the Criminal Justice Denial/Revocation Workgroup. This rule would require that the Form F-4 Personnel Action Report be signed by the department head or a currently DPSST-certified public safety professional authorized by the Department head.

- *Jason Myers moved to recommend to the Board filing the proposed language as presented with the Secretary of State as a proposed rule and a permanent rule if no comments are received. Rick Angelozzi seconded the motion. The motion carried unanimously.*

By consensus it was determined by the committee that there is no significant fiscal impact on small businesses.

5. *OAR 259-008-0025, 259-008-0064, 259-008-0065 and 259-008-0066 – Proposed Rule Change

Annual Ethics Maintenance Training - Presented by Jennifer Howald

This proposed rule comes before the committee at the request of the Criminal Justice Denial/Revocation Workgroup. The proposed language implements the requirement that all certified public safety officers annually complete a one hour of maintenance training focused on ethics. The requirement, if approved, would be phased in as a recommendation for the first three years, becoming a requirement for the maintenance of basic certification after the third year.

- *Jeanine Hohn moved to recommend to the Board filing the proposed language as presented with the Secretary of State as a proposed rule and a permanent rule if no comments are received. Jeff Wheeler seconded the motion. The motion carried unanimously.*

By consensus it was determined by the committee that there is no significant fiscal impact on small businesses.

6. *OAR 259-008-0045 and 259-008-0060 – Proposed Rule Change

Military Education Credits - Presented by Jennifer Howald

This proposed rule comes before the committee at the request of the Certification Workgroup. This proposed rule language would add the American Council on Education's Joint Services Transcript (JST) to the description of accepted educational credits, allowing the JST to become a recognized source for the addition of education credits to a public safety officer's DPSST record.

- *Rick Angelozzi moved to recommend to the Board filing the proposed language as presented with the Secretary of State as a proposed rule and a permanent rule if no comments are received. Matt Frohnert seconded the motion. The motion carried unanimously.*

By consensus it was determined by the committee that there is no significant fiscal impact on small businesses.

7. *OAR 259-008-0060 – Proposed Rule Change

Upper Levels of Certification - Presented by Jennifer Howald

This proposed rule change comes before the committee at the request of the Certification Workgroup. The rule updates the requirements for supervisory certification by removing the education requirement, extending the experience requirement to two years aggregate, and removing the requirement that officer's achieve advanced certification prior to being eligible

for supervisory certification. The proposed language also removes reference to the “old” intermediate and advanced certification charts, which expired on October 31, 2015. Minor housekeeping changes also made for clarity.

- *Jeanine Hohn moved to recommend to the Board filing the proposed language as presented with the Secretary of State as a proposed rule and a permanent rule if no comments are received. Jason Myers seconded the motion. The motion carried unanimously.*

By consensus it was determined by the committee that there is no significant fiscal impact on small businesses.

8. *Paul Miller DPSST #45838 – Department of Corrections

Presented by Kristen Hibberds

The case presented to the Corrections Policy Committee is whether Paul Miller’s conduct on or about September 19, 2015 that led to his conviction of DUII, ORS 813.010, a discretionary disqualifying crime under OAR 259-008-0070(4)(c) should result in the revocation of his corrections certifications.

Kristen Hanthorn moved that the Corrections Policy Committee adopts the staff report as the record upon which its recommendations are based. Nadine Purington seconded the motion. The motion carried unanimously.

By discussion and consensus, the committee determined the Paul Miller’s behavior did not involve **Insubordination**.

By discussion and consensus, the committee identified Paul Miller’s behavior did involve **Misconduct** as defined in the Administrative Ruled based on the conviction of the crime of driving under the influence.

Jason Myers moved that the Corrections Policy Committee find that Paul Miller’s **Misconduct** does rise to the level to warrant revocation when considered alone. Jeanine Hohn seconded the motion. The motion carried unanimously.

By discussion and consensus, the committee identified that Paul Miller’s behavior did involve **Gross Misconduct** as defined in the Administrative Rule based on the elements of the crime he was convicted of.

Jason Myers moved that the Corrections Policy find that Paul Miller’s **Gross Misconduct** does rise to the level to warrant revocation when considered alone. Matt Frohnert seconded the motion. The motion carried unanimously.

By discussion and consensus, the committee determined that Paul Miller’s behavior did not involve **Misuse of Authority** as defined in the Administrative Rule.

By discussion and consensus, the committee determined that Paul Miller's behavior did not involve **Disregard for the Rights of Others** as defined in the Administrative Rule.

By discussion and consensus, the committee determined that Paul Miller's behavior did not involve **Dishonesty** as defined in the Administrative Rule.

By discussion and consensus, the committee determined that Paul Miller's behavior did involve **Aggravating Circumstances** specifically the resulting traffic crash that caused damage, the near hit to another vehicle and the fact that his Blood Alcohol Content was twice the legal limit one hour after police contact.

By discussion and consensus, the committee determined that Paul Miller's behavior did involve **Mitigating Circumstances** which include the fact that his conviction was reported right away, the numerous letters of support, the fact that he took responsibility for his actions in his letter of mitigation, that he was cooperative with arresting officers and that he states he has not consumed alcohol since the incident.

After considering the totality of the circumstances, Jeanine Hohn moved that the committee recommends to the Board that Paul Miller's certification **not be revoked**. Rick Angelozzi seconded the motion. The motion carried unanimously.

9. *Jared Long DPSST # 56117 – Department of Corrections

Presented by Kristen Hibberds

The case presented to the Corrections Policy Committee is whether Jared Long's conduct on or about March 27, 2007 that led to his conviction of Harassment, ORS 166.065, a discretionary disqualifying crime under OAR 259-008-0070(4)(c) should result in the denial of his Application for Training and subsequent Application for Certification.

Jason Myers moved that the Corrections Policy Committee adopts the staff report as the record upon which its recommendations are based. Jeff Wheeler seconded the motion. The motion carried unanimously.

By discussion and consensus, the committee determined the Jared Long's behavior did not involve **Insubordination**.

By discussion and consensus, the committee identified Jared Long's behavior did involve **Misconduct** as defined in the Administrative Rule based on the conviction of the crime of Harassment.

Jason Myers moved that the Corrections Policy Committee find that Jared Long's **Misconduct** does rise to the level to warrant revocation when considered alone. Jeanine Hohn seconded the motion. The motion carried unanimously.

By discussion and consensus, the committee identified that Jared Long's behavior did not involve **Gross Misconduct**.

By discussion and consensus, the committee determined that Jared Long's behavior did not involve **Misuse of Authority** as defined in the Administrative Rule.

By discussion and consensus, the committee determined that Jared Long's behavior did not involve **Disregard for the Rights of Others** as defined in the Administrative Rule.

By discussion and consensus, the committee determined that Jared Long's behavior did not involve **Dishonesty** as defined in the Administrative Rule.

By discussion and consensus, the committee determined that Jared Long's behavior did involve **Aggravating Circumstances** which included conflicting information surrounding physical contact found in his letter to the Committee and the police report.

By discussion and consensus, the committee determined that Jared Long's behavior did involve **Mitigating Circumstances** including the fact that Long was a minor at the time of the offense and was not employed in public safety, there has been no criminal activity since, the conviction being reviewed was a violation, and all conditions of probation have been completed.

After considering the totality of the circumstances, Jason Myers moved that the committee recommends to the Board that Jared Long's Application for Training and subsequent Certification **not be denied**. Matt Frohnert seconded the motion. The motion carried unanimously.

10. *John Ware DPSST # 30288 – Department of Corrections

Presented by Kristen Hibberds

The case presented to the Corrections Policy Committee is whether John Ware's conduct on or about December 11, 2015 that led to his arrest and conviction for Driving Under the Influence of Intoxicants (DUII), ORS 813.010 should result in the revocation of his certifications.

Jeanine Hohn moved that the Corrections Policy Committee adopts the staff report as the record upon which its recommendations are based. Rick Angelozzi seconded the motion. The motion carried unanimously.

By discussion and consensus, the committee determined the John Ware's behavior did not involve **Insubordination**.

By discussion and consensus, the committee identified John Ware's behavior did involve **Misconduct** as defined in the Administrative Ruled due to the conviction of DUII.

Jason Myers moved that the Corrections Policy Committee find that John Ware's **Misconduct** does rise to the level to warrant revocation when considered alone. Rick Angelozzi seconded the motion. The motion carried unanimously.

By discussion and consensus, the committee identified that John Ware's behavior did involve **Gross Misconduct** as defined in the Administrative Rule based on his DUII, a category four gross misconduct.

Jason Myers moved that the Corrections Policy Committee find that John Ware's **Gross Misconduct** does rise to the level to warrant revocation when considered alone. Jeanine Hohn seconded the motion. The motion carried unanimously.

By discussion and consensus, the committee determined that John Ware's behavior did not involve **Misuse of Authority** as defined in the Administrative Rule.

By discussion and consensus, the committee determined that John Ware's behavior did not involve **Disregard for the Rights of Others** as defined in the Administrative Rule.

By discussion and consensus, the committee determined that John Ware's behavior did not involve **Dishonesty** as defined in the Administrative Rule.

By discussion and consensus, the committee determined that John Ware's behavior did involve **Aggravating Circumstances**. Ware had a 0.24 Blood Alcohol Content at the time of arrest and returned to the bar following his release. The arresting officer reported to the bar where he was blamed by Ware for arresting him. Also, Ware's attempt to take a "selfie" with the arresting officer.

By discussion and consensus, the committee determined that John Ware's behavior did involve **Mitigating Circumstances** which include the completion of the Victim's Impact Panel and other court requirements. Ware also completed non-mandated treatment. Also mitigating is his letter indicating that he was going through some family issues at the time.

After considering the totality of the circumstances, Rick Angelozzi moved that the committee recommends to the Board that John Ware's current certification **not be revoked**. Brian Burger seconded the motion. The motion was defeated 2-9, with Rick Angelozzi and Brian Burger voting aye.

A second motion was introduced with Jason Myers moving that the committee recommends to the Board that John Ware's current certification **be revoked**. Jeff Wheeler seconded the motion. The motion passed 9-2, with Rick Angelozzi and Brian Burger voting nay.

Jeff Wheeler moved that the committee recommends to the Board that John Ware's **Misconduct** warrants an ineligibility period of three years. Jason Myers seconded the motion. The motion carried unanimously.

Jeff Wheeler moved that the committee recommends to the Board that John Ware's **Gross Misconduct** warrants an ineligibility period of five years. Jason Myers seconded the motion. The motion carried unanimously.

11. *Jason Holton DPSST # 48099 – Department of Corrections

Presented by Kristen Hibberds

On February 9, 2016, the Corrections Policy Committee met and recommended to the Board that Jason Holton's certifications not be revoked following an arrest and conviction of DUII, ORS 813.010.

At their meeting on April 28, 2016, the Board voted to return this case to the CPC for further consideration. Specifically, the Board is requesting the CPC review and discuss the following:

- The fact that Holton was involved in two DUII incidents that occurred late at night with high Blood Alcohol Levels where he indicated that he has only had two alcoholic beverages. It appears that Holton has engaged in a pattern of behavior that has resulted in criminal conduct.

After reviewing the circumstances of the case and the Board's concerns, Rick Angelozzi voted that the CPC recommend to the Board the Jason Holton's certifications **not be revoked**. Jeanine Hohn seconded the motion. The motion carried unanimously.

12. Department Updates

Linsay Hale reported:

Linsay announced to the group that Jennifer Howald was selected as DPSST's new Administrative Rules Coordinator. Jennifer was serving in this role as a professional development opportunity and was recently selected for the position on a permanent basis.

Linsay also announced that Marsha Morin has assumed the role of the Criminal Justice Certification Supervisor. Marsha is working to help improve the processes and procedures involved in training and certifying public safety officers.

DPSST has streamlined the submission of F-6 training rosters and entry onto an officer's training record. This has allowed DPSST to be completely caught up. F-6 rosters are currently being entered into the system the day they are received by DPSST. DPSST is continuing to review other processes related to certification to identify efficiencies and prevent excessive backlogs and delays.

The Workgroup formed at the request of the Corrections Policy Committee to review the possible implementation of a maintenance training standard for corrections and parole & probation certification has concluded their work. Their recommendation is that the CPC vote to implement a standard that mirrors the current standard in place for police maintenance training (84 hours/3 years with 8 hours annually in use of force topics). This recommendation will be coming before the committee at their meeting in November.

The criminal justice denial workgroup revocation continues to meet. Their recommendations, which include implementing a certification suspension option, a more proactive approach to handling complaints and allowing verbal testimony at policy committee meetings, is currently being reviewed by the Department of Justice for legal defensibility. Once finalized, all recommendations will be presented to the policy committee for review and recommendation to the Board

The concepts for the 2017 Legislative Session have been submitted. We have received permission from the Board to file three concepts on behalf of DPSST and the Board. The first concept relates to the fingerprint authorities. The second is would allow DPSST to suspend the certification of Armed Private Security providers who do not complete the annual requalification training. The final concept involves adding a voting public member to the Corrections, Police and Telecommunications Policy Committees.

The bi-annual customer service survey has been opened. DPSST is legislatively required to collect this information every two years, but it also allows DPSST to identify areas of needed improvement.

The Certification Workgroup has concluded their work with their recent recommendations regarding the Supervisory certification that was voted on earlier. DPSST will be working to form a workgroup consisting of agency heads to review the management and executive levels of certifications.

It is anticipated that there will be at least 10 denial/revocation cases on the next CPC agenda in November. Staff will work with the Chair to determine if an earlier start time is warranted.

Eriks Gabliks Reported:

DPSST continues to see waves of hiring as many of the baby boomers are retiring. Statewide law enforcement agencies are looking to fill more than 400 positions of which approximately 100 are in city and county corrections. DOC has told DPSST that approximately 25% of their work force will be eligible to retire over the next three years. Eriks advised the Committee that while applicants are applying many are not making it through the background process. DPSST has added a Parole & Probation class to address the uptick in hiring this profession is seeing. DPSST is monitoring the enrollment numbers for the basic corrections class.

DPSST is actively working on Mental Health/Crisis Intervention training with stakeholders around the state. DPSST staff have updated basic training curriculum, are providing regional training classes, hosting the first-ever Oregon CIT networking conference in the Fall, co-sponsoring NW CIT Conference in Tacoma, WA (offering 20 scholarships of \$500 each), and are working on CIT development in Yamhill, Klamath, Baker, Linn, Benton, Clatsop, and Polk Counties. DPSST is working to bring Ellis Amdur of Edgework Crisis Intervention Resources to various parts of Oregon to offer one-day lasses on mental health crisis intervention for first responders, including corrections, parole and probation, police, and telecommunicators.

DPSST continues its efforts to diversify its workforce, especially in the role player area. DPSST has a number of efforts underway to work with local religious organizations, community groups, and colleges to seek role players. DPSST has also seen a decrease in agency-loaned instructors as agencies look to staff their organizations due to vacant positions and retirements.

DPSST's Training Division Director Todd Anderson retired on July 15, 2016. DPSST has a national recruitment underway to find a permanent replacement for this position. In the interim, DPSST has selected Rich Daniel to serve in that capacity after an internal competitive process was held. Rich will serve in the role for approximately three months. Eriks thanked Rich and other DPSST staff for their interest in this acting role and professional development opportunity. Eriks shared that constituents would be involved in the selection process for the next Training Division Director.

13. Next Regularly Scheduled Meeting – November 8, 2016 at 1:30 p.m.

** All documents reviewed and discussed in this meeting are subject to Oregon Public Records Law (ORS 192.410 to ORS 192.505). These documents can be requested by contacting DPSST at dpsst.records@state.or.us.*