

Corrections Policy Committee Minutes - DRAFT

November 9, 2021

The Corrections Policy Committee of the Board on Public Safety Standards and Training held a regular meeting on November 9, 2021, at the Oregon Public Safety Academy in Salem, Oregon. Chair, Matt English called the meeting to order at 10:00am.

Committee Members:

Matt English, Chair, Oregon State Sheriff's Association
Carol Dishion, Vice Chair, Non-Management DOC, Coffee Creek
Lee Eby, Oregon Sheriff's Jail Command Council
Jaime Hepner, Oregon Association of Community Corrections Directors
Michael Yoder, Oregon Dept. of Corrections Designee ([Webex](#))
Brian Pixley, Oregon State Sheriff's Association ([Webex](#))
Gary Ninman, Professional Development Unit, DOC ([Webex](#))
Jamie Russell, Oregon Sheriff's Jail Command Council
Cody Smith, Non-Management Corrections Officer ([Webex](#))
Mark Boren, Public Member (New Member, Observer Only)

Committee Members Absent:

Greg Martin, AOCE Representative, DOC
Rob Persson, DOC Superintendent
James Ristoff, Non-Management Corrections Officer
Taj Shivers, Non-Management

Guests:

Kinsey Kaylor

DPSST Staff:

Jerry Granderson, Director
Suzy Herring, Professional Standards Administrator
Hassan Hassan, Criminal Justice Training Administrator
Marsha Morin, Standards and Certification Manager
Melissa Lang, Professional Standards Case Manager
Jordan James-Largent, Professional Standards Case Manager
Jennifer Howald, Administrative Rules Coordinator
Shelby Alexander, Executive Support
Staci Yutzie, Center for Policing Excellence Manager
Linda Maddy, Behavioral Health Program Coordinator
Kyle VanCleave, Corrections Class Instructor
Mike Herb, Academy Training Operations Manager



1. **Introductions**

Introductions of members, guest and staff were presented.

2. **Approve August 10, 2021 Meeting Minutes**

Jamie Hepner moved to approve the minutes from the August 10, 2021, Corrections Policy Committee meeting. Brian Pixley seconded the motion. The motion passed unanimously, with one member not voting due to technological issues. (Yoder)

3. **Approval for Changes to the Basic Corrections Curriculum**

Presented by Staci Yutzie

The DPSST Training Division requested approval of the below modifications to the Basic Corrections Academy curriculum. The Basic Corrections Academy is due for a complete program revision, but a start date for this process has not yet been identified. Absent a complete revision date, DPSST staff requested some updates to enhance training effectiveness similar to what has been implemented in the Basic Police Academy. Additionally, instructors requested a significant update of the mental health curriculum.

The recommended updates do not impact the overall training hours, but they do include content updates. The updates align with current research and best practices on topics. Additionally, the updates reflect the research on learning and retention. The current proposal is the first step in the comprehensive revision. The proposed changes are summarized below:

- Modifies daily program schedule: breaks up long blocks, spaces and interleaves topics and skills, aligns topics and skills with opportunities for application
- Changes in course names:
 - *Mental Health and Suicide Awareness* to *Behavioral Health Series*
 - *Use of Force Law and Application* to *Use of Force Series*
 - *Con Sim* to *Use of Force Scenarios*
- Updates content:
 - Behavioral Health- observable symptoms of mental illness seen in a jail facility, warning signs of suicide, supervision strategies, standards of care, intellectual disability, substance use dependence, trauma, Adverse Childhood Experiences, Fetal Alcohol Syndrome, and Dementia.
 - Use of Force- incorporates law and application, House Bill 4301, additional guidelines from the Kingsley ruling, factors specific to a corrections environment.
- Updates written tests: new questions, removal of some questions, removal of one quiz, redistributes questions

Jamie Russell moved to recommend approval of the proposed changes to the DPSST Basic Corrections Academy curriculum. Carol Dishion seconded the motion. The motion passed unanimously.

4. Administrative Closures – Corrections / Parole & Probation

Presented by Melissa Lang

Staff presented the following professional standards cases to the Corrections Policy Committee for administrative closure.

	Name	DPSST#	Certification(s)	Reason for Closure
a)	Shawna Bronson	34519	Basic, Intermediate, and Advanced Corrections	DPSST determined that no professional standards case can be opened, as no separation in employment has occurred. DPSST is closing the review, which was opened in error.
b)	Cody Cant	56429	Basic Corrections	Cant's separation did not violate the Board's moral fitness standards defined in Oregon Administrative Rule. The information he was sharing was not confidential in nature and did not present a specific threat to the efficient operation of the agency.
c)	Leslie Cone	47828	Basic and Intermediate Corrections	Cone's citation did not result in a criminal disposition of a criminal offense that requires review.
d)	Jose Escobedo Jr.	59780	Basic Corrections	Escobedo's citation did not result in a criminal disposition of a criminal offense that requires review.
e)	Justin Goff	52185	Basic and Intermediate Corrections	Goff's citation did not result in a criminal disposition of a criminal offense that requires review.
f)	Matthew Klimek	52875	Basic and Intermediate Corrections	Klimek's citation did not result in a criminal disposition of a criminal offense that requires review.
g)	Matthew Paton	44975	Basic, Intermediate, and Advanced Corrections	Paton's separation from employment was a result of a violation of the terms of his last chance agreement (LCA) which required he comply with the terms of his court ordered

				diversion. Paton's violation of his LCA by consuming alcohol is related to insubordination and is not a violation of the Board's moral fitness standard.
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Jamie Hepner moved to approve the recommendations made by staff to administratively close the above listed cases. Cody Smith seconded the motion. The motion passed unanimously.

5. Haynes, Brian (32994) Certification Review: Corrections

Presented by Melissa Lang

Reason for Discretionary Review

On December 17, 2014, DPSST received an automated notice from LEDS that Brian Haynes had been arrested for *Assault IV Constituting Domestic Violence* and *Harassment*. Haynes plead guilty to *Harassment* and received a diverted sentence which he failed to complete.

Staff determined Haynes' conduct violates the Board's moral fitness standards.

<i>Policy Committee Discussion/Vote</i>	<i>Second</i>	<i>Vote</i>	<i>Outcome</i>
Lee Eby moved that the Corrections Policy Committee adopt the staff report.	Jamie Hepner	9 ayes; 0 nays	Motion Passed Unanimously
<p>The committee discussed the moral fitness violation and identified the following aggravating and mitigating factors specific to this case:</p> <ul style="list-style-type: none"> • Aggravating <ul style="list-style-type: none"> ○ Haynes has a warrant for his arrest and has not completed his court ordered obligations. ○ Haynes was arrested multiple times. ○ Haynes was arrested for violating his release agreement. ○ Haynes' victim reported his abuse occurred many times. • Mitigating <ul style="list-style-type: none"> ○ The committee did not identify any mitigating factors. 			
Lee Eby moved, after considering the identified violations of the Board's moral fitness standard and weighing the aggravating and mitigating circumstances unique to this case, that Board action should be taken against Haynes' certification.	Jamie Hepner	9 ayes; 0 nays	Motion Passed Unanimously

Lee Eby moved, after considering the totality of the case, that Haynes' be ineligible to hold public safety certification for a lifetime.	Brian Pixley	9 ayes; 0 nays	Motion Passed Unanimously
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6. Kaylor, Kinsey (55001) Certification Review: Corrections

Presented by Melissa Lang

Reason for Discretionary Review

On May 8, 2020, Kinsey Kaylor was terminated from probationary employment with the Lane County Sheriff's Office (LCSO) after failing to meet minimum expectations and received a criminal citation for *Driving Under the Influence of Intoxicants – Controlled Substance* while at work.

Staff determined Kaylor's conduct violates the Board's moral fitness standards.

Kaylor provided verbal mitigation for committee consideration.

<i>Policy Committee Discussion/Vote</i>	<i>Second</i>	<i>Vote</i>	<i>Outcome</i>
Jamie Hepner moved that the Corrections Policy Committee adopt the staff report.	Jamie Russell	9 ayes; 0 nays	Motion Passed Unanimously
<p>The committee discussed the moral fitness violation and identified the following aggravating and mitigating factors specific to this case:</p> <ul style="list-style-type: none"> • Aggravating <ul style="list-style-type: none"> ○ Kaylor was working while intoxicated. ○ Kaylor was employed in public safety at the time of the incident. ○ Kaylor presented multiple types of issues while working at the institution such as DUII, drug use, and absenteeism. ○ Kaylor was working in the control room while intoxicated which could cause harm in a jail setting. • Mitigating <ul style="list-style-type: none"> ○ The committee did not identify any mitigating factors 			
Lee Eby moved, after considering the identified violations of the Board's moral fitness standard and weighing the aggravating and mitigating circumstances unique to this case, that Board action should be taken against Kaylor's certifications.	Jamie Hepner	9 ayes; 0 nays	Motion Passed Unanimously
Cody Smith moved, after considering the totality of the case, that Kaylor be ineligible to hold	Jamie Russell	9 ayes; 0 nays	Motion Passed Unanimously

public safety certification for 10 years.			
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7. Perez, Ryan (54021) Certification Review: Corrections

Presented by Melissa Lang

Reason for Discretionary Review

On November 28, 2019, Ryan Perez was arrested and charged with *Assault in the 4th Degree Constituting Domestic Violence, Strangulation Constituting Domestic Violence (X2), Harassment, and Interfering with Making a Report*. Perez ultimately plead no contest to the charges.

Staff determined that Perez's conduct violated criminal laws and therefore violates the Board's moral fitness standards.

<i>Policy Committee Discussion/Vote</i>	<i>Second</i>	<i>Vote</i>	<i>Outcome</i>
Brian Pixley moved that the Corrections Policy Committee adopt the staff report.	Lee Eby	9 ayes; 0 nays	Motion Passed Unanimously
<p>The committee discussed the moral fitness violation and identified the following aggravating and mitigating factors specific to this case:</p> <ul style="list-style-type: none"> • Aggravating <ul style="list-style-type: none"> ○ Perez committed multiple acts of abuse, with one incident occurring in front of minors. ○ The level of violence that was inflicted resulted in the victim blacking out. • Mitigating <ul style="list-style-type: none"> ○ The committee did not identify any mitigating factors. 			
Jamie Hepner moved, after considering the identified violations of the Board's moral fitness standard and weighing the aggravating and mitigating circumstances unique to this case, that Board action should be taken against Perez's certification.	Cody Smith	9 ayes; 0 nays	Motion Passed Unanimously
Brian Pixley moved, after considering the totality of the case, that Perez be ineligible to hold public safety certification for 10 years.	Cody Smith	9 ayes; 0 nays	Motion Passed Unanimously

8. Scott, Morse (25847) Certification Review: Corrections

Presented by Melissa Lang

Reason for Discretionary Review

On May 31, 2019, DPSST opened a professional standards case after receiving a Law Enforcement Data System (LEDS) notification that Morse Scott was arrested on May

21, 2019, on a bench warrant for *Failure to Appear* for *Contempt of Court* charges. During the time the professional standards case has been open, Scott was arrested two additional times:

- July 27, 2019, for *Driving Under the Influence (DUII)*, *Reckless Driving*, and *Resisting Arrest*; and
- September 15, 2019, for *DUII*, *Resisting Arrest*, and *Criminal Driving While Suspended or Revoked* and *Interfering with Peace/Parole and Probation Officer*.

Scott was ultimately convicted of two misdemeanors: *Criminal Driving While Suspended or Revoked* and *Interfering with Peace/Parole and Probation Officer*.

Staff determined that Scott's criminal convictions for *Criminal Driving While Suspended or Revoked* and *Interfering with a Peace, Parole and Probation Officer* violate the Board's moral fitness standards.

<i>Policy Committee Discussion/Vote</i>	<i>Second</i>	<i>Vote</i>	<i>Outcome</i>
Jamie Hepner moved that the Corrections Policy Committee adopt the staff report.	Jamie Russell	9 ayes; 0 nays	Motion Passed Unanimously
<p>The committee discussed the moral fitness violation and identified the following aggravating and mitigating factors specific to this case:</p> <ul style="list-style-type: none"> • Aggravating <ul style="list-style-type: none"> ○ Scott had multiple arrests in a short period of time. ○ Scott intended to deceive police and changed his story multiple times. ○ One of Scott's arrests was for a warrant for <i>Failure to Appear</i> for <i>Contempt of Court</i> charges. ○ Scott had multiple arrests for <i>Resisting Arrest</i> and <i>DUII</i>. • Mitigating <ul style="list-style-type: none"> ○ The committee did not identify any mitigating factors. 			
Jamie Hepner moved, after considering the identified violations of the Board's moral fitness standard and weighing the aggravating and mitigating circumstances unique to this case, that Board action should be taken against Scott's certification	Cody Smith	9 ayes; 0 nays	Motion Passed Unanimously
Jamie Russell moved, after considering the totality of the case, that Scott be ineligible to hold public safety certification for a lifetime.	Lee Eby	9 ayes; 0 nays	Motion Passed Unanimously

9. **Information Update of Arbitration/Certification Workgroup Recommendation**

Presented by Jennifer Howald

Staff presented an overview of the Arbitration/Certification Workgroup's scope and discussions, including the Workgroup's recommendation.

The Arbitration/Certification Workgroup reviewed the current administrative rules and DPSST practices that determine how professional standards cases are handled when the employment is reinstated through an employment arbitration process.

Current practice includes administrative closure of cases where employment is reinstated through an arbitration process based on an interpretation that the reinstatement of employment removed the separation of employment which was the initial reason for reviewing the misconduct.

Administrative rule provides the DPSST and Board clear authority to proceed with the case review process to review the conduct as a violation of the standards for certification. [OAR 259-008-0310(8)]

The Arbitration/Certification Workgroup recommends that DPSST follow the rule as written and cease application of the interpretation that resulted in administrative closure for cases involving arbitration and reinstatement of employment where the allegations of misconduct are supported.

DPSST plans to implement the Arbitration/Certification Workgroup's recommendation following the Telecommunications, Corrections, and Police Policy Committees' opportunity to review of the recommendation during the November meetings.

The committee did not have any comments regarding this update.

10. Proposed Rule Changes for OARs 259-008-0060, 259-008-0065 and 259-008-0078 – Defining CPR Certification and Changes to Law Enforcement Officer Maintenance Standards

Presented by Jennifer Howald

House Bill 2513 requires police officers complete at least three hours of airway and circulatory anatomy and physiology training and have a certification in adult and child cardiopulmonary resuscitation (CPR) to obtain a basic police officer certification. The bill also requires completion of at least two hours of airway and circulatory anatomy and physiology training within each maintenance period and ongoing maintenance of the adult and child CPR certification.

On August 10, 2021, the Corrections Policy Committee (CPC) reviewed the current standards for maintaining law enforcement officer certifications and an overview of the changes HB 2513 would make to the maintenance standards. The CPC supported moving forward with a proposed rule change concept that applied the airway and circulatory anatomy and physiology maintenance training and the adult and child CPR certification standards to corrections officers and parole and probation officers.

Staff presented proposed rule changes and fiscal impact statements for implementation of the Corrections Policy Committee recommendation to adopt the adult and child CPR standard and the two hours of airway and circulatory anatomy and physiology maintenance training as requirements for corrections officers and parole and probation officers.

Consensus reached approving the fiscal impact statements provided by staff.

Lee Eby moved to recommend that the Board approve filing the proposed rule changes for OARs 259-008-0060, 259-008-0065 and 259-008-0078 as permanent rules if no substantive comments are received. Carol Dishion seconded the motion. The motion passed unanimously.

11. Information Update of Proposed Rule Changes for OAR 259-008-0015 – Background Investigations and New Requirements per HB 2936

Presented by Jennifer Howald

Staff identified that this agenda item was a placeholder, but the recommendations and rule changes are not ready to move at this time. Staff presented an overview of the current status and an overview of some of the new requirements that will be coming in the future.

House Bill 2936 made several changes to Oregon laws that enhance law enforcement employment background processes. This placeholder and the focus of this discussion is for section 3 of the bill, which requires DPSST create a uniform background checklist and a standardized personal history questionnaire for use by law enforcement units in hiring applicants to be public safety officers.

DPSST formed a workgroup to review the current background standards in OAR 259-008-0015 and help develop the checklist and the questionnaire.

The purpose of the standardized personal history is to provide a statewide minimum standard. All public and private safety agencies will be required to utilize the questions that are established. However, agencies will be able to add additional questions to meet their needs.

DPSST will provide the questionnaire as a DPSST form, but acknowledged that many agencies use an electronic method to facilitate collection of the personal history. Agencies will be able to continue to do so, but may be asked to provide some form of verification that the system they are using includes the questions contained in the standardized personal history questionnaire.

The next step for the standardized personal history questionnaire process will include a legal review. After the legal review, DPSST will present the policy committees with a rule change that will require use of the questionnaire and adopt the questionnaire by reference. As a rule change there will be an opportunity for constituent and public comment prior to the Board approval and implementation of any changes.

OAR 259-008-0015 already outlines what must be included in a background investigation. Much of this information will be formatted in the required uniform background checklist. The checklist will be provided as a DPSST form and will be required to be submitted to DPSST when submitting an F-4 personnel action form for a new hire.

House Bill 2936 specifies that the checklist must include:

- Information about a psychiatric or psychological evaluation of the applicant, including the evaluator's name and license number and an assessment of the

applicant's tendencies, feelings and opinions toward diverse cultures, races and ethnicities and differing social, political, economic and life statuses;

- Investigation of the applicant's finances; and
- Identification of at least three references provided by the applicant that are interviewed by the law enforcement unit.

Review of financial records and references are already a part of the rule, but will be updated to meet the specificity of the bill. The new requirement that will take some additional work and have a greater impact is the psychiatric or psychological evaluation of the applicant.

House Bill 2936 results in a new requirement for all public safety officers hired by a law enforcement unit to have received a psychiatric or psychological evaluation. This will include telecommunicators, emergency medical dispatchers, corrections officers, parole and probation officers and regulatory specialists. Police and reserve officers were already required to complete a psychological screening. Additional evaluation is needed to determine if the requirements of HB 2936 affect the current standards for police and reserve officers.

DPSST anticipates presenting recommend next steps and rule changes at the next meeting in February 2022.

The committee did not have any comments regarding this update.

12. Committee Membership – Applicant Review Committee Nominations

Presented by Marsha Morin

Gary Ninman moved to accept the nominations of Carol Dishion and Cody Smith to serve on the Applicant Review Committee effective December 8, 2021. Jamie Hepner seconded the motion. The motion passed unanimously.

13. Department Update

Presented by Marsha Morin, Standards and Certification Manager:

- Current Cases
 - 83 total Corrections/Parole and Probation Cases
 - 23 are ready to begin the review process or are in some stage of the review process.
 - 60 are pending criminal/employment matters or waiting on records to be provided to DPSST
 - 11 new cases have been added since the last policy committee meeting.
 - 16 cases were closed since the last policy committee meeting.
- DPSST wishes to thank Kevin Marshall, Jamie Russell and Rob Persson for their leadership and dedication to the Corrections Policy Committee.
- Welcome to Mark Boren as the new public member and thank you to Brian Pixely for staying on for a second term with the Corrections Policy Committee.
- In September 2021, DPSST sent out a notice that, in a cost saving measure, it had discontinued sending the DPSST number cards to new public safety employees. Agencies have immediate access to these numbers through IRIS and in emails sent out during the basic academy registration process.

- DPSST has updated the current F6 roster to mirror the Excel roster format used for the eRoster process. This new roster has replaced the PDF eRoster for all training submissions. DPSST is also piloting a roster data transfer process for agencies that have their own training tracking systems and wish to provide a data transfer of rosters from their systems rather than re-entering into the F6 Roster.

14. Director's Update

Presented by Jerry Granderson, Director:

- Thanks to Professional Standards management and staff for outstanding work preparing for and presenting in these policy committee meetings.
- DPSST currently had a student test positive for COVID-19. We are closely monitoring this and are conducting contact assessments for this specific class. DPSST attributes the limited number of COVID-19 cases on campus to the adherence to safety and health protocols implemented by DPSST and the high compliance rate of the COVID vaccine mandate. Thank you to DPSST's Human Resources Section for their work in navigating DPSST's COVID-19.
- DPSST is currently implementing over 19 Police Reform bills and mandates. DPSST is currently on schedule with respect to these bills and mandates.

15. Next Corrections Policy Committee Meeting: February 8, 2022 at 10:00 a.m.

Administrative Notes:

These minutes reflect the order of the discussion/voting items as they appear on the official meeting agenda. The actual order in which they were discussed may vary.

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@dpsst.oregon.gov.