

Corrections Policy Committee

Minutes

November 10, 2015

The Corrections Policy Committee of the Board on Public Safety Standards and Training held a regular meeting on Tuesday November 10, 2015 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
Rick Angelozzi, Department of Corrections Superintendent
Kristen Hanthorn, OACCD Rep, Clatsop County Sheriff's Office
Jeanine Hohn, Department of Corrections Training Division
Tami Jackson, Non-Management DOC – Coffee Creek
Joseph Pishioneri, Non-Management Law Enforcement
Barbara Shipley, Oregon Sheriff's Jail Command Council
Jeff Wheeler, Oregon Sheriff's Jail Command Counsel
Jeff Hernandez, Non-Management DOC
Nadine Purington, Non-Management Parole & Probation

Committee Members Absent:

Jason Myers, Oregon State Sheriff's Association
Michael Gower, Designee for Director of Department of Corrections
Andy Long, Oregon State Sheriff's Association
Donna Pettit, Non-Management Corrections Officer

DPSST Staff:

Linsay Hale, Professional Standards Division Director
Mona Riesterer, Professional Standards Assistant
Todd Anderson, Training Division Director
Sharon Huck, Rules Coordinator
Kristin Hibberds, Professional Standards Investigator
Leon Colas, Professional Standards Investigator
Ryan Keck, Center for Policing Excellence Coordinator
Staci Yutzi, Academy Training, Class Coordinator
Monica Walker, Criminal Justice Certification Supervisor



1. Minutes of May 12, 2015 Meeting

Approve the minutes of the May 12, 2015 Corrections Policy Committee meeting.

To see a complete record of the May 12, 2015 Corrections Policy Committee minutes, please go to:

<http://www.oregon.gov/dpsst/BD/pages/correctionspolicycommitteemeetingminutes.aspx>

Joseph Pishioneri moved that the committee approve the minutes with amendments of the May 12, 2015 Corrections Policy Committee meeting. The motion was seconded by Barbara Shipley. The motion carried unanimously.

2. *Approval for Changes to the Basic Parole/Probation Curriculum

Presented by Staci Yutzi

The 200 Hour Basic Parole/Probation (BPP) Curriculum was presented to the Policy Committee for review. The document provided a breakdown of the course hours within the BPP Academy and a brief description of why the changes were made. These changes were based on the new revision and comments and suggestions that were based off of the last three classes.

Kristin Hanthorn recommended approval of the proposed changes to the Basic Parole & Probation course as presented. Jeanine Hohn seconded the motion. The motion carried unanimously.

3. Quarterly Review of DOC BCC by DPSST Audit & Compliance Unit

Presented by Linsay Hale

The information being presented to the Policy Committee is for information only. The information contains the periodic audits from DOC BCC program by DPSST for the period of July to September 2015. DOC BCC meets the minimum training standards approved by the Board for corrections officer employed by DOC.

The committee requested DPSST make some minor adjustments to the BCC Audit report to include updating the action item and including a comparison of the DPSST Basic Corrections Local firearms course to the BCC course.

4. *OAR 259-008-0025, 259-008-0030, 259-008-0035, and 259-008-0085 – Proposed Rule Change; Minimum Standards for Training, Minimums Standards for Mandated Courses

Presented by Sharon Huck

This proposed rule language contains extensive housekeeping changes made with the intention of more clearly reflecting current requirements and procedures, particularly with regard to waivers of minimum training standards and the Board-adopted minimum standards

for mandated courses. (Note: This proposed rule does not alter any of the current Board-approved standards)

Jeff Hernandez moved to approve filing the proposed language as presented with the Secretary of State as a proposed rule and a permanent rule if no comments are received. Joseph Pishioneri 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. ***Nicholas Alexander, DPSST#55178**

Presented by Kristin Hibberds

This case involves Nicholas Alexander's conduct on June 28, 2009, that led to his arrest of Driving Under the Influence and subsequent conviction of Reckless Operation of a Motor Vehicle in the State of Ohio and whether his application for training should be denied as a result.

Jeff Hernandez recused himself from this case due to his professional relationship with Nicholas Alexander.

Joseph Pishioneri moved that the Corrections Policy Committee adopts the staff report as the record upon which its recommendations are based. Mike Wells seconded the motion. The motion carried nine ayes, and Jeff Hernandez abstaining.

By discussion and consensus, the committee determined that Nicholas Alexander's behavior did not involve **Insubordination** as defined in the Administrative Rule.

By discussion and consensus, the committee identified that Nicholas Alexander's behavior did involve **Misconduct** as defined in the Administrative Rule based on the Criminal conviction.

Jeanine Hohn moved that the Corrections Policy Committee find that Nicholas Alexander's **Misconduct** does rise to the level to warrant revocation when considered alone. Joseph Pishioneri seconded the motion. The motion carried nine ayes, and Jeff Hernandez abstaining.

By discussion and consensus, the committee identified that Nicholas Alexander's behavior did involve **Gross Misconduct** as defined in the Administrative Rule based on the elements of the crime for which he was convicted.

Joe Pishioneri moved that the Corrections Policy Committee find that Nicholas Alexander's **Gross Misconduct** does rise to the level to warrant revocation when considered alone. Rick Angelozzi seconded the motion. The motion carried nine ayes, and Jeff Hernandez abstaining.

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

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

By discussion and consensus, the committee determined that Nicholas Alexander's behavior did not involve **Aggravating Circumstance**.

By discussion and consensus, the committee determined Nicholas Alexander's behavior did involve **Mitigating Circumstances** when the charges were dismissed/reduced. Alexander did not serve any time in jail. This was a first time offense, and he was truthful and forthcoming in his conviction on the application.

After considering the totality of the circumstances, Joseph Pishioneri moved that the committee recommends to the Board that Nicholas Alexander's Application for Training not be denied. Tami Jackson seconded the motion. The motion carried nine ayes, and Jeff Hernandez abstaining.

6. **David Schwarm, DPSST#13726**

The issues in this case is Schwarm's conduct leading to his 2015 conviction of DUII and his conduct leading to his 2012 conviction for Failure to Perform the Duties of a Driver in an Accident, discretionary disqualifying crimes under OAR 259-008-00070(4)(c), and whether his corrections certification should be revoked as a result.

Kristin Hanthorn 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 that David Schwarm's behavior did not involve **Insubordination** as defined in the Administrative Rule.

By discussion and consensus, the committee identified that David Schwarm's behavior did involve **Misconduct** as defined in the Administrative Rule based on criminal conviction.

Jeff Hernandez moved that the Corrections Policy Committee find that David Schwarm's **Misconduct** does rise to the level to warrant revocation when considered alone. Tami Jackson seconded the motion. The motion carried unanimously.

By discussion and consensus, the committee identified that David Schwarm's behavior did involve **Gross Misconduct** as defined in the Administrative Rule based on the elements of the crime for which he was convicted.

Jeff Hernandez moved that the Corrections Policy Committee find that David Schwarm's **Gross Misconduct** does rise to the level to warrant revocation when considered alone. Jeff Wheeler seconded the motion. The motion carried unanimously.

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

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

By discussion and consensus, the committee determined that David Schwarm's behavior did involve **Aggravating Circumstance** by leaving the scene of an accident. Additionally, when the officer asked him to repeat a sobriety test, he told the officer no. Schwarm was not honest and forthright in regards to his amount of alcohol he had consumed and was driving knowingly that he had a suspended license and no insurance.

By discussion and consensus, the committee determined David Schwarm's behavior did not involve **Mitigating Circumstances**.

After considering the totality of the circumstances, Jeanine Hohn moved that the committee recommends to the Board that David Schwarm's certification be revoked. Rick Angelozzi seconded the motion. The motion carried unanimously.

Jeff Wheeler moved that the committee recommends to the Board that David Schwarm's **Misconduct** warrants for an ineligibility period to reapply for seven years. Joseph Pisioneri seconded the motion. The motion carried unanimously.

Rick Angelozzi moved that the committee recommends to the Board that David Schwarm's **Gross Misconduct** warrants for an ineligibility period to reapply for ten years. Kristin Hanthorn seconded the motion. The motion carried unanimously

7. Staff Update

Linsay Hale reported.

Linsay formally welcomed Monica Walker who will be filling the position of the Criminal Justice Certification Supervisor. She will be overseeing the operational side of the Standards and Certification section.

DPSST's leadership team recently finished up on the listening tour. They traveled around the state for the first two week of October, inviting constituents to come and share their frustrations, concerns, and any other comments they might have about DPSST. The comments were overwhelmingly positive. There were some frustrations shared about the back log for getting individuals trained and certified and the fingerprint implementation in Fire. All concerns that DPSST is aware of and addressing.

DPSST has received permission to form a workgroup to review the current denial/revocation standards for criminal justice. The meetings for this group should be scheduled very shortly.

There was a request from the Chiefs of Police to form a workgroup to look at the "Poaching Bill." This is a bill that is in statute that states if an agency hires an individual and pays for the benefits for the individual to go through training to be certified by another agency, that the particular agency can be responsible for the reimbursement of the salary and benefit costs.

The medical standards rule is changing for criminal justice. The policy reviewed and approved the updated medical standards and updated processes in May, which was presented to the Board and did not receive any public comment. We are looking at a January 1st date for implementation date for the rule change. What this means is that the F-2 medical form that is currently being used to report medical standards will change significantly. The proposed change also allows medical waivers to be handled administratively. The information will be posted on our website, listserv, as well as we will be sending out letters out to all of the HR Departments to the agencies.

2016 session is beginning in February. The Board and DPSST will not have any bills introduced during this session but will be available to have discussions as needed.

Todd Anderson reported:

The next available date for basic class/corrections is April. DPSST is working on correcting this problem. We have seen an increase in the “baby boomers” retiring and are seeing a significant increase in need for Basic classes. DPSST has requested for the February Legislative session to request for additional funds for four basic police and two more corrections classes. Because of the fewer staff compared to 2008, these funds would include additional staff, coordinators, and trainers.

DPSST will need assistance with scenarios due to added classes.

8. Next Regularly Scheduled Meeting – February 9, 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.*