

Corrections Policy Committee

Minutes

May 8, 2018

The Corrections Policy Committee of the Board on Public Safety Standards and Training held a regular meeting on May 8, 2018 at the Oregon Public Safety Academy in Salem, Oregon. Chair, Jason Myers called the meeting to order at 9:00 AM.

Committee Members:

Jason Myers, Chair, Oregon State Sheriff's Association
Nadine Purington, Vice Chair, Non-Management Parole & Probation
Carol Dishon, Non-Management Corrections – DOC/Coffee Creek
Rob Perrson, DOC Superintendent
Kristen Hanthorn, Oregon Association of Community Corrections Directors (phone)
Jamie Russell, Oregon Sheriff's Jail Command Council
Jeanine Hohn, DOC Professional Development Unit
Michael Gower, Designee for Director of DOC
Matt English, Oregon State Sheriff's Association
Greg Martin, Non-Management Corrections - DOC

Committee Members Absent:

Gary Bergerson, Non-Management Corrections Officer
Matthew Frohnert, Oregon Sheriff's Jail Command Council
James Cook, AFSCME Representative Department of Corrections
Barry Jerkins, Public Member

Guests:

Leonard Williamson (Representing James Edison)

DPSST Staff:

Eriks Gabliks, Director
Linsay Hale, Professional Standards Division Director
Alicia Robb, Criminal Justice Office Specialist
Jessica Klossen, Academy Scheduling
Mike Leloff, Training Division Director
Kristen Hibberds, Professional Standards Coordinator/Investigator
Jennifer Howald, Administrative Rules Coordinator
Bob Sigleer, Criminal Justice Compliance Auditor



1. Introductions

Introductions of members, guest and staff were presented.

2. *Minutes of February 13, 2018

Approve meeting minutes from February 13, 2018

- *Matt English moved to approve the minutes from the February 13, 2018 Corrections Policy Committee meeting with minor corrections. Jeanine Hohn seconded the motion. The motion carried unanimously.*

3. ***Review of Pilot Curriculum – BPP76**

Presented by Chris Enquist

In January, 2018 the Board approved piloting a new Basic Parole & Probation curriculum, following the review and recommended approval by Corrections Policy Committee.

The BPP Curriculum Revision Workgroup met on March 26, 2018 and performed an after-action on BPP76, the first Basic class to pilot the new curriculum. In response to student and instructor feedback, the workgroup and DPSST staff reviewed the evaluation rubrics utilized to review student project performance. Several changes were made to refocus the rubrics on student learning outcomes, and there are proposed to be used during BPP77 in May.

- *Michael Gower moved to approve continuing the pilot program to allow the new rubrics to be used. Jeanine Hohn seconded the motion. The motion carried unanimously.*

4. **Quarterly Review of the DOC BCC**

Presented by Robert Sigler

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 (BCC), provided by DPSST. The Training Compliance Program periodically audits the program to ensure the program meets minimum training standards established by the Board. The Training Compliance Program provides the Corrections Policy Committee with quarterly updates of the DOC BCC. These audits verify compliance with class hours, student attendance, instructor certification, academic testing and course documentation. The report does not involve an evaluation of the quality of the BCC curriculum content, delivery, instructor or student performance.

The quarterly review was presented to the Corrections Policy Committee for reporting period of January through March, 2018. The findings indicated BCC meets minimum training standards approved by the Board for corrections officers employed by DOC.

5. **ORS 183.405- Five-Year Review of Agency Rules Adopted Informational Update**

Presented by Jennifer Howald

The following rules were identified as subject to the requirements of ORS 183.405, requiring completion of the five-year review, and as rules that were considered by the Corrections Policy Committee (CPC) as an advisory committee.

1. OAR 259-008-0017, Public records, was adopted effective May 1, 2010 after being reviewed by the CPC on November 5, 2009 and approved by the Board on Public Safety Standards and Training (Board) on January 28, 2010.
2. OAR 259-008-0200, Civil Penalties; 259-008-0220, Sanctions Generally; and 259-008-0250, Notice of Civil Penalty, were adopted effective August 15, 2008

after being reviewed by the CPC on November 8, 2007 and approved by the Board on July 24, 2008.

3. OAR Chapter 259 Division 13, Criminal Records Check Rules, was adopted effective October 15, 2008 after being reviewed by the CPC on May 1, 2008 and approved by the Board on July 24, 2008.

6. ***Proposed Rule Change for OAR 259-008-0070 – Board Disapproval of a Policy Committee Recommendation**

Presented by Jennifer Howald

Current statute does not provide clear direction on how to proceed once the Board has disapproved a recommendation made by a Policy Committee regarding the denial, suspension or revocation of a public safety professional's certification.

The proposed language establishes a clear manner in which the Board can defer its decision on a recommendation by sending the matter back to the Policy Committee with instructions for reconsideration. The proposed language also clarifies the manner in which the Board can disapprove all or any part of a recommendation involving the denial, suspension or revocation of a public safety certification and what would happen should the Board fail to achieve the necessary votes to disapprove a Policy Committee recommendation.

Additional changes have been included in the proposed rule language to provide consistent references and add additional clarification for the outlined process.

DPSST staff worked with the Department of Justice to draft the proposed rule language and confirm that it maintains the integrity and purpose of the Board and the Policy Committee.

- *Matt English moved to recommend the Board adopt the changes as proposed and that the Board approve filing the changes to OAR 259-008-0070 as a permanent rule change with the Secretary of State if no comments are received. Nadine Purington seconded the motion. The motion passed unanimously.*
- *By consensus the committee found no fiscal impact to small businesses.*

7. ***Administrative Closures – Corrections/Parole & Probation**

Presented by Kristen Hibberds

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

Officer	Certifications	Summary	Flagged for Review (if hired in future)
Bill, Eugene #56890 Warm Springs P & P	Not Certified/Academy Dismissal	Discharge-Multiple Violations	Yes

Florendo, Teryl #55095 Warm Springs P & P	Not Certified/Academy Dismissal	Discharge-Multiple Violations	Yes
Jackson, Jennifer #57170 DOC – SRCI	Not Certified	Probationary Discharge- Misrepresented Injury	Yes
Leslie, Brandon #58101 DOC – OSP	Not Certified	Probationary Discharge – FTEP Failure.	No
Hulit, Scott #56904 Washington County SO	Corrections	Discharge-no violation of moral fitness standard	No
Tomei, Michael #55629 Josephine County SO	Corrections	Probationary Discharge-FTEP failure	No
Evans, Gary #51089 Not Affiliated	Not Certified	Convicted of six felony crimes. Not employed or certified.	Yes

- *Matt English moved to approve the recommendations made by staff to administratively close the above listed cases. Rob Perrson seconded the motion. The motion carried unanimously.*

1. *Edison, James DPSST #38290 Basic, Intermediate and Advanced Corrections
Certifications Department of Corrections - PRCI

Presented by Kristen Hibberds

Mike Gower recused himself due to a conflict of interest.

Issue: In July 2017, a LEDS hit was received regarding Edison's arrest for Menacing involving Domestic Violence. On December 6, 2017, Edison pled Guilty to Menacing and received a deferred sentence.

Leonard Williamson presented verbal mitigation on behalf of James Edison.

Vote/Consensus	Second	Vote	Outcome
Nadine Purington moved that the Corrections Policy Committee adopts the staff report as the record upon which its recommendations are based.	Jeanine Hohn	9 ayes; 0 nays; 1 Abstaining (Gower)	Motion passes.
Consensus reached that Edison's conduct did involve Gross Misconduct as defined in administrative rule by engaging in domestic violence by attempting to asphyxiate his wife with a pillow and by threatening his daughter with a knife on July 1, 2017. Matthew English moved that this Gross Misconduct when considered alone rises to the level to warrant action against the officer's certifications.	Rob Persson	9 ayes; 0 nays; 1 Abstaining (Gower)	Motion passes.
<ul style="list-style-type: none"> Consensus reached that Edison's conduct did not involve Misuse of Authority as defined in administrative rule. Consensus reached that Edison's conduct did not involve Disregard for the Rights of Others as defined in administrative rule. Consensus reached that Edison's conduct did not involve Dishonesty as defined in administrative rule. 			
<p>The Corrections Policy Committee reviewed and considered the Aggravating and Mitigating circumstances specific to this case as required by OAR 259-008-0070(4)(f)(F).</p> <p>There are aggravating circumstances present: Edison's conduct occurred during his employment in public safety, his conduct involved domestic violence, he failed to self-report his conduct to DPSST, his conduct resulted in a criminal disposition, the classification of the crime was a Class A Misdemeanor for which he pled guilty, and the date of his criminal disposition was recent. Additionally aggravating was the attempted suffocation, the disclosure of past incidents of domestic violence and his lack of accountability.</p> <p>Pursuant to OAR 259-008-0070(4)(f)(F), there are mitigating circumstances present: Edison does not have more than one criminal disposition in his record. There were no additional mitigating circumstances considered.</p> <p>NOTE: The Committee convened in Executive Session to consider medical information.</p>			
Jeanine Hohn makes a motion that after considering the totality of the case that Board action be taken on Edison's application/certifications.	Matthew English	9 ayes; 0 nays; 1 Abstaining (Gower)	Motion passes.
<ul style="list-style-type: none"> Consensus reached that Edison's conduct impacts his ability to be employed as a public safety professional because it violates the Code of Ethics, sworn and affirmed by him, to safeguard lives and property; to protect all persons against 			

deception, the weak against oppression or intimidation and the peaceful against violence or disorder.			
Matthew English made a motion that Edison's Gross Misconduct warrants an ineligibility period of 10 years.	Carol Dishon	9 ayes; 0 nays; 1 Abstaining (Gower)	Motion passes.

2. ***Lagao, Mario DPSST #53203 Basic Corrections Certifications Department of Corrections - EOCI**

Presented by Kristen Hibberds

Issue: In September 2017, a LEDS hit was received regarding Lagao's arrest for Driving While Suspended or Revoked. On October 20, 2017, Lagao pled Guilty to Criminal Driving While Suspended or Revoked.

- *The committee recommended tabling the case to allow DPSST staff to provide more information involving Lagao's misconduct.*

3. ***Hanson, Shawn K. DPSST# 58352 Application for Training and Subsequent Certification Department of Corrections – CCCF**

Presented by Kristen Hibberds

Issue: On December 21, 2017, DPSST received an Application for Training Request (F-5) from DOC. Hanson self-disclosed his February 3, 2015 conviction of Reckless Driving.

Vote/Consensus	Second	Vote	Outcome
Jeanine Hohn moved that the Corrections Policy Committee adopts the staff report as the record upon which its recommendations are based.	Nadine Purington	10 ayes; 0 nays	Motion passes unanimously.
Consensus reached that Hanson's behavior did involve Gross Misconduct as defined by administrative rule when he recklessly disregarded the law and threatened persons when he was driving at a high rate of speed with a passenger, resulting in his conviction of Reckless Driving. Jeanine Hohn moved that this Gross Misconduct when considered alone rises to the level to warrant action against the officer's certifications.	Matthew English	10 ayes; 0 nays	Motion passes unanimously.
<ul style="list-style-type: none"> • Consensus reached that Hanson's conduct did not involve Misuse of Authority as defined in administrative rule. 			

<ul style="list-style-type: none"> • Consensus reached that Hanson's conduct did not involve Disregard for the Rights of Others as defined in administrative rule. • Consensus reached that Hanson's conduct did not involve Dishonesty as defined in administrative rule 			
<p>The Corrections Policy Committee reviewed and considered the Aggravating and Mitigating circumstances specific to this case as required by OAR 259-008-0070(4)(f)(F).</p> <p>There are aggravating circumstances present: Hanson's conduct resulted in a criminal disposition after he plead guilty to a Class A Misdemeanor.</p> <p>Pursuant to OAR 259-008-0070(4)(f)(F), there are mitigating circumstances present: Hanson self-disclosed his conviction and his conduct prior to his employment as a public safety professional.</p>			
Michael Gower made a motion that after considering the totality of the case that no Board action be taken on Hanson's certifications.	Jeanine Hohn	10 ayes; 0 nays	Motion passes unanimously.

4. ***Beers, Tyler DPSST# 58455 Application for Training and Subsequent Certification Department of Corrections - EOCI**

Presented by Kristen Hibberds

Issue: On January 18, 2018, DPSST received an Application for Training Request (F-5) from DOC. Beers self-disclosed his December 17, 2015 conviction of driving under the influence of intoxicants, in the State of Washington.

Vote/Consensus	Second	Vote	Outcome
Jeanine Hohn moved that the Corrections Policy Committee adopts the staff report as the record upon which its recommendations are based.	Rob Persson	10 ayes; 0 nays	Motion passes unanimously.
<p>Consensus reached that Beers' conduct did involve Gross Misconduct as defined in administrative rule when he recklessly disregarded the law and was traveling at a high rate of speed in the car pool lane under the influence of alcohol, resulting in his conviction of DUI.</p> <p>Jeanine Hohn moved that Hanson's Gross Misconduct when considered alone rises to the level to warrant action against the officer's certifications.</p>	Nadine Purington	10 ayes; 0 nays	Motion passes unanimously.

<ul style="list-style-type: none"> • Consensus reached that Beers' conduct did not involve Misuse of Authority as defined in administrative rule. • Consensus reached that Beers' conduct did not involve Disregard for the Rights of Others as defined in administrative rule. • Consensus reached that Beers' conduct did not involve Dishonesty as defined in administrative rule. 			
<p>The Corrections Policy Committee reviewed and considered the Aggravating and Mitigating circumstances specific to this case as required by OAR 259-008-0070(4)(f)(F).</p> <p>There are aggravating circumstances present: Beers' conduct resulted in a criminal disposition, the classification of his crime was a Class A Misdemeanor in which he pled guilty and he was sentenced to one day in jail and three years' probation. By consensus the Committee found as additional aggravating circumstances Beers' behavior with the arresting officer and his threats of filing a lawsuit through dishonest means and the fact that he is still on active probation.</p> <p>There are mitigating circumstances present: Beers' conduct occurred prior to his employment as a public safety professional. Additionally mitigating was that he completed the Victims Impact Panel, complied with alcohol treatment, paid his fines, he has been performing the job and seems to be performing well, his letters of support and his honesty surrounding how much alcohol he consumed the night of his arrest.</p>			
Jamie Russell makes a motion that after considering the totality of the case that Board action be taken on Beers' certifications.	Jeanine Hohn	10 ayes; 1 nay (Martin)	Motion passes.
<ul style="list-style-type: none"> • Consensus reached that Beers' conduct impacts his ability to be employed as a corrections officer because integrity is the corner stone of law enforcement. Beers' integrity has been comprised by his behavior by demonstrating a disregard for the truth. 			
Jeanine Hohn made a motion that Beers' Gross Misconduct warrants an ineligibility period of 10 years.	Jamie Russell	10 ayes; 0 nays	Motion passes unanimously.

Department Update

- Linsay informed the group about some increased transparency initiatives which include publishing a list of open professional standards cases on the website.
- Linsay updated the group on the progress of the Executive/Management Certification Workgroup. The group will be working with the Center for Policing Excellence and Dr. Steve James from Washington State University on developing Supervisory and Executive level training for law enforcement officers.
- Linsay officially welcomed the CPC's new member Barry Jerkins. Unfortunately Mr. Jerkins was unable to attend this meeting due to a family emergency, but we look forward to working with him in the future.
- Linsay informed the group that she will be requesting permission from the Board at their meeting in July to form a follow-up Workgroup to look at the criminal justice denial/revocation rules. The purpose of this group will be to address any inadvertent tensions created by the rule re-write completed in 2017.

- Eriks reminded everyone that the 2018 Fallen Law Enforcement Officers Memorial will be held at DPSST on May 8, 2018. More than 80 family members are expected to attend and all are welcome. Ashland Police Officer Malcus Williams who died in the line of duty a few weeks will not be added during this year's ceremony. It is tradition to not add names soon after the officer dies so that the family and co-workers have a chance to heal after the loss.
- DPSST continues to monitor Academy enrollment and agency hiring trends. DPSST is aware that both OSP and Portland are discussing large hiring groups for the Fall. Eriks shared that the May Basic Police class had 21 students and June had less than 20 enrolled so DPSST made the decision to combine both classes and not run the May class as it would not be fiscally responsible. All agencies were communicated with and understood. The feedback DPSST schedulers have received is that agencies are in the process of hiring, will be hiring soon, have exhausted their current hiring lists, or are awaiting their next budget cycle to begin. DPSST continues to plan to offer a new 16-week Basic Police class every month for the next two years to address the retirement and hiring projections of agencies around the state. DPSST staff is monitoring the enrollments of city and county corrections officers and an additional 6-week Basic Corrections class may be needed in the summer to address the influx. Basic Parole and Probation continues to be steady with no backlog of officers needing training.
- At the April BPSST meeting, DPSST staff presented the agency budget additions it would like to propose as part of its 2019-2021 Agency Request Budget. The Board approved the concepts which include additional staff for academy infrastructure and training, a student to add emergency generation on campus, deferred maintenance funds, funds for a reserve training program coordinator, active shooter training coordinator, funds to design a third wing on the dorms with housing on the second and third floors and classrooms on the first, and funds to evaluate a Learning Management System (LMS) for DPSST. Eriks shared that no additional basic classes will be asked as part of its budget request as the current process of requesting classes based on need is working well. Eriks also shared that DPSST is having active discussions with DOC which wants to evaluate returning basic corrections officer training to the Academy under DPSST's oversight. DPSST also did not request any positions for HB 2355 (Race Based Profiling) as those positions were approved as part of the legislation and DPSST will request the positions as needed to implement the program. Eriks added the concept DPSST is discussing with DOC would have two DOC officers assigned to the Academy and embedded within DPSST's Training Division. DPSST would not mix county and state corrections officers into the same class. DPSST offer a basic corrections class for city and county officers and a class for DOC officers. Both would cover the same topics but would be tailored to city/county and state corrections operations.
- DPSST is looking to add 60 additional parking spaces at the Academy over the summer. This is needed to address the volume of students attending classes and events at the Academy. DPSST is in the early phases of discussion with the City of Salem to obtain proper approvals and permits.
- Eriks shared that Nadine is on the Senate Confirmations Committee schedule for approval for her second term on the Board on Public Safety Standards and Training as a non-management parole and probation representative. Eriks thanked her for her service and her interest in continuing for a second term.

Meeting adjourned at 10:39 a.m.

5. Next Corrections Policy Committee Meeting August 14, 2018 at 1:30 p.m.

Administrative Notes:

- *The CPC went on break at 9:13, coming back on the record at 9:19.*
- *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.*