Corrections Policy Committee
Minutes
November 4, 2014

The Corrections Policy Committee of the Board on Public Safety Standards and Training held a regular meeting on Tuesday, November 4, 2014 in the Governor Victor G. Atiyeh Boardroom at the Department of Public Safety Standards and Training located in Salem, Oregon. Chair Lisa Settell called the meeting to order at 1:30 p.m.

Attendees:
Committee Members:
Lisa Settell, Parole and Probation Officer, Chair
Michael Gower, Designee for Director of Department of Corrections
Jeff Hernandez, Non-Management DOC
Tami Jackson, Non-Management DOC – Coffee Creek
Andy Long, Oregon State Sheriff’s Association
Jason Myers, Oregon State Sheriff’s Association
Joseph Pishioneri, Non-Management Law Enforcement
Jeff Wood, Community Corrections Directors
Jeff Wheeler, Oregon Sheriff’s Jail Command Council

Committee Members Absent:
Brian Burger, Department of Corrections AFSCME Representative
Jeanine Hohn, Department of Corrections Training Division
Donna Pettit, Non-Management Corrections Officer
Barbara Shipley, Oregon Sheriff’s Jail Command Council

Committee Vacancies:
DOC Security Manager

DPSST Staff:
Eriks Gabliks, Director
Todd Anderson, Training Division Director
Leon Colas, Professional Standards Coordinator/Investigator
Kristen Hibberds, Professional Standards Coordinator/Investigator
Debbie Anderson, Certification & Compliance Specialist
Linsay Hale, Professional Standards Division Director
Debbie Graves, Administrative Operations Supervisor
Rebecca Hannon, Files Maintenance Specialist

Guests:
Steve Beck, Oregon Council of Police Associations
1. **Minutes of August 12, 2014 Meeting**
   Approve the minutes of the August 12, 2014 Corrections Policy Committee meeting.

   To see a complete record of the August 12, 2014 Corrections Policy Committee minutes, please go to:

   [http://www.oregon.gov/dpsst/BD/Policy_Committee_Minutes/CPC_Minutes/CPCminutes081214.pdf](http://www.oregon.gov/dpsst/BD/Policy_Committee_Minutes/CPC_Minutes/CPCminutes081214.pdf)

   Jeff Hernandez noted a name error in the minutes for the Wallace case. In the discussion regarding the ineligibility period on the matter of Misconduct, his name is given as Jason Hernandez. The name should read as Jeff Hernandez.

   Jason Myers noted an error in the list of Committee Members. Jeff Wheeler should be listed as representing the Oregon Sheriff’s Jail Command Council.

   • **Jason Myers moved that the committee approve the minutes of the August 12, 2014 Corrections Policy Committee meeting with the corrections to the minutes. Jeff Wood seconded the motion. The motion carried unanimously.**

2. **Jason Terkelson – Medical Waiver**
   Presented by Debbie Anderson

   Debbie reported on September 30, 2014, DPSST received a letter from Eastern Oregon Correctional Institution requesting a waiver of the depth perception standard for Jason Terkelson.

   • **Jeff Hernandez moved that the Corrections Policy Committee recommends granting a waiver of the depth perception standard for corrections officers for Jason Terkelson. Michael Gower seconded the motion. The motion carried unanimously.**

3. **Quarterly Review of DOC Basic Corrections Course by the DPSST Audit Team**
   Presented by Linsay Hale

   Linsay reported that the BCC program, which has been in place since 2009, has been a success by all accounts. As they move out of the implementation phase into a maintenance phase, DPSST and DOC PDU have taken the time to reevaluate the roles of DPSST and DOC as it relates to the DOC BCC program.

   Moving forward, the audits of the BCC program will be periodic and will ensure compliance to the Board-approved minimum standards only. DPSST Audit staff will continue to serve as a resource reporting observations and making recommendations to the PDU administrator. The audit reports will be made separate from any observations or recommendations to clearly differentiate what is a true training compliance issue and requires immediate attention or
follow up and what is informational only. This shift of focus will allow DPSST to expand its audit function to include all mandated courses across all disciplines, including all Basic course delivered by DPSST, Instructor Development Courses, etc. These programs will also be audited periodically to ensure compliance with the Board-approved minimum standards. Observations and recommendations on those programs will be directed to DPSST Training Director, Todd Anderson.

These program changes will be brought forward for a vote the CPC by way of a rule change in February.

4. **Bylaws of the Board on Public Safety Standards and Training Corrections Policy Committee**
   Presented by Linsay Hale

Linsay explained that each Board policy committee is required by rule to adopt bylaws specific to each group, describing the group’s purpose, membership qualifications and voting requirements. The CPC bylaws have not been reviewed for a number of years and are being presented to be ratified or not ratified. The proposed language reflects current practice and has been updated to plain language standards.

- **Jeff Hernandez moved to ratify the bylaws as presented. Andy Long seconded the motion. Motion carried unanimously.**

5. **OAR 259-008-0005, 259-008-0010, 259-008-0011, 259-008-0025, 259-008-0060, and 259-008-0078 – Proposed Rule Change**
   Limited Duration, Administrative Positions - Presented by Sharon Huck

Sharon reported that in January the Board requested that a workgroup look into DPSST’s minimum training standards. The workgroup met on several occasions and reviewed the training standard history and ultimately decided our current minimum training standards as well as our enforcement of the standards is appropriate.

During the workgroup meetings, the concept of a limited duration administrative position was discussed. This would allow individuals to fill non-elected, certifiable public safety positions, where the primary duties relate to the administration of a public safety agency. Individuals employed in these positions would not have to meet additional physical or training requirements, as long as they meet the specific eligibility requirements.

The proposed rule change adds the eligibility requirements for a limited duration administrative position to rule and updates numerous other areas of rule that are affected by adding the position.

- **Jason Myers moved to recommend to the Board filing the proposed rule with the Secretary of State and to file it as a permanent rule if no public comments are received. Jeff Wheeler seconded the motion. The motion carried unanimously.**
By consensus the committee found no fiscal impact to small businesses.

6. **Bryan Turk – DPSST #54377**  
Presented by Leon Colas

*Michael Gower moved that the Corrections Policy Committee adopts the staff report as the record upon which its recommendations are based. Jeff Wood seconded the motion. The motion carried unanimously.*

By discussion and consensus, the committee determined that TURK’s behavior did not involve Insubordination.

By discussion and consensus, the committee determined that TURK’s behavior did involve Misconduct as defined in Oregon Administrative Rule by committing the crime of Driving while Under the Influence.

*Andy Long moved that the Corrections Policy Committee find that TURK’s Misconduct does not rise to the level to warrant denial of his application for training. Jeff Hernandez seconded the motion. The motion carried unanimously.*

By discussion and consensus, the committee determined TURK’s behavior did involve Gross Misconduct as defined in Oregon Administrative Rule based on his conviction for Driving while Under the Influence.

*Jeff Hernandez moved that the Corrections Policy Committee find that TURK’s Gross Misconduct does not rise to the level to warrant denial of his application for training. Tami Jackson seconded the motion. The motion carried unanimously.*

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

By discussion and consensus, the committee determined TURK’s behavior did not involve Disregard for the Rights of Others as defined in Administrative Rule.

By discussion and consensus, the committee determined TURK’s behavior did not involve Dishonesty as defined in Administrative Rule.

By discussion and consensus, the committee identified the following Aggravating Circumstances:

- TURK’s speed at the time of incident which posed a risk to the public
- TURK had two DUI convictions in a four-year period
By discussion and consensus, the committee identified the following Mitigating Circumstances:

- TURK wrote a letter to the Corrections Policy Committee
- TURK was forthcoming with all of the information
- Ten years have lapsed since the last incident with no further problems

*After considering the totality of the circumstances, Jeff Hernandez moved that the Corrections Policy Committee recommend approval of TURK’s application for training. Joseph Pishioneri seconded the motion. The motion carried unanimously.*

7. **Matthew Tiller – DPSST #53939**  
   Presented by Kristen Hibberds

*Jeff Wheeler moved that the Corrections Policy Committee adopt the staff report as the record upon which its recommendations are based. Michael Gower seconded the motion. The motion carried unanimously.*

By discussion and consensus, the committee determined that TILLER’s behavior did not involve Insubordination.

By discussion and consensus, the committee determined that TILLER’s behavior did involve Misconduct as defined in Oregon Administrative Rule by committing the crime of Unauthorized Use of a Vehicle.

*Jeff Hernandez moved that the Corrections Policy Committee find that TILLER’s Misconduct does rise to the level to warrant denial of his application for training. Jason Myers seconded the motion. The motion carried unanimously.*

By discussion and consensus, the committee determined that TILLER’s behavior did not involve Gross Misconduct.

By discussion and consensus, the committee determined that TILLER’s behavior did not involve Misuse of Authority.

By discussion and consensus, the committee determined that TILLER’s behavior did not involve Disregard for the Rights of Others.

By discussion and consensus, the committee determined that TILLER’s behavior did not involve Dishonesty.

By discussion and consensus, the committee identified the following Aggravating Circumstances:

- Mr. TILLER left the scene of the incident

By discussion and consensus, the committee identified the following Mitigating Circumstances:
• Mr. TILLER was forthcoming about incident
• Letters of support from the Sheriff and Jail Commander
• Mr. TILLER’s lack of maturity at the time of incident
• Seven years have lapsed since the incident
• No restitution was requested by the victim for damages incurred
• Mr. TILLER has started the process to have his conviction expunged
• Mr. TILLER was cooperative and honest with officers at scene
• Mr. TILLER was not taken into custody
• Mr. TILLER completed all of the court requirements

After considering the totality of the circumstances, Joseph Pishioneri moved that the Corrections Policy Committee recommend approval of Mr. TILLER’s application for training. Jeff Hernandez seconded the motion. The motion carried unanimously.

8. Staff Updates

Staci Yutzie reported:

The implementation of the new Parole and Probation academy program has begun. Staci said that in many ways the new program has exceeded their expectations but it also presented some challenges and unexpected outcomes. She said based on their observations they still see areas for improvement.

One of the goals for the new academy was to create an adult learning environment. The BPP classroom was dramatically different from previous BPP classes. From the first day of class the students worked together to solve problems, create materials, strategize to complete activities, conduct research and develop presentations.

Another goal of the new academy was to be more technology integrated through the use of student assigned iPads. At the beginning of the class, each student was issued an iPad preloaded with all of the resource material. While a few students were not initially comfortable with using the iPad, through the assistance of others they quickly became proficient in its use.

A third goal was to implement more reality based scenario training. In past classes, students received one day of training in the scenario village. With the new program students were given five days in the scenario village in what was called, Field Procedures Week. On multiple days, students were given on site instruction in field safety, tactics and the proper techniques for approaching a residence for a home visit. Students were able to collaborate on the best ways to approach a house and discussed the various safety issues involved. This
process was built on a crawl, walk, run format, allowing the students to learn in a progressive manner from discussion to full scenario.

Some students, who struggled with the new learning format and presented low scores in the first exam, were able to quickly adapt and bring their scores up, significantly. One student was dismissed for academic failure after quiz three and a second student was dismissed after for academic failure after the final exam.

One of the primary discoveries with the new learning environment was that, due to the interactive nature of the program, students were forced to engage with others. This allowed staff to see how each student interacted and identify some behaviors that were problematic. These observations contributed to two students being terminated by their agencies for behavioral problems discovered early in the program. While the loss of students is unfortunate, the positive feedback received from those who completed the new program speaks to its overall success.

Todd Anderson reported:

There is an increased need for the Basic Corrections Local course. Much of the need has been generated by hiring through sheriff’s offices throughout the state. One class was added in April but that did not meet the current needs so additional classes have been added and have filled up quickly. It appears this hiring trend will continue as the economy shifts and new budgets are approved.

Linsay Hale reported:

The law enforcement certification chart workgroup is meeting Wednesday, November 12.

The F-21, F-22 Supervisory and Mid Management forms have been updated recently to mirror what the CPE program is doing with the Supervisory and Mid Management objectives that are being taught at the academy. Officers currently in process using the older versions of the F-21/F-22 may finish the program with those forms however any one beginning the program now must use the new forms.

Linsay reminded everyone that the academic proficiency standards for new hires in the Corrections and Parole and Probation disciplines goes into effect beginning on January 1, 2015.

Eriks Gabliks reported:
DPSST has had its second visit with the Governor’s budget team on our request for continuing funding and possible budget enhancements as funds are available for the 2015-2017 biennium. DPSST has added a package for two positions for post academy mental health training. There has been an increase in legal and hearings costs so DPSST has requested funds for handling those cases. Additional funding has also been requested to add positions to the Center for Policing Excellence (CPE) so DPSST can implement the use of iPad technology in the other programs. This is only the beginning of the budget process. We won’t know exactly what will or will not be funded until the legislature retires in June or July.

Rick Angelozzi has asked for reappointment to the CPC. He is expected to be back at the next CPC meeting. Jeff Wood is leaving the CPC to focus on other areas and this meeting will be his last. Jeff’s participation on the committee has been appreciated and he will be missed.

Michael Gower reported:

A firm has been selected to administer the competency test and due to the number of local and out of state people signing up it appears there will be a good turnout. They are working with the firm to try to set up some better testing sites so people don’t have to drive so far in the future.

Michael also reminded everyone that the marijuana initiative was on the ballot for today’s election. He asked how the legalization of marijuana use will affect how the CPC handles cases involving substance use. Linsay Hale stated that for the purpose of certification and applications for training, DPSST looks at misconduct only. If marijuana is being used in a legal manner there would be no misconduct to review.

9. **Next Regularly Scheduled Meeting – February 10, 2015 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.