

Corrections Policy Committee Minutes February 19, 2008

The Corrections Policy Committee of the Board on Public Safety Standards and Training held a regular meeting on Tuesday, February 19, 2008 at 1:30 p.m. in the Boardroom at the Department of Public Safety Standards and Training located at 4190 Aumsville Hwy SE Salem, Oregon. Chair Todd Anderson called the meeting to order at 1:34 p.m.

Attendees:

Committee Members:

Todd Anderson, Oregon State Sheriffs' Association, Chair
Michael Gower, Department of Corrections Security Manager
Brian Belleque, Designee for Director of Department of Corrections
Mitchell Southwick, Oregon State Sheriffs' Association
Marie Tyler, Oregon Sheriff's Jail Command Council
Thomas Wright, DOC Bargaining Unit Representative
Scott Brewen, Department of Corrections Training Division Director
Shane Hagey, Oregon Assoc. of Community Corrections Directors
Raimond Adgers, Oregon Sheriff's Jail Command Council

Committee Members Absent:

Bryan Goodman, Non-Management Corrections Officer
Ida Rovers, Department of Corrections, Women's Correctional Facility

DPSST Staff:

Eriks Gabliks, Deputy Director
Cameron Campbell, Director of Academy Training
Carolyn Kendrick, Academy Training Administrative Assistant
Marilyn Lorange, Certification and Records Supervisor
Bonnie Salle, Certification Coordinator
Kristen Turley, Standards and Compliance Coordinator
Doug Burch, Curriculum Supervisor
Steve Winegar, Research and Development
Jan Myers, Academy Training Coordinator
Ryan Keck, Academy Training Coordinator



1. *Minutes (November 20, 2007)

Approve the minutes of the November 20, 2007 Corrections Policy Committee meeting.

See Appendix A for details.

Shane Hagey moved to approve the November 20, 2007 minutes. Marie Tyler seconded the motion. The motion carried unanimously by all voting

2. *Proposed Administrative Rule – OAR 259-008-0010

*Agenda item requires a vote by the Committee

Medical Waivers / Contested Case Process
Presented by Marilyn Lorange

See Appendix B for details.

ACTION ITEM #1: Determine whether to recommend filing the proposed language for OAR 259-008-0010 with the Secretary of State as a proposed rule.

ACTION ITEM #2: Determine whether to recommend filing the proposed language for OAR 259-008-0010 with the Secretary of State as a permanent rule if no comments are received.

Mitchell Southwick moved to recommend filing the proposed language for OAR 259-008-0010 with the Secretary of State as a proposed rule and as a permanent rule if no comments are received. Marie Tyler seconded the motion. The motion carried unanimously by all voting.

ACTION ITEM #3: Determine whether there is a significant fiscal impact on small business.

It is the consensus of the Committee that there is no fiscal impact on small business.

3. ***Proposed Administrative Rule – OAR 259-008-0045(5)**

Official College Transcripts
Presented by Marilyn Lorange

See Appendix C for details.

ACTION ITEM #1: Determine whether to recommend filing the proposed language for OAR 259-008-0045(5) with the Secretary of State as a proposed rule.

ACTION ITEM #2: Determine whether to recommend filing the proposed language for OAR 259-008-0045(5) with the Secretary of State as a permanent rule if no comments are received.

Marie Tyler moved to recommend the filing of the proposed language for OAR 259-008-0045(5) with the Secretary of State as a proposed rule and as a permanent rule if no comments are received. Thomas Wright seconded the motion. The motion carried unanimously by all voting.

ACTION ITEM #3: Determine whether there is a significant fiscal impact on small business.

It is the consensus of the Committee that there is no fiscal impact on small business.

4. ***Proposed Administrative Rule Change – OAR 259-008-0060(9)(d)**

Presented by Marilyn Lorange

See Appendix D for details.

ACTION ITEM #1: Determine whether to recommend filing the proposed language for OAR 259-008-0060(9)(d) with the Secretary of State as a proposed rule.

ACTION ITEM #2: Determine whether to recommend filing the proposed language for OAR 259-008-0060(9)(d) with the Secretary of State as a permanent rule if no comments are received.

After much discussion and clarification, Brian Belleque moved to recommend filing the proposed language for OAR 259-008-0060(9)(d) with the Secretary of State as a proposed rule and as a permanent rule if no comments are received. Mitchell Southwick seconded the motion. The motion carried unanimously by all voting.

ACTION ITEM #3: Determine whether there is a significant fiscal impact on small business.

It is the consensus of the Committee that there is no fiscal impact on small business.

5. **Convene in Executive Session**

Presented by Marilyn Lorance

*The Committee had no questions relating to the medical issue at hand and therefore **did not convene** in Executive Session.*

6. ***Kristy Price**

ACTION ITEM #1: Determine whether to recommend approval to the Board for a waiver of the depth perception standard for Kristy Price.

There were few clarifying questions which Staff answered to the satisfaction of the Committee.

Marie Tyler moved to recommend approval to the Board for a waiver of the depth perception standard for Kristy Price. Thomas Wright seconded the motion. The motion carried unanimously by all voting with Brian Belleque abstaining.

7. **ORPAT**

Follow-up discussion from November 20, 2007 meeting
Information presented by Steve Winegar

Staff apologized for the incomplete information compiled for the last Corrections Policy Committee meeting. Upon further research, the statutes allow DPSST to recommend and the Board to adopt reasonable standards relating to physical, emotional, intellectual and moral fitness standards for public safety personnel and instructors. In looking at ORPAT in the past, staff focused on the standards as set forth in equal employment opportunity standards. While that would be part of a reasonable analysis, there is more to be done in addition to that simple statistical calculation. For example, one of the things that need to be looked at is the individual's ability to perform those physical tasks at the academy. We also need to look at how those individuals manage to actually perform the job tasks as a correction officer prior to staff's being able to come back to the Committee with a good recommendation on an approach to looking at establishing some kind of an ORPAT standard for corrections.

Staff advised the Committee of future contact to acquire additional information and feedback on recent academy graduates that DPSST does have ORPAT times for to see how those graduates have been able to perform their job tasks.

8. Program Updates

a.) Doug Burch presented program updates on Parole and Probation.

See Appendix E for details

Staff stated that the Parole and Probation curriculum workgroup is moving forward and at this time we do not need to expand the course as adjustments are being made within the four week course.

b.) Corrections curriculum updates presented by Cameron Campbell.

The Basic Corrections curriculum needs to be updated and rewritten. Previous Committee members were part of a workgroup that is no longer meeting. A new workgroup needs to be created to identify key issues: those non-negotiable items, non-essential items that can be put on the table, and a strategy for moving forward. It is necessary to first look at the big picture and then work into the finite details. A determination of the core training, common to corrections officers (both county and Department of Corrections) across the state, needs to be made.

Some Committee members stated they would recruit for the workgroup at their in-house meetings and would have names by the middle of March.

With no further business before the Committee, the meeting adjourned at 2:21pm.

Appendix A

Corrections Policy Committee Minutes (Draft) November 20, 2007

The Corrections Policy Committee of the Board on Public Safety Standards and Training held a regular meeting on November 20, 2007 at the Oregon Public Safety Academy in Salem, Oregon. Chair Todd Anderson called the meeting to order at 1:41 p.m.

Attendees:

Committee Members:

Todd Anderson, Oregon State Sheriffs' Association, Chair
Troy Bowser, Department of Corrections Security Manager
Brian Belleque, Designee for Director of Department of Corrections
Bryan Goodman, Non-Management Corrections Officer
Marie Tyler, Oregon Sheriff's Jail Command Council
Thomas Wright, DOC Bargaining Unit Representative
Theresa Smith, Department of Corrections, Women's Correctional Facility

Committee Members Absent:

Mitchell Southwick, Oregon State Sheriffs' Association
Shane Hagey, Oregon Assoc. of Community Corrections Directors'
Chris Hoy, Oregon Sheriff's Jail Command Council
Krista Fegley, Department of Corrections Training Division Director

DPSST Staff:

Eriks Gabliks, Deputy Director
Marilyn Lorange, Certification and Records Supervisor
Bonnie Salle, Certification Coordinator
Steve Winegar, Research and Development
Lorraine Anglemier, Legal Services Coordinator
Tammera Hinshaw, Executive Assistant
Jan Myers, Academy Training Coordinator



9. Minutes (August 21, 2007)

Approve the minutes of the August 21, 2007 Corrections Policy Committee meeting.

Marie Tyler moved to approve the minutes from the August 21, 2007 Corrections Policy Committee meeting. Bryan Goodman seconded the motion. The motion carried unanimously by all present.

10. Proposed Administrative Rule Change – OAR 259-008-0070 and OAR 259-008-0010

Information presented by Marilyn Lorange.

See Appendix A for further details.

Brian Belleque and Todd Anderson commended the work group on their hard work and dedication.

Action Item 1: Determine whether to recommend filing the proposed language for OAR 259-008-0070 with the Secretary of State as a proposed rule.

Brian Belleque moved to recommend filing the proposed language for OAR 259-008-0070 with the Secretary of State as a proposed rule. Theresa Smith seconded the motion. The motion carried unanimously by all present.

Action Item 2: Determine whether to recommend filing the proposed language for OAR 259-008-0070 with the Secretary of State as a permanent rule if no comments are received.

Brian Belleque moved to recommend filing the proposed language for OAR 259-008-0070 with the Secretary of State as a permanent rule if no comments are received. Thomas Wright seconded the motion. The motion carried unanimously by all present.

Action Item 3: Determine whether there is a significant fiscal impact on small business.

It is the consensus of the Committee that there is no fiscal impact on small business.

11. Proposed Administrative Rule Change – OAR 259-008-0010

Moral Fitness

Information presented by Marilyn Lorange.

See Appendix B for further details.

Bryan Goodman inquired if this rule applies to non-represented staff as well as management? Staff assured the Committee that this process is fair and unbiased. DPSST staff reviews complaints and seeks content from a large variety of sources, regardless of union representation. Approximately 20% of all the denial/revocation cases are of supervisors and above. The content of each case is researched equally regardless of the rank the person holds. The Board and Committees have moved to revoke many certifications of managers as well as union represented staff.

Action Item 1: Determine whether to recommend filing the proposed language for OAR 259-008-0010 with the Secretary of State as a proposed rule.

Action Item 2: Determine whether to recommend filing the proposed language for OAR 259-008-0010 with the Secretary of State as a permanent rule if no comments are received.

Thomas Wright moved to recommend filing the proposed language for OAR 259-008-0010 with the Secretary of State as a proposed rule and as a permanent rule if no comments are received. Marie Tyler seconded the motion. The motion carried unanimously by all present.

Action Item 3: Determine whether there is a significant fiscal impact on small business.

It is the consensus of the Committee that there is no fiscal impact on small business.

12. Proposed Administrative Rule Change – OAR 259-008-0070(5)

Information presented by Marilyn Lorange on behalf of Board Chair, Harold Burke-Sivers.

See Appendix C for further details.

Staff clarified that the Department does not move forward, after notification of intent is issued, on a professional fitness case until after arbitration has occurred.

Action Item 1: Determine whether to recommend filing the proposed language for OAR 259-008-0070(5) with the Secretary of State as a proposed rule.

Action Item 2: Determine whether to recommend filing the proposed language for OAR 259-008-0070(5) with the Secretary of State as a permanent rule if no comments are received.

Marie Tyler moved to recommend filing the proposed language for OAR 259-008-0070(5) with the Secretary of State as a proposed rule and as a permanent rule if no comments are received. Brian Belleque seconded the motion. The motion carried unanimously by all present.

Action Item 3: Determine whether there is a significant fiscal impact on small business.

It is the consensus of the Committee that there is no fiscal impact on small business.

13. Proposed Administrative Rule Change – OAR 259-008-0060(17)

Multi-Discipline Recall

Information presented by Bonnie Salle.

See Appendix D for further details.

Action Item 1: Determine whether to recommend filing the proposed language for OAR 259-008-0060(17) with the Secretary of State as a proposed rule.

Action Item 2: Determine whether to recommend filing the proposed language for OAR 259-008-0060(17) with the Secretary of State as a permanent rule if no comments are received.

Brian Belleque moved to recommend filing the proposed language for OAR 259-008-0060(17) with the Secretary of State as a proposed rule and as a permanent rule if no comments are received. Marie Tyler seconded the motion. The motion carried unanimously by all present.

Action Item 3: Determine whether there is a significant fiscal impact on small business.

It is the consensus of the Committee that there is no fiscal impact on small business.

14. *Proposed Rule – OAR 259-008-0200

Civil Penalties

Information presented by Bonnie Salle.

See Appendix E for further details.

Staff clarified for the Committee that civil penalties would not be imposed unless there is no compliance by the agency after numerous attempts of notification of non-compliance.

Action Item 1: Determine whether to recommend filing the proposed language for OAR 259-008-0200 with the Secretary of State as a proposed rule.

Action Item 2: Determine whether to recommend filing the proposed language for OAR 259-008-0200 with the Secretary of State as a permanent rule if no comments are received.

Brian Belleque moved to recommend filing the proposed language for OAR 259-008-0200 with the Secretary of State as a proposed rule and as a permanent rule if no comments are received. Marie Tyler seconded the motion. The motion carried unanimously by all present.

Action Item 3: Determine whether there is a significant fiscal impact on small business.

It is the consensus of the Committee that there is no fiscal impact on small business.

15. ORPAT for Corrections

Information presented by Eriks Gabliks and Steve Winegar.

Eriks Gabliks apologized to the Committee for the erroneous information disseminated at the last policy committee meeting. Steve Winegar has compiled the correct information for review and discussion.

See Appendix F for further details.

Staff inquired what can be provided to the Committee to make it easier for discussion/decision on this matter. Todd Anderson suggested a paper with “talking points” showing how the Committee is moving forward on this subject from one meeting to the next. Marie Tyler complimented Steve Winegar on the compilation of information.

Discussion will still need to take place about the time required to pass ORPAT for DOC vs. Non-DOC employees. Staff pointed out that the difference in time, as stated in the provided materials, is only about 30 seconds. This is primarily noticed in the gender and age groups.

With no further business before the Committee, Brian Belleque moved to adjourn the meeting. Marie Tyler seconded the motion. The motion carried unanimously by all present and the meeting adjourned at 2:52 p.m.

Appendix B

Date: January 22, 2008

To: Corrections Policy Committee

From: Bonnie Sallé

Subject: Oregon Administrative Rule – Proposed Rule
259-008-0010 - Medical Waivers / Contested Case Process

Issue 1: The Portland Police Bureau requested a contested case hearing after the Board denied its request for a physical waiver of the medical requirements for Police Officers Hebert, Stanton and Kuemper. The Board has the authority to grant or deny a medical waiver. However, the Department does not currently have a process outlined in rule to initiate a contested case hearing notice and process without Board approval.

On October 25, 2007, the Board approved staff's proposal to file a temporary rule to authorize the Department to conduct the contested hearing processes after the Board denied a waiver of the physical requirements for Police Officers Hebert, Stanton and Kuemper.

A temporary rule is in effect for a period of six (6) months from the date of filing. Approval to file a temporary rule allows the respective Policy Committees time to present a proposed permanent rule to the Board. If the Board approves the proposed permanent rule, the proposed rule will be filed with the Secretary of State and open for comment. If no comments are received the Department will file the rule as permanent.

The current temporary rule expires April 18, 2008. .

The following revised language contains recommended deletions (~~striketrough text~~) and additions (**bold and underlined text**). For ease of reading, only the relevant proposed text is provided.

259-008-0010(8)

* * *

(n) The Board may waive any physical requirement where, in its judgment, the waiver would not be detrimental to the performance of an officer's duties, including the protection of the public and the safety of co-workers. The applicant may be required to demonstrate the ability to perform the essential functions of the job.

(o) A person or department head requesting a waiver of any physical requirement set forth in section (8) of this rule shall submit the request to the Department in writing, accompanied by supporting documents or pertinent testimony which would justify the action requested. The supporting documents must include information pertinent to the waiver request. The Board or Department may require additional documentation or testimony by the person or department head requesting the waiver if clarification is needed. Any expense associated with providing documentation or testimony will be borne by the person requesting the waiver or the requesting agency. If the person requesting the waiver does not obtain employment within one (1) year from the date a waiver is granted, the waiver will be considered void.

(A) If the Board grants a waiver, it will be recorded on the certification and any subsequent certification unless removed by the Board upon proof that the condition prompting the waiver no longer exists.

(B) If the Board denies a request for a waiver of any physical requirement set forth in section (8) of this rule, the Department will issue Notice and proceed as provided in section (9) of this rule.

(9) Contested Case Hearing Process for denial of waiver.

(a) Initiation of Proceedings: Upon determination that the reason for denial of a waiver is supported by factual data meeting the statutory and administrative rule requirements, a contested case notice will be prepared.

(b) Contested Case Notice: The "Contested Case Notice" will be prepared in accordance with the Attorney General's Model Rules of Procedure adopted under OAR 259-005-0015. The Department will have a copy of the notice served on the public safety professional or individual.

(c) Response Time: A party who has been served with a "Contested Case Notice" has 60 days from the date of mailing or personal service of the notice in which to file with the Department a written request for a hearing.

(d) Default Order: If a timely request for a hearing is not received, the Contested Case Notice will become a final order denying the requested waiver.

(e) Hearing Request: When a request for a hearing is received in a timely manner, the Department will refer the matter to the Office of Administrative Hearings.

(f) Proposed Order: The assigned Administrative Law Judge will prepare Findings of Fact, Conclusions of Law and Proposed Final Order and serve a copy on the Department and on each party.

(g) Exceptions and Arguments: A party must file specific written exceptions and arguments with the Department no later than 14 days from date of service of the Findings of Fact, Conclusions of Law, and Proposed Final Order.

(A) The Department may extend the time within which the exceptions and arguments must be filed upon a showing of good cause.

(B) When the exceptions and arguments are filed, the party making the exceptions and arguments must serve a copy on all parties of record in the case and provide the Department with proof of service. A failure to serve copies and provide proof of service will invalidate the filing of exceptions and arguments as being untimely, and the Department may disregard the filing in making a final determination of the case.

(h) Final Order: The Department will issue a final order if a public safety professional or individual fails to file exceptions and arguments in a timely manner.

Appendix C

Date: January 22, 2008
To: Corrections Policy Committee
From: Bonnie Sallé
Rules Coordinator
Subject: OAR 259-008-0045(5) – Proposed Rule
Official College transcripts

Issue:

The Department has historically accepted certified true copies of college transcripts. However, it is often extremely difficult to decipher copies of transcripts that are faxed or mailed to the Department, due to the type of paper utilized for copies and the copy mediums (*see attached samples*). Staff is recommending a change to the current rule to require individuals requesting college credit for upper levels of certification to submit official transcripts directly to the Department.

The following revised language for OAR 259-008-0045(5) contains recommended deletions (~~striketrough text~~). For ease of review, only the recommended new language has been included.

259-008-0045

College Education Credits

(5) Certification Credit. The Department must receive sealed official transcripts from a college or ~~a certified true copy of official transcripts~~ prior to entering college credit on an applicant's official record. Evaluation of these credits is subject to the conditions prescribed in sections (3) and (4) of this rule and OAR 259-008-0060.

Appendix D

DATE: January 22, 2008

TO: Corrections Policy Committee

FROM: Marilyn Lorance
Standards & Certification Program Supervisor

SUBJECT: Proposed Changes to OAR 259-008-0060(9)(d)

Background:

Since approximately 2004, DPSST has been adding “Instructed” hours to officer training records when instructors are identified on F-6 Attendance Rosters. In addition, current DPSST rules provide for instructors to receive “passed” credit once each year for each course that they instruct. This provision has been included in the agency’s administrative rules since at least 1984, and has remained unchanged since that time.

Issue:

DPSST has identified two concerns with continuing this traditional practice.

1. As we worked with constituents to develop the current standardized course list, and to walk through the first maintenance training period for police officers, a number of constituents expressed concern with giving “passed” credit to instructors for instructional hours. It is quite possible for some training officers to meet all maintenance training requirements simply by instructing sufficient hours, without ever participating in training themselves. Many constituents have stated that training attended and training instructed should not be considered interchangeable. Some noted that it is critical for public safety trainers/instructors to attend sufficient training to ensure that the knowledge and skills they pass on are at the level they should be.
2. We were able to implement the provisions of the current rule with our current database system using a “band-aid” approach that required significant “work-around” processes. These processes are not fool-proof; in fact, problems related to these “work-arounds” contributed to the delays in sending out the initial and final 2006 police maintenance deficiency reports to agencies.

We are currently preparing to migrate all officer records to the same Internet-based program we acquired to manage venue scheduling and training at the Academy. We can continue to track “instructed” as well as “passed” hours in our new system, as we do in our current system. However, vendors and staff are both concerned about transferring technology problems and “work-arounds,” associated with granting both “instructed” and “passed” credit for the same classes, into the new system, unless there is a substantive business need to do so.

Request:

DPSST staff requests discussion and recommendation by Committee members regarding whether individuals should continue to receive “passed” credit for courses that they instruct. The change proposed in the attached rule language would remove this option from our administrative rules.

Appendix E

DATE: Tuesday, December 02, 2008

TO: Eriks Gabliks
Deputy Director

FROM: Doug Burch
Curriculum Supervisor

SUBJECT: Parole and Probation Program Update

Lt. Fulton brought a wealth of knowledge and experience from the field of Parole and Probation two years ago. Lt. Fulton has coordinated the Parole and Probation classes and she has worked closely with the Parole and Probation Curriculum Committee, to work through a comprehensive evaluation and update process. Her work with Oregon Association Community Corrections Directors (OACCD) and the Parole and Probation Curriculum Committee has been very productive.

Numerous updates have been made to the Parole and Probation program. Recently, changes have been made to focus on evidence-based practices. The Parole and Probation Curriculum Committee, with subject matter experts, rearranged and developed twenty-six hours of evidence-based practices. These twenty-six hours include the class **What Works**. This class reviews what we know; official punishment without treatment does not work and that inappropriate treatment does not work. However, research proves that appropriate treatment does work to change criminal behavior.

The way Parole and Probation Officers (PPOs) approach a client is a foundational part to good treatment. The building blocks continue with the next class, **Understanding Resistance to Change**. The goal of this class is to teach PPOs how to approach an offender. This has a great deal to do with how successful PPOs are in gaining cooperation and motivating permanent change. It is important to know what “approach” will increase the odds of meeting the objectives of permanent change.

The classes continue to build from knowing what works through understanding resistance to change. These classes look at the problem of change from the offender’s point of view. Then the class **Enhancing Motivation** changes the focus to an evidence-based response of PPOs. Motivational Interviewing (MI) is an evidence-based tool to work through resistance to change.

Basic Parole and Probation Class 59 (BPP59) is currently attending the Academy. BPP59 is receiving the curriculum with these changes. Some excerpts from the students of BPP59 who have attended the first three classes:

- We need to break these trainings on MI, cognitive interventions, and resistance up into hands-on experience.
- This material must be practiced, role played, and incorporated into office type situations. I am not saying that the theory shouldn't be taught –just we need a break between the material and the experiential parts of it. Maybe some fun quizzes, team competitions, small group exercises, more role-modeling in front of the class by instructors, etc.

Anticipating these comments, the curriculum included two classes called **Guided Practice** and **Role Play**. These were designed to build in practice time for the techniques being taught.

Following these classes, students from BPP59 said:

- I definitely feel more comfortable with MI after this lab; the activities were fun, instructive, and beneficial. Plus, I had a good group to work with.
- I enjoy this class because it is interactive and practical. It allows us to practice MI and reflective listening. Great class.

After the practice, the curriculum continues to build with a class on **Cognitive Behavioral Interventions**. This class focuses on identifying the four elements in the cognitive/behavioral intervention process: beliefs, attitudes, perceptions, and behaviors. These elements are a launch pad for the currently accepted, most effective strategy to promote change in the criminal personality.

The Basic Parole & Probation program has also seen a number of positive changes not directly related to curriculum. In the fall of 2006, as a result of extensive cooperation between DPSST and DOC, the Corrections Information System was installed here. A DOC400 training module is now used by the basic students to practice data entry and the management of cases. In October 2007, there was a successful integration of Basic Parole & Probation students with Basic Police students in a scenario-based training. Finally, the schedule for the basic class has been rearranged to allow for a “building block” approach to accommodate adult learning strategies.

These changes and the implementation plan are a demonstration of the partnership between DPSST and public safety professionals in the State of Oregon. We work in partnership to provide the most current, up to date, and professional training to the basic students who attend the Academy.