



## **Opposition to HB 2235**

### **DPSST Certified Training for ODOC**

In 1983 AFSCME Council 75 began a 6 year struggle to require certified training through the DPSST. We lost that battle in the 1983 Session of the Oregon Legislature. We renewed that battle in 1985 and again in 1987 only to fail each time. Finally in the 1989 Session of the legislature everything came together and HB 2216 passed both chambers unanimously. This victory came with a steep price tag but finally Oregon entered the modern age determining that a well trained workforce would provide the Department, Stability; Professionalism; Internal and External Safety for the inmates, staff and the communities in which our prisons are located. Security staff gave up easy to pass, hit and miss, when we can, training for more rigorous physical, mental and personal training, standards and requirements that impact their professional and personal lives. Gone were the days when an infraction on personal time was ignored by the department. DPSST became the standard bearer for what was appropriate behavior both on and off the job.

For 20 years, 1989 until 2009 ODOC lived with those requirements. In the 2009 Legislature the requirement for all security staff to attend the Academy switched back to being under the control and purview of the Department. From the Unions perspective this was about budgets and deficits. This was about two agencies that did not always see eye to eye on the training needs for the employees at ODOC. This was not about what was good for the men and women working on the front lines.

Only one requirement remained in place. DPSST must review, approve and document that the trainings are occurring and that it meets or exceeds DPSST standards. While we were disappointed over the change and did everything we could to stop the effort, we finally agreed to work with the Department and DPSST to make sure that training standards are maintained. The only reason we reluctantly agreed to work with the Department and DPSST was because of the on-going oversight by DPSST and because of the 2014 Sunset. We believe that the sunset protects the rights of current and future staff to go back to the Academy if any changes occur which might jeopardize DPSST certification requirements under the law.

This was not a change we liked, supported or endorsed. It is a change we were forced to accept because of the budgetary needs of the ODOC and other agencies. We fought this battle alone in 1983 and again in 2009. It seems we may be again.

HB 2235 eliminates the sunset provisions that we fought hard for in the 2009 Legislative Session. We will not be neutral on this bill as written. We will actively oppose it. We will not stand by and allow the ODOC to have absolute control over the training of the men and women working in the prison system, without the oversight and continued monitoring by the DPSST. Our opposition will be vocal for many reasons beyond just the safety of inmates, staff and communities.

It is our opinion that this bill opens the door for the state and the ODOC to face "duty to train" lawsuits, by inmates and staff if and when injuries occur. We believe that without outside over-site the possibility of reverting to the old system of doing what is easy, cheap and convenient will replace the rigid standards under DPSST which could place the ODOC in legal jeopardy. \*\*

Our collective bargaining agreement and salary schedules with the state of Oregon and the ODOC are linked to the certification standards set by DPSST. HB 2235 may undermine those agreements; of course we would oppose the bill just based on those issues alone. Additionally, we simply cannot not agree to less than a full training program over seen and monitored by DPSST.

We want to assure the Committee and the ODOC management staff that this is not about the current administration, training personnel or their commitment to the security and safety of our institutions. It is about who replaces them, who follows behind. It is about future legislatures and future budgets where training has always been easy to cut and safety is assumed instead of demanded.

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We urge the Committee to defeat this legislation as drafted and instead keep the sunset law in place. If you must extend the sunset for a longer period we would support a 4 year sunset in place of the current 2 years. However, eliminating the sunset completely seems like just a bad idea that we will oppose.

Thank you  
Mary Botkin  
Oregon AFSCME

**\*\* The decision to eliminate training programs or reduce the amount of training, based upon the lack of reimbursement or funding sources, would most likely be viewed, by a court, as deliberate indifference to the rights of others.**

*Davis v. Mason County*, 927 F.2d 1473 (9th Cir. 1991)

In sum, your duty to provide training for peace officers is not, in any way, mitigated by the lack of funds to reimburse your department for (the cost) of such training. (*Emphasis added*)

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