

**SENATE SPECIAL COMMITTEE ON BUDGET – 2005 SESSION
PUBLIC SAFETY SUBCOMMITTEE**

TAPE LOG

**Date: June 7, 2005
Tapes: 4B, 5B, 6A, 7A**

This tape log summarizes committee proceedings. For complete content and intent, please refer to tapes.

| Tape / Counter | Speaker | Comments |
|--|--|---|
| Members Present: Senator Devlin, Winters, Chair Gordly | | |
| Visiting Members: Senators Carter, Shields, Burdick, Walker | | |
| Members Excused: | | |
| TAPE 4B | | |
| 003 | Chair Gordly | Calls the meeting to order at 1:00 p.m. Informs that it is an information meeting from the Oregon Youth Authority. Invites Bob Jester and Phil Lemman and Rod Brown forward. (Exhibit #1, Memorandum from Sheila Baker). |
| 012 | Bob Jester | Asks Julie McFarlane to also join them. |
| 014 | Chair Gordly | Invites her forward. Explains where she wants them to begin. |
| 030 | Bob Jester | Indicates that he has a copy of the letter he sent to her in front of him which is dated May 31, 2005. Reads the letter into the record regarding Michael Boyles. |
| 073 | Chair Gordly | Thanks him for making the correspondence a part of the record. Refers to (Exhibit #2, External Review of the Oregon Youth Authority, dated June 1, 2005) . Asks them to explain what has been done in their preliminary work. Invites Sen. Carter and Sen. Shields forward. |
| 106 | Rod Brown, President and Chief Executive Officer of Public Safety Liability Management, Inc. | Indicates that he is the chair of the Youth Safety Abuse and Prevention Review Committee. Discusses the early recommendations that they have focused on. Indicates that the first and foremost concern of the committee is the protection of youth. (Exhibit #3, Oregon Youth Authority Youth Safety and Abuse Prevention Review Committee). |
| 175 | Sen. Carter | Discusses her concern regarding the makeup of the review committee noting that it doesn't include a foster parent. Encourages them to think about that piece. |
| 187 | Rod Brown | Thanks Sen. Carter for her comments. |
| 192 | Chair Gordly | Asks Ms. McFarlane to change places with Mr. Jester. |
| 199 | Julie McFarlane, Supervising Attorney, Juvenile Rights Project, Inc. | Indicates that she is a foster parent. Discusses her background with Oregon Youth Authority. |
| 222 | Chair Gordly | Refers to page 4 in Exhibit #2 to the Provisional Recommendations. |
| 229 | Rod Brown | Discusses their first recommendation which is the development of an improved hiring practice. Explains that they question how a person like Michael Boyle was able to get into his position with the OYA. Comments on DHS' hiring practices which was in place prior to the Oregon Youth Authorities existence. |
| 310 | Chair Gordly | Notes that Sen. Devlin has a question. |
| 312 | Sen. Devlin | Asks if the committee looked at differences in terms of selection, |

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| | | etc. Questions to what extent the committee looked at those differences. |
| 323 | Rod Brown | Responds regarding the process for employees which are similar across the board. Explains that foster parents are a different process. |
| 339 | Julie McFarlane | Indicates that they aren't specifically focusing on institutional staff. |
| 349 | Sen. Devlin | Clarifies that they are specifically looking at that area. Notes that there have been cases of questionable conduct in institutional settings. |
| 360 | Julie McFarlane | Agrees he is correct. |
| 366 | Chair Gordly | Discusses the language on page 4 in Exhibit #2 titled Provisional Recommendations noting that there were several stages of breakdown in the processes of the Children's Services Division and then on to the Oregon Youth Authority. |
| 388 | Rod Brown | Agrees she is correct. |
| 393 | Sen. Carter | Refers to Exhibit #2 on page 1, #4 titled "Early Warning Systems" and questions what happens in this area. |
| 410 | Rod Brown | Responds that the Early Warning System takes several different forms and then elaborates. |
| 435 | Sen. Carter | Asks if all supervisors are mandated reporters. |
| 438 | Rod Brown | Responds yes. |
| 439 | Sen. Carter | Questions what happens when mandated reporters don't go to the next step. |
| TAPE 5B | | |
| 002 | Rod Brown | Defers to Deputy Lemman. |
| 004 | Chair Gordly | Explains what Sen. Carter is trying to get find out will come out in #2 on page 5. |
| 007 | Sen. Carter | Agrees she doesn't mind waiting for his response. |
| 010 | Rod Brown | Discusses the second recommendation which is increasing training for the Oregon Youth Authority to enhance the knowledge, skills, and abilities and measure comprehension of entry level, supervisory personnel and above. |
| 034 | Chair Gordly | Clarifies that he is saying that the current training is inadequate. |
| 035 | Rod Brown | Agrees |
| 038 | Chair Gordly | Refers to page 6 of Exhibit #2 and discusses the suitable training. |
| 042 | Rod Brown | Agrees. |
| 043 | Chair Gordly | Asks if that was a factor in how Mr. Boyles was supervised. |
| 045 | Rod Brown | Indicates he hasn't reviewed the training of the supervisor of Mr. Boyles so he is unable to comment for sure at this time. Indicates it is not an uncommon practice in most governmental agencies and then elaborates. |
| 060 | Sen. Burdick | Comments on one of her concerns which is grooming behavior. Indicates she doesn't see any training regarding recognizing this type of behavior in the report before her. |
| 072 | Rod Brown | Responds that they are looking at that issue closely. |

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| 095 | Sen. Burdick | Believes it would also be helpful to have a neutral clearing house where someone could go and have the full attention of someone. Asks if there has been any discussion along those lines. |
| 107 | Rod Brown | Indicates he will address that in items 3 and 4. |
| 114 | Rod Brown | Moves to the third recommendation which is a creation of an office within the Oregon Youth Authority whose responsibility it is to receive and investigate all complaints against the agency or any employee of the agency. |
| 146 | Chair Gordly | Asks in the aftermath of the Boyles' case what were their early findings regarding a system of reporting. Questions what is currently in place now? |
| 151 | Rod Brown | Responds that the policy for mandatory reporting is in place and is a good policy. Believes the process, understanding and recognition of what was going on may have been lacking. |
| 187 | Sen. Burdick | Comments on the training and reporting and asks if there was any discussion to extending any of the training and reporting access and processes to the youth themselves. Wonders whether youth have been trained themselves and told what is appropriate and what is not appropriate. |
| 204 | Julie McFarlane | Explains that they did look at standards for training and they didn't feel they were at the point yet to make specific recommendations. |
| 211 | Sen. Burdick | Asks of employees. |
| 212 | Julie McFarlane | Responds yes. Comments on the training that youth receive in the training schools. |
| 228 | Chair Gordly | Acknowledges that Sen. Carter has a question. |
| 230 | Sen. Carter | Explains that her foster parents have explained to her that the young men were too afraid to speak and then elaborates. Asks how they address that. |
| 252 | Rod Brown | Responds that it is a portion of the training and comments on holding individuals accountable. |
| 275 | Sen. Carter | Clarifies how they are training and discusses the red flags. Believes a system of government shielded this guy for 10 years. Asks how they make sure the system responds in time. |
| 288 | Rod Brown | Responds that he believes that the investigatory process of complaints needs to be transparent, open and aggressive but not being head hunters but being fair and just in their actions. Believes every complaint made should be looked at to confirm the validity of the complaint. |
| 317 | Chair Gordly | Refers to page 6, item 3 in Exhibit 2 and comments on things that fall through the cracks. Discusses conducting an internal investigation and reads a portion of Exhibit 2 into the record. Asks what his take is on what is currently in place. |
| 345 | Rod Brown | Responds that there has been an incredible amount of forward progress made since Mr. Jester has taken his position. |
| 366 | Julie McFarlane | Adds that the agency has gone forward with the mandatory abuse training and then elaborates. Believes this case will be a learning case. |
| 394 | Chair Gordly | Asks them to continue. |

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| 398 | Rod Brown | Comments on recommendation #4 which is to create an office of Ombudsman external to the Oregon Youth Authority that provides additional avenues of access for complaints and serves as an "Inspector General" or "Auditor" to assess the handling and resolution of complaints. |
| TAPE 6A | | |
| 019 | Rod Brown | Comments on making an internal complaint and discusses the role of the Ombudsman office. Indicates that exist interviews are being done by OYA and are being increased. |
| 029 | Chair Gordly | Notes that they are reporting directly to the Governor. |
| 031 | Rod Brown | Agrees. |
| 033 | Chair Gordly | Asks for any additional questions. |
| 035 | Rod Brown | Moves to recommendation #5, Policy Review. Indicates that many of their policies are reactive in nature. Informs that they recommend a thorough review of the organizations policies. |
| 059 | Chair Gordly | Observes that OYA is an agency organization that has a decade of experience and expresses concern that they are still developing their policy manual. Believes that it is deeply troubling. |
| 080 | Rod Brown | Comments that it is rather common in governments. Indicates that OYA does have a substantial and thorough set of policies. |
| 103 | Chair Gordly | Indicates that she has some recommendations for how they should move forward. |
| 109 | Sen. Walker | States she is stunned to learn that they don't have a policy manual. |
| 114 | Chair Gordly | Indicates that it is inaccurate to say that there is no policy manual but they are speaking about the quality of the manual. |
| 119 | Rod Brown | Notes that OYA does have a policy manual but they believe that there needs to be modifications to the manual. |
| 125 | Sen. Walker | Comments on the need of a policy manual. Asks how often they found that they were reviewing the policy manual. |
| 136 | Rod Brown | Comments on a full time staff person who is the policy writer. |
| 145 | Sen. Walker | Asks if there are other members on the committee that have that experience to draw from. |
| 149 | Rod Brown | Indicates that the recommendations that they will make will be sufficient for the director and deputy director to obtain assistance. |
| 157 | Chair Gordly | Notes the time remaining today for the meeting. |
| 170 | Sen. Burdick | Discusses their description of the two cultures. Believes that it is an area where they take that issue head on in their policy manual. |
| 178 | Rod Brown | Believes that it is being addressed somewhat and then elaborates. |
| 192 | Chair Gordly | Asks Sen. Burdick if she is ready to move on. Acknowledges that Sen. Winters has also arrived. |
| 207 | Sen. Winters | Apologizes for being late. Notes that she met with OYA yesterday. Hopes that the transparency doesn't stop here. Comments on the office of the Ombudsman and the importance of that office. Indicates that she supports the recommendation. |
| 259 | Chair Gordly | Thanks Sen. Winters for her comments. |

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| 261 | Sen. Winter | Thanks the agency and the director for their open conversation. Knows how difficult transparency can be. |
| 283 | Chair Gordly | Joins Sen. Winters in her comments. Discusses her four suggested next steps for the agency. <ul style="list-style-type: none">• Asks that they price the preliminary recommendations that have a fiscal impact.• Requests from the co-chairs that they consider a budget note for the agency to report to the interim Judicial Committee and the E-Board with the final report and implementation plan.• Asks the agency to send a final report to Legislative leadership to budget committee and Judiciary committee members which would allow for follow-up that would need to occur.• Notes that if there are continuing concerns regarding the reviewing that is currently underway and that there may be an opportunity to ask the Governor's office for another independent report. Wants to leave that possibility open. |
| 352 | Sen. Carter | Comments about the employees who were in cahoots and wants Mr. Jester to get rid of other people who were knowingly a part of the negligent act. |
| 367 | Chair Gordly | Thanks Sen. Carter for her comments. |
| 372 | Sen. Winters | Comments on the results of the independent review. |
| 403 | Sen. Carter | Indicates that she would like to look at other case workers to see if the certification standards will be in keeping with the standards mentioned here today. |
| 411 | Chair Gordly | Thanks Ms. Baker for her preparation for this meeting. Asks for any closing comments. |
| 419 | Rod Brown | Indicates that when they began looking at some of the issues around this situation it seemed to be almost overwhelming amount of information that they had to review and then elaborates. |
| TAPE 7A | | |
| 003 | Julie McFarlane | Appreciates the committee's commitment to this issue. |
| 010 | Sen. Walker | Comments on mandatory reporting and reiterates that they had a similar discussion in the Judiciary committee. |
| 020 | Julie McFarlane | Agrees and believes it is a difficult task that they have which is to look at the interaction of these reports. |
| 027 | Chair Gordly | Thanks the presenters for their service and they appreciate their efforts. Adjourns at 2:30 p.m. |