

Corrections Policy Committee Minutes

November 7, 2023

The Corrections Policy Committee of the Board on Public Safety Standards and Training held a regular meeting on November 7, 2023, at the Oregon Public Safety Academy in Salem, Oregon. Chair, Matthew English called the meeting to order at 10:00 a.m.

Committee Members:

Matthew English, Chair, Oregon State Sheriff's Association
Carol Dishion, Vice Chair, DOC, AFSCME
Jay Bergman, Oregon Association of Community Corrections Directors (Webex)
Mark Boren, Public Member
Margeux Bowden, DOC, Non-Management Corrections
Jennifer Cameron, Non-Management Parole & Probation
Lee Eby, Oregon Sheriff's Jail Command Council (Webex)
John Frost, DOC, Non-Management Corrections (Webex)
Ted Langley, Oregon Sheriff's Jail Command Council
Brian Stephen, Oregon Dept. of Corrections Designee for Heidi Steward, Acting Director
John Taber, DOC Training Division (Webex)
Brian Pixley, Oregon State Sheriff's Association (Webex)
Taj Shivers, Non-Management Department of Corrections (Webex)
Erin Reyes, DOC Superintendent

Committee Members Absent:

Vacant, Non-Management Corrections

Guests:

None

DPSST Staff:

Brian Henson, Deputy Director
Marsha Morin, Standards and Certification Program Manager
Melissa Lang-Bacho, Professional Standards Compliance Coordinator
Jennifer Levario, Professional Standards Compliance Coordinator
Cindy Park, Professional Standards Compliance Coordinator
Jennifer Howald, Administrative Rules Coordinator
Erica Riddell, Criminal Justice Office Specialist
Shelby Wright, Executive Support Specialist
Sam Tenney, Public Information Officer
Julie Collinson, Assistant Dean with the Center for Policing Excellence
Kristy Hess, Training Coordinator with the Center for Policing Excellence



1. Introductions

Introductions of members, guests and staff.

2. **Approve August 8, 2023 Meeting Minutes**

Mark Boren moved to approve the minutes from the August 8, 2023, Corrections Policy Committee meeting. Brian Stephen seconded the motion. The motion passed unanimously.

3. **Administrative Closure Consent Agenda**

Presented by Melissa Lang-Bacho, Professional Standards Compliance Coordinator

The Department presented recommendations to administratively close the following professional standards cases to the Corrections Policy Committee.

a) **Hammock, Jeremy (60658) Corrections**

Upon request for records from Hammock's separation, the Department was notified there was no investigation involved in Hammock's removal from trial service. The Department lacks jurisdiction to review the case.

b) **Hawkins, Jeremy (51610) Corrections**

Hawkins' termination from the DOC was a just cause termination after findings that he was untruthful and failed to take accountability for his actions. He grieved his termination via arbitration, and an arbitrator did not find a preponderance of the evidence to show Hawkins was untruthful and Hawkins was returned employment and later voluntarily resigned. Although the arbitration did find that Hawkins violated policy, the Department viewed these violations as performance based rather than moral fitness issues.

c) **Jacoby, Jacob (48300) Corrections**

Jacoby's resignation from DOC on March 7, 2022, came during an active or pending investigation into allegations of misconduct. On July 13, 2023, the Department was notified that Jacoby had passed away on February 4, 2023.

Brian Pixley moved to approve the Administrative Closure Consent Agenda recommendations made by the Department. Carol Dishion seconded the motion. The motion passed unanimously.

4. **Alberts, Nicholas (58569) Certification Review: Corrections**

On May 19, 2022, Nicholas Alberts resigned from his position with the Multnomah County Sheriff's Office (MCSO) during an investigation into his use of force and truthfulness in reporting an incident at the jail that occurred on April 6, 2021.

Within the investigation conducted by the MCSO, the Department also identified information that was not an issue investigated in his separation but would lead a reasonable person to conclude that Alberts violated the Board's standards for discrimination. The Department found that Alberts was discriminatory when he intentionally misgendered an Adult in Custody (AIC) who is transgender in his use of force report.

This case was pulled from the agenda at the request of the Committee Chair for further review.

5. **Duff, Jeremy (61064) Certification Review: Corrections**

Presented by Melissa Lang-Bacho, Professional Standards Compliance Coordinator

Reason for Discretionary Review

A professional standards case was opened in September 2022 after the Department received an automated notification Jeremy Duff had been booked and fingerprinted for *Driving Under the Influence of Intoxicants (DUII)* on March 21, 2021. Duff's diversion agreement was terminated, and he was convicted of *DUII* on March 31, 2023.

Duff was also arrested and issued a criminal citation for *Assault in the Fourth Degree*, a misdemeanor, on November 5, 2022, after assaulting a man at a bar. Duff was later indicted for *Assault in the Second Degree*, a felony, on March 7, 2023, for the conduct occurring on November 5, 2022. On June 15, 2023, Duff entered a plea of guilt for *Assault in the Fourth Degree* (a lesser included charge), a misdemeanor, and was convicted on June 16, 2023.

Following the committee recommendation, the Department was notified that Duff had been terminated in September after the Department notified the agency of his pending case review by the committee. Duff's termination had not been reported to the Department. Duff did not obtain certification prior to his termination and is now no longer employed in public safety. In these circumstances, the Department is required to defer the completion of the process until Duff is re-hired as a certified public safety professional.

<i>Policy Committee Discussion/Vote</i>	<i>Second</i>	<i>Vote</i>	<i>Outcome</i>
Ted Langley moved that the Corrections Policy Committee adopt the staff report.	Jennifer Cameron	13 ayes; 0 nays	Motion Passed Unanimously
<p>The Corrections Policy Committee found the following moral fitness violations and factors:</p> <p><i>Moral Fitness Violations:</i></p> <ul style="list-style-type: none"> • Dishonesty: Duff attempted to deceive the Corvallis Police Department by intentionally hiding behind an ice machine at a National Guard Armory building in an attempt to evade responsibility during the investigation of the Assault on November 5, 2022. • Misuse of Authority: The committee did not identify elements of misuse of authority. • Misconduct: Duff violated criminal law and was convicted of <i>Assault in the Fourth Degree</i> and <i>DUII</i>. Duff's conduct in both offenses threatened or harmed others. <p><i>Aggravating Factors:</i></p> <ul style="list-style-type: none"> • Duff was granted diversion, violated the terms and received another criminal charge. • Duff's hiding from the police officer was very aggravating. • Duff did not report all of his criminal charges to DPSST as required. • Duff did not comply with court orders and was found guilty of criminal charges. • Duff has two (2) criminal convictions in a short period of time which represents a pattern of behavior. 			

<i>Mitigating Factors:</i>			
<ul style="list-style-type: none"> The committee did not identify any mitigating factors. 			
Lee Eby moved, after considering the identified violations of the Board's moral fitness standards and weighing the aggravating and mitigating circumstances unique to this case, that Board action should be taken against Duff's certification.	Brian Pixley	13 ayes; 0 nays	Motion Passed Unanimously
Brian Stephen moved, after considering the totality of the case, that Duff be ineligible to hold public safety certification for a lifetime.	Taj Shivers	13 ayes; 0 nays	Motion Passed Unanimously

6. Holbrook, Seth (50473) Certification Review: Corrections

Presented by Melissa Lang-Bacho, Professional Standards Compliance Coordinator

Reason for Discretionary Review

The Department opened a professional standards case after receiving an automated message from the Law Enforcement Data System that Seth Holbrook had been arrested on August 3, 2022, for *Stalking* and *Criminal Trespass in the Second Degree*.

<i>Policy Committee Discussion/Vote</i>	<i>Second</i>	<i>Vote</i>	<i>Outcome</i>
Brian Stephen moved that the Corrections Policy Committee adopt the staff report.	Jennifer Cameron	13 ayes; 0 nays	Motion Passed Unanimously
<p>The Corrections Policy Committee found the following moral fitness violations and factors:</p> <p><i>Moral Fitness Violations:</i></p> <ul style="list-style-type: none"> Dishonesty: The committee did not identify elements of dishonesty. Misuse of Authority: The committee did not identify elements of misuse of authority. Misconduct: Holbrook violated criminal law and was convicted of <i>Stalking</i> and <i>Criminal Trespass in the Second Degree</i>. Holbrook's repeated unwanted contact threatened or harmed others. <p><i>Aggravating Factors:</i></p> <ul style="list-style-type: none"> Holbrook failed to abide by a lawful court order of no contact. Holbrook violated the no contact order multiple times. Holbrook was given multiple warnings to not violate the law and directly violated the law enforcement code of ethics. 			

<ul style="list-style-type: none"> • Law enforcement officers used de-escalation strategies when interacting with Holbrook and Holbrook did not take any accountability for his actions. • There is a pattern of conduct involved in Holbrook’s actions. • Holbrook’s conduct began while he was still employed in public safety. • Holbrook did not report his arrest to DPSST. <p><i>Mitigating Factors:</i></p> <ul style="list-style-type: none"> • The committee did not identify any mitigating factors. 			
Ted Langley moved, after considering the identified violations of the Board’s moral fitness standards and weighing the aggravating and mitigating circumstances unique to this case, that Board action should be taken against Holbrook’s certification.	Carol Dishion	13 ayes; 0 nays	Motion Passed Unanimously
Brian Pixley moved, after considering the totality of the case, that Holbrook be ineligible to hold public safety certification for 10 years.	Lee Eby	13 ayes; 0 nays	Motion Passed Unanimously

7. Markillie, Richard (32236) Certification Review: Corrections

Presented by Melissa Lang-Bacho, Professional Standards Compliance Coordinator

Reason for Discretionary Review

On October 2, 2019, Richard Markillie was terminated from the Douglas County Sheriff’s Office (DCSO) following an investigation into sustained allegations that he neglected his duty of office and endangered his peers after he failed to respond in a timely manner to a call for back up and failed to render aid to a deputy who was being assaulted by an Adult in Custody (AIC).

Markillie grieved his termination through the arbitration process with his union. The arbitrator denied Markillie’s grievance on October 13, 2020, and found there was just cause for Markillie’s termination. The arbitrator found clear and convincing evidence to support the allegations of misconduct. The Department was unable to obtain an unredacted version of the arbitration order.

<i>Policy Committee Discussion/Vote</i>	<i>Second</i>	<i>Vote</i>	<i>Outcome</i>
Brian Pixley moved that the Corrections Policy Committee adopt the staff report.	Carol Dishion	14 ayes; 0 nays; Committee member Frost joined the meeting at this time.	Motion Passed Unanimously

The Corrections Policy Committee found the following moral fitness violations and factors:

Moral Fitness Violations:

- Dishonesty: Markillie's statement that "He had no idea what was going on" is an intentional misrepresentation of the facts.
- Misuse of Authority: The committee did not identify elements of misuse of authority.
- Misconduct: Markillie's failure to respond to an emergency with the necessary urgency threatened or harmed persons, property, or the efficient operations of any agency. Markillie's failure to respond to an emergency with the necessary urgency threatened his co-workers by placing them at risk with his failure to respond urgently.

Aggravating Factors:

- Markillie's conduct was a threat to the safety of others.
- Officers only have each other to count on during emergencies and when one officer lies, as Markillie did, it is hard to count on them.
- With the number of years of service that Markillie had at the time of the emergency, he should have known he needed to respond to the event urgently.
- Markillie gave multiple different answers to questions about why he did not respond urgently to the emergency.
- Markillie did not take accountability for his actions.
- Markillie described leaning back in his chair with his eyes closed and may have been snoozing.
- Markillie initially said he would change how he responded to the emergency, then changed his mind and said he would not.
- Markillie said he did not hear the call for help and later stated he did not want to trip, as justification for not responding urgently. The statements reflected that he knew what was expected of him, but he did not want to hurt himself.

Mitigating Factors:

- Mitigation materials from Markillie included a procedure from 2009 and an undated memo that reflects his response to the emergency may have been appropriate to the procedure in place at that time.
- A letter from the victim of the attack stated that Markillie did respond and take them to the hospital.

Erin Reyes moved, after considering the identified violations of the Board's moral fitness standards and weighing the aggravating and mitigating circumstances unique to this case, that Board action should be taken against Markillie's certifications.	Brian Stephen	14 ayes; 0 nays	Motion Passed Unanimously
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John Taber moved, after considering the totality of the case, that Markillie be ineligible to hold public safety certification for a lifetime.	Taj Shivers	14 ayes; 0 nays	Motion Passed Unanimously
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8. Nelson, Lisa (51241) Certification Review: Corrections

Presented by Jennifer Levario, Professional Standards Compliance Coordinator

Reason for Discretionary Review

On August 31, 2020, Lisa Nelson was terminated from her position with the Department of Corrections (DOC), Shutter Creek Correctional Institution (SCCI) after sustaining findings that she had subjected another employee to workplace harassment and made worrying active shooter statements in front of staff at SCCI.

<i>Policy Committee Discussion/Vote</i>	<i>Second</i>	<i>Vote</i>	<i>Outcome</i>
Brian Stephen moved that the Corrections Policy Committee adopt the staff report.	Carol Dishion	14 ayes; 0 nays	Motion Passed Unanimously

The Corrections Policy Committee found the following moral fitness violations and factors:

Moral Fitness Violations:

- Dishonesty: The committee did not identify elements of dishonesty.
- Misuse of Authority: Nelson Intentionally used her position of authority to promote and foster a romantic relationship with a subordinate employee at work and outside of work.
- Misconduct: Nelson engaged in the following conduct that threatened colleagues and the efficient operation of the DOC/SCCI:
 - Nelson made several detailed and worrisome statements involving an active shooter at work.
 - Nelson’s personal relationship interfered with her work duties and created a hostile work environment.
 - Nelson made unwanted sexual comments and advances toward a colleague.
 - Nelson poked an employee in the head with her finger and slammed an employee’s foot in a door.

Aggravating Factors:

- Nelson, acting in a supervisory role, subjected a subordinate to sexual harassment and made statements about an active shooter at work.
- Nelson continued her inappropriate behavior after being told to stop.
- Nelson, a sergeant, should have set an example of appropriate behavior at work but failed to do so.
- Nelson made sexual comments and gave detailed examples of being an active shooter to trial service staff, making them feel unsafe.

<ul style="list-style-type: none"> • Nelson made sexual comments in front of Adults in Custody. • Nelson engaged in a clear misuse of authority by denying an employee to transfer shifts and engaging in inappropriate behaviors that led to the staff member feeling no other option but to leave. <p><i>Mitigating Factors:</i></p> <ul style="list-style-type: none"> • The committee did not identify any mitigating factors 			
Brian Stephen moved, after considering the identified violations of the Board’s moral fitness standards and weighing the aggravating and mitigating circumstances unique to this case, that Board action should be taken against Nelson’s certifications.	John Frost	14 ayes; 0 nays	Motion Passed Unanimously
Brian Stephen moved, after considering the totality of the case, that Nelson be ineligible to hold public safety certification for 10 years.	Taj Shivers	14 ayes; 0 nays	Motion Passed Unanimously

9. Risteen, Marcus (58653) Certification Review: Corrections

On October 23, 2018, Marcus Risteen was terminated from the Keizer Police Department (KPD) after an internal investigation sustained findings that Risteen was dishonest with his Field Training Officer (FTO). Risteen’s termination was during his Field Training Evaluation Program and prior to being certified as a police officer. Because Risteen was no longer employed in public safety and not yet certified, the department deferred the case for future review if he were to become re-employed in public safety.

On March 9, 2023, Risteen was hired by the Yamhill County Sheriff’s Office, and his case was re-opened for committee review.

On May 9, 2023, the Corrections Policy Committee reviewed the case and voted to recommend the Board deny Risteen’s Application for Training and Subsequent Certification. On July 27, 2023, the Board sent Risteen’s case back to the policy committee for reconsideration based on additional information provided to the Board.

On May 24, 2023, Risteen separated from the Yamhill County Sheriff’s Office. With this resignation and because he is no longer employed and not certified, the case has been deferred for future review if he were to become re-employed in public safety.

This case was pulled from the Corrections Policy Committee agenda prior to the start of the meeting.

10. Approval for Changes to the Basic Corrections Local Academy Curriculum

Presented by Julie Collinson, Assistant Academy Dean Center for Policing Excellence

The Department presented curriculum revisions for the DPSST Basic Corrections Local (BCL) Academy. The curriculum changes include revisions to the subjects and hours within

the BCL course, but the changes do not impact the total number of training hours. The BCL course remains a total of 240 training hours.

The curriculum changes were developed in conjunction with constituent workgroups. The changes are intended to strengthen content through academic research and trusted professional sources, aligning content with other program areas that are influenced by Oregon Administrative Rule and Oregon Revised Statutes, incorporating areas for training efficiency, and implementation of program design based on the research of learning, performance improvement and applicable training transfer to the field. Changes that potentially would have larger impact on constituents (removing disease awareness and prevention and emergency preparation and response) were discussed with the Oregon Jail Command Council during the revision process.

Brian Stephen moved to recommend that the Board approve the recommended changes to the Basic Corrections Local Academy Curriculum. Erin Reyes seconded the motion. The motion passed unanimously.

11. Proposed Rule Changes for Oregon Administrative Rule (OAR) 259-008-0085

Presented by Jennifer Howald, Administrative Rules Coordinator

The Department provided a proposed rule change to support the Board's approval and the Department's implementation of the revised Basic Corrections Local Academy curriculum. The rule change identifies the curriculum based on the Board-approved date.

Carol Dishion moved to recommend that the Board approve filing the proposed rule changes for OAR 259-008-0085 as permanent rules, if there are no substantive comments received. Mark Boren seconded the motion. The motion passed unanimously.

12. Applicant Review Committee Member Nominations

Presented by Shelby Wright, Executive Support Specialist

Brian Stephen moved to nominate Erin Reyes and Ted Langley to be appointed to the Applicant Review Committee. Carol Dishion seconded the motion. The motion passed unanimously.

13. Program Manager Update

Presented by Marsha Morin, Standards and Certification Program Manager

- Moral Fitness Workgroup. The Workgroup had its first meeting in early October. This meeting consisted of an overview of Moral Fitness processes and the history of the changes along with a review of roles for workgroup members. The workgroup met again on November 6, 2023, and discussed mandatory criminal and discharge for cause disqualifiers for certification.
- FTO Workgroups. The Field Training Officer Certification workgroup had its final meeting at the end of October. The FTO workgroup broke into two separate workgroups (Officer Certification and Training Development) to allow for focused discussions on both topics. Now that both workgroups have produced recommendations on the training and certification requirements for FTO's, DPSST will work towards presenting these recommendations to the committees.

14. Agency Updates

Presented by Brian Henson, Deputy Director

- DPSST went before the interim Joint Ways and Means committee in September to give a status report on the progress of the 60-person basic police classes and what DPSST will do to maintain student safety with the increased numbers. DPSST has already added speed bumps throughout the academy to maintain safety in the parking lots and roadways within the facility. There will also be a Safety Coordinator position assigned specifically to the training venues to ensure focused safety during training and DPSST will be recruiting for an Agency wide Safety Coordinator. DPSST will appear before the Interim Joint Ways and Means Committee again before session starts as well as appearing before the Public Safety Subcommittee.
- The Basic Police 60 person classes will begin their trial run with classes starting in November, December, and January. With these three classes there will be a high demand for DPSST venues, classrooms, and conference rooms. We may not be able to accommodate all outside requests for facility use.
- DPSST Leadership will begin its Listening Tour in January. Leadership will travel the state to hear from the constituency what DPSST is doing well, what can be improved, and what DPSST is not doing, but should.
- The Listening Tour will provide DPSST Leadership with valuable information to begin the budget process for the 25-27 biennium.
- Chair Matthew English recognized Brian Pixley for his service on the Corrections Policy Committee as his term has come to an end. We thank him for his service and dedication to the Committee.

15. Next Corrections Policy Committee Meeting: February 13, 2024 at 10:00 a.m.

Administrative Notes:

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.

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@dpsst.oregon.gov.