

Corrections Policy Committee Minutes - DRAFT

February 13, 2024

The Corrections Policy Committee of the Board on Public Safety Standards and Training held a regular meeting on February 13, 2024, 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
Mark Boren, Public Member
Margeux Bowden, DOC, Non-Management Corrections
Jennifer Cameron, Non-Management Parole & Probation
Lee Eby, Oregon Sheriff's Jail Command Council
John Frost, DOC, Non-Management Corrections (Teams)
Ted Langley, Oregon Sheriff's Jail Command Council
Brian Stephen, Oregon Dept. of Corrections (Designee for Michael Reese, Director)
John Tabor, DOC Training Division (Teams)
Taj Shivers, Non-Management Department of Corrections (Teams)
Erin Reyes, DOC Superintendent
Nicholas Hunter, Oregon State Sheriff's Association (Teams)

Committee Members Absent:

Jay Bergmann, Oregon Association of Community Corrections Directors

Guests:

Randy Bocchi
Kodie Carroll
Tina Earhart
Susan Ramos
Timothy Sundin

DPSST Staff:

Phil Castle, Director
Brian Henson, Deputy Director
Staci Yutzie, Deputy Director, Academy Dean
Kathy McAlpine, Professional Standards Division Director
Melissa Lang-Bacho, Professional Standards Compliance Coordinator
Jennifer Levario, Professional Standards Compliance Coordinator
Jennifer Howald, Administrative Rules Coordinator
Sam Tenney, Public Information Officer
Julie Collinson, Assistant Dean with the Center for Policing Excellence
Erica Riddell, Criminal Justice Support Specialist
Samantha Kossa, Executive Support Specialist
Shelby Wright, Executive Assistant



1. Introductions

Introductions of members, guests and staff.

2. Approve November 7, 2023 Meeting Minutes

Brian Stephen moved to approve the minutes from the November 7, 2023, Corrections Policy Committee meeting. Mark Boren seconded the motion. The motion passed unanimously.

3. Administrative Closure Consent Agenda

Presented by Jennifer Levario, Professional Standards Case Manager

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

a) Oliviera, Joshua (47689) Corrections

On July 02, 2021, Joshua Oliveira resigned from the Jefferson County Sheriff's Office (JCSO) while under investigation for *Unlawful Dissemination of an Intimate Image* and *Criminal Impersonation*. The criminal investigation was conducted by the Redmond Police Department (RPD) after a report was filed with the Deschutes County Sheriff's Office (DCSO) by the alleged victim.

The case was turned over to the Deschutes County District Attorney (DCDA) who did not bring charges of *Criminal Impersonation* but did charge Oliveira with three counts of *Unlawful Dissemination of Intimate Images*. These charges were ultimately dismissed by the DCDA for lack of evidence.

The Department determined Oliveira's conduct may violate the Board's moral fitness standards as defined in the Oregon Administrative Rule. However, records related to the conduct were incomplete, therefore the Department could not provide substantial evidence to support a moral fitness violation.

b) Starkweather, Dustin (54155) Corrections

On December 17, 2021, Dustin Starkweather was terminated from the Oregon Department of Corrections/Two Rivers Correctional Institution (ODOC/TRCI) for refusing to be vaccinated for COVID-19 as directed in Executive Order 21-29.

Based on the information provided, the Department has determined Tarvin's separation does not violate the Board's moral fitness standards defined in the Oregon Administrative Rule.

c) Tarvin, Liam (59223) Corrections

On December 17, 2021, Dustin Starkweather was terminated from the Oregon Department of Corrections/Two Rivers Correctional Institution (ODOC/TRCI) for refusing to be vaccinated for COVID-19 as directed in Executive Order 21-29.

Based on the information provided, the Department has determined Tarvin's separation does not violate the Board's moral fitness standards defined in the Oregon Administrative Rule.

Walker's certifications have expired, and he is no longer certified. At the time of his arrest, he was not employed in public safety. If Walker regains employment in public safety in the future, any criminal dispositions will be reviewed at the time of an application for certification. The Department determined it does not have jurisdiction in this case.

d) Walker, Michael (22018) Corrections

On December 12, 2023, the DPSST received a Law Enforcement Data System (LEDS) “hit” that Michael T. Walker had been arrested for Driving Under the Influence of Intoxicants on November 26, 2023. The DPSST opened a case to review the arrest.

On January 3, 2024, the professional standards division was notified that Walker’s certifications had expired although this was not documented in the SKILLS database used to track officer certifications. The DPSST does not have jurisdiction to open a case for someone who has expired certifications. The DPSST determined the case was opened in error.

Lee Eby moved to approve the Administrative Closure Consent Agenda recommendations made by the Department. Brian Stephen seconded the motion. The motion passed unanimously.

4. Benavidez, Ruben (50462) Certification Review: {Corrections}

Presented by Jennifer Levario, Professional Standards Compliance Coordinator

Reason for Discretionary Review

On August 15, 2020, Ruben Benavidez resigned from the Oregon Department of Corrections/Oregon State Correctional Institution (ODOC/OSCI) in lieu of termination by way of an agreement between his attorney and the Oregon Department of Corrections. Benavidez was under investigation for Prison Rape Elimination Act (PREA) allegations and was verbally confrontational with staff which included Benavides pulling a staff member's hand off a button they were pushing to close a cell door.

| <i>Policy Committee Discussion/Vote</i> | <i>Second</i> | <i>Vote</i> | <i>Outcome</i> |
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| Brian Stephen moved that the Corrections Policy Committee adopt the staff report. | Erin Reyes | 12 ayes; 0 nays | Motion Passed Unanimously |

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

Moral Fitness Violations:

- Dishonesty: Benavidez engaged in intentional dishonesty by misrepresenting the truth when questioned about showing sexually explicit photos to AICs. Benavidez was intentionally dishonest during past investigations into his involvement in sharing confidential information with a fellow officer, and his actions related to the inappropriate changing of the TELMATE PIN numbers of AICs
- Misuse of Authority: Benavidez used his authority as a corrections officer to intimidate AICs by subjecting them to sexually explicit photos and comments, threatening retaliation, and engaging in intimidating physical contact.

Benavidez breached the standard of care of correctional officers by using his professional position of authority over an AIC to create a hostile work and living environment.

- Misconduct: Benavidez engaged in misconduct by threatening harm to Adults in Custody (AIC) by subjecting them to sexually explicit photos, making retaliating statements, and engaging in retaliatory physical contact.

Benavidez harmed the safety and security of the ODOC/OSCI facility by engaging in a verbal confrontation that included pulling an officer’s hand off a button they were pushing to close a cell door.

Benavidez engaged in misconduct by threatening the efficient operations of the ODOC/OSCI by violating numerous ODOC policies and standards of conduct, resulting in several disciplinary investigations.

Benavidez engaged in misconduct when he harmed AICs by tampering with their TELMATE PIN numbers, making it impossible for them to make phone calls.

Aggravating Factors:

- Benavidez’s conduct demonstrated an overwhelming abuse of power.
- Benavidez fought with peers and higher-ranking officers.
- Benavidez was dishonest throughout the investigation process.
- Benavidez subjected AICs to sexually explicit photos which constitute PREA violations.
- Benavidez demonstrated a willful disregard and resistance to those who were trying to correct his behavior.
- The elements of criminal *Official Misconduct* were met when Benavidez tampered with the TELMATE PIN numbers.

Mitigating Factors:

- The committee did not identify any mitigating factors.

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| Jennifer Cameron 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 Benavidez’s certification. | Lee Eby | 12 ayes; 0 nays | Motion Passed Unanimously |
| Erin Reyes moved, after considering the totality of the case, that Brian Stephen be ineligible to hold public safety certification for a lifetime. | Brian Stephen | 12 ayes; 0 nays | Motion Passed Unanimously |

5. Bocchi, Randy (45164) Certification Review: {Corrections}

Presented by Melissa Lang-Bacho, Professional Standards Compliance Coordinator

Reason for Discretionary Review

Randy Bocchi applied for corrections training after being hired by the Klamath County Sheriff's Office (KCSO) on September 18, 2023. A review of publicly available records reflects a criminal disposition for Hunting on Cultivated/Enclosed Land of Another, a misdemeanor charge occurring in 2016. Bocchi previously attended the Oregon Public Safety Academy (OPSA) in 2005 but was removed from training by the KCSO after an investigation by the OPSA into allegations of misconduct and subsequently terminated from probationary employment.

Randy Bocchi provided verbal mitigation for committee consideration.

| <i>Policy Committee Discussion/Vote</i> | <i>Second</i> | <i>Vote</i> | <i>Outcome</i> |
|--|---------------|--------------------|---------------------------|
| Mark Boren moved that the Corrections Policy Committee adopt the staff report. | Ted Langley | 12 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: Bocchi violated criminal law and has a criminal disposition for a misdemeanor charge for <i>Hunting on Cultivated/Enclosed Land of Another</i>. <p><i>Aggravating Factors:</i></p> <ul style="list-style-type: none"> • The committee did not identify any aggravating factors. <p><i>Mitigating Factors:</i></p> <ul style="list-style-type: none"> • Even though the behavior at the Academy was inappropriate, it occurred 19 years ago. • Bocchi pleaded guilty to the hunting charge and completed his court obligations. • Bocchi provided multiple letters of support from his agency. • Bocchi has taken accountability for his actions at the academy and his court case. • Bocchi did not make excuses for his actions and appeared before the committee to provide a mitigation statement. • 2005 was not the right time for Bocchi to attend the academy but he has matured, taken accountability, and has the support of his employer. | | | |
| Nicholas Hunter 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 no Board action should be | Erin Reyes | 12 ayes; 0 nays | Motion Passed Unanimously |

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| taken against Bocchi’s application for training and subsequent certification. | | | |
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6. Carroll, Kodie (64023) Certification Review: {Corrections}

Presented by Melissa Lang-Bacho, Professional Standards Compliance Coordinator

Reason for Discretionary Review

On March 16, 2023, the Jackson County Sheriff’s Office (JCSO) submitted a Personnel Action (F4) form reflecting Kodie Carroll had been hired as a Corrections officer. An Application for Training (F5) and a Criminal History Reporting (F28) forms were also submitted, disclosing two moving violations for speeding. The Department located an additional criminal disposition in publicly available court records which meets the definition of a criminal disposition under Oregon Administrative Rule 259-008-0005(9), that was not reported. The Department requested an amended form reporting the information and a written statement explaining why the disposition was not previously reported.

On March 28, 2023, an F28 was submitted to the Department reporting:

- 11/24/2014 – Theft II – Klamath Falls Police Department

Final Disposition – Dismissed

When Carroll was arrested for Theft in the Second Degree, he worked in Security Forces with the Oregon Air National Guard, which is a position that qualifies as a public safety professional as defined in OAR 259-008-0005(30) and (27). Carroll’s prior work experience in public safety disqualifies the review of his criminal disposition by the Applicant Review Committee under OAR 259-008-0290 standards.

On August 8, 2023, the Corrections Policy Committee (CPC) recommended to take action against Carroll’s application for training and subsequent certification. Prior to the Board on Public Safety Standards and Training’s (the board) review of this recommendation, the CPC chair withdrew the matter from the board’s consideration and returned the case to the CPC (ORS 181A.375(11)) in order for Carroll to provide mitigation.

Kodie Carroll provided verbal mitigation for committee consideration.

| <i>Policy Committee Discussion/Vote</i> | <i>Second</i> | <i>Vote</i> | <i>Outcome</i> |
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| Lee Eby moved that the Corrections Policy Committee adopt the staff report. | Jennifer Cameron | 12 ayes; 0 nays | Motion Passed Unanimously |

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

Moral Fitness Violations:

- Dishonesty: Carroll’s intentional theft of money for his personal use was a dishonest act.
- Misuse of Authority: Carroll intentionally used his position in Security Forces with the Oregon Air National Guard to obtain a benefit when he gained access to

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| <p>an office he was tasked with securing and took money in the office for his personal use.</p> <ul style="list-style-type: none"> • Misconduct: Carroll violated criminal law and has a criminal disposition for <i>Theft in the Second Degree</i>. <p><i>Aggravating Factors:</i></p> <ul style="list-style-type: none"> • Carroll worked in public safety at the time of the incident. • The crime involved has an element of dishonesty. <p><i>Mitigating Factors:</i></p> <ul style="list-style-type: none"> • The statement Carroll provided and the letters of support addressing his current character from his employer were mitigating. • Carroll has taken accountability for his actions and made the harmed parties whole. • The incident occurred nearly a decade ago. • The JCSO Sheriff attended the CPC meeting to show his support for Carroll. • The number of letters of support received on behalf of Carroll and the time that has passed since the incident mitigated the poor choice Carroll made when he was a teenager. • The JCSO has vetted Carroll thorough background check process which Carroll participate in and was upfront about his past. | | | |
| 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 no Board action should be taken against Carroll’s application for training and subsequent certification. | John Frost | 12 ayes; 0 nays | Motion Passed Unanimously |

7. Earhart, Tina (61184) Certification Review: {Corrections}

Presented by Jennifer Levario, Professional Standards Compliance Coordinator

Reason for Discretionary Review

The Department received notice from Tina Earhart that she was arrested for Harassment-Domestic Violence on August 24, 2022. On August 25, 2022, an arraignment was held over with no entry of a plea. On September 22, 2022, the case was dismissed as further investigation revealed it would be in the interest of justice that said action be dismissed.

Tina Earhart provided verbal mitigation for committee consideration.

| <i>Policy Committee Discussion/Vote</i> | <i>Second</i> | <i>Vote</i> | <i>Outcome</i> |
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| Brian Stephen moved that the Corrections Policy Committee adopt the staff report. | Mark Boren | 12 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: The committee did not identify elements of misuse of authority.
- Misconduct: Earhart threatened harm to another by pulling his beard and making threatening statements of wanting to harm him.

Aggravating Factors:

- Earhart was employed in public safety at the time of the incident.

Mitigating Factors:

- Earhart took her brother in at the end of his life when no one else would.
- Earhart has a clean record with the ODOC.
- Earhart made a proper notification to DPSST.
- Earhart would not give medication to her brother that did not belong to him.
- Earhart’s brother stated his pain was a “4” on a scale of 1 to 10 and a “0” when the police came. The police reported no marks on the brother from the incident.
- The case against Earhart was dismissed.
- Earhart took responsibility for her actions.

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| 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 no Board action should be taken against Earhart’s certification. | Erin Reyes | 12 ayes; 0 nays | Motion Passed Unanimously |
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8. Patterson, Joshua (45007) Certification Review: {Corrections}

Presented by Melissa Lang-Bacho, Professional Standards Compliance Coordinator

Reason for Discretionary Review

On May 19, 2023, the Department received a notice from the Department of Corrections/Snake River Correctional Institution that Joshua Patterson received a criminal citation for Reckless Driving a Misdemeanor, On April 5, 2023, in Payette Idaho. Patterson entered a plea of guilty to a lesser charge of Operation of Motor Vehicle While Operating Mobile Device on May 25, 2023, and was sentenced to pay a fine of \$131.50.

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| <i>Policy Committee Discussion/Vote</i> | <i>Second</i> | <i>Vote</i> | <i>Outcome</i> |
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| Brian Stephen moved that the Corrections Policy Committee adopt the staff report. | Lee Eby | 12 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: Patterson received a criminal citation for <i>Reckless Driving</i> in Idaho and pled guilty to <i>Operation of a Motor Vehicle While Operating a Mobile Device</i>. Patterson drove his vehicle after having consumed alcohol and hit and damaged a parked trailer containing snowmobiles, then drove away without reporting the incident. <p><i>Aggravating Factors:</i></p> <ul style="list-style-type: none"> • The elements of the crime <i>Hit and Run</i> were met in this incident. • Patterson made no statement of accountability for his actions. • Patterson stated he thought it sounded like something was rolling around in the back of his truck when he hit the trailer. This is hard to believe given the amount of damage to the trailer itself. • Patterson’s statements to the police seemed dishonest. • As a result of the impact of Patterson’s truck on the trailer, the trailer was pushed up onto the sidewalk. • Patterson attempted to conceal his actions by parking his truck behind his apartment. • Patterson admitted to the officer who interviewed him that he had been drinking and driving when he hit the trailer. <p><i>Mitigating Factors:</i></p> <ul style="list-style-type: none"> • It is possible that the music playing loudly in Patterson’s truck at the time of the impact with the trailer (as noted in statements by witnesses) could have muffled the sound. | | | |
| 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 Patterson’s certifications. | Mark Boren | 12 ayes; 0 nays | Motion Passed Unanimously |
| Nicholas Hunter moved, after considering the totality of the case, that Patterson be ineligible to hold | Taj Shivers | 12 ayes; 0 nays | Motion Passed Unanimously |

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| public safety certification for 10 years. | | | |
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9. **Powell, Caden (54126) Certification Review: {Corrections}**

Presented by Jennifer Levario, Professional Standards Compliance Coordinator

Reason for Discretionary Review

The Department received a notice from Caden Powell that he received a criminal citation on or around September 3, 2021, for Driving Under the Influence of Intoxicants (DUII) in Pendleton, Oregon. Court records obtained by the Department showed that Powell was also charged with Assault in the Fourth Degree. On December 13, 2021, Caden Powell entered a plea of guilty and was sentenced to five days of incarceration, fines, eighteen (18) months of bench probation, and the Assault in the Fourth Degree charge was dismissed.

On April 18, 2022, Caden Powell was terminated for cause by the Oregon Department of Corrections/Eastern Oregon Correctional Institution (ODOC/EOCI). According to ODOC/EOCI, Powell was terminated for cause after a personnel investigation concluded he had violated ODOC policies.

| <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. | Ted Langley | 12 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: The committee did not identify elements of misuse of authority.
- Misconduct: Powell was convicted of *DUII*, a violation of criminal law.
Powell’s driving under the influence of alcohol threatened to harm other people.
Powell’s grabbing of the arm of a delivery driver caused her harm.
Powell’s conduct while in the Umatilla County Jail harmed the efficient operations of both the jail and the ODOC/EOCI.

Aggravating Factors:

- Employed by ODOC when misconduct occurred.
- This is Powell’s 2nd DUII since his employment with ODOC. The first was in 2016.
- Powell blames alcohol and has selective memory in that he seems to remember details that he wants to remember and cannot remember those he does not want to remember.
- Powell had a blatant disregard for the officers at the Umatilla County Jail and knew that his behavior could have caused a significant risk to their safety.

- Powell’s behavior at the jail and during his arrest violates several Criminal Justice Code of Ethics values.
 - Powell physically touched the pizza delivery driver and made sexual advances toward her which was offensive.
 - Powell’s training records are clear that he has received ethics training.
 - The fact that Powell chose to drive while knowing how intoxicated he was put many in harm’s way.
- Mitigating Factors:*
- The committee did not identify any mitigating factors

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| John Frost 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 Powell’s certification. | Brian Stephen | 12 ayes; 0 nays | Motion Passed Unanimously |
| Erin Reyes moved, after considering the totality of the case, that Powell be ineligible to hold public safety certification for 10 years. | Brian Stephen | 12 ayes; 0 nays | Motion Passed Unanimously |

10. Ramos, Susan (61253) Certification Review: {Corrections}

Presented by Jennifer Levario, Professional Standards Compliance Coordinator

Reason for Discretionary Review

The Department received a notice from the Law Enforcement Data System (LEDS) that Susan Ramos was arrested for Felony Assault IV-Domestic on July 24, 2022. Ramos assaulted her significant other in a Target parking lot in full view of her minor child. The case was not moved forward by the District Attorney’s Office but was investigated by Child Protective Services with findings.

On March 31, 2023, Ramos resigned in lieu of termination from the Department of Corrections (DOC)/Oregon State Correctional Institution (OSCI). Ramos was investigated for allegations of misconduct by OSCI.

Susan Ramos provided verbal mitigation for committee consideration.

| <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. | Lee Eby | 12 ayes; 0 nays | Motion Passed Unanimously |
| The Corrections Policy Committee found the following moral fitness violations and factors: | | | |

Moral Fitness Violations:

- Dishonesty: Ramos' statements to the police and DOC investigators were inconsistent and were evidence of her reckless disregard for the truth.
- Misuse of Authority: The committee did not identify elements of misuse of authority.
- Misconduct: Ramos caused harm to her significant other by punching and scratching him in the Target Parking lot.

Ramos caused harm to her minor child by allowing her to witness the physical abuse of Ramos' significant other, as confirmed by a founded allegation of "threat of harm to minor child" by Child Protective Services.

Ramos admitted to investigators that she and her significant other had been drinking when they drove to Target with their minor child in the car, which could have caused harm to them and other drivers.

Ramos harmed the reputation of all law enforcement officers by making light of the impact her actions had on the safety and well-being of her family and others. Ramos made threatening statements about what she would do to her significant other when she returned home during her interview with law enforcement officers.

Aggravating Factors:

- The Domestic Violence Assault occurred in front of Ramos' minor child.
- Ramos made numerous untruthful statements throughout the investigations.
- Ramos identified herself as a corrections officer to the responding police officer.
- Ramos was employed at the time the assault occurred.
- Ramos admitted that she had been drinking and drove to the scene of the assault.
- Ramos knew the blood on her face was not hers but that of her victims.
- Ramos openly threatened to retaliate against the victim even after identifying herself as a corrections officer to the responding police officer.
- Ramos provided no accountability for her actions during her statement and throughout the investigation.
- The DHS report states that Ramos said she barely drinks and has a beer twice a week when the incident occurred and said she doesn't drink anymore at the time of the DHS report.
- Ramos' minor child told the police officer that she heard her mother was mad and said "gr" and saw blood and was scared.
- Ramos told DOC she did not feel that the police report regarding speaking with her minor child was accurate because the minor was interviewed while right next to her father (the significant other). The police report stated the minor child was interviewed away from the father inside the home.

Mitigating Factors:

- The District Attorney chose not to file charges.
- Sundin's verbal mitigation.

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| 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 Ramos’s certification. | Lee Eby | 12 ayes; 0 nays | Motion Passed Unanimously |
| Lee Eby moved, after considering the totality of the case, that Ramos be ineligible to hold public safety certification for a lifetime. | Nicholas Hunter | 12 ayes; 0 nays | Motion Passed Unanimously |

11. Stice, Travis (60272) Certification Review: {Corrections}

Presented by Jennifer Levario, Professional Standards Compliance Coordinator

Reason for Discretionary Review

On February 8, 2021, Travis Stice resigned from the Oregon Department of Corrections/Snake River Correctional Institution (ODOC/SRCI) while under investigation for falsifying documents. Stice made false log entries regarding tier checks he was assigned to complete while supervising Adults in Custody (AIC) and used an unauthorized electronic device.

| <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. | Mark Boren | 12 ayes; 0 nays | Motion Passed Unanimously |

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

Moral Fitness Violations:

- Dishonesty: Stice admitted that he had falsified tier check reports on December 8, 2020, between 2230 and 2355 hours.
- Misuse of Authority: Stice misused his authority to avoid a detriment when he falsified tier check reports on December 8, 2020
- Misconduct: Stice threatened the efficient operations of the ODOC/SRCI by falsely creating tier check reports that he had not completed while on duty and leaving his unit for approximately 1.5 hours without remembering if he told anyone.

Stice threatened the safety and security of the AICs and other ODOC/SRCI staff by leaving his unit unsupervised and then falsifying tier checks.

Stice admitted he brought his cell phone into work which is a violation of ODOC policy. Stice’s conduct threatened the efficient operations of the ODOC/SRCI.

Aggravating Factors:

- Tier checks are the basic safety and security duties of corrections officers. Stice’s newness to the position and his willingness to falsify tier checks undermines his fitness as a public safety professional.
 - Sundin violated the Criminal Justice Code of Ethics and jeopardized the safety and security of the AICs by leaving the housing unit without properly notifying anyone and falsifying tier checks.
- Mitigating Factors:*
- The committee did not identify any mitigating factors

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| 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 Stice’s certification. | Marguex Bowden | 12 ayes; 0 nays | Motion Passed Unanimously |
| Lee Eby moved, after considering the totality of the case, that Stice be ineligible to hold public safety certification for a lifetime. | Erin Reyes | 12 ayes; 0 nays | Motion Passed Unanimously |

12. Sundin, Timothy (39688) Certification Review: {Corrections}

Presented by Jennifer Levario, Professional Standards Compliance Coordinator

Reason for Discretionary Review

On February 13, 2023, Timothy Sundin was terminated for cause by the Department of Corrections/Eastern Oregon Correctional Institution (DOC/EOCI) after an investigation by the Special Investigations Unit (SIU), DOC Human Resources, and the Oregon State Police (OSP) into allegations of misconduct. Sundin was found to have violated numerous DOC policies after deploying Oleoresin Capsicum (OC) spray on an Adult in Custody (AIC).

Timothy Sundin provided verbal mitigation for committee consideration.

| <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. | Mark Boren | 12 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: Sundin provided inconsistent statements during his criminal trial and was untruthful in his report and testimony related to the deployment of OC spray on an AIC at the DOC/EOCI. | | | |

- Misuse of Authority: Sundin used his position and authority as a public safety professional to harm an AIC by deploying OC spray without any legitimate reason or correctional objective.
- Misconduct: Sundin harmed people and threatened the efficient operations of the agency when he deployed OC spray without any legitimate reason or correctional objective.

Aggravating Factors:

- The OC spray was used on the AIC in a manner that was not reasonable, and outside of ODOC policy.
- The OC spray was used on the AIC outside the Fourth and Eighth Amendments of the Constitution. In other words, the OC spray was used on the AIC unlawfully.
- Although a “greenlight” was given to Sundin by his Lieutenant concerning the use of OC spray on the AIC, Sundin had the obligation to only take actions that were lawful and within the ODOC policies.
- Sundin told the AIC he would spray him with OC after directing him to stop his behavior several times. In “keeping with his word” Sundin sprayed the AIC with the OC spray even after the AIC had moved to the back of the cell and stopped his behavior. This action by Sundin was likened to corporal punishment.
- After Sundin’s initial statement to investigators about his use of OC spray, he added information in the follow-up statement that justified his actions.
- The District Attorney’s email to DOC about concerns related to Sundin’s credibility during the investigation is concerning.
- Sundin’s lack of accountability for his actions is disappointing.

Mitigating Factors:

- The District Attorney’s email to DOC about concerns related to Sundin’s credibility appeared to be written in an emotional tone having lost his case and pointing fingers.

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| Nicholas Hunter 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 Sundin’s certifications. | Lee Eby | 12 ayes; 0 nays | Motion Passed Unanimously |
| Nicholas Hunter moved, after considering the totality of the case, that Sundin be ineligible to hold public safety certification for a lifetime. | John Frost | 4 ayes; 8 nays | Motion Failed |

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| Lee Eby moved, after considering the totality of the case, that Sundin be ineligible to hold public safety certification for 10 years. | Brian Stephen | 12 ayes; 0 nays | Motion Passed Unanimously |
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13. Corrections Policy Committee Member Nomination

Presented by Kathy McAlpine, Professional Standards Division Director

Matthew English moved to nominate Jennifer Cameron as the Vice Chair for the Corrections Policy Committee. Brian Stephen seconded the motion. The motion passed unanimously.

14. Agency Updates

Presented by Phil Castle, Director

- DPSST classes are in full swing! On campus right now we have three 60-person Basic Police Classes, a 40-person Oregon State Police Basic Police Class and various other Corrections, Telecommunications and Leadership classes.
- DPSST is currently within the 90-day statutory requirement to get recruits into Basic training at the academy. This is great news! But we don't see the trend in hiring slowing down any time soon, so we are prepared for the potential addition of more 60-person classes to be added throughout the rest of the biennium, DPSST will make those determinations though when the need arises.
- Director Phil Castle and the rest of the Corrections Policy Committee recognized Lee Eby and Taj Shivers for their dedicated service on the Corrections Policy Committee. Both of their terms have come to an end, and we are thankful for all that they have provided to the committee throughout their service.
- Julie Collinson, Assistant Dean with the Center for Policing Excellence, gave Corrections Policy Committee members an update on the Basic Corrections Local (BCL) curriculum and their need to update it alongside the Parole and Probation Curriculum. There is an active workgroup discussing changes to these curriculums and there will be future updates provided to the committee when there is more information to share.

15. Next Corrections Policy Committee Meeting: May 8, 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.