

Corrections Policy Committee Minutes

May 11, 2021

The Corrections Policy Committee of the Board on Public Safety Standards and Training held a regular meeting on May 11, 2021, at the Oregon Public Safety Academy in Salem, Oregon. Chair, Nadine Purington called the meeting to order at 10:00 am.

Committee Members:

Nadine Purington, Chair, Non-Management Parole & Probation
Matthew English, Oregon State Sheriff's Association (Webex)
Jaime Hepner, Oregon Association of Community Corrections Directors (Webex)
Kevin Marshall, Public Member (Phone)
Michael Yoder, Department of Corrections Designee
Brian Pixley, Oregon State Sheriff's Association (Webex)
James Ristoff, Non-Management Corrections Officer (Webex)
Cody Smith, Non-Management Corrections Officer (Webex)
Carol Dishon, Department of Corrections, AFSCME

Committee Members Absent:

Lee Eby, Oregon Sheriff's Jail Command Council
Taj Shivvers, Non-Management DOC
Rob Perrson, DOC Superintendent
James Russell, Oregon Sheriff's Jail Command Council
Greg Martin, AOCE Representative, DOC
Gary Ninman, Professional Development Unit, DOC

Guests:

Raul Sandoval

DPSST Staff:

Linsay Hale, Professional Standards/Interim Training Division Director
Marsha Morin, Criminal Justice Certification Program Manager
Wendy Nunez, Criminal Justice Office Specialist
Melissa Lang, Professional Standards Case Manager
Chris Enquist, Parole & Probation Training Program Coordinator
Jennifer Howald, Administrative Rules Coordinator

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1. Introductions

Introductions of members, guest and staff were presented.

2. Approve February 9, 2021 Meeting Minutes

Matt English moved to approve the minutes from the 2/9/2021, Corrections Policy Committee meeting. Carol Dishon seconded the motion. The motion passed unanimously.

3. Approval for Changes to the Basic Parole & Probation Curriculum

Presented by Chris Enquist

The Training Division requested the approval of the Corrections Policy Committee to make modifications to the Basic Parole & Probation (BPP) curriculum based on an administrative review completed by DPSST staff.

DPSST staff conducted a review of the BPP curriculum following the completion of three successful student cohorts since implementation of the last program revision in 2019. As part of this review, staff considered innovations and improvements to training made in the Basic Police and Basic Telecommunications academies.

Staff recommended several administrative changes to the course structure that focus on extracting more opportunities for students to apply the knowledge and skills learned. The largest of these changes is the consolidation of several topical lab or scenario sessions into a series of fragment drills and application scenarios. These new sessions will offer students the opportunity to practice a wider variety of parole & probation roles during each session, as opposed to offering specific practice sessions for each role. This consolidated training model allows students to explore which role is “right” in real time, and allows instructors to shift focus when a class or student shows a need for additional practice on a specific concept.

Additional changes proposed seek to either mirror updated content included in other academies (ex: Behavioral Health, Use of Force Law & Decision Making), and retitle course content to align with current terminology used in the field of community corrections.

Jamie Hepner moved to recommend approval of the updated 2021 Basic Parole & Probation Curriculum. Brian Pixley seconded the motion. The motion passed unanimously.

4. Approval of New Self-Study Parole & Probation Career Development Program

Presented by Chris Enquist

The Training Division requested the approval of the Corrections Policy Committee (CPC) to implement a new self-study Career Officer Development (COD) program for qualifying Parole & Probation Officers (PPOs), following a pilot of the program approved by the CPC in November 2020.

The field of community corrections has increasingly seen officers move between certified and non-certified roles in the past year. The proposed Self-Study Parole & Probation Career Officer Development program (P&P COD) will provide eligible PPOs, with out-of-state or lapsed certification, the opportunity to complete a two-month self-study program in lieu of attendance in the five-week Basic Parole & Probation Academy.

A pilot of the program was conducted from February to March of 2021 with a single enrolled student. The pilot program was reviewed by DPSST staff and deemed successful.

Feedback from the enrolled student was positive. Several community corrections agencies have communicated a desire to enroll students in a P&P COD class, if such a program is approved.

Staff recommended the pilot program be approved as formal curriculum by the CPC. This program would utilize the training model in place with COD self-study programs for police and corrections officers. Eligible officers would be provided with student materials consistent with those used in the Basic Parole & Probation program, a study plan for these materials, and eight weeks to review the content at their own pace. At the end of this study period, students would attend a single day of training and assessment on campus.

Cody Smith moved to recommend approval for implementation of the Self-Study Parole & Probation Career Officer Development Program. Jamie Hepner seconded the motion. The motion passed unanimously.

5. Proposed Rule Changes for OAR 259-008-0085: Supporting Rule Change for Adoption of the Parole and Probation Career Officer Development Course

Presented by Jennifer Howald

OAR 259-008-0085 maintains the minimum standards for Board-approved mandated courses. This proposed rule change prepares for the Board's review and approval of the Self-Study Parole and Probation Career Officer Development Course (P&PCOD). Once approved by the Board, the rule change will codify adoption of the curriculum and the successful completion requirements.

By consensus, the CPC approved the fiscal impact statements provided by staff.

Matt English moved to recommend the Board approve filing the proposed rule changes for OAR 259-008-0085 as a permanent rule. Jamie Hepner seconded the motion. The motion passed unanimously.

6. Administrative Closures – Corrections / Parole & Probation

Presented by Melissa Lang

Staff presented the following professional standards cases to the Corrections Policy Committee for administrative closure.

	Name	DPSST#	Certification(s)	Reason for Closure
a)	Della Beers	41421	Basic, and Intermediate Corrections Certification	Della Beers was terminated from her position with Umatilla County Community Corrections after she failed to report for work following administrative leave. Staff determined there was a lack of preponderance of the evidence to show that Beers' conduct violated the Board's moral fitness standards. Additionally, DPSST received notice through LEDS indicating

				Della Beers had been arrested for Unlawful Use of a Weapon and Recklessly Endangering Another Person in Umatilla County, Oregon. Based on the information provided, Criminal charges for Beers' arrest were dismissed and did not result in a criminal disposition requiring Board review.
b)	Elvis Navarrete	60938	Not Certified	Elvis Navarrete disclosed law enforcement contacts that occurred prior to his employment in public safety. A review of the contacts found none had resulted in a criminal disposition requiring Board review.
c)	William O' Grady	08804	Basic, Intermediate, Advanced, and Supervisory Corrections Certification	William O'Grady was arrested for Driving under the Influence of Intoxicants (DUII), Recklessly Endangering Another Person, and Reckless Driving. He was ultimately convicted of Reckless Driving and a warrant was issued after he failed to appear in court for a diversion of the DUII. O'Grady has not worked as a public safety professional since 2003. DPSST was unable to locate O'Grady and due to the specific circumstances of this case recommended to administratively close his case. If he comes back into public safety a new case would be opened to review his criminal conduct.
d)	Pete Romero	60937	Not Certified	Pete Romero disclosed law enforcement contacts that occurred prior to his employment in public safety. Staff were unable to determine if there were criminal dispositions

				that required review due to the inability to locate juvenile court records which may have been purged.
e)	Zackery Farrell	57262	Basic Corrections Certification	Zackery Farrell resigned from his position with the Department of Corrections/Santiam Correctional Institution (DOC/SCI) in lieu of termination regarding his continued use of unauthorized leave. Over the course of 2 ½ years Farrell received multiple letters of expectations and progressive discipline directing him to report for duty, culminating in the notice of potential pre-dismissal. Staff determined that Farrell's absences from work do not rise to the level of Board moral fitness violations

Brian Pixley moved to approve the recommendations made by staff to administratively close the above listed cases. Kevin Marshall seconded the motion. The motion passed unanimously.

7. Sandoval, Raul (54326) Certification Review: Corrections

Presented by Melissa Lang

Reason for Discretionary Review

On or about 8/28/20, Raul Sandoval notified DPSST he had been arrested on August 23, 2020 for *Assault IV-Domestic Violence* after he struck the victim in the head and face multiple times. Sandoval pleaded guilty to *Assault IV-DV*.

Raul Sandoval provided verbal mitigation for committee consideration.

<i>Policy Committee Discussion/Vote</i>	<i>Second</i>	<i>Vote</i>	<i>Outcome</i>
Cody Smith moved that the Corrections Policy Committee adopt the staff report.	Brian Pixley	9 ayes; 0 nays;	Motion Passed Unanimously
<p>The committee discussed the moral fitness violation and identified the following aggravating and mitigating factors specific to this case:</p> <ul style="list-style-type: none"> • Aggravating <ul style="list-style-type: none"> ○ Sandoval is still on probation; ○ Sandoval was employed at the time of his arrest; 			

<ul style="list-style-type: none"> ○ The severity of the assault required the victim to seek medical attention for their injuries; ○ The assault constituted domestic violence, due to the victim being his wife; ○ Children were in the home at the time of the assault; ○ Sandoval was highly intoxicated at the time of the assault; ○ Sandoval lied to police officers about being assaulted. ● Mitigating <ul style="list-style-type: none"> ○ Sandoval has seven years of service with the Department of Corrections; ○ Sandoval took responsibility for his actions during the verbal mitigation he provided to the committee; ○ Sandoval has complied with court orders; ○ Sandoval was highly intoxicated when he lied to police officers. 			
Jamie Hepner moved, after considering the identified violations of the Board's moral fitness standard and weighing the aggravating and mitigating circumstances unique to this case that no Board action should be taken against Sandoval certification.	Matt English	9 ayes 0 nays	Motion Passed
Cody Smith moved, after considering the totality of the case, that Sandoval be ineligible to hold public safety certification for 5 years.	Michael Yoder	3 ayes; 6 nays; (Purington, Pixley, Hepner, Marshall, English, Ristoff)	Motion Failed
Nadine Purington moved, after considering the totality of the case, that Sandoval be ineligible to hold public safety certification for 10 years.	Brian Pixley	7 ayes; 2 nays; (Marshall, Dishon)	Motion Passed

8. Bryant, Kyle (37775) Certification Review: Corrections

Presented by Melissa Lang

Reason for Discretionary Review

DPSST received a notice from LEDS that Kyle Bryant was arrested for *Invasion of Personal Privacy II*. On 11/21/19, Bryant pled guilty and was convicted of *Attempt to Commit a Class C/Unclassified Felony-Invasion of Personal Privacy in the First Degree* stemming from his arrest. Police reports indicate he attempted to record video of a minor while showering but was unsuccessful.

<i>Policy Committee Discussion/Vote</i>	<i>Second</i>	<i>Vote</i>	<i>Outcome</i>
Cody Smith moved that the Corrections Policy Committee adopt the staff report.	Matt English	9 ayes; 0 nays;	Motion Passed Unanimously
<p>The committee discussed the moral fitness violation and identified the following aggravating and mitigating factors specific to this case:</p> <ul style="list-style-type: none"> • Aggravating <ul style="list-style-type: none"> ○ Bryant was dishonest about making the video; ○ Bryant violated the trust of his family; ○ Bryant's conviction was recent; ○ Bryant is still on probation; ○ Bryant's conduct involved a minor; ○ Bryant violated the terms of his probation by not completing sex offender treatment as ordered; and ○ Bryant's conduct was a deliberate willful act. • Mitigating <ul style="list-style-type: none"> ○ Bryant was not employed in public safety at the time of the incident. 			
Matt English moved, after considering the identified violations of the Board's moral fitness standard and weighing the aggravating and mitigating circumstances unique to this case, that Board action should be taken against Bryant's certification.	Brian Pixley	9 ayes; 0 nays;	Motion Passed Unanimously
Brian Pixley moved, after considering the totality of the case, that Bryant be ineligible to hold public safety certification for a lifetime.	Cody Smith	9 ayes; 0 nays;	Motion Passed Unanimously

9. **Carr, Scott (57039) Certification Review: Corrections**

Presented by Melissa Lang

Reason for Discretionary Review

On 3/12/19, Scott Carr resigned in lieu of termination from his position with Department of Corrections/Eastern Oregon Corrections Institution (DOC/EOCI). Carr's termination followed an internal investigation into Carr knowingly introducing contraband into the facility and placing an Adult in Custody (AIC) in harm's way by sharing his criminal information with another AIC.

<i>Policy Committee Discussion/Vote</i>	<i>Second</i>	<i>Vote</i>	<i>Outcome</i>
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Cody Smith moved that the Corrections Policy Committee adopt the staff report.	Nadine Purington	9 ayes; 0 nays	Motion Passed Unanimously
<p>The committee discussed the moral fitness violation and identified the following aggravating and mitigating factors specific to this case:</p> <ul style="list-style-type: none"> • Aggravating <ul style="list-style-type: none"> ○ Carr's conduct was reckless; ○ Carr allowed an AIC in a protected staff area; ○ Carr refused to take ownership of his conduct; ○ Carr admitted to having boundary issues with AIC's; ○ Carr shared information about AIC's on multiple occasions; ○ Carr was employed in public safety at the time of the incident. • Mitigating <ul style="list-style-type: none"> ○ The committee did not identify any mitigation factors. 			
Brian Pixley moved, after considering the identified violations of the Board's moral fitness standard and weighing the aggravating and mitigating circumstances unique to this case, that Board action should be taken against Carr's certification.	Matt English	9 ayes; 0 nays	Motion Passed Unanimously
Brian Pixley moved, after considering the totality of the case, that Carr be ineligible to hold public safety certification for 10 years.	Matt English	9 ayes; 0 nays	Motion Passed Unanimously

10. Monson, Mario (40624) Certification Review: Corrections

Presented by Melissa Lang

Reason for Discretionary Review

On 4/17/2019, Mario Monson was terminated from his position with the Department of Corrections/Powder River Correctional Facility (DOC/PRCF) after he falsified tier check logs.

<i>Policy Committee Discussion/Vote</i>	<i>Second</i>	<i>Vote</i>	<i>Outcome</i>
Cody Smith moved that the Corrections Policy Committee adopt the staff report.	Carol Dishon	9 ayes; 0 nays	Motion Passed Unanimously

<p>The committee discussed the moral fitness violation and identified the following aggravating and mitigating factors specific to this case:</p> <ul style="list-style-type: none"> • Aggravating <ul style="list-style-type: none"> ○ Monson intentionally falsified tier check logs; ○ Monson put the safety of the Adults in Custody (AIC) in jeopardy with his conduct; ○ Monson was employed as a corrections officer since 2001 and received training related to DOC procedures; ○ Monson intentionally did not follow as supervisor's directive on conducting counts four days after receiving the directives. • Mitigating <ul style="list-style-type: none"> ○ The committee did not identify any mitigating factors. 			
Michael Yoder moved, after considering the identified violations of the Board's moral fitness standard and weighing the aggravating and mitigating circumstances unique to this case, that Board action should be taken against Monson's certifications.	James Ristoff	9 ayes; 0 nays	Motion Passed Unanimously
Matt English moved, after considering the totality of the case, that Monson be ineligible to hold public safety certification for a lifetime.	Brian Pixley	9 ayes; 0 nays	Motion Passed Unanimously

11. Shodin, James (35850) Certification Review: Corrections

Presented by Melissa Lang

Reason for Discretionary Review

On 12/31/2019, James Shodin retired from his position with the Department of Corrections/Santiam Correctional Institution (DOC/SCI) as part of a settlement agreement. Shodin was untruthful during an investigation into allegations that he was supplying contraband to Adults in Custody (AIC) at DOC/SCI.

<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.	Jamie Hepner	9 ayes; 0 nays;	Motion Passed Unanimously
<p>The committee discussed the moral fitness violation and identified the following aggravating and mitigating factors specific to this case:</p> <ul style="list-style-type: none"> • Aggravating <ul style="list-style-type: none"> ○ Shodin lied to investigators and tried to minimize his conduct; ○ Shodin supplied contraband on more than one occasion to AIC's; 			

<ul style="list-style-type: none"> ○ Shodin had 21 years' experience as a corrections officer and received multiple trainings to know his conduct was wrong; ○ Shodin introduced a highly controlled contraband into the secure facility; ○ Shodin put the AIC's life at risk when he gave them contraband. • Mitigating <ul style="list-style-type: none"> ○ The committee did not identify any mitigating factors. 			
Matt English moved, after considering the identified violations of the Board's moral fitness standard and weighing the aggravating and mitigating circumstances unique to this case, that Board action should be taken against Shodin's certifications.	Brian Pixley	9 ayes; 0 nays;	Motion Passed Unanimously
Michael Yoder moved, after considering the totality of the case, that Shodin be ineligible to hold public safety certification for a lifetime.	Carol Dishon	9 ayes; 0 nays;	Motion Passed Unanimously

12. **Winnie, Patricia (47307) Certification Review: Corrections**

Presented by Melissa Lang

Reason for Discretionary Review

DPSST received a notice from LEDS, that on 5/8/19, Patricia Winnie was issued a criminal citation for *Failure to Perform the Duties of a Driver* after hitting a parked vehicle and leaving the scene. On 10/1/19, Winnie was convicted of Reckless Driving.

<i>Policy Committee Discussion/Vote</i>	<i>Second</i>	<i>Vote</i>	<i>Outcome</i>
Jamie Hepner moved that the Corrections Policy Committee adopt the staff report.	Brian Pixley	9 ayes; 0 nays;	Motion Passed Unanimously
<p>The committee discussed the moral fitness violation and identified the following aggravating and mitigating factors specific to this case:</p> <ul style="list-style-type: none"> • Aggravating <ul style="list-style-type: none"> ○ Winnie was dishonest to police about hitting another vehicle. ○ Winnie was using a controlled substance while operating a motor vehicle. ○ Winnie failed to complete the obligations of her sentencing. • Mitigating <ul style="list-style-type: none"> ○ Winnie was not employed in public safety at the time of her arrest. 			
Michael Yoder moved, after considering the identified violations of the Board's moral fitness standard and weighing the	Brian Pixley	9 ayes; 0 nays;	Motion Passed Unanimously

aggravating and mitigating circumstances unique to this case, that Board action should be taken against Winnie's certifications.			
Brian Pixley moved, after considering the totality of the case, that Winnie be ineligible to hold public safety certification for lifetime.	Jamie Hepner	9 ayes; 0 nays;	Motion Passed Unanimously

13. Department Update

Linsay Hale, Professional Standards/Interim Training Division Director

- DPSST postponed a Basic Police class following a number of positive COVID cases. The postponement followed the established Health and Safety Protocols and did not impact the schedule of any other classes on campus.
- DPSST will begin a review of the Basic Corrections curriculum following the implementation of the final phase of the Basic Police revision.

Marsha Morin, Criminal Justice Certification Program Manager

- Current Cases
 - 87 total Corrections/Parole and Probation Cases
 - 39 are ready to begin the review process or are in some stage of the review process.
 - 48 are pending criminal/employment matters or waiting on records to be provided to DPSST.
- The Applicant Review Committee has met twice so far and reviewed two cases where the decision was to take no action against those officers' pre-employment criminal conduct based on the specific circumstances of those cases.
- DPSST is expanding the CJ Audit Program. Originally the Agency Compliance Review focused on ensuring DPSST and agency information matched and agencies were in compliance. In addition to the ACR's, with a continued focus of educating agencies of the requirements, DPSST is adding focused audits such as reporting officers on leave; FTM documents are on file at agencies, etc.
- Workgroups
 - Arbitration Workgroup: The workgroup will have its first meeting in next week. The intent is to review the actions to be taken when an arbitrator reinstates an officer who has sustained moral fitness violations.
 - Field Training Officer (FTO) Certification and Training: The workgroup had their first meeting in May. Consensus from the group is there should be a certification for FTO's who are administering the field training portion of the mandated basic courses.
 - Waiver Review (Pending) –the Board approved the creation of a workgroup to review the rules regarding waivers to attend the basic academy specifically the number of years before an officer must re-attend the full basic academy.

Currently officers must attend a career officer development course after 2 ½ years separation from employment and full basic academy after 5 years.

- Physical Standards —the Board approved the creation of a workgroup to evaluate the current physical standards requirement to determine if the standards should be a pre-academy standard rather than a pre-employment standard.

14. Next Corrections Policy Committee Meeting: August 10, 2021 at 10:00 am.

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@state.or.us.