

Corrections Policy Committee Minutes

May 9, 2023

The Corrections Policy Committee of the Board on Public Safety Standards and Training held a regular meeting on May 9, 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
Mark Boren, Public Member
Margeux Bowden, DOC, Non-Management Corrections (Webex)
Jennifer Cameron, Non-Management Parole & Probation
Lee Eby, Oregon Sheriff's Jail Command Council
John Frost, DOC, Non-Management Corrections (Webex)
Ted Langley, Oregon Sheriff's Jail Command Council
Brian Pixley, Oregon State Sheriff's Association (Webex)
Michael Yoder, Oregon Dept. of Corrections Designee for Heidi Steward, Acting Director
John Tabor, DOC, Virtue of Position (Webex)

Committee Members Absent:

Erin Reyes, DOC Superintendent
Cody Smith, Non-Management Corrections Officer
Taj Shivvers, Non-Management Department of Corrections

Guests:

Jose Espinoza
Edgar Zamarripa (Webex)

DPSST Staff:

Phil Castle, Director
Suzy Herring, Professional Standards Division Director
Marsha Morin, Standards and Certification Program Manager
Melissa Lang-Bacho, Professional Standards Case Manager
Jennifer Levario, Professional Standards Case Manager
Cindy Park, Professional Standards Case Coordinator
Jennifer Howald, Administrative Rules Coordinator
Erica Riddell, Criminal Justice Office Specialist
Shelby Wright, Executive Support Specialist



1. Introductions

Introductions of members, guests and staff.

2. **Approve November 8, 2022, and February 16, 2023, Meeting Minutes**

Lee Eby moved to approve the minutes from the November 8, 2022, Corrections Policy Committee meeting. Mark Boren seconded the motion. The motion passed unanimously.

Michael Yoder moved to approve the amended minutes from the February 16, 2023, Corrections Policy Committee meeting. Mark Boren seconded the motion. The motion passed unanimously.

3. **Administrative Closure Consent Agenda**

Presented by Jennifer Levario and Melissa Lang-Bacho, Professional Standards Case Managers

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

a) **Hamilton, Linda (25606) Parole & Probation**

On October 31, 2022, Linda Hamilton retired from Lane County Parole and Probation (LCP/P) as part of a settlement agreement. Based on the information provided, the Department has determined the individual's separation and settlement agreement does not violate the Board's moral fitness standards defined in OAR 259-008-0300(3)(b)(C).

b) **Jensen, Kelsie (61186) Corrections**

On December 3, 2020, Kelsie Jensen was separated from trial service at the Department of Corrections/Santiam Correctional Institution (DOC/SCI). The Department determined that Jensen's removal from trial service did not involve an investigation and the professional standards case was opened in error.

c) **McGrath, Roy (31078) Corrections**

On December 15, 2021, Roy McGrath was terminated from the Department of Corrections (DOC), Oregon State Penitentiary (OSP) for failure to comply with an executive order from the Governor. McGrath appealed his termination to the Employment Relations Board (ERB). The ERB concluded that the only misconduct or insubordination involved in his separation was his failure to fully comply with the Governor's Executive Order. No allegations of dishonesty, or misuse of authority were identified in the case. The Department found no moral fitness violations involved in McGrath's termination.

d) **Peterson, Brooke (52822) Corrections**

On September 11, 2020, Brooke Peterson notified the Department that she had been arrested for *Driving Under the Influence of Intoxicants (DUII)* on September 10, 2020. On September 21, 2020, Peterson resigned from the Department of Corrections Warner Creek Correctional Institution (DOC/WCCI). Based on the information provided, the Department has determined the individual's separation does not violate the Board's moral fitness standards as defined in Oregon Administrative Rule. Although Peterson was arrested for *DUII*, there was no conviction related to the arrest, and the conduct reviewed during the arrest does not violate the Board's moral fitness standards.

e) Williams, Rita (62436) Corrections

On November 18, 2022, Rita Williams was discharged during her probationary period from the Lincoln County Sheriff’s Office (LCSO) while there were uninvestigated allegations of misconduct. Based on the information provided, the Department has determined that the conduct reported by the Lincoln County Sheriff’s Office are performance-based issues that may have violated their internal policies; however, the information provided does not violate the Board’s moral fitness standards for dishonesty, misuse of authority or misconduct defined in Oregon Administrative Rule.

f) Veenendaal, Richard (27446) Corrections

On March 30, 2020, the Department received an F4s Personnel Action from the Department of Corrections/Coffee Creek Correctional Institution (DOC/CCCI) reporting Richard Veenendaal’s retirement during an internal investigation into misconduct. The Department determined the individual’s separation may violate the Board’s moral fitness standards defined in Oregon Administrative Rule. However, the individual is no longer employed, and the investigative materials provided by DOC/CCCI did not meet OAR 259-008-0310(7) in that the requirements for revocation are not supported by adequate factual information.

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

4. Aardappel, Scott (25116) Certification Review: Corrections

Presented by Jennifer Levario, Professional Standards Case Manager

Reason for Discretionary Review

On December 16, 2020, Scott Aardappel was hired by the Department of Corrections (DOC) at Columbia River Correctional Institution (CRCI). Information obtained by the Department of Public Safety Standards and Training (DPSST) in a 2005 deferred professional standards case became relevant with this new hire.

In 2006, Aardappel was identified as taking part in misconduct as a result of being convicted of a crime while employed by the Multnomah County Sheriff’s Office (MCSO). Aardappel was terminated for cause by the MCSO in 2007.

<i>Policy Committee Discussion/Vote</i>	<i>Second</i>	<i>Vote</i>	<i>Outcome</i>
Lee Eby moved that the Corrections Policy Committee adopt the staff report.	Jay Bergmann	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. 			

<ul style="list-style-type: none"> Misconduct: Aardappel was convicted of <i>Official Misconduct in the Second Degree</i> for failing to report a sexual relationship between an adult and a minor. <p><i>Aggravating Factors:</i></p> <ul style="list-style-type: none"> Aardappel pleaded guilty to the charge of <i>Official Misconduct in the Second Degree</i>. Aardappel provided a mitigation letter in which he made excuses for his behavior. Aardappel had been employed in law enforcement long enough that he should have known the importance of reporting an incident such as the one he failed to report. The Multnomah County Deputy District Attorney’s intent with the Stipulated Order was for Aardappel to not be certified in public safety. <p><i>Mitigating Factors:</i></p> <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 Aardappel’s certification.	Ted Langley	12 ayes; 0 nays	Motion Passed Unanimously
Brian Pixley moved, after considering the totality of the case, that Aardappel be ineligible to hold public safety certification for 10 years.	Lee Eby	12 ayes; 0 nays	Motion Passed Unanimously

5. Dennis, Robert (25972) Certification Review: Corrections

Presented by Jennifer Levario, Professional Standards Case Manager

Reason for Discretionary Review

On December 31, 2019, Robert N. Dennis resigned from the Department of Corrections/Santiam Correctional Institution (DOC/SCI) in lieu of termination as the result of an internal investigation.

An internal investigation by DOC/SCI revealed Dennis was untruthful about sleeping on the job. Dennis also engaged in misconduct by not complying with a written directive not to sit or eat with the Adults in Custody (AIC) during mealtime, sleeping on the job, and failing to respond as a leader to the behaviors of subordinates. Dennis did not hold himself to the high standards of conduct expected of a DPSST-certified officer and Officer in Charge (OIC) of the shift.

On January 16, 2020, the Department opened a professional standards case to review the records pertaining to the separation and investigation under Oregon Administrative Rule (OAR) 259-008-0310(1).

<i>Policy Committee Discussion/Vote</i>	<i>Second</i>	<i>Vote</i>	<i>Outcome</i>
Lee Eby moved that the Corrections Policy Committee adopt the staff report.	Jennifer Cameron	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: Dennis was intentionally untruthful when he stated he was not asleep but looking at his phone at the end of his graveyard shift as the officer in charge. Multiple officers observed and reported that he was sleeping in his office, and cell phone records obtained by DOC/SCI refuted his claim of being on the phone at the time. • Misuse of Authority: The committee did not identify elements of misuse of authority. • Misconduct: <ul style="list-style-type: none"> ○ Dennis was sleeping on the job, putting Adults in Custody (AIC) and other staff in the facility at risk of harm by threatening the safety and security of the institution. ○ Dennis sat and ate with AICs in the cafeteria at mealtime after admitting he received an email directing all staff that sitting and eating with AICs in the cafeteria was never appropriate as it does not allow them to fully see and supervise the area. ○ During mealtime, Dennis left the cafeteria reducing the AIC's supervision. ○ Dennis made unprofessional comments to subordinates while AICs were in the vicinity. ○ Dennis failed to address subordinates' harassing behavior. <p><i>Aggravating Factors:</i></p> <ul style="list-style-type: none"> • Dennis was sleeping on the job and was in a supervisory position. • Dennis lied to investigators about sleeping on the job. • Dennis has been in public service long enough to know that his conduct was inappropriate. • Dennis told numerous lies to investigators during the investigation. • Managers should set examples for the staff they supervise. Dennis' conduct did not align with an example of appropriate behavior. <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	John Frost	12 ayes; 0 nays	Motion Passed Unanimously

circumstances unique to this case, that Board action should be taken against Dennis's certifications.			
Lee Eby moved, after considering the totality of the case, that Dennis be ineligible to hold public safety certification for a lifetime.	Michael Yoder	12 ayes; 0 nays	Motion Passed Unanimously

6. Espinoza, Jose (41119) Certification Review: Corrections

Presented by Melissa Lang-Bacho, Professional Standards Case Manager

Reason for Discretionary Review

Jose Espinoza notified the Department on August 16, 2021, that he had been arrested on August 14, 2021, for Harassment and Disorderly Conduct in the Second Degree. Espinoza was later charged, on October 15, 2021, with Resisting Arrest for the same incident. On January 21, 2022, Espinoza pled guilty to a misdemeanor charge of Disorderly Conduct in the Second-Degree. The charges of Harassment and Resisting Arrest were dismissed.

Jose Espinoza provided verbal mitigation for committee consideration.

<i>Policy Committee Discussion/Vote</i>	<i>Second</i>	<i>Vote</i>	<i>Outcome</i>
Lee Eby moved that the Corrections Policy Committee adopt the staff report.	Brian Pixley	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: Espinoza violated criminal law and pled guilty to a charge of *Disorderly Conduct in the Second Degree*. Espinoza's conduct threatened or harmed persons.

Aggravating Factors:

- Espinoza resisted being arrested by police officers.
- Espinoza was lodged in jail for placing hands on his fiancé.
- Espinoza has been employed in public safety for approximately twenty years and should have been aware that his conduct was not acceptable.
- Espinoza's conduct was concerning for a public safety officer.
- Espinoza's conduct was violent and in the view of the public.
- The offense contained an element of domestic violence.

Mitigating Factors:

- Espinoza does not have a history of prior issues with law enforcement or misconduct with his employer and has the support of others.

<ul style="list-style-type: none"> • Espinoza took responsibility and active steps to ensure that he does not repeat the conduct in the offense. • Espinoza apologized to the officer and his fiancé for his conduct. • Espinoza’s written and verbal mitigations were sincere, and he followed through by taking responsibility for his actions. 			
Michael Yoder 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 Espinoza’s certifications.	Ted Langley	10 ayes; 2 nays (Eby and Pixley)	Motion Passed

7. Risteen, Marcus (62436) Certification Review: Corrections

Presented by Jennifer Levario, Professional Standards Case Manager

Reason for Discretionary Review

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.

On November 29, 2018, the Department of Public Safety Standards and Training (DPSST) opened a professional standards case to review the separation for any moral fitness violations under Oregon Administrative Rule (OAR) 259-008-0310. Upon review, the DPSST determined the case review would be deferred until such time as Risteen was re-employed in a certifiable public safety position as authorized by OAR 259-008-0310(3).

On March 9, 2023, Risteen was hired by the Yamhill County Sheriff’s Office, and a Personnel Action-New Hires and Status Changes (F4) was submitted to the DPSST. This re-hire triggered the DPSST, under OAR 259-008-0310(3), to re-open the deferred case and fully review the information provided regarding the original separation from the KPD.

<i>Policy Committee Discussion/Vote</i>	<i>Second</i>	<i>Vote</i>	<i>Outcome</i>
Carol Dishion moved that the Corrections Policy Committee adopt the staff report.	Jay Bergmann	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: Risteen admitted to lying to his Field Training Officer (FTO) about his actions during a traffic stop. 			

<ul style="list-style-type: none"> • Misuse of Authority: The committee did not identify elements of misuse of authority. • Misconduct: The committee did not identify elements of misconduct. <p><i>Aggravating Factors:</i></p> <ul style="list-style-type: none"> • The Marion County District Attorney cited a potential Brady determination and concerns about Risteen’s eligibility as a witness. • Risteen only took accountability for his actions after the FTO told him he would be reviewing the camera footage of the traffic stop. • Risteen was given a very small task to complete by his FTO and he ignored the instructions. • Risteen was only a few months into the job when he lied to his FTO. <p><i>Mitigating Factors:</i></p> <ul style="list-style-type: none"> • Risteen was accountable for his actions with his FTO during the same shift in which the lie took place. 			
Brian Pixley 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 Risteen’s application for training and subsequent certification.	Lee Eby	12 ayes; 0 nays	Motion Passed Unanimously
Brian Pixley moved, after considering the totality of the case, that Risteen be ineligible to hold public safety certification for a lifetime.	Lee Eby	11 ayes; 1 nays (Bowden)	Motion Passed

8. Zamarripa, Edgar (60677) Certification Review: Corrections

Presented by Jennifer Levario, Professional Standards Case Manager

Reason for Discretionary Review

On March 10, 2021, the Department was informed by Officer Edgar Zamarripa of his arrest for Driving Under the Influence (DUII) with damage to a guardrail. Records received by the Department on the case provided listed Zamarripa was also charged with Reckless Driving; both charges are Class A Misdemeanors.

On March 11, 2021, the Department opened a professional standards case for the DUII and Reckless Driving charges under Oregon Administrative Rule (OAR) 259-008-0310. On July 9, 2021, Zamarripa pled guilty to DUII and was granted diversion. On July 9, 2021, Zamarripa also pleaded guilty to a lesser charge of Careless Driving, a criminal violation as listed in the Oregon Revised Statutes (ORS) 811.135.

Edgar Zamarripa provided verbal mitigation for committee consideration.

<i>Policy Committee Discussion/Vote</i>	<i>Second</i>	<i>Vote</i>	<i>Outcome</i>
Jay Bergmann moved that the Corrections Policy Committee adopt the staff report.	Carol Dishion	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: Zamarripa was arrested, pleaded guilty to and received diversion for <i>DUII</i>, and pleaded guilty to a lesser charge of <i>Careless Driving</i> for operating his vehicle while intoxicated and hitting and causing significant damage to a highway guardrail. <p><i>Aggravating Factors:</i></p> <ul style="list-style-type: none"> • Zamarripa was employed at the time of the incident. • Zamarripa chose to drive impaired, putting himself and others at risk. • Zamarripa’s actions caused public property damage. • Zamarripa was initially charged with <i>Reckless Driving</i> along with his <i>DUII</i>. <p><i>Mitigating Factors:</i></p> <ul style="list-style-type: none"> • Zamarripa completed all the conditions of his <i>DUII</i> diversion program. • Zamarripa called the police himself to report the incident. • Zamarripa’s Breath Alcohol Level was just slightly over the legal limit. 			
Brian Pixley 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 Zamarripa’s certification.	John Frost	12 ayes; 0 nays	Motion Passed Unanimously

9. Agency Updates

Case Statistics

Presented by Jennifer Levario, Professional Standards Case Manager

CLOSED CASES (since 8/9/22)	
Number	Type
9	Admin Closure
8	No Action
5	Deferred
9	Revoked
3	Stipulated Order
1	Denied Certification
<i>35</i>	<i>TOTAL</i>

OPEN CASES (since 8/9/22)	
Number	Type
25	Opened for arrest/criminal
31	Opened for Separations
<i>56</i>	<i>TOTAL</i>

OPEN CASE STATUS*	
Number	Status
8	Info received
5	Pending criminal outcome
4	Ready to review
23	Info needed
5	Pending committee review
2	Pending Final Order Appeal Time
1	Pending Employment issues
<i>48</i>	<i>TOTAL</i>

Director's Updates

Presented by Phil Castle, Director

- DPSST presented to the Legislature recently regarding the increasing the number of students attending a Basic Police Class from 40 students to 60. Oregon State Police has also offered to run their own academies at DPSST with their own Instructors who will be trained by DPSST Instructors on the DPSST Basic Police course. These ideas were well received, and we anticipate that we will get the support that we need.
- The DPSST leadership team is gearing up to go offsite in the next few weeks to discuss and write a new strategic plan for the agency. DPSST staff and constituents will have the

chance to read this strategic plan and make comments or bring up any concerns they have with the content. DPSST's goal is to have this strategic plan in place in July.

- Brian Henson has been appointed as the deputy director of DPSST.
- Stacy Yutzie has been appointed as the Interim Training Director while we search for the next person to fill the position. Interviews will be conducted in the next few weeks.
- DPSST is recruiting for a Public Information Officer. Interested parties are encouraged to apply.

10. Next Corrections Policy Committee Meeting: August 8, 2023, 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.