

Corrections Policy Committee Minutes - DRAFT

August 8, 2023

The Corrections Policy Committee of the Board on Public Safety Standards and Training held a regular meeting on August 8, 2023, at the Oregon Public Safety Academy in Salem, Oregon. Chair Matt English called the meeting to order at 10:00 a.m.

Committee Members:

Matt English, Chair, Oregon State Sheriff's Association
Carol Dishion, Vice Chair, DOC, AFSCME
Jay Bergmann, Oregon Association of Community Corrections Directors
Jennifer Cameron, Non-Management Parole & Probation
John Frost, DOC, Non-Management Corrections
Ted Langley, Oregon Sheriff's Jail Command Council
Brian Stephen, Oregon Dept. of Corrections (Designee for Heidi Steward, Acting Director)
Brian Pixley, Oregon State Sheriff's Association
Taj Shivvers, Non-Management Department of Corrections
John Taber, Virtue of Position, Department of Corrections Training Division

Committee Members Absent:

Mark Boren, Public Member
Margeux Bowden, DOC, Non-Management Corrections
Lee Eby, Oregon Sheriff's Jail Command Council
Erin Reyes, DOC Superintendent

Guests:

Maria Sanchez

DPSST Staff:

Suzy Herring, Professional Standards Division Director
Marsha Morin, Standards and Certification Program Manager
Melissa Lang-Bacho, Professional Standards Compliance Coordinator
Jennifer Levario, Professional Standards Compliance 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 May 9, 2023 Meeting Minutes

Jennifer Cameron moved to approve the minutes from the May 9, 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) Jones-Rodriguez, Breanna (62147) Corrections

On November 30, 2022, Jones-Rodriguez separated from the Department of Corrections (DOC) during an investigation into her conduct with an AIC.

The Department determined there is insufficient information to make the finding that Jones-Rodriguez's violated the Board's moral fitness standards. The allegations in the PREA report were serious, with minimal circumstantial evidence pointing to the allegations being true. Absent substantial evidence, the Department is unable to take action against certification.

b) Pippenger, Robert (39857) Corrections

Pippenger separated from the Tillamook County Sheriff's Office after an internal investigation into complaints of performance deficiencies as Jail Commander at the Tillamook County Jail. The Department determined, based on the information provided that Pippenger's conduct surrounding his separation, although concerning, is performance related and does not violate the Board's moral fitness standards.

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. Carroll, Kodie (64023) Certification Review: Corrections

Presented by Melissa Lang-Bacho, Professional Standards Compliance Coordinator

Reason for Discretionary Review

On March 14, 2023, Kodie was hired as a corrections officer by the Jackson County Sheriff's Office (JCSO). The department located a criminal disposition that was not previously reported to DPSST. Carroll was arrested for *Theft in the Second Degree* on November 24, 2014, after taking money from an office while conducting security checks for the Oregon Air National Guard.

<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	10 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

an office he was tasked with securing and took money in the office for his personal use.

- Misconduct: Carroll violated criminal law and has a criminal disposition for *Theft in the Second Degree*.

Aggravating Factors:

- The theft of money happened while Carroll was on duty.
- Carroll said that he was having financial problems at the time and the money was too much to pass up, and the committee questioned what he would do now if in a similar circumstance.
- Carroll did not report the criminal disposition on his original application for training.
- Carroll misused his authority with the Oregon Air National Guard to access locations of the base at times of the day an average person would likely not be given and took advantage of the situation. This demonstrated that he lacks the integrity needed for law enforcement.
- Carroll's misuse of his authority was opportunistic. Carroll had integrity, only until an opportunity presented itself to him.
- Carroll's opportunistic conduct was worrisome, especially if he would be working in jail with persons who could be victimized.
- There was no accountability for his actions or reason to believe that he would not do the same thing again.

Mitigating Factors:

- The committee did not identify any mitigating factors.

Neutral Factors:

- The committee identified Carroll's employment with the Jackson County Sheriff's Office as a neutral factor, and neither mitigating nor aggravating to the circumstances.

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 Carroll's application for training and subsequent certification.	Brian Pixley	10 ayes; 0 nays;	Motion Passed Unanimously
Brian Pixley moved, after considering the totality of the case, that Carroll be ineligible to hold public safety certification for a lifetime.	Brian Stephen	10 ayes; 0 nays;	Motion Passed Unanimously

5. Page, Troy (58639) Certification Review: Corrections

Presented by Jennifer Levario, Professional Standards Compliance Coordinator

Reason for Discretionary Review

On October 30, 2020, Troy Page resigned from the Linn County Sheriff's Office (LCSO) after an investigation found Page was untruthful during his employment background investigation.

<i>Policy Committee Discussion/Vote</i>	<i>Second</i>	<i>Vote</i>	<i>Outcome</i>
Ted Langley recused himself due to a conflict of interest. Langley was involved with the investigation of Troy Page.			
Brian Pixley moved that the Corrections Policy Committee adopt the staff report.	Brian Stephen	9 ayes; 0 nays; 1 recused (Langley	Motion Passed Unanimously
The Corrections Policy Committee found the following moral fitness violations and factors: <i>Moral Fitness Violations:</i> • Dishonesty: Page was untruthful during his background investigation for employment with the Linn County Sheriff's Office (LCSO) when he falsified information and lied to the background investigator. • Misuse of Authority: The committee did not identify elements of misuse of authority. • Misconduct: Page engaged in misconduct by falsifying his background investigation information and lying during his background investigation as well as during the LCSO internal investigation which threatened the efficient operations of the agency and violated Board established employment, training, and certification standards for public safety professionals. <i>Aggravating Factors:</i> • Page was dishonest during the internal investigation and his background investigation. • Page was dishonest several times during the internal investigation and did not take accountability for his actions. • Page knew some of the people incarcerated in the facility he worked in but failed to report this to his superiors. • Page was pulled over by police while in a car with a person who had heroin in his possession. • Page failed to disclose, during his background investigation, that he had been in a vehicle that was stopped by police where the person in the car with him was in possession of heroin. <i>Mitigating Factors:</i>			

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 Page's certification.	Jay Bergmann	9 ayes; 0 nays; 1 recused (Langley)	Motion Passed Unanimously
Brian Stephen moved, after considering the totality of the case, that Page be ineligible to hold public safety certification for a lifetime.	John Taber	9 ayes; 0 nays; 1 recused (Langley)	Motion Passed Unanimously

6. Sanchez, Maria (26550) Certification Review: Corrections

Presented by Jennifer Levario, Professional Standards Compliance Coordinator

Reason for Discretionary Review

On July 1, 2021, Maria Sanchez was terminated for cause from the Department of Corrections/Coffee Creek Correctional Facility (DOC/CCCCF) for numerous agency policy violations. Sanchez grieved her termination, and it went to arbitration on July 14, 2022. The arbitrator determined the termination for cause was not an appropriate response to the evidence presented, although he also acknowledged her conduct was immature, demeaning, and unprofessional. Instead, and in light of both aggravating and mitigating factors, the arbitrator determined Sanchez should be reinstated to her position with DOC/CCCCF and that appropriate progressive discipline be utilized by the agency.

Maria Sanchez provided verbal mitigation for committee consideration.

<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	10 ayes; 0 nays;	Motion Passed Unanimously
The Corrections Policy Committee found the following moral fitness violations and factors: <i>Moral Fitness Violations:</i> Dishonesty: Sanchez fabricated an explanation as to why she made changes to a post duty. Sanchez did not immediately disclose her actions concerning a photo she took of herself and another officer during her investigation, which highlighted a reckless disregard for the truth. Sanchez was not forthcoming to investigators in admitting the motive and manner for returning a bag of her uniforms, highlighting a reckless disregard for the truth. Sanchez denied calling an offer a rat which was a lie.			

- Misuse of Authority: Sanchez misused her authority by retaliating against subordinates who reported concerns about her conduct.
- Misconduct: Sanchez harmed the efficient operations of the agency through her unprofessional, intimidating, and manipulating behavior, violating agency policy and violating post orders.

Aggravating Factors:

- Writing “What would Sanchez do” in a location that carried contention, did not set a good example as a supervisor.
- As a supervisor, Sanchez should have set a good example for those to follow. Sanchez did not set a positive work environment.
- There were several people involved in reporting Sanchez’s untruthfulness.
- Sanchez speaking to someone about an incident and calling them a rat should have been addressed with a lieutenant or supervisor and not by Sanchez.

Mitigating Factors:

- Sanchez has worked for the DOC for 31 years without prior discipline.
- The narrative does not support that the photo Sanchez took was retaliatory in nature.
- The narrative does not clarify that the placement of the bag of uniforms had any direct impact on anyone.
- Complementing Ms. Meyers is not a way of influencing an investigation.

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 Sanchez’s certifications.	Jay Bergmann	7 ayes; 3 nays;	Motion Passed
Brian Pixley moved, after considering the totality of the case, that Sanchez be ineligible to hold public safety certification for a lifetime.	John Frost	2 ayes; 8 nays;	Motion Failed
Brian Stephen moved, after considering the totality of the case, that Sanchez be ineligible to hold public safety certification for 3 years.	Jay Bergmann	5 ayes; 5 nays;	Motion Failed
John Frost moved, after considering the totality of the case, that Sanchez be ineligible to hold public safety certification for 10 years.	Brian Pixley	8 ayes; 2 nays;	Motion Passed

7. Program Manager Updates

Presented by Marsha Morin, Standards and Certification Program Manager

- Moral Fitness Workgroup. DPSST is setting up a Moral Fitness Workgroup to review the rules regarding revocation and denial of criminal justice public safety professional certifications. The first meeting is planned for the end of September 2023.
- DPSST is working with the Klamath Tribes as they work towards SB412 compliance to allow authorized tribal police officers to enforce the law off tribal lands.
- Removal of Manager Signature on Administrative Closures.
 - The manager approval signature is being removed from the administrative closures because it can be viewed as DPSST approving the closure which is the policy committee's role. DPSST's responsibility is to provide enough information in the closure memos for the committee to make an informed decision.
- Case Coordination Process Changes.
 - Now that DPSST has two fully trained compliance coordinators, we look forward to presenting more cases each quarter.
 - In 2024 we will be rotating coordinators presenting cases each quarter which will allow them to have six months between presenting cases instead of three.
 - Committee Case Review Process Training. DPSST will provide refresher training on the committee case review process.

8. Next Corrections Policy Committee Meeting: November 7, 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.