

Corrections Policy Committee Minutes

August 9, 2022

The Corrections Policy Committee of the Board on Public Safety Standards and Training held a regular meeting on August 9, 2022, at the Oregon Public Safety Academy in Salem, Oregon. Chair, Matthew English called the meeting to order at 10:00am.

Committee Members:

Matthew English, Chair, Oregon State Sheriff's Association
Carol Dishion, Vice Chair, Non-Management DOC, Coffee Creek
Jaime Hepner, Oregon Association of Community Corrections Directors
John Frost, DOC Non-Management Corrections (Webex)
Erin Reyes, DOC Superintendent (Webex)
Michael Yoder, Oregon Dept. of Corrections, Designee for DOC Director (Webex)
Gary Ninman, Professional Development Unit, DOC (Webex)
Cody Smith, Non-Management Corrections Officer (Webex)
Taj Shivvers, Non-Management (Webex)
Ted Langley, Oregon Sheriff's Jail Command Council
Jennifer Cameron, Non-Management Parole & Probation
Mark Boren, Public Member

Committee Members Absent:

Lee Eby, Oregon Sheriff's Jail Command Council
Brian Pixley, Oregon State Sheriff's Association
James Ristoff, Non-Management Corrections Officer

Guests:

David Knudsen (Webex)
Daniel Schram (Webex)

DPSST Staff:

Suzy Herring, Professional Standards Director
Marsha Morin, Standards and Certification Manager
Melissa Lang-Bacho, Professional Standards Case Manager
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 10, 2022 Meeting Minutes

Mark Boren moved to approve the minutes from the May 10, 2022, Corrections Policy Committee meeting. Jamie Hepner seconded the motion. The motion passed unanimously with two recusals (Michael Yoder, Jennifer Cameron).

3. Approve June 14, 2022 Meeting Minutes

Ted Langley moved to approve the minutes from the June 14, 2022, Corrections Policy Committee meeting. Gary Ninman seconded the motion. The motion passed unanimously with one recusal (Jennifer Cameron).

4. Administrative Closure Consent Agenda

Presented by Melissa Lang-Bacho, Professional Standards Case Manager

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

a) Murff, Amelia (59095) Corrections/Parole & Probation

On June 8, 2021, the Department opened a professional standards case to review Amelia Murff's criminal citation for Driving Under the Influence of Intoxicants, which she reported to the Department. On May 14, 2022, the Department was notified Murff had passed away.

b) Honl, Jacob (53200) Corrections/Parole & Probation

On March 20, 2020, Honl was terminated from his probationary position with the Department of Corrections (DOC), Two Rivers Correctional Institution (TRCI). Documentation provided to the Department indicates that Honl was terminated after he had a car accident in the parking lot at TRCI and was untruthful about having car insurance.

The Department opened a professional standards case to gather information related to Honl's separation; however, no investigation was conducted by the agency. A copy of the police report was obtained from the accident. The police report did not reflect that Honl was dishonest with the responding police officer.

The Department determined Honl's conduct may have violated the Board's moral fitness standards. However, insufficient information is available to demonstrate by a preponderance of the evidence that Honl was untruthful about having car insurance.

c) Goforth, Nichole (62570) Corrections/Parole & Probation

The Department opened a professional standards case for Nicole Goforth after receiving a Personnel Action – Separation Form (F4s) from the Department of Corrections (DOC), Two Rivers Correctional Institution (TRCI) indicating Goforth was terminated while on probationary employment as the result of an investigation into allegations of misconduct.

After notifying the Department that the F4S was not filled out properly, TRCI submitted an amended F4S, indicating that Goforth was terminated while on probationary service for failing to demonstrate the competence and or fitness for the position. DPSST confirmed with DOC/TRCI that an investigation was not completed as the separation not related to any misconduct.

The Department has determined that the professional standards case should not have been opened since the separation was not related to any kind of misconduct.

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

5. Alvarez, Jesus (55323) Certification Review: Corrections

Presented by Melissa Lang-Bacho, Professional Standards Case Manager

Reason for Discretionary Review

On July 21, 2021, Jesus Alvarez was terminated from his position with the Department of Corrections (DOC), Eastern Oregon Correctional Institution (EOCI), after he was found to be untruthful about sleeping while on duty.

<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.	Jamie Hepner	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: Alvarez was intentionally untruthful when he stated he not snoring when, in fact, he was. Alvarez was intentionally untruthful when he told the lieutenant that he was not sleeping when, in fact, he was. • Misuse of Authority: The committee did not identify elements of misuse of authority. • Misconduct: Alvarez threatened the efficient operation of EOICI when he was asleep while on duty. Alvarez threatened the safety of those at EOICI when he was sleeping while on duty. <p><i>Aggravating Factors:</i></p> <ul style="list-style-type: none"> • There were three instances documented where Alvarez was sleeping on duty where he could have addressed the issue, taken steps to correct it, or taken accountability but he did not. • Alvarez was observed sleeping, was woken up by a superior officer, then argued he was not asleep. • Alvarez stuck with the lie he was not sleeping until he was told there was a video. • Alvarez’s sleeping on duty created a safety risk to both staff and Adults in Custody (AIC) at the institution. <p><i>Mitigating Factors:</i></p> <ul style="list-style-type: none"> • The committee did not identify any mitigating factors. 			

Gary Ninman 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 Alvarez's certification.	Cody Smith	12 ayes; 0 nays	Motion Passed Unanimously
Cody Smith moved, after considering the totality of the case, that Alvarez be ineligible to hold public safety certification for a lifetime.	Gary Ninman	12 ayes; 0 nays	Motion Passed Unanimously

6. Knudsen, David (59147) Certification Review: Corrections

Presented by Melissa Lang-Bacho, Professional Standards Case Manager

Reason for Discretionary Review

On August 23, 2021, David Knudsen reported to the Department that he had received a misdemeanor citation for Injury to a Child, in Fruitland, Idaho for conduct that occurred on August 19, 2021.

David Knudsen provided verbal mitigation for committee consideration.

<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.	Michael Yoder	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: Knudsen left his child alone in public unsupervised, which threatened the child's safety. <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"> • The situation Knudsen was in, was a relatable one for parents and there were no extreme threats to the child's safety. • The dismissal without charges and only a fee to pay seemed to indicate that the child was not endangered. 			

<ul style="list-style-type: none"> • Knudsen took steps to report his arrest to the Department. • Knudsen attempted to work out the situation on the scene with law enforcement. • Knudsen flagged down law enforcement to help. 			
Gary Ninman 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 Knudsen’s certification.	Jamie Hepner	12 ayes; 0 nays	Motion Passed Unanimously

7. Mobley, Abigail (45844) Certification Review: Corrections

Presented by Melissa Lang-Bacho, Professional Standards Case Manager

Reason for Discretionary Review

On February 27, 2020, the Department opened a professional standards case for Mobley after receiving notification that she had been arrested for Driving Under the Influence of Intoxicants (DUII) on February 8, 2020.

Prior to the DUII case concluding, Mobley resigned from the Grant County Sheriff’s Office (GCSO) on December 26, 2020. On February 11, 2021, the Department received an amended F4s, documenting that Mobley separated from the GCSO and that her separation resulted from of an active or pending investigation into allegations of misconduct. As a result of the amended F4s, the Department requested information related to her separation and the investigation into the allegations of misconduct.

<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.	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: The committee did not identify elements of dishonesty. • Misuse of Authority: Mobley used her position as a public safety professional to have a relationship with an Adult in Custody (AIC). • Misconduct: Mobley threatened the efficient operations of the GCSO by having a personal relationship with an AIC and placed the staff at the GCSO at risk of injury from the AIC because of her relationship with them. <p><i>Aggravating Factors:</i></p> <ul style="list-style-type: none"> • The Department of Justice investigated Mobley’s conduct for criminal charges. 			
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<ul style="list-style-type: none"> • Mobley's conduct was a PREA violation. • Mobley's conduct put other family members working at the GCSO in a bad position because of the animosity from their peers due to Mobley's conduct. • Mobley would have been unable to have a relationship with the AIC if not for her position at the GCSO. • Mobley neglected their duties. • While under investigation, Mobley received criminal charges for <i>Driving Under the Influence of Intoxicants</i>. <p><i>Mitigating Factors:</i></p> <ul style="list-style-type: none"> • The committee did not identify any mitigating factors.

Gary Ninman 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 Mobley's certifications.	Cody Smith	12 ayes; 0 nays	Motion Passed Unanimously
Jamie Hepner moved, after considering the totality of the case, that Mobley be ineligible to hold public safety certification for 10 years.	Ted Langley	12 ayes; 0 nays	Motion Passed Unanimously

8. Richman, Andrew (51981) Certification Review: Corrections

Presented by Melissa Lang-Bacho, Professional Standards Case Manager

Reason for Discretionary Review

On June 7, 2020, Andrew Richman notified the Department that he had been arrested and received a criminal citation for Driving Under the Influence of Intoxicants (DUII) and Unlawful Possession of a Firearm, on June 1, 2020. Richman was also charged with two counts of Recklessly Endangering Another Person, for the same incident.

<i>Policy Committee Discussion/Vote</i>	<i>Second</i>	<i>Vote</i>	<i>Outcome</i>
Gary Ninman moved that the Corrections Policy Committee adopt the staff report.	Michael Yoder	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: Richman was untruthful when he stated that he had not taken any medications or controlled substances when he had. 			

- Misuse of Authority: The committee did not identify elements of misuse of authority.
- Misconduct: Richman threatened the safety of his children when he was driving with them while intoxicated.

Aggravating Factors:

- Richman was driving on a busy highway and had his children in the car while he was under the influence of intoxicants which exasperated the danger.
- Richman was dishonest to the police officer during an investigation.
- Richman’s statement to the Department was deceptive when he stated that his UA would be clear from the depressant medications the deputy was concerned about. This statement conflicts with what he told the police officer, whom he told his UA would reflect that he had used marijuana.
- At the time of his arrest, Richman was employed in leadership.
- Richman did not maintain compliance with court orders and required an order to show cause from the court.

Mitigating Factors:

- Richman completed the terms of his diversion.

Ted Langley moved, after considering the identified violations of the Board’s moral fitness standards and weighing the aggravating and mitigating circumstances unique to this case, that Board action should be taken against Richman’s certifications.	Jamie Hepner	12 ayes; 0 nays	Motion Passed Unanimously
Jamie Hepner moved, after considering the totality of the case, that Richman be ineligible to hold public safety certification for a lifetime.	Mark Boren	12 ayes; 0 nays	Motion Passed Unanimously

9. Schram, Daniel (31475) Certification Review: Parole & Probation

Presented by Melissa Lang-Bacho, Professional Standards Case Manager

Reason for Discretionary Review

On December 1, 2021, David Schram was terminated from his position with Jackson County Community Justice (JCCJ) after they sustained allegations that he was untruthful about his location during work hours.

Daniel Schram 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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Jamie Hepner moved that the Corrections Policy Committee adopt the staff report.	Gary Ninman	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: Schram was untruthful about his whereabouts after being directed to work in his office for two days following a possible COVID exposure. • 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"> • Schram was employed in public safety at the time, with 26 years of experience. • Schram previously categorized his conduct as a fib, but written documentation and verbal mitigation reflect that he lied about his whereabouts. • Schram was given a clear directive to remain in his office and did not follow it. • Schram took no accountability in his verbal mitigation for his actions and blamed a supervisor for not listening to directives and lying. • Schram made two aggravating statements during his interviews: he went to Medford Police Department, where they have the same attitude as him about COVID, and about checking in with supervisors; Schram stated he was bad at remembering to do that. • Schram’s mitigation was aggravating. <p><i>Mitigating Factors:</i></p> <ul style="list-style-type: none"> • At the time Schram was directed to quarantine in his office, there was a lot of confusion about COVID and the necessary precautions to take. 			
Jamie Hepner 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 Schram’s certifications.	Carol Dishion	11 ayes; 0 nays; 1 abstain (Michael Yoder)	Motion Passed Unanimously
Jamie Hepner moved, after considering the totality of the case, that Schram be ineligible to hold public safety certification for a lifetime.	Mark Boren	11 ayes; 0 nays; 1 abstain (Michael Yoder)	Motion Passed Unanimously

10. DOC-Corrections Maintenance Training Requirements Discussion

Speaker - DOC Representative, Assistant Director Rob Persson and Administrator Ken Jeske

The Department of Corrections presented a concern regarding challenges with providing the required amount of training for their correctional officers to be in compliance with the three-year maintenance requirements. Their challenges are related to staffing and not having enough officers to cover shifts while others attend training.

After discussion, it was determined that DOC would work with DPSST to determine if the extension timelines currently available in rule would meet their needs and, if necessary, present a recommended solution to the CPC at their next meeting.

11. Establishing Rules Requiring Law Enforcement Agencies Adopt Best Practice Policies for Interacting with Persons Who Have Experienced Trauma

Presented by Jennifer Howald, Information Only

DPSST provided an informational update regarding Oregon Revised Statute (ORS) 181A.445 (HB 2575) which directs DPSST, in consultation with the Department of Justice (DOJ), to develop best practices for law enforcement agencies when interacting with persons who have experienced trauma. The draft rule includes DPSST interpretation of ORS 181A.445 as applicable to law enforcement agencies employing police officers. Without this distinction, there may be unintended requirements that apply to law enforcement agencies without police officers such as the Department of Corrections and the Oregon Liquor and Cannabis Commission. However, nothing in the rule or the statute precludes a law enforcement agency from adopting best practices policies that apply to public safety officers other than, or in addition to, police officers. The rule is intended to be filed effective January 1, 2023, when the DPSST/DOJ best practices will be completed and made available to law enforcement agencies.

12. Policy Discussion Regarding Law Enforcement Officer Certification Maintenance Training Requirements

Presented by Jennifer Howald

Senate Bill 1510 amended ORS 181A.530 to include specific training requirements for parole and probation officers. The bill states:

(3) The initial training required for certification as a parole and probation officer, and any mandatory training to maintain certification, must include training in providing trauma-informed care, culturally specific services and de-escalation techniques.

The current certification maintenance standard is defined in OAR 259-008-0065 and applies to all law enforcement officer disciplines, including police officers, corrections officers, parole and probation officers, and OLCC regulatory specialists.

Based on the current maintenance standard structure and processes, the committee discussed adding the new parole and probation maintenance requirements to the current law enforcement maintenance standard and the impact to the corrections discipline.

By consensus, the committee recommended that the maintenance requirements prescribed by SB 1510 remain limited to the parole and probation officer discipline. The committee opposed including the new maintenance training requirements for the corrections officer discipline.

13. Proposed Rule Changes for Oregon Administrative Rule (OAR) 259-008-0065

Presented by Jennifer Howald

House Bill 2162 directs DPSST to develop a statewide equity training program for police officers and include the identified equity training in the requirements to obtain and maintain basic certification as a police officer.

DPSST recommends three hours of equity training be completed within each three-year maintenance cycle. The three hours of equity training will need to include at least one of the training concepts identified in the administrative rule. The four training concepts listed in the rule define the intent of this equity training requirement and provide guidance to employing agencies. DPSST plans to provide a list of training resources that will help agencies facilitate the successful completion of this maintenance training requirement. However, employing agencies and law enforcement officers will not be limited to the resources DPSST provides. The employing agency will continue to have the discretion to determine what training is submitted to satisfy the requirement.

The proposed rule changes facilitate implementation of equity training as a law enforcement officer maintenance standard. While the equity training requirements from HB 2162 are specific to police officers, these rule changes are drafted to include all law enforcement officers. The definition of law enforcement officer includes police officers, corrections officers, parole and probation officers, and regulatory specialists (OAR 259-008-0005(19)).

The intent is to file this rule change to be effective January 1, 2023. With this effective date, the three hours of equity training would be required by December 31, 2023, for any law enforcement officer whose three-year maintenance cycle ends December 31, 2023.

Consensus reached approving the fiscal impact statements provided by staff.

Jamie Hepner moved to recommend adoption of the recommended equity training requirements for maintaining a police officer certification as a law enforcement officer maintenance standard and that the Board approve the rule changes for Oregon Administrative Rule (OAR) 259-008-0065 as a permanent rule. Carol Dishion seconded the motion. In a 6 to 5 vote with one recusal (Taj Shivers) the motion passed.

14. Program Manager Update

Presented by Marsha Morin, Standards and Certification Manager

- Current Cases
 - 86 total Corrections/Parole and Probation Cases
 - 26 are ready to begin the review process or are in some stage of the review process.
 - 60 are pending criminal/employment matters or waiting on records to be provided to DPSST.
 - 12 new cases have been added since the last policy committee meeting.

- 6 cases were closed since the last policy committee meeting.
- A Field Training Officer (FTO) Training Development Workgroup was formed to focus specifically on determining what training a field training officer should receive to obtain and maintain certification. The workgroup will have their first meeting next week and will be led by Jim deSully, DPSST Regional Training Manager.
- The Background Workgroup is scheduled to meet in September. DPSST and DOJ are continuing the legal sufficiency review process with the goal of providing the workgroup recommendations to the policy committee in November.

15. Department Update

Presented by Suzy Herring, Professional Standards Director

- The Criminal Justice Certification Program has been recruiting for a new Compliance Specialist 2 and Compliance Specialist 3 position. Interviews are expected to begin next week. The goal of these new positions is to increase the number of cases heard by the Policy Committees.
- Workday training for Policy Committee members is no longer required. If you have received reminder emails about completing training for the year you can disregard those.
- The new Directors position is still in the recruitment process. The candidate pool has been narrowed down to five individuals. There will be multiple panels assembled to review the applicants. A decision will not be made until after the new Governor is elected in November.

16. Next Corrections Policy Committee Meeting: November 8, 2022 at 10:00am.

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.