

Corrections Policy Committee Minutes

August 11, 2020

The Corrections Policy Committee of the Board on Public Safety Standards and Training held a regular meeting on August 11, 2020, at the Oregon Public Safety Academy in Salem, Oregon. Chair, Nadine Purington called the meeting to order at 1:30pm

Committee Members:

Nadine Purington, Chair, Non-Management Parole & Probation
Rob Perrson, DOC Superintendent
Greg Martin, AOCE Representative, DOC (WebEx)
Kevin Marshal, Public Member (Phone)
Jaime Hepner, Oregon Association of Community Corrections Directors (WebEx)
Matt English, Oregon State Sheriff's Association (WebEx)
Gary Ninman, Professional Development Unit, DOC (WebEx)
Jamie Russell, Oregon Sheriff's Jail Command Council (WebEx)
Brian Pixley, Oregon State Sheriff's Association
Lee Eby, Oregon Sheriff's Jail Command Council
Taj Shivvers, Non-Management DOC
Michael Yoder, Designee, Oregon Dept. of Corrections (WebEx)

Committee Members Absent:

Cody Smith, Non-Management Corrections Officer

Guests:

Angela Branford
Justen Roberts
Benjamin West
Joseph Yeane

DPSST Staff:

Eriks Gabliks, Director
Linsay Hale, Professional Standards/Interim Training Division Director
Marsha Morin, Criminal Justice Certification Program Manager
Wendy Nunez, Criminal Justice Office Specialist
Jennifer Howald, Administrative Rules Coordinator



1. Introductions

Introductions of members, guest and staff were presented.

2. Approve June 16, 2020 Meeting Minutes

Brian Pixley moved to approve the minutes from the 6/16/2020 Corrections Policy Committee meeting with minor corrections. Nadine Purington seconded the motion. The motion passed unanimously, with Michael Yoder abstaining. Administrative Closures – Corrections / Parole & Probation

3. Administrative Closures – Corrections / Parole & Probation

Presented by Linsay Hale

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

	Name	DPSST#	Certification(s)	Reason for Closure
a)	James Taylor	26072	Basic, Intermediate and Advanced Corrections	Retired with a Settlement Agreement. Complaints were indicative of poor-decision making and incompetence only.
b)	Tony Morgan	41117	Basic Corrections	Morgan was arrested for <i>Contempt of Court</i> . <i>Contempt of Court</i> is not punishable as a crime.
c)	Andrew Harrell	60946	Not Certified	Conviction of <i>Prohibiting Polluting State Lake or Water</i> in 2014. Self-reported conviction, occurred five years prior to employment in public safety, only conviction on record, all court obligations have been satisfied and did not involve dishonesty or deceit.

Rob Pearson moved to approve the recommendations made by staff to administratively close the above listed cases. Matt English seconded the motion. The motion passed unanimously.

4. West, Benjamin (60954) Certification Review: Corrections

Presented by Linsay Hale

Reason for Discretionary Review

DPSST received an amended Application for Training (F5) for Benjamin West, where he disclosed a prior conviction. (The F5 was amended after staff confirmed with the Department of Corrections (DOC) that the conviction was a violation, but the charge is punishable as a misdemeanor.) On 1/9/20 West pled guilty and was convicted of *Taking, Angling, Hunting, or Trapping in Violation of Wildlife Law or Rule*.

Benjamin West provided verbal mitigation for committee consideration.

<i>Policy Committee Discussion/Vote</i>	<i>Second</i>	<i>Vote</i>	<i>Outcome</i>
Rob Persson moved that the Corrections Policy Committee adopt the staff report.	Gary Ninman	10 ayes; 0 nays; 2 abstentions due to technological issues. (Yoder, Martin)	Motion Passed
<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">○ West fired his weapon in the roadway.• Mitigating:<ul style="list-style-type: none">○ The District Attorney elected to reduce the original charge from a misdemeanor to a violation.○ West shot at the decoy 15 minutes after the legal shooting hours ended.○ West provided verbal mitigation.○ West was cooperative and respectful with law enforcement during the incident.○ West has no other criminal history.○ The incident and conviction took place prior to employment as a public safety professional.			
Rob Persson 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 West's application for	Matt English	10 ayes; 0 nays; 2 abstentions due to technological issues. (Yoder, Martin)	Motion Passed

training and subsequent certification.			
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5. Roberts, Justen (54117) Certification Review: Corrections

Presented by Linsay Hale

Reason for Discretionary Review

DPSST was notified by Justen Roberts that he was arrested on 5/26/19 for *Driving Under the Influence (DUI)* and *DUI with a Blood Alcohol Content (BAC) .08% or Greater* in Chico, California. On 2/25/20, Roberts pled no contest and was convicted of the added charge of *Reckless Driving-Alcohol Related*, the *DUI* and *DUI with a BAC .08% or Greater* were dismissed due to the low BAC

Justen Roberts provided verbal mitigation for committee consideration.

<i>Policy Committee Discussion/Vote</i>	<i>Second</i>	<i>Vote</i>	<i>Outcome</i>
Greg Martin recused himself due to a conflict of interest.			
Lee Eby moved that the Corrections Policy Committee adopt the staff report.	Brian Pixley	11 ayes; 0 nays; 1 recused (Martin)	Motion Passed
<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"> ○ Roberts was employed as a public safety professional at the time of the incident. ○ Roberts was convicted of a criminal offense. • Mitigating: <ul style="list-style-type: none"> ○ Roberts provided written mitigation. ○ Roberts took full responsibility for his actions during his verbal mitigation. ○ Roberts was cooperative with the officers during the arrest. ○ Roberts is compliant with all conditions of his conviction. 			
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 no Board action should be taken against Roberts' certification.	Nadine Purington	11 ayes; 0 nays; 1 recused (Martin)	Motion Passed

6. Branford, Angela (49801) Certification Review: Corrections

Presented by Linsay Hale

On June 18, 2018, Angela Branford was terminated from the Washington County Sheriff's Office (WCSO). An internal investigation revealed that Branford inappropriately used law enforcement database systems for personal reasons and when questioned, attempted to omit information and mislead investigators in an effort to minimize her behavior.

Angela Branford 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.	Rob Pearson	12 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">○ Branford took no responsibility for her actions and blamed others during her verbal mitigation.○ During the initial investigative interview, Branford stated that she had not accessed the records for personal reasons but later indicated she had forgotten and only remembered after seeing the complainants name on the internal affairs document.• Mitigating:<ul style="list-style-type: none">○ Branford's ongoing and documented medical issues.			
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 Branford's certification.	Matt English	12 ayes; 0 nays	Motion Passed Unanimously
Brian Pixley moved, after considering the totality of the case, that Branford be ineligible to hold public safety certification for lifetime.	Gary Ninman	11 ayes; 1 nay (Shivers)	Motion Passed

7. Conklin, Robert (53852) Certification Review: Corrections

Presented by Linsay Hale

Reason for Discretionary Review

On December 19, 2018, Robert Conklin resigned from the Harney County Sheriff's Office (HCSO) during an investigation into his treatment of an inmate he believed had flooded his cell. Staff determined, Conklin's hostile behavior towards the inmate, specifically pushing the inmate into a security gate, yelling obscenities at the inmate, then pushing him against the wall violates the Board's moral fitness standards.

<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.	Lee Eby	12 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">○ Conklin did not provide any verbal command prior to using force during intake of the inmate.○ The lieutenant did not request assistance from Conklin.○ Conklin's lack of restraint by punching a cabinet once the inmate was in the cell○ Conklin's behavior, including the 2016 bar incident, shows an ongoing pattern of reckless behavior and the inability to conduct himself in a professional manner.○ During the 2016 incident, Conklin attempted to have a fellow patrol deputy use their position to take action against the individual in a bar you ended up having the altercation with.○ Both issues took place while Conklin was employed at the HCSO.• Mitigating:<ul style="list-style-type: none">○ Conklin received discipline for the prior event in 2016 and admitted to substance abuse.			
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 Conklin's certification.	Matt English	12 ayes; 0 nays	Motion Passed Unanimously
Lee Eby moved, after considering the totality of the case, that Conklin be ineligible to hold public safety certification for lifetime.	Brian Pixley	12 ayes; 0 nays	Motion Passed Unanimously

8. Daley, Benjamin (56374) Certification Review: Corrections

Presented by Linsay Hale

On December 6, 2017, Benjamin Daley was discharged from the Department of Corrections/Oregon State Correctional Institution (DOC/OSCI) for failing to report for scheduled shifts and failing to respond after numerous attempts to contact him. Staff has confirmed with OSCI that Daley was also the subject of a criminal investigation which resulted from allegations that he was providing contraband that included tobacco, marijuana and porn to inmates housed at the OSCI.

<i>Policy Committee Discussion/Vote</i>	<i>Second</i>	<i>Vote</i>	<i>Outcome</i>
Gary Ninman recused himself due to a conflict of interest.			
Rob Persson moved that the Corrections Policy Committee adopt the staff report.	Taj Shivvers	11 ayes; 0 nays; 1 recusal (Ninman)	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">○ The Oregon State Police conducted a criminal investigation and found probable cause to charge Daley with Criminal Misconduct and Supplying Contraband.○ Daley was dishonest about his conduct when questioned by the Oregon State Police.○ There were multiple accounts that Daley's behavior was ongoing and occurred on multiple occasions.○ Daley's conduct jeopardized the safety and security of staff and inmates.○ Daley failed to appear for multiple shifts○ Daley abandoned state property when he left his assigned work equipment in his room when he moved out.• Mitigating<ul style="list-style-type: none">○ The committee did not identify any mitigating factors.			
Greg Martin 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 Daley's certification.	Kevin Marshall	11 ayes; 0 nays; 1 recusal (Ninman)	Motion Passed Unanimously
Pixley moved, after considering the totality of the case, that Daley be ineligible to hold public safety certification for lifetime.	Matt English	11 ayes; 0 nays; 1 recusal (Ninman)	Motion Passed Unanimously

9. Verduzco, Sergio (42247) Certification Review: Corrections

Presented by Linsay Hale

Reason for Discretionary Review

On October 3, 2018, Sergio Verduzco resigned from the Department of Corrections/Deer Ridge Correctional Institution (DOC/DRCI) while under investigation for insubordination, inappropriate use of DOC resources and engaging in inappropriate, personal relationships with several individuals in custody and on active supervision.

This review is limited to Verduzco's unprofessional and unauthorized relationship with individuals in custody or on supervision as it relates to the Board's moral fitness standards.

<i>Policy Committee Discussion/Vote</i>	<i>Second</i>	<i>Vote</i>	<i>Outcome</i>
Gary Ninman recused himself due to a conflict of interest.			
Matt English moved that the Corrections Policy Committee adopt the staff report.	Kevin Marshall	11 ayes; 0 nays; 1 recusal (Ninman)	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">○ Verduzco held the position of lieutenant at the time of your separation.○ Verduzco showed a lack of professionalism when he was overfamiliar with the personal lives of the inmates and their families.○ Verduzco's actions took you away from a shift that is regularly short staffed.○ Verduzco failed to take any responsibility for his actions and attempted to justify and minimize his actions when interviewed.○ When Verduzco was on paid administrative leave, he did not stay home in accordance with the agreement with his command staff.○ Verduzco was untruthful during the investigation, indicating he had been offered jobs teaching at the community college and could circumvent the hiring process.○ Verduzco continued to participate in an unauthorized inmate program even after you had received discipline and were given direction not to continue.• Mitigating:<ul style="list-style-type: none">○ The committee did not identify any mitigating factors.			
Brian Pixley moved, after considering the identified violations of the Board's moral fitness standard and weighing the	Matt English	11 ayes; 0 nays; 1 recusal (Ninman)	Motion Passed Unanimously

aggravating and mitigating circumstances unique to this case, that Board action should be taken against Verduzco's certifications.			
Brian Pixley moved, after considering the totality of the case, that Verduzco be ineligible to hold public safety certification for lifetime.	Taj Shivvers	11 ayes; 0 nays; 1 recusal (Ninman)	Motion Passed Unanimously

10. Yeane, Joseph (25561) Certification Review: Corrections

Presented by Linsay Hale

Reason for Discretionary Review

On December 31, 2018, Joseph Yeane, resigned from the Department of Corrections/Columbia River Correctional Institution (DOC/CRCI) following an investigation into his failure to properly process a visitor into the facility and his subsequent dishonesty when questioned about his actions by fellow staff members.

Staff determined that Yeane's untruthfulness violates the Board's moral fitness standards.

Joseph Yeane 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.	Lee Eby	12 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"> ○ The record reflects that after the review of video footage from the intake area that the visitor did not walk through the metal detector and instead went through in their scooter which received a red light that indicated metal. This contradicts Yeane's account of the incident. ○ Yeane did not take ownership in the incident. ○ Though Yeane had 31 years of service with DOC, he failed to ask for assistance from other staff regarding the procedures in the area which he was assigned to and unfamiliar with. • Mitigating: <ul style="list-style-type: none"> ○ The verbal mitigation provided by Yeane. ○ Yeane had 31 years of service with DOC. ○ There was a possible language barrier and the conversation took place through glass which may have resulted in miscommunication. ○ Yeane retired prior to being interviewed by his employer. 			

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 Yeane's certifications.	Matt English	8 ayes; 4 nays (Martin, Marshal, Shivers, Yoder)	Motion Passed
Greg Martin moved, after considering the totality of the case, that Yeane be ineligible to hold public safety certification for 3 years.	Taj Shivers	8 ayes; 4 nays (Pixley, Hepner, English, Eby)	Motion Passed

11. Proposed Rule Changes for OAR 259-008-0100 – Oregon Fallen Law Enforcement Memorial Eligibility Criteria

Presented by Jennifer Howald

On January 23, 2020, the Board discussed the eligibility criteria for recognition on the Oregon Fallen Law Enforcement Memorial. The prompt for the discussion was a proposed legislative concept developed to address the eligibility disparity between DPSST instructors who have law enforcement officer certifications and those who do not. The proposed legislative concept was tabled for additional discussion. The general consensus at the time indicated that instructors were not meant for inclusion on the Oregon Fallen Law Enforcement Memorial, regardless of their status as a certified law enforcement officer, because they are not acting as a law enforcement officer.

The Board's discussions highlighted a need to review the existing eligibility criteria to determine if the rules appropriately represent the types of line of duty deaths that should be honored on the Memorial.

Additional Department review identified a need to update the rule language to address redundancies, semantics and unnecessary content. For organizational purposes, the Department recommends removing the Oregon Fallen Law Enforcement Memorial rule content from OAR 259-008-0100 and adopting a separate rule to maintain the Memorial criteria.

The committee discussed this proposed rule changes and provided additional comments with the draft language. Staff will compile the comments provided by the Corrections Policy Committee and the Police Policy Committee to draft updated language to be presented at a later meeting before being presented to the Board.

12. Department Update

Eriks Gabliks Reported:

- Due to the COVID-19 pandemic, DPSST suspended all Criminal Justice Basic and Leadership training courses on March 17, 2020. The suspension affected all

classes at the agency's 235-acre campus and also regional training opportunities. On May 4, 2020, we restarted training delivery with updated CDC guidelines that meet Governor Brown's Executive Orders regarding social distancing by implementing a plan of action for the safety of staff, students and guests. Our protocols can be found on-line at

<https://www.oregon.gov/dpsst/CJ/Documents/DPSSTHealthandSafetyProtocols.pdf>. To date, the protocols have been well received by staff and students. The Academy remains open for business but closed to visitors. In accordance with guidelines issued by the state's Department of Administrative Services (DAS), only students, staff and deliveries are allowed on campus at least until December, 31, 2020.

- DPSST continues to work with state budget officers on our need for additional basic training classes. DPSST is budgeted to deliver 16, 16-week, Basic Police Classes in the current biennium. The 16th budgeted class is scheduled to begin in December. If additional funds are not received for more classes this would mean no new Basic Police classes would be offered until July 1, 2021 which would create a significant impact for stakeholders. DPSST has also identified a need for at least one additional 6-week Basic Correction class to meet the needs of city and county corrections officers being hired. DPSST is working with stakeholder organizations to make them aware of this need.
- DPSST has been proactive and shared our work with state legislators, local elected officials, community partners, and media by holding a number of Webex sessions that covered three different areas: basic police training (one hour), police use of force training (one hour), and DPSST criminal justice professional standards (one hour). This doesn't mean that our other programs aren't important, these are the three areas that many Oregonians want to know more about due to the tragic death of George Floyd due to the actions of a Minneapolis police officer. All of the sessions have been posted on our webpage for all to see <https://www.oregon.gov/dpsst/CJ/Pages/InformationalFiles.aspx>
- Governor Kate Brown has appointed a Public Safety Training and Standards Task Force to recommend improvements to the training and certification of Oregon law enforcement officers. This will include recommendations on: how to apply best practices, research, and data to officer training and certification; how to best incorporate racial equity into law enforcement training and certification; use of force training, including best practices on incorporating concepts of de-escalation; and the composition of the Board of Public Safety Standards and Training and how to include additional public participation. While the focus is on DPSST police training, many of the items being discussed will also be of interest to corrections and parole and probation professionals. DPSST welcomes the review and will provide any assistance needed. We will keep you posted on the work of this task force.
- The Oregon Secretary of State Audits Division has commenced a performance audit of DPSST. The audit will be generally focused on law enforcement use of force practices, police accountability, and community policing objectives. DPSST welcomes the review and looks forward to working with the auditors. Again, while the focus is on DPSST police training, many of the items being

- discussed will also be of interest to corrections and parole and probation professionals. DPSST welcomes the review and will provide any assistance needed. We will keep you posted on the audit as it progresses.
- Governor Kate Brown recently called a special session of the Oregon Legislative Assembly to address urgent police accountability and COVID-19 legislative matters. DPSST is actively working with legislators and stakeholders during the session. Discussions included militarization of police, use of tear gas by police, limitations or elimination of neck restraints by police, arbitrator rulings of police misconduct, creating a statewide database on police officer discipline matters, oversight of police use of force investigations by the state attorney general's office, and a duty for police officers to report misconduct of fellow officers. DPSST has not trained the carotid neck restraint technique for more than a dozen years. DPSST has already implemented the decertification database on its webpage as directed by legislation passed during the special session. The work of the agency in the professional standards arena, along with database, has been recognized by both local, statewide and national media outlets.
 - To stay engaged with stakeholders around the state, DPSST is sending electronic updates providing information on agency activities, enrollment information, and other pertinent information.
 - There continues to be much interest in the work that DPSST does on both the professional standards and training fronts. We have received a number of calls and emails from elected officials and community members asking for information as to what we do. DPSST welcomes the interest and has responded to each inquiry.

Linsay Hale Reported:

- Linsay reiterated the formation of the Applicant Review Committee (ARC) whose purpose will be to review criminal conduct which occurred prior to an individual's employment in public safety. The ARC will consist of two members from each of the criminal justice Policy Committees as well as the public member of the Board. The nominations for the ARC will take place at the November CPC.

13. Next Corrections Policy Committee Meeting: November 10, 2020 at 1:30 pm.

Administrative Note:

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.