

Corrections Policy Committee

Minutes

November 8, 2016

The Corrections Policy Committee of the Board on Public Safety Standards and Training held a regular meeting on Tuesday, November 8, 2016, in the Governor Victor G. Atiyeh Boardroom at the Department of Public Safety Standards and Training located in Salem, Oregon. Chair Brian Burger called the meeting to order at 10:00 a.m.

Attendees:

Committee Members:

Brian Burger, Chair, AFSCME Rep/DOC
Rick Angelozzi, Department of Corrections Superintendent
Gary Bergerson, Non-Management, Clackamas County Sheriff's Office
Carol Dishion, Non-Management, DOC/Coffee Creek
Matthew English, OSSA, Hood River County Sheriff's Office
Matthew Frohnert, Oregon Sheriff's Jail Command Council, Washington Co. Sheriff's Office
Kristen Hanthorn, OACCD Rep – Clatsop County Sheriff's Office
Jeff Hernandez, Non-Management DOC – Oregon State Penitentiary
Jeff Wheeler, Oregon Sheriff's Jail Command Council
Nadine Purington, Non-Management Parole & Probation-DCJ

Committee Members Absent:

Jason Myers, Vice Chair, Oregon State Sheriff's Association
Jeanine Hohn, Department of Corrections Training Division
Michael Gower, Designee for Director of Department of Corrections
Donna Pettit, Non-Management Corrections Officer

DP SST Staff:

Eriks Gabliks, Director
Linsay Hale, Professional Standards Division Director
Mona Riesterer, Professional Standards Assistant
Debbie Anderson, Certification & compliance Specialist
Jennifer Howald, Administrative Rules Coordinator
Theresa King, JTA and Training Compliance Program Coordinator
Kristen Hibberds, Professional Standards Coordinator/Investigator

Guests:

Tyrel Caswell, DOC EOCI
Matthew Allen, DOC EOCI
Tiffany Allen, Guest
Dustin Herron, DOC TRCI
Lt. Larry Brown, Lane County Sheriff's Office
Bradley Kay, Lane County Sheriff's Office



1. Minutes of August 9, 2016 Meeting

Approve the minutes of the August 9, 2016 Corrections Policy Committee meeting.

To see a complete record of the August 9, 2016 Corrections Policy Committee minutes, please go to:

<http://www.oregon.gov/dpsst/BD/pages/correctionspolicycommitteemeetingminutes.aspx>

) *Rick Angelozzi moved that the committee approve the minutes of the August 9, 2016 Corrections Policy Committee meeting. Matthew English seconded the motion. The motion carried unanimously.*

2. Quarterly Review of DOC BCC by DPSST Audit and Compliance Program

Presented by Theresa King

In 2009, the Legislature approved the Oregon Department of Corrections (DOC) to provide its own training as an alternative to the DPSST Basic Corrections Course, provided DPSST audited the program to ensure the program meets the minimum training standards established by the Board. The Audit Unit provides the Corrections Policy Committee with quarterly updates of the DOC BCC. This reporting period includes January through March, 2016. Based on the audits completed during this reporting period it appears DOC BCC meets the minimum training standards approved by the Board for corrections officers employed by DOC.

3. *OAR 259-008-0010, 259-008-0011, 259-008-0085 Proposed Rule Change

Provides recommended updates and clarifies retest options for PCOD/CCOD courses –
Presented by Jennifer Howald

Jennifer reported that the proposed rule change includes updates to the outdated version references for JTA (Job Task Analysis) and FTM (Field Training Manual). In addition the proposed rule change includes updated language regarding attendance for mandated courses, and clarifies the original intention that allow enforcement officer be provided on additional attempt to pass the COD (Career Officer Development) course before being required to complete a full basic course due to failure of the COD course. The proposed language also incorporates a recommendation from DPSST Staff and the Center for Policing Excellence to allow that the remediation and retesting on an initial failure of a Police COD course be remediated by repeating the Police COD course, of the employing agency's choice, either by the self-study option or the two week academy at DPSST. The rule also clarifies the number of tests administered during the Career Officer Development course from multiple exams to one exam. Additional housekeeping changes are made for clarity.

) Jeff Hernandez moved to recommend to the Board filing the proposed rule with the Secretary of State and to file as a permanent rule if no public comments are received. Matt Frohnert seconded the motion. The passed unanimously.

By consensus the committee found no fiscal impact to small businesses.

4. *OAR 259-008-0090 – Proposed Rule Change

Updates rule language to reflect changes in the submission of training records to DPSST
Presented by Jennifer Howald

Jennifer reported that the proposed rule change comes before the committee to add a purpose statement regarding the use of training records updates DPSST's requirements for submission of training and incorporates a definition of training. Additionally, language referencing processes for viewing a copy of a DPSST training record and review or release of information has been removed as all records requests received by DPSST are addressed according to public law.

) Jeff Hernandez moved to recommend to the Board filing the proposed rule with the Secretary of State and to file as a permanent rule if no public comments are received. Matt English seconded the motion. The motion carried unanimously.

By consensus the committee found no fiscal impact to small businesses.

5. *OAR 259-008-0065 – Proposed Rule Change

Addition of maintenance for certification – Presented by Jennifer Howald

During the February 10, 2015 meeting, the Corrections Policy Committee requested the formation of a workgroup to explore the possibility of implementing a maintenance training requirement for certifications as corrections officer or parole and probation officer in the state of Oregon. The Corrections/P&P Maintenance Training Workgroup reviewed maintenance training requirements for other disciplines within DPSST's jurisdiction as well as a sampling of the requirements of other states. Currently, the requirements for valid First Aid and CPR (FA/CPR) certifications at the time of an application for any level of DPSST certification is the only additional training requirement for corrections and parole and probation disciplines once basic certification has been granted. On July 11, 2016, the Workgroup concluded its discussions and by consensus, approved recommending to the Corrections Policy Committee the adoption of a maintenance training standards for the corrections and parole and probation disciplines that mirrors the current standards required to maintain basic police certification.

) Kristen Hanthorn moved to recommend to the Board filing the proposed rule with the Secretary of State and to file as a permanent rule if no public comments are received. Nadine Purington seconded the motion. The motion carried unanimously.

By consensus the committee found no fiscal impact to small businesses.

6. *OAR 259-008-0025 Proposed Rule Change

Proposed move of the requirements for 8 hours of firearms/Use of Force Training to minimum standards for training. – Presented by Jennifer Howald

Jennifer reported with the recommendation from the Corrections/P&P Maintenance Training Workgroup to adopt a maintenance training standards for the corrections and parole and probation disciplines that mirrors the current standards required to maintain basic certification. OAR 25-008-0065 has been rewritten as a law enforcement maintenance standard and restructured for clarity. The rule language has been drafted as a standard for law enforcement officers and would include police officers, corrections officers, parole and probation officers and regulatory specialists. The draft rule language includes the requirement for 8 hours of Firearms/Use of Force training within 30 days of the law enforcement officer's reemployment.

) Matthew Fronhert moved to recommend to the Board filing the proposed rule with the Secretary of State and to file as a permanent rule if no public comments are received. Jeff Wheeler seconded the motion. The motion carried unanimously.

By consensus the committee found no fiscal impact to small businesses.

7. *OAR 259-008-0005, 259-008-0010, 259-008-0011, 259-008-0070 and 259-008-0080 Proposed Rule Change

Criminal Justice Denial/Revocation Workgroup recommendations for the Denial and Revocation Standards – Presented by Jennifer Howald

Jennifer reported that the proposed rule comes before the committee at the request of the Criminal Justice/Revocation Workgroup. In 2015, the Telecommunications, Corrections and the Police Policy Committee's approved the formation of a workgroup to review the current denial and revocation standards. The Criminal Justice Denial/Revocation Workgroup reviewed the Oregon Administrative Rules (OAR) and the procedures in place for the denial or revocation of a public safety professional's certifications.

The Workgroup also reviewed the current statutory authorities of the Board on the Public Safety Standards and Training (Board) and DPSST with respect to the certification of individuals employed in Oregon to perform the duties of police officers, corrections officers, parole and probation officers, regulatory specialists, telecommunicators and emergency

medical dispatchers. Over the course of their meetings, the Workgroup developed several recommendations that have been presented to the Policy Committee's and the Board.

) Jeff Hernandez moved to recommend to the Board filing the proposed rule as amended with the noted typographical corrections and amendments to definition of age updated under elements of abuse as defined in ORS 107.705, as a proposed rule with the Secretary of State and to file as a permanent rule if no public comments are received. Matthew English seconded the motion. The motion carried unanimously.

By consensus the committee found no fiscal impact to small businesses.

****See Proposed Rule change attachment for OARs 259-008-0005, 259-008-0010, 259-008-0011, 259-008-0070 and 259-008-0080 Memorandum****

The Policy Committee took a short break at approximately 11:20 a.m. and reconvened at approximately 11:30 a.m.

8. **Allen, Matthew #56379 – DOC EOCI; Application for Training and Subsequent Certification**

Presented by Kristen Hibberds

The case presented to the Corrections Policy Committee is whether Matthew Allen's conduct in his arrest and subsequent conviction of a Reckless Driving, a discretionary disqualifying crime under OAR 259-008-0070(4)(c), and whether his Application for Training and Subsequent Certification should be denied as a result.

Jeff Hernandez moved that the Corrections Policy Committee adopts the staff report as the record upon which its recommendations are based. Rick Angelozzi seconded the motion. The motion carried unanimously.

By discussion and consensus, the committee determined that Matthew Allen's behavior did not involve **Insubordination**.

By discussion and consensus, the committee identified Matthew Allen's behavior did involve **Misconduct** as defined in the Administrative rule based on the conviction of the crime.

Jeff Wheeler moved that the Corrections Policy Committee find that Matthew Allen's **Misconduct**, when considered alone, does rise to the level to warrant denial of Allen's Application for Training and Subsequent Certification. Kristen Hanthorn seconded the motion. The motion carried unanimously.

By discussion and consensus, the committee identified that Matthew Allen's behavior did involve **Gross Misconduct** as defined in the Administrative Rule based on Allen's conviction of reckless driving in March 2010 and reckless driving is presumed **Gross Misconduct**.

Rick Angelozzi moved that the Corrections Policy find that Matthew Allen's **Gross Misconduct**, when considered alone, does rise to the level to warrant denial of Allen's Application for Training and Subsequent Certification. Jeff Hernandez seconded the motion. The motion carried unanimously.

By discussion and consensus, the committee determined that Matthew Allen's behavior did not involve **Misuse of Authority** as defined in the Administrative Rule.

By discussion and consensus, the committee determined that Matthew Allen's behavior did not involve **Disregard for the Rights of Others** as defined in the Administrative Rule.

By discussion and consensus, the committee determined that Matthew Allen's behavior did not involve **Dishonesty** as defined in the Administrative Rule.

By discussion and consensus, the committee determined that Matthew Allen's behavior did involve **Aggravating Circumstances** specifically the reckless driving was part of the DUI incident that involved the crash and property damage. As well as being charged with possession with less than an ounce of marijuana, this was dismissed but was included in the crime.

By discussion and consensus, the committee determined that Matthew Allen's behavior did involve **Mitigating Circumstance** which includes the letter that was written by Allen to the victims, showed remorse and he took ownership of his actions. The incident occurred 7 years ago and Allen has completed all the conditions of the court. The circuit court reduced the conviction to a violation.

After considering the totality of the circumstances, Jeff Hernandez moved that the committee recommends to the Board that Matthew Allen's Application for Training and Subsequent Certification **not be denied**. Matthew Frohnert seconded the motion. The motion carried unanimously.

9. **Caswell, Tyrell #56431 – DOC CCF; Application for Training and Subsequent Certification**

Presented by Kristen Hibberds

The case presented to the Corrections Policy Committee is whether Tyrell Caswell's conduct in his arrest and subsequent conviction of a DUI, a discretionary disqualifying crime under OAR

259-008-0070(4)(c), and whether his Application for Training and Subsequent Certification should be denied as a result.

Matthew English moved that the Corrections Policy Committee adopts the staff report as the record upon which its recommendations are based. Rick Angelozzi seconded the motion. The motion carried unanimously.

By discussion and consensus, the committee determined that Tyrell Caswell's behavior did not involve **Insubordination**.

By discussion and consensus, the committee identified Tyrell Caswell's behavior did involve **Misconduct** as defined in the Administrative Rule based on the conviction of the crime of driving under the influence.

Kristen Hanthorn moved that the Corrections Policy Committee find that Tyrell Caswell's **Misconduct**, when considered alone, does rise to the level to warrant denial of Caswell's Application for Training and Subsequent Certification. Rick Angelozzi seconded the motion. The motion carried unanimously.

By discussion and consensus, the committee identified that Tyrell Caswell's behavior did involve **Gross Misconduct** as defined in the Administrative Rule based on the elements of the crime he was convicted of.

Jeff Wheeler moved that the Corrections Policy find that Tyrell Caswell's **Gross Misconduct**, when considered alone, does rise to the level to warrant denial of Caswell's Application for Training and Subsequent Certification. Nadine Purington seconded the motion. The motion carried unanimously.

By discussion and consensus, the committee determined that Tyrell Caswell's behavior did not involve **Misuse of Authority** as defined in the Administrative Rule.

By discussion and consensus, the committee determined that Tyrell Caswell's behavior did not involve **Disregard for the Rights of Others** as defined in the Administrative Rule.

By discussion and consensus, the committee determined that Tyrell Caswell's behavior did not involve **Dishonesty** as defined in the Administrative Rule.

By discussion and consensus, the committee determined that Tyrell Caswell's behavior did involve **Aggravating Circumstances** which includes a failure to appear warrant issued by the

court. Also that he was driving while his license was suspended after the conviction of the DUII as well as Caswell did not complete his diversion which was ordered by the court.

By discussion and consensus, the committee determined that Tyrell Caswell's behavior did involve **Mitigating Circumstances** which includes the fact that the DUII transpired 6 years ago. Caswell served in Iraq and Afghanistan and received an honorable discharge. He also went through the alcohol and drug program in Arizona and reached out for assistance from the Veterans Agency for his PTSD. He took responsibility for his actions, and his letter to the committee was very honest and truthful.

After considering the totality of the circumstances, Matthew Fronhert moved that the committee recommends to the Board that Tyrell Caswell's Application for Training and Subsequent Certification **not be denied**. Jeff Hernandez seconded the motion. The motion carried unanimously.

Chair Brian Burger wanted to note for the record, that the Corrections Policy Committee would be going out of sequence on the agenda list due to the guests present and the length of the meeting.

10. ***Herron, Dustin #56417 –DOC TRCI; Application for Training and Subsequent Certification** (Item #11 on the agenda)

Presented by Kristen Hibberds

The case presented to the Corrections Policy Committee is whether Dustin Herron's conduct in his arrests and subsequent convictions of two DUII's, Reckless Driving, Criminal Driving While Suspended, and Reckless Burning which are discretionary disqualifying crimes under OAR 259-008-0070(4)(c), and whether his Application for Training and Subsequent Certification should be denied as a result.

For the record, Jeff Hernandez wanted to advise that he had worked with Officer Herron's uncle for 11 years but has never worked directly with Officer Herron and feels that he can make a fair determination based on the information presented.

Rick Angelozzi moved that the Corrections Policy Committee adopts the staff report as the record upon which its recommendations are based. Matthew English seconded the motion. The motion carried unanimously.

By discussion and consensus, the committee determined that Dustin Herron's behavior did not involve **Insubordination**.

By discussion and consensus, the committee determined that Dustin Herron's behavior did involve **Misconduct** as defined in the Administrative Rule based on the reckless driving and DUII convictions in 2005, 2008, and reckless burning in 2012.

Jeff Hernandez moved that the Corrections Policy Committee find that Dustin Herron's **Misconduct**, when considered alone, does rise to the level to warrant denial of Herron's Application for Training and Subsequent Certification. Matthew English seconded the motion. The motion carried unanimously.

By discussion and consensus, the committee identified that Dustin Herron's behavior did involve **Gross Misconduct** as defined in Administrative Rule based upon the crimes he was convicted of.

Rick Angelozzi moved that the Corrections Policy Committee find that Dustin Herron's **Gross Misconduct**, when considered alone, does rise to the level to warrant denial of Herron's Application for Training and Subsequent Certification. Kristin Hanthorn seconded the motion. The motion carried unanimously.

By discussion and consensus, the committee identified that Dustin Herron's behavior did not involve **Misuse of Authority**.

By discussion and consensus, the committee identified that Dustin Herron's behavior did not involve **Disregard for the Rights of Others**.

By discussion and consensus, the committee identified that Dustin Herron's behavior did not involve **Dishonesty**.

By discussion and consensus, the committee identified that Dustin Herron's behavior did include **Aggravating Circumstances** which include the fact that Dustin Herron received his 2006 DUII while still in diversion for his 2004 DUII conviction. The Correction Policy identified a continuing pattern of reckless behavior that included his 2004 reckless driving and DUII, 2006 DUII, and 2012 for reckless burning.

By discussion and consensus, the committee identified that Dustin Herron's behavior did include **Mitigating Circumstances** including his completion of all of the conditions requested by the court from his second DUII. Dustin Herron's probation was terminated early based on the successful completion of his diversion and his driving while suspended (DWS) was converted into a violation and the reckless driving was dismissed. The length of time that has passed since his last conviction was taken into account as well as the fact that Herron took responsibility for his actions.

After considering the totality of the circumstances, Rick Angelozzi moved that the committee recommends to the Board that Herron's Application for Training and Subsequent Certification **not be denied**. Jeff Hernandez seconded the motion. The motion carried unanimously.

11. *Kaye, Bradley #56605 – Lane County Sheriff's Office; Application for Training and Subsequent Certification (Item #13 on the agenda)

Presented by Kristen Hibberds

The case presented to the Corrections Policy Committee is whether Bradley Kaye's conduct in his arrests and subsequent conviction of Fourth Degree Assault and Reckless Driving, discretionary disqualifying crimes under OAR 259-008-0070(4)(c), and whether his Application for Training and Subsequent Cortication should be denied as a result.

Jeff Hernandez moved that the Corrections Policy Committee adopts the staff report as the record upon which its recommendations are based. Rick Angelozzi seconded the motion. The motion carried unanimously.

By discussion and consensus, the committee identified Bradley Kaye's behavior did not involve **Insubordination**.

By discussion and consensus, the committee determined that Bradley Kaye's behavior did not involve **Misconduct** as defined in the Administrative rule based on the conviction of the crime Fourth Degree Assault and reckless driving.

Jeff Wheeler moved that the Corrections policy Committee find that Bradley Kaye's **Misconduct**, when considered alone, does rise to the level to warrant denial of Kaye's Application for Training and Subsequent Certification. Carol Dishion seconded the motion. The motion carried unanimously.

By discussion and consensus, the committee determined that Bradley Kaye's behavior did involve **Gross Misconduct** as defined in the Administrative Rule based on the elements of a conviction of reckless driving.

Kristin Hanthorn moved that the Corrections Policy Committee find that Bradley Kaye's **Gross Misconduct**, when considered alone, does rise to the level to warrant denial of Kaye's Application for Training and Subsequent Certification. Nadine Purington seconded the motion. The motion carried unanimously.

By discussion and consensus, the committee determined that Bradley Kaye's behavior did not involve **Misuse of Authority**.

By discussion and consensus, the committee determined that Bradley Kaye's behavior did not involve **Disregard for the Rights of Others**.

By discussion and consensus, the committee determined that Bradley Kaye's behavior did not involve **Dishonesty**.

By discussion and consensus, the committee determined that Bradley Kaye's behavior did involve **Aggravating Circumstances** which resulted in the injury of a passenger during the reckless driving.

By discussion and consensus, the committee determined that Bradley Kaye's behavior did involve **Mitigating Circumstances**. Kaye was honest and forthcoming about what had occurred and served in the Marines for 9 years. At the time of the incident Kaye was only 18 years old and the incident occurred 11 years ago. Bradley Kaye completed his probation without any violations of his conditions. The letter written by the Chief Deputy along with the support of his agency speaks volumes about his character and shows that he is highly respected.

After considering the totality of the circumstances, Rick Angelozzi moved that the committee recommends to the Board that Bradley Kaye's Application for Training and Subsequent Certification **not be denied**. Kristen Hanthorn seconded the motion. The motion carried unanimously.

The Corrections Policy Committee took a short break at approximately 2:00 p.m. and reconvened at 2:15 p.m.

12. *Sabrina Herrera #56571 – DOC EOCI; Application for Training and Subsequent Certification (Item #10 on the agenda)

Presented by Kristen Hibberds

The case presented to the Corrections Policy Committee is whether Sabrina Herrera's conduct in her arrest for DUII and her subsequent convictions of a First Degree Negligent Driving, a discretionary disqualifying crime under OAR 259-008-0070(4)(c), and whether her application for Training and Subsequent Certification should be denied as a result.

Matthew Frohnert moved that Corrections Policy Committee adopts the staff report as the record upon which its recommendations are based. Jeff Hernandez seconded the motion. The motion carried unanimously.

By discussion and consensus, the committee determined that Sabrina Herrera's behavior did not involve **Insubordination**.

By discussion and consensus, the committee identified Sabrina Herrera's behavior did involve **Misconduct** as defined in the Administrative Rule due to the conviction of First Degree Negligent Driving which is the equivalent of Reckless Driving in Oregon .

Rick Angelozzi moved that the Correction Policy Committee find that Sabrina Herrera's **Misconduct**, when considered alone, does rise to the level to warrant denial of Herrera's Application for Training and Subsequent Certification. Nadine Purington seconded the motion. The motion carried unanimously.

By discussion and consensus, the committee determined that Sabrina Herrera's behavior did involve **Gross Misconduct** as defined in the Administrative Rule based on the conviction of First Degree Negligent Driving; Oregon equivalent is Reckless Driving, which is presumed **Gross Misconduct** based on the elements of the offense.

Rick Angelozzi moved that the Correction Policy Committee find that Sabrina Herrera's **Gross Misconduct**, when considered alone, does rise to the level to warrant denial of Herrera's Application for Training and Subsequent Certification. Matthew English seconded the motion. The motion carried unanimously.

By discussion and consensus, the committee determined that Sabrina Herrera's behavior did not involve **Misuse of Authority**.

By discussion and consensus, the committee determined that Sabrina Herrera's behavior did not involve **Disregard for the Rights of Others**.

By discussion and consensus, the committee determined that Sabrina Herrera's behavior did not involve **Dishonesty**.

By discussion and consensus, the committee determined that Sabrina Herrera's behavior did involve **Aggravating Circumstances**. Although alcohol was not part of the initial conviction there was some level of impairment due to intoxication.

By discussion and consensus, the committee determined that Sabrina Herrera's behavior did involve **Mitigating Circumstances** which includes Herrera taking responsibility for the situation and she was only 20 years old when the incident occurred. Herrera is still serving the Country in the United States Air Force and has gone back to college to further her education. Sabrina Herrera showed remorse for her poor decision making at the time of the incident and followed court requirements and was cooperative with arresting officer.

After considering the totality of the circumstances, Matthew Fronhert moved that the committee recommends to the Board that Sabrina Herrera's Application for Training and Subsequent Certification **not be denied**. Nadine Purington seconded the motion. The motion carried unanimously.

13. *Hutchison, Joseph #56564 – Grant County Sheriff's Office; Application for Training and Subsequent Certification (Item #12 on the agenda)

Presented by Kristen Hibberds

The case presented to the Corrections Policy Committee is whether Hutchison's conduct in his arrest and subsequent conviction of a Second Degree Disorderly Conduct, a discretionary disqualifying crime under OAR 259-008-0070(4)(c), and whether his Application for Training and Subsequent Certification should be denied as a result.

Matthew English moved that the Corrections Policy Committee adopts the staff report as the record upon which its recommendations are based. Rick Angelozzi seconded the motion. The motion carried unanimously.

By discussion and consensus, the committee determined that Joseph Hutchison's behavior did not involve **Insubordination**.

By discussion and consensus, the committee determined that Joseph Hutchison's behavior did involve **Misconduct** as defined in the Administrative Rule based on the elements of the crime he was convicted of.

Jeff Hernandez moved that the Corrections Policy find that Joseph Hutchison's **Misconduct**, when considered alone, does rise to the level to warrant denial of Hutchison's Application for Training and Subsequent Certification. Matthew Fronhert seconded the motion. The motion carried unanimously.

By discussion and consensus, the committee determined that Joseph Hutchison's behavior did involve **Gross Misconduct** as defined in Administrative Rule based on Second Degree Disorderly Conduct is presumed **Gross Misconduct** based upon the elements of the crime.

Rick Angelozzi moved that the Corrections Policy Committee find that Joseph Hutchison's **Gross Misconduct**, when considered alone, does rise to the level to warrant denial of Hutchison's Application for Training and Subsequent Certification. Jeff Hernandez seconded the motion. The motion carried unanimously.

By discussion and consensus, the committee determined that Joseph Hutchison's behavior did not involve **Misuse of Authority** as defined in the Administrative Rule.

By discussion and consensus, the committee determined that Joseph Hutchison's behavior did not involve **Disregard for the Rights of Others**.

By discussion and consensus, the committee determined that Joseph Hutchison's behavior did not involve **Dishonesty**.

By discussion and consensus, the committee determined that Joseph Hutchison's behavior did involve **Aggravating Circumstances** including that Hutchison's conviction was a plea agreement and there was also a charge of interfering with a peace officer and harassment. Hutchison lunged at the arresting officer which resulted in use of force. Hutchison had a probation violation approximately one month after sentencing for trying to purchase alcohol at a store. He was also found drinking with three minors.

By discussion and consensus, the committee determined that Joseph Hutchison's behavior did involve **Mitigating Circumstances** which include that on December 7, 2012, Hutchison completed treatment. Hutchison's father, who was the arresting officer, wrote a letter of support which attests to Hutchison's changed behavior as well as two letters from his agency, one from his Sergeant and the Undersheriff showing their support. Hutchison recognized the seriousness of his actions and the position he put the two officers in the night of his arrest.

After considering the totality of the circumstances, Jeff Hernandez moved that the committee recommends to the Board that Joseph Hutchison's Application for Training and Subsequent Certification **not be denied**. Nadine Purington seconded the motion. The motion carried unanimously.

14. Williamson, Patrick #56589 – DOC EOCI; Application for Training and Subsequent Certification

Presented by Kristen Hibberds

The case presented to the Corrections Policy Committee is whether Patrick Williamson's conduct in his arrest and subsequent conviction of a DUII, a discretionary disqualifying crime under OAR 259-008-0070(4)(c), and whether his application for Training and Subsequent Certification should be denied as a result.

Rick Angelozzi moved that the Corrections Policy Committee adopts the staff report as the record upon which its recommendations are based. Matthew English seconded the motion. The motion carried unanimously.

By discussion and consensus, the committee determined that Patrick Williamson's behavior did not involve **Insubordination**.

By discussion and consensus, the committee determined that Patrick Williamson's behavior did involve **Misconduct** as defined in the Administrative Rule due to the conviction of DUII.

Matthew English moved that the Corrections Policy Committee find that Patrick Williamson's **Misconduct**, when considered alone, does rise to the level to warrant denial of Williamson's Application for Training and Subsequent Certification. Carol Dishion seconded the motion. The motion carried unanimously.

By discussion and consensus, the committee identified that Patrick Williamson's behavior did involve **Gross Misconduct** as defined in the Administrative Rule based on the elements of the crime of DUII.

Matthew Frohnert moved that the Corrections Policy Committee find that Patrick Williamson's **Gross Misconduct**, when considered alone, does rise to the level to warrant denial of Williamson's Application for Training and Subsequent Certification. Rick Angelozzi seconded the motion. The motion carried unanimously.

By discussion and consensus, the committee identified that Patrick Williamson's behavior did not involve **Misuses of Authority** as defined in the Administrative Rule.

By discussion and consensus, the committee identified that Patrick Williamson's behavior did not involve **Disregard for the Rights of Others** as defined in the Administrative Rule.

By discussion and consensus, the committee identified that Patrick Williamson's behavior did not involve **Dishonesty** as defined in the Administrative Rule.

By discussion and consensus, the committee identified that Patrick Williamson's behavior did not involve any **Aggravating Circumstances**.

By discussion and consensus, the committee identified that Patrick Williamson's behavior did involve **Mitigating Circumstances** which included his completion of alcohol and drug treatment at Blue Mountain Recovery. Williamson took responsibility for his actions. He currently serves as a volunteer fire fighter for two agencies.

After considering the totality of the circumstances, Jeff Hernandez moved that the committee recommends to the Board that Patrick Williamson's Application for Training and Subsequent Certification **not be denied**. Rick Angelozzi seconded the motion. The motion carried unanimously.

15. Winterton, Tanner # 56432-DOC EOCI; Application for Training and Subsequent Certification *(Pulled from Agenda)*

16. *Yanez, Michael # 56333 – DOC CCCF; Application for Training and Subsequent Certification

Presented by Kristen Hibberds

The case presented to the Corrections Policy Committee is Yanez's conduct in his arrests and subsequent conviction of Criminal Trespass in the Third Degree, a discretionary disqualifying crime under OAR 259-008-0070(4)(c), and whether his Application for Training and Subsequent Certification should be denied as a result.

Matthew English moved that the Corrections Policy Committee adopt the staff report as the record upon which its recommendations are based. Jeff Wheeler seconded the motion. The motion carried unanimously.

By discussion and consensus, the committee identified Michael Yanez's behavior did not involve **Insubordination**.

By discussion and consensus, the committee identified Michael Yanez's behavior did involve **Misconduct** as defined in the Administrative rule due to the Criminal Trespass in the Third Degree in Arizona, which equates to Oregon's Criminal Trespass in the Second Degree.

Kristin Hanthorn moved that the Corrections Policy committee find that Michael Yanez's **Misconduct**, when considered alone, does rise to the level to warrant denial of Yanez's

Application for Training and Subsequent Certification. Matthew English seconded the motion. The motion carried unanimously.

By discussion and consensus, the committee identified that Michael Yanez's behavior did not involve **Gross Misconduct** as defined in the Administrative Rule.

By discussion and consensus, the committee identified that Michael Yanez's behavior did not involve **Misuse of Authority** as defined in the Administrative Rule.

By discussion and consensus, the committee identified that Michael Yanez's behavior did not involve **Disregard for the Rights of Others** as defined in the Administrative Rule.

By discussion and consensus, the committee identified that Michael Yanez's behavior did not involve **Dishonesty** as defined in the Administrative Rule.

By discussion and consensus, the committee identified that Michael Yanez's behavior did involve **Aggravating Circumstances**. Yanez showed signs of being highly intoxicated it was noted in the staff report that the arresting officers gave Yanez many opportunities to avoid being arrested which he did not take advantage of.

By discussion and consensus, the committee identified that Michael Yanez's behavior did involve **Mitigating Circumstances** which included the letter Yanez wrote showed remorse and he took responsibility for his actions. The officer's report showed that Yanez was cooperative in the arrest process. His letter states that he does not consume alcohol anymore and has worked toward building a healthy lifestyle change for himself.

After considering the totality of the circumstances, Rick Angelozzi moved that the committee recommends to the Board that Michael Yanez's Application for Training and Subsequent Certification **not be denied**. Jeff Hernandez seconded the motion. The motion carried unanimously.

17. *Kennard, Dawn #32548 – Marion County Sheriff's Office; Basic, Intermediate Corrections Certification.

Presented by Kristen Hibberds

The Case presented to the Corrections Policy Committee is whether Dawn Kennard conduct surrounding her arrest for DUI on August 20, 2013, her violation of the DUI Diversion Agreement and her subsequent conviction on June 18, 2015 should result in the revocation of her certifications.

Jeff Hernandez moved that the Corrections Policy Committee adopts the staff report as the record upon which its recommendations are based. Carol Dishion seconded the motion. The motion carried unanimously.

By discussion and consensus, the committee identified Dawn Kennard's behavior did not involve **Insubordination**.

By discussion and consensus, the committee identified that Dawn Kennard's behavior did involve **Misconduct** as defined in the Administrative Rule due to the conviction of DUII.

Jeff Wheeler moved that the Corrections Policy Committee find that Dawn Kennard's **Misconduct**, when considered alone, does rise to the level to warrant revocation of Kennard's certifications. Rick Angelozzi seconded the motion. The motion carried unanimously.

By discussion and consensus, the committee identified that Dawn Kennard's behavior did involve **Gross Misconduct** as defined in the Administrative Rule based on the elements of a DUII conviction.

Matthew Frohnert moved that the Corrections Policy Committee find that Dawn Kennard's **Gross Misconduct**, when considered alone, does rise to the level to warrant revocation of Kennard's certifications. Jeff Wheeler seconded the motion. The motion carried unanimously.

By discussion and consensus, the committee determined that Dawn Kennard's behavior did not involve **Misuse of Authority**.

By discussion and consensus, the committee determined that Dawn Kennard's behavior did not involve **Disregard for the Rights of Others**.

By discussion and consensus, the committee determined that Dawn Kennard's behavior did not involve **Dishonesty**.

By discussion and consensus, the committee determined that Dawn Kennard's behavior did involve **Aggravating Circumstances** which included the report from the alcohol treatment was noted that Kennard's progress was questionable as Kennard continues to provide urinalysis that are not valid due to dilution. Based on her professional experience as a Correctional Officer, that would indicate a questionable result. Kennard has been asked to provide documentation to give a reasonable explanation for her medical condition of diluted samples. Kennard was terminated from Marion County Sheriff's Office for non-compliance of diversion and treatment. Based on the court record, Kennard has not paid her financial responsibilities in which she has had three years to do so.

By discussion and consensus, the committee determined that Dawn Kennard's behavior did involve **Mitigating Circumstances**. The arresting officer stated that Kennard at the time of her arrest was courteous and took responsibility for her actions.

After considering the totality of circumstances, Jeff Hernandez moved that the committee recommends to the Board that Dawn Kennard's certification **be revoked**. Matthew Frohnert seconded the motion. The motion carried unanimously.

Rick Angelozzi moved that the committee recommends to the Board that Dawn Kennard's **Misconduct** warrants an ineligibility period of seven years. Carol Dishion seconded the motion. The motion carried unanimously.

Matthew Frohnert moved that the committee recommends to the Board that Dawn Kennard's **Gross Misconduct** warrants ineligibility period for seven years. Jeff Hernandez seconded the motion. The motion carried unanimously.

18. Garner, Adam #49574 – Marion County Sheriff's Office; Basic, Intermediate Corrections Certifications

Presented by Kristen Hibberds

The case presented to the Corrections Policy Committee is whether Adam Garner's conduct which involved misconduct and untruthfulness in Marion county Sheriff's Office (MCSO) Internal Affairs Investigation #2015-PSI-003, and should result in the revocation of his certifications.

For the record, Jeff Hernandez wanted to note a possible conflict of interest. As a Union Representative, he represented an individual that had an association to Adam Garner but feels he can make a fair determination based on the information provided.

Jeff Hernandez moved that the Corrections Policy Committee adopts the staff report as the record upon which its recommendations are based. Rick Angelozzi seconded the motion. The motion carried unanimously.

By discussion and consensus, the committee identified Adam Garner's behavior did not involve **Insubordination**.

By discussion and consensus, the committee identified Adam Garner's behavior did involve **Misconduct** as defined in the Administrative Rule by being untruthful on a use of force report and participating in favoritism with inmates.

Jeff Wheeler moved that the Corrections Policy Committee find that Adam Garner's **Misconduct**, when considered alone, does rise to the level to warrant revocation of Garner's certifications. Rick Angelozzi seconded the motion. The motion carried unanimously.

By discussion and consensus, the committee identified Adam Garner's behavior did involve **Gross Misconduct** as defined in the Administrative Rule based on his untruthful statement during an investigation in a use of force incident which creates a danger to the efficient operation of the agency..

Jeff Hernandez moved that the Corrections Policy Committee find that Adam Garner's **Gross Misconduct**, when considered alone, does rise to the level to warrant revocation of Garner's certification. Matthew English seconded the motion. The motion carried unanimously.

By discussion and consensus, the committee identified Adam Garner's behavior did not involve **Misuse of Authority**.

By discussion and consensus, the committee identified Adam Garner's behavior did not involve **Disregard for the Rights of Others**.

By discussion and consensus, the committee identified Adam Garner's behavior did involve **Dishonesty** as defined in the Administrative Rule base on the Garner's misreporting of the use of force incident and his use of a taser on an inmate.

Rick Angelozzi moved that the Correction Policy Committee find that Adam Garner's **Dishonesty**, when considered alone, does rise to the level to warrant revocation of Garner's certification. Matthew English seconded the motion. The motion carried unanimously.

By discussion and consensus, the committee identified Adam Garner's behavior did involve **Aggravating Circumstances**. Because Garner is an instructor, individuals look to him for guidance and his standards should reflect as such. Garner did not show positive decision making and has shown a pattern of poor decision making skills related to use of force.

By discussion and consensus, the committee identified Adam Garner's behavior did not involve any **Mitigating Circumstances**.

After considering the totality of the circumstances, Kristen Hanthorn moved that the committee recommends to the Board that Adam Garner's certification **be revoked**. Matthew English seconded the motion. The motion carried unanimously.

Jeff Hernandez moved that the committee recommends to the Board that Adam Garner's **Misconduct** warrants an ineligibility period of seven years. Rick Angelozzi seconded the motion. The motion carried unanimously.

Jeff Wheeler moved that the committee recommends to the Board that Adam Garner's **Gross Misconduct** warrants ineligibility period of ten years. Matthew Frohnert seconded the motion. The motion carried unanimously.

Rick Angelozzi moved that the committee recommends to the Board that Adam Garner's **Dishonesty** warrants ineligibility period for lifetime. Jeff Hernandez seconded the motion. The motion carried unanimously.

19. Department Updates

Eriks Gabliks reported:

- J Academy Enrollment - DPSST continues to monitor agency hiring numbers and enrollment data. A recent survey conducted by DPSST shows that city, county, state, tribal and university law enforcement agencies are in the process of hiring more than 130 officers who will need to attend the 16-week basic police course that are not as yet enrolled in an upcoming academy class. Eriks shared the legislature added four basic police classes earlier in the biennium but that additional classes will be needed to meet the demand. The November and February classes are full and newly hired officer are now being enrolled into the March class.
- J This causes concern for DPSST as it does not want to see newly hired officer waiting extended periods of time to before they can attend training. DPSST is also monitoring potential retirements in the next biennium that could exceed 1,000.

We reached out to our agencies to ask what their anticipated new hire numbers to be for the upcoming year and the following information was provided:

- o Parole & Probation – 14
- o City/County Corrections – 131
- o Law Enforcement – more than 300

- o We then asked at how many individuals are eligible to retire:
- o Parole & Probation – 19
- o Corrections – 110 (DOC is looking at 1/3 of the workforce)
- o Police – 667

- J "Gypsy Cops" articles have appeared in several media stories over the past few weeks. Eriks reminded the Committee that DPSST, the Board, and its constituents, have constant discussions regarding the training and certification standards Oregon has in place for its officers. DPSST also enters all decertified officers into the decertification database

maintained by the International Association of Directors of Law Enforcement Standards and Training (IADLEST).

- J Eriks introduced Katrina Robson, DPSST's newest Professional Standards Coordinator. Katrina comes from the Florida State Highway Patrol and is currently attending the Academy's PCOD class so she can maintain her police certification.
- J We will reach out through public comment for the rules that are in place to make sure the stakeholders are aware of the changes. The rules are significant changes and staff will be reaching out as well as well through seminars that will be held here at DPSST to provide education to our constituents and be a resource as well.
- J Eriks also shared that there is another work group that has been formed to look at the requirements for Mid-Management and Executive levels of certification. We are working with the agency heads to determine how to proceed with the two levels of certification.
- J DPSST was saddened to report that Terry Howell, a former Washington County Sheriff's Deputy and part-time academy firearms instructors, passed away at his home a few days ago. Terry was a great instructor and passionate about training. The Basic Police class in session is purchasing a park bench with an inscription that will be installed near the firearms training facility as a tribute to Terry and his commitment to training excellence.

Chief Brian Burger recognized that this will be Rick Angelozzi's last Corrections Policy Meeting. His replacement will be Kimberly Hendricks with Santiam Correctional Institution.

12. Next Regularly Scheduled Meeting – February 14, 2017 at 1:30 p.m.

** 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.*