

Corrections Policy Committee Minutes

February 11, 2020

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

Committee Members:

Nadine Purington, Chair, Non-Management Parole & Probation
Carol Dishon, Non-Management DOC, Coffee Creek
Rob Perrson, DOC Superintendent
Greg Martin, AOCE Representative, DOC
Kevin Marshal, Public Member
Jaime Hepner, Oregon Association of Community Corrections Directors
Matt English, Oregon State Sheriff's Association
Matthew Frohnert, Oregon Sheriff's Jail Command Council (Phone)
Gary Ninman, Professional Development Unit, DOC
Cody Smith, Non-Management Corrections Officer
Mike Gower, DOC Director Designee
Gary Bergeron, Non-Management Corrections Officer
Brian Pixley, Oregon State Sheriff's Association
Jamie Russell, Oregon Sheriff's Jail Command Council

Committee Members Absent:

James Cook, Vice Chair, AFSCME Representative, DOC

Guests:

Chris Matson
Juan Ruiz
Greg Clouser
Alexandra Ruiz

DPSST Staff:

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



1. Introductions

Introductions of members, guest and staff were presented.

2. Approve August 13, 2019 Meeting Minutes

Matthew English moved to approve the minutes from the 11/12/19 Corrections Policy Committee meeting with one minor correction. Gary Ninman seconded the motion. The motion carried unanimously.

3. Administrative Closures – Corrections/Parole & Probation

Presented by Kristen Hibberds

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

Officer	Certifications	Summary	Flagged for Review (if hired in future)
Fernandez, Santos DPSST #60372	None	Arrest – Assault in the Fourth Degree. Juvenile and was not convicted/adjudicated of a crime.	No
Hodnett, Brian DPSST #48424	Advanced Corrections	Arrest – Driving Under the Influence (DUI) and Contempt of Court. DUI was dismissed and Contempt of Court not punishable as a crime.	No
Jones, Brandi DPSST #59146	None	Conviction – Traffic Violations and Driving While License Suspended (DWLS). Traffic violations not punishable as a crime and DWLS only conviction and it occurred over 5 years prior to employment.	No
Kiesse, Benjamin DPSST #60492	None	Conviction – Criminal Trespassing. Conviction occurred 7 years prior to employment and is the only conviction.	No
Main, Samuel DPSST #60270	None	Conviction – Malicious Mischief. Conviction set aside.	No
Partlow, Falon DPSST #59785	None	Separation – Provided contraband to inmates and failed to maintain professional boundaries.	Yes

Ramirez, Eron DPSST #60084	None	Conviction – Driving Under the Influence (DUI) and Driving While License Suspended (DWLS). Conviction occurred 8 years prior to employment and is only conviction.	No
Rose, Tyrus DPSST #59225	None	Conviction/Adjudication – Assault in the Fourth Degree. Successfully expunged from juvenile record.	No
Wedekind, Stephen DPSST #59155	None	Conviction – Reckless Driving in Idaho. Conviction occurred 7 years prior to employment and is the only conviction.	No
Rich, Jackson DPSST #60438	None	Conviction/Expungement – Criminal Possession of Drug Paraphernalia and Criminal Possession of Dangerous Drugs. All convictions have been successfully expunged and removed by the court.	No

Rob Persson moved to administratively close the cases. Carol Dishon seconded the motion. The motion carried unanimously.

4. Matson, Christopher #60104: Application for Training and Subsequent Certification – Department of Correction-Two Rivers Correctional Institution
Presented by Kristen Hibberds

DPSST received an F5 Application for Training where Christopher Matson self-reported four convictions.

Staff identified violations of the Board’s minimum moral fitness standards for public safety professionals, specifically:

- **Gross Misconduct** when Matson pled guilty to:
 - Negligent Driving on October 26, 2004;
 - Reckless Driving on April 12, 2006;
 - Driving While License Suspended (DWLS) on August 27, 2009;
 - Reckless Driving on April 15, 2009.
- **Dishonesty** when Matson stated to the officer that he swerved to miss hitting an elk in the road. (2009 Reckless Driving) Matson later admitted to being dishonest to the officer.

Staff did not identify any violations of Disregard for the Rights of Others or Misuse of Authority

Christopher Matson presented verbal mitigation.

Committee Vote/Consensus	Second	Vote	Outcome
Cody Smith moved that the Corrections Policy Committee adopt the staff report as the record upon which its recommendations are based.	Carol Dishon	14 ayes; 0 nays;	Motion Passes Unanimously.
Consensus reached that there was Gross Misconduct and Dishonesty.			
<p>Mitigating Factors</p> <ul style="list-style-type: none"> • Matson has complied with all of their court ordered obligations; • The date and Matson's age at the time of the convictions; • The conduct occurred before employment in public safety; • Matson self-reported the criminal dispositions; • Matson's verbal and written mitigation in which he stated that he has stopped consuming alcohol; • The amount of time that has passed since his last conviction, demonstrating he has matured and made positive life changes; • Matson's employment with public safety and his passion for his career. <p>Aggravating Factors</p> <ul style="list-style-type: none"> • Matson has more than one criminal disposition in their record; • Matson was sentenced to probation and jail time; • Matson's conduct did occur multiple times; • Matson was found guilty of four criminal dispositions; • Matson's multiple convictions demonstrating a pattern of alcohol abuse and failure to take responsibility for his actions. 			
Cody Smith 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 Matson's Application for Training and subsequent Certification.	Greg Martin	5 ayes; 9 nays (Purington, Bergerson, Dishon, Pixey, Frohnert, Hepner, Gower, Russell, English)	Motion Fails
Jamie Russell moved, after considering the identified violations of the Board's moral fitness standard and weighing the aggravating and mitigating	Brian Pixley	7 ayes; 7 nays (Bergerson, Frohnert, Ninman,	Motion Ties.

circumstances unique to this case, that Board action should be taken against Matson's Application for Training and subsequent Certification.		Martin, Persson, Gower, Marshall, Smith)	
Gary Ninman moved, after further 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 Matson's Application for Training and subsequent Certification.	Rob Persson	10 ayes; 3 nays; (Pixley, Hepner, Russell) (English absent)	Motion Passes.

5. *Randleas, Lucas DPSST# 60182; Application for Training & Subsequent Certifications – Grant County Sheriff's Office (GCSO)

Presented by Kristen Hibberds

DPSST received an F5 Application for Training where Lucas Randleas self-reported four convictions.

Staff identified violations of the Board's minimum moral fitness standards for public safety professionals, specifically:

- **Gross Misconduct** when Randleas was convicted of
 - Unlawful Possession of a Firearm on June 1, 2007;
 - Driving Under the Influence of Intoxicants on February 14, 2013;
 - Driving Under the Influence of Intoxicants on June 5, 2013.

Staff did not identify any violations of Dishonesty, Disregard for the Rights of Others or Misuse of Authority

Committee Vote/Consensus	Second	Vote	Outcome
Brian Pixley moved that the Corrections Policy Committee adopt the staff report as the record upon which its recommendations are based.	Carol Dishon	13 ayes; 0 nays;	Motion Passes Unanimously.
Consensus reached affirming the staff analysis identifying violations of the Board's moral fitness standard and added Dishonesty when Randleas denied having a firearm in his vehicle.			
Mitigating Factors <ul style="list-style-type: none"> • Randleas has complied with all of their court ordered obligations; • The conduct occurred before employment in public safety; 			

<ul style="list-style-type: none"> • Randleas self-reported the criminal dispositions; • Randleas' letters of support. <p>Aggravating Factors</p> <ul style="list-style-type: none"> • Randleas has more than one criminal disposition in their record; • Randleas was sentenced to probation and jail time; • Randleas' conduct occurred multiple times; • Randleas was found guilty of three criminal dispositions; • The multiple instances involving alcohol and firearms; • Randleas' uncooperativeness with law enforcement. 			
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 Randleas's Application for Training & Subsequent Certifications.	Jamie Russell	13ayes; 0 nays	Motion Passes Unanimously.
Brian Pixley made a motion, after considering the totality of the case, that Randleas be ineligible to hold public safety certification for life.	Jamie Russell	13ayes; 0 nays	Motion Passes Unanimously.

6. ***Rich, Jackson #60438: Application for Training and Subsequent Certification– Josephine County Sheriff's Office**

Presented by Kristen Hibberds

DPSST requested this case be pulled to be administratively closed. Jackson was able to get his convictions expunged and removed by the court.

7. **Thomason, Timothy #54396: Basic Corrections Certification – Department of Corrections-Two Rivers Correctional Institution**

Presented by Kristen Hibberds

Timothy Thomason notified DPSST of a December 17, 2017 arrest that resulted in a conviction.

- **Gross Misconduct** when Thomason pleaded guilty to Driving Under the Influence of Intoxicants and later convicted after his diversion was terminated.

Staff did not identify any violations of Dishonesty, Disregard for the Rights of Others or Misuse of Authority.

Committee Vote/Consensus	Second	Vote	Outcome
Gary Ninman moved that the Corrections Policy Committee adopt the staff report as the record upon which its recommendations are based.	Kevin Marshall	13 ayes; 0 nays;	Motion Passes Unanimously
Consensus reached affirming the staff analysis identifying violations of the Board's moral fitness standard.			
Mitigating Factors <ul style="list-style-type: none"> • The conduct did not occur while acting in an official capacity; • Thomason only has one criminal disposition in their record; • Thomason self-reported the criminal disposition. Aggravating Factors <ul style="list-style-type: none"> • Thomason's conduct occurred during their employment in public safety; • Thomason was sentenced to probation and jail time; • Thomason was found guilty of one Class A Misdemeanor; • The recentness of the conviction; • Thomason's failure to comply with the court ordered requirements of his diversion program; • Thomason's repeated attempts to tamper with his Ignition Interlock Device; • Thomason's lack of cooperation with the arresting officer about how much he had to drink; • The impact a criminal conviction and firearms restrictions would have on his ability to supervise others and the efficient operations of the agency. 			
Cody Smith 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 Thomason's certification.	Brian Pixley	13 ayes; 0 nays	Motion Passes Unanimously
Brian Pixley made a motion, after considering the totality of the case, that Thomason's be ineligible to hold public safety certification for 10 years.	Matt Frohnert	13 ayes; 0 nays;	Motion Passes Unanimously.

**8. Ruiz, Juan #60370: Application for Training and Subsequent Certification–
Department of Corrections – Oregon State Penitentiary**

Presented by Kristen Hibberds

DPSST received an F5 Application for Training where Juan Ruiz self-reported three convictions.

Staff identified violations of the Board's minimum moral fitness standards for public safety professionals, specifically:

- **Gross Misconduct** when Ruiz was convicted of:
 - Criminal Driving While Suspended on July 9, 2002;
 - Driving Under the Influence on July 10, 2007;
 - Criminal Driving While Suspended on July 10, 2007.

Staff did not identify any violations of Dishonesty, Disregard for the Rights of Others or Misuse of Authority.

Juan Ruiz presented verbal mitigation.

Committee Vote/Consensus	Second	Vote	Outcome
Greg Martin recused himself due to avoid conflict of interest.			
Jamie Hepner moved that the Corrections Policy Committee adopt the staff report as the record upon which its recommendations are based.	Brian Pixley	12 ayes; 0 nays; 1 recused (Martin)	Motion Passes Unanimously.
Consensus reached affirming the staff analysis identifying violations of the Board's moral fitness standard.			
Mitigating Factors <ul style="list-style-type: none"> • Ruiz has complied with all of their court ordered obligations; • The conduct occurred before employment in public safety; • The date and Ruiz's age at the time of the convictions; • Ruiz self-reported the criminal dispositions; • Ruiz's verbal statement and the multiple letters of support. Aggravating Factors <ul style="list-style-type: none"> • Ruiz has more than one criminal disposition in their record; • Ruiz was sentenced to probation and jail time; • Ruiz's conduct did occur multiple times over a five year period; • Ruiz was found guilty of three criminal dispositions. 			
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 Ruiz's Application for subsequent Training.	Cody Smith	11 ayes; 1 nays (Russell) 1 recused (Martin)	Motion Passes.

9. **Ingram, Trent #60342: Application for Training and Subsequent Certification – Department of Corrections- Eastern Oregon Correctional Institution**
Presented by Kristen Hibberds

DPSST received an F5 Application for Training where Trent Ingram self-reported a conviction.

Staff identified violations of the Board's minimum moral fitness standards for public safety professionals, specifically:

- **Gross Misconduct** when Ingram was convicted of a Disturbing the Peace on February 2, 2017.

Staff did not identify any violations of Dishonesty, Disregard for the Rights of Others or Misuse of Authority.

Committee Vote/Consensus	Second	Vote	Outcome
Jamie Hepner moved that the Corrections Policy Committee adopt the staff report as the record upon which its recommendations are based.	Carol Dishon	13 ayes; 0 nays;	Motion Passes Unanimously.
Consensus reached affirming the staff analysis identifying violations of the Board's moral fitness standard.			
Mitigating Factors <ul style="list-style-type: none"> • Ingram only has one criminal disposition in their record; • Ingram has complied with all of their court ordered obligations; • The conduct occurred before employment in public safety; • Ingram's conduct did not occur multiple times; • Ingram self-reported the criminal disposition. Aggravating Factors <ul style="list-style-type: none"> • Ingram was found guilty of one criminal disposition; • Ingram was sentenced to probation and jail time; • The recentness of the conviction; • At the time of the incident, Ingram and the other involved party were cohabitating in the same house. 			
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 no Board action should be taken against Ingram's application for subsequent training.	Cody Smith	11 ayes; 2 nays (Pixley, Gower)	Motion Passes

10. Vines, Christopher #60273; Application for Training and Subsequent Certification– Department of Corrections-Snake River Correctional Institution
Presented by Kristen Hibberds

DPSST received an F5 Application for Training where Christopher Vines self-reported a conviction.

Staff identified violations of the Board's minimum moral fitness standards for public safety professionals, specifically:

- **Gross Misconduct** when Vines was convicted of Reckless Driving-Inattentive or Careless on May 8, 2018.

Staff did not identify any violations of Dishonesty, Disregard for the Rights of Others or Misuse of Authority.

Committee Vote/Consensus	Second	Vote	Outcome
Gary Ninman moved that the Corrections Policy Committee adopt the staff report as the record upon which its recommendations are based.	Brian Pixley	13 ayes; 0 nays;	Motion Passes Unanimously
Consensus reached affirming the staff analysis identifying violations of the Board's moral fitness standard.			
Mitigating Factors <ul style="list-style-type: none"> • Vines only has one criminal disposition in their record; • Vines has complied with all of their court ordered obligations; • The conduct occurred before employment in public safety; • Vines self-reported the criminal disposition; • Vines' criminal conviction was the result of a vehicle crash and he pled guilty instead of being found guilty which allowed him to take responsibility for his actions. Aggravating Factors <ul style="list-style-type: none"> • Vines pled guilty of one criminal disposition; • The recentness of the conviction. 			
Mike Gower 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 Vine's certifications.	Greg Martin	13 ayes; 0 nays	Motion Passes Unanimously

11. Lindsey, Devon #56903; Basic Corrections Certifications – Douglas County Sheriff's Office (DCSO)
Presented by Kristen Hibberds

DPSST received a Personnel Action from the DCSO indicating that Devon Lindsey had been discharged from employment.

Staff identified violations of the Board's minimum moral fitness standards for public safety professionals, specifically:

- **Gross Misconduct** when Lindsey failed to complete hourly cell checks as required to ensure the safety and security of the institution. Lindsey's conduct threatened persons and the efficient operation of the agency.
- **Dishonesty** when Lindsey falsified an official jail document on three different occasions when he documented completed cell checks that he didn't complete.

Staff did not identify any violations of Disregard for the Rights of Others or Misuse of Authority.

Committee Vote/Consensus	Second	Vote	Outcome
Brian Pixley moved that the Corrections Policy Committee adopt the staff report as the record upon which its recommendations are based.	Jamie Russell	13 ayes; 0 nays;	Motion Passes Unanimously.
Consensus reached affirming the staff analysis identifying violations of the Board's moral fitness standard.			
Mitigating Factors <ul style="list-style-type: none"> • Lindsey's service in the military. Aggravating Factors <ul style="list-style-type: none"> • Lindsey's conduct occurred during their employment as a public safety professional; • Lindsey's conduct did occur while they were acting in an official capacity; • Lindsey's conduct occurred multiple times; • Lindsey's lack of motivation to perform his duties in the jail; • Lindsey's correspondence with DPSST staff in which he demonstrates no accountability for his actions, thereby deflecting and blaming others; • The egregiousness of the safety and security concerns surrounding cell checks and the liability it placed on the agency. 			
Gary Ninman 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 Lindsey's certifications.	Greg Martin	13 ayes; 0 nays;	Motion Passes Unanimously.

Greg Martin made a motion, after considering the totality of the case, that Lindsey's be ineligible to hold public safety certification for a lifetime.	Cody Smith	13 ayes; 0 nays;	Motion Passes Unanimously
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12. Jackson, Andrew #54783; Re-evaluate Ineligibility Period of Recommendation – Basic Corrections Certification – Polk County Sheriff's Office

Presented by Kristen Hibberds

On February 12, 2019 the CPC met and recommended to the Board that Andrew Jackson's certification be revoked for Gross Misconduct and Dishonesty with a lifetime ineligibility period. The Board approved the recommendation on April 25, 2019.

A Notice of Intent to Revoke was issued to Jackson and he requested a contested case hearing. An in-person hearing was held on December 16, 2019. On January 29, 2020, DPSST received the Administrative Law Judge's Proposed Order modifying DPSST's action, specifically finding that the facts of the case did not support Jackson engaged in intentional dishonesty.

Staff asked the Policy Committee to reconsider the ineligibility period for Jackson based on these findings.

Committee Vote/Consensus	Second	Vote	Outcome
Brian Pixley made a motion, after considering the information presented, that Jackson be ineligible to hold public safety certification for a 10 years.	Greg Martin	13 ayes; 0 nays;	Motion Passes Unanimously

13. *Proposed Rule Changes for OAR 259-008-0005, 259-008-0020, 259-008-0025 and 259-008-0085: Establishing a Firearms Training Requirement for Armed Parole and Probation Officers

Presented by Jennifer Howald

During the November 12, 2019, Corrections Policy Committee (CPC) meeting, staff presented the curriculum for the new Armed Parole and Probation Course (APP). The CPC recommended approval of the APP to the Board on Public Safety Standards and Training (Board) and the Board approved the curriculum on January 23, 2020.

In addition to presenting the APP, staff identified ORS 166.263 which requires parole and probation officers who are authorized by their employing agency to carry a firearm in the course of official duties to complete a firearms training program recognized by the Board and requested that the CPC approve a concept aimed to ensure the statutory requirement is satisfied by adopting training standards per administrative rules. The concept included:

- Requiring parole and probation officers to complete the APP, or equivalent training approved by DPSST, within 18 months of being designated as an armed parole and probation officer. This requirement included provisions for a time extension;
- Allowing DPSST to waive the required training upon request if the parole and probation officer was formerly employed and certified as a police officer; and
- Allowing employing agencies to continue to facilitate their own firearms training by having the training approved as equivalent to the APP Program.

Consensus reached approving the fiscal impact statements provided by staff.

Greg Martin moved to recommend that the Board approve filing the amended proposed rule changes for OAR 259-008-0005, 259-008-0020, 259-008-0025 and 259-008-0085 as a permanent rule if no comments are received. Jamie Hepner seconded the motion. The motion carried unanimously.

14. Five-Year Review of the Adoption of OAR 259-008-0078 - Informational Update

Presented by Jenifer Howald

ORS 183.405 requires agencies to conduct a review of the rules that they adopt. The review must occur within the five years following the adoption of the rule. The review is meant to assess the following:

- Whether the rule had its intended effect;
- Whether the anticipated fiscal impact of the rule was overestimated or underestimated;
- Whether subsequent changes in the law required that the rule be repealed or amended; and
- Whether there is a continued need for the rule.

OAR 259-008-0078 is the result of a recommendation by the 2014 Minimum Training Standards Workgroup to allow a public safety professional with lapsed certification to be employed by a public safety agency for a limited duration without having certification requirements imposed on the individual and the employing agency.

This rule was intended to provide a solution to the challenge public safety agencies experienced when filling interim leadership roles during transition periods, such as changes in leadership or during interview processes.

Without this rule, a public safety professional hired in an interim leadership position would be required to reactivate their certification and meet all the training and maintenance standards for certification. Through this rule, the Department suspends pursuit of the limited duration administrator's certification until the statutory certification requirement is triggered at 18 months of employment (12 months for a limited duration administrator in a corrections position).

OAR 259-008-0078 includes specific eligibility criteria and limits the amount of time a public safety professional can be employed without imposing certification requirements.

OAR 259-008-0078 was considered by the Corrections Policy Committee on November 4, 2014, the Telecommunications Policy Committee on November 5, 2014, and the Police Policy Committee on November 20, 2014, and approved by the Board on Public Safety Standards and Training on January 22, 2015. OAR 259-008-0078 was adopted effective March 24, 2015.

15. Department Update

Linsay Reported:

- Reminder that the new moral fitness standards were approved by the Board and will go into effect on May 1st. The presentation of professional standards cases at the next CPC meeting will look differently as a result.
- The Background Investigation Workgroup has concluded its work. Two recommendations will be moving forward as a result, one relating to the review of pre-employment criminal conduct, the second relating to DPSST's role as a record keeper/repository for pre-employment background checks.
- The Board has approved the formation of a new multi-disciplined workgroup formed to review DPSST's current medical standards.

Next Corrections Policy Committee Meeting: May 12, 2020