

# Corrections Policy Committee Minutes

## November 10, 2020

The Corrections Policy Committee of the Board on Public Safety Standards and Training held a regular meeting on November 10, 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  
Lee Eby, Oregon Sheriff's Jail Command Council  
Matt English, Oregon State Sheriff's Association (Webex)  
Jaime Hepner, Oregon Association of Community Corrections Directors (Webex)  
Kevin Marshall, Public Member (Webex)  
Greg Martin, AOCE Representative, DOC  
Gary Ninman, Professional Development Unit, DOC  
Rob Persson, DOC Superintendent  
Michael Yoder, Department of Corrections Designee (Webex)  
James Ristoff, Non-Management Corrections Officer (Webex)  
Jamie Russell, Oregon Sheriff's Jail Command Council (Webex)  
Cody Smith, Non-Management Corrections Officer (Webex)  
Taj Shivvers, Non-Management DOC

### **Committee Members Absent:**

Brian Pixley, Oregon State Sheriff's Association

### **Guests:**

Chance Chastain  
Clifford Ingram

### **DPSST Staff:**

Les Hallman, Interim 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 August 11, 2020 Meeting Minutes**

*Gary Ninman moved to approve the minutes from the 8/11/2020 Corrections Policy Committee meeting. Nadine Purington seconded the motion. The motion passed unanimously.*

**3. Parole & Probation Career Officer Development Program**

Presented by Chris Enquist

The Training Division requests the approval of the Corrections Policy Committee to pilot a self-study Career Officer Development (COD) program for Parole & Probation Officers (PPOs). The pilot program will provide eligible PPOs, with out-of-state or lapsed certification, the opportunity to complete a two-month self-study program in lieu of attendance in the five-week Basic Parole & Probation Academy. The pilot program would be implemented and evaluated in late 2020/early 2021.

*Gary Ninman moved to approve a pilot of the proposed Parole & Probation Self-Study Career Officer Development program. Nadine Purington seconded the motion. The motion passed unanimously.*

**4. Administrative Closures**

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)	Elijah Anderson	50087	Basic and Intermediate	Anderson was discharged from employment due to lack of moral fitness (employer-defined) for a corrections lieutenant, lack of boundaries and misleading during an investigation. A review of the investigatory documents did not provide a preponderance of evidence to support a violation of the Board's moral fitness standards.
b)	Amber Arbogast	61125	Not Certified	2001 conviction for <i>Endangering the Welfare of a Minor</i> . 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.

c)	Kyle Brock	61183	Not Certified	2003 conviction for <i>Harassment</i> . 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.
d)	Cenobio Jauregui	60662	Not Certified	2008 <i>Hit and Run</i> and <i>Driving on a Suspended License</i> . 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.
e)	Ariel Needham	61112	Not Certified	2010 <i>Negligent Driving in the Second Degree</i> . 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.
f)	Antony Ruvalcaba	31282	Basic, Intermediate and Advanced	Ruvalcaba was discharged from employment. Arbitrator found that termination of employment was too severe and his employment was reinstated. DPSST has no basis to proceed with a professional standards review.
g)	Jesse Teran	61196	Not Certified	2010 conviction for <i>Driving Under the Influence of Alcohol (DUI)</i> and <i>Driving with a Blood Alcohol Content of .08% or More</i> . Self-reported conviction, occurred five years prior to employment in public safety, only convictions stemming from the same incident on record, all court obligations have been satisfied

				and did not involve dishonesty or deceit.
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*Matt English moved to approve the recommendations made by staff to administratively close the above listed cases. Jamie Hepner seconded the motion. The motion passed unanimously.*

**5. Professional Standards Review / Proposed Order Aaron McGehee DPSST No. 57858**

Presented by Linsay Hale

**Case History:**

Aaron McGehee was employed by the Department of Corrections as a corrections officer on August 2, 2017.

In January 2019, DPSST became aware of two criminal dispositions in McGehee's criminal history. DPSST subsequently opened a professional standards case required by administrative rule to review the criminal convictions, and McGehee's falsification of his Application for Training

On May 14, 2019, the Corrections Policy Committee (CPC) reviewed this matter and made a recommendation to deny McGehee's Application for Training and Subsequent Certification for three years based on the Gross Misconduct and Dishonesty.

Following an administrative hearing on the matter, the ALJ proposed granting the application for training and subsequent certification because she found he was not dishonest though she did find he did engage in gross misconduct.

*Gary Ninman moved to recommend the Board withdraw its Notice of Intent to Deny McGehee's application for certification based the ALJ's Proposed Order and that the Committee re-review McGehee's convictions using the moral fitness rules in place at the time should McGehee obtain employment in a position requiring public safety certification in the future. Greg Martin seconded the motion. The motion passed unanimously.*

**6. Chastain, Chance (35785) Certification Review: Corrections**

Presented by Linsay Hale

*Reason for Discretionary Review*

On February 8, 2019, Chance Chastain was terminated from his position with the Douglas County Sheriff's Office (DCSO) as the result of an investigation into his admitted untruthfulness regarding the performance of a subordinate DCSO staff member.

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

*Chance Chastain provided verbal mitigation for committee consideration.*

<i>Policy Committee Discussion/Vote</i>	<i>Second</i>	<i>Vote</i>	<i>Outcome</i>
Cody Smith moved that the Corrections Policy Committee adopt the staff report.	Rob Persson	13 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"> <li>• Aggravating: <ul style="list-style-type: none"> <li>○ Chastain has 17 years experience in Corrections, holds an Advanced level of certification, and was a Sergeant and Field Training Officer within his organization.</li> <li>○ Chastain reported inaccurate information to a supervisor, and only admitted to his error after he was confronted.</li> <li>○ Chastain stated he had talked to the Deputy twice, when in fact he hadn't spoken to her at all.</li> </ul> </li> <li>• Mitigating: <ul style="list-style-type: none"> <li>○ Chastain had no previous discipline during his 17 years of public safety service.</li> <li>○ Chastain's verbal and written mitigation show a dedicated public safety servant with stellar performance reviews.</li> </ul> </li> </ul>			
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 Chastain's certifications.	Gary Ninman	8 ayes; 5 nays (Hepner, Russell, English, Eby, Ristoff)	Motion Passed

7. **Ingram, Clifford (50213) Certification Review: {Corrections}**

Presented by Linsay Hale

*Reason for Discretionary Review*

DPSST was notified by Clifford Ingram that he was arrested on 8/8/19 for Driving Under the Influence (DUI) and DUI with a Blood Alcohol Content (BAC) .08% or Greater in Westminster, California. On 7/2/20, Ingram pled guilty and was convicted of DUI and DUI with a BAC .08% or Greater, both crimes that required discretionary review.

*Clifford Ingram provided verbal mitigation for committee consideration.*

<i>Policy Committee Discussion/Vote</i>	<i>Second</i>	<i>Vote</i>	<i>Outcome</i>
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Lee Eby moved that the Corrections Policy Committee adopt the staff report.	Jamie Hepner	13 ayes; 0 nays	Motion Passed Unanimously
<ul style="list-style-type: none"> <li>• Aggravating: <ul style="list-style-type: none"> <li>○ Ingram was employed in public safety at the time of his misconduct.</li> <li>○ Ingram's Blood Alcohol Content was double the legal limit at the time of his arrest.</li> <li>○ Ingram's behavior resulted in a traffic crash.</li> <li>○ Ingram's conduct occurred off-duty, but during a time in which he was attending a training event on behalf of his employer.</li> </ul> </li> <li>• Mitigating: <ul style="list-style-type: none"> <li>○ Ingram has completed all of his court-ordered obligations, including alcohol treatment and is in compliance with his probation and all of his employer requirements.</li> <li>○ Ingram was cooperative with the arresting officer at the time of his arrest.</li> <li>○ This is the only arrest in Ingram's history.</li> <li>○ Ingram appeared sincere and accepted responsibility for his behavior in the written and verbal mitigation provided.</li> </ul> </li> </ul>			
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 certification.	Kevin Marshall	13 ayes; 0 nays;	Motion Passed Unanimously

#### 8. **Boyd, Michael (55287) Certification Review: Corrections**

Presented by Linsay Hale

##### *Reason for Discretionary Review*

Michael Boyd was terminated from the Multnomah County Sheriff's Office (MCSO) on 3/6/19 after an investigation uncovered that he had intentionally misused Family/Medical Leave Act (FMLA) leave to travel to Las Vegas in 2017, was dishonest with MCSO officials about his whereabouts while on leave, and was again untruthful during a 2018 employment background investigation when questioned about the discrepancies in his previous leave reporting.

On 9/28/19 (following his separation from MCSO) Boyd was cited for Hunting Prohibited Hours and later pled guilty to Unlawful Taking of Wildlife – Decoy.

Staff determined Boyd's conduct that led to his termination from MCSO and his subsequent criminal disposition violates Board's moral fitness standards.

<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.	Greg Martin	13 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"> <li>• Aggravating: <ul style="list-style-type: none"> <li>○ Boyd lied on multiple occasions and his lies were intentional, pre-meditated and calculated.</li> <li>○ Boyd was employed in public safety for less than four years and had demonstrated a pattern of immoral behavior.</li> <li>○ Boyd's lies and misuse of leave time would have negatively impacted the operations of his agency as well as his peers.</li> <li>○ Boyd was convicted of a crime following his separation from MCSO.</li> </ul> </li> <li>• Mitigating: <ul style="list-style-type: none"> <li>○ No mitigating circumstances were identified.</li> </ul> </li> </ul>			
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 Boyd's certification.	Gary Ninman	13 ayes; 0 nays	Motion Passed Unanimously
Cody Smith moved, after considering the totality of the case, that Boyd be ineligible to hold public safety certification for a lifetime.	Kevin Marshall	13 ayes; 0 nays	Motion Passed Unanimously

## 9. **Domingue, Daniel (56759) Certification Review: Corrections**

Presented by Linsay Hale

### *Reason for Discretionary Review*

On February 26, 2019, Daniel Domingue was terminated from his position with the Josephine County Sheriff's Office (JCSO) as the result of an investigation into his inappropriate sexual relationship with an individual he met while she was in the custody of the JCSO.

Staff determined the conduct that led to Domingue's termination violates the Board's moral fitness standards.

<i>Policy Committee Discussion/Vote</i>	<i>Second</i>	<i>Vote</i>	<i>Outcome</i>
Matt English moved that the Corrections Policy Committee adopt the staff report.	Gary Ninman	13 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"> <li>• Aggravating: <ul style="list-style-type: none"> <li>○ Domingue's misconduct occurred while he was employed in public safety.</li> <li>○ Domingue admitted that he knew initiating a relationship with an individual on active supervision was wrong, but did it anyways.</li> <li>○ Domingue was two years into his career when he engaged in an inappropriate relationship.</li> <li>○ Domingue admitted to having sex with an individual he had met while she was incarcerated on two occasions.</li> <li>○ Domingue was the instigator of the relationship.</li> <li>○ Domingue's behavior put the safety and security of the facility in jeopardy and put his agency at risk.</li> <li>○ Domingue had recently attended training on the dangers of entering into relationships with inmates.</li> </ul> </li> <li>• Mitigating: <ul style="list-style-type: none"> <li>○ None identified.</li> </ul> </li> </ul>			
Lee Eby 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 Domingue's certification	Rob Persson	13 ayes; 0 nays	Motion Passed Unanimously
Greg Martin moved, after considering the totality of the case, that Domingue be ineligible to hold public safety certification for 10 years.	Taj Shivvers	13 ayes; 0 nays	Motion Passed Unanimously

#### **10. Ellis, Jason (58333) Certification Review: Corrections**

Presented by Linsay Hale

##### *Reason for Discretionary Review*

On April 30, 2020, Jason Ellis was discharged from employment with the Douglas County Sheriff's Office (DCSO). This discharge was the result of a criminal and administrative investigation into an off-duty physical altercation in which it was determined that Ellis was the aggressor.



Staff determined that Ellis' conduct on the night of the altercation violates the Board's moral fitness standards.

<i>Policy Committee Discussion/Vote</i>	<i>Second</i>	<i>Vote</i>	<i>Outcome</i>
Matt English moved that the Corrections Policy Committee adopt the staff report.	Gary Ninman	13 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"> <li>• Aggravating: <ul style="list-style-type: none"> <li>○ Ellis' misconduct occurred while he was employed in public safety.</li> <li>○ Ellis was untruthful with the responding officer about his role in the altercation, indicating he was attempting to deescalate the situation.</li> <li>○ Ellis was clearly the aggressor in the altercation, taking off his shirt and asking the incident be filmed prior to making contact with the other involved individual.</li> <li>○ The other individual in the altercation identified Ellis as a law enforcement officer.</li> </ul> </li> <li>• Mitigating: <ul style="list-style-type: none"> <li>○ The responding officer found both individuals involved in the altercation to have engaged in criminal harassment.</li> <li>○ No criminal charges were filed.</li> <li>○ Ellis was intoxicated when communicating with the responding officer. He was later honest with his employer about his role in the incident.</li> </ul> </li> </ul>			
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 Board action should be taken against Ellis's certification.	Nadine Purington	13 ayes; 0 nays	Motion Passed Unanimously
Greg Martin moved, after considering the totality of the case, that Ellis's be ineligible to hold public safety certification for 5 years.	Cody Smith	13 ayes; 0 nays	Motion Passed Unanimously

# **11. Kendall, Franklin (49118) Certification Review: Corrections**

Presented by Linsay Hale

## *Reason for Discretionary Review*

On January 4, 2019, Franklin Kendall resigned his position with the Umatilla County Sheriff's Office (UCSO) while under investigation for multiple on-duty allegations of inappropriate and unprofessional conduct between October 27 and December 1, 2018.

Although Kendall resigned prior to being interviewed, staff have determined by a preponderance of the evidence provided that Kendall's pattern of bullying and hostile behavior towards inmates and co-workers, and his claim that he didn't intentionally hit a co-worker in the face with an orange violates the Board's moral fitness standards.

<i>Policy Committee Discussion/Vote</i>	<i>Second</i>	<i>Vote</i>	<i>Outcome</i>
Cody Smith moved that the Corrections Policy Committee adopt the staff report.	Kevin Marshall	13 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"><li>• Aggravating:<ul style="list-style-type: none"><li>○ Kendall demonstrated a pattern of inappropriate behavior and anger issues.</li><li>○ Kendall was a supervisor and Field Training Officer at the time of his misconduct.</li><li>○ Kendall was untruthful about throwing an orange at a co-worker in an attempt to minimize his behavior.</li><li>○ Kendall's bullying and harassing behaviors put the facility and staff in jeopardy.</li><li>○ Kendall had taken Harassment Prevention training immediately prior to his conduct.</li><li>○ Kendall's behavior occurred while he was on-duty as a public safety officer.</li><li>○ Kendall made threats of retaliation towards his co-workers.</li><li>○ Kendall was arrested for DUII on 9/10/20, showing a pattern of poor decision-making.</li></ul></li><li>• Mitigating:<ul style="list-style-type: none"><li>○ No mitigating circumstances were identified.</li></ul></li></ul>			
Matt English moved, after considering the identified violations of the Board's moral fitness standard and weighing the aggravating and mitigating circumstances unique to this case,	Nadine Purington	13 ayes; 0 nays	Motion Passed Unanimously

that Board action should be taken against Kendall's certification.			
Gary Ninman moved, after considering the totality of the case, that Kendall be ineligible to hold public safety certification for 5 years.	Greg Martin	6 ayes; 7 nays (Russell, Smith, English, Eby, Shivvers, Yoder, Ristoff)	Motion Failed
Cody Smith moved, after considering the totality of the case, that Kendall be ineligible to hold public safety certification for 10 years.	Michael Yoder	11 ayes; 2 nays; (Ninman, Russell)	Motion Passed

## **12. Montero, Christian (44687) Certification Review: Corrections**

Presented by Linsay Hale

### *Reason for Discretionary Review*

On December 19, 2018, Christian Montero resigned from the from the Department of Corrections/Columbia River Correctional Institution (DOC/CRCI) while the subject of multiple investigations involving his inappropriate use DOC's e-mail and instant messaging systems, his sexual harassment of a co-worker and his creation of a hostile work environment.

Staff determined Montero's sexually harassing and hostile behavior and his untruthfulness during the subsequent investigations violated the Board's moral fitness standards.

<i>Policy Committee Discussion/Vote</i>	<i>Second</i>	<i>Vote</i>	<i>Outcome</i>
Matt English moved that the Corrections Policy Committee adopt the staff report.	Kevin Marshall	13 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"> <li>• Aggravating: <ul style="list-style-type: none"> <li>○ Montero was employed in public safety with 14 years experience at the time of his behavior.</li> <li>○ Montero holds an Intermediate level of certification.</li> <li>○ Montero was a member of the Emergency Staff Services (ESS) Team, and was providing peer-support to the victim of his harassment and used his position on ESS to contact the victim while she was on leave.</li> </ul> </li> </ul>			

<ul style="list-style-type: none"> <li>○ The level of inappropriate behavior and profanity used in assigning pet names to human anatomy was egregious.</li> <li>○ Montero's denied the behavior and his responses to the allegations were inconsistent.</li> <li>○ Montero continued engaging in harassing behavior after being asked by the victim to stop.</li> <li>○ Montero neglected his job duties when he misused his agency's email, internet and instant messaging systems for inappropriate and non-work related reasons.</li> <li>• Mitigating: <ul style="list-style-type: none"> <li>○ The contact between Montero and the victim at first appeared to be mutual.</li> </ul> </li> </ul>			
Lee Eby 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 Montero's certifications	Jamie Hepner	13 ayes; 0 nays	Motion Passed Unanimously
Matt English moved, after considering the totality of the case, that Montero be ineligible to hold public safety certification for a lifetime.	Taj Shivers	13 ayes; 0 nays	Motion Passed Unanimously

### **13. Rogers, Brendan (57572) Certification Review: Corrections**

Presented by Linsay Hale

#### *Reason for Discretionary Review*

On April 30, 2020, Brendan Rogers resigned from the Department of Corrections/Coffee Creek Correctional Facility (DOC/CCCF) while actively under investigation for directing inappropriate and obscene gestures and comments at inmates and initiating an inappropriate relationship with a former inmate on active supervision

While there is some question about the veracity of the information provided by the inmates interviewed as part of this investigation, staff found that Rogers' admitted inappropriate behavior, his attempts to initiate a personal relationship with a former inmate on supervision and his untruthfulness during the investigation violates the Board's moral fitness standards.

<i>Policy Committee Discussion/Vote</i>	<i>Second</i>	<i>Vote</i>	<i>Outcome</i>
Kevin Marshall moved that the Corrections Policy Committee adopt the staff report.	Taj Shivers	13 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"> <li>• Aggravating: <ul style="list-style-type: none"> <li>○ Rogers was employed in public safety at the time of his behavior.</li> <li>○ Rogers knew the former inmate he contacted via social media was on supervision and, when questioned, was dishonest about his contacting her.</li> <li>○ The number of reports that Rogers behaved inappropriately and made multiple inappropriate comments around inmates.</li> <li>○ Prior to this behavior, Rogers had received extensive training on the dangers on inmate relationships and the Prison Rape Eliminate Act (PREA).</li> <li>○ Rogers continued to deny he had contacted the former inmate via social media until he was confronted with evidence that proved he had.</li> <li>○ Rogers was still contacting the inmate during the investigation.</li> </ul> </li> <li>• Mitigating: <ul style="list-style-type: none"> <li>○ None identified.</li> </ul> </li> </ul>			
Lee Eby 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 Roger's certification.	Jamie Russell	13 ayes; 0 nays	Motion Passed Unanimously
Greg Martin moved, after considering the totality of the case, that Rogers be ineligible to hold public safety certification for a lifetime.	Rob Persson	13 ayes; 0 nays	Motion Passed Unanimously

#### **14. Sanguinetti, Antonio (48276) Certification Review: Corrections**

Presented by Linsay Hale

##### *Reason for Discretionary Review*

DPSST was notified that Antonio Sanguinetti, a Corrections Officer employed by the Department of Corrections/Snake River Correctional Institution (DOC/SRCI), received a non-criminal traffic citation on 5/9/20 for *Driving-Following too Closely* after a traffic collision. Prior to arrival for his court appearance, Sanguinetti was notified by the prosecutor that the original charge was being amended to *Driving-Inattentive or Careless*, which is a misdemeanor crime.

On 6/26/20, Sanguinetti was found guilty after a trial and was convicted of *Driving-Inattentive or Careless*, a crime which requires discretionary review.

<i>Policy Committee Discussion/Vote</i>	<i>Second</i>	<i>Vote</i>	<i>Outcome</i>
Greg Martin moved that the Corrections Policy Committee adopt the staff report.	Kevin Marshall	13 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"> <li>• Aggravating: <ul style="list-style-type: none"> <li>○ Sanguinetti was employed in public safety at the time of his conviction.</li> </ul> </li> <li>• Mitigating: <ul style="list-style-type: none"> <li>○ Sanguinetti self-reported his conviction to DPSST.</li> <li>○ Sanguinetti was cooperative during this incident and paid his fine.</li> <li>○ This is the only criminal conviction in Sanguinetti's record.</li> </ul> </li> </ul>			
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 Sanguinetti's certifications.	Gary Ninman	13 ayes; 0 nays	Motion Passed Unanimously

#### **15. Nominations and Appointment to the Applicant Review Committee**

Presented by Marsha Morin

On July 23, 2020, the Board approved the formation of the Applicant Review Committee. The Applicant Review Committee (ARC) is charged with the review of discretionary professional standards cases where the public safety professional is a new applicant for DPSST training and certification and the professional standards case is based on a criminal disposition that occurred prior to employment in public safety.

The seven-person membership of the ARC is comprised of two members from each Policy Committee and the public member from the Board. ARC member representing the Policy Committees will serve a one-year term and may be reappointed for a second term. The public member of the Board will serve by virtue of the position.

To be eligible to serve on the ARC, a Policy Committee member must have served at least one term on a Policy Committee.

The ARC will meet monthly, or as needed.

*Cody Smith moved to select Greg Martin and Rob Persson as the two Corrections Policy Committee members to serve on the Applicant Review Committee. Nadine Purington seconded the motion. The motion passes unanimously.*

**16. Proposed Rule Changes for OAR 259-008-0015, 259-008-0290, 259-008-0300 and 259-008-0310: Moral Fitness Standards Relating to Discrimination**

Presented by Jennifer Howald

DPSST received correspondence from a number of concerned citizens requesting the Board consider amending its administrative rule (OAR) to include membership in a hate group as mandatory grounds for denial or revocation of criminal justice public safety certification.

The following draft rule changes were prepared with the goal of addressing the citizen request as well as identifying additional opportunities to address discrimination as a part of the Board's moral fitness standards for public safety professionals.

*Consensus reached approving the fiscal impact statements provided by staff.*

*Lee Eby moved to approve filing the draft rule changes as proposed rules for public comment and recommend the board approve filing the proposed rule changes as permanent rules Matt English seconded the motion. The motion passed unanimously.*

**17. Information Update Regarding the Proposed Rule Adoption for OAR-259-008-0110, House Bull 4203 (First Special Session) and HB 4301 (Second Special Session)**

Presented by Jennifer Howald

Staff provided an informational update regarding the required rule adoption relating to prohibiting the training of police officers and reserve officers to use physical force that impedes the normal breathing or circulation of the blood of another person by applying pressure on the throat or neck of the other person, except as a defensive maneuver.

This rulemaking authority and directive was established by House Bill 4203 (First Special Session)

Additional Legislative Background:

House Bill 4203 (First Special Session) prohibited the use of physical force impeding the normal breathing or circulation of the blood of another person by applying pressure on the throat or neck of the other person unless the circumstance is one in which the peace officer may use deadly physical force as provided in ORS 161.239.

House Bill 4301 (Second Special Session) expanded the application of HB 4203 to apply to corrections officers in addition to peace officers and revised Oregon's use of force statutes.

ORS Chapter 161 provides a definition for the term peace officer as it is used in and applies to HB 4203 and HB 4301.

**18. 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 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.

General research of the Memorial history and the phrase “killed in the line of duty” indicates that killed, died, slain, lost, fallen and ultimate sacrifice have all been used interchangeably to capture recognition of law enforcement officers whose deaths were the result of performing the duties of or serving as a law enforcement officer.

*Consensus reached approving the fiscal impact statements provided by staff.*

*Matt English moved to approve the draft rule changes as a proposed rule for public comment and recommend the Board approve filing the proposed rule changes as a permanent rule Rob Persson seconded the motion. The motion passed unanimously.*

## **19. Department Update**

Linsay Hale Reported:

- DPSST is moving forward with four Board-approved legislative concepts during the 2021 session (two relating to private security accountability, one performing housekeeping on the private investigator application process, and other adjusting DPSST’s procurement authority). While DPSST hasn’t introduced any bills directly affecting our criminal justice disciplines, we fully expect there to be numerous bills introduced that will impact all of public safety in Oregon. Staff will be monitoring all bills, testifying when appropriate and keeping our Policy Committees, Board and public safety partners informed.
- The recruitment for the vacant Compliance Specialist 3 position is underway. We hope to have that position filled in the coming weeks.
- DPSST is continuing to manage the COVID environment while delivering effective public safety/first responder training. While we cannot completely eliminate the transmission of COVID anymore than we can eliminate the transmission of any other illness, we continue to mitigate risk wherever possible. The health and safety of our staff and students and the integrity of our training remains our number one priorities.
- DPSST announced the formation of two work groups, one to review DPSST’s approach to certification reviews in cases involving arbitration, and another to review the possible training and certification of field training officers.
- DPSST is pleased to introduce Les Hallman as the Acting Director of DPSST. Les is on an executive rotation from Tualatin Valley Fire & Rescue where he serves as Assistant Chief. We all look forward to taking advantage of Les’ leadership

## **20. Next Corrections Policy Committee Meeting: February 9, 2021 at 10:00 a.m.**

*Administrative Notes:*

*These minutes reflect the order of the discussion/voting items as they appear on the official meeting agenda. The actual order in which they were discussed may vary.*

*All documents reviewed and discussed in this meeting are subject to Oregon Public Records Law (ORS 192.410 to ORS 192.505). These documents can be requested by contacting DPSST at [dpsst.records@state.or.us](mailto:dpsst.records@state.or.us).*