

# **Corrections Policy Committee**

## **Minutes**

### **May 10, 2016**

The Corrections Policy Committee of the Board on Public Safety Standards and Training held a regular meeting on Tuesday, May 10, 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 1:30 p.m.

#### **Attendees:**

##### **Committee Members:**

Brian Burger, Chair, AFSCME Rep/DOC  
Jason Myers, Vice Chair, Oregon State Sheriff's Association  
Michael Gower, Designee for Director of Department of Corrections  
Jeff Hernandez, Non-Management DOC – Oregon State Penitentiary  
Donna Pettit, Non-Management Corrections Officer  
Jeff Wheeler, Oregon Sheriff's Jail Command Council (Phone)  
Nadine Purington, Non-Management Parole & Probation-DCJ  
Kristen Hanthorn, OACCD Rep – Clatsop County Sheriff's Office  
Andy Long, Oregon State Sheriff's Association  
Matthew Frohnert, Oregon Sheriff's Jail Command Council

##### **Committee Members Absent:**

Rick Angelozzi, DOC Superintendent  
Jeanine Hohn, DOC Training Div.  
Tami Jackson, Non-Management, DOC Coffee Creek

##### **Guests:**

Michael Keith, OSP  
Ryan Heuberger, OSP  
Dennis Madison, OSP  
Alonzo Rowell, OSP

##### **DPSST Staff:**

Linsay Hale, Professional Standards Division Director  
Theresa King, JTA and Training Compliance Program Coordinator  
Kristina Follis Mwepu, Professional Standards Assistant  
Jennifer Howald, Rules Coordinator  
Kristin Hibberds, Professional Standards Coordinator/Investigator  
Mona Riesterer, Scheduling and Certification Specialist  
Bob Sigleer, Training Compliance Auditor



**1. Minutes of February 9, 2016 Meeting**

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

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

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

- Jason Myers moved that the committee adopt the February 9, 2016 Corrections Policy Committee meeting minutes with one minor typographical correction. Nadine Purington seconded the motion. The motion carried unanimously.

**2. Quarterly Review of ODC 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 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: January through March 2016 shows that DOC BCC meets the minimum training standards approved by the Board for corrections officers employed by DOC.

**3. \*2016 Corrections Job Task Analysis**

Presented by Theresa King

The 2016 Corrections Job Task Analysis (JTA) was presented to the Policy Committee for review. Some of the updates include the addition of two new critical and essential tasks based on industry trends and technological changes, making a total of 204, and four tasks were amended or reworded. Four new competencies were added to support the existing and new tasks for a total of 103, with one additional competency being amended. Primary competencies are now linked to Critical and Essential Tasks. Characteristics and Traits were identified that a corrections officer should possess that will make them successful in their position; these may impact minimum qualifications that an employer may require. The panel, with the assistance of the Center for Policing Excellence, engaged in a leading edge analysis to determine when and to what extent the competencies should be learned. Next steps include reviewing and updating both the Basic Corrections course curriculum and Field Training Manual.

Mike Gower moved that the 2016 Corrections Job Task Analysis be recommended to the Board for approval. Andy Long seconded the motion. The motion carried unanimously.

4. \*Alonzo Rowell DPSST # 36386 – Department of Corrections

Presented by Kristen Hibberds

The case presented to the Corrections Policy Committee is whether Alonzo Rowell's conduct on October 8, 2015 that led to his arrest and conviction for Recklessly Endangering Another Person, ORS 163.195

*Jeff Hernandez abstained due to a potential conflict of interest.*

Jason Myers moved that the Corrections Policy Committee adopts the staff report as the record upon which its recommendations are based. Michael Gower seconded the motion. The motion carried unanimously; Jeff Hernandez abstaining.

By discussion and consensus, the committee determined the Alonzo Rowell's behavior did not involve **Insubordination**.

By discussion and consensus, the committee identified Alonzo Rowell's behavior did involve **Misconduct** as defined in the Administrative Ruled based on the Conviction of driving under the influence.

Jason Myers moved that the Corrections Policy Committee find that Alonzo Rowell's **Misconduct** does rise to the level to warrant revocation when considered alone. Nadine Purington seconded the motion. The motion carried unanimously; Jeff Hernandez abstained.

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

Jason Myers moved that the Corrections Policy find that Alonzo Rowell's **Gross Misconduct** does rise to the level to warrant revocation when considered alone. Kristen Hanthorn seconded the motion. The motion carried unanimously; Jeff Hernandez abstained.

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

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

By discussion and consensus, the committee determined that Alonzo Rowell's behavior did not involve **Aggravating Circumstances**.

By discussion and consensus, the committee determined that Alonzo Rowell's behavior did involve **Mitigating Circumstances** which include a well written letter to the committee taking full responsibility for his actions and the steps he has taken to become healthy with the assistance of his coworkers, friends, and family. Rowell also complied with all court ordered stipulations of his probation, which is evidenced by multiple letters of support.

After considering the totality of the circumstances, Andy Long moved that the committee recommends to the Board that Alonzo Rowell's certification **not be revoked**. Jason Myers seconded the motion. The motion carried unanimously; Jeff Hernandez abstained.

5. **\*Whitney Durham DPSST # 53595 – Department of Corrections**

Presented by Kristen Hibberds

The case presented to the Corrections Policy Committee is whether Whitney Durham's conduct surrounding the Office of General Special Investigations Unit case #15-0653-I, relating to professional boundaries and relationships with inmates/offenders.

Mike Gower moved that the 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 the Whitney Durham's behavior did not involve **Insubordination**.

By discussion and consensus, the committee identified Whitney Durham's behavior did involve **Misconduct** as defined in the Administrative Rule due to violating the practices and standards followed by an Oregon public safety professional.

Jason Myers moved that the Corrections Policy Committee find that Whitney Durham's **Misconduct** does rise to the level to warrant revocation when considered alone. Mike Gower seconded the motion. The motion carried. (Please note: Jeff Hernandez left the room during voting; quorum was met)

By discussion and consensus, the committee identified that Whitney Durham's behavior did involve **Gross Misconduct** as defined in the Administrative Rule based on a lack of professional boundaries and engaging in relations with an inmate while in custody and after being released compromised the safety and security of the institution.

Michael Gower moved that the Corrections Policy find that Whitney Durham's **Gross Misconduct** does rise to the level to warrant revocation when considered alone. Matthew Frohnert seconded the motion. The motion carried unanimously.

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

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

By discussion and consensus, the committee determined that Whitney Durham's behavior did involve **Aggravating Circumstances** which included the lack of time between when the inmate was paroled and the beginning of their relationship. Durham neglected to report that the inmate was sleeping at her house following his parole despite comprehending the state rules she swore to adhere to.

By discussion and consensus, the committee determined that Whitney Durham's behavior did involve **Mitigating Circumstances** such as Durham was forthcoming about the situation.

After considering the totality of the circumstances, Matthew Frohnert moved that the committee recommends to the Board that Whitney Durham's certification **be revoked**. Nadine Purington seconded the motion. The motion carried unanimously.

Kristen Hanthorn moved that the committee recommends to the Board that Whitney Durham's **Misconduct** warrants ineligibility for 3 years. Jeff Hernandez seconded the motion. The motion carried with unanimously.

Jeff Hernandez moved that the committee recommends to the Board that Whitney Durham's **Gross Misconduct** warrants ineligibility for 5 years. Jason Myers seconded the motion. The motion carried with unanimously.

**6. \*Ryan Heuberger DPSST # 46266 – Department of Corrections**

Presented by Kristen Hibberds

The case presented to the Corrections Policy Committee is whether Ryan Heuberger's conduct on or about September 18, 2010 led to his arrest and conviction for Driving Under the Influence of Intoxicants (DUII), ORS 813.010.

*Jeff Hernandez asked to abstain due to a potential conflict of interest.*

Mike Gower moved that the Corrections Policy Committee adopts the staff report as the record upon which its recommendations are based. Kristen Hanthorn seconded the motion. The motion carried unanimously; Jeff Hernandez abstained.

By discussion and consensus, the committee determined the Ryan Heuberger's behavior did not involve **Insubordination**.

By discussion and consensus, the committee identified Ryan Heuberger's behavior did involve **Misconduct** as defined in the Administrative Ruled due to a DUII and probation violation.

Jason Myers moved that the Corrections Policy Committee find that Ryan Heuberger's **Misconduct** does rise to the level to warrant revocation when considered alone. Michael Gower seconded the motion. The motion carried unanimously; Jeff Hernandez abstained.

By discussion and consensus, the committee identified that Ryan Heuberger's behavior did involve **Gross Misconduct** as defined in the Administrative Rule based on his DUII, a category four gross misconduct.

Kristen Hanthorn moved that the Corrections Policy Committee find that Ryan Heuberger's **Gross Misconduct** does rise to the level to warrant revocation when considered alone. Matthew Frohnert seconded the motion. The motion carried unanimously; Jeff Hernandez abstained.

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

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

By discussion and consensus, the committee determined that Ryan Heuberger's behavior did involve **Aggravating Circumstances**. Heuberger attempted to drive while intoxicated with .19% blood alcohol content. He lied about his intoxicated condition to the arresting officer and attempted to coerce a false sense of brotherhood to forego repercussions for his actions. He received a parole violation for continuing to drink after he completed his court ordered alcohol treatment program.

By discussion and consensus, the committee determined that Ryan Heuberger's behavior did involve **Mitigating Circumstances** which include good standing with his employing department, 80 hours of community service, completed the victim's panel, a sincere letter to the committee concerning a traumatic life event, and he re-enrolled in an alcohol treatment program before his violation of probation. The committee received several letters of support on behalf of Heuberger. Treatment for alcohol abuse can often take multiple times to be effective; however, Heuberger took responsibility for his actions by self-reporting to his employer.

After considering the totality of the circumstances, Andy Long moved that the committee recommends to the Board that Ryan Heuberger's current certification **not be revoked** and application for Intermediate certification **not be denied**. Michael Gower seconded the motion. The motion carried unanimously; Jeff Hernandez abstained.

## 7. Staff Updates

### Linsay Hale reported:

Previously, the Corrections Policy Committee determined that Jason Holton's certifications should not be revoked. Their recommendations were passed to the Board for final consideration. The Board requested the case be sent back to the Corrections Policy Committee for further review. The case will be re-presented at the August 9<sup>th</sup> Corrections Policy Committee meeting.

The concepts for the 2017 Legislative Session have been submitted. We have received permission from the Board to file three concepts on behalf of DPSST and the Board. The first concept relates to the fingerprint authorities. The second is would allow DPSST to suspend the certification of Armed Private Security providers who do not complete the annual requalification training. The final concept involves adding a voting public member to the Corrections, Police and Telecommunications Policy Committees.

DPSST is again working with the Oregonian on satisfying a large public records request.

With law enforcement agencies recovering from the recession and training new cadets in full tilt, the academy is working to catch up with cadets waiting to train. DPSST has asked legislative for more classes this year; including 911, police, corrections, and potentially a new parole/probation class.

This year's Law Enforcement Memorial honored Deputy Gil Datan from Coos County. Deputy Datan was killed in the line of duty while patrolling forest roads in Coos County when the ATV he was riding fell on top of him. DPSST will be asking the Board for permission to add Seaside Sgt. Jason Goodding's name to the wall at next year's memorial.

The Board is happy to announce Jason Myers as the new Board Chair and Patricia Patrick-Joling as the new Vice Chair. There are several member changes to the Policy Committees as well. Matthew Frohnert is officially a member on Corrections Policy Committee as the Oregon Jail Command representative; Tami Jackson is terming out in July. Sheriff Matthew English will be joining CPC in the fall to replace Andy Long.

During the month of April, DPSST hosted the first Law Enforcement Career Fair for potential new law officers. Agencies from around the state showed up to promote their departments and filled the Hall of Heroes. The event is considered a success, bringing in a crowd total of over 2000.

The Criminal Justice Denial/Revocation workgroup has been actively meeting. There are a number of members that are on the Policy Committee that are actively participating. There has been great discussion thus far. Any recommendations from the workgroup will be presented to the Policy Committee by way of a rule change. Recommendations include the option to suspend certifications instead of just denying or revoking. Ethics maintenance training has been suggested as a requirement for all disciplines. There have also been

recommendations on how cases are handled procedurally internally and how that information is shared with members of the Policy Committee and Board. During the next committee meeting you will see three rule changes recommended by this workgroup.

The workgroup discussion concerning the certification chart and how applications should be handled by DPSST staff is being wrapped up and you will see as a rule change in August looking at the certification track separating from its current method into two separate tracks. The first being basic, intermediate, and advanced; the second being basic, supervisory, and executive management. This allows younger officers with supervisory potential to forego the length of experience requirement and be directed towards a supervisory path at a much faster pace.

Andy Long was presented with a plaque of appreciation for his participation on Corrections Policy Committee.

**8. Next Regularly Scheduled Meeting – August 9, 2016 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](mailto:dpsst.records@state.or.us).*