## Corrections Policy Committee Minutes November 13, 2018

The Corrections Policy Committee of the Board on Public Safety Standards and Training held a regular meeting on November 13, 2018 at the Oregon Public Safety Academy in Salem, Oregon. Vice Chair, Nadine Purington called the meeting to order at 1:30 pm.

### **Committee Members:**

Nadine Purington, Vice Chair, Non-Management Parole & Probation Carol Dishon, Non-Management Corrections – DOC/Coffee Creek Gary Bergerson, Non-Management Corrections Officer Rob Perrson, DOC Superintendent Kristen Hanthorn, Oregon Association of Community Corrections Directors Jamie Russell, Oregon Sheriff's Jail Command Council Jeanine Hohn, DOC Professional Development Unit Michael Gower, Designee for Director of DOC Greg Martin, Non-Management Corrections – DOC Barry Jerkins, Public Member (phone)

### **Committee Members Absent:**

Jason Myers, Chair, Oregon State Sheriff's Association Matt English, Oregon State Sheriff's Association James Cook, AFSCME Representative Department of Corrections

Matthew Frohnert, Oregon Sheriff's Jail Command Council

#### **Guests:**

Josh Roberts Leanne Foster Neftali Escobar Mateos Chance Poe Aaron Gerken Manuel Yetter

#### **DPSST Staff:**

Linsay Hale, Professional Standards Division Director
Alicia Robb, Criminal Justice Office Specialist
Mike Leloff, Training Division Director
Kristen Hibberds, Professional Standards Coordinator/Investigator
Jennifer Howald, Administrative Rules Coordinator
Debbie Anderson, Certification & Compliance Specialist
Bob Sigleer, Criminal Justice Compliance Auditor
Jordan James-Largent, Criminal Justice Compliance Specialist

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### 1. Introductions

Introductions of members, guest and staff were presented.

#### 2. \*Minutes of August 14, 2018

Approve meeting minutes from August 14, 2018

• Michael Gower moved to approve the minutes from the August 14, 2018 Corrections Policy Committee meeting. Kristen Hanthorn seconded the motion. The motion carried unanimously.

### 3. Quarterly Review of the DOC BCC

Presented by Robert Sigleer

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 (BCC), provided by DPSST. The Training Compliance Program periodically audits the program to ensure the program meets minimum training standards established by the Board. The Training Compliance Program provides the Corrections Policy Committee with quarterly updates of the DOC BCC. These audits verify compliance with class hours, student attendance, instructor certification, academic testing and course documentation. The report does not involve an evaluation of the quality of the BCC curriculum content, delivery, instructor or student performance.

The quarterly review was presented to the Corrections Policy Committee for reporting period of July through September, 2018. The findings indicate BCC meets minimum training standards approved by the Board for corrections officers employed by DOC.

## 4. \*Proposed Rule Changes for OAR 259-008-0085 Updating the Course Testing Standards for the Basic Parole and Probation Course

Presented by Jennifer Howald

The Department's Academy Training Division, in conjunction the Basic Parole and Probation Curriculum Committee, submitted revisions for the Basic Parole and Probation Course to the Board on Public Safety Standards and Training for approval during the October 25, 2018 meeting.

The Board's approval of the revised curriculum requires administrative rule updates to OAR 259-008-0085 relating to the course's minimum standards for successful course completion. DPSST staff also identified some minor amendments for consistency in OAR 259-008-0085 which have been included in this rule change.

- Michael Gower moved to recommend the Board adopt the changes as proposed and that the Board approve filing the changes to OAR 259-008-0085 as a permanent rule change with the Secretary of State if no comments are received. Carol Dishon seconded the motion. The motion passed unanimously.
- By consensus the committee found no fiscal impact to small businesses.

#### 5. \*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)
Johnston, Mark #58433 Washington County CC	None	Separation – Allegation of boundary and behavior issues. Not willful or negligent as he was trying to build rapport	No
Carrion, Christopher #58324 DOC-WCCF	None	Separation – Dishonesty and falsification of tier checks.	Yes
Dalton, Deina #48285 Clackamas County SO	Basic	Separation – Performance relatied inmate counts, no falsification.	No
Kitzmiller, Kylie #56257 Klamath County CC	None	Separation & Arrest – DUII, granted and completed diversion. Resigned after DUII.	No
DeGraff, Todd #57157 DOC-SRCI	None	Separation – Allowed inmates to engage in conduct that violated policies and procedures.	Yes
Brownell, Trevor #58971 DOC-EOCI	None	Conviction- Reckless Driving on 3/7/07, only conviction, occurred over 7 years ago.	No
Ettner, Kristen #34738 Columbia County CC	Advanced – Police	Separation – Unprofessionalism and allegations of attempting to circumvent chain of command.	No
Vann, Nicole #58311 Lane County P & P	None	Separation & Academy Dismissal – Sexual conduct with another student and dishonesty.	Yes
Malone, James #58930 DOC – SCCI	None	Conviction-Multiple convictions requiring review if hired in future	Yes
Nunez, Hector #58955 Washington County CC	None	Conviction – DUII in 2013 that was later dismissed.	No

• Matthew Frohnert moved to approve the recommendations made by staff to administratively close the above listed cases. Jeanine Hohn seconded the motion. The motion carried unanimously.

## 1. \*Poe, Chance DPSST #58554-Application for Training and Subsequent Certification; Department of Corrections - SRCI

Presented by Kristen Hibberds

Issue: In February 2018, DPSST received an Application for Training from DOC. Poe self-disclosed his January 25, 2017 conviction of Failure to Perform Duties of Driver-Property Damage.

On August 14, 2018, the Corrections Policy Committee reviewed this case and requested staff interview Poe to discuss the differences between information in the police reports and his mitigation statement.

Chance Poe presented verbal mitigation.

Vote/Consensus	Second	Vote	Outcome
Jeanine Hohn moved that the Corrections	Matthew	11 ayes; 0	Motion passes
Policy Committee adopts the staff report	Frohnert	nays	unanimously.
as the record upon which its			
recommendations are based.			
Consensus reached that Poe's conduct did	Jamie	11 ayes; 0	Motion passes
involve Gross Misconduct as defined in	Russell	nays	unanimously.
administrative rule by his conviction of			
Failure to Perform the Duties of a Driver.			
Jeanine Hohn moved that this <b>Gross</b>			
<b>Misconduct</b> when considered alone rises			
to the level to warrant action against the			
officer's certifications.			

- Consensus reached that Poe's conduct did not involve Disregard for the Rights of Others as defined in administrative rule.
- Consensus reached that Poe's conduct did not involve **Dishonesty** as defined in administrative rule.

The Corrections Policy Committee reviewed and considered the **Aggravating** and **Mitigating** circumstances specific to this case as required by OAR 259-008-0070(4)(f)(F). There are aggravating circumstances present: The fact that the behavior resulted in a criminal conviction.

Pursuant to OAR 259-008-0070(4)(f)(F), there are mitigating circumstances present: That this conduct occurred prior to Poe's employment in public safety, that the individual self-reported the conduct, that all court-ordered obligations had been satisfied, that this was the individual's first offense and that Poe provided mitigating information on his behalf.

Matthew Frohnert makes a motion that	Jeanine	11 ayes; 0	Motion passes
after considering the totality of the case	Hohn	nays	unanimously.
that Board action not be taken on Poe's		-	-
certification.			

## 2. \*Escobar Mateos, Neftali DPSST #58912 Application for Training and Subsequent Certification Jackson County Sheriff's Office

Presented by Kristen Hibberds

Issue: In June 2018, DPSST received an Application for Training Request (F-5) from the Jackson County Sheriff's Office. Escobar Mateos self-disclosed his December 30, 2004 conviction of Providing False Information to a Police Officer.

Neftali Esobar Mateos presented verbal mitigation.

Vote/Consensus	Second	Vote	Outcome
Rob Perrson moved that the Corrections	Carol	11 ayes;	Motion passes
Policy Committee adopts the staff report	Dishion	0 nays	unanimously.
as the record upon which its			
recommendations are based.			
Consensus reached that Escobar Mateos'	Matthew	11 ayes;	Motion passes
conduct did involve Gross Misconduct	Frohnert	0 nays	unanimously.
as defined in administrative rule by when			
he was convicted of Providing False			
Information to a Police Officer.			
Jeanine Hohn moved that this <b>Gross</b>			
<b>Misconduct</b> when considered alone rises			
to the level to warrant action against the			
officer's certifications.			

## • Consensus reached that Escobar Mateos' conduct did not involve **Disregard for the Rights of Others** as defined in administrative rule.

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Consensus reached that Escobar Mateos'	Jeanine	10 ayes; 0	Motion passes
conduct did involve <b>Dishonesty</b> as	Hohn	nays	unanimously.
defined in administrative rule when he			
provided false information to a police			
officer.			

Michael Gower moved that this		
<b>Dishonesty</b> when considered alone rises		
to the level to warrant action against the		
officer's certifications.		

The Corrections Policy Committee reviewed and considered the **Aggravating** and **Mitigating** circumstances specific to this case as required by OAR 259-008-0070(4)(f)(F). There are aggravating circumstances present: The fact that this behavior resulted in a criminal disposition.

Pursuant to OAR 259-008-0070(4)(f)(F), there are mitigating circumstances present: The fact that this behavior happened prior to Mr. Escobar Mateos' employment in public safety, that the conduct was self-reported, the fact that this was the only conviction in this individual's history, the time that has elapsed since the commission of this crime, the fact that all court-ordered restitution was satisfied, the mitigation provided by Mr. Escobar Mateos and the Jackson County Sheriff.

Greg Martin makes a motion that after	Rob	11 ayes; 0	Motion passes
considering the totality of the case that no	Persson	nays	unanimously.
Board action be taken on Escobar			
Mateos' application/certifications.			

# 3. \*Yetter, Manuel DPSST #56427 Application for Certification Department of Corrections - TRCI

Presented by Kristen Hibberds

Issue: In May, 2017, DPSST received an Application for Certification (F-7) from DOC. His application was pended due to a leave of absence on September 14, 2017. On June 29, 2018, Yetter was convicted of Recklessly Endangering Another Person – Firearm.

Manuel Yetter presented verbal mitigation.

Vote/Consensus	Second	Vote	Outcome
Rob Perrson moved that the Corrections Policy Committee adopts the staff report as the record upon which its recommendations are based.	Jeanine Hohn	11 ayes; 0 nays	Motion passes unanimously.
Consensus reached that Yetter's behavior did involve <b>Gross Misconduct</b> as defined by administrative rule when he recklessly disregarded the law and threatened person and property by shooting a firearm in the direction of residential homes.  Kristen Hanthorn moved that Yetter's <b>Gross Misconduct</b> when considered	Matthew Frohnert	11 ayes; 0 nays	Motion passes unanimously.

alone rises to the level to warrant action		
against the officer's certifications.		

- Consensus reached that Yetter's conduct did not involve **Misuse of Authority** as defined in administrative rule.
- Consensus reached that Yetter's conduct did not involve **Disregard for the Rights** of **Others** as defined in administrative rule.
- Consensus reached that Yetter's conduct did not involve **Dishonesty** as defined in administrative rule

The Corrections Policy Committee reviewed and considered the **Aggravating** and **Mitigating** circumstances specific to this case as required by OAR 259-008-0070(4)(f)(F), there are aggravating circumstances present: the conduct occurred during employment in public safety, the conduct resulted in a criminal disposition, and the classification of the crime was a Misdemeanor, the recentness of the conviction and the failure to self-report the conviction to the Department. Additionally aggravating was the failure to take responsibility for the actions and the misrepresentation of the damage caused to the neighboring properties, and the disregard for all of the training received in gun safety as a public safety professional.

Pursuant to OAR 259-008-0070(4)(f)(F), the committee found as additionally mitigating: Yetter has complied with all of the conditions of the court and that this is the only criminal disposition in his record. Additionally mitigating was Yetter's attempt to correct the situation with his neighbors.

Consensus reached that Yetter's certification be denied based on the facts that support the conviction and intervening circumstances that are specific to the professional standards that are required of a Correctional Officer. The job of a Correctional Officer involves exercise of power and authority toward people who are in difficult situations while maintaining order within the institution. Correctional Officers set limits, hold offenders accountable for their actions, role model and facilitate change for offenders in custody. The conduct is particularly egregious and renders Yetter ineffective as a public safety officer because he has failed to take responsibility for his actions or acknowledge his use of a firearm was not consistent with all of the training he has received in gun safety. The conduct has compromised his integrity and demonstrates a disregard for the law and rules for which he is entrusted to serve as a role model.

Matthew Frohnert made a motion that after considering the totality of the case that no Board action be taken on Yetter's certifications.	No second		Motion fails.
Jamie Russell made a motion that after considering the totality of the case that Board action be taken on Yetter's certifications.	Jeanine Hohn	10 ayes; 1 nay (Frohnert)	Motion passes.
Jeanine Hohn made a motion that Yetter's Gross Misconduct warrants an ineligibility period of 3 years.	Greg Martin	11 ayes; 0 nays	Motion passes unanimously

## 4. \*Foster, Leanne DPSST #49948 Basic Corrections Certification Department of Corrections - EOCI

Presented by Kristen Hibberds

Issue: In May 2018, Foster self-reported her arrest for DUII. On April 21, 2018, Foster was cited for DUII, Reckless Driving and Reckless Endangering. Foster's DUII was diverted, the Reckless Driving was deferred and the Reckless Endangering was dismissed.

Leanne Foster presented verbal mitigation.

Vote/Consensus	Second	Vote	Outcome
Michael Gower moved that the Corrections Policy Committee adopts the staff report as the record upon which its recommendations are based.	Rob Perrson	11 ayes; 0 nays	Motion passes unanimously.
Consensus reached that Foster's conduct did involve <b>Gross Misconduct</b> as defined in administrative rule when she was arrested and pled guilty to multiple criminal charges.	Matthew Frohnert	11 ayes; 0 nays	Motion passes unanimously.
Jeanine Hohn moved that Foster's <b>Gross Misconduct</b> when considered alone rises to the level to warrant action against the officer's certifications.			

- Consensus reached that Foster's conduct did not involve **Misuse of Authority** as defined in administrative rule.
- Consensus reached that Foster's conduct did not involve **Disregard for the Rights** of **Others** as defined in administrative rule.

Consensus reached that Foster's conduct	Michael	11 ayes; 0	Motion passes
did involve <b>Dishonesty</b> as defined in	Gower	nays	unanimously.
administrative rule when she lied about			
the amount of alcohol consumed before			
being pulled over and through the			
discrepancies in her reporting of the			
incident.			
Jeanine Hohn moved that Foster's <b>Dishonesty</b> when considered alone rises to the level to warrant action against the officer's certifications.			

The Corrections Policy Committee reviewed and considered the **Aggravating** and **Mitigating** circumstances specific to this case as required by OAR 259-008-0070(4)(f)(F), there are aggravating circumstances present: The conduct occurred during employment as a public safety professional, the conduct resulted in a criminal disposition, and the recentness of the criminal disposition.

Pursuant to OAR 259-008-0070(4)(f)(F), there are mitigating circumstances present: The individual self-reported the conduct. The committee found as a additionally mitigating that this was the individual's first criminal offense, the individual has met the court requirements, the individual was cooperative throughout the arrest, the individual took responsibility for her actions, and the statements the individual made to the CPC.

Greg Martin makes a motion that after considering the totality of the case that Board action not be taken on Foster's	Barry Jerkins	11 ayes; 0 nays	Motion passes unanimously.
certifications.			

## 5. \*Gerken, Aaron DPSST #59138 Application for Certification Department of Corrections - OSP

Presented by Kristen Hibberds

Issue: In August. 2018, DPSST received an Application for Training (F-5) from DOC. On April 13, 2014, Gerken was arrested for DUII and Reckless Driving. He successfully completed diversion and his DUII was dismissed and he was convicted of Reckless Driving on June 9, 2014.

Greg Martin recused himself due to a conflict of interest.

Aaron Gerken presented verbal mitigation.

Vote/Consensus	Second	Vote	Outcome
Rob Perrson moved that the Corrections Policy Committee adopts the staff report as the record upon which its recommendations are based.	Carol Dishion	10 ayes; 0 nays; 1 abstaining (Martin)	Motion passes.
Consensus reached that Gerken's conduct did involve <b>Gross Misconduct</b> as defined in administrative rule by when he pled guilty to DUII and was convicted of Reckless Driving.  Jeanine Hohn moved that this <b>Gross</b>	Matthew Frohnert	10 ayes; 0 nays; 1 abstaining (Martin)	Motion passes.
Misconduct when considered alone rises to the level to warrant action against the officer's certifications.			

- Consensus reached that Gerken's conduct did not involve **Disregard for the Rights** of Others as defined in administrative rule.
- Consensus reached that Gerken's conduct did not involve **Dishonesty** as defined in administrative rule.

The Corrections Policy Committee reviewed and considered the **Aggravating** and **Mitigating** circumstances specific to this case as required by OAR 259-008-0070(4)(f)(F), there are aggravating circumstances present: The conduct resulted in a criminal disposition.

Pursuant to OAR 259-008-0070(4)(f)(F), there are mitigating circumstances present: The conduct occurred prior to the individual's employment in public safety, the individual self-reported the conduct, and all court ordered obligations were met. The Committee found additionally mitigating: The verbal mitigation provided by the individual and the fact that the individual took responsibility for his actions.

Rob Perrson made a motion that after	Michael	9 ayes;	Motion	
considering the totality of the case that	Gower	0 nays; 1	passes.	
Board action not be taken on Gerken's		abstaining		
certification.		(Martin)		

## 6. \*Copple, Matthew DPSST #48237 Basic and Intermediate Corrections Certifications Umatilla County Sheriff's Office

Presented by Kristen Hibberds

Issue: In October 2017, DPSST received a Personnel Action from Umatilla County Sheriff's Office indicating that Copple had resigned during an investigation.

On August 14, 2018, the Corrections Policy Committee reviewed this case and found a missing page from the investigation. They pulled the case and asked that it be returned to them with the missing information.

Vote/Consensus	Second	Vote	Outcome
Matthew Frohnert moved that the	Jamie	11 ayes; 0	Motion passes
Corrections Policy Committee adopts the	Russell	nays	unanimously.
staff report as the record upon which its			
recommendations are based.			
Consensus reached that Copple's conduct	Carol	11 ayes; 0	Motion passes
did involve <b>Gross Misconduct</b> as defined	Dishon	nays	unanimously.
in administrative rule when he admitted to			
having inappropriate conversations with			
female inmates and when he left the			
facility with no coverage.			
Kristen Hanthorn moved that this <b>Gross</b>			
<b>Misconduct</b> when considered alone rises			
to the level to warrant action against the			
officer's certifications.			
Consensus reached that Copple's conduct	Carol	11 ayes; 0	Motion passes
did involve Misuse of Authority as	Dishon	nays	unanimously.
defined in administrative rule when he			
used his position to have inappropriate			
conversations with female inmates in an			

- Consensus reached that Copple's conduct did not involve Disregard for the Rights
  of Others as defined in administrative rule.
- Consensus reached that Copple's conduct did not involve **Dishonesty** as defined in administrative rule.

The Corrections Policy Committee reviewed and considered the **Aggravating** and **Mitigating** circumstances specific to this case as required by OAR 259-008-0070(4)(f)(F), there are aggravating circumstances present: This conduct occurred while this individual was employed in public safety, the conduct occurred while carrying out his official duties as a certified corrections officer and his conduct occurred multiple times. Additionally aggravating was his email dated August 14, 2018, where he made threats and blamed others, taking no responsibility for his actions and his decision to resign with no notice, leaving the facility shorthanded.

Pursuant to OAR 259-008-0070(4)(f)(F), there are no mitigating circumstances present.

Kristen Hanthorne made a motion that after considering the totality of the case that Board action be taken on Copple's certification.	Greg Martin	11 ayes; 0 nays	Motion passes unanimously.
Michael Gower made a motion that Copple's Gross Misconduct warrants an ineligibility period of 10 years.	Matt Frohnert	11 ayes; 0 nays	Motion passes unanimously
Michael Gower made a motion that Copple's Misuse of Authority warrants an ineligibility period of 10 years.	Matt Frohnert	11 ayes; 0 nays	Motion passes unanimously

### <u>Law Enforcement Memorial Wall Nomination – Deputy Sheriff Irving Lawrence Burkett,</u> <u>Multnomah County Sheriff's Office</u>

Presented by Linsay Hale

On July 25, 1982, Deputy Sheriff Irving Burkett of the Multnomah County Sheriff's Office was shot during a jailbreak attempt from Rocky Butte Jail. Deputy Burkett was shot by an inmate with a .22 single-action handgun in the right side of his head. Inmates began the break out at approximately 10:15 pm. The inmates had a gun inside the jail and through a series of hostages made their way to the control center section of the jail. Deputy Burkett heroically attempted to alert the rest of the jail that there was an escape in progress and was shot. Six individuals were sentenced to 25 years in prison after pleading guilty to four felonies. Deputy Burkett was severely and permanently debilitated as a direct result of injuries sustained in the shooting. Deputy Burkett died from his injuries on August, 23, 2003. At the time of the incident Deputy

Burkett was 62 years of age and had served with the Multnomah County Sheriff's Office for 14 years.

Deputy Burkett's name was approved for addition to the National Law Enforcement Officers Memorial in Washington D.C. and is considered a line of duty death. The Multnomah County Sheriff's Office requests that his name be added to the Oregon Fallen Officers Memorial.

• Kristen Hanthorne move that the CPC recommend the Board approve adding Deputy Irving Lawrence Burkett to the Law Enforcement Memorial during the 2019 ceremony. Rob Perrson seconded the motion. The motion passes unanimously.

### **Department Update**

- Linsay Hale reported that the Chair has approved an additional CPC meeting be held on December 13, 2018 to allow the consideration of a number of moral fitness cases that have been pending for a number of months.
- Linsay Hale updated Committee members on the work of the Criminal Justice Moral Fitness workgroup. All recommendations from that group will be presented to the Corrections Policy Committee for consideration and recommendation.
- Linsay Hale also informed the group that DPSST has decided to stop printing DPSST certification wallet cards due to budgetary and workload considerations.

### Next Corrections Policy Committee Meeting December 13, 2018 at 10:00 a.m.

Administrative Notes:

- The CPC went on break at 3:06, coming back on the record at 3:13.
- 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.