

Corrections Policy Committee Minutes - DRAFT

November 12, 2024

The Corrections Policy Committee of the Board on Public Safety Standards and Training held a regular meeting on November 12, 2024, at the Oregon Public Safety Academy in Salem, Oregon. Chair, Matthew English called the meeting to order at 10:00 a.m.

Committee Members:

Matthew English, Chair, Oregon State Sheriff's Association
Jennifer Cameron, Vice Chair, Non-Management Parole & Probation
Josh Aldrich, Oregon Sheriff's Command Council
Mark Boren, Public Member
Laurie Frasco, Dept. of Corrections, AFSCME
Mike Hartford, Oregon Association of Community Corrections Directors
Nick Hunter, Oregon State Sheriff's Association (Teams)
Michael Mays, Non-Management Corrections (Teams)
Brian Stephen, Oregon Dept. of Corrections (Designee for Michael Reese, Director)
Erin Reyes, DOC Superintendent

Committee Members Absent:

Margeux Bowden, DOC, Non-Management Corrections
Ted Langley, Oregon Sheriff's Jail Command Council
John Frost, DOC, Non-Management Corrections
John Tabor, DOC Training Division

Guests:

None

DPSST Staff:

Kathy McAlpine, Professional Standards Division Director
Kathy Fink, Standards and Certification Program Manager
Melissa Lang-Bacho, Professional Standards Compliance Coordinator
Cindy Park, Professional Standards Compliance Coordinator
Jennifer Howald, Administrative Rules Coordinator
Sam Tenney, Public Information Officer
Erica Riddell, Criminal Justice Support Specialist
Juan Lopez-Hernandez, Executive Support Specialist



1. Introductions

Introductions of members, guests and staff.

2. Approve August 13, 2024 Meeting Minutes

A consensus was reached to approve the August 13, 2024, meeting minutes as written.

3. Administrative Closure Consent Agenda

Presented by Melissa Lang-Bacho, Professional Standards Compliance Coordinator

The Department presented recommendations to administratively close the following professional standards cases to the Corrections Policy Committee.

a) Alexander, Isaiah (62888) Corrections

On February 13, 2024, Isaiah Alexander reported to the Department that he had received a criminal citation for *Public Intoxication* in California, for an incident occurring on February 11, 2024. On March 21, 2024, the Modoc County District Attorney's Office declined to file criminal charges against Alexander.

The Department determined Alexander's conduct may violate the Board's moral fitness standards as defined in Oregon Administrative Rule, however, there was insufficient information available to the Department to make findings. Records related to the incident were not available. Without the police reports or an internal review by the ODOC, there was not sufficient information available to the Department to make findings that Alexander violated moral fitness standard.

b) Callahan, Clayton (50282) Corrections

On October 7, 2020, the Department opened a professional standards case to review Clayton Callahan's self-reported arrest for *Unlawful Use of a Weapon* and *Menacing* on October 4, 2020. A trial was held in February 2022 and resulted in a hung jury. A second trial was initially planned but the case was ultimately dismissed. Records and documents from Callahan's court case appear to be set aside and sealed. The Department relied on the narrative of the review conducted by the Department of Corrections, which was not a part of his court case, and publicly available information including a video of the incident posted on the Oregonian's YouTube channel.

The Department lacks the records from Callahan's court case and the full text of the police reporting of the incident. Without the additional context from the additional camera views, the specific text from the police reporting, and a transcript from Callahan's court case, the Department found there was insufficient information to make findings for misconduct.

Although the DOC sustained finding that Callahan gave inconsistent statements and testimony, this finding lacks a finding that he did so intentionally.

c) Cebular, Drew (56408) Parole & Probation

On March 7, 2022, Drew Cebular was terminated from Klamath County Community Corrections (KCCC) following an internal investigation that found Cebular violated policies related to code of conduct, standards of conduct and workplace violence.

Cebular's seven month old daughter was taken to a local hospital for care for further diagnostics and treatment. Cebular's employer was notified of a pending criminal investigation of apparent child abuse after medical providers found Cebular's child to have suffered bilateral subdural hematoma, which is usually seen with shaken baby syndrome.

Cebular told investigators that around Christmas time his daughter was crying and when he transitioned her to hug her, he squeezed her, gave her a hug, and kissed her on the head. Cebular told investigators that he may have hurt his daughter at the time. Medical professionals believe the injuries were the result of being shaken and could not be the result of a squeeze. During his January 25, 2022, interview, Cebular participated in a polygraph

test. Cebular said that he was crystal clear about what was being asked and ultimately failed the question on the polygraph.

The information provided to the Department reflects that Cebular's daughter sustained an injury, however there is insufficient information to show that Cebular was the person that inflicted the injury to his daughter. With multiple family members and relatives involved in his daughter's care, the Department is unable to determine that Cebular was responsible for the injury.

d) Hulst, Brian (53950) Corrections

The Department opened a professional standards case after receiving information on September 27, 2021, via an automated notification from the Law Enforcement Data System (LEDS) that Brian Hulst was arrested for *Menacing* by officers with the Keizer Police Department (KPD).

On September 27, 2021, at approximately 0136 hours KPD officers were dispatched to a report of a possible domestic disturbance where they contacted Hulst and his ex-wife(victim). At the time of contact, KPD officers noted Hulst was holding a handgun at his side and followed the responding officers' commands to drop the weapon. KPD officers noted Hulst admitted to calling the victim names leading to her hitting him, followed by him pushing her back. During this interview, the victim told the officer that Hulst did pull the gun out of the closet but did not point it at her or threaten her verbally.

The Department concludes that although there may have been a moral fitness violation as outlined in Oregon Administrative rule, there was insufficient evidence to support such a finding. The Department concludes there was a lack of corroborating information to demonstrate that harm had been inflicted, or that potential harm could have occurred. During the investigation, KPD officers received varying accounts from the victim, which did not provide adequate evidence to support claims of harm.

e) Iverson, Todd (23507) Corrections

On March 4, 2022, Todd Iverson was arrested on charges of *Strangulation* and two counts of *Harassment – Domestic Violence*. On September 29, 2022, the criminal charges against Iverson were dismissed with prejudice. On May 19, 2023, Iverson's court case and police reports were set aside and sealed by court order. Iverson provided the Department with a copy of his set-aside order from his court case. At the time of Iverson's criminal charges, he was not employed as a public safety professional, having retired from the Washington County Sheriff's Office on January 31, 2022.

The Department lacks sufficient information to make findings that Iverson violated the Board's moral fitness standards. Police reports and court records used in his criminal case are sealed and not available for the Department's review.

f) Johnson, Tyler (63124) Corrections

On October 20, 2023, Tyler Johnson contacted the Department to report that he had been charged with *Menacing*. The Department obtained records related to the incident which Johnson received a criminal citation to appear, however, those records have been set aside and sealed and are no longer available for the Department's use.

The Department determined Johnson’s conduct may violate the Board’s moral fitness standards as defined in Oregon Administrative Rule. However, records related to the conduct were no longer available for the Department’s review

g) Vosburg, Christopher (35431) Parole & Probation

On June 1, 2023, Christopher Vosburg retired from the Linn County Parole and Probation Department (LCPPD). The LCPPD submitted an F4s Personnel Action Separation to DPSST stating that Vosburg had been under investigation for allegations of misconduct that were substantiated at the time of his retirement. The LCPPD reported that Vosburg had been on vacation when he submitted his retirement; therefore, no formal discipline was issued.

On March 22, 2023, a Linn County Probation Officer (Complainant) reported that Vosburg had made a comment similar to “I don’t supervise Mexicans” on February 28, 2023, while in an office with the complainant, another probation officer, and Vosburg.

Based on the information provided, the Department has determined Vosburg’s separation does not violate the Board’s moral fitness standards due to a lack of substantial evidence supporting a finding of discriminatory misconduct by Vosburg as defined in Oregon Administrative Rule. It is clear to the Department that some type of statement was made regarding an unwillingness to work with “Mexicans”, but by whom, in what context, or even when is unclear based on the evidence provided for review.

Committee member Cameron disclosed a potential or perceived conflict of interest with consent agenda item g (Christopher Vosburg).

Mark Boren moved to approve the Administrative Closure Consent Agenda recommendations made by the Department. Brian Stephen seconded the motion. The motion passed unanimously.

4. Dalton, David (48380) Certification Review: {Corrections}

Presented by Melissa Lang-Bacho, Professional Standards Compliance Coordinator

Reason for Discretionary Review

On June 23, 2023, David Dalton was arrested and criminally charged with Harassment and Assault in the Fourth Degree for an incident occurring on May 20, 2023. On September 27, 2023, Dalton was convicted of Harassment, a misdemeanor charge. The criminal charge for Assault in the Fourth Degree was dismissed.

<i>Corrections Policy Committee Discussion/Consensus/Vote</i>	<i>Second</i>	<i>Vote</i>	<i>Outcome</i>
A consensus was reached to adopt the record.			
The Corrections Policy Committee found the following moral fitness violations and factors: <i>Moral Fitness Violations:</i>			

<ul style="list-style-type: none"> • Dishonesty: The committee did not find sufficient evidence to support the finding of dishonesty. • Misuse of Authority: The committee did not find sufficient evidence to support the finding of misuse of authority. • Misconduct: Dalton violated criminal law and has a criminal disposition for <i>Harassment</i>. Dalton threatened or harmed a person by hitting them in the head. <p><i>Aggravating Factors:</i></p> <ul style="list-style-type: none"> • Dalton provided inconsistent statements to law enforcement. • Dalton’s conduct resulted in criminal charges. • Dalton did not complete the court requirements and had a warrant at the time of the review. • Dalton’s behavior included threats or harm to another person. <p><i>Mitigating Factors:</i></p> <ul style="list-style-type: none"> • The committee did not identify any mitigating factors 			
A consensus was reached to confirm the identified aggravating and mitigating factors.			
Josh Aldrich moved that the Corrections Policy Committee affirm the moral fitness violations as presented.	Nick Hunter	10 ayes; 0 nays	Motion Passed Unanimously
Jennifer Cameron moved, after considering the identified violations of the Board’s moral fitness standards and weighing the aggravating and mitigating circumstances unique to this case, that Board action should be taken against Dalton’s certification.	Mike Hartford	10 ayes; 0 nays	Motion Passed Unanimously
Erin Reyes moved, after considering the totality of the case, that Dalton be ineligible to hold public safety certification for 10 years.	Brian Stephen	10 ayes; 0 nays	Motion Passed Unanimously

5. Fonseca, Brian (55887) Certification Review: {Corrections}

Presented by Melissa Lang-Bacho, Professional Standards Compliance Coordinator

Reason for Discretionary Review

On June 3, 2020, Brian Fonseca was terminated from the Department of Corrections (DOC)/Santiam Correctional Institution (SCI) following substantiated findings from an

investigation that he mishandled evidence, authored a report with misleading and falsified information, and instructed an Adult in Custody (AIC) to lie about what happened.

<i>Corrections Policy Committee Discussion/Consensus/Vote</i>	<i>Second</i>	<i>Vote</i>	<i>Outcome</i>
<p>A consensus was reached to adopt the record.</p>			
<p>The Corrections Policy Committee found the following moral fitness violations and factors:</p> <p><i>Moral Fitness Violations:</i></p> <ul style="list-style-type: none"> • Dishonesty: Fonseca intentionally omitted information from a report. • Misuse of Authority: Fonseca used his authority and position as a corrections officer to instruct an AIC to be dishonest. • Misconduct: Fonseca mishandled contraband, falsified his report about his mistake, and instructed AIC to be dishonest, which threatened the efficient operation of the DOC. <p><i>Aggravating Factors:</i></p> <ul style="list-style-type: none"> • Fonseca was trained how to handle evidence and failed to follow the training he received. • Fonseca lied about his conduct. • Fonseca told an AIC to lie. • Fonseca’s falsification of a written report compromised the safety and security of the DOC. • It was clear Fonseca was lying by omission and his claims were not supported by evidence. • Statement by Fonseca demonstrated that he runs the unit how he sees fit and not by following the direction from the agency. • Fonseca offered amnesty to an AIC for tobacco which he had lost. • Fonseca attempted to use his position to have an AIC be dishonest during an investigation. • Fonseca's pattern of behaviors in the mishandling of the evidence reflected that it was not the first time he had mishandled evidence. <p><i>Mitigating Factors:</i></p> <ul style="list-style-type: none"> • The committee did not identify any mitigating factors. 			
<p>A consensus was reached to confirm the identified aggravating and mitigating factors.</p>			

Brian Stephen moved that the Corrections Policy Committee affirm the moral fitness violations as presented.	Mark Boren	10 ayes; 0 nays	Motion Passed Unanimously
Brian Stephen moved, after considering the identified violations of the Board's moral fitness standards and weighing the aggravating and mitigating circumstances unique to this case, that Board action should be taken against Fonseca's certification.	Josh Aldrich	10 ayes; 0 nays	Motion Passed Unanimously
Brian Stephen moved, after considering the totality of the case, that Fonseca be ineligible to hold public safety certification for a lifetime.	Mike Hartford	10 ayes; 0 nays	Motion Passed Unanimously

6. **Klimek, Matthew (52875) Certification Review: {Corrections}**

Presented by Melissa Lang-Bacho, Professional Standards Compliance Coordinator

Reason for Discretionary Review

The Department opened a professional standards case to review Matthew Klimek's termination for cause from the Department of Corrections (DOC), Eastern Oregon Correctional Institution (EOCI) on January 24, 2022. The termination for cause included sustained findings for maintaining a professional workplace, discrimination and harassment free workplace and acceptable use of state information assets.

On June 29, 2020, Klimek was placed on administrative leave after the Oregon State Police (OSP) began investigating allegations from Klimek's coworker (coworker 1) at DOC/EOCI. Coworker 1 alleged that Klimek had stalked and assaulted her at his home on May 16, 2020. The investigation led to an indictment by a grand jury on December 18, 2020, for *Strangulation, Rape 1, Unlawful Sexual Penetration 1, Sodomy 1, Sexual Abuse 1, and Sexual Abuse 2*. On March 3, 2021, criminal charges were dismissed after the state determined they would be unable to prove the case beyond a reasonable doubt.

<i>Corrections Policy Committee Discussion/Consensus/Vote</i>	<i>Second</i>	<i>Vote</i>	<i>Outcome</i>
Erin Reyes disclosed a potential or perceived conflict of interest in this case.			
A consensus was reached to adopt the record.			

The Corrections Policy Committee found the following moral fitness violations and factors:

Moral Fitness Violations:

- Dishonesty: Klimek lied by omission when he invoked the code of silence and instructed another person to "...promise you won't tell anyone". Klimek's documentation of a tier check log while participating in a Skype text chat could not have been conducted as documented and was a falsification of an official record.
- Misuse of Authority: Klimek used his position as a public safety professional to harm an AIC for his benefit. Klimek did so by sharing a photo of an Adult in Custody (AIC) who was injured and lying in a hospital bed with a coworker for a laugh, over Facebook Messenger.
- Misconduct: Klimek invoked a code of silence by telling a co-worker not to disclose his conduct after he intentionally violated DOC policy, which threatened or harmed the efficient operations of the DOC and other persons. Klimek threatened the efficient operation of the DOC by bringing negative attention to the agency and profession with his highly publicized arrest, indictment, and twelve days in jail. Klimek's inattentiveness to his duties threatened or harmed the AICs and others in the facility whose safety and security he was responsible for ensuring. Klimek displayed an intentional pattern of unwanted or excessive communications and unwanted conduct. Klimek's pattern of behaviors, which targeted a woman based on her sex, is discriminatory and would lead an objectively reasonable person to believe Klimek is unable to perform the duties of a public safety professional fairly and impartially.

Aggravating Factors:

- Klimek's invoking of the code of silence threatened the DOC.
- Klimek violated the privacy of an AIC by sharing a photo of the AIC while they were in the hospital, for a laugh.
- Klimek exhibited an intentional pattern of egregious conduct in which he forced himself upon a woman.
- Klimek put his personal desires over the safety and security of the DOC on multiple occasions.
- Klimek's personal endeavors trumped the agency's needs.
- Klimek's falsification of a tier check log benefited him over the agency's needs.
- Klimek's written mitigation did not take accountability for his actions and placed the blame on others.
- Klimek put the public at risk.

Mitigating Factors:

- The committee did not identify any mitigating factors.

A consensus was reached to confirm the identified aggravating and mitigating factors.

Brian Stephen moved that the Corrections Policy Committee affirm the moral fitness violations as presented.	Jennifer Cameron	0 ayes; 10 nays	Motion Failed
Brian Stephen moved that the Corrections Policy Committee modify the moral fitness violations to include Dishonesty.	Mike Hartford	10 ayes; 0 nays	Motion Passed Unanimously
Josh Aldrich moved, after considering the identified violations of the Board's moral fitness standards and weighing the aggravating and mitigating circumstances unique to this case, that Board action should be taken against Klimek's certifications.	Mark Boren	10 ayes; 0 nays	Motion Passed Unanimously
Brian Stephen moved, after considering the totality of the case, that Klimek be ineligible to hold public safety certification for a lifetime.	Mike Hartford	10 ayes; 0 nays	Motion Passed Unanimously

7. Applicant Review Committee Nominations

Presented by Kathy McAlpine, Professional Standards Division Director

Josh Aldrich moved to nominate Erin Reyes and Mark Boren to the Applicant Review Committee. Matthew English seconded the motion. The motion passed unanimously.

8. Division Updates

Presented by Kathy McAlpine, Professional Standards Division Director

- The Moral Fitness Workgroup is still going strong, there has been a lot of great discussions that have come from the committee members, we are hopeful that there are only a few meetings left to finish out the work that needs to be done. There will be more information coming to the committees in the future.

9. Section Updates

Presented by Kathy Fink, Standards and Certification Program Manager

- The Standards and Certification team is currently working on outreach to all of the DOC institutions throughout the state. We are hopeful that we can plan to have a few small workshops for some of the institutions that have requested some additional assistance from the team.

10. Next Corrections Policy Committee Meeting: February 11, 2025 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@dpsst.oregon.gov.

DRAFT