

Corrections Policy Committee Minutes

February 8, 2022

The Corrections Policy Committee of the Board on Public Safety Standards and Training held a regular meeting on February 8, 2022, at the Oregon Public Safety Academy in Salem, Oregon. Chair, Matt English called the meeting to order at 10:00 a.m.

Committee Members:

Matt English, Chair, Oregon State Sheriff's Association
Carol Dishion, Vice Chair, Non-Management DOC, Coffee Creek
Lee Eby, Oregon Sheriff's Jail Command Council
Greg Martin, AOCE Representative, DOC
Erin Reyes, DOC Superintendent (Webex)
Michael Yoder, Oregon Dept. of Corrections Designee for Collette Peters, Director (Webex)
Cody Smith, Non-Management Corrections Officer (Webex)
Taj Shivvers, Non-Management (Webex)
Ted Langley, Oregon Sheriff's Jail Command Council
Mark Boren, Public Member

Committee Members Absent:

Jaime Hepner, Oregon Association of Community Corrections Directors
Brian Pixley, Oregon State Sheriff's Association
Gary Ninman, Professional Development Unit, DOC
James Ristoff, Non-Management Corrections Officer

Guests:

Kimberly Way
Damien Chakwin

DPSST Staff:

Jerry Granderson, Director
Brian Henderson, Acting Deputy Director (Webex)
Suzy Herring, Professional Standards Administrator (Webex)
Hassan Hassan, Training Division Administrator
Marsha Morin, Standards and Certification Manager
Melissa Lang-Bacho, Professional Standards Case Manager
Jordan James-Largent, Professional Standards Case Manager
Shelby Alexander, Executive Support

∞ ∞

1. Introductions

Introductions of members, guests and staff.

2. Approve November 9, 2021 Meeting Minutes

Cody Smith moved to approve the minutes from the November 9, 2021, Corrections Policy Committee meeting. Lee Eby seconded the motion. The motion passed unanimously.

3. Case Review Process Overview/Updates

Presented by Marsha Morin

Staff provided a brief overview of the case review process and updates that were made to the staff report.

4. Administrative Closures – Corrections / Parole & Probation

Presented by Melissa Lang-Bacho

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

	Name	DPSST#	Certification(s)	Reason for Closure
a)	James Davis	39124	Basic Corrections	On October 25, 2021, DPSST opened a professional standards case to review the circumstances of Davis' termination. Documentation provided to DPSST indicates that Davis notified his employer that he was medically unable to return to work and had exhausted his leave without pay options under the union contract. EOCI documentation notes that Davis' separation was not a disciplinary action. Davis' separation does not violate the Board's moral fitness standards defined in Oregon Administrative Rule.
b)	Jose Garcia	36656	Basic and Intermediate Corrections	On August 28, 2020, Garcia pled not guilty to the <i>Hit and Run</i> . On November 2, 2021, the criminal charge of <i>Hit and Run</i> was amended to <i>Negligent Driving</i> in the Second Degree, a traffic infraction, and Garcia was ordered to pay a fine of \$550.00. Staff determined that Garcia's criminal charge was amended to a traffic infraction, which is not a criminal disposition requiring Board review.
c)	Andrew Lopez	57172	Basic Corrections	On July 29, 2020, Andrew Lopez was in a traffic accident in Canyon County, Idaho after he

				<p>left the shoulder of the highway, struck a set of impact attenuators and a concrete barrier, then flipped onto the side of the vehicle and slid across the roadway. Lopez was cited for <i>Driving – Inattentive or Careless</i>, a misdemeanor charge. On April 2, 2021, Lopez plead guilty to both misdemeanor charges. On July 7, 2021, Lopez entered a plea agreement and the charges for the traffic accident were reduced to an infraction for <i>Driving – Failure to Exercise Due Care</i>, and the charge for <i>Failure to Appear</i> was dismissed. Staff determined Lopez’s criminal citations did not result in a criminal disposition of a criminal offense that requires review.</p>
d)	Lisa Pittman	40830	Basic, Intermediate, Advanced Parole and Probation	<p>On May 29, 2019, Lisa Pittman resigned as part of a settlement agreement from her position with the Washington County Community Corrections (WCCC) following an investigation into her performance as a Parole and Probation Officer. WCCC notes several instances where Pittman failed to perform to the standards of her position and failed to keep documentation within acceptable standards. Pittman’s poor performance led to her failure to serve as an effective probation officer.</p> <p>There was no indication that Pittman’s performance issues were done as an intentional act, but rather a lack of attention to</p>

				detail while reviewing files to obtain accurate information.
e)	Thea Quintana	45187	Basic Corrections	On February 7, 2020, Thea Quintana was terminated from her position with the Department of Corrections (DOC), Two Rivers Correctional Institution (TRCI) after Quintana accrued 1044.71 hours of unprotected leave without pay in from June 6, 2019 – February 5, 2020, for medical related absences. Based on the information provided, DPSST has determined Quintana’s separation does not violate the Board’s moral fitness standards defined in Oregon Administrative Rule.

Greg Martin moved to approve the recommendations made by staff to administratively close the above listed cases. Mark Boren seconded the motion. The motion passed unanimously, with one member not voting due to technological issues (Yoder).

5. Way, Kimberly (41941) Certification Review: Corrections

Presented by Melissa Lang-Bacho

On December 3, 2020, Kimberly Way reported to DPSST that she received criminal citations for *Driving Under the Influence of Intoxicants, Reckless Endangerment and Reckless Driving* and was ultimately convicted of two counts of *Recklessly Endangering Another Person*.

Kimberly Way provided verbal mitigation for committee consideration.

<i>Policy Committee Discussion/Vote</i>	<i>Second</i>	<i>Vote</i>	<i>Outcome</i>
Lee Eby moved that the Corrections Policy Committee adopt the staff report.	Ted Langley	10 ayes; 0 nays	Motion Passed Unanimously
<p>The policy committee found Way violated the Board’s moral fitness standard, specifically:</p> <ul style="list-style-type: none"> • Dishonesty: Way told officers she had not consumed alcohol, when in fact, she had. • Misuse of Authority: The committee did not identify elements of misuse of authority. • Misconduct: Way violated criminal law and was convicted of two counts of <i>Recklessly Endangering Another Person</i> and Way’s conduct harmed property and threatened persons when she drove intoxicated and rear-ended two vehicles. 			

The committee further identified the following aggravating and mitigating factors that influenced their decision on the severity of the action to be taken.

- Mitigating
 - Way enrolled in and participated in treatment programs.
 - Way is taking steps to combat addiction issues in the future.
 - Way had twice the legal limit of alcohol in her system when she spoke with law enforcement officers, which may have contributed to her providing untruthful statements to law enforcement officers.
 - The level of accountability and openness Way demonstrated to the committee is commendable.
 - It is human nature to protect yourself when confronted with misconduct allegations.
 - Way provided proof and names of reputable programs that she is participating in for alcohol treatment.
 - Way reported her arrest to the Department in a timely manner.
 - Way has the support of her family and friends.
 - In Way’s in-person verbal mitigation, she identified the sources of her stressors and took responsibility for her actions.
 - Way’s accountability demonstrated that she will likely not have repeat issues with drinking and driving.
- Aggravating
 - Way was initially not truthful with law enforcement.
 - Way’s blood alcohol content was twice the legal limit.
 - Way should have known that her conduct was inappropriate based on her age and years of experience working as a public safety professional.
 - Way was traveling at a high rate of speed, weaving in and out of traffic and passing cars on corners which put several people at risk.
 - In her mitigation, Way stated “someone stopped quickly”, which is not a statement that takes full responsibility for her conduct.
 - Two vehicles were totaled in the incident.

Cody Smith moved, after considering the identified violations of the Board’s moral fitness standard and weighing the aggravating and mitigating circumstances unique to this case, that no Board action should be taken against Way’s certifications.	Greg Martin	10 ayes; 0 nays	Motion Passed Unanimously
---	-------------	--------------------	---------------------------

6. Chakwin, Damien (45087) Certification Review: Corrections

Presented by Melissa Lang-Bacho

On May 19, 2020, Damien Chakwin was terminated from his position with the Department of Corrections (DOC), Columbia River Correctional Institution (CRCI) after it was found that he was untruthful with his use of sick leave, took lost property without authorization, threw a TV stand over a wall and made inappropriate sexual noises while a co-worker was on the phone.

Damien Chakwin provided verbal mitigation for committee consideration.

<i>Policy Committee Discussion/Vote</i>	<i>Second</i>	<i>Vote</i>	<i>Outcome</i>
Michael Yoder recused himself due to a conflict of interest.			
Lee Eby moved that the Corrections Policy Committee adopt the staff report.	Carol Dishion	9 ayes; 0 nays; 1 recused (Yoder)	Motion Passed
<p>The policy committee found Chakwin violated the Board’s moral fitness standard, specifically:</p> <ul style="list-style-type: none"> • Dishonesty: Chakwin was deceitful when he took sick leave to take a trip to Las Vegas; Chakwin was deceitful when he took a tablet computer without authorization. • Misuse of Authority: The committee did not identify elements of misuse of authority. • Misconduct: Chakwin threw a television stand over a wall and threatened to harm those who were nearby. <p>The committee further identified the following aggravating and mitigating factors that influenced their decision on the severity of the action to be taken.</p> <ul style="list-style-type: none"> • Mitigating <ul style="list-style-type: none"> ○ The Department of Corrections did not have a formal policy for handling lost property. ○ In Chakwin’s mitigation, he attempted to explain the situations from his perspective. • Aggravating <ul style="list-style-type: none"> ○ Chakwin used sick leave to take a trip to Las Vegas and posted about it on Facebook. ○ Chakwin gave multiple different stories about the reason he took sick leave and went to Las Vegas. ○ Chakwin’s conduct as a supervisor was not indicative of the conduct a supervisor should portray. ○ Chakwin’s verbal mitigation contradicted the explanation he gave during the internal investigation. ○ Chakwin’s stated reason of taking a mental health day to go to Las Vegas did not align with the circumstances of the situation. ○ In his verbal mitigation, Chakwin did not offer additional details about the 			

<p>situations that would mitigate the circumstances of his conduct.</p> <ul style="list-style-type: none"> ○ Chakwin’s coworkers were mandated to work in his place because he took a trip to Las Vegas and called in sick instead of making prior arrangements. ○ Chakwin attempted to reset a tablet without doing a legitimate factory reset. ○ Chakwin recognized that he had done something wrong when he told a co-worker that he made a mistake posting about the trip on Facebook, but he did not take responsibility for his actions. ○ Chakwin’s throwing of a television stand over a wall, regardless of if someone was nearby, was irresponsible. 			
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 Chakwin’s certifications.	Taj Shivvers	8 ayes; 1 nays (Martin); 1 recused (Yoder)	Motion Passed
Cody Smith moved, after considering the totality of the case, that Chakwin be ineligible to hold public safety certification for a lifetime.	Mark Boren	9 ayes; 0 nays; 1 recused (Yoder)	Motion Passed

7. Palmer Sr., Michael Shane (39580) Certification Review: Corrections

Presented by Melissa Lang-Bacho

On March 15, 2019, Michael Shane Palmer, Sr. was discharged from the Department of Corrections (DOC), Snake River Correctional Institution (SRCI) after he was found to have been untruthful during an investigation, falsified documents, violated criminal laws and belonged to an outlaw motorcycle gang.

<i>Policy Committee Discussion/Vote</i>	<i>Second</i>	<i>Vote</i>	<i>Outcome</i>
Michael Yoder moved that the Corrections Policy Committee adopt the staff report.	Greg Martin	10 ayes; 0 nays	Motion Passed Unanimously
<p>The policy committee found Palmer violated the Board’s moral fitness standard, specifically:</p> <ul style="list-style-type: none"> ● Dishonesty: Palmer falsified training documentation to reflect he attended a training when he did not attend; and Palmer was deceitful during a fact finding interview about being a member of a motorcycle club and owning a vest. ● Misuse of Authority: The committee did not identify elements of misuse of authority. ● Misconduct: Palmer has a criminal disposition (civil compromise) for <i>Battery</i>. 			

The committee further identified the following aggravating and mitigating factors that influenced their decision on the severity of the action to be taken.

- Mitigating
 - The committee did not identify any mitigating factors.
- Aggravating
 - Palmer falsified training rosters.
 - Palmer was an instructor for the DOC.
 - Palmer assaulted someone at a bar.
 - Palmer lied about owning a vest.
 - Palmer initially lied about changing the training roster form.
 - Palmer was deceitful about being a member of a motorcycle club.
 - Palmer was dishonest in multiple situations making it likely that he would also continue to be dishonest in his role as a corrections officer.
 - Palmer never took responsibility for his conduct at the bar or when he falsified training records.

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 Palmer’s certifications.	Cody Smith	10 ayes; 0 nays	Motion Passed Unanimously
Greg Martin moved, after considering the totality of the case, that Palmer be ineligible to hold public safety certification for a lifetime.	Lee Eby	10 ayes; 0 nays	Motion Passed Unanimously

8. Williamson, Cameron (56428) Certification Review: Corrections

Presented by Melissa Lang-Bacho

On October 25, 2021, Cameron Williamson obtained a criminal disposition for a misdemeanor conviction for *Forgery in the Second Degree*.

<i>Policy Committee Discussion/Vote</i>	<i>Second</i>	<i>Vote</i>	<i>Outcome</i>
Ted Langley moved that the Corrections Policy Committee adopt the staff report.	Lee Eby	10 ayes; 0 nays	Motion Passed Unanimously
<p>The policy committee found Williamson violated the Board’s moral fitness standard, specifically:</p> <ul style="list-style-type: none"> • Dishonesty: Williamson stated that he did not sign another person’s name on a vehicle title, when in fact he did. • Misuse of Authority The committee did not identify elements of misuse of authority. 			

- Misconduct: Williamson violated criminal law and was convicted of a misdemeanor charge.

The committee further identified the following aggravating and mitigating factors that influenced their decision on the severity of the action to be taken.

- Mitigating
 - The committee did not identify any mitigating factors.
- Aggravating
 - Williamson was intentionally deceptive.
 - The crime of forgery is inherently dishonest.
 - Williamson’s conduct was shocking for a corrections officer.
 - The victim attempted a number of times to change the terms of their contract in Williamson’s favor.
 - The victim offered Williamson multiple options to resolve the issue which he refused and, at times, refused to communicate with the victim.
 - Williamson displayed a lack of maturity in his profession when he tried to make the victim feel bad.
 - Williamson’s conduct demonstrated he lacks the maturity in his profession necessary for corrections work.
 - The victim had to prepare extensive documentation.
 - The victim anguished over Williamson’s conduct.

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 Board action should be taken against Williamson’s certification.	Cody Smith	10 ayes; 0 nays	Motion Passed Unanimously
Taj Shivers moved, after considering the totality of the case, that Williamson be ineligible to hold public safety certification for a lifetime.	Cody Smith	10 ayes; 0 nays	Motion Passed Unanimously

9. Program Manager Update

Presented by Marsha Morin, Standards and Certification Manager:

- Current Cases
 - 77 total Corrections/Parole and Probation Cases
 - 30 are ready to begin the review process or are in some stage of the review process.
 - 47 are pending criminal/employment matters or waiting on records to be provided to DPSST.
 - 11 new cases have been added since the last policy committee meeting.
 - 38 cases were closed since the last policy committee meeting.

- Effective January 1, 2022, DPSST announced they were no longer going to accept paper rosters, instead moving to the electronic eRoster form. Since then, there has been an almost 100% compliance rate with the move to the eRoster which has allowed staff to keep officer training records current and focus on resolving issues and assisting agencies.
- DPSST has delayed the start Moral Fitness Workgroup until after the 2022 legislative session concludes and any new changes are written into law.
- The Background Workgroup met and reviewed the policy committees' comments related to the Background Checklist and Personal History Questionnaire. Both forms have been finalized by the workgroup and will be going to the Department of Justice for a legal sufficiency review prior to being presented to the policy committee's for review.

10. Director's Comments

Presented by Jerry Granderson, Director:

- Thank you to Greg Martin for your efforts and time on the committee.
- Two Basic Police Classes have had to be delayed due to COVID, but have returned to the academy. DPSST has implemented the following protocols to students on non-compliance with the mask mandate:
 - First violation, the student will receive a verbal warning.
 - Second violation, the student will receive a written warning.
 - Third violation, the student may be dismissed from the academy.
- DPSST is monitoring multiple bills as they move through the legislative process and are ready to provide fiscal impacts when necessary.
- The Commission on Law Enforcement Standards and Conduct is in the process of being formed and the Director will serve as Co-Chair.

11. Next Corrections Policy Committee Meeting: May 10, 2022 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.